

Public Document Pack



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

Town House,
ABERDEEN 21 October 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, 29 OCTOBER 2015 at 10.00 am.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

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

MINUTES OF PREVIOUS MEETINGS

- 1.1 Minute of Planning Development Management Committee of 16 July 2015 - correction (Pages 5 - 10)
Members, please note that some text was accidentally omitted from the version of the minute which was approved in August by Committee. The corrected article (correction in italics) is before you at item 1.1
- 1.2 Minute of Meeting of the Planning Development Management Committee of 17 September 2015 - for approval (Pages 11 - 42)

DECISION ON WHETHER TO HOLD A PUBLIC HEARING

- 2.1 Rowett Research Institute Greenburn Road Bucksburn (Pages 43 - 66)
Planning Reference – 150826

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150826>

Planning Officer – Matthew Easton

PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 3.1 35 Mile End Avenue - 150530 (Pages 67 - 88)
Planning Reference – 150530

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150530>

Planning Officer - Sepideh Hajisoltani

- 3.2 21 Union Street - 151160 (Pages 89 - 110)
Planning Reference – 151160

The documents associated with this application can be found at –
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151160>

Planning Officer - Hannah Readman

- 3.3 24 Hillview Road Peterculter - 151201 (Pages 111 - 122)
Planning Reference – 151201

The documents associated with this application can be found at –
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151201>

Planning Officer - Hannah Readman

- 3.4 39 Kings Crescent - 151058 (Pages 123 - 142)

Planning Reference – 151058

The documents associated with this application can be found at –
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151058>

Planning Officer – Jacqui Thain

3.5 Springfield Road Filling Station, Springfield Road (Pages 143 - 152)

Planning Reference – 151084

The documents associated with this application can be found at –
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151084>

Planning Officer – Jennifer Chalmers

3.6 Calder Park, Redmoss - 151082 (Pages 153 - 214)

Planning Reference – 151082

The documents associated with this application can be found at –
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151082>

Planning Officer – Gavin Evans

OTHER REPORTS

4.1 Breach of Planning Control at 31 Craigshaw Drive, West Tullos, Aberdeen
(Pages 215 - 218)

4.2 Confirmation of Tree Preservation Orders (Pages 219 - 226)

4.3 Tree Preservation Order Review Stage 1 Consultation (Pages 227 - 230)

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, Lynsey McBain on 01224 522123 or email lymcbain@aberdeencity.gov.uk

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 16 July 2015. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener (for articles 1 to 5 and 7 to 12); Councillor Finlayson, Vice Convener; and Councillors Boulton (for articles 1 to 8), Corall (for articles 1 to 9), Cormie, Crockett, Dickson, Donnelly (as substitute for Councillor Milne for article 6 and as substitute for Councillor Boulton for articles 9 to 12), Greig, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Noble (as substitute for Councillor Corall for articles 10 to 12), Stuart and Thomson.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MI d=3605&Ver=4>

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DECLARATION OF INTEREST

The Head of Planning and Sustainable Development declared an interest in the following item and item 4.4 (Confirmation with Modification of Tree Preservation Order 195) due to her future employer Burness Paull LLP having made representations in relation to both items. Dr Bochel withdrew from the meeting during consideration of both items.

JESMOND DRIVE - 150369

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 planning permission in principle for the erection of 19 affordable housing units with associated car parking and landscaping at Jesmond Drive, on the following grounds:-

That the proposal would be contrary to the Policies NE3 (Urban Green Space) and NE1 (Green Space Network) of the adopted Local Development Plan and Policies NE3 (Urban Green Space) and NE1 (Green Space Network) of the proposed Local Development Plan, in that:-

- (1) it would result in the loss of green space without laying out or making available an equivalent and equally convenient and accessible area for public access;
- (2) it would have a detrimental impact on the character and appearance of the surrounding area, as it would significantly increase the built-up nature and its role as a natural buffer between various residential

areas. It would set an undesirable precedent in policy interpretation for the consideration of similar applications on Urban Green Space that could lead to the incremental erosion of open space areas throughout the City; and

- (3) it would result in the erosion of this part of the Green Space Network to the detriment of existing wildlife corridors between habitats and the character and appearance of the surrounding area.

The Convener moved, seconded by Councillor Cormie, that the application be refused in accordance with the recommendation contained within the report.

Councillor Jaffrey moved as an amendment, seconded by Councillor Boulton, that the application for planning permission in principle be approved as it was not contrary to policies NE1 (Green Space Network) and NE3 (Urban Green Space), subject to appropriate conditions and a legal agreement with the Council *as set out in the report*.

On a division, there voted:- for the motion (3) – the Convener; and Councillors Cormie and Greig; for the amendment (11) – the Vice Convener; and Councillors Boulton, Corall, Crockett, Dickson, Jaffrey, Lawrence, Malik, Jean Morrison, Sandy Stuart and Thomson.

Subsequently the Development Management Manager advised that the following conditions should be adhered to:-

1. That no development pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the planning authority for approval of the matters specified in this condition and such approval has been granted; these matters being details of the (i) site layout, including the means of access and car parking; (ii) siting, design and external appearance of the building(s); (iii) landscaping, including the children's play area; (iv) cycle parking and refuse storage; (v) site boundaries; (vi) external lighting; and (vii) drainage, including SuDS measures – in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006; (2) with respect to the terms of condition 1(ii), the detailed design submitted as part of the Matters Specified in Conditions application and approved in writing by the Local Planning Authority shall include elements of green infrastructure including bird nesting bricks into or on the walls of the buildings suitable for house sparrows, starlings and swifts, and bat roost bricks, and considerations should also be given to other measures such as 'green roofs'. Thereafter the residential units shall not be occupied unless built in full accordance with details so approved or unless the Local Planning Authority has given prior written approval for a variation – in the interest of visual amenity and to mitigate/ improve biodiversity; (3) that no part of the development shall be occupied before the development access/ internal road layout and parking arrangements are constructed in accordance to drawing A/14655/901/1 to the satisfaction of the Local Road Authority, unless the Local Planning Authority has given prior written approval for a variation:- (a) this parking requirement is based on 19 one bed rented units provided by a Registered Social Landlord, and shall consist of 15 car parking spaces,

including 1 mobility space; 19 long-stay covered and secure cycle parking spaces; 4 short-stay cycle parking spaces within 50m of the building entrances and 2 motorcycle spaces; and (b) the parking should be constructed using Green Infrastructure measures, providing every opportunity to reduce the surface water flooding and biodiversity – in the interest of safety of local highways, promotion of sustainable transport methods, to enhance the Green Space Network and climate change adaptation; (4) that no part of the development shall be occupied unless a schedule of work relating to the upgrading and replacement of the southbound bus shelter and relocation of the north bound bus stop immediately to the west of the site on Jesmond Drive, which may include seating, lighting, shelter, raised kerbs and timetable provision has been submitted to and approved in writing by the Local Planning Authority, and subsequently these works have been implemented - in the interests of sustainability and to encourage a reduction in the level of private car trips generated by the development; (5) that no part of the development shall be occupied before Residential Travel Packs have been submitted for prior approval to the Local Planning Authority. Such approved packs shall subsequently be issued to the first occupiers of each residential unit – to promote sustainable travel methods; (6) with respect to condition 1(iii), a further detailed scheme of landscaping and Green Space Network enhancement for the site shall be submitted as part of a Matters Specified in Conditions application and approved in writing, which 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. This landscaping scheme shall include the following:- (a) retention of all wych elm trees and sycamore tree on the site; (b) the area indicated as marshy grassland in Appendix 3 on page 29 of the Ecology Report dated 24 June 2015 submitted by Direct Ecology should be retained as such; (c) inclusion of a buffer strip of at least 3m shall surround the marshy grassland referred to in b., such buffer can incorporate green infrastructure including items such as parking areas, specific details of which shall be incorporated into any future submissions; and (d) the planting scheme should take account of the recommendations set out in paragraph 5.1.2 on page 21 of the Ecology Report dated 24 June 2015 submitted by Direct Ecology and should include native species, with an emphasis on native species with a local provenance that are suitable for attracting wildlife – in the interests of biodiversity and the visual amenity of the area; (7) that all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for this purpose by the Local Planning Authority in the interests of the visual amenity of the area; (8) with respect to condition 1(iii)a detailed scheme for a children’s play area shall be submitted as part of a Matters Specified in Condition application and approved in writing by the Local Planning Authority. This scheme shall

subsequently be completed, laid out and equipped in accordance with these approved details prior to occupation of the first residential unit.. The Children's Play Area shall thereafter not be used for any purpose other than as a Children's Play Area - to improve the quality of the remaining open space on the site and as a mitigation measure to part compensate for the loss of the public open space; (9) with respect to condition 1(vi), a scheme for external lighting shall be submitted as part of a Matters Specified in Condition application and approved in writing by the Local Planning Authority, and thereafter implemented in full accordance with this approved scheme unless the local planning authority has given prior written approval for a variation. This lighting shall be of a type that does not impact on foraging bats and commuting wildlife, and shall take account of the recommendations made in section 5.2.3 on page 22 of the Ecology Report dated 24 June 2015 submitted by Direct Ecology. Further information can be found at http://www.bats.org.uk/pages/bats_and_lighting.html - in the interest of public safety and biodiversity; (10) with respect to the terms of condition 1(vii), a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems shall be submitted as part of a Matters Specified in Condition application, and approved in writing by the Local 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; (11) notwithstanding any further details provided, the one bedroom units hereby approved shall only be used for social rented housing provided through a Registered Social Landlord and shall be retained as such in perpetuity - the justification for the departure from the local development plan was based on the need for affordable housing within this area and the accepted number of car parking spaces is below that required for mainstream housing or other types of affordable housing; (12) notwithstanding any further details provided, the number of bedrooms for each individual unit shall be one - the Council's Education Department has assessed the proposal on this basis for the need for developer contributions. Any increase in bedrooms would need to be reassessed on their impact on local education facilities, which could result in an increase in required developer contributions.

INFORMATIVE(S)

1. In order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006, this planning permission in principle shall lapse unless a further application for approval of the matters specified in condition(s) attached to this grant of planning permission in principle has been made before whichever is the latest of the following;
 - (i) the expiration of 3 years from the date of this grant of planning permission in principle;
 - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

2. In order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006, this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration.

The Committee resolved:-

- (i) to note that the letter of representation from the Community Council had not been included with the paperwork and to request that this was remedied in future; and
- (ii) to adopt the amendment.

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 16 September 2015. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Crockett, Dickson, Greig, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Jennifer Stewart, Sandy Stuart and Thomson.

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

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MINUTE OF MEETING OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 18 AUGUST 2015

1. The Committee had before it the minute of its previous meeting of 18 August 2015.

The Committee resolved:-

to approve the minute.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 27 AUGUST 2015

2. The Committee had before it the minute of meeting of the Planning Development Management Committee (Visits) of 27 August 2015.

The Committee resolved:-

to approve the minute.

ABERDEEN PET RESORT, CULTER – 141813

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 planning permission for change of use of part of the stable building to form 14 dog kennels, subject to the following conditions:-

- (1) That the kennels shall not be brought into use unless the development has been completed in its entirety as detailed in the plans hereby approved as part of this development and shall be operated in accordance with mitigation measures as detailed in the document *Noise Impact Assessment: Proposed Dog Kennels, Aberdeen Pet Resort, Milltimber, Aberdeen* by CSP Acoustics dated 10 June 2015 for the lifetime of the use of the kennels, unless otherwise agreed in

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

writing by the Planning Authority – in order to ensure the kennels are operated in accordance with the mitigation measures detailed in the Noise Impact Assessment provided with the application, the measures considered necessary to reduce noise emission from the kennels to an acceptable level, in the interests of the amenity of the surrounding area.

(2) That the kennels hereby approved shall house no more than 14 dogs at any one time – in order to ensure the kennels are operated in accordance with the mitigation measures detailed in the Noise Impact Assessment provided with the application, the measures considered necessary to reduce noise emission from the kennels to an acceptable level, in the interests of the amenity of the surrounding area.

(3) 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.

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

Councillor Boulton proposed that the application be deferred to allow local residents and neighbours time to undertake their own noise impact assessment.

The Committee resolved:-

to defer consideration of the application to allow local residents and neighbours to make arrangements to undertake their own noise impact assessment to be carried out by a suitably qualified noise consultant.

A944 JESSIEFIELD JUNCTION AND LAND SOUTH OF A944 AT BELLFIELD FARM - 141888

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

That the Committee approve the application for planning permission for the upgrade of the Jessiefield roundabout Junction on the A944 in order to provide a connection of a new road, footpaths and cycle paths into the designated land release of Countesswells,

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

identified as Opportunity Site OP58 within the Aberdeen Local Development Plan (2012), subject to the following conditions:-

(1) That no development in connection with the planning permission hereby approved shall take place until full details of the siting, design/specification, and landscaping have been submitted to and approved in writing by the planning authority by way of separate application(s) for matters specified in condition (MSC applications). The development shall then be implemented in complete accordance with the approved details, or those subsequently approved. The MSC applications shall include (a) a detailed levels survey of the site and cross sections showing proposed finished road levels relative to existing ground levels and a fixed datum point; (b) a detailed drainage plan, including full details of the proposed means of disposal of surface water from the development, including how surface water run-off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures. The final location of Sustainable Urban Drainage Systems (SUDS), including ponds, should be appropriately positioned in accordance with an agreed flood risk assessment; (c) details of all cut and fill operations; (d) the details of all roads, footpaths and cycleways including tie-ins to existing/proposed roads (including confirmation of control over necessary land); (e) details of any screen walls/fencing to be provided; (f) details of all landscaping, planting and screening associated with the development - in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006;

(2) The landscaping details to be submitted pursuant to condition 1 above shall include (a) existing and proposed finished ground levels relative to a fixed datum point; (b) existing landscape features and vegetation to be retained; (c) existing and proposed services including cables, pipelines and substations; (d) the location of new trees, shrubs, hedges, grassed areas and water features; (e) a schedule of plants to comprise species, plant sizes and proposed numbers and density; (f) the location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment; (g) an indication of existing trees, shrubs and hedges to be removed; (h) a biodiversity action plan; (i) a management plan detailing appropriate management measures for all watercourse buffer strips; and (j) a programme for the completion and subsequent maintenance of the proposed landscaping. All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the development or such other date as may be agreed in writing with the planning authority. Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted - in the interests of protecting trees and ensuring a satisfactory quality of environment;

(3) The details to be submitted pursuant to condition 1 for the development shall show the proposed means of disposal of surface water from the development in accordance with SUDS and include a development impact assessment and detailed design and methodology statement. Unless otherwise agreed in writing by the planning authority, in consultation with SEPA, the agreed

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drainage system shall be provided in its entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme. The details required shall also include details of the future long term maintenance of the system covering matters such as (a) inspection regime relating to matters such as outlets/inlets; (b) frequency and method of cleaning of filter trenches, removal of silt etc; (c) grass cutting (and weeding) regime for swales; (d) means of access for future maintenance; (e) how to ensure that planting will not be undertaken over perforated pipes; and (f) details of the contact parties for future factoring/maintenance of the scheme to protect the water environment and help reduce flooding - to protect the water environment and help reduce flooding;

(4) That no development pursuant to this planning permission shall commence unless the following has been approved by way of formal application(s) for approval of matters specified in condition:

(a) a detailed and finalised Construction Environment Management Plan including site specific construction method statements, measures to minimise the risk of sediment entering watercourses on the site, and the mechanism for compliance; (b) a scheme of noise and dust suppression measures to minimise potential impact during the construction phase; and (c) details of the SUDS scheme, its adoption and maintenance, in order to manage sediments and pollutants from construction and operation of the development have been submitted to and approved in writing by the planning authority. The mitigation measures outlined in the CEMP shall be informed by the result of a full ground (water and soil) investigation study.

All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the planning authority - in order to prevent potential water pollution and to minimise the impacts of construction works on the environment;

(5) Prior to the commencement of any work in the development, a detailed scheme for the protection and enhancement of the water environment shall be submitted to, and approved in writing by, the planning authority in consultation with SEPA by way of formal application(s) for approval of matters specified in condition. This shall include (a) confirmation of the location of all existing water bodies on site and demonstration of how they have been positively incorporated into the layout of the development, including appropriate buffer zones between the top of the bank of the watercourse and the development; (b) full details relating to the realignment/deculting of any watercourse on site including the Cults Burn. Any re-designed watercourses shall be designed to accommodate the 1 in 200 year flow from the whole catchment. This shall include a low flow channel designed to accommodate the 1 in 2 year flow set within a wider channel capable of conveying the 1 in 200 year flow. In addition, appropriate buffer zones shall be included between the edge of the wider channel (i.e. the extent of channel utilised during high flows) and the development; (c) full details relating to any other proposed engineering activities in the water environment, including the location and type of any proposed watercourse crossings. Any proposed watercourse crossings shall be designed to accept the 1 in 200 year flow. All works on site must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the planning authority in

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consultation with SEPA - to protect and improve the water environment and to protect people and property from flood risk;

(6) No development in the development hereby approved shall take place unless surveys for protected species (red squirrel/bats/badgers) for that phase have been carried out and submitted to and approved in writing by the planning authority by way of formal application(s) for approval of matters specified in condition. Thereafter no development shall take place within the development unless detailed mitigation measures to safeguard any identified protected species have been submitted to and approved in writing by the planning authority. No development shall take place unless the mitigation measures which have been agreed in writing by the planning authority are carried out in accordance with the agreed scheme - to ensure the protection of protected species;

(7) No development shall take place within any individual block until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority by way of formal application(s) for approval of matters specified in condition. The programme of archaeological work will include all necessary post-excavation and publications - in the interests of protecting items of historical importance as may exist within the application site;

(8) That no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the planning authority by way of formal application(s) for approval of matters specified in condition and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development;

(9) That no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the planning authority by way of formal application(s) for approval of matters specified in condition. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area; and

(10) That the agreed works pursuant to Condition 1 shall be carried out in their entirety, and to the satisfaction of the Planning Authority, prior to the occupation of the 1001st house constructed on the Countesswells development site as identified in the OP58 designation with the Aberdeen Local Development Plan (2012) - in the interests of road capacity and safety.

An additional condition was added by Planning Officers as follows:-

(11) The development hereby approved shall not be opened to vehicular traffic until the development approved in planning permission in principle ref. no. 141889 has been opened to vehicular traffic, or an alternative all-vehicle access and junction solution linking the Countesswells development site OP58 site to

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

the Kingswells roundabout has been opened to vehicular traffic, all to the satisfaction of the Planning Authority.

INFORMATIVES

1. that this planning permission in principle shall lapse unless a further application for approval of the matters specified in condition(s) attached to this grant of planning permission in principle has been made before whichever is the latest of the following;
 - (i) the expiration of 3 years from the date of this grant of planning permission in principle;
 - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;
 - in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. Unless otherwise agreed in writing with the Planning Authority, during the construction of any phase of the development, the normal hours of operation for all activity audible at the boundary of the nearest noise sensitive premises shall be between 07:00 to 19:00 hours Monday to Friday; 07:00 to 12:00 hours on Saturday, with no working on Sundays.

The Convener, seconded by Councillor Boulton moved:-

That the application be approved in accordance with the recommendations contained within the report and the additional condition provided by Planning Officers above, and that a further condition be added as follows:- to erect temporary screening/landscaping to act as a screen/noise baffle during the construction of the development.

Councillor Crockett, seconded by Councillor Lawrence moved as an amendment:-

That the application be refused on the grounds that the proposed development would create an impact for traffic at the Kingswells Roundabout.

On a division, there voted:- for the motion (10) – the Convener, the Vice Convener and Councillors Boulton, Dickson, Greig, Jaffrey, Jean Morrison, Jennifer Stewart, Sandy Stuart and Thomson; for the amendment (3) – Councillors Crockett, Lawrence and Malik.

The Committee resolved:-

to adopt the motion.

A944 KINGSWELLS JUNCTION AND LAND AT BELLFIELD FARM SOUTH - 141889

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

That the Committee approve the application for planning permission for the upgrade of the Kingswells Roundabout junction on the A944 in order to provide connection of a new road (including bus lane), footpaths and cycle paths into the designated land release at Countesswells, identified as Opportunity Site OP58 within the Aberdeen Local Development Plan (2012), subject to the following conditions:-

(1) That no development in connection with the planning permission hereby approved shall take place until full details of the siting, design/specification, and landscaping have been submitted to and approved in writing by the planning authority by way of separate application(s) for matters specified in condition (MSC applications). The development shall then be implemented in complete accordance with the approved details, or those subsequently approved. The MSC applications shall include (a) a detailed levels survey of the site and cross sections showing proposed finished road levels relative to existing ground levels and a fixed datum point; (b) a detailed drainage plan, including full details of the proposed means of disposal of surface water from the development, including how surface water run-off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures. The final location of Sustainable Urban Drainage Systems (SUDS), including ponds, should be appropriately positioned in accordance with an agreed flood risk assessment; (c) details of all cut and fill operations; (d) the details of all roads, footpaths and cycleways including bus lanes and tie-ins to existing/proposed roads (including confirmation of control over necessary land); (e) details of any screen walls/fencing to be provided; (f) details of all landscaping, planting and screening associated with the development - in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006;

(2) The landscaping details to be submitted pursuant to condition 1 above shall include (a) existing and proposed finished ground levels relative to a fixed datum point; (b) existing landscape features and vegetation to be retained; (c) existing and proposed services including cables, pipelines and substations; (d) the location of new trees, shrubs, hedges, grassed areas and water features; (e) a schedule of plants to comprise species, plant sizes and proposed numbers and density; (f) the location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment; (g) an indication of existing trees, shrubs and hedges to be removed; (h) a biodiversity action plan; (i) a management plan detailing appropriate management measures for all watercourse buffer strips; and (j) a programme for the completion and subsequent maintenance of the proposed landscaping. All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the development or such other date as may be agreed in writing with the planning authority. Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted - in the interests of protecting trees and ensuring a satisfactory quality of environment.

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(3) The details to be submitted pursuant to condition 1 for the development shall show the proposed means of disposal of surface water from the development in accordance with SUDS and include a development impact assessment and detailed design and methodology statement. Unless otherwise agreed in writing by the planning authority, in consultation with SEPA, the agreed drainage system shall be provided in its entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme. The details required shall also include details of the future long term maintenance of the system covering matters such as (a) inspection regime relating to matters such as outlets/inlets; (b) frequency and method of cleaning of filter trenches, removal of silt etc; (c) grass cutting (and weeding) regime for swales; (d) means of access for future maintenance; (e) how to ensure that planting will not be undertaken over perforated pipes; and (f) details of the contact parties for future factoring/maintenance of the scheme to protect the water environment and help reduce flooding - to protect the water environment and help reduce flooding;

(4) Prior to the commencement of any works in the development, the location (NGR of source) and type (surface water or groundwater) of the private water supplies serving Upper Kingshill shall be identified. Should they be groundwater fed and fall within 100m of roads, tracks or trenches or within 250m of foundations as proposed within the development, a quantitative hydrogeological assessment shall be submitted and, where appropriate, a scheme of protection and/or mitigation shall be developed by the applicant and agreed with the planning authority in writing (in consultation with SEPA) by way of separate application(s) for matters specified in condition (MSC applications).. Once approved, the agreed scheme shall be implemented in full - in order to protect the water environment and its users;

(5) That no development pursuant to this planning permission shall commence unless the following has been approved by way of formal applications(s) for approval of matters specified in condition:

(a) a detailed and finalised Construction Environment Management Plan including site specific construction method statements, measures to minimise the risk of sediment entering watercourses on the site, and the mechanism for compliance; and (b) details of the SUDS scheme, its adoption and maintenance, in order to manage sediments and pollutants from construction and operation of the development have been submitted to and approved in writing by the planning authority. The mitigation measures outlined in the CEMP shall be informed by the result of a full ground (water and soil) investigation study. All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the planning authority - in order to prevent potential water pollution and to minimise the impacts of construction works on the environment;

(6) Prior to the commencement of any work in the development, a detailed scheme for the protection and enhancement of the water environment shall be submitted to, and approved in writing by, the planning authority in consultation with SEPA by way of formal application(s) for approval of matters specified in condition. This shall include (a) confirmation of the location of all existing water bodies on site and demonstration of how they have been positively incorporated into the layout of the development, including appropriate buffer zones between

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the top of the bank of the watercourse and the development; (b) full details relating to the realignment/deculverting of any watercourse on site including the Cults Burn. Any re-designed watercourses shall be designed to accommodate the 1 in 200 year flow from the whole catchment. This shall include a low flow channel designed to accommodate the 1 in 2 year flow set within a wider channel capable of conveying the 1 in 200 year flow. In addition, appropriate buffer zones shall be included between the edge of the wider channel (i.e. the extent of channel utilised during high flows) and the development; (c) full details relating to any other proposed engineering activities in the water environment, including the location and type of any proposed watercourse crossings. Any proposed watercourse crossings shall be designed to accept the 1 in 200 year flow. All works on site must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the planning authority in consultation with SEPA - to protect and improve the water environment and to protect people and property from flood risk;

(7) No development in the development hereby approved shall take place unless surveys for protected species (red squirrel/bats/badgers) for that phase have been carried out and submitted to and approved in writing by the planning authority by way of formal application(s) for approval of matters specified in condition. Thereafter no development shall take place within the development unless detailed mitigation measures to safeguard any identified protected species have been submitted to and approved in writing by the planning authority. No development shall take place unless the mitigation measures which have been agreed in writing by the planning authority are carried out in accordance with the agreed scheme - to ensure the protection of protected species;

(8) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority by way of formal application(s) for approval of matters specified in condition. The programme of archaeological work will include all necessary post-excavation and publications - in the interests of protecting items of historical importance as may exist within the application site;

(9) That no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the planning authority by way of formal application(s) for approval of matters specified in condition and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development;

(10) That no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing by the planning authority by way of formal application(s) for approval of matters specified in condition. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the

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planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area;

(11) That the agreed works pursuant to Condition 1 shall be carried out in their entirety, and to the satisfaction of the Planning Authority, prior to the occupation of the 401st house constructed on the Countesswells development site as identified in the OP58 designation with the Aberdeen Local Development Plan (2012) - in the interests of road capacity and safety.

INFORMATIVES

1. that this planning permission in principle shall lapse unless a further application(s) for approval of the matters specified in condition(s) attached to this grant of planning permission in principle has been made before whichever is the latest of the following;
 - (i) the expiration of 3 years from the date of this grant of planning permission in principle;
 - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;
 - in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. Unless otherwise agreed in writing with the Planning Authority, during the construction of any phase of the development, the normal hours of operation for all activity audible at the boundary of the nearest noise sensitive premises shall be between 07:00 to 19:00 hours Monday to Friday; 07:00 to 12:00 hours on Saturday, with no working on Sundays.

The Committee resolved:-

to approve the recommendation.

At this juncture, the Convener indicated that he would be speaking on behalf of Old Aberdeen Community Council and Old Aberdeen Heritage Society in support of their objections in relation to the following item of business, and therefore vacated the Chair in favour of the Vice Convener.

CROMBIE HALLS, ABERDEEN UNIVERSITY, COLLEGE BOUNDS - 150392

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

That the Committee expresses a willingness to approve the application for listed building consent retrospectively for the installation of a partly glazed partition wall (incorporating double doors) that runs on an east/west axis, forming a corridor at the southern end of the former hall, as well as for the erection of a diagonal timber screen

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in the north western corner of the Refectory room, subject to referral to Historic Scotland

DECLARATION OF INTEREST

The Convener addressed the Committee as indicated above and requested that the application be refused. Accordingly, in terms of Section 7.15 of the Councillors' Code of Conduct, the Convener declared an interest in the matter and withdrew from the meeting.

The Vice Convener moved, seconded by Councillor Jaffrey:-

That the application be refused on the grounds that the development destroys the character and appearance of the listed building and is therefore contrary to Scottish Planning Policy, Scottish Historic Environment Policy and Policy D5 (Built Heritage) of the Aberdeen Local Development Plan.

Councillor Dickson, seconded by Councillor Sandy Stuart moved as an amendment:-

That the application be approved in accordance with the recommendation set out in the report.

On a division, there voted:- for the motion (9) - the Vice Convener; and Councillors Boulton, Crockett, Greig, Jaffrey, Lawrence, Malik, Jean Morrison MBE and Thomson for the amendment (3) – Councillors Dickson, Jennifer Stewart, and Sandy Stuart; absent from the division (1) the Convener.

The Committee resolved:-

- (i) to adopt the motion to refuse the application and commence formal enforcement proceedings; and
- (ii) that a letter be issued by the Vice Convener to the applicant condemning the works which had been undertaken without the appropriate planning consent.

At this juncture, the Vice Convener vacated the Chair in favour of the Convener upon his return.

LAND OPPOSITE 152 AND 154 NORTH DEESIDE ROAD, MILLTIMBER - 151182

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

That the Committee approve the application for the erection of a sales cabin until March 2016, subject to the following conditions:-

- (1) That the sales cabin hereby granted planning permission shall not remain on the site after a period of 6 months expiring 31st March 2016 – that the character and siting of the cabin is not such as to warrant its retention for a period longer than that specified in this permission; and
- (2) That the site hereby granted consent is fully restored to grazing ground comprising wild grasses within 4 weeks of the consent expiry date thereby being 28th April 2016. – in the interests of protecting the character of the green space network, the green belt and the visual amenity of the area.

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INFORMATIVE

The access junction layout is to be designed to Aberdeen City council standards. The development will require to be subject to a section 56 procedure – please contact Colin Burnet on 01224 522409 to discuss this matter in detail.

The Committee resolved:-

to approve the recommendation.

LAND AT ROWETT SOUTH, BUCKSBURN - 140844

8. 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 conditionally for a residential-led mixed use development including approximately 1700 homes, local retail and commercial provision, education, leisure and community uses and associated new and upgraded access roads, landscaping and ancillary engineering works, but to withhold the issue of the consent document until the applicant has entered into a legal agreement with the Council to ensure:-

1. The provision of 25% affordable housing on site;
2. Financial contributions towards a gypsy traveller halting site within the ‘Greenferns Landward’ site;
3. Financial contributions towards primary education provision and the provision of serviced land within the site for a new two stream primary school;
4. Financial contributions towards secondary education provision;
5. Financial contributions towards community facilities and sports & recreation and provision of serviced land within the site for new sports pitches;
6. Financial contributions towards healthcare and provision of serviced land within the site for a new health centre;
7. Financial contributions towards the Strategic Transport Fund; and
8. Financial contributions towards mitigation on the local roads network.

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

- (1) **WATERCOURSES AND FLOOD RISK**
No development shall take place unless a matters specified in conditions application comprising a detailing a scheme for the protection and enhancement of the water environment has been submitted to and approved in writing by the planning authority in consultation with SEPA [and SNH or other agencies as appropriate]. The scheme shall include –
(i) Confirmation of the location of all existing water bodies on site and demonstration of how they have been positively incorporated into the layout of the development, including appropriate buffer zones between the top of the bank of the watercourse and the development; (ii) Full details

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relating to the upgrading of existing culverts / de-culverting of any watercourses on site. Any such proposals shall be designed to accommodate the 1 in 200 year flow; (iii) Full details relating to any other proposed engineering activities in the water environment, including the location and type of any proposed watercourse crossings. Any proposed watercourse crossings shall be designed to accept the 1 in 200 year flow. Thereafter all works on site must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the Planning Authority in consultation with SEPA.

Reason – in order to protect and improve the water environment and to protect people and property from flood risk.

(2) AIR QUALITY ASSESSMENT

No development shall take place unless a matters specified in conditions application comprising an assessment of emissions to air from road traffic associated with the whole development has been submitted to and approved in writing by the planning authority. The assessment shall be undertaken in accordance with a method approved by Council's Environmental Health Service and take into account additional traffic associated with other consented or proposed developments in the area, including the Aberdeen Western Peripheral Route. Where the development is assessed as having an adverse impact on local air quality, including the Anderson Drive/Haudigan roundabout/Auchmill Road Air Quality Management Area, mitigation measures shall be specified in the report. The approved mitigation measures shall thereafter be implemented in accordance with a timetable agreed with the planning authority.

Reason – in order to mitigate the impact of road traffic associated with the development on local air quality.

(3) NOISE MITIGATION SCHEME FOR FORRIT BRAE SOUTH DWELLINGS

No development shall take place unless a matters specified in conditions application consisting of a scheme of measures for the protection of the existing dwellings located on Forrit Brae South from road traffic noise (as identified within the AECOM Noise and Vibration Assessment, Chapter 11 of the Environmental Statement) has been submitted to and approved in writing by the planning authority. Thereafter the agreed measures shall be implemented prior to first occupation of the development.

Reason – in order to ensure that existing residents are adequately protected from excessive noise levels.

(4) BIRD MITIGATION

No development shall take place unless a matters specified in conditions application comprising a detailing a scheme for the provision of bird nest boxes along the southern edge of the Gough Burn woodland has been

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submitted to and approved in writing by the planning authority. Thereafter no development shall take place unless the boxes have been installed.

Reason – in order to mitigate the impact of development on bird species.

(5) CONSTRUCTION TRAFFIC MANAGEMENT PLAN (CTMP)

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a Construction Traffic Management Plan for that particular phase or block has been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed plan.

Reason – in order to mitigate the impact of construction traffic on the operation of the road network.

(6) CONTAMINATED LAND

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a scheme to deal with any contamination on or within the land forming that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 (Development of Contaminated Land) and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 (Investigation of Potentially Contaminated Sites – Code of Practice) and other best practice guidance and include (i) an investigation to determine the nature and extent of contamination; (ii) a site-specific risk assessment; and (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

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

The final building within the particular phase or block site shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies the completion of the remedial works for the entire phase or block, unless the planning authority has given written consent for a variation.

Reason – in order to ensure that the site is fit for human occupation

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(7) ARCHAEOLOGICAL WORK SCHEME

No development (including site stripping, service provision or establishment of site compounds) within any particular phase or block shall take place unless a matters specified in conditions application comprising a scheme of archaeological work for that particular phase or block in accordance with a written scheme of investigation has been submitted to and approved in writing by the planning authority. The scheme of archaeological work will include all necessary post-excavation and publication work.

Reason – in order to protect any items of archaeological importance which may exist within the site.

(8) RECORDING OF FARM BUILDINGS

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a building survey of all existing buildings within that particular phase or block has been submitted to and approved in writing by the planning authority. The survey shall comprise a descriptive and photographic record of the building and a plan annotating any features of historic interest to at least to the standard of a level 2 English Heritage building survey and on completion shall be deposited with the local sites and monuments record.

Reason – in order to ensure that a historic record of buildings on the site is undertaken prior to demolition.

(9) BIRD HAZARD MANAGEMENT PLAN

No development (including site stripping, service provision or establishment of site compounds) within any particular phase or block shall take place unless a bird hazard management plan planning authority for that particular phase or block has been submitted to and approved in writing by the planning authority. The submitted plan shall include details of the management of potential bird attractants which may be attractive to nesting, roosting and "loafing" birds, and the measures in place to implement removal of birds/eggs/nests if deemed necessary. Thereafter the agreed measures shall be implemented in full for the lifetime of the development unless otherwise agreed in writing by the planning authority.

Reason – to avoid endangering the safe movement of aircraft and the operation of Aberdeen International Airport through the attraction of birds.

(10) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

No development (including site stripping, service provision or establishment of site compounds) within any particular phase or block shall take place unless a matters specified in conditions application comprising a site specific construction environmental management plan (CEMP) for that particular phase or block has been submitted to and approved in writing by the planning authority in consultation with SEPA.

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The CEMP must address (i) surface water management; (ii) site waste management; (iii) watercourse engineering; (iv) pollution prevention; (v) management of wetland environment to increase its biodiversity value; and (vi) the protection of the wetland should any major oil spills occur in the area feeding it. Thereafter development shall be undertaken in accordance with the approved CEMP.

Reason – in order to minimise the impacts of necessary demolition / construction works on the environment.

(11) DUST MANAGEMENT PLAN

No development (including site stripping, service provision or establishment of site compounds) within any particular phase or block shall take place unless a matters specified in conditions application comprising a Dust Management Plan for that particular phase or block has been submitted to and approved in writing by the planning authority. The management plan shall specify dust mitigation measures and controls, responsibilities and any proposed monitoring regime. Thereafter development (including demolition) of each phase or block shall be undertaken in accordance with the approved plan.

Reason – in order to control air pollution from dust associated with the construction of the development.

(12) SURFACE WATER DRAINAGE

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a detailed scheme for surface water drainage for that particular phase or block has been submitted to and approved in writing by the planning authority in consultation with SEPA. The scheme shall (i) detail two levels of sustainable drainage (SUDS) treatment (or three levels for industrial hardstanding areas) for all areas roads / hardstanding / car parking and one level of SUDS treatment for roof run-off; (ii) include source control; and (iii) shall be developed in accordance with the technical guidance contained in the SUDS Manual (C697). Thereafter development shall be implemented in accordance with the agreed scheme.

Reason – in order to ensure adequate protection of the water environment from surface water run-off.

(13) WASTE WATER CONNECTIONS

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a scheme for the connection of buildings to the public waste water system for that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall include confirmation from Scottish Water that connections can be made and any necessary upgrades to the public waste water system are in place. Thereafter no

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building shall be occupied unless connection has been made to the public waste water network in accordance with the approved details.

Reason – in order to ensure that sewage is satisfactorily treated and disposed of.

(14) BADGER PROTECTION PLAN

No development (including site stripping, service provision or establishment of site compounds) within any particular phase or block shall take place unless matters specified in conditions application comprising a badger protection plan for that particular phase or block has been submitted to and approved in writing by the planning authority. The plan must contain (i) an updated badger survey, if the current data is more than six months old; (ii) details of final badger fencing and locations of all badger tunnels; (iii) details of foraging habitat mitigation; (iv) proposals to enhance the quality of the retained and newly created foraging habitat for badgers; and (v) details of the advance delivery of the foraging habitat mitigation.

Thereafter no development shall take place unless the agreed mitigation measures have been implemented unless otherwise agreed in writing.

Reason – in order to ensure the protection of UK protected species.

(15) TREE SURVEY AND PROTECTION

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a tree survey (carried out by a qualified arboriculturist) for that particular phase has been submitted to and approved in writing by the planning authority. The survey shall be undertaken in accordance with the Councils Supplementary Guidance 'Trees and Woodland' and include measures for the protection of those trees to be retained. Thereafter development shall be implemented in accordance with the approved details.

Reason – in order to safeguard any trees of value within and surrounding the site and assist in integrating existing trees into the development.

(16) DESIGN AND LAYOUT OF ROADS, PATHS AND BUILDINGS

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising the detailed layout and design of roads, buildings and other structures for that particular phase or block has been submitted to and approved in writing by the planning authority. The application shall comprise –

- (i) details of existing and proposed site levels (including cross sections);
- (ii) details of the layout and finish of roads, footpaths and cycle paths;
- (iii) details of layout, design and external appearance of –
 - buildings and ancillary structures;
 - vehicular and motorcycle parking;
 - short and long term secure cycle parking;

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- storage and collection arrangements for waste and recyclables;
- boundary enclosures around individual homes and other premises;
- (iv) details of play zones (if relevant to that phase/block and in accordance with the masterplan);

Thereafter the development shall be implemented in accordance with the approved details.

Reason – in order to ensure a satisfactory layout and design of the development and ensure provision of a suitable level of parking.

- (17) **NOISE MITIGATION SCHEME FOR NEW RESIDENTIAL PROPERTIES**
 No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a scheme of measures for the protection of the proposed residential properties from road traffic noise for that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall ensure that external noise levels do not exceed LAeq 18 hour 50dB during the daytime period (0700- 2300) in any rear garden area and internal levels within bedrooms do not exceed LAeq 8 hour 30dB during the night time period (2300-0700) with windows partially open for ventilation. Thereafter no residential property shall be occupied unless the mitigation measures relevant to that particular property have been implemented in accordance with the agreed scheme.

Reason – in order to ensure that residents of the development are adequately protected from excessive noise levels.

- (18) **PERWINNES RADAR SAFEGUARDING**
 No development within any particular phase or block shall take place, unless there has been submitted to and approved in writing by the planning authority in consultation with the radar operator (NATS (En-route) plc), for that particular phase or block either (i) detailed plans including grid coordinates and spot heights for all corners of the proposed buildings in that individual phase, demonstrating that there would be no detrimental impact upon the operation of the Perwinnes Radar; or (ii) details of a scheme to mitigate any detrimental impact upon the operation of the Perwinnes Radar. Thereafter, development shall take place in complete accordance with such a scheme as so approved unless the planning authority and NATS (En-route) plc have given written consent for a variation.

Reason – in the interests of aircraft safety.

- (19) **WATER EFFICIENCY STATEMENT**
 No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a water efficiency statement for that particular phase or block has been submitted to and approved in writing by the planning authority. The statement should take into account the advice provided in CIRIA publication C723 (Water

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sensitive urban design in the UK) and specify the measures proposed to incorporate water saving technology into the development so as to achieve gold standard for water use efficiency in domestic buildings or BREEAM level 5 for non-domestic buildings. Thereafter the approved measures shall be implemented in the construction of the development.

Reason – in order to help avoid reductions in river water levels, which at times of low flow can have impacts on freshwater pearl mussel, one of the qualifying features of the River Dee Special Area of Conservation (SAC).

(20) LOW AND ZERO CARBON BUILDINGS

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance for the buildings within that particular phase or block has been submitted to and approved in writing by the planning authority. Thereafter, each building shall not be occupied unless the approved measures have been implemented in full and are available for use.

Reason – in order to ensure that the development complies with the 'Low and Zero Carbon Buildings' Supplementary Guidance.

(21) LANDSCAPING

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising the a scheme of hard and soft landscaping covering all areas of public and private open/green space for that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall include details of –

- (i) Existing and proposed finished ground levels;
- (ii) Existing landscape features, field boundaries, trees, woodland and vegetation to be retained or removed;
- (iii) Existing and proposed services and utilities including cables, pipelines and substations;
- (iv) Proposed woodland, tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting;
- (v) location, design and materials of walls, fences, gates and street furniture;
- (vi) arrangements for the management and maintenance of existing and proposed open space, woodland and landscaped areas including watercourse buffer strips; and
- (vii) proposed hard surface finishing materials.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming

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seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason – in order to integrate the development into the surrounding landscape, increasing the biodiversity value of the site and creating a suitable environment for future residents.

(22) PUBLIC TRANSPORT STRATEGY

No part of the development shall be occupied unless a matters specified in conditions application comprising a public transport strategy for the whole development has been submitted to and approved in writing by the planning authority. The strategy shall include proposals for the provision of either new or extended bus services linking the development with the existing public transport network, and details of the phased implementation of the strategy. Thereafter the agreed strategy shall be implemented as approved, unless otherwise agreed in writing by the Planning Authority.

Reason – in the interests of encouraging the use of public transport and reducing reliance on the use of private cars.

(23) A96 / FORRIT BRAE JUNCTION ALTERATIONS

Unless otherwise agreed in writing by the Planning Authority in consultation with Transport Scotland, no part of the development shall be occupied until the layout of the A96 / Forrit Brae junction has been altered to prevent right turn movements from the A96 into Forrit Brae or from Forrit onto the A96 eastbound. The details of these alterations shall be agreed in writing by the Planning Authority in consultation with Transport Scotland.

Reason – in order to mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.

(24) TRUNK ROAD FRONTAGE TREATMENTS

That unless otherwise agreed in writing, no development within blocks RS:1, RS:13a, RS:13b, RS:18, RS:19 and RS:21 as identified on page 16 of the approved Rowett South: Phase 1 Masterplan (dated July 2015) shall take place unless a matters specified in conditions application comprising details of the frontage treatment along the trunk road boundary for that particular block has been submitted to and approved in writing by the planning authority in consultation with Transport Scotland. Thereafter the details shall be implemented as approved.

Reason – to minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

(25) EXTERNAL LIGHTING

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No development within any particular phase or block shall take place unless a matters specified in conditions application comprising details of the external lighting for that particular phase or block has been submitted to and approved in writing by the planning authority after consultation with Transport Scotland, as the trunk roads authority. Thereafter the external lighting shall be shall be implemented in accordance with the approved details.

Reason – in order to ensure that there will be no distraction or dazzle on the trunk road and that the safe o the traffic on the trunk road will not be diminished and to ensure the safeguarding of Aberdeen International Airport.

Reason – in order to mitigate the adverse impact of development traffic on the safe and efficient operation of the trunk road.

(26) RESIDENTIAL TRAVEL PACK / GREEN TRAVEL PLAN

No development within any particular phase or block shall take place unless a matters specified in conditions application comprising either a residential travel pack (in the case of residential development) or a green travel plan (in the case of commercial development) for that particular phase or block has been submitted to and approved in writing by the planning authority. Each residential travel pack shall identify details of different travel options available in the area in order to discourage the use of the private car. The approved travel pack shall be supplied to the first occupants of every residential unit within that block or phase on occupation. Each Travel Plan shall identify measures to be implemented in order to discourage the use of the private car as well as the duration of the plan, system of management, monitoring, review and reporting and thereafter shall be implemented as approved.

Reason – in order to reduce dependency on the private car for travel.

(27) PROVISION OF AWPR (DYCE / CRAIBSTONE) SECTION

Unless otherwise agreed in writing by the Planning Authority and in consultation with Transport Scotland, the proposed development shall be limited to no more than 175 occupied residential units and ancillary uses, for the period prior to the Dyce/Craibstone Section of the Aberdeen Western Peripheral Route being open to traffic.

Reason – To restrict the scale of the development in order to minimise the interference with the safety and free flow of traffic on the trunk road.

(28) RETENTION OF LISTED BOUNDARY STONES

No development within block RS:44 or the open space to the west shall take place unless a matters specified in conditions application comprising a scheme for the retention in situ of the listed boundary stones (no. 42 and 41) adjacent to Kepplehills Road (identified as AS7 and AS8 in Chapter 13 of the Environmental Statement) has been submitted to and

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

approved in writing by the planning authority. The scheme must explain how the features would be incorporated into the completed development proposals.

Reason – in order to mitigate the impact of the development on cultural heritage assets.

(29) PHASING

That no development shall take place other than in accordance with the indicative phasing strategy contained within section 4 of the Rowett South Phase 1 Masterplan document, unless otherwise agreed through the submission of a matters specified in conditions application for an alternative phasing programme covering the same matters.

Reason – in order to ensure development is progressively accompanied by the appropriate associated infrastructure.

(30) SAFE ROUTES TO SCHOOL

The proposed primary school shall not be occupied unless a matters specified in conditions application which identifies safe routes to the new primary school from within the development and any associated work to create the safe routes, has been submitted to and approved in writing by the planning authority.

Reason – in order to promote sustainable and safe travel and ensure compliance with policy D3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

(31) RETAIL IMPACT ASSESSMENT (RIA) – BLOCK RS:27

No more than 700 units shall be completed unless a matters specified in conditions application comprising a retail impact assessment for retail, leisure and commercial uses within blocks RS:27 has been submitted to and approved in writing by the planning authority. The impact assessment shall be undertaken in accordance with a method approved by Council's Planning Service but is expected to (i) consider the required levels of retail, leisure and commercial floor space required in order to meet the demands of the development; (ii) indicate the level of actual floor space and mix of uses proposed; and (iii) make an assessment of any potential impact on nearby town, district or neighbourhood centres and Aberdeen city centre as a result of the new floor space.

Thereafter, the retail, leisure and commercial space shall be openly marketed with a view to securing occupiers for the units and marketing update reports shall be provided to Aberdeen City Council annually, starting one year after approval of the matters specified in conditions application.

In the case where no occupier can be found for any particular area of retail, leisure and commercial space, no more than 1400 residential units

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

shall be completed unless a further retail impact assessment has been provided addressing the same considerations as the initial RIA. Thereafter, annual marketing reports shall continue.

Reason – in order to ensure provision of local retail, commercial and community facilities at an appropriate time for the Newhills expansion area and to ensure that existing retail, leisure and commercial centres are not adversely impacted.

(32) RETAIL IMPACT ASSESSMENT (RIA) – BLOCK RS:28

That no development of the medical centre proposed in block RS:28 shall take place unless a matters specified in conditions application comprising a retail impact assessment for retail, leisure and commercial uses within the ground floor level of the medical centre has been submitted to and approved in writing by the planning authority. The impact assessment shall be undertaken in accordance with a method approved by Council's Planning Service but is expected to (i) consider the required levels of retail, leisure and commercial floor space required in order to meet the demands of the development; (ii) indicate the level of actual floor space and mix of uses proposed; and (iii) make an assessment of any potential impact on nearby town, district or neighbourhood centres and Aberdeen city centre as a result of the new floor space.

Reason – in order to ensure provision of local retail, commercial and community facilities at an appropriate time for the Newhills expansion area and to ensure that existing retail, leisure and commercial centres are not adversely impacted.

(33) MASTERPLAN FOR REMAINDER OF SITE

No development of any area outwith the part of the application site covered by the 'Rowett South Phase 1 Masterplan' shall take place unless a matters specified in conditions application comprising an addendum to the existing 'Rowett South Phase 1 Masterplan' or a second masterplan for that particular area has been submitted to and approved in writing by the planning authority through an application for matters specified in conditions.

Reason – In order to ensure the key design principles are established for the area in a comprehensive and coherent manner.

DIRECTION UNDER SECTION 59(5) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

That in accordance with the power granted to it under section 59(5) the planning authority hereby direct that section 59(2)(a)(i) shall apply in respect to this planning permission in principle with the substitution of the period of 3 years with that of 10 years, as is considered appropriate by the planning authority in this instance on the basis of the scale and size of the allocation. Therefore this planning permission in principle shall lapse

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unless a further application or applications for approval of the matters specified in all conditions attached to this grant of planning permission in principle across the entire site has been made before whichever is the latest of the following; (i) the expiration of 10 years from the date of this grant of planning permission in principle; (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused; (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed.

INFORMATIVE NOTES

1. EXPIRATION OF CONSENT

This planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development to which the permission relates is begun before that expiration - pursuant to section 59 of the Town and Country Planning (Scotland) Act 1997.

2. DETAILED PLANNING APPLICATIONS

The planning authority expect the matters specified in the conditions attached to this planning permission in principle to be addressed through the submission of matters specified in conditions applications. The submission of standalone detailed planning applications is strongly discouraged due to the added complexity of assessing such applications outwith the terms of the planning permission in principle. Should detailed planning applications be submitted it is likely that (i) further supporting information (e.g. transport assessment) would be required in order to adequately assess the proposals and (ii) new section 75 legal agreements would be required in order to secure developer obligations. Notwithstanding the standalone nature of any detailed planning applications, such application would be expected to observe the terms of the planning permission in principle conditions.

3. ABERDEEN INTERNATIONAL AIRPORT SAFEGUARDING OF (CRANES & SCAFFOLDING & OTHER TALL CONSTRUCTION EQUIPMENT)

Attention is drawn to the requirement within the British Standard Code of Practice for the Safe Use of Cranes (BS7121), specifically section 9.9.3 (Crane Control in the Vicinity of Aerodromes) which requires the responsible person to consult the aerodrome manager for permission to work if a crane is to be used within 6km of an aerodrome and it's height would exceed 10m or that of surrounding trees and structures. Use of cranes or scaffolding above the height of the proposed development, or other tall construction equipment must be notified to Aberdeen International Airport Safeguarding Manager (safeguarding@aiaairport.com / 01224 725756) at least one month prior to use. Failure to do so may

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

result in any responsible person being guilty of an offence under Article 137 (Endangering Safety of and Aircraft) of the Air Navigation Order (CAP 393) which states that a person must not recklessly or negligently act in a manner likely to endanger an aircraft.

4. ABERDEEN INTERNATIONAL AIRPORT SAFEGUARDING (HEIGHTS)

Any development above a height of 7m is likely to cause an infringement of a critical flight safety surface. If any proposal is anticipated to cause an infringement then it is recommended that contact is made with Aberdeen International Airport Safeguarding Manager (safeguarding@aairport.com / 01224 725756).

5. PERWINNES RADAR (SAFEGUARDING)

Developers and applicants are advised that the application site is within the safeguarding zone of Perwinnes Radar Installation, operated by NATS (En Route) plc ("NERL"). On receipt of an application for matters specified in conditions (MSC) related to this grant of planning permission in principle (PPiP), the planning authority will consult NERL to determine if proposed buildings and structures would have an adverse impact upon the operation of the radar installation and if mitigation to any impact is possible. If an unacceptable impact and a viable mitigation is identified, the developer will be expected to agree with NERL a mitigation package prior to determination of an application. The planning authority strongly suggests that prior to submission of an application, early dialogue with NATS is undertaken to find a solution to any impact a development may have on the radar. NATS provide a technical consultancy service to developers wishing to enter into pre-application discussions and further information can be obtained from the NATS Safeguarding Office at NATSSafeguarding@nats.co.uk.

6. CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

SEPA advice recommends that the CEMP is submitted at least 2 months prior to the commencement of any works on site. This is to allow necessary agencies sufficient time to fully review the mitigation proposals and avoid any potential delays to the project moving forward.

7. HOURS OF WORK

Unless otherwise agreed in writing with Aberdeen City Council Environmental Health Service, during the construction of any phase of the development, the normal hours of operation for all activity audible at the boundary of the nearest noise sensitive premises shall be between 07:00 to 19:00 hours Monday to Friday; 07:00 to 16:00 hours on Saturday, with no noisy work audible at site boundary on Sunday.

The Committee resolved:-

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

- (i) to approve the recommendation; and
- (ii) to ensure that Scottish Water are consulted in terms of a sustainable drainage system.

MAKRO SITE, 1 WELLINGTON ROAD, WELLINGTON ROAD INDUSTRIAL ESTATE - 140924

9. With reference to article 3 of the minute of meeting of 18 June 2015, the Committee had before it a report by the Head of Planning and Sustainable Development which outlined that, following the Members decision of 18 June 2015 of a willingness to approve the development subject to the completion of legal agreement, the applicants agent has approached the planning authority to highlight the following:-

- their difficulties in obtaining an end-user for a large supermarket due to the current economic climate; and
- the fact that they had been approached by IKEA with an offer to occupy a 4,274 square metres of the area the applicant previously proposed as a supermarket

That, in the light of the changed circumstances, an amended proposal was being referred back to Committee by the Convenor in consultation with the Head of Service as follows:-

- Retain the Makro (wholesale warehouse) store (as proposed in the original application submission) at 4502 square metres (reduced from the current overall premises level of 10,252 square metres;
- Reduce the extent of Class 1(Retail) Supermarket to 1476 square metres from 5750 sq.m at present;
- Provide a store/warehouse of, for a new concept order and collect unit for IKEA. External alterations to include a third entrance feature and associated cladding alterations; and,
- A drop in the number of car parking spaces provided overall from 500 down to 482.

The report recommended:-

that the Committee reiterate its decision of 18 June 2015 to approve the application conditionally for alterations to the existing wholesale Cash and Carry of 10,252 square metres (inclusive of mezzanine level) to form two separate units with one of 4,502 square metres being retained for wholesale use, and a larger (southern) unit of 5,750 square metres being used for Supermarket (Class 1) retail purposes (70% convenience/ 30% comparison retailing), 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.

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

(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.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

(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.

The Committee decided to approve the application in line with the amendments proposed by the applicant and associated amendments to conditions (6), (8) and (9) of those previously agreed (above) as follows:-

(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(--) 16 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.

(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(--) 16 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.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

(9) The floorspace of the proposed smaller Class 1 Retail Unit of 1476 square metres hereby permitted shall be restricted to convenience retailing only, and shall be used for no other purpose - in order to retain an element of convenience goods shopping on the site to serve the local community and 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.

The Committee resolved:-

to note the recommendation contained in the report and approve the amended conditions outlined at (6), (8) and (9) above.

ARDSHEILING, BAIRDS BRAE, CULTS – 150988

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

That the Committee refuse the application in respect of planning permission for the erection of a two and a half storey house in an L shape footprint with integral double garage, on the following grounds:-

- (1) The proposed house fails to comply with policy H1 – Residential Areas of the Aberdeen Local Development Plan 2012 and associated Supplementary Guidance on the Sub-division and Redevelopment of Residential Curtilages whereby the proposals: constitute “backland” development, failing to have a public frontage to a street; result in a higher plot density than the plots to the north of the site; and would result in the loss of privacy to neighbouring properties, detrimental to their established residential amenity;
- (2) The scale and design of the house, coupled with its siting would have an adverse impact on the setting of ‘Ardsheiling’ and the wider Pitfodels Conservation Area, contrary to the requirements of policy D1 – Architecture and Placemaking of the Aberdeen Local Development Plan 2012, as well as Scottish Planning Policy, Scottish Historic Environment Policy and subsequently policy D5 – Built Heritage of the Aberdeen Local Development Plan 2012; and
- (3) The impact of the development on established trees within the garden that contribute to the character of the local area has not be demonstrated and subsequently fails to comply with the requirements of policy NE5 – Trees and Woodland of the Aberdeen Local Development Plan 2012 and Sub-division and Redevelopment of Residential Curtilages Supplementary Guidance.

In light of the above reasons, the proposals also fail to comply with the requirements of policies H1 – Residential Areas, D1 – Quality Placemaking by Design, D4 – Historic Environment and NE5 – Trees and Woodlands of the Proposed Aberdeen Local Development Plan 2015.

The Committee resolved:-

to approve the recommendation contained within the report.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

HOME FARM (LAND AT) SCOTSTOWN ROAD (EAST WOODCROFT), BRIDGE OF DON – 151034

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

That the Committee note that this application in respect planning permission for a proposed residential development comprising of 56 residential units, associated infrastructure and landscaping works relates to land currently owned by Aberdeen City Council, and has attracted a significant level of representation from within the local community, however the proposal does not represent a departure from the Development Plan, and the issues raised are primarily of local interest. It is not considered that a non-statutory public hearing would be warranted in this instance.

The Committee resolved:-

to approve the recommendation contained within the report

TECHNICAL ADVICE NOTE – PLANNING AND ABERDEEN AIRPORT – CHI/15/267

12. The Committee had before it a report by the Director of Communities, Housing and Infrastructure which recommended that a new Technical Advice Note (TAN) on 'Planning and Aberdeen Airport' be adopted as a non-statutory planning guidance.

The report recommended:-

that the Committee –

- (a) note the results of the six-week public consultation period and the amendments made to the draft document as a result; and
- (b) adopt the Planning and Aberdeen Airport TAN document as non-statutory planning guidance, subject to the determination of the Strategic Environmental Assessment Screening.

The Committee resolved:-

to approve the recommendations.

TECHNICAL ADVICE NOTE – STUDENT ACCOMMODATION – CHI/15/268

13. The Committee had before it a report by the Director of Communities, Housing and Infrastructure which recommended that a new Technical Advice Note (TAN) on 'Student Accommodation' be adopted as a non-statutory planning guidance.

The report recommended:-

that the Committee –

- (a) note the results of the six-week public consultation period and the amendments made to the draft document as a result; and
- (b) adopt the Student Accommodation TAN document as non-statutory planning guidance, subject to the determination of the Strategic Environmental Assessment Screening.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Committee resolved:-
to approve the recommendations.
- RAMSAY MILNE, Convener.

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Planning Development Management Committee

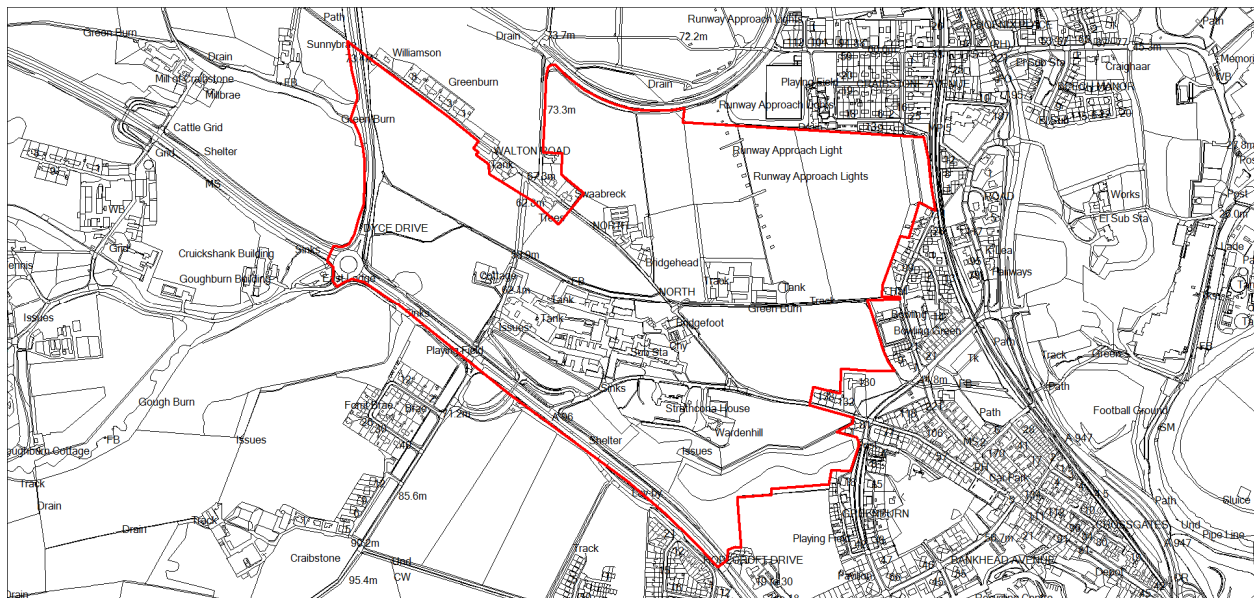
ROWETT RESEARCH INSTITUTE,
GREENBURN ROAD, BUCKSBURN

DEMOLITION OF EXISTING BUILDINGS,
ERECTION OF EXHIBITION AND
CONFERENCE CENTRE INCLUDING
SUBTERRANEAN SPACE, ENERGY CENTRE,
HOTELS, OFFICES, LEISURE,
CAFE/RESTAURANTS AND ASSOCIATED
ACCESS, LANDSCAPING, ENGINEERING
WORKS (INCLUDING BURN DIVERSION) AND
CAR PARKING (INCLUDING TEMPORARY CAR
PARKING)

For: Henry Boot Developments Ltd

Application Type: Planning Permission in Principle
Application Ref. : P150826
Application Date: 22/05/2015
Officer: Matthew Easton
Ward : Dyce/Bucksburn/Danestone(B Crockett/G
Lawrence/N MacGregor/G Samarai)

Advert: Dev. Plan Departure
Advertised on: 03/06/2015
Committee Date: 29/10/2015
Community Council : Comments



RECOMMENDATION: Defer – No Hearing

DESCRIPTION

The application site covers some 60 hectares of land located on the north west edge of Aberdeen, between Aberdeen International Airport and the A96 trunk road. It currently accommodates the Rowett Institute of Nutrition and Health which is part of the University of Aberdeen and comprises a complex of various buildings set within an agricultural landscape. Also present are a several residential properties and infrastructure associated with nearby Aberdeen International Airport. The landform is undulating and generally slopes from north to south towards the A96.

The buildings on the site range from three storey traditional granite and sandstone buildings dating from around 1920 to modular exposed concrete framed extensions from the 1960s and single storey agricultural buildings. Several buildings are worthy of note –

- Strathcona House (1929) comprises a three storey building constructed from red sandstone and pitched slate roof. The design and plan form of the building draws on historical academic sources, with strong references to the collegiate style. This is particularly evidenced in the large ground floor hall and the balustraded veranda that dominates the principal elevation. The use of red sandstone is unusual for a building of this scale in Aberdeen and is distinguished by its late use of Scots Baronial details, including the rock-faced stonework and the carved motifs to the dormerheads. The early 20th century interior decorative scheme largely survives and includes good-quality oak panelling to the principal public rooms, such as the large ground floor hall which also retains its stone fireplaces and stained glass.
- The Boyd Orr building (1922) is semi-detached and three storeys, with granite walls and a pitched asbestos roof. It was used as offices and laboratories.
- The Reid Library (1938) is semi-detached and two storeys in height, being constructed from granite with a pitched slate roof.
- Wardenhill House (1925) is a detached two storey house which was also constructed from granite with a slate roof.

None of the buildings on the site are listed or within a conservation area.

The undeveloped parts of the site comprise a mix of improved grassland, semi-improved grassland, bare ground and small areas of woodland. The Green Burn runs from west to east through the site towards the River Don.

Core Path No. 4 crosses the site and follows the route of Greenburn Road, which also acts as the boundary between the community council areas of Bucksburn & Newhills and Dyce & Stoneywood.

To the north is Wellheads Drive beyond which is Aberdeen International Airport and Bucksburn Cricket Club. The approach lights for runway 34 at the airport are located within the north east part of the site. To the immediate north east, east

and south east is the residential communities of Bankhead and Stoneywood with the closest streets being Waterton Road and Brimmond View. To the south east is southern boundary of the site is defined by the A96 with the land beyond currently being agricultural, but identified for 1700 homes and known as Rowett South. Existing residential properties exist at Forritt Brae. The western boundary comprises Dyce Drive, the opposite side of which is agricultural land which is identified as suitable for employment use. There are a number of residential properties in the north west, located around Greenburn Farm. The agricultural land in this area has been granted planning permission for phase two of ABZ Business Park.

RELEVANT HISTORY

- A proposal of application notice (P140606) for Demolition, erection of exhibition and conference centre, energy futures centre, hotels, offices, leisure, restaurants and access landscaping, engineering, car parking was submitted in April 2014.
- Public consultation was undertaken between April 2014 and April 2015 and is outlined in the 'Pre-Application Consultation' of the report.
- Historic Scotland (now Historic Environment Scotland) received a request to list Strathcona House in April 2015. The building was visited in May 2015 when the interior and exterior were inspected. Historic Environment Scotland's conclusion was that the building was considered to be of local importance and may meet the criteria for listed at category C. However due to the current proposals which would affect the character of the building, it will not be considered further for listing at this time. Should the planning situation change, this may be reconsidered.

PROPOSAL

Planning permission in principle is sought for the demolition of all buildings on the site and the construction of an exhibition and conference centre with supporting uses. The development would comprise –

- A new exhibition and conference centre (45,000sqm gross) with subterranean space (33,600sqm) including a concourse, retail, leisure, restaurant and public houses uses.
- A 200 bed hotel (14,600sqm) which would be integral with the exhibition and conference centre.
- Two further hotels with an estimated combined capacity of 300 beds.
- Office space with an estimated net floor space of 60,000sqm
- Leisure uses with an estimated net floor space 6,000sqm

- An energy centre incorporating an anaerobic digestion (AD) plant and associated plant and equipment for both generation and production.
- Access for both pedestrians and vehicles, including public transport. Car and coach parking including temporary car park.
- Open space, landscaping and public realm works including creation of a burn park and piazza. Groundworks, improvement and diversion of watercourses to a new alignment

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=150826>.

- Drainage Impact Assessment
- Flood Risk Assessment
- Pre-Application Consultation Report
- Sustainability Statement
- Transport Assessment
- Tree Survey

Environmental Statement (ES)

The proposal is subject to environmental impact assessment as a schedule 2 development (table 10 infrastructure projects, sub section (b) urban development projects) by virtue of its scale and location, in terms of schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2011. An environmental statement (ES) has been submitted with the planning application.

The ES reports on the findings of an environmental impact assessment (EIA) of the proposed development. EIA is the process of compiling, evaluating and presenting all of the significant environmental impacts of the proposed development, leading to the identification and incorporation of appropriate mitigation measures.

PRE-APPLICATION CONSULTATION

The proposed development was the subject to pre-application consultation between the applicant and the community, as required for applications falling within the category of major developments as defined in the 'Hierarchy of Development' Regulations. A Proposal of Application Notice (PoAN) was submitted to the Council on 14th April 2014. This marked the commencement of public consultation which ran for a full year ending on 10th April 2015. There were three phases of consultation –

- The first consultation exhibitions were held in May 2014 at the Jesmond Centre in Bridge of Don, the Beacon Centre in Bucksburn and Aberdeen Art

Gallery. A postcard invitation was issued to 20,000 residents and the exhibitions widely publicised. Representatives from the project team were in attendance to provide information and discuss the emerging ideas for the future of the site. Attendees were asked to complete a questionnaire seeking their views on the proposals. Following the exhibitions two unmanned exhibitions took place at Marischal College reception from and the AECC main concourse in June 2014. Over 1,000 people attended the various events.

- A second round of consultation was undertaken in September 2014 and utilised the same venues and methods. Approximately 600 people attended the exhibitions over the 3 days the events were held. A further unmanned exhibition was also held in Marischal College.
- The third and final public consultation events were held in March 2015 in the upper mall of the Bon Accord Centre. The decision was made to host the exhibitions in a city centre venue as previous city centre venues had attracted a higher number of consultees. A further unmanned exhibition was also held in Marischal College during early April. A total of 327 written responses were submitted in response to the third round of consultation. The total written number of responses received over the course of the year was 500 with just over 4,000 participants.

REASON FOR REFERRAL TO COMMITTEE

In June 2010 the former Development Management Sub-Committee established guidelines as to the circumstances in which it would be appropriate for the committee to hold a public hearing prior to determination of a planning application (where a pre-determination hearing is not required by legislation).

It was agreed that the criteria triggering a report to committee to seek a decision on whether or not a hearing should be when an application has been the subject of more than 20 objections and either the Council has a financial interest and/or the application is considered to be a departure from the development plan.

In this case more than 20 objections have been received, the Council have a financial interest due to being a development partner and the proposal represents a departure to the development plan.

CONSULTATIONS

ACC – Communities Housing and Infrastructure (Roads Development Management Team) – Awaiting formal response.

ACC – Communities Housing and Infrastructure (Environmental Health) –

Contamination – In terms of contaminated land there is no objection however it is recommended that a condition is attached requiring that a scheme to address

any significant risks from contamination on the site has been approved by the planning authority and implemented.

Air Quality – The air quality assessment predicted the potential impacts arising from the construction and operational phases of the development in 2018 and 2023, compared to the 2013 baseline, taking account of the other committed development in the area. Nitrogen dioxide (NO₂) and particles (PM₁₀) concentrations in the vicinity of the proposed development are currently below the annual mean air quality objectives and there is minimal risk of exceedance in this area. However the Anderson Drive/Haudagain roundabout/Auchmill Road Air Quality Management Area (AQMA) is located along the A96 to the east, commencing at the junction with Howes Road. This AQMA was designated in 2009 due to measured exceedance of the annual mean NO₂ objective and predicted exceedances of the PM₁₀ objective, particularly around the Auchmill Road/Old Meldrum Road junction and Haudagain roundabout. Increased traffic associated with the proposed development has the potential to increase pollution in these areas.

The assessment predicted compliance with the air quality objectives in 2018 and a negligible impact on relevant receptors, including properties on Auchmill Road.

However, the size and nature of the committed developments in the wider area, including the AWPR, and the predicted increased traffic flows and potential congestion makes it difficult to accurately predict the air quality impacts. Furthermore, recent studies have suggested the emission factors currently used to predict future pollution levels significantly underestimate the contribution of diesel vehicles. This is because, among other factors, manufacturers require to demonstrate compliance with EU emission standards via test procedures and not in real world driving. Even new Euro VI diesel cars appear to emit higher concentrations of NO_x than manufacturer published data. The modelling used to predict the air quality impacts therefore may under predict actual emissions in 2018.

There is no objection to the application based on the air quality assessment. However as, stated above, the prediction of the cumulative impact of all the committed developments in the area is challenging and may under predict actual concentrations. It is recommended that the developer is required to submit details of mitigation measures to minimise traffic (particularly at peak times when congestion is most likely) and air quality impacts and encourage sustainable transport, for example through the provision of a detailed travel plan with provision to measure its implementation and effect.

The air quality assessment also considered the potential dust impacts during the demolition and construction phases. Should planning permission be granted a condition should be attached requiring a Dust Management Plan to be implemented.

ACC – Communities, Housing and Infrastructure (Flood Prevention Team) – Consider the proposed drainage and flood prevention measures acceptable.

ACC – Communities, Housing and Infrastructure (Waste Strategy Team) – Due to the commercial nature of the development, it would receive a business waste collection.

Aberdeenshire Council (Infrastructure Services) – Aberdeenshire Council has no comments to make on the planning application and trusts that all relevant matters including transport/access arrangements will be fully considered when determining the application.

Aberdeenshire Council – Archaeology Service (Shared Service) – In terms of the overall development, the proposal for the demolition rather than re-use of Strathcona House is one of considerable detriment to the historic environment and as such means that, in this particular instance, it can only be recommended that the application is refused. The proposed demolition of this building will lead to the complete loss of one of Aberdeen's most recognised historic structures. It is accepted that there has to be flexibility within the design approach for a successful re-use of the development site as a whole, and with that in mind an objection is not raised to the other proposed demolitions. Strathcona House however, located towards the edge of the proposed development, must be considered for an alternative re-use in the first instance, with the accompanying draft Masterplan updated to reflect this.

The archaeological mitigation methodology as laid out in the Environmental Statement is acceptable. However, should the development be minded to proceed, it is recommended that a condition is applied requiring the implementation of a programme of archaeological works prior to development commencing.

Aberdeenshire Council – Developer Contributions Team (Shared Service) – Core Path 4 runs through the proposed site and the masterplan illustrates this has been incorporated into the design with improvements. The Developer will also be required to provide links into this path as part of the overall development. Future detailed applications should demonstrate these linkages.

Any Strategic and Local Transportation requirements are identified and confirmed direct by Aberdeen City Council's Transportation Team.

Aberdeen International Airport (AIA) – The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria subject to the following conditions –

- The proposal has been assessed against the potential future expansion of the southern runway which may be required in the period 2020 – 2040. The buildings are therefore subject to the maximum heights specified in the plans.
- The airport has been notified by NAT En-route Ltd (operator of the Perwiness Radar) that the development has the potential to affect the operation of the radar. A condition should be attached which requires any impact of be either discounted or addressed as detailed proposals come forward.

- A condition should be attached requiring a bird hazard management plan to be submitted and approved prior to development commencing.
- A condition should be attached requiring detailed drainage details, including bird deterrent measures, to be submitted and approved prior to development commencing.

Advice is also provided on the use of cranes in the vicinity of the airport, landscaping, lighting, signage and noise.

Aberdeen Western Peripheral Route Managing Agent – The submitted transport assessment indicates that the development has the potential to impact on the operation of the AWPR/A96 grade separated junction. There is a potentially significant level of queuing present on the northbound diverge slip road that block-backs onto the northbound carriageway of the AWPR. There is also a significant impact on the A96/Craibstone signalised roundabout, with significant queuing occurring on the A96 west approach.

Bucksburn and Newhills Community Council – The Community Council object to the application due to the proposed demolition of Strathcona House. Following a public meeting organised by the community council in May 2015 it was ascertained that there was a significant strength of feeling in relation to Strathcona House. Three main points were raised –

- Strathcona House is a unique building in Aberdeen terms and beyond, being, the community council are led to believe, the largest red sandstone building in Scotland. Inside there are magnificent features like oak panelling, stained glass windows and a beautiful staircase. It is strongly recommended that Councillors pay a visit to the building prior to making any decision.
- The second point relates to the people represented by Strathcona House – people such as Sir John Boyd Orr and Lord Strathcona who should be celebrated and lauded throughout Scotland, rather than being lost to future generations.
- All the initial discussions with the public indicated that Strathcona House was to remain. It appears quite concerning that the change to demolish the House is made at this very late stage in the proceedings.

The community council accept that the rest of the buildings making up the Rowett Institute can, reluctantly, be demolished, but that this one building which has to be incorporated into the new development rather than being demolished to accommodate this new construction. Although this new concert centre will be state of the art when it is constructed, that in twenty/thirty years time it will probably be ready to be taken down to make way for another one. Strathcona House on the other hand was constructed in the 1930's, still looks magnificent and will still be in this condition, if it is maintained and incorporated into the new conference centre.

Dyce and Stoneywood Community Council – Strongly object to the application, in particular the proposal to demolish Strathcona House. It is a

unique sandstone building in Aberdeen with a magnificent interior and its historical significance and connection with Lord Strathcona and Lord Boyd-Orr enhance its value to Aberdeen. The community council are surprised and disappointed that the developer previously stated that the building would be retained but now at the last moment it is apparently required for 'car parking'. This is a cynical plot from the developer which is condemned.

Energetica Development Manager – Energetica are content that this proposal seeking to establish the principle of development which is of a high quality and reflects the aims and aspirations of the Energetica programme. Energetica is supportive of the proposals at the Rowett Institute for the construction of a world class exhibition and conference centre which will attract local, national and international visitors providing a hub for major business and leisure related events. It is pleasing to note that in terms of sustainability the developer intends to go beyond the BREEAM requirements, which generally carries an environmental focus and will also consider other cumulative benefits through a wider set of indicators for the whole of the masterplan area.

The Environmental Statement describes the difficulties around access to the current site by public transport as part of the justification for the new project. To utilise the potential of the proposed site it is crucial that a clear, attractive and sustainable public transport strategy is developed. The statements contained within the draft Masterplan document around this topic are encouraging, but it is crucial that accessibility for visitors is addressed early and a clear travel plan is put in place to support the different phases of development. This should be for international visitors, but also for local and regional visitors from Aberdeenshire, Angus and Moray. Opportunities associated with the planned park and choose site should be utilised.

Historic Environment Scotland (HES) – There is no designations within HES's statutory remit (scheduled monuments and their setting, category A listed buildings and their setting, battlefields and gardens and designed landscapes) within or in the immediate vicinity of the site. In this regard there are no specific comments on the assessment and masterplan to offer.

HES recently received a request to consider Strathcona House for listing. As HES may not list a building which is subject to a current planning application which affects the character of the building, the site will not be considered further for listing at this time. HES has provided the appraisal of the building against listing criteria to the Council and it is hoped it will aid the consideration of this planning application and the draft masterplan. Should you not already have done so, a view should be sought from your Council's conservation and archaeology services.

NATS (En-Route) Plc. – Following a technical assessment, it has been determined that the development has the potential to affect the operation of the Perwinnes Secondary Surveillance Radar (SSR). While insufficient details are currently available in order to fully model and formally respond either supporting or objecting to the development, NATS respectfully requests that a condition is imposed on any consent in principle in order to ensure that any impact is either

discounted or addressed. As such, NATS has no objections to the granting of a Planning Permission in Principle to the application subject to the imposition of the planning condition and informative requiring detailed plans of the buildings showing that there would no impact or details of a scheme to mitigate any impact.

Police Scotland (Specialist Crime Division, Architectural Liaison Officer) –

- This area of Aberdeen currently has a very low crime profile, possibly due to the nature of its recent business. With a slightly wider focus applied, it can be seen that the majority of offences relate to motoring offences on the A96 or adjacent roads, thefts and minor vandalisms with no link to the development as it stands. Given the potential influx of large numbers of people to the development once it has been completed, the current crime profile is likely to change dramatically.
- Detailed design advice to limit the opportunities for crime to occur has been provided.

Scottish Environment Protection Agency (SEPA) –

Flood Risk and Burn Diversion – The Flood Risk Assessment (FRA) submitted is designed to assess the current flood risk conditions at the site so that the baseline for assessing the impact of the proposed development and river diversion could be carried out. Pre and post-development flows have been calculated and pre and post-development model runs have been carried out. We note the modelled flood extents, that the flood extent is predicted to be reduced as a result of the diversion of the burn.

SEPA have reviewed the FRA submitted and find the methodology and estimated peak flows to be reasonable. It is noted from the information provided that the flood extents for the pre-development, and post-development with mitigation measures situations are largely consistent and therefore flood risk does not appear to be increased to these areas as a result of the diversion and bank works. It also shows a slight betterment compared to the pre-development situation in some areas. No development should take place within the 1 in 200 year plus climate change functional floodplain, It is requested that this is secured by condition to any grant of planning consent and used to inform the detailed design stage and site layout. If this will not be applied, then please consider this representation as an objection. The revised FRA recommends that further hydraulic modelling is undertaken during the detailed design stage. SEPA support this approach and look forward to providing additional comments when more detailed proposals are provided.

Surface Water – It is noted that roof water would be treated by one level of SUDS treatment and road and hardstanding areas by two. The SUDS measures would include porous paving with sub-base, swales with sub-base, filter drains and green roofs. The SUDS proposals are acceptable to SEPA from a water quality perspective.

Current SUDS proposals are based on no infiltration, however there is a strong desire to implement infiltration measures if feasible and appropriate for the location. This should be reviewed as part of the detailed design of the drainage once sufficient site investigations have been carried out. It is therefore requested that a condition is attached to any grant of planning consent requiring finalised details of the SUDS proposals. If this is not attached, then please consider this representation as an objection.

Foul Water – SEPA welcome the proposed foul water connection to the existing Scottish Water sewer and as such have no objection to this aspect of the proposal.

Contaminated Land – Within chapter 8 of the ES there is reference to radioactive contamination and burial pits that were used to store waste material. SEPA would highlight that there are two disposal sites possibly containing radioactive waste within the site and as such it is requested that a condition is attached to any grant of planning consent requiring the developer to undertake appropriate assessment at the site in relation to radioactive contamination along with details of any necessary remediation. Please note, it should not be assumed that remediation of the contaminated land is the most appropriate option.

SEPA would also take this opportunity to highlight that there is a Radioactive Substances Authorisation in place on the site. SEPA are liaising direct with the authorisation holder regarding the ongoing operation/revocation of this as the site is developed. As such it is highlighted that the above advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage.

Advice on chemical land contamination issues should be sought from the local authority contaminated land specialists because the local authority is the lead authority on these matters.

Pollution Prevention and Environmental Management – SEPA welcome the submission of the draft Construction Environmental Management Plan (CEMP) in Appendix 3.A and the Schedule of Mitigation within the ES. It is therefore requested that a condition is attached to the consent requiring the submission of a site specific finalised CEMP. If this is not attached, then please consider this representation as an objection.

Site Waste Management Plan – The proposal includes the demolition of the existing buildings and there will be extensive earth works on site. SEPA therefore requests that a condition is attached to any grant of planning consent requiring the submission of a site specific waste management plan. If this is not attached, then please consider this representation as an objection.

Scottish Natural Heritage (SNH) – The proposal includes the demolition of several buildings, seven of which contain bat roosts, including a soprano pipistrelle maternity roost. The development also includes the diversion of part of the Green Burn which is used by otters. Several otter couches were identified

along the stretch of the Green Burn to be diverted. SNH advice with regard to bats and otters is that if you approve this application, even with the mitigation set out in EIA and bat survey report, a licence from SNH will still be required by the applicant before they can proceed with the development.

Bats and otters are European Protected Species. This means that if the Council are minded to approve this application it must satisfy itself, in line with statutory duties under the Habitats Regulations 1994 (as amended), that the licensing tests set out in those regulations are likely to be met before approving the application. If not, there is the risk that the applicant is unable to make practical use of the planning permission or commits an offence. Based on the information currently available to SNH, it is likely that the tests would be met and therefore that a licence would be granted. Please note that this advice is given without prejudice to any later consideration of an application for a licence.

Species protection plans will be required for otters and all bat species found on site. Within the ES, 'Table 10.12 EIA Summary' wrongly states that a bat licence has already been granted.

Scottish Water – No objection to the application. Invercarnie Water Treatment Works and Persley PFI Waste Water Treatment Works currently have capacity to service the proposed development.

Sport Scotland – It is not expected that the development would have any impact on nearby sport pitches and therefore there is no objection from Sport Scotland.

Transport Scotland – With regards to the EIA –

- It is noted that these proposals are one of a number of proposed developments which are included within the Council's wider Dyce Corridor Study. This has identified a requirement for significant mitigation measures affecting both the trunk and local road network. As such, we are unable to comment on this development in isolation until such time as the Council's study has been concluded and the wider environmental impacts associated with increased traffic are understood.
- The EIA indicates that a new junction is proposed on the A96 in the form of a left in/ left out arrangement which will replace an existing junction. A signalised right turn facility will be incorporated into the junction to allow access for buses and signalised pedestrian crossing facilities will also be provided. The suitability of this arrangement in the situation where the A96 remains as part of the Trunk Road Network will require to be agreed with Transport Scotland through.
- Awaiting formal response on the planning application.

REPRESENTATIONS

71 letters of representations have been received. Many support the concept of redeveloping the site, however all but one raise strong objections to the

demolition of Strathcona House and to a lesser extent the Reid Library. The matters raised in relation to Strathcona House are summarised below –

1. The building is of significant historic importance due to its connection with internationally important and recognised scientific research, specifically in the fields of agriculture, food and nutrition. It is therefore of local, regional, national and international significance.
2. The demolition of the building would lead to the loss a heritage asset which should be retained in order to safeguard the history associated with the Rowett Institute and its founder Sir John Boyd Orr whose accomplishments included being awarded the Nobel Peace Prize for scientific research on nutrition; holding the post of Director General of United Nations Food and Agriculture Organisation; developing the system of rationing during World War II; and co-founding and holding the post of president of the World Academy of Art and Science.
3. Historic Environment Scotland has identified the building as being worthy of retention and would list it as category C if it had not been for the live planning application.
4. The building has a fine interior which is largely intact, with original features such as oak panelling, carvings and six stained glass windows, four of which were designed by Alexander Strachan, a renowned designer and brother of Douglas Strachan who glazed the King's College memorial window.
5. Aberdeen already has the unenviable reputation of '*being where architecture goes to die*' and allowing Strathcona House to be demolished would further compound this impression. It is an unfortunate trend that Aberdeen City Council appears to focus on new developments which tend to allow for dismissal of the city's heritage as if it is worthless.
6. The building is an important landmark alongside the A96 trunk road and there are few historic buildings of value left in Bucksburn so therefore it should be retained.
7. The building is perfectly useable and functioning and in an era where sustainability and reuse are important, it should not be demolished. It is suggested that the building could instead be used as a hotel, small conference facility, wedding venue, art gallery, museum, community facility or space to promote Scottish agriculture, food and drink.
8. The building should be retained as a gateway to the AECC development and could be used to showcase to visitors the achievements associated with the research carried out at the Rowett Institute.
9. The original plans for redeveloping the site showed the retention of Strathcona House whereas the revised plans show the building having been enlarged.

10. The demolition may not be allowed by the conditions of ownership of the site.

11. The demolition would be contrary to Policy Dx (Granite Buildings)

Other matters raised in relation to the wider development of the site are summarised as follows –

12. Concern with the loss of allotments in the north east of the site.

13. Concern with the loss of country walks.

14. Due to the many new developments in the area the character of Bucksburn is being affected and it is losing its 'village feel'.

15. The existing AECC site in Bridge of Don should be redeveloped rather than the AECC being moved to this site.

16. The development is too close to the airport which could cause safety issues.

17. There is an opportunity for the football stadium and AECC to be collocated at the Rowett South and Rowett North sites.

18. The scale of development can only have a significant impact upon local wildlife. The site could be more sensitively developed in order to accommodate existing trees and green space.

19. The Rowett Institute should not move to Foresterhill as the move could have a long term impact on services at Aberdeen Royal Infirmary.

20. The majority of traffic associated with the AECC would be going into the city so the AWPR would not alleviate traffic issues.

21. The money being spent on the new AECC would be better spent on roads or social care.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP) – Revised in June 2014, SPP is the statement of Scottish Government Policy on land use planning, and includes the government's core principles for the operation of the planning system, subject planning policies, and how they should be exercised to contribute to the objective of sustainable development. The principle policies relating to sustainability and place making and subject policies relating to: a Successful, Sustainable Place; a low Carbon Place; a Natural, Resilient Place; and a Connected Place,

Creating Places (Scottish Government) – Scotland's new policy statement on architecture and place published in June 2013 sets out the comprehensive value good design can deliver. Successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy.

Designing Places (Scottish Government) – Launched in 2001, *Designing Places* sets out government aspirations for design and the role of the planning system in delivering these. The aim of the document is to demystify urban design and to demonstrate how the value of design can contribute to the quality of our lives. *Designing Places* is a material consideration in decisions in planning applications and appeals.

Designing Streets (Scottish Government) – Published in 2010 *Designing Streets* is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside *Designing Places*, which sets out government aspirations for design and the role of the planning system in delivering these.

Aberdeen City and Shire Strategic Development Plan (March 2014)

The Strategic Development Plan sets out the following key objectives for the growth of the City and Aberdeenshire:

- Economic Growth – to provide opportunities which encourage economic development and create new employment in a range of areas that are both appropriate for and attractive to the needs of different industries, while at the same time improving the essential strategic infrastructure necessary to allow the economy to grow over the long term.
- Population growth – to increase the population of the city region and achieve a balanced age range to help maintain and improve people's quality of life.
- Quality of the environment – to make sure new development maintains and improves the region's important built, natural and cultural assets.
- Sustainable Mixed Communities – to make sure that new development meets the needs of the whole community, both now and in the future and makes the area a more attractive place for residents and businesses to move to;
- Accessibility – to make sure that all new development contributes towards reducing the need to travel and encourages people to walk, cycle or use public transport by making attractive choices.

Aberdeen Local Development Plan (2012)

Policy LR1 (Land Release Policy) – The site is identified in the local development plan (LDP) as opportunity site OP28 (Rowett North) which is allocated for 34.5 hectares of employment land in the period between 2007 and 2023.

A combined masterplan for OP28 and OP26 (Craibstone North and Walton Farm) is required.

Policy B11 (Aberdeen Airport and Harbour) – Public Safety Zones have been established for Aberdeen Airport (shown on the Proposals Map) where there is a general presumption against certain types of development. Due regard will be paid to the safety, amenity impacts on and efficiency of uses in the vicinity of the Airport and Harbour.

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. To ensure that there is a consistent approach to high quality development throughout the City with an emphasis on creating quality places, the Aberdeen Masterplanning Process Supplementary Guidance will be applied.

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

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

Policy D6 (Landscape) – Development will not be acceptable unless it avoids: significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct ‘sense of place’ which point to being either in or around Aberdeen or a particular part of it; disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them; 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 D4 - Aberdeen’s Granite Heritage – The City Council will encourage the retention of granite buildings throughout the City, even if not listed or in a conservation area. Conversion and adaptation of redundant granite buildings will be favoured. Where a large or locally significant granite building that is not listed or in a conservation area is demolished, the City Council will expect the original granite to be used on the principal elevations of the replacement building.

Policy I1 (Infrastructure Delivery and Developer Contributions) – Development must be accompanied by the infrastructure, services and facilities required to

support new or expanded communities and the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities. The level of provision or contribution required will relate to the development proposed either directly or to the cumulative impact of development in the area and be commensurate to its scale and impact.

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 developments shall take into account the coherence of the network. In doing so measures shall be taken to allow access across roads for wildlife and for access and outdoor recreation purposes. Masterplanning of new development should determine the location and extent of the Green Space Network within these areas.

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

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

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

Policy NE6 (Flooding and Drainage) – Development will not be permitted if –

1. It would increase the risk of flooding;
2. It would be at risk itself from flooding;
3. Adequate provision is not made for access to water-bodies for maintenance; or
4. It would result in the construction of new or strengthened flood defences that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse.

Applicants will be required to provide an assessment of flood risk where a development is likely to result in a material increase in the number of buildings at risk from flooding.

Where more than 10 homes are proposed, the developer will be required to submit a drainage impact assessment. Surface Water Drainage associated with development must:

1. Be the most appropriate available in term so SUDS; and
2. Avoid flooding and pollution both during and after construction.

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

Policy NE8 (Natural Heritage) – Development that, taking into account any proposed mitigation measures, has an adverse effect on a protected species or an area designated because of its natural heritage value will only be permitted where it satisfies the relevant criteria in Scottish Planning Policy. In all cases of development at any location:-

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

Policy NE9 (Access and Informal Recreation) – New development should not compromise the integrity of existing or potential recreational opportunities

including access rights, core paths, and other paths and rights of way. Core Paths are shown on the proposals maps. Wherever appropriate, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.

Policy 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 of air pollutants are proposed and can be agreed with the planning authority. Such planning applications should be accompanied by an assessment of the likely impact of development on air quality and any mitigation measures proposed.

Policy R2 - Degraded and Contaminated Land – The City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level appropriate for its proposed use.

Policy R6 (Waste Management Requirements for New Development) Housing developments should have sufficient space for the storage of residual, recyclable and compostable wastes. Flatted developments will require communal facilities that allow for the separate storage and collection of these materials. Recycling facilities should be provided in all new superstores or large supermarkets and on other developments where appropriate. Details of storage facilities and means of collection must be included as part of any development which would generate waste.

Policy R7 (Low and Zero Carbon Buildings) – All new buildings, in meeting building regulations energy requirements, must install low and zero carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 standards. This percentage requirement will be increased as specified in Supplementary Guidance.

Policy R8 - Renewable and low carbon energy developments

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

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

Policy RT2 - Out of Centre Proposals

Retail, commercial, leisure and other 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:

- No other suitable site in a location that is acceptable in terms of policy R1 is available or is likely to become available in a reasonable time.

- There will be no significant adverse effect on the vitality or viability of any retail location listed in Supplementary Guidance: Hierarchy of Retail Centres.
- There is, in qualitative or quantitative terms, a proven deficiency in provision of the kind of development that is proposed.
- The proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycle 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 dependent solely on access by private car.
- The proposed development would have no significantly adverse effect on travel patterns and air pollution.

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

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

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

Supplementary Guidance (SG)

Draft Rowett North Masterplan (September 2015) – Approval was granted by the Communities, Housing and Infrastructure (CHI) Committee on 19th May 2015 for a draft masterplan to be issued for a 6 week public consultation. The draft masterplan aims to establish design-led planning guidance to inform a business and leisure led mixed-use development with the new Aberdeen Exhibition and Conference Centre building as the centrepiece of the site. The masterplan includes the demolition of all buildings on site, including Strathcona House.

At the time of writing this report, the draft masterplan is subject of a separate report to the CHI Committee on 27th October. The report recommends that (i) the consultation findings are noted; (ii) the revisions made by the Director of Communities, Housing and Infrastructure based upon the findings of the consultation are approved and (iii) the revised draft as the masterplan, is approved as interim planning advice to inform the redevelopment of the site.

Other Supplementary Guidance

The following supplementary guidance documents are material considerations in the evaluation of the application –

- Air Quality SG
- Archaeology and Planning SG
- Drainage Impact Assessments SG
- Infrastructure and Developer Contributions Manual
- Landscape Strategy Part 2 – Landscape Guidelines
- Low and Zero Carbon Buildings SG
- Transport and Accessibility SG
- Trees and Woodlands SG
- Waste Management Requirements in New Development SG

Proposed Aberdeen Local Development Plan (2015)

In the proposed plan, published in March 2015, the site is re-zoned as a Specialist Employment Area, where Policy B2 applies. It states that in such areas, only class 4 (business) use shall be permitted, in order to maintain a high quality environment. Activities associated with research, design and development, knowledge-driven industries and related education and training will be encouraged. In relation to the Rowett North site specifically, the site is reserved for exhibition centre purposes and uses that support and are compatible with the exhibition centre, excluding large scale retail.

The site is also identified as Opportunity Site 19 (Rowett North) which indicates that the site is suitable for the new Aberdeen Exhibition and Conference Centre and complimentary employment uses. It notes that a masterplan is in preparation and that the site may be at risk of flooding and will therefore require a flood risk assessment to be carried out.

The following policies are relevant and substantively reiterate existing policies in the adopted local development plan –

- Policy D1 (Quality Placemaking by Design)
- Policy D2 (Landscape)
- 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 NE1 (Green Space Network)
- Policy NE5 (Trees and Woodlands)
- Policy NE6 (Flooding, Drainage and Water Quality)
- Policy NE8 (Natural Heritage)
- Policy NE9 (Access and Informal Recreation)
- Policy R6 (Waste Management Requirements for New Developments)
- Policy R7 (Low and Zero Carbon Buildings and Water Efficiency)

Newly introduced policies which are relevant are –

Policy T5 (Noise) – In cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application.

Development within or near to Candidate Noise Management Areas (CNMAs) and Candidate Quiet Areas (CQAs) will not be permitted where this is likely to contribute to a significant increase in exposure to noise or a deterioration of noise conditions in these areas, or where this will reduce the size of, or cause an increase in the noise level within, the CQA.

Policy CI1 (Digital Infrastructure) – All new residential and commercial development will be expected to have access to modern, up-to-date high-speed communications infrastructure.

EVALUATION

Under 38A(4) of the 1997 planning act, the planning authority may decide to hold a hearing for any development not covered by the mandatory requirements and to give the applicant and any other person an opportunity of appearing before and being heard by the committee. In June 2010 the Council agreed guidelines on the triggers for determining when the option of having a hearing would be considered and thereafter the issues which would determine whether such public hearings are held.

No recommendation is being made at this time in respect of the merits of the proposal. It is expected that a report will be presented to a future committee making such a recommendation on the determination of the application.

Triggers for Report

The criteria triggering a report to committee to seek a decision on whether or not a hearing is (i) when an application has been the subject of more than 20 objections and either (ii) the Council has a financial interest and/or (iii) the application is considered to be a departure from the development plan.

In this case 71 representations have been received the vast majority to which are objections, therefore meeting the first criterion. In terms of the second criterion, the Council has a financial interest due to being the development client partnership with Henry Boot Developments Ltd.

Lastly, the adopted LDP identifies the site for employment use through Policy LR1 (Land Release) but does not include the exhibition or conference centre or associated leisure and retail uses. Although employment uses will also be included, it is considered that there is a material difference between the local plan zoning of the site and what is now proposed. This, therefore, represents a departure from the development plan. Notwithstanding the foregoing and although the proposal includes uses which are different from the zoning, it is identified for development within the current plan period and a significant amount of employment use is still proposed as part of the development. The conclusion therefore is that the proposal does not meet the threshold to be considered as a significant departure from the LDP or the Council's spatial strategy for this part of the city.

Consideration of Existing Policy and Matters Raised

In order to determine whether a hearing is held, an assessment needs to be undertaken of whether the relevant development plan policies are up to date and relevant to the matters raised and whether these matters are material planning considerations.

The Aberdeen Local Development Plan, adopted in February of 2012, and the Aberdeen City and Shire Strategic Development Plan, which came into effect on 28th March 2014, collectively constitute the development plan against which applications for planning permission are considered.

The proposed local development was published in March 2014 and represents the Council's latest position on land use matters and the spatial strategy for the city. Formal consultation on the proposed LDP ended on 1st June 2015 and in relation to the Rowett North site no representations were received with regards to either its re-zoning or the proposal to accommodate the new AECC there. Therefore, the position in the proposed plan is the settled view of the Council on the matter, is very unlikely to change and is now a material planning consideration. In summary, the local development plan and proposed local development plan are considered at this time to provide an up-to-date and relevant policy framework for the determination of this planning application.

A total of 71 representations were received on the application. Only 2 do not object to the demolition of Strathcona House. Out of the remaining 69 representations, only 3 raise other matters in addition to those relating to Strathcona House. These predominately focus on the impact of traffic associated with the development, impact on green space & wildlife and flight safety. It was also suggested that the existing AECC site should be redeveloped and that the Rowett Institute should not be moving in the first place.

A significant level of consultation has taken place with the public, elected members and Council officers in relation to the proposed development. The matter of Strathcona House was not raised in earlier consultations on the masterplan, as the initial intention was to retain the building. With the subsequent change to the proposal, it is now apparent that there is a strong sentiment that Strathcona House should remain and be integrated into the proposed development.

Notwithstanding this, the substantial body of objection received on this application relates to a single issue (demolition of Strathcona House) and there are relevant policies within both the adopted LDP and the proposed LDP against which this single issue can be considered.

The majority of issues raised are relevant planning considerations and relate to issues which are covered by the development plan. It is felt that these issues can be assessed adequately against these policies and via discussion at a meeting of the Planning Development Management Committee. Extensive pre-application consultation has ensured that there is a good level of awareness about the proposals and issues surrounding it. Furthermore, the draft masterplan discusses

the issue of Strathcona House and if adopted at the CHI committee on 27th October, will become interim planning guidance and reflect the Council's current view on the matter.

On that basis, it is considered that a public hearing would not be warranted in this particular case and it is recommended that members defer consideration of this application to a later meeting of this committee, where a report on the merits of the proposal with a recommendation from officers can be presented and discussed.

RECOMMENDATION

Defer – No Hearing

REASONS FOR RECOMMENDATION

This application relates to a development which Aberdeen City Council has an interest and has attracted a significant level of representation from within the local community. The proposal also represents a departure from the development plan. A substantial body of the objections relate predominately to the demolition of Strathcona House, rather than a wide range of different matters.

There are relevant policies in the development plan which cover the matters raised, most of which relate to a single issue (demolition of Statcona House). It is felt that these issues can be assessed adequately on this basis and in conjunction with the detailed representations received. The draft masterplan discusses the issue and if adopted at the CHI committee on 27th October, will become interim planning guidance and reflect the Council's current view on the matter. Therefore it is considered that a non-statutory public hearing is not required or add value to the decision making process in this instance.

Planning Development Management Committee

35 MILE-END AVENUE, ABERDEEN

SINGLE STOREY EXTENSION TO REAR OF
EXISTING DWELLING HOUSE

For: Mr & Mrs Woodward-Nutt

Application Type : Detailed Planning Permission

Application Ref. : P150530

Application Date: 09/04/2015

Officer: Sepideh Hajisoltani

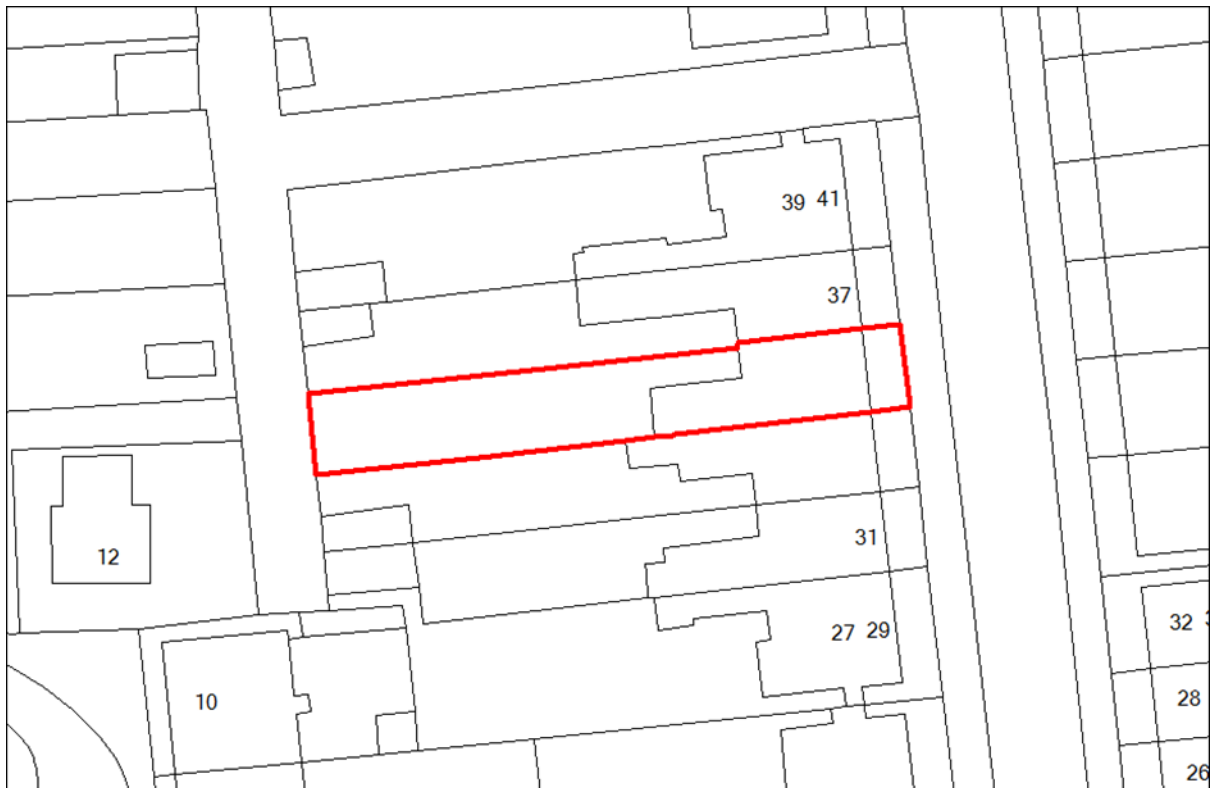
Ward : Midsocket/Rosemount (B Cormie/J
Laing/F Forsyth)

Advert :

Advertised on:

Committee Date: 29/10/2009

Community Council : Comments



RECOMMENDATION:

Approve Unconditionally

DESCRIPTION

The application site, located to the west of Mile-End Avenue extends to 342 sq.m and is occupied by a two storey mid-terrace dwellinghouse. The footprint of the existing property results in a site coverage of approximately 16%. The site remains relatively level throughout, however it is located approximately 300mm higher than the neighbouring property to the north (No. 37 Mile-End Avenue). The property is of a traditional design and is finished in granite and natural slates.

The area is characterised by terraced properties of similar design with low boundary walls to the rear.

The site is located within a Residential Area in Aberdeen Local Development Plan (2012).

RELEVANT HISTORY

None

PROPOSAL

Detailed planning permission is sought to erect a single storey extension to the rear elevation of the property. It should be noted that the initial proposal comprised of a large scale, full width, flat roofed extension which was later amended into a smaller scale proposal and revised drawings were received accordingly.

The proposed extension would accommodate a new kitchen/lounge and WC, measuring 4.8m wide and projecting 11.2m from the rear elevation of the existing dwelling. The extension would also project beyond the existing two storey annex by approximately 800mm to the north. Its roof would be a combination of a mono-pitched roof and a flat roof measuring 2.5m to eaves and 3.3m to its highest point. The extension would incorporate a substantial proportion of glazing on the west elevation, along with a window to the north elevation and 2 no. roof lights on the pitched roof.

The extension would be finished in treated timber or Larch boarding, granite wall, grey ashlar and aluminium doors and windows.

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=150530>

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 proposal has attracted 9 letters of objection through the neighbourhood notification and an objection from Rosemount and Mile-End Community Council. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No observations.

Environmental Health – No observations.

Communities, Housing and Infrastructure (Flooding) - No observations.

Community Council – Rosemount & Mile-End Community Council have formally objected to the proposal on the grounds of detrimental impact on residential amenity to neighbouring properties and overall character of the Rosemount and Mile-End area.

REPRESENTATIONS

Nine letters of objection have been received. The objections raised relate to the following matters-

1. The proposed design and materials are out keeping with the character of the area;
2. Approval of this application would set precedent for full width rear extensions in the surrounding area which could be detrimental for the character of the area in long term;
3. The overall scale of the proposal and its impact on the residential character of the area;
4. Detrimental impact on the residential amenity of the surrounding properties including overshadowing and daylight impact on the neighbouring property to the north (particularly No. 37 Mile End Avenue) and overlooking and loss of privacy;
5. The overall projection along the mutual boundary does not comply with the planning policy and associated Supplementary Guidance;
6. The increased use of the rear garden would lead to an increase in the number of parked cars in the rear lane. This would make the access of the emergency vehicles and maintenance of the rear lane particularly difficult;
7. Loss of property value for the neighbouring properties (No. 37 Mile End Avenue);
8. Problems arising from the construction period including the use of the lane by construction vehicles and damages to the boundary walls and the rear lane;
9. Highest quality of sound proofing should be proposed as part of the application;
10. Inconsistency in the submitted drawings.

PLANNING POLICY

Aberdeen Local Development Plan

Policy D1- Architecture and Placemaking

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

Policy H1- Residential Areas

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

- 1- Does not constitute overdevelopment;
- 2- Does not have an unacceptable impact on the character or amenity of the surrounding area; and
- 3- Complies with Supplementary Guidance contained in the Householder Development Guide

Proposed Aberdeen Local Development Plan

The following policies substantively reiterate policies in the Adopted Local Development Plan as summarised above:

- D1- Quality Placemaking by Design (D1- Architecture and Placemaking in ALDP)
H1- Residential Areas (Residential Areas in ALDP)

Supplementary Guidance

Householder Development Guide: Rear & Side Extensions;

Proposals for any extensions should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling.

Any extension or alteration should not result in a situation where amenity is 'borrowed' from an adjacent property. Significant adverse impact on privacy, daylight and general residential amenity will count against a development proposal.

Single storey extensions to terraced dwellings will be restricted to 3m in projection along a mutual boundary.

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the

planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Principle of Development

The application site is located within an area zoned for residential use in the Adopted Aberdeen Local Development Plan (2012), and relates to an existing dwellinghouse. The principle of an extension is therefore acceptable subject to an appropriate form and appearance. In determining what constitute an acceptable form of extension, the aforementioned national and local planning policies and associated Supplementary Guidance will be of relevance.

Design, Scale & Massing

The proposed development would be located to the rear of the application property, facing onto the rear lane, which gives access to the rear of properties and garages on Mile-End Avenue and Cairnfield Place. The proposed extension would be fully visible from the rear lane.

The initial larger scale, full width proposal has been amended and a smaller scale extension has been proposed with a width approximately 1600mm inboard of the northern boundary with No. 37 Mile-End Avenue. The proposal is proposed to be sunken into the ground by 400mm lower than the existing floor level of No. 35 and this has allowed for a reduction of the overall height of the eaves which is welcomed from a visual point of view.

The proposed extension would have a contemporary design with modern materials, incorporating a substantial level of glazing to the rear elevation and a frameless window wrapping around the north west corner. The fully glazed corner allows for a reduction in the mass and bulk of the proposal and minimises the visual impact of the new development on the character of the area.

The overall proposed projection of 11.2m to the rear does not fully accord with the Supplementary Guidance on Householder Development Guide for terraced properties that restricts the projection along a mutual boundary to 3m. However it should be noted that a good number of neighbouring properties on Mile-End Avenue have existing rear extensions with projections beyond the 3m projection suggested by the Supplementary Guidance (the existing projection of the rear extensions is 10.05m in No. 33 & 9.6m in No. 37 Mile-End Avenue) and as a result the proposed projection would not be at odds in the context of the surrounding area.

The amended proposal would result in an increase in site coverage to 22% which is in line with the Council's aforementioned Supplementary Guidance on Householder Development, in that the proposal would not double the existing footprint of the original dwelling, and at least half of the rear garden ground would remain undeveloped.

The proposed extension is considered to be acceptable by way of its size, scale and overall height in relation to the existing dwelling.

Residential Amenity Impact

Additionally, no development should result in a situation where amenity is 'borrowed' from an adjacent property. Since daylight is ambient, the calculation is applied to the nearest windows serving a habitable room. Using the "45 degree rule" as set out in the British Research Establishment's Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice', calculations indicate that there would be no significant detrimental impact in terms of loss of daylight to windows of habitable rooms within adjacent properties.

Turning to potential impact on adjacent properties in terms of overshadowing, the orientation of the proposed extension and its distance are important factors. Calculations indicate that due to the size, form and orientation of the amended proposal and the overall height of the existing northern boundary wall there would not be any significant additional impact relating to overshadowing of private rear garden ground and habitable rooms within surrounding properties.

The proposed windows would not adversely impact on overlooking or on the privacy of neighbouring properties.

Matters Raised in Representations

Objection points 1-5 relating to design, size, scale, materials, impact on the character of the area and residential amenity have been addressed in the evaluation section of this report. All elements of the proposal with the exception of the overall projection along the mutual boundary have been found to comply with the relevant policies set out in the Aberdeen Local Development Plan. Whilst the projection does not fully accord with the Supplementary Guidance on House Holder Development, there are material planning considerations that justify the proposed projection. It should also be noted that all objections are based on the initial drawings that were later amended into a smaller scale proposal.

Objection point 6 relates to the access and traffic management. It is considered that the rear extension accommodating the new kitchen/lounge and WC will not have an impact on parking arrangements in the rear lane. The roads officer has also considered the application and has no objection to the proposal on road safety grounds.

Objection point 7 relating to the loss of property value for neighbouring properties is not material planning consideration and accordingly is not relevant to this application.

Objection 8 relates to problems arising from construction period which could be a material planning consideration where there is significant impact on residential amenity within the surrounding area, however it is considered that the temporary impact of the construction of the proposed rear extension would not be severe.

Objection point 9 relates to sound proofing which is a building standard matter and would be considered in a Building Warrant application and is not relevant to this application.

Objection point 10 refers to an inconsistency in the initial submitted drawings that have been rectified in the revised drawings.

Full regards has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor they justify refusal of the application.

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 in the Proposed ALDP substantively reiterate those in the Adopted Local Development Plan and the proposal is acceptable in terms of both plans for the reasons previously given.

Conclusion

The proposed development complies with the development plan. The location, scale, design and finishing materials are acceptable. The proposal would not be detrimental to the character of the area and residential amenity of the neighbouring properties. Accordingly, it is recommended that the application be approved.

RECOMMENDATION

Approve Conditionally

REASONS FOR RECOMMENDATION

The proposal is considered to comply with the relevant policies of the Aberdeen Local Development Plan (2012), namely policies D1 (Architecture and Placemaking) and H1 (Residential Areas). Whilst the proposed projection along the mutual boundary with No. 33 Mile End Avenue does not fully comply with the Supplementary Guidance on Householder Development Guide, it is considered that there are material planning considerations that justify the proposal. It is considered that the amended proposal has been designed to respect the scale and form of the existing dwelling and in addition there would be no significant

detrimental impact on the existing visual or residential amenities of the area. On the basis of the above, and following on, from the evaluation under policy and guidance, it is considered that there are no material planning considerations – including the Proposed Local Development Plan- that would warrant refusal of the application. Accordingly, it is recommended that the application be approved.

ROSEMOUNT & MILE - END COMMUNITY COUNCIL

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

30 April 2015.

Dear Sir / Madam,

Planning Reference :- P150530
35 Mile-End Avenue Aberdeen

I refer to the above planning application & raise the following issues on behalf of the Rosemount & Mile -End Community Council.

It now appears to be common practice for many property owners to erect extensions to existing buildings at will without due consideration to neighbours & the area at large. This application is a classic example of this approach.

The proposed extension at No 35 will impinge on the light currently enjoyed at No 37. This alone would appear to invoke planning regulations & furthermore be against responsible common practice in allowing an extension to be added to one property which is clearly inhibitive to the living environment enjoyed by the owners of the adjacent property. Suffice to say it will have a detrimental effect on the value of the affected property.

In cases such as this it is unlikely that sufficient correspondence will be received by your Department for this case to be referred to the Planning Committee for a decision. However before any further action is taken the R&MECC would urge that your officers undertake a site visit as a matter of urgency.

At this stage therefore the R&MECC submit a formal objection to this application.

Yours faithfully,


G A Duncan
(On behalf of the Rosemount & Mile-End Community Council)

35 Mile End
Ave.
Community Council

01 MAY 2015

P150530 - SEH

59 Mile-End Avenue
Aberdeen AB15 5PT
1st May 2015

Planning and Sustainable Development
Enterprise, Planning and Infrastructure
Aberdeen City Council
Marischal College
Broad Street
ABERDEEN AB10 1AB

Dear Sirs

Application no 150530: 35 Mile-End Avenue

The above application for planning permission for an extension at 35 Mile-End Avenue has come to our attention.

The proposed construction does not resemble in any way the extensions which have already been built, amicably and appropriately, along the street. We consider that it would be intrusive and completely out of sympathy with the surrounding properties, and it would clearly detract from the amenity of those properties.

We are strongly opposed to the planned development and trust that it will not be allowed to proceed.

Yours faithfully



John S Witte



Katherine Witte

George Milne

P150530 - SEM

From: webmaster@aberdeencity.gov.uk
Sent: 28 April 2015 15:05
To: PI
Subject: Planning Comment for 150530

Comment for Planning Application 150530

Name : Sara Giudici

Address : 41 Mile-end Avenue

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object the planning application 150530 as:

- the proposed extension style doesn't match the neighbourhood's style When we decided to move to #41 we really liked the idea of living in a lovely victorian neighbourhood. The monolithic timber extension will have a very bad impact on the general style of Mile-End.

It is a (too) huge extension which spams from one wall to the other of the garden, definitely too close to the next door neighbours'.

It is not respecting the neighbours' privacy

- Due to its size and the material used, it will completely cut the sunlight of the rooms downstairs of 37 Mile-end.

Thank you.

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PI

P150530 - SEM

From: webmaster@aberdeencity.gov.uk
Sent: 03 May 2015 12:40
To: PI
Subject: Planning Comment for 150530

Comment for Planning Application 150530

Name : Dr Howard Gemmell
Address : 61 Mile-End Avenue
Aberdeen AB15 5PT

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Extension to 35 Mile-End Avenue, Aberdeen AB15 5PT

I live at 61 Mile-End Avenue. Mile-End Avenue is an almost continuous terrace of houses and flats. Many of these houses have extensions at the rear as we do ourselves. Ours and our neighbours (at No 59) were built fairly recently and we both ensured that they did not block the light into neighbouring gardens. In particular we agreed that the extensions should not be across the whole width of the site with a flat roof as this would be very intrusive on the neighbouring houses. Also Mile-End slopes down towards the Westburn Road so any extension will be significantly higher, around 0.5 m, than its actual height for one of the neighbours.

I am therefore objecting to the planned extension to No 45 because of the precedent it would set. Unlike the many existing extensions in Mile-End Avenue this extension is for the whole width of the site with a flat roof and would overshadow the neighbours and block out their light. It is interesting that the plans show a small courtyard at the rear of the extension presumably to maintain natural light into the rear ground floor room. It seems a bit hypocritical not to show the same consideration to the neighbours.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 06 May 2015 18:25
To: PI
Subject: Planning Comment for 150530

Comment for Planning Application 150530

Name : Patricia Robinson
Address : 68, Mile-end Avenue,
Aberdeen

Telephone : [REDACTED]

Email : [REDACTED] type :

Comment : I would see this proposed modern structure as out of keeping with the surrounding area both in its design and in its size. An extension of such 21st century character and of such dimensions appears incongruous in this area, where residents can currently enjoy the amenities of desirable Victorian properties in a relatively unspoiled previously designated Heritage area. There is clearly scope, of which many have taken advantage, to extend along the existing building line. This contemporary extension, however, constituting a major living area outwith and disproportionate to the original family home and crossing the whole width of the garden would appear bizarre in these traditional surroundings, in no way complementing a granite terrace. It would not seem designed with due consideration for its context' nor to make 'a positive contribution to its setting', as recommended in section D1 of the Local Policy.

In addition, while affording considerably more amenities for some, this substantial construction would grossly detract from the amenity of existing neighbours, who face being hemmed in and overshadowed, immediately on their boundary, by a wall the proportions of which appear excessive in relation to the narrowness of the adjoining garden area. Such a major extension in an area, where there are other large gardens would, also, clearly create a precedent for further development insensitive to the environment.

I would on, the above grounds, urge rejection of this application.

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P150530 - SEH

37 Mile-End Avenue
ABERDEEN AB15 5PT

5 May 2015

Planning and Sustainable Development
Enterprise, Planning and Infrastructure
Aberdeen City Council
Marischal College
Broad Street
ABERDEEN AB10 1AB

Dear Sirs

Planning application no 150530
Proposed extension to No 35 Mile-End Avenue, Aberdeen

We have received your notice relating to the above application, and we wish to state our objections as follows.

Scale and design

We recognise that owners of houses in this area do wish to modernise their properties by adding extensions to their buildings, to increase the available space and perhaps to change the way they use the space. There are already several extensions to the rear of properties in the area. These have on the whole been designed sympathetically, taking account of the character and construction of these terraced houses and respecting the space between them. But the extension envisaged would not only be out of proportion, taking up the entire width of the garden, but would be quite out of keeping with the surrounding houses in style. If constructed it would create a precedent which, if followed, would alter the character of the neighbourhood beyond recognition.

Loss of Daylight

The application states that there would be some loss of light to our property at No 37 Mile-End Avenue. On the contrary, we believe that the reduction in light would be very significant.

The architect acknowledges that there would be some reduction in the amount of light reaching our living/dining-room window in the west-facing wall (marked A in the plans). But we have 3 windows (not 2, as indicated in the plans submitted to you) at ground level in the south facing wall of our house, the largest of these being the window of the room currently used as a dining kitchen - an important living area. We believe that the loss of light to these windows resulting from the construction of a high wall at a distance of only 3 m would be so considerable as to make the ground floor rooms not only less suitable for their current use, but also less attractive for possible development/modernisation (for example by removing a wall between the dining kitchen and the adjoining utility room to create a larger kitchen/dining space).

The narrow area of garden between the south-facing wall of No 37 and the wall separating the gardens of No 35 and No 37 is currently used not only as a flower garden, but as an outside sitting/eating area. If the planned extension were constructed, this area would be overshadowed by a wall which --

bearing in mind that, as noted in the application, the level of our garden is about 300 mm lower than that of No 35 – would reach to 3 m in height, right up against the existing shared garden wall. Not only would this result in very considerable loss of light to this garden area, but it would make the area feel oppressive and confined. In short it would oblige us to change our way of life.

Access

It appears to us that the construction and maintenance of the northern wall of the proposed extension, and maintenance of gutters or drainpipes, for example, would only be possible by means of access through our property, which would not be acceptable to us.

A further concern is that increased use of the rear of the property at No 35 might lead to more traffic in the private back lane, where parked cars already lead to problems with access to garages, and with keeping vehicle access clear for emergency and for maintenance.

Errors in architect's plans

From our layman's understanding of the architect's plans, we know that there are fundamental inaccuracies. As already pointed out, the number of windows shown is incorrect. In the supporting statement, Example 3A is based on the mistaken assumption that Window A is the only window of an "apartment or dining-room". In fact the largest of our other affected windows is the window of our dining kitchen, in which we spend a great deal of time. This room was originally a living-room (and is so described in the schedule we received when purchasing the house), and, as mentioned, is capable of extension.

Conclusion

It is made clear in the application that the proposed extension is intended to allow the occupants of No 35 to enjoy a different kind of life-style. But the benefits to them would be achieved with almost total disregard for the harmful effect they would have on our property and our quality of life, and on the amenity and character of the neighbourhood as a whole.

Yours faithfully



Bryan and Mary Dargie

P150530 - SEH

45 Mile-End Avenue
Aberdeen AB15 5PT

23.4.2015

Planning and Sustainable Development
Enterprise, Planning and Infrastructure
Aberdeen City Council
Marischal College
Broad Street
Aberdeen AB10 1AB

Dear Sir or Madam

I was appalled to learn about the proposed extension at number 35 Mile-End Avenue's back garden (planning application no 150530). Having studied the proposed plan, it is not in keeping, either in appearance or in scale, with these beautiful Victorian homes. It would set a precedent which would risk changing the character of the neighbourhood altogether.

As for the neighbours who value their privacy this extension would be an eyesore and inconvenience. I would also be concerned that more use of the back of the house giving on to the garden at No 35 would lead to even more parking of cars in the back lane, which already becomes very congested with parked vehicles, making access for maintenance and emergency vehicles extremely difficult.

Yours faithfully



Elizabeth Hardie (Miss)

PI

P150530 - SEM

From: webmaster@aberdeencity.gov.uk
Sent: 04 May 2015 16:25
To: PI
Subject: Planning Comment for 150530

Comment for Planning Application 150530

Name : Jennifer Tait
Address : 48 Cairnfield Place
Midstocket
Aberdeen
AB15 5NA

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Regarding the proposed single story rear extension for number 35 Mile End Avenue, my concern is the loss of daylighting to number 37 Mile End Avenue both for the garden and window on the western elevation of no 37. This large extension looks out of character for traditional granite properties and my concern is that it might set a precedence for other extensions.

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150530 - SEM

10 Craigie Park
Rosemount
Aberdeen
AB25 2SE

30th April 2015

Sepideh Hajisoltani
Planning Officer
Marischal College
Broad Street
Aberdeen
AB10 1AB

Ref: Single Storey Extension at rear of Existing Dwelling House at 35 Mile-End Ave.
Planning Application 150530

Dear Sepideh Hajisoltani

I am writing to register my objection to the proposed extension at the residence of Mr & Mrs Ian Woodward-Nutt at 35 Mile-End Ave.

The lane at the rear of the properties on Mile-End Ave and Cairnfield Place belong to all the residents of the aforesaid, however permission should be obtained from them all in writing to allow any HGV using it for the purpose of delivering materials to 35 Mile-End Ave should this application be granted.

It should be made quite clear before any work has started should this application be granted that the resident (Mr Woodward-Nutt) and contractor will be responsible for the repair of any damage to the lanes surface and have it in writing that they agree to the aforesaid repairs.

Having visited Mr & Mrs Bryan Dargie residence it is quite clear the quality of natural light & sunlight to their property at present time will be reduced by the proposed extension which will be approx 2.7m in height above the present dividing wall.

Sunlight & Daylight are valued elements in a good quality living environment. However, if designing a new extension or alteration to a residential property care should be taken to safeguard access to sunlight & daylight currently enjoyed by adjoining residents and other properties.

On any extension such as this care must be taken to ensure that soundproofing throughout the extension is of the highest quality.

We all know how sound can travel and if the soundproofing is of poor quality then the residents on either side of 35 Mile-End Ave will be bothered with noise which they wouldn't have experienced in the first place had there not been any extension built.

In the meantime, I can do but hope the council planning committee take the time to visit the site in question and see for themselves the impact this extension will have on the residents Mr & Mrs Bryan Dargie of 37 Mile-End Ave.

Yours sincerely

[Redacted signature]

Willie Jaffray
Resident of Rosemount

P&SD Letters of Representation		
Application Number: 150530		
RECEIVED 06 MAY 2015		
Nor	Sou	MAP <input checked="" type="checkbox"/>
Case Officer: Initials: SEH		
Date Acknowledged: 06/05/2015		

PI

From: webmaster@aberdeencity.gov.uk
Sent: 01 May 2015 15:34
To: PI
Subject: Planning Comment for 150530

Comment for Planning Application 150530
Name : WILLIAM LIPPE ARCHITECTS
Address : 25 ALBYN PLACE
ABERDEEN
AB10 1YL

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

our reference: 5150

our Sepiedeh,

Planning objection to proposals for 35 Mile-End Avenue, Aberdeen, AB15 5PT

We write to you on behalf of our client with public comment to the above application which is currently being determined by the planning service.

Under the current Aberdeen Local Development Plan, supplementary guidance is provided specifically for 'Householder Development'. Under 'rear and side extensions', point three 'conventional terraced dwellings' [Ruby Row] the guidance clearly states, 'single storey extensions to terraced dwellings will be restricted to 3m in projection along a mutual boundary'. Planning policy depicts that this dimension is from the existing wall of the terrace row [rear elevation], and not from the building line of any extension or outbuilding. This policy is in place to protect residential amenity.

The proposals at present seeks to extend and infill an external space. The extension in length is 7020mm and 655mm in width. It is noted as 'single storey'. The height of the extension is substantially higher than one storey, this is clearly identifiable by the roofline of the extension where it currently sits slightly lower than the cill height of the upper windows. Traditionally, cill heights in period dwellings sit 600-700mm off finished floor level. The 'square' form of the extension, particularly on the north elevation, means that the occupants of 37 Mile-end Avenue are impacted by the obtrusive and insensitive nature of its form. Planning policy clearly states that modern design will be supported as long as it is appropriate within its surroundings and in this instance, the proposals cannot be viewed as an improvement to the built environment.

Fundamentally, there is no doubt that the extension will have an adverse effect on the external garden area of 37 Mile-end Avenue. At present, the party wall between the property is circ. 1.8m high, and should the proposals be granted, occupants will be overshadowed with a boundary wall that is over 2.7m high. The 300mm level change between the properties only makes the situation worse. Planning policy states 'an extension or alteration proposed should not serve to overwhelm or dominate the original form of appearance of the dwelling; and more importantly should not result in a situation where amenity is borrowed from an adjacent property. Significant adverse impact on privacy, daylight and general residential amenity'. The design statement submitted with the application recognises that there will be overshadowing to 37 Mile-end Avenue due to the extension.

Furthermore, the application would not be allowed under Permitted development rights due to the structure being on the site boundary and also having a parapet over 3m high.

Regards
Kirsten Will

Associate
Chartered Architect B.Sc Hons MArch RIAS William Lippe Architects Ltd

25 Albyn Place,
Aberdeen, AB10 1YL

4 St James Place, Inverurie
Aberdeenshire, AB51 3UB

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P&SD Letters of Representation		
Application Number: 150530		
RECEIVED - 5 MAY 2015		
Nor	Soa	MAC ✓
Case Officer Initials: SEM		
Date Acknowledged: 06/05/2015		

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Agenda Item 3.2

Planning Development Management Committee

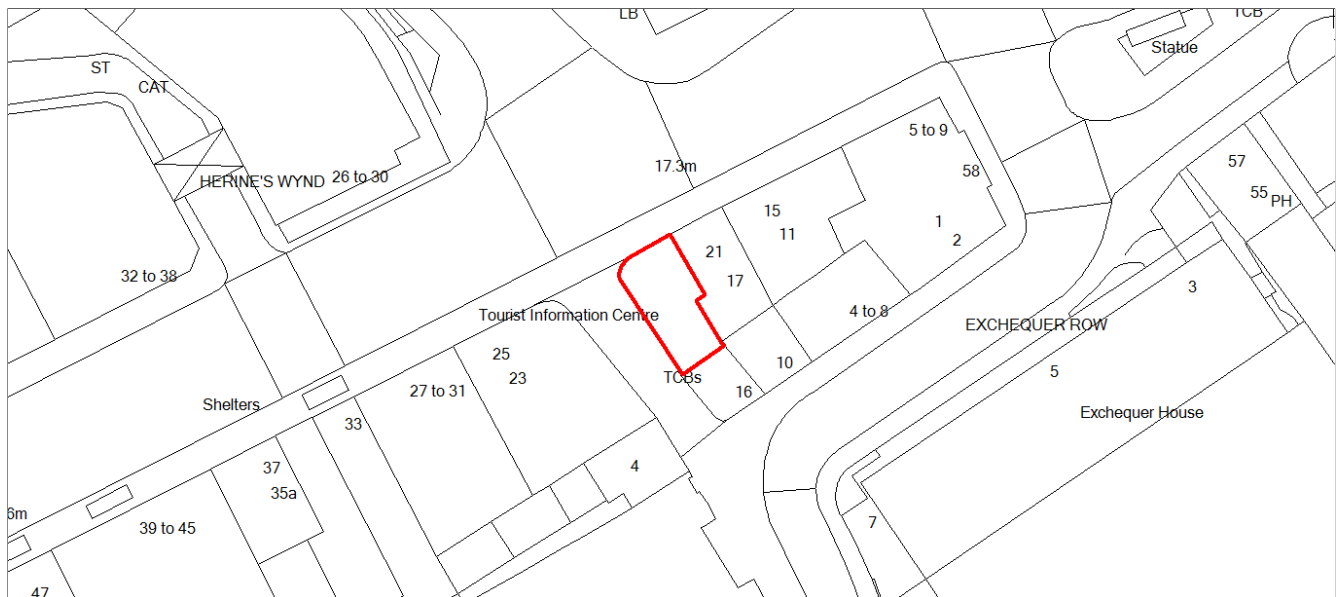
21 UNION STREET, ABERDEEN

CHANGE OF USE FROM VACANT SHOP TO
MIXED USE OF DELICATESSEN AND CAFE
AND UNBLOCK TWO BOARDED UP
WINDOWS/DOOR

For: Mr A Doganay

Application Type : Detailed Planning Permission
Application Ref. : P151160
Application Date: 14/07/2015
Officer: Hannah Readman
Ward : George Street/Harbour (A May/J
Morrison/N Morrison)

Advert : Section 60/65 - Dev aff
LB/CA
Advertised on: 29/07/2015
Committee Date: 29/10/2015
Community Council : No response
received



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The application site is a vacant class 1 (retail) unit formerly occupied by Foot Factory. The site is located towards the eastern end of Union Street, opposite the Town House and situated on the ground floor of a five storey terrace. The building was designed by the renowned architect Archibald Simpson and constructed over time to create the 'Union Buildings'. It is a Category 'B' listed building and located within the Union Street Conservation Area.

The unit is located on the western corner of the building, adjoining a class 1 newsagent to the east. The west elevation faces a pedestrian link, which separates Union Street and Exchequer Row. The upper floors of the building are occupied by serviced apartments. On the ground floor there are two vacant public houses, "The Athenaeum" facing onto Union Street and "Henry's Bar" facing Exchequer Row. The basement is currently unoccupied, but is licenced as an entertainment venue / nightclub formerly known as "Snafu".

RELEVANT HISTORY

P140273 – Detailed planning permission for a change of use from class 1 (retail) to sui generis (hot food takeaway) and the installation of a flue was refused the benefit of planning permission at committee on the 19th June 2014 for the following reason: the proposal failed to accord with the relevant planning policies and there were no material planning considerations which would warrant approval of planning permission contrary to the provisions of the development plan.

PROPOSAL

Detailed planning permission is sought for a change of use from class 1 (retail) to a mixed use premises comprising class 1 (delicatessen) and class 3 (café).

External alterations to form a new shop front are also included as part of this application including:

- Removal of cast concrete arches and existing shop front;
- Installation of a new shop front comprising curved timber fascia, tiled stall riser, granite pilasters, new glazed windows with timber frame and transoms and timber framed & glazed entrance door;
- Unblocking of two arches on Shiprow elevation; subsequent installation of glazed panel and granite infill to one and fielded timber panelled door to the other with traditional security gates;
- Repair works to damaged stringcourse on Shiprow elevation.

A separate Listed Building Consent and Advertisement Consent application are to be submitted should this application be approved at committee.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at:

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151160>

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

- Planning Statement, 2nd July 2015

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because 17 letters of objection have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – Comments, no objection;

Environmental Health – Requested some additional information and the application of a condition; no objection;

Flooding – No observations;

Community Council – No response received.

REPRESENTATIONS

17 letters of representation have been received. The objections raised relate to the following matters:

1. This application is another way to disguise a kebab shop;
2. No details for extraction;
3. It would reduce the amount of class 1 (retail) use within that stretch of Union Street;
4. Potential for smells affecting serviced apartments above;
5. Potential for loitering youths;
6. Littering;
7. Late night disturbance;
8. Restaurants on Union Street are ruining the high street and making the City look tacky;
9. Negative impact on tourism;
10. Negative impact upon existing businesses that serve refreshments in the area;
11. Impact on historical building.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy: Paragraph 60: advises that planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. The planning system should: apply a town centre first policy when planning for uses which attract significant numbers of people, including retail and commercial leisure, offices, community and cultural facilities; encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening; ensure development plans, decision-making and monitoring support successful town centres; and consider opportunities for promoting residential use within town centres where this fits with local need and demand.

Paragraph 70: states that new development in town centres should contribute to providing a range of uses and should be of a scale which is appropriate to that centre. The impact of new development on the character and amenity of town centres, local centres and high streets will be a material consideration in decision making. The aim is to recognise and prioritise the importance town centres and encourage a mix of developments which support the vibrancy, vitality and viability. The aim should also be taken into account in decisions concerning proposals to expand or change the use of existing development.

Paragraph 94: development should assist in meeting the needs and opportunities of indigenous firms and inward investors, recognising the potential of key sectors for Scotland with particular opportunities for growth including tourism and the food and drink sector.

Aberdeen Local Development Plan

Policy C1: City Centre Development – Regional Centre: states that development within the City Centre must contribute towards the delivery of the vision for the City Centre as a major regional centre. As such the City Centre is the preferred location for retail, commercial and leisure development serving a city wide or regional market. Proposals shall be located in accordance with the sequential approach referred to in the Retailing section of the Development Plan, and in the Supplementary Guidance: Hierarchy of Retail Centres.

Policy C2: City Centre Business Zone and Union Street – the preferred location for major retail development. Proposals for change of use from retail (class 1 of the Use Classes Order) to other uses will only be acceptable if it accords with the Union Street Frontages Supplementary Guideline and if the new use contributes to enhancement of the city centre in terms of vitality; active street front and no conflict with the amenity of the area.

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

Policy D1 Architecture and Placemaking – ensures that high standards of design is achieved through a number of considerations, including context, to ensure that the setting of the proposed development and its design is acceptable.

Policy D5 Built Heritage – proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy.

Policy RT1 Sequential Approach and Retail Impact – all development should be located in accordance with the hierarchy and sequential approach as set out in the policy and detailed in Supplementary Guidance: Hierarchy of Retail Centres. In all cases proposals shall not detract significantly from the vitality or viability of any first to fourth tier retail location, and shall accord with all other relevant policies.

Proposed Aberdeen Local Development Plan

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

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

D5 – Our Granite Heritage (D5: Built Heritage)

NC1 – City Centre Development – Regional Centre (Policy C1: City Centre Development – Regional Centre)

NC2 – City Centre Retail Core and Union Street (Policy C2: City Centre Business Zone and Union Street)

NC4 – Sequential Approach and Impact (Policy RT1: Sequential Approach and Retail Impact)

T2 Managing the Transport Impact of Development (Policy T2: Managing the Transport Impact of Development)

Supplementary Guidance

- Union Street Frontages
- Hierarchy of Centres
- Shop Front and Advertisement Design Guide
- Harmony of use

Other Material Considerations

- Aberdeen City Centre Masterplan Report

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 property at 21 Union Street falls within the city centre and boasts a prominent corner location. Planning Policies C1 and C2 state that development within the city centre must contribute towards ensuring the city maintains its status as a major regional centre. Policy C2 states that proposals for change of use from retail (class 1 of the Use Classes Order) to other uses will only be acceptable if it accords with the Union Street Frontages Supplementary Guidance.

The Union Street Frontages Supplementary Guidance groups the street into sectors. The site falls within Sector H. In each sector the guidelines specify the minimum percentage of retail floor space required, which is measured in linear metres. Sector H requires 65% of all its units to be in retail use. The current retail use stands at 64.5%.

The approval of the current application would result in a further reduction in retail within this sector to 61% which is 4% below the stipulated threshold. It is therefore considered that the proposal is contrary to the Council's Supplementary Planning Guidance – Union Street Frontages and Policy C2 of the Aberdeen Local Development Plan. Policy RT1 advocates a sequential approach to the location of development and notes that in all cases proposals shall not detract significantly from the vitality and viability of any first to fourth tier retail location, and shall accord with all other relevant planning policies.

Although not of direct relevance to this application which is located in the City Centre, the criteria of Policy RT3 (Town, District and Neighbourhood Centres) assists in assessing proposals for changes of use away from retail. The criteria state several points that, if met, can effectively mitigate the loss of a retail use. Therefore, an alternative use to retail may be considered appropriate where:

- i) The alternative use makes a positive contribution to vitality and viability;
- ii) The alternative use will not undermine the principal retail function;
- iii) The applicant can demonstrate a lack of demand for continued retail use of the premises (marketing since the retail unit became vacant) (minimum of 6 months marketing etc.);
- iv) The proposed use caters for a local need; and
- v) The proposed use retains or creates an attractive shop frontage.

In relation to point (i) the proposal for a mixed class 1 and class 3 use would occupy a longstanding vacant unit and provide a destination to visit and spend time at rather than simply walk on by. This level of increased activity would likely have positive impact on the vitality and viability of Union Street.

In relation to point (ii) it is argued that the principal retail function of Union Street would not be undermined by the approval of this application. There would still be a sufficient number of retail units in the surrounding area and the property is located close to the St Nicholas Centre, one of the main shopping centres in Aberdeen. Furthermore, it is considered that the introduction of a class 3 element to this location could support the principle retail function by offering refreshments to shoppers and those employed within the retail core. On this basis it is considered that the proposal would not undermine the overall main retail function of Union Street.

In relation to point (iii) the agent has indicated that the property was occupied by a footwear retailer until approximately April 2013 at which point it became vacant. Photographic evidence as well as information from the agent indicates that the property has been marketed for at least 18 months with little interest in continuation of the retail use. It is therefore considered that the property has been

marketed for a sufficient period of time, with little or no interest in continuing the retail use of the property.

In relation to point (iv) the proposed use would cater for a local need, providing a location for people to purchase local and continental delicacies to take away and a dine in opportunity to the local community, shoppers and visitors. Although the sale of goods cannot lawfully be restricted to specific types, the proposed occupier has stated that they hope to serve a combination of French continental and Scottish food ranging from pastries, pre-cooked quiches and a selection of cold meats, cheeses and pre-cooked sausages to some soups prepared in an on-site urn. This use would be welcomed as it would expand choice and opportunities for purchasing and dining at this location.

In relation to point (v) the application is supported by a significant positive change to the building via the installation of a replacement shop frontage and repairs to a listed building, which accords with the Supplementary Planning Guidance: Shop Front and Advertisement Design. The changes would positively impact on the character and appearance of the listed building and Union Street conservation area, and would create an attractive unit frontage facing onto Union Street and Shiprow that is currently lacking. The existing shop front is considered to be an eyesore in this prominent location; the removal of it and subsequent improved replacement is therefore welcomed and an approach that is encouraged through the recently adopted City Centre Masterplan.

On the basis of the above it is considered that the proposal accords with the general principles of Policies C1 and RT1 of the Adopted Local Development Plan and the Hierarchy of Centres Supplementary Guidance (SG) document.

Additional material planning considerations in the determination of this application include the fact that the removal of the unit from solely class 1 use would not greatly impair the continuous retail frontage or have a major adverse impact to the retail core and that the proposal would see significant positive alterations to a category 'B' listed building, which lies within the Union Street Conservation Area. The continued use of the building would ensure its future, preventing it from remaining vacant and potentially falling into longstanding disuse and disrepair.

Paragraph 60 of SPP advises that *"town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres"* and page 40 of the Aberdeen City Centre Masterplan report highlights Union Street as an opportunity to create a stronger complementary node that helps to piece together a high quality retail circuit through an enhanced experience in terms of diversity of retail and complementary uses e.g. food and drink. The proposal would bring a mixed class 1 and class 3 use into the area, which would also be seen to encourage more people onto Union Street to enjoy these premises which would be open 7 days a week. The proposed use would have a neutral impact on the character and appearance of the centre. SPP notes that viability and vitality are all material considerations in achieving healthy town centres. It is considered that

the proposal would meet and contribute to these objectives that are reflected within the Local Development Plan.

In conclusion, whilst the proposal fails to accord with Policy C2 and the associated Supplementary Guidance: Union Street Frontages, there are material planning considerations which are sufficiently compelling and have weight attributed to those concerns to justify an exception in order to support an approval of planning permission. It is considered that the proposal accords with the general principles of Policies C1 and RT1 and the Hierarchy of Centres SG. Furthermore, the proposal includes the installation of a new shop front and building repairs that would significantly enhance the character of the Conservation Area, improve the condition of the listed building and heighten the visual amenity of the city centre. It is this design approach as discussed below that outweighs the concerns raised and tips the balance in favour of an application for approval. The change of use alone would not be considered acceptable and therefore a condition has been attached to ensure that the proposed shop front is delivered prior to occupation of the unit as a mixed class 1 and class 3 use.

Design:

Policy D1 (Architecture and Placemaking) of the ALDP ensures that high standards of design are achieved. It is noted that the building is category "B" listed and lies within the Union Street Conservation Area. The proposal includes a number of alterations to the shop front including the removal of the existing cast concrete arches, new glazing and the exposure of two windows on the Shiprow elevation that are currently boarded over or blocked up and the installation of a secondary access point in one of the blocked up arches.

The proposed shop front has been subject to negotiation with the Masterplanning, Design and Conservation Team since the submission of the application. The proposal includes the installation of a replacement timber shop front, with a painted curved timber fascia board and new doors and glazing. The alterations are considered to enhance the appearance of the listed building and show a marked improvement on the shop front currently in situ. The alterations would also have a positive impact on the character and appearance of the Conservation Area, listed building and would enhance the visual amenity of the wider area. The proposal is therefore considered to be acceptable and in accordance with Scottish Planning Policy (SPP) and Policy D5 (Built Heritage). The alterations are also considered to be fully supported by the Supplementary Guidance: Shop Fronts and Advertisement Design Guide. The applicant is aware of the requirement for an application for listed building consent for the proposed works which is to be submitted should this application be supported by Committee Members, with an application for advertisement consent also required once the name of the business is finalised.

Road Safety:

Policy T2 (Managing the Transport Impact of Development) states that new development will need to demonstrate that sufficient measures have been taken to minimise traffic generated. The proposal is located on Union Street, close to a number of local transport links, in addition the Roads Projects Team have raised no concerns with regards to the proposal. The proposal therefore does not offend the general principles of the above policy.

Harmony of Uses:

The Council's Supplementary Guidance: Harmony of Uses document favours the retention and development of commercial uses within the City Centre which includes the provision of restaurants and similar uses and is also mindful of any impact upon residential amenity. Factors which could adversely affect amenity include noise, smells and litter. The application site forms part of the 'Union Building' which has other class 1 and class 3 premises occupying ground floor units and serviced apartments occupying the upper floors. Therefore, the introduction of a mixed class 1 and class 3 use would be in keeping with the existing uses and associated level of activity at ground floor level. The serviced apartments above were opened in 2014, as a complementary use to the City Centre area. The existing level of activity associated with Union Street is unlikely to noticeably change as a result of this proposal. The unit would include seating for approximately 16 covers at any one time between the proposed opening hours of 8am and 11pm. As only cold food, soup and hot drinks are to be served, there would be no anticipated issues relating to smells; a condition has been added to this application to control cooking operations and the serving of hot food. Refuse storage would be located alongside existing refuse containers on Shiprow and public bins provide opportunities for those purchasing food from the retail counter to dispose of their litter responsibly. The premises, being relatively small scale, are unlikely to produce or be associated with litter that would cause conflict with the City Centre area. A general level of noise would be expected from customers and patrons of the business but not to an extent that it would cause direct conflict with guests of the serviced apartments on the upper floors. Environmental Health Officers have assessed the proposal in detail and have raised no concerns in relation to the harmony of uses in the City Centre and subsequently no objection has been lodged.

Matters raised in representations:

The 17 letters of objection raised similar concerns. Comments in relation to smells, littering, noise and subsequent impact on the serviced apartments have been addressed in the 'harmony of uses' section above and found to be negligible. This application is specifically for a mixed use premises selling and serving cold food, soup and drinks and does not involve any elements of a kebab shop which would be classed as a hot food takeaway. A further change of use to a hot food takeaway would require planning permission as this is a 'sui generis' use and therefore the Local Planning Authority would retain an element of control over the units use. The previous application for a hot food takeaway was made

by a different applicant and was refused as it was contrary to policy and there were no material considerations which justified an approval otherwise. This application is materially different to the previous application and is therefore assessed on its own merits. There are several vents proposed within the stall riser as detailed on the shop front drawings, there is no requirement for extraction within the proposed premises as it will not be creating odours. The loss of the retail unit would be contrary to policy for the reasons aforementioned at the start of this report. However, it is reasoned that the regeneration of an empty unit and installation of new shop front outweighs the loss of a retail unit and the principle function of the City Centre would remain. The condition and character of the listed building would be substantially improved as a result of this application being supported and a condition has been added to ensure that the proposed works are completed prior to the occupation as a mixed use deli/café. It is pressed that the impact on tourism would be a positive one, both in the provision of an additional refreshment facility and visual enhancement of a prominent corner location. Although not a material planning consideration, it should be noted that there are no other French and Scottish style delis/café's in the immediate area that would be threatened as a result of this proposal being supported. On the contrary, it would provide additional competition to boost food offerings in the City Centre.

It should be noted that several of the letters came from outwith Aberdeen City, notably Edinburgh, Glasgow and Dunblane.

Proposed Aberdeen Local Development Plan

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

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

The foregoing can only be assessed on a case by case basis. In relation to this particular application, policies *D1 – Quality Placemaking by Design*, *D5 – Our Granite Heritage*, *T2 - Managing the Transport Impact of Development*, *NC1 – City Centre Development – Regional Centre*, *NC2 – City Centre Retail Core and Union Street* and *NC4 – Sequential Approach and Impact* substantively reiterate the guidance given from policies in the adopted Local Development Plan.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposed replacement shop front and change of use would make a positive contribution to the vitality and viability of Union Street and would not undermine its principal retail function. It has been sufficiently demonstrated that there is a lack of demand for the existing retail unit and high demand for occupation of the unit as a mixed use premises comprising class 1 (delicatessen) and class 3 (cafe) uses. The proposed usage and associated new shop front would create an attractive and active street frontage that would make a positive contribution to the character of the Union Street Conservation Area and enhance the appearance of the listed building. The application therefore complies with Scottish Planning Policy, Adopted Local Development Plan Policies D1: Architecture and Placemaking, D5: Built Heritage, C1: City Centre Development – Regional Centre, RT1: Sequential Approach and Retail Impact and T2: Managing the Transport Impact of Development, the equivalent policies in the Proposed Local Development Plan, the Council's Supplementary Guidance Documents: Hierarchy of Centres, Shop Front and Advertisement Design Guide and Harmony of Uses and the Aberdeen City Centre Masterplan Report.

CONDITIONS

- (1) that the mixed use (class 1 and class 3) hereby granted permission shall not be implemented until the approved shop front scheme as demonstrated in drawings 9955 02 A, 9955 03 A and 9955 04 A, has been fully constructed.

Reason: in the interests of enhancing the character of the Conservation Area, the appearance of the listed building and protecting the retail core, in line with the aims of Scottish Planning Policy, Policy RT1 of the Local Development Plan and the Aberdeen City Centre Masterplan Report.

- (2) that all glazing within the shop front hereby granted permission shall remain transparent at all times.

Reason: in order to retain a live and attractive street frontage within the Conservation Area and to comply with the aims of Policy RT1 of the Local Development Plan.

- (3) that no cooking/frying operations or hot food preparation shall be carried out on the premises other than the use of a soup urn and re-heating of pre-cooked produce by means of a microwave oven.

Reason: In order to prevent the creation of nuisance by the release of odours, in the interests of preserving the amenity of the area and to comply with Policy C2 of the Local Development Plan.

- (4) Notwithstanding the approved drawings no works shall take place until full details of the proposed works including 1:20 scale joinery profiles and cross sections of the windows and doors have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with Policy D1 of the Local Development Plan.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 26 August 2015 15:26
To: PI
Subject: Planning Comment for 151160

Comment for Planning Application 151160

Name : Mary Martin
Address : Markten Limited
43-45 Market Street
Merchant Quarter
Aberdeen
AB11 5EL

Telephone : [REDACTED]

Email : [REDACTED]

type :

omment : We own the serviced apartments above this unit and also a unit at the back (formerly Henry's bar) where we have applied for all planning required and followed the council's requirements to the letter. We objected to the original proposals for a kebab shop in the foot factory for the following reasons - which still remain:

- • It would reduce the amount of Class 1 retail use within that stretch of union street taking it to below the percentage that is allowed for within the union street shop front policy
- • The potential for smells coming from the business affecting the serviced apartments above
- • The potential for loitering of youths outside and disposal of litter
- • Late night disturbance

It is our concern that this renewed application for ‘reduced hot food offering’ is another way to disguise a kebab shop.

We have not seen the proposals for extraction in addition to the non-compliance with Union Street use policy we strongly object to this proposal

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 25 August 2015 14:03
To: PI
Subject: Planning Comment for 151160

Comment for Planning Application 151160

Name : Amy Homes
Address : 31 Bryson Road
Edinburgh
EH11 1DY

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object to this as I believe the applicant is trying to pull the wool over our eyes by altering the application to reduced hot food but will open a kebab shop regardless. I also object as Union st is already on its knees and by putting another kebab shop will make things even worse. Isn't there a planning requirement for keeping a percentage of shops on union st and not creating more other use retail units such as this?

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 25 August 2015 13:01
To: PI
Subject: Planning Comment for 151160

Comment for Planning Application 151160

Name : Nurul Karlberg
Address : 80 Fernhill Drive
Mastrick
Aberdeen
AB16 6QX

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I strongly object to the building of the Kebab shop due to the fact that it's not really necessary. There's one around the corner and having one in such a prime spot on Union Street would de-class the place and not do Aberdeen any favours in terms of tourism. Furthermore due to the fact that it is next to building of accomodation would mean that it would be a noise disturbance for those living there and could potentially negatively impact those who own that building.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 25 August 2015 13:32
To: PI
Subject: Planning Comment for 151160

Comment for Planning Application 151160

Name : Christopher Forbes

Address : 32 Ruthrieston Circle, Aberdeen, AB10 7JX

Telephone :

Email : [REDACTED]

type :

Comment : In my opinion Union Street is not a place for a Deli with reduced hot food offering; which will clearly be the first step in it becoming a kebab shop! We have so many nice restaurants there! A kebab shop next to visit scotland's showcase of the city, the newly refurbished E&M building with Jamies Italian in it and directly below a hotel which is welcoming visitors to the city??? I don't think that that will go well; And that would be probably one of those places open till late; I can imagine drunk people sitting on the street eating a kebab in the middle of the night! Now Union Street at night is nice and quiet so please don't let it be another George Street!

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 25 August 2015 12:52
To: PI
Subject: Planning Comment for 151160

Comment for Planning Application 151160

Name : Carmel Mc Evoy
Address : 43 Croftside Avenue
Flat 8
G44 5LA

Telephone :

Email : [REDACTED]

type :

Comment : I object to this as I feel we need to keep the volume of hot food outlets down and promote retail units to occupy this unit for the purpose of increasing local spending and keeping a volume of shoppers in this area.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 26 August 2015 15:29
To: PI
Subject: Planning Comment for 151160

Comment for Planning Application 151160

Name : Robert Keane
Address : c/o 19 Adelphi
Aberdeen
Merchant Quarter
Aberdeen
AB11 5BL

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object to this proposal as it is not in line with the planning departments own guidelines and I am seriously concerned about the likelihood of this 'caf' with small hot food offering becoming a kebab shop as originally proposed and it will be our businesses that suffer from this.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 25 August 2015 22:15
To: PI
Subject: Planning Comment for 151160

Comment for Planning Application 151160

Name : Keith Martin
Address : 135 King Street
Aberdeen

Telephone :

Email : 

type :

Comment : This is clearly a back door application from a previously rejected application to put a kebab shop in this retail unit. This will become a run down, poorly ran establishment if changed from a retail site. Currently as a retail unit it does not attract anti social behaviour (opposite our tourist information centre). Brewdog are putting in a bar serving funky coffee into their Athenaeum site and the Douglas hotel are putting in a new cafe into the Henry's site so another "coffee shop" would be overkill and impede the rejuvenation of the area by two established and respected businesses.

I strongly object and trust Aberdeen City Council will clearly see through the smoke screen created by a company who have advised their client that it is a round about way to get a tacky fast food outlet open on Aberdeen's prestigious Union Street directly opposite a new development.

Thank you for your time

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 25 August 2015 17:39
To: PI
Subject: Planning Comment for 151160

Comment for Planning Application 151160

Name : Kate O'Neill
Address : 520 North Anderson Drive,
Aberdeen
AB167GJ

Telephone :

Email : [REDACTED]

type :

Comment : As someone who works in the area in and around the merchant quarter - I felt it was important for me to highlight why I feel this planning application should not be brought forward.

While I recognise the need for new business - particularly within a premises which has laid empty for some time - I also fully believe that there is a duty to make sure it is the right business for the location.

I strongly object to another business serving refreshments and food as I believe it would have a negative impact upon existing businesses in the area. There are already ample businesses, some of which are due to open mere yards and meters away from this premises, which provide such services to members of the public. Another such business would have a negative impact on them without providing any new services to the general public.

I also believe a similar application was put forward previously and it was rejected on the basis that it was not in accordance with the council's own current policies.

That is, the existing planning requirement on Union street that a certain percentage of shops be maintained in order to bring back the high street.

This application does not comply with the Local Plan and Supplementary Guidance in this regard.

This premises offers a fantastic location amongst some of the cities most prestigious and historic buildings - I believe it is important that it is filled with a business that can attract a new customer base and add to the services provided in the area.

I do hope when taking this decision you will consider what is best for the entire area.

Kind Regards,

Kate

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 26 August 2015 15:37
To: PI
Subject: Planning Comment for 151160

Comment for Planning Application 151160

Name : Aberdeen Douglas Hotel Ltd

Address : 43-45 Market Street

Merchant Quarter

Aberdeen

AB11 5EL

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : The Aberdeen Douglas Hotel Ltd operate the serviced apartments above this unit and we would like to formally object to this application for change of use.

The guidelines in place for property uses along Union street are very clear and by changing the use from retail the council will be in breach of its own guidelines.

We have serious concerns about the ease of migrating from a cafe to a kebab shop and also there are a number of existing food businesses within the area which are completely compliant with planning law and which would be affected by another food business being granted permission out with the planning guidelines.

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From: webmaster@aberdeencity.gov.uk
Sent: 25 August 2015 13:58
To: PI
Subject: Planning Comment for 151160

Comment for Planning Application 151160

Name : Lesley Mitchell
Address : 23 Knockothie Road
Ellon
AB41 9EG

Telephone : [REDACTED]

Email : [REDACTED]
type :

Comment : I object to this proposal based on the fact that the previous application for a kebab takeaway/ sit in premises were denied.

Also, the fact that there are planning policies in place for Union street to keep a certain percentage of shops and not other uses and to bring back the high street feel is something the council should be supporting. Will the council be going against the policies they have put in place to let in a establishment like this?

The application which is for 'reduced hot food' and a sit in element is clearly another way to get consent for a kebab shop but just worded differently, we aren't fooled & I for one am not fooled by this and hope the Council won't be either.

I may not be resident of the area but work in the area and on average 6 days a week am stepping off a bus in the area at different times of the day.

Finally, taking the practical side and council set policies out of the equation, do we really want another 'hot food' takeaway outside the Tourist Information office, across from the Town House, below apartments aimed at visitors to the city and across from the old E&M building which will hopefully be getting developed and turned in to a quality restaurant? There is a real opportunity here to regenerate this somewhat neglected area of Union Street and this is the wrong type of premises to do it with.

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Planning Development Management Committee

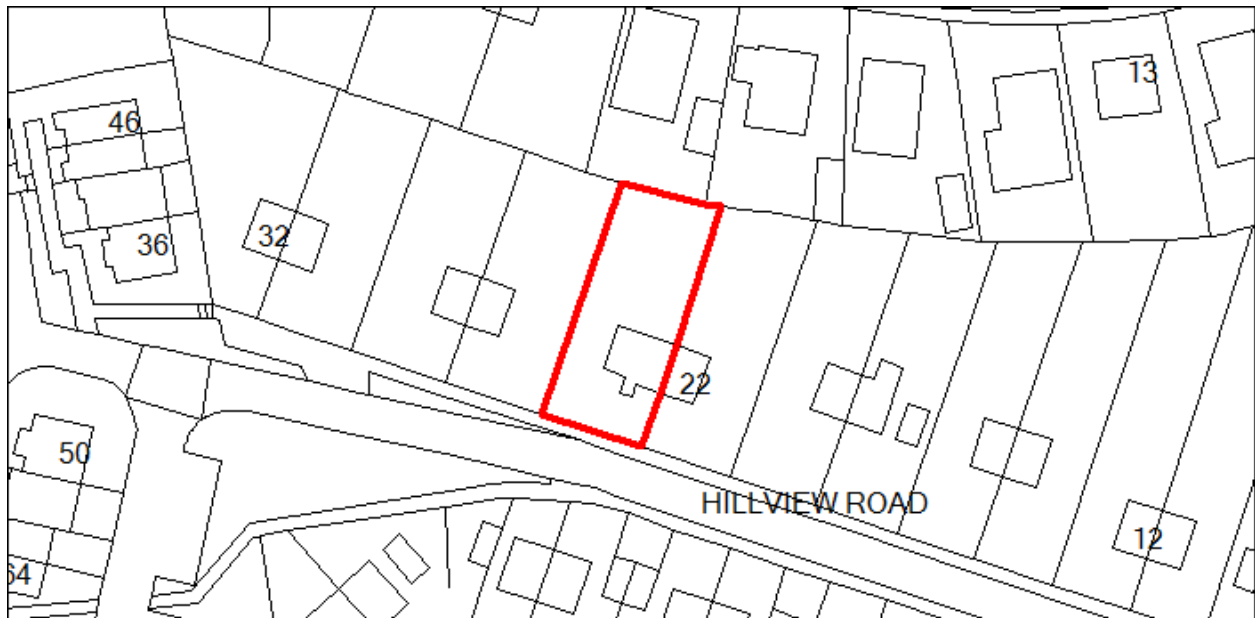
24 HILLVIEW ROAD, PETERCULTER

REMOVAL OF EXISTING GARAGE AND
REPLACEMENT BY 2 STOREY EXTENSION

For: Mr Eugene Ong

Application Type : Detailed Planning Permission
Application Ref. : P151201
Application Date: 22/07/2015
Officer: Hannah Readman
Ward : Lower Deeside (M Boulton/A Malone/M
Malik)

Advert :
Advertised on:
Committee Date: 29/10/2015
Community Council : Comments



RECOMMENDATION:

Approve Unconditionally

DESCRIPTION

This application relates to a two storey, semi-detached dwelling located on the north side of Hillview Road. The property comprises pink granite external walls, slated roof tiles and white UPVC windows. The plot extends to approximately 480m² and boasts a large garden to the front, side and rear, where it slopes gently uphill. A porch has been added to the front of the property and a single garage to the side, neither of which are of particular architectural merit. The surrounding area is of residential character with other properties of a similar style occupying the north side of the street whilst the garages and rear of more modern semi-detached properties which front Craigton Drive, define the south side of the street.

RELEVANT HISTORY

P851642 – Outline planning permission for the erection of a dwelling within the rear garden was refused at planning committee in September 1985, in accordance with the officer's recommendation.

P891560 – Detailed planning permission for a single storey extension was approved conditionally, under delegated powers, in January 1990.

P901333 – Detailed planning permission for a single storey extension was approved unconditionally, under delegated powers, in August 1990.

PROPOSAL

Detailed planning permission is sought for a two storey extension with hipped roof to the west facing side elevation. The existing garage would be removed, with the extension occupying marginally more than its current footprint. The proposed extension would measure 4.8m in width, 5.9m in depth, 4.7m to eaves height and 6.5m to roof ridge height. It would be set 1.15m back from the principal elevation and 4m off the nearest boundary shared with the adjacent property to the west. There would be two windows located at ground floor level on the west elevation, 1 window at first floor level on the north elevation and 2 windows on the south elevation; 1 on each floor. A single door would also be located on the south elevation. Proposed materials include pink granite quoins and basecourse, rendered walls, slate roof tiles and white UPVC windows.

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=151201>

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

REASON FOR REFERRAL TO COMMITTEE

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

CONSULTATIONS

Roads Development Management – Requested a plan detailing two off street parking spaces. This has been provided, no objection;

Environmental Health – No observations;

Flooding – No observations;

Community Council – Object for the following reasons:

- Roofline would be broken
- Proposed extension is not architecturally compatible with the original house
- Rendered finish not in keeping with the house or others in the street
- Would support proposed design if granite was to be used
- Contrary to Local Development Plan Policies D1, D4 and Supplementary Guidance: Householder Development Guide

REPRESENTATIONS

None.

PLANNING POLICY

Aberdeen Local Development Plan

Policy D1 - Architecture and Placemaking

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

Policy H1 - Residential Areas

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

1. Does not constitute over development;
2. Does not have an unacceptable impact on the character or amenity of the surrounding area;
3. Complies with the Supplementary Guidance relating to the Householder Development Guide.

Supplementary Guidance: Householder Development Guide

Proposals for extensions should be architecturally compatible in design and scale with the original house. Materials should complement the original house and the surrounding area. Any extension should not serve to overwhelm or dominate the

original form or appearance of the dwelling and should not result in a situation where amenity is 'borrowed' from an adjacent property. Two storey extensions on semi-detached properties will be restricted to 3m in projection along the boundary shared with the other half.

Proposed Aberdeen Local Development Plan

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

Policy H1 - Residential Areas (*H1 – Residential Areas in adopted LDP*);

Policy D1 - Quality Placemaking by Design (*D1 – Architecture and Placemaking in adopted LDP*).

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.

Design

The proposed extension, in place of the existing garage, would provide a study and occasional guest accommodation at ground floor level and a new master bedroom with en-suite and walk in wardrobe at first floor level. The extension has been positioned 0.4m below the existing roof ridge line and 1.15m back from the principal elevation of the existing house, thereby ensuring that it would appear subservient to the dwelling and would not overwhelm the original architectural form. The materials have been thoughtfully selected with the pink granite quoins and basecourse reflecting elements of the existing dwelling and the rendered walls matching those of the existing rear extension. The chosen materials would be in keeping with the character of the application property and that of the wider street which is characterised by a variety of similar materials. The original extension's design has been amended since submission to include a hipped roof of the same pitch as the roof of the existing dwelling. The hipped roof is a design feature of all properties and subsequent two storey extensions on the north side of Hillview Road. Therefore, the proposed extension in its revised form is consistent with this established form. The fenestration of the proposed extension matches with the fenestration of the existing principal elevation which contributes to a high standard of design, in compliance with policy D1 and the Householder Development Guide.

Residential Amenity

The large plot on which the property sits would ensure that there would be no impact on the residential amenity afforded to neighbours as a result of this proposal. The proposed side extension would be sited 4m off the boundary shared with the adjacent semi-detached house to the west, the dwelling being 13.5m away. This distance, coupled with the fact that there are only windows proposed at ground floor level on the extension, that there are no windows on the side of the neighbouring property and an established tree between the two properties, would ensure that there would be no loss of privacy to either

household. Furthermore, there is a separation distance of approximately 30m between the proposed extension and the properties north of the site. Again, this distance is sufficient to ensure that no properties would be directly overlooked by the development. Minimal overshadowing would occur on the applicant's garden ground throughout the day. However, given that approximately 80% of the site would remain as garden ground following the development, the overshadowing would not impact upon the high level of occupier amenity that this property has and is considered acceptable, in compliance with policy H1 and the relevant supplementary guidance document.

Access and Parking

The demolition of the existing garage would result in the loss of 1 off-street parking space. The subsequent proposed extension would add an additional bedroom to the property and therefore Roads Development Management Officers requested the re-provision of 1 off street parking space to ensure that there is parking for 2 cars on site. A subsequent plan has been submitted demonstrating that this would be accommodated alongside the existing driveway at the front of the property. This is to the satisfaction of Roads Officers who have no objection to the development.

Community Council Comments

The community council have objected to the proposal, based on the original and the amended design which includes the hipped roof, for the following reasons which thereafter are addressed:

1. *Roofline would be broken with the extension having less height than the original building and the extension is not architecturally compatible with the original house* – The proposed extension has been designed in accordance with the Council's Supplementary Guidance: Householder Development Guide which states that "any extension should not serve to overwhelm or dominate the original form or appearance of the dwelling". Should the extension design be amended to line through at ridge height, the distinction between 'old' and 'new' would be lost and the extension would not be subservient. The proposed design allows the original dwelling to remain dominant on the site. Furthermore, number 20 Hillview Road has a two storey extension of a similar subservient design to the proposed which would therefore be in keeping with its immediate context.
2. *Rendered finish not in keeping with the house or others in the street* – The garage and rear extension of the property are already rendered. The proposed materials (granite quoins and rendered walls) would provide a link between this and the original dwelling. Furthermore, the use of rendered walls would complement the existing granite and allow the original house to remain dominant in form and material. The garages and rear of properties that line the south side of the street feature an off-white rendered finish and therefore the proposed rendered finish is considered entirely appropriate for its context.

3. *Would support proposed design if granite was to be used* – This was carefully considered by the applicant but is not deemed economically viable. Also, it is understood that there would not be enough granite down takings from the gable end to do any more than the proposed quoins.
4. *Contrary to Local Development Plan Policies D1, D4, paragraphs 3.18 & 3.25 and Supplementary Guidance: Householder Development Guide* – This application is considered to be compliant with Policy D1, paragraph 3.18 and the supplementary guidance for the reasons aforementioned in this report. *Policy D4: Aberdeen’s Granite Heritage* is not a relevant material consideration in this instance as this policy seeks “the retention of granite buildings throughout the City” and “where a locally significant granite building that is not listed or in a conservation area is demolished, the City Council will expect the original granite to be used on the principle elevations of the replacement building”. This application does not include the demolition of any granite buildings or the erection of a replacement building. It is for an extension to an existing granite house. The extension would be built over the footprint of a rendered garage that would be removed. The garage does not comprise any granite blocks that could be reused. Paragraph 3.25 states that “existing granite heritage should be conserved and the use of granite in new development should be encouraged”. The proposed development conserves the existing granite house and the use of granite in the extension has been encouraged (see point 3) but, whilst desirable, is not mandatory to make this proposal acceptable.

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 in the Proposed ALDP substantively reiterate those in the adopted local development plan and therefore would not warrant any departure from the terms of the adopted plan. The proposal is considered to be acceptable in terms of the development for the reasons already previously given, and no material considerations have been identified that would warrant determination other than in accordance with the Development Plan.

RECOMMENDATION

Approve Unconditionally

REASONS FOR RECOMMENDATION

The proposed extension is of an acceptable scale and considerate design that would complement the architectural form and materials of the existing dwelling. The residential amenity of the area would be unharmed and the site would not be over-developed, in compliance with Adopted Local Development Plan Policies D1 - Architecture and Placemaking and H1 - Residential Areas and the Council's Supplementary Guidance: Householder Development Guide. There is no material change in the zoning of the site in the Proposed Local Development Plan or the applicable policies D1 - Quality Placemaking by Design and H1 - Residential Areas which would warrant determination otherwise than in accordance with the Development Plan.

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CULTER COMMUNITY COUNCIL



5th August 2015

Wilma Henderson, **Application Support Assistant**
Planning and Sustainable Development
Aberdeen City Council
Marischal College
Business Hub 4 Ground Floor North
Broad Street
Aberdeen AB10 1AB

Dear Ms Henderson,

Detailed Planning Application P151201: 24 Hillview Road, Peterculter:
Removal of existing garage & replacement by 2 story extension (case officer not yet allocated)

The members of Culter Community Council (CCC) discussed this application (P151201) at their last meeting and asked me to write to you with the following comments, concerns, and objections:

- Members were concerned and objected that the roofline is 'broken' with the extension having less height than the original building.
- It was considered the external appearance of this proposed extension will make it stand out as an 'add on' to this older granite house rather than sensitively blending and integrating it with the main house and the neighbouring 'semis'.
- If (as has happened in extensions to several other houses in this same street) the granite from the gable end were used in the extended frontage to allow it to blend in seamlessly then the members will happily support this application.
- If, however, this is not the case, the members of CCC ask that this is required through conditions attached if necessary as the proposed rendered finish of the extension is not in keeping with the granite finish of the original building and neighbouring properties.

Yours sincerely,

David J Wakefield
For Planning Sub-Group
Culter Community Council

Cc: Councillors Boulton, Malone and Malik

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CULTER COMMUNITY COUNCIL



95 North Deeside Road
Peterculter
Aberdeen AB140QL

14th Sept 2015

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

Dear Ms Readman,

Detailed Planning Application P151201: 24 Hillview Road, Peterculter:
Removal of existing garage & replacement by 2 story extension

The members of Culter Community Council (CCC) have reviewed application P15120 in the light of your draft case report recommending approval and asked me confirm objections on the following basis:

- The roofline is 'broken' with the extension having less height than the original building. Contrary to LDP Para 3.18, Policy DI and Supplementary Guidance (SG) this is not in character with the original design concept and is not architecturally compatible with the original design of the house.
- Contrary to LDP Para 3.18, Policy D1; Para 3.25, Policy D4 and SG the proposed rendered frontage finish of the extension is not in keeping with the granite frontage of the original building and neighbouring properties. Were this proposal to be accepted with rendered finish to the frontage of the property it would create a jarring impact and disrupt the otherwise continuous granite finish of all frontages of Hillview Road.
- If, as in all extensions to other houses in this same street, matching or very similar granite was used in the extended frontage then CCC would support this application.
- Hillview Road comprises a single-sided street of older traditional style Granite construction houses of which No's 32 and 12 are already extended sympathetically in accordance with Planning Policy D1, D4 and SG and to which CCC raised no objections. CCC did object to No. 20 extension external design including broken roof line (A8/0059 refers).

Yours faithfully,
DJWakefield
David J Wakefield
For Planning Sub-Group
Culter Community Council

Cc: Councillors Boulton, Malone and Malik

DJW

14/9/2015

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Planning Development Management Committee

39 KINGS CRESCENT, ABERDEEN

RECONSTRUCT MASONRY WALL BUTTRESS FOR STRUCTURAL PURPOSES, CLAD IN GRANITE TO MATCH THE ADJACENT WALLS. CONSTRUCT SMALL LINK BRIDGE FROM RETAINED SOIL BANK TO GABLE OF ADJACENT HOUSE (NO.39) IN PLAIN STEEL MEMBERS, GREY COLOUR, WITH MATCHING SMALL DIAMETER TUBULAR HANDRAILS 1100MM HIGH . COMPLETE WORKS BY ADDING SMALL DIAMETER STEEL HANDRAIL

For: Mr Sujon Hoque

Application Type : Detailed Planning Permission

Application Ref. : P151058

Application Date: 17/07/2015

Officer: Jacqui Thain

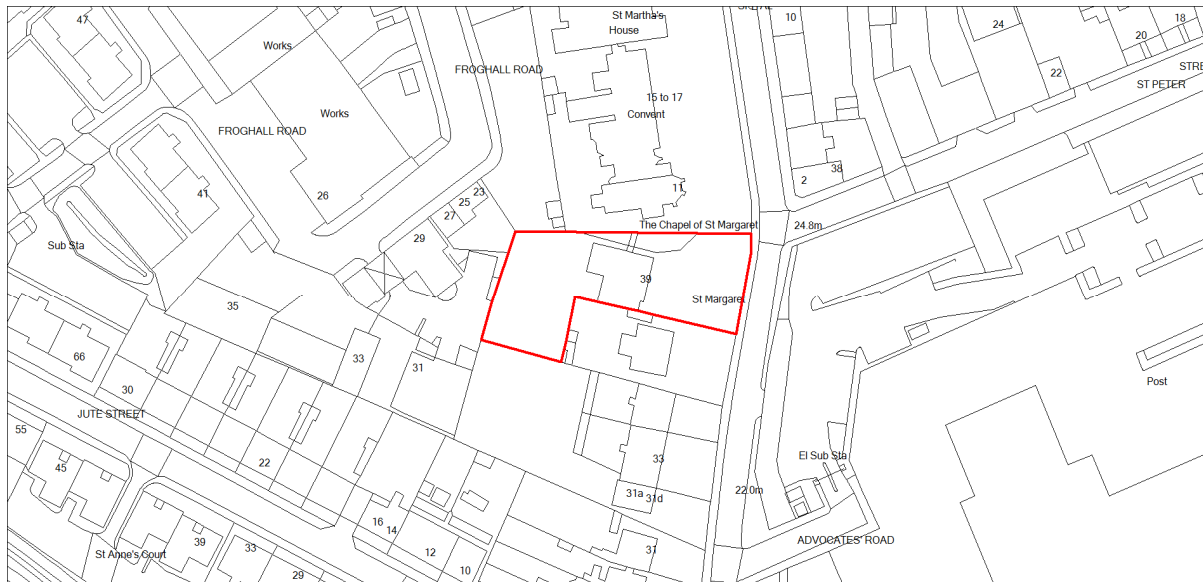
Ward : George Street/Harbour (A May/J Morrison/N Morrison)

Advert: Section 60/65 - Dev aff LB/CA

Advertised on: 29/07/2015

Committee Date: 29/10/2015

Community Council : Comments



RECOMMENDATION:
Approve Unconditionally

DESCRIPTION

The application property is a two storey detached dwellinghouse, located on an elevated site to the west of King's Crescent. The existing property is granite built with a slate roof. The garden ground to the rear is located on a number of descending levels, and eventually sits significantly lower than the floor level of the dwelling; flatted properties are located, at a lower level, to the rear. The property is also located immediately adjacent, to the south, of the Category 'A' Listed St Margaret's Convent and Chapel. To the east, across Kings Crescent, is the First Bus Depot and associated staff parking, offices and garaging. There are a number of trees in the front gardens of the properties fronting King's Crescent. The dwelling is situated within Conservation Area 1 (Old Aberdeen/Balgownie).

HISTORY

- Planning permission (Ref: 89/2054) was approved in January 1990 for a change of use of part of the convent to form a diocesan centre.
- Planning permission (Ref: 101949) was refused in February 2011 for the erection of a new garden wall on the southern elevation of the property.
- Planning permission (Ref: 120205) was approved in April 2012 for alterations to the associated access gates.
- Planning permission (Ref: 140715) for change of use from residential dwelling to HMO was refused by the Development Management Sub Committee on 7th August, 2014. A subsequent appeal was dismissed by the Scottish Government.
- An application for planning permission (Ref: 120520) for alterations to the boundary wall to the south of the site was approved in August 2014.
- An application for planning permission (Ref: 120204) for the erection of a greenhouse, raised decking and external steps to lawns, formation of retaining walls and alterations to the boundary walls was approved in December 2014.

PROPOSAL

The application seeks full planning permission to reconstruct the buttresses and construct a link bridge from the gable of the application property to abut the boundary wall to the north.

The existing buttresses would be built up to a height of 900mm with concrete block and clad with thin granite masonry to match the existing wall. The walkway would be located adjacent to the first floor level on the gable of the application dwelling and would extend to the retained soil bank to the north. The link bridge would measure approximately 4.35/4.65m long (the boundary wall is set at an angle) and would have an overall width of approximately 1250mm. The overall height of the walkway would be approximately 1250mm, including the 2 tubular steel handrails. In between the vertical tubular steel posts there would be plain, blank glazing. All steel to be plain and grey in colour.

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=151058>

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 a letter of objection has been received from The Old Aberdeen Community Council. Therefore, in terms of the Council's Scheme of Delegation, the planning application must be determined by the Development Management Sub Committee.

CONSULTATIONS

Roads Development Management – No observations.

Environmental Health – No observations.

Masterplanning, Design & Conservation – No objection. The Senior Planner (Conservation) states that the proposed works are hardly visible from the public view and make minimal impact on the character of the Old Aberdeen Conservation Area. The use of contemporary design and materials marks this as clearly being 21st Century development, not to be confused with the 19th Century unlisted building itself or subsequent 20th Century alterations to it.

Community Council – A letter of objection has been received from The Old Aberdeen Community Council, the main points of which can be summarised as follows:

- (1) The design is unsympathetic to the frontal elevation of a prominent granite building within The Old Aberdeen Conservation Area. Justification:- Conservation Area Management Plan "*Ensure the appropriate use of materials.*" The property is on an elevated site and the dwelling presents an imposing view from Kings Crescent and the symmetrical front elevation is in grey granite and is currently true to the original design.
- (2) The proposed structure has no reasonable purpose.
- (3) At some time a granite bridge did exist, linking this building to the ecclesiastical buildings on its north, most likely when the dwelling was the Episcopal diocese offices and to allow access to the chapel. As this intrusion was later removed and the building restored to its original design, this is not a precedent and has no relevance to this application.
- (4) The proposed bridge will be in full view from King's Crescent and is specified as galvanised structural steel with unspecified handrail infills.

Both the design and the materials are totally unsuitable for the prominent elevation of a granite house in a conservation area. For this reason the Community Council ask that the application be refused.

REPRESENTATIONS

Five further letters of objection have been received, one of which is from Old Aberdeen Heritage Society. The main points of the objections can be summarised as follows:

- (a) It is misleading to describe the proposed work as reinstatement of a walkway; the house as originally built had no such walkway.
- (b) The previous walkway was not part of the original design because there would have been nowhere for the walkway to lead to.
- (c) The proposed walkway would not be a reinstatement as it would lead to a blank wall.
- (d) The proposed walkway would not replicate the previous walkway (materials).
- (e) The drawings submitted with the application are insufficient.
- (f) The walkway would connect a window with a blank boundary wall and as such it would serve no purpose and would have no function.
- (g) The proposal is contrary to Policy D1 of the Aberdeen Local Development Plan i.e. it is not designed with due consideration for its context nor does it make a positive contribution to its setting. The siting of such a bridge and a new buttress would be an unsightly addition to the house, visible from the front. The materials would be completely out of context with the dwelling house and with the surrounding buildings in King's Crescent and The Spital. The proposal does not respect the integrity of the building in terms of the space surrounding it. It rather adds an unnecessary and unsympathetic adjunct to the side.
- (h) The proposal is contrary to Policy D5 of the current Local Plan which requires that any development in a Conservation Area should not be detrimental to the amenity of the Conservation Area. The proposed link bridge would have an adverse effect on such amenity in terms of design, material, siting and scale. The bridge would be unsightly and would detract from the aesthetic of the building and the proposed structure would be out of keeping with the Conservation Area.
- (i) The proposal is contrary to Policy H1 of the Local Plan in that it would have an unacceptable impact upon the character of the surrounding area, by way of introducing a modern steel structure into a row of stone-built historic buildings. It would also be likely to be detrimental in particular to the amenity of the neighbouring ground and property at the former Convent.
- (j) The proposal is contrary to the Council's Supplementary Guidance "Householder Development Guide," i.e. "Proposals for ... alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building." It is clear that the current application for a steel bridge is not architecturally compatible in design with the original house or

- the area, nor are the materials used complementary to the original building.
- (k) No application has been submitted for Listed Building Consent. As the proposal would clearly have an impact on the setting of a Category "A" Listed Building.
 - (l) The structure would be unsightly and visible from King's Crescent by the public and is not in keeping with the Old Aberdeen Area.
 - (m) The Convent site and the application site are no longer in sole ownership and the objector does not understand why the ramp should be reinstated. The ramp would connect a first floor window to a property not in the ownership of the applicant.
 - (n) The uncluttered vista of the setting of this magnificent house should be preserved.
 - (o) The owners of St. Margaret's Chapel and Convent have not been consulted about the proposed structure which would be attached to their shared retaining boundary wall.
 - (p) St. Margaret's Chapel and boundary wall are Category A Listed, the proposed structure would be in full view from the Chapel and would encroach on the privacy of the owners of the Chapel.
 - (q) There are already a number of unsightly and unauthorised structures at 39 King's Crescent and the proposed structure will add to these.

In their letter of objection, The Old Aberdeen Heritage Society provided details relating to the history of the application property. The comments regarding the title of Architect's drawings have been noted.

Other matters were discussed that are not material planning considerations, therefore can not be taken into account during assessment of the planning application.

PLANNING POLICY

Aberdeen Local Development Plan 2012

Policy H1 – Residential Areas:

A proposal for householder development will be approved if it:

- Does not constitute over-development
- Does not have an unacceptable impact on the character and amenity of the surrounding area
- Complies with Supplementary Guidance on Household Development

Policy D1 – Architecture and Placemaking Design

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, details, the proportions of building elements and landscaping will be considered in assessing this.

Policy D5 – Built Heritage

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

Historic Scotland's Scottish Historic & Environment Policy (SHEP) seeks to preserve and enhance the historic character and amenity of the Conservation Area.

Historic Scotland Managing Change - Extensions

The guidance state that extensions:

- must protect the character and appearance of the building
- should be subordinate in scale and form
- must not dominate the original building
- ought to be located on a secondary elevation
- must be designed in a high-quality manner using appropriate materials
- should be modest in scale and skilfully sited

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

PLANNING POLICY

Aberdeen Local Development Plan 2012

Policy H1 – Residential Areas:

The re-instatement of the walkway and buttresses would result in a neutral impact on residential amenity and character. As there were previously buttresses and a walkway of similar scale in situ, and the bulk of the proposed walkway would be constructed of glass, there would be no adverse impact. To the front, the walkway and buttresses would be set a considerable distance back from the front elevation of the application dwelling, approximately 6.25m, and would be afforded extensive screening by No. 39 King's Crescent and by the upper and lower retaining walls to the north of the dwelling, the north-most being a considerable distance higher than the walkway and buttresses. In addition, there would be substantial screening by several high, established trees and extensive bushes to the front of the application dwelling and several high trees between The Chapel and The Spital. To the rear, the buttresses and walkway would be situated approximately 9.45m in from the rear elevation and would be located a considerable distance from and at an angle to the houses and flats to the west & south-west. As there would be negligible change to the built footprint of the site, the proposal would not constitute over-development of the plot.

Supplementary Guidance

The proposals do not conflict with the Council's Household Development Guide. The alterations would sit well with and be subservient to the main dwelling. The

buttresses are of appropriate siting, scale, design and materials. The walkway, being of contemporary design and materials, would complement the main dwelling and is appropriate in relation to the application property and within the wider area.

Policy D1 – Architecture and Placemaking Design

Full consideration has been given to the proposals in relation to the application dwelling and within the vicinity. Due to appropriate design, scale and materials, the buttresses and walkway would make a positive contribution to their setting. The alterations are minimal in scale in relation to the application dwelling, the boundary walls to the north and compared to the footprint of The Convent. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements and landscaping have been considered in assessing the proposals.

Policy D5 – Built Heritage

The proposals do not conflict with Scottish Planning Policy, therefore comply with Policy D5 of the Aberdeen Local Development Plan.

Historic Scotland’s Scottish Historic & Environment Policy (SHEP)

It is acknowledged that the previous walkway was not original, however, the walkway is an interesting feature that formed part of the historic fabric of the building and its re-instatement (notwithstanding utilising different materials to the original) would be beneficial to the character of the building and would serve to enhance the amenity and character of the Conservation Area. By virtue of its simple design and sympathetic materials, the walkway would result in a neutral impact on the character of the main dwelling and the amenity and character of the Conservation Area. And, as there was previously a walkway on situ, this would not be the introduction of a completely new element to the dwelling. The bulk of the walkway would be finished with glass, therefore would be largely unobtrusive resulting in minimal impact on the application dwelling and minimal disruption to the Convent and wider Conservation Area. Although situated in an elevated location, the walkway would be located a considerable distance along the gable and situated a substantial distance from the street. The bridge would be extensively screened by the application dwelling to the south, by the high walls to the north and west and by several high, established trees to the front of the application property and to the east of The Convent.

As there were buttresses previously in situ, and the proposed buttresses would be afforded extensive screening by the surrounding high walls, there would be negligible additional impact on the character and appearance of the Conservation Area by their re-instatement.

Historic Scotland Managing Change - Extensions

The proposed walkway complies with the guidance for the following reasons:

- the walkway would protect the character and appearance of the building
- the alteration is subordinate in scale and form and would not dominate the original building

- the proposal is modest in scale in relation to the main dwelling and skilfully sited
- the walkway would be located on a secondary elevation
- high quality design using appropriate materials

Proposed Aberdeen Local Development Plan

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

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

The foregoing can only be assessed on a case by case basis. In relation to this particular application, Policies D1 *Quality Placemaking by Design*, H1 *Residential Areas* and Policy D5 *Built Heritage* substantively reiterate the guidance given from policies in the adopted Local Development Plan and therefore the Proposed Plan does not envisage any material change to the applicable policy context or zoning which would warrant determination other than in accordance with the Development Plan. For the reasons previously given, the proposals are considered to accord with the Aberdeen Local Development Plan.

Issues Raised by The Community Council and Representations

(1/l) It is acknowledged that No. 39 King's Crescent sits on an elevated site in a prominent location within the Conservation Area and that the property is traditional with regard to design and materials. Although the proposed walkway is of modern design and materials, it is considered that the walkway would sit well with and complement the main dwelling, resulting in a neutral impact on the main dwelling and wider Conservation Area. The walkway is modest in scale in relation to the main dwelling, would be subservient to the application property and, although visible from the street, the walkway would be set back from the front elevation of the application property by approximately 6.25m and would be afforded extensive screening by the main dwelling to the south and by the substantial boundary wall to the north. The walkway would not be out of place within the wider Old Aberdeen Area; there is a large variety of properties, traditional and new, of various styles.

(2/f) The Planning Authority is not required to receive an explanation as to the reasoning behind an applicant applying for planning permission.

(3) It is acknowledged that a granite bridge previously existed adjacent to the north elevation of the application dwelling and is no longer in situ. The current

proposal has been assessed on its own merits and with consideration for its impact on the historic fabric of the building.

(4) Full consideration has been given to the prominence of the walkway in relation to King's Crescent and within the wider Conservation Area, and to the contemporary design and materials proposed.

(a/b/c/d) It is correct to state that when No. 39 King's Crescent was built, there was no walkway on the north-most gable. For the purposes of clarification, the walkway that is the subject of the current planning application would replace a previous structure, albeit of differing design and materials. It is acknowledged that the materials for the proposed walkway would not replicate the materials of the previous walkway, however, the design and materials proposed in the current planning application have been given full consideration in their own right.

(e) Additional drawings have been received that show the proposals in relation to the front, gable and rear of the property.

(g) The proposal does not conflict with Policy D1 of the Aberdeen Local Development Plan. The walkway and buttresses have been assessed with regard to context, siting, scale, massing, colour, details, the proportions of building elements and orientation. It is considered that the walkway, by virtue of simple design and appropriate materials, would make a positive contribution to its setting. The surrounding buildings and wider Conservation Area were also considered during assessment of the planning application. The integrity of the main building has not been compromised by the design.

(h) The alterations comply with Policy D5 of the Aberdeen Local Development Plan. Although it is acknowledged there may be a minor alteration to the Conservation Area by the proposal, the potential impact would not be detrimental. The walkway would be afforded extensive screening by the application property and by the high boundary wall to the north. In addition, the high trees and bushes to the front of No. 39 King's Crescent and high, established trees to the front of The Convent would serve to further restrict the impact of the walkway on the Conservation Area. The siting, design and scale are considered appropriate in relation to the main dwelling and within the wider area. The walkway would complement and not detract from the character of the main dwelling which would remain visually dominant.

(i) Although the walkway would introduce a modern structure within a row of traditional buildings, there would be no resultant detriment to the neighbouring properties or wider area. Due to the bulk of the structure being constructed of glass, the walkway would be largely transparent, therefore lessening the impact on the main dwelling and within the wider area. As the walkway would be situated on a much lower level than The Convent and located on the other side of a high boundary wall, there would be negligible impact on the overall Convent site by the proposal.

(j) The alterations do not conflict with the Council's Supplementary Guidance relating to Household Development. The alterations are architecturally compatible in design and scale with the main dwelling and within the surrounding area and, although the materials proposed would be different to those of the main dwelling and nearby, they would complement the main property and others in the vicinity.

(k) Listed Building Consent is not required for the alterations as the proposed works would not have a significant impact on The Convent.

(m) The matter of land ownership is not a material planning concern, therefore can not be taken into account during assessment of the planning application. The applicant does not need to specify the reason(s) for the re-instatement of the walkway.

(n) Whilst it is acknowledged that the front of No. 39 King's Crescent remains largely undeveloped, the proposed walkway would be a minimal addition that would abut the gable and would be set back approximately 6.25m from the main front elevation of the property, thus causing minimal disruption to the overall appearance of the dwelling.

(o) It is not necessary for the Planning Authority to consult with the owners of St. Margaret's Chapel and Convent. The statutory Neighbour Notification process was carried out by the Planning Authority and the planning application was advertised in the local press. Ownership of the shared boundary wall is not a planning matter and as such can not be taken into account during evaluation of the planning application.

(p) Full consideration has been given to the proximity of the walkway and buttresses in relation to The Chapel to the north and its setting. Although the walkway may be partially visible from The Chapel, the view of the walkway would be restricted by the high boundary wall and the walkway being situated on a lower level. It is acknowledged that there may be some additional impact on the privacy of the owners of The Chapel by the proposed walkway, however, the potential impact is considered to be minimal and insufficient to warrant refusal of the planning application. There is existing overlooking by a large 2nd floor window on the gable of the application dwelling. In addition, the Convent is located on a higher level than the proposed walkway and the north-most section of the walkway would face the blank boundary wall to the north that is significantly higher (than the walkway).

(q) It is acknowledged that previous alterations have taken place at No. 39 King's Crescent. For the purposes of clarification, each planning application is assessed on its own merits in relation to the main dwelling, within the plot and within the wider area.

Conclusion

The planning application has been fully evaluated under Policies H1, D1 & D5 of the Aberdeen Local Development Plan and found to be acceptable. Full consideration has been given to matters raised by The Community Council and in the letters of representation, however they neither outweigh the above policy position nor would they justify refusal of the application.

RECOMMENDATION

Approve Unconditionally


REASONS FOR RECOMMENDATION

The proposed buttresses and walkway would sit well with the application dwelling and within the plot and fully comply with Policy H1 (Residential Areas), D1 (Architecture and Placemaking Design) and D5 (Built Heritage) of the Aberdeen Local Development Plan and with the related Supplementary Guidance. The proposals would result in no detrimental impact on the amenity and character of the residential area or on the character and amenity of the surrounding Conservation Area.

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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

27th August 2015

Dear Sir,

Application No. P.151058 – 39 Kings Crescent, Aberdeen

Old Aberdeen Community Council wishes to lodge an objection to the above application on the grounds that the design is unsympathetic to the frontal elevation of a prominent granite building within Old Aberdeen Conservation Area

Justification: -

Conservation Area Management Plan “Ensure the appropriate use of materials”.

The property was built as private dwelling house in 1879 on a site rising steeply from Kings Crescent and currently presents an imposing view from Kings Crescent. The symmetrical front elevation is in grey granite and is currently true to the original design.

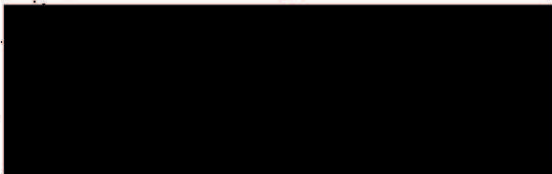
As no application has been made to split the house into flats and the proposed structure does not lead to a doorway, it has no reasonable purpose.

At some time a granite bridge did exist, linking this building to the ecclesiastical buildings on its north, most likely when the dwelling was the Episcopal diocese offices and to allow access to the chapel. As this intrusion was later removed and the building restored to its original design, this is not a precedent and has no relevance to this application.

The proposed “bridge” will be in full view from Kings Crescent and is specified as galvanised structural steel with unspecified handrail infills. Both the design and the materials are totally unsuitable for the prominent elevation of a granite house in a conservation area.

For this reason we ask that the application be refused.

Yours sincerely,



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

28 AUG 2015



P151058 - JTH

Planning Dept,
Aberdeen City Council,
Marischal College,
Aberdeen

[REDACTED]
[REDACTED]
[REDACTED]
Aberdeen
[REDACTED]

11th August 2015

39, King's Crescent, Old Aberdeen Conservation Area
Proposal to construct new wall buttress, and link bridge of steel
(Application no 151058)

Dear Sirs,

The Society wishes to register a firm objection to the above proposal, for the following reasons:-

- 1) It is misleading to describe the proposed work (as described on the plans) as some sort of "reinstatement" of a walkway.

This is misleading because:-

- a) The house as originally built had no such walkway. This handsome house was built in 1879 for Rev. John Comper, the renowned priest and local missionary, as a family home. It has further historical significance as the childhood home of his son, the famous architect Sir Ninian Comper, and it had then no additions, such as are now proposed, to mar its appearance.
- b) The previous 'walkway' was evidently not part of the original design because there would have been nowhere for such a walkway to lead to. The Chapel on the adjoining land had not been built, and in any case it would clearly not have been appropriate for a private family home to be thus connected to another property, particularly at the first floor, or bedroom, level.
- c) When, eventually, a walkway was built, probably around the 1940s, it was a walkway connecting no 39 (or "St. Margaret's Brae" as it came to be called) to the Convent and Chapel which were now established on the adjacent feu. We believe that it was constructed to allow the Sisters of the Convent to walk more easily from the Convent to no.39, which by now had been bequeathed to the Convent, and was being run by the Sisters as an Eventide Home for elderly ladies.

When both no.39 and the Convent buildings were sold by the Episcopal Diocese in the early 1990s, there was clearly no justification for such a bridge (particularly as these two properties were now in separate ownership), and the redundant walkway was demolished and the entrance to the Convent grounds closed off by the reinstatement of the boundary wall.

- d) The current application, although proposed to occupy some of the same area as the previous addition, is not a "reinstatement", because it would lead simply to a blank wall. The additional work for which permission is applied is to join this "non-walkway" to a new path and flight of steps to be constructed down the north boundary of the feu of no.39. It is to be regretted that - as far as we understand - much of this work has already been undertaken, in advance of consideration by the City Council of the application for permission for such alterations.
- e) The proposed "walkway" would not in any way replicate the previous one. The previous addition, although ugly and inappropriate on the gable of such a fine building, was at least built in granite. The structure now proposed would be constructed of "plain steel members, grey colour, with matching small diameter tubular handrails".
- 2) It should be noted that the architect's drawings which have been submitted are wrongly titled. They are described as "works at 39, King's Crescent and St. Margaret's Convent". This is not the case. The proposed works pertain only to the property at no.39 King's Crescent, and have no connection whatever to the adjacent privately-owned property (formerly the Convent).
- 3) The application does not include the necessary drawings showing the east elevation of the house with the proposed link bridge to the north. Without such a drawing, it is not possible to make a complete assessment of the impact such a bridge would have on the character and appearance of this handsome house, not of its impact on the character and appearance of the Old Aberdeen Conservation Area.
- 4) It should further be noted that the proposed walkway connects a window on the north gable to a blank boundary wall. As such it serves no purpose, and would have no function. In order for it to function as a "link bridge", planning permission would have to be granted to change this window into a door. No such permission exists, nor has it been applied for.
- 5) The proposal is contrary to Policy D1 of the Local Development Plan. It is not designed "with due consideration for its context" nor does it "make a positive contribution to its setting". The siting of such a bridge and a new buttress would be an unsightly addition to the house, visible from the front. The materials would be completely out of context with this fine granite dwelling house. Steel bridges do not complement a granite building. Furthermore such a structure would be out of context with the surrounding granite buildings in King's Crescent and the Spital. Lastly, the proposal does not respect the integrity of the building in terms of the space surrounding it. It rather adds an unnecessary and unsympathetic adjunct to the side.
- 6) The proposal is contrary to Policy D5 of the current Local Plan as referring to Scottish Planning Policy, which requires that any development in a Conservation Area should not be detrimental to the amenity of the Conservation Area. The proposed link bridge would have an adverse effect on such amenity in terms of design, material, siting and scale.

- 7) The proposal is contrary to Policy H1 of the Local Plan, in that it would have an unacceptable impact upon the character of the surrounding area, by way of introducing a modern steel structure into a row of stone-built historic buildings. It would also be likely to be detrimental in particular to the amenity of the neighbouring ground and property at the former Convent.
- 8) The proposal is contrary to the Council's Supplementary Guidance "Householder Development Guide." This document states, on page 5, as a principle that will be applied to all applications for householder development:-

"Proposals for ... alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building."

It is clear, as we have indicated earlier in this letter, that the current application for a steel bridge is not architecturally compatible in design with the original house or the area, nor are the materials used complementary to the original building.

- 9) Last, on a separate but important issue, we note that no application has been submitted for Listed Building Consent for the proposed development. As it would clearly have an impact on the setting of a Category "A" listed building (the former St. Margaret's Chapel), as viewed from various angles, such an application is necessary, and planning permission, even if granted, would not be sufficient.

Not required
1/9.
(as) no significant impact on Convent

* * * * *

In conclusion, and on all the grounds outlined above, the Society would request that the Planning Committee refuse this application in view of its non-compliance with Council Policy, but particularly in view of the detrimental impact it would have on the character and appearance of this handsome and historically significant dwelling-house, and also of this part of the Old Aberdeen Conservation Area.

Yours sincerely,



(Mrs) B. McPetrie
Planning Secretary

PI

From: webmaster@aberdeencity.gov.uk
Sent: 07 August 2015 13:26
To: PI
Subject: Planning Comment for 151058

Comment for Planning Application 151058

Name : Richard Harwood
Address : 37 Kings Crescent
Old Aberdeen
Aberdeen
AB24 3HP

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : This structure would be visible from Kings Crescent by the public and is not in keeping with the Old Aberdeen area.

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PI

P151058 - JTH

From: webmaster@aberdeencity.gov.uk
Sent: 16 August 2015 21:10
To: PI
Subject: Planning Comment for 151058

Comment for Planning Application 151058

Name : Teresa Harwood
Address : 37 Kings Crescent
Aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Dear Sirs

I wish to object on the grounds that the bridge which doesn't seem to have a purpose will be visible from the road and will be unsightly and will further detract from the conservation area of Old Aberdeen and from the aesthetic of the building not least by the materials proposed.

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P151058 - JTH

PI

From: webmaster@aberdeencity.gov.uk
Sent: 24 August 2015 17:34
To: PI
Subject: Planning Comment for 151058

Comment for Planning Application 151058

Name : Patrick and Jacinta Birchley

Address : 24 Spital

Aberdeen

AB24 3HS

Telephone :

Email : [REDACTED]

type :

Comment : Having been a long term resident I am aware this connecting ramp existed when the house at (39 Kings Cres) was in the ownership of The Episcopalian Dioceses. As they also owned the adjoining Cat A listed St Margaret's Chapel and Convent the ramp made sense. As these two sites are no longer in sole ownership I do not understand why it should be reinstated. The ramp would connect a first floor window to a property not in the ownership of the applicant!

The uncluttered vista of the setting of this magnificent house should be preserved. Therefore I urge Aberdeen City Council to refuse the application.

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10 Rubislaw Den North
Aberdeen
AB15 4AN

27th August 2015

Dear Sirs,

Re: Planning Application 151058 - Reconstruct masonry wall buttress for structural purposes, clad in granite to match the adjacent walls. Construct small link bridge from retained soil bank to gable of adjacent house (No.39) in plain steel members, grey colour, with matching small diameter tubular handrails 1100mm high. Complete works by adding small diameter steel handrail at top of adjacent retaining wall for safety reasons, 900mm high.

We wish to **OBJECT** to the above planning application submitted 1st July 2015, by our neighbour at 39 King's Crescent. We object on the following grounds:

- 1) We are the owners of the adjacent property St Margaret's Chapel and Convent, and we have not been consulted about this structure which will be attached to our shared retaining boundary wall.
- 2) The St Margaret's Chapel and Boundary wall are both Category A listed, the proposed structure will be in full view from the Chapel and will encroach on our privacy.
- 3) The proposed structure is out of keeping with the conservation area.
- 4) We do not wish to have our property connected by this structure.
- 5) The plans submitted have project title 'Works at 39 Kings Crescent and St Margaret's Convent', but I stress to emphasise that this has nothing to do with St Margaret's Convent, these properties are separate properties.
- 6) The proposed structure has no purpose and is not required.
- 7) The application says reinstatement; the previous structure referred to is not an original structure but we believe was built for wheel chair access from King's Crescent to St Margaret's Chapel for patients and nuns.
- 8) There is an unresolved issue regarding the reconstruction of the category A listed boundary wall that collapsed in Dec '12, and was rebuilt without our permission.
- 9) There are already a number of unsightly and unauthorised structures at 39 Kings Crescent, the proposed structure will add to these.
- 10) This is the 6th planning application in 5 years with none of the previous applications completed.
- 11) There is a clear history and pattern of poor standard and unauthorised building works at the property with retrospective planning applications.
- 12) An unsightly structure has appeared in recent months and has been built directly attached on to the Category A listed wall.
- 13) To date the building materials and techniques used at 39 Kings Crescent are inadequate and not to the standard required for the conservation area.
- 14) Our vision for St Margaret's Category A listed Chapel and former Convent wing, built by the nationally renowned architect Sir J Ninian Comper as his first major commission, is to restore it correctly in partnership with the Planning Department and Historic Scotland. However our vision is already severely compromised by the various eyesores already in full view, therefore another hideous addition will terminate our vision completely.

Yours Faithfully,


Jaskamal & Breidge Sall

Owners of St Margaret's Category A listed Chapel and former Convent wing and 15-17 Spital



Planning Development Management Committee

SPRINGFIELD RD FILLING STATION,
SPRINGFIELD ROAD, ABERDEEN

RELOCATION OF EXISTING AC/S (3 NO)
FROM ROOF TO GROUND LEVEL AND
INSTALLATION OF CONDENSER IN TIMBER
FENCE COMPOUND.

For: The Co-operative Group

Application Type : Detailed Planning Permission
Application Ref. : P151084
Application Date: 09/07/2015
Officer: Jennifer Chalmers
Ward : Hazlehead/Ashley/Queen's Cross(M
Greig/J Stewart/R Thomson/J Corall)

Advert :
Advertised on:
Committee Date: 29th October 2015
Community Council : Comments



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The site is located to the west of Aberdeen city centre in a residential area. The site is on the west of Springfield Road and is located at the junction to Craigiebuckler Avenue. The site is a filling station with the forecourt running parallel to Springfield Road and a pedestrian entrance with steps leading from Craigiebuckler Avenue.

RELEVANT HISTORY

P101721 – Unconditional approval granted on 5th November 2010 for the 'Erection of illuminated and non-illuminated fascia and car park signs (8 no total).

PROPOSAL

Detailed planning permission is sought to relocate 3 no air conditioning units from the roof of the petrol station down the north side of the building at ground level and to erect a timber fence compound around it.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee as there is an objection from Craigiebuckler and Seafield Community Council. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No observations

Environmental Health – No observations

Communities, Housing and Infrastructure (Flooding) – No observations

Community Council – Object to the proposal as it is considered that the width of access off Craigiebuckler Avenue is considered too narrow and unattractive for visiting member of the public.

REPRESENTATIONS

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

- That absolutely no maintenance has ever been carried out on the west elevation of the building in the last 17 years.
- Width of access off Craigiebuckler Avenue considered too narrow and unattractive.

PLANNING POLICY

Aberdeen Local Development Plan

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

Policy H1 (Residential Areas) – within existing residential areas, proposals for non-residential uses will be refused unless:

1. They are considered complementary to residential use; or
2. It can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

Proposed Aberdeen Local Development Plan

Policy D1 (Quality Placemaking by Design)

Policy H1 (Residential Areas)

EVALUATION

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

The proposal is to reposition the existing air conditioning units from the roof and to relocate them on the ground on the north elevation. In terms of Policy H1, the proposal relates to an existing use within a residential area. Consideration was given to the best relocation site for the units. The western elevation of the building is hard against the western boundary, there is limited space to the south of the building which is used as an offloading and the eastern elevation faces onto the forecourt and Springfield Road. This therefore only left the north elevation which is approximately 1m lower than the pavement on Craigiebuckler Avenue and is sheltered by a landscaping strip. There is ample space to accommodate both the ac units and the existing pedestrian walkway leading from Craigiebuckler Avenue to the petrol station. Immediately adjacent to the application site there is a hairdressers to the west, then beyond this the nearest house which is approximately 7m away.

The applicant's reason for moving the ac units from the roof to the ground are due predominantly to health and safety reasons. It is argued that should the ac units and the condensing unit stay on the roof that this could cause not only a noise nuisance but also be visually obtrusive. The proposed new location would be set down at the side of the building and would be tucked away out of the line of sight of neighbouring residential properties thereby reducing any noise emissions from the units.

In terms of ensuring the safety of workers it would be necessary to install ladder access, functional lighting and non-slip surfaces on the roof itself as well as some kind of edge protection to prevent someone from falling off the roof. Currently the ac units that are on the roof are unobtrusive and you would only see them if you were looking for them. It would be preferable to keep them on the roof, however, the roof space could become to look cluttered through the installation of a ladder, edge protection and lighting. Therefore the proposal to relocate the units to the ground is considered acceptable.

The ac units would be set approximately 1m below street level and would be contained within a timber compound which would hide them from public view. This would measure 8m long x 2.2m wide x 1.7m high, would sit outside two of the shop windows but would be set back approximately 4m from the frontage of the building. It is considered that the proposed material, siting and scale of the ac units are acceptable and would not have a detrimental impact on the surrounding residential area.

The observation that the western elevation of the building has not been maintained is not a material consideration in the determination of the application. In relation to the objection from the community council, it is considered that the remaining section of walkway is of an adequate width for pedestrian use. Furtherstill, a condition has been attached to ensure lighting is installed to create a more inviting passageway for when its dark.

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 there is no conflict with either Policy D1 (Quality Placemaking by Design) or H1 (Residential Areas).

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

It is considered that the proposal to relocate the ac units from the roof to ground level would not have a detrimental impact on the character or amenity of the surrounding residential area. The ac units would have minimal visual impact on the surrounding area as they would be located along the western elevation of the building and would be tucked away approximately 1m below street level. An adequate amount of ground will remain as a walkway between Craigiebuckler Avenue and the petrol station shop. A condition has been attached to ensure that this area is well lit.

CONDITIONS

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

(1) that the AC units shall not be used unless all screen fencing works detailed on Plan No CO-15-31-101 Rev E or such other plan as may subsequently be approved in writing by the planning authority for the purpose has been installed in complete accordance with the said plan - in order to preserve the amenity of the neighbourhood.

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CRAIGIEBUCKLER AND SEAFIELD COMMUNITY COUNCIL

Ms Jennifer Chalmers
Planning Officer
Development Management
Aberdeen City Council
Business Hubb 4
Marischal College
Broad Street
Aberdeen AB10 1AB

Email: [REDACTED]
3rd August 2015.

Dear Ms Chalmers

Planning Application Number: 151084

Location: Springfield Road Filling Station, Springfield Road, Aberdeen, AB15 7SE.

Proposal: Relocation of existing AC/s (4 No) from roof to ground level and installation of condenser in timber fence compound.

Applicant: The Co-operative Group, 1 Angel Square, Manchester, M60 0AG.

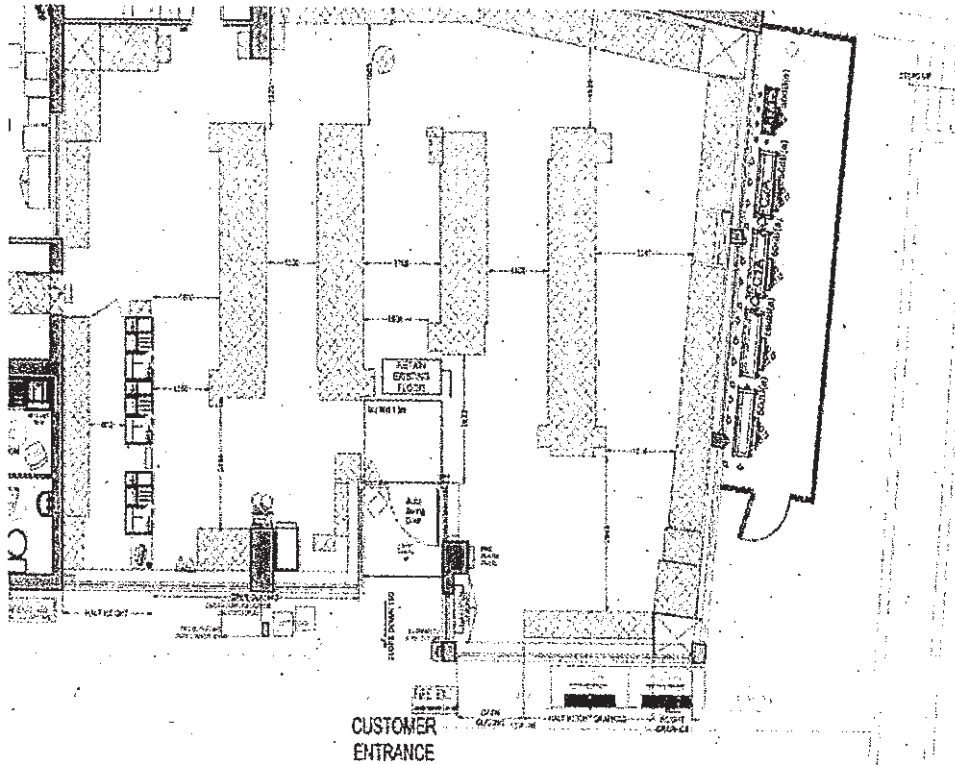
We object to this planning application on the grounds of public safety.

The access to the retail unit from Craigiebuckler Avenue is by descending a short flight of steps into an area of the property's curtilage which is enclosed to the north by a retaining wall and to the south by the wall of the shop, as illustrated by the photograph below.



It is the applicant's intention to locate four air condensing units in a timber fence compound against the north facing wall of the shop, which is to the right of the photograph on the previous page. The enclosure of the units is outlined in red in the drawing below.

The width of the access, immediately to the left of the steps is 3.8 metres. Although the Applicant does not state the width of the enclosure, we estimate that, if this application is accepted, the width of the access will be reduced to approximately 1.8 meters.



Even at its present width, this access forms an unattractive approach to the shop because it involves descending a flight of steps into a dank and often litter strewn area. The advantage for the customer is the avoidance of the alternative option, which is to approach the entrance from the busy forecourt via Springfield Road.

Therefore we contend that a reduction in the width of the access from Craigiebuckler Avenue could encourage more customers to approach the entrance to the shop from the forecourt, which is frequently busy with drivers fuelling their vehicles, thus increasing the risk their being involved in an RTC at the front of the premises.

Yours sincerely,

William Sell,

Chair.

From: webmaster@aberdeencity.gov.uk
Sent: 24 July 2015 20:47
To: PI
Subject: Planning Comment for 151084

Comment for Planning Application 151084

Name :
Address :
Aberdeen

Telephone :

Email : ___

type :

Comment : My concern is with maintenance.

I have lived in the adjacent the property for over 17 years and I can confirm that absolutely no maintenance has ever been carried out on the west elevation of the building during this period of time.

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Planning Development Management Committee

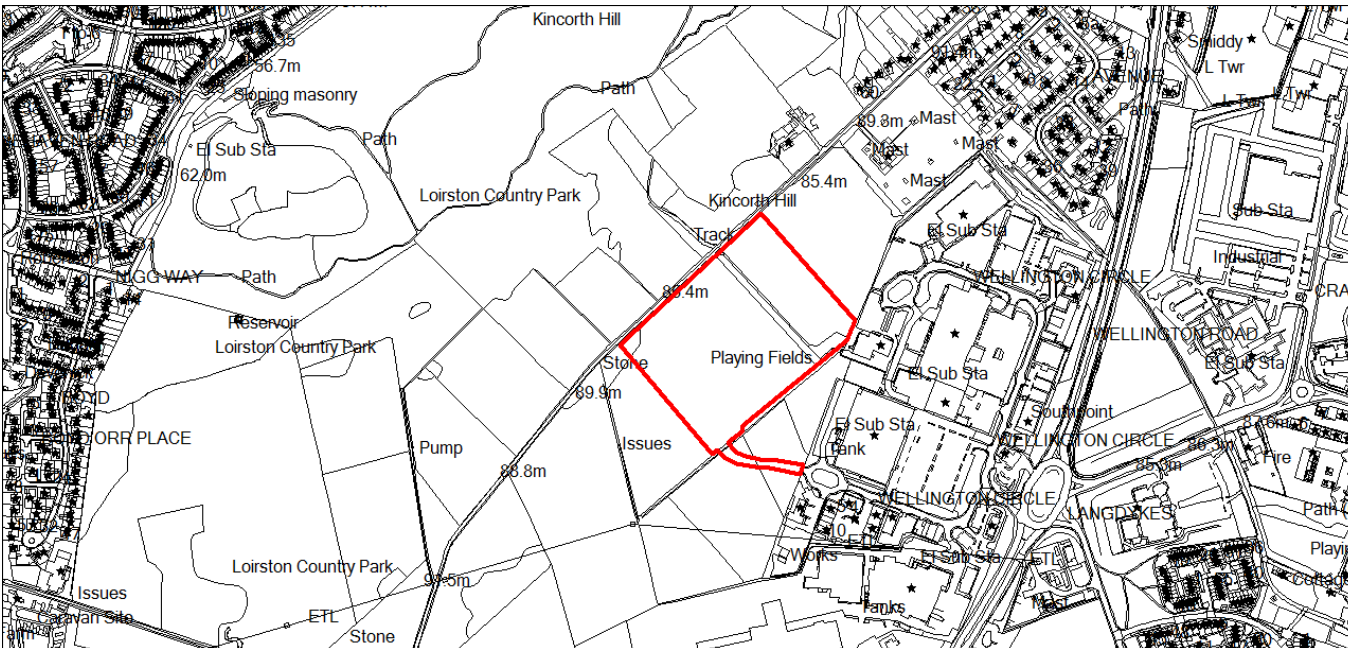
CALDER PARK, REDMOSS

PROPOSED THREE STOREY SECONDARY SCHOOL WITH ASSOCIATED SPORTS FACILITIES, FLOODLIT 3G PITCH, HARD AND SOFT LANDSCAPING, CAR PARKING, BUS DROP OFF AND ACCESS ROAD.

For: Aberdeen City Council

Application Type : Detailed Planning Permission
Application Ref. : P151082
Application Date: 09/07/2015
Officer: Gavin Evans
Ward : Kincorth/Nigg/Cove (N Cooney / A Finlayson)

Advert : Dev. Plan Departure
Advertised on: 16/09/2015
Committee Date: 29/10/2015
Community Council : Comments



RECOMMENDATION:

Willingness to approve subject to conditions and the conclusion of an appropriate agreement to secure developer contributions in relation to the upgrading of Core Path 83 and subject to the requisite notification to Scottish Ministers

DESCRIPTION

The application site is located between Wellington Circle and Redmoss Road, to the south of the city, and extends to approximately 6 hectares.

The site is bounded to the north-west by Redmoss Road, beyond which lies agricultural land and the Kincorth Hill Nature Reserve, known locally as The Gramps. To the north-east and south west the site is bounded by open land, currently used as rough grazing, but which forms part of the wider Calder Park (OP80) opportunity site in the Aberdeen Local Development Plan. The East Tullos Burn flows along the south-eastern boundary in the form of a straightened ditch. The land adjacent has previously been used as a park and ride facility and beyond that are industrial units at Wellington Circle.

The ground within the site slopes down by circa 7m from a high point at its eastern edge, adjacent to Redmoss Road, to a low point adjacent to the ditch on the south-eastern boundary.

RELEVANT HISTORY

The OP80 Calder Park site has previously been the subject of a joint application by Cove Rangers and Aberdeen Football Clubs, which sought detailed planning permission for the construction of football stadium with *'ancillary club facilities, pitch and terracing, indoor sports and community facility, outdoor football facilities including a floodlit all weather pitch, new access and associated car and bus parking'*. That application was approved subject to conditions at the Planning Development Management Committee of 13th January 2012. In the time since that grant of planning permission, the Council has taken control of the land at Calder Park and issued a refusal of Landlord's consent for the redevelopment proposal described above. The planning permission, having not been implemented or commenced within the requisite period, has now expired.

The Loirston Development Framework, adopted as Supplementary Guidance to the Aberdeen Local Development Plan, outlines principles for extensive residential-led development to the south, incorporating the OP77 opportunity site around Loirston Loch. An application for Planning Permission in Principle (ref P130892) was lodged for the development of up to 1067 homes within part of the framework area, and at the Planning Development Management Committee meeting of 16th January 2014 members expressed a willingness to grant planning permission subject to conditions and the conclusion of a suitable legal agreement, securing: affordable housing provision; Strategic Transport Fund contributions; developer contributions relating to library, cultural, education, healthcare and sporting facilities; and financial contributions in lieu of works necessary to mitigate impact on the local roads network. Following conclusion of the necessary legal agreement, consent was issued in July 2015.

Two separate applications have recently been made in respect of car park and drop-off facilities to serve the school (ref P151365), and the formation of earth bunding at the south-eastern edge of the site, adjacent to Wellington Circle (ref P151188).

PROPOSAL

This application seeks detailed planning permission for the construction of a new three-storey secondary school, along with associated sports facilities, hard and soft landscaping, bus drop-off and access road.

The proposed school would have a large catchment area, incorporating all of Aberdeen south of the River Dee, and would serve to replace both Kincorth and Torry Academies, as well as serving the planned new residential development at Loirston. The submitted supporting information highlights that proposed school's capacity would be in the region of 1350 pupils, from S1 to S6. The combined school roll of Kincorth and Torry academies is estimated at 1000 pupils.

Vehicular access to the school campus would be via a single route from Wellington Circle, with a turning circle and bus drop-off bays formed towards the western corner of the site, adjacent to the main pupil access to the building.

The school campus car park, incorporating parent drop-off spaces, is being taken forward under a separate planning application (ref P151365), however 10 motorcycle spaces and the 10 accessible parking spaces would be provided adjacent to the main entrance within the current application site.

The design of the school building itself is based on the concept of a single 'super block', comprising a main teaching block, vocational block and sports block, with triple-height atrium spaces used to draw light into the centre of the building and create a central social space, incorporating dining, breakout teaching space and links to assembly and drama spaces. This built form is intended to be *'as compact as possible, and to avoid the need to have an elongated plan of teaching wings with the necessary institutional corridors'*.

The main block is positioned centrally and laid out across 3 full storeys, with an art studio forming a small 4th floor. The vocational block, to the south-west, is laid out on a single floor with an enclosed courtyard space, and the sports block, to the north-east, is a 2-storey structure incorporating double-height spaces for the swimming pool and gymnasium. There are four distinct points of entry, with the main entrance and community entrance positioned in the south-east elevation; a pupil entrance via the north playground area; and pupil entrances along much of the south-west face of the main block, immediately adjacent to the bus drop-off area.

The submitted Design and Access statement highlights an aim to create a building which can be viewed from all sides, with no 'back' elevation, accessed via a landscaped approach which allows for an interface with the planned new

community at Loirston. The design of external spaces seeks to encourage pupils to remain on site during break and lunch times.

Elevations feature a simple pallet of materials, with main visitor and pupil entrances marked by recessed areas and columns, allowing for shelter in inclement weather. These recessed spaces would be finished with a dark grey concrete block, in contrast to the pale gray/off-white rendered finish applied to much of the main teaching block. The sports facilities block would be clad in a metal cladding with a vertical emphasis. Translucent glazed sections would allow light into the sports block and also give a sense of vertical proportions to what is otherwise a long, low block. Timber panelling would be utilised within glazed areas to soften the material palette.

A 3G artificial and floodlit sports pitch is positioned alongside Redmoss Road and adjacent to the proposed Cove Rangers facilities (not part of this application). In addition a grassed rugby pitch with running track sits adjacent to provide a range of outdoor sports facilities with good links to proposed adjacent community facilities.

The submitted design and access statement makes reference to the importance of the School's role within its local community envisaging that the campus will incorporate facilities that are used extensively out-of-hours by community groups and include provision for high quality sports and performance spaces for use by both the school and the local community.

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=151082>

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

- Ecological Impact Assessment
- Landscaping Proposals
- Flood Risk Assessment
- Design and Access Statement
- Swept Path Analysis
- Construction Noise Assessment
- Traffic Management Plan
- Drainage Assessment

PRE-APPLICATION CONSULTATION

The proposed development was the subject of pre-application consultation between the applicant and the local community between March and June of 2015, as specified in the applicants' Proposal of Application Notice (ref P150217) and as required for applications falling within the category of 'major developments', defined in the relevant 'Hierarchy of Development' Regulations.

That consultation involved a series of drop-in sessions for communities within the proposed school's catchments area, at Torry Academy (31st March), Kincorth Academy (1st April) and the Thistle Altens Hotel, Cove (2nd April), respectively. These were followed up with the public exhibition of the proposals at Torry, Kincorth and Cove Libraries and a final public drop-in consultation event at the Thistle Altens Hotel, Cove.

A public notice, providing details of the consultation events as well as contact details for anyone wishing to submit comments in writing, was placed in the Evening Express on 25 March 2015. A three page news article also appeared in the Evening Express on 26 March 2015.

The main issues raised in these consultation events, as summarised in the submitted Pre-Application Consultation report, were as follows;

- Transport / Access to School - in particular safe use of Wellington Road by pupils living in Torry and safe crossing of Wellington Road by pupils living in Cove.
- Teaching Facilities – comments from staff at Torry Academy and Kincorth Academy about the provision of space within the building. Many pupils and parents commented positively on the proposed facilities, in particular the sports facilities, and appreciated the vast improvement over the two schools being replaced.
- Capacity - Parents were concerned that the school may not be able to accommodate pupils moving to new housing being built and being planned for the local area.
- Consultation Communication - A number of parents commented that they had not been told about the Consultation and had heard about the drop-in session by word of mouth.

The submitted PAC report highlights that, as a result of comments received, changes have been made to the internal layout of the administration area; the library and storage facilities have been incorporated into an enlarged community entrance and a separate storage building has been omitted; and additional ICT teaching areas have been provided.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee for the following reasons:

- The local Nigg Community Council has submitted a representation which, though not objecting to the principle of the development, raises a number of concerns regarding its impact, and has therefore been treated as a letter of objection;

- The Scottish Environment Protection Agency (SEPA), in its capacity as a statutory consultee, has stated an objection to the proposal;
- More than 5 letters of objection have been received from other sources.

Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management- No objection to the proposal, provided that the some identified matters can be addressed:

- Note the school's capacity of 1,350 pupils and 160 staff.
- Note that a new footway would be provided along the north side of the new school access road, along with various other improvements to pedestrian links and a new controlled pedestrian crossing on Wellington Road, south of Souter Head Roundabout.
- Note provision for covered and secure cycle parking adjacent to the school entrance.
- Note that car parking is contained within a separate application.
- Note that a priority 'T' junction will be required at the junction of the new car park (separate application) and the proposed new access road.
- Development traffic would have a significant traffic impact at 2 junctions; Wellington Circle (south) and Souter Head roundabouts. Wellington Circle has sufficient capacity during peak periods to accommodate the additional traffic, however development traffic would exacerbate queues and delays at Souter Head roundabout. Mitigation of this impact will be required, and the approach taken with other developments in the area has been for the applicants to be responsible for designing a hypothetical mitigation scheme, which is costed and a contribution paid accordingly. That contribution would then be put towards a wider improvement in the area, rather than each development making piecemeal improvements to the junction.
- Based on the submitted Travel Plan framework, conditions should be attached to any consent to secure the following:
 - A 3.0m wide shared foot/cycle path on the north side of the new access road between Wellington Circle and the school, connecting to the cycle parking adjacent to the main entrances;

- Access to the bus teardrop shall be restricted to buses and service vehicles only. Access arrangements will be gated to ensure the route is not obstructed;
 - Provision of traffic calming and formal pedestrian crossing points on the new access road, to enable safe access between the new school and adjacent car parking;
 - Upgrading of the core path between Boyd Orr Avenue and Redmoss Road with lighting and a new surface;
 - Provision of a formalised path between West Tullos Road and Abbotswell Crescent;
 - Provision of a controlled pedestrian/cyclist crossing (“toucan”) on Wellington Road, just south of Souter Head Roundabout;
 - Further improvements shall be made to the existing network of foot/cycle paths adjacent to Langdykes Road;
 - An uncontrolled pedestrian crossing shall be provided on Wellington Circle;
 - Part-time 20mph speed restrictions shall be implemented on Wellington Circle (South) and on a section of Redmoss Road;
- A Travel Plan condition shall also be required, to ensure that travel planning is ongoing to support alternative modes of transport to the private car. The Travel Plan will need to be developed to identify specific aims, objectives and targets. Further infrastructure improvements may also be required in future, to promote links between the adjacent residential development and the new school.
 - A drainage impact assessment in line with SUDS principles has been submitted for the development. A condition would be required regarding implementation of the proposed sustainable urban drainage system;
 - Note that the development is exempt from providing any contribution to the Strategic Transport Fund;
 - The proposed school access road shall be designed to Aberdeen City Council standards. The development may be subject to a 2-stage Roads Construction Consent procedure, under the Roads (Scotland) Act Section 21, so the applicants need to discuss this matter with Roads Projects in further detail.

Environmental Health – No objection. Conditions are recommended in relation to noise, floodlighting, refuse storage, provision of litter bins, and timing of deliveries/uplifts.

Noise

The submitted construction Noise Impact Assessment (NIA) report is comprehensive and Environmental Health colleagues concur that it is unlikely that there will be a significant noise impact to nearby residential properties. It is noted, however, that this NIA relates to the construction of the school only, and does not give consideration to noise generated from the school when it is operational e.g. noise of heating, ventilation, deliveries, alarms etc.

Working hours

It is noted also that the submitted NIA refers to construction times which do not mirror the acceptable working hours on construction sites recommended in Aberdeen City. Acceptable working hours for noisy works are:

- Monday to Friday 07:00 – 19:00 hrs
- Saturday 09:00 – 16:00 hrs
- Sunday – No noisy work audible at the site boundary

Exceptions may be made to these hours only with prior agreement with the Pollution Section.

Lighting

Information has been provided in relation to the lighting layout for the 3G pitch. This advises that the system will comply with the ILP 'Guidance notes for the reduction of obtrusive light 2011' and 'Lighting Guide 4 – 'Sports Lighting''. In addition, the applicant has advised on the lighting layout plan that the floodlighting proposed has been assessed using the design guidance outlined in CIBSE Lighting Guide LG4 for a class II installation for large ball sports.

It is recommended that conditions are attached and in relation to the following matters:

1. Floodlighting should be so angled and be of a power that will reduce/eliminate any potential light pollution escape out with the perimeter of the area proposed for use;
2. That a suitable and sufficient bulk refuse storage facility be provided by the school to the satisfaction of this Service. This area should be suitably gullied and provided with a wash-down facility and any refuse generated is stored within this facility until the time of uplift.
3. A sufficient number of suitable litterbins are provided in the immediate area out with the premises in order to allow school pupils the opportunity to dispose of their litter responsibly.

4. That service deliveries/uplifts to and from the premises be restricted to occur only between the hours of 07:00 – 19:00 Monday to Saturday and 10:00 – 16:00 Sundays;

In addition to the aforementioned conditions, it is requested that advisory notes are added to any consent as follows:

i. In order to protect residents of the surrounding properties from any potential noise nuisance from the proposed building works, construction should not occur:

[a] out with the hours of 0700 –1900 hours, Monday-Friday inclusive;

[b] out with the hours of 0800-1600 hours on Saturdays; and

[c] at any time on Sundays, except for works inaudible out with the application site boundary.

ii. For further guidance on controlling light nuisance associated with flood lighting, it is advised that the applicant also refers to the following reference materials:

a) Guidance to accompany the Statutory Nuisance Provisions of the Public Health etc. (Scotland) Act 2008 – Appendix 2 – Technical Guidance on light Nuisance – Section 5: Sports Facilities; and

b) Handbook on Sports and Recreational Building Design – Volume 1 – Outdoor Sports, Part IV–Ancillary Work - Section 18 – Floodlighting.

iii. Any common/car parking areas should be provided with suitable and adequate lighting to ensure public safety.

Developer Obligations Team – Assessment identifies an impact on the existing Core Paths network, and therefore a financial contribution towards the upgrading of Core Path 83 is required.

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

Scottish Environment Protection Agency – Object to the proposal at present, based on a lack of information. Require submission of additional information regarding flood risk, peat disturbance and surface water drainage. SEPA will review this objection if the issues detailed in Sections 1 – 3 of their response are adequately addressed.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases.

Separate from their outstanding objection on flooding and peat remediation, SEPA also recommend that various conditions are attached to any consent

granted, and if those are not to be applied then their representation should be treated as an objection.

Scottish Natural Heritage – No observations.

Aberdeenshire Council - No observations.

Police Scotland Architectural Liaison Officer (ALO) – No objection. Makes the following observations:

- Notes that the general layout of the site is good from a Crime Prevention Through Environmental Design (CEPTED) perspective;
- Recommends the use of different road surface treatments in different areas of the development;
- Footpaths should be straight, wide and well-lit;
- Any planting should not impede the opportunity for natural surveillance;
- Seating areas should be in areas with a high level of natural surveillance;
- CCTV should be considered;
- White lighting of uniform spread is preferred, and should complement any CCTV system;
- Building recesses exceeding 600mm should be avoided where possible;
- Consideration should be given to the use of toughened glass for ground floor or easily accessible windows;
- Unless kept within a lockable cycle store, it is always recommended that cycle parking is positioned as close to the main entrance as possible;
- Notes that external stores can be targeted by vandals, and these should be sited at least 10m away from buildings, with steps taken to discourage unauthorised access;
- Applicants are encouraged to attain the 'Secured By Design' award.

Community Council – Nigg Community Council has submitted a response which, though stating that it has no objection to the proposal in principle, states a number of 'serious concerns' in relation to the matters summarised below. For the purposes of consideration against the Council's scheme of delegation, this response has been treated as an objection.

- Access. It is understood that Torry Academy pupils may be transported to the new school campus by bus, however it is not known who will be liable for the costs.
- Pedestrian/pupil safety. Concerns are expressed about pupils having to cross Wellington Road, which carries a high volume of traffic and suffers from associated air quality issues. It is noted also that peak periods for traffic coincide with the times of journeys to and from school, and that the proposed school would be accessed through an area which is predominantly industrial, with associated heavy vehicle movements.

- Increased traffic along Wellington Road arising from other consented projects (housing at Loirston; Gypsy Traveller site; IKEA on Wellington Circle; and football stadium for Cove Rangers), the Aberdeen Western Peripheral Route (AWPR) and the proposed harbour development at Nigg Bay and Waste Transfer Plant at Altens East and incinerator at East Tullos respectively.

REPRESENTATIONS

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

- Timing of the application's submission – coincides with school holidays;
- Insufficient time allowed for representations;
- Access from Wellington Circle (south) does not show any link to the Loirston development, to the south. As currently proposed, this would prevent access to the proposed Gypsy Traveller site and football stadium;
- The proposal does not demonstrate due regard for the Loirston Development Framework supplementary guidance.
- The proposal provides no opportunity for vehicles to turn if the school gates were to be closed.
- Noise from existing commercial operations may cause disturbance during the school day – notes that no assessment of existing noise levels appears to have been undertaken.
- Disruption to commercial traffic using Wellington Circle at school drop-off and collection times
- Reference is made in the submissions to potential future expansion, however it is considered that there is insufficient detail relating to any extension;
- Validity of assumptions used in Transport Assessment is queried.
- Significant increase in pedestrian traffic along Wellington Road and Wellington Circle, which lie within an Air Quality Management Area and carry a high level of HGV traffic.
- Existing public transport services from the Torry area are considered to be insufficient, and a dedicated school bus service should be provided;
- If there is no free bus service available to pupils, it is likely that a high proportion will have no option but to walk along what is considered to be an unsuitable route;
- Highlights that children will be likely to take the shortest (and less safe) route, rather than the route promoted as being safest;
- The school would be 2-3 miles from the Torry community, requiring pupils to make long journeys on foot or incur expense in bus travel;
- Questions the closure of existing academies;
- States that the site has been chosen primarily based on its ownership and asset management benefits, rather than for any benefits to the affected communities;
- No reference is made to on-site renewables or rainwater harvesting etc;
- Will the gate shown onto Redmoor Road be accessible to the general public outwith school hours to access community facilities?;

- Notes the absence of dedicated community meeting rooms with IT facilities;
- Queries how the existing watercourse will be managed in order to ensure safety;
- Notes absence of any SUDS pond on plans – will provision be made within the school site?;
- The playground is not considered to be sufficient for a school with capacity for 1350 pupils;
- Notes the presence of a flat roof and queries whether measures will be put in place to discourage birds;
- Access road should have a footpath on both sides, not only one as shown;
- Notes the potential for the school car park to be used as overspill from the proposed Gypsy Traveller Site;
- States that speed cushions should be installed on the south side of Wellington Circle;
- A bridge or an underpass should be constructed across Wellington Road;
- An existing route at Old Farm Road should be resurfaced and lit up to Whitehills Close prior to occupation of the school;
- States that paths towards the school from Langdykes Road and towards the proposed toucan crossing are not suitable for both cyclists and pedestrians, and will require widening/upgrading;
- Notes that the pavements on Wellington Circle are not wide enough to accommodate pedestrians and cyclists;
- States that a controlled crossing should be provided between the petrol filling station and Burger King, along with traffic lights controlling traffic exiting Wellington Circle onto Souter Head roundabout;

PLANNING POLICY

National Policy and Guidance

Creating Places

Scotland's policy statement on architecture and place sets out the comprehensive value which good design can deliver. Advising that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy.

The six qualities of successful places are set out as:

- distinctive;
- safe and pleasant;
- easy to move around;
- welcoming;
- adaptable; and
- resource efficient.

These guiding principles continue to underpin the Scottish Government's approach to delivering good places.

Designing Streets

Designing Streets is the first policy statement in Scotland for street design and marks a change in the emphasis of guidance on street design towards place-making and away from a system focused upon the dominance of motor vehicles. It has been created to support the Scottish Government's place-making agenda and is intended to sit alongside Designing Places.

Scottish Planning Policy (SPP)

SPP is the statement of Scottish Government policy on land use planning, and includes the Government's core principles for the operation of the planning system and concise subject planning policies. The principal policies relating to sustainability and placemaking are relevant to assessment of this proposal, along with subject policies relating to Valuing the Natural Environment; and Promoting Sustainable Transport and Active Travel.

Para. 205 of SPP relates specifically to peat and other carbon-rich soils, stating that where these are present, applicants should assess the likely effects of development on carbon dioxide emissions. Where peatland is drained or otherwise disturbed, there is liable to be a release of CO₂ to the atmosphere. Developments should aim to minimise this release.

Aberdeen City and Shire Strategic Development Plan (SDP) 2014

The SDP sets out the following key objectives for the growth of the City and Aberdeenshire:

Population growth – To increase the population of the city region and achieve a balanced age range to help maintain and improve people's quality of life.

Quality of the environment - To make sure new development maintains and improves the region's important built, natural and cultural assets.

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

Accessibility - To make sure that all new development contributes towards reducing the need to travel and encourages people to walk, cycle or use public transport by making these attractive choices.

Aberdeen Local Development Plan

Policy LR1 (Land Release Policy)

Opportunity Site OP80: Calder Park is zoned under Policy LR1 as an opportunity for a new stadium and sports facilities, associated with Cove Rangers.

Policy I1 (Infrastructure Delivery and Developer Contributions)

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

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

Policy T2 (Managing the Transport Impact of Development)

New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Guidance. Planning conditions and/or legal agreements may be imposed to bind the targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review. Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

Policy D1 (Architecture and Placemaking)

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

Policy D3 (Sustainable and Active Travel)

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

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

Policy D6 (Landscape)

Development will not be acceptable unless it avoids: significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct 'sense of place' which point to being either in or around Aberdeen or a particular part of it; disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them; 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 NE5 (Trees and Woodlands)

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

Policy NE6 (Flooding and Drainage)

Where more than 10 homes or greater than 100m² floorspace is proposed, the developer will be required to submit a Drainage Impact Assessment. Surface water drainage associated with development must: be the most appropriate available in terms of SUDS; and avoid flooding and pollution both during and after construction.

NE8 (Natural Heritage)

1. Applicants should submit supporting evidence for any development that may have an adverse effect on a protected species demonstrating both the need for the development and that a full range of possible alternative courses of action has been properly examined and none found to acceptably meet the need identified.
2. An ecological assessment will be required for a development proposal on or likely to affect a nearby designated site or where there is evidence to suggest that a habitat or species of importance (including those identified in the UK and Local Biodiversity Action Plans) exists on the site.
3. No development will be permitted unless steps are taken to mitigate negative development impacts. All proposals that are likely to have a significant effect on the River Dee SAC will require an appropriate assessment which will include the assessment of a detailed construction method statement addressing possible impacts on Atlantic Salmon, Freshwater Pearl Mussel and Otter. Development proposals will only be approved where the appropriate assessment demonstrates that there will be no adverse affect on site integrity, except in situations of overriding public interest.
4. Natural heritage beyond the confines of designated sites should be protected and enhanced.
5. Where feasible, steps to prevent further fragmentation or isolation of habitats must be sought and opportunities to restore links which have been broken will be taken.
6. Measures will be taken, in proportion to the opportunities available, to enhance biodiversity through the creation and restoration of habitats and, where possible, incorporating existing habitats.

7. There will be a presumption against excessive engineering and culverting; natural treatments of floodplains and other water storage features will be preferred wherever possible; there will be a requirement to restore existing culverted or canalised water bodies where this is possible; and the inclusion of SUDS. Natural buffer strips will be created for the protection and enhancement of water bodies, including lochs, ponds, wetlands, rivers, tributaries, estuaries and the sea. Supplementary Guidance will be developed on buffer strips.

Policy NE9 (Access and Informal Recreation)

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

Policy R6 - Waste Management Requirements for New Development

Recycling facilities should be provided in all new superstores or large supermarkets and in other developments where appropriate. Details of storage facilities and means of collection must be included as part of any planning application for development which would generate waste.

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

Policy R7 (Low and Zero Carbon Buildings)

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

Supplementary Guidance

The following Supplementary Guidance documents are of relevance to the assessment of this application:

- Loirston Development Framework
- Buffer Strips
- LZC Buildings
- Infrastructure and Developer contributions manual
- Transport and Accessibility
- Trees and Woodlands
- Waste Management

Other Relevant Material Considerations

It should be underlined that the Loirston Development Framework, noted above, sets out the key aspirations and principles specific to the development of this area, and that Development Framework was adopted by Aberdeen City Council as Supplementary Guidance to the Aberdeen Local Development Plan, giving the document the same status as the policies contained within the plan in the

decision-making process. As such, members should consider carefully the relationship between the current proposal and the principles and vision set out in the Development Framework.

PAN 82: Local Authority Interest Developments

Emphasises the need to recognise the distinction between consideration of a planning proposal and any separate corporate decision to support development, and underlines the requirement for the planning authority to carry out a thorough assessment and reach a decision in accordance with the development plan unless material considerations indicate otherwise. The authority's corporate decision to support the development must not take precedence over the need for a proper and fair planning assessment; nor should the authority's wish to proceed to a certain timetable.

Proposed Aberdeen Local Development Plan

The following policies substantively reiterate relevant policies in the adopted local development plan –

- LR1 (Land Release Policy)
- Policy CF2 (New Community Facilities)
- Policy D1 (Quality Placemaking by Design)
- Policy D2 (Landscape)
- Policy I1 (Infrastructure Delivery and Planning Obligations)
- Policy NE5 (Trees and Woodlands)
- Policy T2 (Managing the Transport Impact of Development)
- Policy NE6 (Flooding, Drainage and Water Quality)
- Policy T3 (Sustainable and Active Travel)
- Policy NE8 (Natural Heritage)
- Policy NE9 (Access and Informal Recreation)
- Policy H3 (Density)
- Policy R6 (Waste Management Requirements for New Developments)
- Policy R7 (Low and Zero Carbon Buildings and Water Efficiency)

Newly introduced policies of relevance from the Proposed Plan are –

Policy T5 (Noise) – In cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required.

Development within or near to Candidate Noise Management Areas (CNMAs) and Candidate Quiet Areas (CQAs) will not be permitted where this is likely to contribute to a significant increase in exposure to noise or a deterioration of noise

conditions in these areas, or where this will reduce the size of, or cause an increase in the noise level within, the CQA.

Policy CI1 (Digital Infrastructure) – All new residential and commercial development will be expected to have access to modern, up-to-date high-speed communications infrastructure.

The Calder Park site is identified as Opportunity Site OP61 in the Proposed Plan. Its opportunity site designation differs from that of the extant Local Development Plan, in that it makes specific reference to the potential for the site to accommodate a new 'City South Academy' and other compatible uses.

EVALUATION

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

Development Plan zoning and Principle of Development

The application site lies within an area zoned as part of the OP80 (Calder Park and Redmoss) opportunity site in the Aberdeen Local Development Plan (ALDP). Policy LR1, relating to the release of land for new development, highlights that any development which would jeopardise the full provision of any housing or employment land allocation will be refused. In this case, the OP80 designation refers to an opportunity for the development of a new stadium and sports facilities, associated with Cove Rangers Football Club. As this opportunity site designation does not relate directly to the delivery of any housing or employment land allocations, there is no direct conflict with the provisions of policy LR1 (Land Release). It is notable also that the Proposed Aberdeen Local Development Plan identifies the Calder Park site (OP61 in Proposed Plan) as '*a site for a new City South Academy and other compatible uses*'. The designation notes that developers will be required to provide a Flood Risk Assessment in support of any development proposals, however the principle is supported. On the basis of these factors, it is considered that the principle of a secondary school in this location does not result in any particular conflict with the settlement strategy outlined in the extant Local Development Plan, would not prejudice delivery of any housing or employment land allocation contained within the extant plan, and is expressly supported by the Proposed Plan.

The Strategic Development Plan recognises that development in Strategic Growth Areas (of which the City is one) will bring about a significant need for "*new and improved infrastructure, including new or extended primary and secondary schools*" (para.3.9), and notes that all four strategic growth areas should focus on "*creating sustainable mixed communities with the services, facilities and infrastructure necessary for the 21st century*" (para.3.13). This proposal for the siting of a new school, incorporating modern facilities, represents an improvement on the existing secondary education infrastructure for the south

of the city, and is considered to be consistent with the aims stated in the Strategic Development Plan.

Loirston Development Framework

The Loirston Development Framework, adopted as supplementary guidance to the extant Local Development Plan, was prepared against in the context of some uncertainty regarding the future development of the Calder Park site. The LDF refers to the Council's decision to issue a refusal of landlord's consent in relation to the consented Cove Rangers development, which has now lapsed, however much of the work undertaken in the development of the framework had assumed implementation of that scheme. Section 5.13 of the framework identifies the Calder Park site as forming part of a 'sports and buffer landscape', highlighting the scope for integration and shared facilities between the proposed sports facilities and 'any educational facilities which are determined to be delivered within the site'. Whilst the delivery of a secondary school in this location was not envisaged by the Loirston Development Framework, the Council's decision to refuse landlord's consent and thereby facilitate implementation of the Cove Rangers proposal which influenced the development of the LDF means that a degree of conflict with the framework is inevitable. Reference is made in representations to a concern that the proposed development would prevent access to the proposed Gypsy Traveller site and football stadium, however it should be borne in mind that it is not necessary for any development to be designed around other consented schemes, but rather to ensure that any LDP allocations are not precluded in principle. It is recognised that both the Gypsy Traveller Site and the current secondary school propose to take access from Wellington Circle (south) via differing arrangements, and it may be the case that one or other of the proposals will require a degree of modification, however it is not considered that the planning authority could reasonably resist an otherwise acceptable proposal on the basis that it would require amendment to another scheme. This proposal for a secondary school on part of the OP80 Calder Park site is therefore not considered to prejudice delivery of the wider OP77 Loirston residential allocation.

Accessibility

SPP promotes sustainable development which reduces the need to travel and encourages the provision of '*safe and convenient opportunities for walking and cycling for both active travel and recreation*' and seeks to facilitate travel by public transport. The location of the proposed school would result in longer travel distances for pupils from Kincorth, Torry and Tullos, whilst those from Cove and from consented developments at Loirston and Cove would have shorter distances to travel. The majority of pupils will be within 3 miles of the proposed new school, with those from Torry travelling furthest. The submitted Transport Assessment highlights that Wellington Road is not considered a suitable route to the proposed new school, recognising its high traffic volumes, including significant HGV traffic, busy junctions to side roads, and potential issues relating to existing air quality. The preferred route from Torry, via Abbotswell Road and Abbotswell Crescent has been assessed as meeting the standards required of a safe route for walking to school route. In order to support safe access to the school from within its catchment, a range of measures are proposed in the

submitted Transport Assessment, as detailed in the Roads Development Management Team's response, above.

Vehicle Access

The site will be served by a single vehicular access from Wellington Circle. A 'teardrop' turning point would be located towards the western corner of the site, allowing buses to turn and drop off pupils at the 5 dedicated bus drop-off bays immediately adjacent to the main pupil entrance, which would avoid any requirement for those travelling by bus to enter the school building without having to cross any roads.

Car traffic would utilise the same access point to the site, but would be directed to a separate car park and drop-off area which is the subject of a separate application (ref P151365). This arrangement should ensure that conflict between pedestrians and vehicle traffic is minimised.

Pedestrian and Cycle Access

The proposal makes provision for those travelling on foot or by cycle to access the site via two entrances. These are via the footpath/cycle path on the northern side of the main access road from Wellington Circle or via a separate pedestrian/cycle only access from Redmoss Road. The Redmoss Road access leads directly into the school playground, with no road crossing required, except for the internal service access road. From the Wellington Circle access, there is a single road crossing within the site, across the shared surface route serving 10 accessible parking spaces. Sheltered cycle parking would be located conveniently adjacent to pupil entrances, though Roads Development Management colleagues have highlighted that the provision is some 19 cycle spaces short of the level recommended in the Council's Transport and Accessibility supplementary guidance. It is considered that there is sufficient scope to accommodate additional provision within the site, and it is considered reasonable that this be addressed through a condition attached to any consent.

The submitted Transport Assessment includes recommendations for improvements to the local road and path networks in the surrounding area. These are detailed in the Roads Development Management Team's response, and will include the provision of new footpath/cycle routes, the improvement of existing routes (including Core Paths), appropriate traffic calming along the new vehicle access, and provision of new pedestrian crossings at Wellington Road ('toucan') and Wellington Circle (uncontrolled crossing).

The identified improvements to road and footpath networks can be secured through the use of appropriately worded conditions. This also applies to the implementation of the approved scheme of surface water drainage. Matters relating to the Roads Construction Consent process need not be secured through the granting of planning permission, and indeed it would not be appropriate for planning conditions to replicate requirements of other regulatory regimes. These measures would contribute towards minimising and mitigating the transport impact of the development, and promoting sustainable travel through providing new and improved routes suitable for cycling and walking. Taking these matters

into account, it is considered that the proposal would accord with the provisions of policies T2 (Managing the Transport Impact of Development), D3 (Sustainable and Active Travel) and NE9 (Access and Informal Recreation) of the ALDP.

Deliveries and servicing

Service and delivery vehicles would access the site in the same manner as buses, via the access off Wellington Circle, before branching off from the bus turning point onto a dedicated service access zone. Service vehicles would be able to turn within the north playground. The on-site energy centre would also be accessed via this route.

Construction phase access

The submitted Traffic Management Plan sets out that, during the construction phase, access would be taken exclusively from Wellington Circle (south), with no access taken from the northern end of Wellington Circle or from Redmoor Road.

Natural Heritage and peat disturbance

The Council's Buffer Strips supplementary guidance relates to areas of vegetation maintained around water bodies for the purposes of protecting and promoting biodiversity and in improving water quality and run-off. Such buffer strips should be proportional to the size of the water body, and it is likely that a buffer strip of 6m width would be required in this instance. It is noted, however, that the site boundary incorporates only that part of the watercourse which would be culverted to form the new road access to the site. The degree of culverting required to form the new access is not 'excessive' for the purposes of assessment against policy NE8, and is restricted to that which is necessary to form the site access.

SPP notes that the disturbance or drainage of peatlands or other carbon-rich soils is likely to result in a release of CO₂ to the atmosphere, and that developments should aim to minimise that release. SEPA's consultation response recognises that efforts have been made to minimise the extent of peat disturbance through the arrangement of the site, however the volume of material to be removed from the site and the need to dry out the peat lead SEPA to conclude that these proposals would not be consentable under the relevant regulatory regimes. On that basis, SEPA maintains its objection to the proposal until a solution which would be consentable under those regimes is proposed. It is recommended that all efforts are made to investigate options for the re-use of this material on-site or, failing that, options for off-site use which are within the requirements of the relevant Waste Management Licensing (Scotland) Regulations or Pollution Prevention and Control (Scotland) Regulations. As there are separate licensing regimes relating to the disturbance of peat, it is considered that this might reasonably be addressed through the use of a suspensive condition, prohibiting any commencement of works until such time as a scheme for the management of peat found within the site has been submitted and agreed in consultation with SEPA as the relevant government agency. Taking account of these matters, it is considered that, subject to further agreement in relation to certain matters, the proposed development would not result in any significant

adverse impact on natural heritage, and would accord with policy NE8 (Natural Heritage) of the ALDP.

Impact on Trees and Landscape

The site is largely free from existing mature trees. There is a thick grove of densely planted conifers at the western corner of the site, adjacent to Redmoss Road, however these are sited well away from the main area of works. The submitted design statement notes that the few existing trees present will be 'retained where possible', and this position is reinforced by the submitted landscaping plan. Given the location of the existing trees relative to the proposed works, it is considered likely that there would be no significant impact as a result of the proposed development, however it would be prudent to require the submission of a scheme detailing measures for the protection of those existing trees during construction. New tree planting would be undertaken using native species. 'Avenue' planting would be laid out along the school frontage and low level planting in raised planters would be located along the north-eastern façade of the building. A new tree belt would also be planted along the south-western boundary to provide a strong screen from the west, and colour would be introduced to the landscape through the use of bulbs and foliage. A large area of wildflower meadow is proposed to the south-eastern part of the site, intended for informal active play. Taking account of these points, it is considered that the proposal would not result on any material loss of or damage to established trees, nor any adverse impact on landscape character or 'sense of place'. The proposal is therefore considered to accord with the provisions of policies NE5 (Trees and Woodlands) and D6 (Landscape) of the ALDP.

Noise

A Construction Noise Assessment has been submitted as part of the current proposal. This assessment concludes that noise due to construction activities would be below the relevant thresholds, and whilst a change in the existing noise level is likely to occur at the nearest residential property during the construction phase, the effects are not likely to be significant. It is noted that the assessment undertaken is based on a worst case scenario, assuming all construction activities are undertaken concurrently and in practice will not always reflect construction activity noise levels occurring. The response received from Environmental Health notes that the applicants specify hours of work which are not recommended, however such matters are principally controlled by Environmental Health legislation, rather than through the planning system. For that reason, it is recommended that an advisory note, rather than a condition, is noted on any consent in relation to hours of work.

Based on the findings of the construction noise assessment, it is not considered that there would be any significant adverse impact arising from construction noise. It is noted that no assessment of noise arising from the site has been submitted as part of this proposal, however a secondary school in this location is considered to be complementary in general terms to the allocation of land to the south-west for residential purposes. Given the degree of separation between proposed new residential development and the school building, the nature of likely noise sources and the hours at which noise is likely to occur, it is

considered that noise nuisance is unlikely, and if adverse impact is identified through assessment, it could in all probability be appropriately mitigated. Based on these factors, it is not considered that there are any noise issues that would preclude development of a secondary school in this location, and that a condition requiring submission of a noise assessment for further agreement and requiring the implementation of any identified mitigation measures prior to occupation can adequately address any remaining concerns.

Floodlighting

Comments from the Council's Environmental Health officers note that the floodlighting proposed for the 3G sports pitch has been designed with due regard for the relevant standards, aimed at minimising spillage from the site. Nevertheless, it is recommended that a condition is used to require that the floodlighting be so angled and be of a power that will reduce/eliminate any potential light pollution escaping outwith the perimeter of the area proposed for use. With officers' recognition that lighting has been designed in compliance with relevant standards, and given that Environmental Health would have separate regulatory powers to take action in the event of any light pollution giving rise to a statutory nuisance, it is not considered that a condition to this effect would satisfy the relevant tests for conditions in respect of relevance to planning and necessity.

Design and placemaking

As the site would be accessed from both sides, it is an appropriate response to present a designed frontage to both. The proposal is required to incorporate a wide range of teaching, vocational, sports and performance spaces, and manages to do so quite successfully in a single building, comprising three distinct and readily identifiable parts. The school building would make use of natural light and potential for passive solar gain, and it is understood that internal teaching spaces have been designed so as to allow flexibility to respond to the changing demands over time – not being suitable only for a particular purpose.

The proportions and cumulative scale of the building are recognised, with efforts made to introduce a degree of vertical emphasis through the regular positioning of windows, use of shadow gaps to break up long horizontal sections, and use of timber linings around windows to assist in softening the overall appearance and break up overall massing. Translucent panels with vertical proportions would be used in lieu of standard windows in the sports block, intended to allow it to act as a 'beacon' for community users after hours, and the building would be readily distinguished from the main block by its metallic cladding.

The school building would be accessed via a landscaped approach from Wellington Circle (south), with new tree planting in the foreground of the vocational block helping to soften the appearance of the building and accessible car parking and bulb planting in the grassland between the school and its south-eastern boundary introducing colour. A new tree planting belt along the south-western boundary providing a buffer to the planned new residential development at Loirston. Taking account of these factors, it is considered that the proposal has been designed with due regard for its context, and would make a positive contribution to its setting, as required by policy D1 (Architecture and

Placemaking) of the ALDP. The component blocks each have their own distinct identity, and would be principally accessed via a welcoming landscaped approach. The internal spaces, as noted above, have been designed to be adaptable in order to allow flexibility in teaching accommodation, and in being designed to take advantage of passive solar gain and opportunities for natural light, the building is resource efficient. The response from Police Scotland's Architectural Liaison Officer indicates that the proposal is generally well-considered from a crime prevention perspective. Footpaths are straight and direct, and appropriate lighting can be secured. Areas of external seating are located immediately adjacent to the teaching block and benefit from extensive natural surveillance due to the upper floor windows and prominent siting at the main pupil entrance. Cycle parking is conveniently located adjacent to building entrances. These factors indicate that the proposal would possess the six qualities of a successful place, as described in 'Creating Places', Scotland's policy statement on architecture and place.

Drainage and Flood Risk Assessment

A Flood Risk Assessment and Drainage Assessment have been submitted in support of this application. The submitted Drainage Assessment indicates that foul drainage from the school site will discharge into the existing foul sewer. Surface water from the eastern half of the site will drain to a cellular storage tank beneath the rugby pitch, with water from the western portion of the site draining to a similar cellular storage tank within an area of open space to the south-west of the school building, adjacent to the access road. Before discharging to these storage tanks, runoff would filter through stone filled filter trenches. The tanks would subsequently discharge surface water into the existing watercourse at a controlled rate, which would not exceed the greenfield runoff value.

SEPA's consultations response welcomes the submission of a Flood Risk Assessment relating to the burn running along the boundary of the site, however the flow estimates within that assessment differ considerably from SEPA's own assessments. Though SEPA note that the burn is likely to be able to contain peak flows, this uncertainly obliges them to maintain an objection to the proposal until such time as further information relating to flow estimation is provided. Should the planning authority be minded to grant planning permission where SEPA, in its capacity as a government agency, has stated its objection on flooding grounds, the application must be notified to the Scottish Government, as set out in the Town and Country Planning (Notification of Applications) Direction 2009. Upon notification to the Scottish Government, Ministers would have the opportunity to call-in the application for determination.

SEPA also notes that a new culvert is proposed where the new access road for the school would cross the existing watercourse. In the event that the aforementioned uncertainty regarding flow levels has been resolved, SEPA would intend that the specification of the proposed culvert would be controlled through use of a condition.

In the event of blockage at existing downstream culvert, it is noted that water would flow overland to the north-east. The flood level at the point of overland flow

is stated to be approximately 80.5mAOD, with the lowest ground levels on site being less than this, at 80.25mAOD. In light of this, SEPA also recommends that a condition be applied in relation to finished floor levels of the ground floor being at least 82.25m above ordnance datum(AOD). As the finished floor level within the school is anticipated to be around 82.25mAOD, significantly in excess of the recommended 600mm freeboard, this would ensure that any potential overland flow or groundwater flooding would not affect the school building. It is noted that lower lying parts of the site, such as the playing fields, may be at risk of high groundwater levels, however it is acknowledged that SEPA's Land Use Vulnerability Guidance recognises playing fields as a 'water-compatible' use, and therefore flood risk mitigation is not required.

SEPA's response further notes that part of the site is identified by the SEPA Flood Map as being at risk of surface water flooding, and recommends that comments be sought from the local authority flooding team. The Council's flooding team is consulted on all planning applications, and has indicated that it has no observations to make in relation to this proposal.

Based on the location of buildings relative to the watercourse in question, the degree of freeboard designed into floor levels, SEPA's general acceptance that the watercourse is in all likelihood capable of accommodating peak flows, and the applicants' intimation that further positive dialogue with SEPA has led to submission of further information which is anticipated to resolve the outstanding objection ahead of the October committee meeting date, it is considered that there is sufficient comfort that the matter can be satisfactorily addressed, and that proposals will be compliant with policy NE6 (Flooding and Drainage) of the ALDP.

Refuse and recycling

Provision for refuse storage/recycling would be made within a separate contained store, located adjacent to the north-west site boundary and accessed via the service route described previously. This location would be accessible to refuse vehicles, with provision made for turning within the playground area to the north of the main block. The provision made is considered to comply with the requirements of Policy R6 (Waste Management Requirements for New Development) of the ALDP and the associated Waste Management supplementary guidance.

Developer Obligations

In addition to the various local transportation improvements identified through consultation with the Council's Roads Development Management team, the Developer Obligations team has carried out an assessment of the proposal. It should be noted that planning authorities are entitled to require developer obligations for specific purposes only where there is a clear justification, based on the impacts of a proposed development. In this instance, the proposal would contribute towards an increased cumulative impact on the surrounding Core Paths network, and contributions are required towards the upgrading of Core Path 83, which would be used by pupils walking to the proposed school. By securing payment of the necessary contributions and upgrading of the local road

network, based on impacts arising from the development, the proposal would accord with the provisions of Policy I1 (Infrastructure Delivery and Developer Contributions) of the ALDP and the associated Infrastructure and Developer Contributions Manual supplementary guidance.

Low and Zero Carbon Buildings

No specific details of the manner in which the proposed new buildings would demonstrate accordance with the Council's policy and guidance on reducing carbon emissions have been provided, however such submissions can be secured via an appropriately worded condition should members resolve to grant planning permission. This approach can ensure compliance with policy R7 (Low and Zero Carbon Buildings) and the associated supplementary guidance. It is noted that compliance can be achieved either through on-site provision of sustainable sources of energy generation or via exceptional energy efficiency within the envelope of the building itself.

Matters raised in representations

Turning to the issues raised in letters of representation, those relating to the proposal's relationship to the Loirston Development Framework and the proposed Gypsy Traveller Site and Aberdeen Football Club stadium have been addressed earlier in this report. Similarly, matters relating to noise, traffic impact, vehicle access, pedestrian access (including community access to the campus and its facilities), drainage

The timing of pre-application events was agreed with the planning authority in advance via statutory pre-application consultation processes, and it is notable that the representation period was extended significantly beyond the requisite statutory period.

The decision to close the existing Kincorth and Torry academies is a corporate decision taken by the Council, and is not under consideration as part of the planning authority's assessment of this proposal. Similarly, the Council's motivation in selecting this site is not a relevant planning consideration, with assessment of the proposal to be based on its merits. It is noted that there is no direct reference to on-site generation of renewable energy or rainwater harvesting, however on-site generation is not the sole means of demonstrating compliance with the Council's Low and Zero Carbon supplementary guidance. As noted previously in this report, further information can be secured through use of a condition. Rainwater harvesting is not a mandatory requirement under the extant Local Development Plan. Whilst there is such a requirement under the Proposed Plan, the absence of any such measures in the current proposal is not considered to be of sufficient weight to warrant refusal.

The potential for school parking facilities to be utilised by the Gypsy Traveller community as overspill from the planned Gypsy Traveller Site is not considered to be directly relevant to this application, as parking for the school is proposed via a separate application, ref P151365. Nevertheless, it is noted that this issue relates to the management of the car parking provision, rather than addressing any impact arising from the development itself. In the event that parking areas

were to be occupied for any purpose not relating to the school, it would be for the Council to consider what action to take as landowner.

Whilst the applicants make reference to potential future expansion of the facilities, this application is concerned only with the school as proposed at this time. Any further expansion would be considered on its merits via a separate application at a later date. It is acknowledged that no dedicated accommodation has been identified for use by community groups, however it is understood that the school layout and internal accommodation has been designed to be as flexible as possible, and arrangements for the use of the facilities by community groups would principally be a matter for the school's management.

The submitted Transport Assessment notes that Aberdeen City policy relating to maximum walking distance to school stands at 3 miles for secondary pupils, and that the proposed campus is within the requisite 3 miles for almost all pupils in the new catchment. With the improvements identified in the Transport Assessment, and detailed in the Roads Development Management Team's response, it is considered that the school would be

The existence of an Air Quality Management Area on Wellington Road is acknowledged, and this has contributed towards the Transport Assessment recommending Abbotswell Road and Abbotswell Crescent as the preferred route for those walking or cycling from Torry. That route has been assessed as meeting the standards required of a safe walking to school route. Matters relating to the provision of free bus travel is a matter for the Education Authority, based on the requirements of relevant legislation on the matter, however the Transport Assessment notes that the Council does make provision for bus travel to Kincorth Academy for those living in Cove, albeit not free of charge, despite it being within the 3m threshold, and notes that the Education Authority may opt to extend a similar service to those travelling to the new school from the Torry area. Again, that is not a matter for consideration in assessing this application. Extensive comment is made in relation to the transport network improvements which are considered necessary, however the submitted Transport Assessment identifies measures which have been accepted by the Council's Roads Development Management Team as providing an appropriate level of accessibility to the proposed new school.

Management of access to the existing watercourse is a matter for the landowner, and it is not considered necessary from a planning perspective to enclose or otherwise restrict access via any physical barrier.

The development plan makes no specific requirements in relation to the area of playground to be provided as part of a new school, however the proposal makes extensive provision for indoor and outdoor sporting facilities, along with outdoor play space in the playground and the grassland area to the south-east of the school.

It is noted that the proposed school building would have a large flat roof, and it would therefore be reasonable to require submission of a Bird Hazard

Management Plan, in order that appropriate measures are implemented to discourage large numbers of birds from congregating on the roof, creating a potential risk to air traffic.

Matters raised by Community Council

The planning authority's assessment is primarily concerned with the relative accessibility of the site, including by public transport. Whether or not any bus services are provided free of charge is a matter for the Council in its role as Education Authority, and will not be determined via the planning authority's consideration of this application for planning permission. Matters relating to the relative accessibility of the site have been addressed previously in this report. As noted in the foregoing representations section of this report, measures have been identified and secured to ensure that access from within the school catchment areas is of a standard sufficient to class them as safe routes to school. Increased traffic arising from other consented developments is noted, and committed developments have been taken into account in the submitted Transport Assessment.

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, it has previously been noted that the Proposed Plan specifically identifies the Calder Park site (OP61) as the preferred location for '*a new City South Academy and other compatible uses*'. In this respect, the Proposed Plan lends weight to the principle of a secondary school in this location. Besides that zoning, the applicable policies of the Proposed Plan are not fundamentally different from the extant plan, insofar as relevant to assessment of this proposal.

Conclusion

In summary, the general principle of a secondary school on this site would not preclude development of adjoining Local Development Plan allocations, and given the weight now afforded to the allocation made in the Proposed Plan and the changing circumstances since the allocation of the OP80 site for sporting facilities in the 2012 plan, it is considered that the proposal would broadly accord with the provisions of the existing plan, and would be expressly supported by the Proposed Plan. Impact arising from the development can be adequately mitigated through improvements to the affected junction, and measures to ensure

that the site is appropriately accessible by sustainable travel from within its catchments can be secured via conditions. SEPA's objection based on concerns relating to peak flow of the adjacent watercourse and the measures proposed in relation to on-site peat are noted, however it is felt that the positive outcome of recent discussions and the general acceptance that these matters can be addressed satisfactorily provide significant comfort that the proposal can proceed with a recommendation to approve, with the detail to be agreed via further submissions. It is anticipated that agreement may be reached prior to the committee meeting, which would remove the requirement for notification to Scottish Ministers, however if that is not the case, it is still considered that suspensive conditions would provide sufficient control. Matters raised by the local community council and by those making representations are noted, and have been discussed in the body of this report, however none of the issues raised has been considered to be of sufficient weight to warrant refusal.

RECOMMENDATION

Willingness to approve subject to conditions and the conclusion of an appropriate agreement to secure developer contributions in relation to the upgrading of Core Path 83 and subject to the requisite notification to Scottish Ministers

REASONS FOR RECOMMENDATION

The principle of a secondary school in this location, though not expressly supported by the allocation of this site in the extant Aberdeen Local Development Plan (ALDP), is recognised in the Proposed Plan, which is a material consideration of some weight at this stage. The development opportunity identified by the OP80 designation has little realistic prospect of being delivered, and it is not considered that this proposal would preclude delivery of the wider Loirston Development Framework outwith the Calder Park (OP80) site. In this context, it is considered that the allocation in the Proposed Plan is of significant weight in assessment of this proposal, and it is concluded that the proposal is consistent with the aims of policy LR1 (Land Release).

The proposed secondary school would provide a comprehensive range of educational, sporting and community facilities within a modern school campus which would be made appropriately accessible through improvements to the surrounding road and path networks.

By securing necessary improvements to the junctions affected by the proposed development, and making provision for sustainable travel to the new school campus, the proposal is considered to demonstrate that sufficient measures have been taken to minimise the traffic generated by the development, in accordance with policy T2 (Managing the Transport Impact of Development) and the associated Transport and Accessibility supplementary guidance. An appropriately worded condition will secure delivery of compliant car parking on land controlled by the applicants. Longer trips to the school site from the Torry Area are balanced against existing trips made from the Cove area, and on balance it is

considered that the proposal would be sufficiently accessible by means other than private car. The school site would be permeable, with improvements secured to existing pedestrian routes, including Core Path 83. The proposal is therefore considered to accord with the provisions of Policies D3 (Sustainable and Active Travel) and NE9 (Access and Informal Recreation) of the ALDP.

Facilities are contained within a compact form, which takes advantage of opportunities to benefit from passive solar gain and natural lighting, and which has been designed to present considered elevations to a number of faces, reflecting its location relative to existing and planned communities. The campus would be principally accessed via an attractive landscaped approach, with existing trees protected and provision made for new tree planting and landscaping, in accordance with Policies NE5 (Trees and Woodlands) and D6 (Landscape), and the associated Trees and Woodlands supplementary guidance.

The school's design presents a well-considered hierarchy of elevations, in response to its dual points of access and highlights entry points to encourage wayfinding. Vocational and sports blocks have their own identity, distinguishing them from the main teaching block, and it is considered that the proposal complies with policy D1 (Architecture and Placemaking) of the ALDP and demonstrates the six qualities of successful places outlined in Creating Places.

It is stated that the building would be particularly resource efficient, however its environmental performance and compliance with policy R7 (Low and Zero Carbon Buildings) and the associated supplementary guidance will be secured through use of a condition requiring further submissions. Similarly, further approval of refuse and recycling storage can establish compliance with policy R6 Waste Management and associated supplementary guidance.

Whilst the outstanding objection from SEPA in relation to flood risk and peat disturbance is noted, it is considered that there is sufficient comfort that these matters can be addressed through suspensive conditions, and should not preclude the granting of planning permission. By securing appropriate proposals for addressing these matters, compliance with policies NE6 (Drainage) and NE8 (Natural Heritage) of the ALDP, along with Scottish Planning Policy, can be ensured.

CONDITIONS

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

(1) that the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon

Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

(2) that no part of the development hereby approved shall be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

(3) that no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development (including material samples) 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 no development shall take place unless a scheme for external lighting has been submitted to and approved in writing by the Planning Authority, and thereafter implemented in full accordance with said scheme - in the interest of public safety.

(5) that the development hereby approved shall not be occupied unless a scheme demonstrating proposals for car, motorcycle and cycle parking to serve the development, and which benefits from any necessary grant of planning permission, has been submitted to and agreed in writing by the planning authority, and that the agreed provision has been laid out and made available for use. Such areas shall thereafter remain available for use during the School's hours of operation - in the interests of public safety and the free flow of traffic.

(6) That the development hereby approved shall not be brought into use unless a scheme detailing the following access improvements has been submitted and agreed in writing by the planning authority, and subsequently implemented in full prior to occupation - in the interests of road safety and the free flow of traffic.

(a) Provision of a 3m wide shared foot/cycle path along the new school access road from Wellington Circle;

(b) Upgrading of core path 82 between Boyd Orr Ave and Redmoss Road with lighting and a new surface;

- (c) Provision of formalised path between West Tullos Road and Abbotswell Crescent;
- (d) Further improvements to paths adjacent to Langdykes Road
- (e) Provision of an uncontrolled pedestrian crossing on Wellington Circle (south);
- (f) Provision of a controlled pedestrian/cyclist crossing ("toucan") on Wellington Road, just south of Souter Head Roundabout;
- (g) Provision of traffic calming and formal pedestrian crossing points on the new access road, to enable safe access between the new school and adjacent car parking.
- (h) Provision for the pedestrianisation of a section of Redmoss Road between the existing residential dwellings and the nature reserve by use of closed gate, retractable bollards or similar at either side. This scheme should include provision for the formation of turning heads at both restricted access points to allow for vehicles to turn, with access being permitted only for emergency vehicles and for an existing farm that will have keys for either the gates or bollards. The route will be re-surfaced where required, lit and provision made for a foot/cycleway to be created along its length to ensure that a safe route to school link is made.

(7) The the development hereby authorised shall not be brought into use unless the a scheme for the provision of part-time 20mph limits on Wellington Circle (South) and on a section of Redmoss Road prior to occupation (or such other timescale as may be agreed) has been submitted to and agreed in writing by the planning authority. Any such scheme will involve all administrative costs relating to the implementation of 20mph limits being met by the developer - in the interests of pedestrian safety.

(8) 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, in consultation with SEPA, 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.

(9) that no development shall be commenced unless a scheme detailing proposals to mitigate development impact on Souter Head roundabout has been submitted and agreed in writing by the planning authority. Thereafter, the approved development shall not be brought into use unless the approved proposal has been implemented in full, or a

financial contribution based on the cost of the agreed works has been made to the Council, to be put towards a wider scheme which will mitigate that development impact - in order to ensure that the impact of development traffic on the Souter Head roundabout will be appropriately mitigated.

(10) that no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

(11) that the development hereby approved shall not be occupied 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.

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

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

(14) that any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British

Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied - in order to preserve the character and visual amenity of the area.

(15) that no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.

(16) That the development shall not be brought into use unless there has been submitted to, and approved in writing by, the planning authority details of the availability of the school and opening of the grounds for use by the public. The school and grounds shall be available in accordance with such details as so approved unless otherwise agreed in writing with the planning authority - in the interests of the provision of recreational and community facilities to the public.

(17) The no development shall be undertaken unless a scheme detailing that the new watercourse crossing has been designed to pass the 1000 year design flow and will include an appropriate freeboard to the culvert soffit has been submitted to and agreed in writing by the planning authority, in consultation with SEPA. Thereafter, no part of the development shall be brought into use or occupied unless the culvert has been fully implemented in accordance with the details so agreed - in order to ensure that the site is not at risk of flooding from the adjacent watercourse.

(18) The development hereby approved shall not be occupied unless finished floor levels of the ground floor are 82.25m Above Ordnance Datum (AOD) or above - in order that the school building is not at risk of flooding from the adjacent watercourse.

(19) No development shall be undertaken unless a site specific construction environmental management has been submitted and approved in writing by the planning authority [in consultation with SEPA]. Thereafter all work shall be carried out in accordance with the approved plan unless otherwise approved in writing by the planning authority (in consultation with SEPA) - in order to control potential pollution of air, land and water.

(20) That no development shall be undertaken unless a scheme for the management of the existing peat material on site has been submitted to and agreed in writing by the planning authority, in consultation with SEPA. Thereafter, all development shall be undertaken in accordance with the agreed scheme, unless otherwise agreed in writing by the

planning authority, in consultation with SEPA - in order to minimise the potential for the release of CO₂ as a result of peat disturbance.

(21) that the use hereby granted planning permission shall not take place unless provision has been made within the application site for litter disposal and, if appropriate, recycling facilities 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.

(22) that the building hereby granted planning permission shall not be brought into use unless an assessment of noise sources within the development site has been submitted to and approved in writing by the planning authority in consultation with Environmental Health colleagues, unless the planning authority has given prior written approval for a variation - in order to preserve the amenity of existing and future residential properties.

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

(24) Development shall not commence until a bird hazard management plan has been submitted to and approved in writing by the planning authority. The submitted plan shall include details of measures to discourage birds from utilising the large expanse of flat roof and thereafter the agreed measures shall be implemented in full - to avoid endangering the safe movement of aircraft and the operation of Aberdeen Airport through the attraction of birds.

INFORMATIVES

ADVISORY NOTES FOR THE ATTENTION OF THE APPLICANT

NOTE 1: Hours of work

It is recommended that no construction or demolition work should take place:

- (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;
- (b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or

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

NOTE 2: Servicing Hours

That service deliveries/uplifts to and from the premises be restricted to occur only between the hours of 07:00 - 19:00 Monday to Saturday and 10:00 - 16:00 Sundays;

NOTE 3: Lighting

For further guidance on controlling light nuisance associated with flood lighting, it is advised that the applicant also refers to the following reference materials:

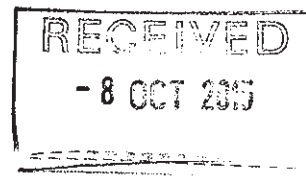
a) Guidance to accompany the Statutory Nuisance Provisions of the Public Health etc. (Scotland) Act 2008 - Appendix 2 - Technical Guidance on light Nuisance - Section 5: Sports Facilities; and

b) Handbook on Sports and Recreational Building Design - Volume 1 - Outdoor Sports, Part IV-Ancillary Work - Section 18 - Floodlighting.

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

A B E R D E E N

Gavin Evans
Aberdeen City Council
Enterprise Planning & Infrastructure
Business Hub 4
Marischal College
Broad Street
Aberdeen



Date:- 1st October 2015

Ref. **Planning Application 151082** - Calder Park, Redmoss.
Proposed 3 storey secondary school with associated sports facilities, floodlit 3G pitch, hard and soft landscaping, car parking, bus drop off and access road.

Dear Gavin,

I write, to forward the views of Nigg Community Council in respect of the above application.

Firstly, I must state, that although Nigg CC have no objections to the application in principal, we wish to make known, our serious concerns on other matters relating to, and in conjunction with, this application.

Safety - our most serious concern, – how do pupils get to and from the school safely. ???

Access :-

During pre-planning consultation sessions, it was intimated that the children from Torry (who are furthest from the proposed school) are to be transported to and from the new school, by bus – this has never been confirmed in writing.

Who will pay for the buses. ??? If buses are provided, will they be subsidised, or fully paid for by ACC, or are parents expected to contribute towards the provision of these school buses. ???

Torry is termed as a deprived area, therefore we can assume, that any costs being levied on parents towards providing subsidise buses, will put additional financial pressure on all families currently on low or fixed incomes.

Please reply to -

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

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

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

Supporting documents suggest, 80% of the pupils will walk or cycle to school, but, is it acceptable, to have pupils walk or cycle (up to 3 miles from the furthest point), up a long steep hill, cross Wellington Road, (one of the busiest and most polluted main roads in the city), to get to and from school. ??? Practical walking trials by groups, (one stopped by police, being deemed unsafe), confirmed this could add an additional 1hr travelling time before and after school – in all weathers.

In addition to crossing Wellington Road, the pupils who walk / cycle from Torry will be likely to cross West Tullos Road, (another very busy dual carriageway) before crossing Abbotswell Crescent to gain passage onto Redmoss Road along which, is a proposed school access.

Recent studies by ACC, have shown that during peak periods, up to 700 vehicles per hr. use the West Tullos Road / Redmoss Road / Abbotswell Crescent junction.

Exactly the same time, pupils would be going to, or leaving school.

Pupils from Cove and Altens, will also face similar problems as those from Torry, as they too, will have to cross the very busy (A956) Wellington Road, in order to gain access to the proposed new school.

Pupils from Kincorth / Leggart, will face safe access problems, with those in Leggart, being the most challenging, by having to cross the A90 (Stonehaven Road), close to one of the cities busiest traffic hot spots – **“The Bridge of Dee”** junction. **BOTH** the Kincorth and Leggart pupils would also have to navigate around farmland, where fields with livestock, separate these communities from the proposed new school.

It should also be noted, that the selected site, is situated in the middle of a busy industrial area, with narrow, and at times dangerous access.

Currently, planning consent has been granted for a **“Travellers Halting Site”** to the East of the school, and a new **football stadium** for Cove Rangers (with training pitches to be shared with the school) to the North, with outline permission, for **1067 houses** to be built on land to the South of the school. More imminently, IKEA and a supermarket, are set to occupy part of the MAKRO building, (on Wellington Circle), which is on the main access road to the proposed new school.

All of these will impact on traffic volume within the immediate area.

Comment should be noted, re. the ongoing construction of the AWPR which is due for completion in 2017. As Wellington Road is the direct link between the AWPR and the harbour, the projected increase in traffic volume, will significantly increase the dangers for both pedestrians and cyclists.

“Aberdeen Harbour Board” are currently holding consultation events, to inform the public of their intention to create a New Harbour at Nigg Bay. A new harbour, would require a new access road to link Nigg Bay to Wellington Road. This again, would lead to increased traffic volume, with additional dangers for pedestrians and cyclists particularly from HGV vehicles.

ACC have indicated their intention to build a “Waste Transfer Plant” (at Altens East), and an “Incinerator” (in East Tullos), both of which, are seen likely to process waste from the “City”, “Shire” and “Moray”. This would result in a significant increase in HGV movements on Wellington Road, again increasing the potential dangers to pedestrians and cyclists.

At this time, no comment has been made, on the possible additional dangers, for pupils who need to make alternate arrangements to get home, after participating in after school activities.

We respectfully request, that you accept and acknowledge, that all of the above points, are serious material facts, which need to be investigated, and addressed, prior to determining the application.

“The safety of our children and the environment”.

Yours faithfully,



Alan Strachan chair
(for and on behalf of Nigg CC)

cc. Cllr's. N. Cooney / A. Finlayson / S. Flynn

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 12 August 2015 09:49
To: PI
Subject: Planning Comment for 151082

Comment for Planning Application 151082

Name : Walker Road Parent Council
Address : c/o Lesley-Anne Yeats
182 Oscar Road
ABERDEEN
AB11 8EJ


Type:

Comment : Response from Walker Road Parent Council on the detailed planning application for the proposed secondary school at Bobby Calder Park.

To Whom It May Concern

On behalf of Walker Road Parent Council we would like to submit some points of concern, observations and generally areas that need a great deal more clarification in terms of the new academy which is to replace Torry Academy and Kincorth Academy at Bobby Calder Park.

Firstly, we would like to express our dissatisfaction that the detailed planning process has taken place during the school holidays making it impossible for us as a parent council to gauge parental input. We are particularly concerned that the detailed Transport Assessment has only become available as part of the detailed planning process and was not made available to parents prior to this stage ie. through the pre-planning process.

As parents of children in Torry, our main concerns lie within the transport and accessibility issues that the new school presents to us. Point 4.6.11 of the Transport assessment confirms that: "despite there being a recommended safe walking route to the proposed school campus site, it may be unreasonable to expect the estimated 400 pupils travelling from Torry/Tullos to have no other option than to walk, which may take up to an hour each way. It then explains in point 4.6.13 that Pupils from Torry will therefore also benefit from the option of being able to use a bus service to the proposed school campus site, albeit one for which pupils are required to pay towards. It goes on to explain that Aberdeen City Council have still to confirm details of what this entails, however we feel that this is a very important consideration of the planning process and should have been developed and communicated in more detail to allow a true representation.

We feel that the use of the existing public transport services is not an option that should be considered and would ask that there are assurances given that the children transported by bus from Torry will be done so by using a dedicated school bus service. Table 5.1 shows the existing and proposed mode share with Torry Academy moving from 87.2% of children that walk to the existing Torry Academy dropping to 4.6% for the new school. However we find this very difficult to assume that these figures are accurate when there are no assurances in terms of the bus service. If the bus service is a free dedicated bus service then it is very likely the majority of children from Torry will use the bus, however if it is not the number of children who will have no option but to walk will rise significantly above 4.6%.

We also have grave concerns about the safe walking route from Torry: we have reviewed the proposed route and feel that although measures can be taken to promote this route, the likelihood that children will take the shortest route from Torry, ie. from the bottom to the top of Wellington Road, is inevitable.

In terms of the new schools; future travel plan, we have obvious concerns about attaining a target of children from Torry participating in national campaigns including Bike Week and Walk to School Week (Point 7.5.4) Will the 400 children travelling from Torry be excluded from these initiatives?

We have copied this letter to Euan Cooperwhite at Aberdeen City Council as we feel that these points need further urgent clarification. We have submitted these concerns to you however as we believe they do impact on the planning process; it is virtually impossible to gauge the complete impact of more than 400 children travelling from Torry to the new campus when there are gaping holes within the proposed transport procedures.

Yours sincerely

Walker Road Parent Council.

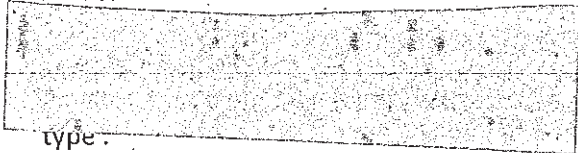
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P&SD Letters of Representation		
Application Number: 151082-		
RECEIVED 12 AUG 2015		
Nor	Soj <input checked="" type="checkbox"/>	MAP
Case Officer Initials: CEE		
Date Acknowledged: 17/08/2015		

From: webmaster@aberdeencity.gov.uk
Sent: 06 August 2015 11:49
To: PI
Subject: Planning Comment for 151082

Comment for Planning Application 151082

Name : Katherine Brooker
Address : Royal Mail Group
c/o DTZ
Central Square
Forth Street
Newcastle upon Tyne
NE1 3PJ



Comment : DTZ acts for Royal Mail Group (RMG) in the objection to the above planning application (151082) to site a school at Calder Park, Redmoss. Please accept the below as the representation to the application on behalf of RMG.

Background to Royal Mail Group (RMG)

Royal Mail is the UK's designated Universal Postal Service Provider, supporting customers, businesses and communities across the country. This means it is the only company to have a statutory duty to collect and deliver letters six days a week (and packets five days a week) at an affordable and geographically uniform price to every address in the UK. Royal Mail's services are regulated by Ofcom. It also operates Parcelforce Worldwide which is a parcels carrier.

Please note that Royal Mail and the Post Office are separate companies. Royal Mail is the company that delivers parcels and letters; the provider of the universal postal service. The Post Office is the nationwide network of branches offering a range of postal, Government and financial services. The Post Office remains in government ownership, whereas Royal Mail is a public listed company.

The United Kingdom letter post business was fully liberalised in January 2006 and Royal Mail operates in a highly competitive market place. Royal Mail is continually seeking to find ways to improve the efficiency of its business, anticipate its customers' needs and respond flexibly to changes in communications technology.

Representation

Having reviewed the planning application at Calder Park, Redmoss, Aberdeen, RMG has two main concerns: noise from the existing commercial operations during the school day; and, disruption to commercial traffic at school drop-off and pick-up times on Wellington Circle South.

The noise issue does not seem to have been considered at this stage by the applicant as there is no noise assessment of the operational background noise and its impact on the school. DTZ has tried to contact the planning officer to enquire whether the relevant officers of the council have commented yet on this matter.

Application information in respect of the latter issue is contained in the Transport Assessment documents submitted with the application. Having reviewed the information, DTZ would comment as follows:

The proposal includes the closure of 2 existing schools and combination of the catchments to form a larger catchment for the proposed facility. There will be 1350 pupils and 160 staff at the school. The application assumes

that the same proportion of pupils will walk to school at the proposed school as do so in the existing case. Various other assumptions are also made about the number of staff who will take public transport to work. The case is made that the proposed facility will provide parking to Aberdeen policy standard numbers, and that almost all pupils are within the statutory walking distance of the school. It also states that future bus services will be provided following the completion of the committed Loirston development (apparently unrelated in terms of delivery) is built to the south of the proposed school.

We would query the validity of the assumptions in terms of how pupils will get to school, given that they are based on behaviours within existing much smaller catchments. Paragraph 4.6.11 of the Transport Assessment acknowledges that it is unreasonable to assume that to walk is the only option from Torry/Tulloch as it would take the approx. 400 pupils concerned 1 hour to walk to school.

We would also query whether a policy position in respect of parking (less than policy in terms of cycle parking) is justifiable given the commercial nature of the surrounding land use and the disruption and safety concerns around any parking that is likely to arise on the roadside outside the school at peak school activity times (in the middle of the operational day) given there is only proposed to be 35 drop off spaces provided within the school grounds for a stated 105 pupil drops (and likely to be in excess of that given changes in the catchment size). It is also assumed that not all 160 staff will drive. We would query how likely this? If all staff do drive, there will be no visitor parking etc.

It is acknowledged in 4.7.9 that the proposals will result in significant intensification of pedestrian use of Wellington Circle through the industrial estate. Notwithstanding the fact that this is an air quality management area, such intensification of use is of concern in terms of safety etc given the also acknowledged high level of HGV traffic using the access.

Further, mention is made in the application of the need for future expansion of the school to accommodate the demand from the Loirston development. Accommodation of this expansion on site needs to be fully explained within the application.

The application contains insufficient information and assurance that commercial operations will not be disrupted, and that pedestrian routes through the commercial areas are acceptable in terms of human health and safety for the siting of a school.

I would be grateful for the opportunity to discuss the above matters with the planning officer as soon as possible.

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P&SD Letters of Representation		
Application Number: 151082		
RECEIVED - 7 AUG 2015		
Nor	So ✓	MAP
Case Officer Initials: CEE		
Date Acknowledged: 10/08/2015		



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

24 July 2015

Ref: mc647/312269

Dear Sir/Madam

Letter of Objection to Planning Application P151082 – Proposed three storey Secondary School with associated sports facilities, floodlit 3G pitch, hard and soft landscaping, car parking, bus drop off and access road at Calder Park, Redmoss, Aberdeen

I am writing on behalf of my clients Hermiston Securities Limited regarding the above planning application (Reference P151082).

Whilst my clients are fully supportive of the proposed new secondary school in this location we note that the proposed access to the school from Wellington Circle (South) shows no link to the Loirston development to the south and as currently proposed prevents access to the proposed travellers site and potential football stadium. The access takes no account of the planning guidance for the area as set down in the approved Loirston Development Framework Supplementary Guidance. It is also noted that the access as currently proposed provides no opportunity for vehicles to turn if the school gates were to be closed.

My clients therefore object to the proposed access arrangements and ask that they be amended to show access to the south in accordance with the Loirston Development Framework. I would be obliged if you would treat this as a formal objection to planning application P151082. If you require any further information please do not hesitate to contact me.

Yours faithfully


Malcolm Campbell

Associate

malcolm.campbell@knightfrank.com
4 Albert Street, Aberdeen, AB25 1XW


www.knightfrank.co.uk/aberdeen



Cc: Stewart McPhail, Development Director, Hermiston Securities Limited

P&SD Letters of Representation		
Application Number: 151082		
RECEIVED 27 JUL 2015		
Nor	Sou <input checked="" type="checkbox"/>	MAP
Case Officer Initials: GEE		
Date Acknowledged: 29/07/2015		

PI

From: webmaster@aberdeencity.gov.uk
Sent: 14 July 2015 19:27
To: PI
Subject: Planning Comment for 151082

Comment for Planning Application 151082

Name : Alan Strachan
Address : 18, Redmoss Road,
Nigg,
Aberdeen.
AB12 3JN

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Dear sirs,

As chair of Nigg Community Council, I wish to voice our disgust and objection in the strongest terms, regarding the timing of the submission of this application.

During various consultation meetings, many questions were asked and serious safety issues highlighted many of which remain unanswered.

To give notice of such a controversial application at the start of the local "Trades Holiday" (09/07/2015) and that the expiry date for representations is 04/08/2015 is totally unacceptable.

With people on holiday, many will have no knowledge of this application having been submitted leaving little or no time to make representations.

Furthermore, as "Nigg CC" have no meeting in July, we will be unable to discuss, nor gain the views of the Community Council until our next meeting on 13th August.

In view of the above, I respectfully request that the date of expiry for representations be extended by 4 weeks in order that all parties have sufficient time to evaluate the application.

Kind regards,

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

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P&SD Letters of Representation		
Application Number: 151082		
RECEIVED 15 JUL 2015		
Nor	Sou <input checked="" type="checkbox"/>	Map
Case Officer Initials: GEE		
Date Acknowledged: 15/07/2015.		



Mrs C Cowie
Secretary
Kincorth/Leggart Community Council
27 Abbotswell Crescent
Kincorth
ABERDEEN
AB12 5AQ

25 September 2015

Mr P Leonard
Head of Planning and Infrastructure
Aberdeen City Council
Marischal College
Broad Street
ABERDEEN

151082

Dear Mr Leonard

At the meeting of the Kincorth/Leggart Community Council it was agreed that we neither accept nor agree with the planning application for a new Academy in an industrial estate to the south of Aberdeen.

- It is not within the communities it is supposed to service.
- The Communities and Education Departments says it is there to serve the local area yet is sited behind an industrial estate in Nigg.
- The access to the site is unsafe and has no safe direct route.
- From each direction, the major roads to reach this site are dual carriageways and are recognised as not being safe or pollution-free.
- Abbotswell Crescent has a recorded flow of traffic at peak times of over 700 cars an hour (source ACC Roads Department) and is about the most indirect route from Kincorth/Leggart to Nigg.
- It is our strong contention that there are no safe routes to reach this site from Kincorth/Leggart,

Despite promises, parents and schools have never had the courtesy of a formal explanation as to the adoption of sustainable pupil transport from Kincorth/Leggart,

Most of Kincorth/Leggart is over two miles (as the crow flies) from the proposed site, and some streets are just under three miles. It will take at least one hour to reach the site from the far side of and Kincorth/Leggart. This would mean young people (as young as eleven) having to leave home just after 7:30am (in darkness in the winter) to arrive in time for registration by 8:45am, and at the end of the school day, it is another hour to walk home, again arriving home in darkness.

29 SEP 2015

How can any young person be expected to then join in after school activities for a couple of hours, and then arrive home between 6-7pm. There is not even a bus service running from Nigg to Kincorth for out of school activities.

Journeys by bus are supposedly going to be possible but at what cost to families on low wages or fixed incomes? This assumes that there are places on the buses given how busy they are at peak hours. Are these going to be subsidised for families ?

Does this new school have drying rooms for hundreds of young people to be able to change out of wet winter clothing, as they will have to walk if there is no room on the buses ?

Kincorth is a community who have had an academy at their heart for many years. The closure of Kincorth Academy is a major step backward.

This planning application proposal does not add educational or community benefit to Kincorth. Indeed, we consider that it creates problems not solutions for the educational and social needs of our young people and our communities.

The loss of Kincorth Academy means that there would be no need for the school playing fields which, in our opinion would mean that this land would probably be re-designated for development.

It is our opinion, that the planning application should be rejected on the grounds that due to its position there are no safe routes for children attending the proposed new Secondary School from any of the area it is proposed to cover and the Transport Assessment is fundamentally flawed.

The site at Nigg was chosen by asset management and planning rationale and not for educational benefits from the perspective of our communities. Should this planning application be agreed, then it does nothing for a commitment to invest in Kincorth, does nothing for educational achievement as attendance has been prejudiced by this chosen location.

Yours sincerely

Mrs Catherine Cowie
Secretary
Kincorth/Leggart Community Council

P&SD Letters of Representation		
Application Number: 151082.		
RECEIVED 29 SEP 2015		
Nor	Sou ✓	MAp
Case Officer Initials: GEE		
Date Acknowledged: 29/09/2015		

26th August 2015
By letter and e-mail

Maggie Bochel
Head of Planning and Infrastructure
Aberdeen City Council
Marischal College
Broad Street

An Academy in the South of the City (151082)

At the meeting of Torry Community Council held on Thursday 20th August 2015, we unanimously agreed to oppose the planning application for the creation of a new Academy in the south of Aberdeen.

The Location

The site selected is at the back of an industrial estate at the back of Nigg. It is not even a place within the communities the Education Departments says it is there to serve, despite the claim that it will have numerous facilities.

Access to this site – there are no safe routes

From whatever direction, the major roads to reach this site are dual carriageways and are recognised as not being safe or pollution-free. It is our strong contention that there are no safe routes to reach this site from Torry, and the proposed alternative is seriously flawed. For example, Abbotswell Crescent has a recorded flow of traffic at peak times of over 700 cars an hour (source ACC Roads Department) and is about the most indirect route from Torry to Nigg!!

Despite promises, parents and schools have never had the courtesy of a formal reply or explanation as to the adoption of sustainable pupil transport from Torry, and this despite many many requests for some 18 months before this planning application was finally submitted during the middle of the schools holidays. This action alone disenfranchises young people, parents and the schools and cannot be justified by a caring Council!

Most of Torry is over two miles (as the crow flies) from the proposed site, and some streets are just under three miles. It is our estimation, based on a group of parents and community councillors having walked directly up Wellington Road on a quiet Saturday morning one summer day, that about one hour has to be allowed to reach this site from the far side of Torry. This would mean young people (as young as eleven) having to leave home just after 7:30am (in darkness in the winter) to arrive in time for registration by 8:45am, and at the end of the school day, it is another hour to walk home, arriving in darkness. How can any young person be expected to then join in after school activities for a couple of hours, and then arrive home between 6-7pm. Is this reasonable for a caring Council to ask this of young people. Journeys by bus are possible but at what cost to families on low wages or fixed incomes? This assumes that there are places on the buses given how busy there are at peak hours.

Does this new school have drying rooms hundreds of young people to be able to change out of wet winter clothing?

Place-making for communities.

Torry is a community and there has been an academy at its heart for 90 years. The closure of Torry Academy is a major retrograde step towards creating a dormitory settlement which has nothing to do with the status of a priority neighbourhood commitment for regeneration. The loss of Torry Academy means that there would be no need for its school playing fields which, in our opinion would mean that this land could be re-designated for development.

This planning application proposal does not add educational or community benefit to Torry and compounds the chronic overcrowding experienced at our two remaining primary schools. Indeed, we consider that it creates problems not solutions for the educational and social needs of young people and our community.

In our considered opinion, the planning application should be rejected as it is fundamentally flawed, as the site at Nigg was chosen by asset management and planning rationale, and not for educational benefits from the perspective of our community. Should this planning application be agreed, then it does nothing for a commitment to invest in Torry, does nothing for educational achievement as attendance has been prejudiced by this chosen location.

Conclusion

We request rejection of this planning application and a complete re-think of educational needs for the South of the City in consultation with young people, parents, schools and the wider community in each of the four Community Council areas.

Yours sincerely

David Fryer – Secretary
For and On Behalf of Torry Community Council

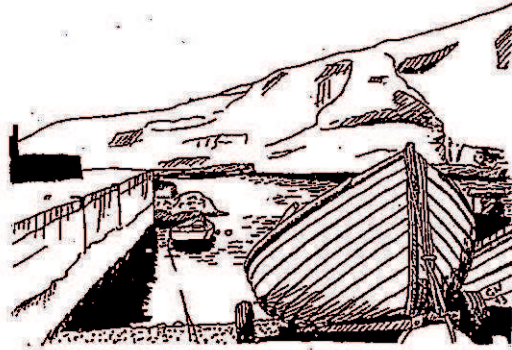
Please follow us on Facebook and Twitter
Cc Daniel Lewis: Development Control Manager

P&SD Letters of Representation		
Application Number:	151082	
RECEIVED	27 AUG 2015	
Nor	Sou <input checked="" type="checkbox"/>	MAp
Case Officer Initials:	G-EE	
Date Acknowledged:	28/8/2015	

COVE AND ALTENS COMMUNITY COUNCIL

Chair: Ms Michele McPartlin
14 Langdykes Way
Cove Bay
Aberdeen
AB12 3HG
[REDACTED]

Secretary: Ms Sue Porter
12 Stoneyhill Terrace
Cove Bay
Aberdeen
AB12 3NE
[REDACTED]



Website www.cove-bay.com

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

Dear Mr Evans,

Cove & Altens Community Council

Planning Application- 151082

Local Authority Reference- 000124863-001

Proposal Description- Proposed three storey secondary school with associated sports facilities, floodlit 3G pitch, hard and soft landscaping, car parking, bus drop off and access road.

Application Type- Detailed Planning Permission

Cove & Altens Community Council (CACC) make the following comments on the above planning application.

We would like to make it clear from the start that whilst CACC do not object to the provision of a Secondary School in this location, we do have reservations on certain aspects of the building, its construction and **STRONGLY** object to the current planned Transport Assessment including Safe Route's to School.

- The School itself is not in an ideal location behind a busy industrial estate however we do appreciate that there is a lack of sites in the area where a building of this size could be accommodated.
- There is no mention of renewable sources of energy such as solar panels, rain water harvesting etc. as part of a new modern building in the 21st Century.
- We observe from the plans that there is to be a gate on Redmoss Road – will this be accessible to general public out of school hours to access the community facilities?
- Community space management- Whilst we applaud the provision of facilities such as a Swimming Pool, Gymnasium, Dance Studio and Sports Hall for Community use within the school, we notice there is a lack of

other facilities which we feel must be provided. Things such as Dedicated Community Meeting rooms, with IT facilities. This will be essential for Community Councils/Community Groups who have been displaced by the other Academies being closed.

- There is an Open Water Course within the site, how will this be managed? It should be fenced off at least to provide safety for pupils and public alike
- There is no mention of a SUDS pond provision within the plans? Will this be sited within the school area?
- We feel that for a school with a maximum roll of 1,350 the playground is not big enough.
- Flat roof - Will seagull prevention measures be installed!?
- There is a Footpath only on one side of the proposed access road. There should be one on either side, with both being wide enough for pedestrians and cyclists.
- Makro, IKEA and a proposed supermarket goods entrance need to be crossed at the roundabout on Wellington Circle (south) along with future Traveller Site Traffic. School Car park for Travellers over spill!! No gate on car park.

Transport Assessment

As far as CACC are concerned the current proposed "Safe Route To School" is not fit for purpose for the children of our Community. We will go into more detail in the points below however we strongly oppose the provision of merely one signalised toucan crossing on Wellington Road and one uncontrolled crossing on Wellington Circle. On Wellington Road, at the very least there should be an underpass or over bridge. We are aware that these cost more than a Toucan crossing but in reality cost should not be a factor when it comes to the lives of Children who will be crossing this major road multiple times a day.

Please see below for further comments on the Transport Assessment as it stands-

4.4.2. Makes note of the fact that currently the roads surrounding both Kincorth and Torry academies have 20mph temporary speed limits and speed cushions. Whilst there is mention later on of a proposed temporary 20mph speed limit around the new school, there is no mention of speed cushions. We feel that these precautionary measures should be replicated around the new school and that speed cushions should be installed at least on the South Side of Wellington Circle.

4.4.5 Wellington Road is proposed to be expanded to three lanes extending from the New Charleston Road North/Balmoral Business Park junction to the Hareness Road roundabout, whilst the Southerhead Roundabout is to be re-aligned into multiple junctions. Which is even more reason to install an over bridge to allow pupils to cross in the safest manner

4.6.5 It is acknowledged that Wellington Road is formally defined as an Air Quality Management Area due to high concentrations of Nitrogen oxygen and particular matter, which will also be present in the industrial area. Children will be increasingly exposed to this by walking to the new school.

4.6.9 The assessment makes note of the City Council's "Guide to School Travel Plans" which highlights the need to ensure the journey to school is "pleasant" as well as safe. Crossing a busy dual and other single carriageways and walking alongside industrial traffic for more than 50% of some children's journey to school cannot be classed as "pleasant".

4.6.10. Note is made of unlit routes to school and Sunrise and sunset times. A key route through Cove which is currently unmade and unlit exists on the Old Farm Road at the Langdykes Road end. Contained in planning application 111305 approval and not yet actioned although the houses have been occupied for over a year now, it must be resurfaced and lit all the way up to Whitehills Close. This route MUST be resurfaced and lit before the School is occupied. It is very dark and dangerous at the moment especially as the school will be opening in late August 2017 when the days will be starting to get shorter.

4.6.12. Any pupils from Cove who wish to use the bus (Service 3) to access the new school will have to get off at the stop which is north of the Shell petrol station and cross the forecourt entrance and then Wellington Circle. Cove children who wish to use the No 3 bus to get to school must be considered. They will also have to cross back over Wellington Road to the bus stop on the other side to catch the bus home.

4.6.14. States that "Walking and cycling routes that already form part of the catchments for existing primary and secondary schools are considered to be appropriate." The current cycle route in Cove ends at the final bus stop heading out of Cove on Langdykes Road and heads up off towards the Thistle Hotel opposite the site of the Hydrogen Refuelling Station. We believe that paths heading towards the new school from Langdykes Road and towards the new proposed toucan crossing are not appropriate for both Cyclists and pedestrians and should be widened/upgraded to a correct standard with white lines separating pedestrian and cyclists. There is also the fact that children from the

northern end of Cove will have to cross 3 junctions. At the newly approved Hydrogen Refuelling Station (In junction shared with the Station and eventually the unfinished Langdykes Avenue and Out junction) and enlarged SSE Power Depot both on Langdykes Road. The pavements in Wellington Circle are also too narrow to accommodate both pedestrians and cyclists.

4.7.2 as above many of these routes in the Southern area of Cove have not yet been finished. Access from the northern end of Cove and Altens should be upgraded as described in 4.6.14

4.7.8. notes that "Wellington Circle (South) is currently accessed on foot/cycle by employees of the businesses and members of the public going to Burger King. It is therefore generally considered to be appropriate with drop kerbs provided at access junctions and an existing un-controlled crossing exists between the Petrol Filling Station and Burger King." There is a big difference between the levels of current pedestrian usage of this crossing and the levels once the school opens. The majority of the current users of Wellington Circle are adults at present. It should not be assumed that this dropped kerb crossing will be suitable for children. Some form of Controlled crossing should be installed between the filling station and Burger King. These should also be tied in to traffic lights which must be provided for cars exiting Wellington Circle on to Souter Head Roundabout before the school is opened.

4.9.1. Notes that the "driven" mode share will be comparable to the current shares for existing Academies at Torry and Kincorth. We believe that this will increase significantly as parents will not want to subject their children to walk along such dangerous routes to get to school.

4.9.2 Teachers' cars will also add a significant amount of vehicles to this road. 160 staff are proposed, all of whom will most likely drive. Despite travel plans, car share etc. etc. the fact of the matter is people like the flexibility of being able to arrive and leave work when they want to.

4.9.4. The car park is grossly undersized. The amounts of drop off spaces are tiny in comparison to the School's capacity. This should be looked at. We have commented in more depth on the car park App no 151365 separately.

6.3.1 We note that several committed developments are mentioned in this section however several are missing for instance:-

- The approved Travellers Site off Wellington Circle roundabout.
- The change in plans to the now approved IKEA & Supermarket & Makro development.
- The approved Hydrogen Refuelling Station on Langdykes Road
- The stub at the Hydrogen Refuelling Station entrance that will also eventually be the exit of the unfinished Langdykes Avenue.
- The New Car Showrooms on Wellington Road.

The IKEA development will add a significant amount of cars to the road compared to that of the previously approved supermarket. IKEA will draw people from the wider communities, eg Inverness and Dundee, where a supermarket would have drawn more local traffic. This should be taken into consideration.

Traffic lights must be installed at the Wellington Circle exit onto Souterhead Roundabout. As things currently stand it is hard to get out of that junction and into the lane to turn right towards Cove and Southwards on Wellington Road. The levels of cars IKEA and the school will add will create chaos here. We understand that Wellington Road is to be redeveloped eventually with the roundabout being replaced by staggered junctions with traffic lights. Unless this is to be completed in time for the school opening, traffic lights should be installed at the Wellington Circle junction. If not and the works go ahead once the school opens, what mitigation is envisaged?

6.4.5 Again as above if the junction improvements and removal of the Souterhead/Wellington Road roundabout is not to be completed before the opening of the school then traffic lights should be installed on this arm of the roundabout to aid safe exit from the junction. Normally it would only be cars dealing with this issue however this time the safety of our children is at stake! These are busy roads, many of which operate over capacity for vehicles. The school travel plan is flawed in it's present state.

Please take note of our points before and explain how these will be actioned/mitigated.

We reiterate that the crossing of Wellington Road, via a toucan crossing is totally inadequate. A bridge or an underpass at this area MUST be provided.

Yours sincerely,

Scott Lawrie
Planning Officer
For and on behalf of Cove and Altens Community Council

P&SD Letters of Representation		
Application Number:		
RECEIVED 29 SEP 2015		
Nor	Sou	MAP
Case Officer Initials:		
Date Acknowledged:		

P&SD Letters of Representation		
Application Number: 151082		
RECEIVED 29 SEP 2015		
Nor	Sou <input checked="" type="checkbox"/>	MAP
Case Officer Initials: GEE		
Date Acknowledged: 29/09/2015		

Our ref: PCS/142528
Your ref: P151082

Gavin Evans
Aberdeen City Council
Planning and Sustainable Development
Business Hub 4, Marischal College
Broad Street
Aberdeen
AB10 1AB

If telephoning ask for:
Cerian Baldwin

30 September 2015

By email only to: cerian.baldwin@sepa.org.uk

Dear Mr Evans

Town and Country Planning (Scotland) Acts

Planning application: P151082

Proposed three storey secondary school with associated sports facilities, floodlit 3G pitch, hard and soft landscaping, car parking, bus drop off and access road. Calder Park, Redmoss

Thank you for your consultation email which SEPA received on 10 September 2015. We welcome the submitted information but unfortunately we require some additional information regarding flood risk, peat disturbance and surface water drainage. We therefore **object** to this planning application on the grounds of lack of information. We will review this objection if the issues detailed in Section 1 - 3 below are adequately addressed. If it should assist we would welcome discussions with the applicant to resolve these issues.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction.

We also ask that the planning **conditions** in Sections 1 and 6 be attached to the consent. If this will not be applied, then please consider this representation as an **objection**.

Advice for the planning authority

1. Flood risk

- 1.1 We have reviewed the information submitted with this consultation and we note that although the site lies outwith the medium likelihood (0.5% annual probability or 1 in 200 year) fluvial flood extent of the SEPA Flood Map, the site lies adjacent to a small watercourse. Therefore we welcome the submission of flood risk assessment by Fairhurst.



Chairman
David Sigsworth
Chief Executive
Terry A'Hearn

Aberdeen Office
Inverdee House, Baxter Street
Torry, Aberdeen AB11 9QA
www.sepa.org.uk

- 1.2 As a school is classified as civil infrastructure in Scottish planning Policy, then we support the proposals within the FRA to assess the risk up to the 1000 year return period. We note that several methods have been used to estimate the peak flow in the East Tullos Burn, but the FEH Rainfall-Runoff method was the most conservative. The FRA states that the estimated 1 in 200 year design flow is 0.94m³/s and the 1 in 1000 year design flow is 1.43m³/s.
- 1.3 We used the Rainfall-Runoff method to verify the flow estimates and found our flow estimates were higher and varied considerably depending on the storm duration estimate. Further information should be provided which clarifies the variables used within the flow estimation.
- 1.4 It is stated that the capacity of the burn is estimated between 4.5m³/s and 15.6m³/s. Therefore it seems likely that even with some uncertainty regarding the flow estimations, the burn will still be able to contain the flows. However given the importance of the buildings and as a precautionary measure, we **object** until the above further details of the flow estimation are provided, and inline with SEPA's Technical Flood Risk Guidance should include sensitivity analysis.
- 1.5 Section 5.1.4 states a new culvert is proposed at the access road for the school. We support proposals that the new crossing should be designed to pass the 1000 year design flow and will include an appropriate freeboard to the culvert soffit. We also support the proposal that in the event of culvert blockage the access road should be designed such that water flows across the access road and returns to the channel rather than being diverted towards existing or proposed buildings. Once we have confirmed the 1 in 1000 year design flow as per our above information request then we are likely to request this culvert size by way of a **condition**.
- 1.6 We are pleased to note that a blockage scenario of the existing downstream culvert has been carried out. It is stated that in the event of capacity exceedance or blockage, the inlet would surcharge until water exceeded the level of the surrounding ground where it would flow overland to the North East. The flood level at the point of overland flow is stated to be about 80.5mAOD. The lowest ground levels at the site are 80.25mAOD, which is lower than the flood level. Although not finalised it is stated that the proposed finished floor levels of the ground floor will be around 82.25mAOD, which is 175cm higher than the estimated flood level and therefore provides more than the recommended 600mm freeboard. Given the likely overland flow we request a **condition** ensuring finished floor levels of the ground floor will be 82.25mAOD or above.
- 1.7 It is also anticipated that any potential overland flow or groundwater flooding will not impact on the school building due to the generous freeboard. It is stated that the lower lying parts of the site, where the proposed playing fields will be located, may be at risk of high groundwater levels. The FRA states that as outdoor sports and recreation areas are considered by SEPA's Land Use Vulnerability Guidance as a water compatible land use then no flood risk mitigation is required, which seems appropriate, but we wish to highlight that the fields are likely to be unusable if waterlogged or flooded.
- 1.8 Part of the site has also been identified by the SEPA Flood Map as being at risk of surface water flooding. Comments regarding this should be sought from the local authority flood risk team.

2. Peat disturbance

- 2.1 Sections 2.3.2 and 2.3.3 of the Project Management Plan refer to the significant disturbance of at least 25 000 m³ of peat (a figure of 55 000 m³ is also mentioned). We note the statement that peat deposits are present across the site and we welcome the attempt to minimise peat disturbance through the design of the site layout.
- 2.2 Unfortunately due to the proposed depths and volume of material proposed to be re-used at Annfield Quarry and the need to dry out the peat, the current proposals are not consentable under the proposed Paragraph 19 exemption under The Waste Management Licensing (Scotland) Regulations 2011 (WML). Instead the proposals need revised and would require a Part A permit under The Pollution Prevention and Control (Scotland) Regulations 2012 (PPC). In addition the re-use of peat in bunds on site is not acceptable except perhaps a very limited use at the toe of some bunds where peat would remain wet.
- 2.3 We therefore **object** until a solution which would be consentable under regulatory regimes is proposed. In order to address our concerns we need to ascertain how best the materials can be re-used on site and then what options are available to re-use the materials off site but within the requirements of WML or PPC.
- 2.4 As a first step the following information should be submitted:
- a) A detailed map of peat depths (this must be to full depth) with all the built elements (including temporary peat storage areas) overlain so it can clearly be seen how the development avoids areas of deep peat. Please note that any soils or peat stored for greater than 3 years will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012 (PPC 2012).
 - b) A table which details the quantities of acrotelmic, catotelmic and amorphous peat which will be excavated for each element and where it will be re-used on site and the volume and what is required to be re-used off site. Details of the proposed widths and depths of any peat to be re-used and how it will be kept wet must be included.
 - c) The use of peat in bunds is unlikely to be acceptable except perhaps a very limited use at the toe of some bunds where peat would remain wet. The proposed bund design needs to be revised to show how the peat will be kept wet and if this is not achievable and alternate use for this peat identified. A map showing the location and dimensions of the proposed bund including the depth and width of peat should be submitted. Unless it is demonstrated that the use of peat will be for ecological benefit then it is unlikely to be consentable under The Waste Management Licensing (Scotland) Regulations 2011.
- 2.5 Given the above difficulties, it maybe that an alternate use for the peat can be found on site. For example the creation of a wetland habitat may be a useful educational tool for the school. Useful guidance can be found in [Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and Minimisation of Waste](#) and our [Regulatory Position Statement – Developments on Peat](#). Please do not hesitate to send in draft proposals if you are unclear on any of the above information requirements.
- 2.6 Once we have reviewed this information, we may then seek a meeting with the applicant to

discuss possible options and identify the best environmental option for the peat.

3. Surface water drainage

- 3.1 The proposals in the Drainage Impact Assessment dated 1 June 2015 are generally acceptable except Page 5 states that the access road and the bus turning area will be treated by a series of filter trenches before discharging into the cellular Storage Tank. These areas require two levels of treatment and the storage tank does not constitute a level of treatment. We **object** unless the DIA and associated plans are revised to demonstrate how these areas will receive two levels of treatment.
- 3.2 We have not considered the water quantity aspect of this scheme as this is outwith our remit. Comments from Scottish Water, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on any water quantity issues.

4. Waste water drainage

- 4.1 It is proposed to connect to the public sewer and therefore we have **no objection** to this proposal.

5. Watercourse Crossing

- 5.1 The proposed watercourse crossing is likely to be consentable under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) and therefore we have no objection to this element of the proposal.

6. Pollution prevention

- 6.1 We welcome the submitted Construction Management Procedures and Project Management Plan. Some of proposed measures relate to works which will be regulated by us. However, many of the works will not be regulated by us and need to be covered by condition. Therefore, we request that a **condition** is attached to the consent requiring the submission of a site specific construction environmental management plan. If this is not attached, then please consider this representation as an **objection**. To assist, the following wording is suggested:

At least two (2) months prior to the commencement of any works, a site specific construction environmental management must be submitted for the written approval of the planning authority [in consultation with SEPA] [and other agencies such as SNH as appropriate] and all work shall be carried out in accordance with the approved plan. Reason: to control pollution of air, land and water.

- 6.2 Full details of what should be included in the construction environmental management plan can be found on our [website](#).

Regulatory advice for the applicant

7. Regulatory requirements

- 7.1 Proposed watercourse crossing will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Management of surplus peat or soils will require an appropriate exemption under The Waste Management Licensing (Scotland) Regulations 2011.
- 7.2 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at Inverdee House Baxter Street Torry Aberdeen AB11 9QA Tel: 01224 266600.

If you have any queries relating to this letter, please contact me by telephone on 01349 860415 or e-mail at planning.aberdeen@sepa.org.uk.

Yours sincerely

Cerian Baldwin
Senior Planning Officer
Planning Service

ECopy to: JM Architects, i

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in

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ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management
DATE	29 October 2015
DIRECTOR	Pete Leonard
TITLE OF REPORT	Breach of Planning Control at 31 Craigshaw Drive, West Tullos, Aberdeen
REPORT NUMBER	
CHECKLIST COMPLETED	No

1. PURPOSE OF REPORT

The purpose of this report is to inform the Committee in respect of a breach of planning control regarding the extension of a car sales forecourt at the front of the Mercedes-Benz of Aberdeen showroom at 31 Craigshaw Drive, West Tullos, Aberdeen and seek authorisation to commence enforcement action and redress in the Courts as deemed appropriate.

2. RECOMMENDATION(S)

It is recommended that the Committee authorise the serving of an Enforcement Notice upon Arnold Clark Group Estates as the owner of the application property to rectify the breach of planning control. The applicant has had an application for retrospective planning permission refused (ref: P150727) on 3 September 2015.

The breach should be remedied by reinstating the landscaped area covered by the extended forecourt and the replanting of at least five trees within this area, in accordance with a scheme submitted to and agreed by the planning authority.

In the event that the above works are not undertaken, or a revised scheme is not agreed with the Planning Authority authorisation is sought of the Committee to seek redress in the courts.

3. FINANCIAL IMPLICATIONS

Financial costs may be incurred should the Enforcement Notice not be complied with.

4. OTHER IMPLICATIONS

There will be implications in terms of staff time to prepare and issue the Enforcement Notice. Costs may be incurred if action is required to secure compliance with the Enforcement Notice.

5. BACKGROUND/MAIN ISSUES

Basis of Report

In November 2013, an application for the formation of seven display parking spaces was submitted (ref: P131746). This entailed the provision two display areas to the east of the existing forecourt to the front of the showroom (one with capacity for four cars to the north and one for three cars to the south). This application was approved subject to conditions on 7 April 2014.

Following on from this, a much larger extension to the forecourt was constructed, measuring 48 x 10 metres and surfaced with lockblock paving without consent. After this was constructed, dialogue between the Council and the applicant resulted in the applicant wishing to submit a retrospective application for the works. Officers at the point intimated that the application would likely be refused.

A retrospective application was submitted for the extension to the car sales forecourt in May 2015, with the application refused under delegated powers on 3 September 2015. It should be noted that the application can be appealed to the Local Review Body and the applicant has three months from the date of decision to do so. Committee authorisation is sought, however should an appeal be submitted within the time specified enforcement action would stop pending the outcome of said appeal.

The Enforcement Position

Section 127(l) of the Town and Country Planning (Scotland) Act 1997 (the Act), as amended, states that a planning authority may issue an enforcement notice where it appears to them:

- a) that there has been a breach of planning control, and
- b) that it is expedient to issue the notice, having regard to the provisions of the development plan and any other material considerations.

Paragraph 7 to Circular 10 of 2009 "Planning Enforcement" notes that planning authorities have a general discretion to take enforcement action against any breach of planning control. The paragraph goes on to state that when authorities consider whether enforcement action is expedient they should be guided by a number of considerations that include: Whether the breach of planning control would affect unacceptability either public amenity or the use of land and buildings meriting protection in the public interest; and Enforcement action should be commensurate with the breach of planning control to which it relates.

Planning Assessment

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

The proposal involved the formation of an extension to the car sales forecourt surfaced with lockblock paving to the front of a car showroom fronting to Wellington Road (A956).

The resultant encroachment of the car sales forecourt into a landscaped area, which along with areas of landscaping to the front of premises on the western side of Wellington Road, results in a detrimental impact on the amenity of the surrounding area. This buffer strip provides a degree of green space and a visual buffer along a main arterial route to the south of the city and is therefore considered to be a valuable public amenity. In addition, no information was provided on the capacity of the existing surface water drainage system at the premises into which the surface water from the showroom would run into, and whether this is sufficient to accommodate the additional run off.

Accordingly, the application was refused for the following reasons:

1. The extension to the forecourt fails to comply with the requirements of policy D1 – Architecture and Placemaking of the Aberdeen Local Development Plan 2012 whereby the development is detrimental to the character and amenity of the surrounding area.
2. The extension to the forecourt is contrary to the requirements of Aberdeen Local Development Plan 2012 policy NE5 – Trees and Woodland as it has resulted in the loss of established trees that contribute significantly to the local landscape.
3. The development fails to demonstrate that surface water is treated in the most appropriate manner in terms of SuDS, being connected to the existing surface water drainage system and no information was provided with the application that demonstrates the existing surface water drainage system has capacity, contrary to policy NE6 – Flooding and Drainage of the Aberdeen Local Development Plan 2012.

Concluding Comments

For the reasons set out above the works constitute a breach of planning control and it is considered expedient to commence enforcement proceedings in the public interest, whilst allowing redress to the Courts.

6. IMPACT

Corporate

The enforcement action would:

- contribute to “Aberdeen – The Smarter City Vision”, by helping to provide an attractive streetscape and promote bio-diversity and nature conservation;
- contribute to the vision of the Community Plan and the Council’s Single Outcome Agreement in promoting a strong image of the City and a sense of civic pride; and
- be in line with the Council’s 5 year Corporate Business Plan, which states the Council will protect and enhance the City’s high-quality natural and built environment.

Public

An Equalities and Human Rights Impact Assessment (EHRIA) has not been carried out in relation to the enforcement action, because it was considered to have a neutral effect. A Privacy Impact Assessment was also considered to be unnecessary in this case.

7. MANAGEMENT OF RISK

It is considered that this matter does not negatively impact upon the five specialist risk related areas.

8. BACKGROUND PAPERS

Background papers include written correspondence, emails and the associated planning applications (refs: P131746 and P150727).

9. REPORT AUTHOR DETAILS

Andrew Miller
Senior Planner (Development Management)
andmiller@aberdeencity.gov.uk
01224 522314

ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management Committee
DATE	29 October 2015
DIRECTOR	Pete Leonard
TITLE OF REPORT	Confirmation of Tree Preservation Order numbers 119/2015, 208/2015, 224, 230/2015
REPORT NUMBER:	CHI/15/259
CHECKLIST RECEIVED	Yes

1. PURPOSE OF REPORT

To confirm four 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.

Please Note: TPO 119/2015, 208/2015 and 224 have previously been confirmed by committee. We are seeking re-confirmation of these orders as part of the review of tree preservation orders. TPO 230 is a new recently served provisional order.

2. RECOMMENDATION(S)

It is recommended that Members:

- 1) confirm the making of Tree Preservation Orders 119/2015, 208/2015, 224, 230 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 also 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 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 119, Friarsfield Road, Cults (2015)**
- **Tree Preservation Order Number 208, 41 Hillview Road, Cults (2015)**
- **Tree Preservation Order Number 224, 34-40 Balnagask Road**
- **Tree Preservation Order Number 230, Kepplestone Mansion (2015)**

6. IMPACT

Improving customer experience

Protecting trees will have a positive impact on preserving the character of certain areas of Aberdeen. The confirmation of the TPOs proposed in this report will ensure the long term retention of tree cover within the city; resulting in the retention of features that contribute to the character of the city. In addition, maintaining an up to date portfolio of TPO's allows us to promptly reply to customer enquires.

Improving staff experience

Having properly managed TPOs assists in the processing of planning applications and allows enquiries to be dealt with effectively and promptly. As part of our TPO review we have produced a concise and

accurate database of orders. This database will be made available to relevant staff members.

Improving our use of resources

The making, management and enforcement of TPOs carry a financial cost, both directly through legal costs and indirectly through staffing resources. By ensuring that all TPOs can be justified we will ensure that our resources are utilised managing and enforcing orders that remain fit for purpose and provide positive benefits. By ensuring TPOs are fit for purpose we are also ensuring that our database resource is a reliable source of up to date information.

Corporate

In line with the Smarter City vision we have advertised these TPOs as Provisional Orders to allow members of the public to raise representations on the proposed orders. No representations have been received for the orders proposed to be confirmed in this report.

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.

Confirming these orders helps the Council fulfil its duty in terms of the statutory tree protection 'The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas (Scotland) Regulations 2010' introduced.

Public

The serving of a TPO will have limited interest to the general public other than the preservation of character and amenity of certain areas. There are no anticipated impacts on equalities with this proposal hence an Equalities and Human Rights Impact Assessment is not required.

7. MANAGEMENT OF RISK

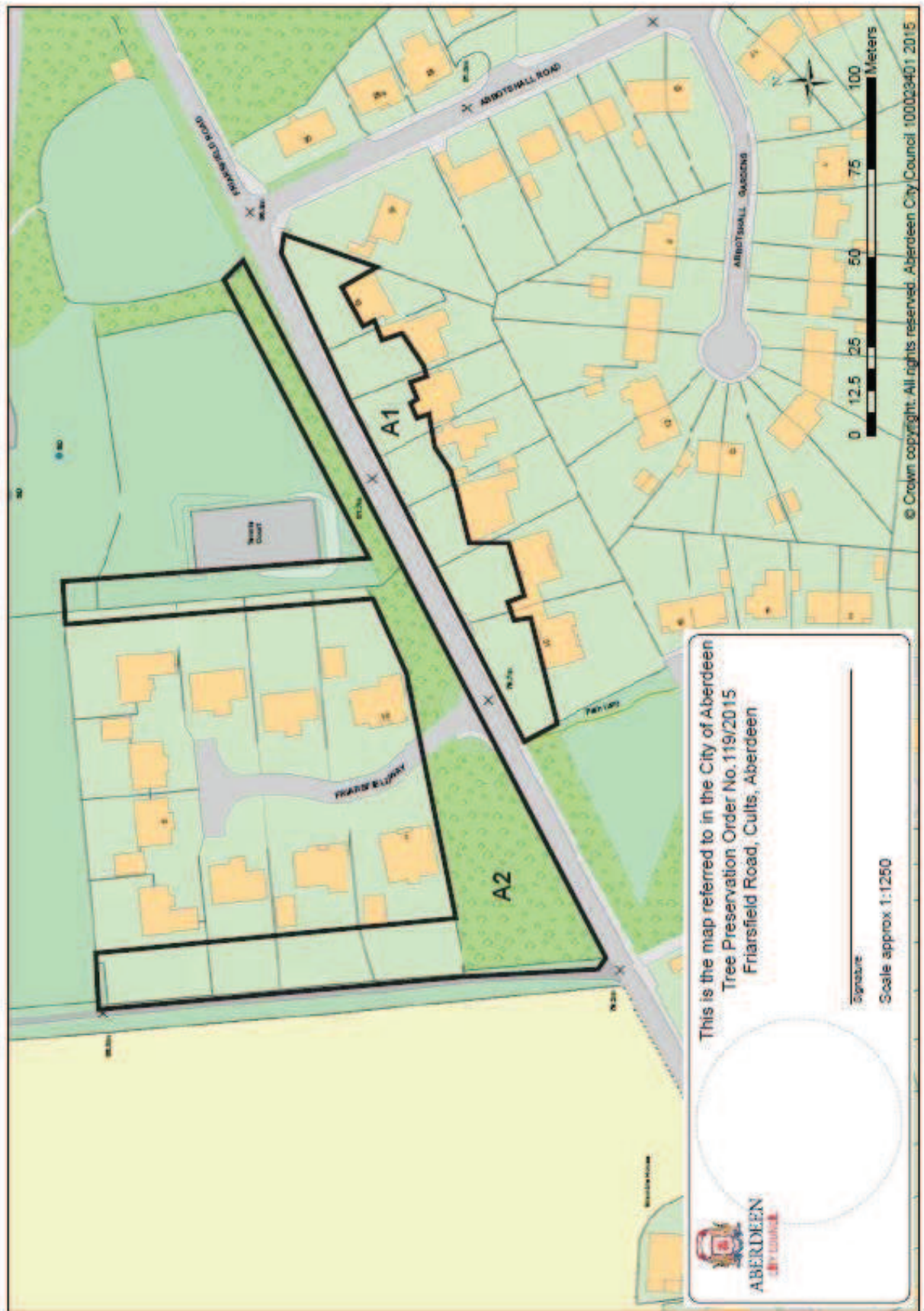
There is a risk of loss of the trees if the recommendations are not accepted which would impact on people and the environment. If recommendations are accepted the Orders will ensure the long term protection of the trees on each of the sites by ensuring the trees should not be cut down or otherwise damaged 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
(01224) 522440



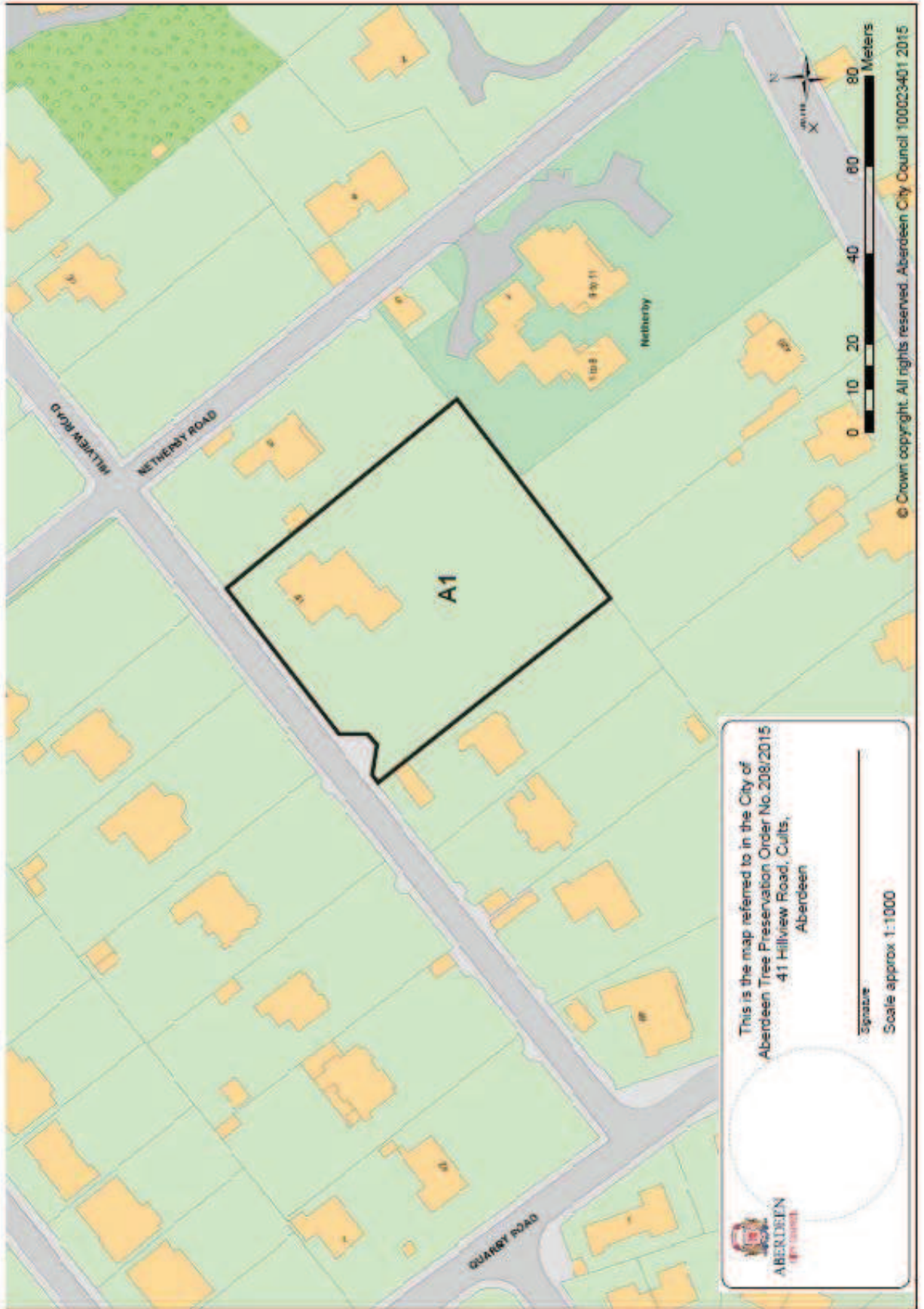
This is the map referred to in the City of Aberdeen
 Tree Preservation Order No. 119/2015
 Friarsfield Road, Cults, Aberdeen

 ABERDEEN CITY COUNCIL



Signature _____

Scale approx 1:1250








ABERDEEN
 CITY COUNCIL

This is the map referred to in the City of
 Aberdeen Tree Preservation Order No. 230,
 Kepplestone Mansion (2015), Aberdeen

 Signature

Scale approx 1:1000

ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management Committee
DATE	29 October 2015
DIRECTOR	Pete Leonard
TITLE OF REPORT	Tree Preservation Order Review Stage 1 Consultation
REPORT NUMBER:	CHI/15/293
CHECKLIST RECEIVED	Yes

1. PURPOSE OF REPORT

To inform members of the intention to issue a consultation related to the Review of Tree Preservation Orders. The consultation is related to those orders identified in Stage 1 of the review that are currently identified as 'not to be pursued'.

2. RECOMMENDATION(S)

It is recommended that Members:

- 1) confirm their agreement to issue the consultation

3. FINANCIAL IMPLICATIONS

The cost of any Orders requiring to be served as a result of this consultation will be met through existing budgets.

4. OTHER IMPLICATIONS

The issuing and administration of this consultation is undertaken within existing staffing resources.

5. BACKGROUND/MAIN ISSUES

The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas (Scotland) Regulations 2010 instructs local authorities to periodically review their current Tree Preservation Orders (TPOs) as a matter of continuous improvement. This process was started in April 2014.

The purpose of the review is to ensure that the Council's TPOs are fit for purpose. As communicated in an Information Bulletin to this committee in November last year, during the review a number of TPOs were identified as not being legally enforceable. New TPOs have now been served on the majority of sites that still warrant statutory protection.

The review has identified a number of sites where it is no longer considered necessary to have a TPO in place. A document identifying these sites and the reasons for not pursuing individual sites has been drafted. It is our intention to circulate this to interested parties for consultation. Our consultee list includes Elected Members, Community Councils and internal departments such as Environmental Policy, Development Management, Local Development Plan, Master Plan, Design and Conservation and Public Infrastructure and Environment. By offering this document up for consultation we hope to capture any concerns regarding these sites allowing us to make an informed final decision on the status of the site and its requirement for future protection.

The consultation will run for a period of eight weeks to capture Community Council cycles. Consultation will be issued on the 11th January 2016.

6. IMPACT

Improving customer experience

The consultation will have a positive impact on the customer experience. Customers will be encouraged to engage with the consultation process through their Community Council and their local Councillors. The consultation will allow our customers to input into the review process and help shape the outcome.

Improving staff experience

The consultation will have a positive impact on our staff experience. Relevant staff members will be encouraged to engage with the consultation process allowing input into the review process and help shape the outcome. In addition the outcome of the consultation will help shape the overall review of Tree Preservation Orders. The outcome of the review is to produce a concise and accurate database of orders. This database will be made available to relevant staff members.

Improving our use of resources

The making, management and enforcement of TPOs carry a financial cost, both directly through legal costs and indirectly through staffing resources. By ensuring that all TPOs can be justified we will ensure that our resources are utilised managing and enforcing orders that remain fit for purpose and provide positive benefits. By ensuring TPOs are fit for purpose we are also ensuring that our database resource is a reliable source of up to date information.

Corporate

In line with the Smarter City vision we are using the consultation to engage with the community through various community links such as Community Councils and Elected Members to capture knowledge on the TPOs we are currently proposing not to pursue.

The consultation as part of the TPO Review helps the Council fulfil its duty in terms of the statutory Review that 'The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas (Scotland) Regulations 2010' introduced.

Public

The subject of this consultation will have limited interest to the general public. There are no anticipated impacts on equalities with this proposal hence an Equalities and Human Rights Impact Assessment is not required.

7. MANAGEMENT OF RISK

The serving of a TPO that cannot be justified in line with the parameters set out in current legislation can present legal and financial risks.

8. BACKGROUND PAPERS

Draft consultation document available on request.

9. REPORT AUTHOR DETAILS

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