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

Town House,
ABERDEEN 30 November 2016

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Committee Room 2 - Town House on **THURSDAY, 8 DECEMBER 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 27 October 2016 - for approval (Pages 5 - 34)
- 1.2 Minute of Meeting of the Planning Development Management Committee (Visits) of 4 November 2016 - for approval (Pages 35 - 42)

PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 2.1 9 Merkland Road East and 3 Pittodrie Street - Redevelopment of site, erection of student accommodation of max.619 bed spaces, up to 5 storeys with associated works - 160845 (Pages 43 - 82)

Planning Reference – 160845

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>

Enter the Planning Reference number shown above into the search box at the bottom of the webpage and click 'Search'.

Planning Officer – Robert Forbes

- 2.2 44 Kings Crescent - Part change of use (rear former store room associated to shop) from retail (class 1) to gym (class 11) (retrospective) - 161194 (Pages 83 - 110)

Planning Reference – 161194

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>

Enter the Planning Reference number shown above into the search box at the bottom of the webpage and click 'Search'.

Planning Officer – Sepideh Hajisoltani

- 2.3 Former Public Toilets, High Street - Demolition of side and rear walls to facilitate redevelopment of former public toilets (front granite facade to be retained) - 160728 (Pages 111 - 122)

Planning Reference – 160728

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>

Enter the Planning Reference number shown above into the search box at the bottom of the webpage and click 'Search'.

Planning Officer – Alex Ferguson

- 2.4 Former Public Toilets, High Street - Change of use, alterations and 1st floor extension to form café - 160727 (Pages 123 - 162)

Planning Reference – 160727

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>

Enter the Planning Reference number shown above into the search box at the bottom of the webpage and click 'Search'.

Planning Officer – Alex Ferguson

2.5 Howe Moss Place - Storage and use of substances within category H2 (Acute Toxic) - 160830 (Pages 163 - 168)

Planning Reference – 160830

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>

Enter the Planning Reference number shown above into the search box at the bottom of the webpage and click 'Search'.

Planning Officer – Matthew Easton

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

3.1 Gilcomston Park - Proposed private car park and associated landscaping - 161098 (Pages 169 - 200)

Planning Reference – 161098

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>

Enter the Planning Reference number shown above into the search box at the bottom of the webpage and click 'Search'.

Planning Officer – Ross McMahon

OTHER REPORTS

4.1 St Peter's Nursery Site Redevelopment Brief (Pages 201 - 218)

4.2 Conservation Area Character Appraisals and Management Plan - Rosemount and Westburn (Pages 219 - 222)

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 Lynsey McBain on 01224 522123 or email lymcbain@aberdeencity.gov.uk

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 27 October 2016. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Cooney, Cormie, Crockett, Donnelly, Greig, Flynn (as substitute for Councillor Corall), Hutchison, Lawrence, Jean Morrison MBE, Nicoll, Jennifer Stewart, Sandy Stuart and Townson (as substitute for Councillor Jaffrey).

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MIId=3875&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 15 SEPTEMBER 2016

1. The Committee had before it the minute of its previous meeting of 15 September 2016 for approval.

The Committee resolved:-
to approve the minute as a correct record.

MINUTE OF MEETING OF SPECIAL PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 3 OCTOBER 2016

2. The Committee had before it the minute of the special meeting of the Planning Development Management Committee of 3 October 2016 for approval.

The Committee resolved:-
to approve the minute as a correct record.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 21 SEPTEMBER 2016

3. The Committee had before it the minute of meeting of the Planning Development Management Committee (Visits) of 21 September 2016 for approval.

The Committee resolved:-
to approve the minute as a correct record.

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66 TILLYDRONE AVENUE - 161003

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

that the application be **approved subject to the following conditions:-**

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; and
- 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; and
- 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.

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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.

The Committee resolved:-

to defer consideration of the application meantime to enable members to visit the site.

455 GEORGE STREET - 161189

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

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

CONDITIONS:

- (1) External Material Finishes - 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.

Reason: in order that further evaluation can be given to the material finishes of the building, details of which are lacking from the proposals.

- (2) On-street Parking Provision - 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.

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Reason: in order to ensure the delivery of on-street parking spaces in a timeous manner and the interests of road safety.

- (3) Landscaping - 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.

Reason: in order that further evaluation can be given to the landscaping of the development, details of which are lacking from the proposals.

- (4) Refuse Storage - 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.

Reason: in order to ensure the development is served by suitable refused provision, preserve the amenity of the neighbourhood and in the interests of public health.

- (5) Cycle Storage - 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.

Reason: in the interests of encouraging more sustainable modes of travel.

ADVISORY NOTES FOR APPLICANT:

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.

Further information on the car club contribution for residents of the student accommodation and the surrounding area is available from ACC's Louise Napier (01224 523327 or lnapier@aberdeencity.gov.uk)

Please contact Hannah Lynch of ACC Waste Management (01224 489256) or halynch@aberdeencity.gov.uk to discuss arrangements for waste collection and recycling facilities at the development.

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Andrew Miller, Senior Planner advised that a further condition be approved as follows:-

- (6) Student Occupation - The development hereby approved shall not be occupied other than by students enrolled on full-time or part time further or higher education courses in Aberdeen.

Reason: that the form of the development and its associated infrastructure is only suitable for student accommodation.

The Convener, seconded by Councillor Donnelly moved:-
that the application be approved in accordance with the recommendation set out in the report and including the additional condition outlined at (6) above.

Councillor Hutchison, seconded by Councillor Flynn moved as an amendment:-
that the application be refused on the grounds of a lack of provision for parking.

On a division, there voted:- for the motion (8) – the Convener, the Vice Convener, Councillors Boulton, Crockett, Donnelly, Greig, Lawrence and Townson; for the amendment (8) Councillors Cooney, Cormie, Flynn, Hutchison, Jean Morrison MBE, Nicoll, Jennifer Stewart and Sandy Stuart.

There been an equality of votes, the Convener exercised his casting vote in favour of the motion and declared it carried.

The Committee resolved:-

to adopt the motion to approve the application conditionally.

UNION BRIDGE - PROPOSED WORKS TO BRIDGE TO PROVIDE SAFETY BARRIER, WITH ASSOCIATED LIGHTING AND WORKS - 161039

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

that the application be **approved subject to the following conditions:-**

CONDITIONS:

- (1) That development shall not take place unless further details, including large scale detailed plans showing the lampposts, safety barrier and joints, have been submitted to, and approved in writing by, the planning authority and thereafter the development shall not be carried out otherwise than in full accordance with the details so agreed – in the interests of protecting the character and setting of the listed building.

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- (2) that no development shall take place unless a scheme detailing all external finishing materials to the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall not be carried out otherwise than in full accordance with the details so agreed – in the interests of protecting the character and setting of the listed building.

The Convener, seconded by Councillor Cooney moved:-

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

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

that the application be refused on the grounds that the design is not fit for purpose.

On a division, there voted:- for the motion (10) – the Convener and Councillors Cooney, Cormie, Crockett, Donnelly, Flynn, Hutchison, Lawrence, Jean Morrison MBE and Sandy Stuart; for the amendment (6) the Vice Convener and Councillors Boulton, Greig, Nicoll, Jennifer Stewart and Townson.

The Committee resolved:-

to adopt the motion to approve the application conditionally.

CAIRDHILLOCK FARM, KINGSWELLS - LAND INFILLING / GROUND RAISING (RETROSPECTIVE), INCLUDING IMPORTATION AND TIPPING OF SUBSOIL MATERIAL FROM CIVIL ENGINEERING WORKS OUTWITH THE FARMING UNIT AND REINSTATEMENT FOR AGRICULTURAL USE AT LAND ADJACENT FORMER LANDFILL SITE - 151807

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

that the application be **approved subject to the following conditions:-**

CONDITIONS:

- (1) Notwithstanding the description of the development hereby approved, no further importation into, or tipping of material onto, the site shall take place. Final restoration of the site to farmland, or other appropriate countryside use (e.g. forestry / woodland) and final re-contouring / regrading of the site in accordance with the approved cross-sections shall be completed by 01/01/2018, unless otherwise agreed in writing by the planning authority.

Reason:- For the avoidance of doubt and in order to secure restoration of the site in accordance with the objectives of green belt policy.

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- (2) No further development shall take place pursuant to this permission unless a scheme for the protection of Brodiach Burn, including provision of a vegetated buffer strip on its east bank (at least 6m wide within the site), and associated fencing, has been submitted to and agreed in writing by the planning authority.

Reason:- In order to avoid pollution and protect the water quality of the Brodiach during and after construction works.

- (3) No further development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a detailed scheme of landscaping for the western part of the site adjacent to Brodiach Burn. This scheme shall include proposed areas of native tree / shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting.

Reason:- In the interests of protection of the visual amenity and ecological value of this green belt area.

- (4) All planting, and seeding / turfing comprised in the approved scheme of landscaping and approved scheme for the protection of the Brodiach Burn specified by Conditions 2 and 3 of this consent shall be carried out in the first planting season following the completion of the development and any trees 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.

Reason:- In the interests of protection of the visual amenity and ecological value of this green belt area.

- (5) No further development shall take place on site 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. All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority. The CEMP must address the following issues:-

- Construction method statement;
- Surface water management including construction phase SUDS;
- Water engineering works;
- Details of imported material

Reason:- In order to minimise the impacts of necessary construction works on the environment.

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ADVISORY NOTES FOR APPLICANT:

Informative:- The applicant is advised to contact SEPA in relation to their regulatory requirements and potential consent needs. It is recommended that the CEMP is submitted at least 2 months prior to the commencement of any further works on site; this is to allow the necessary agencies sufficient time to fully review the mitigation proposals to avoid any potential delays to the project moving forward.

The Committee resolved:-

to approve the application conditionally.

WEST HUXTERSTONE, LANG STRACHT - ERECTION OF 20 HOUSES - 161057

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

That the application be **approved subject to conditions**, with issue of consent document withheld until upfront payment of developer contributions is made.

CONDITIONS:

- (1) Prior to the completion of a RCC compliant road and footpath link between Old Lang Stracht and Fairley Road, no more than a combined 70 residential units approved under P130912 and this current application shall be occupied, all to the satisfaction of Aberdeen City Council as the local planning authority.

Reason: To allow satisfactory vehicular access to the site and ensure compliance with the West Huxterstone Masterplan.

- (2) That no individual dwellinghouse hereby approved shall be occupied unless the car parking area relative to that house has been constructed, laid-out and demarcated in accordance with drawing number DV-REMIX-001E of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by Aberdeen City Council as local planning authority.

Reason: In the interest of public safety and the free flow of traffic.

- (3) That no development shall be carried out until there has been submitted to and approved in writing by Aberdeen City Council as the local planning authority an updated Drainage Impact Assessment considering the changes in the proposed site layout compared to that approved under P130912.

Reason: To ensure that the development can be adequately drained.

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- (4) That no development shall be carried out until there has been submitted to and approved in writing by Aberdeen City Council as the local planning authority a detailed scheme of landscaping for the site. This shall include details of planting against the retaining wall and the bank leading up to the Manse, and the street trees.

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

- (5) That all planting comprised in the approved scheme of landscaping required by condition 4 shall be carried out in the first planting season following completion and that any trees or plants which, within a period of 5 years from such completion, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of an appropriate size and species, or in accordance with such other scheme as may be submitted to and approved in writing by Aberdeen City Council as local planning authority.

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

- (6) The lighting schemes required during construction phases or in association to the completed development shall be of a flat glass, full cut off design, mounted horizontally and shall ensure that there is no light spill above the horizontal.

Reason: To avoid endangering the safe operation of aircraft through confusion with aeronautical ground lights or glare.

ADVISORY NOTES FOR APPLICANT:

Hours of construction: That, except as Aberdeen City Council as the local planning authority may otherwise agree in writing:

- No piling work shall be carried out; and
- No construction or demolition work shall take place outwith the hours of 07:00am to 07:00pm Mondays to Fridays; 09:00am to 04:00pm Saturdays or at any time on Sundays; except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery.]

Lucy Greene, Senior Planner requested an amendment to the report recommendation, Condition 3 and the inclusion of additional conditions as follows:-

Recommendation:-

That the application be approved conditionally, and a mechanism being in place for the securing of developer obligations towards education provision, affordable housing, community facilities, core paths, off-site footpaths and healthcare provision. The conditions were as follows

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Condition 3:-

That no development shall be carried out until there has been submitted to and approved in writing by Aberdeen City Council as the local planning authority an updated Drainage Impact Assessment considering the changes in the proposed site layout compared to that approved under P130912. That no house shall be occupied unless the drainage is in place and operational in accordance with the details as so agreed.

Reason: To ensure that the development can be adequately drained.

Additional Conditions:

That no hereby approved development shall take place, unless there has been submitted to and approved in writing by Aberdeen City Council as Planning Authority, a detailed scheme of site and plot boundary enclosures. No individual dwellinghouse shall be occupied unless the approved plot boundary treatment has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

That development shall not take place unless measures included within the Bird Hazard Management Plan dated 12 December 2013 with subsequent email correspondence with Alan Barrie and Fraser Bain dated May 2015, or other as shall subsequently be submitted to, and approved in writing by the planning authority, shall be implemented in full - to avoid endangering the safe movement of aircraft and the operation of Aberdeen Airport through the attraction of birds.

That no dwellinghouse shall be occupied unless the access road and associated footways along the Langstracht and Fairley Road, as shown on drawing 96333/1001 Rev P, or such other as may be subsequently submitted to, and approved in writing by, the planning authority, have been constructed in full accordance with the hereby approved plans, unless Aberdeen City Council as Planning Authority has given written consent for any variation - in the interests of ensuring pedestrian connectivity and facilitating a future vehicular link to the west of the site.

That no development shall take place unless the mitigation measures as identified in the Northern Ecological Services report (final report dated 20/08/2013) have been implemented in their entirety and thereafter remain in place, unless otherwise agreed in writing with the planning authority - in the interests of safeguarding the fauna and habitats on-site.

No development shall commence on site unless a site specific environmental management plan (EMP) must be submitted for the written approval of Aberdeen City Council as Planning Authority (in consultation with SEPA and other agencies such as SNH as appropriate) and all work shall be carried out in accordance with such approved plan. Such plan must address the following: surface water management and pollution prevention; soils management; site waste management; and noise and dust management - in order to minimise the impacts of necessary demolition/construction works on the environment.

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That the houses hereby approved shall not be occupied the scheme of street and footpath lighting shown on Fairhurst Drawing 96333/1004/F, or such other as has subsequently been submitted to, and approved in writing by Aberdeen City Council as Planning Authority has been fully implemented on site - in the interests of public safety and protecting wildlife

The Committee resolved:-

to approve the application conditionally including the above amendments and additional conditions.

13 WHITEHALL ROAD - CHANGE OF USE FROM CLASS 4 (OFFICE) TO CLASS 1 (RETAIL) - 161316

9. The Committee were advised that the application had been withdrawn.

2 DESSWOOD PLACE - CHANGE OF USE FROM OFFICE (CLASS 4) TO RETAIL (CLASS 1) - 161317

10. The Committee were advised that the application had been withdrawn.

AULTNAGAR, DYCE DRIVE - SUBDIVISION OF RESIDENTIAL CURTILAGE, ERECTION OF NEW DWELLINGHOUSE AND ASSOCIATED ACCESS ROAD - 160692

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

that the application be **approved subject to the following conditions:-**

CONDITIONS:

- (1) That no development shall take place unless there has been submitted to and approved in writing for the purpose by the planning authority, a detailed scheme of landscaping for the site. Such scheme should 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. The scheme shall be implemented as approved - in the interests of visual amenity.
- (2) That all planting, seeding and turfing comprised in any approved scheme of landscaping shall be carried out in the first planting season following the

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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.

- (3) 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.
- (4) That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.
- (5) That no development pursuant to this planning permission shall take place nor shall the building be occupied unless there has been submitted to and approved in writing for the purpose by the Planning Authority a noise assessment, in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note. The scope of any assessment should also consider BS4142, BS8233, WHO and NR25 (night time) and NR35 (day time) internally within the nearest residential properties. The assessment, which should be prepared by a suitably qualified independent noise consultant, should ascertain the predicted impacts of likely noise sources on the proposed development, including the potential for aircraft and industrial noise nuisance. Details of any noise mitigation measures, if required to reduce noise to an acceptable level, to reasonably protect the amenity of the occupants, should be provided - in the interests of residential amenity.
- (6) That no development pursuant to this planning permission shall take place, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site boundary enclosures. The dwelling hereby granted planning permission shall not be occupied unless the said scheme has been implemented in its entirety - in the interests of residential amenity.

The Committee resolved:-

to approve the application conditionally.

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MARISCHAL SQUARE DEVELOPMENT - VARIATION OF CONDITION 21 (CLASS OF USE FOR SHOPS OR FOOD AND DRINK) OF P140698 TO ALLOW PUBLIC HOUSE (SUI GENERIS) USE - 161065

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

that the application be **approved subject to the following conditions:-**

CONDITIONS:

- (1) That no part of the development hereby approved shall be occupied or brought into use until such time as a 'service vehicles only' zone and associated resurfacing have been implemented around the junction of Flourmill Lane, Netherkirkgate, the development car park entrance and the exit out onto Broad Street, in accordance with a drawing submitted to and approved in writing by the planning authority, in consultation with the Council's Roads Development Management Team - in the interests of pedestrian safety and the free flow of traffic.
- (2) That the development hereby granted planning permission shall not be occupied unless the cycle storage facilities as shown on the approved drawings, or others subsequently approved in writing by the planning authority, have been provided - in the interests of encouraging more sustainable modes of travel.
- (3) That no part of the development hereby approved shall be occupied or brought into use until such time as a scheme for the allocation of car parking to respective uses based on their floorspace has been submitted to and agreed in writing by the planning authority, in consultation with the Council's Roads Development Management Team - in order to ensure that each occupying use has access to an appropriate level of car parking and compliance with the Council's 'Transport and Accessibility' supplementary guidance is maintained.
- (4) That hotel and office uses shall not be brought into use until such time as an individual Travel Plan for each occupier has been submitted to and approved in writing by the planning authority, based on the Travel Plan Framework: Issue 2, dated 08/09/14 and including a Travel Pack for employees and (for the Hotel) guests.

Retail and restaurant units may not be occupied until such time as a Travel Pack, submitted to and approved in writing by the planning authority, has been produced and distributed to staff, based on that produced for hotel staff - in order to encourage sustainable travel.

- (5) That the approved works shall be carried out in full accordance with the agreed dust management plan (Morgan Sindall Dust Management Plan – Rev 3) unless

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otherwise agreed in writing by the planning authority - in order to mitigate adverse air quality impacts arising during construction

- (6) Development shall not be undertaken other than in accordance with the written scheme of investigation prepared by Cameron Archaeology, dated 25th January 2015, or any other such scheme as has been submitted by the applicant and approved by the Planning Authority for this purpose. The programme of archaeological work will include all necessary post- excavation and publication work - in the interests of protecting items of historical importance as may exist within the application site.
- (7) That the approved works shall be undertaken in full accordance with the approved Construction Method Statement (Morgan Sindall Construction Method Statement: rev 1) unless otherwise agreed in writing with the Planning Authority - In order to minimise the impacts of necessary construction works on the environment.
- (8) That no building within the development shall be occupied unless the development has been carried out in full accordance with the detailed scheme of materials and finishes approved in writing by the planning authority (Drawings PL-019 Rev D; PL-020 Rev C; PL021 Rev C; and PL-022 Rev F - or any other such scheme as may be agreed for this purpose) in the interests of visual amenity and preserving both the setting of adjacent listed buildings and the character of the Union Street Conservation Area.
- (9) That no buildings within the development shall be occupied unless a Waste Management Plan, including details of arrangements for the segregation, storage, collection and management of hotel, commercial and business waste, have been submitted to, and approved in writing by, the planning authority, and thereafter has been implemented in full - in order to ensure compliance with policy R6 (Waste Management Requirements for New Development) of the Aberdeen Local Development Plan.
- (10) That no buildings within the development hereby approved shall be occupied unless the recommended measures specified within the Atelier Ten Sustainability and Low Carbon Development Statement, dated 27/3/13 (or any other such report as has been approved in writing by the planning authority for this purpose) 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'.
- (11) That no buildings within the development hereby approved shall be occupied unless the scheme of drainage shown in the submitted Drainage Impact Assessment, drawing ref 95814/2001-A, or any other such scheme as has been submitted to and approved in writing by the planning authority prior to

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development commencing, has been implemented in full - in order to ensure surface water is appropriately managed.

- (12) That no part of the development hereby granted planning permission shall be occupied unless details of suitable filtrated extraction systems, with any terminal point at the highest part of the building have been submitted to and approved in writing by the planning authority and that the said scheme has been implemented in full and is ready for operation - in order to avoid adverse impact arising from the release of odours.
- (13) That all building services and fixed plant including fans, ventilation exhausts and inlets shall be designed to not exceed 40db LAeq outside nearby residential properties and an internal level of NR35 between the hours of 07.00 and 23.00 and NR25 at all other times with windows closed - in order to ensure appropriate noise levels within buildings.
- (14) That no buildings within the development shall be occupied unless development has been undertaken in full accordance with the approved 1:20 construction drawings (HFM letter of 13/7/15 and accompanying drawings, refs. PL-200A, PL-201, PL-202), showing the detailing of points where there would be a change in the surface finishes (e.g. point where glazed sections of frontage meet granite-clad sections) (or any other such drawings submitted to and approved in writing by the planning authority for this purpose) - to ensure an appropriately high quality of detailing commensurate with the civic scale and setting of the proposal.
- (15) That no building within the development shall be brought into use or occupied until such time as the agreed lighting measures, detailed in Atelier Ten Lighting Design Report: Rev 06 (or any other such scheme as may be approved in writing by the planning authority for this purpose) have been fully implemented - in the interests of visual amenity.
- (16) 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 Nos. PL-003-Rev A and PL-004-Rev B of the plans hereby approved or such other drawing(s) 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.
- (17) That, unless otherwise agreed in writing by the planning authority, deliveries to the premises via heavy goods vehicles shall be restricted to 07.00 to 19.00 Mon-Sat and 09.00-19.00 Sun, in order to prevent any adverse impact on amenity as a result of deliveries and servicing occurring at unsociable hours.

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- (18) That no buildings hereby granted planning permission shall be occupied unless the areas of public open space and associated hard and soft landscaping as identified on the approved drawings (HFM drawings: (90)002-rev 17; (90)101-rev 1; (90)102-rev 1; (90)002-rev 1; (90)103-rev 1; (90)105-rev 1; (90)-107-rev 1; (90)108-rev 1; (90)109-rev 1; (90)110-rev 1; (90)111-rev 1 Ian White Associates drawings: 1986/01-rev C; 1986/02; 1986/D01-rev A; 1986/D02-rev A; 1986/D03-rev A; 1986/D04 / 05 / 06-Rev A 1986/D07 / 08-rev A) (or such other drawing as may be subsequently approved), excluding those works relating to the pedestrianisation of Broad Street, have been laid out in full and made available for use – in order that the development is given an appropriately high quality setting, reflecting its prominent city centre location.
- (19) That no buildings hereby granted planning permission shall be occupied unless appropriate measures have been implemented to mitigate localised wind conditions within the development site, in accordance with the approved Wind Mitigation Report and associated appendices, submitted by HFM on 13/7/15 - in order to ensure that the environment within areas of public open space demonstrates due regard for localised wind conditions.
- (20) That, notwithstanding their annotation as 'retail' on the approved drawings, none of the ground-floor commercial units hereby approved within office buildings 01 and 02 shall be used other than for uses within Use Classes 1 (shops); 3 (food and drink) or a total of 6,300 square feet of sui generis (public house) of the Use Classes (Scotland) Order 1997; and that at least 50% of the total originally consented ground-floor commercial floorspace shall be used for purposes within Use Class 1 (shops) unless otherwise agreed in writing by the planning authority - in the interests of securing an appropriate live and active frontage to the development, and maintaining an appropriate mix of uses which can contribute positively towards the vitality and viability of the City Centre as a first-tier retail location.

The Committee resolved:-

to approve the application conditionally.

19 NORTH ANDERSON DRIVE - RESIDENTIAL DEVELOPMENT OF UP TO 90 UNITS WITH ASSOCIATED ACCESS, INFRASTRUCTURE AND LANDSCAPING - 151969

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

that the application be **approved subject to conditions** and the applicant entering into a legal agreement to secure affordable housing and developer obligations towards education provision (Primary £372,600 and Secondary £270, 600), affordable housing (£12,500), strategic roads impact (£30,000) and sports and recreation (£32,400).

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Gregor Whyte, Engineering Officer (Roads) advised that the recommendation above be amended to read that the strategic roads impact figure would be £10,000.

CONDITIONS:

- (1) No development shall take place unless a matters specified in conditions application has been submitted to and approved by the planning authority comprising –
- (a) details of existing and proposed site levels;
 - (b) details of layout, design and external appearance of -
 - (i) buildings and ancillary structures;
 - (ii) vehicular, cycle and pedestrian accesses and car and motorcycle parking;
 - (iii) short and long term sheltered and secure cycle parking for flats;
 - (iv) storage areas for waste and recyclables;
 - (v) plot boundary enclosures;
 - (vi) exterior lighting;
 - (c) a detailed landscape strategy, including hard and soft landscaping proposals for the site;
 - (d) as part of (b) above, a scheme for the reuse of granite from the fire station to be demolished as part of the development;
 - (e) as part of b(ii) above, the access to the site from North Anderson Drive shall be constructed by the applicant to a standard as described in the Department of Transport Advice Note TD 41/95 (Vehicular Access to All-Purpose Trunk Roads) (as amended in Scotland) complying with Layout 4 (or such other layout as may be agreed). The junction shall be constructed in accordance with the details approved and provided prior to any development commencing;
 - (f) as part of b(ii) above, the emergency central reserve crossing shall be closed off prior to any development commencing;
 - (g) as part of b(ii) above, any emergency access proposed to the north of the site shall be provided prior to any development commencing;
 - (h) As part of b(ii) above, a scheme for the resurfacing of the existing footway on the western side of North Anderson Drive from the path access to Campsie Place north to the Lang Stracht, which includes the reinstatement of footway adjacent to the former fire station access;
 - (i) details of compliance with the Council's supplementary guidance on Low and Zero Carbon Buildings.

Reason: in order to ensure a satisfactory design and layout of the plot, integrate the development into the surrounding landscape, ensure provision of a suitable level of parking and ensure provision of satisfactory drainage arrangements.

- (2) No development shall take place unless a matters specified in conditions application comprising a Noise Impact Assessment, carried out by a suitably

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qualified noise consultant, has been submitted to and approved by the planning authority. The Noise Impact Assessment should:

- (i) be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note;
- (ii) identify the likely sources of noise (including road traffic noise from North Anderson Drive and the Fire Station to the north); and
- (iii) indicate the measures to reasonably protect the amenity of the occupants of the development from all such sources of noise that have been identified.

The noise assessment methodology should be submitted and agreed in writing with the Planning Authority in advance of the survey being undertaken.

Thereafter, the development shall be implemented in accordance with the mitigation measures recommended as part of the Noise Impact Assessment

Reason: in order to protect the occupants of the proposed residential units from noise pollution generated by nearby sources.

- (3) No development shall take place unless a matters specified in conditions application comprising a scheme of all foul and surface water drainage works for the whole development has been submitted to and approved by the planning authority in consultation with SEPA. The scheme should include details of any additional criteria or limiting rates by Scottish Water for discharges to the combined sewer for surface water management.

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

- (4) No development shall take place unless a matters specified in conditions application comprising a site specific construction environmental management plan (CEMP) has been submitted to and approved by the planning authority in consultation with SEPA.

Reason: in order to control pollution of air, land and water.

- (5) No development (excluding demolition) shall take place unless a matters specified in conditions application comprising a scheme to deal with any contamination has been submitted to and approved in writing by the planning authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include:

- (i) an investigation to determine the nature and extent of contamination,

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- (ii) a site-specific risk assessment,
- (iii) a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

No building(s) shall be occupied unless -

- (a) 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 for that phase; and
- (b) a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

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

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

- (6) That a visibility splay to the right (south) of the access to North Anderson Drive shall be provided and maintained to the satisfaction of the Planning Authority (in consultation with Transport Scotland as Trunk Road Authority). The visibility splay shall have a setback of 4.5 metres along the centre line of the access from the nearside of the trunk road carriageway, with a y dimension of 70 metres. In a vertical plane, the visibility splay shall be maintained free from obstruction between 0.26 metres and 2 metres in height

Reason: in the interests of road safety, in order to ensure road users have sufficient visibility when entering the trunk road.

- (7) No unit shall be occupied unless a matter is specified in conditions application comprising a residential travel pack, aimed at encouraging use of modes of transport other than the private car, has been submitted to and approved by the planning authority.

Reason: in order to encourage use of more sustainable modes of transport.

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- (8) No development shall commence unless a matters specified in conditions application comprising an Energy Statement has been submitted to and approved by the Planning Authority. The Energy Statement shall:
- include an assessment on the technical feasibility and financial viability of heat network/district heating for the development;
 - identify any available sources of heat (on or offsite);
 - identify other factors such as where land will be safeguarded for future district heating infrastructure; and
 - demonstrate how the findings have been incorporated into the design and layout of the proposal.

Reason: in order to ensure the development complies with Scottish Government policy to connect to district heating networks.

- (9) No development shall commence unless a matters specified in conditions application, detailing the upgrade of bus stops on Lang Stracht (adjacent to Lang Stracht Shopping Centre westbound and eastbound between North Anderson Drive and Mastrick Drive), has been submitted to and approved by the Planning Authority.

Reason: to promote sustainable travel / public transport – the bus stops being those most likely to be utilised by occupants of the consented development.

ADVISORY NOTES:Roads and Access – Aberdeen City Council

The applicant is responsible for all costs involved and should be advised to contact the Road Network Maintenance Unit at least 6 weeks prior to any works starting on site and arrange for an estimate for the cost of works. The Road Network Maintenance Unit can be contacted on the following details:

Tel: 01224 241500 RoElrick@aberdeencity.gov.uk, DanMackay@aberdeencity.gov.uk.

Further details on bus stop upgrade requirements are available from Mark Yule of ACC Public Transport Unit (01224 523073).

Advice on walking and cycling infrastructure improvements should be sought from ACC Transport Strategy. Louise Napier (01224 523327) is the ACC contact for further details.

The internal road layout is to be designed to Aberdeen City Council standards. The development will require to be subject to a Roads Construction Consent and Advice should be sought from Colin Burnet on 01224 522409 to discuss this matter in further detail.

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Roads and Access – Transport Scotland

The granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

SEPA

Pollution prevention and environmental management

The finalised CEMP should address all potential pollution prevention, environmental management and waste management issues related to proposed development. We produce a series of [Pollution Prevention Guidelines](#) (PPGs). The principles of any relevant PPGs should be incorporated into the method statement rather than just referenced. Particular attention should be given to the construction PPGs. In addition these plans should be accompanied by supporting drawings (for example identifying storage locations, buffers to sensitive receptors including natural water features on site, field drains and Scottish Water pipe network infrastructure, location of construction phase SUDS etc).

As referenced above there are surface water sewers in the vicinity of the site that discharge to a burn so specific details of how these will be protected during the construction works, to prevent silt entering them, should be provided. Details of how all existing drainage on the site will be dealt with i.e. decommissioned or removed should be provided.

In addition to including details of the contractor's plans to minimise the volume of waste produced on site the CEMP should also include a site specific waste management plan for the demolition works. This should include details of the demolition contractor's management proposals for the resulting demolition waste at the site, including

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investigation of any hazards associated with such waste and details of appropriate mitigation measures to ensure that the risks to the environment posed by such wastes are minimised as far as reasonably practicable.

Heat Networks and District Heating

SEOA advise the applicant that the feasibility study, requested by condition in section 3.7 above, should assess the technical feasibility and financial viability of heat network / district heating for this site, identifying any available sources of heat (either within the site or offsite) and other factors such as where land will be safeguarded for future district heating infrastructure. Demonstration should then be provided within the Design and Access statement (or other supporting statement) and detailed layout plans on how the findings of the feasibility study have been incorporated into the design and layout of the proposal.

Regulatory requirements

The DA states "Surface water run-off from construction areas will, where practicable, not be drained to the permanent drainage system." The applicant should ensure surface water management during the construction works is in compliance with The Controlled Activities Regulations (CAR) General Binding Rules (GBR's) 10 and 11.

Further details of these requirements are available in the [CAR practical guide](#) but we would highlight that Rule g of GBR 10 and b of GBR 11 requires that "All reasonable steps must be taken to ensure that any matter liable to block, obstruct, or otherwise impair the ability of the SUDS is prevented from entering the system." and "Any matter liable to block, obstruct or otherwise impair the ability of the surface water drainage system must not be disposed of into the system or onto a surface that drains into the system."

Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at: Inverdee House, Baxter Street, Torry, Aberdeen, AB11 9QA, Tel: 01224 266600.

The Committee resolved:-

- (i) to approve the application conditionally; and
- (ii) that officers investigate the possibility of installing road signage at the entrance to Maryville Park to prevent U-turns and unauthorised use.

12 ST SWITHIN STREET - CHANGE OF USE FROM PAVEMENT TO OUTDOOR SEATING AREA - 160883

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

that the application be **approved subject to the following conditions:-**

CONDITIONS:

- (1) That the area of the pavement to be used for outdoor seating shall be restricted to that as shown on approved drawing 101 Rev D and that no tables or chairs shall be sited out with this area at any time.

Reason – In order to protect the visual character and amenity of the area.

- (2) That the outdoor seating area hereby approved shall only be used between the hours of 8am and 8pm on any given day and that any tables, chairs and other street furniture for the purpose of, or associated with, facilitating outdoor seating shall be removed from the pavement out with the hours of operation for the outdoor seating area.

Reason – In order to protect the amenity of the neighbouring residential properties and the character and appearance of the conservation area.

- (3) That no amplified music shall be played in the outdoor seating area at any time.

Reason – In order to protect the amenity of the neighbouring residential properties.

The Convener, seconded by Councillor Boulton moved:-

That the application be approved in accordance with the recommendation set out within the report subject to the following amendment to condition (1):-

That the area of the pavement to be used for outdoor seating as shown on Drawing No. 101 Rev D shaded light orange shall only allow the placement of tables, seats and form of enclosure and for no other street furniture (i.e. heaters and umbrellas/awnings) and the use hereby permitted shall not commence until details of the form of enclosure has been submitted to and approved in writing by the local planning authority.

Reason - In order to protect the visual character and amenity of the area.

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

That the application be refused on the grounds that there would be a reduction of amenity and there would be an impact on the quality of life for residents.

On a division, there voted:- for the motion (14) the Convener, the Vice Convener and Councillors Boulton, Cooney, Cormie, Crockett, Donnelly, Flynn, Hutchison, Lawrence,

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Jean Morrison MBE, Nicoll, Sandy Stuart and Townson; for the amendment (2)
Councillors Grieg and Jennifer Stewart.

The Committee resolved:-

to adopt the motion and approve the application conditionally.

14 THE CHANONRY - PART CHANGE OF USE FROM CLASS 9 (RESIDENTIAL) TO MIXED USE, ASSOCIATED TO THE DIOCESE OF ABERDEEN, INCORPORATING: CLASS 10 (ACTIVITIES ASSOCIATED TO A RELIGIOUS BODY) AT PART OF GROUND FLOOR, AND CLASS 4 (OFFICES) AT 2ND FLOOR - 161152

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

that the application be **approved subject to the following conditions:-**

CONDITIONS:

- (1) That the office use hereby approved shall be restricted to the rooms on the top floor of the building identified in drawing number 4074-GA-302 and these rooms shall only be used in connection with providing administrative support for the activities and functions of the applicant, The Roman Catholic Diocese of Aberdeen.

Reason – In order that the primary residential function of the building is retained and that the office use remains associated with that use and of a sufficiently small scale to protect the character and amenity of the area.

- (2) That the Class 10 use hereby approved shall be restricted to the Parish Room at ground floor level as identified in drawing number 4074-GA-300 and this room shall only be used in connection with the activities and function of the applicant, The Roman Catholic Diocese of Aberdeen.

Reason – In order that the primary residential function of the building is retained and that the Class 10 use remains associated with the functions of the resident and of a sufficiently small scale to protect the character and amenity of the area.

- (3) That the rooms hereby granted planning permission for change of use shall not be occupied unless a scheme detailing cycle parking provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme.

Reason – In the interests of encouraging more sustainable modes of travel.

The Committee resolved:-

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to defer consideration of the application meantime to enable members to visit the site.

DECLARATION OF INTEREST

Councillor Crockett declared an interest in the following item of business by virtue of his position as a Council appointed member of Grampian Health Board. Councillor Crockett considered that the nature of his interests required him to leave the meeting and he took no part in the Committee's deliberations thereon.

FORESTERHILL COURT, BURNSIDE GARDENS - REPLACEMENT OF NHS STAFF ACCOMMODATION WITH NEW BUILD KEY WORKER HOUSING COMPRISING OF 110 UNITS ALONG WITH ASSOCIATED OPEN SPACE, PARKING AND INFRASTRUCTURE - 151842

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

that the application **be refused**.

The Convener, seconded by Councillor Donnelly moved:-
that the application be approved conditionally.

Councillor Cormie moved as an amendment:-
that the application be refused in accordance with the recommendation set out within the report.

Councillor Cormie's amendment failed to attract a seconder and therefore was not put to the vote.

The Committee resolved:-
to approve the application conditionally.

24 WALLACEBRAE ROAD - ERECTION OF TWO STOREY EXTENSION TO SIDE OF DWELLING HOUSE - 161310

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

that the application **be refused**.

The Committee resolved:-
to refuse the application.

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SOUTH AVENUE, CULTS - PROPOSED DEVELOPMENT OF 21 UNITS WITH ASSOCIATED LANDSCAPING AND PARKING - 160552

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

that the application **be refused.**

It was noted that recommendation 5 of the reasons for refusal had been amended to read as follows:-

5. The swept path analysis of the proposed site layout shows that a bin lorry could not comfortably turn within the site without impacting on amenity areas and proposed parking spaces. This would be contrary to the requirements of planning policy R6 (Waste Management Requirements for New Development) of both the Aberdeen Local Development Plan and the Proposed Local Development Plan as the proposed building could not be suitably serviced.

The Committee resolved:-
to refuse the application.

CONFIRMATION OF TREE PRESERVATION ORDER NUMBERS 234/2016 - CHI/16/191

19. The Committee had before it a report by the Director of Communities Housing and Infrastructure which advised that a provisional Tree Preservation Order (TPO) was made by the Head of Planning and Sustainable Development under delegated powers, which currently provides temporary protection for the trees, but requires to be confirmed by the Committee to provide long term protection.

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The report recommended:-

that the Committee –

- (a) confirm the making of Tree Preservation Order 234/2016 without modifications and;
- (b) instruct the Head of Legal and Democratic Services to attend to the requisite procedures to serve the Order as confirmed upon the interested parties and attend to register the Order with Registers of Scotland.

The Committee resolved:-

to approve the recommendations.

ST PETER'S NURSERY SITE REDEVELOPMENT BRIEF - CHI/16/255

20. The Committee had before it a report by the Director of Communities Housing and Infrastructure which sought approval for the draft St Peter's Nursery Site Redevelopment Brief to be issued for a four week period of public consultation.

The report recommended:-

that the Committee –

- (a) approve the Draft St Peter's Nursery Site Redevelopment Brief for a four week public consultation period; and
- (b) agree that, following completion of the public consultation, any valid comments received and subsequent amendments to the draft Redevelopment Brief be presented to a future Committee.

The Committee resolved:-

to approve the recommendations.

COUNTESSWELLS PHASE 1B MASTERPLAN - CHI/16/256

21. The Committee had before it a report by the Director of Communities Housing and Infrastructure which outlined the Countesswells Phase 1b Masterplan, prepared as a strategy for the future development of land identified in the Aberdeen Local Development Plan 2012 and the Proposed Aberdeen Local Development Plan 2015.

The report recommended:-

that the Committee –

- (a) approve the Draft Countesswells Phase 1b Masterplan as Interim Planning Advice; and
- (b) agree for officers to implement the process to ratify the Masterplan as Supplementary Guidance. This will include a minimum 4 week public consultation with results reported back to Committee prior to submission to Scottish Government.

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The Committee resolved:-
to approve the recommendations.
Councillor Ramsay Milne, Convener

DRAFT

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DRAFT

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 4 November 2016. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Cormie, Crockett, Greig, Hutchison, Lawrence, Nicoll, Jennifer Stewart, Sandy Stuart and Townson (as substitute for Councillor Jaffrey).

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=152&MIId=3879&Ver=4>

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

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

66 TILLYDRONE AVENUE - CHANGE OF USE FROM 5 BEDROOM DWELLING (CLASS 9) TO SIX BEDROOM HMO (SUI GENERIS), REPLACEMENT ROOF, REPLACEMENT WINDOWS TO REAR EXTENSION, REDUCTION OF WINDOW AND BLOCKING UP OF DOOR - 161003

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

that the application be **approved subject to the following conditions**:-

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;

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- An additional 240l wheeled food waste / food waste bin. In addition another kitchen caddy will be supplied for food waste; and
- 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; and
- 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.

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Lucy Greene, Senior Planner circulated additional conditions as follows:-

- (1) That the development shall not be occupied unless there has been provided, details of covered cycle storage in accordance with a scheme that has been submitted to, and approved, by the planning authority – in the interests of encouraging sustainable forms of travel.
- (2) that the use hereby authorised shall not take place unless there has been submitted to and approved in writing for the purpose by the planning authority a 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. Proposals shall include hedging along the boundary of the rear garden - in the interests of the amenity of the area.
- (3) That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first 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 by the planning authority.
- (4) That the use shall not take place unless there has been erected plot boundary treatments in accordance with a scheme to be submitted to and approved in writing by the planning authority – in the interests of residential amenity.

DECLARATION OF INTEREST

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

The Vice Convener, seconded by Councillor Boulton moved:-

That the application be refused on the following grounds:-

- (1) There would be overdevelopment due to increased capacity as the proposed six double bedrooms could accommodate twelve residents;
- (2) The concentration of the large number of residents in the property will impact on the residential amenity of surrounding properties particularly when using and accessing the rear garden;

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- (3) The amenity of property residents, particularly those with limited mobility, will be impacted due lack of direct access to the rear garden and having to use the windows as an emergency exit;
- (4) The noise generated by traffic which greatly decreases in the evening will have less impact than that generated by the sounds emanating from partying residents of this property; and
- (5) Insufficient parking and lack of a turning area which will result in vehicles reversing out on to heavy and fast moving traffic using Tillydrone Avenue;

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

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

On a division, there voted:- for the motion (7) – the Vice-Convener and Councillors Boulton, Cormie, Hutchison, Lawrence, Jennifer Stewart and Sandy Stuart; for the amendment (4) – Councillors Crockett, Greig, Nicoll and Townson.

The Committee resolved:-

- (i) to adopt the motion to refuse the application; and
- (ii) that officers write to the applicant condemning the unauthorised work which had been carried out on the building and garden of the property and that the works be reinstated to their original state where appropriate.

14 THE CHANONRY - PART CHANGE OF USE FROM CLASS 9 (RESIDENTIAL) TO MIXED USE, ASSOCIATED TO THE DIOCESE OF ABERDEEN, INCORPORATING CLASS 10 (ACTIVITIES ASSOCIATED TO A RELIGIOUS BODY) AS PART OF GROUND FLOOR, AND CLASS 4 (OFFICES) AT 2ND FLOOR - 161152

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

that the application be **approved subject to the following conditions:-**

CONDITIONS:

- (1) That the office use hereby approved shall be restricted to the rooms on the top floor of the building identified in drawing number 4074-GA-302 and these rooms shall only be used in connection with providing administrative support for the activities and functions of the applicant, The Roman Catholic Diocese of Aberdeen.

Reason – In order that the primary residential function of the building is retained and that the office use remains associated with that use and of a sufficiently small scale to protect the character and amenity of the area.

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- (2) That the Class 10 use hereby approved shall be restricted to the Parish Room at ground floor level as identified in drawing number 4074-GA-300 and this room shall only be used in connection with the activities and function of the applicant, The Roman Catholic Diocese of Aberdeen.

Reason – In order that the primary residential function of the building is retained and that the Class 10 use remains associated with the functions of the resident and of a sufficiently small scale to protect the character and amenity of the area.

- (3) That the rooms hereby granted planning permission for change of use shall not be occupied unless a scheme detailing cycle parking provision has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme.

Reason – In the interests of encouraging more sustainable modes of travel.

DECLARATION OF INTEREST

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

The Vice Convener, seconded by Councillor Boulton moved:-

That the application be refused on the following grounds:-

- (1) The area is zoned for residential use and the proposal would be contrary to policy H1 and impact on the residential character of the area;
- (2) There are no details of any alterations to the property in order to accommodate the proposal;
- (3) The number of people visiting the property will have a detrimental impact on the residential nature of the area;
- (4) There are no details of parking arrangements for staff or visitors; and
- (5) The proposed use of the property will set a precedent for similar usage of other residential properties in the conversation area.

Councillor Stewart, seconded by Councillor Nicoll moved as an amendment:-

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

On a division, there voted:- for the motion (3) – the Vice Convener and Councillors Boulton and Hutchison; for the amendment (8) – Councillors Cormie, Crockett, Greig, Lawrence, Nicoll, Jennifer Stewart, Sandy Stuart and Townson.

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The Committee resolved:-

to adopt the amendment to approve the application conditionally.

COUNCILLOR RAMSAY MILNE - Convener

DRAFT

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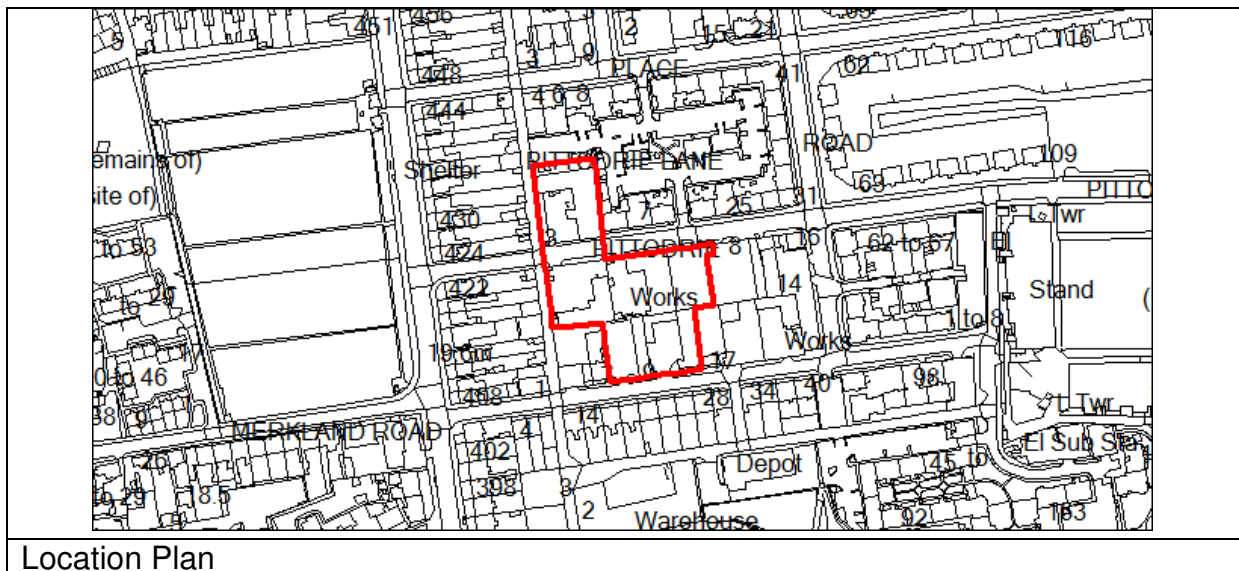
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Planning Development Management Committee Detailed Planning Permission

160845: Redevelopment of site, erection of student accommodation of max.619 bed spaces, up to 5 storeys with associated works. at Site at 9 Merkland Road East and site at 3 Pittodrie street, Aberdeen,

For: Watkins Jones Group

Application Date:	24 June 2016
Officer:	Robert Forbes
Ward:	Tillydrone/Seaton/Old Aberdeen (J Noble/R Milne/R Grant)
Community Council:	Pittodrie
Advertisement:	Project of Public Concern
Advertised Date:	03/08/16



RECOMMENDATION: Willingness to approve subject to conditions, but consent to be withheld until contributions towards Core paths, bus facilities on King Street and the provision of two City Car Club vehicles, including costs associated with necessary Traffic Regulation Orders, have been secured

SITE DESCRIPTION

This site lies approximately 1.5km to the north of the city centre and comprises industrial premises located to the east of King Street close to Pittodrie stadium, currently occupied by Robertson stone centre / granite yard. There are two distinct parcels separated by Pittodrie Street. The northern site (site B), is the smaller, abuts adjacent four storey tenement housing constructed in the 1990's and fronts onto the street. The southern site (Site A) lies adjacent to industrial / commercial premises located to the east. To the south and west of Site A lie 3 storey Victorian tenements which front onto and are accessed from Merkland Road East. The site is separated to the west from the rear of low rise residential / commercial premises fronting onto

APPLICATION REF: 160845

King Street by a rear service lane (Pittodrie Lane). The surrounding area has experienced significant redevelopment in recent decades, with generally new build flatted properties replacing industrial premises.

RELEVANT HISTORY

Application Number	Proposal	Decision Date
P151945	Student Accommodation (POAN)	13/01/16

A pre-application forum meeting to discuss the proposal took place in January and is reported in the pre-application report.

DESCRIPTION OF PROPOSAL

Provision of student accommodation extending to 19,639m² (619 bedspaces), including ancillary facilities. All existing buildings on the site would be demolished. The southern site/ building would provide 486 bedspaces (15,433 m²), the northern site 132 (4207m²). The bedspaces are spread across a mix of studio accommodation and multi-bedroom flats with shared lounge / kitchen / dining areas. The building blocks would generally front onto existing public roads, although additional wings are proposed within the central part of Site A and will lack a street frontage. All bedrooms would face onto either public roads or landscaped courtyards. The massing of the blocks is broken into varied architectural forms, in order to avoid a monolithic appearance, with block heights varying between 3 and 5 storeys. The upper floors would incorporate dormer windows, pitched roofs and have varied wallhead levels in recognition of surrounding urban forms. The lowest parts would be positioned on Pittodrie Lane, recognising the reducing height of existing built forms to the west. External materials have been amended to include use of natural granite and buff / grey bricks to street frontages in lieu of render. Other external materials would include standing seam metal roofs, beige render and rainscreen cladding, with white brick and gold coloured metal cladding panels primarily used on courtyard wall elevations.

The principal pedestrian access points would be from Pittodrie Street. A secondary access to Site A would be provided from Merkland Road East. A small off street car parking (7 space) area would be created within Site A, accessed from Pittodrie Street. The position of the proposed access gates has been adjusted to avoid the creation of a recessed covered area, in response to security concerns. This car parking is for use of staff and disabled occupants. Communal bike storage for a total of 300 cycles is proposed across both sites, accessed from Pittodrie St and Lane. Service vehicles would use the existing road network and bin lorries would not require to enter the development. Residents would have access to communal external amenity spaces within both sites, including roof terraces and ground level courtyards and basement terraces. In addition, significant internal ancillary accommodation (e.g. entrance foyers, management suite, receptions and common rooms would be provided). The development has also been amended to reduce the height of certain blocks and to reduce the number of bedspaces in response to design / amenity concerns, including issues raised at the pre – application forum (e.g. security at the entrance / granite re-use).

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at www.publicaccess.aberdeencity.gov.uk.

Planning statement, Pre-application consultation report, Design and Access statement, Student demand report, Sustainability statement, Energy statement, Transport Statement, Site Investigation Report, Archaeology assessment, Bat / bird Survey, Daylight / Sunlight report, Noise Impact Assessment, Student management plan, Drainage Impact and Flood Risk assessment.

CONSULTATIONS

Consultee	Date of Comments	Comments Made
Roads	17/10/16	No objection subject to conditions. Satisfied with level of parking proposed on site and that there would be no adverse traffic impact.
Developer Obligations	26/10/16	Request £7,568 contribution for core path improvement at Broad Hill.
Archaeology Service	28/07/16	Request a condition so that the site is recorded prior to demolition works.
Environmental Health	26/07/16	No objection. Request a condition to address possible contamination and to secure suitable noise attenuation, air quality and dust control.
Flooding Team	06/09/16	No objection regarding site flood risk / drainage.
Scottish Water	11/12/2015	No objection. Sufficient capacity exists in the local sewer network, waste water treatment and water treatment works to service the development.
Waste/Recycling Service	06/07/16	No objection. Advise that bin stores should be within 30m from any property.

REPRESENTATIONS

9 letters of objection have been received (from 12 individuals). In order of frequency of mention, the issues raised are:-

1. Traffic impact / car parking;
2. Noise / disturbance due to use;
3. Unenforcability of contract to restrict occupant car parking;
4. Disturbance during construction;
5. Privacy impact / overlooking of garden ground / flats;
6. Crime / anti-social behaviour risk;
7. Property devaluation;

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8. Excessive scale of development (number of residents);
9. Overprovision of student accommodation in area;
10. Obstruction of garage access;
11. Safety impact of bin vehicles in rear lane;
12. Structural impact on adjacent property due to proposed basement construction;
13. Adverse impact on letting potential of adjacent property;
14. Loss of family housing;
15. Loss of views;
16. Excessive building height;
17. Location poorly accessible to RGU;
18. Student accommodation needed close to RGU campus;
19. Adverse impact on businesses in lane;
20. Pedestrian / vehicle safety concerns;
21. Proposed tree planting unlikely to be mature / maintained as proposed;
22. Safety / amenity risk due to sunken light-wells in lane.

A total of 7 letters of support have been received, including from an adjacent business and the site owner. These refer to issues such as:-

The benefit to existing residential amenity of removing the existing industrial use;
The aesthetic benefit to the area of redevelopment of the site;
The high quality design of the development;
The desirability of connection to the Aberdeen heat network;
The positive reputation of the applicant in terms of its delivery of student accommodation elsewhere in Scotland;
The chronic difficulty in securing suitable accommodation for students within Aberdeen;
The benefit to the housing supply of freeing up existing accommodation currently occupied by students;
The suitable location of the site in terms of proximity to the University of Aberdeen, the city centre and public transport; and
The positive economic benefits of the development, including the retention of the existing business within the Aberdeen area.

REASON FOR REFFERAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because in excess of 6 objections have been received.

PLANNING POLICY

SPP

This encourages sustainable economic growth and redevelopment of brownfield land. It promotes development that is designed to a high quality.

Aberdeen City and Shire Strategic Development Plan 2013

With regard to regeneration priority areas, this states that opportunities for redeveloping brownfield sites need to be a clear priority.

Aberdeen Local Development Plan 2012 (ALDP)

H2: Mixed Use Areas

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H3: Density
R2: Degraded and Contaminated Land
R7: Low and Zero Carbon Buildings
I1: Infrastructure Delivery and Develop
D1: Architecture and Placemaking
D2: Design and Amenity
D3: Sustainable and Active Travel
D4: Aberdeen's Granite Heritage
D6: Landscape
NE4: Open Space Provision in New Dev
NE9: Access and Informal Recreation

Proposed Aberdeen Local Development Plan 2015 (PALDP)

Policies H2, H3, D1, D2, T2, T3, NE4, R2 and R7 are relevant.

Supplementary Guidance

Technical Advice Note : Student Accommodation (Sept. 2015)

This identifies a number of criteria against which such proposals will be assessed, including: needs assessment; appropriate location; protection of surrounding amenity; design; parking / transport; amenity provision, including open space; and provision of micro-renewables. Preparation of a management plan is encouraged.

Aberdeen City Council's Supplementary Guidance 'Transport and Accessibility' provides guidance on parking standards for developments. The Supplementary Guidance discusses circumstances where it is appropriate to have no or low car parking provision for residential developments. It contains the following advice:

'Aberdeen City Council will support and encourage low or no car housing, recognising the contribution this can have towards sustainable development, where there is evidence that car ownership and use will be low enough to justify proposals, and where public transport and other travel options are sufficient to allow residents to rely wholly on them. It is vital that such development is located in an area of good existing public transport, cycle and pedestrian links, thus allowing a design that facilitates as many trips as possible to and from the development being made by modes other than the private car. Such development is likely to be more successful in city centre locations, where there is already a high demand for car parking and good public transport links.'

The Council will consider the following issues in determining proposals for low or no car housing:

- The development is mixed use and there are employment opportunities within walking and cycling distance of residential units;*
- The development is linked to the main road network by well lit, safe and pleasant footways or paths for pedestrians;*
- The development is within 400m of the local cycle network and there is adequate bicycle parking available; and*
- There are at least 2 buses in each peak time quarter hour period serving, or stopping close by to, the development.*

Where development proposals are specifically put forward as low or no car housing, the entitlement to on-street parking permits will be restricted. The developer may also wish to establish a car club for the development, thus reducing the need for residents to own a private car in the first place.'

Supplementary guidance regarding open space and low / zero carbon buildings is also relevant.

OTHER RELEVANT MATERIAL CONSIDERATIONS

The recent appeal decision in relation to refusal of a student accommodation proposal nearby at St Peter St (ref. 151811) is relevant.

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=117431&T=20>

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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 proposal is considered to accord with SPP objectives regarding encouraging sustainable economic growth, redevelopment of brownfield land and promotion of design quality. The site is zoned as a Mixed Use area (Policy H2 of the ALDP). The suitability of quasi-residential uses in such areas is dependent on avoidance of undue conflict with adjacent uses, amenity and provision of a satisfactory residential environment. This is dependent on detailed assessment, including submission of a noise assessment. Assessment of the development relative to the Council's Technical Advice Note regarding Student Accommodation guided by a range of criteria. The submitted 'demand assessment' concludes that the high specification of the proposed scheme, combined with the current undersupply of purpose built student accommodation in Aberdeen would attract strong demand. The new development would also further improve Aberdeen's appeal as an established destination for students. It is also important to note the role that specialist student accommodation plays in the overall housing market supply, and that new high quality accommodation can improve the overall standard by encouraging competition and providing choice.

Scale / Design

The supporting design and access statement is considered to demonstrate that considerable skill in appreciating the site context and developing an appropriate design solution. The scale of development which is considered appropriate on the sites requires to take account of the existing context of development, existing constraints, and to avoid overdevelopment, by taking account of the surrounding density. It is recognised that the scale and form of the development proposed would result in significant intensification of the prevailing density and would differ from the character of the development in the surrounding area, in particular the low rise Victorian housing to the west, flanking that part of King Street. However it is considered unreasonable to expect that the low density form of this part of King Street would be replicated within the site. The high density form of development

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proposed is considered to accord with the objective of policy H3, and is in the interest of sustainability, by helping to maintain the viability of local services and facilities. The proposed height / scale of building, as amended, is considered to be acceptable and would relate well to the general form and scale of adjacent tenement properties. Whilst it is considered preferable in terms of urban design to reduce the scale and massing of the proposed internal blocks which lack a street frontage, the proposed design solution is consistent with the high density approach approved in other comparable development sites (e.g. at Matalan, Constitution St - 150911; McConnochies, Willowbank Road – 151074) and is compatible with the preservation of existing residential amenity. Residents would have access to good quality external space and the level of parking provision and ancillary facilities proposed on site is acceptable. It is therefore not considered to represent overdevelopment, rather it maximises the reasonable capacity of the site. The massing of the external elevations is considered to be well handled by the use of varied architectural elements and façade modelling in order to break up the massing of the street frontages. The design has been amended so that the main entrance gates to the car park are no longer recessed into the site, to avoid the creation of a crime / nuisance risk, in the interest of secure by design principles.

Details of external finishing materials, boundaries, micro-renewables, and landscape design can be secured by condition in order to ensure compliance with policies D1, D2, D4, D6 and R7 of the ALDP.

Open Space Provision

Although no public open space would be provided within the development, private communal amenity spaces would be provided for the use of residents, including primarily hard landscaped courtyards and deck areas. No specific developer contribution towards enhancement of nearby open space is sought (other than relating to paths on Broad Hill) however, improvement of the public realm / streetscape of Pittodrie Street and Merkland Road East, including provision of street trees, can be secured by condition in accordance with the expectations of policy NE4 and related supplementary guidance. In addition, the financial contribution sought in relation to enhancement of core paths on Broad Hill, is in accordance with policy NE9.

Residential Amenity

The proposal would result in significant enhancement of the level of amenity enjoyed by existing residential properties, by removal of the existing industrial premises, which generate both potential adverse noise and heavy industrial traffic. Whilst there would be a degree of impact on existing residential properties facing the site, due to the introduction of the new buildings, and associated shading / overlooking it is considered that the degree of such amenity impacts does not warrant refusal of the development. There would also be a degree of impact during construction of the development, but this would be the case with any redevelopment of the site. Given the residential nature of the proposed use it is considered compatible with existing residential property, notwithstanding the public concern that anti-social behaviour may take place. In addition, it is noted that the applicant is experienced in the development of such facilities and has offered to implement a management plan so that any tensions with surrounding occupants can be raised/ addressed. No evidence exists that the development would increase crime risk in the area and there

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would be no direct loss of family housing. The benefit of removal of the existing industrial uses on the site is considered positive.

As regards the level of amenity that would be afforded to proposed residents, it is considered that the basement level flats proposed facing onto Pittodrie Lane would experience limited amenity, due to their floor level being significantly below existing ground level and their location on a service lane. Other rooms would also experience limited amenity due to the constrained extent of daylight / sunlight penetration into parts of the site. However, it is recognised that these rooms constitute only a relatively small component of the overall number of bedrooms proposed and all occupants would have access to semi-private external sitting out areas and other internal communal facilities. It is also recognised that all residents would have access to sitting out areas, including communal courtyards, and roof terraces, in accordance with policy D2 (part 3) and NE4. The supporting noise impact assessment indicates that suitable noise attenuation would be provided for occupants of the development and the Council's Environmental Health officers agree with its conclusions. Whilst the travel distance from individual rooms to the bin store within Site A would significantly exceed the 30m maximum distance advised by the Council's waste and recycling officer, the applicant has advised that this is a matter that would be addressed by means of the occupation management plan.

It is considered that the proposed bedrooms facing onto the industrial premises to the east of Site A would have a relatively poor outlook, and would lack an outlook onto the street or an enclosed garden or court, in conflict with policy D2 (part 2). Whilst there is a degree of tension with policy H2, due to the possibility that the viability/operation of such businesses may be impacted due to the development (due to conflict of use / potential future noise complaint from occupants of the development) neither the businesses concerned, nor the Council's Environmental Health officers object to the development on noise or other grounds and there are already existing residential premises facing onto these existing businesses on both Pittodrie Street and Ardarroch Road. As such it is considered that there is no likely significant additional impacts.

It can therefore be concluded that the operation of existing businesses would not be significantly prejudiced and, on balance, the overall level of amenity created would be acceptable.

Traffic Impact

The site does not lie within the identified city centre but is well located in relation to the University of Aberdeen, the city centre and a major bus route, such that it is considered to be a sustainable location which is suitable for a car free development. The development is supported by traffic information (i.e. a Transport Statement and parking study) which demonstrates that it would not have a significant adverse impact on existing traffic flows and can be accommodated on the local network without adverse additional pressure for on street car parking or major new infrastructure. Although there is a degree of conflict with the Council's supplementary guidance regarding transport and accessibility, in that: the level of car parking proposed is less than the maximum outlined in the guidance, the site does not lie within the city centre and the proposed development is not mixed use, the other specific criteria within the guidance relating to low car housing development would

be met. The Council's roads officers have raised no roads safety concerns and have no objection to the proposal, subject to detailed matters being addressed. A similar level of car parking is proposed on site to that recently approved relative to a major student development on Constitution St, which lies further from the University of Aberdeen and the main bus route to RGU on King Street. Developer contributions and conditions are suggested in order to address the traffic impact and to promote sustainable travel patterns in accordance with the objective of policy D3, by enhancement of bus and car club facilities.

Contamination

Given the historic industrial uses of the site and the proposed end use, supporting information is required to demonstrate that any contamination on site can be suitably remediated, in accordance with the objective of policy R2. The Council's environmental health officers are satisfied that this can be addressed by condition and is not required prior to approval. It is noted that other nearby industrial sites have been redeveloped for residential purposes without this being an insurmountable matter.

Drainage

The application is supported by a drainage and flood risk assessment, demonstrating that surface water can be dealt with on site in a sustainable manner, incorporating SUDS, and concluding that site appears to have little or no risk of flooding. It is noted that the site is fully developed at present and the Council's flooding unit have no objection to the proposal. As the proposal would result in an increase in soft landscaping compared to the existing situation, the rate of surface water run-off would be reduced. As the surface water from the development will be discharged to a public combined sewer, it is not proposed to utilise SUDS for the purpose of water quality treatment, as opposed to flood risk. There would be no conflict with policy NE6.

Appeal Decision

As the site does not lie within a conservation area and has no impact on the setting of listed buildings, it is considered that the principal design reasons for refusal of the appeal referred to above are not relevant to this case. As regards impact on existing residential amenity, the reporter accepted that car free student housing is appropriate in the St Peter Street area and that a contribution to the car club would be appropriate. Although the reporter in that case referred to over-concentration of student accommodation as being a material consideration, the weight which must be afforded to that judgement in relation to the current proposal is questionable. Each application requires to be considered on its merits and the particular circumstances which exist. In the case of the current application, it is the case that no purpose built student accommodation has been constructed on the east side of King Street in the vicinity of the site (other than at Linksfield Road), and there is a mix of residential, industrial and other uses in the vicinity, including Aberdeen Football Club. It is therefore the case that the physical context of the site is materially different from that at the appeal site and an overprovision of purpose built student accommodation (as opposed to mainstream flats occupied by students) is not considered to exist.

Economic Impact / Loss of Business / Industrial Land

The current occupant of the site is in the process of relocating to alternative purpose built premises within Aberdeenshire, so that the employment / economic benefits of the business would be retained within the Aberdeen city region. The site is not allocated specifically for business / industrial purposes within the Local Plans and its potential for re-use for such purposes is significantly constrained by the proximity of residential uses and its constrained brownfield nature. It is therefore considered that loss of the existing business uses would not have a significant impact on business / industrial land supply within the city and does not warrant refusal. There would be significant economic benefit arising from the proposal during its construction phase, limited direct employment benefits on site post construction, and significant indirect economic benefits to the local area resulting from the financial expenditure of occupants on goods and services. Approval of the application would serve to support the wider tertiary education functions within the City by providing significant supporting accommodation for students. It may also act as a catalyst for further similar investment in the local area. The proposal would indirectly benefit the housing supply in the wider area by increasing supply and potentially freeing up existing mainstream accommodation currently occupied by students.

Other matters raised in objection

Devaluation of property value, loss of views from private property, and structural impact on adjacent property are not material planning considerations. Other matters raised such as development scale, roads / traffic impact, noise / disturbance, privacy impact, alleged overprovision are addressed 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 and the Reporter has now reported back. The proposed plan 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 comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The Reporter's response does not affect policies in a manner that is relevant to this application. In relation to this particular application proposal policies in the Proposed LDP are not materially different from those in the adopted LDP. Approval to adopt the LDP will be sought at the Full Council meeting of 14 December 2016. The actual adoption date is likely to be around the third week in January 2017.

RECOMMENDATION: Willingness to approve subject to conditions, but consent to be withheld until contributions towards Core paths, bus facilities on King Street and the provision of two City Car Club vehicles, including costs associated with necessary Traffic Regulation Orders, have been secured

REASONS FOR RECOMMENDATION

Subject to imposition of conditions and developer obligations contribution to open space enhancement, the development is considered to comply with the development plan (policies H2, H3, D1, D2, D3, D6, T2, NE4, R2 and R7 of the Aberdeen Local Development Plan 2012), the proposed local development plan (policies H2, H3, D1, D2, T2, T3, NE4, R2 and R7) and relevant supplementary guidance regarding student accommodation. Material considerations do not warrant refusal and the proposal would accord with the objective of sustainable development by securing redevelopment of a brownfield industrial site and by reason of its appropriate residential related nature and scale.

CONDITIONS

(1) No development shall take place, other than demolition, 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.

No buildings on the development site shall be occupied unless:-

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

The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies that the remedial works have been carried out in full accordance with the remediation plan, unless the planning authority has given written consent for a variation.

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

(2) The properties hereby approved shall not be occupied unless the following noise mitigation measures, or such alternative measures as may be agreed, have been implemented in full, having at least an equivalent effect to those measures contained within the associated noise impact assessment (Ref. 15482-R01-B – 23 May 2016) including the following:-

APPLICATION REF: 160845

1. A minimum overall façade sound insulation $R'w + C_{tr}$ (dB) of 28
AND a minimum trickle ventilator performance of $D_{n,e,w} + C_{tr}$ (dB) of 33
2. Adherence to the stated operational noise level limits, namely:-
 - a) NR 48 at 3 m from the boiler room façade,
 - b) NR 50 at 3 m from the plant room façade,
 - c) NR 39 at 3 m from the electrical substation.
3. Provision of a GRP enclosure around the substation, along with minimising the open area of any ventilation louvres in the enclosure to ensure the noise limit for the substation is met.

Reason: in the interests of residential amenity and avoidance of conflict with adjacent commercial uses.

(3) The buildings hereby approved shall not be occupied unless a scheme detailing proposals for the storage and collection of refuse generated on the site, including recycling facilities, has been submitted to and approved in writing by the planning authority and the provisions of that scheme shall be implemented in full at all times when the buildings are in use. The buildings shall not be occupied unless management of the bin storage and waste generation / disposal is undertaken in accordance with the Student Accommodation Management Plan.

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

(4) No construction works in connection with the development hereby approved shall take place, other than demolition, unless a further scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority, including further details of urban realm / street works on Pittodrie Street and Merkland Road East within the site, including provision of street trees / re-use of granite kerbs. All groundworks, planting, seeding and turfing shall be carried out in accordance with the approved scheme during the first planting season following completion of the relative development parcel and any trees or plants which within a period of 5 years from the completion of the development are, in the opinion of the planning authority, dying or have been severely damaged or diseased, shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted.

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

(5) The development hereby approved shall not be occupied unless the proposed off street vehicle parking area has been constructed, drained, laid-out and demarcated, all in accordance with drawing no. 15065-L-200 rev E05 of the plans hereby approved, or other such drawing as may be subsequently submitted and approved in writing by the planning authority. Such parking area shall not be used for any purpose other the parking of vehicles relating to the student accommodation. None of the units hereby approved shall be occupied unless the cycle storage / parking

APPLICATION REF: 160845

facilities shown on drawing number 15065-L-200 rev E05 have been implemented and are available for use.

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

(6) The buildings hereby approved shall not be occupied unless a scheme detailing compliance with the council's Low and Zero Carbon Buildings supplementary guidance, including details of potential connection to the Aberdeen Heat and Power district heating network, has been submitted to and approved in writing by the planning authority and any recommended measures within that scheme for the reduction of carbon emissions have been implemented in full.

Reason: to ensure the building complies with the council's requirements regarding energy efficiency and carbon emissions.

(7) No development in connection with the permission hereby approved shall take place, other than demolition, unless full details of the proposed means of disposal of surface water from the development have been submitted to and approved in writing by the planning authority. Unless otherwise agreed in writing by the planning authority, surface water shall be disposed of via the use of sustainable urban drainage systems. The development shall not be occupied unless the agreed drainage system has been provided in its entirety and maintained thereafter at all times in accordance with the approved scheme.

Reason: to ensure the provision of an adequate sustainable drainage system in the interests of the amenity of the area.

(8) No development in connection with the permission hereby approved shall take place, other than demolition, unless details of all the materials to be used in the external finishes for the proposed development, and construction details of façade elements including granite reuse / new granite at the entrance screen, and dormer windows, roof/verge details and rainwater goods, have been submitted to and approved in writing by the planning authority. The development shall be carried out in full accordance with the approved details.

Reason: In the interests of the appearance of the development and safeguarding the visual amenity of the area.

(9) No development in connection with the permission hereby approved shall take place, other than demolition, unless details of site / boundary treatments, including details of the proposed railings / gates / walls, including re-use of natural granite from doughtings, has been submitted to and approved in writing by the planning authority. The development shall thereafter be carried out in full accordance with the approved details.

Reason: In the interests of safeguarding the visual amenity of the area and the amenity / security of occupants.

APPLICATION REF: 160845

(10) The development hereby approved shall not be occupied unless provision has been made for the upgrading of the footways at the development frontages on Pittodrie Street and Merkland Road East, in accordance with a scheme which has first been submitted to and approved in writing by the planning authority prior to the commencement of works.

Reason: In the interests of safe pedestrian accessibility and improvement of the public realm.

(11) No development shall be undertaken pursuant to this grant of planning permission unless a scheme detailing the provision of 2 Car Club vehicles on Pittodrie Street / Merkland Road East, along with associated lining and signage, has been submitted to and approved in writing by the planning authority, unless otherwise agreed in writing. Thereafter the development shall not be occupied unless provision has been made in accordance with the agreed scheme.

Reason: In order to provide an appropriate alternative to on-site residents' car parking.

(12) The development hereby approved shall not be occupied unless a Travel Plan has been submitted to and agreed in writing by the planning authority, including details of a Travel Pack to be provided to residents of the development.

Reason: In the interests of discouraging unsustainable travel.

(13) The development hereby approved shall not be occupied unless a Management Plan relating to the operation of the approved student accommodation facility, including management of on-site parking, has been submitted to and agreed in writing by the planning authority, and thereafter is managed in accordance with the details so agreed.

Reason: In the interests of preserving residential amenity and managing vehicle traffic associated with the development.

(14) No demolition or any other works in connection with the development hereby approved shall take place unless a photographic survey of the existing buildings and structures on the application site (Site B) has been submitted to and approved in writing by the planning authority. All external and internal elevations of the buildings and structures, together with the setting of the buildings and structures and any unusual features of the existing buildings and structures, shall be photographed. The photographic viewpoints must be clearly annotated on a plan to accompany the survey. The photographs and plan must be in a digital format and must be clearly marked with the planning reference number.

Reason: To ensure that a historic record of the building is made for inclusion in the National Monuments Record for Scotland and in the local Sites and Monuments Record.

ADVISORY NOTES FOR APPLICANT

INFORMATIVE

In order to protect amenity of the occupants of the neighbouring residences from noise produced as a result of, site/ground preparation works and construction works, the following measures are suggested:

- a) Provision of suitable solid hoarding with acoustic properties to be erected around the development site boundary (of minimum 2m height) during, site/ground preparation works and construction.
- b) Operations creating noise which is audible at the site boundary should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 09:00 to 16:00 on Saturdays
- c) Identify the likely significance of the noise levels affecting residential premises during the accepted times and apply a maximum threshold level established through application of an appropriate method described within Annex E of BS5228 1:2009+A1:2014.

It is advised that the applicant / developer contact the Council's Environmental Health Service at an early stage and before construction work has started to discuss the suggested means of noise and dust control.



CHARTERED ACCOUNTANTS

Mr Robert Forbes
Planning and Sustainable Development Communities, Housing and Infrastructure
Aberdeen City Council Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Our Ref:
Your Ref:
Date: 25th August 2016

Dear Mr Forbes

Planning application for 9 Merkland Road and corner of Pittodrie Lane/Pittodrie Street (Planning reference: P160845)

I would like to intimate my full support for this application to provide a quality development on a brown-field site within easy access of the universities and within walking distance of the city centre.

The re-use of this industrial site will enable a renowned local business, A & J Robertson (Granite) Limited, to relocate and will ensure its continued success in the years to come.

Relocating the Company will create an improved environment locally with fewer lorry movements and eliminate the amenity issues that result from having an active industrial site in this part of the city.

The scale and design of the proposed student accommodation are complementary to the neighbourhood and the quality of the architecture and finish will undoubtedly enhance the area and improve the amenity.

Students contribute greatly towards the city of Aberdeen and the North East area provides a welcoming environment for overseas and visiting students. The quality of the Watkin Jones development will help to ensure that the city continues to offer the very best in student accommodation of exceptional quality as is required in this highly competitive sector and which is vital to the city's future well-being.

A9 Bower + Smith Limited
6 Rubislaw Place, Aberdeen AB10 1XN

T 01224 638 844
F 01224 647 803
E info@bowersmith.co.uk
W www.bowersmith.co.uk

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F 01561 378 027

A list of the Directors can be obtained at: www.a9partnership.co.uk

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I would urge Aberdeen City Council to approve this planning application to deliver a sustainable development that fits its location and provides an investment in the city from a leading developer who is keen to invest further and also which enables a local business to relocate ensuring a sustainable future for its employees.

Director

Application Ref: 160845

Application Title: Redevelopment of site, erection of student accommodation of max 635 bed spaces, up to 5 storeys with associated works

Application Site: Site at 9 Merkland Road East & 3 Pittodrie Place, Aberdeen

As owners/occupiers of a residential property immediately to the east part of the application site, we wish the following issues to be considered as the basis for our objection to the proposals as submitted (in no particular order of significance)

- A) We fundamentally object to the scale of the development on the basis of the number of occupants it is being designed for – that being 635 beds and staff. The existing sites are generally light industrial/workshop use, attracting minimal external vehicular traffic. While the accompanying reports to the application state that the proposals are based on a car free scheme, how would any of the associated tenancy agreements be monitored for compliance? Further, what penalties would the local authority impose if these are breached as material considerations in determining application? Our experience from recent student residential developments in the area, where occupants are required to sign an agreement for use of off street parking (for a fee) has resulted in a preference for on-street parking instead. Our observations from living close to student accommodation are that many students are car owners.
- B) Increase in vehicular traffic: the streets around this area in general and around the site in particular, are already very busy during university term-time in terms of road-use and parking. This is from a combination of staff and students making use of available resources out with the university campus. We are just outside the pay & display areas imposed when the new University library was opened. The surrounding roads from the Pittodrie/Linksfield area leading onto King Street are very busy with traffic generated by patrons of the highly successful Sport Village nearby. We expect that this proposed scheme will contribute in compounding this unfavourable situation.
- C) Increase in pedestrian traffic: the scheme would result in increased pedestrian traffic around the area – this would likely result in an increase in littering as already is the case during times of high use (university term time) as well as associated increase in accidents from vehicles. Pittodrie Lane is already busy with pedestrian traffic. In the morning, parents walk babies and toddlers to the Nursery. Many people choose to walk along the length of the lane simply to avoid King Street for a short while or as a preferred route to Tesco. It is a busy route for existing students in the area going to the Sports Village/Tesco – often late at night.

- D) Pittodrie Lane: This Lane (which runs between our property & the eastern edges of the proposed development site) is deemed to be an occasional thoroughfare rather than a principal commuter street. As such, this currently generally operates as a quiet lane onto which access to and from the adjacent properties is comfortably, and more significantly, safely gained. However, the No entry signs in Pittodrie Street direct vehicles along the lane so it is often busy with vehicular traffic – often travelling at high speed as drivers do not take into consideration the possibility of meeting any other users. The whole width of the lane is required by residents to access/leave their properties by their vehicles from garages/driveways. Due to the parking restrictions on King Street, any visitors and tradesmen visiting properties on King Street frequently park in the Lane. Residents routinely park in the Lane. This effectively reduces the width and large vehicles travelling along the lane are then forced to slow down (often to a crawl) when passing. We are concerned that the access doors to the bike storage area and refuse bin area in the Lane will be the preferred route for students when accessing the building rather than the main doors on Pittodrie Street. Redevelopment of the site would undoubtedly create increased risk of collision to existing users through expected increase in both vehicular and pedestrian traffic.
- E) Refuse Collection: Further, it is proposed that Pittodrie Lane is used for accessing the Refuse Stores for part of the proposed development – this generally is not the case at the moment (as properties fronting onto King Street are serviced from King Street), thus this again would introduce an increased risk to existing users. With regards to our own property, a refuse storage area is proposed directly opposite our access to our existing garage and garden ground, thus hindering access to our property, during collection.
- F) Design: The design Statement notes that Pittodrie Lane has a mews-like quality. Whilst some lanes in the city may be considered to be so by dint of their associated service accommodation, this narrow lane is essentially a minor thoroughfare for residents to access gardens/garages and any reference in the new designs to such are generally unfounded.
- G) Planting Scheme: In the area directly opposite our back gate the proposals include for installation of 3nr trees. Are these to be planted at full height (as shown) rather than expected to take an extended period of time to reach maturity, thus effectively not as prescribed on the application drawings/reports? How will these trees be maintained once they are installed? Will there be an enforceable maintenance agreement?
- H) Open ground: Also in the same area, the scheme shows an area of open ground off Pittodrie Lane, against a screen of railings (metal?) adjacent to a light-well serving a level of sunken accommodation. We are concerned that this could be a safety risk for passers-by and a potential litter point. Residents frequently see drug related activity in the lane when it is used as an exchange/pickup point by dealers. We are very concerned that this area of open ground is effectively

designing in a space which will encourage crime and potentially put residents and students at risk.

- I) Development layout: There would seem to be a discrepancy in the layouts in the area directly opposite our back gate. It would appear that the proposal is to erect a wall along Pittodrie Lane to flank the proposed bin stores – this appears to be of differing lengths when drawn on the site plans and the floor plans. Further, this wall does not feature on the elevational drawings to Pittodrie Lane, nor are there details of its construction (assumed to be similar to that on the landscaping layout, adjacent to the proposed trees?). As a development along the site boundary, should details of this not have been provided for your and our, consideration?
- J) Use of Streets: The Noise Assessment states that Pittodrie Street is restricted to one way vehicular traffic on match days at nearby Pittodrie Stadium. This is not correct so any deductions associated to such controls cannot be considered on this fact.
- K) Proposed users: Reference in the Transport Statement is made that the scheme is for users only to and from the University (item 6.4) as a student housing scheme. Is it proposed that this is exclusively for use by those attending the University of Aberdeen (ie not for Robert Gordon University nor any other educational establishments in the City & Shire?). If so, how would the associated tenancy agreement be monitored for compliance, and what penalties would the local authority impose if these are breached as material considerations in determining application?
- L) Car Parking: The Transport Statement also refers to directing vehicles to local car parks in the vicinity (item 7.12). No public car parks exist in this area (apart from on street parking, the capacity of which is already severely limited). We would like to know where these public car parks are, is it appropriate that they are related to this development, can they cope with the additional capacity and how will this be monitored – all against the limited availability of on-street parking in the area at present?
- M) Car Parking: The scheme includes provision for 7 dedicated car parking spaces – these have been created in the location of current free access on-street parking area – which effectively means a reduction of 14 spaces (7 for public use, plus 7 for additional use from the development). These should be created within the development site and not at the expense of existing public provision.

At present there are 712 residential student accommodation beds in this small area. They are as follows: Trinity Court – occupies a large area of Pittodrie Street, Pittodrie Place & Ardarroch Rd and immediately adjacent to the proposed development – 512 beds, Linksfield Road – 2 separate developments near the Sports Village, Pittodrie Lane and the streets above mentioned – a total of 204, King Street – new development at junction with Merkland Road – 77 beds.

On the basis that this proposed development would increase the number to 1428 beds, which can only be described as beyond saturation point for this area, and on the basis of the above points, we hereby submit this as our objection to the redevelopment of the site as proposed.

Mr Brian & Mrs Ann Allan, Forvie Cottage, 434 King Street, Aberdeen AB24 3BS

From: [Robert Forbes](#)
To: [Pl](#)
Subject: FW: Planning Application for 9 Merkland Road East
Date: 06 September 2016 09:04:47

Can this get recorded and acknowledged in the usual way. Thanks

From: Brian Sinclair
Sent: 05 September 2016 17:04
To: Robert Forbes
Subject: Planning Application for 9 Merkland Road East

Dear Mr Forbes

Subject: Watkin Jones Planning Application for 9 Merkland Road East and corner of Pittodrie Lane / Pittodrie Street - Planning Reference : P160845

Just a quick e-mail to support the proposed development of the site within above ref planning application reference number: **P160845**

We look forward to the redevelopment of this area which will bring some much needed revitalisation to building aesthetics and roads in the area.

We note that renowned developer Watkin Jones who has a proven reputation for high quality sustainable student accommodation will be driving this scheme.

I'm sure this development shall also contribute and facilitate Robertson Granite to relocate to a more appropriate and cost effective manufacturing & warehousing environment for the business and staff and subsequent longevity.

We appreciate being kept informed of this development and wish it every success.

Many thanks & kind regards,

Brian Sinclair
Managing Director

Monitor Systems Scotland Limited
3 Merkland Road East
Aberdeen
AB24 5PS

w: www.monitor-systems.co.uk

Registered in Scotland No: 177247
Registered Office: 14 Albyn Place, Aberdeen, AB9 1RP

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From: Alison Chalmers
Sent: 18 Jul 2016 19:35:52 +0200
To: PI
Subject: Planning application PO 160845

Dear Sir/Madam

We are the owners of a flat at 7 Merkland Road East, first floor left. Our son currently lives there, but we are planning to rent or sell the property soon. We are very concerned about the proposed development for several reasons:

1. The high number of proposed beds will have a huge impact on the area, creating additional noise and serious parking problems.
2. The construction of such a large building including a basement level could have serious structural repercussions on our building, such as subsidence or heave. I believe the proposed building will be joined to our property.
3. The period of construction will take a considerable length of time during which there will be considerable noise, traffic and dirt created by the building site. This will make life unpleasant for the existing residents and make it very difficult, if not impossible to rent out or sell our flat.

We would like to inform you that all of the owners of the flats at 7 Merkland Road East approached the developers with a unanimous offer to sell our flats to them. This offer was rejected.

Our details are:
Bryan and Alison Chalmers
45 Mains Circle
Westhill
Aberdeenshire
AB32 6HD

Yours faithfully

Bryan and Alison Chalmers

Sent from my iPhone

From: [Robert Forbes](#)
To: [Pl](#)
Subject: FW: PLANNING REF P160845 student accommodation
Date: 26 August 2016 16:07:02

Another letter of support

From: Charles Bain
Sent: 25 August 2016 17:04
To: Robert Forbes
Subject: PLANNING REF P160845 student accommodation

Hello R Forbes

In relation to the above planning application for student accommodation I would like to give my honest opinion in my support for this development

Student accommodation

It is a fundamental must we realise that we need more students in our region to maximise the great university we have in Aberdeen. The accommodation for students in this application is in line with the development not only for students but for the surrounding area shops, transport, visitors which all bring added value to our town bringing extra income to the local community

Economics

Aberdeen needs sustainable income more so now in light of the down turn in the oil industry situation which has had a significant impact on the local economics.

Project

This project is bringing more employment and enhancing the Merkland road area removing an industrial long term unit from the area and rebuilding it in a better and more energy efficient site outwith the town.

The ergonomics of the new site makes it easier for large vehicles to get access to the factory, of course this means less traffic in the Merkland road area which makes the area safer with less heavy duty traffic. As the AWPR bypass is being constructed this is exactly where all businesses should be sited to benefit the huge investment of the bypass.

To summarise

This project should be looked upon in a very positive light and raising the standards of the inner city

Kind regards

Charles Bain (Director)
C Euro Communications Ltd

From: [Robert Forbes](#)
To: [PJ](#)
Subject: FW: Watkin Jones Planning Application for 9 Merkland Road East and corner of Pittodrie Lane/Pittodrie Street - Planning Reference: P160845
Date: 26 August 2016 15:54:21

From: Graeme Robertson
Sent: 26 August 2016 15:00
To: Robert Forbes
Subject: Watkin Jones Planning Application for 9 Merkland Road East and corner of Pittodrie Lane/Pittodrie Street - Planning Reference: P160845

Dear Sir

**Watkin Jones Planning Application for 9 Merkland Road East
and corner of Pittodrie Lane/Pittodrie Street
Planning Reference: P160845**

We write in support of the above application for a student accommodation development at Merkland Road East and Pittodrie Street, Aberdeen.

As an existing business located in the area where the development is proposed, we have been very conscious of the change in the area from previously a mixed light industrial and residential use to predominantly residential use and the problems which that change has brought to our business and also the effect on our residential neighbours. The current dominance of residential gives us, as a business, difficulty in operating as we would wish and our neighbours must in turn resent the traffic movements and the sounds resulting from the normal functioning of our business.

The whole area will benefit from our business moving from it. Moreover, this business will find it easier to engage in its operations without fear of disturbing neighbours. This at a crucial time in the life of the business.

One of the main reasons we accepted an offer to sell our current premises to Watkin Jones was a belief in Watkin Jones as a company with an excellent reputation. We are confident that their provision of student accommodation will be of an extremely high quality and we see from the plans that the design is sympathetic to the surroundings.

The proceeds of the sale of our premises to Watkin Jones provide a unique opportunity for us to build a new purpose designed factory and office, still in the Aberdeen area, with new machinery and equipment. We will be able to make a significant investment and retain a historically important traditional industry, which has all but disappeared otherwise. Without the sale to Watkin Jones, we could not afford this level of investment into the granite industry and thus guarantee more than 40 jobs directly connected to our granite works.

We commend the application to you.

Yours faithfully
For and on behalf of **A & J Robertson (Granite) Ltd**

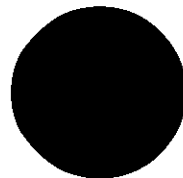
Graeme Robertson
Managing Director

A & J Robertson (Granite) Ltd
9 Merkland Road East
ABERDEEN
AB24 5JT

Company Registration No 38450 Scotland

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KNIGHT PROPERTY GROUP

26th August 2016

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

Dear Sirs

Watkin Jones Planning Application for 9 Merkland Road East and corner of Pittodrie Lane/Pittodrie Street - Planning Reference: P160845

I am writing to you regarding to the above planning application.

As a Property Developer, I would like to voice my full support for this development. I believe that student accommodation will be more in keeping with the residential nature of the area. I also believe that the relocation of the business currently operating on the site will mean an improved environment for the local residents and also allow the business to move into a more modern, environmentally friendly purpose built property, which is beneficial to both staff and clients alike. The construction of the buildings will bring much needed employment to the area and local businesses will benefit in terms of passing trade.

I sincerely hope that you will consider a favourable outcome for this application.

Yours faithfully

JAMES BARRACK
Chairman & Managing Director

From: Jane Smollett
To: [Pl](#)
Subject: Planning application 160845
Date: 02 July 2016 13:29:46
Attachments: [20160702_132851.jpg](#)

I own the house at 420 king street which is directly in front of where these plans are for. The impact this 5 storey building with 635 students will have to the valuation of my home would be astronomical also where is parking for these 635 people i believe the rooms are sold with no parking if this is the case who would police this, the parking on Pittodrie Street is already hectic during the week. The student flats on Pittodrie Street already cause disruption to my families sleep when parties are held i cant imagine them students that is being less than 40 steps away from my living area and not having an impact on my life, my property has patio doors with my bedrooms being in the extension in the back garden and my lounge looking onto Pittodrie lane, and feel windows on the wall looking onto pittodrie lane would be an invasion of my privacy. The back lane here is already hectic with the private nursery at 416 king street early morning and between 430 and 5 in the evening and i just feel this mass of flats towering over my house would be a complete eyesore with the parking being a big problem. How Aberdeen city council could even contemplate allowing 635 rooms with not one parking space is a complete joke. I have attached a picture of how close my living room is to where this huge monstrosity of flats is going. I would like someone from the council to come and have a meeting here in my home, to see my views.

Thanks and i look forward to your reply urgently.

Jane smollett



From: webmaster@aberdeencity.gov.uk
Sent: 6 Jul 2016 11:45:40 +0100
To: PI
Subject: Planning Comment for 160845
Importance: Normal

Comment for Planning Application 160845

Name : Kenny Macgregor
Address : 28 Merkland Road East
Aberdeen
AB24 5PT

type :

Comment : I would like to make clear my objection to these plans for the following reasons:

1)The 4-storey block on the south side of the development will overlook the current 3-storey buildings on the opposite side of the road and result in loss of privacy.

2)A development housing 635 people will undoubtedly result in an increase in traffic, even if it is a "no-car" development. The provision of 7 parking spaces is drastically low, and considering the current lack of on-street parking in the surrounding area, will result in massive problems for current residents. It is also worth considering that the new student development at Causewayend has provided minimal parking. The net result of this will be over a thousand people moving into a single neighbourhood, with no additional parking provided. In my opinion this is showing an extreme lack of foresight, especially as it is extremely likely that Pittodrie stadium will be renovated into housing within the next decade, resulting in even more traffic and increased car parking requirement.

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Printed

424 King Street
Aberdeen
AB24 3BS

13 July 2016

Dear Sirs

Reference – 160845

We are writing to object to the above planning application. We believe that whilst building this development we will have noise and disturbance to cope with. We are also concerned about car parking with this number of people coming to stay at this development. Car parking is already challenging in this area especially on match days at Pittodrie Stadium and any disruption to our access to our garage at the rear of our property during construction would be a major inconvenience. Looking at the planning application we will have people overlooking our garden which will mean lack of privacy to our garden and property. We also believe that this number of young people moving into the area would lead to substantially increased noise disruption at night.

We believe that if this application is approved it will ultimately devalue our property.

Yours faithfully

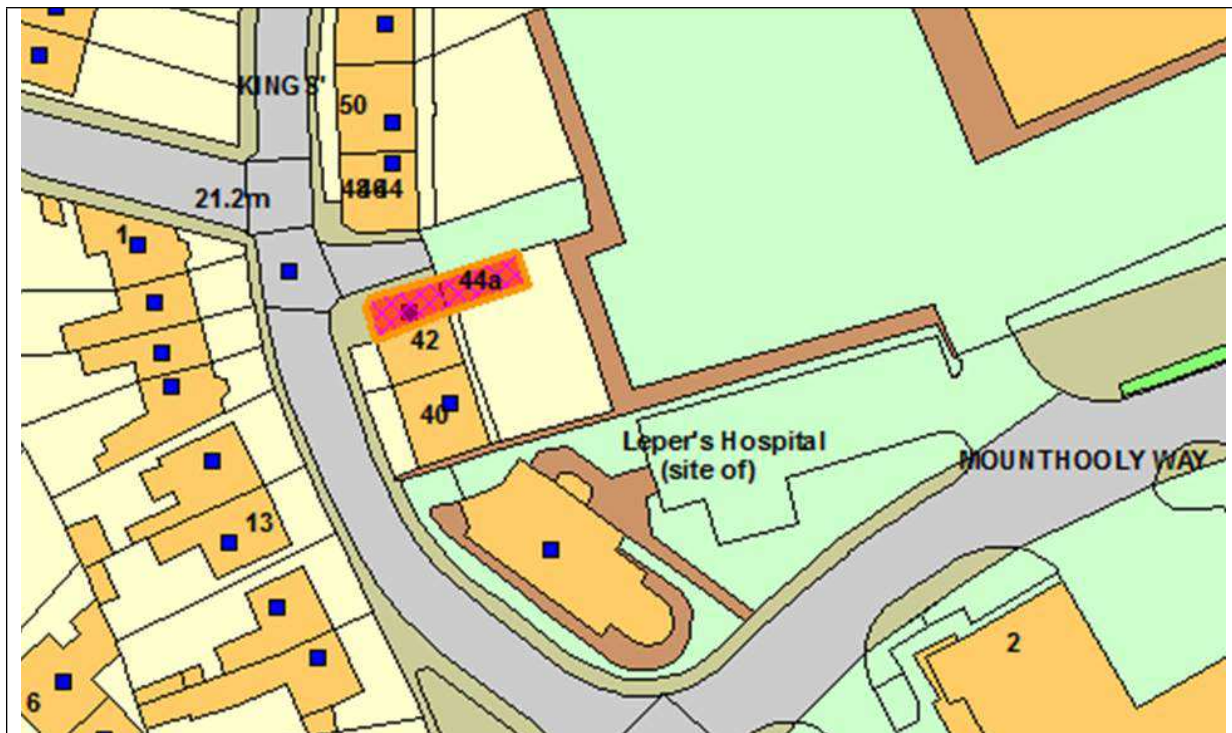
Lorna and Brian Kane

Planning Development Management Committee Detailed Planning Permission

161194/DPP: Part change of use (rear former store room associated to shop) from retail (class 1) to gym (class 11) (retrospective) at 44 Kings Crescent, Aberdeen, AB24 3HL.

For: PatelMack Ltd

Application Date:	17 August 2016
Officer:	Sepideh Hajisoltani
Ward:	George Street/Harbour
Community Council:	Old Aberdeen
Advertisement:	Schedule 3 Development (Project of Public Concern)
Advertised Date:	14.September.2016



Location Plan

RECOMMENDATION: Approve Conditionally

SITE DESCRIPTION

The application site is located to the east of Kings Crescent, almost opposite the junction with Jute Street. The property forms part of a traditional, 3 storey, granite-built, tenement block, the majority of which is in residential use. The application refers specifically to the ground floor, corner unit and the associated rear extension, which is currently classed as retail. The property was previously occupied by Grampian Electrodes, but is currently occupied by Granite Fight Factory – a new mixed martial arts stockist and combat training gym. Immediately to the north of the

property is short un-surfaced cul-de-sac, beyond which are tenements. Residential properties occupy the opposite side of Kings Crescent.

The application site is located within Old Aberdeen Conservation Area.

RELEVANT HISTORY

None

DESCRIPTION OF PROPOSAL

Detailed planning permission is sought retrospectively for part change of use for the rear former store room from retail (class 1) to gym (class 11). The front part of the premises will remain in retail use, selling martial arts products.

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at www.publicaccess.aberdeencity.gov.uk.

CONSULTATIONS

ACC - Roads Development Management Team – The recommended maximum number of parking for this location would be 2 (1 per 40m² for retail shops and 1 per 22m² for the gym). Taking into consideration the overall size of the shop/gym and the hours of operation and accessibility of this location, the shortfall in the recommended number of dedicated parking is considered acceptable. The roads officer has also acknowledged the issue regarding the ownership of the adjacent alleyway (and the associated gate), however the road officer has clarified that discussions with the Council's Asset Management team for purchasing the lane would have no bearing on the above comments - No objection.

ACC - Environmental Health- No observations.

Community Council- Old Aberdeen Community Council has objected to the proposal due to concerns over parking issues on the adjoining side lane and has requested a condition for appropriate operating constraints.

REPRESENTATIONS

Six letters of representation (including 2 objections) have been received, raising the following matters –

- 1) The gate at the adjacent lane has no consent and should be removed to provide short term parking to the public. There are also disputes on the ownership of the lane.
- 2) The information submitted on the application form including the address and access to 4 parking spaces are not correct.
- 3) The use of the building as a gym is not compatible with the character of the conservation area.
- 4) Detrimental impact on the residential amenity of the area.
- 5) There is an existing problem with illegal parking in the area.
- 6) Road safety issues and pressure on parking in the area.
- 7) Intensification of use.
- 8) Concerns over the use of the facility outside normal working hours.
- 9) There are other suitable areas in the city for the proposed use.

REASON FOR REFERRAL TO COMMITTEE

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

PLANNING POLICY

Historic Environment Scotland Policy Statement Scottish Planning Policy (SPP)

Aberdeen Local Development Plan (2012)

- Policy H2: Mixed Use Areas
- Policy D5: Built Heritage
- Policy RT4: Local Shops

Proposed Aberdeen Local Development Plan (2015)

- Policy H2: Mixed Use Areas
- Policy D5: Built Heritage
- Policy NC7: Local Shop Units

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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.

Policy H2: Mixed Use Areas

Applications for change of use within Mixed Use Areas must take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity. Where new uses are permitted, development should not adversely affect the amenity of people living and working in the area.

Although the surrounding area is almost entirely in residential use, the application property is currently operating as a non-residential development and there has been an established pattern of non-residential use for the property over the years. Policy H2 permits a range of uses provided any new use avoids undue conflict with the adjacent land uses; in this case the adjacent residential use. The applicant advises that the gym would serve a maximum of 8-10 people during each session. It is acknowledged that the number of users are more than what the existing retail unit (without the proposed gym) or the previous retail unit would be likely to or did attract and that there would be the potential for a group of people to attend at a similar time as opposed to individuals visiting a shop. However, it is considered that the maximum number of 10 users would not cause such an intensification of use nor significant impact on residential amenity that would justify refusal of this application. It is also worthy of note that a permitted change to an alternative class 1 retailer could potentially attract the same level or even more users to the unit.

It should also be noted that there has been no objection by the Council Environmental Health Team to the proposal. While the level of activity is considered appropriate during daytime hours, given the largely residential nature and character of the surrounding area, it is nevertheless appropriate to recommend that a condition is applied to restrict opening hours to protect residential amenity in the early mornings and evenings. This condition would also address the concerns raised by the Old Aberdeen Heritage Society on the tendency for gym users to congregate outside on the pavement to socialise or for people to take smoking breaks which can sometimes be a source of disturbance for surrounding residential properties in the evenings.

Policy D5: Built Heritage

Proposals affecting Conservation Areas will only be permitted if they comply with Scottish Planning Policy. The proposal is for a change of use and no physical alterations have been proposed. It is considered that the proposal fully accords with the provisions of this policy and would have no detrimental impact on the distinctive character of the conservation area.

Policy RT4: Local Shops

Local shops not located in any of the identified retail hierarchy also fulfil an important role in serving the communities around them. There is a presumption against the loss of retail premises to other uses. However it is noted that this application is a part change of use and a significant part of the unit (i.e. that parting fronting on to the street) would continue to operate as a retail unit and as such would not result in a conflict with policy RT4.

Car park and Accessibility

Council road officers have indicated that they are satisfied with the proposal and they do not anticipate any significant effect on the parking in the area. It is also noted that the application site has good access to public transport. As a result considering the size of the gym and total number of users, the proposal is considered to be acceptable with no parking spaces being proposed. Accordingly the discussions on the ownership of the adjacent lane would not be relevant to this assessment as the proposal would be acceptable even with no access to these parking spaces.

Other Matters Raised in Representations:

Objection 1 relating to the existing gate and disputes over the ownership of the lane is not directly relevant to this application as the lane does not form part of the application site. The applicant has clarified that the proposed development has no access to parking spaces and the assessment has been done on this basis. Accordingly the discussions on ownership of the lane and access to it are not relevant to this assessment.

Objection 2 relating to the inaccuracy of the address has been addressed and re-notification of the neighbours has taken place with the correct address. The applicant has also amended the application form to state there are zero parking spaces on site. Accordingly the initial application form has been superseded.

APPLICATION REF: 161194/DPP

Objections 3 & 4 relating to the impact of the proposed use on the character of the conservation area and also residential amenity are material planning considerations and have been considered in the evaluation above.

Objection 5 relating to existing problems with unauthorised parking in the area is not a relevant material planning consideration for assessment of this application.

Objection 6 relates to the impact of the development on parking arrangements in the area. There has been no objection by the Council's Roads Development Management Team to the proposal and it is considered that the submitted proposal would raise no road safety issues.

Objection 7 regarding the intensification of use has been considered in the evaluation above.

Objection 8 relates to the limitations on the decision for protection of residential amenity. This has been considered in this assessment and a condition is recommended with regards to operating hours.

Objection 9 relates to the other suitable sites for the proposed use. It is undoubtedly the case that this facility could be provided in other locations. However, this application requires to be assessed on its own merits having regard to the development plan and other relevant material considerations. As demonstrated in the evaluation above, the proposal complies with the development plan and as such the premises are considered suitable for the proposed use.

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

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015 and the Reporter has now reported back. The proposed plan 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 comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The Reporter's response does not affect policies in a manner that is relevant to this application. In relation to this particular application proposal policies in the Proposed LDP are not materially different from those in the adopted LDP.

Approval to adopt the LDP will be sought at the Full Council meeting of 14 December 2016. The actual adoption date is likely to be around the third week in January 2017.

RECOMMENDATION: Approve Conditionally

REASONS FOR RECOMMENDATION

Subject to a condition limiting the hours of operation, the proposed part change of use to gym complies with Local Development Plan policy D5: Built Heritage and Policy RT4: Local Shops and would have no significant detrimental impact on residential amenity in compliance with Policy H2: Mixed Use Areas and equivalent policies in the Proposed Aberdeen Local Development Plan. The proposed Development also complies with Scottish Planning Policy and Historic Environment Scotland Policy Statement and would not have an adverse impact upon the character of the Conservation Area.

CONDITIONS

- 1) That the class 11 unit hereby approved shall not be open for business outwith the hours of 1000 to 2000 on any day - in the interest of residential amenity.

Dear Ms Hajisolanti,

With reference to your phone call yesterday afternoon, enquiring whether the removal of any reference to parking spaces would enable the old Aberdeen Community Council to withdraw our objection;

1. We note that the Application for Planning Permission, published on the ACC web site 17th August, has not been superseded;

2. We note the 'Supporting Document - Purchase of Lane' dated 15 November, which clarifies that the small lane in question is owned by Aberdeen City Council. The document goes on to incorrectly state that the lane 'only provides access to our client's premises'. There is a clear right of access to the back gardens of all the adjoining tenements and thus this letter is less than helpful.

Therefore we must continue to object on behalf of the local residents:

a) That the lane is unadopted public land for the use of all the local community for parking and should not be available for a land grab by any single party.

b) That, unless appropriate operating constraints are in place, we have already suggested 1000 to 2000hrs each day, we must object on the basis of excessive local disruption. (Ref. our submission dated 8th September)

Yours sincerely

Dewi Morgan

For and behalf of the Old Aberdeen Community Council

107 High Street

Old Aberdeen AB24 3EN

Dear Ms Hajisoltani,

Planning application 161194 - 42/44A Kings Crescent - change of use to gym and retail

Further to our email of 29 August we wish to clarify and update our position as follows:

The Old Aberdeen Community Council has no objection to the proposed change of use to a gym in principle.

However, we do strongly object to the claim made on the application form that there are 4 parking spaces on the application site.

1. The site location plan clearly identifies a building without any parking facility available.
2. The space referred to is the adjoining side lane and is understood by Aberdeen City Council to be Council owned (we understand the Council is continuing to research the issue) however the owner of 44A has chosen to unilaterally place a gate across this back lane to the detriment of the surrounding community.

We therefore OBJECT to this application as it stands, but will be pleased to withdraw this objection if the application is revised to show either zero spaces or 'approximately 4 spaces available for general public access'.

Secondly, a business like this will have periods of activity in the street just before a class starts and again after it has finished. This has the potential to create considerable noise and disruption to the surrounding residents, some who live immediately adjacent to no.44.

We consider it important that the business should be time-constrained such that there will be no early morning or late evening classes or events that would cause an unreasonable level of disruption.

Taking into consideration that there will be comings and goings beyond the actual times of any class, we request that, if the application is approved, then no classes, competitions or events should be held outside working hours of 1000 to 2000. This would demonstrate a level of respect for the residents.

We consider this is sufficiently important for the local community that we propose to OBJECT to this planning application on the basis of excessive local disruption, unless appropriate operating constraints are made a part of any qualified approval.

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

Dear Ms Hajisoltani,

Planning application 161194 - 42/44A Kings Crescent - change of use to gym and retail

The Old Aberdeen Community Council has no objection to the proposed change of use to a gym.

However, we do strongly object to the claim made on the application form that there are 4 parking spaces on the application site.

1. The site location plan clearly identifies a building without any parking facility available.
2. The space referred to is the adjoining side lane and is understood by Aberdeen City Council to be Council owned (we understand the Council is continuing to research the issue) however the owner of 42/44A has chosen to unilaterally place a gate across this back lane to the detriment of the surrounding community.

We therefore OBJECT to this application as it stands, but will be pleased to withdraw this objection if the application is revised to show either zero spaces or 'approximately 4 spaces available for general public access'.

Yours sincerely,

Dewi Morgan

Planning Officer and Webadmin

Old Aberdeen Community Council

107 High St

Old Aberdeen AB24 3EN

[REDACTED]

[REDACTED]



OLD ABERDEEN HERITAGE SOCIETY

11 Greenbrae Crescent
Denmore
Bridge of Don
Aberdeen
AB23 8LH

2nd Oct 2016

Planning Dept
Aberdeen City Council
Marischal College
Aberdeen

Dear Sirs,

44 King's Crescent, Old Aberdeen Conservation Area

Application (retrospective) for Change of Use to Gymnasium/ Martial Arts Centre - Ref 161194

The Society wishes to register its firm objection to the above application for part change of use.

We have particular concerns about this proposal, in terms of its impact on the character of the area, on residential amenity, and on parking and road safety issues.

The property in question was, until last year, occupied for many years, by a shop operating successfully from 9am-5pm, Monday to Friday.

The "proposed" use, which is in fact its current unauthorised use, is to a gymnasium, with the premises now being used as a Martial Arts Centre providing Combat Training Classes, called "The Granite Fight Factory".

The new use differs materially from the former one in several ways, but significantly in its hours of opening. The premises now operate 7 days a week, and at present open from mid or late afternoon to around 10pm from Monday to Friday, with Saturday opening roughly 10am to mid-afternoon, and Sunday opening from around 9.30am to mid-afternoon. Classes are held at various times.

Instead of the pattern of use associated with a shop, where visits are mostly by individuals, the pattern of use associated with a facility offering martial arts classes is, by its very nature, one where quite a number of clients may arrive (and leave) all at the same time. This, of course, puts pressure on parking and can also raise road safety issues.

The Society's concerns about this change of use are as follows:-

① Impact on the Character of the Area

Although this property is situated in a section of this road which is technically zoned as "Mixed Use", rather than "Residential", it should be noted that the property in question is entirely surrounded by residential properties, with a block of flats on either side, and cottages and terraced houses the full length of King's Crescent, opposite. It is in particularly close proximity to the flats at No.42, which form part of the same building, being located directly above No.44. It is quite clearly set in a residential area, and we would ask that this fact be given due weight in the consideration of the proposed change of use.

Even considered as located in a Mixed Use Area, however, Policy H2 of the Local Development Plan requires that applications for change of use “*must take into account the existing uses and character of the surrounding area, and avoid undue conflict with the adjacent land uses and amenity*”. Further they “*should not affect the amenity of people living and working in the area*”.

The change of use at No.44 King’s Crescent has the potential to represent **a significant material change in the character of the area**, by the introduction of this new use, and also a particular **impact on surrounding residential amenity**. Whereas the previous use involved only short, individual visits by customers, and no requirement for parking (other than the owner’s car), the new use, being predominantly geared to providing training classes, involves the simultaneous arrival of quite a number of people at one time, sometimes presenting problems with traffic or parking in an extremely congested and confined area. At the conclusion of a class, there can, sometimes, also be a tendency for groups to congregate outside on the pavement to socialise, or for people to take smoking breaks. This can sometimes be a source of disturbance, especially in the evenings, as indeed can the noise emanating from the premises during fight training, as the front doors are frequently left wide open to the street.

In all the above ways, we hold, due to the impact on amenity, the proposed change of use **fails to comply with Policy H2 of the LDP**.

It should also be noted that there is the potential for **intensification of use**, as the business grows, and further classes are added to the timetables. Such an intensification is already on the cards, as the website advertises the Combat Training Area for hire outwith normal opening times. All in all, the impact of this development could see a substantial increase over time.

Lastly, on the question of amenity, we note that other Martial Arts Training Centres tend to be situated in, or operate from, separate institutions such as Sports Clubs, Sports Centres or Complexes, Leisure Centres or even parts of school premises, or Community Centres. These are premises usually freestanding, not in close proximity to, or attached to, residential properties, and which have their own car parks or amenity areas within their own boundaries. Thus there is not the same potential for adverse impact on nearby homes. These are surely the appropriate locations for such a use, as opposed to No.44 King’s Crescent, which sits in the midst of family homes, and is actually part of a residential building. There is potential for a particularly negative impact on the residential amenity of the occupants of the flats above “The Granite Fight Factory”, in view of its close proximity to their homes.

In short, it is the Society’s considered view that the proposed use is not in keeping with the character of the area. As described in the Council’s Old Aberdeen Conservation Area Character Appraisal (p.13), “*King’s Crescent is noticeably quieter and greener....the feeling of being in a distinctive place is immediately apparent*”.

The proposed use is, we hold, in conflict with that quiet character, and so would not fulfil the statutory requirement to preserve or enhance the character of the Conservation Area. In that regard, it would not comply with **Policy D5** of the Local Development Plan.

It is also the Society’s view that the proposed use would be out of keeping with the wholly residential nature of its immediate surroundings, as described above, adversely affecting the amenity of those living nearby. It would thus fail to comply with **Policy H2** of the LDP.

② **Traffic and Parking Considerations**

By its very nature, this facility is open chiefly outside working hours, when its clients are free to attend classes.

The greatest activity, and accompanying traffic and parking, is therefore at teatime, evenings and weekends.

These are precisely the times when local residents will be coming home or at home, and need their accustomed parking area to be free. The lane adjacent to No.44 King's Crescent has for many years served as a very much needed parking area in a locality where there is serious pressure on parking provision. The arrival of a Martial Arts Centre has had a significant impact on the availability of parking at times when it is most needed. The situation has been complicated by the installation, by the owner of the property, of a gate across the entrance to the lane, which initially was kept closed and locked, in order to reserve the lane for the exclusive use of vehicles related to this property.

This lane, however, though an unadopted road, actually belongs to the City Council, who have, pending the removal of the gate, required that it be left open. Naturally, however, this is not of real benefit to local residents who have been accustomed to park there, because the very presence of a lockable gate, which has in the past been kept locked outside opening times of the Centre, is enough to dissuade residents from taking the risk of parking there, lest they be locked in.

Parking Provision for Proposed Use

Policy T2 of the Local Development Plan, along with the equivalent policy in the Proposed LDP, refers to the Council's Supplementary Guidance on Transport and Accessibility, which details the standards that different types of development should provide.

For a sports centre/facility, in the Assembly and Leisure Use Class, in Zone 2, where King's Crescent is located, the parking standards guidelines specify one parking space for 22 square metres. The application form for the proposed change of use states that the site area is 60 square metres, and it surely follows, therefore, that these premises should provide 3 parking spaces. In the current application, we would expect there to be a need also for at least one space for a vehicle belonging to the staff running the facility.

The current application for permission for change of use, however, provides no parking spaces at all. In spite of this, the application form states that 4 parking spaces currently exist on the application site. They do not. As the adjacent lane is not in the ownership of the applicant, but is, rather, a public lane, this can not be included as part of the site, and therefore must be discounted.

A fundamental issue in any application for change of use is **its capacity to accommodate parking** for the vehicles generated by that use.

Because of the retrospective nature of the current application, there has been ample opportunity for residents of the surrounding area to observe the increase in traffic which has accompanied this change of use, and the pressures which this has brought to bear on parking in the area. This was particularly evident in the first few months of operation of the new Martial Arts Centre, when the gate was only opened as required for clients of the Centre, but the lane was nevertheless sometimes completely full with parked cars. It was not uncommon for further cars to be parked such that they projected on to the area connecting the two pavements, so that pedestrians were forced to walk out into the main road to get past.

All the above would seem to serve as an indication that the new use of No.44 King's Crescent has brought with it a considerable increase in traffic, and vehicles requiring space for parking. Even in recent months, since the application for change of use, when use of the lane for parking has clearly for the moment been discouraged, and so the impact is less easily seen, there are still periods when, at times of certain classes, there is full uptake of every available space.

This is hardly surprising, as with the new, or proposed, use, which is in the "Assembly and Leisure" Use Class, the nature of the use means that clients will need to bring cars. To fit in a class on the way home from work, may well involve travelling some distance from a workplace, with limited time, and to attend a class in the evening might well be impracticable without a car. In the case of children's classes, most parents would seem to think a car is necessary.

4.

There is a well documented pressure on parking in this area already, as is evidenced by the number of cars parked on pavements along Jute Street, and not infrequently on double yellow lines in the area, and it would seem ill-advised to introduce a new use which will exacerbate that pressure.

The proposed change of use demonstrates a particular propensity for worsening the parking problems in the vicinity. This is because it opens for classes principally towards teatime, in the evenings, and at weekends.

This, however, is precisely the period when on-street (or lane) parking is required by nearby residents. The requirements therefore conflict with those of local residents when home from work. This is disruptive to the parking needs of the established community, both of nearby local residents and also their visitors, who already struggle to find a place to park.

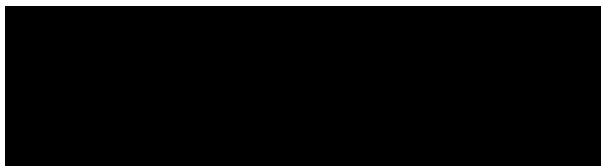
Traffic issues are also relevant here. Prior to the unauthorised change of use at no. 44, the lane was used by local residents for parking near their homes, and there was far less coming and going. The present arrangement means that clients of the gymnasium are arriving and leaving on a fairly frequent basis, and because there is no room for turning, this can mean reversing out on to what is a narrow, busy, winding road, at a bend on that road, and opposite a junction. When the lane is full of cars, this can be precarious, especially at peak times. The less congested former use of the lane, by residents, in contrast, left more space for manoeuvre, and it was also helpful that there was more familiarity with the area and its traffic patterns, as well as, perhaps, more flexibility as to the timing of car use.

As noted earlier, the potential for intensification of use at the proposed Martial Arts Centre must be borne in mind. Any intensification of parking and/or traffic issues could have a significantly detrimental impact on the amenity of this area.

In summary, it is the Society's view that the proposed use, as well as failing to comply with **Policies D5 and H2** of the Local Development Plan, also fails to comply with Policy T2, and raises serious concerns over other material considerations relating to parking, traffic and road safety.

The Society therefore would request that this application for change of use is refused.

Yours faithfully,

A large black rectangular redaction box covering the signature area.

Barbara McPetrie,
Planning Secretary

24 Spital
Old Aberdeen
AB24 3HS

4th September 2016

Development Management

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

Dear Sir/Madam

Application 161194/DPP

The Granite Fight Factory, 44/44A Kings Crescent, Old Aberdeen AB24 3HL

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

Application has incorrect factual information

The applicant has put up a gate barrier to the lane between 46 Kings Crescent and his own property (No.44) to which he has no legal right to do. Access has now been restricted to the back of the properties on Kings Crescent which have a right of way over this land (as so the general public). The information given in the application form is incorrect. The property does not own land with 4 car parking spaces. The application should be resubmitted with the correct information

Car parking

There is already pressure on the area due to this location being one of the first areas from the city centre with free parking. A numbers of local residents who do not have their own private parking have to use this area and to allow a commercial operation to infringe this would add to the burden on the local community's already poor car parking situation.

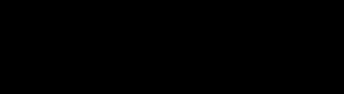
Impact on amenity/compatibility with other uses in the area

The use of the facility occurs outside normal working hours (evenings till 10pm and Saturday and Sunday afternoons). This causes an intrusion into local residents' amenity use of their properties. Users of the Fight Factory have been known to congregate outside the premises smoking and talking during these "after-hours" opening times which can disturb the neighbours.

Expansion

There is not limit on the hours of operation and presumably the owners would wish to increase hours of operation to increase profitability. The facilities and local area are not suitable to an increase in activity.

Yours sincerely

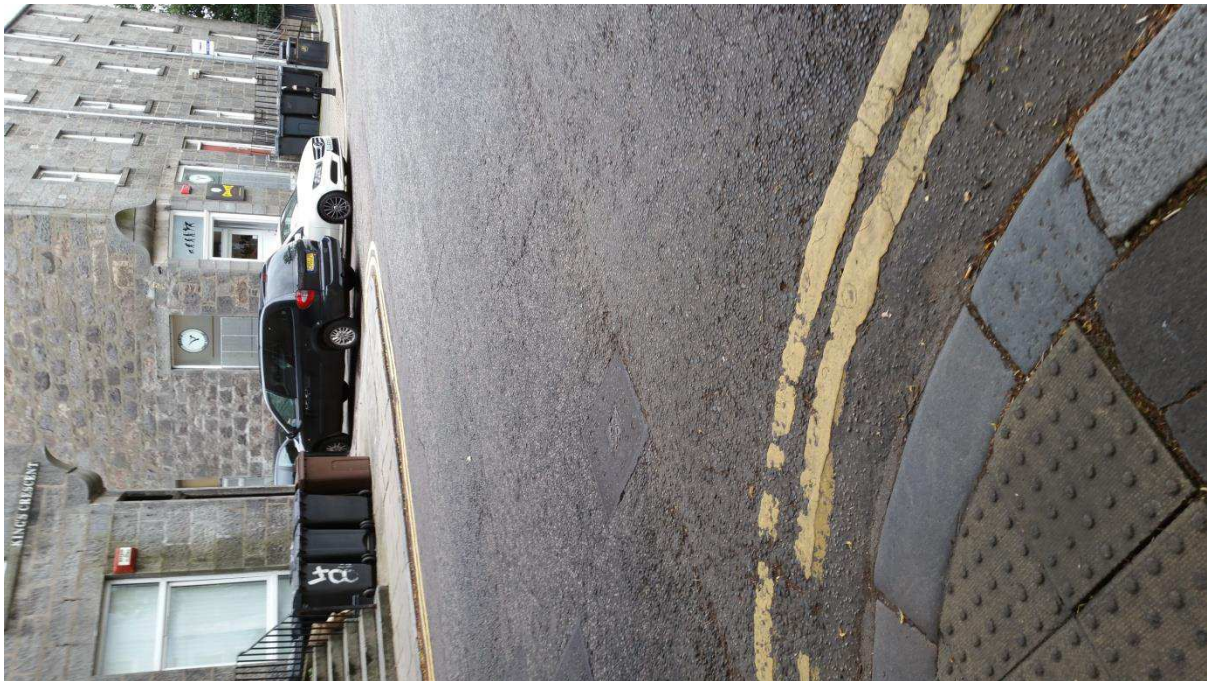


Patrick Birchley

We wish to comment on Application 161194/DPP - Granite Fight Factory 42/44A Kings Crescent Aberdeen AB24 3HL - Change of use from shop (class 1) to gym (class 11) (**retrospective**).

We have no objection to the Granite Fight Factory's application for change of use if the issues noted below are addressed prior to the application being approved:

Safety Issues - Parking in this Conservation area of Old Aberdeen is at a premium and since Granite Fight Factory opened there has been inconsiderate parking blocking wheelchair dropdowns either side of the lane entrance (photo attached).



There is an increase in parking on double yellow lines in Jute Street close to the corner of Kings Crescent making it difficult to enter Jute Street from Kings Crescent and means that cars turning into Jute Street from King Crescent have to reverse back out to allow a car to exit from Jute Street as it is impossible to see until you have committed to the corner of Jute Street with Kings Crescent. Emergency vehicles already find it difficult to negotiate these narrow street without further parking infringements.

Parking - Recently a gate blocking off the public lane (land grab) has been installed between the subject premises and 44-48 Kings Crescent. This denies local residents valuable parking they have used for years. The lane is now only available to Granite Fight Factory staff and patrons when they choose to open the gate. The lane must be returned to public use.

Amenity - The change of use has meant that the hours of business have also changed from Monday to Friday 0800 to 1700 to a business now operating 7 days a week at times between the hours of 10.00a.m. to 8.00 p.m. with the potential for further hours out with these times as per their website

"IF YOU WOULD LIKE TO HIRE OUR TRAINING AREA EARLIER OR LATER THAN OUR OPENING TIMES PLEASE CONTACT US ON 01224 636473 AND WE WILL DO OUR BEST TO ACCOMODATE YOU."

Granite Fight Factory is operating in the residential Conservation area of Old Aberdeen and their hours of business should be mindful of this amenity and must not be extended.

Yours faithfully

Richard Harwood
37 Kings Crescent
ABERDEEN AB24 3HP

Comments for Planning Application 161194/DPP

Application Summary

Application Number: 161194/DPP

Address: 44 Kings Crescent Aberdeen AB24 3HL

Proposal: Part change of use (rear former store room associated to shop) from retail (class 1) to gym (class 11) (retrospective)

Case Officer: Sepideh Hajisoltani

Customer Details

Name: Ms Lesley Simpson

Address: 21 Kings Crescent Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Whilst I have no problem with the retrospective change of use, I have not seen any planning application for the gate put up across the adjoining lane thereby depriving local residents of 5 parking places. This gate was erected by the landlord of the gym owners without consultation with neighbours - presumably because it was obvious we'd object. Not very neighbourly really!!! Please remove it.

Comments for Planning Application 161194/DPP

Application Summary

Application Number: 161194/DPP

Address: 42/44A Kings Crescent Aberdeen AB24 3HL

Proposal: Part change of use (rear former store room associated to shop) from retail (class 1) to gym (class 11) (retrospective)

Case Officer: Sepideh Hajisoltani

Customer Details

Name: Mr Jamie Robertson

Address: Not Available

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am pleased and supportive of the change of use from retail to gym.

I am however not accepting of the illegal construction and use of a lockable barrier that has been put in place adjacent to the named premises. This denies shared access to five parking spaces in an area that is known for lack of parking, on land that is not in the legal possession of the proposer.

From: Ian Leask [REDACTED]
Sent: 23 August 2016 11:40
To: PI
Subject: RE: scotty
No just the gate.Ian

From: PI@aberdeencity.gov.uk
To: [REDACTED]
Subject: RE: scotty
Date: Tue, 23 Aug 2016 10:26:34 +0000
Good Morning

Thank you for your email.

Could you please confirm if the email you sent is an objection to Planning Application 161194/DPP - 42/44A Kings Crescent.

Thank you.

Regards
Wilma

Wilma Henderson
Application Support Assistant

Communities, Housing and Infrastructure
Planning and Sustainable Development
Aberdeen City Council
Marischal College
Business Hub 4
Ground Floor North
Broad Street
Aberdeen
AB10 1AB

Email whenderson@aberdeencity.gov.uk

Direct Dial: 01224 523374

Tel: 08456 08 09

www.aberdeencity.gov.uk

We are always trying to improve the quality of customer service that we provide and would like to know your views on the service you have received to help us learn what we need to do better. We would very much appreciate you taking a few moments to fill in our short feedback form by clicking on http://www.aberdeencity.gov.uk/customer_satisfaction/epi_feedback.asp

and selecting Development Management (Planning Applications Team) and/or Building Standards.

Many thanks in advance.

From: [REDACTED]
Sent: 22 August 2016 19:19
To: PI
Subject: RE: scotty

Good morning to you. Applicant is Patel Mack Ltd, as for measurements I would need a long tape, which I don't have. Agent is Derek Young, 32, Meikle Gardens. Westhill.

Regards Ian.

From: PI@aberdeencity.gov.uk
To: [REDACTED]
Subject: RE: scotty
Date: Mon, 22 Aug 2016 12:55:59 +0000
Good Afternoon

Thank you for your email.

Could you please confirm who owns the ground where the gate has been erected and also the measurements so we can pass your enquiry to the appropriate officer.

Thank you.

Regards

Wilma

Wilma Henderson
Application Support Assistant

Communities, Housing and Infrastructure
Planning and Sustainable Development
Aberdeen City Council
Marischal College
Business Hub 4
Ground Floor North
Broad Street
Aberdeen

AB10 1AB

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From: Ian Leask [mailto:i.leask@hotmail.co.uk]

Sent: 22 August 2016 07:52

To: PI

Subject: scotty

I would like to see the gate that has been erected at 42/44 Kings Crescent, taken down, and given back to the local folks to use as a short time parking, like myself, who has a disabled wife ,and needs a wheelchair, also for the locals so they can get access to their bins and for one person with his motor bike.

Regards.Ian Leask.

Planning Development Management Committee Conservation Area Consent

160728: Demolition of side and rear walls to facilitate redevelopment of former public toilets (front granite facade to be retained) at Former Public Toilets, High Street, Old Aberdeen, Aberdeen AB24 3HE

For: Mr Harry Miller

Application Date:	21 June 2016
Officer:	Alex Ferguson
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Old Aberdeen
Advertisement:	Conservation Area Consent
Advertised Date:	6 July 2016



RECOMMENDATION: Approve Conditionally

APPLICATION REF: 160728

SITE DESCRIPTION

A single storey granite-fronted building dating from 1932, formerly used as Public Toilets. It is 49m² in footprint and fronts onto High Street within Old Aberdeen.

The front elevation is of granite ashlar blockwork and has the word 'SHELTER' engraved above the door. There are two boarded up windows and an entrance door on the front elevation, the roof is flat, other windows to the sides and rear are also boarded up, with these walls harled and in a poor state of repair.

To the south is a 2 storey 18th Century Category 'B' Listed building, east is an electricity substation building, to the north are residential flats within the 'C' listed Market Lane, whilst to the west is the High Street - containing the Category 'A' listed Town House and Mercat Cross, a Scheduled Monument.

The southern part of the site is Baillie's Place, an approximately 3m wide lane.

RELEVANT HISTORY

P160727 – A corresponding planning application for alterations and an extension to the building in order to convert it into a two storey café is yet to be determined.

P120242 – Conditional planning permission was approved under delegated powers in October 2012 for the change of use of the building to a Class 3 (food and drink) premises. No external alterations were proposed.

DESCRIPTION OF PROPOSAL

Demolition of the side and rear walls of the building as part of a redevelopment of the site to accommodate a café. The granite façade of the building which faces on to High Street is to be retained and a contemporary pitched roof extension is to be added to the refurbished building. Full details of the proposed extensions and alterations are being assessed in corresponding planning application P160727.

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at www.publicaccess.aberdeencity.gov.uk.

- Supporting Statement

CONSULTATIONS

ACC Roads Development Management – No observations

ACC Environmental Health – No observations

ACC Flooding – No observations

Historic Environment Scotland – No objection and no comments to make on the proposals.

Old Aberdeen Community Council (OACC) – Are supportive of the principle of the demolition of the side and rear walls and the retention of the façade as part of a new café use for the site. However, they object to the application as they feel the modern materials proposed in the redevelopment would not complement the character and appearance of the historically sensitive surrounding area and wish the application to be determined by the Planning Committee, rather than under delegated powers.

REPRESENTATIONS

Two letters of objection have been received raising concerns in relation to the design of the proposed redevelopment (which is subject of a separate planning application P160727), rather than raising any specific objection to the principle of the demolition.

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 proposals in a joint objection to this application and the corresponding planning application P160727. The application therefore requires to be determined by the Planning Committee, in accordance with the Council's Scheme of Delegation.

PLANNING POLICY

Scottish Planning Policy (SPP)

Historic Environment Scotland Policy Statement (HESPS)

Aberdeen Local Development Plan (ALDP)

- Policy D4 (Aberdeen's Granite Heritage)
- Policy D5 (Built Heritage)

Proposed Aberdeen Local Development Plan (PALDP)

- Policy D4 (Built Heritage)
- Policy D5 (Our Granite Heritage)

Historic Environment Scotland guidance

Managing Change in the Historic Environment: Demolition

Supplementary Guidance

- Old Aberdeen Conservation Area Character Appraisal (OACACA)

EVALUATION

Under Sections 59(1) and 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the determination of an application for demolition of a building in a Conservation Area shall have special regard to the desirability of preserving the building or any features of special architectural or historic interest it possesses.

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

Principle of the proposed demolition

There are two main considerations in the assessment of this application for the demolition of the side and rear walls. First is to identify the contribution the building makes to the character and appearance of the conservation area and secondly, would the replacement development preserve the character and appearance of the area.

Contribution of the building to the character and appearance of the conservation area

The 1932 ashlar-cut granite fronted former Public Toilets building is somewhat alien to the character of the surrounding area, given the vast majority of the surrounding buildings date from the 18th Century and remain relatively unaltered. Nonetheless, it is acknowledged that the former Public Toilet building's neat granite façade has been a part of the streetscape for over 80 years and it is considered to contribute toward the character and appearance of the area. The remainder of the building behind the façade however, is neither of any architectural merit, nor in a good condition, with the building having been out of use and boarded up for several years. This element behind the façade makes no positive contribution to its surroundings and in its current state, arguably detracts from the character and appearance of the conservation area. Indeed, the OACACA highlights 'empty and/or neglected properties on High Street' as a particular negative factor which the Old Aberdeen Heart area (encompassing High Street) suffers from.

Were the proposals as part of this application and the corresponding planning application (P160727) to demolish the entire building, including façade, then the proposals could have a more detrimental impact on the character and appearance of the conservation area, as well as fail to comply with Policy D4 (Aberdeen's Granite Heritage) of the ALDP, which seeks to retain granite buildings across the city, regardless of whether they are located within a conservation area.

The proposals, however, seek to retain the granite façade and remove the poor quality rendered walls which hold up a flat-roof. This demolition and retention of the façade is considered to be appropriate in principle, provided the redevelopment scheme is considered appropriate and in accordance with the principles of HESPS and HES's Managing Change guidance on demolition.

Contribution of the proposed replacement building

A full detailed assessment of the proposed redevelopment of the building has been made as part of corresponding planning application P160727. In essence, it is

APPLICATION REF: 160728

recommended that, although contemporary in terms of the materials to be used, the basic form of the replacement building would respect the traditional massing locally, having a pitched roof with gable end facing onto the street. The proposed use of the building as a café would be complementary and ancillary to the mix of uses on High Street, which support the local community, visitors and the surrounding University campus. As such, it is considered that the replacement building, which is of good design and material quality, would be a significant improvement on the existing dilapidated unit, thus having a positive impact on the character and appearance of the conservation area, in accordance with the general principles of SPP, HESPS and Policy D5 of the ALDP.

As per HES's guidance on demolition, a condition should be added to ensure that the demolition works do not commence until evidence is given of contracts being let for the new development, in order that a gap site is not created, thereafter leaving the site to lie undeveloped for a significant period of time, resulting in a detrimental impact on the character and appearance of the conservation area.

Concerns raised by the Community Council and in letters of objection

The Old Aberdeen Community Council have objected to both this application and planning application P160727, primarily due to concerns regarding the modern materials to be used in the redevelopment of the building. The OACC are satisfied with the principle of the demolition of the side and rear walls, as well as the forms and scale of the proposed roof extension. It is therefore considered that the OACC's objection relates more to the corresponding planning application and the concerns regarding the proposed design are primarily a material consideration in the determination of that application. Clearly if that planning permission was not to be granted this corresponding application for conservation area consent would also fall.

Stop the Clock

An email was sent to the agent requesting the submission of amended plans and further information on 9 August 2016. A response was not received until 14 September. Following that, further amendments were requested on 26 September and not received until 3 November. The clock has therefore been stopped for the two intervening time periods.

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 and the Reporter has now reported back. The proposed plan 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 comment by the Reporter; and
- the relevance of these matters to the application under consideration.

APPLICATION REF: 160728

The Reporters response does not affect policies in a manner that is relevant to this application. In relation to this particular application proposal policies in the Proposed LDP are not materially different from those in the adopted LDP.

Approval to adopt the LDP will be sought at the Full Council meeting of 14 December 2016. The actual adoption date is likely to be around the third week in January 2017.

RECOMMENDATION: Approve Conditionally

REASONS FOR RECOMMENDATION

The granite façade of the building, which contributes to the character and appearance of the conservation area, is to be retained, in accordance with Policy D4 (Aberdeen's Granite Heritage) of the Aberdeen Local Development Plan (ALDP). The remainder of the building, consisting of flat roof, side and rear walls, are not of any historical or architectural value, do not contribute to the character or appearance of the conservation area and their removal is considered to be acceptable in order to facilitate the redevelopment of the site as proposed in planning application P160727. The demolition proposals are therefore considered to comply with the general principles of Scottish Planning Policy, Historic Environment Scotland Policy Statement and Policy D5 (Built Heritage) of the ALDP, as well as Historic Environment Scotland's 'Managing Change' guidance on demolition. The proposals also comply with the relevant corresponding policies D4 & D5 of the Proposed ALDP.

CONDITIONS

- 1) That no demolition shall take place unless evidence that contracts have been let for the new development approved under planning application reference P160727 (or other as may subsequently be approved and agreed in writing by the Planning Authority) has been submitted to and agreed in writing by the planning authority.

Reason - in the interests of ensuring that the building is not demolished and left without implementing the approved development for a significant period of time, which would have a detrimental impact on the character and appearance of the Old Aberdeen Conservation Area.

From: webadmin@oldaberdeen.org.uk
Sent: 27 Jul 2016 13:31:33 +0100
To: Alexander Ferguson
Cc: PI
Subject: Applications 160727 Detailed Planning Permission and 160728 - former public toilet

Dear Sir

Planning Conservation Area Consent – Former lavatory block on High Street – change of use and alterations to form a café

The Old Aberdeen Community Council is pleased to see a new use being created for this long term eyesore and congratulate the new owner for developing an appropriate solution for a difficult site in the heart of the Old Aberdeen Conservation Area. We comment as follows:

- We are content with the proposed reconfiguration as a café (subject to formal Council approval, etc. which we would expect to disallow hot fat frying and similar odour creating processes).
- We are content with the demolition of all but the front, granite walls
- We are content that the redevelopment should include contemporary elements and not seek to be a pastiche of Georgian Old Aberdeen
- We are content, in principle, with the two level, gable end to street configuration that does, to some extent, echo the medieval configuration of the High Street.

However, we feel we must OBJECT to the current proposal for the following two reasons:

1/ We are concerned with the actual visual presentation of the new structure, which appears to be grey granite chip dry dash below upper walls and roof of sheet metal in an unidentified shade of grey, grey aluminium windows and doors, sheet rolled grey guttering and grey downpipes. The iconic Old Aberdeen Town House is a major element of the tourist experience in Aberdeen and it is critical that the this development, which is immediately to the side of the Town House, should appropriately complement the immediate area. We note:-

- That dry pebble dash is simply not part of the Old Aberdeen architecture palette, harling is more common.
- that there is just too much grey metal – a completely alien material for walls and roofs within our conservation area. We are particularly concerned that the use of this material in this location will create a precedent for its use elsewhere as it may well be (we suspect) the cheap solution.
- Doors and windows made of metal will be too clinical and contrary to Aberdeen City Council Technical Advice Note 'The Repair and Replacement of Windows and Doors April 2016'. This document expects windows and doors in a conservation area to be sympathetically manufactured in wood.
- Pan-tiles or (genuine) slate are what might reasonably be expected as roofing.

2/ We are also objecting to this application as we wish the decision to be made by the Planning Committee, not by a delegated officer. While the building is very small, its impact on the location will be felt for many years to come.

The following point is not an objection, but a point of concern that we ask the Planning Officer to fully evaluate. This is the impact on the daylight available to the existing properties in Market Lane. We believe the two west most properties fall within the 25 degree rule and that daylight is indeed compromised to the lower floor (though not a main living room), but also that the upper floors in Market Lane may also be impacted. We suggest that it would be appropriate to request a daylight study.

Finally, we would ask that any eventual approval of a planning application for this sensitive site should clearly identify restrictions on signage, referring to the relevant portions of ACC Supplementary Guidance 'Shopfronts and Advertisements Design Guidelines, March 2012'.

Yours sincerely

Dewi Morgan
Planning officer and webadmin
On behalf of Old Aberdeen Community Council,
107 High St
Old Aberdeen AB24 3EN

Comment for Planning Application 160728

Name : Robert Hamilton

Address : 85 Don Street

Old Aberdeen

AB24 1UJ

Telephone :

Email : [REDACTED]

type :

Comment : I would like to object to this proposal. This is a very sensitive site being at the heart of the conservation area and adjacent to the architecturally important Town House. As such, any development should blend in with the existing buildings or be of a high architectural quality. A tin box on top of a harled block doesn't meet those needs. Furthermore the plan seems to indicate that the cafe would have seating for upto 48 people, this is a large number and would require more toilets for staff and customers. The existing toilet is poorly situated and difficult for disabled people, especially, to access. Customers have to cross in front of the serving hatch, possibly the busiest area where hot food and drinks will be being carried in order to use it. The door also opens outwards into this busy area with no ante room meaning that it represents a hazard and leaves the toilet fully visible to customers in the cafe. There is no indication of ventilation for the toilet either in addition to its lack of privacy. There is no provision for waste bins on the plan and no hygienic place for them to be stored. If the cafe is to offer take away food and drink then this will create further litter and noise problems. The proposal is therefore of a poor design both aesthetically and functionally, appears to be potentially overcrowded, has poor toilet facilities, no waste arrangements and potentially will create litter, noise and parking problems in a very important area of Old Aberdeen's heritage. There are already a large number of cafes and food and drink outlets in the immediate vicinity however there are no public toilet facilities. Perhaps a better use for this building is to return it to its original function.

Comment for Planning Application 160728

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

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : We wish to object to the Planning application 160728 Demolition of side and rear walls to facilitate redevelopment of former public toilets

The proposed building site is at the heart of the Old Aberdeen Conservation Area

Design:

- The design of the building in its self would be acceptable, but the use of the planned metal and aluminium as stated in the design statement is not in keeping with the Old Aberdeen Conservation area and fails to address the area's character in a sympathetic manner.
- The building will be in full view as people and tourists stand at the Auld Toon Hoose to take in the full effect of what is around them.
- The use of the proposed building materials will have an adverse effect on the square in the Old Aberdeen Conservation area.
- If the planed building materials were to be changed for something more in keeping with this historic area I believe that everyone would benefit.

In Addition:

- Permitting this application would set a precedent for further developments, the cumulative effect of which would have a harmful outcome on the character and amenity of the Old Aberdeen Conservation area.

As the site lies within the Old Aberdeen Conservation Area and the multiple breaches of Aberdeen City Council planning guidance, we request that the application be refused.

Regards

Richard Harwood

Viewton Cottage
37 Kings Crescent
Old Aberdeen
Aberdeen
AB24 3HP

Planning Development Management Committee Detailed Planning Permission

160727: Change of use, alterations and 1st floor extension to form café.
at Former Public Toilets, High Street, Aberdeen
AB24 3HE

For: Mr Harry Miller

Application Date:	13 June 2016
Officer:	Alex Ferguson
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Old Aberdeen
Advertisement:	Conservation Area
Advertised Date:	4 July 2016



RECOMMENDATION: Approve Conditionally

SITE DESCRIPTION

A single storey granite-fronted un-listed building dating from 1932 and formerly used as public toilets. It is 49m² in footprint and fronts onto High Street within Old Aberdeen Conservation Area.

The front elevation is of ashlar granite and has the word 'SHELTER' engraved above the door. There currently are currently two boarded up windows and an entrance door on the front elevation, the roof is flat, other windows to the sides and rear are also boarded up, with these walls harled and in a poor state of repair.

To the immediate south is a 2 storey 18th Century Category 'B' Listed building, to the east is an electricity substation building, to the north are Category 'C' Listed residential flats on the opposite side of the pedestrianised Market Lane, whilst to the west immediately opposite the site on the High Street is the Category 'A' listed Town House and the Scheduled Monument Mercat Cross.

The southern part of the site incorporates Baillie's Place, a pedestrian lane approximately 3m wide.

RELEVANT HISTORY

P160728 – A corresponding Conservation Area Consent application for the demolition all but the façade is yet to be determined.

P120242 – Conditional planning permission was approved under delegated powers in October 2012 for the change of use of the building to a Class 3 (food and drink) premises. No external alterations were proposed.

DESCRIPTION OF PROPOSAL

To redevelop the site as a café (class 3) by retaining the existing façade and introducing a first floor level, containing a recessed seating area within a traditional form pitched roof extension. A glazed gable within the pitch of the roof would sit above the retained façade with outlook onto the High Street. The ground floor would contain customer seating, display areas and servery with the kitchen and toilet to the rear. The overall building footprint would remain as is.

Finishes

The new side and rear walls would be built up to the height of the retained granite façade and would be finished with a K-Rend 'scraped render'. The pitched roof, areas of raised wallhead and rear gable extension are proposed as zinc coated aluminium seamed cladding. The glazing to the front gable is proposed to be powder-coated aluminium double glazed units.

It is also proposed to replace the existing ground floor front elevation windows and doors with grey powder-coated aluminium units fitting the existing openings and with

APPLICATION REF: 160727

a similar glazed door to be installed in the southern side elevation, adjacent to a proposed new larch-clad bin store sited in Baillie's Place.

This yard is to be surfaced with grey concrete paving slabs behind 3 rows of granite setts at the junction with the back of the High Street pavement. Further up the lane, the existing fence is to be replaced.

Amendments to proposals since original submission

Since the submission of the application, discussions have taken place with the applicant and various amendments to the original proposals have been made. These include:

- Although not a planning matter, an outdoor seating area originally proposed for the external yard has been removed from the proposals as a servitude exists which gives a right to access the lane by the neighbouring property;
- The amount of glazing in the front elevation gable has been increased, deleting zinc 'returns' to improve the elevational appearance;
- Two rooflights have been added, one on each face of the roof;
- The external wall finish has been amended from granite chip dry dash to a K-Rend scraped render as appropriate to the traditional finishes in the area;
- The bin store has been added;
- The external yard is now proposed to be resurfaced; and
- The front door design has been simplified to a full-height glazed door and sidelight, whereas the original design incorporated several panes of glazing above and to the side of the door in order to provide a quality entrance feature.

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at www.publicaccess.aberdeencity.gov.uk.

- Supporting Statement

CONSULTATIONS

ACC Roads Development Management – No objection. The proposed use of the building as a café is unlikely to generate a significant amount of traffic, given the close proximity to good public transport links and location on National Cycle Route 1. In addition existing parking controls are considered sufficient such that there would be no negative impact on the roads in the nearby area.

ACC Environmental Health – No objection. Requested three conditions relating to:

- Securing a scheme for filtering, extracting and dispersing cooking fumes;
- The provision of a suitable bin storage area; and
- The hours of deliveries/uplifts.

ACC Flooding – No observations.

ACC Archaeology – No objection. Requested a condition that an archaeological written scheme of investigation (WSI) to be submitted prior to the commencement of the works.

Historic Environment Scotland (HES) – HES were consulted on the application due to the proximity of the application site to the Category A-Listed Old Aberdeen Townhouse, which lies just 8 metres to the west. HES do not object to the application and do not have any comments to make on the proposals.

Old Aberdeen Community Council (OACC) – Object as the modern materials proposed would not complement the character and appearance of the historically sensitive surrounding area and they also wish for the application to be determined by the Planning Committee, rather than under delegated powers.

Despite this, the OACC are supportive of the principle of the use and demolition of the side and rear walls and the erection of a first floor level pitched roof extension. They are also content that the redevelopment of the building should include contemporary elements and not seek to be a pastiche of historic traditional buildings of Old Aberdeen.

REPRESENTATIONS

7 letters of representation have been received (6 objecting to the application and 1 in support). The matters raised in the letters of objection can be summarised as follows:

- The proposed development would have a detrimental impact on the character and appearance of the Old Aberdeen Conservation Area (particularly due to the contemporary design and use of modern materials);
- The development would have a detrimental impact on the setting of adjacent listed buildings, in particular the Category-A Listed Town House;
- The building would have a detrimental impact on the Mercat Cross, a Scheduled Monument;
- The use of the building as a café would have a detrimental impact on the amenity of the area;
- The proposed use of Baillie's Place for outdoor seating would have a detrimental impact on the amenity of the area;
- There is no provision for waste bin storage;
- The internal arrangement is inadequate for the building to function properly.

The supporting comments consider that; the café is a great use for this long term vacant building, and that the contemporary design is inspiring and would contribute positively to Old Aberdeen.

REASON FOR REFFERAL TO COMMITTEE

APPLICATION REF: 160727

The application has been referred to the Planning Development Management Committee because the Old Aberdeen Community Council have objected to the proposals. The decision therefore falls out with the Council's Scheme of Delegation.

PLANNING POLICY

Scottish Planning Policy (SPP)

Historic Environment Scotland Policy Statement (HESPS)

Aberdeen Local Development Plan (ALDP)

- Policy D1 (Architecture and Placemaking)
- Policy D4 (Aberdeen's Granite Heritage)
- Policy D5 (Built Heritage)

Proposed Aberdeen Local Development Plan (PALDP)

- Policy D1 (Quality Placemaking by Design)
- Policy D4 (Built Heritage)
- Policy D5 (Our Granite Heritage)

Historic Environment Scotland guidance

Managing Change in the Historic Environment: Setting

Managing Change in the Historic Environment: New Design in Historic Settings

Supplementary Guidance

- Householder Development Guide
- Transport and Accessibility
- Old Aberdeen Conservation Area Character Appraisal (OACACA)

Technical Advice Notes

- The Repair and Replacement of Windows and Doors

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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 site lies in an area largely associated to Aberdeen University and subject to Aberdeen Local Development Plan Policy CF1 (Existing Community Sites and Facilities). Policy CF1's principal aim is to protect the existing focus on further education and research. Policy CF1 does not specifically set out what alternative uses are appropriate, however it does state:

'Where land or buildings become surplus to current or anticipated future requirements, alternative uses which are compatible with adjoining uses and any remaining community uses, will be permitted in principle.'

The building is not and was unlikely to be directly associated to Aberdeen University's main purpose of further education or research. The proposed use as a café would however be complementary to the mix of uses found elsewhere along the High Street which contribute to the character and community identity of the area. Therefore, the cafe use is acceptable in principle, subject to the detail of physical works and use preserving the character and appearance of the conservation area as well as local amenity.

Impact on the character and appearance of the conservation area

The Council's Old Aberdeen Conservation Area Character Appraisal (OACACA) highlights the northern end of High Street '*culminating in the pivotal location of the Old Town House*' as being of significant townscape value and this section of High Street is undoubtedly of great importance to the overall character and appearance of the Conservation Area.

The design approach is traditional in form, scale and massing, albeit with the use of modern materials, giving the building a contemporary aesthetic and deferential contrast. In order to understand the use of this approach, with a valuable 21st century addition to this important context by the retention of a granite façade and in remodelling the volume to be a sympathetic addition to the place it is important to know the history of the building.

Historical maps and archive images show that a c.18th Century 2 storey granite rubble and pantile-roofed building on the site prior to the construction of the Public Toilets building in 1932. This earlier building faced gable-end to the street, in line with the building line of neighbouring buildings to the north and south.

This 1932 single storey flat-roofed building, with its ashlar cut granite façade, was from the outset alien to the 18th Century principally granite rubble built character and appearance its surroundings, although today its granite façade does add interest and a legacy of an early C20th intervention. This façade is to be retained, in accordance with Policy D4 (Aberdeen's Granite Heritage) of the ALDP. The addition of the first floor level extension is considered to be appropriate, as it would reflect both the form/history of the previous building on the site, as well as the general character of High Street, where gabled pitched-roofs facing onto the street are a common feature.

The proposed building would not stand taller than the surrounding buildings and would be significantly smaller than the Town House to the west. The resultant footprint would be the same as the existing building. Overall the scale, massing and form of the surrounding built environment would be respected.

In terms of the impact of the building on the landscape and on views and landmarks, it is important to note that the Public Toilet building's façade is both slightly set back from the established building line on this eastern side of High Street, but it is also chamfered. These aspects serve to drastically reduce the massing and prominence of the building on the townscape, especially when approaching from the south,

where the building is effectively recessed from adjacent buildings to the north and south, giving it prominence only when viewed directly in front on High Street, and to a lesser extent when approaching from the north off St Machar Drive.

The alternative of using a pastiche approach, by incorporating 'traditional' materials for the first floor level gable and the roof extension would most likely create an incongruous result, by not sitting well with the retained early 20th Century ashlar-cut façade. The result would be a clumsy clash of materials (such as new against old granite, or other) and design styles which would appear awkward, and also at odds in the context of the 18th Century character of the surrounding area. Therefore, it is considered that the use of modern materials is appropriate in this instance. Indeed, Historic Environment Scotland's 'Managing Change' guidance on New Design in Historic Settings states that:

*'There is a view that new buildings in historic settings should seek to replicate existing buildings in design, appearance and materials. While this may be appropriate in specific circumstances, for example where part of a larger architectural composition had been lost, in general **we believe that new interventions in historic settings do not need to look 'old' in order to create a harmonious relationship with their surroundings. Some of the best recent examples are contemporary design responses.***

In assessing the impact of the proposed development on the conservation area and the surrounding listed buildings, HES's Managing Change guidance on 'Setting' identifies three stages in carrying out such an assessment. These are:

- 1. identify the historic assets that might be affected by the proposed development*
- 2. define and analyse the setting by establishing how the surroundings contribute to the ways in which the historic asset or place is understood, appreciated and experienced.*
- 3. evaluate the potential impact of the proposed changes on the setting, and the extent to which any negative impacts can be mitigated*

In response to Stage 1, not only does the application site lie within the historically sensitive Old Aberdeen Conservation Area, but it is also immediately surrounded by listed buildings of varying categories.

Together these buildings contribute to the characteristics and appearance of the Old Aberdeen Conservation Area and whilst the listed buildings to the north and south of the application site arguably contribute more to the area's character area as part of a collective of traditional, relatively unaltered buildings that line the eastern side of High Street, the Town House sits proudly as the focus in the centre of the street. The larger and more intricately designed Town House, is the pre-eminent feature in this section of the High Street, acting as a visual termination to the traditional setted road, before it merges with the busy, tarmacked St Machar Drive to the north.

Overall this section of High Street retains its traditional character, although cars and road markings line the sides of the street, little else has changed. It is this traditional appearance which contributes significantly to the character and sense of place.

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Given the proximity of Kings College and the heart of Aberdeen University a short distance to the south, with Aberdeen's city centre further beyond, it is likely that most visitors to the northern end of High Street would approach from the south, with the splay of the street and the view of the Town House unfolding before them.

It is this view of the Town House's front elevation, from the south, which is the most prominent and most worthy of preserving. Any development which detracts from this view would impact negatively upon the setting of the building, as well as the character and appearance of the conservation area.

In this context, whilst contemporary in terms of the materials proposed, the subject building is set back and sees its frontage chamfered at an angle, with the gable facing north-west toward the blank eastern gable of the Town House. As a result, the long distance views of the Town House from the south would be preserved intact due to the recessed positioning. When approaching from the south, the Public Toilets building only becomes obvious when standing approximately 20m from the front elevation of the Town House and even then, when viewed from High Street, the glazed upper part of the gable would sit above and behind the retained granite façade. The expansive use of glass would serve to reduce the impact of the massing whilst also adding interest to the street and given its orientation, on sunny days the glass gable could actually reflect views of the Town House northward to passers-by on St Machar Drive, thereby potentially enhancing the setting of the Town House and drawing people in.

Historic Environment Scotland have been consulted on the application to comment on the potential for the proposals to impact on the setting of the 'A' listed Old Aberdeen Town House, and have not objected, nor did they make any adverse comment.

In terms of other adjacent listed buildings, it is important to look at how these are viewed in order to determine how the development would affect their setting. The mid-18th Century category 'B' listed 2 storey granite rubble building to the south at 108-110 High Street, although an individual building in its own right, contributes to the character of the area as part of a composition of similar 18th Century buildings which line the eastern side of this section of High Street, as the street widens to encircle the Town House at its northern termination. The proposed building would stand clear of the northern blank gable wall of this building and would be set back from its front elevation. As with the Town House, the listed buildings on the eastern side of the street are likely to be viewed on approach from the south and again the recessed positioning and glazed gable are considered to limit the impact on the setting of these adjacent buildings.

In relation to the 'C' listed building to the north, this dates from the 19th Century and with its harled southern wall, does not contribute particularly to the wider character of the High Street to the same extent as the earlier, 18th Century granite rubble buildings to the south. The more architecturally impressive elevation of this building faces north, onto St Machar Drive, and it is that elevation which is principally where the building is viewed from, although there are glimpses of the building's western gable end available from High Street. In this context the chamfered nature of the front elevation of the subject building ensures that these views of the building at 66-

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68 St Machar Drive would not be lost and the setting of the building would be preserved.

The 16th Century Mercat Cross Scheduled Monument, positioned in front of the Town House and is also viewed predominantly on approach from the south, but also up close. It is considered that the proposed building, albeit of a contemporary design, would represent an improvement on the setting of the Mercat Cross compared to the existing boarded up derelict building. Indeed, the creation of a café with a first floor mezzanine level and glazed upper gable would allow for customers of the premises to look out over the Cross from an elevated position, giving a further prominent viewing angle.

The OACACA highlights '*empty and/or neglected properties on High Street*' as a particular negative factor which the Old Aberdeen Heart area (encompassing High Street) suffers from. In this regard it is worth noting that the former Public Toilets building has been disused and boarded up for some time (at least 5 years on photographic evidence), thus detracting from the setting of the adjacent listed buildings and the character and appearance of the conservation area in its current state. The proposed development would bring an appropriate new use to the building which would be complementary to the character and community identity of the area and in the process, remove the current blot on the High Street with a new building of a high design standard.

As an aside, the proposals do not solely relate to the extensions and alterations to the existing building. It is also proposed to resurface the adjacent external yard area to the south on Baillie's Place. At present this strip of land is not well maintained, is not traditionally surfaced and detracts from the immediate surrounding to the building. The applicant proposes to sympathetically resurface the lane utilising grey paving slabs set behind three rows of granite setts at the back of the pavement. These works would enhance the appearance of this section of the street.

In summary, keys views of prominent buildings and landmarks would be preserved and the contemporary design additions proposed would represent a high-quality complement to the surrounding traditional buildings in detail and being of a suitable scale, form and mass, paying due respect to the historical context of the area. It is therefore considered that the proposed development would be of a high quality design, in accordance with Policy D1 of the ALDP and would preserve and enhance, the character and appearance of the conservation area and the setting of the adjacent listed buildings, in accordance with SPP, HESPS and Policy D5 of the ALDP.

Impact on amenity

There are two storey flats 2.8m to the north, on the opposite side of the pedestrianised Market Lane. There are three windows looking directly onto the site. Of the three potentially affected windows, one is at ground floor level and appears to serve a bathroom (frosted glass) and would not be significantly affected by the proposed height increase of the Public Toilets building.

At first floor level, there are two half-dormer windows which likely serve habitable rooms – possibly bedrooms. In accordance with the criteria set out in the Council's

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Householder Development Guide, the roof extension to the Public Toilets building requires to be assessed based on its potential to impact detrimentally on the amount of daylight received by these windows. In this instance, the 25° method is used for calculating the amount of daylight loss demonstrates that the increased height of the extension is likely to result in a small loss of daylight receipt for these neighbouring upper floor windows. However, the extension fails the calculation by a minimal margin of approximately 200mm, and when accounting for the relatively small length of the building, there would only be certain times the day where each window would be affected. Therefore, it is considered that the proposed works would not have a significant detrimental impact on the amount of daylight received by the neighbouring properties to the north and that no more detailed assessment is proportionately required. Furthermore, there are no windows to the south, east or west which would be affected by the proposals.

In terms of noise emissions, a café is not a use which would be expected to generate levels of noise that would exceed what would be general acceptable in an urban residential area. Although originally proposed, the plans have since been amended to remove the outdoor seating area on the external yard at Ballie's Place. Therefore, all tables and chairs for the café would be contained within the envelope of the building and it is not considered that the use of the building as a café would cause any significant detriment to the existing amenity of the area in terms of noise emissions.

In terms of odours emanating from the premises, the applicant has confirmed that they do not intend on cooking or frying within the building, but rather to serve heated (i.e. toasties and soup, etc) or cold food. As such, no significant odours are likely which would detract from the current amenity. A condition has been added which removes the ability for cooking or frying to take place on the premises unless a suitable ventilation/extraction system has been agreed with the Council and installed, this would also address the cooking fumes concern of Environmental Health.

In summary, it is considered that the use of the building as a café would not have a detrimental impact on the amenity of the surrounding area in terms of either noise or odour emissions. Further, the proposed roof extension to the building would not have a significant impact on the amenity of the neighbouring residential properties to the north in terms of daylight receipt and it is considered that the proposals would preserve the amenity of the area, in accordance with Policy H1 (Residential Areas) of the ALDP as well as the relevant guidance contained within the Council's Householder Development Guide.

Other Environmental Health comments

Refuse storage - plans to incorporate a suitable bin storage area have been incorporated and a condition is recommended to ensure implementation.

Delivery/ Uplift restrictions - it is not considered appropriate to restrict deliveries or uplift times, as this would be done from the public highway and thus outwith planning control. However an informative can be attached to guide the management practices.

Parking/sustainable travel

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The Council's Transport and Accessibility supplementary guidance states that a maximum of 1 car parking space per 12.5sqm of floorspace will be permissible for a café in an outer city area. It is noted, however, that given the constrained nature of the site, there is no space available for the provision of off-street parking and otherwise the surroundings are subject to a Controlled Parking Zone (CPZ).

The property lies within the heart of the University campus and the majority of customers are likely to be made up of University students, staff, local residents and potentially tourists already visiting Old Aberdeen. It is considered that due to the close proximity of the premises to good public transport links on St Machar Drive and High Street and the National Cycle Route 1, the site is well served by sustainable methods of transport and it is unlikely that the use of the building as a café would generate a significant additional number of car journeys, nor have any significant detrimental impact on car parking, with the site lying within a CPZ. The Council's Roads Development Management Team raise no objection on this basis.

Archaeology

As requested by the Council's Archaeologist, a condition is recommended in order to safeguard and record the archaeological potential of the area by ensuring that the development cannot commence unless an archaeological written scheme of investigation (WSI) has been submitted and approved.

Concerns raised by the Community Council

Although generally supportive of the principle of the development, as well as the introduction of a pitched roof first floor level extension and the use of some contemporary elements, the Community Council object to the materials proposed. The foregoing evaluation details why the use of modern, contemporary materials is considered to be appropriate in this instance, however a more detailed response to the Community Council is set out below:

The originally proposed granite-chip dry dash finish for the side and rear walls, was considered neither traditional for the area, nor sufficiently contrasting to sit well with the surrounding buildings. As a result, the applicant has amended the wall finish to a scraped 'K-Rend' finish, which more closely respects the palette of the rubble granite of the adjacent buildings, as well as the light brown harl on the southern wall of the building immediately to the north. The precise colour can be controlled by condition.

The proposed use of aluminium-framed windows and doors is suitably contemporary given the approach being taken for the rest of the building. Although the Council's Technical Advice Note on the 'Repair and replacement of windows and doors' generally states that window frames and doors in conservation areas should be constructed from timber, this advice pertains more to the repair and replacement of historical windows and doors in traditional properties (most often residential) and adherence with that guidance is not considered to be necessary in this instance. This is given the existing windows and door are not of any particular quality or value in themselves. Given the merits and context it is not considered that any precedent would be set.

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The use of pan-tiles would look incongruous with the remainder of the building given the contemporary design and remaining ashlar cut, early 20th Century granite façade.

Equally slate although a common material and similar colour would not be appropriate, given the already justified contemporary approach of wallheads and roof cladding in metal, of a colour which is not too dissimilar from the surrounding slate roofs. The continuity of this upper finish would simplify the form and purity of the design, to an extent creating a deferential contrast between both the retained façade and more traditional architecture of the surroundings. Equally the mass and form of the building would respect the wider context, but would be a clear contemporary addition of design quality, all so as to positively add to the character and appearance of the area.

Concerns raised in letters of objection

The majority of the concerns raised in the letters of objection have been addressed above. Otherwise, they can be addressed as follows:

- The outdoor seating area on Baillie's Place has been removed from the proposals.
- The internal layout questions raised are matters for building standards to address and not material planning considerations.

Stop the Clock

An email was sent to the agent requesting the submission of amended plans and further information on 9 August 2016. A response was not received until 14 September. Following that, further amendments were requested on 26 September and not received until 3 November. The clock has therefore been stopped for the two intervening time periods.

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 and the Reporter has now reported back. The proposed plan 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 comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The Reporter's response does not affect policies in a manner that is relevant to this application. In relation to this particular application proposed policies in the Proposed LDP are not materially different from those in the adopted LDP.

Approval to adopt the LDP will be sought at the Full Council meeting of 14 December 2016. The actual adoption date is likely to be around the third week in January 2017.

RECOMMENDATION: Approve Conditionally

REASONS FOR RECOMMENDATION

The proposed use of the building as a café would complement the existing uses of the surrounding area and would not cause any conflict with the amenity of the area, in accordance with Policy CF1 (Existing Community Sites and Facilities) of the Aberdeen Local Development Plan (ALDP). The retention of the existing granite façade complies with Policy D4 (Aberdeen's Granite Heritage) of the ALDP. The proposed extensions and alterations to the building would reflect and respect the historical pattern of buildings in the surrounding area in terms of scale, form and massing and although the materials used would be modern, it is considered that a contemporary approach is necessary in order that the development clearly identifies as a new addition to the townscape and does not detract from the setting of the surrounding buildings or the wider area. The building's set-back siting also ensures that the modern additions would not detract from the most important views of the Category 'A' Listed Town House, which is a focal point of the Old Aberdeen Conservation Area. The proposed works would represent a significant improvement on the existing derelict former Public Toilets building, thus rejuvenating the site whilst preserving the character and appearance of the conservation area and the setting of adjacent listed buildings, in accordance with Scottish Planning Policy, Historic Environment Scotland Policy Statement and Policy D5 (Built Heritage) of the ALDP. The works are also considered to comply with the relevant corresponding policies of the Proposed Aberdeen Local Development Plan.

CONDITIONS

- (1) That no cooking or frying shall take place on the premises unless a suitable scheme capable of filtering, extracting and dispersing cooking fumes and a maintenance plan for the aforementioned scheme has been submitted to, and agreed in writing by the Council as planning authority. Thereafter the approved scheme shall be implemented and maintained in full accordance with the agreed details prior to the carrying out of any cooking or frying on the premises.

Reason: In the interests of preserving the amenity of neighbouring residential properties.

- (2) That the use of the building for the purpose hereby approved shall not commence until such time as the bin storage area as shown in approved drawings WD.01 Rev C and WD.02 Rev C has been implemented in full accordance with the approved details, or with a similar scheme which has been submitted to, and agreed in writing by, the Council as planning authority.

Reason: In the interests of preserving the appearance and amenity of the area.

- (3) That no works in connection with the hereby approved development shall take place unless the specific colour of render to be used on the side and rear walls of the building has been agreed in writing with the Council as planning authority.

Reason: In the interests of preserving the character and appearance of the conservation area.

- (4) That prior to the occupation of the hereby approved building, a sample of the materials to be used to resurface the external yard area as shown in approved drawing WD.01 Rev C has been submitted to, and agreed in writing by, the Council as planning authority and that the resurfacing shall be implemented in full accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the conservation area.

- (5) No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To safeguard and record the archaeological potential of the area.

ADVISORY NOTES FOR APPLICANT

Signage and advertisements

The applicant should be aware that advertisement consent will likely be required for any proposed signage to be attached to the building and they should seek advice from the planning department in advance of installing any such signage for the premises, in order to ascertain whether consent is required and whether or not it is likely to be acceptable upon the submission of an application.

Programme of archaeological works

In this particular instance the programme of works will consist of an archaeological watching-brief on any ground-breaking works associated with the development in the first instance.

Hours of construction

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In order to protect the occupiers of the surrounding properties from any potential noise nuisance from any proposed demolition and building works; such work should not occur:

- [a] outwith the hours of 0700 –1900 hours, Monday-Friday inclusive;
- [b] outwith the hours of 0800-1600 hours on Saturdays; and
- [c] at any time on Sundays, except for works inaudible outwith the site application site boundary.

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

Delivery/Uplift times

Service deliveries/uplifts to and from the premises should not occur outwith the hours of 7.00am – 7.00pm Monday to Saturday and 10.00am - 4.00pm Sundays, in order to preserve the amenity of neighbouring residential properties.

From: webadmin@oldaberdeen.org.uk
Sent: 27 Jul 2016 13:31:33 +0100
To: Alexander Ferguson
Cc: PI
Subject: Applications 160727 Detailed Planning Permission and 160728 - former public toilet

Dear Sir

Planning Conservation Area Consent – Former lavatory block on High Street – change of use and alterations to form a café

The Old Aberdeen Community Council is pleased to see a new use being created for this long term eyesore and congratulate the new owner for developing an appropriate solution for a difficult site in the heart of the Old Aberdeen Conservation Area. We comment as follows:

- We are content with the proposed reconfiguration as a café (subject to formal Council approval, etc. which we would expect to disallow hot fat frying and similar odour creating processes).
- We are content with the demolition of all but the front, granite walls
- We are content that the redevelopment should include contemporary elements and not seek to be a pastiche of Georgian Old Aberdeen
- We are content, in principle, with the two level, gable end to street configuration that does, to some extent, echo the medieval configuration of the High Street.

However, we feel we must OBJECT to the current proposal for the following two reasons:

1/ We are concerned with the actual visual presentation of the new structure, which appears to be grey granite chip dry dash below upper walls and roof of sheet metal in an unidentified shade of grey, grey aluminium windows and doors, sheet rolled grey guttering and grey downpipes. The iconic Old Aberdeen Town House is a major element of the tourist experience in Aberdeen and it is critical that the this development, which is immediately to the side of the Town House, should appropriately complement the immediate area. We note:-

- That dry pebble dash is simply not part of the Old Aberdeen architecture palette, harling is more common.
- that there is just too much grey metal – a completely alien material for walls and roofs within our conservation area. We are particularly concerned that the use of this material in this location will create a precedent for its use elsewhere as it may well be (we suspect) the cheap solution.
- Doors and windows made of metal will be too clinical and contrary to Aberdeen City Council Technical Advice Note 'The Repair and Replacement of Windows and Doors April 2016'. This document expects windows and doors in a conservation area to be sympathetically manufactured in wood.
- Pan-tiles or (genuine) slate are what might reasonably be expected as roofing.

2/ We are also objecting to this application as we wish the decision to be made by the Planning Committee, not by a delegated officer. While the building is very small, its impact on the location will be felt for many years to come.

The following point is not an objection, but a point of concern that we ask the Planning Officer to fully evaluate. This is the impact on the daylight available to the existing properties in Market Lane. We believe the two west most properties fall within the 25 degree rule and that daylight is indeed compromised to the lower floor (though not a main living room), but also that the upper floors in Market Lane may also be impacted. We suggest that it would be appropriate to request a daylight study.

Finally, we would ask that any eventual approval of a planning application for this sensitive site should clearly identify restrictions on signage, referring to the relevant portions of ACC Supplementary Guidance 'Shopfronts and Advertisements Design Guidelines, March 2012'.

Yours sincerely

Dewi Morgan
Planning officer and webadmin
On behalf of Old Aberdeen Community Council,
107 High St
Old Aberdeen AB24 3EN

Comment for Planning Application 160727

Name : Aberdeen Civic Society

Address : c/o 5 Louisville Avenue

Aberdeen

AB15 4TT

Telephone :

Email : 

type :

Comment : Aberdeen Civic Society objects to this planning application on the basis of design and materials. In such a location as this surrounded by the old and traditional buildings it is not sympathetic to allow a very modern building such as this.



OLD ABERDEEN HERITAGE SOCIETY

Planning Dept,
Aberdeen City Council,
Marischal College,
Aberdeen

11, Greenbrae Crescent,
Denmore,
Bridge of Don,
Aberdeen
AB23 8LH

25th July 2016

Dear Sirs,

160727

High Street, Old Aberdeen - Former Public Toilets
Change of use, alterations and first floor extension to form café

The Society wishes to register a firm objection to the above proposal on the following grounds:-

- (1) **The severely detrimental effect it would have on the character and appearance of the Old Aberdeen Conservation Area;** in particular on the unique character of the High Street, one of the most outstanding historic streetscapes in Scotland.
- (2) **The severely detrimental effect it would have on the setting of the adjacent and surrounding Listed Buildings,** in particular the Category 'A' listed Georgian Town House.
- (3) **The effect on the setting of the 16th Century Mercat Cross, a Scheduled Monument.**
- (4) **Inappropriate and unsympathetic design and materials.**
- (5) **Incompatibility of a proposed second storey with nature of existing building.**
- (6) **Insensitive development of historic close.**
- (7) **Potential for unacceptable impacts on adjoining uses.**
- (8) **Precedent**

* * * * *

Before expanding on these grounds for our objection, we wish to look at the context, both architectural and historical, of this proposal.

CONTEXT

The site of the proposed development is at the very heart of Old Aberdeen, which has been described as:

“one of Scotland’s most unaltered historic burghs.”

(Scottish Burgh Survey, 1997, p.97)

and as:

“one of Scotland’s most outstanding historic townscapes.”

(Historic Scotland, 2014)

High Street is indeed the heart of this burgh and a unique gem of an historic streetscape, which still retains its mediaeval pattern of central spine with lanes and closes. Most of the buildings are 18th century or early 19th century, vernacular, in granite, and this street has miraculously survived as a rare and generally unspoilt example of this ancient Scottish burgh pattern.

Much more than this, however, it should be noted that within this context the site of the proposed development occupies an especially sensitive position:-

- (a) It stands at the very focal point of the High Street - the area in front of the Town House where the street widens out to form the historic marketplace, complete with Mercat Cross. This is historically the most significant part of High Street, as yet intact and its integrity uncompromised, other than by a small, inoffensive granite building in the shape of the former public conveniences.
- (b) Its prominent position is all the more critical to an assessment of this application because of its proximity to the Category ‘C’ listed buildings immediately to the north, the category ‘B’ listed buildings immediately to the south, and the exquisite category ‘A’ listed Town House to the west; all contained within the same visual frame on the historic approach up the High Street.
Any appreciable development of the site, will, without question, have a significant impact on the setting of all these listed buildings.
- (c) It is situated between two of the High Street’s historic closes; a position which would attract particular attention to any development not in keeping with the surrounding area, where it would stand out as an intrusion.
- (d) The incorporation of Baillie’s Place (the close to the south), in to the proposed development site, has the potential to detract from the historical significance of that close.

In the light of this context, we would expand on our grounds for objection to this proposal as follows:-

(1) **Effect on Character and Appearance of Conservation Area**

The Local Development Plan, (Policy D4), in line with Scottish Planning Policy, requires that development within a conservation area should preserve or enhance its character and appearance. We hold that this proposal would do neither; rather it would seriously damage its character and appearance.

The key characteristics of this part of the Conservation Area as described in the City Council's Character Appraisal for Old Aberdeen, is one of vernacular 18th century buildings, along with historic closes and wynds.

The Character Appraisal states also (p.24) that:

"The quality of the built environment is outstanding, with the medieval burgh development pattern still very much in evidence."

Among its strengths, the Appraisal cites its "strong vernacular quality" and its "distinctive character and separate identity" (p.74).

The proposed development has nothing in common with the above. Its design is markedly 21st century 'kit-style', its materials completely untraditional, and its proportions inconsistent with those of any other building in High Street. The introduction of such a development into this gem of a streetscape would destroy the architectural integrity of the very focal point of this historic burgh.

In seriously damaging both the character and appearance of this pivotal part of the Old Aberdeen Conservation Area, the proposed development would not comply with Policy D4 of the Local Development Plan, nor with Scottish Planning Policy. Further it would deal a serious blow to those strengths of the area identified in the Council's Character Appraisal for Old Aberdeen.

(2) **Effect on the setting of adjacent listed buildings**

The Local Development Plan (Policy D4) in line with Scottish Planning Policy, requires that the layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting, should be appropriate to the character and appearance of the building and its setting. (SPP, para 141).

The local authority has, of course, a statutory duty to preserve and enhance the setting of listed buildings. This is highlighted in Policy D4 of the proposed Local Development Plan, which requires proposed development to respect the character, appearance and setting of the historic environment.

The current proposal would undoubtedly have a very significant effect on the setting of at least three listed buildings.

The houses a few feet to the north, on Market Lane (Cat. C) would clearly be affected as the proposed building would be seen rising up in front of their south elevation; the (Cat.

B listed) former shop/office and dwelling house at nos.108-110 High Street (dated 1757), a few feet to the south would have the setting of their primary frontage radically altered, and of course the Town House of Old Aberdeen (Cat. A listed) (1787) which is only a few feet away also, would have its setting hugely compromised by the introduction of a stridently modern development.

We would stress at this point that our concern is not only for the setting of the individual listed buildings, but also on this group of listed buildings at this pivotal north end of the High Street. We believe that the proposed development would detract from the integrity of the setting of this cluster of historic buildings. It should also be noted that all the listed buildings surrounding the proposed site for development are actually listed Category 'A' as a group. (Details of this group listing by Historic Scotland can be found in the Council's Character Appraisal, p.11).

In particular, of course, the proposed development would have a significant impact on the setting of one of Scotland's most important historic buildings, the former Town House of Old Aberdeen. The Council's Character Appraisal describes it thus. (p.26):-

"The classical Georgian elegance and proportions of the 18th century Category 'A' listed Town House is the focal point of Old Aberdeen's original town centre."

The outstanding architectural and historical importance of the Town House can not be overemphasised; not only is it a well-known landmark for visitors to Aberdeen, but it also features in countless historical books and guides to the area. It should be noted also that its architectural importance was so highly regarded by the Architectural Heritage Society for Scotland (formerly the Scottish Georgian Society), that this exquisite building was adopted as their national emblem.

More recently, another tribute has been paid to its outstanding significance. This last year saw the long-awaited publication of the latest volume in the "Buildings of Scotland" Pevsner Series of architectural reference books. The authors of this volume, which covers not only the whole of the City of Aberdeen in extensive detail, but also the whole of south Aberdeenshire, have chosen to single out the Town House of Old Aberdeen for the illustration on the front cover of this prestigious book. This is surely an indication of the high regard in which it is held by the acknowledged experts in the field.

Our Society believes that it is crucial that the setting of this wonderful building should not be compromised in any way, and we believe that the proposed erection of a stridently modern two-storey building only feet away, and in the same visual frame looking up the historic High Street, would be very damaging to its setting.

We refer to Historic Environment Scotland's guidance document in its "Managing Change" series, entitled "Setting", which is a highly relevant material consideration with regard to this application. As Historic Environment Scotland are no longer in a position to comment on how this proposal would affect the setting of the adjacent listed buildings, and have made it clear that it is, rather, the local authority's responsibility to assess its impact, its guidance note on "Setting" is therefore all the more important, and also one which, we understand, the Planning Authority is obliged to consult.

“Setting” is defined here as:

“the way in which the surroundings of a historic asset or place contribute to how it is experienced, understood and appreciated.”

Factors which contribute include:-

“current landscape and townscape context”

“visual envelope, incorporating view to, from and across the historic asset or place”

“the prominence of the historic asset or place in views throughout the surrounding area”

“character of the surrounding landscape”

“general and specific views including foregrounds and backdrops”

“aesthetic qualities”

The process, laid down by Historic Environment Scotland in this Guidance document, for assessing the impact of a proposal on surrounding historic assets is invaluable, and highly relevant to the current application. Such an assessment would clearly identify all the listed buildings as well as the historic streetscape as affected, with regard to key viewpoints and broader views.

The guidance also points out that relatively small changes in the wider landscape may affect the setting of a historic asset.

It also emphasises that a proposed change might “dominate or detract in a way that affects our ability to understand and appreciate the historic asset”, or significantly alter the character of the landscape.

Factors to be considered include:-

- (a) *the visual impact of the proposed change relative to the scale of the historic asset(s) or place and its setting.*
- (b) *its visual impact relative to the current place of the historic asset or place in the landscape.*
- (c) *the presence, extent, character and scale of the existing built environment within the surrounding of the historic asset or place and how the proposed development compares to this.*
- (d) *the magnitude and cumulative effect of the proposed change - sometimes small changes can have a major impact on our ability to appreciate a historic asset or place.*
- (e) *the effect of the proposed change on qualities of the existing setting such as ... evocation of the historical past, sense of place, cultural identity.*

It is our view that the proposal for a modern building at the top of the High Street would fail in every instance to avoid a damaging effect on the factors which contribute to the setting of both the listed buildings and the streetscape of this unique quarter. Its siting, scale, design and materials are all out of keeping with the character of this gem of an 18th century burgh marketplace. It would be clearly visible in views from several angles, and its stridently modern design would attract attention away from, and detract from, the existing historic landscape.

(3) **Effect on setting of Scheduled Monument**

The above considerations all apply to the effect the proposed development would have on the setting of the remains of the late 16th Century Mercat Cross, a Scheduled Monument which stands in front of the Town House, and would have the proposed modern café building as a backdrop when viewed from the west side of High Street.

We believe, also, that permission might be necessary from Historic Environment Scotland for any development, such as proposed, which may have an impact on the setting of this Scheduled Monument.

(4) **Inappropriate and Unsympathetic Design and Materials**

The application states that the walls and roof would be of Euroclad proprietary metal cladding, with sills and trims to match. The walls would be of “kit construction”, and the windows and doors plate-glass with grey aluminium frames.

The use of these materials is completely alien to a historic environment. The surrounding character, as we have said, is of 18th century vernacular buildings, built of granite with roofs of natural slate or pantiles and timber sash and case windows with appropriate astragals.

The design is also out of character with the area. It bears no relation to any other building in High Street in terms of its proportions or shape; there seems to be an attempt to mimic a gable-end building, but the proportions are wrong - the sloping roof should either start much lower or higher, and the presence of a central door with window on either side is not the typical pattern of any gable-end house. These had the doorway on the side of the building, away from the street, or at least to one side.

In all these respects this proposal does not show due regard for its context, and so does not comply with Policy D1 of the Local Development Plan.

Its design and materials, kit construction and absence of craftsmanship also mean that it does not comply with Scottish Planning Policy, in that it fails to preserve or enhance the character and appearance of the Conservation Area.

(5) **Incompatibility of proposed second storey with the nature of the existing building**

Although not a particularly prepossessing building, the former public conveniences have a character of their own, and if this little granite building is to be kept, its character must also be respected. Built in 1932, with a public shelter at the front, and the word "SHELTER" engraved above the entrance, it is a very plain, squat little building, something in the way of an Art Deco design.

It seems to us that to add a second storey to this little building simply brings about a clash of styles, and this would be so whatever the design. The current proposal is particularly at odds with the 1930s robust flat-roofed shelter, and looks completely out of place as a second storey. The resulting building is neither one style nor another, and the proportions and materials of the second storey are completely at variance with the proposed ground floor. It clearly does not have due regard to context, and so does not comply with Policy D1 of the LDP.

We would wish to see the building developed rather within the confines of the original one-storey building, as we believe was previously envisaged.

(6) **Insensitive development of historic close**

The City Council's Character Appraisal makes especial mention of the "threat" to the historical significance of the High Street posed by insensitive development of the historic closes. Baillie's Place, immediately adjacent to this building, is one such close. Although it is not a lane running right through to the backlands, it is a lane which historically gave access to the gable of adjoining houses, and some beyond, and it is therefore important that its significance as such is not lost.

The current proposal actually takes this close into the development site. This has been made possible by the sale of this close by the Council to the applicant, a sale much to be regretted. A legal right of access to the back of the close is still in place, and it is still very much a historic lane, if truncated, as some other closes are also.

The applicant proposes, as can be seen from the drawings, to use this lane as a form of sitting-out area, rather like a street-café, with awning and café tables and chairs for customers filling the space - an extension of the proposed café.

It is our view that this aspect of the proposal is unacceptable. The Character Appraisal places a high value on the historical and visual importance of the closes of the High Street, even to the extent of including a specific policy to protect them. This proposal would simply turn this close into a form of "patio" attached to the café, and its historical significance would be destroyed.

This aspect of the proposal clearly contravenes the guidance in the Character Appraisal, as well as failing to comply with the requirement of Scottish Planning Policy to preserve the character and appearance of the Conservation Area.

(7) **Potential for unacceptable impacts on adjoining uses**

This proposal, in view of its 'kit-style construction', and therefore, presumably, less than solid walls, would in all likelihood be inefficient at containing noise from inside, thus causing disturbance to those outside, in particular to adjacent properties.

The addition of an outside seating area adjacent to the pavement would also clearly have an even greater impact from a noise disturbance point of view.

The proposed café might well also operate in the evenings and even Sundays, and the amount of noise engendered, particularly by the usual piped music, could be a nuisance.

There would also, significantly, be the potential for an adverse effect on local amenity from cooking smells emanating from the building, and also from litter dropped by those enjoying the outdoor café.

This design proposal for a café would, we hold, be in contravention of several provisions of the Local Development Plan:-

- (a) It would not comply with Policy CF1 which permits in principle changes of use "which are compatible with adjoining uses"

Although a small coffee-shop contained within the existing solid building might not be incompatible, the current proposal, because of its more flimsy structure and addition of an outdoor seating-area, would clearly have the potential to engender disturbance from noise, as well as nuisance from smell and litter.

- (b) It would, we believe, for the same reasons, fail to comply with the Council's Supplementary Guidance on "Harmony of Uses".

Although this Guidance defines "street-cafés" as those situated on a public pavement, the siting of the tables in this case is more or less on the pavement, in fact on an area contiguous with it, also formerly a public thoroughfare. Baillie's Place, the historic close which it is proposed to fill with an extension to the café, would, in effect, become a "street-café".

The Supplementary Guidance makes it clear that such street-cafés have the potential to conflict with neighbouring land-uses. The adverse effect of noise, smell and litter is particularly mentioned.

- (c) Policy D1 of the Proposed Local Development Plan also has a bearing on this application:-

This policy states that development:

"must avoid unacceptable impacts on adjoining uses, including noise, smell, ... etc."

From the point of view of residential amenity, the current proposal could certainly be a source of disturbance both for the occupants of the houses on Market Lane, and particularly for the occupants of the dwelling house (108, High St) with its gable adjoining Baillie's Place, where the proposed 'street-café' would be sited. **Although it might appear that the neighbouring property is only an office, this is not the case.** No.110, High Street occupies only the ground floor. The dwelling-house at no.108 extends to the full length of the upper floor, right up to the gable with Baillie's Place, both front and back, with several rooms adjacent to the gable, and therefore any noise or piped music emanating from the street café would be likely to be a source of disturbance to the occupants of this family home.

(8) **Precedent**

It is our view that the proposed development is of a character so unsympathetic to the surrounding historic environment that the granting of permission for this application would create an unacceptable precedent whereby it would be difficult to resist similar developments, the cumulative effect of which would have an extremely harmful effect on the character of the Conservation Area.

* * * * *

In conclusion, we wish to stress that we are not opposed to the development of this building in principle, and of course there are several possible uses, including that of a small coffee shop, but we do not believe that a second storey can be accommodated without causing a conflict with the character of the building itself, with the character of the Conservation Area, and with the setting of the Listed Buildings and Scheduled Monument in the immediate vicinity.

Further to this, we do not view the use of an historic close as an extension of the café in the form of a street-café as an acceptable development, for all the reasons stated, not least the impact on residential amenity.

This little building has certainly been neglected, and has lain empty for years, and of course our Society would like to see something done with it, but it is only one year since the City Council sold it, and there is ample opportunity for a new idea to come forward which would be compatible with adjoining uses, and do justice to the outstanding quality of the surrounding historic environment. We sincerely hope that this will happen.

Yours faithfully,



(Mrs). B. McPetrie
Planning Secretary

Dear Mr Ferguson,

Planning Application 160727

Proposals in respect of former Toilet Block, High Street, Old Aberdeen

I write as a former resident of Old Aberdeen, having lived there from 2008 until 2015 while working on the two *Buildings of Scotland* volumes which together cover the North-East part of the country – the City and County of Aberdeen, Kincardineshire, Banffshire and Moray.

The site in question is of course one of great architectural sensitivity, standing as it does in the heart of the Old Aberdeen Conservation Area at the very top of the High Street. It is thus in immediate proximity to the Town House (George Jaffray, 1787-9; listed Category A), the Mercat Cross (earlier sixteenth century in origin, a scheduled monument) and other traditional buildings mostly of the eighteenth and nineteenth centuries, their architectural and historic importance long since recognized by statutory listing. The entrance front of the existing toilet block is in pale ashlar granite, of good quality, but machine-cut and clearly twentieth century in its appearance, with a non-traditional flat roof; it has been shut up now for a considerable period.

It is good to see active thought being given to its re-use, and the applicants' proposal that it be heightened by a second storey rising into a wallhead gable in the manner of much older buildings in the Old Town is not without merit. However, in an environment characterized by the use of traditional materials, I would strongly recommend that the upper storey be clad in dark timber rather than proprietary metal cladding, that the doorway and windows should be timber rather than metal-framed, and that the pitched roof should be covered in slate or natural clay pantiles similar to those found on buildings nearby – see the Council's own *Conservation Area Character Appraisals and Management Plan* (2015), para 3.2.2 (pp. 29-30) and *Conservation Area Character Appraisal: Strategic Area and Management Plan* (2013), p. 13, concerning the use of appropriate materials. Within this context it is hard to justify the use of metal wall-cladding, metal-framed door and windows and a metal-clad roof, and the applicants have not to my knowledge provided any explanation in the form of a Design Statement (see 2013: p. 14).

It should be noted that in their Proposed Elevations and Details the vertical mullion of the entrance doorway is off-centre, where as in their Proposed Visual the mullion is centred, and relates much better to the central mullion of the first-floor window directly above.

Yours sincerely,

(Dr) David W. Walker

Comment for Planning Application 160727

Name : Professor Jane Geddes

Address : Kirklands of Coull

Aboyne

AB34 4TS

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Old Aberdeen High St is remarkable for the integrity and harmony of its buildings, of all ages. Granite, slate and pantile are the key materials. The Old Town House is one of the most iconic buildings in Scotland and any new construction next to it needs to harmonise closely in design quality and materials. While grey metal cladding may provide a contemporary 'twist' to informal buildings on other locations, it would look simply cheap and slight in this very traditional granite context. Not objecting to the large glazed window, but consider the walls should be granite and the roof be tile or slate, with a careful observation of detailing of the roof line from other gable-enders in the street. Front door should be solid wood. Good to have another café.

Comment for Planning Application 160727

Name : Kirstin Morgan

Address : 1 marine place

Aberdeen

AB117RZ

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I wholly support this application - it's a great use for a building which has sat empty for years. Forget the fact that no provision has been made boring things like bin storage which environmental health will no drought have an issue with - I think it's a inspiring contemporary addition to an granite building and will make a a positive contribution to Old Aberdeen.

From: Sleeman, Dr Margaret
Sent: 27 Jul 2016 14:06:37 +0000
To: PI
Cc: Sleeman, Dr Margaret
Subject: Comment on application 160727

Dear Sir/Madam,

I wish to comment on application no. 160727, the conversion of the disused toilets/shelter in the High St, Old Aberdeen, for use as a cafe. I live nearby, at 10, The Chanonry, Old Aberdeen, AB24. 1RN.

While I welcome the introduction of another cafe in the High St, I am most concerned about the character of the proposed new upper storey. Although the current building occupies a small site, it is adjacent to buildings of architectural importance, notably the Old Aberdeen Town House. I feel that the proposed metal cladding is totally unsuitable in this context, and suggest that the proposal be revised. I would suggest the use of a facing material such as harling which would allow this new building to blend with its surrounding.

I do not know whether signage is part of your remit. If it is, I suggest that you require that this is modest and in keeping with surrounding businesses.

Yours faithfully,
Margaret Sleeman

The University of Aberdeen is a charity registered in Scotland, No SC013683.
Tha Oilthigh Obar Dheathain na charthannas clàraichte ann an Alba, Àir. SC013683.

Comment for Planning Application 160728

Name : Robert Hamilton

Address : 85 Don Street

Old Aberdeen

AB24 1UJ

Telephone :

Email : [REDACTED]

type :

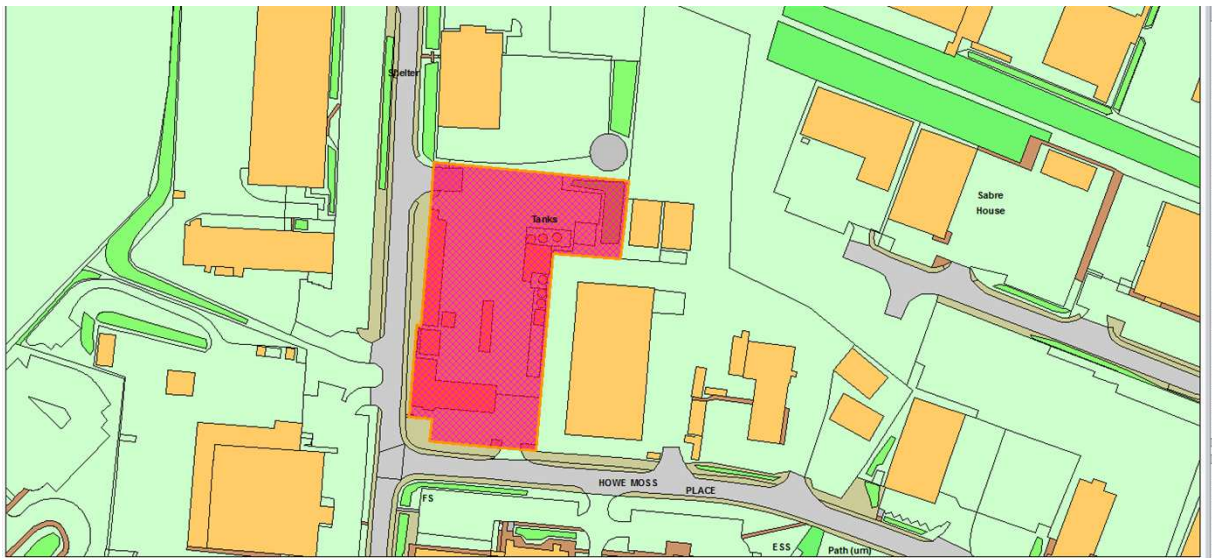
Comment : I would like to object to this proposal. This is a very sensitive site being at the heart of the conservation area and adjacent to the architecturally important Town House. As such, any development should blend in with the existing buildings or be of a high architectural quality. A tin box on top of a harled block doesn't meet those needs. Furthermore the plan seems to indicate that the cafe would have seating for upto 48 people, this is a large number and would require more toilets for staff and customers. The existing toilet is poorly situated and difficult for disabled people, especially, to access. Customers have to cross in front of the serving hatch, possibly the busiest area where hot food and drinks will be being carried in order to use it. The door also opens outwards into this busy area with no ante room meaning that it represents a hazard and leaves the toilet fully visible to customers in the cafe. There is no indication of ventilation for the toilet either in addition to its lack of privacy. There is no provision for waste bins on the plan and no hygienic place for them to be stored. If the cafe is to offer take away food and drink then this will create further litter and noise problems. The proposal is therefore of a poor design both aesthetically and functionally, appears to be potentially overcrowded, has poor toilet facilities, no waste arrangements and potentially will create litter, noise and parking problems in a very important area of Old Aberdeen's heritage. There are already a large number of cafes and food and drink outlets in the immediate vicinity however there are no public toilet facilities. Perhaps a better use for this building is to return it to its original function.

Planning Development Management Committee Hazardous Substances Consent

160830: Storage and use of substances within category H2 (Acute Toxic) at Howe Moss Place, Kirkhill Industrial Estate, Dyce, Aberdeen AB21 0GS

For: Clariant UK Ltd

Application Date:	29 June 2016
Officer:	Matthew Easton
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Dyce And Stoneywood
Advertisement:	Hazardous Substances Consent
Advertised Date:	3 August 2016



RECOMMENDATION: Approve Conditionally

BACKGROUND TO HAZARDOUS SUBSTANCES CONSENT

The Control of Major Accident Hazard ('COMAH') regulations apply where quantities of dangerous substances are present, or likely to be present above specified limits. This includes sites where dangerous substances might be generated due to the loss of control of an industrial chemical process. The main aim of the COMAH regulations is to prevent and mitigate the effects of major incidents on people and the environment. Sites subject of COMAH are regulated by the Competent Authority, which in Scotland comprises both the Scottish Environment Protection Agency ('SEPA') and Health and Safety Executive ('HSE').

As well the requirements of the COMAH regulations, operators are required to obtain a separate hazardous substances consent (HSC) from the Council in its capacity as planning authority. The purpose of HSC is to ensure that when hazardous substances are stored or used, the residual risk to people in the vicinity of the site or to the environment is taken into account before a hazardous substance is allowed to be present in a controlled quantity. The extent of this risk will depend upon where and how a hazardous substance is to be present; and the nature of existing and prospective uses of the site and its surroundings.

SITE DESCRIPTION

The application relates to an industrial facility located on the corner of Howe Moss Place and Howe Moss Avenue, within Kirkhill Industrial Estate, Dyce.

It is operated by chemicals company Clariant UK Ltd. and is currently used for the storage and blending of chemicals which are supplied to the oil and gas industry. The industrial activities which take place include: the storage of raw materials, blending of products and filling & storage of finished products for onward shipment.

The site extends to 0.6 hectares and comprises a yard containing several chemical storage and blending tanks and space for the open air storage of moveable containers such as drums and bulk storage tanks. There is an open-sided shed located on the west side of the yard and a further shed on the east side. There is a predominately two storey office building at the southern end of the site with a car park. Vehicular access and egress is via an entrance on Howe Moss Avenue and an exit on Howe Moss Place.

The site is surrounded by other industrial buildings with associated open storage yards.

RELEVANT HISTORY

Hazardous substances consent (A3/2266) was granted to Clariant in May 2004 for the storage of substances which are categorised as being toxic (30 tonnes), flammable (50 tonnes) and dangerous to the environment (550 tonnes). This consent remains in place.

DESCRIPTION OF PROPOSAL

Hazardous substances consent is sought under *The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015* to increase the permitted storage levels of substances within category H2 (Toxic) from 30 tonnes to 125 tonnes. The level of flammable (50 tonnes) and dangerous to the environment (550 tonnes) substances would remain the same.

SUPPORTING DOCUMENTS

Detailed information about hazardous substances, for example where and how they will be present or stored on a site and in what quantities, could pose a security risk if made public. Therefore based on the advice within Scottish Government Circular 3/2015 (Planning Controls for Hazardous Substances) the full details of these matters within the application submission has not been made available online.

Members of the Committee wishing to review the submission documents should contact the case officer. The location plan is however available at <http://www.publicaccess.aberdeencity.gov.uk>. On accepting the disclaimer enter the application reference quoted on the first page of this report.

CONSULTATIONS

Aberdeenshire Council – No observations.

Dyce and Stoneywood Community Council – No response.

Health and Safety Executive (HSE) – HSE has made the assumption that the requirements of the Health and Safety at Work etc. Act 1974, and all relevant statutory provisions, will be met at the establishment should consent be granted. On this basis, HSE has concluded that the risks to the surrounding population arising from the proposed operation are so small that there are no significant reasons, on safety grounds, for refusing hazardous substances consent.

Scottish and Southern Energy Power Distribution (SSEPD) – No response.

Scottish Environment Protection Agency (SEPA) – No response.

Scottish Fire and Rescue Service (SFRS) – No response.

Scottish Natural Heritage (SNH) – No observations.

Scottish Gas Networks (SGN) – No observations.

REPRESENTATIONS

None

REASON FOR REFFERAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because the determination of hazardous substances consents falls out with the scope of the Council's Scheme of Delegation.

PLANNING POLICY

Aberdeen Local Development Plan (2012)

Policy BI1: Business and Industrial Land

Proposed Aberdeen Local Development Plan (2015)

Policy B1: Business and Industrial Land

EVALUATION

Section 7(2) of the *Planning (Hazardous Substances) (Scotland) Act 1997*, requires the planning authority, when determining an application for hazardous substances consent, to take into account the following factors, as well as any other relevant material considerations: (a) any current or contemplated use of the land to which the application relates; (b) the way in which the land in the vicinity is being used or is likely to be used; (c) any planning permission that has been granted for development of the land in the vicinity; (d) the provisions of the development plan; and (e) any advice which the Health and Safety Executive (HSE) has given in response to consultations.

Notwithstanding the above matters which must be considered, it should be noted that the application is for an increase in the level of toxic material that can be present at the site, rather than for the introduction of a completely new major hazard establishment. Therefore the assessment focusses on the change in risk that the proposal would introduce.

HSE has advised that after carrying out its assessment, it has determined that the risks to the surrounding population arising from the proposed change in the quantity of toxic materials are so small that there are no significant reasons, on safety grounds, for refusing hazardous substances consent. On that basis an appropriate consultation distance has been set within which the Council are required to consult with HSE on any future planning applications received. Notwithstanding the low societal risk, the Council are required to consider the surrounding uses and their sensitivity.

The area has been in industrial use since the 1970's and remains zoned for business and industrial uses (Policy BI1) in the current local development plan. This policy supports office, industrial and storage & distribution uses. Other supporting uses, which meet the needs of the area, are also permitted. The proposed local development plan, which is expected to be adopted in January 2017, does not intend

APPLICATION REF: 160830

changing the current situation in terms of land use and therefore it is anticipated that the area would continue to function for business and industrial use into the foreseeable future.

The actual uses within the surrounding area reflect the aspirations of the zoning policies and are typical of an industrial estate. There are no vulnerable uses such as hospitals, schools, care homes or prisons within close proximity or the wider industrial estate. The closest residential property is within the industrial estate, some 350m to the east at Rambala on Dyce Drive. Two houses are located 410m away to the south west at Standingstones Cottages and there is a further house at Quarry Croft some 420m to the north west, all beyond the edge of the industrial estate. In view of the advice provided by HSE the proximity of these uses are not considered to be of any material significance.

Therefore the continued use of the site as a major hazard establishment and the change in the level of toxic material present at the site would not conflict with existing surrounding uses.

There are no planning permissions for land in the surrounding area which would introduce incompatible uses which would sit uncomfortably alongside a major accident hazard site.

The remaining risk is essentially isolated to the natural environment, should a chemical spill occur. This is largely controlled by the COMAH regulations which require the operator to take all measures necessary to prevent major accidents and to limit their consequences on human health and on the environment.

The closest watercourse is the North Kirkhill Burn which is 95m to the north and the Farburn is 480m to the south east. The closest statutorily designated natural heritage site is the Corby, Lily and Bishops Loch Site of Special Scientific Interest (SSSI) which is 4.3km to the east. In order to minimise any harm to the environment in the event of an incident, all bulk storage tanks and blending vessels are located within their own bunded areas. In addition, the facility as a whole is bunded and surface water collected on site passes through interceptor tanks prior to discharge to the public sewer. These measures are already in place and the increase in the level of toxic material would not alter this.

In summary, taking into account the existing consent which already exists, the existing and likely future land use of the site and surrounding area and the advice from HSE, it is considered that the increase in level of hazardous substances identified in the application would be compatible with the surrounding current and future uses in the area.

RECOMMENDATION: Approve Conditionally

REASONS FOR RECOMMENDATION

An existing consent exists for the site and therefore the consideration of this proposal focusses on the proposed change in quantity of substances to be present on the site.

APPLICATION REF: 160830

The use of the site and surrounding area are typical of an industrial estate and there are no vulnerable uses present. It is not anticipated that the situation in terms of land use will change in the foreseeable future. There are no planning permissions for land in the surrounding area which would introduce incompatible uses which would sit uncomfortably alongside a major accident hazard site. HSE has advised that the risk to the surrounding population from the increase in substances present at the site would be so small, that there is no reason to refuse consent on safety grounds. All other consultees have provided advice or no observations.

In summary, taking into account the existing consent which already exists, the existing and likely future land use of the site and surrounding area and the advice from HSE, it is considered that the increase in level of hazardous substances identified in the application would be compatible with the surrounding current and future uses in the area.

CONDITIONS

(1) The hazardous substances shall not be kept or used other than in accordance with the particulars provided on the amended application form (e-mail received 15 September 2016), nor outside the areas marked for storage of the substances on the plan (it002) which formed part of the application.

Reason - To ensure that all parties recognise the scale and extent of the consent being granted.

ADVISORY NOTES FOR APPLICANT

(1) HEALTH AND SAFETY AT WORK ETC. ACT 1974

In accordance with the provisions of section 28 of the Planning (Hazardous Substances) (Scotland) Act 1997, nothing in this hazardous substances consent hereby granted shall require or allow anything to be done in contravention of any of the relevant statutory provisions or any prohibition notice or improvement notice served under or by virtue of any of those provisions. To the extent that such a consent or notice purports to require or allow any such thing to be done, it shall be void.

"Relevant statutory provisions", "improvement notice" and "prohibition notice" have the same meanings as in Part I of the [1974 c. 37.] Health and Safety at Work etc. Act 1974.

Planning Development Management Committee Detailed Planning Permission

161098/DPP: Change of use from existing park to car park with raised barrier access at Gilcomston Park Car Park, Aberdeen.

For: Skene Investments Ltd

Application Date:	29 July 2016
Officer:	Ross McMahon
Ward:	Mid Stocket/ Rosemount
Community Council:	Rosemount and Mile End
Advertisement:	N/A
Advertised Date:	N/A



RECOMMENDATION: Refuse

SITE DESCRIPTION

The application site comprises a triangular section of land to the north of Gilcomston Park, the extent of which is defined by the rear garden ground boundaries of one-and-a-half and three-and-a-half storey dwellings and flatted properties, the principal elevations of which face onto Gilcomston Park, Raeburn Place and Spa Street.

APPLICATION REF: 161098/DPP

Access to the site is made via a narrow drive taken from Gilcomston Park defined by a Council owned car park to the west and a one-and-a-half storey domestic property to the east. The site itself is somewhat overgrown and comprises a number of trees, some of which have recently been removed from the site without prior notification being submitted to the Council. Cartographical evidence demonstrates that, historically, the site was previously occupied by a number of outbuildings considered to have once been in use as a slaters yard/ workshop. A mix of land uses can be found within the area, however, the site is predominantly residential in character, reflective of it's zoning as a 'Residential Area' identified in the Aberdeen Local Development Plan 2012 (ALDP) proposals map. The application site is located within the Rosemount and Westburn Conservation Area.

DESCRIPTION OF PROPOSAL

The address and description of the proposal as stated in the application are somewhat misleading. The application site pertains to an area of land to the north of Gilcomston Park, despite being described as 'Gilcomston Car Park' on the application form. Currently, there is no car parking within the site itself. The description of the proposal as submitted is also incorrect in that it describes the current use of the site as a 'park'. The site is not a park, instead it comprises an area of unkempt vacant land/ greenspace. Furthermore, the application makes reference to the removal of two outhouses. Such outhouses, while indicated on the submitted drawings, are not present within the site.

Planning permission is sought for a change of use to 'private car park' which would provide a total of thirteen standard parking spaces to serve existing serviced apartments located in the vicinity, in addition to the formation of associated hardstanding, landscaping and the installation of a raised barrier access.

RELEVANT HISTORY

None relevant

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at www.publicaccess.aberdeencity.gov.uk.

CONSULTATIONS

Consultee	Date	Summary of Comments
Roads DM	15/11/2016	Notes that the proposal is contrary to policy T2; it has been demonstrated that there is no adequate justification for further parking associated with existing serviced apartments; internal layout issues which would result in potential road and pedestrian safety issues. Recommends refusal.

Flooding & Coastal	25/08/2016	Requests the following information: Drainage Impact Assessment; Flood Risk Assessment; SuDS Details; conformation that the store on site is 0.5% (plus climate change) and is existing at green field run off rate; confirmation that there is no overland flow existing on site.
Environmental Health	18/08/2016	No observations.
Community Council	03/10/2016	Objects on the grounds of loss of Urban Green Space. The site should be retained and developed for a community purpose.

REPRESENTATIONS

One hundred and fifteen (115) letters of representation have been received (one hundred and fourteen objecting (114) to the proposal, with one supporting), summarised below:

1. Negative impact on residential amenity by way of noise disturbance/ nuisance and loss of privacy to surrounding properties and private garden ground;
2. The proposal would create conflict between pedestrian and vehicular movements creating a safety hazard;
3. The provision of car parking will ultimately attract more traffic into the area and increase vehicular movements on Gilcomston Park;
4. The provision of hardstanding will result in the loss of greenery/ trees/ wildlife within and out with the site, and thus would result in a negative impact on visual amenity;
5. The site is currently an eyesore and should be given a useful purpose – a carpark is much needed in the area.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because more than five letters of representation have been received objecting to the proposal; in addition to an objection from Rosemount and Mile End Community Council. Accordingly, the application falls out with the scope of the Council's Scheme of Delegation.

PLANNING POLICY

Aberdeen Local Development Plan 2012

- H1 – Residential Areas
- D1 – Architecture and Placemaking
- D3 – Sustainable Transport
- D5 – Built Heritage
- NE5 – Trees and Woodlands

APPLICATION REF: 161098/DPP

- NE6 – Flooding and Drainage
- T2 – Managing the Transport Impact of Development

Proposed Aberdeen Local Development Plan 2015

- H1 – Residential Areas
- D1 – Quality Placemaking by Design
- D4 – Historic Environment
- NE5 – Trees and Woodlands
- NE6 – Flooding, Drainage and Water Quality
- T2 – Managing the Transport Impact of Development
- T3 – Sustainable and Active Travel

OTHER RELEVANT MATERIAL CONSIDERATIONS

Supplementary Guidance

- Transport and Accessibility
- Trees and Woodlands

EVALUATION

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

Principle of Development

The application property is located within a 'Residential Area' as identified in the ALDP proposals map. The acceptability of the principle of the proposal is therefore established through its evaluation against Policy H1, which states 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.

The site is bound on all sides by a significant number of residential properties in close proximity – predominantly flats of three-and-a-half storeys – with their associated private/ communal gardens separated from the site by way of fencing, granite walls and hedging. Whilst it is noted that the site is somewhat unkempt and, despite its visual disconnect from Gilcomston Park, it currently provides a degree of outlook for surrounding residential properties from which they overlook what is loosely considered as a green space within a city centre location, which provides a visual respite from what is a relatively compact and constrained urban environment. As indicated on the proposed layout plan, it is clear that the degree of hardstanding proposed would have a significant impact on the visual amenity enjoyed by the residents of adjacent properties through the loss of green space in this location (approximately 73% of the site would be covered in hard landscaping/ stone chips).

The potential amenity impacts relating to the proximity of proposed car parking spaces to the rear elevations of surrounding residential properties and their private garden ground requires careful consideration. It is considered that the proposed use of the site would conflict with, and cause nuisance to, the enjoyment of residential amenity, particularly with regards to noise and activity i.e. the coming and going of vehicles on a regular basis throughout the day and night, in addition to the resultant visual nuisance associated with vehicle headlamps, particularly at night. Whilst it is noted that a number of surrounding dwellings would be adequately screened from site by way of existing boundary walls, and thus, from such conflict, to a degree – i.e. properties to the northern and southern boundary of the site – the height of existing boundary treatment to properties that border the eastern boundary of the site of the site is such to warrant concern, where there is little visual protection between the existing properties and the site itself. It is accepted that, in a city centre context, activity and nuisance associated with traffic/ parking are commonplace, particularly to principal, street facing elevations. However, in this instance, private, non-public garden ground of residential properties would be significantly impacted. While it is recognised that some form of screening could resolve this issue to some degree, it is likely that such screening would raise further amenity issues such as loss of daylight/ sunlight and loss of outlook, given that the garden ground of properties to the east of the site sit at a lower level than that of the site itself.

For the aforementioned reasons, it is considered that the proposal fails to comply with the relevant provisions of Policy H1 in that the proposed non-residential use is not considered complementary to residential use in that it would result in the loss of outlook and would cause conflict with residential amenity.

Transport, Accessibility & Sustainable Travel

The applicant has indicated that the purpose of the proposal is to provide overspill car parking for nearby serviced apartments at Rosemount Viaduct; Gilcomston Park and Baker Street. Policy T2 requires that new development should demonstrate that sufficient measures have been taken to minimise the traffic generated. Policy D3 requires that new development should be designed in order to minimise travel by the private car.

Whilst it is noted that the provision of parking is the proposed development in this instance, information pertaining to the current parking situation associated with the serviced apartments to which the proposal relates has been provided by the applicant and is outlined below.

- No. of existing apartments – **150**;
- No. of existing off-street private parking spaces – **69**;
- No. of proposed 'overspill' parking spaces – **13**;
- Total no. of existing and proposed parking spaces – **82**.

Maximum car parking standards are set out in the Council's Transport and Accessibility Supplementary Guidance (SG) document, which stipulates that, in city centre locations, serviced apartments are eligible for **0.25** spaces per apartment. The proposal would see the creation of **13** standard car parking spaces in addition to the existing parking provision of **69** spaces, giving a total of **82** spaces.

As per the Council's current guidance, the maximum car parking standard for **150** serviced apartments in a city centre location would equate to **37.5** spaces. Notwithstanding the proposed overspill car parking, the serviced apartments currently benefit from parking provision that is nearly double that of the current maximum parking standard for such a development, should it be considered under current policy and guidance. The creation of 13 additional spaces would result in parking provision that is **220%** of the current maximum parking standard for such a development in this location. There is therefore no justification for further parking demand associated with the service apartments in this location.

Furthermore, it should be noted that, had the principle of the proposal been acceptable, it would be almost impossible to ensure that the use of the proposed parking is bound to that of the serviced apartments in question, either through the imposition of a condition or otherwise. Should consent be granted, there would be little control over the car park being used for alternative private purposes i.e. the hiring out of spaces to city centre commuters, for example.

The principle of the proposal is not considered acceptable in terms of Policy T2 and D3 of the ADLP and the Council's SG: Transport and Accessibility in that, by virtue of the developments intended purpose, it has not been demonstrated that sufficient measures have been taken to minimise the traffic generated and the development has not been designed in order to minimise travel by the private car. Furthermore, it cannot be demonstrated that there is a further need for parking associated with the serviced apartments in question, and that, given the city centre location and access to local public transport networks and amenities, the principle of providing 13 additional parking spaces in this location cannot be justified.

Design, Layout & Road Safety

In terms of design and layout, the proposal raises a number of issues pertaining to access, manoeuvrability and safety, detailed below:

The width of the existing/ proposed access is particularly long and narrow (16.6 metres in length, 2.5 metres in width at its closest point; 2.8 metres at its widest). Whilst it is considered wide enough to accommodate a standard car, it is not wide enough to allow pedestrians safe passage to and from the car park whilst occupied by a moving vehicle, resulting in a potential safety issue.

The entrance to the proposed parking area within the site is considered to be unsatisfactory due to the angle of approach in relation to an existing high granite wall on the eastern boundary of the access, resulting in poor visibility of a large section of the site. This raises a safety concern in that, should the carpark be full, a vehicle entering the site would not be made aware of this until it had travelled the full length of the access and entered the car park itself, following which it would either have to reverse back down the narrow access onto Gilcomston Street with very limited visibility, potentially conflicting with pedestrian movements, or move into the car park, turn around and exit again, the manoeuvrability of which would be difficult as a result of the general parking layout whilst the car park is fully occupied.

Car parking space '1' would not have a full 6 metre aisle width behind it, therefore, this space is not considered to be viable and manoeuvrability into the space would

be difficult. Given the angle of approach, the spaces numbered '1' and '2' would be difficult to access. For example, a car is shown parked forward in space 1 on the submitted layout. This would require significant degree of manoeuvring, which would temporarily block the car park for other users.

The site is located within the Rosemount and Westburn Conservation Area. While it is accepted that the provision of a large area of hardstanding will inevitably have a resultant visual impact; taking into account the location of the site and its visual disconnect from public thoroughfares/ viewpoints etc. it is considered that, any impact on the character and appearance of the conservation area would be neutral in this instance. Thus, it is not considered that the physical aspects of the proposal would conflict with policy D5 of the ALDP.

Flooding & Drainage

Policy NE6 states that development will not be permitted where it would increase the risk of flooding through the discharge of additional surface water or where it would be at risk itself from flooding. The Council's Flooding and Coastal Team have identified the site as having a potential flood risk and accordingly have requested further information from the applicant in the form of a Flood Risk Assessment, Drainage Impact Assessment and SuDS details. Despite repeated requests, such information has not been forthcoming and issues pertaining to floor risk and drainage have not been resolved. Given that the majority of the proposal development comprises a large area of hardstanding – covering approximately 73% of the existing site – it is considered necessary to establish the suitability of the site for such a use prior to granting consent. Accordingly, the proposal fails to comply with Policy NE6 on the grounds of lack of information.

Impact on Trees & Replacement Planting

Policy NE5 sets out 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. Appropriate measures should be taken for the protection and long term management of existing trees and new planting both during and after construction. Buildings and services should be sited so as to minimise adverse impacts on existing and future trees and tree cover. Native trees and woodlands should be planted in new development. A tree protection plan for the long term retention of trees should be submitted and agreed with the Council before development commences on site.

The Council's Environmental Policy Team has noted that the existing sycamore trees found within the site proposed for removal are unlikely to be retained long-term due to their proximity to adjoining garden walls irrespective of whether or not the proposed development goes ahead. As such, their loss as part of the development would be considered acceptable.

There is potential for an off-site impact on existing trees located to the west of the proposed carpark entrance due to their proximity to the proposed development and access hardstanding. Further details would be required in order to assess any potential impact. An assessment to establish the extent of root growth and their incursion into the site should be undertaken. It is considered that these trees have a positive impact on the character and appearance of the area, and as such, it should

be adequately demonstrated that such trees can be afforded a sufficient level of protection throughout the development phase. Despite repeated requests, such information has not been forthcoming and issues pertaining to the impact on existing trees out with the site have not been resolved.

As required by Policy NE5, replacement tree planting is required within the site to mitigate the loss of existing trees where removal is considered acceptable. Accordingly, replacement species have been indicated within the proposed landscaping areas on the revised layout plan. To ensure the long-term retention of replacement it is likely that the number of parking spaces would need to be reduced to allow for the expansion of the landscaped areas to provide sufficient space to ensure the long-term retention of the planted trees. It has not been demonstrated through the submission of any further supporting information that the replacement planting scheme would be viable. The majority of proposed planting appears to be located in close proximity to surrounding properties, their boundary walls and areas of proposed hardstanding such that it is unlikely that they would survive in the long term.

For the aforementioned reasons, and due to lack of information the proposal fails to comply with Policy NE5 of the ALDP and the Council's SG: Trees and Woodland.

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 and the Reporter has now reported back. The proposed plan 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 comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The Reporter's response does not affect policies in a manner that is relevant to this application. In relation to this particular application proposal policies in the Proposed LDP are not materially different from those in the adopted LDP. Approval to adopt the LDP will be sought at Full Council meeting of 14th December. The actual adoption date is likely to be around the third week in January.

Matters Raised in Representations

Matters 1-4 raised through representations have been highlighted and addressed in the forgoing section of the evaluation. In terms of point 5, it is noted that the site is relatively unkempt, however, its value in terms of providing outlook for residential properties has been established through the evaluation section of the report, and furthermore, is reflected throughout the majority of representations submitted. While it could be considered that the site is not fulfilling its potential in terms of use, it should be noted that the proposed use for the site is for private purposes, will parking access limited to nearby serviced apartments.

RECOMMENDATION: Refuse

Should members wish to approve the application, it is recommended that a number of conditions are added to the consent requiring outstanding information pertaining to flooding and drainage issues (i.e. Flood Risk Assessment, Drainage Impact Assessment etc.), tree impact and proposed planting for existing and proposed trees within and outwith the site (Tree survey, Arboricultural Impact Assessment, Tree Protection Plan etc.), and the requirement for the submission of a suitable parking layout that takes into account any flooding/ drainage, tree related matters in addition to providing a suitable and viable layout/ parking spaces.

REASONS FOR RECOMMENDATION

While it is considered that the proposal would have a neutral visual impact on the character and appearance of the Rosemount and Westburn Conservation Area, the proposed carpark fails to comply with the relevant policies of the Aberdeen Local Development Plan, namely, T2 (Managing the Transport Impact of Development) and D3 (Sustainable Transport) in that it has not been adequately demonstrated that there is a need for further parking in the area, with the proposal exceeding maximum parking standards as set out in the Council's Supplementary Guidance: Transport and Accessibility document and additionally, the principle of providing further parking within a city centre location conflicts with the provisions of policies associated with sustainable transport and minimising travel by the private car, in addition to the fact that the parking layout would not be viable and may result in road and pedestrian safety issues within and out with the site. Furthermore, by virtue of its use, the development would result in the loss of amenity to surrounding residential properties by way of loss of outlook and noise/ light nuisance associated with the parking of vehicles on a regular basis adjacent to their private, non-public rear garden ground and habitable room windows, in conflict with policy H1 (Residential Areas). Additionally, it has not been demonstrated that the development would adequately deal with issues pertaining to an identified on site flood risk, nor has it been demonstrated the the development would ensure the long term retention of adjacent trees out with the site or ensure the viability of proposed tree planting, contrary to policies NE6 (Flooding and Drainage) and NE5 (Trees and Woodlands) respectively. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations – including the Proposed Aberdeen Local Development Plan – that would warrant approval of the application.

From: Secretary R&ME CC
Sent: 3 Oct 2016 16:34:05 +0100
To: Ross McMahon
Cc: John Gray;William Mackenzie
Subject: Gilcomston Park - P161098/DPP

Hello Ross,

We have discussed the above application at our September Community Council meeting and it has been minuted and agreed that Rosemount and Midstocket Community Council submit an objection to the application on the basis of importance of retaining all existing urban green spaces in line with the Local Development Plan. We would also encourage the consideration is given to developing the green space for a community purpose in support of the considerable Community objections that have been communicated to the Community Council.

I trust the above is in order to record our objection and ensure that this is communicated to the Planning Development Management Committee when it considers the application.

Regards, John
John Wigglesworth
Secretary



Aberdeen city council
Planning/ sustainable development,
Business Hub 4,
Marischal College,
Broad Street,
Aberdeen,
AB10 1AB

Dear Sir / Madam,

I disapprove the development of the park to be a new car park at Gilcomston Park, Aberdeen. reference number :161098/DPP

The reason in which I disapprove this proposed development are stated below:

- This proposal will create conflicts between pedestrians and vehicular movements at the site access and also generally in the area. In that pedestrian use of pavements at Gilcomston Park will be further restricted from increased use, especially at the entrance and exit to the car park, thereby creating a safety hazard.
- By using this property to build a new car park will introduces a diverse element that by reason of the use is likely to result in noise, disturbance and nuisance to the detriment of neighbour's residential amenity.
- The size and position of the proposed carpark would have an unacceptably adverse impact on the roads and encourage more traffic into the area. Since Gilcomston Park is only a short road and already has a fair amount of use.
- Its size and position would also have an unacceptably adverse impact on the amenity and enjoyment of the predominately residential properties immediately adjacent to the site and the surrounding area by reason of loss of privacy and noise and visually.

Address :

Fh D, 39 Spa Street, Aberdeen AB25 1PT

Name :

Nadine Lee

Signature:

[Redacted Signature]

Date:

22/08/2016

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

Date: 23/5/16 -

Dear Sir / Madam,

I'm [REDACTED] at 98 DeWBurn Court,

strongly object the proposed development of the car park space at
Gilcomston Park, Aberdeen. reference number :161098/DPP

The reason of this objection to this proposed development are due to
several reasons which it stated in this letter:

1. The proposal of developing a new car park will denfineity
create issues between pedestrians and vehicular movements
at the site and the generally in the area. As general
pedestrian use of the pavements at Gilcomston Park will
certainly be further restricted from increase of vehicles
,especially at the entrance and exit to the car park, this will
caues a safety hazard to everyone.
2. Opposite the proposed access point to the car park in the
planning application is a small park where often children in
the are play, and by creating a car park this will affected road
safety can endanger the safety of the children who access the
park.
3. The site is located in a predominantly residential area where
occupiers could reasonably expect a level of amenity
concurrent with their property. The use of this property as a
car park introduces a diverse element that by reason of the
use is likely to result in noise, disturbance and nuisance to the
detriment of neighbour's residential amenity.
4. Its size and position would also have an unacceptably adverse
impact on the amenity and enjoyment of the predominately
residential properties immediately adjacent to the site and the
surrounding area by reason of loss of privacy and noise and
visually.

Aberdeen city council
Planning/ sustainable development,
Business Hub 4,
Marischal College,
Broad Street,
Aberdeen,
AB10 1AB

Date: 22/08/2016

Dear Sir / Madam,

I,  41 SPA STREET, ABERDEEN

object the proposed development of the change of the park to be a car park space at the site of Gilcomston Park, Aberdeen. The application reference number :161098/DPP

The reason I object to this proposed development are provided:

- The site is located in a predominantly residential area where occupiers could reasonably expect a level of amenity concurrent with their property. The use of this property as a car park introduces a diverse element that by reason of the use is likely to result in noise, disturbance and nuisance to the detriment of neighbour's residential amenity.
- This proposal will create conflicts between pedestrians and vehicular movements at the site access and also generally in the area. In that pedestrian use of pavements at Gilcomston Park will be further restricted from increased use, especially at the entrance and exit to the car park, thereby creating a safety hazard.
- The size and position of the proposed carpark would have an unacceptably adverse impact on the roads and encourage more traffic into the area. Since Gilcomston Park is only a short road and already has a fair amount of use.
- Its size and position would also have an unacceptably adverse impact on the amenity and enjoyment of the predominately residential properties immediately adjacent to the site and the surrounding area by reason of loss of privacy and noise and visually.
- Lastly of all, is how this development of the new car park will mean that the natural greenery and the trees which has been here a long time will be destroyed. As people can see our greenery surroundings decreasing. And in this surrounding area are all housing and flats so keeping a space is very important. As this improves our surroundings.

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

Dear Sir/Madam,

Petition Against :REF NO:161098/DPP

Re: Change of use from Existing Park to Car Park with raised barrier access and removal of 2No outhouses,
Gilcomston Park Carpark , Gilcomston Park, Aberdeen, AB25 1PW

I, the below mentioned write to strongly oppose of use from Existing Park to Car Park ,This is due to the following reasons which I feel will have a negative environmental impact to the neighbourhood:-

1. The proposed development by reason of its size and position would have an unacceptably adverse impact on the amenity and enjoyment of the predominately residential properties (and particularly their gardens) immediately adjacent to the site and the surrounding area by reason of loss of privacy and noise and visually.
2. The site is located in a predominantly residential area where occupiers could reasonably expect a level of amenity concurrent with the property. (particularly a level of amenity in their own back gardens) The use of the property as a car park introduces a diverse element that by reason of the use is likely to result in noise, disturbance and nuisance to the detriment of our neighbours residential amenity.
3. The proposed development by reason of its size and position would have an unacceptably adverse impact on the roads and encourage more traffic into the area. Gilcomston Park is only a short road and already has a fair amount of use.
4. The proposals will create conflicts between pedestrians and vehicular movements at the site access and also generally in the area - in that pedestrian use of pavements at Gilcomston Park will be further restricted from increased use, especially at the entrance and exit to the car park, thereby creating a safety hazard
5. The proposed development want to change the small greenfield garden to be 16 cars parking spaces in behind our residential properties, it will be increase noises ,disturbance, nuisance and the safety hazard of everyone living here. in that area is not for commercial use ! there are located only for the residential living area. we already got the DENBURN big car park spaces and private car parks are closely located near to our residential area.
6. The proposed development want destory those natural greenery and tress which has been here along time ago .The landscape will loss of Greenfield and trees are which growth for the improves our surroundings living area, we hope that small piece garden can be maintence in as a natural green garden in these area
7. In opposite road which had the children playground , The proposed development will cause safety hazard and more traffic problems due to increase in the density. This would be dangerous to elder residents and children living in the area.

I therefore appeal to your good self to reconsider the proposed development and appreciate the plight of the local residents. Thank

NAME: 

ADDRESS: 29a Gilcomston Park

DATE: 24/8/16

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

Dear Sir/Madam,

Petition Against :REF NO:161098/DPP

Re: Change of use from Existing Park to Car Park with raised barrier access and removal of 2No outhouses,
Gilcomston Park Carpark ,Gilcomston Park, Aberdeen,AB25 1PW

I, the below mentioned write to strongly oppose of use from Existing Park to Car Park ,This is due to the following reasons which I feel will have a negative environmental impact to the neighbourhood:-

1. The proposed development by reason of its size and position would have an unacceptably adverse impact on the amenity and enjoyment of the predominately residential properties (and particularly their gardens) immediately adjacent to the site and the surrounding area by reason of loss of privacy and noise and visually.
2. The site is located in a predominantly residential area where occupiers could reasonably expect a level of amenity concurrent with the property. (particularly a level of amenity in their own back gardens) The use of the property as a car park introduces a diverse element that by reason of the use is likely to result in noise, disturbance and nuisance to the detriment of our neighbours residential amenity.
- 3 The proposed development by reason of its size and position would have an unacceptably adverse impact on the roads and encourage more traffic into the area. Gilcomston Park is only a short road and already has a fair amount of use.
4. The proposals will create conflicts between pedestrians and vehicular movements at the site access and also generally in the area - in that pedestrian use of pavements at Gilcomston Park will be further restricted from increased use, especially at the entrance and exit to the car park, thereby creating a safety hazard
5. The proposed development want to change the small greenfield garden to be 16 cars parking spaces in behind our residential properties, it will be increase noises ,disturbance, nuisance and the safety hazard of everyone living here. in that area is not for commercial use ! there are located only for the residential living area. we already got the DENBURN big car park spaces and private car parks are closely located near to our residential area.
6. The proposed development want destory those natural greenery and tress which has been here along time ago ,The landscape will loss of Greenfield and trees are which growth for the improves our surroundings living area, we hope that small piece garden can be maintence in as a natural green garden in these area
7. In opposite road which had the children playground , The proposed development will cause safety hazard and more traffic problems due to increase in the density. This would be dangerous to elder residents and children living in the area.

I therefore appeal to your good self to reconsider the proposed development and appreciate the plight of the local residents. Thank you

NAME

ADDRESS: 82 Denburn Court

DATE: 04 AUG 16.

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

Date: 23/8/16

Dear Sir / Madam,

I'm [REDACTED] at 28 Deburn Court AB25 1RS.

strongly object the proposed development of the car park space at Gilcomston Park, Aberdeen. reference number :161098/DPP

The reason of this objection to this proposed development are due to several reasons which it stated in this letter:

1. The proposal of developing a new car park will definitely create issues between pedestrians and vehicular movements at the site and the generally in the area. As general pedestrian use of the pavements at Gilcomston Park will certainly be further restricted from increase of vehicles ,especially at the entrance and exit to the car park, this will causes a safety hazard to everyone.
2. Opposite the proposed access point to the car park in the planning application is a small park where often children in the are play, and by creating a car park this will affected road safety can endanger the safety of the children who access the park.
3. The site is located in a predominantly residential area where occupiers could reasonably expect a level of amenity concurrent with their property. The use of this property as a car park introduces a diverse element that by reason of the use is likely to result in noise, disturbance and nuisance to the detriment of neighbour's residential amenity.
4. Its size and position would also have an unacceptably adverse impact on the amenity and enjoyment of the predominately residential properties immediately adjacent to the site and the surrounding area by reason of loss of privacy and noise and visually.

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

Date: 23.8.2016

Dear Sir / Madam

I'm _____ at 35 DENBURN COURT _____

strongly object the proposed development of the car park space at
Gilcomston Park, Aberdeen. reference number :161098/DPP

The reason of this objection to this proposed development are due to
several reasons which it stated in this letter:

1. The proposal of developing a new car park will definitely create issues between pedestrians and vehicular movements at the site and the generally in the area. As general pedestrian use of the pavements at Gilcomston Park will certainly be further restricted from increase of vehicles, especially at the entrance and exit to the car park, this will cause a safety hazard to everyone.
2. Opposite the proposed access point to the car park in the planning application is a small park where often children in the area play, and by creating a car park this will affect road safety and endanger the safety of the children who access the park.
3. The site is located in a predominantly residential area where occupiers could reasonably expect a level of amenity concurrent with their property. The use of this property as a car park introduces a diverse element that by reason of the use is likely to result in noise, disturbance and nuisance to the detriment of neighbour's residential amenity.
4. Its size and position would also have an unacceptably adverse impact on the amenity and enjoyment of the predominantly residential properties immediately adjacent to the site and the surrounding area by reason of loss of privacy and noise and visually.

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

Dear Sir/Madam,

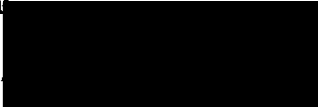
Petition Against :REF NO:161098/DPP

Re: Change of use from Existing Park to Car Park with raised barrier access and removal of 2No outhouses,
Gilcomston Park Carpark, Gilcomston Park, Aberdeen, AB25 1PW

I, the below mentioned write to strongly oppose of use from Existing Park to Car Park, This is due to the following reasons which I feel will have a negative environmental impact to the neighbourhood:-

1. The proposed development by reason of its size and position would have an unacceptably adverse impact on the amenity and enjoyment of the predominately residential properties (and particularly their gardens) immediately adjacent to the site and the surrounding area by reason of loss of privacy and noise and visually.
2. The site is located in a predominantly residential area where occupiers could reasonably expect a level of amenity concurrent with the property. (particularly a level of amenity in their own back gardens) The use of the property as a car park introduces a diverse element that by reason of the use is likely to result in noise, disturbance and nuisance to the detriment of our neighbours residential amenity.
3. The proposed development by reason of its size and position would have an unacceptably adverse impact on the roads and encourage more traffic into the area. Gilcomston Park is only a short road and already has a fair amount of use.
4. The proposals will create conflicts between pedestrians and vehicular movements at the site access and also generally in the area - in that pedestrian use of pavements at Gilcomston Park will be further restricted from increased use, especially at the entrance and exit to the car park, thereby creating a safety hazard
5. The proposed development want to change the small greenfield garden to be 16 cars parking spaces in behind our residential properties, it will be increase noises, disturbance, nuisance and the safety hazard of everyone living here. in that area is not for commercial use! there are located only for the residential living area. we already got the DENBURN big car park spaces and private car parks are closely located near to our residential area.
6. The proposed development want destory those natural greenery and tress which has been here along time ago, The landscape will loss of Greenfield and trees are which growth for the improves our surroundings living area, we hope that small piece garden can be maintence in as a natural green garden in these area
7. In opposite road which had the children playground, The proposed development will cause safety hazard and more traffic problems due to increase in the density. This would be dangerous to elder residents and children living in the area.

I therefore appeal to your good self to reconsider the proposed development and appreciate the plight of the local residents. Thank you

NAME: 

ADDRESS: 74, DENBURN COURT

DATE: 24/8/2006

Aberdeen city council
Planning/ sustainable development,
Business Hub 4,
Marischal College,
Broad Street,
Aberdeen,
AB10 1AB

Date:

Dear Sir / Madam,

I, [REDACTED] of 10 RAEBURN PLACE I/R

object the proposed development of the change of the park to be a car park space at the site of Gilcomston Park, Aberdeen. The application reference number :161098/DPP

The reason I object to this proposed development are provided:

- The site is located in a predominantly residential area where occupiers could reasonably expect a level of amenity concurrent with their property. The use of this property as a car park introduces a diverse element that by reason of the use is likely to result in noise, disturbance and nuisance to the detriment of neighbour's residential amenity.
- This proposal will create conflicts between pedestrians and vehicular movements at the site access and also generally in the area. In that pedestrian use of pavements at Gilcomston Park will be further restricted from increased use, especially at the entrance and exit to the car park, thereby creating a safety hazard.
- The size and position of the proposed carpark would have an unacceptably adverse impact on the roads and encourage more traffic into the area. Since Gilcomston Park is only a short road and already has a fair amount of use.
- Its size and position would also have an unacceptably adverse impact on the amenity and enjoyment of the predominately residential properties immediately adjacent to the site and the surrounding area by reason of loss of privacy and noise and visually.
- Lastly of all, is how this development of the new car park will mean that the natural greenery and the tress which has been here a long time will be destroyed. As people can see our greenry surroundings decreasing. And in this surrounding area are all housing and flats so keeping a space is very important. As this improves our surroundings.

Aberdeen city council
Planning/ sustainable development,
Business Hub 4,
Marischal College,
Broad Street,
Aberdeen,
AB10 1AB

Date: 22-8-16

Dear Sir / Madam,

My name is - [REDACTED] currently living at 23 E SPA ST.
I writing to oppose to the proposed planning development of changing the park into a car park at Gilcomston Park, Aberdeen. The reference number :161098/DPP

My objection reasoning's to this development are clearly listed below:

1. The site is located in a predominantly residential area where occupiers could reasonably expect a level of amenity concurrent with their property. The use of this property as a car park introduces a diverse element that by reason of the use is likely to result in noise, disturbance and nuisance to the detriment of neighbour's residential amenity.
2. Its size and position would also have an unacceptably adverse impact on the amenity and enjoyment of the predominately residential properties immediately adjacent to the site and the surrounding area by reason of loss of privacy and noise and visually.
3. The proposal will create conflicts between pedestrians and vehicular movements at the site access and also generally in the area. In that pedestrian use of pavements at Gilcomston Park will be further restricted from increased use, especially at the entrance and exit to the car park, thereby creating a safety hazard.
4. This proposed car park would have a adverse impact on the roads and encourage more traffic into the area. Since Gilcomston Park is only a short road and already has a fair amount of use.

ABERDEEN CITY COUNCIL

COMMITTEE	Development Management
DATE	8 December 2016
DIRECTOR	Pete Leonard
TITLE OF REPORT	St Peter's Nursery Site Redevelopment Brief
REPORT NUMBER	CHI/16/255
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The purpose of this report is to recommend that the St Peter's Nursery Site Redevelopment Brief be adopted as non-statutory planning guidance. A copy of the brief is available as Appendix 1 to this report.

2. RECOMMENDATION(S)

It is recommended that the Committee:

- (a) Note the results of the four week consultation period;
- (b) Adopt the St Peter's Nursery Site Redevelopment Brief as non-statutory planning guidance.

3. FINANCIAL IMPLICATIONS

The Council has an interest in the St Peter's Nursery site as a landowner.

There are no direct financial implications arising from this report.

4. OTHER IMPLICATIONS

There are no known legal or equipment implications arising from this report.

5. BACKGROUND/MAIN ISSUES

The Finance and Resources Committee, on 28 January 2010, authorised the Head of Resources Development and Delivery to market the former St Peter's Nursery site.

The marketing results were reported to the Finance and Resources Committee on 28 September 2010. Due to the presence of Japanese knotweed the sale of the site was not successful.

The site is now ready to be marketed again and once approved the St Peter's Nursery Site Redevelopment Brief should support and inform the site sales particulars.

The draft Redevelopment Brief provides site specific planning guidance, in support of the Local Development Plan, for any interested party in regard to appropriate redevelopment proposals for the site. It takes into consideration the character of the conservation area and covers issues such as preservation of the boundary wall and set back to the Spital, appropriate built form, layout, access and materials etc.

The guidance will be treated as a material consideration in the decision making process for redevelopment proposals

At their meeting on 27 October 2016, the Planning Development Management Committee approved the Draft Development Brief for consultation.

Between 28 October and 24 November the Draft St Peter's Nursery Site Redevelopment Brief was subject to a four week public consultation period.

The draft brief was sent to the following for consultation:

- Old Aberdeen Community Council
- Froghall, Powis and Sunnybank Community Council
- Old Aberdeen Heritage Society
- 48 neighbours were notified

One response was received in support from Old Aberdeen Community Council, which also noted that the respondent would have liked to have seen the site used for council housing.

6. IMPACT

The brief contributes to "Aberdeen – The Smarter City" Vision. It will help to ensure that Aberdeen continues to be an excellent place to live, invest and do business, by stating clear physical context parameters and encouraging a high quality well designed redevelopment objectives for the site.

The production of the Draft Site Planning Brief directly 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;
- Our public services are high quality, continually improving, efficient and responsive to local people's needs.

The Draft Brief is consistent with the Council's Corporate Plan in particular seeking to deliver high levels of design from all development and maintaining an up-to-date planning framework. The Brief also meets the vision of the Community Plan in promoting a strong image of the City and a sense of civic pride.

The Draft Brief supports the Council's 5 year Business Plan in terms of protecting and enhancing our high quality natural and built environment.

The Draft Brief 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.

The Brief is likely to be of interest principally to those members of the public and key stakeholders who have an interest in the redevelopment of the site as it provides guidance in regard to appropriate redevelopment proposals.

An Equalities and Human Rights Impact Assessment (EHRIA) has been submitted. A summary of the EHRIA is appended to this report. A Privacy Impact Assessment was considered to be unnecessary in this case.

7. MANAGEMENT OF RISK

The creation and approval of redevelopment briefs contribute to the efficiencies in determining future planning applications and a reduction in Council staff time to assess future detailed proposals. The consultation and approval can front-load the development and planning processes for a range of interested parties. Publically available specific planning advice thereby providing degrees of certainty and clarity as to likely issues, uses and the forms of development envisaged.

If the Draft Brief is not accepted the risk is that redevelopment of the site will take place with no clear guidelines and parameters for the site.

8. BACKGROUND PAPERS

Planning Development Management Committee, 27 September 2016
Item 4.2

<http://councilcommittees/documents/s61840/161027%20Draft%20St%20Peters%20Nursery%20Brief%20Committee%20Report.pdf>


Appendix 1 - DRAFT St Peter's Nursery Site Redevelopment Brief


9. REPORT AUTHOR DETAILS

Alison Hope

Planner – Local Development Plan Team / Masterplanning, Design and Conservation Team

Communities, Housing and Infrastructure

 01224 (52) 3331

 alihope@aberdeencity.gov.uk

Draft St Peter's Nursery Site Redevelopment Brief

Introduction

This brief gives site specific planning guidance in support of the Local Development Plan for the redevelopment of the St Peter's Nursery site. The site has been vacant for a number of years and has become overgrown with the buildings in a state of disrepair. The Council, as landowner and planning authority, are keen to promote the site for appropriate redevelopment.

Location

The site, in the Old Aberdeen Conservation Area, is approximately 1.5 miles from the City Centre and within close proximity to the University of Aberdeen and Aberdeen Sports Village – Sports Centre.

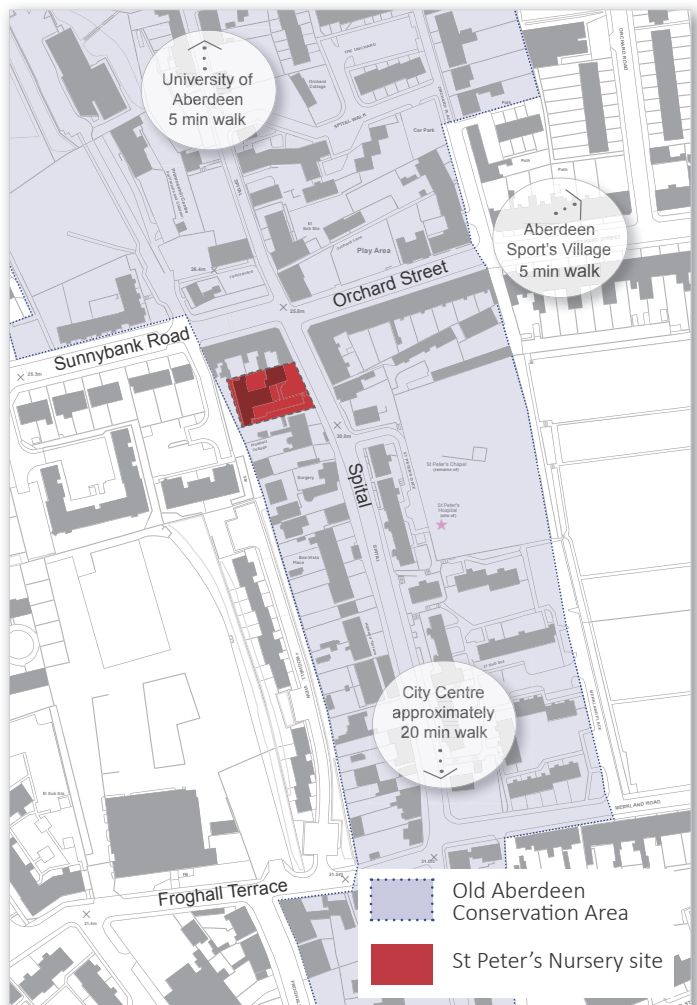
The site

The main building is a single storey 'T' shaped granite and slate built former nursery which sits along the western boundary, set back from the Spital. In the northern half of the site there is a smaller timber extension.

There are several mature trees along the eastern edge, which along with the boundary wall, contribute to the important characteristics of the Conservation Area.

The site has gated pedestrian and cycle access from the eastern boundary with the Spital. There is no means of access to the site because the rear boundary is elevated above the residential development to the west.

The site is surrounded by predominantly residential development. However, at the junction of the Spital and Orchard Street there are a range of amenities and uses including a public house, bookshop, general store and fast-food takeaways.



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Location Map

Site Information

Size	Total site: approx. 835m2 Building footprint: approx. 293m2
Aberdeen Local Development Plan 2012	Opportunity Site 119 Allocated as mixed use
Proposed Aberdeen Local Development Plan 2016	Opportunity Site 92 Allocated as mixed use
Listed Building(s)	No
Conservation Area	Old Aberdeen
Appropriate Uses	Mixed Use e.g. Residential Shops Financial/Professional Food and Drink Non Residential Institution e.g. nursery
Ownership	Aberdeen City Council

Context and Analysis



Context Map

Conservation Area

The site is located within the Old Aberdeen Conservation Area and specifically the Spital character area. An appraisal of the [Old Aberdeen Conservation Area](#) was carried out in 2015. The appraisal notes the following as strong character features:

- Granite boundary walls forming the street edge
- Steep rise in the ground to the west giving buildings a monumental sense of place
- A wide variety of building heights, forms and features
- The Spital itself as a clear linear route
- The importance of setts as the carriageway surface to the street
- Mature trees within enclosures

Context - proposals must acknowledge

- Residential area
- All buildings address the Spital:

- on the east the built form predominantly fronts directly onto the Spital
- on the west the majority are set back with boundary walls fronting onto the Spital
- Acknowledge the elevated position of buildings along the Spital
- Route along the Spital - Core Path 21 (River Don - City Centre)
- Main pedestrian route for those travelling between the city centre and the University of Aberdeen
- Bus route with bus stops close to the site
- Views from the Spital:
 - north towards University of Aberdeen library
 - south towards Marischal College
- Site has suitable habitat for bats therefore will require a bat survey prior to demolition, building and tree work.



Redevelopment Characteristics

- The location of the site within the Old Aberdeen Conservation Area is an important consideration. Redevelopment proposals will only be acceptable where they enhance the character and setting of the Conservation Area. The design, materials, scale and siting must be appropriate to the character and setting of the area.
- The building line is predominantly set back from the street edge along the western side of the Spital. Development must follow this historic pattern and maintain an area of soft-landscaping along the Spital. This should be no less than the depth of the adjacent buildings.
- Any proposal for demolition in the Conservation Area must comply with Historic Environment Scotland's Policy Statement. Proposals for demolition will only be considered where evidence can be provided to demonstrate that retention of the existing buildings would be unfeasible, and that demolition and rebuild would be the only viable option to proceed.
- Proposals must comply with Historic Environment Scotland's Policy Statement which sets out key redevelopment principles, such as:
 - new development should understand and make a positive contribution to the existing urban structure
 - new development should respect the pattern of streets and spaces
 - new development can respond to the amount, nature and mix of current uses
 - new design should consider the surrounding scale, hierarchy and massing of the existing built form
 - the sensitive use of appropriate colour, texture and pattern of materials, whether traditional or contemporary, is important
 - an understanding of the historic evolution is essential in determining whether a historic setting needs enhancement

Building form and site layout

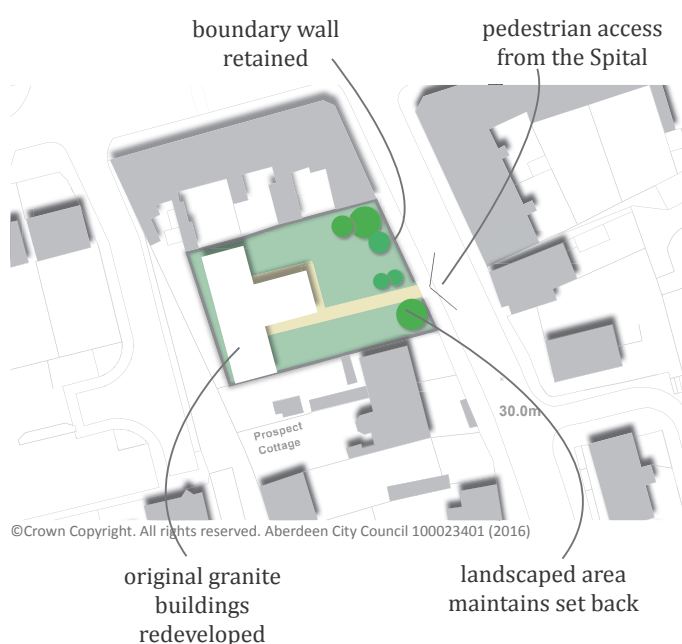
- The retention of the existing granite building is the preferred starting point for the redevelopment of the site. The building is not listed however the condition is likely to be very poor, therefore compliance with the Local Development Plan Policy regarding granite heritage and the reuse of granite on site must be adhered to.
- The boundary wall and an area of set back must be maintained along the Spital to preserve the character of the Conservation Area.
- Redevelopment proposals should not exceed the roof height of the adjacent building at 135 Spital.
- Redevelopment of 1 to 3 storeys that reflects the



1871 map (site shown in green)



1915 map (site shown in green)



Indicative Site Layout 1- Retention of existing building



Indicative Site Layout 2

gradient change would likely be acceptable in principle because the site slopes from East to West and South to North.

- New development must take into account the existing building line and maintain a set back no less than the depth of the adjacent buildings, as shown in the Indicative Site Layouts.
- New development must retain the boundary wall fronting onto the Spital.

Access

- The redevelopment of the site should be designed to minimise travel by private car and encourage active travel. Innovative car parking solutions such as 'no car' schemes are encouraged where low car ownership and use can be justified.
- To facilitate redevelopment it could be possible to temporarily remove a section of boundary wall along the Spital to allow for construction access. This must be returned to the original position and likeness on completion of the redevelopment.

Materials

- Aberdeen City Council's Local Development Plan Policy relating to granite encourages the retention of granite buildings, but if proposals for the site include demolition the granite must be reused as part of any redevelopment proposals and to be consistent with the Policy.
- Materials, in addition to re-used granite, must be of high quality and complementary to the surrounding historic character of the conservation area. It is particularly important that materials contribute aesthetically to the character of the area and do not attempt to replicate it.

Landscape

- The site contains some mature trees that should be retained and incorporated into new redevelopment proposals. In particular, the cherry tree located at the front of the site. For redevelopment a root protection area (RPA) of 8 metres must be established.
- Works affecting trees within a Conservation Area require 6 weeks written notice with the Council's Environmental Policy team for submission and approval.
- The creation of a small area of communal greenspace exclusive to the development is expected to form a 'set-back' from the Spital.

Next Steps

As proposals for the site are developed, it is likely the following be considered:

- Redevelopment proposals subject to pre-application discussions with Development Management
- Written formal notification regarding the trees on the site
- Bat survey
- Specific intentions with the existing building and if demolition is proposed a draft Historic Environment Scotland Policy Statement test.
- Submission of an Application for Consent to Demolish within a Conservation Area
- Planning Application (fee relative to scale and use)

Contact:

Planning

Planning & Sustainable Development
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Email:

Alison Hope- alihope@aberdeencity.gov.uk

Planning- pi@aberdeencity.gov.uk

Telephone: 01224 523470

Property

Neil Strachan
Property Estates Manager
Communities, Housing and Infrastructure

Email:

nstrachan@aberdeencity.gov.uk

Telephone: 01224 523062

Equality and Human Right Impact Assessment: The Form



EHR/IA

Please use this form to any new or revised **policy, strategy, plan, procedure, report or business case** – referred to as “**proposal**”.

If No impact assessment is required, please complete section 7&8 of the form providing the evidence to support your decision.

Aberdeen City Council

1: Equality and Human Rights Impact Assessment- Essential Information	
Name of Proposal:	Date of Assessment:
St Peter's Nursery Site Redevelopment Brief	05/10/16
Service:	Directorate:
Planning and Sustainable Development	Communities Housing and Infrastructure
Committee Name or delegated power reference (Where appropriate):	Date of Committee (Where appropriate):
Planning Development Management Committee CHI/16/255	27 October 2016 & 8 December 2016
Who does this proposal affect?	
Please Tick <input type="checkbox"/>	Employees <input type="checkbox"/>
<input type="checkbox"/>	Job Applicants <input type="checkbox"/>
<input type="checkbox"/>	Service Users <input type="checkbox"/>
<input type="checkbox"/>	Members of the Public <input type="checkbox"/>
<input type="checkbox"/>	Other (List below) <input type="checkbox"/>
2: Equality and Human Rights Impact Assessment- Pre-screening	
If No impact assessment is required, please complete section 7&8 of the form providing the evidence to support this decision	

3: Equality and Human Rights Impact Assessment	
a- What are the aims and intended effects of this proposal?	<p>To set development principles and parameters to guide appropriate redevelopment proposals for the former St Peter's Nursery site.</p> <p>To give greater certainty, clarity and confidence to the development process by setting and agreeing a series of design and development principles in order to facilitate and direct the right and most appropriate forms of development.</p> <p>To ultimately be a material consideration in the assessment and determination of planning applications for the site.</p>
b- What equality data is available in relation to this proposal? (Please see guidance notes)	<p>The selection of the site OP119 St Peter's Nursery underwent ratification through the process of creating the Aberdeen Local Development Plan. This process required public engagement and involvement through the Main Issues Report and Committee approval for public consultation, and was subject to examination by Scottish Ministers to conclude the process.</p> <p>The site has more recently been through the process again as OP92 St Peter's Nursery in the Proposed Local Development Plan 2016.</p> <p>ALDP Proposed Plan 2015: Main Issues Report, Publicity and Consultation http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=62540&slID=26040</p>

<p>c- List the outcomes from any consultation that relate to equalities and/or human rights issues e.g. with employees, service users, Unions or members of the public that has taken place in relation to the proposal.</p>	<p>No equalities and/or human rights issued issues were raised in relation to the St Peter's Nursery site during public consultation.</p>
<p>d- Financial Assessment</p> <p>If applicable, state any relevant cost implications or savings expected from the proposal.</p>	<p>Costs (£)</p> <p>Implementation cost £ <input type="text" value="0"/></p> <p>Projected Savings £ <input type="text" value="0"/></p>
<p>e- How does this proposal contribute to the public sector equality duty: to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations?</p>	
<p>As the planning process seeks to put people at the core of planning matters and promotes good relations and wider community cohesion through good development, this proposal contributes to fostering good relations.</p>	
<p>f- How does this proposal link to the Council's Equality Outcomes?</p>	

The Council's Equality Outcomes relevant to the St Peter's Nursery Redevelopment Brief are:

12. People who feel safe in their homes and in a city that is family friendly by night.
17. The city environment and green spaces are cleaner, better maintained and more family friendly, taking account of physical accessibility and the needs of older people

4: Equality Impact Assessment – Test

What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by *The Equality Act 2010* ?

Protected Characteristic:	Neutral Impact: Please ✓	Positive Impact: Please ✓	Negative Impact: Please ✓	Evidence of impact and if applicable, justification where a 'Genuine Determining Reason' ^{**} exists <small>*(see completion terminology)</small>
Age (People of all ages)		✓		The redevelopment brief will set out principles to encourage a well-designed development that will impact positively on people of all ages.
Disability (Mental, Physical, Sensory and Carers of Disabled people)	✓			
Gender Reassignment	✓			
Marital Status (Marriage and Civil Partnerships)	✓			
Pregnancy and Maternity	✓			
Race (All Racial Groups including Gypsy/Travellers)	✓			
Religion or Belief or Non-belief	✓			

Sex (Women and men)	✓						
Sexual Orientation (Heterosexual, Lesbian, Gay And Bisexual)	✓						
Other (e.g: Poverty)	✓						

5: Human Rights Impact Assessment Test	
Does this proposal have the potential to impact on an individual's Human Rights? Evidence of impact and , if applicable, justification where the impact is proportionate	
Article	Evidence
Article 2 of protocol 1: Right to education No	N/A
Article 3: Right not to be subjected to torture, inhumane or degrading treatment or punishment No	N/A

Article 6: Right to a fair and public hearing No		N/A
Article 8: Right to respect for private and family life, home and correspondence No		N/A
Article 10: Freedom of expression No		N/A
Article 14: Right not to be subject to discrimination No		N/A
Other article not listed above, please state:		

6- EHRIA Summary and Action Planning				
Report Title	St Peter's Nursery Site Redevelopment Brief			
Assessment not required	Evidence	N/A		
Assessment completed	<p>As a result of completing this assessment, what actions are proposed to remove or reduce any risks of adverse outcomes which were identified.</p> <p>There are no risks identified and as such no actions proposed</p>			
Identified Risk and to whom:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
No risks identified	N/A	N/A	N/A	N/A

7: Sign off

Completed by (Names and Services) :

Alison Hope

Signed off by (Head of Service) :

Only sections 6 and 7 will be attached to the committee report

The full EHRIA will be published on Aberdeen City Council's website under http://www.aberdeencity.gov.uk/xeq_EHRIA_Search.asp

Please send an electronic format of the full EHRIA without signature to SHoward@aberdeencity.gov.uk

ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management Committee
DATE	8 December 2016
DIRECTOR	Pete Leonard
TITLE OF REPORT	Conservation Area Character Appraisals and Management Plan - Rosemount and Westburn
REPORT NUMBER:	CHI/16/284
CHECKLIST COMPLETED:	Yes

1 PURPOSE OF REPORT

This report presents the character appraisal for Rosemount and Westburn Conservation Area as a basis for public consultation. There are no proposals to amend the boundaries of the Conservation Area. The Character Appraisal is a large document and can be found via the following link:

<http://www.aberdeencity.gov.uk/masterplanning/>

2 RECOMMENDATIONS

2.1 It is recommended that the Committee:

- (a) Approve the draft Rosemount and Westburn Conservation Area Character Appraisal for a 6 week public consultation period.
- (b) Agree that, following the public consultation results be reported back to committee and any proposed revisions to the Conservation Area Character Appraisal to a subsequent meeting of this Committee expected to be 16 March 2017.

3 FINANCIAL IMPLICATIONS

3.1 There are no direct financial implications arising from the report. Any publication and consultation costs will be met within existing budgets

4 OTHER IMPLICATIONS

4.1 There are no known legal, resource, personnel, property, equipment, sustainability and environmental, health and safety policy implications arising from this report.

5 BACKGROUND / MAIN ISSUES

- 5.1 Conservation areas are defined in legislation as being “an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance” (Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997). Conservation area designation embraces the quality and interest of an area as a whole, rather than individual buildings within it.
- 5.2 Under current legislation, the conservation area designation automatically brings the following works under planning control:
- Demolition of buildings;
 - Removal of, or works to, trees;
 - Development involving small house extensions, roof alterations, stone cleaning or painting of the exterior, provision of hard surfaces and additional control over satellite dishes; and
 - Minor works that are “permitted development” elsewhere such as replacement windows and doors.
- 5.3 The *Conservation Area Character Appraisals and Management Plan* was approved the Development Management Sub-Committee on 18 July 2013. The document contains an overarching Management Plan that applies to all conservation areas in the City and character appraisals for 9 individual conservation areas. The Rosemount and Westburn Conservation Area Character Appraisal (Appendix 1) will be added to the suite of documents.
- 5.4 The *Aberdeen Local Development Plan 2017* commits the Council to producing conservation area character appraisals in order to support the built heritage planning policies, specifically Policy D4 – *Historic Environment* and D5 – *Our Granite Heritage*. Conservation area character appraisals define and evaluate key attributes such as buildings, streets, views and open space that contribute towards the areas’ special architectural and historic interest. As such, they provide supporting background information and are useful tools in assessing the impact of development on the character of a conservation area, as well as often being of general interest to the public.

Consultation

- 5.5 Conservation Area Appraisals provide an opportunity to involve communities in identifying the different characteristics and important elements of their Conservation Area.
- 5.6 The proposed consultation is for 6 weeks, starting w/c 9 January 2017. The Rosemount and Mile End Community Council will be consulted along with other stakeholders and members of the public. The document will be available in the Central Library, Rosemount Community Centre, Marischal College and on the Council’s website. The outcome of the consultation will be reported back to the Planning

Development Management Committee once the comments have been assessed and responded to.

6 IMPACT

6.1 Improving Customer Experience –

The Conservation Area Character Appraisal sets out the special interest and changing needs of the conservation area. They offer opportunities to educate residents about the special needs and characteristics of the area. Appraisals also inform policy and assist development management. The documents are of general public interest and will also inform development in these areas.

The consultation on this appraisal will allow the customer to get involved in planning and give them ownership of the document.

6.2 Improving Staff Experience –

The character appraisals will aid planning officers when considering applications for development by providing details of what is architecturally and historically important in these conservation areas.

6.3 Improving our use of Resources –

The document outlines what is of significance in the conservation areas. This will lead to informed consideration of planning applications in these areas and enable planning decisions to be made more quickly.

6.4 Corporate –

The proposal contributes towards the Aberdeen City Council vision for Aberdeen: 2012-17: Aberdeen – the Smarter City. In particular creating a City which is a great place to live, bring up a family, do business and visit. It specifically contributes to the following objective: Governance – encouraging citizens to participate in design and development.

The proposal contributes to the 5 Year Business Plan in terms of objective – Communication and Community Engagement; sharing our plans and aspirations for the city, – delivering an up-to-date plan, and facilitating new development projects to improve Aberdeen's living environment.

The proposal is consistent with the Council's Corporate Plan in particular with regard to delivering high levels of design from all development, maintaining an up-to-date planning framework.

The proposal is consistent with the Planning and Sustainable Development Service Plan, in particular engaging the community in the planning process.

6.5 Public –

The report is likely to be of interest to residents of the Rosemount and Westburn Conservation Area.

The report has no known impact on personal privacy.

7 MANAGEMENT OF RISK



- 7.1 If the recommendations are not accepted the Council will not have an up to date Conservation Area Appraisal for Rosemount and Westburn meaning the important characteristics and features of the Conservation Area will not be identified.
- 7.2 If the recommendations are accepted it will allow stakeholders to make comment and input into the Appraisal to encourage community engagement in the planning process.

8 BACKGROUND PAPERS

- 8.1 Conservation Area Strategic Overview and Management Plan

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=51256&slD=8453>

9 REPORT AUTHOR DETAILS

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 01224 (52) 2246
 @aberdeencity.gov.uk