

Public Document Pack



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

Town House,
ABERDEEN 3 February 2016

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Committee Room 2 - Town House on **THURSDAY, 11 FEBRUARY 2016 at 10.00 am.**

NOTE: Members are advised that a representative from the Planning Department will be in the Committee Room from 09.30 am to show the plans.

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

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

MINUTES OF PREVIOUS MEETINGS

- 1.1 Minute of Meeting of the Planning Development Management Committee of 14 January 2016 - for approval (Pages 5 - 10)

PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 2.1 Land at St Peter Street/ Kings Crescent - Student Accommodation - 151811 (Pages 11 - 40)

Planning Reference – 151811

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151811>

Planning Officer – Gavin Evans

- 2.2 17 University Road - Subdivision and erection of 3 bedroom dwelling - 151150 (Pages 41 - 68)

Planning Reference – 151150

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151150>

Planning Officer – Gavin Evans

OTHER REPORTS

- 3.1 Dalriach, Contlaw Road, Certificate of Lawfulness - 151571 (Pages 69 - 86)

Planning Reference – 151571

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151571>

Planning Officer – Matthew Easton

- 3.2 The Repair and Replacement of Windows and Doors - To follow

- 4 Display of Plans at Committee

To access the Information Bulletins for this Committee please use the following link:
<http://committees.aberdeencity.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13336&path=13004>.

Should you require any further information about this agenda, please contact Mark Masson on 01224 522989 or email mmasson@aberdeencity.gov.uk or Lynsey McBain on 01224 522123 or email lymcbain@aberdeencity.gov.uk

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 14 January 2016. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Cooney, Corall, Cormie, Dickson, Greig, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Nicoll, Jennifer Stewart, Sandy Stuart and Thomson

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MI d=3787&Ver=4>

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

MINUTE OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 10 DECEMBER 2015

1. The Committee had before it the minute of its previous meeting of 10 December 2015.

In regards to item 12 of the minute, Triple Kirks Student Accommodation, members discussed the developer obligation element and intimated that this had been omitted from the minute.

The Committee resolved:-

- (i) to request that the word “developer” be added to resolution (ii) of the minute to read “that officers liaise with the developer and the developer contribution team to determine whether the developer contribution could be directed to support the construction of a 3G pitch with floodlighting at Gilcomstoun School within appropriate timescales”; and
- (ii) to otherwise approve the minute as a correct record.

RETROSPECTIVE UPGRADE TO CORE PATH NORTH DEESIDE ROAD – 151493

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

That the Committee approve the application for detailed planning permission for the retrospective upgrade of a core path and associated engineering and landscaping works, subject to the following conditions.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

1. That within two months of the date of this decision notice, the rest areas and drainage measures as detailed in drawing number 104591/0006 Rev D hereby approved (or such other drawing subsequently approved by the Council) shall be implemented and completed. Thereafter these measures shall be retained for the lifetime of the development – in order to ensure the path provides sufficient drainage and accessibility in line with the details submitted with the retrospective application.
2. That within 2 months of the date of decision a further detailed scheme of landscaping for the site and adjacent areas, which scheme includes 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 planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.
3. 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 (including the measures detailed in condition 1) 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.

Members heard from Andrew Miller who advised that a revised condition would be put in place in regards to condition 1.

The Committee resolved:-

- (i) to request that condition 1 as detailed in the report be amended to read “that within two months of the date of this decision notice, the rest areas, drainage measures and path surfacing as detailed in drawing number 104591/0006 Rev D hereby approved (or such other drawing subsequently approved by the Council) shall be implemented and completed. Thereafter these measures shall be retained for the lifetime of the development - in order to ensure the path provides sufficient drainage and accessibility in line with the details submitted with the retrospective application.
- (ii) to request that officers write to the applicant outlining the Committees concern that the application had been submitted retrospectively and work had been carried out without planning consent; and
- (iii) to otherwise approve the application subject to the amended conditions.

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

That the Committee approve the application for planning permission in principle for the Bungalow at Countesswells Road, subject to the following conditions:-

1. No development shall take place unless a matters specified in conditions application has been submitted to and approved by the planning authority comprising –
 - details of layout, bespoke design and external appearance of –
 - (i) buildings and any ancillary structures;(ii) plot boundary enclosures;
 - (iii) storage areas for waste and recyclables, (iv) vehiclular/cycle/pedestrian access; (v) vehicle parking;
 - in order to ensure a satisfactory bespoke design and a layout of the plot that respects the character and built form of the area.
2. That the ridge height of the dwelling subject to a matters specified in conditions application shall not exceed 6.5m – to ensure that the new dwelling does not dominate the site or have have adverse impact on the residential amenity afforded to neighbouring sites.
3. that no development pursuant to the planning permission hereby approved shall be carried out unless a matters specified in conditions application has been submitted comprising a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

INFORMATIVE

The planning authority would encourage the applicant of the future detailed planning consent to engage in pre-application discussions prior to submission.

The Committee resolved:-

to approve the recommendation.

CHESTER HOTEL 59-63 QUEENS ROAD ABERDEEN – 151773

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

That the Committee approve the application unconditionally for the erection of a glass balustrade at the west side roof, first floor rear of Chester Hotel, retrospectively.

Informative

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For the avoidance of doubt the planning consent hereby granted does not give or imply the granting of consent for any use of the area of the roof enclosed by the balustrades hereby approved for any purpose other than as a roof. It does not permit any form of use whatsoever of, or access to, the roof area by patrons of the hotel. This includes but is not exclusive to; the use of the roof as a terrace for eating, drinking, smoking or any form of entertainment or other use by hotel patrons. Should the applicant wish any such alternative use to be considered, a separate application for change of use would require be submitted.

Members raised various concerns in regards to the applicant being allowed to use the area for customers, should it be approved. Ms Readman confirmed that a change of use application would be required to be submitted in order to use the area, and this would not be supported by Planning Officers.

The Convener moved, seconded by Councillor Cooney:-

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

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

That the application be refused on the grounds that the balustrade would have a detrimental visual impact on the neighbouring properties as well as the effect on the local amenity.

On a division, there voted:- for the motion (9) - the Convener; and Councillors Cooney, Corall, Cormie, Dickson, Lawrence, Malik, Jean Morrison and Sandy Stuart; for the amendment (7) – the Vice Convener, and Councillors Boulton, Greig, Jaffrey, Nicoll, Jennifer Stewart and Thomson.

The Committee resolved:-

- (i) to request that officers write to the applicant outlining the Committees deep concern that another retrospective application had been submitted from the applicant in regards to the Chester Hotel, as well as to encourage the applicant to be a better neighbour to the neighbouring properties; and
- (ii) to otherwise adopt the motion and therefore approve the application unconditionally.

CONFIRMATION OF TREE PRESERVATION ORDER NUMBER 109/2015, 179/2015 AND 231/2015

5. The Committee had before it a report by the Head of Communities, Planning and Infrastructure, which provided details on three provisional tree preservation orders (TPO) made by the Head of Planning and Sustainable Development under delegated powers.

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The report explained that the Orders currently provided temporary protection for the trees but were required to be confirmed by the Committee to provide long term protection.

The report recommended:-

that the Committee -

- (a) confirms the making of Tree Preservation Orders 109/2015, 179/2015 and 231/2015 without modifications; and
- (b) instructs the Head of Legal and Democratic Services to attend the requisite procedures.

The Committee resolved:-

to approve the recommendations.

- **Councillor Ramsay Milne, Convener**

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Agenda Item 2.1

Planning Development Management Committee

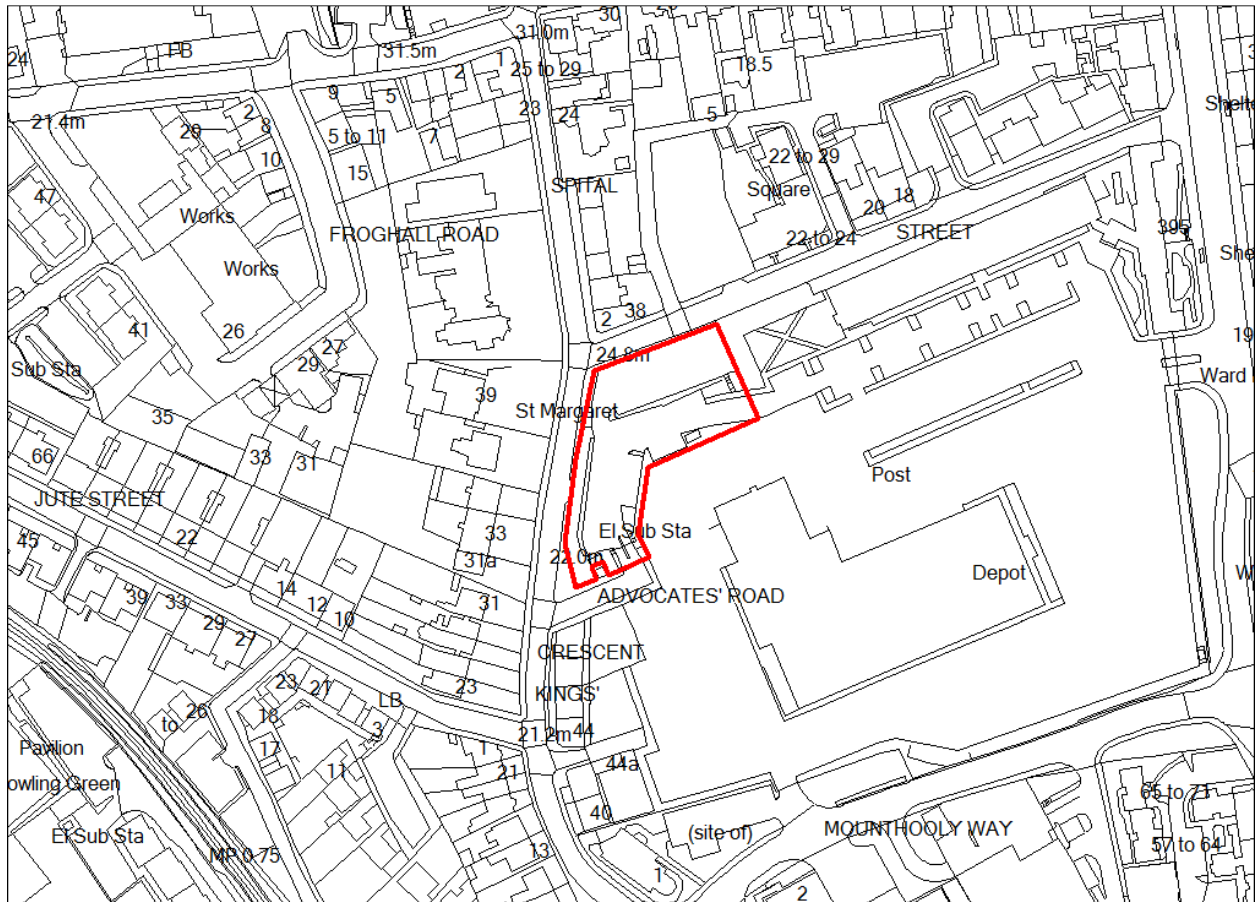
LAND AT ST PETER STREET / KING'S
CRESCENT, ABERDEEN., ABERDEEN

ERECTION OF STUDENT ACCOMODATION
AND ASSOCIATED WORKS.

For: Ardmuir Developments Ltd

Application Type : Detailed Planning Permission
Application Ref. : P151811
Application Date: 20/11/2015
Officer: Gavin Evans
Ward : George Street/Harbour (M Hutchison/J
Morrison/N Morrison)

Advert : Section 60/65 - Dev aff
LB/CA
Advertised on: 16/12/2015
Committee Date: 11th February 2016
Community Council : Comments



RECOMMENDATION: Willingness to approve subject to conditions, but consent to be withheld until contributions towards the provision of a City Car Club vehicle, including leasing and costs associated with the progression of Traffic Regulation Orders as necessary, have been secured

DESCRIPTION

The application site, which extends to some 2825sqm, is located at the junction of King's Crescent and St. Peter Street and is currently used as a car park for employees based at the adjacent First Bus headquarters and depot. St Peter Street is closed off at its eastern end, so traffic at this junction is largely limited to local access. The site is conveniently located for Aberdeen University's campus and shops and services on King Street. King's Crescent rises up from Mounthooly until it reaches the top of the Spital, and incorporates a variety of houses and tenements that vary in size and height. Ground levels rise sharply to the west side of King's Crescent, elevating many of the buildings on that side from street level.

There are a number of existing trees arranged along the boundaries of the site, which are detailed more fully later in this report.

The site itself lies outwith the Old Aberdeen Conservation Area, however the wall along its western edge marks the boundary to the C/A. There are two category B listed 'march stones' present, one just outwith the site, on the outside of the wall towards the junction of St Peter Street and King's Crescent, and another which is within the site, incorporated into the existing wall, which historically enclosed a granite merchant's yard.

RELEVANT HISTORY

None of direct relevance.

PROPOSAL

Detailed planning permission is sought for the construction of a student accommodation development comprising a total of 176 bed spaces, arranged in 3-4 bed units, each of which has shared kitchen, living and bathroom facilities. The proposal involves the construction of a building spanning between 3 and 5 storeys, which can be accessed via both St Peter Street and King's Crescent. Shared outdoor amenity space is provided to the rear of the building. The building would be finished in glass, timber and stone cladding, alternating in their use to break up the long King's Crescent street frontage.

No car parking is provided to serve the student accommodation, with the exception of 2no disabled parking spaces and 1no staff space, with a separate drop-off area for students. In addition, 72 cycle parking spaces are provided.

As the site currently provides staff parking for the adjacent First bus depot, this proposal necessitates a reconfiguration of the First site to accommodate the displaced staff parking. As part of this exercise, 26no spaces will be provided within the application site, but underneath the area to the rear of the student accommodation and accessible only via the King Street access to the First depot.

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=151811>

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

- Pre-Application Consultation Report
- Design Statement
- Planning Policy Statement
- Tree Survey and Report
- Transport Statement

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 manned public consultation event being held on Thursday 8 October 2015 at St Mary's Parish Church, King Street. A leaflet detailing the proposal and notifying of the public consultation event was issued to in advance of the event to properties in the surrounding area.

Comments received related to the general issues of: noise and anti-social behaviour and the need for management; a need for affordable, quality student accommodation in the city; additional green and communal spaces required; height, massing and appearance of proposed buildings; and car parking.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because (i) more than 5 letters of objection have been received; and (ii) the local Old Aberdeen Community Council has objected to the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No objection provided that the following matters can be secured:

- Upgrading of the existing footway along King's Crescent and St Peter Street.
- Provision of a Car Club vehicle on Advocate's Road.
- Provision of a Travel Plan based on the Framework Travel Plan provided within the Transport Assessment.

Environmental Health – No objection. Recommend that construction works are limited to specified hours

It is also recommended that conditions are attached to any consent to secure information relating to potential contamination and in order to agree appropriate remediation as required.

Some concern is expressed regarding the location of a secondary bin store area within the site, as this would potentially require refuse vehicles to undertake undesirable reversing manoeuvres, however it has been established in discussion with Roads colleagues that the operators of the student accommodation would be responsible for making bins available for collection close to the main bin store at Advocate's Road. In the interest of public hygiene, bin stores should be provided with a gulley and suitable wash-down facilities.

Developer Contributions Team – Confirm that no developer contributions are payable for this development proposal.

Communities, Housing and Infrastructure (Flooding) - No response

Community Council – Old Aberdeen Community Council has expressed its objection to the proposal. Issues raised include the following:

- Overdevelopment of the site
- Lack of available car parking
- Over-provision of student accommodation in the area
- Pedestrian safety
- Noise arising from the development
- Scale and form of the development is incompatible with its setting in a Conservation Area
- Conflict with ACC's own 'Student Accommodation' Technical Advice Note and 'Strategic Overview and Management Plan of Conservation Areas'.

REPRESENTATIONS

53 number of letters of representation have been received – it is noted that 8 of these come from a single household. Objections raised relate to the following matters –

- Excessive concentration of student accommodation in the area;
- Car parking is insufficient, which may lead to road safety issues;
- Loss of existing trees
- Overshadowing/loss of daylight caused by the new building
- Impact on Old Aberdeen Conservation Area
- Design and materials not in keeping with context
- Noise arising from the depot will cause disturbance
- Poor air quality due to the proximity of the First depot
- Adverse impact on commercial operations within the First depot

The representations received also include a letter of support from First, confirming that alternative arrangements will be made within their depot for staff

car parking, and that disposal of this land will allow for investment in the existing business.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

Aberdeen City and Shire Strategic Development Plan (SDP)

Paragraph 3.9 recognises Aberdeen City as a strategic growth area and states a preference for development on brownfield sites.

Paragraph 3.20 emphasises the need for improvement of environmental quality and high quality design.

Aberdeen Local Development Plan

Policy I1: Infrastructure Delivery and Developer Contributions

Policy T2: Managing the Transport Impact of Development

Policy D1: Architecture and Placemaking

Policy D2: Design and Amenity

Policy D3: Sustainable Travel

Policy H2: Mixed Use Areas

Policy H3: Density

Policy R2 - Degraded and Contaminated Land

Policy R6 - Waste Management Requirements for New Development

Policy R7: Low and Zero Carbon Buildings

Proposed Aberdeen Local Development Plan

Policy D1 – Quality Placemaking by Design

Policy T2 – Managing the Transport Impact of Development

Policy T3 – Sustainable and Active Travel

Policy I1 – Infrastructure Delivery and Planning Obligations

Policy H2 - Mixed Use Areas

Policy H3 - Density

Policy R2 - Degraded and Contaminated Land

Policy R6 - Waste Management Requirements for New Development

Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency

Policy T5 - Noise

Supplementary Guidance

'Low and Zero Carbon Buildings'

'Transport and Accessibility'

Other Relevant Material Considerations

Student Accommodation Technical Advice Note (TAN)

Old Aberdeen Conservation Area Character Appraisal 2015

EVALUATION

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

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

Principle of Student Accommodation Use

The Strategic Development Plan sets the spatial and economic strategies for the whole plan area – identifying strategic growth areas as well as areas for local growth and diversification. It also seeks to promote sustainable development - to reduce carbon dioxide production and adapting to the effects of climate change whilst maintaining and improving the region's built, natural and cultural assets.

The location of purpose-built student accommodation on an urban brownfield site, which is situated close to both Aberdeen University itself and the public transport routes serving Robert Gordon University, is consistent with the SDP's aims for new development to facilitate sustainable travel and promote the redevelopment of brownfield land. The site lies within an area identified as 'mixed use' in the adopted Aberdeen Local Development Plan (ALDP), with the applicable policy H2 stating that development in such areas must take into account existing uses and character of the surrounding area and avoid undue conflict. Where new housing development is proposed, that should not impinge upon the continued operation of existing businesses, and conversely non-residential development must not adversely affect the amenity of existing residential uses. Other ALDP policies of particular significance, which are summarised above, include D1 (Architecture and Placemaking); D2 (Design and Amenity); and D3 (Sustainable Travel). Also of relevance are policies I1 (Infrastructure Delivery and Developer Contributions) and H3 (Density). The relevant supplementary guidance documents relating to 'Transport and Accessibility' and 'Low and Zero Carbon Buildings' are applicable, along with the technical advice note on Student Accommodation.

Against this policy context, the determining issues in this case are whether the proposed development to provide a new block of 176 student bed spaces, with associated communal areas and parking:

- would be detrimental to the amenity of residential properties nearby;
- would detract from the character or appearance of the Conservation Area or the local mixed use area generally; and if so:
- whether the benefits of the proposed development would be sufficient to outweigh any likely adverse effects

Traffic Impacts, Access Arrangements and Car Parking

The proposed development is essentially a 'car-free' development, providing spaces on-site for staff and disabled access only. A separate student drop off point is also available. The applicants have agreed to make financial contribution towards the operation of a Car Club vehicle on Advocate's Road in order to offset the absence of on-site parking, which is an arrangement recognised as a suitable alternative by the Council's relevant 'Transport and Accessibility' supplementary guidance. This guidance highlights the Local Transport Strategy's aim to reduce the amount of unnecessary car use and dependency, stating that Aberdeen City Council will support and encourage low or no car housing, and recognising the contribution this can have towards sustainable development. This approach is not suitable to all sites and developments, however parking guidelines for student accommodation are significantly lower than for mainstream residential use, recognising lower car ownership among students. It is also of note that there are good public transport links near the site, the city centre is within reasonable walking distance and the university, which would attract a high proportion of trips, is within easy reach via sustainable means of travel. All of these factors contribute to ensuring that the need for car journeys is minimised. The presence of a Car Club vehicle for communal use will also allow for occasional car trips, further reducing the need for private car ownership. Taking account of these matters, it is concluded that this location lends itself well to a low-car approach, and would encourage sustainable travel, with provision made for Car Club facilities as an alternative to on-site car parking, consistent with the Council's Transport and Accessibility supplementary guidance and the associated policies T2 (Managing Transport Impact of Development) and D3 (Sustainable and Active Travel). It is noted that the reconfiguration of staff car parking within the bus depot site would involve all staff access being taken from King Street, with Advocate's Road no longer used for access to the depot.

Amenity and Privacy issues

The proposed building is arranged with a public face onto both King's Crescent and St Peter Street, with communal amenity space provided to the rear, private side of the building. Whilst the concerns raised by objectors are noted, including fears of over-provision of student accommodation in the surrounding area, these are considered not to be sufficient to refuse the current proposal in this highly accessible mixed-use area that includes a wide range of residential accommodation types. Separation from adjoining buildings is sufficient to ensure that there would be no undue loss of privacy as a result of the proposed development. Student accommodation developments generally do not generate the same demand for traditional 'gardens' as mainstream residential accommodation, and there is an acceptance that amenity spaces will generally be less extensive, particularly in higher density urban developments. In this regard the amenity space provided within the site is considered to be sufficient to serve the development, and is broadly consistent with other purpose-built student accommodation in the City. As regards noise arising from the First site, the Council's Environmental Health section has raised no concerns relating to the principle of the use, and recommends that a noise assessment be secured by condition. It is recognised also that the presence of the new building may act as a barrier between the First site and King's Crescent, providing a degree of both screening and acoustic buffering. The building would be sufficiently separated

from neighbouring buildings and residential uses to ensure that any shading caused would be at a level to be expected in an urban setting, and would be for limited periods during the day. Daylighting to nearby properties would not be adversely affected due to that separation. Taking account of these matters, it is considered that the proposal would achieve an appropriate standard of amenity for its residents, and would not result in any undue impact on the amenity of those in the surrounding area, nor preclude continued commercial operations within the existing depot. In this regard, the proposal is considered to accord with the aims of policies D2 (Design and Amenity) and H2 (Mixed Use Areas) of the ALDP.

Density

The proposed development is purpose-built student accommodation, and therefore not mainstream residential accommodation, however it would nevertheless be consistent with the aims of Policy H3, in that it achieves a minimum density of 30 dwellings/hectare (if each cluster of beds sharing communal facilities is considered a residential unit), and provides higher-density accommodation in a location which is highly accessible to both the universities it would serve and the city centre. Policy H3 recognises that it may be desirable to consider providing higher densities in the City Centre and around local centres and public transport nodes.

Design, Scale and Form of Development

The application site's current use as a car park serving the wider bus depot to the east contributes little to the character of the surrounding area, though it is noted that the granite boundary wall enclosing the site from King's Crescent and St Peter's Street possesses its own historic interest, having enclosed a granite merchant's yard that previously occupied the site. Provided this strong linear feature can be retained and sensitively incorporated into any redevelopment, new development on this site offers an opportunity for enhancement of the conservation area, subject to the new development being appropriate in form and content.

The proposal acknowledges the changing ground levels along King's Crescent and the character of the surrounding built form, with efforts made to demonstrate a gradual stepping in the height of the building. The siting of the building close up to the pavement edge is consistent with neighbouring buildings on this eastern side of King's Crescent, and its elevational treatment is broken down into distinct sections through the use of varied materials, with the aim of reducing massing and giving a degree of vertical emphasis to the long building frontage. Concerns raised by officers in relation to overall building height have been addressed through the removal of one floor of accommodation across much of the development. This provides a much more characteristic scale of development, which steps up from 3 storeys at its southern end, with a predominantly 4-storey frontage and a limited 5-storey element at the corner of King's Crescent and St Peter Street. It is noted that 4 storeys within a modern building is broadly comparable to 3 storeys in a traditional building, with the result that the building now sits comfortably alongside existing blocks. The western side of King's Crescent includes buildings of a lesser scale, however it is noted that at this

section of the street these buildings are set at a significantly higher level, and are well set back from the road, with a degree of screening provided by existing mature trees to the fore of their plots, so will not be seen prominently in the context of the proposed building.

As regards materials, the building would utilise stone cladding alongside timber linings and full-height glazing, with entirely glazed sections highlighting building entrances whilst also assisting in dividing the frontage into distinct sections. Alterations to the existing boundary wall are required, including the formation of new openings at building entrances, as well as limited areas of lowering and the installation of railings to retain the sense of a strong enclosing edge whilst allowing for increased daylight to ground floor windows. As noted in the response from Roads Development Management colleagues, a footway of 1.5m width is required at the development frontage, and there would be strong concerns if the existing footway was to be retained at its current sub-standard width. On that basis, a pinch point in the footway would be removed through minor re-positioning of the mid-section of the boundary wall, thus achieving the required width. Ideally the wall would be retained in its current form, however these works are relatively minor in nature and would allow for a safe pedestrian environment to be provided, suitable for all users.

The development plan states no requirement for the use of granite within Conservation Areas in all instances, and contemporary development on a site such as this offers an opportunity for alternatives to be considered. The proposed building would be afforded a degree of separation from its nearest neighbours due to the presence of St Peter Street and Advocate's Road, so the use of an alternative material as proposed would not provide the same obvious contrast as might otherwise be the case. On that basis, it is considered that the materials to be used are an appropriate contemporary response and are compatible with the site context and the more traditional buildings in the area.

Taking these points into account, it is concluded that the proposal demonstrates due regard for its context, in accordance with policy D1 (Architecture and Placemaking) of the ALDP, and that there would be no materially adverse impact on the character or appearance of the Old Aberdeen Conservation Area.

Trees

A total of 17no trees are identified in the submitted survey. These are predominantly located along the western site boundary, at the edge of the existing car park area. Many of these existing trees grow very close to boundary walls, in limited areas of soil, and their growth and prospects have been compromised as a result. This is reflected in their categorisation as category C trees, the condition of which ranges from poor to fair. Whilst it is recognised that the planning authority has a duty to consider and provide for the retention of existing trees where appropriate, these specimens are considered to be of limited quality individually. They do collectively make a contribution to the character of this part of the Conservation Area, offering a softer edge to this otherwise uncharacteristically open section of streetscape, however that same sense of enclosure could be achieved through the redevelopment of the site, and it is

considered that these trees are not of sufficient quality to warrant their retention at the expense of redevelopment.

Low and Zero Carbon Buildings

Supporting statements state that photovoltaic panels will be incorporated into the development at roof level, however detailed proposals have not been provided in support of the application, and it will therefore be necessary to attach a condition to any consent in order to obtain such details and to ensure installation of equipment prior to occupation.

Environmental Issues

The potential for site contamination has been identified by colleagues in the Council's Environmental Health section, and it is therefore appropriate to require that appropriate investigation and remediation works are carried out prior to any occupation of the site. Conditions are attached to the consent to address these matters. No concerns have been raised by Environmental Health colleagues in relation to air quality issues. It is noted that the development itself would not be responsible for any material impact on air quality, and existing emissions from the adjacent depot are not considered to preclude development in this location.

Student Accommodation Technical Advice Note (TAN)

The Council's Student Accommodation Technical Advice note is non-statutory planning advice, and does not enjoy the same weight in decision-making as the plan itself or its associated supplementary guidance, but nevertheless represents a material consideration in the planning authority's assessment. This TAN recognises that purpose built student accommodation is essential in contributing to the creation of sustainable communities in Aberdeen as such developments offer choice to students in the city. They help to relieve pressure on the local housing stock and pressures on Houses in Multiple Occupation (HMOs). The accessibility of this site has been previously addressed, with reference made to the close proximity of the Aberdeen University campus, the available bus services and the convenient location relative to the City Centre. It has also been established that the proposal would not result in undue conflict with adjacent properties or the general amenity of the area, and has been designed with due regard to its context. The submitted planning statement states that the scheme would be developed and subsequently owned, managed and maintained by Ardmuir, however a management plan can also be secured via use of a planning condition.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. 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 representation and are regarded as unresolved issues to be determined at the Examination; and
- the relevance of these matters to the application under consideration.

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. 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 I1 – Infrastructure Delivery and Planning Obligations

Policy T2 – Managing the Transport Impact of Development

Policy D1-Quality Placemaking by Design

Policy T3 – Sustainable and Active Travel

Policy T5 – Noise

Policy H2 - Mixed Use Areas

Policy H3 – Density

Policy R2 - Degraded and Contaminated Land

Policy R6 - Waste Management Requirements for New Development

Policy R7 - Low and Zero Carbon Buildings and Water Efficiency

Policies I1, T2, T3, D1, H2, H3, R2, R6 and R7 substantively reiterate policies in the adopted local plan. Policy R7 introduces new requirements relating to the use of water saving technologies and techniques, stating that detailed requirements will be set out in supplementary guidance which, as yet, has not been published for consultation. On that basis, there is no detailed guidance on this issue, and no guidance against which to assess the proposal, therefore it cannot reasonably be considered that there is conflict with policy R7 of the proposed plan. The site remains zoned as part of a mixed use area, and the corresponding policy (H2 in both the adopted and proposed plans) is largely unchanged.

Policy T5 is a new introduction to the proposed plan, requiring that Noise Impact Assessment (NIA) be carried out where there is potential for significant exposure to noise as a result of development. Environmental Health colleagues have identified the potential for noise originating from the adjacent bus depot to cause disturbance, and so have recommended that a condition be used to require submission and agreement of a noise assessment, along with implementation of any recommended mitigation measures prior to occupation. Given the presence of many existing residential properties within similar distance of the depot, there is a reasonable expectation that mitigation will be possible, and compliance with this policy can be achieved.

Matters raised in representations and by local Community Council

The issues raised in relation to: trees; car parking and access; noise disturbance; scale, density and form of development; impact on the Old Aberdeen Conservation Area; and impact on existing amenity are addressed in the preceding sections of this report. As regards the continued operation of the bus depot, it is noted that First have submitted a letter stating their support for the

proposal. Beyond that, this is a mixed use area where there is a balance to be struck between residential amenity and existing commercial uses, however in this instance the bus depot is a well-established presence, and the proposed development is broadly comparably to other residential uses neighbouring the site. On that basis, it is concluded that these uses are sufficiently compatible within a mixed-use area. As regards over-provision of purpose-built student accommodation, it is noted that the Council's TAN recognises the importance this form of development plays in freeing up mainstream housing stock. The areas around the City's universities have traditionally had a higher concentration of students than most, and it is noted that purpose-built facilities such as this will not necessarily be indicative of an increase in that population, but rather a shift away from less formal historic arrangements. In general the market will determine whether there is demand for student accommodation, and the role of the planning authority will be in determining whether the concentration of purpose-built student accommodation in an area is at a level which represents a threat to amenity. At present, this is not considered to be the case, and it is reasonable that such a development is sustainably sited close to the university.

Conclusion

This proposal is compatible with the mixed-use zoning of the site, and proposes a contemporary built form which demonstrates due regard for its context. The site is conveniently located for Aberdeen University and local bus services, whilst also being within ready walking distance of the City Centre. Revisions to the scheme have resulted in an appropriate scale of development, which respects the surrounding built form and would not result in adverse impact on the character or appearance of the Old Aberdeen Conservation Area. On balance, the proposal is considered to accord with the provisions of the Aberdeen Local Development Plan, and no material considerations, including the content of the proposed local development plan, representations and consultation responses, have been identified that would warrant determination other than in accordance with the development plan, and it is therefore recommended that the application be approved subject to the conditions set out below.

RECOMMENDATION

Willingness to approve subject to conditions, but consent to be withheld until contributions towards the City Car Club have been secured

REASONS FOR RECOMMENDATION

The proposal demonstrates due regard for its context, and makes a positive contribution to its setting, as required by policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan (ALDP). The use would not result in any undue conflict with the adjacent land use and amenity, and represents an appropriate density of development, as required by policies H2 (Mixed Use Areas) and H3 (Density) of the ALDP respectively. The development provides appropriate staff and disabled car parking facilities, along with cycle parking and appropriate means of access. The provision of funding for a Car

Club vehicle is recognised as being an acceptable alternative to on-site parking, as required by policy T2 (Managing the Transport Impact of Development) and the associated 'Transport and Accessibility' supplementary guidance, and the site is highly accessible by sustainable means of travel, in accordance with policy D3 (Sustainable and Active Travel). An appropriate level of amenity would be created for residents of the development, as stated in policy D2 (Design and Amenity) of the ALDP, and any potential contamination connected to historic uses can be addressed through appropriate remediation works. Compliance with policy R7 (Low and Zero Carbon Building) of the ALDP and the associated supplementary guidance can be secured through condition. No material considerations, including the issues raised in representations or the content of the Proposed Aberdeen Local Development Plan, have been identified which warrant determination other than in accordance with the Development Plan.

CONDITIONS

(1) No development shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that has been approved in writing by the planning authority.

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

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
4. verification protocols to demonstrate compliance with the remediation plan

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

- (i) any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken; and
- (ii) a report specifically relating to the building(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 authority that verifies that the remedial works have been carried out in full accordance with the remediation plan, unless the planning authority has given written consent for a variation.

- reason: to ensure that the site is suitable for use and fit for human occupation

(3) that no development pursuant to this planning permission shall take place nor shall the building be occupied unless there has been submitted to and approved in writing for the purpose by the Planning Authority an assessment of the noise levels likely within the building, unless the planning authority has given prior written approval for a variation. The assessment shall be prepared by a suitably qualified independent noise consultant and shall recommend any measures necessary to ensure a satisfactory noise attenuation for the building. The property shall not be occupied unless the said measures have been implemented in full - in the interests of residential amenity.

(4) The building hereby approved shall not be occupied unless a scheme detailing proposals for the storage and collection of refuse generated on the site, including recycling facilities has been submitted to and approved in writing by the planning authority – and the provisions of that scheme shall be implemented in full at all times when the building is in use.

Reason: to promote sustainable principles and safeguard public health and residential amenity.

(5) No works in connection with the development hereby approved shall take place unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. All planting, seeding and turfing shall be carried out in accordance with the approved scheme during the first planting season following completion of the development and any trees or plants which within a period of 5 years from the completion of the development are, in the opinion of the planning authority, dying or have been severely 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.

Reason: to ensure the implementation of a satisfactory scheme of landscaping in the interests of the amenity of the site and the surrounding area

(6) The development hereby approved shall not be occupied unless the proposed carparking areas have been constructed, drained, laid-out and demarcated, all in accordance with drawing nos. PL-03 and PL-04-revD of the plans hereby approved or other such drawing as may be subsequently submitted and approved in writing by the planning authority. Thereafter, parking areas at lower ground floor level shall not be used for the parking of vehicles relating to the student accommodation, with surface level parking only utilised for that purpose. None of the units hereby approved shall be occupied unless the cycle storage facilities shown on drawing number 950-P-029-C have been implemented and are available for use.

Reason: to ensure public safety and traffic management of the area concerned and to encourage use of sustainable forms of transport.

(7) 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 within that scheme for the reduction of carbon emissions have been implemented in full - to ensure the building complies with the council's requirements regarding energy efficiency and carbon emissions.

(8) No development in connection with the permission hereby approved shall take place unless the full details of the proposed means of disposal of foul and surface water from the development have been submitted to and approved in writing by the planning authority. Unless otherwise agreed in writing by the planning authority, surface water shall be disposed of via the use of a sustainable urban drainage system and the development shall not be occupied unless the agreed drainage system has been provided in its entirety and maintained thereafter at all times in accordance with the approved scheme - to ensure the provision of an adequate drainage system in the interests of the amenity of the area.

(9) No development in connection with the permission hereby approved shall take place unless details of all the materials to be used in the external finishes for the proposed development have been submitted to and approved in writing by the planning authority. The development shall be carried out in full accordance with the approved details - In the interests of the appearance of the development and safeguarding the visual amenity of the area.

(10) No development in connection with the permission hereby approved shall take place unless a detailed methodology for dountaking and reconstruction of the existing boundary wall, including details of the proposed railings and the re-siting of the existing march stone, has been submitted to and approved in writing by the planning authority. The development shall thereafter be carried out in full accordance with the approved details - In the interests of safeguarding the visual amenity of the area and preserving the character of the conservation area.

(11) No development, including dountakings, in connection with the permission hereby approved shall take place unless a detailed photographic record of the existing boundary wall has been submitted to and approved in writing by the planning authority - in the interests of recording the wall in its current condition and informing future assessment of proposals within the Conservation Area.

(12) The development hereby approved shall not be occupied unless provision has been made for the upgrading of the footway at the development frontage on St Peter Street and King's Crescent, in accordance with a scheme which has first been submitted to and approved in writing by the planning authority prior to the commencement of works- in the interests of safe pedestrian accessibility.

(13) That no development shall be undertaken pursuant to this grant of planning permission unless a scheme detailing the provision of a Car Club vehicle on Advocate's Road, along with associated lining and signage. Thereafter the

development shall not be occupied unless provision has been made in accordance with the agreed scheme – in order to provide an appropriate alternative to on-site residents' car parking.

(14) That the development hereby approved shall not be occupied unless a Travel Plan has been submitted to and agreed in writing by the planning authority, including details of a Travel Pack to be provided to residents of the development – in the interests of encouraging sustainable travel.

(15) That the development hereby approved shall not be occupied unless a Management Plan relating to the operation of the approved student accommodation facility has been submitted to and agreed in writing by the planning authority, and thereafter is managed in accordance with the details so agreed – in the interests of preserving residential amenity and managing vehicle traffic associated with the development.

INFORMATIVE

1. In order to protect residents of the surrounding properties from any potential noise nuisance from the proposed demolition and building works, demolition and construction should not occur:

[a] outwith the hours of 0700 –1900 hours, Monday-Friday inclusive;

[b] outwith the hours of 0800-1600 hours on Saturdays; and

[c] at any time on Sundays, except for works inaudible outwith the site application site boundary.

The applicant should contact this Service at an early stage and before construction work has started to discuss the proposed means of noise control.

14th December 2015

Planning & Sustainable Development

Aberdeen City Council

Dear Sir,

Planning Application 151811
(St Peters Street/Kings Crescent)

I wish to object to the proposed development on the following grounds:

1. The height of the building of 6 floor levels, at its maximum, is out of keeping with the surrounding buildings. It should be kept to no more than 3 floors to harmonize with neighbouring buildings.
2. There is inadequate allowance made for car parking for over 200 students. A neighbouring student development further down St Peters Street has 28 off-road parking places for about 100 students. The nearby development of student flats at 34-36 St Peters Street (at present under construction) offers only 13 parking places for 128 students, which is itself inadequate, but even this is better than the 3 parking spaces allowed for the new development. If only 3 parking places are provided at the proposed development there will be great competition for street parking in St Peters Street and the surrounding area.
3. I think that there is also an issue if the students are charged for parking – they will probably just park on the street, and perhaps it should be stipulated that they should not be charged for parking in any parking spaces the developers eventually provide. Many students have cars, and I have seen them parking on the street rather than pay for off-street parking.
4. There is over-provision of student accommodation in the surrounding area. There are hundreds for students flats proposed for this area, including developments at Causewayend School, Fraser Place, and the proposed development at the BT Depot/Office in Froghall Avenue. Surely enough is enough. Aberdeen University has said there is now an over provision of student accommodation.
5. The developer seems to want to cram the maximum number of student flats into the available area. They will have no available space for their equipment or machines when the building starts. As with Fraser Place and St Peters Street developments, they will want to close or narrow the adjacent roads to facilitate their building work – but Kings Crescent is a major bus route, and surely this cannot be an option just so the developers can maximize their profits. The pavement is narrow on their side of Kings Crescent, and arguably it could be widened if they building were set back from the road, which I would welcome.

Yours faithfully,



Fred Nimmo

Mr Stuart Maltman

8 D Spital,

Aberdeen

AB24 3HS

10th January 2016

OBJECTION TO KING'S CRESCENT PLANNING APPLICATION,

REF: 151811

To whom it may concern,

I am writing to state my objection to the proposed development of six blocks of student flats on King's Crescent / St. Peter's Street.

I am principally concerned that this imposing, large, and unnecessary development is being pursued while student accommodation in the city is over-provided. The local community council has heard from the university's representative that they are currently enough, if not too many, student dwellings in the area. Why allow a massive block of flats, completely out of character with the historic old Aberdeen area, to go ahead in such conditions?

The development will destroy trees, a protected boundary wall on King's Crescent and impinge on the present flats on the street.

Lastly, the development's lack of parking provision makes a mockery of sound planning and common sense. With parking in the area already pressed, new accommodation presently being built, and so few parking places planned, this will have a huge impact on the local parking problem.

I urge you to heed the concerns of the local community and reject this planning proposal.

Yours Sincerely,

Ref. 151811

15 Alumnyside Ter.

AB24 3NB

11.1.16

Dear Sir,

I object very strongly to the proposed Admirer Student Developments plan for a student flat complex at Kings Crescent & St. Peter St.

This whole area, both inside & outside the Old Aberdeen Conservation Area, is being vandalised by the appearance of block after block of unsuitable flats, of Troghall, & Powis Place. It is being changed from a beautiful, peaceful village to a virtual ghetto, occupied for only part of the year.

The Kings Crescent development can only bring stress & indeed danger to the surrounding residents:

- ① the road will be darkened
- ② there will be much more traffic - students do have cars, parking will become impossible.
- ③ the noise level will rise, both day & night.

10

18

PLANNING DEPT
MARSHAL COLLEGE
BROAD STREET ABERDEEN
AB 10 1AB

FROM

MR ALAN ANDERSON
MOUNTHOONY NEWSAGENT
29, MOUNTHOONY ABERDEEN, AB 24 3HA

REGARDING: - STUDENT FLATS COMPLEX
KING'S CRES. (APP REF 151811)

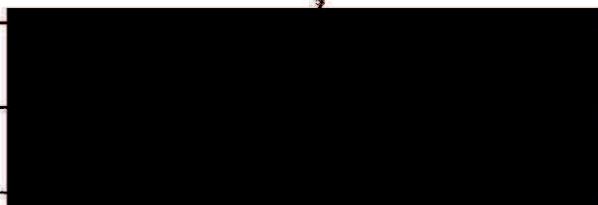
I OBJECT TO THE STUDENT

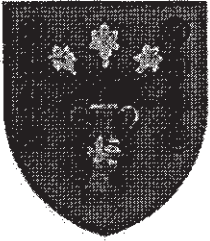
FLATS BEING BUILT AT KING'S

CRES, THERE IS TOO MUCH OF THEM

IN THIS AREA, OLD SCHOOL WOODS, AND

FRASER PLACE,





OLD ABERDEEN HERITAGE SOCIETY

Planning Dept,
Aberdeen City Council,
Marischal College

P&SD Letters of Representation		
Application Number		
RECEIVED 13 DEC 2015 TRU		
No	Sou	Map
Case Officer Initials		
Date Acknowledged		

11 Greenbrae Crescent,
Denmore, Bridge of Don
AB23 8LH
12th January 2016

Dear Sirs,

King's Crescent / St. Peter Street, Old Aberdeen

Proposed erection of six blocks of student flats comprising 202 beds, between 4 and 6 storeys high, facing into the Old Aberdeen Conservation Area

The society wishes to register the strongest possible objection to this planning application.

We are incredulous that such an intrusive, insensitive and otherwise hugely inappropriate development should even have been mooted, far less submitted as a planning proposal. The company behind this clearly have no appreciation of the character, appearance or historic importance of this area.

King's Crescent forms the main approach to the Old Aberdeen Conservation Area, and is of considerable historical importance, being since mediaeval times the principal route into Old Aberdeen.

This development would utterly destroy the character of this special place, both by the loss the boundary wall and trees, and by the erection of such ugly buildings of such mammoth proportions.

The proposed development would undoubtedly be a major blight on the Old Aberdeen Conservation Area.

In the following pages:

- 1) We examine in details the proposals in terms of the damage they would inflict on the Conservation Area (and its listed buildings).
- 2) We also examine the detrimental impact they would have on the neighbourhood in terms of residential amenity.
- 3) We also examine the unsatisfactory (indeed unsafe) level of residential amenity they would afford the prospective inhabitants of the flats.
- 4) Lastly, we examine the cumulative effect of such developments when in high concentration in one area, (such as this), and show that there is no longer a proven need for such accommodation.

For all the reasons in the enclosed submission, we strongly urge the Planning Committee to refuse this application outright.

Yours faithfully,

B. McPetrie
(Planning Secretary)

330 KINGS CRESCENT,
ABERDEEN

AB24 3HP.

10/1/16

←————→

Ref = 151811

I wish to object to the proposed development from Advocates Rd to St Peter's St, Kings Crescent.

There is not only an overprovision of student accommodation in this area the proposed development will be harmful in respect of environmental & historic impact.

I lodge a firm objection.

[REDACTED]

Planning Dept.
Marischal College
Aberdeen

23 King's Crescent
Aberdeen
AB24 3HP

10th Jan 2016

Dear Sirs,

Proposed Student Accommodation at King's Crescent/St Peter St -- 151811

As a resident in the King's Crescent/Spital area for the last 65 years, I wish to object to the above application.

King's Crescent is in the southernmost part of the Old Aberdeen Conservation Area, forms the main entrance to that Area, and is part of the original mediaeval road that ran from the City of Aberdeen to the Burgh of Old Aberdeen., depicted on Parson Gordon's Map of 1661.

It is characterised by huge, mature trees on its west side, and distinctive granite buildings, dating mostly from the 1860s/70s. The area has a character all of its own.

A Conservation Area is not simply a line drawn on a map -

Although the proposed development is technically outside the Conservation Area, it is only so by a few centimetres. It is bounded by the Conservation on three sides, and would be seen by anyone who passes by as part of the Conservation Area by virtue of its being in line with the tenements to the south in King's Crescent and the tenements to the north in the Spital.

At the moment, the bus depot car park provides an area of **open space** on the east side of King's Crescent. The depot itself is buffered by a line of **fine young growing trees** which contribute in no small measure to the view up the Spital Hill with the Category "A" listed Chapel of St Margaret of Scotland high up on the left, and the view down the Spital Hill looking towards Marischal College. These trees complement the larger trees on the west side of the road, and form an attractive avenue.

This view would be completely lost as the developers propose to **cut all these trees down**, and fill the area with high flats. King's Crescent would then be turned into a **long, dark tunnel** in the same way that St Peters Street now is, crammed to capacity with high modern flats.

The **fine granite wall**, mentioned in the Old Aberdeen Character Appraisal, dates from the 1850's, and is one of the few reminders of the many granite yards situated in this area. The wall, incidentally is in the Conservation Area. It should be preserved in its entirety, and in its present position; not in a truncated form in a different location.

The proposed development is by far the ugliest I have seen in recent years in Old Aberdeen, or indeed anywhere in the City. It is entirely out of place in this area where granite is the main building material. It is, therefore, contrary to the established character of this area.

For these reasons, then, I urge the Planning Committee to reject this application.

Yours faithfully,



Ronald Leith

George A. Wood

**2 Harrow Road
ABERDEEN
AB24 1UN**

11th January 2016

**Development Management
Planning and Sustainable Development
Aberdeen City Council
Business Hub 4, Marischal Collage
Broad Street
ABERDEEN
AB10 1AB**

Dear Sir,

**Planning Application 151811
Student Accommodation, Kings Crescent/St Peter Street, Aberdeen**

I wish to record my objection to the granting of the above planning application as it is not in keeping with the area, it will increase the already considerable strain on local resources and services and it has the potential to have adverse effects on First Bus operations and to the health of residents.

I would advance the following in support of my objection: -

1. Due to its bulk and design, the structure's close proximity to the Old Aberdeen Conservation Area, would have considerable visual impact on the Conservation Area in general and in particular on Kings Crescent in its role as the main entrance to the Conservation Area.

The design is in breach of the TAN and there are already precedents for refusal of applications outwith conservation areas on the basis of their potential impact due to proximity and this should be adopted for this application.

2. The proposed design represents overdevelopment of the site in respect of the height of the structure and its proximity to busy thoroughfares. The height is not sympathetic to the neighbourhood and will cause shadow effect on neighbouring properties. The road proximity will detract from the amenity of residents in the development and will inevitably lead to complaints of traffic noise.

3. The issues relating to parking have not been addressed. The removal of parking spaces used by First Bus staff, thought necessary when permission was granted for the First Bus development, cannot be adequately addressed without a review of what new provision will be made by First Bus to prevent staff seeking street parking in an area already grossly underprovided with such amenity. There are insufficient disabled parking spaces provided within the development.

4. The development will have an adverse effect on the operations of First Bus due to its proximity to their operations. Neighbour aspirations in respect of their quality of life related to environmental noise levels have already lead to multiple complaints regarding the unsocial hours operation of First Bus

and other commercial operations in the area and this can only be made worse by locating large numbers of residents immediately on an industrial site's boundary. This development will lead to action having to be taken against First Bus to achieve compliance with residents' statutory rights on quality of life and a resulting adverse impact on public transport services due to the curtailment of night time operations.

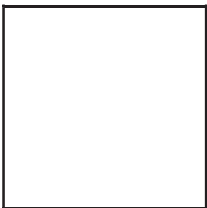
5. No attempt has been made to recognise and assess the health effects on residents of the proposed development from diesel particulate emissions from First Bus operations. Indeed, at the meeting between the developers and OACC, it was patently obvious that the developer was not even aware of the proven health risk resulting from the starting and slow running of commercial diesel engines. The high risk levels of vehicle emission pollution current in Aberdeen will be further increased for those young persons living in the immediate vicinity of a major source of particulate production and there is a moral, if not legal, duty placed on Aberdeen City Council to protect the resident from exposure which has a high risk of long-term health effects.

6. The current expansion of student accommodation local to the Old Aberdeen area, which a University of Aberdeen spokesperson made clear is not required to house their students, will inevitably lead to the development's use by students at other institutions, realistically RGU. As is already demonstrated by the existing pattern of accommodation in the immediate area of this development, the result will be additional passengers using public transport to access other institutions and increased pressure on the already stretched rush hour resources of Routes 1 & 2. This is in direct breach of Aberdeen City Council's own adopted guidance on student accessibility to their place of study.

I have limited myself to only some of the many reasons for objection to this development and I trust that Aberdeen City Council, through the Planning Management process, will refuse this application for the benefit of the area's existing residents, the potential residents of this unnecessary and undesirable block and tourists visiting Old Aberdeen.

Yours faithfully,

George A. Wood



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www.avast.com

24 Spital
Aberdeen
AB24 3HS

10 January 2016

Planning Department
Aberdeen City Council
Marischal College
ABERDEEN
AB10 1AB

Dear Sir/Madam

Ref: 151811 Student Accommodation Development Kings Crescent/St Peter Street

I wish to object to the application by Ardmuir Property Developers at the above address. Aberdeen City Council has an obligation to refuse consent because of the following:

SITE AFFECTED BY POLLUTION.

The proposed development is to be located within the site of the First Bus depot which operates and maintains 160 diesel busses 24 hours a day, 7 days a week. The intensive operation (parking, washing, maintenance, driver training centre) means that there is a heavy concentration of diesel particulates (PM 10's and PM 2.5's) and Nitrogen Dioxide within the site. Marco Biagi MSP said that "only 13% of the current First Bus fleet would meet the standard to be allowed to operate in a Low Emission Zone". The effects of this air pollution on people's health is well documented in European, United Kingdom and Scottish Governmental and Scientific publications. Indeed, Aberdeen University has recently been commissioned to carry out research because levels within sites such as this in Aberdeen City exceed European and UK directives in relation to air quality levels (all due to diesel particulates).

Aberdeen City Council, as the planning authority, has a duty in their decision making to take the effect of surrounding pollution levels on any building intended for human habitation: therefore it must refrain from allowing a development that would subject the residents to levels of pollution with which the planning department would have no jurisdiction over i.e. they cannot stop the depot carrying out their normal day to day functions, (unless they feel they can impose a remedy on the bus depot?) However there is no basis in law for planning authorities to assume that the Secretary of State or other regulatory bodies can be left to deal with air pollution (Planning Opinion of Robert McCracken QC on Planning and Air Quality) The planning authority could consider imposing a Grampian condition that the development could not be habited until an acceptable air quality at the bus depot was complied with. However this may not be commercially attractive to the developer (Ardmuir). Air quality (emissions) is relevant to this application as the development would "expose people to existing sources of air pollutants" and as such they are a material consideration. This approach would be supported by the National Planning Policy

Framework and the National Planning Practice Guidance as the development is highly likely to impact upon the health of the residents within the building.

Another consideration for any development on this site would be that it would stop the flow of air through the site: this current open space helps dissipate the considerable pollutants produced by First Bus operations into the atmosphere, away from harming people.

NOISE POLLUTION.

From early morning (5am) to late night (11pm) the buses entering and leaving the depot cause noise disturbance. From 10 pm to 3 am the entire fleet is washed and refuelled within the tin sheds closest to the proposed development. This is an extremely noisy operation and disturbs the surrounding neighbourhood. It is further compounded by the fact that the design and layout of the sheds and driveway means that they make screeching noises during the night as there is too restrictive a space for them to easily turn within.

There are also numerous loudspeakers mounted on the lighting poles located within the depot which First Bus operates from February to August to deter herring gulls nesting. This “noise” composes 3 different herring gull distress calls being emitted every 20 to 30 minutes. This has been known to be operated 24/7 during peak times.

SCALE, MASSING AND DESIGN.

The overall scale, massing and design of the proposal is not appropriate for the setting. At a national level the SPP sets out a commitment to give due regard to the “siting and design of new housing”. The design should take account of the “setting, with reference to amongst other matters the topography, character and appearance of the surroundings”. Clearly this has not been followed by the architects in their design brief as the mass is vastly greater than surrounding buildings, they are higher and the design it is not in keeping with the local vernacular i.e. traditional granite building with pitched roof. There would also be considerable overshadowing of Kings Crescent by the proposed development.

CHARACTER AND SETTING OF OLD ABERDEEN CONSERVATION AREA.

This development would have significant adverse effects on the character and setting of the existing buildings. The existing beautiful buildings, including a category A listed chapel and convent designed and built by the renowned Aberdeen architect Sir John Ninian Comper (1864-1960) provide a small enclave in a mixed use area. The development would ruin, overbear and detract from this in a significant way.

SUSTAINABLE COMMUNITY: DETRIMENT TO THE AMENITY OF THE LOCAL COMMUNITY.

For communities to be sustainable they need to have a mixed community. The area surrounding this development already has a large number of purpose build student accommodation blocks which has led to an imbalance in the community: one that makes sustaining this community a continual struggle for the few remaining permanent Aberdeen City residents left within the area.

PARKING

Whilst it is commendable to encourage development where “green transport” can be used the reality is, that the size of this operation will require personnel to “service” it from outside the area and one must assume they will drive. This area is already used by people who work within Aberdeen City and Aberdeen University to park their cars and then walk to work as it is the closest “free” parking area to these locations. There is not a parking space to be found during normal working hours.

Whilst developers might like to assume students do not have cars the reality is (as a local resident knows) that many do have cars for various, sometimes necessary reasons. This is aptly demonstrated by the lack of local parking during term times and thus 3 parking spaces is not adequate for 202 students.

The planning authority cannot just ignore the pollution problems and the other issues highlighted above, and as such they have a statutory duty to refuse consent. I urge them to do so.

Yours sincerely



Jacinta Birchley

Cc:

Cllr Nathan Morrison

Cllr Jean Morrison

Cllr Michael Hutchison

Lewis MacDonald MSP

Kirtsy Blackman MP

Kevin Stewart MSP

Old Aberdeen Community Council

Development Management

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

Dear Sir,

Re: Planning Application, Ref: 151811

I refer to the above planning application which now shows the development of a 202 Bedroom Student Flat Complex.

I wish to **OBJECT** for the following reasons:-

- The area has an extremely dense purpose built student accommodation. Although I am aware that there is not an overprovision according to the current guidelines, there may be in accordance to 15% rule which may be applied shortly.
- There are 202 beds proposed with 2 disabled parking spaces for the residents. Based on the current numbers, more than 2% of students do have cars, thus the parking spaces proposed is nowhere near adequate.
- Road safety issues arising from increased pressure on parking. It is clearly evident that the current parking available at Kings Crescent and St Peter Street are at full capacity, with majority being student cars
- Loss of trees in this conservation area with no plans for replacement
- Overshadowing and shading by tall buildings (tunnel effect) and effect on the setting of other historic listed buildings (St Margarets Convent Chapel)
- Aberdeen University recently stated that there is now an Over Provision of student accommodation. Robert Gordons University have empty beds in their accommodation. Thus it is clear that the units may be empty and likely to be empty in future years based on the current development of other student accommodation in the vicinity.
- Effect on the Old Aberdeen Conservation Area. The blocks would face directly onto the conservation area and the aggressively modern design would damage its special character. Design materials, scale and colour not in keeping with the traditional surrounding granite buildings of Kings Crescent and Spital.

Yours faithfully



12/2/15

Address: 39 Kings Crescent, Aberdeen, AB24 3HP

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Agenda Item 2.2

Planning Development Management Committee

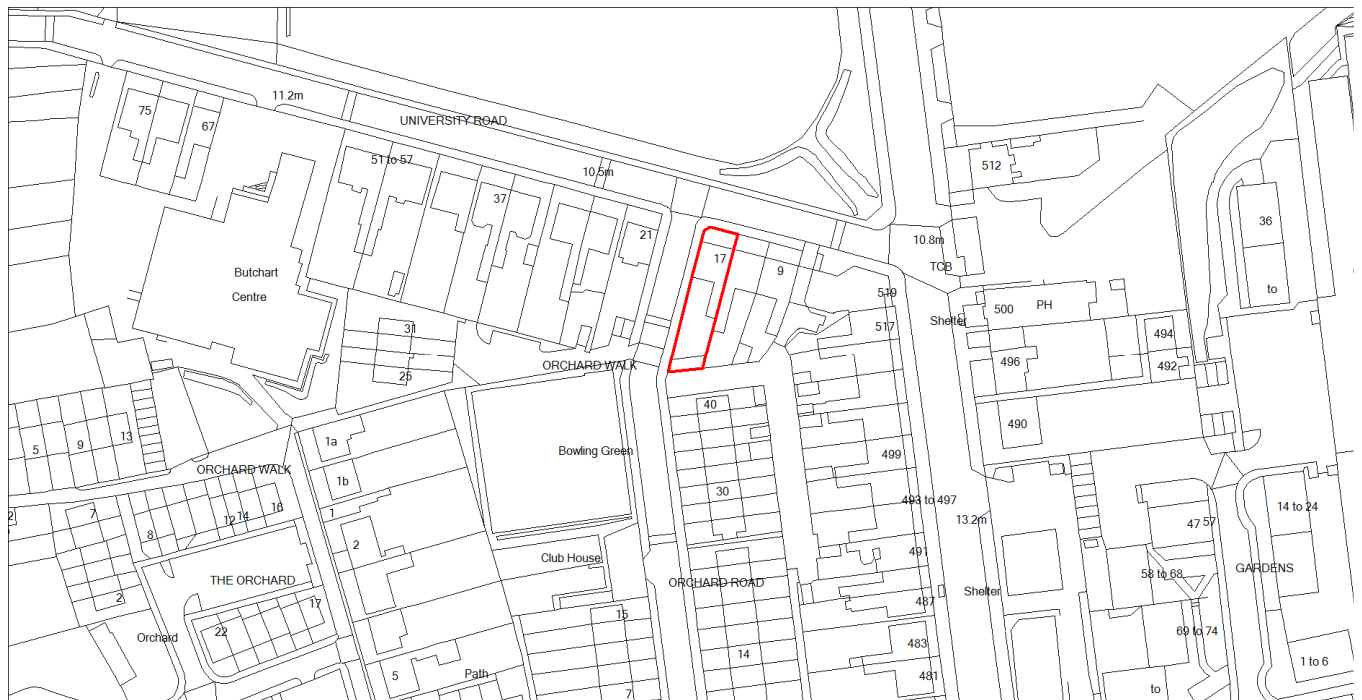
17 UNIVERSITY ROAD, ABERDEEN

SUBDIVISION AND ERECTION OF 3
BEDROOM DWELLING.

For: Miss Kerry Clark

Application Type : Detailed Planning Permission
Application Ref. : P151150
Application Date: 21/07/2015
Officer: Gavin Evans
Ward : Tillydrone/Seaton/Old Aberdeen (J
Noble/R Milne/R Grant)

Advert : Section 60/65 - Dev aff
LB/CA
Advertised on: 19/08/2015
Committee Date: 11th February 2016
Community Council : Comments



RECOMMENDATION: Approve Conditionally

DESCRIPTION

The site comprises an existing end-terrace dwelling of traditional granite style, set within an elongated plot, located on the corner of University Road and Orchard Road. The site lies immediately to the west of King Street and to the south of the sports pitches which form part of Aberdeen University's King's College campus. A flat-roofed single garage sits on the southern boundary of the site, beyond which lies an unsurfaced rear lane. Following changes to its boundaries last year, the site now lies within the Old Aberdeen Conservation Area.

RELEVANT HISTORY

No planning history of relevance.

PROPOSAL

This application seeks detailed planning permission for the sub-division of the existing residential plot and the construction of a 1 ½ storey, pitched roof dwelling of contemporary design. The dwelling would front directly onto Orchard Road, with an off-street car parking space provided to the rear, accessed via the existing lane.

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=151150>

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 (i) the local Community Council has expressed its objection to the proposal; and (ii) more than 5 letters of objection have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No objection. Note a shortfall of one car parking space from current standards, but recognises that the property would be entitled to two parking permits.

Environmental Health – No observations.

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

Community Council – Old Aberdeen Community Council states its objection to the application on the following grounds:

- The site lies within Old Aberdeen Conservation Area, though this has not been recognised by the applicant and therefore statutory notification has not been undertaken;
- Failure to comply with the Council's 'sub-division and redevelopment of residential curtilages' supplementary guidance;
- Queries the accuracy of density figures quoted in the submitted Design Statement;
- Poor visibility at vehicular access (based on original proposal, before amendment);
- Materials proposed are not appropriate for a conservation area or consistent with their surroundings;
- Inadequate garden retained by the donor property;
- Setting of a precedent for further curtilage splits in the area.

REPRESENTATIONS

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

- Development does not demonstrate due consideration for its context
- Overdevelopment of the site
- Garden areas are insufficient
- No public face to the street
- Would be harmful to the character of the Conservation Area
- Precedent for backland development
- Potential overlooking
- Potential for impact to tree within adjoining feu
- Loss of on-street parking due to new driveway
- Does not respect the building line on Orchard Street

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

Aberdeen City and Shire Strategic Development Plan (SDP)

Paragraph 3.9 recognises Aberdeen City as a strategic growth area and states a preference for development on brownfield sites.

Paragraph 3.20 emphasises the need for improvement of environmental quality and high quality design.

Aberdeen Local Development Plan

Policy T2: Managing the Transport Impact of Development

Policy D1: Architecture and Placemaking

Policy D2: Design and Amenity
Policy D3: Sustainable Travel
Policy D5 - Built Heritage
Policy H1 - Residential Areas
Policy H3: Density
Policy R2 - Degraded and Contaminated Land
Policy R6 - Waste Management Requirements for New Development
Policy R7: Low and Zero Carbon Buildings

Proposed Aberdeen Local Development Plan

Policy D1 – Quality Placemaking by Design
Policy T2 – Managing the Transport Impact of Development
Policy T3 – Sustainable and Active Travel
Policy H1 - Residential Areas
Policy H3 – Density
Policy D4 – Historic Environment
Policy R6 - Waste Management Requirements for New Development
Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency

Supplementary Guidance

The Subdivision and Redevelopment of Residential Curtilages
Transport and Accessibility
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.

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

Principle

The application site lies within a predominantly residential area, which is reflected in its 'H1 Residential' zoning the Aberdeen Local Development Plan (ALDP), where policy H1 shall apply. Within such areas, the principle of further residential development will be accepted, provided those criteria set out in policy H1 can be satisfied. These criteria are set out in the 'Planning Policy' section of this report, above.

The question of whether the proposal represents 'over-development' for the purposes of assessment against policy H1 will be addressed in the 'density' section of this report, below.

The proposal relates to the sub-division of an existing residential curtilage and so, for the purposes of assessment against policy H1 (Residential) of the ALDP, it is established that the proposal does not involve the loss of any open space as defined in the Aberdeen Open Space Audit 2010.

Policy H1 also requires that new development does not result in an unacceptable impact on the character or amenity of the surrounding area. The area surrounding the application site incorporates a degree of variety in the built form, with traditional granite properties of between 2 and 2.5 storeys, containing an upper and a lower flat, arranged along University Road; 2 storey terraced houses along the mid-section of Orchard Road; and stepping up to 3-storey tenements fronting onto Orchard Street. Properties on this section of King Street are generally of 2 or 2.5 storeys. The application site is located at a transitional point in the streetscape, with the donor property facing onto University Road and presenting a blank gable and granite rubble boundary wall to Orchard Street

Impact on Amenity

The proposed new house would be sited in such a way as to present a clear 'public face' onto Orchard Street, with a private face onto its enclosed garden grounds. Provision for off-street car parking would be made to the rear of the house, accessed via the existing rear lane. With respect to privacy, the proposed new dwelling is appropriately enclosed in order that ground floor windows would not result in a loss of privacy to adjacent premises. At first-floor level, the internal layout has been arranged in order that the main windows will front onto Orchard Street, with a single bedroom window in the south-facing gable, which is adequately separated from adjacent properties by the rear lane. There would be 2 no rooflights in the eastern slope of the roof, however these are both to non-habitable rooms. Taking account of these points, it is considered that there would be no adverse impact on privacy as a result of the proposal, nor would the privacy of existing rear gardens be affected, as required by the Council's supplementary guidance on the Sub-division and Redevelopment of Residential Curtilages.

The separation between the dwellings is considered sufficient to ensure that new and existing houses will be afforded good levels of daylight and sunlight, with no undue obstruction. The reorientation of the house has allowed for it to be brought off the boundary with 11/13 University Road, and its impact has been significantly reduced as a result.

Whilst there would be a reduction in the available garden grounds of the donor property, it would nevertheless retain an adequate area of private amenity space. The arrangement of the new property and its garden differs from the standard suburban front and rear garden envisaged by the Council's supplementary guidance, however a single block of useable and private garden would be made available, along with a smaller sun-terrace formed off the southern elevation to take advantage of its aspect. Whilst this arrangement differs from the prescriptive format of the supplementary guidance, it would nevertheless achieve a good

standard of provision and result in a dwelling with an appropriate frontage to the street.

Density

As noted in the 'principle' section of this report, the local area is characterised by a range of different residential built forms. The current plot of 17 University Road is larger than its neighbours to the east, due to the angle of the rear lane. The Design Statement submitted by the applicant highlights that plot coverage in the surrounding area is generally at or above the 33% suggested by the Council's Supplementary Guidance, reflecting its built-up nature. Sub-division of the plot in the manner proposed would result in the existing property being afforded a smaller plot of 222sqm, with plot coverage of 56%, whilst the new dwelling would enjoy a plot of 140sqm, with plot coverage of 43%. There is a degree of variation in plot coverages in the immediately surrounding area, however these fall within the higher end of that range, and are considered to be generally representative of the area. On that basis, and having regard to the degree of separation between the new dwelling and its nearest neighbours, it is considered that the siting of a new house in this location would not appear unduly confined and that an appropriate density of development has been achieved, in accordance with policy H3 (Density) of the ALDP.

It should be noted that consideration of the more complex relationship between the proposed new house, its associated curtilage and the surrounding buildings and spaces is given in later sections of this report.

Design and context

The Council's adopted Supplementary Guidance on 'The Sub-division and Redevelopment of Residential Curtilages' sets out key considerations in the assessment of development proposals of this type. It notes that the construction of new dwellings within established areas will affect the overall density and pattern of development in the surrounding area, and that the acceptability of proposals will be dependent on the general form of development in the locality. Consideration must be given to the effect the dwelling 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.

The frontage of the proposed dwelling is directly onto Orchard Street, and follows the line formed by the gable 15/17 University Road and its boundary wall. This sits forward of the more formal building line formed by the terraced dwellings to the south, however the existing garage establishes the presence of a structure at this point, and the rear lane serves to separate the application site from the adjacent terraces, which read as a different section of the street. On that basis, it is considered that the siting of this dwelling demonstrates due regard for its context and would not appear incongruous or uncharacteristic in the local context.

The design of the proposed new house is clearly influenced by the proportions of the site with its internal layout arranged so as to avoid overlooking or loss of privacy. The single off-street car parking space serves to separate the dwelling

from the adjacent plot, reducing the impact of the proposal as a result. At ground floor level, the layout would allow for a pleasant outlook over the private garden, with the bathroom and stair positioned closest to the northern boundary (and adjacent pavement), which serves to distance habitable rooms from potential noise.

In addition to being positioned abutting the pavement, which is considered appropriate in this context, the new dwelling would be relatively close to its southern and western boundaries. As this row of properties (onto University Road) is served by long gardens with garages accessed via a rear lane, the lane itself serves to separate the dwelling from the terraces to the south, whilst the siting of a structure at the rear of the feu is consistent with the siting of existing garages, and therefore the relationship with the property at 15/17 is not significantly altered. The size and scale of this dwelling are consistent with its context, and whilst contemporary materials are utilised, this would complement rather than clash with the surrounding granite buildings. Again, the degree of separation from its immediate neighbours is such that the new building would not appear incongruous in relation to its immediate surroundings.

Separate from the siting of the house in relation to its surroundings is the design and finish of the house itself. The site lies within a character area described in the Old Aberdeen Conservation Area Character Appraisal as being typified by a wide range of architecture, with no one overriding typical built form. The proposed dwelling's design is based on a modest 1.5-storey, pitched roof form, with dormer windows of contemporary detailing on its front/western elevation. The dwelling is essentially a contemporary building which uses traditional design cues. The use of a grey brick and zinc cladding does not seek to mimic a traditional building, but is considered to be an appropriate contemporary response to the site's context, consistent with policy D1 (Architecture and Placemaking) of the ALDP.

Amenity Afforded to Occupants of Proposed Development

It is considered that residents of the proposed new dwelling would be afforded adequate privacy, that the new house would present an appropriate frontage to the street, and that a private face would open onto an area of private garden ground, as required by policy D2 (Design and Amenity) of the Aberdeen Local Development Plan.

Traffic Impacts, Access Arrangements and Car Parking

The proposed development provides a single off-street car parking space to the front of the new dwelling. The Council's Roads Projects team have accepted this level of provision, and stated no objection to the proposal. This demonstrates accordance with policy T2 (Managing the Transport Impact of Development) and the associated Transport and Accessibility supplementary guidance.

'Low and Zero Carbon Buildings' Supplementary Guidance

The Council's supplementary planning guidance 'Low and Zero Carbon Buildings' is a relevant material consideration. No details of the incorporation of Low and Zero Carbon generating technologies have been provided in support of the application, and it will therefore be necessary to attach a condition to any

consent in order to obtain such details and to ensure installation of equipment prior to occupation, should members resolve to approve the application.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. 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 representation and are regarded as unresolved issues to be determined at the Examination; and
- the relevance of these matters to the application under consideration.

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. The foregoing can only be assessed on a case by case basis.

In relation to this particular application, policies relating to design, residential areas and others of relevance to the proposal have not been subject to fundamental change, however there remain unresolved issues which may lead to further change in applicable policies, with the weight that those policies can be afforded diminished as a result. The site remains allocated within a residential area, where residential development is supported in principle, and it is not considered that the Proposed Plan raises any material considerations warranting determination other than in accordance with the extant Aberdeen Local Development Plan.

Matters raised in representations and by Community Council

The issues raised in relation to: car parking and access; scale, density and form of development; impact on the Old Aberdeen Conservation Area; and impact on existing amenity are addressed in the preceding sections of this report. Notwithstanding the content of the submitted design statement, it is acknowledged that the site now lies within Old Aberdeen Conservation Area, and the planning authority's assessment has been undertaken accordingly. Concerns relating to visibility at the proposed driveway were based on the original proposal, which has since been amended to include a parking space accessed off the existing lane, which is to the satisfaction of Roads Development Management colleagues. As regards the setting of a precedent for curtilage splits, it is a well-established principle of the planning system that each application will be considered on its own merits. Privacy concerns expressed in representations also relate to the original scheme, and it is considered that the revised proposal addresses those issues. The presence of a tree in the adjoining feu is noted, however the extent of encroachment into its root protection area is not considered to be excessive or to require its removal.

Conclusion

It is concluded that, though the proposed development differs in some regards from that which is envisaged by the relevant supplementary guidance document, it would nevertheless provide the requisite standard of amenity for prospective residents, with access to an enclosed private garden of a size consistent with its urban setting. The proposed dwelling would not result in any undue adverse impact on the amenity afforded to existing dwellings and, whilst of a contemporary design, has been sensitively detailed and proportioned so as to make a positive addition to its context. In summary, it is considered that the proposal demonstrates its compliance with the relevant provisions of the Development Plan, and no material considerations have been identified that would warrant its refusal.

RECOMMENDATION

Approve Conditionally

REASONS FOR RECOMMENDATION

The proposal demonstrates due regard for its context, and makes a positive contribution to its setting, as required by policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan (ALDP). The use would not result in any undue conflict with the adjacent land use and amenity, and represents an appropriate density of development in this urban location, as required by policies H1 (Residential Areas) and H3 (Density) of the ALDP respectively. The development makes appropriate provision for off-street car parking, along with appropriate means of access, as required by policy T2 (Managing the Transport Impact of Development) and the associated 'Transport and Accessibility' supplementary guidance. The site is highly accessible by sustainable means of travel, in accordance with policy D3 (Sustainable and Active Travel). An appropriate level of amenity would be created for residents of the development, as stated in policy D2 (Design and Amenity) of the ALDP, and compliance with policy R7 (Low and Zero Carbon Building) of the ALDP and the associated supplementary guidance can be secured through condition. No material considerations, including the issues raised in representations or the content of the Proposed Aberdeen Local Development Plan, have been identified which warrant determination other than in accordance with the Development Plan.

CONDITIONS

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

(1) that the dwellinghouse hereby approved shall not be occupied unless provision has been made within the site for the off-street parking of motor vehicles in complete accordance with Plan No. 1786-PL002-revD or such other scheme as may be subsequently approved in writing by the planning authority - in the interests of road safety, the free flow of traffic and visual amenity.

(2) 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'.

(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. The dwelling 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.

(4) 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.

INFORMATIVE

It is recommended that no construction or demolition work 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 - in the interests of residential amenity and preventing noise nuisance.

OLD ABERDEEN COMMUNITY COUNCIL

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

11th August 2015

Dear Sir,

Application No. P.151150 – 17 University Road, Aberdeen AB24 3DQ

Old Aberdeen Community Council wishes to lodge an objection to the above application on the following grounds: -

1. The application relates to premises within the current boundaries of the Old Aberdeen Conservation Zone, despite claims to the contrary by the applicant.
As such, the application should have gone through the formal process of notification and this does not appear to have been carried out.
2. The proposal breaches many of the topics in Aberdeen City Council's policy document "*Supplementary Guidance Topic: The sub-division and redevelopment of residential curtilages March 2012*", but in particular in the following specifics: -
 - 2.1 5.2 The density figures contained in the "Design Brief" are spurious, the build density for both the existing and proposed dwelling after sub-division are approximately 60%, grossly exceeding the local figures given in the table.
 - 2.2 7.3 The proposed vehicular access design gives very poor sightlines for both pedestrians and drivers and will create a traffic and pedestrian hazard.
 - 2.3 4.1 The materials are not complimentary to a predominantly granite conservation area.
 - 2.4 5.1 The design and materials proposed for the new dwelling fail to address the area's character in a sympathetic manner.
 - 2.5 3.7 The proposal would leave no exclusive garden ground for Nos. 15 and 17 University Road.
 - 2.6 8.1 Permitting this application would set a precedent for similar developments, the cumulative effect of which would have a harmful effect on the character and amenity of the area.

In view of the failure to recognise that the site lies within the Conservation Area and the multiple breaches of Aberdeen City Council planning guidance, we ask that the application be refused.

Yours sincerely,

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



Planning Dept
Aberdeen City Council
Marischal College
Aberdeen

11 Greenbrae Crescent
Denmore
Bridge of Don
AB23 8LH
11th Sept 2015

Dear Sirs,

17, University Road, Old Aberdeen
Conservation Area No.1

Proposed sub-division of residential curtilage and erection of new
3-bedroomed dwellinghouse in the garden

The Society wishes to register its objection to this proposal on the following grounds:-

The proposal is contrary to Policy D1 of the Local Development Plan, which states that:-

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

The development proposed has no consideration for its context, being constructed of materials alien to the area; being oriented out of alignment with the houses in the rest of Orchard Road; and being out of proportion to the very limited space in which it sits. It does not respect the pattern of development of either University Road or Orchard Road, and does not leave sufficient space around it for gardens appropriate in size for either the new building or No.17 itself.

It is contrary to Policy D2, also, in that:-

It does not have a public face to the street.

The "sitting-out areas" are inadequate and not in any way private, being adjacent to the main road.

It is contrary to Policy D5, which protects Conservation Areas, because it does not comply with Scottish Planning Policy, which requires that new development proposals in these areas:-

"should preserve or enhance the character of the Conservation area"

The current proposal neither preserves nor enhances, as it radically alters the character of this corner of the Conservation Area, and, in its strident, modern design, largely blank walls, and entirely inappropriate materials, is severely detrimental to the character and appearance of the area.

It is a matter of concern that the applicant was not aware that this house and garden was or was to be situated within the Old Aberdeen Conservation Area, and that the planners with whom he had discussed the application prior to submission, had seemingly not informed him of this.

It is contrary to Policy H1 in that:-

It constitutes overdevelopment, representing well over the permitted percentage of existing ground.

It has a severely detrimental impact on the character and amenity of the surrounding area, not only in its design, but also in its impact on parking provision. The proposal would remove the garage which was built to serve the existing house at No.17, and would not provide the required number of spaces for the new house. In addition, there is potential for the new owners to acquire parking permits; all of which could, together, exacerbate the ongoing parking problems in this area

It is contrary to the City Council's Supplementary Guidance on Curtilage Splits in that:-

It has neither a public face to the street, nor sufficiently private garden ground

It has no respect for the established pattern of development and density levels in the locality

On-site parking requirements are not met for either the existing or new dwelling

Precedent

Backland development of this sort sets an undesirable precedent, whereby further such dwellings could be difficult to refuse, resulting in the loss of the established character and building line of the area.

For the foregoing reasons, we believe that the application for the proposed development should be refused.

Yours faithfully,

10/10/12

Dear Sir or Madam,

Planning Application, 15150-17. University Road,
Subdivision and erection of a three bedroom dwelling.

I wish to object to the above application for
the following reasons,

- 1) The negative visual impact this will have in
a conservation area.
- 2) The proposed parking area risks being
a danger to pedestrians and road traffic
due to the limited view they will have.
- 3) The privacy of residents in close proximity
to the new proposed house.

Yours Sincerely

GORDON WILSON
9 ORCHARD ROAD
ABERDEEN
AB24 3DP

OBJECTION

Anne Simpson
220 Deeside Gardens
Mannofield Aberdeen AB15 7PS

9 August 2015

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

Dear Sirs

Anent Planning Application 151150 - 17 University Road - Subdivision and erection of 3 bedroom dwelling

I'm writing to object and present objections to the above application. I have studied Tinto's pdf document and I know the site well. Very well in fact. I write as a former co-owner of both 17 University Road and for a few years 15 University Road. I lived in 17 University Road from late 1979 until January 2003.

I've several points to raise concerning the above application.

1. Visual Impact and Inappropriate Design in Aberdeen's premier Conservation Area

It may be argued that visual impact is a subjective term. Everyone will, after all, have different ideas as to what is attractive, and what is not.

Discordant, distracting, dismal the proposed dwelling will introduce a significant and adverse change to the visual impact of the area. Its form, its scale, its structure is incongruous, intense and incompatible with the established visual character of the largely terraced, existing dwellings in University Road, Orchard Road, Orchard Walk, King Street and their environs.

The dwelling's inappropriate roofline, its texture, its zinc cladding would contrast noticeably and unfavourably with the traditional housing of the area. The absence of the use of granite in a Conservation Area designated as 'outstanding' 47 years ago is regrettable. The granite facing used in the construction of the double flatted property 19 and 21 University Road (completed c.1973) once graced the Press and Journal's building in Broad Street. Granite is a material which can be reused.

The proposed dwelling is not 'eye-sweet'.

2. Alignment of the 'dwelling' with other properties

The proposed 'gable-ended' dwelling is totally out of keeping with the existing building line.

Its proposed front garden is barely worthy of such a designation. It is unacceptable that the height of the wall which will be built to separate the new build from the existing shared drying green and herbaceous borders of number 15 University Road, has not detailed. The garden ground on which the proposed 'dwelling' is due to be built is not a rectangle rather it's a funnel shape. The dwelling and persons living therein will be cramped.

The site is too narrow to make a comfortable dwelling-house, though I note the application is for a dwelling. A dwelling is merely a shelter so it's a 'Silly Putty' word which can be stretched and moulded and restricted and remoulded to suit given circumstances, moods and objectives. My understanding of dwelling might well differ from those of others. Perhaps the phrase single family dwelling-house would be a more appropriate designation. After all a couple want to live in it, so surely their plans are for a single family dwelling-house.

Fronting Orchard Road the main door should meet the street in keeping with most of the properties in the area.

3. Access and parking

Metered parking is a relatively new introduction to University Road and Orchard Road and its environs. Even so, there are still considerable parking problems in the area especially during University term and match days at Pittodrie. The applicant and his architects haven't made it clear how many metered parking spaces will need to be sacrificed in order to fulfill Mr McHoug's desire to build his 'dwelling'. What will be the loss in revenue to the City Council? If successful, will the applicant pay for the loss of revenue to the town on an annual basis?

4. Traffic and Road Safety

There are potential safety hazards in the proposal. The proposed 'driveway/car run-in' is narrow. There is parking allowed (and metered) on the opposite side of Orchard Road from the applicant's new 'dropped curb' on icy and wet days, access would be challenging and may be deemed unacceptable. Parked cars, vans and sometimes buses in Orchard Road will provide a challenge as a user exits the run-in. Visibility will be impaired for road users and pedestrians as the walls hide the drive from view. 'There must be adequate visibility provided' states Aberdeen City Council policy and there won't be adequate visibility.

Also is the proposed driveway/car run-in less than 15 metres (50 feet) from University Road?

Orchard Road and University Road have been well known 'rat runs' for decades. This is not new. I would also draw the committee's attention to one simple fact of local street layout. Orchard Road doglegs at the back lane and existing garage at number 17. Drivers who park their cars in front of the existing garage facing northwards and then proceed to drive off in that direction are reckless. Reckless because it is a blind bend. You cannot see cars coming up Orchard Road from Orchard Street. Some come at speed. Although the proposed new 'dropped kerb' is a step or two from the dogleg, the combination of university term traffic, rat runners, lorry drivers (and others) beating the new set of lights at Orchard Road, etc, a 'drive' so close the junction with University Road, and the dogleg is a traffic hazard.

5. Overdevelopment in Aberdeen's premier Conservation area

Conservation Areas are safeguarded in a number of ways including the space between buildings. The proposed development is a grand example of 'garden grabbing' overdevelopment.

The proposed property doesn't fit the scale or proportion of the existing terraced properties. Where is the nearest detached single family dwelling to that proposed for the back garden of 17 University Road? There are a few in Orchard Place on the other side of the Bowling Green all pre first World War. No zinc, no talk of palletes, no brick finish there. Good traditional building approaches including at least one with surviving 'frog's eye' dormer windows. The 'exciting' 'dwelling' of zinc and brick will be a bit of a Billy No-Mates. The development would stand out for all the wrong reasons for there are no other detached houses nearby.

With the proposed 'dwelling' there is precious little amenity space left for the residents of of 17 University Road and the lower ground floor flat at Number 15 - merely a shared common drying green and a few herbaceous borders or at least what remains of the drying green and herbaceous borders. The architects have ensured that the 'dwelling' will have little amenity space. The construction of the dwelling will ensure that the current owner of number 15 and any future owner of number 17 will be left with only a minute and less than proportionate amount of garden ground.

in an area of high density building, more of the finest garden soil in the whole of Aberdeen will be lost under the proposed development.

By providing a car parking space for the new dwelling, there will be a need to knock down a portion of a traditional stone wall.

By its mere proximity the new development will also impact on the privacy of the residents of number 15 and number 17 University Road. And for that matter vice versa. Being overlooked is not the sole privacy issue. Visual intrusion is a privacy issue. So is noise, territory, possessions, relations with neighbours, the right to be left alone.

Overdevelopment harms an area's visual appeal, harms its character, and damages its human ecosystem as well as natural biodiversity. Overdevelopment invariably means decline.

A few comments on Tinto's document

Page	Comments
2	The applicant and his partner are seeking to relocate to Aberdeen and are now looking to 'develop' 17 University Road. Surely they are seeking to develop the garden ground of 17 University Road, not the existing upper flat. I assume he is the owner of 17 University Road.
2	Site location. The site sits in in own curtilage? How do you define curtilage? It's used in Scots legal documents, but it was an originally an English term from the middle ages which over several centuries has crept into Scots usage. It's a term which might be open to ambiguity. Perhaps substitute with a phrase such as 'the associated area' or simply 'plot'. There is no mention of 15 University Road, the solum, the presumed shared drying green, the shared paths, two outbuildings only one of which is owned by the owner 17 University Road.
2	And for the avoidance of doubt is not nor ever has been a public lane. It's a private lane owned jointly and severally by the coterminous proprietors. For that reason, perhaps, it's never been tarmaced over.
3	Site Appraisal. Incorrect information. Number 17 University is now - after many decades of planning - is in the Conservation Area. And the present application post dates the period of its being taken into the Conservation Area.
4	The list <ol style="list-style-type: none">1.) King's College Playing Field - not park2.) Number 11 University Road is actually a three flatted property, though, of course, it was not originally designed that way.3.) Terraced Flats is the more apt term perhaps. Terraced houses are designed for single use family dwellings. A dwelling house furthermore does not contain one or more flats. It is a single family dwelling-house which is the subject of this present application, though it is not described as such in Tinto's documents.4.) Where is number four?5.) Access lane owned by the coterminous proprietors6.) That is correct.7.) Which of course could be used by the present owner, residents of 17 University Road or be sold or be rented out.8.) It's only flat and overgrown because of recent neglect. It's not a brownfield site.9.) That is correct.10.) The sun-path. The occupiers of 15 University Road and I believe also number 17 will be overshadowed by the dwelling house As will the gardens 13 and 11 and 19 and 21 University Road
7	At the back of number 17 there may some UVPC windows, there are at least two Velux windows at the back of the property and wooden windows at the front of the property. I'd call the properties 15 and 17 University a ground flat and a double upper flat. I find the reference to 2.5 storeys odd.
8	What the the screen grab from the September 2014 Google Street View doesn't show are cars parked on the other side of Orchard Road.
9	The solution to 'overgrown garden area' is to look after it so it doesn't become overgrown. Simple
14	Relationship of proposed dwelling and neighbouring tree. The blob behind the drawing of the proposed dwelling represents a sycamore tree. That tree is far higher than the blob would suggest. The blob is not to scale. Will the building of the dwelling not give rise to a significant severance of the root system of the sycamore? The sycamore in question is in the garden of Numbers 11, 11a and 13 University Road. It's very very large mature tree. And so by the order of things must its root system be. The sycamore shades quite a bit of the area. Surely there's a safety feature to be thought about in placing a 'dwelling' so recklessly near such a large tree.

- | Page | Comments |
|------|---|
| 20 | Bin Store. Aberdeen City Council is in the process of changing its approach to recycling. I gather a third bin is promised. Is there enough room for three bins? |
| 21 | I do think that the height of the proposed dwelling will have a detrimental impact on the people living in both flats. And it will certainly cast a shadow on neighbouring properties. It will cast a shadow and by casting a shadow, that area of garden ground is cooler. It will cast a shadow on the properties at 11, 11a, and 13 University Road and may well cast a shadow in the morning over the gardens of numbers 19 and 21 Univeristy Road. By being built in the back garden of 17 University Road the residents of number 15 will certainly be 'hemmed in' as the new 'dwelling' will certainly overshadow number 15. |

Who is the 'donor proprietor'?

Zinc might well be the darling metal of the moment for architects all over the globe, it is not however a traditional house cladding material in Aberdeen and is unsuitable for use in what is and might well remain Aberdeen's premier Conservation Area. The proposed dwelling will do nothing to enhance the Conservation Area of Old Aberdeen - merely detract from it.

In conclusion

By its size and siting, the proposed dwelling represents overdevelopment in what is Aberdeen's premier Conservation Area. Its use of modern materials such as its much trumpeted zinc cladding is unsympathetic to the character of the neighbouring community. It would be obtrusive amongst the primarily granite and granite clad properties. The dwelling would do nothing to add to the visual character and amenity of the area.

It's out of keeping with the building line in Orchard Road and much of University Road.

It should be referred to as a single family dwelling, not with the sole and slightly ambiguous word dwelling. We need to be clear on what we are objecting about.

The garden is unsuitable for a domestic dwelling because of its size and funneled shape. And the proposed dwelling will have a detrimental impact on neighbouring properties including overshadowing.

Another important concern is the dogleg and the potential traffic problems and the proposed dwelling's means of access. Orchard Road and University Road are busy with university related traffic, match day traffic and rat runners. Not forgetting local residents. The siting of a drive bang on Orchard Road and between the unimproved back lane and University Road is simply not safe. Unlike the present garage with its double yellow lines, drivers using the the proposed 'run-in' will be entering and exiting in an area often surrounded by parked cars, vans and indeed at times buses. Pedestrians, especially those with limited mobility or eyesight may well be put at risk. Drivers don't tend to see pedestrians all that much.

Metered parking spaces will be lost to the local community and revenue will be lost to Aberdeen City Council.

There is a clear and present danger of accretion here: what starts out as one garden build/grab rapidly becomes a 'major' problem threatening the special qualities of Old Aberdeen and its environs. This may set a dangerous precedent.

We need to **avoid** more urban cramming especially in an area of the city which is no stranger to the concept.

I hereby request that this letter be placed **in full** before the relevant Planning Committee meeting.

11 University Road
Aberdeen
AB24 3DQ

14 August 2015

Dear Sir or Madam,

NOTE: While I am happy to inform Aberdeen City Council of my name and address, I do not wish this to be available to the public if they access the Councillors appropriate meeting agenda documents and request that you redact this information prior to compiling the report.

**Planning application 151150 – 17 University Road;
Subdivision and erection of 3 bedroom dwelling**

I wish to object to the above planning application for the following five main reasons:

1. Non-compliance with Supplementary Guidance: The Sub-division and Redevelopment of Residential Curtilages.

The above Guidance document recommends a maximum building density of 33% of curtilage. The Applicant's Design Statement advises that numbers 15 & 17 already take up 42% of curtilage.

Through scaling up of the drawings within the Design Statement, I estimate the density would increase to approximately 64% of curtilage, which is vastly in excess of the Guidance document and leaves an area of approx 134m² of garden to be shared between three properties. In addition, about a third of this is the front garden area, effectively unavailable for sitting or recreational use..

2. Overdevelopment.

The density of development in the Orchard area is already high, as shown on the applicants Design Statement (section 2.1 on p.4). This development would create a precedent that, if followed, would destroy much of the greenspace available to tenants, contrary to paragraph 6.2 of the above noted Supplementary Guidance. Green spec has been shown to be vitally important for both physical and mental health.

3. Negative visual impact within a conservation area.

Contrary to the Applicant's Design Statement, the property lies within the Old Aberdeen Conservation Area. The proposed building is highly intrusive as it extends right up to the Orchard Road boundary pavement and the style, and is too high, as already commented upon by the planners.

The building does not reflect the character and architecture of the building in the immediate locale of the conservation area.

4. Negative effect upon parking.

The proposal offers one parking space for three multiple bedroom properties. This does not appear to be in compliance with current standards. In addition, the location of the proposed garage will reduce the current on-road CPZ designated area by one car length, causing further pressure on local parking.

5. Non-compliance with Supplementary Guidance: Privacy.

The distance between the south facing windows of the proposed development and the front door and lobby window of No 40 Orchard Road will be approximately 9.5m, with a lateral offset of 6.8m and angular offset of 23 degrees, but with the upper storey of the new development physically overlooking no 40. I believe this is not in compliance with the data provided in Appendix 1 of the Supplementary Guidance.

In addition, I believe that the proposed new building makes the structure highly intrusive and offers an overbearing aspect to the adjacent garden at number 11 University Road.

The proposed parking bay will inevitably be accessed nose first. This means the driver will have to reverse out of the parking bay across a pavement, blind, into any on-coming traffic. As the parking bay is on the apex of a convex bend, the driver will have extremely limited view of the road until well out into the traffic stream. This is contrary to paragraph 7.3 of the above noted Supplementary Guidance.

Yours sincerely

Mrs Lorna Dawson
(Lorna.dawson@hutton.ac.uk)

P&SD Letters of Representation		
Application Number: 151150		
RECEIVED 17 AUG 2015		
Nor <input checked="" type="checkbox"/>	Sou <input type="checkbox"/>	MAp <input type="checkbox"/>
Case Officer Initials: CEE		
Date Acknowledged: 17/08/2015		

PI

From:
Sent: 13 August 2015 20:05
To: PI
Subject: Objection to Planning application 151150 – 17 University Road; Subdivision and erection of 3 bedroom dwelling

Paul Foy
5 Orchard Walk
Aberdeen
AB24 3DT

13th August 2015

Dear Sir or Madam,

**Planning application 151150 – 17 University Road;
Subdivision and erection of 3 bedroom dwelling**

I wish to object to the above planning application for the following reasons:

Non-compliance with Supplementary Guidance: The Sub-division and Redevelopment of Residential Curtilages
The above Guidance document recommends a maximum building density of 33% of curtilage. The Applicant's Design Statement advises that nos. 15 & 17 already take up 42% of curtilage.
By scaling from the drawings within the Design Statement, I estimate the density would increase to approximately 64% of curtilage, wildly in excess of the Guidance document and leaving some 134m² of garden to be shared between three properties, though about a third of this is the front garden area, effectively unavailable for relaxation.

Negative visual impact within a conservation area.

Contrary to the Applicant's Design Statement, the property lies within the Old Aberdeen Conservation Area. The proposed building is highly intrusive as it extends right up to the Orchard Road boundary pavement and the style, somewhat reminiscent of an aluminium prefab shed, does not sit easily within the Victorian context of the street. The building does not reflect the prevailing character and architecture of the building in the immediate locale of the conservation area and uses materials alien to the area.

Overdevelopment

The density of development in the Orchard area is already high, as shown on the applicants Design Statement (section 2.1 on p.4). This development would create a terrible precedent that, if acted upon by other landlords, would destroy much of the greenspace available to tenants, contrary to paragraph 6.2 of the above noted Supplementary Guidance.

Negative effect upon parking

The proposal offers one parking space for three multiple bedroom properties; clearly not in compliance with current standards. Further, the location of the proposed garage will reduce the current on-road CPZ designated area by one car length, causing further pressure on local parking.

Non-compliance with Supplementary Guidance: Privacy

The distance between the south facing windows of the proposed development and the front door and lobby window of No 40 Orchard Road will be approximately 9.5m, with a lateral offset of 6.8m and angular offset of 23 degrees, but with the upper storey of the new development physically overlooking no 40. We believe this is not in compliance with the data provided in Appendix 1 of the Supplementary Guidance.

I would also like to bring the following issues to your attention, each of which forms, I believe, a valid reason to object to this application:-

Failure to align with the properties along Orchard Road

The proposed new building has maintained an alignment with the gable end of 15/17 University Rd. This makes the structure highly intrusive and offers an overbearing aspect to the adjacent homes on Orchard Road.

Unsafe parking bay

The proposed parking bay will inevitably be accessed nose first by its user. This means the driver will have to reverse out of the parking bay across a pavement, blind, into any on-coming traffic. As the parking bay is on the apex of a convex bend, the driver will have extremely limited view of the road until well out into the traffic stream. This is contrary to paragraph 7.3 of the above noted Supplementary Guidance.

Possible loss of a mature tree

The proposal is within 2 metres of a mature Sycamore and will likely result in substantial root damage to this tree. Sketch proposal 3.6 (page 21) illustrates the extreme proximity and unrealistic contact with the structure which is highly unlikely to be maintained without structural damage to the tree, if not the proposed dwelling.

Rainwater run-off

The proposal does not provide adequate resolution for rainwater disposal, contrary to Scottish Building Standards 2013, Technical Handbook - Domestic, paragraph 3.6.

Yours sincerely

Mr. Paul Foy

P&SD Letters of Representation		
Application Number: 151150		
RECEIVED 14 AUG 2015		
Nor <input checked="" type="checkbox"/>	Sou	MAp
Case Officer Initials: CEE		
Date Acknowledged: 14/08/2015		

33 University Road
Aberdeen
AB24 3DR

12 August 2015

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

Dear Sirs

PLANNING APPLICATION 151150 – 17 University Road, Aberdeen – Subdivision and erection of a 3 bedroom dwelling

I would like to OBJECT to the application on the grounds that it is not in keeping with the area. At present, at both sides at the University Road end of Orchard Road there are gardens and a small single storey garage at the end of the gardens. To put up a large two storey property at one side of the road will make it look lopsided. All the other properties on the road have a garden at the front, with the properties starting at the same recessed point up to the top of the road at Orchard Street end. It will stick out like a sore thumb.

Yours faithfully

PI

From:
Sent: 11 August 2015 22:24
To: PI
Subject: Planning application 151150- 17 University Rd

Planning application 151150 - 17 University Rd - Subdivision and erection of 3 bedroom dwelling

Dear Sir,

I object strongly to the above planning application for the following reasons:-

- 1) In an area of older style granite houses, this building would look totally out of place. The metal used in the majority of the outside is reminiscent of a corrugated iron outbuilding and would spoil the look and feel of the historic area of Old Aberdeen.
- 2) It will reduce the number of parking spaces on Orchard Rd due to the entry to private parking area beside the building.
- 3) Because of the dog leg bend in that part of Orchard Rd, it could obstruct the view of cars exiting the lane behind 17 University Rd and of cars coming up Orchard Rd from University Rd.
- 4) it could set a precedent for more outlandish buildings to be granted planning permission which would spoil the residential lovely area of Orchard Rd/ Old Aberdeen.

Yours sincerely,

L. McLean,
3 Orchard Rd,
Aberdeen.

Sent from my iPad

From: webmaster@aberdeencity.gov.uk
Sent: 11 August 2015 15:12
To: PI
Subject: Planning Comment for 151150

Comment for Planning Application 151150

Name : Duncan Byron Clark

Address : 19 University Road

Aberdeen

AB24 3DR

Comment : As an adjoining proprietor and resident of no. 19 University Road, I am directly impacted by the proposed development opposite and would object to the application on the grounds that the proposals are:

- 1 Over development of the site and resultant plot coverage area and the design being out of character with the surrounding area. The proposals will have an adverse impact on Orchard Road and the wider Conservation Area and set an undesirable precedent.
- 2 I would dispute the statement by the architect that the development will enhance the visual amenity of the site. A combination of its size, height, colour and its position will make the house the dominant building as you enter Orchard Road from University Road.
- 3 The proposed materials, do not match the natural granite stone and slate prevalent in the area. The documents note that the modern palette of the design will make it stand out. Yes that of a tin shed.
- 4 A lack of car parking facilities and its impact on existing controlled parking zone with a reduction in available spaces for existing residents.
- 5 Loss of daylight and over shadowing to ground floor flats and gardens of nos. 11+13 and 15+17 University Road and loss of privacy of the upper floor window overlooking directly onto my own private rear garden opposite.
- 6 Overbearing blank two storey brick gable to nos. 11 + 13 University Road removing part of a mutual stone boundary wall?
- 7 The private garden being provided could only be perceived as a token strip of outdoor space and is inadequate for the size of the property (less than the 9m depth by policy) and does not fit in with the general character of the area.
- 8 The house is out with the established building line of Orchard Road, being forward of other properties with gable end-on to the street without any intervening garden. The gate to car parking entrance (driveway) appears to be of a sliding type shown on the pavement side of the boundary wall out with the applicant's ownership, similarly the roof overhang at the porch.
- 9 Potential damage to existing mature tree in adjacent garden proximity to the boundary in the summer it carries a large and thick canopy overhanging the site which will result in potentially dark rooms to the side. Future residents would be likely to want them thinned or removed to improve their outlook and levels of natural light to their living accommodation.
- 10 I do not believe that the applicant has demonstrated that the proposed house is required to provide residential accommodation for personal use when they currently own the large double upper flat, currently used as an HMO. It looks like an attempt to circumvent Planning Procedures by the possibility to be converted to further student accommodation (HMO) The amount of transient population of students is already to local residents a source of concern, security issues and significant annoyance, primarily due to noise and vandalism.
- 11 It is noted that the site is redundant, over grown and an eye sore. The site was well kept by the previous property owners and became poorly maintained when the site came into the applicant's ownership and use as an HMO. Is this a reason for development?

12 The documents indicate that rainwater will be dealt with naturally within the site, details of how? Insufficient information has been submitted with the application for full consideration of the proposals to deal with surface water drainage? Recent flooding occurred at the junction of University Road and Orchard Road

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P&SD Letters of Representation		
Application Number: 151150		
RECEIVED 12 AUG 2015		
Nor <input checked="" type="checkbox"/>	Sou	MAp
Case Officer Initials: CEE		
Date Acknowledged: 14/08/2015		

PI

From: webmaster@aberdeencity.gov.uk
Sent: 10 August 2015 20:22
To: PI
Subject: Planning Comment for 151150

Comment for Planning Application 151150

Name : Jaibo Palmer
Address : 25 Orchard Walk
Aberdeen
AB24 3DG

Comment :

I would like to object to this application on the following grounds - having seen the design I consider it to be completely out of keeping with the area generally and neighbouring buildings specifically. This is a conservation area and the design appears to take no account of this.

Additionally it would appear that significant damage would have to be done to a large, mature tree in the neighbouring garden

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10/08/15.

Dear Sir or Madam,

Planning Application, 15150-17. University Road,
Subdivision and erection of a three bedroom dwelling.

I wish to object to the above application for
the following reasons,

- 1) The negative visual impact this will have in
a conservation area.
- 2) The proposed parking area risks being
a danger to pedestrians and road traffic
due to the limited view they will have.
- 3) The privacy of residents in close proximity
to the new proposed house.

yours Sincerely

GORDON WILSON
9 ORCHARD ROAD
ABERDEEN
AB24 3DP

Planning Development Management Committee

LAND AT DALRIACH, CONTLAW ROAD,
MILLTIMBER

DEMOLITION OF EXISTING DWELLING HOUSE,
ERECTION OF 5 DWELLING HOUSES AND
FORMATION OF IMPROVED VEHICLE ACCESS.

For: Mr B Kelly

Application Type: Cert of Appropriate Alternative
Development

Advert: None required

Advertised on: n/a

Application Ref.: P151571

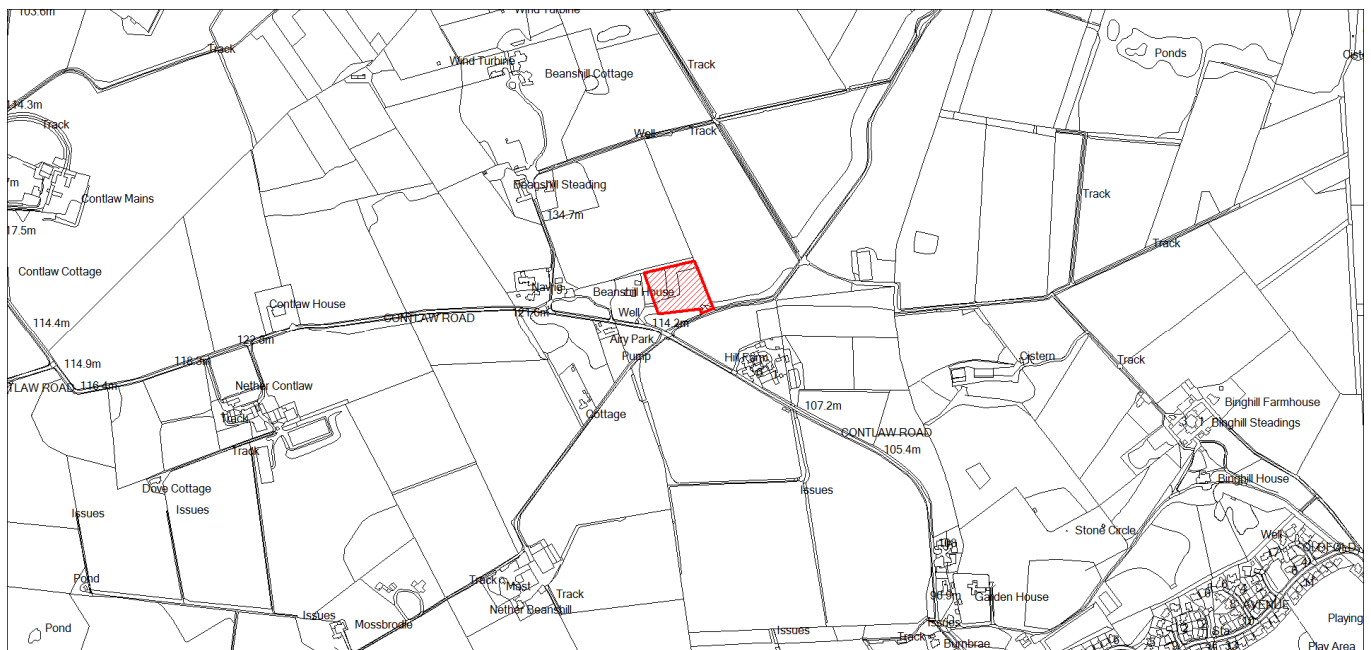
Committee Date: 11th February
2016

Application Date: 8th October 2015

Officer: Matthew Easton

Community Council: No
consultation required.

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



RECOMMENDATION:

That a certificate of appropriate alternative development is issued stating –

1. that in respect of the land which is subject of the application, on the relevant date of 25th September 2007 or at a future time, planning permission would have been granted for –
 - a) a single replacement dwellinghouse on a one-for-one basis;

- b) for horticulture and nursery with a small-scale ancillary retail element (such as a farm-shop);
- c) for non-residential agricultural or forestry buildings associated with a agricultural or forestry use on the land; or
- d) for telecommunications masts and ancillary equipment,
- e) any householder development ancillary to the use as a dwellinghouse (such as an extension, domestic garage, alterations to the house);
- f) small scale equestrian use including the construction of related buildings and structures (such as stables or tack rooms);

but would not have been granted for any other use.

2. that any planning permission described in (1) would have been granted subject to conditions requiring the applicant to submit satisfactory details, prior to the commencement of development, for approval by the planning authority which addressed the following matters –
 - a) layout, scale, massing, design and external appearance of buildings or structures;
 - b) disposal of surface water and foul drainage;
 - c) provision of vehicular access to the site;
 - d) landscaping of the site to mitigate any visual impact.
3. that because Scottish Ministers through Transport Scotland, made orders under the Roads (Scotland) Act 1984 promoting the Aberdeen Western Peripheral Route, which is the scheme for which the application land is to be acquired, it would not be appropriate to include planning permission for the scheme in the certificate as would normally be the case.

BACKGROUND TO CERTIFICATES OF APPROPRIATE ALTERNATIVE DEVELOPMENT

Where land is to be acquired using compulsory purchase powers, the owner of the land, acquiring authority or other person with an interest, may apply to the planning authority for a certificate of appropriate alternative development (“CAAD”), which sets out the uses of the land for which planning permission would have been granted if the land had not been compulsorily acquired. This is in order to assist in establishing the value of the land and thereafter an appropriate amount of compensation to be awarded to the landowner by the acquiring authority.

A CAAD is not a planning application and must be assessed on a hypothetical basis and with reference to the planning policy and circumstances on the date which the compulsory purchase orders and notices were served (“the relevant date”).

The relevant legislation is the Land Compensation (Scotland) Act 1963 (“the 1963 Act”).

When submitting a CAAD application, the applicant must state whether or not there are, in the applicant's opinion, any classes of development which either immediately or at a future time, would be appropriate for the land in question, if it were not proposed to be compulsorily acquired. The applicant must also state their grounds for holding that opinion.

In determining a CAAD application, the planning authority are required to issue a certificate stating that –

- a. planning permission would have been granted for development of one or more classes specified in the certificate (whether specified in the application or not) and for any development for which the land is being acquired, but would not have been granted for any other development; or
- b. that planning permission would have been granted for any development for which the land is to be acquired, but would not have been granted for any other development.

'Classes' merely means types of development and is not limited to development within the classes listed in the Town and Country Planning (Use Classes) (Scotland) Order 1997. Planning authorities are not restricted to consideration of the classes specified by the applicant. Where it is the opinion of the planning authority that planning permission would have only have been granted subject to certain conditions, or only at a future time, or both, it is required to specify that in the certificate issued.

The land subject of this application has been acquired by Transport Scotland on behalf of Scottish Ministers, to make way for the Aberdeen Western Peripheral Route scheme ("the AWPR"), which is now under construction.

The draft compulsory purchase orders for the AWPR were published on the 25th September 2007 and therefore for the purpose of assessing the CAAD, that is the relevant date. It must also be assumed that at the relevant date and at any future date, the AWPR scheme did not exist.

SITE DESCRIPTION

The physical characteristics of the site are required to be considered as they were on 25th September 2007.

The site is located beside Contlaw Road, within an area of open countryside known as Beanshill. The northern edge of Milltimber is 0.8km to the south east and Kingswells is approximately 3.7km to the north east.

The site extended to some 0.8 of a hectare and prior to its clearance took the form of two separate areas. The first was located at the eastern part and comprised a single storey detached dwellinghouse known as 'Dalriach' with associated garden ground and detached garage. The adjacent larger area to the immediate west comprised a paddock, small area of woodland and a former

chicken shed. It is understood that this particular area formed part of the 'Dalriach' holding but was not part of a wider agricultural holding or operation.

The surrounding area is characterised by agricultural fields, farms and small areas of woodland. There are several dwellinghouses and former steadings now in residential use interspersed throughout the area.

The application site is currently cleared and within the land made available for the construction of the Aberdeen Western Peripheral Route ("AWPR").

RELEVANT HISTORY

Detailed planning permission (90/1308) was granted by delegated powers for the erection of a conservatory in July 1990.

PROPOSAL

An application for a CAAD has been submitted by Halliday Fraser Munro on behalf of Mr B. Kelly, former proprietor of the land described above.

It is their opinion that on the relevant date, had the site not been subject of compulsory purchase, then small-scale residential use would have been appropriate at the site. This would have entailed the demolition of existing buildings and construction of five dwellinghouses (three terraced in a U-shape and two semi-detached in a perpendicular arrangement) set around a central courtyard to mimic a traditional agricultural steading 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=151571>

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 determination of certificates of appropriate alternative development is not included within the Council's Scheme of Delegation.

CONSULTATIONS

No statutory consultations are required for a CAAD application.

REPRESENTATIONS

Transport Scotland – As the authority which has acquired the land at ‘Dalriach’, Transport Scotland is of the opinion that a development of five new-build houses would have been contrary to the provisions of the development plan and emerging development plan applicable at the relevant date and that the examples of other development in the vicinity are not directly comparable or relevant as material considerations. Permitting the development would have set a precedent for residential development in the green belt contrary to the development and it would be inappropriate for a positive CAAD to be issued for the development as described by the applicant.

Transport Scotland’s position largely accords with the evaluation and recommendation of this report.

PLANNING POLICY AT THE RELEVANT DATE

For the purposes of assessing the CAAD application, the relevant planning policies are those which were in place on the relevant date (25th September 2007) –

Aberdeen & Aberdeenshire Structure Plan (2001)

The Aberdeen & Aberdeenshire Structure Plan (2001) (“the 2001 structure plan”) was adopted in June 2002 and provided a strategic vision and spatial strategy for Aberdeen and Aberdeenshire with the specific aims of focusing national guidance on the area’s land use issues, co-ordinating activity by partners where it affects the use of the land and to set the scope, limits and objectives for detailed local plans which govern the use of land.

It is considered that the following policies were relevant and the consideration of whether or not development would have been acceptable –

At the relevant date the site was unallocated in terms of employment land and therefore Policy 3 (Other Employment Opportunities) is relevant. It states that proposed employment uses on such sites shall be considered acceptable providing they respect relevant structure and local plan policies and reasonable account is taken of criteria regarding satisfactory integration with existing land uses, infrastructure requirements, proximity to existing populations, the use of brownfield sites, economic need and the minimisation of pollution.

Policy 6 (Tourism) indicated that tourist and related developments shall be encouraged where they are compatible with policies to safeguard and enhance the built and natural environment.

Policy 9 (Housing Allocations) required the Councils to safeguard land for 800 units on green field sites between 2006 and 2010.

Policy 11 (General Housing Considerations) ensured that housing developments respect all relevant local plan policies, made a positive contribution to sustaining the community they are located, through sensitive siting, good quality design and use of appropriate densities, offered a choice of residential environments and house types, took account of available infrastructure and direct housing preferentially to brownfield sites within settlements.

Policy 27 (Green Belt) explained that local plans would set the detailed boundaries of the green belt so that the landscape setting and identity of urban areas were protected and enhanced, coalescence prevented, development required by structure plan policies was accommodated, degraded land could be restored and opportunities were created for landscape renewal and land safeguarded for long term development.

It went on to say that the boundaries of the Aberdeen Green Belt and Strategic Reserve Land would be subject to review, with the aim to protect and enhance the prime ecological, landscape and recreational assets of the Green Belt, meet the aims of sustainable transport and identify land for the long term development needs of Aberdeen and surrounding settlements.

Policy 28 (Development in the Green Belt) stated that no development would be permitted in the Green Belt for purposes other than those essential for agriculture, forestry, recreation, mineral extraction or restoration or landscape renewal.

Local plans could identify opportunity sites for appropriate sports, recreation and countryside uses where specific locational or operational criteria meant that they could not be accommodated within the existing urban area or within areas outwith the Green Belt.

All such development had to be of the highest quality in terms of siting, scale, design and materials in accordance with guidance from the relevant local plan.

Aberdeen City District Wide Local Plan (1991)

The Aberdeen City District Wide Local Plan (“the 1991 plan”) was in effect on the relevant date and was adopted in September 1991. It is acknowledged that at the relevant date it had largely been superseded by events and the Council’s most recent position on planning policy at the time, which was the Finalised Aberdeen Local Plan 2004 (“the 2004 finalised plan”). Although the 1991 plan was diminishing in its relevance in light of the advanced stage of the 2004 finalised plan, it was at the relevant date still the extant local plan for Aberdeen and formed the basis for determining planning applications.

In addition to the 1991 local plan, the 2001 structure plan and 2004 finalised plan were consulted when determining planning applications and each given an appropriate weight depending on how up-to-date and relevant they were considered to be or in the case of the emerging local plan, the likelihood of policies changing.

- Policy GB1 (Green Belt Areas) – The appeal site was zoned as Green Belt where was directly relevant. It stated that there would be an embargo against all development unless it concerned uses which must be located within the countryside, those directly related to nature conservation or to uses already existing in the Green Belt (paragraph 9.3.1).

Such uses which may be acceptable are non-residential agricultural or forestry buildings, new housing for established local needs (e.g. an essential agriculture or forestry worker), certain open air recreational uses, institutional uses, rehabilitation of historic or architecturally important buildings, replacement of existing houses, mineral workings, provision of utilities, land infill and reclamation, burial grounds, horticulture and nurseries, nature conservation and existing activities within the Green Belt.

- The overall housing strategy of the plan was to direct housing towards brownfield sites within the built up area, to greenfield sites at Cove, Kingswells and Bridge of Don and to sites in the existing Lower Deeside settlements (3.1.6).
- In terms of employment and industrial land, development was being directed towards Dyce, Peterseat and Lochside / Newlands. (4.1.5). The City Centre is identified as the most appropriate place for new office development, whilst out of centre locations must respect environmental and infrastructural constraints (4.1.7). It was also acknowledged that there was demand for smaller office space within the West End area of the city (4.1.10).
- The local plan strategy for recreation, leisure and tourism development aimed to ensure both public and private sector operate on a co-ordinated manner to benefit the area in the provision and management of such facilities (6.1.3). It sought to protect historic buildings, parks, shops, the harbour, the countryside and the setting of the city with the aim of protecting the tourist assets of the city (6.1.5).
- The shortfalls in community facilities such as health, education and social facilities were identified with the aim of addressing the imbalance in the area. Milltimber was not identified as requiring further community facilities.

More generally the local plan sought to ensure that the three Lower Deeside settlements of Cults, Milltimber and Peterculter remained clearly spaced at intervals along the valley. Measures would be taken to reaffirm the limits to further settlement growth including the safeguarding of landscape features and areas of woodland and the introduction of further tree planting in particularly sensitive areas. Green belt policies would be applied generally in the areas between the settlements (13.6.1).

Finalised Aberdeen City Local Plan (Green Spaces | New Places) – Modified Written Statement) (August 2004)

The Finalised Aberdeen Local Plan 2004 was at an advanced stage on the relevant date with the Council having received the Reporters' Report into the

Public Local Inquiry into the proposed plan. Therefore significant weight was given to the provision of the plan when determining planning applications.

- Policy 27 (Green Belt) – The appeal site was continued to be zoned as green belt where was directly relevant and explained that in the green belt there would be an embargo against all development unless it concerns uses for which a countryside location is essential.

Agriculture, forestry, outdoor recreation, mineral extraction or restoration or landscape renewal were identified as being acceptable uses. Expansion of existing activities within existing site boundaries would be treated on their own merits and in the context of green belt policy. Also identified as being acceptable were indoor sports and institutional uses on specific opportunity sites identified on the proposals maps and infrastructure development that could not be accommodated other than within the green belt.

All green belt developments were required to have regard to other policies of the local plan in respect of the protection of landscape, trees and woodland and natural heritage.

- Policy 9 (Telecommunications Equipment) – Telecommunications development had to be sited and designed to minimise visual impact and intrusion, show that alternative sites had been examined, provide screening if necessary and to have no significant adverse impact upon the natural or built environment, including the coast and countryside.

Aberdeen Local Plan Public Inquiry Report (August 2007)

At the relevant date the Council had received the Scottish Executive Reporters' Report of the Public Local Inquiry into the unresolved objections to the 2004 finalised plan. No objections were received in relation to the inclusion of the application site within the green belt.

FUTURE PLANNING POLICY BEYOND THE RELEVANT DATE

Aberdeen Local Plan (2008)

The Aberdeen Local Plan 2008 ("the 2008 plan") was adopted in June 2008 and the site was identified as being located within the green belt.

Policy 28 (Green Belt) – Stated that no development would be permitted in the green belt for purposes other than those essential for agriculture, forestry, recreation, mineral extraction or restoration or land renewal.

Proposals for development associated with existing activities in the green belt would be permitted but only if all of the following criteria were met: (a) the development was within the boundary of the existing activity, (b) the development was small scale, (c) the intensity of activity was not significantly increased and (d) any proposed built construction was ancillary to what existed.

Policy 9 (Telecommunications Equipment) required such development to be sited and designed to minimise visual impact and intrusion, show that alternative sites had been examined, provided screening if necessary and to have no significant adverse impact upon the natural or built environment, including the coast and countryside.

Aberdeen City and Shire Structure Plan (2009)

A new structure plan was adopted in August 2009 to replace the 2002 structure plan. It identified Aberdeen City as a Strategic Growth Area and it is expected that at least half of the growth identified for the Aberdeen area will take place on green field sites.

A green belt review was required to be carried out jointly by Aberdeen City and Shire Councils as part of their local development plan processes.

Proposed Aberdeen Local Development Plan (2010)

Published in September 2010 the proposed Aberdeen Local Development Plan (“the 2010 proposed plan) identified the site as being green belt and subject to Policy NE2 (Green Belt), which was principally the same as Policy 28 in the 2008 plan.

EVALUATION BASED ON THE RELEVANT DATE

Residential Development of Five Units

At the relevant date ‘Dalriach’ was zoned as green belt in the Aberdeen District Wide Local Plan 1991, where Policy GB1 applied and there was an embargo on all development, unless it fell into certain exempt categories.

The demolition of a single house and its replacement with five houses would not have been acceptable under any of the categories exempt from the general embargo on development. Notwithstanding, it is appropriate to look at any other material considerations which might have suggested that such a development may have been acceptable.

The 1991 plan directed housing towards three areas; brownfield sites within the urban area, greenfield sites at Cove, Kingswells and Bridge of Don and sites within the settlements in Lower Deeside. Although the site is within Lower Deeside, it is not within any of the settlement boundaries. The housing sites identified in these areas formed part of the larger planned expansion of Cults, Bielside, Milltimber and Peterculter, rather than smaller sporadic development which had not been through the scrutiny of the Local Plan process.

The Aberdeen & Aberdeenshire Structure Plan 2002 (NEST) provided a strategic vision and spatial strategy, which were translated into the Aberdeen Local Plan 2008. However as the structure plan was adopted in 2002 and more up to date than the 1991 plan, there was the potential for there to be strategic planning

issues raised in the structure plan which the adopted local plan did not address or consider, such as a potential lack of housing or employment land within the city.

The Housing Land Audit 2007 shows that at the relevant date there was 6.2 years of housing land supply within the Aberdeen area. This was in excess of the NEST Structure Plan requirement which required the Council to provide 5 years worth of housing land supply. Therefore as the housing land supply was being met there would have been no justification for approving housing development within the green belt or outwith allocated sites or the established built environment.

Nonetheless, even if additional housing sites were required, 'Dalriach' would have been considered unsuitable for residential development, being remote from the built-up area of Milltimber, community facilities and public transport links. The nearest local shops were located in Peterculter (about 2.5 km away) and Cults (over 4 km away) and the nearest bus stops were 1.8km away on North Deeside Road, 900m of which are unlit country roads.

The 2002 Structure Plan (NEST) required there to be 40-75 hectares of marketable supply of employment land at any one time within Aberdeen City. The Employment Land Audit 2007 published in March 2007 shows that there was a supply of 53 hectares in 2006/07. Therefore it would have been unlikely for the planning authority to grant permission for employment or industrial land on an unallocated green field site during this period because there was no shortage in the supply of employment land in the city.

The Finalised Aberdeen Local Plan 2004 was at an advanced stage in September 2007 with the Council having received the Reporters' Report on the Public Local Inquiry (PLI) into the proposed plan in August 2007. In the 2004 plan, 'Dalriach' remained as green belt, with no proposals for the site to be allocated for development.

Significant changes were proposed at the PLI to text within the green belt policy, both by the Council and Reporters. The Council's response to the Reporters' report was agreed by committee in December 2007. Therefore, although Policy 27 (Green Belt) would have been a material consideration at the relevant date, little weight could be given to it and Policy GB1 of the 1991 plan would have maintained primacy. Notwithstanding, the original drafting of Policy 27 required development involving the expansion of existing activities within an existing site to be contained within the boundaries and to otherwise be treated on their merits and in the context of green belt policy. All development in the green belt was expected to have regard to other policies in respect of landscape protection, trees and woodland and natural heritage.

An increase in the scale and intensity of activity from one house to five would have been contrary to the principle of green belt policy which was to maintain the identity of Aberdeen and the communities within and around the City by defining their physical boundaries clearly and avoiding undue coalescence and urban sprawl. Therefore there is nothing in the Finalised Local Plan 2004 which

suggests that planning permission would have been granted for five residential units on the relevant date.

Categories of Development Acceptable in Principle within the Green Belt

Policy GB1 of the 1991 plan identified several categories of development which were considered, in certain specified circumstances, to be exempt from the general embargo on development.

- The plan acknowledged that most agricultural or forestry buildings would benefit from permitted development rights if kept within certain parameters and would therefore be an acceptable use within the green belt.

Agricultural use of land and buildings is defined as including horticulture, fruit, vegetable and seed growing, dairy farming, the breeding and keeping of livestock (including the grazing of horses – but not the breeding or training of horses for show jumping or recreation), the use of land as grazing or meadow land, market gardens and nursery grounds.

Agricultural use is excluded from the definition of development in the Town and Country Planning (Scotland) Act 1997 and consequently, no planning permission for the use of land or buildings for agriculture would have been required. As the plan acknowledged, construction of non-residential buildings to be associated with an existing agricultural or forestry use, was considered to be development but generally did not require planning permission if kept within certain parameters.

If a change of use took place to agricultural use at the site and a proposed building for the purpose exceeded the permitted development thresholds, it is likely that subject to siting, design and appearance, such development would have been granted planning permission.

Horticulture and nurseries, where the prime function was the production of foodstuffs or flowers for sale, or the raising of plants for sale or replanting, were specifically mentioned and considered by the local plan to be legitimate uses within the green belt and would not have required planning permission. Notwithstanding, a garden centre, which is more akin to a retail operation, would not have been supported due to the peripheral location, level of traffic generation; concentration of buildings, car parking and other activities normally required for the successful operation of such a use.

- In a similar way to agricultural use, forestry is exempt from the definition of development and therefore the land could be used for forestry purposes without planning permission. Any buildings required for the purpose are likely to have been granted consent subject to siting, design and appearance, if they did not already benefit from permitted development rights.
- The construction of a single new house would be permitted if the applicants could satisfy the Council that it was required to provide residential accommodation for essential forestry or agricultural workers who were require

to be housed immediately adjacent to their place of employment and where there was a proven economic need.

Given the small size of the site it is highly unlikely that a second house would be required for such purposes. The existing house could have been used if required and with the close proximity of Milltimber, it would have been difficult to argue that a home for a second essential worker would be required under any circumstances.

- Certain open air recreational uses which were normally located out-with urban areas and required large amounts of open space (e.g. a golf course, golf driving range or equestrian activities) were permitted. The small size of the site meant that it would not have been suitable for a golf course.

A golf driving range is typically in excess of 200m in length and therefore with the site being around 85m in length it is unlikely to have been suitable for such as use. Structures such as floodlighting and high fences are likely to have had an adverse impact upon the landscape character of the area and residential amenity and therefore such use would not have been supported.

Equestrian uses such as stables or exercises arenas, were considered acceptable uses within the green belt subject to suitable layout and design.

- Exemptions relating to the conversion of existing substantial buildings to institutional uses and conversion of historic, architecturally important or traditional buildings would not apply in this case. 'Dalriach' was neither substantial nor of any particular historic architectural merit.
- The replacement on a one-for-one basis of existing permanent houses, which were at the time in occupation, were normally permitted, provided it could be demonstrated to the Council that the house had been in continuous occupation for five of the seven years immediately prior to the date of the application. The replacement house would, except in exceptional circumstances, for example, to improve a dangerous access, occupy the same site as the building it would replace.

There are no known issues with the access or any other matter which would suggest that a different position for the new house would have been acceptable.

Therefore subject to any new house being acceptable in terms of siting, design, massing, scale and materials, a replacement house would have been granted planning permission.

- Extensions to existing activities were permitted in the green belt subject any intensification and suitability of the use within the green belt being acceptable. This would have covered domestic development such as a house extension, domestic garage, out-buildings and other development ancillary to the dwellinghouse, which would have been granted planning permission subject to suitable design and layout.

- Within the green belt landfill, land reclamation activities and mineral workings were permitted. However given the small scale of the site and close proximity to residential properties it is highly unlikely that these uses would have been acceptable.
- Green belt policy allowed for the provision of utilities, if as part of their normal operation they could not be located anywhere other than the green belt. Most utilities benefit from permitted development rights and therefore would not have required planning permission; however telecommunications masts and equipment would not. National and local policy supported the expansion of telecommunications networks and therefore subject to siting and design, the principle of new telecommunications masts and equipment within the green belt would have been supported and granted planning permission.
- New burial grounds were acceptable within the green belt. However the policy required cemeteries to be more than 100m from existing residential properties. The closest residential property was 30m away from the eastern boundary and therefore such development would have failed the policy requirements.
- The establishment of nature reserves and provision of appropriate facilities for interpretation, enjoyment and study were permitted by green belt policy. Given the small scale of the site and lack of any natural heritage designation or particular assets, such a use would seem unlikely.

The Finalised Aberdeen Local Plan 2004 was at an advanced stage in September 2007 with the Council having received the Reporters' Report into the Public Local Inquiry (PLI) into the proposed plan in August 2007. In the 2004 plan, 'Dalriach' remained as green belt, with no proposals for the site to be allocated for development.

At the PLI significant changes were proposed to text within the green belt policy, both by the Council and Reporters. The Council's response to the Reporters' report was agreed by committee in December 2007. Therefore, although Policy 27 (Green Belt) would have been a material consideration at the relevant date, little weight could be given to it and Policy GB1 of the 1991 plan would have maintained primacy. Notwithstanding, the original drafting of Policy 27 required development involving the expansion of existing activities within an existing site to be contained within the boundaries and to otherwise be treated on their merits and in the context of green belt policy. All development in the green belt was expected to have regards to other policies in respect of landscape protection, trees and woodland and natural heritage.

The 2004 plan fundamentally retained the same requirements on categories of development which were exempt from the development embargo but did not provide as much detail. No new categories of acceptable development were added and therefore no material considerations over and above those in the 1991 plan policy were introduced.

Reference is made in the supporting statement to an earlier proposed route alignment of the AWPR (between Bieldside and Milltimber) which is shown in the 2004 plan. It is suggested that that the proximity of the AWPR would have had a positive effect the likelihood that small residential development gaining planning permission at 'Dalriach'. However a fundamental aspect of considering alternative uses for a site under the CAAD regime is that the underlying project the land is being acquired for does not exist. Although the road being constructed is on a different route alignment, the project must still be disregarded and therefore any benefit that the AWPR may have provided in terms of accessibility to the area cannot be taken into account.

EVALUATION BASED ON ANY FUTURE DATE

Aberdeen Local Plan (2008)

The 2004 plan became the adopted Aberdeen Local Plan 2008 in June of that year and continued to zone the site as green belt. Policy 27 became Policy 28 and was modified from the initial drafting in the 2008 plan – but maintained a strict embargo on development.

No development was permitted in the green belt for purposes other than those essential for agriculture, forestry, recreation, mineral extraction or restoration or land renewal. Proposals for development associated with existing activities in the green belt were permitted but only if all of the following criteria were met: (a) the development was within the boundary of the existing activity, (b) the development was small scale, (c) the intensity of activity was not significantly increased and (d) any proposed built construction was ancillary to what existed.

The increase from one unit to five would have been a substantial increase in the scale and intensity of the existing activity both in terms of the number of people living there, traffic generated and visual impact. Neither would four additional units have been reasonably considered as being ancillary to one existing house. Therefore under the Aberdeen Local Plan 2008 five residential units would not have been granted planning permission.

Again and similar to the 2004 plan, no new categories of acceptable development were introduced and no new material considerations over and above those associated with the 1991 plan were introduced.

Although at the relevant date it would be difficult to consider any policy developments after the 2008 plan as being reasonably foreseeable, it is considered worthwhile mentioning the policy situation beyond the 2008 plan in order to demonstrate that the policy situation in relation to the site has remained constant between the relevant date and the present date.

Aberdeen Local Plan (2012)

The preparation of the 2012 plan began in the first quarter of 2009. The proposed plan was published in 2010, was formerly adopted in February 2012 and still is

the adopted plan. 'Dalriach' was not subject of any development options in the preparation of proposed plan, however two options were considered for an area of land immediately to the south, the options being known as Contlaw (9/49) and Nether Beanshill (9/51). Both options were dismissed by the Council as being unsuitable for development. Nether Beanshill was considered by Reporters' examination of the proposed plan which agreed it was not a suitable site. Therefore the area of land to the south remained as green belt, as did 'Dalriach' itself.

The content of green belt policy itself did substantively change from the 2008 plan.

Proposed Aberdeen Local Plan (2015)

The proposed plan was published in March 2015 and continues to zone 'Dalriach' as green belt. The area of the land to the south, known as Contlaw, was again submitted as a development option during the preparation of the plan, but was discounted as still being unsuitable.

Policy NE2 (Green Belt) reinstates a specific category which permits the replacement on an one-for-one basis of existing permanent houses currently in occupation, as was the case in the 1991 plan. No other substantive changes were made.

Other Matters

The applicant highlights several developments which have taken place in the surrounding area over the years and suggests that they are reasons for approval of the five dwellinghouses proposed in the application. None are directly comparable and therefore of relevance. Taking each in turn –

- Beanshill Farmhouse – A change of use from farmhouse to children's nursery (88/1173) was approved in 1988 by Aberdeen District Council whilst the Lower Deeside Local Plan 1980 was in force. There is no record of the reasons for approval of this application.
- Upper Beanshill – A conversion of a farm steading and two cottages to form seven dwellinghouses (90/2431) was approved by Aberdeen District Council in February 1991. The conversion of traditional buildings was acceptable under Policy 3.2.4 (viii) of the Lower Deeside Local Plan.
- Upper Beanshill Farm – A conversion of farm steading to a dwellinghouse (91/1067) was approved in July 1991 and again would have been acceptable under the Lower Deeside Local Plan.
- Nether Beanshill Farm – Installation of a telecommunications mast was approved in January 2005 (A4/2193) and permitted by Policy GB1 and Policy 27 of the Finalised local plan 2004.

- Upper Beanshill Cottage – Three wind turbines (P110317) were approved in July 2011. Renewable energy schemes associated with existing uses in the green belt were considered acceptable under local and national renewable energy policies.
- Westfield Cottage – A replacement dwellinghouse (P121352) was approved in November 2012. Although replacement dwellings were not specifically mentioned as being exempt from the green belt development embargo, they were considered acceptable if they met specific criteria which have already been discussed under the sections on the 2008 and 2012 local plans above. This decision supports the recommendation of this report that a replacement dwellinghouse would have been acceptable.
- Also of relevance, but not identified by the applicant is a planning application at Laurelbank, Pittfodells Station Road. The application was for sub-division of a residential curtilage and erection of a new house within the green belt (A4/1589) and was refused in January 2005 and subsequently dismissed at appeal (P/PPA/100/312). Although not located within the open countryside and therefore not directly comparable, one of the reasons for refusal was that the proposal would undermine the principles of controlling development and preventing sporadic housing in the green belt. Whilst not the only reason for refusal, it demonstrates the Council's approach to development within the green belt at the time and supports the recommendation that such development would not have been granted at the relevant date.

The applicant's supporting statement includes information on property values and the socio-demographics of the local area. However on review it does not appear that such information would have been of any relevance in determination of a planning application. The intention appears to be to suggest that there was demand for new housing within the area. Notwithstanding this potentially being the case, green belt policy exists to control sporadic and uncontrolled development around Aberdeen and the fact that there may be demand to live in the countryside in close proximity to the city does not override the policy. The sites allocated within the local plan also provided sufficient land to meet the housing land supply requirements and therefore there would be no reason to approve further housing on an ad-hoc basis.

Section 25(4) of the 1963 Act requires the planning authority to state that planning permission would be granted for any development for which the land is being acquired. However, Scottish Ministers through Transport Scotland made orders under the Roads (Scotland) Act 1984, promoting the AWPR, which is the scheme for which the application land is to be acquired. Therefore no planning permission is required for the AWPR and consequently it would not be appropriate to include planning permission for the scheme in any certificate issued as would normally be the case.

CONCLUSION AND REASONS FOR RECOMMENDATION

At the relevant date 'Dalriach' was zoned as green belt in the Aberdeen District Wide Local Plan 1991, where Policy GB1 applied and there was an embargo on all development, unless it fell into certain exempt categories. The demolition of a single house and its replacement with five houses would not have been acceptable under any of the categories exempt from the general embargo on development.

Green belt policy would however have permitted the construction of non-residential buildings related to agricultural or forestry uses; a replacement house on a one-for-one basis or telecommunications infrastructure, such as a mobile phone mast. Each class of development would have been subject to satisfactory details being agreed in relation to siting, design, scale, massing, landscaping and access.

In the Finalised Aberdeen Local Plan 2004 'Dalriach' remained as green belt, with no proposals for the site to be allocated for development and although green belt policy was re-drafted, it did not increase the scope for any planning permission to have been granted for any particular category of development over and above that which would have been permitted in the 1991 local plan.

At no future point beyond the relevant date, either under the 2008 or 2012 adopted plans or 2015 proposed plan, would planning permission have been granted for five residential units at 'Dalriach'. The classes of development considered acceptable under the 1991 local plan would have continued to have been acceptable, up to the present day. However none of the green belt policies within these plans introduce any other use which could have been acceptable over and above those already considered under the 1991 plan.

At the relevant date and at any point beyond, there was no strategic material planning considerations, such as a shortage of housing or employment land, which would have led the planning authority to grant planning permission for sporadic development within the green belt contrary to green belt policy.

RECOMMENDATION

That a certificate of appropriate alternative development is issued stating –

- 1. that in respect of the land which is subject of the application, on the relevant date of 25th September 2007 or at a future time, planning permission would have been granted for –**
 - a) a single replacement dwellinghouse on a one-for-one basis;**
 - b) for horticulture and nursery with a small-scale ancillary retail element (such as a farm-shop);**
 - c) for non-residential agricultural or forestry buildings associated with a agricultural or forestry use on the land; or**
 - d) for telecommunications masts and ancillary equipment,**
 - e) any householder development ancillary to the use as a dwellinghouse (such as an extension, domestic garage, alterations to the house);**

- f) small scale equestrian use including the construction of related buildings and structures (such as stables or tack rooms);**

but would not have been granted for any other use.

- 2. that any planning permission described in (1) would have been granted subject to conditions requiring the applicant to submit satisfactory details, prior to the commencement of development, for approval by the planning authority which addressed the following matters –**
 - a) layout, scale, massing, design and external appearance of buildings or structures;**
 - b) disposal of surface water and foul drainage;**
 - c) provision of vehicular access to the site;**
 - d) landscaping of the site to mitigate any visual impact.**
- 3. that because Scottish Ministers through Transport Scotland, made orders under the Roads (Scotland) Act 1984 promoting the Aberdeen Western Peripheral Route, which is the scheme for which the application land is to be acquired, it would not be appropriate to include planning permission for the scheme in the certificate as would normally be the case.**