

Public Document Pack



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

Town House,
ABERDEEN 10 August 2015

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Committee Room 2 - Town House on **TUESDAY, 18 AUGUST 2015 at 10.00 am.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

BUSINESS

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

1 MINUTE OF PREVIOUS MEETING

- 1.1 Minute of Meeting of the Planning Development Management Committee of 16 July 2015 - for approval (Pages 1 - 14)

PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS

2 WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 2.1 Cloverleaf Hotel - Kepplehills Road, Bucksburn - 141837 (Pages 15 - 46)
Planning Reference – 141837

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=141837>

Planning Officer – Andrew Miller

- 2.2 Units 1-3 Union Glen, Aberdeen - 151052 (Pages 47 - 78)
Planning Reference – 151052

The documents associated with this application can be found at –
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151052>

Planning Officer – Jane Forbes

- 2.3 31 Hillside Road, Peterculter - 150920 (Pages 79 - 106)
Planning Reference – 150920

The documents associated with this application can be found at -
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150920>

Planning Officer – Dineke Brasier

- 2.4 University Office, Regent Walk, Aberdeen - 150525 (Pages 107 - 120)
Planning Reference – 150525

The documents associated with this application can be found at –
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150525>

Planning Officer – Alex Ferguson

- 2.5 59-63 Queens Road, Aberdeen - 150765 (Pages 121 - 148)
Planning Refernce – 150765

The documents associated with this application can found at –
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150765>

Planning Officer – Matthew Easton

3 WHERE THE RECOMMENDATION IS ONE OF REFUSAL

3.1 West Middlefield, Skene Road - 150819 (Pages 149 - 170)

Planning Reference – 150819

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

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150819>

Planning Officer – Sally Wood

4 OTHER REPORTS

4.1 Breach of Planning Control at 64 Queen's Road, Aberdeen (Pages 171 - 176)

Website Address: www.aberdeencity.gov.uk

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

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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&MIId=3605&Ver=4>

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

ORDER OF AGENDA

1. The Convener proposed that item 4.4 (Confirmation with modification of Tree Preservation Order 195) be considered directly after item 3.1 (Jesmond Drive) as the Head of Planning and Sustainable Development would be declaring an interest in both items and withdrawing from the meeting.

The Committee concurred with this proposal.

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

2. The Committee had before it the minute of its previous meeting of 18 June 2015.

The Committee resolved:-

to approve the minute as a correct record.

ENGINEERING SCIENCE FACILITY, QUEENS ROAD - 150161

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

That the Committee grant unconditional approval for the application for planning permission for the erection of an engineering science facility on the site of Albyn School on the south side of Queens Road.

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INFORMATIVE

In order to protect the residents of the surrounding / adjacent properties from any potential noise nuisance arising from the proposed buildings works, no construction or demolition work shall take place:-

- (a) Outwith the hours of 0700 to 1900 on Monday to Friday;
- (b) Outwith the hours of 0900 to 1600 on Saturdays; and
- (c) At any time on Sundays, except for works inaudible outwith the application site boundary;
- (d) If piling operations are to be carried out, agreement should be reached with this Service regarding hours of operation.

The Committee resolved:-

- (i) to request that officers within the Roads Projects Team and City Wardens Team investigate the parking problems in the area as a result of parents dropping off and collecting children from Albyn School, in conjunction with the existing Liaison Group;
- (ii) to request that officers write to Albyn School to ask that they encourage pupils to use other methods of transport; and
- (iii) to approve the application unconditionally.

32 ROSEBERY STREET - 150742

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

That the Committee express a willingness to approve the application for planning permission for the change of use of the existing residential property at 32 Rosebery Street to form a house of multiple occupation to accommodate 6 unrelated persons, subject to the following condition:-

- (1) That prior to the first occupation of the development hereby approved, four cycle spaces shall be provided in accordance with details that shall be first submitted to and approved in writing by the Planning Authority. Thereafter the four cycle spaces shall be retained and made available for such use at all times – to promote alternative modes of travel.

The Convener moved, seconded by Councillor Crockett:-

That the application be approved in accordance with the recommendation contained within the report, and subject to the addition of a condition in relation to refuse storage.

Councillor Cormie moved as an amendment, seconded by Councillor Jaffrey:-

That the application be refused on the grounds of severe under-provision of parking in the area, and as it did not accord with Policy H1 of the Aberdeen Local Development Plan.

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On a division, there voted:- for the motion (9) – the Convener; and Councillors Boulton, Corall, Crockett, Lawrence, Malik, Jean Morrison, Sandy Stuart and Thomson; for the amendment (5) – the Vice Convener; and Councillors Cormie, Dickson, Greig and Jaffrey.

Subsequently, the Head of Planning and Sustainable Development advised that the additional condition be worded as follows:-

Prior to the first occupation of the development hereby approved details of storage for refuse and recycle bins shall be submitted to and approved in writing by the Planning Authority. Thereafter the storage facility shall be retained and made available for such use at all times. – In the interests of visual and residential amenity.

The Committee resolved:-

to adopt the motion.

13 MANOR PLACE - 150378

5. 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 erection of a 2 storey extension to the side of the existing dwelling house at 13 Manor Place, subject to the following condition:-

(1) That no development shall take place unless details of the material, texture and coursing of the proposed granite to the front elevation of the development hereby approved has been submitted to, and approved in writing by, the Planning Authority and thereafter the development shall be carried out in accordance with the details so agreed – in the interests of visual amenity.

INFORMATIVES

- (A) The driveway must be internally drained with no surfact water discharging onto the public road;
- (B) Loose material (e.g. stone chippings) must not be used to surface any of the first 2 metres length adjacent to the footway.

No construction or demolition work should take place:-

- (a) outwith the hours of 7.00am to 7.00pm Mondays to Fridays;
- (b) outwith the hours of 9.00am to 4.00pm Saturdays; or
- (c) at any time on Sundays, except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] – in the interests of residential amenity.

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The Committee resolved:-

to approve the recommendation.

DECLARATION OF INTEREST

Prior to consideration of the following item, the Convener declared an interest in the following article by virtue of having made representation to the Licensing Committee in respect of the application, and as he would be addressing the Planning Development Management Committee, in terms of Standing Order 32(1) as local member on behalf of the Old Aberdeen Community Council and the Old Aberdeen Heritage Society, He withdrew from the meeting as a member of the Committee during consideration of the item and the Vice Convener took the chair.

7 ST MACHAR PLACE - 150785

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

That the Committee express a willingness to approve the application for planning permission for external alterations and the formation of a driveway to the front of the existing property at 7 St Machar Place, subject to the following condition:-

(1) That no development pursuant to the proposed front driveway shall take place unless a plan showing those trees to be retained and a scheme for the protection of all trees to be retained on 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.

INFORMATIVES

The proposed driveway will require a 3 metre dropped kerb and footway crossing permit. The vehicular footway crossing required for the access should be constructed by Aberdeen City Council. The applicant is responsible for all costs involved and should be advised to contact the Road Network Maintenance Unit at least 6 weeks prior to any works starting on site and arrange for an estimate for the cost of works. The Road Network Maintenance Unit can be contacted on the following details:- 01224 241500, RoErick@aberdeencity.gov.uk / DanMackay@aberdeencity.gov.uk . The Aberdeen City Council contact will advise on the footway crossing permit.

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The driveway should not use loose chippings for the first 2 metres from the rear of the footway.

The driveway must be internally drained to prevent water discharging onto the footway and roadway.

In accordance with Standing Order 32(1), Councillor Milne addressed the Committee as local member and made representations on behalf of the Old Aberdeen Community Council and the Old Aberdeen Heritage Society, who were opposed to the application.

Councillor Dickson moved, seconded by Councillor Cormie, that the application be approved in accordance with the recommendation set out in the report.

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

That the application be refused on the grounds that it would have a detrimental impact on the amenity of the conservation area.

On a division, there voted:- for the motion (5) – Councillors Cormie, Crockett, Dickson, Jean Morrison and Sandy Stuart; for the amendment (9) – the Vice Convener; and Councillors Boulton, Corall, Donnelly, Greig, Jaffrey, Lawrence, Malik and Thomson.

The Committee resolved:-

to adopt the amendment, and refuse the application.

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

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 Paul 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:-

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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 in respect of developer contributions towards the Strategic Transport Fund.

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;

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(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,

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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

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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

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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.

CONFIRMATION WITH MODIFICATION OF TREE PRESERVATION ORDER NUMBER 195 - CHI/15/215

8. The Committee had before it a report by the Director of Communities, Housing and Infrastructure which sought confirmation, with modification, of the provisional Tree Preservation Order 195 made under delegated powers to provide long term protection for the relevant trees.

The report recommended:-

that the Committee -

- (a) confirm the making of Tree Preservation Order 195 with the following modifications:-
 - (i) removal of the area annotated as A2 on the enclosed plan, as an outstanding planning consent would result in the removal of this group of trees to facilitate development; and
 - (ii) amendment of the Statement of Reasons to read "A(i) The trees add to the character and amenity value of the area and a Tree Preservation Order will allow the Council to input into the future management of these trees to ensure long-term retention of tree cover";
 - (iii) to amend the title to Tree Preservation Order 195 Kingswells House 2015 to make it legally distinct; and
- (b) instruct the Head of Legal and Democratic Services to attend to the requisite procedures.

The Committee resolved:-

to approve the recommendations.

DECLARATION OF INTEREST

Councillor Boulton declared an interest in the following item by virtue of a family member using Aberdeen Riding Club and withdrew from the meeting during consideration of the application.

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NETHER ANGUSTON - 150110

9. 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 for the formation of a riding school with associated buildings, car parking and landscaping at Nether Anguston, Peterculter, on the following grounds:-

(1) The proposed development by reason of its scale, form, mass and attendant works would demonstrably harm the distinctive character and appearance of the landscape and the Green Belt, together with its unsustainable location, and as such was contrary to advice contained within NPF3, SPP and PAN73, together with Policies NE2 (Green Belt), D1 (Architecture and Placemaking), D3 (Sustainable and Active Travel), D6 (Landscape) and T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan; and Policies NE2 (Green Belt), D1 (Quality Placemaking by Design), D2 (Landscape), T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) of the Proposed Aberdeen Local Development Plan.

The Convener moved, seconded by Councillor Dickson:-

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

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

That the application be approved on the grounds that it was acceptable in terms of scale and size, subject to appropriate conditions and a legal agreement with the Council in relation to developer contributions to the Strategic Transport Fund.

On a division, there voted:- for the motion (4) – the Convener; and Councillors Dickson, Greig and Sandy Stuart; for the amendment (10) – the Vice Convener; and Councillors Corall, Cormie, Crockett, Donnelly, Jaffrey, Lawrence, Malik, Jean Morrison and Thomson.

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

(1) Prior to the development hereby permitted commencing details of the facing and roofing materials for the indoor arena building and stable building, including pantones, shall be submitted to and approved in writing by the local planning authority; (2) Notwithstanding approved drawings prior to the development hereby permitted commencing details of the design and location of the muck store shall be submitted to and approved in writing by the local planning authority and the use permitted shall not commence until the muck store is completed in accordance with the agreed details; (3) Prior to the commencement of the development hereby approved details of the flood lighting

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for the outdoor arena shall be submitted to and agreed in writing by the local planning authority; (4) The development hereby permitted shall not be brought into use until the cycle parking facilities shown on the approved plans have been made available for use and the cycle parking facilities shall thereafter be retained for the use by the users of (including employees), and visitors to, the development at all times; (5) The development hereby permitted shall not be brought into use until the vehicle parking has been laid out as shown on Drawing No. P05 Rev 4 – Drainage Design / Road Design and shall thereafter be retained for the use by users of (including employees), and visitors to, the development at all times; (6) The development hereby approved shall not commence until a Drainage Impact Assessment in line with SUDS principles is submitted to and approved in writing and the use shall not commence until the drainage and SUDS scheme has been undertaken in accordance with the agreed details; and (7) No works shall commence on the indoor arena, outdoor riding arena, stable building, retaining wall, vehicle parking area including hard standing areas , drainage works until full dimensional drawings and construction drawings for the access road (including junction details) onto the C149 have been submitted to and approved in writing and the improvements to the access road and junction have been carried out in complete accordance with the agreed details.

The Committee resolved:-

- (i) to request that officers discuss the possibility of a growing wall with the applicant; and
- (ii) to adopt the amendment.

TECHNICAL ADVICE NOTE - STUDENT ACCOMMODATION - CHI/15/214

10. The Committee had before it a report by the Director of Communities, Housing and Infrastructure which sought approval for a draft Technical Advice Note on Student Accommodation to be issued for a six week period of public consultation.

The report recommended:-

that the Committee -

- (a) approve the Student Accommodation Technical Advice Note document for a six week consultation period; and
- (b) agree that, following completion of the public consultation, any comments received and subsequent amendments to the draft advice be presented to a future meeting of the Committee.

The Committee resolved:-

- (i) to commend the author for the work undertaken in preparing the report and technical advice note; and
- (ii) to approve the recommendations.

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TECHNICAL ADVICE NOTE - PLANNING AND ABERDEEN AIRPORT - CHI/15/213

11. The Committee had before it a report by the Director of Communities, Housing and Infrastructure which sought approval for a draft Technical Advice Note on Planning and Aberdeen Airport to be issued for a six week period of public consultation.

The report recommended:-

that the Committee -

- (a) approve the Planning and Aberdeen Airport Technical Advice Note document for a six week consultation period; and
- (b) agree that, following completion of the public consultation, any comments received and subsequent amendments to the draft advice be presented to a future meeting of the Committee.

The Committee resolved:-

- (i) to commend the author for the work undertaken to prepare the report and the Technical Advice Note; and
- (ii) to approve the recommendations.

PLANNING PERFORMANCE FRAMEWORK REPORT 2014-15 - CHI/15/240

12. The Committee had before it a report by the Director of Communities, Housing and Infrastructure which set out the Council's draft Planning Performance Framework (PPF) for 2014-2015. The PPF was to be submitted to the Scottish Government by 31 July 2015. The Committee was addressed by the Head of Planning and Sustainable Development who highlighted pertinent sections of the report and drew the attention of the Committee to the improvements which had been made in performance. Dr Bochel thanked Daniel Lewis, Gale Beattie and Hugh Murdoch and their respective teams for all the work which had been undertaken.

The report recommended:-

that the Committee -

- (a) note and comment on performance levels and service improvements that had taken place during 2014-2015; and
- (b) approve the PPF and proposed action plan for the coming year for submission to the Scottish Government.

The Committee resolved:-

- (i) to request that officers summarise the performance framework and issue this to all Councillors for information;
- (ii) to thank staff for all the work which had gone in to preparing the report and for their work in improving performance; and
- (iii) to approve the recommendation.

- RAMSAY MILNE, Convener and ANDREW FINLAYSON, Vice Convener

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Planning Development Management Committee

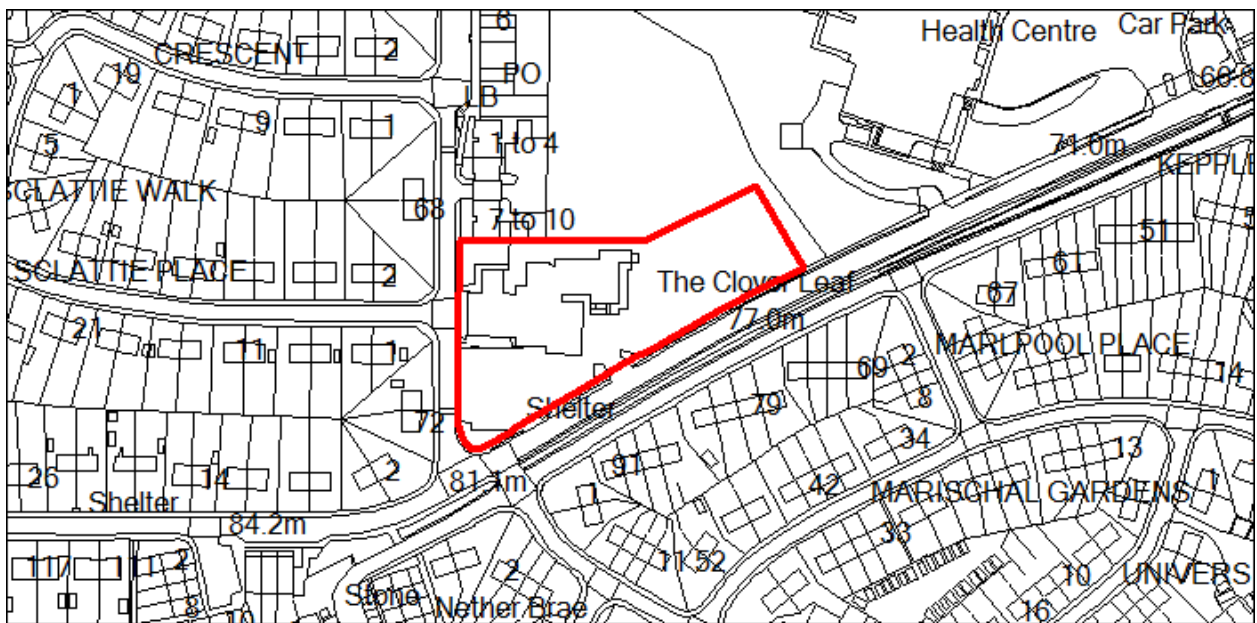
CLOVERLEAF HOTEL, KEPPLEHILLS ROAD

DEMOLITION OF HOTEL AND ERECTION OF
68 AFFORDABLE FLATS

For: Stewart Milne Homes

Application Type: Detailed Planning Permission
Application Ref. : P141837
Application Date: 08/12/2014
Officer: Andrew Miller
Ward: Dyce/Bucksburn/Danestone(B Crockett/G
Lawrence/N MacGregor/G Samarai)

Advert: None
Advertised on: N/A
Committee Date: 18/08/2015
Community Council : Comments



RECOMMENDATION: Willingness to approve conditionally. Consent to be withheld until a legal agreement is entered into by the applicant and the Council to ensure the development is restricted solely to affordable housing and to secure developer obligations towards primary and secondary education, the Core Path Network, open space and the Strategic Transport Fund.

DESCRIPTION

The application site comprises the Cloverleaf Hotel and grounds at Kepplehills Road, Bucksburn. The hotel dates from the mid 20th Century and is a mix of 2 storey gable roofed buildings that have been extended with single storey flat roof extensions. Large areas of car parking are to the south and east of the hotel, with access taken from Kepplehills Road. The site is bounded by a mix of two storey houses to the west and two storey flats to the north west. To the south is Kepplehills Road which contains a mix of two storey houses and bungalows. A small park and Bucksburn Academy bound the site to the north and east.

The site slopes slightly from its south western corner down to the north east of the site. It falls within the Sclattie Park Neighbourhood Centre, as designated in the Aberdeen Local Development Plan 2012.

RELEVANT HISTORY

P141134 – Proposal of Application Notice for residential development with open space, car parking and associated infrastructure submitted 24 July 2014. In responding, the Council required the applicant to carry out additional notification of the proposed public consultation event.

PROPOSAL

Detailed Planning Permission is sought for the demolition of the hotel and the erection of 68 affordable flats with associated access, parking and infrastructure.

The flats would be built in two blocks:

Block A would contain 35 flats in a mix of two storey and three storey sections in a V-shaped footprint, following the line of Sclattie Park and Kepplehills Road, with the point of the “V” meeting at the corner of the two roads. It would be sited in the western side of the site and flats would front to the public road. The two storey flats would have self contained entrances, with the upper floors accessed by an external stair case with large landings acting as balconies.

Block B would contain 32 flats in two smaller blocks separated by a footpath and would be sited on the eastern half of the site. The western smaller block would comprise three storey blocks with a two storey block on the side, with the eastern block three and four storeys high. The two storey flats would have a similar access arrangement as Block A. Overall Block B would form an L-shaped footprint with a frontage to Kepplehills Road and return to the eastern boundary with Bucksburn Academy. The separation between the two smaller blocks in Block B would provide pedestrian access from Kepplehills Road.

Access to the site would be taken from Kepplehills Road, between Blocks A and B. 55 car parking spaces (3 disabled), 5 motorcycle spaces, 70 cycle spaces, bin stores and an area of amenity space would be provided in a central court yard to the rear of the flats. Pedestrian access to the flats would be via 2 points to Sclattie Park and 3 points to Kepplehills Road in addition to the main vehicular access point from Kepplehills Road.

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=141837>

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

PRE-APPLICATION CONSULTATION

The proposed development was subject to pre-application consultation between the applicant and the local community, as required for applications falling within the category of major developments as defined in the 'Hierarchy of Development' Regulations. The consultation involved a Public Consultation Event that was held in the Cloverleaf Hotel on 13 August 2014. Public notices were placed around the site and an advert placed in the local press in advance of the event. An attendance register at the event indicated 61 persons attended however not all completed the register and it is estimated that attendance was in the region of 80.

Comments received at the event can be summarised as follows:

- Concern at loss of the Cloverleaf Hotel as a community facility (public house/function suite).
- Road, traffic and parking concerns.
- Desire for community garden adjacent to site.
- Overall appearance of development well received, with heights commented on favourably. (Indicative display boards showed three storey in height)
- Site being on flight path was noted.
- Requirement for affordable housing in area.
- Community facilities required.

Consultation was also undertaken with Bucksburn and Newhills Community Council, with a meeting held on 25 September 2015. Community garden requirements were discussed, with provision for skateboarding requested, safe play areas for children as well as links to local shops.

The Pre-Application Consultation report submitted with the application detailed that comments received were taken into account in the submission of the application (excluding loss of pub).

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because the Bucksburn and Newhills Community Council have objected and more than five timeous letters of representation have been received (eleven in this instance). Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management –

- Sufficient parking for cars (including disabled), motorcycles and cycles have been provided.
- Bins are located in a suitable location for residents and refuse collections. Sufficient permeability for pedestrians has been provided through the site.
- Recommend condition requiring installation of new bus shelters on either side of Kepplehills Road.
- Contributions towards the Strategic Transport Fund are sought.
- Recommended condition requiring Green Travel Plan.

Environmental Health –

- Due to proximity to Aberdeen Airport, condition requiring Noise Impact Assessment recommended.
- Informative note relating to construction hours recommended.

Communities, Housing and Infrastructure (Flooding) – No objections following provision of additional information.

Scottish Environment Protection Agency – No objection following provision of additional information relating to surface water drainage. Condition recommended for Construction Environment Management Plan.

Scottish Water – No objections.

Developer Contributions Team – Contributions sought towards the following:

- Primary Education (Pupils Zoned for Brimmond Primary). Pupils from development will result in the school being over capacity over a five year period based on school roll forecasts.
- Secondary Education (Pupils Zoned for Bucksburn Academy). Pupils from development will result in the school being over capacity over a five year period based on school roll forecasts.
- Core Path Network (Core Path 42: Den of Kingswells to Howes Road) is identified as being an infrastructure facility necessary for the purposes of

recreation and sustainable active travel. The cumulative impact of the development on the nearby path would require a contribution towards re-profiling and resurfacing the path.

Education, Culture and Sport (Educational Provision) - Calculations show that development will result in an additional 12 pupils in the Brimmond Primary catchment area.

Bucksburn and Newhills Community Council –

1. The initial application submitted for this development was for 50 properties but this has now been increased to 68, representing an over development of the site. (NOTE - Reference made to Pre-Application Notice (PAN) ref. P141134 rather than a planning application. PAN made no reference to numbers of units)
2. The flats at four stories high are totally out of context with other properties in the area.
3. Extra properties will result in an unacceptable load on the new primary school being built in the area and on existing congested roads. Strongly suggest that before more housing is allocated in the area, consideration should be given to alleviating intolerable traffic loading on the A96, especially at the Haudagain Roundabout.
4. Concerned that these properties are being built as affordable houses against developments in other areas of the city. Affordable housing should be located in every part of the city and certain areas should not be excluded from accommodating such developments.

REPRESENTATIONS

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

1. Increase in number of units shown at pre-application consultation to application stage.
2. Increase in volume of traffic as a result of the development which will have an adverse impact on road safety in local area.
3. Development will restrict visibility at the junction of Sclattie Park with Kepplehills Road, an already difficult junction.
4. 3 storey flats will be an eyesore.
5. Flats do not fit in with surrounding area
6. Insufficient parking for flats, likely that flats will have 2 cars per flat.
7. Height of flats will result in loss of sunlight to adjacent houses, as well as overlooking.
8. Impact of development on bus route.
9. Bucksburn does not need a new housing development.

The following matters are not material considerations and will not be taken into the determination of the application (reason in brackets afterwards).

1. Loss of pub will tear heart out of community and local's will have no where to go. (The pub within the hotel is offered no protection by planning policy and is a private business, rather than a community facility.)
2. Many pensioners in the area. Therefore cottages should be built instead of flats. (The application must be determined as submitted.)
3. Flats will block my view. (The loss of views is not a material planning consideration.)

PLANNING POLICY

Aberdeen Local Development Plan

RT3 – Town, District and Neighbourhood Centres

Aims to protect retail uses within centres and contains criteria against which such development should be assessed against.

H5 - Affordable Housing

Housing developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing. Further guidance on the provision of affordable housing from new developments is available in Supplementary Guidance on Affordable Housing.

I1 – Infrastructure Delivery and Developer Contributions

Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed.

D1 – Architecture and Placemaking

New development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, proportions, coupled with the physical characteristics of the surrounding area, will be considered in assessing that contribution.

D2 – Design and Amenity

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

1. Privacy shall be designed into higher density housing.
2. Residential development shall have a public face to a street and a private face to an enclosed garden or court.
3. All residents shall have access to sitting-out areas. This can be provided by balconies, private gardens, terraces, communal gardens or other means acceptable to the Council.

4. When it is necessary to accommodate car parking within a private court, the parking must not dominate the space: as a guideline no more than 50% of any court should be taken up by parking spaces and access roads. Underground or decked parking will be expected in high density schemes.
5. Individual flats or houses within a development shall be designed to make the most of opportunities offered by the site for views and sunlight. Repeated standard units laid out with no regard for location or orientation are not acceptable.
6. Development proposals shall include measures to design out crime and design in safety.
7. External lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky.

T2 – Managing the Transport Impact of Development

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

NE6 – Flooding and Drainage

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

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

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

R6 – Waste Management Requirements for New Development

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

R7 – Low and Zero Carbon Buildings

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

Supplementary Guidance

Sub-division and Redevelopment of Residential Curtilages

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

Transport and Accessibility

- Contains parking standards for all development.

Affordable Housing

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

Proposed Aberdeen Local Development Plan

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

NC6 – Town, District, Neighbourhood and Commercial Centres (*RT3 – Town, District and Neighbourhood Centres*)

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

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

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

H5 – Affordable Housing (*H5 – Affordable Housing*)

NE6 – Flooding and Drainage (*NE6 – Flooding and Drainage*)

R6 – Waste Management Requirements for New Development (*R6 – Waste Management Requirements for New Development*)

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

Other Relevant Material Considerations

None

EVALUATION

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

The application falls within a major application type, as defined in The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, Reg 2(1) and as included in the Schedule.

Principle of Housing

The site is located in an area designated as a neighbourhood centre in the ALDP within a wider residential designation. Whilst policy RT3 provides protection to retail uses, identifying the importance they play towards the vitality of these centres, no protection is offered to other uses. Therefore the loss of the hotel and associated facilities is considered acceptable in principle. Consideration must therefore be given to the suitability of residential uses in this area. As stated above, the wider designation of the area is residential use, with land uses to the north, south and west residential, and a school to the east, it is considered that the redevelopment of the site for residential use is acceptable in principle. The proposed use is compatible with the adjacent land uses and would not be detrimental to their established amenity.

Design and Siting

Policy D1 of the ALDP states that all new development should be designed with due consideration for its context. In this case, the proposed flats would be developed in two blocks. Both blocks would be of a similar architectural style – a mix of smaller units split into varying heights with a mix of pitched and single plane roofs. The mix of heights and stepped arrangement within the development echoes the style of the flats to the north of the site on the eastern side of Sclattie Park. This mix of heights and stepped frontages contributes to a variety in the streetscape, breaking up would could potentially be larger masses of built form into smaller elements.

Whilst the flats themselves would contain three and four storey elements, the stepped arrangement of the flats builds up to the higher elements, which create defined corner points within the development. In respect of the relationship of the flats to the surrounding area, it is acknowledged that the flats would be taller than the established buildings in the surrounding area. However the tallest elements of the flats would be contained within block B and the distance between the flats and the houses to the south is significant to the point where the flats would be viewed in separation from the houses, with the difference in height between the flats not being readily noticeable.

In terms of material finishes, the mix of dry dash render and dark grey roof tiles is an acceptable combination. Whilst the plans show the use of white render on all elevations, it is considered that the use of differing colours/shades of render would help break up the overall mass of built form and add some variety to the street scape. Accordingly it is recommended a condition requiring the applicant to submit a detailed scheme of external wall finishes is recommended.

The layout of the development would result in a public face to Sclattie Park and Kepplehills Road, with self contained accesses to some flats from these streets. Parking and amenity space would be contained within a courtyard to the rear of the development. From Sclattie Park, the building line steps closer to the road from north to south. The western elevation of Block A broadly follows this pattern, being slightly closer to Sclattie Park than the flats to the north, but not to the extent the flats are overshadowed.

Taking account of the above consideration, the development is considered to be designed and sited at a level suitable to its context, in line with the requirements of policy D1.

Amenity Provision

Policy D2 of the ALDP requires new residential development to afford amenity provision as part of the development. In terms of amenity space, an area of open space has been provided to the rear of Block A, though this falls short of the 50% specified in policy D2. However, the wider setting of the flats would be with substantial areas of open space to the north west of the site. The proposals include links to park land to the north west. Access to the 2 storey flats are self contained, with large accesses doubling up as balcony areas. Whilst the area of the amenity space is relatively small, it does go some way in providing amenity for the residential development. The close proximity to the park land to the north of the site, along with the linkages provided as part of the development, also provides amenity space for residents to use. Whilst not fully compliant with policy D2 of the ALDP as 50% of the courtyard does not comprise amenity space, in light of the above considerations, sufficient amenity has been afforded to residents in combination with open space provision to the north of the site.

Impact on Surrounding Area

Consideration must be given to the impact of the development on the surrounding area in terms of overshadowing, loss of light and privacy, in line with guidance contained within the Council's Supplementary Guidance on the Sub-division and Redevelopment of Residential Curtilages. In respect of loss of light and overshadowing the position of the development means there is no adverse impact on neighbouring properties. Sufficient separation is provided between the development and the nearest properties to the west and north, with 19 metres separating the front of the flats fronting to Sclattie Park and the existing houses on the opposite side. This separation distance is sufficient to avoid any loss of privacy to existing neighbours.

Overall, the proposals will not result in any substantial overshadowing, as there is sufficient separation between the development and properties to the east. The built form of the development at its northern eastern corner at Sclattie Park would be similar to that of the hotel, avoiding any substantial overshadowing or loss of light. The separation between the flats and the neighbouring houses would also afford privacy to existing neighbours and occupants of the proposed flats. According to the proposals will not result in any detriment of established amenity enjoyed by existing neighbouring residents, and the proposals are considered to accord with the Supplementary Guidance.

Parking/Access

In assessing parking provision, policy T2 requires all development to be served by parking in line with the Council's parking standard and refers to the Council's

Supplementary Guidance on Transport and Accessibility (SGTA) for parking standards for development. In this instance, the development is classed as affordable rented social accommodation, with the relevant standard being 0.8 parking spaces per unit. The proposed development satisfies this standard, providing 55 parking spaces.

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

The Council's Roads Development Management team support the application in light of the above parking requirements. In addition, the applicant has also demonstrated the provision of a swept path analysis for refuse vehicles using the site to the satisfaction of Roads Development Management.

Accordingly the proposals are considered to satisfy the requirements of policy T2 as well as the SGTA.

Drainage

Surface water drainage for the site would be treated by storing surface water in a cellular storage that would discharge to the combined public sewer, whilst foul drainage would drain directly to the combined public sewer. Initially SEPA objected to the development on the basis that the sewage system fails to provide any SuDS treatment. Following provision of additional information and justification for the discharge of surface water to the combined sewer, SEPA removed their objection. The Council's Flooding team raised no objections to the development following clarification on points relating to surface water drainage. It is also noted that Scottish Water raised no objections to the development. In light of the above considerations, the proposals are considered to accord with the requirements of policy NE6.

Pollution

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

Aberdeen International Airport

The site falls within proximity of runway approaches for Aberdeen International Airport (AIA). As the proposals falls within the outer margins of airport noise contours, the Council's Environmental Health Services team have requested that a condition be placed requiring the applicant to undertake a Noise Impact Assessment.

In addition, AIA have requested a conditions be placed requiring a Bird Hazard Management Plan to be prepared, as well as landscaping that avoids the use of

bird attracting species. AIA have also requested that lighting for the site should also be suitable to avoid an adverse impact on aircraft operating in and out of AIA. A condition requiring a suitable lighting scheme is recommended for inclusion.

Waste

In serving the development, bin storage areas have been provided, one for each block. The Council's Waste Services have recommended the required details for the bins to serve the development. The bin enclosures and their positioning are considered acceptable, with Roads Development Management and Waste Services raising no objections.

Developer Obligations

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

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

The Council's Education section has also noted that the development would result in an additional 12 pupils from 2017 to 2021 within the Brimmond catchment area, and this along with other developments in the area would result in the need for an additional classroom at the school.

Low and Zero Carbon Buildings

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

Landscaping/Lighting

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

In respect of landscaping, a landscaping scheme has been provided with the application. A condition requiring the scheme to be implemented is recommended for inclusion.

Legal Agreement

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

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

Proposed Aberdeen Local Development Plan

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

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

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

Matters Raised by Community Council

In respect of the matters raised by Bucksburn and Newhills Community Council, responses to matters raised are provided as follows:

1. *The initial application submitted for this development was for 50 properties but this has now been increased to 68, representing an over development of the site.*

Reference is made to the Pre-Application Notice (PAN) ref. P141134 rather than a planning application. The PAN provided made no reference to the number of units. The Pre-Application Consultation report provided identified indicative layouts shown at the public consultation event, but no definitive scheme.

2. *The flats at four stories high are totally out of context with other properties in the area.*

Whilst the development will be taller than existing buildings in close proximity, in light of the considerations outlined above under “Design and Siting”, the flats are considered to be suitable for their context.

- 3. Extra properties will result in an unacceptable load on the new primary school being built in the area and on existing congested roads. Strongly suggest that before more housing is allocated in are, consideration should be given to alleviating intolerable traffic loading on the A96, especially at the Haudagain Roundabout.*

Developer Obligations are being sought to ensure contributions are sought to mitigate against any impact the development would have on schools and transport in the city (via the Strategic Transport Fund).

- 4. Concerned that these properties are being built as affordable houses against developments in other areas of the city. Affordable housing should be located in every part of the city and certain areas should not be excluded from accommodating such developments.*

There is a recognised need for affordable housing across Aberdeen. The Council does not identify specific areas for development of affordable housing and there are no quotas for specific areas of the city.

Matters Raised in Representations

In respect of the matters raised within the representations received, responses to matters raised are provided as follows:

- 1. Increase in number of units shown at pre-application consultation to application stage.*

The Pre-Application Notice P141134 submitted to the Council made no reference to the number of units. The Pre-Application Consultation report provided identified indicative layouts shown at the public consultation event, but no definitive scheme.

- 2. Increase in volume of traffic as a result of the development which will have an adverse impact on road safety in local area.*

A transport assessment provided with the application identified that there would be an increase of traffic associated with the residential development in comparison to volumes currently using the hotel. Nonetheless, the existing road network in the locality is sufficient to accommodate the development. In respect of the cumulative impact new development has on the City’s transport infrastructure, contributions towards the Strategic Transport Fund are sought.

- 3. Development will restrict visibility at the junction of Sclattie Park with Kepplehills Road, an already difficult junction.*

The development will not interfere with visibility at the junction of Sclattie Park with Kepplehills Road, with the Council's Roads Development Management team raising no objections to the development.

4. *3 storey flats will be an eyesore.*
5. *Flats do not fit in with surrounding area*

The design and siting of the flats is considered to be suitable for the context, as outlined under "Design and Siting" above.

6. *Insufficient parking for flats, likely that flats will have 2 cars per flat.*

Parking provision is in line with the Council's adopted parking standards for affordable housing.

7. *Height of flats will result in loss of sunlight to adjacent houses, as well as overlooking.*

It is not considered that the development will not result in a substantial loss of sunlight, as outlined under "Impact on Surrounding Area" above.

8. *Impact of development on bus route.*

The bus route will remain unaffected as a result of the development, however new bus shelters are required on either side of Kepplehills Road. A condition requiring this is to be placed.

9. *Bucksburn does not need a new housing development.*

There is a well publicised shortage of housing, in particular affordable housing across Aberdeen. That said, the Council must determine applications for housing as submitted and cannot refuse a development on oversupply of housing. Market forces dictate the supply and demand of new housing.

Conclusion

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

RECOMMENDATION

Willingness to approve conditionally. Consent to be withheld until a legal agreement is entered into by the applicant and the Council to ensure the development is restricted solely to affordable housing and to secure

developer obligations towards primary and secondary education, the Core Path Network, open space and the Strategic Transport Fund.

REASONS FOR RECOMMENDATION

The redevelopment of the site for residential use does not conflict with the requirement of policy RT3 – Town, District and Neighbourhood Centres of the Aberdeen Local Development Plan 2012 (ALDP). The flats would be designed and sited at a level suitable for the amenity and context of the surrounding area, in line with the requirements of policy D1 – Architecture and Placemaking of the ALDP. In respect of policy D2 – Design and Amenity of the ALDP, it is acknowledged that the level of amenity provision within the development falls short of that specified by the policy, however the development is sited next to an area of open space and with links provided to this area as part of the development, the proposals are acceptable in this instance. The development would not have a significant impact on the amenity and privacy of neighbours, per the guidance contained within the Council's Supplementary Guidance on The Sub-division and Redevelopment of Residential Curtilages.

Sufficient parking has been provided in line with the standards contained within the Council's Transport and Accessibility Supplementary Guidance and subsequently complies with the requirements of policy T2 – Managing the Transport Impact of Development of the ALDP. Surface water drainage and a connection to foul have been provided for the development in line with the requirements of policy NE6 – Flooding and Drainage of the ALDP.

Relating to the provisions of the Proposed Aberdeen Local Development Plan 2015, the requirements of the relevant policies are similar to those of the adopted ALDP, and such the proposals are considered to comply with the policies of the proposed Aberdeen Local Development Plan insofar as they are relevant.

CONDITIONS

1. That no development pursuant to this planning permission shall take place unless there has been submitted to and approved in writing for the purpose by the Planning Authority an assessment of the noise levels likely within the building, unless the planning authority has given prior written approval for a variation. The assessment shall be prepared by a suitably qualified independent noise consultant and shall:
 - be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note;
 - identify the likely sources of noise; and
 - indicate the measures to reasonably protect the amenity of the occupants of the development from all such sources of noise that have been identified.

The property shall not be occupied unless the said measures have been implemented in full - in the interests of residential amenity.

2. Development shall not commence until a bird hazard management plan (BHMP) 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 be attractive to nesting, roosting and "loafing" birds, and measures in place to implement removal of birds/eggs/nests if deemed necessary. The BHMP must also provide a plan for the duration of earth works, outlining the developer's commitment to managing the risk of attracting birds to the site during excavation activities. Thereafter the agreed measures shall be implemented in full - to avoid endangering the safe movement of aircraft and the operation of Aberdeen International Airport through the attraction of birds.
3. 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. 5257-101 Rev K 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.
4. That the development hereby approved shall not be occupied unless a schedule of work relating to the upgrading of the existing bus shelter adjacent to the site on the eastbound side Kepplehills Road and the provision of a new bus shelter on the westbound side of Kepplehills Road has been submitted to and approved in writing by the planning authority. Thereafter, the new bus shelters shall be provided in accordance with the approved details prior to the occupation of the development – in the interests of sustainable travel and to encourage a reduction in the level of private car trips generated by the development.
5. That development shall not be occupied unless the two path links to the north of the site into the adjacent playing field, as shown in drawing number 5257-101 Rev K, have been completed and provided for use – in order to ensure that the development is served by suitable links to the adjacent amenity space, in the interests of the amenity of the occupants of the development hereby approved.
6. That notwithstanding the specification of white dry dash render on drawing nos. 5257-301 Rev C, 5257-302 Rev C, 5257-303 Rev C hereby approved is not approved and the development hereby approved shall be externally finished with a variety of different colours of dry dash renders to the external walls to be submitted to and approved by the Council as planning authority – in order to minimise visual intrusion of the development.
7. That all planting, seeding and turfing comprised in the scheme of landscaping as shown in drawing no. 0959/01 hereby approved 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.
8. That no development shall take place unless schemes for external lighting for the completed development, as well as construction phase, have been submitted to and approved in writing by the Planning Authority, and thereafter implemented in full accordance with said scheme. The external lighting shall be of a flat glass, full cut off design, mounted horizontally, and shall ensure that there is to be no light spill above the horizontal – in the interest of public safety and to ensure the lighting does not distract crew operating at Aberdeen International Airport.
 9. That prior to first occupation of the units or completion of the development (whichever is the soonest), a travel plan shall be submitted to and approved by the Council (as Planning Authority) Thereafter the measure identified in the travel plan shall be implemented in accordance with the approved plan - in the interests of sustainable travel.
 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.

INFORMATIVES

Roads Construction Consent

The roads authority does not envisage adopting the internal access beyond the tangent point of the proposed bellmouth onto Kepplehills Road. It is suggested that the applicant confirms adoption arrangements whilst agreeing the extent of roadworks to be included in an RCC application to Colin Burnet (tel. 01224 522409).

SEPA

Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of www.sepa.org.uk. 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

Aberdeen International Airport

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 its height would exceed 10m or that of surrounding trees and structures.

Use of cranes, scaffolding above the height of the proposed development, or other tall construction equipment must be notified to Aberdeen International Airport Safeguarding Manager (safeguarding@aairport.com / 01224 725756) at least one month prior to use. Failure to do so may 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.

Construction Works

In order to protect occupants of the neighbouring residences/offices/shops from any potential noise nuisance, demolition and building works should not occur:

- a) outwith the hours of 7am to 7pm on Monday to Friday
- b) outwith the hours of 9am to 4pm Saturdays
- c) at any time on Sundays, except for works inaudible outwith the application site boundary

If piling operations are to be carried out, agreement should be reached with this Service regarding hours of operation.

Dr Margaret Bochel

Head of Planning and Sustainable Development.

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Planning Application No. P141837

Proposed Residential Development at Cloverleaf Hotel Bucksburn

As the Planning Officer for the Bucksburn and Newhills Community Council I have been asked to write to you concerning four concerns we have regarding this development as now proposed. I am doing this on behalf of residents who have approached the Community Council with concerns that are mirrored by the views of the Community Council itself.

- 1) The initial Planning Application submitted for this development (No. 141134) was for fifty properties but this has now been increased in this application to an unacceptable number of sixty eight. This represents an over development of the site in question.
- 2) The flats, I believe, are now due to be four stories high and this is totally out of context with other properties in the area and is unacceptable both to the Community Council and the residents who live adjacent to the site. It should be noted that we complained, for the same reason, against the original proposal which was for three stories.
- 3) We are very concerned that these extra sixty eight properties, will put an unacceptable load on the new primary school being built in the area and on the existing very congested roads. We would strongly suggest that before allocating any more housing within this area that consideration be given to alleviating the already intollerable traffic loading on the A96 especially in the area of the Haudagin Roundabout.
- 4) We are also concerned that these properties are being built as "affordable houses" against developments in other areas of the City. We are firmly of the opinion that there should be affordable housing in every part of the City and not that certain areas should be excluded from this criteria, because their affordable houses are being designated, in a completely different part of the City.

- 1) I would ask that these views be made known to the Planning Committee before they make a decision on this application.

Charles Shepherd MBE
Planning Officer (Bucksburn & Newhills Community Council)

16 JAN 2015

PI

From: webmaster@aberdeencity.gov.uk
Sent: 20 December 2014 23:10
To: PI
Subject: Planning Comment for 141837

Comment for Planning Application 141837

Name : Marion Gwynn
Address : 30 Sclattie place
Bucksburn
Ab21 9Qb

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I Strongly OBJECT to the proposed Stewart Milne plans for this site. 50 flats now 68. Clearly nobody is thinking of the added volume of traffic to kepplehills. 68 flats probably 2 cars each property, a new primary school across the road. No consideration has been taken to the surrounding areas or to the community. Also 3 story flats, this will be an eyesore. Bucksburn will be over developed with No infrastructure & i was under the assumption that Aberdeen city councils priority was keeping community's together. This will be a travesty if this is approved.
Marion Gwynn

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 18 December 2014 20:31
To: PI
Subject: Planning Comment for 141837

Comment for Planning Application 141837

Name : Erika cowie
Address : 42 Netherhills Avenue
Bucksburn
Aberdeen
AB219DE 9DE

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I Object strongly to the Stewart Milne proposed development on the cloverleaf site. Bucksburn still has a strong community spirit & the cloverleaf is the heart of the Bucksburn community. Bucksburn is an ageing community it's also a growing community which is the natural progress but when progress harms a community how can that be called progress? My uncle is nearing 80, and for 10yrs he has went for his supper & a few pints & a few ovd's not because he has a drink problem but because otherwise he would sit in a house himself lonely. This is what the demolition of the leaf will cause. Our pensioners, widowers will have nowhere to go so will stay in by themselves which will lead to loneliness, depression & can lead on to dementia. I know Bucksburn still has 3 pubs but nothing up in our area so how do they get down & if they get down how do they get back home. Did you know the leaf was 50yrs old in November this year? I have had many happy & sad times in the leaf and to say I'm heartbroken is an understatement. Now for the reasons that don't involve the heart. If the cloverleaf has to go then why more flats? We need to think of our pensioners why not more cottages? We need to think of our elderly! All that seems to be getting built is flats or massive houses. This is unacceptable. I was told that the ground floor would be acceptable for elderly so tell me what 60+ yr old wants teenagers or 20 something's above them partying till all hours. The builders in Aberdeen are throwing up houses and flats without a single consideration to THE COMMUNITY, No infrastructure just houses!! Originally it was for 50 flats now 68, so possibly 1 to 2 cars per flat? Have you seen how busy the kepplehills road/drive is plus a new primary school to open in the next year that is an accident waiting to happen. Why are the house builders not obligated to put back into community's. Yes the leaf is tired, yes it probably needs flattened but if they even just built the pub in an area of the pounds. Please please don't destroy the Bucksburn community. Kind regards & every hopeful that 1day Aberdeen council will say no more. It's time to build our community's back up & have a sense of worth again. Please don't allow flats to be built. Thank you Erika cowie p.s the roads need to be sorted if this goes ahead for example traffic light from the top to the bottom on both the road & drive..

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 20 December 2014 23:22
To: PI
Subject: Planning Comment for 141837

Comment for Planning Application 141837

Name : Scott Johnston
Address: 42 Netherhills Avenue
Bucksburn
Aberdeen
Ab21 9de

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object to the plans. Don't fit in with the surrounding area. Increased volume of traffic to an already busy road. houses being thrown up but nothing for the people of Bucksburn. The cloverleaf is the heart of our community why don't they build us a new pub & get rid of hotel & build a cafe. Put back into our community instead of bulldozing it!

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From: webmaster@aberdeencity.gov.uk
Sent: 30 January 2015 18:16
To: PI
Subject: Planning Comment for 141837

Comment for Planning Application 141837

Name : Ashleigh Lancaster
Address : 38 Howes View
Bucksburn
Aberdeen
AB21 9BL

Telephone :

Email : [REDACTED]
type :

Comment : I object. I object to your "plans" to build flats where the Cloverleaf. My reasons are you are destroying my home city in Aberdeen by building far too many houses for the capability of the city and now you have decided to invade my home village!! I have grown up living through various events - happy and sad times at the leaf. Whether that was Birthday Parties, Wedding Receptions, Anniversaries or Funeral wakes. You are damaging a close community by bringing this to Bucksburn. Destroying the views of the village I have grown up in. An increase of traffic on an already bad road with poor junctions. I would like to bring your attention particularly close to the school children who have to cross these roads. Whether this is the Academy pupils or younger Primary and Nursery children who will be moving to Brimmond. What will happen to the bus route? The busses clearly find the roads hard enough - I'm sure you are aware of the crash due to ice. This has not been properly thought of. I object.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 30 January 2015 17:54
To: PI
Subject: Planning Comment for 141837

Comment for Planning Application 141837

Name : Angela Strong
Address : 4 Hopetoun Grange
Bucksburn
Aberdeen
AB21 9RB

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object to this application on the grounds that this does not need a new housing development.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 15 December 2014 19:57
To: PI
Subject: Planning Comment for 141837

Comment for Planning Application 141837

Name : steven fraser
Address : 72 sclattie park bucksburn
aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment :

What to raise objection about the stuart milne development at cloverleaf hotel bucksburn as I have seen proposed drawing which are 3 stores high outside my house at 72 sclattie park bucksburn which will block my view and sun light into my bedroom & living room @garden at front of house as there is only 10m PL to PL and 15M my window to the wall at the cloverleaf carpark also I have been checking web site of acc planning every night nothing on web site till 15/12/14 or no letter from acc yet closing date 29/12/14 which does not give me 21 days to object plus acc shut xmas

yours

stevefraser

72 sclattie park bucksburn
aberdeen
ab21 9qj

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 18 January 2015 18:44
To: PI
Subject: Planning Comment for 141837

Comment for Planning Application 141837

Name : steven fraser

Address : 72 sclattie park bucksburn

Aberdeen

ab21 9qj

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I wish to to object to the 68 flats on cloverleaf site after seeing the plans I notice that they are 2&3&4 stores high also there is only 55 car parking space which is less than the amount of flats also most families have more than one car now so where are they parking .keppleshill road is busy road with traffic with out any more and it next to school and there is only one exit point.plus in the plans the buildings are two,three,four store high and out side my house they are three store high which willblock my sun light and people will be looking in to my bedroom and living room as I am only 10m away and no were in this part of bucksburn is there four store high ever house is two stores .at the open day by stuartmine told us three stores high and that was a lie also two carparking space for private flats and one for afford flats and only 55 flats not 68 I fell the whole thing is a pack of lies .also the cloverleaf is the heart of the community.for a lot of people and three&four store will be a eye sore as it is the highest point of bucksburn therefore I strongly object to this site

yours

steven fraser & Jackie fraser

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 30 January 2015 17:38
To: PI
Subject: Planning Comment for

Comment for Planning Application

Name : Mr John Craig
Address : 38 kingsway
Bucksburn
Aberdeen

Telephone : Ab21 9bp

Email : [REDACTED]

type :

Comment : I wish to object to the change of use of the site allocated for this development. If the council allows the demolition of the cloverleaf & it's replacement with these flats then there will be very little left for the community of Bucksburn in this area.

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From: webmaster@aberdeencity.gov.uk
Sent: 30 January 2015 17:34
To: PI
Subject: Planning Comment for

Comment for Planning Application

Name : Mrs Jean Craig
Address : 38 Kingsway
Bucksburn
Aberdeen

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

Comment : I feel that the building of flats on this site would make it harder to have a good view of traffic in both directions at an already difficult junction. When sitting at the junction of scattie park with kepplehills road the view to the right of traffic coming down from the Newhills side is already obscured by the existing houses to the right. I feel that to build flats which will be 3 storeys high & much further forward towards the road than the existing hotel would make an already challenging junction extremely dangerous!
Therefore I wish to make my objection felt.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 30 January 2015 18:34
To: PI
Subject: Planning Comment for

Comment for Planning Application

Name : Miss Hannah Lancaster

Address: 38 Howes View

Bucksburn

Aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I would like to object to your proposals to build 68 flats on the site of the cloverleaf hotel. I see no requirement for extra housing in this area of Bucksburn which will also bring with it an increase in traffic in an area of the village which is used by a large number of the community. If you build these flats there will be an increase in people coming to the village but less community facilities to be utilised. The Cloverleaf is an establishment which is well used by many locals in this area.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 30 January 2015 17:24
To: PI
Subject: Planning Comment for 141837

Comment for Planning Application 141837

Name : Mrs D Nelson
Address : 38 Howes View
Bucksburn
Aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I wish to object to this application as it is taking away an establishment which is currently the "heart" of Bucksburn for many locals. It is sited on a strip of land which consists of other community based establishments. ie Bucksburn Academy, Beacon Community Centre, Bucksburn Library & Bucksburn Swimming Pool. As well as this there has been a site adjacent to this allocated to the community council for the development of a community garden. I personally feel that any development of this site should be within the community feel of this area. There has already been sites beside the Hopetoun area of Bucksburn & further up the Newhills area earmarked by the council for further development. Why would the council be looking at developing these areas while also considering to deplete the existing community facilities?

As well as this, on viewing the plans it appears that the application has been submitted for 68 flats, however, it appears only 55 parking spaces have been allowed. While you may argue that not everyone owns a vehicle it is also fair to say that many couples may have more than one, therefore I do not believe that enough consideration has been given to the influx of vehicles to this area. As mentioned earlier this area is predominantly a community area - if there are not enough parking spaces allowed to these flats this will encourage parking in the surrounding areas increasing the risks to the many people (of all ages) using the community facilities. I have already witnessed many vehicles fail to stop at the zebra crossing further down Kepplehills road so to increase the traffic in this area would most definitely be an accident waiting to happen!

I hope you will give due consideration to my objections.

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Planning Development Management Committee

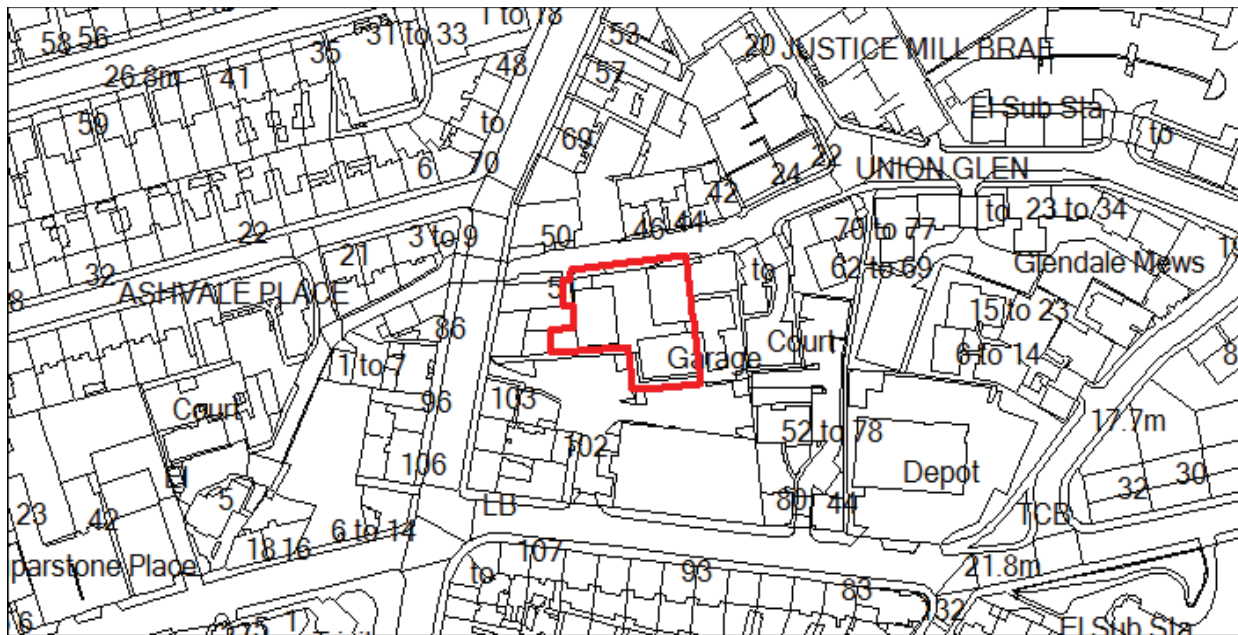
UNIT 1-3, UNION GLEN, ABERDEEN

DEMOLITION OF EXISTING INDUSTRIAL UNITS AND ERECTION OF AN APART-HOTEL COMPRISING 71 ROOM SUITES WITH ASSOCIATED PARKING AND LANDSCAPING (VARIATION TO PREVIOUSLY APPROVED SCHEME).

For: Danmor Developments Ltd.

Application Type : Detailed Planning Permission
Application Ref. : P151052
Application Date: 01/07/2015
Officer: Jane Forbes
Ward : Torry/Ferryhill (Y Allan/A Donnelly/J Kiddie/G Dickson)

Advert : Section 34 -Proj. Pub. Concern
Advertised on: 15/07/2015
Committee Date: 18/08/2015
Community Council : No response received



RECOMMENDATION:

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

DESCRIPTION

The application site, which extends to an area of 1518m², is located on the south side of Union Glen, and at a distance of some 25 metres to the east of the Holburn Street Bridge. The site is currently occupied by 3 industrial business units, but historically formed part of the Union Glen Distillery site. Immediately to the north and east of the application site are contemporary flatted properties, both four storeys in height. To the north-west of the site is an area of car parking which lies adjacent to a more traditional granite 3 storey building with a frontage onto Holburn Street, but where the rear of the building, which is occupied by Aberdeen Drilling School, is accessed off Union Glen. To the west of the site is the rear of a traditional, 6 storey tenement building which fronts onto Holburn Street and comprises retail units at street level, with residential accommodation both above and below this. To the south of the application site the ground level rises approximately 6 metres between the boundary of the application site and a car parking area for the neighbouring retail park, both of which are accessed off Willowbank Road.

RELEVANT HISTORY

Planning application Ref 141430, submitted in September 2014, proposed the demolition of the 3 industrial business units on site, and the erection of a 7 storey aparthotel comprising 71 room suites with associated parking and landscaping. Conditional planning permission was granted on 8th July 2015, following earlier committee instruction on 19th April 2015 to approve subject to conclusion of an appropriate legal agreement relating to the payment of developer contributions and payments to the Council's Strategic Transport Fund.

PROPOSAL

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

The proposed development would comprise a contemporary, largely flat roofed building with 3 linked elements ranging from between 4 and 5 to 7 storeys in height across the site, and incorporating a staggered building line along all four elevations. The 5 storey section of the building would be set back from the northern boundary of the site which fronts onto Union Glen by 13.2 and 15 metres, and would extend east to west over a distance of 16.5 metres. An initial 1.85 metre wide section of the building along the length of the eastern boundary, and a 3.6 metre wide section along the initial 16.6 metre length of the northern elevation would lie at 4 storeys high, with this then rising 2.6 metres to create the full 5 storeys within the remaining eastern section of the building, and thus creating a terraced area at this level. Moving towards the west and beyond

the 4/5 storey section of building, the proposed development would rise to between 6 and 7 storeys, equating to a height of between 17.3 and 21.2 metres, with a staggered roof line which would include a feature, mono-pitched roof rising to a maximum height of 22.4 metres. The 7 storey section of the development would be set back from the main front (north) elevation of the 6 storey section of building by a distance of 9 metres.

The proposed aparthotel would be finished in a range of materials including natural granite panels, smooth white render, grey brick basecourse, dark grey metallic cladding, grey aluminium framed windows and screens, glass cladding and panelling.

An amended layout provides 7 car parking spaces (including 3 disabled spaces) and 4 motor cycling spaces, and includes a taxi drop off/pick up layby to the front of the building. Cycle parking facilities, along with showers, changing rooms and lockers for staff use are included in the proposed layout.

Supporting Documents

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

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151052>

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

REASON FOR REFERRAL TO COMMITTEE

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

CONSULTATIONS

Roads Development Management - No objection. Advise that conditions should be attached as per the previous application in relation to the delivery of vehicle & cycle parking and changing/showering facilities; that relevant Traffic Regulation Orders are in place prior to occupation; and that a travel plan and associated travel information pack are submitted for approval. Also advise that provision should be made to ensure the Strategic Transport Fund contribution required for the previous application is transferred to this new application, as appropriate.

Environmental Health – No objection. In line with comments for the previous application, conditions are attached to secure the submission and approval of a scheme which addresses any land contamination on site and ensures any necessary mitigation measures are undertaken prior to occupation. Informatives have also been included which advise that consideration should be given to any potential noise related issues which may arise as a result of plant being installed on site, and that appropriate refuse storage facilities are provided.

Developer Contributions Team - Contribution required towards core paths/access improvements as per the previous application.

Communities, Housing and Infrastructure (Flooding) – No objection.

Education, Culture & Sport (Archaeology) – No objection. Request a condition is attached which would require the submission and approval by this authority of a written scheme of investigation and subsequent implementation of any programme of archaeological work in accordance with that scheme.

Community Council – No response received.

REPRESENTATIONS

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

1. Existing overprovision of hotel accommodation in the city centre;
2. The application site lies within an area which is predominantly in residential use, and incompatible with an aparthotel use;
3. The proposed development would result in an increased volume of traffic; exacerbate existing parking problems in the area; and provide insufficient space for vehicles manoeuvring, including waste collection;
4. The proposed development would result in the loss of industrial units and associated employment opportunities from the area, also resulting in reduced business diversity;
5. The nature of the proposed development and its use would result in increased noise levels and anti-social behaviour in the area;
6. The scale of development constitutes overdevelopment of the site;
7. The height of development will impact on existing daylighting, obscure sunlight from surrounding properties, and does not comply with building regulations;
8. Disruption likely as a result of proposed demolition of existing industrial units, and concerns relating to likely health hazard of downtakings;
9. Impact of construction work on Union Glen area;
10. Impact on property values in the area;
11. Overlooking from proposed development on existing residential property, impacting on privacy;
12. Existing security of the shared access to the courtyard which lies along the western boundary of the site would be compromised;
13. An area of land identified within the proposal is in common ownership with residents of 49 Union Glen;
14. The existing drainage network has no additional capacity.

PLANNING POLICY

National Policy and Guidance

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

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

Aberdeen City and Shire Strategic Development Plan

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

Aberdeen Local Development Plan

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

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

Policy D1 (Architecture and Placemaking) - This policy outlines an expectation that all new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour and materials will be considered in assessing this.

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

Policy T2 (Managing the Transport Impact of Development) - New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Guidance. Planning conditions and/or legal agreements may be imposed to bind the targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review.

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

for sustainable and active travel are both protected and improved. Access to, and movement within and between, new and existing developments will prioritise transport modes in the following order – walking, cycling, public transport, car and other motorised vehicles.

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

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

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

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

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

Proposed Aberdeen Local Development Plan (2016)

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

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

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

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

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

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

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

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

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

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

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

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that

determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Update and Summary of Changes from Previously Approved Proposal

Following approval of the previous application (Ref 141430) in April 2015, and in advance of development starting on site, investigative work was undertaken by the applicant with a view to removing an existing buttress which lies within the application site, but which forms an arched link to the eastern elevation of the 6 storey tenement building which fronts Holburn Street and backs onto the application site. As a result of the investigations, it became apparent that the buttress provided a degree of structural support to this neighbouring tenement and its removal could potentially impact on the tenement building along its eastern elevation. It was therefore deemed necessary to retain the butrees in-situ, however this affected the deliverability of the previously approved aparthotel development. As a result the original layout was revisited, with the aim of delivering the proposed aparthotel development whilst accommodating the obvious restrictions along the western boundary of the site, and subsequently this new proposal was considered and submitted, which would see the same level of accommodation being delivered (ie 71 suites), within the same scale of development (4/5 to 7 storeys), but with minor amendments to the overall footprint. Whilst the amended proposal would see the introduction of an additional 5 storey 'corner' wrapping around the north-eastern end of the main frontage of the building, it would also include a reduction in footprint along the eastern-most elevation of the building by 500mm, and along the western-most elevation by 1.1 metres. Whilst some of these amendments could have been dealt with as non-material variations to the original approval, the revised frontage could not be deemed 'non-material', and as a result the applicant was advised that a new application would be required.

Principle of Proposed Development

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

Economic Impact

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

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

SPP also identifies the Tourism Development Framework for Scotland, which seeks to support planning systems in delivering a visitor economy, as a material consideration in the determination of development proposals. This framework encourages planning authorities to consider hotel accommodation requirements at locations where there is evidence of market demand, and to identify locations for investment in new hotel accommodation. Whilst specific locations for such development are not identified in the Local Development Plan, it is nevertheless considered that the proposed erection of an aparthotel development at this location would be in accordance with the aforementioned policies in terms of it delivering an appropriate mix of development uses. Although recognising a downturn in the oil and gas industry in the north east has undoubtedly impacted on business demand for hotel accommodation in the city, a city centre location such as this would clearly provide accommodation for a broader range of occupants, including tourists.

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

Design, Scale and Impact of Development

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

It is considered that the varying roof levels, the use of a mix of materials including granite panelling, smooth render, glass and aluminium framing, and the introduction of staggered elevations, would introduce an appropriate level of

design quality to the building, whilst also ensuring that it respects the scale and massing of existing development within the surrounding area.

The surrounding properties include both traditional granite tenements and modern flatted block development, therefore the introduction of a contemporary style development such as this would serve as a suitable contrast. Whilst the proposed development would rise to 7 storeys at its highest point, the 6th floor of the building, which would be limited to a floorspace of 12 metres x 20 metres, and contain 3 room suites, a lift and stairwell, with a feature roof above, would be delivered within the south-western section of the site, and would lie relatively centrally within the overall development. The main focus of accommodation would be located between the ground and 5th floor levels. The delivery of accommodation across the building in general takes account of the range in building heights which surround the application site. This would see the roof of the 6th floor accommodation lying 2 metres below the ridge level of the neighbouring tenement property to the west on Holburn Street, and the outer section of the building along the part of the northern and the full length of the eastern elevations where it drops down to 4 storeys, lying at 2.2 metres below the ridge level of the flatted properties to the east and north of the site.

When consideration is given to the scale of existing industrial/business units on site, it is apparent that the proposed aparthotel building would result in a significant increase in development massing, however considerable attention has been paid to the design and layout of the proposed building in order to address any potential adverse impact on neighbouring properties. This has resulted in a staggered building line along the northern boundary which sees a 16.6 metre length of frontage lining up with the frontage of the neighbouring flatted block which lies to the east, thereby introducing no overshadowing to existing windows. The staggered nature of the building line would also ensure a 22.4 metre separation distance between the windows along this section of the hotel building and the flatted properties which lie across Union Glen and to the north of the site, again ensuring minimal impact on daylighting and no impact on privacy due to overlooking. The remaining northern elevation of the hotel building, which rises to 6 storeys, fronts across Union Glen onto an existing car park and the south-westernmost corner of the 4 storey flatted property. Whilst the 'wrap-around' feature of the building which this application has seen introduced would result in additional development around the north-easternmost corner of this elevation of the aparthotel, the footprint of the additional build would amount to no more than 23m². This corner feature would lie at 12.5 metres from the south-westernmost corner of the 4 storey flatted property opposite, and would be finished in granite panelling with windows introduced along its eastern facing elevation which looks onto the neighbouring car park, but with no window openings to the northern elevation, thereby ensuring no additional overlooking. All remaining windows on the northern frontage of the building would be set at an angle from any window on the existing flatted properties, as previously approved under the original application, and therefore no direct window to window overlooking would be introduced as a result of this proposal. Taking all of the above into account, it is considered that the proposed changes made to the previously approved development would have no additional impact on residential amenity.

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

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

Finally, the western elevation of the proposed development extends along a staggered site boundary, with the 6 to 7 storey sections of development lying at a distance of between 7.6 and 9.5 metres from the blank gable ends of the rear off-shoot extensions to the tenement buildings on Holburn Street, which are at a height of between 3 and 6 storeys. Whilst it is accepted that the proposal would have some impact on daylighting to the windows on the remaining rear elevations of these off-shoots, the proposed development would nevertheless lie to the east of the tenement buildings, therefore any additional impact on existing daylighting as a result of the proposal would be minimal. There is only one ground floor window opening proposed along the western elevation, and this would serve the admin office. In order to address any possible overlooking or impact on privacy to the rear of the tenement properties, a condition has been applied which would ensure the installation of opaque glazing to this window.

Although it is acknowledged that the proposal would have an increased visual impact on surrounding properties, it is nevertheless considered that the design and layout of development has suitably addressed such impact, through the introduction of staggered building lines, varied buildings heights and an appropriate selection of finish materials, with the result that the proposed

development would not be detrimental to the existing residential amenity of the area. On this basis it is felt that the proposal would be in accordance with Policy D1 (Architecture and Placemaking), and also suitably compliant with Policy H2 (Mixed Areas) in terms of avoiding undue conflict with existing land uses and amenity within the surrounding area.

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

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

Access and Traffic Impacts

The development includes a minimal level of parking, as befits its city centre location, proposing 7 car parking spaces, 3 of which would be designated for disabled users, and 4 motor cycle bays. Secure parking would be allocated for 10 cycles. Given the nature of development which is being sought within this city centre location, where there is a good level of connectivity, with public transport services on Holburn Street, Albyn Place and Union Street lying at less than 400 metres, and the bus and train stations at less than a mile from the site, the Roads Development Management team have considered that the parking provision for the site is of an appropriate level.

A taxi drop off/pick up point which would accommodate up to 3 vehicles has been included in the proposal following comments from the Roads team. This layby arrangement would be located immediately to the front of the building, thereby minimising any likely disruption to traffic movement along Union Glen as a result of the hotel resident's arrival and departure from the site. The Roads Development Management team have advised that on the basis of its central location, and with public car parks available within the local vicinity and controlled parking along Union Glen, it is unlikely that the proposed development would raise any traffic issues. A condition has been applied which requires that a Traffic Regulation Order is in place which addresses the change in road layout to accommodate the taxi layby prior to occupation.

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

In terms of Policy I1(Infrastructure Delivery and Developer Contributions), the applicant has already settled all payments due in connection to the previous

application, which related to a contribution towards the delivery of core paths/environmental & access improvements and to the Strategic Transport Fund. On this basis, and taking into account that the contributions applicable to this new application would be the same as for the previous, should members be minded to approve this proposal, the recommendation is for 'a willingness to approve subject to conditions, but to withhold the issue of the consent document until the applicant has entered into an appropriately binding agreement with the Council to secure contribution towards works to the core paths/environmental & access improvements in the area and Strategic Transport Fund', thus allowing for the recognised level of payments which are due to be transferred to whichever application is implemented, as required.

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

Drainage and Flooding

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

Other Matters Raised in Representations

- Disruption and inconvenience during construction is inevitable and is not a material planning consideration.
- The likely impact on property values in the area as a result of the proposed development is not a material consideration in the determination of this application.
- Concern has been raised in relation to the potential increase in noise levels and anti-social behaviour in the area which would arise as a result of the proposed development, however it is not apparent that the operation of an aparthotel which would mainly attract business and tourist travellers, would have a direct link to anti-social behaviour nor is it felt likely that such a use would generate significantly more noise than the existing garage repair and electrical engineering businesses currently operating from the site.
- Concerns raised relating to land in common ownership and the retention of secure access to such land is not a relevant planning consideration.

Proposed Aberdeen Local Development Plan

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

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

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

RECOMMENDATION

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

REASONS FOR RECOMMENDATION

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

The proposal is deemed suitably compliant with relevant national and local plan policy, including Scottish Planning Policy and the Aberdeen City and Shire Strategic Development Plan, which seek to support a mix of development within city centre locations which will encourage and support their vibrancy, vitality and viability. The proposal is also considered to be in accordance with a range of local plan policy, including, but not limited to Policy C1 (City Centre Development - Regional Centre), Policy D1 (Architecture and Placemaking) and Policies T2 (Managing the Transport Impact of Development) and D3 (Sustainable and Active Travel).

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

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

CONDITIONS

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

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

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

(3) that the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Plan No 14641-00-13 Rev A, and as set out in the Drainage Assessment dated 17/12/2014 and submitted in support of this application by Fairhurst, or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.

(4) that the proposed ground floor office/admin room window on the west elevation of the proposed development hereby approved shall not be fitted otherwise than with with obscure glass to a minimal level 2 obscuration unless the planning authority has given prior written approval for a variation - in the interests of protecting the privacy of neighbouring residential properties.

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

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

The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land and shall be conducted by a suitably qualified person in accordance with best practice as detailed

in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination,
2. a site-specific risk assessment,
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

No building(s) on the development site shall be occupied unless

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

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

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

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

(8) that the development hereby approved shall not be occupied unless the parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. 14641-00-01 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 or motorcycles ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(9) that the staff changing rooms as shown on the approved plan Ref 14641-00-01 Rev D, or such other plan as may subsequently be approved in writing by the planning authority for the purpose, shall have been provided in accordance with the details hereby approved prior to first occupation of the building and retained thereafter at all times for such use - to ensure suitable facilities to support and promote sustainable modes of travel

(10) that the Traffic Regulation Order (TRO) required to deliver the proposed taxi drop off/pick up area, as per drawing number 14641-00-01 Rev D, is in place prior to occupation of the development hereby approved, or any other such timescale agreed by the planning authority, and the total cost of all works including the promotion of the TRO are met by the applicant - in the interests of public safety and the free flow of traffic.

(11) that no development shall take place unless there has been submitted to and approved in writing a detailed Green Travel Plan and Travel Information Pack, which should be site specific and outline measures to deter the use of the private car and promote all kinds of sustainable travel and provide detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets - in order to encourage more sustainable forms of travel to the development.

(12) that the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

(13) 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 detailed scheme of landscaping for the site, to include 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.

INFORMATIVES

1. it is recommended that no construction or demolition work shall take place: (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays; (b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or (c) at any time on Sundays, except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.
2. it is recommended that the applicant contact Aberdeen City Waste Aware section to ascertain further information regarding refuse storage/removal. Waste Team - Tel 08456 080919
E-mail - wasteaware@aberdeencity.gov.uk
3. it is recommended that consideration be given to any potential noise related issues to surrounding residents due to plant installed on site.
4. a Traffic Regulation Order (TRO) will be required for the proposed taxi drop off/pick up area as per drawing number 14641-00-01 Rev D. It should be noted that the applicant has responsibility for applying for the TRO.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 23 July 2015 09:00
To: PI
Subject: Planning Comment for 151052

Comment for Planning Application 151052

Name : Erlend Corrigan
Address : 85 Holburn St
Top Floor Centre

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Dear Sir/Madame

I am writing to you to lodge an objection on the planning application #151052 for the construction of a 7 storey Apart-Hotel consisting of some 72 unit in Union Glen. My property at 85 Holburn top centre will be significantly and adversely affected by this development. The proposed development with blockout direct sunlight and significantly reduce the amount of daylight reaching my flat. This will not only impact the well being of living in the flat, it will also financial reduce the properties value.

I find this development entirely outwith the existing developments in union glen being some 3-4 storey higher. In addition as no parking facilities for additional potential 72+ apart-hotel residents is provided there will be significant and continue chaos with vehicles in Union Glen and surrounding round, currently there is insufficient parking for the current residence in the area.

Lastly I would question if this is the right type of development as Aberdeen goes forward. The claim that there is insufficient hotel or similar accommodation in Aberdeen is very much out dated. There has been numerous new hotels constructed, or under construction, both in the city and major industrial area surrounding the city. What is need for in the city is development provide reasonable price 1-2 bedrooms flats - not the £230,000 plus boxes currently under offer.

I urge the council and the planning authorities to reject this development in entirety

regards

Erlend Corrigan

IMPORTANT NOTICE: This e-mail (including any attachment to it) is confidential, protected by copyright and may be privileged. The information contained in it should be used for its intended purposes only. If you receive this email in error, notify the sender by reply email, delete the received email and do not make use of, disclose or copy it. Whilst we take reasonable precautions to ensure that our emails are free from viruses, we cannot be responsible for any viruses transmitted with this email and recommend that you subject any incoming email to your own virus checking procedures. Unless related to Council business, the opinions expressed in this email are those of the sender and they do not necessarily constitute those of Aberdeen City Council. Unless we expressly say otherwise in this email or its attachments, neither this email nor its attachments create, form part of or vary any contractual or unilateral obligation. Aberdeen City Council's incoming and outgoing email is subject to regular monitoring.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 13 July 2015 16:05
To: PI
Subject: Planning Comment for 151052

Comment for Planning Application 151052

Name : Duncan James Caird

Address : 46 G Union Glen. Top Floor Overlooking intended plot.

Telephone :

Email : [REDACTED]

type :

Comment : Hereby object to the proposal. I understand there are 6 floors, this will completely obscure sunlight from entering my apartment main living room. My apartment is located on the top floor of the building directly across the road and overlooks the intended plot.

Further to this I do not wish to see traffic build up in a small, congested road. A hotel / apartment building of such a size will only serve to increase this.

Could you please email to confirm receipt of this objection. I also wish to know how/when my objection will be reviewed and when I can expect the outcomes to be communicated to me.

I look forward to your response.

IMPORTANT NOTICE: This e-mail (including any attachment to it) is confidential, protected by copyright and may be privileged. The information contained in it should be used for its intended purposes only. If you receive this email in error, notify the sender by reply email, delete the received email and do not make use of, disclose or copy it. Whilst we take reasonable precautions to ensure that our emails are free from viruses, we cannot be responsible for any viruses transmitted with this email and recommend that you subject any incoming email to your own virus checking procedures. Unless related to Council business, the opinions expressed in this email are those of the sender and they do not necessarily constitute those of Aberdeen City Council. Unless we expressly say otherwise in this email or its attachments, neither this email nor its attachments create, form part of or vary any contractual or unilateral obligation. Aberdeen City Council's incoming and outgoing email is subject to regular monitoring.

PI

From: Stephanie Wilson [REDACTED]
Sent: 24 July 2015 09:52
To: PI
Subject: Application 151052 Objection

Hi,

I would like to put in a planning objection for the building of the Seven Storey High hotel that is being built adjacent to my flat in Union Glen, this building is going to block sunlight and daylight that has been coming into my flat for years and now I'm not going to get any natural light or sunlight shining through.

Kind Regards

Stephanie Wilson
Buyer.
Office: [REDACTED] (direct)
Mobile: [REDACTED]
[REDACTED]

Archer

Safety - Integrity - Performance
Teamwork - Proactive

Archer House
Main Road
Blackburn
Aberdeen
AB21 0PB
Tel. [REDACTED]
archerwell.com

PI

From: Matthew Dixon [REDACTED]
Sent: 22 July 2015 22:23
To: PI
Subject: Planning Application 151052

Dear Sir/Madam,

Please take this email as my second objection to planning permission 151052 which I was horrified to find out today has been granted.

This development will, once complete, totally remove the following from my property in Union Glen:

- Direct Sunlight: the one window in my property which freely enjoys the sunlight during the day will now be completely obscured by the seven storey hotel.
- Daylight: the one window in my property which freely enjoys most of the daylight during the day will now be completely obscured by the seven storey hotel not to mention my parking space and the yard in general.
- Privacy: My privacy will be removed as my bedroom window will not be viewed upon by a seven storey hotel whether it be from guests and the windows shown in the plan, staff, delivery persons and those using the laundry and bin room. The smoking shelter and bicycle shelter were previously in the area where our yard is also.
- Access: from the plans the main business/industrial drop off and pick up point (laundry, refuse etc) appears to be where currently our yard is, how is access to my private parking space guaranteed?
- Security: The security gate to my property will be removed and there will now be unrestricted traffic flow of people into and through what is currently a private yard. Are they going to re-instate a security gate for the yard?
- Access: From my plot plans of my property I do not believe that in fact the proposed hotel has full access rights to the proposed parking spaces in our currently private yard and so I do not see how they can presume this to be ok or the council can deem the plans acceptable.
- Parking: How will my space be guaranteed not to be used by hotel guests?
- Valuation: the value of our properties will be severely impacted by this as private parking, security and privacy are the key features of our properties.

My other concern is what will happen during construction? Where will I park and how will I access my flat when construction is in full swing? No consideration has been given to the residents within the yard with regard to the height of the hotel or the fact that they are utilising the private yard.

I fully object to these plans and am horrified they have got this far.

Regards,

Matt Dixon
49b Union Glen

From: webmaster@aberdeencity.gov.uk
Sent: 12 July 2015 23:40
To: PJ
Subject: Planning Comment for 151052

Comment for Planning Application 151052

Name : Valerie Bodington, Philip Bodington Address : 46E , Union Glen

Telephone :

Email : [REDACTED]

type :

Comment : 46E, Union Glen
Aberdeen
AB11 6ER

Planning Officer 11th July 11, 2015
Aberdeen City Planning Dept
Mariscal College
Aberdeen

Dear Ms Jane Forbes

RE : Planning application 151052 (Unit 1-3 Union Glen, Aberdeen).

We wish to make you aware of a number of strong objections that we have with regard to the proposed development of an apartment –hotel on the site of 1-3 Union Glen , application number above. As an immediate neighbour opposite the front of the proposed building, we are aware that the proposed development will have a serious impact on our standard of living.

1. Detrimental impact upon residential amenities.

Aberdeen City and Shire Strategic Development Plan

The Objective : ‘ To make sure the 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’

Aberdeen City and Shire Strategic Development Plan 4.39 ‘ new developments for commercial use should be integrated well to improve people’s quality of life and opportunity”

Aberdeen City and Shire Strategic Development Plan Regeneration Policy 3.50 “they should respect the character of the local area , improve the quality of the environment , use high quality design and include a mix of uses’

We believe that the proposed development is a direct contravention of these policies. The scale and size of the building would be out of character with the area, to the detriment of the local environment which is mainly residential.

2. Loss of daylight / overshadowing

Aberdeen City Supplementary planning Guidelines: Splitting of residential Curtilages 3.4. Privacy, residential amenity, daylight and sunlight

3.4.2: The relationship of the new residential development to existing dwellings is an important factor to be considered in assessing whether the privacy, amenity, sunlight and daylight of residents would be adversely affected.

This guideline (1.5) also refers to constructions of dwellings on brownfield sites that are not currently in residential use.

Aberdeen does not have a surfeit of sunshine. However, the proposed height of the building will severely affect the daylight available to the opposite residences facing south. The initial proposal does make mention of this fact, but this will severely impact the living conditions of those in the shadow of the building to the North. The building regulations state that developments of more than 4 storeys high should be at least 18 metres apart from each other but the new development will be closer than that if the proposal is for six storeys (and higher with roof appendage)

Measuring the distance shows that the building proposed height of 14.95m rising to 17.85 m and then to 22.8 m at the rear will severely impact the building opposite causing overshadowing and a lack of the right to enjoy their living areas in daylight.

We believe this proposal should not go ahead without serious amendment of the height of the building after careful measurement of frontage height and impact on daylight/ shadow on North facing residences on Union Glen.

There is also a lack of measurement on the available plans of road width and distance to front of opposite residential structure to the north (46 Union Glen) . This needs to be investigated and measured accurately and included in the revised plans.

With tape measure the distance from the 46 Union Glen flatted property to the kerb side opposite is approximately 11m. Within the existing plans, the distance between the facing walls of proposal and 46 Union Glen we calculate to be LESS than regulation 18 m.

3. Traffic Safety and refuse collection

We believe that this 71 bedroom development will have an enormous impact on the current waste collection. We do not believe that the proposal has thought through the restrictions of the street arrangements. Larger vehicles servicing the units at the moment can reverse into the existing courtyard and exit with some safety.

The proposed hotel will abut directly on the narrow street (width 7.2 M narrowing to 5.65m in the underpass tunnel) which also has a height restriction 2.74m and width for one vehicle. (see 3.1.7 in published Traffic Statement 2015) This means that service vehicles will have either to make an unsafe, very tight turn on the road to leave east, or use the underpass tunnel (west) which will be restricted by height. (2.74m) which is less than the recommended height for large refuse collection vehicles (4.5m as recommended in Aberdeen City Council Guidance on Waste and recycling facilities 2015) Oncoming vehicles have restricted view. With the proposal, there has been no measurements of this or traffic safety aspects on this point except to say the refuse collection (once a fortnight) allegedly uses the tunnel.

Currently the waste lorry reverses up the street to collect refuse .

The current size of the Aberdeen city waste lorries is 3.6m in height- far too big to fit through the tunnel gap.

This is hardly an indication of the type of usage that will be the norm if the proposal is to go ahead. The safe exit of the car park (Union Glen 42-46) opposite will also be affected if turning vehicles are an issue.

4. Inadequate parking

The 71-room apartment /hotel has only been allocated 3 parking spaces and those are reserved for disabled use. We also have serious concerns that the proposed spaces at the rear of the hotel are inadequate and have severe problems regarding access / egress.

The proposal suggests that the residents/ guests may use the multi-storey car park close by, but this is a very congested car park and will be even more in demand when the nearest car park on Chapel Street is redeveloped .

Aberdeen City Centre Development Framework p 55 it states : "A planning brief has been prepared for this site (Chapel Street car park) with a business use and a reduced capacity replacement considered appropriate";

On street parking (after 6pm- 8 am) is used by the residents, as well as a parking area for local pizza business whose employees use the public access opposite from Holburn street to reach their delivery vans in the evening. If this proposal goes ahead, the lack of street parking after 6pm for local residents will become severe.

5. Noise disruption of arriving/ departing guests at unsociable hours

As the current units are operating during business hours, the noise levels are acceptable. However, the new proposal will undoubtedly add to the level of street noise (exacerbated in the built up area) of taxis , minibuses and cars arriving and departing 24 hours.

Despite the proposed added addition of bicycle sheds in the development it is our view that business travellers very rarely travel around inclement Aberdeen by bike and use them regularly to get to their meetings, so traffic will be increased.

6. Loss of Employment

Aberdeen City and Shire Strategic Development Plan 3.52 The City has developed a series of action plans "to improve town-centre vitality and measures to improve opportunities employment .";

The loss of some 30 full-time, varied, semi-skilled and skilled jobs will also impact the local economy as the mixed residential area has currently three different businesses operating on the site. The new proposed development suggests that very few staff will be needed to maintain the apartment/ hotel as it will have no restaurant or other facilities requiring extra staff. The new jobs will be service sector jobs, rather than the skilled engineers and mechanics that are currently working there.

7. Adequate provision of hotel accommodation in this area.

The development of the huge new hotel very close by on Justice Mill Lane/ Union Street (150+ rooms) and others also on the same street show that there is more than enough adequate provision within the existing area.

We believe that the proposed development of this site will be to the detriment of the quality, character and amenity value of the area, as outlined in the points above.

We also believe that there has been a lack of accurate detailed measurement in the plans that show the distance between the proposed buildings and existing one opposite and the height restriction of the tunnel and safety has not been taken into consideration.

In conclusion we would also like to request that, should this application be approved, the council should consider using its powers to enforce controlled hours of operation and other restrictions that might make the duration of works more bearable. The proposed site of development is quite small with only one access, so we would ask that consideration be made about how and where contractors and vehicles would gain access for safe unloading and parking without causing upheaval and inconveniencing neighbours or causing a highway hazard.

We would be grateful if the council would take our objections into consideration when deciding this application.

Yours sincerely,

Mrs Valerie Bodington
Mr Philip Bodington.

46E, Union Glen
Aberdeen
AB11 6ER
11th July 11, 2015

Planning Officer
Aberdeen City Planning Dept
Mariscal College
Aberdeen

Dear Ms Jane Forbes

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We would be grateful if the council would take our objections into consideration when deciding this application.

Yours sincerely,

Mrs Valerie Bodington
Mr Philip Bodington.



From: Brendan Adey [REDACTED]
Sent: 24 July 2015 15:56
To: PI
Cc: Brendan Adey
Subject: Planning Objection Application 151052, Unit 1-3, Union Glen

Planning Objection Application 151052, Unit 1-3, Union Glen

My property is 85 Holburn Street, Second Floor Rear

First let me apologise, I did not respond to the first notice because I was overseas which is an unusual occurrence.

My objections to the new development are as follows;

- Daylight, Sunlight and Solar heat: I have lived in this property for thirty-two years and bought the flat because of the windows facing south and the light and heat I get in. With the current proposal of a seven storey building from Union Glen that would severely restrict the morning sunshine, daylight and heat to my property. I often sit at the south facing window in the early morning reading and this pleasure would be significantly diminished.
- Size: A seven storey building is completely out of character with all other buildings in Union Glen, which are four or five storeys, west of the properties fronting Union Street.
- Size: A four or five storey building would be in keeping with adjacent buildings
- Parking: I have real concerns about residence parking. I already cycle to Union Glen to park from my flat in Union Street. Union Glen being the nearest parking and often I cannot get a space. With 71 rooms to service and I believe 12 staff this could create an intolerable situation.
- Parking: The Neighbour Notification Notice states, 71 suites with associated parking. When I confirmed at the planning office the parking provision for 71 suites and staff I would consider this statement misleading
- Traffic flow: With the narrow bridge under Holburn Street already difficult to negotiate this increased traffic is of considerable concern. Not only are the occupant arrivals and departure of concern but also staff arrivals and departures, on top of service deliveries.
- Population Density: You might consider that a building of this size with this number of occupants is completely inappropriate for this location.

My considerations for residents of The Drilling School in Union Glen, 44,46, and 49 Union Glen: The size, traffic, parking, traffic flow, increased population density and daylight issues listed above.

I wish to object to this planning proposal, because of the size of proposed building, in the strongest terms allowed by Aberdeen City Council. It would be a monstrosity and incongruous with the location.

Please acknowledge receipt of this objection.

Regards,

Brendan c Adey
85 Holburn Street
AB10 6BQ

P&SD Letters of Representation		
Application Number: 151052		
RECEIVED 27 JUL 2015		
Mr	Sou <input checked="" type="checkbox"/>	VAC
Case Officer Initials: JAF		
Date Acknowledged: 28/07/2015		

PI

From: Mark Hetherington [REDACTED]
Sent: 28 July 2015 08:35
To: PI
Subject: FW: Objection to Planning Development - 151052

Dear Sir/Madam,

I am writing to you to object to the proposed demolition of Units 1 - 3 Union Glen and the construction of a seven storey apart hotel.

The proposed building is taller and wider than any other in the area and because of its very close proximity to my flat it will overshadow and block what natural light I get at present. Consequently my heat and lighting bills will rise. My privacy, with the proposed building being so close to my home, is also a concern.

Union Glen becomes narrower at the site where the proposed development is and even narrower under the Holburn Street Bridge, which leads to Couperstone and Ashvale Place and also through on to Holburn Street. In the winter, when the Hardgate has not been sanded, this is sometimes the only safe route available to get to my property, and others nearby. There is barely sufficient room for two cars to pass each other under the bridge and cars approaching the tunnel have to sound their horns to warn vehicles coming towards them that they are also coming through. It may not be ideal but it has worked for the twelve years I have lived here. Larger vehicles such as delivery vehicles cannot use this tunnel and they are going to have to attempt to turn around in a very narrow street causing chaos to people trying to get to work on time, particularly shift workers. Any hotel needs space for large delivery vans to be able to come and go, but in this case with it being so close to the road edge there may not be sufficient turning area for them to go back the way they came without backing out along the street. I have seen this happen when the present Industrial Unit car park has been full up. This is very unsafe. The lack of manoeuvring space left by the size of the proposed apart hotel is particularly worrying if they or any of the present residents need a fire engine.

With only a handful of car parking spaces being included in the proposal I feel their plan is flawed. I do not see how they can cope with the parking needs of their own staff let alone their guests, and service and emergency vehicles. Are we all expected just to put up with whatever inconvenience comes along because they will own a larger property than ours and therefore their need will be considered to be more important? If the developer was not so intent in building such a high and wide building taking up every bit of land available then it might work and even fit in with the area but this is not the case. It will badly affect all of the present residents' lives during and after construction. If the single yellow lines are taken away we will not even be able to have friends or family to visit us. In my own family there are young children and older people who visit and cannot do so if there is nowhere to park. My mother is disabled and needs to be able to park on a single yellow line as she cannot walk any distance. With so little parking available to hotel residents and staff the taxi drop off point will be in continual use causing constant noise because it is too close to the already established housing in the area.

The proposed development is too high and too near to the street edge with no turning point for large vehicles. It is not possible to construct a development of this nature without it affecting an already narrow and difficult to negotiate street. In another large development I have seen the drains collapsed resulting in the street being entirely blocked off. Residents need to access their car parks at all times of the day. I do not know whether the surface of the road itself will need to be opened up to connect with drainage etc., but if it does it will cause further disturbance.

Please take these points into consideration and do not let this proposed new building go ahead.

Yours Sincerely,

Mark Hetherington

Planning Development Management Committee

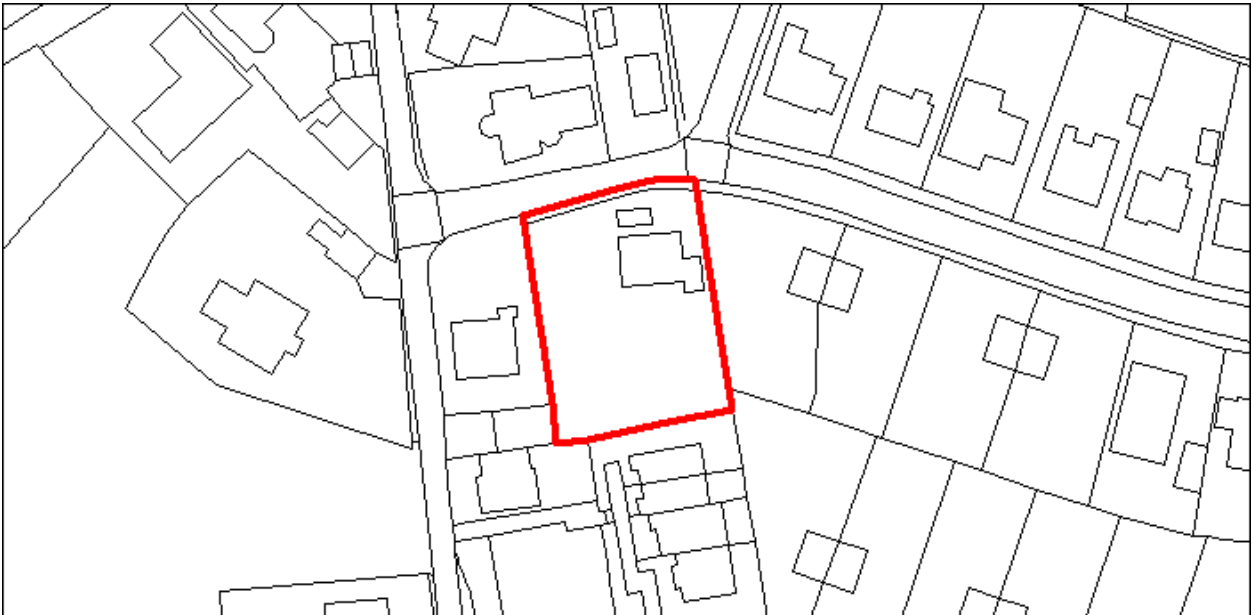
31 HILLSIDE ROAD, PETERCULTER

DEMOLISH EXISTING HOUSE AND
REDEVELOP SITE TO CREATE 2 DETACHED
DWELLING HOUSES

For: Ms Charleen Miller

Application Type : Detailed Planning Permission
Application Ref. : P150920
Application Date: 12/06/2015
Officer: Dineke Brasier
Ward : Lower Deeside (M Boulton/A Malone/M
Malik)

Advert :
Advertised on:
Committee Date: 18/08/2015
Community Council : Comments



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The application site is located at the western end of Hillside Road, opposite the corner with Hillside Place and at the point where Hillside Road narrows and drops steeply down to The Bush. The site measures approximately 1000m² and has a frontage of 27m. It slopes steeply from north to south and from east to west with the lowest point being the south west corner of the plot, which is some 5 metres below the level of the north east corner.

The existing dwelling is a small single storey bungalow with an attached single garage and has a floor area of approximately 91m². It has a simple construction, and is one of the original dwellings in Hillside Road. It is a single storey building with accommodation in the roofspace and at basement level. The house has a pitched roof and rendered walls.

The building is set in the north east corner of the plot, on a levelled area that is clearly built up to the rear. A small shed and greenhouse are located to the south of the dwelling. The western part of the site has recently been cleared of all trees and shrubs. The boundary to the south consists of a wooden fence with a mix of stone wall and hedges making up the boundary to the east.

Hillside Road is located within an existing residential area, and consists of a mix of dwellings of various styles, sizes and designs. Various properties along this road have been replaced, and there are only few original dwellings left.

RELEVANT HISTORY

Planning application P150009 for the construction of two dwellings on the site was withdrawn prior to being considered at Planning Committee in April 2015. It had been recommended for refusal by Officers. The main proposed reason for the recommendation was the overbearing impact of the dwelling nearest to 33 Hillside Road.

PROPOSAL

Planning permission is sought to redevelop the site through the demolition of the existing dwelling and the construction of two replacement detached dwellings.

Each property would front onto Hillside Road, and have a footprint of approximately 104m². The main footprint of the dwellings would be 9.2m x 6.4m, with a rear wing projection of 6m x 6.4m, creating a T-shaped footprint and a front porch of 4.4m by 1.6m. Accommodation would be split over two levels with an additional basement level for Dwelling A (on the east side of the plot – nearest 29) in the rear wing extension. At ground floor level the accommodation would comprise a kitchen/family/dining area, living room, utility room, study/bedroom 4, wc and entrance lobby, whilst the accommodation on the first floor comprises three bedrooms and a shower room. The basement level at Dwelling A is shown as a playroom and shower room with direct access into the garden.

Externally, the front elevations have the appearance of traditional one and a half storey dwellings with two dormers in the roofspace facing Hillside Road with rooflights in the remainder of the roof slopes. Proposed materials include a light coloured render finish for the walls, tiles for the roof and white upvc for the doors and windows. The site plan shows two parking spaces in the front garden with space for a further parked car in the driveway for each house.

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=150920>

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

Design Statement

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because the Culter Community Council objected to the scheme and seven timeous letters of objection were received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management –

Initial comments: The proposal is for the erection of two 4-bedroomed houses. In accordance with guidance on parking, three car parking spaces should be provided. The applicant proposes two parking spaces with a further third space using the driveway.

The parking area for unit 31B could be improved to provide sufficient turning area. The area of hardstanding should be increased by 0.5m. This should be shown on a revised drawing.

Loose material should not be used to surface the first two metres length of the proposed driveways.

The gradient of the driveway should generally not exceed 1:20 with an absolute maximum of 1:15. This would be provided.

Vehicular access for unit 1 would be retained and a new vehicular access would be created for unit 31B. Vehicular visibility splays of 2.4m x 25m are proposed for the new access. This visibility to the east would be restricted due to a 1.8m wall and fence. As there are no through movements of traffic, this would be acceptable. However, the wall height for the first 2.5m of the access should not be higher than 1.0m. Any new hedges should not be higher than 1.0m.

Further comments: The amended site plan is acceptable. No objection, subject to conditions:

- Construction of the car parking area and driveway prior to occupation;
- Limitation on the maximum gradient of the driveway; Restriction on the height of the front boundary treatment to ensure good visibility onto Hillside Road

Environmental Health – No objections

Communities, Housing and Infrastructure (Flooding) – A Drainage Impact Assessment would need to be submitted. This could be conditioned.

Community Council – Objects to the scheme on the following grounds:

1. Adverse impact on privacy levels of 33 Hillside Road, which cannot be mitigated through a 1.8m fence due to the level differences on and between the sites;
2. Removal of a granite outcrop would be necessary. This could cause damage to foundations of nearby properties;
3. Insufficient on-site parking provided for both properties. This could result in cars parking on the narrow, unadopted part of Hillside Road to the front of the properties potentially obstructing the driveway accesses of 28 and 30 Hillside Road and impede passage of emergency and public utility vehicles;
4. SUDS proposals appear unsatisfactory and could result in flooding of lower lying properties due to granite bedrock at low levels underneath;
5. Splitting feu constitutes overdevelopment of the site and does not comply with criteria set out with guidance set out in the Supplementary Guidance on Curtilage Splits;
6. Two large houses will have an unacceptable impact on the character and amenity of the surrounding area, particularly to adjacent properties;

REPRESENTATIONS

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

1. Overdevelopment of the site. The existing building is a small single storey bungalow, whilst the proposal is for two much larger properties. Due to the increase in built up frontage the houses would look squeezed in, which would be contrary to the general feel of this part of Hillside Road.
2. All mature trees and shrubs on the west boundary of the plot have been removed prior to this application
3. The design, size and massing of the properties is out of keeping with the surrounding area, which is characterised by houses not higher than two storeys.
4. The roof height of Dwelling B (west side of the plot) is much higher than any of the surrounding properties.
5. Adverse impact on privacy levels of the property known as Siglavik in The Bush as the rear garden will be overlooked by large windows on all floors,

- and on 28 Hillside Road as the windows in the front elevation will look directly towards this property.
6. Location and undefined capacity of SUDS is unsatisfactory as it could result in flooding of surrounding properties.
 7. The new access will be off the unadopted part of Hillside Road, which is poorly maintained. The development will cause an increase in traffic, which would result in a safety risk to pedestrians, including children who use it on their route to school.
 8. Hillside Road is likely to be blocked by construction traffic during construction of the properties. Disruption to services (phone and power) during construction.
 9. Potential for setting a precedent for similar applications.
 10. Overbearing impact on 33 Hillside Road, resulting in a loss of sunlight to the front garden and much higher ridgeline. South facing windows would look into garden and front bedroom window of 33 Hillside Road.
 11. Boundary treatment on west boundary would be changed from green screen to a solid wall. No retention wall has been included to prevent subsidence of ground into curtilage of 33 Hillside Road.
 12. The development does not include any garages;

PLANNING POLICY

Aberdeen Local Development Plan

H1 – Residential Areas:

Within existing residential areas, new residential development shall be approved in principle provided it:

- Does not constitute overdevelopment;
- Does not have an unacceptable impact on the character or amenity of surrounding areas;
- Does not result in the loss of valuable and valued areas of open space;
- Complies with the Householder Development Guide and the Subdivision and Redevelopment of Residential Curtilages Supplementary Guidance.

D1 – Architecture and Placemaking:

New development must be designed with due consideration for its context and make a positive contribution to its setting.

D2 – Design and Amenity:

Privacy shall be designed in to higher density housing, residential development shall have a public face to a street and a private face to an enclosed garden or court, residents should have access to a sitting-out area, car parking should not dominate the site layout, opportunities should be made of views and sunlight, measures should be included to design out crime and external lighting should take into account amenity and the effects of light spillage.

T2 – Managing the Transport Impact of Development:

Maximum car parking standards are set out in the Transport and Accessibility Supplementary Guidance.

NE6 – Flooding and Drainage:

Surface water drainage associated with development must be the most appropriate available in terms of SuDS and avoid flooding and pollution both during and after construction.

R7 – Low and Zero Carbon Buildings:

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

Proposed Aberdeen Local Development Plan

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

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

D1 – Quality Placemaking by Design (*D1 – Architecture and Placemaking and D2 – Design and Amenity*)

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

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

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

Supplementary Guidance

Subdivision and Redevelopment of Residential Curtilages Supplementary Guidance:

Provides guidance on specific topic areas, including privacy, residential amenity, daylight and sunlight, design and materials; density, pattern and scale of development; trees and garden ground; pedestrian/vehicular safety and car parking and precedent.

Transport and Accessibility Supplementary Guidance:

Sets out maximum parking standards for all types of development.

EVALUATION

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

Variations between previous and current proposal

The main differences between planning application 150009 which was recommended for refusal, and the current application 150920 are as follows:

- The length of the rear projection of both properties has been reduced from 6.5m to 5.6m;
- The width of the front part of both dwellings have been reduced from 7.5m to 6.4m;

- The ridge height of the front part of both Dwelling A and Dwelling B has been reduced from 7m to 6.2m and the ridge height of the rear elevation of Dwelling B only been reduced from 8m to 7m.
- The rear projection of Dwelling B has been further dug into the ground.
- The distance between the dwellings and the side boundaries with 29 and 33 Hillside Road has been increased by 0.5m, and the distance to the rear boundary for both dwellings has increased by 2m. .
- The number of car parking spaces has been decreased from 3 to 2 for both dwellings, increasing the amount of soft landscaping in the front garden.

Principle of development:

The site is located in an established residential area, where the principle of residential development is acceptable provided the proposal would not constitute overdevelopment, would not have an adverse impact on the character and appearance of the surrounding area or on residential amenity, and would comply with guidelines contained within the Subdivision and Redevelopment of Residential Curtilages Supplementary Guidance.

The construction of new dwellings within an established area will potentially affect the overall density and pattern of development of the surrounding area the acceptability of which will be dependent on the general form of development in the locality. Consideration must be given to the effect the dwellings may have on the character of the area formed by the intricate relationship between buildings and their surrounding spaces created by gardens and other features. New dwellings must be designed to respect this relationship. In this case, the existing dwelling has a footprint of approximately 90m² on a plot of approximately 1000m², resulting in a developed area of only 9%. The proposed development would result in two dwellings with a footprint of 104m² each on a plot that is roughly split in half. The developed area for each plot would therefore be around 20%. This figure varies throughout Hillside Road. It is much lower for the two pairs of semi-detached properties immediately to the east, but is higher (31.7%) for the property currently under construction at 13 Hillside Road, which was approved under P140701.

The shape of the site lends itself well to a subdivision, as it is fairly rectangular with a frontage measuring 28m by a depth of 36m. This means that, theoretically, the site would be sufficiently large to comfortably accommodate two dwellings whilst retaining satisfactory gaps towards the neighbouring properties to ensure they would not appear crammed in.

There is a distinct change in levels over the site, with some five metres difference between the highest (north east) and the lowest (south west) point. As such, any design would need to take great care to satisfactorily address these site characteristics. In addition, there is a complicated relationship with 33 Hillside Road, located immediately to the west. This dwelling is set at a much lower level than the entire curtilage of 31 Hillside Road with a drop of more than 1m at the boundary between the two sites. The remainder of this report will discuss the submitted design and assess its impact on the surrounding area and its impact

on the residential amenity of neighbouring properties and will conclude whether it is considered that this particular design would be suitable for these specific site characteristics.

Impact on the character and appearance of the surrounding area, especially in relation to scale and design:

Hillside Road is characterised by mostly detached houses, of a variety of designs and conforming to a formal building line on both sides of the street. The Bush, to the west of the site, has a more irregular pattern of development. The application site is more readily viewed as the final part of Hillside Road, and forming part of a transition zone between Hillside Road and The Bush. As such, it is the character and built form of Hillside Road that is important in the assessment of the acceptability of this proposal. The proposed development is for the construction of two detached dwellings to replace the existing single house on the site. The two dwellings are effectively split in a front section facing the road with a rear projection facing the private garden. The position of the houses on the plots would respect the building line to the east, being set back sufficiently far from the front boundary. The resultant site coverage of approximately 20% would be in keeping with many of the properties on the street, although it would be significantly higher than the density of development on the four plots immediately to the east of the site. Further, relative to these four plots, the houses on the application would appear somewhat crammed in. However, it should also be noted that these four plots constitute the only two pairs of semi detached dwellings in the street, and that, as such, they are not representative for the overall character of Hillside Road.

The front section of the proposed houses are of a fairly traditional design, and take the shape of one and a half storey dwellings with two dormers in the front roof slope. This design is appropriate for the site and has been used in other locations in Hillside Road. It is therefore considered to be acceptable in this instance.

The use of a rear projection, creating a T-shaped footprint, to increase the floorspace is also an accepted form of design in this location. Site specific characteristics need to be taken into consideration to assess the impact of this part of the proposal. The site slopes down from north east to south west. Use has been made of this change in levels by Dwelling A, which features a basement level and a full gable to the rear elevation, in effect increasing the number of levels of accommodation from two to three.

Dwelling B does not include this basement level and is spread over two floors. Furthermore, to decrease the impact of the property on the surrounding area, a split level approach has been taken to accommodate the change in levels. The rear projection would partly be dug into the ground. There is a distinct change in finished floor level between the front part of the dwelling and the rear projection with steps leading down from a central ground floor landing to the kitchen and up from this landing on the first floor to bedrooms 2 and 3. Due to this approach, the ridge of the rear projection is set significantly lower than that of the front part, resulting in a dwelling with a much smaller massing than Dwelling A. This is a

change from the design submitted for the previous application, where the overall massing of the property was more akin to a two and a half storey dwelling, and the overall size of the rear projection was larger, which was considered to be out of context in the overall surrounding area.

Impact on residential amenity:

The most crucial aspect of the proposal is the relationship between Dwelling B and 33 Hillside Road. This latter dwelling is set at a lower level than the garden of number 31 with a steep drop of roughly 1.5m from the side boundary into its garden. This side boundary would again be 0.8m lower than the finished ground floor level of Dwelling B. The ridge height of the front part of Dwelling B would be 0.6m higher than the ridge level of 33 Hillside Road, whilst the ridge height of the rear projection would be 0.6m lower. This means that the difference in height between the two ridges on the proposed dwelling would be 1.2m, which is a significant step down. There would be a gap of 4m from Dwelling B to the side boundary with 33 Hillside Road, and the main building line would be approximately 5m in front of 33 Hillside Road, whilst the rear elevation would be 3m forward.

This is a significant reduction compared to the previous scheme submitted, which proposed a dwelling that was larger, higher and closer to the boundary with 33 Hillside Road. This current proposal includes sufficient separation between Dwelling B and 33 Hillside Road, which, combined with the reduction in bulk and massing, and the step in ridge heights, especially along the rear projection, on balance, ensures the impact of Dwelling B on 33 Hillside Road is satisfactory and not unacceptably overbearing. However, to ensure the residential amenity of 33 Hillside Road is protected it is recommended that permitted development rights in relation to extensions are removed. In addition, it should be noted that apart from one small window on the first floor and a side door, 33 Hillside Road does not include any windows facing out directly towards the application site.

The proposal would not result in a significant loss of residential amenity to 29 Hillside Road as Dwelling A is sufficiently far removed from this property not to result in a significantly loss of light. There would also not be any side facing windows overlooking this property.

The only side facing windows include the front door, a door serving the utility room and high level opaque windows in the rear projection. These windows would face between the two proposed dwellings, and would not result in unacceptable levels of overlooking. The distance between the rear elevation and properties on Hillview Road immediately to the rear exceeds 18m. This distance would generally be considered acceptable to avoid undue loss of privacy. It is acknowledged that the rear elevation of the proposed dwellings would be closer to these properties in Hillview Road than in the current situation. However, this distance is still considered satisfactory, especially as there is only one small windows per floor in the side gable of the building looking out towards 31 Hillside Road.

The front elevation would contain windows facing out over Hillside Road and towards number 28, which is set at a distance of 20m from Dwelling A, which is the nearest. This is the public face of the development, and this relationship between the dwellings is therefore considered acceptable and would not result in a significant adverse impact on the residential amenities of this property.

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

Each plot would be able to accommodate three cars, comprising two on-site parking spaces and sufficient space to accommodate a third car on the driveway. Dwelling A would use the existing driveway, whilst a new access and driveway would be constructed in the unadopted, narrow part of Hillside Road to serve Dwelling B. The plans indicate that both driveways would have a maximum gradient of 1:20, which would be acceptable. A visibility splay of 25m x 2.4m has been submitted. This visibility splay sets out that this visibility would be restricted facing east due to a 1.8m wall and fence. A condition could be added, setting out that for the first 2.5m of the access, any boundary treatment should not be higher than 1.0m, or anything over should be see-through fencing. Subject to this condition, the Council's Road Development Management Team does not raise any objections to the scheme.

The Bush and this part of Hillside Road have relatively low levels of traffic as it only serves a few properties. Notwithstanding, there is no footway between Dwelling B and the existing footway on Hillside Road. The distance between the entrance to the property and the footpath would be 14m. Taking account of the fact that this part of Hillside Road is unadopted, this short distance, and the low levels of traffic, in this instance this is considered acceptable.

Impact on flooding and drainage:

The site plan shows an indicative location for a SuDS pond in the rear garden near the boundary between the two plots. Details of this SuDS pond would need to be confirmed. Policy NE6 (Flooding and Drainage) sets out that a full Drainage Impact Assessment would be required for any development with a floorspace exceeding 100m². In this case, both dwellings would have a floorspace exceeding this limit, and as such a full Drainage Impact Assessment would be secured by means of a condition attached to the planning permission. The Council's Flooding Team have assessed the application and did not raise any concerns.

Impact on trees:

At the time of the previous application, the west boundary of the plot was covered in dense trees, shrubs and hedges. These have since all been removed. The site was not covered by a TPO and though the trees did provide a beneficial impact to the character and appearance of the overall area, the owner of the site was within her rights to remove these.

The drawings submitted with the application indicate a number of areas within the front gardens where replacement trees could be located. A condition is recommended to secure the submission and implementation of a detailed landscaping scheme.

Low and Zero Carbon Buildings:

Policy R7 (Low and Zero Carbon Buildings) sets out that all new buildings must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards. This requirement is included in current building standard regulations, and will be covered at Building Warrant stage.

Other matters raised:

Matters Raised by the Community Council:

All valid planning concerns raised by the Community Council have been addressed above.

The removal of the granite outcrop from the front part of the site is not considered to be a material planning consideration.

Matters Raised in Written Representations:

Each planning application is assessed on its own merits. The site is suitable for subdivision, so in effect, no unacceptable precedent would be set.

It is accepted that the outlook from 33 Hillside would be altered, and that this could have some impact on the residential amenity of this property. However, as noted above, the previous 'green screen' has already been removed by the applicant, who was within her rights to do this. Any new boundary treatment between 31 and 33 Hillside Road up to a height of 2m, where this boundary treatment would not project beyond the front elevation of both dwellings, could be installed without the need for planning permission, which would have a similar impact on residential amenity as the proposed new boundary treatment.

The impact of the proposal on ground conditions is not a material planning consideration, and would be dealt with during Building Warrant Stage.

The design of the proposed development does not provide any garages, but would provide sufficient on-site parking spaces. There is no requirement for new residential dwellings to include garages.

Proposed Aberdeen Local Development Plan

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

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

- the relevance of these matters to the application under consideration
The foregoing can only be assessed on a case by case basis. In relation to this particular application no new issues are raised.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The two proposed dwellings are considered to have an acceptable impact on the character and appearance of the surrounding area as they fit within and complement the general pattern of development and design of houses on Hillside Road.

On balance, the dwellings are considered not to have any significant adverse impact on the residential amenity of the neighbouring properties and are not overbearing, especially in relation to 33 Hillside Road.

Subject to conditions, the dwellings would not have a detrimental impact on flooding and drainage or local highway conditions.

The proposal is considered to comply with policies H1 (Residential Areas), D1 (Architecture and Placemaking), D2 (Design and Amenity), T2 (Managing the Transport Impact of Development), NE6 (Flooding and Drainage) and R7 (Low and Zero Carbon Buildings) of the Aberdeen Local Development Plan, policies H1 (Residential Areas), D1 (Quality Placemaking by Design), T2 (Managing the Transport Impact of Development), NE6 (Flooding, Drainage and Water Quality) and R7 (Low and Zero Carbon Building and Water Efficiency) of the Proposed Local Development Plan, the Subdivision and Redevelopment of Residential Curtilages Supplementary Guidance and the Transport and Accessibility Supplementary Guidance.

CONDITION(S)

1. that notwithstanding the provisions of Article 3 and Schedule 1, Part 1, Class 1A and Class 1B of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) no extensions which materially affect the external appearance of the dwelling houses hereby approved shall be constructed without a further grant of planning permission from the planning authority - to preserve the residential amenity 33 Hillside Road.
2. that no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

3. that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. 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 and in the interest of residential amenity.
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 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.
7. that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained and laid-out in accordance with drawing No. 003G 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.

CULTER COMMUNITY COUNCIL



CULZEAN
95 North Deeside Road
Peterculter
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AB14 0QL

1st July 2015

Ms Dineke Brasier, Planning Officer
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4, Ground Floor North
Marischal College
Broad Street
Aberdeen AB10 1AB

Dear Ms Brasier

Planning Application P15/0920: 31 Hillside Road, Peterculter: Planning in Principle to split existing feu to create 2 detached dwellings

Planning Application P15/0920 was discussed at the June monthly meeting of Culter Community Council (CCC) and passed it to CCC Planning Sub-Group for further discussion and to formulate objections, concerns and comments. Site visits and meetings to assess the proposal have been carried out and owners of adjacent properties and surrounding residents have raised strong concerns and objections to this proposal to CCC.

CCC responded 15th February 2015 to application P15/0009 (now withdrawn) for this site and communicated objections, concerns and comments. At that time residents in adjacent properties formally approached CCC for support in opposing this Curtilage Split. Investigations confirmed concerns expressed at our January monthly meeting. Bearing in mind this previous application and comments, application P15/0920 must be treated as a new application therefore all matters arising have been evaluated and addressed.

Site:

The site of this application is unusual. It lies at the west end of Hillside Road on a privately maintained unadopted section of road which descends steeply to join The Bush. A detached bungalow sits at the northeast corner on the flattest part of the site in harmony in physical appearance and garden settings with neighbouring houses. Existing residents enjoy positive amenities (daylight, sunlight, privacy, etc.), landscape setting and character in accordance with Local Development Plan (LDP) para.3.27 and Policy D6.1.

DJW

- 6 JUL 2015

1st July 2015

The garden of 31 Hillside Road, being on the side of the hill, slopes steeply south and west. To the west a steep bank is well above and overlooking the house and garden of 33 Hillside Road at the bottom of the hill. This banking gradually decreases in height to the south. An existing 1.8metre boundary fence between properties 31 and 33 provides no privacy. Privacy was previously provided by mature trees and shrubs (now removed) growing along the top of this embankment. A proposed new 1.8m high boundary fence cannot afford privacy in view of site elevation differences.

In order to build house 31B granite outcrop rock break-up and removal would be necessary. In my experience as a professional engineer the seismic impact of fracture to remove such granite rock must be fully assessed as it may have damaging effects on adjacent properties. This is evident in nearby properties where use of rock breaking equipment damaged structures and foundations. Such actions may also destabilise previously stable drainage to detriment of lower lying properties and facilities.

Description of the west end of Hillside Road and its use:

The west end of Hillside Road from Nos 28 and 31 runs steeply downhill. Access is via a narrow unmade up private road with no pavements rejected for adoption unless considerable private investment is made in upgrade. At the bottom of the hill it joins The Bush, another narrow unmade up private road with pedestrian only through traffic. Both are primarily used by young children from the highly populated Johnston Gardens/ Malcolm Road and adjoining areas to walk to and from Culter Primary School and by older children to catch buses at the east end of Hillside Road (junction with Coronation Road) to transport them to and from Cults Academy.

Because Coronation Road, Hillside Road, and the Bush became a 'rat run' as the 'unofficial Culter Bypass' Aberdeen City Council Roads Department closed the west (private) end of Hillside Road and The Bush to through traffic in the interests of public safety as well as to protect the rights of residents.

In this new application P15/0920 the applicant is proposing two driveways. That existing for 31A causes no problems; the new drive for 31B opens directly opposite numbers 30 and 28 existing driveways on to the narrow part of Hillside Road where it is single unmade track without pavements. Onsite parking (no garages provided) appears limited for potential household capacity. If cars were to be parked on the private road by residents and/or their visitors then this would obstruct No's 28 and 30 driveway accesses, create unsafe conditions for all users and impede passage of emergency and public utility vehicles. Parking in the area is already a serious concern with further development likely to exacerbate matters.

Proposed SUDS Pond and Garden Space

The roof of the present bungalow at 31 Hillside Road has runoff incorporated into existing mains drainage system. Runoff currently does not affect neighbouring properties or communal facilities.

A SUDS pond intended to capture runoff from roofs and driveways of the proposed development raises serious concerns. Sited near the bottom of the south facing slope above the level of properties at 46 Hillview Road, 'Siglavik' on The Bush and 33 Hillside Road CCC questions if overflow or seepage from the proposed SUDS pond could result in water migration into lower lying properties and public facilities. Construction nearby within last 12 years uses closed storage tanks draining to public network under control over time to avoid overload. Due to extent of impervious granite rock likely present at this site proposal for 'soak-away' and SUDS approaches to drainage are questioned.

Trees and shrubs absorb significant amounts of water and stabilize top-soils. None was seen previously seeping from banks at this site. With removal of trees and shrubs at site such benefits have been lost. The presence of granite resulting in need for special drainage provisions for this site is not addressed. Proposals in the design brief for use of 'permeable' driveway and hard standing parking areas seem at odds with impermeable granite along which water not directed to a drainage network will percolate off site and become somebody else's problem.

Summary of CCC objections, concerns, comments and questions

After considering all information supplied and circumstances surrounding this application for curtilage split members of CCC agreed to express the following strong objections:

- Splitting the feu (curtilage) constitutes overdevelopment of the site contrary to Policy H1.1 of the current Local Development Plan (LDP)
- Two large houses will have an unacceptable impact on the character and amenity of the surrounding area, particularly adjacent properties, contrary to Policy H1.2 of the LDP
- Large three storey houses would significantly impact the landscape character and elements which contribute to the distinct 'sense of place' created by the present style of housing on Hillside Road contrary to Policy D6.1 of the LDP
- The proposed feu split does not comply with Supplementary Guidance on Curtilage Splits contrary to Policy H1.4 in the LDP.
 - Page 6 para 5.2 "No more than one third of the total site area for each individual curtilage should be built upon". This would be in keeping with the majority of houses in Hillside Road.
 - Page 7 para 5.6 "In all circumstances the scale and massing of any new developments should complement the scale of the surrounding properties" which the proposed two new executive houses would not do.
 - Page 7/8 para 6.1 "Loss of significant trees can be a valid reason for refusal of planning permission". With this in mind "presumption in favour of retaining semi-mature and mature trees either within the site or immediately adjacent to it..."; "Care should be taken to minimise potential disturbance of root systems"; "...replacement planting will be required..." etc. Such guidance has clearly been ignored as the trees on the site have been felled in order to make room for the second house (31B).
 - The developer has ignored the fact that the trees and shrubs removed provided privacy to the house and garden at No33 which "a solid fence or wall of 1.8 metre" would not and cannot provide. CCC question drawings on the website which indicate that proposed house 31B would be on practically level standing with No 33 which is not the case.
- Nothing in Guidance addresses proposal to site driveways for proposed new houses on to a single track private road without pavements and directly opposite driveways of existing properties. CCC is concerned that the proposed design for 31B elevates risk and inconvenience to neighbours (28 & 30), pedestrians, other residents and users of Hillside Road.
- CCC conclude that insufficient consideration has been given to providing access/ egress and onsite parking to the proposed development in view of high pedestrian footfall on Hillside Road with no pavements and need for emergency and public utility vehicle access.
- The proposal for a SUDS pond in an area where impermeable granite is evident over much of the site constitutes unquantified risk of seepage and overflow to lower lying properties and public areas including 33 Hillside Road, 'Siglavik', The Bush and 46 Hillview Road.

CCC strongly opposes the splitting of this unusual curtilage but could support redevelopment of this site on condition that:

- A single building of footprint does not extended by more than 50% of current building footprint or option for two 'affordable' semi-detached properties of 2/3 modest bedroom size served by one common entrance and parking area fitting this criteria is proposed.
- Single storey or one and a half storey building design with height no greater than that of existing bungalow ridge line and in similar location in relation to site boundaries be adopted.
- Development in harmony with neighbouring property and the landscape/streetscape/'sense of place' of Hillside Road
- A screen of trees (new mature planting required) provides privacy for the house and garden at 33 Hillside Road aiding stability of the embankment.
- Driveway entrance to remain where it is (well away from those of 28 and 30)
- SUDS pond is not created to deal with rain or snow melt run-off but instead holding tanks and controlled over flow to main drainage as previously used in redevelopments close by.
- Onsite parking sufficient to ensure no parking on the single track private end of Hillside Road in the interests of public (especially child) safety. Note that through traffic from this end of Hillside Road via The Bush to and from Malcolm road and all adjoining roads is closed by bollards. Only pedestrians, cyclists and emergency vehicles are able to negotiate the installed features. Access to a small number of residential garages, driveways and parking spaces is facilitated with care. Access to public service and utility vehicles must likewise remain unimpeded.

David J. Wakefield

David J. Wakefield
Acting Planning Liaison Officer
Culter Community Council

Cc: Councillors Boulton, Malone and Malik

PI

From: webmaster@aberdeencity.gov.uk
Sent: 07 July 2015 17:23
To: PI
Subject: Planning Comment for 150920

Comment for Planning Application 150920

Name : william hector
Address : 29 Hillside Road

Telephone : [REDACTED]

Email [REDACTED]

type :

Comment : Two large houses squeezed into a small space would be totally out of character with the area also access is via a small private road which raises safety concerns with extra traffic.

Surrounding building foundations could be damaged with building work as hard rock must be excavated.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 07 July 2015 21:39
To: PI
Subject: Planning Comment for 150920

Comment for Planning Application 150920

Name : Alexander Leitch
Address : 30 Hillside Road
Peterculter,
AB140TX

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : We have the following comments on Planning Application 150920 31 Hillside Road.

We recognise that the plans have been modified since application 150009 which has addressed some of our initial concerns by setting houses further from the front edge of the property and reducing the house height; however we maintain our objection to the planning application for two houses on a plot which formerly only had one house on it for the following reasons.

1. General Plan and impact on Hillside Road - The proposed two houses will have a much larger width profile than the existing cottage which will not be in keeping with the current look and layout of Hillside road as it will create an impression of the houses being squeezed in. This is not how this end of Hillside road is currently as the houses are well spaced. This will change the look and feel of this end of Hillside road to the detriment of existing residents. A single modern house replacing the existing cottage in a similar style as proposed with better parking and onsite garage would be a far superior proposal and would be in keeping with the rest of Hillside Road.
2. Parking and Road surface condition / impact - The proposed two houses do not have any garages and have limited parking space. This will lead to more cars manoeuvring and parking on the slope adjacent to our house on a very narrow road, which in the winter is at times treacherous. The road outside our house is already in poor condition and as one of the houses will have a new driveway opposite our house, this will increase the wear and tear on the road. As it is an un-adopted road we will have to bear significant expense to repair the road surface. There will also be significantly increased wear and damage to the road surface caused by the heavy construction vehicles and building material deliveries to the plots. As a minimum the road needs to be put back to the condition it is in before construction starts or improved to offset the additional future wear and tear from the new driveway.
3. Construction Impact – The road outside our house is narrow, the construction vehicles will not have space to be parked on the plot with two houses, this will cause obstruction and inconvenience to me and my family by blocking access to our property and potentially causing damage my existing driveway / perimeter walls during the construction.
4. Home working disruption - As both my wife and I regularly work from home I am also concerned with the inevitable chaos and disruption to services (phone and power) which will occur as the construction starts digging up the property / road potentially cutting phone lines and power lines.

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PI

From: DUNCAN Mike [REDACTED]
Sent: 02 July 2015 09:10
To: PI
Cc: [REDACTED]
Subject: Planning Application 150920 -31 Hillside Road Peterculter

I wish to object to the above Planning Application on the following points

One of the proposed houses access on to The Bush Road which is a Private Road and no consultation has been made by the applicant with the owners of the road.

This is an access road for 6 properties and we cannot have it blocked or closed in any way during construction by heavy vehicles or to run any services to the property. As the road is closed off by bollards access is required via Hillside Road by Council Vehicles, Emergency Vehicles, delivery vans as well residents in and out. It is also used as access by two further properties to the rear of their properties. We would require written assurances of this

With similar developments in the area I note that the number of vehicles per house would be far greater than the 2 allowed for on the plans. This would result in cars being parked out with the property and restricting access to our properties.

I was of the understanding that if one property was demolished then only one was allowed to be built. I have no issue with one house being built but two would I feel over develop the site and be out of character with the area.

Michael G. Duncan

35 The Bush Peterculter Aberdeen AB14 0UX

Mike Duncan
Equipment and Maintenance Specialist
Sodexo Remote Sites Scotland Limited
T: +44 (0) [REDACTED]
M: +44 (0) [REDACTED]

The Sodexo logo consists of the word "sodexo" in a lowercase, sans-serif font, with a small star above the letter 'o'.

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PI

From: Simon Reece [REDACTED]
Sent: 02 July 2015 17:36
To: PI
Subject: Planning application 150920

Dear Sir / Madam,

We would like to register our objections to the proposed development (150920) at 31 Hillside Road, Peterculter.

We object for the following reasons:

We feel that the proposed house to the east of the property will be too large on three floors and we that our property will be overlooked by by the extensive glass on three levels.

Although an attempt has been made to address concerns about parking, we feel that more provision for parking and ensuring that drivers do not reverse out on to Hillside Road is required

Regards,

Simon Reece
32 Hillview Road
Peterculter
Aberdeen
AB14 0UB

Sent from my iPad

From: webmaster@aberdeencity.gov.uk
Sent: 01 July 2015 13:30
To: PI
Subject: Planning Comment for 150920

Comment for Planning Application 150920

Name : Brian Moggach
Address : 28 Hillside Road
Peterculter
Aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I wish to object on the following grounds.

1 Overdevelopment

The houses are disproportionately large in comparison the size of the plots. Although they appear to meet the 33 percent density guideline, I would suggest a lower figure would be more appropriate. They do compliment the size of surrounding properties and will affect the pattern of development in the surrounding area.

2 Road/Traffic

The Bush Road was closed by the council about a year ago on the grounds of road safety.

Over the years it had become a 'rat run' and was carrying a volume of traffic that was a danger to pedestrians, particularly the elderly and young children. The road is used by many children on their way to Culter School. It is in a poor state of repair and has no pavements.

Additional traffic will be introduced to the road. There are very few one car families these days, particularly amongst the more affluent. In addition, it is becoming more common for grown up children to remain parental home well into their twenties. The children often have their own car. Considering these are 3 and 4 bedroom houses, that are most likely to be purchased by affluent families, we could see a large number of vehicles parked outside these properties. The road is quite narrow and serves as an access route for emergency vehicles. It therefore requires to be kept relatively clear as any cars parked in the street could cause access problems for larger emergency vehicles.

3 Privacy and Overlooking

Although there appears to be over 18 metres between the front of my house and the proposed development, this may not be enough in this case. The public face of the existing property faces away from the street. The rear faces the street and it has only two small windows and a door with a window therein, all of which are fitted with obscured glass. There is currently no privacy or overlooking problem.

The new development has the public face onto the street with 4 large windows and a porch. As my property site significantly higher the proposed development I will now be looking down into the rooms of one of the properties. In addition, the widows on the upper floor of the property will be looking down into my living room. No amount of screening will resolve this.

4 Precedent

William Munro,
33 Hillside Road,
Peterculter
Aberdeen
28/6/15

Objections

Dear Sir/Madam,

Introduction

My wife and I are the resident owners of 33 Hillside Road, Peterculter, the property adjacent to the site which is the subject of Planning Application No. 150920. We submit that the application should be refused on the following grounds.

The proposed design is of a density, scale and pattern that is completely out of character with the neighbourhood and pays scant regard to the slope(s) of the site that makes the design unwieldy, totally out of keeping and a severe impairment of the amenity that our property has enjoyed for more than 40 years.

It is grossly overbearing, blocks out sunlight from our front garden and towers above our ridge line very close to our boundary.

The proposal shows that the applicant has no interest in the existing amenity, privacy and character of the plot or neighbourhood. The top of the boundary fence between our property and the site is about two metres below the base of 31B property. Instead of green tree screening, which has existed for 40 years, we would be presented with a side wall higher than our ridge, extending from our front garden to nearly the back of our house line.

The proposers have failed to comply with the Aberdeen Local Development Plan (ALDP) and instead, have proceeded to circumvent these by clearing the site of trees rather than submit a tree survey (see Trees below). By doing so, the application has made it impossible to make the proposed redevelopment satisfy the basic obligations to the adjoining property and neighbourhood.

The Density and Scale of the Development

The ALDP plan guidance states that new dwellings should be designed to, "complement those of the surrounding area" and to "respect the relationship between buildings and their surrounding spaces created by gardens and other features". This development, extending deep into the available space lengthwise and widthwise, with three levels at one end, is totally out of proportion and scale to anything in the area.

For over 40 years the existing detached property with integral garage, has been situated at street level screened from our property by a line of mature trees which has enhanced the amenity and privacy of both properties on a site that slopes North-South and steeply East - West.

There are no houses in this part of The Bush without a garage. To demolish a detached property with integral garage, split the feu into two so that two houses can be built with no space for a garage, is clear evidence that the object in mind is not associated with the amenity and character of the neighbourhood.

Trees

The ALDP Supplementary Guidance entitled "The sub-division and redevelopment of residential curtilages - March 2012" s6.0 "Trees and garden ground" clearly states that ,

"Trees make a valuable contribution to the landscape setting of urban area and the loss of significant trees can be a valid reason for refusal of planning permission. With this in mind there will be a presumption in favour of retaining semi mature and mature trees ... regardless of whether they are protected by a Tree Preservation Order or sited in a Conservation Area. Where mature or semi-mature trees are located on a site a tree survey will require to be submitted with the planning application in accordance with guidance in British Standard BS 5837. Care should be taken to position new buildings to minimise potential disturbance to the root system or tree canopy. If trees are to be lost, replacement planting will be required where possible to mitigate for the loss".

There is no evidence that the applicants included a tree survey with the previous application 150009, as required by the ALDP. The Committee report on the previous application 150009 pointed out that, "clearing the plot of trees and shrubs would have a detrimental impact on the neighbourhood". Within two weeks of that report, the owners instructed contractors to do exactly that, and have cleared the plot of all mature trees and shrubs on the plot.

Decimating the area of trees to make space so that a building can be squeezed into the cleared space shows a shocking disregard for the amenity and privacy of ourselves and of the character of the area.

The spirit and intent of the Development Plan has been flouted in an act of environmental vandalism. The loss of habitat for many nesting birds is lamentable and would never have been condoned by Mrs Geddes. The only way to restore the amenity and privacy is to include replanting of screening trees between the site and 33 Hillside Road on the west side.

Ground Stability – Retaining Wall

The trees that the owner has cleared from the site absorbed significant amounts of water from the ground. The tree root system added stability to the steeply sloping ground above our property. Without any trees, the development fails to include the provision of a retaining wall to ensure that the substrate from 31 does not subside into our property.

Overbearing

The main problem with the proposed development is that 31B totally overbears our property and now presents us with a stark bare wall that extends from our front garden to almost our back wall line.

The design describes a 1.8 m fence on the boundary between 31B and our property. However, there already is a 1.8m fence on the boundary, which lies at the bottom of a steep slope. The top of this fence would be about 2m below the bottom of the proposed building 31B. The steep slope of the site and the clearing of the site of trees means the elongated side wall of 31B is not screened in any way from 33.

Being on a steep hillside and situated below the curtilage in question, our amenity and privacy is severely prejudiced if this development were to be approved.

Loss of Privacy

Our property, the front garden, the patio area at the side of our house and our back garden was screened from the development site by a row of mature and semi mature trees throughout the year, and shrubs and bushes in summer. The removal of all trees from the site, with no proposed screening, severely compromises the privacy we have enjoyed for 10 and a half years.

The gallery windows that face south at the bottom of the property, are raised well above the ground level on three floors. Our back garden is in view of these gallery windows and our privacy is therefore adversely affected.

Having cleared the site of trees, our front bedroom window is no longer screened from the existing property by mature trees. The proposed development affords no screening from its elevated position.

Loss of amenity, daylight and sunlight,

For the past ten and a half years, my wife and I have grown flowers and vegetables in a raised bed garden in our patio area at the side of our house that lies adjacent to the West boundary of the proposed development site. We have enjoyed the morning sun and daylight from the east, (especially in the summer when the sun rises in the North East), the pleasure of the various mature and semi mature trees, the birds and bees that thrive in the trees and shrubs of the garden of the development site adjacent to our East boundary fence.

The proposed building on the western half of the split fee would encroach to within about 2.5 metres of our fence, and would tower above our current skyline, completely overshadowing our property and site, blocking out sunlight and daylight until the sun got round to the south western skyline. Since we are lower down the side of the hill, the proposed building would tower above our house and without any tree screening, would present us with a solid wall for the entire length of our house and well into our front garden space. Our upstairs landing window currently gets natural light from the eastern sky. The proposed development would totally block that sunlight and daylight. The removal of all the trees (and bird-life) from the site has already severely damaged the amenity and character of the area.

Roads and Vehicle Access

The site currently has a driveway that leads onto Hillside Road at the very top of a hill that leads down to The Bush. The proposed development adds a second entrance driveway partway down the hill. The hill leading to The Bush is a private road with no pavements, which narrows at the position where cars would be exiting the proposed site. The safety of pedestrians, schoolchildren, dog walkers, cyclists and other users would be seriously impaired with the prospect of cars entering/exiting the site onto the hill at this narrow point in the road.

It is inevitable that in time, there will be more cars than parking space available in the proposed driveways of the development.

There is no "kerbside" on the unadopted private road no traffic control. When visitors leave their cars parked outside the property on the hill, other resident access would be hampered and emergency vehicles would not be able to get past the narrow neck.

Drainage – Rainwater - Soakaway - SUDS

In our time at 33 Hillside Road, our garage – situated at the very lowest corner of the two slopes – has flooded from run-off from the adjacent development site.

Without the mature trees, the water is set to run-off downwards towards our property along the adjacent boundary and will also funnel in two directions to the rear of our garage and beyond. There must be a question about whether the existing drainage infrastructure can cope with the added demand.

Concluding Remarks

We appreciate the opportunity to bring to your attention our deep concerns about the potential adverse impact on the character and keeping of neighbourhood, our property and amenity if this application is granted.

Since the last application, we see nothing in the minor design adjustments to make us feel that the application has met the basic requirements of the ALDP. The clearing of the site of mature trees is lamentable and shows that the applicants are not concerned about the amenity and character of the neighbourhood, if it interferes with their proposal.

This site cannot support two properties of the scale proposed, without seriously damaging the character and keeping of the neighbourhood and our privacy and amenity.

We trust that the committee will exercise it's wisdom, and conclude that the application should be refused.

Thank you and best regards
Bill and Chrissi Munro

Siglawik
The Bush
Peterculter
Aberdeen
AB14 0UA

6 March 2015

Aberdeen City Council
Development Management
Planning and Sustainable Development
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Sir/Madam

Ref: Application Number 150920, Proposed Development at 31 Hillside Road, Peterculter, Aberdeen, AB14 0TX

We are in receipt of notification of the above application. Having reviewed the full planning application and associated plans, we are somewhat shocked and very concerned by the proposed development for a number of reasons. We wish to put forward the following objections which we trust that Aberdeen Council, in its experience, will agree are duly founded:

We believe the proposed development would represent an over-development of the existing site. The current property is a small, single storey bungalow with a garden which until recently contained mature trees and shrubs. The proposal is to split the existing feu into two plots and build two properties of far greater proportions than the existing property on the current single feu. The properties on the proposed development are far too large a footprint for the size of each plot and would not be in keeping with the Aberdeen local plan. Please note, the mature trees and shrubs were cut down shortly after the previous application (number 150009) was withdrawn. We are sure that Aberdeen Council will be fully aware of the applicant's intentions and motivation for doing so. We believe this has been done in a calculated manner to try and ease the process of this current application.

In addition to the size of the properties in comparison to the ground in which they will sit, the character of them is unlike any other property in the vicinity. Most of the properties in the area are traditional in character and no higher than two story. Although other properties in this area have been built more recently, this has been done with sympathy to the existing properties in the surrounding area. The proposed properties do not appear to have been thought through with any sympathy or indeed compatibility for or with the surrounding area and are totally out of keeping with the rest of the street.

The roof height of the property 31B is far higher than those in surrounding properties, which is a further example of how incompatible the buildings are with others in the area. The design of the properties is such that both properties which contain large windows on all floors, will overlook our garden, causing substantial loss of privacy to our family.

The plans make mention of SUDS, the location of which is behind the north-facing fence in our garden. Our first objection here is that the size and spec is shown as "TBC" (which we assume to be an acronym for To Be Confirmed.) Due to the proximity of the SUDS to our own garden, stating "TBC" is wholly unsatisfactory due to the detrimental effect an unsuitable SUDS facility would cause to our own property. Further to this, since the applicant has recently removed the mature trees and shrubs behind the current bungalow, flooding will be a significant problem due to the fact there is no natural drainage left.

In addition, the development site already sits on a downward gradient towards our garden (from two angles) and may cause water to pool once it flows under the fence and into our garden (which is flat and therefore with no natural run-off. We are extremely concerned at the effects of an inappropriate SUDS facility which will lead to our garden becoming saturated and flooded.

The access and egress for the proposed development is of further concern to us. Whilst the existing access is via the main part of Hillside Road, directly opposite Hillside Place, the proposed development is accessed further down the hill on Hillside Road. This is already an extremely narrow road with little or no room for two cars travelling in opposite directions to pass. The road is not open to public access (having been closed in 2014 to protect pedestrians) and has always been very poorly maintained. The development will cause an increase in traffic both in terms of the residents of each property and visitors to the properties. There are no pavements on the lower part of Hillside Road and vehicles exiting the proposed properties will cause a safety risk to the many pedestrians who use it (this route is used by school children every day.)

Whilst we understand that the construction in its self of any proposed development is not normally a material planning consideration, I feel it is important to highlight the fact that Hillside Road is the only means of access and egress to and from our residence. Due to the location of the development we cannot foresee how our access and egress will be guaranteed during construction. Hillside Road is not significantly wide to allow heavy goods or construction vehicles to be passed by residential vehicles. Due to the access and egress to the proposed development site, construction traffic would be unable to access the site without blocking off Hillside Road to residential traffic.

We trust that Aberdeen Council's planning team will give due consideration to our objections, and agree that these objections are based in common sense and genuine concern for our residence.

Yours faithfully

Mr & Mrs George Batchelor

P&SD Letters of Representation		
Application Number: 150920		
RECEIVED 07 JUL 2015		
Nor	Sen <input checked="" type="checkbox"/>	Mac
Case Officer Initials DIB		
Date Acknowledged 08/07/2015		

Agenda Item 2.4

Planning Development Management Committee

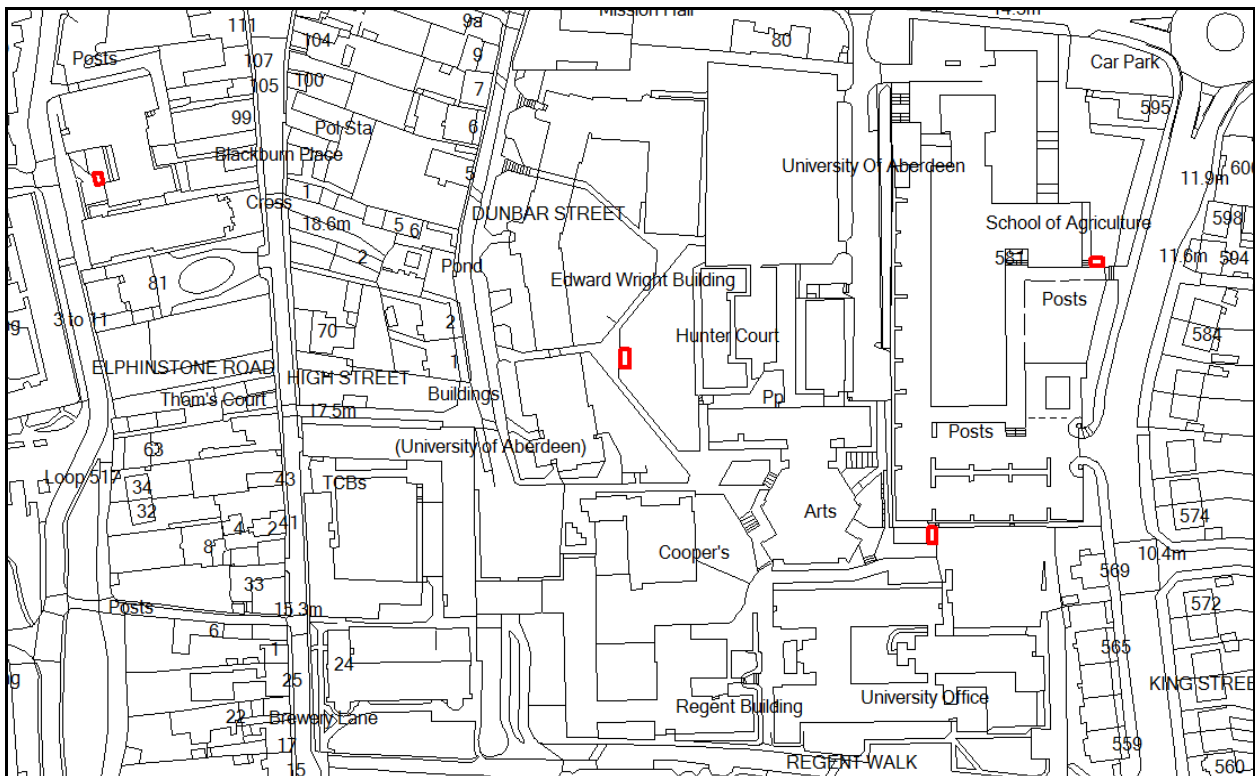
UNIVERSITY OFFICE, UNIVERSITY, REGENT WALK, ABERDEEN

ERECT 4 SMOKING SHELTERS ON UNIVERSITY CAMPUS.

For: Estates Section

Application Type : Detailed Planning Permission
Application Ref. : P150525
Application Date: 01/05/2015
Officer: Alex Ferguson
Ward : Tillydrone/Seaton/Old Aberdeen (J Noble/R Milne/R Grant)

Advert : Can't notify neighbour(s)
Advertised on: 08/07/2015
Committee Date: 18/08/2015
Community Council :



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The application relates to four separate locations within the Old Aberdeen Campus of Aberdeen University:

- A section of hard-landscaping outside the St Mary's building on Elphinstone Road, adjacent to an existing cycle shelter;
- Part of a green open-space to the east of Edward Wright building, adjacent to two existing cycle shelters;
- A small section of grass between the eastern elevation of an electricity sub-station building and a pedestrian footpath, to the north of the University Office building; and
- A section of grass adjacent to a pedestrian footpath that runs alongside the eastern elevation of the MacRobert building on King Street.

All of the sites are situated within the Old Aberdeen Conservation Area and are surrounded by buildings, facilities and areas of open space that comprise the University Campus.

RELEVANT HISTORY

P130416 – Planning permission was approved conditionally (with a tree protection condition) under delegated powers in March 2013 for the installation of a cycle shelter on an area of open space adjacent to the Edward Wright building.

P110968 – Planning permission was approved conditionally (with a finishing details condition) under delegated powers in August 2011 for the installation of a cycle shelter outside the St Mary's building on Elphinstone Road.

P110966 – Planning permission was refused by the Planning Committee in August 2011 for the proposed installation of cycle shelters and a CCTV camera outside Kings College.

P110965 – Planning permission was approved conditionally (with a finishing details condition) under delegated powers in July 2011 for the installation of a covered cycle shelter outside the Cruickshank building.

PROPOSAL

Planning permission is sought for the installation of four smoking shelters, with one each to be installed at different locations on the Old Aberdeen Campus of Aberdeen University. The proposed shelters would comprise the following:

Site A: St Mary's building

An 'Apollo'shelter measuring 4.12 x 2.734m and with a total height of 2.829m, proposed to be installed on an area of hard landscaping directly adjacent to an

existing Apollo shelter which is used for cycle parking. The Apollo design has a curved polycarbonate roof and side cladding attached to a galvanised steel frame.

Site B: Open space adjacent to the Edward Wright building

As with the St Mary's site, an Apollo shelter is proposed to be installed directly adjacent to an existing Apollo style cycle shelter on a grass area next to a pedestrian footpath in this area of open space immediately to the east of the Edward Wright building.

Site C: Electricity sub-station

At this site, it is proposed to attach a 1.5m wide polycarbonate and galvanised steel canopy to the eastern elevation of the existing electricity sub-station, between the University Office and MacRobert building car parks. The canopy would be fixed to the wall of the substation and would project 1m out from the eastern elevation, providing shelter for smokers on a newly paved area next to the existing pedestrian footpath.

Site D: MacRobert building

It is proposed to install a 'Harrowby' style smoking shelter at this location, in the corner of an area of green open space between the MacRobert building and King Street. The 4.16 x 2.04m shelter would measure 2.295m in height, and have a curved roof all constructed from a galvanised steel frame with polycarbonate roof/ side and rear walls. The shelter would also incorporate a bench and it would be constructed atop a new area of concrete paving slabs.

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=150525>

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because the Old Aberdeen Community Council have objected to the proposed works. 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 – The Old Aberdeen Community Council object to the application and their reasons for objecting are summarised as follows:

- All shelters would be detrimental to the visual character of the Old Aberdeen Conservation Area by virtue of their siting and design/ materials;
- The shelter at the MacRobert building site would impair and cause damage to the landscaping and the traffic of smokers would have an adverse impact on the adjacent mature trees;

One non-material planning consideration was also put forward in the objection, with the Community Council stating that it is not considered desirable that smoking should be encouraged by any public body.

REPRESENTATIONS

Two other letters of objection have been received, one from the Old Aberdeen Heritage Society and one from ASH (Action on Smoking and Health) Scotland. The objections raised relate to the following matters –

- The shelters would lead to a visual clutter and would have a detrimental impact on the character of the Conservation Area;
- Three of the four shelters would be sited in landscaped/amenity areas and would detract from the existing amenity;
- The shelters would likely lead to problems with litter and pollution;

The following non-material consideration was also raised:

- The installation of smoking shelters would be seen to encourage smoking.

PLANNING POLICY

National Planning Policy

SHEP (Scottish Historic Environment Policy)

Sets out Scottish Ministers' direction in relation to the Historic Environment:

Scotland's historic environment should be managed in a sustainable way, recognising that it is a social, cultural, economic and environmental resource of great value. Where change is proposed, it should be appropriate, carefully considered, authoritatively based, properly planned and executed. It is important that new developments are sensitive to historic character and attain high standards in design and construction, while recognising the portfolio of original building materials.

Aberdeen Local Development Plan

D1 – Architecture and Placemaking: All development should be designed with due consideration for its context and make a positive contribution to its setting.

D5 – Built Heritage: Proposals affecting Conservation Areas will only be permitted if they comply with Scottish Planning Policy.

CF1 – Existing Community Sites and Facilities: This policy is mainly concerned with ensuring that sites with community facilities will continue to be used as such.

NE5 – Trees and Woodlands: There is a presumption against all development that will result in the loss of or damage to established trees.

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)
- D4 – Historic Environment (D5 – Built Heritage)
- CF1 – Existing Community Sites and Facilities (CF1 – Existing Community Sites and Facilities)
- NE5 – Trees and Woodlands (NE5 – Trees and Woodlands)

Other Relevant Material Considerations

Old Aberdeen Conservation Area Character Appraisal

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

Design and scale of the shelters

Before assessing the context of each of the four sites, it is worth noting that three of the four shelters take the form and appearance of a cycle shelter, without the inclusion of the cycle racks. Indeed, the ‘Apollo’ style shelter has already been approved for use as a cycle shelter at two of the proposed sites, as well as elsewhere on the Campus. The design and scale of the structures is considered acceptable, being that of a simple and standard cycle/smoking shelter, the principle for which has already been set in the Old Aberdeen Campus.

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

Site A: St Mary's building

This site is located in a predominantly hard-landscaped courtyard on the Elphinstone Road side of the St Mary's building. The concrete-slabbed area sits amidst a backdrop of concrete and rendered mid-to-late 20th Century buildings of varying heights, none of which are of any particular architectural merit. The proposed 'Apollo' smoking shelter would sit immediately adjacent to an existing cycle shelter of exactly the same design, in the centre of the hard-landscaped area. The existing cycle shelter was approved in August 2011. By virtue of the existing hard-landscaped surroundings and an existing cycle shelter of the same design, it is considered that the proposed shelter would not have an adverse impact on the character and visual amenity of the immediate surrounding area, or the Old Aberdeen Conservation Area as a whole. It is not considered that the addition of one further shelter within this site would lead to a visual clutter of the area. The proposed shelter would also not have any impact on a nearby mature tree.

Site B: Open space adjacent to the Edward Wright building

This site comprises a relatively large area of green open space between the Edward Wright and Hunters Court buildings to the east of Dunbar Street. The shelter proposed would also be of an 'Apollo' design to match an existing adjacent cycle shelter. There are already two Apollo cycle shelters in this area of open space which is enclosed and not visible from Dunbar Street. The open space covers approximately 3800sqm and it is not considered that the addition of one further shelter of the same design as those approved in 2013 would result in undue visual clutter, nor have a significant impact on either the usability or visual amenity of this part of green open space within the Campus.

Site C: Electricity sub-station canopy

The small canopy proposed to be attached to the eastern wall of the electricity sub-station building would be of a slender design and minimal size. The canopy would not have a detrimental impact upon the visual character of the building or the surrounding area which consists predominantly of hard-landscaping, including the University Office and MacRobert building car parks.

Site D: MacRobert building

This site is located in a more peripheral location on the eastern edge of the Old Aberdeen Campus, adjacent to King Street. The smoking shelter would be of a slightly different design than in the other locations but would still retain the appearance and scale of a standard cycle shelter. It is proposed to install the shelter on a newly-created small section of concrete paving slabs next to two pedestrian footpaths on the eastern side of the MacRobert building. The shelter would be situated between the MacRobert building's eastern elevation and a row of mature trees that will line the eastern edge of the Campus, where it bounds King Street. The mature trees would be unaffected by the proposed shelter and would, to an extent, obscure views of the smoking shelter from King Street. This smoking shelter would be positioned in an accessible location and would occupy just 8sqm of a circa 2000sqm area of green open space to the east of the MacRobert building. By virtue of the relatively small scale of the proposed shelter

and the backdrop of the MacRobert building, it is considered that the shelter would not have an adverse impact on the visual amenity of the surrounding area.

Three of the proposed shelters would be sited in parts of the Old Aberdeen Conservation Area that are described as the 'Modern University Campus' in the Old Aberdeen Conservation Area Character Appraisal, an area situated either side of the historic High Street, predominantly characterised by modern buildings dating from 1950 onwards. None of the proposed shelters would have an impact on the setting of any listed or historically important buildings and their design and scale is not considered to have a detrimental impact on the character of the conservation area as a whole, particularly given the presence of existing cycle shelters of a similar design in the area.

Impact on trees

Although no trees are proposed to be removed and it is considered that the proposed shelters would be situated sufficiently far enough away from any mature trees, a condition has been added that requires a tree protection scheme is submitted to and agreed by the Council prior to the commencement of the works, in order to ensure the protection of the nearby mature trees, particularly at Sites B (Edward Wright building) and D (MacRobert building).

Impact on public safety

None of the shelters would be sited within any visibility splays, nor would they obstruct any pedestrian footpaths. The Roads Development Management Team has raised no objections in relation to the proposed siting of the shelters.

Impact on amenity

The control of litter is not a planning matter and the amount of smoke and/or noise pollution that would likely arise from the use of the shelters is considered to be extremely minor and is not considered to be a concern. The shelters are all situated a sufficient distance away from any residential properties and the Council's Environment Health Team have not raised any concerns on the proposals with regard to their impact on amenity, therefore it is considered that the shelters would not have an unacceptable impact on the existing amenity of the area.

Concerns raised in letters of objection

The concerns raised in the letters of objection received have been addressed in the foregoing evaluation.

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, D4, CF1 and NE5 of the Proposed Local Development Plan substantively reiterate the corresponding relevant policies of the Adopted ALDP and the proposals are therefore considered to comply with the policies of both Plans for the foregoing reasons.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposed smoking shelters would not have a significant adverse impact on the character or amenity of the surrounding area, including the Old Aberdeen Conservation Area or any existing mature trees. The proposed works therefore comply with policies D1 (Architecture and Placemaking), D5 (Built Heritage), CF1 (Existing Community Sites and Facilities) and NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan, as well as the corresponding policies D1 (Quality Placemaking by Design), D4 (Historic Environment), CF1 (Existing Community Sites and Facilities) and NE5 (Trees and Woodlands) of the Proposed Local Development Plan.

CONDITIONS

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

(1) that no development shall take place unless 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.



OLD ABERDEEN HERITAGE SOCIETY

Planning Dept
Aberdeen City Council
Marischal College

11 Greenbrae Crescent
Denmore
Bridge of Don
Aberdeen
AB23 8LH

4th June 2015

Dear Sirs,

Application to erect four smoking shelters, University of Aberdeen
Ref No. P.150525

The Society wishes to make the following points with regard to this application:-

The proposed smoking shelters represent unnecessary visual clutter in the Old Aberdeen Conservation Area.

Three of the four would be sited in landscaped or amenity areas, and would detract from the amenity of these parts of the Conservation Area.

Unlike the existing bicycle shelters or racks, (which can be justified as contributing to the Council's objectives of Sustainable Travel/Transport), the proposed smoking shelters would bring only negative amenity to the area. The visual clutter would not, in planning terms, be outweighed by any material consideration.

Further, unlike bicycle shelters, the nature of the use of these shelters would probably cause problems with litter, and, indeed pollution.

The smoking shelter proposed for the University Office car park would have less negative impact, as it would not be situated in a landscaped or amenity area.

The other three proposed smoking shelters would have a significant negative impact, both in terms of visual clutter and potential problems with litter, on amenity areas highly visible from public roads, or on dedicated landscaped areas.

The shelter proposed in front of the main entrance of the MacRobert Building, on the grassed landscaping at the approach steps, would be an unattractive intrusion on the main facade of this key building, and would certainly detract from the amenity of the attractive tree-lined lawn where the shelter would be sited.

The shelter proposed in the amenity area beside the St Mary's buildings on Elphinstone Road would increase the level of visual clutter here in what was intended as an attractive amenity area; without any resulting planning gain.

The shelter proposed on the lawns outside the Edward Wright Building would have a particularly detrimental effect on the amenity of the area. This part of the Conservation Area was laid out some years ago as attractive lawns, paths and ornamental trees. Some of this was lost

when the Edward Wright Annexe, a "temporary" building was built, but the planning conditions attached to that building mean that on its removal the landscaping should be restored. The remaining lawns, studded by trees, are an attractive green oasis in this area. Two bicycle racks have been positioned there, and this is more than enough clutter in an area of attractive landscaping. An ugly smoking shelter, sited nearer the centre of the landscaped area, would tip the balance, and these lawns would lose the character of a pleasant green oasis and become more of an area of utilitarian structures. Needless to say, the generation of clouds of smoke and the attendant litter problems associated with such shelters would be completely inappropriate for this area of lawns, trees and attractive garden seating.

The Society views all the proposed smoking shelters as unnecessary and ugly visual clutter, and detrimental to the amenity of the Old Aberdeen Conservation Area, while not contributing to the City's planning objectives in any way. One of the shelters, by the University Office, does not have quite such an impact, being in a less obvious position, but we wish to lodge an objection to the remaining three, which are in more prominent positions, on the grounds of damage to the character and amenity of the Conservation Area.

We would add that it is both surprising and disappointing to see an educational institution which should be promoting healthy living, encouraging smoking in any location.

Yours faithfully,

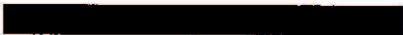
A large black rectangular redaction box covering the signature area.

B McPetrie

Planning Secretary

OLD ABERDEEN COMMUNITY COUNCIL

Planning Liaison
2 Harrow Road
ABERDEEN
AB24 1UN



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

5th June 2015

Dear Sir,


Application No. - P.150525, University of Aberdeen to erect four smoking shelters.

Old Aberdeen Community Council wish to make representations regarding the individual shelters detailed in this application as follows: -

1. The MacRobert Building shelter. The proposed shelter is in an elevated position, in full view of King Street and immediately in front of the actual MacRobert Building. The erection would be in full view of the passing public, including schoolchildren, causing a detrimental visual effect to the building's context. In addition, it would impair and cause damage to the landscaping in front of the building and the traffic of smokers would have an adverse effect on the mature trees in the landscaping. The shelter would be extremely intrusive to the Old Aberdeen Conservation Area.
2. University Office shelter. The structure would be clearly visible from King Street and is mounted on what is currently an attractive granite wall, the only such wall in this area. The structure would be visually intrusive, detrimental to the appearance of the area and not in keeping with the character of a conservation area.
3. Edward Wright shelter. This structure is a further proliferation of metal and plastic and forms a solid visually obstructive in a pleasant green area which should be preserved for the relaxation and recreation of students and staff. It would be detrimental to the character of the conservation area.
4. St. Mary's shelter. This area does little to promote the ethos of a conservation area, but this is no reason to increase the amount of street furniture with which the area is already littered. An increase in the existing line of modern plastic and metal equipment would be visually detrimental to the conservation area.
5. On a non-planning issue, it is not considered desirable that smoking should be encouraged by any public body.

On the above grounds, Old Aberdeen Community Council feels that this application should be rejected in its totality.

Yours sincerely,



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

PI

From: webmaster@aberdeencity.gov.uk
Sent: 04 June 2015 15:12
To: PI
Subject: Planning Comment for 150525

Comment for Planning Application 150525

Name : John Watson
Address : ASH Scotland
8 Fredrick Street
Edinburgh
EH2 2HB

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Dear Sir / Madam

Local authority department: Aberdeen City Council

Reference: Planning application No. 150525

Summary of application proposes: Erect 4 smoking shelters on university campus at Old Aberdeen

ASH Scotland – Action on Smoking and Health (Scotland) - is the independent Scottish charity taking action to reduce the harm caused by tobacco. Having examined the plans in relation to the above application, we wish to object to the development of these smoking shelters until further consultation has been conducted in partnership with the University, and key stakeholders including ourselves.

We wish to explore with the University of Aberdeen to identify if the proposal for the four shelters and their locations has been informed by a comprehensive consultation with students, staff and other key stakeholders. We wish to further identify if the proposal takes into consideration the impact smoking and smokers congregating within these shelters will have on the social and cultural norms across the campus; who may be affected by the harm caused by second-hand smoke; and what repercussions there will be for the University of Aberdeen’s policies to provide a safe workplace environment for all learners’, staff and visitors’ health and wellbeing.

We would therefore like to work with the University of Aberdeen to review their existing policy to ensure it is health promoting, striving to change the culture across campus towards discouraging smoking and encourages compliance, therefore making enforcement more achievable.

Although there is no legal stance on the use of smoking shelters on most university campuses there are considerable benefits to developing a comprehensive tobacco policy across campus, which are wide ranging and include:
• A safer and healthier environment for all smokers and non-smokers; • Higher level of compliance with legal obligations for safe workplaces; • Reduced risk of legal action over second-hand smoke injuries; • Cleaner environment with reduced risks of fire; • Enhanced institutional profile as a community leader through ending sales of tobacco on campus; • A more socially responsible and ethical standard of conduct for the institute, its staff and students when all forms of tobacco-funded research and partnerships are excluded.

In April 2015 Scotland saw all NHS grounds become smoke-free, removing all shelters and taking major steps forward in protecting patients, staff and visitors from the harm caused by second-hand smoke. It is therefore concerning that colleges and universities are spend considerable amounts of money to erect smoking shelters

without knowledge of and consideration for national policy approaches and without comprehensive consultation to inform such proposals.

Furthermore, smoke-free NHS Hospital grounds, has meant that one of the University campuses, Foresthill Campus, will now be treating smoking on the ground as an offence whereas Old Aberdeen will be facilitating smoking through shelters, giving mixed messages across the University. We appreciate that the University does not control the grounds through and around Old Aberdeen however there are other steps being taken within the city (Bon Accord and St Nicholas Centre) which are supported by the Scottish Government's national strategy stating Local Authorities should implement full smoke-free policies across their properties and surrounding grounds, extending to other outdoor areas and contributing to local tobacco control plans in support of SOAs.

ASH Scotland

Appendix

The health, social and economic impacts of smoking are well established. Evidence shows that the younger an individual starts to smoke, the more likely they are to be an adult smoker, the more heavily they are likely to smoke during adulthood and the more likely they are to fall ill and die early as a result of tobacco use. The long-term impact of tobacco use on health is well-documented, increasing the risk of coronary heart disease and stroke by 2 to 4 times, causing approximately 90% of all lung cancer deaths in men and 80% in women, causing 90% of all deaths from chronic obstructive pulmonary disease¹² and causing 24% of all deaths each year in Scotland.

Smoking is a childhood addiction. Around two thirds of smokers in the UK started smoking under the age of 18 and we also know that young people from the most deprived areas progress to regular smoking more rapidly and more frequently than those in the least deprived areas. We know that 15,000 young people take up smoking in Scotland each year. That's 40 young people every day.

23% of adult smokers (aged 16+) smoke in Scotland, we know that 70% of Scottish smokers wish to quit.

Tobacco purchase has obvious financial costs as well as health costs for young smokers, with a typical pack of 20 cigarettes costing £8.47 (in March 2014). The financial cost of tobacco may therefore have great implications for students dealing with increased independence, moving away from home, managing finances and dealing with debt.

Creating environments that encourages and supports more people to not smoke is a national priority set within the Scottish Government's National Tobacco Control Strategy 'Creating a Tobacco-Free Generation with a series of actions aimed at achieving smoke-free status by 2034 (less than 5% of the population as smokers).

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P&SD Letters of Representation		
Application Number: 150525		
RECEIVED - 5 JUN 2015		
Nor <input checked="" type="checkbox"/>	Soj <input type="checkbox"/>	MAg <input type="checkbox"/>
Case Officer Initials: ALF		
Date Acknowledged: 05/06/2015		

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Planning Development Management Committee

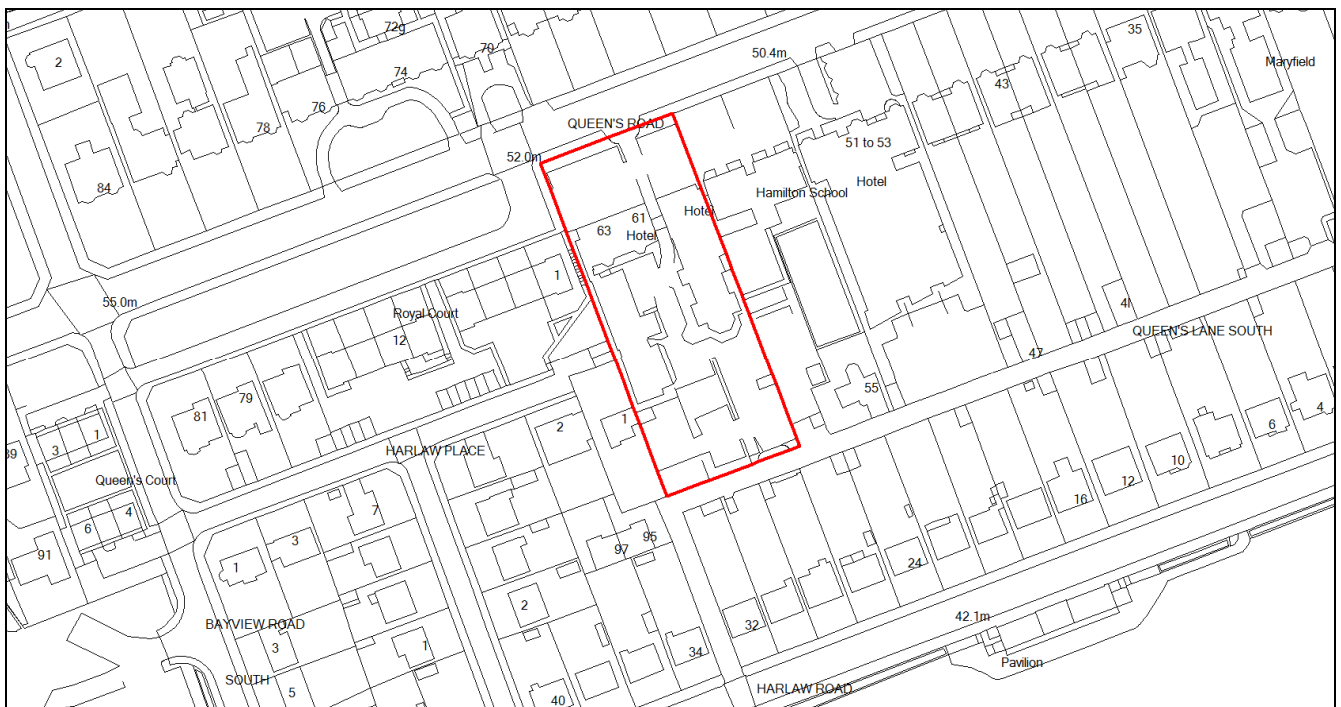
59-63 QUEEN'S ROAD, ABERDEEN

RETROSPECTIVE PLANNING PERMISSION
FOR (B) GLASS BALUSTRADE AT REAR OF
CHESTER HOTEL

For: The Chester Hotel Ltd

Application Type : Detailed Planning Permission
Application Ref. : P150765
Application Date: 12/05/2015
Officer: Matthew Easton
Ward : Hazlehead/Ashley/Queen's Cross(M
Greig/J Stewart/R Thomson/J Corall)

Advert :
Advertised on:
Committee Date: 18th August 2015
Community Council : Comments



RECOMMENDATION:

Approve Unconditionally

DESCRIPTION

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

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

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

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

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

The specific area which this application relates to is the roof terrace at the southern end of restaurant and function suite block, which extends to some 42.3m². The application site does not include the wider terrace area on the west side of this block. Heavy planters currently separate the area subject of the application from the wider terrace.

RELEVANT HISTORY

- Detailed planning permission (P121555) for a new block featuring 20 bedrooms and restaurant extension was approved by delegated powers in February 2013. Between the existing building and the new block was a gap.
- Detailed planning permission (P130773) for the raising of the existing restaurant roof, external alterations and a new stairwell were approved in September 2013. Between the building and new block was a gap which now included a spiral stair to be used as a fire escape.
- A non-material variation was granted under section 64 of the 1997 act in March 2014. The variation allowed the infilling of the gap between the new block and original building and makes mention of the roof being surfaced with a material for an 'external balcony'.

- A retrospective application for detailed planning permission (P140990) was submitted to the planning authority in July 2014 for formation of an external terrace area (including both the area subject of this application and the wider terrace). The application was to be submitted to the March 2015 Planning Development Management Committee meeting and was recommended for refusal on the basis that due to the unpredictable nature of how people communicate in a social setting, it would be difficult to control any noise generated by those using the terrace. This, in combination with the elevated and open nature of the terrace, was likely to result in residential properties within the vicinity being adversely affected by noise and activity on the terrace to an unacceptable degree.

The application however was withdrawn prior to the committee meeting and therefore no decision was made.

- An enforcement notice was served on 23rd April 2015 requiring the hotel to cease use of the external terrace (including both the area subject of this application and the wider terrace) for all commercial activities and uses including but not limited to dining, drinking, entertainment and charitable events. The notice also required that within six months the terrace was restored to its original condition unless planning consent had been received.

The notice was due to take effect on 29th May 2015 however it was withdrawn on 25th May 2015 after receipt of the application for certificate of lawfulness noted below.

- An application for certificate of lawfulness (P150763) was issued under delegated powers on 1st July 2015. The certificate confirms that the use of the external terrace to the south of the private dining room (the area which the balustrade subject of this current application would enclose), can be used for dining and hospitality as part of the ancillary use of the hotel. This was on the basis that despite that the drawings approved for the non-material variation in March 2014 not being entirely clear, that when the various plans were considered together, on the balance of probability the applicant's intention was to form a roof terrace at the location shown on the plan submitted. Therefore, with the applicant having the option of appealing a refusal of the application, the planning authority were in the position whereby the only reasonable option was to issue the certificate.

It should be noted that the certificate does not apply to the wider area of terrace on the west side of the first floor dining area, which remains unauthorised.

PROPOSAL

Detailed planning permission is sought for the erection of a 1.1m high glass balustrade around the roof terrace situated at the southern end of the restaurant and function suite block. The balustrade would extend across the terrace for

3.7m from the gable of the building to the edge of the terrace. This particular area is currently occupied by heavy planters which separate the area subject of the application from the wider terrace. The remainder of the balustrade is already in place and extends some 9m along the edge of the terrace between it and the roof of the most recent extension to the hotel. The area which would be enclosed measures approximately 9.0m x 4.7m and extends to some 42.3m².

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=150765>. On accepting the disclaimer enter the application reference quoted on the first page of this report.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee for two reasons (i) Queen's Cross and Harlaw Community Council have objected and (ii) more than five objections have been received. Accordingly, the application falls outwith the scope of the Council's scheme of delegation.

CONSULTATIONS

Roads Development Management – No observations.

Environmental Health – No observations.

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

Queens Cross and Harlaw Community Council –

- The Community Council strongly object to this application to allow an external terrace to be used for any purpose. The hotel has shown on several occasions that they have no interest in, or take heed of the fact that their hotel is situated in a quiet residential area. Neighbours have already been subjected to the noise emanating for this hotel not only from the use of this balcony they retrospectively want to utilise lawfully but also the larger balcony (see 150764) which they intermittently retrospectively apply for permission to use then withdrawn the application (twice!).
- The applicant also uses this confusing tactics of building facilities (such as an external Pergola), then using these facilities (noisily) and then retrospectively apply for permission.
- Having appointed an Events Manager this Hotel is obviously pushing as hard as possible to get as many expansions to the Hotels area and facilities as possible and more frequently than not go ahead with the

expansion and then apply for permission. The neighbours have for example been subjected to a fire work display (the hotel did inform the neighbours previously this time), but all houses in the area were very surprised at the very loud explosions which frightened pets in a large surrounding area.

- Neighbours are frequently subjected to late night noise from clients who have been drinking and celebrating. Also the Hotel was also allowed permission to play music e.g. bagpipes outside but the Council limited the hours this could be done. Unfortunately this does not take account of the long practice time a piper will use much to the disappointment of neighbours trying to enjoy their own garden areas. Bagpipes can be very noisy.
- It is understood that although Chester Hotel has withdrawn planning application 150764 for the larger balcony area, some discussions are going on to finally decide what, if any, balustrade should surround the area that was subject to a Council enforcement order. We would strongly suggest that no edging of any sort is allowed round this roof area as all that will happen is that the Chester Hotel will (as usual) take advantage of the area and neighbours will find clients from the hotel will use it as an area they can drink and make noise, as they have in the past.
- The Community Council has advised neighbours to keep a log of any noisy events and especially the use of the larger balcony area for any drinking as it is understood this would be breaking the law.

REPRESENTATIONS

Ten letters of representation have been received, nine objecting to the proposal and one taking a neutral position. The representations are from six different households in the immediate surrounding area. The following matters are raised -

1. Granting consent for this balustrade would eventually result in consent being granted for the large balustrade.
2. The use of the roof terrace which the balustrade is relevant to the determination of the application.
3. Why has the work been completed without planning permission? Retrospective approval of the application would encourage further unauthorised work in the future.
4. Property values may be affected by the development.
5. There was a failure to carry out neighbour notification and as a result some neighbours were unaware of the application.

6. The proposal would result in unacceptable noise from those using the terrace within a residential area.
7. The terrace would reduce privacy within nearby residential properties.
8. Since the conversion of the hotel has taken place, there has been no reason to complain about noise or invasion of privacy. It is also hoped that normal noise levels experienced by living close to the city centre are not exacerbated by this application.

PLANNING POLICY

Aberdeen Local Development Plan (2012)

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

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

Policy BI3 (West End Office Area) – In this area (shown on the Proposals Map), applications for change of use for office purposes will be given favourable consideration. Applications for change of use of properties to residential use will also be encouraged, subject to a satisfactory residential environment being established and that the continued operation of existing uses is not prejudiced

Proposed Aberdeen Local Development Plan (2015)

Policy D1 (Quality Placemaking by Design) – All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments.

Policy D4 (Historic Environment) – The Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP, its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. It will assess the impact of proposed development and support high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas, archaeology, scheduled monument, historic gardens and designed landscapes.

Policy B3 – West End Office Area – In the West End Office Area (as shown on the Proposals Map) proposals for change of use to office use or the expansion of existing office use will only be acceptable provided;

- a) the size, scale and design of development proposals respect the special historic and architectural character of the area and;
- b) the design meets all of the relevant criteria set out in the Historic Environment TAN, with regards to relationship to the existing building, context and modifications to existing extensions (see also the Design Policies).

New development proposals that do not protect existing residential amenity will be refused. Proposals for change of use to residential use, or any new residential development, will be considered on their merits.

EVALUATION

Principle of Development

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

A hotel has existed at 59 Queen's Road since at least the 1960's. In the 1990s the hotel expanded into 61 and 63 Queen's Road and it became 'Simpsons Hotel, Bar and Restaurant'. The site is located within the West End office area (Policy BI3 – West End Office Area) as zoned by the Aberdeen Local Development Plan, where offices and business uses are generally supported. Other commercial uses are not explicitly mentioned in Policy BI3 but given that the hotel use has been established at the site for many years and the original buildings have already been extensively extended, it is considered that small scale development associated with improving or expanding facilities at the hotel is acceptable in principle.

The particular area which the balustrade encloses benefits from a certificate of lawfulness (P140990) which confirms that its use as an external terrace is lawful. Irrespective of whether a balustrade or any other form of enclosure is present, this lawful use exists and would allow any activity which one would expect to reasonably take place within a hotel, to take place. For example, activities such as outside drinking, dining or smoking, could legitimately take place on the terrace. Therefore, the only matter which can be taken into account is the balustrade as a physical structure.

In view of the lawful use of this particular area, it is reasonable for that area to be enclosed by some means in order to provide a safe environment for those using the terrace. In addition, the new section of balustrade which is not already present would contain those on the terrace and prevent them from straying onto the wider terrace which is unauthorised.

The concerns of residents with potential noise and privacy are noted, however due to the use of the terrace being lawful they cannot be taken into account in determining this application (*issues 2 and 6 in representations*). Nonetheless,

being mindful of the concerns over potential noise and accepting that it is not a material planning consideration in determining this application, planning officers asked the hotel owner to investigate whether the balustrade could be increased in height to 2m so that it would better contain any noise which does potentially occur. Whilst receptive to the idea, the hotel owner has advised that for structural reasons it was determined that without significant alterations to that part of the building to introduce a stronger structure there would not be enough strength to tolerate the significant wind loads being imposed on a 2m high balustrade. Therefore the hotel has chosen to proceed with the 1.1m high balustrade, which is unlikely to contain any noise which does potentially occur. Notwithstanding, the area in question is substantially smaller than the wider terrace area which was previously recommended for refusal. As a result it would be capable of accommodating significantly less people than the wider terrace would and therefore the potential for disturbance is less. Furthermore the area is enclosed on the north side by the gable of the first floor dining area which the terrace is accessed from, the east side by a stairwell block and to a certain extent to the south by the roof of the most recent hotel extension. Therefore it is relatively enclosed compared to the wider terrace which it is understood has been used intermittently over the past year.

Design and Appearance

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

In the wider context of the conservation area, this section of Queen's Lane South is characterised by large extensions at the hotel itself, the former Hamilton School and the nearby Malmaison Hotel. Boundary walls and domestic garages typically define the southern side of the lane.

Whilst ideally the roof would not be festooned with clutter, as indicated earlier, it is not unreasonable for a balustrade to be provided in order to enclose the terrace. The roof of the hotel block to the south hides the vast majority of the balustrade. The section that is visible from the surroundings is, due to its transparent nature and position within the context of the hotel and wider area, an insignificant feature. There would be no adverse impact upon the visual amenity of the area and the character of the conservation area would be maintained in accordance with Policy D1 (Architecture and Place Making) and Policy D5 (Built Heritage).

Other Matters Raised in Representations

- The Community Council raise various concerns with the management of the hotel and manner in which development at the hotel has been undertaken. Both these matters are largely outwith the control of the planning authority. The management of the hotel is not a planning matter unless planning control is breached in which case any issues raised would be investigated. Whilst perhaps frustrating, an applicant is entitled to submit a planning application and later withdraw it should they wish.

- Concern is raised that the application has been submitted retrospectively (*issue 1 and 3 in representations and Community Council representation*) Applications which are retrospective in nature create public doubt with the integrity of the planning process and should permission not be forthcoming, can ultimately result in the Council taking enforcement action and completed works being removed. Therefore, whilst there is the ability for an application for planning permission to be made retrospectively for works constructed or carried out before the date of an application, this is a route which planning officers would strongly discourage. Applications made retrospectively for development are treated in the same manner as those made normally. The recommendation of approval for this application has no bearing on any future considerations in respect to the wider terrace area, which is currently subject of an enforcement instruction from Committee.
- The implications on the value of surrounding properties is a common matter raised with proposed developments however it is not a material planning consideration (*issue 4 in representations*).
- There was an issue with the printing of the initial neighbour notification notices and therefore they were re-issued the next day, checked before they were sent out and found to have printed normally (*issue 5 in representations*). None have been returned so if not received it can only be assumed they were delivered incorrectly by the Royal Mail. Representations on the application from other neighbours were received which would seem to suggest that the issue was isolated to particular notices and one other unrelated application which has been identified.

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 to 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 proposed policies reiterate the current policies.

RECOMMENDATION

Approve Unconditionally

REASONS FOR RECOMMENDATION

The particular area which the balustrade encloses benefits from a certificate of lawfulness (P140990) which confirms that its use as an external terrace is lawful. Irrespective of whether a balustrade or any other form of enclosure is present, this lawful use exists and would allow any activity which one would expect to reasonably take place within a hotel, to take place. It is reasonable for that area to be enclosed by some means in order to provide a safe environment for those using the terrace. In addition, the new section of balustrade which is not already present would contain those on the terrace and prevent them from straying onto the wider terrace which is unauthorised.

The section that is visible from the surroundings is, due to its transparent nature and position within the context of the hotel and wider area, an insignificant feature. There would be no adverse impact upon the visual amenity of the area and the character of the conservation area would be maintained in accordance with Policy D1 (Architecture and Place Making) and Policy D5 (Built Heritage).

F.A.O. M. Easton
Planning and Sustainable Development
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

5 Harlaw Terrace
Aberdeen
AB15 4YU

TEL 01224319891

28th July, 2015

Objection to Planning Application ¹⁵⁰⁷⁶⁵~~150764~~ - Chester Hotel

Once again the Queens Cross / Harlaw Community Council find themselves having to object to yet another RETROSPECTIVE Planning Application by the Chester Hotel. This is after they confused the Community Council and others by submitting a Certificate of Lawfulness appeal to convince that one of the balconies (see Planning Application ¹⁵⁰⁷⁶⁵~~150764~~) they already use was actually lawful.

We strongly object to this Application 150764 to allow an external terrace to be used for any purpose. This Hotel has shown on several occasions that they have no interest in, or take heed of the fact that their hotel is situated in a quiet residential area. Neighbours have already been subjected to the noise emanating for this Hotel not only from the use of this balcony they RETROSPECTIVELY want to utilise lawfully but also the larger balcony (see 150765) which they intermittently RETROSPECTIVELY apply for permission to use then withdrawn the application (twice!).

They also use this confusing tactic of building facilities (such as an external Pergola) then using these facilities (noisily) then RETROSPECTIVELY apply for permission.

Having appointed an Events Manager this Hotel is obviously pushing as hard as possible to get as many expansions to the Hotels area and facilities as possible and more frequently than not go ahead with the expansion and THEN apply for permission. The neighbours have for example been subjected to a fire work display (they did inform the neighbours previously this time). But all houses in the area were very surprised at the very loud explosions which frightened pets in a large surrounding area.

Neighbours are frequently subjected to late night noise from clients who have been drinking and celebrating. Also the Hotel was also allowed permission to play music e.g. bagpipes outside but the Council limited the hours this could be done. Unfortunately this does not take account of the long practice time a piper will use much to the disappointment of neighbours trying to enjoy their own garden areas. Bagpipes can be VERY noisy.

We understand that although Chester has withdrawn the Planning Application for the larger balcony area (150765), some discussions are going on to finally decide what, if any, balustrade should surround the area that was subject to a Council enforcement order. We would strongly suggest that NO edging of any sort is allowed round this roof area as all that will happen is that the Chester Hotel will (as usual) take advantage of the area and neighbours will find clients from the hotel will use it as an area they can drink and make noise, as they have in the past.

I have advised neighbours to keep a log of any noisy events and especially the use of the larger balcony area for any drinking as I understand this would be breaking the law.

29 JUL 2015

Regards, Ken Hutcheon on behalf of Queens Cross / Harlaw Community Council.

From: NICOL BRADFORD
Sent: 07 June 2015 23:28
To: PI
Subject: Planning Application 150765 – Chester Hotel (B)

Planning Application 150765 – Chester Hotel (B): Also entered directly into website.

I strongly object to the granting of planning permission for the subject balustrade (B), for any purpose - but particularly for the entertainment of guests, as is implied in the supporting statement. It is a concern that allowing the balustrade will eventually result in full permission for the related balcony/terrace due to further applications or by virtue of its existence, or it will be mistakenly used by the hotel and guests.

It is also a concern that this will eventually result in full permission for the adjacent balustrade (A) and use of the related adjacent side balcony/terrace.

This is not an 'attic conversion' – the consequent use of the balcony/terrace and adjacent area is very relevant, and material to the application, whether that be for entertainment or cleaning.

As stated in the objection to 150764 (A), there is no definition of 'cleaning and maintenance' (it could be access for staff to clean tables), no justification why this specifically requires a balustrade, no frequency or time of use, and no stated number of people. Other modification, access or cleaning solutions should be used, rather than blatantly adding an unapproved balustrade to an unapproved balcony.

The balustrade is a part of a balcony/terrace which has already been subject of rejected applications. As stated in previous objections to the balcony/terrace we have serious concerns with regard to the use of the balcony/terrace, and the detrimental effect on the amenity of the area, due to: the inevitable noise and nuisance to the surrounding residential area (including family homes with children); the use may be all day, every day and late at night; there is no guarantee in how it will actually be used; no guarantee of effective control of guests' noise and behaviour; reduction in privacy; and no practical or effective recourse for neighbours in the event of noise or nuisance.

Further, the supporting statement makes reference to 'fine dining' - this is meaningless and misleading. There is no reason this should be any different in outcome from any other entertainment use, and no guarantee of future use.

34 HARLAW ROAD

ABERDEEN

AB15 4YY

01.06.15

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

CHESTER HOTEL-Application Number 150765

Dear Sir/Madam

I wish to formally lodge an objection to this application.

The application encloses a fine dining terrace an area used by, staff, contractors and hotel patrons. I challenge the statement contained in the e mail (ME email 12-09-14.pdf) which states "nor any unacceptable level of overlooking into neighbouring properties". One section of the balustrade (west side aspect) has a direct view into 2 bedrooms of my property for November until April when there are no leaves on the trees. Furthermore, the noise pollution from the "fine dining terrace" cannot be acceptable for the residential property surrounding the hotel. The planning committee/city council has a duty of care to ensure that residents should not be exposed to unacceptable noise levels at anytime but specifically in the evening or late into the night when such dining areas are used. I am a commercial pilot working in a high risk, demanding environment. The Civil Aviation Authority of the UK clearly state that pilots must at all times ensure that they are well rested with sufficient sleep, to ensure that they are not suffering from fatigue since fatigue is recognized as being the cause of many aviation accidents/incidents. All airlines by law must have a statement in their operations manual regarding sleep and rest. I quote my companies statement regarding sleep and rest:

" Although the controls on flight and duty periods are intended to ensure that adequate opportunities are provided for crew members to obtain rest and sleep, individuals should ensure the proper advantage is taken of such opportunities

A crew member shall not perform duties on an aeroplane if he knows or suspects that he/she is suffering from fatigue, or feels unfit to the extent that the flight may be endangered"

How can I guarantee to observe this statement if there is noise, late into the night, coming from this "fine dining terrace".

The area should not be allowed to be used as a "dining terrace" therefore no hotel patrons in the area and no need for staff to operate in that area. That being the case,

there is no need for a balustrade. If contractors have to work in that area they will have their own safety procedures.

I would therefore request that this application is refused.

Yours sincerely

Michael Wood

PI

From: Martin Jevons <
Sent: 08 June 2015 10:37
To: PI
Subject: Application Number: 150765, Chester Hotel Aberdeen

Application Number: 150765

Retrospective Planning Permission for Glass balustrade at Chester Hotel, Queen's Road, Aberdeen AB15 4YP

We wish to have our concerns and objection taken into consideration when this retrospective planning request is deliberated.

Firstly we would question why this work has been completed without planning permission. Approving this retrospectively sets a precedence that we fear may result in further abuse of the planning process in the future.

Currently the noise from the function suite in the Chester Hotel (when guest proceed outside to celebrate) does not result in excessive noise for us as it is blocked by the hotel's western buildings (although other neighbours are affected).

However if guests (whether residential, dining or attending functions) are allowed to exit onto the roof balcony they will be in clear site from (and to) our property, and as such the noise they generate will be unblocked.

This we fear will result in unacceptable noise levels at the southern aspect of our property (which currently does not suffer from any other source of noise pollution) particularly during the summer months when both usage will increase and we would have our windows open.

Additionally this noise generation will be mainly in the evenings, late at night and weekends when the impact will obviously be greater to adjacent residents.

The affect on our property price also has to be taken into account as one property has recently sold at less than valuation, with the new owner deliberated their purchase because of concerns over noise from the Chester Hotel.

As a final note we would ask why we do not get notification of these activities as the boundary of our shared property contacts approximately half the length of the hotel's western boundary.

Had we not been chatting to neighbours we would still be unaware of these plans.

We look forward with interest to your decision,

Martin Jevons, Yvonne Walker.

8 Royal Court
Queen's Road
Aberdeen AB15 4ZX

PI

From: webmaster@aberdeencity.gov.uk
Sent: 31 May 2015 22:47
To: PI
Subject: Planning Comment for 150765

Comment for Planning Application 150765

Name : Douglas Sedge
Address : 30 Harlaw Road
Aberdeen

Telephone : _____

Email : _____

type :

Comment : Since the hotel has been converted we have been given no reason to complain about noise or privacy invasion. I hope the current status quo is maintained by the owners of the premises with this application and that normal noise levels experienced by living close to the city centre are not exacerbated by this application.

IMPORTANT NOTICE: This e-mail (including any attachment to it) is confidential, protected by copyright and may be privileged. The information contained in it should be used for its intended purposes only. If you receive this email in error, notify the sender by reply email, delete the received email and do not make use of, disclose or copy it. Whilst we take reasonable precautions to ensure that our emails are free from viruses, we cannot be responsible for any viruses transmitted with this email and recommend that you subject any incoming email to your own virus checking procedures. Unless related to Council business, the opinions expressed in this email are those of the sender and they do not necessarily constitute those of Aberdeen City Council. Unless we expressly say otherwise in this email or its attachments, neither this email nor its attachments create, form part of or vary any contractual or unilateral obligation. Aberdeen City Council's incoming and outgoing email is subject to regular monitoring.

PI

From: Margaret Preston
Sent: 07 June 2015 20:37
To: PI
Subject: Application No. 150765- The Chester Hotel

Proposed dev at 59-63 Queens Road
Glass balustrade at rear of Chester Hotel

Since I have only just moved into Flat 2 Royal Court, Queens Road, on the 5 June 2015, I have only just been made aware of this proposal. And I would herewith like to lodge my objection to the said erection of glass balustrade at the rear of the Chester Hotel. We are living in a mainly residential area and am sure none of us would appreciate any additional loud, bar room noises permeating outside.

Thank you
Margaret Preston
Tel. ☎

Sent from my iPad

From: Wendy
Sent: 07 June 2015 23:29
To: PI
Cc: Matthew Easton; Jennifer Stewart; Ross Thomson; Martin Greig
Subject: Ref 150765

Dear Sir/Madam

I was under the impression that the Planning applications (Ref 150765 and 150764) were to be resent due to an abnormality with the paperwork. We received a blank form and then a printed one for 150765. I had not been instructed that this would not be the case. I explained to a couple of neighbours that we were waiting for this to be resent and would have due time to respond.

Ref P150765

I strongly object to the Retrospective planning permission for glass balustrade at the rear of the Chester Hotel ref 150765. The balustrade allows for the area to be used as an outside entertaining area and the potential for loss of amenity and the noise pollution that these areas would have to the neighbouring residential area. Following significant representation and formal review at a variety of council meetings it was recommended that a previous planning application P140990 relating to outside terrace/ dining should be rejected. It is evident that by allowing a glass balustrade would then allow for the floored terrace to be used for patrons to wine and dine. The purpose of this area then goes against many of the council recommendations within their own policies for planning and licensing of alcohol. This certainly has material impact for the local neighbours.

A quiet residential area and privacy, once respected, within our own garden is now overlooked and has the potential for significant noise nuisance. As neighbours we already have to deal with noise from the function suite which has capacity for 300 patrons. Persons currently at ground floor level have caused these disturbances. The height and thus potential for noise pollution and nuisance (as highlighted through various discussions and noise reports) significantly impacts on amenity. I would take the opportunity to highlight that one person under the influence of alcohol or during times of enjoyment can cause significant annoyance. This has the potential to be seven days a week and until 1am. Private parties or patrons of the restaurant or bar all have the same potential to cause nuisance. It is essential to highlight the purpose of the area and cannot be unravelled from entertaining as the balustrade allows for the purpose of the area to be used.

It is essential for planning to be rejected for this balustrade as if this is allowed there is little recourse for the local residents. We have already had to involve the local environmental health team and Licensing Standards officer on several occasions due to the issues we have experienced first hand. The recurrent retrospective planning applications employed by the Chester Hotel has meant we, as residents, have had to deal with the building and change of premises without being fully aware of the plans and change to function. The capacity has increased significantly and this once again allows for further outside entertainment areas. We have school age children who deserve the right to a peaceful sleep. As adults we deserve the right to undisturbed sleep. We deserve the right to use our gardens and homes without being disturbed by noise at unsocial hours. There is potential for anti-social noise and nuisance.

All of these applications have been sought in a way which is not transparent and on going assumption that they were not required and changing plans without permission. This balustrade is not required for access and cleaning and was built in order to use this outside area for fine dining and the consumption of alcohol. An outside raised area was not granted a Licence due to public nuisance. Objections highlighted in P140990

- recommended for rejection by planning. These objections should be considered along with these further documents.

I am very happy to show the closeness of this development to our homes and had provided photographs to our local councillor and environmental health previously. I would be happy to do so once again.

Many thanks for your due consideration with regard to our homes and family lives.

Best wishes
Wendy Bradford
2 Harlaw Place

Sent from my iPad

P&SD Letters of Representation		
Application Number: 150765		
RECEIVED - 8 JUN 2015		
Nor	Sou <input checked="" type="checkbox"/>	Map
Case Officer initials: MEA		
Date Acknowledged: 08/06/2015		

From: Jennifer West - m>
Sent: 07 June 2015 21:59
To: PI
Cc: Matthew Easton
Subject: Fwd: Planning Applications P150764 and P150765 (Both Retrospective and combined with P150763 replacing P140990 (recommended for refusal))

Dear Sirs

I object to the above on the following grounds:

1. The two applications have the same effect as planning application P140990. P140990 was recommended for refusal by Aberdeen Council Planning Department. One of the main objections was to do with noise that would further affect the amenity of neighbouring properties. It is noted that on the planning website that P140990 is 'determined' - whereas in fact it was 'withdrawn' the day before the planning committee meeting. Can this classification be clarified.
2. The installation of the balustrade on the area to the rear of the Chester Hotel (P150764) will potentially permit the use as a balcony of part of the roof area of a building that was built under permission granted via a 'non-material variation' to the overall planning permission for the site (P121555 we believe). A non-material variation is explained by Matthew Easton in an email - an extract copied below in italics -

Planning authorities are given the power to grant non-material variations through section 64 of the Town and Country Planning (Scotland) Act 1997. Section 64 states that "a planning authority may, at the request of the grantee or a person acting with his consent, vary any planning permission granted to them, if it appears to them that the variation sought is not material". Each request for a variation needs to be treated in its merits as depending on the circumstances and context what may be material in one instance may not be in another. Factors which may be taken into account include whether there would be any additional impact (e.g. on the road network, on neighbours, on the environment), whether the nature of the proposal would be significantly changed and whether the matter is one which has previously been raised as a concern.

The implication is that if this then allows the outdoor area to the rear to be used as a balcony for any activity that could reasonably be considered to be associated with a hotel use then the variation was evidently material as it clearly affects neighbour's amenity. Clearly also this is an issue which has already been raised as a concern during objections to P140990. As such if that is the case then the granting of the non-material variation was ultra vires. Moreover it would be disingenuous of the planning department to suggest that they had not anticipated the use of the area as a balcony as it is indeed described as a balcony complete with flooring on the drawings (reference discussion at the meeting mentioned in 3 below).

3. The same is true for the balustrade applied for to the side of the Chester Hotel (P150764). There is a door onto the terrace that appears to have been granted under P130773 when the roof was raised by some height during the building phase of the development of the Chester Hotel. At a recent meeting attended by Ross Thomson, Margaret Bochel, Matthew Easton, Wendy Bradford, Ken Hutcheon, Jennifer West and Alan West Matthew Easton stated that there was no door onto the balcony. This was then queried by Alan West in an email to Matthew Easton and the following response was received - *If necessary, consideration will be given to how best to control access to any unauthorised parts of the terrace of the assessment of the applications or decision as to whether to take further enforcement action.*

I take this as acknowledgement of the existence of the door. The issue with the presence of a door again is that it may allow the hotel to argue that they are entitled to use the terrace for any activity which could reasonably be

- considered to be associated with a hotel use. Therefore the presence of a balustrade would potentially allow patrons to use the terrace, thereby gaining planning permission which was previously recommended for refusal through the back door (excuse the pun).
4. The hotel have suggested that they need a balustrade for health and safety reasons. There are many other solutions that would meet the requirements of maintenance tasks such as self-cleaning glass, various eyebolts or secure points to allow safe working using a harness and the installation of windows that can be cleaned from inside to quote a few examples. The use of health and safety issues is a red herring and is being exploited as a method of keeping what has been installed and then using other seemingly innocuous planning applications with a view to eventually achieving the aim of gaining an outdoor terrace at a high level.
 5. The terrace overlooks our garden creating a loss of amenity.
 6. The terrace will result in noise that will result in a loss of amenity. For further reference please look at all the objections to P140990.
 7. We will submit the objections that were associated with P140990 by separate cover as these are relevant to the P150764 and P150765 applications. The relevance is that the applications plus the P150763 (request for a certificate of lawfulness) have the same effect as P140990. P140990 was recommended for rejection by the planning department.
 8. Reference item 7 above the approach by the Chester Hotel owners to obtain what was recommended for rejection by the planning department appears to be a cynical attempt to obtain planning permission using smoke and mirrors. As residents we are weary of the antics of the Chester Hotel and we believe that such a convoluted application has been created to confuse and wear people down. There is a risk that people do not object to both applications therefore one may slip through simply because of the way the process is being run. **This means that the planning consultation is potentially not being carried out fairly which is a specific duty of the planning department under the planning legislation.**
 9. At 26 Harlaw Road we received at least three (I think we actually received 4 but I tore up one of the blanks) letters notifying us about the planning applications. Two (Three?) were blank and one referred to P150765. We have never had official notification of P150764. As we are objecting it is clear that we are aware of the applications but other notifiable residents may not be aware, and this is a denial of their rights under the planning legislation. I personally emailed the department on a number of occasions and was told that the neighbour notifications had been done properly. I have the blank applications and proof of lack of notification. On this basis alone I believe that the whole process should be started again.
 10. Reference the Supporting statement P150765 section 9.3.1 there was a door to the spiral staircase on the original plans (before the 'non-material variation') so the point is irrelevant.

Best regards

Jennifer West

26 Harlaw Road, Aberdeen Ab15 4YY

P&SD Letters	
Application Number	150765
RECEIVED	- 8
Not	✓
Case Officer Initials	MEK
Date Acknowledged	08/06/2015

Planning application – PL10990

Description – The Chester Hotel – Formation of balcony for external dining area (retrospective)

Residents of 26 Harlaw Road – comments on the Noise Report

Latest date – 3rd February

Reference for the Noise Report – Environmental Noise Assessment – Proposed External Dining Area, Chester Hotel, Aberdeen, reference R-6907-EK-MI – 11th November 2014 by RMP

Some minor revisions made 4th February

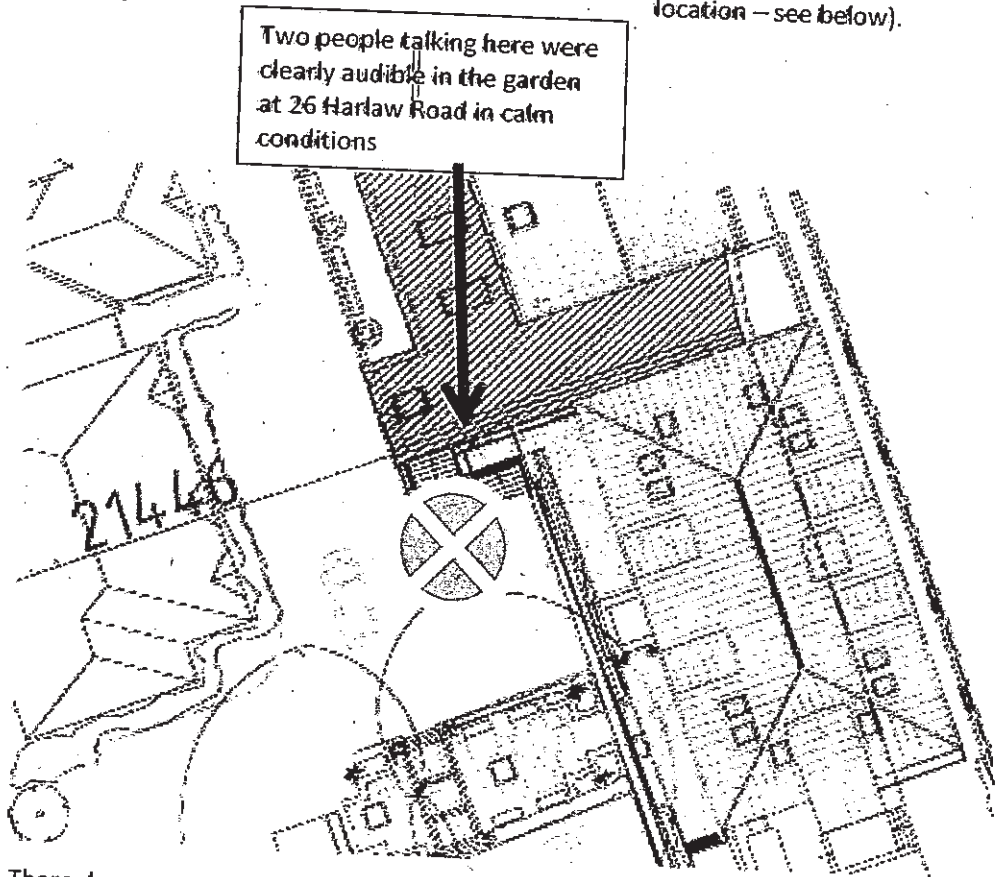
We have lodged objections to the granting of a licence for the raised balcony area adjacent to the hotel restaurant which was constructed last year instead of the pitched roof which was on the approved plans. The balcony, which is at a considerable height, was being used for the consumption of alcohol until the planning department became aware of the unauthorised construction. Not only does this show a blatant disregard for the planning and licencing authorities by the hotel management but it raises questions about public safety (for instance escape routes in the case of a fire). The Chester Hotel have now retrospectively applied for planning and licencing consents for the elevated balcony. This is the second instance of retrospective planning and licencing applications by the Chester Hotel during the last year, the previous applications including an outdoor seating area and pergola in the rear car park.

Whilst I (the writer) am not specialised in this particular area of engineering I am a Chartered Mechanical Engineer and am therefore qualified to comment on the details of the report. In addition I have consulted with a noise expert (also a Chartered Engineer) who has made some preliminary comments but has not yet had time to analyse the report in full detail due to existing commitments.

The report states that the survey work has been carried out according to guidelines from the Scottish Government (1/2011 Planning and Noise(PAN) and the supporting Technical Advice Note – Assessment of Noise (TAN)), however it appears to be based only on carefully selected information and contains significant deficiencies and contradictions for instance:-

1. It is unclear what the intended purpose of the balcony is from the report and various licence applications (dining, smoking, standing, drinking?) but the fact it is not enclosed suggests that it will be used as a smoking area as well as for dining. Ample provision has already been made for smoking areas at the front and rear of the hotel (as per the last retrospective planning and licencing applications). We would of course have no objection to the balcony if it were fully enclosed and soundproofed. It should be noted that the balcony was constructed and was in use for the consumption of alcohol before it was discovered that it had been built without planning permission. I am not sure but I do not believe that it was being used for dining so hence there are contradictions between the use stated in the various applications and the actual use of the hotel balcony last summer.
2. The report is based on reference measurements taken at the hotel. The measurements do not appear to have been taken in accordance with the Scottish Government's guidelines with respect to location, time of day or duration.
 - a. The measurements were taken 3m away from a façade whereas the guidelines recommend 1m. In addition a correction factor for taking noise measurements in front of a facade versus in a 'free field' does not appear to have been applied (reference 2.58 of the TAN). This failure to follow the guidelines results in the setting of a baseline which does not accurately portray ambient noise levels and therefore the report's conclusions are fatally flawed.

- b. The time period for the measurements appears short and inappropriate. Another possible period that might have been selected would have been between 7AM and 11PM as suggested in the TAN. However, a more appropriate period might be between 5PM to 11PM for weekdays when people would be taking advantage of the amenity of their gardens and also from 7AM until 11PM at weekends when traffic may be less than during the week? In any event the most appropriate period should be decided following a qualitative assessment as recommended in the TAN.
 - c. The duration of the measurements is too short and appears to have been taken selectively at an inappropriate time of day (30 minutes of data selected from a 65 minute measurement period (see the difference between paragraph 2.1 (65 minutes) and the table in 2.8 (30 minutes))) and at a busy time for traffic.
3. In section 3.5 of the report it states the nearest property is 40m from the centre of the balcony. The assumption is that all the noise is emanating from a point source which is not what is happening in practice. I calculate the distance to the nearest property to be around 33m from the centre of the area. Can this be clarified as the distance has an effect on the calculation that has been presented. Furthermore, is taking the centre of the area the most conservative approach? The balcony overlooks the garden at 26 Harlaw Road and two people talking outside the door below the balcony can be heard clearly in the garden at that address (as I have observed myself when two people were smoking at that location – see below).



- 4. There does not appear to be any qualitative analysis as required by the TAN which would highlight when the baseline noise measurements should be taken.

5. No account appears to have been taken of noise reflection which will occur and increase the noise level.
6. In the report an assumption is made regarding noise attenuation from a glazed balustrade. This is a fundamental assumption for the report's conclusions. The glazed balustrade will be below the level of noise generation and will have no effect on noise attenuation. I present to you a picture of the balustrade – as you can see people's heads will be above the balustrade even when seated. Notwithstanding this the acoustic properties of the balustrade if indeed it were a barrier are not quantified.



7. A qualitative analysis is required by the Scottish Government's guidelines and this would take account of considerations as to whether people will have to shut their windows, or not use their gardens as before. No such qualitative assessment has been carried out. We have already experienced noise levels that resulted in us having to shut windows and not use our garden and this at a time when the balcony has not yet been approved.
8. Section 3.10 – this is a completely ridiculous conclusion. It is already possible to hear 2 people talking at the entrance below the south end of the balcony in the garden at 26 Harlaw Road, disturbing the amenity of the garden.
9. If we consider what has already been approved for the outdoor seating area, using the same calculation method it is estimated that the noise level would be very high compared to the current ambient. It is suggested that the noise report should also retrospectively consider such a noise evaluation applied to the outdoor seating areas. Retrospective conditions may need to be applied to those areas as a result of the evaluation.

The Scottish Government's noise guidelines promote the approach of carrying out a proper assessment prior to granting licencing or planning consents rather than relying on subsequent enforcement. This should have been done before the balcony was ever built but the council have been denied this opportunity as a result of the way the Chester Hotel have built first and then made retrospective applications, but notably only when caught out.

Moreover, if the full scale of the development of the Chester Hotel had been clear from the outset then it is likely that there would have been far more objections to the original planning application. Instead what appears to have happened is a pre-determined tactical development of the site and an attempt to work the system to full advantage and deny residents the chance to object effectively to

what was clearly the owner's plan from the start. We ourselves did not receive the original notification for the major variation to the licence for the whole premises.

We are already experiencing noise from the hotel. We have lodged no fewer than 12 complaints about noise, including noise from amplified music being audible in the bedroom of our property late at night. The Council's environmental health and pollution control personnel will testify to the fact that there are numerous unresolved complaints due to noise emanating from the function suite in the evening and night. This is exacerbated by the fact that the owners and management of the hotel do not adhere to the existing restrictions regarding noise and have demonstrated contempt for the planning and licencing conditions: for instance making noise, using the rear entrance access for non-permitted purposes and at curfew periods, loading service vehicles at 2AM and using an unapproved balcony and all this at a time when they are seeking further planning and licencing consents when you would expect them to be demonstrating good behaviour. Granting this planning application will simply exacerbate the existing problem. In addition enforcement is a long and laborious task (for instance we have been issued with a 'noise diary' template by the council) and will take years to reach a resolution.

We have offered to meet the hotel management on a number of occasions but they have refused to meet with us. We have made attendance at such a meeting contingent upon certain conditions, in particular our receipt of an acknowledgement of and satisfactory response to an incident of extreme noise in May 2014. The management have refused in writing to provide a response despite them having received a visit from a member of the pollution control department with regard to the incident. The hotel have advised they are unaware of the incident.

We have lived in our house for over 11 years and during the time that the hotel was operated as Simpsons Hotel we never made a single complaint. They were good neighbours unlike the Chester Hotel.

Furthermore we feel that we are to some extent in a David and Goliath situation in that we do not have the same level of resources as the hotel to employ experts and consultants.

It has been suggested that a compromise would be to restrict use of the balcony after 10PM but this does not take into account the requirements of a qualitative assessment as mentioned earlier. This 10PM restriction does not appear to have any basis. Why should the residents have to close their windows or stop using their gardens as a result of the clientele of the Chester Hotel using its outside facilities in a residential area?

We believe that if the report had been compiled in accordance with the Scottish Government's guidelines there would be no question that the planning and licencing applications should be rejected for the outdoor seating areas and the balcony.

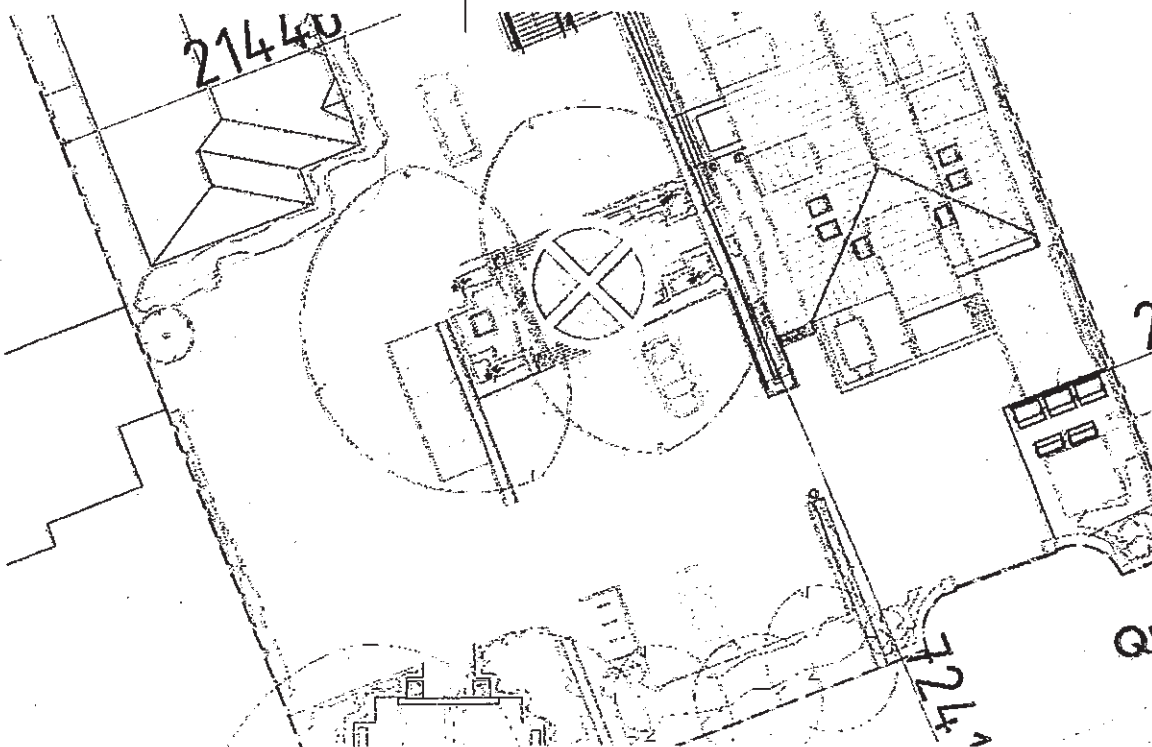
Please see below our assessment of the calculation. This is based on Table 3 in Noise Report.

External Dining Area Noise Predictions			
	Chester RMP Report - 50 persons	Assessment by A West - 50 persons	Assessment by A West - 100 persons
	LAeq,t	LAeq,t	LAeq,t
Raised speech noise level (1 person)	66	66	66
People talking	83	83	86
Distance attenuation	-32	-30	-30
Partial acoustic screening	-5	-0	-0
Predicted external free field	46	53	56
Existing ambient level.	51	47# (Estimated)	47# (Estimated)
Correction for non-free field	-1? -2.5?*	-0	-0
Corrected ambient level	50 to 48.5	47	47
Exceedance of existing noise level	-4 to -2.5	6	9

*as the measurement was taken 3m away from the façade then it is not clear what factor should be used, however none appears to have been applied.

#these noise levels have been measured at the back wall of 26 Harlaw Road with an un-calibrated noise meter. We are in the process of acquiring a noise meter and will more accurately provide our own measurements for our house which should not have any significant difference to the hotel. We will provide the information when available.

However, when the methodology is applied to the previously approved outdoor seating area there is a significant problem. See the calculation below.



External Seating Area (marked on plan above) Noise Predictions			
	Chester RMP Report methodology – 25 persons	Assessment by A West – 25 persons	Assessment by A West – 50 persons
	L _{Aeq,t}	L _{Aeq,t}	L _{Aeq,t}
Raised speech noise level (1 person)	66	66	66
People talking	80	80	83
Distance attenuation (15m)	-23	-23	-23
Partial acoustic screening	-0	-0	-0
Predicted external free field	57	57	60
Existing ambient level	51	47# (Estimated)	47# (Estimated)
Correction for non-free field	-1? -2.5?*	-0	-0
Corrected ambient level	50 to 48.5	47	47
Exceedance of existing noise level	7 to 8.5	10	13

*as the measurement was taken 3m away from the façade then it is not clear what factor should be used, however none appears to have been applied.

#these noise levels have been measured at the back wall of 26 Harlaw Road with an un-calibrated noise meter. We are in the process of acquiring a noise meter and will more accurately provide our own measurements for our house which should not have any significant difference to the hotel. We will provide the information when available.

The effects of the two noise levels are cumulative – therefore the total noise level will increase by between 11.5 and 14.5 dB.

It can be clearly seen that the existing outdoor seating area is already generating too much noise on the above assessment. Last autumn we have already had experience of this noise from the outside seating area which is in direct line of sight of the garden at 26 Harlaw Road. The noise from the balcony would be in addition to this existing noise and would therefore further impact on the amenity of the area and disturb the residents, causing a change in their behaviour.

Summary and Conclusions

1. The conclusions of the noise report instructed by the Chester hotel are ridiculous
2. The methodology needs to be assessed for compliance with the PAN and TAN
3. A qualitative analysis needs to be part of the report. It does not appear to have been carried out.
4. Using the methodology in the report and applying it to the existing approved outdoor seating area leads to the conclusion that it should never have received planning permission and that decision needs to be challenged
5. The planning permission for the balcony should be refused.

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Planning Development Management Committee

WEST MIDDLEFIELD, SKENE ROAD

ERECT 2 HOUSES AND ASSOCIATED
INFRASTRUCTURE.

For: Mr George Maxwell

Application Type : Planning Permission in
Principle

Application Ref. : P150819

Application Date: 21/05/2015

Officer: Sally Wood

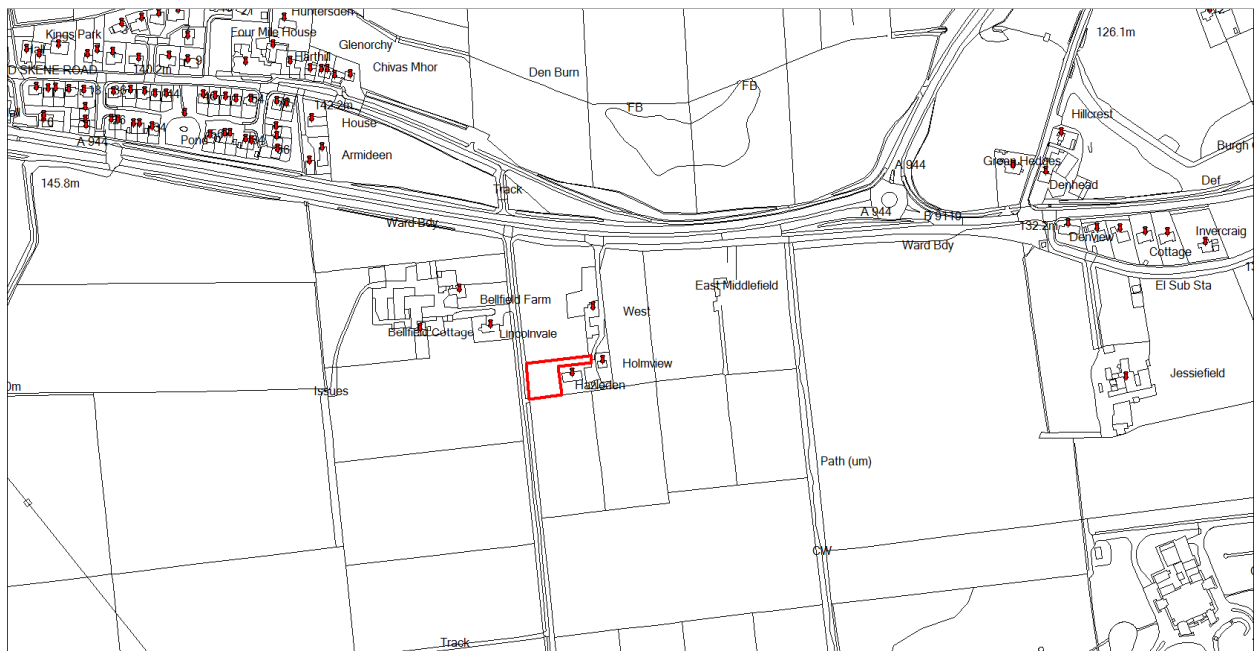
Ward : Lower Deeside (M Boulton/A Malone/M
Malik)

Advert : Dev. Plan Departure

Advertised on: 10/06/2015

Committee Date: 18/08/2015

Community Council : No response
received



RECOMMENDATION:

Refuse

DESCRIPTION

The application site is located 130 metres to the south of the A944, Aberdeen to Kingswells main road. The site comprises rough grass and reeds, and backs on to farmland. The access road to Bellfield Farm lies directly to the west. There is a line of deciduous trees along the farm road and there is a dwelling on the west side of the track adjacent to the farm. There is a house directly to the east of the application site, Hazleden, with Holmview located just further east. At least one other property is located within the eastern 'group', which is a traditional steading which has been converted. These properties are accessed from a minor access road leading to the A944 which is single track width, with at least one blind bend adjacent the steading.

The site extends to some 1168 square metres, excluding access track, and slopes up slightly to the south. There is a field lying between the site and the main A944 road, which appears to not be cultivated. There are stone dykes along the boundary. It is noted that there is a thick tree belt along the eastern boundary with Hazleden and on the south side of the proposed access track.

RELEVANT HISTORY

88/0548 To Erect a Dwellinghouse at West Middlefield, Kingswells. Refused, 18.04.1990.

A7/2315 New dwelling house at Holmfield, Middlefield, Kingswells. Refused, 24.04.2008. Decision appealed to DPEA, appeal dismissed, 15/12/2008.

PROPOSAL

The application seeks planning permission in principle for the siting of two houses, with access served by the creation of a new driveway formed to the front of the neighbouring property Hazleden, which lies directly to the east. The new driveway would be formed from the existing minor access road which serves the properties to the east, and is served at a junction with the A944.

Plans submitted in support of the application include a block plan which show a pair of semi-detached houses on the site; an illustration of what the properties may look like; and floor plans which show accommodation over two floors, with four bedrooms, open plan dining/kitchen, living room and other ancillary rooms. These plans have been submitted in support of the application for illustrative purposes only.

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=150819>

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

A design statement has been submitted to accompany the application.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee there have been more than 5 letters of representation. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – object. The building of two properties at this location increases the number of properties using the access off the A944 dual-carriageway from three to five (representing a 40% increase). The resultant increase in traffic movements will cause an increase in conflicting vehicular movements at the junction.

At the junction the A944 dual carriageway features a central reservation, which is an 'agricultural-gap'; however, it may be used by traffic from the lane for eastwards-bound travel. The intensification of the vehicular use of the lane associated with the proposal would increase the use of the existing agricultural-gap if approved, which is a road safety issue, and therefore it is considered grounds to object.

Other points noted are that there is sufficient proposed car parking; that the proposed access from the properties onto the existing lane adjacent Hazelden is acceptable; that bin collection would be the same as for other existing dwellings, i.e. near the road junction with the A944.

Environmental Health – comments, no observations

Communities, Housing & Infrastructure (Flooding) – comments, no observations

Community Council – no response received.

REPRESENTATIONS

7 number of letters of representation have been received objecting to the application. The objections raised relate to the following matters –

1. Removal of/damage to the existing trees;
2. Do not want natural environment disturbed by further development;
3. Do not want further development on any green belt areas;
4. Site has been subject of previous applications all of which have been refused as contrary to policies, including Green Belt;
5. An appeal to the Scottish Government for the last application (ref A7/2315) was dismissed on the basis that a single house was contrary to Green Belt Policy;

6. The proposal is contrary to Local Plan 2008 policies GB28 (Green Belt) and GSN29 (Green Space Network); The proposal is contrary to policy 1 (Design) as two residential units are not in context with the surroundings; and Policy 73a (Vehicular Access to New Development) as the current application presents significant road safety concerns as the proposed site access is on a dual carriageway and in very close proximity to an extremely busy roundabout that includes a full speed bypass lane;
7. Insufficient size of plot to accommodate two dwellings with eight bedrooms;
8. How will drainage and sewage be accommodated;
9. Additional traffic;
10. Parking space appears inadequate;
11. Access for delivery vehicles including lorries and vans;
12. Loss of privacy;
13. Approval of the application would set a precedent.

The application has submitted a Design Statement in support of the application. The main points can be summarised as follows:

1. The site is currently insufficient for agricultural use and is currently unmaintained due to lack of defined use; which causes problems of waste being dumped on the land which is cleaned up at the owner's expense;
2. There are allocations of land for housing development at Countesswells and other opportunity sites on greenfield land and therefore consider that there is just cause for an application on this site;
3. Scottish Planning Policy sets out an aim to facilitate new housing development, particularly in areas within our cities network where there is continuing pressure for growth, and through innovative approaches to rural housing provision. House building makes an important contribution to the economy. Provision for new homes should be made in areas where economic investment is planned or there is a need for regeneration;
4. Consider this proposal meets the criteria for providing a solution to the housing shortage in the area;
5. Considers that there will be no concerns regarding sunlight, daylight or privacy;
6. Considered that the built element of the site will be no more than 33% of the area of the plot, and therefore an appropriate density;
7. That the scale of the proposal would complement the area and surrounding properties;
8. That design would meet the criteria specified in Policy 1 of the Proposed Local Development Plan, Quality Placemaking by Design;
9. That pedestrian and vehicles would be adequately accommodated;
10. The development would have a positive effect on the area, providing a high quality development in an area which is in desperate need for housing;
11. It would improve an unused and unmaintained area of ground, whilst the design would complement the adjacent buildings and enhance the appearance of the area.

PLANNING POLICY

Scottish Planning Policy

Scottish Planning Policy (SPP) outlines the purpose of green belt designation in the development plan is to:

- Direct planned growth to the most appropriate locations and support regeneration;
- Protect and enhance the character, landscape setting and identity of settlements; and
- Protect and give access to open space.

The SPP continues to state that the designation of green belt should be used to direct growth to suitable locations, not to prevent development from happening. That for cities with a distinct identity and character that could be harmed by unplanned growth, the use of green belt designation, and relevant policies, may help to manage that growth more effectively.

It also advises that where a proposal would not normally be consistent with green belt policy, it may still be considered appropriate either as a national priority or to meet an established need if no other suitable site is available. Development in a designated green belt should be of a high design quality and a suitable scale and form.

Aberdeen City and Shire Structure Plan

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

Aberdeen Local Development Plan

Policy D1 - Architecture and Placemaking

Seeks to ensure high standards of design, through considerations of context and setting. Sets out a number of factors that will be considered in assessing that contribution

D2 – Design and Amenity

Sets out a number of criteria to ensure the provision of appropriate level of amenity.

Policy NE2 - Green Belt

No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible

with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

Buildings in the Green Belt which have a historic or architectural interest or traditional character that contributes to the landscape setting of the city will be permitted to undergo a change of use to private residential use or to a use which makes a worthwhile contribution to the amenity of the Green Belt, providing it has been demonstrated that the building is no longer suitable for the purpose for which it was originally designed.

Proposals for extensions of existing buildings as part of a conversion or rehabilitation scheme will be permitted in the Green Belt provided; a) the original building remains visually dominant, b) the design of the extension is sympathetic to the original building in terms of massing, detailing and materials; and, c) the siting of the extension relates well to the setting of the original building.

NE5 – Trees and Woodlands

Presumption against development which would result in loss or damage of established trees or woodland that contributes significantly to nature conservation, landscape character or local amenity.

Proposed Aberdeen Local Development Plan

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

- Policy D1 – Quality Placemaking by Design
- Policy NE2 – Green Belt

EVALUATION

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

Principle of the development

Scottish Planning Policy (SPP) is clear that the aim of Green Belt is to direct planned growth to the most appropriate location, and to protect and enhance the quality, character and setting of towns and cities. In this instance, while adjacent to existing residential properties, the site is located within the Green Belt. Allowing residential development in this location is likely to have a significant detrimental impact on the character of the landscape setting of this part of the green belt, which would be contrary to paragraph 49 of SPP which seeks to direct development to the most appropriate location and protect and enhance the character, landscape setting and identity of the settlement.

In terms of the Council's Green Belt Policy, no justification has been received for the proposed residential development. In this instance, the proposal does not meet any of the defined criteria for acceptable development in such an area, and the development is therefore deemed to be contrary to Policy NE2.

The applicant's supporting statement suggests that the zoning of Opportunity Sites close by which were formerly zoned as Green Belt sets the precedent for this proposed development. It should be noted that the opportunity sites were formally allocated as housing sites and adopted through the Aberdeen Local Development Plan (ALDP) in 2012. To help meet the housing needs for Aberdeen sufficient land has been allocated for housing in the ALDP and thus there is no material consideration to allow this site to be developed for residential purposes.

In conclusion, the principle of residential development on this site is not acceptable as approval would undermine the ALDP's strategy for the release of land for new housing development, and there would be detrimental impact on the Green Belt by eroding the open green space.

Design, scale and massing of dwellings

As noted above, the general principle of development on site cannot be established against Scottish Planning Policy or the ALDP Policy as the proposal is located within a Green Belt. Notwithstanding, it is still necessary to assess the design of the proposed houses against the relevant policy.

In support of the planning permission in principle application a block plan and floor plans were submitted for illustration purposes. This means that should planning permission be approved then detailed design proposals would be required to be submitted. However, what the indicative plans do show is how the development could be accommodated on the site.

The purpose built houses in the locality are all detached dwellings; this proposal is therefore unusual as it would be a semi-detached property. However, the plans do show that two houses could be accommodated within the site. One thing to note is that the trees on the east boundary, adjacent to Hazleden, would limit the availability of light within one of the proposed semi-detached houses, which could subsequently affect residential amenity.

Access and servicing

Vehicular access would be adjacent the track that serves Hazleden. It is proposed that the access would be continued along the northern boundary of Hazleden to the application site. The existing vehicular track is accessed from a junction off the A944.

The Roads Development Management Team has objected to the proposal, as outlined earlier in this report. On the basis of the concerns that the Team has it is

advised that the application cannot be supported on the ground of road safety concerns.

Trees

Mature trees are sited along the south boundary of the proposed access road, and along the west, south and eastern boundaries. The application states that no trees will be affected by the proposal. Having visited the site it is noted that there will have to be trimming of trees, certainly along the proposed access track. If planning permission was approved then it is unclear what impact there might be on the trees, if any. However it is possible, particularly as principal windows are located on the lateral boundaries and to the south, that there may be pressure from future occupiers to remove trees due to shadowing.

Proposed Aberdeen Local Development Plan

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

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

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

- Policy NE2 – Green Belt
- Policy NE5 – Trees and Woodlands
- Policy D1 – Quality Placemaking by Design

These policies substantively reiterate policies in the adopted local plan. In addition, for the same reasons that the proposal does not comply with the adopted local development plan, it also does not comply Policies NE2, NE5, and D1 of the Proposed Local Development Plan.

Representations

Seven letters of representation have been received objecting to the application. In response to the points raised the following observations are made:

It is unclear whether trees would be damaged or removed, the application does state that no works to trees are proposed. Nevertheless as viewed on site there will have to be at least some trimming back of trees. There is a concern if

approved that once occupied there may be pressure for tree felling as a result of over-shadowing. It is advised that should planning permission be granted contrary to the recommendation, that a tree survey is sought.

The site does lie within the Green Belt where there is a presumption against residential development. So the comments with regard to not wanting the natural environment disturbed by further development and not wanting further development on any green belt areas are relevant, as it would place pressure on the loss of open green space which provides separation between settlements.

It is also noted that the site has been subject of previous applications all of which have been refused, and an appeal to the Scottish Government dismissed. The concerns regarding precedent is of concern, as there are no over-riding material considerations to support the application against planning policy, though it also has to be borne in mind that each planning application is determined on its own merits. However, granting single and semi-detached dwellings in the Green Belt would be inconsistent with the policy which seeks to direct development to existing settlements and sites identified and allocated through the Local Development Plan process, thereby protecting the identity of settlements and maintaining open spaces.

References made to planning policies whilst relevant, relate to the previous Local Development Plan. It is noted that the site does not lie within a the designated Green Space Network as defined by the current Local Development Plan.

The size of plot to accommodate two dwellings with eight bedrooms is of some concern to objectors. Considering the configuration of the garden, and total area it is considered that this is not something that would warrant refusal.

In terms of drainage, the application states that the houses would be connected to the public drainage network and would connect to the public water supply. On this basis there are no objections. However, details of SUDS for surface water would be required should the application be approved.

It is not considered that there will be a privacy issue, as any concerns could be addressed through appropriate boundary treatment.

In terms of traffic impact the Roads Development Management Team have concerns about the additional traffic at the junction with the A944, however, in relation to the track itself and parking spaces it has not made any objections.

Design Statement in support of application

The application has submitted a Design Statement in support of the application. In response to the points made the following observations are made:

The site was more than likely used in conjunction with the house Hazleden, and was never used as an independent agricultural unit prior to this. The site whilst

overgrown is not an eyesore, and in any case lack of maintenance of an area of ground is not a reason in itself to override planning policy.

The allocated sites for residential development are some distance away from this proposed site, but in any case have been through the Local Development Plan process and have been through examination. These sites have been planned and allocated to ensure that there is an adequate land supply of residential development within the city.

Scottish Planning Policy does set out an aim to facilitate new housing development, particularly in areas within our cities network where there is continuing pressure for growth, and through innovative approaches to rural housing provision. However, within Green Belts this is carefully planned, such as the opportunity sites, and sites within rural locations outwith the designated Green Belt are normally judged on their own merits. This site is within the Green Belt and there has been sufficient land allocated for residential development to meet demand. No windfall housing sites are required to meet demand, particularly within the green belt. To allow unplanned single dwellings in the Green Belt fails to recognise the co-ordinated approach of the ALDP and would serve to erode the countryside, and undermine the identity of existing settlements. The reason for such tight controls within Green Belt areas is to also meet the aims of sustainability. Planned residential sites are carefully considered and often are masterplanned, with a mix of development or located adjacent other sustainable locations such as employment or adjacent a transport hub. This proposal, if approved, would result in a high level of car borne activity due to the lack of alternative modes of travel, and is not located within walking distance to shops, education, employment or other facilities.

Whilst the submitted Design Statement considers that this proposal would meet the criteria for providing a solution to the housing shortage in the area, it is considered in response that there is no housing shortage as there is sufficient land allocated for residential development through the existing ALDP.

In Summary

The proposal represents a departure to the development plan, specifically in relation to Green Belt policy. The principle of development is unacceptable in respect that no justification has been provided which would allow deviation from Green Belt Policy. Further, the proposed right turn movements into the site would lead to a road safety hazard.

Should Members be minded to approve the application, it is recommended that any such approval includes planning conditions relative to; requiring details of house design, external materials, landscaping, internal road layout, surface water drainage, tree survey, and tree protection plan. Consideration of such matters would be via formal applications for the approval of matters specified in conditions. Two informatives would also be considered necessary in respect to construction hours, and to highlight that the plans are illustrative purposes only (floor plans and block plan as stated in correspondence received 28.07.2015).

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The site lies within the Green Belt, which is defined to protect and enhance the landscape setting and identity of urban areas and in which there is a presumption against most kinds of development with only limited exceptions. The proposed development does not comply with any of the specified exceptions to the presumption against development within the Green Belt and therefore does not comply with Policy NE2 (Green Belt) of the Aberdeen Local Development Plan 2012. If permitted, this application would create a precedent for more, similar developments, to the further detriment of the objectives of Green Belt policy. Sufficient land has been identified for new residential development through the Local Development Plan, and therefore approval would undermine the long-term strategy of the ALDP.

The proposal if approved would result in an increase in traffic using the junction with the A944 which is a road safety hazard due to the intensification of use of the access, in particular for traffic heading eastward bound.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 12 June 2015 15:50
To: PI
Subject: Planning Comment for 150819

Comment for Planning Application 150819

Name : Rosanna Buchan
Address : 9 Westdyke Terrace
Westhill
Aberdeenshire
AB32 6JA

Telephone : [REDACTED]

Email [REDACTED]

type :

Comment : I object to this planning application as I feel there is no consideration being given to the fact it is a green belt area and the destruction of mature trees would be inevitable

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 17 June 2015 08:00
To: PI
Subject: Planning Comment for 150819

Comment for Planning Application 150819

Name : Mr Ronald Edward Leggett

Address : 6 Friarsfield Walk

Cults,

Aberdeen

Ab15 9PW

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : The development does not ensure that the existing boundary trees will be protected and retained.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 12 June 2015 15:49
To: PI
Subject: Planning Comment for 150819

Comment for Planning Application 150819

Name : Lesley Sleigh
Address : Carn Kitty
Skene
Westhill
Aberdeenshire

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object to this planning application as I feel this would once again make further inroads into what is meant to be a green belt area.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 12 June 2015 13:45
To: PI
Subject: Planning Comment for 150819

Comment for Planning Application 150819

Name : Raymond Craigie
Address : 32 Buchan Drive
Newmacher
Aberdeenshire
AB21 0NR

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I do not want any further development on any green belt areas.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 12 June 2015 13:49
To: PI
Subject: Planning Comment for 150819

Comment for Planning Application 150819

Name : Jacqueline Craigie
Address : 43 Springhill Road
Aberdeen
AB 16 6SA

Telephone :

Email : [REDACTED]

type :
Comment : As a lover of trees etc i no longer want to see our natural enviroment upset by any further development

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PI

From: Eric Brown [REDACTED]
Sent: 05 July 2015 19:58
To: PI
Subject: Application 150819 West Middlefield

Dear Sir,

With respect to the application for 2 dwellings by George Maxwell:

We have concerns about 2 dwellings with a total of 8 bedrooms on a plot that is not oversized for a single dwelling.

These concerns include:

- How the drainage and sewage will be accommodated.
- The extra domestic traffic caused by up to 10 or more people.
- Available parking space seems inadequate
- Access for service / fuel / moving lorries and vans.

All of these also apply for a single dwelling as well.

We accept that these issues are more to do with detailed planning rather than the change of use but feel they are key items at his point.

Regards,

Jean and Eric Brown
West Middlefield

19 June 2015

STRICTLY PRIVATE & CONFIDENTIAL

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

150819

Dear Sirs

**LOCAL AUTHORITY REFERENCE 000120789-001
PROPOSED DEVELOPMENT OF 2 HOUSES AT WEST MIDDLEFIELD
PLANNING OBJECTION**

I am writing to object to the planning application which has been submitted (local authority reference 000120789-001) in connection with the proposed development of 2 houses at West Middlefield, Skene Rd, Aberdeen.

The proposed site has been the subject of previous planning applications for residential housing development, all of which have been refused for being contrary to Aberdeen City Council Development and Green Belt Policy. The latest planning application on the site (local authority reference A7/2315) was appealed to the Scottish Office (planning appeal reference P/PPA/100/411) but was again rejected on the basis of being contrary to Green Belt Policy. A copy of the appeal decision notice dated 15 December 2008 is attached to this letter.

Green Belt Policy

The West Middlefield site is zoned as Green Belt (GB28) and Green Space Network (GSN29) in the adopted Local Plan 2008.

The Aberdeen and Aberdeenshire Structure Plan (NEST) and adopted Local Plan Policy 28: Green Belt state that no development will be permitted in the Green Belt for purposes other than those essential for agriculture, forestry, recreation, mineral extraction or restoration or landscape renewal. All development in the Green Belt should be of the highest quality in terms of siting, scale, design and materials. The current application is contrary to the Structure and Local Development Plans and there are no material considerations that would justify granting planning permission.

Policy 29: Green Space Network (GSN29) states that the council will protect and enhance the wildlife, recreational, landscape and access values of the GSN which have been identified as of particular importance in the GSN. Any proposals that would be likely to destroy or erode these values will not be permitted. The current application is contrary to the values of the GSN. The site has birdlife, deer, hare, rabbit etc all active on the site.

Policy 1: Design states that new development must be designed with due consideration for its context and make a positive contribution to its setting taking into account *inter alia* scale, massing, proportions and landscaping. The current application involves the construction of 2 residential units which are not in context with the surroundings.

Policy 73a: Vehicular Access to New Development. Applicants will be required to mitigate traffic impacts of new development and demonstrate that they would not compromise road safety or unduly disrupt the flow of traffic particularly on primary distributor roads. The current application presents significant road safety concerns as the proposed site access is on a dual carriageway and in very close proximity to a extremely busy roundabout that includes a full speed bypass lane.

Impact on Amenity

The current application will cause a significant loss of privacy for surrounding residents.

Precedent

The current application would set a precedent for development on green belt land which is completely contrary to the stated government and local policies. Where to next? "West Middlefield has been developed, why not some additional development on the surrounding fields". The current application would set a precedent for development on green belt land which is completely contrary to the stated government and local policies and I strongly object to the proposed residential development at West Middlefield on this basis.

Yours faithfully

JEAN MARTIN

Jean Martin
Hazleden
West Middlefield
Kingswells
Aberdeen
AB15 8PX

Enc. Copy of Scottish Office appeal decision notice dated 15 December 2008

P&SD Letters of Representation		
Application Number: 150819		
RECEIVED 22 JUN 2015		
Nor	So: <input checked="" type="checkbox"/>	Map
Case Officer Initials: SWO		
Date Acknowledged: 22/06/2015		

Directorate for Planning and Environmental Appeals

Appeal Decision Notice

T: 01324 696 400
F: 01324 696 444
E: dpea@scotland.gsi.gov.uk



Decision by Gerry Farrington, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: P/PPA/100/411
- Site address: Holm View, Middlefield, Kingswells AB15 8XP
- Appeal by Mr and Mrs G Maxwell against the decision by Aberdeen City Council
- Application for planning permission A7/2315 dated 21 November 2007 refused by notice dated 24 April 2008
- The development proposed: new dwelling house
- Application drawings: 1987/01 site plan; 1987/02 proposals; and 1987/03 location plan
- Date of site visit by Reporter: 20 November 2008

Date of appeal decision: 15 December 2008

Decision

I dismiss the appeal and refuse planning permission.

Reasoning

1. The determining issues are (1) whether the proposal accords with the development plan and (2) whether approval or refusal is justified by other material considerations.
2. The Development Plan is comprised of the 'North East Scotland Together' Aberdeen and Aberdeenshire Structure Plan 2016 (NEST) and the adopted Aberdeen Local Plan 2008 (ALP). The site lies within the Green Belt and the Green Space Network (GSN) delineated in the ALP. There has been no demonstration that the proposed house is essential for the specific rural activities identified in NEST policy 28: Development in the Green Belt and ALP policy 28: Green Belt. Therefore, it would add unnecessarily to the build-up of development contrary to the strategy outlined in NEST policy 27: Green Belt aimed at protecting and enhancing the landscape setting and identity of urban areas and the prevention of coalescence. Likewise, it would not accord with ALP policy 29: Green Space Network aimed at the protection and enhancement of the wildlife and landscape value of the GSN.
3. **Other considerations:** The support claimed for the application with reference to SPP15: Planning for Rural Development fails to take adequate account of the specific guidance in SPP21 that there should continue to be a strong presumption against

4 The Courtyard, Callendar Business Park, Falkirk, FK1 1XR
DX 557005 Falkirk www.scotland.gov.uk/Topics/Planning/Appeals



inappropriate development in the Green Belt. Since scrutiny of the ALP by Scottish Ministers is complete and the plan has been adopted, I agree with the council that hypothetical discussion based on adjustment of ALP policies is unhelpful. It is unclear whether or not some twenty years ago the house adjacent to Bellfield Farm was permitted contrary to Green Belt policy but, in any case, this of itself would not justify further erosive breaches of that policy. The appellants' submissions that the proposed house is of traditional appearance and would form part of a cohesive group or cluster of buildings carry minimal weight when balanced against Green Belt policy and do not persuade me that the crucial policy objections identified in paragraph 2 can be set aside.

4. **Conclusion:** Taking into account the considerations set out above and that legislation requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise, I conclude that the appeal should fail and that planning permission should be refused.



GERRY FARRINGTON
Reporter

ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management
DATE	18 th August 2015
DIRECTOR	P Leonard
TITLE OF REPORT	Breach of Planning Control at 64 Queen's Road – Aberdeen
REPORT NUMBER	
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The purpose of this report is to inform the Committee in respect of a breach of planning control regarding the formation of car parking to the front of the property at 64 Queen's Road, 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 Mr Graham Wood as the owner of the application property to rectify the breach of planning control. The applicant has had an application for planning permission refused (Ref: 141393) with the local review on that decision upheld on the 18th May 2015.

The breach should be remedied by increasing the level of landscaping within the application site boundary; this would involve providing a landscaped area between the two vehicular entrances (minimum width of 7 metres) and extending at right angles into the site towards the frontage of the building by a minimum of 10 metres at the apex of a curved end to the landscaped area. The said area shall be landscaped in accordance with a scheme submitted to and agreed by the planning authority.

It is not considered necessary to require the reinstatement of the ground levels that existed immediately prior to the unauthorised works being carried out or the removal of the raised terrace at the front of the building. Retention of these elements would not adversely impact on the character of the conservation area or the setting of the listed building.

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 September 2014 a retrospective planning application for planning permission (Ref: 141393) was submitted in relation to the formation of five car parking spaces to the front of the property. The work also involved alterations to the path to the front of the existing building (which is in office use) and small planter beds along each boundary wall at 64 Queen's Road, Aberdeen.

Following dialogue with Officers to find an acceptable solution, no such solution was forthcoming and the application for planning permission was refused on the 18th December 2015. A subsequent local review was submitted on the 17th March 2015, with the Officers decision upheld.

It should be noted that a further planning application (Ref: 151102) was submitted on the 8th July 2015 for the formation of a landscaped area/driveway to the front of the property. This application is broadly in line with what is outlined above as being an acceptable solution. However, committee authorisation is still sought, so that enforcement action can be taken if the remedial works are not undertaken in a timescale that is to the satisfaction of the planning authority or as may be specified in the grant of a planning permission.

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. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to pay special attention to the desirability or preserving or enhancing the character or appearance of conservation areas.

The proposal involved the formation of a car parking area and raised terrace (with associated landscaping) to the front of an office building on Queen's Road. Policy BI3 (West End Office Area) of the Aberdeen Local Development Plan states that "*the development of associated front gardens to car parks and driveways, and the subsequent erosion of associated landscaping will not be permitted*".

The Council's Supplementary Planning Guidance on Transport and Accessibility also advises that the conversion of front gardens will only be permitted where the site is outwith the West End Office Area, where the rear garden is not an option and where on-street parking is not available within the vicinity. The property is located within the West End Office Area, the rear garden ground could be converted into parking (similar to adjacent properties) and on-street parking is available along Queen's Road. The proposal fails to accord with the Transport and Accessibility Supplementary Planning Guidance.

The planning application was refused for the following reasons:

1. The proposal fails to accord with Policy BI3 (West End Office Area) of the Aberdeen Local Development Plan or Policy B3 (West End Office Area) of the emerging local development plan, which advises that the formation of car parking and the erosion of associated landscaping will not be permitted; and

2. The proposal fails to accord with Scottish Planning Policy, Policy D5 (Built Heritage) of the Aberdeen Local Development Plan or Policy D4 (Historic Environment) of the emerging local development plan in that the proposal would have a negative impact on the character and appearance of both the Category "B" listed building and the wider conservation area.

The planning application sought to form a large area of hard standing to the front of the property that never previously existed. The larger area of hard standing negatively impacts on the character and appearance of the conservation area, in particular when considered against what previously existed on the site – a semi-circular gravel driveway and considerable grassed area. The proposed development does not respect the character and appearance of either the listed building or the wider conservation area and thus its retention in its current form would be contrary to the provisions of section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, which places a duty on planning authorities to pay special attention to the desirability or preserving or enhancing the character or appearance of conservation areas.

6. IMPACT

Health and Safety - No health & safety implications have been identified.

Risk Management - If breaches of planning control are not followed up, then this could act as an encouragement for other developments to take place without the necessary planning permission and consequent effective control over environmental impacts.

Equal Opportunities - No equal opportunity issues have been identified.

Social - No social issues have been identified.

Economic – No economic issues have been identified

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, the associated planning application (Ref: 141393) and the local review bodies decision of the 18th May 2015.

9. REPORT AUTHOR DETAILS

Gavin Clark
Planning Officer
gaclark@aberdeencity.gov.uk
01224 522278

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