

# Public Document Pack



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 10 June 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, 18 JUNE 2015 at 10.00 am.**

RODERICK MACBEATH  
SENIOR DEMOCRATIC SERVICES MANAGER

### **BUSINESS**

**MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION, INCLUDING THOSE NOT IN THE REPORT PACK, ARE AVAILABLE TO VIEW IN THE MEMBERS' LIBRARY**

#### 1 **MINUTES OF PREVIOUS MEETINGS**

- 1.1 **Minute of Meeting of the Planning Development Management Committee of 28 May 2015 - for approval** (Pages 1 - 10)

## PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS

### 2 WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 2.1 Plot 10, Prime Four Business Park, Kingswells- Application for Approval of matters specified in Conditions Plot 10 Phase 2/3 - 150113 (Pages 11 - 24)

Planning Reference – 150113

The documents associated with this application can be found at:-

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150113>

Case Officer – Tommy Hart

- 2.2 Makro, Site 1, Wellington Circle, Wellington Road Industrial Estate - Proposed Alterations to Existing Building (including re-cladding) and part change of use of 5750 SQM from Wholesale Retail Warehouse (Class 6) to Supermarket (Class 1 ) - 140924 (Pages 25 - 46)

Planning Reference – 140924

The documents associated with this application can be found at:-

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=140924>

Case Officer – Paul Williamson

### 3 WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 3.1 Loirston, Nigg - Proposed Retail Development comprising a Class 1 Supermarket of 5800SQM of floorspace with associated car parking, access and landscaping - 141754 (Pages 47 - 74)

Planning Reference – 141754

The documents associated with this application can be found at:-

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=141754>

Case Officer – Paul Williamson

- 3.2 66 Tillydrone Avenue, Tillydrone - Remove single storey extension, erect single and two storey extension to side and rear and change of use from dwelling (Class 1) to HMO (Sui Generis) - 150402 (Pages 75 - 102)

Planning Reference – 150402

The documents associated with this application can be found at:-

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150402>

Case Officer – Dineke Brasier

#### 4 OTHER REPORTS

- 4.1 Confirmation of Tree Preservation Orders (Pages 103 - 114)

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

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

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## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 28 May 2015. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- 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.

**The agenda and reports associated with this minute can be found at:-**  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=3469&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.**

### AGENDA

1. The Convener advised that item 2.1 – Aruba, 5 Netherby Road, Cults (150101) had been withdrawn from the agenda as the Roads Projects Team was now satisfied with the safety of the access and had withdrawn their application. The Convener further advised that Members would receive an update on the current situation with the Broadford Works site due to the recent unlawful entry and fire-raising incidents.

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 23 APRIL 2015

2. The Committee had before it the minute of its previous meeting of 23 April 2015.

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

to approve the minute as a correct record.

### LANGDYKES ROAD, COVE - 141552

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

That the Committee approve the application for a hydrogen fuelling station with on site hydrogen generation and fuel cells systems subject to the following conditions:-

(1) that all planting, seeding and turfing comprised in the approved scheme of landscaping (Drawing Ref P/005) 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

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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; (2) that the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Plan No 141552-04 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; and (3) that no development shall take place unless a scheme detailing all external finishing materials to the canopy, firewall and hydrogen plant building which form part of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

**INFORMATIVES**

(1) Roads Construction consent will be required under section 21 of the Roads (Scotland) Act. Early contact with Colin Burnett, Senior Engineer is advised to discuss this procedure.

Councillor Thomson moved as a procedural motion, seconded by Councillor Finlayson that the Committee defer consideration of the report until the consideration of other sites had taken place.

On a division, there voted:- for the procedural motion (4) - the Vice Convener; and Councillors Boulton, Jaffrey and Thomson; for the amendment (11) - the Convener; and Councillors Corall, Cormie, Crockett, Dickson, Greig, Lawrence, Malik, Jean Morrison MBE, Jennifer Stewart and Sandy Stuart.

There followed further discussion of the application, and at this juncture, the Vice Convener moved as a procedural motion, seconded by Councillor Boulton, that the Committee undertake a site visit.

On a division, there voted:- for the procedural motion (6) - the Vice Convener; and Councillors Boulton, Jaffrey, Lawrence, Jean Morrison MBE and Thomson; for the amendment - (9) the Convener; and Councillors Corall, Cormie, Crockett, Dickson, Greig, Malik, Jennifer Stewart and Sandy Stuart

The Committee proceeded to determine the application.

The Convener moved, seconded by Councillor Corall:-

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

The Vice Convener moved as an amendment, seconded by Councillor Boulton:-

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That the application be refused on the grounds that site OP72 was designated for residential use; as it contravened policies H1, R8 and D1; and due to road safety concerns and general safety concerns over the proximity of the site to the residential area.

On a division, there voted:- for the motion (10) - the Convener; and Councillors Corall, Cormie, Crockett, Dickson, Greig, Lawrence, Malik, Jean Morrison MBE and Sandy Stuart; for the amendment (5) - the Vice Convener; and Councillors Boulton, Jaffrey, Jennifer Stewart and Thomson.

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

to adopt the motion.

### **51 ROSEBERY STREET - 150191**

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

That the Committee grant unconditional approval for the application to straighten the existing hipped roof on its South side; to form a new single storey extension to the side/rear; to form a new box dormer to the rear; and to extend an existing dormer on the front elevation of the property.

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

to approve the recommendations in the report.

### **LOIRSTON, NIGG - 130892**

5. With reference to article 2 of the minute of its meeting of 16 January 2014, the Committee had before it a report by the Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve an additional condition in respect of any consent issued for the application for planning in principle for the proposed residential development of up to 1067 houses; 8 hectares of employment land; a neighbourhood centre; community facilities; a primary school; landscaping; open space and recreational facilities as approved by Committee in January 2014, namely:-

No development pursuant to this grant of Planning Permission in Principle shall be undertaken unless a scheme for the provision of a vehicular connection from the road network within the application site to Redmoss Road has been submitted to and approved by the planning authority as part of an application for Approval of Matters Specified in Conditions (AMSC). The Scheme shall include:

- (a) a vehicular connection and pedestrian footpath to an adoptable standard from the road network through the application site to Redmoss Road;

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- (b) phasing and other arrangements for provision of the vehicular connection and pedestrian footpath to the relevant legal boundaries of the application site;
- (c) and will include, that no works beyond completion of the 400th unit will be undertaken unless the vehicular connection and pedestrian footpath are taken to the relevant legal boundaries of the application site.

Thereafter, no development shall occur otherwise than in full accordance with the agreed scheme - in order to ensure the delivery of key road infrastructure and the full OP77 allocation of the adopted Aberdeen Local Development Plan.

The Convener moved, seconded by Councillor Greig:-

That the addition of the above condition be approved in accordance with the recommendation contained within the report.

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

That the addition of the condition be approved, but to amend part (c) as follows:- "and will include, that no works beyond completion of the 300<sup>th</sup> unit will be undertaken unless the vehicular connection and pedestrian footpath are taken to the relevant legal boundaries of the application site", to avoid inconsistency with condition 15 in the report.

On a division, there voted:- for the motion (12) - the Convener; and Councillors, Corall, Cormie, Crockett, Dickson, Greig, Lawrence, Jaffrey, Malik, Jean Morrison MBE, Jennifer Stewart and Sandy Stuart; for the amendment (3) - the Vice Convener; and Councillors Boulton and Thomson

**The Committee resolved:-**

to adopt the motion.

**LOIRSTON - GYPSY TRAVELLER SITE - 141441**

**6.** 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 formation of a gypsy traveller transit site comprising six pitches and supporting facilities, subject to a Section 75 agreement requiring transfer of the site ownership to Aberdeen City Council, and subject to the following conditions:-

- (1) Prior to the commencement of any works on site, a detailed scheme for surface water drainage shall be submitted to and agreed in writing by the Planning Authority. Thereafter, all work shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the planning authority - to ensure adequate protection of the water environment from surface water runoff;
- (2) that no part of the development hereby approved shall be



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undertaken 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 development. No part of the site shall be brought into use unless the said scheme has been implemented in its entirety - in order to ensure that the site is appropriately enclosed and makes use of existing topographical features, such as dry stone dykes, where possible; (3) that no part of the site shall be occupied for the approved use unless details of external lighting have been submitted to, and approved in writing by, the planning authority. Thereafter, the site shall not be brought into use unless the details as agreed have been implemented - in order to ensure that the site is appropriately lit to ensure safe movement but minimise light pollution, as required by the Council's 'Gypsy and Traveller Sites' supplementary guidance; (4) that no development pursuant to this grant of planning permission shall be undertaken unless proposals for ongoing site management have been submitted to, and approved in writing by, the planning authority. Any such proposals should include the following; (a) details of any on-site management, including proposals for any office/security accommodation and staffing thereof, both when the site is occupied and when not in active use; (b) arrangements for sewage disposal and on-site toilet facilities; and (c) details of a local first point of contact ('site manager'), thereafter, all work shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the planning authority - in order to ensure that the development is supported by appropriate long-term management; (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; and (7) that no unit within the development hereby granted planning permission shall be occupied unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority - in order to preserve the amenity of the neighbourhood and in the interests of public health.

The Convener moved, seconded by Councillor Dickson:-

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

The Vice Convener moved, seconded by Councillor Boulton:-

That the application be refused on the grounds of the close proximity of the site to schools and the residential area; concerns in relation to traffic levels, access and safety; and the lack of comments from the Education Service.

On a division, there voted:- for the motion (10) - the Convener; and Councillors Corall, Cormie, Crockett, Dickson, Lawrence, Jaffrey, Malik, Jean Morrison MBE, and Sandy Stuart; for the amendment (5) - the Vice Convener; and Councillors Boulton, Greig, Jennifer Stewart and Thomson

**The Committee resolved:-**

to adopt the motion.

**NETHER ANGUSTON - 150329**

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

That the Committee **refuse** the application for the part conversion and part extension of farm steading to form residential dwelling houses on the following grounds:-

(1) Policy NE2 (Green Belt) of the Aberdeen Local Development Plan (ALDP) states that new development in the Green Belt must meet the specific criteria set out in the policy, being that there is a presumption against most kinds of development with only limited exceptions. No information has been provided to justify the inclusion of two new build houses in the Green Belt. The proposal therefore does not comply with Policy NE2 (Green Belt) of the ALDP. If permitted, this application would create a precedent for more, similar developments to the further detriment of the objectives of the Green Belt Policy and the character and amenity of the Green Belt, when sufficient land has been identified for housing through the development plan;

(2) That although the principle of converting and extending a steading to provide residential accommodation is supported, in this particular instance the proposed development would be contrary to Policy NE2 (Green Belt) of the Aberdeen Local Development Plan and the Council's Supplementary Guidance The Conversion of Steadings and other Non-residential Vernacular Buildings in the Countryside, in that it would result in inappropriate extensions and alterations that would, by way of scale and form, individually and collectively dominate and disguise the original steading and its character, to the detriment of the visual amenity and character of the green belt and landscape setting of the City; and

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(3) That the garden spaces around the buildings proposed within the application site are such that they have not been carefully considered to respect their rural setting. The curtilage that is suggested in the plans would not be appropriate for the type and scale of buildings, specifically Unit Four as it would be unusually large. Therefore the plans do not comply with Policy NE2 (Green Belt) of the Aberdeen Local Development Plan and the Council's Supplementary Guidance The Conversion of Steadings and other Non-residential Vernacular Buildings in the Countryside.

The Convener moved, seconded by Councillor Crockett:-

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

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

That the Committee approve the application, subject to appropriate conditions, on the following grounds:-

- (i) that the bringing of old redundant buildings to new would improve the overall amenity of the area; and
- (ii) that by complying with the Council's Low and Zero Carbon Buildings guidance it was suitable to the green belt area.

On a division, there voted:- for the motion (6) - the Convener; and Councillors Cormie, Crockett, Greig, Jaffrey and Malik; for the amendment (9) - the Vice Convener; and Councillors Boulton, Corall, Dickson, Lawrence, Jean Morrison MBE, Jennifer Stewart, Sandy Stuart and Thomson.

Subsequently the Head of Planning and Sustainable Development advised that the following conditions should be adhered to:-

- (1) that the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'; (2) that none of the units hereby granted planning permission shall 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; (3) that no development shall take place unless a scheme detailing all external finishing materials to the roof, walls, windows and doors 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 notwithstanding the provisions of Article 3 and Schedule 1, Parts 1, 2 and 3 of

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the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) no extensions, alterations or improvements which materially affect the external appearance of the dwelling house, nor any means of enclosure shall be erected or carried out either on, or in the curtilage, of the dwelling houses hereby approved without a further grant of planning permission from the planning authority - in the interests of visual amenity; (5) that no development shall commence on site unless a plan has been submitted for the further written approval by the Planning Authority relative to the position of any rainwater goods, flues, electricity boxes and gas meters - in the interests of visual aesthetics of the property; (6) 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 residential dwellings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to ensure each plot has a suitable amount of garden space and the agricultural land to the west of the building within the application site remains as agricultural land and does not form part of a residential feu; (7) that no development shall commence on site unless a plan has been submitted for the further written approval by the Planning Authority, in consultation with the Roads Authority, which shows adequate turning facilities within the application site for cars and emergency vehicles. Thereafter, no residential unit shall be occupied unless the turning areas have been implemented in full accordance with the approved details - in the interests of road safety; and (8) that no development shall commence on site unless a plan has been submitted for the further written approval by the Planning Authority, in consultation with the Roads Authority, which shows how the access track leading to the application site will be upgraded. Thereafter, no residential unit shall be occupied unless the access track upgrades have been implemented in full accordance with the approved details - in the interests of road safety.

**The Committee resolved:-**

to approve the application, subject to the conditions specified.

**PLANNING ENFORCEMENT ACTIVITY OCTOBER 2014 - MARCH 2015 - CHI/15/189**

8. The Committee had before it a report by the Director of Communities, Housing and Infrastructure which informed members of the planning enforcement work that had been undertaken by the service from 1 October 2014 to 31 March 2015.

**The Committee resolved:-**

(i) to note the contents of the report; and

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- (ii) to thank the planning inspectors Garry Nibloe and Gavin Bruce for all their hard work.

**MATTER OF URGENCY**

The Convener intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973 that the following item be considered as a matter of urgency to enable enforcement action to be taken if required.

**PLANNING ENFORCEMENT - ALLEGED BREACH OF PLANNING CONTROL AT CAIRDHILLOCK FARM, KINGSWELLS**

9. The Committee had before it a report by the Director of Communities, Housing and Infrastructure which advised Members of a breach of planning control and sought authorisation from the Committee to commence enforcement action and redress in the Courts as deemed appropriate.

**The report recommended:-**

that Committee –

- (a) authorise the serving of an enforcement notice upon McIntosh Plant Hire and the owner of the land requiring the submission of a Proposal of Application Notice in respect of the area of land as shown on the Stop Notice to rectify the breach of planning control. The breach should be remedied by the removal of the imported materials, putting the land back to its original levels / profile and thereafter put to agricultural use; and
- (b) in the event that a Proposal of Application Notice was not submitted within the prescribed time, to request authorisation from the Committee to seek enforcement action or redress in the courts.

**The Committee resolved:-**

to agree the recommendations contained in the report.

**The following item of business was considered with the press and public excluded due to the nature of the legal advice given to Committee at the meeting.**

**MATTER OF URGENCY**

The Convener intimated that he had directed in terms of Section 50(B)(4)(b) of the Local Government (Scotland) Act 1973 that the following item be considered as a matter of urgency due to public

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**safety concerns as a result of the recent incidents at the Broadford Works site.**

**BROADFORD WORKS**

**10.** The Committee had before it a report by the Head of Planning and Sustainable Development which outlined the current situation with Broadford Works.

**The report recommended:-**

that Committee delegate authority to the Head of Planning and Sustainable Development in conjunction with the Convener of the Planning Development Management Committee and the Convener of the Finance, Policy and Resources Committee to serve notices under the Building (Scotland) Act 2003 and the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in respect of urgent works or improvements necessary to prevent access to the Broadford Works site, and to ensure improved security and condition of the buildings.

**The Committee resolved:-**

- (i) to approve the recommendation;
- (ii) to instruct officers to issue a press statement detailing the Council's concern about health and safety on the site; the deterioration of the buildings; and expressing disappointment that the planning consent had not yet been implemented; and
- (iii) to request that officers prepare a more detailed options report for the next meeting of Council, to include any updates from the inspection of the site.

**- RAMSAY MILNE, Convener**

# Agenda Item 2.1

## Planning Development Management Committee

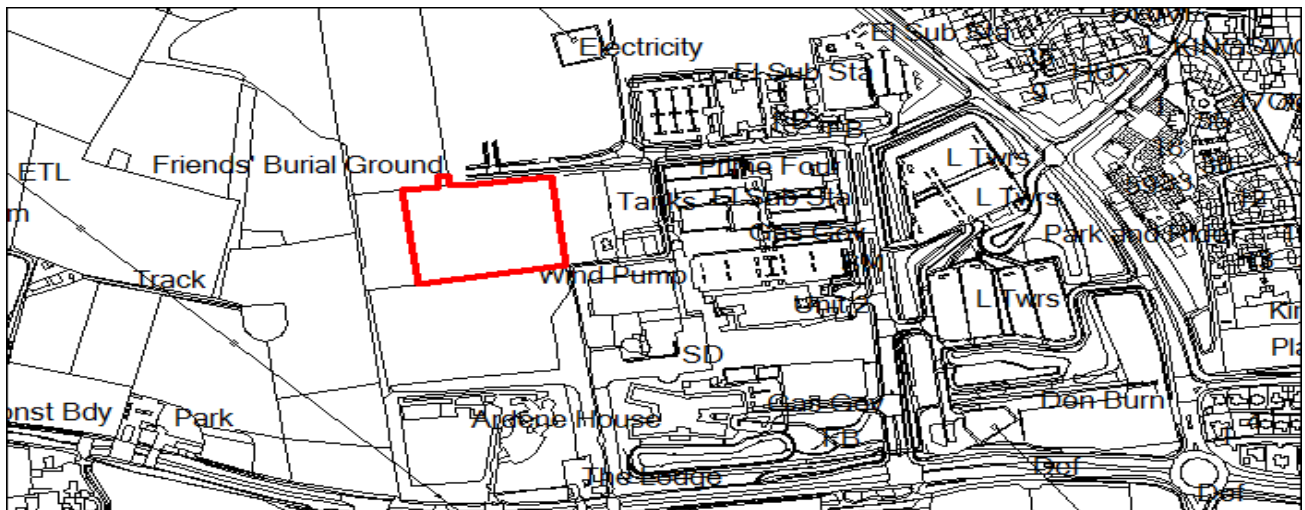
PLOT 10, PRIME FOUR BUSINESS PARK,  
KINGSWELLS

APPLICATION FOR APPROVAL OF MATTERS SPECIFIED IN CONDITIONS - PLOT 10, PHASE 2/3 IN RELATION TO CONDITION 3 PART I) ACCESS, II) SITING AND DESIGN AND LOCATION OF HARD SURFACES, III) DESIGN AND EXTERNAL APPEARANCE OF THE BUILDINGS, IV) WASTE ARRANGEMENTS, V) PLOT BOUNDARY TREATMENTS, VI) MOTOR VEHICLE AND CYCLE PARKING, VII) DETAILS OF LOW AND ZERO CARBON EQUIPMENT, VIII) PLOT LANDSCAPING; 15- PLOT SPECIFIC LANDSCAPING TREATMENT PERMISSION IN PRINCIPLE P120649

For: Prime Four Ltd., LLOYDS REGISTER EMEA

Application Type : Approval of Conditions for Planning Permission in Principle  
Application Ref. : P150113  
Application Date: 26/01/2015  
Officer: Tommy Hart  
Ward : Kingswells/Sheddocksley/Summerhill (L Ironside/S Delaney/D Cameron)

Advert : Can't notify neighbour(s)  
Advertised on: 11/02/2015  
Committee Date: 18/06/2015  
Community Council : Comments



**RECOMMENDATION: Approve Conditionally**

## **DESCRIPTION**

The application site covers an area of approximately 1.68 acres and lies within Phases 2 & 3 of the Prime Four Business Park, which extends to approximately 20 hectares some four miles west of Aberdeen city centre and two miles east of Westhill. The settlement of Kingswells lies to the east of Prime Four, on the opposite side of the C89 Kingswells Bypass.

Phases 2 and 3 of Prime Four were formally rolling agricultural grazing land. The Prime Four Business Park is generally rectangular in shape and broadly bounded as follows: to the north by greenfield land beyond which is the Kingswells Consumption Dyke, a Scheduled Ancient Monument and Category B Listed Building; to the east by the C89 Kingswells Bypass, with Kingswells village beyond; to the south, beyond Phases 1 and 2 and existing properties / businesses is the A944 dual carriageway with agricultural land beyond; and, to the west by the West Hatton Woods (an Ancient and Semi-Natural Woodland) with agricultural land beyond.

Phase 1 of the business park is fully occupied, whilst within Phase 2, plots are at varying stages of construction and occupation.

## **RELEVANT HISTORY**

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

Planning Permission in Principle (PPiP) (ref: 120649) for Phases 2 & 3 was granted under delegated powers in November 2012, subject to conditions and a legal agreement.

Approval of Matters Specified in Conditions (MSC) (ref: 121756), relating to internal road layouts (Phase 2) was granted under delegated powers in April 2013, subject to conditions.

A Section 42 application (ref: 150642) seeks variation to the wording of condition 5 of PPiP ref 120649 to allow monetary payment to be made in lieu of implementing a scheme of road mitigation measures.

## **PROPOSAL**

This application seek permission to purify conditions which were attached to Planning Permission in Principle 120649, as they relate to 'Plot 10', namely: Condition 3, parts: I-access, II-siting and design of hard surfaces, III-design and external appearance of the buildings, IV- waste arrangements, V-plot boundary treatment, VI-motor vehicle and cycle parking, VII-details of any low and zero carbon equipment, VIII-landscape; and in relation to condition 15 - plot specific landscaping treatment.



The office building would be on a split level – 3 and 4 storeys – due to the topography of the site. It would be predominantly glazed with sections of granite and grey coloured cladding.

There is also a 3-storey decked car park proposed to the east of the office which would be finished externally with timber cladding to the north elevation and small areas on other elevations, with the south elevation being predominantly unclad.

Surface car parking is to be provided in the north east corner of the site. There is an emergency access proposed to run down the western edge of the site to allow access to the southern side of the site.

The site would be delineated with a new stone dyke to the north, whilst on the other elevations it would be a hedge and post & wire fence.

The proposal is considered in more detail in the evaluation below.

### **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=150113>

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

Statement of conformity with Phase 2 and 3 Masterplan – Plot 10;  
McAlpine Management System Project Environmental Plan;  
Transport Statement – Plot 10 (January 2015);  
Bird Management Plan;  
Planning Sustainability Statement – Plot 10;  
Drainage Assessment – Plot 10 (January 2015); and  
Various illustrative views of plot from outwith the application site.

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

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

### **CONSULTATIONS**

**Roads Development Management** – note that the development is integrated into the overall Travel Plan for Prime Four. Further, that the maximum level of car parking (377) will not be exceeded and there is a satisfactory level of disabled, cycle and motorcycle parking proposed. Conditions are requested relative to the travel plan and car parking layout but this is not considered necessary or

appropriate by the Planning Authority given that the same approach has been taken throughout the rest of the Prime Four development. Lastly, the development will require to make a contribution to the Strategic Transport Fund which would be dealt with through the over-arching s75 legal agreement for Prime Four based on occupation of the site.

**Environmental Health** – no observations

**Communities, Housing and Infrastructure (Flooding)** - no observations

**Community Council** – have concerns about the visual impact that a 4-storey plus plant room building will have on a hilltop, and the lack of plans showing how the development would ‘fit in’ with the surrounding development and wider area.

## **REPRESENTATIONS**

No letters of representation/objection/support have been received.

## **PLANNING POLICY**

### **Aberdeen Local Development Plan (ALDP) Policy LR1 - Land Release Policy**

The principle of development on Greenfield allocations will be assessed against this land release policy in relation to the phases.

### **Policy T2 Managing the Transport Impact of Development**

New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Guidance. 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 to its context and make a positive contribution to its setting.

### **Policy D2 Design and Amenity**

(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.

### **Policy D3 Sustainable and Active Travel**

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

### **Policy D6 Landscape**

Development will not be acceptable unless it avoids:

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

### **Policy R6 – Waste Management Requirement for New Development**

Highlights the requirement for providing sufficient space on-site relative to residual waste and recycling facilities. Further details are set out in the SG on Waste Management.

### **Policy 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 the 2007 building standards. Further details are available in the SG.

### **Supplementary Guidance**

A Development Framework establishing the principles for developing the overall business park and Masterplan for Phase 1 as well as a Masterplan for Phases 2 and 3 were adopted as Supplementary Guidance in January 2013 and these are relevant material considerations.

The following Supplementary Guidance are also material considerations; Transport & Accessibility, Low and Zero Carbon Buildings, Landscape Strategy Part 2 – Landscape Guidelines and Waste Management.

## **Proposed Aberdeen Local Development Plan**

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

- Policy LR1 – Land Release Policy
- Policy D1 – Quality Placemaking by Design
- Policy D2 – Landscape
- Policy T2 – Managing the Transport Impact of Development
- Policy T3 – Sustainable and Active Travel
- Policy R6 – Waste Management Requirement for New Development
- Policy R7 – Low and Zero Buildings and Water Efficiency

## **EVALUATION**

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

### **Principle of Development**

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

### **Condition 3, parts:**

#### **I - access, II - siting and design of hard surfaces**

The site would be accessed by vehicles and pedestrians along the western leg of the internal road which leads from the C89 and also the main boulevard which links onto the A944. The proposed car park and turning area is the single biggest area of hardstanding within the application site. There is conflict with Policy D2 (4) in respect to the amount of space that the car park and access road occupy (being more than 50% of the site) however in the context of the business park this is not considered to cause any undue concerns. The roads would be constructed of tarmacadam, whilst parking spaces would be porous pavements which is considered acceptable in the context of the business park and thus conforms with Policy D1.

A Transport Statement has been submitted to establish the impact of this proposal in the context of the overarching Phase 1 Transport Assessment. This

proposal represents 10,790m<sup>2</sup> GFA of Class 4 (Office) use. In terms of capacity within the Prime Four site, condition 5 of the PPiP states that: *“upto 60,409m<sup>2</sup> gross floor area (GFA) of class 4 use can be accommodated in Phases 2 and 3 unless a further Transport Assessment has been submitted to, and approved in writing by, the planning authority detailing the transport impact of any further development, and identifying any mitigation measures required to accommodate such development. No additional development shall be occupied unless the mitigation measures identified as being necessary to accommodate that development have been implemented and are fully operational”*. In this regard a Transport Assessment has recently been approved by Roads officers to allow up to 91,769m<sup>2</sup> GFA of Class 4 use (or equivalent) within Prime Four, which means that in terms of condition 5 of the PPiP, there is no breach in the thresholds which would see a restriction on construction with regards to this site. However, there is a restriction on occupation and this was considered via a s42 application (ref: 150642) which has been approved under delegated powers. In that respect there is a condition suggested to ensure that prior to occupation of this building that the financial contributions agreed in the updated TA is required to be paid. Notwithstanding, the development would fall under the over-arching Travel Plan for Prime Four and as such is acceptable in terms of Policy D3.

The plot is around 500m to the west of the existing bus services, currently terminating at Kingswells Park & Ride, to which there are pedestrian links, which conforms to the Council’s sustainable transport policy requirements.

The access arrangements are in line with the approved Masterplan and Development Framework for the business park, as well as Policy T2 and the subsequent SG. Overall it is considered that the information provided is sufficient to purify this part of the condition.

### **III-design and external appearance of the buildings**

In design terms, the proposed office and multi-storey car park should be assessed in the context of the business park, rather than the general form or style of architecture, or height of buildings, of the wider Kingswells area. The business park is physically detached from the residential part of Kingswells to the east, by landscaping and the C89 Kingswells By-Pass. The immediate setting and context against which it will be read is that of the Prime Four business park and the Park and Ride site. Policy D1 seeks for development to be designed with due consideration for its context.

It is considered that the information provided is sufficient to demonstrate that the proposals fit well with this context and thus are sufficient to purify this part of the condition.

### **Visual Impact**

The building would be set in the western half of the plot and would have a gross floor area of around 10,792sqm (9,339sqm net internal floorspace in class 4 (Office) use) and be over 3-4 floors, with plant atop the flat roof. The main front (northern) part of the building, to roof level, would be around 3-storeys in height

(13m) with the plant atop realising a total height of 15m on the northern elevation and 4-storeys (19m) on the south elevation (including the rooftop plant) due to the falling topography. The building is within the 'Central Zone', as identified in the Phase 2 and 3 Masterplan which states that buildings should be of 3-storeys. It goes on to say that "*where topography allows, additional floors of buildings could be treated as 'penthouses' which could be achieved by recessed walls and lightweight materials*". With that in mind, and taking account of how the building addresses the site topography, it is considered the height of the building is acceptable in this location as conforming to the Masterplan.

Due to the position of the proposed building within Prime Four, the existing buildings, topography, and the mature tree belt within and along the western and southern boundaries of Prime Four, the building would be well contained from public view, particularly during summer months. It is accepted that there would be some visibility from the west and the entrance to Ardene Vets on the A944. However this will reduce as further approved development takes place. The photomontages submitted in support of the application show how the building is likely to be viewed from outwith the site during both summer and winter.

Due to the topography and tree coverage in and around Prime Four, it is unlikely that the proposed development would have a detrimental impact on the residential amenity of the residents of the nearby residential buildings at Home Farm and Kingswells House to the immediate east, and The Lodge to the south. The likely impacts on residential amenity were considered at the outset when the Masterplan and subsequent PPIp and considered generally acceptable, subject to detailed siting and design considerations. In this context, taking account of the long views, the nearest residential property lies some 350-400m south and on the opposite side of the A944 and therefore is considered unlikely that there would be any detrimental impact on the residential amenity of those properties.

#### **IV- waste arrangements**

Bins are proposed to be stored in a free standing single-storey building to the immediate east of the office building, within the proposed service yard. This storage facility would be around 11m x 2.2m x 2.5m high in size and finished externally with render with a single-ply membrane roof finish.

It is considered that the information provided is sufficient enough to purify this part of the condition and conforms with Policy R6 and the relevant SG.

#### **VI - motor vehicle and cycle parking**

The site layout plan shows there would be car parking provided for 367 cars (including 14 disabled), which would be surface car parking and also a multi-storey car park.

Eighty (80) long-term cycle parking spaces are proposed within the decked car park. Dedicated short-term cycle parking (12no spaces) is proposed close to the buildings main entrance. This cycle parking provision is considered acceptable and in line with the supplementary guidance: *Transport and Accessibility*.

Fourteen motorcycle parking spaces would be provided within the multi-storey car park (5 spaces on the lower ground floor, 7no on the ground floor) as well as 2no 'surface' spaces adjacent to the disabled car parking spaces, which is considered acceptable.

As such it is considered that the information provided is sufficient to purify this part of the condition. The proposals are acceptable in respect to Policy T2, D2 (part 4), D3 and the SG.

#### **VII-details of any low and zero carbon equipment**

A sustainability statement was submitted in support of this part of condition 3. It has been found that significant energy and carbon savings are predicted for the development, in the form of an air source heat pump (around 31% reduction based on the 2010 regulations). These measures meet the intent of the condition, and thus it can be purified as complying with the aspirations of Policy R7 and the relevant SG.

#### **Landscaping**

#### **Condition 3, parts: V - plot boundary treatment; VIII - landscape; and Condition 15 - plot specific landscaping treatment.**

The hard landscaping surrounding the building would be a mixture of grey coloured concrete feature paving, with the smaller path areas to be dark grey concrete pavers. The car park would be finished with tarmac and the parking spaces with grey coloured porous pavements.

In terms of soft landscaping, within the car park area, linear runs of tree planting on the north south axis would pick up elements from the landscaped 'Northern Park' and help merge the development into the landscape setting in that direction. Hedging and a post & wire fence would also be introduced throughout the site and along the, west and east boundaries, with a stone dyke proposed along the north boundary.

The information provided in relation to the landscaping is considered to be in accordance with the general principles of the Development Framework, Masterplan, strategic landscaping plans and Policies D1, D6 and the SG, and therefore the condition is considered purified.

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

The points raised in objection by the Community Council in relation to height/prominence of the building have been dealt with above.

#### **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 following policies are of relevance;

- Policy LR1 – Land Release Policy
- Policy D1 – Quality Placemaking by Design
- Policy D2 – Landscape
- Policy T2 – Managing the Transport Impact of Development
- Policy T3 – Sustainable and Active Travel
- Policy R6 – Waste Management Requirement for New Development
- Policy R7 – Low and Zero Buildings and Water Efficiency

These policies substantively reiterate policies in the adopted local plan. There is a slight change with regards to Policy R7 which is proposed to include a section on Water Efficiency. In terms of this part of the policy and the proposed SG 'Resources for New Developments' the application does not propose any water saving technologies but this is on the basis of this not forming a condition of the original PPIP.

## **RECOMMENDATION**

### **Approve Conditionally**

#### **Subject to the following condition;**

1. The wording could be as follows; That no part of the development hereby approved shall be occupied unless the pro-rata financial contribution identified in the Prime Four Phase 3 Transport Assessment relative to the development and to measures required to mitigate against the transport impact of further development of the Prime Four Business Park has been paid to the Council – in the interests of ensuring that the transport impact of the development is mitigated against.

## **REASONS FOR RECOMMENDATION**

The principle of development on the site has already been established through the approval of the Planning Permission in Principle for Phase 2 & 3 of the Prime



Four business park and in that respect there is no conflict with Aberdeen Local Development Plan Policy LR1.

In terms of design, height and use of materials, the application is considered to conform to the defining principles of the overall Development Framework and Masterplan for Phases 2 and 3 of the Prime Four business park. The height of the office is considered acceptable in this location and accords with the Masterplan in that respect. Further, the high quality of design and materials proposed would fit in well into the setting of the business park when taking account of the other development which is underway and proposed.

The plans and information submitted in relation to this Approval of Matters Specified in Conditions application is sufficient to comply with conditions 3 parts I-access, II-siting and design of hard surfaces, III-design and external appearance of the buildings, IV- waste arrangements, V-plot boundary treatment, VI-motor vehicle and cycle parking, VII-details of any low and zero carbon equipment, VIII-landscape; and 15-plot specific landscaping treatment of planning permission in principle 120649 specific to plot 10.

The proposal is considered to comply with the Aberdeen Local Development Plan Policies LR1 (Land Release), T2 (Managing the Transport Impact of Development), D1 (Architecture and Placemaking), D2 (Design and Amenity), D3 (Sustainable and Active Travel), D6 (Landscape), R6 (Waste Management Requirements for New Development) and R7 (Low and Zero Carbon Buildings). Further, the development is considered to accord with the following Supplementary Guidance; Kingswells Prime Four Development Framework, Kingswells Prime Four Phase 2 and 3 Masterplan, Transport & Accessibility, Low and Zero Carbon Buildings, Landscape Strategy Part 2 – Landscape Guidelines and Waste Management.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.

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**PI**

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**From:** Ian Cox [REDACTED]  
**Sent:** 02 March 2015 10:30  
**To:** Tommy Hart; PI  
**Subject:** Planning Application 150113

<b>Application Reference:</b>	150113
<b>Local Authority Reference:</b>	
<b>Proposal Description:</b>	Application for approval of matters specified in conditions - Plot 10, Phase 2/3 in relation to condition 3 part i) access, ii) siting and design and location of hard surfaces, iii) design and external appearance of the buildings, iv) waste arrangements, v) plot boundary treatments, vi) motor vehicle and cycle parking, vii) details of low and zero carbon equipment, viii) plot landscaping; 15- Plot specific landscaping treatment permission in principle P120649
<b>Application type:</b>	Approval of Conditions for Planning Permission in Principle

Kingswells Community Council have the following comment to make on the above application

- We are concerned about the visual impact a 4 storey + plant room will have on a hilltop development.
- Concerned that there are no drawings showing how the development 'fits in' with the surrounding development, and the surrounding area. This makes it impossible to form a view.

Thanks

Ian Cox  
Kingswells Community Council

02 MAR 2015

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## Planning Development Management Committee

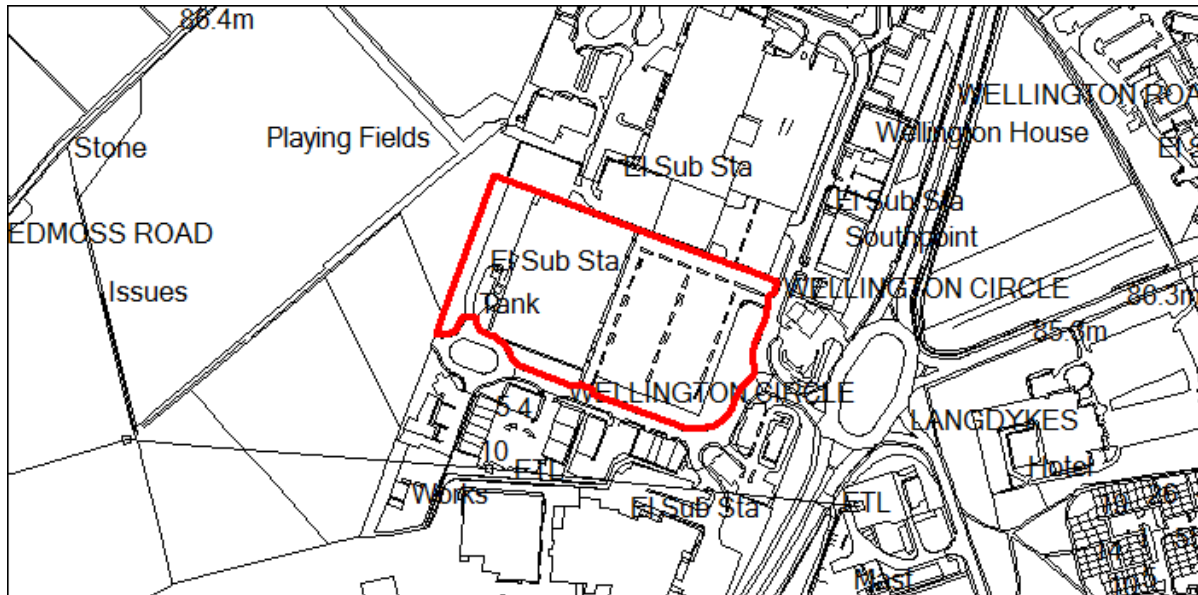
MAKRO, SITE 1 WELLINGTON CIRCLE,  
WELLINGTON ROAD INDUSTRIAL ESTATE

PROPOSED ALTERATIONS TO EXISTING  
BUILDING ( INCLUDING RE-CLADDING) AND  
PART CHANGE OF USE OF 5750SQM FROM  
WHOLESALE RETAIL WAREHOUSE (CLASS 6)  
TO SUPERMARKET (CLASS 1)

For: Cyan Properties Ltd

Application Type : Detailed Planning Permission  
Application Ref. : P140924  
Application Date: 02/07/2014  
Officer: Paul Williamson  
Ward : Kincorth/Nigg/Cove (N Cooney/C Mccaig/A  
Finlayson)

Advert : Dev. Plan Departure  
Advertised on: 16/07/2014  
Committee Date: 18 June 2015  
Community Council : No response  
received



### RECOMMENDATION:

Willingness to approve conditionally, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to address the following matters:

1. Developer contributions towards the Strategic Transport Fund; and,
2. Developer contributions towards mitigation on the local roads network together with the provision of infrastructure.

## **DESCRIPTION**

The existing wholesale cash and carry building is located on the western side of Wellington Circle, in the Wellington Industrial Estate. The site of approximately 3.5 hectares is located directly to the west of the Souterhead Road roundabout. Surrounding uses includes Royal Mail depot, Burger King, Offices (Blue Sky), a Petrol Filling Station, and a number of other business units surround the premises.

The existing building covers a gross floor area of approximately 10,252 square metres, inclusive of a mezzanine floor level. The car park to the front of the existing store includes approximately 507 spaces.

Access is currently taken from a point on the southern edge of the site on Wellington Circle, while the egress is to the eastern boundary, opposite the petrol filling station.

A service yard is provided from Wellington Circle to the rear (south west) of the building

## **RELEVANT HISTORY**

The current occupier Makro, have been operating out of the premises as a Wholesale Retailer (under Class 6: Storage and Distribution), since 1992.

## **PROPOSAL**

Planning permission is sought for the sub-division of the existing Wholesale Cash and Carry (Class 6 Storage and Distribution) of 10,252 square metres (inclusive of a mezzanine level) to form two separate units with one of 4,502 square metres being retained for wholesale use, and the larger (southern) unit of 5,750 square metres being used for Class 1 Retail purposes (70% convenience/30% comparison retailing).

In addition to the change of use proposed, the building would also be partially re-clad externally, and separate entrance doors with new glazed features would be provided for each unit. The car park would be reconfigured slightly, and would include additional landscaping, and a recycling centre, which would see the number of spaces reduce by 7 to 500 overall.

## **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=140924>

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

The submitted information includes:

- Planning Supporting Statement
- Retail Assessment
- Design Statement
- Transport Assessment
- Sustainability Statement

## **REASON FOR REFERRAL TO COMMITTEE**

The application has been referred to the Planning Development Management Committee because the proposal is being recommended for approval, yet is considered to by the appointed officer to be contrary to the adopted development plan strategy. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## **CONSULTATIONS**

**Roads Projects Team** – No objections. Conditions should be used in respect of: the provision of changing/showering facilities internally to support sustainable transportation (cycling/running/walking to work); and, the provision of the submitted visibility splays. In addition, in light of the transportation impact of the development a financial contribution towards works primarily at the Souther Head roundabout, and the Wellington Road/Hareness Road roundabout would be necessary. This would require a s75 planning obligation/agreement, which would also capture the Strategic Transport Fund (STF) contribution.

**Environmental Health** – No observations.

**Developer Contributions Team** – Not applicable in this instance.

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

**Education, Culture & Sport (Archaeology)** – No observations.

**Transport Scotland** – Does not advise against the grant of planning permission.

**Aberdeenshire Council (Delivery Team)** - Initially sought clarification over aspects of transportation impact. Subsequently confirmed they had no further comments to make. A subsequent response however, indicated some concern at a 28% decrease in trade to the ASDA store in Portlethen, within the adjacent local authority boundary.

**AWPR Team (Response provided by Jacobs)** – No objections. The proposal shall result in marginal increases to queue lengths during the AM and PM peak periods. As such the overall impact is acceptable.

**Nigg Community Council** – No comments received.

## **REPRESENTATIONS**

A total of four letters of representation have been received.

While their area does not extend to the application site (albeit the boundary is very close), Cove and Altens Community Council have submitted a representation. They advise that they are generally in favour of this application. They do however indicate some reservations about extra traffic being generated.

Kincorth and Leggart Community Council, who also have a boundary close to the application site, intimated their support for the proposals subject to any traffic issues being resolved.

A solitary objection to the proposals has been received from the developer of the adjacent Masterplanned area of Loirston, whom themselves have submitted a competing proposal for a retail development. While acknowledging the identified need for a major new retail provision to the south of the City, they object on the following grounds:

- The Makro site is not in a suitable location to meet the identified need as it is located within an area zoned for business and industry uses within the Adopted Local Development Plan;
- The Hermiston site, within the Loirston development area, is more appropriate;
- The Makro proposal would result in a detriment to the supply of employment land;
- Previous comments by the Local Development Plan Team at the initial review stage, sought to protect the Makro site for employment use; and,
- The sequential test for the Makro development is inadequate as it does not take account of the proposed site at Loirston, or the committed retail development of 2250 square metres which forms part of the Loirston planning application (which is still waiting the signing of a s75 legal agreement).

In addition, one letter of support was received from Booker, who currently occupies the 'Makro' premises to outline that the property is too large, and in order to continue to trade from this location, the business requires a smaller format of store.

## **PLANNING POLICY**

### **National Policy and Guidance**

Scottish Planning Policy advises that the planning system should encourage sustainable development by “promoting regeneration and the re-use of previously developed land, and the efficient use of land buildings and infrastructure” (Paragraph 40). It further highlights that planning authorities should “take a positive approach to development, recognising and responding to economic and financial conditions in considering proposed that could contribute to economic growth” (Paragraph 33).

Scottish Planning Policy is quite clear in highlighting in paragraph 34 that “where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are



central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval”.

Specifically in respect of the assessment of retail proposals, SPP indicates that “the sequential approach requires flexibility and realism from planning authorities, developers, owners and occupiers to ensure that different types of retail and commercial uses are developed in the most appropriate location” (Paragraph 69).

### **Aberdeen City and Shire Strategic Development Plan**

The strategic aims contained within the Strategic Development Plan indicate that we need to create sustainable mixed communities, with the required associated infrastructure in order to cater for the need of the whole population, while also making the most efficient use of the transport network, including reducing the need for people to travel, and encouraging sustainable transportation methods.

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

Policy I1 – Infrastructure Delivery and Developer Contributions indicates that development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would 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 states that new developments will need to demonstrate that sufficient measures have been taken to minimise traffic generated. Transport Assessments and Travel Plans will be required for development which exceed the thresholds set out in the associated Supplementary Guidance.

Policy D1 – Architecture and Placemaking outlines that 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 D3 – Sustainable and Active Travel states that 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 BI1 – Business and Industrial Land states that Aberdeen City Council will support the development of the business and industrial land allocations set out in this plan. Industrial and business uses (Class 4 Business, Class 5 General Industrial and Class 6 Storage and Distribution) in these areas, including already developed land, shall be retained. The expansion of existing concerns and development of new business and industrial uses will be permitted in principle within areas zoned for this purpose.

Policy RT1 – Sequential Approach and Retail Impact indicates that all retail development shall be located in accordance with the hierarchy and sequential approach as set out below and detailed in Supplementary Guidance: Hierarchy of Retail Centres:-

Tier 1 – Regional Centre

Tier 2 – Town Centres

Tier 3 – District Centres

Tier 4 – Neighbourhood Centres

Retail Parks

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

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

Retail Impact Assessments should be undertaken where a retail development over 2500 square metres gross floorspace outwith a defined regional or town centre is proposed which is not in accordance with the development plan.

A restriction may be imposed on the amount of comparison goods floorspace allowed within convenience shopping development outwith the city centre or other town centres.

Policy RT2 - Out of Centre Proposals Retail development appropriate to town centres, when proposed on a site that is out-of-centre, will be refused planning permission if it does not satisfy all of the following requirements:

1. No other suitable site in a location that is acceptable in terms of Policy RT1 is available or is likely to become available in a reasonable time;
2. There will be no significant adverse effect on the vitality or viability of any retail location listed in Supplementary Guidance: Hierarchy of Retail Centres;
3. There is, in qualitative or quantitative terms, a proven deficiency in provision of the kind of development that is proposed;
4. The proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycling and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependant solely on access by private car;
5. The proposed development would have no significant adverse effect on travel patterns and air pollution.

Policy R6 – Waste Management Requirements for New Development Recycling facilities should be provided in all new superstores or large supermarkets and on other developments where appropriate.

## **Proposed Aberdeen Local Development Plan**

Policy D1 Quality Placemaking by Design

Policy NC4 Sequential Approach and Impact

Policy NC5 Out of Centre Proposals

Policy I1 Infrastructure Delivery and Planning Obligations

Policy T2 Managing the Transport Impact of Development

Policy T3 Sustainable and Active Travel

Policy B1 Business and Industrial Land

Policy NE6 Flooding, Drainage and Water Quality

Policy R6 Waste Management Requirements for New Development

Within the Proposed LDP, the 3.2 hectare site is allocated as an opportunity site (OP 110) for the change of use to a Class 1 retail use.

### **Supplementary Guidance**

Hierarchy of Centres

Infrastructure and Developer Contributions Manual

Transport and Accessibility

Waste Management

### **Other Relevant Material Considerations**

Aberdeen City and Aberdeenshire Retail Study 2013

The Strategic Development Planning Authority, in partnership with Aberdeen City and Aberdeenshire Councils commissioned an Aberdeen City and Aberdeenshire Retail Study to examine the future retail potential in the region. This made a number of recommendations on potential retail sites and policy and has been used to inform the contents of the City Centre and Retail sections in the Main Issues Report of the Proposed Local Development Plan.

Table 6.2: Proposed Development Strategy for Retail Floorspace, outlines that there is a retail commitment in Zone 32 (Cove Bay/Altens) at Souter Head Road, Aberdeen (The Thistle Hotel site) for a retail development of around 5800 sq.m (GFA) in order to address retail deficiencies to the south of the City. It is indicated as commencing trading in the period from 2015 to 2020.

Paragraph 4.43 outlines that “Retail commitments will have a direct impact on existing retail locations and centres. They will divert trade away from competing proposals and this trade diversion will, in certain cases, exceed the increases in retail turnover that would arise from increased available expenditure. This will be most significant with the proposed convenience floorspace”.

Table 4.11 on Retail Commitments outlined that the Souter Head Road retail site would comprise 5750 square metres, split overall between 4313 Convenience

retailing (75%), 1150 square metres comparison retail (20%), and 288 square metres for bulky goods retailing (5%).

## **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

At the outset of the assessment of this proposal, is the general principle of changing the use. The extant Local Development Plan includes the provision of an opportunity site (OP76) for a retail development on a 3.0 hectares site on Souter Head Road, which is currently occupied by the Thistle Hotel. To date, no application has ever come forward for that site, nor has any Proposal of Application Notice (PoAN) been submitted.

Scottish Planning Policy is quite clear in highlighting in paragraph 34 that “where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval”.

Circular 6/2013 on Development Planning indicates in paragraph 7 that “Scottish Planning Policy sets the broad principles that should underpin a plan led system. Development plans should be kept up-to-date and provide a practical framework within which planning applications can be determined with a high degree of certainty and efficiency”.

The application premises are located within the Wellington Industrial Estate. The blanket policy applied across this area is BI1 relating to Business and Industrial Uses. It stipulates that uses under classes 4 (Business), 5 (General Industrial) and 6 (Storage and Distribution), shall be retained. It must however be recognised that the property is already in a quasi-retail use as a cash and carry at present. However, while cash and carry uses fall within a Class 6 (Storage and Distribution) use, it is not the case that all Class 6 sites are suitable for conversion to mainstream Class 1 (Retail) use. As such, proposals must be carefully considered on their own merits, and the specific geographical location. The current occupier has confirmed that the current property is too large, and a smaller format of store is now required. In parallel, the Aberdeen and Aberdeenshire Retail Study (2013) highlights the current identified need for a further retail supermarket to the south of the City. The applicant has also

highlighted the significant investment that has taken place in the 'Thistle Hotel' which is the identified retail site within the Adopted Local Development Plan, and which has a significant length of lease remaining. As such, it is contended that the current allocated site is not capable of being brought forward, and would not meet the requirements of a plan-led system with more certainty of identified developments being realised. The Council therefore accepts that the delivery of the Thistle site is doubtful, hence its retail allocation being removed from the Proposed ALDP.

As such, as part of the Local Development Plan review process, a couple of alternative sites have been the subject of development bids to replace the extant opportunity site for retail use to the south of the city in order to meet the retail deficiencies in this expanding part of the City identified through the 2013 Retail Study. One of these alternatives is the current application site. While it was not initially identified in the Proposed Plan taken to the meeting of the Communities Housing and Infrastructure Committee on 28 October 2014, Elected Members subsequently chose to incorporate the 'Makro site' as the preferred location for retail to the south of the City. As such, the Proposed Plan has recently been out for a ten week consultation period which closed on 1<sup>st</sup> June. The representations received are currently in the process of being logged, and acknowledged, before the points raised are assessed and responded to in the lead up to a LDP examination which should commence in November 2015. However, from an initial scan of the submissions, four representations have initially been noted:

- Support: Cyan Properties (the applicant to this application). They welcome the identification of the Makro site as the preferred site for Class 1 Retail for the south of the city;
- Neutral: Nigg Community Council (cover the area of the application site) outline their acceptance and support of the objectives of the ALDP, yet indicate the requirement to resolve existing infrastructure problems, particularly with regard to traffic.
- Support: Cove and Altens Community Council (outwith the application site, yet directly adjacent to) did indicate some concerns over the level of traffic that shall be served by the development, in addition to the recently approved travellers site, and forthcoming school. Roads improvements should be installed prior to occupation;
- Objection: Hermiston Securities (competing retail proposal/site, and planning application). Contest that the retail site should be deleted from Makro, and transferred to Loirston.

It can therefore be drawn that the level of representation to the inclusion of the Makro site (OP110) as the identified site for Class 1 (Retail) use has not been the subject of significant levels of representation. It is anticipated that the Local Development Plan shall be formally adopted in November/December 2016.

Notwithstanding, the Proposed Plan as consulted upon, represents the settled view of the City Council at this time. While the extant plan, and the general preference to retain existing industrial and business uses for such purposes still takes precedence, cognisance and a certain level of weight must be given to the changes being brought through the Local Development Plan review.

Notwithstanding, the proposal does represent a departure from the Development Plan at this time.

The applicant is of the opinion that through the existing supply of industrial and business land throughout the City, and the significant level of allocations through the development plan, that the loss of the existing site from business/industrial use would not be significant given the surplus of land available in the nearby Balmoral and Gateway Business Parks which are under development, and across the wider city. They also consider that the development proposal brings its own economic benefits and employment opportunities at the same time. While these opinions have some merit, the main driver for any potential acceptance of such a proposal is the identified need for a retail supermarket for the south of the city. Through the sequential assessment, which shall be discussed further below, it is clear that there are very few opportunities to accommodate a development of this size. The application site, which is identified as the opportunity site OP110 through the Proposed Local Development Plan, takes cognisance of the sustainability benefits and likely reduced timeframe for part conversion of the existing building and ultimate delivery, in comparison to the development of a greenfield site which could be significantly greater.

#### Retail Need and Sequential Approach

As noted above, both the Adopted Local Development Plan (2012) and the Aberdeen and Aberdeenshire Retail Study (2013) identify that there is a need for a new supermarket to the south of Aberdeen City which shall cater for the needs of the expanding community. No evidence of a desire to secure the delivery of the allocated site for a new supermarket at the 'Thistle Hotel' site on Souterhead Road has been forthcoming. Furthermore, from an initial scan of the submitted representations, there does not appear to be any submission from the owners of the 'Thistle Hotel' site to defend their current allocation. It is partly for this inaction, that it is proposed to remove the current identification as the retailing opportunity site, for the south of the City. Therefore, it is necessary to consider the application proposal against the relevant retailing policies of the Adopted Local Plan

Policy RT1 requires that retail development follows a sequential approach in that it must follow the hierarchy of retail centres identified in the ALDP and its associated Supplementary Guidance. At present, there are no identified town/district centres or retail parks in the south side of the City apart from in Torry, and Garthdee. Cove is however identified as a Neighbourhood Centre (Tier 4). However, the Aberdeen and Aberdeenshire Retail Study has identified the requirement for a new supermarket to meet the current deficiency in provision in the south of the City. The applicant considers that there are no other suitable sites in the identified Tiers within Policy RT1. In light of the spatial requirements for such a proposal, this opinion is shared by the planning authority. This is given further weight through the lack of other approaches coming forward to cater for the identified retail need. The only exception being the site put forward at Loirston. However, it should be noted that the wider Loirston site, has an overarching Development Framework which restricts the types and scale of

development (including retail) within that allocation. As such, there is potential for the current application to accord with the requirements of Policy RT2 relating to out of centre retail proposals. Each of the criteria shall be addressed in turn.

In light of the significant period during which the Southerhead Road ('Thistle Hotel') site has been allocated, and the continued investment into the current premises, it is not apparent that any retail development is likely to be brought forward within the life of the extant Local Development Plan. In line with the aims of the Scottish Government to provide more certainty in planning through the delivery of sites identified through the development plan, in instances where such allocated sites are not delivered with the ALDP timeframes, consideration has to be given to any alternative sites which could meet the deficiency in retail provision, and the needs of the expanding communities in Cove/Charleston/Loirston.

The Retail Impact Assessment submitted by the applicant has outlined that in terms of trade diversion, the following would occur:

#### Convenience Goods

- Garthdee 13.4% impact
- Portlethen 12.7%
- City Centre 2.7%
- Torry Town Centre 3.9%
- Local Urban 4.7%

#### Comparison Goods

- Garthdee 3.5% impact
- Portlethen 2.1%
- City Centre 0.4%

While the Retail Impact Assessment has identified that there would be an impact on the turnover at some of the other identified retail locations, it is not envisaged that there would be any significant adverse effect on the vitality or viability of any of those locations identified in the supplementary guidance for Aberdeen City. The reasoning for this is that the extant ALDP, which itself went through a rigorous process, has always envisaged that a store of the size proposed in this application, would be delivered to the south of the City. There would therefore inevitably be an element of trade diversion that would occur, whether it be on the current, or any future allocation for Class 1 retail use. The impact of this is acknowledged, however it is not considered to be of an extent that would merit the refusal of the proposal in this instance.

Furthermore, the location of the premises are adjacent to Wellington Road, where not only are there regular bus connections to the City Centre, and into Cove/Gateway Business Park (Services 3/3G) there are also shared cycle/footway connections to surrounding areas. As such it is considered that the site is safely and easily accessible by a choice of means of transport. In respect of travel patterns and air pollution, the application proposal would be generally reflective of the extant site for retail within the current ALDP. Furthermore, given

its location closer to its intended catchment population and outwith an Air Quality Management Area (AQMA), it may actual result in a decrease in journeys, particularly by private car, in other adjacent retail areas which suffer from traffic congestion (such as Garthdee), and therefore slightly alleviate wider pressures. It is therefore considered that the proposal is in compliance with the general criteria contained within policy RT2.

### Technical Matters

Turning to the technical matters of the proposal, the applicant was required to provide a significant level of supporting information, particularly in respect of the potential transportation impacts of the proposal. As such, there have been no technical objections from any consultees to this application.

Roads Officers have indicated that a financial contribution would be necessary towards mitigation works, primarily at the Southerhead Roundabout, and the Wellington Road/Hareness Road roundabout. In addition, a contribution would also be necessary towards the Strategic Transport Fund. All of these contributions could be secured via s75 planning obligation with the applicant thus according with the requirements of policy I1 Infrastructure Delivery and Developer Contributions.

Planning conditions could also be utilised to secure the provision of adequate cycle storage/staff showering facilities to encourage sustainable transportation, and for the provision of adequate SUDS for drainage, and visibility splays at the site access/egress. This would be in compliance with policies T2, D3 and NE6 of the Adopted Local Development Plan relating to; managing the transport impact of development; sustainable and active travel; and flooding/drainage respectively.

Following liaison with the applicant and the Waste Strategy Officer, the site layout has been amended to include the provision of recycling facilities within the site. This is in complete compliance with the requirement of policy R6 Waste Management Requirements for New Development.

### Representations

This application was the subject of a very low level of representation for what is a significant development. One letter of support from the current occupier outlined the desire to continue trading in the area, albeit with a significantly reduced floorspace requirement. Two further submissions from adjacent Community Council's outlined their general support for the proposals, subject to the resolution of any potential transportation impacts. As noted above, the transportation matters have been resolved to the satisfaction of Roads Officers.

The remaining representation was submitted on behalf of the developer of the adjacent Loirston masterplanned site. They have also submitted an application (Reference 141754) for a retail development of a similar scale to the one proposed. That application is also scheduled to be determined at the same



Committee Meeting, and therefore its consideration shall take place on its own merits. Notwithstanding, the comments raised have generally been dealt with above. The aspect raised into the lack of reference within the Retail Impact Assessment to the objectors competing proposal is not considered relevant in light of that further application being submitted some time after this current proposal.

Notwithstanding, it is considered that the Aberdeen and Aberdeenshire Retail Study would only justify the creation of one supermarket for the south area of Aberdeen City at this time.

### 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 of the Proposed Local Development Plan, largely reiterate those contained within the extant ALDP. The principle difference is the deletion of site OP76 Souterhead Road for a retail development, and its substitution with site OP110 at the 'Makro' application site on Wellington Circle.

As it stands, the level of representation to the proposed plan on the proposed allocation of OP110 as an opportunity site, has drawn only four representations, with two generally in support, one neutral, and one objection. As such, it is unlikely that the identification of the OP100 site would be a highly contentious matter as part of the Reporters Examination in due course.

It is therefore contended that while the Proposed Plan is scheduled for adoption in winter 2016, the settled view of the Council at this time, is that the retail opportunity for the south of the city, should be on the current application site under consideration. As such, while the development is a departure from the current ALDP, it is considered appropriate in this instance to ensure that prompt deliver of a retail opportunity in a part of the city where there is a proven deficiency.

### Other Material Considerations

One of the principal considerations in the allocation of opportunity sites, is the ability to deliver development within the lifespan of the Local Development Plan. As is evident above, the site currently allocated for retail use, does not appear to be in a position where it is likely to be submitted, and ultimately delivered prior to the current ALDP being superseded with the Proposed Plan

The development proposal, while strictly a departure from the current plan, does have its advantages in respect of timescales for delivery. As the application relates to the conversion and adaptation of an existing building and associated car park, the necessary sub-division and fit out would be much quicker than any new build development starting from scratch.

## **RECOMMENDATION**

**Willingness to approve conditionally, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to address the following matters:**

- 1. Developer contributions towards the Strategic Transport Fund; and,**
- 2. Developer contributions towards mitigation on the local roads network together with the provision of infrastructure.**

## **REASONS FOR RECOMMENDATION**

That the proposal to change the use of approximately two thirds of an existing wholesale retail unit (Class 6 Storage and Distribution) to form a new supermarket, would meet the demand for the provision of a new retail facility to the south of Aberdeen as identified through the Aberdeen City and Shire Retail Study 2013.

The site allocated within the Adopted Local Development Plan (2012), OP76 has failed to be delivered, and the proposed site has been incorporated into the Proposed Local Development Plan, which is the Council's most up-to-date indication of intent.

While potentially contrary to Policy RT2 in respect of the extant ALDP and an alternative opportunity site being identified, the applicant has demonstrated through the accompanying information that the proposal meets with the sequential approach, and would be compliant with the emerging ALDP. Furthermore, the proposal would not have a sufficiently detrimental impact on the vitality and viability of existing shopping centres/locations in the Hierarchy of Retail Centres.

## **CONDITIONS**

**it is recommended that approval is granted 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 - in the interests of visual amenity.

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

(3) That the use 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.

(4) 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.

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

(6) that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. Proposed Site Plan A5128/P(-- ) 06 Rev 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 and the free flow of traffic.

(7) That no other development in connection with the permission hereby approved shall take place and the access/egress hereby approved shall not be brought into use unless visibility of 60 metres in both directions along the public road has been provided from a point 4.5 metres measured at right angles from the existing carriageway surface along the centre line of the approved new access. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed - To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

(8) That the use hereby granted planning permission shall not take place unless the recycling facility has been provided in complete accordance with drawing no. Proposed Site Plan A5128/P(-- ) 06 Rev 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 recycling - in order to ensure the appropriate provision of recycling facilities in an accessible location across the City.

(9) The floorspace of the proposed development hereby permitted shall be restricted to 5750 square metres (GFA) of Class 1 Retail for the sale of 70% convenience, and 30% comparison goods, and shall be used for no other purpose – in order to prevent the sale of goods that would have a potentially unacceptable level of impact on the vitality and viability of the city centre as the regional shopping focus.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.

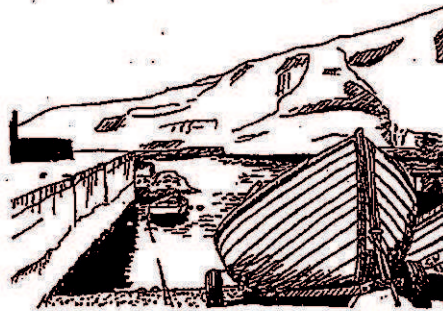
# COVE AND ALTENS COMMUNITY COUNCIL

Chair: Ms Michele McPartlin

[REDACTED]  
Cove Bay  
Aberdeen

Secretary: Ms Sue Porter

[REDACTED]  
Cove Bay  
Aberdeen



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

Mr Paul Williamson  
Senior Planner (Development Management)  
Planning and Sustainable Development  
Enterprise Planning and Infrastructure  
Aberdeen City Council  
Business Hub 4  
Ground Floor North  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

29<sup>th</sup> July 2014

Dear Mr Williamson

**Planning Application P140924 Makro, Wellington Circle**

Cove and Altens Community Council is generally in favour of this application.

We do however have reservations about extra traffic generated using the Makro roundabout which will in time, we understand, include that from the proposed new Secondary School at Calder Park.

Will there be new Traffic lights and sequence to help with traffic. Currently it is difficult for people coming from the Wellington Circle area to get out onto the roundabout as the main traffic flow is from the dual carriageway. This especially when trying to turn right as traffic hardly slows down at all.

Cove residents have great difficulty getting out of Cove in the morning or evening when using the roundabout junction. Traffic generated by local planning applications already passed for housing and businesses and also traffic generated and coming north from Portlethen and Newtonhill (Chapelton) into the city south will have an increased impact on Wellington Road and the Makro roundabout.

Yours sincerely,

[REDACTED]

Chair

**Paul Williamson**

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**From:** Cowie Catherine (NHS GRAMPIAN) [REDACTED]  
**Sent:** 29 July 2014 21:11  
**To:** Paul Williamson  
**Subject:** proposed supermarket at Makro

Mr Williamson

I would like to intimate our support for the proposals subject to any traffic issues being resolved.

Best regards.

Catherine Cowie  
Secretary  
Kincorth/Leggart Community Council

\*\*\*\*\*  
\*\*\*\*\*

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140924

**BOOKER**

Makro Self Service Wholesalers Ltd  
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Paul Williamson  
Development Management Team  
Enterprise, Planning and Infrastructure  
Aberdeen City Council  
Business Hub 4  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

17<sup>th</sup> June 2014

Dear Sir,

**CHANGE OF USE APPLICATION, FOODSTORE AND CASH & CARRY DEVELOPMENT,  
WELLINGTON CIRCLE, ABERDEEN.**

I refer to Cyan Properties' planning application at the above address.

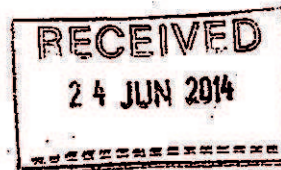
Booker Ltd acquired the UK business of Makro Wholesale in 2013. We trade 2 stores in Aberdeen, 1 Booker store at Langstracht and the Makro store at Wellington Circle.

We currently lease the Makro store from Cyan Properties on a short term basis with the current lease due to expire in August 2015. The property is too large for our current requirements but we wish to continue to trade from this location, albeit in a smaller format of circa 40-50,000 square feet. The proposal by Cyan Properties to subdivide the property to locate a supermarket in part of the building provides us with an opportunity to downsize whilst retaining a presence and, importantly, jobs in the area. In this regard I would confirm that we are currently negotiating terms with Cyan Properties for the smaller unit.

We therefore support Cyan's application and look forward to continuing trade from Wellington Circle should their application be approved.

Yours faithfully

[REDACTED]  
Matthew Ridge  
Group Property Director  
Booker Ltd



Booker is the trading name of Booker Limited  
Registered in England No. 197380 Equity House Irlingham Road Wellingborough Northants NN8 1LT  
VAT Reg. No. GB 848 9315 81



Planning and Sustainable Development  
Enterprise Planning and Infrastructure  
Aberdeen City Council  
Business Hub 4  
Marischal College  
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AB10 1AB

29 July 2014

Ref: mc613/312269

Dear Sir/Madam

**Letter of Objection to Planning Application P140924 – Proposed alterations to existing building (including re-cladding) and part change of use of 5750sqm from wholesale retail warehouse (Class 6) to supermarket (Class 1) at Makro, Wellington Circle, Aberdeen**

I am submitting an objection to the above planning application (Reference P140924) on behalf of my clients Hermiston Securities Limited. This letter of objection notes and agrees with the identified need for major new retail provision to the south of Aberdeen however considers that the Makro site on Wellington Circle is not a suitable location to meet this need and that Hermiston Securities site which lies within the proposed major new residential development at Loirston, Nigg, Cove is a more appropriate location which will result in less impact in both retail and traffic terms.

**Need for New Retail Development to South of Aberdeen**

It is stated in the supporting planning statement submitted with the application for the Makro site that the Local Development Plan Opportunity Site at Souter Head Road (OP76) has been designated to deliver a retail provision of 5,750 sqm gross floorspace area (GFA), however that site has failed to deliver the required provision and is unlikely to do so as the current occupier has recently invested heavily in the refurbishment of the existing hotel making improvements equating to a cost of £4m. It is further stated that the building is currently leased until 2032, indicative of the occupier's intention to retain the building in its current format and that the hotel continues to trade strongly within a buoyant Aberdeen market, with no incentive for the owners to redevelop it for supermarket use. Hermiston Securities agree with that analysis and the need for a replacement site to be identified in the new Aberdeen Local Development Plan to address the need for up to 5,750sqm of new retail floorspace in the south of Aberdeen. In this respect Hermiston Securities made representations to the Local Development Plan Main Issues Report in March 2014 requesting that a site within the new residential development at Loirston, Nigg, Cove be identified as a replacement for the Souter Head Road site.

4 Albert Street, Aberdeen, AB25 1XW  
T 01224 644272 F 01224 639277  
[www.knightfrank.co.uk/aberdeen](http://www.knightfrank.co.uk/aberdeen)





### **Objection to Change of Use of Makro Building for Class 1 Retail Development**

It is not considered that the site at Wellington Road subject of application reference P140924 is suitable for a Class 1 supermarket. The site is located within an area allocated for Business and Industry (BI1) in the Local Development Plan. The BI1 policy states that industrial and business uses (Class 4, 5 and 6) within these areas shall be retained. In this respect the existing use of the Makro building is Class 6 storage and distribution use. The Local Development Plan also states that maintaining a ready supply of employment land in the right places is vital to Aberdeen retaining its position as a competitive and sustainable business location and that it is important to safeguard from other development pressures the supply of existing industrial and business land throughout the City. This is particularly important for sites situated in strategic locations, for example sites with good accessibility to main roads and rail links. The application site has direct access to Wellington Road one of the major routes into the City and Aberdeen Harbour and is conveniently located for the freight rail depot at Craiginches, East Tullos. It should also be noted that demand for employment land and Class 5 and 6 uses in particular remains very high in Aberdeen and in the south of the City in particular. Furthermore it is anticipated that the taking forward of the major expansion proposals for Aberdeen Harbour at Nigg Bay will further stimulate demand for Class 5 and 6 land in the south of the City and the need to maintain and add to the marketable supply of employment land in that location.

The proposal to change the greater part of the use of the Makro building from Class 6 use to Class 1 use is a departure from the Local Development Plan and one that should be resisted on the grounds of the unacceptable loss of business and industrial land. It is not considered that there is sufficient justification or material considerations that would warrant a departure from the Local Development Plan in this instance. Mistakes were made previously in the 1970s and 1980s in granting Class 1 retail uses on the City's industrial estates, particularly in the Bridge of Don area and these should not be repeated. The information submitted in support of the application by Cyan Properties Limited provides little justification regarding the loss of land for business and industrial use other than to say there is sufficient land available within the immediate area at Balmoral Business Park and Gateway Business Park to the south to counteract this loss (paragraph 5.18.3 of supporting planning statement). My clients, who are part of the Muir Group, are the developers for Gateway Business Park and can confirm that development of the park has been rapid over the past 5 years and less than 1 acre remains available on the park for Class 5 and 6 developments for where demand for land is strongest. There is therefore an urgent need to supplement the supply of business and industrial land, particularly for Class 5 and 6 uses and not lose business and industrial land to other uses.

It is worth noting that the planning authority in commenting on the development option bid made to the review of the Local Development Plan in 2013 by the William Pears Group for the Makro site to be allocated as a strategic retail centre stated that the site is within an area zoned as business and industry and it is likely that the site would be able to find a new business and industry use which would be the most appropriate for the site given its existing zoning. It is considered that the justification given in paragraphs 6.38 and 6.39 of the supporting planning statement is spurious regarding that the continued use of the Makro building for Class 6 use could lead to development incompatible with existing neighbouring uses and that of the new community of Loirston. The area is allocated for business and industrial use and it can only be appropriate that such uses are allowed to continue on the site. The new housing at Loirston will be separated by some distance from the business and industrial land at Wellington Circle by the new secondary school and playing fields. The access to Loirston from Wellington Circle is not the main access to the site and its use will be restricted.

12 12



It is also considered that the sequential test in the Retail Impact Assessment undertaken as part of the justification for the planning application to demonstrate the suitability of the Makro site is inadequate. Only Torry Town Centre, the edge of Torry Town Centre and the site at Souter Head Road have been considered as part of the assessment. There are other potential sites/locations within the area including my client's site at Loirston, land at Balmoral Park and the northern part of Gateway Business Park (not available for Class 5 and 6 developments) which should have also been considered as part of a sequential testing exercise. It is also noted that the Retail Impact Assessment does not include consideration of the impact that the Makro development would have on the committed retail development of 2250sqm within the Loirston development.

#### **Site at Loirston, Nigg, Cove**

Whilst it is accepted that there is a need to find a replacement retail site to the south of the City for the site on Souter Head Road which is undeliverable, Hermiston Securities consider that a more suitable site than the Makro site is available within the new residential development at Loirston, Nigg, Cove. This site would not involve a major departure from the Local Development Plan. The site at Loirston is already identified in the adopted Loirston Development Framework Supplementary Guidance for a retail development of 2250sqm and forms part of an application for planning permission in principle for development at Loirston which was granted a willingness to approve by the Planning Development Management Committee subject to Section 75 Legal Agreement on 16 January 2014. The site is well located to serve both the Loirston development and the wider City South area. A Proposal of Application Notice was submitted by Hermiston Securities for a retail development on the Loirston site on 18 July 2014. The site is capable of accommodating a retail development of up to 6000 sqm gross floor area. The increase in floorspace over what has already been allocated is 3750sqm so the impact of the development on the road network in the area and also in terms of retailing will be less than that of the Makro application which requires to take into account the retail floorspace currently allocated to Loirston. A planning application for the Loirston retail development will be submitted in early November 2014. Hermiston Securities consider that the Loirston proposal is a material consideration in the determination of the Makro planning application.

I would be obliged if you would treat this as a formal objection to planning application P140924. If you require any further information please do not hesitate to contact me.

Yours faithfully

**Malcolm Campbell**

Associate

D/L 01224 415949

M

F 01224 639277

Cc: Stewart McPhail, Development Director, Hermiston Securities Limited

## Planning Development Management Committee

LOIRSTON, NIGG

PROPOSED RETAIL DEVELOPMENT  
COMPRISING A CLASS 1 SUPERMARKET OF  
5800SQM OF FLOORSPACE WITH  
ASSOCIATED CAR PARKING, ACCESS AND  
LANDSCAPING

For: Hermiston Securities Limited

Application Type : Planning Permission in  
Principle

Application Ref. : P141754

Application Date: 04/12/2014

Officer: Paul Williamson

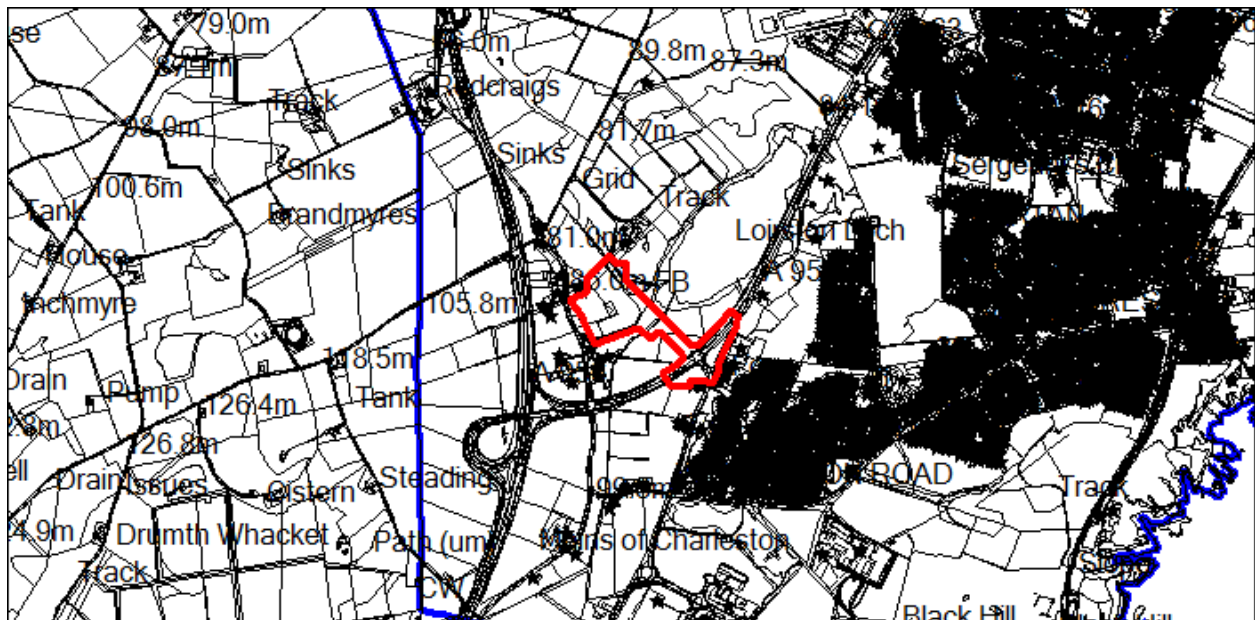
Ward : Kincorth/Nigg/Cove (N Cooney/C  
Mccaig/A Finlayson)

Advert : Can't notify neighbour(s)

Advertised on: 14/01/2015

Committee Date: 18 June 2015

Community Council : No response  
received



### RECOMMENDATION:

Refuse

## **DESCRIPTION**

The application site covers approximately 7 hectares, of the wider 119 hectare OP77 Opportunity Site and OP78 Opportunity site of 20.5 hectares at Loirston. These sites are allocated for 1500 homes and 11 hectares of employment land, and a further 20.5 hectares of employment land respectively. It is located to the west of the existing residential area of Cove Bay, on the southern outskirts of Aberdeen. To the southeast the site is bounded by the A956 (Wellington Road), and to the west lies Redmoss Road, with the A90 Trunk Road beyond adjacent agricultural ground. The site also partially straddles Wellington Road, and the old Wellington Road, around the junction serving the southern access to Cove, and the adjacent Gateway Business Park further to the south.

The site is relatively level, although also slopes gently down from the A956 Wellington Road towards Loirston Loch. There is an area of low-lying, marshy ground immediately to the west of the loch. The site is also partially wooded, with trees bounding the west and southern parts of the site. These trees include Sitka Spruce of up to 16 metres in height, and a further young plantation of mixed leaf broadleaves and conifers of up to 4 metres in height.

The main use of the site is as grazing land for livestock/agricultural uses. Field boundaries are marked by dry-stone walls and post and wire fences. There are a few houses adjacent to the western boundary of the site. At the southern end of Redmoss Road just north of the A956/A90 junction are two industrial premises: a sawmill and a haulage depot.

## **RELEVANT HISTORY**

130892 – Planning Permission in Principle for a proposed residential development of up to 1067 houses, 8 hectares of employment land including commercial, leisure and office uses, a neighbourhood centre comprising retail and commercial uses, community facilities, a primary school, landscaping, open space and recreational facilities. The application was considered at the meeting of the Planning Development Management Committee on 16 January 2014 where Members were minded to support the officer recommendation of a willingness to approve, subject to the applicant entering into a planning obligation to address: Affordable Housing; Developer Contributions (community library; cultural facilities; education; healthcare; sporting facilities; outdoor recreation; and core paths); Strategic Transport Fund; and, Local Roads impacts.

Following lengthy negotiations over the finer details of the s75 legal agreement, a subsequent report was considered by the Planning Development Management Committee on 28 May 2015. It sought to obtain Members' approval to attach one additional condition to any consent issued, stipulating that a road connection must be made between the application site and the adjoining land (which also forms part of the OP77 opportunity site designation) at a time to be agreed with the planning authority as part of a future application for the approval of matters specified in conditions (AMSC). The decision of the Committee was to accept the officer recommendation.

## **PROPOSAL**

Planning permission in principle is sought for the erection of a retail development comprising a Class 1 supermarket of 5800 square metres of floorspace with associated car parking, access and landscaping.

The indicative layout submitted with the application indicates that the site could be laid out with a store located in a central position towards the north of the site, with surface car parking to the west and south of the building. Planted buffers are shown to the north, west and southern boundaries, with further planting also indicated along the primary service route through the Loirston masterplan area, to the east. Access points are indicated as being either to the south east corner of the site, or to the north. An area for SUDS is also indicated towards the north.

### **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=141754>

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

The submitted information includes:

- Design and Access Statement
- Drainage and Flood Risk Assessment
- Retail Impact Assessment
- Transport Assessment
- Supporting Planning Statement
- Pre-Application Consultation Report
- Updated Ecology Survey Report
- Tree and Woodland Survey Report
- Noise Report
- Air Quality Report

### **PRE-APPLICATION CONSULTATION**

The proposed development was the subject to pre-application consultation between the applicant and the local community, as required for applications falling within the category of major developments as defined in the 'Hierarchy of Development' Regulations. The consultation involved:

- A public event was held on 26 August 2014 at the Altens Thistle Hotel. It comprised an exhibition over a period of 6 hours where representatives of the developer were on hand to provide information on the proposals and encourage public comments. The information on display included a site location plan, planning context and framework, and an indicative site layout plan/access arrangements.

- Invitations were sent out to 20 local organisations and individuals. This included local Community Councils, Councillors and other stakeholders.
- Feedback forms were also available on the day, and an opportunity to submit them within two weeks of the aforementioned event.
- Approximately 30 people attended the event, with the majority comprising local residents. Other attendees included representatives of four of the local Community Councils in the south of Aberdeen City, together with First Aberdeen, and the Aberdeen and District Angling Association.
- In total 8 feedback forms/e-mails/letters were received. These were from Cove and Altens Community Council; Nigg Community Council; Kincorth and Leggart Community Council; as well as local residents.

A report on the public consultation that was undertaken has been submitted as part of this application. The report details the feedback that was received from the community, any changes that have been made to the development proposals in light of the comments that were received, as well as providing justification for why some suggestions were rejected. The main concerns raised were in relation to-

#### Planning Policy

- The proposal is not in accordance with the Loirston Development Framework as Block B3 is allocated for residential and local needs retailing, and the proposal is far in excess of that;
- No reference is made in the 2012 Local Development Plan (LDP) for an opportunity for major retail development on the Loirston site;
- An alternative retail site is allocated within the 2012 LDP;
- Other retail parks at Garthdee and Portlethen are more appropriate for large scale retail development;
- A supermarket is needed for the expanding community to the south of Aberdeen City whether it be at the Makro site or the proposed greenfield site at Loirston

#### Environment

- The proposal at its northern end encroaches upon an area of open green space outside the boundaries of Development Block B3 of the Loirston Development Framework;
- The proposal could potentially harm wildlife habitat for bats, badgers, otters, and deer;
- Litter and rubbish could negatively impact on the environs of Loirston Loch.

#### Other

- General opposition to the principle of development at Loirston, notwithstanding the allocation within the Local Development Plan;
- Concern at additional traffic generation and the impact on the local road network; and,
- Welcoming of a new supermarket in the area, and the expansion of retail at Loirston.

The consultation process has directly informed the preparation of the proposals for the site with particular regard to:

- Units displaced from Block B3 shall be redirected to other development blocks within the wider Loirston site;
- The Environmental Impact Assessment for the wider development considered the impact on the local environment and Loirston Loch in particular. Mitigation measures shall be necessary to be implemented as the development is taken forward. The ecological impact has been reviewed and updated to take account of the changes to development block B3. As such, the developer claims that the integrity of the overall landscaping and open space for the Loirston Development Framework will be protected, and that a robust landscaped buffer shall be provided between the development and the residential properties to the south and west;
- An addendum to the Transportation Impact Assessment has been prepared to outline further mitigation necessary due to the change in use mix now proposed for Block B3

## **REASON FOR REFERRAL TO COMMITTEE**

The application has been referred to the Planning Development Management Committee because this major proposal is being recommended for refusal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## **CONSULTATIONS**

**Roads Development Management** – No objection. As part of the wider Loirston site, bus services are planned to be diverted past the application site. Final details of parking and swept paths shall be required through any subsequent application. Conditions shall be required in respect of: analysis as to whether traffic signals shall be required or not; a Travel Plan; and, a Drainage Impact Assessment. Developer contributions shall be required towards the Local Road Network and the Strategic Transport Fund. This would be secured through a s75 planning obligation.

**Environmental Health** – Initially identified that a Noise Assessment and Air Quality Assessment would be required. This information has only recently been submitted by the applicant, and a verbal update shall be provided at Committee. A condition would however definitely be required in respect of an Environmental Management Plan.

**Developer Contributions Team** – Outlined that developer obligations would be required towards: Core Paths/Environmental and Access Improvements; and, the Strategic Transport Fund.

**Communities, Housing and Infrastructure (Flooding)** - No objection. Further details in respect of drainage and SUDS shall require to be assessed at the time of a subsequent application.

**Aberdeenshire Council** – Highlight concerns at the potential loss of 28% of the turnover at ASDA Portlethen, which would result in an adverse impact.

**AWPR Team** – The applicant's plan shows that the site boundary would overlap with Aberdeen Roads Limited (ARL) Land in association with the construction of the AWPR. There will be an impact associated with this development given its proximity to the Charleston junction. This impact would be in the form of increased journey times for all movements from the A956 Wellington Road passing through the AWPR/A90 Charleston junction. This would equate to an additional 1 minute wait (a 25% increase). As such there is likely to be an impact on the signal timings and operation of the AWPR/A90 junction. Further investigation will be required to analyse the impacts.

**Forestry Commission** – This development would result in the permanent loss of woodland area covering approximately 4.3 hectares, some of which was planted as recent as 2010. The Scottish Government has a long-term plan to expand the woodland cover in Scotland and there is a general presumption against the permanent loss of woodland, and the Scottish Government has a policy on the Control of Woodland Removal (2009). This policy requires compensatory planting, to mitigate permanent woodland loss through economic development. Such planting should as a minimum re-establish equivalent woodland (to that permanently lost) of equal type and area, preferably established in the same local authority area. This should be a condition of any development.

**RSPB** – No objection. The proposal is unlikely to result in significant negative impacts on birds. Encouragement is however given to the minimisation of disturbance in the breeding season, during construction.

**Scottish Environment Protection Agency** – No objection. Conditions shall be required in respect of; Details of the proposed culvert/crossing; surface water drainage; Buffer Strips; and, a Construction Environmental Management Plan.

**Transport Scotland** – No objection. A condition is required to prevent occupation of the development until a comprehensive Travel Plan has been submitted to and approved in writing by the planning authority, after consultation with Transport Scotland.

**Nigg Community Council** – No comments received.

## **REPRESENTATIONS**

Four letters of objection have been received, with three from local residents, and the remaining one on behalf of the developer of a competing retail site in the south of the City. The objections raised relate to the following matters:

- The removal of this green area is against local policy;
- Against the wider development of the area due to the impact on open space, and the character of the area;
- Wildlife habitat shall be removed as a result of development;
- Impact on the local roads network;
- Buffer zones should be thicker than currently shown;
- The Proposed ALDP recommends the Makro site for a new supermarket. A further supermarket beside the Loch of Loirston would be surplus to requirements;



- The B3 site in the Development Framework is identified for local retail use. The proposal caters for a much wider area than just the local needs of the new Loirston development;
- The proposal will greatly increase traffic and air pollution problems in comparison to the smaller retail proposal, and associated dwellings identified for the B3 site;
- The public's use of large supermarkets has stagnated or declined recently;
- The displacement of the dwellings from this part of the site contravenes the intentions of the Development Framework;
- The road traffic associated with the development would affect the operation of a traffic light controlled junction at the single bridge connection to the AWPR/Charleston interchange;
- The proposal is contrary to the extant Local Development Plan, the approved Loirston Development Framework, and the Proposed Local Development Plan;
- The Loirston site is remote from the established communities that the supermarket is intended to serve.

## **PLANNING POLICY**

### **National Policy and Guidance**

Scottish Planning Policy advises that the planning system should encourage sustainable development by “promoting regeneration and the re-use of previously developed land, and the efficient use of land buildings and infrastructure” (Paragraph 40). It further highlights that planning authorities should “take a positive approach to development, recognising and responding to economic and financial conditions in considering proposals that could contribute to economic growth” (Paragraph 33).

Scottish Planning Policy is quite clear in highlighting in paragraph 34 that “where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval”.

Specifically in respect of the assessment of retail proposals, SPP indicates that “the sequential approach requires flexibility and realism from planning authorities, developers, owners and occupiers to ensure that different types of retail and commercial uses are developed in the most appropriate location” (Paragraph 69).

## **Aberdeen City and Shire Strategic Development Plan**

The strategic aims contained within the Strategic Development Plan indicate that we need to create sustainable mixed communities, with the required associated infrastructure in order to cater for the need of the whole population, while also making the most efficient use of the transport network, including reducing the need for people to travel, and encouraging sustainable transportation methods.

### **Aberdeen Local Development Plan**

Within the existing LDP, the site forms part of the respective opportunity sites OP77 (119.2 ha for 1500 homes and 11 ha of employment land, with potential to accommodate football or community stadium) and OP78 (20.5 ha for employment land).

Policy LR1 Land Release Policy Housing and employment development on sites allocated in Phase 1 will be approved in principle with areas designated for housing or employment. Development on an allocated site or in close proximity to an allocation that jeopardises the full provision of the allocation will be refused.

Policy I1 – Infrastructure Delivery and Developer Contributions indicates that development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would 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 states that new developments will need to demonstrate that sufficient measures have been taken to minimise traffic generated. Transport Assessments and Travel Plans will be required for development which exceeds the thresholds set out in the associated Supplementary Guidance.

Policy D1 – Architecture and Placemaking outlines that 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 D3 – Sustainable and Active Travel states that 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 D6 Landscape Development will not be acceptable unless it avoids:

- 1) Significantly adversely affecting landscape character;
- 2) Obstructing important views of the City's townscape;
- 3) Disturbance, loss or damage to important recreation, wildlife or woodland resources, or to the physical links between them; or

- 4) Sprawling onto important or necessary green spaces or buffer between places or communities with individual identities.

Policy RT1 – Sequential Approach and Retail Impact indicates that all retail development shall be located in accordance with the hierarchy and sequential approach as set out below and detailed in Supplementary Guidance: Hierarchy of Retail Centres:-

Tier 1 – Regional Centre

Tier 2 – Town Centres

Tier 3 – District Centres

Tier 4 – Neighbourhood Centres

Retail Parks

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

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

Retail Impact Assessments should be undertaken where a retail development over 2500 square metres gross floorspace outwith a defined regional or town centre is proposed which is not in accordance with the development plan.

A restriction may be imposed on the amount of comparison goods floorspace allowed within convenience shopping development outwith the city centre or other town centres.

Policy RT2 - Out of Centre Proposals Retail development appropriate to town centres, when proposed on a site that is out-of-centre, will be refused planning permission if it does not satisfy all of the following requirements:

1. No other suitable site in a location that is acceptable in terms of Policy RT1 is available or is likely to become available in a reasonable time;
2. There will be no significant adverse effect on the vitality or viability of any retail location listed in Supplementary Guidance: Hierarchy of Retail Centres;
3. There is, in qualitative or quantitative terms, a proven deficiency in provision of the kind of development that is proposed;
4. The proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycling and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependant solely on access by private car;
5. The proposed development would have no significant adverse effect on travel patterns and air pollution.

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

Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted. Where major infrastructure projects or other developments necessitate crossing the Green Space Network, such development shall take into account the coherence of the network.

Policy NE3 Urban Green Space Permission will not be granted to use of redevelop any parks, playing fields, sports pitches, woods, allotments or all other areas of urban green space, for any other use 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.

Policy NE5 Trees and Woodlands outlines that 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 of local amenity.

Policy NE6 Flooding and Drainage Developments will not be permitted if they: increase the risk of flooding; be itself at risk from flooding; adequate provision is not made for access to waterbodies for maintenance; or, would result in the construction of new or strengthened flood defences that would have a significantly damaging effect on natural heritage interests.

Where more than 100 sq.m of floorspace is proposed, the developer will be required to submit a Drainage Impact Assessment, and provide SUDS details.

Policy NE9 Access and Informal Recreation New development should not compromise the integrity of existing or potential recreational opportunities including access rights, core paths, other paths and rights of way.

Policy NE10 Air Quality Planning applications for development which has the potential to have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact or air pollutants are proposed and can be agreed with the Planning Authority.

Policy R6 – Waste Management Requirements for New Development Recycling facilities should be provided in all new superstores or large supermarkets and on other developments where appropriate.

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

## **Proposed Aberdeen Local Development Plan**

Policy LR1 Land Release Policy

Policy D1 Quality Placemaking by Design

Policy D2 Landscape

Policy NC4 Sequential Approach and Impact  
Policy NC5 Out of Centre Proposals  
Policy NC8 Retail Development Serving New Development Areas  
Policy I1 Infrastructure Delivery and Planning Obligations  
Policy T2 Managing the Transport Impact of Development  
Policy T3 Sustainable and Active Travel  
Policy T4 Air Quality  
Policy T5 Noise  
Policy B1 Business and Industrial Land  
Policy NE1 Green Space Network  
Policy NE3 Urban Green Space  
Policy NE5 Trees and Woodlands  
Policy NE6 Flooding, Drainage and Water Quality  
Policy NE9 Access and Informal Recreation  
Policy R6 Waste Management Requirements for New Development  
Policy R7 Low and Zero Carbon Buildings, and Water Efficiency

Within the Proposed LDP, the wider 119.2 hectare site continues to be allocated as an opportunity site (OP 59) for 1500 homes and 11 hectares of employment land.

## **Supplementary Guidance**

### Loirston Development Framework – November 2012

The planning application site forms part of the Development Block B3 of 2.62 hectares which is indicated for residential development (of up to 50 units) with local retail and commercial, with a maximum height of 4 storeys.

Section 5.5.8 – Local Retail and Commercial states that “The Framework identifies locations for local retail and commercial development which is separate to other employment allocations. These land uses are intended to provide support services for the new residential community and are likely to take the form of an ‘express’ and/or local supermarket and other retail uses. Residential development is expected to be provided in an integrated manner within these blocks, providing true vertical mixed use where residential units are accommodated above ground floor commercial and retail uses”.

Section 5.12 outlines the Burnside Character area. The blocks in this area front onto the watercourse which runs into Loirston Loch. Key character aspects include:

- Existing shelterbelt planting to be considered for retention where appropriate;
- Improved watercourse corridor and landscape setting;
- Mixed use, local retail and commercial uses to be integrated with medium density residential;
- Views across Loch from Wellington Road to larger scale local retail buildings to be carefully considered; and,

- Visual impact of parking associated with local retail to be minimised.

Air Quality

Buffer Strips

Drainage Impact Assessments

Hierarchy of Centres

Infrastructure and Developer Contributions Manual

Landscape Guidelines

Low and Zero Carbon Buildings

Transport and Accessibility

Trees and Woodlands

Waste Management

## **Other Relevant Material Considerations**

### Aberdeen City and Aberdeenshire Retail Study 2013

The Strategic Development Planning Authority, in partnership with Aberdeen City and Aberdeenshire Councils commissioned an Aberdeen City and Aberdeenshire Retail Study to examine the future retail potential in the region. This made a number of recommendations on potential retail sites and policy and has been used to inform the contents of the City Centre and Retail sections in the Main Issues Report of the Proposed Local Development Plan.

Table 6.2: Proposed Development Strategy for Retail Floorspace, outlines that there is a retail commitment in Zone 32 (Cove Bay/Altens) at Souter Head Road, Aberdeen (The Thistle Hotel site) for a retail development of around 5800 sq.m (GFA) in order to address retail deficiencies to the south of the City. It is indicated as commencing trading in the period from 2015 to 2020.

Paragraph 4.43 outlines that “Retail commitments will have a direct impact on existing retail locations and centres. They will divert trade away from competing proposals and this trade diversion will, in certain cases, exceed the increases in retail turnover that would arise from increased available expenditure. This will be most significant with the proposed convenience floorspace”.

Table 4.11 on Retail Commitments outlined that the Souter Head Road retail site would comprise 5750 square metres, split overall between 4313 Convenience retailing (75%), 1150 square metres comparison retail (20%), and 288 square metres for bulky goods retailing (5%).

## **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

Fundamental to the assessment of this proposal, is the general principle of changing the use of the land to form a retail development of this scale and size in this location. The extant Local Development Plan includes the provision of an opportunity site (OP76) for a retail development on a 3.0 hectares site on Souther Head Road, which is currently occupied by the Thistle Hotel. To date, no application has ever come forward for that site, nor has any Proposal of Application Notice (PoAN) been submitted.

Scottish Planning Policy is quite clear in highlighting in paragraph 34 that “where a plan is under review, it may be appropriate in some circumstances to consider whether granting planning permission would prejudice the emerging plan. Such circumstances are only likely to apply where the development proposed is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new developments that are central to the emerging plan. Prematurity will be more relevant as a consideration the closer the plan is to adoption or approval”.

Circular 6/2013 on Development Planning indicates in paragraph 7 that “Scottish Planning Policy sets the broad principles that should underpin a plan led system. Development plans should be kept up-to-date and provide a practical framework within which planning applications can be determined with a high degree of certainty and efficiency”.

As part of the extant Local Development Plan, the application does form part of the wider mixed use development for 1500 homes and 11 hectares of employment land. The site also partially crosses Wellington Road, to include land around the junction with the ‘old’ Wellington Road, which also access the Gateway Business Park, and the southern end of Cove.

The wider site is covered by a Development Framework which was adopted as Supplementary Guidance to the Local Development Plan in November 2012. That Framework sets out that development block B3 would be for residential development (of up to 50 units) with local retail and commercial uses, with a maximum height of 4 storeys. This aligns with the application for Planning Permission in Principle (Reference 130892) which sought a proposed residential development of up to 1067 houses, 8 hectares of employment land including commercial, leisure and office uses, a neighbourhood centre comprising retail and commercial uses, community facilities, a primary school, landscaping, open space and recreational facilities. As part of the consideration of that application, the evaluation identified that “The phase 1 masterplan identifies locations for retail uses serving the new community within blocks B3 & B4, to the south-west of the site, adjacent to the ‘entrance boulevard’. In addition, blocks A7, E5 & E6 are identified as providing ground floor commercial uses, which is anticipated to incorporate additional local retailing provision. The incorporation of retail uses at an appropriate scale to serve the new community is consistent with the aims of policy RT5 (Retail Development serving New Development Areas) of the ALDP”.

However, the scale of development being sought in this instance is considered to extend significantly beyond 'local retailing provision' and seeks to cater for a much wider catchment area as confirmed in the applicants supporting planning statement. As such, it is considered that the proposal is contrary to the approved Development Framework for the Loirston masterplanned area. Approval of the application would displace the residential and commercial element that the Development Framework envisages to be located within block B3 and jeopardise the delivery of other development within the wider site or result in densities beyond those expected in the Development Framework. That would not align with the aims and objectives of Policy LR1 of the Adopted Local Development Plan and constitute a significant deviation from the approved Development Framework.

In order to meet the retail deficiencies in this expanding part of the City identified through the 2013 Retail Study and as part of the Local Development Plan review process, a couple of alternative sites have been the subject of development bids to replace the extant opportunity site for retail use to the south of the city. One of these alternatives is the current application site. It was initially identified as the preferred site for a supermarket in the Proposed Plan taken to the meeting of the Communities Housing and Infrastructure Committee on 28 October 2014. However, Elected Members subsequently chose to incorporate the alternative 'Makro site' as the preferred location for retail to the south of the City. As such, the Proposed Plan has recently been out for a ten week consultation period which closed on 1<sup>st</sup> June. The representations received are currently in the process of being logged, and acknowledged, before the points raised are assessed and responded to in the lead up to a LDP examination which should commence in November 2015. However, from an initial scan of the submissions, only four representations have initially been noted in respect of the choice of the Makro site for retail use:

- Support: Cyan Properties (the applicant to the competing retail site and separate application 140924). They welcome the identification of the Makro site as the preferred site for Class 1 Retail for the south of the city;
- Neutral: Nigg Community Council (who cover the area of the application site) outline their acceptance and support of the objectives of the ALDP, yet indicate the requirement to resolve existing infrastructure problems, particularly with regard to traffic. This quoted a number of development proposals in the general area including the retail site choice at Makro.
- Support: Cove and Altens Community Council (outwith the application site) did indicate some concerns over the level of traffic that shall be served by the development, in addition to the recently approved travellers site, and forthcoming school. Roads improvements should be installed prior to occupation;
- Objection: Hermiston Securities (applicant for this application at Loirston). Contest that the retail site should be deleted from Makro, and transferred to Loirston.

It can therefore be concluded that the inclusion of the Makro site (OP110) as the identified site for Class 1 (Retail) use has not been the subject of significant



levels of representation. It is anticipated that the Local Development Plan shall be formally adopted in November/December 2016.

However, the Proposed Plan as consulted on (which includes the identification of the Makro site for retail use), represents the settled view of the City Council at this time. The extant ALDP, and the approved Development Framework currently set out the framework for a future application(s) for planning permission in principle. As such the provisions of those documents still take precedence over emerging policies. Nevertheless, cognisance and a certain level of weight must be given to the changes being brought through the Local Development Plan review. Such changes are given further weight in light of the low level of representations that have been received following consultation on the Proposed ALDP. However, the application proposal does represent a departure from the extant Development Plan at this time due to the scale of the retail proposed sought and its departure from the approved Development Framework, and the over-arching Planning Permission in Principle for Loirston which is expected to be released shortly.

#### Retail Need / Sequential Approach / Impact (both Individually and Cumulatively)

As noted above, both the Adopted Local Development Plan (2012) and the Aberdeen and Aberdeenshire Retail Study (2013) identify that there is a need for a new supermarket to the south of Aberdeen City which shall cater for the needs of the expanding community. No evidence of a desire to secure the delivery of the allocated site for a new supermarket at the 'Thistle Hotel' site on Souterhead Road has been forthcoming. Furthermore, from an initial scan of the submitted representations, there does not appear to be any submission from the owners of the 'Thistle Hotel' site to defend their current allocation. It is partly for this inaction, that it is proposed to remove the current allocation as the retailing opportunity site, for the south of the City. With this in mind it is considered that the non site-specific retailing policies of the Adopted Local Plan are more pertinent to the determination of this application than the site specific retail zoning at Souterhead Road which (for the reasons give above) can no longer be given weight normally attributed to adopted plan policies.

Policy RT1 requires that retail development follows a sequential approach in that it must follow the hierarchy of retail centres identified in the ALDP and its associated Supplementary Guidance. At present, there are no identified town/district centres or retail parks in the south side of the City apart from in Torry, and Garthdee. Cove is however identified as a Neighbourhood Centre (Tier 4). However, the Aberdeen and Aberdeenshire Retail Study has identified the requirement for a new supermarket to meet the current deficiency in provision in the south of the City. The applicant considers that there are no other suitable sites in the South of the City, and that the Loirston site can create a focal point for retail demand. However, the applicants own Phase 1 Masterplan to accompany the application for Planning Permission in Principle (Ref 130892) for the wider development identifies the retail component for Block B3 as being 2250 square metres, which is less than 40% of the level currently sought in this application. The application proposal is therefore of a significant greater scale than has been

envisaged at Loirston to date. Notwithstanding the requirements of Policy RT2 relating to out of centre retail proposals, shall be addressed in turn.

In light of the significant period during which the Souterhead Road ('Thistle Hotel') site has been allocated, and the continued investment into the current hotel premises, it is not apparent that any retail development is likely to be brought forward on that particular site within the life of the extant Local Development Plan. In line with the aims of the Scottish Government to provide more certainty in planning through the delivery of sites identified through the development plan, in instances where such allocated sites are not delivered with the ALDP timeframes, consideration has to be given to any alternative sites which could meet the deficiency in retail provision, and the needs of the expanding communities in Cove/Charleston/Loirston.

The Retail Impact Assessment submitted by the applicant has outlined that a store of 6,000 sqm is required. This slightly contradicts the application submission which is for 5,800 square metres, although for the basis of the assessment, it gives an indication of the likely associated impacts in terms of trade diversion. As such it is calculated that the following would occur:

#### Convenience Goods

- Portlethen 28% impact
- Garthdee 9%
- Torry Town Centre 6%
- Beach Boulevard 4%
- City Centre 1%

While the Retail Impact Assessment has identified that there would be an impact on the turnover at some of the other identified retail locations, it is not envisaged that there would be any significant adverse effect on the vitality or viability of any of those locations identified in the supplementary guidance for Aberdeen City. The reasoning for this is that the extant ALDP, which itself went through a rigorous process, has always envisaged that a store of the size proposed in this application, would be delivered to the south of the City. Therefore there would inevitably be an element of trade diversion that would occur, on any future allocation for Class 1 retail use in this area. The impact of this is acknowledged, however it is not considered to be of an extent that would merit the refusal of the proposal in this instance.

However, the applicants Retail Impact Assessment does however predict a 28% impact on the existing ASDA store in Portlethen. The applicant has sought to clarify this point in highlighting a difference between a quoted turnover figure of £23.3million, while the 2013 Retail Study quotes turnover at the store to be £35.4 million. As such, utilising the last figure, the applicant contends that the trade diversion would only see a 9.5% impact on ASDA at Portlethen.

The applicant indicates that any trade diversion to the Loirston superstore will arise primarily through re-patriation of lost expenditure (currently to Portlethen and Garthdee). However that in itself does not necessarily mean that there

would be no negative impacts to any existing retail centres. The location adjacent to the Charleston interchange, and the southbound A90, would be an attractive location particularly for commuters in addition to any local catchment. As such, it is anticipated that it could draw further custom beyond the intended catchment area. The Makro site is nestled amongst the existing urban form, and adjacent to the current retail allocation at Souter Head Road. It is therefore considered to have less prominence to draw trade away from other centres.

While the above scenario considers the application proposal on an individual basis in terms of individual retail impact, consideration must also be given to the cumulative impact if both Makro and Loirston went ahead. At a scale of approximately 5750/5800 sqm each, the combined stores would see a 42% impact on ASDA at Portlethen, 15% at Torry Town Centre, and 48% at the Tesco store in Torry, with the adjacent Lidl suffering a potential 33% drop. Such a combined impact would be to the significant detriment of existing centres, and individual stores, and could not be supported through the ALDP retail policies. The Aberdeen and Aberdeenshire Retail Study identifies the need for one supermarket for the south of Aberdeen. The provision of two stores to the south of the City should therefore not be considered appropriate.

In respect of the final criteria for Policy RT2, the location of the application site is within the expanding community at Loirston. The Roads Officer has acknowledged that it is expected that regular bus connections shall be diverted through this area in due course. As such it is considered that the site would be safely and easily accessible by a choice of means of transport, albeit somewhat more detached than the respective allocations within the extant and proposed ALDP. In respect of air pollution, the application proposal is still being assessed given the recent submission of the Air Quality Report by the applicant. A verbal update on this aspect shall be provided at the Committee Meeting. It is therefore considered that while the proposal is in compliance with some of the general criteria contained within policy RT2, it would ultimately be contrary to the policy overall in that another suitable site is available and likely to come forward, and there could be significant adverse effect on other existing centres, if both stores (the application proposal and the Makro site) were brought forward.

#### Development Framework objectives

As noted above, consideration has already been given to the departure from Block B3 in respect of solely identifying retail use on that land, as opposed to a mix of uses, led by residential, with commercial and local needs retail at ground floor levels, within blocks of up to 4 storeys. However, comments received from the Masterplanning, Design and Conservation Team has also outlined some concerns over the proposals. They consider that the application proposal does represent a departure from the DF. Furthermore it is also considered that even in the current indicative form, the proposals would fail to deliver key design parameters. The DF places an emphasis on existing views across the Loirston Loch, and also the anticipated urban form. In this instance, and on the basis of the limited information submitted, the development proposals would not have the envisaged presence of development fronting towards the Loch and primary road

running through the site. Furthermore the indicative layout as shown would ultimately still be dominated by car parking which the DF seeks to avoid as it states in section 5.12 that “visual impact of parking associated with local retail to be minimised”. The scale of the proposals could therefore undermine the anticipated urban form at this gateway location. Given that this area is identified in Phase 1 of the wider development, it would not be desirable to start departing from the approved DF so close to the initiation of development.

### Trees and Woodland / Environmental Issues

The submitted tree and woodland survey confirms that a number of trees/woodland would have to be removed to accommodate the development proposals. Generally, the policy stance of the ALDP is a presumption against all development that would result in a loss of established trees and woodlands. Cognisance must however be given to the wider allocation within the ALDP and Proposed ALDP, in that the roll-out of the Loirston development shall see the area undergo significant change in years to come. The associated Development Framework does indicate the location of the development blocks, and primary access points/roads through the site. It should be noted however that the section on ‘Burnside’ within which the application site is located, the DF does outline that “existing shelterbelt planting to be considered for retention where appropriate”.

The applicant has confirmed that there shall be additional replacement planting undertaken as part of the wider Loirston development. However, the specific details of such planting are not available at this time. It is likely the planting would be on another part of the site. The development proposals is likely therefore have a demonstrable impact on the landscape setting in the ‘Burnside’ character area, and existing buffers with the adjacent residential and commercial properties could be reduced quite significantly. Concern was raised within one of the representations as to the potential impact on the existing buffers, and that they should actually be widened. This is partially to take account of any potential noise arising from new development. The submitted Noise Report is currently being considered by Environmental Health Officers. However, any new planting within the site would take some time to mature, to the extent of the existing tree/woodland cover present. However, such detail could ultimately be the subject of detailed consideration at the time of any subsequent application, should this current proposal be approved.

As the application is for Planning Permission in Principle, much of the detail cannot be considered in its entirety at this time. However, it can be concluded that the development proposals could also have a negative impact on the Green Space Network (GSN) which runs through the site. Through the potential urban form (due to the floorspace proposed, and associated car parking/servicing requirements), a significant impact is highly likely to occur to the connectivity north/south for wildlife, and their associated habitats. Therefore the loss of such habitat, and reduction in woodland cover, could reduce the functionality of this part of the GSN. As such, it would be difficult to enhance the GSN on this

particular development block, due to the land-take of the development proposals as currently submitted.

### Technical Matters

Turning to the technical matters of the proposal, the applicant was required to provide a significant level of supporting information, particularly in respect of the potential transportation and environmental impacts of the proposal.

As this application is for Planning Permission in Principle, a majority of the detail would be assessed through a subsequent application should Members be minded to accept the development proposal. However, as identified above, it is considered that the application is at odds, with the Adopted ALDP, its associated Development Framework, and the Proposed ALDP. As such, it is not considered necessary to consider the specifics of the technical requirements, although many (such as roads layouts, Travel Plans, Culverts, Environmental Management Plans, Recycling Facilities) could be subject to conditions if deemed necessary.

In respect of the comments raised by the AWPR team, the applicant has responded to advise that the proposed development access would not impinge upon the land required by Aberdeen Roads Limited (ARL) for the necessary adjacent works. As noted above however, further detailed analysis would be necessary if PPiP were to be obtained, and the specifics of the final proposal brought forward.

### Representations

In most part, the matters raised have already been addressed above in that the majority highlighted that the proposal would be contrary to the ALDP and the approved Development Framework.

In respect of the other matters raised, the wider allocation at Loirston has already been identified through the Adopted ALDP, and therefore is already established. The area is therefore expected to undergo significant change over the coming years, as the wider development is rolled out.

The concern that the public's use of large supermarkets has stagnated or declined recently is not a material consideration, and the economic justification/merits of the proposal are a consideration for the applicant alone.

### 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 of the Proposed Local Development Plan, largely reiterate those contained within the extant ALDP. The principle difference is the deletion of site OP76 Souterhead Road for a retail development, and its substitution with site OP110 at the 'Makro' application site on Wellington Circle.

As it stands, the level of representation to the proposed plan on the proposed allocation of OP110 as an opportunity site, has drawn only four representations, with two generally in support, one neutral, and one objection. As such, it is unlikely that the identification of the OP110 site would be a highly contentious matter as part of the Reporters Examination in due course.

It is therefore contended that while the Proposed Plan is scheduled for adoption in winter 2016, the settled view of the Council at this time, is that the retail opportunity for the south of the city, should be on the competing application site at Marko. As such, the development of the Loirston site would constitute a departure from the current ALDP, the approved Development Framework and the Proposed ALDP.

#### Other Material Considerations

One of the principal considerations in the allocation of opportunity sites, is the ability to deliver development within the lifespan of the Local Development Plan. As is evident above, the site currently allocated for retail use, does not appear to be in a position where it is likely to be submitted, and ultimately delivered prior to the current ALDP being superseded with the Proposed Plan

In their supporting documentation, the applicant has indicated that the process of securing a planning consent and developing a superstore on the site is likely to take around three years. As such, the proposal to bring forward the Loirston site for retail use has been overlooked by the Council in this instance, with the Makro site being found in favour with the Proposed ALDP, with its likely quicker delivery time.

Should Members ultimately be minded to approve this application, then it would be necessary for the applicant to sign up to a s75 Developer Obligation with regard to the provision of developer contributions towards the Local Road Network; the Strategic Transport Fund, and Core Paths/Environmental and Access Improvements. In addition, conditions would also be necessary for the Matters Specified in Conditions to follow including: the design and layout of the proposals; landscaping/tree retention/replacement planting; roads layout and swept paths; a Travel Plan; further traffic analysis; a Drainage Impact

Assessment and SUDS; a Construction Environmental Management Plan; details of the culvert/crossing and buffer strips.

## **RECOMMENDATION**

**Refuse**

## **REASONS FOR RECOMMENDATION**

1) That, while the site lies within the OP77 Loirston Land Release within the Aberdeen Local Development Plan (2012), the scale of retail development sought far exceeds that granted through the planning permission in principle (Reference 130892), and that identified within the Loirston Development Framework which is approved as Supplementary Guidance to the Local Development Plan. Furthermore, the proposal does not comply with Policy RT2 Out of Centre Proposals, and Policy RT5 Retail Development Serving New Development Areas in that there is an allocated site for retail in the extant Local Development Plan, and one identified in the Proposed Local Development Plan, which would meet the identified need for retail provision to the south of the Aberdeen, and there is therefore no additional need beyond the current allocations. Any additional provision could therefore undermine the vitality or viability of other existing retail centres.

2) That the proposals would be contrary to the urban form, design and layout objectives anticipated through the Loirston Development Framework which is approved as Supplementary Guidance to the Adopted Aberdeen Local Development Plan (ALDP), due to

- (i) the lack of mixed-use residential and retail/commercial, and failure to integrate retail use with medium density residential and
- (ii) the expanse of associated car parking and servicing space that would not minimise the impact of car parking

3) That the proposals would be contrary the to Policy NE1 Green Space Network of the adopted ALDP due to the likely a detrimental impact upon the wider connectivity and wildlife habitats associated with the Green Space Network.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.

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PI

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 12 January 2015 00:12  
**To:** PI  
**Subject:** Planning Comment for 141754

Comment for Planning Application 141754

Name : James Brownhill

Address : The Lodge

Charleston

Nigg

Aberdeen AB12 3LL

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : This planning application should be rejected for the following reasons:

- 1 It goes against the existing Aberdeen City Local Plan ALDP (2012) which identifies a location for a major supermarket of approx 5700 sq m at a site on Southerhead Road identified as OP76
- 2 ALDP 2012, and in more detail Loirston Development Framework (approved as Supplementary Guidance) identifies the site of this subject planning application as plot 5.8.8 intended to satisfy the local needs of the Loirston Development in an "express" retail format which typically comprises a maximum of some 400 sqm of retail floorspace. This application contravenes all these intentions.
3. The magnitude of the area of this planning application, 5700 sq m eliminates space for approximately 50 dwelling places as given in the Loirston Framework Development and relocating them elsewhere within the Development Area contravenes the intentions of the Loirston Development Framework accepted as Supplementary Guidance.
4. The road traffic associated with the magnitude of this development so close to the new AWPR Charleston Interchange, one of the main junctions on the AWPR, would cause unacceptable congestion at this single bridge, traffic light controlled junction.

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Mr Paul Williamson, Senior Planner (Development Management)  
Planning & Sustainable Development  
Communities, Housing & Infrastructure  
Aberdeen City Council  
Business Hub 4, Ground Floor North  
Marischal College, Broad Street  
Aberdeen AB10 1AB

26 January 2015

Our Ref: JFVH

Email: [REDACTED]

Dear Mr Williamson,

**PROPOSED RETAIL DEVELOPMENT COMPRISING A CLASS 1 SUPERMARKET  
OF 5,800 SQ M FLOOR SPACE WITH ASSOCIATED CAR PARKING, ACCESS  
AND LANDSCAPING AT LOIRSTON, NIGG, FOR HERMISTON SECURITIES LTD  
APPLICATION REF NO: 141754**

Edinburgh  
0131 225 6612

Glasgow  
0141 204 3838

Leeds  
0113 243 6777

Dundee  
01382 227900

Inverness  
01463 717202

Our client, Cyan Properties Ltd wish to object to the above planning application.

Cyan Properties own the Makro store at Wellington Circle and have a planning application pending for the part change of use of that building to accommodate a supermarket of 5,750 sq m. The Makro site has been allocated in the proposed Aberdeen Local Development Plan (2016) for supermarket use and replaces the current opportunity site designated for supermarket use opposite at the Altens Thistle Hotel. The Makro proposal has the support of the Community Councils in the area and also that of the wider community.

The supermarket proposed at Loirston is contrary to the extant Local Development Plan (2012), the approved Loirston Development Framework and the proposed Local Development Plan (2016).

The applicants contend that it is a replacement for the Altens Thistle Hotel site which, it is acknowledged, will not proceed, but the proposed LDP (2016) as highlighted above, has already made provision for its replacement on the Makro site. Also, the Loirston site is remote from the established communities that the supermarket is required to serve.

Neither the extant LDP (2012), the proposed LDP (2016) nor the approved Development Framework make provision for a supermarket on the Loirston site. Whilst the framework includes scope for neighbourhood retail provision, that is simply to serve the Loirston development. The current proposal exceeds that by some 3,550 sq m.

It is also noted from the Pre-application Consultation Report that there is no public support for this proposed development at Loirston. Indeed, it is clear that the Community Councils to the south of the city are opposed to a supermarket at this location.

In the circumstances, therefore, and on the basis of the above, Cyan Properties Ltd, would contend the application should be refused.

Yours sincerely



John Findlay  
Partner

cc: Mr Huw Williams, Cyan Properties Ltd

**Ryden**

PI

---

**From:** Greg Strange [REDACTED]  
**Sent:** 10 January 2015 15:31  
**To:** PI  
**Subject:** Application ref 141754 Class 1 Supermarket at Loirston

Dear Sir

Planning Application Ref 141754 – PPIP for Class I Supermarket at Loirston

I wish to object to the above proposal for the following reasons:-

1. The Proposed Local Development Plan recommends a site at Macro for a new supermarket for this area. A further supermarket beside the Loch of Loirston would be surplus to requirement.
2. Area B3 in the Loirston Development Framework has been allocated for local retail use. Clearly a 5800m2 supermarket is intended to cater for a much wider area than just the local retail needs of a new Loirston housing development. Displacing a few proposed dwellings with a big supermarket will greatly increase traffic and air pollution problems.
3. The public's use of large supermarkets has stagnated or declined recently (NB. Tesco closing down existing outlets and abandoning proposed new ones). It would be prudent to maintain the current proposal for B3 and have a smaller retail outlet catering only for the new houses.

Yours faithfully

Greg Strange

32 Redmoss Road  
Aberdeen  
AB12 3JN

PI

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 15 December 2014 15:01  
**To:** PI  
**Subject:** Planning Comment for 141754

Comment for Planning Application 141754

Name : Stuart Message  
Address : Gowanlea,  
Nigg,  
Aberdeen

Telephone : [REDACTED]

Email [REDACTED]

type :

Comment : As a local resident of the area (resident at Gowanlea), my comments are as follows:

- 1) The site is one of the green area within Aberdeen City boundaries (a city which prides itself on being green). removal of this is against Aberdeen and local policy. I am against the development for this reason.
- 2) Local amenity of open green areas will be destroyed by the construction of this retail space (along with the other plans for the area). The local community enjoy this peaceful and countryside feel of the area. This development is directly forcing the local community to convert from a &quot;rural&quot; type community to a packed and noisy &quot;urban&quot; community. I am against the development for this reason.
- 3) Wildlife habitat will be removed including living and hunting space for otters, red squirrels and birds of prey. This is clearly a negative impact on the local environment. I am against the development for this reason.
- 4) The local roads will have a heavier traffic flow due to the developments. This is not wanted by myself and other locals. This poses danger to people, children, wildlife and pets. I am against the development for this reason.
- 5) The users of the area will be negatively effected. currently a rural walk round the loch and surrounding area is possible however with the developments in place this will no longer be possible. I am against the development for this reason.
- 6) Local conservation area is being effectively ignored. With heavy traffic and people, the wildlife will be forced out of the area. I am against the development for this reason.
- 7) The local community is objecting this development, the Aberdeen City Council should be representing the people hardest hit by this development - the local community.
- 8) Where plans are accepted (though it is important to always note that I am agains the development), the buffering zones between the locals and new developments should be thicker than currently shown (multiple times wider), the buffering zones should be heavily dense to reduce noise and sight pollution. Access to developments should not be available via existing roads. The size of the development planned should be reduced significantly.
- 9) gaining enough objections to cause a stir will be difficult as the locals are few - the locals feel they are not being listened to by the council.

I object to all of the major development and planning in the area.

Stuart Message

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# Agenda Item 3.2

## Planning Development Management Committee

66 TILLYDRONE AVENUE, TILLYDRONE

REMOVE SINGLE STOREY EXTENSION,  
ERECT SINGLE AND TWO STOREY  
EXTENSION TO SIDE AND REAR AND  
CHANGE OF USE FROM DWELLING (CLASS 9)  
TO HMO (SUI GENERIS)

For: SHC Developments LLP

Application Type : Detailed Planning Permission  
Application Ref. : P150402  
Application Date: 26/03/2015  
Officer: Dineke Brasier  
Ward : Tillydrone/Seaton/Old Aberdeen (J  
Noble/R Milne/R Grant)

Advert : Section 60/65 - Dev aff  
LB/CA  
Advertised on: 29/04/2015  
Committee Date: 18 June 2015  
Community Council : Comments



### RECOMMENDATION:

Refuse

## **DESCRIPTION**

66 Tillydrone Road is a two storey semi-detached dwelling dating from the 1920s. The property has cream harled walls and a slated hipped roof. The front elevation has a hipped gabled projection with ground floor bay window. The dwelling has been extended previously with a single storey rear and side extension. It is currently in use as a House of Multiple Occupation (HMO) with five bedrooms. The property is not classified as a HMO (in planning terms) as no more than 5 unrelated persons reside at the property. More than this figure requires a change of use.

The existing front garden is informally covered in gravel chips and used as a parking area. An access lane, leading to a garage court runs along the south boundary, and a gate provides pedestrian access from this lane to the rear garden, which is also covered in gravel chips.

The site is located in an identified residential area, and is within the Old Aberdeen Conservation Area. Surrounding properties include: a row of terraced granite built two storey dwellings, constructed in the 1950s by the University, immediately to the south; four storey flats opposite; and large two storey detached dwellings to the north and east.

The property is within walking distance to the University of Aberdeen, and Tillydrone Avenue (the route to the Third Don Crossing) sees various bus stops nearby.

## **RELEVANT HISTORY**

The existing single storey rear and side extension was approved in 1995 through planning application ref: 950767.

## **PROPOSAL**

Planning permission is sought for the erection of a two storey side and rear extension, a single storey rear extension and a change of use of the property from a private dwelling (Class 9) to an HMO (Sui Generis) with 9 bedrooms.

The side extension would project 3m south and 4m out from the rear elevation. The width of the two storey element would be 7.5m and would cover most of the rear elevation leaving a gap of 5.5m to the boundary with the adjoining property of 68 Tillydrone Avenue. A further single storey rear extension would project 3m out from the existing rear elevation, and would fill the 5.5m gap between the two storey extension and the boundary with 68 Tillydrone Avenue, where the single storey element would be located. A 1 metre gap would be left between the two storey extension and the boundary with the lane.

Three windows would be set across the ground and first floor of the two storey extension and a full height window and set of double doors in the single storey extension.



The two storey extension would be clad in white smooth render and two sections of grey timber cladding, between the ground floor windows. The roof would be hipped, clad in slate and would incorporate a large flat area. The single storey extension would be fully clad in grey timber, and would have a flat metal roof.

The internal layout of the dwelling would be altered to incorporate: a large living/kitchen area, against the party wall with 68 Tillydrone Avenue; four bedrooms and two shower rooms on the ground floor; and five further bedrooms and three shower rooms on the first floor.

The front garden would incorporate three parking spaces, whilst the rear garden would be landscaped to provide outdoor amenity space.

### **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=150402>

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 Old Aberdeen Community Council has objected and 7 letters of representation, including a petition and an objection from the Old Aberdeen Heritage Society have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

### **CONSULTATIONS**

**Roads Development Management – (*Initial comments*)** Sought a plan showing how many vehicle parking spaces were proposed and that four secure cycle parking spaces were provided

*(Further comments following revised site plan)* Only three parking spaces are proposed in the front garden area. Emerging parking standards require 4.5 spaces, although given the site's close proximity to Aberdeen University, 4 parking spaces would be accepted.

Additionally, particularly given the changing status of Tillydrone Avenue from a Local Distributor Road to a District Distributor Road, it is imperative for road safety reasons that vehicles are able to enter and exit the car park area in a forward gear, the layout submitted does not facilitate this.

Additionally the requested cycle parking is still not shown.

Due to the issues stated above, and based on the information submitted, the Roads Development Management Team is not able to support this application.

**Environmental Health** – No observations.

**Communities, Housing and Infrastructure (Flooding)** – No observations.

**Old Aberdeen Community Council** – Objects to the scheme on the following grounds:

1. The major asymmetrical alteration to this semi-detached dwelling does not have regard to the preservation or enhancement of a building within a conservation area;
2. The development, including the removal of the chimney is not in keeping with the character and amenity of the house or the terrace, resulting in a negative visual impact on the area;
3. The proposed extension would mean that the building could only be used for intensive commercial occupation in the future;
4. The proposal represents overdevelopment of the site due to the proposed major increase in footprint of the structure;
5. Insufficient parking for the number of residents;
6. Additional parking to the front of the building could result in major pedestrian and vehicular traffic hazards, further aggravated by the high capacity carriageway currently created on Tillydrone Avenue;
7. The locality already has a high number of HMO's and further proliferation should be stopped until a reasonable policy is adopted by Aberdeen City Council;
8. The application would result in a more intensive occupancy, with added comings and goings, increased visitor numbers and higher intensity occupation of the rooms, which would give rise to increased noise disturbance. The limited outdoor amenity space would have the potential to generate noise and disturbance during good weather. This could result in unacceptable levels of anti-social events and disturbance to the neighbourhood;
9. The proposal would set a precedent for similar applications.

## **REPRESENTATIONS**

Seven letters of representation, including one petition signed by 32 local residents, have been received. The objections raised relate to the following matters –

1. Increase in noise disturbance due to the increase in the number of bedrooms
2. Insufficient car parking to serve the residents and visitors to the property, resulting in displacement of existing car spaces for local residents;
3. Balance might change from a community characterised by families to an area dominated by students;

4. The extension would destroy the symmetry between 66 and 68 Tillydrone Avenue;
5. The proposal would be an overdevelopment of the site;
6. The proposal would result in a loss of light to 68 Tillydrone Avenue;
7. The proposal would set a precedent for similar applications, resulting in altering the composition of the community, with a significant increase in the number of students.

## **PLANNING POLICY**

### **National Policy:**

Scottish Planning Series – Planning Circular 2/2012 (Houses in Multiple Occupation: Guidance on Planning Control and Licensing):

States that planning authorities should be mindful of the potential impact that concentrations of HMO properties may have on the amenity of the area. Essentially, it encourages policies being put in place in order to ensure there is not an over-concentration of HMO properties in particular locations.

Scottish Planning Policy: Paragraphs 135 to 144:

Sets out the Scottish Government's approach to development within the Historic Environment. This sets out that the planning system should enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use.

SHEP (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.

### **Aberdeen Local Development Plan**

Policy T2: Managing the Transport Impact of Development:

Maximum car parking standards for all types of development are set out in Supplementary Guidance on Transport and Accessibility.

Policy D1: Architecture and Placemaking:

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

Policy D5: Built Heritage:

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

Policy H1: Residential Areas

Proposals for new residential development and householder 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;
- Does not result in the loss of valuable and valued areas of open space;
- Complies with Supplementary Guidance on Curtilage Splits and/or Householder Development.

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.

### **Proposed Aberdeen Local Development Plan**

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

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

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

D4 – Historic Environment (*D5 – Built Heritage*)

H1 – Residential Areas (*H1 – Residential Areas*)

### **Supplementary Guidance**

#### Householder Development Guide:

This document sets the thresholds at which a house or flat will no longer be considered to be in domestic use and will thus be treated as a HMO for planning purposes. Having identified where such changes of use take place, it is then necessary to set out the factors which will be considered in assessing any such application. These include, but are not limited to:

1. Any adverse impact upon pedestrian or road traffic safety as a result of increased pressure on car parking;
2. Significantly adverse impact upon residential amenity for any reason. This may include, but not be limited to, adequate provision of refuse storage space, appropriate provision of garden ground/ amenity space, and an appropriate level of car parking; and
3. An excessive concentration of HMOs in a given locality, cumulatively resulting in a material change in the character of that area. 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 area.

#### Transport and Accessibility Supplementary Guidance:

Provides parking standards for all types of development. However, this document does not provide set parking standards for HMO's and these are individually assessed on their merits.

## **Other Relevant Material Considerations**

### Old Aberdeen Conservation Area Appraisal (Draft):

Provides a background as to the types of development within and history of the Old Aberdeen Conservation Area. This document sets out that 66 Tillydrone Avenue is part of a pair of semi-detached dwellings constructed in 1924.

## **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 proposal is for the extension of the dwelling and a change of use from a private dwelling to an HMO with 9 bedrooms. Even though the intensity of the use is such that it cannot be considered to be of a domestic scale, within the context of the surroundings, and is neither a dwellinghouse (Class 9) nor a flat (sui generis), rather quasi-residential in nature. It is still considered appropriate to assess the proposal against the criteria set out in policy H1, given that surrounding context.

In this case, the existing dwelling would be significantly extended, with a part single storey and part two storey rear and side extension. The plot has a substantial garden particularly to the rear. The extension would roughly double the footprint of the building from 66.25m<sup>2</sup> to 123.05m<sup>2</sup>. Though large, due to the large plot size, this footprint is not considered to be an overdevelopment and could be accommodated.

Issues of amenity, both for occupants of the HMO and neighbouring properties, need careful assessment. Additionally the impact of the proposal on the character and appearance of the Old Aberdeen Conservation Area are considered in detail below.

Policy H1 states that proposals for non-residential development within an existing residential area are generally refused unless they are considered complimentary to the existing 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.

### Impact on the character and appearance of the surrounding area, including the Old Aberdeen Conservation Area:

The scale of the extension has been reduced during the application process. In the original submission, the side extension was roughly level with the existing front elevation of the property, but set back 2.5m from the gabled projection. This 'flush' arrangement was considered to have a dominating impact on the existing property, and would significantly unbalance the appearance of the semi-detached dwellings, when viewed from Tillydrone Avenue. All so as to result in an adverse impact on the character and appearance of the Conservation Area. Following discussions, the side extension was set back by 3.5m, leaving a gap of 6m from the front projection and off set from the existing principle elevation. Furthermore, the extension would now be well behind the front elevation of the neighbouring row of terraced housing. As such in longer views along Tillydrone Avenue, the extension would not be as clearly visible, reducing its impact on the character and appearance of the Conservation Area.

The design of the extension itself is rather bland utilitarian, being influenced by its accommodation requirements, rather than any design quality. It incorporates a large section of blank wall in the side elevation, facing the side access lane. Furthermore, it contains a section of flat roof indicating that the size of the extension is too large for the existing building, and to an extent dominating the existing architecture. Materials are indicated as white smooth render for the majority of the walls, but should match the existing property. This could be conditioned.

Impact on the residential amenities of occupants and neighbouring properties:

A significant issue in relation to this application is its impact on the residential amenities of neighbouring properties. The building is currently in use as an HMO with five bedrooms, which does not require planning permission. However, under the current proposal, the number of bedrooms would be increased to 9. Due to its proximity to the University of Aberdeen, it is likely that the target market for the HMO would be students. The proposal would result in a significantly more intensive occupancy (9 'flatlets') than at present and when compared to surrounding properties, with more comings and goings to and from the property and an increased number of visitors and vehicle movements. In addition, there would be an increased potential for the generation of noise within the building from radios, televisions or music players, which could adversely affect neighbouring properties, in particular the adjoining dwelling at 68 Tillydrone Avenue, especially when windows are open.

The property has a large front and rear garden. The front garden would be primarily laid out as a parking area, but the rear garden would be landscaped to provide outdoor amenity space. This rear garden is surrounded by the gardens of 64, 68 and 88 Tillydrone Avenue, all of which are family houses. The use of this rear garden by a large number of people, particularly during good weather and in the evening, could result in a loss of amenity due to noise disturbance arising from voices and music, beyond that which would be expected of a dwellinghouse. It is therefore considered that the creation of such a large HMO would be likely to conflict with the enjoyment of the existing residential amenity of neighbouring properties, changing the character of the property and would be contrary to policy

H1 of the Aberdeen Local Development Plan and the Householder Development Guide.

Research has shown that there are no planning permissions for HMOs in the immediate vicinity of the site. As such, only smaller HMOs with a maximum number of five bedrooms could be located nearby, these are considered to be dwellinghouses in planning terms. It is therefore not considered that approval of this application would result in a change of character to the area as it would still be dominated by family housing/ dwellinghouses.

The single storey extension would be constructed up to the boundary with 68 Tillydrone Avenue. This property has a ground floor window at a distance of 1.4m from the boundary. A line drawn at a 45° angle in both a plan and a section view from the corner of the proposed extension would either go through or very near the centre of the affected window. Also the proposed extension would be located to the south of 68 Tillydrone Avenue. As such, on balance, it is considered that the proposed extension would result in a significant loss of light to this ground floor window to the detriment of the residential amenity of 68 Tillydrone Avenue, contrary to the requirements of policy H1 (Residential Areas) of the Aberdeen Local Development Plan and the Householder Development Guide.

Impact on public highways, especially in relation to parking and access:

The proposed site plan indicates three parking spaces in the front garden of the building. The Council's Transport and Accessibility Supplementary Guidance does not contain any parking standards for HMO's and each application is assessed on merit. As a general guide, 0.5 space per bedroom is used, which would equate to 4.5 spaces for this proposal. Given the proximity of the building to the University of Aberdeen, which is within easy walking distance, and various bus stops, a lower provision of four parking spaces for nine bedrooms would be considered acceptable. However, the proposed site plan incorporates only three parking spaces, a deficit of one. Furthermore, the proposed layout of the parking area would not allow cars to enter and exit the site in a forward gear. Following completion of the Third Don Crossing, traffic levels on Tillydrone Avenue will rise. As such, it is considered essential for road safety reasons that cars enter and exit the site in a forward gear. Therefore the proposal is considered not to comply with the requirements of policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local 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 use of the building as a House of Multiple Occupation for nine unrelated persons would intensify the existing use to an unacceptable level whereby there would be an adverse impact on the residential amenity of the area, mainly due to an increased level of noise and movements. The proposal is therefore contrary to Scottish Planning Series – Planning Circular 2/2012 (Houses in Multiple Occupation: Guidance on Planning Control and Licensing), policy H1 (Residential Areas) of the Aberdeen Local Development Plan, policy H1 (Residential Areas) of the Proposed Local Development Plan and the Householder Development Guide.
- (2.) The proposed car parking layout would result in inadequate provision of car parking spaces required for the size of the proposed development. Furthermore, the proposed layout would not allow cars to enter and exit Tillydrone Avenue in a forward gear as required due to the increased traffic levels following completion of the Third Don Crossing. The proposal is therefore contrary to policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan and policy T2 (Managing the Transport Impact of Development) of the Proposed Local Development Plan.
- (3.) The proposal would result in a significant loss of light to the ground floor window of 68 Tillydrone Avenue to the detriment of their residential amenity. The proposal is therefore contrary to policy H1 (Residential Areas) of the Aberdeen Local Development Plan, policy H1 (Residential Areas) of the Proposed Local Development Plan and the Householder Development Guide.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.



PI

**From:** Dineke Brasier  
**Sent:** 20 May 2015 09:41  
**To:** PI  
**Subject:** FW: objection to planning application ref. 150402 66 Tillydrone Avenue  
**Attachments:** 20150520081341.pdf

**Importance:** High

Hi,

Can you please lodge this objection. It's still on time.

Thanks,  
Dineke

---

**From:** Lynch, Helen [REDACTED]  
**Sent:** 20 May 2015 09:24  
**To:** Dineke Brasier  
**Subject:** objection to planning application ref. 150402 66 Tillydrone Avenue  
**Importance:** High

Objection to planning application 150402, extension and conversion to HMO 66 Tillydrone Avenue below, and attached in letter form.

86 Tillydrone Avenue,  
Aberdeen AB24 2TN  
Tuesday 19<sup>th</sup> May 2015

Dear Dineke Brasier,

Re. planning application 150402

I am writing to object to the proposed erection of a 2-storey extension at 66 Tillydrone Avenue and change of use to an HMO, providing 11 student bedrooms. This would substantially alter the character of the conservation area, which is a quiet residential district of family homes. Aside from making a complete aesthetic mess of one half of a pair of semi-detached houses, which are currently symmetrical, 1920s buildings, the plan would seriously alter the composition of the community, and have considerable parking, safety and traffic implications.

I like students – I teach students – I even find the sound of them having parties on summer evenings quite pleasant, but I suspect many of my neighbours trying to get their young children to bed would not. The properties are very close together, and there are a lot of young families in the 18 houses. The children are able to play outside together with a great deal of freedom, but 11 students (more if the bedrooms are let to couples), plus their friends, means many more cars driving into the cul-de-sac. There is no parking provision for the number of cars that is likely to accrue, and with the new road layout the on-road parking will be limited. Even HMO-related standards in the Draft Local Development Plan recommend 0.5 spaces per bedroom, which would mean 5 and a half spaces which there is simply no room to provide. This means that families would find they couldn't park outside their own homes (with all the obvious implications for safety and convenience, carting children, buggies, car seats a further distance to get to their vehicle). The access and egress for these extra cars would undoubtedly present a safety issue, especially for children who currently get to ride their bikes and scooters in the cul-de-sac and behind the houses of the terrace. In short, the proposed overdevelopment of this property should be turned down on grounds of alteration of the composition and character of the neighbourhood, disfigurement of the building, and the disturbance, traffic safety issues, and parking problems that will undoubtedly arise if it goes ahead. Having

granted such permission, it would also be difficult to justify rejecting any future applications of a similar nature, and the Council should thus avoid setting such a dangerous precedent.

Yours sincerely,  
Dr Helen Lynch

The University of Aberdeen is a charity registered in Scotland, No SC013683.  
Tha Oilthigh Obar Dheathain na charthannas clàraichte ann an Alba, Àir. SC013683.

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Yours sincerely,

Dr Helen Lynch

Planning Dept  
Aberdeen City Council

Tillydrone Avenue  
May 2015


Dear Sirs,

***Planning Application No. 150402 – 66 Tillydrone Avenue***

Proposal to erect 2 storey extension to side and rear, and change of use to HMO with 11 bedrooms

**WE, THE UNDERSIGNED, WISH TO REGISTER A STRONG OBJECTION TO THE ABOVE APPLICATION ON THE FOLLOWING GROUNDS:-**

- 1) This is a gross overdevelopment, more than doubling the number of bedrooms.
- 2) There is already a shortage of parking in this area, and this proposal would make matters even worse, not only with all the extra occupants, but also extra visitors.
- 3) An HMO of this size would have an adverse effect on existing residential amenity in the area, because of the more intensive occupancy.
- 4) It would undermine the settled, residential character of the area, by increasing the proportion of temporary residents in this distinctive community of family homes.
- 5) It would spoil the character of this classic 1920's house, and destroy the symmetry of nos 66 and 68, which are an asset to the Old Aberdeen Conservation Area.
- 6) To allow this proposal would set a dangerous precedent for the future, whereby it might be difficult for the Council to refuse further, similar proposals, with devastating consequences for our community.


NAME	ADDRESS	SIGNATURE
MR. A. G. WISEMAN	88 TILLYDRONE AVE.	
MR. M. YAZDANI	72 TILLYDRONE AVE.	
S. Kovelty	72 Tillydrone AVE	
Marie-Pierre Perreault	58 Tillydrone Ave	
Julien MARTIN	58 Tillydrone Avenue	
ELIZABETH WISEMAN	88 TILLYDRONE AVE	
María Angélica Hernández	60 Tillydrone Avenue	
RODOLFO AGUSTÍN HERNÁNDEZ	60 TILLYDRONE AVENUE	
DR HELEN LYNCH	86 TILLYDRONE AVE	

Planning Application No. 150402 – 66 Tillydrone Avenue

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<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
RODOLFO HERNÁNDEZ	60 TILLYDRONE AVE.	
Andrés Hernández	60 Tillydrone Avenue	
Ewa Ritchie	56 Tillydrone Ave	
Raymond Nirenwicz	56 Tillydrone Ave	
TIM RASMUSSEN	62 Tillydrone Ave.	
Akiko Rasmussen	62 Tillydrone AV	
МАХАДЕСЕН МАУСАВС	64 Tillydrone AVE	
MAHARDESSEN MAUSAVS	64 Tillydrone Ave.	
PETER PATER	82 Tillydrone Ave	
Mui Mutch	" " " "	
Méadhbh Gramain	68 Tillydrone Avenue	
Jean-Baptiste GRAMAIN	68 Tillydrone Avenue.	

Planning Application No. 150402 – 66 Tillydrone Avenue

Proposal to erect 2 storey extension to side and rear, and change of use to HMO with 11 bedrooms

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NAME

ADDRESS

SIGNATURE

Sally Smith

84, Tillydrone Ave.

Tim Suto

11

SHAKIBA VARZI

80 Tillydrone Avenue.

Nahid Goudarzi

~

Kimeya Varzi

~

Kiana Varzi

~

ZAIN MOJIB ABBAS

54 TILLYDRONE AVENUE

KAMARIAH ISMAIL

~

*Planning Application No. 150402 – 66 Tillydrone Avenue*

Proposal to erect 2 storey extension to side and rear, and change of use to HMO with 11 bedrooms

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NAME

ADDRESS

SIGNATURE

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FEDERICA AVELLA

DELRAM VARRI

78 TILLYDRONE AV. AB24 2TN

" " "

80 " " "





# OLD ABERDEEN HERITAGE SOCIETY

Planning Dept  
Aberdeen City Council  
Marischal College

11 Greenbrae Crescent  
Denmore  
Bridge of Don  
Aberdeen  
AB23 8LH  
19th May 2015

Dear Sirs,

66 Tillydrone Avenue, Old Aberdeen Conservation Area

Proposal for 2-storey extension to side and rear, and change of use to HMO  
with 11 bedrooms

We wish to object in the strongest terms to the above application on the following grounds:-

① Overdevelopment

Apart from the obvious significant increase in the footprint of this building, and the consequent diminution of the proportion of garden ground appropriate to this kind of property, we wish to highlight another consideration.

We understand that an important factor in assessing what represents overdevelopment is the context, and we believe that this is a key issue.

This property was built as a 3-bedroomed family home in the 1920's, and since then has only been extended once, and minimally, to accommodate an extra bedroom and living space for an elderly parent.

The current proposal seeks to enlarge the property to provide 11 bedrooms, representing a complete departure from the context of a traditional semi-detached house adjacent to a matching unaltered 3-bedroomed house, and surrounded by modest family homes on all sides, which are also free of such alterations.

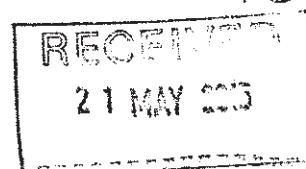
The stark contrast between the scale and massing of the proposed development and the proportions of the adjacent and surrounding homes clearly demonstrates a lack of regard to context and thence a clear case of overdevelopment, which is contrary to Policy H1 of the City Council's Local Development Plan.

② Residential Amenity

This plan clearly has the potential to cause significant conflict with the enjoyment of existing residential amenity, and indeed, to be the source of public nuisance, owing to the huge increase (to more than double) in the occupancy of the property.

This intensification of use is bound to increase the potential for disturbance, by way of:-

- a) more comings and goings from the property
- b) an increased number of visitors
- c) more intensive use of individual rooms





- d) generation of noise within the building particularly from music-players, radios etc, which could adversely affect neighbours, especially in the summer when windows are open
- e) the amenity space for the increased number of occupants (the remaining garden) is situated next to the site boundary of No 68 Tillydrone Avenue, and near to the neighbouring property of No64. It is also extremely close to No 88, as well as being sited almost literally in the middle of this quiet residential community. The remaining garden ground at No 66 would undoubtedly provide opportunities for outdoor gatherings and parties in warmer weather, both in the daytime and evening, with the potential for quite large numbers of people, in the light of the increased occupancy and a corresponding increase in the number of visitors. There is clearly potential for noise and disturbance from voices and music to have an adverse effect on the amenity of neighbouring properties, and the neighbourhood in general.

Clearly, with an increase to 11 occupants, this semi-detached house would in effect become a student hostel (as the target market is clearly intended to be students), and in such close proximity to neighbouring family homes there would almost certainly be a clash of lifestyles, a problem which is well documented in such situations.

It should be noted at this point that there is already one HMO on the edge of this area, with accommodation for 5 students, and that this has, periodically, been the source of disturbance and other conflict with local amenity, particularly in terms of noise, especially late at night, or in the early hours. With an 11-bedroomed HMO, such as that proposed at No 66 Tillydrone Avenue, there would clearly be the potential for a far greater disturbance, affecting more neighbouring properties. This is simply unfair on those families who have chosen to make their permanent homes in this traditional family area in the reasonable expectation of a relatively peaceful residential environment.

It is the Society's view that the proposed enlargement of No 66 Tillydrone Avenue, and its conversion to a House in Multiple Occupation with 11 bedrooms, would be contrary to the objectives of Local Plan Policy H1, by way of its potential to cause conflict with the enjoyment of existing residential amenity.

③ **Unacceptable impact on the character and amenity of the surrounding area**

This proposal would represent a material change in the settled residential nature of the neighbourhood, by introducing a highly concentrated intensification of use, and a large number of transient residents to a quiet residential area. This is contrary to both Policy H1 of the LDP, and to the provisions of the Council's Supplementary Guidance in the "Householder's Development Guide", in the section which pertains to the creation of large HMOs.

④ **Impact on daylighting/sunlighting of the adjoining property**

We believe that the proposed extension would have a detrimental effect on the amount of light available to the house and garden at No 68, at particular times of the day. It would certainly also make that property feel hemmed in to the south, instead of the present open aspect.

In this respect, we should like to draw attention to an inadequacy in the architectural plans submitted by the applicant. Notable by its absence is any representation of the side elevation as viewed from the north. This omission means that the impact of the extension as seen from the neighbouring property, and the communal "village green", is not as easily discernible as it should be. We should have thought that drawings showing both south and north elevations would have been a prerequisite for a planning application. This one lacks essential information to enable concerned parties to visualise the impact of the building.

⑤ **Potential for disturbance specifically to the amenity of the adjoining property**

We have concerns about the proposed construction of a somewhat flimsy looking extension at the rear of No 66. Not only is this room meant to accommodate a kitchen and dining area for 11 people; it also is said to function as a garden room (apparent from the expansive floor to ceiling windows and patio doors).

From what little is indicated of its design and construction, it would seem that with a metal roof, possibly unsubstantial walls, covered with timber cladding, and a large expanse of glass, that the noise

insulation of this proposed single storey extension would be severely lacking. This could be of serious consequence to the amenity of No 68, as this extension adjoins that property. This is of particular concern because this kitchen/dining/garden room would quite clearly be the "social hub" of the HMO, and would be the potential source of much disturbance by way of all kinds of noise.

⑥ **Adverse impact upon pedestrian and road traffic safety, as a result of increased pressure on car parking**

As stated in the "Householder's Development Guide", multiple occupancy of a property can intensify pressure on car parking. We hold that, in the current proposal, such pressure would be destructive of the amenity and safety of the surrounding area.

The applicants state that they do not intend to provide on-site parking spaces, although there is room for one car at the front without compromising the setting of the building and the amenity of the Conservation Area. If, however, there were to be any suggestion that some arrangement could be made that tenants do not bring cars, it is important to state that this would be in practice unenforceable, and most certainly could not apply to visitors' cars. Added to this, being in the "Outer City" zone, there would no doubt be an expectation of a right to have a car.

Unfortunately, the current Supplementary Guidance on "Transport and Accessibility" does not give parking standards specifically for HMOs, so there is no guidance there to refer to, but this has been rectified in the Draft Supplementary Guidance accompanying the 2015 Draft LDP, which gives guidelines for recommended parking standards for HMOs.

The recommended number of parking spaces for an HMO in the Outer City Zone, such as No 66 Tillydrone Avenue, is 0.5 spaces per bedroom. This translates into 5 ½ spaces for the 11 bedrooms at the enlarged property.

There is already an acute shortage of parking provision for the houses in this area; particularly for Nos 54-64, and they are likely to lose the option of parking on the main road outside their houses, when that road, at present being reconstructed to become a main arterial route, comes into operation. However much it may be hoped that parking could be allowed on this road, it is clear that there simply would not be enough room on such a busy route, and any such suggestion would have to be withdrawn in the face of the practicalities of the situation.

There will therefore soon be increased pressure on parking in the area as a result of the construction of this new road, and the proposed HMO at No 66 can only create major problems, as parking spaces can not be found for the likely number of occupants' cars, quite apart from the number of cars belonging to visitors.

The likely result is that all the vehicles generated by No 66 will end up trying to park in the adjacent cul-de-sac, which is already full to capacity.

The proposed HMO development has the potential to cause severe problems with road traffic safety and pedestrian safety, both as a consequence of random parking and greatly increased access and egress of vehicles, in an area which is predominantly one of families with young children. This is completely unacceptable.

This proposal is contrary to the provisions of the "Transport and Accessibility" guidance, and also contrary to those in the "Householder's Development Guide" in the relevant section on HMOs, where it states:-

"Where it is not practicable for dedicated car parking to be provided alongside the development, a proposal must not exacerbate existing problems in the local area"

⑦ **Inappropriate Design, and detrimental effect on Old Aberdeen Conservation Area**

The design of this extension shows no respect for the context of this property, (as would be required by Policy D1 of the LDP).

No 66 is one of a pair of handsome semi-detached houses which make a really positive contribution to the Conservation Area, and indeed receive special mention in the Council's Draft Character Appraisal for Old Aberdeen. They were built in 1924 for Major Hay of Seaton House, to house the principal Factors for his estate, and so are also of some interest from a local history perspective.

The proposed alterations and extension would damage the integrity of No 66, by changing the classic proportions, but there would be even more harm done to the appearance of the two houses considered together, as they should be. The tall extension to the right would destroy the pleasing symmetry of these houses, as would the removal of the matching set of chimneys. The essential character of these houses as originally designed, would be completely lost.

The extension at the side and back would also impact on the character of the Conservation Area, as well as the house itself, because the back garden is bordered on two sides by access lanes, from where the two-storey extension would compromise the view of the rear of the house. The "garden room" extension is of a completely unsympathetic design with its flat metal roof and inappropriate timber cladding.

These proposals would destroy the architectural integrity of this house by adding an utterly inappropriate extension. They would detract from the character of the property, and also impact on the aesthetic value of No 68, by virtue of spoiling the appearance of the two homes as originally designed together.

This development would neither preserve nor enhance the character of the Conservation Area, and in fact would be severely detrimental to the Conservation Area in every respect. It is therefore in conflict with both Policy D5 of the LDP, and Scottish Planning Policy.

⑧ Precedent

We have serious concerns about the very real possibility that to allow this proposal would be to create an undesirable precedent, which would make it difficult for the City Council to refuse applications for similar extensions in the surrounding area in the future. This would result in the further erosion of the character of the neighbourhood, and could also inhibit the Council's ability to refuse such applications elsewhere in the Conservation Area.

\* \* \*

In conclusion, it must be a matter of serious concern that family homes in the Old Aberdeen Conservation Area are clearly being targeted not only by local speculators, but also, now, by investment companies from London, who presumably see this area as some sort of "rich pickings" by virtue of its proximity to the University.

The scale and massing of the proposal is out of all proportion to what is reasonable for the context in which this property is situated.

We should like to emphasise that the residents of Tillydrone Avenue already face an appreciable decrease in their residential amenity because of the conversion of this road into a main arterial route. Despite efforts to mitigate the effect on the neighbourhood, there will undoubtedly be a significant negative impact on local residential amenity. In the light of this, not only would it be unjust to permit a new development which would add to the burden on residents in this area, but it would specifically conflict with the City Council's commitment to the local community to work to enhance residential amenity in the face of current changes.

To sum up, it is our view that this proposal to convert a semi-detached house into an HMO with 11 bedrooms is fundamentally unacceptable on the grounds cited above, and in particular as it conflicts with the City Council's policies as set out in the Local Development Plan.

Accordingly we request that this application be refused.

Yours faithfully,

  
Planning Secretary

# OLD ABERDEEN COMMUNITY COUNCIL

Planning Liaison  
2 Harrow Road  
ABERDEEN  
AB24 1UN

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

19<sup>th</sup> May 2015

Dear Sir,

**Planning Application No. 150402 - 66 Tillydrone Avenue, Aberdeen**

Old Aberdeen Community Council (OACC) wishes to make representations in regard to the above application and would comment as follows: -

- 1 This building lies within the Old Aberdeen Conservation Area. The major asymmetrical alteration proposed for this semi-detached dwelling cannot be said to have regard to the preservation or enhancement of a building within a conservation area.
- 2 The development, including the removal of the chimney, is not in keeping with the character and amenity of the house, or the terrace in which it stands. This would have a negative visual impact on the area, contrary to Policy H1 of ALDP.
- 3 Whilst they are not listed buildings, the line of houses on the north side of Tillydrone Avenue is a fine demonstration of inter-war development by mixed landlords, the house which is the subject of this application having been built in 1924 by Major Hay, the Laird of Seaton. The group as a whole is a valuable example of layout and variations in material colour and texture, which is of historic architectural significance and worthy of preservation in accordance with the spirit of a conservation area.
- 4 The proposed structural extension replaces a much smaller and less intrusive single-storey extension, built we believe some 20 years ago to enhance the use of the house as a family dwelling. The current dwelling could still return to use as a family home when the present shortfall of student accommodation is corrected and the need for HMOs is reduced, but the proposed extension would mean that its future could only be for intensive commercial occupation, contrary to policy H1 (Residential Areas) of the ALDP.
- 5 With the proposed major increase in footprint of the structure, the proposal represents overdevelopment of this site.
- 6 The site could not provide sufficient parking for the proposed number of residents, contrary to the aims of policy T2 (Managing the Transport impact of Development).

- 7 Additional parking to the front of the building will exacerbate the major pedestrian and vehicular traffic hazard potential created by the high capacity carriageway currently being created on Tillydrone Avenue and from which access and egress to the parking within the curtilage of the property would have to be effected.
- 8 The locality is already disproportionately supplied with HMOs and it is the Community's desire that, for the good of the whole community, further proliferation should be stopped until a reasonable policy is adopted by Aberdeen City Council.
- 9 Whether the extended premises were occupied by single persons or couples, the proposal would result in a more intensive occupancy, added comings and goings, increased visitor numbers and higher intensity occupation of the rooms which would give rise to increased noise from the use of televisions and other such devices. The limited amenity space remaining after the building footprint is increased will have the potential to generate noise and disturbance during good weather. These factors all have the potential to generate unacceptable levels of anti-social events and disturbance to the neighbourhood.
- 10 More than doubling the occupation of the premises would have an adverse impact on the amenity of a neighbourhood already suffering fallout from the new road being created.
- 11 Granting permission for this major expansion of a family type dwelling house would set a precedent for all such houses in the area and lead to a further reduction in the desirable demographic balance of the community.

For these reasons, we would ask therefore that this application be refused.

Yours sincerely,

*George A. Wood*

George A. Wood, Planning Liaison.  
For and on behalf of Old Aberdeen Community Council.

84 Tillydrone Avenue  
ABERDEEN  
AB24 2TN

Planning Department  
Aberdeen City Council  
Marischal College  
Broad Street  
ABERDEEN  
AB10 1AB

17 May 2015,

Re: Planning Application number: 150402

Dear Dineke Brasier,

We strongly object to the planning proposal to extend the dwelling and change of use to HMO status of no.66 Tillydrone Avenue on the following grounds:-

1. It would change the character of this quiet residential area. The 18 houses within this conservation area are currently all family homes with the exception of 2 small commercial lets.
2. All the residents are being tolerant of the disturbance caused by one of these commercial lets occupied by university students. We are obviously very concerned that there is potential for increased noise causing a public nuisance to our neighbourhood.
3. There is already a shortage of parking in Tillydrone Avenue and with the alterations to the road for the 3<sup>rd</sup> Don Crossing it is more than likely that the parking problem will be exacerbated.
4. If this planning application is approved there is the danger that it will be setting a precedent and the Council would find it difficult to refuse similar applications in the future.

Yours sincerely,



Tim and Sally Smith

88 Tillydrone Avenue  
Aberdeen  
AB24 2TN

14 May 2015

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

To The Planning Officer

Application Number: 150402  
Proposed Development at 66 Tillydrone Avenue, Aberdeen

We wish to protest about the proposed redevelopment and refurbishment of the above premises, mainly due to the question of parking. Our property is in the adjoining cul-de-sac which is a conservation area and belongs to the University, ourselves and others.

As the house is a semi-detached on the main road (on which there is to be no parking) and spaces are already bordering on the inadequate, with a "first come, first served" situation in operation, any further pressure on the available areas will lead to an untenable situation, especially for the elderly and, in some cases, disabled occupants in the area.

We hope you will give this matter serious consideration as it is causing much concern among the residents concerned.

Yours faithfully

  
ALAN G WISEMAN  
ELIZABETH WISEMAN

PI

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**From:** Dineke Brasier  
**Sent:** 21 May 2015 08:17  
**To:** PI  
**Subject:** FW: Extension plan for 66 Tillydrone Avenue - no. 150402.

Hi,

This came in yesterday so technically still in time. Can it be lodged as an objection?

Thanks,  
Dineke

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**From:** Rasmussen, Akiko [REDACTED]  
**Sent:** 20 May 2015 19:59  
**To:** Dineke Brasier  
**Subject:** Extension plan for 66 Tillydrone Avenue - no. 150402.

Dear Ms Dineke Brasier

I am writing to express my concern about the extension plan for 66 Tillydrone Avenue - no. 150402. It is in quiet residential area, and it has been already noise issues with current arrangement, I would not like to imagine how much more noise it would generate with 11 bedrooms if the planning would be accepted. Furthermore, it will be a huge problems about the car parking spaces, not just with the occupants of such a large house as well as their visitors, with very small spaces in front of their house.

I would like to strongly oppose to the extension plan for the neighbouring house, 66 Tillydrone Avenue.

Best wishes

Akiko Rasmussen

Dr Akiko Rasmussen  
62 Tillydrone Avenue  
Aberdeen  
AB24 2TN

The University of Aberdeen is a charity registered in Scotland, No SC013683.  
Tha Oilthigh Obar Dheathain na charthannas clàraichte ann an Alba, Àir. SC013683.



PI

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**From:** Dineke Brasier  
**Sent:** 21 May 2015 08:20  
**To:** PI  
**Subject:** FW: 66 Tillydrone Avenue

And another one. Same story, submitted yesterday so can it still be lodged as an objection?

Many thanks,  
Dineke

**From:** Méadhbh and JB [REDACTED]  
**Sent:** 20 May 2015 17:10  
**To:** Dineke Brasier  
**Subject:** 66 Tillydrone Avenue

Dear Dineke,

We are writing in objection to the proposed plans for 66 Tillydrone Avenue, planning application number 150402.

We live in 68 Tillydrone Avenue which is the house adjoining number 66 and so the proposed plans would affect us greatly.

We are aware that the plans are to extend the house so that it will contain 11 bedrooms. One worry we have is regarding the noise of having 11 students living next door to us. We have a young baby and are concerned about potential parties and loud music, particularly at night. We have had three students living next to us in the past who were very pleasant but were noisy at times, we are concerned that the noise from 11 students with occasional visitors would be even greater.

We are currently living in a nice area with young families and a pleasant community spirit. This is likely to change if the balance of residents swings towards young students who change every year.

We are also concerned about the physical changes that such an extension would bring. Our two houses are semi-detached and very similar. They are old houses dating from the 1920's and are an integral part of the Old Aberdeen Conservation Area. As such, the extension planned would destroy the lovely symmetry of the houses, as well as be a clear overdevelopment of the site. If the house next door is extended then our house will also lose a lot of its charm, not only from an aesthetic point of view. We will also suffer from a loss of sunlight in our garden as a result of increasing the size of the property next door.

Finally, we are concerned about the number of cars that will potentially be parked around our house, both those belonging to the students and those belonging to their visitors. There is already a shortage of parking in the area, which will only get worse with the opening of the Third Don Crossing, and this would further exacerbate the problem.

We thank you for taking the time to consider our objections, and we hope that you will consider opposing the project.

Kind regards,  
Méadhbh and Jean-Baptiste Gramain

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## ABERDEEN CITY COUNCIL

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COMMITTEE	Planning Committee	Development	Management
DATE	18 June 2015		
DIRECTOR	Pete Leonard		
TITLE OF REPORT	Confirmation of Tree Preservation Order numbers 106, 181, 183, 194, 225, 227, 228, 229		
REPORT NUMBER:	CHI/15/192		
CHECKLIST RECEIVED	Yes		

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### 1. PURPOSE OF REPORT

To have confirmed eight provisional Tree Preservation Orders (TPO) made by the Head of Planning and Sustainable Development under delegated powers. The Orders currently provide temporary protection for the trees, but are required to be confirmed by the Planning Development Management Committee to provide long term protection.

### 2. RECOMMENDATION(S)

It is recommended that Members:

- 1) confirm the making of Tree Preservation Orders 106, 181, 183, 194, 225, 227, 228, 229 without modifications and;
- 2) instruct the Head of Legal and Democratic Services to attend the requisite procedures.

### 3. FINANCIAL IMPLICATIONS

The cost of confirming the Orders will be met through existing budgets.

### 4. OTHER IMPLICATIONS

The making of a Tree Preservation Order generally results in further demands on staff time to deal with any applications submitted for consent to carry out tree work and to provide advice and assistance to owners and others regarding protected trees. This is undertaken within existing staffing resources.

## 5. BACKGROUND/MAIN ISSUES

A TPO gives statutory protection to trees that contribute to the amenity, natural heritage or attractiveness and character of a locality. As outlined in the Local Development Plan Policy NE5: Trees and Woodland, the Council will take the necessary steps to ensure that trees are protected in the longer term. Protecting trees has the further benefit of contributing to the Council's policies on improving air quality and helping combat climate change. Promoting the improvement and maintenance of environmental quality and townscapes in turn supports investment and economic competitiveness.

The process of applying for work to protected trees allows for Elected Members, Community Councils and members of the public to have an opportunity to comment on work to protected trees.

The trees in the following Tree Preservation Orders contribute to the local character of the area. The loss of these trees would have an adverse effect on this character. A Tree Preservation Order would ensure that trees could not be removed without the consent of the Council who would have an opportunity to have regard to the environmental implications of any proposals.

- **Tree Preservation Order Number 106, Dalheby Court, Baillieswells Road**
- **Tree Preservation Order Number 181, Culter House, Culter House Road**
- **Tree Preservation Order Number 183, Pitmedden Road, Dyce**
- **Tree Preservation Order Number 194, Palm Court Hotel, 81 Seafield Road**
- **Tree Preservation Order Number 225, North Deeside Road, Milltimber**
- **Tree Preservation Order Number 227, 2 School Road, Cults**
- **Tree Preservation Order Number 228, Arrdeir House, Oakdale Terrace**
- **Tree Preservation Order Number 229, 656 George Street**

## 6. IMPACT

There are no anticipated impacts on equalities with this proposal hence an Equalities and Human Right Impact Assessment is not required. As outlined in Policy NE5: Trees and Woodland, the Council will take the

necessary steps to ensure that trees are protected in the longer term thus the need to confirm the aforementioned Tree Preservation Orders.

#### 7. MANAGEMENT OF RISK

There is a risk of loss of the trees if the recommendations are not accepted which would impact on people and the environment. If recommendations are accepted the Orders will ensure the long term protection of the trees on each of the sites by ensuring the trees could not be cut down or otherwise damaged without the express permission of the Council, hence securing the public amenity and environmental value of each site.

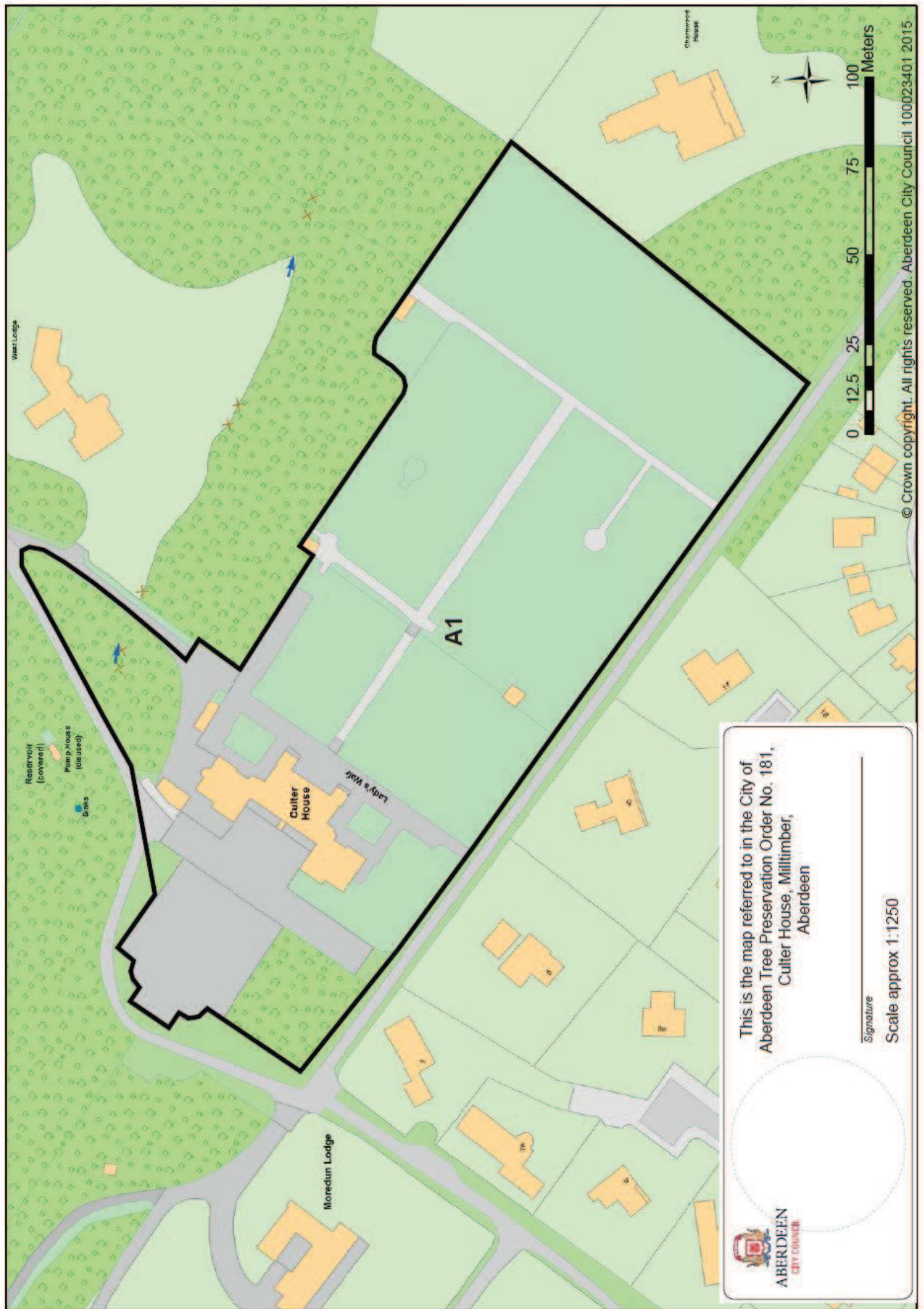
#### 8. BACKGROUND PAPERS

Provisional orders are available to view on request; boundary maps for each order noted within this report are attached.

#### 9. REPORT AUTHOR DETAILS

Kevin Wright  
Environmental Planner  
[kewright@aberdeencity.gov.uk](mailto:kewright@aberdeencity.gov.uk)  
(01224) 522440



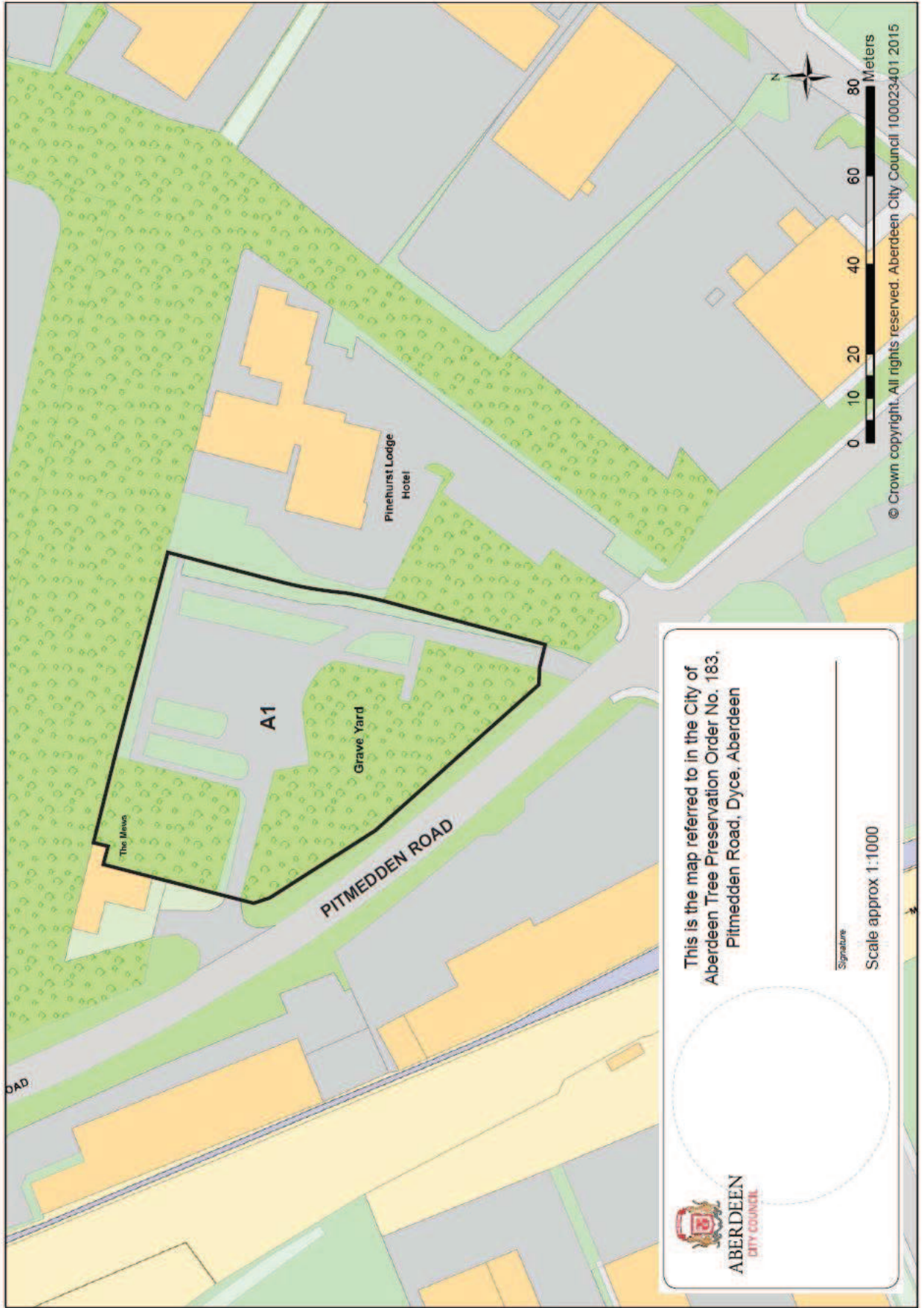



**ABERDEEN**  
 CITY COUNCIL

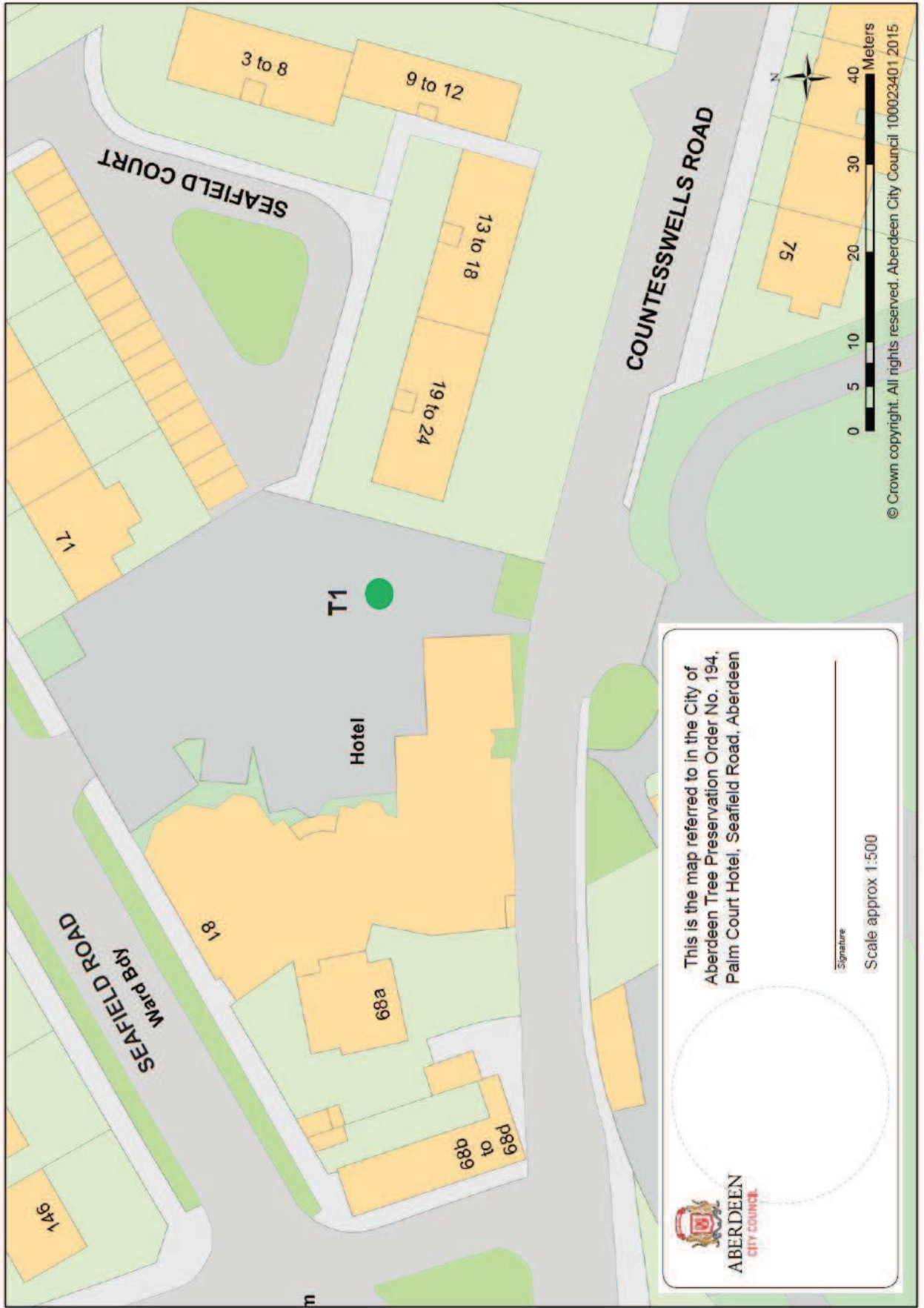
This is the map referred to in the City of  
 Aberdeen Tree Preservation Order No. 181,  
 Culter House, Milltimber,  
 Aberdeen

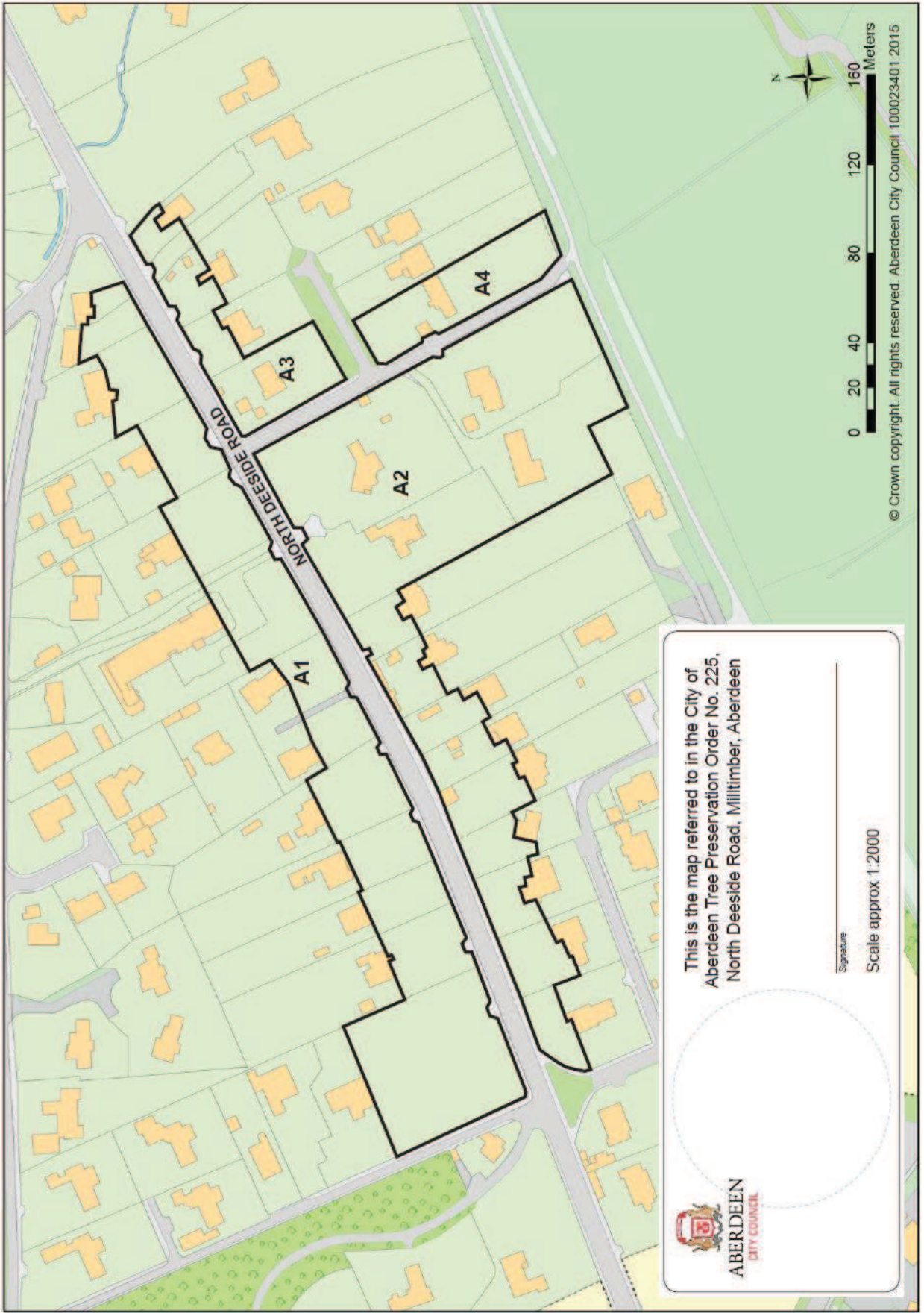
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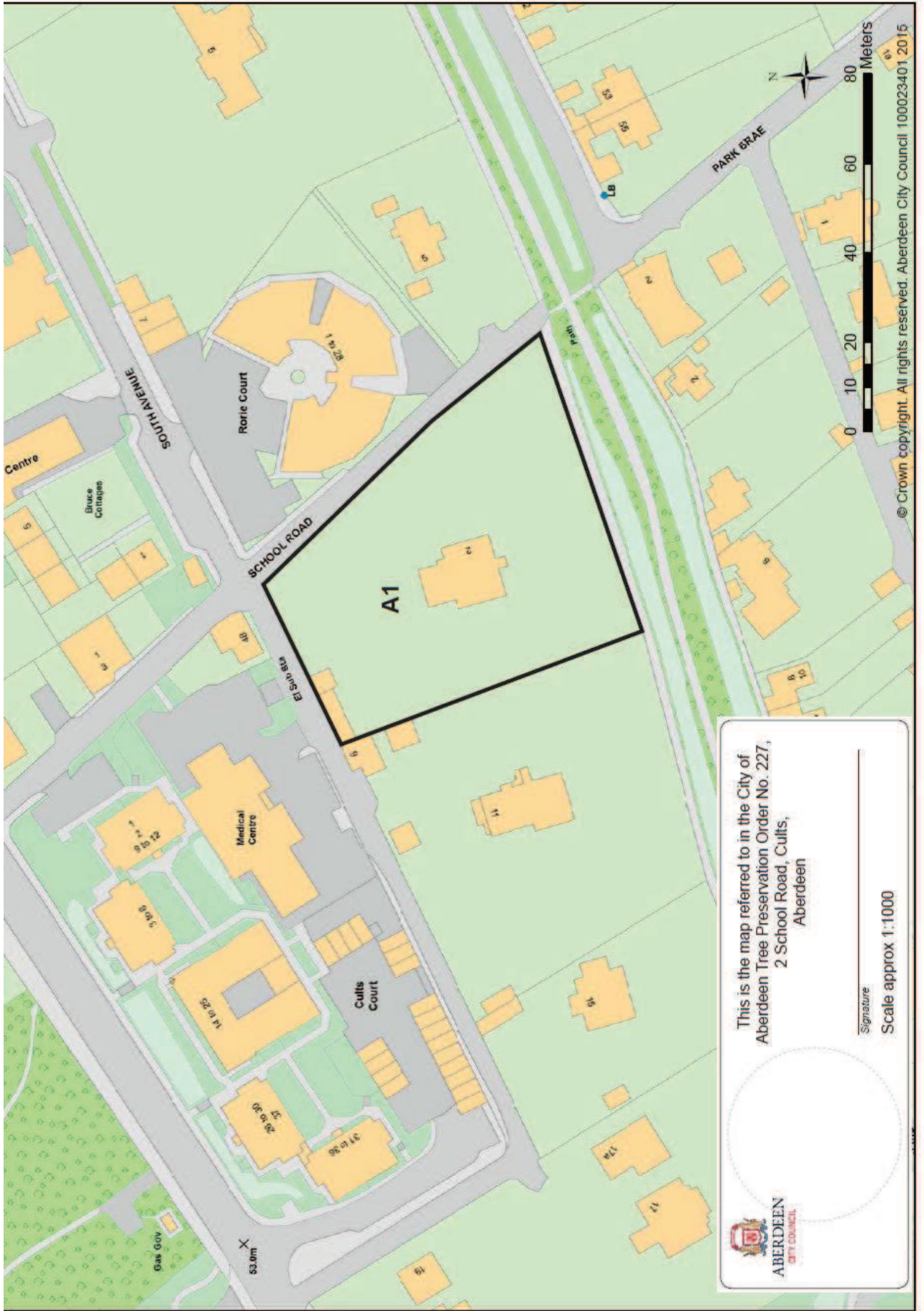
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This is the map referred to in the City of Aberdeen Tree Preservation Order No. 227,  
2 School Road, Cults,  
Aberdeen

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Signature

Scale approx 1:1000

 ABERDEEN CITY COUNCIL




  
 This is the map referred to in the City of
   
 Aberdeen Tree Preservation Order No. 228,
   
 Arrdeer House, Oakdale Terrace,
   
 Aberdeen
   
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 Signature
   
 Scale approx 1:1000

