Public Document Pack

ABERDEEN
CITY COUNCIL

To: Councillor Milne, Convener; Councillor Finlayson; Vice Convener; and Councillors Boulton, Corall, Cormie, Crockett, Dickson, Greig, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Jennifer Stewart, Stuart and Thomson.

Town House,
ABERDEEN 12 March 2015

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Committee Room 2 - Town House on **THURSDAY, 19 MARCH 2015 at 10.00 am.**

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

Members please note that all letters of representation, including those not in the report pack, are available to view in the Members' Library

MINUTES OF PREVIOUS MEETINGS

1.1 Minute of Meeting of the Planning Development Management Committee of 12 February 2015 - for approval (Pages 1 - 10)

1.2 Minute of Meeting of the Planning Development Management Committee (Visits) of 18 February 2015 - for approval (Pages 11 - 12)

PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

2.1 Friarsfield Road / Kirk Brae, Land to the North, Cults (part of OP51) - Proposed residential development of 107 private dwellings and 12 affordable apartments and ancillary works - 140272 (Pages 13 - 60)

Planning Reference – 140272

Planning Application documents can be viewed here – http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=140272

2.2 A944 Park and Ride, Kingswells - Link to Prime Four - 141578 (Pages 61 - 74)

Planning Reference – 141578

Planning Application documents can be viewed here – http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=141578

2.3 80 Summerhill Road - Construction of 26 affordable flats for Langstane Housing Association - 141755 (Pages 75 - 102)

Planning Reference – 141755

Planning Application documents can be viewed here – http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=141755

2.4 Units 1-3, Union Glen - Demolition of existing industrial units and erection of apart-hotel (71 room suites) - 141430 (Pages 103 - 132)

Planning Reference – 141430

Planning Application documents can be viewed here – http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=141430

2.5 16 Victoria Street, Dyce - Extension to form B&B accommodation - 141147 (Pages 133 - 166)

Planning Reference – 141147

Planning Application documents can be viewed here – http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=141147

2.6 Donside Phase 2, Gordon Mills Road - Erection of 24 flats in a 7, 8 and 9 storey block and associated infrastructure - 140824 (Pages 167 - 194)

Planning Reference – 140824

Planning Application documents can be viewed here – http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=140824

2.7 44 Bedford Road - Erection of serviced apartment development (8 units) with associated car parking - 141664 (Pages 195 - 212)

Planning Reference – 141664

Planning Application documents can be viewed here – http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=141664

2.8 May Baird Avenue, Ashgrove - Erection of 46 apartments with associated car parking, landscaping and external works - 140810 (Pages 213 - 256)

Planning Reference – 140810

Planning Application documents can be viewed here – http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=140810

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

3.1 Land adjacent to 169 Queens Road - Conversion of ancillary accommodation to form single dwellinghouse - 141815 (Pages 257 - 282)

Planning Reference – 141815

Planning application documents can be viewed here – http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=141815

3.2 1 and 2 Albert Terrace Gardens, 1, 2, 3 Carden Terrace - Erection of 2 blocks (incorporating 4 flats) with associated car parking and landscaping - 141587 (Pages 283 - 330)

Planning Reference – 141587

Planning Application documents can be viewed here – http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=141587

3.3 10 Hermitage Avenue - Subdivision of house plot and erection of new house - 150048 (Pages 331 - 356)

Planning Reference – 150048

Planning Application documents can be viewed here – http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150048

3.4 33a Burns Road - Application to build a single dwelling within boundary of existing property - 141274 (Pages 357 - 376)

Planning Reference – 141274

Planning Application documents can be viewed here – http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=141274

3.5 The Chester Hotel, 59-63 Queens Road - Formation of balcony for external dining area (retrospective planning permission) - 140990 (Pages 377 - 416)

Planning Reference – 140990

Planning Application documents can be viewed here – http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=140990

OTHER REPORTS

4.1 Historic Environment Scotland Act 2014: Secondary Legislation - to follow

Website Address: www.aberdeencity.gov.uk

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 12 February 2015. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Corall, Cormie, Crockett, Greig, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Jennifer Stewart, Sandy Stuart and Thomson.

The agenda and reports associated with this minute can be found at:-
http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=3695&Ver=4

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

MINUTE OF MEETING OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 15 JANUARY 2015

1. The Committee had before it the minute of its previous meeting of 15 January 2015.

The Committee resolved:-
(i) to approve the minute; and
(ii) in relation to the Old Aberdeen Conservation Area draft character appraisal (Article 4), to agree that all submissions to the July 2014 stakeholder consultation and the ongoing stakeholder consultation be reproduced in full and circulated to all members of the Committee with the agenda when the revised draft is resubmitted.

1 GOWANBRAE ROAD, BIELDSIDE - 141543

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

That the Committee approve the application for planning permission for the demolition of the existing property and the construction of a replacement dwelling, subject to the following conditions:-

(1) That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed; (2) That no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the planning authority and any such scheme as may have been approved has been implemented; (3) That no part of the development hereby approved shall

be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the planning authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation; (4) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks; (5) That no development shall take place unless there has been submitted to and approved in writing by the planning authority a scheme of boundaries enclosures for the site, the said scheme comprising 1.8 metre high enclosures along both side boundaries adjacent to the location of the house hereby granted planning permission. Thereafter the house shall not be occupied unless the said scheme has been implemented in full; and (6) That the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full.

Councillor Boulton proposed that a site visit be undertaken to enable members to get a better perspective of the site and the surrounding area.

The Committee resolved:-
to defer consideration of the application meantime to enable members to visit the site.

80 WESTERN ROAD - 141404

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

That the Committee express a willingness to approve the application for a change of use from medical practice to form 19 serviced apartments, but to withhold the issue of the consent document until the applicant has entered into a legal obligation with the Council to ensure that the serviced apartments remain as a single planning unit, in the ownership of the current applicant to ensure that they are not sold off separately or disposed of for any alternative use; and in order to restrict the length of occupancy of any apartment to a maximum period of 90 days, and subject to the following conditions:-

(1) That none of the serviced apartments hereby granted planning permission shall be occupied unless the cycle storage facilities as shown on drawing L(00)001 have been provided; (2) That none of the serviced apartments hereby granted planning permission shall be occupied unless full details for the proposed bin storage area, including boundary enclosures, as shown on drawing L(00)001 have been submitted to, and approved in writing by the

planning authority, and that such approved storage area is constructed and available for use; (3) That no development shall take place unless there has been submitted to and approved in writing a detailed Green Transport Plan (GTP), which outlines sustainable measures to deter the use of the private car. Such GTP shall be made available within all apartments at all times; (4) That no development pursuant to this planning permission shall take place nor shall the building be occupied unless there has been submitted to and approved in writing for the purpose by the planning authority an assessment of the noise levels likely within the building, unless the planning authority has given prior written approval for a variation. The assessment shall be prepared by a suitably qualified independent noise consultant and shall recommend any measures necessary to ensure satisfactory noise attenuation for the building. The property shall not be occupied unless the said measures have been implemented in full; and (5) That the serviced apartments hereby granted planning permission shall not be occupied unless a servicing plan for the proposal has been submitted to, and approved in writing, by the planning authority.

INFORMATIVES

1. It should be noted that the serviced apartments hereby approved shall form a single planning unit and shall not be disposed of independently one from the other without the prior consent in writing of the planning authority. Furthermore the serviced apartments hereby approved shall be used solely for that purpose for a maximum of 90 days by the same occupants. These aspects are covered through the associated s75 legal agreement.

2. That, except as the planning authority may otherwise agree in writing, no construction or demolition work shall take place:

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

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

3. The applicant should discuss the content of the required Green Travel Plan with Richard Bailie in the Roads Projects Team.

4. The applicant should discuss the content of the required Noise Assessment with Andrew Gilchrist in the Council's Environmental Health Service.

Councillor Jennifer Stewart expressed concern at the possibility of the serviced apartments being used inappropriately, as had been alleged at serviced apartments in the west end of the city, and that a minimum period of occupancy could not be enforced as she felt this would help combat the issue. Councillor Jennifer Stewart requested that her concerns be recorded in the minute and this was accepted.

The Committee resolved:-
to approve the recommendation.

1 UNION BRIDGE - 131829

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

That the Committee express a willingness to approve the application for listed building consent for proposed works to the bridge to provide a safety barrier with associated lighting and works, subject to the following conditions and referral to Historic Scotland:-

> (1) That development shall not take place unless further details, including large scale detailed plans showing the lampposts, safety barrier and joints, have been submitted to, and approved in writing by, the planning authority; and (2) That no development shall take place unless a scheme detailing all external finishing materials to the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed.

The Convener moved, seconded by Councillor Boulton:-

> That the application be refused on the grounds that the design and nature of the safety barrier and lighting would be out of keeping with and detrimental to the character and setting of the Category B listed Union Bridge, and therefore would be contrary to Scottish Historic Environment Policy, the 'Managing Change in the Historic Environment - External Fixings' guidance notes and Policy D5 'Built Heritage' in the Aberdeen Local Development Plan 2012.

Councillor Cormie moved as an amendment:-

> That Historic Scotland be approached with a view to persuading them that the other option originally reported to members be approved, and not the preferred option which was subject of the planning application for listed building consent.

The Convener ruled Councillor Cormie's amendment incompetent in terms of Standing Order 18(1)(iii) but noted that it would be recorded in the minute in terms of Standing Order 12(6).

The Committee resolved:-
to refuse the application on the grounds that the design and nature of the safety barrier and lighting would be out of keeping with and detrimental to the character and setting of the Category B listed Union Bridge, and therefore would be contrary to Scottish Historic Environment Policy, the 'Managing Change in the Historic Environment - External Fixings' guidance notes and Policy D5 'Built Heritage' in the Aberdeen Local Development Plan 2012.

ORDER OF AGENDA

5. The Convener proposed that agenda item 7 (Confirmation of Tree Preservation Orders) be considered at this juncture, and this was accepted.

CONFIRMATION OF TREE PRESERVATION ORDERS - CHI/14/082

6. The Committee had before it a report by the Director of Communities, Housing and Infrastructure which sought confirmation of 17 provisional Tree Preservation Orders, made under delegated powers, to provide long term protection for the relevant trees.

The report recommended:-
that the Committee confirm the making of Tree Preservation Orders 124, 159, 202, 204, 206, 162, 178, 184, 188, 211, 107, 115, 139, 152, 153, 158 and 226 without modifications, and instruct the Head of Legal and Democratic Services to attend to the requisite procedures.

The Committee resolved:-
to approve the recommendation.

DECLARATIONS OF INTERESTS

The Convener declared an interest in the following item of business by virtue of having been involved in the property transaction while he was employed by NHS Grampian, and withdrew from the meeting. Thereupon, the Vice Convener took the Chair.

Councillor Crockett advised that he was a member of the Board of NHS Grampian, but explained that he was declaring an interest due to the fact that he was not expecting to be at the meeting and had commented on the application on social media, and therefore withdrew from the meeting.

REDEVELOPMENT OF CORNHILL HOSPITAL - 130381

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

That the Committee express a willingness to approve the application for the demolition of the former hospital buildings and the construction of a residential development of 323 units comprising 89 new build houses, 198 new build flats and the conversion of the former hospital building to form 36 flats, with associated car parking, open space and infrastructure, subject to the conclusion of a legal agreement to secure (a) 25% affordable housing provision, including 15% on-site; (b) developer contributions in relation to primary education, community facilities, sports and recreation and library facilities, in line with the assessment carried out by the Council's Developer Obligations team; (c) participation in a car club in order to

mitigate the identified shortfall in car parking by providing membership for residents; and (d) contributions towards mitigation works at junctions in the local road network in the event that the development is implemented prior to Berryden Corridor road widening, and subject to the following conditions:-

(1) That no development shall be undertaken until such time as a phasing scheme, detailing the phased delivery of internal roads, footpaths and open spaces to serve respective phases of development, has been submitted to and agreed in writing by the planning authority. Thereafter, unless otherwise agreed in writing by the planning authority, the development shall be implemented in accordance with the agreed phasing scheme; (2) That no development shall take place unless a scheme detailing the proposed site and plot boundary enclosures for the development site, including extensive reuse of granite downtakings in boundary walls and appropriate proposals for the gating of paths to the rear of terraced properties, has been submitted to the planning authority and subsequently approved in writing. Thereafter no unit within a phase shall be occupied unless the boundaries for that phase have been provided in accordance with the agreed scheme, or such other drawing as may subsequently be submitted and approved in writing by the planning authority; (3) That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed; (4) That no development shall be undertaken until such time as a Phase II intrusive site investigation to assess the potential risks from any contamination on-site has been submitted and approved in writing by the planning authority, in consultation with the Council's Environmental Health service, and that (if found to be necessary) supplementary investigations are carried out thereafter. Unless otherwise agreed in writing, no building within the development shall be occupied until any agreed remediation measures have been carried out to the satisfaction of the planning authority. Note: this investigation should be carried out in advance of demolition in order to ensure that the process of demolition itself does not result in the mobilisation of contaminants, increase risk and complicate any necessary remediation; (5) That no development shall be undertaken until such time as a site specific environmental management plan (EMP), incorporating detailed pollution prevention and mitigation measures for all construction elements potentially capable of giving rise to pollution during all phases of construction, has been submitted to and approved in writing by the planning authority, in consultation with SEPA. Thereafter all work shall be carried out in accordance with the approved plan; (6) That none of the buildings hereby approved shall be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority for that building, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full; (7) That no development shall be commenced until such time as the mitigation measures set out in the submitted bat surveys (Countrywise, July - Sept 2013 and Astell Associates ref RCH-1411-BS, 9 Nov 2014), or any other mitigation scheme agreed in writing by the planning authority, have been implemented; (8) That no buildings within a particular phase shall be occupied unless there has been

submitted to, and approved in writing by, the planning authority, a comprehensive Residential Travel Pack for that phase, setting out proposals for reducing dependency on the private car. This should also include information on external connectivity to key facilities, and, in consultation with local schools and the planning authority, information on safer routes to schools; (9) That no development shall be undertaken until such time as a construction programme, including information about construction access arrangements and typical daily construction vehicle movements, has been submitted and agreed in writing by the planning authority, in consultation with colleagues in the Council's Roads Projects Team; (10) That prior to the occupation of any of the flatted properties within the development, the developer shall provide the 2 car club spaces as shown on drawing L(--)002-rev AH, or such other drawing as may be approved in writing by the planning authority for this purpose, and thereafter such spaces shall be retained in complete accordance with the details as so agreed; (11) That no building within the development hereby approved shall be occupied unless the car, motorcycle (including a secure fixed point) and bicycle parking areas serving those buildings have been constructed, drained, laid-out and demarcated in accordance with drawing L(--)002-rev H of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of vehicles ancillary to the development hereby granted approval; (12) That no development shall take place unless a further detailed scheme of hard and soft landscaping for the site (which includes a full Arboricultural Impact Assessment and indications of all existing trees and landscaped areas on the land, details of any to be retained together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting, all hard landscaping including proposed materials and street furniture) has been submitted to and approved in writing for the purpose by the planning authority; (13) That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority; (14) That no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the planning authority and any such scheme as may have been approved has been implemented; (15) That no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the planning authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved,

unless the planning authority has given prior written approval for a variation; (16) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks; (17) That no dwellings within a given phase of the development hereby granted planning permission shall be occupied unless the area/areas of public open space within that phase, as identified on Drawing No. L (--)002-rev A of the plans hereby approved (or such other drawing as may be subsequently approved), have been laid out in accordance with a scheme which shall be submitted to and approved in writing by the planning authority. No development pursuant to this planning permission shall take place unless such a scheme detailing the manner in which the open space is to be managed and maintained has been submitted to and approved in writing by the planning authority. Such scheme shall include provision for a play area comprising at least five items of play equipment and a safety surface; (18) That no development shall take place unless a further detailed scheme of refuse and recycling storage has been submitted to and approved in writing by the planning authority. Thereafter no unit within a given phase shall be occupied unless the refuse and recycling storage for that phase has been provided in accordance with the said scheme; (19) That unless otherwise agreed in writing, no part of the development hereby granted planning permission shall be occupied unless all drainage works detailed on Fairhurst drawing number 96600/2050-revC or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan; (20) That no development shall take place unless a scheme for external lighting has been submitted to and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme; and (21) That unless otherwise agreed in writing with the planning authority, no building within the development hereby approved shall be occupied until such time as a traffic light controlled junction has been introduced at the main access onto Berryden Road, in accordance with a detailed specification submitted to and agreed in writing by the planning authority, in consultation with the Council's Roads Projects Team.

INFORMATIVES

1. Construction hours - it is recommended that no construction or demolition work should take place: (a) outwith the hours of 7.00am to 7.00pm Mondays to Fridays; (b) outwith the hours of 9.00am to 4.00pm Saturdays; or (c) at any time on Sundays, except (on all days) for works inaudible outwith the application site boundary. Please note that separate statutory noise controls exist under environmental health legislation.

2. Separate licensing regime for works affecting bat roosts.

Please note that, separate from this grant of planning permission, it is likely that a licence from Scottish Natural Heritage will be required in relation to works affecting bat roosts - it is the applicants' responsibility to ensure that the

appropriate licence has been obtained before such works affecting a European Protected Species (including demolition works) are undertaken.

The Vice Convener moved, seconded by Councillor Corall:-

That the application be approved in accordance with the recommendation contained within the report.

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

That the application be refused on the grounds that the proposed development would create an adverse impact on the surrounding roads infrastructure, and that insufficient measures were contained within the application to provide mitigation in this area.

On a division, there voted:- for the motion (10) - the Vice Convener; and Councillors Boulton, Corall, Cormie, Jaffrey, Lawrence, Malik, Jean Morrison, Sandy Stuart and Thomson; for the amendment (2) - Councillors Greig and Jennifer Stewart; absent from the division (2) - the Convener; and Councillor Crockett.

The Committee resolved:-
to adopt the motion.
- RAMSAY MILNE, Convener; and ANDREW FINLAYSON, Vice Convener.

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 18 February 2015. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Corall, Crockett, Greig, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Sandy Stuart and Thomson.

The agenda and reports associated with this minute can be found at:-
http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=152&MId=3723&Ver=4

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

1 GOWANBRAE ROAD, BIELDSIDE - 141543

1. With reference to Article 2 of the minute of meeting of the Planning Development Management Committee of 12 February 2015, wherein it had been agreed to visit the site, the Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application for planning permission for the demolition of the existing property and the construction of a replacement dwelling, subject to the following conditions:-

(1) That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed; (2) That no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the planning authority and any such scheme as may have been approved has been implemented; (3) That no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the planning authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation; (4) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks; (5) That no development shall take place unless there has been submitted to and approved in writing by the planning authority a scheme of boundaries enclosures for the site, the said scheme comprising 1.8 metre high enclosures along both side boundaries adjacent to the location of the

house hereby granted planning permission. Thereafter the house shall not be occupied unless the said scheme has been implemented in full; and (6) That the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full.

The Committee heard from planning officials in relation to the application, following which members asked various questions of the officers in attendance.

The Convener moved, seconded by Councillor Malik:-

That the application be approved in accordance with the recommendation contained within the report.

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

That the application be refused on the grounds that the scale and massing of the proposed replacement dwelling would have an unacceptable and detrimental impact on the neighbouring property to the east.

On a division, there voted:- for the motion (8) - the Convener; and Councillors Corall, Crockett, Lawrence, Malik, Jean Morrison, Sandy Stuart and Thomson; for the amendment (4) - the Vice Convener; and Councillors Boulton, Greig and Jaffrey.

The Committee resolved:-
to adopt the motion.
- RAMSAY MILNE, Convener.

Planning Development Management Committee

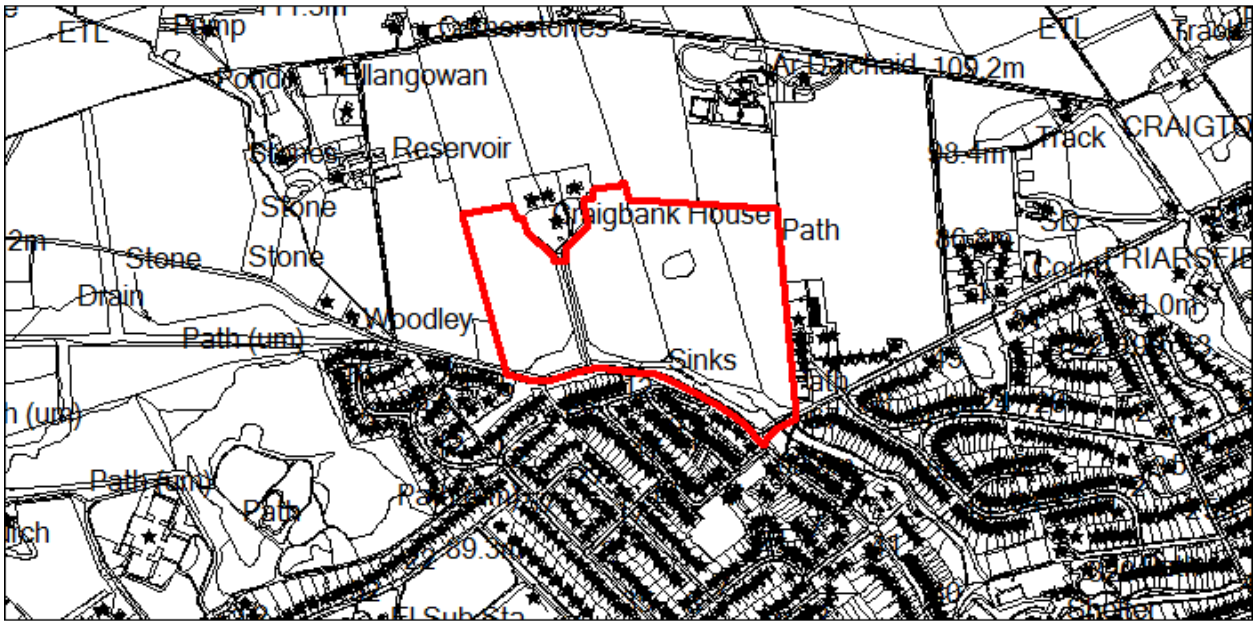
FRIARSFIELD ROAD/KIRK BRAE, LAND TO THE NORTH

PROPOSED RESIDENTIAL DEVELOPMENT OF 107 PRIVATE DWELLINGS AND 12 AFFORDABLE APARTMENTS IN ADDITION TO ANCILLARY WORKS

For: CALA Management Ltd

Application Type : Detailed Planning Permission
Application Ref. : P140272
Application Date: 28/02/2014
Officer: Tommy Hart
Ward : Lower Deeside (M Boulton/A Malone/M Malik)

Advert : Can't notify neighbour(s)
Advertised on: 19/03/2014
Committee Date: 19th March 2015
Community Council : Comments



RECOMMENDATION:

Willingness to approve the application subject to conditions and the conclusion of a legal agreement to secure the following;

- **Delivery of 10% on site affordable housing units and commuted sum for 15% affordable housing units;**
- **Developer contributions towards primary and secondary education, sport and recreation and healthcare; and**
- **Financial contributions towards the delivery of the Link Road and restriction to no more than 160 units on the wider Friarsfield Opportunity site (OP51) until completion of a new link road from Kirk Brae to Craigton Road**

DESCRIPTION

The application site is roughly rectangular in shape,extends to around 11.9ha in size and lies on the north side of Friarsfield Road and Kirk Brae. The land is currently used as pasture land for horses comprising improved grassland with small areas of tree cover and scrub, very small areas of marsh and running water habitat (the Cults Burn). It rises steeply from the Cults Burn towards the middle of the site where it plateaus before continuing to gently undulate towards the northern boundary.

The site is bounded to the west by pasture land. To the north lies the former Aberdeen Waldorf School and associated football pitch, as well as agricultural land. The boundary to the north part of the application site is delineated by random rubble walls and landscaping. To the east lay a random rubble dyke which was around 2m in height but was removed for safety reasons. In addition to this, along the east boundary there is an formal footpath (Core Path 63 'Den of Cults') between the site and the adjacent land 'Rosefield' which is currently being developed by Cala Homes under planning ref 120340. This path allows access from Friarsfield Road to Craigton Road via the former Aberdeen Waldorf School.

To the west the boundary treatment is a stone dyke of varying heights with some landscaping and to the south by the Cults Burn and Friarsfield Road/Kirk Brae. A low-level post and wire fence abuts the road there.

Throughout the site, the original field boundaries remain (random rubble walls). Further, in terms of landscaping, there is a tree knoll, whilst along the access road to 'Craigbank', there are a number of mature trees which also extend south to Kirk Brae. Other areas of landscaping exist along the northern boundary adjacent to the residential properties at 'Craigbank', as well as within the western field of the application site.

Beyond the application site to the south lies a variety of residential properties, including; 3-bed terrace, 3-4 bed-semi-detached and 5-bed detached houses, all of which have garden grounds of an appropriate size to the size of house. The land there is generally on a higher level than Kirk Brae and the Cults Burn which is foms a small valley cutting through the area.The existing houses are of a design characteristic of the suburban sprawl of Cults in the 1980's and 1990's.

RELEVANT HISTORY

Specific Site

Planning ref 111066 – Proposal of Application Notice for proposed residential development and associated infrastructure

Planning ref 111067 – Proposal of Application Notice for proposed residential development and associated infrastructure

Planning ref 120019 – Proposal of Application Notice for proposed residential development and associated infrastructure

Adjacent site to east

Planning ref 120340 – Full Planning Permission for the erection of 81 residential dwellings (including 8no Affordable Units) and associated infrastructure was approved conditionally subject to the signing of a s75 legal agreement by the Planning Development Planning Committee in November 2012. The S75 has been signed and work is currently under way on site.

Adjacent site to west

Planning ref 130663 – a detailed planning application for the erection of 72 detached residential properties and associated infrastructure was withdrawn by the applicant (Stewart Milne Homes) in 2014 before a determination could be made on the application.

PROPOSAL

Detailed planning permission is sought for the construction of a residential development comprising 107 dwellings and 12 affordable flats, along with associated landscaping/open space, car parking, access roads, SUDS and pedestrian/cycle paths. the scheme under evaluation here differs slightly from the initial submission which was for 98 private dwellings and 12 afforable flats. That initial submission showed an over-consentration of large detached properties which resulted in an uncomforable site layout. As a result, changes were proposed and these form the application under evaluation.

Layout of the development

The housing areas on either side of the Link Road would differ in appearance and character. Within character area A (west of the link road), the houses follow two layout patterns. Adjacent to the Link Road, the houses generally follow the curvature of that road. A number of the properties in this area back onto the landscape strip to the north of the site, whilst there are also a number which front onto the Link Road. The existing Craigbank access track is the point which sees the layout become more grid iron in nature with properties being more perpendicular to each other. Again, a number of properties back onto the boundary at the north and west, some face onto a small ‘village green’ area open space, whilst others face onto the open space to the south. The finishes of the houses and flats could be controlled via planning condition.

On the eastern side of the Link Road, the houses are predominantly laid out in a crescent form to follow the curvature of the tree knoll. Along the eastern edge of the site, there are a number of properties which back onto the improved core path landscape strip. Three blocks of affordable flats and associated car parking would face north onto the Link Road at the northern edge of the site. A number of properties towards the southern edge of the site face onto the open landscaped

area towards the Cults Burn. Within this area the use of feature stone on the plot frontages combined with traditional roughcast colours together with proposed dry stone dykes to replicate the existing field boundary would form a more rural feel and again these could be controlled via condition.

Proposed houses

A total of 14 different house types are proposed, all of which are 2-storeys in height, ranging in size from 144sqm to 233sqm approximately and having between three and five bedrooms. The housing numbers have an approximate split of 65% detached, 23% semi-detached and 3% terraced properties (the affordable housing takes up the remaining 9%). Some of the properties have integral garages and some would benefit from free-standing garages.

The initial submission was for 98 private units and after discussions with the Planning Authority relative to layout and mix of houses, this was subsequently increased to 107 units.

In general terms the appearance of the houses would reflect the standard approach of the applicant. However, the materials used will reflect which character area they are within and this would be confirmed via condition.

Affordable housing

Three 2-storey blocks of flats are proposed at the north east corner of the site, adjacent to the 'Link Road' comprising a total of 12no 2-bed flats. The design of each block is such that it resembles a pair of semi-detached houses of a design befitting the remainder of the development. They would be finished with black roof tiles and rainwater goods, feature gables, feature window & door surrounds, drydash render (colour to be confirmed via condition) and grey Fyfestone feature stonework. Eighteen car parking spaces are shown, as well as cycle provision although the detail of this will have to be confirmed with via condition. Motorcycle parking would be provided on-site (2no spaces).. Communal bin stores are proposed adjacent to the entrance of the car park for ease of access for servicing.

At the western end of the car park, an electrical sub-station is proposed. Again, for the avoidance of doubt, a condition is recommended to ascertain the details of this and any screening required.

Access/roads

Access into the development would be taken from Kirk Brae onto the 'Link Road' which would rise in a north easterly direction and connect into the northern edge of the adjacent site. There would be two junctions suitably located on either side of the Link Road to allow access into the 2 halves of the development.

Eastern Half: The main boulevard provides the backbone for this half of the development and which all other internal roads take access. Two vehicular

access points are proposed to tie into the existing development to the east and join onto the main boulevard, one of which meanders through the site towards the tree knoll at the north eastern part of this area and the crescent fronting it.

Western Half: The two access points wind through the site towards, intersecting the existing access to the Craigbank properties to the north of the application site, and terminating at the western boundary. There are two formal north-south links which run parallel to the Craigbank access. In the north-west corner, a cul-de-sac is proposed which allows access to the housing and also to the agricultural field to the north via an access gate.

Open Space & Landscaping

There are four areas of usable open space proposed within the site. Two of these are located along the southern edge adjacent to the Cults Burn, providing around 18,000sqm (1.8ha) of land (not including the SUDS basin or flood plain) which generally slopes down to the south. Within the eastern section, a children play park is proposed. To the eastern side of the site, the existing core path would be upgraded and a wide amenity strip (around 2100sqm in size) provided between the existing houses to the east and those proposed within this site which would include a 'trim trail'. The last remaining area of usable open space would be provided in the north-west corner. This 'village green' area would offer around 1000sqm of space which would be overlooked by a number of houses in the immediate vicinity.

The plans also show a variety of areas of general amenity landscaping totalling around 17,000sqm (1.7ha).

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=140272

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

- Design and Access Statement;
- Drainage Impact Assessment;
- Flood Risk Assessment;
- Ecological Assessment;
- Pre-Application Consultation Report;
- Supporting Statement;
- Housing Mix Clarification;
- Transport Assessment;
- Tree Survey and Report.

PRE-APPLICATION CONSULTATION

The application is a major application as defined in the 'Hierarchy of Development' Regulations. The proposed development was the subject to pre-application consultation in August and November 2011 between the applicant and the local community. The consultation also involved Local Members and the local Community Council. The consultation also looked at the wider OP51 area with regards to the proposed Development Framework.

At the first consultation event, six questions were posed to attendees relating to local character, connection and permeability, public transport, landscape & environmental qualities, and open space. A number of positive suggestions were put forward by attendees relating to; improving the connections into the wider area, ensuring there is adequate public transport links to the site in order to reduce the traffic burden on the network, ensuring adequate and useable green space throughout the site, ensuring the development fits in with the wider Cults area. A small number of respondants did not want any development on site. Concerns were raised about the impact on the road network and general infrastructure in the area, impact on school provision, loss of green belt and overdevelopment of Cults.

At the second consultation event, many of the issues from the first event were raised again. In addition to these, issues were also raised regarding; traffic levels and the need for bus stops on the Link Road, safe crossings on Friarsfield Road, the SUDS provision, open space and landscaping provision in and around the site.

The applicants have provided feedback on the issues and concerns raised. In some instances, this has led to changes/improvements in the proposals whilst others have remained as originally shown with justification given in all instances. These responses are contained within the Pre-Application Consultation Report which was submitted with the application.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because more than 5 objections have been received and the Culter, Bieldside & Milltimber Community Council have also objected to the application. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – amended plans and a TA Addendum have been received in order to alleviate previous concerns. There are no objections subject to conditions to deal with the following; controlled crossing point at Kirkbrae Avenue and associated footpath link between the application site and the crossing; the rural footpath should be lit; cycle parking provision for the

affordable units; car parking layout for the affordable units; visibility splays for junctions which should include details of bin set down areas and residential travel pack. Lastly, it is essential that the Link Road is in place before occupation of the 161st house.

Environmental Health – no observations

Developer Contributions Team – there is a long-standing agreement for on-site affordable housing for the Friarsfield Site of 10% which continues here with the remaining 15% being dealt with via financial contributions. Financial contributions are required in respect of sport & recreation and healthcare provision. As for education, a financial contribution is also required in order to mitigate the impact of the development on local school provision. Further details regarding education are provided in the 'School' section below.

Enterprise, Planning & Infrastructure (Flooding) – following on from the submission of additional drainage information, and confirmation of SEPA's position with regards the development, there are no objections. It should be noted, however, that swale as proposed is currently too steep and should be amended if possible – details of this would be included in any 'SUDS' condition.

Education, Culture & Sport (Archaeology) – a programme of archaeological works is requested to be submitted and approved prior to work commencing on site as a condition to any grant of permission.

Education, Culture & Sport (Education) –Financial contribution are a fair and reasonable way to mitigate the impact of the development on education provision considering the serious nature of the education provision along the Deeside corridor. Further details are provided in the 'School' section of the evaluation below.

Housing and Environment (Waste) – no objections. Swept paths and bin locations on tarred roads and the location of communal bins for the affordable apartments area are all acceptable. Details of the vehicle used for the modelling and bin collection areas are also considered acceptable.

Scottish Environment Protection Agency – No longer object to the application in relation to surface water drainage so long as a suitably worded condition is attached to any grant of permission. Likewise, the objection related to flood risk can be treated as withdrawn if a suitable condition is attached. Lastly, conditions are requested relating to 'buffer strips' and a 'site specific construction environmental management plan'. If these conditions are not attached to any grant of permission then SEPA object to the application.

Scottish Natural Heritage – object to the proposal unless conditions are imposed on any grant of permission so that works are undertaken strictly in accordance with the mitigation measures outlined in the ecology report.

Community Council –Cults Bieldside Milltimber Community Council objects to the application on the following grounds;
1. The mix of housing does not comply with Policy H4 (Housing Mix) due to the domination of large detached 4/5 bedroom houses;
2. The proposal does not comply with Policy H5 (Affordable Housing) as only 10% is proposed on-site;
3. The plans do not conform to Policy NE6 (Flooding and Drainage) due to the flood risk at the Cults Burn;
4. Concern has been raised from residents within the properties at 'Craigbank' regarding access to their properties.

REPRESENTATIONS

11 letters of objection/representation have been received in respect to the first period of representation. The material planning considerations raised relate to the following matters –

- Road safety concerns about the access roads adjacent to the properties at 'Craigbank';
- The fields have been subject to flooding in recent times;
- The development would have a negative impact on local amenities;
- The development would add to existing pressures related with the local schools;
- The development would increase the traffic in this area which is already at intolerable levels;
- The development would have a negative impact on local wildlife;
- The lack of a strategic landscape strip along the northern edge of the site would add to the impact on the dwellings at 'Craigbank';
- The existing field boundaries (dykes) should be retained as being a feature of cultural and environmental heritage;
- The lack of a pedestrian footpath along Kirk Brae is of concern specifically related to 'safer routes to school'.

Following material changes to the proposal, neighbouring properties and the Community Council were re-notified. The re-notification referred to the following changes;

- Increase in residential properties to around 120;
- Reduction of detached properties;
- Amendments to house types; and
- Slight change to site layout

No new letters of representation were received.

PLANNING POLICY

National Policy and Guidance

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

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

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

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

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

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

Aberdeen City and Shire Structure Plan

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

Aberdeen Local Development Plan

Policy I1 - Infrastructure Delivery and Developer Contributions
Where development, either individually or cumulatively, will place additional demands on community facilities or infrastructure necessitating new facilities or exacerbate deficiencies in existing provision, the Council will require the

developer to meet or contributre to the cost of providing or improving such situations.

Policy T2 - Managing the Transport Impact of Development
New development should demonstrate that sufficient measures have been taken to minimise the traffic generated. Supplementary Guidance provides more detailed information on requirements for Transport Assessments, Travel Plans and parking standards.

Policy D1 - Architecture and Placemaking
Seeks to ensure high standards of design, with due consideration to context and that a positive contribution to the setting is made. Factors such as scale, massing, colour, materials, details, the proportions of building elements and landscaping will be carefully considered.

Policy D2 - Design and Amenity
Sets out design and layout criteria be addressed in new residential developments.

Policy D3 - Sustainable and Active Travel
Seeks to ensure that new developments are designed in order to minimise travel by car, improve access to services and promote healthy lifestyles, by encouraging active travel.

Policy H1 – Residential Areas
In existing residential areas the predominantly residential character and amenity will be retained. Other uses or activities will not be permitted unless the Council can be satisfied that the use would cause no conflict with, or any nuisance to, the enjoyment of the existing residential amenity.

Policy H3 - Density

All residential developments over one hectare must:

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

Policy H4 - Housing Mix
Developments of larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, in line with a masterplan. This mix is addition to affordable housing contributions.

Policy H5 - Affordable Housing
Housing developments of five or more units are required to contribute no less than 25% of the total number of units as affordable housing. Supplementary Guidance provides more detailed information.

Policy NE1 – Green Space Network
The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network.

Policy NE4 - Open Space Provision in New Development
At least 2.8ha of meaningful and useful open space should be provided per 1,000 people in new developments. Supplementary Guidance (Affordable Housing) provides more detailed information.

Policy NE6 - Flooding and Drainage
Applications will be required to provide an assessment of flood risk in order to show that there would be no risk from flooding. A drainage impact assessment is also required for any development over 10 homes.

Policy NE8 – Natural Heritage
Development that, taking into account any proposed mitigation measures, has an adverse effect on a protected species or an area designated because of its natural heritage value will only be permitted where it satisfies the relevant criteria in SPP.

Policy NE9 - Access and Informal Recreation
New development should not compromise the integrity of existing or potential recreational opportunities, core paths, other paths and rights of way. Wherever appropriate, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

Policy R7 - Low and Zero Carbon Buildings
To ensure that low and zero-carbon generating technology is installed to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards regulations. The Supplementary Guidance (Low and Zero Carbon Buildings) provides more detailed information.

Supplementary Guidance
The following supplementary guidance documents are of relevance to the assessment of the application;

- Friarsfield Development Framework
- Affordable Housing
- Infrastructure and Developer Contributions Manual
- Waste Management
- Transport and Accessibility
- Low and Zero Carbon Buildings
- Bats and Development

Proposed Aberdeen Local Development Plan

The following policies substantively reiterate policies in the adopted local development plan as summarised above;

- Policy D1 – Quality Placemaking by Design
- Policy I1 – Infrastructure Delivery and Planning Obligations
- Policy T2 – Managing the Transport Impact of Development
- Policy T2 – Sustainable and Active Travel
- Policy H1 – Residential Areas
- Policy H3 – Density
- Policy H4 – Housing Mix
- Policy H5 – Affordable Housing
- Policy NE1 – Green Space Network
- Policy NE4 – Open Space Provision in New Development
- Policy NE6 – Flooding, Drainage and Water Quality
- Policy NE8 – Natural Heritage
- Policy NE9 – Access and Informal Recreation
- Policy R7 – Low and Zero Carbon Buildings and Water Efficiency

EVALUATION

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

Principle of development

The Aberdeen Local Development Plan (ALDP) identifies the site as part of an Opportunity Site (OP51) which also benefits from a 'Residential' land designation (Policy H1) which is allocated for 280 residential units. The site is also a long-standing housing land allocation, being included in the previous Aberdeen Local Plan (2008) as Opportunity Site OP5 which was safeguarded for residential development under Policy 38 of that Plan.

These factors reflect an identified need for housing land in this area and thus there is conformity with the Housing Land section of SPP. The Friarsfield Development Framework identifies the site as suitable for residential development. Lastly, the application is considered to accord with the Structure Plan objective relating to population growth, by providing additional housing opportunity and choice. Accordingly, the principle of residential use on the site is acceptable in terms of development plan considerations.

Development Framework (DF)

The vision of the adopted DF is for an attractive, high quality and sustainable residential development that will be integrated well into the surrounding area. It aims to achieve the following;

- a high quality residential environment that meets a variety of housing needs while giving due consideration to the infrastructure and safety issues;
- successful integration of the site with the surrounding area, ensuring new development fits well in the landscape as well as providing links from the site to the wider area;
- attractive open space and opportunities for continued recreation on the site while retaining and enhancing access to the Core Path Network;
- safeguard existing site features, enhance green space provision and to include proposed strategic landscaping, efficient connections to pedestrian and cycle path linkages, public transport and city roads networks.

The DF sets out the development potential of the site, indicating suitable housing land at 3 distinct areas, namely; 'Morkeu', 'Friarsfield' and 'Sunnyside', with mention being made with regards to materials to be used and house sizes (generally 2-storey) and density (9.5 – 15 houses per hectare) which would be acceptable. There is also mention of land which is required to be set aside for open space and landscaping strips as well as drainage provision.

Due to the potential impact on the local road network by virtue of the proposal, there is a requirement for a Link Road which would allow access into the site from Craigton Road and Kirk Brae, therefore reducing the potential traffic on "Jacobs Ladder". The Link Road is seen as a key element of the overall DF as it would mean that once it is constructed, the site and immediate area could be accessible via improved public transport network, with the Link Road reducing the impact on the local road network.

In terms of phasing, the DF indicates that this application site would form part of phase one and two of three phases.

Design, Scale, Mix and Form of Development

'Designing Places' sets out the Government's expectations of the planning system to deliver high standards of design. It lists what the Government considers to be successful places, including being 'distinctive', 'safe and pleasant', 'easy to get to and move around' and 'welcoming'.

The design and the layout of the development generally meets these broad objectives with the exception that this 'place' is not considered to be distinctive in that the general type of houses are not uncommon with many Cala residential developments within Aberdeen. Notwithstanding, ALDP Policy D1 seeks to ensure that all development is designed with due consideration for its context. The context is currently that of agricultural fields with a vacant school and some residential properties to the north, a construction site for a modern development

(Cala) to the immediate east, agricultural fields to the west and the suburban extension to Cults to the south. The housing area to the south is diverse in nature, containing a mixture of detached and semi-detached properties and that is the context to which this development should tie into. The application site provides for a mixture of house types, including 3-bed terraced properties, 3-bed semi-detached, and 4 & 5 bed detached properties. There would be a mix of around 65% detached properties, and 35% non-detached, a mix which is generally compatable with the prevailing character of immediate area and acceptable in terms of Policy H4. In terms of the increase in unit numbers since first submission, it is considered that this small increase of 10% or so does not have any material impact on the surrounding area in addition to the 98 private houses originally proposed. The increase in numbers has helpalso facilitated a better mix of properties in line with the requirements of the DF.

In terms of site context, it is clear that the introduction of houses of a design and style, typical of Cala, would not directly relate to the character of the semi-rural locality. However, when taken in the context of the wider Cults area, the design and form of development would generally respect the varying design and finish of dwellings, as well as the overall character and pattern of development. In this wider context (including what has been approved on the adjoining site to the east), it is considered that the approach taken is consistent and therefore generally acceptable in terms of ALDP Policy D1.

The proposal is in keeping with the Development Framework as regards site layout, streetscape, access, landscape and open space. In general terms, the layout is acceptable with the exception of two areas which still causes concern. The first issue relates to plot 118 when viewed from the west. The concern is that this house sits too far forward on the streetscene when compared with plot 116 to a material degree. On travelling from the west (if and when that site is built-out) plot 118 would be visually obtrusive and prominent despite the house type being amended to have a dual aspect. The only way to remedy this concern would be to remove plot 117 and move the house further into the plot so that the step between that and plot 116 is less pronounced. The second area still of concern relates to plots 4-7. The street at this location gently sweeps from the north-west on a gentle curve however the proposed layout and position of the houses is very rigid and angular, thus they do not lend themselves appropriately to this particular location. In a similar vein, the proposed house type has a clumsy design and does not fit in well with the other houses proposed within the development. The first submission for this area showed four detached houses and a detached garage along the same length of street which now proposes 2no detached houses and 2no sets of linked semi-detached properties. The straightforward way to deal with this continuing issue along this frontage is to revert back to the original idea of detached houses which are sufficiently set back from the footpath so that the houses follow the gentle curvature of the road. It is acknowledged that this change alone would increase the percentage of detached properties and in that respect other changes would be required in order to ensure that the mix of house types did not go above 65% detached.

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

In respect to affordable housing, Policy H5 and the supplementary guidance (SG) both seek 25% on-site provision. The application seeks to provide 12 units (around 10%) as flats with the remaining 15% (18 units approximately) being addressed by way of a commuted sum to be included in the s75 legal agreement. Although the on-site provision is less than the stated policy target, the planning authority accepts this approach as being consistent with how the site to the east was dealt with. Both sites form part of the OP51 site which was zoned for residential development in the 2008 Local Plan at a time where the Affordable Housing contribution was 10% on-site. In terms of location, the units would be positioned adjacent to those which were approved on the site to the east. Members will no doubt recollect the debate which took place in the Council Chamber with respect to the amount and position of affordable housing units for that application, whereby Members were clear that the position was not acceptable given its remote location at the north adjacent to the Link Road. The developers have provided comments from a social housing provider who states that if that company were to take on the affordable units, the sensible approach would be to have them grouped together to make it easier for servicing. It should be noted that in the medium to long term, the affordable units would be more accessible on the basis that the link road would likely form part of an extended bus route. Whilst the Planning Authority understands the reasoning behind the proposed location, it should be noted that the preference for the affordable units would be to have them sprinkled throughout the site and integrated more fully into the wider community. In that respect, there is not fully in accordance with SPP, PAN 2/2012, Policy H5 of the ALDP and the SG.

In terms of density, Policy H3 seeks a minimum of 30 dwellings per hectare, which is net of any land not directly related to the housing. The development would provide 119 dwellings on an 11.9ha site, resulting in a gross density of 10. Taking account of the open space provision on site which equates around 3.12ha, the net provision is around 13.58 which, although is much lower than policy requirements, is in line with the surrounding area where densities vary from around 6 to 20 dwellings per hectare and in line with the requirements of the DF.

Impact on Residential Character

The wider area is characterised by a mixture of 1-2 storey semi-detached and detached properties for the most part with some terrace properties scattered throughout the locality. Generally, the local properties have generous gardens (with the exception of Kirk Brae Mews). The type and pattern of development existing within the immediate area is typical of its time. The application proposes a pattern and type of development which is similar in nature to the surrounding area. Although the internal road layout is not unlike the wider area the amount of

garden space available to occupiers is less than the majority of properties in the area. Further, the higher-end detached properties (4 & 5 bedrooms) are much larger than what generally exists in the vicinity (with the exception of the current development 'Rosefield Gardens' to the immediate east. In general terms, the residential character of the wider area will be largely unaffected by the form and scale of development proposed and is therefore acceptable.

Visual Impact of the Development

The application site is currently undeveloped and without any significant boundary screening, save for small scale bushes along the Cults Burn, the tree knoll, some sparse tree planting along the northern boundary and a mature tree belt running along and parallel with the Craigbank access. It has a moderate slope rising to the north with a reasonably flat area around the mid point. It is accepted that the development will have a significant visual impact on the existing character of the area, given the site is currently open fields. However, the site is allocated for development in the ALDP and the DF has a presumption in favour for residential thereon. The site is very prominent from Kirk Brae and the residential houses to the south and the vista from the south will see a change in character and feel. With respect to the wider area, it is not considered there would be an unacceptably significant impact due in part to: topography, landscaping strip along the Cults Burn and existing buildings.

Traffic Impacts, Access Arrangements and Car Parking

Access into the development would be taken from Kirk Brae onto the 'Link Road' which would rise in a north easterly direction and connect into the northern edge of the adjacent site. There would be two junctions suitably located on either side of this main spine road to allow access into the two halves of the development. The internal layout of the site provides for suitable access and circulation for both vehicular and pedestrian movements to and through the development. Specifically, there are good links proposed to the existing development to the east and any future development to the west. The existing access track to the houses at Craigbank is proposed to be closed off to non-residents. The plans show bollards being put in place to which these residents would have key access. This allows them to continue to use that track should they wish as well as accessing their properties off the Link Road. There has been objection raised from the Roads team in that respect.

Designing Street seeks to ensure that the internal layout of new developments are designed so as to give priority to pedestrians and cyclists, rather than motorised vehicles through the inclusion of 'homezone' design principles. An attempt has been made, in places, to ensure compliance with this ethos by including shared surfaces, raised tables, changes of surface material, pedestrian crossing points, narrow roadways, on-road footpaths, restricted visibility due to positioning of walls and trees close to the carriageway.

The nature of the internal road layout would allow safe and adequate pedestrian and cycle circulation and connecting to the wider core path network outwith the

site, including to the local Primary and Academy. Once complete, the Link Road also is anticipated to include a cycle lane and path, although this detail is yet to be finalised, which would increase permeability to the wider area outwith the application site. These pedestrian accesses and linkages are considered to be generally acceptable in terms of National and Local policy and guidance. A suitable condition is attached to secure the implementation of a new pedestrian footpath along Kirk Brae towards Kirkbrae Avenue where a new controlled pedestrian crossing is required in order to promote safer routes to school. Related to this is the need to ensure the rural footpath within the application site is lit.

In order to address the potential situation of 'ransom strips' between the application sites, a condition is proposed which would ensure that all roads and paths are taken up to the boundary and would require removing any wall or other boundary enclosure so that the road or path could be built on the boundary.

In terms of car parking, for the most part, the provision is acceptable. The only exception to this relates to the affordable units. Currently, no discussions have been held with providers about the end use tenure of the affordable units and this impacts on the required parking provision. Based on what has been submitted, the parking provision is adequate on the basis of social rented properties only. If the negotiations mean that another form of affordable housing is proposed, then this will require additional car parking (4 additional spaces) which cannot be provided within the affordable housing area. There is already concern from the Roads team in relation to the layout of these car park areas and the number of spaces provided. It is therefore recommended that the legal agreement includes a section on the above, being that the current car parking provision is suitable only for social rented tenure which generally has a provision of 0.8 spaces per unit. Any other tenure would require 2 spaces per unit but it is somewhat unrealistic to suggest that can be provided in the current parking area. Therefore it is not inconceivable that in order to achieve the required parking, the developer would have to remove a housing plot (either 19 or 32) to facilitate more parking. A condition is also recommended relative to the car parking layout of the affordable flats.

A Traffic Assessment (TA) was submitted with the application which covered the wider OP51 site. The TA suggests that 160 houses can be accommodated on the local road network before there is a negative impact. The completion of the Link Road will be required to take place order to provide a significant element of relief to the Friarsfield Road/Kirk Brae/Kirk Terrace junction by allowing traffic to by-pass the area and gain access direct to Craigton Road. It is considered that any diversion of traffic away from this junction would help further reduce traffic levels thus helping to improve junction performance. The TA suggests that the provision of the new Link Road could also facilitate the closure of "Jacobs Ladder" to vehicular traffic. However, it is also recognised that this may cause some inconvenience for local residents so with that in mind an alternative could be promoted to potentially reduce through movements and change junction priorities although this is subject to discussions with the relevant Roads officers. The TA has been the subject of a detailed audit and demonstrates minimal impact on the

surrounding road network by virtue of the initial 160 homes. Thereafter, mitigation measures need to be put in place by way of a Link Road and junction improvements.

Public transport access to the site is non-existent at present. The application site is around 800m (10 minute) walk from the nearest bus stop on North Deeside Road. This goes against policy which seeks for development to be within 400m walking distance of public transport. Unfortunately, “Jacobs Ladder” is not an acceptable route for bus traffic hence why no services are promoted along this route from Craigton road to Friarsfield Road. The only way of ensuring some public transport provision to the development site is the introduction of the Link Road. The construction of the Link Road in full is unlikely to happen for some time and in the meantime, the situation would be no worse in terms of access to public transport but it would mean that residents would have further to walk to get to the bus route in the meantime. What may occur is that as this and other nearby developments progress, a bus operator would have more of a reason to extend a nearby service to take account of the additional demand created.

Taking into account the foregoing it is considered that, prior to occupation of the 161st house on the Friarsfield opportunity site (0P51) as a whole, the Link Road is required to be constructed in its entirety and that a financial contribution is also due towards the link road. This legal agreement would be consistent with the legal agreement that has already been put in place for the residential development by CALA to the immediate east
,It is worth noting that construction of the road may not be practicable on the land to the east of this application site towards Craigton Road. That land, approximately 500m in length, is in multiple ownership and it would appear that there is nothing in place to ensure that the Link Road can be constructed there. There is a possibility that this section of the Link Road may never be delivered. If that was the case, this would impact on the number of units which could be built within the main OP51 site, limiting the allocation to 160 houses. If this was to happen, it would not be possible to provide a bus route into the OP51 area.

Waste & Servicing

Swept path analysis was provided in relation to servicing the site which is considered acceptable. In terms of residents depositing their bins, British Standard BS 5906 2005 states that residents should walk no more than 30m to a communal refuse storage container or more than 15m with a two-wheeled refuse container. Also, the maximum reversing distance for a refuse vehicle is 12m. For the most part, the Council refuse lorry would be able to provide a kerb-side collection service for the majority of properties and therefore acceptable. It is acknowledged that around 24 properties (around 28% of the total) would have to take their wheelie bins to a collection point close to their property in order to have them uplifted, rather than having their bins collected from the front of their properties. The bin collection points annotated on the plan, of which there are nine, would take the form of flat slabbed areas for householders to put their bins out for collection on the relevant day. The slabbed areas provide 1sqm of space per house. Whilst this is not the preferred option, it goes some way to alleviating

the fears regarding servicing and is considered acceptable from the Roads and Waste teams.

In addition, it is acknowledged that a total of four properties would need to travel more than 30m to deposit their bins and that this distance would be unacceptable for some residents. However, the Council's Waste Team accept the situation for this small proportion (5%) of properties given that the remaining 95% of the development comply with the relevant standards.

Open Space provision

The plans show large areas of open space within the application site and this is a mix of general visual amenity and usable open space. The largest concentration open space lies at the southern end of the site adjacent to the Cults Burn which forms part of the Green Space Network. On either side of the Link Road there are two areas of usable open space totalling around 18,000sqm (1.8ha). Within the eastern side, a child's play park is also proposed. Two smaller pockets of usable open space are proposed, one being the 'village green' in the north-west corner and at the eastern extremity of the site to enhance the upgraded core path where a 'trim trail' is also proposed. These two areas total around 3,000sqm (0.3ha). Collectively the amount of usable open space equates to around 21,000sqm (or 2.1ha). Other areas of general and visual amenity space, totalling around 17,000sqm (1.7ha), have been scattered throughout the site. Further to this, there is an existing football pitch to the immediate north of the site within the grounds of the now vacant Waldorf School and a public play park available for general use at Kirk Terrace which is around 400m from the application site to the south.

Assuming there were 4 or 5 people residing in the houses and 2 or 3 in the flats, the amount of people who potentiallly could live in this development would be around 570. Taken as a proportion of the policy guideline, the amount of open space that should be provided for that number of residents is around 1.3ha. The actual amount of space being proposed on this particular site is in excess of what should be provided in terms of Policy NE4 and the SG.

Taking these matters into account, it is considered that the proposal demonstrates compliance with the provisions of Policy NE4 and the associated 'Open Space' supplementary guidance.

Site Drainage and Flooding

A drainage assessment was submitted with the application and two SUDS basins are proposed at the south end of the site adjacent to the Cults Burn. Due to the size of the development, 2 levels of treatment are proposed as per Chapter 5 of the SUDS Manual. With regards to flooding, the application site is located to the immediate north of the Cults Burn. On assessing the SEPA flood map, it is clear to see that the area is at risk (from the Cults Burn) and this has been taken into account in the layout of the development. It should be noted that no objections have been forthcoming from the Council's Roads or Flooding section, or indeed

SEPA in respect to drainage or flooding and thus it is considered the application is acceptable in this respect subject to the inclusion of relevant conditions.

Wildlife considerations

An ecological survey was submitted with the application in which it is highlighted that no bats or badgers were evidenced on the site. Notwithstanding, there is a recommendation to ensure measures are in place to safeguard small mammals during construction and also to undertake a bat survey prior to the felling of any trees on site which has provided comfort to SNH and in that respect a condition is attached.

It is acknowledged that the habitat opportunity for the site will greatly lost due to the change of land use to garden ground and open spaces.

In terms of the Cults Burn, which is a tributary of the River Dee Special Area of Conservation (SAC) and a Local Nature Conservation Site (LNCS), it is not anticipated that there will be any adverse impact and as such the corridor quality of the Cults Burn will be unaffected by the proposals.

School Capacity

Cults School
In academic session 2014/15 the pupil roll at Cults School was 533 against a stated school capacity of 540. In the next academic year the school is expected to be 7 pupils above capacity and by August 2017 it is projected that the school roll will rise to 635 pupils, which is the equivalent of a 3 stream primary school. A financial contribution will therefore be required to extend the school's capacity to accommodate the additional pupils arising from the committed housing development and details of such extension of capacity would be dealt with by Education, Culture and Sport.

It is considered that the capacity of Cults School should not be increased beyond a 3 stream school as this would present serious management challenges. Further, a primary school should be a nurturing environment in which all pupils feel safe and secure. In a school with capacity beyond 3 streams this will be extremely difficult to realise..

Cults Academy
The capacity of Cults Academy is set at 1,141 and the school had a pupil roll of 1,055 at the census date in September 2014. The Education authority is presently conducting a consultation exercise to reduce future pressure on Cults Academy by rezoning the school's catchment area to exclude the area of ground south of the River Dee which lies in the Aberdeenshire Council area. Should this proposal be accepted by the Council following the conclusion of the consultation process, Cults Academy is projected to go over capacity by 2019 as a result of committed housing developments. A financial contribution is therefore sought to allow a reconfiguration of the school accommodation to increase the capacity to accommodate the projected increase in pupils.

Low and Zero Carbon Buildings

No details of the manner in which the proposed new buildings would demonstrate compliance with the Council's policy and guidance on reducing carbon emissions have been provided. However such submissions can be secured via an appropriately worded condition should members resolve to grant planning permission to ensure compliance with policy R7 (Low and Zero Carbon Buildings) and the associated supplementary guidance.

Relevant planning matters raised by the community council

1. The site layout has been amended to show a wider range of properties and reduce the domination of large detached houses which now account for only 65% of the total.
2. The point raised about the affordable housing provision on-site has been addressed in the Design, Scale, Mix and Form of Development section above.
3. Both SEPA and the Council's Flooding Team have no objections to the application on flooding grounds. Relevant conditions have been recommended below which should help deal with any concerns in that respect;
4. The point raised about access to the Craigbank properties has been dealt with in the Traffic Impacts, Access Arrangements and Car Parking section above.

Relevant planning matters raised in written representations

1. The point raised about access to the Craigbank properties has been dealt with in the Traffic Impacts, Access Arrangements and Car Parking section above;
2. Both SEPA and the Council's Flooding Team have no objections to the application on flooding grounds. Relevant conditions have been recommended below which could help deal with any concerns in that respect;
3. It is acknowledged that the development would have some impact on the local amenities. This is taken account of in the Developer Obligations package which has been agreed with the applicant. The financial contributions would help mitigate the impact of this development on schooling, healthcare etc. as outlined in the Legal Agreement section below;
4. It is accepted that the development would add additional pressure onto the existing schools. Commentary on this point is provided in the School section above;
5. The TA demonstrates that the increase in traffic in the immediate area would not be detrimental. The network would be able to cope with an additional 160 houses before requiring the Link Road to be in place;
6. The ecological survey submitted with the application outlines measures (where necessary) to ensure that there would be no negative impact on the local wildlife;
7. A strategic landscape strip has been introduced along the northern edge of the site to help reduce the impact on the dwellings at 'Craigbank';

8. Whilst it would be desirable to retain all of the field boundaries, it is clear that these are not suitable for inclusion in the development due to their current nature. The developer has proposed new stone dykes throughout the eastern half of the development which would generally follow the same field boundaries and help to retain the character of the area and this is covered by a relevant condition;
9. In relation to the concern about 'safer routes to school', the plans have been updated to show a rural footpath through the site to the west. A suitable condition is attached requiring this to be lit and also that there is a link from the site to a new controlled crossing point adjacent to Kirkbrae Place which would allow for a more direct route to the Academy.

Proposed legal agreement

A section 75 legal agreement can secure: (1) on-site provision of 12no affordable housing units (10%); (2) contributions towards off-site affordable housing units (15%); (3) developer contributions towards: education facilities; sport and recreation facilities and local healthcare provision. Such an agreement would see the proposals comply with ALDP Policies: I1 (Infrastructure Delivery and Developer Contributions) and H5 (Affordable Housing); and the Supplementary Guidance on 'Affordable Housing'.

The legal agreement also needs to reference the car parking provision relative to the affordable units as highlighted earlier in the report and to limit the occupation of dwellings to 160 prior to the completion of the Link Road.

Financial contributions towards the delivery of the Link Road are also required to form part of the legal agreement.

The applicant has agreed to enter into a legal agreement on the basis of the discussions which have taken place to date.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application the policies listed below are of relevance;

- Policy D1 – Quality Placemaking by Design
- Policy I1 – Infrastructure Delivery and Planning Obligations
- Policy T2 – Managing the Transport Impact of Development
- Policy T2 – Sustainable and Active Travel
- Policy H1 – Residential Areas
- Policy H3 – Density
- Policy H4 – Housing Mix
- Policy H5 – Affordable Housing
- Policy NE1 – Green Space Network
- Policy NE4 – Open Space Provision in New Development
- Policy NE6 – Flooding, Drainage and Water Quality
- Policy NE8 – Natural Heritage
- Policy NE9 – Access and Informal Recreation
- Policy R7 – Low and Zero Carbon Buildings and Water Efficiency

These policies substantively reiterate policies in the adopted local plan. For the same reasons that the proposal complies with the adopted local development plan, it also does complies with the Proposed Plan.

RECOMMENDATION

Willingness to approve the application subject to conditions and the conclusion of a legal agreement to secure the following;

- **Delivery of 10% on site affordable housing units and commuted sum for 15% affordable housing units;**
- **Developer Obligation contributions towards primary and secondary education, sport and recreation and healthcare; and**
- **Financial contributions towards the delivery of the Link Road and restriction to no more than 160 units on the wider Friarsfield Opportunity site (OP51) until completion of a new link road from Kirk Brae to Craigton Road**

REASONS FOR RECOMMENDATION

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

In terms of the Aberdeen City and Shire Structure Plan, the application is considered to conform to the general principles contained within the objectives

‘economic growth’, ‘population growth’, ‘quality of environments’, ‘sustainable mixed communities’ and ‘accessibility’.

The proposal is considered to be of an appropriate scale, form and style of in accordance with Aberdeen Local Development Plan (ALDP) Policy D1 (Architecture and Placemaking). The approach is consistent with the OP51: Friarsfield Development Framework and ALDP Policy H1 (Residential Areas). An acceptable residential environment is proposed, in accordance with ALDP Policy D2 (Design and Amenity), an appropriate mix of houses has been proposed in compliance with ALDP Policy H4 (Housing Mix) and the density is in line with the requirements of ALDP H3 (Density) and the Friarsfield Development Framework.

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

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

Appropriate ‘Developer Contributions’ and ‘Affordable Housing’ provision can be secured through the s75 agreement, as set out above, in compliance with Policies I1 (Infrastructure Delivery and Developer Contributions), H5 (Affordable Housing), and Supplementary Guidance ‘Infrastructure and Developer Contributions Manual’ and ‘Affordable Housing’. The legal agreement would also ensure that the no more than 160 houses are occupied prior to the completion of the Link Road towards Craigton Road which would also allow for public transport links to and through the site.

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

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

1. that no development pursuant to the planning permission hereby approved shall take place unless a detailed delivery statement for the entire Link Road has been submitted for the further written approval by the Planning Authority – in the interests of promoting sustainable transport

2. that no development pursuant to the planning permission hereby approved shall take place unless there has been submitted to and approved in writing by the planning authority a detailed design for the section of the Link Road which runs through the application site. The plans shall include

details of junctions, cycle/pedestrian paths, laybys and bus stops – in the interests of promoting sustainable transport

3. that no development pursuant to the planning permission hereby approved shall take place unless details of a controlled pedestrian crossing adjacent to Kirkbrae Avenue, footway on Kirk Brae and associated linkage to that footpath within the application site, have been submitted for the further written approval of the Planning Authority and thereafter no house on the west side of the Link Road shall be occupied unless said footpaths and crossing are fully operational – in the interests of pedestrian safety and safer routes to school

4. that no development shall take place within the application site unless a full programme of works relative to the realignment of the core path along the eastern boundary of the site (to include but not limited to time lines for path closures and undertaking work, specification of path, soft and hard landscaping, and protective fencing during construction stage) has been submitted to and approved in writing by the planning authority. Thereafter, the path shall be implemented in full accordance with the approved details and be available for public use prior to, and during, any other construction works within the application site – in order to ensure the use of the core path is disrupted as little as possible and upgraded to the best possible standard

5. that no development pursuant to the planning permission hereby approved shall take place unless an updated SUDS scheme has been submitted for the written approval of the planning authority, in consultation with SEPA, and thereafter, no individual house shall be occupied unless the drainage required for the house has been carried out in accordance with the approved scheme - to ensure adequate protection of the water environment from surface water run-off

6. that no development pursuant to the planning permission hereby approved shall take place unless the mitigation measures as identified in the Ecological Assessment (dated September 2013) by Nigel Rudd Ecology have been taken account of and implemented in their entirety – in the interests of safeguarding the fauna and habitats on-site

7. that no development pursuant to the planning permission hereby approved shall take place unless until a site specific Construction Environmental Management Plan (CEMP) has been submitted and approved in writing by the Planning Authority in consultation with SEPA, SNH or other agencies as appropriate. All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority. The CEMP must address the temporary measures proposed to deal with surface water run-off during construction and prior to the operation of the final SUDS which shall be implemented for the duration of works on site and the following issues:-

- Surface water management
- Site waste management
- Buffer strips

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

8. that no development pursuant to the planning permission hereby approved shall take place unless details of the protection and enhancement of the water course and associated buffer strip, including access for maintenance, has been submitted to and approved in writing by the planning Authority consultation with SEPA. All works on site must be undertaken in accordance with the approved details unless otherwise agreed in writing with the Planning Authority – in the interests of nature conservation and safeguarding the fauna and habitats on-site

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

10. that no development pursuant to the planning permission hereby approved shall take place unless a scheme of street and footpath lighting has been submitted to, and approved in writing by the planning authority. No individual house shall be occupied unless the lighting relative to that part of the site (e.g. east or west of the Link Road) has been implemented in accordance with the approved plans unless otherwise agreed in writing - in the interests of public safety, protecting residential amenity and protecting wildlife

11. that no development pursuant to the planning permission hereby approved shall take place unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of hard and soft landscaping for the site, which scheme shall include
    - the materials to be used for all hard surfaces including footpaths
    - detailed specification of children's play equipment
    - indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and
    - the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting

- In the interests of the amenity of the area.

12. that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied,

unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission and to include details of the access into the agricultural field adjacent to plots 101 & 102 and details of the new dry stone dykes. No individual house shall be occupied unless the enclosure relative to that house has been implemented in accordance with the approved plans - in order to preserve the amenity of the neighbourhood.

i. that no development pursuant to the planning permission hereby approved shall take place unless further details and samples of all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed unless otherwise agreed in writing- in the interests of visual amenity.

ii. that no development pursuant to the planning permission hereby approved shall take place unless there has been submitted to and approved in writing a detailed Residential Travel Pack, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets - in order to encourage more sustainable forms of travel to the development.

iii. that no development pursuant to the planning permission hereby approved shall take place unless there has been submitted to and approved in writing, visibility splays for each junction within the development, which shall include details of the bin collection points and any hard and soft landscaping within the line of sight – in the interests of road safety

iv. that no development pursuant to the planning permission hereby approved shall take place unless plot specific site sections have been submitted for the further written approval of the Planning Authority. Sections shall also be provided for the proposed access into the agricultural field between plots 101 & 102 and the usable open space as shown on drawing L(--)007 rev B– in order to better understand the site levels

v. that no development pursuant to the planning permission hereby approved shall take place unless further details are submitted for the written approval of the Planning Authority relative to the sub-station. Such details shall include size and colour of unit, along with the proposed access and servicing arrangements and screening – in the interests of visual amenity

18 that no residential unit within the development hereby approved shall be occupied unless a phasing plan for the entire development, which shall include timing of delivery of affordable units, provision of footpath and road linkages to the adjacent sites and provision of open space and play park, has been submitted for the further written approval of the Planning

Authority and thereafter the construction is undertaken in accordance with the plan unless the Council provide written agreement to the contrary – in the interests of the ensuring pedestrian and vehicular connectivity, facilitating the future Link Road in accordance with the Development Framework.

19 That no dwellinghouse hereby granted permission shall be occupied unless the Proposed Playground Area as indicated on plan no L(--)006 rev F and L(--)002 rev L is completed, laid out and equipped in accordance with a detailed scheme, including sections through the land north-south and a programme of future maintenance, which has been submitted to and approved in writing by the Planning Authority. The approved 'Play Area' shall not be thereafter used for any purpose other than a Play Area – in order to ensure the timeous and future provision of play facilities within the site

20 that no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved - in order to preserve.the character and visual amenity of the area.

21 That none of the affordable housing flats hereby granted planning permission shall be occupied unless;

1. a scheme detailing cycle storage provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme;
2. further details of the proposed car park layout are submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme

– in the interests of road safety and encouraging more sustainable modes of travel.

22 that no part of the development hereby approved shall be occupied unless details of the zero and low carbon equipment to be incorporated into the development and predicted carbon emissions, using SAP or SBEM calculations, have been approved in writing by the planning authority and unless the equipment has been installed in accordance with those approved details - to ensure this development complies with requirement for on-site carbon emissions contained in Scottish Planning Policy (SPP) and specified in the City Council's relevant published Supplementary Planning Guidance 'Low and Zero Carbon Buildings'.

23 that no residential unit on the east or west side of the Link Road respectively shall be occupied unless the vehicular access roads and

pedestrian footpaths relative to that section have been constructed to the legal boundary of the land in the applicant's ownership (even if this requires the demolition of a mutually owned wall) as shown on drawing no's L(--)006 rev F and L(--)002 rev L unless the planning authority has given written consent for the variation – in the interests of ensuring pedestrian and vehicular connectivity, facilitating a future link to the existing site to the east and prospective site to the west, and in accordance with the adopted Development Framework

24 that no development, including SUDS embankments, should be constructed within the modelled 1 in 200 year flood envelope except indicated road infrastructure crossing the flood plain which must be built at present ground levels – in order to limit potential flooding as a result of the proposal

INFORMATIVES

1. that, except as the Planning Authority may otherwise agree in writing,

- no piling work shall be carried out; and
- no construction or demolition work shall take place outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays; 9.00 am to 4.00 pm Saturdays; or at any time on Sundays; except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery]
- in the interests of residential amenity.

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

Dr Margaret Bochel
Head of Planning and Sustainable Development.

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TOH

South Craigbank
Kirk Brae
Cults
Aberdeen
AB15 9QL

The Head of Development Management
Enterprise and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

27th March 2014

Dear Head of Planning Department

Comments and Response: re Planning Application Number 140272

Proposed residential development of 98 private dwellings and 12 affordable apartments at Friarsfield Road/Kirk Brae, land to the North, Cults AB15 9QL.

We have several concerns with the above planning application. The following comments, listed for ease of reference, are of equal concern…

1. CALA's drawings titled "Proposed Site and Location Plan" have no key to the annotations used. This plan shows the positioning of relatively large trees on our boundary, with roots and branches covering a significant area of our property, including our garden, greenhouse and garage. There are potential implications for loss of our amenity and damage to our property and increasing costs of our insurance premiums. (See 2, below).
2. On CALA's plan, the sizes of the proposed new trees around our property are even bigger than those trees which are on the access track between the Craigbank properties and Kirk Brae. These trees, (Sitka spruce) form closely planted double rows of forest trees, now

approximately 10-13metres in height and border either side of the existing Craigbank access track. I understand that they were planted as a condition of planning permission and clearly demonstrate the inappropriate planting of forest trees. We see that CALA intend to retain the Sitka spruce trees (TG1, "The development proposals suggest that this belt of trees is to be retained and allowed a linear buffer of c.5m from construction and landscaping activities. Thus the preservation of this tree group is not considered to be threatened by development"). However, the Tree Report submitted by CALA has recommendations that it would be appropriate if: "Tree species to be considered for (new) plantings along roadsides should seek to maximise amenity potential whilst being mindful of the need for future maintenance".

3. Sitka spruce trees are one of the tallest species, growing up to 100metres tall. Their trunk diameter can exceed 5 metres, with crown spread of 28 metres reported. Lateral roots up to 23 m in length have been observed. Surely CALA have not taken into account these facts, which show these trees are categorically inappropriate for a residential development. (Please see again the opening sentence of 2. above).

4. CALA wish to retain, as a "private tree lined avenue", the existing access track for the existing four "Craigbank" properties. I submit that the development as a whole would benefit from having the land of this access track properly developed as green space for communal enjoyment of the whole development. Again, see 2. above [the Tree Report submitted by CALA has recommendations that it would be appropriate if: "Tree species to be considered for (new) plantings along roadsides should seek to maximise amenity potential whilst being mindful of the need for future maintenance"] .

5. The drystane dykes in the existing fields extend to many hundreds of metres and are a feature of our cultural and environmental heritage; what is going to happen to them? As small mammals and birds, including several wrens, nest and shelter all year in these dykes surrounding the fields, is CALA willing to reinstate the dykes on or near the development to preserve the wrens' habitats among the stones?

6. We are aware of CALA's open cast mining operation on the Anderson's site and removal of soil and stones to the depth of more than 1metre adjacent to the right of way path from Friarsfield Road to Craigton Road via the Waldorf School. Therefore, are any changes in levels are going to be made to the land that surrounds our property and if yes, why? As the land to our south and south-east are

prone to flooding, standing pools, and rising water tables uplifting large areas of grass, we are concerned that changing the ground and water levels around our property may destabilise our property or increase its risk of water damage.

7. Does the scheme increase the risk of flooding via Cults Burn and Kirk Brae to the downstream properties in Kirk Brae Mews? The CALA documentation link to SEPA indicates that the Cults Burn has a high flood risk.
8. What depth will the SUDS basins be and what risk will they pose to people and pets? What protective barriers will be put in place?
9. CALA's proposed layout does not show any pavements along Kirk Brae on the southern edge of the development for 110+ homes in this area. Note that this is a pedestrian route to Cults' shops, schools, police station, public transport and some of its recreation areas, etc. It is unacceptable that there are no pavements here. CALA's development on the slopes around Kirk Brae Avenue has a pavement along Kirk Brae that is unfit for purpose and is dangerous, unmade, waterlogged, subject to landslides, with an open access to underground services and with exposed cabling for the street lights; so we are fully aware of poor infrastructure (agreements) around our existing neighbouring CALA schemes, along busy commuter and pedestrian routes. CALA's Friarsfield Road frontage also has no pavement.
10. Where do the proposed buses safely turn when making their return trip to the city, and how do passengers get safely to the bus stops?
11. What landscaping is intended to the area adjoining the Cults Burn?

As we know this environment well, we hope that you will take heed of our comments.

Yours sincerely

[redacted]

M Bell

DEBORAH OGG
Craigbank Steading Kirk Brae Cults Aberdeen AB15 9QL
Tel: [redacted] *Mob:* [redacted]
Email: [redacted]

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

Dear Sir or Madam

Ref: **Proposed Development at Friarsfield Road/Kirk Brae,**
Land to the North, Cults part of OP51 AB15 9QL

I am writing in response to the notice served to residents regarding the above proposed development to lodge my objection. I reside in one of the established properties situated at the Craigbank location.

Prior to receiving this notice, CALA Management Ltd, sent a copy of the proposed layout of the development to myself and to the other three houses that go to make up the existing residential properties at Craigbank, Kirk Brae, Cults. Our houses are served by one private driveway leading from Kirk Brae to which we own the right of access. Each one of our homes hold title deeds confirming pedestrian and vehicular right to the existing driveway. It is stated in the deeds that we have 'a heritable and irredeemable right' to that particular piece of land. Any subsequent owners of the land either side of the driveway are bound to honour this. Our deeds also state that any owners of the land can erect gates in the fences either side of the drive to obtain access. It does not say they can put additional roads or access routes across the drive. However, in CALA's proposed development plan they show two roads running across the drive. In the Design and Access Statement produced by Ryden for CALA section 2.19 it states 'new properties have been laid out to respect the linear avenue which will be retained as private access for the existing properties'.

I think before the proposed development is allowed to proceed, the issue of flooding and excess water should be addressed. There is still an ongoing problem with flooding on Kirk Brae. In the Flood Risk Assessment carried out in 2013, the site was visited in February 2013. It was noted that the Sunnybank and Craigbank culverts could flood and spill onto adjacent roads and properties. The road has been closed on various occasions for drainage work which does not seem to have remedied the risk of flooding. At the time of writing this letter, work is still going on between Sunnybank and Craigbank because water has been overflowing from a drain onto Kirk Brae for some time now. The proposed development site has various natural springs which

continuously and freely run down both above and beneath the ground into Cults Burn. These swell with each rainfall. In the Sources of Flood Risk Information (3.3) SEPA cites the 2007 Aberdeen City Biennial Flood Report which notes flooding to road and properties on Kirk Brae. In August 2012, the flooding on Kirk Brae was torrential. The road was impassable and video evidence of the volume of water was shown on YouTube. Aberdeen's City's Response noted 'ongoing flooding with Cults Burn and properties affected downstream'.

In the Ecological Assessment of the Craigbank area done in September 2013, a walkover was done on the site. It stated there was no evidence of badgers. Badgers have been seen both alive and, unfortunately, dead on the road near the entrance to Foggieton Woods adjacent to Craigbank. The report also said there was no evidence of bats roosting. Bats are seen most evenings at Craigbank between March and October and roost in the tall trees.

According to the Transport Assessment done in January 2012, it says people voiced their surprise at the public consultation after it was said the volume of traffic using Kirk Brae during the peak hours had decreased. However, the traffic can only be increased if the proposed building of 98 houses and 12 apartments goes ahead. Added to this, will be the extra traffic about to be generated by the new CALA Rosefield site on Friarsfield Road which is presently under construction. The possibility of having more public transport in the form of added bus services would help reduce private car traffic if all the new residents elected to use it. However, many people moving into the development will still prefer to use their own cars for convenience instead of public transport in order to get to work and school runs. The National Regional and Local Policy Review cites the SPP which says 'planning permission should not be granted for significant travel generating uses in locations which would encourage reliance on private cars and where it would have a detrimental effect on the capacity of the strategic road network'.

I acknowledge more housing is needed. However, I disagree with building this volume of new homes in such a small area where the resulting effect on the local roads, established facilities and amenities and general infrastructure will be to the disadvantage of the existing community. Perhaps the development should be made up of a smaller number of houses where the additional traffic and number of new residents can be absorbed into the existing infrastructure and surroundings.

Yours faithfully

[redacted]

DEBORAH OGG

PI

From: webmaster@aberdeencity.gov.uk
Sent: 21 March 2014 13:50
To: PI
Subject: Planning Comment for 140272

Comment for Planning Application 140272
Name : James Ogg
Address : Craigbank Steading
Kirk Brae
Cults
AB15 9QL

Telephone : [redacted]
Email : [redacted]
type :
Comment : Concerns and Objections to Application Reference 140272 Page 8 of the Design & Access Statement &#[redacted]11; Craigbank Character Area I would like to bring to your attention that each of the private ‘Craigbank’ properties has, according to their title deeds, an "Irredeemable and heritable right of access" to the strip of land which the shared drive way traverses to Kirk Brae (referred to on the excerpt below as a ‘private driveway’ and as the ‘linear avenue’)
2.18 ……The private properties will continue to be served from a retained section of private driveway, dedicated to Craigbank…..
2.19 ……the linear avenue which will be retained as a private access for the Craigbank properties……

On 18 Feb, a development notification from Cala was received and attached was a map which detailed the proposed site layout.
On this proposed site layout two access roads are shown which cross the private shared driveway. This appears to contravene points 2.18 & 2.19 on page 8 of the Design & Access Statement as well as the legal rights stated on the individual title deeds for the Craigbank properties A copy of this will follow by post and will include a copy of the “Proposed Site Plan” received from Cala

Yours sincerely
[redacted]
James Ogg

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 28 March 2014 07:20
To: PI
Subject: Planning Comment for 140272

Comment for Planning Application 140272
Name : Drs Grant and Susan Logan
Address : Craigbank House
Kirk Brae
Cults
Aberdeen
AB15 9QL

Telephone :
Email : [redacted]
type :
Comment : As owners of Craigbank House we object to the planning application.

The main objection relates to the destruction of our private driveway and the construction of 2 new roads, particularly the one that would go right past our property entrance! This road at our property entrance looks like it would carry the majority of traffic from the development. The safety of our children, noise, privacy and loss of our private driveway are the reasons. How can our driveway possibly be seen as private if this proposal is approved?

The owners of the Craigbank properties, including ourselves had previously met with Cala. After that meeting, when we thought that Cala had listened to our concerns, they proposed a revised plan which had a single road crossing our private driveway much further down towards Kirk Brae. The submitted plan in this proposal is nothing like the "revised plan" they showed us and we therefore feel that Cala have made no attempt to consider our views, and frankly they completely ignored our concerns regarding noise, safety and privacy. We now reflect and believe that the "revised plan" they showed us was simply a cynical ploy to keep us quiet until they had to submit their real planning application. As you can imagine we have lost any confidence we had in dealing with Cala.

The current application clearly acknowledges our driveway is private yet the 2 roads they plan go right through it! We are not unreasonable people and would likely have considered the "revised plan" they showed us previously in a favourable way.

We wish our private driveway to remain intact and truly private in its entireity from the Craigbank properties to Kirk Brae, with no roads cutting through it. A single new road that crosses our private driveway close to Kirk Brae is a less preferred option. We find the current application with 2 roads crossing our private driveway to be totally unacceptable.

As you will have seen from our neighbour's objection, we believe our title deeds make the privacy of the driveway clear. I would add this was pointed out to Cala quite some time ago.

The second objection relates to the strategic landscaping - when we met Cala they agreed to a 5-10 metre strategic landscaping zone to help buffer our properties from the development. Such a zone is referred to in their application but there is no clarity on width or what the composition of the landscaping will be. Our view is that the landscaping must be wide, thick, tall and sympathetic to the surroundings, to help protect us from the noise and loss of privacy that this development brings to Craigbank.

We feel Cala have been totally unreasonable to the existing residents of Craigbank and sincerely hope that the Planning Department will agree and reject the planning application. Thank you.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 13 March 2014 16:45
To: PI
Subject: Planning Comment for 140272

Comment for Planning Application 140272
Name : lesley anne bremner
Address : 24 Garden Road Cults Aberdeen

Telephone : [redacted]
Email : [redacted]
type :
Comment : I am against the proposal of building more housing.What happened to the green belt because it certainly does not seem to make any difference regarding this application.I strongly object especially when its affecting the wildlife here.We have quite a few deer come down on to the fields but sadly that would be lost due to building even more houses.Its spoiling a lovely outlook too especially when the horses get put into the fields.Their are far too much private houses being put up in this area and it is spoiling the area.I am sure their will be many people that will object to this going ahead.It is spoiling the beautiful countryside area i urge you to rethink what you are wanting to do.We dont need more private housing but we certainly need more council housing.Its a disgrace as people cant possibly afford the prices they are asking.The rich can but the less off cant.I am tottally against this proposal.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 13 March 2014 16:40
To: PI
Subject: Planning Comment for 140272

Comment for Planning Application 140272
Name : Dr. Craig Brown
Address : 11 Abbotshall Road
Cults
Aberdeen
AB15 9JX

Telephone :
Email : [redacted]
type :
Comment : To whom it may concern.

I write to formally object on a number of grounds to the planning application for Kirk Brae/Friarsfield area of Cults. The proposed application if granted would overwhelm the amenities of the local area. The current Cults primary school is at capacity and further increasing the number of 'family houses' in this area would even further overwhelm the school. Secondly the size of this proposed development would lead to significant increased traffic in an already congested area raising important safety considerations. Thirdly the closure of 'Jacob's ladder' is not welcome in the area as it is a route many residents use to commute into the city. By forcing transport through the new development onto the new road (where is the funding for this coming from?) this surely raises further safety considerations. I hope the planners will take these formal objections into account.

PH

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 01 April 2014 21:28
To: PI
Subject: Planning Comment for 140272

Comment for Planning Application 140272
Name : alison riley
Address : east craigbank
kirk brae
cults
ab159qj

Telephone : [redacted]
Email : [redacted]
type :
Comment : My property is served by a right of access to a strip of land that traverses from our property across the fields in which the development is proposed and then joins Kirk Brae.

It would appear from the plans that the developer intends to maintain this right of access. However, it also appears that two main roads will cross the right of access and a large busy junction will be built only a few yards from where it joins Kirk brae.

On inspection of the plans it does not look like the junctions from the right of access onto the main roads are designed to meet modern junction requirements i.e proper transitions into the road to allow visibility for safe crossings etc. This is a large safety concern for my family as well as some worrying uncertainty. Additionally, the developer has made no attempt to open negotiations on such subjects as how the private access would maintained, who would have access etc We currently maintain it, but could not be expected too under the current plans. Our services run under the private access and would be disturbed by the main roads crossing; surely agreement should be sought here, prior to planning permission being granted.

I would also like to object to the developer’s clear intent to put pressure on existing green belt by building in roads that dead end at the boundary of the green belt (labelled as "future access" on the plans). Green belt is protected and such obvious encroachment should not be allowed as they will inevitably unjustly sway future decisions over the lands status.

Lastly, this area has flooded badly on several occasions in the last few years. This has caused property and business damage within Cults village. The fields that the development will be built on have a shallow underground spring system and little top soil and ability to cope with sudden down pours. Until more is understood about the recent flooding events and the changing climates relation to this. Any development on this land risks being recklessly detrimental to homes and businesses further down Kirk Brae. I believe SEPA have also identified this.

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 10 March 2014 20:53
To: PI
Subject: Planning Comment for 140272

Comment for Planning Application 140272
Name : nicholas riley
Address : East Craigbank
kirk brae
cults
Ab159ql

Telephone : [redacted]
Email : [redacted]
type :
Comment : I live in the East Craigbank steading in the middle of the proposed development.

I am extremely concerned because the current plan appears to directly contravene the title deeds to the four properties that share the designation "Craigbank", one of which is my own. The issue is particular to the shared drive that traverses from our properties to Kirk Brae and having sought legal advice, if the plans are how they appear, I am assured the problem is definite.

I would trust that planning permission could not be granted for a development that's premise is based on the violation of neighbouring title deeds?

Could you please provide a full explanation of what the developer is proposing with respect to our shared drive to all four residential properties at Craigbank?

Best regards,

Nicholas Riley

Concerns and Objections to Application Reference 140272

Page 8 of the Design & Access Statement – Craigbank Character Area

We would like to bring to your attention that each of the private 'Craigbank' properties has, according to their title deeds, an "Irredeemable and heritable right of access" to the strip of land which the shared drive way traverses to Kirk Brae (referred to on the excerpt below as a '*private driveway*' and as the '*linear avenue*')

2.18 .....The private properties will continue to be served from a retained section of private driveway, dedicated to Craigbank.....

2.19 .....the linear avenue which will be retained as a private access for the Craigbank properties.....

On 18 Feb, a development notification from Cala was received and attached was a map which detailed the proposed site layout.

On this proposed site layout two access roads are shown which cross the private shared driveway. This appears to contravene points 2.18 & 2.19 on page 8 of the Design & Access Statement as well as the legal rights stated on the individual title deeds for the Craigbank properties

A copy of this will follow by post and will include a copy of the "Proposed Site Plan" received from Cala

Yo[redacted]

Jan[redacted]

Craigbank Steading,
Kirk Brae
Cults
Aberdeen AB15 9QL



ROPOSED SITE PLAN

18 ABBOTSHALL CRES TH
CULTS
ABERDEEN
2 APRIL 2014

Head of Planning & Sustainable Development
Aberdeen City Council
Broad Street Aberdeen.

PLANNING APPLICATION REF 140272
FRANSFIELD ROAD/KIRK BRAE LAND TO NORTH OF CULTS
CALA PROPOSED DEVELOPMENT – 110 HOMES

Ref. invitation dated 19 March 2014 inviting representation.

1. I am aware this application will be seen in the context of the planning agreement in principal for 280 homes after much representation regarding infrastructure shortfalls, traffic dangers etc have await to date. 10 Cala homes have been built, 81 are in construction with the 110 in application and Stewart Milne Homes with 72 homes in application

2. As a resident of Abbotshall Crescent and with family in Abbotshall Road I am very aware of the current stress in the surrounding community with no mitigation evidenced – I trust that we will now see evidence of a listening council to the concerns of long standing residents.

3. I am extremely concerned that the current traffic calming measures (none in Abbotshall Crescent/in Abbotshall Drive and Road are ineffective and the 20 mph limits are more in Transfield Road

largely ignored. Only one "ramp" which was recently built across the whole width of Abbotshall Road is in any way effective. Traffic calming on Dreghorn Road (effective use) and other means of reducing rat running and mitigating the significant increase in traffic with any further planning approvals is key. Please apply this to Abbotshall Rd.

5. A proposed traffic control (pedestrian crossing) at Dreghorn Road/Kirk Brae has not yet appeared - it must be sighted north of this junction to discourage passing traffic.

6. It is now essential that the council demonstrates to the local community in a clear fashion that any next phase will only be approved when improvements are put in place for education facilities, recreation, community facilities and the proposed Link Road and immediate improvements to road/traffic safety in the nearby streets.

I appeal to you to give the needs of the existing population full consideration in terms of infrastructure improvements and safety and wellbeing as a balance to the demands of the developers.

[redacted]

ALEX SMITH

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TOH

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 31 March 2014 17:40
To: PI
Subject: Planning Comment for 140272

Comment for Planning Application 140272
Name : Christopher Venn
Address : 5 Kirkbrae View
Cults
Aberdeen
AB15 9RU

Telephone : [redacted]
Email : [redacted]
type :
Comment : I am broadly supportive, the development is in sympathy with the landscape and appears to protect wetland areas and watercourses.I do however, have the following comments:
1. It is unclear where the new residents will be able to attend school - Cults Academy is at capacity, Cults primary has limited scope for growth. Confirmation is required of new school capacity.
2. Local shops/ dentists/ doctors may not be adequate for the new population. Confirmation of new facilities are required.
3. Kirkbrae road-side drainage needs upgrading on the north side of the road. It currently drains directly to the Cults Burn taking all road run-off/pollution. Increased road usage will degrade the Burn further.
4. Noise and light pollution during construction needs to be addressed. In particular , please explain what mitigations will be provided for existing residents overlooking the development.
5. Light pollution needs to be addressed. The north side of Kirkbrae is currently dark with the ridge line and trees providing good shielding from city light . This provides excellent night views of stars and occasional views of the Northern Lights. Street lighting and housing will diminish this greatly. Road lights in particular need to be selected to minimise up-lighting.

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Planning Development Management Committee

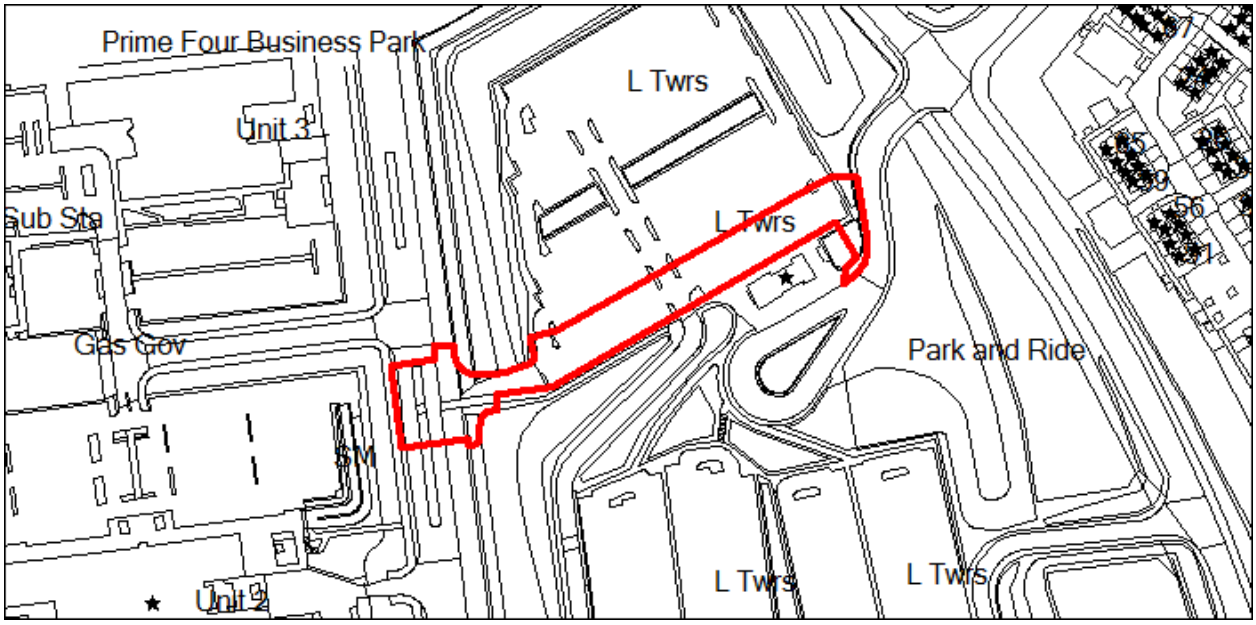
A944 PARK & RIDE CAR PARK, KINGSWELLS

THE CONSTRUCTION OF NEW LENGTHS OF ROAD TO ENABLE ALTERNATIVE ROUTES OF BUS ACCESS THROUGH THE SITE

For: Aberdeen City Council

Application Type : Detailed Planning Permission
Application Ref. : P141578
Application Date: 13/10/2014
Officer: Tommy Hart
Ward : Kingswells/Sheddocksley/Summerhill (L Ironside/S Delaney/D Cameron)

Advert :
Advertised on:
Committee Date: 19 March 2015
Community Council : Comments



RECOMMENDATION: Approve subject to conditions

DESCRIPTION

The application site forms part of the Kingswells Park & Ride (P&R), as well part of the main north-south boulevard within the Prime Four Business Park, situated to the west and north. Prime Four, largely comprises 2 and 3 storey office buildings with associated car parking. To the immediate north and south is the remainder of the P&R, which slopes down towards the A944 to the south, beyond which are rolling agricultural fields. Car access to the P&R is via the Prime Four 'boulevard' (and prior to that the A944), whilst there is bus only access from the C89 to the east towards Kingswells.

RELEVANT HISTORY

Planning permission Ref: 99/0930 for the construction of a single level car park with accommodation block (waiting room/ toilets, etc) and bus turning area was approved conditionally under delegated powers in October 1998 and subsequently has been in operation since around 2002.

More recently, as part of the works related to the Prime Four Business Park, the direct access to the P&R from the A944 was removed and subsequently access is now taken from the main 'boulevard'.

PROPOSAL

Planning permission is sought for the creation of new lengths of road, to enable alternative routes for buses in and through the P&R. The access road is proposed at the western side of the P&R, adjacent to the existing pedestrian footpath which connects through to the Prime Four 'boulevard'. Some of the central reservation and associated landscaping currently in place on the boulevard would be removed to facilitate bus turning. A new vehicular and pedestrian access point would be introduced to the immediate north of this existing pedestrian access, where some trees and a landscaped bank would be removed. Internal to the P&R, 2no height restriction barriers are proposed, as well as a new area of landscaping at the eastern side, to mitigate the loss of existing 'green' areas. At that eastern side, a new bus access is proposed with uncontrolled pedestrian crossing via dropped kerbs.

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=141578

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

REASON FOR REFERRAL TO COMMITTEE

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

CONSULTATIONS

Development Management Roads – Advise the proposal is to improve access by buses and encourage greater patronage, in line with national and local transport policy. No objections, but ask that the construction details be approved by Colin Burnet, who leads the Roads Construction Consent Team (tel. 01224 522409).

Environmental Health – No observations

Enterprise, Planning & Infrastructure (Flooding) - no observations

Kingswells Community Council – Object to the application on a number of grounds, relative to;

- Speed limit within Park & Ride
- Width of the route and ability for travellers to 'set up camp' in the disabled and family parking area
- The positioning of the family and disabled parking adjacent to the 'road' is a road safety hazard
- There are insufficient height restriction barriers proposed.

A number of suggestions were proposed by Kingswells Community Council which corresponded with a submitted and annotated site plan, accompanying the objection, namely;

- Reduce the width of the road, as shown on the annotated plan;
- Move the road to the edge of the pavement;
- Move the pedestrian guardrail to the edge of the road;
- Allow pedestrian movement through the guardrail at various locations and provide at least one official crossing point;
- Relocate the disabled parking spaces to the other side of the guardrail and close to the accommodation block;
- Provide height restriction barriers at locations shown on annotated plan;
- Design proper junctions to ensure that buses can negotiate them safely; and
- Relocate the existing zebra crossing.

In order to try and alleviate the concerns of the Community Council, the Roads Projects Unit (as applicant) replied to these comments, these can be summarised as follows:

- The speed limit currently within the Park & Ride is 20mph and this will continue;
- It is considered unlikely that travellers would occupy the narrow area along the new east-west bus route by virtue of its location adjacent to the accommodation block which would likely be occupied by users of the Park & Ride service;
- The proximity of parking to the proposed bus route is not greatly different to parking within many City Centre streets that are used by bus services. In this instance, there is good visibility along the straight alignment of the street which features two short lengths; and
- There is no guarantee that the height restriction barriers would keep the whole Park & Ride site secure but they would deter intrusion and significantly reduce ease of access to most areas.

The Community Council followed up with further comments. This and the comments offered by the Roads Projects Unit can be viewed in the appended documents.

The Roads Project Unit's position on this matter is acceptable.

REPRESENTATIONS

No letters of representation/objection/support have been received other than that of Kingswells Community Council.

PLANNING POLICY

Aberdeen Local Development Plan (ALDP)

Policy LR1 - Land Release Policy
The principle of development on greenfield allocations will be assessed against the land release policy in relation to the phases.

Policy T1 – Land for Transport
Transport infrastructure required to facilitate new development will be supported in principle, including walking and cycling, new and extended public transport services, and new and improved roads.

Supplementary Guidance

A Development Framework establishing the principles for developing the overall business park and Masterplan for Phase 1 was adopted as Supplementary Guidance in January 2013 and this is a relevant material consideration.

Proposed Aberdeen Local Development Plan

Policy LR1 - Land Release Policy

Policy T1 – Land for Transport

These two policies effectively reiterate LR1 and T1 of the adopted plan.

Policy BI2 – Specialist Employment
In areas that are identified as Specialist Employment Areas on the Proposals Map, only Class 4 (Business) uses shall be permitted in order to maintain a high quality environment.

Facilities that directly support business uses may be permitted where they enhance the attraction and sustainability of the Specialist Employment Area for investment. Such facilities should be aimed primarily at meeting the needs of businesses and employees within the Specialist Employment Area.

EVALUATION

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

Aberdeen Local Development Plan (ALDP)

The application site lies partially within the Prime Four Business Park, OP40 (West Hatton and Home Farm, Kingswells), which is a 2007-2023 release of employment land falling under Policy LR1. The site also falls within the Kingswells Park & Ride site which is allocated as Land for Transport (Policy T1). The purpose of the link between the Park & Ride and Prime Four is to facilitate an extended bus service to and through Prime Four. The principle of development is considered acceptable in terms of Policy T1 which is supportive of improved transport links, especially where facilitating new development. The improved access into Prime Four would positively impact on the land designation and as such there is no conflict with Policy LR1, the Prime Four Development Framework or the Phase 1 Masterplan.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014 . It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and

- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application, Policies LR1 and T1 in the Proposed ALDP substantively reiterates that of the adopted local development plan and the proposal is acceptable in terms of both plans for the reasons already previously given.

In terms of Policy BI2, the proposed bus link would be a positive contribution to the land designation by virtue that it would make the site more accessible which in turn would increase the attractiveness of the business park. It is therefore considered that there is no conflict with Policy BI2.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposed alterations to the Kingswells Park & Ride make the Prime Four Business Park more accessible by public transport and would help to facilitate an extended bus route to and through the park. The alterations to the Park & Ride would have limited negative impact on the natural environment by virtue of the removal of some landscaping to facilitate the linkage, mitigating landscaping is also proposed. When taking a collective view of the proposals, it is considered that the positive benefits of the link between the Park & Ride and Prime Four cannot be underestimated, in terms of promoting increased use of public transport. Taking account of the above, it is considered that the application is acceptable in terms of the Prime Four Development Framework and Phase 1 Masterplan, as well as Policies LR1 (Land Release Policy) and T1 (Land for Transport) of the Aberdeen Local Development Plan. Further, the proposal is acceptable when evaluated against Policies LR1 (Land Release Policy), T1 (Land for Transport) and BI2 (Specialist Employment) of the Proposed Aberdeen Local Development Plan. The application is therefore recommended for approval subject to the condition attached.

CONDITIONS

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

(1) that the development hereby approved shall not come into use unless the car parking areas, shared use path, crossing point, height restriction barriers and landscaping hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. 1/P/D5343/R/01A of the plans hereby approved or such other drawing as may

subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(2) that the development hereby appoved shall not come into use unless suitable measures have been put in place to promote bus only access along the new length of road. Prior to commencement of work on site, details of such measures shall be submitted for the further written approval of the planning authority and thereafter shall be carried out in full accordance with said scheme – in order to restrict the use of the new road to busses only

Dr Margaret Bochel
Head of Planning and Sustainable Development.

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141578

ABERDEEN CITY COUNCIL

COMMUNITIES, HOUSING & INFRASTRUCTURE

ROADS PROJECTS UNIT

PLANNING APPLICATION FOR NEW BUS ACCESS ROAD LINKS BETWEEN KINGSWELLS PARK & RIDE CAR PARK AND THE PRIME 4 BUSINESS PARK

COMMENTS ON THE OBJECTION AND SUBMISSION FROM KINGSWELLS COMMUNITY COUNCIL

We have considered the contents of the submission from Kingswells Community Council and have the following comments on the concerns they requested to be addressed: -

1. There is already a 20mph speed limit within the park & ride car park which we think is appropriate. The existing bus turning circle, accessed from the traffic lights at the Kingswood Drive junction, is also a signed 20mph limit. However, new signs will need to be added to the proposed bus access link from the Prime Four development, to define the 20mph limit from the west side.

   Noted. We also not that the speed limit in many carparks is below 20mph – typically 10 or 15mph.

2. We think that it is unlikely that travellers would choose to occupy the narrow area along the proposed new east-west bus route through the car park. This area is close to the existing accommodation block, adjacent to where most of the car park users park their vehicles and it would have the proposed bus services running through the area throughout the day. We have proposed barriers and height restrictions to deter travellers from gaining access to the more secluded and underused areas of the car park which they would be much more likely to occupy.

   Noted, but is still a concern.

3. The proximity of the parking to the proposed bus route is not greatly different to parking within many city centre streets that are used by bus services. The same concern could be expressed about any of these other streets, especially where the speed limit is higher than the 20mph which it is here. At both the east and west ends of the bus route through the car park a change of direction is required, and because the main vehicular access to the upper car park still has priority north-south in the middle of the car park the buses from either direction will have to give way at this location. Finally, the bus route between these features is two short lengths with a straight alignment which affords good visibility (especially with the relatively few vehicles which occupy the adjacent parking spaces).

   Parking in the street is parallel to the kerb, and it is possible to use wing mirrors to observe any traffic. There is a raised awareness and drivers are more alert to other road users.

06 FEB 2015

ACC is not consistent in its attitude to the number of cars using the carpark. Sometimes it says use is light and therefore safety is not so critical. In other contexts, ACC contends that to relocate the 'lightly used' spaces would result in the loss of 30 or more spaces. KCC insist that the carpark is designed to ensure that safety is maintained when the carpark is full.

Parking in a carpark is perpendicular to the flow of traffic and, in the general case of a full car park, is between parked cars where vision is restricted.

KCC do not agree with the response and is concerned about the inconsistent approach, and potential danger to carpark users – especially young children.

4. We can not guarantee that the proposed height restriction barriers will keep the whole of the park & ride car park secure, but they would deter intrusion and significantly reduce ease of access to most areas. They can not be used in areas where the proposed bus services will require access.

We also have the following comments regarding the suggestions and plan drawing submitted by the community council: -

The red lines shown on the plan appear to show a significantly wider road for the buses than the proposed (rather than a reduced width).

KCC have marked up a PDF drawing. It is not to scale. The width of the road would be the same as that proposed by ACC.

Moving the road to the edge of the pavement as shown would remove an additional 30 parking spaces.

Agreed. The intention was to illustrate a possible alternative. As the professional engineers it is for ACC to take the suggestion and where there is merit produce a detailed design. Obviously, some modification to the layout of the parking spaces is required; but it is not for KCC to provide a fully detailed design.

Moving the pedestrian guardrail to the edge of the road as shown in blue would prevent access to an additional 29 spaces.

Noted

The plan gives no indication where the above 59 parking places could be replaced and because they are larger bays for disabled or parent & child, substituting them in place of other existing smaller bays would mean a total loss of 78 spaces.

Noted: There is no loss of area, so it should be possible for a designer to rearrange the layout to minimise the loss of parking spaces.

Pedestrian size gaps in the guardrails is a good idea, but it is difficult to provide suitable access routes through or past any adjacent parked vehicles without losing more parking bays.

Carpark users naturally move between parked cars. ACC propose to erect a barrier that will inhibit this natural movement. To ignore the need to be able to pass through the barrier is negligent and needs to be addressed.

To relocate the disabled parking spaces to the other side of the guard rail without removing the next row of spaces would prevent vehicular access to these bays. If the alternative layout was implemented it would move the disabled parking bays further away from the accommodation block and bus stop and would mean that all of the users of these bays would have to cross the proposed new bus access route.

It is ACC's responsibility to design a suitable alternative layout of parking spaces to minimise the loss of spaces.

The ACC design includes parking spaces in the proposed bus access route, and does nothing to prevent young children accessing the bus route whilst parents are dealing with issues relating to parking a car or getting other children out of child seats etc.

KCC do not accept this argument.

Two of the height restriction barriers at the locations shown in green are effectively the same as the design proposal, but the third one at the top of the upper car park access road is unnecessary as there is an existing one further down the same access road.

Accepted as long as there is no possibility of creating a travellers' camp adjacent to the road.

The detailed design of the new link junctions, which has still to be done, should achieve safe and suitable access.

Accepted.

The existing zebra crossing is there to provide a safe means of crossing the access road to the upper car park rows. The current position is considered to be the best location for pedestrian access to/from the accommodation block and bus stop, for all the parking rows to the north of the crossing. It is also on the route of the new path that has already been constructed as a link to the Prime Four development. We therefore consider this to be the best location for it and can not see where it should be relocated.

The intention was to move the crossing a metre or so, but the alignment of the road could be adjusted to suit the existing crossing if this is more acceptable. Final details should be addressed by the ACC design.

Taking into account all of the above comments, we think that an alternative layout will not be suitable and will not work without a lot more changes to the access and parking arrangements which would result in a significant reduction in the number of parking spaces. The design proposal keeps most of the existing car park arrangements and layout, with the total loss of no more than a dozen parking spaces. Therefore we consider that the proposals submitted in the planning application are still the preferred option.

It is not for KCC to prepare a fully detailed alternative design. It was always expected that ACC would develop the detailed design considering the points identified.

The existing design is not suitable or safe and requires further work to address the concerns of the community. KCC do not withdraw our comments, and reserve the right to make further comment when the finalised plans are available.

Tommy Hart

From: Ian Cox <ian@kwells.org>
Sent: 20 November 2014 09:37
To: Tommy Hart
Cc: PI
Subject: Planning application 141578
Attachments: Park and Ride.pdf

Application Reference:	141578
Local Authority Reference:	
Proposal Description:	The construction of new lengths of road to enable alternative routes of bus access and through the site
Application type:	Detailed Planning Permission

Dear Tommy,

Kingswells Community Council (KCC) have the following comments to make on Planning Application 141578

We welcome the idea of introducing an additional bus service between the Park and Ride (P&R) in Kingswells and Westhill / Aberdeen, and appreciate that changes are required at the Park & Ride. However, the proposed scheme raises a few concerns that need to be addressed.

1. An appropriate speed limit is required within the P&R
2. The proposed bus route is too wide and would allow travellers to set up camp in the disabled and family parking area either side of the 'road'.
3. Having disabled and family parking at the edge of a road with buses at 10 minute frequency in both directions is considered dangerous. Folks will be either reversing into the traffic when exiting the parking space, or stopping on road and reversing into the parking space. Families with young kids may have issues with children running into oncoming buses. All of these points are considered safety issues.
4. The proposed scheme does not have sufficient height restriction barriers to keep the P&R secure.

KCC have the following suggestion that may alleviate these issues:

1. Reduce the width of the road to the red lines shown on the attached plan.
2. Move the road to the edge of the pavement as shown.
3. Move the pedestrian guardrail to the edge of the road as shown in blue.
4. Allow for pedestrian movement through the guardrail at various locations, and provide at least one official crossing point.
5. Relocate the disabled parking spaces to the other side of the guard rail, and close to the accommodation block.
6. Provide height restriction barriers at the locations shown in green.
7. Design proper junctions to ensure that buses can negotiate the junctions safely.
8. Relocate existing zebra crossing,

We hope that the above comments will be considered when finalising the proposed road layout.

Kingswells Community Council object to the application until the above points have been addressed, and we reserve the right to comment on any revisions to the plans provided for this planning application.

Yours Sincerely,

Ian Cox
Secretary
Kingswells Community Council

Planning Development Management Committee

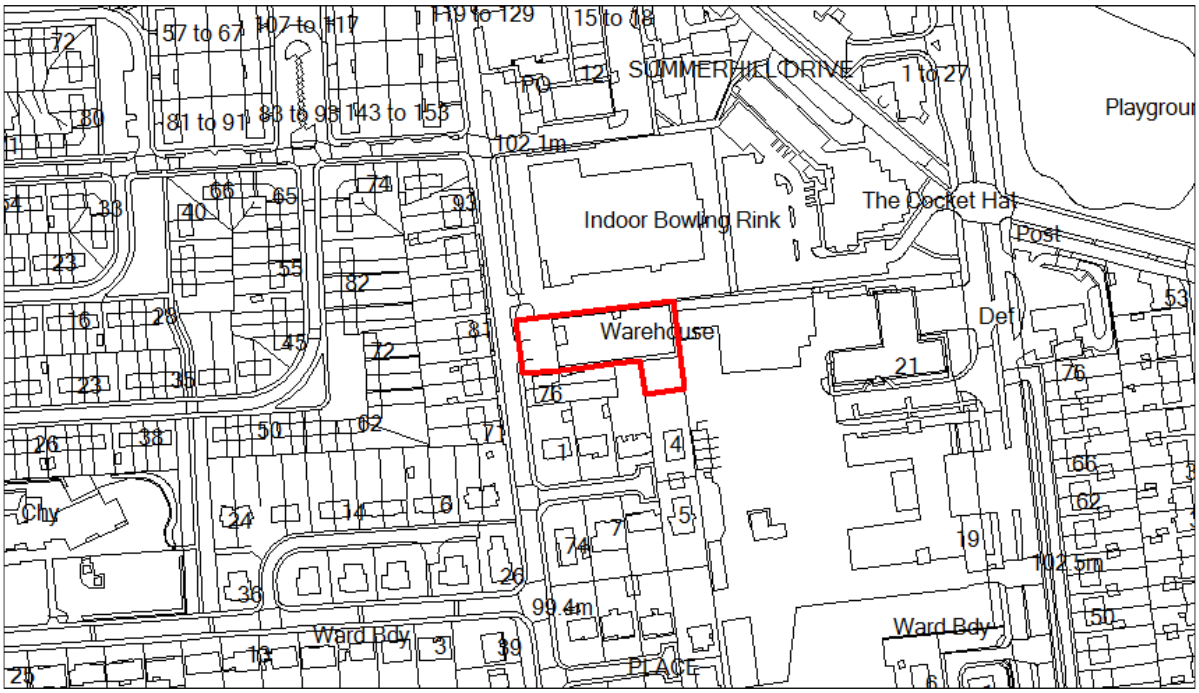
80 SUMMERHILL ROAD, ABERDEEN

CONSTRUCTION OF 26 AFFORDABLE FLATS FOR LANGSTANE HOUSING ASSOCIATION

For: Dandara Ltd / Langstane Housing Association

Application Type: Detailed Planning Permission
Application Ref.: P141755
Application Date: 04/12/2014
Officer: Andrew Miller
Ward: Kingswells/Sheddocksley/Summerhill (L Ironside/S Delaney/D Cameron)

Advert: Can't notify neighbour(s)
Advertised on: 14/01/2015
Committee Date: 19/03/2015
Community Council: No response received.



RECOMMENDATION:

Willingness to approve conditionally. Consent to be withheld until a legal agreement is secured to ensure the development is restricted to solely affordable housing and developer obligations towards Primary and Secondary Education, the Core Path Network and the Strategic Transport Fund.

DESCRIPTION

The application site forms a warehouse building and an area of garden ground that once formed part of the feu of 4 Endrick Place. The warehouse, currently occupied by Somebody Cares, covers an area of 1225 sq metres (approx.), and fronts to and is accessed from Summerhill Road to the west, with an area of car parking approximately 445 sq metres to the front of the warehouse.

The surrounding area contains a mix of uses, with residential properties to the south and west of the site. The residential uses consist of 2 storey granite build houses fronting to Summerhill Road to the west of the site, detached bungalows dating from c. 1980s in Endrick Place and three flats contained in what was two semi-detached granite built houses fronting to Summerhill Road to the south of the site.

Relating to the non residential uses, the Aberdeen Indoor Bowling Club is to the north of the site, itself a large single storey building with pitched roof and car park surrounding the building. The Cocket Hat Restaurant and Premier Inn hotel on North Anderson Drive is located to the north east of the site. The North Area Headquarters for Scottish Fire and Rescue (both the old and new fire stations with associated outbuildings and yards) is to east of the site.

RELEVANT HISTORY

None

PROPOSAL

Detailed planning permission is sought for the erection of 26 affordable flats in two blocks. One block (Block A) would be sited to the west of the site fronting to Summerhill Road and contain 8 flats over two storeys. Block A would measure 16.6 m wide by 21.3 m long, reaching a height of 5.9 m. The block would be 5.4 metres from the pavement to the east of the west of the site, 8 metres from the southern boundary of the site and 1.4 metres from the northern boundary with the Bowling Club.

The other block (Block B) would be situated to the east of the site and be three storey in height containing 18 flats. Block B would measure 16.6 m wide, 28.4 m long and 8.7 m in height. It would be sited 2 metres from eastern boundary with the Fire Station, 1.5 m from the northern boundary with the Bowling Club, 8.2 m from the boundary with the flats to the south of the site and 23.2 m from the boundary with 4 Endrick Place to the south east.

Both blocks would be flat roofed with balconies on several elevations of the blocks. They would be finished in a mix of dark brick work and light render. Cycle

lockers are also proposed to the front of each building, in the south western corners of each block.

21 car parking spaces are proposed along with 4 secure motorcycle spaces. The parking would be separate in two areas, 13 between blocks A and B and 8 to the south of block B. Amenity space would be provided to the south of block B beyond the parking area. Two bin stores would be provided within the car parks, one to the south of each block. An area of amenity ground would be provided in a small leg of the site to the south east. Access to the site would be provided from the west of the site to Summerhill Road, to the south of Block A.

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=141755

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because the application has attracted six or more in time letters of objection (eight in this instance). Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management –

- Parking provision has been provided in line with the parking standard for rented accommodation for Registered Social Landlord's – 21 spaces. (Parking standard is 0.8 spaces per flat). Secure parking for 27 bicycles and 4 motorcycles has also been provided in line with parking standards.
- Requirement for 2.4 m x 60 m visibility splay to be achieved and maintained at entrance to site from Summerhill Road. Recommended that a condition be placed to ensure this is achieved and maintained.
- Swept path analysis showing refuse truck using the site has been provided and this is acceptable.
- The calculations and drainage proposals contained within the Drainage Impact Assessment submitted with the application are acceptable.
- Contributions towards the Strategic Transport Fund are necessary.

Environmental Health – No observations

Flooding – No observations.

Contaminated Land –

- Recommend condition be attached requiring contaminated land survey to be undertaken and submitted for approval. Where contamination is found, the survey should be accompanied by a remedial scheme.
- Where any contamination is found, the necessary remedial measures should be undertaken as part of the development.

Developer Contributions Team – Contributions sought towards the following:

- Primary Education (Pupils Zoned for Fernielea Primary) taking account of the current average over capacity over a five year period for the published 2013 school roll forecasts.
- Secondary Education (Pupils Zoned for Hazelhead Academy) taking account of the current average over capacity over a five year period for the published 2013 school roll forecasts.
- Core Path Network (Core Path 27: Den of Maidencraig to Anderson Drive) is identified as being an infrastructure facility necessary for the purposes of recreation and sustainable active travel. The cumulative impact of the development on the nearby path would require a contribution towards widening and surfacing the path with granite dust.

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

Scottish Environment Protection Agency –

- No objection to the development subject to condition recommended requiring a Construction Method Statement to be submitted and approved by the Planning Authority, in consultation with SEPA, prior to development commencing.
- Recommend a minimum depth of 500 mm between the porous paving and the sub-base in order to achieve an adequate level of SuDS treatment.
- Recommend that the sub-bases can provide a satisfactory level of SuDS treatment to the surface water run off from the roof and main access road.
- Informative notes on discharge to public sewers as well as regulatory advice recommended.

Waste Management –

- Development will require 2 x 1280 litre general waste bins, 2 x 1280 recycling bins and 2 x food waste bins.
- No garden waste provided as assumed that amenity areas of flats will be factored.
- Position of bins not ideal as residents have to cross the access to dispose of waste.

- Whilst reversing distances of refuse vehicles should be no more than 7 metres, the proposed development is acceptable in this instance. No parking should be permitted in the access road as this could obstruct access for the bin collection.
- Provide specifications for bin storage.

Community Council – No response received.

Education, Culture and Sport (Educational Provision) – Development would result in an additional 3 pupils which along with other developments in the area will take the school to the point where a new classroom would be needed, therefore a suitable contribution is necessary.

Scottish Water – No objections.

REPRESENTATIONS

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

1. Lack of parking provided on site and surrounding streets do not have capacity to accommodate overspill. Area already suffers from overspill parking from Bowling Club.
2. Introduction of disabled parking on Summerhill Road would improve safety for veterans living in houses across the road. (A number of houses on the opposite side of Summerhill Road from the application site are owned by the Scottish Veteran's Garden City Association).
3. Increase in volume of traffic on Summerhill Road.
4. Development of this scale would impact on road safety.
5. Loss of privacy of properties to the south as a result of the development.
6. Smells and overspill from bins to south east of the site would impact on the properties to the south. It would be preferable if the bins were situated to the rear nearer Block B.
7. The proposed staking Ivy/Hendra and Virginia Creeper could further undermine the vulnerable boundary wall.
8. It is hoped that there is no damage to the mature trees to the south east of the site.
9. Impact on residential amenity in terms of noise, nuisance and general activity from flats.
10. Out character with the surrounding area.
11. Developer will be putting pressure on this application to be approved given need for affordable housing.

The following matters raised in the letters of objection are not material planning considerations and cannot be taken into consideration in the determination of the planning application:

- Tesco sold on property eight years ago with outline planning permission for 18 units, not 26. (NOTE – there is no record of an application/consent for this in Aberdeen City Council's Records).
- Application for garage in objectors garden had to be lessened in scale at Development Management's request.
- Has the neighbour who has moved because of this development received compensation?

PLANNING POLICY

Aberdeen Local Development Plan

H1 – Residential Areas

Within existing residential areas (designated H1), 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

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.

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.

D1 – Architecture and Placemaking

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, proportions, coupled with the physical characteristics of the surrounding area, will be considered in assessing that contribution.

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.

T2 – Managing the Transport Impact of Development

Maximum car parking standards are set out in Transport and Accessibility Supplementary Guidance, detailing the standards that development should provide.

NE6 – Flooding and Drainage

Where more than 10 homes or greater than 100 sq m of floorspace is proposed, the developer will be required to submit a Drainage Impact Assessment. Surface water drainage associated with development must:

1. Be the most appropriate available in terms of SUDS; and
2. Avoid flooding and pollution during and after construction.

Connection to the public sewer will be a pre-requisite of all development where this is not already provided.

R2 - Degraded and Contaminated Land

The City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use. This may involve undertaking site investigations and risk assessments to identify any actual or possible significant risk to public health or safety, or to the environment, including possible pollution of the water

environment, that could arise from the proposals. Where there is potential for pollution of the water environment the City Council will liaise with SEPA.

R6 – Waste Management Requirements for New Development

Housing Development should have sufficient space for the storage of residual, recyclable and compostable wastes.

R7 – Low and Zero Carbon Buildings

All new buildings, in meeting building regulations requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards.

Supplementary Guidance

Sub-division and Redevelopment of Residential Curtilages

- Contains standards and guidance to take into account when considering impact on residential amenity (privacy, overshadowing, loss of light, etc.).

Transport and Accessibility

- Contains parking standards for all development.

Affordable Housing

- Identifies that where social rented housing is the preferred means of delivering affordable housing provision, that the units remain as such in perpetuity and appropriate provision should be inserted into a legal agreement.

Proposed Aberdeen Local Development Plan

Related policies within adopted ALDP in brackets after policies, all of which have similar principles.

D1 – Quality Placemaking by Design (*D1 – Architecture and Placemaking)*
I1 – Infrastructure Delivery and Planning Obligations *(I1 - Infrastructure Delivery and Developer Contributions)*
T2 – Managing the Transport Impact of Development *(T2 – Managing the Transport Impact of Development)*
H1 – Residential Areas *(H1 – Residential Areas)*
H5 – Affordable Housing *(H5 – Affordable Housing)*
NE6 – Flooding and Drainage (*NE6 – Flooding and Drainage)*
R2 – Degraded and Contaminated Land *(R2 – Degraded and Contaminated Land)*
R6 – Waste Management Requirements for New Development *(R6 – Waste Management Requirements for New Development)*

R7 – Low and Zero Carbon Buildings, and Water Efficiency *(R7 – Low and Zero Carbon Buildings)*

Other Relevant Material Considerations

None.

EVALUATION

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

Principle of Housing

The site is located in an area zoned as residential in the ALDP. Associated policy H1 creates a presumption in favour of residential uses. Point 9 of the representations raised concerns about the impact on the amenity of neighbouring houses as a result of the redevelopment of the site for residential use in terms of noise and general activity. The change of use of the site from a warehouse/storage use to residential is considered acceptable in principle, being compatible with the residential uses to the south and west of the site. The north of the site is bounded by an area zoned as Mixed Use, though the uses to the north of the site (Bowling Club, Hotel and Shops) are considered to be suitable neighbouring uses for residential properties.

Design and Siting

Policy D1 of the ALDP states that all new development should be designed with due consideration for its context. In this case, the proposed flats would be developed in two blocks. Both blocks would be of a similar architectural style – flat roofed and of a modern style when compared to the surrounding area which contains a variety of styles and scales. Block A would be two storey, in keeping with the height of the block of three flats to the south and the houses to the west on Summerhill Road. It would also follow the established building line to the south of the site. Block B would be larger at three storeys in height, particularly when compared with the bungalows to the south in Endrick Place, though would be of a comparable massing when compared to the non-residential buildings to the north and east of the site.

Relating to the pattern of development, the eastern side of Summerhill Road is characterised by cul-de-sacs, with 6 to the south of the application site. It is considered this proposed development would result in a continuation of this development/street pattern.

Taking account of the nature of the surrounds and the fact that sufficient separation has been provided between the proposed flats and the bungalows to

the south, the scale and siting of the two blocks of flats are considered to be acceptable in this instance.

The design of the blocks are modern and simple, with the use of contrasting materials (dark brick and light render) breaking up the visual massing of the blocks of flats. The surrounds of the site contain no specific architectural theme or character, there being a variety of different house styles and types, as well as non residential buildings. One representation made reference to the fact the development would be out of keeping with the area (point 10). Whilst different from buildings in the surrounding area, the flats would not have an adverse impact on the character. Rather, when compared with the existing warehouse building on the site, the blocks would result in an improvement in the appearance of the locality.

Taking account of the above considerations in respect of the siting, scale and design of the proposed flats, the proposals are considered to accord with the requirements of policy D1, whereby they are of an acceptable scale and sited appropriately for their context, while being designed at a level appropriate to the character of the surrounding area.

Amenity Provision

Policy D2 of the ALDP contains a number of criteria against which new residential development should be assessed against relating to Design and Amenity. The proposed development in this instance would have a public face to the road (relating to Block A),

Block B on the other hand does not provide a public frontage per se, being located at the end of a cul-de-sac, however taking account of the existing pattern of development on the east side of Summerhill Road, the arrangement of buildings and the orientation of the development would reflect and reinforce that pattern and thus is considered to be acceptable in this instance.

Private amenity ground has been provided to the rear of the flats (south western corner), though this in itself would be insufficient useable space for 26 flats. There would be a loss of trees within the development site, thought his would be necessary in delivery of the amenity space. One representation raised concerns about the potential loss of mature trees to the south east of the (point 8). The trees themselves are of little or no value to the amenity of the surrounding area, being an unsuitable species and too large, alongside their location to the rear of the buildings.

Balconies have been provided to some but not all flats in light of the lack of space provision. A condition is recommended to ensure the balconies are provided as part of the development. Taking account of the type of housing development (affordable) and compared with other flatted developments in the nearby area, whilst not fully compliant with the requirements of D2, the proposals are considered to be only just acceptable in this instance.

Impact on Surrounding Area

Consideration must be given to the impact of the proposed development on the surrounding land uses, particularly the neighbouring residential uses. Whilst targeted mainly at feu splits, the Subdivision and Redevelopment of Residential Curtilages Supplementary Guidance can be applied in instances where brownfield sites are to be developed into residential uses. In this case, the points in respect of privacy, loss of light and overbearance are relevant. The latter two would not be experienced by the residential properties to the south taking account of their aspect in relation to the site, whilst sufficient separation between Block A and the houses to the west on Summerhill Road has been provided in relation to their height.

Relating to privacy, representations (point 5) raised concerns that the development would result in a loss of privacy as Block A would look directly into properties to the south. Taking account of Block A's height and location, the distance between the block and the gardens to the rear of the small block of three flats to the south would be sufficient to ensure there would be no significant loss privacy to these properties. Relating to Block B, sufficient screening is provided to the south east of the site, particularly from the trees within the feu of 3 Endrick Place that would provide screening between numbers 2 and 3 Endrick Place. The provision of amenity ground along with the separation between number 4 Endrick Place and Block B would not give rise to a significant loss of privacy.

In light of the points above, it is considered sufficient screening is in place between the development and the gardens of the properties to the south.

Notwithstanding this, the provision of a balcony on the west elevation of block B at the third floor may give rise to a loss in privacy of the garden to the rear of the block of three flats to the south of the site. As such a condition recommending the deletion of this from the scheme is recommended.

Parking/Access

In assessing parking provision, policy T2 requires all development to be served by parking in line with the Council's parking standard and refers to the Council's Supplementary Guidance on Transport and Accessibility (SGTA) for parking standards for development. In this instance, the development is classed as affordable rented social accommodation, with the relevant standard being 0.8 parking spaces per unit. The proposed development satisfies this standard, providing 21 parking spaces. Whilst a number of objectors raised concerns about the lack of parking provision on site (point 1 of the Representations), as the proposal complies with the relevant parking standard the development cannot be refused on the basis of a lack of parking.

In addition, motorcycle parking and bicycle parking have been provided in line with the Council's required standards.

It is noted concerns were raised on potential impacts on road safety for disabled road users, as there are war veterans houses on the opposite side of the Summerhill Road (point 2 of the Representations). In their consultation response, Roads Projects noted that many of these houses already have driveways, however requests for Disabled Parking spaces can be requested by Blue Badge holders to the Council's Road Safety and Traffic Management section.

The Council's Roads Development Management team support the application in light of the above parking requirements. In addition, the applicant has also demonstrated the provision of a swept path analysis for refuse vehicles using the site to the satisfaction of Roads Development Management. A condition requiring the visibility splay, as shown in a plan provided with the application, to be provided and maintained is also recommended for inclusion.

Point 3 of the Representations raised concerns about the increase in traffic associated with the development and point 4 raising concerns regarding the impact of the development on road safety. Appropriate access has been provided (per the points above) with Roads Development Management raising no objections to the proposals. As such, the proposals are considered to be provide safe and suitable access to all road users, with the surrounding network having capacity to accommodate any additional traffic.

Taking account of the above considerations, the proposals are considered to satisfy the requirements of policy T2 as well as the SGTA.

Drainage

Surface water drainage for the site has been provided via a SuDS soakaway, whilst foul drainage would connect to the public sewers. In principle, both methods of drainage are acceptable. The Drainage Impact Assessment (DIA) provided with the application identifies the SuDS measures put in place including porous paving within the car parking spaces. The Council's Roads Development Management team were satisfied with the proposals in terms of drainage and the findings of the DIA submitted alongside the application. It is noted that the Council's Flooding Unit raised no objections to the development. Taking account of the above considerations, the proposals are considered to accord with the requirements of policy NE6 – subject to conditions as recommended.

Contamination/Pollution

Policy R2 requires contaminated land to be restored, reclaimed or remediated to a level suitable for its proposed use. The Council's Contaminated Land team have identified potential contamination issues on the site given historic uses on the site. As such a condition requiring a contaminated land survey to be undertaken is recommended for inclusion. Should any contamination sources be found, a remediation strategy be submitted. The condition also requires any necessary mitigation works proposed as part of the remediation strategy to be carried out.

The surface water sewer in the area discharges to the Den Burn. During the construction phase of projects, there is an increased risk in pollution to the local environment, including an increased risk in sediment run off, contaminant discharge and spillages. SEPA have recommended that a condition be placed requiring a Construction Management Plan to be submitted and approved in consultation with them prior to development commencing.

Waste

In serving the development, bin storage areas have been provided, one for each block. The Council's Waste Services have recommended the required details for the bins to serve the development. No specific details of the bin storage scheme have been provided with the application, though areas have been identified for storage. A condition is recommended requiring a waste storage scheme to be submitted for further consideration.

It is noted that the waste services have commented that it would not be ideal for residents to cross roads to access bins. In this instance the access to the car park is a shared surface and taking account the lack of capacity surrounding the flats to accommodate this, coupled with the low volume of traffic associated with the development and shared surface provision, the bin locations are considered acceptable in this instance, noting that they are within recommended distances for residents to access.

An objection received (point 6) raised concerns about the smell from the bins. The indicative locations of the bins are also such that they would not have an adverse impact on the neighbouring properties, being located away from the houses/flats themselves. Whilst no details were provided with the application, a condition is to be placed to ensure a suitable enclosure is provided.

Affordable Housing

The scheme applied for is identified for affordable housing. The supporting statement provided with the application identifies the applicant's intent for the development to serve as the affordable housing contribution for housing developments at Pinewood/Hazeldene. Whilst it is acknowledged this is the wish for the developer, the consideration over whether this is an acceptable means for the affordable housing provision for those developments does not form part of the consideration of this application, rather it is for consideration under their respective consents and associated legal agreements.

As for this application, the need to retain affordable housing for such purposes is recognised, per guidance contained with the Council's Affordable Housing Supplementary Guidance. Therefore it is recommended that the developer enters into a legal agreement with the planning authority to restrict the development to affordable housing.

One objection (point 11) made reference to the planning permission being "pushed through" because of the developer putting pressure on the fact it is

affordable housing. This is not a material consideration - all applications for housing, be they affordable or open market, require to go through the same planning processes and scrutiny.

Developer Obligations

The Developer Obligations assessment for the development has identified the need for contributions towards education and core paths, in addition to contributions towards the Strategic Transport Fund by Roads Projects.

In respect of education, pupils from the development would fall within the catchments for Fernielea Primary and Hazelhead Academy, both of which are over capacity taking into consideration school roll forecasts, accordingly contributions towards primary and secondary education are sought in this instance.

The Council's Education section has also noted that the development would result in an additional 3 pupils from 2017 to 2021 at Fernielea catchment area, and this along with other developments in the area would result in the need for an additional classroom at the school.

Cumulative impacts of development on the core path network are also taken into account and it is expected developers contribute to this. Contributions are sought in this instance for the widening and resurfacing of core path 27 (Den of Maidencraig to Anderson Drive). Contributions towards the Strategic Transport Fund have also been identified.

In securing the above contributions, it is recommended that the contributions are to be delivered under a legal agreement with the planning authority.

Low Carbon Buildings

Policy R7 requires all new development to install low and zero-carbon generating equipment to reduce the predicted carbon dioxide emissions of the development by at least 15% by 2007 building standards. As a material consideration, building standards have changed since 2007 and exceed the requirements of those specified in R7. It is therefore considered that the application for a building warrant will cover energy efficiency issues at a level higher than the requirements of this policy, under legislation separate to the planning process.

Landscaping/Lighting

No details of lighting have been provided with the application and as such a condition is recommended requiring this information to be submitted for further consideration.

Landscaping information was provided with the application detailing the shrubs and climbers to be planted. It is considered that the provision of smaller shrubs on the site rather than large trees is suitable in this instance, given the limited

space on the site and the mature trees to the south east of the site. A condition is recommended requiring the landscaping to be provided.

Point 7 of the objections is noted in respect of the potential impact of the landscaping and its impact on the structural stability of the wall. The boundary walls surrounding the site appear to be in a relatively good condition, capable of accommodating any planting. An application for a building warrant will cover issues relating to structural stability of boundaries as a result of the works proposed.

Legal Agreement

The application has come forward as a development for affordable housing, a legal agreement ensuring the development remains affordable housing is necessary in this instance. The development has attracted lower parking standards in light of this. Should the development not be restricted to affordable housing, then there would be a requirement for a higher parking standard which the development would fail to meet in its current form.

In addition, the legal agreement would also ensure developer obligations towards primary and secondary education, the core path network and strategic transport fund are paid as part of the development.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application, the relevant policies and designations are similar to those of the adopted ALDP. Therefore the above evaluation is considered sufficient in respect of the requirements of the proposed ALDP.

Conclusion

Taking account of the above considerations, it is considered the proposals are an acceptable form of residential development subject to conditions as recommended and the withholding of consent until a legal agreement securing developer obligations and affordable housing is secured.

RECOMMENDATION

Willingness to approve conditionally. Consent to be withheld until a legal agreement is secured to ensure the development is restricted to solely affordable housing and developer obligations towards Primary and Secondary Education, the Core Path Network and the Strategic Transport Fund.

REASONS FOR RECOMMENDATION

The redevelopment of the site for residential use complies with the requirements of policy H1 – Residential Areas of the Aberdeen Local Development Plan 2012 (ALDP), whereby the development of residential flats would not conflict with the amenity of the surrounding area. The flats are designed and sited with due consideration for their context, in line with the requirements of policy D1 – Architecture and Placemaking. Whilst a degree of amenity space has been provided, the provision of amenity space is lesser than the expected under policy D2. In addition Block B fails to provide a public frontage, however taking account of the settlement pattern and the housing type, the layout is considered acceptable in this instance.

The development would not have a significant impact on the amenity and privacy of neighbours, per the guidance contained within the Council's Supplementary Guidance on The Sub-division and Redevelopment of Residential Curtilages.

Relating to parking, sufficient parking has been provided in line with the standards contained within the Council's Transport and Accessibility Supplementary Guidance and subsequently complies with the requirements of policy T2 – Managing the Transport Impact of Development.

SuDS drainage and a connection have been provided for the development in line with the requirements of policy NE6 – Flooding and Drainage.

Consideration has also been given to potential contamination on the site and an appropriate condition requiring a contaminated land survey to be undertaken with any recommended remedial measures is recommended for inclusion, in line with the requirements of policy R2 – Degraded and Contaminated land.

Relating to the provisions of the proposed Aberdeen Local Development Plan, the requirements of the relevant policies are similar to those of the adopted ALDP, and such the proposals are considered to comply with the policies of the proposed Aberdeen Local Development Plan insofar as they are relevant.

CONDITIONS

1. That none of the flats with balconies proposed, as identified on drawing no APL_10 Rev A, shall be occupied unless the balconies have been

provided for use – in order to ensure the balconies are delivered as part of the scheme, their provision considered necessary to provide useable amenity space for residents of the development in accordance with policy D2.

2. Notwithstanding the details shown on drawing no. APL_10 rev A or any drawing superseding this and agreed with the planning authority, the balcony on the western elevation of Block B at third floor level shall be omitted from the scheme – in order to avoid any detriment to the privacy of neighbouring properties.

3. No development other than works of demolition and site clearance shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that has been approved in writing by the planning authority.

   The scheme shall follow the procedures outlined in "Planning Advice Note 33 Development of Contaminated Land" and shall be conducted by a suitably qualified person in accordance with best practice as detailed in "BS10175 Investigation of Potentially Contaminated Sites – Code Of Practice" and other best practice guidance and shall include:

   a) an investigation to determine the nature and extent of contamination
   b) a site-specific risk assessment
   c) a remediation plan to address any significant risks and ensure the site is fit for the use proposed
   d) verification protocols to demonstrate compliance with the remediation plan

   The dwelling shall not be occupied unless

   - any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken; and
   - a report specifically relating to the dwelling has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the dwelling has been carried out, unless the planning authority has given written consent for a variation.

   The flats shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies that the remedial works have been carried out in full accordance with the remediation plan, unless the planning authority has given written consent for a variation - to ensure that the site is suitable for use and fit for human occupation

4. That all planting, seeding and turfing comprised in the approved scheme of landscaping (drawing no APL_30 Rev A) shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

5. That no development shall take place unless a scheme for external lighting has been submitted to and approved in writing by the Planning Authority, and thereafter implemented in full accordance with said scheme - in the interest of public safety.

6. That no development shall take place unless samples of all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

7. That the visibility splay as shown in drawing no 900 Rev 4 hereby approved shall be provided and maintained free of any obstruction above 1 metre in height (measured from the level of the public carriageway) from the first occupation of the development and shall be maintained in perpetuity – in the interests of road safety, to ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on Summerhill Road.

8. That no development shall commence until details of the SuDS sub-base have been provided and approved by the Planning Authority (in consultation with SEPA), that demonstrate a minimum depth of 500 mm of the sub-base from the porous block paving – in order to ensure an acceptable level of SuDS treatment.

INFORMATIVES

During construction work the applicant and/or the developer should remain vigilant for signs of bats, if they come across any bats or any signs of bats, all work in that area must cease immediately and Scottish Natural Heritage must be contacted for further advice.

It should be noted that as bats are a European Protected Species, as listed in the Conservation (Natural Habitats &c.) Regulations 1994 it is illegal to:

- Deliberately kill, injure, disturb or capture/take European Protected Species of animal
- Damage or destroy the breeding sites or resting places of such animals.

Dr Margaret Bochel
Head of Planning and Sustainable Development.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 08 December 2014 09:12
To: PI
Subject: Planning Comment for 141755

Comment for Planning Application 141755
Name : Angela Cooper
Address : 86 Summerhill Crescent
Aberdeen
AB15 6ED

Telephone : [redacted]
Email : [redacted]
type :
Comment : I object to the number of units on this proposed site due to the lack of parking facilities on site. Summerhill Road, Summerhill Drive & Summerhill Crescent do not have enough parking spaces at the present moment. The hotel on the Lang Stracht/Summerhill Road often overspills into the local streets and a development with 26 units should have much more spaces than than on the proposals. Summerhill Road is often conjested with parked cars and 26 new flats would increase this problem. More parking spaces or less units would be acceptable.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 06 January 2015 09:57
To: PI
Subject: Planning Comment for 141755

Comment for Planning Application 141755
Name : Peter Minshall
Address : Chief Executive
Scottish Veterans' Garden City Association New Haig House Edinburgh
EH7 4HQ

Telephone : [redacted]
Email : [redacted]
type :
Comment : This charity houses disabled veterans. We have a number of disabled veterans living opposite this proposed development on Summerhill Road.

Our understanding is that present policy allocates reduced parking to affordable housing developments.

The concern that arises is the potential for over-spill parking on Summerhill Road. We would ask that the Roads Department review parking allocation for this proposed development in the interest of safety.

It may be that the introduction of disabled parking on Summerhill Road could be a solution for improving the safety for our disabled veterans already residing in Summerhill Road.

I hope this observation and request is helpful.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 06 January 2015 11:00
To: PI
Subject: Planning Comment for 141755

Comment for Planning Application 141755
Name : John Milne
Address : 81Summerhill Rd,
Aberdeen,
AB156EG.

Telephone : [redacted]
Email : [redacted]
type :
Comment : I am a disabled war veteran who lives in a house provided by Scottish Veterans Garden City Association, which is directly opposite the proposed development.

My main concern is the increase in traffic on this road likely to result if this project goes ahead. Summerhill Road is already subject to large volumes of traffic and any plan which could potentially exacerbate this situation needs to be considered very carefully. Given this I would like to see the Roads Department being consulted on the proposal.

There are twelve disabled veterans living in close proximity to this development, and any plan which could cause them undue stress and anxiety should be given careful thought before a final decision is reached.

Yours Sincerely,

John Milne.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 23 January 2015 15:47
To: PI
Subject: Planning Comment for 141755

Comment for Planning Application 141755
Name : Mrs Betty Murray
Address : 76 Summerhill Road
Aberdeen
AB15 6 EE

Telephone : [redacted]
Email : [redacted]
type :
Comment : Whilst aesthetically the proposed blocks are an improvement on the existing warehouse I am concerned at the location of the bins at the front of Building A. Environmentally this does not seem a good place as the pathway to the rear of the cottages where both 76a and 76 enter their property means passing contaminated smells and possible overspill debris. It would be preferable if all bins were sighted together at the rear where the 2nd set of bins are planned. Regarding the proposed planting area running alongside the stane dyke wall which surrounds the cottages there is great concern if the wall was to be used for staking ivy/hedera and Virginia creeper to as they will ultimately further undermine an already vulnerable wall. Also it would be preferable if independent double layer fencing could be erected the full length of the wall and be of a height to give the cottages privacy and additional security from possible crime as one part of the wall alongside the gardens is lower than the front pathway area. As there are very mature trees at the end of the cottages gardens it is hoped that there will be no damage or removal of them and that conservation will be employed. Whilst there is provision made for car parking of residents there is likely to be overspill of vehicles onto Summerhill Road and this will make it even more difficult for the residents of the cottages to be able to park outside their property as already the bowling club members have a habit of parking here.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 12 January 2015 17:04
To: PI
Subject: Planning Comment for 141755

Comment for Planning Application 141755
Name : Ronald Mess
Address : 2, Endrick Place,
Aberdeen
ABBA 6EF

Telephone : [redacted]
Email : [redacted]
type :
Comment : While my wife and I welcome the redevelopment of the site at 80, Summerhill Road.we are concerned by our total loss off privacy.From the rear of our house plus our garden, block A of the development will be clearly visible, therefor any apartment windows facing South will have a clear view right into our property. We have lived in this property for 32 years and value our privacy

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141755

Mrs E. Strachan
3 Endrick Place
ABERDEEN AB15 6EF
Tel. [redacted]

5/1/15

Development Management
Planning & Sustainable Dev.
Aberdeen City Council
Business Hub 4
Marischal College
Broad St, Aberdeen AB10 1AB

Dear Sir/Madam

I am writing today - after having a talk with Mr Andrew Miller at Marischal College re. a "proposal" to build flats at the back of my garden.

I object very strongly to this proposal - as would anyone in my position! I have enjoyed living in this area & hope to do so for quite some time yet!

I believe a neighbour has already decided to move! Was the neighbour received compensation to do so? Please let me know!

I look forward to a prompt reply.

Yours faithfully,

[redacted] (Mrs)

Mr M Scott
4 Endrick Place
Aberdeen
AB15 6EF

Planning&Sustainable Development,
Marischal College,
Broad Street,
Aberdeen,
AB10 1AB

13th January 2015

For the attention of, Mr Andrew Miller

Dear Sir,

Ref: PLANNING APPLICATION NO 141755

Proposed Construction of 26 Affordable Flats For Langstane Housing Association by Dandara Ltd, at 80, Summerhill Road, Aberdeen AB15 6EE.

My name is Mr Murray Scott, I write in connection with the above planning application, I have examined the plans and I know the site well, I wish to object strongly in its present form to the development of these flats.

My objections are as follows,

1.The proposal would lead to loss of privacy and overlooking.

2.There would be unacceptable intrusion in the form of noise, nuisance and general disturbance.

3. The design of the development in its scale, is such that it appears to be out of character with its surroundings.

4. The development in its scale may lead to a significant impact upon road safety.

At the time this property was sold by Tescos some eight years ago, they sold it on with outline planning permission for eighteen units not twenty six retaining part of the garden ground of no 4 Endrick Place, Aberdeen, of which I own, for green space.

This growing trend of "Garden Grabbing" by developers has a major effect on its adjoining property's as stated in my objections 1 and 2 above.

The second block of flats is a three story block with windows and balconies on the elevation that not only looks directly onto my garden, but directly into my bedroom window.
The green land area, they propose to put parking and some planting, is divided only by a slatted 5ft wooden fence with no major proposals for screening.

I however do understand the city's housing demand, and how important it is for affordable housing, this I am sure the developer is using to put pressure on this being passed.

I myself have had a planning application in for a private detached garage with home office space at upper level and have been told that they will not pass it in its present form, and to reduce the height considerably, and to incorporate it in in the footprint of the ground floor garage space, and there were no objections from neighbor's.

I would be grateful if you could consider my objections, and would welcome a site meeting with yourself.

Yours faithfully

[redacted]

Murray Scott

Planning Development Management Committee

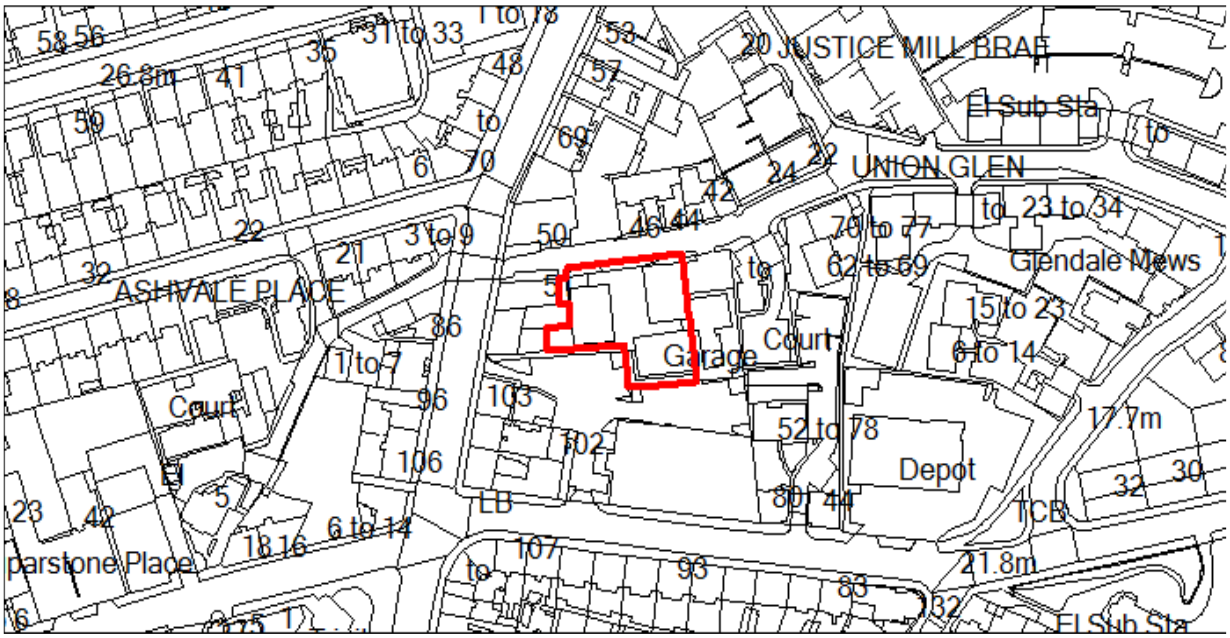
UNITS 1-3 UNION GLEN

DEMOLITION OF EXISTING INDUSTRIAL UNITS AND ERECTION OF AN APART-HOTEL COMPRISING 71 ROOM SUITES WITH ASSOCIATED PARKING AND LANDSCAPING.

For: DANMOR Developments Ltd

Application Type : Detailed Planning Permission
Application Ref. : P141430
Application Date: 23/09/2014
Officer: Jane Forbes
Ward : Torry/Ferryhill (Y Allan/A Donnelly/J Kiddie/G Dickson)

Advert : Section 34 -Proj. Pub. Concern
Advertised on: 08/10/2014
Committee Date: 19/03/2015
Community Council : No response received



RECOMMENDATION:
Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to secure contribution towards works to the core paths/environmental & access improvements in the area and Strategic Transport Fund.

DESCRIPTION
The application site, which extends to an area of 1495m², is located on the south side of Union Glen, and at a distance of some 25 metres to the east of the Holburn Street Bridge. The site is currently occupied by 3 industrial business units, but historically formed part of the Union Glen Distillery site. Immediately to the north and east of the application site are contemporary flatted properties, both four storeys in height. To the north-west of the site is an area of car parking which lies adjacent to a more traditional granite 3 storey building with a frontage onto Holburn Street, but where the rear of the building, which is occupied by Aberdeen Drilling School, is accessed off Union Glen. To the west of the site is the rear of a traditional, 6 storey tenement building which fronts onto Holburn Street and comprises retail units at street level, with residential accommodation both above and below this. To the south of the application site the ground level rises approximately 6 metres between the boundary of the application site and a car parking area for the neighbouring retail park, both of which are accessed off Willowbank Road.

RELEVANT HISTORY
No relevant history on the site.

PROPOSAL
This application seeks detailed planning permission for the construction of a 71 room aparthotel (Use Class 7), following demolition of the 3 industrial units which currently occupy the site. The aparthotel, which would expect to employ up to 18 staff, and between 10 to 12 on site at any one time, would provide 4,099m² of gross floorspace, and comprise 71 suites incorporating separate sleeping/living areas and small kitchenettes. Access to the aparthotel would be via a main entrance which fronts onto Union Glen, with a foyer and lounge/business area accommodated at ground floor level.

The proposed development would comprise a contemporary, largely flat roofed building with 3 linked elements ranging from 5 to 7 storeys in height across the site, and incorporating a staggered building line along all four elevations. The 5 storey section of the building would be set back from the northern boundary of the site which fronts onto Union Glen by 15 metres, and would extend west over a distance of 17 metres. An initial 2.6 metre wide section of the building along the length of the eastern boundary, and a 2.2 metre wide section along the initial 17 metre length of the northern elevation would lie at 4 storeys high, with this then rising 3 metres to create the full 5 storeys within the remaining eastern section of the building. Moving towards the west and beyond the 4½ storey section of building, the proposed development would rise to between 6 and 7 storeys, equating to a height of between 17.8 and 21.4 metres in height, with a staggered roof line which would include a feature, mono-pitched roof rising to a maximum height of 22.2 metres. The 7 storey section of the development would be located centrally within the overall build, but would be set back from the main front (north) elevation of the 6 storey section of building by a distance of 9 metres.

The proposed aparthotel would be finished in a range of materials including natural granite panels, smooth render (white & grey), metallic silver and charcoal grey cladding, dark grey aluminium windows and screens, glass cladding and panelling.

An amended layout provides 8 car parking spaces (including 3 disabled spaces) and 4 motor cycling spaces, and has included 3 taxi drop off spaces to the front of the building. Cycle parking facilities, along with showers, changing rooms and lockers for staff use are included in the proposed layout.

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=141430

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

The following documents were submitted by MRT Architects (agent for the applicant) in support of the proposal:

- Design Statement
- Transport Statement
- Travel Plan Framework
- Drainage Assessment

REASON FOR REFERRAL TO COMMITTEE

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

CONSULTATIONS

Roads Development Management - No objections. Advise that conditions should be attached including in relation to the delivery of vehicle & cycle parking and changing/showering facilities; that relevant Traffic Regulation Orders are in place prior to occupation; and that a travel plan and associated travel information pack are submitted for approval. Contribution is required towards the Strategic Transport Fund.

Environmental Health – No objections. Request that conditions are attached to secure the submission and approval of a scheme which would address any land contamination on site and ensure any necessary mitigation measures are undertaken prior to occupation. Also recommend that consideration be given to any potential noise related issues which may arise as a result of plant being installed on site, and that appropriate refuse storage facilities are provided.

Developer Contributions Team - Contribution required towards core paths/ access improvements.
Communities, Housing and Infrastructure (Flooding) – No observations.
Education, Culture & Sport (Archaeology) – No objection. Request a condition is attached which would require the submission and approval by this authority of a written scheme of investigation and subsequent implementation of any programme of archaeological work in accordance with that scheme.
Community Council – No response received.

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

1. Existing overprovision of hotel accommodation in the city centre;
2. The application site lies within an area which is predominantly in residential use, and this proposal for an aparthotel would be incompatible with such a use;
3. The proposed development would result in an increased volume of traffic, exacerbate existing parking problems in the area, and provide no drop off/pick facility
4. The proposed development would see the loss of existing industrial units and their associated employment opportunities from the area, also resulting in reduced business diversity;
5. The nature of the proposed development and its use would result in an increase in noise levels and anti-social behaviour in the area;
6. The scale of development constitutes overdevelopment of the site;
7. The height of development will impact on existing daylighting to surrounding properties;
8. Disruption likely as a result of proposed demolition of existing industrial units, and concerns relating to likely health hazard of downtakings;
9. Impact of construction work on Union Glen area;
10. Impact on property values in the area;
11. Overlooking from proposed development on existing residential property, impacting on privacy;
12. Existing security of the shared access to the courtyard which lies along the western boundary of the site would be compromised;
13. An area of land identified within the proposal is in common ownership with residents of 49 Union Glen;
14. Lack of green space provision.

PLANNING POLICY

National Policy and Guidance
Scottish Planning Policy (SPP) – This states that new development in a town centre should contribute to providing a range of uses and should be of a scale which is appropriate to that centre. The impact of new development on the character and amenity of town centres, local centres and high streets will be a material consideration in decision-making. The aim is to recognise and prioritise the importance of town centres and encourage a mix of developments which

support their vibrancy, vitality and viability. This aim should also be taken into account in decisions concerning proposals to expand or change the use of existing development.

SPP also seeks to maximise the sustainable growth of regional and local visitor economies, and this through the delivery of the Tourism Development Framework, which encourages development planning authorities in their consideration of hotel accommodation requirements at locations where there is evidence of market demand, and in identifying locations for investment in new hotel accommodation.

Aberdeen City and Shire Strategic Development Plan
States that Aberdeen city centre is an important asset for the region but its regeneration is vital for the economic future of the area and how potential investors and residents see it.

Aberdeen Local Development Plan
Policy C1 (City Centre Development – Regional Centre) - This policy states that 'Development within the City Centre must contribute towards the delivery of the vision for the City Centre as a major regional centre as expressed in the City Centre Development Framework. As such, the City Centre is the preferred location for retail, commercial and leisure development serving a city-wide or regional market'.

Policy H2 (Mixed Use Areas) – Applications for development or change of use within Mixed Use Areas must take into account the existing uses and characater of the surrounding area and avoid undue conflict with adjacent land uses and amenity.

Policy D1 (Architecture and Placemaking) - This policy outlines an expectation that all 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 and materials will be considered in assessing this.

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

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

Policy D3 (Sustainable and Active Travel) - New development will be designed in order to minimise travel by private car, improve access to services and promote access to services and promote healthy lifestyles by encouraging active travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved. Access to, and movement within and between, new and existing developments will prioritise transport modes in the following order – walking, cycling, public transport, car and other motorised vehicles.

Policy NE6 (Flooding & Drainage) – Where more than 100m² floorspace is proposed, the developer will be required to submit a Drainage Impact Assessment. Surface water drainage associated with development must:

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

Policy R2 (Degraded and Contaminated land) - States that all all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use.

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

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

Proposed Aberdeen Local Development Plan (2016)

The following policies substantively reiterate policies in the adopted local development plan as summarised above:

NC1 – City Centre Development (Regional Centre) (*Policy C1- City Centre Development – Regional Centre)*

H2 – Mixed Use Areas *(H2 (Mixed Use Areas)*

D1 – Quality Placemaking by Design *(D1 – Architecture and Placemaking)*

NE6 – Flooding, Drainage and Water Quality *(NE6 – Flooding and Drainage)*

T2 - Managing the Transport Impact of Development (*T2 - Managing the Transport Impact of Development)*

T3 - Sustainable and Active Travel *(D3 - Sustainable and Active Travel)*

I1 – Infrastructure Delivery and Planning Obligations (*Policy I1 (Infrastructure Delivery and Developer Contributions)*

R2 - Degraded and Contaminated Land *(R2 - Degraded and Contaminated Land)*

R3 – New Waste Management Facilities *(Policy R6 - Waste Management Requirements for New Development)*

R7 – Low and Zero Carbon Buildings, and Water Efficiency *(R7 – Low and Zero Carbon Buildings)*

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

Principle of Proposed Development
The application site is located within an area zoned in the Aberdeen Local Development Plan as mixed use (Policy H2). Whilst the proposal would see a change of use for the site and the loss of the 3 business units currently in operation as a motor repair garage, electrical engineers and commercial embroidery firm, it is nevertheless considered that, given the surrounding area is predominantly in residential use, with flatted properties lying to the north, east and west of the site, the introduction of an hotel use to the site (Class 7) would be more in-keeping with the existing residential character. The proposal is seeking to deliver hotel accommodation with studio style facilities aimed predominantly at business travellers, and where a level of amenity compatible with that of residential development would likely be expected by the hotel operator and the hotel guests themselves. It is considered that the proposed use would be somewhat less incongruous within the area than the existing business/industrial operation, and as such would not be in conflict with Policy H2.

Economic Impact
SPP outlines the Scottish Government's main aim to promote sustainable economic growth and states that planning authorities should take a positive, flexible approach to development to ensure that new economic opportunities can be realised.

Both SPP and the Aberdeen City and Shire Strategic Development Plan seek to deliver a mix of development within city centre locations which will encourage and support their vibrancy, vitality and viability. This intention is supported through Policy C1 of the Aberdeen Local Development Plan which sees the city centre as the preferred location for retail, commercial and leisure development which will serve a city-wide or regional market.

SPP also identifies the Tourism Development Framework for Scotland, which seeks to support planning systems in delivering a visitor economy, as a material consideration in the determination of development proposals. This framework encourages planning authorities to consider hotel accommodation requirements at locations where there is evidence of market demand, and to identify locations for investment in new hotel accommodation. Whilst specific locations for such development are not identified in the Local Development Plan, it is nevertheless considered that the proposed erection of an aparthotel development at this location would be in accordance with the aforementioned policies in terms of it delivering an appropriate mix of development uses, and addressing a recognised market demand for hotel accommodation in the city centre.

Although the proposal would see a change in business use for the site, the aparthotel development would nevertheless support new job opportunities in the area, both directly in the form of employment for around 18 members of staff, but also indirectly by providing a facility which supports business growth and subsequent inward investment. The development would increase footfall and pedestrian activity within the surrounding area, with hotel guests likely to support existing local amenities, including restaurants and retail outlets, thereby having a positive contribution towards the vitality within the west end of Union Street.

Design, Scale and Impact of Development
The proposed scale and design of the aparthotel building is considered appropriate for this location. Policy D1 of the Aberdeen Local Development Plan outlines the importance of securing high standards of design for new development and of ensuring that the context of the site and its setting is suitably addressed within that design.

It is considered that the varying roof levels, the use of a mix of materials including granite panelling, smooth render, glass and aluminium framing, and the introduction of staggered elevations, would introduce an appropriate level of design quality to the building, whilst also ensuring that it respects the scale and massing of existing development within the surrounding area.

The surrounding properties include both traditional granite tenements and modern flatted block development, therefore the introduction of a contemporary style development such as this would serve as a suitable contrast. Whilst the proposed development would rise to 7 storeys at its highest point, this element of the building which would accommodate the lift core and incorporate a feature roof, would be delivered centrally within the site, with the main accommodation elements of the development dropping to 4, 5 and 6 storeys towards the outer elevations. These varying levels would take account of the range in building heights which surround the application site, with the 6 storey level remaining 2 metres below the ridge level of the neighbouring properties to the west on Holburn Street, and the outer section of the building along the part of the northern and the full length of the eastern elevations where it drops down to 4 storeys lying at 2.2 metres below the ridge level of the flatted properties to the east and north of the site.

Although the massing of development across the site would be significantly increased as a result of the proposed development, full consideration has been given to the design and layout of the proposed building in order to address any potential adverse impact on neighbouring properties. This has resulted in a staggered building line along the northern boundary which sees a 17 metres length of frontage lining up with the frontage of the neighbouring flatted block which lies to the east, thereby introducing no overshadowing to existing windows, and ensuring a 21 metre separation distance between the windows along this section of the hotel building and the flatted properties which lie across Union Glen and to the north of the site. The remaining northern elevation of the hotel building, which rises to 6 storeys, fronts directly across Union Glen onto an

existing car park, with its north-easternmost corner lying at an angle of some 80 degrees and at approximately 11 metres from the gable end and south-westernmost corner of the 4 storey flatted property opposite. Whilst accepting that this layout would see the continuation of window openings along this northern elevation, which is more prominent due to the staggered frontage, it is worth noting that these window openings would be set at an angle from any window on the existing flatted properties, and would therefore introduce no direct window to window overlooking between the properties along this section of frontage, and as such it is considered that any impact on residential amenity would be minimal.

The main western gable of the neighbouring 4 storey flatted property, which extends along the common boundary with the application site, is blank. Beyond this section of gable, the western elevation of the property then steps in by 2.7 metres and extends a further 12.5 metres south towards the rear boundary of the site. There are 4 windows arranged over the 4 storeys on the rear (south) elevation of this rear extension and a further 4 windows over the 4 storeys on the western elevation facing towards the application site. The scale and position of these windows would indicate that they serve bedrooms and bathrooms, and this is further supported by the presence of opaque glass in those windows located on the western elevation. Taking this into account, it is considered that whilst there may be some additional impact on existing daylighting to the windows facing south as a result of the proposed development, any impact would be within an acceptable level, given that a separation distance of between 6.8 and 10.4 metres would remain between the proposed development and the eastern elevation of the flatted property. It is also worth noting that as a result of the proposed development, the existing industrial unit which currently lies along the common boundary with the flatted property to the east, and projects some 11 metres forward of its front building line, would be demolished. The layout of the proposed hotel is such that the existing outlook and frontage to the flatted property as well as that of the flatted properties lying north of the site would be significantly improved, given that the existing industrial unit would be removed and this area of the site would remain open, and laid out for parking and access to the hotel building.

Along the full length of the southern elevation the proposed development would look onto the Willowbank Retail Centre and associated car parking, which is accesssed off Holburn Street/Willowbank Road, thereby having no adverse impact on neighbouring amenity.

Finally, the western elevation of the proposed development extends along a staggered site boundary, with the 6 storey section of development lying at a distance of between 1.2 and 9.6 metres from the blank gable ends of the rear off-shoot extensions to the tenement buildings on Holburn Street, which are at a height of between 3 and 6 storeys. Whilst it is accepted that the proposal would have some impact on daylighting to the windows on the remaining rear elevations of these off-shoots, the proposed development would nevertheless lie to the east of the tenement buildings, therefore any additional impact on existing daylighting as a result of the proposal would be minimal. There are relatively few window

openings proposed along the western elevation, and these would serve the stairwell and an amenity room on each of the floors. In order to address any overlooking or impact on privacy to the rear of the tenement properties and on existing windows a condition has been applied which would ensure the installation of opaque glazing on of the west facing windows of the new development.

Although it is acknowledged that the proposal would have an increased visual impact on surrounding properties, it is nevertheless considered that the design and layout of development has suitably addressed such impact, through the introduction of staggered building lines, varied buildings heights and an appropriate selection of finish materials, with the result that the proposed development would not be detrimental to the existing residential amenity of the area. On this basis it is felt that the proposal would be in accordance with Policy D1 (Architecture and Placemaking), and also suitably compliant with Policy H2 (Mixed Areas) in terms of avoiding undue conflict with existing land uses and amenity within the surrounding area.

Conditions have been applied which seek the submission and approval of specific detail on the delivery of a low and zero-carbon generating development and on waste storage and collection arrangements, albeit that discussions to date between the agent and the Waste Management team on suitable arrangements for the site have raised no concerns. This will ensure the proposal is in accordance with Policy R7 (Low and Zero Carbon Buildings) and Policy R6 (Waste Management Requirements for New Developments).

Given the industrial history of the site, a condition has been applied which seeks any contaminated land is identified and such contamination is suitably addressed prior to the occupation of the site, thereby complying with Policy R2 (Degraded and Contaminated Land).

Access and Traffic Impacts
The development includes a minimal level of parking, as befits its city centre location, proposing 8 car parking spaces, 3 of which would be designated for disabled users, and 4 motor cycle bays. Secure parking would be allocated for 10 cycles, with 8 spaces being occupied by cycles provided by the hotel for guest use, and the remaining 2 spaces allocated for staff. Given the nature of development which is being sought within this city centre location, where there is a good level of connectivity, with public transport services on Holburn Street, Albyn Place and Union Street lying at less than 400 metres, and the bus and train stations at less than a mile from the site, the Roads Development Management team have considered that the parking provision for the site is of an appropriate level.

A taxi drop off/pick up point which would accommodate up to 3 vehicles has been included in an amended layout, following comments from the Roads team. This layby arrangement would be located immediately to the front of the building, thereby minimising any likely disruption to traffic movement along Union Glen as a result of the hotel resident's arrival and departure from the site. The Roads

Development Management team have advised that on the basis of its central location, and with public car parks available within the local vicinity and controlled parking along Union Glen, it is unlikely that the proposed development would raise any traffic issues. A condition has been applied which requires that a Traffic Regulation Order is in place which addresses the change in road layout to accommodate the taxi layby prior to occupation.

The Transport Assessment submitted in support of the application includes a travel plan framework and a condition has been applied to ensure the submission of a travel plan, which would promote the use of a range of sustainable travel, again, prior to occupation of the site.

In terms of Policy I1(Infrastructure Delivery and Developer Contributions) a legal agreement would secure contributions to be used for core paths/environmental & access improvements and payment of the Strategic Transport Fund.

Taking the above into account, it is considered that the proposal is suitably compliant with Policy T2 (Managing the Transport Impact of Development) and D3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

Drainage and Flooding
The Roads Development Management team and the Flooding team raised no objection to the proposed drainage scheme, based on the detail of the drainage impact assessment and associated drawings submitted, which included a drainage layout plan. The proposal is considered to be suitably in accordance with the requirements of Policy NE6 (Flooding and Drainage).

Other Matters Raised in Representations

- Disruption and inconvenience during construction is inevitable and is not a material planning consideration. Any contamination issues arising as a result of demolition work would be addressed through a scheme of remediation, approved prior to development taking place on site.

- The likely impact on property values in the area as a result of the proposed development is not a material consideration in the determination of this application.

- Concern has been raised in relation to the potential increase in noise levels and anti-social behaviour in the area which would arise as a result of the proposed development, however it is not apparent that the operation of an aparthotel which would mainly attract business and tourist travellers, would have a direct link to anti-social behaviour nor is it felt likely that such a use would generate significantly more noise than the existing garage repair and electrical engineering businesses currently operating from the site.

- Concerns raised relating to land in common ownership and the retention of secure access to such land is not a relevant planning consideration.

- Although minimal landscaping would be delivered on site, this would be deemed acceptable within this city centre location.

Proposed Aberdeen Local Development Plan
The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application the relevant policies are reiterated in the proposed plan without any substantive changes.

RECOMMENDATION
Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to secure contribution towards works to the core paths/environmental & access improvements in the area and Strategic Transport Fund.

REASONS FOR RECOMMENDATION
Planning legislation requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The site is zoned under Policy H2 (Mixed Use) in the Aberdeen Local Development Plan, and although the surrounding area is predominantly residential in nature, it is felt that the introduction of an hotel use on a site which currently operates as 3 business/industrial units would be appropriate in this instance, given its city centre location. It is considered that the proposed development would not adversely impact on existing residential amenity. The aparthotel would not provide bar/restaurant facilities, and would focus on studio style accommodation, with all 71 suites incorporating open plan kitchenette/living areas, therefore any potential for noise and general disturbance from potential visitors to the hotel is significantly reduced.

The proposal is deemed suitably compliant with relevant national and local plan policy, including Scottish Planning Policy and Aberdeen City and Shire Strategic Development Plan, which seek to support a mix of development within city centre locations which will encourage and support their vibrancy, vitality and viability. The proposal is also considered to be in accordance with a range of local plan policy, including, but not limited to Policy C1 (City Centre Development -

Regional Centre), Policy D1 (Architecture and Placemaking) and Policies T2 (Managing the Transport Impact of Development) and D3 (Sustainable and Active Travel).

Whilst acknowledging that the proposal would see a higher level of density of development on site than is currently the case, it is nevertheless appropriate to take into account the character and scale of surrounding buildings, and also to consider the context of the city centre location which has full access to a range of sustainable transport options and local amenities, and within walking distance of the site.

Taking all of the above into account, it is considered that the proposal should be supported as it largely conforms to all relevant national and local plan policies.

CONDITIONS

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

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

(2) that no development shall take place unless a scheme, including submission of material 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.

(3) that the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Plan No 107549/2001, as set out in the Drainage Assessment dated 17/12/2014 and submitted in support of this application by Fairhurst, or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

(4) that all proposed stairwell and amenity room windows on the west elevation of the proposed development hereby approved shall not be

fitted otherwise than with with obscure glass to a minimal level 2 obscuration unless the planning authority has given prior written approval for a variation - in the interests of protecting the privacy of neighbourng residential properties.

(5) that the development hereby granted planning permission shall not be occupied unless a scheme detailing cycle storage provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel

(6) that the development hereby granted planning permission shall not be occupied unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority - in order to preserve the amenity of the neighbourhood and in the interests of public health.

(7) that no development shall take place, other than the works of demolition/site clearance, unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site, and such scheme has been approved in writing by the planning authority.

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

No building(s) on the development site shall be occupied unless
1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and
2. a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out,
unless the planning authority has given written consent for a variation.

The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the

planning that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation.

In order to ensure that the site is fit for human occupation

(8) that the development hereby approved shall not be occupied unless the parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. L(00)10 Rev B of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars or motorcycles ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(9) that the staff changing rooms as shown on the approved plan Ref L (00)10 Rev B, or such other plan as may subsequently be approved in writing by the planning authority for the purpose, shall have been provided in accordance with the details hereby approved prior to first occupation of the building and retained thereafter at all times for such use - to ensure suitable facilities to support and promote sustainable modes of travel

(10) that no development shall take place unless there has been submitted to and approved in writing a detailed Green Travel Plan and Travel Information Pack, which should be site specific and outline measures to deter the use of the private car and promote all kinds of sustainable travel and provide 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.

(11) that the Traffic Regulation Order (TRO) required to deliver the proposed taxi drop off/pick up area, as per drawing number L(00)10 Revision B, is in place prior to occupation of the development hereby approved, or any other such timescale agreed by the planning authority, and the total cost of all works including the promotion of the TRO are met by the applicant - in the interests of public safety and the free flow of traffic.

INFORMATIVES

1. it is recommended that no construction or demolition work shall take place: (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays; (b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or (c) at any time on Sundays, except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt,

this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.

2. it is recommended that the applicant contact Aberdeen City Waste Aware section to ascertain further information regarding refuse storage/removal. Waste Team - Tel 08456 080919
E-mail - wasteaware@aberdeencity.gov.uk

3. it is recommended that consideration be given to any potential noise related issues to surrounding residents due to plant installed on site.

4. a Traffic Regulation Order (TRO) will be required for the proposed taxi drop off/pick up area as per drawing number L(00)10 Revision B. It should be noted that the applicant has responsibility for applying for the TRO.

Dr Margaret Bochel
Head of Planning and Sustainable Development.

141430

PI

From: webmaster@aberdeencity.gov.uk
Sent: 31 October 2014 11:16
To: PI
Subject: Planning Comment for

Comment for Planning Application
Name : Jon F Van Heerden
Address : Flat A
81 Hardgate
Aberdeen
AB11 6XA

Telephone : [redacted]
Email : [redacted]
type :
Comment : I am writing to object to the above planning proposal.The city centre already has a lot of accommodation such as the recently built Park Hotel, Ibis Hotel and Jury’s Inn as well as long established hotels. Furthermore there are numerous serviced apartments in close proximity such as Skene House on Holburn Street, apartments on Springbank Terrace and at the Holburn Street/Polmuir Road roundabout. Our area is primarily a residential area which has in the last 20 years had every inch of available land built on. Although billed as for business use, it is more than likely to be used by leisure visitors in their various forms.

The area is primarily residential and subject to evening, night time and early hour’s disturbance from revellers traversing the streets. The area is very popular with the student leasing market and they tend to go out drinking through the week as bars have low cost alcohol specials on. When the clubs close and the students head back they wake up everyone in our building. With the recent press in the newspapers about anti-social behaviour from offshore workers I fear the problems will only get worse with the building of this Apart-Hotel. The noise is accompanied with litter, urinating and even defecation. The prospect of even more mess in the area is very distressing with the arrival of even more out of town party goers seeking a low cost venue.

The scale of the development is out of context with the adjoining houses on Union Glen and will completely overpower them, especially those to the north side of Union Glen. Using Holburn Street, which is on a higher level, a pointer for height is a ruse served only to increase the size of the development.

Parking and traffic is already problematic and with only 8 parking spaces, this is going to be further exacerbated. While it is fine to aspire to green ideals, the reality is that more traffic will be generated and further congestion will result. Speed has long been a problem on Hardgate and the speed bumps are not effective as most cars’ undercarriage enables them to easily glide over them due to their small size. Wood Group has a big office next to the Park Hotel, which has seen traffic on our road more than treble and it now resembles a dual carriageway as apposed to a residential street. This will be further exacerbated by the building of another office block on the Old Bells Bar site. Even though council policy is for green transport, most oil companies’ employees commute with their own vehicles.

The site consists of three industrial units each home to a thriving business, although they were wrongly described in the local press as being “disused”.

The development would mean the destruction of the working premises of an electrical engineering firm involved in the oil and gas industry, an embroidery firm providing promotional items locally and nationally and a motor repair and MOT licensed garage.

The three affected companies currently provide employment for some 30+ skilled and unskilled individuals. They are well-established having traded from this site for 32 years, 20 years and 14 years. Their closure would inevitably

result in redundancies and in particular the demise and loss of a family managed small local garage, a facility which is now in such short supply. I have been using John Park motors for the last 10 years to fix my cars. Every time I have gone anywhere else I have only been disappointed.

The redevelopment will destroy this environment and lose the diversity, currently being encouraged and promoted by Aberdeen City Council, which small local businesses provide in the city centre.

The proposed erection of an apart-hotel on the site is not diverse as there are now so many of these establishments existing and proposed in this area, despite the fact that the hospitality sector report that the demand for such has peaked in Aberdeen. Furthermore various new hotels have been built in Kingswells, Westhill and next to the airport so eventually demand for city centre accomadation will die down.

I trust the local authority will take responsibility for allowing this site to continue to provide employment and services, rather than allow the developer to demolish these facilities and have the site possibly lie vacant, unused, deteriorating and creating a hazard, as some brown field sites have unfortunately done in the past, when they could have been serving a useful purpose.

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P&SD Letters of Representation
Application Number:
RECEIVED - 1 NOV 2014
Nor | Sou ✓ | MAp
Case Officer Initials: JAF
Date Acknowledged: 3/11/14

ALEX HUTCHEON + COMPANY
solicitors & estate agents

Our Ref: AH
Your Ref:
Direct Dial: 01224 623423
Date: 14 October, 2014

(via e-mail only: pi@aberdeencity.gov.uk)
Development Management
Planning and Sustainable Development
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Sirs

Representations to Planning Application
Application Number: 141430
Development: Units 1-3, Union Glen, Aberdeen, AB11 6ER
Applicant: DANMOR Developments Ltd
Description: Demolition of existing Industrial Units and erection of an Apart-hotel comprising 71 room suites with associated parking and landscaping

We act for the owner and occupier of Flat B, 46 Union Glen, Aberdeen, AB11 6ER, a flatted property situated immediately opposite the proposed development. The owner wishes to object to the above planning application on the following basis:-.

Disturbance

The proposed development by its nature as a hotel will result in an increased level of both pedestrian and vehicular traffic immediately surrounding the development and extend the timing of surrounding traffic to a 24/7 basis. By itself this will lead to an increased noise disturbance to surrounding residential flatted properties and create a new noise disturbance in the evenings, night and early morning.

The build environment in the immediate vicinity is dense in general. Flatted properties form the bulk of properties on Union Glen and density and height is particularly severe adjacent to Holburn Street where buildings are seven storeys in height.

the mortgage + property centre
W www.mortgageandproperty.co.uk
248 Union Street, Aberdeen AB10 1TN, Scotland | 75 High Street, Banchory AB31 5TJ, Scotland
t (01224) 623423 f (01224) 623422 | t (01330) 826440 f (01330) 826444
LP - 5 dx AB101 | LP - 5 dx AB101
A list of Partners and Associates can be found on our website
Alex Hutcheon + Company who are authorised and regulated by the Financial Conduct Authority
also trade as The Mortgage + Property Centre and The Remortgage Company
Your home may be repossessed if you do not keep up repayments on your mortgage
members of aspc

The immediately surrounding streets are narrow roads and are linked to the North West side of Holburn Street via an under street tunnel. The tunnel is utilised by pedestrian and vehicular traffic to gain access to Holburn Street via Union Glen, Cuparstone Row and Ashvale Place.

The high sided buildings adjacent to the tunnel combined with the dense modern tenements packed close to the narrow roads combine to form an area of high acoustic noise which is amplified and echoed in a manner consistent with a standard tunnel.

The nature and density of the proposed development will substantially and materially increase noise, harming the amenity of the immediately surrounding neighbourhood.

Overlooking / Over shadowing / loss of Privacy

The buildings immediately adjacent to Holburn Street are of a kind and type appropriate for a historic building providing access to streets on multiple sides at multiple levels.

The development is not immediately adjacent to Holburn Street nor is it proposed that direct access is taken from Holburn Street.

The majority of the development will be seven stories high. It is not appropriate in a high density residential setting where existing flatted properties are four stories in height for a predominantly seven story development.

Although the development falls within an H2 mixed use zone the predominant use in the immediately surrounding vicinity and surrounding streets is residential flatted developments. Existing residential density is high & predominantly at a height of four flats within each block.

The proposed development will overlook and over shadow surrounding residential property with the resultant loss of light and privacy for the neighbourhood.

High Density / Overdevelopment of the site

Most guests will inevitably arrive and depart the hotel by car or taxi (it is not realistic that travellers will arrive without luggage and therefore be more disposed to arrive by bus, cycle or on foot). Even if the hotel lays on transportation most guests will arrive by mini bus. The development makes no provision for a drop off / arrival/departure area for taxis, minibuses and private hire vehicles which would allow vehicles to enter and leave the development without entering into a reverse gear. Vehicles leaving the development in a reverse gear is a danger to pedestrian and vehicles using Union Glen.

No outside area is reserved as green space or commercial garden ground

The proposed development is over developed and too dense for the area.

Highway safety / convenience of road users

The road and foot tunnel under Holburn Street form a de facto mixed use vehicular, cycle and pedestrian access under Holburn Street.

Increased vehicular traffic to the hotel will increase the risk of Road Traffic accidents between vehicles, cycles and pedestrians

Traffic approaching the tunnel from either direction faces an unsighted exit. In accordance with the highway code most drivers sound their vehicles horn on approach to the entrance to the tunnel (from both sides). The sound of a vehicles horn is amplified by the natural acoustic effect of the tunnel. Generally speaking as the surrounding properties are residential traffic rarely passes at night. The development is clearly a 24/7 development with traffic arriving and departing 24 hours a day. The development will lead to a repetitive nightly noise disturbance in a predominantly residential area.

Parking / Access

Insufficient car parking spaces have been proposed for the development (5 spaces for 71 rooms). Although the property is physically close to Holburn Street, due to the multi level nature of surrounding streets the walking distance from Holburn Street to the development is considerable. The surrounding streets are also at significant gradients. The development by virtue of its location will discourage pedestrian, cycle and public transport use. The proposed number of car parking spaces is wholly insufficient and the resultant displacement of parked vehicles to surrounding streets will materially prejudice the amenity of the surrounding residential area as well as form an increased hazard to road users.

Parking in the immediately surrounding streets is already at a premium. Residents, visitors, local business (including three takeaway pizza outlets) regularly compete for on street parking spaces. Parking is particularly acute for residents who wish to park near their dwellinghouses.

Due to the unstructured nature of parking access to the development and surrounding property can be difficult to impossible especially for larger vehicles.

Due to the tunnel, to all intents and purposes for any vehicle larger than a car that part of Union Glen where the development is located is a dead end. Access for emergency vehicles is thus constrained.

Yours Faithfully

Alex Hutcheon & Co

PI

From: webmaster@aberdeencity.gov.uk
Sent: 30 September 2014 12:46
To: PI
Subject: Planning Comment for 141430

Comment for Planning Application 141430
Name : Andrew Clark
Address : 12A Glendale Mews
Union Glen
Aberdeen
AB11 6fN

Telephone : [redacted]
Email : [redacted]
type :
Comment : I believe this plan should not go through for the following reasons:

It is already exceptional busy there with large difficulty to park and if this goes ahead it will only make this worse.
The area is also quiet residential and I believe having these sorts of apartments will contribute much more to the noise level in the area.
As mentioned previously the road layout is not great and it will be difficult to handle the volume of traffic 71 suites plus staff will have in the area.
From the current design I have seen I also believe it appears to be too high and will block out natural light to other properties.

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A R G

Planning And Building Design

Jane Forbes
Planning Officer
Aberdeen City Council

12 October 2014

Dear Madam

Planning Application Ref. 141430
Proposed Development at 1-3 Union Glen Aberdeen AB11 6ER

Mrs Elizabeth Bainbridge who owns and occupies the ground floor flat within the tenement at 85 Holburn Street Aberdeen received a notice from the council on 3rd October in respect of the proposed erection of a 71 room Apart-Hotel at the the above site.

Her flat is the only ground floor flat within this tenement which is accessed from Holburn Street and is on the second floor of the tenement if viewed from Union Glen .

The total height of this tenement if viewed from Union Glen is six storeys with the addition of a large drying loft over.

It is one of, if not the tallest tenement building Aberdeen .

On behalf of Mrs Bainbridge I would request confirmation that the proposed development will not be physically connected to the existing tenement building referred to in Paragraphs 2,3and 4 of this letter . In the event of this application being approved I would request that all new building work be a minimum of 2 metres from this tenement .This to minimize the risk of structural damage to the east wall of the tenement during construction of the propose development.

In addition to the above on behalf of Mrs Bainbridge I would register the following objection to this proposed development .

Objection 1.
It is proposed that the new building will extend to the south of the existing tenement and as a result of its proposed height will have a detrimental effect with regard to morning and afternoon light enjoyed by Mrs Bainbridge in both her south facing bedrooms. I would request that if approved this development be restricted in height to four storeys.

Alexander R Gallacher 3 Pitstruan Terrace Aberdeen AB10 6QW
Tel. 01224 586932 E/mail sandygallacher@sky.com

A R G

Planning And Building Design

Objection 2,

It is proposed that windows be incorporated in the west and south walls of the proposed stairs in the new building . The windows in the west wall will afford persons using these stairs a view into the previously mentioned bedrooms. I would suggest that these windows are not required as the south facing stair windows would be more than adequate for the purpose of providing daylight to the stairs. If it is considered that these windows are required for design purposes perhaps consideration could be given to making it a condition of approval that obscure glass be installed in this instance.

Point of Information

I would like to point out that there is a culverted burn under Union Glen

Yours faithfully

Alexander R. Gallacher

Alexander R Gallacher 3 Pitstruan Terrace Aberdeen AB10 6QW
Tel. 01224 586932 E/mail sandygallacher@sky.com

PI

From: webmaster@aberdeencity.gov.uk
Sent: 19 October 2014 22:35
To: PI
Subject: Planning Comment for 141430

Comment for Planning Application 141430
Name : Matt Dixon
Address : 49b Union Glen
Aberdeen
AB11 6ER

Telephone :
Email : [redacted]
type :
Comment : Dear Sir,

Regarding Planning application 141430 for a 71 bedroom apartment/hotel complex at Union Glen.

I strongly object to the development proposal for the following reasons:

1. Loss of privacy. I live at flat b, 49 Union Glen. My bedroom would be immediately overlooked by residents of the development and the private yard would be removed.

2. Loss of security. At present the courtyard is protected by a security gate, paid for and maintained solely by the residents of 49 union Glen. Access is gained through use of personal access fobs .This is an important feature of the flats, maintaining security and privacy and based on the plans would be removed.

3. Loss of light into the buildings close to this very large development including to my flat.

4. Inadequate road access for such a large development. At this particular point in Union Glen the road is quite narrow and very congested. Access from the west is very restricted due to a narrow and low bridge arch.

5. Lack of suitable parking. Whilst it is argued that the majority of residents would be using public transport there will still be there very much increased demand for parking in the area. Parking in the area is extremely difficult at present. The proposal to allow three cars to park in the courtyard of 49 Union Glen is both inadequate and probably impractical. Residents of 49 Union Glen have received advice that access to the courtyard appears to be subject to their consent and this is likely to be denied in the case of the apartments/hotel users or staff.
The idea that further parking may be available at the Willowbank retail park is also inappropriate. As far as I know this parking area is available to users of the retail outlets which surround it and is fully used for this purpose. Have the owners and operators of these retail outlets been informed of the development and its effect on their businesses?

6. Unacceptable disruption during the construction phase for a new development. The construction of such a large new building would require heavy machinery to be employed over a significant length of time. The roads in the area are inadequate for accepting such large equipment and, even if it can be put in place, the disruption to residents and users of the businesses in the area would be very significant. How will guaranteed access be provided to the residents of 49 Union Glen during the construction period without disruption?

As stated above, I fully object to the development.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 19 October 2014 13:58
To: PI
Subject: Planning Comment for 141430

Comment for Planning Application 141430
Name : Bruce Noble
Address : 4 West Glendale Mews, Union Glen, Aberdeen, AB11 6FR

Telephone :
Email : [redacted]
type :
Comment : I object to the planned development for the following reasons.

1. The 8 parking places proposed is ridiculous for 71 rooms. According to the ground floor plan there is not even access to the 3 parking spaces to the rear of the development via the area available in the plot. The assumption that guests will arrive by plane or train is naïve and there will inevitably be a shortage of parking. Where would guests be directed to park in this situation?

2. Where would employees of the hotel park?

3. Union Glen is already very congested in the evening / overnight once residents are home and park their cars. People park within the current industrial units overnight and the on street parking in front of the industrial units. With this parking availability removed there will be even more congestion which will be a safety issue.

4. How does the developer propose to demolish existing Abstitch premises without disruption to West Glendale Mews car park?

5. How does the developer propose to carry out building without massive disruption Union Glen area?

6. Are the existing industrial units built with materials that could be a health hazard to Union Glen residents during any demolition work i.e. asbestos etc?

7. The proposed development will block natural light to West Glendale Mews.

8. The hotel will likely be used at the weekend by people staying for nights out in Aberdeen. This will increase the amount of noise and drunken behaviour in what is currently a quiet area.

9. The hotel is likely to have an adverse effect on property values in the area.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 20 October 2014 01:05
To: PI
Subject: Planning Comment for 141430

Comment for Planning Application 141430
Name : Alison Keith
Address : 49A Union Glen
Aberdeen
AB11 6ER

Telephone : [redacted]
Email : [redacted]
type :
Comment : Proposed erection of a 71 room suite Aparthotel with parking at union Glen Aberdeen by Danmor Developments.

I write in connection to the above planning proposal. I know this area well and have studied the plans for this development. I wish to object strongly to the building of this development in this location.

I list my reasons for my objection below:

Loss of security for residents of 49 Union Glen - We currently have a security access gate for residents which is maintained solely by residents of 49 Union Glen. Three parking spaces within this proposed development are located within the boundaries of this gate. The land required to access these spaces is jointly owned by the residents of 49 union Glen. The use of these spaces by hotel residents will remove the secure nature of the courtyard. This promise of security is the reason many residents of 49unionnglen purchased their properties.

Inadequate road system - the road system cannot handle current traffic levels. The roads are unsuitable for the increase in traffic which is inevitable with a proposal such as this.

Access to privately owned land in question - As an owner and resident of 49A Union Glen this proposal will effect the access route to my own privately owned parking space. This is not acceptable.

Right to light - the light available to my home, and indeed the whole building of 49 Union Glen, is already extremely limited. The building of this seven storey Aparthotel would be in the direct path of our only light thus sending our home into complete darkness. This would reduce our quality of life, our enjoyment of our own home, effect our health and reduce the value of our property.

Parking in local area - local residents currently have insufficient parking for the volume of permanent residents. A 71 bedroom Aparthotel would worsen this problem. Local residents life quality would be effected greatly.

Disruption during building - a building of this magnitude requires heavy goods vehicles which the road system is not capable of supporting. See point above regarding unsuitable road system. This would also create an unacceptable level of disruption to the local residents.

The boundaries on the outline plans include land which requires access through land partly owned by residents of 49union glen. This land is not solely owned by the developers but is included within the proposed development.

I would like to invite an inspection of the residential area 49Union Glen. Following assessment of the area and the potentially unacceptable levels of disruption, reduced levels of security and light restriction to the homes here you will agree this proposal is not acceptable for this area.

PI

From: Martin Duncan [redacted]
Sent: 20 October 2014 01:08
To: PI
Subject: Planning application 141430

Proposed erection of a 71 room Aparthotel with parking at union Glen Aberdeen by Danmor developments.

I write in connection to the above planning proposal. I know this area well and have studied the plans for this development. I wish to strongly object to the building of this development in this location.

I list my reasons for my objection below:

Loss of security for residents of 49 Union Glen - We currently have a security access gate for residents which is maintained solely by residents of 49 Union Glen. Three parking spaces within the proposed development are located within the boundaries of this gate. The land required to access these spaces is jointly owned by the residents of 49 union Glen. The use of these spaces by hotel residents will remove the secure nature of the courtyard. This promise of security is the reason many residents of 49 union glen purchased their properties.

Inadequate road system - The road system cannot handle current traffic levels. The roads are unsuitable for the increase in traffic which is inevitable with a proposal such as this.

Access to privately owned land in question - As an owner and resident of 49A Union Glen this proposal will effect the access route to my own privately owned parking space. This is not acceptable.

Right to light - The light available to my home, and indeed the whole building of 49 Union Glen, is already extremely limited. The building of this seven storey Aparthotel would be in the direct path of our only light thus sending our home into complete darkness. This would reduce our quality of life, our enjoyment of our own home, effect our health and reduce the value of our property.

Parking in local area - Local residents currently have insufficient parking for the volume of permanent residents. A 71 bedroom Aparthotel would worsen this problem. Local residents life quality would be effected greatly.

Disruption during building - A building of this magnitude requires heavy goods vehicles which the road system is not capable of supporting. See point above regarding unsuitable road system. This would also create an unacceptable level of disruption to the local residents.

The boundaries on the outline plans include land which requires access through land partly owned by residents of 49 union glen. This land is not solely owned by the developers but is included within the proposed development.

I would like to invite an inspection of 49 union glen. Following assessment of the area and the potentially unacceptable levels of disruption, reduced levels of security and light restriction to the homes here you will agree this proposal is not acceptable for this area.

Regards

Martin Duncan

Sent from Surface

PI

From: webmaster@aberdeencity.gov.uk
Sent: 23 October 2014 11:59
To: PI
Subject: Planning Comment for 141430

Comment for Planning Application 141430
Name : Miss Elspeth Yarrow
Address : 7 West Glendale Mews
Union Glen
Aberdeen

Telephone :
Email : [redacted]
type :
Comment : I have no objection in principle to the development of a hotel in this location.
In the 'Site Context' on page 2 of the design statement, you can see a picture of apartment block called 'West Glendale Mews' - I own and live in flat 7 in this block. You can see in the photo of West Glendale Mews that we have a private car park in front of our building - these are undesignated spaces as there are less spaces than flats in our block. We already have slight problems with members of the public and students at Aberdeen Drilling School using the spaces in our car park. It is foreseeable that, given the low number of spaces planned as part of the aparthotel complex, that guests are likely to use our parking spaces and those of adjacent apartment blocks and cause local residents unreasonable cost and frustration. On-street parking in this area is expensive and time-restricted and it would be unfair to create a problem for us.

If the developers are considering such a low number of car parking spaces within their plans, I believe they should offer to bear the cost of installing barriers at the entrance to our private parking area to protect it from unauthorised use by residents/guests of the hotel.

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141430

PI

From: webmaster@aberdeencity.gov.uk
Sent: 31 October 2014 11:05
To: PI
Subject: Planning Comment for

Comment for Planning Application
Name : Adriana MacKenzie
Address : Flat B, 81Hardgate
Aberdeen
AB11 6XA

Telephone : [redacted]
Email : [redacted]
type :
Comment : I Object to the planning application of Unit 1 - 3 Union Glen. I live on the corner of Hardgate and Union Glen. This area is close to the City Centre with a number of young families with children in Ferryhill Primary staying on Hardgate and Union Glen. The only way for taxis transporting people from the airport or train station to this Apart Hotel will be past my front door. As the proposal is for 71 rooms catering for short stays it will create a continuous flow of taxis up and down Hardgate, apart from the noise this is very dangerous for young primary school pupils in the area.

Further this Apart Hotel will cater for offshore workers who will frequent the numerous pubs and clubs on Union Street and then have to use Hardgate to get back after closing time which will contribute to late night noise, litter and anti-social behaviour outside properties of families who have children that have to be up early for school.

The proposal is also only allowing for 8 parking bays therefore staff and occupants with hire cars will park in the already limited parking spaces for residents.

At present there are three small businesses on the property. These businesses have been in the Units for between 12 and 30 years and in the 20+ years I have lived in Hardgate never caused any noise, litter or traffic problems. These businesses are well established and therefore will not change or expand.

Other the area is well provided for Hotel accommodation with the existing Hotels and the Hotels under construction.

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Planning Development Management Committee

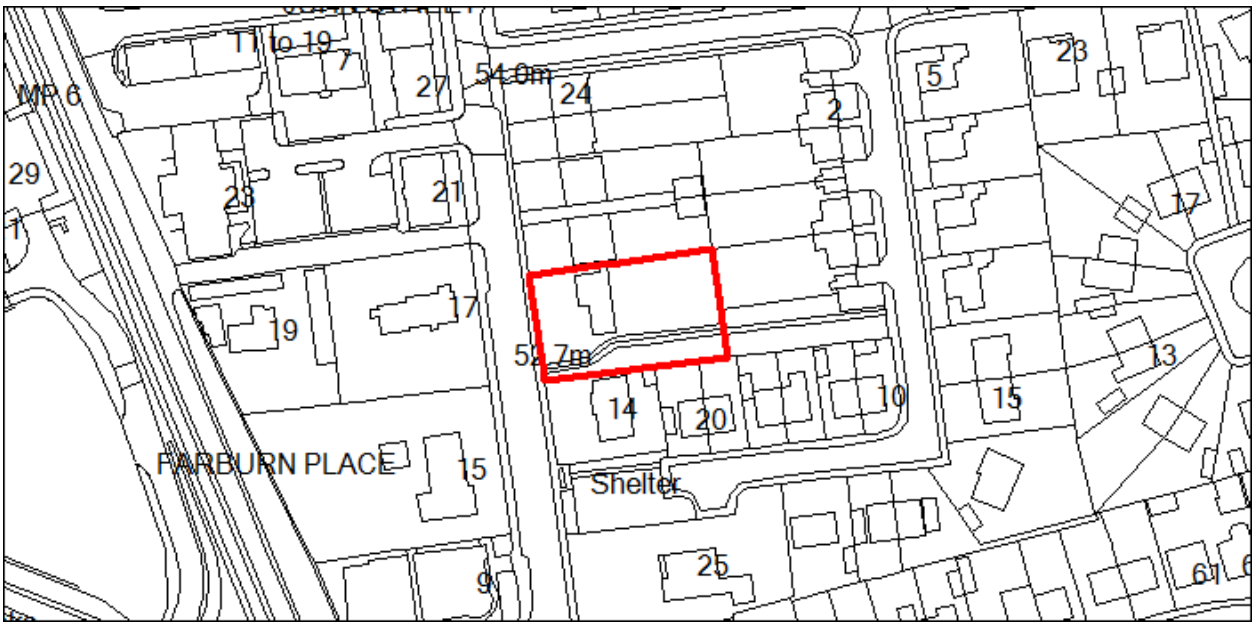
16 VICTORIA STREET, DYCE

EXTENSION TO BUILDING (2 STOREY TO SIDE AND REAR)TO FORM BED AND BREAKFAST ACCOMMODATION.

For: Melvin Developments Ltd

Application Type : Detailed Planning Permission
Application Ref. : P141147
Application Date: 01/08/2014
Officer: Lucy Greene
Ward : Dyce/Bucksburn/Danestone(B Crockett/G Lawrence/N MacGregor/G Samarai)

Advert :
Advertised on:
Committee Date: 19th March 2015
Community Council : No comments



RECOMMENDATION: Approve conditionally

DESCRIPTION

The application relates to a three bedroom detached house with garage. The dwelling is over two stories, 'L' shaped in plan, with a hipped roof and fronting onto the east side of Victoria Street in Dyce, just north of the junction with Farburn Terrace. The site area is 0.11 hectares.

Victoria Street largely contains properties in residential use, as well as a bank and a small Tesco store within 100m. Further north along Victoria Street is a guesthouse and also a hotel, with other guesthouses within the wider area.

Immediately to the north and south are single storey houses, whilst slightly further up the street are two storey and one and a half storey houses and flats.

RELEVANT HISTORY

In 2008 planning permission (ref: 072187) was approved for a house extension to form a bed and breakfast. This was a single storey 'wrap around' extension containing 7 no. bedrooms. This consent was not implemented and has expired.

PROPOSAL

The proposal is for a two storey extension to the existing house, and change of use to a guesthouse.

The extension would be to the south side and rear (east) of the existing house. On the front elevation the proposed addition would extend forward similar to the existing wing, with a similar hip roofed but slightly greater width than the existing northern wing.

Bedrooms and a communal kitchen, lounge, dining room would be created within the extension. A new entrance would be provided to the rear, with only a single internal point of access between the existing house and the extension. The applicant has stated that the existing house would be used as manager's accommodation.

The current footprint is approximately 82.5m2, whilst the proposed extension would be 187m2; the building as proposal would thus be 269.5m2 in total.

Supporting Documents

All drawings and the supporting documents listed relating to this application can be viewed on the Council's website at

http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=141147

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because there are seven representations. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – No objection.
Environmental Health – Responded confirming no observations.
Enterprise, Planning & Infrastructure (Flooding) – Request attachment of condition relating to SUDS.
Community Council – No comments received.

REPRESENTATIONS

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

- Overlooking of private family gardens by windows with impact on privacy;
- That the proposals would result in over development of the site;
- That the proposals would result in overshadowing;
- Exacerbation of traffic congestion – that traffic queues back from the traffic lights, past the access to the application site. One of the proposed access points is close to an existing bus stop and this would further exacerbate congestion;
- Proposals would cause noise and disturbance due to additional vehicles and occupants of the bed and breakfast;
- Potential for odours from commercial bins;
- Proposals would exacerbate poor drainage that exists in the area;
- Queries relating to a public footpath shown on historic plans of the area, the land in question is a strip along the southern boundary and is shown as part of the application site. On site, the land is part of the garden of the application premises (within the site edge red);
- That the right of way was closed on the basis that no building work would take place on the land acquired;
- Access to the bin store;
- That the existing house is leased out to an oil company to provide accommodation for its staff (queries whether comments from Roads Officers were made on this basis);
- Mature trees have been felled on the basis that they were dead; and
- Issues relating to neighbours boundary walls.

PLANNING POLICY

Aberdeen Local Development Plan
Policy H1 – Residential Areas
States that within existing residential areas, proposals for non-residential uses will be refused unless:

- They are considered complementary to residential use; or
- It can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

Policy D1 – Architecture and Placemaking
New development must be designed with due consideration for its context.

Supplementary Guidance
Householder Development Guide

This includes guidance on proposals involving formation of Houses in Multiple Occupation (HMO). It is noted that this is not an application for HMO, however, as there are certain similarities between the uses in this instance, it is considered helpful to consider whether these matters are relevant.

HMOs will be assessed with regard to matters including, but not limited to, the following:

1. Any adverse impact upon pedestrian or road traffic safety as a result of increased pressure on car parking;
2. Significantly adverse impact upon residential amenity for any reason. This may include, but not be limited to, adequate provision of refuse storage space, appropriate provision of garden ground/amenity space, and an appropriate level of car parking; and
3. An excessive concentration of HMOs in a given locality, cumulatively resulting in a material change in the character of that area. This will be assessed in consultation with the Council's HMO Unit within the Housing & Environment service, who hold relevant information on the location of existing licensed HMO properties.

(Where it is not practicable for dedicated car parking to be provided alongside the development, a proposal must not exacerbate existing parking problems.)

EVALUATION

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

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

Principle of Use
The application premises are located on a busy road, where there are houses and flats, a small number of shops and other public facilities and, along the length of the street, several other guesthouses / bed and breakfasts / small hotels. The principle of the use in this location is considered acceptable and appropriate within this area. Taking into account the character of the area, the additional comings and goings associated with a guesthouse, as opposed to a house, would be unlikely to have a significant impact on residential amenity in terms of disturbance. Consideration is given, below, to the details of this particular proposal.

As a result of negotiations, the number of B&B bedrooms has been reduced by one (ten to nine) and changes to the front elevation and locations of windows have taken place, in order to help to address issues of design and impact on neighbours.

Residential Amenity
The application proposal is for a large extension to a detached house within a large plot, with the existing unit/ managers accommodation having three bedrooms). The houses in this area generally overlook rear garden areas, as is usually the case in residential areas. Over half of the existing rear garden would remain landscaped and there is the potential to plant trees to further soften the appearance of hardstanding to the front. The outlook of existing houses would not be unduly adversely impacted.

The proposed extension is no closer to the house to the north than existing, and following proposed demolition of the garage, there would be a driveway adjacent to the boundary. It is considered that there would little impact on sun and daylighting to the north.

The house to the south, due to the orientation would not suffer loss of sunlight as a result of the erection of such an extension.

In terms of privacy there are two main areas for consideration: the potential impact on privacy within rear gardens of properties on Glenhome Terrace to the south, mainly from the window at the southern end of the rear elevation; and the potential impact on the neighbour to the south from windows in the gable. The larger window in the south elevation has been relocated further westwards so that it would be opposite the gable of the neighbour's house. A further window was omitted in favour of a rooflight. There is a gap of approximately 1m, between the extension and the mutual boundary. The rear elevation of the extension is approximately in line with the boundary of the garden to number 20 Glenhome Terrace, a semi-detached property, and this garden is overlooked to an extent by its adjoined neighbour. As a result of the development there would be an oblique view of the eastern side of this garden, from the first floor bedroom window,

however this area of the garden is already overlooked. It is acknowledged that there the proposed use is not 'residential', and this, to some extent, changes the nature of overlooking. However, it is considered that the proposed use is pseudo-residential and the relationship would not be dissimilar to a commonly occurring relationship between houses such that the impact is not sufficient to warrant refusal of the application.

Design and Massing
The proposed extension would be finished in materials to match the existing house. The design of the front elevation was amended so that the proposed frontage is more balanced. The height of the extension matches that of the existing house.

The extension would result in a building of a significantly larger massing, however, it sits within a large plot, such that site coverage is slightly less than 25%. A 'rule of thumb' used for householder development is that site coverage should be carefully considered if it more than one third, thus the plot ratio is considered acceptable.

Car parking and TransportationThe Roads Development Management Team are satisfied with the level of parking proposed and the access arrangement. It is further considered that there would be an insignificant impact on the flow of traffic on this stretch of Victoria Street.

Other Matters Raised In Objections
A number of matters have been dealt with in the sections above.

Potential for odour from commercial bins – the level of waste generated by a guesthouse of this size is considered unlikely to cause particularly large or unpleasant waste. A condition would be attached to any approval granted, relating to approval of details of the refuse storage arrangements.

In terms of drainage, a condition would be attached to any permission granted, requiring sustainable urban drainage.

The applicant has submitted the required certificate with the application, confirming site ownership. Otherwise the history of ownership of the walls and area of ground on the south side of the application site, is not a material planning consideration.

There is no Tree Preservation Order on the site, or other tree protection measures, as such historic tree felling would not be a material planning consideration.

The fact that the property may be owned/ leased by an oil company is not a material planning consideration.

RECOMMENDATION: Approve conditionally

REASONS FOR RECOMMENDATION:
The application proposal is for a guesthouse and this use would be appropriate in principle within an area zoned under Policy H1 (Residential Area). The proposal would have an acceptable impact on occupiers of neighbouring properties in terms of privacy, sun and daylighting and is acceptable in terms ofpolicy in the Local Development Plan 2012.. Car parking provision is adequate and impact on the local road network is considered to be insignificant. The design of the proposal is in keeping with the existing building and although massing would be large, it is appropriate on this particular site.

(1) that occupation of the hereby approved development shall not take place unless there has been submitted to and approved in writing for the purpose by the planning authority a detailed scheme of landscaping for the site, which scheme shall include proposed areas of tree/shrub planting in particular along the street frontage including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

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

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

(4) that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with the approved plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(5) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning

Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

Dr Margaret Bochel
Head of Planning and Sustainable Development.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 19 August 2014 15:43
To: PI
Subject: Planning Comment for 141147

Comment for Planning Application 141147
Name : Martin Gillespie
Address : 4 Summer Place
Dyce

Telephone : [redacted]
Email : [redacted]
type :
Comment : Is this a domestic property or a guest house. It appears that it will be used for commercial purposes with 10 bedrooms and I do not see this in the application.

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Application No: 141147
Date of Notice: 03 September 2014

Name: Scott Cumming & Michelle Cumming
Address: 20 Glenhome Terrace
Dyce, Aberdeen
AB21 7EB
Tel no:
email: [redacted]

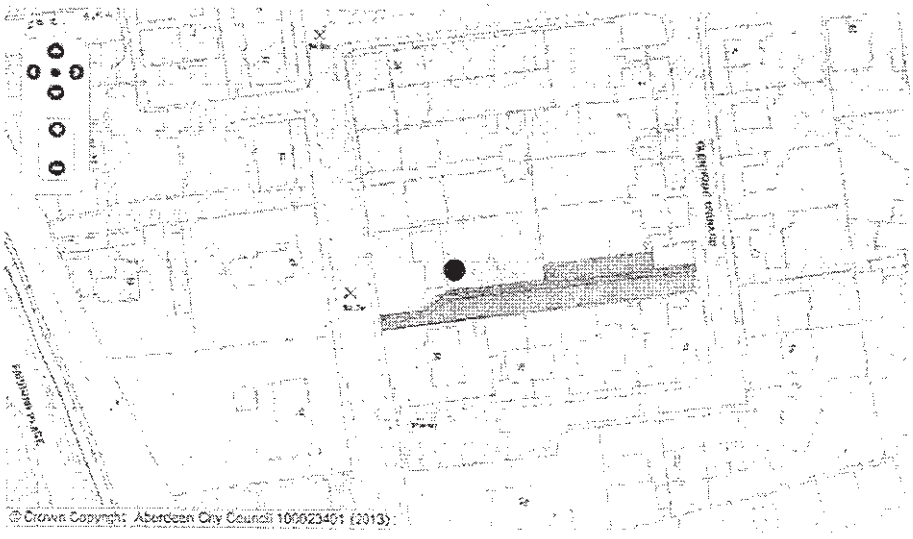
My wife and I strongly object to the proposed development of 16 Victoria Street Dyce to form a Bed and Breakfast

- We have lived at 20 Glenhome Terrace for 11 years and have spent several years renovating our property. We are most concerned that our efforts to create a secluded and child friendly garden for our young family is now in jeopardy as we are now going to be overlooked by bedrooms from the proposed Bed and Breakfast. The thought of a commercial building being erected in what is the back garden of a quiet residential area causes us great concern, unlike our neighbouring properties we won't know the people living at the Bed and Breakfast, we won't know their history, we feel very unsettled and unsafe that our garden, living space and bedrooms will be overlooked by complete strangers - invasion of privacy.

- We also feel the plans are an overdevelopment, the conversion would dominate the site as a result ourselves and surrounding Properties will be overshadowed by the huge scale of the proposed Bed and Breafkfast.

- Victoria Street is very busy especially at peak times. There is a Bus Stop directly opposite 16 Victoria Street, Tesco Express and traffic lights within close proximity of the property. Traffic is often queued back past the entrance to 16 Victoria Street and with another proposed entrance to the property with 9 parking spaces for guests, will lead to more traffic and generate more highway safety issues in an already congested street.

- On the location map on the Neighbour Notification Letter there is a public footpath from north side of 14 victoria street which leads past 20,18,16,14,12 &10 Glenhome Terrace, this Public footpath is now part of 16 victoria streets land, It has been since I moved into my property, but question why this has come about. Was the footpath council owned?? why was the footpath claimed by no 16?? was it sold to them?? should the footpath and land have been shared equally between neighbouring properties?? Questions that obviousy need to be answered
see map below footpath and land in question highlighted in pink



- The development of this site would create extra noise/disturbance due to cars parking/additonal occupants, odours from commercial bins. There is also an issue with poor drainage in the area and a development of this size would lead to further problems.

PI

From: Lucy Greene
Sent: 22 September 2014 08:29
To: PI
Subject: FW: P141147

Hi
Please could this be lodged as objection to 141147
Thanks
Lucy

From: DAVID STEELE [redacted]
Sent: 19 September 2014 12:53
To: Lucy Greene
Cc: Graeme Lawrence
Subject: P141147

Morning,

I note the contents of the road engineers report re the above application. The conclusion appears to be based on an understanding that this is a family house with 10 additional bedrooms being added to form a Bed & Breakfast business. That is not the case at present. The "family home" is currently leased out to an oil company to provide accomodation for its staff. If allowed this proposal will result in a 13 bedroomed bed & breakfast business.
How on earth will the bin storage be accessed with a row of cars parked across it?

Over time I have been increasingly concerned at how the site at no 16 has been "developed"
The public right of way was closed on the basis that no building work would be undertaken on the land acquired as a result.
Mature trees on the site were felled on the basis that -they were dead- they were not
- the owner wanted a low-maintenance garden-yet he replanted much smaller ornamental trees.
The issue re the harling of a my/late mother-in-laws retaining wall to make it "appear" as if part of the property.
The previous plans circulated locally to develop the site did not agree with the plans submitted to the Council those years ago.
The sale of no 16 with no obvious indications of a sale.
This latest application submitted initially with no change of use applied for.
The impression that this will be a family home with 10 additional bedrooms.

Why the subterfuge unless all along the intention was to enlarge & clear the foot-print of the site to make the application appear possible.

David Steele
18 Victoria Street
Dyce
Aberdeen

PI

From: Lucy Greene
Sent: 22 August 2014 12:57
To: PI
Subject: FW: Planning ref - 141147 16 Victoria Street Dyce
Attachments: Number 16 Victoria Street - ref 141147.doc

Hi
Please could this be input as an objection
Lucy

From: [redacted]
Sent: 22 August 2014 12:55
To: Lucy Greene
Subject: Planning ref - 141147 16 Victoria Street Dyce

Dear Lucy,

Please forgive me for contacting you this way but I was a little unsure what to do and my neighbour gave me your contact details.

My name is Mr Michael Kennedy and I live at 20 Victoria Street, Dyce Aberdeen AB21 7DY.

Upon receiving a Neighbour Notification Notice (141174) I have responded with my reasons why I do not wish this proposed development to go ahead.
I have attached a word document for your attention / review.

Please contact me if the attached is suitable or not to be placed in the objection section for the Proposed Development or if I need to forward / submit any thing else.

Thank you,
Best Regards
Mike Kennedy

Michael Kennedy
20 Victoria Street
Dyce
Aberdeen
AB21 7DY

22 August 2014

[redacted]

Your Ref: 141147 Proposed development at:
16 Victoria Street
Dyce
Aberdeen
AB21 7DY

Dear Aberdeen Planning Department,

I am writing to you with reference to the proposed development, ref 141147 at 16 Victoria Street, Dyce Aberdeen, AB21 7DY and whilst Objecting is a strong word, I would like to point out below, my reasons that I think this proposed development should not go ahead.

Having lived and raised my family in Dyce, we have for many years enjoyed the peaceful, yet convenient life style that Dyce has to offer and also for giving us a safe environment allowing us to achieve this and whilst my home is primarily a home it is also an investment for my children's future and I fear a commercial property of this size, in this residential location will have a long term impact on the future value of my property.

1. Number 20 and 18 Victoria Street share the same land drainage system through the gardens in our properties, in turn running on to connect to the field drains at number 16 Victoria Street and as there is a considerable difference in ground height not only between the three properties but from the road side down to the rear of no 16 Victoria Street my concern here is the land drainage and dispersal of water in what was a known water catchment area in years gone by, the additional hard standing that will be created at number 16 Victoria Street will add to this potential problem.

2. As we live in a residential area of Dyce the current family 3 bed room property at number 16 Victoria Street fits in well with the surrounding properties in the area, and to move towards the proposed development and to have had to change the "Change of ownership" category in to one of a Business / Hotel, I believe this would make it more than just a guest house with the proposed new development. Not sure of my statutory right of being informed but at no time in the past, other than this current proposed development notice have I ever been informed of any change of usage for the said property. The property was even sold without any estate agents signs going up and it wasn't until the recent events have unfolded that we, the neighbours, found out that the old owners had sold it to a builder and that it was currently being used as accommodation for one of the service companies in Dyce to house some of their travelling staff. In short, this would effectively be a commercial property right in the heart of a residential area and would be better suited in a more commercialised area.

3. Access to and from no 16 Victoria Street, with the proposed development, will have the potential for heavy congestion, with having 13 bedrooms, probable staff, and deliveries along with any refuge collection vehicles all requiring access in and out, it looks like there may be not enough parking and / or space to cater for all eventualities.

This area of Victoria Street is already very heavily congested on both sides of the road and with the bus stops, and the traffic lights being only a few meters away from the proposed entrance and the new proposed exit, it will only add to the congestion and as a family man, I do not like the idea of my children's safety being put at risk when passing this area.
It is already bad enough trying to gain access into or out of my property and the additional congestion would not be good especially also as frequently the Emergency Services have to use Victoria Street to serve the public and our Airport Security.
Victoria Street, in Dyce is already a nightmare with barely a day passing without a parked car's wing mirror being knocked off, Tesco customers park all over in Victoria Street, and whilst currently, we do not have enough Yellow Line Parking restrictions to try and combat this. People just park wherever they want any way, including as far down Victoria Street as number 16 where the Proposed Development has been applied for.

4. With a Development of this size there would be noise and considerable disturbance not in keeping with the residential status for the area along with vehicles potentially arriving day and night and probable security lighting going on during the hours of darkness.

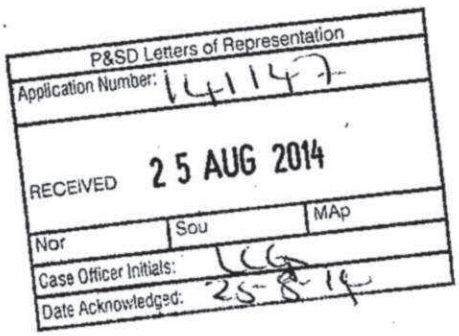
5. It would also not be pleasing to look over this very large property after its completion as it would domineer' the view from the rear of my property and block the precious Sun light along with my privacy. There are many windows at the rear of the property (number 16) that will over look my, and all my neighbours private rear gardens and as such would be an invasion of privacy.

6. There used to be a public path through from Glenhome Terrace to Victoria Street, this seems to have mysteriously disappeared and a walled rear garden area erected at the rear of number 16 Victoria Street making public access no longer available and as such many established trees were cut down.

Thank you for taking the time to look over my comments.

Regards:

Michael Kennedy



PI

From: Lucy Greene
Sent: 08 September 2014 09:35
To: PI
Subject: RE: Planning ref - 141147 16 Victoria Street Dyce

Hi
Please could you input this to APP as another objection to application 141147
Thanks
Lucy

From: [redacted]
Sent: 04 September 2014 20:41
To: Lucy Greene
Subject: Fw: Planning ref - 141147 16 Victoria Street Dyce

Hi Lucy,

I am sorry to have to contact you again, but I have just received another Neighbour Notification Notice for the proposed development at 16 Victoria Street Dyce Aberdeen AB21 7DY and although the notice says the main changes were that it was to include use as bed and breakfast, I am not sure if I have to resubmit my original objection to you again, if so this I now do as my reasons remain the same even more so now one of your engineers has approved a second vehicle access to the property even though it's only a few meters from a busy bus stop and pelican crossing along side traffic lights at a major junction in Dyce..
If two busses or more were in a queue ether picking up passengers and or waiting at the busy traffic lights they would back right up the proposed second exit to No 16 Victoria Street, the proposed new development, this would be unsafe as well as frustrating.

Thanks again for your help.

Best Regards
Mike Kennedy

----- Forwarded Message -----
From: [redacted]
To: "lgreene@aberdeencity.gov.uk" <lgreene@aberdeencity.gov.uk>
Sent: Friday, 22 August 2014, 12:54
Subject: Planning ref - 141147 16 Victoria Street Dyce

Dear Lucy,

Please forgive me for contacting you this way but I was a little unsure what to do and my neighbour gave me your contact details.

My name is Mr Michael Kennedy and I live at 20 Victoria Street, Dyce Aberdeen AB21 7DY.

Upon receiving a Neighbour Notification Notice (141174) I have responded with my reasons why I do not wish this proposed development to go ahead.
I have attached a word document for your attention / review.

1

Please contact me if the attached is suitable or not to be placed in the objection section for the Proposed Development or if I need to forward / submit any thing else.

Thank you,
Best Regards
Mike Kennedy

P&SD Letters of Representation		
Application Number: 141147		
RECEIVED 08 SEP 2014		
Nor ✓	Sou	MAp
Case Officer Initials: LG		
Date Acknowledged: 9	9	14.

PI

From: Barry Gray [redacted]
Sent: 28 August 2014 13:39
To: PI
Subject: Fwd: Objection to planning application 141147

From: "Emma Gray [Aberdeen]" [redacted]
Date: 28 August 2014 13:32:35 BST
To: "Barry Gray [redacted]
Subject: FW: Objection to planning application 141147

From: Barry Gray [redacted]
Sent: 28 August 2014 12:30
To: Emma Gray [Aberdeen]
Subject: Objection to planning application 141147

Dear Sir/Madam

We wish to formally express our objections to the above mentioned planning application for the following reasons;

Amenity:

The close proximity of the proposed extension to our dwelling house at 14 Victoria Street will:
Restrict natural light from my property
Loss of privacy with windows facing into our garden
There will be an increase in noise levels at the side and rear of our property during construction and even more so once the bed and breakfast is operational.
This is a commercial development in a residential area and a previous proposed 2 storey extension was refused planning permission in 2007.

Traffic:

Victoria Street is already a very, very busy main road which has been previously identified by the council with traffic calming measure being introduced. The proposal includes to gain a road way access to the rear of the property. We are extremely concerned at the levels of both private vehicles and commercial service, delivery wagons and taxi's passing close to our home and the ensuing disturbance re noise and fumes.
Also Victoria Street is already very congested with traffic already and this development can only make the situation worse due to increased traffic and even more on street parking as
the onsite parking shows 9 places for a 13 bedroomed guest house! This concerns us re the level of

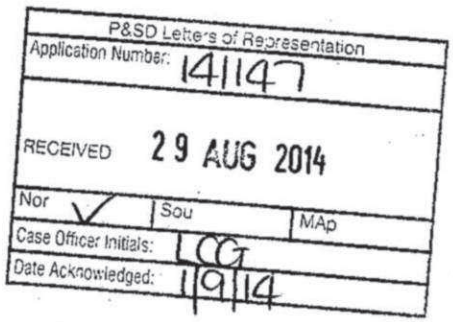
parking provision for residents, staff and commercial vehicles

Environmental:

The waste bins for this commercial development will potentially be a health hazard by attracting birds and vermin and creating unsavoury smells which appears from plans to back onto our property.

Regards

Barry & Emma Gray
14 Victoria Street
Dyce
Aberdeen
AB21 7DY



PI

From: webmaster@aberdeencity.gov.uk
Sent: 05 September 2014 11:49
To: PI
Subject: Planning Comment for 141147

Comment for Planning Application 141147
Name : Brian Donald & Vivien Donald
Address : 18 Glenhome Terrace
Dyce
Aberdeen

Telephone : [redacted]
Email : [redacted]
type :
Comment : Date of Notice 3 September 2014

We are writing to express our objections to the plans for the proposed Bed and Breakfast at 16 Victoria Street. Our objections are as listed below.

Invasion of privacy, we will be overlooked by the guest bedrooms from the Bed and Breakfast.

Loss of light if the proposed development was to go ahead.

There is no need for another Bed and Breakfast in Dyce, we already have several on Victoria Street and 5 Hotels 2 of which are within a few minutes walk from the proposed site ie The Marriott and Menzies Hotel + another 2 huge hotels which are under construction at the airport area.

Overdevelopment of site. The proposed development is double the size of the existing property, it will be out of proportion impairing residential environments.

Guest Car Park would add to an already congested Victoria Street with Traffic Lights and Bus stop at one side of the Property, a Bus Stop Adjacent and with Tesco Express at the other I can only foresee more problems with the volume of traffic within the Dyce Area.

Increased noise levels and disturbance - with additional car parking spaces at front and the rear of the property we will be subject to noisy supply deliveries and comings and goings of guests at all hours.

Odours from bins.

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YOUR REF:

141147

MR. & MRS. W. REITH

8, GLENHOME TERRACE

DYCE,

ABERDEEN

AB21 7EB

23.8.14

Dear Sir / Madam,

I wish to register my objections to the above development for the following reasons:

1. We have lived here for over 20 years, & have no wish to overlook or be overlooked by a commercial property some carpark. I feel that this would intrude on our privacy.

2. With only 9 car parking spaces, & 13 bedrooms + staff, there would

be parking problems – there already exists problems with oil-workers parking in the area. Also entry & exit on to Victoria Street from No. 16 would be extremely difficult especially during peak times

Yours Faithfully

[redacted]

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

18 Victoria Street
Dyce
Aberdeen
AB21 7DY

[redacted]

25 August 2014

Dear Ms Greene

Objection to Planning Permission Application 141147

I write to formally express my objections to the above planning application for the following reasons:

Boundaries

1. The retaining/boundary wall of my property lies entirely within the area of my title deeds. The original fence which marked the boundary line between the properties of No 18 and No 16 Victoria Street was removed by the owners and occupants of No 16. In addition they also, without permission, harled the retaining/boundary wall to my property which they had no right to do. The legal letter sent to the occupants of No 16 regarding this matter is available if required.
   I enclose photographs of my retaining/boundary wall.

2. When the Right of Way to the South of No 16 Victoria Street was closed off, the residents of Nos 2 to 20 Glenholme Terrace were asked to sign agreeing to the closure. This document contains a statement which clearly states that the owners of the two properties who took 'ownership' of the Right of Way **"will not erect or construct any building on the respective areas of the Right of Way which they own"**

   Some of the signatories still reside in these houses.

Amenity

The close proximity and dimensions of the proposed extension to the house at No 16 Victoria Street, the proposed access road to the proposed rear car park and the location within the development of kitchens and laundry as adjacent to my property will mean a loss in amenity due to:

- restricted light to my south facing windows and garden
- undoubted increase in noise levels in front of, to the south side and to the rear of my property throughout the construction phase and subsequent operation of the business
- loss of privacy particularly to my south facing windows
- potential venting from kitchen and laundry directed towards my property
- lighting for the road access and associated car park
- a door access is shown in the North gable exiting the proposed kitchen. That may be a fire escape exiting onto the proposed driveway and/or delivery point to the proposed kitchen. This doorway is opposite my ground floor bedroom window resulting in a loss of privacy if it is used as a delivery point.
- the adequacy of 9 parking spaces to cope with occupants of 13 bedrooms, staff and allowing access for vehicles to service the business.
- this is a commercial business operating within a residential area.

Congestion

Vehicles, not owned by residents, are regularly left parked on Victoria Street and adjacent roads for lengthy periods.

In the immediate vicinity of the proposed development are traffic lights, bus stops either side of the street, existing street access points,traffic calming measures, a Bank. a store & a pedestrian crossing.
I enclose some photographs taken during the morning, lunchtime and evening of the 18th August 2014 which illustrate the existing congestion problems. The day, date and time are immaterial, this is a continuous problem.

On occasion and particularly at around 5pm, both myself and my wife have found it impossible to turn right into our driveway due to the double queues of traffic heading south. In this situation, and to allow north bound traffic to flow, we have to drive into Dyce, find a turning point, turn and drive south in order to gain access to our driveway. Access is only possible if no one has parked outside No 20 our neighbours to go off shore or to the nearby shop etc. as we cannot left turn sharply enough to gain access to our drive.

Emergency vehicles trying to attend incidents get caught in this congestion.

The creation of a second access point across the pavement at No 16.
The poor sight lines for the proposed access road to the rear car park due to the up-hill section being blanked by my retaining/boundary wall means danger to both pedestrians and road traffic.
Simply labeling access points as Entry and Exit in no way means they will be used as labelled.
The additional traffic generated by the proposed development.
All the above combined with the existing congestion will inevitably lead to an unsustainable and hazardous conclusion.

Building Concerns

I realise the following points are not strictly Planning Permission issues but would want them noted and addressed at this stage. I would address them directly to the relevant agency/department if need be and directed accordingly.

I am very concerned that, should Planning Permission be granted, the foundations of my retaining/boundary wall & the wall itself suffer damage during both the construction phase and the subsequent operation of the business.

I know my site used to be very wet before my house, No 18 was built. However, due to the extensive drainage work and building up of my site by my late Father in Law, the site is dry and has remained so for almost 40 years.
My field drains connect with those at No 16. I am concerned any hard landscaping in No 16 site may affect the drainage to my property & that of my neighbours.

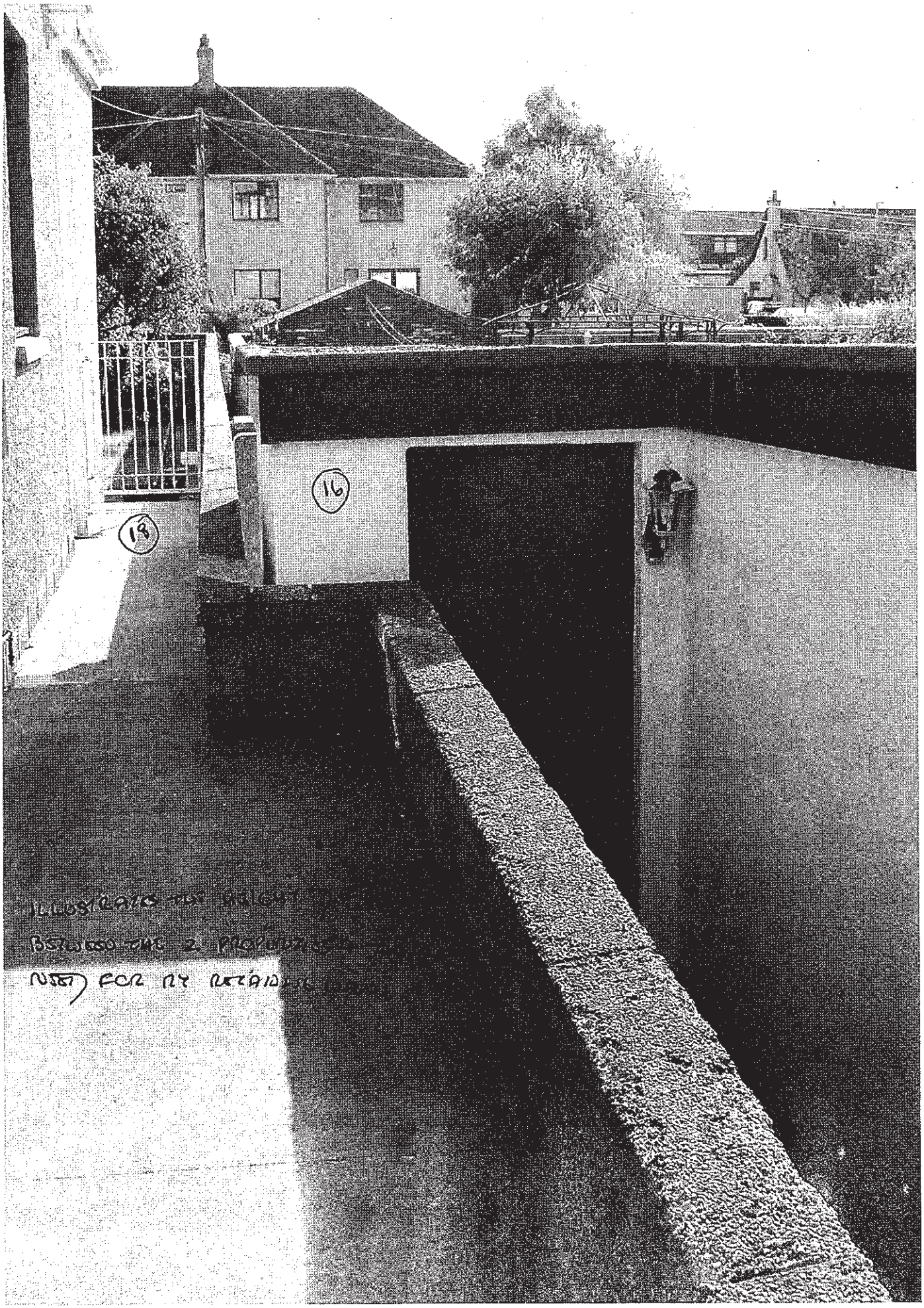
[redacted]

DAVID STEELE

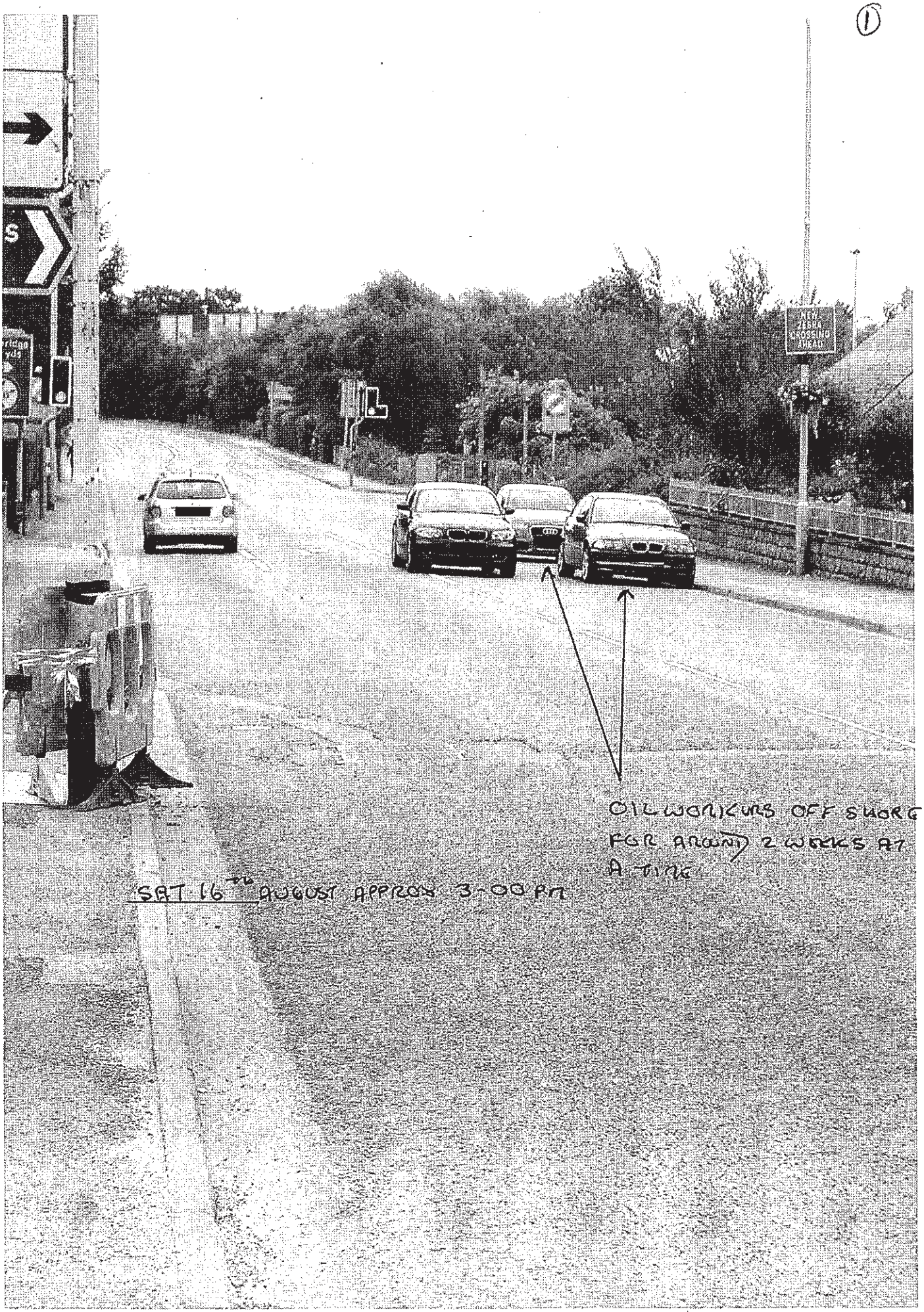


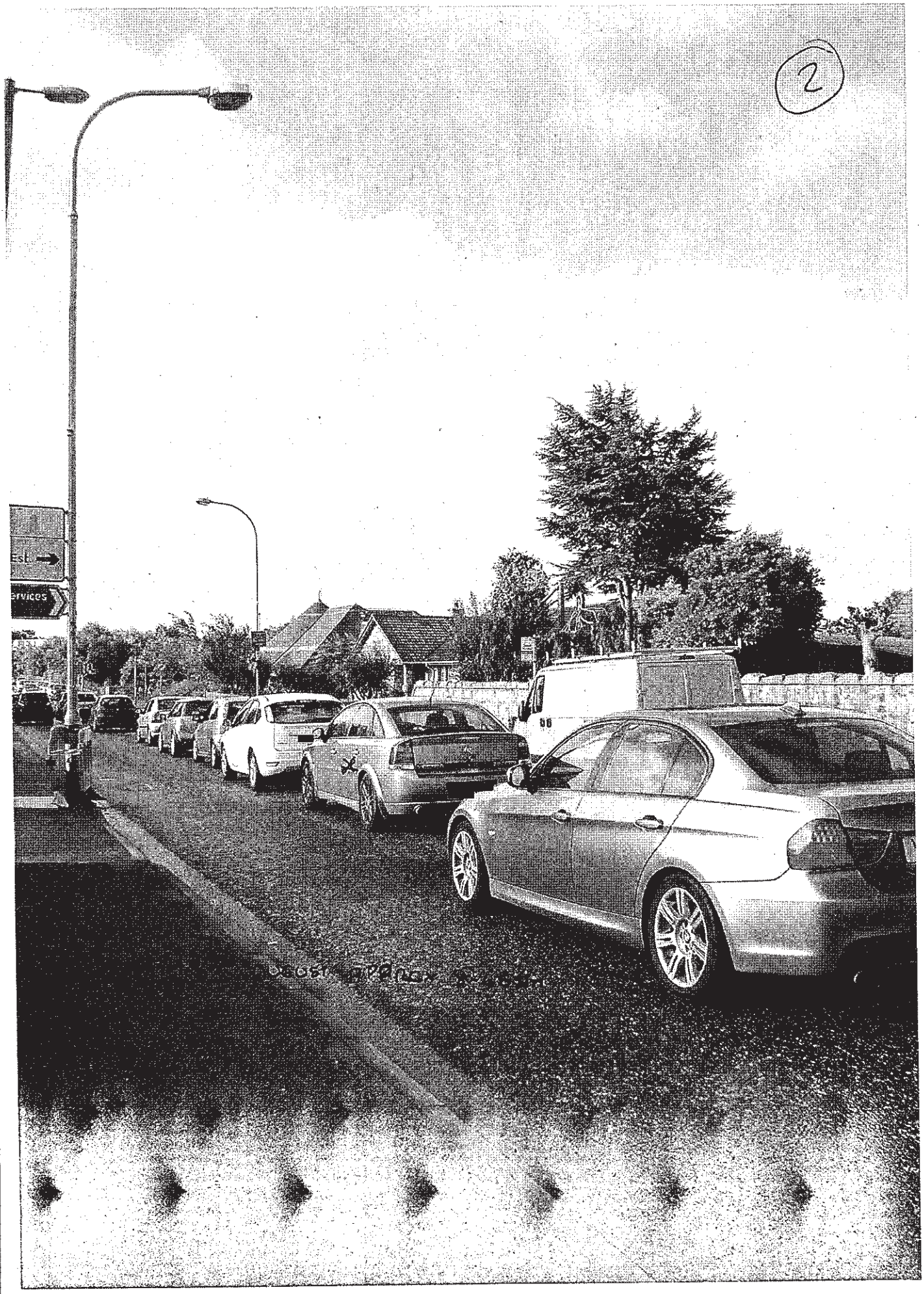
THIS OUTBUILDING APPEARS TO BE BUILT AT THE SAME TIME AS THE HOUSE, BEFORE THE HOUSE WAS BUILT. IT HAS A FLAT ROOF WITH NO BOARDING AND PADLOCKS FOR USE OF A PADLOCKED BOLT. THE DOOR HAS BEEN MOVED AT SOME POINT.

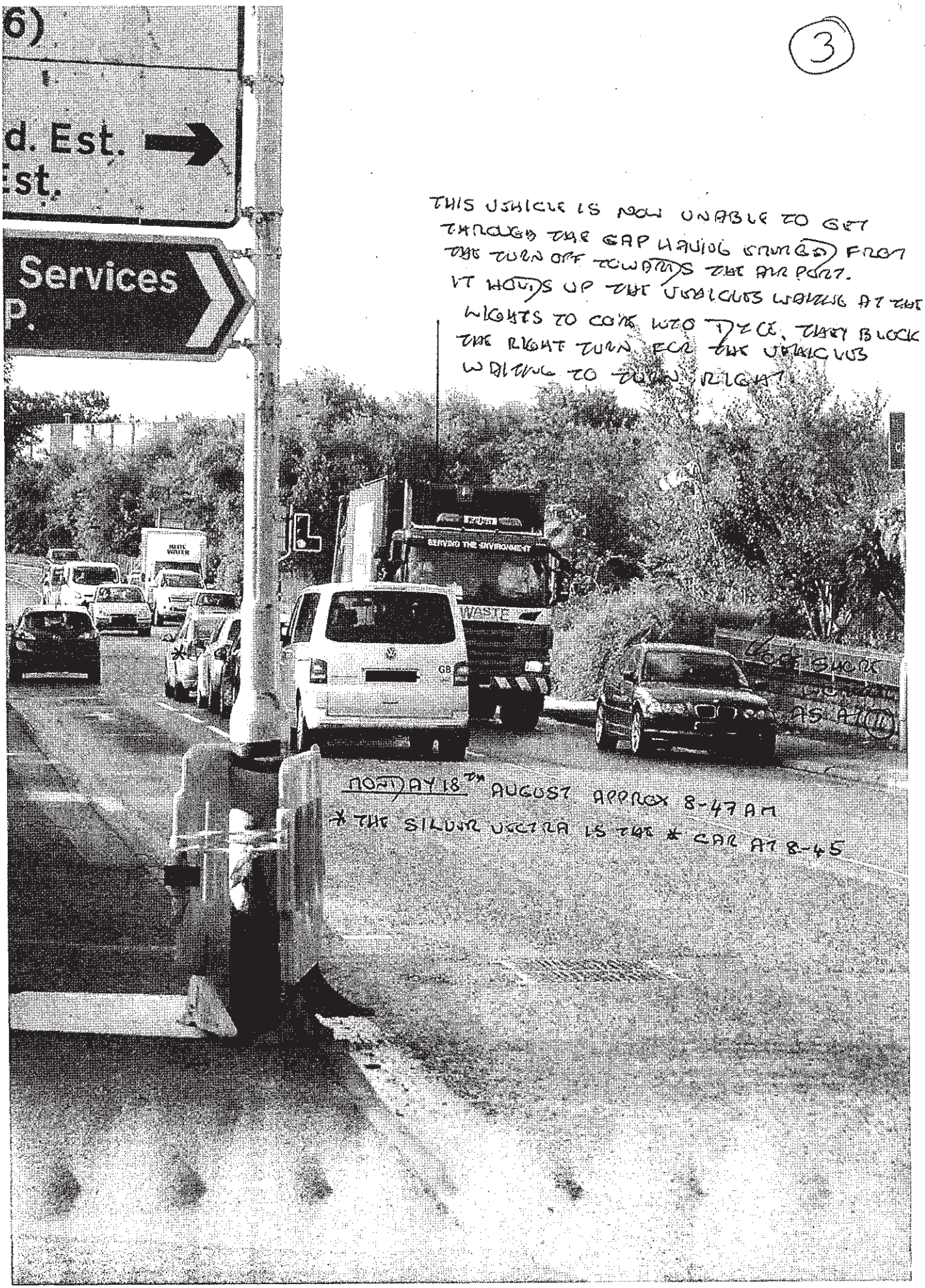
- A RESIDENT, LEICESTER STREET, STATED TO HAVE THIS LAND DESPITE IT NOT BEING HIS GOAL, HOWEVER BEFORE APPROVAL, A FORMAL LEGAL LETTER NEEDS TO BE SENT.
- ALTHOUGH IT APPEARS TO BE PART OF THE BOUNDARY OF PLOT NO 16 IT IS NOT.


16
19


THIS WALL WAS RAISED TO THIS HEIGHT 2 YEARS AGO SINCE WE WERE LOOKING AT UNFINISHED BLOCK WORK.
ILLUSTRATES THE WEIGHT DIFFERENCE W. GAUGE LOADS.
THIS WALL WAS BUILT 6/7 YEARS AGO BY MR MURRAY NO 16. IT MAY LIE ON THE ACTUAL BOUNDARY WISE,


NEW ZEBRA CROSSING AHEAD
OIL WORKERS OFF SHORE FOR ABOUT 2 WEEKS AT A TIME
SAT 16TH AUGUST APPROX 3-00 PM


(2)
Services



(3)

THIS VEHICLE IS NOW UNABLE TO GET THROUGH THE GAP HAVING STOPPED FROM THE TURN OFF TOWARDS THE AIRPORT. IT HOLDS UP THE VEHICLES WAITING AT THE LIGHTS TO COME INTO THE DECK. THEY BLOCK THE RIGHT TURN FOR THE VEHICLES WAITING TO TURN RIGHT.

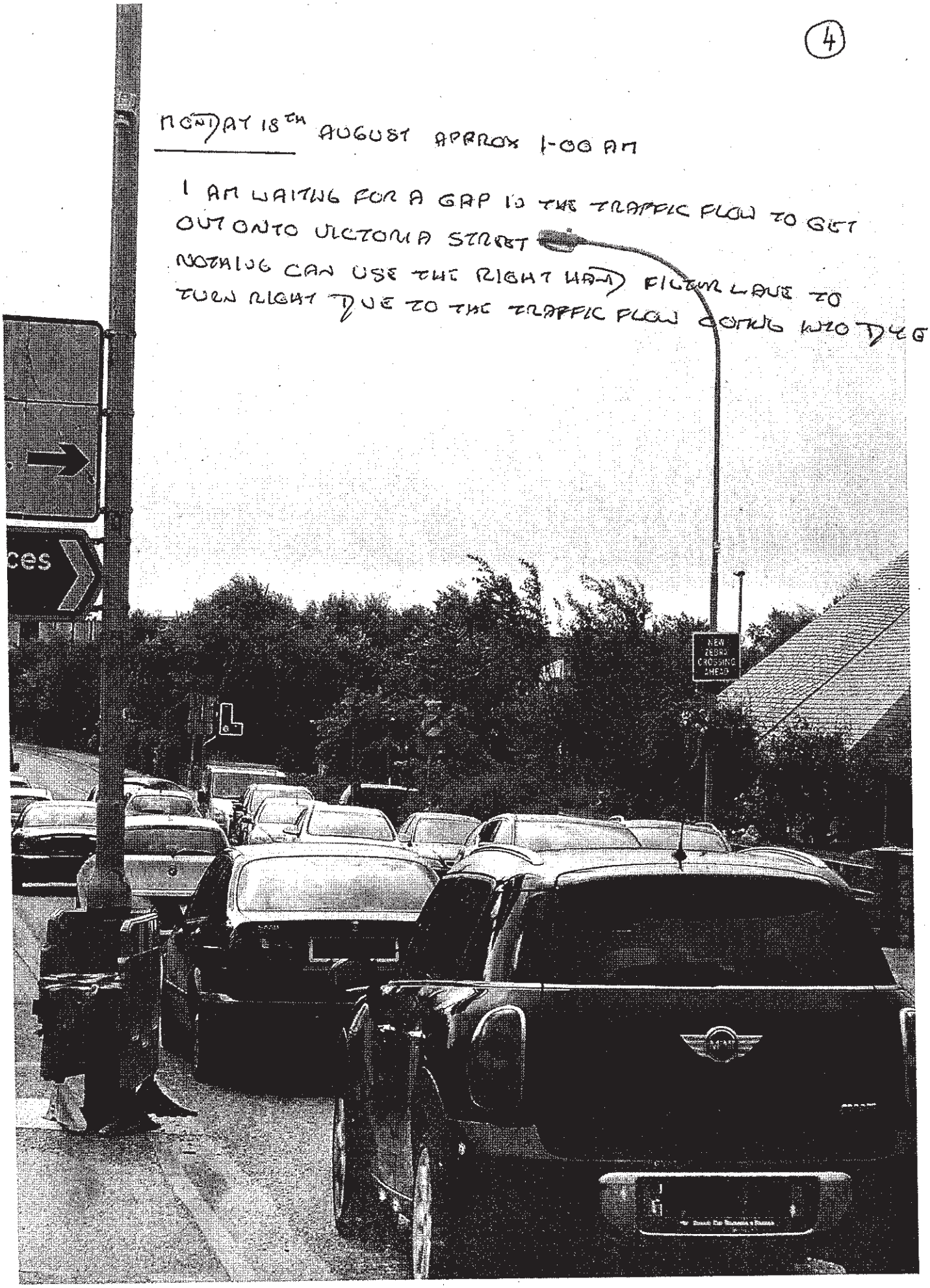
MONDAY 18TH AUGUST APPROX 8-47 AM

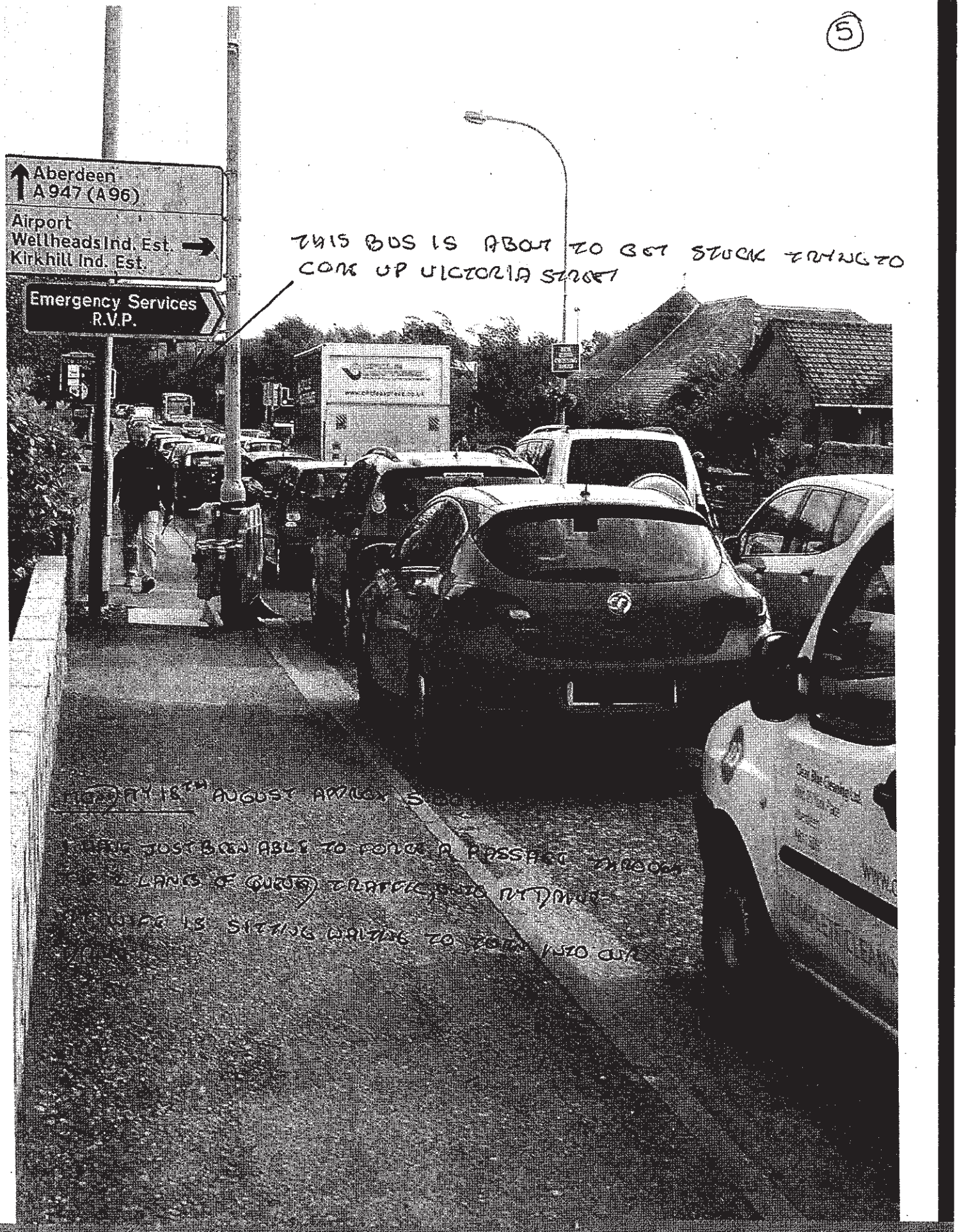
* THE SILVER VECTRA IS THE * CAR AT 8-45

MONDAY 18TH AUGUST APPROX 1-00 AM

I AM WAITING FOR A GAP IN THE TRAFFIC FLOW TO GET OUT ONTO VICTORIA STREET

NOTHING CAN USE THE RIGHT HAND FILTER LANE TO TURN RIGHT DUE TO THE TRAFFIC FLOW COMING INTO IT





THIS BUS IS ABOUT TO GET STUCK TRYING TO COME UP VICTORIA STREET

FRIDAY 18TH AUGUST APPROX 5.00

I HAVE JUST BEEN ABLE TO PONCE A PASSAGE THROUGH LANES OF QUEUING TRAFFIC, DUE TO ROAD WORKS

WIFE IS SITTING WAITING TO COME UP OUR


PENTAGON

7a


GLENHOLME AVENUE DYCE
THURSDAY 21ST AUGUST APPROX 3-30
THE VAST MAJORITY OF THESE CARS ARE NOT LOCAL RESIDENTS
THEY SEEM TO BE PARKED FOR UP TO 14 DAYS.
AUCHOLD STREET

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Planning Development Management Committee

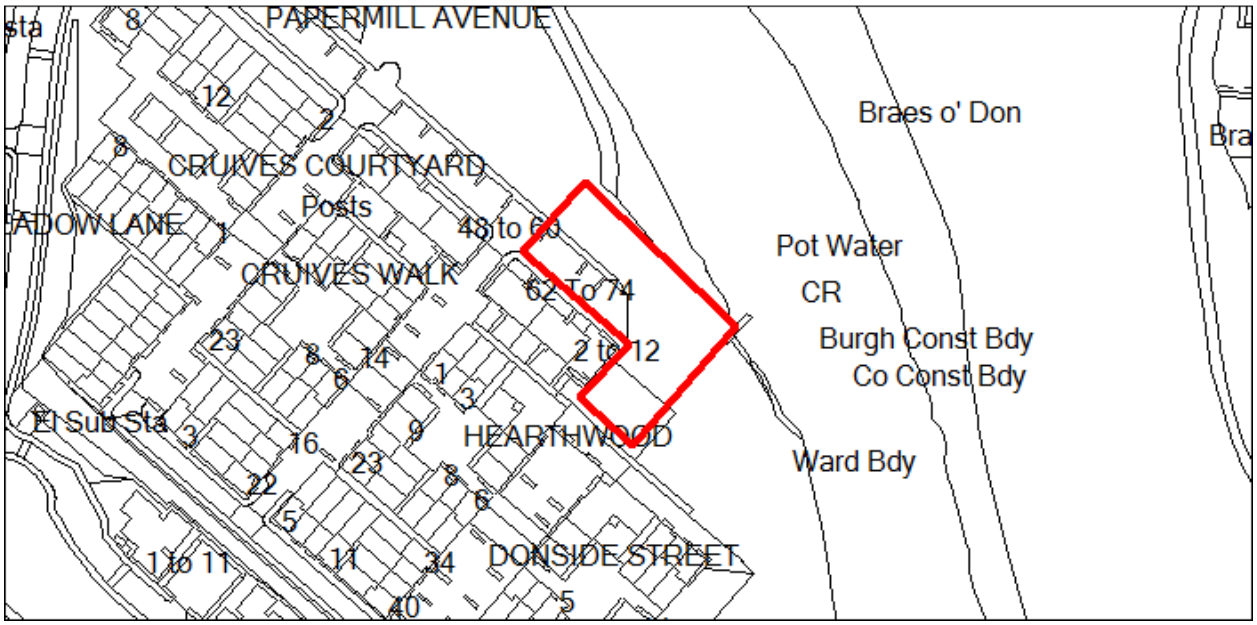
DONSIDE PHASE 2, GORDON MILLS ROAD, TILLYDRONE ROAD

ERECT 24 FLATS IN A 7, 8 AND 9 STOREY BLOCK AND ASSOCIATED INFRASTRUCTURE

For: Donside Ltd

Application Type : Detailed Planning Permission
Application Ref. : P140823
Application Date: 17/06/2014
Officer: Lucy Greene
Ward : Tillydrone/Seaton/Old Aberdeen (J Noble/R Milne/R Grant)

Advert : Section 34 -Proj. Pub. Concern
Advertised on: 09/07/2014
Committee Date: 19th March 2015
Community Council : No comments



RECOMMENDATION: Approve conditionally, consent to be withheld pending a suitable mechanism to secure developer contributions towards community facilities.

DESCRIPTION

The application site is 0.2195 hectares in size and lies within the centre/ east side of the 'Donside Village' development , adjacent to the River Don. The area to the south and west has been recently developed, largely for residential purposes, but also with small scale office use and a retail unit. Buildings are of two, three and four storeys in height.

The application site has been partially hard surfaced to form part of the emerging street and urban square, that are the subject of this application – having previously been granted planning permission (see History section below).

RELEVANT HISTORY

Planning permission (Ref: A7/0400), for a mixed use urban village, including 278 residential units, and was conditionally approved in April 2008. This application included 'Development of a mixed-use urban village incorporating mixed-tenure housing (278 units),(with at least 50% being affordable housing), a village square, offices (697m2), employment (372m2), local retail (93m2) and cafe/bistro(93m2), an enhanced riverside, and appropriate infrastructure.'

Planning permission (Ref: 110099) covered an area that included the site of the current application. Proposals consisted of residential, office and retail uses. The details are as follows:

'Icon' block: a building consisting of three joined blocks of 6, 7 and 8 storeys, up to approximately 23m in height and containing 21no. Flats, (19no. 2 bed flats and 2no. 1 bed). This building was on approximately the same area of the site as the building that is the subject of this current application.

Cafe block: a 3 and 4 storey building, half within the application site (the other half being the same as was granted permission previously). This building contains a cafe on the ground floor as well as 5no. flats.

Corner blocks 1 and 2: These each contain one small retail unit and 9no. two bed flats.

Office building: This contains approximately 2500m2 office floorspace within a 3 and 4 storey building.

Planning permission (Ref: 130218) was approved in July 2013 and consisted of an amendment to the previously approved cafe, two flats and retail unit, to form a landlords staff office and public access point.

To the immediate south of the current application site, planning permission has been granted conditionally for a four storey building, comprising a childrens nursery on the ground floor and flats above (Ref: 110402).

Planning permission (Ref: 110894) was approved in 2011 for the replacement of (13 no.) approved housetypes (approved under A7/0400) with 10 low carbon units.

Planning permission (Ref: 100057) was approved in 2011, for the increase in height of three flatted blocks, adjacent to the western side of the Donside Village previously approved under Planning Consent A7/0400, from five to six stories. It should be noted that three adjacent blocks were reduced in height, resulting in there being no change in the overall number of flats.

Planning permission (Ref: 131073) was approved in March 2014, for two additional flats, at basement level, within the blocks on the western side of Donside Village.

There is also an undetermined application proposing use of the flood basin for car parking (ref. 110283).

There is also an undetermined planning application (ref. 140824) for residential development to the south east. This consists of two blocks:
Block 2: a 6 and 7 storey building, containing 24 no. flats (22no. two bed flats, 2 no. three flats)
Block 3: a 4, 5 and 6 storey building, containing 16 no. flats (15 no. two bed flats, 1 no. 3 bed flat)

Both buildings would, in terms of design, be similar in theme to Block 1.

(Please note, Block 1 is the building that is the subject of this application)

PROPOSAL

The application proposal is for a seven, eight and nine storey residential building, containing 24 no. two bed flats. The proposed building would be sited at the end of the ‘main street’ in such a way as to still allow a glimpse through to the River Don, whilst forming one side of the village square.

The building would be of contemporary design, consisting of three parallel vertical elements, containing three flats per storey. The upper level of each vertical block would be set back from the main elevation and elevated in grey cladding. The elevational finish consists of framing in buff coloured brick, with grey cladding and glazing within openings. There would be fully glazed facades to each flat: to the south, east and north west, opening onto balconies, or at ground floor - terraces. These areas would serve as private outdoor amenity space.
The stair tower would be the tallest element, at approximately 25.5m and clad mainly in buff coloured brick with a narrow vertical element in grey cladding. The 9 storey block would be approximately 24.3m in height. The 8 storey block would face the square, being approximately 21.7m in height.
The main entrance would be in the south west elevation, facing the square.

Car parking is provided within the area to the north west of the building and also within the urban square and provided on a non designated basis.

Supporting Documents

All drawings and the supporting documents relating to this application can be viewed on the Council's website at

http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=140823

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because there are seven letters of objection. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No objections. The current application is a minimal alteration from what has already been agreed, though previous planning applications, most recently Ref: 110099. As such the parking and drainage details have already been agreed.
Environmental Health – Request a condition relating to refuse storage and an informative relating to hours of construction work.
Developer Contributions Team – Recognise that this an amended proposal for a block that has approval under Ref: 110099, but includes 3 additional units, within a site where 67% of units with planning permission (built and with permission) are affordable housing. As such contributions are only to be requested on the basis of the infrastructure costs resulting from the three additional units.
Enterprise, Planning & Infrastructure (Flooding) –No objection, subject to the attachment of conditions relating to sustainable urban drainage and the compensatory flood storage basin..
Scottish Environment Protection Agency – request attachment of conditions relating to: surface water drainage, flooding, river engineering and a construction management statement
Community Council – No comments received

REPRESENTATIONS

7 letters of representation have been received, relating to the following matters –

- Object to more housing being built than was originally proposed;
- Tower block would spoil the peaceful riverside walk;
- Parking provision is a cause for concern;

- Traffic congestion: traffic would increase due to Third Don Crossing and due to proposed housing, cutting off existing residents from the riverside;
- Proposed tower building is much higher than was originally envisaged; it is illogical to put the tallest building in front of the view;
- Proposed building would be out of keeping with the character of the area;
- Proposed building is modern, boxy, and flat in colour. It is not to provide variety but to appeal to buyers of contemporary and expensive property;
- It is distasteful that luxury accommodation would dominate a development of affordable housing;
- The site is on top of a fox den, where there were cubs last year;
- The boundary of the conservation area is close by;
- The completion of development at the site is welcomed, in principle, as it would end the on-going disruption. However, residents would like to see appropriate development and a range of facilities as was originally proposed.
- Would like to ensure that any developer contributions are put towards the riverside path and its connections;
- River access including for canoeists, is welcomed;
- Provision of terraces and balconies and change of orientation of the blocks is welcomed;
- Architectural expression at this site is acknowledged to have always differed from the existing development, however, the previous design made reference to the existing architecture and this proposal does not pay respect to the integrity of the existing. This should be addressed prior to approval;
- The proposal is not eco-friendly, which was the original concept for the area;
- Cycle storage provision should be included;
- There has already been tree loss as a result of the compulsory purchase order on land along the roadside and this would further damage the environment of the area;
- That the splitting of the two applications (this current application and application ref. 140824 for two further blocks) is a blatant attempt to avoid the public consultation process that is required for applications of over 50 units;
- That objectors bought property that was sold with ‘river view’ and in one case large windows, there will be no benefit if the view is blocked;
- Privacy issues if a residential block is built in close proximity to existing property;
- It is requested that the development includes an accessible external tap, as this is not currently provided in the development;
- There were a mix of uses originally proposed for the development and only the office and one small play area have been provided; there are no recycling facilities as promised. Additional play and recycling facilities are required to accommodate the additional number of residents. If these are not provided then the Community Association objects to the increase in the number of residents; and
- It is acknowledged that the applicants presented the proposals to the Community Association, however, it is questionable to what extent this

constituted consultation, as the plans were not presented prior to the event and there was no process for comment.

PLANNING POLICY

Aberdeen Local Development Plan 2014

Policy H2 – Mixed Use Areas

Applications for development in these areas must take into account the existing uses and character of the surrounding area and avoid undue conflict with adjacent land uses and amenity. Where new housing is proposed , a satisfactory residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity.

Opportunity Site OP100 – Donside Paper Mill

This is described as a regeneration opportunity for mixed use development. The site may be at risk of flooding and a flood risk assessment will be required to assess suitability for redevelopment.

Policy H5 – Affordable Housing

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

The River Don adjacent to the site is a Local Nature Conservation Site (LNCS).

Policy I1 – Developer Contributions

Policy D1 – Architecture and Placemaking: new development must be designed in context.

Policy D2 – Design and Amenity – describes the principles to be applied to ensure an appropriate level of amenity for residents.

Policy NE6 – Planning and Flooding: Development will not be permitted, inter alia, where it would increase the risk of flooding or would be at risk itself. A flood risk assessment is required in circumstances relevant to this application.

Proposed Aberdeen Local Development Plan

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and

that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

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

Principle
The proposal is for a residential building in an area that contains a number of buildings in such use. In terms of Policy H2, there would be no undue conflict with surrounding land uses. In terms of the proposed use, there would be no impact on amenity, for the reasons set out below. There has been a residential building approved of up to 8 storeys (23m) in height (under application 110099). The current proposal sees an increase in height, by a storey, following presentation of the proposal at the Design Review Panel, as it was considered that a taller building would provide a focal point at the end of the main street. It should be noted that there is a block of flats on higher ground to the west, as well as a multi storey tower block are visible from the main street. The building is sited so that the view to the river is not overly blocked from the main street. The building is considered to be in keeping with the character of its wider context and to accord with Policy D1.

Amenity
In terms of the factors described in policy D2:

- Privacy: there would be no adverse impact on the privacy of the occupiers of any existing residential units. This is due to distance and position of the proposed block relative to existing residential properties, In terms of overshadowing, there would an insignificant difference between the impact of this proposed building and that previously approved.
- Public and private face: this particular block is an amended version of a similar block that has planning permission. The location is such that the block does not have a private face, however, all flats would have private terraces or balconies of a size to allow comfortable sitting out and it is considered that given the unusual location of the building, the level of amenity is high and acceptable.
- All residents would have access to sitting out areas as mentioned above.
- Parking does not dominate the space: to two sides of the building would be the quayside and riverbank, whilst a small car park lies to the northwest of the building and the urban square to the remaining side. It is considered that there is a high level of amenity and car parking does not dominate.
- The development has been designed and amended to make best use of views and sunlight, with balconies and windows facing towards river views and to take account of the movement of the sun.
- Designing out crime: the building would enjoy a high degree of natural surveillance from residents due to its location.
- External lighting would be the subject of condition and account would be taken of design and wildlife.

Design

Early in the application process amendments took place to the scheme, which resulted in the reduction in the size of the footprint of the development, as well as the orientation and design, to take account of the views and sunlight. Account was also taken of the residential blocks proposed under pending application Ref: 140824, so that these each are of an individual design whilst also taking account of their context in terms of massing, street frontage patterns and location within the Donside village, whilst the references to each other remain, in terms of materials and design features.

The proposed design is simple and contemporary in nature and, it is considered, would provide an appropriate focal point at this end of the main street. Although the surrounding houses are of a smaller scale, existing taller residential blocks are visible from within the immediate area. Under previous applications, it was also envisaged that a building in this location would be different in nature to those houses within the village.

The design of the public space and quayside remain as were previously approved and similar conditions would be attached in relation to materials and design.

Flood Risk

The proposal is of similar footprint, the same use, and at the same ground level as the 'icon block' previously approved. Confirmation has been received from the applicant's engineers that there is no change to the flood risk assessment. Neither SEPA, nor the Council's flood advisor objects to the application.

Matters raised in objections

The rationale for the design, massing and siting of the building is covered above. The building is not considered significantly taller than that previously approved.

The Roads Development Management Team are satisfied with the level of car parking and there is no significant reason that additional traffic using the Third Don Crossing be redirected off the network to enter Donside Village.

In terms of wildlife, including foxes, the area of the site is largely currently an area of hard standing for construction vehicles and it is considered likely that any wildlife in the immediate vicinity of the site is experiencing considerable disruption. However, it is appropriate to attach a condition that requires pre-construction surveys to be carried out to ascertain the presence of any wildlife, including foxesnd to recommend a course of action if these are found

There is no planning reason to require the provision of an external tap.

There is nothing in legislation to prevent the applicant submitting a separate application for this proposal, rather than one application that included Blocks 1, 2 and 3. In this case pre-application consultation is not required. It should also be

noted that Block 1, the subject of this application, has similarities with what has already been approved under application reference 110099.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application policies are similar to those in the extant LDP and evaluated above.

RECOMMENDATION: Approve conditionally. Decision notice to be withheld pending a suitable mechanism to secure developer contributions towards infrastructure.

REASONS FOR RECOMMENDATION

The proposal is an amendment to a previously approved residential block. The design and massing are intended to create a focal point at the end of the village's main street, whilst being sited so as to allow a view through to the River Don. Residential amenity for existing residents in the surrounding area and future residents of the proposed development would be acceptable. The proposal complies with Policies D1 'Architecture and Placemaking' and D2' Design and Amenity'. Flood risk has been satisfactorily addressed and accords with Policy NE6 of the Aberdeen Local Development Plan 2012. Subject to the attachment of the conditions recommended, the proposal is acceptable and accords with development plan policy.

Conditions:

(1) That no development shall take place unless a scheme detailing all external finishing materials to the roofs, walls and hard surfaces 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.

(2) That the full details of the compensatory storage proposals, including cross sections and drawings clearly showing how the scheme will fill and drain freely during a flood event, are agreed with relevant parties including SEPA and implemented in full prior to the commencement of development. The detailed proposals are to be designed in accordance with Appendix C of the Flood Risk Assessment (dated 1 March 2012) and the plan of "Flood Extents" ref 62299/WS/11 (dated 14 March 2012) or other as so agreed with the planning authority – in the interests of preventing flooding.

(3) That the existing piling and any retaining structures shall not be removed or altered unless a detailed method statement, including measures for satisfactorily dealing with contaminated land, has been submitted to and agreed in writing with the planning authority – in order to ensure that there is no adverse impact on the river.

(4) That the development hereby granted permission shall not be occupied unless the agreed compensatory storage have been implemented in full and are fully available for use

(5) That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

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

(7) That no development shall take place unless a scheme for external lighting has been submitted to and approved in writing by the Planning Authority, and thereafter implemented in full accordance with said scheme - in the interest of public safety and wildlife.

(8) That no development shall take place unless there has been submitted, at least two (2) months prior to the commencement of any works, and approved in

writing by, the planning authority (in consultation with SEPA and other agencies such as SNH as appropriate) a site specific construction method statement for all works, including to the river bank and including the sheet piling, and construction of wildlife corridor and any other works affecting the river bank. The method statement shall include methods for the prevention of pollution reaching the River Don, including measures to control dust, run-off, timing of works in relation to water levels and the management of waste. The scheme shall be implemented in complete accordance with details as so approved and work shall not take place unless the measures as so agreed are in place and fully operational - to control pollution of air, water and land.

(9) That the development shall not take place unless full details are provided of the surface water drainage system to the satisfaction of the Planning Authority in consultation with SEPA. The development shall not be occupied unless the agreed details have been implemented and are available for use – in the interests of the water environment and flood prevention.

(10) That no development shall take place that alters the riverbank unless there has been submitted to that full details are provided of the treatment of the river banks to the satisfaction of the Planning Authority in consultation with SEPA and the agreed details are implemented in full prior to the occupation of the development – in the interests of protecting the riverside environment.

(12) That notwithstanding the refuse storage indicated on the plans, no development shall take place unless there has been submitted to and approved in writing by the planning authority details of the siting, design and materials of the refuse storage. The development shall not be occupied unless the refuse storage as so approved has been implemented on site and is ready for use – in the interests of public safety and visual amenity.

(11) That no development shall take place unless there has been submitted to and approved in writing by the planning authority, details of cycle storage. The development shall not be occupied unless the cycle storage as so approved has been provided and is available for use – in the interests of encouraging the use of sustainable modes of transport and visual amenity.

(12)That no development shall take place unless there have been submitted to, and approved in writing by, the planning authority, reports on pre-construction surveys by suitably qualified specialists, for wildlife, including foxes, badgers, watervoles, birds and otters. Any measures recommended shall be implemented fully in accordance with the report as so agreed and in accordance with recommended timescales – in order to ensure protection of wildlife.

(13) That the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with the approved plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be

used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

Dr Margaret Bochel
Head of Planning and Sustainable Development.

140823

PI

From: Sinclair Laing [redacted]
Sent: 18 July 2014 00:13
To: PI
Subject: Fwd: 140823 No documents showing online

Hello

Regarding my last email (forwarded here), planning application ref: 140824 is also not showing online for comments and we make the same requests to have that remedied and the deadline for representations extended.

I'd also like to raise a complaint that these two applications should be one application and not two. They are essentially for one site and the only apparent reason they have been split into applications is to avoid the requirement for wider consultation associated with applications for over 50 homes. That strikes me as a blatant attempt to circumvent due planning requirements and processes.

I hope to hear from you soon.

Best

---------- Forwarded message ----------
From: **Sinclair Laing** [redacted]
Date: 18 July 2014 00:03
Subject: Re: 140823 No documents showing online
To: pi@aberdeencity.gov.uk

Hello

I'm writing as a representative of the Donside Community Association from Donside Village in Aberdeen. We would like to view and make comment on the planning application 140823. We would like other interested parties to be able to do the same. The final date for representations is 23rd July.

Unfortunately, no-one can view and therefore comment on the application as it is not displayed online. We therefore request that the application is displayed online for interested parties to view and make comments that the date for representations is extended to take account of the fact the application has not been viewable online.

I hope to hear back from you soon.

Best
--
Sinclair Laing
[redacted]

If emailing saves time, not printing them saves trees.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 01 July 2014 11:03
To: PI
Subject: Planning Comment for 140823

Comment for Planning Application 140823
Name : Miss Coleen Ogg
Address : 12 Donside Street
Aberdeen
AB24 2PJ

Telephone : [redacted]
Email : [redacted]
type :
Comment : I object.
I was sold this property on the basis that no properties would be built in this area next to the river.
Our Block was sold as 'River view'.
The area is beautiful as it is and putting this 8 storey block in next to the river is going to change the complete countryside feel and have a huge downhill impact to the developement and area.
It would be greatly appreciated if this can be seriously looked at.
The developer surely cant get away with craming in as much properties as he can for their financial reward and have this bad an impact on the area.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 28 June 2014 16:40
To: PI
Subject: Planning Comment for 140823

Comment for Planning Application 140823
Name : Donna Hughes
Address : 8 Donside Street

Telephone : [redacted]
Email : [redacted]
type :
Comment : I want to oppose this new build. I bought my flat because of the beautiful big windows in the sitting room that looked out onto the river Don. I now have been told that new flats are going to be built right in front of me! Not only will my view be ruined and therefore what was the point buying a flat with big windows and a view. More importantly flats developed directly in front of my flat now becomes an invasion of privacy. It is quite difficult and a concern to have bigger than average sitting room windows knowing that people in buildings directly across from me have access to view right into my home.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 11 July 2014 20:50
To: PI
Subject: Planning Comment for 140824

Comment for Planning Application 140824
Name : Ewa, Marcin Krawczyk
Address : 2 Crosier Courtyard, Donside Village, Aberdeen, AB24 2PP

Telephone :
Email : [redacted]
type :
Comment : We object to the proposal of residential development of 44 flats over 2 blocks of 7 and 6 storeys. The reasons are: when we were buying our flat, there had been plans of building a park at the river side, some paths and an access to Seaton Park. So it seemed to be nice, green area. At this moment we have got quite nice view through our window - we can see trees in the park which is really lovely, especially that we have got 6 month-old baby. We were happy that he would have the opportunity to grow up in green, quiet area. If you build the blocks, the only view will be huge buildings. Nothing else. If only we knew about such plans, we would not have bought this flat.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 11 July 2014 20:37
To: PI
Subject: Planning Comment for 140823

Comment for Planning Application 140823
Name : Steven McDonald
Address : 60 Papermill Avenue
Aberdeen
AB24 2PB

Telephone : [redacted]
Email : [redacted]
type :
Comment : 1. It is not in-keeping with the existing look and feel of the development.

1.1. The proposed building is modern, boxy and flat in colour where the rest of the development consists of houses and blocks of flats that vary in height wall colour and roof colour from one building to the next.

In my opinion this is not, as the proposal suggests, “to provide contrast” it is only to cater to those who can afford, those who typically desire contemporary styling, minimalism and floor to ceiling glass windows as is evident in every other prohibitively expensive new development in the city.

1.2. It is illogical to position the tallest building in front of the scenic view. You don’t put the tallest person at the front of a family photograph and even the 3000 years ago amphitheatres were designed to provide fair and equal views to all.

1.3. I think it highly distasteful that expensive, luxury penthouses will dominate, in size and price, a development that was advertised as being affordable. I also think it is especially disrespectful for an extravagant structure to destroy the view of the one block of flats on the riverside that accommodates tenants in need of affordable rentals almost as if they don’t matter.

2. Foxes. A fox den exists on the proposed site. It is in use all year round by the same family with 4 new cubs appearing in the 2 years we have been here. It is disappointing that the border of the conservation area adjacent to the development stops short of protecting wonderful wildlife habitats by mere metres which is why I ask you to still take this into consideration.

3. Misrepresentation and misinformation. When buying our home both sales persons we dealt with, individually and on separate occasions, advertised the development to us as such :

3.1. The development would be environmentally friendly, sustainable and even touch on conservation. We were shown brochures featuring wild flowers and otters yet two years on and the riverside remains a construction site. Now they want to destroy the one corner of wild nature (see 2.) available to the community and replace it with a contradictory monstrosity.

3.2. The proposed building would be identical to the 5 story blocks being erected on the west side of the development and that it was highly probable it would not be granted permission ahead due to the unsuitability of the land.

This was in September 2012 when permission had already been granted and I quote ACCPlanning124564-1.pdf “A subsequent set of planning applications was submitted for the urban squarea nd [sic] surrounding buildings in March 2011 permission being granted in July 2012.

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PI 140824

From: Sinclair Laing [redacted]
Sent: 18 July 2014 00:13
To: PI
Subject: Fwd: 140823 No documents showing online

Hello

Regarding my last email (forwarded here), planning application ref: 140824 is also not showing online for comments and we make the same requests to have that remedied and the deadline for representations extended.

I'd also like to raise a complaint that these two applications should be one application and not two. They are essentially for one site and the only apparent reason they have been split into applications is to avoid the requirement for wider consultation associated with applications for over 50 homes. That strikes me as a blatant attempt to circumvent due planning requirements and processes.

I hope to hear from you soon.

Best

---------- Forwarded message ----------
From: **Sinclair Laing** [redacted]
Date: 18 July 2014 00:03
Subject: Re: 140823 No documents showing online
To: pi@aberdeencity.gov.uk

Hello

I'm writing as a representative of the Donside Community Association from Donside Village in Aberdeen. We would like to view and make comment on the planning application 140823. We would like other interested parties to be able to do the same. The final date for representations is 23rd July.

Unfortunately, no-one can view and therefore comment on the application as it is not displayed online. We therefore request that the application is displayed online for interested parties to view and make comments that the date for representations is extended to take account of the fact the application has not been viewable online.

I hope to hear back from you soon.

Best

--
Sinclair Laing
[redacted]

If emailing saves time, not printing them saves trees.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 22 July 2014 23:23
To: PI
Subject: Planning Comment for 140824

Comment for Planning Application 140824
Name : Donside Community Association
Address : 2 Donside Village Square
Aberdeen
AB24 2PL

Telephone :
Email : [redacted]
type :
Comment : We, the Donside Community Association (DCA), are writing to submit some specific objections and some supporting comments to the 2 planning applications (refs: 140823 & 140823) comprising 3 blocks of flats at Donside Village in Tillydrone. We have submitted our comments in the form of one statement as we think the issues cross both applications and believe that essentially both applications form one development.

The DCA was set up in February 2013 to act in the best interest of the residents of Donside Village. It's made up of representatives from the Village. These reps take on roles and responsibilities to develop Donside and its community. It aims to act as a voice for Donside at a local level through involvement and engagement with local networks, Community Councils and other partner agencies including the Scottish Police Service, Absafe/Neighbourhood Watch as well as acting as a conduit between the occupants and Tenants First/Sanctuary.

We welcome progression of the development to bring Donside Village towards conclusion. The extended period of on-going development in the village is undoubtedly having a detrimental impact on residents’ quality of life - it is affecting the setting, access to amenities, safety, noise and dust / dirt onsite.

Having said that, residents would like the development to be appropriate and be associated with the necessary facilities expected and required for the overall site – as agreed in the original proposals for the site, of which these applications are an amendment.

We are pleased and supportive to note retention of the riverside path as actually following the riverside all the way through the development.

We would enquire as to whether planning gain applies to this development and, if so, request that it is put towards ensuring the riverside path that runs through the development makes quality connections to the rest of the riverside path network that exists on either side of the development.

We are also pleased and supportive to see retention of water access point for paddlers, i.e. kayaks, etc. We believe this is an essential facility for safe recreational access to the river at an urban riverside location.

We welcome the addition of terraces to the proposed flats as we think these were features missing from the original proposals. We also have no objection to the change in orientation to maximise the views of the setting for the new residences.

We acknowledge that the agreed architectural expression for development at this specific location within the site was always to differ from the rest of the village. However, the original agreed proposals still made architectural reference to the rest of the village in order to retain connection to and integrity of the entire development. We do not agree with the suggestion in the Design Statement that a change in orientation of the flats requires a significant deviation from the original architectural expression. It is our opinion that the architectural expression of these new

proposals differs too significantly from what was originally agreed and does not pay enough respect to the integrity of the overall development. We request that this is addressed before the proposals are approved.

We object to the significant under provision of parking associated with the development proposals. The current proposals will result in less than 1 parking space per property – even though each property has at least 2 bedrooms, some 3. This lack of provision will in turn impact on parking elsewhere in the development where current parking arrangements are already not ideal.

We object to the apparent complete lack of provision of cycle parking / storage in the development proposals. These proposals form part of the development of a so-called ‘sustainable community’. As such, cycle parking must be provided. Ideally, that provision should be within a secure and lit bike store within the confines of the blocks themselves, or a secure and lit location very close by. There is an existing cycle store on site at Donside. However, this is already over subscribed, unlit and unsecure – there has been one successful and one attempted break in the past 12 months due to poor security arrangements put in place by the developers.

The new proposals for Block 1 entirely block the strategic view through the development from the roadside at Tillydrone to the river and beyond. While we accept that views are not a material consideration in planning, we do feel this has detrimental impact on the landscape setting of the overall development and request that some of this strategic view across and through the development is retained.

We request that the proposals include an accessible external water tap. The DCA is involved in development and maintenance of the outside spaces in Donside Village. Yet, there are no appropriate facilities to facilitate this. The simple request for the inclusion of an accessible external water tap will help to address this existing shortcoming.

We believe that the original Vision and proposals for Donside Village were inspired and integral. That Vision included a mixed tenure, mixed use, sustainable development with necessary recreational & other facilities. We believe that integrity and delivery of this original is Vision has been undermined and eroded on an on-going basis by the gradual reduction in the quality and number of the actual facilities being delivered on site.

The original proposals agreed and approved included: Recycling facilities, offices, business start up units, 2 retail spaces, a nursery, café and several recreation spaces & facilities for children and young people. To date, only 1 small children’s play area and the office has been delivered – ironically this is the location of the new office for the new site owners. We have not seen any recycling facilities, no café, no retail, no nursery, and no further recreation areas for small children or young adults. And, it is our understanding that there are no plans by the developers to deliver such facilities. We are at a loss to understand how what planners agreed as required facilities to support our sustainable community have managed to drop off the map at the point of delivery. Our concerns are further raised as there is an increase in the numbers of properties in these applications and this will place further need for these facilities to be delivered to support the community with day to day living. We ask that these items are addressed as a matter of urgency. And, we therefore specifically object to the increase in the numbers of properties in these proposals, unless the matter of delivery of the recycling facilities and the recreation areas as agreed in previous proposals is addressed.

Public consultation and engagement – we acknowledge that the developers presented the development proposals to the DCA as stated at the end of the Design Statement. We would question this as meaningful consultation. Presentation of the proposals was not advertised to the members in advance of the meeting. Also, it was more a case of information provision than consultation as there was no defined mechanism for meaningful feedback either during or after the meeting. Had there been a meaningful process of engagement, that may have reduced the need for this degree of comments / objections.

Finally, we express confusion as to the planning process adopted in association with these two planning applications. Why was this, essentially single development proposal, put through as 2 applications - is this a route to circumvent due planning process & associated requirements? Had the development been considered as 1 application, it would have constituted over 50 properties…

Thank you for taking the time to consider our specific comments both in support and objecting to specific aspects of the development proposals. We do hope that any changes can be agreed in a timely manner so that the

development can move forward to conclusion swiftly and the village can finally assume normality and a better quality of life for the existing residents.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 22 July 2014 23:27
To: PI
Subject: Planning Comment for 140823

Comment for Planning Application 140823
Name : Donside Community Association
Address : 2 Donside Village Square
Aberdeen
AB24 2PL

Telephone :
Email : [redacted]
type :
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140823

PI

From: Romany Donald [redacted]
Sent: 02 July 2014 13:16
To: PI
Subject: Planning Application

Good Afternoon,

I wish to bring to your attention a new planning permission for three blocks of flats at Donside Village in Aberdeen.

We received this last weekend. The new blocks are huge, 8 storey. None are this size in the whole development. Monstrous buildings which will be executive, for no reason other than to profit. We were told originally that a planned block which was much smaller had been scrapped as the ground was no good, by Chap. This was the reason we chose to move into the area.

The sight for the first block is right on a fox den which has been in use for the last two years, there are cubs.

The whole development is being sold as being eco friendly, but there is nothing eco friendly about this new proposal if it goes ahead. It is so out of character with the rest of the area and we should be encouraging the nature and environment instead of damaging it further.

There is a path which runs along the river which may be compromised if this multi-storey block goes up. Will the path be level with people's windows and will this affect accessibility?

You have already placed a compulsory sale on the roadside at this development in order to widen the road for the new bridge to cross the Don too. This has meant that countless trees have been decimated and a whole eco-system has been destroyed. It has also ruined the look of the whole place. Please do not make this any worse than it is?

Please help, or advise on anything that can be done to stop this awful new build going ahead?

Thank you in advance

PI

From: webmaster@aberdeencity.gov.uk
Sent: 04 July 2014 14:10
To: PI
Subject: Planning Comment for 140823

Comment for Planning Application 140823
Name : Carrie-Ann Holland
Address : 20 Papermill Avenue
Donside Village
Aberdeen
AB24 2PB

Telephone : [redacted]
Email : [redacted]
type :
Comment : I object to the addition of more housing than was originally planned. I don't think there should be so much building so close to the river. We are lucky to have such a quiet walkway down by the riverside which will eventually continue through to Seaton Park. The lovely thing about the path is the fact you can almost forget you are in the heart of the city. Walking past big blocks is not going to help you forget!

I also have concerns about the limited parking provision proposed for a site where parking is already a common cause for complaint.

With only one road access for the whole of Donside Village, which will soon be on to a road with higher traffic flow due to the 3rd Don Crossing, adding even more housing, and therefore traffic, would be detrimental to the village feel of the area. It will increase congestion and the volume of traffic passing along Papermill Avenue which would effectively cut us off from the open space and river opposite.

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Planning Development Management Committee

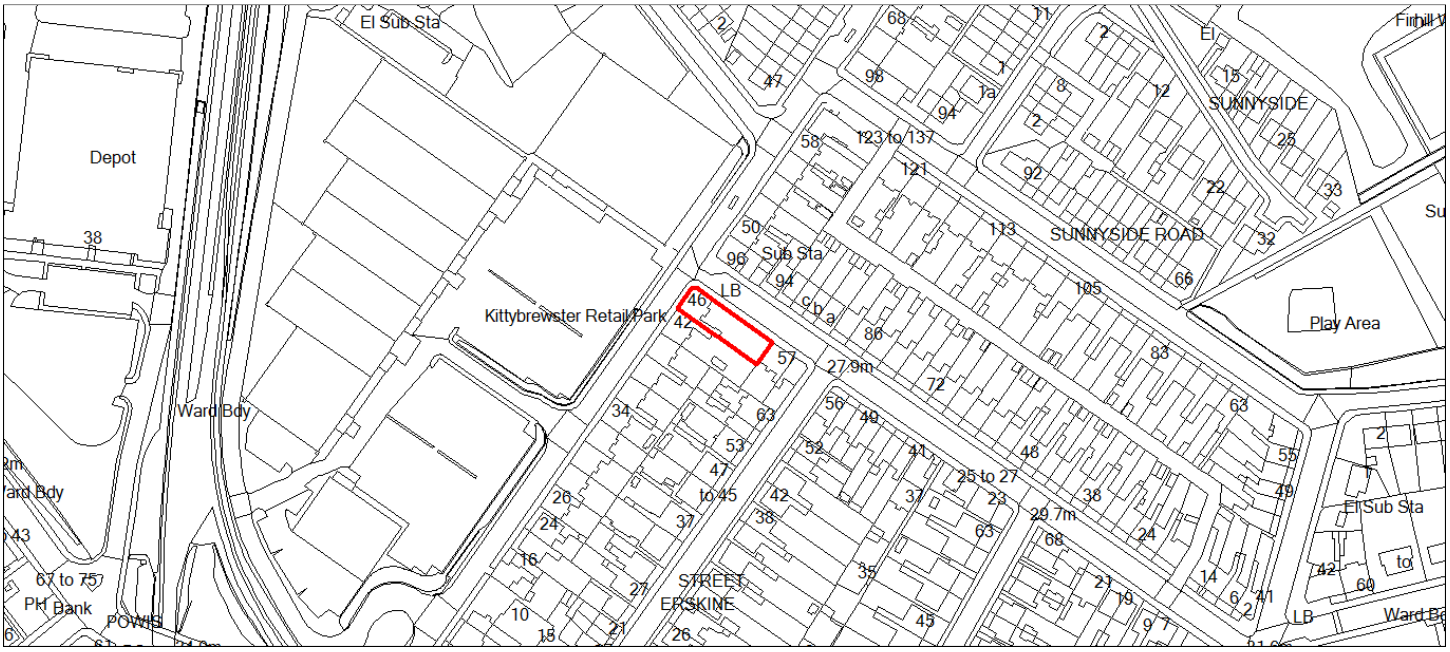
44 BEDFORD ROAD, KITTYBREWSTER

ERECTION OF THREE AND A HALF STOREY SERVICED APARTMENT DEVELOPMENT (8 UNITS) WITH ASSOCIATED CAR PARKING

For: ASA Ltd

Application Type : Detailed Planning Permission
Application Ref. : P141664
Application Date: 06/11/2014
Officer: Gavin Evans
Ward : George Street/Harbour (A May/J Morrison/N Morrison)

Advert :
Advertised on:
Committee Date: 19 March 2015
Community Council :



RECOMMENDATION: Willingness to approve subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a legal agreement to ensure that the development remains in single ownership and that no apartment may be occupied for more than 90 days by the same occupant

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
An application in January 2014 (ref P140090) sought detailed planning permission for a development comprising 8 flats within the rear garden of 44 Bedford Road. This was refused under delegated powers on 31st March 2014, on the basis that it would represent an over-development of the site; an adverse impact on amenity arising from the loss of private garden space and the under-provision of garden space for the new development; the design would not relate well to it surroundings; some windows within the building would have limited opportunity for natural light; and there would be a significant shortfall in car parking provision.

Following that refusal, the applicants sought review of the decision via the Local Review Body (LRB). The LRB considered the proposal at its meeting of 4th July 2014, where members upheld the planning authority's earlier decision.

PROPOSAL
This application seeks detailed planning permission for the construction of a new 3½ storey building, containing 8no serviced apartments, on a site which currently forms part of the rear garden of 44 Bedford Road.

The building would face onto Bedford Place, with the remainder of the newly formed site incorporating 2no off-street car parking spaces and landscaped garden space. The building itself would be finished in a silver-grey granite at ground floor level, with granite string and cornice courses. Upper floors would be given a rendered finish. The roof would be finished in smooth grey concrete roof tiles, featuring a slimline leading edge and broken bond laying technique in order to better replicate the characteristics of a natural slate product. Aluminium-framed

windows would incorporate fixed green panels on the front elevation, whilst grey PVC rainwater goods would be utilised.

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=141664

- Supporting statement

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because the Council's Roads Development Management Team has objected to the proposal in its current form. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management Team - Object to the proposal based on the currently proposed parking layout as per drawing number 015a.

Notes that there is a shortfall of 4 parking spaces based on current guidelines, however the guidelines to be taken forward as part of the new ALDP would reduce this shortfall to 2 spaces, which is considered to be acceptable in this instance.

The applicant will be required to cover any costs associated with altering the existing Traffic Regulation Order (TRO) to accommodate the development access. Cycle storage within the site is welcomed.

Note that an earlier turning area has been removed from the proposal, with the result that reversing across the footway would be required. Roads colleagues have safety concerns regarding vehicles reversing across the footway in this location. Future plans to allow two-way traffic on this road as a result of a bus gate being installed on Bedford Road will increase the level of traffic at the site access. Pedestrian movements in this location will comprise people walking to the school and Retail Park. The Retail Park also has approved planning permissions for a McDonalds and a gym which could also increase pedestrian and vehicle movements on Bedford Place. It is also noted that visibility would be further reduced by the on-street parking adjacent to the site access.

Submitted drainage proposals are acceptable in principle, however drainage calculations are requested to demonstrate that the proposed scheme can deal

with specified flood events. This can be conditioned and agreed in detail prior to commencement.

A Residential Travel Pack should be produced and made available to occupants. This should be site specific and detail the sustainable transport options available. Roads colleagues request that the contents of this are conditioned to be agreed prior to occupation.

Environmental Health - No objection to approval of this application, but recommend the attachment of a suitable condition addressing provision for suitable means of waste storage , including recycling facilities.
Developer Contributions Team – Not applicable, as new floorspace does not exceed threshold for developer contributions.
Enterprise, Planning & Infrastructure (Flooding) – No observations.
Education, Culture & Sport (Archaeology) – No response.
Community Council – No response.

REPRESENTATIONS

No letters of representation have been received in relation to this proposal.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)
Sections on sustainability, placemaking, promoting sustainable travel and supporting business and employment are of relevance to this proposal.

Aberdeen Local Development Plan (ALDP)

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, stating 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.

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', 'Serviced Apartments' 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.

Proposed Aberdeen Local Development Plan
In relation to this particular application the policies listed below are of relevance:
Policy D1 – Quality Placemaking by Design
Policy T2 – Managing the Transport Impact of Development
Policy H1 – Residential Areas

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.

Proposed Aberdeen Local Development Plan
The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration.

In relation to this particular application the policies listed below are of relevance.
Policy D1 – Quality Placemaking by Design
Policy T2 – Managing the Transport Impact of Development
Policy H1 – Residential Areas

The policies listed above substantively reiterate policies in the adopted local plan. The proposal is generally in compliance with the Proposed Plan.

Principle of serviced apartment 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 non-residential uses where either the use is considered complementary to residential use or where it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity. This application proposes the construction of a building containing 8 serviced apartments, a use which is defined in the Council's 'Serviced Apartments' Supplementary Guidance as '*residential flats used as quasi hotel accommodation by business and leisure visitors to the city, where periods of occupation are generally but not necessarily less than 90 days by any individual, family or group, and services such as cleaning and laundry are provided, either on a daily basis or between periods of occupation'.* The

Supplementary Guidance also states that serviced apartments outwith the City Centre but within the existing built up area will be assessed on their own merits, with further content on matters including amenity, servicing, sustainable travel and parking, developer contributions and legal agreements being relevant to that assessment.

The surrounding area is predominantly in residential use and the proposed use is considered to represent a complementary use which would, in principle, be consistent with the provisions of policy H1 (Residential Areas) of the ALDP. The impact of the proposal on existing residential amenity must also be considered in order to establish its acceptability.

There is significant overlap between the criteria stated in policy H1 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 Development Management Team, the current 'Transport and Accessibility' Supplementary Guidance sets out that the proposed development should provide 8 car parking spaces, but it is recognised that the standards to be applied to serviced apartment developments are under review as part of the preparation of a new Local Development Plan. The guidance to accompany the Proposed Plan indicates that 4 spaces would be required for a development of this type, and Roads colleagues are satisfied that this is standard should be applied. The identified shortfall of 2 spaces has been agreed, however Roads colleagues have concerns over the absence of a turning area within the site, which would leave vehicles unable to enter and exit the site in a forward gear. The concerns expressed relate principally to the prospect of conflict between vehicles and pedestrians as reversing manouevres are carried out across the footway, however it is considered that the degree of conflict would be limited by the small number of spaces. It is noted that Bedford Place does not currently allow for access directly from Bedford Road, and this street is therefore relatively lightly trafficked. On that basis, the degree of any road safety hazard would be minimal in the short term. It is acknowledged that there are plans for the Bedford Place/Bedford Road junction to be opened to 2-way traffic on the opening of a bus gate on Bedford Road, and Roads colleagues anticipate that this will lead to an increase in traffic on this route as drivers seek routes to the adjacent retail park. Nevertheless, it remains officers' view that this limited increase in reversing manouevres over the footway, though not an optimal arrangement on purely roads grounds, would not be excessive or lead to a significant road safety hazard, and would allow for the more equitable division of the existing plot and more meaningful provision of garden grounds at both 44 Bedford Road and the new building on Bedford Place. It is further noted that there would be limited scope for this situation to be replicated at other properties on Bedford Place, due to the limited depth of front gardens, which would not generally allow for car parking to the front of properties, and therefore there is a degree of comfort that this arrangement would not set an unwelcome precedent for similar driveways on

Bedford Place, with a corresponding cumulative impact. Taking these matters into account, officers consider the proposal to be an appropriate response to the constraints posed by the site, and on balance are satisfied that this can be supported without undue conflict with the provisions of policy T2 (Managing the Transport Impact of Development) and its associated 'Transport and Accessibility' supplementary guidance.

As noted in the Roads Development Management Team's response, appropriate provision has been made for long-stay cycle storage within the site, in accordance with the aims of Policy D3 (Sustainable and Active Travel) of the ALDP, the relevant section of the Council's 'Transport and Accessibility' Supplementary Guidance, which encourage measures to promote sustainable travel.

Siting and Design
The proposed new building would be oriented to face onto Bedford Place, with the majority of its rear face set in from the rear boundary by circa 3.2m, save for a small section to the very eastern end of the site. External amenity space/garden would be provided in this space to the rear of the building and adjacent to its western gable.

The scale and styling of the building demonstrates due regard for its immediate context and the neigbouring building at 57 Bedford Place, reflecting the characteristic mansard-style roof, roof ridge height and general proportions of the adjacent block. Whilst of a contemporary design, using different materials such as aluminium framed windows and rendered upper floors, the proposed block presents a simple and well-ordered elevation which is sympathetic to its surroundings in terms of design and scale, and is therefore considered to accord with the provisions of policy D1 (Architecture and Placemaking) of the ALDP.

Privacy & amenity
It is apparent that the proposed development has been designed with regard for its relationship with adjacent buildings and gardens, with its internal layout arranged in order to avoid any windows from habitable rooms (e.g. bedrooms and living rooms as opposed to bathrooms and hallways) looking out over the rear garden of number 42 Bedford Road. This ensures that there would be no loss of privacy for residents of this adjacent block, however it should also be highlighted that these are communal gardens which are currently overlooked to some extent by the flatted blocks facing onto Bedford Road. There are bedroom windows present in the western gable, facing towards 44 Bedford Road, however the distance between the faces of these buildings, estimated at circa 17m, is considered to be sufficient to ensure that there would not be any undue loss of privacy for residents of either the new block or the existing block at 44 Bedford Road. This arrangement of windows is considered to successfully avoid any direct overlooking or loss of privacy to adjacent properties or their gardens.

The proposed building would present a clear street frontage to Bedford Place, in a manner similar to existing flatted blocks, and would also present a private face to an area of garden ground to the rear. It is acknowledged that this area of

garden ground is somewhat limited in scale, and would certainly not satisfy the Council's minimum standards for dwellinghouses, however it is recognised that serviced apartments are a pseudo-residential use which have a higher degree of turnover in occupation, and are arguably somewhere between residential flats and hotels. Such uses are not considered to generate the same demand for private amenity space, and it is considered that the provision made is sufficient to serve this use. It is nevertheless relevant to consider the extent of any impact on adjacent properties as a result of this building's proximity to mutual boundaries and its associated prominence. Whilst the proposed block would abut the mutual boundary at the bottom of number 42's plot, it subsequently steps in from the boundary by approximately 3.2m. Whilst this is closer than is commonly seen in the surrounding area, it is noted also that numbers 42 and 44 benefit from plots which are significantly longer than those of other blocks along this part of Bedford Road. Bearing this in mind, it is considered that the presence of the proposed block close to this boundary would be particularly prominent only for a portion of its length, and a meaningful area of garden space would be unaffected. Furthermore, the position of the proposed block to the north of the adjacent garden is such that the extent of overshadowing would be limited. There would be a degree of increased overshadowing from morning sun, though it is noted that there are existing blocks to the east which currently cast shade at this time. Taking account of these points, it is concluded that the proposed building would make adequate provision for garden space to serve a serviced apartment use, and that there would not be any excessive impact on existing amenity or privacy as a result of this proposal. The proposal is therefore considered to accord with policies D2 (Design and Amenity) and the relevant privacy, daylight and sunlight sections of the Council's 'Sub-Division and Redevelopment of Residential Curtilages' Supplementary Guidance.

Impact on character and amenity of surrounding area

The proposal would result in a 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 10m in length, however this remains a meaningful and useable area of rear garden, which is not significantly smaller than other plots along Bedford Road. It is noted also that there is a retail unit at the ground floor of 44 Bedford Road, which would have no demand for garden space to the rear. The removal of a vehicle turning point within the site has allowed for a more appropriate division of the plot than had previously been shown, with a greater proportion of garden space afforded to both the new building and number 44 than had previously been shown. The concerns expressed by colleagues in the Roads Development Management Team are noted, however it is considered that, on balance, the benefits of an improved arrangement in relation to plot size, availability of garden space and amenity afforded to residents of both the donor property and the new apartments would justify accepting this limited degree of impact.

As noted in the 'Design' section of this report, the proposed building relates well to the design and scale of the adjacent block on Bedford Place. The proximity of

the new block to the rear garden of 42 Bedford Road is noted, however as noted previously this would affect a limited proportion of this large plot, and on balance this situation is considered to be acceptable in this urban context. The limited extent of the new plot would not be readily discerned from the development's street frontage, and it is not considered that there would be any significant adverse impact on the character or amenity of this predominantly residential area, as required by policy H1 (Residential Areas).

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. There is a combination of flatted blocks and dwellinghouses on Bedford Place, with flatted blocks generally positioned abutting the footway and terraced rows of houses generally benefitting from front gardens of modest depth, with private gardens laid out to the rear. The rear gardens of 44 Bedford Road and the adjacent no.42 Bedford Road are significantly longer than other blocks in this part of the street, and they currently benefit from a largely open aspect to the north-east, which would be partially enclosed by the presence of the proposed building. Nevertheless, this would affect only a proportion of the available gardens, and it is considered that both properties would still benefit from meaninful areas of communal garden space. As has been mentioned previously, the position of the proposed block relative to adjacent gardens is such that overshadowing would be limited to an increased degree of overshadowing from morning sun, which is already partially present due to the position of buildings at 53-57 Bedford Place. Taking account of these points, the proposal is considered to accord with the relevant provisions of the Council's supplementary guidance on the 'Sub-Division and Redevelopment of Residential Curtilages'.

Further matters
Additional submissions will be required in order to demonstrate that the site has made adequate provision for the storage and collection of refuse, including recycling, and also that the development can demonstrate compliance with the Council's Low and Zero Carbon Buildings supplementary guidance, which seeks to reduce carbon emissions from new development. Planning conditions can be attached to any consent to be granted, ensuring compliance with policies R6 (Waste Management Requirements for New Development) and R7 (Low and Zero Carbon Buildings) of the ALDP and the aforementioned supplementary guidance.

Proposed Legal Agreement
In accordance with the supplementary guidance 'Serviced Apartments, a s75 legal agreement is required to ensure that the development remains in single ownership and that no apartment may be occupied for more than 90 days by the same occupant.

Summary
The proposed development is not considered to result in any significant adverse impact on existing residential amenity, and would afford an appropriate level of

amenity to residents of the proposed serviced apartments. It is acknowledged that the necessity of reversing across the footway is not encouraged, however the limited number of spaces is such that the degree of any impact on road safety is not considered to be significant, and would not be dissimilar from many residential driveways across the city, where driver behaviour adjusts accordingly. The design and scale of the proposed building is consistent with its surroundings, and demonstrates due regard for its context. It is therefore recommended that planning permission be approved subject to both the conditions described below, and to a section 75 legal agreement, which would ensure that the units are not sold off as individual flats, and that the maximum stay is set at 90 days.

RECOMMENDATION

Willingness to approve subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a legal agreement to ensure that the development remains in single ownership and that no apartment may be occupied for more than 90 days by the same occupant

REASONS FOR RECOMMENDATION

The proposed serviced apartments are considered to be acceptable in this predominantly residential area, having no significant detrimental impact on the existing uses surrounding the application site. There is not considered to be any fundamental conflict with the Council's 'Serviced Apartments' and 'Sub-division and Redevelopment of Residential Curtilages' Supplementary Guidance documents or Policy H1 (Residential Areas) of the Aberdeen Local Development Plan (ALDP). The general design and scale of the proposed building is considered to be appropriate for this site, and demonstrates due regard for its context, as required by Policy D1 (Architecture and Placemaking) of the ALDP. The application generally conforms to the principles of Policy D2 (Design and Amenity) by presenting an appropriate street frontage to Bedford Place, making provision for garden/amenity space and addressing potential overlooking issues through the careful arrangement of the internal layout.

Whilst it is noted that the building would be in close proximity to the mutual boundary, this applies to only the furthest part of a particularly generous plot, and would not be dissimilar from the existing arrangement at the foot of number 44's curtilage.

The proposal makes adequate provision for car any cycle parking and, whilst the arrangements for vehicular access to the site require reversing across a footway, it is considered that the two off-street spaces would correspond to intensive use of this access, and this arrangement would not be dissimilar to many residential driveways across the city. It is acknowledged that Bedford Place would become

more heavily trafficked once the junction onto Bedford Road is altered to permit two-way access, however it is noted that the shallow front gardens of properties in Bedford Place would not lend themselves to replication of this driveway arrangement. On this basis, the degree of conflict between pedestrian and vehicle movements and the safety implications of this small number of reversing manoeuvres onto Bedford Place are not considered to result in an unacceptable impact on road safety which would warrant refusal of this application, and it is therefore considered to be acceptable on balance.

Access and car/cycle/motorcycle parking provision are considered to be sufficient to serve the demand arising from this development, and are to the satisfaction of the Council's Roads Development Management Team. In this regard, the proposal is considered to accord with the provisions of Policy T2 (Managing the Transport Impact of Development) and the associated 'Transport and Accessibility' Supplementary Guidance.

CONDITIONS

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

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

(2) that no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity. For the avoidance of doubt, samples of the finishing materials should be provided to inform the planning authority's assessment.

(3) that the development hereby approved shall not be occupied unless the Car, cycle and motorycycle parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. 015a of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety, encouraging sustainable modes of travel and the free flow of traffic.

(4) that the serviced apartments hereby granted planning permission shall not be occupied unless a scheme for the provision of foul sewerage and wholesome water facilities has been submitted to and approved in writing by the Planning Authority and that the said scheme has been implemented - in the interests of public health.

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

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

(7) that the use hereby approved shall not be brought into use until such time as a sample Residential Travel Pack has been submitted to and agreed in writing by the planning authority, and thereafter prominently displayed for the benefit of occupants. For the avoidance of doubt, this should be site-specific and detail the sustainable transport options available to occupants of the development - in the interests of promoting sustainable travel.

(8) that no development pursuant to this grant of planning permission shall be undertaken unless street furniture on Bedford Place has been re-sited in accordance with a scheme which has been submitted and agreed in writing by the planning authority – in order to ensure that existing street furniture is not inappropriately sited relative to bedroom windows and the proposed vehicular access.

Dr Margaret Bochel
Head of Planning and Sustainable Development.

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MEMO

ABERDEEN CITY COUNCIL

To	Gavin Evans Planning & Infrastructure	Date Your Ref. Our Ref.	09/02/2015 P141664 (ZLF)
From Email Dial Fax	Roads Projects gevans@aberdeencity.gov.uk 01224 522871		

Roads Projects
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen AB10 1AB

Planning application no. P141664
44 Bedford Road, Kittybrewster
Erection of Three and a half storey serviced apartment development (8 units) with associated car parking

I have considered the above planning application with the additional information submitted, and have the following observations:

1 Development Proposal

1.1 I note that the application is for the erection of a three and a half storey serviced apartment development (8 units) with associated car parking.

2 Parking

2.1 I note that 8 rooms are proposed. The current guidelines would suggest 6 parking spaces at a ratio of 0.75 spaces per apartment be applied. However in 2015 we will be adopting new parking standards for Serviced Apartments which would ask for 0.5 parking spaces per apartment resulting in 4 spaces required.

2.2 I am willing to accept 2 off street parking spaces, a shortfall of 2 spaces taking consideration of the draft parking standards that will be in use shortly.

2.3 The two spaces on site are off setting the space lost in the controlled parking zone on Bedford Place. As a result of the controlled parking zone being altered the applicant should be aware that they must apply to alter the Traffic Regulation Order (TRO). Should this application be approved the applicant must contact Victoria Ritson (01224 522325) of the Traffic Management Section at their earliest opportunity to begin the TRO process. The applicant should be aware that this could cost approximately £2000 and take approximately 9-10 months to achieve.

2.4 I welcome the inclusion of 4 bike storage cabinets to promote sustainable travel to and from the Serviced Apartments.

2.5 I would ask that a condition is attached to this application that the gradient of the parking area must not exceed 1:20 or a maximum of 1:15 if a non-slip surface treatment is used.

3 Development Vehicle Access

3.1 Drawing number 015 submitted originally with the application shows a turning area within the development that will allow a car to enter and exit the site in a forward gear. Subsequently drawing number 015a has been submitted with the turning area removed.

3.2 We would have road safety concerns with vehicles reversing across the footway in this location. Future plans to allow two-way traffic on this road as a result of a bus gate being installed on Bedford Road will increase the level of traffic at the site access. Pedestrian movements in this location will comprise people walking to the school and Retail Park. The Retail Park also has approved planning permissions for a McDonalds and a gym which could also increase pedestrian and vehicle movements on Bedford Place.

3.3 Bedford Place has a controlled parking zone beginning in close proximity to the proposed site entrance which will further limit visibility to drivers exiting the development in reverse.

3.4 For road safety reasons we would object to the access arrangements shown in drawing number 015a. We would be satisfied that the access arrangements shown in drawing 015 which would allow users to enter and exit in a forward gear which would be acceptable terms of road safety.

3.5 The footway crossing required for the access should be constructed by Aberdeen City Council. The applicant is responsible for all costs involved and should be advised to contact the Road Network Maintenance Unit (Tel 01224 241500) at least 6 weeks prior to any work starting on site and arrange for a estimate for the cost of the works. The parking area is to be designed and constructed with the following conditions attached:

- The car park must be internally drained with no surface water discharging onto the public road;
- Loose material (e.g. stone chippings) must not be used to surface any of the first 2 metres length adjacent to the footway;

4 Drainage Impact Assessment

4.1 I note that drainage proposals have been submitted. These are acceptable in principle however I would ask that the drainage calculations for a sensitivity test up to a 200 year return period and a letter from Scottish Water confirming that they are satisfied with the drainage proposals are submitted. This can be conditioned to be submitted prior to construction should the application be granted planning permission.

5 Travel Plan

5.1 With the aim of promoting sustainable travel to the users of serviced apartments in the City we are requesting that a Residential Travel Pack is produced and is made available to the occupants. This should be site specific and detail the

sustainable transport options available. I would ask that the contents of this are conditioned to be agreed prior to occupation.

6 Conclusion

6.1 As mentioned previously I would have no objection to this application subject the issues mentioned above being conditioned and the parking layout shown in drawing 015 being used. However we would object to the parking layout as per drawing number 015a being used.

Richard Bailie
Engineer

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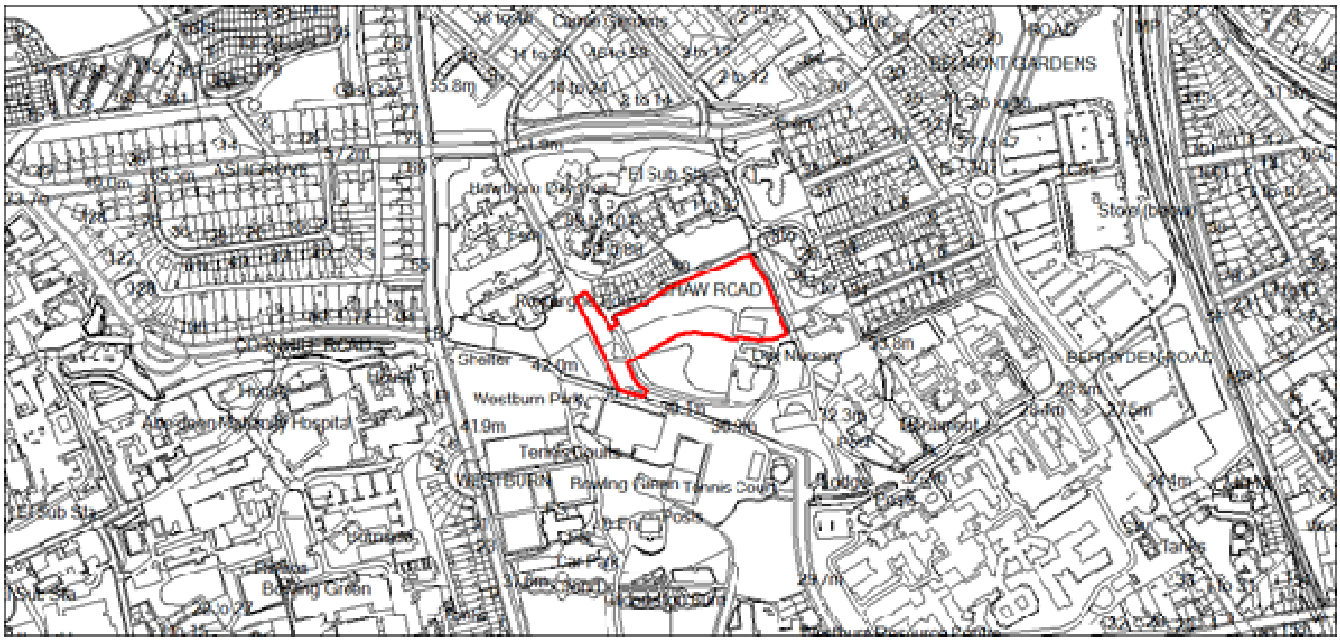
Planning Development Management Committee

MAY BAIRD AVENUE, ASHGROVE

ERECTION OF 46 APARTMENTS WITH ASSOCIATED CAR PARKING, LANDSCAPING AND EXTERNAL WORKS

For: Cala Homes Aberdeen (North) Ltd

Application Type : Detailed Planning Permission
Application Ref. : P140810
Application Date: 29/05/2014
Officer: Gavin Evans
Ward : Midstocket/Rosemount (B Cormie/J Laing/F Forsyth)
Advert : Section 60/65 - Dev aff LB/CA
Advertised on: 11/12/2014
Committee Date: 9 March 2015
Community Council :



RECOMMENDATION: Willingness to approve subject to conditions and the conclusion of a legal agreement to secure the following;

- **25% affordable housing provision on adjoining land, as described in application P141696**

- **Developer contributions in relation to Primary Education in line with the assessment carried out by the Council's Developer Obligations team; and the Strategic Transport Fund (STF) as advised by Roads Development Management**

- **Participation in a Car Club, including leasing and associated administrative costs for a single vehicle for a period of 3 years, in order to mitigate the identified shortfall in car parking.**

DESCRIPTION

This 1.2 hectare site is located on the western side of May Baird Avenue, which connects Ashgrove Road, to the north, with Cornhill Road and the Cornhill Hospital site to the south. The site lies immediately to the south of Shaw Road, and slopes to the south, incorporating a number of impressive mature trees which give the site a degree of enclosure from the north. The neighbouring residential area to the north includes the converted Elmhill House, an impressive B-listed building.

The site incorporates both previously developed land and landscaped open space, which is commonly used for walking, with informal path routes evident through the site.

At its south-eastern corner is a car parking area which is understood to pre-date the adjacent nursery, having been associated with the former 'Ross Clinic', but is currently used for occasional overspill car parking. Shaw Road is a cul-de-sac, and near its western end is a derelict building known as 'Gardener's cottage'.

Trees within the site are protected by virtue of their location within the Rosemount & Westburn Conservation Area, and also by Tree Protection Order (TPO) no92.

The northern side of Shaw Road is characterised by 4no blocks of town houses (16 in total) at its western end, with its eastern end providing an open green setting for Elmhill House.

The western and southern site boundaries are enclosed by a 2m boundary wall and defined by a line of mature trees and shrubs. Beyond these boundaries, Cornhill Road and the Westburn Tennis Centre lie to the south, with Roxburghe House and its associated grounds to the west.

Shaw Road sits around 1m above the level of the application site and is accessed from May Baird Avenue to the east, which itself is on a north-south axis and gives connection to Ashgrove Road to the north and Cornhill Road to the south. To the east is a small amenity housing development, beyond which is further housing towards Berryden Road. The former Cornhill Hospital site lies to the south east, beyond May Baird Avenue. On the opposite side of Cornhill Road is Westburn Park which extends towards Westburn Road to the south.

RELEVANT HISTORY

Application P121598, submitted in November 2012, sought detailed planning permission for the construction of 12 houses and 10 flats on this site. That application was refused under delegated powers in September 2013. The reasons being: the impact on existing trees and the loss of public open space.

These factors were seen to be indicative of the development's failure to demonstrate due regard for its context, with a resultant adverse impact on the character of the Conservation Area. This previous application was also considered to be lacking certain supporting information to allow an informed assessment of its potential impacts in relation to roads and drainage. Notably the application also proposed no on-site affordable housing, which is in conflict with the Council's stated preference for on-site delivery.

PROPOSAL

Detailed planning permission is sought for the construction of 46 flats, contained within two 4 ½ storey buildings of contemporary design, sited towards the lowest/ south-eastern part of the site. The arrangement of car parking and buildings has been influenced by the presence of existing trees, with the aim of both preserving those trees of greatest value and maintaining a valuable open space for public use. The applicants propose that the trees and open space will be formally managed, and new pedestrian links will be provided through the site.

Access would be taken to the north of the proposed blocks, off May Baird Avenue. May Baird Avenue itself would be resurfaced between Shaw Road and the entrance to the day nursery, with the existing footpath on its western side widened.

It is noted that a separate application has been submitted for the construction of 15 'low-cost' units at the western end of Shaw Road, on the site of the former gardener's cottage.

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=140810

- Design Statement
- Tree Survey

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because it has attracted more than 5 letters stating objection to the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – State that the development can be accepted provided various matters can be secured through planning conditions and/ or a planning agreement, as follows:

Car, cycle & m/c parking
Notes that the 74 car parking spaces proposed is less than that recommended by the guidelines stated in the Council's 'Transport and Accessibility' Supplementary Guidance, but recognise that the site is within walkable distance of the city centre and there are public transport routes in the surrounding area. Furthermore, it has been agreed that the identified shortfall in car parking could be adequately mitigated through provision of a car club space within the site, along with funding to cover vehicle leasing and associated costs for a period of 3 years. Appropriate cycle and motorcycle parking has been demonstrated.

General Layout
The applicants will be required to bring a section of May Baird Avenue, between Shaw Road and the entrance to the adjacent day nursery, to adoptable standard via the Roads Construction Consent (RCC) process. This would involve the provision of a 5.5m wide road and a 2.0m wide footway.

Footpath / Cycle Links
The proposed footpaths shown on the latest submitted plan should be built 3.0m wide to accommodate pedestrians and cyclists. The proposed footway on the west side of May Baird Avenue should be 2.0m wide and this should tie into the footway to the north of the entrance radius into the day nursery.

Strategic Transport Fund (STF)
As this site has not been allocated for residential development in the ALDP, it is liable for contributions to the Strategic Transport Fund, which can be secured via a legal agreement.

Environmental Health – No observations.

Developer Contributions Team – Identifies a requirement for affordable housing provision equivalent to 15.25 units. Notes separate application (ref P141696) for 15 affordable units on the adjoining land, and notes that the remaining 0.25 can be made as a commuted sum.

Notes that Aberdeen Grammar has capacity for additional pupils, but that forecasts suggest that Skene Square Primary School will exceed its current capacity. On that basis, proportionate contributions are sought towards Primary School education.

Core Paths 23 and 24 are located to the south of the site, and are on good paved surfaces, therefore no contribution is sought.

Enterprise, Planning & Infrastructure (Flooding) – No objection. Having reviewed the submitted DIA, it has been confirmed that the required levels of surface water treatment have been achieved, and that the proposals are in line with SuDS principles.

Scottish Water – No objection. State that Invercannie Water Treatment Works and Nigg Waste Water Treatment Works currently have capacity to service this proposed development.

Scottish Environment Protection Agency – No objection. Recommend that conditions be attached to any consent in relation to submission and agreement of both a scheme of surface water drainage and a site-specific Construction Method Statement (CMS). Any CMS should address all potential pollution prevention and environmental management issues related to construction works.

Community Council – The local Rosemount & Mile-End Community Council had previously expressed an 'in principle' agreement to the proposals, with some reservations. More recently, the Community Council has withdrawn those earlier concerns and has stated its support for the proposal.

Education, Culture and Sport (Educational Provision) – Pupils from this development are zoned to Skene Square Primary School and Aberdeen Grammar. Based on the 2013 school roll forecasts and under the current supplementary guidance, looking at average capacity over a five year period, a contribution would be required for the Primary School based on 4 additional pupils. Aberdeen Grammar currently has capacity.

Education

Pupils from this development are zoned to Skene Square Primary School and Aberdeen Grammar. Based on the 2013 school roll forecasts and under the current supplementary guidance, looking at the average over capacity over a five year period, a contribution would be required for the Primary School based on 4 pupils therefore 4 x £23,000 = £92,000. Aberdeen Grammar currently has capacity.

REPRESENTATIONS

8 letters of representation have been received, though two of these were from parties who had already objected, and are counted as single representations for the purposes of consideration against the Council's scheme of delegation. The objections raised relate to the following matters –

- May Baird Avenue is privately owned and not maintained by ACC;
- Concerns over car insurance on such an unadopted road;
- Queries whether May Baird Avenue will be upgraded;
- Impact on local residents as a result of noise during construction;

- Concern over increased traffic, which is considered excessive;
- States that access should be taken from Cornhill Road;
- Concerns over the extent of neighbour notification for previous applications;
- Concerns over impacts on privacy for the new homes and those across May Baird Avenue, on Barkmill Road;
- Concern over the felling of protected trees;
- Conserns over surface water drainage;
- Loss of views of the open space and trees;
- Concerns over the proximity to adjacent properties on Barkmill Road, and resultant loss of daylight and amenity;
- Queries whether the removal of the third block was a means of avoiding the application being classed as 'Major', with associated consultation being necessary;
- Concerns over loss of light and privacy to properties on Shaw Road;
- Impact on TV signal to Shaw Road;
- Height is excessive;
- Concerns over the proximity of trees to buildings and future pressure for their removal;
- Impact of the development on the landscape setting of the site; and
- Concern that water pressure will deteriorate.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)
SPP is the statement of Scottish Government policy on land use planning, and includes the Government's core principles for the operation of the planning system and concise subject planning policies. The principal policies relating to sustainable development and placemaking are relevant to assessment of this proposal, along with subject policies relating to Enabling Delivery of New Homes; Valuing the Historic Environment; Valuing the Natural Environment; and Promoting Sustainable Transport and Active Travel.

Creating Places
Scotland's policy statement on architecture and place sets out the comprehensive value which good design can deliver. Advising that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy.

The six qualities of successful places are set out as:

- distinctive;
- safe and pleasant;
- easy to move around;
- welcoming;
- adaptable; and
- resource efficient.

These guiding principles continue to underpin the Scottish Government's approach to delivering good places.

Designing Streets

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

Scottish Historic Environment Policy (SHEP)

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 Strategic Development Plan (SDP) 2014

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

Population growth – To increase the population of the city region and achieve a balanced age range to help maintain and improve people's quality of life.

Quality of the environment - To make sure new development maintains and improves the region's important built, natural and cultural assets.

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

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

Policy I1: Infrastructure Delivery and Developer Contributions

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

Policy T2: Managing the Transport Impact of Development

New developments must demonstrate that sufficient measures have been taken to minimise the traffic generated. Transport Assessments and Travel Plans will be required for developments which exceed thresholds set out in the associated

'Transport and Accessibility' Supplementary Guidance. Maximum car parking standards are set out in the associated supplementary guidance.

Policy D1: Architecture and Placemaking

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

Policy D2: Design and Amenity

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

Policy D3: Sustainable and Active Travel

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

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

D5: Built Heritage

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

D6: Landscape

Development will not be acceptable unless it avoids significantly adversely affecting landscape character and elements which contribute to, or provide, a

distinct ‘sense of place’ which point to being either in or around Aberdeen or a particular part of it.

Policy H3: Density
An appropriate density of development is sought on all housing allocations and on developments of over one hectare must meet a minimum density of 30 dwellings per hectare, have consideration of the site’s characteristics and those of the surrounding area, create an attractive residential environment and safeguard living conditions within the development.

Policy H5: Affordable Housing
Housing developments of 5 or more units are required to contribute no less than 25% of the total units as affordable housing.

Policy CF1: Existing Community Sites and Facilities
Existing healthcare sites shall be used primarily for healthcare and/or related medical and educational purposes. Where land or buildings become surplus to current or anticipated future requirements, alternative uses which are compatible with adjoining uses and any remaining community uses, will be permitted in principle. Large sites or sites in sensitive locations will be subject to a Planning Brief or Masterplan.

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. 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.

NE3: Urban Green Space
Permission will not be granted to use or redevelop areas of urban green space for any use other than recreation or sport, unless an equivalent and equally convenient and accessible area for public access is laid out and made available in the locality by the applicant for urban green space purposes.

In all cases, development will only be acceptable provided that:
1. There is no significant loss to the landscape character and amenity of the site and adjoining areas;
2. Public access is either maintained or enhanced;
3. The site is of no significant wildlife or heritage value;
4. There is no loss of established or mature trees;
5. Replacement green space of similar or better quality is located in or immediately adjacent to the same community, providing similar or improved benefits to the replaced area and is as accessible to that community, taking into account public transport, walking and cycling networks and barriers such as major roads;

Policy NE4: Open Space Provision in New Development
The City Council will require the provision of at least 2.8 hectares per 1000 people of meaningful and useful public open space in new residential development. Communal or public open space should be provided in all residential developments, including those on brownfield sites.

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

Policy NE6: Flooding and Drainage
Development will not be permitted if it would increase the risk of flooding through the discharge of additional surface water. Where more than 10 homes or greater than 100m^2 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: (a) be the best available in terms of SUDS; and (b)avoid flooding and pollution both during and after construction.

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

Policy NE9: Access and Informal Recreation
Wherever appropriate, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

Policy R6: Waste Management Requirements for New Development
Housing developments should have sufficient space for the storage of residual, recyclable and compostable wasters. Flatted developments will require communal facilities that allow for the separate storage and collection of these materials. 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
States that all new buildings, in order to meet with building regulations energy requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards.

Supplementary Guidance
Transport and Accessibility
Drainage Impact Assessments
Waste Management
Low and Zero Carbon Buildings

Infrastructure and Developer Contributions Manual

Proposed Aberdeen Local Development Plan
The following policies substantively reiterate policies in the adopted local development plan as summarised above:

- Policy D1: Quality Placemaking by Design
- Policy D2: Landscape
- Policy D4: Historic Environment
- Policy D5: Our Granite Heritage
- Policy I1: Infrastructure Delivery and Developer Obligations
- Policy T2: Managing the Transport Impact of Development
- Policy T3: Sustainable and Active Travel
- Policy H3: Density
- Policy H4: Housing Mix
- Policy H5: Affordable Housing
- Policy CF1: Existing Community Sites and Facilities
- Policy NE4: Open Space Provision in New Development
- Policy NE5: Trees and Woodland
- Policy NE6: Flooding, Drainage and Water Quality
- Policy NE8: Natural Heritage
- Policy R2: Degraded and Contaminated Land
- Policy R6: Waste Management Requirements for New Developments
- Policy R7: Low and Zero Carbon Buildings, and Water Efficiency

EVALUATION

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

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

Principle of residential use
Policy CF1 states that *existing healthcare sites shall be used primarily for healthcare and/or related medical and education purposes. Where land or buildings become surplus to current or anticipated future requirements, alternative uses which are compatible with adjoining uses will be permitted in principle.* The supporting information provided with the application indicates that the site is surplus to the requirements of the NHS. Given this, and the fact that there are residential properties in close proximity to the application site, it is considered that the principle of residential development is acceptable. However, the extent of development also requires to be assessed in terms of its impact on the Green Space Network and the informal but nevertheless longstanding use of the site as an area of publicly accessible open space.

Policy CF1 emphasises this point further by stating that, where such areas contain uses other than that for which the area has been designated and these uses make a positive contribution to the character and community identity of the area, any proposals for development or change of use, whether or not the community use is recognised in the designation, will be opposed if a likely result would be a *'significant erosion of the character of the area or the vitality of the local community'*.

It is therefore the case that residential development is acceptable in principle on this site, provided that the proposal would not result in that specified impact. Informal public access to this area of open space is clearly well established, and it makes a positive contribution to local landscape character and amenity. The applications' focus has been on locating buildings on previously developed parts of the site where possible, in order to retain areas of open space and minimise impact on existing trees. Car parking areas would be surfaced in a 'grass-crete' type surface, to retain the landscape character of the adjacent open space.

Policy NE3 (Urban Green Space) also provides direction, however it is recognised that this area is not specifically identified as UGS, and has historically been zoned in a manner which could allow for expansion of the existing hospital site. Nevertheless, the value of this site as a recreational and amenity resource for the local community is recognised, and any non healthcare related redevelopment proposal must maintain a high quality, publicly accessible open space of a meaningful size. For those reasons, the footprint of buildings has been limited, and buildings have been sited towards the previously developed areas. Similarly, car parking standards have been reduced, with alternative means of ensuring compliance with transport policies implemented. In this regard, the area of open space to be retained would be significant, with those more valuable trees safeguarded. Overall the proposal is not considered to adversely affect the landscape character of the site, and public access will potentially be enhanced through the formalisation footpath routes. The site's heritage value lies in the impressive mature tree specimens, however these are largely retained, with specimens of lesser value being removed to facilitate development. Whilst the proposal does not make alternative provision for open space as such, it has been designed in such a way as to minimise its encroachment onto the available open space, and in particular the most valuable and sensitive parts, and the existing space would arguably be enhanced as a result of the proposals, which includes future active management and maintenance of the open space. Whilst areas of tension with policy NE3 (Urban Green Space) are recognised, the proposal is nevertheless considered to represent a form of development which has demonstrated due regard for the constraints of the site, and allows the development blocks to be incorporated without significant impact on the local landscape character.

Access and Car Parking

Vehicular access is from May Baird Avenue, to the north of the two blocks. The Council's Roads Projects Team advise that it would be necessary for May Baird Avenue to be brought up to adoptable standard between Shaw Road and the

entrance to the adjacent day nursery, with the carriageway resurfaced and the existing footway widened to 2m. Subject to this, the access is acceptable.

Car parking provision would be below Council parking guidelines, however it is recognised that the site is within reasonable walking distance from the City Centre, and existing bus routes. Furthermore, the applicants have committed to addressing the shortfall in car parking by making provision for a Car Club space, along with financial contributions equivalent to 3 years costs. This approach is supported by the Council's 'Transport and Accessibility' supplementary guidance, and has been agreed with colleagues in the Council's Roads Projects Team. Whilst this approach would not be appropriate in all cases, the constraints posed by existing trees and their Root Protection Areas are such that full parking provision is likely to result in either undue impact on existing trees or significant erosion of the open space. Taking these matters into account, it is considered that the proposal demonstrates appropriate measures to minimise traffic generated and to make appropriate provision for car parking, along with associated measures to mitigate the identified shortfall, as required by policy T2 (Managing the Transport Impact of Development) and the associated 'Transport and Accessibility' supplementary guidance.

Footpaths are to be provided through the site, formalising the existing recreational routes which already exist. Again these routes have been sited so as to minimise encroachment and impact within the Root Protection Areas of trees. This enhancement of recreational access to green space, combined with the site's proximity to the city centre, the upgrading of the existing footway on May Baird Avenue and the appropriate provision of cycle parking facilities, demonstrates accordance with policies D3 (Sustainable and Active Travel) and NE9 (Access and Informal Recreation) of the ALDP .

Potential impact on Green Space Network
Policy NE1 states the Council will protect, promote and enhance the wildlife, recreational, landscape and access value of 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. The manner in which development has been largely confined to the previously developed edges of the site is such that a meaningful area of open space would be retained at the heart of the site, along with the majority of the more valuable tree specimens. It is considered that the integrity of the Green Space Network would be maintained, and its character and function would not be destroyed or eroded, and the proposal is therefore considered to be consistent with the aims of policy NE1 (Green Space Network).

Potential impact on trees and landscape character
A tree survey has been submitted, indicating 45 trees within the site. Some trees are particularly good examples and the diameter of larger specimens would suggest they are among the oldest trees in the city. In terms of arboricultural significance, some are extremely important to the city and their loss would be detrimental to natural heritage. Overall they are of high value both visually in terms of their local setting and also in terms of their habitat value and contribution to the wider Green Space Network.

Whilst the refused scheme had involved significant tree removals, including several significant category A specimens, and the extensive erosion of open space, this proposal has taken an entirely different approach focusing development on those parts of the site which have previously been developed and prioritising both the retention of the largest and most valuable tree specimens and maintaining a useable and publicly accessible open space of a meaningful scale.

Of the trees to be removed to facilitate development, 2 are in poor health and are recommended for removal, whether or not there is to be development. Other trees to be removed are clustered around the previously developed parts of the site, adjacent to the car park of the former 'Ross Clinic' or around the gardener's cottage building at the western end of Shaw Road. Of the 16 notionally healthy trees to be removed, 6 are identified as category B and 10 are category C, which denote trees of moderate or low quality, with remaining lifespans estimated at between 10 and 20 years. Several are smaller cherry trees, which are more readily replaceable specimens of lesser arboricultural interest, and it is significant that none of the 7 category-A trees identified would be felled. Retained trees would feature prominently in the adjacent green space, which would be subject to an active programme of management and maintenance, which appears to have been lacking in recent years.

It is noted also that all buildings, car parking and internal roads are sited outwith root protection areas, ensuring that there would be no significant impact on the health of trees to be retained. The provision of formal path routes through the site can also lessen occurences of soil compaction within Root Protection Areas by formally directing foot and cycle traffic.

Whilst there is a degree of tree loss required, the approach taken has cleary sought to confine development areas to the previously developed parts of the site and to minimise impact on the most valuable trees. All category-A trees are retained, along with the majority ot category-B trees. Impact on root protection areas (RPAs) has also been given due consideration, with development taking place outwith these areas and utilising a no-dig construction methodology in order to negate impact arising from excavations. Compensatory planting is proposed in mitigation of the identified tree removals, though details have not been provided at this stage and can be secured via condition. With these points in mind, it is considered that the application demonstrates accordance with the principles of policy NE5 by virtue of the manner in which buildings and associated development has been designed and sited so as to minimise adverse impacts on existing tree cover, and those impacts which have been identified would affect specimens of lesser significance in terms of landscape character or local amenity. The submitted plans indicate that soft landscaping would be used to define enclosed boundaries to the south of the flatted blocks, which is considered to be consistent with the character of the site. Overall, there would not be a significant adverse impact on landscape character, and benefits can be discerned in the provision of defined paths and a more active management and

maintenance regime. Taking these points into account, the proposal is considered to accord with the principles of policy D6 (Landscape).

Design, scale and form of development and relationsip with Conservation Area

Policy D1 (Architecture and Placemaking) seeks to ensure that all development is designed with due consideration for its context. Here the application site constitutes an important area of informal green space which forms part of the wider Green Space Network (GSN). It has a relatively natural character by virtue of the large mature trees both within and surrounding the site and the green space within it. The GSN is important in terms of landscape and habitat value and the site is an important part of that. Any development must recognise the value of the open space and existing trees and seek to retain a useable and valueble open space.

Buildings are sited towards the edges of the site to avoid impact on the most valuable trees, and to ensure that the siting of the buildings does not divide the open space and compromise its continued public use. The height of the two proposed blocks is, at least in part, a result of their footprints being restricted to avoid such impact, and to enable a 'viable level of development, and in this sense the proposal does demonstrate due regard for its context.

Though the buildings may appear tall at 4 ½ stories, the site is relatively well enclosed, with existing trees and landscaping acting as a visual barrier. Its only truly open aspect is to May Baird Avenue, and then only for a limited proportion of its length due to the screening provided by trees to the north and south of the site. The result of this is that the new buildings will not be readily seen in the same view as other buildings along May Baird Avenue, Shaw Road, Barkmill Road or Shaw Crescent, and appear as standalone pavilions within the wider landscaped open space. Their contemporary styling is consistent with the terraced homes on Shaw Road and the residential flats further to the north on Shaw Crescent, however it is noted that there is much variety in the size and style of buildings in the immediate area: modern three storey townhouses on Shaw Road; buildings of varying sizes and ages within the Cornhill Hospital site; and flatted blocks on Shaw Crescent ranging from 5 to 7 storeys. Taking this into account, it is clear that there is no one dominant building style in the locality, and a variety in scale. Given the enclosure of the site visually, the scale of buildings is not considered excessive, and represents an appropriate response to this specific site.

The new buildings would be finished in stone at ground floor level, with rendered upper floors. The top floor would be partially set back from the frontage and finished in timber cladding. This set-back allows for useable southerly aspect balcony spaces, enclosed by glass balustrading, with views over the adoining open space. Areas of private garden are also afforded an open southerly aspect, demonstrating a good level of amenity for prospective residents.

Taking these matters into account, it is considered that the proposal demonstrates due regard for its context, with a design solution based on

maintaining the landscape value of this and safeguarding the most valuable tree specimens. The proposal would make a positive contribution to its setting through the formalisation of existing path routes and the enhancement of the existing open space, with an active regime of management and maintenance to be implemented. The proposal is therefore considered to accord with the provisions of policy D1 (Architecture and Placemaking). In maintaining and enhancing existing landscape character, the proposal is considered also to maintain the character of the Rosemount and Westburn Conservation Area, and to demonstrate its compliance with SHEP, SPP and policy D5 (Built Heritage). The proposed development is considered of an appropriate density, which takes account of the site's arboricultural constraints and the surrounding built form, and is therefore considered to accord with the aims of policy H3 (Density).

Impact on residential character and amenity
The proposed development presents a public face to the street and on approach up May Baird Avenue, with amenity space provided for residents via private gardens to the south of the buildings and balconies for upper floors. In addition, residents would benefit from the presence of the adjacent open space. The orientation of buildings, gardens and balconies to face south makes the most of opportunities for sunlight. Neighbouring buildings are sited at sufficient distance from the proposed blocks to ensure that there would be no undue loss of privacy as a result of the proposal. It is noted also that existing tree planting along the western side of May Baird Avenue provides a good degree of screening. Taking these points into account, is it considered that the proposed development would provide a good standard of amenity for residents, and would not compromise the amenity afforded to residents of nearby residential properties. On that basis, the proposal is considered to accord with the provisions of policy D2 (Design and Amenity).

Affordable Housing
The 46 units proposed in this application are entirely mainstream flats, however the applicant has submitted a separate application for 15 affordable units at the western end of Shaw Road. It would be necessary to have implementation of this consent controlled by a legal agreement, stipulating that affordable units must be delivered at a specified point prior to full occupation of this development. Whilst it is not usual for affordable housing to be delivered via a separate consent, this is nevertheless a legitimate means of securing on-site affordable housing at 25% (generally known as 'Site Twinning'), in accordance with policy H5 (Affordable Housing) and the associated 'Affordable Housing' Supplementary Guidance.

Open Space
The site makes open space provision principally through the retention of a significant proportion of the exising open space, with the incorporation of formal pathways and a more regular and formalised scheme of management and maintenance for the trees and landscaped areas. It is considered that the proposal makes ample provision for publicly accessible open space, in accordance with policy H4 (Open Space).

Drainage

As noted previously, SEPA has recommended that a condition be attached to any grant of planning permission, requiring submission of a drainage impact assessment (DIA) for the further agreement of the planning authority, in consultation with SEPA. This recommendation is reflected in the conditions proposed.

Compliance with Waste and Low and Zero Carbon Buildings Supplementary Guidance
Submission of further technical information to demonstrate compliance with the Council's relevant supplementary guidance in relation to refuse, recycling and reducing the carbon emissions of buildings can be secured via appropriate conditions attached to any grant of permission.

Relevant planning matters raised in written representations
It has been previously noted that May Baird Avenue would be brought up to an adoptable standard. Matters relating to liability for motor insurance claims are not relevant to the planning merits of this proposal.

Whilst there can be some localised disruption during the construction phase of any development, this will be temporary in nature, and separate controls relating to noise and air quality exist under Environmental Health legislation. Such disruption would not preclude the granting of planning permission.

The proposed development would be accompanied by local upgrading of May Baird Avenue, which the Council's Roads Projects Team have accepted as being satisfactory. Points relating to alternative access are noted, however the proposal involves access being taken from May Baird Avenue, and this is considered to be acceptable.

Concerns relating to deficiencies in neighbour notification undertaken for previous applications are not relevant to assessment of this proposal. So far as this application is concerned, it is understood that notification was undertaken in accordance with the relevant regulations.

Issues relating to privacy, daylight and potential impacts on trees and landscape character have been addressed elsewhere in this report.

A DIA has been submitted in support of the proposal and, as per the consultation response from SEPA, further details of surface water drainage will require to be agreed prior to works commencing. Similarly, Scottish Water's consultation response established that there is capacity in their network to serve the development, but also highlighted that separate approval from Scottish Water is required for this, with any necessary works to improve water pressure potentially subject to financial contributions from the developer.

Concerns relating to the impact on daylight, privacy and TV signals are no longer considered relevant to this application, with the block at the western end of that street now the subject of a separate application.

Matters relating to design and scale are addressed elsewhere in this report.

There is no right to a particular view under planning legislation, and it is not considered that the outlook from any nearby property would be prejudiced materially.

The manner in which the block at Shaw Road has been included in a new application was a means of securing the 25% affordable units without resulting in undue delay for the applicants' current proposal. This is a quite legitimate approach, and is not prohibited by the relevant legislation.

Proposed Aberdeen Local Development Plan
The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application, the site zoning and applicable policies would not be materially different from those applicable under the current ALDP and detailed above.

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Summary
The proposed development is consistent with the zoning of the site, which allows for alternative uses where the site is no longer required for the primary community use, in this case as part of the NHS campus at Cornhill Hospital. The value of the site as an informal but long established amenity open space has been recognised, and the development proposal seeks to retain a significant proportion of the site as a publicly accessible open space. Path routes are to be formalised, and the arboricultural value of the site would not be undermined, with a clear focus on retaining the most valuable specimens as part of this open space. Tree losses are principally of lower value and contribution to the local landscape character, and overall the development would be consistent with the character of this part of the conservation area, where buildings are often sited in a mature landscaped setting. The materials and styling of the building are contemporary, but would not appear incongruous in this well-enclosed location where there is no clearly dominant style or built form. A high standard of amenity would be secured for residents, without adverse impact on neighbouring uses. The identified shortfall in car parking has been addressed through acceptable means of a funded car club vehicle and space, and full 25% provision of affordable housing can be secured via the separate application for the block at the western end of Shaw Road, and a small commuted sum. Approval of this

application is predicated on those affordable units being secured, so a condition and/or legal agreement will be required in order to prevent implementation of this consent without corresponding delivery of affordable units. On balance, this proposal is considered to accord with the relevant provisions of the plan, and any areas of tension identified with individual policies are not considered to be sufficient to warrant refusal of the application. Similarly, the matters raised in representations have been addressed in this report, and none have been found to be of sufficient substance to warrant refusal of planning permission.

RECOMMENDATION

Willingness to approve the application subject to conditions and the conclusion of a legal agreement

REASONS FOR RECOMMENDATION

1. The proposal demonstrates an appropriate form of development, which would not result in conflict with the surrounding uses and amenity. The scale and form of the proposal is considered to be acceptable in this well-enclosed site, and the setting of standalone blocks within a landscaped setting is consistent with the character of the surrounding area and this part of the Conservation Areas. The proposal is therefore considered to demonstrate its compliance with policies CF1 (Existing Community Sites and Facilities), D1 (Architecture and Placemaking), D2 (Design and Amenity), H3 (Density).

2. The proposal demonstrates due regard for the protection and retention of existing trees, with the most valuable trees safeguarded as part of the adjoining open space, and buildings and car parking sited outwith identified Root Protection Areas accordingly. The character and function of the Green Space Network would be undiminished by this proposal, which focuses initially on those parts of the site which have been previously developed. Local landscape character would be maintained, in accordance with policy NE6 (Landscape), and the proposal is considered also to accord with policies NE1 (Green Space Network), NE5 (Trees and Woodlands) and NE4 (Open Space Provision in New Development).

3. The character of the Rosemount and Westburn Conservation Area would not be adversely affected by the proposal, which is consistent with the characteristic siting of buildings within mature landscape settings, as seen elsewhere in this part of the Conservation Area. The proposal is considered to accord with Scottish Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), and policy D5 (Built Heritage).

4. The proposal demonstrates appropriate means of access for vehicles, cycles and pedestrians. Existing recreational routes would be enhanced, and pedestrian footways would be upgraded. Parking levels, though short of those recommended by guidelines, are at an acceptable level, and the shortfall is to be mitigated by the provision of a Car Club space and developer funding for a vehicle. The proposal is considered to accord with the provisions of policy T2

(Managing the Transport Impact of Development), D3 (Sustainable and Active Travel) and NE9 (Access and Informal Recreation).

5. In restricting implementation of this consent based on delivery of the requisite affordable housing provision, with units at Shaw Road to be consented via a separate application, the planning authority can ensure compliance with policy H5 (Affordable Housing) and the associated supplementary guidance.

CONDITIONS

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

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

(2) Prior to the commencement of any works on site, a detailed scheme for surface water drainage shall be submitted to and agreed by the Planning Authority, in consultation with SEPA. Thereafter, all work shall be carried out in accordance with the approved scheme – to ensure adequate protection of the water environment from surface water runoff.

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

(4) that the development hereby approved shall not be occupied unless the Car, cycle and motorycycle parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. L(90)-100-D of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety, encouraging sustainable modes of travel and the free flow of traffic.

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

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

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

(7) that no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

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

(9) No development shall take place unless there has been submitted to, and approved in writing by, the planning authority

(i) a scheme for the supervision of the arboricultural protection measures and works to include the time and method of site supervision, record keeping including updates and that this supervision is administered by a qualified arboriculturalist approved by the planning authority but instructed by the applicant.

(ii) a plan and report illustrating appropriate management proposals for the care and maintenance of all of the trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the planning authority.

The proposals and scheme of supervision shall subsequently be carried out in complete accordance any information thereby approved in writing by the planning authority - in order to ensure adequate protection for the trees on site during the construction of the development and in order to preserve the character and visual amenity of the area.

(10) That no unit within the development hereby granted planning permission hall be occupied unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority – in order to preserve the amenity of the neighbourhood and in the interests of public health.

(11) that the buildings 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 pecified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

(12) that no unit within the development hereby approved shall be occupied until such time as a 'Car Club' only parking space has been made available at a prominent position within the application site, in accordance with site plan L(90)-100-D of the plans hereby approved, or such other plan as has been submitted to and approved in writing by the planning authority for this purpose -in order to ensure that the identified shorftall in on-site parking is adequately mitigated.

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

(14) that no development pursuant to this grant of planning permission shall be undertaken unless a further detailed scheme of the footpath links within areas of open space has been submitted to any agreed in writing by the planning authority, in consultation with the Council's Roads Projects Team. Thereafter no residential unit within the development shall be occupied until such time as those approved routes have been constructed and made available for use in accordance with the agreed scheme - in order to ensure that the shared surface paths are designed to the required standard, thereby enhancing recreational access and permeability.

(15) that no unit within the development hereby approved shall be occupied until the site access from May Baird Avenue and associated upgrading of May Baird Avenue to adoptable standard has been carried out in accordance with drawing L(90)-100-D, or such other drawing as has been submitted to and approved in writing for this purpose - in order to ensure appropriate vehicular and pedestrian access to the development.

INFORMATIVES

Please note that in SEPA's consultation response, it was stipulated that the required Construction Method Statement (CMS) should be submitted at least 2 months prior to the intended commencement of works, in order to give consultees sufficient time to review submissions.

Dr Margaret Bochel
Head of Planning and Sustainable Development.

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Gavin Evans

From:
Sent: 20 January 2015 22:09
To: Gavin Evans
Subject: Re R&M-ECC repose to the Cala application at former Cornhill Hospital.

Good evening Gavin.

Having asked Ross for an update on how the application was going he replied that you weren't sure if our response was for the 15 low cost apartments or for both the low cost and the private units.

This is to confirm that the contents of our response is for the Cala application for the 15 low cost apartments and the private units. P14D810.

Will make sure in future that the contents of our response is explained properly what we are in fact agreeing to.

I apologise for any inconvenience this may have caused.

Kind regards

Willie Jaffray (chair)
R&M-ECC

WITHDRAWN
25/4/14.

ROSEMOUNT & MILE-END COMMUNITY COUNCIL

Planning & Sustainable Development
Planning Department
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen AB10 1AB

18 June 2014

Dear Sir/Madam

Planning Application No:- P140810
May Baird Avenue Ashgrove Aberdeen

I refer to the above planning application & make the following observations on behalf of the Rosemount & Mile-End Community Council :-

We discussed the proposals at our meeting on 17 June 2014 & in principle our Committee members agree with the plans with some reservations.

We are of the view that the addition of a further 46 apartments is over development of this area taking into account the 6 tower blocks & town houses already existing in Shaw Road & Crescent. We would prefer the 3.5 storey blocks to be reduced to 3 housing fewer apartments.

The main concern of the R&MECC is the traffic volume eminating not only from the "Shaw" development site but also the through traffic using May Baird Avenue as a "Through" route between Ashgrove Road to the north & Cornhill & Westburn Roads to the south.leading to the city centre. Especially as it passes within the Cornhill Hospital grounds.

We suggest that a review of the area roads is conducted before these plans are finalised. Possible solutions could be

a) A new & different entry & exit established from Cornhill Road.

b) No entry to Cornhill Hospital from the Cornhill Road entrance leading to May Baird Avenue.

There is no doubt other ideas can be brought into the discussion , however this is a real opportunity for the traffic issues affecting the Cornhill site to be addressed for the long term future.

G. A . Duncan
on behalf of the Rosemount & Mile-End Community Council.

ROSEMOUNT & MILE - END COMMUNITY COUNCIL

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

26 November 2014.

Dear Sir/Madam,

Planning Reference P141696
Shaw Road Ashgrove Aberdeen.

I refer to the above mentioned planning application.

Having discussed the details at a recent meeting the members of the Rosemount & Mile - End Community Council wish to indicate their support for this application.

George Duncan

On behalf of the Rosemount & Mile - End Community Council.

28 NOV 2014

PI

From: webmaster@aberdeencity.gov.uk
Sent: 08 December 2014 18:43
To: PI
Subject: Planning Comment for 140810

Comment for Planning Application 140810
Name : Kevin Reid
Address : 48 Shaw Road
Aberdeen

type :
Comment : Hello,

I am writing to reject in the strongest possible terms to the proposed development off May Baird Avenue (application number 140810) My reasons are as follows:

Green Space Network

The construction of a house in close proximity to mature trees can lead to future issues in terms of the problems they may cause with shading, leaf fall, perceived and actually risk to people and property. This would increase the likelyhood of future applications for tree work to remove trees or for inappropriate tree surgery work. This proposed development indicates a number of house in close proximity to large mature trees.
The proposed development is also contrary to Policy NE 1 Green Space Network of the ALDP. This policy states the following: - ‘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.’ The proposed development will see a loss of the protected trees and open space that is important habitat for wildlife. The site is used by local residents for recreation and access and the development would prevent this continued use. The trees and open space are part of the landscape setting of the locality and building houses will degrade the landscape setting of this part of the city

Roads

It is misleading on the application with regards to the day care centre and its parking facilities, the development removes the car park which is heavily used and these cars will be displaced elsewhere in the vicinity (more than likely on to Shaw Road/Shaw Crescent) which is tightly congested. There are no clear images of the existing car park and what will be replacing it as per the final comments from the Aberdeen City Council Road Department on the previous application 121598 (section 2.5).
As per the application number 121598 (previously application on same area for 12 houses and 10 apartments), there are no details as to how this development will provide a pedestrian/cycle link to Cornhill road as it mentions, it looks like this will not been down as the area where the path could go is grayed out for further development. This was brought up in the final roads comments from the Aberdeen City Council Road Department on the previous application 121598, along with other things that still haven’t been resolved.
There are no details as to how May Baird Avenue will be improved for the increased traffic/pedestrians. Halfway down May Baird Avenue there is poorly designed bottle neck for road/pedestrians prior to joining Cornhill Road, walking facilities are not safe as it is.

Water Services

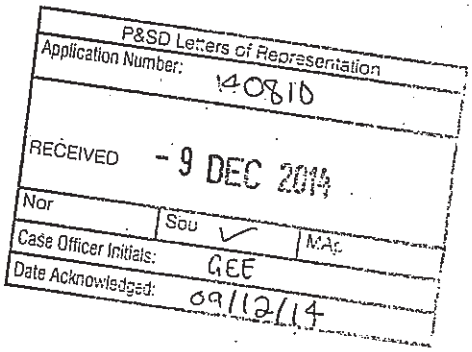
Water pressure in the area is already nearly 1 bar (minimum set by Scottish water), I can only see this getting worse with more homes

I plan to engage with my local councillor as I do not feel that we should be eroding more of the wonderful green spaces within Aberdeen.

Regards

Kevin Reid

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 22 December 2014 11:01
To: PI
Subject: Planning Comment for 140810

Comment for Planning Application 140810
Name : Paul singh
Address : 6 Barkmill road

type :
Comment : I object to anymore residential properties being built in the area at all. The area is quiet and there are trees which have been in place for a long time which would be knocked down. The land is used by people walking dogs and by building more properties the area is going to get busier and detract from what appeals to the area in the first place which is it's quietness and peacefulness

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 06 December 2014 13:27
To: PI
Subject: Planning Comment for 140810

Comment for Planning Application 140810
Name : Lyndsey Ogilvie
Address : 42 SHAW ROAD
ABERDEEN
AB253BS

type :
Comment : We're not happy that the amended plans will see the two blocks become 4.5 stories high. We believe this is too high and not in keeping with the green space that they are being built in, and for us to look onto them, they would be rather imposing as we already have high flats behind us. Much lower is preferred.

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Alastair Macdonald
56, Shaw Road
Aberdeen

19th August 2014

Development Management
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB
Email: pi@aberdeencity.gov.uk

Reference: Planning Application 140810

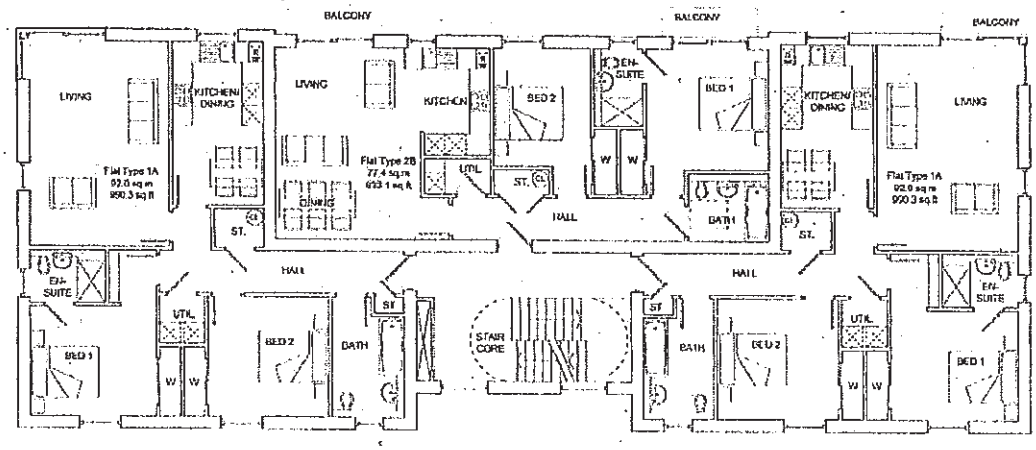
With reference to the planning application 140810 for the Erection of 46 apartments with associated car parking, landscaping and external works, I have the following objections predominately related to Block 3:

Impact on Natural Light and Privacy

As can be seen in the plans the proposed block of apartments are extremely close to my property at 56 Shaw Road, which has a southerly aspect. Natural light would be drastically impacted by the height and size of such a building.

Additionally the general aspects of the proposed new block and my property would result in the windows of the apartments looking directly into my property. With the apartments only about 3m from my boundary line and 10m from my property I would lose all privacy to my living room and master bedroom which are situated to the front of my property on the first and second floors respectively.

As can be seen from the plans below the large corner windows of Flat Type 1A highlighted in red would look directly into my property. It appears that the balconies on these corner flats have been omitted due to the proximity, which further highlights the issue.



First Floor Plan (Second Floor as first floor)
Scale 1:100 @ A1

In summary the proposed development doesn't appear to be practical due to its height, bulk, scale and massing for the available size of plot proposed for Block 3 and the surrounding roads and would fail to respect the character and appearance of the application site and its immediate surroundings which forms part of a natural green space within the Conservation Area.

Yours Sincerely

Alastair Macdonald

2, Barkmill Road,
Ashgrove,
ABERDEEN.
AB25 3BP

2nd July, 2014

Dear Sir/Madam,

I wish to make representation (yet again) to the City Council Planning Dept. for the revised proposal by Cala Homes/NHS, for the development of 46 new appartments adjacent to May Baird Avenue. (Application number 140810).

It is with dismay, that after going through all the relevant points in this new proposal, that I realise there is not one mention of Barkmill Road (36 Castlehill Housing Association flats, erected in 1998). Our scheme was deemed close enough to be officially notified on the previous application, why were we not notified this time around ?
Our scheme at Barkmill Road must surely be as close as any other nearby notified property. It almost appears that we are being deliberately excluded from what is happening on our own door-step !

Although I am relieved to see a more sympathetic plan to protect the existing mature trees and some of the very unique and beautiful, once much admired green space this site has provided in the past, it needs to be said that it was only through the deliberate neglect by the NHS that this site was deemed an "eye-sore" only fit to be sold off ! It should have been retained for future medical, educational or community needs.

My main concern still remans about the location and especially the height of blocks one and two, so close to the roadside and our flats. Why do these blocks have to be as high as 3.5 storeys, potentially dwarfimg our homes and the NHS nursery. Even the old "Ross Clinic" which previously stood on this site , was composed mostly of a single storey building. These new plans may be deemed to be in keeping with other new builds in this area, but these schemes are

mostly well hidden by established woodland and trees. These proposed new flats will be very visible from May Baird Avenue. Why are the tallest of these blocks being located near an open road-side where they will "stick out like a sore thumb" ??
Why does block three,located furthest from May Baird Avenue, only have "nine units" ? They would be more secluded and could be built higher if they are truly on the site of the old "gardener's cottage" which does not encroach on any views from Shaw Road properties.

I am curious to know how it is intended to widen May Baird Ave. and provide a wider pavement at the roadside, when there is such a slope in the ground next to the present path.
I have concerns about the proposed access to blocks one & two (directly opposite No. 42 Barkmill Road). In recent years, there has been a great increase in the amount of traffic using the road through the Cornhill Hospital site, which extends from the entrance on Cornhill Road straight through May Baird Avenue to the exit on Ashgrove Road, as a "rat run" with little regard to any speed limit or to pedestrian safety. There have been several accidents on this stretch of road, including a serious hit and run involving a pedestrian and a taxi, which prompted the police to suggest that a traffic survey should be carried out in this area. I, myself, have had to move out of my bedroom to sleep in another room because of the noise caused by excess traffic.

The above concerns about extra traffic are very relevant to my own situation. I have been registered blind for the past five years. Due to the withdrawal of our nearest bus service (no. 5) on Ashgrove Road, I have to take a very hazardous walk through the Cornhill site to get to a Westburn Road bus stop. For this reason and on behalf of the other residents who have to depend on public transport, I would welcome any improvement in local road safety and improved accessability for this area. I must also point out that there was a previous, safe,
pedestrian access from Cornhill Road but this was closed off by the NHS before the present nursery was built.

Yours Faithfully

Katherine A. Hardie

2, Barkmill Road
ABERDEEN
AB25 3BP

20th December, 2014

Reference no. 140810

Dear Sir/Madam,
I wish to make yet another representation/objection,on behalf of myself and other concerned residents, to the proposed ammended plans directly opposite our own scheme at Barkmill Road, within the grounds of Cornhill Hospital.

Why has block 3 been deleted from these new proposals ? Is it a "sneaky" way to avoid the site being classed as a major development (over 50 flats) thus avoiding a lengthier planning process by presenting two separate applications for the same site ? With this ammended proposal for 46 flats and a new application for the aforesaid block three being submitted, this will still have the outcome of over 60 proposed flats for the same original site.

The devestating impact of this roadside development has been high-lighted in previous representations, but needs to be stressed again. Having two four and a half storey blocks in such a prominent location in this unique area cannot be sympathetically done without having a detremental visual impact on this unique woodland area. Other neighbouring residential schemes have blended well into the area, camouflaged by existing trees and shrubbery. Why does blocks one and two have to be located so close to May Baird Avenue and on such an open area when the former site of block Ithree would be more suitable for taller buildings?

I also draw attention to the impact of yet more traffic on an already over-used road which in recent years has become a hazardous "rat-run" for speeding motorists taking a short-cut through the hospital site which has led to several local accidents in recent years.

This concerns me greatly as I am now registered blind. Because of the loss of the no. 5 bus service, I have a very stressful and sometimes unsafe walk to get to the nearest bus-stop on either Westburn Road or Berryden Road.

I must emphasise again, that the proposed increase in height and size of blocks one and two are not acceptable to many nearby residents and urge the planning committee to reconsider the amended proposals.

Yours faithfully,

Miss Katherine A. Hardie.

PI

From: LILIAN FRASER <
Sent: 19 December 2014 17:59
To: PI
Subject: Amended appeal against CALA Ashgrove plans no. 140810
Attachments: CALA Letter Grc 2014.doc

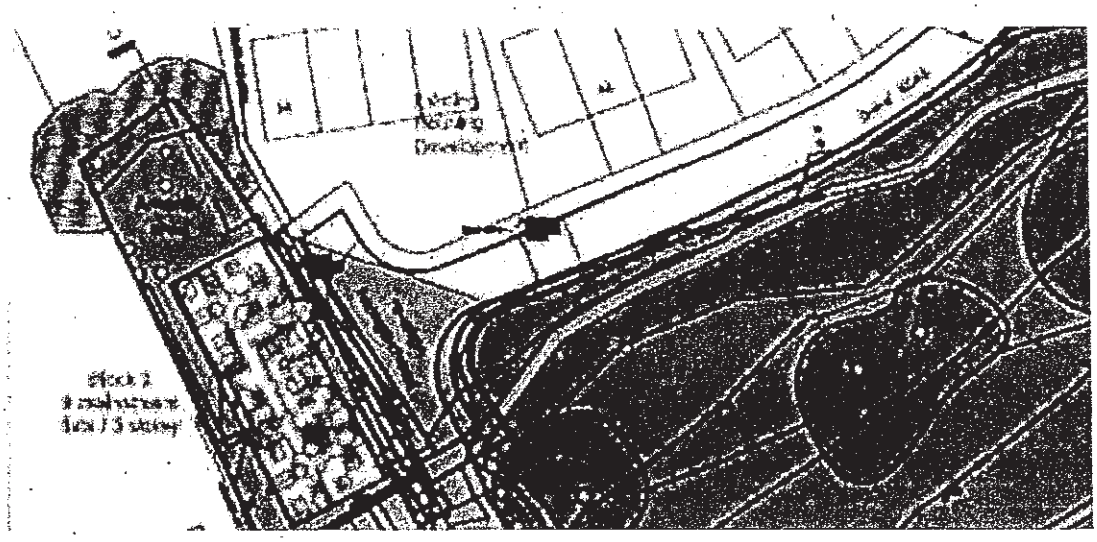
Categories: Misc

Dear Sir/ Madam

Please find attached amended appeal as above.

Regards

Lilian Fraser
38 Barkmill Road
Aberdeen
AB25 3BP



The separation between my property and the proposed development appears to be much less than the standard UK planning standard which I believe is:

> *"Where two habitable rooms face each other such that direct overlooking is physically possible, the windows should be **22 metres** apart, and the standard shall be increased by **2 metres** for each additional storey".*

Impact on Traffic on Shaw Road

From the plans it appears the main access for residence of this development (Block 3) would be by Shaw Road. The current layout and width of Shaw Road at times struggles to cope with the traffic requirements for the current 14 residential properties. Often when large vehicles such as refuse collection use the road residents have to wait until the vehicle has past their property to exit or enter. Any further traffic on Shaw Road resulting from the proposed new apartments would probably result in a regular gridlock

Degradation of TV Signal

The proposed block of apartments would block or severely degrade my terrestrial TV reception due to the position in direct line with TV transmitter and the very close proximity to my property

Removal of Trees & Landscaping

In general the proposed development would result in the removal of a number of trees and land, which would be contrary Aberdeen Local Development Plan Policies NE1 (Green Space Network), NE5 (Trees and Woodlands), CF1(Existing Community Facilities) and the Supplementary Guidance on Open Space by virtue of the loss and erosion of the Green Space Network, the loss of established protected trees on site and the loss of urban green space to the detriment of the visual amenity and natural habitat value of the application site.

The Cala Homes tree survey suggests the area is run down and the development and landscaping would improve the area. The area has certainly became run down, but is as a result of the current owner ceasing all ground maintenance just prior to land going up for sale. Therefore this should not be a reason for going forward with the development. Suggest Aberdeen City Counsel discuss the maintenance of this area with the current owner as a separate issue and their compliance with the Weeds Act 1959, if applicable.

Planning and Sustainable Development

Marischal College Reception

Broad Street

Aberdeen

Mrs. L.T. Fraser

38, Barkmill Road

Aberdeen

Aberdeenshire

19th. December 2014

Your Ref; Application number 140810 dated 5th. December 2014

Dear Sir/ Madam

Not having professional experience in planning processes, please accept my apologies if the below is not in the format you are accustomed to. I would greatly appreciate if you could read and make sense of my letter content.

This letter is near enough an exact copy of my appeal sent in November 2012 against Application No. 121598, where some concerns have been dealt with by CALA, namely the flooding issue, but now I have added concerns with the new amended plans.

In response to your planning application advertisement as above, for ground circled by May Baird Avenue/ Shaw Road and Barkmill Road, I would like you to note some queries/ observations and concerns on my part as I live in such close proximity to the planned building works by CALA Homes.

This leads me to my first concern. CALA have the area between Barkmill Road and their site as May Baird Avenue. This is not true as this small unclassified road belongs to the NHS and to my knowledge does not come under the remit of ACC Roads department. Have there been plans submitted to the roads department and has ACC confirmed they will adopt the road and bring it up to the standard required. i.e. widening it for normal traffic, a pavement added to the east side and also adding street lighting? At the moment there is one pale overhead street light, serviced by the NHS trust. This unclassified road meantime cannot cope with more than two cars passing slowly at a time never mind lorries, diggers and other such traffic now planned. May Baird Avenue ends to the north of these grounds, at Shaw Road. The last ACC street light being 3 yards south of Shaw Road and nowhere near CALA's proposed site access. No way can anyone call this 10 feet wide partial road an avenue especially where it narrows further south in to little more than a dirt track with no pavement approx. 8 feet wide. This proposed site access going on to become the entrance to their new build homes is ridiculous and not in keeping with the surrounding area.

Can I take this opportunity to remind you, Barkmill Road has 70 amenity homes, our landlord being Castlehill Housing Association. These homes are mainly full of elderly and disabled residents who will be greatly affected by both the noise, dirt and upheaval whilst building and excavation works are ongoing along with heavier traffic than at present both during the work and once the new homes are occupied. Between the development behind us and now the CALA development, the 500 vehicles per hour, during rush hours, will swell to unacceptable levels. I personally logged these cars.

Could I suggest CALA revert to the already designed, built and available entrance on Cornhill Road as the entrance/ exit to their housing scheme. This entrance is at the South/ West corner of their grounds, just short of the entrance to the tennis courts at the back of the Westburn Park. Cornhill Road is the no through road which is barriered for traffic at the old Sick Childrens Hospital. Their site traffic and resident traffic would then not impede on the unclassified road and would be an entirely private and unobtrusive, already established entrance to their new builds leading directly to the traffic lights at Westburn Road / Watson Street, taking all traffic directly to the main roads.

South of May Baird Avenue is not capable of handling extra traffic/ diggers/ lorries etc. Too narrow and a Public Right of way.

Can you assure me the public right of way, from Ashgrove Road through to Cornhill Road/ Watson Street will in no way be impaired by the construction work or future street planning ?

Can you assure me, if go ahead given, this newly extended May Baird AVENUE will be widened, have street lights and pavements either side as per every other street in Aberdeen.

We as a community along with the wider Ashgrove residents, have recently lost a local bus service and our nearest bus is now at Sainsbury's on Berryden Road or through the grounds along Cornhill Road and at the bottom of Watson Street. Not physically possible for most of the residents as it is. Even those with cars would have to add 15 to 20 minutes to use Berryden just to get to e.g. my doctor is in Rosemount.

The CALA plans show bus stops on Ashgrove Road. These were removed long before their first plans and should not be on their plans/ map. I feel this is a severe oversight on their part. Nearest bus stops are as in previous paragraph and a non starter for anyone with a disability, especially if as in the case of a blind neighbour, we have to negotiate site traffic and mess then extra traffic and an extra opening onto this public right of way.

I would also highlight my concerns with the extra traffic as to the safety of families using the nursery situated next to this development and the impact on the parents dropping off children. Also, we do enjoy seeing and hearing the children out on their daily walks. This will of course have to stop due to safety concerns.

At the same time, I am concerned with the fact in 2012, only 4 persons within Barkmill were notified of the planning application when a further 16 homes are within 20 feet of the proposed work area. Our homes are facing May Baird Avenue directly and are so close we can listen to the conversations of passers-by, of which there are hundreds. We will also have an excellent view inside the new homes. I am sure the nearest buyers to be will not like this. Has the meals delivery service from Cornhill hospital been considered as the vans use this road non-stop, all day? Time consuming and costly to go round about.

It appears to me, several protected trees are still being felled " for development purposes". This surely cannot be legal. Also as happened with the Stewart Milne development, CALA can, once work starts, chop down whatever they like and pay the fine. Pocket money compared to their profits. Too late once the trees are dead to stop them. This happened with the Shaw Road development along

with the Secret Garden etc.several years ago. I cannot make out which trees are actually protected. I assume the oaks would be in this category and query the ones being felled for development. Whatever, nearly all the trees and shrubs bordering Shaw Road are to go. For Development? For access?

I was born in Aberdeen and lived or visited in this area for most of my 65 Years, having enjoyed as a child, then as an adult with my own children, the beautiful open, green area in Cornhill, I am broken-hearted at the decimation of this unique area. I am sure many hundreds of Aberdonians will feel the same, but may just do nothing as it appears building etc. will be approved regardless of the enjoyment or environment of the area. I thought the family who owned this land left it to the NHS on the understanding the grounds would be a sanctuary for the patients of Cornhill, not for the NHS to sell for multi flats, killing off any sanctuary.

With reference to my previous concerns, I thank CALA for having addressed my flooding issues and I look forward to their preventative measures working. We will see. " It is a well known fact, redirected water has a mind of it's own. Also, with the amount of trees being felled, there will not be enough thirsty trees left to suck up rainwater or the underground Denburn stream." Quoted from my previous appeal.

"CALA appear confident they will get approval. Why? Someone, somewhere must have hinted there would be no problems before they spent the copious amounts of money so far. I definitely feel there has been a lot of tit for tat discussions reference this development and the whole process smacks of nepotism." Also quoted from my previous appeal.

Severe impact on Barkmill Road. Material Planning considerations as per your website.

There are 16 residents who will have their privacy, right to daylight, added electricity costs and health affected by the close proximity and the height of the 2 buildings now planned.

There were originally 3 x 3 storey flats being built, CALA has now decided they prefer only 2 buildings but now 4 storeys high. Speaking for myself and the other residents, I am appalled to think, I will no longer see any sky with reference to the fact, the first building will be within 30 feet of my front door which is a patio window I will no longer have the pleasure of using as there will be an unobstructed view to the back of my living area as I will also have to keep lights on all day. To ensure the new residents cannot watch my every move in my home, keep my blinds closed. Also the new site/ road entrance is to be built on within 5 yards of my window and I will not appreciate the lights from cars exiting this junction, the added car fumes or the lack of privacy whilst sitting on my patio 5 yards away.

I suggest CALA moves the offending first block of flats, west to the other side of the second block. This would soften the height aspect and also preserve some semblance of privacy for our homes.They have after all a huge piece of land to work with. But perhaps they are leaving the rest of their land to sneak in later plans to build more flats.

I do not enjoy great health and spend most of my time either sitting on my patio or just inside, enjoying watching and feeding the birds and actually being outside in the fresh air and the heat of the sun. My patio door is open summer and winter, ensuring my personal wellbeing. I can assure you the worry of this loss of privacy etc. has already had an effect on my health and instead of the enjoyment I have had since becoming a tenant here, I now have only to look forward to being a prisoner in my own home, behind blinds. Moving here almost 5 years ago probably saved/ extended my life as it has done for the other tenants.

Castlehill Housing holds Barkmill Road up as a show piece. They will not be able to do so if these plans go forward. This is because of the impact on the whole of the street as to the privacy, peacefulness and tranquillity.

Please do not feel I am against progress. This is just not true. Aberdeen would be in a really sorry state if all past plans had been vetoed. This would include my own scheme. Please visit Barkmill to see a development which has worked perfectly and should be used as an example for other builders etc.I simply am upset about this particular development. I also, whilst living a couple of miles away, joined meetings with people in the Rosemount area who were against the Shaw Road development and their fears have been proven as the buildings are horrible and not in keeping with the area. Probably higher than first planned for but again the fines do not affect builders.

Please find the time for your committee to visit and view the area before making a decision. Visually it is not possible to build these homes here unless trees/ wildlife and birds suffer. In any case once the buildings go up, the new owners will complain about the proximity of these huge beautiful trees and apply then probably get approval to have the trees removed.

Thank you for taking the time to read my letter and I await your reply/ outcome.

Yours Sincerely

Lilian Fraser

P&SD Letters of Representation		
Application Number: 140810		
RECEIVED 19 DEC 2014		
Nor	Sou ✓	Map
Case Officer Initials: GEE		
Date Acknowledged: 05/01/2015		

PI

From:
Sent: 18 January 2015 19:40
To: PI
Subject: Fw: CALA development Ashgrove No.140810
Attachments: CALA Letter Grc 2014.doc

Categories: Misc

Dear Sir/Madam

I am well aware the cut off date has gone and I did send in the attached letter on time receiving a receipt from yourselves but would like to bring something to the attention of the board.

In my letter, I explained the road CALA have named May Baird Avenue stops north of their plans at Shaw Road and is in fact a private road through the hospital grounds not owned by ACC.
As proof of this, after reporting a bad pothole to the NHS roads, this pothole was repaired 4 days later. Also there is a 15mph speed restriction from Shaw Road due south east to Cornhill Road. ACC actually have a sign up at the lights on Westburn road stating NO THROUGH road. This very busy very narrow road is used by hundreds of vehicles daily, the drivers not aware, should there be any damage to their cars etc. down to potholes or indeed a traffic accident, their insurers will not pay out as they are actually driving on a private road.
Should CALA's current plans be passed, I am sure their new owners would not be too happy about not being covered everytime they drive onto "May Baird Avenue".
CALA do not appear to have done their homework properly before submitting theses plans both lately and 3 years ago. I an ordinary person, could have done better.

Thank you for taking the trouble to read this. Hoping there is still time to add this to the conversations being held.

Regards

Lilian T Fraser
38 Barkmill Road
Aberdeen
AB25 3BP

From:
To: "pi@aberdeencity.gov.uk" <pi@aberdeencity.gov.uk>
Sent: Friday, 19 December 2014, 17:00
Subject: CALA development Ashgrove No.140810

Please find attached appeal against the above plans

Yours Sincerely

Planning Development Management Committee

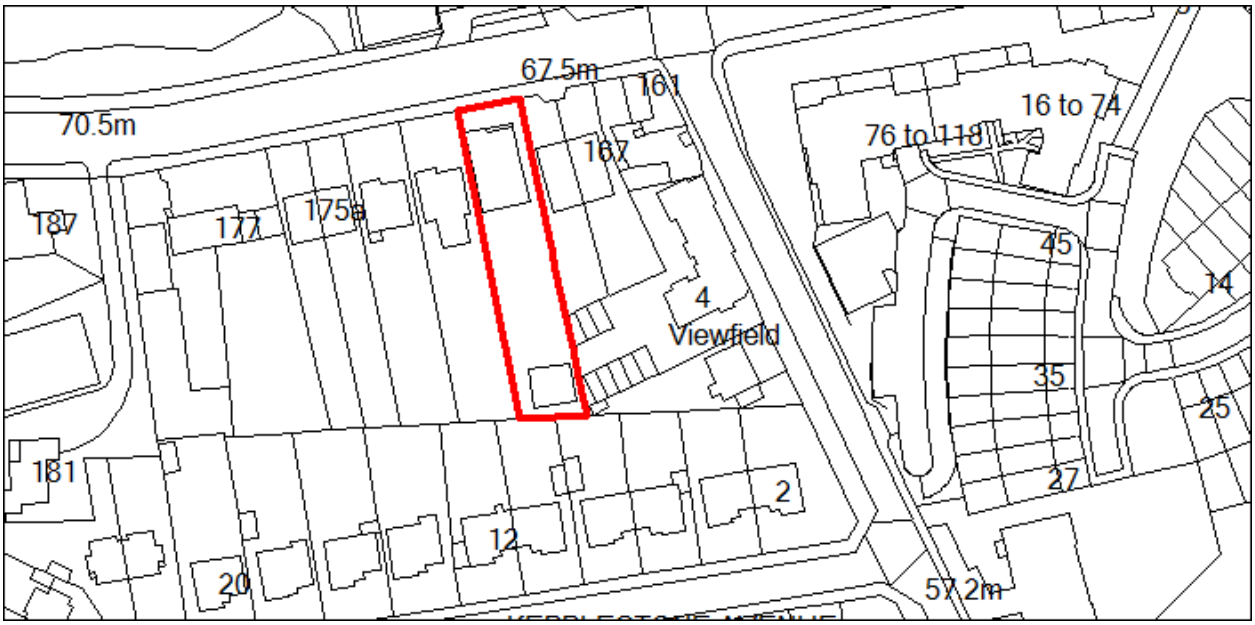
LAND ADJACENT TO, 169 QUEEN'S ROAD, ABERDEEN

CONVERSION OF ANCILLARY ACCOMMODATION TO FORM SINGLE DWELLINGHOUSE

For: Mr Russell Duthie

Application Type : Detailed Planning Permission
Application Ref. : P141815
Application Date: 08/12/2014
Officer: Dineke Brasier
Ward : Hazlehead/Ashley/Queen's Cross(M Greig/J Stewart/R Thomson/J Corall)

Advert :
Advertised on:
Committee Date: 19 March 2015
Community Council : No response received



RECOMMENDATION:

Refuse

DESCRIPTION

The property subject of this application is a small detached building set in the rear garden of 169 Queen's Road. The building is single storey with rooflights to provide natural light to the first floor accommodation. The front elevation is clad in ashlar granite with the other walls covered in drydash render. The roof is covered in slate and contains three rooflights in the front roof slope. The building comprises a living room, dining room, kitchen, sun lounge and toilet downstairs with two bedrooms, a bathroom and a shower room upstairs.

RELEVANT HISTORY

The building was constructed under planning permission 97/1857 which was for the construction of a double garage and games room. It has subsequently been altered under permitted development rights to its existing layout and has been used as ancillary accommodation.

Planning application P020856 for the change of use of the garage/ games room to a dwelling house was refused in 2002. The proposal was refused on the following grounds:

1. The proposal would result in detrimental impact on residential amenity, as it would be located close to neighbouring properties, and it would result in backland development;
2. The proposal would be accessed through the existing drive serving 169 Queens Road, which was considered too narrow to accommodate additional traffic.
3. The proposal would set an undesirable precedent for similar applications, which incrementally could result in an adverse impact on the character of the surrounding area.

PROPOSAL

Planning consent is sought for the conversion of the existing building at the rear of 169 Queen's Road to an independent single dwelling. The proposal does not include any alterations to the building itself. The proposed access would be via the garage court serving the flats at Viewfield Mews. The garage adjacent to the curtilage of 169 Queen's Road has been included within the application site. The site is separated from the garage court through a high boundary wall and sliding gate. Alterations to the site layout comprise blocking up an existing access in the garden wall between the original dwelling at 169 Queen's Road and the building subject of this application. An existing parking space will be removed from the area to the front of the building, and a parking space/ driveway would be retained immediately to the front. The ramp leading up to the garage court would be re-graded to a 1:11 slope.

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=141815

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because 7 letters of representation have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management Team – Current parking guidelines recommend 2 parking spaces for this type of development. The supporting statement sets out that one of the garages in Viewfield Mews belong to 169 Queen's Road and will be used for the proposal. Another parking space is provided to the front of the building. This is satisfactory.

Vehicles should not exit in a reverse gear to avoid any safety issues due to the steep slope of the access ramp. A turning area is provided.

Vehicular access will be taken from a garage court which is not adopted by Aberdeen City Council. The width of the proposed access is more than 2.5m. It should be demonstrated that vehicles existing the site should have adequate vehicular visibility.

Refuse will be collected from Viewfield Road. A refuse collection point should be identified up to where residents would be required to walk.

Environmental Health – No observations

Enterprise, Planning & Infrastructure (Flooding) - No observations

Community Council – None

REPRESENTATIONS

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

1. Access through garage court:
   The proposal would increase traffic levels through the garage court. Viewfield Mews is a private access road, and only serves the Viewfield Mews garages.

The owner of 169 Queen's Road does not have a right of access across it. Access should be onto Queen's Road along the side of the original dwelling.

2. Road safety and parking:
   Adverse impact on pedestrian safety as there is no footpath running along the garages. Absence of visitor parking might result in road safety as cars might need to reverse out into Viewfield Road. Proposal would result in even more pressure on parking on Viewfield Road.

3. Residential amenity:
   The proposal would result in a loss of privacy to 8 Kepplestone Avenue as the building is very close (1m) to the rear boundary of the plot.
   Proposal would result in increased levels of overlooking for Viewfield Mews.

4. Application is at odds with the Subdivision and Redevelopment of Residential Curtilages SG as it:
   Does not have a public face;
   The use of rear lanes is not considered as a suitable access;
   There is a presumption against a second building line in rear gardens where it does not face the public road.

5. Other matters:
   Works to the building have been completed and a sliding gate has been installed in the boundary wall. The property is currently used regularly by commercial vehicles.

PLANNING POLICY

Aberdeen Local Development Plan

D1 – Architecture and Placemaking: New development must be designed with due consideration for its context and make a positive contribution to its setting.

D2 – Design and Amenity: In order to ensure the provision of appropriate levels of amenity, the following principles will be applied:

- Residential development shall have a public face to a street and a private face to an enclosed garden or court.;
- All residents shall have access to sitting-out areas;
- Parking must not dominate the space, and no more than 50% of any court should be taken up by car parking.

H1 – Residential Areas: New residential development will be approved in principle in residential areas provided it:

- Does not constitute overdevelopment;
- Does not have an unacceptable impact on the character or amenity of the surrounding area;
- Complies with the Subdivision and Redevelopment of Residential Curtilages SG.

Proposed Aberdeen Local Development Plan
The following policies substantively reiterate policies in the adopted local development plan as summarised above:
D1 – Quality Placemaking by Design *(D1 – Architecture and Placemaking and D2 – Design and Amenity)*
H1 – Residential Areas *(H1 – Residential Areas)*

Supplementary Guidance (SG)
Subdivision and Redevelopment of Residential Curtilages SG – Provides guidance in relation to subdivision of residential curtilages with regards to design, siting and provision of amenity.

Transport and Accessibility SG – Provides guidance in relation to parking provision for residential development.

EVALUATION

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

Principle of development:
The site is located within a residential area where, in principle, residential development will be acceptable provided it does not constitute overdevelopment, does not have an adverse impact on residential amenities of neighbouring properties and complies with all other relevant policies and Supplementary Guidance. In this case, the Supplementary Guidance 'The Subdivision and Redevelopment of Residential Curtilages' is relevant. The proposal requires to be assessed primarily against the criteria contained in that document.

Impact of the proposed development on the surrounding area:
The proposal would involve splitting the curtilage of 169 Queen's Road to provide an individual residential curtilage to the existing ancillary building on the site. Access would be provided through the existing sliding gate onto the garage court of Viewfield Mews.

The surrounding area is characterised through development of large detached and semi-detached dwellings fronting Queen's Road with substantial rear gardens generally around 40m in length. The gardens back onto the rear gardens of properties on Kepplestone Avenue. These dwellings are generally one and a half storey traditional granite semi-detached properties, many of which have been extended or altered. The rear gardens of these dwellings are significantly shorter, around 20m in length. Parking is in the front gardens of the properties fronting onto Queen's Road and Kepplestone Avenue. Viewfield Mews to the east of the site is a more modern two storey flatted development fronting directly onto Viewfield Road. The residents of this development have access and ownership of

the garages and parking court immediately to the east of the site, where access to the proposed dwelling would be taken from.

As set out above, the pattern of development in this area consists of rows of houses facing on to the street with long rear private gardens between. The dwellings have a public face to a street, and a private face to an enclosed garden. This proposal would not conform to this general pattern of development, as it would not have a public face fronting a street. As such, the proposal would result in the creation of a second building line between Queen's Road and Kepplestone Avenue, i.e. backland or tandem development with no direct access onto a public street. This type of development would go against the general character and appearance of the surrounding area and would result in an alien form of development. The Council's Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages clearly sets out that there is a general presumption against the construction of new dwellings in rear gardens where the new dwellings do not front onto a public road.

Furthermore, access to the dwelling would be taken from the private garage court serving Viewfield Mews. The proposal would not result in separated pedestrian and vehicular access as there is no footpath. This type of access is not considered acceptable in the Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages as it would result in the creation of a pedestrian safety hazard. The garage court is private, and it is noted that the applicant would need permission from the owners for a right of access.

For the reasons outlined above, the proposal is clearly contrary to the requirements and criteria as set out in the Subdivision and Redevelopment of Residenital Curtilages Supplementary Guidance and policies H1 (Residential Areas) and D2 (Design and Amenity) of the Aberdeen Local Development Plan.

Impact on residential amenities of neighbouring properties:
8 Kepplestone Avenue raises concerns that the proposed dwelling would result in an increase of overlooking. The rear elevation of the building includes a large window serving the kitchen and the side elevation contains a fully glazed conservatory. These windows would look out towards the rear boundary shared with 8 and 10 Kepplestone Avenue. There is a distance of 3m from the nearest window to the rear boundary. The distance between the rear elevations of the building and 8 and 10 Kepplestone Avenue is 20m, which exceeds the recommended minimum distance of 18m between facing windows. However, the rear gardens of 8 and 10 Kepplestone Avenue are currently enclosed private spaces. The proposal would have the potential to significantly overlook this rear garden, as the building is located very close to these rear boundaries. As a result, it is considered that the proposal would result in a significant loss of privacy to 8 and 10 Kepplestone Avenue to the detriment of their residential amenity. This would be contrary to the requirements of policy H1 (Residential Areas)

The rear gardens of 167, 169 and 171 Queen's Road all measure over 40m in length. As such, the window-to-window distance between the proposed dwelling

and these properties all exceed 18m. Levels slope down from Queen's Road to the building. This means that the building sits at a significantly lower level than these three properties. As a result, any views from the building towards these private gardens are restricted.

The distance between the side elevation of the building and the flats on Viewfield Mews exceed the minimum window-to-window distance of 18m. As such, the proposal would not result in a significant loss of privacy caused by overlooking of these properties.

Impact on local highway conditions especially in relation to parking and access:
The Subdivision and Redevelopment of Residential Curtilages SG sets out that the provision of pedestrian and vehicular access from and to the proposed dwelling should be safe and convenient. In this case, there would be no dedicated footpath through the garage court from the proposed dwelling to Viewfield Road. The garage court is not a private driveway and as such it would not be acceptable for pedestrians to share the surface with vehicles. It should also be noted that the garage court serves 8 flats. On these grounds, this access solution would not be acceptable, and would be contrary to criteria set out in the Subdivision and Redevelopment of Residential Curtilages SG.

The site is located in the Outer City where a two bedroom property should have a maximum of two off-street parking spaces as set out in the Transport and Accessibility SG. The proposal would allow for two off-street parking spaces: one to the front of the building and one in the garage adjacent to the existing residential curtilage.

The site plan shows a turning area, which allows cars to leave the site in a forward gear.

Other matters raised in written representations:
A number of letters of objections raised issues related to rights of access and ownership of the garage court serving 4-6 Viewfield Mews. These are civil matters, and are not considered in this planning report.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application no new issues were raised.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

1. The proposed development would constitute backland development in the rear garden of 169 Queens Road. It would not have a public face to a street, would create a second building line behind an existing formal building line, and would suffer from a contrived access solution without adequate pedestrian access. The proposal would result in a form of development that is alien to the established density, character and pattern of development. It is considered to be contrary to the requirements of Policies D1 (Architecture and Placemaking), D2 (Design and Amenity) and H1 (Residential Areas) of the Aberdeen Local Development Plan, Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Proposed Local Development Plan and the Subdivision and Redevelopment of Residential Curtilages Supplementary Guidance.

2. Due to the proximity of the building to the rear boundary with 8 and 10 Kepplestone Avenue, the proposal could result in excessive overlooking of the private rear garden of these properties to the detriment of their residential amenity. This is contrary to the requirements of Policy H1 (Residential Areas) and the Subdivision and Redevelopment of Residential Curtilages Supplementary Guidance.

Dr Margaret Bochel
Head of Planning and Sustainable Development.

Dineke Brasier

From: Robb, Jack [redacted]
Sent: 29 January 2015 09:04
To: Dineke Brasier
Subject: FW: 141815: 169 Queens Road

Dear Sir,

It was recently brought to my attention that the owner of the property located at 169 Queens Road has applied for planning permission to access a property that was built in the grounds of 169 Queens Road through the garage court of Viewfield Mews.

I currently own 2 properties (4D & 6C) in Viewfield Mews and I strongly object to this application on the following grounds.

1. The proposed new access will increase traffic through the garage court and potentially endanger residents.
2. The access road from Viewfield Road into the garage court was originally built for the residents and owners of Viewfield Mews.
3. The boundary walls around Viewfield Mews are also there for a reason, the fact that the owner of 169 Queens Road removed a section of the wall and installed a gate is also extremely disappointing as we were not provided with an opportunity to object, is this even legal?

I trust you will take my objection into consideration before you agree to the planning permission.

Thanks & Regards,

John Robb
Owner of 4D & 6C Viewfield Mews
Viewfield Road
Aberdeen

This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information of Cameron and its Operating Divisions. Any unauthorized use or disclosure is prohibited. If you are not the intended recipient, please contact the sender by reply email and delete and destroy all copies of the original message inclusive of any attachments.

PI

From: Graham Vincent [redacted]
Sent: 19 January 2015 17:55
To: PI
Subject: Planning Application - Ref 141815

Dear Sir / madam,

I wish to comment on the proposed planning application, referenced above.

From the notice form received it can be noted the date is the 24th December 2014, this poses an inherent problem in that people often go away for the holiday season, this automatically reduces the period to approximately 11 days, add to this people who work away from home the notice period is basically non-existant.

Unfortunately the proposed plans are not available online anymore so it is impossible to judge any impact it may have on my property.

I believe a previous application was submitted to turn this outbuilding into accommodation but was turned down. In fact the property looks very like a house and not an outbuilding.

Where will the people enter this property, they already have an unauthorised gate to out garge and parking area. This house needs to have access via Queens Road and not through the garage and parking area for the flats on Viewfield Road, who own this area.

The house on Queens Road is already being used as a car trading property.

This application should be turned down and the unauthorised access to the outbuilding be revoked as an unlawfull development.

Should I be a cynical person I would think that this planning application was deliberately submitted at that time of the year to deny the owners of the neighbouring properties sufficient time to access this application.

Regards,

Graham Vincent

PI

From: Dineke Brasier
Sent: 18 January 2015 21:05
To: PI
Subject: FW: Application 141815

Hi,

Here is another rep for the above application.

Many thanks,
Dineke

From: Colin Fayle [redacted]
Sent: 18 January 2015 10:45
To: Dineke Brasier
Subject: Application 141815

Following our conversation last week I am disappointed to find this application is closed for comments. We were advised that the application response date was to be extended 14 days due to the late receipt of the Application by residents of Viewfield Mews.

I object to this application on the following grounds:-

1 The work has already been completed

2 Access to the property is via Viewfield Mews, Viewfield Road through a boundary wall which has been removed and a rolling gate installed.

3 Commercial Vehicles regularly access the property in the planning application via Viewfield Mews blocking access to the garages and endangering residents as commercial vehilcles arrive and leave.

I am very disappointed that the application is being considered as there has been a dwelling house in place for a number of years. Additionally, a garage in Viewfield Mews has been acquired by the owners of the application property against the missives of Viewfield Mews. It is my opinion that this garage also provides access to the property in the application.

I object strongly to this application 141815.

Please confirm that this objection is being included in the application review.

Regards

Colin Fayle
Owner 6b Viewfield Mews
Viewfield Road
Aberdeen
AB15 7XE

PS we were advised that our objection was to be passed onto you as per our conversation with one of your colleagues last week.

8, Kepplestone Ave,
Aberdeen.
AB15 7XF.
14th Jan.

Having viewed the plan of the proposed development at 169 Queens Rd No 141815, I am obliged to submit some concern.

I live right behind the proposed development at the above address and I am extremely concerned that no windows would overlook my back garden. The original building is built no more than a metre away from my back garden wall.

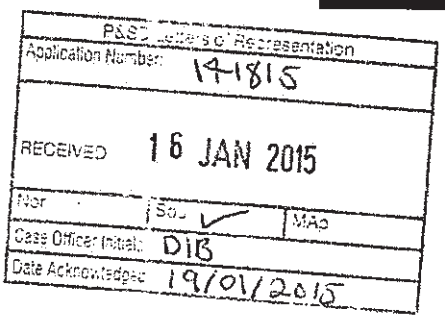
I did view the proposed development plans and a kitchen window in the designated position would definitely be an invasion of my privacy.

An application to the council to include a kitchen window on the original application about ten years ago was refused, and since my circumstances have not changed I assume that the refusal will stand.

I received notice of the development only last Thursday 15th so I hope you will still consider my request.

Yours truly

[redacted]



PI

From:	Inkster, Karen [redacted]
Sent:	16 January 2015 12:43
To:	PI
Cc:	Garfield Prentice; Dineke Brasier; Moar, Trevor
Subject:	Written Objection to Planning Application Ref: 141815 (Land Adjacent to 169 Queens Road, Aberdeen)
Attachments:	Objection to Application Ref 141815, 169 Queens Road.pdf
Importance:	High

Dear sir/madam,

Objection to Planning Application Ref: 141815

With reference to previous communication (below), please find attached our written objection to the above-referenced Planning Application.

Please acknowledge receipt of our comments and confirm that these will be considered in reviewing this application.

Since we are currently overseas, we would appreciate if you would direct all future communication to us via e-mail in the first instance.

Thanks in advance,
Karen Inkster & Trevor Moar
Tel: [redacted]
[redacted]

From: Garfield Prentice [mailto:GPrentice@aberdeencity.gov.uk]
Sent: Donnerstag, 15. Jänner 2015 10:32
To: Inkster, Karen
Subject: RE: Urgent: Representation Deadline Expiring but Application Detail Not Available Online (Ref: 14185)

This is an issue that has arisen on a few occasions previously, where additional time beyond the statutory neighbour notification period is allowed for submitting written representations. Unfortunately, the Council's website cannot be updated to reflect that additional time. Whilst comments cannot be made directly through the website, correspondence can be sent to the generic mailbox for this Service – pi@aberdeencity.gov.uk – quoting the planning application reference number and address. Such correspondence will then be forwarded to the case officer and will be taken into account in the assessment and determination of the planning application.

regards

Garfield Prentice
Team Leader (Development Management South)
Planning and Sustainable Development
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street

Aberdeen
AB10 1AB

Tel. (01224) 522198

From: Inkster, Karen [redacted]
Sent: 15 January 2015 07:03
To: Garfield Prentice; Dineke Brasier
Cc: Moar, Trevor
Subject: RE: Urgent: Representation Deadline Expiring but Application Detail Not Available Online (Ref: 14185)
Importance: High

Dear Mr Prentice,

The Planning webpage for this development currently states "Comments can no longer be made"

Can you please rectify this statement on your website such that our comments can be uploaded by the 20th January deadline?

I would appreciate your confirmation when this has been done.

Thanks in advance,
Karen Inkster

From: Inkster, Karen
Sent: Dienstag, 13. Jänner 2015 07:36
To: 'Garfield Prentice'; Dineke Brasier
Cc: Moar, Trevor
Subject: RE: Urgent: Representation Deadline Expiring but Application Detail Not Available Online (Ref: 14185)

Many thanks for your reply, Garfield. I have now found the application details online and confirm I will submit a written representation within the deadline of Tuesday 20th January.

Regards,
Karen Inkster.

From: Garfield Prentice [mailto:GPrentice@aberdeencity.gov.uk]
Sent: Montag, 12. Jänner 2015 17:25
To: Inkster, Karen; Dineke Brasier
Cc: Moar, Trevor
Subject: RE: Urgent: Representation Deadline Expiring but Application Detail Not Available Online (Ref: 14185)

Good afternoon Karen

The drawings associated with a planning application normally appear on the Council's website. However, for some unknown reason that has not occurred on this occasion. That is currently being rectified and thus the drawings should be available either later today or tomorrow. They can be found using the Planning Application Search facility, entering the planning application reference number (141815) or the address of the property.

Although the neighbour notifications were issued on 24th December 2014, allowing a 21 day period for lodging written representations (thus expiring tomorrow), that period will now be extended for another week to provide more time to lodge representations. The deadline will now be Tuesday 20th January 2015.

Regards

Garfield Prentice
Team Leader (Development Management South)
Planning and Sustainable Development
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Tel. (01224) 522198

From: Inkster, Karen [redacted]
Sent: 12 January 2015 15:46
To: Dineke Brasier; Garfield Prentice
Cc: Moar, Trevor
Subject: Urgent: Representation Deadline Expiring but Application Detail Not Available Online (Ref: 14185)
Importance: High

Good afternoon Dineke, Garfield,

Detail for Application Ref: 14185 Urgently Required – 21 Day Comments/Objection Deadline About to Expire

I've tried calling you both this afternoon with an urgent query regarding the above application but didn't reach you. I, together with Trevor Moar (copied on this mail), am the joint owner of the neighbouring property at 4c Viewfield Mews. We are currently working overseas and only received a copy of the Neighbour Notification Notice today, 12th January.

We urgently require details of the application in order to make our representation, however I was informed by the department responsible for scanning applications that there is currently a 4 week backlog in publishing applications online. We have some specific concerns regarding the proposed development and therefore wish to have the opportunity to comment.

Can you please either respond to this mail with a scanned copy of the application or call me today on telephone number +43 664 856 7079 to discuss?

Thanks in advance,
Karen Inkster & Trevor Moar

Mobile: [redacted]
Email: [redacted]

Karen Inkster & Trevor Moar
4c Viewfield Mews
Viewfield Road
Aberdeen
AB15 7XE
(Nb. E-mail Addresses Supplied for communication purposes)

Planning and Sustainable Development
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB
pi@aberdeencity.gov.uk

By e-mail, 16 January 2015

Dear sir/madam,

Objection to application for planning permission for a single dwellinghouse at 169 Queens Road
Reference: 141815

We, as joint owners of neighbouring property, 4c Viewfield Mews, hereby state our objection to the above referenced Application for Planning Permission for a proposed development at the south end of the Applicant's larger plot at 169 Queens Road (hereafter, "the Application") on the following grounds:

1. **The Application is at odds with the Aberdeen Local Development Plan, Supplementary Guidance for The Subdivision of Residential Curtilages 2012 on numerous grounds, including, but not limited to:**
    a. "Residential development should have a public face to the street" (3.6)
    b. "...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" (5.3)
    c. "In suburban areas characterised by a 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 (5.3)
    d. "In every case there should be a safe and convenient pedestrian and vehicular access from the dwelling to the public road and pavement, **avoiding contrived solutions**...It will not normally be acceptable for pedestrian access to be shared with vehicles" (7.1)

2. **The Applicant does not have a legal right of access to the proposed development as it is described in the Application.** The Applicant's proposed access is via a privately owned (dead-end) mews development under common ownership of the proprietors of 4-6 Viewfield Mews, with no through access. We expressly state that we, having a common interest in this area of ground, do not consent to such access nor to the Applicant making adjustments to the kerb as proposed.

Further, the Applicant's photo submission shows that a fixed boundary fence between the proposed development and the private mews/garage area of 4-6 Viewfield Mews has been removed without permission and replaced with an opening gate. We do not consent to this change to our fixed boundary and assert that this unauthorised access gate must be removed immediately and the fixed boundary fence reinstated. Please see annotated photo in Attachment 1 for further details.

3. **Even if it were legally valid, the proposed access route and parking provision would be inadequate on several additional grounds, including:**
    a. It would create an unacceptable level of through traffic (both pedestrian and vehicular) over a small, enclosed, area designed solely as access and manoeuvring space for 8 privately-owned garages.
    b. There is no footpath providing pedestrian access to the development site, neither is there any possibility nor authorisation to create one.
    c. The proposed access route constitutes the type of "contrived solution," which the Aberdeen Local Development Plan seeks to avoid (refer to point 1.d. above).
    d. The Applicant's proposed parking provision is at odds with the guidelines in the Aberdeen Local Development Plan, Supplementary Guidance for Transport and Accessibility 2012 and Planning Policy T2, Managing the Transport Impact of Development. Please refer also a planning application for an adjacent property which was refused on these grounds (reference 140283).
    e. The absence of any dedicated visitor parking for the proposed development would create a hazardous situation whereby visitors arriving at the proposed development (especially larger vehicles such as delivery/service vehicles) are likely to have to reverse out of Viewfield Mews, creating a hazard for both pedestrians and other vehicles in an often congested area.
    f. Parking in the vicinity of Viewfield Road generally is already extremely challenging, as has been widely reported recently in local media (e.g. see article, *New parking restrictions on cards after row at Hill of Rubislaw*, Press & Journal, 6 October 2014) and residents of 4-6 Viewfield Mews face a daily challenge of unauthorised parking in its 2 private visitor spaces and lack of available street parking. The introduction of an additional property with no provision for visitor parking in an already congested area would be unacceptable. It is worthy of note that the Applicant has himself objected to proposed developments in the immediate vicinity on the grounds of parking obstructions and traffic safety concerns and makes specific reference to parking problems on Viewfield Road (see P.270 of the Agenda Reports Pack for the Planning Development Management Committee Meeting, 17th February 2011, available via this link: http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=1937&Ver=4).

4. **The existing, established access to the proposed development site via Queens Road should be retained.** The Applicant already owns the larger plot at 169 Queens Road, of which the proposed development constitutes the southern portion. The description of the proposed development site as "land adjacent to 169 Queens Road" suggests a somewhat arbitrary boundary since the entire area is under the Applicant's ownership. Please see Attachment 2, point (D) for further details. The Applicant's proposal of "blocking up" the existing access via Queens Road appears to be an attempt to remove the inconvenience of access over his own property by creating an inconvenience for owners of neighbouring properties. In this regard it is

worthy of note that the Applicant's objections to proposed planning developments in the immediate vicinity (referenced in point 3 above) include, *"we do not want noise and comings and goings through the night at our front door"*.

5. The boundary of the proposed development appears to be incorrectly described in the Application on the grounds that the garage shown as being within "line of boundary" is actually part of the neighbouring Viewfield Mews development (allocated to flat 6b Viewfield Mews). The conditions of title for the 8 flats at Viewfield Mews stipulate that the accompanying garages may not be sold/disposed of separately from the flats to which they are allocated. It is our understanding that this condition constitutes an enforceable burden under the Title Conditions (Scotland) Act 2003, therefore we cannot see how this garage can be legitimately described as within the boundary of the proposed development at 169 Queens Road. Please see Attachment 2, points (B) & (C) for further details.

6. In conclusion, we consider it a valid observation that the Applicant appears to have taken a series of steps in a bid to secure alternative access to the proposed development site without sufficient regard to applicable laws/regulations or the rights of neighbouring proprietors. These steps should not be considered legitimate in the context of awarding planning permission with the access as it is described in the Application.

Supplementary clarification/background information relevant to these grounds of objection is provided in Attachments 1 & 2 and includes a description of the ownership of 4-6 Viewfield Mews and a title plan with legal boundaries (including all 8 garages) clearly marked.

On the grounds detailed above, we request that Application Ref: 141815 be refused.

Further we ask you to confirm what further steps, if any, we must take to ensure reinstatement of the original boundary fence between 4-6 Viewfield Mews and 169 Queens Road, which has been removed without permission.

If you wish to get in touch, please direct any future communication to us by e-mail in the first instance. Our e-mail addresses are provided below, however please ensure these e-mail addresses are not published on any elements of our submission made available for public viewing.

[redacted]

Yours faithfully,

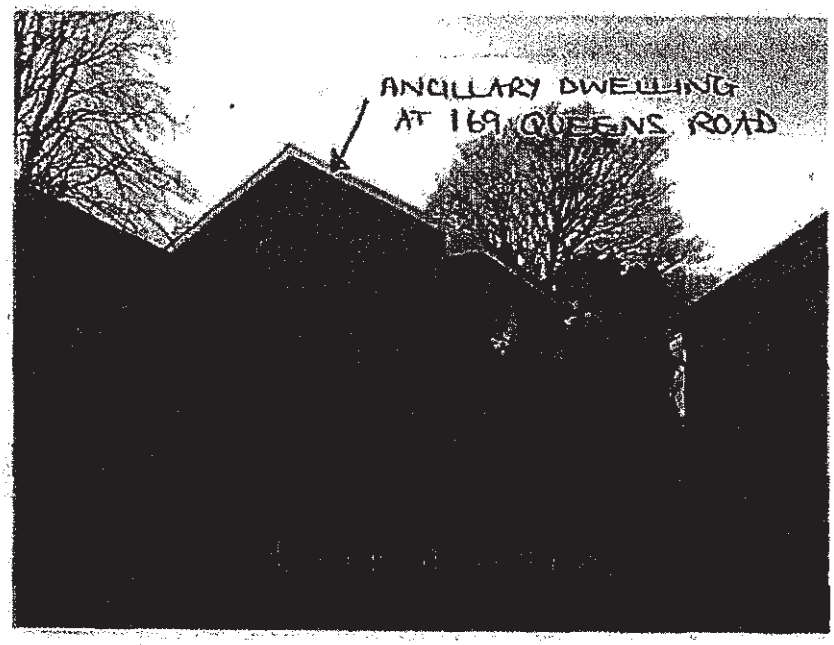
[redacted]

Karen Inkster & Trevor Moar

Attachment 1 -

ATTACHMENT 1 - ANNOTATIONS TO APPLICANT'S LOCATION PHOTOS
(KAREN INKSTER & TREVOR MOAR
4c VIEWFIELD MEWS)

141815: Land adjacent to 169 Queens Road, Aberdeen



THIS PHOTO SHOWS THAT THE FIXED BOUNDARY FENCE BETWEEN 4-6 VIEWFIELD MEWS AND 169 QUEENS ROAD HAS BEEN REMOVED AND REPLACED WITH AN OPENING GATE.

Entrance ~~via~~ garage court



THIS HAS BEEN DONE WITHOUT AUTHORISATION

ORIGINAL, FIXED BOUNDARY MUST BE REINSTATED.

Entrance ~~via~~ garage court

INCORRECT DESCRIPTION. PHOTOS ACTUALLY SHOW THE VIEW OVER A PRIVATE, ENCLOSED PARKING/GARAGE AREA AT ~~46~~ VIEWFIELD MEWS, LOOKING TOWARDS THE PROPOSED DEVELOPMENT AT 169 QUEENS ROAD.

Attachment 2 – Supplementary Information

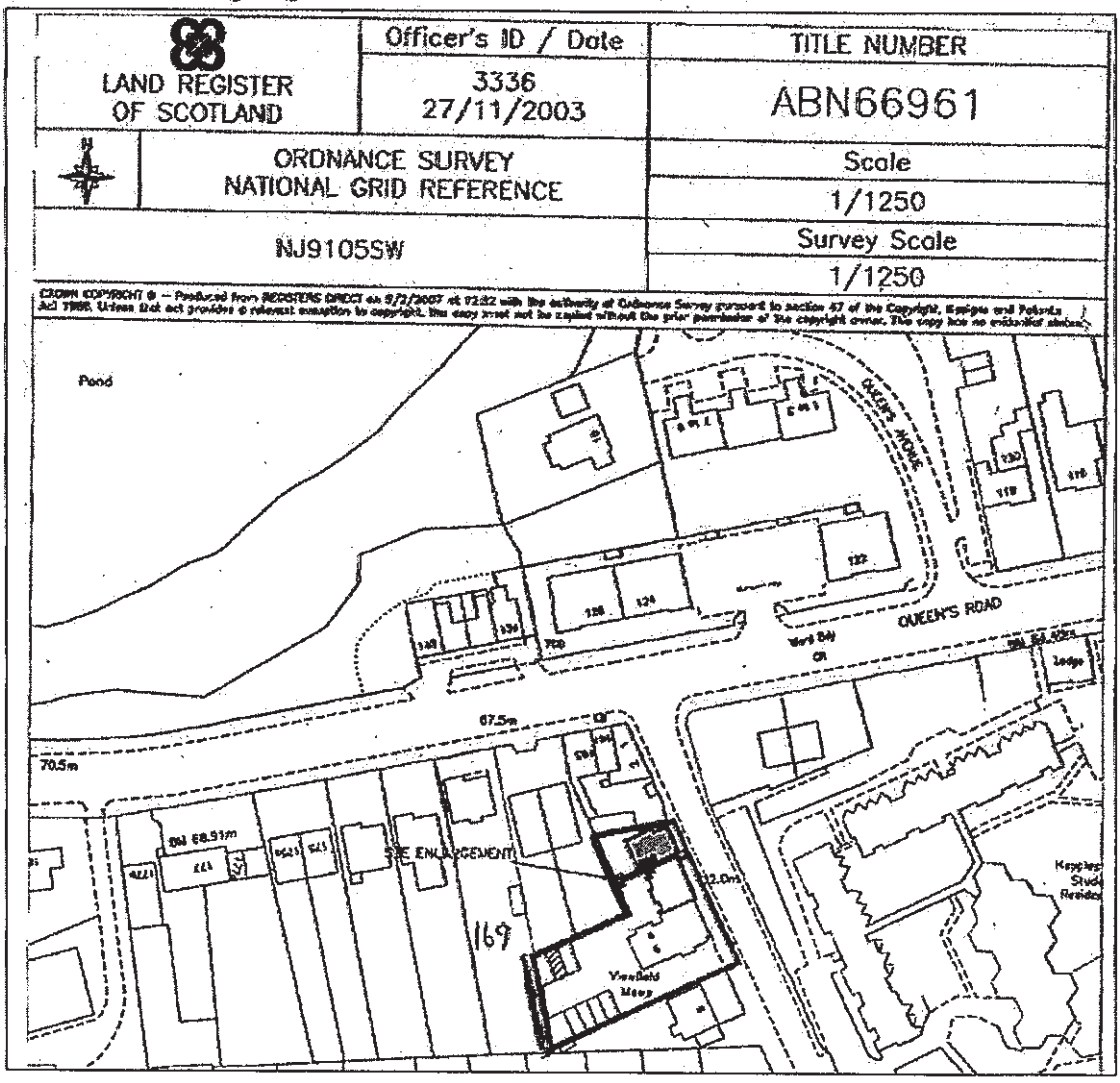
(A) Further Information on Ownership of Private Ground at 4-6 Viewfield Mews

4-6 Viewfield Mews, is a small, 2-storey development of 8 privately-owned flats with a frontage on Viewfield Road. The garage area at the rear of 4-6 Viewfield Mews, is a private, fully enclosed mews area with 8 garages – 1 belonging to each flat at 4-6 Viewfield Mews – plus 2 visitor parking spaces. The legal boundaries of 4-6 Viewfield Views are shown in **red** on the Title Plan provided below.

It is this privately owned mews area through which the Applicant proposes to have access to the south end of his larger plot at 169 Queens Road. We, as owners of 4c Viewfield Mews have a common right in this proposed access area and we state unequivocally that we have not granted, nor do we intend to grant such access.

Due to a period of time spent overseas on a work project, we were unaware of the unauthorised changes made to the boundary fence between 4-6 Viewfield Mews and 169 Queens Road. For clarity, this boundary fence runs along the western boundary of 4-6 Viewfield Mews, along the line highlighted **green** on the plan below.

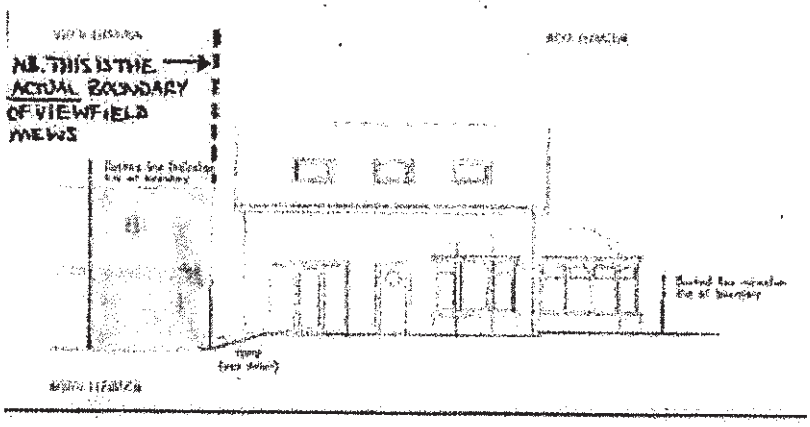
(B) Title Plan Showing Legal Boundaries of 4-6 Viewfield Mews

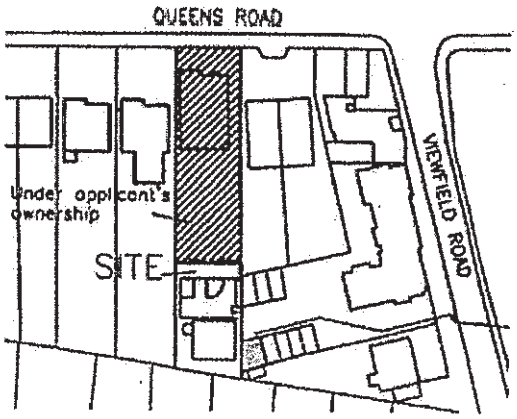


(C) Title Condition Prohibiting Separation of Garages from Flats at 4-6 Viewfield Mews

The text below is the Title Condition applicable to flats at 4-6 Viewfield Mews, as publicly registered in the Land Register of Scotland. This constitutes a real burden, enforceable under the Title Conditions (Scotland) Act 2003. On this basis we do not consider there to be any valid basis for the Applicant to include the garage from within the south west corner of the Viewfield Mews boundary (allocated to flat 6b Viewfield Mews) as being within "line of boundary" of the proposed development. For clarity, we have highlighted this garage in orange on the drawings below.

without implying any duty on such authority so to do. (ELEVENTH) Each flat within the said subjects shall have allocated to it an exclusive garage which shall be used as aforesaid exclusively for the benefit of the proprietor or other occupiers of the flat and for no other purpose whatsoever and it is expressly provided and declared that it shall not be in the power of the proprietor of the flat to which a garage is first allocated to convey or otherwise to dispose of the interest in the said garage or to lease it separately from the flat to which it is first allocated. (TWELFTH) There is reserved to us and our foresaids and





(D) Details of Existing Access via Queens Road to The Proposed Development

The Applicant owns the plot of land at 169 Queens Road, of which the proposed development site constitutes the southern portion. The satellite images below show the existing access route. In image 1, it is also possible to see the original row of trees/shrubs (now removed) which ran along the fixed boundary fence between 4-6 Viewfield Mews and the southern end of the plot at 169 Queens Road.

Image 1 – Image of access route before boundary fence removed

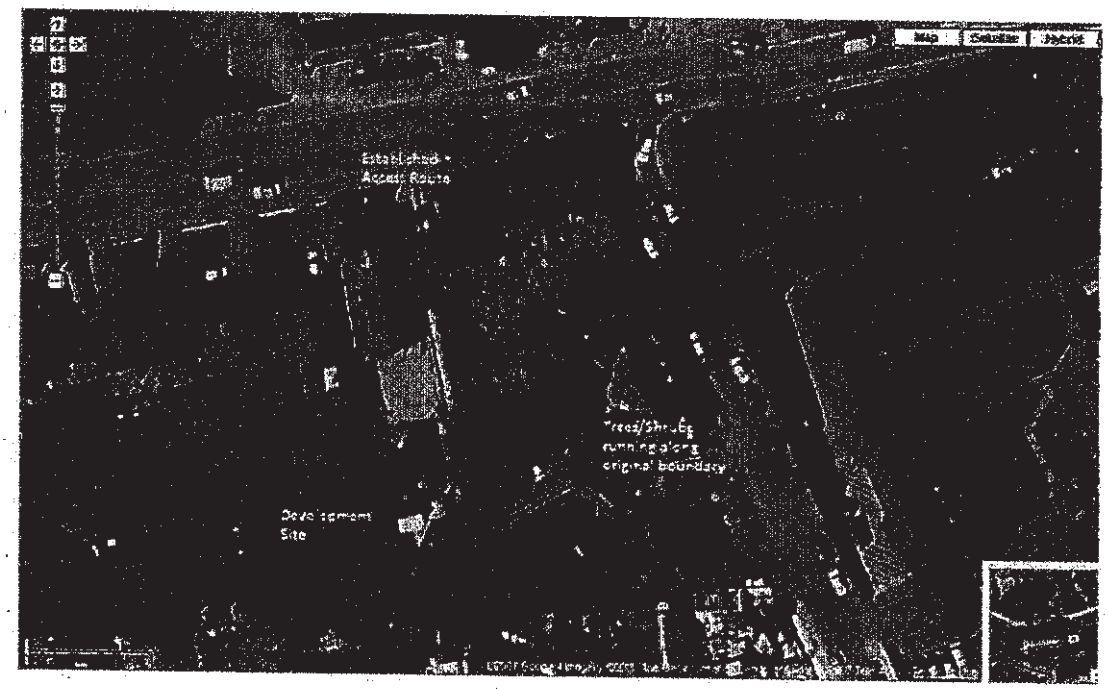
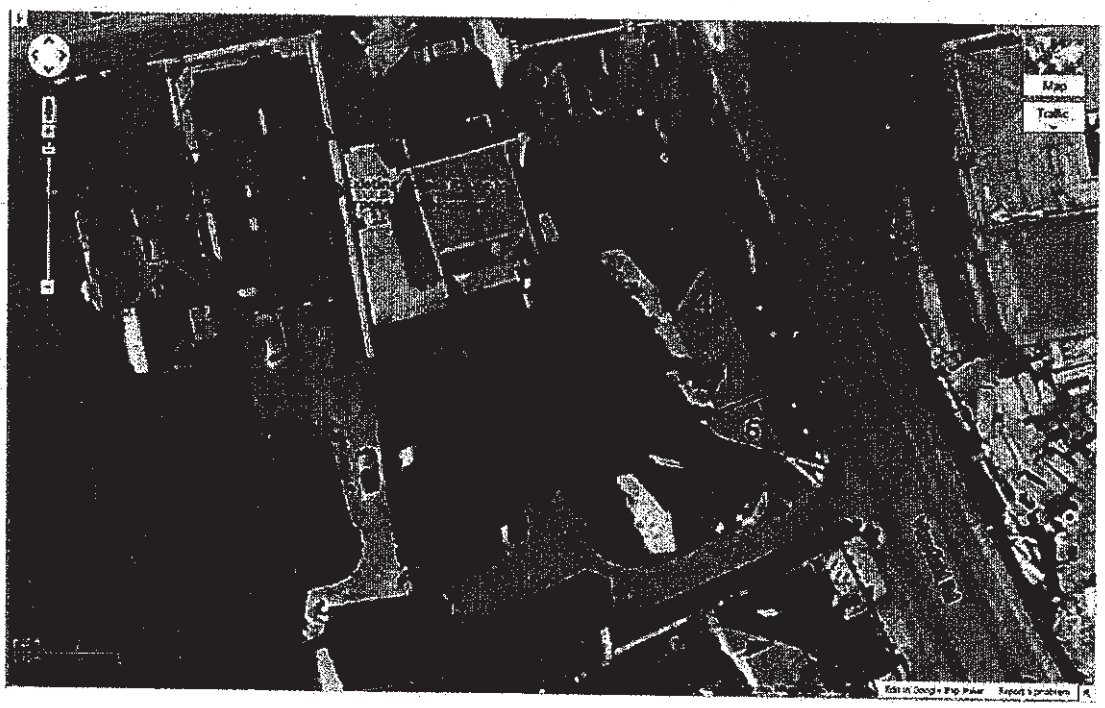


Image 2 – More recent Image, likely taken after boundary fence removed



RI

From: euan mearns [redacted]
Sent: 14 January 2015 22:05
To: PI
Cc: Martin Greig
Subject: planning application 141815
Attachments: To the Planning Committee.pdf

Dear pi,

Attached are my comments to the application made by Mr Russell Duthie.

Yours faithfully,

Dr Euan Mearns

Dr E. W. and Dr K. J.Mearns
10 Kepplestone Avenue
Aberdeen AB15 7XF

14th January 2015

To the Planning Committee, Aberdeen City Council

Reference 141815: 169 Queens Road AB15 8WF

With regards to the application to convert ancillary accommodation at 169 Queens Road to form a single dwelling house I wish the following to be noted.

1. When the original plans were submitted to build a garage and games room on the site around 1998 we objected to these plans on the basis that the structure was oversized for that purpose and argued that there was clear intent at that time to convert the building to a house at some later date.

We were advised that consent to build a house would not have been granted at that time and planning officials saw no grounds to presume that such a large structure was being built for any other reason than that claimed by the proprietor.

2. When building commenced a large lintel was incorporated in the south-facing wall. We objected to this on grounds that it was a clear sign of intent to modify the future use of the building. We were told that this was nothing more than a large brick.

3. I do not believe that the building was ever used as a garage and games room, although I have no evidence to support this.

4. Over the years, the building was incrementally modified a little bit a time. The window in the S facing wall below the pre-installed lintel was one of the earliest additions, I dare say over a decade ago.

Garage doors were replaced with windows, a small sun lounge added. In fact the whole building was piecemeal converted to a house. My impression is that all this took place well in advance of March 2012 when it is claimed a planning application was submitted. Again I do not have evidence to support this. I have better things to do with my time than to spy on the clandestine building activities of an anti-social neighbour who amongst other things erected a barbed wire fence between his and our property at a time that my family was growing up.

Further to the above the following should be noted:

Had Mr and Mrs Duthie listened to and taken due consideration of out legitimate concerns in 1998, they could have built their proto-retirement home as a single storey set well back from the boundary with 8 and 10 Kepplestone Avenue. This

would have provided them with garden to the south, blue skies and plenty sunlight. From memory the original planning consent said that the building was screened to the south by mature conifers. The first thing Mr Duthie did upon receiving his consent was to cut these conifers down. My response was to plant my own conifers to screen us from this HIDEOUS building.

I would also note that current notification (ref 141815) is dated 24 December 2014. I received it by post about 1 week ago and read that I had 21 days to respond. This seems like further cynical manipulation of "the system" for personal gain.

I request that The Planning Committee delays a decision on this application until Mr and Mrs Duthie provide verifiable evidence to support the veracity of the Supporting Statement issued by Michael Gilmour Associates. Specifically:

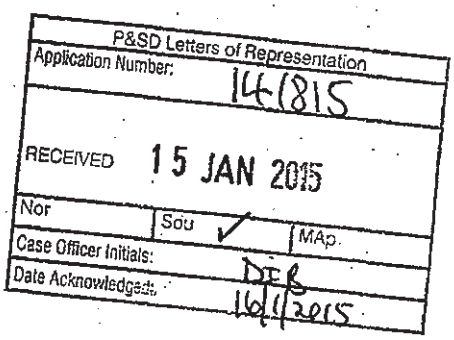
a. A dated builders VAT receipt for conversion of the property from garage and games room to dwelling house that should, I presume post-date the March 2012 planning application referred to in said Supporting Statement.

b. Provide evidence that 91 year old Mrs Coutts actually lived in the converted garage, and not in the main dwelling house of 169 Queens Road or in some other sheltered housing that would be normal for a lady of such a grand age (here I assume that social services will have records).

If such records are found to be in order then we raise no objection to the application made. If they are not in order then we move to have the building that in our opinion should never have been erected, demolished.

Yours faithfully,

Dr Euan Mearns
Dr Kathryn Mearns



Planning Development Management Committee

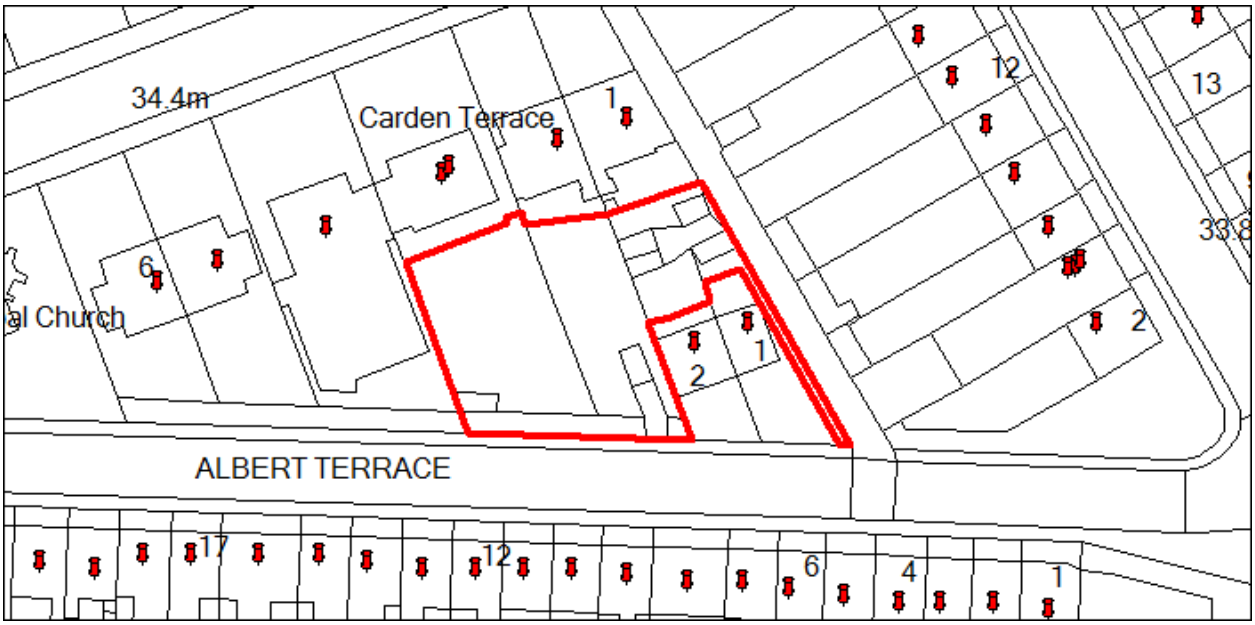
1 & 2 ALBERT TERRACE GARDENS, PART OF 1,2,3 CARDEN TERRACE

ERECTION OF 2 BLOCKS (INCORPORATING 4 FLATS) WITH ASSOCIATED CAR PARKING AND LANDSCAPING

For: DP Group with Scotus Investments Ltd

Application Type : Detailed Planning Permission
Application Ref. : P141587
Application Date: 17/10/2014
Officer: Dineke Brasier
Ward : Hazlehead/Ashley/Queen's Cross(M Greig/J Stewart/R Thomson/J Corall)

Advert : Section 60/65 - Dev aff LB/CA
Advertised on: 14/01/2015
Committee Date: 19 March 2015
Community Council : Comments



RECOMMENDATION:

Refuse

DESCRIPTION

The site comprises and combines almost the whole of the rear gardens of 1, 2 and 3 Carden Terrace and 1 and 2 Albert Terrace Gardens, including a block of four existing garages. The site fronts onto Albert Terrace and Albert Walk – a narrow lane connecting Albert Terrace and Carden Terrace. It is mainly given over to soft landscaping and slopes up from Carden Terrace towards Albert Terrace. The existing rear gardens contain one vehicular access from Albert Terrace, which provides access to a parking area in the rear garden of 2 Carden Terrace. This part of the rear gardens is covered in gravel. Another vehicular access exists on Albert Walk. This access leads to four existing single garages. The boundary to Albert Terrace consists of an original granite wall. Just outside the curtilage is a row of large mature trees protected under Tree Preservation Order No.15. The rear gardens of 1, 2 and 3 Carden Terrace, although interconnected, are marked out by the existing granite boundary walls clearly marking out the original feus.

The site is located within an existing residential area and the Albyn Place/ Rubislaw Conservation Area. 1, 2 and 3 Carden Terrace are Category C listed buildings, whilst the terrace 1 – 34 Albert Terrace is Category B listed.

RELEVANT HISTORY

None.

PROPOSAL

Planning consent is sought for the construction of two blocks of flats each containing two 2-bedroom flats; one on the ground floor and one on the first floor. This would result in a total of four 2-bedroom flats for the overall development.

The buildings have an identical design and measure 12.2m by 10m with a further projection of 2.5m by 6m on the rear elevation. The buildings would be 2 storeys high, have an eaves height of 4.3m and a ridge height of 7.7m. The front elevation contains three half dormers. The rear elevation would have another half dormer. The roof itself is pitched. Proposed materials are slate for the roof, roughcast for the walls with granite quoin stones and timber windows and doors.

The site would contain two vehicular accesses: the existing accesses off Albert Terrace and Albert Walk. This second access would be upgraded and widened. These road works also incorporate the creation of a footpath from the access to Albert Terrace, which would necessitate the demolition of a high traditional granite wall. The existing garages would be demolished. The majority of the site will be given over to hard surfacing to accommodate 15 car parking spaces and sufficient manoeuvring and turning spaces.

Note - The proposal also requires Listed Building Consent and Conservation Area Consent as part of the site is contained within the curtilage of listed

buildings and involves the removal of boundary walls between the gardens and existing garages, but these applications have not been submitted.

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=141587

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

The application is supported by a Design Statement.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because 38 letters of objections and an objection from the Community Council were received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management Team – The application is for the erection of 2 blocks (incorporating 4 flats) with associated car parking and landscaping.
In accordance with the Transport and Accessibility Supplementary Guidance 7 parking spaces would be required. It is noted that 15 spaces are proposed. The applicant should detail the reasons why this number of spaces is proposed quoting relevant information from the SG.
Parking spaces should be 5m by 2.5m and have a 6m aisle width. Parallel parking spaces should be 6m long.
In accordance with guidance, 1 secure long stay cycle parking space should be provided.
The applicant is to submit a swept path analysis of a refuse vehicle entering the site in a forward gear, manoeuvring to the refuse pick up points and exiting in forward gear.
As an absolute minimum, a footpath of 1.5m should be provided; from the drawings submitted it appears that this may not be achievable.
A visibility splay of 2.4m x 33m is required at the access junction.
Drainage proposals should be submitted.

Environmental Health - No objection, but recommends the following condition:-

1) Suitable means of waste storage, including recycling, is provided.

Enterprise, Planning & Infrastructure (Flooding) - It is not clear what kind of surface is proposed in the car park bays; the material to be used should be porous, (eg porous paviors like in the rest of the driveway). In this case, the gullies proposed in that area are probably redundant (except the ones in the

tarmac area). It is highlighted that the base for the porous pavement needs at least a 350mm depth clean crushed angular stone wrapped in a geotextile to get the appropriate performance.

Community Council – Queen's Cross and Harlaw Community Council has objected to the proposal based on the following matters:

1. The proposal is clearly an overdevelopment of a high-amenity, protected garden area within a designated Conservation Area;
2. The development would have a negative impact on the general amenity of the Conservation Area and existing properties, and associated Listed Buildings;
3. The proposed buildings are poor in terms of design and choice of construction materials and would not fit well with the architectural style of the other buildings within the Conservation Area.
4. It is understood that the proposal would involve the destruction and removal of some mature trees which currently enjoy protected status.
5. Insufficient thought has been given to car parking and access arrangements for the site.

REPRESENTATIONS

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

<u>Impact on listed buildings of Albert Terrace, Carden Terrace and the Conservation Area:</u>

1. The design of the development due to the half dormers, shallow roofs, window proportions, positioning and proposed materials is inappropriate in the Conservation Area.
2. The proposed flats would be positioned on a higher level than the properties on Albert Terrace, further increasing their detrimental impact on this Victorian terrace.
3. A modern development would be out of place and detract substantially from the character and appearance of the listed buildings in Albert Terrace, which has been remarkably unchanged since it was completed in the mid 19th century. Development will have an unacceptable impact on the listed buildings of Carden Terrace
4. Proposal fails to respect the grain and pattern of existing feus. This is contrary to Aberdeen City Council's Supplementary Guidance on Sub-division and Residential Curtilages.
5. Development would have an adverse impact on trees in Albert Terrace. No tree survey has been submitted.
6. Development would disrupt the fabric of the local community
7. Demolition and lowering of boundary walls in a conservation area and within the curtilage of listed buildings is contrary to policy D4 of Local Development Plan (LDP).
8. The development will have a harmful impact on the strip of land bordering Albert Terrace. This strip of land is maintained by the Albert Terrace

Residents Association and is planted with a selection of flowers, and is one of the few 'natural' green spaces.

9. Development would harm long views and vista along Albert Terrace.
10. The cobbles on Albert Terrace are already suffering from wear and tear and the construction traffic and extra traffic associated with these flats will compromise these even further. The cobbles are supposed to be protected under the Conservation Management Plan.
11. If approved, the development could set a precedent for further development in the area near the Terrace.

Impact on residential amenity of residents of Albert Terrace, Carden Terrace and the future occupiers of the proposed flats:

12. The development results in a significant loss of garden space of the properties at Carden Terrace and Albert Terrace Gardens, affecting the residential amenity of residents of these properties. This also includes the construction of the footpath in the side garden of 1 Albert Terrace Gardens.
13. Buildings would block sun light to windows in Albert Terrace and Carden Terrace
14. Height of the proposed development would have a dominating impact on properties on Albert Terrace.
15. Development would result in a loss of privacy to properties directly opposite the proposed flats.

Design of the proposed development:

16. Proposal constitutes overdevelopment of the site
    a) Proposal does not include any meaningful open space other than space left over after development.
    b) Overprovision of car parking. The proposal provides 15 parking spaces – 7 for new flats and 8 for existing buildings.
    c) Not enough parking spaces serving the development as it is not clear if they also need to serve the properties at 1 and 2 Carden Terrace and 1 and 2 Albert Terrace Gardens.

Impact on road safety:

17. Additional traffic on Albert Walk in association with the construction of flats and an overprovision of car parking will result in road safety concerns as Albert Walk remains a single width lane and cannot accommodate such an increase in traffic.
18. Uncertainty as to whether visibility splays can be achieved on Albert Walk – even if boundary wall is moved.
19. Proposed footpath only runs from Albert Terrace to the site access and will not continue along the remainder of Albert Walk. This leaves the potential for conflict between pedestrians and cars on the remainder of Albert Walk.
20. There are insufficient parking spaces at Albert Terrace at present. The proposed development would further exacerbate this.

Other:

22. A lack of information is presented. A tree survey, cross sections and levels information are missing.

23. No application for listed building consent has been submitted.
24. No information has been provided in relation to refuse collection.
25. No need for development as Council's LDP states that there are enough brownfield sites to cope with the projected demand until 2023

PLANNING POLICY

Scottish Planning Policy:
Paragraphs 135 - 144 discuss the Scottish Government's approach in relation to development within the Historic Environment:

Siting and design of development should take account of all aspects of the historic environment. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. Proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area.

Scottish Historic Environment Policy:
Sets out Scottish Ministers' direction in relation to the Historic Environment:
Scotland's historic environment should be managed in a sustainable way, recognising that it is a social, cultural, economic and environmental resource of great value. Where change is proposed, it should be appropriate, carefully considered, authoritatively based, properly planned and executed. It is important that new developments are sensitive to historic character and attain high standards in design and construction, while recognising the portfolio of original building materials.

Managing Change in the Historic Environment: Boundaries:
Walls, fences and other boundary treatments form important elements in defining the character of historic buildings and conservation areas.

Aberdeen Local Development Plan
D1 – Architecture and Placemaking: New development must be designed with due consideration for its context and make a positive contribution to its setting.

D2 – Design and Amenity: In order to ensure the provision of appropriate levels of amenity the following principles will be applied:

- Privacy shall be designed into higher density housing;
- Residential development shall have a public face to a street and a private face to an enclosed garden or court;
- All residents shall have access to sitting-out areas;
- Car parking must not dominate the space. No more than 50% of any court should be taken up by parking spaces and access roads;

D4 – Aberdeen's Granite Heritage: Consent will not be given for the demolition of granite-built garden or other boundary walls in conservation areas.

D5 – Built Heritage: Proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy;

H1 – Residential Areas: Within existing residential areas, proposals for new residential development will be approved in principle if it:

- Does not constitute overdevelopment;
- Does not have an unacceptable impact on the character or amenity of the surrounding area; and
- Complies with Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages

NE5 – Trees and Woodlands: There is a presumption against all activities and development that will result in the loss of or damage to established trees that contribute significantly to local amenity. Appropriate measures should be taken for the protection and long term management of existing trees. Buildings and services should be sited so as to minimise adverse impacts on existing and future trees and tree cover.

R6 – Waste Management Requirements for New Developments: Housing developments should have sufficient space for the storage of residual, recyclable and compostable waste.

R7 – Low and Zero Carbon Buildings: All new buildings must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards.

Proposed Aberdeen Local Development Plan

The following policies substantively reiterate policies in the adopted local development plan as summarised above:

D1 – Quality Placemaking by Design *(D1 – Architecture and Placemaking and D2 – Design and Amenity)*
D4 – Historic Environment *(D5 – Built Heritage)*
D5 – Our Granite Heritage *(D4 - Aberdeen's Granite Heritage)*
H1 – Residential Areas *(H1 – Residential Areas)*
NE5 – Trees and Woodlands *(NE5 – Trees and Woodlands)*
R6 – Waste Management Requirements for New Developments *(R6 – Waste Management Requirements for New Developments)*
R7 – Low and Zero Carbon Buildings, and Water Efficiency *(R7 – Low and Zero Carbon Buildings)*

Supplementary Guidance

Low and Zero Carbon Buildings – Sets out the methodology for developers to demonstrate compliance with policy R7 of the Aberdeen Local Development Plan (reduction of predicted carbon dioxide emissions of at least 15% below 2007 buildings standards).

The Subdivision and Redevelopment of Residential Curtilages – Establishes principles in relation to splitting of feus and residential development.

Transport and Accessibility – Provides guidance on parking standards for residential developments

Trees and Woodlands – Sets out requirements in relation to the submission of a Tree Survey, Tree Protection Plan, Arboricultural Method Statement and Tree Constraints Plan.

Other Relevant Material Considerations
Albyn Place and Rubislaw Conservation Area Appraisal
Conservation Area Character Appraisals and Management Plan

EVALUATION

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

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

Principle of development:
The site is located within an existing residential area where, subject to compliance with all other relevant policies and criteria, residential development would be acceptable.

Impact on the character, appearance and setting of the listed buildings and Albyn Place/ Rubislaw Conservation Area:
Setting:
The site comprises part of the rear gardens of 1 and 2 Albert Terrace Gardens, and 1, 2 and 3 Carden Terrace. It is set within a sensitive historic location. It is within the Albyn Place/ Rubislaw Conservation Area; 1, 2 and 3 Carden Terrace are Category C listed buildings, and the dwellings on Albert Terrace opposite are B-listed.

The Council's Albyn Place and Rubislaw Conservation Area Appraisal and Conservation Area Appraisals and Management Plan provide guidance as to the historic development in this area. This document sets out that the traditional pattern of development was single aspect, i.e. buildings fronting a road, with long rear gardens backing directly onto a lane from which often vehicular access was taken. This pattern is clearly visible in the immediate area, with properties on Albert Street taking vehicular access from Albert Walk, properties on Albert Terrace taking vehicular access from Rubislaw Terrace Lane, and properties on Carden Terrace backing onto Albert Terrace. This proposal would introduce a second building line on Albert Terrace that would distort this original pattern. The properties at 2 and 3 Carden Terrace would no longer directly back onto Albert

Terrace, but a new building line would be introduced. This would be out of character with the original building pattern within this conservation area to the detriment of its character and appearance and the setting of the listed buildings.

The two buildings would be set at an angle from Albert Terrace. This, again, is contrary to the general pattern of development within this area where buildings front directly onto the street. Furthermore, through integrating the back gardens into one site, the proposal removes the original feu pattern. Again, this would have an adverse impact on the pattern of development within the Conservation Area and the setting of the listed buildings. As such, the proposal is contrary to policy D5 (Built Heritage) of the Aberdeen Local Development Plan.

The proposal would involve integrating the back gardens of 1, 2 and 3 Carden Terrace, and 1 and 2 Albert Terrace Garden into a large development site. Currently, the gardens of 1, 2 and 3 Carden Terrace are separated by original granite boundary walls. These walls would be removed to open up the site to enable development. In addition, the existing high granite boundary wall running along the side of 2 Albert Terrace Garden fronting Albert Walk would be taken down, and rebuild closer to the property. Part of this wall would be lowered from 2m to 0.8m. Historic Scotland Document 'Managing Change in the Historic Environment: Boundaries' sets out that walls, fences and other boundary treatments are important elements in defining the character of historic buildings and conservation areas. In this area, the boundary walls contribute significantly to the character and appearance of the Albyn Place/ Rubislaw Conservation Area. Their removal and/ or lowering in height would have a significant detrimental impact on the character and appearance of the Conservation Area and the setting of the listed buildings. Policy D4 (Aberdeen's Granite History) clearly states that within Conservation Areas, the removal of granite boundary walls will be resisted. As such, the proposal is contrary to this policy, policy D5 (Built Heritage) and national policy as set out in Scottish Historic Environment Policy and detailed guidance set out in Managing Change in the Historic Environment: Boundaries.

Design:
The proposed buildings would measure approx. 12.3m by 10.1m with a further rear projection of 2.5m by 6.2m. The design suggests a two storey building with three half dormers in the front elevation and a further half dormer in the rear elevation. This is significantly higher than both the dwellings at 1 and 2 Albert Terrace Gardens and the dwellings at Albert Terrace, which are single storey with additional accommodation in the roof space. In addition, the latter are also set at a lower level.

The design of the two blocks does not reflect the prevailing character and architecture of buildings in this conservation area. The design is very bland and does not incorporate the specific design features, detailing or external finishes on would expect in this conservation area. Due to the wide span, the design suggests a very wide, nearly square building. As a result, the gables appear too wide, and the pitch of the roof is too shallow, at odds with all other buildings in the surrounding area. The arrangement, proportions and sizes of the windows

are not reflective of the traditional appearance of other buildings in the area. This poor design is set against the elegant, traditional design of Albert Terrace, and the more robust design of the buildings fronting Carden Terrace. The construction of such buildings would have a significant adverse impact on the setting of these listed buildings, and the character and appearance of the Conservation Area in general. Overall, it is considered that the design falls well short of the quality expected and required on such a prominent location in this historic setting.

Density:
The Subdivision and Redevelopment of Residential Curtilages Supplementary Guidance sets out that, rear gardens of both existing and proposed buildings following subdivision of a residential curtilage should have a length of 9m in the case of a two-storey building, and 11 metres in the case of a building of more than two storeys. The proposed development would significantly reduce the size of the rear gardens of 1, 2 and 3 Carden Terrace, and 1 and 2 Albert Terrace Gardens to far below these standards. All proposed and remaining gardens would fail to pass this test. In particular the rear garden of 2 Albert Terrace Garden would be reduced to an unacceptable length of 2m, while the properties at 1, 2 and 3 Carden Terrace would have rear gardens of between 3 and 6 metres. In addition to the failure to comply with the supplementary guidance, the resulting garden sizes would be significantly at odds with and detrimental to the prevailing character of the conservation area.

Site layout:
Policy D2 (Design and Amenity) of the Aberdeen Local Development Plan sets out that parking must not dominate any site layout. As a guide, no more than 50% of any court should be taken up by parking spaces and access roads. In this case, it is clear that the area between 1, 2 and 3 Carden Terrace and the proposed buildings would be dominated by parking spaces and the access roads, occupying a large proportion of that area. This impact is even further emphasised by the hard surfacing leading up to the new buildings from the access road and the parking spaces. Some soft landscaping is introduced on the Carden Terrace side of the development and at the extreme rear of the site. This landscaping appears to be the pieces of land left over after satisfying the requirements for parking and access rather than an integral piece of the development. Due to this extensive use of hard landscaping, the proposal is contrary to the requirements of this policy.

<u>Impact on residential amenity for existing properties and new flats:</u>
Loss of light:
At present, the area surrounding 1 and 2 Albert Terrace Gardens is relatively open. The proposed two buildings are stepped back from Albert Terrace. The proposed building nearest 2 Albert Terrace Gardens would project 6m beyond the rear elevation of this small dwelling. The gable on the proposed east elevation would have an eaves height of 5.5m and a ridge height of 7.8m. The building would be located very close to 2 Albert Terrace Garden, and would leave a gap of 0.5m to the boundary with this property. 2 Albert Terrace Garden itself is a small 1.5 storey semi-detached dwelling. It is considered that the proposal

would have an imposing impact and would result in a loss of light to the rear windows of 2 Albert Terrace Gardens to the detriment of the residential amenity of this property.

The buildings would be on the north side of Albert Terrace, and as a result, would not contribute to a significant loss of sun light to these properties.

Loss of privacy:
The flats contain a side facing window in the east elevation of the first floor flats, serving a bedroom. In the case of the building nearest the existing Albert Terrace Gardens properties, this window would look straight over their private rear outdoor amenity area, and would offer potential of looking directly down into the living accommodation of these two properties. This would result in a significant loss of privacy to these properties.

Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages sets out that a distance of 18m should be maintained between facing windows to ensure adequate levels of privacy are maintained. In this case, the distance between the rear elevations of the proposed buildings and the existing buildings at 2 and 3 Carden Terrace vary between 14m and 19.5, with the majority of the rear façades of the proposed buildings being nearer than 18m to the properties on 2 and 3 Carden Terrace. Windows in the rear elevation of the proposed buildings serve a kitchen, study and bedroom. It can be considered that the distance between the proposed buildings and the existing properties 2 and 3 Carden Terrace is too small, and that this could result in a significant loss of privacy to both occupiers of these existing and proposed buildings.

Provision of amenity space:
The proposal would result in a significant reduction in the rear and side gardens of 1 and 2 Albert Terrace Gardens from respectively approx. 64m² to 25m² and approx. 80m² to 16m². Furthermore, no clear boundary treatment is indicated to show satisfactory levels of privacy for the occupants of these properties within their gardens. The rear gardens appear to be integrated into the overall layout of the site, which, as the two properties are traditional semi-detached dwellings is wholly inappropriate and offers an inadequate level of outdoor amenity space for these existing dwellings.

As discussed above, the site layout is dominated by hard surfacing required for the construction of parking spaces and an access road. This results in piecemeal provision of small areas of landscaping that can be used as outdoor amenity space. The existing flats at 1 and 2 Carden Terrace will retain direct access to a small strip of grass. However, this area is significantly reduced and in the case of 2 Carden Terrace can be perceived as a ‘token’ strip of outdoor amenity space. 3 Carden Terrace is closely located to an area of grass located adjacent to the western proposed building. This amenity area measures approx. 80m² and provides some level of amenity to the occupants of both 3 Carden Terrace and this proposed new building. However, taking account of the fact that this space would be shared by a significant number of people, this is a not a large area. There would be no direct access from the proposed eastern building to any

outdoor amenity space, but residents would need to cross the car park to get to any type of amenity space.

In addition, the design of the new buildings does not include any integration of private outdoor amenity space such as balconies. Overall, it is considered that the amount of outdoor amenity space provided is not satisfactory to serve a development of this size, especially when taking account of the reduced levels of available amenity space for the existing buildings at 1, 2 and 3 Carden Terrace.

On these grounds, the proposal does not comply with policy D2 (Design and Amenity) of the Aberdeen Local Development Plan.

Impact on mature trees:
The boundary with Albert Terrace is made up of a high granite wall with a mature hedge behind and a row of large mature trees in the verge of the road. These trees are protected under Tree Preservation Order no. 15. No Tree Survey or other information in relation to these trees has been submitted by the applicant.

The Councils Arboricultural Officer highlights that it is likely that the footprint of the proposed buildings would impact on the root protection area of these trees potentially to the detriment of their health. Policy NE5 (Trees and Woodlands) carries a presumption against all activities and development that would result in the loss or damage to established trees that contribute significantly to local amenity. As these trees are protected under a Tree Preservation Order, their importance in relation to local amenity is established. As such, in the absence of further information, it is considered that the proposal is contrary to the requirements of NE5 (Trees and Woodlands) and Trees and Woodlands SG.

Notwithstanding any potential damage to the trees resultant from the development itself, it is also considered that the presence of the trees would impact on the residential amenity of the proposed buildings. The tree line is very mature and in the summer carries a large and thick canopy. A number of these trees would be closely located to the front windows of the proposed building, resulting in potentially dark rooms. This presents a future danger to the trees as potential residents would be likely to want them thinned or removed to improve their outlook and levels of natural light to their living accommodation.

Impact on highway conditions, especially in relation to parking, access and servicing:
The site plan shows 15 parking spaces accessed through an improved access onto Albert Walk – a narrow lane running between Carden Terrace and Albert Terrace. The site is located within the Outer City, and as such a maximum of 1.75 parking spaces per flat could be provided. This would result in 7 parking spaces for the proposed new development. However, the proposal involves the removal of existing garages and parking spaces for the Albert Terrace Gardens dwellings and 1 and 2 Carden Terrace. 2 and 3 Carden Terrace retain parking spaces to the front.

The applicant does not clarify how many properties the parking area needs to serve. Assuming that at a minimum this area would serve the proposed new flats, the properties at 1 and 2 Albert Terrace Gardens and 1 Carden Terrace (taking account of the existing parking provision to the front at 2 and 3 Carden Terrace), this would consist of 10 residential units. The proposed parking provision would then be 1.5 per residential unit, which appears acceptable in this sustainable location close to bus routes and the city centre.

Albert Terrace residents have expressed concerns regarding additional pressure for on-street parking in this street, which is already inadequate. It is considered that the proposal incorporates sufficient parking spaces to enable on-site parking, and as such should not result in further pressure on on-street parking in the surrounding area.

The proposal should allow for at least one secured, covered bicycle parking space per flat as set out in the Transport and Accessibility SG. This provision – although indicated in the submitted Design Statement – is not shown on any of the plans.

Roads Development Management Team raised doubts as to the suitability of the access road to enable a refuse vehicle to enter and exit the site in a forward gear. Further information would need to be submitted.

Concerns have been issued by residents regarding an increase in traffic levels on Albert Walk and Albert Terrace, including construction traffic facilitating the development. Albert Walk is a narrow lane with various car parks and vehicular accesses from rear gardens. As a result, cars drive relatively slow, and an increase in traffic levels is not necessarily a concern.

Although some of these issues could be resolved, necessary information has not been submitted with this information, and as such, in the absence of this information, the proposal does not comply with criteria as set out in the Transport and Accessibility Supplementary Guidance in relation to bicycle parking and accessibility of the site for refuse vehicles.

Flooding and Drainage:
The site plan indicates the use of permeable paviors in the area leading up to the buildings. The drainage plan further shows a number of man holes and gullies. In general, this scheme is acceptable, but would need some alterations to incorporate permeable paviors for the parking spaces as well. However, the basis of the drainage plan as submitted is acceptable and complies with requirements for policy NE6 (Flooding and Drainage).

Matters raised by the Community Council:
The Queen's Cross and Harlaw Community Council objects to the scheme. All of the issues raised by the Community Council have been addressed in the sections above.

Other matters raised in representations:

The residents in Albert Terrace currently maintain the verge on the north side of Albert Terrace directly fronting onto the proposed development. Concerns have been raised that this small green area will be destroyed following construction works. This area is not a designated urban green space, and the loss of the existing flowers is not a material planning consideration. However, as the trees on this verge are covered by a Tree Preservation Order, the area surrounded it is warranted some informal protection as the development can not endanger these trees.

An objection has been raised stating that there is no need for the proposed development as sufficient brownfield sites have been allocated in the Adopted Local Plan to accommodate sufficient residential development up until 2023. Even though sufficient sites for residential development have been allocated through the local development plan process, this does not preclude any windfall sites coming forward. This site would be considered a 'windfall' site in the local development plan, and its location within an existing residential area means that the principle of residential development would be acceptable. However, as argued above, the proposed development subject of this application is highly unsuitable for this site and the surrounding area.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application no new issues were raised.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

1. That the proposal would be significantly detrimental to the character and appearance of the Albyn Place/Rubislaw Conservation areas and the setting of the adjacent listed buildings due to its inappropriate and poor design, the integration of feus resulting in the loss of the historic feu pattern, the removal of interfeu and boundary walls and through the introduction of a second building line facing Albert Terrace. This is contrary to Scottish Planning

Policy, Scottish Historic Environment Policy, Historic Scotland Document 'Managing Change in the Historic Environment: Boundaries', the requirements of policies D1 (Architecture and Placemaking), D4 (Aberdeen's Granite Heritage) and D5 (Built Heritage) of the Aberdeen Local Development Plan and policies D1 (Quality Placemaking by Design) and D4 (Historic Environment), D5 (Our Granite Heritage) of the Proposed Local Development Plan, and the Subdivision and Redevelopment of Residential Curtilages Supplementary Guidance;

2. That the proposal would result in a site layout dominated by hard surfacing between the proposed new buildings and 1, 2 and 3 Carden Terrace, and providing inadequate provision of outdoor amenity space for the entire development, both the new and existing buildings at 1, 2 and 3 Carden Terrace and 1 and 2 Albert Terrace Gardens and is consequently an over development of the site. This is contrary to the requirements of policy D2 (Design and Amenity) of the Aberdeen Local Development Plan and policy D1 (Quality Design by Placemaking) of the Proposed Local Development Plan;

3. That the development would have a detrimental impact on the residential amenity of adjacent properties due to a loss of light to 2 Albert Terrace Gardens, and a loss of privacy to 2 and 3 Carden Terrace and the rear gardens of 1 and 2 Albert Terrace Gardens. This is contrary to the requirements of policy H1 (Residential Areas) of the Aberdeen Local Development Plan, policy H1 (Residential Areas) of the Proposed Local Development Plan and the Subdivision and Redevelopment of Residential Curtilages Supplementary Guidance;

4. That the applicant has failed to provide sufficient information regarding the potential impact of the development on the health of the trees covered under Tree Preservation Order No.15 on the boundary of the site with Albert Terrace. This is contrary to the requirements of policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan, policy NE5 (Trees and Woodlands) of the Proposed Local Development Plan and the Trees and Woodlands Supplementary Guidance.

Dr Margaret Bochel
Head of Planning and Sustainable Development.

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ABERDEEN
CIVIC SOCIETY

Registered with the Scottish Civic Trust
Registered Charity Number SC003089
Honorary Secretary: Mr A Struthers

Aberdeen Civic Society
C/o 6 Gauchhill Cottages
Kintore
Aberdeenshire
AB51 0XQ
Tel [redacted]
info@aberdeencivicsociety.org.uk

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

21 November 2014

Dear Dr Bochel

Ref: 141587 – 1-2 Albert Terrace

The Society has considered the above applications and wishes to comment as follows:-

This application concerns us greatly. It is wholly inappropriate for this conservation area. It is not in keeping with the street, or indeed the area's, character and would detract substantially from not just the amenity of the street and its current properties, but also permanently and negatively impact on the gardens of the properties on Carden Place in which it is proposed.

We strongly encourage the committee to refuse this application.

We would be grateful if our representation could be given consideration.

Yours sincerely

Alastair Struthers

AHSS National Office
Riddle's Court
322 Lawnmarket
Edinburgh
EH1 2PG

T: 0131 557 0019
F: 0131 557 0049
E: nationaloffice@ahss.org.uk
W: www.ahss.org.uk

THE ARCHITECTURAL HERITAGE SOCIETY OF SCOTLAND
For the study and protection of Scottish architecture

PLEASE REPLY TO:

AHSS NORTH EAST GROUP
Kelly Morrison - Cases Panel Secretary
[redacted]

17 November 2014

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

BY POST & EMAIL

Dear Sirs,

APPLICATION REF 141587 Albert Terrace/Carden Terrace, Aberdeen

We refer to the above application for Detailed Planning Approval. Having considered the application at our most recent cases panel, the committee concluded that it could not support this proposal as currently presented.

The committee believes that the footprint of the development complete with the car parking provision has resulted in the loss of significant garden space, more importantly the garden space is 'left over' after the planning. The development and open space should all be planned and integrated to respect the grain and pattern of the surrounding buildings and streets; the proposal fails to do this. The buildings proposed are a mixture of one and one half storeys and two storeys, whereas the surrounding buildings are all single storeys with accommodation in the roof space. The proposal is therefore out of character and style with the surrounding area. In addition, any development within the curtilage of the Carden Place buildings should be subservient in scale to the main buildings in Carden Place, in the traditional manner.

The committee accepts that a building design solution may be traditional or contemporary, and it is believed this is a traditional approach. The committee believes that this traditional approach has seriously failed to produce a design commensurate with the quality of design in the buildings on Albert Terrace and Carden Terrace. Matters of composition, proportion, roof pitch, fenestration, details and materials all require significant reconsideration.

Yours faithfully

John Coyne
Chairman AHSS North East Group Committee & Cases Panel Member

President: Simon Green MA, FSA, FSA Scot
Chairman: Peter Drummond

The Architectural Heritage Society of Scotland (AHSS) is a registered charity: SC007554REG
The Society is registered as a Company Limited by Guarantee: SC356726

AHSS National Office
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Kelly Morrison - Cases Panel Secretary
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Yours faithfully

pp [redacted]

John Coyne
Chairman AHSS North East Group Committee & Cases Panel Member

President: Simon Green MA, FSA, FSA Scot
Chairman: Peter Drummond

The Architectural Heritage Society of Scotland (AHSS) is a registered charity: SC007554REG
The Society is registered as a Company Limited by Guarantee: SC356726

PI

From: webmaster@aberdeencity.gov.uk
Sent: 01 December 2014 22:07
To: PI
Subject: Planning Comment for 141587

Comment for Planning Application 141587
Name : ASHLEIGH BAIN
Address : 2A CARDEN TERRACE
ABERDEEN
AB10 1US

Telephone :
Email : [redacted]
type :
Comment : I would like to object to the planning permission which has been submitted by DP as I live in flat 2a Carden Terrace and the proposed building will be in my current back garden.

After looking at the planning application I see that the proposed site is my back garden. It is my view that, as I live in the basement flat all natural light would be blocked to our flat. We would only see a new build when we looked out our window.

I object because I think that it would ruin the beautiful, victorian back garden we have here.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 01 December 2014 22:30
To: PI
Subject: Planning Comment for 141587

Comment for Planning Application 141587
Name : jackie bain
Address : 2a Carden Terrace

Telephone : [redacted]
Email : [redacted]
type :
Comment : I object to the proposed plan. Albert Lane is a lovely street and I feel a modern development would spoil the whole street. The granite buildings on carden terrace have beautiful gardens and as there is decreasing green space in the city centre it would be a real shame to have new flats destroying this, especially the trees. Building new flats so close to the granite buildings would block all the light into the back of these flats. As so many of these buildings are being turned into offices it would be a real shame to lose another residential building.

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PI

DINEKE, 141587

From: Peter Chalmers [redacted]
Sent: 26 November 2014 18:02
To: PI
Cc: Jennifer Stewart; Martin Greig
Subject: Planning Application 141578

Joan + Peter Chalmers **24 Albert Terrace, Aberdeen, A10 1XY**

Development Management
Planning and Sustainable Development
Aberdeen City Council
Marischal College
Broad Street
Aberdeen Ab10 1AB

26th November 2014

Planning Application 141578 Dated 25/11/2014 -
Erection of 4 Flats Fronting onto Albert Terrace, Aberdeen + Associated Car Parking

We wish to object to the above application on the following grounds

1. The site is located in conservation area A and the list B houses on the south side of Albert Terrace are list B single storey houses with attic. Nos. 1-13 have basements and were constructed between 1848 and 1867.

2 The proposed development has no recognisable architectural merit and would be located in an "urban open space" (garden ground) and not a "gap site" as suggested and would be detrimental to the fundamental character of the existing outstanding conservation area.

3 There is a **lack of information shown** on the application drawings –
levels on section should relate to a datum/TBM. and show existing ground level, proposed ground level, level at base of existing "listed" south boundary wall together with height of wall and the level of Albert Terrace.

Location of telegraph poles in Albert Walk that prevent traffic passing and the mature trees located on the pavement at the Albert Walk/Carden Place junction should be shown.

4 16 car parking spaces are to be created entering/exiting onto Albert Walk entitling the users to 32 resident's parking permits.
Albert Walk is totally inadequate to cope with the existing traffic generated by the car parking provision located on the east side of the lane serving the Albert Street offices (40+ cars).and the through traffic.
The part widening of the lane and the provision of a short length of footpath will undoubtedly help the situation. Unfortunately the footpath is located on the west side when most of the foot traffic approaches from east (Albert Street) No improvement is made for traffic/pedestrians entering from Carden Place and this lane will remain inadequate. Parking for residents of Albert Terrace has become a real problem and this proposal will exacerbate the situation.

5 We believe **listed building consent** would be required for the removal of the existing boundary walls within the proposed site.

6 The position of the existing trees located on the bank does not appear to be correct. An **accurate tree survey** should be submitted showing the exact location of the trees, canopy dimensions, proximity to existing wall and new building + services. Details of the measures to protect the tree root-balls and any required wayleaves should be confirmed.

7 No provision would appear to have been made for **refuse storage** and collection.

8 The proposal would appear not to take heed of **Aberdeen Local Development** Plan, Supplementary Guidance, **"The sub-division and redevelopment of residential curtilages" – March 2012.** and in particular

"in conservation areas there will be a requirement that all elevations visible from the street should be finished in natural granite"

"the use of rear lanes for shared pedestrian or vehicular access to dwellings in rear gardens is not considered acceptable"

9 **Historic Buildings Council for Scotland, Albert Terrace Town Scheme, City of Aberdeen** : File Number HFT/B/GA states:
"The garage and car parking at the rear of 2 Carden Terrace reduces the quality of the co0nservation area and should not become a precedent."

Nos. 1+2 Albert Terrace Gardens are excluded from the town scheme because they are considered to be making little contribution to the conservation area." – I would suggest that these properties should not be used as a precedent.

We trust the Committee will be mindful of our historic built heritage and vote to refuse this application.

Yours faithfully

Peter Chalmers
24 Albert Terrace
Aberdeen
AB10 1XY

Joan Chalmers
24 Albert Terrace
Aberdeen
AB10 1XY

P&SD Letters of Representation
Application Number: 141584
RECEIVED 27 NOV 2014
Nor | Sou ✓ | MAp
Case Officer Initials: DJB
Date Acknowledged: 2/12/14

PI

DINECE 141587

From: Peter Chalmers [redacted]
Sent: 26 November 2014 18:02
To: PI
Cc: Jennifer Stewart; Martin Greig
Subject: Planning Application 141578

Joan + Peter Chalmers **24 Albert Terrace, Aberdeen, A10 1XY**

Development Management
Planning and Sustainable Development
Aberdeen City Council
Marischal College
Broad Street
Aberdeen Ab10 1AB

26th November 2014

Planning Application 141578 Dated 25/11/2014 -
Erection of 4 Flats Fronting onto Albert Terrace, Aberdeen + Associated Car Parking

We wish to object to the above application on the following grounds

1. The site is located in conservation area A and the list B houses on the south side of Albert Terrace are list B single storey houses with attic. Nos. 1-13 have basements and were constructed between 1848 and 1867.

2 The proposed development has no recognisable architectural merit and would be located in an "urban open space" (garden ground) and not a "gap site" as suggested and would be detrimental to the fundamental character of the existing outstanding conservation area.

3 There is a **lack of information shown** on the application drawings –
levels on section should relate to a datum/TBM. and show existing ground level, proposed ground level, level at base of existing "listed" south boundary wall together with height of wall and the level of Albert Terrace.

Location of telegraph poles in Albert Walk that prevent traffic passing and the mature trees located on the pavement at the Albert Walk/Carden Place junction should be shown.

4 16 car parking spaces are to be created entering/exiting onto Albert Walk entitling the users to 32 resident's parking permits.
Albert Walk is totally inadequate to cope with the existing traffic generated by the car parking provision located on the east side of the lane serving the Albert Street offices (40+ cars).and the through traffic.
The part widening of the lane and the provision of a short length of footpath will undoubtedly help the situation. Unfortunately the footpath is located on the west side when most of the foot traffic approaches from east (Albert Street) No improvement is made for traffic/pedestrians entering from Carden Place and this lane will remain inadequate. Parking for residents of Albert Terrace has become a real problem and this proposal will exacerbate the situation.

5 We believe **listed building consent** would be required for the removal of the existing boundary walls within the proposed site.

6 The position of the existing trees located on the bank does not appear to be correct. An **accurate tree survey** should be submitted showing the exact location of the trees, canopy dimensions, proximity to existing wall and new building + services. Details of the measures to protect the tree root-balls and any required wayleaves should be confirmed.

7 No provision would appear to have been made for **refuse storage** and collection.

8 The proposal would appear not to take heed of **Aberdeen Local Development** Plan, Supplementary Guidance, **"The sub-division and redevelopment of residential curtilages" – March 2012.** and in particular

"in conservation areas there will be a requirement that all elevations visible from the street should be finished in natural granite"

"the use of rear lanes for shared pedestrian or vehicular access to dwellings in rear gardens is not considered acceptable"

9 **Historic Buildings Council for Scotland, Albert Terrace Town Scheme, City of Aberdeen** : File Number HFT/B/GA states:
"The garage and car parking at the rear of 2 Carden Terrace reduces the quality of the coOnservation area and should not become a precedent."

Nos. 1+2 Albert Terrace Gardens are excluded from the town scheme because they are considered to be making little contribution to the conservation area." – I would suggest that these properties should not be used as a precedent.

We trust the Committee will be mindful of our historic built heritage and vote to refuse this application.

Yours faithfully

Peter Chalmers
24 Albert Terrace
Aberdeen
AB10 1XY

Joan Chalmers
24 Albert Terrace
Aberdeen
AB10 1XY

P&SD Letters of Representation
Application Number: 141584
RECEIVED 27 NOV 2014
Nor | Sou ✓ | MAp
Case Officer Initials: DJB
Date Acknowledged: 2/12/14

Joan + Peter Chalmers 24 Albert Terrace, Aberdeen, A10 1XY

Development Management
Planning and Sustainable Development
Aberdeen City Council
Marischal College
Broad Street
Aberdeen Ab10 1AB

26th November 2014

Planning Application 141578 Dated 25/11/2014 -
Erection of 4 Flats Fronting onto Albert Terrace, Aberdeen + Associated Car Parking

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Yours faithfully

[redacted]

Peter Chalmers
24 Albert Terrace
Aberdeen
AB10 1XY

[redacted]

Joan Chalmers
24 Albert Terrace
Aberdeen
AB10 1XY

PI

From: Sandra Coles [redacted]
Sent: 27 November 2014 16:48
To: PI
Subject: Objection to Planning Application 141587

Dear Sirs,

We wish to lodge an objection to the above planning application and our reasons are set out below.

- Albert Terrace is a Category A listed Terrace and its Victorian houses are Category B Listed. The Terrace is within Conservation Area A (Albyn Place and Rubislaw). This proposed modern development would ruin the whole aspect of the Terrace and should not be permitted.

- We recently replaced the conservatory at the rear of 19 Albert Terrace. Despite the fact the new conservatory we were expected to make significant changes to the plans resulting in additional expense. This was despite the original design of our replacement conservatory being of higher quality and more visually appealing. Yet we were still expected to make changes and meet the increased costs. When the planning process is so concerned with material improvements to existing structures at the rear of Albert Terrace properties, which are not visible from the Terrace, it seems to be totally inconsistent to allow new developments which would actually detract from the appearance of Albert Terrace and have no architectural merit to proceed,

- The proposed design and finish are totally out of character with Albert Terrace and the whole scheme is an over-development in an inner garden area.

- Parking is already a very significant problem in Albert Terrace. We are a single car household, yet we still regularly are unable to find a parking space on Albert Terrace. We have to pay for a parking permit we are regularly unable to use in our own street. The proposal will make an intolerable situation even worse. The application provides 15 spaces, but the area proposed for development is already used for parking by the residents of the Carden Terrace flats and involves the demolition of garages behind the Albert Terrace Gardens properties. Hence number of spaces for the four additional dwelling will be insufficient.

- The increased traffic flows and especially the construction traffic will further damage the setted terrace surface. The setts feature are mentioned in the Conservation Management Plan as needing protection. The setts are already in very bad condition and the surface is continuing to deteriorate.

- The flat foundations and the construction work will damage tree roots from the mature trees on the Bank. All these have "Tree Preservation Orders" (TPO's). The potential loss of these trees will detract from the appearance of the terrace and would results in the new flats being even more prominent.

- The drawings appear to show that the old Victorian boundary wall would be lowered to give the flats a view across to Albert Terrace. The boundary wall is also listed and should not be destroyed in this manner. This is exacerbated by the potential damage to the mature trees.

Yours faithfully,

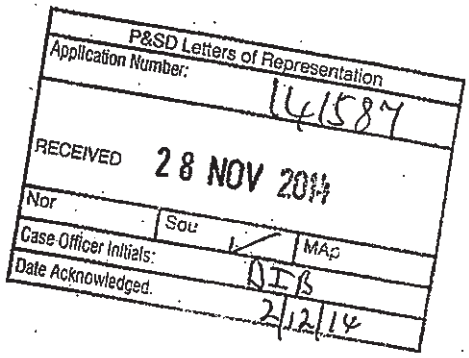
Paul & Sandra Coles

19 Albert Terrace,

Aberdeen,

AB10 1XY

Date:- 27-11-2014



PI

From: lynn newby [redacted]
Sent: 26 November 2014 11:21
To: PI
Subject: Objection to Planning Application 141587

Dear Sirs,

I wish to lodge an objection to the above Application for the following reasons set out below.

1. Albert Terrace is a heritage site which should remain the same. From a review of the plans, the new flats look to have no architectural merit, and would add nothing positive to the Terrace. Chip finish render has no place on any proposed building in the Terrace.

2. The houses on the Terrace face north. There is not much light already coming into the front room windows and the construction of these two story flats will further reduce light, making our main living rooms even darker.

3. The view from my front room is the same as it would have been for the last 150 years, with a view over the roofs of Carden Place to the Spire of the church beyond. This building will seriously impact my home and its character. If the front of my house is so important that I can make no changes to it, why can planning permission be given to build flats which will negatively impact the Terrace views and ambience? it makes a mockery of the Listing of the Terrace.

4. The wall, trees and bank are listed. I notice in the plans that the developer wishes to make another pathway through the wall. Surely this is against the conditions of the listings. I cannot believe that in the construction of these flats the wall, trees and their roots will not be damaged. the flats sit too close to the wall for this to be possible.

5. the construction of these four flats does nothing to alleviate national housing demand, nor does it support the councils wishes to increase town living. it is a developer wishing to make a cheap buck at the expense of one of the most important heritage sites in Aberdeen and the council should prove its commitment to preserving this special area of Aberdeen by refusing this planning application.

Yours Faithfully,

Lynn and Richard Newby
13 Albert Terrace
Aberdeen
AB10 1XY

PI

From: Len and Carol [redacted]
Sent: 21 November 2014 13:17
To: PI
Subject: Objection to Planning Application 141587

Importance: High

Dear Sirs,

Reference the above Application, I wish to lodge my objection based on the following:-

1.0 GENERAL:-

- This Application would completely spoil one of Aberdeen's much loved and cherished streets. Albert Terrace was recently named by the Press & Journal as one of the 10 reasons why Aberdeen had been *unfairly* nominated as Scotland's ugliest city Follow the Link to https://www.pressandjournal.co.uk/fp/lifestyle/name-it/377455/eight-reasons-aberdeen-isnt-uks-ugliest-city/ Reason number 8 is given as Albert Terrace which the P&J says is most certainly worthy of ..." a beautiful Street award"...

- This ugly modern development is totally at odds with the character of the street. If allowed to go ahead, it would indeed, give substance to the claim recently refuted by the Press and Journal.

2.0 HISTORIC LISTING AND HERITAGE:-

- Albert Terrace itself is in Conservation Area A and is a Category A Listed Street. The early Victorian houses in it are Category B listed. Also, a stone's throw from this proposal in Albert Terrace is St Mary's (Tartan) Kirk which is, itself, Category A Listed.

3.0 ABERDEEN CITY CONSERVATION AREA CHARACTER APPRAISALS & MANAGEMENT PLAN:-

- This proposed Development contravenes many of the principles set out in Aberdeen City Council's Document entitled:- *" Aberdeen City Conservation Area Character Appraisals and Management Plan"*. I believe that the latter Document has been fully ratified by ACC.

  Hence, to quote from the Document:-

- *Section 2.1 Working Assumptions:-*
  .....Aberdeen City has a statutory duty to protect and enhance the historic environment.....
  - *Clearly, this proposed development will neither protect nor enhance.*

- Albert Terrace lies within Albyn Place and Rubislaw Character Area A and as such is one of the earliest planned developments in the City which began circa 1819. Hence the materials of construction reflect that era of development. *Section 3.2.2* states that... *materials within Conservation Area A, as a whole are Granite, both course and ashlar.....*

  - *This proposed development does not conform to that standard.*

- Section 4 Management , (p52) of the Character Appraisal for Albyn Place and Rubislaw lists, as one of the *Threats* in the SWOT analysis as , quote....." *unsympathetic development that does not reflect or relate to the character of the Character Area*".....unquote.

- *Clearly, this proposed development does not reflect or relate to the character of the area.*

- Section 3.3, page35 (Public Realm) of Character Area A deals with Vistas and Street Views. Quote:-....."*The nature of the streetscape allows for long views and vistas along the length of the streets*"....unquote.

  - *It is clear that this obtrusive and out of character development would spoil this much loved streetscape – especially from the East end of the Terrace.*

- Finally, in respect of the Conservation Management Plan, it is worth quoting some apposite paragraphs from sections 1.2 and 1.3 (Strategic Introduction) Quote:-.... "*A Conservation Area is defined in* ***legislation*** *as an area of special architectural or historic interest, the character of which it is desirable to preserve or enhance (Planning – Listed Buildings and Conservation areas – Scotland Act 1997).*".....*and "It is not only buildings that are of architectural or historical interest in a conservation area, but also the spaces between them such as the streets, open spaces and the public realm.....planning is therefore directed at maintaining the integrity of an entire area*".....

  - *Clearly, this development is the opposite of these concepts and objectives.*

4.0 OTHER MATTERS RELATING TO THIS APPLICATION:-

- Parking, access and egress from this site will be dangerous and will compromise road safety. Albert Walk is already used as a 'rat-run' to avoid the traffic lights on Albert Street/ Carden Place. There have been several close incidents in this narrow lane and this development would greatly increase the risk of a vehicular or vehicle/pedestrian accident.

- In a previous Planning Application for 5 Carden Terrace, the old Victorian heritage wall was breached *without* planning consent. After much agitation by Residents and Councillors, the developers were made to re-instate the opening in the wall using the original material and traditional methods. This Application (ie 141587), shows another opening in this valuable heritage wall.

  - *This is unacceptable.*

- If the Drawings of the side elevation are to scale, it appears that the old Victorian heritage wall would be *lowered* to give the proposed new Flats a view across into Albert Terrace.

  - *Destruction of an old Victorian wall in this manner would be entirely unacceptable.*

- Parking in Albert Terrace for both Residents, local businesses and shoppers is at maximum capacity. The development of these Flats, albeit with some minimal parking will exacerbate an already very difficult situation.

- The Albert Terrace Bank, even though it is owned mainly by the owners of Carden Terrace, is tended by the Residents of Albert Terrace on a voluntary basis. The Bank is kept tidy in order to protect the native Spring flowers that grow there (primroses, wild garlic, bluebells and native daffodils). In the Summer, the bank naturalises to give cover to native fauna. These efforts have been encouraged by ACC over the years and have been a significant factor in impressing the Britain in Bloom judges who, on an annual basis, meet with the Residents Association and walk down The Terrace *(please refer to Mr Mike Chalmers and Steven Shaw of ACC for validation of this valuable contribution to Aberdeen Flora and Fauna).* If this development goes ahead, the voluntary activity on this much cherished green space within the City *will cease.*

In conclusion, I believe that the foregoing clearly demonstrates that this Development is *totally unsuitable* for this area and should be *rejected.*

Yours Faithfully,

Mr L.Coote, Eur Ing, CEng, MIMechE.

PI

From: Theresa Hunt [redacted]
Sent: 02 December 2014 15:42
To: PI
Subject: Application reference 141587 - Proposed residential development at Albert Terrace/Carden Terrace, Aberdeen (ESS/1025/00469)
Attachments: Engrossed Letter of Objection.PDF

Dear Sirs

We refer to the above and attach a letter of objection in respect of the above application on behalf of our clients, Esson Properties Ltd. Kindly acknowledge safe receipt. A hard copy will follow in the post.

Yours sincerely

Theresa

Theresa Hunt
Senior Associate
Burness Paull LLP

Direct Dial: [redacted]
Mobile: [redacted]
Email: [redacted]



As large employer of the year, we like to take care of everyone. Season's Greetings.

Burness Paull

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Your Ref: P141587
Our Ref: ESS/1025/000469/EFB/PMR/KS

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BY EMAIL AND HARD COPY
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Marischal College
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ABERDEEN
AB10 1AB

2 December 2014

Dear Sirs

ESSON PROPERTIES LTD
OBJECTION TO APPLICATION REFERENCE P141587
PROPOSED RESIDENTIAL DEVELOPMENT AT ALBERT TERRACE, ABERDEEN

We are instructed by our client, Esson Properties Ltd, to object to the above application by DP Group with Scotus Investments Ltd for the erection of two blocks (incorporating four flats) with associated car parking and landscaping on land next to 1 and 2 Albert Terrace and forming part of 1, 2 and 3 Carden Terrace, Aberdeen.

Our client received notification of the application by notice dated 11 November 2014 informing them that the deadline for representations on the application is 2 December 2014. This letter of objection is therefore timeous.

Our client owns 10 Albert Street, 4 Carden Terrace and 5 Carden Place, which are used as their own offices or rented out as offices to tenants.

Our client wishes to object to the application on the basis that:

- it constitutes over development of the site;
- it will have an unacceptable impact on the surrounding conservation area and listed buildings; and

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

- the use of Albert Walk as an access gives rise to serious road safety concerns.

Application Site

The application site currently comprises five domestic garages, four of which are accessed from Albert Walk, and one of which is accessed from Albert Terrace. Two thirds of the site is laid out as landscaping and green space with areas of "chips" to create hardstanding around the garage which is accessed from Albert Terrace.

Development Plan

The application requires to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan comprises the Aberdeen City and Shire Strategic Development Plan 2014 (SDP) and the Aberdeen Local Development Plan 2012 (LDP).

The strategic vision for the City and Shire area in terms of the SDP is to "*be an even more attractive, prosperous and sustainable European city region and an excellent place to live, visit and do business*". In light of this, one of the SDP objectives is to make sure new development maintains and improves the region's important built, natural and cultural assets. The SDP acknowledges that the built environment is a valuable resource, and that sites which contribute to the built and historical environment are just as sensitive as sites which contribute to the natural environment. The SDP advises that these sites should be protected from the negative effects of development.

Although predating approval of the SDP, the LDP shares its strategic vision, and seeks to make Aberdeen City an attractive place to live, while protecting its existing assets.

In terms of the LDP, the application site falls within a residential area and abuts the edge of the West End Office Area. Albert Walk, along which access to the proposed development is to be taken, marks the boundary between the residential and office zones. The LDP makes it clear that the site is located within the Albyn Place/Rubislaw Conservation Area, for which a Conservation Area Appraisal will be produced.

Although Policy H1 – Residential Areas supports new residential development within existing residential areas, this is not unqualified support. Proposals still require to be assessed to ensure that they:-

1 Do not constitute over development; and

2 Do not have an unacceptable impact on the character or amenity of the surrounding area.

Each of these points is considered in turn below, followed by consideration of our client's concerns in respect of road safety.

Over development of the application site

This part of Albert Terrace is typified by semi-detached properties in large gardens or terraced properties. Generally, the properties in the area do not exceed 1 1/2 storeys in height. To the west of the application site the building line is hidden by the mature tree cover and a high boundary wall which encloses the garden grounds of detached or semi detached properties which face onto Carden Place. Our client acknowledges that some of the properties in the area have been converted into flats and offices, but such conversions have left the built form largely unaltered. There are no new or purpose built blocks of flats in the immediate vicinity of the application site.

The prevailing development pattern within the area of the application site is described in the Albyn Place/Rubislaw Conservation Area Character Appraisal as being

"...structured and linear, with main thoroughfares and back lanes running east to west, cross sectioned with those running north to south. The style of properties and the density ensures there is a strong urban form." (emphasis added)

Should the application be approved, where no residential properties exist at present, and in the proposed form of 2 storey flats, a higher density of residential development would result, contrary to the strong urban form and character which typifies the Conservation Area.

The proposed two 2 storey blocks of flats will result in a design which is not in keeping with the structured pattern of built development along Albert Terrace/Carden Place. The layout shows a built development line which is staggered from the edge of Albert Terrace for both of the proposed blocks, neither of which ties into the existing residential houses which will remain at 1/2 Albert Terrace Gardens or the extension to the offices at the rear of 4 Carden Terrace.

Sufficient useable garden ground requires to be provided for residents of the proposed flats. Policy NE4 – Open Space Provision in New Development requires the provision of at least 28 square metres of open space per person. The supporting Supplementary Guidance to the Policy states that open space must not simply be located on the parts of a site that are less attractive to build on, and that the indicative minimum sizes of open space are designed to ensure that Space Left Over After Planning (SLOAP) does not form part of a development's open space provision.

Policy D2 – Design and Amenity sets out a number of principles to ensure the provision of appropriate levels of amenity. One principle is that residential development should have a private face to an enclosed garden or court and that, where it is necessary to accommodate car parking within a private court, the parking must not dominate the space. As a guideline, no more that 50 per cent of any court should be taken up by parking space and access roads.

The plans submitted with the application show limited open spaces adjacent to the parking areas. The areas indicated are remote from the residential flats proposed in the southern most block and, as such, are unlikely to be attractive to residents. There is no private garden area as advocated by Policy D2, and a large part of the limited open space which is provided is associated with the car parking and hardstanding areas. The proposals do not appear to include any meaningful open space provision on site other than SLOAP. This leads to the conclusion that the site is being overdeveloped.

The proposals require to accommodate 1.75 car parking spaces per each 2 bedroom flat given the application site lies within the Inner City Zone as identified in the Supplementary Guidance on Transport and Accessibility. The proposals show the required 7 parking spaces associated with the flatted development, along with an additional 8 spaces for *"use by neighbouring residents and/or offices"*. The Design Statement indicates these additional 8 spaces will be provided on an allocated basis, but it is not clear to whom. The overprovision of car parking is not sufficiently justified in terms of Policy T2 and the related supplementary guidance, and means that the Policy D2 requirement, that no more than 50 percent of the court to be taken up by parking space, is not met.

It is submitted that the application constitutes overdevelopment as the proposals conflict with the established character of the area and provides insufficient useable private garden ground. The proposal conflicts with Policies H1, NE4, T2 and D2.

Impact on character and amenity

Policy D4 – Aberdeen's Granite Heritage, contains a prohibition on the demolition of granite boundary walls in conservation areas. Part of the applications site's boundary wall is proposed to be demolished to provide access into the application site and to create the new footpath along Albert Walk to the site entrance. This is contrary to Policy D4.

Further protection to built heritage is set out in Policy D5. Proposals affecting conservation areas, or listed buildings, will only be permitted if they comply with Scottish Planning Policy. In respect of conservation areas, Scottish Planning Policy 2014 (SPP) states that:

"Proposals for development within conservation areas, and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area."

The Conservation Area Character Appraisal identifies a number of threats to the Albyn Place/Rubislaw Conservation Area, including

- *"Loss of the original pattern of development and boundary walls of back land development due to car parking and extensions;"*

- *"Loss of vegetation in the front courtyard and rear gardens due to car parking and extensions;"* and

- *"Unsympathetic development that does not reflect or relate to the character of the character area."*

The proposed development is of a type which has been specifically identified as a threat to the integrity of the Conservation Area. The proposals deviate from the pattern of development in the area for the reasons already stated, constituting overdevelopment of the site, and will cause a significant loss of landscaped open ground. For these reasons, it is submitted that the proposed development does not preserve or enhance the character and appearance of the Conservation Area as is required by SPP, and is not therefore supported by Policy D5.

Within the Conservation Area, the south side of Albert Terrace contains a number of B listed buildings. Numbers 1 to 4 Carden Place, which back onto the application site, are C listed buildings and St Mary's Church, on the corner of Albert Terrace and Carden Place, is a Category A listed building. The Design Statement does not consider these listed buildings in any detail and therefore does not demonstrate that the setting and amenity of the listed buildings are not compromised by the proposed development. The layout plans appear to show some of the car parking spaces abutting the boundary of the properties at Carden Place with little or no screening proposed. This will impact on the appearance, character and setting of the listed buildings, and the Conservation Area as a whole, which could set a precedent for inappropriate back land development.

As is typical within the Conservation Area, the boundary of the application site with Albert Terrace is delineated by a line of mature trees and a granite boundary wall. Another existing wall marks the boundary between the application site and Albert Walk, along which there are number of further mature, or semi-mature, trees.

Trees within a Conservation Area are automatically protected from development unless or until planning permission is granted. Policy NE5 establishes a presumption against all development that will result in the loss of, or damage to, established trees, and Policy D6 notes that development should avoid adverse impacts upon existing landscape features, including boundary features.

It is not clear from the documents submitted with the application what is proposed to happen in respect of the trees in and around the application site. If access is to be provided from both Albert Terrace and Albert Walk, and Albert Walk is to be widened as shown in the drawings, it would appear to be inevitable that a number of trees would be required to be removed. However, contrary to the guidance, no tree survey is submitted in support of the application.

The application is contrary to Policies D4, D5, NE5 and D6 in terms of the impact on the Conservation Area, nearby listed buildings and protected trees.

Road safety concerns

Access to the proposed development is to be taken along Albert Walk, which is a single vehicle width access lane, which marks the boundary of the West End Office Area. Policy BI3 - West End Office Area is relevant to this application insofar as it affects the use of Albert Walk. Policy BI3 states that where there is scope to access properties from rear lanes (i.e. Albert Walk) this will only be considered acceptable if a safe means of pedestrian and vehicular access can be provided and satisfactory traffic management measures are in place.

Our client's access to their office at 10 Albert Street is opposite the proposed access to the application site. Our client employs 5 people in their office. A separate company has offices in the lower ground/basement (10A Albert Street) which employs 4 others. All those working at No 10 and 10A use the car park. Our client already has concerns about roads safety in respect of accessing their own car park from Albert Walk. These concerns will be heightened with the creation of a flatted development, with associated additional traffic, in conjunction with the over provision of car parking for other unspecified users, should the application be approved.

There will be an almost four fold increase in use of the Albert Walk - from access being taken to 4 garages, to access being taken to 15 parking places - should the application be approved. The entrance to the application site is in close proximity to 8 other properties which take access to/from Albert Walk. The access arrangements require to be critically examined to ensure that there is no impact on the safe use of Albert Walk for those who currently access their properties.

The plans submitted with the application show the demolition of the wall along Albert Walk to create a wider entrance into the application site from Albert Walk with visibility splays. The removal of the wall and creation of visibility splays at the entrance do not assist in making the access road acceptable for the level of development proposed. Albert Walk is still a single vehicle width access lane which does not allow sufficient room for two vehicles to pass. Furthermore, it is not clear what height the remaining wall to the north of the access will be and whether that will enable sufficient visibility when driving out of the site down Albert Walk to Carden Place.

There is currently no footpath along Albert Walk. The proposals include installation of a footpath from the junction of Albert Terrace/Albert Walk to the newly enlarged site entrance. The footpath requires the removal of the existing boundary wall along Albert Walk and would appear to come very close to No 1 Albert Terrace Gardens. Whilst the applicant may own the land required to create the footpath, it does not mean that the implications of the new path on the amenity of No 1 Albert Terrace Gardens cannot be considered. No mention is made of the impact of the footpath on No 1 Albert Terrace Gardens in the Design Statement.

Whilst the applicants propose to create a new footpath between the junction of Albert Terrace/Albert Walk, no footpath is proposed along the length of Albert Walk from the site entrance to Carden Place. This length of Albert Walk is therefore to be shared between pedestrians and vehicles, which leaves the potential for there to be conflict between pedestrians and traffic heading from the application site to Carden Place.

Conclusion

It is submitted that the proposed development is inappropriate for the Conservation Area location, where the strictest development standards should be imposed. The protection, conservation and, where possible, enhancement of the historic built environment is a key element of the development plan, and any application for development that is inconsistent with this should be opposed. It is submitted that the proposed development would constitute overdevelopment of the application site, and would have a negative impact on the character and amenity of the area, contrary to a number of LDP policies. The use of Albert Walk as the main vehicular access to the development also gives rise to serious road safety concerns.

Since the application contravenes the terms of the development plan, and no material considerations have been put forward justifying departing from the plan, the application requires to be refused.

We trust that the points raised in this letter will be taken into account in determining this application in due course.

Kindly acknowledge safe receipt.

Yours faithfully

[redacted]

for and on behalf of Burness Paull LLP

Direct Dial [redacted]
Email [redacted]

PI

From:	Len and Carol [redacted]
Sent:	09 December 2014 16:01
To:	PI
Cc:	Dineke Brasier; Jennifer Stewart; 'Lynn Cargill'
Subject:	ATRA Objection to Planning Application 141587.
Attachments:	Albert Tce Bank Green Space and Annual Flowering Initiatives..doc

Dear Sirs,

Following information from Councillor Stewart, I believe the deadline for lodging objections to the above Planning Application was extended to 10th December.

I have previously submitted my own personal Objection, but as Secretary of the *Albert Terrace Residents Association (ATRA)*, I have a duty to separately represent the views of our Residents in this matter.

You will have already received detailed Objections from many of our Residents, the contents of which, contain very relevant and cogent points for you to consider.

I do not intend to itemise these again as they stand on their own merits.

However, on seeking the views of the other Residents, two key issues stand out, viz:-

1. ***The Highly Detrimental Impact on this Heritage Street.***

- Albert Terrace is one of Aberdeen's best loved heritage streets. The Terrace is Category A Listed and the early Victorian houses within it are Category B.
- It was recently named by the Press & Journal as, *quote...:"worthy of a beautiful street award"....*unquote.
- Frequently, school parties and students of architecture tour the Terrace, as do tourists in the Summer months.
- Office workers, during their lunch break stroll down the Terrace or enjoy the benches at the West end or the bench half way down on the bank.
- I have a photograph from Aberdeen University Library from the *George Washington Wilson Photographic Archive* taken between 1890 and 1910, which shows that Albert Terrace has hardly changed since the Terrace was completed in circa 1860. This is the charm of the street and it deserves full protection from unsympathetic development.
- Hence, if this development is allowed to go ahead, it would totally change the character of the streetscape. This would be a tragedy not just for the Residents but for Aberdeen as a whole.

2. ***Environmental Impact on Albert Terrace Bank.***

- The Albert Terrace Bank is owned by the owners of Carden Terrace but this valuable green space is tended by volunteers from Albert Terrace.
- The Bank is kept tidy in order to protect the native Spring flowers that grow there (Primroses, wild garlic, bluebells and daffodils).

- In the Summer, the Bank is left to naturalise to give cover to native fauna – particularly birds.
- Some photos of this valuable green space are attached together with the other initiatives instigated by the Residents to enhance the street.
- ATRA's efforts have been widely recognised and encouraged by Council officials responsible for the Environment and Britain-in-Bloom, in particular.
- If this development were to go ahead, there would be a highly detrimental impact on the Bank. Construction activity would trample over the Spring flowering areas and damage would occur to the roots of the protected trees on the Bank. Voluntary activity would cease and the Bank would revert to an unkempt state – a great loss to the local environment.

Yours faithfully,

Mr L. Coote, ***(Secretary, Albert Terrace Residents Association)***

Albert Terrace Residents Association

Albert Terrace Bank Green Space and Annual Flowering Initiative

1.0 Background:-

- *Albert Terrace Residents Association* (ATRA) was formed 25 years ago in 1989 and had its 25 year Anniversary in June.
- *The 'Terrace'* is a very close Community. Almost everyone knows all the other Residents and they are all very proud of their Victorian Terrace which was built between 1843 and circa 1860.
- Every year the Residents contribute to the cost of the Hanging Baskets for the Terrace.



Photo: Albert Terrace Summer Baskets

- We have also 'adopted' and fund the municipal Planters at the West End of *The Terrace* and plant these up twice a year with Spring flowers and bulbs and then with Summer bedding plants:-



Photo: West End of Albert Terrace –Adopted Tubs.

2.0 Albert Terrace 'Bank'.

- ATRA has also, for many years, looked after the 'orphan' grass bank opposite the Terrace.
- In the Autumn, volunteers strim and clear the bank and add to the stock of Spring bulbs and flowers. The emphasis is on indigenous plants such as primroses, bluebells, wild garlic etc but daffodils are also planted.



Photo: Albert Terrace Bank being strimmed & cleared in Autumn.



Photo: Early Spring daffodils and crocus



Photo: Early Spring Primroses and Bluebells.



Photo: Albert Terrace Bank Later in Spring.

- This year, we worked closely with the Council to install 3 additional planters on the bank so that we could add some summer colour to this area. The tubs are planted with hebes and also summer bedding for colour. In the Autumn we add Spring flowering as we do for the larger Planters at the west end of the Terrace. All this is funded from the Albert Terrace residents themselves.



Photo: Albert Terrace – Additional new planter

3.0 Involvement with Adjacent Businesses:-

- Over a number of years we have persuaded local businesses to fund baskets in their own streets, ie
  - In Waverley Place and Prince Arthur Street.
  - This gives 'floral continuity' from Prince Arthur Street, down Albert Terrace into Waverley Place



Photo:- Baskets in Prince Arthur Street funded by local Businesses.



Photo:- Baskets funded in Waverley Place by Simmons International.

- ATRA arranges the Baskets on behalf of the Businesses. They pay but ATRA acts on their behalf.

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Planning Development Management Committee

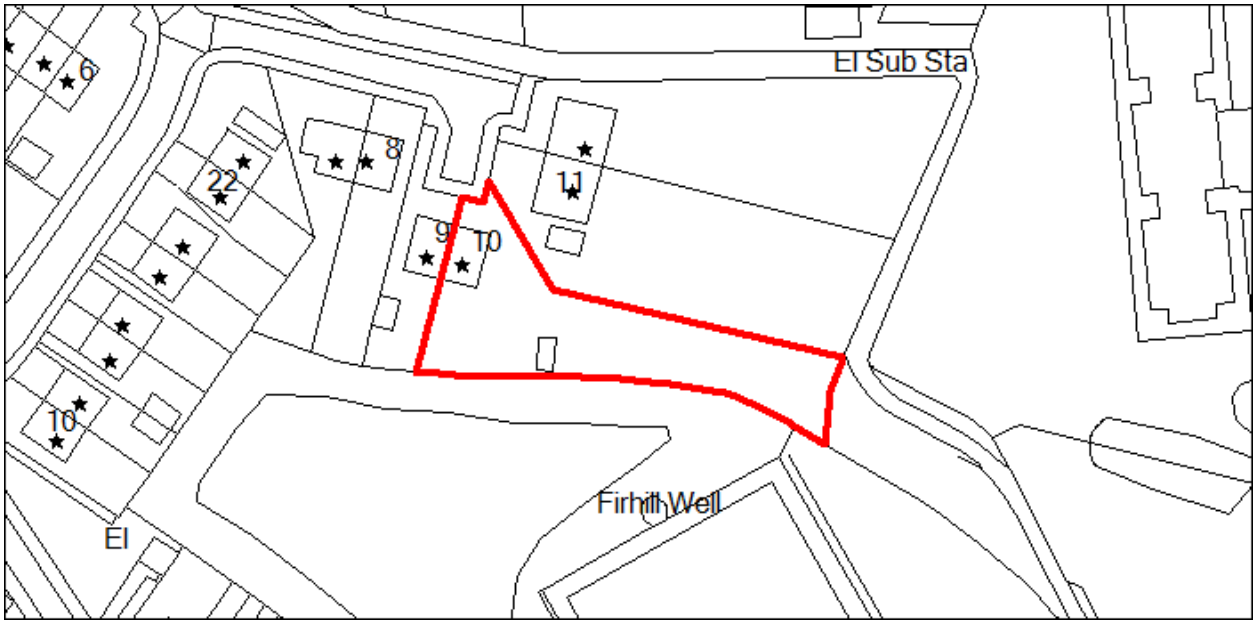
10 HERMITAGE AVENUE, ABERDEEN

SUB-DIVIDE HOUSE PLOT AND ERECT NEW HOUSE

For: Mr Alex Welby

Application Type : Detailed Planning Permission
Application Ref. : P150048
Application Date: 14/01/2015
Officer: Dineke Brasier
Ward : Tillydrone/Seaton/Old Aberdeen (J Noble/R Milne/R Grant)

Advert :
Advertised on:
Committee Date: 19 March 2015
Community Council : Comments



RECOMMENDATION:

Refuse

DESCRIPTION

10 Hermitage Avenue is a semi detached one and a half storey dwelling with front and rear dormers and a large two storey flat roof side extension. It is located at the end of a cul-de-sac located close to the University, and is adjacent to Sunnybank Park. The surrounding area is characterised by similar semi-detached one and a half storey dwellings. . A footpath connecting the University to Hermitage Avenue and Sunnybank Park runs along the rear (east) boundary.

The property has a very large side/ rear garden, extending some 60m east of the side elevation. Due to the alignment of the properties in this part of Hermitage Avenue, the side garden is generally behind the rear elevation of the dwelling. It is however relatively narrow, with a width ranging between 10m and 14m. This section of garden contains a single garage with a small lean-to and a number of garden trees. A driveway runs along the side of the property to the single garage. The properties adjacent to the north, 11 and 12 Hermitage Avenue, also have large gardens, extending to the same point, being the University footpath, as the application site.

RELEVANT HISTORY

None

PROPOSAL

Planning consent is sought for the construction of a six bedroom detached dwelling in the large side garden of 10 Hermitage Avenue. The dwelling would measure 16.2m by 6.8m. It would have a dual pitched roof with two different eaves heights of 4.5m and 5.3m and an overall ridge height of 6.9m. The dwelling would contain an open plan kitchen/ living/ dining area, 2 bedrooms and a bathroom on the ground floor; and 4 further bedrooms, one with en-suite and a second bathroom on the first floor.

Its contemporary design incorporates three distinct sections: the middle is off-set south, 1.3m out from the south side elevation and recessed 1.7m in from the north side elevation. The property would contain no windows directly in the north elevation, bar one rooflight providing natural light into a landing. The south elevation contains a set of glazed double doors with full height windows either side on the ground floor and a rooflight serving the first floor bathroom. The front elevation contains full height glazing on both the ground and first floor, whilst the rear elevation contains a combination of full height glazing and small windows. More windows are set in the middle section facing both to the rear and front.

External finishes to the walls and roof would be untreated timber shingles.

The remainder of the site would be landscaped and would incorporate an area of decking immediately to the front and side, facing Sunnybank Park, three parking spaces, a bin storage area, and a bike store for four bikes. The existing single

garage would be retained and three parking spaces would be created to the side of the existing dwelling, serving that property.

10 Hermitage Avenue is currently in use as a HMO and is occupied by 5 students. There is potential that the proposed dwelling will also function as a HMO. However, this is not mentioned in the application or any supporting statement. As such this application relates to the construction of a 6 bedroom dwelling and its potential use as a HMO is not assessed.

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=150048

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

A Design Statement has been submitted in support of the application.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because an objection from the Froghall and Sunnybank Community Council and 12 letters of representation have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management Team – The existing property is to be provided with three parking spaces, as is the property proposed. This provision would meet Aberdeen City Council parking guidelines for this area of the city.

The proposed tarred driveway would need to be internally drained. Both households would have to present their refuse containers on collection day to the kerbside of Hermitage Avenue, and then remove them from the kerbside following emptying.

Environmental Health – No observations

Enterprise, Planning & Infrastructure (Flooding) – *(Initial comments):* A clear proposal for a drainage design should be submitted, including the connection point to the receiving system. The surfacing materials for the different areas should be clarified. It should be noted that permeable pavements are a desirable solution in line with SuDS design criteria.

(Following discussions): No records of flooding issues on this site are present in the Council's system. There is a watercourse that at some point was culverted in

the rear gardens. This might be at capacity. A Drainage Impact Assessment would have to include a section clarifying and investigating this issue, and would need to propose some sort of remedial works. This can be dealt with through a condition.

Community Council (Froghall and Sunnybank Community Council) – Objects to the proposal based on the following grounds:

1. Insufficient parking for the potential six residents of this property;
2. No space indicated for a bin store;
3. The property is very close to Sunnyside Park. Fears that trees need to be felled in order to carry out the building work. No information submitted as to how the adjacent park will be cared for in a regulated fashion.

REPRESENTATIONS

12 letters of objection have been received, including from the Friends of Sunnybank Park. The objections raised relate to the following matters –

1. Concerns in relation to a growing number of students in the area and that the property would be used as an HMO with associated issues such as noise and rubbish;
2. An additional dwelling in this cul-de-sac would result in additional traffic and would increase pressure on parking;
3. As there is no direct access from Bedford Road into Hermitage Avenue, the proposal would result in an increase in traffic on Sunnyside Avenue;
4. Additional parked cars might impact on access for emergency vehicles;
5. Impact on the residential amenities of 11 and 12 Hermitage Avenue in relation to outlook, loss of light to the garden, loss of privacy, noise due to an increase in traffic on the drive and loss of views;
6. Design of the dwelling – too high, proposed materials do not blend in with the surrounding dwellings;
7. Concerns about the impact of the proposed development on surrounding properties in terms of drainage and ground stability as a burn used to run along the rear of the gardens;
8. Proposed development would result in property devaluation of surrounding properties;
9. The site borders the Green Space Network towards the south. The proposed development would have an impact on the landscape setting and character of the area, would cause habitat fragmentation and result in the loss of open space;
10. Mature trees would be impacted by the proposed development: and
11. The proposed site and surrounding green area towards Sunnybank Park flood regularly during heavy rains causing localised flooding.

PLANNING POLICY

Aberdeen Local Development Plan

D1 – Architecture and Placemaking: New development must be designed with due consideration for its context and make a positive contribution to its setting.

D2 – Design and Amenity: Sets out the principles that will be applied to ensure appropriate levels of amenity in new residential developments, including:

- Privacy shall be designed into higher density housing;
- Residential development shall have a public face to a street and a private face to an enclosed garden or court;
- All residential units shall have access to sitting-out areas;
- Car parking must not dominate. No more than 50% of a court shall be taken up by car parking and access roads;
- Individual houses shall be designed to make best use of sunlight and views.

H1 – Residential Areas: Within existing residential areas, proposals for new residential development will be acceptable in principle provided it:

- Does not constitute overdevelopment;
- Does not have an unacceptable impact on the character or amenity of the surrounding area; and
- Complies with the Council's Subdivision and Redevelopment of Residential Curtilages SG.

NE5 – Trees and Woodlands: There is a presumption against all development that would result in the loss of established trees that contribute significantly to nature conservation, landscape character or local amenity.

NE6 – Flooding and Drainage: Where more than 100m² floorspace is proposed, the developer will be required to submit a Drainage Impact Assessment. Surface water drainage associated with development must:

- Be the most appropriate available in terms of SuDS; and
- Avoid flooding and pollution both during and after construction.

R7 – Low and Zero Carbon Buildings - All new buildings must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards.

Proposed Aberdeen Local Development Plan

The following policies substantively reiterate policies in the adopted local development plan as summarised above:
D1 – Quality Placemaking by Design *(D1 – Architecture and Placemaking and D2 – Design and Amenity)*
H1 – Residential Areas *(H1 – Residential Areas)*
NE5 – Trees and Woodlands *(NE5 – Trees and Woodlands)*
NE6 – Flooding, Drainage and Water Quality *(NE6 – Flooding and Drainage)*
R7 – Low and Zero Carbon Buildings, and Water Efficiency *(R7 – Low and Zero Carbon Buildings)*

Supplementary Guidance
Subdivision and Redevelopment of Residential Curtilages SG – Provides guidance and sets out criteria in relation to subdivision of residential curtilages.

Transport and Accessibility SG - Sets out maximum parking standards in relation to new development.

EVALUATION

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

Principle of the development:
The site is located within an existing residential area where the principle of residential development is accepted, provided the proposal complies with all other relevant policies and criteria. These will be discussed in turn below.

Impact of the proposal on the character and appearance of the surrounding area and the original dwelling:

Siting:
Proposals for the subdivision of residential curtilages should have regard to the Council's Subdivision and Redevelopment of Residential Curtilages SG. This document sets out that:

- In most cases, the predominant pattern of development is that of dwellings in a formal or semi-formal building line fronting onto a public road with private amenity space to the rear;
- In these areas, the construction of dwellings in rear gardens that do no front a public street constitutes an alien form of development to the existing density, character and pattern;
- Approval of this type of tandem development can set a precedent in the area resulting in a second building line beyond the existing properties;
- Therefore, in these areas, there will be a general presumption against development that does not front a public road.

The above is directly applicable to this proposal. The site is located at the end of the cul-de-sac, and forms part of the large rear curtilage of 10 Hermitage Avenue. The predominant pattern of development in the surrounding area is that of relatively modest semi-detached one and a half storey dwellings fronting directly onto the street. The majority of properties have reasonable sized gardens, with the exception of 10, 11 and 12 Hermitage Avenue, which are all adjoining. The gardens of these properties are significantly larger than the other nearby gardens. The properties in this cul-de-sac back onto Sunnybank Park, with a footpath running along the rear of numbers 10-12, linking Bedford Road and the University into the park.

The proposed dwelling would be located in the rear/ side garden of 10 Hermitage Avenue. The front elevation would sit at approx. 30m from the side elevation of No.10 and 23m from the rear elevation of No.11. The property would keep clear of the south boundary by between 1m to 2.5m with Sunnybank Park and the north boundary with No.11. The distance between the rear elevation and the rear boundary, to the public footpath, would be 9m. The site would only be accessible via the existing drive serving No.10, which would become 'shared'.
As such, it is clear that the dwelling would sit behind the existing building line, which fronts Hermitage Avenue, and would be unrelated to the prevailing pattern of development in the general area. It could result in the creation of a second building line, setting a precedent for development of the gardens of numbers 11 and 12, detracting from the character and appearance of the surrounding area. It would not front a public road, as it would only be accessible via the existing driveway serving No.10, which could also be considered a contrived access solution. As such, it would not comply with any of the criteria set out in the SG on the Subdivision and Redevelopment of Residential Curtilages relating to siting and relevant parts of policies H1 (Residential Areas) and D2 (Design and Amenity) of the Aberdeen Local Development Plan.

Scale and Design
The existing dwelling (No.10) has a footprint of approx. 100m², whilst the overall site area measures some 1000m², resulting in a plot density of 10%. Following subdivision of the site, the existing dwelling would occupy 21.5% of the remainder of its plot, whilst the proposed dwelling would have a footprint of approx. 110m² on a site of approx. 500m² (22%). Both densities fall below 33%, which is considered the maximum density suitable in these suburban-style residential areas, as such the proposal would not theoretically (without considering other relevant factors) be considered overdevelopment. When taking account of other siting factors the proposal is clearly out of context and not in compliance with relevant assessment criteria.

Additionally, the typical style of dwellings within this general area is one and a half storey modest semi-detached hipped roof properties. The proposal is for a full two storey dwelling, with a fairly large footprint. Information provided by the applicant, in the supporting statement, shows that the three properties on the larger plots (10, 11 and 12 Hermitage Avenue), also have a larger footprint than the general pattern in the remainder of the surrounding area. Although this could be argued to be due to the additional space and opportunities to extend the original building.

The original dwellings in the surrounding area are modest one and a half storey hipped semi-detached dwellings with a footprint ranging between 50m² and 83m². This general pattern includes the adjoining property of 9 Hermitage Avenue (76m²) and properties backing onto Sunnybank Park on Sunnyside Avenue and Sunnyside Gardens. As such, it can be considered that the considerably larger footprint of the existing dwelling at No.10 and the neighbouring properties at Nos.11 and 12 are unusual in the context of the general area. The proposed dwelling has a footprint similar to those three buildings, but, due to its siting

height and design, would appear significantly larger and isolated. The size and scale of the building is therefore considered to be out of character in the surrounding area to the detriment of visual amenity and pattern of development.

The proposed dwelling would have a contemporary design incorporating the use of untreated timber shingles for both the walls and roof. There would only be front and rear facing windows, concentrated in the front and rear elevation looking out towards the existing dwelling and the park, and a rear facing window in the north elevation, looking out over the rear part of the garden of No.11. This would result in large blank side elevations. Due to the narrow site, and size of the proposed dwelling. the design is long and narrow (average width 6.8m by a length of 16.2m). This would increase the impact of the blank side elevations indicating that the dwelling does not sit comfortably in its plot, and has an uneasy relationship with the rear of neighbouring properties at Nos.11 and 12 , resulting in the need for a contrived design – to avoid significant impacts on privacy and amenity.

For these reasons, the proposal is considered not to comply with the requirements of policy D1 (Architecture and Placemaking) and H1 (Residential Areas) of the Aberdeen Local Development Plan and the Subdivision and Redevelopment of Residential Curtilages SG, as it has an unacceptable impact on the character and amenity of the surrounding area.

Impact on the residential amenities of neighbouring properties:
The proposed dwelling would be situated around 30m from the side elevation of No.10, and 23m from the rear elevation of No.11. The Subdivision and Redevelopment of Residential Curtilages SG sets a guideline of a minimum distance of 18m between facing windows to ensure sufficient levels of privacy would be retained.
However, the first floor windows in the front elevation would have direct views into the main part of the private rear garden of number 11 with the potential to a significant loss of privacy to this property. This would have a detrimental impact on their residential amenity, and would be contrary to the requirements of policy H1 (Residential Areas) and the Subdivision and Redevelopment of Residential Curtilages Supplementary Guidance.

It is also considered that the building would be sufficiently far removed from No.11 not to result in a significant loss of light to the rear of this property.

The site plan shows that the proposed dwelling would have a private rear garden of 9m in length. The existing dwelling would retain its immediate rear garden with an average length of 14m. Both gardens are considered large enough to provide the minimum level of private amenity space for residents, although this arrangement would be out of context with the situation which would remain to the north (Nos.11 and 12).

A further consideration is any increase in noise due to additional traffic driving up to the car parking area to the front of the property. In this regard the site plan shows two car parking areas: three spaces serving the original dwelling, and

three spaces serving the proposed building. The three spaces serving the original dwelling are immediately to the side of that building, next to the existing garage that is to be retained. These spaces are in the area currently informally used for parking. Otherwise the three spaces serving the proposed dwelling would be located immediately to the front of this building. It is accepted that the proposal would result in an increase in traffic using the shared driveway, with an associated increase/ frequency in noise. However, taking account of the distance between the parking and turning area and the rear of 11 Hermitage Avenue, and the low speed cars would use, this is considered acceptable and in line with normal residential standards.

Impact on local highway conditions, especially in relation to parking and access:
The proposed six bedroom dwelling would have three parking spaces to the front. This complies with parking standards as set out in the Council's Transport and Accessibility SG.

The dwelling would be accessed through a shared driveway with the donor property. Otherwise the location at the end of a cul-de-sac, with an off-street turning area such that cars could leave the site in a forward gear. The Council's Roads Development Management Team has not objected to the principle of a shared driveway in this location, nor the parking or turning arrangements

Impact on trees:
The site is located next to Sunnybank Park, and contains a number of trees. Those within the garden are established garden trees, predominantly fruit varieties. They all would need to be removed to enable the development. Even though their loss would be considered regrettable, they are not subject to any protection nor considered worthy of protection under a TPO.

Sunnybank Park contains a mature tree near the proposed development site. It is considered that, with suitable protection measures, this tree can be protected whilst enabling the development.

Impact on flooding and drainage:
A number of objections raise the issue of flooding and drainage, setting out that the site is often very wet, and occasionally suffers from surface water flooding. A full drainage design has been requested as part of a drainage impact assessment (DIA), but has not been submitted. There is a culverted watercourse within the rear gardens, which may be at capacity. Any DIA should assess this issue in detail and would propose any mitigation measures if required. Due to the size of the site and the development, the Council's Flooding Team is confident that this could be dealt with through a suitable condition.

Low and Zero Carbon Buildings:
Policy R7 (Low and Zero Carbon Buildings) sets out that any new buildings must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 buildings standards. In their Design Statement, the applicant provides details of energy efficiency measures

proposed for this dwelling. As such, the proposal complies with the criteria set out in this policy.

Other matters arising:
A number of objections were received discussing the fact that the proposed dwelling would be used as a HMO and let to students. Given the proximity of the site to the university, and the fact that the existing dwelling is let out to students, this potential is noted. However, none of the submitted documentation sets out that the dwelling will be used as a HMO. As such this application does not consider issues arising from this potential use. However, as the dwelling has six bedrooms, its use as a HMO would most likely require planning permission, if more than 5 unrelated persons were to be accommodated. This would be the subject of a separate planning application. Otherwise an HMO with occupation below this threshold would require to be licensed as such. The applicant could be advised of these matters via the attachment of an informative to any planning permission.

In their Design Statement, the applicant refers to an outline permission granted in 1993 for the construction of a dwelling in the rear garden of 12 Hermitage Avenue (planning consent 93/1555). Notwithstanding the fact that each application and site is assessed on its own merits and what might be acceptable on one site might not be acceptable in another situation or context, this permission has lapsed some significant time ago and the policy framework has changed in the intervening 21 or so years. The application now under consideration is assessed against current policy, and as such the historic decision does not set any relevant precedent, such as to be a material consideration which would override the provisions of the development plan.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application no new issues were raised.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

1. The proposed dwelling would sit behind the existing building line, would not have a public face to a street and would result in a type of tandem development that is out of character in this general area. As such, the proposal fails to comply criteria on siting, to the detriment of the character and appearance of the surrounding area, as set out in policies D2 (Design and Amenity) and H1 (Residential Areas) of the Aberdeen Local Development Plan; policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Proposed Local Development Plan; and the Subdivision and Redevelopment of Residential Curtilages Supplementary Guidance.

2. The proposed dwelling, due to its design, massing and scale is considered to be out of character in the surrounding area and would have a detrimental impact on visual amenity. As such, it is considered contrary to the requirements of policies D1 (Architecture and Placemaking) and H1 (Residential Areas) of the Aberdeen Local Development Plan; policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Proposed Local Development Plan; and the Subdivision and Redevelopment of Residential Curtilages Supplementary Guidance.

3. The proposed dwelling would result in a significant loss of privacy to the rear garden of 11 Hermitage Avenue to the detriment of their residential amenity. As such, it is contrary to the requirements of policy H1 (Residential Areas) of the Aberdeen Local Development Plan, policy H1 (Residential Areas) of the Proposed Local Development Plan and the Subdivision and Redevelopment of Residential Curtilages Supplementary Guidance.

Dr Margaret Bochel
Head of Planning and Sustainable Development.

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Claire Gerrard
9, Hermitage Avenue,
Sunnyside
Aberdeen
AB24 3LU
9/2/15

Dear Sir/madam,

RE: Planning Application 150048: 10 Hermitage Avenue, Aberdeen, AB24 3LU

I wish to make you aware of a number of strong objections that I have with regard to the proposed development of an additional property on land within the garden grounds of 10 Hermitage Avenue, application number referenced above.

As an immediate neighbour to the site of the proposed development, I am of the view that the proposed development will have a serious impact on my standard of living and those of the families within the area.

I have laid out this letter of objection in the following order: A) facts; B) relevant local and government policies and lastly; C) my specific objections with reference to these.

A. Facts

1. The applicant for this proposed development holds an HMO licence for the existing dwellhouse at 10 Hermitage Avenue which is currently rented by five students.

2. The applicant owns two other properties both on nearby locations within the area- one which is also used for HMO student accommodation and the other which is similarly intended.

3. Considering the locality of the proposed development site to Aberdeen University, and the applicants existing tenants, this property would likely be rented to students.

4. HMO licensed properties in this area have caused problems for residents living nearby. Records of these problems can be obtained from Grampian police.

5. There have been previous incidents of parking violations within the area and there is evidence of this held by the community wardens.

6. The route to the proposed development site is also one of the main routes to Sunnybank park.

7. The proposed development is intended to be built entirely for HMO purposes and is thus clearly only to be used commercially.

8. The planning application is to build upon land which is clearly zoned as "R1 Residential" (see the proposals map at: http://www.aberdeencity.gov.uk/planning_environment/planning/local_development_plan/pla_local_development_plan.asp).

9. There are problems with drainage and flooding within the gardens of properties 10-12 Hermitage Avenue and within the pathway leading to Sunnybank park directly behind the proposed development site.

B. Relevant policies

The local policy for "R1 Residential" can be found on the Aberdeen local development plan on page 193 (see http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?lID=42278&sID=9484).

This policy is stated below:

> Policy H1 - Residential Areas
>
> Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new residential development and householder development will be approved in principle if it:
>
> 1. does not constitute over development;
> 2. does not have an unacceptable impact on the character or amenity of the surrounding area;
> 3. 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; or
> 2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

The land will likely require a curtilage split, in this case, the application would also need to meet the guidelines within the "Supplementary Guidance on Curtilage Splits". (see http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?lID=31804&sID=14394)

Relevant points taken from this document are given below:

> 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, day lighting or sun lighting.
> 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.
>
> 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.
>
> 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.
>
> 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.
>
> 5.3 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.

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.

A further document "Supplementary Guidance on Householder Development" contains guidance on Houses in Multiple Occupation on page 26 (available at: http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?lID=45460&sID=14394).

Relevant sections are outlined below:

Proposals involving formation of an HMO as defined in this guidance will be assessed with regard to matters including, but not limited to, the following;
1. Any adverse impact upon pedestrian or road traffic safety as a result of increased pressure on car parking;
2. Significantly adverse impact upon residential amenity for any reason. This may include, but not be limited to, adequate provision of refuse storage space, appropriate provision of garden ground/amenity space, and an appropriate level of car parking.
3. An excessive concentration of HMOs in a given locality, cumulatively resulting in a material change in the character of that area. This will be assessed in consultation with the Council's HMO Unit within the Housing & Environment service, who hold relevant information on the location of existing licensed HMO properties.
Where it is not practicable for dedicated car parking to be provided alongside the development, a proposal must not exacerbate existing parking problems in the local area.

I would also like to highlight the town and Country Planning (General permitted development) (Scotland) Order 1992 No. 223 (S.17) "Schedule 2 Bad Neighbour Development" as given below:

(8) the construction of buildings, operations, and use of buildings or land which will—
(a)affect residential property by reason of fumes, noise, vibration, smoke, artificial lighting, or discharge of any solid or liquid substance;
(b)alter the character of an area of established amenity;
(c)bring crowds into a generally quiet area;
(d)cause activity and noise between the hours of 8pm and 8am; and
(e) introduce significant change into a homogeneous area.

Finally I would like to highlight article 8 and article 1 of protocol 1 of the European Convention on Human Rights (ECHR).

Article 1 of Protocol 1 ECHR covers the protection of property and the peaceful enjoyment of possessions and is highlighted below:

1. Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
2. The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

Article 8 ECHR states that everyone has the right to respect for his/her private life and home and is highlighted below:

> 1 .Everyone has the right to respect for his private and family life, his home and his correspondence.
> 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

C. My objections

I believe that the proposed development is a direct contravention to the policies above for the following reasons:

The development would demonstrably harm the amenities enjoyed by local residents (and the many whom use Sunnybank park) and their right to enjoy a quiet and safe residential environment .The development is intended to be used as student accommodation, and would thus hold an additional six students to the five currently renting 10 Hermitage avenue (*see section A "facts", points 1, 2 and 3*). This would create a relatively high population of students within a confined residential area where families and public amenities are adjacent on all sides. Residents of HMO properties in this area, have caused problems for neighbouring families in terms of the level of noise generated outwith the hours of 8am and 8pm (*see section "facts" point 4*) and obstruction and inconvenience caused by violating parking laws (*see "facts" point 5*). This proposal, along with the existing accommodation for five students at 10 Hermitage Avenue, would generate significant increase to both noise pollution during anti-social hours, parking issues and bring crowds to this currently quiet neighbourhood. Thus it is clear that this development would not be "***complementary to residential use***" and it would cause "***conflict with***" and "***nuisance to, the enjoyment of existing residential amenity***", thus directly contravening policy H1. Furthermore it would violate the Town and Country Planning (General permitted development) (Scotland) Order 1992, Schedule 2 Bad Neighbour Development, which specifically states that such a development should not "***bring crowds into a generally quiet area***" and should not "***cause activity and noise between the hours of 8pm and 8am***".

The volume of traffic within this currently quiet cul-de sac, where young children have been able to freely enjoy playing, would significantly increase. This would create hazards for the existing families whom live there, but also to the pedestrians, cyclists and dog walkers on route to Sunnybank park (*see "facts" point 6*). This property cannot be accessed through Bedford road; the only route is through a number of quiet residential streets. This sheer volume of traffic generated by the eleven individuals (five existing in no. 10 and additional six within the proposed development) and other property maintenance traffic would make these streets more dangerous for the families whom live there and to those whom access Sunnybank park.

The significant increase of rubbish and recycle waste collection bins on the pavements would impact on the clean and free space available space, both to residents and those on route to Sunnybank park. Thus, the issues with traffic and waste collection, would directly violate the policies found in the Supplementary Guidance on Householder Development, where it clearly states that there should not be "***Any adverse impact upon pedestrian or road traffic safety as a result of increased pressure on***

car parking" and the proposal should not cause "***Significantly adverse impact upon residential amenity for any reason. This may include, but not be limited to, adequate provision of refuse storage space, appropriate provision of garden ground/amenity space, and an appropriate level of car parking.***"

The proposed plan does not respect local context and street pattern or, the scale and proportions of surrounding buildings, and would be entirely out of character of the area, to the detriment of the local environment. The properties along Hermitage Avenue are typically characterised by large plots with large green spacing between. The proposed development would have limited space around it and would introduce high-density of residents and buildings to a previously low-density area altering the character and introducing significant changes to the area. The proposed dwelling is elongated with large modern style windows and is clad with wooden panelling and is thus unlike any other neighbouring property. It also is a six bedroomed property while all other properties in this area have typically three bedrooms, so the scale and design of the development will be entirely out of keeping with the existing properties within the neighbourhood. Thus, the proposed development is in direct contravention of the statements on "**design and materials**" and on "**density, pattern and scale of development**" found within the Supplementary guidance on curtilage split document. It also contravenes policy H1 and the Town and Country Planning (General permitted development) (Scotland) Order 1992,Schedule 2 Bad Neighbour Development, by significantly altering "***the character of an area of established amenity***"

The development is intended to be used commercially purely for HMO purposes. This would be the first of its kind within this neighbourhood, and would thus set a precedence encouraging further developments of this nature to be built in the future. This is in contravention to policy 8 "**precedent**" within the Supplementary Guidance on Curtilage Splits document.

The number of HMO licenced properties within this area has slowly increased over the past decade. This gradual increase is significantly altering the nature and character of this neighbourhood and the local amenities that have existed long prior to HMO properties within this area. The addition of the proposed development would contribute to an "***excessive concentration of HMOs in a given locality, cumulatively resulting in a material change in the character of that area***" This neighbourhood is at risk of gradually being turned into a further "halls of residence" for students attending Aberdeen university. Encouraging this sort of development within this neighbourhood, which is already struggling with the problems generated by HMO properties, would only worsen existing problems and be in direct contravention of policy 3 within the Supplementary Guidance on Householder Development document.

From the plans for the proposed building, it is clear that the property would have large windows at an angle which would look onto the garden and property at number 11 Hermitage Avenue. This would alter the privacy that the family at number 11 Hermitage Avenue have enjoyed for the past 33 years and is in direct contravention to policy 3 with regard to "**Privacy, residential amenity, daylight and sunlight**" within the Supplementary guidance on curtilage splits document.

Many of the points I have raised above would prevent the families within this neighbourhood from enjoying their properties as they have been used to, and thus be in direct violation of article 1 and 8 of the European convention of human rights.

Finally, I would like to mention some other points that may be of relevance. Firstly I question whether the single entrance for this proposed development is wide enough to accommodate emergency fire

services. Other emergency vehicles would also find access a challenge, as this entrance is frequently blocked by parked vehicles belonging to the five individuals whom currently reside within the proposed site. This would put the inhabitants of the proposed development at risk. Furthermore, in direct contravention to policy 3.6, with regard to amenity, within the Supplementary guidance on curtilage split document, the proposed dwellhouse would not have a public face to the street. This would make it difficult to monitor crime within the proposed site as it would be completely hidden. Lastly, I would question if the sewage and drainage system for this proposal would increase the problems with flooding within the public access to Sunnybank Park behind the proposed site, and also within the garden areas of 10-12 Hermitage Avenue (see fact 9).

Yours sincerely,

Claire Gerrard

22 SUNNYSIDE AVENUE
ABERDEEN
11 FEBRUARY, 2015

ABERDEEN CITY COUNCIL
PLANNING DEPARTMENT
BUSINESS HUB 4
MARISCAL COLLEGE
BROAD STREET
ABERDEEN

REF. 150068 - APPLICATION TO BUILD STUDENT ACCOMODATION AT 10 HERMITAGE AVENUE, ABERDEEN

DEAR SIR/MADAM,

I AM A RESIDENT AT 22 SUNNYSIDE AVENUE, ABERDEEN AND HAVE BEEN THERE FOR ABOUT 50 YEARS. WHEN I BOUGHT THIS HOUSE IT WAS IN A RESIDENTIAL AREA. SINCE THEN THE UNIVERSITY OF ABERDEEN MOVED TO THE PRESENT POSITION AND AS A RESULT THE NUMBER OF STUDENTS LOOKING FOR ACCOMODATION NEARBY HAS INCREASED TREMENDOUSLY.

I AM AWARE THAT A CONSIDERABLE NUMBER OF H.M.O. LICENCES HAVE BEEN ALLOCATED IN THIS AREA AND THE NUMBER OF STUDENTS MOVING INTO THIS AREA HAS CHANGED THE "RESIDENTIAL" AREA INTO A "STUDENT CAMPUS". IF THE APPLICANT IS ALLOWED THE APPLICATION THERE WILL BE EVEN MORE STUDENTS THIS AREA.

AS THERE ARE SO MANY PEOPLE LIVING IN THE AREA THE NUMBER OF CARS PARKING ON THE STREET IN SUNNYSIDE AVENUE AND HERMITAGE AVENUE HAS NOW BECOME PROBLEMATIC. HERMITAGE AVENUE IS A CUL-DE-SAC AND THERE IS A TURNING AREA OUTSIDE NUMBER NO. 10 SO THERE IS NO PLACE TO PARK OUTSIDE

NUMBER 10. THERE IS JUST A SMALL DRIVEWAY AT THAT HOUSE SO IF MORE STUDENTS MOVE IN THERE WILL NOT BE ANY PLACE FOR THEM TO PARK VEHICLES. ACCESS INTO HERMITAGE AVENUE FROM BEDFORD ROAD IS DENIED AND ONLY EMERGENCY VEHICES ARE ALLOWED IN. CARS HAVE TO ENTER VIA SUNNYSIDE ROAD, SUNNYSIDE AVENUE THEN INTO HERMITAGE AVENUE. THIS WOULD MEAN MORE TRAFFIC IF THERE ARE MORE CARS GOING TO THE APPLICANTS HOUSE. THE CARRIAGWAYS OF SUNNYSIDE AVENUE AND HERMITAGE AVENUE ARE VERY NARROW AND WOULD NOT BE ABLE TO COPE WITH ANY INCREASE IN TRAFFIC.

I HAVE JUST LEARNED THAT THE APPLICANT IS ALREADY THE OWNER OF 3 HOUSES IN THE AREA WITH HMO LICENCES. THIS AREA IS SUPPOSED TO BE A RESIDENTIAL AREA BUT THIS APPLICANT IS RUNNING A COMMERCIAL BUSINESS, HE DOES NOT LIVE HERE HIMSELF. IF THIS APPLICATION IS SUCCESSFUL HE WILL BE INCREASING HIS BUSINESS REGARDLESS OF OTHER RESIDENTS WHO HAVE BOUGHT THEIR HOMES IN WHAT THEY THOUGHT WAS A NICE RESIDENTIAL AREA.

I OBJECT TO THIS APPLICATION ON THE FOLLOWING GROUNDS

1/ THE AREA IS TURNING INTO A STUDENT CAMPUS.

2/ THE ROADS IN THIS AREA ARE TOO NARROW AND COULD NOT COPE WITH ANY INCREASE IN TRAFFIC.

3/ THERE IS NOT ENOUGH ROOM TO PARK MORE VEHICLES

4/ ACCESS IS DENIED FROM BEDFORD ROAD INTO HERMITAGE AVENUE INCREASING TRAFIC IN SUNNYSIDE AVE.

5/ CONSTRUCTION VEHICLES WILL CAUSE CONSIDERABLE DISRUPTION TO RESIDENTS.

YOURS FAITHFULLY

[redacted]

JOHN B. REID

PI

From: webmaster@aberdeencity.gov.uk
Sent: 17 February 2015 17:11
To: PI
Subject: Planning Comment for 150048

Comment for Planning Application 150048
Name : Katja Brittain on behalf of F'hall Sunnyb CC Address : 12 BEdford Place

Telephone : [redacted]
Email : [redacted]
type :
Comment : on behalf of the froghall, Sunnybank Community Council we wish to object to this proposed planning application. We wish to have the following issues attented to before further approval is granted or in fact rejected:
- we support the neighborhood related objections by the two residents that have been submitted in the past weeks
- we don't see enough parking for the potential six residents of this building. A building with the proposed specs will attract a more affluent tenant group who will need parking. They will overcrowd the limited parking spaces.
- we don't see space for large vehicles such as emergency trucks (fire, ambulance) or waste/recycling trucks having access.
- we don't see space for bins on the property. for a potential commercial rental property this will soon become an eyesore.
- the property is very close to the park. We fear that trees need to be felled in order to carry out the building work. the application doesn't include evidence as to how the adjacent park will be cared for in a regulated fashion.

Again, we wish the council reject this planning application and seek a more suitable, neighborhood friendly plan.

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18 FEB 2014

DIB

PI

From: webmaster@aberdeencity.gov.uk
Sent: 28 January 2015 14:05
To: PI
Subject: Planning Comment for 150048

Comment for Planning Application 150048
Name : Claudia Zabke
Address : 8 Hermitage Avenue
Aberdeen
AB24 3LU

Telephone :
Email [redacted]
type :
Comment : I object to this planning permission, because I fear that the planned property is to be rented to students. The owner of existing number 10 already rents to students and does not live in the house, so he wouldn't care about noise levels at night or rubbish thrown and blown all over the street. Our immediate neighbourhood consists of older people who are either retired or close to retirement and 2 families with school and nursery children. We are finding the late night parties (noise levels) and inconsiderate behaviour of some students in the neighbourhood with regards to order and tidiness of the gardens intolerable. Even with closed windows it is sometimes impossible to sleep. And the thought of getting more of these is simply frightening. I would surely not object if it was the plan to build a family home. But looking at the plans it is clear to me that the property is meant to be shared and the proximity to the University implies that the future inhabitants will be students. I hope you will take the opinion of a concerned neighbour into account when reviewing this planning permission. I would also like to point out that we didn't receive any notification about this planning permission from the council and found out about this by mere chance.

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PI

From: Barry Duncan [redacted]
Sent: 06 February 2015 16:47
To: PI
Subject: Plan Objection for Application Reference 150048

Dear Sir / Madam,

I am a resident at 12 Hermitage Avenue, Aberdeen, AB24 3LU.

I'm writing to object to the plans to Sub-divide a house plot and erect a new house in the grounds of 10 Hermitage Avenue, Aberdeen, AB243LU.
Application Reference: 150048
Local Authority Reference: 000108599-001

My reasons for objecting are as follows:

- 1) Noise, I already hear a lot of noise from the students living in the University Johnstone halls of residence, an additional 6 bedroomed house situated within approximately 50 metres to my address would increase the flow of people & transport to and from of this part of Hermitage Avenue causing noise disruption. The noise that would be created whilst building the house would inevitably disrupt my (nightshift) sleeping pattern.
- 2) Traffic, this side of Hermitage Avenue is only built for house numbers 7, 8, 9, 10, 11 & 12. Extra vehicles to a new address within this side of the Avenue would inevitably cause disruption, plus, any additional visitors arriving at the address that may not have a parking space would increase the flow of traffic. In an emergency situation, I believe a vehicle such as a Fire Engine would find it difficult to access the newly built house, that being the case, such a vehicle would then park in front of my address causing obstruction.

3) Safety, in the event of increased traffic, the safety of residents and children would be at risk with additional amounts of vehicles.

4) Loss of Privacy, the new house would take the current privacy I have at the rear of my property away, I can see from the plans, that the windows on the new build would give any tennants visual sights of what is now a private back garden. This also goes for house number 11.

5) Property value depreciation, the value of 12 Hermitage Avenue and the surrounding properties would undoubtedly be affected with a 6 bedroom house in the grounds of 10 Hermitage Avenue,

6) Views, the tranquil setting in this nice landscaped area would also be taken away with the new house in the proposed area.

Yours Sincerely

Barry Duncan
Date of Birth: 01/04/1978
Resident since on Hermitage Avenue since 1982

PI

From: webmaster@aberdeencity.gov.uk
Sent: 16 February 2015 16:17
To: PI
Subject: Planning Comment for 150048

Comment for Planning Application 150048
Name : N.J. Mills
Address : Friends of Sunnybank Park,
Sunnybank Community Centre,
Sunnybank School,
Sunnybank Road,
Aberdeen
AB24 3NJ

Telephone : [redacted]
Email : [redacted]
type :
Comment : While we are concerned about increased numbers of cars around the pedestrian routes to the park, and probably increased levels of rubbish, our principal anxieties relate to two things: risk of damage to the park and boundary fence during construction and after occupation (students like shortcuts), and perhaps more seriously risk of additional building on what is a historical flood plain. This could cause damage to the new building and to existing properties in Hermitage Avenue and on Sunnyside Road.

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Friends of Sunnybank Park

Keeping the 'sun' in Sunnybank

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

17 February 2015

PLANNIGN APPLICTION NO. P150048 10, HERMITAGE AVENUE, ABERDEEN, SUB-DIVIDE HOUSE PLOT AND ERECT NEW HOUSE

On the behalf of the FoSP we have looked into the above planning application and have following explanation to the development in addition to the comments already submitted by FoSP:

There are serious environmental concerns on the site. The proposed site and surrounding green area towards sunny bank park flood regularly during heavy rains causing localised flooding. There are water bodies in the area which has been heavily modified/ culverted through the Sunnybank park and get choked causing flooding issues. The point no 6 and 13 marked on the proposed Site Appraisal 2.1 are close to the water body which floods regularly.

The proposed development is also bordering to the Green Space Network towards the south which will have an impact on the landscape setting, visual impact and character of the area. Further it will cause habitat fragmentation with the wider network. It will also result in loss of open space in terms of the overall quantity in the area.

There are mature trees which will be impacted by the proposed development. These trees provide a good habitat for various wildlife species increasing biodiversity value of the area.

There are other issues related to increased level of noise, road congestion, parking and general anti-social behaviour.

On the reasons above we object to the planning application on the behalf of Sunnybank Park Board of Trustees.

Should you require any further assistance, please do not hesitate to contact the management group of "Friends of Sunnybank Park" using our contacts on this letter.

Yours faithfully,

Board of Trustees
Wamberto Vasconcelos (Member) Alan Carter (Chair) Nick Mills (Secretary)
Gordon Ritchie (Treasurer) Abdul Latif (Member) Aftab Majeed (Member)
Albert Craig (Member)

Contact
Secretary, Friends of Sunnybank Park
Sunnybank Community Centre
Sunnybank Road
Aberdeen AB24 3NJ

Web: www.sunnybankpark.org.uk
www.facebook.com/groups/SunnybankPark
E-mail: sun@sunnybankpark.org.uk

Charity Registered in Scotland, SC042629

PI

From: webmaster@aberdeencity.gov.uk
Sent: 10 February 2015 20:16
To: PI
Subject: Planning Comment for 150048

Comment for Planning Application 150048
Name : Steven Robertson
Address : 49 Corthan Crescent
Kincorth
Aberdeen

Telephone : [redacted]
Email : [redacted]
type :
Comment : I object to the proposed plan due to that the installation is far removed from the surroundings. This area is prone to flooding and a new build would add to the capacity available in terms of drainage and sewage disposal. There is a risk that the sewage could interact with the clear water system and cause contamination. I also object based primarily on the density of the proposed development of the site as it constitutes garden grabbing, a persuasive argument that goes against the legislation within the National Policy Framework.

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Planning Development Management Committee

33A BURNS ROAD, ABERDEEN

APPLICATION TO BUILD A SINGLE DWELLING WITHIN THE BOUNDARY OF THE EXISTING PROPERTY.

For: Dr Jennifer Harvey

Application Type : Detailed Planning Permission
Application Ref. : P141274
Application Date: 27/08/2014
Officer: Matthew Easton
Ward : Hazlehead/Ashley/Queen's Cross(M Greig/J Stewart/R Thomson/J Corall)

Advert :
Advertised on:
Committee Date: 19 March 2015
Community Council : No response received



RECOMMENDATION: Refuse

DESCRIPTION

The application site is the dwellinghouse at 33A Burns Road and its associated garden ground. It is located, alongside separate dwellings at 33 and 33B, between the gardens of properties on Burns Road to the north east and Louisville Avenue to the south west. There is a 45m long private driveway which provides vehicular and pedestrian access from Burns Road to all three homes as well as two single garages.

The plot within which 33A is located is rectangular in shape having an area of approximately 723m^2 and being 41m long and 17.8m wide. The house itself is semi-detached, single storey, has a footprint of 146m^2 and is located at the south east end of the plot. There is a freestanding single garage of some 14m^2 located within the garden which is access from the private driveway.

The surrounding area is residential in character with the plot enclosed on all sides by the gardens of other properties with the exception of where the site is accessed from the shared driveway. The main rear building line of dwellings on Burns Road is approximately 29m to the north east although many have extensions which reduce this distance. Dwellings on Louisville Avenue are a similar distance away to the south west. The plot shares a boundary to the north west with the garden of 65 Burns Road, with the dwelling itself a further 35m away. To the immediate south east is 33 Burns Road, which is the other half other semi-detached arrangement.

Although the site itself is not located within a conservation area, Conservation Area 4 (Great Western Road) is to the north west, the boundary being the garden wall between the site and properties on Burns Road.

RELEVANT HISTORY

None.

PROPOSAL

Detailed planning permission is sought for the sub-division of the curtilage of 33A Burns Road and the erection of a detached dwellinghouse in the new plot.

The garage would be demolished and the northern most section of the existing garden separated to create a new plot with an area of 293m^2 and generally square in shape. All existing boundaries with neighbouring gardens would remain and a new close boarded timber fence, 1.5m-2.2m in height, would be erected between the new plot and 33A. The resultant plot size of 33A would be 430m^2.

The new house would be located towards the northern end of the plot and would be single storey with a footprint of 93m^2. The house would be rectangular in shape, being 14m wide and 6.5m long, although there would be a feature bay on

the principal elevation which would extend with length of the house to 7.5m. The roof would be pitched at 40 degrees, would achieve a height of 6m and would feature several roof lights to allow for first floor accommodation. The front elevation would have large areas of glazing whereas the rear would have smaller high level windows.

On the ground floor there would be a lounge, dining room and kitchen in an open plan format, master bedroom with en-suite and dresser, study, vestibule and cloakroom. The first floor would comprise a landing area which overlooks the living area and two further en-suite bedrooms.

No finishing materials are indicated on the plans however it would appear that the walls would be finished in white render, timber cladding and grey roof tiles or slates.

The existing driveway for 33A would be continued into the new plot and provide access to a parking area for two cars.

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=141274. On accepting the disclaimer enter the application reference quoted on the first page of this report.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because more than five objections have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Managment – It is noted that the proposal is to build a property in the garden ground of 33A Burns Road. The property will need to be accessed off Burns Road via the existing driveway between numbers 31 and 35.

The traffic generated by the development will increase driveway use and increase the spread of loose material from the driveway onto the footway and roadway. Driveway guidelines require that loose materials are not used for the first two metres of the driveway surface adjacent to the footway. The driveway is within the Great Western Road conservation area and the preferred material would be granite setts. Repositioning and securing of the large granite blocks at the driveway entrance is also recommended.

The three-bedroomed property requires two off-street parking spaces at this location. The turning head shown within the curtilage of the property appears acceptable.

Environmental Health – No

Enterprise, Planning & Infrastructure (Flooding) – The proposed drainage design should be clarified. The proposal should take into account some sort of SuDS measures in order to reduce runoff (e.g. porous pavement, infiltration measures, attenuation volume).

There are no records of flooding incidents or springs however this can be investigated further if required.

Community Council – No response received.

REPRESENTATIONS

Seven letters of objection have been received, all from residents living on Burns Road and Louisville Avenue. In summary, the objections raised relate to the following matters –

1. The proposal would increase the density of housing in the area
2. A suitably sized existing garden should not be split to create two very small gardens.
3. The plot is very small and surrounded by trees.
4. The proposed house would not have a public face to a street
5. The proposal would reduce privacy in neighbouring properties.
6. The proposed house could potentially reduce the afternoon/evening sunlight into the gardens of 27 and 29 Burns Road.
7. The proposed house may not receive adequate levels of daylight.
8. The site is within a conservation area and the proposal would have an adverse impact upon it due to the height and position of the house.
9. Increased use as a result of the new house would result in additional pressure on the shared private lane in terms of wear and tear.
10. The installation of utilities for the new house would cause problems for users of the shared driveway.
11. Vehicles associated with construction would find it difficult to access the site and would cause problems, potentially damaging the lane.
12. Confirmation is sought that any structural damage to the boundary wall of a plot would be rectified by the applicant.
13. There is the potential for flooding at the site due to a reported natural spring in the area.
14. The development is unnecessary, would not promote or enhance the area and is opportunistic.
15. Emergency vehicles would have difficulty in accessing the new house.
16. The owners of the shared lane have not been consulted regarding potential access to the new house.

17. The plans do not accurately show the surrounding properties, specifically the full extent of the garage at 35 Burns Road.

18. The owner of the property has never resided there and therefore has limited understanding or consideration of the impact of the proposal.
19. The proposal, if implemented, would set an undesirable precedent for future applications of a similar nature.

PLANNING POLICY

Aberdeen Local Development Plan (2012)

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

Policy D2 (Design and Amenity) – In order to ensure the provision of appropriate levels of amenity 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 or communal gardens.
4. When 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 planning merits. 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.

Policy H1 (Residential Areas) – Within existing residential areas and within new residential developments, proposals for new residential development and householder development will be approved in principle if it:

- does not constitute over development;

- does not have an unacceptable impact on the character or amenity of the surrounding area;
- does not result in the loss of valuable areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010;
- complies with Supplementary Guidance on Curtilage Splits; and
- complies with Supplementary Guidance on House Extensions.

Policy NE5 (Trees and Woodlands) – Development that will result in the loss of, or damage to, established trees and woodlands that have natural or cultural heritage value or contribute to the character, biodiversity or amenity will be resisted. 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.

Policy NE6 (Flooding and Drainage) – Development will not be permitted if:

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

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.

Proposed Aberdeen Local Development Plan (2016)

Policy D1 (Quality Placemaking by Design) – All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments.

Policy T2 (Managing the Transport Impact of Development) – Commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

Policy H1 Residential Areas – Within existing residential areas and within new

residential developments, proposals for new 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 and 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; and
4. complies with Supplementary Guidance.

Policy NE6 Flooding, Drainage and Water Quality – 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 water bodies for maintenance; or
4. It would require 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.

Supplementary Guidance

The Sub-division and Redevelopment of Residential Curtilages SG – Explains the criteria for assessing such developments in terms of privacy, amenity, daylight, sunlight, density, pattern and scale of development.

EVALUATION

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

The application site is located within an area zoned in the Aberdeen Local Development Plan as residential. There is therefore a presumption in favour of such development, provided such applications comply with the other provisions of Policy H1 (Residential Areas) namely they do does not constitute over development; do not have an unacceptable impact on the character or amenity of the surrounding area; and comply with the supplementary guidance on The Sub-division and Redevelopment of Residential Curtilages.

Density and Pattern of Development

When examining the density of development in the surrounding area, there is a variety of plot ratios to be found. Properties on Burns Road typically have a built footprint of 30-40% and those in Louisville Avenue slightly lower in the 15%-30% range, although there are variations. The backland development between the two roads, comprising 33, 33A and 33B Burns Road have ratios of 34%, 20% and 17% respectively. The resultant ratio for the new plot would be 31.7% and would not radically depart from those typically found in the area. Nonetheless, the location and shape of the plot is fundamentally at odds with the established character of the wider area and would be contrary to the supplementary guidance. The manner in which the space is arranged would result in an unsatisfactory development due to the house being less than 1.9m from each of three boundaries. The space between the house and each of these boundaries is essentially left over space and unusable. The result is a small garden largely shaded by trees and dominated by car parking.

The west end of Aberdeen has a layout which typically features streets with a formal building line where building have a public face to the street and private face to enclosed garden ground. Normally the rear boundary of gardens meet with the rears of other gardens or sometimes a lane. In the case of the area between Burns Road and Louisville Avenue, whilst the space is predominately open garden ground for homes on each road, there are a number of houses located in-between the two streets, namely 33, 33A, 33B, 65, 71 and 73 Burns Road and 1-6 Burns Gardens. Each of these properties have been present for at least 30 years and are a result of historic anomalies in layouts or the re-use of sites which were in non-residential use. Notwithstanding the historical precedents, the current proposal must be assessed against the current standards for new dwellinghouses and the sub-division of curtilages.

The supplementary guidance states "*that 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.* This requirement is reiterated by Policy D2 (Design and Amenity).

This proposal does not offer a public face onto a street but would be almost 80m away from Burns Road, along a private lane and driveway, effectively land-locking it around several gardens. As described in the guidance, this situation is likely to impact on the amenity enjoyed by existing residents, particularly whilst in in their gardens. The 6m high gables of the house would be 1.85m away from the north east and south west boundaries, which it is considered would be obtrusive to those within neighbouring gardens and would be uncharacteristic of the area. In this area, residents will expect to be able to enjoy their back garden in a peaceful setting, however this proposal, simply due to it's presence, would be

likely to introduce additional activity in an area where at the moment there is none other than that normally associated with a garden.

Concern was raised that the house may impact upon direct sunlight reaching the properties at 27 and 29 Burns Road. However due to the orientation, distance (approximately 45m away) and being only single storey, it is unlikely that any impact would occur.

The proposed dwelling would fail to have a similar level of private garden ground to that which is common in the surrounding context, save for the existing back-land developments. A typical rear garden on Burns Road and Louisville Avenue is 30m long. In contrast the garden of the proposed house is 7.98m long. It would be located at the front of the house and would predominately comprise car parking, which would dominate the area. The left over amenity space would be largely shaded on both the north east and south west sides. Taken together, these aspects fail to provide a satisfactory level of outdoor space for the new house, in contravention of Policy D2 (Design and Amenity) and the supplementary guidance.

Design

Some recognition has been made of the impact the site would have on neighbouring properties, through the extensive use of roof lights on both elevations and high level windows on the rear ground floor. Whilst the high level windows may be effective at reducing overlooking, the low level at which the roof lights would be at within the ceiling of the first floor is such that anyone within, would have clear views over neighbouring gardens which are a matter of metres away. Whilst in a suburban area a degree of overlooking is to expected, as already indicated the development would introduce an additional reduction in privacy over and above that which would normally be experienced by someone within their garden in this context.

The 6m height of the house would be by no means unusual for a small house, however in this context it would look particularly out of place and have a detrimental impact on the visual amenity of the area.

Trees

There are also several trees, both within the site and adjacent gardens which would severely impinge upon the availability of daylight and direct sunlight into the garden and potentially the house itself. There is no indication that it is proposed to remove any trees to accommodate the development, however it is anticipated that this would be the ultimate result due to the very close proximity they would be to the proposed house. Due to their unprotected status, those trees within the plot could be removed without consent should a future occupier wish to do so whereas for trees within neighbouring gardens, consent would be required from the owners. The trees within the gardens between Burns Road and Louisville Avenue contribute to the pleasant character of space and their loss would be to the detriment of the area. The development would therefore fail to

ensure that it would not result in the loss of, or damage to, established trees that contribute to the character and amenity of an area as required by Policy NE5 (Trees and Woodlands) an the supplementary guidance which has a presumption in favour of retaining semi-mature and mature trees either within a site or immediately adjacent to it regardless of whether they are protected.

Access and Traffic

The proposed access to the site via the shared private lane is considered acceptable. The volume of additional traffic generated by one additional dwelling would in absolute terms be minimal. If necessary the applicant would need to obtain consent from the other owners of the lane to use it for access and maintenance; however that would be a civil matter between the relevant parties. The Councils Roads Projects Team would be satisfied with the access arrangements subject to alterations at the junction with the adopted part of Burns Road. The proposal is therefore considered to be in accordance with Policy T2 (Managing the Transport Impact of Development).

Drainage

The Flood Prevention Team report that there are no records of flooding incidents in the area or springs however this can be investigated further should the applicant be approved.

Other Matters Raised in Representations

- Disruption and inconvenience during construction is inevitable and is not a material planning consideration. Similarly, any damage caused to the lane or boundary walls is not a planning consideration but a civil matter between those concerned.

- The intentions of the applicant in terms of whether they would live in the property or sell it on are irrelevant from a planning perspective.

- Concern has been raised that if approved, the proposal would set an undesirable precedent for future proposals, however each site has its own characteristics and would be assessed on it's own merits.

Proposed Aberdeen Local Development Plan (2016)

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and

- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application the relevant policies and supplementary guidance are reiterated in the proposed plan without any substantive changes.

Summary

In summary, the proposed development is would result in a detrimental impact on the character and visual amenity of the surrounding area, have a negative impact upon existing residents in terms of privacy and enjoyment of their gardens and would fail to provide a suitable level of amenity for the future occupants of the new house. For these reasons and when considered against the Local Development Plan, the proposal fails to comply with Policy D1 (Architecture and Design), Policy D2 (Design and Amenity), the Supplementary Guidance on The Sub-division and Redevelopment of Residential Curtilages SG and consequentially Policy H1 (Residential Areas). Therefore it is recommended that this planning application is refused.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

1. that the proposed development as a result of the plot location, shape and size is fundamentally at odds with the established character of the wider area and as a result would have a detrimental impact upon the amenity of existing residents in terms of privacy and the general enjoyment of their gardens, contrary to Policy D1 (Architecture and Design), Policy D2 (Design and Amenity) and Policy H1 (Residential Areas) of the Aberdeen Local Development Plan (2012) and the Supplementary Guidance on The Sub-division and Redevelopment of Residential Curtilages.

2. that the proposed development as a result of the plot location, shape and size would fail to provide a satisfactory level of amenity for future residents of the new house, specifically in relation to availability of daylight and lack of quality garden ground contrary to Policy D1 (Architecture and Design), Policy D2 (Design and Amenity) and Policy H1 (Residential Areas) of the Aberdeen Local Development Plan (2012) and the Supplementary Guidance on The Sub-division and Redevelopment of Residential Curtilages.

3. that the proposed development is likely to require the removal of or cause damage to established trees which contribute to the character of the area, contrary to Policy NE5 (Trees and Woodlands) of the Aberdeen Local

Development Plan and the Supplementary Guidance on The Sub-division and Redevelopment of Residential Curtilages.

Dr Margaret Bochel
Head of Planning and Sustainable Development.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 18 September 2014 21:56
To: PI
Subject: Planning Comment for 141274

Comment for Planning Application 141274
Name : Dave Willett
Address : 31, Burns Road
Aberdeen

Telephone : [redacted]
Email : [redacted]
type :
Comment : I would like to comment as follows on this development.
1. This development would place the existing access road under considerable strain. There are already 5 properties using the lane for access to their properties and parking. The access lane is private and the costs of upkeep are shared by the current house owners. Another property would mean more wear on the surface of the lane. Any additional utility provision for the house would have to be brought in via the lane and cause problems to the current users. The developer should make provision for the cost of this extra work and reinstatement of the lane.
2. The construction traffic would also find it difficult to gain access to the site and again cause problems for the current owners.
3. A new property in the suggested position would be difficult for emergency vehicles (fire and ambulance) to gain access to. Careful consideration should be given to this point. Particularly if the lane is full of parked cars.
4.The developer should be aware that there is a spring in the garden of no 33A which regularly floods following a heavy period of rain. If the property blocks the spring it would have to rise somewhere else and pass the problem on to other householders.
5. This property would increase the density of housing in a already overcrowded area of the town. This is a conservation area and the selling of gardens for additional housing should be discouraged for all properties in this area.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 18 September 2014 09:52
To: PI
Subject: Planning Comment for 141274

Comment for Planning Application 141274
Name : Christopher Bogle
Address : Owner of 43A Burns Road

Telephone : [redacted]
Email : [redacted]
type :
Comment : Confirm adjoining granite wall will remain structurally sound and in place on completion of the works and any damage and or subsidance of reatining wall and adajcent gardne associated with the construction of this dwelling shall be structurally and geotechnically rectified by the developer and to the account of owner / customer

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 08 September 2014 20:38
To: PI
Subject: Planning Comment for 141274

Comment for Planning Application 141274
Name : Elaine Elder
Address : 32 Louisville Avenue
Aberdeen
AB15 4TX

Telephone : [redacted]
Email : [redacted]
type :
Comment : I would like to object against this planning application. This dwelling house will be built at the bottom of our garden. The application states that there are some newly planted trees, this is incorrect as the trees in question are mature (at least 10 years). These trees provide privacy to our garden and house. I have concerns about how much natural light this dwelling house will have given the proposed location. Also access to the proposed site for construction vehicles is a narrow lane and I am concerned about the congestion and obstruction to the other houses. This is a very small area for the proposed dwelling house which is surrounded by mature trees.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 13 September 2014 19:20
To: PI
Subject: Planning Comment for 141274

Comment for Planning Application 141274
Name : Alastair MacLean
Address : 29 Burns Rd

Telephone : [redacted]
Email : [redacted]
type :
Comment : Hello,

I onject to this application for a number fo different reasons:

1. The development is in a conservation area - how does this development fit in with that concept?? Existing householders must go through hoops to changes windows but a dirty great house seems to be OK to build? Totally incompatible with that.
2. The development is completely unnecessary, to split a reasonable sized garden into two, creating two tiny gardens and parking areas, neither are in keeping with the local area.
3. If permission is granted there will be an increase in traffic in the shared lane which enters between 31 and 33 Burns Rd which will impact both those inhabitants as well as the other existing ones. The area is way to tight to introduce another 'branch' of traffic and associated pollution (in a conservation area).
4. The potential to reduce late afternoon/evening sunlight into the gardens of 27 and 29 Burns Rd. A previous application at 33 Burns Rd was approved as you said it would impinge on our sunlight, it quite clearly does and your process clearly doesn't work if that is not picked up, perhaps this time round you should listen to the residents who know the area better than case officers.
5. We understood from the previous inhabitant that there were issues with springs in the area ('Burns' Road?). This used to flood the garden before, how will this development help that, has this been considered as part of the application???
6. The development is quite clearly simply for profit, it does nothing to promte/enhance the local area. It is opportunitistic, unnecessary and would be a blight on a beautiful part of the city.

For the reasons above I urge you to reject this application, it is neither wanted, nor needed.

Regards
Alastair

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PI

From: J MORRISON [redacted]
Sent: 12 September 2014 12:57
To: PI
Subject: Planning Application 141274

To whom it may concern,

I would like to object to the proposed planning application number 141274 at 33 Burns Road Aberdeen, AB15 4NT on the grounds that the neighbouring gardens, including mine at 30 Louisville Avenue AB15 4TX, will be overlooked, resulting in a loss of privacy for the residents.

Yours sincerely,

Jennie and Doug Morrison,
30 Louisville Avenue,
Aberdeen
AB15 4TX

PI

From: webmaster@aberdeencity.gov.uk
Sent: 24 September 2014 04:34
To: PI
Subject: Planning Comment for 141274

Comment for Planning Application 141274
Name : Matthew Kirk
Address : 35 Burns Road
Aberdeen
AB15 4NT

Telephone :
Email : [redacted]
type :
Comment : Reference: Planning Application Number 141274

We wish to lodge a formal objection to the proposed development at 33A Burns Road Aberdeen, for the following reasons:

1. This is a significant development within a Conservation Area. The application is entirely inappropriate and fails to recognize the Conservation Area status, or to make a positive contribution. It has a harmful effect on the traditional character and open appearance of the area, creating an extremely congested and unsightly confusion of architectural styles.
2. The subject development will not have a public face to the street, and has been shoe horned into a traditional garden.
3. Proposed access is via a privately owned lane, the owners of which, including myself have not been consulted regarding, nor agreed to, the extended use of the lane by occupants of the new development.
4. Existing residents would experience significant disruption, with noise and upheaval. Heavy plant and construction activities will potentially damage the privately owned single track lane, and compromise access to the existing properties, garages and parking spaces.
5. Due to the configuration of the lane, it is unlikely that emergency services, such as fire appliances, could gain access to the property, if required, thus causing a risk to the surrounding properties.
6. There is a natural spring located at the proposed site, which causes flooding during periods of heavy rain. The effect of proposed development is unclear and we are concerned that the water table may be adversely affected, causing potential damage to our property.
7. The adjacent buildings are not accurately shown in the plans, including the existing double garage, which extends across the full length of our property, 35 Burns Road.
8. A Design Statement was not made available to accompany the application, however it is apparent that the design of the building is inappropriate as it conflicts with, and is not in keeping with the traditional design of the surrounding buildings, within this Conservation Area.
9. Finally, it should be noted that the applicant has never resided at the property, and is unlikely to do so, therefore has limited understanding or consideration of the impact for the area and existing residents.

Regards,
Matthew Kirk

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

Neil Galbraith
43 Burns Road
Aberdeen
AB15 4NT

24TH August 2014

Planning Application Reference: 141274

Proposal to build a new property at 33A Burns Road

To the Planning Committee

As a long standing resident of Burns Road I am writing to lodge an objection against the application for Detailed Planning Permission for the above proposal.

The basis for the objection is as follows;

- The proposal, if implemented, given the scale and layout of the development would adversely affect the day lighting, amenity and privacy of myself, adjoining residents and the character of the existing residential area.

- The proposal, if implemented, given the scale, height and position of the proposed building would have a significant detrimental impact on the setting and character of the wider conservation area.

- The proposal, if implemented, would set an undesirable precedent for future applications of a similar nature.

- The proposal, if implemented would have a significant detrimental impact on the value of my property.

- It should also be noted that the owners of the properties at Nos 43A, 47, and 51, for whom this would also have a detrimental impact, are all currently living abroad and may not have been given a full and ample opportunity to lodge their objections.

Yours Faithfully,

[redacted]

Neil J. Galbrait[redacted]

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Planning Development Management Committee

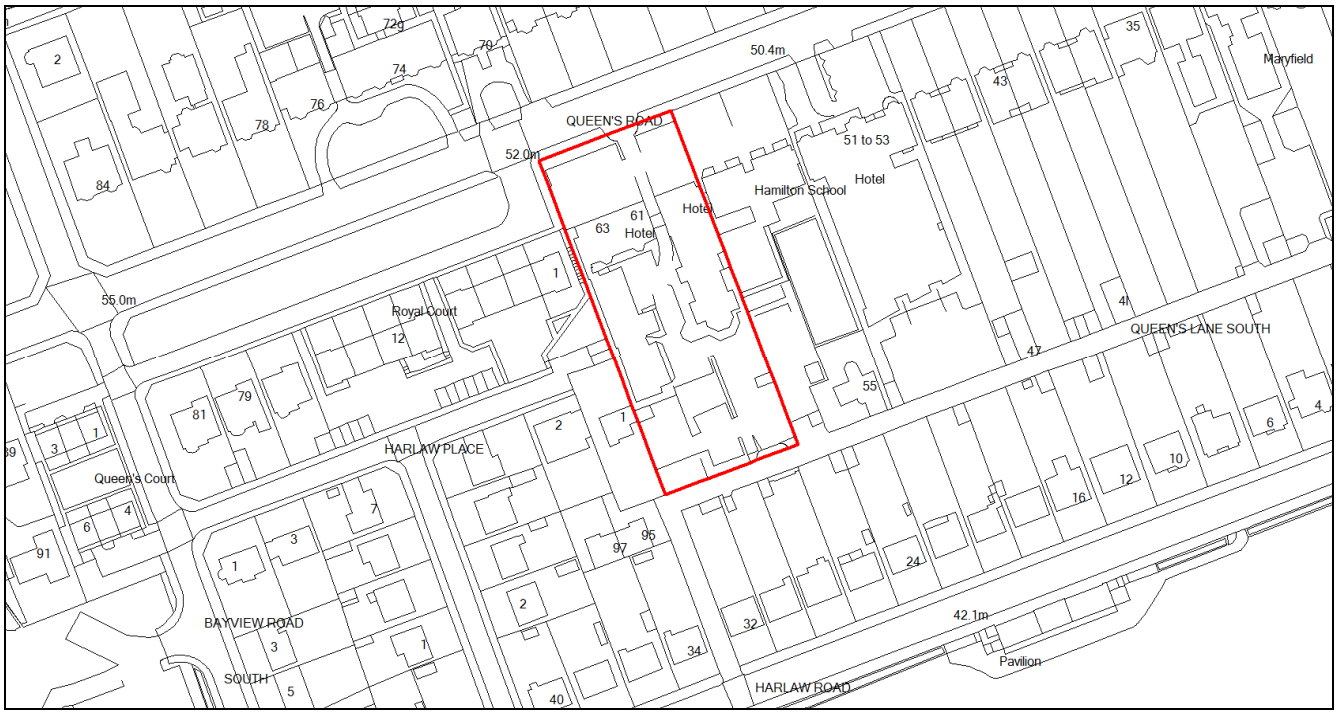
THE CHESTER HOTEL, 59 - 63 QUEENS ROAD, ABERDEEN

FORMATION OF BALCONY FOR EXTERNAL DINING AREA (RETROSPECTIVE)

For: The Chester Hotel Ltd.

Application Type : Detailed Planning Permission
Application Ref. : P140990
Application Date: 16/07/2014
Officer: Matthew Easton
Ward : Hazlehead/Ashley/Queen's Cross(M Greig/J Stewart/R Thomson/J Corall)

Advert : Can't notify neighbour(s)
Advertised on: 06/08/2014
Committee Date:
Community Council : Comments



RECOMMENDATION: Refuse and Enforce

DESCRIPTION

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

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

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

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

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

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

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

RELEVANT HISTORY

In 2012 and 2013 several planning applications were approved for an extension and refurbishment of the hotel. It reopened in in 2014 as the 'Chester Hotel'.

- Planning permission (P121555) for a 20 bedroom and restaurant extension to the rear of the hotel was approved in February 2013. This approval featured a flat roofed area over part of the ground floor restaurant which would feature roof lights. Between the existing building and restaurant there was to be a gap.

- Planning permission (P130773) for the raising of the roof within the restaurant and other external alterations was approved by delegated powers in September 2013.

- A non-material variation to planning permission P130773 was granted in March 2014 for the area between the existing building and extension to be infilled as part of the development. This variation included the floor surfacing for a terrace over part of the flat roof but not a balustrade.

- Planning permission (P140259) for installation of granite seating and a pergola was approved by the Planning Development Management Committee in July 2014.

PROPOSAL

Detailed planning permission is sought for the installation of a roof terrace on what was to be a flat roof part of the restaurant. This application is retrospective in nature and the roof terrace was completed alongside the other redevelopment works undertaken in 2013/14.

The terrace is situated on the roof of the hotel function rooms and adjacent to the first floor restaurant and private dining rooms. It has a gross area of 154m^2 and a net area of 137.75m^2 once the areas covered by roof lights are excluded. There is a 1.1m high glass balustrade around the edges of the terrace which are not adjacent to the walls of the building, as well as around the roof lights. The floor of the terrace is finished in western red cedar boards.

As a result of the slope of the ground at the rear of the hotel, the finished floor level of the terrace varies between being 4.5m to 6.5m above ground level.

It is understood that the terrace would be used by diners, before, during and after dining. It would not however be used as part of the bar or as a standing area for outdoor drinking. A plan has been submitted which shows a seating layout which would accommodate a maximum of 50 diners. Tables would have either four, six or eight seats.

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=140990. On accepting the disclaimer enter the application reference quoted on the first page of this report.

In support of the application a noise assessment has been submitted.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee for two reasons – (i) the community council for the area has objected; and (ii) more than five objections have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation

CONSULTATIONS

Roads Development Management – No observations.

Environmental Health – The use of the external balcony by customers/diners may be variable and any impact may be greater or less than the results provided. In reference to the Environmental Noise assessment by RMP dated 11 November 2014 and further information submitted there are other factors that may affect any noise impact, specifically in relation to the following:

- Background noise may be lower later in the evening compared to when background noise measurements were taken. RMP advise background may reduce 3 to 4 dB later in the evening.
- A -5dB correction for attenuation by some screening provided by the hotel and glazed balustrade may or may not provide such a level of attenuation. The balustrade is approximately waist height and may not be high enough provide sufficient attenuation even when customers are sitting. Combined with a lower background level in the evening there could be a risk that any noise may have a greater impact.
- Variability of noise created by lots of people talking. There may be peaks and tonal characteristics associated with the noise (for example: laughing, raised speech, noise of cutlery) made that gives rise to a greater noise impact.

Therefore the Environmental Health Service is unable to verify with any certainty what impact, if any, the proposed external dining area may have on the nearest noise sensitive receptors. Whilst noise control may be more of a management issue, the statutory nuisance provisions of the Environmental Protection Act 1990 may not be sufficient to allow the Environmental Health Service to address any noise from customers in the external dining area if any complaints of noise disturbance by residence are verified.

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

Queens Cross and Harlaw Community Council – Object to the application due to problems arising with the close proximity to private housing and from the proposed access from Queen's Lane South -

- A fair level of noise can be generated from activity on elevated balconies and can be carried a considerable distance. Due to the close proximity of rear gardens on Harlaw Road, the noise would cause a nuisance and loss of amenity to residents.

- Problems with the hotel have already been noted including protracted playing of bag-pipes and chanting conga lines at the rear of the hotel.
- Due to the elevation of the balcony, it would overlook the rear gardens of properties on Harlaw Road and result in a loss of privacy for residents.
- Whilst there is parking within the hotel ground there is a concern that over-spill parking will take place in Queen's Lane South.
- The proposed access from Queen's Lane South will inevitably attract pedestrians to the rear of the hotel, yet the lane is unsuitable for this as there are no footpaths.
- The Environmental Health Service propose restricting the use of the balcony to 10:00pm however even if it practical to enforce it would result in unacceptable noise levels for a considerable part of the day.

REPRESENTATIONS

Seven letters of objection were initially received. The objections raised relate to the following matters –

1. The use of the terrace would cause noise pollution and adversely impact upon neighbouring residential properties.

2. There would be no control over the behaviour of guests using the terrace.

3. There would be no control over the type or extent of dining undertaken on the terrace.

4. The unusual height of the terrace, which is level with or higher than many upper storeys of nearby homes, would allow noise to travel further and exacerbate any impact it would have.

5. There is nothing to prevent the area being used all day, everyday, throughout the year with the result being unrelenting noise. The use of heaters and umbrellas would allow use in all weather.

6. The size and location of the terrace results in it being neither private nor discreet – it is open to the neighbourhood.

7. The application is retrospective and this repeated practice by the hotel is not acceptable.

8. Doors to the external area would be left open and allow noise to escape.

On receipt of a noise assessment which was commissioned by the hotel, neighbours were re-notified. Three further representations were submitted from neighbours who had already submitted during the initial notification period and two additional representations were received. In summary, the issues which had not already been raised were –

9. It is unclear as to what the actual intended use of the terrace is.

10. The noise measurements do not appear to have been taken in accordance with Scottish Government guidance and conclusion of the report is unrealistic.

PLANNING POLICY

Aberdeen Local Development Plan (2012)

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

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

Policy BI3 (West End Office Area) – In this area (shown on the Proposals Map), applications for change of use for office purposes will be given favourable consideration. Applications for change of use of properties to residential use will also be encouraged, subject to a satisfactory residential environment being established and that the continued operation of existing uses is not prejudiced

National Guidance

Planning Advice Note 2/2001 (Planning and Noise) – Provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. Information and advice on noise impact assessment methods is provided in the associated Technical Advice Note 'Assessment of Noise'.

Proposed Aberdeen Local Development Plan (2015)

Policy D1 (Quality Placemaking by Design) – All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments.

Policy D4 (Historic Environment) – The Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP, its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. It will assess the impact of proposed development and support high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas, archaeology, scheduled monument, historic gardens and designed landscapes.

Policy B3 – West End Office Area – In the West End Office Area (as shown on the Proposals Map) proposals for change of use to office use or the expansion of existing office use will only be acceptable provided;
a) the size, scale and design of development proposals respect the special historic and architectural character of the area and;
b) the design meets all of the relevant criteria set out in the Historic Environment TAN, with regards to relationship to the existing building, context and modifications to existing extensions (see also the Design Policies).

New development proposals that do not protect existing residential amenity will be refused. Proposals for change of use to residential use, or any new residential development, will be considered on their merits.

EVALUATION

Principle of Development

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.

A hotel has existed at 59 Queen's Road since at least the 1960's. In the 1990s the hotel expanded into 61 and 63 Queen's Road and it became 'Simpsons Hotel, Bar and Restaurant'. The site is located within the West End office area (Policy BI3 – West End Office Area) where offices and business uses are generally supported. Other commercial uses are not explicitly mentioned in the policy but given that the hotel use has been established at the site for many years and the original buildings have already been extensively extended, it is considered that small scale development associated with improving or expanding facilities at the hotel is acceptable in principle. Therefore the matters to be assessed are the scale and design of the terrace and any impact it may have on the amenity of the surrounding area

Design and Appearance

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

In the wider context of the conservation area, this section of Queen's Lane South is characterised by large extensions at the hotel itself, the former Hamilton School and the nearby Malmaison Hotel. Boundary walls and domestic garages typically define the southern side of the lane. The physical changes which have been undertaken to accommodate the roof terrace are relatively minimal, with little impact in terms of visual amenity. Despite being elevated above ground and positioned on the roof of the building, the only feature visible from ground is the

1.1m frameless glass balustrade around the outside of the terrace. Due to its transparent nature and within the context of the hotel and wider area the structure is insignificant – there is no adverse impact upon the visual amenity of the area. It is therefore considered that the character of the conservation area has been maintained in accordance with Policy D1 (Architecture and Place Making) and Policy D5 (Built Heritage).

Noise

A noise assessment carried out by qualified noise consultants has been submitted by the applicant in order to support the application and demonstrate that there would be no adverse impact upon neighbouring properties in terms of noise disturbance. The closest noise sensitive receptor in the area was identified as 1 Harlaw Place, to the immediate west of the hotel. This would be considered to have a high sensitivity to noise due to it being a residential property.

Background noise readings were taken to determine the ambient noise level in the early evening and predictions of noise levels which would be generated by 50 raised voices occurring simultaneously and distributed around the dining area used to determine the probable impact. The figures were also adjusted to take account of distance and other attenuation such as buildings. The conclusion of the report was that there would be no change in the noise experienced by nearby residents because the noise generated by those on the terrace would be 5 decibels (dB) less than ambient noise in the evening. In terms of the Scottish Government's Technical Advice Note: Assessment of Noise ("the TAN"), the magnitude of the impact would be categorised as 'no change'.

A review of the noise assessment by a second qualified noise consultant was commissioned by a neighbour who objects to the proposal. The findings of the review questioned some of the assumptions made in the applicant's assessment and found that the change in noise as a result of the terrace would have a significance categorised as either 'large' or 'very large' in terms of the TAN. The main differences between the two assessments are the number of people which it is considered would be using the terrace at any one time and the assumption that the background noise levels recorded in the early evening would be the same later on, at 23:00 for example.

Environmental Health officers reviewed the applicant's assessment and ultimately raise questions with its findings. Noise generated by those on the terrace may be variable and any impact may be greater or less than the results provided. Environmental Health have concerns that –

- background noise could be lower later in the evening (potentially 3 to 4 dB) than when readings were actually taken;

- a -5dB correction for screening provided by the glazed balustrade may not actually be achieved (the balustrade is only 1.1m in height and even with people sitting may only provide very limited attenuation); and

- that in reality there would be a variability of noise created by those using the terrace, including peaks and tonal characteristics associated with the noise such as laughing, raised speech and noise of cutlery.

Together these issues could result in the noise impact being greater than that suggested by the noise assessment. Therefore the Environmental Health Service is unable to verify with any certainty what impact, if any, the proposed external dining area may have on the nearest noise sensitive receptors. However, both Environmental Health and the applicant's noise consultant suggest that the matter is likely to be a management issue rather than a strictly noise control issue. In other words, the manner in which the terrace is used and how the activity there is managed would have a significant impact on the noise generated from it.

Whilst at ground level, intervening walls and buildings may provide some mitigation against any noise being carried towards neighbouring properties, the terrace is considerably elevated (6.5m from ground level at its highest) to the point where it is at least level with the first floor of nearby residential properties, if not higher. Queen's Lane South, which the hotel backs onto, sees little activity in the evenings and on a calm and still night, it is anticipated that noise could be carried a considerable distance and disturb residents in surrounding properties. Indeed, residents of Harlaw Road, Terrace and Place report existing disturbance from the hotel, which originates from activity at ground level. The elevated position of the terrace makes it all the more likely that noise disturbance will be experienced.

In the case of planning permission being granted, the planning authority would have no control over the actual number of people who could use the terrace or the activity which would take place there. In theory any activity which one would expect to reasonably take place within a hotel, could take place without planning permission, as long as no further physical development was undertaken. For example, activities such as outside drinking and dining, the conducting of weddings or taking of wedding photos, or smoking, could legitimately take place on the terrace, without further planning permission being required.

Whether the proposed terrace could be made acceptable by attaching planning conditions restricting its use has been considered. The conclusion was that any condition would be difficult to make precise enough to ensure it restricted activity to that which would limit noise. A condition restricting the hours of operation to particular times, whilst theoretically enforceable is unlikely to address noise disturbance occurring during the day. Due to its height and exposed nature, the use of the terrace has the potential to create disturbance during the day which would impact on the ability of neighbours to enjoy their gardens peacefully. Even if a condition could be framed in that context, it would in reality be very difficult to monitor and enforce. Ultimately, it is difficult to control the volume at which people communicate, especially in a social setting and even more so where alcohol is typically involved.

Taking into account all the noise related information submitted by the applicant and objectors and the predominately residential character of the area within which it would be situated, the conclusion is that it is likely that neighbours would be affected by noise from the terrace to an unacceptable degree. Due to the unpredictable nature of noise generated by people communicating, it is likely that if planning permission were granted, and complaints about noise were subsequently received and verified, the statutory nuisance provisions of the Environmental Protection Act 1990 may not be sufficient to allow the Environmental Health Service to address any noise from customers in the external dining area.

Other Matters Raised in Representations

- As noted in representations (issue 7), the development for which approval is sought is already in place and the application has been made retrospectively. After a previous application (P140259) for external works at the hotel was also made retrospectively, planning officers wrote to the applicant in August 2014 and made clear that the Planning Development Committee were dissatisfied that the structures had been constructed prior to planning permission being granted. Applications which are retrospective in nature create public doubt with the integrity of the planning process and should permission not be forthcoming, can ultimately result in the Council taking enforcement action and completed works being removed.

- In relation to issue 8, the doors to the external area have planning consent and the planning authority does not have control over whether they are open or not.

All other matters have been addressed in the relevant sections of the report.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application the relevant policies reiterate the current policies with no substantive changes other than in Policy B3 (West End Office Area) which places more emphasis on maintaining existing residential amenity than the current policy.

Conclusion

Small scale development associated with improving or expanding facilities at the hotel is acceptable in principle in the context of Policy BI3 (West End Office Area). The physical changes which have been undertaken to accommodate the roof terrace are relatively minimal, with little impact in terms of visual amenity, it is therefore considered that the character of the conservation area has been maintained in accordance with Policy D1 (Architecture and Place Making) and Policy D5 (Built Heritage).

Any noise generated by the use of the terrace is likely to be a management issue rather than a strictly noise control issue. In other words, the manner in which the terrace is used and how the activity there is managed would have a significant impact on the noise generated from it.

The conclusion in terms of the potential for neighbours to be affected by noise is that due to the unpredictable nature of how people communicate in a social setting, it would be difficult to control any noise generated. This, in combination with the elevated and open nature of the terrace, it is likely to result in residential properties within the vicinity of the hotel being adversely affected by noise and activity on the terrace to an unacceptable degree. Therefore the application is recommended for refusal.

Enforcement

As already noted, the development for which approval is sought has already been undertaken and the terrace is in place and therefore constitutes a breach of planning control under section 123(1)(a) of the Town and Country Planning (Scotland) Act 1997.

Should the Committee resolve to refuse planning permission, authorisation is sought to initiate enforcement action to remedy the breach. An enforcement notice would be served on the hotel requiring action to be undertaken to remove the terrace. This is likely to involve the removal of the glass balustrade so that the space would fail to comply with building standards regulations if it were to be used as a terrace. It is not intended to require the removal of the terrace flooring because it is not visible from ground level and the removal of the balustrade alone should result in the terrace being unusable from a safety perspective.

RECOMMENDATION

Refuse and Enforce

REASONS FOR RECOMMENDATION

Due to the unpredictable nature of how people communicate in a social setting, it would be difficult to control any noise generated by those using the terrace. This,

in combination with the elevated and open nature of the terrace, it is likely to result in residential properties within the vicinity of the hotel (specifically but not limited to those located on Harlaw Road, Queen's Lane South, Harlaw Place and Royal Court, Queen's Road) being adversely affected by noise and activity on the terrace to an unacceptable degree. The planning authority does not consider that sufficient control could be imposed by planning conditions to mitigate this impact to an acceptable degree.

Dr Margaret Bochel
Head of Planning and Sustainable Development.

QUEEN'S CROSS HARLAW COMMUNITY COUNCIL

Founded April 1987

Andrew H.R. Goldie,
276 Union Grove,
Aberdeen AB10 6TQ
10th November 2014

Tel.: [redacted]

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

Application 140990: Balcony and Roof-top Dining Area at The Chester Hotel.

Dear Mr Easton,

Further to our recent conversation and inspection of the plans for the above, and in response to approaches from local residents, I am writing on behalf of Queen's Cross & Harlaw Community Council to object to the above proposal. Our grounds for objection are broadly similar to those presented against a previous retrospective planning application; namely, application number 140259.

What is proposed is for an elevated balcony capable of catering for a large number of customers, principally aimed at the wedding-party market. Problems arise due to the close proximity to private housing on Harlaw Road and from the proposed access from Queen's Lane South. In summary, our comments are as follows:-

1. Elevated balconies, especially where revelry is involved, generate a fair amount of noise; and when emanating from an elevated position, such noise can carry a considerable distance. In this instance, and due to the close proximity of the rear gardens of the Harlaw Road properties, the noise will cause a nuisance and therefore result in a loss of amenity for these properties. Indeed, problems have already been noted, including protracted playing of bag-pipes and chanting conga lines at the rear of the hotel and extending in to Queen's Lane South.

2. Due to the degree of elevation of the proposed development, the balcony will overlook the rear-gardens of the residencies on Harlaw Road resulting in the loss of a privacy that these properties currently enjoy.
3. While there is some parking provision within the hotel grounds, there are concerns that inappropriate, over-spill parking will take place in Queen's Lane and elsewhere.
4. The proposed access from Queen's Lane South will inevitably attract pedestrian clientele to the rear of the hotel; yet the lane is inherently unsuitable for this purpose as this section is devoid of footpaths on either side. The resultant mix of pedestrians and additional vehicular traffic on the roadway will result in a hazard to both.
5. We appreciate the Environmental Health Officer has restricted use of the balcony to 10.00 pm in the evening. However, even if it is practical to enforce this (and there are doubts), it will still result in unacceptable noise levels for a considerable part of the day.

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

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

Yours sincerely,

Andrew Goldie

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

P&SD Letters of Representation		
Application Number: 140990		
RECEIVED 12 NOV 2014		
Nor	Sou ✓	MAp
Case Officer Initials:	MEA	
Date Acknowledged:	12/11/14	

Matthew Easton

From: Nick Glover
Sent: 23 February 2015 14:42
To: Andrew Gilchrist
Cc: Matthew Easton
Subject: RE: The Chester Hotel

Categories: Chester Hotel

In relation to the above subject, RMP have submitted further comments with respect to noise impact following Environmental Health comments to planning on 17 February 2015 and a letter by another acoustic consultant, Charlie Flemming Associates, dated 4 February 2015.

The use of the external balcony by customers/diners may be variable and any impact may be greater or less than the results provided. In reference to the Environmental Noise assessment by RMP dated 11 November 2014 and email dated 3 February 2015 from Rachael Boyd there are other factors that may affect any noise impact, specifically in relation to the following:

- Background noise may be lower later in the evening compared to when background noise measurements were taken. RMP advise background may reduce 3 to 4 dB later in the evening.
- A -5dB correction for attenuation by some screening provided by the hotel and glazed balustrade may or may not provide such a level of attenuation. The balustrade is approximately waist height and may not be high enough provide sufficient attenuation even when customers are sitting. Combined with a lower background level in the evening there could be a risk that any noise may have a greater impact.
- Variability of noise created by lots of people talking. There may be peaks and tonal characteristics associated with the noise (for example: laughing, raised speech, noise of cutlery) made that gives rise to a greater noise impact.

Whilst noise control may be more of a management issue, the Environmental Health Service may not be in a position to address noise from customers in the external dining area following any complaints by effected residence, as detailed in the Services previous email.

Regards

Nick Glover
Principal Environmental Health Officer

Environmental Health and Trading Standards
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 15
Third Floor South
Marischal College
Broad Street
Aberdeen
AB10 1AB

Email: nglover@aberdeencity.gov.uk
Direct Dial: 01224 523026
Direct Fax: 01224 523887

PI

From:	Wendy [redacted]
Sent:	04 February 2015 23:43
To:	PI
Cc:	Matthew Easton
Subject:	Planning Application 140990 - Noise Report

Dear Sir/Madam

Planning Application 140990 Noise Assessment Comment

In relation to the noise impact assessment provided by RMP for Graham Mitchell Architects on behalf of the Chester Hotel, Aberdeen I would like to highlight some points which I feel should be taken into account due to the impact this proposal has on local residents and our local amenity. I understand this will be taken into account with objections already raised and due to be considered at the local planning meeting on 12th Feb 2015.

Ambiguity relates to the number of patrons who intend to use this outside dining and drinking area. Supporting documents and calculations suggest 50 seated patrons and current licence application related to 286 patrons. 1 person under the influence of alcohol can have anti-social tendencies and lead to noise nuisance. 1 person talking in turn is unlikely in this social environment. Likewise laugher and enjoyment are louder than background ambient noise.

The high level balcony is on 1st floor level, visible and hence audible from this height will ultimately produce excess noise to the surrounding homes and residential area. It is not feasible to think this is noise neutral. Currently on going investigations and assessments of noise nuisance and pollution from the Chester Hotel function suite at ground floor level is being undertaken by environmental health and LSOs. I would suggest it would be unfair to local residents to allow permission for another outside area which can impact on public nuisance and noise pollution. This new area could be open seven days a week and not just function suite times.

Background noise levels were taken during a busy commute time hence background traffic noise levels higher. Subsequent assumed calculations are thus incorrect.

Special sound proof railings do not take into account heads above this nor standing patrons.

Current predicted noise levels exceed WHO guidance for sleep disturbance outside bedrooms (11pm). Terminal hour should be restricted to 8pm to allow for tidy up/wind down time. Glass collection by refuse teams occur just after 7am and a later terminal event time lessens our 'quiet' /sleep time.

Our bedroom/ home is not screened by the 'hotel room block' as it is further south than plans outlined. We should be able to enjoy our gardens and homes. I should be able to allow my children to have undisturbed sleep and have the ability to open my bedroom window. Planning applications should take into account the purposes that the area has been built for and I appreciate the committee are aware of this.

I am fully aware of the impact noise nuisance/pollution can have on general health in respect to stress, hypertension, Ischaemic heart disease and sleep disturbance.

Thank you all in advance for considering my comments with regards to this noise assessment as part of the retrospective planning application which, as we know, have circumvented the conventional planning procedures. Planning principles should not lessen our environmental quality and amenity. It should not increase environmental noise pollution. By stealth the applicants have deliberately constructed a large external terrace with its function causing disturbance to the local residents.

Best wishes,

Wendy Bradford

2 Harlaw Place, Aberdeen.
AB15 4YW

Sent from my iPad

P&SD Letters of Representation
Application Number: 140990
RECEIVED 05 FEB 2015
Nor | Sou ✓ | MAp
Case Officer Initials: MEA
Date Acknowledged: 06/02/2015.

Matthew Easton

From: Mark Vorenkamp [redacted]
Sent: 05 February 2015 14:03
To: Matthew Easton
Cc: Wendy Bradford; [redacted]
Subject: Comments on Planning Application No. 140990 - Noise Assessment Report
Attachments: CFleming Assoc. Critique of Chester RMP Noise Assessment.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Chester Hotel

Dear Matthew
Please find attached the noise report critique which we have commissioned from Charlie Fleming Associates. We trust you will pass this report on to Environmental Health. We have commissioned this report at considerable expense to ourselves as we believe we had no choice in this matter but to professionally counter the inaccurate assumptions of the RMP Noise Assessment Report commissioned by the Chester Hotel.

You will be aware that it has been over a year now since the Chester first commenced its strong armed tactics to realise its ambitions to use comprehensive external areas to the rear of the hotel for entertainment of guests. With the recent variation, which seeks even more car park spaces at the front of the hotel, it is clear that the Chester have an ongoing mission to reverse the function of the front and rear of the hotel. They now have a comprehensive car park at the front where gathering of guests would have caused minimal disturbance to local residents and an ongoing expansion of social areas to the rear.

The Chester has abused a system that was no doubt set in place for a better purpose by a series of inverted License Variation applications followed by retrospective Planning Applications. We don't need to remind you that this entire terrace structure was built and completed before Planning was even notified. This has shown a complete disregard of, and lack of respect for the Planning Department.

We accept that as far as the Pergola/Garden Planning application was concerned, no material change had been proposed thus Planning had no grounds upon which to reject the application. However as an unintended consequence, the population by guests in this area has resulted in great anti-social noise and therefore loss of amenity to Residents.
All sound reports aside, Residents have had direct experience over the past 6-months of how severe and sporadic noise travels and the stress involved in living next door to this hotel.

On the 30th July last year in an email you explained "In the making and assessment of the application the Council will be examining the physical works which have taken place and the **potential** impact which a dining area in this area would have on an amenity."
In the case of this second Retrospective Planning Application there is a 'material change' and Planning must take into account and surely recognise the effect that this material change will have on the amenity of Residents.
We sincerely hope that you give the amenity of Residents its proper weight in the consideration of this application and make a recommendation for rejection.

Regards
Mark Vorenkamp
24 Harlaw Road
AB15 4YY

140990

CHARLIE FLEMING ASSOCIATES

ACOUSTICAL CONSULTANTS
NOISE CONTROL ENGINEERS

Mr Mark Vorenkamp
Harlaw Road
Aberdeen
AB15 4YY

4th February 2015
2489λ08λL

Dear Mr Vorenkamp,

Proposed External Dining Area, The Chester Hotel, 59-63 Queen's Road, Aberdeen

I refer to your email of 21st January 2015, and would like to thank you for inviting me to consider the RMP Technical Report No. R-6907-EK-MI[1], dated 11th November 2014, and the level of sound which is likely to be present in your garden, and those of your neighbours.

Source Noise
RMP has used a sound pressure level at 1m of 66dB(A) for the human voice. This is a perfectly acceptable level for normal speech. This equates to a sound power level of 74dB(A), assuming that the sound is propagating hemi-spherically.

Charlie Fleming Associates has measured the sound pressure level in two different restaurants, and found it in both cases to be 74dB(A). From this the sound power level was calculated to be 86dB(A). The sources of noise were the speech of the diners, at a level that could be described as normal, together with crockery and cutlery. My experience of the noise of diners is, therefore, that their sound power level is greater than that of normal speech.

Notwithstanding, I understand that your concern is that the proposed external dining area will be used for receptions at which drinks are being served. Your further concern is that, later in the evening, as the guests become inebriated, the noise will be considerably louder than that of people dining. Looking to the literature, Noise Control in Building Services[2] quotes sound power levels of 72dB(A) for a *Normal* voice, 78dB(A) for a *Raised* voice and 83dB(A) for a voice that is *as Loud as possible without strain*. Pearsons and others[3] determined the sound power level of loud speech to be 85dB(A). Given that you are concerned about loud speech, considering the above, it would seem reasonable to take the sound power level of it to be 84dB(A).

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Eur Ing Charlie Fleming BSc MSc CEng FIOA MCIBSE MIET

You mentioned that you think that some 250 people might be present in the external dining area, when it is being used for a reception. This is generally based on an occupancy of $0.5m^2$ per person. This is quite a conservative estimate as I understand that, for standing areas in bars, the occupancy is based on one person per $0.3m^2$. Most of these people will be on the larger, western part of the external dining area. As such the sound from them will be attenuated by the acoustical barrier effect of the south-western corner of the existing hotel building. Assuming that the noise of half the people, on the southern part of the proposed external dining area, will not be attenuated, gives a figure of 125 people. This would result in a total sound power level of 105dB(A). This assumes that all 125 people are talking loudly at the same time, which is perhaps unlikely. If we assume that half of them are, around 62 people, that would make the total sound power level 102dB(A).

Propagation
The middle of your garden is 65m from the middle of the southern part of the proposed external dining area. At this distance, allowing for propagation into a quarter sphere, the noise will be 61dB(A). The sound will propagate into a quarter of a sphere because of the hotel's southern elevation. There will be an acoustical barrier effect, due to the roof of the hotel's southernmost building. This will reduce the noise by around 5dB(A), to 56dB(A).

Noise Levels at 24 Harlaw Road
Section 2.1 of the RMP report states that the existing ambient noise was measured between 18:36hrs and 19:41hrs on Wednesday 29th October 2014. Table 2 in Section 2.8 of the report implies that the noise was measured between 18:36hrs and 19:06hrs. I am not, therefore, sure that we can rely on the quoted result, of 51dB(A). I would also disagree with the statement in Section 3.8, that *The results included in Table 2 indicate the existing ambient noise level would be L_{Aeq} 51 dB during the evening period (up to 23.00hrs).* This is an assumption, which I am sure is incorrect.

As alluded to above, the existing ambient noise later in the evening will be less in level as its source, primarily road traffic, will be less. In an exercise such as this it is usual to measure the existing ambient noise when, within the hours of operation of the dining area, it will be lowest in level. The principle in this is that, if the new dining noise is acceptable when compared to the lowest level of the existing noise, then it follows that it will also be acceptable at other times when the existing noise is greater. Local authorities in cases like this would not usually consider the existing ambient noise at 18:30hrs. If, as I understand, it is intended to use the proposed dining area until 22:00hrs, then the noise should have been measured up until that time.

Notwithstanding, even at the 51dB(A) measured, the predicted level of 56dB(A) in your garden exceeds this by 5dB(A). According to Table 3.4 of the Technical Advice Note[4], the magnitude of impact would then be *Major*. This magnitude of impact should then be considered in the context of Table 3.5 of the Technical Advice Note. Allowing for the character of the noise, its rating level will be 61dB(A). The background noise level is not known, but in your garden, just before 22:00hrs, it will be much less than 51dB(A). This then means that the level of significance is *Large/Very Large*, of which TAN 2011 states,

Large: *These effects are likely to be important considerations but where mitigation may be effectively employed such that resultant adverse effects are likely to have a Moderate or Slight significance.*

Very Large: *These effects represent key factors in the decision-making process. They are generally, but not exclusively associated with impacts where mitigation is not practical or would be ineffective.*

You also asked me to consider the noise in your neighbours' gardens. Empirically, because some of these are closer to the proposed external dining area, the noise in them will be greater than that in your garden. The conclusion that the significance is *Large/Very Large* will, therefore, also apply to your neighbours' gardens, particularly in that of 1 Harlaw Place, which is shown as *Nearest residential dwelling* on page 10 of the RMP report. The conclusion will also apply to number 2 Harlaw Place and the gardens of numbers 26 to 32 Harlaw Road, and possibly number 22.

You also asked me to calculate the minimum number of people that could generate noise of which the impact would be *Major*. This, with respect to the sound propagating to your garden, would be 56 people. At other, closer, more exposed, gardens, the number would be rather less.

In noise of this nature, the only mitigation is to construct acoustical barriers. As mentioned in this letter, I have already allowed for the acoustical barrier effect of the hotel's southernmost building. Construction of other acoustical barriers is not a practical way of reducing the noise.

If you have any queries regarding the content of this letter, please do not hesitate to contact me.

Yours sincerely,

[redacted]

Charlie Fleming.

References

1) Kontesidou E. and Irish M., *Environmental Noise Assessment Proposed External Dining Area, Chester Hotel, Aberdeen*, Technical Report No. R-6907-EK-MI, RMP, Edinburgh, 11th November 2014.

2) Sound Research Laboratories, *Noise Control in Building Services*, Pergamon Press, Oxford, 1988, ISBN 0-08-034067-9.

3) Pearsons K. S., Bennett R. L. and Fidell S., *Speech Levels in Various Noise Environments*, Bolt, Beranek and Newman, Canoga Park, California, May 1977.

4) The Scottish Government, *Technical Advice Note TAN 2011 Assessment of Noise*, Crown Copyright 2011, ISBN 978-1-78045-042-1 (web only).

Planning application – P140990

Description – The Chester Hotel – Formation of balcony for external dining area (retrospective)

Residents of 26 Harlaw Road – comments on the Noise Report

Latest date – 3rd February

Reference for the Noise Report – Environmental Noise Assessment – Proposed External Dining Area, Chester Hotel, Aberdeen, reference R-6907-EK-MI – 11th November 2014 by RMP

Some minor revisions made 4th February

We have lodged objections to the granting of a licence for the raised balcony area adjacent to the hotel restaurant which was constructed last year instead of the pitched roof which was on the approved plans. The balcony, which is at a considerable height, was being used for the consumption of alcohol until the planning department became aware of the unauthorised construction. Not only does this show a blatant disregard for the planning and licencing authorities by the hotel management but it raises questions about public safety (for instance escape routes in the case of a fire). The Chester Hotel have now retrospectively applied for planning and licencing consents for the elevated balcony. This is the second instance of retrospective planning and licencing applications by the Chester Hotel during the last year, the previous applications including an outdoor seating area and pergola in the rear car park.

Whilst I (the writer) am not specialised in this particular area of engineering I am a Chartered Mechanical Engineer and am therefore qualified to comment on the details of the report. In addition I have consulted with a noise expert (also a Chartered Engineer) who has made some preliminary comments but has not yet had time to analyse the report in full detail due to existing commitments.

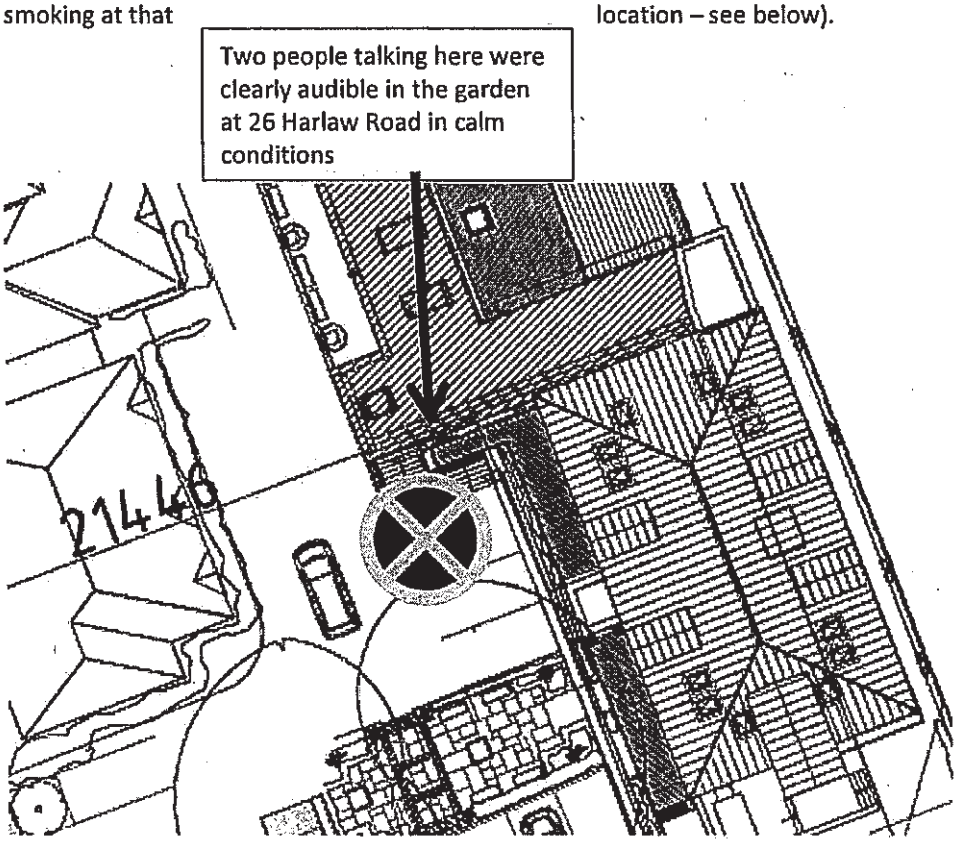
The report states that the survey work has been carried out according to guidelines from the Scottish Government (1/2011 Planning and Noise(PAN) and the supporting Technical Advice Note – Assessment of Noise (TAN)), however it appears to be based only on carefully selected information and contains significant deficiencies and contradictions for instance:-

1. It is unclear what the intended purpose of the balcony is from the report and various licence applications (dining, smoking, standing, drinking?) but the fact it is not enclosed suggests that it will be used as a smoking area as well as for dining. Ample provision has already been made for smoking areas at the front and rear of the hotel (as per the last retrospective planning and licencing applications). We would of course have no objection to the balcony if it were fully enclosed and soundproofed. It should be noted that the balcony was constructed and was in use for the consumption of alcohol before it was discovered that it had been built without planning permission. I am not sure but I do not believe that it was being used for dining so hence there are contradictions between the use stated in the various applications and the actual use of the hotel balcony last summer.
2. The report is based on reference measurements taken at the hotel. The measurements do not appear to have been taken in accordance with the Scottish Government's guidelines with respect to location, time of day or duration.
    a. The measurements were taken 3m away from a façade whereas the guidelines recommend 1m. In addition a correction factor for taking noise measurements in front of a facade versus in a 'free field' does not appear to have been applied (reference 2.58 of the TAN). This failure to follow the guidelines results in the setting of a baseline which does not accurately portray ambient noise levels and therefore the report's conclusions are fatally flawed.

b. The time period for the measurements appears short and inappropriate. Another possible period that might have been selected would have been between 7AM and 11PM as suggested in the TAN. However, a more appropriate period might be between 5PM to 11PM for weekdays when people would be taking advantage of the amenity of their gardens and also from 7AM until 11PM at weekends when traffic may be less than during the week? In any event the most appropriate period should be decided following a qualitative assessment as recommended in the TAN.

c. The duration of the measurements is too short and appears to have been taken selectively at an inappropriate time of day (30 minutes of data selected from a 65 minute measurement period (see the difference between paragraph 2.1 (65 minutes) and the table in 2.8 (30 minutes))) and at a busy time for traffic.

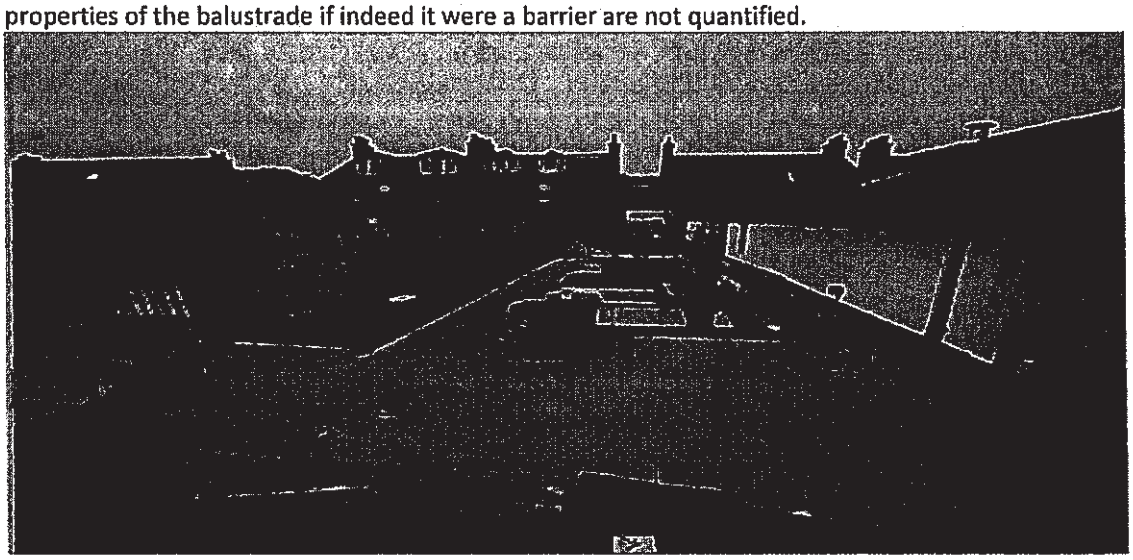
3. In section 3.5 of the report it states the nearest property is 40m from the centre of the balcony. The assumption is that all the noise is emanating from a point source which is not what is happening in practice. I calculate the distance to the nearest property to be around 33m from the centre of the area. Can this be clarified as the distance has an effect on the calculation that has been presented. Furthermore, is taking the centre of the area the most conservative approach? The balcony overlooks the garden at 26 Harlaw Road and two people talking outside the door below the balcony can be heard clearly in the garden at that address (as I have observed myself when two people were smoking at that location – see below).



4. There does not appear to be any qualitative analysis as required by the TAN which would highlight when the baseline noise measurements should be taken.

5. No account appears to have been taken of noise reflection which will occur and increase the noise level.

6. In the report an assumption is made regarding noise attenuation from a glazed balustrade. This is a fundamental assumption for the report's conclusions. The glazed balustrade will be below the level of noise generation and will have no effect on noise attenuation. I present to you a picture of the balustrade – as you can see people's heads will be above the balustrade even when seated. Notwithstanding this the acoustic properties of the balustrade if indeed it were a barrier are not quantified.



7. A qualitative analysis is required by the Scottish Government's guidelines and this would take account of considerations as to whether people will have to shut their windows, or not use their gardens as before. No such qualitative assessment has been carried out. We have already experienced noise levels that resulted in us having to shut windows and not use our garden and this at a time when the balcony has not yet been approved.

8. Section 3.10 – this is a completely ridiculous conclusion. It is already possible to hear 2 people talking at the entrance below the south end of the balcony in the garden at 26 Harlaw Road, disturbing the amenity of the garden.

9. If we consider what has already been approved for the outdoor seating area, using the same calculation method it is estimated that the noise level would be very high compared to the current ambient. It is suggested that the noise report should also retrospectively consider such a noise evaluation applied to the outdoor seating areas. Retrospective conditions may need to be applied to those areas as a result of the evaluation.

The Scottish Government's noise guidelines promote the approach of carrying out a proper assessment prior to granting licencing or planning consents rather than relying on subsequent enforcement. This should have been done before the balcony was ever built but the council have been denied this opportunity as a result of the way the Chester Hotel have built first and then made retrospective applications, but notably only when caught out.

Moreover, if the full scale of the development of the Chester Hotel had been clear from the outset then it is likely that there would have been far more objections to the original planning application. Instead what appears to have happened is a pre-determined tactical development of the site and an attempt to work the system to full advantage and deny residents the chance to object effectively to

what was clearly the owner's plan from the start. We ourselves did not receive the original notification for the major variation to the licence for the whole premises.

We are already experiencing noise from the hotel. We have lodged no fewer than 12 complaints about noise, including noise from amplified music being audible in the bedroom of our property late at night. The Council's environmental health and pollution control personnel will testify to the fact that there are numerous unresolved complaints due to noise emanating from the function suite in the evening and night. This is exacerbated by the fact that the owners and management of the hotel do not adhere to the existing restrictions regarding noise and have demonstrated contempt for the planning and licencing conditions: for instance making noise, using the rear entrance access for non-permitted purposes and at curfew periods, loading service vehicles at 2AM and using an unapproved balcony and all this at a time when they are seeking further planning and licencing consents when you would expect them to be demonstrating good behaviour. Granting this planning application will simply exacerbate the existing problem. In addition enforcement is a long and laborious task (for instance we have been issued with a 'noise diary' template by the council) and will take years to reach a resolution.

We have offered to meet the hotel management on a number of occasions but they have refused to meet with us. We have made attendance at such a meeting contingent upon certain conditions, in particular our receipt of an acknowledgement of and satisfactory response to an incident of extreme noise in May 2014. The management have refused in writing to provide a response despite them having received a visit from a member of the pollution control department with regard to the incident. The hotel have advised they are unaware of the incident.

We have lived in our house for over 11 years and during the time that the hotel was operated as Simpsons Hotel we never made a single complaint. They were good neighbours unlike the Chester Hotel.

Furthermore we feel that we are to some extent in a David and Goliath situation in that we do not have the same level of resources as the hotel to employ experts and consultants.

It has been suggested that a compromise would be to restrict use of the balcony after 10PM but this does not take into account the requirements of a qualitative assessment as mentioned earlier. This 10PM restriction does not appear to have any basis. Why should the residents have to close their windows or stop using their gardens as a result of the clientele of the Chester Hotel using its outside facilities in a residential area?

We believe that if the report had been compiled in accordance with the Scottish Government's guidelines there would be no question that the planning and licencing applications should be rejected for the outdoor seating areas and the balcony.

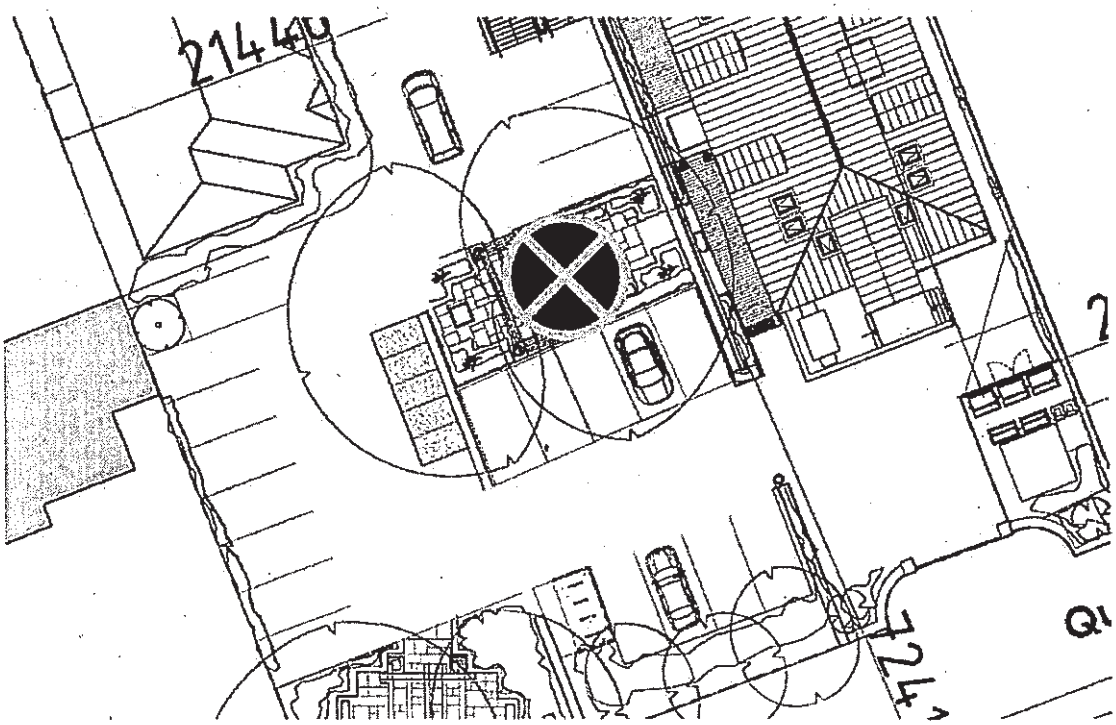
Please see below our assessment of the calculation. This is based on Table 3 in Noise Report.

External Dining Area Noise Predictions			
	Chester RMP Report – 50 persons	Assessment by A West – 50 persons	Assessment by A West – 100 persons
	LAeq.t	LAeq.t	LAeq.t
Raised speech noise level (1 person)	66	66	66
People talking	83	83	86
Distance attenuation	-32	-30	-30
Partial acoustic screening	-5	-0	-0
Predicted external free field	**46**	**53**	**56**
Existing ambient level	51	47# (Estimated)	47# (Estimated)
Correction for non-free field	-1? -2.5?*	-0	-0
Corrected ambient level	**50 to 48.5**	**47**	**47**
Exceedance of existing noise level	**-4 to -2.5**	**6**	**9**

*as the measurement was taken 3m away from the façade then it is not clear what factor should be used, however none appears to have been applied.

#these noise levels have been measured at the back wall of 26 Harlaw Road with an un-calibrated noise meter. We are in the process of acquiring a noise meter and will more accurately provide our own measurements for our house which should not have any significant difference to the hotel. We will provide the information when available.

However, when the methodology is applied to the previously approved outdoor seating area there is a significant problem. See the calculation below.



External Seating Area (marked on plan above) Noise Predictions			
	Chester RMP Report methodology – 25 persons	Assessment by A West – 25 persons	Assessment by A West – 50 persons
	LAeq.t	LAeq.t	LAeq.t
Raised speech noise level (1 person)	66	66	66
People talking	80	80	83
Distance attenuation (15m)	-23	-23	-23
Partial acoustic screening	-0	-0	-0
Predicted external free field	**57**	**57**	**60**
Existing ambient level	51	47# (Estimated)	47# (Estimated)
Correction for non-free field	-1? -2.5?*	-0	-0
Corrected ambient level	**50 to 48.5**	**47**	**47**
Exceedance of existing noise level	**7 to 8.5**	**10**	**13**

*as the measurement was taken 3m away from the façade then it is not clear what factor should be used, however none appears to have been applied.

#these noise levels have been measured at the back wall of 26 Harlaw Road with an un-calibrated noise meter. We are in the process of acquiring a noise meter and will more accurately provide our own measurements for our house which should not have any significant difference to the hotel. We will provide the information when available.

The effects of the two noise levels are cumulative – therefore the total noise level will increase by between 11.5 and 14.5 dB.

It can be clearly seen that the existing outdoor seating area is already generating too much noise on the above assessment. Last autumn we have already had experience of this noise from the outside seating area which is in direct line of sight of the garden at 26 Harlaw Road. The noise from the balcony would be in addition to this existing noise and would therefore further impact on the amenity of the area and disturb the residents, causing a change in their behaviour.

Summary and Conclusions

1. The conclusions of the noise report instructed by the Chester hotel are ridiculous
2. The methodology needs to be assessed for compliance with the PAN and TAN
3. A qualitative analysis needs to be part of the report. It does not appear to have been carried out.
4. Using the methodology in the report and applying it to the existing approved outdoor seating area leads to the conclusion that it should never have received planning permission and that decision needs to be challenged
5. The planning permission for the balcony should be refused.

P&SD Letters of Representation
Application Number: 140990
RECEIVED 05 FEB 2015
Nor | Sou ✓ | MAp
Case Officer Initials: MEA
Date Acknowledged 06/02/2015

PI

From: webmaster@aberdeencity.gov.uk
Sent: 13 August 2014 17:28
To: PI
Subject: Planning Comment for 140990

Comment for Planning Application 140990
Name : Ken Hutcheon
Address : 5 Harlaw Terrace
Aberdeen
AB15 4YU

Telephone : [redacted]
Email : [redacted]
type :
Comment : I wish to object strongly to the Plans for the Chester balcony for external dining.
This is the SECOND time Chester have tried to get away with RETROSPECTIVE Planning consent for structures which will obviously cause noisy discomfort to quiet residential houses in the surrounding area.
They are not the only company who adopt this tactic in the hope the application will slip through quietly without having to disclose all the negative aspects of their initial building plans. They have already got away with retrospective planning consent for an external Pergola which will cause noisy disruptions to neighbours. Surely this is enough annoyance to impose on (what was) a quiet residential area.
A dining balcony will be open to almost continual summer noisy activity, when neighbours want a quiet seat in the hoped for sun.
You may wish to be aware that we have already been subjected to the annoyance of noisy bagpipes on a quiet sunny afternoon and I can assure you that the noise did not last a short time, to my dismay. Also at 5 Harlaw Terrace I am a fair bit further away than Chester's poor neighbours nearby.

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PI

From: Watson Wendy (NHS GRAMPIAN) [redacted]
Sent: 13 August 2014 21:13
To: PI
Subject: Planning application 140990 Chester Hotel (retrospective)

Dear Sir/Madam,

Planning application 140990 Chester Hotel (retrospective)

I would like to register my objection to the outlined planning application which as you are aware has already been built and currently operational.

As a local resident my main concern is that the raised balcony area allows for noise pollution and can clearly affect our personal amenity; especially as we have young children. This is exacerbated as people are socialising and consuming alcohol. Noise travels at a height over a greater area and this is a residential area and overlooks bedrooms and family homes.

The dining area is very high and I assume compliments the new function suite below which has capacity for 300 guests. The outside area I believe matches the floor space of the current restaurant and with heaters etc. will have the potential to accommodate a significant number of patrons. Likewise the bar area is close to the external dining area and I assume alcohol will be served outside and perhaps not always with a meal.

There is no precedent for such a large outdoor elevated entertainment area around residential homes in Aberdeen. I would find it very difficult for any control over the potential noise. There will be no facility to close doors or the benefit of double glazed windows. I understand a similar balcony area was previously declined due to it being within a local residential area.

This does not appear to be an area for occasional use. There is nothing preventing the area being used all day, every day and throughout the year, with consequent unrelenting noise and disturbance even into the night and on work-days. To state that access is weather dependent is no limitation if table umbrellas and patio heaters are used. Once guests are outside there is little control over their behaviour. Consideration of this would be greatly appreciated.

As our local planning authority I hope you do consider the impact a building and it's function has on the local residents. We have had hotels nearby for many years but now the purpose and remit has changed from what was previously available due to the changes in the fabric and structure of the building. When previously agreed stipulations are in place we have no problems with the hotel but once again this in now an additional change. One occasion when the outside area was used, at ground level, we experienced significant disturbances forcing windows to be closed and sleep disruption.

These plans, as one can see, date over 17 months with many amendments and I am saddened this has been a retrospective application and corresponding lack of respect for the process.

Thank you in anticipation of your full consideration.
Dr W.A. Watson

****
****

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P140990 - MEA

PI

From: webmaster@aberdeencity.gov.uk
Sent: 12 August 2014 22:24
To: PI
Subject: Planning Comment for 140990

Comment for Planning Application 140990
Name : Mr Nicol Bradford
Address : 2 Harlaw Place
Aberdeen
AB15 4YW

Telephone : [redacted]
Email : [redacted]
type :
Comment : I wish to register a complaint regarding the planning application 140990 Chester Hotel (retrospective) due to the excessive, continuous and uncontrolled disturbance which will inevitably occur, as detailed below.

The proposed dining area is excessively elevated. The elevation is as high, and even higher, than neighbouring residential houses' upstairs accommodation. The elevation will amplify the noise disturbance as the sounds will carry even further, above walls, with no buffering, affecting more people and to a much greater extent. There is no precedent for such an outdoor elevated entertainment area around residential homes.

The doors to the external area will undoubtedly be left open, rendering any sound-proofing useless, and allowing the noise and music from the inner dining / bar area and function suite also to carry to the surrounding neighbourhood.

The proposed external area is very large compared with the original inside suite, and could clearly accommodate a large number of people (even if the overall number is unchanged, they do not have to be sitting). The external dining area extends across a significant proportion of the building, beyond the inner dining area limits, presenting a large gallery to the neighbourhood - it is not private or discreet. Again this only serves to increase disturbance.

The area is stated as 'dining', but this appears a rather loose term, and does not limit the activity or duration. It could refer to any time of day, any proportion of food to drink and any level of formality, and even once dining is complete the activity (hence disturbance) can continue. It is noted that there is a bar area next to the inside dining area.

This does not appear to be an area for occasional use. There is nothing preventing the area being used all day, every day and throughout the year, with consequent unrelenting noise and disturbance even into the night and on work-days. To state that access is weather dependent is no limitation if table umbrellas and patio heaters are used. Once guests are outside there is little control over their behaviour, including alcohol consumption, smoking and bad language, all within very close range of the residential neighbourhood.

Thank you in anticipation of your full consideration.

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PI

From: Mark Vorenkamp [redacted]
Sent: 13 August 2014 23:59
To: PI
Subject: Chester Hotel - Planning Application 140990

Subject: Chester Hotel - Planning Application 140990
Date: 13 August 2014 17:38:37 CDT

I wish to object to planning application 140990.

This retrospective application is for the entire remodelling of the roof of the Granite Suite from the original pitched roof structure into a flat roof which is now on course to cater for up to 50 people as an outdoor venue. An earlier planning application sought permission to raise the internal roof height of the ceiling inside the Granite Suite. This resulted not only in increased headroom indoors but the construction of a completely different external roof structure. This major alteration has been completed and has already been opened to the public on various occasions despite neither Planning or Licensing approval having been obtained. My wife visited the Chester on the afternoon on Sunday 27th July and was invited to join other guests outside on the newly completed area and have "a glass of wine in the sunshine".

The opportunity for a communal approach between Planning and Licensing which was missed on the earlier application now should be adopted. The Licensing Board is already aware of the problems which have been created from the last "back to front " order of applications . I trust that, in this case, this application will be dealt with appropriately and consideration for the amenity of residents given due consideration.
The Chester hotel currently operates an internal bar, dining room, and a 300 plus function suite. Sited in the middle of a residential area, the Chester Hotel is not in the appropriate location in which to seek permission to also run a 50 head outside licensed dining / drinking area. This hotel is not situated in the city centre, neither is it a country hotel - it is sited in a residential location. The historical existence of Simpson's hotel on this site does not justify the complete change in character which has been allowed to go ahead here. No member of either the Planning Department, Planning Committee or Licensing Board could deny the fact that this trend towards outdoor wining and dining, all be it very fashionable, will have a severely deleterious effect on the lives of surrounding residents who also have history in their favour.

The location of the latest outdoor dining / drinking area is on a level with residents' upstairs rooms, many of them bedrooms. The noise disturbance created by up to 50 people drinking and or dining "Al Fresco" under outdoor heaters needs no further clarification I hope.

The Chester's repeated use of retrospective planning applications makes a mockery of the whole Planning Application system. Why should any normal citizen apply for planning permission and put themselves through the inconvenience of waiting for approval to be granted? Much better to get on with the work at a time when tour tradesmen are available and apply for retrospective planning permission later at your own convenience.

Yours sincerely
Mark Vorenkamp
24 Harlaw Road

ABI 644

PI

From:	NICOL BRADFORD [redacted]
Sent:	05 February 2015 00:09
To:	Matthew Easton; PI
Subject:	Objection to Planning Application 140990 (Chester Hotel)

Objection to Planning Application 140990 (Chester Hotel, External Balcony retrospective)

I wish to object to the above planning application and comment on the noise assessment.

With respect to the noise report there are a number of shortcomings in the work presented and assumptions made, but also the assessment is incomplete in the factors which must be considered. The assessment must consider the highly sensitive nature of the residential area where families (including children) are entitled to enjoy the peaceful surroundings, both within houses and in gardens. The character or nature of the sound is known to be important – voices, music and human activity are far more intrusive than background noise from cars, etc, particularly if it is impulsive. The frequency of the noise will also affect how it is carried (e.g. low bass notes) and how it is perceived. The noise from the Chester balcony will contain all these elements – it is not just a dining area but a work place for staff who will be clearing tables, moving chairs and opening doors. The balcony elevation and the surrounding buildings will all serve to increase, reflect and channel the propagating noise. Noise will come from a variety of sources, including internal music when doors are open (which will of course be a regular occurrence), voices will be raised competitively, as in any such venue with the influence of alcohol. There is no guarantee of future use – guests may be standing (e.g. for cocktails or drinks parties) which will again increase noise and will allow far more people on the balcony. The base-line noise measurement (around 7pm) was not representative of the most sensitive time period (around 10pm), which is particularly important with respect to the detrimental effects on the amenity of a residential area with children (i.e. sleep and relaxation).

In addition to the noise, the use of the elevated balcony (in a residential area for families and children) will result in public nuisance due to the general disturbance created, and the reduction in privacy, from the activity and presence of staff and guests, including potential use by smokers. In reality, staff will not be able to control guests, and there will be no control or checks on the future use of the balcony or conduct of the hotel. In the event of excessive noise or disturbance there is no realistic practical recourse for the neighbouring residents, as police will not have the time for such complaints and monitoring of the noise is very difficult to achieve. Currently, without use of the balcony, there are noise problems which are not satisfactorily acted upon or mitigated by the hotel.

Thank you for considering this objection.

Regards, Nicol.

Mr N. Bradford,

2 Harlaw Place, Aberdeen, AB15 4YW

[redacted]

34 HARLAW ROAD

ABERDEEN

AB15 4YY

29.01.15

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

CHESTER HOTEL-Application Number 140990

Dear Sir/Madam

I wish to formally lodge an objection to this application.

I have not previously objected to the applications made by the Chester Hotel believing that commercial enterprise should not be stifled. However, I am unsure that that was the correct decision since the increase in the noise coming from the premises has been substantially more than expected and I was lead to believe. During the summer, especially at weekends, I found that it was no longer relaxing to sit in my garden because of the noise coming from raised voices in the hotel grounds especially later in the evening and early night. This noise is very intrusive. The noise is coming from the external licensed areas of the hotel. To allow an increase in the numbers of people allowed to use the raised area next to the restaurant in the hotel would dramatically increase that noise level. Bear in mind, that since the area is on top of the premises, there are no natural barriers to the sound travelling to all of the surrounding Residential Area. These raised noise levels are continuing well into the early hours of the morning especially on a Friday, Saturday and Sunday. As recently as Sunday 25.01.15 late at night 12.30am I had to contact the Hotel regarding the noise coming from Hotel property. I was assured that the matter would be dealt with. There was no reduction in the noise and it was after 1am before the noise subsided. I work in a demanding, unforgiving work environment as a commercial pilot often with very early starts. This noise pollution is disrupting my sleep pattern. This could have serious implications

I would therefore request that this application is refused.

Yours sincerely

Michael Wood

PI

From: Jennifer West [redacted]
Sent: 15 August 2014 10:44
To: PI
Cc: Pollution Control
Subject: Fwd: Planing application P140990 Chester Hotel

Here is the email I tried to send yesterday. Unfortunately I made a mistake in entering your email address but the email was correctly copied to poll@aberdeecity.gov.uk. Apologies for any inconvenience.

Jennifer West

Begin forwarded message:

From: Jennifer West [redacted]
Date: 14 August 2014 21:39:16 BST
To: "Pl@aberdeencity.gov.uk" <Pl@aberdeencity.gov.uk>
Cc: "poll@aberdeencity.gov.uk" <poll@aberdeencity.gov.uk>
Subject: Re: Planing application P140990 Chester Hotel

Please note my address is 26 Harlaw Road, Aberdeen AB154 YY.

Jennifer West

On 14 Aug 2014, at 21:37, Jennifer West [redacted] wrote:

Dear Sirs

I wish to object to the planning application for the following reasons;

-it will further reduce the amenity of the residential area around the Chester Hotel by providing an outdoor area that will result in more noise being made by the hotel

-it will result in The World Health Organisation's guidelines adopted by EU directives being breached on a continuous basis as a result of the licence that is already in place

-another and second material consideration is that the terrace area will overlook the residences and their gardens

Jennifer West

PI

From: Euan West [redacted]
Sent: 14 August 2014 18:10
To: PI
Subject: Planning Application 140990

Dear Sirs,

I would like to object to planning application 140990. The proposed development would lead to excessive noise in the surrounding residential area.

Best regards,

Euan West

26 Harlaw Road
Aberdeen
AB15 4YY

PI

From: ALAN WEST [redacted]
Sent: 14 August 2014 05:54
To: PI
Cc: Jennifer Stewart
Subject: Planning Application P140990

Dear Sirs
I wish to object to the planning application for the following reasons:

- It will further reduce the amenity of the residential area around the Chester Hotel by providing an outdoor facility that will result in more noise being made by the Hotel
- It is a further development on an already over developed site
- It is a retrospective planning application and this repeated practice should be discouraged as a means of developing the site by stealth

Best regards

Alan West
26 Harlaw road
Aberdeen
AB15 4YY

PI

From: ALAN WEST [redacted]
Sent: 14 August 2014 21:22
To: PI
Cc: Jennifer Stewart; Pollution Control
Subject: Re: Planning Application P140990

Dear Sirs

Further to my mail below I would like to advise that I believe that the noise that will emit from the new terrace area is a 'material consideration'. If planning permission is granted then it is effectively encouraging the use of the outdoor area and this will result in noise. If the area is declined then it will not be used and there will be no noise from the area.

The licence at present has allowances for drinking up to 01:00 in the morning and the use of this area will result in people being outdoors creating noise potentially every night of the week with the din of normal conversation. The area is understood to be heated and its presence and the use of heaters will result in noise until the early hours of the morning on a regular basis.

The noise has the effect of exposing the residents to the risk of elevated blood pressure and heart attacks.

There is World Health Organisation advice that states the following

The World Health Organization (WHO) recently published the Night Noise Guidelines for Europe. The new Guidelines present new evidence of the health damage of night time noise exposure and recommend threshold values that, if breached at night, would threaten health. An annual average night exposure not exceeding **40 decibel (dB)** outdoor has been recommended in the Guidelines.
Sleepers that are exposed to night noise levels above 40dB on average throughout the year, corresponding to the sound in a quiet street, can suffer mild health effects like sleep disturbance and insomnia. Above 55dB long term average exposure, similar to the din of a normal conversation, noise can get to trigger elevated blood pressure and heart attacks.

1

One in five Europeans is regularly exposed to sound exceeding 55dB at night. The new WHO Guidelines provide evidence-based reference which can be easily adopted as limit values for the member states, allowing them to better target anti-noise measures.
http://ec.europa.eu/environment/noise/health_effects.htm

It is very likely that a grant of planning permission in terms of the present application on top of the already granted planning permission for the outdoor seating area in the car park at the rear of the hotel and the late licence will combine to generate noise above the acceptable levels for peoples' health. The Council need to consider carefully the impact of the approval of this application when considering the effect of the noise on residents' health.

The fact that there is a licence in place does not mean that the Planning Authority have to grant planning applications that will effectively increase the level of noise that will be generated and impact the health of local residents. In fact the Council should now be reconsidering the permission already granted for the outdoor seating areas which may already be affecting the health of residents due to the noise that is occurring as a result of a facility for patrons to be in the outdoor areas.

I have measured sound levels exceeding 60 dB inside my house with the windows closed when all else is silent but noise coming from the Chester Hotel. Normally we have the windows open at night so already we are seeing noise levels that exceed the World Health Organisation's guidelines. The Council must take this into account when considering the application for a further facility for up to 50 people to be outdoors in a heated area.

Best regards

Alan West
26 Harlaw Road
Aberdeen AB15 4YY

From: ALAN WEST [redacted]
To: "PI@aberdeencity.gov.uk" <PI@aberdeencity.gov.uk>
Cc: [redacted] <jastewart@aberdeencity.gov.uk>
Sent: Thursday, 14 August 2014, 5:54
Subject: Planning Application P140990

Dear Sirs
I wish to object to the planning application for the following reasons:

- It will further reduce the amenity of the residential area around the Chester Hotel by providing an outdoor facility that will result in more noise being made by the Hotel
- It is a further development on an already over developed site
- It is a retrospective planning application and this repeated practice should be discouraged as a means of developing the site by stealth

Best regards

Alan West
26 Harlaw road
Aberdeen
AB15 4YY

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