

Public Document Pack



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

Town House,
ABERDEEN 13 April 2016

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in the Council Chamber, Town House on **THURSDAY, 21 APRIL 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

MINUTES OF PREVIOUS MEETINGS

- 1.1 Minute of Meeting of the Planning Development Management Committee of 17 March 2016 - for approval (Pages 5 - 20)
- 1.2 Minute of Meeting of the Planning Development Management Committee Pre Determination Hearing of 16 March 2016 - for approval (Pages 21 - 30)

**PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN
REPORTS**

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 2.1 94 Queens Road - Change of Use from Residential to Class 4 Offices with Extended Car Parking to Rear - P151795 (Pages 31 - 78)

Planning Reference – P151795

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

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151795>

Planning Officer – Paul Williamson

- 2.2 Makro, Wellington Circle, Altens - Erection of Coffee Shop (Class 1/3 Use) Including 'Drive-Thru' Takeaway (sui generis) - P160067 (Pages 79 - 90)

Planning Reference – P160067

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

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=160067>

Planning Officer – Paul Williamson

- 2.3 Boyne Villa - Change of Use from Residential to Transport Depot Office and Storage/Parking of Vehicles - P151878 (Pages 91 - 108)

Planning Reference – P151878

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

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151878>

Planning Officer – Lucy Greene

- 2.4 635 King Street - Change of Use from Dwellinghouse to 6-Bedroom HMO - P151919 (Pages 109 - 120)

Planning Reference – P151919

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

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151919>

Planning Officer – Alex Ferguson

- 2.5 45 George Street - Demolition of Existing Building and Erection of Student Accommodation Building, Parking and Landscaping - P151588 (Pages 121 - 158)

Planning Reference – P151588

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151588>

Planning Officer – Andrew Miller

- 2.6 122 Broomhill Road - Alterations to Shop Front and Rear Elevation - P151725 (Pages 159 - 170)

Planning Reference – P151725

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151725>

Planning Officer – Jennifer Chalmers

- 2.7 Altens Farm Road - Erection of a 3 Storey Office building (Class 4 Business) Incorporating Undercroft Car Parking, Surface Car Parking and Landscaping - P140963 (Pages 171 - 190)

Planning Reference – P140963

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=140963>

Planning Officer – Matthew Easton

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 3.1 11 Baillieswells Road - Erection of 2 x 5-Bedroom Detached Houses, Associated Access and Landscaping - P151858 (Pages 191 - 224)

Planning Reference – P151858

The documents associated with this application can be found at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151858>

Planning Officer – Andrew Miller

- 3.2 Kepplestone Mansion - Change of Use and Part Demolition of Mansion House - P151056 (Pages 225 - 248)

Planning Reference – P151056

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

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151056>

Planning Officer – Jennifer Chalmers

3.3 22 Kinaldie Crescent - Sub-division of Residential Curtilage and Erection of New Dwellinghouse and Associated Works - P150311 (Pages 249 - 296)

Planning Reference – P150311

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

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150311>

Planning Officer – Gavin Evans

OTHER REPORTS

4.1 Planning Enforcement Annual Report (Pages 297 - 334)

4.2 Technical Advice Note: The Repair and Replacement of Windows and Doors (Pages 335 - 384)

4.3 Briefing Note - Aberdeen Harbour Expansion Project (Pages 385 - 386)

4.4 Confirmation of Tree Preservation Order numbers 232/2016 and 233/2016 (Pages 387 - 392)

Website Address: www.aberdeencity.gov.uk

To access the Information Bulletins for this Committee please use the following link:

<http://committees.aberdeencity.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13336&path=13004>

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
17 MARCH 2016

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 17 March 2016. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Cooney, Copland (as substitute for Councillor Dickson), Corall, Cormie, Crockett, Greig, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Nicoll, Jennifer Stewart, Sandy Stuart and Thomson.

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

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MIId=3816&Ver=4>

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

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 11 FEBRUARY 2016

1. The Committee had before it for consideration, the minute of its previous meeting of 11 February, 2016.

The Committee resolved:-

to approve the minute as a correct record.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 18 FEBRUARY 2016

2. The Committee had before it, the minute of the Planning Development Management Committee (visits) of 18 February, 2016 for approval.

Members discussed the minute in detail and highlighted various changes they felt should be made. Officers advised that if members were minded to amend the minute, that the decision notice could not be altered as it had already been issued.

The Committee resolved:-

- (i) to request that item 1 resolutions (2), (6) and (8) be amended to read:-
 - (2) residents would be adversely affected by vehicle back-up from the barrier on King Street, which would have health and safety implications due to cars and buses using the same access point;

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
17 MARCH 2016

- (6) historical significance of the setting of the nearby church would be affected by the development;
- (8) insufficient relocation of boundary wall on Kings Crescent to provide public safety and concern over the relocation of the march stone in the wall which is on the boundary of the conservation area; and
- (ii) to otherwise approve the minute as a correct record.

DEMOLISH VICTORIA ROAD PRIMARY SCHOOL AND ERECT 62 RESIDENTIAL UNITS – 151260

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

That the item be deferred for a public hearing.

The Committee resolved:-

- (i) to note that a provisional date of Wednesday 18 May 2016 had been set for the public hearing, to be held in the Town and County Hall, and members would be notified in due course; and
- (ii) to otherwise approve the recommendation.

TARBOTHILL LANDFILL SITE - ERECTION OF LEACHATE PLANT, ASSOCIATED PIPELINE AND LEACHATE/ACID HOLDING TANKS - 160030

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

That the Committee approve the application for detailed planning permission for the erection of leachate plant, associated pipeline and leachate/acid holding tanks, 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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
17 MARCH 2016

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.

The Committee resolved:-

to approve the recommendation.

**LOWER KENNERTY MILL 8 BURNSIDE ROAD PETERCULTER –
EXTENSION – 151767**

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

That the Committee approve the application for a two storey extension to side of the existing dwelling house, 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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
17 MARCH 2016

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

The Committee resolved:-
to approve the recommendation.

LOWER KENNERTY MILL, 8 BURNSIDE ROAD – LISTED BUILDING CONSENT - 151767

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

That the Committee approve the application for listed building consent due to alterations and extension to form swimming pool, sauna, steam room, changing room and garden store to lower ground floor, with kitchen and garden room at ground floor, subject to the following condition:-

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
17 MARCH 2016

development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

The Committee resolved:-

to approve the recommendation.

DECLARATION OF INTEREST

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. 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.

29 ST MACHAR DRIVE – 151801

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

That the application for 1.5 storey rear extension, single storey side/rear extension, front and side dormers and front canopy to the existing dwelling house, be approved unconditionally.

The Committee resolved:-

to approve the recommendation.

DECLARATION OF INTEREST

The Convener addressed the Committee as indicated above in support of Old Aberdeen Heritage Society and Old Aberdeen Community Council in support of their objections. 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 took the Chair.

7 ST MACHAR PLACE

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
17 MARCH 2016

That the Committee approve the application for the removal of the rear chimney, fit slate vents, a new roof light, replacement of rear dormer windows, replacement kitchen door and kitchen window, brick up coal bunker door, small window and large window in kitchen, unconditionally.

Councillor Corall moved, seconded by Councillor Nicoll:-

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

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

That the application be refused due to the impact on the conservation area of using PVC windows on the property.

On a division, there voted:- for the motion (10) Councillors Cooney, Copland, Corall, Cormie, Crockett, Lawrence, Malik, Jean Morrison MBE, Nicoll and Sandy Stuart; for the amendment (6) - the Vice Convener and Councillors Boulton, Greig, Jaffrey, Jennifer Stewart and Thomson; absent from the division – (1) the Convener.

The Committee resolved:-

to adopt the motion and therefore approve the application unconditionally.

At this juncture, the Convener re-joined the meeting and resumed the Chair.

FROGHALL ROAD AND TERRACE – ERECTION OF 41 TWO AND THREE BEDROOM APARTMENTS – 151316

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

That the Committee show a willingness to approve the application for the erection of 41 two and three bedroom apartments with associated infrastructure and open space, conditionally, subject to a legal agreement covering affordable housing, car club contributions, STF payment, education (primary and secondary), community facilities, sport and recreation and open space, and the following conditions.

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 DEVELOPMENT MANAGEMENT COMMITTEE
17 MARCH 2016

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
17 MARCH 2016

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
17 MARCH 2016

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.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
17 MARCH 2016

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,

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
17 MARCH 2016

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

Members then asked a number of questions of officers in regards to the application.

The Convener moved, seconded by Councillor Corall:-

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

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

That the application be refused due to overdevelopment in the area.

On a division, there voted:- for the motion (15) – the Convener, the Vice Convener, and Councillors Boulton, Cooney, Copland, Corall, Cormie, Crockett, Greig, Lawrence, Malik, Jean Morrison MBE, Nicoll, Sandy Stuart and Thomson; for the amendment (2) – Councillors Jaffrey and Jennifer Stewart.

The Committee resolved:-

to adopt the motion and therefore approve the application conditionally.

32-36 FRASER PLACE – 150901

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

That the Committee show a willingness to approve the application for a change of use and redevelopment of the site to form 12 residential units, subject to a legal agreement covering affordable housing, car club contribution, education payment, community hall payment and sport, and 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.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
17 MARCH 2016

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
17 MARCH 2016

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.

The Committee heard from Andrew Jones, Education and Children's Services, who explained that the local primary school of which this development would be in the catchment area, was predicted to be over capacity for the school year 2018, without any further developments being taking into consideration. Mr Jones advised that the school was currently looking at various options to see what could be done to allow for extra teaching areas, as well as the need for extra open space and canteen space which would be required for the extra pupils. Mr Jones intimated that Education officers were working closely with the Head Teacher at the school in regards to concerns raised about the lack of space in the playground as well as other issues.

The Committee resolved:-

- (i) to request that an extra advisory be added, to read "the attention of the applicant is drawn to the requirements to minimise noise and vibration on construction and demolition sites. This is particularly important where developments include foundation works which involve piling operations

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
17 MARCH 2016

- from which associated noise and vibration that may affect local residents. It is requested that the developer contact Aberdeen City Council's Environmental Health service to discuss methodologies and construction practices in this regard (Nick Glover, Principal EHO. 01224 523026 or 07776465390; nglover@aberdeencity.gov.uk)." and
- (i) to otherwise approve the application conditionally.

CHESTER HOTEL QUEENS ROAD – 160030

11. The Convener intimated that this item had been withdrawn.

REVIEW OF ARTICLE 4 DIRECTION ORDERS

12. The Committee had before it a report by the Head of Planning and Sustainable Development, which provided information on a recent review of article 4 direction orders.

The report indicated that following a recent review of Direction Orders, it was advised that Article 4 Direction Orders be cancelled.

The report 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; and
- (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.

The Committee heard from Bridget Turnbull, Planning and Sustainable Development, who spoke in furtherance of the report and answered questions from members.

The Committee resolved:-

- (i) to request that officers write out to affected Community Council's to let them know of the changes; and
- (ii) to otherwise approve the recommendations.

- Councillor Ramsay Milne, Convener

This page is intentionally left blank

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 16 March 2016. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Cooney, Corall, Cormie, Crockett, Dickson, Greig, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Nicoll, Sandy Stuart and Thomson.

Also present:- Councillors Allan, Copland, Flynn, Hutchison, MacGregor and Samarai.

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

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=4170&Ver=4>

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

SITE VISIT – BAY OF NIGG

1. The Committee conducted a site visit prior to the Hearing. The Committee was addressed by Mr Allison, Senior Planner and Mr Garfield Prentice, Team Leader (Development Management South) and summarised the proposal for the overall site.

The Convener explained that the Committee would return to the Town House to commence the Hearing.

HEARING

PROPOSED NATIONAL DEVELOPMENT COMPRISING CONSTRUCTION OF NEW INFRASTRUCTURE TO FACILITATE THE CREATION OF A NEW DEEP WATER HARBOUR AT BAY OF NIGG - 151742

2. The Committee heard from the Convener who opened up the Hearing by welcoming those present. He explained that the first person to address the Hearing would be Mr Allison.

The Committee heard from **Gareth Allison, Senior Planner, Aberdeen City Council** who addressed the Committee in the following terms:-

Mr Allison explained that the Aberdeen Harbour Expansion Project was subject to three separate consenting processes, those being:-

- Harbour Revision Order (HRO);
- Marine Licenses (ML); and
- Planning Permission in Principle.

Mr Allison advised that Aberdeen City Council was the consenting Planning Authority for this Planning Permission in Principle application and that the physical construction of the harbour and the impacts on the marine environment were to be considered under the HRO and ML by Scottish Ministers.

Mr Allison outlined the proposals for the application and indicated that this application relates specifically to all inland non-harbour related development components that are located out with the HRO boundary.

Mr Allison advised that the application related specifically to all inland non-harbour related development components that are located outwith the HRO boundary and are not subject to permitted development rights. This includes the construction of new infrastructure to facilitate the creation of the harbour itself, including new/realigned roads, temporary construction areas and off-road cycle track improvements.

He indicated that the application site comprises a 30ha linear stretch of inland coastline at Nigg Bay that included:-

- Land to the north of the Greyhope Road/Coast Road/St Fitticks Road junction (beyond the informal golf practice area);
- Land to the north of Greyhope road, until it meets Balnagask Golf Course;
- Land directly to the east of St Fitticks Church and St Fitticks Community Park;
- The northern Girdleness headland, including Walker Park;
- The southern Gregness headland, including parts of Loirston Country Park (excluding the Gregness coastguard station and communications masts);
- Land directly to the east of the Coast Road (south of the Nigg Wastewater Treatment Plant to the Coast Road Bridge); and
- Land to the east side of the railway, travelling south until near the junction of the Coast Road and Hareness Road.

Mr Allison explained that pre-application consultation had been undertaken and advised that 18 letters of representation had been received, one of which was a letter of support and the others being letters of objection.

Mr Allison explained that in terms of representations the main areas of concern were as follows:-

- Loss of land for road alterations;
- Loss of land for temporary construction areas;
- Direct and consequential impact on local business;
- Impact on existing roads / access / transportation;
- Road safety hazard / risk;
- Visual Impact;
- Light impact;
- Noise impact deriving from construction work;
- Air quality impact deriving from construction work;
- General impact on local environment;
- Loss of open space;
- Fragmentation of natural habitat; and

- Incompatibility with existing uses.

Members then asked questions of Mr Allison and Mr Mark Wilkie (Senior Engineer), and the following information was noted:

- That work in the area may take 3 years to complete;
- That areas of land used for temporary construction sites would be reinstated through planning conditions upon completion of the works;
- That discussion with Doonies Farm was ongoing in terms of the loss of land during construction, although it was requested that these need to be concluded prior to the application being considered by the Council at their meeting in May;
- That the impact on the roads within the Torry area and Coastal Road (near Doonies Farm) would be considered as part of the HRO process.

With the aid of a powerpoint presentation, the Committee then heard from **Mr Colin Lavety and Stephen Tucker of Barton Wilmore, Planning and Design Consultants** who addressed members in the following terms:-

Mr Lavety advised that the Planning Permission in Principle would be one part of a series of linked consents which were required to facilitate construction of the Aberdeen Harbour Expansion Project (AHEP), with the others being the Harbour Revision Order and Marine Licence. He indicated that the Environmental Statement had been completed.

Mr Lavety made reference to the Scottish Governments published National Planning Framework 3, and indicated that the proposed expansion of Aberdeen Harbour was identified as a national development and planning decisions should support its delivery. He also made reference to Regional and Local Planning Policy, specifically:-

- The Aberdeen City and Shire Strategic Development Plan - supports investigation to ascertain how growth of the harbour could be accommodated;
- The Aberdeen Local Development Plan – presumption in favour of development associated with harbour; and
- Emerging Aberdeen Local Development Plan – land identified as the Aberdeen Harbour Expansion Plan.

Mr Lavety advised that there was a strategic need for the AHEP and proposed development and that approval of the required road infrastructure and temporary construction areas were essential to enable the expansion of the harbour.

Mr Lavety intimated that the construction and operation of harbour facilities would be considered under the HRO and that marine components such as dredging, breakwaters, quays and land reclamation would be considered under the ML, both of which required to be determined by the Scottish Government.

Mr Lavety advised that Planning Permission in Principle (PPiP) was required for roads realignment, temporary construction/fabrication areas and associated developments including cycle and path upgrades. He indicated that it was important to emphasise that discussion today needed to focus on matters relevant to the above development components and not the harbour itself.

Mr Lavety explained that the planning application was submitted in November 2015, which included roads realignment for the Coast Road, Grehope Road and St Fittick's

Junction; that Temporary Construction/Fabrication Areas would be located in St Fittick's, Girdleness and Gregness; and that associated development would include an off road cycle path to east of the railway line.

Mr Lavety referred to the community engagement programme which had been undertaken since August 2014 and explained that there had been numerous consultation meetings, presentations, workshops, four exhibitions with 760 attendees and various newspaper and radio adverts. Details of the application were also contained within the Aberdeen Harbour website.

In terms of consultation responses, Mr Lavety advised that no objections were received from any statutory or non-statutory consultees in relation to the PPiP which had reflected the positive engagement undertaken by Aberdeen Harbour Board over a long period and the fact that the proposal was embedded in planning policy at all levels.

Mr Lavety outlined the concerns and objections which had been received and responded to those in the following terms:-

Loss of Land for Road Alterations and for Temporary Construction Areas –

- Land 'lost' required to facilitate nationally important infrastructure project; and
- Remaining land used temporarily, then fully reinstated.

Direct and Consequential Impact on Local Business –

- Doonies Farm – discussions ongoing;
- Land is for temporary construction then fully reinstated;
- PPiP proposals will not impact significantly on any local business;
- Road improvements (i.e. Coast Road) are required by the Council's Road's Team; and
- Wider impacts on local businesses (due to harbour construction) will be assessed within HRO application.

Impact on Existing Roads/Access/Transportation/ Road Safety Hazard/Risk –

- PPiP proposals would improve the existing road network (key junction);
- Harbour access will physically restrict and prohibit access/egress to the north (i.e. Torry); and
- Main impacts of development will be assessed within the HRO application.

Visual Impact –

- Confined to works and plant located within temporary construction areas;
- Impacts would be temporary and conditions could be put in place to ensure appropriate placement of plant/machinery to minimise visual impact on historic assets; and
- These areas would then be fully reinstated.

Light Impacts –

- Would only arise via temporary construction areas – impacts would be temporary, and conditions could be put in place to control the placement of machinery/lighting to minimise impacts on surrounding residents; and
- This would include residential units around Girdleness Lighthouse.

Noise Impacts –

- Temporary measures (Noise Management Plan?) put in place to enforce noise controls;
- AHB will aim to positively influence site layout (noise generating equipment is sited away from sensitive receptors);
- Noise control methods (barriers, enclosures and silencers) can also be used.

Air Quality Impact (Construction) –

- Intrinsic to large scale infrastructure projects;
- Construction period – minor adverse effect during peak construction periods;
- Negligible effects at all other times; and
- Construction will not involve activities or processes that will generate significant odours.

General Impact on Local Environment –

- Many concerns relate to HRO, not PPiP;
- ES reports that there will be no unacceptable environmental impacts; and
- Temporary construction areas will be fully reinstated to minimise any overall impacts.

Loss of Open Space –

- Area of existing planting (St. Fittick's) and triangular area (south of Greyhope Road) required to accommodate new junction; and
- Other areas lost for a temporary period only and fully reinstated and AHB are committed to new planting/improvements to compensate for the loss of these areas.

Fragmentation of Natural Habitat –

- Negligible permanent loss of natural habitat (to accommodate the realigned road);
- Gregness construction area is within a Local Nature Conservation Site; and
- This would be fully reinstated to allow future habitat growth/enhancement.

Incompatibility with Existing Uses –

- Proposals maintain the current use of the site as public highway;
- Construction areas change the use of existing open space, but mostly temporary; and
- Uses are not incompatible – in accordance with planning policy and required to facilitate the harbour expansion.

In summary Mr Lavety advised that although the proposals were required to facilitate the harbour construction, a number of valid concerns had been raised by objectors, predominantly in relation to potential environmental impacts. He indicated that by its nature, the majority of impacts from the PPiP proposals relate to construction areas which will be temporary. Aberdeen City Council will control the future layout and operation of these areas through planning conditions and AHB were committed to a series of measures to manage any adverse impacts. He concluded by intimating that many of the concerns relate to the impacts of the wider project, which do not relate to this application for PPiP and would be assessed as part of the HRO process.

Members then asked questions of Mr Lavety and Mr Tucker, and the following information was noted:-

- That details of the 'peak construction periods' had still to be discussed with the contractor when they are appointed, however a Construction Plan but would need to be agreed by the Council;
- That Noise and Environmental Impact assessments would be undertaken and would be monitored by Environmental Health;
- A Traffic Management Plan would need to be undertaken in conjunction with the Roads Team;
- A preliminary construction timetable would be produced;
- That community engagement was key and it was important to ensure that the Community Councils in the area were kept informed;
- That although a work's timetable had not been produced yet, if the PPiP was approved by Council in May, works would commence immediately;
- That Aberdeen City Council would be a consultee in terms of the HRO;
- That there would be an 'Overlord' Engineer on site who would be in charge of the construction works and who would report direct to Aberdeen Harbour Board;
- That information on the language used e.g. "could/should be done" as opposed to "would/will be done" would be brought back to the applicant to address; and
- It was acknowledged that 15% of the local population in Torry does not have English as their first language, therefore it was suggested that the applicant look at ways to inform them of the proposed development/works.

The Committee then heard from **Ms Renee Slater, a resident of Torry** who addressed the Committee in the following terms:-

"I think 17 objections is quite a good number, as it is difficult to get information from 3 organisations. We have no money or lawyers."

"This development will put 170 new trucks on our roads."

"I would like to know how many Councillors understand why we are here."

"I would like to know how many Councillors had already made up their minds about the development of the Bay of Nigg before we got here."

"I would also like to know if what we say would make any difference to your decisions."

"Unlikely."

"My feeling is that it will make no difference and the people of Torry will be put upon again to give up vast parts of their community without any quid-pro-quo."

"I will try to help you understand how the community feels!"

"Apart from one of you (possibly a couple more), how many councillors are surrounded by industrial estates?"

"How many would fight against destruction of their natural environment to create even a small industrial area?"

"What you are asking us to do is accept, without question, that a new harbour in the Bay of Nigg will bring benefits to the community! If that is then the case, how come

Torry is still, after 40 years, with all the already massive environmental loss, still in the poorest 8% of wage earners in Scotland?"

"I am a resident of Torry and have real concerns about its future. Apart from this new harbour, probably earmarked not for liners, but decommissioning and all its possible pollutants, we are faced with a new incinerator!"

"How much do you want to impose on our community?"

"Torry's last piece, and possibly Aberdeen's final small acre of wilderness will be destroyed!"

"I have been trying to lobby Aberdeen Harbour Board Trust (AHBT) requesting that the people of Torry should be represented on their committee. Like any ordinary committee, AHBT I'm sure has the ability to co-opt people onto the organisation who have interest in the overall development. I have requested many times that they should have a community representative speaking for Torry. They have replied on many occasions that we cannot be represented"

"Any publicity about representation, either community or individually was never clear to us. Now we cannot be elected until October 2018. Too late for any input!"

"They have obviously conducted the minimal requirements for what is legally necessary. As far as I am aware, the Torry Community Council were never told about AHBT elections/appointments."

"We should also remind Aberdeen City Council that two Sites of Special Scientific Interest (SSSI) are at the Bay of Nigg, and that the SSSI designation should outweigh any industrialisation plans. (Mind you – The Menie Estate says different)."

"One of our very real concerns is that whole concept of the Scottish Government Community Empowerment Act seems to have bypassed us."

"What is Community Empowerment? I have written to Empowerment Minister, Marco Biagi at the Scottish Government about how we fit in and how it affects Torry, and I am not any clearer!"

"What does this mean to the community affected by the development? Does that include the local community? "Is Community Empowerment having a couple of meetings in the church or community centre enough? Is Community Empowerment about ignoring a major part of the community?"

"A massive third of the community in Torry is Polish, there are many other nationalities here too, yet there has been no attempt to ensure they are represented or have documents in their language to ensure they realise what is happening. Even this should halt the development for now until they have been contacted!"

"I know many of you don't spend much time there, but realise many of our new incomer friends do – AHBT has chosen to ignore them. There has been no publicity requesting their opinion, this is scandalous!"

"We have a natural environment that will eventually be inaccessible to the people of Torry and the majority of the citizens of Aberdeen."

“We know that the Bay of Nigg harbour image in the press has been completely discredited and won’t look like the Disneyesque Parody portrayed in AHBT publicity, yet they continue to use it, why? Is there something to hide? I would ask them to at least give a semblance of realism!”

“I have never seen any harbour in the world without cranes, sheds or people, if others are fooled, the people of Torry are not. We already have industrial infrastructure here that show how different things are!”

“We see platitudes but nothing about how AHBT will engage with the community.”

“We have already lost more than we have gained, historically you will know that. We have lost much more than any other community in Aberdeen and many in Scotland – it seems we will continue to do so!”

“How much more will you want?”

“The appointments to the harbour board are vague and the local community has no input. If you would like to see the documentation I have received, you will see how obtrusive they are when asked about our representation requests.”

“I have been on public committees all my life, AHBT is like a secret society.”

“How much of Torry do you want to disappear before it becomes a barren industrial estate, somehow, I’m not sure if some of you actually care!”

“You have a duty to protect local communities and their environments.”

“Aberdeen Harbour Board shouldn’t act, as it is a Feudal Landlord!”

“Aberdeen City Council shouldn’t protect them!”

The Committee then heard from **Betty Lyon, a resident of Torry**, who explained to Members that she was very much against the project and provided details on the various aspects that she felt would be affected as follows:-

Loss of much of the natural space in the area that is currently free to access –

explained that residents would lose the Bay of Nigg and the access to it as well as the loss of Walker Park, St Fittick’s Park and much of the land at Greg Ness due to the temporary construction sites that were being proposed to construct the new Harbour.

Noise pollution – outlined the various methods which would cause noise pollution for the local residents, which would include drilling, blasting, piling and dredging for three years.

Air pollution – explained that during constructions large amounts of dust would be present in the air and the area of construction would be adjacent to multiple play areas in St Fittick’s Park, which would not be good for children’s health.

Light pollution – outlined that the proposed lights in the new Harbour would be over 80ft high which would have an affect on local residents.

Water pollution – highlighted any pollution from the Ness Tip and Tullos Burn is currently quickly diluted by waves however pollution would concentrate in the Bay of Nigg and its sediments when the breakwaters are built.

Loss of marine habitat – highlighted the importance of the area for a feeding ground for marine life and noted that dolphins would be absent throughout construction. There would be a risk to dolphin watching which attracted 5000 visitors last year.

Traffic issues – indicated that (1) the coast road was inadequate for all of the additional traffic, (2) the railway bridge was vulnerable to damage, (3) Doonies Farm was used by young families and there would be an increased risk of road accidents and (4) Hareness roundabout was already nearing capacity.

Closure of Greyhope Road – advised that having the south section closed during construction phase would have a negative affect on the residents of the lighthouse and noted that there were multiple landslips in January 2016.

Inaccuracies in Aberdeen Harbour Board Environmental Impact Assessment – Betty indicated that Greyhope Road was prone to flooding and had flooded at the Bay of Nigg, with multiple landslips this year alone. She also felt that there was incomplete data within their report.

Inaccurate illustrations of the new harbour – Betty highlighted that the images portrayed by Aberdeen Harbour Board were misleading and unrealistic, with no car parks, welfare blocs, security office visible, however cruise ships were the prominent feature of the illustrations, although they would make up only 1.4% of the vessel traffic.

Lack of engagement from Aberdeen Harbour Board – Betty indicated that she felt (1) there was no documents produced in other languages or formats and they had to pay £50 for a paper copy of reports, (2) no leaflet drop off to the local area, (3) there was not much engagement with the Torry Community Council even though they had agreed to hold an additional meeting or workshop to discuss issues and (3) there was no opportunity to engage with the Aberdeen Harbour Board since the detailed EIA was published in November 2015.

Finally Betty highlighted the Impact on the local heritage and archaeology. Betty advised that there would be a considerable impact on views from Old St Fittick's Church and from Girdleness Lighthouse. Also various sites of archaeological interest had been identified both on and offshore in the Bay.

The Committee then heard from **Lynn Thomson, a Torry resident** who explained to Members that she was against the project and addressed the Committee in the following terms:-

Lynn explained that there was a huge importance of greenspace in the local communities for health, wellbeing and social cohesion. She advised that 30 hectares of land which was equivalent to 48 football pitches would be removed from use for residents. Torry is already one of the most deprived areas of the city and life expectancy is lower than that in more affluent areas of the city. There is limited open

green space in Torry that is accessible to the public and the Bay of Nigg and its surrounding area provides a valuable free, accessible leisure resource for local people which cannot be replaced. This is one of the few areas in Torry where you can get away from the hustle and bustle and hear nothing but natural sounds, rather than the noises of industry, traffic and other people.

Lynn outlined that much of the area under consideration is deemed as “temporary construction areas”, however as the construction phase is estimated to last three years, these areas will be out of bounds to locals for a long time. The Harbour Board say these areas will be reinstated but there is little detail on how this will be achieved in their current paperwork.

Lynn advised that an extra 436 HGV’s would be using the area every day however the Harbour Board said this wouldn’t have an impact on the current roads. She did not feel this was accurate. Greyhope Road (southern section) was closed for around 18 months during construction. However northern section of Greyhope Road is already badly affected by landslips and had to be closed to traffic in early 2016. It is concerning that if the northern section of road is closed unexpectedly again, this would effectively cut off road access to the lighthouse and the residences around it, as there would be no alternative route.

Lynn also provided details on how she felt the development would affect animals, including dolphins. Lynn indicated that Steve Harris, chief executive of Visit Aberdeen recently stated that those who visit for something other than oil often do so to take in another treasure of the North Sea, and that was dolphin watching.

Finally Lynn highlighted the economic case for the development and indicated that much of the economic case for the development of the new harbour in the Bay of Nigg was set out in the document “Economic Impact of Aberdeen Harbour Development”. However due to the steep decline in the oil price since the publication, the situation in 2016 is very different. A barrel of oil has declined from \$110 to \$38.

- **RAMSAY MILNE, Convener**

Planning Development Management Committee

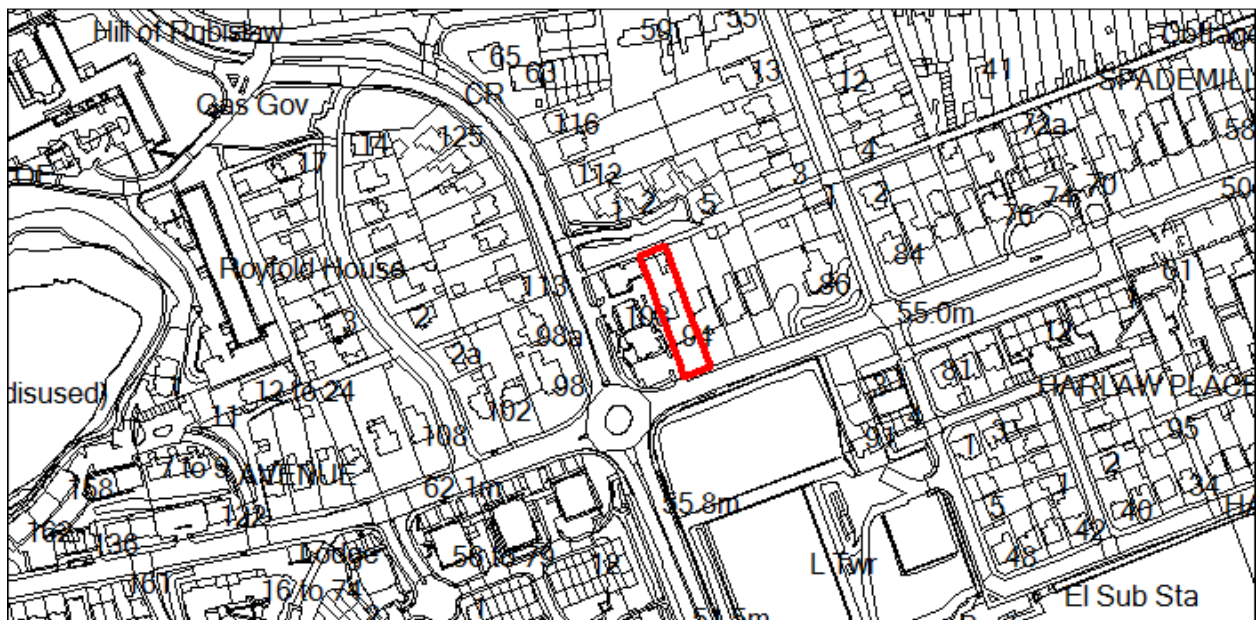
94 QUEEN'S ROAD, ABERDEEN

CHANGE OF USE FROM RESIDENTIAL TO
CLASS 4 OFFICES EXTENDED CAR PARKING
TO REAR.

For: Monden Offshore Services

Application Type : Detailed Planning Permission
Application Ref. : P151795
Application Date: 12/11/2015
Officer: Paul Williamson
Ward : Hazlehead/Ashley/Queens Cross(M
Greig/J Stewart/R Thomson/J Corall)

Advert : Section 60/65 - Dev aff
LB/CA
Advertised on: 02/12/2015
Committee Date: 21/04/2106
Community Council : Comments



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The property is located within the Albyn Place/Rubislaw Conservation Area and is a Category B Listed Building. George Coutts designed in 1899; the property is a 2-storey, plus basement and attic, 3-bay villa. The construction includes rough-faced coursed grey granite, and Aberdeen bond granite rubble to remainder. There are predominantly timber sash and case windows with decorative upper sashes, and metal secondary glazing to exterior. The roof is of piended grey slate roof formation with lead flashings, and the property also benefits from cast-iron rainwater goods.

In respect of the interior, features of note include: a stained glass flanking inner door; panelled doors, decorative architraves; skirting boards, cornicing and some moulded ceilings; timber fireplace survives; turned balusters to stair; stained glass stair window.

At the frontage of the site are square-plan gate piers, with a low coped rough-faced wall between, with rubble walls to remaining boundaries. There are currently two narrow vehicular openings at present with a looped tarmac driveway (and associated parking area), with a central grassed area and single landscaped garden. The side boundary walls are approximately 1.5 metres in height and constructed from granite rubble with a granite cope.

To the rear of the building, adjacent to the lane running between Bayview Road, and Anderson drive, is a sizeable domestic garage. It is finished with a white painted render and a corrugated sheet to the roof. The height is approximately 3.5 metres to roof ridge. The majority of the remaining rear area is laid out mature garden ground which is partially terraced. A number of coniferous trees existing along the western boundary of the site, although some also existing to the east towards 92 Queen's Road. The boundaries to the east and west are formed by granite rubble walls with brick coping of approximately 1.5 metres in height.

RELEVANT HISTORY

85/0123 – Formation of Vehicular Access from Rear of 94 Queen's Road to Anderson Drive – Approved conditionally on 28 February 1985. The solitary condition stated "that the use of the lane is restricted to use in connection with the residential property at 94 Queen's Road only - in order to preserve the amenity of the neighbourhood".

P131115 – Detailed Planning Permission for Change of use from Residential (Class 9) to Class 4 (Offices) and associated car parking – Application was withdrawn on advice from Planning Officer. At that time, it was not considered that appropriate marketing of the premises for continued residential use had been undertaken, and therefore the principle of the change of use had not been established.

P131116 – Listed Building Consent for alterations to property to allow for a change of use from Residential (Class 9) to Class 4 (Offices) and associated parking – Withdrawn in light of the above circumstances.

PROPOSAL

This application seeks planning permission for the following works:

- The conversion of the entire existing building from residential use to Class 4 offices;
- The demolition of the existing garage, and the formation of a new car park to the rear for 16 no. cars (with porous surfacing), with provision also made for cycle storage within the existing building; and,
- The removal of approximately 23 trees within the rear garden area.

Details of all the above works are provided in more detail under the discussion element of this report.

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=151795>

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 it is being recommended for approval and has been then subject of formal objection by the local Community Council within whose area the application site falls, and it has been the subject of six or more timeous letters of representation (following advertisement and/or notification) that express objection or concern about the proposal – representing a significant level of opposition to any local development proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No objections. The proposals would result in a shortfall of two car parking spaces. Recommends conditions are attached in respect of the follow matters:

- Provision and delineation of the car park as per the submitted plan;
- The provision of the proposed one way system which has been accepted by Transport Scotland shall require the promotion of a new Traffic Regulation Order by the applicant, and appropriate signage (all at the cost of the applicant);

- A scheme for the TRO shall require to be to the specification of the Traffic Management;
- Removal of gates and sunken traffic plates;
- SUDS details; and
- A Green Travel Plan

Environmental Health – No observations

Communities, Housing and Infrastructure (Flooding) - No observations

Transport Scotland - Advise that conditions should be attached to any planning permission in respect of the following matters:

- A one-way traffic management system, as agreed for withdrawn Application No. P131115 (and shown on sketch attached to this response) is to be implemented.
- A speed bump at the approach to the exit is to be installed.
- The walls at the exit are to be lowered to 1m high to provide driver visibility of the pedestrian footway adjacent to the exit (1m back and 1m along the trunk road in both directions).
- The Operating Company are to be contacted regarding the timing and installation of the left turn only sign to be erected on the trunk road central reserve.

Queens Cross and Harlaw Community Council – Object to the proposal on the followings grounds:

- Approving this application will erode residential amenity and immediately drastically change the area into a busy noisy unpleasant neighbourhood divided in two by a dangerous narrow lane for cars; this is completely at odds with Local Development Plan policy H1.
- Not only will cars be continuously passing along the back lane to the new offices and car park but also a rat run will open up to any vehicles who want to dodge the often long tail backs on Queen's Road.
- The community council would like clarification as to how the changes to the lane such as removal of the gates which at the moment keep the lane quiet and prevent it being used as a rat run would be paid for.
- The proposal is at odds with Scottish Planning Policy which directs Local Authorities to support patterns of development that provide safe and convenient opportunities for walking and cycling.
- At present a number of properties are being marketed within the West End Office Area including: 70 Queen's Road, 9 Queen's Road and 20 Queen's Road which would suit the proposed occupier's requirements.
- Houses continue to sell in the area whereas, as evident from the above, there is huge competition trying to sell office space in and around Aberdeen with little or no demand for new office space. It is contended that the property has not been marketed for a suitable time at a sensible price to justify a change of use from residential to office.
- A building such as this is better retained as a house (even divided into flats).
- Queen's Cross Community Council have had to feel the impact of office and commercial interests changing the environment of our previously predominantly residential area. Office and commercial interests such as Chester Hotel are fast changing our neighbourhood to the detriment of many of our residents.

- The community council would also recommend a close inspection of the other objections to this planning application as the individuals making various different points can see and understand better a different personal perspective of the impact this planning application will make. As a result of these possible changes their amenity will be diminished and the enjoyment of their property reduced; this is at odds with Local Development Plan policy H1 and also SPP.

REPRESENTATIONS

11 letters of representation were received in respect of this application, albeit with two letters being submitted by one individual. Thus eight letters objected to the proposals, and two letters were in support. Of the eight letters of objection, the vast majority utilised (either in part or in whole), the exact same wording, with many received from properties outwith the direct vicinity of the application site. The objections raised relate to the following matters –

- Contrary to the Local Development Plan and SPP;
- Contrary to the Supplementary Guidance relating to the redevelopment of residential curtilages in that it has a presumption against development which is alien to the density, character and pattern of development in the residential area;
- Rear lane was divided in two as part of the Earls Court redevelopment. The proposal would create vehicular conflict, increase waiting times, and oppose a significant hazard to both pedestrians and vehicles;
- The rear lane is used by children to play in;
- No transport impact assessment or waste management plan have been submitted;
- Car parking will dominate the space to the rear, be detrimental to the setting of the Listed Building, and to the character of the Conservation Area;
- The property is outwith West End Office area, and the proposal would erode the character and amenity of the area;
- Potential anti-social hours of operation;
- The development would reduce privacy of adjacent residents;
- Existing trees covered by a TPO would be lost, which adds to the landscape setting of the area;
- The applicant has failed to demonstrate the need for the proposal, and has not marketed the existing property properly as a going concern;
- Contests that a flatted development would affect the buildings integrity;
- The proposal would detract from the objective of the City Centre Masterplan; and,
- The proposal lacks compliance with SPP, PAN 78, PAN 68 ALDP policy H1, NE5 and supplementary guidance.

In respect of the letters of support, they highlighted the following points;

- The sheer scale of the property is well beyond the means of a typical family;

- The nature of the conversion is desirable in terms of safeguarding the property in a viable manner;
- The use would exist happily in this location without any loss of amenity to surrounding property, as evidenced by surrounding commercial properties;
- An adjacent office premise at 88 Queen's Road recently benefitted from permission for the provision of a substantial rear car park without any detriment to the surrounding area;
- The proposal would be a good alternative to the many unsustainable edge of town office spaces which continue to be built across the City.
- The flatted market in Aberdeen is already saturated

Matters raised in the representations which are not material planning considerations include:

- Increased traffic will impact on privacy
- Intensification of the lane and associated maintenance costs
- Potential overspill parking into adjacent private land
- This part of Queen's Road should be part of the West End Office Area.

PLANNING POLICY

Scottish Planning Policy (SPP)

The replacement SPP was published in June 2014. It outlines national planning policies which reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Of the principle policies listed, it identifies a presumption in favour of development that contributes to sustainable development. The subject policies also break down the policy areas further in highlighting:

- Supporting business and employment; and
- Valuing the historic environment.

SPP introduces a presumption in favour of development that contributes to sustainable development. Paragraph 28 highlights that "the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve development in the right place".

The policy principles relating to valuing the historic environment acknowledges that the planning system should "enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced".

Specifically, it states within paragraph 141 that "change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the

importance of preserving and enhancing the building, its setting, and any features of special architectural or historic interest”.

Scottish Historic Environment Policy (SHEP)

Scottish Ministers want to:

- make the best use of the historic environment to achieve their wider aims of economic and social regeneration; and,
- identify the many aspects of our environment and protect and manage them in a sustainable way to secure their long term survival and preserve their embodied energy

The policy of the Scottish Ministers is that:

- actions taken in respect of Scotland’s historic environment should secure its conservation and management for the benefit and enjoyment of present and future generations;
- there should be a presumption in favour of preservation of individual historic assets and also the pattern of the wider historic environment; no historic asset should be lost or radically changed without adequate consideration of its significance and of all the means available to manage and conserve it;
- Scotland’s historic environment should be managed in a sustainable way, recognising that it is a social, cultural, economic, and environmental resource of great value.

Scottish Ministers Policy on Listed Building Consent is to presume against works that adversely affect the special interest of a listed building or its setting.

Paragraph 3.35 states “The majority of listed buildings are adaptable and have met the needs of successive generations while retaining their character. Change should therefore be managed to protect a building’s special interest while enabling it to remain in active use. Each case must be judged on its own merits but in general terms, listing rarely prevents adaptation to modern requirements but ensures that work is done in a sensitive and informed manner”. It further goes on to state within paragraph 3.48 that “Where a proposal involves alteration or adaptation which will sustain or enhance the beneficial use of the building and does not adversely affect the special interest of the building, consent should normally be granted”.

Aberdeen City and Shire Structure Plan

The Strategic Development Plan outlines objectives towards encouraging economic growth, and sustainable development. It further stipulates that new development should maintain and improve the region’s important built, natural and cultural assets.

Aberdeen Local Development Plan

The site falls within a wider area allocated for H1 (Residential Areas) purposes in the adopted Aberdeen Local Development Plan.

Policy H1 Residential Areas

Policy T2 Managing the Transport Impact of Development

Policy D1 Architecture and Placemaking

Policy D3 Sustainable and Active Travel

Policy D4 Aberdeen's Granite Heritage

Policy D5 Built Heritage

Policy NE5 Trees and Woodlands

Proposed Aberdeen Local Development Plan

Policy H1 Residential Areas

Policy D1 Quality Placemaking by Design

Policy D4 Historic Environment

Policy D5 Our Granite Heritage

Policy T2 Managing the Transport Impact of Development

Policy T3 Sustainable and Active Travel

Policy NE5 Trees and Woodlands

Supplementary Guidance

Subdivision and Redevelopment of Residential Curtilages

Transport and Accessibility

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

SPP/SHEP

At the outset, it is acknowledged that the general stance of the Scottish Ministers and Historic Environment Scotland, is to presume against works which affect the special character or features of a historic asset. In this instance, the parallel application for Listed Building Consent (Ref: 151796) for the demolition of the modern garage within the site shall be the subject of separate detailed consideration on its own merits. The works necessary to accommodate a commercial use are unlikely to require an application for Listed Building Consent in their own right.

As such, this application, deals with the principle of the proposed change of use, and the potential localised inputs either to the wider character of the area, or that of the Albyn Place/Rubislaw Conservation Area.

The most suitable use for a listed building is the one for which it was designed. As planning authority, there is a duty to consider applications that are submitted, on their own merits. At the time of the previous application in 2013, it was considered that insufficient evidence of the adequate marketing of the property for continued residential use had been undertaken. As such, the applicant withdrew the planning application to undertake a more detailed exercise in that regard.

The property has been marketed both publically and via the ASPC since March 2015, with no noted interest. Admittedly, the asking price is high, although this is a very substantial and prominent property in the heart of the West End. Nonetheless, while not a policy requirement, it has been deemed to be adequately marketed. In parallel, is the consideration of the alternatives to the retention of the building for use as a single dwelling. The use as flats would on first impression appear logical. However, the measures and alterations which would be necessary to accommodate this include provisions for fire separation, which could require significant amendment to and potential loss of architectural features which the building possesses. This could include cutting across or severing the existing stained glass window to the eastern gable of the property.

The submitted alternative to accommodate office use requires minimal interventions to the building, and would see a continuing beneficial use provided, examples of which are already present within the locale. In turn, this would allow significant economic benefits from the commercial perspective, and create additional quality office accommodation just outwith the West End Office area.

The other works including the alterations to the rear garden which is already significantly paved and the formation of the car park, are to an appropriate standard to this listed building, and its position within the Albyn Place/Rubislaw Conservation Area.

The Aberdeen Local Development Plan has a number of policies that are relevant to varying degrees, and each are considered in turn below.

Policy H1 (Residential Areas)

The Policy notes that within existing residential areas, proposals for non-residential uses will be refused unless:

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

In this instance, the adjacent properties on Queen's Road on either side of the application site are both in residential use as flats, with No, 92 being a conversion, and the former Earl's Court Hotel to the west was converted and the

subject of significant new build elements. The size of the host building itself, limits the level of occupation that can ultimately be achieved for office use. Furthermore, Class 4 office uses can generally be carried out in residential areas without any detrimental impact on the character or amenity of the adjoining residential uses. While the conversion of part of the back garden (about an additional 7 metres across the majority of the width in addition to the notable level of hardstanding already), would see the introduction of a parking area. However, a rear car park for 16 cars and the associated movements, in comparison to the significant usage of Anderson Drive, and Queen's Road at the frontage of site, are negligible, particularly in the respect of associated noise and amenity impacts. Such parking areas are not uncommon in the general area, and as such, would not be considered to have a significant detrimental impact on residential amenity or character as a result. This would therefore not be alien to the existing character of the area, and also takes cognisance of the requirements of the Supplementary Guidance relating to the Splitting of Residential Curtilages.

The proposed use would utilise the existing envelope of the building, and would see no new extensions necessary. As such, the existing window openings would also be utilised, and no new overlooking or privacy issues would arise as a result, thus accordingly with the principles of Policy H1 of the Adopted Local Development Plan.

Policies T2 (Managing the Transport Impact of Development) and D3 (Sustainable and Active Travel)

It is acknowledged that the use of the rear lane would intensify as a result of the development. Many properties along both Albyn Place and Queen's Road utilise rear lane access, often along narrow lanes such as proposed in this instance. Following analysis of the submission, Transport Scotland and Roads Officers have confirmed their acceptance of the proposals. While providing a total of 20 car parking spaces, this would be a shortfall of only two spaces when assessed against the extant car parking standards. Given the excellent linkages to a number of public transportation services, and by walking/cycling, such a shortfall is considered acceptable in this instance.

Accordingly, a number of planning conditions have been requested between Transport Scotland and Roads Officers which relate to the provision of the one way access system from Bayview Road and associated traffic calming measures; the promotion of the TRO; the provision and delineation of the car park; and the lowering of the walls adjacent to the egress onto Anderson Drive. The applicant has indicated that such works can take place on land within their control. In addition, a condition is also necessary for the provision and agreement of a Green Travel Plan prior to the occupation of the converted premises. This shall ensure that appropriate targets and objectives for sustainable transportation are set, and ultimate measured.

Policy D1 (Architecture and Placemaking)

It is considered that the proposals have taken account of the quality and special features of this Category B listed building, and the wider Albyn Place/Rubislaw Conservation Area. The proposal has taken account of its setting and would for

all intents and purposes appear exactly the same from the principal viewpoints. The historical layout and function would still be evident, while the rear garden area would be simplified and de-cluttered, with the removal of the existing garage, and dominant coniferous trees along the boundaries. The provision of the formal hardstanding would be reflective of many of the surrounding feus within the surrounding area. As such, it is not considered that any visual detriment would arise as part of the proposals.

Policy D4 (Aberdeen's Granite Heritage)

Conversion and adaptation of granite buildings will be favoured. As such, the property shall be given a new lease of life, with a quality finish, which shall see a beneficial use being introduced.

Policy D5 (Built Heritage)

It states that proposals affecting Listed Buildings will only be permitted if they comply with Scottish Planning Policy.

It is considered that the proposal follows the principles established by the above Scottish Government policy background. While the building is occupied, it has been on the market for over a year. Consideration must therefore be given to ensure that it has a long term and viable future as part of an alternative use for commercial purpose. It is not considered that the proposal to convert the premises to office use, nor the expanded parking area would have an adverse impact on the character or appreciation of the building in its curtilage. However, in order to accord with the Supplementary Guidance relating to Transport and Accessibility, and in particular the guidance relating to the creation of rear car parking areas, a condition can be utilised to require further details of a new enclosure to the car park, which would better reflect the character of the area, and the original curtilage/feu layout. As such, the proposal is in accordance with Policy D5 Built Heritage of the Local Development Plan.

Policy NE5 Trees and Woodlands

A suggestion was made within one of the letters of objection that all of the trees on site are covered by a Tree Preservation Order. However this assertion was incorrect, as it is only the trees along the frontage that form part of TPO No. 13, and those trees are to remain as part of the proposals. Notwithstanding this, the trees are afforded some protection given their location with the Conservation Area, and there separate consent would be required for their felling. However, the species of fir which would be lost to the rear are not considered to be particularly appropriate for this location, and could ultimately destabilise the adjacent listed wall. As such, their removal would be beneficial in the short term, and would also allow for greater light to spill into the remaining rear garden of No. 94, and potentially adjacent neighbours as well. While the proposal would result in the loss of trees on site, it should be noted that those trees are not considered to contribute positively to the landscape character of the area not that of the Conservation Area, and therefore the proposal would not be at odds with Policy NE5 of the Adopted Local Development Plan.

Matters raised in representations

In respect of matters raised in the representations above which have not already been addressed:

- While representations suggestion that there is an ample provision of office premises in the City and surrounding area, the commercial viability of the proposal is at the risk of the applicant. It is unlikely that any permission would be implemented unless an occupier was identified. As such, the property could still be occupied as a dwelling until any permission was implemented (and which would be subject to the standard limitation of being implemented within 3 years of the date of decision)
- Contrary to the content of the representations, the rear lane was not divided in two as part of the Earls Court redevelopment. The lane was sub-divided in the mid nineteen nighties, whereas the Earls Court development was carried out around 15 years later.
- The matter of children playing in the rear lane, has not been raised as a potential safety concern by Roads Officers. Notwithstanding, the level of traffic would be relatively low both in the terms and associated speeds.
- In respect of the cross reference to PAN 78 (Inclusive Design) and PAN 68 (Design and Access Statements), it is considered that the applicant has met the necessary requirements of legislation in providing supporting information.
- While the City Centre Masterplan is a relevant consideration, the aspiration therein to promote employment uses in the city centre, would not outweigh the primacy of the Local Development Plan, which would not preclude an office development in a residential area, if there was no detriment to existing residential amenity.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to representation and are regarded as unresolved issues to be determined at the Examination; and
- the relevance of these matters to the application under consideration.

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. The foregoing can only be assessed on a case by case basis. In relation to this particular application, the policies of the Proposed Local Development Plan, largely reflect those within the Adopted Local Development Plan. Therefore there are no material considerations which would outweigh the policies of the extant Development Plan.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The proposal to convert the existing flatted properties into Class 4 offices is considered to be an appropriate use within this part of the residential area, which already contains office uses without undue conflict with adjacent residential properties. Following a period of marketing, the applicant has demonstrated that the continued use for residential purposes is no longer in demand, and that the new use can be accommodated with a minimal level of intervention to the host listed building, and the wider character of the Albyn Place/Rubislaw Conservation Area.

Furthermore, a solution has been developed to ensure that from the road and pedestrian safety perspective satisfies statutory consultees, on a site that is also well connected to the public transportation network, and walking routes.

As such, the proposals are considered to be in accordance with Policies H1 Residential Areas, T2 Managing the Transport Impact of Development, D1 Architecture and Placemaking, D4 Aberdeen's Granite Heritage, and D5 Built Heritage of the Aberdeen Local Development Plan (2012).

CONDITIONS

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

(1) that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. 1197-1002 Rev A of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(2) That no development shall take place unless there has been submitted to and agreed in writing by the planning authority in liaison with Transport Scotland schemes for:

- 1) A one-way traffic management system, as agreed for withdrawn application No. P131115 (and shown on the sketch plan appended to the TS response).
- 2) A speed bump at the approach to the exit.
- 3) The walls at the exit are to be lowered to 1m high to provide driver visibility of the pedestrian footway adjacent to the exit (1m back and 1m along the trunk road in both directions).

4) The Operating Company are to be contacted regarding the timing and installation of the left turn only sign to be erected on the trunk road central reserve.

Thereafter the development shall not be occupied unless the said improvements have been implemented in full - To minimise interference with the safety and free flow of the traffic on the trunk road, and to ensure the safety of pedestrians on the trunk road footway.

(3) That the development hereby granted planning permission shall not be occupied unless a scheme to promote the external access improvements and associated Traffic Regulation Order (TRO) in accordance with drawing no. A/13827-900 Rev 3 hereby approved, has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme – To ensure the safety and free flow of the traffic, and to ensure the safety of pedestrians.

(4) That the development hereby granted planning permission shall not be occupied unless there has been submitted to and approved in writing a detailed Green Transport Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets - in order to encourage more sustainable forms of travel to the development.

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

(6) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(7) that 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, details of site and plot boundary enclosures (including the proposed retaining wall, and the provision of a new granite wall/railings to the car park boundary) for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood, and the character of the Conservation Area.

(8) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

(9) that no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

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

(11) That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority – in order to preserve the amenity of the neighbourhood and in the interests of public health.

This page is intentionally left blank

Objection from Queens Cross / Harlaw Community Council

We strongly object to this Planning Application on several grounds.

Firstly it will undermine the main reason for people buying property in this area which is to benefit from a quiet residential environment. Approving this application will erode residential amenity and immediately drastically change the area into a busy noisy unpleasant neighbourhood divided in two by a dangerous narrow lane for cars; this is completely at odds with Local Development Plan policy H1. Not only will cars be continuously passing along the back lane to the new offices and car park but also a rat run will open up to any vehicles who want to dodge the often long tail backs on Queens Road. We are surprised that Road Transport Scotland suggest the lane could be used for cars as this lane is too narrow to be classified as a roadway since there is not even enough room for a vehicle to pass a pedestrian walking to the back door of their house. I recommend going for an onsite inspection to see the lane.

We would like clarification as to how the changes to the lane such as removal of the gates which at the moment keep the lane quiet and prevent it being used as a rat run would be paid for. Does the applicant pay for all the changes. As it stand the proposal is at odds with Scottish Planning Policy which directs Local Authorities to support patterns of development that provide safe and convenient opportunities for walking and cycling. The proposal does not do this.

Secondly it appears anomalous for an oil company to alter a prestigious property from an impressive house into another office. At present a number of properties are being marketed within the West End Office Area including: 70 Queens Road, 9 Queens Road and 20 Queens Road which would suit the proposed occupiers requirements. It is evident that there is already enough empty or emptying offices down Queens Road caused by the dramatic oil price drop without adding to the depressing sight of yet another empty office property being advertised with unsightly "for sale" or "to let" signs. Houses continue to sell in our area whereas, as evident from the above, there is huge competition trying to sell office space in and around Aberdeen with little or no demand for new office space. One can't see how adding another office can be sensible when many are actually being emptied and could be used by the occupier. It is contended that the property has not been marketed for a suitable time at a sensible price to justify a change of use from residential to office.

We have heard an argument that an office would be better able to retain the house amenities such as the large interesting windows, however we are minded that the opposite is true and that a building such as this is better retained as a house (even divided into flats).

We on Queens Cross Community Council look forward to the Planning Committee supporting the aims the people of this neighbourhood to retain some of the benefits of the residential area they moved into. Recently we have had to feel the impact of office and commercial interests changing the environment of our previously predominantly residential area. Office and commercial interests such as Chester Hotel are fast changing our neighbourhood to the detriment of many of our residents. We appeal to the Planning Committee to start defending our Queens Cross environment from the onslaught of commercial interests.

We would also recommend a close inspection of the other objections to this planning application as the individuals making various different points can see and understand better a different personal perspective of the impact this planning application will make. As a result of these possible changes their amenity will be diminished and the enjoyment of their property reduced; this is at odds with Local Development Plan policy H1 and also SPP.

Written by Ken Hutcheon, Secretary to Queens Cross / Harlaw Community Council

This page is intentionally left blank

From: [REDACTED]
To: [PI](#)
Subject: Planning Comment for 151795
Date: 26 November 2015 13:50:25

Comment for Planning Application 151795

Name : Robert Douglas

Address : 69 Springfield Road
Aberdeen

Telephone :

Email : [REDACTED]

type :

Comment : the proposal for the development of an office building at 94 Queens Road lacks compliance with SPP, PAN 78, PAN 68 ALDP policy H1, NE5 and supplementary guidance. The proposal also lacks compliance with policies contained within the proposed Aberdeen local Development Plan. If approved it will result in vehicular and pedestrian conflict; will greatly reduce the residential amenity currently enjoyed by surrounding properties; have a detrimental impact on the listed status of the building and those which are located in proximity to it; detract from the objectives of the Aberdeen City Centre Masterplan and will create a use which is very different from that of a house and uncharacteristic of the residential area. There is no locational requirement for an office in this location and with a number of properties being marketed in the West End Office Area there is no justification for the development of office accommodation within a residential area. For the reasons stated above I wish to object to this application in the strongest possible terms and respectfully request that it is refused.

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.

From: [REDACTED]
To: [PI](#)
Subject: Planning Comment for 151795
Date: 26 November 2015 10:42:34

Comment for Planning Application 151795

Name : natasha douglas

Address : 92 Queens Road

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment :

The Head of Planning and Infrastructure

Aberdeen City Council

Business Hub 4

Marischal College, Broad Street

Aberdeen, AB10 1AB

26th November 2015

Dear Mr Gordon McIntosh

OBJECTION TO PLANNING APPLICATION REFERENCES:

151795 FOR THE CHANGE OF USE FROM RESIDENTIAL (CLASS 9) TO CLASS 4 (OFFICES) AND
EXTENDED CAR PARKING TO REAR, AND
1517956 PROPOSED DEMOLITION OG GARAGE

I am in receipt of a neighbour notification in respect of the above two applications for Planning Permission and listed building consent. Having reviewed the application, I write to object to the proposed development in the strongest possible terms and respectfully request that the application is refused.

The application is for the change of use from Class 9 Residential to Class 4 Offices at 94 Queens Road, Aberdeen. Nowhere on the drawings submitted is there any note of the square footage of the building. From measuring the scale drawings it is estimated to be 650sqm. Only 2 disabled car parking spaces are shown on the Proposed Site Layout drawing however, the Design and Access Statement submitted in support of application reference 1517956 states that 16 car parking spaces will be provided. Access to the rear car parking area is shown on the Proposed Site Layout drawing as being from a rear lane accessed from Anderson Drive and Bayview Road.

I have assessed the proposals against Development Plan policy as contained within the Aberdeen Local Development Plan 2012 (ALDP) and material considerations, as set out in Scottish Planning Policy (SPP). Having regard to these it is contended that the proposal is contrary to the ALDP and supplementary guidance for the reasons discussed below.

The ALDP identifies the site as lying within a residential area where ALDP policy H1 applies; it also lies within the Albyn Place and Rubislaw Conservation Area. ALDP policy H1 states that proposals for non residential uses within existing residential areas will be refused unless:

• they are considered complementary to residential use; or

• it is demonstrated that they would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

As the development would require the redevelopment of a residential curtilage the development proposal also requires to be assessed against supplementary guidance The Sub-division of

Residential Curtilages (March 2012) which it too lacks compliance with; whilst the guidance is specifically targeted at residential development it is applicable to other non residential types of development (paragraph 1.4).

Access to the development is proposed from a rear lane which is accessed from Anderson Drive. The lane was divided in two during the redevelopment of the Earls Court Hotel at 96 Queens Road to relieve road safety concerns. The eastern section of the lane provides access to 88, 90 and 92 Queens Road with the western section providing rear access to 94 Queens Road. There are no pavements or street lighting on this narrow lane. As the lane is private it is not served by gritting lorries in the winter making it impossible to access/ exit the lane during the winter months. The lane would provide the main access for vehicular traffic as well as pedestrians.

The Design and Access Statement incorrectly states that there are two vehicular access to the rear of the property. As discussed above the land was divided in two during the redevelopment of Earls Court Hotel and rear land access to 94 Queens Road is only possible from Anderson Drive.

The development of an office building in this location will undoubtedly increase traffic movements on the lane and will impact on its junction with Anderson Drive; which may in turn create vehicular conflict and increase waiting times at the Anderson Drive/ Queens Road round about. This raises significant concerns and would, due to the narrow width of the lane and lack of pedestrian footpaths, pose a significant hazard to both pedestrians and vehicles using the lane. This is compounded by the fact that there are no footpath links for pedestrians to use to access the proposed office building from the lane. The Sub-division and Redevelopment of Residential Curtilages guidance recognises that it is not acceptable for pedestrians to have to walk on the carriageway of rear lanes to access developments or for pedestrians to share access with vehicles, as it results in the creation of a pedestrian safety hazard.

Due to the width of the lane at this location it is not considered possible for the instillation of foot paths to make the proposal acceptable in road safety terms. Consequently if approved the proposal would have a detrimental impact on both pedestrian and vehicular safety. This is highlighted by Transport Scotland's objection to a previous proposal (application reference P131115) who objected to that proposal on the basis that 'The existing access to the parking area is too narrow to permit 2-way traffic and may potentially hinder traffic leaving the trunk road to the detriment of road safety'. Given the objection from Transport Scotland to the previous proposal I am surprised that Kamran Syed would support such an access proposal. No consideration has been given to pedestrian safety. As noted above the land is narrow with no street lighting or pavements. In addition to this the owner does not control land on either side to deliver pavements as part of their proposal. The significant increase in traffic movements on the lane, as a result of the proposed access arrangement, will firstly alter the residential character of the lane but also impact on pedestrian safety. A number of residents use the lane as a rear pedestrian route. As the lane is quiet a number of children from dwellings at Bayview Road use the lane to play in. This is especially true during school holiday times and is reflective of the residential area within which the property lies. Increasing traffic here will undoubtedly create road safety conflict and in doing so further erode the residential character of the conservation area.

By increasing traffic on the rear lane existing residents will be unable to safely use the lane should they chose to walk. This is at odds with Scottish Planning Policy which directs Local Authorities to support patterns of development that provide safe and convenient opportunities for walking and cycling. The proposal does not do this and should be refused.

Likewise, increased traffic on the lane will impact on the level of privacy currently enjoyed by home owners at 92 Queens Road and will impact on their ability to use their property especially their rear garden.

The Design and Access Statement notes that the applicant has asked for double yellow lines to be painted on the entrance of the vast majority of lanes to improve visibility. This is not within the applicants gift to control nor is it a benefit of the proposal. Should Aberdeen City Council's Roads Department consider double yellow lines are appropriate in such locations they would implement such works.

The Design and Access Statement further notes that the rear land is of similar size to all lanes in the west end of Aberdeen and is able to take two way traffic as demonstrated by the existing solution where the lane provides the only means of access and egress to the rear offices at 88 Queens Road and flats at 90 and 92 Queens Road. This statement is incorrect and misleading. 90 Queens Road is a single dwelling, access to it is taken directly at the front of the dwelling. As a neighbour and user of the lane I would confirm that it 2 way traffic is impossible. The land

measures approximately 2.3 meters. It is not wide enough to accommodate 2 way traffic. Should a vehicle use the lane and meet another vehicle, as frequently happens one or other car is required to reverse, either to the small residents car parking area at 92 Queens Road or onto Bayview Road. This situation is unsafe at present but would be compounded should the proposal be approved. Furthermore the average width of lanes in the west end is in excess of 6m more than three times the width of the rear access lane.

Worryingly The Design and Access Statement cites SPP 17 Planning For Transport which was superseded by Scottish Planning Policy in 2010; which has again been superseded by Scottish Planning Policy 2014 (SPP). The inability to cite current planning policy is concerning. When making decisions on development management SPP directs Local Authority to take account of the implications of development proposals on traffic, patterns of travel and road safety. SPP also directs Planning Authorities to consider place and the needs of people before the movement of motor vehicles. It is evident that the proposal would have a detrimental impact on both traffic and the levels of road safety currently enjoyed by residents, would put the private vehicle before the needs of pedestrians and as directed by SPP the proposal should be refused.

As a neighbouring owner, whilst not a planning matter, I have concerns regarding the maintenance of the rear lane; which would through intensified use require if the proposal were approved, more regular maintenance. At present there are 18 ‘shares’ of the lane with some ‘shares’ having more than 5 owners. As I am sure you will appreciate collating over 20 share holders is challenging and this has prevented general maintenance from occurring in the past.

It is unclear from the drawing how many carparking spaces are to be delivered with only 2 disabled spaces legible on the drawing. However the Design and Access Statement submitted in support of the Listed Building Consent states 16 car parking spaces will be provided including 2 disabled spaces, 4 spaces would be provided to the front of the dwelling. Supplementary Guidance Topic: Transport and Accessibility (March 2012) states, in keeping with guidance contained in SPP, that for developments within the outer zone, with which the site is located, requires 1 car parking space per 30sqm of office space. The proposal would require a minimum of 22 car parking spaces. The proposal fails to deliver this. Living in a neighbouring property with a similarly sized rear garden I do not consider it possible to accommodate the level of car parking required for office use even considering the opportunity for car parking to the front of the dwelling without having a detrimental impact on the setting of neighbouring listed buildings. As a neighbouring resident I am concerned that vehicles from the proposed office would use the resident’s car parking spaces at 96 and 92 Queens Road to park their vehicles during the day. Whilst there is on street car parking available on Queens Road it is heavily used throughout the day Monday to Friday, and the shortfall in car parking spaces would place further pressure on them which would inconvenience residents. In addition to this parking on the southern side of Queens Road restricts the ability of vehicles being able to access Anderson Drive which further adds to vehicle waiting times. Allowing as development in this area with a shortfall of car parking spaces will only add to this problem.

I am other concerns regarding the impact of the proposed change of use on traffic on Anderson Drive and the local road network. As shown in the Proposed Site Layout Drawing the principle vehicular access to the building would be from Anderson Drive. As you are no doubt aware this is a heavily congested road; even with the addition of the AWPR this road will remain congested. As far as I can see from your website the applicant has not submitted a Transport Impact Assessment to identify the impact of traffic from the proposal into the local road network and any mitigation measures required to make the proposal acceptable in roads safety terms. In the absence of such information I remain concerned that peak am and pm waiting times at both Anderson Drive and the local road network will be unacceptable.

I note from the website that the applicant has not submitted a Waste Management Plan. I am concerned having previously been disturbed at antisocial hours by commercial refuse collections that a similar situation will arise. Queens Road experiences traffic congestion during the week resulting in tailbacks with refuse vehicles collect waste. To avoid this some commercial refuse vehicles collect waste at 5am resulting in noise disturbance to neighbouring properties. Should the council be minded to grant consent for this development I would ask that a condition is placed on any consent requiring refuse to be collected after 7am in the interests of maintaining residential amenity.

From the proposed site layout plan it is understood that a waste storage area is to be located to the rear of the building however, there has been no provision made refuse vehicles to collect waste nor has a swept path analysis been submitted. Due to the width of the lane refuse vehicles will be

unable to access the rear of the property. Furthermore there is no turning space available for refuse vehicles in the proposed car park. Consequently refuse vehicles would be required to collect waste from the front of the property on Queens Road. Due to the residential nature of the area such vehicles would only be permitted to collect waste after 7/7.30am; as a result of noise associated with such vehicles. Their presence on Queens Road at this time, in close proximity to the Anderson Drive/ Queens Road roundabout, will have a detrimental impact on traffic flows at this roundabout and will increase waiting times which, given the scale of traffic at this roundabout, is undesirable. A Waste Management Plan should be submitted by the applicant in order to ensure their proposals for refuse collection is acceptable.

The proposed plans show that more than 50% of the garden area will be lost for car parking albeit no exact car parking spaces are shown on the drawing. Car parking will dominate the amenity space to the rear of the property. This is uncharacteristic of dwellings located in the local area all of which enjoy large gardens. The loss of garden ground to create a car park is alien to the character of development and as such the proposal lacks compliance with The Sub-division and Redevelopment of Residential Curtilages (March 2012) which presumes against development which states that car parking must not dominate amenity space and presumes against development that is alien to the density, character and pattern of development in the residential area.

The loss of garden ground to accommodate car parking is considered to have a detrimental impact on both the setting of the 94 Queens Road which is category B listed and the conservation area where a number of listed buildings lie. Like other listed buildings in proximity to 94 Queens Road these buildings enjoy large rear gardens which provide amenity space for residents. The loss of the garden to create car parking is at odds with this and will have a detrimental impact of the listed status of neighbouring properties including 92, 90 and 88 Queens Road.

Whilst it is accepted that the proposed office building would lie in proximity to 88 Queens Road and the West End Office Area it must be recognised that the property lies outwith the West End Office Area, which ends at 70 Queens Road (currently being marketed for Class 4 use). 94 Queens Road lies outwith the West End Office Area within a residential area that has a high standard of appearance and amenity, both in the attractive tree lined street and in the spacious rear gardens. The introduction of a non residential use in this area would erode the character of and amenity of the residential area. The use of the dwelling as an office would result in regular arrivals of staff and visitors, either at the front or through the car park at the rear, where they would be next to the private gardens on each side.

The proposed use of the building as an office would be very different from that as a house and it would detract from the amenity of neighbouring residents. Residents would be aware of the coming and going of people and cars in the proposed car park which would be visible from both garden areas and also habitable windows. This increased level of activity compared to what would be expected of a domestic garden would adversely affect the amenity enjoyed by residents, especially in the summer months when residents would hope to enjoy the use of their gardens without disturbance.

The privacy currently enjoyed by residents would also be reduced. Residents of 92 Queens Road would be directly looked upon by an increase in people coming and going from the car park who would be able to look into the garden area of 92 Queens Road. In addition to this, the residents would be further disturbed by the increase in traffic movements to the rear lane. This would cause nuisance, further erode the levels of privacy currently enjoyed and would impact on the safety of those residents who frequently use the rear access to walk to Bayview Road. Likewise office staff from W.A Fairhurst also use the rear land to access their building and an increase of over 20 cars would impact on their safety also. The loss of privacy conflicts with guidance contained in The Sub-division and Redevelopment of Residential Curtilages (March 2012) which presumes against developments that would reduce privacy currently enjoyed by residents.

The proposed layout plan shows that a number of trees, which are protected by Tree Preservation Order will be lost to accommodate car parking areas. Trees make a valuable contribution to the landscape setting and this is especially true of the Albyn Place and Rubislaw Conservation Area, where 94 Queens Road lies. Trees contribute to the character of the conservation area as well as the setting of 94 Queens Road and the listed buildings located in proximity to 94 Queens Road. Both The Sub-division and Redevelopment of Residential Curtilages (March 2012) and policy NE5 of the ALDP presume against development that would result in the loss of established trees that contribute to the landscape character or local amenity. As such, the proposal lacks compliance with the above policy and guidance.

No evidence has been provided by the applicant to indicate that the applicant needs to be located within a residential area. If the applicant seeks to be located within the west end there are currently a number of properties being marketed within the West End Office Area that can satisfy their requirements, without encroaching into a residential area. 70 Queens Road continues to be marketed by FG Burnett having previously been marketed by CBRE. 9 Queens Road, currently home to Anderson Anderson Brown who are moving to Prime 4 in Kingswells is currently being marketed by CBRE. IONA Energy at 20 Queens Road is currently being marketed by FG Burnett and AB Robb. All of these properties are of comparable scale to 94 Queens Road however, are located within the West End Office Area and are considered best placed to accommodate Class 4 use. In addition to these properties, there are other properties in the West End Office Area Currently being marketed by agents. Outwith the West End Office Area there are a number of sites are currently being marketed for Class 4 use including: ABZ, D2, Aberdeen Energy and Innovation Parks, Access, Balmoral Business Park, The Gateway Business Park, Arnhall Business Park, Kingshill Business Park and Prime 4 to name but a few. This is not forgetting the number of built properties currently being marketed for Class 4 use. Of paramount importance is the ongoing developments at The Silver Fin, Marschall Square and The Capital. All three of these buildings are currently under construction and have yet to secure a tenant. All three of these buildings are better placed to accommodate office use and in doing so deliver the objectives of the Aberdeen City Centre Master Plan; who's key objective is to bring people back into the city centre. Enabling office development within a residential area is at odds with this Masterplan and should not be supported. According it is considered that Class 4 use best placed in the above areas outwith residential areas. Given the number of properties available in proximity to 94 Queens Road, outwith the residential area, it is evident that should the applicant wish to locate in the west end there is sufficient properties available on the market to satisfy their requirements without resulting in a detrimental impact on a residential area.

The Design and Access Statement submitted in support of application reference 1517956 states that there is 'strong demand for Office use in the west end of Aberdeen'. As noted above, there are a number of properties within the West End Office Area of similar size which, despite being marketed for considerable periods of time (some for over 2 years) have yet to secure tenants. That coupled with the well documented down turn in the Oil Industry, which has notably reduced demand for office use, does not demonstrate that there is a 'strong demand'. The Design and Access Statement is evidently ill-informed with no information to support the sweeping statements made in it.

Whilst it is recognised that the dwelling is currently on the market it has not been on the market for a sufficient period of time to demonstrate that there is no interest in the property for continued residential use. Recent analysis of residential sales trends in Aberdeen undertaken by Savills highlight that despite the downturn in the oil industry and change to LBTT there are no difficulties selling dwellings valued over and above '£1 million pounds; indeed sales have not declined compared to the same period last year. The difficulty is properties priced between '£350,000 and '£700,000. Dwellings of a similar price to 94 Queens Road have sold recently. Savills have however, noted that sellers need to be realistic of a price that can be achieved. It may be that the owner of 94 Queens Road is being unrealistic of what price can be achieved for his home. Likewise, had the property been presented more attractively it may have already been sold. One can only assume that the owner is hoping to achieve a consent for office use as it would have a higher end value than for residential sale. Despite this there is a lack of evidence to suggest that there is no interest in the property for continued residential use.

In terms of application reference 1517956 my concerns relate to the impact that removing a garage to enable a car park to be created will have on the setting of the listed buildings at 94, 92 Queen's road 90. The Design and Access Statement submitted in support of the application fails to comply with Planning Advice Note 68 Design Statements and does not explain why removal of the garage is the best solution. In discussing the immediate neighbours the Design and Access statement fails to acknowledge that 94 Queen's Road sits between a number of residential properties including flatted properties at Earls Court, 92 Queen's Road, 90 Queen's Road and 89 Queen's Road.

The Design and Access Statement states that 'the size of property in that location is now totally unsuitable as a house. There are significant costs required for the upkeep of the building and to cover running costs'. Issue is taken with this statement. I would highlight that number 90 Queens Road is currently used in its entirety as a residential dwelling, as are a number of other properties located in Queen's Road, Bayview Road, Rubislaw Den North, Rubislaw South and Forrest Road. Indeed 50 Queens Road was recently converted from flats into a residential dwelling. To say that the dwelling is unsuitable as a house is not only misinformed but misleading.

Furthermore the Design and Access Statement recognises costs required for upkeep and maintenance of the dwelling. It is naive of the owner, to purchase such a dwelling, do limited maintenance to it, and be surprised at general maintenance costs. Unfortunately any property of that age, listed or otherwise will require maintenance. To use that as justification for a change of use beggars belief. Maintenance and running costs will not disappear if the dwelling is used for office use.

The statement stated that there have been no viewings. As a neighbouring resident I am surprised at this statement as myself and a number of residents have observed viewings taking place. As noted above, it can only be assumed that the owner has unrealistic expectations of a sell price. Had the property been marketed for a realistic value it may well have sold. Indeed, as mentioned properties over £1million are not proving difficult to sell; a number of £2million pound houses have sold recently in the area.

The statement goes on to note that the building cannot be altered to accommodate a flatted development as it would compromise the integrity of the building. Again issue is taken with this statement. Firstly the owner had no issue in submitting a planning application for an office development in 2013 which significantly altered the internal space of the building. Secondly, there are neighbouring examples (Earls Court, 92 and 89 Queens Road) of such homes which have successfully been altered to accommodate a flatted development. As such it is contended that the property could be sympathetically altered.

The Design and Access Statement makes reference to the building being able to accommodate wheelchair users however, the plans submitted in support of the application fail to acknowledge external and also internal alterations that would be required in order to make the building DDA compliant. The proposal fails to acknowledge Planning Advice Note 78 Inclusive Design (PAN 78) which provides guidance on inclusive design.

To conclude it is evident that the proposal for the development of an office building at 94 Queens Road lacks compliance with SPP, PAN 78, PAN 68 ALDP policy H1, NE5 and supplementary guidance. The proposal also lacks compliance with policies contained within the proposed Aberdeen local Development Plan. If approved it will result in vehicular and pedestrian conflict; will greatly reduce the residential amenity currently enjoyed by surrounding properties; have a detrimental impact on the listed status of the building and those which are located in proximity to it; detract from the objectives of the Aberdeen City Centre Masterplan and will create a use which is very different from that of a house and uncharacteristic of the residential area. There is no locational requirement for an office in this location and with a number of properties being marketed in the West End Office Area there is no justification for the development of office accommodation within a residential area. For the reasons stated above I wish to object to this application in the strongest possible terms and respectfully request that it is refused.

Yours sincerely

Natasha Douglas
MA (Hons) MRTPI

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.

From: [REDACTED]
To: [PI](#)
Subject: Planning Comment for 151795
Date: 23 December 2015 21:26:03

Comment for Planning Application 151795

Name : Mr M Forbes

Address : 224 Great Western Road, Aberdeen,
AB106PD

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I have watched with some interest over the past 6-9 months as to the status of the property at No.94 Queen's Road, which has been marketed 'for sale'; on the Aberdeen Solicitor's Property Centre website and note that the owner would appear to have failed to find a buyer. This is not surprising given the high value, listed status and sheer scale of the villa which is well beyond the means of your typical family and given the current economic difficulties is not a suitable dwelling for modern family living.

I write in support of the principle of the proposed development and specifically the change of use to office space, as I consider the nature of the conversion being proposed to be desirable in terms of safeguarding in a viable manner the long term retention of, and future integrity and character of this important listed building.

The proposed office use would in my view exist happily in this location without causing any loss of amenity or impact to the surrounding residential dwellings. Evidence to support this exists from the current Fairhurst Consulting Engineer's office (No.88), Aberdeen Grammar FP Club (No. 86) which happily co-exist's in nearby villa's. Indeed historically, the current dwelling under consideration co-existed directly adjacent to the former Earl's Court Hotel commercial operation, before it was more recently converted to high quality flats.

I would also consider the historically consented application P091229 for Fairhurst Consulting Engineer's office (No.88) to be relevant to the determination of this application, in so far as this permitted the creation of a sizeable new rear lane office car park which gained access via same rear lane location being proposed in this application. Whilst acknowledging that No.88 was already at that time a functioning office, it had no onsite parking and therefore nil onsite vehicle movements which would in my view have been the principle concern in terms of impacting upon neighbouring residential amenity. The application was granted consent and in the intervening years, even with the introduction of temporary office extensions has happily co-existed adjacent to the flats at No.92 and the applicant's property at No.94, without impacting upon their amenity.

I therefore hope that this important listed building can have it's long term future safeguarded through the creation of new office accommodation which would provide employment opportunities within the heart of the city, as opposed to the many unsustainable modern edge of town office spaces which continue to be built across the city.

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.

From: [REDACTED]
To: [PI](#)
Subject: Planning Comment for 151795
Date: 29 November 2015 20:01:16

Comment for Planning Application 151795

Name : kathryn fraser

Address : flat 3

(2 Queens Rd

AB10 4YQ

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : In agreement with the other owners of flats in (2 Queens Rd ,I write to object to the proposed development in the strongest possible terms and respectfully request that the application is refused.

I have assessed the proposals against Development Plan policy as contained within the Aberdeen Local Development Plan 2012 (ALDP) and material considerations, as set out in Scottish Planning Policy (SPP). Having regard to these it is contended that the proposal is contrary to the ALDP and supplementary guidance for the reasons discussed below.

The proposal lacks compliance with ALDP policy H1. Access to the proposal would be taken from the rear lane; which is narrow. This would increase traffic, result in vehicular and pedestrian conflict, create road safety concerns and erode privacy that is currently enjoyed by residents at 92 Queens Road. As such the proposal would result in conflict nuisance and prevent residents from enjoying their property.

Access to the development is proposed from a rear lane which is accessed from Anderson Drive. The lane was divided in two during the redevelopment of the Earls Court Hotel at 96 Queens Road to relieve road safety concerns. The eastern section of the lane provides access to 88, 90 and 92 Queens Road with the western section providing rear access to 94 Queens Road. There are no pavements or street lighting on this narrow lane. As the lane is private it is not served by gritting lorries in the winter making it impossible to access/ exit the lane during the winter months. The lane would provide the main access for vehicular traffic as well as pedestrians.

The applicant does not own all of the lane required to accommodate access proposals.

The Design and Access Statement incorrectly states that there are two vehicular access to the rear of the property. As discussed above, the lane was divided in two during the redevelopment of Earls Court Hotel and rear land access to 94 Queens Road is only possible from Anderson Drive.

The proposal will increase traffic movements on the lane and will impact on its junction with Anderson Drive; which may in turn create vehicular conflict and increase waiting times at the Anderson Drive/ Queens Road round about.

The proposal would due to the narrow width of the lane and lack of pedestrian footpaths, pose a significant hazard to both pedestrians and vehicles using the lane. The Sub-division and Redevelopment of Residential Curtilages guidance recognises that it is not acceptable for pedestrians to have to walk on the carriageway of rear lanes to access developments or for pedestrians to share access with vehicles, as it results in the creation of a pedestrian safety hazard. The proposal further lacks compliance with ALDP.

Transport Scotland's objection to a previous proposal (application reference P131115) who objected to that proposal on the basis that 'The existing access to the parking area is too narrow to permit 2-way traffic and may potentially hinder traffic leaving the trunk road to the detriment of road safety'. Given the objection from Transport Scotland to the previous proposal I am surprised that Kamran Syed would support such an access proposal. No consideration has been given to pedestrian safety.

The significant increase in traffic movements on the lane, as a result of the proposed access arrangement, will firstly alter the residential character of the lane but also impact on pedestrian safety.

By increasing traffic on the rear lane existing residents will be unable to safely use the lane should they chose to walk. This is at odds with Scottish Planning Policy which directs Local Authorities to support patterns of development that provide safe and convenient opportunities for walking and cycling. The proposal does not do this and should be refused.

Increased traffic on the lane will impact on the level of privacy currently enjoyed by home owners at 92 Queens Road and will impact on their ability to use their property especially their rear garden. The lane measures approximately 2.3 meters. It is not wide enough to accommodate 2 way traffic.

Should a vehicle use the lane and meet another vehicle, as frequently happens one or other car is required to reverse, either to the small residents car parking area at 92 Queens Road or onto Bayview Road. This situation is unsafe at present but would be compounded should the proposal be approved.

The average width of lanes in the west end is in excess of 6m more than three times the width of the rear access lane.

When making decisions on development management SPP directs the Local Authority to take account of the implications of development proposals on traffic, patterns of travel and road safety. SPP also directs Planning Authorities to consider place and the needs of people before the movement of motor vehicles. It is evident that the proposal would have a detrimental impact on both traffic and the levels of road safety currently enjoyed by residents, would put the private vehicle before the needs of pedestrians and as directed by SPP the proposal should be refused. I have concerns regarding the ongoing maintenance of the lane. Which will be put under pressure as a result of this proposal.

Supplementary Guidance Topic: Transport and Accessibility (March 2012) states, in keeping with guidance contained in SPP, that for developments within the outer zone, with which the site is located, requires 1 car parking space per 30sqm of office space. The proposal would require a minimum of 22 car parking spaces. The proposal fails to deliver this.

The proposal may result in non-residents using car parking spaces at 96 and 92 Queens Road to park their vehicles during the day.

The proposal will further pressure the already heavily used on street car parking.

The proposal will have a detrimental impact on traffic at Anderson Drive and Bayview Road and increase vehicle waiting times.

There are no proposals to show how waste will be collected.

More than 50% of the garden area will be lost for car parking. Car parking will dominate the amenity space to the rear of the property. This is uncharacteristic of dwellings located in the local area all of which enjoy large gardens.

The loss of garden ground to create a car park is alien to the character of development and as such the proposal lacks compliance with The Sub-division and Redevelopment of Residential Curtilages (March 2012) which presumes against development which states that car parking must not dominate amenity space and presumes against development that is alien to the density, character and pattern of development in the residential area.

The loss of garden ground to accommodate car parking is considered to have a detrimental impact on both the setting of the 94 Queens Road which is category B listed and the conservation area where a number of listed buildings lie. Like other listed buildings in proximity to 94 Queens Road these buildings enjoy large rear gardens which provide amenity space for residents.

94 Queens Road lies outwith the West End Office Area within a residential area that has a high standard of appearance and amenity, both in the attractive tree lined street and in the spacious rear gardens. The introduction of a non residential use in this area would erode the character of and amenity of the residential area.

The use of the dwelling as an office would result in regular arrivals of staff and visitors, either at the front or through the car park at the rear, where they would be next to the private gardens on each side.

The proposed use of the building as an office would be very different from that as a house and it would detract from the amenity of neighbouring residents. Residents would be aware of the coming and going of people and cars in the proposed car park; which would be visible from both garden areas and also habitable windows. This increased level of activity compared to what would be expected of a domestic garden would adversely affect the amenity enjoyed by residents, especially in the summer months when residents would hope to enjoy the use of their gardens without disturbance.

The privacy currently enjoyed by residents would also be reduced. Residents of 92 Queens Road would be directly looked upon by an increase in people coming and going from the car park who would be able to look into the garden area of 92 Queens Road. In addition to this, the residents would be further disturbed by the increase in traffic movements to the rear lane. This would cause nuisance, further erode the levels of privacy currently enjoyed and would impact on the safety of those residents who frequently use the rear access to walk to Bayview Road. The loss of privacy conflicts with guidance contained in The Sub-division and Redevelopment of Residential Curtilages (March 2012) which presumes against developments that would reduce privacy currently enjoyed by residents.

The proposed layout plan shows that a number of trees, which are protected by Tree Preservation Order will be lost to accommodate car parking areas. Trees make a valuable contribution to the landscape setting and this is especially true of the Albyn Place and Rubislaw Conservation Area, where 94 Queens Road lies. Both The Sub-division and Redevelopment of Residential Curtilages (March 2012) and policy NE5 of the ALDP presume against development that would result in the loss of established trees that contribute to the landscape character or local amenity. As such, the

proposal lacks compliance with the above policy and guidance.

No evidence has been provided by the applicant to indicate that the applicant needs to be located within a residential area.

If the applicant seeks to be located within the west end there are currently a number of properties being marketed within the West End Office Area that can satisfy their requirements, without encroaching into a residential area. 70 Queens Road continues to be marketed by FG Burnett having previously been marketed by CBRE. 9 Queens Road, currently home to Anderson Anderson Brown who are moving to Prime 4 in Kingswells is currently being marketed by CBRE. IONA Energy at 20 Queens Road is currently being marketed by FG Burnett and AB Robb. All of these properties are of comparable scale to 94 Queens Road however, are located within the West End Office Area and are considered best placed to accommodate Class 4 use. In addition to these properties, there are other properties in the West End Office Area currently being marketed by agents. Outwith the West End Office Area there are a number of sites currently being marketed for Class 4 use including: ABZ, D2, Aberdeen Energy and Innovation Parks, Access, Balmoral Business Park, The Gateway Business Park, Arnhall Business Park, Kingshill Business Park and Prime 4 to name but a few. This is not forgetting the number of built properties currently being marketed for Class 4 use. Of paramount importance is the ongoing developments at The Silver Fin, Marschall Square and The Capital. All three of these buildings are currently under construction and have yet to secure a tenant. Proposal lacks compliance with the objectives of the Aberdeen City Centre Master Plan; who's key objective is to bring people back into the city centre. Enabling office development within a residential area is at odds with this Masterplan and should not be supported. Whilst it is recognised that the dwelling is currently on the market it has not been on the market for a sufficient period of time to demonstrate that there is no interest in the property for continued residential use.

The Design and Access Statement noted that there have been no viewings. As a neighbouring resident I have observed viewings taking place.

The Design and Access Statement submitted in support of the application fails to comply with Planning Advice Note 68 Design Statements and does not explain why removal of the garage is the best solution.

In discussing the immediate neighbours the Design and Access statement fails to acknowledge that 94 Queens Road sits between a number of residential properties including flatted properties at Earls Court, 92 Queens Road, 90 Queens Road and 89 Queens Road. The Design and Access Statement states that 'the size of property in that location is now totally unsuitable as a house. There are significant costs required for the upkeep of the building and to cover running costs'. Issue is taken with this statement. I would highlight that number 90 Queens Road is currently used in its entirety as a residential dwelling, as are a number of other properties located in Queens Road, Bayview Road, Rubislaw Den North, Rubislaw South and Forrest Road. Indeed 50 Queens Road was recently converted from flats into a residential dwelling. To say that the dwelling is unsuitable as a house is not only misinformed but misleading. The Design and Access Statement recognises costs required for upkeep and maintenance of the dwelling. Maintenance and running costs will not disappear if the dwelling is used for office use. The building could be sympathetically altered to accommodate flats and thereby retain its residential use.

The proposal fails to acknowledge Planning Advice Note 78 Inclusive Design (PAN 78) which provides guidance on inclusive design.

To conclude it is evident that the proposal for the development of an office building at 94 Queens Road lacks compliance with SPP, PAN 78, PAN 68 ALDP policy H1, NE5 and supplementary guidance. The proposal also lacks compliance with policies contained within the proposed Aberdeen local Development Plan. If approved it will result in vehicular and pedestrian conflict; will greatly reduce the residential amenity currently enjoyed by surrounding properties; have a detrimental impact on the listed status of the building and those which are located in proximity to it; detract from the objectives of the Aberdeen City Centre Masterplan and will create a use which is very different from that of a house and uncharacteristic of the residential area. There is no locational requirement for an office in this location and with a number of properties being marketed in the West End Office Area there is no justification for the development of office accommodation within a residential area. For the reasons stated above I wish to object to this application in the strongest possible terms and respectfully request that it is refused.

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.

From: [REDACTED]
To: [PI](#)
Subject: Planning Comment for 151795
Date: 26 November 2015 14:26:41

Comment for Planning Application 151795

Name : Joyce Lamb
Address : Homelands
Golfview Road
Bielside
Aberdeen

Telephone :

Email : [REDACTED]

type :

Comment : I wish to object to the application. The development of an office building at 94 Queens Road lacks compliance with SPP, PAN 78, PAN 68 ALDP policy H1, NE5 and supplementary guidance. The proposal also lacks compliance with policies contained within the proposed Aberdeen local Development Plan. If approved it will result in vehicular and pedestrian conflict; will greatly reduce the residential amenity currently enjoyed by surrounding properties; have a detrimental impact on the listed status of the building and those which are located in proximity to it; detract from the objectives of the Aberdeen City Centre Masterplan and will create a use which is very different from that of a house and uncharacteristic of the residential area. There is no locational requirement for an office in this location and with a number of properties being marketed in the West End Office Area there is no justification for the development of office accommodation within a residential area. For the reasons stated above I wish to object to this application in the strongest possible terms and respectfully request that it is refused.

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.

From: [REDACTED]
To: [PI](#)
Subject: Planning Comment for 151795
Date: 09 December 2015 18:34:40

Comment for Planning Application 151795

Name : Donald Shaw

Address : 11 Belvidere Street
Aberdeen

Telephone :

Email : [REDACTED]

type :

Comment : My wife and I wish to object to this planning application.

The proposal for the development of an office building at 94 Queens Road lacks compliance with SPP, PAN 78, PAN 68 ALDP policy H1, NE5 and supplementary guidance. The proposal also lacks compliance with policies contained within the proposed Aberdeen local Development Plan. If approved it will result in vehicular and pedestrian conflict; will greatly reduce the residential amenity currently enjoyed by surrounding properties; have a detrimental impact on the listed status of the building and those which are located in proximity to it; detract from the objectives of the Aberdeen City Centre Masterplan and will create a use which is very different from that of a house and uncharacteristic of the residential area. There is no locational requirement for an office in this location and with a number of properties being marketed in the West End Office Area there is no justification for the development of office accommodation within a residential area. For the reasons stated above I wish to object to this application in the strongest possible terms and respectfully request that it is refused.

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.

From: [REDACTED]
To: [PI](#)
Subject: Planning Comment for 151795
Date: 04 December 2015 11:01:58

Comment for Planning Application 151795

Name : Clark Sutherland
Address : Boghead
Hill of Fetternear
Inverurie
Aberdeenshire
AB51 5JY

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : It is evident that the proposal for the development of an office building at 94 Queens Road lacks compliance with SPP, PAN 78, PAN 68 ALDP policy H1, NE5 and supplementary guidance. The proposal also lacks compliance with policies contained within the proposed Aberdeen local Development Plan. If approved it will result in vehicular and pedestrian conflict; will greatly reduce the residential amenity currently enjoyed by surrounding properties; have a detrimental impact on the listed status of the building and those which are located in proximity to it; detract from the objectives of the Aberdeen City Centre Masterplan and will create a use which is very different from that of a house and uncharacteristic of the residential area. There is no locational requirement for an office in this location and with a number of properties being marketed in the West End Office Area there is no justification for the development of office accommodation within a residential area. For the reasons stated above I wish to object to this application in the strongest possible terms and respectfully request that it is refused.

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.

From: [REDACTED]
To: [PI](#)
Subject: Planning Comment for 151795
Date: 01 December 2015 10:54:24

Comment for Planning Application 151795

Name : Colin Shaw

Address : 44a View Terrace
Aberdeen

Telephone :

Email : [REDACTED]

type :

Comment : I write to object to the proposed development in the strongest possible terms and respectfully request that the application is refused.

I have assessed the proposals against Development Plan policy as contained within the Aberdeen Local Development Plan 2012 (ALDP) and material considerations, as set out in Scottish Planning Policy (SPP). Having regard to these it is contended that the proposal is contrary to the ALDP and supplementary guidance for the reasons discussed below.

1. The proposal lacks compliance with ALDP policy H1. Access to the proposal would be taken from the rear lane; which is narrow. This would increase traffic, result in vehicular and pedestrian conflict, create road safety concerns and erode privacy that is currently enjoyed by residents at 92 Queens Road. As such the proposal would result in conflict nuisance and prevent residents from enjoying their property.
2. Access to the development is proposed from a rear lane which is accessed from Anderson Drive. The lane was divided in two during the redevelopment of the Earls Court Hotel at 96 Queens Road to relieve road safety concerns. The eastern section of the lane provides access to 88, 90 and 92 Queens Road with the western section providing rear access to 94 Queens Road. There are no pavements or street lighting on this narrow lane. As the lane is private it is not served by gritting lorries in the winter making it impossible to access/ exit the lane during the winter months. The lane would provide the main access for vehicular traffic as well as pedestrians.
3. The applicant does not own all of the lane required to accommodate access proposals.
4. The Design and Access Statement incorrectly states that there are two vehicular access to the rear of the property. As discussed above, the lane was divided in two during the redevelopment of Earls Court Hotel and rear land access to 94 Queens Road is only possible from Anderson Drive.
5. The proposal will increase traffic movements on the lane and will impact on its junction with Anderson Drive; which may in turn create vehicular conflict and increase waiting times at the Anderson Drive/ Queens Road round about.
6. The proposal would due to the narrow width of the lane and lack of pedestrian footpaths, pose a significant hazard to both pedestrians and vehicles using the lane. The Sub-division and Redevelopment of Residential Curtilages guidance recognises that it is not acceptable for pedestrians to have to walk on the carriageway of rear lanes to access developments or for pedestrians to share access with vehicles, as it results in the creation of a pedestrian safety hazard. The proposal further lacks compliance with ALDP.
7. Transport Scotland's objection to a previous proposal (application reference P131115) who objected to that proposal on the basis that "The existing access to the parking area is too narrow to permit 2-way traffic and may potentially hinder traffic leaving the trunk road to the detriment of road safety". Given the objection from Transport Scotland to the previous proposal I am surprised that Kamran Syed would support such an access proposal. No consideration has been given to pedestrian safety.
8. The significant increase in traffic movements on the lane, as a result of the proposed access arrangement, will firstly alter the residential character of the lane but also impact on pedestrian safety.
9. By increasing traffic on the rear lane existing residents will be unable to safely use the lane should they chose to walk. This is at odds with Scottish Planning Policy which directs Local Authorities to support patterns of development that provide safe and convenient opportunities for walking and cycling. The proposal does not do this and should be refused.
10. Increased traffic on the lane will impact on the level of privacy currently enjoyed by home owners at 92 Queens Road and will impact on their ability to use their property especially their rear garden.
11. The lane measures approximately 2.3 meters. It is not wide enough to accommodate 2 way traffic. Should a vehicle use the lane and meet another vehicle, as frequently happens one or other

car is required to reverse, either to the small residents car parking area at 92 Queens Road or onto Bayview Road. This situation is unsafe at present but would be compounded should the proposal be approved.

12. The average width of lanes in the west end is in excess of 6m more than three times the width of the rear access lane.

13. When making decisions on development management SPP directs the Local Authority to take account of the implications of development proposals on traffic, patterns of travel and road safety. SPP also directs Planning Authorities to consider place and the needs of people before the movement of motor vehicles. It is evident that the proposal would have a detrimental impact on both traffic and the levels of road safety currently enjoyed by residents, would put the private vehicle before the needs of pedestrians and as directed by SPP the proposal should be refused.

14. I have concerns regarding the ongoing maintenance of the lane. Which will be put under pressure as a result of this proposal.

15. Supplementary Guidance Topic: Transport and Accessibility (March 2012) states, in keeping with guidance contained in SPP, that for developments within the outer zone, with which the site is located, requires 1 car parking space per 30sqm of office space. The proposal would require a minimum of 22 car parking spaces. The proposal fails to deliver this.

16. The proposal may result in non-residents using car parking spaces at 96 and 92 Queens Road to park their vehicles during the day.

17. The proposal will further pressure the already heavily used on street car parking.

18. The proposal will have a detrimental impact on traffic at Anderson Drive and Bayview Road and increase vehicle waiting times.

19. There are no proposals to show how waste will be collected.

20. More than 50% of the garden area will be lost for car parking. Car parking will dominate the amenity space to the rear of the property. This is uncharacteristic of dwellings located in the local area all of which enjoy large gardens.

21. The loss of garden ground to create a car park is alien to the character of development and as such the proposal lacks compliance with The Sub-division and Redevelopment of Residential Curtilages (March 2012) which presumes against development which states that car parking must not dominate amenity space and presumes against development that is alien to the density, character and pattern of development in the residential area.

22. The loss of garden ground to accommodate car parking is considered to have a detrimental impact on both the setting of the 94 Queens Road which is category B listed and the conservation area where a number of listed buildings lie. Like other listed buildings in proximity to 94 Queens Road these buildings enjoy large rear gardens which provide amenity space for residents.

23. 94 Queens Road lies outwith the West End Office Area within a residential area that has a high standard of appearance and amenity, both in the attractive tree lined street and in the spacious rear gardens. The introduction of a non residential use in this area would erode the character of and amenity of the residential area.

24. The use of the dwelling as an office would result in regular arrivals of staff and visitors, either at the front or through the car park at the rear, where they would be next to the private gardens on each side.

25. The proposed use of the building as an office would be very different from that as a house and it would detract from the amenity of neighbouring residents. Residents would be aware of the coming and going of people and cars in the proposed car park; which would be visible from both garden areas and also habitable windows. This increased level of activity compared to what would be expected of a domestic garden would adversely affect the amenity enjoyed by residents, especially in the summer months when residents would hope to enjoy the use of their gardens without disturbance.

26. The privacy currently enjoyed by residents would also be reduced. Residents of 92 Queens Road would be directly looked upon by an increase in people coming and going from the car park who would be able to look into the garden area of 92 Queens Road. In addition to this, the residents would be further disturbed by the increase in traffic movements to the rear lane. This would cause nuisance, further erode the levels of privacy currently enjoyed and would impact on the safety of those residents who frequently use the rear access to walk to Bayview Road. The loss of privacy conflicts with guidance contained in The Sub-division and Redevelopment of Residential Curtilages (March 2012) which presumes against developments that would reduce privacy currently enjoyed by residents.

27. The proposed layout plan shows that a number of trees, which are protected by Tree Preservation Order will be lost to accommodate car parking areas. Trees make a valuable contribution to the landscape setting and this is especially true of the Albyn Place and Rubislaw Conservation Area, where 94 Queens Road lies. Both The Sub-division and Redevelopment of Residential Curtilages (March 2012) and policy NE5 of the ALDP presume against development that would result in the loss of established trees that contribute to the landscape character or local amenity. As such, the proposal lacks compliance with the above policy and guidance.

28. No evidence has been provided by the applicant to indicate that the applicant needs to be located within a residential area.
29. If the applicant seeks to be located within the west end there are currently a number of properties being marketed within the West End Office Area that can satisfy their requirements, without encroaching into a residential area. 70 Queens Road continues to be marketed by FG Burnett having previously been marketed by CBRE. 9 Queens Road, currently home to Anderson Anderson Brown who are moving to Prime 4 in Kingswells is currently being marketed by CBRE. IONA Energy at 20 Queens Road is currently being marketed by FG Burnett and AB Robb. All of these properties are of comparable scale to 94 Queens Road however, are located within the West End Office Area and are considered best placed to accommodate Class 4 use. In addition to these properties, there are other properties in the West End Office Area Currently being marketed by agents. Outwith the West End Office Area there are a number of sites are currently being marketed for Class 4 use including: ABZ, D2, Aberdeen Energy and Innovation Parks, Access, Balmoral Business Park, The Gateway Business Park, Arnhall Business Park, Kingshill Business Park and Prime 4 to name but a few. This is not forgetting the number of built properties currently being marketed for Class 4 use. Of paramount importance is the ongoing developments at The Silver Fin, Marschall Square and The Capital. All three of these buildings are currently under construction and have yet to secure a tenant.
30. Proposal lacks compliance with the objectives of the Aberdeen City Centre Master Plan; who's key objective is to bring people back into the city centre. Enabling office development within a residential area is at odds with this Masterplan and should not be supported.
31. Whilst it is recognised that the dwelling is currently on the market it has not been on the market for a sufficient period of time to demonstrate that there is no interest in the property for continued residential use.
32. The Design and Access Statement noted that there have been no viewings. As a neighbouring resident I have observed viewings taking place.
33. The Design and Access Statement submitted in support of the application fails to comply with Planning Advice Note 68 Design Statements and does not explain why removal of the garage is the best solution.
34. In discussing the immediate neighbours the Design and Access statement fails to acknowledge that 94 Queen's Road sits between a number of residential properties including flatted properties at Earls Court, 92 Queen's Road, 90 Queen's Road and 89 Queen's Road.
35. The Design and Access Statement states that the size of property in that location is now totally unsuitable as a house. There are significant costs required for the upkeep of the building and to cover running costs. Issue is taken with this statement. I would highlight that number 90 Queens Road is currently used in its entirety as a residential dwelling, as are a number of other properties located in Queen's Road, Bayview Road, Rubislaw Den North, Rubislaw South and Forrest Road. Indeed 50 Queens Road was recently converted from flats into a residential dwelling. To say that the dwelling is unsuitable as a house is not only misinformed but misleading.
36. The Design and Access Statement recognises costs required for upkeep and maintenance of the dwelling. Maintenance and running costs will not disappear if the dwelling is used for office use.
37. The building could be sympathetically altered to accommodate flats and thereby retain its residential use.
38. The proposal fails to acknowledge Planning Advice Note 78 Inclusive Design (PAN 78) which provides guidance on inclusive design.

To conclude it is evident that the proposal for the development of an office building at 94 Queens Road lacks compliance with SPP, PAN 78, PAN 68 ALDP policy H1, NE5 and supplementary guidance. The proposal also lacks compliance with policies contained within the proposed Aberdeen local Development Plan. If approved it will result in vehicular and pedestrian conflict; will greatly reduce the residential amenity currently enjoyed by surrounding properties; have a detrimental impact on the listed status of the building and those which are located in proximity to it; detract from the objectives of the Aberdeen City Centre Masterplan and will create a use which is very different from that of a house and uncharacteristic of the residential area. There is no locational requirement for an office in this location and with a number of properties being marketed in the West End Office Area there is no justification for the development of office accommodation within a residential area. For the reasons stated above I wish to object to this application in the strongest possible terms and respectfully request that it is refused.

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.

From: [REDACTED]
To: [PI](#)
Subject: Planning Comment for 151795
Date: 22 December 2015 16:16:25

Comment for Planning Application 151795

Name : Alan J Nicoll
Address : 12 Bayview Road
Aberdeen

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

I would like to express my support for the proposed change of use to offices at 94 Queens Road, Aberdeen. I know the property and that it includes within its title the lane from Bayview Road to Anderson Drive and the proposals relating to access to any car park at the rear and egress from the car park at the rear make sense provided the lane is “one way” to all users.

The driveway to the front of the house is not particularly suitable for access and egress given its proximity to the roundabout intersecting with Anderson Drive and it is therefore more sensible to seek access from the rear.

As a proprietor of a property in Bayview Road for in excess of 25 years I cannot see the benefit of maintaining an office policy for offices only to exist to the east of Bayview Road when in fact there are already two commercial buildings, namely the Grammar FP Club and Fairhursts building located to the west. It seems to make sense to extend the west-end policy to 94 Queens Road. Some of the intermediate properties are already flatted and it is unlikely that with multiple ownership agreement would be reached to seek a change of use for these so the current policy is likely to be adhered to for these properties.

As a proprietor of a nearby property I would find it preferential to have offices rather than flats in 94 Queens Road and in the current market it seems most unlikely that a residential property of that size will sell both because of the depressed nature of the Aberdeen market due to a turndown in oil and gas and due to the high rates of Land and Buildings Transaction Tax payable for a building of the value of 94 Queens Road.

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.

The Head of Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College, Broad Street
Aberdeen, AB10 1AB

26 November 2014

Dear Mr Gordon McIntosh

OBJECTION TO PLANNING APPLICATION REFERENCES:

**151795 FOR THE CHANGE OF USE FROM RESIDENTIAL (CLASS 9) TO CLASS 4 (OFFICES)
AND EXTENDED CAR PARKING TO REAR, AND**

151796 PROPOSED DEMOLITION OF GARAGE

I am in receipt of a neighbour notification in respect of the above two applications for Planning Permission and listed building consent. Having reviewed the application, I write to object to the proposed development in the strongest possible terms and respectfully request that the application is refused.

The application is for the change of use from Class 9 Residential to Class 4 Offices at 94 Queens Road, Aberdeen. Nowhere on the drawings submitted is there any note of the square footage of the building. From measuring the scale drawings it is estimated to be 650sqm. Only 2 disabled car parking spaces are shown on the Proposed Site Layout drawing however, the Design and Access Statement submitted in support of application reference 151796 states that 16 car parking spaces will be provided. Access to the rear car parking area is shown on the Proposed Site Layout drawing as being from a rear lane accessed from Anderson Drive and Bayview Road.

I have assessed the proposals against Development Plan policy as contained within the Aberdeen Local Development Plan 2012 (ALDP) and material considerations, as set out in Scottish Planning Policy (SPP). Having regard to these it is contended that the proposal is contrary to the ALDP and supplementary guidance for the reasons discussed below.

The ALDP identifies the site as lying within a residential area where ALDP policy H1 applies; it also lies within the Albyn Place and Rubislaw Conservation Area. ALDP policy H1 states that proposals for non residential uses within existing residential areas will be refused unless:

- they are considered complementary to residential use; or

- it is demonstrated that they would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

As the development would require the redevelopment of a residential curtilage the development proposal also requires to be assessed against supplementary guidance The Sub-division of Residential Curtilages (March 2012) which it too lacks compliance with; whilst the guidance is specifically targeted at residential development it is applicable to other non residential types of development (paragraph 1.4).

Access to the development is proposed from a rear lane which is accessed from Anderson Drive. The lane was divided in two during the redevelopment of the Earls Court Hotel at 96 Queens Road to relieve road safety concerns. The eastern section of the lane provides access to 88, 90 and 92 Queens Road with the western section providing rear access to 94 Queens Road. There are no pavements or street lighting on this narrow lane. As the lane is private it is not served by gritting lorries in the winter making it impossible to access/ exit the lane during the winter months. The lane would provide the main access for vehicular traffic as well as pedestrians.

The Design and Access Statement incorrectly states that there are two vehicular access to the rear of the property. As discussed above, the lane was divided in two during the redevelopment of Earls Court Hotel and rear land access to 94 Queens Road is only possible from Anderson Drive.

The development of an office building in this location will undoubtedly increase traffic movements on the lane and will impact on its junction with Anderson Drive; which may in turn create vehicular conflict and increase waiting times at the Anderson Drive/ Queens Road round about. This raises significant concerns and would, due to the narrow width of the lane and lack of pedestrian footpaths, pose a significant hazard to both pedestrians and vehicles using the lane. This is compounded by the fact that there are no footpath links for pedestrians to use to access the proposed office building from the lane. The Sub-division and Redevelopment of Residential Curtilages guidance recognises that it is not acceptable for pedestrians to have to walk on the carriageway of rear lanes to access developments or for pedestrians to share access with vehicles, as it results in the creation of a pedestrian safety hazard.

Due to the width of the lane at this location it is not considered possible for the instillation of foot paths to make the proposal acceptable in road safety terms. Consequently if approved the proposal would have a detrimental impact on both pedestrian and vehicular safety. This is highlighted by Transport Scotland's objection to a previous proposal (application reference P131115) who objected to that proposal on the basis that *'The existing access to the parking area is too narrow to permit 2-way traffic and may potentially hinder traffic leaving the trunk road to the detriment of road safety'*. Given the objection from Transport Scotland to the previous proposal I am surprised that Kamran Syed would support such an access proposal. No consideration has been given to pedestrian safety. As noted above, the lane is narrow with no street lighting or pavements. In addition to this, the owner does not control land on either side to deliver pavements as part of their proposal. The significant increase in traffic movements on the lane, as a result of the proposed access arrangement, will firstly alter the residential character of the lane but also impact on pedestrian safety. A number of residents use the lane as a rear pedestrian route. As the lane is quiet a number of children from dwellings at Bayview Road use the lane to play in. This is especially true during school holiday times and is reflective of the residential area within which the property lies. Increasing traffic here will undoubtedly create road safety conflict and in doing so further erode the residential character of the conservation area.

By increasing traffic on the rear lane existing residents will be unable to safely use the lane should they chose to walk. This is at odds with Scottish Planning Policy which directs Local Authorities to support patterns of development that provide safe and convenient opportunities for walking and cycling. The proposal does not do this and should be refused.

Likewise, increased traffic on the lane will impact on the level of privacy currently enjoyed by home owners at 92 Queens Road and will impact on their ability to use their property especially their rear garden.

The Design and Access Statement notes that the applicant has asked for double yellow lines to be painted on the entrance of the vast majority of lanes to improve visibility. This is not within the applicants gift to control nor is it a benefit of the proposal. Should Aberdeen City Council's Roads Department consider double yellow lines are appropriate in such locations they would implement such works.

The Design and Access Statement further notes that the rear land is of similar size to *'all lanes in the west end of Aberdeen and is able to take two way traffic as demonstrated by the existing solution where the lane provides the only means of access and egress to the rear offices at 88 Queens Road and flats at 90 and 92 Queens Road'*. This statement is incorrect and misleading. 90 Queens Road is a single dwelling, access to it is taken directly at the front of the dwelling. As a neighbour and user of the lane I would confirm that it 2 way traffic is impossible. The lane measures approximately 2.3 meters. It is not wide enough to accommodate 2 way traffic. Should a vehicle use the lane and meet another vehicle, as frequently happens one or other car is required to reverse, either to the small residents car parking area at 92 Queens Road or onto Bayview Road. This situation is unsafe at present but would be compounded should the proposal be approved. Furthermore the average width of lanes in the west end is in excess of 6m more than three times the width of the rear access lane.

Worryingly The Design and Access Statement cites SPP 17 Planning For Transport which was superseded by Scottish Planning Policy in 2010; which has again been superseded by Scottish Planning Policy 2014 (SPP). The inability to cite current planning policy is concerning. When making decisions on development management SPP directs the Local Authority to take account of the implications of development proposals on traffic, patterns of travel and road safety. SPP also directs Planning Authorities to consider place and the needs of people before the movement of motor vehicles. It is evident that the proposal would have a detrimental impact on both traffic and the levels of road safety currently enjoyed by residents, would put the private vehicle before the needs of pedestrians and as directed by SPP the proposal should be refused.

As a neighbouring owner, whilst not a planning matter, I have concerns regarding the maintenance of the rear lane; which would through intensified use require if the proposal were approved, more regular maintenance. At present there are 18 'shares' of the lane with some 'shares' having more than 5 owners. As I am sure you will appreciate collating over 20 share holders is challenging and this has prevented general maintenance from occurring in the past.

It is unclear from the drawing how many carparking spaces are to be delivered with only 2 disabled spaces legible on the drawing. However the Design and Access Statement submitted in support of the Listed Building Consent states 16 car parking spaces will be provided including 2 disabled spaces, 4 spaces would be provided to the front of the dwelling. Supplementary Guidance Topic: Transport and Accessibility (March 2012) states, in keeping with guidance contained in SPP, that for

developments within the outer zone, with which the site is located, requires 1 car parking space per 30sqm of office space. The proposal would require a minimum of 22 car parking spaces. The proposal fails to deliver this. Living in a neighbouring property with a similarly sized rear garden I do not consider it possible to accommodate the level of car parking required for office use even considering the opportunity for car parking to the front of the dwelling without having a detrimental impact on the setting of neighbouring listed buildings. As a neighbouring resident I am concerned that vehicles from the proposed office would use the resident's car parking spaces at 96 and 92 Queens Road to park their vehicles during the day. Whilst there is on street car parking available on Queens Road it is heavily used throughout the day Monday to Friday, and the shortfall in car parking spaces would place further pressure on them which would inconvenience residents. In addition to this parking on the southern side of Queens Road restricts the ability of vehicles being able to access Anderson Drive which further adds to vehicle waiting times. Allowing a development in this area with a shortfall of car parking spaces will only add to this problem.

I am also concerned regarding the impact of the proposed change of use on traffic on Anderson Drive and the local road network. As shown in the Proposed Site Layout Drawing the principle vehicular access to the building would be from Anderson Drive and Bayview Road. As you are no doubt aware Anderson Drive is a heavily congested road; even with the addition of the AWPR this road will remain congested. As far as I can see from your website the applicant has not submitted a Transport Impact Assessment to identify the impact of traffic from the proposal into the local road network and any mitigation measures required to make the proposal acceptable in roads safety terms. In the absence of such information I remain concerned that peak am and pm waiting times at both Anderson Drive and the local road network will be unacceptable.

I note from the website that the applicant has not submitted a Waste Management Plan. I am concerned having previously been disturbed at antisocial hours by commercial refuse collections that a similar situation will arise. Queens Road experiences traffic congestion during the week resulting in tailbacks with refuse vehicles collect waste. To avoid this some commercial refuse vehicles collect waste at 5am resulting in noise disturbance to neighbouring properties. Should the council be minded to grant consent for this development I would ask that a condition is placed on any consent requiring refuse to be collected after 7am in the interests of maintaining residential amenity.

From the proposed site layout plan it is understood that a waste storage area is to be located to the rear of the building however, there has been no provision made refuse vehicles to collect waste nor has a swept path analysis been submitted. Due to the width of the lane refuse vehicles will be unable to access the rear of the property. Furthermore there is no turning space available for refuse vehicles in the proposed car park. Consequently refuse vehicles would be required to collect waste from the front of the property on Queens Road. Due to the residential nature of the area such vehicles would only be permitted to collect waste after 7/7.30am; as a result of noise associated with such vehicles. Their presence on Queens Road at this time, in close proximity to the Anderson Drive/ Queens Road roundabout, will have a detrimental impact on traffic flows at this roundabout and will increase waiting times which, given the scale of traffic at this roundabout, is undesirable. A Waste Management Plan should be submitted by the applicant in order to ensure their proposals for refuse collection is acceptable.

The proposed plans show that more than 50% of the garden area will be lost for car parking. Car parking will dominate the amenity space to the rear of the property. This is uncharacteristic of dwellings located in the local area all of which enjoy large gardens. The loss of garden ground to create a car park is alien to the character of development and as such the proposal lacks compliance with The Sub-division and Redevelopment of Residential Curtilages (March 2012) which presumes against development which states that car parking must not dominate amenity space and presumes

against development that is alien to the density, character and pattern of development in the residential area.

The loss of garden ground to accommodate car parking is considered to have a detrimental impact on both the setting of the 94 Queens Road which is category B listed and the conservation area where a number of listed buildings lie. Like other listed buildings in proximity to 94 Queens Road these buildings enjoy large rear gardens which provide amenity space for residents. The loss of the garden to create car parking is at odds with this and will have a detrimental impact of the listed status of neighbouring properties including 92, 90 and 88 Queens Road.

Whilst it is accepted that the proposed office building would lie in proximity to 88 Queens Road and the West End Office Area it must be recognised that the property lies outwith the West End Office Area, which ends at 70 Queens Road (currently being marketed for Class 4 use). 94 Queens Road lies outwith the West End Office Area within a residential area that has a high standard of appearance and amenity, both in the attractive tree lined street and in the spacious rear gardens. The introduction of a non residential use in this area would erode the character of and amenity of the residential area. The use of the dwelling as an office would result in regular arrivals of staff and visitors, either at the front or through the car park at the rear, where they would be next to the private gardens on each side.

The proposed use of the building as an office would be very different from that as a house and it would detract from the amenity of neighbouring residents. Residents would be aware of the coming and going of people and cars in the proposed car park; which would be visible from both garden areas and also habitable windows. This increased level of activity compared to what would be expected of a domestic garden would adversely affect the amenity enjoyed by residents, especially in the summer months when residents would hope to enjoy the use of their gardens without disturbance.

The privacy currently enjoyed by residents would also be reduced. Residents of 92 Queens Road would be directly looked upon by an increase in people coming and going from the car park who would be able to look into the garden area of 92 Queens Road. In addition to this, the residents would be further disturbed by the increase in traffic movements to the rear lane. This would cause nuisance, further erode the levels of privacy currently enjoyed and would impact on the safety of those residents who frequently use the rear access to walk to Bayview Road. The loss of privacy conflicts with guidance contained in The Sub-division and Redevelopment of Residential Curtilages (March 2012) which presumes against developments that would reduce privacy currently enjoyed by residents.

The proposed layout plan shows that a number of trees, which are protected by Tree Preservation Order will be lost to accommodate car parking areas. Trees make a valuable contribution to the landscape setting and this is especially true of the Albyn Place and Rubislaw Conservation Area, where 94 Queens Road lies. Trees contribute to the character of the conservation area as well as the setting of 94 Queens Road and the listed buildings located in proximity to 94 Queens Road. Both The Sub-division and Redevelopment of Residential Curtilages (March 2012) and policy NE5 of the ALDP presume against development that would result in the loss of established trees that contribute to the landscape character or local amenity. As such, the proposal lacks compliance with the above policy and guidance.

No evidence has been provided by the applicant to indicate that the applicant needs to be located within a residential area. If the applicant seeks to be located within the west end there are currently a number of properties being marketed within the West End Office Area that can satisfy their requirements, without encroaching into a residential area. 70 Queens Road continues to be marketed by FG Burnett having previously been marketed by CBRE. 9 Queens Road, currently home to Anderson Anderson Brown who are moving to Prime 4 in Kingswells is currently being marketed by CBRE. IONA Energy at 20 Queens Road is currently being marketed by FG Burnett and AB Robb. All of these properties are of comparable scale to 94 Queens Road however, are located within the West End Office Area and are considered best placed to accommodate Class 4 use. In addition to these properties, there are other properties in the West End Office Area Currently being marketed by agents. Outwith the West End Office Area there are a number of sites are currently being marketed for Class 4 use including: ABZ, D2, Aberdeen Energy and Innovation Parks, Access, Balmoral Business Park, The Gateway Business Park, Arnhall Business Park, Kingshill Business Park and Prime 4 to name but a few. This is not forgetting the number of built properties currently being marketed for Class 4 use. Of paramount importance is the ongoing developments at The Silver Fin, Marschall Square and The Capital. All three of these buildings are currently under construction and have yet to secure a tenant. All three of these buildings are better placed to accommodate office use and in doing so deliver the objectives of the Aberdeen City Centre Master Plan; who's key objective is to bring people back into the city centre. Enabling office development within a residential area is at odds with this Masterplan and should not be supported. According it is considered that Class 4 use best placed in the above areas outwith residential areas. Given the number of properties available in proximity to 94 Queens Road, outwith the residential area, it is evident that should the applicant wish to locate in the west end there is sufficient properties available on the market to satisfy their requirements without resulting in a detrimental impact on a residential area.

The Design and Access Statement submitted in support of application reference 1517956 states that there is *'strong demand for Office use in the west end of Aberdeen'*. As noted above, there are a number of properties within the West End Office Area of similar size which, despite being marketed for considerable periods of time (some for over 2 years) have yet to secure tenants. That coupled with the well documented down turn in the Oil Industry, which has notably reduced demand for office use, does not demonstrate that there is a *'strong demand'*. The Design and Access Statement is evidently ill-informed with no information to support the sweeping statements made in it.

Whilst it is recognised that the dwelling is currently on the market it has not been on the market for a sufficient period of time to demonstrate that there is no interest in the property for continued residential use. Recent analysis of residential sales trends in Aberdeen undertaken by Savills highlight that despite the downturn in the oil industry and change to LBTT there are no difficulties selling dwellings valued over and above £1 million pounds; indeed sales have not declined compared to the same period last year. Dwellings of a similar price to 94 Queens Road have sold recently. Savills have however, noted that sellers need to be realistic of a price that can be achieved. It may be that the owner of 94 Queens Road is being unrealistic of what price can be achieved for his home. Likewise, had the property been presented more attractively it may have already been sold. One can only assume that the owner is hoping to achieve a consent for office use as it would have a higher end value than for residential sale. Despite this there is a lack of evidence to suggest that there is no interest in the property for continued residential use.

The Design and Access Statement noted that there have been no viewings. As a neighbouring resident I am surprised at this statement as myself and a number of residents have observed viewings taking place. As noted above, it can only be assumed that the owner has unrealistic expectations of a sell price. Had the property been marketed for a realistic value it may well have sold. Indeed, as mentioned properties over £1million are not proving difficult to sell; a number of 'million pound' houses have sold recently in the area.

In terms of application reference 151796 my concerns relate to the impact that removing a garage to enable a car park to be created will have on the setting of the listed buildings at 96, 94, 92 Queen's road 90. The Design and Access Statement submitted in support of the application fails to comply with Planning Advice Note 68 Design Statements and does not explain why removal of the garage is the best solution. In discussing the immediate neighbours the Design and Access statement fails to acknowledge that 94 Queen's Road sits between a number of residential properties including flatted properties at Earls Court, 92 Queen's Road, 90 Queen's Road and 89 Queen's Road.

The Design and Access Statement states that *'the size of property in that location is now totally unsuitable as a house. There are significant costs required for the upkeep of the building and to cover running costs'*. Issue is taken with this statement. I would highlight that number 90 Queens Road is currently used in its entirety as a residential dwelling, as are a number of other properties located in Queen's Road, Bayview Road, Rubislaw Den North, Rubislaw South and Forrest Road. Indeed 50 Queens Road was recently converted from flats into a residential dwelling. To say that the dwelling is unsuitable as a house is not only misinformed but misleading. Furthermore, the Design and Access Statement recognises costs required for upkeep and maintenance of the dwelling. It is naive of the owner, to purchase such a dwelling, do limited maintenance to it, and be surprised at general maintenance costs. Unfortunately any property of that age, listed or otherwise will require maintenance. To use that as justification for a change of use beggarsbelieve. Maintenance and running costs will not disappear if the dwelling is used for office use.

The statement goes on to note that the building cannot be altered to accommodate a flatted development as it would compromise the integrity of the building. Again issue is taken with this statement. Firstly the owner had no issue in submitting a planning application for an office development in 2013 which significantly altered the internal space of the building. Secondly, there are neighbouring examples (Earls Court, 92 and 89 Queens Road) of such properties which have successfully been altered to accommodate a flatted development. As such, it is contended that the property could be sympathetically altered.

The Design and Access Statement makes reference to the building being able to accommodate wheelchair users however, the plans submitted in support of the application fail to acknowledge external and also internal alterations that would be required in order to make the building DDA compliant. The proposal fails to acknowledge Planning Advice Note 78 Inclusive Design (PAN 78) which provides guidance on inclusive design.

To conclude it is evident that the proposal for the development of an office building at 94 Queens Road lacks compliance with SPP, PAN 78, PAN 68 ALDP policy H1, NE5 and supplementary guidance. The proposal also lacks compliance with policies contained within the proposed Aberdeen local Development Plan. If approved it will result in vehicular and pedestrian conflict; will greatly reduce the residential amenity currently enjoyed by surrounding properties; have a detrimental impact on the listed status of the building and those which are located in proximity to it; detract from the objectives of the Aberdeen City Centre Masterplan and will create a use which is very different from that of a house and uncharacteristic of the residential area. There is no locational requirement for an office in this location and with a number of properties being marketed in the West End Office Area there is no justification for the development of office accommodation within a residential area. For the reasons stated above I wish to object to this application in the strongest possible terms and respectfully request that it is refused.

Yours sincerely



Natasha Douglas

MA (Hons) MRTPI

P&SD Letters of Representation		
Application Number:		
RECEIVED 30 NOV 2015		
Nor	So	Ap
Case Officer Initials:		
Date Acknowledged:		

From: [REDACTED]
To: [PI](#)
Subject: 94 Queens Road - Change of Use to Offices
Date: 08 December 2015 22:01:29

I have strong objections to the proposed Change of Use of the above residential property to office premises.

This property is within a Conservation Area completely surrounded by Listed Buildings all of which are Residential with large rear gardens at Nos 90, 92 and 94 Queens Road and at the residences on Earls Court Gardens overlooking the rear of 94 Queens Road. 96 Queens Road (Earls Court) is a development of residential apartments immediately adjacent to the west.

It is proposed that access to a car park for 16 vehicles at the rear of No 94 will be by way of the private single track lane leading to / from Bayview Road. This lane is approximately 2 metres wide and is used on a regular basis by pedestrians whose safety would be endangered by an increase in traffic flow. In addition it is impossible for any large vehicle such as a bin lorry or any other commercial / maintenance vehicle to enter the lane or to negotiate the twist at the rear of 88 and 90 Queens Road. Cars entering the lane to park at 94 and finding it full will use our car park at 92 as a turning area and this would seriously affect the privacy of and disturb the residents of 92 who use their rear garden for recreational purposes. This is not acceptable. I have paid in the past sums of money to upgrade this lane to the present standard and an increase in traffic flow will only increase my financial liability to ongoing maintenance caused by damage from car owners who take no part in maintenance costs.

I have read the comprehensive and detailed objection by my neighbour Natasha Douglas and I agree with these points in every respect. I ask you to refer to these objections and to consider these as part of my objection and representative of the five owners of 92 Queens Road.

As a resident at this address for 23 years I ask that this proposal be rejected in its entirety and that common sense in addition to legitimate planning objections be applied to this unrealistic and undesirable proposal. This nature of this little residential oasis within a Conservation Area must be preserved.

R W Strachan FRICS
Flat 4
92 Queens Road
Aberdeen
AB15 4YQ

This page is intentionally left blank

Planning Development Management Committee

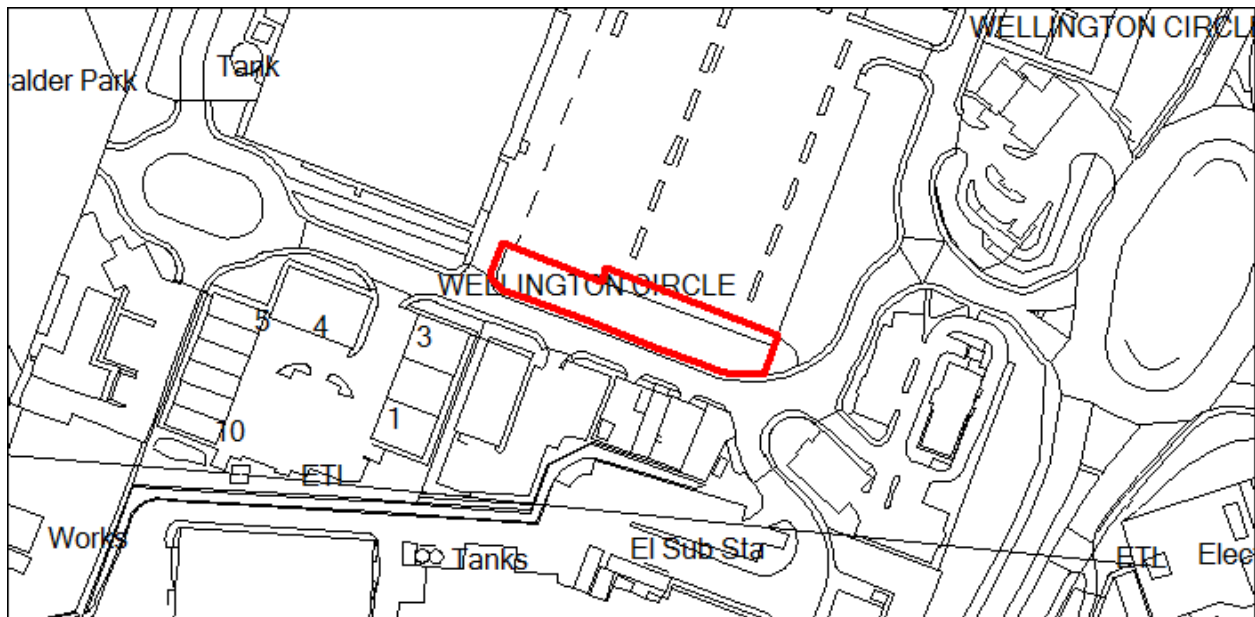
MAKRO, WELLINGTON CIRCLE, ALTENS

ERECTION OF COFFEE SHOP (CLASS 1/3
USE) INCLUDING 'DRIVE THRU' TAKEAWAY
(SUI GENERIS).

For: Cyan Properties Ltd

Application Type : Detailed Planning Permission
Application Ref. : P160067
Application Date: 26/01/2016
Officer: Paul Williamson
Ward : Kincorth/Nigg/Cove (N Cooney / A
Finlayson/S Flynn)

Advert : Can't notify neighbour(s)
Advertised on: 24/02/2016
Committee Date: 21/04/2016
Community Council : Comments



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The application site itself extends to 0.16 hectares (0.4 Acres) and occupies part of the car park and peripheral landscaped areas pertaining to the overall site which comprises an existing wholesale cash and carry building located on the western side of Wellington Circle, in the Wellington Industrial Estate. That wider site of approximately 3.5 hectares is located directly to the west of the Southerhead Road roundabout. Surrounding uses includes Royal Mail depot, Burger King, offices (Blue Sky), a petrol filling station, and a number of other business units surround the premises.

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

Access is currently taken from a point on the southern edge of the site on Wellington Circle, while the egress is to the eastern boundary, opposite the petrol filling station. As part of the proposals relating to the most recent planning application, the aforementioned egress is being altered to act as both access/egress to the site.

The service yard for the main building is provided from Wellington Circle to the rear (south west) of the building.

RELEVANT HISTORY

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

A previous application to convert approximately two thirds of the wholesale warehouse to form a Class 1 Supermarket was originally considered at the Planning Development Management Committee on 18 June 2015. At that time Members were minded to approve the development subject to the completion of a s75 planning obligation (legal agreement).

A subsequent report was thereafter considered by Members on 17 September 2015, as the applicant had highlighted their difficulties in obtaining an end-user for a large supermarket due to the current economic climate. As such, they made a request to the planning authority to amend the terms of the planning application submission to:

- Retain the Makro (wholesale warehouse) store (as proposed in the original application submission) at 4,502 square metres (reduced from the overall premises level of 10,252 square metres;
- Reduce the extent of Class 1(Retail) Supermarket to 1,476 square metres from 5,750 square metres;
- Provide a store/warehouse of 4,274 square metres, for a new concept order and collect unit for IKEA. This format would include approximately 2600 square metres for the rear storage and distribution facilities, with the remaining front area (approximately 1,674 square metres) utilised for

- showroom areas, a central planning area, and a small market hall for take-away goods. In addition, customers will be able to collect and return orders placed in the unit or online, where home delivery is not their preferred option. A small café and toilets are also proposed;
- External alterations to include a third entrance feature and associated cladding alterations; and,
 - A drop in the number of car parking spaces provided overall from 500 down to 462.

The applicant indicated their commitment to continue to enter into a s75 planning obligation (legal agreement) in respect of the developer contributions which had been agreed previously towards the Strategic Transport Fund, and contributions towards mitigation to the local roads network, together with the provision of infrastructure.

That application was approved on 19 November 2015, following the signing and registration of the legal agreement. Work is currently underway to implement that permission, with the IKEA concept store scheduled for opening in mid May.

PROPOSAL

The proposal involves the erection of a single storey 184 sq. m. coffee shop including 'Drive Thru' take-away (to be occupied by Starbucks), in the grounds of the 'Makro' site at Wellington Circle, Cove, Aberdeen. The coffee shop would be located in an area to the south east of the Makro store.

External uncovered and covered seating areas are provided adjacent to the proposed building, whilst a small yard area is situated to the east. In terms of finishes, the main roof would be formed with a light grey laminated roof membrane whilst the walls would be finished with Marley fibre cement horizontal boarding and Kingspan, or similar, cladding with coloured render. Windows would be double glazed with powder coated aluminium frames. It is indicated that peripheral landscaping would be enhanced to compensate for the loss of landscaping necessary to accommodate the development. This would include a timber post and wire fence to support new beech hedging, amenity grassed areas, and the provision of 18 'Emerald Green' Acer trees (semi-mature specimen).

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=160067>

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

The submitted information includes:

- Planning Supporting Statement
- Transport Assessment

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because the application is being recommended for approval and has been the subject of formal objection by the local Community Council within whose area the application site falls. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No objections. Conditions should be attached in respect of: the car parking layout illustrated in the submitted plans; the provision of cycle/motorcycle parking; and, the provision of a detailed travel plan.

Environmental Health – No observations.

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

Education, Culture & Sport (Archaeology) – No comments received.

Nigg Community Council – Object to the proposals on the following grounds:

- The proposed application would constitute an additional danger to pedestrians using this part of Wellington Circle, which forms the planned main access for the proposed new secondary school;
- Recent traffic surveys and road modelling by ACC have indicated that there is likely to be a significant increase in vehicle movements within the area which shall put additional strain on the A956 (Wellington Road). Any additional traffic associated with this development will only exacerbate problems;
- There would be an over-provision of catering facilities in the area including: IKEA; Balmoral (in house canteen); Burger King; Altens Thistle Hotel; Redmoss Filling Station and the Royal Mail (in house canteen).

REPRESENTATIONS

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

PLANNING POLICY

Aberdeen City and Shire Strategic Development Plan

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

Aberdeen Local Development Plan (ALDP)

Policy I1 – Infrastructure Delivery and Developer Contributions

Policy T2 – Managing the Transport Impact of Development

Policy D1 – Architecture and Placemaking

Policy D3 – Sustainable and Active Travel
Policy BI1 – Business and Industrial Land
Policy RT1 – Sequential Approach and Retail Impact
Policy RT2 - Out of Centre Proposals

Proposed Aberdeen Local Development Plan

Policy D1 Quality Placemaking by Design
Policy NC4 Sequential Approach and Impact
Policy NC5 Out of Centre Proposals
Policy I1 Infrastructure Delivery and Planning Obligations
Policy T2 Managing the Transport Impact of Development
Policy T3 Sustainable and Active Travel
Policy B1 Business and Industrial Land

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

Supplementary Guidance

Hierarchy of Centres
Infrastructure and Developer Contributions Manual
Transport and Accessibility
Waste Management

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

At the outset of considering such a proposal is the over-arching policy relating to Business and Industrial Land (Policy BI1). It states that “ancillary facilities that support business and industrial uses may be permitted where they enhance the attraction and sustainability of the city’s business and industrial land. Such facilities should be aimed primarily at meeting the needs of businesses and employees within the business and industrial area”.

As outlined in the applicants supporting statement “The proposal will provide an ancillary facility to the recently consented retail development at Wellington Circle. It will further provide a facility to serve the business and industrial uses in the immediate and in the wider Cove and Altens areas. Its development will benefit not only the employment uses in the area but also the expanding residential

community and increase the range of facilities available to existing residents". It is considered that in light of this part of the Wellington Industrial Estate comprising a mix of uses, many of which are already or soon to be retail, or quasi retail, as well as offering food and drink, the proposal shall not be at odds with the established character of the area. Given the relatively small scale of the proposals at 184 square metres, it is not considered that the development proposals would jeopardise the existing or future operation of the business and industrial land. Furthermore, a grant of planning permission for the development proposals would not have any detrimental impact upon the wider proposals granted through application reference P140924 for the sub-division of the larger building on site. It is considered that the catchment for the proposal would largely serve the immediate area. However, in light of its location alongside a main arterial route in/out of the city it has the potential to attract passing trade. As a result, given the site specific circumstances relating to the existing use of the wider site, would not warrant a refusal of planning permission.

Retail and Sequential Approach

As noted above, the wider site is already within retail or quasi retail purposes. The provision of such a small floorspace would not be considered to have any significant adverse effect on the vitality or viability of any retail location. The type of format proposed is currently not provided within the locale, or to the South of the City, and it could be argued that there is a gap in the market to provide such a use alongside the emerging retail offerings, and being in accordance with other relevant Local Development Plan policies. Furthermore, the site would be easily and safely accessible by a choice of means of transport. As such, the proposal would not be contrary to Policy RT2 of the Local Development Plan.

Design

From the perspective of design, the small scale of the building, set back from Wellington Road, and behind the existing Burger King unit, and with the backdrop of the refurbished IKEA/Supermarket/MAKRO building, is considered to be an appropriate addition to this Industrial Estate. The standard of materials is reflective of the external finishes in the general area. The layout of the proposal is nestled into the south east corner of the site, and behind the proposed new landscaping. As such, the visual impact of the proposal shall be relatively minor, and due consideration has been given to the surrounding context. The proposal is therefore considered to be in accordance with Policy D1 of the Adopted Local Development Plan.

Transportation and Parking

At present, the site has a historical substantial over-provision of car parking, beyond the Council's current car parking standards. While the proposal would still see a loss of a further 22 spaces beyond that approved in the most recent planning application (Ref: 140924), it would still leave a surplus over and above what the current parking standards would require. As such, there are no objections from the Roads Development Management Team, nor are there any

concerns in respect of the access to the site, either by vehicular or pedestrian movements. It is likely that a substantial element of trips would form part of wider multi-purpose trips within the area to existing businesses, or nearby facilities or homes. There would however be advantages of the proximity to the arterial transportation routes to attract trade. This has been factored in the submitted Transportation Statement

In addition, the provision of the development proposals would not have any detrimental impact upon the wider proposals granted through application P140924. Ample car parking would still remain for the new click and collect concept store, small supermarket, and the retained wholesale warehouse.

It is therefore concluded that through the attachment of conditions relating to the provision of the car parking layout as shown; the delivery of cycle parking; and the submission of a detailed travel plan, the proposal would be in accordance with Policies T2 (Managing the Transport Impact of Development) and D3 (Sustainable and Active Travel) of the Local Development Plan.

Landscaping

The perimeter of the existing site is not particularly attractive, with the use of 2 metre high chain link fencing, and defensive planting, which appears quite wild. While the proposal would result in the loss of both these elements, it is considered that the proposed planting in mitigation would be much more attractive, through the use of a low timber post and wire fence, to support the growth of a beech hedge along the frontage and side. In addition a total of 18 new semi-mature Acer specimens would be provided around the eastern and southern perimeter of the site.

The removal of the majority of the existing unmanaged planting would also improve the cross-corner visibility from the west.

Objection Raised by the Community Council

In response to the points raised by the Nigg Community Council, each are addressed in turn below:

- No objection was raised by the Roads Development Management Team as noted above in respect of pedestrian or vehicular safety concerns;
- As noted above, the level of traffic associated with this development alone is small in comparison to the existing flows on Wellington Road. As the proposal would compliment the adjoining retail uses, which have characterised this part of the wider industrial estate, it is not considered to exacerbate existing traffic flows in the area. As part of the previous planning application, the applicant (which is also the same applicant for this application), entered into a legal agreement to provide contributions towards the Strategic Transport Fund, and localised road improvements. As such, the small scale nature of the development proposals do not require any additional contributions over and above those already made;

- It is not considered that the proposal would result in the over-provision of catering facilities in the area. The predominant use would remain for business and industrial purposes. The cross reference to internal catering facilities within business premises would not be considered to be open to the general public, whereas the remaining examples quoted are considered to offer a different range of food and drink, in comparison to the application proposal.

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.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

That the proposal to erect a coffee shop including a drive-thru takeaway, within the curtilage of the recently approved IKEA/Makro/Supermarket, is considered to complement the existing provision on site, and remain very much ancillary to those retail uses, and would largely serve the immediate surrounding area, thus according with the principles of Policy BI1 Business and Industrial Land of the Adopted Local Development Plan.

Furthermore, the proposal would not have a detrimental impact on the vitality and viability of existing shopping centres/locations in the Hierarchy of Retail Centres, nor is there any envisaged detriment from the transportation perspective and the associated Policy T2 of the Local Development Plan.

CONDITIONS

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

(1) that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No's. 10200 PL (--) 04 Rev A and 113410/8001 of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(2) That none of the units hereby granted planning permission shall be occupied unless the cycle/motorcycle storage facilities as shown on drawing no. 10200 PL (--) 04 Rev A have been provided - in the interests of encouraging more sustainable modes of travel.

(3) That no development shall take place unless there has been submitted to and approved in writing a detailed Green Transport Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets - in order to encourage more sustainable forms of travel to the development.

(4) that all planting, seeding and turfing comprised in the approved scheme of landscaping as shown on drawing no. 2001/02 Rev A, shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

Informatives

1) Deliveries should be scheduled outwith Makro and IKEA opening hours to allow vehicles to make use of car parking spaces.

2) That notwithstanding the details shown on the approved plans, none of the signage therein is hereby approved, and shall require the benefit of a separate application for advertisement consent.

This page is intentionally left blank

N I G G C O M M U N I T Y C O U N C I L

A B E R D E E N

Fao. Mr Paul Williamson
Aberdeen City Council
Enterprise Planning & Infrastructure
Business Hub 4
Marischal College
Broad Street
Aberdeen

Date:- 18th March 2016

Ref. **Planning Application 160067**
Erection of coffee shop (Class 1/3 Use)
including 'drive thru' takeaway (sui generis)

Dear Paul,

Nigg Community Council wish to object to the above application.
Our objections are based on the following:-

- A)** The proposed application, (given its intended usage) would constitute an additional danger to pedestrians using this part of Wellington Circle which is already planned to be the main access road for the proposed new Secondary School in the Loirston expansion area. (Safe Routes to School)
- B)** Recent traffic surveys and road modelling by ACC, have indicated that given the completion of the AWPR, along with the additional proposed developments at Loirston and Cove, the new waste transfer facility (currently under construction) at Altens, and the proposed new Harbour development at Nigg Bay, there is likely to be a significant increase in vehicle movements within the area which will put additional strain on the A956 (Wellington Road) and the surrounding road network which struggles to cope with existing traffic levels. Any additional 'drive thru' traffic will only exacerbate the current problems.

Please reply to - ☐

Mr. Alan Strachan
Chairman
Nigg Community Council
18, Redmoss Road,
Nigg, Aberdeen
AB12 3JN
Telephone [REDACTED]

22 MAR 2016

☐

Mr. James Brownhill
Vice Chairman
Nigg Community Council
The Lodge, Charleston
Nigg, Aberdeen
AB12 3LL
Telephone [REDACTED]

22 MAR 2016

☐

Mrs. Jenny Gall
Secretary
Nigg Community Council
Lochin Cottage, Charleston
Nigg, Aberdeen
AB12 3LL
Telephone [REDACTED]

- C) Given the approved redevelopment and intended occupancy of the 'Makro' site, we feel there would be an **over provision of catering facilities in the area.**

"IKEA", (approved for part of the Makro site), in-house coffee shop and restaurant.

"Balmoral", (150 mtrs), in-house canteen.

"Burger King", (100 mtrs), 'Drive Thru' and 'Sit In' facilities.

"Altens Thistle Hotel", (250 mtrs), Coffee shop, restaurant and full 'Al a Carte' dining.

"Redmoss Filling Station", (60 mtrs), Sandwiches and coffee machine.

"Royal Mail", (150 mtrs), in-house coffee and restaurant.

In considering the above, "Nigg Community Council", respectfully request, that this Planning application, should be "**REFUSED**".

We await your reply with interest

Yours faithfully



Alan Strachan chair
(for and on behalf of Nigg CC)

cc. Cllr's / N. Cooney / A. Finlayson / S. FLynn

Planning Development Management Committee

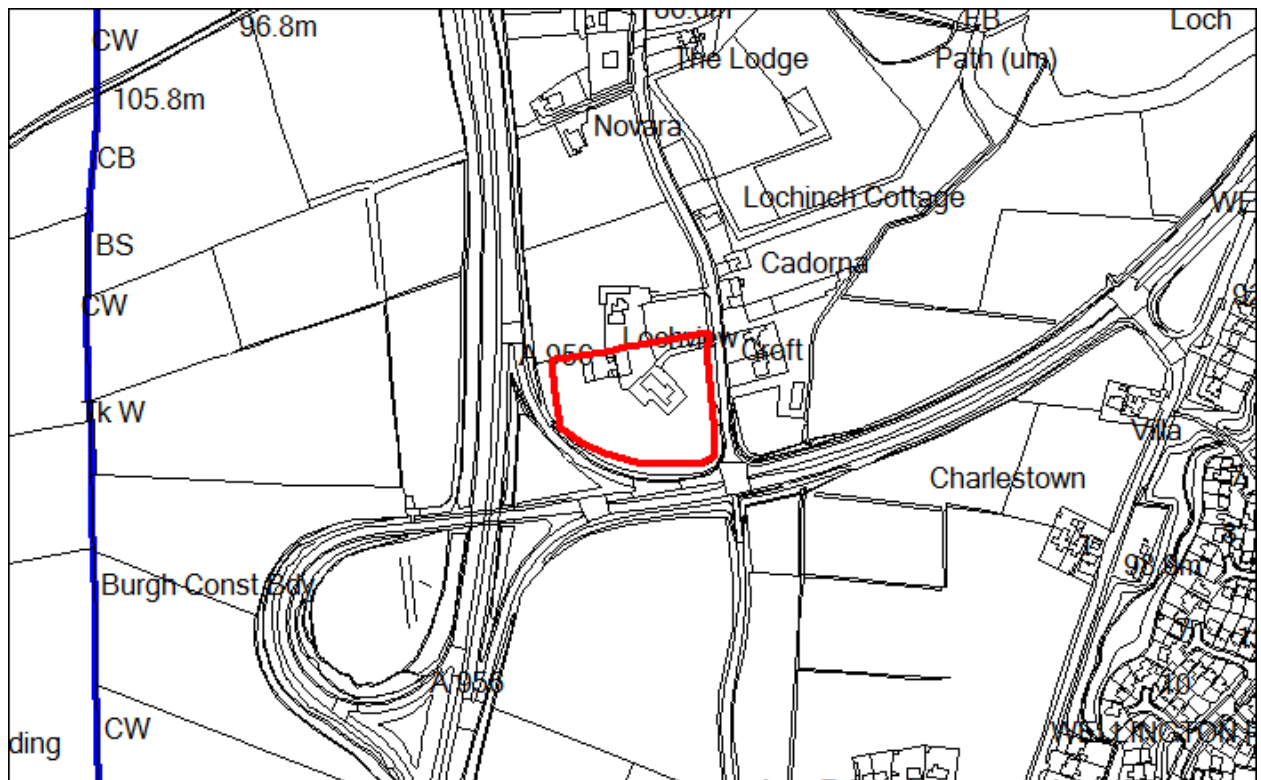
BOYNE VILLA, OLD STONEHAVEN ROAD,
CHARLESTON, NIGG

CHANGE OF USE FROM RESIDENTIAL TO
TRANSPORT DEPOT OFFICE AND
STORAGE/PARKING OF VEHICLES.

For: CF Jennings Ltd

Application Type : Detailed Planning Permission
Application Ref. : P151878
Application Date: 03/12/2015
Officer: Lucy Greene
Ward : Kincorth/Nigg/Cove (N Cooney / A
Finlayson/S Flynn)

Advert : Can't notify neighbour(s)
Advertised on: 23/12/2015
Committee Date: 21 April 2016
Community Council : Comments



RECOMMENDATION: Approve conditionally, subject to the securing of developer obligations for Strategic Transport Fund contribution.

DESCRIPTION

The application site consists of an existing residential plot containing a detached house. The area in question is a total of 1.15 hectares in size. The plot is located at the junction of Old Stonehaven Road and Wellington Road, and bounds the junction of the A90, with Wellington Road. Both junctions will be replaced as part of the Aberdeen Western Peripheral Route. Access into the Boyne Villa plot, is taken from the northern end of the site via Old Stonehaven Road, which runs along the eastern site boundary. On the site at present, is a single storey 'Z' plan house and domestic scale areas of hardstanding, with the remainder of the area laid out as a garden. There are also small trees along the site boundary adjacent to Old Stonehaven Road and larger coniferous trees along the Wellington Road (southern) boundary. Also running alongside the site boundary on Old Stonehaven Road, is a drainage ditch.

RELEVANT HISTORY

No relevant history.

PROPOSAL

The application proposal is for a change of use of the site to be used as a transport depot and associated office. The existing house would be used as the office space, whilst the western area of the garden would be used for the parking of vans and lorries. There would also be a car park to the north east (front) of the house, for the use of the employees. The applicant's agent has confirmed that the business would employ 27- 30no. full time staff, approximately 24no. of the staff would be lorry drivers. The submitted layout plan shows 18no. lorry stances on site.

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=151878>

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

The documents are:

Transport Statement by Cameron and Ross, February 2016.

Drainage Impact Assessment by Cameron and Ross, March 2016.

Letter from Applicant's Agent – planning statement, April 2016.

REASON FOR REFERRAL TO COMMITTEE

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

CONSULTATIONS

Roads Development Management – There is no footway leading to the site entrance. Cycle access is reasonable. Cycle and motorcycle parking are

required. There is an over provision of car parking based on the standards for the office use, however, the difference is insignificant. Improved visibility splays are required at the entrance, this would be achievable within road verge and land under the applicant's control.

Whilst the traffic generated by the office element of the use would be acceptable on the existing road network, there are road safety concerns regarding the implementation of the transport depot use, with the current layout of the junction onto Wellington Road. This junction is being replaced as part of the Aberdeen Western Peripheral Route (AWPR) works. A condition should be attached so that the transport depot use does not take place until the replacement junction is in place. A travel plan framework has been included in the transport statement, and this should be implemented.

A Strategic Development Fund payment would be payable for the transport depot element of the use.

Transport Scotland – Does not propose to advise against the granting of planning permission.

Environmental Health – Responded, no comments.

Developer Contributions Team – No comments.

Communities, Housing and Infrastructure (Flooding) - No outstanding concerns.

Community Council — Two letters were received from Nigg Community Council and the following points were made:

- That the change of use would go against the extant and proposed local development plan policies , where the area is zoned as residential;
- The condition of the road is unsuitable for any additional HGV traffic;
- It was understood that the junction of the Old Stonehaven Road, onto the Wellington Road was to be closed (however, the Communtiy Council now understands that this is not the case);
- Impact on residential amenity of a transport depot use;
- It was noted that work has taken place prior to gaining planning permission and that in recent heavy rain, the works are alleged to have exacerbated the flooding of Old Stonehaven Road.

Following submission of the Transport Statement, which was felt to be difficult for the Community Council to assess as it is overly lengthy, further representations expressed:

- Concern about right turning movements out of Old Stonehaven Road onto Wellington Road. Although this junction will be altered, vehicles would still be required to cross the dual carriageway and central reservation to turn right. The Community Council considers that this is likely to be hazardous.

REPRESENTATIONS

Three letters of representation/objection have been received.

One of these letters, sent on behalf of FedEx, states that there is no objection to the proposal whilst requesting that, in order to maintain safe operations to both premises, consideration to given to:

- Restrictions during development, preventing contractor's cars and vehicles parking along the adopted section of Old Stonehaven Road;
- Restrict on-road parking to minimise turning difficulties;
- Ensure adequate vision splays and sight lines are maintained during and after site redevelopment

The objections raised relate to the following matters –

- That the land is designated residential in the Local Development Plan (LDP) and the proposal would contravene that;
- That the property would be lost to the local housing market;
- That there is no mains sewage and the use could overload the system;
- That vehicular access is dangerous, in particular heading south onto the A90 and also coming from the south and having to cut across traffic in the slip lane onto Wellington Road;
- The junction onto Old Stonehaven Road is designed for light residential use only;
- Access can also be taken from Redmoss Road which is single track in places and unsuitable in terms of width and construction;
- Surface water drainage is a concern as there is a lack of formal drainage in the area and the ditch is currently unable to cope, resulting in flooding across the road;
- That the property owner has already undertaken works without permission:
 - o to lay the hardcore over an area that could accommodate a significant number of vehicles;
 - o to install a pipe along the ditch where the entrance way was widened; and,
 - o to depose of topsoil on the roadside;
- There are probably other sites available in industrial areas, rather than turn this unique site into a vehicle depot;
- That road works related to the Loriston development area, will result in the closing of the Old Stonehaven Road / Wellington Road junction, with traffic using a new signalised junction into Loriston. This will provide access (including to the application property) more suited to a residential area and amenity.
- Noise and disturbance created by the works that were carried out by planning permission;
- That hours of operation would need to be restricted;

PLANNING POLICY

Strategic Development Plan (SDP)

Economic Objective

Aberdeen Local Development Plan (LDP)

Policy LR1 – Land Release

Opportunity Site OP77

Policy T2 – Managing the Transport Impact of Development

Policy D3 – Sustainable and active travel

Policy D6 – Landscape

Policy NE6 – Flooding and Drainage

Proposed Aberdeen Local Development Plan (PLDP)

Policy LR1 - Land Release

Opportunity Site OP59

Policy D2 - Landscape

Policy T2 – Managing the Transport Impact of Development

Policy NE6 – Flooding, Drainage and Water Quality

Supplementary Guidance

Loirston Development Framework

Transport and Accessibility SG

EVALUATION

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

The issues for consideration in the determination of the application are:

- The appropriateness of the proposed use on this site and in this particular location, in terms of the zoning policy in the LDP;
- Impact on residential amenity;
- Impact on visual amenity;
- Transportation and road safety; and,
- Flooding and Drainage

Principle of Development and Residential Amenity

The site at Loirston is identified for an allocation of 1500 homes and 11ha employment land. The wider Loirston site benefits from being close to a major junction with the Aberdeen Western Peripheral Route.

The Development Framework for Loirston does not allocate any of the homes or employment to this particular site. The swath of land immediately to the east of the A90 (including the application site) is described as a mix of existing uses, with parcels of land in separate ownership. The 'Land use and Density' plan in the DF shows the area that includes the application site, as 'existing residential and employment'. It is, therefore, not the case that the area is zoned residential, nor is it zoned employment. The zoning policy is LR1 – Land Release, with further guidance being contained within the Loirston Development Framework, on the locations of the homes and employment allocations within the framework area.

There is a mix of uses: residential (houses), the FedEx depot, (which is almost opposite the application site) and small scale workshops. The area is affected by the proximity of the A90 and Wellington Road. Between the application site and the homes proposed as part of the Loirston DF area, there would be areas of landscaping and trees. The area proposed for employment uses is that area

immediately to the north of Wellington Road and further east than the application site. The Loirston DF shows a new access road approximately 350m further east than Old Stonehaven Road

It is considered that given the location of the site, close to main roads and taking into account the mix of uses in the area, the proposed use would be acceptable in principle. The operation of the depot would generally involve the vehicles leaving the site, typically early morning, with staff arriving around 6.30am and leaving soon thereafter, the vehicles would return around 6pm. The applicant's agent has stated that there can be times where vehicles need to leave at 5am and return at 10pm. Although the typical pattern would involve a reasonably large number of vehicle movements, it is within the context of the site access being close to Wellington Road. The area is currently affected by traffic noise and activity and it is considered that the impact of the proposed use on the existing level of residential amenity would not be significant. For this reason, it is considered unnecessary to restrict hours of operation. The proposal accords with policy in the LDP and the Loirston Development Framework.

The application is also consistent with the objective of the Strategic Development Plan to provide opportunities that encourage economic development, as it allows for the expansion of an established business which the applicant's agent confirms is well-established (since 1971) and is currently on a constrained site.

Travel and Transportation

Policy T2 describes when transport assessments will be required. A Transport Statement was submitted, with a level of information to the satisfaction of the Roads Development Management Team. Providing that the transport depot use is implemented only after the AWPR junction is completed, the Roads Development Management Team is satisfied that with the level of traffic associated with the proposed depot use, the junction would function safely. Although traffic would have to cross Wellington Road to access the AWPR (the concern expressed by the Community Council) visibility would be improved to a level considered to be safe.

Conditions are recommended to prevent the transport depot use being implemented prior to the AWPR junction, to require implementation of the travel plan, to ensure that cycle and motorcycle parking would be provided and to provide a degree of separation in pedestrian access into the site. The proposal would comply with Policy T2 and Policy D3.

Landscape

The landscape policies describe how development shall conserve existing landscape features and protect and enhance views of the City when seen from busy public vantage points. This is a major road junction at the southern gateway into the city area and as such it is important that the development would not be overly visible. The site is screened by existing trees that are both within and outwith the site and also an existing area of trees close to the north east corner of the A90 junction. The landscape proposals for the AWPR include an area of woodland to the immediate south of the site, that would create further landscape buffer between the public vantage points on the road and the site. Views into the site when approaching from either direction on the A90 would be screened, by the relative levels of the road and the site, and by trees. Views from Wellington

Road would also be screened by trees. There would also be conditions attached to any permission, requiring the submission of landscaping plans and their implementation and retention as landscaped areas. Therefore, in terms of visual amenity and landscape impact the proposal is considered to be acceptable and complies with LDP Policy D6.

Flooding and Drainage

A Drainage Impact Assessment has been submitted to the satisfaction of the Flooding Team. This includes the proposal for a detention basin and calculations in relation to the ability of the sustainable urban drainage system proposed to cope with heavy rainfall events. A condition would be attached to any permission granted to ensure that the measures approved, are implemented.

In terms of lack of public sewer connection, surface water would be drained through SUDS, there would be an insignificant increase in the foul drainage. This latter matter would be a matter for the management of the site operator.

Matters Raised in Objections

The unauthorised works on site were not carried out by the applicant and are not relevant to the current application.

In terms of access via the surrounding road network, the proposals within the Loirston DF are for the main access into the framework development area to be via a new road, with junction onto Wellington Road approximately 350m to the east. There would be no reason or benefit for vehicles from the site to travel along Redmoss Road, rather than Wellington Road.

In terms of the requests from FedEx, vehicles creating an obstruction are a matter for the police. There is no justification for parking restrictions.

In terms of the loss of a residential site, the building would be retained and there are sufficient new residential plots within the area.

Although not relevant to the determination of the application, the applicant has undertaken a site search, including sites where planning permission would not be required.

Noise and disturbance during construction works is not a reason to refuse planning permission, and would be dealt with through Noise Nuisance powers.

The other matters raised in objections are dealt with in the paragraphs above.

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 particular case, the relevant policies substantially reiterate those within the extant LDP.

RECOMMENDATION: Approve conditionally, subject to the securing of developer obligations for Strategic Transport Fund contribution

REASONS FOR RECOMMENDATION

The proposed office and transport depot would accord with the zoning policy LR1 – Land Release Policy in the adopted Aberdeen Local Development Plan 2012 (LDP) and the Proposed Aberdeen Local Development Plan (PLDP), as well as the supplementary guidance within the Loirston Development Framework, which proposes that the area retain its existing mixed use character. With a condition preventing the depot use from taking place until the replacement junctions of A90/Wellington Road and Wellington/Old Stonehaven Road are complete, the proposal would be acceptable in terms of road safety.

Measures to ensure pedestrian and vehicular safety, cycle and motorcycle parking would be required by condition and the proposal would thereby comply with Policies T2 and D3 in the LDP and Policy T2 in the PLDP.

CONDITIONS

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

(1) That the transport depot use shall not take place on the site unless there has been completed and open to traffic, the Aberdeen Western Peripheral Route (AWPR) junction of the A90 / A956 Wellington Road, at Charleston, including the Old Stonehaven Road / A956 Wellington Road junction – in the interests of road safety.

(2) That the transport depot use shall not take place unless there has been implemented on site a scheme to provide:

- a. Safe pedestrian access to the site,
- b. Visibility splays at the site entrance

in accordance with plans to be submitted to, and approved in writing by, the planning authority – in the interests of pedestrian and vehicular safety.

(3) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall also include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

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

(5) that no development shall take place unless a plan showing those trees to be removed and those to be retained and a scheme for the protection of all trees to be retained on the site during construction works has been submitted to, and approved in writing by, the Planning Authority and any such scheme as may have been approved has been implemented - in order to ensure adequate protection for the trees on site during the construction of the development.

(6) That the office and depot use hereby granted planning permission not take place unless a scheme detailing cycle and motorcycle storage provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.

(7) That no external lighting shall be installed on site other than in accordance with a scheme and details that have been submitted to and approved in writing by the Planning Authority, and thereafter implemented in full accordance with said scheme - in the interest of residential amenity and road safety.

(8) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems in accordance with the Cameron and Ross (March 2016) Drainage Impact Assessment, or such other as is subsequently 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.

(9) Vehicle parking and turning areas shall not be used for any other purpose other than the purpose of the parking of vehicles ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

(10) That neither the office nor the transport depot use shall take place unless there has been submitted to and approved in writing a detailed Green Transport Plan based on the framework within the Cameron and Ross Transport Statement dated February 2016 (or such as other as is subsequently approved). Thereafter the travel plan shall be implemented, including monitoring and reporting - in order to encourage more sustainable forms of travel to the development.

N I G G C O M M U N I T Y C O U N C I L

A B E R D E E N

Lucy Greene
Aberdeen City Council
Enterprise Planning & Infrastructure
Business Hub 4
Marischal College
Broad Street
Aberdeen

Date:- 18th March 2016

Ref. **Planning Application 141878** (Boyne Villa)
Change of use from residential to transport depot office and
storage/parking of vehicles.

Dear Lucy,

Thank you for your email confirming the submission (from the applicant, C. F. Jennings) of a "Transport Assessment / Statement" in support of the above application.

The above was discussed at our CC meeting on 10th March which Mr. Colin Jennings attended.

Whilst understanding the need for a Transport Assessment, we find it totally unnecessary for such documents to be so long winded (in this case, 97 pages), and repetitive, by quoting Scottish Office guidelines and requirements which we understand, relate to each and every Traffic Assessment submission.

Not being planners nor road engineers, Community Councillors do not have the knowledge nor the time to study and digest documents of this size, therefore we would respectfully suggest, that these statements should only contain the relevant information relating to each individual application with a copy of the Scottish Office Transport Requirements attached.

22 MAR 2016

Please reply to - ☐

Mr. Alan Strachan
Chairman
Nigg Community Council
18, Redmoss Road,
Nigg, Aberdeen
AB12 3JN
Telephone XXXXXXXXXX

☐

Mr. James Brownhill
Vice Chairman
Nigg Community Council
The Lodge, Charleston
Nigg, Aberdeen
AB12 3LL
Telephone XXXXXXXXXX

☐

Mrs. Jenny Gall
Secretary
Nigg Community Council
Lochinch Cottage, Charleston
Nigg, Aberdeen
AB12 3LL
Telephone XXXXXXXXXX

Notwithstanding, the question of **road safety is paramount.**

We understand that the Wellington Road / Old Stonehaven Road junction will be replaced, and, that the junctions onto the AWPR will be signalised and that visibility will be improved, **BUT**, you then say, quote - "there would also be gaps in the traffic due to the signalised junction on the AWPR".

This leaves us to assume, that when the new flyover is built, and the AWPR is in operation, the new junction, (from the Old Stonehaven Road onto the AWPR- heading South), will be almost exactly the same junction as is at present but a little further South.

If this is correct, it means that HGV's heading South from the Old Stonehaven Road, will still have to continue to straddle a central reservation opening and / or wait for "GAPS" in the traffic flow to execute a right turn.

Ref – AWPR - "Jacobs", Indicative Landscape Design (sheet 66 of 71)
(Drawing no. B1033200/CD/3000/L/ILD/066) (rev 3)

The above is flawed and a recipe for disaster.

In view of the above, planning approval should be refused.

Yours faithfully,



Alan Strachan chair
(for and on behalf of Nigg CC)

cc. Cllr's / N. Cooney / A. Finlayson / S. FLynn

NIGG COMMUNITY COUNCIL

ABERDEEN

Lucy Greene
Aberdeen City Council
Enterprise Planning & Infrastructure
Business Hub 4
Marischal College
Broad Street
Aberdeen

Date:- 4th January 2016

Ref. **Planning Application 141878** (Boyne Villa)
Change of use from residential to transport depot office and
storage/parking of vehicles.

Dear Lucy,

Nigg Community Council wish to object in the strongest possible manner
to the above application.

Our objections are based on the following:-

- A)** A change of use goes against the current, and proposed "Local Development Plan", where that **area is zoned as residential.**
- B)** Condition of the current road is unsuitable for any **additional** HGV traffic.
- C)** Imminent planning applications indicate the current access junction from the A956 (Wellington Road) onto the Old Stonehaven Road, is to be restricted/closed. A new access junction for the new "Loireston Development", from the A956, is being proposed a short distance North, which would result in HGV's travelling through a new residential development to access the site.
- D)** With vehicle movements, (and associated noise), likely to be required 24 / 7, to grant a change of use and the formation of a transport depot and storage facility at this location, would severely disturb the quality of life for local residents.

Please reply to - ☐

Mr Alan Strachan
Chairman
Nigg Community Council
18, Redcross Road,
Nigg, Aberdeen
AB12 3LN

☐

Mr James Brownhill
Vice Chairman
Nigg Community Council
The Lodge, Charleston
Nigg, Aberdeen
AB12 3LL

☐

Mrs Jenny Gell
Secretary
Nigg Community Council
Lochinich Cottage, Charleston
Nigg, Aberdeen
AB12 3LL

It should also be noted, that the applicant has, prior to gaining permission, made significant, detrimental alterations to the site, namely :-

- 1) Completely levelled the site (except for the house) laid and rolled hardcore, ready for finishing. (possibly with tarmac).
- 2) Applicant has doubled the width of the original entrance over the drainage ditch which fronts the site.
- 3) Significant amounts of excavated materials / hardcore has been dumped and levelled over the drainage ditch.

The levelling the site, has lead to additional water running into the drainage ditch which at times struggles to cope with current water levels.

The dumping of additional materials has further restricted the flow in the drainage ditch which has overflowed over the "Old Stonehaven Road" and increased the possibility of flooding the properties opposite.

In considering the above, "Nigg Community Council", respectfully request, that this Planning application, should be "**REFUSED**".

We await your reply with interest

Yours faithfully

A large black rectangular redaction box covering the signature and name of the person on behalf of Nigg CC.

Alan Strachan chair
(for and on behalf of Nigg CC)

cc. Cllr's / N. Cooney / A. Finlayson / S. FLynn

From: Webmonitor
Sent: 12 January 2016 15:19
To: PI
Subject: Planning Comment for 151878

Comment for Planning Application 151878

Name : James Brownhill

Address : The Lodge

Charleston

Nigg

Aberdeen AB12 3LL

Telephone [REDACTED]

Email [REDACTED]

type :

Comment : This Planning Application should be REJECTED for the following reasons.

- 1 The land is designated Residential in the Aberdeen Local Development Plan, change of usage as requested would thus contravene the ALDP
- 2 The existing residential property is unique in this area, due to its time, size and style of construction, and it would be a loss the local housing market
- 3 There is no mains sewerage in this area, only individual pits. Additional load due to office and an unknown number of passing of truck drivers could lead to an overload of the property's pit/sewage system, and leakage into the local road-side drains.
- 4 The entrance/exit to the property is onto the Old Stonehaven Road with main access to that from the A956 Wellington Road just North of the Charleston flyover. For A956 southbound traffic turning right involves a small, limited space cut out of the central reservation. For northbound traffic coming from the A90 over the Charleston flyover turning left into Old Stonehaven Road involves cutting across traffic in the slow lane/A956/A90 northbound slip road where vision is limited. The whole junction of the A956 and Old Stonehaven Road is not designed for other than occasional domestic traffic to a small residential area.
- 5 Access to the Old Stonehaven Road can be made via Redmoss Road, but this is in places a single track road, and is not suitable for additional traffic in terms of width but also in terms of road construction. This Redmoss Road is already deteriorating due to increased useage by delivery vehicles from an existing delivery company close to the subject property.
- 6 Surface water drainage from a vehicle park is of concern due to the lack of a formal drainage system in the area. The roadside drainage ditch on the west side of the Old Stonehaven Road, the side of the subject property, is already unable to cope with existing runoff in wet events (approx. 6-10 per year) leading to flooding across the road.
- 7 The property owner has already blatantly flouted the planning regulations and has already cleared away a vast area of what was residential lawn and topsoil laying geotechnic fabrics, hard core, and top surface over an area that would indicate a significant number of delivery vehicles.
- 8 The owner has already made changes BEYOND the site map area of this Planning Applications by laying a steel pipe culvert in the roadside drainage ditch to widen the property entrance way to a width that could accommodate large articulated vehicles.
- 8 The owner has also used the roadside outside the site map area of this Planning Application to dump an amount of topsoil.
- 9 There appears to be significant unique characteristic for this property to be turned into a commercial vehicle park/depot and other potential sites in existing industrial areas are probably available.
- 10 The unsatisfactory junction Old Stonehaven Road/A956 is due to change with the AWPR. On a possibly similar time scale the new major traffic light controlled access from A956 to the Loirston Development will justify, on the grounds of safety and traffic flow close to the busy junction (A956/WPR), closing the existing junction of the A956 Old Stonehaven Road and making access to the existing domestic residences, including the subject property, safer and more amenable and suitable to a residential area.

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.

A.C.C.
Planning Dept.

Lochinch Croft,
Charleston,
Nigg,
Aberdeen AB12 3LL.
Telephone [REDACTED]

Planning application 151848
Boyne Villa Nigg, Aberdeen AB12 3LL

17.12.15

Reference notice received re change of use to transport depot.
Since work has started on the site the noise created by various contractors has
been horrendous and if this is what I have to live beside I presume that
a restriction on hours of operation will be made so that consideration is
given to neighbours.
Boyne Villa was built on agricultural ground breaking the Green Belt
restrictions but these last weeks my house has been inundated with
noise and vibrations while preparations are ongoing for the above
application.
I presume a site visit will be made to assess the situation and
suitability.

Yours faithfully
[REDACTED]

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

JDA/525

18th December 2015

Dear Sir/Madam,

**Re: Application no 151878
BOYNE VILLA, Old Stonehaven Road, Charleston, Nigg, Aberdeen**

We act as retained surveyors to FedEx UK Ltd who operate from premises close to the subject premises above, forming an integral part of the FedEx distribution network and have just been handed Notice of Notifiable Neighbour development dated 9th December.

Whilst our clients have no desire to lodge an objection to the planning application, in order to maintain safe operations to both premises, we respectfully request consideration is given to these planning conditions:

- a) During the site redevelopment, restrict parking by contractor's cars and vehicles anywhere along the adopted section of Old Stonehaven Road.
- b) Restrict on-road parking by planning condition, or with on street signage, to minimise manoeuvring and turning difficulties.
- c) Ensure adequate vision splays and sight lines are maintained during and after site redevelopment.

The imposition of such conditions will greatly assist in eliminating or minimising hazards to our clients' safe operation opposite, which requires easy access and egress, the point of access being some 30 metres from the Boyne Villa access.

Our clients will be pleased to meet with the applicants and/or Council officers to review the detail to create a successful and safe outcome to all parties.

Copy to

Steven Davidson
David J Turner

FedEx UK – Aberdeen depot manager
FedEx UK – Stoke Head Office

Planning Development Management Committee

635 KING STREET, ABERDEEN

CHANGE OF USE FROM DWELLINGHOUSE
TO 6-BEDROOM HOUSE IN MULTIPLE
OCCUPATION [RETROSPECTIVE].

For: Mr Neil Macdonald

Application Type : Detailed Planning Permission
Application Ref. : P151919
Application Date: 06/01/2016
Officer: Alex Ferguson
Ward : Tillydrone/Seaton/Old Aberdeen (J
Noble/R Milne/R Grant)

Advert :
Advertised on:
Committee Date: 21 April 2016
Community Council : Comments



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The application site comprises a 1½ storey semi-detached traditional granite dwelling on the western side of King Street near the junction with Seaton Drive. The property has 6 bedrooms and is currently in unauthorised use as a House in Multiple Occupancy (HMO). The property has a detached single garage situated in its 350sqm rear garden. The garage is accessed via a gated driveway that runs adjacent to the northern gable end of the building.

RELEVANT HISTORY

None.

PROPOSAL

Planning permission is sought retrospectively for the change of use of the property from a dwellinghouse to a House in Multiple Occupancy (HMO). No external alterations are proposed.

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=151919>

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

REASON FOR REFERRAL TO COMMITTEE

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

CONSULTATIONS

Roads Development Management – The property is situated within a controlled parking zone and the property is eligible to apply for 2 on-street parking permits. In addition to this the property has one off-street parking space and is situated on an arterial road with good access to public transport. The RDM Team therefore have no objection to the proposals.

Environmental Health – No observations

Communities, Housing and Infrastructure (Flooding) - No observations
Community Council – The Old Aberdeen Community Council object to the application as they consider that the surrounding area currently has an overprovision of HMO accommodation, to the detriment of the area, and because the property does not provide adequate services to its occupants in relation to the Scottish Government's guidance on HMO Licencing.

REPRESENTATIONS

None.

PLANNING POLICY

Scottish Government Circular

- Circular 2/2012 - Houses in Multiple Occupation: Guidance on Planning Control and Licensing

Aberdeen Local Development Plan

- Policy H1 (Residential Areas)
- Policy T2 (Managing the Transport Impact of Development)

Proposed Aberdeen Local Development Plan

- Policy H1 (Residential Areas)
- Policy T2 (Managing the Transport Impact of Development)

Supplementary Guidance

- Householder Development Guide
- Transport and Accessibility

EVALUATION

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

Principle of the proposed change of use

The application site is situated in a residential area and thus any development is required to comply with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan. Policy H1 states that proposals for residential development in residential areas will be approved in principle if it:

- Does not constitute over development;

- Does not have an unacceptable impact on the character or amenity of the surrounding area; and
- Complies with the supplementary guidance on house extensions (Householder Development Guide).

The Council has supplementary guidance relating to proposals for a change of use of a dwellinghouse to a House in Multiple Occupancy (HMO). This is contained within the Householder Development Guide. The relevant supplementary guidance states that the three main considerations in applications for change of use to an HMO are likely to be:

- Impact on pedestrian or road traffic safety;
- Impact on residential amenity (both for occupants of the property and those living in the surrounding area); and
- Whether or not there is an excessive concentration of HMO's in a given locality, cumulatively resulting in a material change in the character of that area.

Pedestrian and Road Traffic Safety

The property is situated within a controlled parking zone and the property is eligible to apply for 2 on-street parking permits. In addition to this the property has one off-street parking space and is situated on an arterial road with good access to public transport. The RDM Team has no objection to the proposals and in this area it is likely that the demand for HMO accommodation will predominantly be for students of the nearby Aberdeen University and additional car ownership/usage by occupants compared to a residential dwelling is unlikely to be significant. Therefore the proposals are considered to comply with the aims of Policy T2 (Managing the Transport Impact of Development).

Concentration of HMO's in the locality and the impact on the character and amenity of the area

The Householder Development Guide does not quantify a number or ratio of HMO properties that would constitute 'overprovision' in a specific locality. In planning terms, without a quantifiable definition for overprovision, it is difficult to state with any certainty exactly when overprovision of HMO's in a given locality would occur. The objective of the overprovision criterion is to protect the residential character and amenity of a locality. It is therefore necessary to make a judgement on the proposal on the basis of whether or not it would have a detrimental impact on the residential character of the surrounding area.

In this regard, the character of this section of King Street is predominantly residential. A number of HMO's are situated in the immediate vicinity given the proximity of the area to the Aberdeen University campus. Recent data provided by the Council's HMO Licencing Team demonstrates that 6 of the 24 properties within 50m of the application site currently have an HMO licence.

With regard to the perceived overprovision of HMO's in a specified area, The Scottish Government Planning Circular 2/2012 provides some guidance on meeting the demand for such accommodation. The Circular states that:

'HMOs provide a vital source of accommodation, and planning authorities should seek to ensure that an adequate supply is available to meet demand. Demand for HMOs should be met where it arises...'

In terms of demand, the property first received an HMO licence in October 2009, over 6 years ago. The property has been in use as an HMO since, which demonstrates the continuing demand for such accommodation, particularly in this area where it is acknowledged that there is a high demand for accommodation of this type, predominantly due to the proximity of Aberdeen University and the necessity for student accommodation.

Although not in the same use class - in planning terms - as a dwellinghouse, the use of a property as an HMO still fundamentally constitutes a residential use, albeit of an increased intensity compared to a standard single-family occupied dwelling. As a result of the intensified residential use of a property created by its conversion to an HMO, it is appreciated that there is likely to be some level of impact on the amenity of the surrounding area in terms of increased comings and goings to the property, both in terms of occupants and visitors, and an increased potential for the generation of noise.

However, King Street is a main arterial road for the city and this section is heavily trafficked for significant periods of the day by private vehicles, heavy goods vehicles and public transport. As a result the character of the area, although predominantly in residential use, is dominated by the vehicular traffic on King Street and any issues relating to comings and goings are likely to be relatively insignificant compared to the noise emissions from the adjacent road.

It is also worth noting that the property consists of 6 bedrooms and as a result, the additional intensification of the use of the property above and beyond the intensity of residential use to be expected for a single-family occupied dwelling or a 5-person HMO (which does not require planning permission) is likely to be minimal.

As such, given the relatively low proportion of HMO's within the immediate vicinity of the application site, combined with the diminished effect of the potentially detrimental impact of the intensified residential use of the property given the context of the area, it is considered that there would not be any significant impact on the existing character or amenity of the surrounding area that would arise as a result of approving this application, nor would approval of the application result in an overprovision of HMO's in the locality.

Waste storage

A condition has been added with regard to the bin storage requirements and contact details have been provided as an informative, in order that sufficient bin storage facilities can be provided.

Community Council comments

The Old Aberdeen Community Council have objected to the application on the grounds that; the property is situated in an area that already suffers from an overprovision of HMO's in the locality and, that the property does not provide adequate services for its occupants, in accordance with the Scottish Government document 'Licencing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities'.

The issue of overprovision of HMO's in the locality has been addressed in the foregoing evaluation.

The document referenced by the Community Council in their objection provides guidance specifically aimed for use by local authorities' HMO Licencing teams in determining applications for a licence. The document's specifications for internal facilities within HMOs are relevant in terms of assessing the HMO licence but they do not constitute relevant material planning considerations in the determination of this application. In this regard, national planning guidance contained in Scottish Government Circular 2/2012 is of relevance.

Regarding the quality of living standard provided for occupants of the property, Planning Circular 2/2012 states that:

*'The licensing of HMOs seeks to ensure high standards in terms of; the suitability of a property owner (and their agent) to be a HMO owner (or to act for the owner); **the suitability of the living accommodation itself**; and allows the local authority to consider overprovision. A licensing authority has discretion to set any reasonable conditions it thinks fit. **These issues are matters properly dealt with through the HMO licensing regime and are therefore not matters for planning authorities to take into account in the granting of planning permission.***

In this regard, the property has had an HMO Licence since October 2009 and given the standards required to be met in terms of living conditions are part of the Licencing process, it is considered that an acceptable level of amenity for the occupants has already been established. Therefore it is not considered that the issues relating to living standards raised by the Community Council constitute a material planning consideration.

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 application, the proposed change of use is considered to comply with Policies H1 and T2 of the Adopted Aberdeen Local Development Plan for the reasons given in the foregoing evaluation. The corresponding policies of the Proposed ALDP substantively reiterate those of the Adopted Local Plan and there are no material considerations that would otherwise warrant the refusal of the application.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The use of the premises as a House of Multiple Occupation (HMO) is consistent with those uses in the surrounding area (which include residential, student accommodation and HMO's) and would not result in any undue impact on the character and amenity of the property, or those in the surrounding area. No physical alterations are proposed to the property. The proposal would have no adverse impact on pedestrian or road safety, and it is considered that the proposed change of use would not result in an overprovision of HMO's, nor a material change in the character of the surrounding area. The proposals are therefore considered to accord with Policy H1 (Residential Development) of the Aberdeen Local Development Plan (ALDP), and the relevant content pertaining to HMOs in the Council's adopted Householder Development Guide. It is considered that the change of use would not result in a significant increase in traffic generated by occupants of the property and the proposals therefore comply with the aims of Policy T2 (Managing the Transport Impact of Development) of the ALDP. The proposed change of use is also considered to comply with the relevant corresponding policies of the Proposed Aberdeen Local Development Plan.

CONDITIONS

It is recommended that the application be approved subject to the following conditions:

- (1) A scheme for the storage of waste generated by the occupants of the HMO shall be submitted to and approved in writing by the planning authority within 2 months of the issue of the decision for the application. Thereafter the development shall be carried out in accordance with the details so agreed and the HMO shall not be occupied unless waste storage provision has been provided and is available for use – In order to preserve the existing amenity of the area.

INFORMATIVES

Waste Services Comments

The 6 residents will require the following facilities:

- An **additional 240l** wheeled general waste bin
- An **additional 240l** wheeled food waste/ food waste bin. In addition another kitchen caddy will be supplied for food waste
- **An additional black box and white bag for recycling** (Paper/Cardboard, Plastic Bottles, Tins, Cans and Glass jars and bottles). Please note that the black box and white bag will be swapped for **1 x 240litre recycling** wheeled bin from 2017.

Please note that levels of provision may alter in line with changing service requirements across the city that corresponds to alterations in legislation. For example, recycling systems may be altered to accommodate co-mingled collections in due course.

It is pertinent to note that these services will be provided taking account of the following:

General points

- All the wheeled bins and black boxes/white bags must be presented at the kerbside of **only** on the collection day and removed from the kerbside as soon as possible. No containers should be permanently stored on the kerbside.
- **No excess** should be stored out with the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 08456 08 09 19.
- A **path** should be provided to the vehicle collection point which is level with bin stores. Pathways to the collection vehicles should be free of obstacles with provision of a slope should there be any gradient; so that any containment can be easily moved to the kerbside on collection days. Pathways should be suitably paved to allow bins to be moved safely.

In respect of any construction site signage it is important to note that in the interests of public safety, it is illegal to advertise on public highways, street furniture and lampposts. Any signage installed to direct visitors to the development requires to be authorised by the Planning Department. Anything

installed out-with such approval could be classed as fly-posting and will incur action by Environment Officers.

Developers must contact Aberdeen City Council using the above details a minimum of two months before properties will be occupied. Bins MUST be on site prior to residents moving into properties. A purchase order can be raised with Aberdeen City Council using the above details. We will provide guidance in purchasing the bins.

It might be pertinent nearer the final stages of completion for a representative from Aberdeen City Council's waste team to assess the site to ensure that all of our considerations have been implemented. This will be undertaken by the Recycling Officer for that area. I ask that you contact us with a suitable date and time in the future.

This page is intentionally left blank

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

107 High Street
Old Aberdeen
AB24 3EN

31st January 2016

Dear Mr Ferguson

Application 151919 - 635 King St – Change of use to HMO

We wish to OBJECT to this application for an HMO licence for the following reasons:

1. We do not consider that the property is provided with adequate services for a 6 bedroom HMO which may accommodate 6 to 9 persons.
2. We also consider that the locality is overprovided with HMO accommodation, to the detriment of the area.

In reviewing the floor plans included with the application, we note the property comprises:

- 1 living room
- 1 kitchen
- 1 bath and toilet room
- 1 toilet room with WHB
- 3 single bedrooms
- 3 rooms large enough to be double bedrooms. Thus the property is likely to be occupied by between 6 persons minimum and 8 maximum.

With reference to Scottish Government document; 'Licencing of Houses inn Multiple Occupation: Statutory Guidance for Scottish Local Authorities. August 2011, updated January 2012';-

- Paragraph 4.6.6 sets out clear requirements for appropriate kitchen facilities for up to 5 persons with incremental increases required beyond this number. With 6 to 9 persons, we would expect 2 four ring cookers, 2 sinks, 2 refrigerators, 2 freezers, plus 4 metres of work surface plus storage space in proportion. While the drawing does not show the facilities, the kitchen looks too small to be able to include this level of facility.
- Paragraph 4.6.11 would expect there to be "one WC for a maximum of 5 persons" and "one bath or shower for a maximum of 5 persons". The bath or shower clause is not met.

Thus, we do not consider that the property is provided with adequate services for 6 bedrooms and 6 to 9 persons.

We also consider that the locality is overprovided with HMO accommodation, to the detriment of the area. We believe the following map (based on August 2015 data) illustrates this issue only too well.



Yours sincerely

[Redacted signature]

Dewi Morgan
Planning and webadmin
For Old Aberdeen Community Council

Planning Development Management Committee

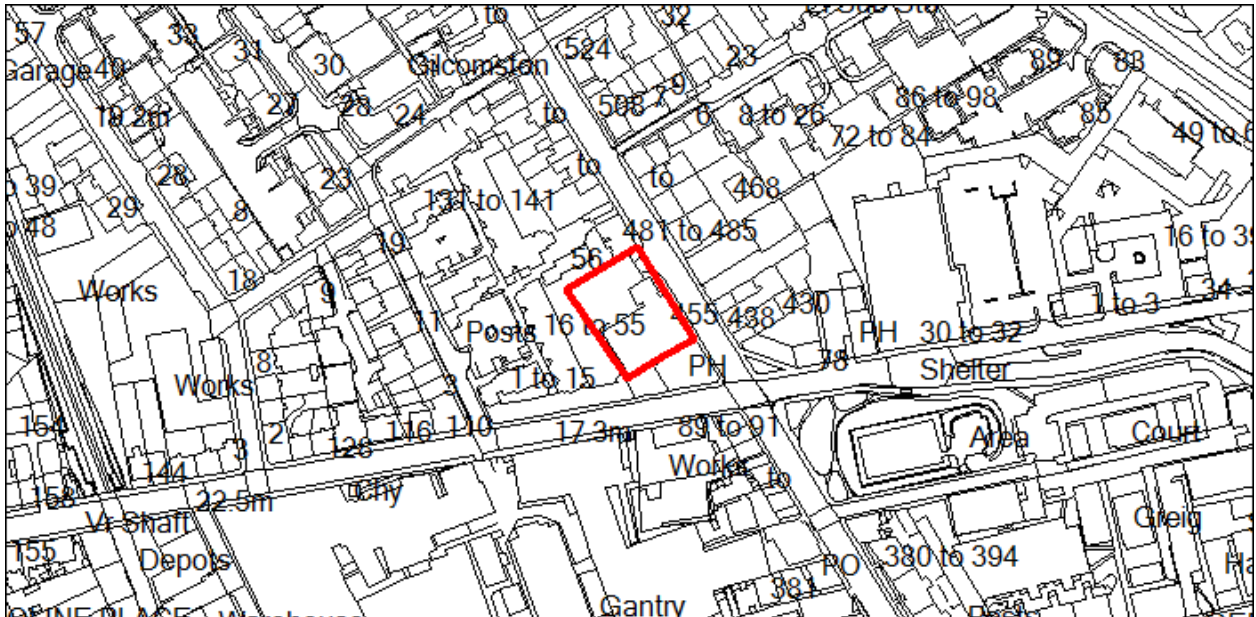
455 GEORGE STREET, ABERDEEN

DEMOLITION OF EXISTING BUILDING AND
ERECTION OF 6 STOREY STUDENT
ACCOMMODATION BUILDING, PARKING AND
LANDSCAPING.

For: McLaren (Aberdeen) Limited

Application Type: Detailed Planning Permission
Application Ref.: P151588
Application Date: 05/10/2015
Officer: Andrew Miller
Ward: George Street/Harbour (M Hutchison/J
Morrison/N Morrison)

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



RECOMMENDATION:

Willingness to approve subject to the developer entering into a legal agreement to secure developer obligations towards open space and the City Car Club.

DESCRIPTION

The site comprises a vacant building (formally occupied by a car parts retailer), associated yard and car park. It is situated on George Street, on the north western corner of its intersection with Hutcheon Street. Extending to some 1660 sq metres, with vehicular access to/from George Street. The surrounding area contains a mix of uses: largely residential to the north and west, with retail and other commercial uses to the south and east.

RELEVANT HISTORY

None.

PROPOSAL

The development of student accommodation, with associated amenity space to the rear. Comprising a single building containing: 130 bed spaces within studio apartments; communal areas; and associated office accommodation, etc.

A T-shape footprint, with the main elevation to George Street reaching 6 stories, though stepping down to 4 and 5 storey at the north and south ends respectively. To the rear would be a 2 storey wing. Externally finishes see a mix of stone, brick and render.

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=151588>

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

The supporting documents provided with the application are as follows:

- Transport Statement
- Market Analysis and Development Review
- Sustainability Statement
- Planning Statement
- Daylight and Sunlight Report
- Noise Impact Assessment
- Flood Risk Assessment
- Student Management Plan

- Design Statement
- Contaminated Land Assessment

REASON FOR REFERRAL TO COMMITTEE

More than five (nine) in time letters of representation have been received and George Street Community Council has objected. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No objections – sufficient parking can be provided on street (two spaces – incl. one disabled) in this highly accessible location well served by public transport.

Contaminated Land – Condition to be placed requiring contaminated land survey to be undertaken.

Developer Contributions Team – Contributions sought towards Open Space and Sports and Recreation.

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

George Street Community Council – Object on following basis:

1. No pre-application consultation with the Community Council;
2. Overdevelopment of the site, with too many units;
3. Adverse impact on daylight to surrounding properties;
4. New access to George Street is too close to Hutcheon Street junction;
5. Insufficient disabled parking and potential impact on traffic at busy periods (e.g. start and end of academic year). Residents will park in surrounding residential areas;
6. Lack of light to amenity area;
7. High quality materials should be used;
8. Concern at provision of roof gardens and potential impact on neighbours;
9. Communal space in development should remain as such and any additional units would be unacceptable;
10. Flooding issues due to culverted burn;
11. Developer obligations should be paid toward the upgrade of the ball court at Catherine Street;
12. Distance between the development and neighbouring properties should not decrease;
13. Provision should be made for a future connection to a district heating network; and
14. Some close neighbours were not notified and did not have time to make comment on the proposals.

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

- Flat roofs attract seagulls;

- Multiple lifts required; and
- Local residents are in the area all year round where as student are not.

REPRESENTATIONS

Objections relate to the following matters:

1. Overlooking and loss of privacy;
2. Loss of natural light to neighbouring flats;
3. Adverse impact on parking in surrounding area;
4. Too much student accommodation in the area;
5. Too much student accommodation being proposed in the area/ across the City at a time when student numbers are falling;
6. Not close to the universities or College;
7. Building is too high and out of keeping with surroundings;
8. Impact of construction works on neighbouring residents;
9. No other five storey buildings on George Street; and
10. Noise and other anti-social behaviour from the development.

The following matters raised are not considered to be material planning considerations:

- Developers taking money away from local landlords;
- Will rent prices be regulated;
- No agreement between students and accommodation provider will stop them having cars;
- If the development were for main stream residential development it would not be acceptable; and
- Loss of view.

PLANNING POLICY

Aberdeen Local Development Plan

H2 – Mixed Use Areas

RT3 – Town, District and Neighbourhood Centres

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

R2 – Degraded and Contaminated Land

R6 – Waste Management Requirements for New Development

R7 – Low and Zero Carbon Buildings

Supplementary Guidance

Proposed Aberdeen Local Development Plan

H2 – Mixed Use Areas

NC6 – Town, District, Neighbourhood and Commercial Centres

D1 – Quality Placemaking by Design

D3 – Big Buildings

I1 – Infrastructure Delivery and Planning Obligations

T2 – Managing the Transport Impact of Development

T3 – Sustainable and Active Travel

NE6 – Flooding, Drainage and Water Quality

R7 – Low and Zero Carbon Buildings, and Water Efficiency

CI1 – Digital Infrastructure

Other Relevant Material Considerations

None

EVALUATION

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

The main considerations in this instance relate to: the principle of the development; design and siting; impact on the surrounding area; servicing arrangements (including parking/access); and drainage.

Principle

Located within the George Street Neighbourhood Centre, a Mixed Use Area, both as designated in the ALDP.

In respect of neighbourhood centres, associated policy RT3 seeks to ensure the principle retail function of such areas is retained. In this instance, the existing use is non-retail (car parts warehouse, considered to fall within Class 6) with the proposed use going to a quasi-residential use. Accordingly the redevelopment of the site would not undermine the principle retail function of the area and is considered to accord with RT3.

In respect of the wider ALDP designation as a Mixed Use area, policy H2 seeks to ensure new uses are compatible with existing neighbouring uses. Here the proposal would not conflict, given the primary surrounding uses are residential,

with retail and other commercial uses found on George Street. The proposals are therefore considered to satisfy the requirements of H2.

Design and Siting

Policy D1 seeks to ensure new development is designed and sited with due consideration for its context. In respect of its footprint, whilst relatively large in terms of site coverage, this is comparable with the surrounding plots/context. Areas of enclosed private amenity space are provided to the rear and are considered to provide a suitable level of external amenity, both in terms of outlook and use.

Relative to the height, overall the 6th storey would be comparable to the tenement building to the south (containing the Butchers Arms Public House at ground floor level). The building steps down to 4 stories to the north, adjacent to lower residential flats on George Street, whilst the rear wing would be 2 storey. In this form and context the height of the building, although being a significant change to the scale of the existing warehouse, relates well to surrounding buildings.

The principal elevation to George Street would be broken up by using different materials in a vertical arrangement, which reflects the surrounding width and variety of buildings in the locality. No detailed information has been provided in respect of the material finishes, as such a condition requiring their submission and approval is recommended.

Taking account of the above, it is considered the building marries in with the adjacent buildings on George Street and can be adequately accommodated within the streetscape. The proposals are therefore considered to comply with policy D1.

Impact on Surrounding Area

Here consideration must be given to: overshadowing; impact on daylight/sunlight to surrounding residential uses; and privacy considerations. Policy H2 seeks to ensure no significant impact on the amenity of existing uses. Relating to overshadowing and loss of daylight/sunlight, the application has been accompanied by a daylight and sunlight report with tests undertaken in accordance with Building Research Establishment (BRE) standards.

During the course of consideration the proposals were amended with a reduction in footprint and height of the rear wing from 5 to 2 stories, due to concerns relating to the impact on the surrounding area in terms of overshadowing, loss of daylight and sunlight. As regards overshadowing, the impact of the development on the amenity areas of neighbouring properties, and that proposed as part of the development, would exceed the BRE minimum standards. All properties surrounding the development also passed the BRE standards in respect of sunlight.

Relating to daylight, BRE testing considers a loss of daylight of more than 20% to be a “fail” (20% being the level at which a loss of daylight becomes noticeable to occupants). However the criteria notes that such standards are designed for suburban areas and flexibility should be applied in built up city centres and historic areas. In this case some ground floor windows in neighbouring properties fail, though these were at marginal figures slightly above 20%, with rooms already having poor daylight levels that would fail to meet BRE standards at present. However, given the current situation and dense urban context these results are not considered significantly negative or particularly noticeable.

Sufficient separation between the development and surrounding buildings is afforded, with separation between windows exceeding the minimum 18 metre recommended distance.

In light of the above considerations, the impact of the development on surrounding neighbouring properties is considered to be acceptable, satisfying the requirements of policy H2 in respect of amenity considerations.

Parking and Access

Policy T2 and the associated Transport and Accessibility Supplementary Guidance seeks to ensure suitable parking provision for new development. Here the access from George St to the site will be closed, presenting the opportunity for on-street parking along the frontage. This could see the creation of two on-street parking bays, one of which is for disabled drivers to ensure good accessibility. Otherwise the principle of zero-parking provision is considered acceptable on the basis that the site is in a location highly accessible to the city centre and public transport and can be controlled by parking restrictions in the immediate locality. A contribution towards the City Car Club is to be sought given the zero parking provision as part of the development. Roads Development Management confirm this.

An area for the storage of bicycles has been indicated as part of the submission, though no specific scheme has been provided. A condition requiring a scheme to be submitted for approval is recommended.

Drainage and Water

Policy NE6 seeks to ensure surface water is appropriately drained. Surface water would be discharged via stone filter trenches and porous paving to the nearby culverted Gilcolmstoun Burn to the west. Foul drainage would discharge to public sewers. In respect of the requirements of NE6, the proposed drainage means are considered acceptable.

Waste

In relation to waste, policy R6 seeks to ensure development has suitable refuse arrangements. No specific arrangements for the bins are provided, though an area has been identified in the rear north western corner. ACC Waste Services

have requested that the mix of bins should be agreed and a condition to this effect is recommended. In light of this, the proposals are considered to accord with policy R6.

Low and Zero Carbon Buildings

Policy R7 states that all new buildings must install low and zero-carbon generating technology to reduce predicted carbon dioxide emissions in line with standards contained in the associated Supplementary Guidance. The Sustainability Statement provided with the application states compliance with policy R7 given updates in building standards, though no specific evidence has been provided to this effect. A condition requiring submission of these details is recommended.

Developer Obligations

Obligations have been sought towards open space provision and sports and recreation. In order to secure these obligations, a legal agreement is recommended.

Matters Raised by Community Council

Matters raised by the Community Council are outlined as follows with a response provided to each:

1. There was no pre-planning consultation with the Community Council.
 - As the development does not fall within the 'major' category, there was no requirement for the applicant to undertake pre-application consultation with the Community Council.
2. Overdevelopment of the site with too many units.
 - Consideration is given to this under Design and Siting above, which accepts the scale of development proposed.
3. Adverse impact on daylight to surrounding properties.
 - Consideration is given to this under Impact on Surrounding Area above, which accepts the proposals in this regard.
4. Proximity of new access to George Street and Hutcheon Street junction.
 - No vehicular access is now proposed, with Roads Development Management raising no objections to the application.
5. Insufficient disabled parking and potential impact on traffic at busy periods (e.g. start and end of academic year). Residents will park in surrounding residential developments.
 - Two disabled parking bays can provided on street, otherwise as there are parking controls in place and no on-site parking proposed it is not considered that there would be significant impact on the local traffic profile. The zero parking arrangement is considered acceptable given the accessible location close to the City Centre, and proximity to public transport. The surrounding area is also a controlled parking zone which

- will limit impacts, even at move in/out dates. Any parking in private parking facilities is a matter for the owners of such facilities to control.
6. Lack of light to amenity area
 - The provision of light to the amenity area is considered acceptable, complying with BRE standards.
 7. Need to use high quality materials on development.
 - The detail of materials is to be controlled by condition.
 8. Concern at provision of roof gardens and potential impact on neighbours.
 - Roof gardens will not be accessible to residents.
 9. Communal space in development should remain as such and any additional units would be unacceptable.
 - Noted – a condition is to be placed limiting the number of studios. Any amendment will require to be considered via a separate planning application.
 10. Flooding issues due to culverted burn.
 - It is considered the development will not result in an increase in flooding in the surrounding area and the surface water drainage from the site is the most suitable in terms of SuDS principles.
 11. Developer obligations should be paid toward the upgrade of the ball court at Catherine Street.
 - Developer Obligations are identified to offset a particular impact of a development on infrastructure, in this case it is not advised that there would be any significant impact as a result of the development on this particular facility.
 12. Distance between the development and neighbour properties should not decrease.
 - Any subsequent change to the scheme would most likely have to be subject to a further grant of consent.
 13. Provision should be made for a future connection to a district heating network.
 - As part of the recommended condition on low and zero carbon buildings, the means of heating the development will be submitted to the Council for further consideration. Future connections for connections to a district heating network could be retrofitted should a network were developed in the area, though this would be a matter for the developer should that scenario ever arise.
 14. Some close neighbours were not notified and did not have time to make comment on the proposals.
 - All neighbours within a 20 metres radius of the site were notified by the Council. Wider pre-application consultation with the community was not a statutory requirement.

Matters Raised in Representations

1. Overlooking and loss of privacy
 - Consideration is given to this under Impact on Surrounding Area above and the development is considered acceptable in this regard.
2. Loss of natural light to neighbouring flats

- Consideration is given to this under Impact on Surrounding Area above and again the proposals are considered acceptable.
- 3. Adverse impact on parking in surrounding area
 - Parking provision is limited to two parking bays on-street and is considered acceptable given the accessible location close to the City Centre, in close proximity to public transport. The surrounding area is also a controlled parking zone.
- 4. Too much student accommodation being proposed in the area/ across the City at a time when student numbers are falling.
 - Whilst there has been an increase in the number of new student accommodation developments coming forward, market forces will dictate the overall level/ provision of student accommodation in Aberdeen.
- 5. Not close to the universities or College.
 - The accommodation is within close proximity of North East Scotland College, and within walking distance of the University of Aberdeen.
- 6. Building is too high and out of keeping with surrounding area.
 - Consideration is given to this under Design and Siting and the proposals are considered of an acceptable scale.
- 7. Impact of construction works on neighbouring residents.
 - Whilst there will be some disruption from construction works on neighbours, this is to be reasonably expected with any construction work and will be limited to the construction phase. Other legislation can control any issues of statutory nuisances.
- 8. No other five storey building on George Street.
 - Each application is assessed on its own merits and consideration in respect of height massing is given under Design and Siting. It should also be noted that consideration should be given to height, massing and scale, rather than simply number of stories, which can see significant variation in floor to ceiling heights depending on the age of building and style of construction.

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 proposals substantively reiterate those of the adopted plan and as such no further consideration is considered necessary in this instance.

RECOMMENDATION

Willingness to approve subject to the developer entering into a legal agreement to secure developer obligations towards open space and the City Car Club.

REASONS FOR RECOMMENDATION

The redevelopment of the site for student accommodation is considered to be a suitable use compatible with neighbouring land uses and is considered to be designed, sited and serviced at a level appropriate to the amenity of the surrounding area. Accordingly, the proposals are considered to accord with relevant policies of the Aberdeen Local Development Plan 2012 and associated Supplementary Guidance.

Insofar as they are relevant, the proposal accords with policies contained in the Proposed Aberdeen Local Development Plan 2015.

CONDITIONS

1. That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.
2. That no development shall take place unless a scheme for the provision of two on-street parking spaces has been submitted to and approved by the Council. Thereafter, the development shall not be occupied unless the parking spaces have been provided in accordance with the approved scheme – in order to ensure the delivery of on-street parking spaces in a timeous manner and the interests of road safety.
3. That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a detailed scheme of hard and soft landscaping for the site, which scheme shall include indications of all terraces proposed as part of this development, green walls, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

4. That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority – in order to preserve the amenity of the neighbourhood and in the interests of public health.
5. That the development hereby granted planning permission shall not be occupied unless a scheme detailing cycle storage provision for 60 cycles in a secure, lockable facility has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.
6. 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'

INFORMATIVES

Further discussion on providing parking on-street and possible use of parking permits for staff at the student accommodation requires contact with ACC Traffic Management – Vycki Ritson 01224 522704 or vritson@aberdeencity.gov.uk.

George Street

Community Council

Secretary

34 Jamaica St

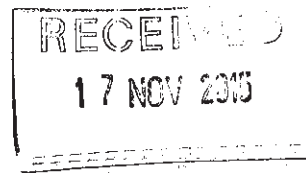
ABERDEEN

AB25 3XA

Tel: [REDACTED]

15/11/2015

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



Dear Sir/Madam

Planning representation for 455 George Street, Aberdeen. Ref: 151588

We thank the proposer for coming to our November Community council meeting, however we deeply regret that they had not carried out a Public Consultation; there was neither a Public meeting nor a presentation to the Community Council which is a statutory consultee, prior to the Planning being submitted for this major planning development, being well over 80 dwellings.

We object to this development in principle for the following reasons:

There was no pre-planning consultation with ourselves, a statutory consultee and there was no public meeting held before the planning application went in.

This proposal is an over-development for this site.

The total proposed number of dwellings is far too high for this site.

The height and extent of the development severely restricts light levels to surrounding housing to the East and North of the site, especially the back wing closest to Fraser Court.

The low provision of disabled and worker parking we feel is totally unacceptable. There are 10 wheelchair accessible apartments which is commendable, but only one Disabled Parking Space which seems woefully inadequate.

Due to the vehicular pressures in the surrounding area with this development being beside a busy junction of two very busy main roads, one of which is a main bus route, we are very concerned that the level of space available for the changeover days both for vehicles and for rubbish skips is insufficient and will cause chaos in the area.

The vehicular entrance is considerably closer to the junction than the existing entrance. With the narrow access and lack of visibility splays due to the surrounding buildings, we are worried for pedestrian safety. We are also concerned that the Refuse/Recycling Lorries when they attend the building will have to park on George St, very close to the junction and at very busy times of the day, exacerbating existing traffic problems. With so many bins to uplift the cart would have to be stopped for a significant length of time which would cause serious problems.

The surrounding area is zoned for car parking, but there are areas where parking can be found out with the zones close to this development, especially in the Fraser Court and Gerrard St residents' car parks. Although students would not be able to get a car parking permit they may be tempted to bring a car if they find they could access residents' car parks easily. As this development is aimed at mature students the likelihood of them having the desire to have a vehicle would be increased as they may have placements/employment out with the City Centre. It is unacceptable for surrounding residents to have to police the car utilisation of the students as it can breed resentment between neighbours. One option to help alleviate some of this problem would be for the Developer to assist Langstane or other car park operators to install and maintain barrier protection for their residents' car parks.

Due to the height of the surrounding buildings the External Amenity Area will get very little light. We feel that it is highly desirable in this location that external areas, surrounded by high buildings, should be open to the south and the beneficial sunlight. Due to what can be seen locally from the Victorian tenements running off George Street, with a similar aspect to what is planned, there is little light reaching the ground making them unpleasant places to be.

Poorly maintained lifts that can be out of action for extended periods can cause extreme distress, therefore we would ask with high density developments such as this, that there be multiple lifts to each floor or iron-clad maintenance deals with long-lead item spares guaranteed to be held on site, combined with same day servicing of out of action lifts. The provision of a single lift for a six storey building, with wheelchair accessible flats, is unacceptable.

The use of granite, slate and other high quality materials on this imposing development, on the external surfaces is highly desirable for this development; the use of grey render or non-frost resistant brick and other materials is not acceptable as they degrade very quickly in the harsh climate.

Flat rooves in this area exacerbate the problem we have with seagulls (noise and mess), we would insist that measures were put in place and maintained to minimise this problem.

We have concerns that a roof garden, although out of bounds to residents, would be a tempting place to access illicitly which could have a negative impact on local residents.

As a Community Council we have found that the following points have been useful in avoiding problems with developments in our area;

Low vibration piling should be used due to the close vicinity of a number of existing Victorian and Edwardian buildings, which are on non-substantial foundations and the known damage that piling of new foundations can do.

We would remind the developers of the historic culvert in close proximity to this site and the known flooding issues of the adjacent site and Fraser Road due to this culverted burn, and also of the potentially high ground water levels if utilising basements.

This is a densely populated area and we would expect the Developers to work only during social hours and keep noise and mess to a minimum, as per Council constraints.

The proportion of communal student space shown to us is the least that we feel is the bare minimum for such a large development, and any encroachment on this space by additional units within these spaces would be unacceptable.

There is a ball court at Catherine St which is very close to this proposal, which is hopefully to be refurbished in the near future by a non-profit making venture. With the lack of facilities onsite for outdoor activities, the number of students in this development who would be likely to use this ball court is considerable. A Planning Gain contribution to its refurbishment and upkeep would be most appreciated.

We are glad to see an adequate number of cycle storage facilities and would only like to see this number increase and not be decreased.

The distance between this development as shown to us and the adjacent properties should not decrease.

We would strongly urge that provision is made for a possible connection in the future to the district heating system that is planned for the nearby vicinity.

We were deeply disturbed that some residents of neighbouring properties were not notified personally of this major development which is so close to them. Some people had no time to put in objections/commendations for this proposal before the initial planning deadline was up, due to the short timescale and lack of notification.

The local residents can be there all year round even if the students are not, respecting them in all aspects is paramount.

Yours truly,

A large black rectangular box redacting the signature of Andy MacLeod.

Andy MacLeod
Chair George Street Community Council

This page is intentionally left blank

MRS J. ROBERTSON,
54, FRASER COURT,
ABERDEEN
AB25 3UG.

TEK No [REDACTED]

Dear Mr Lewis,

I wish to raise an objection against the building of a 1st roomed students accommodation.

The building is to be six storeys high at the front and four storeys high at the back, in a T. shape.

It will tower over our building as our building is lower than George Street level.

It will block out light and sun all morning. We need the light or sun, as the area is where we

hang out our washing and is also our play area for the children. The developers admit it will cut our light and sunlight. Why should we have to sacrifice our rights, so they can have what they want at our cost. At a meeting on Tuesday 10th Nov they were asked if they would lower the height of their building, but they said NO. I feel Aberdeen is being taken over by the building of so many student accommodations that we are being treated like second class citizens and forgotten about our needs and rights, we live and work here all the time not some of time.

If the building is passed it will be a living nightmare for the

next two years. Please come
and see and talk to us and listen
as we have rights too. I know
there will be some development
put there at some point, does it
have to be such a tall building
to take away the light and sunlight
and make our drying area
and children play area obsolete,
so where do we dry our washing
and the children play, and who
will listen when we can't park our
cars in the car park, and put up with
the noise of 147 people at our
bedrooms for ever in such a small
place.

Yours Sincerely



P&SD Letters of Representation	
Application Number:	
RECEIVED 16 NOV 2015	
Not	Sou
Map	
Case Officer Initials:	
Date Acknowledged	

Objection against development
at

455 GEORGE ST that used to
be Unipart Automotive Parts.

MRS JEANNETTE ROBERTSON
54 FRASER COURT
ABERDEEN AB25 3UG.
TEL No [REDACTED]

Dear Sir,

I wish to lodge an objection against the building of 174 Studio Rooms, at the former Unipart Automotive Garage 455 George Street.

I have lived at the above address for 27yrs. The proposed build is to be 5 to 6 storeys high, totally over shadowing our homes, with out adding the 4 Storey build right at our back doors. Do they realise we have our drying greens there, and play area for the children.

When the sun rises in the morning
it shines in my window. If this build
goes ahead, I will never see the sun
in the morning, also my view of
George St. Why? should someone
have the right to tell me, I am
not entitled to daylight. leaving
me totally depressed and in the
dark. So please take our health
and well being into consideration
it is not for a few months, it is for
the rest of our lives

Yours Sincerely
Mr. [REDACTED]

P.S. I don't own a computer.

THIS IS MY THINKING OF HOW I SEE IT.



BRIDGE

ST

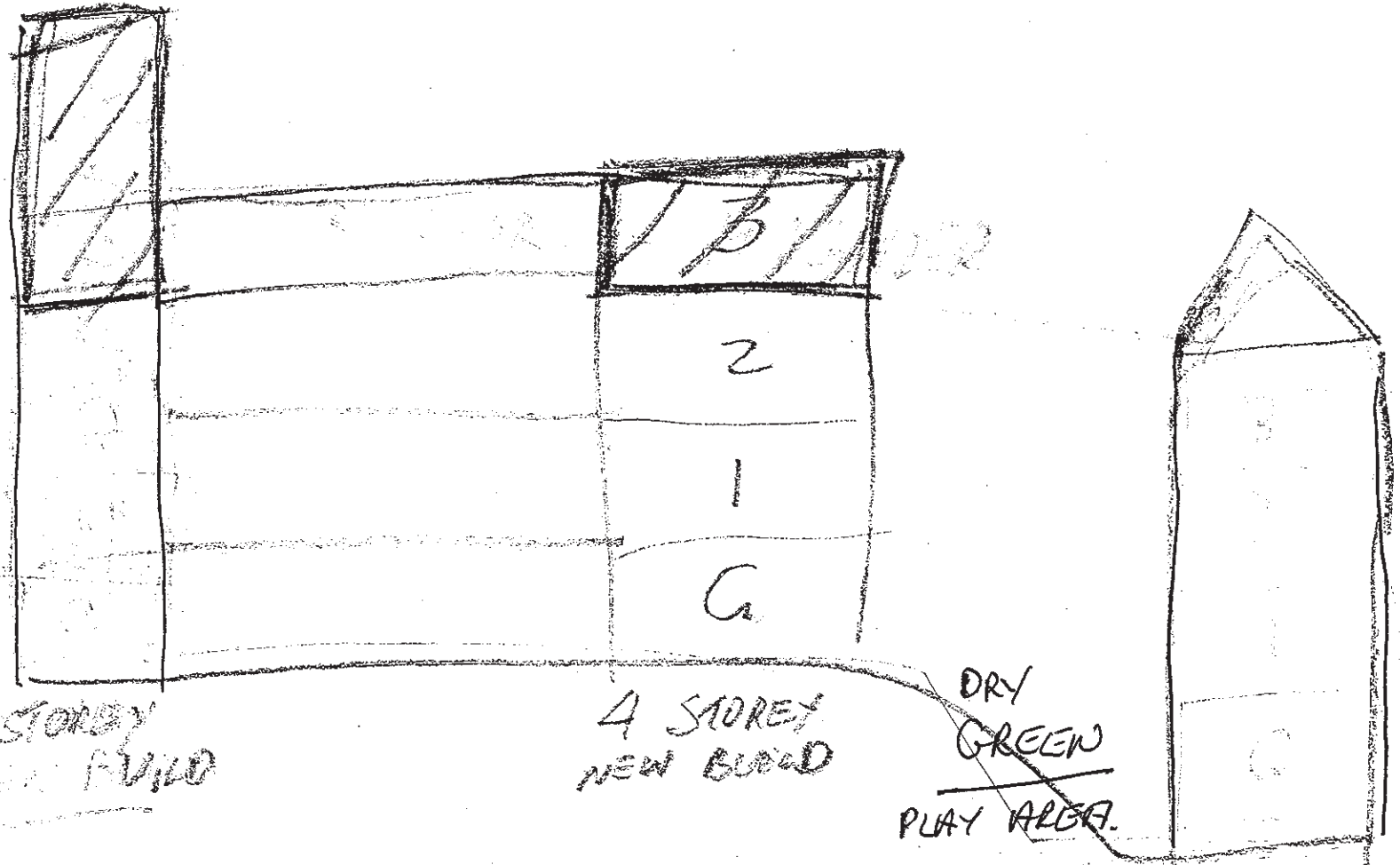
6 STOREY
NEW BUILD

4 STOREY
NEW BUILD

DRY
GREEN
PLAY AREA.

TRASHED
ST

CAR
PARK



MRS JEANETTE ROBERTSON
54, FRASER COURT
ABERDEEN
AB25 3UG
TEL NO [REDACTED]

Dear Mr Lewis,

I still wish to raise an objection to the building of the student accommodation at 455 George Street application No 154588.

The lowering of just one floor will make no difference, as the build is still too tall for the sun to shine over it in the morning, this means there is no warmth reaching our drying area and our bedroom windows, also the T. extension at the back also blocks light and invades our privacy.

Aberdeen at the moment seems to be in a glut, of the building of student accommodation, any square inch of the city is being put forward for the purpose of student accommodation, there is a greater shortage of homes for the people of Aberdeen who should come first.

I read in a paper that there are falling numbers of foreign students coming to Scottish university, so what happens to these purpose built accommodation, if left vacant.

As an Aberdonian of 70yrs I do not see why I should have to fight and beg for daylight and sunshine, privacy and not be invaded by 128 students next to our bedrooms.

P.T.O.

As I have stated earlier I can only be contacted
by letter or phone. Thank you for your time

Yours Sincerely
Mr [REDACTED]

P&S Lenses & Registration	
Application Number	
RECEIVED 23 FEB 2016	
Not	Sou
Case Officer Initials	MAD
Date Acknowledged	

MRS JEANETTE ROBERTSON
54, FRASER COURT
ABERDEEN
AB25 3UG
TEL NO [REDACTED]

Dear Sir,

I have received a letter for the proposed development at 455 George Street, to build a 5 or 6 storey student accommodation with parking and landscaping.

The intrusion of such a tall building, will have a diverse impact on our daily lives, as I have stated in previous letters to the planning department last year.

The loss of daylight and sunlight, also how are we suppose to dry our washing during the building of the accommodation and after. Privacy due to the close proximity of the building, and we will have to do our own policing on using our car park and noise pollution, that was discussed at a meeting. No one wants 147 students next to their bedroom windows.

If there is to be a public meeting may I be informed by letter or my land line answering machine, I nearly missed the last one due to lack of communication. Not everyone has a computer, or on the internet.

Maybe the planning committee could explain why Aberdeen is being saturated with all this building of student accommodation, there is not an area of the city where there are houses being built for our citizens who should be first priority.

P.T.O.

Yours Sincerely
Mrs [REDACTED]



From: [REDACTED]
To: [PI](#)
Cc: [REDACTED]
Subject: 151588 - Planning Permission
Date: 06 February 2016 19:21:01

Evening,

Today I received a neighbour notification notice for the proposed development of 455 George Street, Aberdeen.

With speaking to the planning department last year in relation to a notification from the development company, I was advised that the closing date had closed and that no objections would be considered.

It is my understanding that there has been a reapplication and some changes to the proposed work.

Therefore as there seems to be a breakdown in the communication for us tenants in the surrounding area, I submit my objections to this development again, irrespective of the outcome of this email, they are;

Testing was done on this site in the form of drilling, this could not only be heard by felt within 53 Fraser Court, the windows were closed and when the warmer weather comes in, am I expected to do the same to avoid a more serious level of decibels generated?

Natural light will be affected as I am on 10ft away from the border of the development and as both my main living areas are facing this way.

Debris (including dust) from the site will affect the drying area that is located directly behind the border.

Noise pollution, from dusk to dawn and potentially 7 working days of work (testing work was carried out on the Saturday and Sunday, hence the reason for stating this), when would we as fixed tenants be able to rest with some being unemployed (like me, I can't afford to go out or the elderly or those house bound). Estimated to last 2 years in the erecting of the dwelling.

Being overlooked from over 100 rooms, this removes my privacy that I should be entitled to as it not a privilege I am asking for, it is an essential requirement like so many others have.

House holders would not be able to let their pets out safely due to the potential of harm.

As we will not be able to use the drying area, due to the clothes potentially being dirtier on being dried from the dust generated.

No one has seems to be thinking of the fixed tenants and their needs, although other tenants have raised their concerns too. Where is the voice for us? Are we being discriminated against because you cant make more money from us? For the purposes of the dwelling the utilities they will be using like refuse collection, street lighting etc in the form of Council Tax - a legal requirement.

Kind regards

Steve


Steve Stewart
53 Fraser Court
Aberdeen
AB25 3UG



12:11:15.

Dear Sir.

I am writing to Let you
Know that I am objecting
to the building of Student
Flats. in George Street.
I have been in this house for
over Twenty years.
Will not be able to get
washing out on the line
The noise we will have
put up with for ~~two~~ years
They will be blocking our
view and Light.
Xenot Kraser Court.



46 Fraser Court
Aberdeen
AB25 3UG

12/10/2015

Dear Mr Lewis,

I have been informed to write to you to express my concerns about the proposed development at 455 George Street, for student accommodation. Firstly I would like to take this opportunity to say that I was very disappointed that I received no information through the post concerning a meeting that took place on the 10 November to allow residents to take the opportunity to express their concerns. I would have attended this meeting if I knew!! As there was only a small letter posted in the hallway that could have easily gone unnoticed and probably has by other tenants!! I also noticed that langstane also posted a letter dated that 27th October 2015 stating that we had to express our concerns by the 28th October 2015!! That is ridiculous and unfair for tenants!!

I have ongoing concerns that this proposed development would not benefit current residents in the surrounding area. The proposed development is supposed to take two years to build in such close proximity of other residents. This would mean tolerating the noise levels of building construction and also maybe not using the washing lines as there will be dust and dirt coming from the construction. This is not suitable for me as I sometimes do waking night shifts when required. I also have to question what would be the benefits in student accommodation being developed there, seen as there are bigger developments already under construction within Aberdeen for students!! Those are closer to the universities and college. Also residents would be affected by the noise level of students that live in the proposed development, although this area is quite close to town it is also quite peaceful during the night and weekends. Student accommodation would disrupt this area and elderly residence would be affected.

I also am concerned that in such close proximity the intention is to build 5/6 storey building but where I live it is only a 4 storey building. Therefore I would be very much over-looked and have no privacy, as my bedroom window looks onto the proposed development, which isn't ideal and this development would block the natural light coming in.

Another concern I have is this proposed development being car free? Yet I find it very difficult to believe that out of 150 students, some may not have a car? Therefore they would possibly try to park their cars in one of the three car parks that residents pay to use, as other car users have and are currently abusing our car parks.

Overall I object to this proposed development as I feel there are no benefits to current residents. I am very disappointed and disgusted in the lack of support that Langstone have given their tenants, which I will look into more detail!! If this proposed development does go ahead against resident's wishes then whilst tenants have to tolerate noise levels and not using the facilities why should we have to pay full rent or an increase in rent!!

Regards



Miss C Forbes



From: webmaster@aberdeencity.gov.uk
To: [PI](#)
Subject: Planning Comment for 151588
Date: 28 October 2015 19:21:00

Comment for Planning Application 151588

Name : Dr Henry Craddock

Address : 23G Fraser Road

AB25 3UB

Telephone :

Email : [REDACTED]

type :

Comment : Although I would welcome the improvement in amenity in the proposed development, I would object to the height of the proposed development of 6 storeys. This is pertinent as the surrounding area has a maximum of 4 storey buildings. I would trust that the planning department would ensure that there is not a detrimental visual impact on the area, and a suitable amendment to the application will be sought.

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.

From: webmaster@aberdeencity.gov.uk
To: [PI](#)
Subject: Planning Comment for 151588
Date: 27 October 2015 08:33:32

Comment for Planning Application 151588

Name : Jaimeek Bhalani
Address : 26a Fraser Road
Aberdeen
Ab25 3uh

Telephone :

Email : [REDACTED]

type :

Comment :

George street is already a busy area , parking is always a problem on George street and other streets in the area, the media has been advertising that ACC has dozens of empty buildings yet the city council is entertaining such applications which is clearly overdevelopment in the area.

We received a letter through the post from the builders mentioning that students staying in this accommodation will sign an agreement not to get cars to Aberdeen, Can you really stop an individual from getting a car on the basis of a tenancy agreement, the answer is NO.

We already have a few new student accommodations coming up in the area, fraser place, powis place and fraser street these will have a good few hundred rooms.

Or perhaps is this the case of a big developer / name applying and council will have to entertain and approve their application??

Would the council approve a 6 story residential build? never , clearly the builders are greedy in this case as this is a better making business , not considering anything about the neighbours or the local community

Totally oppose this application.

I stay in the area and this will affect our lives in a lot of negative ways.

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.

From: webmaster@aberdeencity.gov.uk
To: [PI](#)
Subject: Planning Comment for 151588
Date: 28 October 2015 08:57:16

Comment for Planning Application 151588

Name : Stephen Stewart
Address : 53 Fraser Court
Aberdeen
AB25 3UG

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : The proposed 147 studio flats for this site has numerous disadvantages to the current tenants of the surrounding area of this development.

Being a stones throw away from this site how this will effect me is;

Approximately 2 years of constant noise and pollution

Unable to use the communal drying area as dust etc will mean my clothes would not dry clean

Offering a 5/6 storey building, the proposed roof garden will over look my living room and bedroom

The height will reduce natural light to my flat

The natural sun would be blocked and cause delays in drying my clothes

The additional tenants will cause additional noise pollution

The building will affect the environment as birds use the trees

Although the lease does state no car owners - some MAY lie and use our overcrowded parking spaces and this does not apply to their guests

The overall granting permission of this as it stands will affect me personally and financially and my natural daylight will be affected from day one.

No notification from McLaren has been offered for a tenants meeting to air their views and not everyone has access to the internet to air their views and concerns.

Consult us the current tenants to support this, otherwise I say a MASSIVE NO!

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.

From: webmaster@aberdeencity.gov.uk
To: [PI](#)
Subject: Planning Comment for 151588
Date: 26 October 2015 20:07:26

Comment for Planning Application 151588

Name : Tarun Dureja

Address : 23a Fraser Road
Aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I Object to the above planning for the following reasons.

This is clearly overdevelopment in the area - we already have a couple more student accommodations coming up in the george street area (polis/fraser place) a few hundred rooms already and now the above planning for 147 studio rooms, do we have an effective traffic solution in place? is there a plan for george street to be a student area? will we have enough car park for 147 studio flats, parking is an issue already.

I am assuming this is a big developer / builder building this accommodation and on that basis council will approve this planning?

The builder claims that they will have tenancy agreements in place that will prevent students from bringing a car to Aberdeen, that is not at all a full proof plan , how can you stop an individual to buy a car or get a car , even though you sign a tenancy agreement!!

obviously once the accommodation is ready and students move in the developer will not be bothered if the students get cars etc and park on george street and other streets in the area.

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.

From: webmaster@aberdeencity.gov.uk
To: [PI](#)
Subject: Planning Comment for 151588
Date: 04 February 2016 16:17:03

Comment for Planning Application 151588

Name : Tarun

Address : 23a fraser road

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Clearly over development and will be a big issue with parking across various streets in the area. You can have a lot of promises on the applications to say students will give an acknowledgement in writing that they will not have cars etc , however you cannot still stop them buying cars and parking them on various streets. George street is already tight with parking and other amenities and this 5 storey build will make it worse!!

Why is there no other 5 story build on george street?

Why did council suddenly change their minds on setting up a new residence?

There is already a 190 room student accommodation being built across the road on powis place, this is clearly overdevelopment and this is literally killing the local landlords , with greedy developers building such builds and taking the cash away from Aberdeen.

what a shame.

Will the rent on these accommodations be regulated?

The new build at powis place - minimum rent for an ensuite is £150 per week

will these eye sores add on to Aberdeen's misery of empty buildings as offcourse students will not be able to afford.

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.

From: [REDACTED]
To: [PI](#)
Subject: Proposed development 455 George street Aberdeen
Date: 26 October 2015 16:16:57

Dear Sir/madam

Planning Reference no: 151588

Proposed demolition of existing building and erection of 6 storey student accommodation building including parking and landscaping.

I write on connection with the above planning application, I know the site quite well, and wish to inform you of my intension to object to the proposal.

I as a resident in adjacent housing to the site feel that with the building of the proposals, my health, well being and safety could be adversely affected by the increase of the anti-social behaviour by the students that will be residing in the accommodation. The other minor issue is how close this would also be to my boundary wall including my privacy, where I reside, I overlook the proposed area as do many other residents do within my building, this proposal also has not taken in account the blocking out of natural light, which is a right and not a privilege.

In addition I am concerned with the heavy increase of traffic and illegal parking that could potentially take place within a restricted area of fee paying residents parking spaces and restrictions also being place on emergency services/carers provisions for the disabled residents of Fraser Court.

Furthermore, there is no need for increasing student accommodation within the area as there is enough provided. I have also relayed my concerns to my local area MP.

If this application is to be decided by councillors, please take this as notice that I would like to take the opportunity to speak at the meeting of the committee at which this application is expected to be decided to further express my concerns in person.

Yours Faithfully

Miss Kerry England and Miss Cheryl Ramsey
(60 Fraser Court)

Planning Development Management Committee

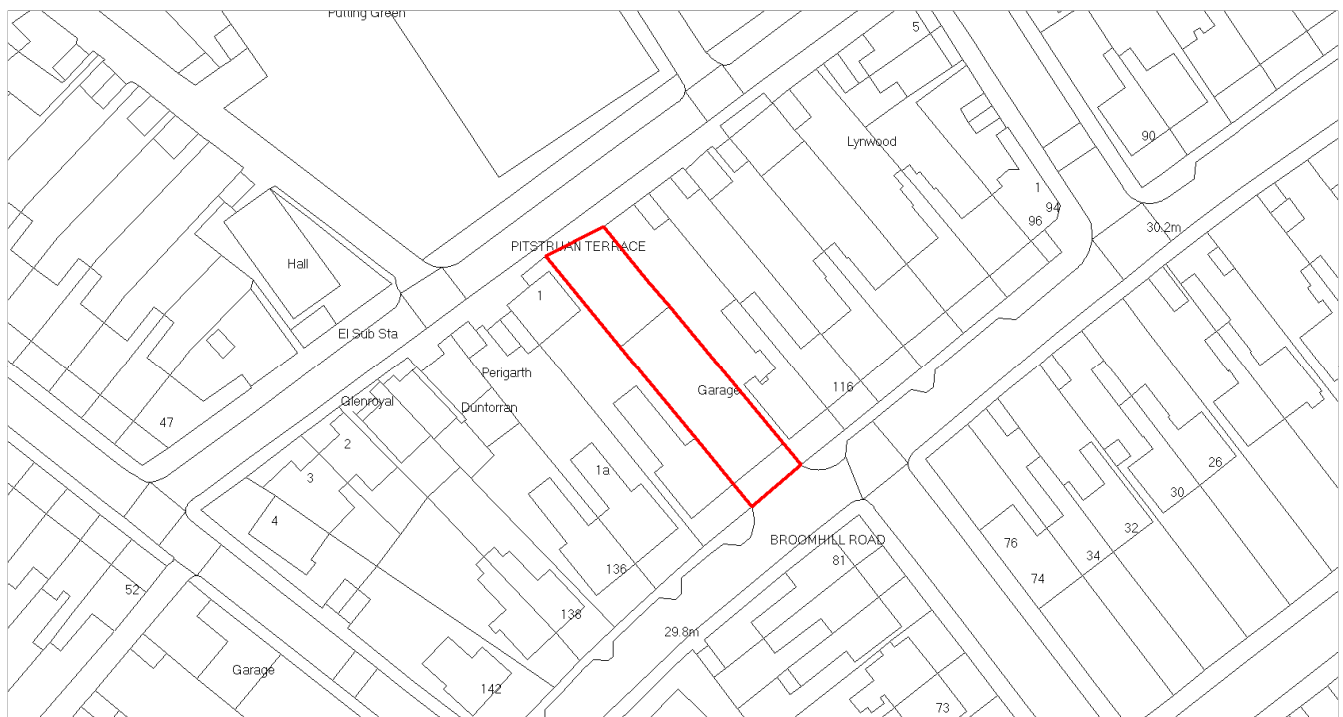
122 BROOMHILL ROAD, ABERDEEN

ALTERATIONS TO REAR ELEVATION

For: The Co-operative

Application Type : Detailed Planning Permission
Application Ref. : P151725
Application Date: 02/11/2015
Officer: Jennifer Chalmers
Ward : Airyhall/Broomhill/Garthdee (A Taylor/G
Townson/I Yuill)

Advert :
Advertised on:
Committee Date: 21/04/2016
Community Council : No response
received



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The site is located on the north west side of Broomhill Road and across from the junction with Abergeldie Road and covers an area of approximately 640sqm. There is space to the front (south elevation) of the property for 4 cars, whilst to the rear there is a large car parking area that leads out onto Pitstruan Terrace. The area is characterised by terraced flats and houses and to the rear of the property there is an amenity area with tennis courts and pitch and putt.

RELEVANT HISTORY

P130910 – Application refused at Committee on 29th October 2013 for ‘Change of use of vacant car showroom to Class 1 (Shop), shopfront alterations and other external alterations, erection of gate / fence to rear and other associated works, including footpath and parking improvements’. The application was later appealed and appeal sustained conditionally on 28th February 2014 (PPA-100-2050).

P130285 – Application was withdrawn on 24th June 2013. Application was for the ‘Sub-division and part change of use to Class 1 (Shops)’.

PROPOSAL

Detailed planning permission is sought to carry out alterations to the rear elevation. This would involve the installation of 2 no. lights onto the rear elevation, and the installation of new louvres within an existing infill also on the rear elevation.

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=151725>

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

- Noise Impact Assessment

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because there has been an objection from the Ashley & Broomhill Community Council. Accordingly, the application falls outwith the scope of the Council’s Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No observations

Environmental Health – Proposal has been evaluated in relation to submitted noise assessment.

Communities, Housing and Infrastructure (Flooding) – No observations

Community Council – Object on the following grounds:

1. Issue of street problems as a result of trucks parking at front of property opposite to Abergeldie Road

2. Refrigeration noise due to building being part of dwelling houses on each side of frontage
3. Noise from twenty-four hour running of refrigeration equipment will spoil occupant's lifestyle.
4. Lorry size will find it problematic for entry / exit to Salisbury Terrace
5. Shop operator may ask for a drinks off sale licence

REPRESENTATIONS

One letter of objection has been received. The points raised relate to the following matters –

1. Cleanliness and tidiness of rear of shop
2. Poor construction quality of building which will lead to rodents and insects
3. Existing poor condition of Pitstruan Terrace and impact of HGV's on surface

PLANNING POLICY

Aberdeen Local Development Plan

Policy H1 (Residential Areas)

Policy D1 (Architecture and Placemaking)

Proposed Aberdeen Local Development Plan

Policy H1 (Residential Areas)

Policy D1 (Quality Placemaking by Design)

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.

A gap of 2.3m wide would be created in the rear elevation in order to install louvres which would provide air to the new plant room to be formed within the building. The alteration involves the reopening an a previously infilled part of the rear elevation. The installation of the louvres is considered to be acceptable. As the application site is located within a residential area, it is appropriate to consider whether the provision of the louvres would result in noise emanating from the plant room, thus causing a nuisance. Although the plant room does not require planning permission, being an internal alteration to the building, a Noise Impact Assessment was nevertheless submitted alongside the application and has been assessed by officers in the Environmental Health Team. They have concluded that the recommendations in the report be implemented to mitigate noise impact to the surrounding noise sensitive receptors.

It is proposed to erect 2 no spotlights onto the rear elevation of the building. These would sit under the eaves at groundfloor level and face down into the rear yard area. Given the proposed height above ground level and that the lights will

operate with movement sensors, it is not considered that these lights would cause a nuisance to or cause light pollution onto neighbouring properties.

In terms of the remaining objections, including the objections raised by the community council, the issue relating to trucks parking outside the building, the size of lorries accessing the premises, the possibility of the shop having a drinks licence, the cleanliness and tidiness of the rear of the shop and the poor construction of the building are not relevant planning considerations in relation to this application, which is solely for the erection of lighting and the installation of louvres.

Overall, the proposal to erect lighting and to install new louvres within an existing infill on the rear elevation would not have a detrimental impact on the character or amenity of the surrounding area due to the subservient nature of the proposals. There is accordance with Policies H1 (Residential Areas) and D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan.

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.

RECOMMENDATION

Approve subject to conditions

Conditions

- (1) that all noise attenuation measures and recommendations identified in the Noise Assessment Planning Report by BRS and dated 27th November 2015 shall be implemented prior to the plant room being brought into use – in order to protect the amenity of the neighbouring residents from excessive noise disturbance emanating from the louvered opening.

REASONS FOR RECOMMENDATION

The proposal to erect lighting and to install new louvres within a previously infilled part of the rear elevation would not have a detrimental impact on the character or amenity of the surrounding area due to the subservient nature of the proposals. There is accordance with Policies H1 (Residential Areas) and D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan.

This page is intentionally left blank



Application Ref: 151725 (Alterations to Shopfront)
122 Broomhill Road

Comments

The proposed plan shows considerably more detail than the existing plan, so it is difficult to tell what exactly is proposed and where there are differences.

Clearly, lighting has been added. The addition of these lights will obviously illuminate the supermarket. The location of this supermarket is on a residential street, currently lit only by street lamps. We are concerned the level of lighting will be completely out of character with the elegant granite terrace it stands on. In addition it will cause nuisance to adjacent neighbours. Please restrict the number and brightness of these lights. Aberdeen has long periods of darkness in winter so they will intrude into this residential street.

In addition, it is not clear what is happening, if anything, to the granite walls at either side of the front of the premises. Please can we have reassurance that these walls will remain, and give some protection to the ground floor residents at either side of the premises who do not wish to be disturbed by vehicles and people constantly coming and going from the shop.

Also, although it is true that many supermarkets do have a bakery, this as far as I am aware has not mentioned on previous plans. Is this automatic, ie can they just add one in? The license granted was for Retail and no cooking was mentioned. The heat, fan noise and cooking odours may cause further annoyance to neighbours who will have to endure the noises generated by the Plant room and other equipment.

On this subject, could the plant room be moved to be maximum distance from families who will have noise, albeit low level, but even 'silent running' has a decibel level.

As you are aware, there were a lot of objections to this development. Please support the community and take steps to ensure that this development is as unobtrusive and aesthetic as possible.

Thank you.

Jennifer Butler (Chair)

This page is intentionally left blank



122 Broomhill Road

Aberdeen.

Reference to the proposed shop front on 122 Broomhill Road Aberdeen.

From the paper work that this site holds the Community Council of Airyhall. /Broomhill/Garthdee.

Strongly object to the change of use to this site,

Note 93 written objections.

Street problems when the delivery trucks cause a problem at front of property opposite to Abergeldie Road.

Refrigeration noise due to the building being part of dwelling houses on each side of the frontage.

With twenty-four-hour running of equipment will, spoil the occupant's life style. With the added starting and stopping of cars for pick up and dropping of customers. The traffic situation is problematic in the area as is.

The traffic survey also came out against the back of premise due to existing parking problems,

Artic lorry size will find it problematic as to the Entry and exit to Salisbury Terrace.

The shop will possibly ask for a drinks off sale licence, this will cause a situation of problems in the area called the "woodies" on the opposite side of the road to the right. The area is constantly used for drug taking.

The police, licence control officers have all carried out and reported against this site.

The chair of the community council has also object on behalf of the ninety-three objectors.

Yours sincerely,

[Redacted signature]

K A Eddie Planning officer for Airyhall. /Broomhill/Garthdee

14 Ashley Gardens

Aberdeen

AB106RQ

[Redacted address line]

16 NOV 2015

This page is intentionally left blank

Garry Watson

From: webmaster@aberdeencity.gov.uk
Sent: 10 November 2015 17:44
To: PI
Subject: Planning Comment for 151725

Comment for Planning Application 151725

Name : Alijan Ismayilov

Address : Lynwood, Pitstruan Terrace, AB106QW,Aberdeen

Telephone :

Email :

type :

Comment : Hi,

I am glad that the empty building will be now looking better and will benefit us. On other hand I have a big concern for how clean and tidy will be the back of the shop considering that there is number of houses including my own are situated there? I very concerned also about poor construction quality which will lead the place to get infested by rodents and insects. So I would like to get more information on how THE CO-Operative going to prevent it? Also, what about Pitstruan Terrace road's poor condition will be destructed after delivery HGVs will be driving through very often? Looking forward for to get answers from THE CO-OPERATIVE and Aberdeen City Council.

Thanks and Regards

Alijan

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.

This page is intentionally left blank

DESCRIPTION

The site comprises some 1.51 hectares of vacant land on Altens Farm Road, Atens, which was formerly part of the Nigg Caravan Site. The site is currently enclosed in timber hoardings and has been cleared of its former use.

To the north west is Shell's Alten's office complex, to the north and east is Tullos Hill, including the a scheduled monument known as 'Cat Cairn', to the south east is a recently completed four storey office building now occupied by Wood Group. The associated car park, including a retaining wall and decked parking is immediately adjacent to the boundary. To the south west are two and three storey office buildings.

Core Path 103, leading onto Tullos Hill, runs along the north west and northern boundaries of the site.

RELEVANT HISTORY

Detailed planning permission (P140434) was granted in June 2014 for a 595 space car park on the remaining part of the former Nigg Caravan Site. The car park is associated with the new Wood Group office building and in order to ensure that the number of parking spaces within that development did not exceed the maximum, a legal agreement requires 36 of those spaces to be used as part of the parking allocation in this new proposal.

PROPOSAL

It is proposed to erect a four building which would provide 9365m² (net internal), 11,700m² (gross external) of class 4 office space. The building would be generally L-shaped with the main elevations facing south onto Altens Farm Road. The main roof of the building would be flat and generally be 13m-18m high depending on ground level. A plant room would be located on part of the roof. The resultant overall height would of the building would not exceed 20 metres when measured from the adjacent finished ground level. It would be constructed using a steel frame and clad in curtain wall glazing and grey rain screen panelling. The building cores would be finished predominately in mid to dark grey powder coated metal cladding with areas of glazing.

Vehicular access to the site would be from Altens Farm Road. A total of 386 parking spaces would be provided across a basement car park and three separate external surface car parks. Sixteen motorcycle spaces and forty two bicycle spaces would be provided within the basement of the building.

The development is the second phase of the City Park development, the first phase of which is City Park 1 and now know as Sir Ian Wood House.

Supporting Documents

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

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=140963>. On accepting the disclaimer enter the application reference quoted on the first page of this report. In support of the application the following have been submitted –

- Air Quality Assessment
- Archaeological Evaluation
- Design and Access Statement
- Drainage Impact Assessment
- Low and Zero Carbon Buildings Statement
- Pre-Application Consultation Response
- Visual Appraisal
- Transport Assessment

PRE-APPLICATION CONSULTATION

Pre-application consultation between the applicant and the community, as required for 'major' applications took place on 27th March 2014. The consultation involved a drop-in event held at the Thistle Hotel, Souter Head Road, Altens.

The Pre-Application consultation report states that four people attended the event and were all generally supportive of the proposal. Cove and Altens Community Council however did express concern over the potential additional traffic along Hareness Road which in their opinion the development would generate.

REASON FOR REFERRAL TO COMMITTEE

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

CONSULTATIONS

Roads Development Management –

- It is noted that the walking and cycling connectivity to the site is generally acceptable. However the existing timings of the signalised crossing point on Wellington Road west of the development should be examined. There is an increase in walking distance due to the proposed road widening of the southbound carriageway from two lanes to three lanes on the approach to Hareness Road / Wellington Road roundabout.
- Cycle parking for 40 cycles at the development is proposed, which is in line with ACC standards. Short-stay cycle parking for visitors within 50 metres of the main entrance. Sheffield-type stands should be provided.

- Existing bus stop poles and flags on Hareness Road should be upgraded to provide bus shelters to encourage use of public transport by staff.
- The allowance of 386 parking spaces at City Park 2 is accepted and no additional or overspill parking for City Park 1 will be allowed within City Park 2's area.
- The provision of electric vehicle charge points is encouraged and it is understood that the applicant will provide an EV point to serve two EV spaces.
- It is noted that 14 disabled parking spaces are proposed, which is in line with ACC standards (6 spaces plus 2% of total spaces).
- It is noted that 15 motorcycle parking spaces are proposed, which is in line with ACC standards (1 per 1000sq.m. for employees and 1 per 4000sq.m. for visitors). The motorcycle bays will require secure anchor points.
- The priority junction of Hareness Road / Altens Farm Road is restricted. Vehicles are not to be allowed to turn right on exit from the Altens Farm Road. All other vehicle movements at the priority junction will be allowed.
- The proposed junction will feature a physical traffic island at the junction bell-mouth to prevent the banned right-turn manoeuvre. A traffic regulation order (TRO) in the form of a Prohibition of Specified Turns Order is required. This will make right turns onto Hareness Road from Altens Farm Road an illegal manoeuvre.
- The developer intends to improve the Hareness Road / Altens Farm Road junction by using land to the east of the junction. I note a reduction to the Altens Farm Road eastern footway width from 2 metres to 1.8 metres is required at the junction. This measure would be acceptable to ACC.
- The Wellington Road / Hareness Road junction, the developer proposes to add a left-turn flare from Wellington Road (north). Technical analysis shows that this measure at the AM peak hour would restrict the increase in queue lengths to 3 extra queueing vehicles when the development opens.
- Refuse collection arrangements are adequate.
- The TA shows the access onto Altens Farm Road Road would function adequately for most HGV delivery vehicles. There is no infringement of the ghost island on Hareness Road. The TA acknowledges a large articulated vehicle turning left from Altens Farm Road would swing into the ghost island, however, this is recognised as an improvement over the present need to enter the westbound lane of Hareness Road.
- The TA shows there is an impact on the Hareness Road / Crawpeel Road roundabout, however, the queue lengths are extended from a maximum of 6

to 7 vehicles. This is accepted and mitigation for the impact on the roundabout will not be sought.

- The A956 Southerhead roundabout is affected by the development. A financial contribution towards improvements at this junction requires to be secured by legal agreement should this application be approved.
- A condition should be applied for a Travel Plan to be submitted following occupation of the site.
- The drainage layout for the site is acceptable.
- Contributions towards the Strategic Transport Fund are required.

Environmental Health - The additional car parking will have a negligible effect on air quality in the Wellington Road AQMA and surrounding area. However, the cumulative impact in conjunction with other committed and proposed developments in the wider area will have a detrimental effect on air quality particularly in the period 2015-2018 prior to the opening of the AWPR.

Measurements to support sustainable transport through reduced vehicle trips, low emission vehicles and a detailed Travel Plan should be adopted to minimise emissions and meet the requirements of the AQAP with the aim of no adverse impact on the AQMA and surrounding area in order to protect the health of residents in these areas.

Developer Contributions Team – Contributions would be required towards core path improvements.

Communities, Housing and Infrastructure (Flooding) - Drainage proposals should be clarified and further information submitted.

Scottish Environment Protection Agency – It is proposed that foul drainage will discharge to the existing public sewer which is acceptable to SEPA – a condition should be attached.

The surface water drainage proposals are acceptable to SEPA however a condition is requested that a condition be attached requiring the detailed design of the proposals to be agreed

SEPA request that a condition is attached to any grant of planning consent requiring that a site specific construction environmental management plan is submitted, agreed and implemented.

Cove and Altens Community Council – Raise concerns with regard to traffic congestion on Hareness Road; the impact on air quality and the cumulative impact upon the Wellington Road corridor

REPRESENTATIONS

One letter of representation has been received from a resident of Kincorth. Concern is raised with existing traffic congestion in Altens and Kincorth and that the proposed development would add further to these issues.

PLANNING POLICY

Aberdeen Local Development Plan (2012)

Policy I1 (Infrastructure Delivery and Developer Contributions)

Policy D1 (Architecture and Placemaking)

Policy D3 (Sustainable and Active Travel)

Policy D6 (Landscape)

Policy BI1 (Business and Industrial Land)

Policy NE1 (Green Space Network)

Policy NE6 (Flooding and Drainage)

Policy NE9 (Access and Informal Recreation)

Policy NE10 (Air Quality)

Policy R6 (Waste Management Requirements for New Development)

Policy R7 (Low and Zero Carbon Buildings)

Policy T2 (Managing the Transport Impact of Development)

Proposed Aberdeen Local Development (2015)

Policy D1 (Quality of Placemaking by Design)

Policy D2 (Landscape)

Policy I1 (Infrastructure Delivery and Planning Obligations)

Policy T2 (Managing the Transport Impact of Development)

Policy T3 (Sustainable and Active Travel)

Policy T4 (Air Quality)

Policy BI1 (Business and Industrial Land)

Policy R6 (Waste Management Requirements for New Development)

Policy R7 (Low and Zero Carbon Buildings and Water Efficiency)

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 site is zoned as business and industrial land in the adopted local development plan where Policy BI1 applies. The policy supports the principle of new business and industrial development within such areas. The re-use of a brownfield site within the existing urban area is also welcomed as it reduces pressure for additional land to be allocated on greenfield sites.

Surrounding Amenity

The site is surrounded by business and industrial uses. Residential properties on Altens Farm Road were purchased by the developer and demolished over the last two years. The plots now form part of the development site. Given this context and the nature of the proposed use it is considered that there would be no adverse impact upon the amenity of neighbouring uses.

Design and Layout

This part of Altens is characterised by predominately by office buildings of various styles, many of which have little architectural merit and are largely utilitarian in appearance. The recently completed Sir Ian Wood House and neighbouring Scott House, both of which are four storeys are the exception and dominate views along Hareness Road. Being located on a secondary street, the proposed building would be in a less prominent position, being largely screened from Hareness Roads by existing buildings.

The proposed position of the L-shaped building on the site would result in the building presenting a public face to Altens Farm Road, which would address the view which would be available of the building from the junction with Hareness Road.

The design and materials proposed to finish the building would be of a high standard, being typical of modern office developments found within the city and throughout the UK and the same as those used for Sir Ian Wood House. The use of a limited palette of materials would result in a clean and minimalist exterior. Taking the foregoing into account, it is considered that due consideration has been given to the provisions of Policy D1 (Architecture and Placemaking).

The submitted sustainability statement states that air source heat pumps would be installed in order to meet the requirements of Policy R7 (Low and Zero Carbon Buildings). This would be acceptable and subject to specific details being agreed through a condition, would be in accordance with Policy R7.

Skyline

Policy D1 (Architecture and Placemaking) requires high buildings to respect the height and scale of their surroundings, the urban topography, the city's skyline and aim to preserve or enhance important views.

Tullos Hill and Altens Industrial Estate are on relatively high ground in the city and there therefore is the potential for the proposed building, which would be four storeys in height, to adversely affect the skyline. The applicant commissioned a visual appraisal of the development (since updated to take account of the longer building) in order to support the proposal and demonstrate that the impact of the development from significant viewpoints around the city would be minimal.

The impact from distant view points around the site is classed as being negligible to minor.

The viewpoint where the most significant change would occur is at the Wellington Road roundabout, which is the closest view point. The change in view is considered moderate, however the building would be seen in the context of the built up area within which it is located and therefore its presence is unlikely to appear out of character.

Although the building does from certain views breach the typical skyline to a small degree, this is more often than not seen in the context of Sir Ian Wood House, Scott House, the Shell building or Tullos Hill which are either at a similar height as the proposed building or are in fact more prominent.

The visual appraisal has demonstrated that the proposed building would have minimal visual impact and confirmed that the existing southern skyline of the city and landscape character of Tullos Hill would be preserved. The proposal is therefore in accordance with Policy D1 (Architecture and Placemaking) and Policy D6 (Landscape).

Access and Transportation

Vehicular access to the site would be taken from two junctions on Altens Farm Road. Three junctions have been assessed as part of the transport assessment –

In order to accommodate the traffic associated with the development several alterations to the existing local road network are proposed.

- The first is the creation of a ghost island (painted traffic island) at the junction of Altens Farm Road and Hareness Road. This would restrict right turn manoeuvres from Altens Farm Road onto Hareness Road and only allow left-hand manoeuvres towards the coast.
- The second alteration would involve an increase in the length of the left-turn lane on the south bound carriageway of Wellington Road, on the approach to the roundabout with Hareness Road.
- The results provided in the submitted transport assessment show that City Park 2 is likely to exacerbate existing problems of congestion at Hareness Road / Wellington Road junction. However, by providing a left turn flare to increase in the queuing capacity of the junction) on the southbound approach to the Hareness Road / A956 Wellington Road junction mitigates the development impact on this approach
- Queues at the Hareness Road / Crawpeel Road roundabout are expected to extend from a maximum of 6 to 7 vehicles. This is accepted by the Roads Development Management Team and mitigation for the impact on the roundabout will not be sought
- The Wellington Road / Souterhead roundabout would be affected (at AM and PM peaks the additional trips on the roundabout are 30 and 105 trips

respectively) A financial contribution would be required from the developer towards improvements to be carried out to the Wellington Road corridor by the Council.

The proposed interventions have been considered by the Roads Development Management Team and are deemed acceptable.

The proposed development has a gross floor space greater than 2,500m² and therefore a contribution is required to the Strategic Transport Fund (STF) which would be secured through a legal agreement.

The site is within walking distances of residential areas in Cove, Altens, Nigg and Kincorth. The site is also served by regular public transport at bus stops on Wellington Road as well as within Altens Industrial Estate during peak times. A condition has been attached requiring nearby bus stops to be upgraded in order to encourage use of public transport. Therefore, although the site is relatively isolated from parts of the city, it is possible to reach the site by a variety of transport modes.

Core Path 103 runs between this site and the adjacent Shell office complex. This path was upgraded by the developer as part of the development of Sir Ian Wood House and public access to Tullos Hill would not be altered by this new proposal.

The proposal is considered to be in accordance with the provisions of Policy T2 (Managing the Transport Impact of Development).

Car Parking

The car park associated with the City Park 1 (Sir Ian Wood House) has 36 car parking spaces more than permitted by the maximum parking standards. This was to allow Wood Group to have a smooth transition from seven sites to one. A legal agreement requires that either these 36 spaces are used as part of the allocation for City Park 2, or are removed after five years of occupation of City Park 1.

Due to site levels, a retaining wall was built as part of the City Park 1 car park which makes it extremely difficult to integrate the 36 spaces into the City Park 2 site. Therefore in recognition that these spaces won't be part of City Park 2, the number of parking spaces proposed in this application is 386, which is 36 below than the maximum permitted. This is considered acceptable.

The proposed cycle and motorcycle parking would be located within the basement and is considered acceptable.

In terms of parking the proposals considered to be in accordance with the provisions of Policy T2 (Managing the Transport Impact of Development).

Air Quality

The site is approximately 1.2km from the Wellington Road Air Quality Management Area (AQMA) which has been identified as an area with poor air quality. Policy NE10 (Air Quality) specifies that planning applications for development which has the potential to have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and can be agreed with the Planning Authority.

Environmental Health officers have reviewed the submitted air quality assessment and conclude that the development would have a negligible effect on air quality in the Wellington Road AQMA and surrounding area. However, the cumulative impact in conjunction with other committed and proposed developments in the wider area will have a detrimental effect on air quality particularly in the period 2015-2018 prior to the opening of the AWPR.

Mitigation measures are proposed by the applicant which have the potential to reduce reliance on the private car and thus emissions –

- the number of parking spaces proposed below the maximum permitted by the Transport and Accessibility Supplementary Guidance. Therefore no overprovision of parking spaces would exist which encourages staff and visitors to use more sustainable modes of transport.
- a condition has been attached requiring submission of a green travel plan to encourage modal shift away from the private car.
- long stay covered and secure cycle parking would be provided on site for staff.
- Bus stops in the area would be upgraded to encourage people to use public transport.

In the light of the small impact predicted in terms of air quality and the measures proposed to encourage more sustainable modes of transport, it is considered that the proposal has taken the provisions of Policy NE10 (Air Quality) into account satisfactorily.

Drainage

A sustainable urban drainage systems (SUDS) strategy which explains how surface and foul drainage would be dealt with has been submitted by the applicant. Foul drainage would be discharged to the existing Scottish Water sewer on Altens Farm Road. Surface water from roofs would be subject to two levels of treatment and that from car parks subject to two levels, by using permeable paving and a stone reservoir below the carpark before discharge to a surface water sewer. The proposed drainage proposals would accommodate a 200 year return period storm event and include a 20% increase for climate change.

The drainage proposals are considered appropriate in principle. A condition has been attached which requires full details and calculations to be submitted prior to

development commencing, to ensure that the system is suitably designed and in accordance with Policy NE6 (Flooding and Drainage).

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 proposed plan policies largely reiterate the existing plan policies and do not introduce any new matters.

RECOMMENDATION: Willingness to approve, subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a section 75 legal agreement to (a) secure a financial contributions towards the Strategic Transport Fund; (b) secure a financial contribution towards planned improvements to Wellington Road; and (c) secure a financial contribution towards core path improvements.

REASONS FOR RECOMMENDATION

The principle of new business and industrial development at the site is acceptable and in accordance with Policy BI1 (Business and Industrial Land). The use of a vacant urban site is welcomed. Given this context and the nature of the proposed use it is considered that there would be no adverse impact upon the amenity of neighbouring uses. A robust assessment of the buildings visual impact has been carried out which demonstrates the minimal visual impact the building would have and confirms that the proposed building would preserve the existing southern skyline of the city and landscape character of Tullos Hill. The proposal is considered satisfactory in term of Policy D1 (Architecture and Placemaking) and would make a positive contribution to the surrounding area.

A suitable level of car, bicycle and motorcycle parking would be provided on site. The transport assessment has been reviewed and proposed mitigation measures proposed are considered acceptable and in accordance with Policy T2 (Managing the Transport Impact of Development).

A minor impact is predicted in terms of air quality and the measures proposed to encourage more sustainable modes of transport are considered to satisfactorily fulfil the requirements of Policy NE10 (Air Quality).

Matters relating to drainage have made subject of condition.

CONDITIONS

(1) DRAINAGE

No development shall take place unless a scheme of all drainage works (including calculations as necessary) designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the planning authority. Thereafter no part of the building shall be occupied unless the drainage has been installed in complete accordance with the said scheme, unless a written variation has been granted by the planning authority – in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(2) EXTERNAL LIGHTING

No development (other than site preparation and ground works) shall take place unless a scheme for all proposed external lighting has been submitted to and approved in writing by the planning authority. Thereafter no part of the office building shall be occupied unless the external lighting has been installed in complete accordance with the said scheme, unless a written variation has been granted by the planning authority - in order to ensure the site is adequately illuminated and to ensure public safety.

(3) EXTERNAL FINISHING MATERIALS

That no development (other than site preparation and ground works) shall take place unless a scheme of all external finishing materials to the roof and walls of the development hereby approved has been submitted to and approved in writing by the planning authority. Thereafter the development shall be carried out in accordance with the details so agreed - in the interests of the visual amenity of the area.

(4) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

That no development shall take place unless a site specific construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority in consultation with SEPA. The CEMP must address the following issues (i) surface water management, (ii) site waste management, (iii) watercourse engineering, and (iv) borrow pits. Thereafter all works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the planning authority - in order to minimise the impacts of construction works on the environment.

(5) GREEN TRAVEL PLAN

That no part of the office building shall be occupied unless there has been submitted to and approved in writing a detailed occupier specific green travel plan which (a) shall be in general accordance with the travel plan framework included within Part 5 of Transport Assessment SCT3766 (Issue 2) dated 7 December 2016 and produced by JMP and (b) must outline sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets - in order to encourage more sustainable forms of travel to the development

(6) SUBMISSION OF LANDSCAPING SCHEME

No development (other than site preparation and ground works) shall take place unless a further detailed scheme for the landscaping for the site (which shall include (i) indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, (ii) tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting and (iii) the proposed materials to be used to surface areas of hard landscaping) has been submitted to and approved in writing by the planning authority - in order to satisfactorily integrate the development into it's surroundings and maintain the visual amenity of the area.

(7) LANDSCAPING IMPLEMENTATION

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

(8) WELLINGTON ROAD / HARENESS ROAD JUNCTION

No part of the office building shall be occupied unless the mitigation works to the A956 Wellington Road / Hareness Road junction have been completed in accordance with the proposals shown on JMP drawing SCT3766/I/RW1/002, or such other drawings as may subsequently be approved in writing the planning authority - in order to mitigate against the impact which would occur on the local road network as a result of the development.

(9) ALTENS FARM ROAD / HARENESS ROAD JUNCTION

No part of the office building shall be occupied unless the mitigation works to the Altens Farm Road / Hareness Road junction have been completed in accordance with the proposals shown on JMP drawing SCT3766/P//GL/01, or such other drawings as may subsequently be approved in writing the planning authority - in order to mitigate against the impact which would occur on the local road network as a result of the development.

(10) PARKING PROVISION

No part of the office building shall be occupied unless the vehicle, motorcycle and bicycle parking has been constructed, drained, laid-out and demarcated in accordance with Mosaic Architecture + Design drawing AL(0)1000 (Rev.A) and AL(0)1024 or such other drawings as may subsequently be approved in writing the planning authority. Thereafter such areas shall not be used for any purpose other than the parking of vehicles, cycles and motorcycles ancillary to the approved office development - in order to provide a suitable level of vehicle parking for the proposed office building, ensure the free flow of traffic in surrounding streets and encourage more sustainable modes of transport.

(11) BUS STOP IMPROVEMENTS

No part of the office building shall be occupied unless there has been submitted to and approved in writing by the planning authority details of the improvement of the existing bus stops at the following locations -

- a) on the west side of Wellington Road opposite 250 Wellington Road;
- b) on the east side of Wellington Road, beside the termination of Altens Farm Road;
- c) on the north side of Hareness Road, 55m east of the junction with Altens Farm Road; and
- d) on the south side of Hareness Road, 30m east of the junction with Altens Farm Road.

The said scheme shall make provision for bus shelters, timetables, lighting, boarding kerbs, and clearway markings at each bus stop, taking into account the locational characteristics of each stop - in order to encourage the use of public transport.

(12) LOW AND ZERO CARBON BUILDINGS

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

(13) VISITOR CYCLE PARKING

No part of the office building shall be occupied unless there has been submitted to and approved in writing by the planning authority details of visitor cycle parking to be located within 50m of the building entrance. Thereafter the building shall not be occupied unless the cycle parking has been provided – in order to encourage cycling by visitors to the development.

(14) WELLINGTON ROAD TRAFFIC SIGNALS

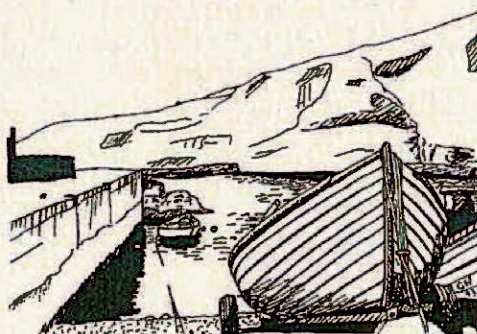
No part of the office building shall be occupied unless the signal timings of the pedestrian crossing 50m north of the junction with West Tullos Road and Hareness Road have been revised to take account of the alterations proposed to Wellington Road and in agreement with Aberdeen City Council's Intelligent Transport Systems Team – in order to maintain pedestrian safety.

This page is intentionally left blank

COVE AND ALTENS COMMUNITY COUNCIL

Chair: Ms Michele McPartlin
14 Langdykes Way
Cove Bay
Aberdeen
AB12 3HG

Secretary: Ms Sue Porter
12 Stoneyhill Terrace
Cove Bay
Aberdeen
AB12 3NE



Website www.cove-bay.com

BY EMAIL

Mr Matthew Easton
Planner
Planning & Sustainable Development
Enterprise, Planning & Infrastructure
Aberdeen City Council
Marischal College
Broad Street
Aberdeen
AB10 1AB

13th August, 2014

Dear Mr Easton

P140963, 3 Storey Office Building, Nigg Caravan Site

The recently passed Citypark1 development has parking for 987 cars and the new office block at Lauries has 225 plus this Citypark2 proposal with 424 spaces, would give a grand total of 1,636 parking spaces being provided feeding vehicles solely onto the bottom end of Hareness Road.

- The application shows vehicular access and egress from Altens Farm Road leading onto Hareness Road which is already seriously congested at peak times. What final plan is in place to ease traffic joining Hareness Road?
- Emissions from vehicles waiting to exit from their work place onto an already backed up Hareness Road raises environmental questions regarding air quality.
- This application can not be looked on as stand-alone. The whole question of over capacity on Wellington Road also needs to be addressed realistically. We continue to be extremely concerned that increased volumes of vehicles will exacerbate the current traffic situation on the surrounding road network.
- For example:-



- These photographs show the situation on the north bound carriageway of Wellington Road on Monday, 11th August 2014, at 4.15pm. This is during the school holidays when there is usually reduced traffic. This two lane back up runs from the Nigg roundabout right down to Riverside Drive also using the bus lane as it is before 4.30pm. The volume of traffic going straight across the Riverside Drive roundabout and that plugging the exit into South College Street seriously hampers the traffic from Wellington Road entering the roundabout at the Queen Elizabeth bridge.
- We of course support the principle of new business and industrial development but realistically our ancient road infrastructure at Hareness Road, at Nigg roundabout and the wider surrounding area just doesn't measure up to cope with such a weight of increased traffic, even once previously agreed mitigation measures are in place.
- Buses, taxis and other people carriers are also caught up in this situation and any proposed sustainable transport measures would have to be robust indeed, immediate and enforceable to make a dent in the situation.
- Citypark2 should be looked at in this light.

Yours sincerely



Michele V McPartlin
Chair

P&SD Letters of Representation		
Application Number: P140943		
RECEIVED 14 AUG 2014		
Nor	Sou <input checked="" type="checkbox"/>	MAJ
Case Officer Initials: MEA		
Date Acknowledged: 20/8/14		

PI

From: webmaster@aberdeencity.gov.uk
Sent: 15 July 2014 09:45
To: PI
Subject: Planning Comment for 140963

Comment for Planning Application 140963

Name : Ronnie Mutch

Address : 9 Gardner Place

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I have already raised concerns with the council regarding traffic problems in the area. At present there are real congestion issues on the road leading out of Altens where the new office will be built. There are traffic problems with people using the Kincorth residential area as a shortcut to bypass the congested dual carriageways nearby.

I believe that this development will build on these problems and that the traffic issues should be sorted before any new 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.

This page is intentionally left blank

Planning Development Management Committee

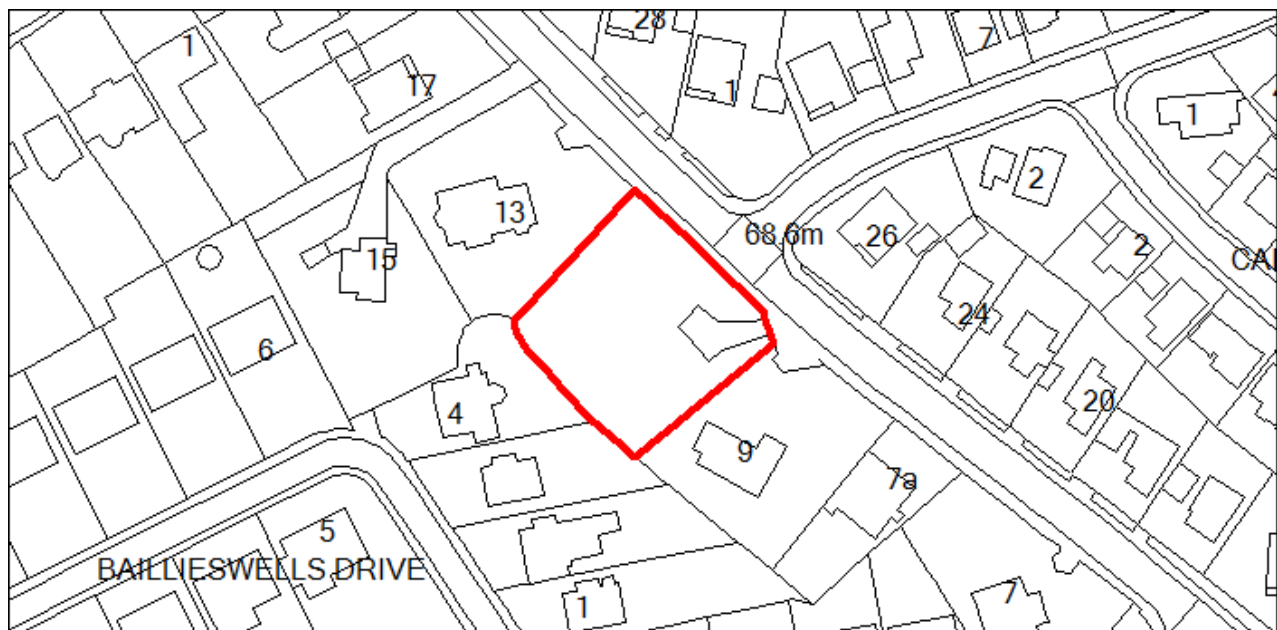
11 BAILLIESWELLS ROAD, BIELDSIDE

ERECTION OF 2 NO. 5-BEDROOM DETACHED
HOUSES, ASSOCIATED ACCESS AND
LANDSCAPING

For: Bonhurst Ltd.

Application Type: Detailed Planning Permission
Application Ref.: P151858
Application Date: 30/11/2015
Officer: Andrew Miller
Ward: Lower Deeside (M Boulton/A Malone/M
Malik)

Advert: N/A
Advertised on: None
Committee Date: 21/04/2016
Community Council : Comments



RECOMMENDATION:

Refuse

DESCRIPTION

The application site forms a vacant site covering an area of 1720 square metres, once housing a single storey detached dwelling that was demolished several years ago. It is situated within a residential area on the eastern side of Baillieswells Road, adjacent to the junction with Cairnlee Terrace. An established beech hedge forms the boundary of the site with Baillieswells Road, whilst the remainder of the site is bounded by mutual boundaries with neighbouring houses formed by a mix of timber fencing, hedges and trees.

The surrounding area is formed of a mix of dwellings dating from the 1970-80s, characterised by detached houses set within relatively large gardens with a degree of separation between each dwelling.

RELEVANT HISTORY

P091403 – Demolition of existing house and erection of 2 detached dwellings at 11 Baillieswells Road, Bieldside refused detailed planning permission by the Planning Development Management Committee 7 January 2010. Subsequent appeal to Scottish Government Directorate for Planning and Environmental Appeals (DPEA) dismissed 12 July 2010 (DPEA Case Ref: PPA-100-2010).

P101484 – Proposed new house and associated site works at site at Baillieswells Road refused detailed planning permission by the Planning Development Management Committee 26 November 2010. Subsequent appeal to DPEA allowed subject to conditions 20 June 2011 (DPEA Case Ref: PPA-100-2026). The appeal was allowed on the basis that the proposal was supported by the terms of then local plan policy 40 (Aberdeen Local Development Plan 2008) for new residential development, and other aspects including privacy, residential amenity, daylight and sunlight, design and materials and density, pattern and scale of development. The application site formed the southern half of the plot subject to this application.

P140940 – Proposed new house at 11 Baillieswells Road granted detailed planning permission by the Planning Development Management Committee 25 September 2014. The submission was identical to that consented under application P101484 via DPEA Case Ref: PPA-100-2026 which had expired prior to submission of the application.

P131698 – Proposed new house at 11 Baillieswells Road refused detailed planning permission by the Planning Development Management Committee 6 November 2014. Subsequent appeal to Scottish Government Directorate for Planning and Environmental Appeals (DPEA) dismissed 30 June 2015 (DPEA Case Ref: PPA-100-2059) on basis that the proposals would have an unacceptable impact on the protected trees to the north of the site and privacy of rear garden of 4 Baillieswells Drive.

PROPOSAL

Detailed planning permission is sought for the erection of two detached houses. The houses would be 2 storey with integral double garage. The houses would be finished in rendered walls with grey tiled roof. Each house would have an access to Baillieswells Road.

Supporting Documents

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

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151858>

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 more than five in time 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 objections.

Environmental Health – No observations.

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

Community Council – Do not object as houses are smaller than previous schemes for the site. Request that houses should not get any bigger than those shown on the plans submitted.

REPRESENTATIONS

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

1. Loss of privacy to neighbouring properties
2. Loss of light/overshadowing to neighbouring properties.
3. Scale and density of development out of keeping with surrounding area.
4. Adverse impact on road safety due to additional traffic and proximity to junction of Cairnlee Avenue with Baillieswells Road.
5. Adverse impact on existing protected trees.
6. Overdevelopment of the site going from one bungalow to two houses.
7. No information on surface water drainage for the site.
8. Should the application be approved, a suitable tree protection zone should be placed around the area identified for safeguarding the tree roots in order to ensure construction work does not interfere with their roots.

9. Trees that previously existed on site contributed to the amenity of the surrounding area but have since been lost.
10. A suitable re-planting scheme should be put in place than is being proposed.
11. Building line on Baillieswells Road is disrupted by the positioning of the two buildings.
12. Inadequate parking and turning area within curtilage of houses. This will lead to vehicles parking on Baillieswells Road.
13. Site would be better suited to a single house rather than two.
14. Tree planting to provide screening to neighbouring gardens fails to overcome the issues highlighted by the Reporter during the most recent appeal for the site.
15. If planting to provide screening between the two houses was accepted, there would be no guarantee that it would remain.

The following matters are not material considerations and cannot be taken into account in the determination of this application.

- The house that previously existed on site was not unkempt or overgrown, it was occupied and well maintained until the developer took it over in 2009.

PLANNING POLICY

Aberdeen Local Development Plan (ALDP)

H1 – Residential Areas

D1 – Architecture and Placemaking

NE5 – Trees and Woodland

Supplementary Guidance

The Sub-division and Redevelopment of Residential Curtilages (SG)

Proposed Aberdeen Local Development Plan

H1 – Residential Areas

D1 – Quality Placemaking by Design

NE5 – Trees and Woodland

Other Relevant Material Considerations

Site history (as outlined above) with associated DPEA appeal decisions.

EVALUATION

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

The main considerations in this instance relate to the principle of the proposed houses, their design and siting of the dwelling, the impact on the amenity of the surrounding area and the servicing provision.

Principle

As outlined above, the site was originally occupied by a bungalow that was demolished in 2010. The area in which the site is located is zoned as residential within the ALDP. Associated ALDP Policy H1 creates a presumption in favour of residential uses within residential areas (subject to a number of considerations).

Relative to the number of houses, it is noted that there is consent for one house on the southern part of the site under P140940. A previous appeal for two houses on the site (Ref. PPA-100-2010) was dismissed on the basis of the impact of the development on protected trees and overlooking, however in dismissing the appeal the report noted that the site was capable of accommodating two dwellings.

Taking account of the above considerations, the principle of the site being redeveloped for housing is considered acceptable in this instance, though further consideration is given to design and siting below.

Design and Siting

The site is located in a residential area with a mix of house types and sizes, though the size and layout (dwelling fronting to road) of the plots are in large similar but generally with a 6 – 8 metre separation between the buildings (on average). Policy D1 of the ALDP states that new development should be designed with due consideration for its context and make a positive contribution to the surrounding area.

The houses in this instance would provide a plot density of 21% in the southern half of the site and 16% in the northern half. This density would be in keeping with the average plot density of the surrounding area, which is in the region of 20 – 30%, though some dwellings are less than this. Relative to their design, the houses proposed are much smaller than those either consented or proposed in previous schemes. Their design and overall massing, including material finishes, are considered to be suitable for the amenity of the surrounding area. The houses would front to the road and would have sufficient rear garden space.

Taking account of the above considerations, the proposals are considered to accord with the requirements of Policy D1 and the SG in respect of their design. The siting of the houses is considered acceptable in terms of the impact upon the

character of the area, though consideration must also be given to their siting impacts on amenity of the surrounding area.

Amenity

The SG contains a number of criteria relative to overshadowing/loss of sunlight and overlooking, whilst policy H1 states that development should not have an adverse impact on the amenity of the surrounding area. In this instance the proposed development is not considered to result in a significant loss of light to the detriment of neighbouring amenity.

Relating to privacy, it is noted that the Reporter in determining the appeal of a house on the northern half of the site (ref: PPA-100-2059) dismissed the appeal partly on the loss of privacy to the garden of 4 Baillieswells Drive to the south west from the rear windows of the house.

In addressing this concern, the proposal in this instance proposes planting along the boundary between 4 Baillieswells Drive and the dwelling to the north of the site. The planting would be relatively high at 6 and 7 metres. In determining the previous appeal, the reporter noted the difference in levels between the two properties, coupled with immature planting would fail to give sufficient privacy to the garden of number 4 compared with the previous single storey house and significant screening that existed.

Whilst the proposed screening would be relatively large for new planting, it still would be relatively immature in comparison to the previous planting that existed, and coupled with the elevated position of the house on the site compared to the single storey house that previously existed to close to the western boundary, the proposed arrangement would still result in overlooking and a loss of privacy. The proposed development would not comply with the requirement of the SG or policy H1 in respect of the impact upon the amenity of neighbouring properties.

Trees

The trees to the north of the site within the curtilage of 13 Baillieswells Road are protected trees, covered by a Tree Preservation Order. The positioning of the northern house has left a 9.3 metre separation between the boundary of the site and the house itself. The application was also accompanied by a tree survey. The works required in large avoid works within the root protection areas of the protected trees. A condition requiring a scheme for tree protection fencing to be agreed with the Council and erected on site would be recommended with any approval.

Access and Parking

Sufficient parking and turning areas have been provided within the curtilage of the site. The southern house would utilise the existing access arrangements to the site whilst an new access would be formed for the northern house. Roads Development Management raised no objections to the development.

Matters Raised in Representations

1. *Loss of privacy to neighbouring properties*
This is considered above and is the reason for a recommendation of refusal of this application.
2. *Loss of light/overshadowing to neighbouring properties.*
The impact of the development on the loss of light and overshadowing is not significant in this instance.
3. *Scale and density of development out of keeping with surrounding area.*
4. *Overdevelopment of the site going from one bungalow to two houses.*
In response to points 3 and 4, the scale and density of the houses are considered suitable in this instance, as outlined above under Siting and Design.
5. *Adverse impact on road safety due to additional traffic and proximity to junction of Cairnlee Avenue with Baillieswells Road.*
The additional traffic and additional access is not considered to result in a significant increase in traffic, nor have an adverse impact on road safety.
6. *Adverse impact on existing protected trees.*
The tree survey provided shows there will be no significant impact on trees, and suitable protective measures can be provided by condition if necessary during the construction phase.
7. *No information on surface water drainage for the site.*
Although not provided, this information could be dealt with by suspensive condition to any approval.
8. *Should the application be approved, a suitable tree protection zone should be placed around the area identified for safeguarding the tree roots in order to ensure construction work does not interfere with their roots.*
A condition to this effect could be applied to any approval.
9. *Trees that previously existed on site contributed to the amenity of the surrounding area but have since been lost.*
The trees were not protected and as such are not a consideration for this application.
10. *A suitable re-planting scheme should be put in place than is being proposed.*
A condition requiring a landscaping scheme would be recommended with any grant of consent.
11. *Building line on Baillieswells Road is disrupted by the positioning of the two buildings.*
There is no distinct building line within this area of Baillieswells Road, though the positioning of the northern most house and the subsequent overlooking is not acceptable in this instance.
12. *Inadequate parking and turning area within curtilage of houses. This will lead to vehicles parking on Baillieswells Road.*
There is sufficient parking and turning area provided within the curtilage of both houses.
13. *Site would be better suited to a single house rather than two.*
The application as submitted must be determined and no consideration can be given to alternative schemes.

14. Tree planting to provide screening to neighbouring gardens fails to overcome the issues highlighted by the Reporter during the most recent appeal for the site.

This point is agreed and is the reason for the recommendation to refuse planning permission.

15. If planting to provide screening between the two houses was accepted, there would be no guarantee that it would remain.

A condition requiring the planting to be retained could be placed, however as noted above the planting is considered insufficient in this instance.

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 relevant policies substantively reiterate those of the adopted ALDP and as such no further evaluation is considered necessary in this instance.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The siting of the northern house, coupled with the immaturity of proposed screening on the boundary with 4 Baillieswells Road would result in overlooking to the garden of 4 Baillieswells Road, to the detriment of the existing amenity enjoyed by the residents. Accordingly the proposals are considered to be contrary to the requirements of policy H1 – Residential Areas of the Aberdeen Local Development Plan 2012 and associated Supplementary Guidance – The Sub-division and Redevelopment of Residential Curtilages.

The proposals also fail to comply with the requirements of policy H1 – Residential Areas of the Proposed Aberdeen Local Development Plan 2015 and its associated Supplementary Guidance.

This page is intentionally left blank



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

24 December 2015

Dear Mr Miller,

Planning Application 151858: Erection of 2 new houses in grounds of 11 Baillieswells Road

I am writing on behalf of the Cults Bieldside and Milltimber Community Council (CBMCC) to share our views on the proposed building of two new houses in the grounds of 11 Baillieswells Road, Bieldside. The Community Council notes the revised proposal and design statement which sets out a plan for two houses; we note that this application is proposing two 5 bedroom detached houses and that they are smaller in footprint than previous applications, to which we have objected. Given the reduced footprint of the proposed houses and a desire to see the site developed in an appropriate fashion, the Community Council does not object to Planning Application 151858. However we would not wish to see any subsequent modifications to the application whereby the size of either of the proposed houses is increased and request that should the Planning Department be minded to approve the application, a clear condition be set essentially preventing larger houses than those described in Application 151858 being built. We ask that any subsequent changes to the submitted application made by the applicant be brought to our immediate attention for possible comment, regardless of whether Planning consider them material or not.

Yours sincerely,



Peter Roberts

Planning Liaison Officer

Copy to: Councillor Marie Boulton, Councillor Aileen Malone, Councillor Tauqeer Malik

This page is intentionally left blank

From: [REDACTED]
To: [PI](#)
Subject: Application Number PA 151858
Date: 22 December 2015 13:22:55
Attachments: [Dec 2015 Objection PA 151858.doc](#)
[Appendix I to Dec 2015 PA 151858 11 Baillieswells Drive.doc](#)

Objection Letter and Appendix 1 for:

Re: Application Number 151858

Proposed development at 11 Baillieswells Road, Bieldside

Planning and Sustainable Development
Marischal College
Broad Street
Aberdeen
AB10 1AB

3 Baillieswells Drive
Bielside
Aberdeen
AB15 9AS
22 December 2015

Dear Sir/Madam,

Re: Application Number PA 151858

11 Baillieswells Road, Bielside: Erection of 2 no. 5-bedroom detached houses, associated access and landscaping

As indicated in the design statement, there is considerable history to this application. Whilst one immediate difference in this application, is the measured tone of the backup documentation, which for the first time, avoids the previous applications format that were dismissive of both the residents and the council. It does not change the fundamental issue on the amenity issues created by the destruction of the trees on the original plot and the proposed plan to build two 5 bedroom houses.

In the Design Statement in relation to the **Summary** it states: *“area, which was of an outdated architectural appearance situated in the southern corner towards the rear of the site with a large overgrown garden. This house lay unoccupied for a number of years and was subsequently demolished and the site cleared in preparation for redevelopment.”*

It is difficult to understand that statement when looking at the photographs attached in **Appendix I**. They show the aftermath of the proposed development site, now that every single tree on the site has been cut down. They also show what the original green site looked like before the tree felling and bulldozing. The house lay unoccupied after the developer had bought the plot, prior to that it was part of a beautiful, well maintained Greenfield site of great importance to the amenity of the area.

Previous Application History:

“However, should this approved design proceed the remainder of the site would be rendered virtually undevelopable due to the restrictions placed on it by the proximity of the large conifers along the northern boundary.

By reducing the size of the proposed dwellings, and siting them appropriately, we aim to demonstrate that the site is of sufficient size to accommodate 2 houses, when compared to the pattern and scale of existing development on Baillieswells Road.”

The situation the developer is in is a result of the inconsistencies of the previous submissions, so starting again after 6 and ½ years is understandable. But the amenity issues

were created by the destruction of the trees on the original plot, including protected tree roots on an adjoining plot.

Design

New Proposal:

"It is proposed that the site is developed for 2 no. 5-bedroom detached dwelling houses, each with integral double garage."

How can this be in line with the neighbours' concerns when they are replacing a bungalow that was surrounded by trees that gave all the adjoining residences clear amenity rights, with two 5 bedroom houses?

Services:

The original site was a single story building set in mature grounds, it had the ability to drain rainfall. How will this proposal with 2 houses and driveways/paths be able to protect the properties at the rear of the sites? There is a significant slope on this site, but no indication on managing basic drainage at that end of the site.

Privacy

Previous applications have met with objections on the grounds of loss of privacy for the gardens of 3 & 4 Baillieswells Drive.

Interestingly as a resident, the concerns have not been met. Two houses with 10 bedrooms and 2 small trees being proposed for the plot, to replace a bungalow that had trees and bushes all around it. The scale is down slightly, but the basic lack of amenity is not resolved. It is proposed to plant 2 new trees (2.5/3M) to supplement the screening between Plot 2 & 4 Baillieswells Drive. Perhaps in 25 years that may provide an element of screening, but does nothing just now. Nor does it solve the loss of amenity of 3 Baillieswells Drive (Refer attachment I) which is not screened from Plot 2.

"The rear elevation & garden of 3 Baillieswells Drive is visually screened from the new houses by 2 existing mature Maple trees". That is applicable for the summer months, for 6 months of the year, there are no leaves and thus no mitigation to my loss of amenity. I also have concerns on the ability for these tree roots will be protected, given the developers history of damaging protected tree roots adjoining this plot

Road Safety

The proposed houses, specifically Plot 2, will create an unsafe driveway accessing Baillieswells Road and thus in effect forming a 4 way junction. Opposite the proposed drive way is Cairnlee Terrace which is a key road for 2 schools in the local area, born out by there being the 20 mph signs in place when schools are opening and closing for the day.

Trees and garden ground

"There are no existing trees within the boundaries of the site" only because the developer had them all cut down. "however there are a number of mature trees around the perimeter." Off which mine represent 3, my concern is how long they will last if this application is allowed given this developers unfortunate history in relation to damaging tree roots in adjoining plots.

Landscaping:

"2 no. semi-mature native broadleaf trees are to be planted in the rear garden of Plot 2 to supplement the privacy to 4 Baillieswells Drive as described on page 2 of this document." My previous comments apply, Have a look at the sight now, how will what is proposed, namely, 2 small trees protect any amenity in 3 Baillieswells Drive never mind 4 Baillieswells Drive?

So whilst I appreciate that the developer has finally tried to actually address some of the long held concerns of the residents, the council and the recorder.

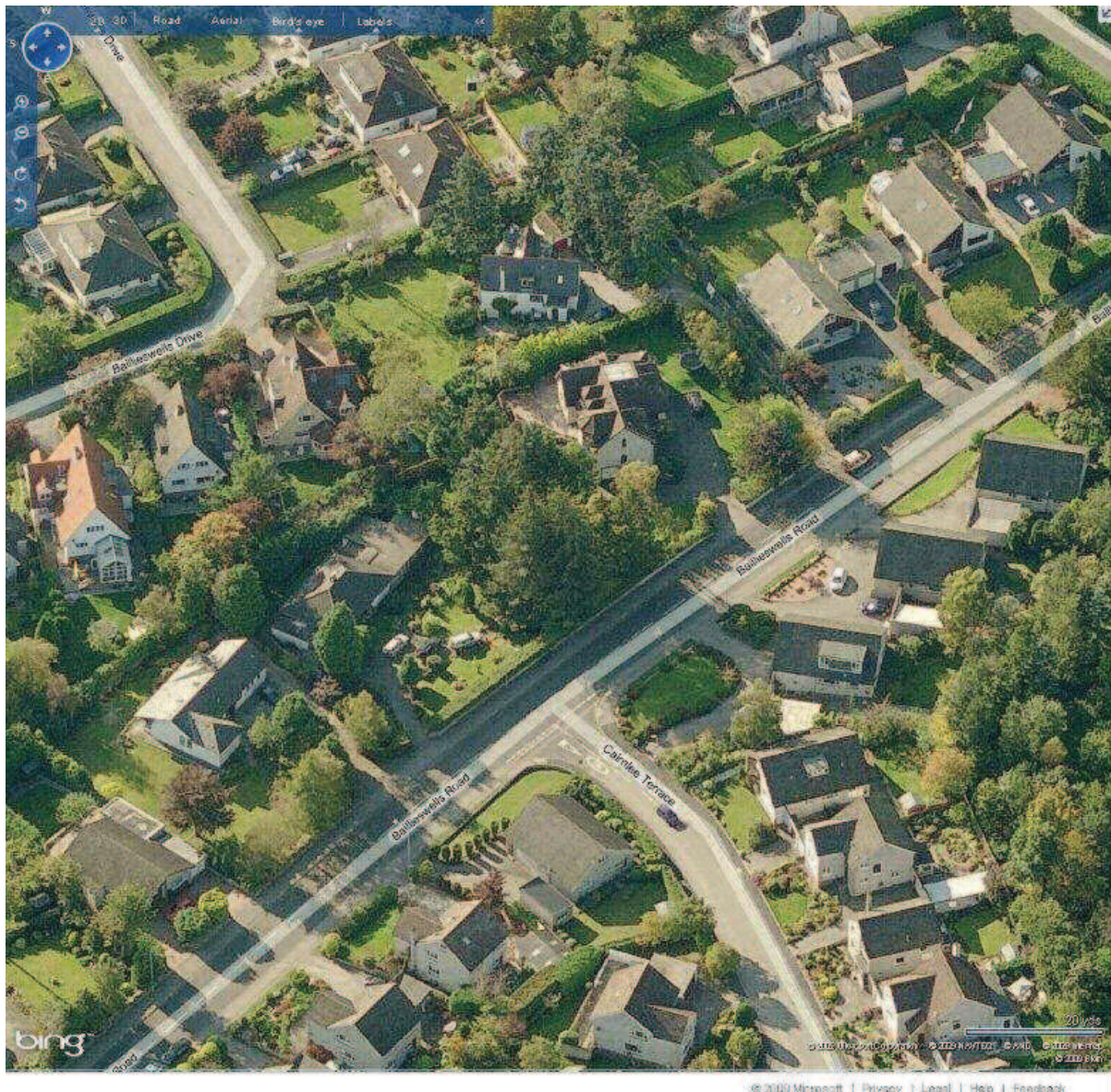
It does not change the fact, a beautiful Greenfield site with a bungalow within its grounds was destroyed to be replaced with this proposal for two 5 bedroom houses and very little screening. It also creates a dangerous junction if allowed to proceed. It simply does nothing to address the amenity issues that have been there since the first submissions.

Not signed as this was sent as part of an attachment to an e mail.

Yours Faithfully,

Colin and Lynne Kennedy

Enclosed Appendix I.



Picture 1 above illustrates the original Green field and the amenity it afforded to surrounding properties. It shows the site opposite Cairnlee Terrace prior to the developer taking down all the trees and the single story bungalow.

**Appendix I to objection In relation to Re: Appeal number PA 151858
Proposed development at 11 Baillieswells Road, Bieldside .**



Picture 2 above original view and amenity from 3 Baillieswells Drive



Picture 3 What is left from the site pictured above.



**Appendix I to objection In relation to Re: Appeal number PA 151858
Proposed development at 11 Baillieswells Road, Bielside .**

Picture 4 and 5 above show how the developer, with no warning, chose to leave no amenity or barrier in place when taking down the trees adjacent to 3 Baillieswells Drive.

From: webmaster@aberdeencity.gov.uk
To: [PI](#)
Subject: Planning Comment for 151858
Date: 13 December 2015 12:58:29

Comment for Planning Application 151858

Name : Jackie Fleming
Address : 2 Baillieswells Drive
Bielside
AB15 9AS

Telephone :

Email : [REDACTED]

type :

Comment : This site was formerly occupied by one single-storey bungalow, surrounded by mature trees and shrubs.

If two two-storey houses were built on the site, I believe that the privacy of neighbouring houses - in particular, 3 & 4 Baillieswells Drive - would be seriously adversely affected. Furthermore, due to the nature of the site being elevated, two-storey buildings could reduce light to neighbouring properties.

I would, therefore, urge the planning team to reject the application.

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

From: webmaster@aberdeencity.gov.uk
To: [PI](#)
Subject: Planning Comment for 151858
Date: 21 December 2015 15:45:59

Comment for Planning Application 151858

Name : Janette Kennedy

Address : 27 Baillieswells Drive

Bieldside

Aberdeen

AB15 9AT

Telephone :

Email : [REDACTED]

type :

Comment : I am writing in order to object to planning application 151858 and to request that the application be rejected.

The developer and their agent have once again failed to answer the following

Density

Nothing in this proposal explains how 2 large houses in a plot that used to contain one bungalow is in keeping with the original plot's density. The developers agent's design proposals stating that 'Previous applications have met with objections on the grounds of loss of privacy' and 'has sought to minimise the impact on neighbouring properties by reducing the number of upper floor windows' to habitable rooms' on the perimeter of the site. How can this proposal ensure privacy for adjacent properties?

Amenity

I have reiterated my previous comments. 'This site had beautiful old trees. I was horrified when the trees were taken down to see the destruction of such a vast area of trees with total disregard to how this would affect the surrounding area. The developer has ruined the amenity of this area in the callous destruction of the trees on site. To claim that 'This house lay unoccupied for a number of years and was subsequently demolished and the site cleared in preparation for redevelopment.' Implies this happened naturally. In fact the house was left to its own devices once the developer had bought it, the clearing of the trees occurred as soon as the plot was bought. The amenity of the plot was destroyed deliberately.

Road safety.

I have lived in this area for over 34 years. I constantly use Baillieswells Road when walking my dog. The traffic on that road, and specifically going into Cairnlee Terrace at school times, is incredibly busy with schoolchildren and cars. How can a second entrance, so close to the junction with Cairnlee Terrace be safe, safety does not feature in any part of this proposal. The original house had ample driveway and parking space.

The proposal is written with little consideration for any of the properties that have already been so badly affected by what this developer has done so far. And if this proposal is allowed it, it will create a dangerous junction for a house that adversely affects the amenity of the area.

Sincerely
Janette Kennedy

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.

From: [REDACTED]
To: [PI](#)
Subject: Planning Application 151858 - Letter of Representation
Date: 22 December 2015 23:18:10
Attachments: [151858 Representation.docx](#)

Dear Sir,

Please find attached my Letter of Representation regarding Planning Application 151858.

I would be grateful if you would acknowledge receipt of this letter.

Regards, James Buckley

Westwinds,
13, Baillieswells Road,
Bieldside,
Aberdeen
AB15 9BB

20th December 2015.

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

**Ref : Application Number 151858 – 11 Baillieswells Road, Bieldside
Erection of 2 no. 5-bedroom detached houses**

Dear Sir,

I have reviewed the above application and wish to register my objection.

Trees / sub-division of plot / Density

When the property at 11 Baillieswells Road was bought by the developer, the overall site contained a single property and several mature conifer trees, which were quickly felled. Damage sustained to protected trees at the neighbouring site led to further tree felling for safety reasons. Supplementary planning guidance states that “....With this in mind there will be a presumption in favour of retaining semi-mature and mature trees either within the site or immediately adjacent to it regardless of whether they are protected by a Tree Preservation Order or sited in a Conservation Area”.

With regard to the application, I maintain that the nature of the site before the removal activity should remain be of prime consideration. It is regretful that the trees are now gone, but a more suitable re-planting process should be put in place than that being proposed.

This latest application does however make better provision for tree retention and safety than previous applications. Although all measurements are not provided, I note with detailed interest that the distance from the boundary of nos. 11 and 13 Baillieswells Road is specified to be 9.6m, this distance serving as a tree-root protection buffer zone. Should this application be approved, I expect that this 9.6m perimeter will be demonstrably protected by tree protection fencing during construction to stop any further mechanical grubbing of roots of protected trees, and that such ring-fencing would be stipulated as a condition. As we know, such protection was not used during past excavation work on the land leading to significant damage of tree roots.

I maintain that the Density of the overall building area is excessive in relation to the surrounding area, and that the building line of properties on Baillieswells Road disrupted by the positioning of the two buildings.

Road Safety

Both proposed houses would allow for significantly greater person occupancy than the one they replace, and have density of building that reduces the potential parking/turning space within each plot.

Such houses as proposed generally attract occupants with multiple vehicles. As a consequence, due to the inadequate parking/turning space within each of two sites, there is an increased risk that unsafe manoeuvres will be attempted on to Baillieswells Road, up an incline and potentially in reverse gear. Given that Baillieswells Road is a busy one generally and increasingly so over the last couple of years, and that the Cairnlee Terrace route is a common one for school traffic and school children, such a manoeuvre at the proposed exit would be highly dangerous. I know the road well as I have lived here for many years and have children crossing the road daily to school.

The other likely consequence of inadequate parking/turning space within each site will be that vehicles are more likely to be parked on Baillieswells Road itself. Currently, you rarely see vehicles parked on Baillieswells Road, at any point. Most residents, like myself, would encourage visitors to park in the driveway for safety reasons. This is due to the steepness of Baillieswells Road and the speed that traffic travels along it. A parked vehicle on this road presents a hazard to passing vehicles that can often only safely be negotiated by one vehicle yielding. If vehicles are parked on the road outside the proposed sites this would force northbound traffic into the middle of the road at a dangerous point opposite the mentioned junction with Cairnlee Terrace.

These safety issues can be resolved by retention of a single development with appropriate turning/parking space within it.

I do not object to the replacement of the previously existing property, but maintain that it is better replaced with a single dwelling located appropriately within a single plot.

Yours Faithfully,

James Buckley

From:
To: [PI](#)
Subject: Objection to Aberdeen City Planning Application PA-151858
Date: 16 December 2015 17:14:56
Attachments: [PA 151858 appeal objection LW 151215.docx](#)

Please find attached a letter detailing my objection to the subject planning application relating to 11 Baillieswells Road

Lisa Wood
Internal Auditor

Tel: [REDACTED] E-mail:
TOTAL E&P UK Ltd, Crawpeel Road, Altens Industrial Estate, Aberdeen, AB12 3FG

Registered in England and Wales No.811900.
Registered Office 18th Floor, 10 Upper Bank Street, Canary Wharf, London E14 5BF.
This e-mail and any attachments are intended only for the addressee. It is to be treated as confidential and may not be used other than for the purpose for which it has been sent. If you are not the addressee any use of this communication is strictly prohibited. In this case please delete it and notify the sender immediately.
Any communication of a defamatory or illegal nature is contrary to company policy and outside the scope of the employment of the individual. The company will not accept liability arising in respect of such communication and the employee will be personally liable. It is the responsibility of the addressee to scan this email and any attachments for computer viruses or other defects. The sender and/or the company do not accept liability for any loss or damage of any nature, however caused, which may result directly or indirectly from this email or any file attached.

Mr & Mrs M Wood

24 Baillieswells Road
Bieldside
Aberdeen
AB15 9BB

15th December 2015

Aberdeen City Planning and Sustainable Development

Marischal College

Broad Street

Aberdeen AB10 1AB

Dear Sir/Madam,

Reference: PA-151858

11 Baillieswells Road, Bieldside: Erection of 2 no. 5-bedroom detached houses, associated access and landscaping

We are writing in order to object to the above referenced planning application and to request that the appeal be rejected.

As a general point, we do not feel that the revised plans sufficiently address the concerns we have raised in previous objection letters.

Our objection to the plan falls into three main categories

1. Amenity of Area

The developer has continued to ignore the concerns of the local residents about the plans being out of keeping with the local area in terms of density and scale. In several places reference is made to the semi-derelict and overgrown condition of the property at 11 Baillieswells Road. In fact the property was very well-maintained by the long-term previous owners, and only fell into dereliction when it passed to the developer's ownership. The scale and density of the site will be completely out of keeping with the rest of the properties in the area.

2. Road Safety –

Whilst this has been previously dismissed, road safety continues to be a real concern for residents in the area that have children who walk or cycle to school – something that Health Authorities are trying to encourage for the health of our future generations. Residents continue to drive their children to school though they live within easy walking distance for fear that they will be seriously injured crossing Baillieswells Road at this particular junction. My own children are drilled continually on staying clear of the junction as much as possible, to walk past it quickly and the stay close to the boundary walls to protect themselves. A larger house with more cars and an additional residence at the junction to Cairnlee Avenue will increase the risk of accidents at the junction which is already very busy at school drop-off and pick-up times. Road safety has become an increasing concern with higher traffic volumes and speeds that are only likely to worsen with the new high capacity offices being built in Westhill and Kingswells.

3. Trees –

The developer has shown complete disregard for the protection of the green spaces in the area and in particular the mature trees and shrubs that are such a key feature of the neighbourhood. Protected trees were felled without consultation and prior to any planning permission for the demolition carried out on the site. Remaining trees had to be felled for safety reasons. It appears highly unlikely that the existing trees on the site can be adequately protected from root damage that will lead to their being felled also. The developer continues to maintain that the significance of the trees relate only to three properties, but they do in fact affect the overall appearance of the whole area. Bielside is a leafy suburb, and not a high density housing area – that is why we residents have chosen to live in the area. The trees and shrubs already destroyed by the developer have had a significant impact on the area, reducing protection from road noise and pollution and impacting the overall countryside feel of the neighbourhood. The further removal of trees that would inevitably result from the approval of this second house would have a long lasting impact on the local environment.

In summary, the revised plans fail to take consideration of the concerns of residents whose amenity is affected by the development. The residents are uniformly of the opinion that the development is neither in keeping with the local style, nor being conducted in a way that demonstrates respect either for the environment, the community or for due process. For the above reasons I object to the erection of the new dwelling houses at 11 Baillieswells Road, Bielside.

Yours Faithfully,

Not signed as submitted electronically

Lisa Wood
Resident, 24 Baillieswells Road

From: webmaster@aberdeencity.gov.uk
To: [PI](#)
Subject: Planning Comment for 151858
Date: 24 December 2015 16:03:27

Comment for Planning Application 151858

Name : Philip Highton
Address : 4 Baillieswells Drive,
Bielside,
Aberdeen,
AB15 9AS

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Re: Application Number PA 151858: ’11 Baillieswells Road, Bielside: Erection of 2 x 5 bedroom detached houses, associated access and landscaping’

I would like to object to the new planning application as I do not feel that it is substantially different from the previous applications which have been refused for this site over the years. Not enough has been put forward to protect my privacy. The planning application is very similar to the previous one; except for the slightly different siting of the two houses and the inclusion of two small trees in one of the gardens. This is not enough to alleviate my privacy concerns, both for myself and for future residents.

The plans submitted by the developer have gone some way to alleviate some of the concerns raised by the previous submission. In particular the siting of the most northerly of the two properties is close to trees in the adjoining garden of 12 Baillieswells Road with the negative impact of the stability of the root systems and the potential for damage to our property should the stability of these trees be compromised. The siting of the properties further away from the boundary with 12 Baillieswells Road would appear to improve this issue.

The key issue for me as owner of 4 Baillieswells Drive is that of privacy, given that the vast majority of our property will be overlooked from the most northwesterly property at adult head height. In addition, there is a clear line of sight from the most northwesterly of the proposed properties through all our ground floor and first floor windows (including bedrooms). The proposal to plant two new trees with a height 2.5-3 metres is clearly going to provide little additional cover (for the foreseeable future) and our previous suggestion (in our letter dated 10:6:15) of tree planting parallel to the length of our property to a height of 5-6 metres as possibly providing an effective screen relating to the previous application (Your ref: PPA-100-2059) has not been taken into consideration. In addition, if enough trees of a sufficient height and density were planted there would appear to be no guarantees that this screening would remain in place: particularly since the developer felled the mature trees (including protected trees) that were in place along the boundary with our property. The main issue regarding the lack of privacy between the development of the site is entirely of the developers making: due to the removal of the cover provided by mature trees along the boundary with our property coupled with the demolition of the single bungalow that previously existed on the site. The revised plans have done little to alleviate this problem.

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.

15 Baillieswells Road
Bieldside
ABERDEEN
AB15 9BB

18th December 2015

Aberdeen City Council
Planning & Infrastructure
Marischal College
Broad Street
ABERDEEN

Dear Sirs,

OBJECTION TO PLANNING APPLICATION No. 151858 (11 BAILLIESWELLS ROAD)

I wish to object to the above planning application and request that it be rejected by the Planning and Infrastructure Department. I have studied the proposals with care and object on several grounds.

The Design Statement misrepresents the site and its environment:

- The description of the site is misleading. The previously existing house at No.11 was not 'unoccupied for several years'. The house was in good condition and was occupied up until its purchase by the developer in 2009. The garden was well maintained by the owner and was not 'overgrown'.
- The house and garden made a positive impact on the amenity of the neighbourhood. The garden has been allowed to become unsightly since the developer purchased No.11 and demolished the house in presumption of gaining planning permission.

Inappropriate Scale and Massing

The scale and massing of the development is out of proportion with the surrounding neighbourhood. All of the properties leading up to the proposed development are well spaced and are of cottage or bungalow style houses that are significantly smaller. There is no accurate illustration provided of the relationship between the proposed buildings and the adjoining properties. The proposed houses are closely packed and the building line of the street would be disrupted by the development. Although no accurate scaled drawings are provided, the plans would suggest that over 40% of the plot would be occupied by the buildings, driveways and paths.

Road Safety Concerns

The proposed houses have garages suitable for only one family car and the turning area has been greatly reduced when compared with the turning area of the house that occupied the site previously. With a second car parked on the driveway there is inadequate turning area and cars would have to reverse out onto the main road at a dangerous junction. This is hazardous given the speed and density of traffic on the road and the use of the pavement at this junction on school days by children crossing to/from Cults Primary School and Cults Academy. This is particularly so for the second driveway proposed which would face the junction with Cairnlee Terrace.

Loss of Urban Green Space

The site was occupied previously by a modest bungalow. Mature trees occupied the garden and it was significant as urban green space. The trees in particular had a positive impact on the neighbourhood. It is regrettable that they were felled seemingly in presumption of gaining planning consent redevelop the plot and that damage was caused to neighbouring trees which then had to be felled for safety reasons.

The loss of the trees has significantly adversely affected the landscape character in the neighbourhood. Redevelopment of no.11 must provide for significant re-planting to restore

the site to its former environmental amenity. To propose planting only two trees is wholly inadequate.

Bielside is characterised by its trees which are a particularly important feature of the neighbourhood and provide a sense of wellbeing and amenity for residents and a haven for wildlife. The development as proposed would contravene the City Council's guidance on trees and woodlands. There is quite rightly a presumption against all development that will result in the loss of or damage to established trees that contribute significantly landscape character or local amenity.

For the above reasons, I respectfully ask the Planning and Infrastructure Department to reject this planning application. In my opinion the site is suitable for redevelopment by a single house sited in a re-planted garden.

Yours faithfully,

Andrew Macaulay

This page is intentionally left blank

Planning Development Management Committee

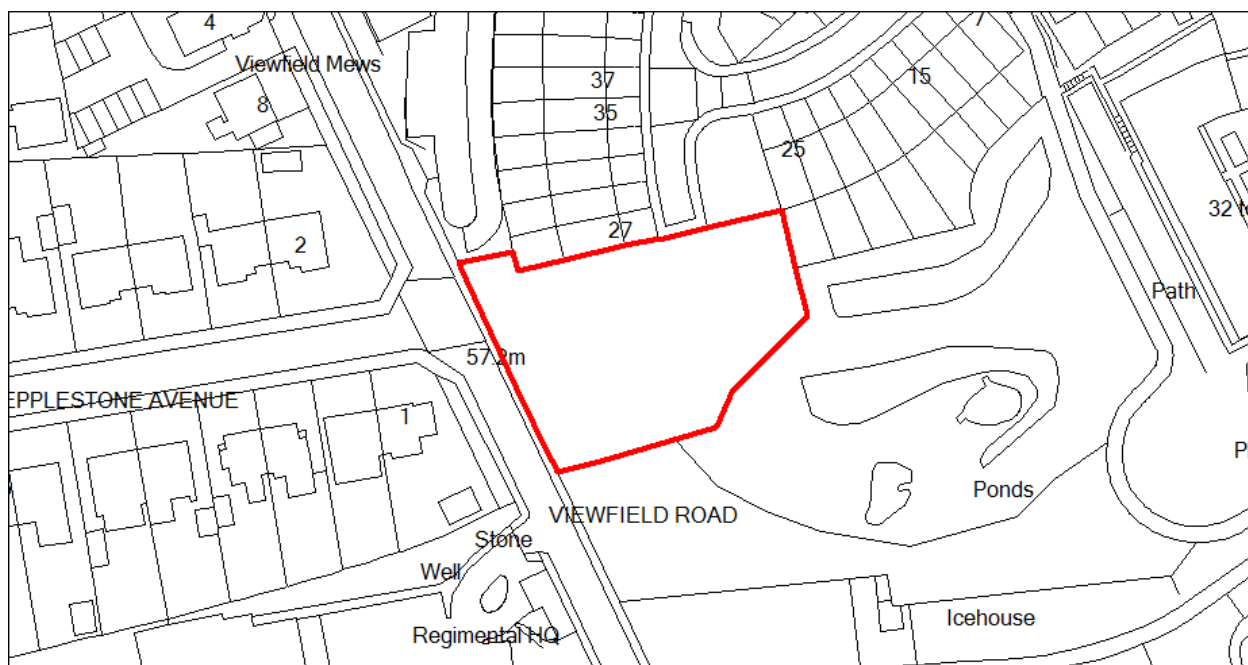
KEPPLESTONE MANSION, VIEWFIELD ROAD,
ABERDEEN

CHANGE OF USE AND PART DEMOLITION OF
MANSION HOUSE WITH ALTERATIONS AND
EXTENSION TO FORM FOUR APARTMENTS
AND ERECTION OF NEW BUILDING
CONSISTING SEVEN APARTMENTS WITH
ASSOCIATED CAR PARKING AND
LANDSCAPING.

For: Stewart Milne Homes Ltd.

Application Type : Detailed Planning Permission
Application Ref. : P151056
Application Date: 01/07/2015
Officer: Jennifer Chalmers
Ward : Hazlehead/Ashley/Queens Cross(M
Greig/J Stewart/R Thomson/J Corall)

Advert : Can't notify neighbour(s)
Advertised on: 15/07/2015
Committee Date: 21/04/2016
Community Council : No response
received



RECOMMENDATION:

Refuse

DESCRIPTION

The site covers an area of approximately 0.22ha and is located alongside the western boundary of what was formerly the RGU Kepplestone Campus and which is now a residential development of townhouses and flats. The site contains the fire damaged remains of the category 'C' listed Kepplestone Mansion and is accessed from the north through the remainder of the Kepplestone development. The existing two storey buildings are all located within the north western corner of the site with the remainder of the site being predominantly soft landscaping.

RELEVANT HISTORY

P151057 – Listed building consent pending for 'Demolition of part of fire damaged building and the construction of a wall to enclose the east elevation of the remaining building'.

PROPOSAL

Detailed planning permission is sought for a change of use and part demolition of the mansion house with alterations and extension to form four apartments and for the erection of a new 3 storey building of contemporary design and consisting of

seven apartments. Car parking and landscaping are also proposed as part of the development.

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=151056>

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

- Report on Structural Condition (August 2015)
- Design Statement
- Design Statement Addendum

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because there has been an objection from Craigiebuckler and Seafield Community Council and 6 letters of objections to the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – have made the following observations:

- Request updated drawing showing bike store to accommodate 11 bikes
- Request 1 motorbike space is left
- Request drainage statement
- Strategic Transport Fund contribution is required

Environmental Health – No observations

Communities, Housing and Infrastructure (Flooding) – have the following observations:

- To provide full surface water drainage proposals for the development and drainage impact assessment.

Community Council – Object on the following grounds:

- Request a detailed structural engineer's report commissioned by Aberdeen City Council.
- No information provided about the routes of the service runs for drainage, gas, electricity, water supply etc.,
- No tree survey provided.
- That the proposal is to demolish the mansion house in its entirety
- Concerns that proposed location of replacement building would damage tree roots due to proximity of proposed replacement building.

REPRESENTATIONS

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

- Demolition of historic buildings in Aberdeen portrays city as not being able to protect its heritage
- Property should be protected and restored

- Plans do not show position of new building in relation to proposed demolished mansion
- Proposed extension to Viewfield Road building not in keeping with existing building and would overlook neighbouring properties
- Materials not in character with existing buildings
- Little detail on conservation of existing trees and wildlife
- Concern over additions to on-street car parking as a result of proposal

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 D2 (Design and Amenity)

Policy D3 (Sustainable and Active Travel)

Policy D5 (Built Heritage)

Policy D6 (Landscape)

Policy H1 (Residential Area)

Policy H5 (Affordable Housing)

Policy NE5 (Trees and Woodlands)

Proposed Aberdeen Local Development Plan

Policy D1 (Quality Placemaking by Design)

Policy D2 (Landscape)

Policy D4 (Historic Environment)

Policy H1 (Residential Areas)

Policy H5 (Affordable Housing)

Policy T3 (Sustainable and Active Travel)

Policy (NE5 (Trees and Woodlands)

Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency)

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.

Change of Use and Part Demolition of Mansion House

Overall, the general principle of changing the use of the premises to residential is considered acceptable. The application site was part of the wider Kepplestone Campus which has now been developed into residential properties varying from flats to large detached houses. The proposal also accords with Policy H1 of the development plan.

In relation to the part demolition of the fire damaged mansion house, it would be preferable to retain the building. SHEP states that there is a presumption against demolition or other works that would adversely affect the special interest of a listed building or its setting. Given the listed status of the property, it was necessary to receive justification for the demolition of the fire damaged building. The applicant has provided a justification. It was acknowledged by Historic Scotland (now known as Historic Environment Scotland) that a strong case had been presented on structural stability and safety grounds. It is recognised that the Community Council requested that a detailed structural report was commissioned by ACC, however the report that was submitted was carried out by qualified engineers and the content and findings were considered acceptable by both ACC and Historic Scotland. The findings within the structural report concluded that demolition of the mansion house was required due to the extent of the damage and also due to the dangers to a workforce of trying to work within an uncertain environment. It should be noted that the actual consent for demolition is sought through the Listed Building Consent application, rather than this application.

Alterations and Extension to Remaining 'Farmhouse'

The remaining section of building is referred to as the farmhouse and dates back prior to 1867 where it sat alongside Kepplestone House. Within ten years it appears that the two buildings were joined, creating the mansion house that exists today.

The eastern elevation of the remaining section of the 'farmhouse' would be left quite visually exposed after the demolition of the main section of mansion house. The proposals are to alter and extend this section of building which, due to their scale and positions, would engulf the majority of the eastern and southern elevations. This in itself would be contrary to SPP which looks to preserve and enhance the building, its setting and any features of special architectural or historic interest. Further, it also seeks to keep any development to a minimum in order to achieve these aims. It is considered that the proposed alterations are not in keeping with the remaining building and would have a detrimental impact on the character and amenity of the listed building. The proposal therefore does not comply with SPP, SHEP and Policy D5 of the Aberdeen Local Development Plan.

In terms of the proposed design of the redevelopment, it is recognised that the western elevation of the 'farmhouse' building which forms the western boundary adjacent to Viewfield Road would generally remain in its current form. However there are timber pod extensions designed to be built onto the eastern and southern elevations. More than 50% of the remaining building is proposed to be built onto, thereby greatly reducing the visible amount of the original structure of the listed building, consequently losing its identity and character. Especially poor is the eastern elevation which is considered to be of insufficient quality befitting the listed status of the building.

Replacement Building

It has been acknowledged that the principle of a replacement building(s) on the site is acceptable. The site is currently zoned as residential in the Local Development Plan.

The proposed new building would block the existing view down the avenue which currently looks towards the existing mansion house and the mature trees beyond which are located to the south of the site.

The proposed footprint of the new building does not respect or is it a worthy addition to the surrounding context, as the modern development at Kepplestone was designed to give prominence to the old mansion house at the end of a new street. This current proposal fails to achieve adequate siting, form and height and does not align itself so that it terminates the townscape that it is designed for. In isolation of other relevant determining factors, the design of the proposed replacement building is considered to be of sufficient quality. However, that in itself, would not justify approval of the application. First and foremost, any replacement building should be on the footprint of the existing mansion house. The design of the building would then need to be appropriate for that position, taking account of the context of the existing adjacent buildings, including the 'farmhouse'.

There are further concerns in relation to the proximity of the flats to the trees in terms of daylight, amenity and safety. In addition, there would be the potential for physical damage to be caused to the trees through the construction of the building, although without a detailed tree survey, it is difficult to quantify the extent of the harm. Further drawings and information would need to be provided in order to ascertain whether the trees would be physically damaged if the building were to be constructed. Safety has been mentioned as a possible concern due to the possibility of wind damage to the proposed building from falling branches. The proximity of the proposed building to the existing protected trees which are of a considerable height would be within approximately ½ metre of the tree canopy. There are concerns that the proposed new building would receive minimal amounts of sunlight and daylight as a result of being built too close to these trees and thereby impacting on the amenity of those living within. The trees are of a significant height and the Council's arboriculturalist has stated that the development should be outwith the calculated root protection area and that it should be set a reasonable distance away from the larger specimen trees in the area. This would be with a view to alleviating future concerns relating to the proximity of trees to buildings which often results in future removal due to safety fears of trees falling on the building, and the amenity of those living within due to reduced daylight and sunlight. It would then also ensure adequate space for the trees to grow into as they mature. The location of the replacement building does not allow for this.

Car Parking and Amenity Space

The main access onto the site would be from within the existing Kepplestone development. The current proposal has car parking which dominates the site in general and the setting of the building in particular and creates an unwelcoming

entrance. Policy D2 highlights that when it is necessary to accommodate car parking within a private court, the parking must not dominate the space and that a guideline of no more than 50% of any court should be taken up by parking spaces and access roads. Although the car park would occupy on approximately 50% of the application site (excluding the footprints of the buildings), the location, extent and juxtaposition of the parking area with the proposed flats would be such as to dominate the setting of the buildings and to adversely impact on residential amenity. Accordingly, the parking area is not acceptable, being contrary to Policy D2.

As a result of the position of the proposed building and the location and extent of the parking area, the amount of amenity/garden ground would be below the level expected. The location of the amenity/garden ground would be such as to be in the shade for significant period of time during the day because of the 3 storey building immediately to the east and tall trees to the south casting shadows across the area.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to representation and are regarded as unresolved issues to be determined at the Examination; and
- the relevance of these matters to the application under consideration.

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. The foregoing can only be assessed on a case by case basis. In relation to this particular application, the policies in the Proposed ALDP substantively reiterate those in the adopted local development plan and the proposal is acceptable in terms of both plans for the reasons already previously given.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

Notwithstanding that the principle of the change of use to residential use is acceptable, the proposal is not acceptable for the following reasons. The proposals to alter and extend the remaining 'farmhouse' and for the erection of the new building and associated car parking are not acceptable due to the scale and position of the proposed extensions to the 'farmhouse' as they would engulf the majority of the eastern and southern elevations, covering more than 50% of

the building thereby greatly reducing the visible amount of the original structure of the listed building thereby losing its identity and character. The replacement building does not respect the surrounding context and fails to achieve adequate siting, form and height and does not align itself so that it terminates appropriately the existing arrangement of buildings and the townscape. The proposal would also have a detrimental impact on the mature trees within the site due to the proximity of the new building to the trees. The proposed car park would dominate the setting of the development to the detriment of its appearance and amenity and result in insufficient amenity space contrary to the requirements of Policy D2 (Design and Amenity) of the Local Development Plan.

Overall, the proposal does not comply with Scottish Planning Policy (SPP), Scottish Historic Environment Policy (SHEP) or Policies D1 (Architecture and Placemaking), D2 (Design and Amenity), D5 (Built Heritage), D6 (Landscape) and NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan.

PI

From: william sell [REDACTED]
Sent: 29 July 2015 10:16
To: PI; Jennifer Chalmers
Subject: Planning Application No: P151056 Applicant: Stewart Milne Homes Limited
Attachments: Planning application2.pdf

Dear Ms Chalmers,

We submit the attached representation from our Community Council in respect of the above referenced planning application.

Yours sincerely,
William Sell,
Chair,
Craigiebuckler and Seafield Community Council.

CRAIGIEBUCKLER AND SEAFIELD COMMUNITY COUNCIL

Ms Jennifer Chalmers

Email: [REDACTED]

Planning Officer

27 July 2015

Development Management

Aberdeen City Council

Business Hub 4

Marishchal College

Broad Street

Aberdeen AB10 1AB

Dear Ms Chalmers,

Planning Application Number: P151056 Applicant: Stewart Milne Homes Ltd

Site Location: Keppleston Mansion, Viewfield Road, Aberdeen

Proposal: Change of use and part demolition of mansion house with alterations and extension to form four apartments and erection of new building consisting seven apartments with associated car parking and landscaping.

The challenge for developers who have to consolidate listed buildings in their development projects is one of successfully combining the protected historical architectural features of existing buildings with 21st century minimalist development designs which, conversely, are governed by contemporary building regulations.

Keppleston Mansion, in common with a number of other listed buildings in Aberdeen, has stood disused whilst solutions for its future have been debated. In the interim period, like some of those other historically significant buildings, it has been destroyed by local youths. Therefore we believe that it is in the public interest that the sympathetic development of this brownfield site begins as soon as possible.

However, we object to the application proceeding without a detailed structural engineer's report being commissioned by Aberdeen City Council, as the adjudicating authority, on the structural integrity of the mansion and the eighteenth century farm house. We contend, without prejudice, that the Council should have its own report on the feasibility of consolidating the remaining historical structures in the planned development for comparison with Page 8, Section 4, of the application, "The Fire Damage and its Affects".

We refer to the following paragraphs:-

4.2, lines 4 to 7:- "Whilst the external walls remain standing, no internal construction floor or roof in this area remain intact. It is Fairhursts' assertion that this part of the building is structurally unsafe and therefore should be demolished".

4.3 :- “The single storey wing to the north of the 2 storey part has also been very badly damaged. Fairhursts’ view is that the bulk of this should be demolished, with a small element to the very end of the wing theoretically able to be salvaged. However retaining it would leave a small isolated section of the building of dubious structural integrity. Consequently the view is to demolish the mansion house in its entirety”.

Although we have no access to the site, we are of the opinion that the external walls, built as load bearing structures, are unlikely to have been strengthened by the roof and internal floor. Therefore we question what functions the roof and internal floor had in strengthening the external walls and ask why, by reason of their destruction by fire, the load bearing walls have become unviable structures? The planning authority should ask this question and veto this application until it is satisfied with the answer.

We object to the view, which is ‘to demolish the mansion house in its entirety’.

Furthermore we object to this planning application because, in its present form, it provides no information about the routes of the service runs for drainage, gas, electricity, water supply, etc.

Although there are a number of attractive mature broad leaf trees on or adjacent to the site, the Applicant has not provided a tree survey.

We consider that both of the aforementioned omissions are significant because of the co-relation between the excavations for the service runs and the risk of damage to the tree roots.



The trees on the site of this proposed development are magnificent. Therefore we believe that this application should not be allowed until the Applicant has provided detailed plans for the service runs and any substation to be built on site, to enable the planning authority to be satisfied that carrying out the proposal will have no direct adverse affect upon the trees.



29H Dee Street Aberdeen AB11 6AW

Phone: [REDACTED]

E-mail: [REDACTED]

Dr Margaret Bochel
Head of Planning and Sustainable Development
Development Management
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

~~151057~~

151056

21 July 2015

FAO Jennifer Chalmers and Kevin Wright

Dear Madam

Kepplestone Mansion, Viewfield Road, Aberdeen AB15 7XF**Application for detailed planning permission for Change of Use and part Demolition of Mansion House with alterations; and****Erection of new building consisting of Seven Apartments with associated car parking and landscaping for Stewart Milne Homes Ltd**

I write on behalf of the Chairs and Committees of various parts of the Kepplestone campus developed by Stewart Milne during the last decade, each of whom has been circulated with the details of the above application for planning permission. Together they represent 378 of the 391 homes at Kepplestone. I sum up below the consensus of their comments.

- The proposals are very much welcomed in principle, given the length of time the present building has been vacant and damage that has occurred.
- There are major **concerns about the implications of the proposals for the existing trees in the vicinity**. It is noted that **no tree survey** has been submitted with the proposals, **nor has the route of the service runs** been given for drainage, electricity, gas, etc. There could be significant detrimental effects on these trees.
- The **existing trees on / adjacent to the site are magnificent (please see attached photo) and must be retained at all costs**. They contribute greatly to the amenity and ambience of the whole Kepplestone development and the wider area.
- These trees were once the subject of a Tree Preservation Order (TPO 148) and the Kepplestone Development Brief was approved on this basis by the Planning Committee on 08 August 2002 (para. 5.5 of brief). However, we

understand from an email exchange last October with Mr Kevin Wright, Environmental Planner, in your Department that:

“The trees at **Kepplestone** are not currently covered by a **tree preservation order**. An order had originally been served but **has been allowed to lapse**. Aberdeen City Council are currently undertaking a review of our orders, it may be that a new order is served in the coming months should it be considered that the trees are worthy of future protection. In the meantime time is no requirement to gain consent from Aberdeen City Council prior to undertaking works to trees.”

[My emphasise.]

- With reference to application plan reference L(0)004, it can be seen that there is **close proximity between the indications of the existing trees and South and South-East facing windows in the proposed building**, dominating the outlook from these windows and restricting light to them. It is also clear that **the existing trees will substantially shade the proposed South-facing balconies of the proposed flats**. The true dominance of these trees (especially in summer) is not apparent from the submitted elevation and the trees are shown faded in the plans.

- As a result, **there will undoubtedly be proposals to remove or substantially cut back the existing trees adjacent to the site** even if this proves not to be a physical necessity implicit in the planning application itself. Such proposals are likely to come from either the developer - to improve the capital value of the property and / or to facilitate drainage or other service runs or, maybe, even a substation; or from owners and residents of the proposed flats affected by the trees.

- There are **concerns that the quality of proposed building will be compromised by the selection of an inappropriate brick**, perhaps motivated by development economics.

- The North-West salient of the application site appears to extend onto communal open space to the south of the existing car park.

Accordingly, it is requested:

1. That a proper tree survey and the route and details of the service runs and any substations are submitted by the applicant;
2. That the planning authority satisfies itself from these submissions that there will be no direct adverse effect upon the trees as a result of the carrying out of the proposal or, if there are, that it ensures that the proposal is amended to avoid any such effects in advance of a decision being made on the planning application;
3. That, as a matter of urgency, the planning authority remake a Tree Preservation Order in terms of the original TPO 148 and confirm the order as soon as possible. (The trees are clearly under threat from this proposal and there is no need to await a decision on the planning application, by which time it may be too late);
4. That a condition is imposed on any planning permission that a sample of the proposed brick to be used in the new building is submitted to and approved in writing by the planning authority, following consultation with

owners of neighbouring land, which is owned jointly and severally by the owners of flats and houses at the Kepplestone campus.

5. There should be no loss of communal open space.

Yours faithfully

A black rectangular box redacting the signature of Richard Bush.

Richard Bush
Chartered Town Planner

cc Mantas Andriekus

Nigel Jones

Philip Cormack

Russell Parker

Ron Brown

Bob Lawrence

Grant Quirie

Neale Bissett

Stephen Buchan

Nick Tapper

Lucy Powrie

cc Councillors Martin Greig,
Councillor John Corall,
Councillor Jennifer Stewart,
Councillor Ross Thomson

cc Craigiebuckler & Seafield Community Council.



PI

From: webmaster@aberdeencity.gov.uk
Sent: 13 July 2015 11:02
To: PI
Subject: Planning Comment for 151056

Comment for Planning Application 151056

Name : Mr N Lamb

Address : 1 Kepplestone Avenue
AB157XF

Telephone :

Email : [REDACTED]

type :

Comment : I object to plan in application 151056.

• Kepplestone House is a historic part of the fabric and history of the City of Aberdeen and if its destruction and willful neglect by the developer by this proposal it will support a growing view that the City of Aberdeen is able to protect its heritage.

• This is Listed Building and as the developer was responsible for the property its needs to be protected and restored.

Detailed issues

• The proposal demolishes the existing historic house.

• The plans do not show the position of the new main building in relation to the demolished house (no relation can be drawn). It looks as if the building line has moved and a new building line established further south.

• The plans show the redevelopment of the buildings on view field road, the addition of an elevated terrace and new two story extension to the south of the buildings. This is not in character with the existing buildings. The new terrace will overlook my property and garden on the opposite side of the street.

• The materials are not in the character of the existing building at all levels (e.g. u.p.v.c windows?) • Little detail is shown to the conservation of current trees/wildlife and damage to them by this proposal. Trees are not carefully plotted on the plans and adequately described on the elevations to gauge the impact of the proposal.

• Serious concern is lodged about any additional of associated on street car parking brought about by this 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.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 19 July 2015 22:31
To: PI
Subject: Planning Comment for 151056

Comment for Planning Application 151056

Name : Mantas Andriekus
Address : 60 Queens Crecent
Aberdeen AB15 4BE

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : being one of the committee members of Queens Crescent buildings I would like to voice the following concerns:

the application does not mention trees, I would object to any interference with the existing trees that make the kepplestone development what it is today. Please instruct a preservation order to protect them. Ref previous TPO 148.

- before assessing the application, please issue all residents with samples of what stonework will be used to assess and allow all the residents or committee members have a say in the new proposals.

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

PI

From: webmaster@aberdeencity.gov.uk
Sent: 21 July 2015 08:44
To: PI
Subject: Planning Comment for 151056

Comment for Planning Application 151056

Name : Nigel Jones

Address : 23 Kepplestone Gardens

Aberdeen

AB15 4DH

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I have concerns regarding the trees in the area. I generally approve of the redevelopment but subject to none of the trees being removed.

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.

From: webmaster@aberdeencity.gov.uk
Sent: 20 July 2015 16:35
To: PI
Subject: Planning Comment for 151056

Comment for Planning Application 151056

Name : P Cormack
Address : Queens Crescent
Aberdeen
AB154BE

Telephone :

Email : [REDACTED]

type :

Comment : I very much welcome the development, as what is presently there has become a total eyesore and a source of concern to all who live close to it. The old house has gone (due to fire) and therefore I see no need to attempt a rebuild. It is good to see that the Viewfield Rd side is to be maintained and so will be in keeping with the buildings across the road from them.

One of my concerns is for the trees. They contribute greatly to the enjoyment of living in the Kepplestone estate. As I understand, there is no longer a preservation order on the trees within the estate. I would like to see assurances that the effect on the trees, due to the construction and resulting services, will be kept to a minimum. The new buildings do seem to come very close to the trees. Renewal of the preservation order would also be in order.

I am not sure, going by the plans that the finish to the new buildings is quite in keeping with the existing Kepplestone buildings. I feel that every effort should be made to use the same external materials as previously used.

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

PI

From: webmaster@aberdeencity.gov.uk
Sent: 20 July 2015 13:38
To: PI
Subject: Planning Comment for 151056

Comment for Planning Application 151056

Name : R Bush
Address : 66 Queens Crescent
Aberdeen
AB15 4BE

Telephone :

Email : [REDACTED]

type :

Comment : Whilst I am pleased with the proposal in principle, I am greatly concerned about the effect of the proposal on trees at Kepplestone. The trees are magnificent, being part of the arboretum associated with Kepplestone Mansion and must be protected at all costs. Apparently the Tree Preservation Order that the Council imposed on the whole Kepplestone Campus has been allowed to lapse. As a result these trees are in great danger from this proposal. I ask therefore that all the trees at Kepplestone be immediately made the subject of a new TPO as they can currently be felled at any time.

The south and south-east facing windows of the proposed new-build block (which is on a different site to the current mansion) will be very close to the proposed trees. Also the proposed south-facing patios of flats forming part of the proposals will be substantially shaded by the trees. There will therefore be tremendous pressure for these trees to be felled to make the flats more saleable and to improve the amenity of prospective occupiers of the proposed flats. Furthermore, no tree survey has been submitted with the planning application, nor have the details of service runs such as drainage been provided. Without this information, there can be no assurance that loss or damage to trees at Kepplestone will not be a direct consequence of granting the planning application as it stands. I would ask that now, before the application is decided, the developers be required to provide a detailed tree survey of the site and surroundings and full details of all service runs, sub-stations etc and that on the basis of that information you assure yourself that the trees will not be directly affected by the proposal and that you ensure that the proposed building is altered (perhaps substantially) and/or repositioned to protect the trees and to avoid as far as possible demands for the trees to be removed or cut back.

The success of the proposed new building will depend upon the selection of a suitable high quality brick and mortar. I ask that a condition be imposed on any planning permission that a sample or samples of the proposed brickwork be made up on site for existing local homeowners to comment upon before final approval is given to the proposed brick and mortar.

Finally, I am very pleased that there is an indication in the plans that the existing farmhouse is to be retained. This proposal is not unequivocal however as the Design statement seems to indicate that demolition is still in contemplation. Also there is an incongruence between the proposed retentions in the ground and first floor plans for the farmhouse. I consider that there is no good reason why the substantially undamaged farmhouse (which forms part of the listed building) cannot be retained in the round, and that any planning permission should specify this. Thank you for taking these comments into consideration.

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

Jennifer Chalmers

From: Richard Bush [REDACTED]
Sent: 20 July 2015 21:54
To: Jennifer Chalmers
Subject: Planning Application: Kepplestone Mansion Redevelopment
Attachments: Kepplestone Mansion trees Photo.pdf; Kepplestone Mansion Representation p1.pdf; Kepplestone Mansion Representation p2.pdf; Kepplestone Mansion Representation p3.pdf

Dear Ms Chalmers

Please find attached a letter posted today to Aberdeen City Council Planning Department on behalf of home owners at Kepplestone campus, which we trust you will feel able to support.

Please do not hesitate to revert should you have any queries.

Yours sincerely

Richard Bush
Chartered Town Planner
RBCTP Town Planning
29H Dee Street
Aberdeen
AB11 6AW

PI

From: webmaster@aberdeencity.gov.uk
Sent: 21 July 2015 04:22
To: PI
Subject: Planning Comment for 151056

Comment for Planning Application 151056

Name : Grant Quirie
Address : 62 Queens Crescent
Aberdeen
AB15 4BE

Telephone :

Email : [REDACTED]

type :

Comment : The proposals are very much welcomed in principle and not before time given when I purchased my property from new 7 years ago Stewart Milne advised that the mansion was to be developed into apartments at that time.

I have concerns about the implications of the proposals for the existing trees in the vicinity. It is noted that no tree survey has been submitted with the proposals, nor has the route of the service runs been given for drainage, electricity, gas, etc. There could be significant detrimental effects on these trees.

The existing trees must be retained and preserved at all costs. They contribute greatly to the amenity and ambience of the whole Kepplestone development and the wider area.

With reference to application plan reference L(0)004, it can be seen that there is close proximity between the indications of the existing trees and South and South-East facing windows in the proposed building, dominating the outlook from these windows and restricting light to them. It is also clear that the existing trees will substantially shade the proposed South-facing balconies of the proposed flats. The true dominance of these trees (especially in summer) is not apparent from the submitted elevation and the trees are shown faded in the plans.

As a result, there will undoubtedly be proposals to remove or substantially cut back the existing trees adjacent to the site even if this proves not to be a physical necessity implicit in the planning application itself. Such proposals are likely to come from either the developer - to improve the capital value of the property and / or to facilitate drainage or other service runs or, maybe, even a substation; or from owners and residents of the proposed flats affected by the trees.

There are concerns that the quality of proposed building will be compromised by the selection of an inappropriate brick, perhaps motivated by development economics.

The north west salient of the application site appears to extend onto the communal open space to the south of the car park of the apartments in Queens Crescent.

Accordingly, it is requested that:

1. That a proper tree survey and the route and details of the service runs and any substations are submitted by the applicant;
2. That the planning authority satisfies itself from these submissions that there will be no direct adverse effect upon the trees as a result of the carrying out of the proposal or, if there are, that it ensures that the proposal is amended to avoid any such effects in advance of a decision being made on the planning application;

3. That, as a matter of urgency, the planning authority remake a Tree Preservation Order in terms of the original TPO 148 and confirm the order as soon as possible. (The trees are clearly under threat from this proposal and there is no need to await a decision on the planning application, by which time it may be too late);

4. That a condition is imposed on any planning permission that a sample of the proposed brick to be used in the new building is submitted to and approved in writing by the planning authority, following consultation with owners of neighbouring land, which is owned jointly and severally by the owners of flats and houses at the Kepplestone campus.

5. There should be no loss of communal open space at the Queens Crescent car park or elsewhere in the existing development.

Grant Quirie

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.

P&SD Letters of Representation		
Application Number: 1510 55 56		
RECEIVED 21 JUL 2015		
Nor	Sou ✓	Map
Case Officer Initials: JCH		
Date Acknowledged: 21/07/2015		

Planning Development Management Committee

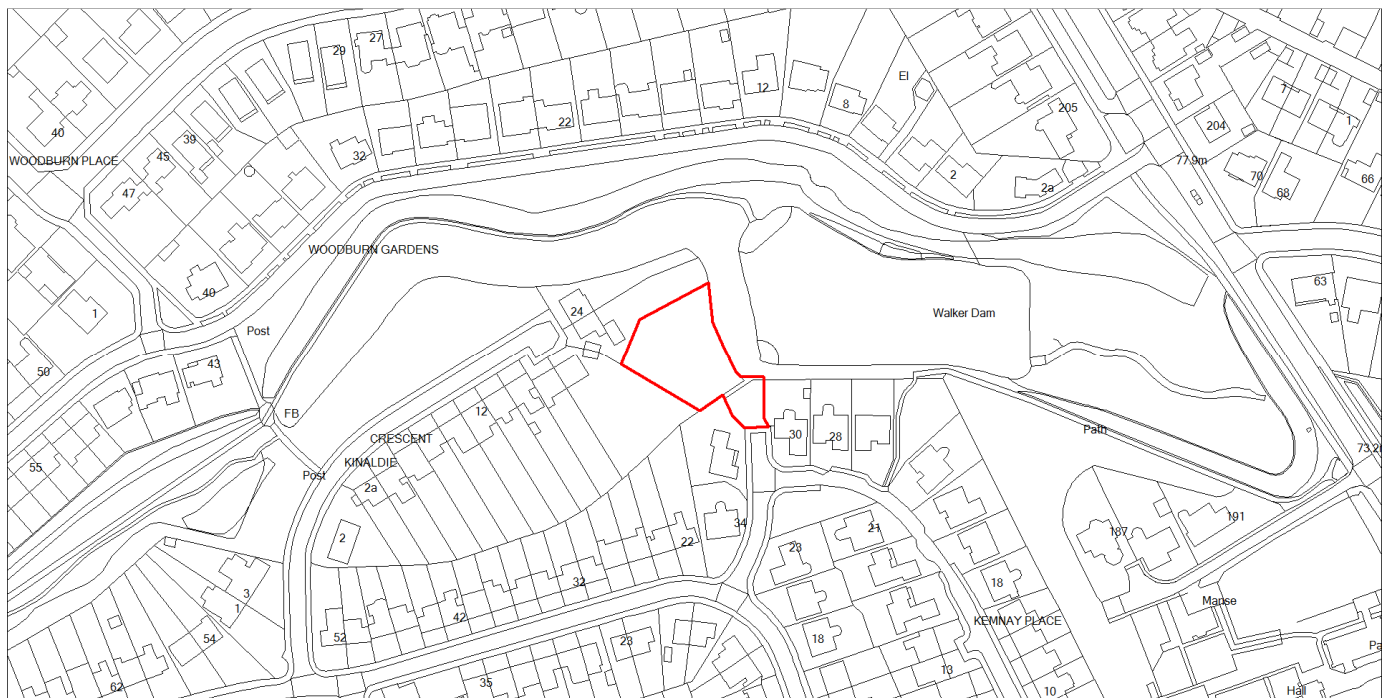
22 KINALDIE CRESCENT, CRAIGIEBUCKLER

SUB-DIVISION OF RESIDENTIAL CURTILAGE
AND ERECTION OF NEW DWELLINGHOUSE
AND ASSOCIATED WORKS

For: Mr & Mrs N Greig

Application Type : Detailed Planning Permission
Application Ref. : P150311
Application Date: 27/02/2015
Officer: Gavin Evans
Ward : Hazlehead/Ashley/Queens Cross(M
Greig/J Stewart/R Thomson/J Corall)

Advert :
Advertised on:
Committee Date: 21/04/2016
Community Council : Comments



RECOMMENDATION: Refuse

DESCRIPTION

The application site, which extends to approximately 1400sqm, lies to the south-west of the Walker Dam and incorporates part of the rear garden to 22 Kinaldie Crescent, along with an area of open space between Nos. 30 and 32 Kemnay Place. These are currently two separate and distinct parcels of land, which would be combined to facilitate the proposed development.

The grounds to the rear of 22 Kinaldie Crescent slopes moderately down towards Walker Dam, with the land immediately to the east of the site characterised by mature trees. The generous plot of No. 22 is largely laid to grass, with evidence of some recent landscape clearance towards its south-eastern corner at the time of an earlier application, detailed below. The eastern boundary, to the adjacent Walker Dam, is enclosed by a wooden stake fencing in a state of collapse.

An area of open space between 30 and 32 Kemnay Place lies to the south-east of 22 Kinaldie Crescent. It falls gently to the north, towards Walker Dam, and is largely laid to grass, with planted borders. Its eastern and western edges are enclosed by standard timber fencing, however its northern edge is defined by post-and-wire fencing and a row of existing trees, predominantly Alder and Rowan.

RELEVANT HISTORY

Residential development comprising 15 homes on the site of the former Walker Dam Primary School was granted Planning Permission in 1999, with the approval of application ref 99/0316. As part of the approved scheme, three areas of open space were laid out. One of those areas of open space, between 30 and 32 Kemnay Place, lies within the current application site and would be used to form a new access point/driveway.

More recently, application P140029, sought permission for the construction of a single detached dwellinghouse to the rear of 22 Kinaldie Crescent. That proposal was due to be referred to the Planning Development Management Committee, but was withdrawn by the applicants prior to inclusion on an agenda.

PROPOSAL

This application proposes the construction of a new 1 ½ storey detached dwellinghouse within a new plot, to be formed via the sub-division of the existing plot at 22 Kinaldie Crescent. Access to the site would be obtained via a new driveway, taken from an existing dead-end/turning head on Kemnay Place and crossing an area of open space between Nos. 30 and 32 Kemnay Place. The new dwelling would be finished with a mix of wetdash render and granite, with timber lined windows and a slated roof.

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=150311>

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 more than 5 representations expressing objection were submitted to the planning authority. Accordingly, the application lies outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – No objection is stated, however the following points are noted:

- The driveway must be internally drained with no surface water discharging onto the public road;
- Loose material (e.g. stone chippings) must not be used to surface any of the first 2 metres length adjacent to the footway;
- The gradient should not generally exceed 1:20;
- Details of proposed drainage for the site is required;
- Notes that Core Path 60 runs along the east and north of the site boundary and states that no works should impinge on continued use of the core path.

Environmental Health – No observations.

Communities, Housing and Infrastructure (Flooding) - Seek clarification of proposed drainage design. State that any proposal should take into account some sort of Sustainable Urban Drainage Systems (SuDS) measures in order to reduce the surface runoff water flow (e.g. porous pavement, infiltration measures, attenuation volume).

Community Council – The local Craigiebuckler and Seafield Community Council raise the following concerns:

- Loss of green space – both to form driveway and through incorporation of remaining landscaped area as a part of the garden serving the new property;
- Impact on wildlife as a result of traffic, lighting and general garden use;
- Concern that the site would not be appropriately enclosed from the Walker Dam.

REPRESENTATIONS

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

- Impact on Green Space Network and Local Nature Conservation Site – resultant impact on amenity and conflict with policies NE1 (Green Space Network), NE5 (Trees and Woodlands), D6 (Landscape) and NE8 (Natural Heritage);
- Highlights that the site is well-used for recreation and education purposes;
- New dwelling would be intrusive on character and attractiveness of the dam;
- Precedent set for the loss of amenity spaces to facilitate development;
- Conflict with condition from an earlier consent (ref 99/0316) relating to the retention of open space areas;
- Earlier refusal of permission to build in gardens of 20/22 Kinaldie Crescent;
- Disruption to residents during construction;
- Potential for flooding – run-off could damage the environment within the LNCS;
- Note that residents currently maintain this area of open space;
- Potential for damage to existing lock-block surfaces from heavy construction vehicles;
- Dwelling is uncharacteristically large and access arrangements are not representative of surrounding area;
- Wall is too large and would be intrusive when seen from Walker Dam;
- Part of the building would be for commercial purposes;
- Impact from new lighting on wildlife value of the LNCS;
- Concern regarding potential impact on bats;
- Loss of privacy to 20 Kinaldie Crescent from upper floor windows;
- Contradiction within submitted information – Planning Statement refers to lock block surfacing; Site layout plan refers to gravel driveway;
- Lack of information on necessary excavations and changes to ground levels. Also several trees are not included within the scope of the submitted tree survey.
- Change of use to from open space to garden ground has not been obtained.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP)

Aberdeen City and Shire Strategic Development Plan (SDP)

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

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

Aberdeen Local Development Plan (ALDP)

Policy T2: Managing the Transport Impact of Development

Policy D1: Architecture and Placemaking
Policy D2: Design and Amenity
Policy D6: Landscape
Policy H1: Residential Areas
Policy H3: Density
Policy NE1: Green Space Network
Policy NE5: Trees and Woodlands
Policy NE8: Natural Heritage
Policy R7: Low and Zero Carbon Buildings

Supplementary Guidance

The Subdivision and Redevelopment of Residential Curtilages
Transport and Accessibility
Low and Zero Carbon Buildings
Trees and Woodlands

Proposed Aberdeen Local Development Plan

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

Other Relevant Material Considerations

The matters raised in representations are material to the assessment of this application, so far as they relate to legitimate planning considerations.

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 & Zoning

The application lies within a predominantly residential area, which has been zoned as such in the Local Development Plan, with policy H1 applicable. Policy H1 allows for residential development, provided a series of criteria can be satisfied. There is significant overlap between these criteria and the principles set out in the 'Sub-division and Redevelopment of Residential Curtilages' Supplementary Guidance, so it is appropriate for later sections of this report to consider these matters in parallel.

Encroachment on Open Space

In order to access the main body of the site, to the rear of Kinaldie Crescent, the proposal involves a new access being formed off Kemnay Place, on an area of Open Space situated between Nos. 30 and 32. That area of Open Space is

understood to have been laid out as part of the Stewart Milne development on the site of the former Walker Dam Primary School site. In considering the proposal's relationship with policy H1, it is necessary to consider whether the existing area of Open Space is 'valuable and valued', and indeed to what extent it would be lost or eroded as a result of the development.

It is acknowledged that this area of Open Space, in the context of the three laid out as part of the Stewart Milne development, makes the least significant contribution to the character and amenity of the area. This view is reached on the basis that this area of open space is periphally sited, with no through route, whereas one of the others provides the pedestrian path link from Kemnay Place to the Core Path route around the Walker Dam, and the other is prominently sited at the heart of the development, overlooked by adjacent properties, and as a result its soft landscaping could be considered to make a greater contribution to the character of the area. It is noted also that the area of Open Space affected by the development proposal is less than half the size of the other two, at approximately 200sqm compared to 440sqm and 590sqm respectively.

These are relevant factors, however it does not follow that the area of Open Space in question is not itself of value. This smaller area of soft landscaping, which incorporates a row of Alder and Rowan trees along its northern edge, provides a pleasant green backdrop on entry to Kemnay Place via Kildrummy Road, contributing positively to the character and amenity of the area. Whilst its scope for active enjoyment is agruably less than the other areas of open space within the development, it still serves a valuable purpose in providing an area of soft landscaping. Taking these points into account, it is concluded that the existing area of open space, notwithstanding its limited size, is 'valuable' for the purposes of assessment against policy H1. Consideration of whether this area is valued by the local community is difficult, however it is notable that many of the representations received make reference to the loss of this area of open space. On that basis, it appears that this area is very much valued by people in the area. These points highlight a material conflict with policy H1 (Residential Areas) of the ALDP.

Due to its encroachment onto an existing area of open space, which is of some local landscape value, the proposal fails to accord also with policy D6 (Landscape) of the ALDP.

Roads & access

As noted in the earlier description of the proposal, access to the site would be obtained via a new driveway being laid out from Kemnay Place to the main body of the site, to the rear of 22 Kinaldie Crescent. Provided any such driveway is of an appropriate gradient and is suitably surfaced and drained, the Council's Roads Development Management Team has no objection to the means of access proposed.

Density, Pattern and Scale of Development

The residential plots at Nos. 20 and 22 Kinaldie Crescent are among the largest in the local area. This proposal would result in the sub-division of the existing plot

at No. 22, however the retained plot would still compare favourably (at 785sqm) to many of those in the surrounding area – as a comparison, Nos. 18 and 24 Kinaldie Crescent measure circa 570 and 520 sqm respectively, and 32 Kemnay Place is estimated at circa 650sqm. So far as plot size is concerned, it is considered that the density of development is broadly consistent with that seen in the surrounding area.

Over and above simple plot size, proposals must demonstrate due regard for any established pattern of development in the surrounding area. The site is located in an area characterised by dwellings arranged with relatively formal building lines, fronting onto a public road and benefiting from private garden grounds to the rear. The Council's adopted Supplementary Guidance explicitly states that *"in these areas the construction of dwellings in the rear gardens of existing dwellings, or the redevelopment of a site that results in dwellings that do not front onto a public road, constitutes a form of development that is alien to the established density, character and pattern of development"*. This guidance further notes that this form of development can also erode the privacy of private amenity space available to existing residents. It concludes by stating that, *"in all suburban areas characterised by a formal or semi-formal building line fronting onto a public road and having back gardens which provide private amenity space, there will be a presumption against the construction of new dwellings in rear garden ground behind existing or proposed dwellings in circumstances where the new dwellings do not front onto a public road"*.

Whilst the house itself would not present a strong frontage onto Kemnay Place, neither would it give the impression of 'backland' development, where a second building line is formed via the construction of dwellings to the rear of an existing building line. The site would benefit from its own street frontage, albeit with the house located some distance back from the road via a driveway. It is noted also that there is an absence of comparably sized plots which could be sub-divided in a similar manner, and there is no scope for a second building line to be formed as a result of this proposal.

The absence of any formal frontage to the public road represents an area of conflict with the stated terms of the Council's adopted Supplementary Guidance, which explicitly sets out a presumption against this type of development, and therefore also demonstrates inconsistency with policy H1 (Residential Areas) of the ALDP, which required compliance with this Supplementary Guidance document. Nevertheless, it is not considered that this somewhat uncharacteristic arrangement would be to the detriment of residential amenity or of the character of this area generally, notwithstanding the impact resulting from the driveway's encroachment on the existing open space, noted above. Similarly, the density of the proposed development, with regard to building footprint and plot coverage, is appropriate in this setting, subject to consideration of the impacts arising from the proposal. In this regard, there is considered to be no material conflict with policy H3 (Density).

Privacy, Amenity, Daylight, Sunlight

It is considered that residents of the proposed new dwelling would be afforded adequate privacy, that the new house would present an appropriate frontage to the street, and that a private face would open onto an area of private garden ground, as required by policy D2 (Design and Amenity) of the ALDP. The arrangement of internal floor plans is such that the windows of habitable rooms at upper level are generally directed away from adjoining properties or otherwise benefit from a degree of screening which avoids undue overlooking or loss of privacy.

Design & Materials

As noted previously, the siting of the proposed dwelling is not entirely consistent with existing properties on Kemnay Place, in that it would be set back from the street, however this serves to limit any impact on the surrounding streetscape, and is not considered to be inappropriate in terms of its relationships with neighbouring dwellings. The scale, height and general form of the 1 ½ storey detached dwelling are considered to be appropriate for its context, as are the proposed materials. Its orientation is such that the building would address Kemnay Place, with its L-shaped form creating an obvious 'front', whilst its rear elevation would benefit from views towards the adjacent Walker Dam. Taking these matters into account, it is considered that the proposed dwelling is appropriate as a piece of architecture, however its means of access would result in the erosion of an area of existing open space and its relationship with existing trees, which will be addressed in detail in the following section of this report, fails to either demonstrate due regard for its setting or make a positive contribution to its setting. In this respect, the proposal is not considered to accord with the provisions of policy D1 (Architecture and Placemaking) of the ALDP.

Impact on Trees & Landscape

This proposal's relationship to existing trees and green spaces is central to this assessment. Whilst the dwelling itself would lie outwith identified Root Protection Areas (RPAs), the formation of a new driveway would involve the direct removal of 4 trees and encroachment within the RPAs of several more, within the Walker Dam, the existing open space on Kemnay Place and those within the garden of 32 Kemnay Place. It is acknowledged that the degree of encroachment is relatively modest relative to the full area of root systems, and also that there has been a degree of impact recently as a result of another existing tree being uprooted, however that does not justify further encroachment and best practice in relation to trees indicates that buildings works should be kept outwith RPAs unless there is an overriding justification otherwise. In this instance there is no obvious wider public benefit which would warrant setting aside the likely adverse impact on existing trees. It is recognised that a 'no-dig' construction method is proposed in order to minimise impact arising from excavations, however it has been noted that a degree of infilling would be necessary due to the uneven site levels, which would itself serve to adversely affect root systems. It is noted also that the trees in question form part of the Walker Dam Local Nature Conservation Site (LNCS), which is a popular recreational green space, and therefore there is a public interest in their safeguarding and retention.

In addition to the removal of trees and direct impact resulting from encroachment within RPAs, the proximity of the proposed dwelling relative to large mature trees is of concern. The Council's relevant 'Trees and Woodlands' supplementary guidance highlights that large old/veteran trees are less resilient to the likely impacts of construction activity within close proximity to them, and are therefore more likely to die or become unsafe. It also states that new developments must 'include measures to ensure the long term retention of existing trees' and also that 'consideration should also take into account the final height and spread of new tree planting and how this may impact on new built structures'. Whilst this latter statement mentions new planting, it is reasonable to apply the same principle to ensuring that the siting of new buildings does not prejudice long-term retention of established existing trees, and in this instance it is considered that the proposed dwelling would not be sufficiently separated from large existing trees. This proximity has, in similar circumstances, led to a situation where homeowners are concerned about potential for damage from falling trees or branches, and the Council may be unable to reasonably resist requests for their removal. On this basis, the precautionary principle should apply to the siting of new structures, in order that the scope for conflict between buildings and retained mature trees is avoided where practicable.

Cumulatively, it is considered that these matters would result in undue damage to established trees that contribute significantly to local landscape character and amenity, both in the immediate and long term. Specifically, the proposal fails to site buildings appropriately to minimise adverse impacts on existing trees, contrary to policy NE5 (Trees and Woodlands) and the associated supplementary guidance. It is noted also that trees within the grounds of 32 Kemnay Place have not been included in the submitted survey, precluding assessment of impact on those specimens.

A small area of land designated as part of the Green Space Network would be encroached upon as a result of the new driveway being formed, however the degree of encroachment is relatively minimal and is not considered to fundamentally destroy or erode the wildlife or landscape value of the Green Space Network. On that basis, no material conflict with policy NE1 (Green Space Network) is identified.

Walker Dam LNCS

The Walker Dam is identified as a Local Nature Conservation Site (LNCS), which is a non-statutory local designation relating to areas of local importance for nature conservation. This is described as 'a charming mixture of landscaped areas and semi-natural habitats', the main feature of which is the large pond with a small burn and areas of wet woodland. It is also recognised as being one of Aberdeen's more accessible areas of open water which, due to its location within a residential area of the City, is 'an important recreational and educational resource'. Earlier sections of this report have addressed the potential impact on existing trees, both as a direct result of the proposed works and the increased likelihood of pressure for their removal in future to the undue proximity of the new dwelling. Those same impacts have potential to adversely affect the value of this

locally designated nature conservation site, therefore there is a degree of conflict with policy NE8 (Natural Heritage).

Low and Zero Carbon Buildings

The Council's supplementary planning guidance 'Low and Zero Carbon Buildings' is a relevant material consideration. No details of the incorporation of Low and Zero Carbon generating technologies have been provided in support of the application, and it will therefore be necessary to attach a condition to any consent in order to obtain such details and to ensure installation of equipment prior to occupation, should members resolve to approve the application.

Matters raised in representations

Matters relating to impact on the existing Green Space Network and LNCS designations are addressed in earlier sections of this report, as are impacts on trees, landscape and natural heritage. The value of the LNCS as a recreational and educational resource is recognised. Comments relating to precedent are noted, however it is a well-established principle of the planning system that all proposals will be assessed on their particular merits.

Comments relating to an earlier grant of consent and the conditions attached to it are noted, however it is highlighted that any subsequent grant of planning permission would serve to supersede the effect of conditions relating to the land in question. Similarly, any earlier refusal to grant planning permission is limited in its materiality, and certainly would not preclude the granting of consent. It remains the planning authority's duty to assess any application against the provisions of the development plan and any other material considerations. Change of use from open space to garden ground generally relates to the incorporation of all or part of an existing amenity space into an existing residential garden. In this instance, the change of use is a component part of this application, which involves the formation of a new domestic dwelling and associated curtilage. Disruption to local residents would generally be for a limited period, and any disturbances would be subject to control under the applicable environmental health legislation.

The potential implications of surface water run-off for the environment within the adjacent LNCS are noted, however if Members were minded to grant planning permission it would be reasonable to attach conditions requiring details of surface water drainage arrangements and details of a site-specific Construction Environment Management Plan, aimed at avoiding or mitigating the environmental impact of the development during the construction phase.

That residents are responsible for the maintenance of the existing open space through their title deeds is noted, however that would not preclude planning permission being granted for any development. Any potential damage to existing road surfaces would be subject to existing Roads legislation which is understood to include provision for necessary cleaning and repair.

The use of part of a domestic dwelling as a home office does not necessarily involve a material change in use, depending on the fact and degree of the

particular case. In this instance a small home office above the garage would not be considered to represent an independent commercial use or a separate planning unit, based on the information provided.

Matters relating to the requirement for a bat survey were also raised by the Community Council, and are addressed in the following section. Matters relating to design have been addressed previously in this report.

It is understood that the proposed driveway would be formed in lock-block, however the proposed no-dig sub surface would include granular fill. The contradiction in submitted information could be readily addressed through use of a condition in the event that members are minded to grant planning permission.

It is noted that trees within the grounds of 32 Kemnay Place have not been included in the submitted survey.

Matters raised by Community Council

Issues relating to encroachment onto an area of existing open space and impact on the adjoining Walker Dam LNCS have been addressed in the body of this report. It is recognised that a Bat Survey was not provided in support of this proposal, however this is accepted as no existing buildings would be removed and those trees to be removed have limited roosting potential when compared to those present in the area, particularly those more mature trees which form part of the LNCS. It should be noted that licensing arrangements relating to protected species remain applicable independently of the planning process.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to representation and are regarded as unresolved issues to be determined at the Examination; and
- the relevance of these matters to the application under consideration.

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

The foregoing can only be assessed on a case by case basis. In relation to this particular application, policies relating to design, residential areas and others of relevance to the proposal have not been subject to fundamental change, however there remain unresolved issues which may lead to further change in applicable policies, with the weight that those policies can be afforded diminished as a result. The site remains allocated within a residential area, where residential

development is supported in principle, and it is not considered that the Proposed Plan raises any material considerations warranting determination other than in accordance with the provisions of the extant Aberdeen Local Development Plan.

Summary

It is concluded that the proposed development involves a number of areas of tension with the applicable policies, most significantly in relation to encroachment on existing green spaces and impact on trees and woodlands. Whilst the level of amenity afforded to residents would be satisfactory, with access to an enclosed private garden of a size consistent with its suburban setting, the erosion of an existing open space, which makes a contribution to local amenity and landscape character, and the impact on existing trees are considered to have in unacceptable cumulative impact. In this regard, it is considered that the proposal fails to demonstrate due regard for its context or make a positive contribution to its setting. For the reasons stated in full below, it is recommended that this application be refused.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

1. Whilst the general principle of residential development within a residentially zoned area is accepted, and the architectural form of the proposed dwelling is considered acceptable, its inappropriate siting relative to existing trees demonstrates a lack of due regard for context, and results in a situation where the proposed dwelling would not make a positive contribution to its setting, as required by policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan (ALDP).
2. The impact of the proposal on existing trees, both directly in the formation of the new driveway and in the longer term due to the inappropriate proximity of the new dwelling to retained mature trees, is not considered to be in accordance with policy NE5 (Trees and Woodlands) of the ALDP or the associated 'Trees and Woodlands' supplementary guidance.
3. The increased threat posed to mature retained trees has potential to result in adverse impact on the Walker Dam Local Nature Conservation Site (LNCS), and represents an area of tension with policy NE8 (Natural Heritage).
4. The development would result in encroachment onto an existing area of open space which, though of limited size, makes a positive contribution to local landscape character and visual amenity in this residential area. On that basis, it is considered that the proposal demonstrates a significant degree of tension with policies D6 (Landscape) and H1 (Residential Areas) of the ALDP.

CRAIGIEBUCKLER AND SEAFIELD COMMUNITY COUNCIL

Mr Gavin Evans
Senior Planning Officer
Planning & Sustainable
Development
Enterprise, Planning &
Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

10 Craigiebuckler Drive
Aberdeen
AB15 8ND

23 March 2015

Dear Mr Evans

Planning Application Reference 150311

Sub-division of residential curtilage and erection of a new dwelling house.

Detailed Planning Permission

Applicant: Mr and Mrs N Greig, 22 Kinaldie Crescent, Aberdeen.

We are concerned that the site selected for the above referenced proposed development forms part of a narrow corridor of green space in the Aberdeen Local Development Plan which has not been allocated for house building. It is listed as a local nature conservation site by the Local Authority and is referred to as "Site No. NJ90NW1136 by the Royal Commission on the Ancient and Historical Monuments of Scotland who have mapped it to illustrate its link with Rubislaw.

In Aberdeen City Council's document, "Local Nature and Conservation Sites", page 44, "The Walker Dam Rubislaw Link", the Walker Dam and the surrounding green space is described as follows:-

"This is a charming mixture of landscaped areas and semi-natural habitats. The main feature is the large pond with a small burn and areas of wet woodland.

The site shows a succession from open water to marsh and willow scrub and contains a good range of wetland plants for such a small urban site. There are also areas of broadleaved woodland, neutral grassland and improved grassland. There is a good footpath running through the site making it one of Aberdeen's more accessible areas of open water. As it lies within a residential area of the City, it is an important recreational and educational resource."

The accuracy of this statement is borne out by the numbers of joggers, dog walkers, cyclists, walkers, parties of school children and study groups (because this is a site of scientific interest) who frequent the core path above the southern bank of this beautiful pond to access the grassed area to its east. By virtue of this popular walkway they are linked directly with Woodburn Gardens or Springfield Road.

It is our contention that the construction of this proposed large dwelling house will have an intrusive and disruptive effect on the access and attractiveness of the Walker Dam site. The position of the proposed dwelling, on completion, will destroy the vista viewed from the seating area at the east of the dam.

This is apparent from the location plan which is also illustrative of the applicants intention to access the site of the proposed development by approaching it from the South, via the existing narrow roadway between 30 and 32 Kemnay Place..

The driveway is proposed to be constructed on what (we are informed) is described on the resident's land certificates as “ the amenity area, which should be held in all time coming for the benefit and amenity of the whole subjects”. We submit that the developer should not be permitted to remove this valued recreational space because, in doing so, a precedent would be created which would lead to further development on the amenity areas of this estate, thereby adversely affecting the quality of the lives of its residents.

Constructing the proposed dwelling and driveway would require the acquisition of publicly owned land to the west of the Walker Dam. We submit that this would not be in the public interest because it would encroach on this Council owned recreational amenity which is an integral part of the greenspace network.

Policy NE1 of the ALDP 2012 states: “The City Council will protect, promote and enhance the wildlife, recreational landscape and access value of the Greenspace Network. Proposals for developments that are likely to destroy or erode the character or function of the Greenspace Network will not be permitted”. We submit that this planning application should be refused because allowing it would cause the City Council to contravene Policy NE1 of its own Local Development Plan.

We also refer to the conditional planning permission pertaining to a planning application by Stewart Milne Homes, dated 23rd February 1999, which was, on 2nd December 1999 (Ref.No; 99/0316), the subject of a meeting of the Planning and Strategic Development Department. The application was for the demolition of an existing building and the erection of 15 dwellings with garages at Kemnay Place, Walker Dam School, Aberdeen. A condition of granting planning permission was that “The landscaped areas shown on the approved scheme shall not be used for any purpose other than that of landscaping unless the planning authority has given written approval for a variation – in the interests of the amenity of the area.” We contend that this condition, which protected the landscaping of the Walker Dam amenity area, applies in respect of this planning application to build a dwelling house, which encroaches on the same amenity area.

We call your attention to the planning history of the Craigiebuckler area of the city. Throughout the 1950s this part of West Aberdeen was extensively developed by the builder, Donald C. Stewart, to create a housing estate which consisted of homes that were uniformly similar in their particular style of architecture. When planning consent was granted to the Stewart Milne Group to build the new homes on Kemnay Place it was conditional that their appearance did not contrast with those built by Donald C Stewart. The Stewart Milne Group were required to submit plans which demonstrated their compliance with this condition. Consequently the new homes, for example 30 and 32 Kemnay Place, are in keeping with the character of the street and surrounding area. The proposed dwelling house does not appear to comply with the previous planning conditions.

Furthermore a precedent was created when, in 1999/2000, a planning application by the Stewart Milne Group to build houses in the gardens of 20 and 22 Kinaldy Crescent (the same area of land), was refused. We submit that, by reason of this precedent, planning permission should also be refused for building this proposed dwelling house.

At present there is no access road to the site of the proposed dwelling house. The proposed access

road can only be constructed by extending the established short road which was formed between Nos 30 and 32 Kemnay Place in order to provide access to their off-street parking and garages.

The continuation of the established access road to link it with the site of the proposed dwelling house would entail the loss of part of the amenity ground.

The site of the proposed dwelling house, which is on a gradient, sloping towards Nos 30 and 32 Kemnay Place, would probably have to be excavated to provide level foundations for the building. Excavating and removing a considerable tonnage of earth may be necessary to prepare the site for building the house.

The only access to the site would be via the road between Nos 30 and 32 Kemnay Place. This access road, which comes to a “dead end”, is 5.6 metres wide. All excavations and subsequent construction work can only be made possible by virtue of this narrow access road which, as stated above, facilitates access to Nos 30 and 32 Kemnay Place. We object to the disruption which the noise and site traffic could cause to the residents of Nos 30 and 32 Kemnay Place as well as the residents of neighbouring properties and the environment of the dam.

All site traffic will have to use this access, including heavy commercial vehicles. Furthermore, the streets, Kemnay Place and Kildrummy Road, which link the site to the distributor road, Craigiebuckler Avenue, are narrow and unsuited to the anticipated volume of heavy construction traffic. There is also an increased risk of RTCs on those streets because of construction traffic, if this planning application is allowed. We have concerns about the safety of those moving vehicles.

We are also concerned about the potential for flooding because no details have been provided by the applicants to address this matter. Furthermore we contend that the run-off of water from the site could damage the environment of the Walker Dam.

Yours sincerely
William Sell
Chair

This page is intentionally left blank

23/03/2015

21 nemnay Place,
Brigiebuckler,
Aberdeen.
AB15 8SG.

Aberdeen Planning Dept.,
Marischal,
Broad Street,
Aberdeen.

RE-APPLICATION NO. 150311

Dear Sirs,

As the owner occupiers of the above address we have an objection to the above application for a new build at 22 Kinaldie Crescent. They are listed on the following page.

Yours faithfully,

(NORMAN A. BURN)
(MARGARET L. BURN)

1/ The grass area between 30 and 32 Kemnay Place was designated for a childrens play area and it is a requirement in our deeds that the fifteen owners maintain all the landscaped areas.

2/ The access required by the applicant on to a very narrow road with little and in some cases no pavements in our part of Kemnay Place is very concerning as heavy lorries on the move for a build will be very dangerous in that situation. Damage to the lock block road is also more than possible.

3/ The effect on the trees and shrubs during a build could cause flooding and drainage problems as soil can block the drains. Again we will have damage in some form to our area.

32, Kildrummy Road,
Aberdeen.
AB15 8HJ
15.3.2015

The Chair
Aberdeen City Council
Planning Committee.

Dear Sir,

I wish to lodge objections to the proposed dwelling at 22 Kinaldie Crescent-
application number 150311

1. The building is extremely big which would dominate the surrounding area and is quite out of character to the area.
2. The garden wall is massive and from the Walker Dam would resemble a prison wall and spoil the outlook. The present fence merges in with the trees many of which would be destroyed.
3. Part of the building would be for commercial purposes which is not in keeping with this area.
4. Although the address is Kinaldie Crescent , it is proposed access would be from Kemnay Place by turning the open grass amenity (designated for children) into a road.
4. Walker Dam is a place of tranquil beauty which is enjoyed not only by those in this area but by many of the citizens of Aberdeen and draws in visitors to the city-a attraction enhancing the city's image. It would be damaged by this building and the wall dominating the site and the loss of the mature trees and plants. This is my most important objection.

Many people out with this area are of course unaware of this proposal but
would object to Walker Dam being spoiled.

Yours sincerely,

Norma Hunter, Mrs.

105 Craigiebuckler Avenue ,
Aberdeen
AB15 8PB

Dear Gavin Evans,

I wish to bring to your notice our concerns regarding planning application 150311. Our main concerns are the site plan which would appear to require the use of approx 160 square meters of Green Space not owned by the applicant. This goes against the supplementary guidance "Householder Development" pages 21-24 to the Aberdeen local plan and policies which seek to retain and enhance areas of open space and Aberdeen's urban green space.

All the trees on the site adjoining the Walker dam are in fact on the boundary, the use of this specific area is important as any development of it will create a narrowing of the path there, loss of Green space, and there has been recent studies at this very area on fungi growing on dead trees by Aberdeen University.

This area would appear to drain all the gardens on Kinaldie Crescent into the Walker dam, which at the moment is beneficial to the dam, any development could be problematic (the Coupers pond situation at the Dandara site is an example).

The access point to the site would allow vehicles to be very close to the Dam, the Light, noise and fumes from cars and the initial construction at the site would all be disastrous for the environment there. After construction, lighting (there is no street lighting near the site) would also light up the dam at night when bats use it to feed and a great deal of wildlife is nocturnal. The bats use the whole burn and the dam as a feeding area at night. Foxes and deer use the gardens and the through route of the burns to move about at night.

This development would create a precedent, it is unusual that Halliday Fraser Munro in their planning application they point out on page 1 The Site relating to Kinaldie Crescent that only one side of the road has been developed, is this relevant to this application or maybe a future one?

The root protection boundary on the plan, are the Aberdeen Council in agreement that this is correct? It would seem that both road and house development is very close to this boundary and the changes in natural drainage which feeds the trees would also be affected.

The Walker dam has a beautiful view from the Springfield road end with, very little housing being seen. It is truly a wildlife sanctuary, this development, any development will only detract from this.

We are at the moment working with Aberdeen Council to enhance the Walker dam, preserve and protect it as a wildlife site to the benefit of all Aberdeen's population not a developer. We are in the process of encouraging scientific interest in the site by Aberdeen University because of its unique situation, which no other city has, a Wildlife site so close to the urban area.

Lastly we would like to point out that this goes against Local Development plan and with the other landscaped areas in the site possibly becoming vulnerable to development we would like to quote from the planning permission ref.no:-99/0316 02 december 1999:- The landscaped areas shown on the approved scheme shall not be used for any purpose other than that of landscaping unless the planning authority has given written approval for a variation in the interests of the amenity of the area.

Yours faithfully

Allan Davidson (Friends of Walker Dam)

PI

From: webmaster@aberdeencity.gov.uk
Sent: 23 March 2015 00:23
To: PI
Subject: Planning Comment for 150311

Comment for Planning Application 150311

Name : Joanne Herndon

Address : 12412 Glenfield Avenue,

Tampa Florida USA 33626

type :

Comment : I am submitting this as my mother, Joan de Rome, lives at 20 Kinaldie Crescent as is directly effected by this request for planning permission. A similar request was submitted in 2014 and withdrawn due the the overwhelming opposition. This request should be reject immediately. My mother has mailed her opposition to this proposal.

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

PI

From: webmaster@aberdeencity.gov.uk
Sent: 17 March 2015 18:18
To: PI
Subject: Planning Comment for 150311

Comment for Planning Application 150311

Name : Mrs Jane Ormerod
Address : 12 Kemnay Place
Aberdeen
AB158SG

type :

Comment : The proposed site for this development whilst offering opportunity to contribute to housing development in the area will be detrimental to the current area in several ways: Access to the site from Kemnay place will be across an area of green land that was agreed would be maintained when the area was developed, additionally the properties either side of the access will not, I would suggest, benefit in any way if the development goes ahead; the development disruption, dirt, noise etc will not be welcomed by anyone. Nor will the resulting increased traffic.

The suggestion that trees in place will shield the area from the recreational access around the dam, unless things change drastically, is a fallacy, the property and its access will clearly be seen from the dam and the path. The disruption during building will surely impact on birdlife and wildlife in the dam area. Everyone who uses the area for recreation would not welcome building work and further access so close to a lovely wildlife area which provides some peace and home to wildlife in the midst of a busy city area.

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.

20 Kinaldie Crescent
Aberdeen
AB15 8HX

22 March 2015

Dr M Bochel
Head of Planning and Sustainable Development
Aberdeen City Council
Business Hub 4
Marsichal College
Broad Street
Aberdeen
AB10 1AB

Dear Dr Bochel

**OBJECTION TO PLANNING APPLICATION REF NO. 150311 22 KINALDIE
CRESCENT, ABERDEEN, AB15 8HX
SUB-DIVISION OF RESIDENTIAL CURTILAGE AND ERECTION OF NEW
DWELLINGHOUSE AND ASSOCIATED WORKS**

I am writing to object to the proposed development at 22 Kinaldie Crescent to create a new detached house in their back garden. The reasons for my objection are as follows:-

1. **Loss of Mature Trees and Serious Risk to the Walker Dam and Kemnay Place Trees** – the proposed plans remove four of the trees from the Kemnay Place landscaped amenity area and also intend to use this Kemnay Place amenity area for the long access road/driveway to the new house. This will seriously damage the roots of the Walker Dam and Kemnay Place trees as all construction vehicles, equipment and building materials, soil etc are driven over the root protection area of these trees. This is putting these mature Green Space trees at serious risk. The proposed development is contrary to the Aberdeen Local Development Plan Policy NE5 Trees and Woodland.
2. **Loss of Visual Amenity of the Walker Dam Green Space** – This development would destroy the view from my house and back garden across to the Walker Dam Green Space. The Walker Dam is a Local Nature Conservation Area and its established woodland is irreplaceable. The plans also propose to remove four of the trees from the Kemnay Place landscaped amenity area and the landscaping shrubs and grass and replace it with an access road which will again mean the visual amenity across to Kemnay Place is destroyed. This is contrary to the Aberdeen Local Development Plan Supplementary Guidance - Householder Development.

3. **Loss of Privacy** - No scale plan drawings have been available to review however from looking at the proposed site layout, the ground floor full height lounge windows and the upper floor bedroom 3 windows facing west are very close to the boundary with my house and pose a direct overlooking impact on my house. I am concerned with this loss of privacy.
4. **Flooding and Drainage Issues** – The garden of no. 22 Kinaldie Crescent is on a significant slope but the proposed new house appears to be on flat ground. There is no detail given on the proposed changes in these ground levels. I am concerned that there will be flooding and drainage issues which will impact on my property and on the Kemnay Place properties. This is contrary to Local Development Plan Policy NE6 Flooding and Drainage.
5. **Precedent** – Back in 1999 Stewart Milne Homes wanted to build more houses in the Walker Dam School/Kemnay Place development by purchasing part of no. 22 Kinaldie Crescent's garden. The owner at the time was happy to sell his land however Stewart Milne Homes was not allowed to develop this land due to the impact on the mature trees on the site. The retention of these trees was a planning condition of the Walker Dam development. This decision has set a precedent for these trees to remain.

I hope you will carefully consider my concerns and refuse this application for the reasons explained above.

Yours sincerely

Mrs Joan de Rome

34 Kemnay Place
Aberdeen.

AB15 8SG

06.03.2015

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

Re: Planning Application 150311/
22 Kinaldie Crescent.

Dear Sirs,

With reference to the above
Planning Application I enclose my
objections to that proposal.

1. Loss of amenity space lying between
nos 30/32, Kemnay Place. This has been
maintained by the residents of the
Walker Dam development for 15 years.
This area is used by younger children
as a play area.

2. Change of use from amenity space to access route to planned house/site. Who will be responsible for its upkeep in the future if the plans are approved?
3. Change of pavement kerb and concrete edge to grass of this amenity area and remedial work to this area would be required.
4. Use of gravel as bed for site access road.
All the houses in the Walker Dam development have lock-block hard standing either directly from the road or across a pavement. This gravel bed would be out of character for the area. Any gravel spilling onto the road could cause damage to cars and property.
5. The length of the access road is again out of character for the area.
6. The condition of the approach roads, Kildrum Rd and Kemney Place is poor and with heavy vehicle traffic would rapidly deteriorate.

I would be most grateful if you would consider these points when the application comes up for discussion.

Yours faithfully,

PI

From: webmaster@aberdeencity.gov.uk
Sent: 23 March 2015 10:41
To: PI
Subject: Planning Comment for 150311

Comment for Planning Application 150311

Name : Isabel Clarkson
Address : 22 Kemnay Place
Aberdeen
AB15 8SG

type :
Comment : 22 Kemnay Place
Aberdeen
AB15 8SG

21st March 2015

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

Dear Sirs,

Planning Application: 150311
22 Kinaldie Crescent, Aberdeen

I am the proprietor of 22 Kemnay Place, Aberdeen and am writing to object to the above planning application for the erection of a new dwellinghouse and garage at 22 Kinaldie Crescent.

My grounds of objection are as follows:-

1. It is totally against both Government and Local Policy on development in a number of respects including, but not limited to the following:-

(i) The design and scope of the development is not in keeping with the neighbouring properties in Kinaldie Crescent. It is substantially larger and higher than the other properties in that street.

(ii) There is a general presumption against the loss of or damage to established trees, which contribute to the character, landscape and amenity of the area. Before this development could proceed a number of mature trees would have to be removed (indeed a number have already been felled), in particular around the area for the proposed access. Policy NE5. The planning application provides for the removal of trees, shrubs and the fence (the

original Walker Dam school fence) on our amenity area to create a new driveway/access. This is contrary to the Local Development Plan Guidance on Trees.

The proposal will result in all construction vehicles and building materials etc being driven over the root protection area of the Walker Dam Green Space mature trees and also the root protection area of 32 Kemnay Place's trees. The weight of these vehicles would be very considerable. This will have a devastating effect severing the roots of these mature trees and will likely kill them off. The impact of this will not be immediately evident but will happen over time. This is contrary to Policy.

(iii) We are concerned with the potential for flooding and drainage problems as no detail has been given in the application regarding the proposed changes in ground levels on the site and corresponding impact on surrounding properties. The open space between 30 and 32 allows for natural drainage at times of peak rainfall. This is contrary therefore to Local Development Plan Policy NE6 Flooding and Drainage.

(iv) The proposed access is over two different areas of ground. One of the areas is owned by Aberdeen City Council and forms part of the Green Space Network connected to the Walker Dam Nature Reserve. In terms of Policy NE1 the Local Authority have an obligation to protect the wildlife, recreational landscape and access value of the green space network.

The second area of ground is owned by Stewart Milne Limited but forms part of the Walker Dam Development, of which my property forms part.

As a condition of Stewart Milne's original planning consent certain areas in the development were to be designated and maintained as amenity areas. These were to be laid out in lawn and trees, and shrubs planted. We the proprietors in the development were, and still are, obliged to maintain and replace these items and are also obliged to maintain the fence separating this amenity area from the strip of ground belonging to the Council. We have done so for the past 15 years. The proposed development would involve this area being destroyed to enable an access road to be constructed. In terms of Policy NE3 urban open/green space should only be used for other purposes under exceptional circumstances. These are not exceptional circumstances and this will substantially affect the amenity and character of our development.

It will also set an unacceptable precedent as the Council are not upholding and enforcing conditions contained in the grant of the original planning consent for our development. If a certain area of the development required to be laid out as amenity area this should not subsequently be varied as a matter of expedience. If this were to be allowed here how can the public retain any confidence in the Planning Authority. Equally, developers can then feel confident that with the passage of time they can disregard the conditions that were originally part of the approval for any development.

In the supporting documentation for the application the amenity area is described as surplus ground and a left-over area. This is simply misconstruing the position. This is an important part of our development where children can play safely and it contributes to the whole aesthetics of the development.

(v) Bats are regularly seen in and around the site. They are a protected species by European Law and Policy NE8 recognises the importance of their protection from development that may cause an adverse impact. There is no information assessing any potential impact on bats and hence it is contrary to the policy.

2. The development as a whole will have an unacceptable impact on the character and amenity of the surrounding area and it will result in the loss of valuable and valued areas of open space – Policy H1.

3. This development will have an impact on areas available for parking in our development as well as having an adverse impact on road safety with the increased traffic which will obviously come as a result.

I hope the Officials determining this application will give due consideration to all of the points I have raised here.

Yours faithfully,

22 March 2015

Dr M Bochel
Head of Planning and Sustainable Development
Aberdeen City Council
Business Hub 4
Marsichal College
Broad Street
Aberdeen
AB10 1AB

Dear Dr Bochel

**OBJECTION TO PLANNING APPLICATION REF NO. 150311 22 KINALDIE CRESCENT,
ABERDEEN, AB15 8HX
SUB-DIVISION OF RESIDENTIAL CURTILAGE AND ERECTION OF NEW DWELLINGHOUSE AND
ASSOCIATED WORKS**

We received the neighbour notification letter from Aberdeen City Council in respect of this planning application and we are writing to object in the strongest terms to the proposed development on this site.

Having assessed the proposals against development plan policy as contained within the Aberdeen Local Development Plan (ALDP) and further material considerations, as set out in Scottish Planning Policy (SPP) it is contended that the proposals are contrary to the adopted ALDP and associated Supplementary Guidance for the following reasons:-

- **Contrary to ALDP NE6 Flooding and Drainage** - This open space area between 30 and 32 allows for natural drainage at times of peak rainfall. We are very concerned that there has been no assessment of the site levels, volume of soil to be removed or added to the site and the potential for drainage and flooding problems and the impact on neighbouring properties especially on 30 and 32 Kemnay Place. The 3D visual of the proposed house added to the Aberdeen City Council website just on 18 March shows the house on a flat site however the actual site currently is not flat and hence we assume there will be significant changes to the soil levels during construction. The previous application for a new dwelling house at 22 Kirialdie Crescent last year (which was then withdrawn) stated that "substantial cut and fill may be required given a large presence of "made ground" which is unsuitable for the laying of foundations." Presumably this is still the case this year.

There is also a contradiction in the planning proposals as the Planning Support statement states a lockblock driveway but the Site Layout states a gravel driveway. We are concerned that excess surface water runoff will pose an increased flood risk to our property. This proposal would therefore be contrary to Policy NE6 – Flooding and Drainage of the ALDP.

- **Limitations** - We requested information on the scale of the proposed development however no scale drawings have been provided by the applicant. Hence this has limited our comments on the size of the development. There are also no details in the proposed plans as to whether there are any boundary walls or fences or gates. It was a condition of the Walker Dam development that the front gardens remain open and it is unclear if the proposed development is consistent with the other Kemnay Place houses. We would have serious concerns if there was any change to this open aspect.

We have a side gate which is adjacent to the Kemnay Place amenity area and we would be concerned if there was any impact at all on the access to/from our property by this gate or to

our driveway which leads directly to our double garage. There is landscaped planting alongside the fences of no. 30 and 32 Kemnay Place and the boundary fence to the Walker Dam. This planting is regularly kept under the garden maintenance contract – fortnightly April to October and monthly during November to March. We would also be concerned if there was any removal or change to this landscaping area eg if the proposed development were to incorporate gates or walls or fencing in this area.

- **Contrary to ALDP NE5 Trees & Woodland** - A substantial number of mature trees are situated within the immediate context of the site and we have grave concerns over the potential impact and ultimate loss of said trees as a result of the proposed development. Planning permission granted in 1999 for the development of 15 houses at Kemnay Place (ref no. 990316), imposed a number of stringent planning conditions to ensure that these trees were protected and maintained.

The Tree Survey submitted to supplement the 22 Kinaldie Crescent application this year, indicates a substantial number of trees along the eastern and southern boundary of the site. Both their canopies and root protection areas encroach into the proposed development site and this would give great cause for concern. A very significant impact will be posed on the Walker Dam Green Space trees, the Kemnay Place amenity space trees and also the trees within the garden of 32 Kemnay Place both during the proposed construction of the house and driveway and also pose a serious risk in the future. The proposal seeks to remove 4 trees and various large shrubs in the Kemnay Place open amenity landscaped ground in order to create the access road/driveway to the site.

The proposal will also result in all construction vehicles, equipment, building materials and soil etc being driven over the root protection area of the Walker Dam Green Space mature trees, the 2 remaining Kemnay Place amenity area trees and also the root protection area of no. 32 Kemnay Place's trees. The weight of these vehicles would be very considerable and added to the fact the proposal does not state how much soil is to be removed to level off the site (or give any details on the changes in ground levels) adding further to the weight on top of the roots on the access road. This will have a devastating effect severing the roots of these mature trees and will likely kill off these trees. The impact of this will not be immediately evident but will happen over time. Service trenches will be dug across this amenity area which will also cut into the root protection area of these trees.

The tree survey supporting this proposal has very strangely omitted the 7 trees within the garden of 32 Kemnay Place. The root protection areas of these trees are directly affected by the proposed service trenches and driveway to the proposed house as these trees are very close to the amenity landscaped area.

We are unsure if the root protection areas per the plans are accurate as the **ALDP Supplementary Guidance on Trees and Woodland** (see page 7) states that roots of trees can sometimes extend to twice the height of the tree and since the height of these trees is very significant indeed, we question whether the root protection area in the plans are in fact large enough. The proposed house is on the edge of the suggested root protection area which does not provide any allowance for error in the mapping of the roots.

For all these reasons, we conclude that the proposed development would therefore contravene Policy NE5 of the ALDP which seeks to protect and manage existing trees within the city.

- **Contrary to ALDP H1 and D2** - The ALDP identifies the site as located within an existing residential area where Policy H1 applies. This details that new residential development within these areas may be acceptable in principle, should they conform to a number of criteria. These criteria seek to protect the established character and amenity of the surrounding area and neighbouring residents. The proposal as discussed below, is not considered satisfactory when assessed against these criteria and therefore contravenes Policy H1 of the ALDP and associated Supplementary Guidance on *The Sub-division and Redevelopment of Residential Curtilages*.

The proposed development would have a detrimental impact on the established character and amenity of the area and create an undesirable precedent for "backland" development. The existing development pattern at Kinaldie Crescent is made up of modest semi-detached properties, creating a relatively formal building line fronting onto the road. Construction of a new dwelling within the rear garden ground of no.22, taking access through an existing area of open amenity space off Kemnay Place to the south east, would result in a property which does not front onto a public road and as a result, would be completely at odds with the established density, character and development pattern at Kinaldie Crescent and Kemnay Place. The significant length of the proposed access/driveway road off of Kemnay Place is 20 metres before it even reaches the garden of 22 Kinaldie Crescent and the front of the new house faces south west towards the garden of 20 Kinaldie Crescent. Hence there is no public face to the street and so it does constitute backland development. **See Enclosure 1 Aerial View Plan.**

Backland development can result in the further erosion of residential amenity space and there is a presumption against this type of development within the above mentioned Supplementary Guidance. Policy D2 of the ALDP also stipulates that residential development shall have a public face to a street and clearly the proposals fail to achieve this. The proposed development would set a dangerous precedent and open the floodgates for other proposed developments within other City housing areas which also have landscaped amenity areas. This is contrary to the ALDP Supplementary Guidance - Householder Development.

- **Contrary to ALDP NE3 Urban Green Space, NE4 Open Space Provision in New Development and Supplementary Guidance on Transport and Accessibility and Householder Development (Driveways)** - We have serious concerns regarding access and egress from the site. The proposals indicate a new access to be taken off Kemnay Place, through an existing area of amenity ground. This area has been established as formal open space associated with the construction of 15 houses at Kemnay Place under planning ref no. 990316 by Stewart Milne Homes. This area, in addition to two other associated green spaces within the scheme, are clearly identified as open space on drawing plans (ref 5096-101) and were left in perpetuity, to be maintained for the enjoyment of said dwellings and are currently used for that very purpose. This was a condition of the planning permission for the Kemnay Place development.

All the Kemnay Place landscaped areas are maintained on a garden maintenance contract paid for by all the "new" Kemnay Place residents - 15 households, for the last 15 years. We also wish to highlight that our land certificate states that the Kemnay Place amenity/landscaped areas (of which there are 3) should be held in all time coming for the benefit and amenity of the whole subjects. In addition it states that any trees or planting within any of the said amenity/landscaped areas which die or are removed or become damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

The proposed new access road/driveway would result in the permanent loss of the area of open amenity space to the detriment of surrounding residents. We reside directly adjacent to this area at no. 30 Kemnay Place and would have serious concerns over proposals which would prohibit the future enjoyment of this area of open green space where our children frequently play.

This open green space was designed for community amenity not for a third party to build a driveway/road. When Walker Dam Infant School (my old infant school) was here, the children in the neighbourhood were allowed into the grounds to play. This was one of the reasons why it was ensured at that time that there were enough landscaped area kept in the development to still allow the children to play here after the Stewart Milne houses were built. The area between 30 and 32 Kemnay Place is a good sized grassy area where the children can safely play with a ball, skip etc and play on scooters coming down the hill to the grass area. This open space area is safely fenced off from the Walker Dam and therefore it is secure for the children playing. The second landscaped area in the middle of the development is on a steep hill and the third landscaped area has the path leading directly through to the Walker Dam Green Space.

The proposals would effectively destroy this area through the provision of a driveway access and hence are unacceptable and contrary to ALDP Policies NE3 & NE4, which seek to retain and enhance areas of open space and the Aberdeen's Urban Green Space Network. In addition the proposal is contrary to ALDP Policy H1 and Supplementary Guidance on Transport & Accessibility which states "permission will not be granted for a driveway across an amenity area unless it would have no detrimental impact in road safety and would have no adverse effect on the amenity of the area (eg involves the loss of mature or semi-mature trees).

- **Contrary to ALDP NE8 Natural Heritage** - Any loss of trees could also impact on established habitats within the area. Given the proximity to the Walker Dam Nature Conservation Site to the north and east, there are established semi-natural habitats in the area. We regularly see bats in and around the site and it is very likely they could be utilising the trees for roosting and foraging purposes. Bats are a protected species by European Law and Policy NE8 of the ALDP recognises the importance of their protection from development that may cause an adverse impact. The application has not been supplemented with supporting information to assess any potential impact on bats, therefore is contrary to the above mentioned policy.
- **Loss of Visual Amenity of the Walker Dam Green Space and Kemnay Place Amenity Area** – The Walker Dam area is widely used by walkers, joggers and cyclists and is characterised by mature trees, essentially a wilderness which has remained unspoilt for the benefit of the City. The Walker Dam is classed as an Urban Green Space and is a Local Nature Conservation Area and as such cannot be developed for any use other than recreation or sport. The removal of trees and landscaping – both grass and mature planting including holly bushes and a beech tree, extension of a road straight through a public open space and serious risk to further established mature trees mean the significant aesthetic and visual amenity of this area will be lost forever by this proposed development.

The green landscaped views down Kemnay Place towards the Walker Dam Green Space and Core Path – **please refer to Enclosure 2 which is a Photograph of this view** - would be completely changed – we would be looking down our road to more road instead of grass and landscaping and trees, mature trees eliminated and a view of a building. Similarly the current beautiful open green amenity views looking south for all the public from the Core Path running round the Walker Dam would be radically changed as the trees are removed, large detached dwelling adjacent to the core path and hard landscaping replacing our present lovely grassed landscaped area.

This is contrary to the ALDP Supplementary Guidance - Householder Development which states "the proposal should not adversely affect amenity space which makes a worthwhile contribution to the character and amenity of the area or contains mature trees that make a significant contribution to the visual amenity to the wider neighbourhood".

The proposed development of this amenity area if approved would presumably set a precedent for the development of the other two amenity areas in the future, again in explicit contravention of the conditions imposed on the original development. Also it would open the floodgates to development proposals for the numerous other amenity landscaped areas around the City and as such it is considered a dangerous decision to take.

- **Restriction on Access and Egress to no. 30 and no. 32 Kemnay Place** - Currently there is clear access to no. 30 and no. 32 Kemnay Place which has been the case since the houses were built in 2000. Our title plan includes the roads and pavements of the development and right of access to these. We are concerned that there may be restricted access to our property/driveway/double garage both during the construction period and subsequent to this. ALDP Policy D3 Sustainable and Active Travel – this planning proposal does not protect existing access rights and hence is contrary to this policy. See also point under Limitations regarding the necessity for open frontage to all properties in Kemnay Place. Any gates at the entrance to their driveway would be unacceptable.
- **Precedent** - In 1999 at the time of the whole Walker Dam School Development (Kemnay Place/Kildrummy Road), we understand that Stewart Milne had tried to obtain planning permission to build houses in the gardens of 20 and 22 Kinaldie Crescent however no planning

permission was given for these houses because he was not allowed to remove the mature trees (ie those currently on the Kemnay Place amenity area). As such, a precedent has been set and therefore no planning permission should be given for this current development proposal in the garden of 22 Kinaldie Crescent.

- **Loss of Privacy** - We requested scale plan drawings however none have been available to review. The proposed site layout however shows the lounge on the ground floor and bedroom 3 on the upper floor (both with full height windows) very close to the boundary with 20 Kinaldie Crescent. We are concerned with the loss of privacy to this property as the plan drawings indicate windows that would pose a direct overlooking impact into neighbouring properties.
- **Contrary to ALDP NE3 Urban Green Space** - There is a strip of amenity land that is part of the Walker Dam Green Space which lies between the in-perpetuity Kemnay Place land and the present back garden of 22 Kinaldie Crescent. We are unaware of this land being transferred over from amenity ground to garden ground of 22 Kinaldie Crescent. We were advised by the Council back in May 2012 that the planning application by 22 Kinaldie Crescent to obtain this Green Space for their garden had been withdrawn. By proposing to now utilise this strip of land for their driveway, there is a loss of direct access to Walker Dam for no. 32 Kemnay Place. This is also contrary to Policy NE3 as it represents development within the Walker Dam Green Space. This is controversial in that allowing any Green Space area to be developed may open the floodgates to other proposed development on any of the other Green Spaces in Aberdeen City.
- **Damage to Local Road** - A large quantity of soil will require to be extracted from the site in order to construct this proposed house on a flat site. The current plans do not disclose what the volume of material is likely to be however last year's application stated that 550m3 required to be removed and then replaced as part of the foundations of the new house. Of the 2 possible routes for the construction traffic to take this load, one would be across a block paved road with traffic calming ie Kemnay Place and the other would be down Kildrummy Road which is narrow with many parked cars and is in a very poor state already. Both routes pass by open public areas where children play which is a safety concern.

To conclude, the proposal raises a significant number of serious concerns principally related to the flooding and drainage risks, potential to create a precedent for backland development, loss of established trees and loss of open amenity space and detrimental impact posed to the established character and amenity of the area.

We urge you to consider the concerns presented in this letter and refuse this application for sound planning reasons in line with the ALDP policies as set out above. Failure to do so could set an undesirable precedent for the loss of trees and valuable open space, through undesirable backland development, to the detriment of the character of the area and surrounding residential amenity.

Yours sincerely

Mr & Mrs Ian McPherson

Enclosures

1	Copy of the Aberdeen City Council Aerial View Plan – Walker Dam, Kemnay Place and Kinaldie Crescent 2014 (Ref: 100023401; Scale 1:2000)
2	Photograph of amenity landscaped area between no. 30 and 32 Kemnay Place looking towards Walker Dam and the Core Path – March 2015

ENCLOSURE 1

COPY OF THE ABERDEEN CITY COUNCIL
AERIAL VIEW PLAN - WALKER DAM,
KEMNAY PLACE AND KINALDIE
CRESCENT 2014 (Ref. 1000234-01).

WALKER
↓
DAM

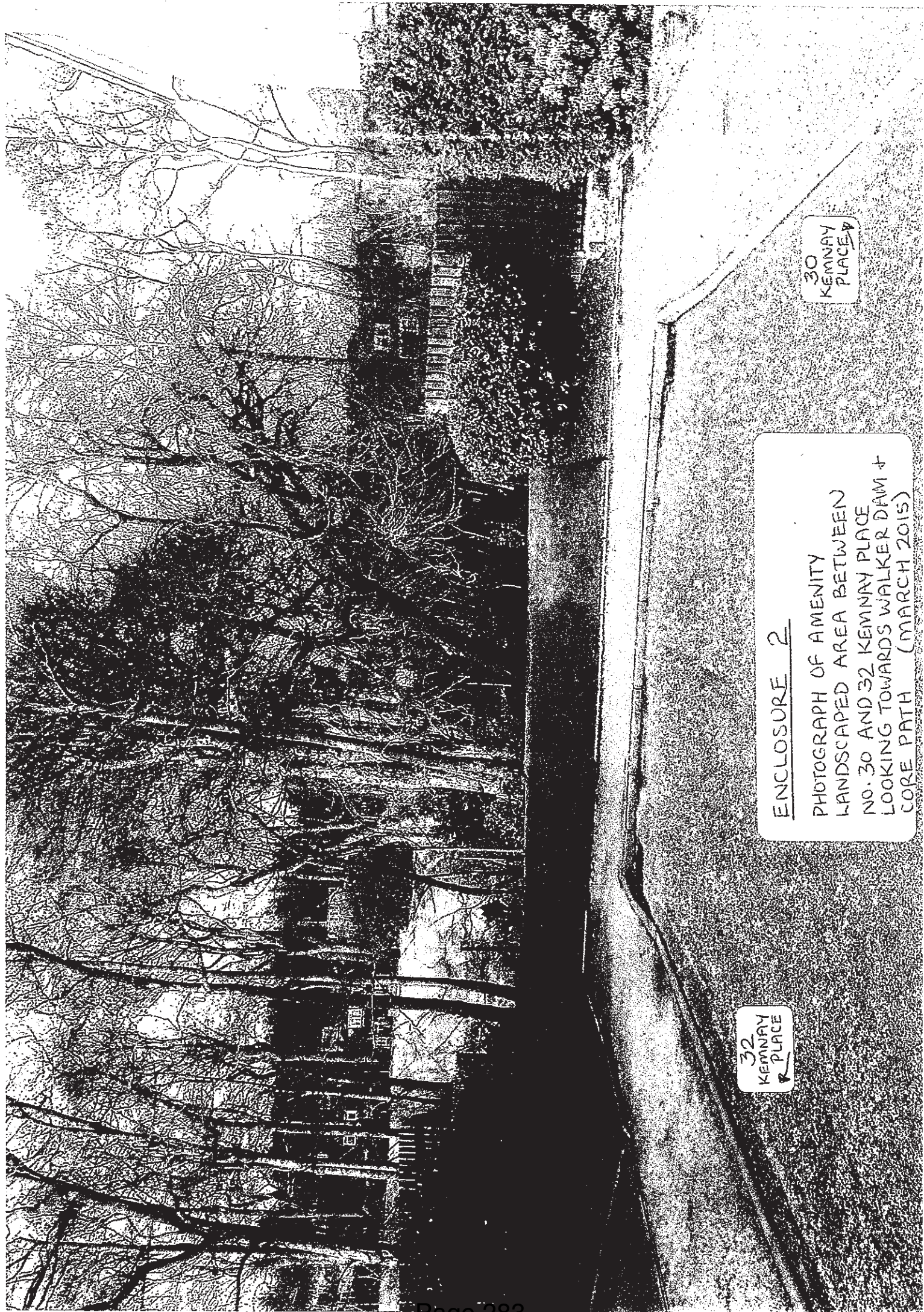
LONG
PROPOSED
ACCESS/
DRIVEWAY

KEMNAY ROAD

KEMNAY ROAD

KEMNAY ROAD

KEMNAY ROAD



30
KEMNAY
PLACE

ENCLOSURE 2
PHOTOGRAPH OF AMENITY
LANDSCAPED AREA BETWEEN
NO. 30 AND 32 KEMNAY PLACE
LOOKING TOWARDS WALKER DAM +
CORE PATH (MARCH 2015)

32
KEMNAY
PLACE

32 Kemnay Place

Aberdeen

AB15 8SG

23rd March 2014

Development Management

Aberdeen City Council.

Enterprise, Planning and Infrastructure,

Business Hub 4,

Marsichal College,

Broad Street,

Aberdeen, AB10 1AB

Dear Sirs

Ref planning application No.150311 Sub-division of residential curtilage and erection of new dwelling house and associated works 22 Kinaldie Crescent, Aberdeen, AB15 8HX.

We wish to lodge our objections to the above planning application. Our objections are detailed below. Our objections are backed up by the fact this planning application is not inline with the Aberdeen Local Development Plan 2012. The proposed development appears to contravene several policies in the local plan; these policies are referred to below.

1. Loss of recreational land

There is an Open Space between 30 and 32 Kemnay Place, this is marked on the deeds of 32 Kemnay place as an amenity landscaped area. It is shown in Appendix A as Public Open Space. It was assumed by Walker Dam Development Residents to be thus in perpetuity and has been maintained by them for 14 years.

It is NOT an area of land left over from this development as stated on page 2 of "the Planning Support Document for new the New Dwelling house 22 Kinaldie Crescent."

In the conditional Planning Permission for the Walker Dam Development Ref 99/0316 it is shown as Public Open space. It was a condition of this planning permission that this open space was provided to make up to the local community for the loss of school play areas that were used by local children even out of school hours

The proposed Formation of new dwelling house 22 Kinaldie Crescent, takes over this recreational area so the local area has lost an amenity. All children in the area will lose an area for recreation, a place to play, kick a football and access to a conker tree.

This development is therefore in conflict with the following planning policies

Policy NE3 – Urban Green Space. Permission should not be granted to use or redevelop any parks, playing fields, sports pitches, allotments or all other areas of urban green space (including smaller spaces not identified on the Proposals Map) for any use other than recreation or sport, As there is loss to the landscape character and amenity of the site and adjoining areas and Public access is not maintained.

Policy D6 – Landscape. The proposed development is not acceptable as it does not avoid disturbance, loss or damage to recognised recreation, wildlife or woodland resource

Policy NE4 - Open Space Provision in New Development. The original developer of Walker Dam met this policy in providing public open spaces that have been used for recreation, sport and play. This proposed development does not enhance the public open spaces but actually removes public open space.

Policy NE1 – Green Space Network. The Walker Dam Development provided three open spaces. In summer deer come onto these open space if food is short and use the open space between 30 and 32 Kemnay Place to get back to Walker Dam if disturbed. The loss of this open space will have a detrimental impact on existing wildlife habitats, or connections between them

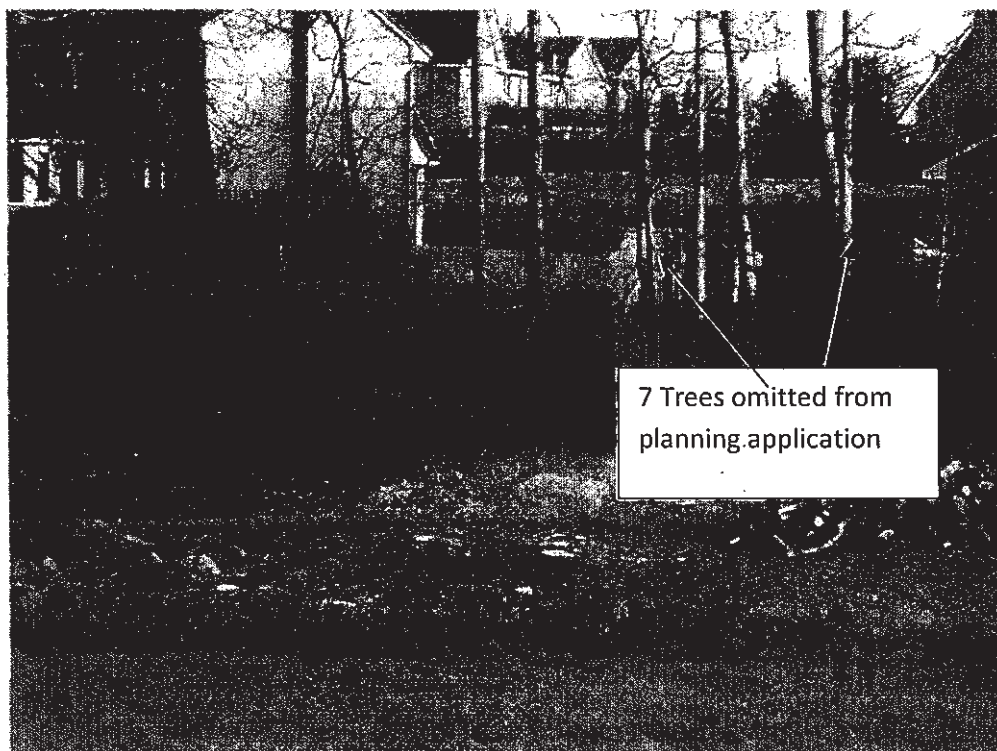
In addition Supplementary Guidance Topic: Householder Development Guide states on page 22 states;- Many homeowners seek to purchase areas of such land from either the Council or a housing developer to enlarge their own gardens. In all circumstances this requires planning permission for a change of use from amenity ground to garden ground. **I have seen no planning application for the change of use.**

2. Removal and risk to trees

The proposed plans show a drive way through an area where trees are located in the present open space amenity area. The tree survey states these are cat C trees. However in the conditional Planning Permission for the Walker Dam Development Ref 99/0316 shows these trees (Appendix A) and specifically states in Section 5 that none of these trees shall be felled to preserve the amenity of the area.

The tree survey has errors as follows

- a. There is no mention on any drawing or in the “Kinaldie Crescent Aberdeen Tree Survey” of the 7 trees in our garden that are in corner by open space and 22 Kinaldie Crescent. These are clearly shown in figure 5 on page 4 of the “Planning Support Document” copied below for convenience.



They were shown grouped as no 48 on the Tree Survey Drawing of previous planning application (see Appendix2). This is in complete contradiction to page 8 of Aberdeen Local Development Plan Supplementary Guidance Topic: Trees and Woodlands Planning which states

Applications in Principle and Detailed Planning Applications

"Where trees are present on sites that will be subject to Planning Applications in Principle and Detailed Planning Applications then all trees within the application site and within 12 meters of the red line boundary should be included in the tree survey submitted with the planning application"

These trees need to be added to the drawing or the "Kinaldie Crescent Aberdeen Tree Survey" and to the associated drawings for this planning application with their Root Protection Areas shown together with the associated tree protection area

- b. Tree 47 on "Arboriculture Assessment" drawing has no root protection area shown. It is the Alder on bottom of the "Tree Protection and Management" drawing which again does not have a root protection area shown. This tree's roots spread area will be cut by the service trench access for the new dwelling house as per page 4 of the "Kinaldie Crescent Aberdeen Tree Survey". This survey does not mention tree 47 for some reason.
- c. There are errors on Page 7 of the Kinaldie Crescent Aberdeen Tree Survey. The Diameter at 1.5 meter height of tree 46 is 32 cm not 17cm. It is a considerable tree over 12 meters high and is not a close grown tree with a suppressed canopy. The proposal is to remove it.
- d. Lack of protection for construction traffic
The Tree protection and management drawing submitted as part of the planning application says a Geogrid will be used to protect the Root Protection area for the proposed drive way. Page 13 of the "Kinaldie Crescent Aberdeen Tree Survey"

states in paragraph 2, that this is suitable for infrequent traffic of light vehicles. There is no mention of how protection will be given for heavy construction vehicles during the construction phase. This is in direct contradiction of The Aberdeen Local Development Plan Supplementary Guidance Topic: Trees and Woodlands Planning which states on page 12

5. Arboricultural Method Statements and Tree Protection Plan

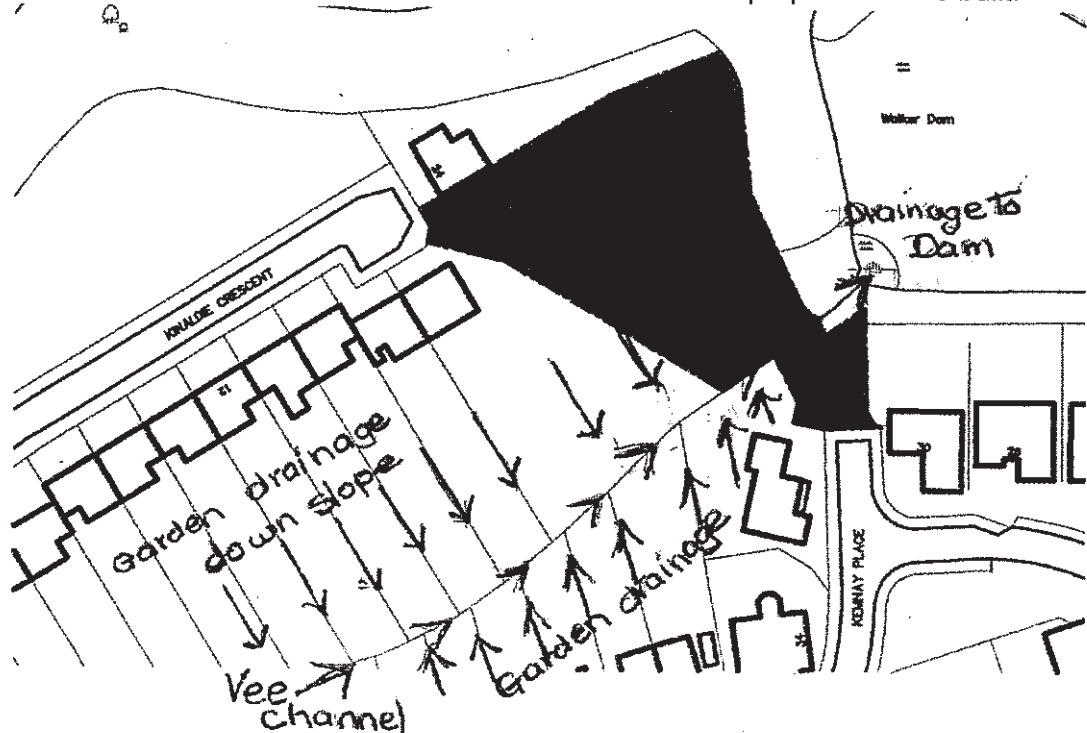
Upon finalising the design layout for the proposed development, a method and plan demonstrating how the trees on the site will be adequately protected during the construction phase of the development will be required.

This development contravenes the Aberdeen Local Development Plan [ALDP] 2012 - policy NE5 Trees and Woodland. The policy states "there is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable

3. Drainage

The planning proposal for the 22 Kinaldie Crescent proposed new house does not contain a House Drainage Impact Assessment for the site. It is considered essential that it should especially for this site. This should be a key consideration as the back gardens of Kildrummy Road and Kinkaldie Crescent slope down to a vee between the properties. This vee slopes down between the properties to Walker Dam providing drainage. (See sketch below)

Apparently a burn flowed down this vee before the dam and properties were built.



LOCATION PLAN 1:1250

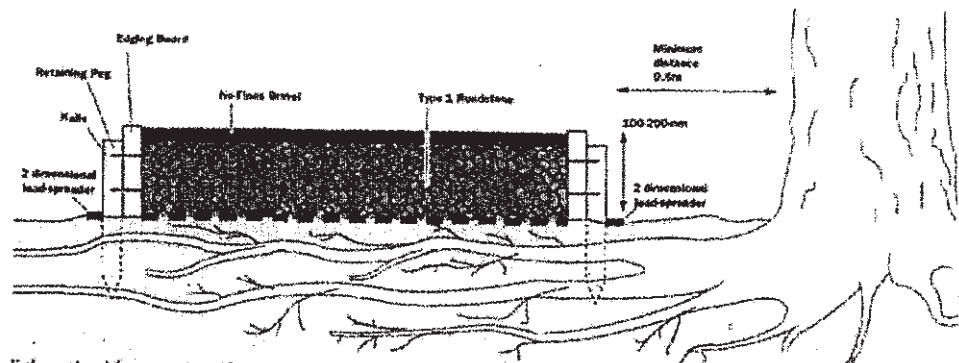
Any change in levels, ground materials or obstructions (like the drive and house of 22 Kinaldie crescent proposed development) will affect this natural drainage and we could get water build up as shown in photo of work being carried out very recently near rear gardens of Burnieboozle Crescent



Water draining from a similar Vee

In addition the "Kinaldie Crescent Aberdeen Tree Survey" document gives the construction of the proposed geo grid that protects tree roots to be as picture below

men must be able to
se into the soil
with the
reered surface - no
ing of vehicles



! 5. Diagram of a 'no-dig' method for constructing access drives and parking near to trees in order to minimise damage to tree roots. (Not to scale)

This construction method is stated on Page 16 of above document to be a minimum of 300mm high so would act as a dam at the lowest point of the drainage vee. Building up soil level on either side of drive cannot be done as it will be detrimental to tree roots.

The proposed development is in conflict with following Planning Procedure
Policy NE6 - Flooding and Drainage

The proposed Development should not be permitted as it would increase the risk of flooding by reducing the ability of the functional flood plain to store and convey water;

4. **Location of any gate and boundary is not shown**

The planning proposal for the new house for 22 Kinaldie Crescent does not show any gate or fences on the present open space/recreational land between 30 and 32 Kemnay place or on the boundary to 22 Kinaldie Crescent. It is thought essential that the plans for any gate or fence is shown to check they are in keeping with the area which has small open plan front gardens with planting, then the houses and garages. This is shown in photo below.



The deeds of the properties in the Walker Dam development expressly forbid any changes to this open plan arrangement.

This planning proposal needs to show it is not in conflict with the following Planning policies

- a. Planning Policy H1 - Residential Areas as it has an unacceptable impact on the character or amenity of the surrounding area
- b. Planning Policy D6 – Landscape as it adversely affects the landscape character and elements which contribute to, or provide, a distinct 'sense of place' which point to being either in or around Aberdeen or a particular part of it.

In addition the proposal needs to show any car wanting to enter any gate for the proposed new house at 22 Kinaldie Crescent does not need to park across the drives of 30 and 32 Kemnay Place blocking their cars in. The proposal needs to show there will be disruption to local residents and does not contradict the following Planning Policy

Policy D3 - Sustainable and Active Travel. The planning proposal for Kinaldie house does not protect existing access rights, including core paths, rights of way and paths

5. Elevations

No elevations contours are given on any plans. This is an omission that makes assessing the effect of the application guess work. This also concerns the overall drainage of the area as no elevations contours are given for the drive, especially in the Geogrid area.

This is in complete contradiction to page 9 of Aberdeen Local Development Plan Supplementary Guidance Topic: Trees and Woodlands Planning which states

1. Land Survey (Topographical Survey)

This survey should be the starting point for any development and should be undertaken to correctly plot the site in its present condition. The survey typically **will include the changes of levels across the site**, all of the trees present on site, any trees overhanging the site, trees up to 12 meters from the site, existing relevant features such as drainage, buildings and structures,

6. Construction and construction traffic damage to local road

There is no site Investigation report or any other document that gives information on the construction or construction traffic to allow the building of proposed new 22 Kinaldie Crescent house.

The lack of construction methodology and the limitation of damage from movement of heavy construction traffic are not in accordance with The Aberdeen Local Development Plan Supplementary Guidance Topic: Trees and Woodlands Planning which states on page 12

5. Arboricultural Method Statements and Tree Protection Plan

Upon finalising the design layout for the proposed development, a method and plan demonstrating how the trees on the site will be adequately protected during the construction phase of the development will be required.

Of the two possible routes for the lorry traffic to allow this, one would be across a block paved road with traffic calming, the other would be down Kildrummy Road which is narrow with many parked cars and is in a very poor state already. Both routes pass an open area where children play.

7. Drive location

The planning application shows a drive located in southern corner of the plot. The location of this item here could have an adverse effect on the trees in 32 Kemnay Place's garden during construction and subsequently. Therefore the proposed development is not in accordance with the following Planning Policy Policy NE5 - Trees and Woodlands: Which states Development that will result in the loss of or damage to, established trees and woodlands that contribute to the character, biodiversity or amenity will be resisted.

Appropriate measures should be taken for the protection and long term management of existing trees. Buildings and services should be sited so as to minimise adverse impacts on existing trees and tree cover.

The location of the drive will change the natural drainage of the area therefore the proposed development is in conflict with following Planning Procedure

Policy NE6 - Flooding and Drainage

The proposed Development should not be permitted as it would increase the risk of flooding by reducing the ability of the functional flood plain to store and convey water;

The drawing titled "Proposed site layout" refers to a gravel approach for the drive, but the "Planning Support Statement" states in section 4.5 on page 7 that "We propose using lock block for the entrance to the driveway to soften the impact of hard standing on this area of ground" Which statement is true? The document "Kinaldie Crescent Aberdeen Tree Survey" gives a different view on Page 13

8. Detrimental effect on Walker dam

The amenity of Walker Dam is used by dozens of joggers, cyclists and walkers every day. The proposed residence will have a wide frontage when viewed from Walker Dam recreational area paths. The construction of this property will disturb the wildlife in this conservancy area as will the light pollution at night.

Bats are regularly seen flying in and around the site and it is very likely they could be utilising Walker Dam and its surrounding trees for roosting and foraging purposes.

Bats are a protected species by European Law and Policy NE8 of the ALDP recognises the importance of their protection from development that may cause an adverse impact. The application has not been supplemented with supporting information to assess any potential impact on bats, therefore is contrary to the abovementioned policy

This proposed development alongside Walker Dam is contrary to the following planning Policies:

Policy D6 – Landscape. Development is not acceptable as it does not avoid the disturbance, loss or damage to recognised recreation, wildlife or woodland resources or to the physical links between them nor does it avoid significant adverse impacts upon existing landscape elements, including linear and boundary features or other components, which contribute to this local amenity

Policy D1 - Architecture and Place making The proposed building does not respect the height and scale of its surroundings, the urban topography, nor preserve or enhance important views.

Policy NE1 – Green Space Network As the proposed development has an impact on existing wildlife habitats, or connections between them, or other features of value to natural heritage, open space, landscape and recreation

9. Change of use of part of Walker Dam Land recreational land

The ordinance survey maps, the deeds for houses in the walker Dam development and the conditional Planning Permission for the Walker Dam Development Ref 99/0316 all show a strip of land between the present open space/recreational land between 30 and 32 Kemnay place and the garden of 22 Kinaldie Crescent. This land was not part of Walker Dam school grounds as this ended at the original fence at the edge of present open space /play area. This strip of land is part of the Walker dam recreational area. This is backed up by planning application No 120446 from owner of 22 Kinaldie Crescent to change the use of this strip of amenity land to garden. This planning application was withdrawn.

Supplementary Guidance Topic: Householder Development Guide states on page 22 states;- Many homeowners seek to purchase areas of such land from either the Council or a housing developer to enlarge their own gardens. In all circumstances this requires planning permission for a change of use from amenity ground to garden ground. **I have seen no planning application for the change of use.**

The proposed development of new house in 22 Kinaldie Crescent just takes this Walker Dam amenity land and uses it as a means of access; this is contrary to the following planning Policy.

Policy NE3 – Urban Green Space. Permission should not be granted to use or redevelop any parks, playing fields, sports pitches, allotments or all other areas of

urban green space (including smaller spaces not identified on the Proposals Map) for any use other than recreation or sport, As there is loss to the landscape character and amenity of the site and adjoining areas and Public access is not maintained.

In addition as owner of 32 Kemnay Place I will lose the access I could get direct to Walker Dam with a provision of a gate in my fence. This is covered in my objection letter to Planning application No 120446 in shown in appendix C

For all the above reasons we object to this planning application as it contains errors and has major omissions. It also causes the loss of open space recreational land where children play, it removes trees and could damage others, it could cause drainage issues, it has a detrimental effect on Walker Dam recreational area and it is counter to planning policies (Aberdeen Local Development Plan 2012)

Its approval would set a dreadful precedent.

Yours faithfully

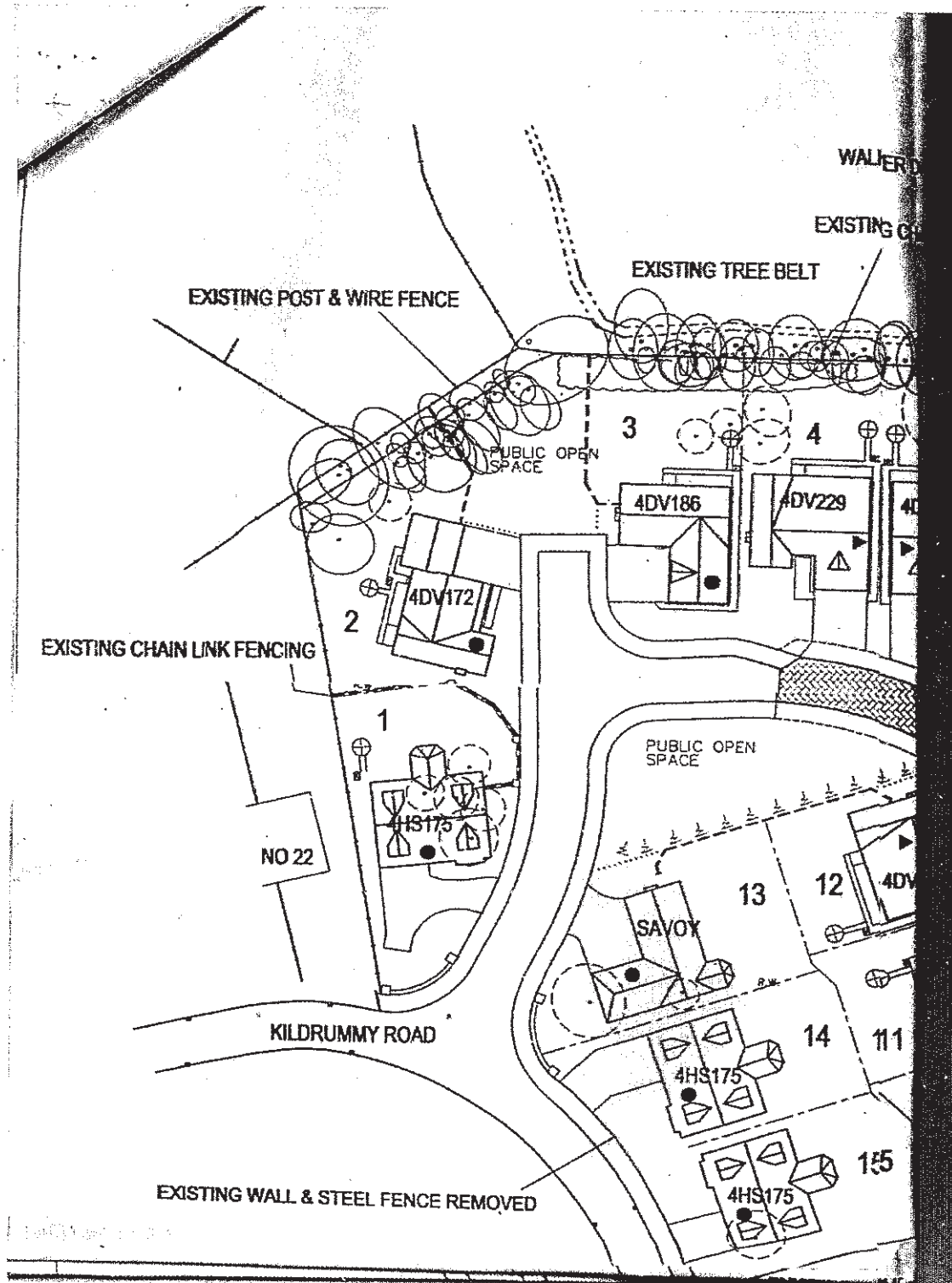
Mike and Marcia Rodgers

Cc Local Aberdeen Councillor

Cc Robert Frost Planning Officer Craigiebuckler and Seafield Community Council

Appendix A

Extract from Drawing 5096-101 from the conditional Planning Permission for the Walker Dam Development Ref 99/031



P&SD Letters of Representation		
Application Number:		
RECEIVED 25 MAR 2015		
Not	Sou	MAC
Case Officer Initials:		
Date Acknowledged:		

Appendix C

Letter of objection to Planning application No120446

32 Kemnay Place

Aberdeen

AB15 8SG

1st May 2012

Aberdeen City Council

Planning and Sustainable Development

Marischal College

Aberdeen

Dear Sir/Madam

Planning application No120446

I refer to your letter of 18th April 2012 and wish to lodge an objection to this application

My property borders on to this amenity land and I have always intended to put a gate between my land and this amenity land. I have not done this to date as I have not had the time and the garden of 22 Kinaldie Crescent fence has fallen into disrepair. Now I have retired I will have the time and the present owner of 22 Kinaldie Crescent shows an intention to replace the fence in this area of his garden.

Therefore if the land in question has its designation changed from amenity to garden, I will lose any possibility of getting direct access to the Walker Dam amenity. This will have a detrimental effect on the value of my property and its attractiveness.

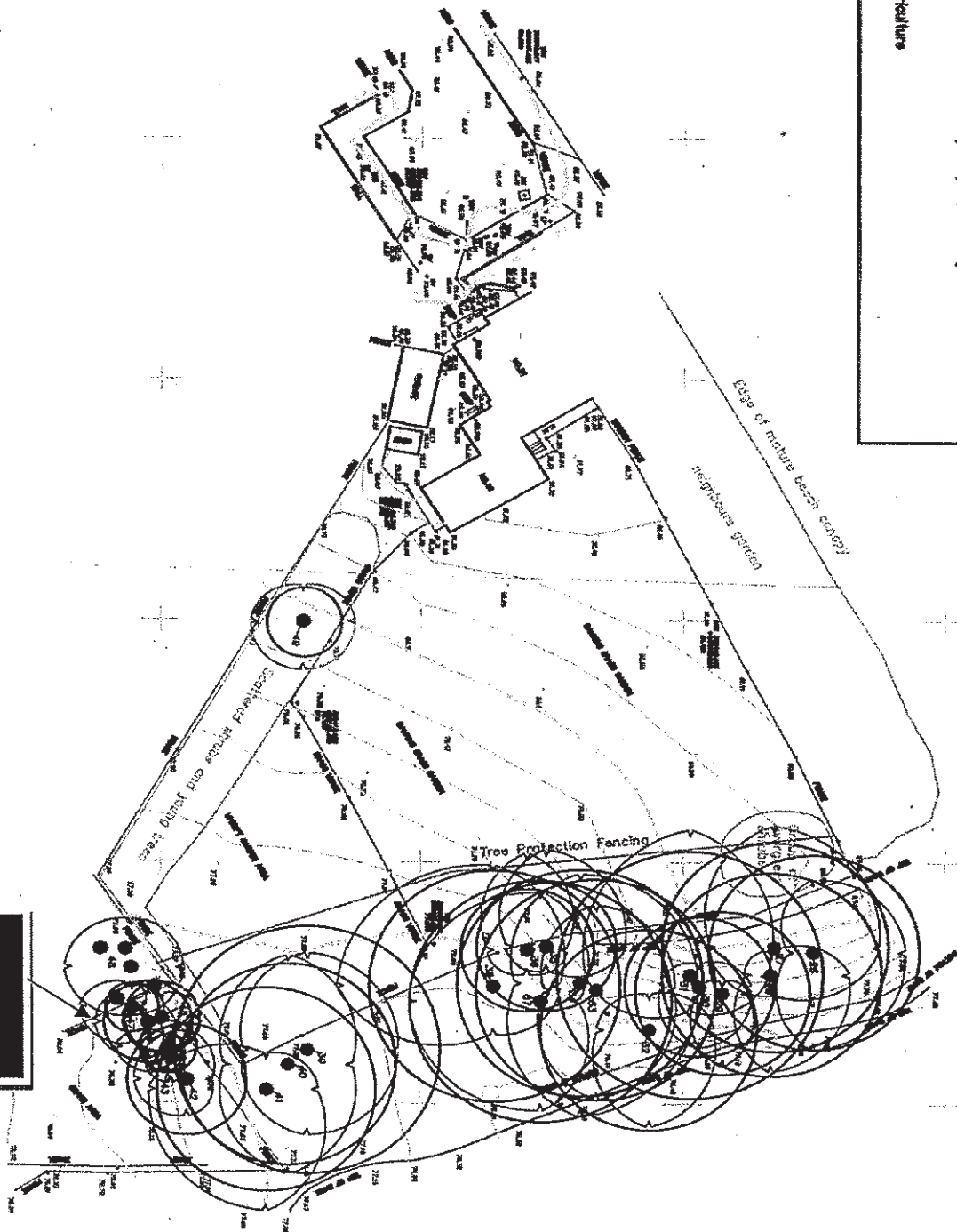
In addition, I am prepared to commit to maintaining this piece of land as a footpath or if necessary purchase the land to ensure I keep my access from my garden to Walker Dam.

Yours faithfully

Michael Rodgers

Appendix B

Tree Survey Drawing - 22 KINALDIE CRESCENT, ABERDEEN
To be read in conjunction with Tree Survey Report, February 2013
Scale 1:500 approx.
Steven Dalglish Arboriculture



P&SD Letters of Representation		
Application Number: 15031		
RECEIVED 25 MAR 2015		
Nor	Sou ✓	Map
Case Officer Initials: AEE		
Date Acknowledged: 25/03/2015		

This page is intentionally left blank

COMMITTEE Planning Development Management Committee

DATE 21st April 2016

DIRECTOR: Pete Leonard

TITLE OF REPORT: Planning Enforcement Activity – April 2015 to March 2016

REPORT NUMBER CHI/16/

1. PURPOSE OF REPORT

- 1.1 To inform Members of the planning enforcement work that has been undertaken by the Planning and Sustainable Development Service from 1st April 2015 to 31st March 2016.

2. RECOMMENDATION

- 2.1 That Members note the contents of this report.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no specific implications for revenue and capital budgets, priority based budgeting, or state aid arising from consideration of this report. Some cost may be incurred if direct action to secure compliance with an enforcement notice is necessary. This can generally be accommodated within existing budgets, actions outwith budget parameters will trigger a specific report being submitted to Committee to seek authorisation or other instructions.

4. OTHER IMPLICATIONS

- 4.1 Normal Health & Safety at Work considerations apply. If successful enforcement is not carried out, there may be implications for health and safety in relation to specific unauthorised works. Scottish Ministers attach great importance to effective enforcement as a means of sustaining public confidence in the planning system. The long term credibility of the planning service is dependent on effective enforcement activity. Effective enforcement should result in greater protection for the environment. There would be no direct impact on any of the Council's property functions, unless breaches of planning control have occurred on land within the ownership of the Council. In such cases, the use of planning enforcement action against the Council as owner is not considered appropriate, and use of alternative powers by the Council as landowner is sought to resolve such breaches.

5. REPORT

- 5.1 This report provides an annual update for the Planning Development Management Committee of the enforcement work that has been pursued by the Development Management Section. The previous report, which was presented to the Development Management Sub-Committee in May 2015, advised of the enforcement work that had been pursued by the Development Management Section for the 6 months up to 31st March 2015. It is intended to prepare a separate report relating specifically to Union Street providing more detailed analysis of cases there in recognition of the importance of that street in terms of both townscape and planning policy.
- 5.2 This report identifies all cases which have been investigated with a view to determining whether or not a breach of planning control has taken place and whether it is expedient to take enforcement action. It details those cases that have been resolved and updates those cases that were under investigation prior to April 2015 and those that have required formal enforcement action. It also lists cases which were investigated prior to April 2015 and have yet to be resolved. The attached spreadsheets provide a summary of the complaint / breach and an update of the current status and any related action.
- 5.3 It is evident that a number of cases have been resolved through negotiation and discussion, without recourse to formal enforcement action. In a number of circumstances, particularly where householders are concerned, the breaches are relatively minor and may have taken place because the parties were unaware of the requirement of the need for first obtaining planning permission. In many cases, the submission of a planning application and eventual grant of planning permission has resolved the situation.
- 5.4 A total of 236 new cases have been investigated since the last report. The majority (174) have been resolved without recourse to formal action by the approval of a retrospective planning application, by informal negotiation, or were found not to constitute a breach of planning control. The remainder (62 cases) are still under investigation and may require formal enforcement action if negotiation proves unsuccessful and if there is found to be a breach of planning control which has resulted in significant disamenity or threat to public safety. Three enforcement notices have been served during the current reporting period. Of the historic enforcement cases previously investigated, 19 are unresolved and may require formal action to ensure a satisfactory outcome.
- 5.5 It is a continuing trend that a significant proportion of complaints received are of a relatively minor nature and are frequently householder related cases (approximately half of all complaints). As these cases often do not relate to properties in conservation areas or involve protected trees, and often do not raise issues of public amenity or public safety concern, they are likely to be of lower priority in terms of consideration of possible

enforcement action, notwithstanding the statutory duty to investigate enforcement complaints. However, these cases can give rise to very strong feelings between those affected, often taking up a significant officers' time in investigating / resolving a dispute.

- 5.6 The commitment of the Scottish Government to ensuring sustainable economic growth places increased emphasis on considering the economic implications of enforcement activity at this time. Factors such as employment retention and creation are therefore of increased weight in considering whether, in any given situation, it is expedient to take enforcement activity. There is also increased need at this time to ensure that burdens imposed on developers in terms of planning conditions and planning obligations / legal agreements are proportionate and reasonable.
- 5.7 A significant issue within the reporting period is the scale of major development, often greenfield, which is currently ongoing within the City, notwithstanding the recent slump in oil and gas related development. This has placed a significant burden on the role of planning enforcement given that such applications are often subject to numerous conditions / legal obligations which require post approval monitoring / action. A recurring issue with many of these sites is the commencement of development in breach of the relevant conditions (e.g. major residential development at Stoneywood). Bearing in mind the need to be proportionate and reasonable, the general approach of the service in these circumstances has been to try and resolve the relevant matter by negotiation with the developer, rather than by use of formal enforcement powers. However, in cases raising potentially serious environmental / amenity impacts, it may be necessary to use such powers.
- 5.8 The deteriorating condition of the nationally important complex of former mill buildings at Broadford Works is a continuing area of concern. In light of the recent planning appeal relating to redevelopment of the site and ongoing discussions between the Council and the landowner in relation to the need for a legal obligation, no formal enforcement action has been undertaken. However, given the potential risk of loss of these buildings and their major historic / architectural importance, monitoring and review of this position is required. Depending on the outcome of the undetermined planning appeal (currently suspended) and future action by the owner to arrest the decline in the fabric of the building, future enforcement action may be required. However, given the potential financial implications of this for the Council, significant intervention (e.g. compulsory purchase, or action beyond making the buildings wind and watertight), would be likely to be subject of a separate report to Committee.
- 5.9 The following table provides a summary of the enforcement caseload since the May 2015 report and divides the cases into new and those included in the previous report.

<i>New Cases – 1st April 2015 to 31st March 2016</i>	<i>Cases resolved</i>	<i>174</i>
<i>New Cases - 1st April 2015 to 31st March 2016</i>	<i>Under investigation or being negotiated</i>	<i>62</i>
<i>Update of cases from previous reports</i>	<i>Cases resolved and/or closed</i>	<i>31</i>
<i>Update of cases from previous reports</i>	<i>Being negotiated, awaiting planning application/appeal decisions, or referred for enforcement.</i>	<i>19</i>
<i>Enforcement Notices served</i>		<i>3</i>
<i>Enforcement Notices in process of being prepared</i>		<i>3</i>

- 5.10 An Enforcement Charter, which is a statutory requirement arising from implementation of the 2006 Planning (Scotland) Act, was adopted by the Council in June 2009 and revised May 2013. This helps to explain the role of the planning enforcement team to the public, as well as setting priorities in terms of delivery of the planning enforcement service. Enforcement activity, including reporting, reflects the recommendations made within the Charter. In order to ensure that the Development Management (DM) service retains Customer Service Excellence (CSE) accreditation, it is intended that the Enforcement Charter is updated, with minor changes made to reflect the wider DM Charter, which has recently been revised. A particular issue which will be addressed by review of the Charter is the need to prioritise cases given the limited resources available to the service in investigating / pursuing enforcement action. It is intended to prioritise those cases which raise significant public amenity concerns. It is considered that other cases, such as domestic cases which do not raise public amenity concerns, should have less priority in terms of possible enforcement action.

6. SERVICE & COMMUNITY IMPACT

- 6.1 Corporate - The enforcement of planning control links to the Council's core value that "Aberdeen City Council will strive to enhance the high quality of life within the City" and corporate objectives that "Aberdeen City Council will continually review, update and enforce the Aberdeen Local Plan in order to maintain the balance between development pressures and the need to conserve and enhance the City's natural environment." The report relates to the Single Outcome Agreement 12 "we value and enjoy our built and natural environment and protect it and enhance it for future generations."
- 6.2 Public - The Corporate Best Practice Guide on Human Rights and Equalities will be adhered to when deemed necessary to take enforcement action. There is no requirement for Equalities or Human Rights Impact Assessment in this case.

7. BACKGROUND PAPERS

Relevant planning appeal decisions / letters issued within the relevant period and referred to in the attached spreadsheet are available at the following weblinks :-

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=115632>

33 Union Street (Amplifon) – Advertisement Enforcement Notice – Appeal dismissed -28/04/15

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=117253>

31 Craigshaw Drive (Arnold Clark- Mercedes), Tullos – Enforcement Notice Appeal – Withdrawn- 23/02/16

The Council's Planning Enforcement Charter and DM Charter, which are referred to in section 5 above, are available in Council libraries and published on the Council's website at the following address:-

http://www.aberdeencity.gov.uk/web/files/sl_Planning/plan_enforce_charter.pdf

http://www.aberdeencity.gov.uk/planning_environment/planning/planning_sustainable_development/pla_developmanage_charter.asp

8. REPORT AUTHOR DETAILS

Robert Forbes, Senior Planning Enforcement Officer
Tel: (01224) 522390
Email: rforbes@aberdeencity.gov.uk

Current Ward Index and Councillors

<u>Ward Number</u>	<u>Ward Name</u>	<u>Councillors</u>
1	Dyce/Bucksburn/Danestone	Barney Crockett Graeme Lawrence Neil MacGregor Gill Samarai
2	Bridge of Don	Muriel Jaffrey John Reynolds Willie Young Sandy Stuart
3	Kingswells/Sheddocksley/Summerhill	David John Cameron Steve Delaney Len Ironside CBE
4	Northfield/Mastrick North	Jackie Dunbar Gordon Graham Scott Carle
5	Hilton/Woodside/Stockethill	George Adam Neil Copeland Lesley Dunbar
6	Tillydrone/Seaton/Old Aberdeen	Ross Grant Jim Noble Ramsay Milne
7	Midstocket/Rosemount	Jenny Laing Bill Cormie Alex Nicoll
8	George Street/Harbour	Michael Hutchison Jean Morrison MBE Nathan Morrison
9	Lower Deeside	Marie Boulton Aileen Malone M. Tauqeer Malik
10	Hazlehead/Ashley/Queens Cross	Jennifer Stewart Martin Greig Ross Thomson John Munro Corall
11	Airyhall/Broomhill/Garthdee	Ian Yuill Angela Taylor Gordon Scott Townson
12	Torry/Ferryhill	Yvonne Allan Graham Robert Dickson Alan Donnelly James Kiddie
13	Kincorth/Nigg/Cove	Stephen Flynn Neil Cooney Andrew William Finlayson

This page is intentionally left blank

Registered Enforcement Cases - April 2015 to March 2016			
ADDRESS	WARD	COMPLAINT	CURRENT STATUS
Bankhead Avenue Bucksburn Securastore	1	Double stacking of steel storage containers within storage yard contrary to conditions attached to approval for site.	Breach of condition attached to planning permission A0/0336. Following correspondence with applicant double stacking of containers has ceased and breach has ceased. No further action.
Chapel Farm Bucksburn	1	Formation of caravan site.	Owner has been contacted to provide details of siting of caravans. Caravans are being used to house workers from AWPR development and due to it being within/adjacent to the AWPR development this use is classed as a permitted development not requiring submission of planning application. No further action required at present.
7 Burnside Walk Dyce	1	Erection of timber building in rear garden and construction of enclosure for bins.	Planning permission required, householder advised of the requirement for planning permission.
7 Craibstone Avenue, Stoneywood	1	Erection of fence at side of house.	fence a repair/replacement of old fence and does not exceed height of fence previously there. No further action.
16 Cruickshank Crescent Bucksburn	1	Erection of structure in garden.	Retrospective planning application (P151339) submitted September 2015 and refused consent November 2015. Applicant has indicated intention to relocate structure to rear garden where it where it would be a permitted development.
25 Farburn Terrace Dyce	1	Erection of Canopy & Smoking Shelter at front and side of Hotel.	Planning application (P151330) submitted August 2015 and approved September 2015.
29 Fairview Crescent Danestone	1	Erection of extension at the rear of house.	Extension built is a permitted development not requiring the submission of a planning application.
273 Fairview Drive Danestone	1	Work taking place to wall of sun lounge along boundary.	Works taking place are part of planning permission ref P110214 granted March 2011. No further action.

31 Fairview Gardens Danestone	1	Erection of shed on front driveway of house.	Following contact with letting agent and occupier the shed has now been removed from the front drive/garden.
7 Fairview Wynd Danestone	1	Erection of flue in excess of 1.0 metres in height on sun lounge extension.	Flue erected higher than that shown on planning permission (P150424). Planning application for variation to flue has been submitted (P151367) and approved October 2015.
Grandholm Drive	1	Automatic street barrier planning conditions relating to maintenance.	No planning conditions attached to planning permissions. Conditions relating to barrier attached to legal agreement. Barriers currently operating. No further action required at present.
9 Hopetoun Crescent Bucksburn	1	Erection of structure in rear garden	Outbuilding being erected is a permitted development not requiring the submission of a planning application.
Howe Moss Avenue Dyce Craigievar House	1	Use of offices as art workshop and for displays of art.	No indication on site of continuing use of offices as art workshop and for art displays. Use appears to have been temporary and has now ceased. No further action.
Malcolm Road Bucksburn Britannia Hotel	1	Check vehicle access complies with approval.	Letter sent to Britannia Hotels advising of requirement to comply with planning condition and widen access to car park. The applicant is in the process of applying to Roads section for approval to alter pavement crossing.
Market Street Stoneywood (Football Pitches)	1	Landscaping to site not completed.	Letter sent to applicant advising of requirement to provide landscaping and parking as per approval. Landscaping has now been provided at the site.
Mugiemoss Road Bucksburn	1	Erection of Contractors Signboards	Contractor advised of the requirement for advertisement consent for the freestanding signs erected. Application for advertisements submitted (P151409) and approved September 2015.
42 Polo Park Stoneywood	1	Erection of Timber outbuilding in rear garden.	Timber summerhouse erected in rear garden is a permitted development not requiring the submission of a planning application.

Stoneywood Park Stoneywood (Aberdeen Fluid Systems Ltd)	1	Landscaping area and tree belt being removed from rear of site without planning permission.	Established that grassed area to rear of industrial unit removed to form additional work & storage area - tree belt to rear not removed as reported - works deemed to be 'permitted development'. No further action to be taken.
Stoneywood Road Stoneywood Dandara	1	Erection of advertisement hoardings.	Advertising hoardings have now been removed from the site.
Stoneywood Road Stoneywood Dandara	1	Tree Protection appears to be inadequate at development site.	Dandara has been advised of the requirement to provide adequate tree protection during development. Following inspection of site Dandara have upgraded their tree protection and altered it as requested.
Tyrebagger Clinterty	1	Materials being processed at old quarry for using on fields in the vicinity.	It has been determined that the extent of the works taking place requires planning permission. Occupier has been advised of requirement for planning permission and to cease use of land for importing and processing materials. Processing of materials appears to have ceased at present. Situation being monitored.
42 Victoria Street Dyce	1	Garage at rear of residential property being used for storage related to business.	No evidence of business activities. Use of garage for general storage for owner/occupier does not amount to a material change of use of the property. No further action required.
82 Wallacebrae Wynd Danestone	1	Relocation of position fence at rear and side of house.	Householder advised of the requirement for planning permission. Owner has indicated intention to submit planning application.
Claymore Avenue Bridge of Don Global Energy Group	2	Erection of sign on gable of building.	Sign has deemed consent and does not require submission of application.
The Parkway (IMES)	2	Erection of advertising banners.	Letter sent requesting removal of banners.
The Parkway (Imajica)	2	Erection of advertising banner.	Letter sent requesting removal of banner.
The Parkway (SYOP)	2	Erection of advertising banner.	Letter sent requesting removal of banner.

16 Corunna Grove Kingswells	2	Summerhouse in process of being built in rear garden.	Householder advised of the requirement for planning permission. Summerhouse was removed and a Planning application (P151592) was submitted October 2015 and approved December 2015.
24 Ellon Road Bridge of Don	2	Erection of banners and Projecting sign.	Banners have been removed from the building. Application for advertisement consent (P151184) submitted July 2015 and approved August 2015.
4 Middleton Close Bridge of Don	2	Installation of french doors at the rear of house.	Permitted development not requiring the submission of a planning application.
7 Shielhill Gardens Bridge of Don	2	Erection of timber structure in rear garden.	Permitted development not requiring the submission of a planning application.
53 Woodcroft Avenue Bridge of Don	2	Height of new house/drive not as shown on approved plans.	House and drive being built within acceptable limits of approved plans. No further action required.
10 Woodcroft Gardens Bridge of Don	2	Erection of Flue on rear extension of house.	Retrospective planning application (P151590) submitted October 2015 and approved December 2015.
23 Gleneagles Avenue Bridge of Don	2	Wall being built at side/front of house.	After contacting house owner, advised that wall replaced damaged fence panels which were built into wall. The height of wall no higher than previous height of enclosure. No record of consent for previous erection of wall which appears to have replaced a fence of similar height. Householder advised that an application for certificate of lawful development required to make wall lawful.
Intown Road Bridge of Don Snooze Box	2	Siting of containers containing sleeping units.	Planning permission required for Snoozebox hotel. Planning application (P151592) submitted October 2015. Application withdrawn and use of site as hotel ceased.
Prime Four Business park Kingswells	3	Formation of access road.	Planning permission granted for access road P130863 & P131501.
10 Broaddykes Crescent Kingswells	3	Garden encroachment onto amenity land owned and maintained by Aberdeen City Council.	Letter sent to householder concerning apparent breach of control. Owner has indicated intention to relocate fence back to original location.
55 Concraig Gardens Kingswells	3	Formation of window not in accordance with planning permission.	Window has been built up. No further action required

11 Edmond Gardens Kingswells	3	Erection of a fence at side of house.	Due to the fence being adjacent to a footpath planning permission required. Letter sent to owner advising of requirement for consent or reducing height of fence.
11 Greenfern Avenue	3	Widening of existing drive over grassed verge owned and maintained by Aberdeen City Council.	Letter sent to householder advising of requirement for planning permission and consent required from Council as owners. Estates section has been made aware of situation.
3 Whitemyres Holdings Lang Stracht	3	Size/position on new dwelling house not as per approved plans. (P140491)	Size/position of new house found to be in accordance with approved plans. No further action to be taken.
Skene Road Denhead Kingswells (site adjacent to)	3	Large amount of buses belonging to 'First Bus Aberdeen' parked/stored on site without planning consent.	Letter issued to site owner February 2016 asking for all buses to be removed from site by end of March 2016. Communication received from owner early April 2016 advising of short delay with removal of buses due to scheduling issues imposed by contractor appointed to remove buses, but that site should be clear by mid-April. Owner advised that formal enforcement action may have to be initiated if revised compliance date is not met.
14 Byron Square	4	Shop Extension formed at rear of shop unit.	Planning permission required for extension to shop unit. Retrospective planning application (P151869) submitted December 2015 and approved January 2016.
12 Deveron Road	4	Roof of extension not built in accordance with approved plans.	Revised plans submitted for non material variation of alteration to roof approved.
29-31 Moir Crescent	4	Erection of steel storage container on land at side of shop.	Planning permission required for container, it may also be on land belonging to Council check with property. Container has been removed from land. Breach rectified, no further action required.
11 Strathmore Drive	4	Formation of driveway for motorbike in front garden.	Householder has been advised of the requirement for planning permission as land has been excavated more than 500mm in depth. The applicant is a Council tenant and Housing have been made aware of matter.

16 Strathmore Drive	4	Formation of driveway	No excavation or infill of ground of more than 500mm, surface porous, formation of hardstanding is a permitted development not requiring the submission of a planning application.
18 Strathmore Drive	4	Formation of driveway	No excavation or infill of ground of more than 500mm, surface porous, formation of hardstanding is a permitted development not requiring the submission of a planning application.
1 Cairnview Crescent	5	Roof of building at rear of house not being built in accordance with planning permission by the addition of small dormers.	Letter sent to agent advising that alteration to development requires revised planning application. Agent has indicated that he has been instructed by client to submit new planning application for alterations to roof.
106 Clifton Road	5	Alterations to form outbuildings	Owner of the property has been advised that the works to form outbuildings require planning permission and building warrant and has been advised to cease work on site. Work has recently commenced on the removal of the outbuildings.
1 Deer Road	5	Erection of garages. Planning permission granted in 2010 for 2 garages has permission lapsed or is it still valid.	Contacted agent for development who has provided evidence showing that works were started on site in 2013. After consideration of the evidence provided that work had commenced on site in 2013 and that the planning application was still valid. No further action.
172 Hilton Drive	5	Erection of structure in garden of flated property.	Planning permission (P130840) granted in 2013 for outbuilding in garden is being built in accordance with approved plans.
87 Westburn Drive	5	Erection of rear extension - and damage caused to fence and plants during construction.	Concerns raised are legal issues to be resolved by neighbouring householders and outwith the control of the Planning Authority.
80 Western Road Woodside	5	Parking arrangements not in accordance with planning permission.	Correspondence with agents concerning proposed conditions and compliance.

Don Street Old Aberdeen	6	Erection of 2 telephone poles on pavement by BT	The erection of telephone poles are a permitted development. No further action.
36-38 Orchard Street	6	Construction noise caused from development early mornings.	Enquiry forwarded to Pollution control team of Environmental Health for investigation. No further action required by planning.
7 St Machar Place	6	Work taking place prior to determination of planning application (P150785)	Applicant has been advised that no further external works that require planning permission should occur until such time as planning application submitted is determined. Retrospective planning application (P150785) refused consent at committee July 2015. Applicant has submitted an appeal against refusal of consent and appeal dismissed. Revised planning application submitted (P160026) submitted January 2016 and approved March 2016.
14 St Machar Road	6	Query concerning use of unit which appears to be being used for retail of food and drink.	Letter sent to occupier advising that use appears to require planning permission. Planning Contravention Notice to be prepared for service.
177 The Spital	6	Alterations to building.	Demolition be less than 110m ³ and would not require conservation area consent. No external work requiring planning permission evident
Sunnybank Cottage 26 Sunnybank Road / 16 Sunnyside Terrace	6	Subdivision of house into two separate dwellings and external alterations that require planning permission.	Retrospective planning application (P160306) submitted March 2016 and awaiting determination.
Mary Baird Court Ashgrove	7	Concern raised that new residential property higher than approved.	The development is being constructed in accordance with approved plan.
41 Mile-End Avenue	7	Trellis fencing erected to rear garden boundary walls without planning consent.	Letter issued to property owners/occupiers April 2016 asking for the submission of a formal application seeking retrospective consent.
80 Rosemount Viaduct [Reddy's Sandwich Deli]	7	Unauthorised hot food sales operating from Class 1 (retail) shop premises.	Letter requesting proprietor to desist from continuing to sell a range of hot food items complied with. No further action.

Duthie Park Riverside Drive	7	Trees removed from embankment adjacent to play area near Riverside Drive.	Duthie Park outwith Conservation Area - felled trees not covered by TPO - works authorised by Parks & Countryside Management and do not require formal consent. No further action..
1 Belvidere Street	7	Breach of condition re. leasing out of basement area & new extension as separate residential units.	Letter issued to owner November 2015 seeking clarification of current use - onsite meeting with owner late January 2016 established separate residential use of new extension - owner has confirmed that use of extension as separate unit would cease end of January 2016. Situation to be monitored.
14 Cairnaquheen Gardens	7	Large summer house structure erected within rear garden area without planning consent.	Inspection confirmed that size & position of summer house complies with 'permitted development' guidelines. No further action.
11 Cairnfield Place (G/F Flat)	7	French doors installed to rear elevation of G/F flat without planning consent.	Letter issued February 2016 asking for an application to be submitted seeking retrospective consent.
Mid Stocket Road (former Mile End School)	7	Materials/finish of car park area not in accordance with approved plans. (Ref.120568)	Site investigation confirmed that finish/materials used for car parking area comply with approved plans. No further action.
53 Rosebery Street	7	Timber cabin erected within rear garden area without planning consent.	Inspection appears to confirm that location & size of timber cabin complies with 'permitted development' guidelines - No further action.
128 Rosemount Place (Queen Vic Bar)	7	Air conditioning unit erected on gable wall of property in Conservation Area without consent.	Air conditioning unit now removed/relocated. Resolved.
28 Thomson Street Rosemount	7	Large car park area formed to rear of flatted property without planning consent.	Investigation established that ground to rear of property has been in use for car parking in excess of 7 years and is therefore deemed to have consent. No further action.
420-424 Union Street Aberdeen Considine	7	Erection of unauthorised illuminated fascia signage on Union Street & Chapel Street Street elevations.	Application for illuminated fascia signage refused March 2015 - subsequent appeal dismissed - new application submitted following discussions with applicant re. alternative signage proposals - application approved Feb. 16 (Ref.160117) - approved signage now in-situ. Resolved.

5 Belmont Street	8	Work in progress on site (Piling)	The work being undertaken is repair works to the existing building fabric to stabilise the rear gable following discovery of structural crack. No action required at present.
Broad Street Marischal College	8	Possible breach of condition relating to green travel plan for offices.	
25 Castle Street	8	Alterations to increase depth of fascia on listed building.	Following meeting with occupier of premises the fascia was reinstated to it original depth.
Causewayend Former Causewayend School	8	Location of Plant Room Building.	Plant room location in accordance with that shown on approved planning permission.
1 Gaelic lane	8	Erection of replacement windows to upper floor of property.	Property in conservation area planning permission required. Letter sent to owner requesting action to rectify unauthorised works.
246 George Street	8	Use of property as a clinic.	Property has been used as a clinic for at least 10 years. Premises previously used as office and use as clinic falls within same use class.
Guild Street Aberdeen Railway Station	8	Weeds/Debris on canopies over platforms part of listed building.	Letter sent to Network Rail raising our concerns about condition of canopies.
39 King's Crescent	8	Link bridge not being constructed in accordance with planning permission	Letter to agent advising that variation to design of link bridge requires planning permission.
42-44 Kings Crescent	8	Traffic barrier erected across unadopted road in Conservation Area without consent.	Inspection established that height and position of traffic barrier is not subject to formal planning permission. No further action.
44 Kings Crescent	8	Erection of non-illuminated sign.	Sign has deemed consent, not requiring the submission of an application for express consent.
52 King Street	8	Boarding up of shop window and erection of roller shutter on listed building.	Boarding up of window due to shop window being vandalised. Boarding and roller shutter housing removed from front of shopfront.
171 King Street	8	Replacement Windows to listed building.	Letter sent to owner of property requesting action be taken to resolve matter.
395 King Street First Bus Depot	8	Excavation works to rear of property to form additional parking spaces.	Following inspection of works it was considered that the groundworks were permitted development not requiring the submission of a planning application.

Park Road (Barratt North Scotland)	8	Materials used in boundary wall and store finishes not in accordance with approval.	Correspondence sent to agent concerning the works which vary from that shown on the planning permission.
Powis Terrace	8	Erection of new advertising Hoardings replacing hoardings that were previously on the site.	Retrospective application (P160178) submitted February 2016 and awaiting determination.
16 Shore Lane	8	Erection of illuminated fascia sign and directional banner.	Directional banner removed and lighting to fascia sign removed. Fascia sign now has deemed consent.
7 Stirling Street	8	Erection of canopy over exterior seating area.	Canopy erected in accordance with planning permission.
5-9 Union Street The Athenaeum	8	Erection of new advertisements and alterations to listed building.	Retrospective applications (P160218, P160219 & P160221) submitted February 2016 and awaiting determination.
26-38 Union Street Jamie's (Former E&M Building)	8	Enquiry concerning erection of flags on building,	Advertisement consent has been granted previously for flags on building and no further action required.
51 Union Street	8	Erection of fascia and projecting sign.	Retrospective application (P160165) submitted February 2016 and awaiting determination.
82 Union Street	8	Erection of new fascia sign on listed building.	Occupier advised of the requirement for Listed building consent and requested to take action to rectify situation.
100 Union Street	8	Erection of new signs on listed building.	Letter sent to occupiers advising of requirement for consent for new signage and requesting removal of signs as they do not comply with policy for signage in city centre.
157 Union Street	8	New roller shutter has been erected over doorway.	Applicant has indicated that roller shutter was already part of the shopfront and they had just repaired it. Further evidence has indicated that roller shutter has been replaced and requires planning permission. Authorisation being sought to initiate formal enforcement action.
38 Upperkirkgate	8	Erection of canopy not in accordance with approved plans.	Agent has been contacted and discussions are in progress to rectify matter.
Virginia Street	8	Site untidy with old window frames and glass being dumped there.	Letter sent to company that appears to be using site raising our concerns about the condition of the land.

22 Contlaw Place Milltimber	9	Raised parking area formed on existing driveway without planning consent.	Request issued to property owner March 2016 asking for an application to be submitted seeking retrospective consent.
Earlswells Road Cults [Cults Primary School]	9	Wind turbine erected on school playing fields without consent.	Construction/placement of small wind turbine would have required formal consent, however, investigation has confirmed that it has been in-situ for at least 7 and it therefore has deemed consent. No further action to be taken.
339 North Deeside Road Peterculter (Borsalino Restaurant)	9	Vestibule/conservatory erected several years ago without permission & an 'off-licence' facility operating from property without planning consent.	Investigation determined that planning permission for vestibule & conservatory extension has been granted (Ref.A4/1170) - formal consent not required for the operation of the ground floor 'off-licence' facility. No further action.
North Deeside Road Milltimber (land to south of No 's 152/154)	9	Sales cabin/parking area erected without planning consent.	Temporary permission for period of 8 months granted September 2015. (Ref 151182) Site visit carried out April 2016 - sales cabins now removed.
North Lasts Quarry Peterculter (Leiths Scotland Ltd.)	9	Breach of Condition re. site working times & siting of large structures & equipment within quarry without planning consent.	Formal letter issued to agent for quarry owners Feb. 2016 re. complaints. Confirmation received that site working times will be strictly adhered to in future. Information also provided verifying that structures & equipment sited within quarry are associated with coating plant facility and therefore permitted. No further action.
The Croft Quarryhill Mid-Anguston Peterculter	9	3 floodlighting posts erected to perimeter of land used for domestic outdoor riding school without planning consent.	Request for an application to be submitted seeking retrospective permission complied with. Application lodged January 2016 (Ref.160065) decision pending.
Pittengullies Brae Peterculter (Bancon development)	9	Site boundary enclosures not implemented in accordance with approved plans.(Ref.130229)	Request for alterations to be made to position of site boundary enclosures to comply with approval complied with. No further action to be taken.

64 Queens Road	9	Breach of Condition re. formation of driveway & parking area to front of property (Ref.151102)	Proposals submitted by new owner requires use of car park area for storage/equipment - agreement reached that remediation works to car park can be re-scheduled to facilitate works - Legal Services to be asked to prepare/issue an appropriate Enforcement Notice in June 2016.
1 St. Devenick's Terrace Cults	9	Off-road driveway/parking area formed within flatted property without planning consent.	Original consent for parking area expired January 2008 - letter to be sent to property owners May 2016 asking for an application to be lodged seeking new consent.
9-11 Station Road West Peterculter	9	Extensive ground excavation works carried out to front garden area without consent & unauthorised disposal of soil.	Ground excavation works not subject to formal planning permission - owner formally asked to desist from disposing soil within nearby wooded area. No further action at this time.
42/44 Malcolm Road Peterculter	9	Existing rear elevation ground floor window altered to form new entrance doorway without consent.	Letter to be issued April 2016 asking owner to submit a formal planning application seeking retrospective consent.
Culter House Road Peterculter Tillyoch Pet Resort & Equestrian Riding Academy	9	Unauthorised & commercial based dog kennelling facility being operated at the site without consent.	Several site visits/inspections over 2 month period revealed no evidence to substantiate allegation of unauthorised dog kennelling being operated at the site. No further action.
37 Colthill Crescent Milltimber	9	Construction & position of new gable extension not in accordance with approved plans (Ref.1411521)	Inspection of building works in progress would appear to confirm that the position/size of the new gable extension complies with the approved plans. No further action.
Banks Cottage Burnside Road Peterculter	9	Timber shed/structure erected in woodland area without consent.	Letter issued 10th July asking for structure to be relocated or an application submitted seeking retrospective consent. Confirmation now received from owner that shed is to be relocated.
3 Binghill Road West	9	New extension under construction along gable wall of property without formal planning consent.	Request for alterations to be made to new extension to comply with permitted development guidelines complied with. Resolved.
Blacktop Farm Kingswells	9	Several residential caravans sited on property without planning consent.	Letter issued to owner March 2016 asking for detailed information as to presence and intended use of caravans on site.

14 Cairn Gardens Cults	9	Tall boundary fences/walls & patio area erected to front garden area of property without consent.	Formal request for boundary fences/walls to be reduced in height to no more than 1 metre complied with. Resolved.
10 Earlsark Avenue	9	Large children's climbing frame erected to rear garden area without consent.	Climbing frame altered and relocated to alternative location. No further action to be taken.
1 Gowanbrae Road Bieldside	9	Demolition and other site works being carried out outwith 'permitted site working times' without permission - Tree protection measures not in place.	Site works outwith recommended working times referred to Environmental Health - request for tree protection measures to be put in place complied with. Resolved.
Loirsbank Road Cults [Deeside Golf Club site]	9	Large quantity of topsoil imported on flood plain site & ground levels raised without planning consent.	Letter issued to Deeside Golf Club August 2015 asking for removal of soil & for details of proposed course alterations to be lodged for consideration - confirmation received from club that SEPA has been consulted & has provided guidance on works relating to weirs & water courses - site visit February 2016 confirmed that deposited soil had been removed. No further action.
393 North Deeside Road Cults (Tesco Store)	9	Alleged breach of Condition relating to permitted times for deliveries to store. (Ref.072357)	Delivery times highlighted by complaint not in breach of planning condition - Complaint re. specific 'misuse' of loading bay area times referred to Roads & City Wardens.
North Deeside Road Cults (Wellwood Estate)	9	New 'roadway' created off estate main access road without planning consent.	Letter issued August 2015 asking for 'roadway' to be removed or for an application to be submitted seeking retrospective planning consent - Confirmation received from owner that roadway will be removed following completion of approved works on adjacent site. To be monitored for compliance.
4 St. Mary's Place Peterculter	9	Large storage boxes/bins erected outside flatted property without planning consent.	Confirmed by site inspection that storage boxes located outside flats are moveable & not 'fixed structures'. Formal planning consent not required.
Culter House Road Peterculter Tillyoch Pet Resort & Equestrian Riding Academy	9	Two large wooden stable blocks erected within site without formal consent.	Formal request issue June 2015 asking for stable blocks to be removed eventually complied with. Resolved.

13 Westerton Road Cults	9	Lighting units installed on trees covered by a TPO without consent.	Site visit confirmed that lighting units referred to have been installed on the ground in and around some of the trees & that the trees themselves are unaffected. No further action.
388 Great Western Road	10	Unauthorised satellite dish erected to front elevation of property in Conservation Area.	No positive response to letter issued December 2015 asking for dish to be relocated. . Second letter issued April 2016. Minor breach & not considered expedient to enforce. Property Section to include details of breach in any future enquiries received about the property.
394 Great Western Road	10	Unauthorised satellite dish erected to front elevation of property in Conservation Area.	No positive response to letter issued December 2015 asking for dish to be relocated. . Second letter issued April 2016. Minor breach & not considered expedient to enforce. Property Section to include details of breach in any future enquiries received about the property.
Hazlehead Park (Old Stables & Car Park Area)	10	Siting of 'temporary' buildings & erection of security fencing within car park area without consent.	Request for an application to be lodged seeking view of Planning Authority on obtaining retrospective consent complied with. Application submitted March 2016 (Ref.160321) Decision pending.
39 St. Swithin Street (Café Cognito)	10	Alterations to previously approved outdoor timber deck/seating area carried out without consent.	Letter to be issued May 2016 advising owner of the requirement to submit a new planning application seeking consent for alterations to deck/seating area.
166 Union Grove	10	Breach of Condition re. range/type of hot food allowed to be offered for sale.	Application lodged November 2016 seeking consent to remove condition limiting range of hot food for sale refused February 2016. Legal Services to be consulted re. pursuing a resolution through enforcement action.
59-63 Queen's Road (Chester Hotel)	10	Breach of Condition re. use of rear car park access gates.	Formal request issued December 2015 asking for Condition re. use of rear access gate complied with. No further action at this time.
253 Union Street (Hallmark)	10	New shopfront fascia sign erected without consent.	Letter issued April 2016 asking for an application to be lodged seeking advertisement consent.

32 Anderson Drive	10	Large summer house built to rear of property in Conservation Area without planning consent.	Letter issued to owners February 2016 asking for an application to be submitted seeking required retrospective consent.
71 Anderson Drive	10	Front dormer window construction of replacement house not in accordance with approved plans (Ref.120018)	Owners have been asked to alter dormer construction to comply with approved plans, or to submit a new application seeking consent for altered construction.
46 Burnieboozle Crescent	10	New boundary walls built around front garden area without consent.	Request for new boundary walling & pillars to be reduced in height to comply with permitted development guidelines complied with. Resolved.
93 Burns Road	10	Large timber structure erected within rear garden area without planning consent	Detailed site inspection confirmed that position & dimensions of structure complies with 'permitted development' guidelines - formal consent not required. Resolved.
7 Kings Gate	10	Large unauthorised summer house structure erected within rear garden area of Listed Building without consent.	Formal letter issued March 2015 asking for application to be lodged seeking view of Planning Authority on obtaining retrospective consent for structure complied with (Ref.151391) Application refused Dec. 2015 - appeal lodged March 2016 - Appeal decision pending.
110 Osborne Place	10	Central heating flue installed to front elevation of flat in Conservation Area without consent.	Visual impact of flue not thought to be detrimental appearance or character of Conservation Area - relocating flue/boiler to ideal alternative location at rear of property not a feasible option. No further action to be taken.
129 Queen's Den	10	Large 2 storey gable extension not built in accordance with approved plans. (Ref.150151)	Letter issued October 2015 asking for new application to be submitted for consideration - confirmation received from owner November 2015 that extension will be significantly altered to comply with approved plans - site visit conducted March 2016 appears to confirm that works to extension are in compliance with approval. No further action.
59-63 Queens Road (The Chester Hotel)	10	Erection of glass balustrade to external roof terrace area without consent.	Planning permission eventually granted for glass balustrade November 2015 (Ref.151773)

144 Seafield Road	10	Large extension under construction to rear of property without planning consent. Ref.151200	Warrant application lodged & approved March 2015 - site inspection confirmed requirement for planning permission - application lodged July 2015 (Ref.151200) approved September 2015. Resolved.
5 St Swithin Street (Ground Floor Flat)	10	Breach of planning re. annexe extension being advertised for lease as separate residential unit.	Established that property (including annexe) is currently being leased as 1 single unit only - Agent for owner has been advised that leasing out property as 2 separate units would be a breach planning & liable to enforcement action. No further action at this time.
9 Summerhill Road Summerhill	10	Alleged unauthorised business use operating from residential property.	Owner contacted & asked to clarify business related use operating from property - owner advised that courier operation is to be relocated to business premises in late April 2016 - letter issued April 2016 asking for confirmation that courier operations are to be relocated.
34a Springfield Road	11	Alleged Breach of Condition re. erection of new screening fence (Ref.051732)	Letter issued February 2016 asking for minor alterations to be made to screening fence. Very minor breach and not considered expedient to enforce.
656 Holburn Street (William Hill)	11	Flashing Illuminated projecting sign erected on shopfront fascia without consent.	Confirmed from site visit that sign illumination should be static & was 'flashing' due to a fault which has been rectified - letter to be issued to shop proprietor(s) asking for an application to be lodged seeking retrospective consent for sign.
46 Gray Street	11	Non-conforming replacement windows & Georgian style glass units fitted to house in Conservation Area without consent.	Established that original window frames replaced in UPVC prior to 2009 and are therefore immune to formal action - letter issued Sept. 2015 asking for consideration to be given to replacing Georgian style units with clear glass.
66 Gray Street	11	Building works relating to construction of new rear extension not in accordance with approved plans. (Ref.140477)	Formal request for alterations to be made and section of mutual boundary wall to be rebuilt in accordance with approved plans complied with. Resolved.

435 Great Western Road	11	Unauthorised business use operating from property & long term siting of refuse skip to rear of property without consent.	Site investigations revealed no apparent evidence of unauthorised business use - request for refuse skip to be removed complied with. No further action.
33 Inchbrae Drive Garthdee	11	Alterations to existing garage & other works to rear garden area carried out without planning consent.	Planning application for garage alterations submitted & approved - works to rear garden ground 'permitted development' Resolved.
274 Morrison Drive Garthdee	11	Alleged unauthorised business use (car sales) operating from residential flat.	On site situation currently being monitored signs of any obvious unauthorised business activity.
72 Salisbury Place	11	New garage in use for residential purposes without planning consent	Site visited & letter issued to property owner(s) November 2015 seeking information re. use of garage/office structure - details obtained from owner & subsequent inspections appears to confirm that the use of the garage/office building is ancillary to the residential use of the property & not in breach of planning. No further action at this time.
18b Thorngrove Avenue	11	Construction of summer house erected to rear of property not in accordance with approved plans (Ref.141643)	Inspection confirmed discrepancy with 'finished' summer house construction re. approval - request for Agent to submit amended plans seeking a 'non-material variation' complied with. Resolved.
24 Abbotsford Lane Ferryhill	12	Unauthorised satellite dish erected to front elevation of terraced property in Conservation Area.	No positive response to letters issued December 2015 & February 2016 asking for dish to be relocated to alternative location. Minor breach which is not expedient to enforce. Property Section to include details of breach in any future enquiries received about the property.
1 Devanha Gardens Ferryhill (former Nursing Home)	12	Breach of Condition re. site landscaping (Ref.130597) + unauthorised use & exterior signage.	Letter referring to landscaping breach & unauthorised 'change of use' issued March 2016. Response received from agents April 2016 confirming intention to implement landscaping, but querying requirement for 'change of use'. Explanation & further request for an application seeking a 'change of use' issued April 2016. Exterior signage does not require formal consent.

407 Union Street	12	Conditions relating to Planning & Listed Building approvals not purified. (Ref.121768 & 121769)	Request issued March 2016 asking for the submission of relevant details & information required to purify outstanding conditions complied with. Additional information requested from applicant April 2016.
333 Union Street [Soul Bar]	12	Large marquee structure erected on front entrance forecourt area without planning permission.	Letter to be issued to owner(s) asking for the marquee structure & associated fitments to be removed from site.
269 Union Street (So Café)	12	Position/size of external pavement seating not in accordance with approved plans (Ref.150750)	Request for pavement seating to be set-out as per approved plans complied with. No further action at this time.
10 Bridge Street	12	Unauthorised illuminated fascia board sign erected above shopfront.	Application seeking consent for signage submitted July 2015 (Ref.151066) no response received to requests for additional information - application refused March 2016. Legal Services asked to initiate enforcement action.
Abbotsford Place/Ferryhill Road	12	Large replacement garage under construction within Conservation Area without planning permission.	Approval for replacement garage originally granted April 2012 (Ref.120303) - Request for contractor to alter construction to ensure compliance with approved plans complied with. Resolved.
605a Holburn Street	12	Extensive alterations carried out to garage repair workshop without planning consent.	Remedial repairs carried out to garage structure not subject to planning consent -- no major alterations have been implemented. No further action to be taken
607 Holburn Street	12	Acupuncture clinic operating from residential property without planning consent.	Site inspection appears to confirm that the limited acupuncture services carried out are ancillary to the existing use and not in breach of planning. No further action.
8-10 Rosebank Place	12	External building works being carried out without planning consent.	Request for alterations to be made to access stairway & boundary wall to adhere with permitted development guidelines complied with. Resolved.
Sycamore Place Ferryhill (lock-up garage site)	12	Business use operating from 1 one of the lock-up garages located within the site.	Random site monitoring over 6 week period revealed no apparent evidence of unauthorised business activity within the site. No further action at this time.

21 Deeside View (off Leggart Terrace)	13	Large extension built to rear of property without planning permission.	Warrant application for 'sun room' extension approved March 2016 - confirmed by site visit that works carried out are deemed to be 'permitted development'
83 Langdykes Drive Cove	13	New extension under construction to rear of property without planning consent.	Site visit established that building works to rear of property are 'permitted development' and do not require formal planning consent. No further action.
33 Redmoss Road Nigg	13	New garage/store structure built within rear/side garden area without planning consent.	Request for planning application to be lodged seeking view of Planning Authority on obtaining required retrospective consent complied with. Application submitted January 2016 (Ref.160092) decision pending.
33 Redmoss Road Nigg	13	Unauthorised business use operating from residential property.	Letter to be issued to property owner seeking additional information re. business related activity operating from property.
Cove Bay (harbour area)	13	Large boulders positioned & fencing panels erected on harbour road preventing access to main harbour area.	Site visit/inspection established that placement of boulders & the erection of small fence panels are not subject to planning permission. No further action.
Cove Bay (harbour area)	13	Extensive alteration made to former fisherman storage building located in Conservation Area without consent	Letter issued to owner April 2016 requesting the submission of an application seeking to regularise the works carried out.
Wellington Road Balmoral Park (Specialist Cars Nissan)	13	Breach of Condition re. display/parking of cars for sale outwith permitted areas.	Letter issued February 2016 asking for display/parking of vehicles for sale to be restricted to designated areas. Site to be monitored for compliance.
Wellington Road Balmoral Park (John Clark Mini Aberdeen)	13	Breach of Condition re. display/parking of cars for sale outwith permitted areas.	Letter issued February 2016 asking for display/parking of vehicles for sale to be restricted to designated areas. To be monitored for compliance.
84 Cove Gardens Cove	13	Major alterations being carried out to property without planning consent	Building Warrant for alterations approved March 2015 - site visit confirmed that building works in progress do not require formal planning consent. No further action to be taken.
10 Earns Heugh Way Cove	13	Large timber structure erected to rear of flatted property without planning consent	Request for owner to relocate structure complied with. No further action to be taken.

21 Fittick Place Cove	13	Construction/position of new sun-room not in accordance with approved plans. (Ref.141528)	Site inspection established slight deviation with position of sunroom along mutual boundary, however, discrepancy does not warrant alteration to finished construction. No further action to be taken.
Glenbervie Rd./Mansefield Road Torry	13	Unauthorised car sales from residential property causing parking issues.	Site monitoring over 3 month period revealed no obvious evidence of unauthorised business activity. No further action to be taken at this time.
Leggart Terrace (Hilldowntree Cottage)	13	Ground level raised in height & patio/decking area formed without planning consent.	Letter issued July 2015 asking for ground level of proposed decking area to be lowered complied with. No further action.
29 Leggart Terrace	13	Rear garden ground extended within public amenity land without consent.	Letter issued to property owners February 2016 asking for original rear garden boundary to be reinstated.
Old Wellington Road ("Lynden Villa")	13	4 small caravans sited within curtilage being used for separate residential purposes.	Formal request asking for caravans to be removed from site eventually complied with. Resolved
TotalCases = 174		Resolved = 112	Under Investigation = 62

Resolved Cases From Previous Report - May 2015

ADDRESS	WARD	COMPLAINT	CURRENT STATUS
103 Fairview Manor Danestone	1	Business operating from residential property.	Following meeting with householder and submission of details of activities, it is considered that activities are historical and that levels of activities are ancillary to the house and do not amount to a material change of use of the property. No further action to be taken at present unless further evidence is provided to prove contrary.
25 Farburn Terrace Dyce	1	Formation of a dormer window on roof of guest house not in accordance with planning permission (P121669).	Agent has submitted retrospective planning application (P150532) which has been approved. Dormer has been altered to comply with retrospective planning permission.
1/3 Newton Terrace Bucksburn	1	Erection of building/extension in yard of industrial building and formation of surfaced area opposite premises.	Retrospective planning application submitted (P141005) July 2014 and approved September 2015. No further action.
2 Ashwood Circle Bridge of Don	2	Erection of structure at side of house and manicure business being operated from property.	Summerhouse has now been removed from property. New extension has been built in accordance with planning permission (P141835). Level of activity associated with manicure business is considered to be acceptable and ancillary to the house. No further action to be taken at present unless evidence is provided to prove otherwise.
3 Ashwood Grange Bridge of Don	2	Erection of a timber fence at front/side of house.	Householder has submitted a planning application (P150346) March 2015 and approved May 2015. Fence has been relocated to comply with approval. No further action.
19 Newburgh Circle Bridge of Don	2	Public amenity ground incorporated into garden ground of house.	Planning application seeking required consent submitted November 2014 and refused consent February 2015. No development has taken place to develop area into garden. No action required at present.

The Parkway Bridge of Don (Pmac)	2	Erection of advertising banner.	Letter sent requesting removal of banner. Banner has been removed.
19 Auchlea Place	3	Car repairs and parking of vehicles.	No evidence that a material change of use requiring planning permission has taken place, situation being monitored.
53 Concraig Park Kingswells	3	Alterations to front elevation with new windows installed replacing garage door.	No submission of planning application from householder it is considered that the works that have taken place are acceptable in terms of planning policy. No further action to be taken but to be noted should there be any property enquiries.
Kingswood Drive Bellfield View Kingswells	3	Trees planted as part of landscaping scheme damaged, dead or missing at new housing development.	Stewart Milne have taken action to replace damaged, dead and missing landscaping at development. No further action to be taken at present.
6 Stocket Parade	4	Formation of driveway at front of flatted property.	Retrospective planning application (P141553) submitted November 2014 and approved April 2015.
2A Barron Street	5	Erection of shed at rear of flatted property.	It is considered that the erection of shed is a minor breach of control and in terms of policy acceptable and not expedient to take any further action.
27 Middlefield Terrace	5	Erection of garage to flatted property.	Garage has been removed from the property. No further action necessary.
College Bounds Old Aberdeen Crombie Hall of Residence	6	Internal alterations to "The Bishops Table" restaurant part of listed building.	The University have submitted a retrospective application for listed building consent (P150392) which was refused consent. Appeal submitted against refusal has been sustained. No further action.
Tillydrone Road (River Don Footpath)	6	New raised walkway on bank of River Don not built in Accordance with planning permission (A7/0075).	Planning application (P140258) submitted February 2014 for environmental improvement works including reinstatement of footpath. Planning application approved August 2015.

Forresterhill Road Aberdeen Royal Infirmary	7	Temporary Mosque in hospital grounds. Planning permission A2/1670 expired no renewal submitted.	Despite contacting agent on number of occasions no planning application has been submitted. It is considered that this is a minor breach of control and it is felt that it is not expedient to take formal action. No further action is taken
208 Union Street [Starbucks]	7	Erection of timber bin store enclosure to L/Building without consent	Letter issued to shop management March 2015 asking for timber bin store to be removed complied with. Resolved
63 Summer Street (Wood Group ODL)	7	Smoking shelter erected within rear car park area without planning consent.	Letter issued Feb. 2015 asking for application to be lodged seeking retrospective consent or for shelter to be removed - confirmation that shelter would be removed received March 2015 - removal of shelter confirmed by site visit conducted May 2015.
7 Crimon Place	7	Unauthorised satellite dish erected to front elevation of flatted property in Con. Area without consent.	No positive response to letters issued February, April, & October 2015. Minor breach which is not expedient to enforce. Details of breach will be highlighted by Property Section in any future 'property enquiries' received about the property.
Causewayend Former School	8	Concern about removal of boundary wall not in accordance with planning permission.	Agent contacted and has indicated that wall is not to be removed. Top of wall damaged when attached structure removed and will be repaired during development of the site. No breach of planning control has occurred.
39 King's Crescent	8	Alteration to wall adjacent to southern boundary and erection of new front entrance gates, erection of decking and alteration to ground at rear of house.	Works have been completed to comply with approvals to the satisfaction of the planning authority.
47-53 Market Street	8	Unauthorised advertising projecting banners.	The unauthorised banners have been removed from the building.
15 Union Street The Athenaeum	8	Installation of strip lights on listed building without consent..	The strip lights have been removed from the wallheads of the building.

46 Union Street (CEX)	8	Erection of internal security shutter (Union Street frontage on Listed Building)	Retrospective applications (P130247 & P130248) for internal security shutter submitted and approved July 2015. No further action required.
North Deeside Road (opposite International School)	9	Non-compliance with plans re. Position of new footpath through development site (Ref.141260)	New application lodged September 2015 seeking retrospective permission for amendment to original path. (Ref.151493) -- application approved conditionally January 2016. No further action.
39 St. Swithin Street (Café Cognito)	10	Decking & additional seating area erected on pavement area at front of premises without consent.	Request for planning application to be submitted seeking retrospective consent complied with - application approved unconditionally Sept. 2015 (Ref.150999)
Rosewell Gardens (Hanover Housing)	10	New additional lighting columns erected within car parking area without consent.	Formal request for an application to be submitted seeking retrospective consent complied with - application approved unconditionally July 2015 (Ref.151032)
Chattan Place (lane off to rear of No. 19)	10	Construction of new garage & store not in accordance with approved plans (Ref.A3/1110)	Request issued March 2015 asking for garage/store structure to be reduced in height to comply with approval or for a new application to be submitted seeking consent for structure 'as built'. New application lodged Sept. 2015 (Ref.151490) approved conditionally Dec.2015. Resolved.
10 St. Johns Terrace	11	Replacement house construction not in accordance with approved plans (Ref.131628)	Site Investigation confirmed that front dormer window has not been constructed as per approved plans - Request for new application to be lodged for consideration complied with (Ref.151023) Approved unconditionally November 2015. Resolved.
125 Oscar Road Torry	12	Unauthorised decking area constructed within rear garden area encroaching into adjoining property.	Letter sent March 2015 requesting the submission of a formal application seeking retrospective consent for decking complied with Application approved unconditionally September 2015 (Ref.150844)

333 Union Street [Soul Bar]	12	Large unauthorised banner erected on gable wall of adjacent building.	Formal request issued March 2015 asking for banner to be removed - application seeking consent for 'banner sign' lodged July 2015 & refused October 2015 - Appeal lodged October 2015 sustained. No further action.
--------------------------------	----	---	---

Cases resolved = 31

Outstanding Cases From Previous Report - May 2015

ADDRESS	WARD	COMPLAINT	CURRENT STATUS
Burnside Drive Dyce (Former Zara restaurant)	1	Erection of 2.4 metre high hoarding along boundary.	No progress from owner /agent in resolving situation. Serve Section 33a Notice on owner requiring submission of planning application.
Craibstone Golf Club Craibstone	1	Erection of new building adjacent to golf club buildings.	No action has been taken by the owner to resolve the situation. A Planning contravention notice is to be prepared and served on owner of property.
Howes Road Newton Garage Bucksburn	1	Formation of surfaced storage area.	Letter sent to adjacent business requesting information concerning formation of storage area and advising of requirement for planning permission. Adjoining business has indicated that they do not own land and do not have details of ownership. Difficulty establishing ownership of land.
Howes Road Newton Grange Bucksburn	1	Formation of surfaced storage area.	Met with owner of land and he has indicated intention to submit planning application. No progress from owner of land in submitting planning application. A planning contravention notice to be prepared and served on land owner.
58 Market Street Stoneywood	1	Erection of outbuilding and use as residential accommodation.	Planning contravention notice sent to owner of property but lack of response from owner. Report to planning committee for authorisation to take formal enforcement action.

Meikle Clinterty Tyrebagger	1	Use of agricultural buildings for mixed business uses	Planning contravention notice sent to owner of property. Meeting took place with owner and their agent and response received to questions in PCN. Response to planning contravention notice currently being considered. Applicant and agent had indicated intention to submit planning applications for development but no applications have been received. If no applications forthcoming then matter to be reported to planning committee for enforcement action.
Howes Road (Enermech Ltd) Bucksburn	3	Erection of security fencing and gates.	New planning application for altered fencing submitted (P120667) May 2012 and Decision on application pending.
Howes Road Bucksburn (Enermech)	3	Large movement of soil within site forming new levels/landscaped area.	Retrospective planning application submitted April 2014 (P140343) and refused June 2014.
Cairdhilllock Kingswells	3	Importing of material and infilling of land.	A Temporary Stop Notice was served and work importing material and infilling land has ceased. Retrospective planning application (P151807) submitted December 2015 and awaiting determination. No further works and importing of materials have taken place on the site.
50 Market Street	8	Erection of new illuminated fascia sign.	Enforcement Notice served February 2013, requiring removal of sign by June 2013. No action has been taken by applicant to resolve situation - direct action under consideration to resolve breach.
150 Union Street (Eclectic Fizz)	7	Installation of unauthorised signage within main entrance doorway.	Despite an initial positive response to letters issued in 2015 asking for sign to be removed, it remains in-situ. Final letter to be issued April 2016 advising of the initiation of Enforcement action if signage is not removed by end of May 2016.

St Margaret's Chapel Spital	8	Works taking place to vacant chapel which is a Category A Listed Building.	A recent inspection of property has indicated that no further works have taken place. Discussions with the owners of the property are ongoing concerning proposals for developing the building.
15 Union Street The Athenaeum	8	Illuminated signboards erected to entrance doorway without consent.	No progress has been made by owner/occupier of premises in resolving breach. Legal services to be consulted on serving of advertisement enforcement notice.
33 Union Street	8	Erection of fascia advertisement. Applications for advert consent and listed building consent refused.	Appeal against re-served enforcement notice dismissed. Direct action being considered to remedy breach.
132 King Street (land to rear of)	8	Erection of temporary unit for use as office accommodation.	Letter issued to owner(s) advising them of the requirement to seek formal planning permission for the unit. Serve a section 33A notice requiring submission of planning application.
13 South Crown Street	12	Fencing/shed erected within garden area of Listed Building without consent.	No positive response re. 2 earlier formal letters issued asking for an application to be lodged or for the fencing/shed to be removed. Final letter asking for compliance issued April 2016.
189 Union Street [Shapla Indian Restaurant]	12	Unauthorised signage erected to front elevation & around entrance doorway of Cat. (B) Listed Building.	No positive response to letters issued 2014 asking for signage to be removed - No positive response to formal Enforcement Notice served May 2014 asking for signage to be removed by end of September 2014 - quote for removal of signage through 'direct action' obtained & forwarded to owner Feb. 2016 - application lodged March 2015 seeking to erect alternative signage refused May 2015 (Ref.150393) - due to parts of the unauthorised signage having since been removed or altered, revised quote for removal through 'direct action' currently being sourced.

104-106 Bon Accord Street	12	Unauthorised advert hoardings erected across entire shopfront elevation without consent.	Letter issued August 2014 asking for the advert hoardings to be removed & alternative signage erected - application seeking consent to retain existing signage lodged & refused February 2015 - new application with alternative signage proposals submitted December 2015 - decision on application pending.
Craigshaw Drive West Tullos [Mercedes-Benz UK Ltd.)	13	Non-compliance with plans re. formation of additional car parking spaces to showroom forecourt (Ref.131746)	Letter issued March 2015 asking for compliance with approved plans & reinstatement of soft landscaping - Application seeking retrospective consent for works carried out lodged May 2015 refused September 2015 - Enforcement Notice asking for removal of unauthorised works and reinstatement of land issued April 2016.

Outstanding = 19

This page is intentionally left blank

ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management
DATE	21 April 2016
DIRECTOR	Pete Leonard
TITLE OF REPORT	Technical Advice Note: The Repair and Replacement of Windows and Doors.
REPORT NUMBER	CHI/16/097
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The purpose of this report is to obtain Committee approval for the adoption of Technical Advice Note (TAN) on The Repair and Replacement of Windows and Doors as non-statutory planning guidance. A copy of the Technical Advice Note is available as Appendix 3 to this Report.

2. RECOMMENDATION(S)

It is recommended that the Committee:

- (a) Note the results of the four week public consultation period, the officers response and the amendments made to the draft document as a result;
- (b) Adopt the Technical Advice Note: The Repair and Replacement of Windows and Doors document as non-statutory planning guidance.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications arising from this report. The implication for the Priority Based Budgeting is positive. Detailed topic-based advice has value in reducing officer time spent on pre-application discussions, and will therefore prove beneficial in reducing cost.

4. OTHER IMPLICATIONS

- 4.1 There are no known legal or equipment implications arising from this

report.

- 4.2 As a major landowner in the city, proposals for the development of land and assets owned by Aberdeen City Council will, where this is applicable, be subject to assessment in line with the principles and standards set out in the Technical Advice Note.

5. BACKGROUND/MAIN ISSUES

- 5.1 This TAN has been prepared in support of the Aberdeen Local Development Plan (ALDP) (2012). It is also in general conformity with the Proposed Local Development Plan 2015 which has now been submitted to the Scottish Government for examination. On completion of the examination, and the subsequent adoption of the next LDP, this TAN will be updated as appropriate and reported back to Committee.
- 5.2 This TAN provides a means for Officers to assess applications for the Repair and Replacement of Windows and Doors in Aberdeen. Technical Advice Notes do not carry the same weight as Supplementary Guidance but are still treated as material considerations in the decision making process. The TAN also provides general guidance and best practice advice for members of the public.
- 5.3 Between 22 February and 21 March 2016, the TAN was subject to a four week public consultation period. Three (3 no.) responses were received and copies of these representations are provided in Appendix 2 of this report. A copy of Officers responses and proposed amendments to the TAN further to the public consultation exercise are provided in Appendix 1.

6. IMPACT

- 6.1 The TAN contributes to “Aberdeen – The Smarter City” Vision by promoting Aberdeen as a great place to live and visit. It contributes to the Smarter Environment priorities by promoting attractive streets and townscapes.
- 6.2 The proposal also contributes to the following Single Outcome Agreement priorities:
- We live in Scotland that is the most attractive place for doing business in Europe
 - We live in well-designed, sustainable places where we are able to access the amenities and services we need;
 - We value and enjoy our built and natural environment and protect and enhance it for future generations.
 - We reduce the local and global environmental impact of our consumption and production.
 - Our public services are high quality, continually improving, efficient and responsive to local people’s needs.

- 6.3 The proposal is consistent with the Council's Corporate Plan in particular delivering high levels of design from all development and maintaining an up-to-date planning framework. The TAN also meets the vision of the Community Plan in promoting a strong image of the City and a sense of civic pride.
- 6.4 The proposal supports the Council's 5 year Business Plan in terms of protecting and enhancing our high quality natural and built environment.
- 6.5 The proposal is consistent with the Planning and Sustainable Development Service Plan, in particular promoting a customer focused service by engaging the community in the planning process.
- 6.6 An equalities and human rights impact assessment (EHRIA) has been carried out in relation to the Technical Advice Note, with the results included as Appendix 4 to this report.
- 6.7 This document has completed the Strategic Environmental Assessment Process. A Screening Report was prepared and submitted to the SEA Gateway and the Consultation Authorities. The results concluded the TAN will have no likelihood of significant environmental effects, therefore no further strategic environmental impact is required.

7. MANAGEMENT OF RISK

It is not considered that there are any risks associated with the recommendations made in this report. The TAN provides additional detail on the implementation of existing policies included in the Local Development Plan and the Proposed Plan and gave more clarity to the issue of the Repair and Replacement of Windows and Doors. This will enable applicants to be more informed and will make the evaluation process more efficient for officers.

8. BACKGROUND PAPERS

- Aberdeen Local Development Plan
<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=42278&slD=9484>
- Appendix 1 – Consultation Results Summary
- Appendix 2 – Consultation Responses
- Appendix 3 - Technical Advice Note: The Repair and Replacement of Windows and Doors.
- Appendix 4 – Equalities and Human Rights Impact Assessment

9. REPORT AUTHOR DETAILS

Donna Laing

Planner

T: 01224 523512

E: DLaing@aberdeencity.gov.uk

**CHI/16/XXX: Technical Advice Note – The Repair and Replacement of Windows and Doors
Appendix 1 - Pubic Consultation Results Summary, Officer Response and Actions**

Historic Environment Scotland		
<i>Summary of Representation</i>	<i>Officers Response</i>	<i>Action as a Result of Representation</i>
Note the update relates to guidance on the council's position regarding window replacements on public and non-public elevations in conservation areas. These modifications are welcomed in offering further clarification regarding the council's position on this area.	Comments noted.	No action required.

HoHo Design		
<i>Summary of Representation</i>	<i>Officers Response</i>	<i>Action as a Result of Representation</i>
Will the council uphold and legally implement new proposals?	If the TAN is agreed to be adopted as non-statutory guidance by Committee it will provide guidance and advice to owners, agents and applicants on what the Council expects regarding the repair	No action required.

	and replacement of windows and doors. The TAN will be a material consideration in determining planning applications and listed building consents for works of this nature.	
What do the council do about existing pv's etc windows in conservation areas (unauthorised replacement still continues)	Where there are existing consented PVCu windows on the front elevations of unlisted buildings within conservation areas the TAN outlines, that when these come to be replaced the Council will encourage the replacement of these with windows that are more suited to the period/age/style of the building. (Take words from TAN). Where unauthorised works take place the Council has the remit to take enforcement action. Enforcement is a discretionary power. Aberdeen City Council will decide if it is in the public interest to take enforcement action where planning control has been broken.	No action required.
Materials used on ' new construction ' of windows , should be a ' tight grained ' wood / material	Acknowledged and noted	Make modification to page 13. Text added stating, 'Timber is required to be tight grained'.
Personally there is not an old sash and case window that I have come across that can't be repaired / restored.	The replacement of existing windows is only permitted when the options of repair and refurbish have been fully investigated and repair is not possible. As is stated on page 68 in paragraph '3.2	No action required.

	Matching replacement windows' of Historic Environment Scotland's Guide for Practitioners 3: Conservation of Timber Sash and Case Windows, 'There will be circumstances where repair of an original window is not possible; this may be due to technical or economic reasons'.	
When is the council going to stop the installation of plastic ' parting bead ' on historic windows? Visible plastic ' draught proofing ' has no place in traditional windows. (there is a method of installing draught proofing without it being visible)	The TAN suggests there are a number of methods of draught proofing available and for interested parties to look to Historic Scotland's guidance notes for advice. The suitability of draught proofing is dependant on the style and make up of the window.	No action required.
Old Aberdeen Heritage Society		
<i>Summary of Representation</i>	<i>Officers Response</i>	<i>Action as a Result of Representation</i>
We welcome an update and many of the suggested alterations, some of which strengthen the Council's position with regard to the preservation and enhancement of Conservation Areas.	Comments noted.	No action required.
Section 5.1 – Listed Buildings	Agree.	Insert the text suggested.

<p>The omission of the final paragraph from the 2012 draft is ill-advised. This will be the main section consulted by owners of Listed Buildings. We suggest a slight re-wording to accord with other sections of the 2016 Draft. Suggested wording as follows:</p> <p>'Original or historic windows, doors and doorways in Listed Buildings must be repaired and restored rather than replaced. Only in exceptional circumstances will replacement windows and doors be permitted, and these replacements must match the originals in all respects, in terms of appearance and material. Consent to replace original windows or doors on Listed Buildings will only be given when it can be demonstrated that they are beyond repair, and evidence of this will be required as part of any application, in the form of a Professional Survey, further details on which are provided in Appendix 1"</p>		
<p>Section 5.2 The last sentence of the 2012 TAN has been omitted, but it is important that at least the general point is included here, slightly reworded, perhaps:- "For buildings which are located within Conservation Areas (but are not Listed Buildings), the Council</p>	<p>Agree.</p>	<p>Insert the text suggested.</p>

expects original windows and doors to be repaired and restored wherever possible". Without this last sentence, the section on "Conservation Areas" does not include a vital element - the advice that repair and restoration should always be prioritised, before even thinking of replacement.		
Section 6.1 – Retain, Restore, Repair The omission of most of paragraph 6 of the 2012 TAN is regrettable, but perhaps the most important part can be incorporated at the end of paragraph 1 in the proposed TAN by adding: "In contrast, some modern windows may need replacing after just 20 years."	The review of the TAN looked to keeping the guidance and advice concise. The sentence could be viewed as inflammatory. The life expectancy of fixture and fittings will be dependant on maintenance. Many modern windows may last more than 20 years.	No action required.
Paragraph 7 of the 2012 TAN has been omitted, and we would prefer to see this retained. It makes an important statement of the Council's position on this matter. An alternative would be to include our suggested wording for section 5.1 and 5.2.	Suggested working for section 5.1 and 5.2 will be included.	Section 5.1 and 5.2 text will be added.
Section 6.2 – Refurbish We would suggest that this first sentence is omitted entirely, as the next paragraph repeats the information.	Agree.	The text will be modified as suggested.

<p>We would also suggest that the heading "Energy Efficiency" be changed to "Energy Efficiency, Insulation and Security", in order to give a better indication of what the following paragraphs are about.</p> <p>Section 6.3 – Reinstate Windows and Doors</p> <p>The first sentence of this section in the Draft TAN sits awkwardly with what follows, and it seems may have made its way there in error. It looks as if it should actually be the first sentence of Section 6.4 ("Replace Windows and Doors"). We therefore suggest that this first sentence in 6.3 is moved to the beginning of 6.4.</p> <p>We feel that it ought to be made clear that the reinstatement of doors will be specifically encouraged also. Perhaps a final sentence at the end of this paragraph could read: "The Council will also encourage the restoration of original types of doors"</p> <p>Section 6.4 – Replace Windows and Doors</p> <p>The first sentence of 6.3 surely belongs at the beginning of this section, and we suggest that it is transferred.</p> <p>Para 6.4 – Listed buildings and public</p>	<p>Agree.</p>	<p>Move the first sentence of section 6.3 to section 6.4. Add sentence outlining the reinstatement of doors is also encouraged.</p>
	<p>Agree.</p>	<p>Move the first sentence of section 6.3 to section 6.4</p>
	<p>The text within the draft TAN notes,</p>	<p>No action required.</p>

<p>elevations of unlisted buildings in Conservation Areas</p> <p>We would like to see included, those lines which we omitted from p.16 of the 2012 TAN, viz.</p> <p>"Consent for replacement windows on Listed Buildings or public elevations in a Conservation Area which reproduce the astragal pattern but open in a different manner will always be refused."</p>	<p>'replacement windows should replicate the historic design exactly in terms of materials, proportions, profiles and dimensions of frames and glazing bars/ astragals and method of opening and details'. As the above text outlines astragals and method of opening are to remain the same as the original the suggested text would not be required.</p>	
<p>Section 6.4 - Non-Public Elevations of Unlisted Buildings with Conservation Areas"</p> <p>With regard to the Scottish Government Reporter's Decision of 28th October 2015 (relating to 7 St. Machar Place). The reporter clearly has decided in favour of the principle that rear elevations of the building (7 St. Machar Place) and cottages make a contribution to the character of the Conservation Area, even when not seen from a public street.</p> <p>Given this principle, we would ask that the revised TAN should not allow the use of UPVC or other unsympathetic materials on these elevations, as this is bound to be detrimental to the character of the rear of a building and hence to the character of the</p>	<p>The Reporter's decision was thoroughly considered during the re-drafting of the TAN. When discussing the impact of replacement windows on non-public elevations of unlisted buildings the general principles of retain and repair over replacement are still applicable. The draft TAN makes it explicit that when replacing windows in non-public elevations the the context and setting of the building is required to be assessed to ensure proposals will have no detrimental impact on the character and appearance of the Conservation Area, and replacement windows must match the historic proportions, profile and dimensions of the original windows and avoid heavy frames.</p>	<p>No action required.</p>

<p>Conservation Area, as the rear elevation is also part of the Conservation Area.</p> <p>This would apply to doors as well as windows and give added protection to the many attractive houses throughout Aberdeen which have non-public elevations which are worthy of preservation while falling short of being listed.</p>	<p>The application under discussion with regard to the Reporters Report sought to alter the profile of the window, along with the material (and opening method – check). An alternative material and opening method are only sufficient on non-public elevations of unlisted buildings in conservation areas if all other criteria outlined are met.</p>	
<p>Section 6.4 - Replacement of existing non-original/historic windows on the public elevation of unlisted buildings within a Conservation Area</p> <p>We would suggest here that the wording be changed to: "the reinstatement of the original types and arrangements of windows will be required", rather than "always be encouraged".</p>	<p>The requirement to encourage the reinstatement of original types of windows and doors within this situation ensure there is a consistent approach taken throughout the TAN, as the encouragement is also sought for replacement of unsympathetic windows and doors as outlined in section 5.3.</p>	<p>No action required.</p>
<p>Section 12 – Glossary</p> <p>Article 4 Direction" - we suggest that after "an order made by Scottish Ministers" there should be inserted "or by local authorities with the approval of Scottish Ministers".</p> <p>definition of "Through Astragal" and</p>	<p>Agree.</p>	<p>Insert text suggested. Define through astragal and composite door within the glossary.</p>

“Composite Door” be included		
------------------------------	--	--

Other considerations		
<i>Summary</i>	<i>Officers Response</i>	<i>Action as a Result of Representation</i>
Planning Development Management Committee (17 March) agreed to remove all Article 4 Directions on conservation areas and the Article 4 Direction on Kingswells. This then only leaves one Article 4 Direction in the City, which is on Burnbanks and that Direction remains unchanged.	The reference to the Kingswells Article 4 is required to be removed from the TAN	Remove reference to the Kingswells Article 4 Direction.

This page is intentionally left blank

Historic Environment Scotland Àrainneachd Eachdraidheil Alba

Ms Donna Laing
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 4, Ground Floor North
Marischal College
Broad Street
ABERDEEN
AB10 1AB



Our ref: LDP/A/2
Our Case ID: 201507338

17 March 2016

Dear Ms Laing

Planning etc. (Scotland) Act 2006
Aberdeen City Council - Technical Advice Note: The Repair and Replacement of Windows and Doors

Thank you for your correspondence of 19 February 2016 seeking our comments on the updated Technical Advice Note for the Repair and Replacement of Windows and Doors. The following comments are based on our statutory historic environment interests. That is scheduled monuments and their setting, category A listed buildings and their setting and gardens and designed landscapes and battlefields in their respective Inventories.

We note the updates to the existing Technical Advice Note relate to guidance on the council's position regarding window replacement on public and non-public elevations within conservation areas. These modifications are to be welcomed in offering further clarification regarding the council's position in this area. We therefore have no further comments to offer.

Should you wish to discuss any issue raised in this response please do not hesitate to contact me at the above details.

Yours sincerely



Andrew Stevenson
Senior Heritage Management Officer (SEA)

Donna Laing

From: DEREK (HO HO) [REDACTED]
Sent: 18 March 2016 01:07
To: Donna Laing
Subject: re: TAN

Follow Up Flag: Follow up
Flag Status: Flagged

hi donna , further to you letter on the proposed changes regarding traditional windows ,
(a) will the council uphold and legally implement new proposals ? ~ as they dont seem to , even on
exisitng policy !
(b) what do the council do about existing pv's etc windows in conservation areas (unauthorised
replacment still continues)!
(c) materials used on ' new construction ' of windows , should be a ' tight grained ' wood / material
(d) personally there is not an old sash and case window that i have come across that cant be
repaired / restored (so i question the need to replace windows at all !
(e) when is the council going to stop the installation of plastic ' parting bead ' on historic windows ? (
as supplied by ' ventrola , aberdeen sash windows , etc) visable plastic ' draught proofing ' has no
place in traditional windows ! (there is a method of installing draught proofing without it being visable
!!!!)

you might want to have a word with douglas campbell , on arranging a screening to the ' planning
department ' of my window works at rubislaw den south , (he has portfolio of work on memory stick)

it includes all states of disrepair / decay , followed up with restoration methods / skills , etc

~ not sure what else i can say (plenty ?) . = is there anything else you might want me to address
on this matter ???

cheers for now derek [REDACTED]



Donna Laing,
LDP Team,
Planning Department,
Aberdeen City Council,
Marischal College



19th March 2016

Dear Mrs. Laing,

TAN Consultation:
The Repair and Replacement of Windows and Doors

Thank you for sending the Society a copy of the proposed revision of the above TAN. We welcome an update, and many of the suggested alterations, some of which strengthen the Council's position with regard to the preservation and enhancement of Conservation Areas.

We enclose the Society's detailed response to this Consultation, which primarily seeks to draw attention to those parts of the revised TAN where, we believe, the Council's position has been weakened, or made less clear, by the omission of certain phrases or sentences which are included in the current TAN. We make suggestions as to how the wording could be altered to strengthen the Council's position, and we hope that such suggestions will be given full consideration.

Yours sincerely,



(Mrs). B. McPetrie
Planning Secretary

Old Aberdeen Heritage Society's comments on the Draft TAN

Section 5

5.1 - "Listed Buildings"

The omission of the final paragraph from the 2012 TAN in this new Draft is, we believe, ill-advised. A statement of the Council's longstanding policy on this should not be dropped. It is important that this imperative remains in this section, which will be the main section consulted by owners of Listed Buildings. This will put the Council's priorities in context.

We suggest a slight re-wording (to accord with other sections of the 2016 Draft) as follows:-

"Original or historic windows, doors and doorways in Listed Buildings must be repaired and restored rather than replaced. Only in exceptional circumstances will replacement windows and doors be permitted, and these replacements must match the originals in all respects, in terms of appearance and material. Consent to replace original windows or doors on Listed Buildings will only be given when it can be demonstrated that they are beyond repair, and evidence of this will be required as part of any application, in the form of a Professional Survey, further details on which are provided in Appendix 1"

5.2 The last sentence of the 2012 TAN has been omitted, but it is important that at least the general point is included here, slightly reworded, perhaps:-

"For buildings which are located within Conservation Areas (but are not Listed Buildings), the Council expects original windows and doors to be repaired and restored wherever possible".

Without this last sentence, the section on "Conservation Areas" does not include a vital element - the advice that repair and restoration should always be prioritised, before even thinking of replacement. We are aware that this advice is given under 6.3, but only in a more general context. A householder looking for advice on the Council's guidance on Conservation Areas in particular needs to find it in that specific section.

Section 6

6.1 - "Retain, Restore, Repair"

The omission of most of paragraph 6 of the 2012 TAN is regrettable, but perhaps the most important part can be incorporated at the end of paragraph 1 in the proposed TAN by adding:

"In contrast, some modern windows may need replacing after just 20 years."

Paragraph 7 of the 2012 TAN has been omitted, and we would prefer to see this retained, but if there is a shortage of space, this could be acceptable as long as the similar paragraph (minus the last sentence) is retained in Section 5.2, as we have requested, under "Listed Buildings", and as long as the final sentence (suitably re-worded, if necessary) is retained at the end of Section 5.2, on "Conservation Areas", as we request under 5.2.

The content of this paragraph must not be omitted entirely from the guidance document. It makes an important statement of the Council's position on this matter, and without this, it may be more difficult for the Council to refuse replacement with new timber, when the original is either perfectly good or able to be repaired. It is our view that these points need to be explicitly stated, to strengthen the Council's position in general.

6.2 - "Refurbish"

The first sentence of this section in the Draft TAN unfortunately makes no sense, because it refers back to a sentence which has been removed. It refers to "these same benefits", which were enumerated in the missing sentence.

We would suggest that this first sentence is omitted entirely, as the next paragraph repeats the information.

We would also suggest that the heading "Energy Efficiency" be changed to "Energy Efficiency, Insulation and Security", in order to give a better indication of what the following paragraphs are about.

6.3 "Reinstate Windows and Doors"

The first sentence of this section in the Draft TAN sits awkwardly with what follows, and it seems may have made its way there in error. It looks as if it should actually be the first sentence of Section 6.4 ("Replace Windows and Doors"), where it would make sense, in introducing the issue of replacement, by giving a warning/reminder about when replacement will not be allowed.

We therefore suggest that this first sentence in 6.3 is moved to the beginning of 6.4.

For the rest of 6.3, it should be noted that the emphasis is really only on the reinstatement of windows. We feel that it ought to be made clear that the reinstatement of doors will be specifically encouraged also.

Perhaps a final sentence at the end of this paragraph could read:

"The Council will also encourage the restoration of original types of doors"

6.4 "Replace Windows and Doors"

As we note above, the first sentence of 6.3 surely belongs at the beginning of this section, and we suggest that it is transferred.

6.4 - "Listed Buildings and Public Elevations of Unlisted Buildings in Conservation Areas"

At the end of this section, we would like to see included, those lines which were omitted from p.16 of the 2012 TAN, viz.

"Consent for replacement windows on Listed Buildings or public elevations in a Conservation Area which reproduce the astragal pattern but open in a different manner will always be refused."

This is an important Council policy which must not be lost in the updating of this document.

6.4 “Non-Public Elevations of Unlisted Buildings within Conservation Areas”

The Scottish Government Reporter’s Decision of 28th October 2015 (relating to 7 St. Machar Place), which has prompted the update of this TAN, includes two relevant statements:-

“The rear windows make their own valuable contribution to the character” (of the cottage)

and

“I consider that these cottages have been included in the conservation area not simply for their frontages, but as a whole, and the rear elevations make their own contribution to the character of the area.”

The Reporter clearly has decided in favour of the principle that rear elevations of buildings do make a contribution to the character of the Conservation Area, even when not seen from a public street.

Given this principle, we would ask that the revised TAN should not allow the use of UPVC or other unsympathetic materials on these elevations, as this is bound to be detrimental to the character of the rear of a building and hence to the character of the Conservation Area, as the rear elevation is also part of the Conservation Area.

This would apply to doors as well as windows, and would give added protection to the many attractive houses throughout Aberdeen which have non-public elevations which are worthy of preservation, while falling short of being listed.

6.4 “Replacement of existing non-original/historic windows on the public elevation of unlisted buildings within a Conservation Area”

We would suggest here that the wording be changed to: “the reinstatement of the original types and arrangements of windows will be required”, rather than “always be encouraged”.

This would lead to considerable improvements in the character of Conservation Areas, by way of restoring the types of windows which were originally designed for a house, and so enhancing the amenity of each conservation area. If a householder is intending to replace unsympathetic windows, surely the new standards should apply, in order to promote the enhancement of Conservation Areas across the City.

12 - Glossary

Under “Article 4 Direction”, we suggest that after “an order made by Scottish Ministers”, there should be inserted “or by local authorities with the approval of Scottish Ministers”. This, we believe, would be a more accurate statement of the situation.

We also suggest that a definition of “Through Astragal” be included, as well as just “Astragal”, as it is probably not clear to a layman what this means.

Lastly, might we suggest that a definition of “Composite Door” be included, as this also needs explaining.



Technical Advice Note (TAN)

Title: The Repair and Replacement of
Windows and Doors

Date: April 2016

Technical Advice Note

The Repair and Replacement of Windows and Doors



Planning and Sustainable Development
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4, Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB
Telephone: 01224 523470
Fax: 01224 523180
Email: pi@aberdeencity.gov.uk



Contents

1.	Introduction	1
2.	Thinking About Change	2
3.	Why Do We Need to Manage Change?	3
4.	Do I Need Consent?	4
5.	Listed Buildings, Conservation Areas and Other Areas of Special Control	6
6.	Repair, Upgrade and Replacement	9
7.	Inserting New and Blocking Up Old	17
8.	Building Regulations	18
9.	Bats	18
9.	Summary Charts – What Could Be Acceptable Where?	19
10.	What To do Next	21
11.	Glossary	23
12.	Further Reading	25
Appendix 1 Professional Survey		26
Appendix 2 Building Standards Information		27



1. Introduction

This is one in a series of **Technical Advice Notes** (TANs) produced by Aberdeen City Council to help explain the Council's policies on various aspects of development in the City and who to contact for further information and advice.

This TAN addresses the **Repair and Replacement of Windows and Doors** and applies to all properties in the City. It:

- provides advice and guidance to residents and developers who are considering the repair or replacement of windows or doors;
- provides advice on whether any approvals are required before undertaking works (e.g. Planning Permission, Listed Building Consent, Building Warrant), and how to apply for these approvals;
- is a 'material consideration' and will assist Officers within Aberdeen City Council in determining applications;
- explains why windows, doors and doorways are important features of traditional buildings;
- outlines the Council's expectations for properties which are Listed Buildings and / or within a Conservation Area;
- provides 'best practice' guidance on suitable replacement windows and doors where repair is not an option; and,
- advises on measures to enhance the efficiency and security of older windows and doors without having to replace them.

A Further Reading list is provided at the rear of the guide (Section 11), along with a Glossary (Section 10) to explain terms which may not be familiar. The TAN does not include guidance on new dormer windows or rooflights, as these are covered separately within the Householder Development Guide Supplementary Guidance, available at: www.aberdeencity.gov.uk/localdevelopmentplan.



Windows, doors and doorways can be important features of a building which it is important to protect

2. Thinking About Change

There are a number of reasons why owners might consider replacing their windows or doors, however the most common reasons are generally to do with concerns over heat loss, sound proofing, security and maintenance.

The general assumption is that these types of issues can only be resolved by completely replacing original windows and doors with something new – such as new ‘double glazing’. This is however often unnecessary, and can be extremely costly and unsustainable.

Below are a number of questions to consider before deciding whether replacing your windows or doors is right for you:

- Do my windows or doors actually need replacing or would it be more cost effective and sustainable to repair them?
- How old are my existing windows or doors? Are they of local or historic value or interest? Do they add value to my house?
- Are there upgrades which can be made to my existing windows to address heat loss, sound proofing and security?
- Can any parts of my existing windows or doors be recycled or reused if they cannot be repaired?
- Will new windows or doors really result in less maintenance?
- How long will it take for any savings in my heating costs to pay for the cost of new units, and how long will the new units last?



Repair of sash & case windows can often be much cheaper than replacement

3. Why Do We Need to Manage Change?

Windows, doors and doorways are distinctive features of a building which can often tell us a lot about local history and social change. In areas of Aberdeen where buildings have little decoration, traditional windows can make an important contribution to a building's architectural interest.

Changes to windows and doors which are well managed can make a positive contribution to the design and appearance of a building and to the quality and character of the surrounding area. Inappropriate changes can however have a significant negative impact on the character or appearance of a building which, when repeated over time, can dilute the appeal of wider areas.

For Listed Buildings and Conservation Areas inappropriate change can be particularly damaging, and may result in drops in property values. Unauthorised change may also lead to legal enforcement action.

Unauthorised windows and other works can also be identified by conveyancing solicitors and can affect property sales.



Inappropriate change can negatively affect streets and wider areas as well as individual buildings

To check if your property is a Listed Building, visit: www.historic-scotland.gov.uk/historicandlistedbuildings.

To check if you live within a Conservation Area, visit: www.aberdeencity.gov.uk/masterplanning.

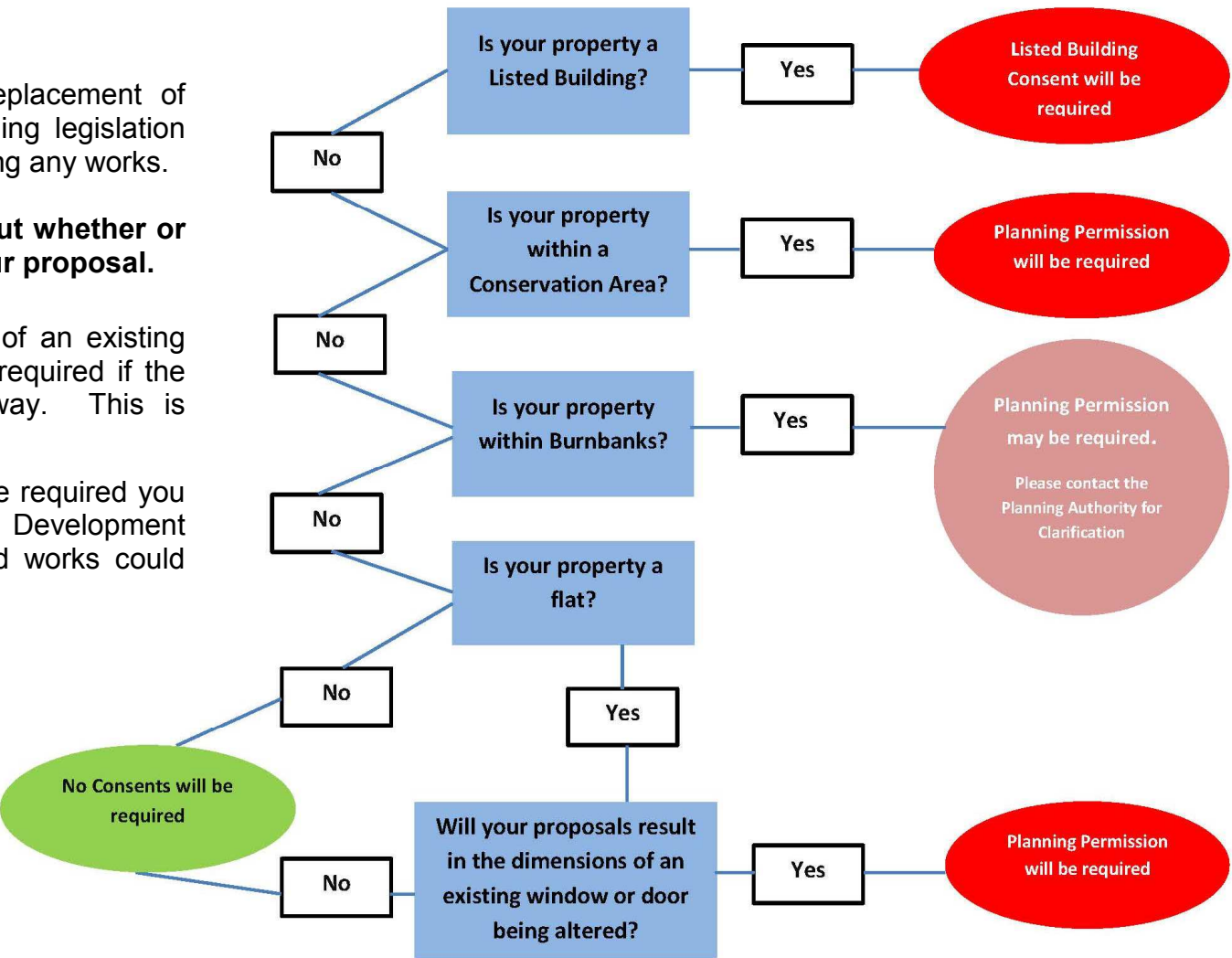
4. Do I Need Consent?

In some instances the amendment or replacement of windows and doors is controlled by planning legislation and permission is required before undertaking any works.

This diagram should help you to work out whether or not permission would be required for your proposal.

If your proposals are for an exact replica of an existing window or door then consent may not be required if the proposals match the existing in every way. This is discussed further in Section 5.

If you are unsure whether consent would be required you should always check with the Council's Development Management Section first, as unauthorised works could lead to costly enforcement action.



5. Listed Buildings, Conservation Areas and Other Areas of Special Control

5.1 Listed Buildings

In Aberdeen, Listed Buildings range from grand villas on Queens Road, to tenement blocks on Rosemount Viaduct and fishermen's cottages at Footdee. Each Listed Building has its own character and style, be it individually, or as part of a wider group of buildings.

All Listed Buildings are protected, not just those in Conservation Areas, and all elevations of a Listed Building are protected, regardless of the Category of Listing.

Listed Building Consent will almost always be required for the alteration or replacement of windows or doors in Listed Buildings. In some instances repairs to traditional windows and doors using the original materials ("like for like") may not require Listed Building Consent. For proposals not to require consent they must include exact replication of the opening method and materials. For windows they must also include exact details of astragal dimensions and profiles, fixing of glass and the reuse of historic glass where this contributes to a building's character.

In considering applications for Listed Building Consent, the Council is required by law to: *"...have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"* (Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997). If the Listed Building is situated in a Conservation Area, or is part of a flatted property, Planning Permission may also be required.

Original or historic windows, doors and doorways in Listed Buildings must be repaired and restored rather than replaced. Only in exceptional circumstances will replacement windows and doors be permitted, and these replacements must match the originals in all respects, in terms of appearance and material. Consent to replace original windows or doors on Listed Buildings will only be



Building may exhibit a variety of window sizes and glazing patterns. This can provide important evidence of the history of the building and contribute to its character and interest

given when it can be demonstrated that they are beyond repair, and evidence of this will be required as part of any application, in the form of a Professional Survey, further details on which are provided in Appendix . It is recommended that you check with the Council's Development Management section prior to undertaking any works to receive confirmation as to whether any consents would be required.

5.2 Conservation Areas

Conservation Areas are areas of the City which have been designated by the Council for their special architectural or historic interest. Aberdeen has 11 Conservation Areas within the City Boundary, which include areas such as Old Aberdeen, Ferryhill and Rosemount / Westburn. Appraisals of Conservation Areas in Aberdeen are available at www.aberdeencity.gov.uk/masterplanning.

If your property is not a Listed Building but is located within a Conservation Area then you will require Planning Permission to alter or replace windows or doors other than on a "like for like" basis (as described in Section 5.1). If your property is both a Listed Building and located in a Conservation Area then you will need to apply for both Listed Building Consent and Planning Permission. These requirements apply to both modern and older, traditional, properties.

In considering applications for Planning Permission in Conservation Areas, the Council is required by law to pay special attention "*to the desirability of preserving or enhancing the character or appearance of that area*". (Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997). For Listed Buildings within Conservation Areas, Planning Permission will be required in addition to Listed Building Consent.

For buildings which are located within Conservation Areas (but are not Listed Buildings), the Council expects original windows and doors to be repaired and restored wherever possible



Details of the Conservation Areas in Aberdeen can be found on the Council's website, www.aberdeencity.gov.uk.

5.3 Other Areas of Special Control

For properties which are not Listed Buildings or within Conservation Areas, permitted development rights can exist so that small alterations to properties, such as replacing windows or doors, can be undertaken without the need for some permissions. These are not however applicable in the following circumstances:

Burnbanks

In Burnbanks Village the City Council has taken the decision to remove some or all Permitted Development Rights via an Article 4 Direction, and so planning permission for replacing or amending windows / doors in these areas will be required.

The general preference will be for original or historic windows and doors in areas covered by an Article 4 Direction to be repaired and restored wherever possible. Where there is no original or historic fabric to be retained then any assessment of replacement proposals will principally be based on styling/type, materials and colouring.

Flats

If you live in a flatted property, planning permission will be required if you intend to alter the dimensions of an existing window or door opening.

6. Repair, Upgrade and Replacement

6.1 Retain, Restore and Repair

Windows and doors can almost always be improved by being repaired, even if they are in very poor condition. Repair is also preferred in terms of sustainability as it reduces the requirement for new raw materials and energy. Traditional windows and doors are extremely durable and when properly maintained can last for centuries - many in Aberdeen are already well over 100 years old.



Examples of rectangular panes and curved glass

The repair of original windows and doors is the best means of safeguarding the historic character of a traditional building, and in maintaining the visual character of wider areas. Repair will always be promoted over replacement, as new, modern, units will very rarely be capable of matching the character and visual interest of the units to be replaced.

Traditional windows are nearly always timber sash and case and are found in a variety of forms that reflect changing glass technology and architectural fashion. Timber sash and case windows are a recognised feature of Aberdeen's traditional buildings, and are generally of a straightforward design and construction, meaning that they can usually be easily repaired.

Curved corner windows and rectangular "lying" panes of glass are features which are particularly special to Aberdeen must always be retained.

Traditional external doors and doorways are usually of solid timber frame construction with inset panelling retained by mouldings. Throughout the 18th and 19th centuries panelled doors became standard for the main entrance of most types of building. In Aberdeen this was typically reflected in 4, 5 and 6 panel varieties in a number of different configurations. A good joiner should be able to treat most faults with traditional doors, and again repair should be less expensive than replacement.

Original door ironmongery such as letterboxes, door knockers and handles should be retained and reused wherever possible, as should original window fittings such as cord clamps, sash lifts, sash fasteners and hooks.



4 panelled door with associated door ironmongery / furniture

6.2 Refurbish

Energy Efficiency, Insulation and Security

Traditional windows and doors can be upgraded to increase energy efficiency, and improve sound insulation and security, often at a lower cost than replacing units, whilst still retaining the original features and style which gives character to buildings. Historic Environment Scotland's



Draught-proofing strips can be easily applied to interior side of external door

research and guidance on improving energy efficiency in traditional buildings can be found in their [Technical Conservation Knowledge Base](#).

Draught-proofing simply means blocking up any unwanted gaps which let cold air in and warm air out. Keeping warm air in the building means less energy spent heating it, therefore saving you money. A number of draught-proofing measures are widely available from DIY stores and can be fitted relatively cheaply.

Traditional timber doors are generally very effective in retaining warm air within a building, however additional insulation material can be added to the panels on the indoor side of the door to enhance the effect and fight additional heat loss whilst still maintaining the character of the door from the outside.

Where installing draught-proofing to traditional windows is difficult, **secondary glazing** systems can be a good alternative. Secondary glazing consists of an additional pane of glass fitted on the inside of the existing window frame which can be removed during summer months and for cleaning. Providing similar insulation values to double glazing, it can also reduce dust ingress, provide good noise insulation, and be an extra security measure.

Secondary glazing design should seek to be as discreet as possible, particularly in listed buildings, with small frames concealed from view. Meeting rails and frames should be as small in section as possible to allow them to be disguised behind existing rails. If secondary glazing is installed, the original windows should not be draught-proofed in order to help avoid condensation.

For more information about improving energy efficiency in traditional properties a number of Historic Environment Scotland's publications are included in the Further Reading List at the end of this document (Section 11).



Secondary glazing should seek to be as discreet as possible

6.3 Reinstall Windows and Doors

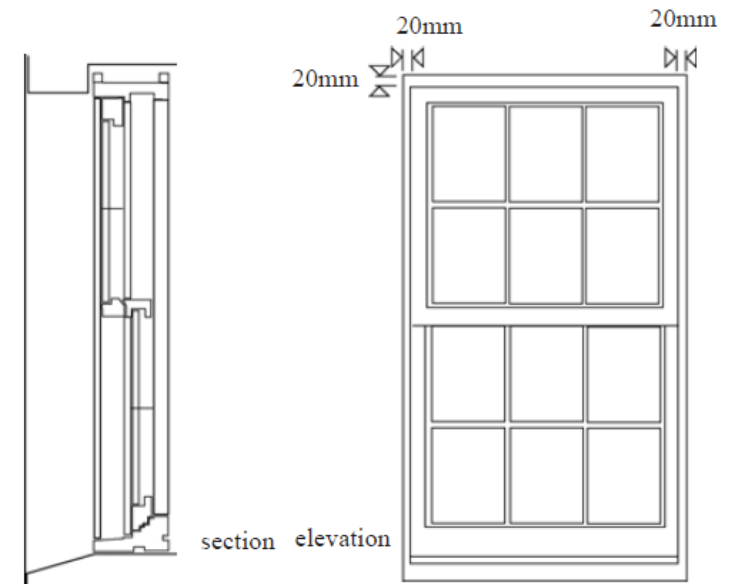
Modern windows and doors which are unsympathetic should be restored to original types and arrangements, which are more appropriate to the age and character of the building. The reinstatement of the original types and arrangements of windows will be encouraged - except where there is a demonstrable benefit in retaining later fenestration as examples of window and glazing technology. If there is no indication what the original windows were like, then authentic historic precedents can often be found on neighbouring properties.

6.4 Replace Windows and Doors

To reiterate, original or historic windows, doors and doorways must be repaired and restored rather than replaced. Complete replacement of traditional windows and doors should only be contemplated where the features have deteriorated to an extent where repair is not possible, and with listed buildings evidence of this will be required as part of the Listed Building Consent application. This evidence should take the form of a Professional Survey, further details on which are provided in Appendix 1.

Windows

To ensure architectural integrity replacement windows should replicate the historic design exactly in terms of materials, proportions, profiles and dimensions of frames and glazing bars/ astragals and method of opening and details. Drawings will specify cross sections, plans, relationship at jambs/ sills and details such as mouldings, at a scale of 1:5 at A3. Replacement windows should re-use historic glass including stained, leaded or etched glass, where this contributes to a building's character. Proposals to use wired glass, obscured glass, louvered glass or extract fans in windows will not generally be considered acceptable.



Sash & case window illustration

Listed buildings and public elevations of unlisted buildings in conservation areas

On listed buildings and public elevations of unlisted buildings in Conservation Areas, the introduction of PVCu windows as a replacement material is not acceptable.

Many historic windows in Aberdeen are timber sash and case. The relative proportions of the upper and lower sashes of new windows must be the same as in the original windows, as should the size of timber sections. Replacement windows should be fitted in the same plane, be made up from timber sections of the same profile and dimensions, and have the meeting rails in the same position. Timber is required to be tight grained.

Generally, when the window is fully closed, the visible part of the sash stiles, top rail and meeting rails should be of a similar width/depth. Where there is no existing original model on which to base a replica, bottom rails should be at least 75mm deep and 25mm deeper than the meeting rails, on elevation. No more than 20-25mm of the sash box should be visible in the window opening, the remainder being concealed behind the masonry window check.

Non-public elevations of unlisted buildings within Conservation Areas

On non-public elevations of unlisted buildings within Conservation Areas, the context and setting of the building is required to be assessed to ensure proposals will have no detrimental impact on the character and appearance of the Conservation Area. Replacement windows should match the historic proportions, profile and dimension of the original windows and avoid heavy frames, but it may be acceptable to have a different material and/or method of opening.

If existing non original/historic windows on the public elevation of an unlisted building within a conservation area are being replaced, the reinstatement of the original types and arrangements of windows will always be encouraged. The reinstatement of approved one over one PVCu sash and case windows will only be allowed if:

- no more than 25mm of the outer window frame should be visible at the top and sides, once the window has been fitted into the masonry opening;
- the meeting rails must fully overlap.
- the bottom rail of the lower sash must be at least 75mm high.
- the glass must be recessed from the front face of the sash by at least 10mm.

- on bay windows no more than 25mm of the frame should be visible in the window opening, the remainder being concealed behind the masonry window check. A frame which encroaches more than 25mm will not be acceptable

On non-traditional, more modern, unlisted buildings in Conservation Areas a broader range of materials and designs may be permitted, depending on the individual building and surrounding area.

Ventilators

Ventilators cut through the glass or visible on the window frames will not be considered acceptable on Listed Building or public elevations of unlisted building in Conservation Areas. Ventilators, where required, should be located unobtrusively in the meeting rail. Where trickle ventilation is required other more discreet means of achieving this should always be considered. Historic Scotland's publication "[Sash & Case Windows: A Guide for Homeowners](#)" provides further guidance on ventilation.

Astragals

Consent for replacement windows where the astragals are merely applied to the surface of, or are sandwiched between, the panes of glazing will be refused. Where astragals are required, they must be kept slender to match the thickness of the original astragals, particularly in multiple pane sashes.

Putty and Beads

Glazing in windows on Listed Buildings should preferably be retained in position with traditional putty or modern butyl based putty, which is always preferred to timber beads. Where glazing beads are required they should be wedge shaped to match a putty fillet, and taper from 10mm at the glass to less than 2mm at the outside. The edge of the bead must be flush with, or kept slightly back from, the face of the sash. It must never project out from the face of the sash, or an unacceptable shadow line will be created around each pane of glass. The dimensions of replacement window astragals should use original sash windows as the model.



Discreet means of achieving ventilation will be required

Typically astragals may only be 17-19mm wide. In listed buildings, the internal profile of the astragals must not be over-simplified, but should reproduce traditional moulding appropriate to the period and detail of the building. Astragals must carry through the sash to completely separate each pane of glass.

Horns

Elsewhere in the country most mid/late Victorian windows have 'horns' however this is not the case in Aberdeen. Along with original Georgian and early Victorian windows, most nineteenth century windows in Aberdeen do not have horns, and neither should the windows which replace them. The use of horns should only be contemplated only where there is clear evidence that they existed on the original windows, and in such instances the design of the horns should match the original.

Doors

Where there is no alternative to the replacement of an original door on a Listed Building or on a public elevation of an unlisted building within a conservation area, new elements must match the original in all respects. The new door should match the original in terms of proportion, profile, opening method and material, and reuse historic glass where this contributes to a building's character. If the property forms part of a group of uniform design, then any replacement should make reference to those of the neighbouring properties in style, design and size. Joiner-made timber replicas are a requirement on Listed Buildings and will be strongly encouraged in Conservation Areas.

Composite door solutions on unlisted buildings may be appropriate on public elevations in Conservation Areas depending on the specified design proposed. If the existing door is surrounded with side lights and fan lights, and/ or mouldings these elements are required to be retained. If installing a composite door and doorframe would result in the loss of these features the proposal will be refused



Historic glass should be reused where this contributes to the character of a building

On non-public elevations of unlisted buildings within Conservation Areas, the context and setting of the building is required to be assessed to ensure proposals will have no detrimental impact on the character and appearance of the Conservation Area. Replacement doors should match the historic proportions, profile and dimension of the original but it may be acceptable to have a different material and/or method of opening.

Replacement doors with a stained or varnished finish, and those which introduce asymmetrical elements, integral fanlights, inappropriate glazing or panelled patterns, will also be rejected.

The original proportions of doorways and door openings on street frontages must always be retained, and proposals to recess a door either less or more deeply within the door opening will not be supported. Original door ironmongery such as letterboxes, door knockers and handles should be retained and reused if the timber door is being replaced. Where this does not survive, the replacement of modern fittings with items appropriate to the period of the building will be encouraged.

Where the opportunity exists, modern doors which are badly proportioned, or of the wrong type or material, should be replaced with a more appropriate solution.

Colour Palette

White has been the default colour of window repairs and replacements for the past 20 years. In order to encourage uniformity new windows will be white. This will be particularly important in tenements where the use of a uniform window colour helps give the building an architectural cohesion it may otherwise lack. Other colours will need to be agreed.

Doors should be painted in an appropriate dark and muted colour, and bright glosses and white paint avoided. Stained or varnished wood finishes will generally be unacceptable.



Replacement windows will generally require to be white

7 Inserting New and Blocking Up Old

Applications to insert additional windows in Listed Buildings or in Conservation Areas may be permitted where this does not detract from the character of the building or area.

Location and design are the key considerations for new window openings which should be assessed in the context of the rest of the building and surrounding properties. The blocking up, in whole or in part, of original openings should only occur where the window makes little contribution to the building or area.

In principle the blocking up should be done in materials that relate to the surrounding building and evidence of the opening, such as window surrounds, be retained.

Proposals to increase the glazing area by removing stone or timber mullions which form the divisions in bipartite or tripartite windows will not be supported on Listed Buildings or in Conservation Areas.

The re-opening of blocked windows will be encouraged only where this will reinstate the intended elevational treatment of the building. It will not be permitted in cases where blocking up has taken place during later alterations to the structure and where the earlier window openings consequently no longer relate to present elevational form.

Doors in street frontages, even though no longer used, should always be retained



Example of blocked up windows in Ferryhill

8 Building Regulations

Building Regulations exist to protect the public and for replacement windows and doors cover aspects such as ventilation, safety from collision, safe cleaning, prevention of falls, thermal performance and means of escape.

There is no need to obtain Building Warrant approval for replacing your windows or doors, but the work you undertake should meet the requirements of the Building Regulations, and the responsibility for compliance rests with the owner.

This guidance applies whether or not the new window or door is to be the same style and material as the existing.

Repairs to an existing window are slightly different and can be completed to return the window to the original standard without the need for the repaired window meeting current standards e.g. replacing the cill.

It is recognised that compliance with all Building Regulations may be difficult in buildings that have existing historical features or are Listed. Further advice on relaxations can be sought from the Building Standards Team at 01224 523470 or pi@aberdeencity.gov.uk. Further guidance on Building Regulations can be found in Appendix 2.

9 Bats

If you are considering repairing or replacing any windows or doors you should also consider the possibility of bats being present. Bats and bat roosts can be found in many kinds of building, old or new, and can sometimes be found roosting in windows frames, window sills, doorways, lintels and porches.

Bats are European Protected Species (EPS) and are protected by European, UK and Scottish Law. The main piece of the legislation in the UK for the protection of bats is the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). If you do not require planning permission for the amendment or replacement of your windows or doors, however suspect that you may have roosting bats, a bat survey will confirm this and whether a licence from Scottish Natural Heritage is likely to be required.

Further information about bats, surveys and surveyors can be found in our Bats and Development Supplementary Guidance.

10. Summary Charts - What Could Be Acceptable Where?

The following tables have been produced for general guidance purposes only. Proposals will still require to demonstrate satisfactory detailed designs and implementation methods. The charts should only be read in the context of the advice provided within the rest of this TAN. Alterations and works to **non-public elevations of unlisted buildings in conservation areas** may still require consent. Alterations to listed buildings may require listed building consent and planning permission may be required to alter any elevation of properties in conservation areas.

Any queries should be directed to the Council's Development Management Section

Windows

	Listed Buildings	Conservation Areas: Public Elevations
Retain, repair and refurbish original/historic window frames and glazing	Consent not required	Consent not required
Secondary glazing	Consent not required in most instances. Please check.	Consent not required in most instances
Window survey required to remove original/historic window (frames and /or fabric)	✓	N/A
Reinstate original types and arrangements – with exceptions	✓	✓
Timber replica/reinstatement	✓	✓
Reuse historic glass/ironmongery and window fittings in replacement windows	✓	✓
Retaining and reuse historic or original stained / decorative leaded glass and etched glass	✓	✓
Replace original/historic frames with different material	X	X

Through astragals	✓	✓
Visible Ventilators	X	X
Horns	X	X

Doors and Doorways

	Listed Buildings	Conservation Areas: Public elevations
Retain, repair and refurbish original/historic	Consent not required	Consent not required
Reinstate original types and arrangements	✓	✓
Joiner made timber panelled door	✓	✓
Composite Door	X	✓ in certain circumstances
uPVC / aluminium / DIY chain store door	X	X
Flush (e.g. plywood) doors with mouldings applied	X	X
Reuse historic Ironmongery	✓	✓

11. What To Do Next

Applications for Planning Permission and / or Listed Building Consent can be made online via the Scottish Government's e-planning website: www.eplanning.scotland.gov.uk

Or direct to Aberdeen City Council using the application forms available at: www.aberdeencity.gov.uk/planning_environment

For applications for Planning Permission an application fee will be required. There is no charge for applications for Listed Building Consent, however a fee may be requested to advertise the application in the local press.

Failure to obtain appropriate consents and permissions could result in enforcement action being taken to have unauthorised windows or doors replaced, which may entail considerable costs for the building owner. Unauthorised windows and other works are often identified by conveyancing solicitors and can affect property sales.

In the case of a Listed Building unauthorised work falls under criminal law, and so the person who executes the works, or causes them to be executed, is liable to prosecution or imprisonment in addition to standard enforcement proceedings.

Submission Requirements

Two (2.no) copies of the following scaled drawings will be required for applications for Planning Permission and three (3.no) for Listed Building Consent in addition to the relevant application forms:



For further information please contact:

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

Telephone: 01224 523470

Fax: 01224 523180

Email: pi@aberdeencity.gov.uk

1. An OS Plan which clearly identifies the location of the site
2. Plans and detailed elevations of both existing and proposed works.
3. Horizontal and sectional drawings with details at a larger appropriate scale.
4. Details of proposed materials and style of opening.
5. Any other relevant technical information and photographs

In addition, for applications for the replacement of windows/doors on a Listed Building or within a Conservation Area, the following will also be required:

6. A clear statement which sets out a justification for the proposals, including why the works are desirable or necessary.
7. Detailed justification (e.g. a professional survey – for more information refer Appendix 1) to demonstrate to the satisfaction of the Council that the windows/doors to be replaced are beyond economic repair. Within Conservation Areas this will only be required for proposals affecting front elevations or elevations which are visible from public areas.
8. Drawings will normally be required at a scale of 1:1 or 1:2 and should include sections through window head, meeting rails, bottom rail and cill, window jambs and astragals. In addition, an elevation of the window should be provided showing the position of the meeting rails and the arrangement of any astragals.

Sources of Assistance

If your property is a Listed Building or situated within a Conservation Area then you may wish to investigate whether any sources of funding assistance exist:

- The Aberdeen City Heritage Trust is a limited company and charity that operates within Aberdeen City. The Trust has its own criteria for determining in what circumstances it may be prepared to offer assistance. Further details can be found on its website www.aberdeenheritage.org.uk or by calling 01224 522755
- Historic Scotland also administers a programme of building repair grants throughout Scotland for Listed Buildings of outstanding architectural or historic importance, or key buildings within Conservation Areas. More information is available at www.historic-scotland.gov.uk/grants

12. Glossary

Article 4 Direction: Some types of development do not need planning permission by virtue of permitted development rights. An Article 4 Direction is an order made by Scottish Ministers or by local authorities with the approval of Scottish Ministers which suspends (for specified types of development) the general permission granted under the Town and Country (General Permitted Development) (Scotland) Order 1992 (as amended), thereby removing permitted development rights. An Article 4 Direction is currently in place in Burnbanks.

Astragal: A glazing bar separating panes of glass within a window. A through astragal comprises a bar which runs from the external face through to the internal face of the window.

Composite Door: A [door](#) with a wooden or metal [shell](#) over a lightweight [core](#). The core is usually made of foam or a [material](#) that is shaped like a [honeycomb](#) cell.

Conservation Area: Conservation Areas are areas of special architectural or historical interest, the character or appearance of which it is desirable to preserve or enhance. Such areas are designated by the local planning authority. Details of the Conservation Areas in Aberdeen can be found via www.aberdeencity.gov.uk/masterplanning.

Dwellinghouse: For the purposes of this guidance, the term “dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building

Fenestration: The arrangement / pattern of the windows in a building.

Flat: A separate and self contained residence, which is one of several within a larger building.

Lintel: A structural beam above an opening, such as a window or door,

Listed Building: Working on behalf of Scottish Ministers, Historic Scotland inspectors identify buildings which are worthy of

statutory protection. These are 'Listed Buildings'. The criteria by which the Scottish Ministers define the necessary quality and character under the relevant legislation are broadly; Age and Rarity; Architectural Interest; and Close Historical Association A list of listed building is available from Historic Scotland www.historic-scotland.gov.uk/historicandlistedbuildings.

Listed Building Consent: Although the listing of a building should not be seen as a bar to all future change, strict controls do exist to ensure that works undertaken to Listed Buildings are appropriate. Listed Building Consent is obtained through an application process which is separate from, but runs parallel to, applications for planning permission. This separate regulatory mechanism allows planning authorities to ensure that changes to listed buildings are appropriate and sympathetic to the character of the building.

Material Consideration: Any issue which relates to the use and development of land and is relevant to the planning process.

Mullion: A vertical piece of stone or timber dividing a window into sections.

Permitted Development: A term used for certain types of development which, by satisfying specified conditions, is automatically granted planning permission without the submission of an application to the planning authority. These Permitted Development Rights are removed for Listed Buildings, Conservation Areas, Article 4 areas, and flats.

Planning Authority: The term given to the Council in its role exercising statutory functions under Planning legislation. Authorities have three main planning duties: Development Management (assessing and determining planning applications); Development Planning (preparing, updating and monitoring the authority's Local Plan/Local Development Plan); and Enforcement (seeking to investigate and resolve breaches of planning control)

Sash and Case Window: A window that slides vertically on a system of cords and balanced weights.

Terrace House: A dwellinghouse situated in a row of three or more buildings

Transom: A horizontal glazing bar in a window.

13. Further Reading

- **Aberdeen Local Development Plan**
www.aberdeencity.gov.uk/localdevelopmentplan
- **Bats and Development Supplementary Guidance**
<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=47678&sID=14394>
- **Householder Development Supplementary Guidance**
<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=45460&sID=14394>
- **Conservation Area Appraisals**
www.aberdeencity.gov.uk/masterplanning
- **Historic Environment Scotland - Energy Efficiency Advice**
<http://www.historic-scotland.gov.uk/index/heritage/technicalconservation/energyefficiencyadvice.htm>
- **Historic Environment Scotland - Managing Change in the Historic Environment: Doorways**
<http://www.historic-scotland.gov.uk/index/heritage/policy/managingchange.htm>
- **Historic Environment Scotland - Managing Change in the Historic Environment: Windows**
<http://www.historic-scotland.gov.uk/index/heritage/policy/managingchange.htm>
- **Historic Environment Scotland – Sash & Case Windows: A Short Guide for Homeowners**
<http://conservation.historic-scotland.gov.uk/publication-detail.htm?pubid=7302>
- **Scottish Historic Environment Policy**
www.historic-scotland.gov.uk/index/heritage/policy/shep.htm

Appendix 1: Professional Survey

National planning policy only allows windows in Listed Buildings to be replaced where there is evidence that they cannot be repaired. It also requires that applications for Listed Building Consent are supported by sufficient information to enable the local planning authority to determine them. This is why we ask for a survey to demonstrate that existing window(s) are beyond repair and need to be replaced. This is in addition to the elevational drawings and sections required. Please note that comprehensive window replacement is unlikely to be justified in all but exceptional circumstances.

What should be in a survey?

The survey should be carried out by a joiner or similar and include each individual window. It should include an image of the whole elevation with the windows numbered and an accompanying proportionate amount of information about the type, age and condition of each window. For a straightforward residential property this could be an annotated photo with the windows numbered and a short description of the window condition. Additional information may be required for a more complex building or where significant historic windows are involved

Appendix 2: Building Standards Information

Ventilation

Every apartment must have a window(s) or door(s) with an opening area of at least 1/30th of the floor area of that room. Where the opening area of the existing window is already less than 1/30th of the floor, the opening area of the replacement window must not be less than the original size. If the existing window had an integral trickle ventilator the replacement window must also have an integral trickle ventilator of at least the same size as the original.

Safety from Collision

Windows must not open over footpaths or any place to which the public has access, where they could form a hazard or obstruction.

Safety Glass

Glazing which is less than 800 mm above the floor must be toughened or laminated. Alternatively, a protective barrier could be installed to prevent collision.

Thermal Insulation

Windows must have a U-value (thermal insulation rating) of not more than 1.8 W/m²K. There are many types of window construction which meet the required degree of thermal insulation and this should be confirmed with the window installer.

Protective Barriers

Openable windows to a storey with a floor level of at least 600 mm above the outside ground level, and with a cill height less than 800 mm above floor level, must be provided with a protective barrier to minimise the risk of falling from the window. On the ground and first storeys, the barrier must be not less than 800 mm above the floor level. There must not be any gaps in the barrier which would allow a 100 mm ball to pass through. Alternatively, permanently fixed safety glass may be used instead of a barrier.

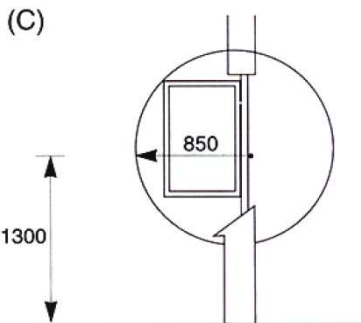
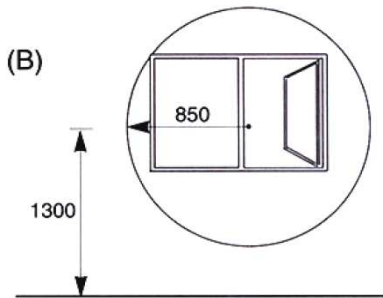
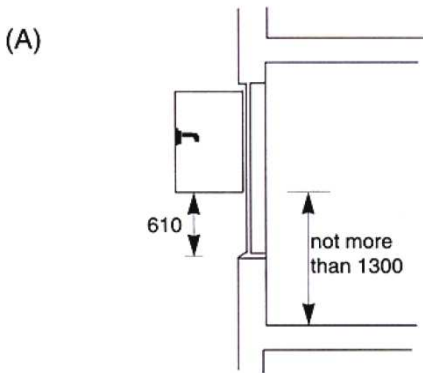
Emergency Escape Windows

An escape window must be provided in every apartment on the first floor of a dwelling. Escape windows must also be provided in rooms on the ground storey where the escape is through another room. Escape windows must have an unobstructed openable area that is at least 0.33 m² and at least 450 mm high and 450 mm wide. The bottom of the openable area must not be more than 1100 mm above the floor except in cases where the existing cill height is greater than 1100 mm.

Safe Cleaning

All windows must be safely cleanable. Windows, all or part of which are more than 4 m above the adjacent ground level must be designed so that any external and internal glazed surfaces can be cleaned safely from inside the building. These windows must be cleanable whilst standing on the floor and without over-reaching. The maximum reach must not exceed that shown in the diagrams over, and the maximum upwards reach is 2150 mm. If parts of the existing window are out with the maximum reach, the replacement window should be of a type which allows those parts to be brought within the safe reach in order to allow safe cleaning.

All dimensions are in mm.



- (A) downwards reach through an opening light
- (B) side reach through an opening light
- (C) reach for cleaning an open window with easy-clean hinges

For Further Information Please Contact:

Planning and Sustainable Development
Enterprise, Planning & Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB
Telephone: 01224 523470
Fax: 01224 523180
Email: pi@aberdeencity.gov.uk

ABERDEEN CITY COUNCIL

BRIEFING NOTE - ABERDEEN HARBOUR EXPANSION PROJECT

Land at Bay of Nigg, Coast Road / Greyhope Road, Torry

Note Author: Gareth Allison, Senior Planner

Date: 21 April 2016

HARBOUR REVISION ORDER & MARINE LICENCES: RESOLUTION OF CONCERNS

The Planning Development Management Committee resolved on 10th December 2015 to confirm its support for the principle of the development, subject to resolution of a number of outstanding concerns. A period of negotiation with Aberdeen Harbour Board has now concluded. Aberdeen Harbour Board has proposed a package of mitigation and other measures to address the concerns raised by Aberdeen City Council, which includes a commitment to secure delivery of the measures by both the formal Harbour Revision Order (HRO) process and a stand-alone legal agreement between Aberdeen City Council and Aberdeen Harbour Board. The package includes various works and improvements to the Coast Road, including cycle and pedestrian connections, an Outline Mitigation and Compensation Plan to address various environmental and landscape impacts and an Outline Local Training Initiative Action Plan. Detailed Plans will be delivered through the legal agreement. Taken as a whole, the package of measures is sufficient to address the outstanding concerns identified in the Committee's resolution.

On 29th March 2016 the Director of Communities Housing and Infrastructure, in consultation with the Convener of the Communities Housing Infrastructure Committee and the Convener of the Planning Development Management Committee, decided to lift the objection to the Harbour Revision Order and Marine Licence. Transport Scotland were advised accordingly on 31st March 2016. In lifting the objection, the Scottish Minister has been invited to consider Aberdeen City Council's position that the "power to deviate" specified in the draft HRO is excessive and thus should be reduced and that there are notable gaps in information contained in the Environmental Statement, which also generally downplays the overall impacts of the development.

This page is intentionally left blank

ABERDEEN CITY COUNCIL

COMMITTEE	Planning Committee	Development	Management
DATE	21 April 2016		
DIRECTOR	Pete Leonard		
TITLE OF REPORT	Confirmation of Tree Preservation Order numbers 232/2016 and 233/2016		
REPORT NUMBER:	CHI/16/048		
CHECKLIST RECEIVED	Yes		

1. PURPOSE OF REPORT

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

Please Note: TPO 232/2016 has previously been confirmed by committee as TPO 224. We are seeking re-confirmation of this order due to an error in the serving documents which meant the Order was served on the tenant of the properties not the owner. TPO 233/2016 is a new recently served provisional order which was made following a request from Development Management to look at the site due to concerns about pressure for tree removal as part of a planning application.

2. RECOMMENDATION(S)

It is recommended that Members:

- 1) confirm the making of Tree Preservation Orders 232/2016 and 233/2016 without modifications and;
- 2) instruct the Head of Legal and Democratic Services to attend the requisite procedures.

3. FINANCIAL IMPLICATIONS

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

4. OTHER IMPLICATIONS

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

5. BACKGROUND/MAIN ISSUES

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

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

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

- **Tree Preservation Order Number 232, 34-40 Balnagask Road (2016) – served as a Provisional Order on 19/01/16**
- **Tree Preservation Order Number 233, 56 Park Road (2016) – served as a Provisional Order on 11/02/16**

6. IMPACT

Improving customer experience

Protecting trees will have a positive impact on preserving the character of certain areas of Aberdeen. The confirmation of the TPOs proposed in this report will ensure the long term retention of tree cover within the city; resulting in the retention of features that contribute to the character of the city. In addition, maintaining an up to date portfolio of TPO's allows us to promptly reply to customer enquires.

Improving staff experience

Having properly managed TPOs assists in the processing of planning applications and allows enquiries to be dealt with effectively and promptly. As part of our TPO review we have produced a concise and

accurate database of orders. This database will be made available to relevant staff members.

Improving our use of resources

The making, management and enforcement of TPOs carry a financial cost, both directly through legal costs and indirectly through staffing resources. By ensuring that all TPOs can be justified we will ensure that our resources are utilised managing and enforcing orders that remain fit for purpose and provide positive benefits. By ensuring TPOs are fit for purpose we are also ensuring that our database resource is a reliable source of up to date information.

Corporate

In line with the Smarter City vision we have advertised these TPOs as Provisional Orders to allow members of the public to raise representations on the proposed orders. No representations have been received for the orders proposed to be confirmed in this report.

As outlined in Policy NE5: Trees and Woodland, the Council will take the necessary steps to ensure that trees are protected in the longer term thus the need to confirm the aforementioned Tree Preservation Orders.

Confirming these orders helps the Council fulfil its duty in terms of the statutory tree protection 'The Town and Country Planning (Tree Preservation Order and Trees in Conservation Areas (Scotland) Regulations 2010' introduced.

Public

The serving of a TPO will have limited interest to the general public other than the preservation of character and amenity of certain areas. There are no anticipated impacts on equalities with this proposal hence an Equalities and Human Rights Impact Assessment is not required.

7. MANAGEMENT OF RISK

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

8. BACKGROUND PAPERS

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

9. REPORT AUTHOR DETAILS

Kevin Wright
Environmental Planner
kewright@aberdeencity.gov.uk
(01224) 522440



