

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, Sandy Stuart and Thomson .

Town House,
ABERDEEN 9 March 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, 17 MARCH 2016 at 10.00 am.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION, INCLUDING THOSE NOT IN THE REPORT PACK, ARE AVAILABLE TO VIEW IN THE MEMBERS' LIBRARY, WITH THE EXCEPTION OF APPLICATION NO. 151260, THE LETTER FOR WHICH CAN BE VIEWED ELECTRONICALLY.

MINUTES OF PREVIOUS MEETINGS

- 1 Minute of Meeting of the Planning Development Management Committee of 11 February 2016 - for approval (Pages 5 - 8)
- 2 Minute of Meeting of the Planning Development Management Committee (Visits) of 18 February 2016 - for approval (Pages 9 - 16)

WHERE THE RECOMMENDATION IS DEFER FOR A PUBLIC HEARING

- 3 Demolish Victoria Road Primary School and Erect 62 Residential Units - 151260 (Pages 17 - 54)

Planning Reference – 151260

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151260>

Planning Officer – Andrew Miller

NOTE - Members please note that over 260 Letters of Representation have been received in connection with this application. Correspondence from the local Community Council is attached herewith, together with a random selection of ten further letters. These, and all the remaining letters can be viewed electronically on the shared drive (J: Drive) at Committee Agendas/Planning Development Management Committee/Victoria Road School – Letters of Representation.

PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 4 Tarbothill Landfill Site - Erection of Leachate Plant, Associated Pipeline and Leachate/Acid Storage Tanks - 160030 (Pages 55 - 72)

Planning Reference – 160030

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=160030>

Planning Officer – Hannah Readman

- 5 Lower Kennerty Mill, 8 Burnside Road, Peterculter - Extension & Alterations (PP) - 151766 (Pages 73 - 90)

Planning Reference – 151766

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151766>

Planning Officer – Ross McMahon

- 6 Lower Kennerty Mill, 8 Burnside Road, Peterculter - Extension & Alterations (LBC) - 151767 (Pages 91 - 98)

Planning Reference – 151767

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151767>

Planning Officer – Ross McMahon

- 7 29 St Machar Drive - proposed 1.5 storey rear extension - 151801 (Pages 99 - 110)

Planning Reference – 151801

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151801>

Planning Officer – Ross McMahon

- 8 7 St Machar Place - various works - 160026 (Pages 111 - 122)

Planning Reference – 160026

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=160026>

Planning Officer – Ross McMahon

- 9 Froghall Road and Froghall Terrace - erection of 41 flats - 151316 (Pages 123 - 164)

Planning Reference – 151316

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151316>

Planning Officer – Nicholas Lawrence

- 10 32-36 Fraser Place - change of use and redevelopment of site to form 12 residential units -150901 (Pages 165 - 174)

Planning Reference – 150901

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150901>

Planning Officer – Nicholas Lawrence

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 11 Chester Hotel, Queens Road - Variation of Condition 11 Attached to Application Ref No. P121555 to Allow Use of Rear Access Gates - 151997 (Pages 175 - 206)
Planning Reference – 160030

The documents associated with this application can be found at:-
<http://planning.aberdeency.gov.uk/PlanningDetail.asp?ref=160030>

Planning Officer – Hannah Readman

OTHER REPORTS

- 12 Review of Article 4 Direction Orders (Pages 207 - 226)

Website Address: www.aberdeency.gov.uk

To access the Information Bulletins for this Committee please use the following link:
<http://committees.aberdeency.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@aberdeency.gov.uk or Lynsey McBain on 01224 522123 or email lymcbain@aberdeency.gov.uk

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 11 February 2016. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton (up to and including article 2), Copland (as substitute for Councillor Cormie), Corall, Crockett, Dickson, Greig, Jaffrey, Lawrence, Jean Morrison MBE, Nicoll, Jennifer Stewart, Sandy Stuart, Thomson and Young (as substitute for Councillor Malik, up to and including article 2).

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 14 JANUARY 2016

1. The Committee had before it for consideration, the minute of its previous meeting of 14 January, 2016.

The Committee resolved:-

to approve the minute as a correct record.

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

LAND AT ST PETER STREET/ KINGS CRESCENT - STUDENT ACCOMMODATION - 151811

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

That the Committee approve the application for planning permission 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. A revised condition had been circulated previously in relation to the Travel Plan.

DECLARATION OF INTEREST

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

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11 February 2016

Councillor Boulton suggested that a site visit be scheduled in order to determine the application.

The Committee resolved:-

- (i) to request that a site visit be scheduled for 18th February, 2016 to allow the application to be determined;
- (ii) that officers provide details in terms of the car club usage for 18-21 year olds;
- (iii) that officers provide information prior to the site visit on the reasons why there were no developer contributions.

17 UNIVERSITY ROAD - SUBDIVISION AND ERECTION OF 3 BEDROOM DWELLING - 151150

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 subject to conditions.

DECLARATION OF INTEREST

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

Councillor Jaffrey suggested that a site visit be scheduled in order to determine the application.

The Committee resolved:-

to request that a site visit be scheduled for 18th February, 2016 to allow the application to be determined.

DALRIACH, CONTLAW ROAD, CERTIFICATE OF APPROPRIATE ALTERNATIVE DEVELOPMENT - 151571

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

That a certificate of appropriate alternative development is issued stating –

- (a) 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 –
 - (1) a single replacement dwellinghouse on a one-for-one basis;

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

11 February 2016

- (2) for horticulture and nursery with a small-scale ancillary retail element (such as a farm-shop);
 - (3) for non-residential agricultural or forestry buildings associated with a agricultural or forestry use on the land; or
 - (4) for telecommunications masts and ancillary equipment,
 - (5) any householder development ancillary to the use as a dwellinghouse (such as an extension, domestic garage, alterations to the house);
 - (6) 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.
- (b) 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 –
- (1) layout, scale, massing, design and external appearance of buildings or structures;
 - (2) disposal of surface water and foul drainage;
 - (3) provision of vehicular access to the site;
 - (4) landscaping of the site to mitigate any visual impact; and
- (c) 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.

The Committee resolved:-

to approve the recommendation.

MATTER OF URGENCY

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

THE REPAIR AND REPLACEMENT OF WINDOWS AND DOORS – CHI/16/031

5. The Committee had before it a report by the Director of Communities, Housing and Infrastructure which sought approval for a draft Technical Advice Note (TAN) on the Repair and Replacement of Windows and Doors to be issued for a four week period of public consultation.

The report recommended:-

- (a) to approve the draft TAN document on the Repair and Replacement of Windows and Doors for a four week public consultation period; and

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11 February 2016

- (b) to agree that, following completion of the public consultation, any comments received and subsequent amendments to the draft advice be presented to a future meeting of the Committee.

The Committee resolved:-

to approve the recommendations.

DISPLAY OF PLANS AT COMMITTEE

6. The Committee heard Daniel Lewis, Development Management Manager, Planning and Sustainable Development advise that there was a move nationally by all local authorities to operate a full electronic workflow for their planning service, and in this regard it would now be the intention not to display plans at Committee meetings which were costing approximately £500 per meeting. He indicated that from the next Committee meeting, it was likely that elected members would be able to view plans on a large HD screen within the committee room, and that he would be available to display the plans 30 minutes prior to each meeting. He also intimated that there may be a possibility that a large screen may be located in the member's lounge/library to view plans.

The Committee resolved:-

- (i) to remit the issue of technical improvements at committee meetings to the appropriate Committee, including the possibility of obtaining a large HD Screen to display plans in the members lounge/library;
- (ii) that paper copies of plans be displayed at Committee meetings for large planning developments; and
- (iii) to note that Community Councils would continue to receive paper copies of plans if requested.

- **Councillor Ramsay Milne, CONVENER**

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 18 February, 2016. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor Finlayson, Vice Convener; and Councillors Boulton (for article 1 only), Cooney, Corall, Copland (as substitute for Councillor Cormie), Dickson, Greig, Jaffrey, Lawrence, Jean Morrison MBE, Nicoll, Jennifer Stewart, Sandy Stuart and Thomson

Also in attendance:- Councillor Hutchison (for article 1).

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=152&MIId=3806&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 Planning Development Management Committee minute and this document will not be retrospectively altered.

LAND AT ST PETER STREET/KINGS CRESCENT – STUDENT ACCOMMODATION - 151811

1. With reference to Article 2 of the minute of meeting of the Planning Development Management Committee of 11 February 2016, wherein it had been agreed to visit the site, the Committee had before it a report by the Interim Head of Planning and Sustainable Development **which recommended**:-

That the Committee approve the application for planning permission 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.

The conditions were as follows:-

(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

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- (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

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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 car parking 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.

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- (10) No development in connection with the permission hereby approved shall take place unless a detailed methodology for down taking 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 down takings, 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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

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- (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.

A revised condition and an additional informative note had been submitted as follows:-

- (14) Travel Plan – 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. Thereafter, the development shall operate in full accordance with all measures identified in the Travel Plan from first occupation.

(a) The Travel Plan shall specify initiatives to be implemented by the development to encourage access to and from the site by a variety of non-car means, shall set targets and shall specify a monitoring and review mechanism to ensure compliance with the Travel Plan objectives.

(b) Within the timeframes specified in the agreed Travel Plan, evidence shall be submitted to demonstrate compliance with the agreed monitoring and review mechanisms.

Reason: In order that the planning authority is satisfied as to the practicality, viability and sustainability of the Travel Plan and to ensure compliance with policy D3 of the Aberdeen Local Development Plan 2012.

ADDITIONAL INFORMATIVE NOTE:

For the avoidance of doubt, this application has been considered on the basis of purpose built student accommodation representing a 'sui generis' use which is distinct from mainstream residential flats. It should be clearly understood that this building may not be occupied for any other use, including mainstream residential use, without a subsequent grant of planning permission.

The Committee heard from the planning officer in relation to the application, following which members asked various questions.

The Committee resolved:-

to refuse the recommendation on the following grounds:-

- (1) Use of materials inappropriate for adjacent conservation area;
- (2) Residents would be adversely affected by vehicle back-up from the barrier on King Street, which would have health and safety implications;
- (3) Adverse impact on amenity;
- (4) Insensitive design would encroach on neighbouring properties;
- (5) Car Club proposal would not sufficiently off-set parking problems;
- (6) Historical significance of nearby church would be affected by the development;

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

11 November 2015 2016

- (7) Height and massing issues including an overdevelopment of the site; and
- (8) Unnecessary relocation of boundary wall on Kings Crescent.

17 UNIVERSITY ROAD – SUBDIVISION AND ERECTION OF 3 BEDROOM DWELLING - 151150

2. With reference to Article 3 of the minute of meeting of the Planning Development Management Committee of 11 February 2016, wherein it had been agreed to visit the site, the Committee had before it a report by the Interim Head of Planning and Sustainable Development **which recommended:-**

That the Committee approve the application for planning permission 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.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

11 November 2015 2016

INFORMATIVE

It is recommended that no construction or demolition work take place:

- (a) outwith the hours of 0700-1900 hours Mondays to Fridays;
- (b) outwith the hours of 0900-1600 hours 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.

The Committee heard from the planning officer in relation to the application, following which members asked various questions.

The Committee resolved:-

to refuse the recommendation on the following grounds:-

- (1) Use of materials (zinc) inappropriate for a property within the conservation area; and
- (2) Density and massing of development including the subdivision of the feu is inappropriate for the area and would set a precedent.

- **COUNCILLOR ANDREW FINLAYSON, Vice-Convenor.**

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Agenda Item 3

Planning Development Management Committee

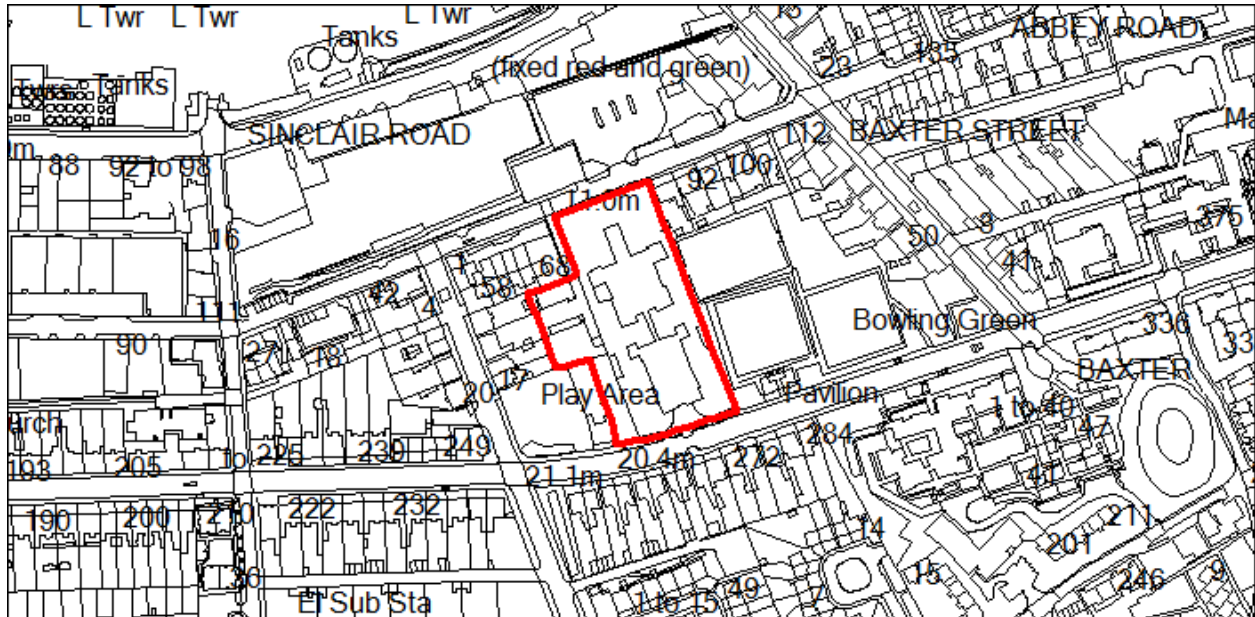
VICTORIA ROAD PRIMARY SCHOOL, TORRY

DEMOLITION OF THE EXISTING VICTORIA ROAD PRIMARY SCHOOL AND ERECTION OF 62 RESIDENTIAL UNITS, ALONG WITH OPEN SPACE, PARKING AND ASSOCIATED INFRASTRUCTURE.

For: Barratt North Scotland

Application Type: Detailed Planning Permission
Application Ref.: P151260
Application Date: 03/08/2015
Officer: Andrew Miller
Ward: Torry/Ferryhill (Y Allan/A Donnelly/J Kiddie/G Dickson)

Advert: None
Advertised on: N/A
Committee Date: 17/03/2016
Community Council : Comments



RECOMMENDATION:

Defer for Public Hearing

DESCRIPTION

The site comprises the former Victoria Road Primary School, a granite built school opened in 1873 and extended in 1905. The school is formed of two distinct parts, the original block on the northern part of the site and the more recent extension to the south, linked by a corridor. The site slopes down from the boundary with Victoria Road to the boundary with Abbey Road. The surrounding area is largely residential, though tennis courts and bowling greens bound the site to the east.

RELEVANT HISTORY

P141670 – Proposal of Application Notice (PoAN) for re-development of site for residential development along with open space, parking and associated infrastructure. In responding to the PoAN, the Council requested further consultation be undertaken.

The proposal was presented to the Pre-Application Forum on 26 January 2015, at which The Forum resolved:-

- (i) to express the importance to the applicant of continuing the consultation with local residents;
- (ii) to express the desire of the Forum for the retention and reuse of as much of the existing granite and granite façade as possible; and
- (iii) to note that the proposal was still at an early stage and to agree that the applicant could attend a future meeting to give a further, more detailed presentation if they wished.

Following on from this, the proposal was presented to the Pre-Application Forum on 16 July 2015, at which the forum resolved:

- (i) to express the desire of the Forum that the developer give consideration to the inclusion of a vehicle charging point on site;
- (ii) to suggest that the developer discuss waste management with officers in the Council's recycling team;
- (iii) to request that the developer take into consideration access and egress on to Victoria Road and Abbey Road, particularly in relation to safety concerns around any use of HGVs should the proposal be granted planning permission.

PROPOSAL

Detailed Planning Permission is sought for the demolition of Victoria Road Primary School and the erection of 62 residential units that would be split into the following:

- 23 terraced 3-bedroom houses in the northern half of the site accessed from Abbey Road.

- 39 flats over five 3-storey blocks on the southern half of the site accessed from Victoria Road.

The units would be finished in white dry dash render and grey slate effect roof tiles, though the flats would incorporate new granite into certain aspects of their elevations. The distinct split in the site would involve a difference in levels, with the northern half being elevated above the southern half of the site by approximately 2.3 metres. Both halves of the site would be connected by stairs and a ramp.

The site would incorporate 82 parking spaces (including 2 disabled spaces). The southern half would contain cycle storage and bin stores to serve the flats. 2 car club parking spaces would be provided on Victoria Road.

Within the site, there would be a loss of 6 trees though 9 trees would remain. These trees are subject to a Tree Preservation Order (TPO).

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=151260>

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

PRE-APPLICATION CONSULTATION

The proposed development was the subject to pre-application consultation in Torry Youth and Leisure Centre on 25 February 2015 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 was subject to publicity in the local press, as well as public notices being displayed in the surrounding area and notifications sent direct to 103 neighbours.

The event entailed a drop-in exhibition open to the public, with specific invites for a preview before the event sent to Torry Community Council and Torry/Ferryhill Elected Members. Whilst not everyone signed the sign in sheet at the event, it is estimated that 85 members of the public attended.

Two presentations were also given to the Council's Pre-Application Forum as detailed under Relevant History above.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because it has both been the subject of more than 20 objections, and is a development in which the Council has a financial interest, due to its ownership of the application site. The combination of these factors triggers the requirement for a report to Committee in order to seek a decision on whether or not a public hearing should be held.

CONSULTATIONS

Roads Development Management –

- Transport Statement required.
- Parking in line with standards contained in Supplementary Guidance.
- Internal road layout and junction improvements need to be to ACC standards and will be subject to Roads Construction Consent.

Environmental Health –

- Informative notes relating to construction work/piling provided.

Developer Contributions Team –

- Contributions towards affordable housing, community facilities, sport and recreation, core path network and open space sought.

Communities, Housing and Infrastructure (Flooding) –

- Clarification sought on run off rates of 30 and 200 year rainfall events.

Scottish Environment Protection Agency –

- Object as no SuDS information provided.
- Construction Environment Management Plan required by condition with any grant of consent.

Scottish Natural Heritage –

- Further survey required for bats.

Education, Culture and Sport (Educational Provision) –

- Sufficient capacity within catchment schools (Tullos Primary and Torry Academy/new “South of the City Academy”).

Torry Community Council –

Object to the application on the following basis:

1. The buildings should be retained and restored due to their architectural merit and in line with policy D4 – Aberdeen’s Granite Heritage of the ALDP.
2. Retention of buildings would enhance civic pride in Torry.
3. Marischal College was deemed to be affordable for conversion and this site should be given parity.
4. Local schools are at capacity.

5. Unsustainable for buildings to be demolished.
6. Loss of protected trees.
7. Insufficient parking on site will result in overflow to surrounding streets.
8. 2200 signed a petition against demolition and this was presented to the City Council (NOTE – not as part of this application).
9. Site would be more suited for conversion of existing buildings to low cost homes and/or offices for small business and social enterprises, a community hub or re-used as a school to solve overcrowding in existing local primary schools.
10. Wish for public hearing to be held.

REPRESENTATIONS

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

1. Loss of Granite Building
 - 1.1. Further loss of architectural heritage of old and new villages of Torry.
 - 1.2. Loss of traditional granite building.
 - 1.3. Historic significance – link to old Torry fishing boom
 - 1.4. No attempt to re-use granite from original buildings.
 - 1.5. Contrary to policy D4 of ALDP
 - 1.6. Loss of granite building will impact on City's claim of "The Granite City" and will impact on tourism potential.
 - 1.7. Retain building and landscape surrounding area
 - 1.8. Existing building should be renovated to apartments.
2. Design and Siting
 - 2.1. Overlooking of neighbouring gardens.
 - 2.2. Wish for mutual wall height to be retained.
 - 2.3. Buildings are too close to boundary with adjacent properties
 - 2.4. Bland and uninteresting architecture in blocks of flats.
 - 2.5. Design and siting would be contrary to H1 of ALDP
3. Access and Parking
 - 3.1. Additional traffic and impact on road safety
 - 3.2. Install pelican crossing nearer junction with Abbey Place rather than zebra crossing.
 - 3.3. Insufficient car parking provision and overspill to streets
4. Education Provision
 - 4.1. Remaining schools in Torry are overcrowded.
 - 4.2. Loss of a community resource.
 - 4.3. Building should be retained for education use in a deprived area of the city.
5. Pollution
 - 5.1. Site is contaminated from previous oil tanks and asbestos within school building.

- 5.2. Removal of asbestos and impact on surrounding residents.
- 5.3. Crushing of granite would breach current EEC directives relating to recycling of materials.
- 5.4. Impact of construction works on neighbours

6. Natural Heritage

- 6.1. Loss of mature trees contrary to ALDP.
- 6.2. Impact on bats

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

- Other examples of renovation of granite buildings in Aberdeen (e.g. Causewayend)
- Revisit proposal by Torry Heritage Trust
- Keep building as a school
- Damage to private property
- Fond memories of the school.
- Council has shown total disregard to retention of granite or other buildings that have an architectural impact.
- Suggested alternative uses for the building
- Internal features
- Building should have been used for offices to keep the building secure and lower risk to the asset until a final use was found for the building.
- Survived a bomb attack in WWII.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy
Creating Places
Designing Streets

Aberdeen City and Shire Structure Plan

The SDP sets out the following key objectives for the growth of the City and Aberdeenshire:

- Population growth
- Quality of the environment
- Accessibility

Aberdeen Local Development Plan

OP127 – Victoria Road Primary School
Torry Regeneration Area
I1 – Infrastructure Delivery and Developer Contributions

T2 – Managing the Transport Impact of Development
D1 – Architecture and Placemaking
D2 – Design and Amenity
D3 – Sustainable and Active Travel
D4 – Aberdeen’s Granite Heritage
H2 – Mixed Use Areas
H3 – Density
H5 – Affordable Housing
CF1 – Existing Community Sites and Facilities
NE4 – Open Space Provision in New Development
NE5 – Trees and Woodland
NE6 – Flooding and Drainage
NE8 – Natural Heritage
R7 – Low and Zero Carbon Buildings

Supplementary Guidance

Transport and Accessibility

Proposed Aberdeen Local Development Plan

OP97 – Victoria Road Primary School
D1 – Quality Placemaking by Design
D5 – Our Granite Heritage
I1 – Infrastructure Delivery and Planning Obligations
T2 – Managing the Transport Impact of Development
T3 – Sustainable and Active Travel
H2 – Mixed Use Areas
H3 – Density
H5 – Affordable Housing
CF1 – Existing Community Sites and Facilities
NE4 – Open Space Provision in New Development
NE5 – Trees and Woodland
NE6 – Flooding, Drainage and Water Quality
NE8 – Natural Heritage
R6 – Waste Management Requirements for New Development
R7 – Low and Zero Carbon Buildings, and Water Efficiency
CI1 – Digital Infrastructure

Other Relevant Material Considerations

“Permitted Development” rights for the demolition of buildings under Class 70 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

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.

Hearing Guidelines

Under Section 38A (4) of the Planning Act, the planning authority may decide to hold a hearing for any development not covered by the mandatory requirements and to give the applicant and any other person an opportunity of appearing before and being heard by the committee.

In June 2010 the Council agreed guidelines on 'When to hold public hearings in relation to planning applications'. The circumstances in which it is appropriate to hold a public hearing prior to determination of a planning application (where a pre-determination hearing is not a statutory requirement) are: (i) where the application has been the subject of more than 20 objections; and (ii) the Council has a financial interest; and / or (iii) the application is a departure from the development plan.

(i) Level of Representation

This proposal has attracted a total of 266 objections, exceeding the threshold stated in the first of these criteria.

(ii) Ownership/Financial Interest

The application site is owned by the Council and it therefore has a direct financial interest in the outcome of the application.

The combination of these two factors alone is sufficient to trigger a requirement for this report, the purpose of which is to establish whether officers consider a public hearing should be held and to make a recommendation to members accordingly. No recommendation is being made at this time in respect of the determination of the application. A later report will be presented to a future committee making such a recommendation.

On whether the proposal represents a departure from the Development Plan – the site is designated as an opportunity site within the ALDP 2012. It's designation OP127 (Victoria Road Primary School, Torry), identifies the site for sensitive residential redevelopment, though the wider zoning within the ALDP is for mixed use, with associated policy H2 requiring developments to take into account the existing uses and character of the surrounding area. The surrounding area is largely residential.

Taking these matters into account, it is concluded that the proposal does not represent a departure from the Development Plan in principle, having had regard to its zoning and the nature of the proposed development, and that detailed assessment of the finer details will establish whether there are any areas of

conflict with policy. For the purposes of this report, the proposal is not considered to represent a departure from the Development Plan.

The Council's established hearing guidelines state that the issues which require to be addressed in determining whether a hearing should be held will include 'whether the development plan policy is up to date and relevant to the matters raised, and whether these matters are material planning considerations.'

In determining the proposals, the main considerations will relate to the following:

- The loss of the granite built school with reference to Policy D4 of the adopted ALDP 2012, which contains criteria relative to the retention of granite buildings.
- The principle of the redevelopment of the site for residential use taking account of the requirements of policy H2 of the ALDP 2012 and relevant designations.
- The layout, design and form of the development, and the provision of open space. Subsequent implications of policies D1 and D2 of the ALDP 2012 and Designing Streets.
- Impact on protect trees (covered by Tree Preservation Order) and the requirements of policy NE5 of the ALDP 2012.
- Access to the site (Public Transport, Pedestrian, Cycles and Cars) and the requirements of policy T2 of the ALDP 2012 and associated Transport and Accessibility Supplementary Guidance.

Taking account of the significant number of representations received, it is considered that the most appropriate manner of addressing these concerns is to convene a hearing at which all parties will have an opportunity to state their views in front of elected members of the Planning Development Management Committee at a future date to be arranged.

RECOMMENDATION

Defer for Public Hearing

REASONS FOR RECOMMENDATION

This application relates to land currently owned by Aberdeen City Council, and has attracted a significant body of public representation, which raises a wide range of material planning considerations, relevant to the planning authority's consideration of the proposal against the Development Plan (Aberdeen Local Development Plan and Aberdeen City and Shire Strategic Development Plan).

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8th February 2016
By letter and e-mail

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

Dear Sir/Madam

Victoria Road School (151260 – revised application)

Further to our letter of objection submitted to the City Council dated 26th August 2015, we have given consideration at our meeting held on Thursday 21st January 2016 on a revised planning application submitted to the City Council involving full demolition and site clearance at Victoria Road School, and resolved to re-affirm our strong opposition to this revised proposal for total redevelopment of this site. We object to this revised planning application on the following grounds

Policy D4 – Aberdeen’s Granite Heritage

We have consistently maintained that the City Council, as the guardian of our granite heritage must stand up for Planning Policy D4 and not approve any demolition on this, or similar sites for that matter. It is our stated view that the Local Development Plan must be strengthened to ensure that there is a default to retention of granite buildings so that attention is fully focused on restoration and introduction of new uses. The City Council itself has demonstrated this sensitive approach so admirably at Marischal College where a world class example of the granite heritage fronts a new office building!

Policy R7 – Low and Zero Carbon Buildings

We re-affirm and strongly suggest that the more than adequate granite walls represents a structure that is sustainable and adaptable, and also presents a consider savings based on retention and adaption of the layout compared to complete and utter demolition.

The addition of heat- saving measures incorporated into a refit would ensure that the thermal performance of a granite building can come very close to those achieved in modern construction, save that the granite will outlast modern materials by many many generations

Policy D6 – Landscape and Policy NE5 - Trees and Woodlands

We remind the City Council that the Victoria Road school site contains a number of healthy, mature trees covered by Tree Preservation Orders (TPOs). We have photographs and records of this, and given the dwindling number of such trees, then every one of them should be retained as they provide a sense of place and location to the present setting.

The housing proposal as submitted would remove a number of the trees covered by TPOs and would no doubt be replaced by insensitive and inappropriate small trees. This should not be acceptable to anyone

Torry is a community

Torry is one of the oldest settlements in the North East with a recorded history of over one thousand years. It is not a dormitory suburb, and should this application be agreed, then the addition of more flats only erodes identity of the community that is Torry.

Please consider alternatives such as a local partnership with the community that would involve retention and conversion of these unique granite buildings which are local gems in the national crown of fine Victorian buildings. Retention enhances a source of local civic pride, whereas demolition is to impose an unwanted solution which does not fit into local need; it is merely a speculative housing development by a major house-builder. We respectfully must remind Members that a petition of some 2200 was presented to the City Council and supported a call for retention of the school buildings.

According to your own documents, Torry is a place of multiple deprivations as defined in the Scottish Index of Multiple Deprivation 2012, with well documented, specific needs. There are other potential future uses that would meet local needs and we request that they be considered and these include: -

- 1 Conversion into low-cost homes and/or offices for small businesses and social enterprises
- 2 A community hub with a focus on health and wellbeing, and the heritage of Torry
- 3 Restored as a school to alleviate the chronic overcrowding in our existing local primary schools

Conclusion

We request that any planning application that involves the demolition of the Victoria Road School buildings should not be approved by the City Council, and that immediate plans are progressed to retain and restore these fine buildings, saving a unique piece of the Victorian Granite heritage that is all that remains of the architectural and civic fabric of Old Torry. The alternative is to lose a set of beautiful buildings that are priceless and impossible to replace. Once you start to demolish, another piece of our history and heritage is lost forever!!!

We remain incredibly disappointed that low grade proposals outlined in this proposed development for the school site and adjoining land can be considered as sufficient reason to completely dis-regard the Planning Policy D4 for the protection of our granite heritage, and especially as this an important site within the catchment of Old Torry that holds great civic pride for the community of Torry, here and worldwide.

The value of our heritage is priceless and restored and maintained granite buildings will outlive many generations who will benefit from retention of these buildings. The time is now to save the granite heritage of Old Torry. Preserve the integrity and needs of Policy D4 and we request that the City Council, as planning authority rejects this (and any) scheme for demolition of the Victoria Road School buildings site.

Yours faithfully



David Fryer
Secretary

For and On Behalf of Torry Community Council
secretarytorrycommunitycouncil@gmail.com
Please follow us on Facebook and Twitter

Correspondence Address: The Secretary, Torry Community Council, 66 Abbey Road, Torry, AB11 9PE

From: [REDACTED]
To: [PI](#)
Subject: Planning Application 151260, Victoria Road School, Torry, Aberdeen.
Date: 01 February 2016 08:42:34
Attachments: [Torry letter of objection.doc](#)

Please find attached a personal objection to the above application

Regards,

George Wood



This email has been sent from a virus-free computer protected by Avast.
www.avast.com

2 Harrow Road
ABERDEEN
AB24 1UN

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

1st February 2016

Dear Sir,

Application Reference 151260, Victoria Road Primary School, Torry, Aberdeen.

I wish to object to the above application on the following grounds: -

1. The demolition of the Victoria Road School building would be the loss of a granite heritage building and would contravene Policy D.4 of the Local Development Plan.
2. The destruction of this locally important granite structure will have a negative impact on the area's visual character and the crushing of the granite material represents a loss which would breach current EEC Directives relating to the recycling of materials.
3. Due to its design, the proximity of the structures to the site's boundary line and the nature of the proposed finishes, the development would have an unacceptable detrimental effect on the character and amenity of the surrounding area and would breach Policy H1 of the Local Development Plan.
4. The development would lead to the loss of mature tress, in contravention of the principles expressed in paragraph 3.71 of the Local Development Plan.
5. The development will lead to the loss of a community resource, with the accompanying negative impact on community cohesion. The purely commercial nature of the proposal provides no offset of community gain and does not comply with the ethos of paragraph 3.51 of the Local Development Plan.

In the current economic climate, it is essential that civic efforts are made to preserve local visual and historic amenity in order to support tourism as an alternative source of income to the area. The townscape character of this area of Torry represents an untapped resource, showing the development which accompanied the fishing boom of the late 19th and early 20th Centuries and for this reason is worthy of preservation for future generations.

By reason of the clear breaches of Council Policy and to preserve our heritage and the community of Torry, I would appeal for the Planning Committee to refuse this application.

Yours sincerely,

George A. Wood

[put your address here]

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

272 GARDLENESS RD
TORRY ABERDEEN
AB11 8TD

8th February 2016

Dear Sir/Madam

Application Reference 151260, Victoria Road Primary School, Torry, Aberdeen

I would like to object to the planning application to demolish Victoria Road Primary School.

The reasons I am objecting to this planning application are:

- We should not lose a valuable granite heritage building, one which is an important part of Old Torry, an area which has had its own identity for generations. The Aberdeen City Local Development Plan policy D4 states:
 - *'The City Council will encourage the retention of granite buildings throughout the City, even if not listed or in a conservation area.'*
- The design, closeness of the proposed buildings to the site's boundary line and the nature of the proposed finish of the development would have a detrimental effect on the character and amenity of the surrounding area. The Aberdeen City Local Development Plan policy H1 states:
 - *'proposals for new residential development and householder development will be approved in principle if it:*
 - 1. does **not** constitute over development;
 - 2. does **not** have an unacceptable impact on the character or amenity of the surrounding area'
- Mature trees are going to be lost. At a time when international research is showing that fumes from traffic are killing thousands of people in the UK alone, trees are an important way of combatting this health hazard. The Aberdeen City Local Development Plan policy 3.72 states:
 - *'We will protect and enhance Aberdeen's trees'*
- 5. The development will lead to the loss of a valuable community resource. The Council needs to consider its statements in the Aberdeen City Local Development Plan policy 3.51 and 3.52:
 - *'It is important that all sectors of the community enjoy access to a wide range of facilities which support and enhance health, safety and the overall quality of life by providing essential services, resources and opportunities. The Local Development*

Plan has a role to play in guiding the providers of services and facilities on the overalland by outlining where and how facilities might be provided within the context of creating and enhancing sustainable communities.'

- *'When existing facilities fall out of use, the possibility of using the premises for alternative community uses, for which there is a demonstrable local need, should be explored. In these cases the character of the original building should be retained where it is considered to be of architectural merit and an important townscape feature.'*

I am passionate about preserving the local visual and historic amenity in Torry in order to support tourism as an alternative source of income to the area. The character of Torry represents an untapped resource, showing the development which accompanied the fishing boom of the late 19th and early 20th Centuries and for this reason is worthy of preservation for future generations. In addition, destroying yet another key granite building is eroding our claim to be 'The Granite City' as outlined in tourist publicity material:

- *'The city is also full of historical buildings with their granite grey architecture, which is why Aberdeen is also nicknamed "Granite City".'* (a European leaflet)
- Education is a way out of poverty and I would like to see this Victoria Road building continue to help those living in Torry to access education to help them gain employment. I think that a community resource centre offering English language classes, housekeeping classes, access to health education etc could greatly help my community. Please consider revisiting the proposal by the Torry Heritage Trust for a change of use to residential units, community facility and open space.

In summary, I would appeal for the Planning Committee to refuse this application.

Thank you for considering my objection to Planning application 151260.

Yours faithfully,

[put your name here]



96 BALNACRAIK AVENUE
TORRY
AB11 8SQ

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

Date: 5-2-16

Dear Sir,

Application Reference 151260, Victoria Road Primary School, Torry, Aberdeen.

I wish to object to the above application on the following grounds: -

1. The demolition of the Victoria Road School building would be the loss of a granite heritage building and would contravene Policy D.4 of the Local Development Plan.
2. The destruction of this locally important granite structure will have a negative impact on the area's visual character and the crushing of the granite material represents a loss which would breach current EEC Directives relating to the recycling of materials, and would breach Policy H1 of the Local Development Plan.
3. The development would lead to the loss of mature trees, in contravention of the principles expressed in paragraph 3.71 of the Local Development Plan.
4. The development will lead to the loss of a community resource, with the accompanying negative impact on community cohesion. The purely commercial nature of the proposal provides no offset of community gain and does not comply with the ethos of paragraph 3.51 of the Local Development Plan.

These building should be kept as an irreplaceable piece of the granite heritage of Old Torry. Such fine example of old buildings, especially schools have been kept, restored and brought back into use. Possible future uses that will meet local needs and must be considered are:

- 1 Conversion into low-cost homes or offices for small businesses
- 2 A community hub with a focus on health and wellbeing, linked to the sports centre
- 3 Restored as a school to alleviate the chronic overcrowding in the local primary schools

By reason of the clear breaches of Council Policy, to preserve our heritage and the meets local needs of the community of Torry, I would appeal for the Planning Committee to refuse this application.

Yours sincerely,

[Redacted signature block]

4 Crombie
Court
AB11 9QA

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

Date:.....

Dear Sir,

Application Reference 151260, Victoria Road Primary School, Torry, Aberdeen.

I wish to object to the above application on the following grounds: -

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By reason of the clear breaches of Council Policy, to preserve our heritage and the meets local needs of the community of Torry, I would appeal for the Planning Committee to refuse this application.

Y

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

.....Alma Senior.....
.....146, Balmogask Rd.....
.....Torry.....

Date: 8-2-2016.....

Dear Sir,

Application Reference 151260, Victoria Road Primary School, Torry, Aberdeen.

I wish to object to the above application on the following grounds: -

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By reason of the clear breaches of Council Policy, to preserve our heritage and the meets local needs of the community of Torry, I would appeal for the Planning Committee to refuse this application.

Yours sincerely,

.....
.....
.....

264 VICTORIA ROAD
ABERDEEN
AB11 9NV

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

Date: 8 FEBRUARY 2016

Dear Sir,

Application Reference 151260, Victoria Road Primary School, Torry, Aberdeen.

I wish to object to the above application on the following grounds: -

1. The demolition of the Victoria Road School building would be the loss of a granite heritage building and would contravene Policy D.4 of the Local Development Plan.
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By reason of the clear breaches of Council Policy, to preserve our heritage and the meets local needs of the community of Torry, I would appeal for the Planning Committee to refuse this application.

Yours sincerely,



[put your address here]

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

John Mann
252 VICTORIA ROAD
ABERDEEN
AB11 9NU

8th February 2016

Dear Sir/Madam

Application Reference 151260, Victoria Road Primary School, Torry, Aberdeen

I would like to object to the planning application to demolish Victoria Road Primary School.

The reasons I am objecting to this planning application are:

- We should not lose a valuable granite heritage building, one which is an important part of Old Torry, an area which has had its own identity for generations. The Aberdeen City Local Development Plan policy D4 states:
 - *'The City Council will encourage the retention of granite buildings throughout the City, even if not listed or in a conservation area.'*
- The design, closeness of the proposed buildings to the site's boundary line and the nature of the proposed finish of the development would have a detrimental effect on the character and amenity of the surrounding area. The Aberdeen City Local Development Plan policy H1 states:
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 - *'We will protect and enhance Aberdeen's trees'*

5. The development will lead to the loss of a valuable community resource. The Council needs to consider its statements in the Aberdeen City Local Development Plan policy 3.51 and 3.52:

- *'It is important that all sectors of the community enjoy access to a wide range of facilities which support and enhance health, safety and the overall quality of life by providing essential services, resources and opportunities. The Local Development*

Plan has a role to play in guiding the providers of services and facilities on the overalland by outlining where and how facilities might be provided within the context of creating and enhancing sustainable communities.'

- *'When existing facilities fall out of use, the possibility of using the premises for alternative community uses, for which there is a demonstrable local need, should be explored. In these cases the character of the original building should be retained where it is considered to be of architectural merit and an important townscape feature.'*

I am passionate about preserving the local visual and historic amenity in Torry in order to support tourism as an alternative source of income to the area. The character of Torry represents an untapped resource, showing the development which accompanied the fishing boom of the late 19th and early 20th Centuries and for this reason is worthy of preservation for future generations. In addition, destroying yet another key granite building is eroding our claim to be 'The Granite City' as outlined in tourist publicity material:

- *'The city is also full of historical buildings with their granite grey architecture, which is why Aberdeen is also nicknamed "Granite City".'* (a European leaflet)
- Education is a way out of poverty and I would like to see this Victoria Road building continue to help those living in Torry to access education to help them gain employment. I think that a community resource centre offering English language classes, housekeeping classes, access to health education etc could greatly help my community. Please consider revisiting the proposal by the Torry Heritage Trust for a change of use to residential units, community facility and open space.

In summary, I would appeal for the Planning Committee to refuse this application.

Thank you for considering my objection to Planning application 151260.

Yours faithfully,

[put your name



As Secretary for Old Torry Heritage Society I wish to object to the removal of the Granite Shell of Torry Primary School . This is part of Old Torry Heritage and the removal of this granite will be a sin.

Transport

The now proposed path or road down the west side of the building really is not acceptable it will allow vehicles to come out on to Victoria Road where in the past we have had to move the bus stop because of this danger to the public.

The exit from the gate onto Victoria Road is on a bend and is obscured to traffic coming along from the west. Vehicles going into the city will have to cross onto the south side because 99% of these vehicles will be going into town. (photo enclosed)

I suggest for safety reasons that all traffic enter and exit on Abbey Road and between the houses on Abbey Place and the play field I am sure the folk in Abbey Place would be in favour of this because it will take children away from their property.

The existing building has stood for over 125 years and would stand for another without a problem. It is going to cost approximately one hundred thousand pounds to remove the building and replace it with a poorer structure which will only last about 30 to 40 years and will have kits of plastics fittings which is not good for health. This school could be reinstated for considerably less than the proposed build and a school is badly required

We lost to the Council by only a few votes and I am sorry to say. It should have been a closed vote and we would have won the day. Please think again and think of all the Torry folk who desperately wish to retain the granite building.

John Ma
17 2 2016





1941

















PI

From: webmaster@aberdeencity.gov.uk
Sent: 20 August 2015 09:43
To: PI
Subject: Planning Comment for 151260

Comment for Planning Application 151260

Name : Aberdeen Civic Society
Address : c/o 5 Louisville Avenue
Aberdeen
AB15 4TT

Telephone : [REDACTED]

Email : info@aberdeencivicsociety.ork.uk type :

Comment : Aberdeen Civic Society objects to the proposed re-development of the former Tory Primary school. The blocks of flats, particularly the central block which is 4 stories high, is bland and uninteresting. It is blocky in appearance, and appears to be a standard design of property which has been built in many places around Aberdeen recent years and as a result does little to reflect the character of this particular site, which is fairly steeply sloped. The roofline has nothing on it to show interest and variation and introduce a vertical emphasis. In addition there is limited, if any, attempt made to re-use granite which will be taken down from the original buildings.

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From: webmaster@aberdeencity.gov.uk
To: [PI](#)
Subject: Planning Comment for 151260
Date: 09 February 2016 22:01:36

Comment for Planning Application 151260

Name : Joanna Kemp

Address : 16 Prospect Terrace

Aberdeen

AB11 7TD

Telephone :

Email : [REDACTED]

type :

Comment : This is a historic building, loved by many and is part of Aberdeen's unique character as the granite city.

Aberdeen City is supposed to be committed to preserving and celebrating its granite architectural heritage.

The council has let the building decay, despite having many years to find an alternative use. It could even have been used as a school again given that the number of children in Torry went up and the other schools became over-full.

It would be scandalous to demolish it and another example of council ineptitude and lack of commitment to sustainable development.

Cramming in a large number of new flats at a time when the local economy is suffering does not make economic or social sense either.

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From: [REDACTED]
To: [PI](#)
Subject: Application Reference 151260, Victoria Road Primary School, Torry, Aberdeen
Date: 08 February 2016 15:22:46

Dear Sir/Madam

Application Reference 151260, Victoria Road Primary School, Torry, Aberdeen

I would like to object to the planning application to demolish Victoria Road Primary School.

The reasons I am objecting to this planning application are:

We should not lose a valuable granite heritage building, one which is an important part of Old Torry, an area which has had its own identity for generations. The Aberdeen City Local Development Plan policy D4 states:

o 'The City Council will encourage the retention of granite buildings throughout the City, even if not listed or in a conservation area.'

The design, closeness of the proposed buildings to the site's boundary line and the nature of the proposed finish of the development would have a detrimental effect on the character and amenity of the surrounding area. The Aberdeen City Local Development Plan policy H1 states:

o 'proposals for new residential development and householder development will be approved in principle if it:

- 1. does **not** constitute over development;
- 2. does **not** have an unacceptable impact on the character or amenity of the surrounding area'

Mature trees are going to be lost. At a time when international research is showing that

fumes from traffic are killing thousands of people in the UK alone, trees are an important way of combatting this health hazard. The Aberdeen City Local Development Plan policy 3.72 states:

- *'We will protect and enhance Aberdeen's trees'*

5. The development will lead to the loss of a valuable community resource. The Council needs to consider its statements in the Aberdeen City Local Development Plan policy 3.51 and 3.52:

- *'It is important that all sectors of the community enjoy access to a wide range of facilities which support and enhance health, safety and the overall quality of life by providing essential services, resources and opportunities. The Local Development Plan has a role to play in guiding the providers of services and facilities on the overalland by outlining where and how facilities might be provided within the context of creating and enhancing sustainable communities.'*
- *'When existing facilities fall out of use, the possibility of using the premises for alternative community uses, for which there is a demonstrable local need, should be explored. In these cases the character of the original building should be retained where it is considered to be of architectural merit and an important townscape feature.'*

I am passionate about preserving the local visual and historic amenity in Torry in order to support tourism as an alternative source of income to the area. The character of Torry represents an untapped resource, showing the development which accompanied the fishing boom of the late 19th and early 20th Centuries and for this reason is worthy of preservation for future generations. In addition, destroying yet another key granite building is eroding our claim to be 'The Granite City' as outlined in tourist publicity material:

- *'The city is also full of historical buildings with their granite grey architecture, which is why Aberdeen is also nicknamed "Granite City".'* (a European leaflet)

Education is a way out of poverty and I would like to see this Victoria Road building continue to help those living in Torry to access education to help them gain employment. I think that a community resource centre offering English language classes, housekeeping classes, access to health education etc could greatly help my community. Please consider revisiting the proposal by the Torry Heritage Trust for a change of use to residential units, community facility and open space.

Please Note:

I'm advised that Torry Academy has been Re-zoned for housing and Walker Primary is already overcrowded; however, some views of Torry residents believe that Torry Academy will be used for educational use to address the Primary education demand.

The council bureaucrats advise/orientate of a *community hub* need in Torry, part of this so-called "Shaping Torry". If the function of planning is to *anticipate change*, why was Victoria Road School site not been maintained for various uses – even if that meant renting on the short-term such as office space to keep it secure and lower the risk to the asset (e.g. fire)? Where is this community hub to go and at what cost?

We have a situation where a suitable civic building is proposed to be lost and houses built in its place – these dwellings will contribute towards a higher demand for the civic building that this planning application aims to remove permanently; how can this be 'best value'?

In summary, I would appeal for the Planning Committee to refuse this application.

Thank you for considering my objection to Planning application 151260.

Kind regards,

Simon

Agenda Item 4

Planning Development Management Committee

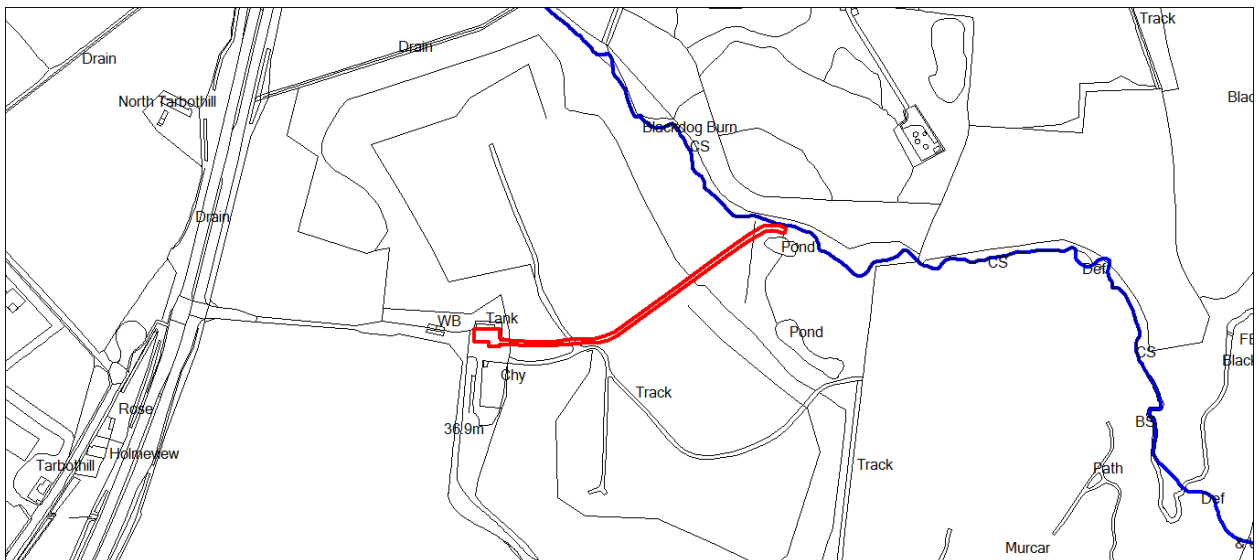
TARBOTHILL LANDFILL SITE, TARBOTHILL,
MURCAR

ERECTION OF LEACHATE PLANT,
ASSOCIATED PIPELINE, AND
LEACHATE/ACID HOLDING TANKS

For: FFC Environment (UK) Ltd

Application Type : Detailed Planning Permission
Application Ref. : P160030
Application Date: 15/01/2016
Officer: Hannah Readman
Ward : Bridge of Don (M Jaffrey/J Reynolds/S
Stuart/W Young)

Advert : Section 34 -Proj. Pub.
Concern
Advertised on: 27/01/2016
Committee Date: 17/03/2016
Community Council : No response
received



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

Tarbothill landfill site lies approximately 7km to the north of the City Centre on the north eastern extremity of the Council area, it extends to 19 hectares and is designated Green Belt. To the east is Murcar Golf course, south by Tarbothill Farm, and west by grazing land, beyond which runs the A90(T). The northern extend of the landfill site is the Blackdog Burn and beyond a grass field overlooked by around a dozen dwellings on Hareburn Terrace. This application relates specifically to a narrow strip of approximately 1752m² situated towards the middle of the landfill.

RELEVANT HISTORY

P150830 – Detailed planning permission for the erection of a reverse osmosis plant and associated works including a pipeline and leachate/acid holding tanks was approved conditionally under delegated powers in October 2015. No letters of objection were received.

P041089 – Detailed temporary planning permission was approved in October 2004 for a period of 10 years for the construction of leachate tanks and for the retention of offices, mess facilities and weighbridge portacabins. The expiry of this consent was followed by P150830 above.

PROPOSAL

This application is an alternative to the scheme approved under P150830, which sees a revised treatment plant layout, still centrally located, and a change to the length and route of the pipeline, which has been reduced from 753m in length to 296m. Essentially the pipeline takes a more direct route, rather than skirting the boundary of the landfill.

Details of the approved treatment plant remain unchanged; to summarise:

- 70m³ of leachate would be processed each day;
- Container housing equipment would measure W2.4m, L12.2m, H2.8m;
- 2 x horizontal leachate tanks each measuring W10m, L3.6m, H3.6m;
- Acid adjustment/storage tank measuring W3m, H3.4m;
- Leachate/permeate vertical tank measuring W3.8m, H3.5m.

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=160030>

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

- Supporting Planning Statement (December 2015)

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because 26 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 observations;

Environmental Health - Requested additional information in relation to noise impact, this was submitted and EH are now satisfied, no objection;

Flooding – Request SuDs condition to be added;

Scottish Environment Protection Agency – No objection, provide some general advice;

Aberdeen International Airport (safeguarding) – No objection;

Community Council – No response.

REPRESENTATIONS

26 identical letters of objection have been received. The objections raised relate to the following matters:

- Odour nuisance;
- Accidents could result in pollution of the environment;
- Discharge and treatment can have adverse effects on Blackdog Burn;
- Site is on greenbelt land and it is not acceptable to build any more industrial projects here;
- Three storage tanks in the area are not acceptable.

PLANNING POLICY

National Policy and Guidance

National Planning Framework 3

Scottish Planning Policy

Scotland's Zero Waste Plan

Planning Advice Note 33 - Development of Contaminated Land

Aberdeen City and Shire Structure Plan

Sustainable development and climate change

Aberdeen Local Development Plan

D1: Architecture and Placemaking

D6: Landscape

T2: Managing the Transport Impact of Development

NE2: Green Belt

NE6: Flooding and Drainage

R2: Degraded and Contaminated Land

R3: New Waste Management Facilities

Proposed Aberdeen Local Development Plan

D1: Quality Placemaking by Design

D2: Landscape

T2: Managing the Transport Impact of Development

NE2: Green Belt

NE6: Flooding, Drainage and Water Quality

R2: Degraded and Contaminated Land

R3: New Waste Management Facilities

Other Relevant Material Considerations

Aberdeen City Waste Strategy 2014-2025

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.

Overview

The proposed reverse osmosis leachate treatment plant and pipeline would treat 70m³ of leachate daily and discharge treated effluent into surrounding watercourses. The osmosis process treats leachate several times, separating clean water from waste. The resulting clean water would be discharged into a pond linking to Blackdog Burn, whilst the waste liquid would be removed from the site. Currently, all leachate is left untreated and taken in tankers to a processing facility in Glasgow, amounting to approximately 730 vehicle journeys a year. The proposed facility would assist in reducing this number to approximately 230 journeys a year, relating to the waste liquid only.

Visual Impact

The site forms part of the green belt and coastal undeveloped area, as designated in the adopted Local Plan. The proposals are considered 'essential infrastructure' in order to maintain and further protect the environment from possible leachate and ensure that the leachate is processed in the most sustainable manner, and is therefore acceptable in principal, in compliance with policies NE2, D6 & R2. The size of the proposed buildings and equipment are limited in the context and as small as reasonably practicable. They would be obstructed by a series of grass banks, which currently border the area of hardstanding in the centre of the facility and a security fence/gate, the details of which have been conditioned. The tanks would be dark green and the container off white, in order to remain subservient in the landscape. This small scale equipment and buildings are located with due consideration to the context, being within the existing operational area of the landfill, in compliance with policy D1. The proposed pipeline would be buried at a depth of 1m and would be 0.09m wide, having a nominal impact on the landscape, in compliance with policy D2.

Matters Raised in Representations

All letters of objection have been received from residents within Blackdog, which is situated 379m north of the proposed plant area. The proposals have been assessed by SEPA and ACC Environmental Health officers, who have raised no concerns in relation to odour or pollution. The landfill is currently subject to a SEPA Waste Management License. The proposed plant would also require a

Pollution, Prevention and Control (PPC) permit to operate, which would regulate all aspects of water, noise, odour and any air emissions. Furthermore, a condition has been applied to this consent to control any potential impact on Balmedie bathing beach, in compliance with policies NE6 and R2. Cumulatively, these measures are considered more than adequate to control activity on site.

The comment in relation to development in the green belt has been addressed above.

Conclusion

This proposal is considered to be a minor amendment of P150830, which already has permission. It raises no new issues. Rather, it is considered an improvement due to the alternative route and shorter length of the pipeline, which would cause less disruption to the landscape, in compliance with National Planning Policy. Overall, the proposal would result in a significant reduction of lorry journeys to and from the site, helping to reduce CO² emissions in compliance with policies T2 and R3 and is also considered an appropriate and sustainable way to treat leachate, in compliance with National, Regional and Local Policy and associated guidance documents.

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 this instance, no additional considerations are raised.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The principal of the development has already been established as acceptable through planning permission P150830. The revised layout and shorter pipeline proposed remains acceptable and does not raise any new considerations, remaining in compliance with National Planning Framework 3, Scottish Planning Policy, Scotland's Zero Waste Plan, Planning Advice Note 33 - Development of

Contaminated Land, Aberdeen City and Shire Structure Plan: Sustainable development and climate change, Aberdeen Local Development Plan Policies D1: Architecture and Placemaking, D6: Landscape, T2: Managing the Transport Impact of Development, NE2: Green Belt, NE6: Flooding and Drainage, R2: Degraded and Contaminated Land, R3: New Waste Management Facilities, Proposed Aberdeen Local Development Plan Policies, D1: Quality Placemaking by Design, D2: Landscape, T2: Managing the Transport Impact of Development, NE2: Green Belt, NE6: Flooding, Drainage and Water Quality, R2: Degraded and Contaminated Land, R3: New Waste Management Facilities and the Aberdeen City Waste Strategy 2014-2025.

CONDITIONS

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

1. No development shall commence until the Local Planning Authority has received and agreed in writing information in respect of the final effluent quality, microbiological loading and potential impact to Balmedie bathing beach as requested in correspondence issued by SEPA on the 2nd February 2016 and a mechanism for monitoring the agreed details during the operational life of the development hereby permitted.

Reason: To protect the environmental quality of the area.

2. No development approved by this permission shall be commenced until a SUDS design and delivery timetable has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal.

3. If the reverse osmosis plant hereby permitted ceases to operate for a continuous period of 6 months then a scheme for the decommissioning and removal of that plant and any ancillary equipment and structures relating to the reverse osmosis plant, shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the cessation period. Decommissioning shall take place in accordance with the approved scheme unless otherwise agreed in writing by the planning authority.

Reason: In the interest of the visual appearance of the area.

INFORMATIVE

In order to protect amenity of the occupants of the neighbouring residences and prevent any potential noise nuisance caused by site/ground preparation works and construction works, such operations should not occur:

- a) Out with the hours of 07:00 to 19:00 Monday to Friday;
- b) Out with the hours of 09:00 to 16:00 on Saturdays so that no noise is audible at the site boundary out with these times;
- c) During the accepted times the noise affecting residential premises is restricted to a maximum LAeq (12 hours) of 75dB.

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From: webmaster@aberdeencity.gov.uk
To: [PI](#)
Subject: Planning Comment for 160030
Date: 06 February 2016 19:35:42

Comment for Planning Application 160030

Name : Mrs Nicola Brown
Address : Shathan House
Hareburn Terrace
Blackdog
Bridge Of Don
Aberdeen
AB23 8BE

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment :

I object to this application for the following reasons

● Odour is associated with fugitive emissions which can occur outside the boundary of the installation and we could be plagued by nasty smells coming from this project.

● If any accident occurs through any failure in leachate management this could result in pollution of the environment .

● Discharge and treatment can have adverse affects on the environment . This project intends to discharge in to the Blackdog burn. Leachate contains heavy metals and highly contaminated organic substances. Sulphuric acid is also used in the process. This is of great concern.

● The proposed area sits on greenbelt land and it is not acceptable to build any more industrial projects on this old landfill site. For fourteen years Blackdog residents stared in to the hell hole of Tarbothill landfill site and we are totally against this project. We already have nineteen old landfills in the area.

● Three storage tanks in the area are not acceptable. If there is any accidental spillage this liquid is highly toxic and bad for the environment.

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From: webmaster@aberdeencity.gov.uk
To: [PI](#)
Subject: Planning Comment for 160030
Date: 04 February 2016 22:25:43

Comment for Planning Application 160030

Name : Mr K. Robb
Address : 23 Hareburn Road,
Blackdog,
Bridge of Don,
Aberdeen,
AB23 8AR

Telephone :

Email : [REDACTED]

type :

Comment : Erection of Reverse Osmosis Leachate Treatment Plant & Associated Pipeline
& Leachate/Acid Tank

THIS IS AN OBJECTION

1. Odour is associated with fugitive emissions which can occur outside the boundary of the installation & we could be plagued by nasty smells coming from this project.
2. If an accident occurs through any failure in Leachate management this could result in pollution of the environment.
3. Discharge & treatment can have adverse effects on the environment. This project to discharge into the Blackdog burn. Leachate contains heavy metals & highly contaminated organic substances. Sulphuric acid is also used in the process. This is of great concern.
4. The proposed area sits on greenbelt land & it is not acceptable to build any more industrial projects on this old landfill site. For 14 years Blackdog residents stared into the Tarbothill landfill site & we are totally against this project. We already have 19 old landfills in the area.
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APPLICATION NO 160030

ERECTION OF REVERSE OSMOSIS LEACHATE TREATMENT PLANT AND
ASSOCIATED PIPELINE AND LEACHATE /ACID TANKS

THIS IS AN OBJECTION
SITE AT TARBOTHILL

- Odour is associated with fugitive emissions which can occur outside the boundary of the installation and we could be plagued by nasty smells coming from this project.
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Aberdeen City Council
Planning Department
Marischall College
Broad Street
Aberdeen

Signature

Signature

Date.....

Address.....

Blackdog

Bridge of Don

Aberdeen

AB23 8AR

APPLICATION NO 160030

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Aberdeen City Council
Planning Department
Marischall College
Broad Street
Aberdeen

Signature..... 

Signature..... 

Date..... 27-1-16

Address..... 59 HARRISON ROAD

..... BLACKDOG

..... AB23 9AB

APPLICATION NO 160030

ERECTION OF REVERSE OSMOSIS LEACHATE TREATMENT PLANT AND
ASSOCIATED PIPELINE AND LEACHATE /ACID TANKS

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Aberdeen City Council
Planning Department
Marischall College
Broad Street
Aberdeen

Signature

Signature...

Date.....

Address.....

.....

.....


APPLICATION NO 160030


ERECTION OF REVERSE OSMOSIS LEACHATE TREATMENT PLANT AND
ASSOCIATED PIPELINE AND LEACHATE /ACID TANKS

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Aberdeen City Council
Planning Department
Marischall College
Broad Street
Aberdeen

Signature: 

Signature: 

Date: 25/1/16

Address: 5B Hareburn Rd.

Blackdog

Aberdeenshire

AB23 8AR

APPLICATION NO 160030

ERECTION OF REVERSE OSMOSIS LEACHATE TREATMENT PLANT AND
ASSOCIATED PIPELINE AND LEACHATE /ACID TANKS

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Aberdeen City Council
Planning Department
Marischall College
Broad Street
Aberdeen

Signature. [REDACTED]

Signature..... [REDACTED]

Date... 25/1/2016

Address.. 6B HAREBURN ROAD

BLACKDOG ABERDEEN

AB23 8AR


APPLICATION NO 160030


ERECTION OF REVERSE OSMOSIS LEACHATE TREATMENT PLANT AND
ASSOCIATED PIPELINE AND LEACHATE /ACID TANKS

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SITE AT TARBOTHILL

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- If any accident occurs through any failure in leachate management this could result in pollution of the environment .
- Discharge and treatment can have adverse affects on the environment . This project intends to discharge in to the Blackdog burn. Leachate contains heavy metals and highly contaminated organic substances. Sulphuric acid is also used in the process. This is of great concern.
- The proposed area sits on greenbelt land and it is not acceptable to build any more industrial projects on this old landfill site. For fourteen years Blackdog residents stared in to the hell hole of Tarbothill landfill site and we are totally against this project. We already have nineteen old landfills in the area.
- Three storage tanks in the area are not acceptable. If there is any accidental spillage this liquid is highly toxic and bad for the environment.

Aberdeen City Council
Planning Department
Marischall College
Broad Street
Aberdeen

Signature. 

Signature. 

Date..... 25/11/2016

Address..... 5 Hareburn Terrace

Blackdog

Aberdeen AB23 8BE

APPLICATION NO 160030

ERECTION OF REVERSE OSMOSIS LEACHATE TREATMENT PLANT AND
ASSOCIATED PIPELINE AND LEACHATE /ACID TANKS

THIS IS AN OBJECTION
SITE AT TARBOTHILL

- Odour is associated with fugitive emissions which can occur outside the boundary of the installation and we could be plagued by nasty smells coming from this project.
- If any accident occurs through any failure in leachate management this could result in pollution of the environment .
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Aberdeen City Council
Planning Department
Marischall College
Broad Street
Aberdeen

Signature.....

Signature.....

Date.....

Address..... "EANDA" HAREBUAN...

...TERRACE, BLACKDOG, ABERDEEN,

ABERDEENSHIRE AB23 8BE

APPLICATION NO 160030

ERECTION OF REVERSE OSMOSIS LEACHATE TREATMENT PLANT AND ASSOCIATED PIPELINE AND LEACHATE /ACID TANKS

THIS IS AN OBJECTION SITE AT TARBOTHILL

- Odour is associated with fugitive emissions which can occur outside the boundary of the installation and we could be plagued by nasty smells coming from this project.
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- Three storage tanks in the area are not acceptable. If there is any accidental spillage this liquid is highly toxic and bad for the environment.

Aberdeen City Council
Planning Department
Marischall College
Broad Street
Aberdeen

Signature. [Redacted]

Signature [Redacted]

Date. 25 JAN 2016

Address. 17 HARBOUR ROAD

BLACK DOG

ABERDEEN SHIRE AB23 8AR



P&SD Letters of Representation		
Application Number:		
RECEIVED 28 JAN 2016		
Nor	Soj	MAO
Case Officer Initials:		
Date Acknowledged:		

Agenda Item 5

Planning Development Management Committee

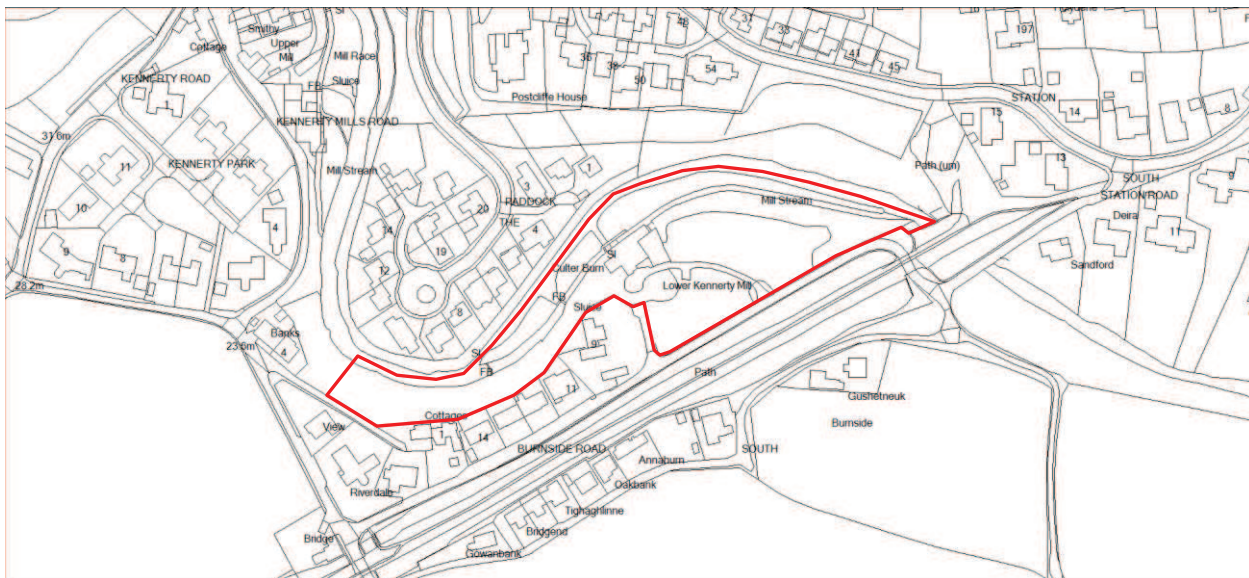
LOWER KENNERTY MILL, 8 BURNSIDE ROAD

PROPOSED TWO STOREY EXTENSION TO
SIDE OF EXISTING DWELLINGHOUSE.

For: Client of Fitzgerald + Associates Ltd

Application Type : Detailed Planning Permission
Application Ref. : P151766
Application Date: 09/11/2015
Officer: Ross McMahon
Ward : Lower Deeside (M Boulton/A Malone/M
Malik)

Advert : Section 60/65 - Dev aff
LB/CA
Advertised on: 18/11/2015
Committee Date: 17/03/2016
Community Council : Comments



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The application property is a former mill – now in domestic use – located to the north of Burnside Road, and comprises a category C listed, two-and-a-half storey dwelling of slate and granite construction set within a large open area of land bound to the north by Culter Burn. The site lies within a Residential Area as identified in the adopted Aberdeen Local Development Plan 2012.

RELEVANT HISTORY

A corresponding Listed Building Consent application (ref. P151767), which includes internal alterations in addition to the erection of an extension, is currently under consideration by the Planning Authority.

PROPOSAL

Planning permission is sought for the erection of a two-storey side extension to the north-west (side) elevation of the property. The extension would accommodate a new swimming pool at ground floor/basement level and an open plan kitchen/living space at upper floor level.

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=151766>

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

- Environmental Walkover Survey
- Bat Survey

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee as a formal objection to the proposal has been received from the Culter Community Council and officers' recommendation is for approval. Accordingly, the application falls out with the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No observations.

Environmental Health – No observations.

Communities, Housing and Infrastructure (Flooding) – Notes that the proposed extension would be partially located within a Medium to High Risk Flood Zone as indicated by SEPA fluvial and coastal flooding maps. Request that a Flood Risk Assessment (FRA) should be submitted. Requests that full surface water drainage proposals for the development are submitted, including any proposed SuDS facilities.

Community Council – Object to the proposal, as submitted, on the following grounds: unsympathetic design not in keeping with the architectural integrity of the original building; concerns with the structural integrity of the building resulting from the formation of a swimming pool, sauna and steam room; requests that the site sub-strata is investigated; suggests that a separate building should be erected to facilitate the applicants requirements.

REPRESENTATIONS

A petition has been received in connection with the application. The matters raised relate to the following:

1. Potential impact of the development on the flow of Culter Burn when in spate and flood risk;
2. Concerns with regard to existing trees on site.

PLANNING POLICY

National Policy and Guidance

- Scottish Planning Policy (SPP)
- Scottish Historic Environment Policy (SHEP)

Aberdeen Local Development Plan

- Policy D1 – Architecture and Placemaking
- Policy H1 – Residential Areas
- Policy D5 – Built Heritage
- Policy NE6 – Flooding and Drainage
- Policy NE8 – Natural Heritage

Other Material Considerations

- Supplementary Guidance: Householder Development Guide
- Historic Environment Scotland's (HES): 'Managing Change in the Historic Environment – Extensions'

Proposed Aberdeen Local Development Plan

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

- D1 – Quality Placemaking by Design (*D1 – Architecture and Placemaking in adopted LDP*);
- H1 – Residential Areas (*H1 – Residential Areas in adopted LDP*);
- D4 – Historic Environment (*D5 – Built Heritage in adopted LDP*);
- NE6 – Flooding, Drainage and Water Quality (*NE6 – Flooding and Drainage in adopted LDP*);
- NE8 – Natural Heritage (*NE8 – Natural Heritage in adopted LDP*).

EVALUATION

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

Principle of Development

The application site is located within an area zoned for residential use in the adopted Aberdeen Local Development Plan 2012, and relates to an existing dwelling. The principle of extending an existing dwellinghouse is therefore acceptable, subject to an appropriate form and appearance. In determining what constitutes an acceptable form and appearance, the aforementioned national and local planning policies and associated supplementary guidance will be of relevance.

D1 – Architecture and Placemaking

The proposed extension is considered to be architecturally compatible with the existing property and the surrounding area in terms of design, size, scale, massing and use of materials. The proposed side extension takes cues from the existing dwelling in terms of design, form, scale, materials, roof pitch and window style/proportions and would present itself as a subservient and visually separate element from the property by virtue of recessed glazed links to its south and east elevations. It should be noted that the extension would lie within a sunken courtyard space, sitting at a lower level to the access road. As such, the visual impression of the proposal would be that of a single storey extension, further reducing its impact when viewed on approach from Burnside Road. Accordingly, the proposal demonstrates due regard for the existing property and the wider context in accordance with Policy D1 (Architecture and Placemaking).

H1 – Residential Areas

The proposal is considered to adhere to Policy H1 (Residential Areas) and the Council's supplementary guidance on householder development for the following reasons:

1. As discussed under Policy D1 (Architecture and Placemaking), all elements of the proposal are considered to be architecturally compatible in design and scale with the original property.
2. All neighbouring properties are located sufficiently distant from the proposal to ensure no significant detrimental impact in terms of loss of daylight to habitable windows.

Turning to the impact to adjacent properties in terms of overshadowing, the orientation of the proposal and its distance are important factors. The size, form and orientation of the proposal are such that there would be no additional impact relating to overshadowing of private rear garden ground or habitable room windows to surrounding properties.

Given the open nature of the site and the orientation of the proposal, it is not considered that the formation of south and west facing windows – in addition to a first floor balcony – would create any opportunity for overlooking of neighbouring properties.

3. The built footprint of the property, as extended, would not double its original footprint.
4. No more than 50% of the rear and/or front curtilage of the development would be covered by development.

D5 – Built Heritage

Proposals affecting Listed Buildings will only be permitted if they comply with Scottish Planning Policy. The proposal is considered to comply with Historic Environment

Scotland's *'Managing Change in the Historic Environment – Extensions'* in that it would protect the character and appearance of the building; would be subordinate in scale and form; would be located on a secondary elevation and would be designed in a high-quality manner using appropriate and sympathetic materials. Accordingly, it is considered that the proposal complies with Policy D5 (Built Heritage) in that the character of the listed building would be protected.

NE6 – Flooding and Drainage

With regard to the comments received from the Council's Flooding Team, it is noted that the proposed extension would be partially located in a Medium to High Risk Flood Zone with an annual probability of fluvial flooding of 0.5% or greater (1 in 100 and 1 in 200 years). SPP states that the planning system should prevent development which would have a significant probability of being affected by flooding or would increase the probability of flooding elsewhere, and discourages the piecemeal reduction of the functional floodplain given the cumulative effects of reducing storage capacity.

SPP goes on to state that alterations and small-scale extensions to existing buildings are outwith the scope of this policy, provided that they would not have a significant effect of the storage capacity on the storage capacity of the functional floodplain or local flooding problems.

It is noted that this application relates to the extension of an existing residential dwelling, and therefore would not represent a material intensification of that existing land use nor the introduction of a new use within an area at risk of flooding. While the principle of erecting a new dwelling in this location would not be acceptable for the reasons noted above, the existing mill is situated within a Medium to High Risk Flooding Zone, and is currently subject to this level of flooding risk.

In this instance, and in light of SPP, it is not considered that the proposal would increase the number of buildings at risk of flooding, nor significantly increase the probability of flooding to this property specifically. It would not have a significant impact on the storage capacity of the floodplain on which it would be located, nor would it materially exacerbate local flooding issues given its modest size and scale. Accordingly, the officers consider the request for a FRA in connection with the development to be unnecessary.

It has been found necessary to add a condition to the consent requiring that full surface water drainage proposals for the development are submitted which include the provision of any proposed SuDS facilities for the purposes of ensuring that surface water runoff is adequately managed.

NE8 – Natural Heritage

An Environmental Walkover Survey was submitted with the application and identified that the application property has good bat roost potential. As such, and given the

properties' location next to a watercourse and semi-mature woodland, it was considered necessary to request a Bat Survey. A further survey was submitted by the applicant which concluded that the Lower Kennerty Mill roof and wallheads have very little bat roost potential, where development is proposed, to the satisfaction of the Council's Environment Team and in accordance with Policy NE8 – Natural Heritage.

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, proposed policies D1 (Quality Placemaking by Design), H1 (Residential Areas), D4 (Historic Environment), NE6 (Flooding, Drainage and Water Quality) and NE8 (Natural Heritage) substantively reiterate policies, D1 (Architecture and Placemaking), H1 (Residential Areas), D5 (Built Heritage), NE6 (Flooding and Drainage) and NE8 (Natural Heritage) of the adopted Aberdeen Local Development Plan and therefore raise no additional material considerations.

Matters Raised in Representations and the Community Council

All matters raised in respect of design, scale, massing, use of materials etc. have been addressed in the evaluation sections of this report.

There is no statutory requirement for an applicant to submit information to the Planning Authority relating to the proposed building structure or potential structural implications associated with the development, or any subsequent complications relating to property maintenance that result from development. Separate legislation dictates the manner in which structure implications are assessed, such as via a building warrant etc.

There is no statutory requirement for the Planning Authority to notify SEPA for the erection of a domestic extension in this location. All matters relating to flooding and drainage issues are undertaken by the Council's Flooding section, who have not raised any concerns in respect of the proposed extension.

Matters relating to the potential increase in flood risk associated with existing trees on the south side of Culter Burn are not material to this application. Any proposed works to existing trees forming part of the TPO would be subject to a Tree Work application, separate from a detailed application for planning permission. Furthermore, the onus is on the landowner to ensure that any necessary work is undertaken.

Full regard has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify further amendments to the plans or refusal of the application

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposal would comply with the relevant policies of Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking), D5 (Built Heritage) and H1 (Residential Areas) in addition to the Council's Supplementary Guidance: Householder Development Guide and would preserve the character of the Listed Building in line with the principles of Historic Scotland's SHEP and associated guidance. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations that would warrant refusal of the application. Full regard has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify further amendments to the plans or refusal of the application.

CONDITIONS

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

(1) that no development shall take place until a sample of the granite proposed to the extension walls and slate to the proposed roof; and additionally, specification of all proposed venting and cast iron rainwater goods hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

(2) that no development shall take place unless a scheme for all proposed drainage design and method of discharge of all surface water in connection with the development 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.

INFORMATIVES

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

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

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

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Your Ref: 000133654-001 & 002 Our
Ref: CCC/DJW/P151766 & 7
Contact: David Wakefield

David J. Wakefield
Chairperson and Planning Liaison Officer
95 North Deeside Road, Peterculter,
Aberdeen, AB140QL

Tel: 01224 733273; Mob: 07843258732

David.wakefield@wakefieldclarke.co.uk

12th December 2015

Aberdeen City Council

**Planning & Sustainable
Development**

**Communities Housing and
Infrastructure**

Aberdeen City Council Business Hub
4, Ground Floor North, Marischal
College, Broad Street Aberdeen
AB10 1AB.

Attn: Ross McMahon, Case Officer

Dear Sir,

The Town & Country Planning (Scotland) Act 1997; Application Numbers P151766 (Listed Buildings Consent) and P151767 (Detailed Planning Permission) Lower Kennerty Mill, 8 Burnside Road, Peterculter: - Alterations to form swimming pool/ sauna/ steam room/ changing room and garden store to lower ground floor, with kitchen/ garden room at ground floor and Proposed two storey extension to side of existing dwelling.

These Applications were reviewed in detail together by Culter Community Council Planning Sub-Group (CCCPSG). The following objections and concerns were raised and approved by members of CCC:

- CCC object to these proposals on the grounds that the plans are not in keeping with the architectural heritage of the original building, the only surviving building of this unique design in Culter and part of its industrial and agricultural heritage. A key feature of our Community and local walks it is highlighted in The Culter Heritage Centre (a Community owned charitable trust dedicated to recording and preserving the heritage of Culter and its environs which attracts many visitors annually).
- The design, appearance, massing and finishes of the proposed external alterations are out of keeping with the original building. The double height glazed screens joining the extension to the Mill and scale of glazing to the east side of the proposed extension are out of character and context.
- Deep concern was expressed regarding the long term integrity of the original structure if swimming pool, sauna and steam rooms are incorporated into this listed building. Precautions required to ensure long term survival of original materials of construction in the environment created by such facilities involving the processing, chemical treatment and heating of water and the use of steam creating levels of humidity in which the original structural woodwork and lime based mortars cannot survive for extended periods are not

specifically addressed. CCC feel that such facilities should be incorporated in a completely separate building.

Should ACC Planning Development Management Committee (PDMC) seek to approve these applications then CCC urge that development be conditional on a separate building which preserves the original building external features and either boldly contrasts or is in keeping with the original architecture.

CCC urges ACC PDMC to investigate the sub-strata of this site as it has been advised by long term local residents that much of the original Culter Burn flood plain area to the east and south between Culter Burn and the old Deeside Railway Line was (now Deeside Way) used as a general dump and landfill for the now defunct Culter Paper Mill in years gone by. Apparently ground levels were raised considerably but the nature and extent of waste involved is not clear therefore caution is advised.

It is also noted that ongoing work by Dee Salmon Fisheries Board in the Culter Burn catchment area, sponsored by local business interests and donors, has led to an increase in salmon and sea trout migration up the Burn beyond the current limits of the River Dee Special Conservation Area at the Culter Dam. Work is currently underway throughout the catchment area to enhance fish migration and spawning and understood to lead to inclusion of the whole catchment in a revised Special Conservation Area.

Yours faithfully,

DJWakefield

David J. Wakefield

Chairperson and Planning Liaison Officer,

Culter Community Council

CC: Councillors Malik, Boulton & Malone.

Will Burnish, ACC Flood Prevention Team Leader

River Dee Salmon Fisheries Board

SEPA

-----Original Message-----

From: webmaster@aberdeencity.gov.uk [<mailto:webmaster@aberdeencity.gov.uk>]

Sent: 09 December 2015 18:45

To: PI

Subject: Planning Comment for 151766

Comment for Planning Application 151766

Name : David John Wakefield

Address : Culter Community Council

Chair and Planning Liaison Officer

95 North Deeside Road Peterculter

Aberdeen

Ab140QL

Telephone :

Email :

type :

Comment : CCC object to this proposal on the grounds that it is totally out of character with the architecture and style of this listed building, one of the few remaining original examples of the industrial heritage of Culter and our city. This proposal together with the proposal under separate application to add a swimming pool would fundamentally alter and impair the basic nature of this rare, unique, valuable and historic building which should be preserved in its original layout and protected as intended for future generations.

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Representation on Application no 151766 (Local Authority Reference: 000133654-001)

Proposed two storey Extension to side of existing dwelling house (Lower Kennerty Mill)

Submission made on 14th December 2015 on behalf of:

Graham & Connie Brown	1, The Paddock	01224 734744	gcc.brown@btinternet.com
Neil & Susan Chalmers	2, The Paddock	01224 734551	n.a.chalmers@gmail.com
Steve & Janice Macklin	4, The Paddock	01224 734659	macklinsjgm@btinternet.com
Kenny & Jennifer Watson	5, The Paddock	01224 734662	jenniferwatson@btinternet.com

1 Background

1.1 This document is primarily a response to invitation to submit representations on the proposed extension to Lower Kennerty Mill. Having received the notification in the post, a number of us (residents of The Paddock) met with Mr Gordon Brown of Drumrossie Land Development (the developer) to discuss the proposal and a number of additional issues of mutual interest. This note may therefore also be treated as an *aide memoire* on the full extent of our discussions.

2 The Proposed extension to the building

2.1 We have no objection to the proposed extension to the mill property, as outlined in the documents available at <http://planning.aberdeencity.gov.uk/planningdetail.asp?ref=151766>. The extension will not be visible from any of the properties in The Paddock and so presents negligible impact on the amenity of our properties.

3 Possible impact on flood risk

3.1 The mill occupies a site on the south bank of the Culter Burn (“the burn”). The Paddock properties are all on the north bank. On receiving notification of the planning application, our immediate concern was the possible impact of the development on flow of the burn when it is in spate; specifically, any possible flood protection measures for the mill that would place the north bank at greater risk of flooding. This can be illustrated by the photograph below (Figure 1) which was taken on 23rd December 2012 when the river was in flood. The mill is on the left hand side and No 1 The paddock on the right.

Figure 1



3.2 The water was able to spill over the raised strip of land between the burn and the mill tail race downstream of the mill and this provided a measure of protection for the properties in The Paddock. The

southern bank of the mill stream itself, is higher than the north bank of the burn and so the area of the proposed extension is likely to be adequately protected in any case.

3.3 Downstream of the mill are a number of fallen trees which could impede the flow of the burn (see Figure 2). Mr Brown (of Drumrossie) indicated that he would remove these. He also suggested that he may clear the mill tail race itself, so improving the water flow. This would probably be done in conjunction with a refurbishment of the mill lade (head race) and the mill wheel itself, should this be viable. The mill workings (wheel, lade, sluice gates, diversion weir etc.) are in a dilapidated state and their renovation would be a welcome development.

3.4 **For clarity, we wish to state that it is our understanding that the proposed development does not include any flood defence measures that would increase the risk to properties in The Paddock and it is on this basis we that record no objection to the proposal.**

Figure 2



3.5 With respect to flood risk on **both** banks of the burn in the vicinity of the mill, we noted that the constricted flow at the bridge (Figure 3) is a problem as it causes flood water to back up. This is not the responsibility of the owner of Lower Kennerty Mill but we consider it worthy of mention in this context as all parties would benefit from improved water flow under the bridge.

Figure 3



4 Trees

4.1 There are a number of trees on the south bank of the burn which have caused us concern for a number of years. Our meeting with Mr Brown provided an opportunity to discuss these. Some of the trees have root systems which have been progressively undermined by the water flow. (See figures 4, 5 & 6) These potentially weakened trees, were they to fall, could damage the mill itself or No 1 The Paddock. Mr Gordon Brown (Drumossie Dev.) agreed to ask his arboricultural consultant to investigate this further and advise accordingly.

Figure 4 Trees with exposed roots (a)



Figure 5 Trees with exposed roots (b)



Figure 6 Trees with exposed roots (c)



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Agenda Item 6

Planning Development Management Committee

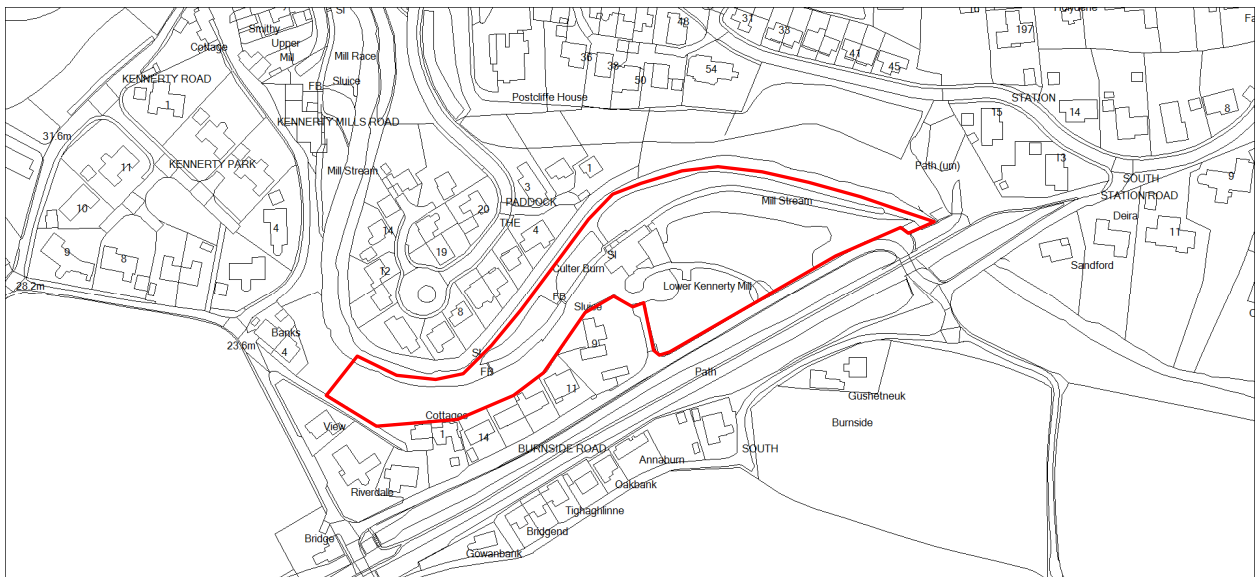
LOWER KENNERTY MILL, 8 BURNSIDE ROAD,
PETERCULTER

ALTERATIONS AND EXTENSION TO FORM
SWIMMING POOL / SAUNA / STEAM ROOM /
CHANGING ROOM AND GARDEN STORE TO
LOWER GROUND FLOOR, WITH KITCHEN /
GARDEN ROOM AT GROUND FLOOR.

For: Client of Fitzgerald + Associates Ltd

Application Type : Listed Building Consent
Application Ref. : P151767
Application Date: 09/11/2015
Officer: Ross McMahon
Ward : Lower Deeside (M Boulton/A Malone/M
Malik)

Advert : Listed Building
Advertised on: 18/11/2015
Committee Date: 17/03/2016
Community Council : Comments



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The application property is a former mill – now in domestic use – located to the north of Burnside Road and to the south-east of Culter Burn, comprising a category C listed, two-and-a-half storey dwelling of slate and granite construction. The site lies within a Residential Area as identified in the adopted Aberdeen Local Development Plan 2012.

RELEVANT HISTORY

A corresponding detailed application for planning permission (ref. P151766) for the erection of an extension and alterations is currently under consideration by the Planning Authority.

PROPOSAL

Listed building consent is sought for the erection of a two-storey side extension to the north-west (side) elevation of the property. The extension would accommodate a new swimming pool at ground floor/basement level and an open plan kitchen/living space at upper floor level, resulting in the removal of original granite walling to the existing east facing elevation of the property and a number of roof alterations.

Consent is also sought for the removal of a false east facing waterwheel and for the relocation of an existing timber arched doorway and door in its place.

Listed building Consent is also sought for various internal alterations to the property, including the removal of two windows to form access to the proposed extension at ground floor level, the erection of partitioning to the lower ground floor to create a changing room, steam room and sauna in connection with the proposed pool area. A specialist ventilation system is to be installed to facilitate the steam room, sauna and changing area, terminating in grille vents to the exterior of the north elevation of the property.

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=151767>

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 as a formal objection to the proposal has been received from the Culter Community Council and officers' recommendation is for approval.

Accordingly, the application falls out with the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No observations.

Environmental Health – No observations.

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

Community Council – Object to the proposal, as submitted, on the following grounds: unsympathetic design not in keeping with the architectural integrity of the original building; concerns with the structural integrity of the building resulting from the formation of a swimming pool, sauna and steam room; requests that the site sub-strata is investigated; suggests that a separate building should be erected to facilitate the applicants requirements.

PLANNING POLICY

National Policy and Guidance

- Scottish Planning Policy (SPP)
- Scottish Historic Environment Policy (SHEP)

Aberdeen Local Development Plan

- Policy D5 – Built Heritage

Other Material Considerations

- Historic Environment Scotland's (HES): 'Managing Change in the Historic Environment – Extensions'
- Historic Environment Scotland's (HES): 'Managing Change in the Historic Environment – Roofs'
- Historic Environment Scotland's (HES): 'Managing Change in the Historic Environment – Walls'
- Historic Environment Scotland's (HES): 'Managing Change in the Historic Environment – Interiors'

Proposed Aberdeen Local Development Plan

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

- D4 – Historic Environment (*D5 – Built Heritage in adopted LDP*).

EVALUATION

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

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.

D5 – Built Heritage

The overall size, scale and form of the proposed side extension are considered to be acceptable in relation to the existing dwelling and are of a high quality design which is considered to be sympathetic and complementary to the listed property and its setting generally. The proposed materials are considered to be acceptable and would replicate those found on the original property as far as reasonably practicable. The proposed extension is considered to be secondary to the original property by way of its overall height, scale and form and it is not considered that it would compromise the visual character or integrity of the property.

The overall design, scale, massing and materials of the proposed extension are considered to comply with Historic Environment Scotland's *'Managing Change in the Historic Environment – Extensions'* in that the extension would protect the character and appearance of the building; would be subordinate in scale and form; would be located on a secondary elevation and would be designed in a high-quality manner using appropriate materials.

The proposed roof alterations required to accommodate the extension, including the removal of an existing, unoriginal dormer, are considered to be relatively minor in nature and would not compromise the overall visual integrity of the building and as such, are considered to comply with Historic Environment Scotland's *'Managing Change in the Historic Environment – Roofs'*.

The removal of the 'false' east facing water wheel and replacement with a relocated external door and archway is considered to be an improvement to the property, removing unoriginal fabric whilst maintaining original elements that would otherwise be lost as part of the development. It is therefore not considered

that the proposed alterations would negatively affect the visual composition of the existing east facing wall, in accordance with Historic Environment Scotland's *'Managing Change in the Historic Environment – External Walls'*.

The location of the proposed wall vents to the north elevation of the property and are considered to be acceptable, and would not have a significant detrimental impact on the character or appearance of the listed building given that they would be sited on a discreet, non-public elevation not readily viewable from public, and would be inconspicuous when installed within the existing building fabric, in accordance with Historic Environment Scotland's *'Managing Change in the Historic Environment – External Walls'*. It has been found necessary to add a condition to the consent requesting further information specifying the external vent/grille products to be used.

The formation of additional rooms and erection of partition walls at lower ground floor level would have a neutral impact on the property and would utilise existing dilapidated spaces, allowing for a modern adaption of an existing floor layout. With the exception of the room containing the machinery associated with the original wheel (to be left as is), the alterations to the floor layout would not unduly compromise the original plan form of the property's main principle apartments, in accordance with Historic Environment Scotland's *'Managing Change in the Historic Environment – Interiors'*. Additionally, the erection of partitioning to the remainder of the lower ground floor is considered to be minimal, unobtrusive and would not unduly compromise the overall existing plan form of the property, allowing it to return to the original layout form in the future if required.

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, proposed policies D5 (Built Heritage) substantively reiterate policies D4 (Historic Environment) of the adopted Aberdeen Local Development Plan and therefore raise no additional material considerations.

Matters Raised by the Community Council

All matters raised in respect of design, scale, massing, use of materials etc. have been addressed in the evaluation sections of this report.

There is no statutory requirement for an applicant to submit information to the Planning Authority relating to the proposed building structure or potential structural implications associated with the development, or any subsequent complications relating to property maintenance that result from development. Separate legislation dictates the manner in which structure implications are assessed, such as via a building warrant etc.

Full regard has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify further amendments to the plans or refusal of the application

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposal would comply with the relevant policies of Aberdeen Local Development Plan 2012, namely Policies D5 (Built Heritage) in that it would ensure the special architectural and historic character of the building which would be suitably maintained, and its appearance preserved and improved in line with the principles of Historic Environment Scotland's SHEP and associated 'Managing Change' guidance. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations – including the Proposed Aberdeen Local Development Plan – that would warrant refusal of the application.

CONDITIONS

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

(1) that no development shall take place until a sample of the granite proposed to the extension walls and slate to the proposed roof; and additionally, specification of all proposed venting and cast iron rainwater goods hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

Your Ref: 000133654-001 & 002 Our
Ref: CCC/DJW/P151766 & 7
Contact: David Wakefield

David J. Wakefield
Chairperson and Planning Liaison Officer
95 North Deeside Road, Peterculter,
Aberdeen, AB140QL

Tel: 01224 733273; Mob: 07843258732

David.wakefield@wakefieldclarke.co.uk

12th December 2015

Aberdeen City Council

**Planning & Sustainable
Development**

**Communities Housing and
Infrastructure**

Aberdeen City Council Business Hub
4, Ground Floor North, Marischal
College, Broad Street Aberdeen
AB10 1AB.

Attn: Ross McMahon, Case Officer

Dear Sir,

The Town & Country Planning (Scotland) Act 1997; Application Numbers P151766 (Listed Buildings Consent) and P151767 (Detailed Planning Permission) Lower Kennerty Mill, 8 Burnside Road, Peterculter: - Alterations to form swimming pool/ sauna/ steam room/ changing room and garden store to lower ground floor, with kitchen/ garden room at ground floor and Proposed two storey extension to side of existing dwelling.

These Applications were reviewed in detail together by Culter Community Council Planning Sub-Group (CCCPSG). The following objections and concerns were raised and approved by members of CCC:

- CCC object to these proposals on the grounds that the plans are not in keeping with the architectural heritage of the original building, the only surviving building of this unique design in Culter and part of its industrial and agricultural heritage. A key feature of our Community and local walks it is highlighted in The Culter Heritage Centre (a Community owned charitable trust dedicated to recording and preserving the heritage of Culter and its environs which attracts many visitors annually).
- The design, appearance, massing and finishes of the proposed external alterations are out of keeping with the original building. The double height glazed screens joining the extension to the Mill and scale of glazing to the east side of the proposed extension are out of character and context.
- Deep concern was expressed regarding the long term integrity of the original structure if swimming pool, sauna and steam rooms are incorporated into this listed building. Precautions required to ensure long term survival of original materials of construction in the environment created by such facilities involving the processing, chemical treatment and heating of water and the use of steam creating levels of humidity in which the original structural woodwork and lime based mortars cannot survive for extended periods are not

specifically addressed. CCC feel that such facilities should be incorporated in a completely separate building.

Should ACC Planning Development Management Committee (PDMC) seek to approve these applications then CCC urge that development be conditional on a separate building which preserves the original building external features and either boldly contrasts or is in keeping with the original architecture.

CCC urges ACC PDMC to investigate the sub-strata of this site as it has been advised by long term local residents that much of the original Culter Burn flood plain area to the east and south between Culter Burn and the old Deeside Railway Line was (now Deeside Way) used as a general dump and landfill for the now defunct Culter Paper Mill in years gone by. Apparently ground levels were raised considerably but the nature and extent of waste involved is not clear therefore caution is advised.

It is also noted that ongoing work by Dee Salmon Fisheries Board in the Culter Burn catchment area, sponsored by local business interests and donors, has led to an increase in salmon and sea trout migration up the Burn beyond the current limits of the River Dee Special Conservation Area at the Culter Dam. Work is currently underway throughout the catchment area to enhance fish migration and spawning and understood to lead to inclusion of the whole catchment in a revised Special Conservation Area.

Yours faithfully,

DJWakefield

David J. Wakefield

Chairperson and Planning Liaison Officer,

Culter Community Council

CC: Councillors Malik, Boulton & Malone.

Will Burnish, ACC Flood Prevention Team Leader

River Dee Salmon Fisheries Board

SEPA

Agenda Item 7

Planning Development Management Committee

29 ST MACHAR DRIVE, ABERDEEN

PROPOSED 1.5 STOREY REAR EXTENSION;
SINGLE STOREY SIDE/REAR EXTENSION;
FRONT AND SIDE DORMERS AND FRONT
CANOPY TO EXISTING DWELLING HOUSE.

For: Mr Syed Masood Hossain

Application Type : Detailed Planning Permission
Application Ref. : P151801
Application Date: 13/11/2015
Officer: Ross McMahon
Ward : Tillydrone/Seaton/Old Aberdeen (J
Noble/R Milne/R Grant)

Advert : NA
Advertised on: NA
Committee Date: 17/03/2016
Community Council : Comments



RECOMMENDATION:

Approve Unconditionally

DESCRIPTION

The application site is located to the northern side of St Machar Drive, comprising a traditional one-and-a-half storey detached dwelling house of slate and granite construction. The site lies within a Residential Area, as identified in the adopted Aberdeen Local Development Plan 2012. The application site lies immediately outwith the Old Aberdeen Conservation Area, which bounds the site to the north, south and west.

RELEVANT HISTORY

Planning permission (application ref. P120165) was approved unconditionally under delegated powers in October 2012 for the erection of a rear extension, front and side dormers, and front canopy. It is understood that this consent was never acted upon by the applicant, subsequently expiring in October 2015.

PROPOSAL

Planning permission is sought for the erection of a one-and-a-half storey extension to the rear (north) elevation of the property, to provide further accommodation at ground and upper floor level. The proposed roof would be dual-pitched, encompassing a small flat roof element, raising the existing roof ridge and extending to the rear of the site. The proposed roof would follow through the existing hipped roof profile to the north, terminating in a rear gable.

It is also proposed to extend an existing single-storey, flat-roofed side (west) extension towards the rear (north) of the site.

Consent is also sought for the formation of a box-style dormer to both the front (south) and side (east) elevation of the dwelling to serve a new bedroom space and bathroom respectively.

It is also proposed to form a canopy to the front elevation of the existing dwelling.

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=151801>

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 as a formal objection to the proposal has been received from the Old

Aberdeen Community Council. Accordingly, the application falls out with the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – Notes that the proposal would increase the number of bedrooms to the property from three to six, which would require a minimum of three off-street parking spaces. Notes that the property is within a controlled parking area (Area R) and residents of the property are entitled to two parking permits from ACC. Notes that a shortfall of one off-street parking space is considered to be acceptable given the location of the property, access to public transport links and services within walking distance.

Environmental Health – No observations.

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

Community Council – Object to the proposal, as submitted, on the following grounds: excessive and unsympathetic development at the boundary of a conservation area; the proposal would erode the character of a traditional property; no demand for a six bedroom property; proposed dormers do not comply with ACC's supplementary guidance; no parking provision available within the site.

REPRESENTATIONS

One letter of representation has been received in connection with the application, and relates to the following matters:

1. Overdevelopment of the site;
2. Proposed design is unsympathetic to the design and scale of the existing property and would overwhelm its traditional form;
3. Lack of information with regard to proposed materials;
4. Lack of off-street parking resulting from the increase in accommodation;
5. Impact on the character and appearance of the Old Aberdeen Conservation Area.

PLANNING POLICY

National Policy and Guidance

- Scottish Planning Policy (SPP)
- Scottish Historic Environment Policy (SHEP)

Aberdeen Local Development Plan

- Policy D1 – Architecture and Placemaking

- Policy H1 – Residential Areas
- Policy D5 – Built Heritage

Other Material Considerations

- Supplementary Guidance: Householder Development Guide

Proposed Aberdeen Local Development Plan

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

- D1 – Quality Placemaking by Design (*D1 – Architecture and Placemaking in adopted LDP*);
- H1 – Residential Areas (*H1 – Residential Areas in adopted LDP*);
- D4 – Historic Environment (*D5 – Built Heritage in adopted LDP*).

EVALUATION

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

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

H1 – Residential Areas

The proposal is considered to generally comply with Policy H1 (Residential Areas) and the Council's supplementary guidance on householder development for the following reasons:

1. It is considered that all elements of the proposal are architecturally compatible in design and scale with the original property. The proposed rear and side extension has been designed as a continuation of the existing dwelling in terms of its width and roof profile. The proposed canopy is considered to be complementary and would be relatively unimposing addition to the frontage of the property, which would not

detract from its character. As such, the proposal would not appear to compete with the property's overall form generally, with the majority of the proposed works located on a non-public, rear elevation which is well screened from adjacent properties and the surrounding area generally. Additionally, all proposed materials are considered to be appropriate in the context of the existing dwelling and character of the wider area.

2. The built footprint of the existing dwellinghouse, as extended, does not represent an-development of the site, and is not an excessive addition to the existing built footprint.
3. No more than 50% of the rear curtilage would be covered by development.
4. The proposed side and rear extension would adhere to the 'Rear & Side Extensions' section, in relation to detached properties, of the aforementioned guidance in terms of projection in that all remaining 'general principles' are satisfied.
5. Calculations indicate that all neighbouring properties are located sufficiently distant from all elements of the proposal to ensure no significant adverse impact in terms of loss of daylight to the windows of habitable rooms.

Turning to the impact on adjacent properties in terms of overshadowing, the orientation of the proposal and its separation from those neighbouring dwellings are important factors. Calculations indicate that due to the size, form and orientation of the proposal, there would be little or no additional impact relating to overshadowing of private rear garden ground or habitable room windows to surrounding properties, and certainly not at a level which would be harmful to residential amenity.

In terms of overlooking, it is noted that the rear boundaries of the site are well screened by small trees and hedges. Furthermore, a significant amount of rear garden ground would remain following development. Accordingly, there is no concern with regard to overlooking of private amenity ground or loss of privacy to the windows of habitable rooms at both ground and upper floor levels.

6. It is noted that the proposed front dormer would not be of a traditional design as recommended by the aforementioned supplementary guidance. Given the limited headroom available within the upper floor of the property, a traditional style (e.g. piended dormer/pitched roof) could not be accommodated within the existing roofspace. As such, it is considered acceptable in this instance to allow a modest front dormer of an appropriate size and scale, given the lack of uniformity and the established mix of residential properties within the immediate locale. The proposed front dormer is considered to comply with the remaining aspects of the aforementioned guidance in terms of its proportions, and would maintain

the balance and symmetry of the original property by virtue of its size, scale and position on the existing roofslope.

The proposed side dormer would be located sufficiently distant beneath the proposed ridge and above the existing eaves, would be predominantly glazed and sufficiently hidden behind an existing chimney stack so as not to detract from the overall appearance of the streetscape or wider area generally.

D1 – Architecture and Placemaking

For the aforementioned reasons, all elements of the proposal are considered to be architecturally compatible with the existing property and the surrounding area in terms of design, size, scale, massing and use of materials. Accordingly, it is not considered that there is a conflict with Policy D1 (Architecture and Placemaking).

D5 – Built Heritage

It is noted that the application site, while not situated within the Old Aberdeen Conservation Area, is surrounded by its boundary to the north, south and west. As such, it is considered necessary to assess any potential impact on its character or appearance.

The majority of the proposed development would be situated to the rear (north) of the application site, the boundaries of which are well screened by trees and bushes. Following a site visit, it is evident that the majority of the proposal would not be readily viewable from public viewpoints within the conservation area itself, albeit an obscured, partial view from St Machar Drive to the east of the site does exist. It is clear that the works to the rear of the property would not be a prominent addition to the existing streetscape, and any visual impact would be highly localised, with no material impact on the character or appearance of the conservation area.

Elements of the proposal viewable from St Machar Drive, namely, the proposed front dormer and canopy, are considered to be architecturally compatible with the existing dwelling for the aforementioned reasons and as such would not detract overall from the appearance of the adjacent conservation area. Accordingly, it is not considered that there is a conflict with Policy D5 (Built Heritage), SHEP or SPP, as the character and appearance of the Old Aberdeen Conservation Area would be suitably maintained.

Matters Raised by the Community Council

Objections points 1 to 3 have been addressed in the evaluation section of this report. However, the following comments should also be noted:

- It is not for the Planning Authority to comment the necessity and/or market demand relating to 6 bedroom properties within this area of the city;

- While it is acknowledged that the proposed front dormer would not fully comply with the Council's supplementary guidance on dormers and roof extensions, it is considered that, in this instance, material considerations allow for the formation of a modest dormer of a more contemporary style in this location due to the character of the property and the surrounding area being adequately maintained;
- On the matter of off-street parking provision, Roads Development Management has not objected to the proposal, highlighting the entitlement to on-street permits, the proximity of the site relative to bus routes and the relative accessibility of local shops and services, and therefore the enlargement of the existing property to accommodate six bedrooms is considered to be acceptable in this instance.

Matters Raised in Representations

Objection points 1 to 4 have been addressed in the evaluation section of this report. The amended proposal has been found to generally comply with the relevant policies set out in the Aberdeen Local Development Plan and associated supplementary guidance.

Full regard has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify further amendments to the plans or refusal of 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, proposed policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D5 (Built Heritage) substantively reiterate policies, D1 (Architecture and Placemaking), H1 (Residential Areas) and D4 (Historic Environment) of the

adopted Aberdeen Local Development Plan and therefore raise no additional material considerations.

RECOMMENDATION

Approve Unconditionally

REASONS FOR RECOMMENDATION

The proposal is considered to generally comply with the relevant policies of the Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking), H1 (Residential Areas) and D5 (Built Heritage) in addition to the Council's Supplementary Guidance: Householder Development Guide in that all elements of the proposal have been designed to respect the scale and form of the existing dwelling and in addition there would be no significant detrimental impact on the existing visual or residential amenities of the area. Full regard has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify further amendments to the plans or refusal of the application. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations – including the Proposed Aberdeen Local Development Plan – that would warrant refusal of the application.

107 High Street
Old Aberdeen
AB24 3EN
8th December 2015

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

Dear Sir or Madam

Planning Application 151801; 29 St Machar Drive

The Old Aberdeen Community Council wish to OBJECT to this application for the following reasons:

1. Inappropriate and excessive development at the boundary of a conservation area. Property immediately to the north, south and west of this property all lie within the Old Aberdeen Conservation Area.
Creating a 6 bedroom property out of a traditional 3 bedroom Aberdeen granite bungalow destroys the symmetry of a building with a particularly attractive frontage. It also destroys the property as a family home – there is no demand for 6 bedroom properties other than the HMO market.
2. The proposed dormer windows to the south, north and east elevations are all of the 'flat roof' variety and not in compliance with ACC 'Supplementary Guidance – Householder Development Guide'. We consider this property to be categorised within; 'Older properties of a traditional character' and as such should comply with (re. page 11):
 - "a) On the public elevations of older properties the Council will seek a traditional, historically accurate style of dormer window. In addition, all new dormers will have to be of an appropriate scale, i.e. a substantial area of the original roof must remain untouched and clearly visible around and between dormers"
 - "e) Dormers which are positioned too high on the roof give the roof an unbalanced appearance"
 - "g) The ridge of any new dormer should be at least 300mm below the ridge of the roof of the original building".We note that the east elevation is readily visible from the public roadway and the east dormer will give a lop-sided appearance to the house – please see the south elevation on planning application drawing; 'Planning Details – Elevations'.
3. There is no provision for parking. While the document titled 'Planning Details: Site Plan' shows a one car bay, this will necessitate the driver reversing out onto St Machar Drive, clearly an unacceptable situation and an option which was recently vetoed for a nearby property (10 Dunbar St – planning application 130769).

Yours sincerely


Dewi M

On behalf of the Old Aberdeen Community Council

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OLD ABERDEEN HERITAGE SOCIETY

PASD - Effect of Re-use/extension		
Applicant Name:		
RECEIVED - 8 DEC 2015		
NO.	SO.	MA.
Case Officer Initials:		
Date Acknowledged:		

Planning Dept
Aberdeen City Council
Marischal College

11 Greenbrae Cresc
Denmore
Bridge of Don
Aberdeen
AB23 8LH
8th Dec 2015

Dear Sirs,

29 St Machar Drive – Proposed 1 ½ storey rear extension with front, rear and side dormers: and front canopy

The Society wishes to object to the above application on the following grounds:-

(1) This proposal constitutes **overdevelopment of the site**. The Council's Supplementary Guidance on "The Sub-Division and Redevelopment of Residential Curtilages" (pp 6, 5.2) stipulates that "no more than a third of the total site area should be built upon. Densities of **less than 33%** will be required **in areas of lower density housing**".

We contend that 29 St Machar Drive is in an area of "**lower density housing**" (small bungalows with traditional long back gardens), and so a redevelopment should **not occupy as much as this proposal**, (which, in any case, appears to be at least 33%).

Although this proposal is not for a new dwelling with the curtilage, the same principle applies.

(2) "The Householder's Development Guide" states that proposals for extensions "should be **architecturally compatible in design and scale with the original house and the surrounding area**. Any extension or alteration proposed should **not** serve to **overwhelm** or dominate the original form or appearance of the dwelling".

We submit that this proposal is **not compatible** in design, nor, especially, in **scale**, with the original house, and its two neighbours. It does, indeed, **overwhelm** the original form of no.29 St Machar Drive, a modest, traditional bungalow.

Unfortunately, it is not possible for the Society to comment on the **materials used** or **finishes** to the building, because the applicant has still (on the last day for public representations to be submitted) **not yet** given the Planning Dept any such details, and the Planning Dept, it seems, has not requested them. This is entirely unacceptable.

(3) This proposal is to turn a 2 or 3 bedroomed house into a 6 bedroomed one. The Council's Supplementary Guidance "Transport and Accessibility" (both the current version and the proposed one), lays down parking guidelines for new residential development such as this.

The Council's Residential Dwelling Parking Guidelines for this area (Zone 3, the "Outer City"), stipulates 3 parking spaces to be provided for houses with 4 or more bedrooms. This proposal provides no parking spaces, and so is contrary to guidelines.

We note that the applicant's "Site Layout Plan" shows a vehicle parked to the left of the frontage of this bungalow. There is, however, no application for the formation of a driveway, and permission for this would have to be sought before even thinking of depicting a car parked here, as in the applicant's plans.

There is no turning space here, in any case, and a car would have to reverse on to an extremely busy major artery with constant, heavy traffic. It is inconceivable that planning permission would be given for a driveway here. In any case, it would only provide one space.

Three spaces can not be found. The local area suffers from a severe shortage of parking, and there will not be anywhere for the occupants of the proposed enlarged property to park.

This problem is just another function of the overdevelopment of the site. Bungalows like this were not designed or intended for 6 bedrooms. Over-intensification of use such as this puts an especial strain on parking and traffic in such a busy and congested area.

(4) This proposal is contrary to Policy D5 of the Local Plan, in that the proposed extension would affect the setting of the Old Aberdeen Conservation Area, as viewed from St Machar Drive, particularly the west side, but also from beside Dunbar Cottage. The setting of Dunbar Cottage (in the Conservation Area) and its curtilage, which extends to the boundary with no.29 St Machar Drive, would be harmed by the proposal, as from several vantage points, there would be a backdrop of a large extension not in keeping with the style or scale of no.29. This would be detrimental to the character of the Old Aberdeen Conservation Area.

In the light of all the foregoing, our Society requests that this application be refused, as contrary to the Local Plan Policy and Supplementary Guidance.

Yours faithfully,



Mrs B McPetrie (Planning Secretary)

Agenda Item 8

Planning Development Management Committee

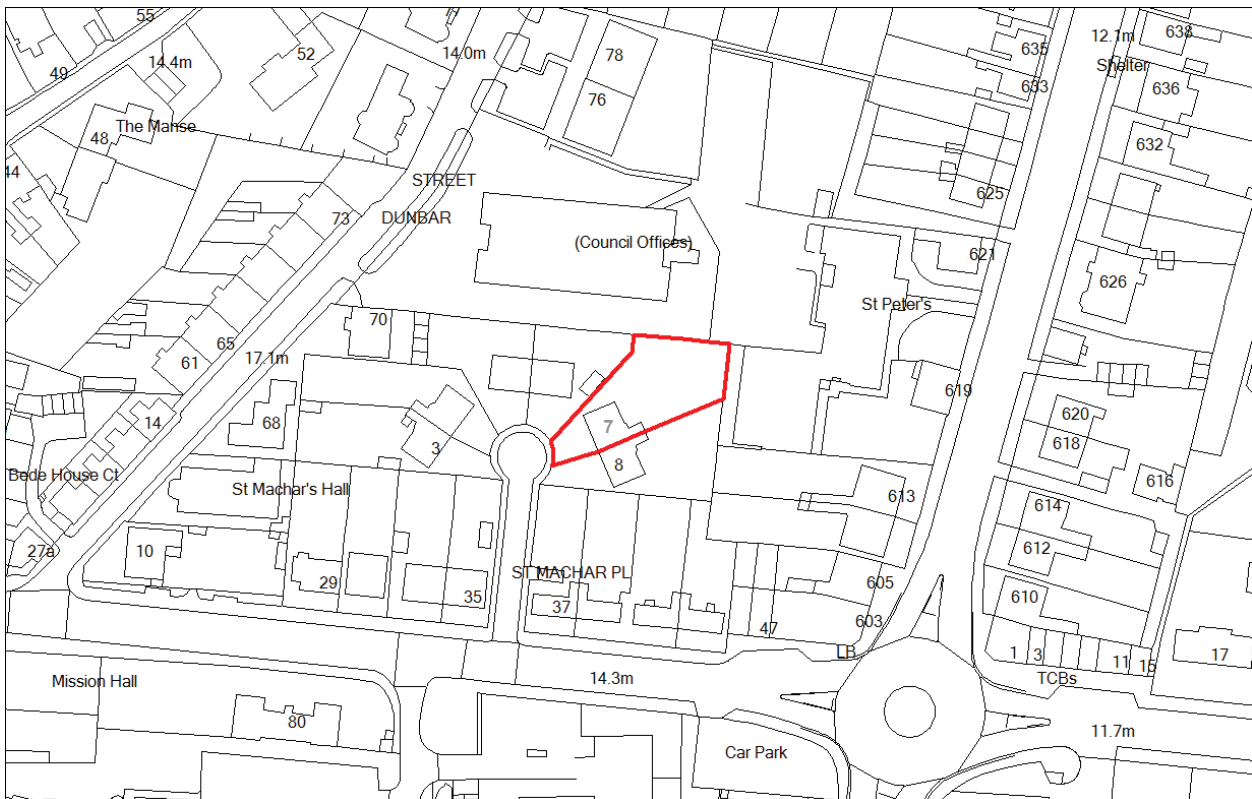
7 ST MACHAR PLACE, ABERDEEN

REMOVAL OF REAR CHIMNEY, FIT SLATE VENTS, NEW ROOFLIGHT, REPLACE REAR DORMER WINDOWS, REPLACE KITCHEN DOOR AND KITCHEN WINDOW, BRICK UP COAL BUNKER DOOR, SMALL WINDOW AND LARGE WINDOW IN KITCHEN.

For: Mr Warren Burgess

Application Type : Detailed Planning Permission
Application Ref. : P160026
Application Date: 08/01/2016
Officer: Ross McMahon
Ward : Tillydrone/Seaton/Old Aberdeen (J Noble/R Milne/R Grant)

Advert : Section 60/65 - Dev aff LB/CA
Advertised on: 20/01/2016
Committee Date: 17/03/2016
Community Council :



RECOMMENDATION:

Approve Unconditionally

DESCRIPTION

The application site is located on St Machar Place, a short cul-de-sac to the northern side of St Machar Drive, and lies approximately 100 to the west of the junction of St Machar Drive and King Street. The existing property comprises a traditional one-and-a-half storey semi-detached cottage. The site lies within the Old Aberdeen Conservation Area, and is zoned within a Residential Area in the adopted Aberdeen Local Development Plan 2012.

RELEVANT HISTORY

An application for Planning permission for the formation of a driveway, replacement windows and external alterations to the property was refused by the Planning Development Management Committee in July 2015, contrary to officer recommendation (ref. P150785). The applicant lodged an appeal against that decision with the Scottish Government in August 2015 (appeal ref. PPA-100-2064). The appeal was subsequently dismissed by the reporter and planning permission was refused.

PROPOSAL

Planning permission is sought for the following external alterations to the property:

- Installation of 11no. slate vents to the existing roof;
- Replacement rooflight to the side (north-west) elevation of the existing roof;
- Raise height of existing rear dormer roof and replace existing timber framed dormer windows with uPVC tilt and turn windows;
- Removal of rear chimney stack (retrospective);
- Formation of replacement door and window, block up existing coal bunker and re-render existing rear annex.

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=160026>

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because a formal objection to the proposal has been received from the Old Aberdeen Community Council. Accordingly, the application falls out with the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No observations.

Environmental Health – No observations.

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

Community Council – Object to the proposal on the following grounds:

- development was subject to a previous application refused by Planning Committee and appeal dismissed by a Scottish Government Reporter;
- use of uPVC windows and doors to the rear of the property; and
- loss of rear chimney.

REPRESENTATIONS

Two letters of representation have been received in connection with the application, and relate to the following matters:

1. An application for these same works was refused by Aberdeen City Council previously;
2. The refusal to grant permission was upheld by the Scottish Government Reporter on the grounds that it would be detrimental to the Old Aberdeen Conservation Area and its amenity;
3. The applicant makes no new submission which would support an application which is virtually unchanged from that made previously;
4. No change of circumstance has taken place since the original refusal and the refusal being upheld.

PLANNING POLICY

National Policy and Guidance

- Scottish Planning Policy (SPP)
- Scottish Historic Environment Policy (SHEP)

Aberdeen Local Development Plan

- Policy D1 – Architecture and Placemaking
- Policy H1 – Residential Areas
- Policy D5 – Built Heritage

Supplementary Guidance

- Householder Development Guide

Other Material Considerations

- Historic Environment Scotland (HES): 'Managing Change in the Historic Environment – Windows'
- Historic Environment Scotland (HES): 'Managing Change in the Historic Environment – Roofs'

Proposed Aberdeen Local Development Plan

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

- D1 – Quality Placemaking by Design (*D1 – Architecture and Placemaking in adopted LDP*);
- H1 – Residential Areas (*H1 – Residential Areas in adopted LDP*);
- D4 – Historic Environment (*D5 – Built Heritage in adopted LDP*).

EVALUATION

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

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

Replacement Windows and Doors

Historic Environment Scotland's guidance 'Managing Change in the Historic Environment – Windows' and the Council's Technical Advice Note: The Repair and Replacement of Windows and Doors state that maintenance and appropriate repair is the best means of safeguarding the historic character of a listed building, and that the contribution of windows and doors in listed/historic buildings to their character must be understood before considering alteration.

The 'Managing Change in the Historic Environment – Windows' guidance uses the term "historic window" in reference to both original and historic windows. It is not considered that the principle of replacement in this instance is subject to this guidance as the existing rear dormers are later additions to the property, and as such do not form part of its original historic fabric. Furthermore, it is evident that the existing timber framed rear dormer windows, annexe windows and doors are currently in a state of disrepair, showing signs of rot and decay to their cills and surrounding frames.

The Council's Technical Advice Note: The Repair and Replacement of Windows and Doors states '*on traditional buildings in Conservations Areas, modern window designs will generally be inappropriate on elevations of the building which are visible from public areas*'. The rear elevation of the property is not viewable from any public roads or footpaths, given the length of the rear garden and level of existing screening provided in the form of trees and hedges to rear boundaries.

As the property is not listed, the pertinent planning consideration is whether or not the removal and replacement of windows and doors would detract from the character and appearance of the Conservation Area. It is considered that, in this instance, the removal of these elements, to both the rear annex and rear dormers, and replacement with uPVC would not detract from the character and appearance of the Conservation Area. Accordingly, the use of uPVC framed windows and uPVC door is considered to be acceptable in this instance.

Other Alterations

All remaining external alterations – including the proposed slate vents, replacement roof light and dormer alterations – are considered to be acceptable in relation to the existing property and surrounding area and would not have a detrimental impact on the character or appearance of the Conservation Area given that they are relatively minor in nature and located to non-public, non-visible elevations of the property. It is permissible to use standard 'non-conservation' style rooflights on the non-public elevations of unlisted buildings in Conservation Areas. In this instance, a modern replacement rooflight is proposed to the properties north-west elevation, and would not be readily visible from St Machar Place.

It should be noted that the existing rear chimney was removed in 2015 and as such, retrospective permission is sought for its removal. Historic Environment Scotland's 'Managing Change in the Historic Environment – Roofs' states that '*historic chimneys can make an important contribution to the character of a roof and should be retained*'. Photographs show that only a very small section of the rear chimney pot was viewable from St Machar Place and as such, it is not considered that its removal has impacted on the streetscape or on the character and appearance of the wider Conservation generally. While it is noted that the cottages of St Machar Place are characterised by chimney stacks to both their principal and rear elevations, providing a degree of visual balance – the removal of a single rear chimney stack would not compromise this quality as all front and

side chimneys to the property would remain, maintaining the overall character of the property in the wider streetscape.

Other Material Considerations

Planning permission (application ref. P150785) was refused by the Planning Development Management Committee in July 2015, contrary to officer recommendation. The decision was appealed to the Scottish Government in August 2015. Following an accompanied site visit, the Reporter concluded the following: 1) the loss of original and feature timber windows and replacement with uPVC would significantly detract from the character of the original cottage and therefore would not preserve or enhance the character or appearance of the conservation area, contrary to SHEP guidance, SPP and ALDP policies D1 (Architecture & Placemaking) and D5 (Built Heritage), 2) the proposed front driveway would compromise the the front garden of the property, the parking of a vehicle on which would largely obscure the front elevation of the dwelling which would have an unacceptable impact on the character and amenity of the surrounding area, contrary to ALDP policies D1 (Architecture & Placemaking), D5 (Built Heritage) and H1 (Residential Areas). It was also noted by the reporter that the formation of a driveway in close proximity to two existing copper beech trees would threaten their survival and that their subsequent loss would also be detrimental to the conservation area. Accordingly, the reporter dismissed the appeal and refused planning permission.

A number of contentious elements identified by the Reporter have been omitted from this current application. Namely, the formation of a front driveway and the replacement of original ground floor rear windows, including the V-shaped and half oriel bay window. As such, the amount of development is significantly less than previously proposed and elements of the proposal carried through in the re-submission are not those which contributed significantly to that earlier appeal decision. When assessed on their own merits, these proposed works are considered to comply with both national and local planning policy and associated guidance for the aforementioned reasons.

Matters Raised in Representations

The matters raised by the Old Aberdeen Community Council and in representations have been addressed in the evaluation section of this report, however for the avoidance of doubt it is reiterated that this proposal is not the same as that which was previously considered by the planning authority or the appointed Scottish Government reporter.

Full regard has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify refusal of 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, proposed policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D5 (Built Heritage) substantively reiterate policies, D1 (Architecture and Placemaking), H1 (Residential Areas) and D4 (Historic Environment) of the adopted Aberdeen Local Development Plan and therefore raise no additional material considerations.

RECOMMENDATION

Approve Unconditionally

REASONS FOR RECOMMENDATION

The proposal would have a neutral impact on the residential amenity of the locality and the character of the Old Aberdeen Conservation Area. All elements of the proposal comply with the relevant policies of Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking), D5 (Built Heritage) and H1 (Residential Areas) in addition to the Council's Supplementary Guidance: Transport and Accessibility and Technical Advice Note: The Repair and Replacement of Windows and Doors; and would preserve the character and amenity of the Conservation Area in line with the principles of Historic Scotland's SHEP and associated guidance. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations that would warrant refusal of the application. Full regard has been given to all concerns raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify refusal of the application.

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Dear Mr McMahon

Planning application 160026 - 7 St Machar Place

The Old Aberdeen Community Council wish to OBJECT to this application.

The original application 150785 lodged in May 2015, to which the OACC objected was refused by the Planning Committee in July on the basis that "The proposed development would have a detrimental impact upon the conservation area and amenity".

That refusal was taken to appeal by the Applicant, but the appeal (PPA-100-2064) was dismissed by the Scottish Government's Reporter who concluded: "I therefore conclude, for the reasons set out above, that the proposed development does not accord overall with the relevant provisions of the development plan and that there are no material considerations which would still justify granting planning permission".

This planning application 160026 covers a number of alterations, some of them retrospective. Of these alterations, the replacement of a roof light, the installation of slate vents and the retrospective destruction of the internal chimney are not challenged.

We do however strongly challenge the proposal to replace rear windows and door with UPVC products which appears to be in direct conflict with the Reporter's conclusion. We strongly disagree with the applicants suggestion in their Supporting Statement in which they suggest that, as the original dormer windows were of inferior quality, that they should not therefore attempt to improve the quality with windows to match the ground floor.

The OACC asks the Committee to reject the proposed replacement of rear windows, both the ground floor and first floor, plus rear door, with UPVC products and to ask the Applicant to properly address the Reporter's concerns by offering a solution that will both preserve and enhance the Old Aberdeen Conservation Area and, in so doing, actively address the Reporter's justified concerns.

Dewi Morgan
Planning Officer & Webadmin
Old Aberdeen Community Council
107 High St
Old Aberdeen AB24 3EN
Tel: 01224 485506
webadmin@oldaberdeen.org.uk

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From: [REDACTED]
To: [PI](#)
Subject: Application 160026
Date: 08 February 2016 15:09:34

2 Harrow Road
ABERDEEN
AB24 1UN
01224493284

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

8th February 2016

Dear Sir,

Application Reference 160026, 7 St. Machar Place, ABERDEEN AB24 3SF

I wish to object to the above application on the following grounds: -

1. An application for these same works was refused by Aberdeen City Council previously.
2. The refusal to grant permission was upheld by the Scottish Government Reporter on the grounds that it would be detrimental to the Old Aberdeen Conservation Area and its amenity.
3. The applicant makes no new submission which would support an application which is virtually unchanged from that made previously.
4. No change of circumstance has taken place since the original refusal and the refusal being upheld.

On the basis that the subject of this application has already been resolved as a result of the applicant's previous application for these works, I ask that in line with previous decisions, it be refused.

Yours sincerely,

George A. Wood



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Agenda Item 9

Planning Development Management Committee

SITE BOUNDED BY, FROGHALL ROAD /
FROGHALL TERRACE, ABERDEEN

FOR THE ERECTION OF 41 NO. TWO AND
THREE BEDROOM APARTMENTS WITH
ASSOCIATED INFRASTRUCTURE AND OPEN
SPACE.

For: Chap Group (Aberdeen) Ltd

Application Type: Detailed Planning Permission

Application Ref.: P151316

Application Date: 12/08/2015

Officer: Nicholas Lawrence

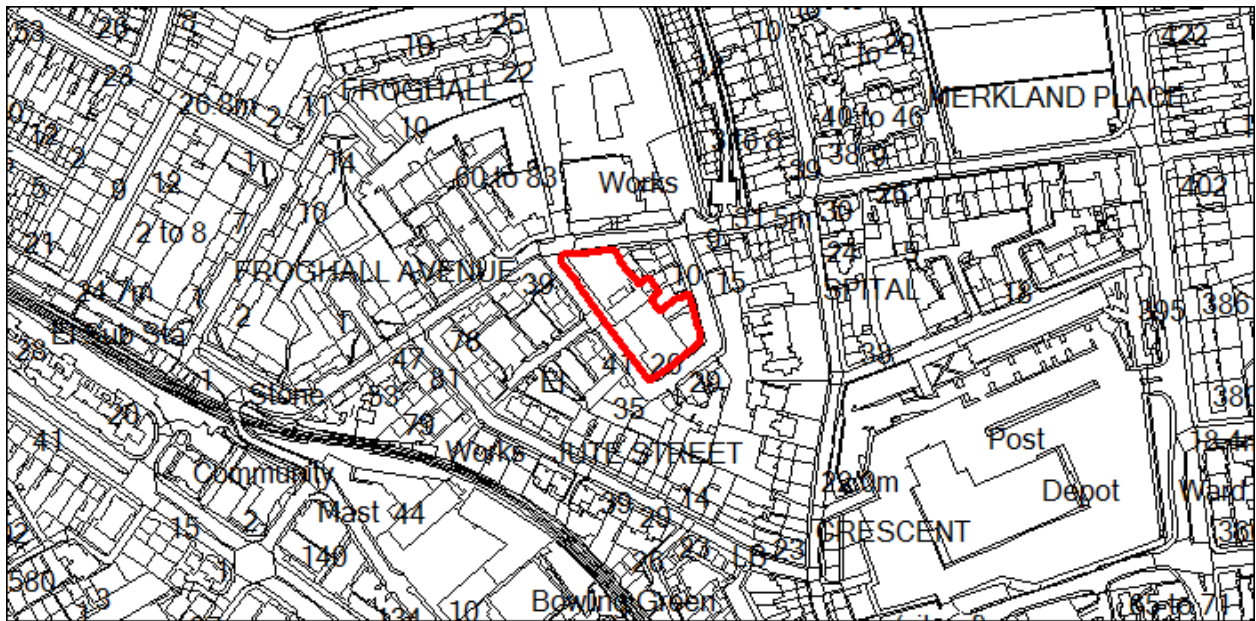
Ward: George Street/Harbour (M Hutchison/J
Morrison/N Morrison)

Advert: None

Advertised on: N/A

Committee Date: 17/03/2016

Community Council : No comments
received.



RECOMMENDATION:

Willingness to conditionally approve subject to a legal agreement covering: affordable housing; car club contributions; STF payment; education (primary and secondary); community facilities; sport and recreation; open space.

APPLICATION SITE

The site (the Site) of some 0.30 hectares at the corner of Froghall Road and Froghall Terrace and is currently occupied by a builders yard/storage area and office/light industrial uses, together with areas of parking. The eastern part is at a significantly lower level, marked by a retaining wall.

The immediate and wider area is defined, save for the BT depot to the north, by residential development of 2 to 4 storeys and is characterised, in part, by courtyard styles.

The Site occupies a sustainable location with a full range of employment, educational, commercial, cultural uses accessible by means of transport other than the 'single owner' private motor car.

In terms of designations; the Site falls within a mixed use area as set out in the Aberdeen Local Development Plan 2012 and constitutes previously-developed land (i.e. a brownfield site).

RELEVANT HISTORY

Not relevant

PROPOSED DEVELOPMENT

41 flats are proposed, together with amenity space and parking.

Comprising 3 individual blocks; Block A (4 floors) sits at the junction of Froghall Terrace with Froghall Road and predominately fronts the eastern boundary; block B (4 floors) occupies the southern quadrant; whereas block C (3 floors) abuts the western boundary. However, due to the changing levels, Block C is read as an individual component, with its own access, amenity space and parking area.

The amenity and parking areas to blocks A and B are designed within a courtyard framed to the rear by the retaining wall. The largest western amenity area is separated from car parking and a pedestrian gateway is provided onto Froghall Terrace. Additional areas of amenity are afforded to block B, together with a raised area above the retaining wall.

The courtyard accommodates 33 parking spaces, including 2 disabled, together with motor cycle parking. Access is off the eastern boundary and also accommodates an allocated car club space and a visitor parking space. Secure cycle storage for 34 bicycles within the 'basement level' of block B. With regard to site boundaries, the wall to Froghall Terrace is retained, save the pedestrian access point, and the entrance will also incorporate a granite wall, which will also form the boundary to the parking area of block C. The retaining wall is a formidable structure and will be prominent from the road and within the site. To provide visual interest and add to the biodiversity of the area this structure will

become a green wall. The scheme also includes tree planting in front of blocks A and B.

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=151316>

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because 7 letters of representation have been received. Accordingly, the application sits outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No objection subject to conditions and STF payment.

Environmental Health – Recommend planning conditions regarding contamination.

Developer Contributions Team – Contributions required in respect of education (primary and secondary); community facilities; sport and recreation; open space..

Communities, Housing and Infrastructure (Flooding) – Concerns over adequacy of local sewage network to cater for the additional flows.

Scottish Water – No objection

Waste Management - No objections subject to certain technical criteria being met.

Community Council – No response

REPRESENTATIONS

Objections relate to the following matters:

- Impact upon the character of the area;
- Contrary to policies on residential development;
- Increased traffic and adequacy of parking;
- Lack of improvement to the infrastructure of the area;
- Impact of sewage drainage and flood management; and
- Density of the development.

PLANNING POLICY

National Policy and Guidance

- National Planning Framework 3
- Scottish Planning Policy
- Creating Places
- Planning Advice Note 75: Planning for Transport
- Planning Advice Note 78: Inclusive Design

Aberdeen Local Development Plan and Supplementary Guidance (SG)

- I1 Infrastructure Delivery and Developer Contributions
- T2 Managing the Transport Impact of Development
- D1 Architecture and Placemaking
- D2 Design and Amenity
- D3 Sustainable and Active Travel
- NE4 Open Space Provision in New Development
- NE6 Flooding and Drainage
- R6 Waste Management Requirements for New Development
- R7 Low and Zero Carbon Buildings
- SG Infrastructure and Developers Contribution Manual
- SG Open Space
- SG Transport and Accessibility

Proposed Aberdeen Local Development Plan

- D1 Quality Placemaking by design
- I1 Infrastructure Delivery and Planning Obligations
- T2 Managing the Transport Impact of Development
- T3 Sustainable and Active Travel
- NE4 Open Space Provision in New Development
- NE6 Flooding, Drainage and Water Quality
- R6 Waste Management Requirements for New Development
- R7 Low and Zero Carbon Buildings, and Water Efficiency

EVALUATION

MAIN ISSUES

The main issues are firstly; the principle of the development; secondly, the affect upon the character and appearance of the area; thirdly, the impact upon amenity; and fourthly, transportation and parking. All issues must have regard to the provisions of the Development Plan and other material considerations.

PLANNING POLICY FRAMEWORK AND MATERIALITY

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1990, as amended (the Act) requires that proposals shall be determined in accordance

with the Development Plan unless other material considerations indicate otherwise.

In this instance the Development Plan comprises the adopted Aberdeen Local Development Plan (ALDP), together with a suite of Supplementary Guidance documents.

Materiality is set, in part, by the Proposed Aberdeen Local Development Plan (PALDP). Whilst the PALDP has yet to undergo independent scrutiny as is not a statutory part of the Development Plan it has been adopted by the Council as constituting a material consideration in the decision-taking process and therefore must be accorded appropriate weight.

At the national level other material considerations include, albeit not limited to, National Planning Framework 3 (NPF3), Scottish Planning Policy (SPP); Creating Places; and Planning Advice Notes (PAN) 75 *Planning for Transport* and 78 *Inclusive Design*.

ASSESSMENT OF MAIN ISSUES

Principle of the Development

The Site is within a mixed use area as set out under policy H2 of the ADLP, which will permit residential development provided it takes into account the existing uses and character of the surrounding area.

The principle of the proposed use therefore accords with the provisions of the development plan provided the aforementioned factors are taken into account.

Affect upon the Character and Appearance of the Area

The assessment context set out within ALDP policy D1 looks for development to come forward that reflects and improves character and visual amenity, whilst securing a high quality of design. Regard to context is also set out within SPP (i.e. under the heading of *policy principles*) and Creating Places.

In this instance the character of the area, save that of the BT depot and the Site, is dominated by residential development that adopts both courtyard and strong linear arrangements that follow the local road network. Therefore the form of the proposed development (i.e. linear blocks creating a courtyard) would compliment rather than harm the character of the area.

On the matter of scale, the proposal encompasses a mixture of building heights ranging from 2 through to 4 storeys, excluding roofs. Indeed, allowing for the topography of the area (i.e. significant fall from Spittal to Jute Street) those properties along the northern aspect are seen as buildings of greater scale than their built form. It is by virtue of the changing heights of the site coupled to the surrounding residential development and topography that the scale of proposed

development does not constitute an alien element in the cityscape and consequently would not harm the character and appearance of the area.

On the question of design; securing high quality design goes beyond the mere aesthetic. Policy D1 of the ADLP, as with Scottish Government guidance, all seek not to be prescriptive or to stifle innovation in the visual appearance and design of development. In this instance the visual proposed maintains key elements of the surrounding courtyard and residential development (i.e. vertical emphasis of windows - solid to void ratio – simple pallet of materials), together with an asymmetrical pitched roof that accommodates the upper level of accommodation. The areas of amenity space and their anthropological connection with the accommodation and use of the changing levels provides a clear sense of place as sought with policy D1 of PLPA and guidance set within the SPP.

Turning to density this is usually set against the number of dwellings per hectare (dph). Whilst ADLP policy H3 (Density) sets a notional figure of 30 dph and above, this is only applicable to sites over 1 hectare in area. Here the ADLP merely requires that an appropriate density of development is sought. At the national level, the Scottish Government looks for an effective use of land and seeks to secure higher density housing in sustainable locations. Given the sustainable location and the form of development coupled to the level of amenity provided the density is considered appropriate and comparable to other contextual flatted developments. Therefore the number of units is not out of character with the area.

In terms of the planning balance it is considered that the scale, form, design and number of proposed residences are not harmful to the character and appearance of the area.

Residential Amenity

Privacy and the protection of general amenity is an important design objective and planning outcome in ensuring that residents of properties bounding any development and occupiers of proposed new dwellings feel at ease within and outwith their homes.

Only the latter element (i.e. the amenity of occupiers of the development) is addressed within ADLP policy D2 (Design and Amenity) and policy H2 critically only considers the residential amenity afforded existing residential accommodation where commercial, business and industrial developments are being considered in mixed use areas.

In any urban environment there will be aspects of overlooking between residences, together with amenity areas that afford greater or lesser degrees of privacy. The arrangement of block A places the bedrooms to the rear (i.e. inward) aspect of the scheme, which is feature common to the area. The distances between the rear of block A to the garden of the nearest dwelling is some 16 metres, whereas this distance is significantly less in regard to the

existing properties. Therefore the proposed separation distance exceeds the current arrangement and it is deemed acceptable. Block C follows the rear line of the neighbouring properties and the rear amenity area replicates the garden areas of numbers 2-18 Froghall Road. As such this aspect will have no greater impact upon neighbouring amenity than many existing relationships between dwellings and rear gardens in the locality. On the matter of the distances between front to front elevations the proposal accords with that along Froghall Road.

Transportation / Parking Issues

On this matter, there is always a balance to be struck between levels of car parking and amenity space, together with mechanisms to reduce the dependency upon the 'single ownership' private motor car.

The scheme meets the parking requirements, with the provision of a car club parking space, and the Roads Development Management Team are supportive of the application subject to:

1. securing restrictions prohibiting cars from waiting at any times adjacent to each of each entrance on the south side of the frontage.
2. a condition promoting the use of means of transport other than the private motor car by way of a travel pack; and
3. a contribution to the Strategic Transport Fund

Allowing for the technical advice received from the Roads Development Management Team it is considered that the proposed development will not have an adverse impact on the road network or parking.

Other Issues

Capacity of Infrastructure

A number of representations on the application referenced the lack of capacity of the surface water and sewerage network and instances of local flooding. The flooding team of the Council have raised a question on the capacity of the existing infrastructure to cater for the proposed development and the current capacity of the Scottish Water infrastructure. Whilst Scottish Water don't object to the proposed development, their consultation response judiciously notes that *"that this does not confirm that the proposed development can currently be serviced"*.

Allowing for the potentiality that the scheme may not be capable of being serviced, this issue can be addressed by an appropriately worded planning condition.

Affordable Housing

The proposal provides for 25% of the flats to be affordable and this provision accords with the adopted policies of the ALDP and will be secured by way of a legal agreement. This equates to 10.25 units, 10 within the development and the 0.25% being addressed by way of a commuted sum.

Developer Obligations

The Developer obligations team have stated that the scheme attracts contributions in respect of education (primary and secondary); community facilities; sport and recreation; and open space. Again controlled via the legal agreement.

RECOMMENDATION

Willingness to conditionally approve subject to a legal agreement covering affordable housing; car club contributions; STF payment; education (primary and secondary); community facilities; sport and recreation; open space; together with appropriately worded planning conditions.

REASONS FOR RECOMMENDATION

The proposed development by virtue of its function, form and design coupled to the promotion of sustainable urban travel complies with policies I1 (Infrastructure Delivery and Developer Contributions); T2 (Managing the Transport Impact of Development); D1 (Architecture and Placemaking); D2 (Design and Amenity); D3 (Sustainable and Active Travel); NE4 (Open Space Provision in New Development); NE6 (Flooding and Drainage); R6 (Waste Management Requirements for New Development) of the Aberdeen Local Development Plan 2012; together with advice contained within Scottish Planning Policy; Creating Places; and Planning Advice Notes 75 and 78 (Planning for Transport and Inclusive Design respectively).

CONDITIONS

1. No development shall take place until full details of the materials (including colour of render including pantone where relevant) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and in the interest of the visual amenity of the area to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2012.

2. No cables, aerials, satellite or other communication equipment, flues, pipework (except rainwater goods) shall be fixed to any outward facing elevation of the development hereby approved.

Reason: In the interest of the visual amenity of the area and high quality design and to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2012.

3. The development hereby approved shall not be occupied until the cycle parking facilities shown on drawing No. A5390/P(--)-022 have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to the development at all times.

Reason: In the interest of promoting and securing sustainable modes of transport and to comply with policy D3 of the Aberdeen Local Development Plan 2012.

4. No part of the development hereby approved shall be occupied until the refuse and recycling facilities indicated on the approved drawings have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy R6 of the Aberdeen Local Development Plan 2012.

5. The whole of the amenity areas shown on the approved drawings (including terraced gardens) shall be retained permanently for the benefit of the occupiers of the development hereby permitted.

Reason: In order that the local planning authority may be satisfied as to the amenity space provision in the scheme and to comply with policy NE4 of the Aberdeen Local Development Plan 2012.

6. Prior to the commencement of development details of the proposed outdoor furniture as indicated on approved drawing A5390/P(--)-004B shall be submitted to an approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details.

Reason: In the interest of the visual and public amenity of the area to comply with policies D2 and D5 of the Aberdeen Local Development Plan 2012.

7. Notwithstanding the approved drawings no part of the development hereby permitted shall be occupied until precise details of the materials, including

specification, colour, jointing and the permeability of hard surfaces have been submitted to and approved in writing by the local planning authority. The agreed scheme shall be completed prior to the occupation of any part of the development.

Reason: In the visual and public realm interest of the development and in the interest of flood management to comply with policies D1 D2, D5 and NE6 of the Aberdeen Local Development Plan 2012.

8. Prior to the occupation of any part of the development hereby approved details of a travel pack including details how it is to be promoted to residents shall be submitted to and approved in writing by the local planning authority.

Reason: In order to promote sustainable patterns of urban transport and to comply with policy D3 of the Aberdeen Local Development Plan 2012.

9. Prior to the occupation of any residential unit the vehicular accesses as shown on Drawing No. A5390/P(--)-004B is constructed in full accordance with the design standards of the Aberdeen City Council.

Reason: To ensure a satisfactory means of access is provided in the interests of road safety

10. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, the green wall, means of enclosure and planting of the development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2012

11. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out prior to the occupation of any part of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All hard landscaping and means of enclosure shall be completed before the development is occupied.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2012.

12. If piling works are required in the construction of the development the method of piling shall be agreed in writing prior to those works commencing on site. There shall be no driven piling unless there are no other alternatives due to engineering considerations. The details of driven piling shall also be submitted to and agreed in writing by the Council and implemented in strict accordance with those details.

Reason: In order to safeguard the amenity of the local area and neighbouring residents at unsocial hours and to comply with policy H2 of the Aberdeen Local Development Plan 2012

13. No unit of residential accommodation unit of residential hereby permitted shall be occupied until written confirmation to the written satisfaction of the Local Planning Authority has been submitted demonstrating that the public foul sewerage network can cope with the flows from the proposed development.

Reason: In this interest of flood management and to comply with policy NE6 of the Aberdeen Local Development Plan 2012

14. The vehicle parking area shall be completed, delineated and available for use as shown on the approved plans prior to the occupation of any residential unit and shall thereafter be retained for vehicle parking

Reason: To ensure that adequate parking provision is retained

15. The car club space shown on the plans hereby approved shall be provided and made available for use before any apartment/part of the Development is occupied. Thereafter the space shall be retained and used only for parking cars associated with the Car Club.

Reason: To limit car ownership/use and encourage sustainable modes of transport in accordance with policy T2 and of the Aberdeen Local Development Plan 2012

16. Prior to the occupation of any part of the development the applicant shall have secured A Traffic Regulation Order to secure the retention of the car club and visitor parking space shown on the approved drawings.

Reason: To limit car ownership/use and encourage sustainable modes of transport and in accordance with policy T2 and of the Aberdeen Local Development Plan 2012

17. Prior to the occupation of any part of the development hereby approved details of the area for the waiting restrictions shall be submitted to and approved

in writing by the local planning authority and the agreed details shall be implemented before any part of the development is occupied.

Reason: In the interest of highway safety and to encourage sustainable modes of transport and in accordance with policy T2 and of the Aberdeen Local Development Plan 2012

18. 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

Reason: To comply with policy R2 of the Aberdeen Local Development Plan 2012

19. No residential unit hereby approved shall be occupied building unless:

1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken

and

2. a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out,

No residential unit shall 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

Reason: To comply with policy R2 of the Aberdeen Local Development Plan 2012

PI

From: webmaster@aberdeencity.gov.uk
Sent: 26 August 2015 09:59
To: PI
Subject: Planning Comment for 151316

Comment for Planning Application 151316

Name : Iain Fielding
Address : 39 Spencer Court
36 Froghall Terrace
AB243PF

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

Comment : The development will be a fantastic addition to the area, sadly I must object based on my concern over the increased traffic volume placed on Froghall Terrace.

Currently the road is very narrow with poor quality pedestrian walkways; it has a blind summit at the top leading onto Spital and a very narrow and awkward cross over onto Markland lane.

I have recently bought in the king's court development and know a further 100 + houses will be built along with 200+ student rooms on the BT site.

Aberdeen city council should make new developers study the impact of their developments and look at ways to improve the surrounding access.

I believe this may be a common concern with residents after 3 industrial units with minimal traffic will soon be replaced with in excess of 500 dwellings.

I would greatly appreciate if a member of the council could contact me to discuss my concerns and potential remedies to the issues faced on Froghall Terrace before an accident occurs.

If measures can be made to improve Froghall Terrace I will happily accept and welcome the development.

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

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 25 August 2015 10:36
To: PI
Subject: Planning Comment for 151316

Comment for Planning Application 151316

Name : Ian Dredge
Address : 29 Spencer Court
36 Froghall terrace
Aberdeen
Ab24 3pf

Telephone : [REDACTED]

Email [REDACTED]
type :

Comment : I approve of the continued redevelopment of the Froghall area however I am concerned about the lack of improvement of the infrastructure of the area. The roads around Froghall Terrace have become extremely worn and rough in the last few years with no repairs. The road around the end of Froghall/Elmbank Terrace with the bridge over that railway is now beyond repair. With more heavy plant vehicles traveling around to build this proposed development the roads will only get worse. There is also a lack of any small higher quality shops in the area. The small shop on Froghall terrace is in disrepair and does not match the quality of development from Barrat and this proposed development. The council need this improve this area as clearly property developers can see the requirements to improve it.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 25 August 2015 16:20
To: PI
Subject: Planning Comment for 151316

Comment for Planning Application 151316

Name : Louise Dredge
Address : 29 Spencer Court
36 Froghall Terrace
Aberdeen

Telephone :

Email : [REDACTED]

type :

Comment : As a member of this community, it is apparent that new interest in this area is growing. This is the fourth new planning application for development in a very small area. Two of which are already in development. There is the new student flats on Causewayend, two sets of student building at the cross roads of Causewayend and canal rd, residential and student building on the former BT site by Telereal Trilium.

The main concern for people living here is that the roads and surrounding infrastructure is not to a good enough standard to support the increased traffic and footfall in the area. The roads are narrow and in a state of disrepair. Furthermore there is a lack of services in the area. There are no shops, post offices etc, which is a cause of concern.

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 12 September 2015 19:47
To: PI
Subject: Planning Comment for 151316

Comment for Planning Application 151316

Name : Dr BJM WEST

Address : The Hive 69 Jute Street Aberdeen AB24 3HA

Telephone : [REDACTED]

Email [REDACTED]

type :

Comment : Dear Mr Lawrence:

As a resident and property owner in Jute St for more than 30 years I am concerned about the impact of this new development on extant sewage drainage and flood management systems in the area and trust that the current drainage systems will be updated to accommodate such a vast increase in water flow. Our property in Jute Street is low lying and has been subjected to flooding in the past due to high groundwater levels and poor street level drainage.

In addition I also have concerns about traffic management around the area which is currently chaotic at times and occasionally dangerous for pedestrians.

I have no direct objection to this housing development just these concerns which I trust will be taken into consideration.

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PI

From: Elizabeth Lilley [REDACTED]
Sent: 08 September 2015 11:13
To: PI
Subject: Planning objection 151316 - 8 September 2015.PDF
Attachments: Planning objection 151316 - 8 September 2015.PDF; ATT00001.txt

Good morning

Please find attached objection letter in respect of planning application number 151316.

This has also been sent today by recorded post.

I should be grateful if you would acknowledge safe receipt.

Kind regards
Elizabeth Lilley

Elizabeth Lilley
27 Froghall Terrace
Aberdeen
AB24 3JJ

BY RECORDED DELIVERY

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

Date: 8 September 2015

Dear Sirs

**OBJECTION TO APPLICATION REFERENCE 151316
SITE BOUNDED BY FROGHALL ROAD/FROGHALL TERRACE, ABERDEEN**

I am writing to object to the application by Chap Group (Aberdeen) Ltd for full planning permission for the erection of 41 two and three bedroom apartments with associated infrastructure and open space at the site bounded by Froghall Road/Froghall Terrace, Aberdeen.

I received neighbour notification of the application dated 23 August 2015 informing me that the deadline for representations on the application is 13 September 2015. This letter is submitted timeously and requires to be taken into account in determining the application.

I wish to object to the application on the basis of:-

- the impact of the proposed development on the surrounding buildings and character of the area;
- the density of proposed development; and
- the proposed development being contrary to policies and guidance on new residential development.

Application site

I own and reside at 27 Froghall Terrace, Aberdeen, AB24 3JJ, being the ground floor of the closest residential building to the application site. My property forms part of a detached granite building

containing two flatted dwellinghouses, with 29 Froghall Terrace being the upper flat. I note that I have separately approached and notified Chap Group (Aberdeen) Limited through their legal representative that part of the property included in the application development plan is part of the title to my property, which is registered under title number ABN53042.

The application site effectively encircles my property on all sides but one. I refer to a drawing included in the application, and which is available from the planning portal online, illustrating the likely visual effect of the application site and its immediate surroundings following development. I have attached a copy of this illustration for your information. In this attachment I have highlighted the building of which my property forms part.

This drawing in particular concerns me greatly, particularly in respect of the height of the proposed development and the effect that it will have on my privacy and available light. These concerns relate both to the effect on the building in which my property is situated and the gardens, of which there is a shared drying green and a private garden space belonging to me. Both gardens run along the length of the boundary between my, and my neighbours', property and the application site and will be directly affected by the proposed development.

General position

My general position is that I have no objection to the site being developed in principle but that the proposed design of the application site causes me concern, particularly in respect of the impact it is likely to have on my privacy and the light that my property currently receives.

Aberdeen Local Development Plan 2012

The application requires to be determined in accordance with the Aberdeen Local Development Plan 2012 (ALDP), unless material considerations indicate otherwise.

New residential development requires to comply with Policy H1 - Residential Areas and all new development is required to comply with Policy D1 - Architecture and Placemaking and Policy D2 - Design and Amenity of the ALDP.

Policy H1 requires new residential development to demonstrate that it:

1. does not constitute over development; and
2. does not have an unacceptable impact on the character or amenity of the surrounding area.

It is submitted that this proposed development, which includes a car park and four storey high apartment buildings, would constitute over development in this area. The noise created by the additional tenants and vehicle movements in such close proximity to residential development would also constitute unacceptable impact on the amenity of the surrounding area.

Policy D1 requires new development must be designed with due consideration for its context and make a positive contribution to its setting, stating that factors such as siting, scale, massing, colour,

materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

A significant increase in scale is proposed. The application site currently consists of a yard, until recently, used by a scaffolding company and some warehouse buildings which are currently around the same height as my property. The proposed development would consist of three four storey high apartment buildings, which will be a significant increase in height.

The applicant has stated in its design and access statement at page 18 in its site analysis that: "*use of topography of the site to its advantage by building higher within the lower section, responding to the surrounding building heights*" and "*create a continuous street elevation around the block and develop a relationship with the street character.*"

I also refer to pages 26, 28, 30 and 31 of the applicant's design and access statement which contain various drawings including street elevations. I have attached these pages for your information. Page 30 is the drawing I refer to under "Application Site" above.

The South-West elevation shown at page 26 claims to be at a "harmonious building height" but references buildings which are in fact up on the Spital rather than the neighbouring buildings. The Spital is at the top of Froghall Terrace which climbs steeply to the reference buildings, which are also elevated from the Spital as they are built on a hill. The North-West elevation contained on this page shows the difference in height between the proposed development and our property.

The drawings on pages 28, 30 and 31 of the applicant's design and access statement shows the likelihood of the proposed development effectively dwarfing our property, with the most elevated part of the development sitting above the surrounding buildings. I note that in particular, the light that our property receives comes from the South side, on which the application site is situated.

I would therefore suggest that the proposed development is contrary to the provisions of Policy D1 of the ALDP and that the applicant has not been sensitive to the surrounding buildings and height as they suggest.

Policy D2 states that in order to ensure the provision of appropriate levels of amenity, privacy shall be designed into higher density housing.

The applicant has stated in its design and access statement at page 18 in its site analysis that: "*existing buildings adjacent to the site provide a limited scope for building close to the North boundary as this could limit views and quality of the flats*".

The applicant accepts that the proposed development risks affecting the neighbouring properties. In particular I have concerns in respect of privacy. At the moment, our property is reasonably secluded and benefits from no surrounding properties directly overlooking the windows or gardens. The proposed development would overlook the property and both gardens directly. I would therefore suggest that the proposed development is contrary to this provision of Policy D2 and would have a huge impact on the use and enjoyment of my property.

Other considerations

I and my neighbours who own the first floor flatted dwellinghouse in the same building have recently incurred considerable expense carrying out repair work to the roof of our property. Following receipt of the notice of this application, we also have concerns over the impact and possible damage that the work to be carried out in connection with this sizeable development will have on these repairs and our property in general. These concerns include the use of heavy duty machinery and the likely vibrations of the building work.

In addition to these concerns, there is a large difference between the elevation of the application site, which is on a much lower level, compared to the site of our property, which is around a storey higher. Due to the location of the proposed development, a large part of the work to be undertaken will likely be carried out close to the border between the application site and our property. Again I would have some concern that this work may damage the foundations of our property together with any work undertaken to the boundary wall, which supports our property and gardens.

Conclusion

It is submitted that, due to its height, the proposed development is inappropriate for the location, that it would constitute overdevelopment and would have a negative impact on the character and amenity of the area and would result in a significant increase in scale of the application site, contrary to a number of ALDP policies.

As the proposed development is contrary to the ALDP and no material considerations have been put forward to justify the proposal, it is submitted that the application requires to be refused or amended taking into account the surrounding area and considering the site context.

I trust that the points raised in this letter will be taken into account when determining the application in due course. I should be grateful if you would acknowledge safe receipt of this objection and advise me in due course as to how the application is to proceed. If the application is to be determined by Area Committee, I wish to be allowed to speak to this objection.

If additional information to that which is currently available to view on the Council's website is submitted as part of the application, I would request that I am notified of the position and that I am given time to consider the information and to make suitable representations thereon.

Yours faithfully

[Redacted signature]

email :

[Redacted email address]

P&SD Letters of Representation		
Application Number:		
RECEIVED - 8 SEP 2015		
Nor	Sou	MApp
Case Officer Initials:		
Date Acknowledged:		

Proposals
Aerial Views



Aerial view from East

Model aerial view of the proposed development



Aerial view from West



Model aerial view of the proposed development

Halliday Fraser Munro

Proposals
Street Perspectives

View from Froghall Terrace and Froghall Road Junction

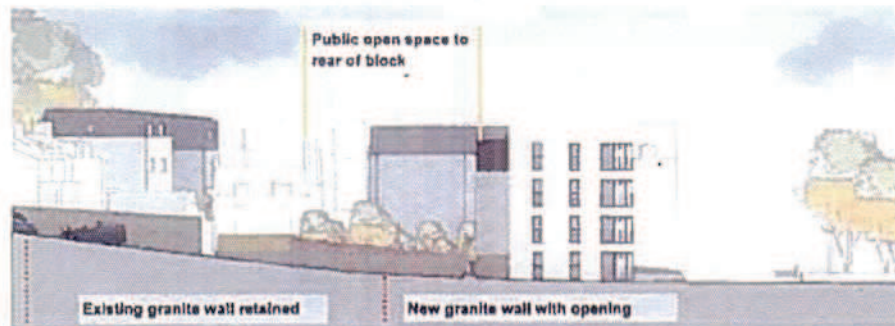


Model view from Froghall Terrace looking South East

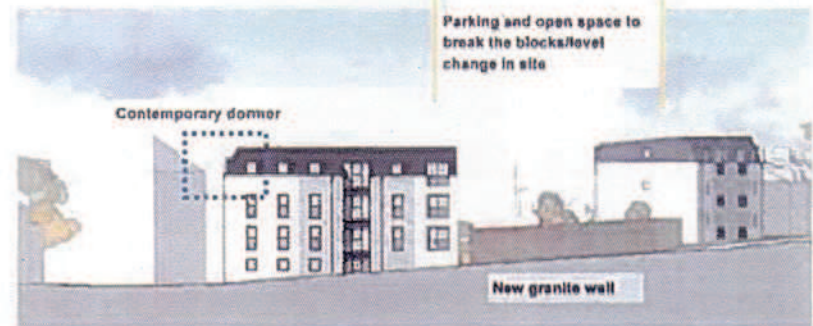
Proposals Street Elevations



South - West Elevation



North - West Elevation



South - East Elevation

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Elizabeth Lilley
27 Froghall Terrace
Aberdeen
AB24 3JJ

BY RECORDED DELIVERY

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

Date: 8 September 2015

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SITE BOUNDED BY FROGHALL ROAD/FROGHALL TERRACE, ABERDEEN**

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The applicant accepts that the proposed development risks affecting the neighbouring properties. In particular I have concerns in respect of privacy. At the moment, our property is reasonably secluded and benefits from no surrounding properties directly overlooking the windows or gardens. The proposed development would overlook the property and both gardens directly. I would therefore suggest that the proposed development is contrary to this provision of Policy D2 and would have a huge impact on the use and enjoyment of my property.

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In addition to these concerns, there is a large difference between the elevation of the application site, which is on a much lower level, compared to the site of our property, which is around a storey higher. Due to the location of the proposed development, a large part of the work to be undertaken will likely be carried out close to the border between the application site and our property. Again I would have some concern that this work may damage the foundations of our property together with any work undertaken to the boundary wall, which supports our property and gardens.

Conclusion

It is submitted that, due to its height, the proposed development is inappropriate for the location, that it would constitute overdevelopment and would have a negative impact on the character and amenity of the area and would result in a significant increase in scale of the application site, contrary to a number of ALDP policies.

As the proposed development is contrary to the ALDP and no material considerations have been put forward to justify the proposal, it is submitted that the application requires to be refused or amended taking into account the surrounding area and considering the site context.

I trust that the points raised in this letter will be taken into account when determining the application in due course. I should be grateful if you would acknowledge safe receipt of this objection and advise me in due course as to how the application is to proceed. If the application is to be determined by Area Committee, I wish to be allowed to speak to this objection.

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Yours faithfully

[Redacted signature]

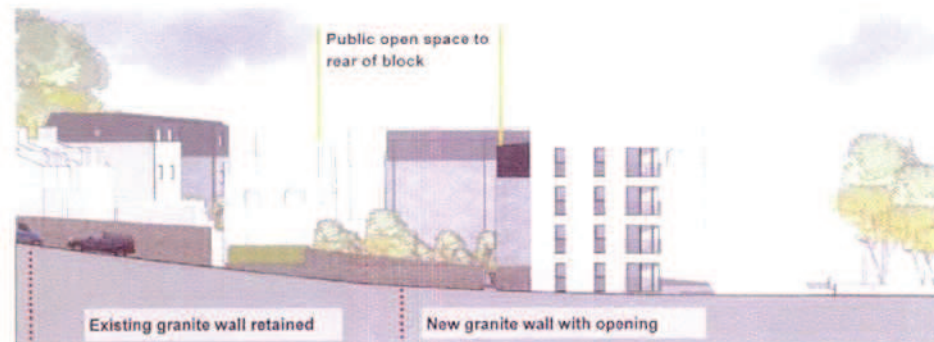
email :

[Redacted email address]

Proposals Street Elevations



South - West Elevation



North - West Elevation



South - East Elevation

Proposals
Street Perspectives

View from Froghall Terrace and Froghall Road junction



Model view from Froghall Terrace looking South East

Aerial view from West



Model aerial view of the proposed development

Halliday Fraser Munro

Proposals
Aerial Views

Aerial view from East



Model aerial view of the proposed development

27, FROGHALL ROAD,
ABERDEEN,
AB24 3JL.

09-09-2015.

RE. PLANNING APPLICATION NO. 151316
F. DGHALL ROAD / FROGHALL TERRACE.

DEAR MR. LAWRENCE,

THANK YOU FOR MEETING ME ON
FRIDAY 4TH SEPTEMBER AND EXPLAINING AT LENGTH
THE PLANS FOR THE DEVELOPMENT. I FELT THAT
TO YOU IT IS NOT JUST ANOTHER APPLICATION AND
YOU ACTUALLY TAKE A SYMPATHETIC ATTITUDE
TOWARDS THE RESIDENTS AND THE AREA.

I HAVE NO OBJECTION AS SUCH TO THE PROPOSAL
OTHER THAN I THINK THERE ARE TOO MANY FLATS
PROPOSED AND IN CONJUNCTION WITH THE
EXTENSIVE DEVELOPMENT AT THE B.T. SITE I HAVE
SERIOUS RESERVATIONS REGARDING THE IMPACT ON
SEWAGE, WATER, FLOOD MANAGEMENT, TRAFFIC AND
PARKING.

WITH REGARD TO PARKING, THE PROPOSED
DEVELOPMENT - 41 FLATS, 3 1/4 BEDROOM - WHICH
DOES NOT IMPLY SINGLE OCCUPANCY AS SUCH, WILL

2). NOT HAVE ADEQUATE PARKING - ONLY 38 BAYS. EVEN AT PRESENT THERE ARE CARS FROM THE SPITAL / KINGS CRESCENT AREA BEING PARKED ON FROGHALL ROAD AND WHEN THERE ARE 400 STUDENT FLATS ON THE B.T. SITE WITH NO PARKING FACILITIES, THIS DOES NOT BODE WELL FOR OUR LITTLE STREET AND ITS RESIDENTS. PERHAPS A SYSTEM OF RESIDENT PARKING PERMITS COULD ADDRESS THIS SITUATION.

CONSIDERING THAT THE LOVELY GRANITE WALL ON THE TERRACE SIDE OF THE DEVELOPMENT WILL UNFORTUNATELY GO AND THE GRANITE BUILDING ON SITE, I WOULD HOPE TO SEE A PROPER GRANITE WALL OPPOSITE OUR HOUSES NOS 23/25/27 FROGHALL ROAD.

I HOPE, AS YOU PROPOSED, TO SEE SOME TREES INTRODUCED ALONG THE PAVEMENT AS I THINK IT'S IMPORTANT TO HAVE AS MUCH GREENERY AS POSSIBLE IN THE AREA. I WILL CERTAINLY MISS MY LOVELY TREE IN THE EXISTING CAR PARK OPPOSITE MY HOUSE!

INCIDENTALLY, THE PROPOSED SITE WAS PART OF THE "ST. MACHAR GRANITE WORKS" WHERE STALKER'S + THOM'S WORLD RENOWNED GRAITE SCULPTURES WERE CREATED.

(3)

THE LAST TIME DEVELOPMENT WAS CARRIED OUT IN THE AREA WAS THE BUILDING OF STUDENT FLATS ADJACENT TO MY PROPERTY WHICH WAS UNDERTAKEN BY CHAP. DURING THIS CONSTRUCTION DAMAGE (CRACKING) AND UNDERMINING OF MY PROPERTY AND THE OTHER HOUSES IN THE ROW OCCURED - THIS WAS DUE TO PILING AND FOUNDATION EXCAVATION. AS CHAP DID NOT ACCEPT RESPONSIBILITY FOR RESIDUAL DAMAGE, I HAD TO HAVE RE-ENFORCEMENT WORK CARRIED OUT - TYING OF THE REAR CORNER OF THE HOUSE AND RE-POINTING OF GRANITE AT THE FRONT.

HOPING THAT ALL CONCERNS WILL BE ADDRESSED AND RESOLVED WHERE POSSIBLE.

YOURS SINCERELY,



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Planning Development Management Committee

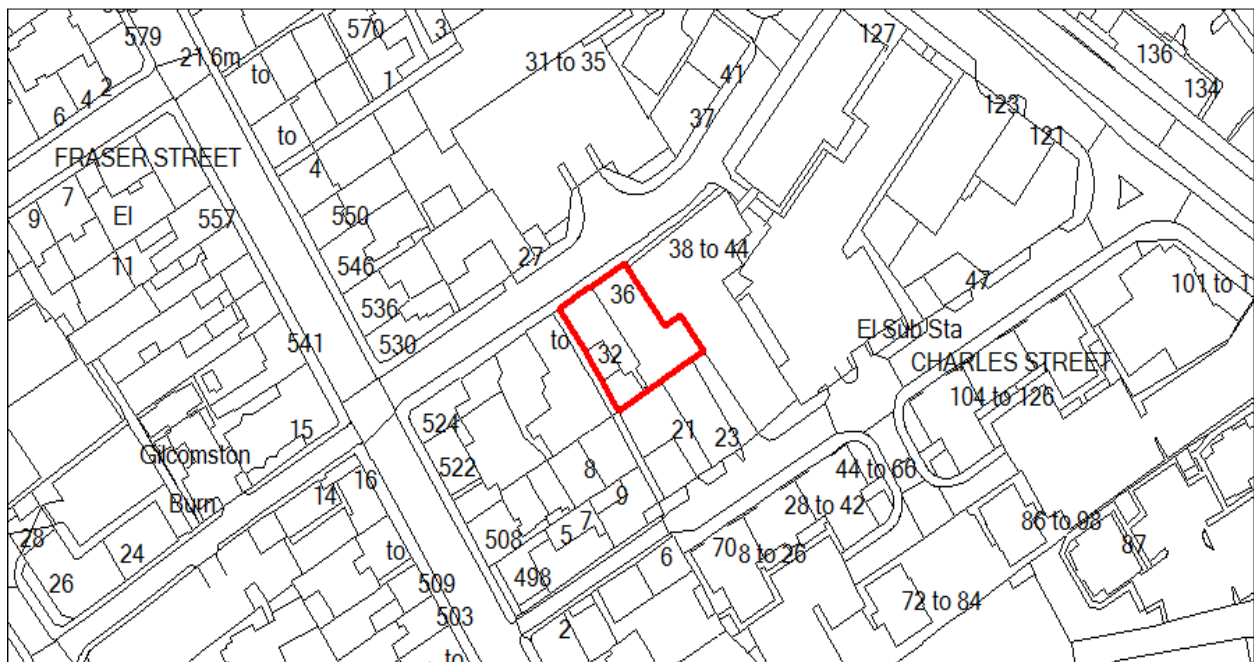
32-36 FRASER PLACE, ABERDEEN

CHANGE OF USE AND REDEVELOPMENT OF
SITE TO FORM 12 RESIDENTIAL UNITS.

For: Deefield Ltd

Application Type : Detailed Planning Permission
Application Ref. : P150901
Application Date: 08/06/2015
Officer: Nicholas Lawrence
Ward : George Street/Harbour (M Hutchison/J
Morrison/N Morrison)

Advert : Not required
Advertised on: Not applicable
Committee Date: 17.03.2016
Community Council : Comments received



RECOMMENDATION:

Willingness to conditionally approve subject to a legal agreement covering: affordable housing; car club contribution; education payment; community hall payment; and sport.

APPLICATION SITE

The site is roughly rectangular in shape totalling some 468 sq meters in area, situated at a mid point on Fraser Place, between George Street and Powis Place and currently occupied by a builders merchant.

Bounded to the north by Fraser Place; east by an office complex (i.e. Lord Cullen House); south by commercial premises that front onto Charles Street and tenement buildings; and east by Charles Place a passageway that links Fraser Place with Charles Street. The wider area sees a mixture of uses, albeit mainly residential.

Sustainably located with a full range of employment, educational, commercial and cultural uses readily accessible by means of transport other than the 'single owner' private motor car.

In terms of designations; it falls within a mixed use area as set out in the Aberdeen Local Development Plan 2012 and constitutes previously developed land (i.e. a brownfield site).

RELEVANT HISTORY

None relevant

PROPOSED DEVELOPMENT

Planning permission is sought for the erection of a purpose built apartment building comprising: 12 flats, amenity space, together with associated car parking and operational areas.

Living accommodation is on floors 1-4, with each flat having access to balcony areas; whereas the ground floor provides the principle entrance to the building, operational areas, secure internal cycle parking and access to car parking for 9 cars plus 1 disabled space and 2 motorbikes.

The scheme also proposes the widening of Charles Place, which it is somewhat intimidating and, this public realm improvement coupled with the development will make it more welcoming and provide passive surveillance of the area.

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=150901>

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

- Design and Access Statement.

REASON FOR REFERRAL TO COMMITTEE

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

CONSULTATIONS

Roads Development Management – No objection subject to appropriate conditions.

Environmental Health – No observations.

Developer Contributions Team – Contributions required in respect of affordable housing, education, community facilities and sport.

Communities, Housing and Infrastructure (Flooding) – Questions if short period flooding events have been checked.

Community Council – Object to this development in principle- *this development does nothing to maintain the mixed commercial and residential zoning of the area and excessive height*

REPRESENTATIONS

1 letter of representation objecting to the proposed development for following reasons:

- Lack of parking spaces; and
- Height of the building

PLANNING POLICY

Aberdeen Local Development Plan

- I1 Infrastructure Delivery and Developer Contributions
- T2 Managing the Transport Impact of Development
- D1 Architecture and Placemaking
- D2 Design and Amenity
- D3 Sustainable and Active Travel
- NE6 Flooding and Drainage

Proposed Aberdeen Local Development Plan

- D1 Quality Placemaking by Design
- D2 Landscape
- I1 Infrastructure Delivery and Planning Obligations
- T2 Managing the Transport Impact of Development
- T3 Sustainable and Active Travel
- CF1 Existing Community Sites and Facilities
- NE6 Flooding, Drainage and Water Quality

National Policy and Guidance

- Scottish Planning Policy
- Creating Places
- PAN75 Planning and Transport
- PAN 78 Inclusive Design

EVALUATION

MAIN ISSUES

It is considered that the main issues at hand are; firstly, the principle of the development; and secondly, if acceptable in principle whether the application in its detailed form harms the character and appearance of the area. Both issues have regard to the provision of the development plan and other material considerations.

PLANNING POLICY FRAMEWORK AND MATERIALITY

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1990, as amended (the Act) requires that proposals shall be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

In this instance the Development Plan comprises the Aberdeen Local Development Plan (ADLP), together with a suite of that was adopted by the Aberdeen City Council (the Council) on the 29th of February 2012.

Materiality is set, in part, by the Proposed Aberdeen Local Development Plan (PALDP). Whilst the PALDP has yet to undergo independent scrutiny and is not a statutory part of the Development Plan it has been adopted by the Council as constituting a material consideration in the decision-taking process and therefore must be accorded appropriate weight.

At the national level other material considerations include, albeit not limited to, Scottish Planning Policy; Creating Places and Planning Advice Notes 75 and 78 (*Planning for Transport* and *Inclusive Design* respectively).

ASSESSMENT OF MAIN ISSUES

Principle of the Development

The Site constitutes a mixed use area as set out under policy H2 of the ADLP, which will permit residential development provided such development takes into account the existing uses and character of the surrounding area.

The principle of the proposed use therefore accords with the provisions of the Development Plan provided the aforementioned factors are taken into account.

Affect upon the Character and Appearance of the Area

ALDP policy D1 addresses the matter of context and looks for development to come forward that reflects and improves the character of the area and its visual amenity, whilst securing a high quality of design. Regard to context is also set out in the SPP (i.e. under the heading *policy principles*) and *Creating Places*.

In this instance the area does not display the dominance of a singular use and the immediate area around the Site reflects this eclectic nature (i.e. office, light industrial and commercial uses, including the PDSA and residential development). There is a greater intensification of residential development from George Street and beyond. Therefore the proposed development would compliment rather than harm the character of the area.

With regard to form and presence, policy D1 of the ADLP in common with Government advice all accede that planning system should not be prescriptive or stifle innovation in the visual appearance and design of development. In this instance the proposed development adopts a simple block form that draws design and height reference from the adjoining office complex (i.e. Lord Cullen House) and is a style of development that occurs elsewhere in the area.

In terms of amenity, the development encompasses a series of balconies and the use of these amenity areas will not impact upon the occupiers of other properties in the immediate or wider area, whilst also providing amenity to the future occupants of the development.

OTHER ISSUES

Transportation and Parking

The Roads Development Management Team are of the view that the level of parking meets the parking requirements, inclusive of a contribution for the provision of a car club space and are supportive of the application subject to the following conditions:

1. Provision of dropped kerbs;
2. Upgrading of the footway and Charles Place as shown on the drawings;
3. Provision of the parking spaces shown in the submitted drawing 1981-Rev G;
4. Reinstatement of existing vehicular access;

5. Provision of visibility spacy as shown on submitted drawing 1981_06; and
6. SUDS requirements and drainage statement.

Flooding

The comments of the flooding team regarding short period events can be addressed by way of a planning condition, requiring that a scheme sets out any required mitigation.

Developer Obligations

The Developer Obligations team have stated that the scheme attracts contributions towards: affordable housing; education (provide additional capacity at Skene Primary School); community halls (i.e. The Catherine Street Community Centre); Sport and Recreation (i.e. contributions towards Aberdeen Sports Village or the Beach Leisure Centre), all secured by way of legal agreement. The same agreement can also address the car club contribution.

RECOMMENDATION

Willingness to conditionally approve subject to a legal agreement covering: affordable housing; car club contribution; education payment; community hall payment; and sport.

REASONS FO RECOMMENDATIPN

The proposed development by reason of its function, form and design coupled to the promotion of sustainable urban travel complies with policies I1 (Infrastructure Delivery and Developer Obligations); T2 (Managing the Transport Impact of Development); D1 (Architecture and Placemaking); D2 (Design and Amenity); D3 (Sustainable and Active Travel); NE4 (Open Space Provision in New Development); NE6 (Flooding and Drainage); R6 (Waste Management Requirements for New Development) of the Aberdeen Local Development Plan 2012; together with advice contained within Scottish Planning Policy; Creating Places; and Planning Advice Notes 75 and 78 (Planning for Transport and Inclusive Design) respectively.

CONDITIONS

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

1

Notwithstanding the approved drawings no development shall take place beyond the erection of the superstructure until full details of the materials to be used in the construction of the external surfaces have been submitted to and approved in

writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance of the development and in the interest of the visual amenity of the area to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2012

2.

No part of the development hereby approved shall be occupied until the cycle parking facilities shown on drawing no. 1981-01 rev G have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to the development at all times.

Reason: In the interest of promoting and securing sustainable modes of transport and to comply with policy D3 of the Aberdeen Local Development Plan 2012

3.

Notwithstanding the approved drawings no part of the development hereby approved shall be occupied until precise details of the materials including specification and colour and the permeability of hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be completed prior to the occupation of any part of the development.

Reason: In the visual and public realm interest of the development and in the interest of flood management to comply with policies D1, D2, D5 and NE6 of the Aberdeen Local Development Plan 2012.

4.

Prior to the occupation of any part of the development hereby approved the access and visibility splay as shown on Drawing No. 1981-06 rev B shall be constructed in full accordance with the design standards of the Aberdeen City Council.

Reason; To ensure a satisfactory means of access is provided and in the interest of road safety

5.

Notwithstanding Drawing No. 15-6-1 no part of the development hereby approved shall be occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard landscaping, means of enclosure and planting of the development.

Reason: To enhance the appearance of the development in the interests of the visual amenity of the area and to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2012

6.

All planting, seeding or turfing comprised in the agreed scheme of landscaping shall be carried out prior to the occupation of any part of the development; and any trees or plants which within a period of 5 years from first occupation of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping and means of enclosure shall be completed before any part of the development is occupied.

Reason: To enhance the appearance of the development in the interests of the visual amenity of the area and to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2012

7.

No development shall commence until a SUDS scheme together with an assessment of short period flooding events and any necessary mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The agreed schemes shall be completed before any part of the development hereby approved is first occupied.

Reason: In the interests of flood prevention and to comply with policy NE6 of the Aberdeen Local Development Plan 2012.

8.

Prior to the occupation of any part of the development hereby approved is first occupied details for the reinstatement of the access and footway in front of the existing access shall be submitted to and agreed in writing by the Local Planning Authority and the agreed details shall be completed prior to the occupation of any part of the development hereby approved.

Reason: In the interest of the visual appearance of the development and for pedestrian and road safety reasons.

NIL

George Street

Community Council

Secretary

34 Jamaica St

ABERDEEN

AB25 3XA

Tel: 01224 635 764

6/7/2015

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

Dear Sir/Madam

Planning Application 32- 36 Fraser Place Aberdeen ; 150901

We object to this development in principal on this site. This development is doing nothing to maintain the mixed commensal & residential existing zoning of the area and should at least incorporate some small office space suitable for a business start-up.

We feel that this development may lead to a number of extra cars being parked on surrounding streets, in our experience 2 bedroom flats have a higher than 1 car per address and so will exacerbate the parking problems in the area.

Should this development be permitted Low vibration piling should be used due to the close vicinity of a number of existing Victorian and Edwardian building on non-substantial foundations and the known damage that piling of new foundations can do.

We would like to remind the developers of the historic covered loch in close proximity to this site and the likelihood of high ground water levels if utilising basements.

The height of the new building shown to us is felt to be excessive. We feel that high buildings should be lower to maintain the beneficial sunlight to existing properties.

The use of granite, slate and other high quality materials on this imposing development, on the external surfaces is highly desirable for this development; Calsayseat Doctors Surgery was cited as an example of modern building materials that have not deteriorated since being constructed. The use of grey/ white render or non-frost resistant brick and other materials is not desired.

We strongly urge that provision is made to link to the district heating system that is planned for the nearby vicinity.

This development will put further stress on poorly maintained amenity space in the area.

Yours truly



Andy MacLeod
Chair George Street Community Council

P&SD Letters of Registration		
Application Number		
RECEIVED - 8 JUL 2015		
Ncr	Sa	MAc
Case Officer Initials		
Date Acknowledged		

Planning Development Management Committee

CHESTER HOTEL, 59-63 QUEEN'S ROAD,
ABERDEEN

VARIATION OF CONDITION 11 ATTACHED TO
APPLICATION REF NO. P121555 TO ALLOW
USE OF REAR ACCESS GATES.

For: The Chester Hotel

Application Type : Section 42 Variation

Application Ref. : P151997

Application Date: 24/12/2015

Officer: Matthew Easton

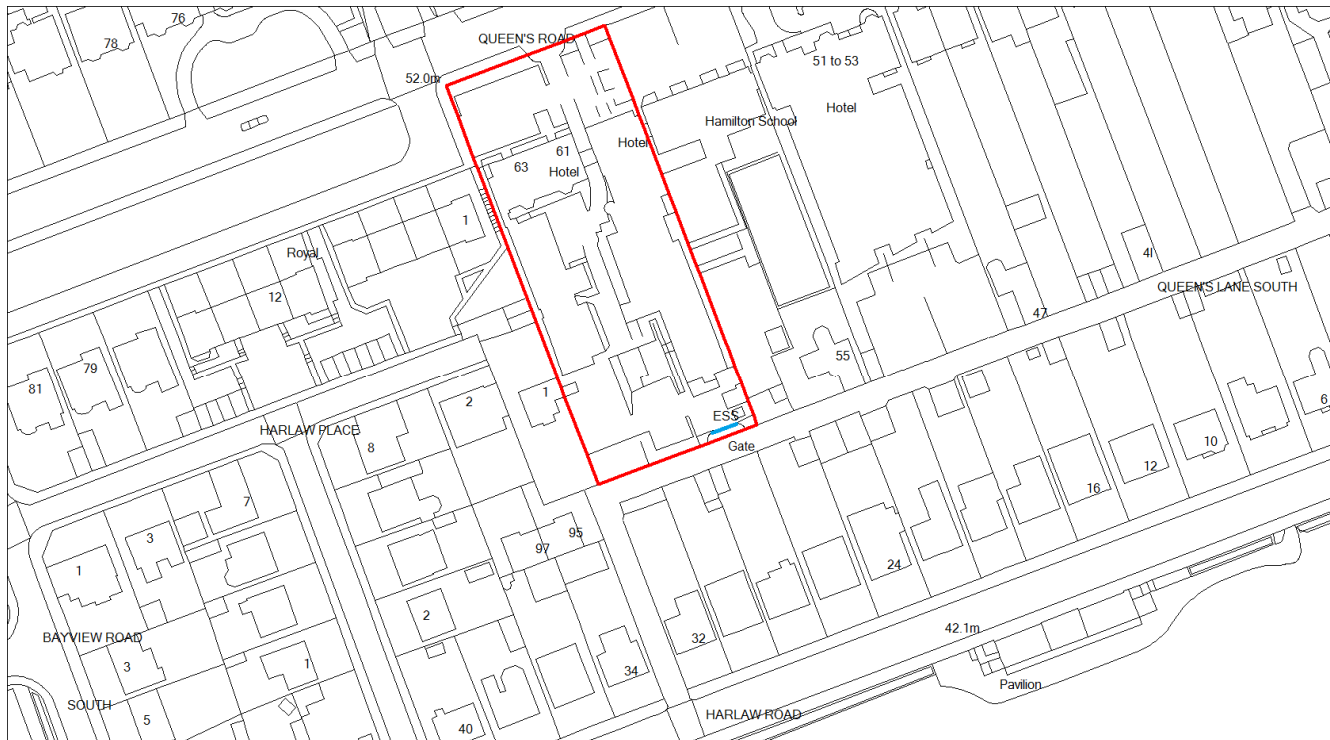
Ward : Hazlehead/Ashley/Queens Cross(M
Greig/J Stewart/R Thomson/J Corall)

Advert :

Advertised on:

Committee Date: 17/03/2016

Community Council : Comments



RECOMMENDATION: Refuse

DESCRIPTION

The 'Chester Hotel' is located on the south side of Queen's Road, between its junctions with Bayview Road and Queen's Gate. The hotel provides 54 bedrooms, a restaurant, private dining rooms, lounge bar and conference & function facilities for up to 350 guests.

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

The specific area which this application relates is the 5m wide vehicular gate between the site and Queen's Lane South.

RELEVANT HISTORY

- Planning permission (96/1957) for change of use from residential at 61-63 Queen's Road to hotel, bar and restaurant was approved in January 1997.
- Planning permission (A0/0272) for alterations and an extension to the hotel was approved in August 2000.
- Planning permission (A5/2137) for a four suite extension to the hotel was approved in April 2006.
- Planning permission (P121555) for redevelopment of the hotel to create the Chester Hotel was approved in February 2013.

PROPOSAL

The application is submitted under the provisions of Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) and seeks a modification to condition 11 of planning permission P121555. Condition 11 currently states –

"(11) that the access gate from Queen's Lane South shall only be used by service vehicles and otherwise shall remain closed and locked at all other times. No customer or public access (vehicular or pedestrian) shall be permitted unless the planning authority has given written consent for a variation - in order to limit the potential for unauthorised parking on Queen's Lane South."

The applicant proposes modifying the condition to state –

"(11) that the access gate from Queen's Lane South shall be accessible for use by all vehicles and shall remain unlocked at all times - in order to facilitate safe

entry for emergency vehicles and allow improved access and egress for delivery and other vehicles as part of a managed traffic plan."

No managed traffic plan has however been submitted by the applicant.

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=151997>. 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 community council for the area have objected to the application and more than six objections have been received. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management –

Environmental Health – No observations.

Communities, Housing and Infrastructure (Flooding) – No response received.

Queen's Cross and Harlaw Community Council – Strongly object to the application. The restrictions were attached to protect and preserve what used to be a quiet residential area.

The Chester Hotel suggests the main concerns previously were purely the parking restriction problem, but the Community Council's reading of planning permission P121555 is that it was also to restrict noise. The application does not mention this.

After assessing the parking survey one might surmise that after 7pm on Friday and Saturday evening there are cars touring about trying to get a space. These cars will undoubtedly end-up parked somewhere close-by possibly in Queen's Lane South.

Opening the gate at all times to all vehicles is bound to create much more noise and traffic for residents later in the evening, especially on Friday and Saturday. The Community Council calls on the Council to start protecting the interests of the residents of what used to be a quiet residential area. People living in this area feel surrounded by commercial noisy interests and are getting no protection from the planning authority.

REPRESENTATIONS

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

1. Previous uncontrolled use of the gate has resulted in indiscriminate parking blocking gates.
2. The lane is not suitable for the current level of traffic and additional traffic would result in road safety issues.
3. Object to the matter being presented to the Planning Committee.
4. There are already issues with delivery vehicles finding it difficult to manoeuvre in the lane, altering the condition would cause more problems.
5. Allow anyone to use the gate would create more noise.

PLANNING POLICY

Aberdeen Local Development Plan (2012)

Policy T2 (Managing the Transport Impact of Development)

Policy BI3 (West End Office Area)

Proposed Aberdeen Local Development Plan (2015)

Policy T2 (Managing the Transport Impact of Development)

Policy B3 (West End Office Area)

EVALUATION

Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires the planning authority in determining the application only to consider the question of the condition(s) subject to which the previous planning permission should be granted. The planning authority has the option to approve the permission subject to new or amended conditions or to approve planning permission unconditionally. Alternatively the planning authority can refuse the application, which would result in the conditions on the original application remaining.

A restriction on the use of the rear gate has been in place since 1996 when planning permission was granted for the expansion of the former 'Belvidere Hotel' at 59 Queen's Road into 61 and 63 Queen's Road to create 'Simpsons Hotel'. The three separate accesses for each property were replaced with a single access to allow service vehicles to access the combined site. In order to prevent parking in the lane by customers a condition attached to the 1996 consent prevents public pedestrian or vehicular entrance or exit to the site into Queen's Lane South. This restriction was reaffirmed through planning permissions for the extension of the hotel in 2000, 2006 and 2012.

In support of the application the applicant maintains that the condition is an outdated legacy from a previous planning consent, locking of the gates actually leads to traffic congestion on the lane, the nearby Malmaison Hotel has a similar car park with no gates and that unlocking of the gates is unlikely to lead to any significant increase in traffic use nor parking on the lane. A parking survey has been submitted which covers one week in November/December 2015. It shows that the peak demand for parking at the hotel is on a Friday and Saturday evening when there would be one space available.

The Condition Itself

As the application is made under section 42 of the Act regard should be had in first instance to the requirements of Circular 4/1998, which states that for a condition to be lawful (i.e. in essence to retain the condition) it must meet the six tests, namely being:

- Necessary;
- Relevant to planning
- Relevant to the development to be permitted;
- Enforceable;
- Precise; and
- Reasonable in all other respects.

In assessing these factors each condition should have a clear and precise reason to justify its imposition and be set against specific policies of the Development Plan. In addition, conditions should not place unreasonable or unjustifiable burdens upon applicants or their successors in title.

Necessary

The test in this instance is whether planning permission would have been refused if that condition were not imposed. If it would not, then the condition requires precise and special justification.

Relevance to Planning and Development Permitted

The matter of controlling indiscriminate parking in order to protect residential amenity is considered to be a legitimate planning matter and is covered by Policy H1 (Residential Areas) of the Local Development Plan which requires new non-residential uses to demonstrate that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity. Although the hotel is zoned under BI3 (West End Office Area), the lane and adjacent residential properties are zoned as Policy H1 and therefore it is considered relevant. The revised West End Office Area Policy in the proposed plan reinforces the protection of residential amenity.

Relevance to Development Permitted

Unless a condition fairly and reasonably relates to the development to be permitted, it would be beyond the planning authority's power to impose it. In this instance the condition relates directly to the impact which the expansion of the hotel has on the surrounding area and is therefore considered to be relevant.

Enforceable

A condition should not be imposed if it cannot be enforced. Although difficult to gather evidence due to resource constraints, it is possible to detect an infringement. Those affected by any indiscriminate parking as a result would be in a position to report such infringements to the planning authority,

Precise

The planning authority cannot attach a condition which is not sufficiently precise for the applicant to be able to ascertain what he must do to comply with it. The drafting of the condition however is considered to be sufficiently clear as to what it is restricting and the circumstances in which the gate may be used.

Reasonable In All Other Respects

A condition may be unreasonable because it is unduly restrictive or the applicant cannot possibly comply with its requirements. The hotel car park has a main access from Queen's Road which allows customer access. Therefore there is an alternative means of vehicular and pedestrian access to the site and the restriction is not unduly onerous. The applicant has control of the land and operation of the gate and therefore has the ability to comply with the condition.

In summary it is considered that the condition would meet the six tests.

Current Circumstances

Since the original condition was attached in 2000 there have been several changes in circumstances.

The first is that the 'Chester Hotel' features function space which can accommodate up to 350 guests, which the previous incarnation as 'Simpson's Hotel' did not. There is therefore more likely to be peaks of high parking demand at the hotel generated by people attending events, than would have been the case when the condition was originally attached. Whilst the planning authority was satisfied at the time that sufficient parking would be available on the site, this was with the comfort that the condition would prevent any overspill into the lane on any occasions of particularly high demand. Queen's Lane South is within a controlled parking zone; however the restrictions operate between 9am and 5pm, Monday to Friday. Whilst this would discourage parking during those hours, there would be no restriction during the weekend or evenings when the peak demand for parking occurs as demonstrated by the parking survey. Resultant indiscriminate parking could lead to difficulties for vehicles manoeuvring within

the lane as well as residents accessing their garages or driveways, as has been highlighted through representations (*issue 1 and 2 in representations*).

Malmaison Hotel, a short distance way opened in 2008 and does have a customer car park which is accessed from Queen's Lane South. Unlike the Chester Hotel, there is no possibility for the Malmaison car park to be accessed from Queen's Road. The situation is therefore not comparable.

Matters Raised by the Community Council

The main points raised with regards to why the condition should remain attached are covered above.

Contrary to the Community Council's understanding of the committee report for P121555 which granted consent for the redevelopment of the hotel, the condition was attached in order to avoid indiscriminate parking within the lane rather than to minimise noise, although it may achieve that indirectly (*issue 5 in representations*)

Matters Raised by Representations

Matters 1, 2 and 5 have been addressed above.

- *Object to the matter being presented to the Planning Committee. (issue 3)*

All applications submitted to the planning authority, no matter what is proposed, must be determined in accordance with the Council's scheme of delegation. In this case the scheme of delegation requires the application to be referred to the Committee.

- *There are already issues with delivery vehicles finding it difficult to manoeuvre in the lane, altering the condition would cause more problems. (issue 4)*

The hotel in their submission maintain that the locking of the gates leads to traffic congestion on the lane, which would appear to be supported by representations by neighbours. Whilst this may occur on occasion, an alternative to the gate such as an automatic barrier or gate with pass code supplied to service vehicle drivers may be a more efficient method of allowing entry and exit to the site. However this application is to determine whether the gate should be locked to prevent customers from using it rather than what the method of restriction should be.

Other Matters

- Although what has been applied for is a modification of the condition, the proposed re-drafting would in effect remove the requirement to have the condition. The same aim could be achieved by deleting the condition as the fact that anyone would be able to use the access does not need to be expressly stated in a condition. Therefore should committee members

consider it acceptable to remove the restriction, it would be preferable to delete the condition rather than accept the modification.

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 this instance the West End Office Area Policy which covers the site has received no objections and enhances protection for residential properties in the West End, reinforcing the requirements for commercial and residential properties to respect each others amenity. All other relevant polices would reiterate policies in the existing plan.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

It considered that the condition continues to meet the six tests set out in Planning Circular 4/1998. Since the condition was originally attached in 2000, function space has been introduced which it is considered would in fact increase the potential for indiscriminate parking to occur at peak periods of parking demand at the hotel. Resultant indiscriminate parking could lead to difficulties for vehicles manoeuvring within the lane as well as residents accessing their garages or driveways, adversely affecting the free flow of traffic and residential amenity of the area. Therefore the recommendation is that the committee refuse the application to alter the condition. The condition would therefore continue to have effect.

From: [REDACTED]
To: [PI](#)
Subject: Chester Hotel - Planning Application 151997 - Community Council Objection
Date: 31 January 2016 19:30:16

Chester Hotel - Planning Application 151997
Objection by Queens Cross/Harlaw Community Council

We wish to strongly object to the application by Chester Hotel for general access from the back lane to the Hotel.

Firstly we note that again the Chester Hotel wish to relax the restrictions put upon the premises previously. Although this time the Chester are not adding again to their total of retrospective planning applications or trying to get a Certificate of Lawfulness we do note they are attempting to get the Planning Authority to overrule a decision made for very sensible and valid reasons to protect and preserve what used to be a quiet residential area.

Aberdeen City Planning have already given way to retrospective Planning Applications by the Chester Hotel which have downgraded the quiet residential area to more noisy commercial interests.

In their application this time we note the Chester suggest the main concerns previously were purely the parking restriction problem, but our reading of the previous decision (see planning application P121555) on the property under the previous owners (Simpsons) was also to restrict noise. See the previous conditions of approval which had additional time restrictions -

"0700 to 1900 Monday to Saturday and 1000 to 1900 on Sundays - in order to protect surrounding residents from noise disturbance at unreasonable hours"

The Chester application does not mention this.

Also we note the parking survey done by the Chester Hotel seems to use the aggregation method of confusing statistics. That is they suggest there are parking slots free most of the time. However they do not seem to note that if one drills down into the statistics at the times which are more critical, i.e. later after 7pm especially on Friday and Saturday evening there is always only ONE free space. I have not seen the parking area at that time but I suspect this ONE parking space always free is difficult to get into (OR is it the one disabled parking space?). So one might surmise after 7pm on Friday and Saturday evening there are cars touring about trying to get a space. These cars will undoubtedly end up parked somewhere close-by possibly in the lane.

Hence opening the gate at all times to all vehicles is bound to create much more noise and traffic to residents later in the evening, especially on Friday and Saturday and they are already subjected to the noise from Chester clients and activities from their functions.

Queens Cross/Harlaw Community Council call on Aberdeen City Planning to start protecting the interests of the residents of what used to be a quiet residential area.

We note also that diagonally across the road at 94 Queens Road an application for offices by another group has been lodged which, if granted, would divide that residential area in two with a rat run for cars. For us living in this area we feel surrounded by commercial noisy interests and getting no protection from our Planning authority.

Regards Ken Hutcheon Secretary of Queens Cross/Harlaw Community Council

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From: webmaster@aberdeencity.gov.uk
To: [PI](#)
Subject: Planning Comment for 151997
Date: 23 January 2016 11:50:40

Comment for Planning Application 151997

Name : David Kennedy
Address : Flat 4 Royal Court,
Queens Road,
Aberdeen,
AB15 4ZX

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object on the basis that the additional traffic and parking on Queens Road South will restrict access for residents requiring access along this lane and make traffic conditions worse on Forrest Avenue which already suffers from queuing traffic, double parked cars and is hazardous to pedestrians particularly around school time. The Access and egress along this lane has not materially changed since the original restriction was put in place when Simpsons hotel was on the site and therefore the restrictions should remain in place

Furthermore we are very concerned by the amount of retrospective planning applications that are being submitted by the Chester hotel and as a neighbour we encourage the council to investigate this further and report to all local residents why this has been allowed to happen and why each application has had a 100% success rate with minimal consolation of the neighbouring properties. Finally we are aware of the fact that not all residents of Royal Court (numbers 1-8) have been notified of these planning applications. You should be aware that all of these properties jointly own the land surrounding Royal Court that is directly adjacent to the hotel and therefore should all be consulted on these applications.

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28 Harlaw Road

Aberdeen

AB15 4YY

Aberdeen City Council

Planning Reception

Planning & Sustainable Development

Marischal College

Broad Street

Aberdeen

AB10 1AB

21st January 2016

Chester Hotel –Application for use of rear access gates

Application No 151997

Dear Sir

It is disappointing to be presented with yet another application for further planning permission from the Chester Hotel.

I strongly object to the request being placed in front of the Planning Committee.

This proposal has a direct impact on the rear of my property. My garage and garden wall are directly opposite the hotel entrance. At present this entrance is kept locked.

The situation is clear- there is insufficient space for delivery vehicles to turn into the rear entrance of the hotel from the lane. Attempts by vehicles to gain access over the years has led to damage to my property on a number of occasions. As it has always been impossible to identify the specific vehicle which has caused the damage I am left to pay for repairs.

Agreeing to the proposal now presented to you will make matters worse, the situation is already intolerable.

I reiterate that I object to this proposal in the strongest possible terms.

Yours sincerely



LORNA M. CHEETHAM.

95 Queens Lane South
Aberdeen
AB15 4BF
Tel 01224 319915

objection
Chester Hotel
Application Number 151997

Dear Sir/Madam

I am writing to object to and request that, the application for amendment to the original planning permission is not granted.

I would ask that you consider this objection on the grounds of noise and more importantly safety. The hotel already has access to and from parking spaces via a main road.

Our home is situated on the lane near to the rear of the premises. The noise during the evening can, to a certain degree be ignored but after 10.00 p.m

becomes a nuisance. Clients gather around the pergola laughing talking and singing. Music reverberates till around 1.00 a.m. If we add to this traffic screeching out the premise this will only enhance the problem.

The lane is totally unsuitable for the traffic flow as it is, it is very narrow, there is no pavement and our house is situated on a right angled turn. Also traffic exiting have a poor view of the road as they exit.

Over the past few years, we

have had our wall knocked down four times. and I was involved in a sideways collision, from a car exiting a premises on the lane. Children on the way to playing fields also use the lane walking in large groups, unaware of traffic.

The proprietors have been totally disrespectful of neighbours, careless of the impact they have on local residents. They display open contempt for the democratic mode of the planning committee building what they want and then gaining permission

I therefore ask you not to grant planning permission
yours faithfully

151997

32 Harlaw Road
Aberdeen
AB15 4YY
15 January 2016

Aberdeen City Council
Planning Reception
Planning and Sustainable Development
Marischal College
Broad Street Aberdeen

Dear Sir,

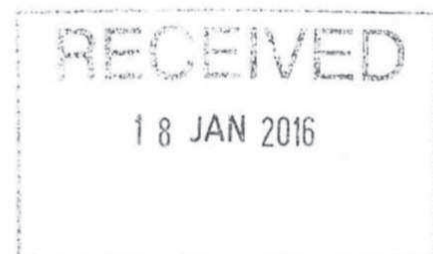
Variation of Condition 11 to Application Ref. No. P121555

Thank you for your notification of the above which is yet another of a number of notifications which I have received over a period of time. I may say that I have not raised any objection to previous applications.

I am informed that the "variation" is a request to have unlimited access via the rear gate to the Chester Hotel to all traffic.

Many years ago, when Mr Ricky Simpson proposed his alterations and extension to the same hotel, he invited all the neighbours to the hotel to discuss his proposals. At that time, he agreed to keep the rear gate to the hotel closed except for delivery vehicles to access when required.

That arrangement has been maintained to this day during the tenure of several owners including the present. There has never been any problem with access for deliveries or indeed of emergency vehicles at any time. I and my family have lived at our home for 50 years and, during that time, traffic flows have increased out of all recognition. The entrance to our garage is at the corner of Queens Lane South and on fairly regular occasions, cars speed round the blind corner of the lane (and it is a lane, not a thoroughfare) and the likelihood of collision is ever present.



I do wish to lodge an objection to the proposed "variation" on the grounds outlined above. A possible solution would be to install bollards at the corner of the lane to allow traffic to enter and exit via Forest Avenue only. Such bollards would require to be easily removable to allow access to emergency vehicles if and when required. In that instance, of course, an open gate at the Chester Hotel would not affect this property.

Yours faithfully

A solid black rectangular box redacting the signature of Dr Gordon B. Rhind.

Dr Gordon. B. Rhind

34 HARLAW ROAD
ABERDEEN
AB15 4YY

24.01.16

Aberdeen City Council
Planning Reception
Planning and Sustainable Development
Marischal College
Aberdeen

Dear Sir/Madam

Variation of Condition Application Ref No. P121555

Further to receiving this notice I wish to object for the following reasons

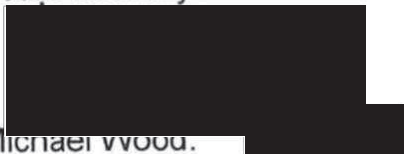
There is already a been a dramatic increase in traffic flow in the lane over recent years due to the numerous Queens Road developments which have re access onto Queens Lane South. I have seen on numerous occasions near accidents both with pedestrians and vehicles on the lane especially at the corner behind No. 32 Harlaw Road. Cars inevitably approach the corner far too fast. Furthermore my garages entrances are just beyond that corner and several times vehicles have just before hitting my vehicle as I exit my garage.

The lane was never designed for the traffic flow as it is currently and any further increase in that number of vehicles using the lane will increase all the dangers that already occur.

In addition as high number of the vehicles using the access to the rear of the hotel will be doing so late into the evening or early hours of the morning, this will only increase the noise disturbance to the local residents.

A solution to this issue of the use of the lane would be to install a bollard system so as to only allow access to the lane from Forrest Avenue.

Yours faithfully


Michael wood.

P151997

**4 HARLAW ROAD
ABERDEEN
AB15 4YY**

January 27, 2016

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

**Variation of Condition 11 attached to Application Ref No. P121555 to
allow use of rear access gates. Chester Hotel**

I wish object to planning application p121555 on the grounds of the following:

When Simpson Hotel was granted planning approval in 1996 for change of use from residential to hotel bar and restaurant one of the conditions was that the access gate at Queen's Lane South shall only be used by service vehicles, otherwise shall remain closed and locked at all other times. No customer or public access (vehicular or pedestrian traffic) shall be permitted unless the planning authority has given written consent for variation in order to limit the potential for unauthorized parking on Queen's lane South. They were also refused a function suite, which The Chester's Hotel has now managed to achieve!!

I feel that this was quite an important condition as it is a lane with no pedestrian pathways (my understanding is that it is a private lane) and not a road it is also the back entrance to residential houses. Over the years this Lane has also got so busy with service vehicles for both hotels and staff vehicles to the various offices. Parents also use the lane as a drop off point for Albyn School.

Most days there is congestion on the lane which also flows onto Forest Avenue, service lorries having to reverse up the lane on many occasions. Parents abandoning their cars over residential and commercial entrances and garages. Public cars parking on the lane when Malmaison Hotel car park is full.

Now The Chester hotel has been granted retrospective approval for the balustrades it is only a matter of time before functions and wedding commence which means the car park will be used to full capacity and also the public using the back entrance and safety will be a cause for concern as there is no pathways. If they were granted approval for the variation of the current restrictions placed on the rear gate access, the lane would become intolerable and there would be no respite for the residents.

I think the residents have been more than accommodating in the past we have had to endure years of disruption when they were building and on many occasions the lane was blocked.

I truly hope the planning department gives this great consideration to refuse on the various points:

1. Safety, it is a lane with no foot paths and not a road.
2. It is already congested without additional traffic.
3. It was also a main point in the change of use from Residential in 1996.
4. Consideration for the residents.

Sincerely,

Louise Pirie

From: [REDACTED]
To: [PI](#)
Subject: P151997 - Variation of Condition 11 attached to Application P121555 ... Chester Hotel 59-63 Queen's Road, Aberdeen, AB15 4YP
Date: 02 February 2016 23:00:20

Dear Sirs,

It is with a feeling of dismay and despair that I write this objection. We have only just received a decision on one of a myriad of retrospective planning applications by the owners of the Chester Hotel and yet another one lands on our doorstep. How long will it be before all the, albeit very limited, restraints on the hotel's destruction of the amenity of our area are completely eroded? It feels like a battle we are bound to lose but in the vain hope that any attention will be paid to my reasons for objecting to the latest incursion I nevertheless list them as follows:-

Justification

1. It is suggested that congestion caused by delivery lorries/vans will be minimised if the gate is left unlocked as the hotel operator requires to manually admit them. This is incorrect. There is no congestion caused as there is a space adjacent to the gate and clear of the lane which allows a van or lorry to park without obstructing the lane. Moreover, the only reason that manual admission is required is because the Chester Hotel management deliberately decided NOT to install a proper gate entry system instead choosing to make use of a somewhat tacky note in a plastic bag and a bicycle lock. It appears that there was no real intention to comply with the gate restrictions long term but simply to pay lip service to them until they could get them changed. Nevertheless it would still be a perfectly simple task to install a system giving immediate entry at the touch of a button.
2. The Malmaison Hotel is used as an argument for allowing unrestricted access to Queens Lane South. There is no direct comparison for several reasons - Firstly - there is no alternative vehicular access to Malmaison's car park, but this is not the case with the Chester - Secondly and crucially, Malmaison does not have a function suite with a capacity of 300 people which would give rise to a realistically substantially larger parking requirement. Finally there has been a problem with overspill parking. Indeed I am aware of the fact that neighbours in the vicinity have had their garage entrance blocked by Chester Hotel employees' cars.
3. It is argued that the condition is a legacy from the past. It may well be, but with the hugely increased capacity of the Chester compared to Simpsons let alone the increased traffic to and from Malmaison, it is more needed than ever. Moreover, parking restrictions cited DO NOT APPLY AFTER 5PM WEEKDAYS AND ALL WEEKEND which are of course the busiest times for use of the hotel. Therefore I would reiterate that far from being outdated the condition is more needed than ever.
4. Reference is made to safe entry for emergency vehicles. It beggars belief that the hotel could operate, have a licence or be insured without this issue having been previously addressed to the satisfaction of the emergency services. In addition, one would assume that access via Queen's Road

would be preferable to using a narrow lane with a difficult sharp corner to negotiate, if at all possible. Finally presumably if a proper entry system were installed immediate access could be gained anyhow.

Parking Survey

1. No credence can be given to a parking survey that is not independent.
2. We have had no opportunity to arrange our own survey.
3. As stated above (re- Justification) there is huge potential for a shortage of parking at the Chester particularly at times when there are no parking restrictions in the lane. Obviously if someone finds no space in the car park and the gate is open they will try the lane next. It is not credible to argue otherwise.
4. It is stated that the gates will be kept shut 'when not in use'. This is completely undefined and therefore meaningless. It could be in use all the time! The Chester management cannot be trusted - they do not follow rules as has been abundantly borne out by their conduct dating from the start of the construction of the hotel. We and our neighbours have had to make repeated complaints about noise, gates being left open and deliveries outwith permitted hours. Indeed on one occasion Graham Wood himself advised one of my sons that he would not turn down loud music late at night (which was audible in our bedroom) because it would be 'bad for business'. In short, they are bad neighbours and allowing the restriction to be removed would simply give them *carte blanche* to do whatever they wanted.

Conclusion

1. The planning condition relating to having the gates locked is a legacy from a previous planning consent but rather than being outdated it is more required than ever.
2. Locking of the gates does not lead to traffic congestion on the lane but installation of a proper gate entry system would mean that there would be no delay in accessing the car park for service and delivery vehicles.
3. The Malmaison hotel is not comparable having a vastly smaller capacity and no other access to the rear car park.
4. It is disingenuous to state that unlocking the gates is unlikely to lead to any significant increase in traffic use of the lane nor to parking in the lane as there is inadequate parking on the overdeveloped Chester site.
5. Removal of the restrictions would lead to increased parking, noise and traffic in the lane. This would pose an increased danger to cyclists on what is a designated cycle route. In addition the entry/exit to the lane at Forest Avenue is opposite a large school and nursery therefore this additional traffic would increase the likelihood of accidents. In the other direction there is a sharp blind corner which already poses a hazard and again increased traffic would make accidents more likely.
6. Approving this planning application would be a further erosion of the amenity

of the area, the lane in question separating the hotel from a wholly residential street.

Best regards

Jennifer West
26 Harlaw Road
Aberdeen AB15 4YY

From: [REDACTED]
To: [PI](#)
Cc: [REDACTED]
Subject: Planning Application 151997 - Variation of Condition 11 attached to Application ... Chester Hotel 59-63 Queen's Road, Aberdeen, AB15 4YP
Date: 02 February 2016 21:37:32
Attachments: [IMG_0416.JPG](#)

Dear Sirs

It is with some feeling of despair that I submit this objection to the planning application. It is another application in a long line that characterise the Chester Hotel development - an endless stream since the beginning. The starting point of all decisions so far by the planning authority has been to grant all and any planning application for the Chester Hotel by one route or another. So far there have been no planning applications rejected by the planning authority so it is assumed that this one will be 'approved unconditionally' no matter what evidence is put in front of the planning authority. For instance a non-material variation was granted for a significant infill building and the roof was raised without the neighbours even being made aware of the application (the 'red line' was drawn around a small part of the building, a cynic would say to avoid receiving any planning objections). It is well noted that all other planning applications for the Chester Hotel have the 'red line' drawn around the whole site, even for small items.

Summary of reasons for objection - arguments detailed below:-

- the gate being unlocked will result in more traffic in the lane - more danger of serious or fatal accidents for residents, school children, toddlers or cyclists
- free for all with regard to timing of deliveries and refuse collection resulting in noise for the residents at any time (hotel management have regularly demonstrated their poor attitude to noise)
- Queens Lane South is a designated cycle route (ACC plan) - more traffic will result in greater danger to cyclists, possible serious injury or fatality
- More traffic in Queens Lane South will put the children going to schools and nurseries at greater risk of accidents
- delivery vehicles will take longer in the lane if they are required to open and close the gate (the Chester proposal is confusing is it to remove the lock or open the gate?)
- loss of amenity for the area (Conservation area 4)
- lack of respect by the current management for planning rules, noise restrictions, or their neighbours - the owner when asked to reduce noise refused to do so on the basis that it was 'bad for business'
- access for emergency vehicles should already be accounted for in the plans, licencing and insurance (is there some suggestion that the requirements are not met?)
- lack of consistency with other planning decisions

This seems completely contrary and inconsistent with another planning application (P140896) in the same conservation area 4.

The reasons for rejecting the application P140896 are summarised as follows:- (extract from the planning report)

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=140896&index=135279&d=y>

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

That the proposal, if approved, would be significantly detrimental to and thus not

preserve or enhance the character of Conservation Area 4 (Albyn Place/ Rubislaw), and would adversely affect the setting of the Category C listed building on site and those Category C and B listed buildings on adjacent sites, due to the excessive length of the proposed development, the loss of the sense of open space within the site and the inappropriate scale of development in relation to the existing building which would result in over-development. The proposal would therefore be contrary to Scottish Planning Policy, Scottish Historic Environment Policy and Policies D1 (Architecture and Placemaking) and D5 (Built Heritage) of the Aberdeen Local Development Plan.

That the proposal, if approved, would set an undesirable precedent for similar developments in the surrounding Conservation Area 4 (Albyn Place/ Rubislaw) which would have a significant adverse effect and undermine the special character of the area.

That the proposal, by virtue of its scale and massing, and its proximity to the neighbouring property at 31 Queen's Road which currently operates as a care home, would have a substantial negative impact on the amenity of those residents of the care home whose bedroom accommodation at either ground or 1st floor level would face onto the proposed development

One rule for one, another for the Chester (specifically for instance - amenity, character of the area, . loss of open space, over development, scale and massing,)

During the time when the hotel was Simpsons and if the gate was left open at the weekend there was regular indiscriminate parking in Queens Lane South. Entrances to properties were blocked on numerous occasions. Simpsons Hotel however always acted very reasonably and endeavoured to find the culprit blocking the entrances. I do not expect the management of the Chester Hotel to act in such a reasonable manner.

The application is at best confusing. It states that the gates will be kept shut when not in use, how will this be achieved and what defines when the gate is in use? Furthermore the application states that 'it is proven' - that is a very bold statement and it is completely untrue and should not be used in any decision. I have equal proof that the car park is regularly full and an open gate will result in indiscriminate parking.

It is also untrue to state that the Queens Lane South is a controlled parking zone at all times. It is not between Friday 17:00 and Monday 09:00. Also, the area is heavily parked during sports activities on evenings and at the weekend so overspill from the Chester Hotel will have a detrimental effect on those sporting activities by taking up spaces. This is also a safety issue in that more cars from the Chester Hotel will be using Queens Lane South and Harlaw Road putting the people taking part in the sporting activities at more risk due to the increase in traffic. Normally this traffic would be channelled onto Queens Road.

It is important to note that the gate lock is in fact a BICYCLE LOCK. The sign on the gate is a printed A4 piece of white paper in a plastic bag tied to the gate. This in a 5 star hotel looks very tacky and is a demonstration of the poor intent of the management to adhere to the planning requirement by failing to install a permanent or professional door entry system.

The point regarding emergency vehicles is assumed irrelevant. There is presumably an emergency plan for the Chester Hotel and also assumed to be fully compliant, otherwise it would not be open, licenced or insured unless they are operating illegally. The fire brigade will have equipment to open the bicycle lock on the gate in the unlikely event of an emergency, or the hotel would have time to open the gate while the emergency services are on their way. Ambulances would presumably use the front entrance. This argument is a red herring.

The gate being unlocked will diminish the already diminished amenity of the area. It is noted that

other developments that would affect Queens Lane South have been rejected as they would reduce the amenity of the area - see above.

The Chester Hotel is completely different to Simpsons. It has a licence until 01:00. It has a function suite for up to 300 people. It has more bedrooms. There are many occasions where the car park is full and the 'parking survey' can only be described as a sample to fit the hotel's argument and not representative of what actually happens. The hotel have presented 'evidence' in the past (for instance a noise report that was completely discredited and quietly (no pun intended) forgotten) and such reports are meaningless unless carried out by a credible and independent organisation that is not funded by the Chester Hotel. I can contribute with at least the same level of authority that I have regularly seen the hotel car park full, including disabled spaces being used by non-disabled people (the disabled space is just inside the back gate and I observed two people walking up the lane one Saturday morning, getting into their car which was parked in the disabled space and driving out the open back gate). I assume the reason they were parked in the disabled space was because there were no other spaces available and it is the last space at the back of the car park. This is just as valid a piece of evidence as the Chester Hotel report and please find below a picture of a patron's car exiting the car park by the open back gate that same morning. You will also see a vehicle parked in an unmarked area due to there being no spaces available. This blows the Chester Hotel survey right out of the water into outer space. It is simply a concocted document designed to support their spurious argument. Furthermore my wife and myself were working in the back garden and lane tidying up on that occasion and the rear gate was open for many hours so the hotel already openly breach their planning consent conditions. Numerous patrons were observed going in and out through the gate which significantly added to the traffic in Queens Lane South where we were tidying up some garden debris and had to regularly get out of the way of Chester Hotel patrons' vehicles. If this became a known and regular route then there will be an increase in patron's traffic in the lane with additional risks to pedestrians, cyclists (see below as Queens Lane South is an Aberdeen Council designated cycle route). Many of the patrons visiting the hotel have large and/or fast cars and I have seen such cars 'roaring' up the lane at high speed and leaving the gate unlocked will only increase the incidence of such events increasing the potential for an accident or fatality.



The arguments used by the Chester Hotel for 'unlocking' the gate are patently illogical and pointless. If the delivery and service vehicles have to open and close the gates themselves then this will involve **more time** for vehicles being in the lane than before. Also, it will involve the drivers of the vehicles getting in and out of the vehicles which will be a risk for them, **particularly in dark conditions**. If they are alone they will be required to switch off their engines and safely park their vehicles each time they open and close the gate. This will increase, not decrease, the time they are in the lane.

It is more than likely that the delivery and service vehicles will not close the gate. This means that the assertion from the Chester Hotel that the gate will be kept closed when not in use is not a practical solution. The hotel have to maintain a duty to keep the gate closed and the most effective way of achieving this is to lock it.

The application seems to be based on an economic argument in that the hotel do not want to bother with controlling the gate rather than the effect it will have on the pedestrian safety, child safety, cyclist safety, lane traffic or the amenity of the area.

The hotel have a history of opening the gate outwith the permitted hours. Bottles have been collected very early in the morning (I think 05:15). This is a recorded event that the Environmental Health Department are fully aware of and have taken action over. However, in that case the hotel management stated that the bin man did not know about the time restriction for collection (email available on request). Mr Wood did not personally take responsibility but blamed the driver - in fact it was Mr Wood's duty to organise the contract in accordance with the planning regulations. Furthermore and as an aside Mr Wood did not offer any apology to the residents for the early morning bottle smashing incident - merely blaming the poor driver. If the gate is un-locked then there will be no control by the hotel of deliveries or service vehicles and from past experience their last concern is disturbing the neighbours. This is further borne out by Mr Wood stating to my son one Saturday night that it was not possible to turn down the music that was audible inside our

house as it would be 'bad for business'. The point is that the hotel management cannot be relied on to be reasonable let alone good neighbours. Allowing the gate to be unlocked would mean that control of deliveries would be completely uncontrolled and the hotel management clearly demonstrated that they do not care about the amenity of the surrounding neighbourhood. Amenity of the surrounding area appears to have played a large part in the decision for P140896.

The reference to Malmaison is not valid. It was probably a mistake to allow parking there as it does add to Queens Lane South traffic and congestion. However, it appears that a front access to the rear was not available unlike the Chester Hotel so it is not a relevant argument.

Aberdeen has defined cycle routes that cyclists are encouraged to use. Queens Lane South is such a route. See <http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=65916&SID=13374>

Cycle routes are chosen for the low level of traffic. Traffic will inevitably increase if the gate is uncontrolled on a designated cycle route leading to a significant increase in cyclists being involved in serious accidents.

Cycling accidents are usually serious or fatal.

At the East end of Queens Lane South many children are crossing to go to schools and nurseries. More traffic in the lane will put these children at greater risk. I sometimes use the lane in the morning when my car is in the garage and it is necessary to be extremely careful as there are a lot of small (very small in some cases as there is a nursery) children and patrons that may be unfamiliar with the area would pose an unnecessary additional risk if the exit from the Chester Hotel is uncontrolled. Forest Road is a 20MPH area at certain times and the Queens Lane South exit has no sign or flashing lights. There is a significant risk that patrons will not be fully aware of the danger to others if they use the exit onto Forest Avenue with the much higher risk to children and toddlers.

Best regards

Alan West
26 Harlaw Road
Aberdeen

From: webmaster@aberdeencity.gov.uk
To: [PI](#)
Subject: Planning Comment for 151997
Date: 02 February 2016 00:15:23

Comment for Planning Application 151997

Name : Mrs WA Bradford
Address : 2 Harlaw Place
Aberdeen
AB15 4YW

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Dear Sir/Madam

Chester Hotel - Planning Application 151997

I wish to strongly object to the application by the Chester Hotel for general access from the hotel into Queens Lane South. At present I wish to highlight, once again, the issues neighbours have had to deal with due to the lack of adherence to the normal planning process and the noise pollution local residents have had to endure. The restrictions are an attempt to limit the possible sequelae for residents and why some of the previously awarded applications were not contested due to these safety nets. This was a quiet residential area and many of our bedrooms, living areas and gardens are in extremely close proximity to the rear of the hotel.

Considering noise pollution often late into the evening and small hours of the morning are when guests are leaving a function or having a cigarette. At present, during these unreasonable hours, the customers are directed towards the front of the hotel but if the gates are open they are free to leave via this access and likewise they could drive out this way. The noise of cars starting and leaving at these hours can be most disturbing as well as revellers leaving and walking out through this area. We already have to deal with refuse vehicles and glass collections and one would hope the restricted hours would continue for these purposes.

The decisions were made for truly valid reasons and to allow the residents some protection and piece and quiet. Once again may I highlight that the previous Simpson's Hotel; did not have a function suite and now serves an entirely different purpose to the current Chester establishment. The awarding of planning and licence was considered without all the full facts; especially to the local residents with the constant retrospective planning. I believe the capacity can be up to 350 reception guests or 230 wedding guests. The Planning Authority are the residents advocate and their to protect our amenity.

There is the issue of the parking restrictions and impact this has on the local area. Assuming enough parking was made available for the size of the hotel with its function capacity then there should be no requirement to access the rear lane. Should access be allowed then there is the potential for parking over garage areas and more traffic allowed to use the already busy lane. The parking is usually to capacity at times of functions especially at evenings and weekends. There are safety issues to consider with regard to pedestrian access. I believe an objection was upheld towards a local nursing home in Queens Lane South due to volume of traffic and loss of amenity in 2012 (P111912).

There is comparison made to the Malmaison Hotel in the Chester application. May I highlight that Malmaison does not provide a Function Suite for a large number of guests so once again provides a different purpose. The volume of guests is entirely different and Malmaison are usually hotel/overnight guests or dining guests. I would find it highly unusual for emergency vehicles to access the hotel via Queens Lane South rather than the main access through Queens Road. I would assume current practice would continue as if unsafe then they would not be able to comply with Health and Safety issues. With regard to the Parking Report I wonder if the hotel could provide the number of accompanying conferences or functions during this time. I am unclear if this is a true reflection of the impact of parking during the busier weekend/evenings e.g. Christmas party nights.

Please protect our amenity and our local residential area. We have had to endure many compromises due to the retrospective planning applications of the Chester Hotel and the restrictions

placed with regard to rear lane access was one of the safety nets to reduce noise pollution late evening/early hours of the morning as customers head home or congregate for smoking. We have young children and hope to aspire not to be disturbed in our homes.

Many thanks for your consideration,

Yours sincerely

Mrs Wendy A. Bradford, 2 Harlaw Place, Aberdeen, AB15 4YW

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Objection to Planning Variation Number 151997 Variation of Condition 11 attached to application reference number P121555.

There is a total of 48 car parking spaces on Chester grounds. Regardless of all varying, spurious estimates of how many drivers may or may not choose to access the Chester carpark via front or back entrances, the fact remains – 48 cars would have the right to seek entry and exit to the Chester Hotel via the rear gate. This is a huge increase in the additional amount of possible traffic on Queens Lane South. This would lead to increased traffic with consequent additional safety risk and noise disturbance.

Access to Queens Lane South is not from a main road at either side. On the West side the lane runs from Harlaw Road and winds round a right angle corner before it straightens on to the main straight run of Queens Lane South which passes in front of the Chester's rear gate. Drivers negotiate around that corner too quickly – and invariably place themselves in the middle of the road in order to make the sharp turn. On many occasions we have witnessed instances of near misses when two cars meet at that blind bend or a pedestrian is rounding the bend in the opposite direction to an oncoming car.

The lane is not only used by drivers but pedestrians walk there, dog walkers use the lane and children bike in the lane. There is no safe pavement. Are you really willing to take on the responsibility of the increased potential for harm being done to the public - walking or driving - by approving this Variation application? We have heard a lot of Health and Safety issues being cited by the Chester as a means to their own ends – in this case the greater Health and Safety issue most definitely sits on the side of not encouraging further traffic on the lane.

On the point of traffic congestion. This is a lane, not a main thoroughfare and we have witnessed no more hold ups than often experienced on many streets in Aberdeen where a degree of tolerance must be exercised when routine events such as bin collection happens. On the point of access for delivery trucks, we would suggest the obvious – that the Hotel install an electronic entry code system which would get around any alleged back up problems. This is a standard means to gain access.

The provision of access to hotel parking via the rear gate would, however, provide the Chester Hotel with the means to reduce traffic on their own property – a point not touched upon in their statement of support. The theory of the greater good for all is a much more persuasive angle to pursue.

The point about emergency access via the rear Lane shows the Chester's disingenuous reasoning at its best. Are we seriously to believe that any ambulance would choose to gain access to the Chester Hotel via a narrow lane as opposed to just driving in the main entrance and reporting in immediately at the main reception desk?

If an emergency call is made specifically requesting attendance at the rear car park would it not be reasonable to assume someone from the Chester would be present at the scene to facilitate entry? Either way an entry code system would solve the problem.

Queen's Lane South is a narrow lane, it is not a lane which runs straight making manoeuvres easy, it is not a lane which affords drivers good visibility. It therefore, is not a suitable site on which to encourage any further traffic.

We respectfully ask the Planning Department to deny this variation. In spite of the mantra

which all unfortunate residents of this neighbourhood must by now be aware of that - "each application must be considered on its own merits" – we should recognise is just another link in a now very familiar chain of Chester Hotel Retrospective Applications and Variations made with no regard for the surrounding neighbourhood.

The Variation applied for has no merits and poses a real safety concern and further loss of neighbourhood amenities due to increased traffic noise.

CONCLUSION

The Planning Condition relating to having the gates locked is an outdated legacy from a previous planning consent –

"Outdated legacy" is a subjective statement based solely on an opinion – consideration of Safety and Noise implications of traffic in the Lane is NOT an outdated issue.

"Locking the gates actually leads to traffic congestion on the lane"

If the Chester Hotel is being honest in this statement and sincerely concerned about causing traffic congestion in the lane –Then the solution is very simple and employed by thousands of private . All they need to do is install a keypad lock with combined entry phone system. They would simply issue the key code to all scheduled service operators (not to hotel guests for parking). These systems are available for under £200 and come with a phone unit to connect to reception. As a failsafe, emergencies can be dealt with by attaching a sign informing service and emergency vehicles with the contact number of the hotel reception. The person on duty would either physically unlock the gate / remotely release the lock or advise the code.

" The adjacent Malmaison Hotel has a similar car park, with no gate"

Reference to the Malmaison is not a reason to willingly exacerbate an unsatisfactory situation – the old saying "Two wrongs don't make a Right" very much applies here. By adding the traffic of nearly 50 cars to the traffic in the lane will create a danger to the residents and the general public who have the right to use the lane and are already put at risk due to the traffic of Malmaison.

"Unlocking the gate is unlikely to lead to any significant increase in traffic use of the lane nor to parking on the lane, since it is proven that adequate car parking already exists on the Chester Hotel site"

This is a misleading statement – there is NO connection between adequate parking on the hotel site and the resultant lack of increase of traffic on the Lane.

This statement is pure speculation – there is NO way to predict accurately how customers will choose to access parking within the Chester site if they have two options – the very word "unlikely" confirms that the Chester does not know this for a fact. To use Chester phraseology – this variation would actually be extremely LIKELY to increase traffic on the lane.

Isobel Vorenkamp
24 Harlaw Road

1st February 2016

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ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management
DATE	17 March 2016
DIRECTOR	Pete Leonard
TITLE OF REPORT	Review of Article 4 Direction Orders
REPORT NUMBER	CHI/16/044
CHECKLIST COMPLETED	Yes/No

1. PURPOSE OF REPORT

- 1.1 To cancel the Article 4 Direction Orders which historically restricted all householder permitted development rights in parts of ten of Aberdeen's conservation areas and city-wide with regard to dormer windows and mansard roofs, as they are now superfluous, following the introduction of more recent legislation including the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011.
- 1.2 To cancel the Article 4 Direction Order which currently restricts householder permitted development rights in parts of Kingswells as the context in which Kingswells is situated has changed, meaning that the Article 4 Direction is no longer required.

2. RECOMMENDATIONS

- 2.1 It is recommended that the Committee:
 - (a) Approves the cancellation of Article 4 Direction Orders currently in place in conservation areas and instructs officers to undertake the necessary actions.
 - (b) Approves the cancellation of the Article 4 Direction Order currently in place in Kingswells and instructs officers to undertake the necessary actions.
 - (c) Approves the cancellation of the Article 4 Direction Order currently in place restricting dormer windows and mansard roofs and instructs officers to undertake the necessary actions.

3. FINANCIAL IMPLICATIONS

3.1 Any financial implications relating to the removal of the Article 4 Directions will be covered by existing budgets.

4. OTHER IMPLICATIONS

4.1 There are no known legal, personnel, property, equipment, sustainability and environmental, health and safety policy implications arising from this report.

4.2 Staff time and resources will be saved through ceasing to process unnecessary planning applications from Kingswells.

5. BACKGROUND/MAIN ISSUES

Conservation areas

5.1 Conservation areas are defined as "areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance" *S.61 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997*. The loss or alteration of any one small element in a conservation area can have an impact in its special architectural or historic interest. Article 4 Directions were put in place in most of the City's conservation areas in order to protect them from cumulative minor alterations to buildings that would otherwise be householder permitted development. It was considered that the planning system already afforded adequate protection to non-householder properties.

5.2 Prior to the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, development was controlled in conservation areas through the implementation of Article 4 Direction Orders. These restricted the permitted development rights of householders within certain geographical boundaries and required planning permission for specified categories of development. The householder permitted development rights that were removed covered Class 1 (The enlargement, improvement or other alteration to dwelling houses) and Class 2 (Any alteration to the roof of a dwelling house including the enlargement of a dwelling house by way of an addition or alteration to its roof) – please see the Appendix 1 for further details of each Article 4 Direction and maps showing the areas covered. Restricting these forms of development was considered key to maintaining the character of the conservation areas.

5.3 The introduction of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 has negated the need for Article 4 Direction Orders in conservation areas. This legislation removes Class 1 and 2 householder permitted development rights in conservation areas. The Article 4 Direction Orders in these areas are now superfluous and are not used to inform decision making in conservation areas.

- 5.4 Removing Article 4 Directions will lead to uniformity across all of Aberdeen's conservation areas and clarity for local residents. The coverage of Article 4 Directions in conservation areas is inconsistent. Rosemount Conservation Area is not covered by one, due to the significant amount of minor alterations to properties that had already taken place when the Conservation Area was designated in 2006, and several other conservation areas have been extended since their initial designation, but without corresponding new Article 4 Directions being put in place.

Kingswells

- 5.5 The Article 4 Direction in Kingswells was put in place in 1987. This was done because Kingswells was considered to be at that time in a 'fundamentally rural' location (*Kingswells Design Guide, 1984*). The Article 4 aimed to preserve the rural feel of Kingswells and it was considered that 'suburban type housing layouts will not be acceptable'. A Design Guide was introduced when Kingswells was first built in the 1980s however it no longer has any weight in terms of planning policy.
- 5.6 Since 1987 the context in which Kingswells is located has altered dramatically. Kingswells has been extended and the new areas which have been built were not done in accordance with the original design guide and are not covered by an Article 4 Direction. Nearly thirty years on, the rural feel of Kingswells is no longer evident. There is now no planning justification for the removal of householder permitted development rights.
- 5.7 In conservation areas it was necessary to control these minor changes because aspects such as historic windows have a positive impact on conservation areas. In Kingswells it is not necessary to restrict development such as this.
- 5.8 Even though there is no fee for planning applications made under an Article 4 Direction, there is a cost to members of the public for submitting applications as plans must be drawn up and often an agent engaged. Requiring Kingswells residents to have this extra burden, without there being a current planning justification, undermines the Council's credibility.
- 5.9 Since 2009, the City Council has taken approximately 54 planning applications in Kingswells because of the Article 4 Direction, which would normally be considered permitted development. No fee was received for these, which if had it been, would have brought an income in to the Council of approximately £10,500. This however is not the true cost of staff time for dealing with these applications, which is much higher. Cancelling the Article 4 Direction in Kingswells would remove this cost for future years. As such, the removal of Article 4 Directions in Kingswells will save the Council money.

- 5.10 Officer time is spent assessing planning applications for development in Kingswells which would normally be considered permitted development. Were the Article 4 Direction to be removed from Kingswells, officers could spend their time processing other applications faster, which would improve the City Council's performance statistics.
- 5.11 Kingswells Community Council has been consulted regarding the potential removal of the Article 4 Direction – please see Appendix 2 for details of this. While it is acknowledged that they have objected to the change to the Article 4 Direction, no reason has been given for their objection. Further clarification was requested on 4 December 2015 for the reasoning behind their objection, but this has not been forthcoming, despite several engagement attempts by officers. As such it is difficult to understand the Community Council's argument for why the Article 4 Direction should not be cancelled.

Dormer windows and mansard roofs

- 5.12 Prior to the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, development was controlled in regard to dormer windows and mansard roofs through the implementation of Article 4 Direction Orders. In this case the Article 4 covered 'the introduction, enlargement or replacement of, or alteration to, dormer windows or mansard roofs of dwellinghouses within the city' as described in the First Schedule to the Town and Country Planning (General Development) (Scotland) Order, 1950.
- 5.13 The introduction of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and subsequent legislation negated the need for this Article 4 Direction Order. This legislation restricts householder permitted development rights relating to the introduction, enlargement or replacement of, or alteration to dormer windows and mansard roofs. The Article 4 Direction Orders is therefore now superfluous.
- 5.14 The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 has since been superseded by the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011, which further restricts householder permitted development.

Burnbanks Village

- 5.15 Burnbanks Village is also covered by an Article 4 Direction Order. No changes are proposed to this as, whilst Burnbanks is not considered suitable to be designated as a conservation area, the village is an isolated settlement, which has been subject to very little new development since it was restored in the 1980s, and has harmonious design elements, which it is desirable to preserve.

6. IMPACT

Improving Customer Experience –

- 6.1 There are no implications for the public with regard to cancelling the Article 4 Directions in conservation areas or to cancelling the Article 4 Direction concerning dormer windows and mansard roofs.
- 6.2 Removing the Article 4 Direction from Kingswells will improve customers' experience as planning applications will no longer be needed for some minor applications. This will save customers both time and money if they wish to make changes to their property.

Improving Staff Experience –

- 6.3 There are no implications for staff with regard to cancelling the existing Article 4 Directions in conservation areas or to cancelling the Article 4 Direction concerning dormer windows and mansard roofs.
- 6.4 Removing the Article 4 Direction in Kingswells will enable staff to spend more time working on other planning applications, meaning that they can be dealt with faster.

Improving our use of Resources –

- 6.5 Council resources are not currently being put to best use determining planning applications resulting from the Article 4 Direction in Kingswells for which no planning application fee is payable. This is not a good use of resources and is bringing the planning system in to disrepute as there is currently no justification for the Article 4 Direction. In line with the Council's duty to be open, transparent and accountable for the spending of public funds, efforts should be made to conserve resources wherever possible and the cancelling of the Article 4 Directions in Kingswells is a prime example of this.

Corporate -

- 6.6 The removal of the Article 4 Direction Order from Kingswells supports the Single Outcome Agreement principle 'Support the capacity of Aberdeen's citizens and communities to increase their self-sufficiency'.
- 6.7 The proposal contributes towards the Aberdeen City Council vision for Aberdeen: 2012-17: Aberdeen – the Smarter City. In particular creating a City which is a great place to live, bring up a family, do business and visit. It specifically contributes to the following objective: *Governance* – encouraging citizens to participate in design and development.

Public –

- 6.8 This report is likely to be of interest to the residents in the area of Kingswells currently covered by an Article 4 Direction.
- 6.9 This report has been reviewed for an Equality and Human Rights Impact Assessment (EHRIA) and has no impact on equality or human rights.
- 6.10 This report has been reviewed for a Privacy Impact Assessment (PIA) and has no impact on privacy.

7. MANAGEMENT OF RISK

- 7.1 There are no risks associated with this report.


8. BACKGROUND PAPERS

- 9.1 Town and Country Planning (General Permitted Development) (Scotland) Order 1992
- 9.2 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
- 9.3 Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011
- 9.4 Planning Advice Note PAN 71: Conservation Area Management

9. REPORT AUTHOR DETAILS

Zinnie Denby-Mann

Planning Trainee - Conservation – Masterplanning, Design and Conservation

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Appendix 1 – Gazetteer of Article 4 Direction Orders

Article 4 Directions – in conservation areas

Area covered / Name	Old Aberdeen Conservation Area	Union Street Conservation Area	Bon Accord Street / Crown Street Conservation Area	Albyn Place / Rubislaw Conservation Area	Marine Terrace Conservation Area
CA Designated	01-Jul-68	01-Jul-68	01-Jul-68	01-Jul-68	01-Jul-68
CA extended	26-Jul-68 16-Apr-73 28-Jun-76 23-Apr-15	08-Apr-80 24-Apr-85 24-Nov-87 10-Oct-96		01-Mar-75 01-Jan-78	18-Apr-72 28-Jun-78
Initial Article 4 put in place	29-Feb-72	29-Feb-72	29-Feb-72	29-Feb-72	29-Feb-72
Scope of existing Article 4s and extensions	Restriction of Classes I and II of TCP(GD)(S)O 1950: Schedule 1, Part 1, Class I & Class II The 1972 Direction only covers the initial 1968 designation area	Restriction of classes I and II of TCP(GD)(S)O 1950: Schedule 1, Part 1, Class I & Class II 12 Feb 1982 extension of A4 to cover 1980 extension area	Restriction of classes I and II of TCP(GD)(S)O 1950: Schedule 1, Part 1, Class I & Class II	Restriction of classes I and II of TCP(GD)(S)O 1950: Schedule 1, Part 1, Class I & Class II 12 Feb 1982 extension of A4 to cover 1975 and 1978 extension areas	Restriction of classes I and II of TCP(GD)(S)O 1950: Schedule 1, Part 1, Class I & Class II 12 Feb 1982 extension of A4 to cover 1972 and 1978 extension areas
Proposed Action	Cancel Article 4 Direction Order	Cancel Article 4 Direction Order	Cancel Article 4 Direction Order	Cancel Article 4 Direction Order	Cancel Article 4 Direction Order

Area covered / Name	Footdee Conservation Area	Great Western Road Conservation Area	Cove Bay Conservation Area	Ferryhill Conservation Area	Lower Deeside / Pitfodels Conservation Area	Rosemount and Westburn Conservation Area
CA Designated	01-Jul-68	01-Mar-75	22-Dec-75	12-Apr-77	14-Nov-77	09-Apr-04
CA extended	10-Dec-15			21-Dec-98		
Initial Article 4 put in place	29-Feb-72	12-Feb-82	12-Feb-82	12-Feb-82	12-Feb-82	None
Scope of existing Article 4s and extensions	Restriction of classes I and II of TCP(GD)(S)O 1950: Schedule 1, Part 1, Class I & Class II	Restriction of Classes I and II of TCP(GD)(S)O 1981: Schedule 1, Part 1, Class I, Column 1 & Class II, Column 1	Restriction of Classes I and II of TCP(GD)(S)O 1981: Schedule 1, Part 1, Class I, Column 1 & Class II, Column 1	Restriction of Classes I and II of TCP(GD)(S)O 1981: Schedule 1, Part 1, Class I, Column 1 & Class II, Column 1	Restriction of Classes I and II of TCP(GD)(S)O 1981: Schedule 1, Part 1, Class I, Column 1 & Class II, Column 1	N/A
Proposed Action	Cancel Article 4 Direction Order	Cancel Article 4 Direction Order	Cancel Article 4 Direction Order	Cancel Article 4 Direction Order	Cancel Article 4 Direction Order	No change proposed

Article 4 Directions – not in conservation areas

Area covered / Name	Dorner Windows City-wide	Kingswells	Burnbanks Village
CA Designated	N/A	N/A	N/A
CA extended	N/A	N/A	N/A
Initial Article 4 put in place	14-Dec-73	27-Mar-87	10-Apr-91
Scope of existing Article 4s and extensions	To necessitate a planning application in respect of the introduction, enlargement, replacement of or alteration to dormer windows of mansard roofs of dwellinghouses within the City	Restriction of Classes I and II of TCP(GD)(S)O 1981: Schedule 1, Part 1, Class I, Column 1 & Class II, Column 1	Restriction of Classes I and II of TCP(GD)(S)O 1981: Schedule 1, Part 1, Class I, Column 1 & Class II, Column 1
Proposed Action	Cancel Article 4 Direction Order	Cancel Article 4 Direction Order	No change proposed

Appendix 2

Article 4 Direction Order Review: Consultation Results

1. Kingswells Community Council (KCC)		
<i>Summary of Representations</i>	<i>Officers Response</i>	<i>Action as a result of Representation</i>
KCC requested that the Article 4 Direction Order is not cancelled. Further use of the Article 4 Direction Order for new developments requested.	Noted however officers have no understanding as to why this view is held. Further use of Article 4 Directions is not in line with Council policy.	Explanation as to why KCC would like to keep the Article 4 requested. Officer offered to go to Community Council meeting and tried to elicit a response via email. No response received.

Equality and Human Right Impact Assessment: The Form



EHR/IA

Please use this form to any new or revised **policy, strategy, plan, procedure, report or business case** – referred to as “**proposal**” .

If No impact assessment is required, please complete section 7&8 of the form providing the evidence to support your decision.

Aberdeen City Council

1: Equality and Human Rights Impact Assessment- Essential Information	
Name of Proposal: Review of Article 4 Direction Orders	Date of Assessment: 17/2/16
Service: Development Management	Directorate: CHI
Committee Name or delegated power reference (Where appropriate): Planning Development Management	Date of Committee (Where appropriate): 17 March 16
Who does this proposal affect? Please Tick ▼	<input type="checkbox"/> Employees <input type="checkbox"/> Job Applicants <input type="checkbox"/> Service Users <input type="checkbox"/> Members of the Public <input type="checkbox"/> Other (List below)
2: Equality and Human Rights Impact Assessment- Pre-screening	
If No impact assessment is required, please complete section 7&8 of the form providing the evidence to support this decision	

3: Equality and Human Rights Impact Assessment

<p>a- What are the aims and intended effects of this proposal?</p>	
<p>b- What equality data is available in relation to this proposal? (Please see guidance notes)</p>	
<p>c- List the outcomes from any consultation that relate to equalities and/or human rights issues e.g. with employees, service users, Unions or members of the public that has taken place in relation to the proposal.</p>	

<p>d- Financial Assessment</p> <p>If applicable, state any relevant cost implications or savings expected from the proposal.</p>	<p>Costs (£)</p> <p>Implementation cost £ <input type="text"/></p> <p>Projected Savings £ <input type="text"/></p>
<p>e- How does this proposal contribute to the public sector equality duty: to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations?</p>	
<p>f- How does this proposal link to the Council's Equality Outcomes?</p>	

4: Equality Impact Assessment – Test

What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Protected Characteristic:	Neutral Impact: Please ✓	Positive Impact: Please ✓	Negative Impact: Please ✓	Evidence of impact and if applicable, justification where a ‘Genuine Determining Reason’* exists *(see completion terminology)
Age (People of all ages)				
Disability (Mental, Physical, Sensory and Carers of Disabled people)				
Gender Reassignment				
Marital Status (Marriage and Civil Partnerships)				
Pregnancy and Maternity				
Race (All Racial Groups including Gypsy/Travellers)				
Religion or Belief or Non-belief				

Sex (Women and men)					
Sexual Orientation (Heterosexual, Lesbian, Gay And Bisexual)					
Other (e.g: Poverty)					

5: Human Rights Impact Assessment Test	
Does this proposal have the potential to impact on an individual's Human Rights? Evidence of impact and , if applicable, justification where the impact is proportionate	
Article	Evidence
Article 2 of protocol 1: Right to education	
Yes No	
Article 3: Right not to be subjected to torture, inhumane or degrading treatment or punishment	
Yes No	

Article 6: Right to a fair and public hearing	
Yes No	
Article 8: Right to respect for private and family life, home and correspondence	
Yes No	
Article 10: Freedom of expression	
Yes No	
Article 14: Right not to be subject to discrimination	
Yes No	
Other article not listed above, please state:	

7 - EHRIA Summary and Action Planning

Report Title	Review of Article 4 Direction Orders		
Assessment not required	Evidence The proposals have no relationship to anyone's age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race equality, religion or belief, sex (gender) and sexual orientation.		
Assessment completed	As a result of completing this assessment, what actions are proposed to remove or reduce any risks of adverse outcomes which were identified.		
Identified Risk and to whom:	Recommended Actions:	Responsible Lead:	Completion Date:
NA			Review Date:

8: Sign off

Completed by (Names and Services) :	Zinnie Denby-Mann – Development Management (Masterplanning, Design and Conservation)
Signed off by (Head of Service) :	
<p>Only sections 7 and 8 will be attached to the committee report</p> <p>The full EHRIA will be published on Aberdeen City Council's website under http://www.aberdeencity.gov.uk/xeg_EHRIA_Search.asp</p> <p>Please send an electronic format of the full EHRIA without signature to SHoward@aberdeencity.gov.uk</p>	

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