

# Public Document Pack



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 24 May 2016

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Committee Room 2 - Town House on **WEDNESDAY, 1 JUNE 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, WILL BE AVAILABLE TO VIEW IN THE MEMBERS' LIBRARY**

### **MINUTES OF PREVIOUS MEETINGS**

- 1.1 Minute of Meeting of the Planning Development Management Committee of 21 April 2016 - for approval (Pages 5 - 22)
- 1.2 Minute of Meeting of the Planning Development Management Committee (Visits) of 28 April 2016 - for approval (Pages 23 - 26)

## **WHERE THE RECOMMENDATION IS TO DEFER FOR A PUBLIC HEARING**

- 2.1 Scottish Gas Network, Greenbank Crescent - Erection of Energy From Waste Facility - P160276 - Letters of Representation to follow (Pages 27 - 32)

Planning Reference – 160276

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

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=160276>

Planning Officer – Nicholas Lawrence

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

### **WHERE THE RECOMMENDATION IS ONE OF APPROVAL**

- 2.2 94 Queens Road - Change of use from residential to class 4 offices (Update report following re-notification) - P151795 (Pages 33 - 74)

Planning Reference – 151795

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

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

Planning Officer – Paul Williamson

- 2.3 455 George Street - Demolition of existing building and erection of student accommodation building, parking and landscaping - P151588 (Pages 75 - 112)

Planning Reference – 151588

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

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151588>

Planning Officer – Andrew Miller

2.4 26 Sunnybank Road and 16 Sunnyside Terrace - Subdivision of house to form 2 dwellings - P160306 (Pages 113 - 128)

Planning Reference – 160306

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

<http://planning.aberdeency.gov.uk/PlanningDetail.asp?ref=160306>

Planning Officer – Dineke Brasier

Website Address: [www.aberdeency.gov.uk](http://www.aberdeency.gov.uk)

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

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

Should you require any further information about this agenda, please contact Mark Masson on 01224 522989 or email [mmasson@aberdeency.gov.uk](mailto:mmasson@aberdeency.gov.uk) or Lynsey McBain on 01224 522123 or email [lymcbain@aberdeency.gov.uk](mailto:lymcbain@aberdeency.gov.uk)

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## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 21 April 2016. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Cooney, Corall, Cormie, Donnelly (as substitute for Councillor Crockett), Greig, Hutchison, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Nicoll, Jennifer Stewart, Sandy Stuart and Thomson

The agenda and reports associated with this minute can be found at:-  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MIId=3829&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.

### ANNOUNCEMENTS

1. The Convener welcomed everyone to the Committee whereby he wished the Queen a happy 90<sup>th</sup> birthday. The Convener also noted that items 2.5 (45 George Street) and 2.6 (122 Broomhill Road) had now been withdrawn from the agenda and would not be considered.

The Committee resolved:-  
to note the information received.

### MINUTE OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 17 MARCH 2016

2. The Committee had before it the minute of its previous meeting of 17 March 2016 for approval.

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

### MINUTE OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE DETERMINATION HEARING OF 16 MARCH 2016

3. The Committee had before it the minute of meeting of the Planning Development Management Committee Pre Determination Hearing of 16 March 2016 for approval.

The Committee resolved:-

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to approve the minute as a correct record.

### 94 QUEENS ROAD ABERDEEN – CHANGE OF USE – 151795

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

That the Committee approve the application for the change of use from residential to class 4 offices with extended car parking to the rear, subject to the following conditions:-

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

(2) That no development shall take place unless there has been submitted to and agreed in writing by the planning authority in liaison with Transport Scotland schemes for: (i) a one-way traffic management system, as agreed for withdrawn Application No. P131115 (and shown on the sketch plan appended to the TS response); (ii) a speed bump at the approach to the exit; (iii) the walls at the exit are to be lowered to 1m high to provide driver visibility of the pedestrian footway adjacent to the exit (1m back and 1m along the trunk road in both directions); (iv) the Operating Company are to be contacted regarding the timing and installation of the left turn only sign to be erected on the trunk road central reserve.

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

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

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

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

(7) that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, details of site and plot boundary enclosures (including the proposed retaining wall, and the provision of a new granite wall/railings to the car park boundary) for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood, and the character of the Conservation Area.

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

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

(10) that no part of the development hereby approved shall be occupied unless a plan and report illustrating appropriate management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) has been submitted to and approved in writing

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by the Planning Authority. The proposals shall be carried out in complete accordance with such plan and report as may be so approved, unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.

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

Members heard from Paul Williamson, Senior Planner, who summarised the application and also advised that a revised condition would be put in place in regards to condition 3.

Councillor Jennifer Stewart suggested that a site visit be arranged in order to determine the application.

### **The Committee resolved:-**

- (i) to request that condition 3 be amended, to read “that the development hereby granted planning permission shall not be occupied unless a scheme to promote the external access improvements including At Any Time Waiting Restrictions, and associated Traffic Regulation Order (TRO) in accordance with drawing no. A/13827-900 Rev 3 hereby approved, has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - To ensure the safety and free flow of the traffic, and to ensure the safety of pedestrians; and
- (ii) to agree that the application be deferred for a site visit on Thursday 28 April 2016 to allow the application to be determined.

### **MAKRO WELLINGTON CIRCLE ALTENS – ERECTION OF COFFEE SHOP – 160067**

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

That the Committee approve the application for the erection of a coffee shop including a “drive thru” takeaway, subject to the following conditions:-

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

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purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

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

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

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

### Informatives

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

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

Members heard from Paul Williamson who advised that a revised condition would be put in place in regards to condition 3. Members then asked a number of questions in regards to the application.

The Convener moved, seconded by Councillor Donnelly:-

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

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

That the application be refused due to safety concerns regarding the local school.

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On a division, there voted:- for the motion (9) – the Convener, and Councillors Corall, Cormie, Donnelly, Hutchison, Malik, Nicoll, Sandy Stuart and Thomson; for the amendment (8) – the Vice Convener, and Councillors Boulton, Cooney, Greig, Jaffrey, Lawrence, Jean Morrison MBE and Jennifer Stewart.

### **The Committee resolved:-**

- (i) to request that condition 3 be amended to read “that the development hereby granted planning permission shall not be occupied unless there has been submitted to and approved in writing a detailed Green Transport Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets - in order to encourage more sustainable forms of travel to the development; and
- (ii) to otherwise adopt the motion and approve the application, subject to the amended conditions.

### **BOYNE VILLA – CHANGE OF USE FROM RESIDENTIAL TO TRANSPORT DEPOT OFFICE – 151878**

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

That the Committee approve the application for the change of use from residential to a transport depot, office and storage/parking of vehicles, subject to the following conditions and subject to the securing of developer obligations for Strategic Transport Fund contribution:-

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

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

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

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

(3) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall also include indications of all

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existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

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

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

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

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

(8) that no development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems in accordance with the Cameron and Ross (March 2016) Drainage Impact Assessment, or such other as is subsequently submitted to and approved in writing by the Planning Authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

(9) Vehicle parking and turning areas shall not be used for any other purpose other than the purpose of the parking of vehicles ancillary to the development

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and use thereby granted approval - in the interests of public safety and the free flow of traffic.

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

Members asked a number of questions in regards to the application. Daniel Lewis spoke in furtherance of the application and advised that an extra condition could be added in regards to drainage issues as well as an informative in regards to the working hours.

The Convener moved, seconded by Councillor Donnelly:-

That the application be approved in accordance with the recommendation set out in the report as well as the extra condition and informatives.

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

that the application be refused on the grounds of road safety concerns and the risk of potential accidents.

On a division, there voted:- for the motion (12) – the Convener, and Councillors Corall, Cormie, Donnelly, Greig, Hutchison, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Nicoll and Sandy Stuart; for the amendment (5) – the Vice Convener and Councillors Boulton, Cooney, Jennifer Stewart and Thomson.

### **The Committee resolved:-**

- (i) to request that an extra condition be added in regards to drainage to read “that the transport depot use shall not take place unless there has been submitted to and approved in writing , in consultation with Scottish Water, by the planning authority full details of the foul drainage system for the site – in the interests of the environment, amenity and public health;
- (ii) to request that an informative be added, to read “that no construction or demolition work should take place:
  - (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;
  - (b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or
  - (c) at any time on Sundays, except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity; and
- (iii) to otherwise adopt the motion and therefore approve the application subject to the amended conditions and informative.



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### DECLARATION OF INTEREST

At this juncture, the Convener indicated that he would be speaking on behalf of Old Aberdeen Community Council and Old Aberdeen Heritage Society in support of their objections in relation to the following item of business, and therefore vacated the Chair in favour of the Vice Convener. Accordingly, in terms of Section 7.15 of the Councillors' Code of Conduct, the Convener declared an interest in the matter and withdrew from the meeting. The Vice Convener then took the Chair.

### 635 KING STREET ABERDEEN – CHANGE OF USE FROM DWELLINGHOUSE TO SIX BEDROOM HMO – 151919

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

That the Committee approve the application for the change of use from a dwellinghouse to a six bedroom house in multiple occupation, retrospectively, subject to the following conditions:-

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

### INFORMATIVES

#### Waste Services Comments

The 6 residents will require the following facilities:

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

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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](http://www.aberdeencity.gov.uk/wasteaware) or by phoning 08456 08 09 19.
- A path should be provided to the vehicle collection point which is level with bin stores. Pathways to the collection vehicles should be free of obstacles with provision of a slope should there be any gradient; so that any containment can be easily moved to the kerbside on collection days. Pathways should be suitably paved to allow bins to be moved safely.

In respect of any construction site signage it is important to note that in the interests of public safety, it is illegal to advertise on public highways, street furniture and lampposts. Any signage installed to direct visitors to the development requires to be authorised by the Planning Department. Anything installed out-with such approval could be classed as fly-posting and will incur action by Environment Officers.

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

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

Members then asked a number of questions in regards to the application. Andrew Miller spoke in furtherance of the report and answered member's questions in this regard.

Councillor Donnelly moved, seconded by Councillor Corall:-

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

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

That the application be refused on the grounds that the proposal is considered to result in an adverse impact on the amenity of the area, involving the loss of a domestic-scale residential use in favour of a more intensive occupancy of a commercial nature, contrary to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan. The proposal is also considered to exacerbate an existing overprovision of such properties within the surrounding area, contrary to the relevant guidance in the Householder Development Guide supplementary guidance.

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

There being an equality of votes, in terms of Standing Order 15 (5), the Vice Convener exercised his casting vote in favour of the amendment.

**The Committee resolved:-**

to adopt the amendment and therefore refuse the application.

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

### **ALTENS FARM ROAD – ERECTION OF A 3 STOREY OFFICE BUILDING AND ASSOCIATED WORKS – 140963**

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

That the Committee show a willingness to approve the application subject to conditions, but to withhold the issue of the consent document until the applicant has entered into a section 75 legal agreement to (a) secure a financial contributions towards the Strategic Transport Fund; (b) secure a financial contribution towards planned improvements to Wellington Road; and (c) secure a financial contribution towards core path improvements, for the erection of a three storey office building, incorporating undercroft car parking, surface car parking and landscaping.

**Conditions**

(1) DRAINAGE

No development shall take place unless a scheme of all drainage works (including calculations as necessary) designed to meet the requirements of Sustainable

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Urban Drainage Systems has been submitted to and approved in writing by the planning authority. Thereafter no part of the building shall be occupied unless the drainage has been installed in complete accordance with the said scheme, unless a written variation has been granted by the planning authority – in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

### **(2)EXTERNAL LIGHTING**

No development (other than site preparation and ground works) shall take place unless a scheme for all proposed external lighting has been submitted to and approved in writing by the planning authority. Thereafter no part of the office building shall be occupied unless the external lighting has been installed in complete accordance with the said scheme, unless a written variation has been granted by the planning authority - in order to ensure the site is adequately illuminated and to ensure public safety.

### **(3) EXTERNAL FINISHING MATERIALS**

That no development (other than site preparation and ground works) shall take place unless a scheme of all external finishing materials to the roof and walls of the development hereby approved has been submitted to and approved in writing by the planning authority. Thereafter the development shall be carried out in accordance with the details so agreed - in the interests of the visual amenity of the area.

### **(4) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

That no development shall take place unless a site specific construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority in consultation with SEPA. The CEMP must address the following issues (i) surface water management, (ii) site waste management, (iii) watercourse engineering, and (iv) borrow pits. Thereafter all works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the planning authority - in order to minimise the impacts of construction works on the environment.

### **(5) GREEN TRAVEL PLAN**

That no part of the office building shall be occupied unless there has been submitted to and approved in writing a detailed occupier specific green travel plan which (a) shall be in general accordance with the travel plan framework included within Part 5 of Transport Assessment SCT3766 (Issue 2) dated 7 December 2016 and produced by JMP and (b) must outline sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not

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meeting targets - in order to encourage more sustainable forms of travel to the development

### **(6) SUBMISSION OF LANDSCAPING SCHEME**

No development (other than site preparation and ground works) shall take place unless a further detailed scheme for the landscaping for the site (which shall include (i) indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, (ii) tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting and (iii) the proposed materials to be used to surface areas of hard landscaping) has been submitted to and approved in writing by the planning authority - in order to satisfactorily integrate the development into its surroundings and maintain the visual amenity of the area.

### **(7) LANDSCAPING IMPLEMENTATION**

All planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in order to satisfactorily integrate the development into its surroundings and maintain the visual amenity of the area.

### **(8) WELLINGTON ROAD / HARENESS ROAD JUNCTION**

No part of the office building shall be occupied unless the mitigation works to the A956 Wellington Road / Hareness Road junction have been completed in accordance with the proposals shown on JMP drawing SCT3766/I/RW1/002, or such other drawings as may subsequently be approved in writing the planning authority - in order to mitigate against the impact which would occur on the local road network as a result of the development.

### **(9) ALTENS FARM ROAD / HARENESS ROAD JUNCTION**

No part of the office building shall be occupied unless the mitigation works to the Altens Farm Road / Hareness Road junction have been completed in accordance with the proposals shown on JMP drawing SCT3766/P//GL/01, or such other drawings as may subsequently be approved in writing the planning authority - in order to mitigate against the impact which would occur on the local road network as a result of the development.

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### (10) PARKING PROVISION

No part of the office building shall be occupied unless the vehicle, motorcycle and bicycle parking has been constructed, drained, laid-out and demarcated in accordance with Mosaic Architecture + Design drawing AL(0)1000 (Rev.A) and AL(0)1024 or such other drawings as may subsequently be approved in writing the planning authority. Thereafter such areas shall not be used for any purpose other than the parking of vehicles, cycles and motorcycles ancillary to the approved office development - in order to provide a suitable level of vehicle parking for the proposed office building, ensure the free flow of traffic insurrounding streets and encourage more sustainable modes of transport.

### (11) BUS STOP IMPROVEMENTS

No part of the office building shall be occupied unless there has been submitted to and approved in writing by the planning authority details of the improvement of the existing bus stops at the following locations -

- a) on the west side of Wellington Road opposite 250 Wellington Road;
- b) on the east side of Wellington Road, beside the termination of Altens Farm Road;
- c) on the north side of Hareness Road, 55m east of the junction with Altens Farm Road; and
- d) on the south side of Hareness Road, 30m east of the junction with Altens Farm Road.

The said scheme shall make provision for bus shelters, timetables, lighting, boarding kerbs, and clearway markings at each bus stop, taking into account the locational characteristics of each stop - in order to encourage the use of public transport.

### (12) LOW AND ZERO CARBON BUILDINGS

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

### (13) VISITOR CYCLE PARKING

No part of the office building shall be occupied unless there has been submitted to and approved in writing by the planning authority details of visitor cycle parking to be located within 50m of the building entrance. Thereafter the building shall not be

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

occupied unless the cycle parking has been provided – in order to encourage cycling by visitors to the development.

### (14) WELLINGTON ROAD TRAFFIC SIGNALS

No part of the office building shall be occupied unless the signal timings of the pedestrian crossing 50m north of the junction with West Tullos Road and Hareness Road have been revised to take account of the alterations proposed to Wellington Road and in agreement with Aberdeen City Council's Intelligent Transport Systems Team – in order to maintain pedestrian safety.

Members then asked a number of questions in regards to the application. Garfield Prentice spoke in furtherance of the report and responded to members questions. Mr Prentice also advised that condition 1 could be amended in regards to Councillor Finlayson's query in regards to drainage and petrol interceptor.

The Convener moved, seconded by Councillor Donnelly:-

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

The Vice Convener, moved as an amendment, seconded by Councillor Jennifer Stewart:-

That the application be refused due to the negative impact the proposal would have on the current road network and infrastructure.

On a division, there voted:- for the motion (13) – the Convener, and Councillors Cooney, Corall, Cormie, Donnelly, Hutchison, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Nicoll, Sandy Stuart and Thomson; for the amendment (4) – The Vice Convener and Councillors Boulton, Greig and Jennifer Stewart.

### **The Committee resolved:-**

- (i) to request that condition 1 be amended to read " no development shall take place unless a scheme of all drainage works (including calculations as necessary) designed to meet the requirements of Sustainable Urban Drainage Systems and including a petrol interceptor within the car parks, has been submitted to and approved in writing by the planning authority. Thereafter no part of the building shall be occupied unless the drainage has been installed in complete accordance with the said scheme, unless a written variation has been granted by the planning authority – in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained," and
- (ii) to otherwise adopt the motion and approve the application subject to the revised conditions.

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

### 11 BAILIESWELLS ROAD – ERECTION OF 2 FIVE BEDROOM DETACHED HOUSES, ASSOCIATED ACCESS AND LANDSCAPING – 151858

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

That the Committee refuse the application for the erection of two five bedroom detached houses, associated access and landscaping..

**The Committee resolved:-**

to approve the recommendation and therefore refuse the application.

### KEPPLESTONE MANSION – CHANGE OF USE AND PART DEMOLITION OF MANSION HOUSE – 151056

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

That the Committee refuse the application for a change of use and part demolition of mansion house with alterations and an extension to form four apartments and the erection of a new building consisting seven apartments with associated car parking and landscaping.

**The Committee resolved:-**

to approve the recommendation and therefore refuse the application.

### DECLARATION OF INTEREST

At this juncture, Councillor Thomson indicated that he had been approached by members of the public in his ward and would be making representations on their behalf as a local member, following which, in terms of Section 7.15 of the Councillors' Code of Conduct, he would take no further part in the proceedings.

### 22 KINALDIE CRESCENT – SUB DIVISION OF RESIDENTIAL CURTILAGE AND ERECTION OF NEW DWELLINGHOUSE AND ASSOCIATED WORKS – 150311

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

That the application for the sub-division of residential curtilage and erection of a new dwellinghouse and associated works be **refused**.



## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

Members heard from Gavin Evans who summarised the application and answered various questions from members.

Councillor Jean Morrison MBE then suggested that a site visit be arranged in order to determine the application.

**The Committee resolved:-**

to agree that the application be deferred for a site visit on Thursday 28 April 2016 to allow the application to be determined.

### PLANNING ENFORCEMENT ANNUAL REPORT

12. The Committee had before it a report by the Director of Communities, Housing and Infrastructure, which informed members of the planning enforcement work that had been undertaken by the Planning and Sustainable Development Service from 1 April 2015 to 31 March 2016.

The Convener advised that members could contact the report author directly should they have any queries or questions regarding the report.

**The Committee resolved:-**

- (i) to thank officers for their efforts in preparing the report;
- (ii) to note that members should contact Robert Forbes directly should they have any questions in regards to the information contained within the report; and
- (iii) to otherwise note the information received.

### TECHNICAL ADVICE NOTE – THE REPAIR AND REPLACEMENT OF WINDOWS AND DOORS

13. The Committee had before it a report by the Director of Communities, Housing and Infrastructure, which sought to obtain approval for the adoption of Technical Advice Note (TAN) on the Repair and Replacement of Windows and Doors as non-statutory planning guidance.

**The report recommended:-**

that the committee –

- (a) note the results of the four week public consultation period, the officers response and the amendments made to the draft document as a result; and
- (b) adopt the Technical Advice Note: The Repair and Replacement of Windows and Doors document as non-statutory planning guidance.

**The Committee resolved:-**

to approve the recommendations.

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

### BRIEFING NOTE – ABERDEEN HARBOUR EXPANSION PROJECT

14. The Committee had before it a briefing note prepared by Gareth Allison, Senior Planner, which provided an update in regards to the harbour revision order and marine licenses, and a resolution of concerns raised.

The Convener thanked Mr Allison and the officers involved with this exercise and noted that it was a difficult exercise which was performed with due diligence.

**The Committee resolved:-**

to note the information provided.

### CONFIRMATION OF TREE PRESERVATION ORDER NUMBERS 232/2016 AND 233/2016

15. The Committee had before it a report by the Director of Communities, Housing and Infrastructure, which sought approval to confirm two provisional Tree Preservation Orders (TPO) made by the Head of Planning and Sustainable Development under delegated powers.

**The Committee resolved:-**

- (i) to agree to confirm the making of Tree Preservation Orders 232/2016 and 233/2016 without modifications and;
- (ii) to agree to instruct the Head of Legal and Democratic Services to attend the requisite procedures.

- **Ramsay Milne, Convener**

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 28 April, 2016. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor Milne, Convener, Councillor Finlayson, Vice Convener; and Councillors Cooney, Corall, Cormie, Donnelly (as substitute for Councillor Crockett), Greig, Hutchison, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Nicoll, Jennifer Stewart, Sandy Stuart and Thomson.

The agenda and reports associated with this minute can be found at:-  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=152&MI d=3835&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.

### 94 QUEENS ROAD - 151795

1. With reference to Article 4 of the minute of meeting of the Planning Development Management Committee of 21 April 2016, wherein it had been agreed to visit the site, the Committee had before it a report by the Interim Head of Planning and Sustainable Development **which recommended**:-

That the application for the change of use from residential to class four offices with extended car parking to the rear, **be approved subject to the following conditions**:-

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

(2) That no development shall take place unless there has been submitted to and agreed in writing by the planning authority in liaison with Transport Scotland schemes for: (i) a one-way traffic management system, as agreed for withdrawn Application No. P131115 (and shown on the sketch plan appended to the TS response); (ii) a speed bump at the approach to the exit; (iii) the walls at the exit are to be lowered to 1m high to provide driver visibility of the pedestrian footway adjacent to the exit (1m back and 1m along the trunk road in both directions); (iv) the Operating Company are to be contacted regarding the timing and installation of the left turn only sign to be erected on the trunk road central reserve.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)**

28 April 2016

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

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

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

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

(7) that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, details of site and plot boundary enclosures (including the proposed retaining wall, and the provision of a new granite wall/railings to the car park boundary) for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood, and the character of the Conservation Area.

(8) that no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained,

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

28 April 2016

together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.

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

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

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

Mr Kristian Smith (Team Leader, Development Management) addressed members of the Committee, whereby he advised that it had come to light that a section of the site had been plotted incorrectly during the validation process, which had resulted in not all of the appropriate neighbouring properties being neighbour notified of the planning application. Mr Smith indicated that re-notification would take place allowing a further period for representations to be made. As a result the application would now be considered at the next Planning Development Management Committee. The Convener then asked members if they were happy to proceed with the site visit and ask any questions to officers of the application, to avoid another site visit.

Members agreed and proceeded to ask questions of officers in regards to the application.

### **The Committee resolved:-**

to note that the application would be considered at the next Planning Development Management Committee, following the conclusion of the statutory neighbourhood notification consultation.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)**  
28 April 2016

**DECLARATION OF INTEREST**

**With reference to article 11 of the minute of the Planning Development Management Committee of 21 April 2016, Councillor Thomson took no part in the deliberations in respect of the following item.**

**22 KINALDIE CRESCENT – 150311**

2. With reference to Article 11 of the minute of meeting of the Planning Development Management Committee of 21 April 2016, wherein it had been agreed to visit the site, the Committee had before it a report by the Interim Head of Planning and Sustainable Development **which recommended:-**

That the application for the sub-division of residential curtilage and erection of a new dwellinghouse and associated works be **refused**.

The Convener moved, seconded by Councillor Cooney:-  
that the application be refused in accordance with the recommendation contained within the report.

Councillor Donnelly moved as an amendment:-  
that the application be approved.

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

**The Committee resolved:-**

to approve the recommendation and therefore refuse the application.

- **Ramsay Milne, Convener**

## PRE-HEARING DETERMINATION REPORT

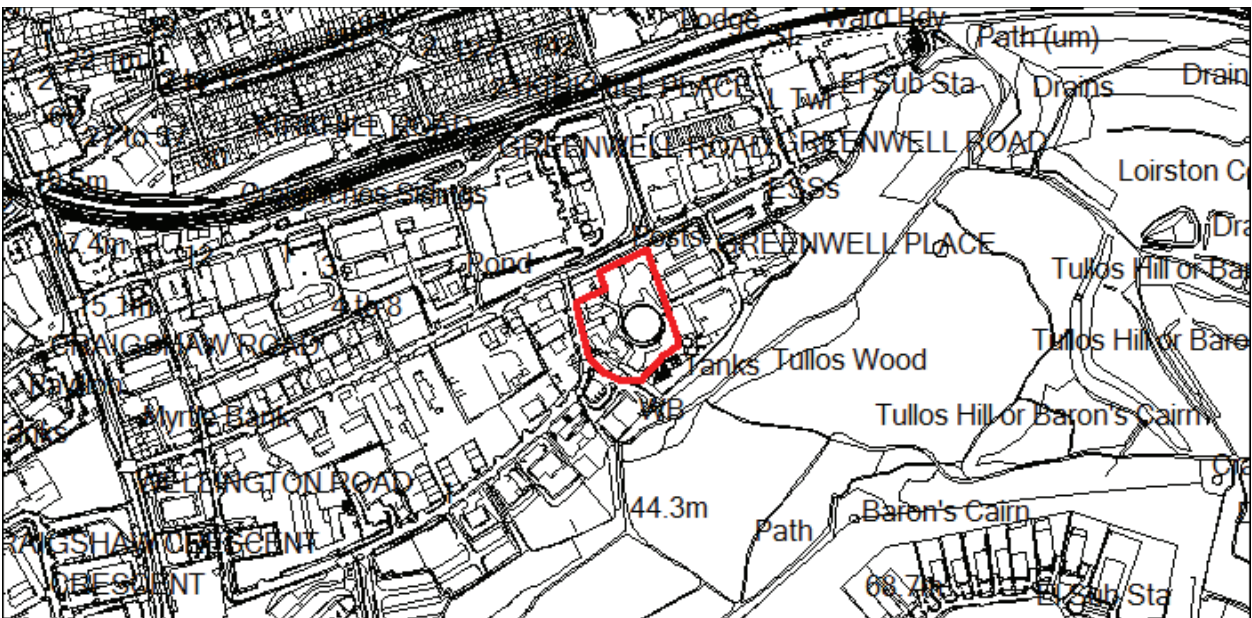
SCOTTISH GAS NETWORK, GREENBANK  
CRESCENT, ABERDEEN

ERECTION OF ENERGY FROM WASTE  
FACILITY, VEHICULAR AND NON-VEHICULAR  
ACCESSES, ANCILLARY BUILDINGS,  
ASSOCIATED INFRASTRUCTURE AND  
LANDSCAPING

For: Aberdeen City Council

Application Type : Detailed Planning Permission  
Application Ref. : P160276  
Application Date: 14/03/2016  
Officer: Nicholas Lawrence  
Ward : Kincorth/Nigg/Cove (N Cooney / A  
Finlayson/S Flynn)

Advert : Section 34 -Proj. Pub.  
Concern  
Advertised on: 30/03/2016  
Committee Date:  
Community Council :



### RECOMMENDATION:

That a hearing is held in respect of the proposed energy from waste facility at Greenbank Crescent, Aberdeen, before being referred back to the Planning and Development Management Committee for determination.

## **PURPOSE OF REPORT**

The purpose of the report is to seek Members resolution on two matters; firstly, whether a pre-determination hearing (hearing) for the proposed energy from waste facility (the proposed development) at Greenbank Crescent, Altens should be held prior to the determination of the application by the Planning Development Management Committee; and secondly, allowing for the significance of the proposed development, and the representations received, is whether the Planning Development Management Committee or the full Council should be the appropriate forum for the hearing, should Members resolve that a pre-determination hearing is held.

This matter is brought to the Committee under the discretionary powers conferred on local planning authorities under section 38A(4) of the Town and Country Planning (Scotland) Act 1997 (the Act) as introduced by the Planning etc (Scotland) Act 2006 (the 2006 Act).

Whilst this report does not provide any assessment of the proposed development it does set out the background to its production, an introduction to the proposal, and the basis of the recommendation of the Acting Head of Service (Planning and Sustainable Development). It should be noted that the purpose of this report is to consider whether a hearing should be held and consultee responses, save those of the Community Councils, are not cited as they form part of the assessment process that is not the subject of this report.

## **BACKGROUND**

The 2006 Act introduced the concept of the hierarchy of developments and defines the three categories in the hierarchy of development to which all planning applications will be allocated. The three categories are national development, major development and local development.

The 3<sup>rd</sup> National Planning Framework describes and designates developments that are national developments. Scottish Ministers have powers to make regulations to describe classes of development other than national developments and to assign each class to either major or local developments. The proposed development is categorised as a major development.

Under the provisions of section 38(A) of the Act the planning authority are to give to the applicant and to persons who submit representations to the planning authority in respect of that application in accordance with Regulations made by Scottish Ministers an opportunity of appearing before and being heard by a committee of the authority known as a pre-determination hearing.

A hearing is mandatory under section 38A(1) of the Act and Regulations when considering national developments or major developments significantly contrary to the Development Plan. In this case the proposed development is not captured by this provision of the Act or Regulations.



However, section 38(A)4 of the Act allows the planning authority discretion to hold hearings for other types of applications and offer the applicant and any interested parties an opportunity to address the hearing.

Circular 4 of 2009 (*Development Management Procedures*) (the Circular) states that examples of such categories of development which the authority might decide as requiring a hearing could include, for example, applications in which the Council has a financial interest; applications that have attracted a given number and type of objection; or an application relating to development in sensitive areas protected by statutory designations.

To supplement the Circular the Council on the 10<sup>th</sup> of June 2010 issued *Guidelines: When to hold public hearings in relation to planning applications*, which provided that when a planning application has been the subject of more than 20 objections; and the Council has a financial interest; and/or the application is a departure from the development plan then the Committee would determine if a hearing is to be held.

## **PROPOSED DEVELOPMENT**

In brief, the proposal comprises the demolition of the current gas holder on the site and its replacement with a Energy from Waste (EfW) facility comprising the following principle elements:

- 'Main' building measuring some 47.50 metres high, length of 170.00 metres with a depth of 51.40 metres that will house the processing plant, together with office and welfare functions. This aspect of the scheme also incorporates the flue stack that extends to 80.00 metres in height;
- Air Cooled Condensers and Combined Heat and Power (CHP) building with a height of 20.00 metres, length of 66.00 metres and depth of 20.00 metres;
- Substation compound that measures 15.00 in length, depth of 10.00 metres and 7.00 in height; and
- Firewater Tank that has a diameter of 15.00 metres and height of 12.00 metres

Other developmental elements include two weighbridges, parking for 22 cars, landscaping, drainage, albeit no details have been submitted in respect of perimeter fencing, security and utility lighting, save quoting similar developments.

With regard to the operation of the facility it would process domestic residual municipal waste from the administrative areas of Aberdeen City Council, Aberdeenshire and Moray Councils. There will be no pre-treatment of waste on site. The combustion process would recover energy from waste in the form of heat.

The scheme does not incorporate the exporting of electricity to the national grid or provide heat to the existing heat networks at Stockehill, Hazlehead, Seaton or

Tillydrone. It should be noted that there is no heat network to service the Torry community.

Whilst the facility will operate on a continuous basis, it is proposed that the delivery of waste and dispatch of materials would only occur between 07:00 hrs and 19:00 hrs Monday to Friday and between 07:00 hrs and 13:00 hrs on a Saturday. The consequent vehicle movements associated with the operational capacity of the facility (i.e. 150,000 tonnes of waste per annum) would equate to some 222 heavy good vehicle movements per week (40 movements a day).

## **BASIS OF RECOMMENDATION**

### **Consultation**

As the proposal constitutes a major development it is subject to the provisions of the Proposal of Application Notice procedure that provides for public engagement on the proposed planning application to be undertaken by the Applicant.

The first round of public events were held on the 16<sup>th</sup> of November 2015 at Torry St Fittick's Parish Church of Scotland between 10:00 and 21:00 hrs, with a subsequent event held on the following day at the Aberdeen Altens Hotel on Souterhead Road between 12:00 and 21:00 hrs.

A second round of consultation events were held on:

- 29<sup>th</sup> February 2016 at Torry St Fittick's Parish Council between 12:00 and 20:00 hrs
- 1<sup>st</sup> March 2016 at Aberdeen Altens Hotel between 12:00 and 20:00 hrs
- 2<sup>nd</sup> March 2016 at Tullos Primary School between 15:30 and 19:00 hrs

Aside from the aforementioned public events the Applicants addressed the Pre-Application Forum meeting on the 14<sup>th</sup> of January 2016. In addition, a series of meetings were held with the Case Officer and the Master Planning, Design and Conservation Team on design aspects of the proposed facility.

The planning application for the proposed development was validated by the Local Planning authority on the 15<sup>th</sup> of March 2016 and all relevant parties were duly notified. As the proposal constitutes a Schedule 1 development as set out in The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the statutory newspaper advert on the proposed development sought the submissions of representations on the application by the end of the 27<sup>th</sup> of April 2016. The Community Councils of Torry, Nigg, Cove and Althens and Kincorth/Leggart were given to the end of the 16<sup>th</sup> of May 2016 to submit their representations allowing for the meeting schedules of each of the Councils.

### **Representations Received**

The Application has attracted a significant number of objections compromising:

- Pro-forma letter/e-mail of objection – 211
- Individual letters of objection - 25

It should be noted that 1 representation in support of the proposed development was received on the basis that it is *an excellent idea to lessen landfill and provide cheaper energy* and is therefore a qualified representation of support. One further representation supported the principle of the development but raised concerns with regard to traffic impact and odour emissions.

The pro-forma representation raised the following issues

- Contrary to national policy on zero waste and will contribute to climate change
- Damaging to the environment
- Loss of amenity
- Damaging to health and the wellbeing of communities
- Financial implications
- Does not address the source of waste and contrary to policy R3 [New Energy from Waste Facilities] of the extant Aberdeen Local Development Plan (ALDP)
- Incinerate waste in one building in the North East is contrary to policy NE10 [Air Quality] of the ALDP
- Will lower air quality
- Size and design of the building contrary to policies D1 Architecture and Placemaking] and D6 [Landscape] of the ALDP
- Add to traffic congestion and air-pollution
- Date flawed
- Contrary to policy CF1 [Existing Community Sites and Facilities] of the ALDP and will adversely affect the health and mental wellbeing of the residents of Torry
- Too close to many thousands of family homes and one of the local primary schools

The policy headings have been added for clarification within the [ ] brackets.

Whereas; the individual letters of objection related to some 19 matters:

- Impact upon public health
- Proximity to primary school
- Increase in pollution
- Wrong location/site selection
- Should focus upon recycling
- Next to local nature reserve
- Road safety
- Increase in traffic
- Proximity to residents
- Damage to the environment

- Decrease property value
- Community problems
- Odour emissions
- Affect standard of living
- Lower house prices
- Does not supply heating
- Contribute to climate change
- Loss of amenity
- Design

The *Guidelines* merely states that part of the trigger event for determining whether a hearing should be held is receipt of 20 objections and not the originators of these objections. Consequently, responses of each of the Community Council's objecting to the proposed development are appended for Members reference.

The number of objections together and their content, which overwhelmingly focus upon relevant planning matters material to the decision taking process is considered to validate a hearing being held.

### **Financial Interest**

The Applicant (i.e. Aberdeen City Council) does not own the Site; however, the Applicant is in the process of purchasing the land for the purpose of the development and has an interest in the operation of the facility. Therefore the Applicant has a clear financial interest in the planning application.

### **SUMMARY**

The level of interest and in particular the nature of the objections raised on the application that address issues which are material to the decision-taking process are such that on this ground alone a hearing is justified as set out within the Circular as underpinned by the Act and the Council's own guidelines.

In addition, the financial interest that the Council has in the application warrants that a hearing is held on this matter.

### **RECOMMENDATION**

**That a hearing is held before being referred back to the Planning and Development Management Committee for determination.**

# Agenda Item 2.2

## Planning Development Management Committee

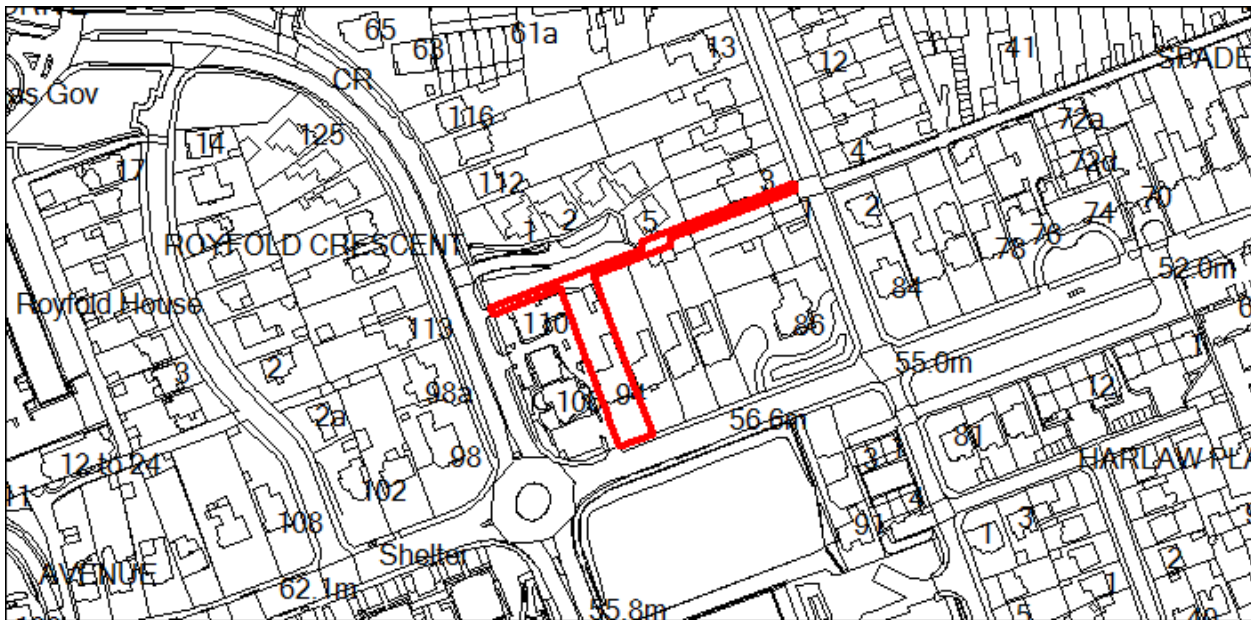
94 QUEEN'S ROAD, ABERDEEN

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

For: Monden Offshore Services

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

Advert : Section 60/65 - Dev aff  
LB/CA  
Advertised on: 02/12/2015  
Committee Date: 1 June 2016  
Community Council : Comments



### RECOMMENDATION:

Approve subject to conditions

## **DESCRIPTION**

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

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

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

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

## **RELEVANT HISTORY**

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

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

undertaken, and therefore the principle of the change of use had not been established.

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

## **UPDATE FOLLOWING PLANNING DEVELOPMENT MANAGEMENT COMMITTEE ON 18 JUNE 2015**

Following the Members decision of 21 April to undertake a site visit to the application site, it was also necessary to undertake a re-notification of the proposal to the relevant neighbours. The period for the receipt of valid representations expires on Wednesday 25 May. However, at the time of writing, a further 17 letters of objection had been received, in addition to those listed below. Of these representations, 3 were from parties who had already previously made timeous submissions

In most part, the matters raised reiterated the points made previously, and largely related to: road and pedestrian safety matters; the principle of the development; impacts on the character of the area, and upon residential amenity.

The only new matters raised related to (responses in italics):

- The incorrect notification of neighbours, and need to undertake the process again – *this has been subsequent undertaken;*
- No Transport Impact Assessment has been carried out – *the scale of the proposal is significantly below the threshold for such assessment;*
- Loss of Garden for Car Parking being contrary to Guidelines – *the provision of such parking areas is not precluded in the Council's relevant Supplementary Guidance relating to Transport and Accessibility;*
- No provision is made for access for emergency vehicles – *this is not a required consideration as part of this planning application;*
- Potential overspill parking onto Bayview Road – *No objection has been received by Roads Officers, and that area is already located within the Controlled Parking Zone;*
- Flood Risk due to surface water – *No observations were received from the Council's Flooding Team. Generally, Sustainable Urban Drainage Systems in such circumstances can be adequately controlled by planning condition;*
- Lack of a Waste Management Plan – *As the proposal would be for a commercial enterprise, it would be the occupants responsibility to ensure that adequate trade waste collection arrangements are made privately; and*
- The proposal cannot be implemented to due to land ownership constraints – *this is a private matter, and for the resolution of the applicant. If they are unable to resolve any land ownership issues then the likelihood is that any planning permission could not be implemented.*

## PROPOSAL

This application seeks planning permission for the following works:

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

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

## Supporting Documents

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

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

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

## REASON FOR REFERRAL TO COMMITTEE

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

## CONSULTATIONS

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

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



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

**Environmental Health** – No observations

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

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

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

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

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

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

## REPRESENTATIONS

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

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

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

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

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

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

## **PLANNING POLICY**

### **Scottish Planning Policy (SPP)**

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

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

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

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

Specifically, it states within paragraph 141 that "change to a listed building should be managed to protect its special interest while enabling it to remain in active

use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting, and any features of special architectural or historic interest”.

### **Scottish Historic Environment Policy (SHEP)**

Scottish Ministers want to:

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

The policy of the Scottish Ministers is that:

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

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

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

### **Aberdeen City and Shire Structure Plan**

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

## **Aberdeen Local Development Plan**

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

Policy H1 Residential Areas

Policy T2 Managing the Transport Impact of Development

Policy D1 Architecture and Placemaking

Policy D3 Sustainable and Active Travel

Policy D4 Aberdeen's Granite Heritage

Policy D5 Built Heritage

Policy NE5 Trees and Woodlands

## **Proposed Aberdeen Local Development Plan**

Policy H1 Residential Areas

Policy D1 Quality Placemaking by Design

Policy D4 Historic Environment

Policy D5 Our Granite Heritage

Policy T2 Managing the Transport Impact of Development

Policy T3 Sustainable and Active Travel

Policy NE5 Trees and Woodlands

## **Supplementary Guidance**

Subdivision and Redevelopment of Residential Curtilages

Transport and Accessibility

## **EVALUATION**

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

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

## SPP/SHEP

At the outset, it is acknowledged that the general stance of the Scottish Ministers and Historic Environment Scotland, is to presume against works which affect the special character or features of a historic asset. In this instance, the parallel application for Listed Building Consent (Ref: 151796) for the demolition of the

modern garage within the site shall be the subject of separate detailed consideration on its own merits. The works necessary to accommodate a commercial use are unlikely to require an application for Listed Building Consent in their own right.

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

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

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

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

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

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

#### Policy H1 (Residential Areas)

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

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

In this instance, the adjacent properties on Queen's Road on either side of the application site are both in residential use as flats, with No, 92 being a conversion, and the former Earl's Court Hotel to the west was converted and the subject of significant new build elements. The size of the host building itself, limits the level of occupation that can ultimately be achieved for office use. Furthermore, Class 4 office uses can generally be carried out in residential areas without any detrimental impact on the character or amenity of the adjoining residential uses. While the conversion of part of the back garden (about an additional 7 metres across the majority of the width in addition to the notable level of hardstanding already), would see the introduction of a parking area. However, a rear car park for 16 cars and the associated movements, in comparison to the significant usage of Anderson Drive, and Queen's Road at the frontage of site, are negligible, particularly in the respect of associated noise and amenity impacts. Such parking areas are not uncommon in the general area, and as such, would not be considered to have a significant detrimental impact on residential amenity or character as a result. This would therefore not be alien to the existing character of the area, and also takes cognisance of the requirements of the Supplementary Guidance relating to the Splitting of Residential Curtilages.

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

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

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

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

#### Policy D1 (Architecture and Placemaking)

It is considered that the proposals have taken account of the quality and special features of this Category B listed building, and the wider Albyn Place/Rubislaw Conservation Area. The proposal has taken account of its setting and would for all intents and purposes appear exactly the same from the principal viewpoints. The historical layout and function would still be evident, while the rear garden area would be simplified and de-cluttered, with the removal of the existing garage, and dominant coniferous trees along the boundaries. The provision of the formal hardstanding would be reflective of many of the surrounding feus within the surrounding area. As such, it is not considered that any visual detriment would arise as part of the proposals.

#### Policy D4 (Aberdeen's Granite Heritage)

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

#### Policy D5 (Built Heritage)

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

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

#### Policy NE5 Trees and Woodlands

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



Conservation Area, and therefore the proposal would not be at odds with Policy NE5 of the Adopted Local Development Plan.

#### Matters raised in representations

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

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

#### Proposed Aberdeen Local Development Plan

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

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

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

assessed on a case by case basis. In relation to this particular application, the policies of the Proposed Local Development Plan, largely reflect those within the Adopted Local Development Plan. Therefore there are no material considerations which would outweigh the policies of the extant Development Plan.

### Summary

As noted above, at the time of writing, a total of 17 additional letters of representation have been received. The content of those objections, have not altered the recommendation in this instance. While complex, it is considered that there is a potential design solution in order to access the proposed development. In order to be able to implement a permission, if granted, it would be the responsibility of the applicant to ensure that the necessary permissions of owners, and parallel consents are obtained. These would require the submission of further information to the Council, and statutory consultees for their approval, before any development work could commence on site.

## **RECOMMENDATION**

**Approve subject to conditions**

## **REASONS FOR RECOMMENDATION**

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

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

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

## CONDITIONS

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

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

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

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

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

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

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

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

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

(7) that no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, details of site and plot boundary enclosures (including the proposed retaining wall, and the provision of a new granite wall/railings to the car park boundary) for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood, and the character of the Conservation Area.

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

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

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

planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.

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

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Planning Ref 151795 - 94 Queens Road

Objection from Queens Cross / Harlaw Community Council

We strongly object to this Planning Application on several grounds.

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

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

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

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

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

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

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

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**From:** [webmaster@aberdeencity.gov.uk](mailto:webmaster@aberdeencity.gov.uk)  
**To:** [PI](#)  
**Subject:** Planning Comment for 151795  
**Date:** 06 May 2016 11:30:48

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Comment for Planning Application 151795

Name : I van wachem  
Address : 20 bayview road  
Aberdeen  
ab15 4ey

Telephone :

Email : [REDACTED]

type :

Comment : I object;

- change from residential to offices - doesn't fit the nature of the area  
- the car park in the rear will put more traffic through the single lane and through Bayview road. This parking will require to be accessed from the lane off Bayview Road between Margaret Duffus and No 3 Bayview road. This lane is so narrow that it does not even appear on Google Maps! There is no "through road" on it so all traffic entering and exiting 94 Queens Road's parking would require to do so through this narrow lane, on to Bayview Road. The current exit from this lane on to Bayview Road is difficult already. It is almost inevitable that the consequences of increased traffic using this lane will lead to double yellow lines either side of the lane and the consequent loss of parking this provides. It is also the loss of a residential building into commercial office space with consequent traffic and parking increases, contributing in general to the change in the character of the conservation area from one of residential to one of business and commercial.

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**From:** [webmaster@aberdeencity.gov.uk](mailto:webmaster@aberdeencity.gov.uk)  
**To:** [PI](#)  
**Subject:** Planning Comment for 151795  
**Date:** 22 May 2016 19:05:25

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Comment for Planning Application 151795  
Name : Mr David & Mrs Kathryn Fraser  
Address : Flat 3  
92 Queens Rd  
Aberdeen  
AB10 7 FW

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : OBJECTION TO PLANNING APPLICATION REFERENCES: 151795 FOR THE CHANGE OF USE FROM RESIDENTIAL (CLASS 9) TO CLASS 4 (OFFICES) AND EXTENDED CAR PARKING TO REAR, AND 151796 PROPOSED DEMOLITION OF GARAGE

Please accept this representation on behalf of the residents of 86, 88 and flats 1-5 at 92 Queen's Road. At the time of writing residents at 86 and 92 Queen's Road have yet to receive a correctly dated and addressed neighbour notification. Residents request that the determination of the above applications are deferred to afford Aberdeen City Council time to consider our representation.

The residents have reviewed the applications and find them to be at odds with national and local planning policy and respectfully request that both applications be refused. Failure to do so will set an undesirable precedent for similar developments within Aberdeen. Our reasons for objections are described below but are summarised as:

- &#8226; Proposed access cannot be achieved due to ownership restrictions;
- &#8226; The lane is in private ownership and a one-way system is unenforceable;
- &#8226; Vehicular safety;
- &#8226; Pedestrian safety;
- &#8226; Will set an undesirable precedent for similar developments in residential areas;
- &#8226; Erosion of residents amenity and privacy;
- &#8226; Detrimental impact on both the character of this area and the neighbouring listed buildings;
- &#8226; Flood risk from surface water run off;
- &#8226; Loss of garden ground to accommodate car parking is uncharacteristic of the area;
- &#8226; Loss of trees;
- &#8226; Is at odds with the City Centre Masterplan;
- &#8226; Office space available in the West End Office Area that could accommodate their requirement.

Whilst not an identified planning issue ownership is fundamental to this application and should not be overlooked. Not only does the applicant's red line boundary differ to the access plan but that it also includes land outwith his ownership; where he has failed to notify owners.

The wall to the south of the lane, which would require to be demolished to achieve the required visibility onto Bayview Road is owned by 86 Queen's Road. Land on the lane required to create a passing place is owned by 88 Queen's Road. Neither land owner was notified by the applicant nor would they be willing to part with their land to facilitate the development and make it acceptable in planning terms. Owners of these properties would be willing to present their title for inspection.

Should Councillors be minded to grant planning permission Kamran Syead confirmed to Councillors at the site visit on 28th April 2016 that the Roads Department would only find the proposal to be acceptable if the access proposed by drawing number 900 REV 3 be implemented in full. Kamran Syead confirmed at that visit the Roads Department would find the proposed access arrangement unacceptable if the applicant does not own all of the land on or adjacent to the lane. In recognition of this, the proposal is unacceptable and should be refused.

The Aberdeen Local Development Plan (ALDP) identifies the site as lying within a residential area where ALDP policy H1 applies; it also lies within the Albyn Place and Rubislaw Conservation Area. ALDP policy H1 states that proposals for non residential uses, such as this, within existing residential areas will be refused unless: they are considered complementary to residential use; or it is demonstrated that they would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

The amended access proposal will increase traffic on the lane, prevent pedestrian use of the lane

and have a detrimental impact on vehicular safety. This will cause conflict and nuisance for residents of 88, 90 and 92 Queens Road. Residents would confirm that only cars from Fairhurst (4 cars) and 92 Queens Road (9 cars) use the lane. With the addition of the office this figure will more than double to 29 cars; which will result in vehicular and pedestrian conflict as residents will undoubtedly be faced head on traffic on a daily basis. Despite comments from the Roads Officer at the Committee site visit residents would confirm that this is not the current position. Residents are seldom faced with head on traffic. Should the application be approved residents will be faced with head on traffic on a daily basis with cars being forced to reverse either to the private car park of 92 Queens Road if not blocked, as there is no turning area on the lane, or onto Bayview Road. It is an accident waiting to happen. This is especially true in winter months when the lane is sheet ice. Residents will be unable to stop to permit passing or reversing.

It should be noted that W A Fairhurst operate harmoniously at 88 Queen's Road, they do so because only 4 cars access the lane on a daily basis without passing residential properties to impact on their amenity. This is not the case at 94 Queen's Road.

There are no proposals contained within the application to control the use of the lane as a rat run for access to Anderson Drive. The lane is in private ownership and therefore the one way system is unenforceable.

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

This proposal is not complimentary to the residential use of the area; would erode residents enjoyment and cause vehicular and pedestrian conflict. As such it is at odds with ALDP policy H1 and The Sub-division and Redevelopment of Residential Curtilages (March 2012). The application should be refused.

ALDP Policy D3 directs that development be designed in order to minimise travel by private car and prioritises transport modes in the following order - walking, cycling, public transport, car and other motorised vehicles. This proposal is contrary to the policy. Namely, the proposal will change the rear access lane into a road and in doing so displace residents who use this lane to walk to/ from their place of employment. It will also prevent children from playing in the lane. This application prioritises the private vehicle over walking which lacks accordance with both national and local planning policy.

As highlighted at the Committee site visit, the lane is narrow (2.3 m) and cannot accommodate pavements to make the proposal acceptable in road safety terms. Furthermore, land to the south of the lane is owned by 86 Queen's Road who could fence this area off at any time thus removing a pedestrian passing point. Residents take issue with comments from the Road Officer who stated that the design of the access could be considered to be in compliance with Designing Streets. Designing Streets is adopted for all new residential development; not for change of use applications. In any event, Designing Street advocates against straight lengths of road, like the lane, as it encourages higher speeds of traffic. Likewise, the width of Mews streets (most similar to this) is suggested at 7.5m -12m in width; this lane is a mere 2.3m in width thus demonstrating that there is no space for vehicles and pedestrians to pass. Designing Streets also highlights to control traffic speeds block pavements or coloured asphalt should be used. Residents should not be required to contribute to the maintenance of this and ALL legal titles would be required to be updated at the cost of the applicant in recognition of that.

The applicant has not submitted a Waste Management Plan. Residents note their concern, having previously been disturbed at antisocial hours by commercial refuse collections, that a similar situation will arise. Should Councillors be minded to grant consent for this development residents would ask that a condition is placed on any consent requiring refuse to be collected after 7am in the interests of maintaining residential amenity.

The dwelling subject of this application does not lie in the West End Office Area; which ends at 70 Queens Road (currently being marketed for Class 4 use). The dwelling is located in a residential area (ALDP ref H1) that has a high standard of appearance and amenity, both in the attractive tree lined street and in the spacious rear gardens. The introduction of a non-residential use which requires the loss of their garden and 23 trees to operate would erode the character of and amenity of the residential area.

ALDP Policy NE5 - Trees and Woodlands and Supplementary Guidance Topic: Trees and Woodlands presumes against the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable. The loss of 23 trees required to accommodate car parking areas will impact on the character of this area and erode privacy enjoyed by the residents of 92 Queens Road and Earls Court. Both The Sub-division and Redevelopment of Residential

Curtilages (March 2012) (SRC) and policy NE5 of the ALDP presume against development that would result in the loss of established trees that contribute to the landscape character or local amenity. As such, the proposal lacks compliance with the above policy and guidance.

SRC goes on to state that car parking must not dominate amenity space and presumes against development that is alien to the density, character and pattern of development in the residential area. The application requires that more than 50% of the garden area be lost for car parking; with car parking dominating the rear of the property. This is uncharacteristic of dwellings located in the local area; all of which enjoy large gardens and amenity space. The loss of garden ground will have a detrimental impact on both the setting of 94 Queens Road and neighbouring listed properties. ALDP Policy D5 only permits proposals affecting listed buildings if they comply with Scottish Planning Policy. Paragraph 141 of SPP directs 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 setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting. Residents do not consider the proposal to comply with SPP. The erosion of garden ground to accommodate a car park is at odds with the character of listed buildings in this section of Queens Road and will adversely affect their settings.

SPP goes on to state that Proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area; (paragraph 143). The proposal will have a detrimental impact on the character of the conservation area and lacks compliance with the guidance contained in SPP.

Residents are concerned that the development of a car park at 94 Queens Road will damage the integrity of their boundary with 94 Queens Road; specifically concerns are noted regarding the boundary wall and garden ground. To accommodate a car park at 94 Queens Road, ground adjacent to 92 Queens Road will require to be removed, with a retaining wall erected to contain ground under and adjacent to the carpark. However, the applicant has not submitted details of any retaining wall nor has he provided details to demonstrate that the integrity of both property and garden ground at 92 Queens Road will be maintained.

ALDP Policy NE6 presumes against development if it would increase the risk of flooding. The Storm Water Drainage drawing submitted by the applicant fails to relieve residents' concerns regarding surface water flooding; created by the introduction of a car park that dominates the rear garden. The Storm Water Drainage drawing could be for any development and provides little information of value. No Soak Away tests are provided nor has a Drainage Impact Assessment been submitted. Understandably, residents are concerned that the introduction of a hard surface with no drainage proposal will increase the likelihood of flooding at neighbouring properties. This is unacceptable and contrary to ALDP policy NE6.

No evidence has been provided by the applicant to indicate that the applicant needs to be located within a residential area. There are a number of properties being marketed within the West End Office Area that could satisfy their requirements; without encroaching into a residential area. Councillors acknowledged this at their site visit. All of these buildings are better placed to accommodate office use and in doing so, deliver the objectives of the Aberdeen City Centre Master Plan; who's key objective is to bring people back into the city centre. Enabling office development within a residential area is at odds with this and should not be supported.

Whilst it is recognised that the dwelling is currently on the market it has not been on the market for a sufficient period of time to demonstrate that there is no interest in the property for continued residential use. For planning purposes properties are expected to have been marketed for a 2 year period at a reasonable price. This has not happened. The property has only been marketed for 12 months at an unachievable price in today's climate. There are other properties within Aberdeen which have been marketed for a longer period of time that remain unsold. Approval of this application would create an undesirable precedent for similar applications for change of use of a residential dwelling in a residential area to office. This is unacceptable.

The Design and Access Statement states that the building cannot be altered to accommodate a flatted development as it would compromise the integrity of the building. Issue is taken with this statement. There are plenty of examples in proximity to 94 Queens Road of properties that have sympathetically and successfully been altered to accommodate a flatted development. It is contended that the property could be sympathetically altered.

To conclude it is evident that the proposal for the development of an office building at 94 Queens Road lacks compliance with local and national planning policy and should be refused. If approved it will result in vehicular and pedestrian conflict; will greatly reduce the residential amenity currently enjoyed by surrounding properties; have a detrimental impact on the listed status of the building and those which are located in proximity to it; create an undesirable precedent; detract from the objectives of the Aberdeen City Centre Masterplan and will create a use which is very different from that of a house and uncharacteristic of the residential area. There is no locational requirement for

an office in this location and with a number of properties being marketed in the West End Office Area there is no justification for the development of office accommodation within a residential area. For the reasons stated above residents wish to object to this application in the strongest possible terms and respectfully request that it is refused.

Yours sincerely,  
Mr . David M & Mrs . KMA Fraser  
Residents of Flat 3 92 Queen's Road

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**From:** [webmaster@aberdeencity.gov.uk](mailto:webmaster@aberdeencity.gov.uk)  
**To:** [PI](#)  
**Subject:** Planning Comment for 151795  
**Date:** 03 May 2016 15:33:14

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Comment for Planning Application 151795

Name : Mrs Skidmore

Address : 10 Bayview Road  
Aberdeen

Telephone :

Email : [REDACTED]

type :

Comment : I have serious concerns over the application to extend the parking at the rear of the property.

Access to and from the parking would presumably be from Bayview Road. The proposed access is no more than a long driveway which is so narrow it doesn't show on google maps and is not a through road .All traffic entering and exiting 94 Queens Road's parking would require to do so through this narrow lane, on to Bayview Road.

The current exit from this lane on to Bayview Road is difficult already. It is almost inevitable that the consequences of increased traffic using this lane will lead to double yellow lines either side of the lane and the consequent loss of parking this provides. It is also the loss of a residential building into commercial office space with consequent traffic and parking increases, contributing in general to the change in the character of the conservation area from one of residential to one of business and commercial.

Bayview Road is a residential road with young children living there. Any increase in traffic due to the access required for the proposed additional parking will give rise to road safety issues.

I therefore think that the application for proposed extra parking at the rear should be rejected .

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**From:** [webmaster@aberdeencity.gov.uk](mailto:webmaster@aberdeencity.gov.uk)  
**To:** [PI](#)  
**Subject:** Planning Comment for 151795  
**Date:** 23 May 2016 13:24:42

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Comment for Planning Application 151795

Name : AngusDonaldson  
Address : Alma Cottage  
Drumaok  
AB31 5AD

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Please accept this representation to the above applications.

I frequently visit queens road and was alarmed by this application. I believe it should be refused.

In particular and following consideration of relevant planning and roads information would comment.

It would appear that the applications are inconstant with Planning Policy and should logically be refused.

In particular my grounds and reasons for objection include:

&#8226;Pedestrian and traffic safety is ignored;

&#8226;Will set a precedent;

&#8226;Negative impact on both the character of this area ;

&#8226;Loss of garden for car Parking

.Can the applicant deliver the proposal or is it dependant on land outwith the applicants control

I trust the above will be taken into consideration

Angus Donaldson

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**From:** [REDACTED]  
**To:** [PI](#)  
**Cc:** [REDACTED]  
**Subject:** Planning Application no:151795 - 94 Queen"s Road, change of use from Residential to Commercial use  
**Date:** 18 May 2016 10:58:59  
**Attachments:** [Planning Application 151795 94 Queen"s Road.docx](#)

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Dear Sirs / Madam,

Please find attached our representation and comments / objections to the above planning application.

With Regards,

A.M. and S.E. McIntosh



Planning Application no: 151795 – 94 Queen’s Road, change of use from Residential to Commercial use.

Objection to the proposal from A.M. and S.E. McIntosh, 14 Bayview Road, AB15 4EY

Dear Sirs /Madam,

Having reviewed this application and its supporting documents in detail, we strongly object to this planning application for several reasons:

**The Permanent Loss of a Residential Property:**

The applicant, Messrs. Michael Gilmore Associates, present their case by stating that the property is “totally unsuitable as a house” and present a case which essentially says that office development is the only viable future for the property, we consider this to be a completely erroneous argument.

Michael Gilmore Associates, which we will refer to as MGA, state:

The property has been on the market for 6 months with no noted interest for residential use and that it would be difficult to sell as a family home, we would comment that in the current property climate in Aberdeen, 6 months is by no means a long time marketing a property, many properties in Aberdeen and in this area and of similar type have been on the market for much longer than 6 months, we contend that this is not necessarily due to this particular property but due to the general prevailing market situation in Aberdeen. We do not believe sufficient time or effort has gone into trying to sell this as a residential property.

Further, MGA note that the property is in an area zoned as a residential area but state that it is “only 250m from the western boundary of the West End Office Area” implying that is sufficient reason to ignore that boundary. In our view it is not an acceptable argument, boundaries are set for very good reasons and must be respected, otherwise there will be continuous commercial creep into residential areas until residential areas in the city centre are smothered.

MGA cite the successful operation of WA Fairhurst and Partners and of the Grammar School FP Club, however these are a different situation to that of 94 Queen’s Road. The FP club is on a substantial, individual site with adequate facility for parking, entry and egress with no detriment to the area. Fairhursts have maintained the character of their building and operate the business without detriment to the residential properties nearby via using the extensive parking facilities of the FP club. An office development at 94 Queen’s Road will cause a detriment and loss of amenity to the neighbouring residents, which we will return to later.

MGA essentially argue that offices are the only viable option, this argument is also erroneous, in our view. MGA state that the building is well suited to office use; we argue that it is even better suited to residential apartments if not as a single dwelling. The detailed plans and layouts of the property indicate that it would be more easily adapted to conversion to apartments than to offices. From the plans it appears that the building is already more than one dwelling.

MGA also argue that offices would be better for preserving the building and its internal features, we totally reject that argument. Office use is a radical change from residential use. In our minds, individually owned and maintained flats are always going to be better preserved as residential dwellings and looked after by owner / occupiers or even by residential tenants. It is a simple case of pride of ownership in your own dwelling. We contend that there would be significantly less alteration to the building, both internally and externally, to make it residential flats than to convert to commercial premises.

MGA quote “minor alterations” and “little or no impact on the amenity of the immediate surroundings and overall character of the area”, we disagree with both points, the character of the

area would suffer the detriment of further, continuing commercial development in a residential area by worsening the appearance of the building and loss of its garden grounds to a car park and by the increased traffic which a commercial development would attract. It is misleading to state that “minor alterations” would be needed to convert the building to offices. The alterations would be significant to accommodate the large number of workers in the building in terms of kitchens, toilets, rest areas, installation of business systems and IT systems, emergency exits, safety systems as examples.

On traffic access, the location of 94 Queen’s Road makes it totally unsuitable for commercial development. The front access to the building is close to the busy Anderson Drive / Queen’s Road roundabout and is immediately adjacent to a pedestrian crossing, increased and frequent traffic to the front of the building will certainly increase the risk to pedestrians and to moving traffic. Although the plans indicate little change to the garden and access to the front of the building, it seems inevitable that if the commercial development is allowed, the front garden is likely to go the way of many offices on Queen’s Road and be converted to a front car park, with associated advertising signage, which would certainly detract from the character of the area.

MGA state there is a strong demand for office accommodation in the West End of Aberdeen, we cannot accept that argument. If that were the case, why are there so many offices in the area empty, either for sale or for let?

We do not accept that there is a need for further office development in the West End of Aberdeen and even less of a need to encroach on a zoned residential area to provide it.

#### **Detriment to the Surrounding Area and particularly to Bayview Road:**

We now draw your attention to our particular concerns over the detrimental effect we believe the commercial development would have on Bayview Road, where we are resident.

Bayview Road is an attractive, residential street and our concern is that further commercial development in the area would attract and increase the general volume of traffic in the area.

It is proposed that, if the commercial development proceeds, as it appears the relevant authorities wish to do, then access to the offices will be via a narrow, private lane off Bayview Road. This will substantially increase the volume of traffic on the Queen’s Road end of Bayview Road. The access lane is not like other lanes in the area, such as Spademill Lane which takes two way traffic, it is a narrow private lane suitable for only one vehicle width and with that vehicle driven carefully and slowly, which is fine for its present use but not suitable for heavy use. The lane is used for access to residential properties and for access to the rear of existing properties, heavy traffic will put the residential users at increased risk.

It is proposed to make the lane one way, with entry only from Bayview Road and with the associated road signage, which would definitely make the area less attractive.

It is also proposed to restrict parking on Bayview Road to give greater visibility to the lane; this will definitely cause considerable difficulty for the residents of Bayview Road, in particular those at numbers 3, 4 and 5. There is residents parking only in force on Bayview Road, which is good as it allows residents the amenity of parking at their places of residence, however we are only allowed a maximum of two permits thus any additions to this for visitors and the like have to be found outside the immediate area. Residents’ parking is thus a scarce amenity and any loss of valuable residents’ parking would be a big disadvantage to the residents, which, unfortunately, MGA have given no thought, or consideration to in their determination to make the commercial development work.

The lane is narrow and cannot be widened to the North as it provides the boundary and retaining wall support to the garden at the front of no: 3 Bayview Road, to the South it provides the boundary and support to the changing ground elevation with the Margaret Duffus commercial property. Thus if the commercial development proceeds and the lane is used for access, it has to be done using the lane as it stands. The proposal in that case to install double yellow lines seems redundant to us because:

1. The lines would be to improve visibility, but if it is used for entry only from Bayview Road with no egress, then improved visibility (for egress) is not needed.
2. As we have stated, the lane entrance cannot be improved, it is what it is, narrow and with high walls and entry pillars, double yellow lines would do nothing to improve the already good visibility of this.
3. Entry to the lane, whether from the North or the South has to be done at slow speed and making a 90 degree approach, adding double yellow lines would not change this and will only inconvenience the residents of Bayview Road.

If it is considered that if the entry lane cannot be used as it stands that must beg the question of whether it is at all suitable for increased vehicular access.

Residential use for 94 Queen's Road would not require any modification to the lane.

Also, we suggest that if the commercial development does go ahead, in spite of the objections, more should be done to make the vehicular access and egress from Anderson Drive. The lane there is shorter and wider and if it is used for access to 94 Queen's Road only, then a simple traffic management system could be used to give priority to the emerging traffic in that lane.

**Conclusion:**

In summary, we do not believe this commercial development should be approved and that more effort should be made to develop the building for residential purposes and as flats, for example, if it truly cannot be sold as a single dwelling.

However, taking a more pessimistic approach and assuming that the commercial development goes ahead in spite of our and others' objections, we suggest that in terms of vehicular access, it is done in a way that has no detriment whatsoever to the residents of Bayview Road.

We thank you for your consideration of our comments and representations.

Yours faithfully,

A.M. and S.E.McIntosh

**From:** [REDACTED]  
**To:** [PI](#)  
**Subject:** Planning application 151795  
**Date:** 09 May 2016 22:29:59  
**Attachments:** [image001.jpg](#)  
[image002.png](#)  
[image003.png](#)  
[Planning letter 94 Queens Road GK.docx](#)

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Please find attached letter relating to planning application 151795.

Kindly confirm receipt of my objections.

Regards,

Grant Knight.

Centraflow AS

**Grant Knight** / Director



**Centraflow AS**

Professor Olav Hanssens Vei 7, PB 8034, 4068 Stavanger, NORWAY

<http://www.centraflow.com>

-

5 Bayview Road

Aberdeen

AB15 4EY

Dear Sir/Madam,

I am writing to express my views on planning application reference 151795 in relation to 94 Queen's Road in Aberdeen.

I object to the planned change of use from residential to class 4 offices on the basis that the lane behind the building is unsuitable for additional vehicular access.

The lane is extremely narrow, and the high square pillars at the end of the lane closest to Bayview Road completely block the view of the pavements either side on Bayview Road when vehicular traffic is driving down the lane towards Bayview Road.

There are several families with small children living on Bayview Road or who use Bayview road as pedestrian access to surrounding streets. The back lane leading from Bayview Road to 94 Queen's Road already presents a hazard to pedestrians, and there are currently very limited amounts of traffic using the lane.

I have personally experienced several 'near misses' with cars coming down this lane when my children are walking along the pavement on Bayview Road.

Converting 94 Queen's Road into offices with associated additional parking would likely increase the frequency of traffic using this lane by a factor of 10 times.

Although a precedent has been set with large houses on Queen's Road being converted into offices, in most cases the rear lane behind these properties is as wide as a regular 'town street' and has good visibility at both ends. Spademill Lane illustrates this point – there is clear visibility at both ends and it's much wider than the lane leading from 94 Queen's Road to Bayview Road.

In addition to presenting a hazard to pedestrians, I believe that additional traffic exiting this lane will present a hazard to vehicles driving on Bayview Road due to the limited visibility at the end of the lane.

I believe that if planning permission is granted for a change of use in this case, there will subsequently be traffic related incidents which will lead to double yellow lines having to be painted on either side of the lane with associated loss of residential parking spaces on Bayview Road.

In addition to the traffic issues mentioned above, I believe that converting this premises to offices will detract from the nature of the conservation area in this location – currently being predominantly residential.

Yours sincerely,

Grant Knight.

**From:** [REDACTED]  
**To:** [PI](#)  
**Subject:** Objection to Planning Application 151795 94 Queens Road, Aberdeen  
**Date:** 07 May 2016 13:38:14  
**Attachments:** [IMG\\_20160507\\_120842.jpg](#)  
[IMG\\_20160507\\_121008.jpg](#)

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Dear Application Support Team

We wish to object to Planning Application 151795.

The proposal to change a residence into a class 4 office with extended parking is inappropriate for the following reasons: -

The access to the property is through a very narrow single track lane that winds its way past various obstructions. See the attached pictures. The lane serves a residential area where children play. The lane is not suitable for access by commercial vehicles. Safety hazards and risks would be introduced by this proposal.

Parking in the residential area of Bayview Road will become even more congested - we sometimes find that it is difficult to park near our home, even though we pay for residential parking. We are worried that the currently unoccupied offices in Spademill Lane already have the potential to tip parking in the area over the edge.

The residential West End of Aberdeen in our immediate area is being over run by the conversion of homes to offices. The amenity of the area is being degraded and no more home to office conversions should be sanctioned. (Note - Many of the conversions on Queens Road are currently unoccupied, indicating that the perceived demand for this type of office accommodation is simply not there). The West End should be preserved - not converted into amenity destroying offices for narrow financial gain.

The application is simply not compatible with the current use of buildings in this section of Queens Road and we request that the application is rejected.

Allison and Leslie Thomson

7 Bayview Road, Aberdeen

•











**94 Queens Road - Proposed Change of Use from Residential to Class 4 Offices**

151795 - 151796

**General.**

Residents of 92 Queens Road will be unable to safely exit the rear of their property by foot or by car.

They will be met by head on traffic every day.

This proposal will erode the privacy of residents of 92 and prevent them enjoying their home.

This is a Listed Residential Building in a Conservation Area. (Albyn Place/Rubislaw)

This is located in a residential area outwith the designated West End Office Area.

There is a huge surplus of office space in Aberdeen amounting to thousands of square metres available now and under construction (eg Marischal Square, The Capital, Silver Fin). In addition dozens of offices lie empty within the designated West End Office Area (26 along Queens Road and Albyn Place alone). It is the objective of Aberdeen City Centre Master Plan to bring people back into the city centre. Enabling office development within a residential area, especially in a Conservation Area, is at odds with this Master Plan and the Council's adopted view.

Businesses are closing down thus vacating more office space and there is no demand for offices in a non-designated area to the extent that a Conservation Area should be destroyed to exacerbate the problem of surplus office supply in the city.

**The Rear Lane.**

This is a narrow private lane which was a dirt track until recently and cannot accommodate two way traffic.

It is not controlled by Aberdeen City Council and is not subject to Traffic Enforcement Orders. There is no lighting, no footpath and no provision for gritting in winter.

The latest drawing from Cameron Ross is misleading and shows two way traffic on a lane which is only 2.30 m wide which will require blind, unsafe reversing along the lane. How will the Council control this? Will traffic lights be installed at Bayview Road and at various points along the lane to prevent conflict? The drawing also indicates a potential "Turning Area" (There is no width to turn a car) and hides the fact that a gate exists at this point to allow pedestrian access for residents to/from Earl's Court Gardens.

How will the Council maintain pedestrian safety?



Unlike Spademill Lane there are no footpaths and due to the narrow width it is impossible for vehicles and pedestrians to pass safely. Approval of this application would show a preference for private vehicles rather than pedestrians which is at odds with Scottish Planning Policy and Aberdeen City Council's own planning policy.

The drawing proposes too many confusing signs and the question of how they will be fixed is raised? They cannot be attached to walls in a Conservation Area.

Who will maintain and pay for the increased wear and tear of this lane damaged by increased traffic flow? There are at present 18 shares in this lane and they cannot be penalised for the development of an office to which they object.

#### **Privacy.**

Residents of 92 at present enjoy reasonable privacy in their rear garden which at present is at a dead end. This will be eroded by increased traffic and a through road. This conflicts with "The Sub-division and Redevelopment of Residential Curtilages (March 2012)" which states that developments should not reduce privacy currently enjoyed by residents. It also conflicts with Policy H1 which presumes against uses such as that proposed that would have a detrimental impact on residential amenity. In addition it would also negatively impact on the listed status of 92 Queens Road which conflicts with the policy of Historic Scotland.

This development will create disturbance by the constant coming and going of people and cars visiting the proposed carpark to a level of activity beyond what should be expected of a domestic garden especially in the summer when residents make constant use of the garden.

The loss of garden at 94 (more than 50% loss) to make way for a carpark is uncharacteristic of this Conservation Area and this carpark will dominate the area contrary to "The Sub-division and Redevelopment of Residential Curtilages (March 2012)"

The development does not provide sufficient car parking spaces to accommodate staff and visitors to the proposed office block and therefore drivers, finding no spaces at 94, will avail themselves of our car park spaces at 92 should they see an empty space. This will not be accepted as these spaces are owned by the residents of 92 Queens Road and are not there as an overflow carpark to an adjacent office development to which we object. This will cause serious conflict between residents and visitors to 94. In addition parking on Queens Road is very restricted and will force drivers to find space on Bayview Road and Rubislaw Den South to the annoyance of residents in these areas.



### **Existing Building at 94.**

This residence has been on the market for a relative short period of time and the evidence from Savills is that despite the downturn in the oil and gas industry there are no difficulties in selling buildings over £1 million provided they are priced at a realistic level for the present day market. Sales of homes priced at these levels compare similarly with the same period one year ago and dwellings of a similar price to 94 Queens Road are selling. This home will sell at the right price.

### **Other Matters.**

No Transport Impact Assessment has been submitted to identify the impact of additional traffic into the local road network especially around Anderson Drive and Bayview Road in particular in terms of road safety. 16 cars are proposed to park at 94 yet no evidence of how the lane's junction with Anderson Drive can cope has been submitted. Likewise no evidence has been submitted to demonstrate that the lane's junction with Bayview Road can cope with an additional 160% increase to that which the lane currently accommodates. Furthermore as these trips are predominantly in the am and pm peak times the effect will be much greater.

No Waste Management Plan has been submitted yet the level of noise and disturbance from the collection of office waste will impact on residents of 92 and traffic flow at a precarious location between Anderson Drive roundabout and the pedestrian crossing.

On occasions this lane has been blocked for maintenance work eg last Friday and Saturday BT vehicles blocked the lane for 2 hours on each day to work by hydraulic hoist to repair lines on a telegraph post. Recently the lane was blocked for days at the Bayview Road for construction works to an adjoining property.

Being a Conservation Area it is assumed that trees within 94 plot are protected by a Tree Preservation Order as is the case with our trees at 92. It appears that this has been overlooked in the proposal for an extensive carpark at 94. Policy NES of the ALDP demands that developments should not result in the loss of established trees that contribute to the landscape character or local amenity.

### **Summary.**

Based on the above reasons we at 92 Queens Road strongly object to this application and respectfully request that it is refused as it contravenes local and national planning policy. It will increase traffic by 160% on a very narrow lane creating vehicular and pedestrian conflict, will greatly reduce the residential amenity currently enjoyed by surrounding properties and will detract from the objectives of the Aberdeen City Centre Masterplan. There is no requirement for additional office space in Aberdeen's oversupplied market.

### **The Residents of 92 Queens Road**

**From:** [Kristian Smith](#)  
**To:** [PI](#)  
**Cc:** [Paul Williamson](#)  
**Subject:** FW: Opposition to Planning proposal re 94, Queens Road, Aberdeen  
**Date:** 17 May 2016 14:55:38

---

Representation for Paul's application, following recent re-notification of neighbours. Can you smartsave and acknowledge, etc.

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

From: Derek Watt [REDACTED]  
Sent: 17 May 2016 14:52  
To: Kristian Smith  
Subject: Opposition to Planning proposal re 94, Queens Road, Aberdeen

>  
>  
> Dear Sir,  
> I own a property at 108c, Anderson Drive and wish to notify you of my objection to the application for a change of usage at 94, Queens Road. The applicant, I believe, withdrew an earlier application, some years previously, before it was fully considered, presumably on the realisation that there was validity in objections presented at that time. I believe that the points which were raised then, remain valid in terms of the likelihood of serious negative impact on the immediate area and therefore appeal to the council to reject the application.

> I highlight the following points for your consideration:  
>  
> The locality is predominantly residential and, indeed, is adjacent to twenty four apartments at the Earls Court development. A busy oil office with staff and visitor cars, delivery vehicles etc would raise noise in this area to unacceptable levels and impact on the quality of life of all residents.  
>  
> The proposed office development is within very close proximity to one of the city's busiest and congested intersections. I trust that the Council will consider the potential for real safety issues arising to other road users and pedestrians from vehicles turning into the development shortly after leaving the Queens Road / Anderson Drive roundabout, particularly during peak periods.  
>  
> The proposed one way system would set a dangerous precedent in terms of traffic routed via narrow lanes. This would result in inevitable conflict between speeding delivery vehicles etc and pedestrians.  
>  
>  
> I trust you will consider these objections carefully and conclude that a change of use for 94, Queens Road would be wholly inappropriate.  
>  
> Yours sincerely,  
>  
> Derek Watt  
>  
>  
>  
> Sent from my iPad

**3 Bayview Road  
Aberdeen  
AB15 4EY**

The Director  
Aberdeen City Council  
Planning & Sustainable Development  
Communities, Housing and Infrastructure  
Aberdeen City Council  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

10 May 2016

Dear Sir

**SHAUN A GEORGE  
94 QUEEN'S ROAD, ABERDEEN  
PLANNING APPLICATION; CHANGE OF USE FROM RESIDENTIAL TO CLASS 4 OFFICES  
EXTENDED CAR PARKING TO REAR REF: ~~15195~~ 151795  
APPLICANT: MONDEN OFFSHORE SERVICES  
YOUR REF: KS/LM**

I refer to the above application for planning permission to convert 94 Queen's Road, Aberdeen from residential to office accommodation.

I wish to object to this application.

The only access to the proposed car parking area to the rear will be off an unnamed lane leading from Bayview Road between numbers 1 and 3. Bayview Road is an almost exclusively residential street with a number of homes occupied by parents with young children. The existing traffic flow up and down Bayview Road is already considerable. The proposed change of use will lead to additional access to and egress from the lane with a significant risk of accident. The lane in question is inappropriate for increased traffic. It is very narrow and does not allow for vehicles to pass. The additional traffic using the lane will also increase disturbance for those residing in the adjoining properties.

Parking spaces are already at a premium on Bayview Road. The existing office use is likely to lead to additional vehicular traffic, causing inconvenience to the local residents. The loss of garden ground also appears to be contrary to the protection of the environment.



32553780v1

I trust that my objections will be taken into account when dealing with this application.

Yours faithfully



Shaun A George







## **DESCRIPTION**

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

## **RELEVANT HISTORY**

None.

## **PROPOSAL**

The development of student accommodation, with associated amenity space to the rear. Comprising a single building containing: 134 bed spaces within studio apartments; communal areas; and associated office accommodation, etc.

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

## **Supporting Documents**

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

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151588>

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

The supporting documents provided with the application are as follows:

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



- Design Statement
- Contaminated Land Assessment

## **REASON FOR REFERRAL TO COMMITTEE**

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

## **CONSULTATIONS**

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

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

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

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

**George Street Community Council** – Object on following basis:

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

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

- Flat roofs attract seagulls;

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

## **REPRESENTATIONS**

Objections relate to the following matters:

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

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

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

## **PLANNING POLICY**

### **Aberdeen Local Development Plan**

H2 – Mixed Use Areas

RT3 – Town, District and Neighbourhood Centres

I1 – Infrastructure Delivery and Developer Contributions

T2 – Managing the Transport Impact of Development

D1 – Architecture and Placemaking

D2 – Design and Amenity

D3 – Sustainable and Active Travel

NE6 – Flooding and Drainage

R2 – Degraded and Contaminated Land

R6 – Waste Management Requirements for New Development

R7 – Low and Zero Carbon Buildings

### **Supplementary Guidance**

## **Proposed Aberdeen Local Development Plan**

H2 – Mixed Use Areas

NC6 – Town, District, Neighbourhood and Commercial Centres

D1 – Quality Placemaking by Design

D3 – Big Buildings

I1 – Infrastructure Delivery and Planning Obligations

T2 – Managing the Transport Impact of Development

T3 – Sustainable and Active Travel

NE6 – Flooding, Drainage and Water Quality

R7 – Low and Zero Carbon Buildings, and Water Efficiency

CI1 – Digital Infrastructure

## **Other Relevant Material Considerations**

None

## **EVALUATION**

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

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

### Principle

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

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

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

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

### Design and Siting

Policy D1 seeks to ensure new development is designed and sited with due consideration for its context. In respect of its footprint, whilst relatively large in terms of site coverage, this is comparable with the surrounding plots/context. Areas of enclosed private amenity space are provided to the rear and are considered to provide a suitable level of external amenity, both in terms of outlook and use. The studio rooms would each have at least one floor to ceiling window, offering a suitable level of amenity to each room. It is noted that there are rooms on each floor with a window to a recessed area, though the provision of a larger windows and a southerly aspect is considered to offer suitable outlook and daylighting to residents.

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

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

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

### Impact on Surrounding Area

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

During the course of consideration the proposals were amended with a reduction in footprint and height of the rear wing from 5 to single storey, due to concerns relating to the impact on the surrounding area in terms of overshadowing, loss of daylight and sunlight. As regards overshadowing, the impact of the development on the amenity areas of neighbouring properties, and that proposed as part of the

development, would exceed the BRE minimum standards. All properties surrounding the development also passed the BRE standards in respect of sunlight.

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

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

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

#### Parking and Access

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

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

#### Drainage and Water

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

#### Waste

In relation to waste, policy R6 seeks to ensure development has suitable refuse arrangements. No specific arrangements for the bins are provided, though an area has been identified in the rear north western corner. ACC Waste Services have requested that the mix of bins should be agreed and a condition to this effect is recommended. In light of this, the proposals are considered to accord with policy R6.

### Low and Zero Carbon Buildings

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

### Developer Obligations

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

### Matters Raised by Community Council

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

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

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

#### Matters Raised in Representations

1. Overlooking and loss of privacy

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

### Proposed Aberdeen Local Development Plan

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

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



Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. The foregoing can only be assessed on a case by case basis. In this instance the proposals substantively reiterate those of the adopted plan and as such no further consideration is considered necessary in this instance.

## **RECOMMENDATION**

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

## **REASONS FOR RECOMMENDATION**

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

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

## **CONDITIONS**

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

- details of numbers, densities, locations, species, sizes and stage of maturity at planting - in the interests of the amenity of the area.
4. That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority – in order to preserve the amenity of the neighbourhood and in the interests of public health.
  5. That the development hereby granted planning permission shall not be occupied unless a scheme detailing cycle storage provision for 60 cycles in a secure, lockable facility has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme - in the interests of encouraging more sustainable modes of travel.
  6. That the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the Planning Authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full. - To ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'
  7. That no development shall commence unless details of the external plant room as shown in drawing number PL-03D hereby approved have been submitted and approved in writing with the Council – in order that full consideration can be given to those details lacking from the submission.

## **INFORMATIVES**

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

**George Street**

**Community Council**

**Secretary**

**34 Jamaica St**

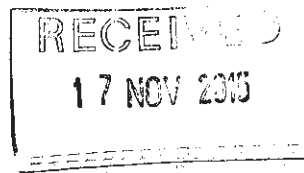
**ABERDEEN**

**AB25 3XA**

**Tel:** [REDACTED]

15/11/2015

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



Dear Sir/Madam

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

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

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

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

This proposal is an over-development for this site.

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

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

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

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

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

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

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

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

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

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

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

---

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

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

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

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

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

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

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

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

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

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

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

Yours truly,



Andy MacLeod  
Chair George Street Community Council

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

TEL No [REDACTED]

Dear Mr Lewis,

I wish to raise an objection against the building of a 14 roomed students accommodation.

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

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

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

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

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



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

Yours Sincerely



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

Objection against development  
at

455 GEORGE ST that used to  
be Unipart Automotive Parts.


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

Dear Sir,

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

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

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

Yours Sincerely  
Mr. 

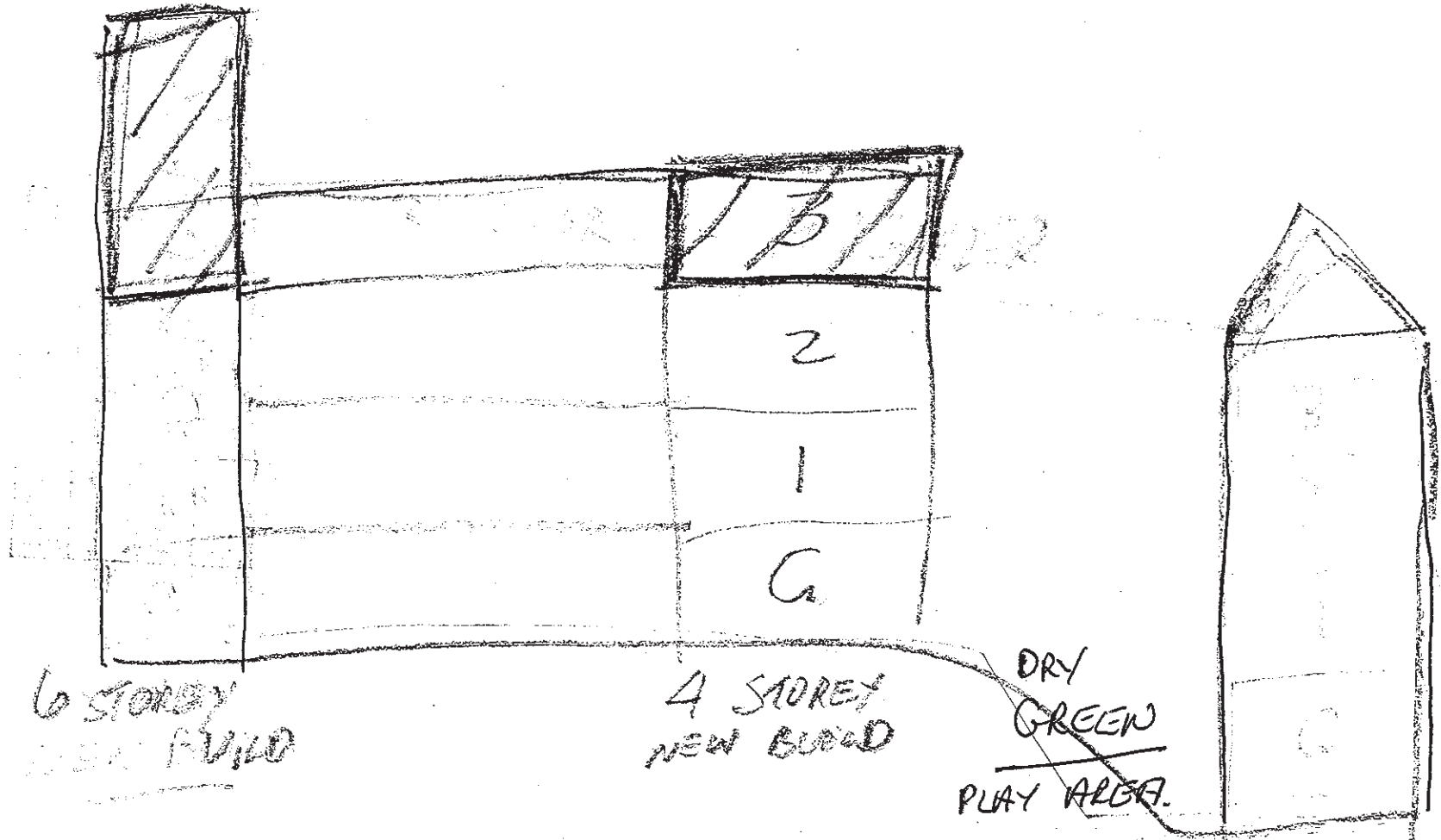
P.S. I don't own a computer.

THIS IS MY THINKING OF HOW I SEE IT.



BRIDGE

ST



6 STOREY  
NEW BUILD

4 STOREY  
NEW BUILD

~~DRY  
GREEN  
PLAY AREA.~~

CAR  
PARK

TRANSFORM  
ST



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

Dear Mr Lewis,

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

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

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

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

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

P.T.O



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

Yours Sincerely  
M [REDACTED]

P&SD Lewis & Clark Reservation		
Application Number		
RECEIVED 23 FEB 2016		
NOI	SOI	MAP
Case Office Initials		
Date Acknowledged		



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

Dear Sir,

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

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

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

If there is to be a public meeting may I be informed by letter or my land line answering machine, I nearly missed the last one due to lack of communication.

Not everyone has a computer, or on the internet.

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

P.T.O.



Yours Sincerely  
Mrs [REDACTED]

P&SD Letters of Representation  
Application Number: 151588  
RECEIVED 09 FEB 2013  
Mr [REDACTED] / Mrs [REDACTED]  
Case Officer Initials: [REDACTED]  
Date Acknowledged: [REDACTED]

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

---

Evening,

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

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

It is my understanding that there has been a reapplication and some changes to the proposed work.

Therefore as there seems to be a breakdown in the communication for us tenants in the surrounding area, I submit my objections to this development again, irrespective of the outcome of this email, they are;

Testing was done on this site in the form of drilling, this could not only be heard by felt within 53 Fraser Court, the windows were closed and when the warmer weather comes in, am I expected to do the same to avoid a more serious level of decibels generated?

Natural light will be affected as I am on 10ft away from the border of the development and as both my main living areas are facing this way.

Debris (including dust) from the site will affect the drying area that is located directly behind the border.

Noise pollution, from dusk to dawn and potentially 7 working days of work (testing work was carried out on the Saturday and Sunday, hence the reason for stating this), when would we as fixed tenants be able to rest with some being unemployed (like me, I can't afford to go out or the elderly or those house bound). Estimated to last 2 years in the erecting of the dwelling.

Being overlooked from over 100 rooms, this removes my privacy that I should be entitled to as it not a privilege I am asking for, it is an essential requirement like so many others have.

House holders would not be able to let their pets out safely due to the potential of harm.

As we will not be able to use the drying area, due to the clothes potentially being dirtier on being dried from the dust generated.

No one has seems to be thinking of the fixed tenants and their needs, although other tenants have raised their concerns too. Where is the voice for us? Are we being discriminated against because you cant make more money from us? For the purposes of the dwelling the utilities they will be using like refuse collection, street lighting etc in the form of Council Tax - a legal requirement.

Kind regards

**Steve**

Steve Stewart  
53 Fraser Court  
Aberdeen  
AB25 3UG




12:11:15.

Dear Sir.

I am writing to let you know that I am objecting to the building of student flats in George Street. I have been in this house for over twenty years. I will not be able to get washing out on the line. The noise we will have put up with for ~~two~~ years. They will be blocking our view and light.

Terence Kramer Court.



46 Fraser Court  
Aberdeen  
AB25 3UG

12/10/2015

Dear Mr Lewis,

I have been informed to write to you to express my concerns about the proposed development at 455 George Street, for student accommodation. Firstly I would like to take this opportunity to say that I was very disappointed that I received no information through the post concerning a meeting that took place on the 10 November to allow residents to take the opportunity to express their concerns. I would have attended this meeting if I knew!! As there was only a small letter posted in the hallway that could have easily gone unnoticed and probably has by other tenants!! I also noticed that langstane also posted a letter dated that 27<sup>th</sup> October 2015 stating that we had to express our concerns by the 28<sup>th</sup> October 2015!! That is ridiculous and unfair for tenants!!

I have ongoing concerns that this proposed development would not benefit current residents in the surrounding area. The proposed development is supposed to take two years to build in such close proximity of other residents. This would mean tolerating the noise levels of building construction and also maybe not using the washing lines as there will be dust and dirt coming from the construction. This is not suitable for me as I sometimes do waking night shifts when required. I also have to question what would be the benefits in student accommodation being developed there, seen as there are bigger developments already under construction within Aberdeen for students!! Those are closer to the universities and college. Also residents would be affected by the noise level of students that live in the proposed development, although this area is quite close to town it is also quite peaceful during the night and weekends. Student accommodation would disrupt this area and elderly residence would be affected.

I also am concerned that in such close proximity the intention is to build 5/6 storey building but where I live it is only a 4 storey building. Therefore I would be very much over-looked and have no privacy, as my bedroom window looks onto the proposed development, which isn't ideal and this development would block the natural light coming in.

Another concern I have is this proposed development being car free? Yet I find it very difficult to believe that out of 150 students, some may not have a car? Therefore they would possibly try to park their cars in one of the three car parks that residents pay to use, as other car users have and are currently abusing our car parks.

Overall I object to this proposed development as I feel there are no benefits to current residents. I am very disappointed and disgusted in the lack of support that langstane have given their tenants, which I will look into more detail!! If this proposed development does go ahead against resident's wishes then whilst tenants have to tolerate noise levels and not using the facilities why should we have to pay full rent or an increase in rent!!

Regards



Miss C Forbes



**From:** [webmaster@aberdeencity.gov.uk](mailto:webmaster@aberdeencity.gov.uk)  
**To:** [PI](#)  
**Subject:** Planning Comment for 151588  
**Date:** 28 October 2015 19:21:00

---

Comment for Planning Application 151588

Name : Dr Henry Craddock

Address : 23G Fraser Road

AB25 3UB

Telephone :

Email : [REDACTED]

type :

Comment : Although I would welcome the improvement in amenity in the proposed development, I would object to the height of the proposed development of 6 storeys. This pertinent as the surrounding area has a maximum of 4 storey buildings. I would trust that the planning depart would ensure that there is not a detrimental visual impact on the area, and a suitable ammendment to the application will be sought.

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**From:** [webmaster@aberdeencity.gov.uk](mailto:webmaster@aberdeencity.gov.uk)  
**To:** [PI](#)  
**Subject:** Planning Comment for 151588  
**Date:** 27 October 2015 08:33:32

---

Comment for Planning Application 151588

Name : Jaimeek Bhalani  
Address : 26a Fraser Road  
Aberdeen  
Ab25 3uh

Telephone :

Email : [REDACTED]

type :

Comment :

George street is already a busy area , parking is always a problem on George street and other streets in the area, the media has been advertising that ACC has dozens of empty buildings yet the city council is entertaining such applications which is clearly overdevelopment in the area.

We received a letter through the post from the builders mentioning that students staying in this accommodation will sign an agreement not to get cars to Aberdeen, Can you really stop an individual from getting a car on the basis of a tenancy agreement, the answer is NO.

We already have a few new student accommodations coming up in the area, fraser place, powis place and fraser street these will have a good few hundred rooms.

Or perhaps is this the case of a big developer / name applying and council will have to entertain and approve their application??

Would the council approve a 6 story residential build? never , clearly the builders are greedy in this case as this is a better making business , not considering anything about the neighbours or the local community

Totally oppose this application.

I stay in the area and this will affect our lives in a lot of negative ways.

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**From:** [webmaster@aberdeencity.gov.uk](mailto:webmaster@aberdeencity.gov.uk)  
**To:** [PI](#)  
**Subject:** Planning Comment for 151588  
**Date:** 28 October 2015 08:57:16

---

Comment for Planning Application 151588

Name : Stephen Stewart  
Address : 53 Fraser Court  
Aberdeen  
AB25 3UG

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : The proposed 147 studio flats for this site has numerous disadvantages to the current tenants of the surrounding area of this development.

Being a stones throw away from this site how this will effect me is;

Approximately 2 years of constant noise and pollution

Unable to use the communal drying area as dust etc will mean my clothes would not dry clean

Offering a 5/6 storey building, the proposed roof garden will over look my living room and bedroom

The height will reduce natural light to my flat

The natural sun would be blocked and cause delays in drying my clothes

The additional tenants will cause additional noise pollution

The building will affect the environment as birds use the trees

Although the lease does state no car owners - some MAY lie and use our overcrowded parking spaces and this does not apply to their guests

The overall granting permission of this as it stands will affect me personally and financially and my natural daylight will be affected from day one.

No notification from McLaren has been offered for a tenants meeting to air their views and not everyone has access to the internet to air their views and concerns.

Consult us the current tenants to support this, otherwise I say a MASSIVE NO!

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**From:** [webmaster@aberdeencity.gov.uk](mailto:webmaster@aberdeencity.gov.uk)  
**To:** [PI](#)  
**Subject:** Planning Comment for 151588  
**Date:** 26 October 2015 20:07:26

---

Comment for Planning Application 151588

Name : Tarun Dureja  
Address : 23a Fraser Road  
Aberdeen

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

Comment : I Object to the above planning for the following reasons.

This is clearly overdevelopment in the area - we already have a couple more student accommodations coming up in the george street area (polis/fraser place) a few hundred rooms already and now the above planning for 147 studio rooms, do we have an effective traffic solution in place? is there a plan for george street to be a student area? will we have enough car park for 147 studio flats, parking is an issue already.

I am assuming this is a big developer / builder building this accommodation and on that basis council will approve this planning?

The builder claims that they will have tenancy agreements in place that will prevent students from bringing a car to Aberdeen, that is not at all a full proof plan , how can you stop an individual to buy a car or get a car , even though you sign a tenancy agreement!!

obviously once the accommodation is ready and students move in the developer will not be bothered if the students get cars etc and park on george street and other streets in the area.

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**From:** [webmaster@aberdeencity.gov.uk](mailto:webmaster@aberdeencity.gov.uk)  
**To:** [PI](#)  
**Subject:** Planning Comment for 151588  
**Date:** 04 February 2016 16:17:03

---

Comment for Planning Application 151588

Name : Tarun

Address : 23a fraser road

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Clearly over development and will be a big issue with parking across various streets in the area. You can have a lot of promises on the applications to say students will give an acknowledgement in writing that they will not have cars etc , however you cannot still stop them buying cars and parking them on various streets. George street is already tight with parking and other amenities and this 5 storey build will make it worse!!

Why is there no other 5 story build on george street?

Why did council suddenly change their minds on setting up a new residence?

There is already a 190 room student accommodation being built across the road on powis place, this is clearly overdevelopment and this is literally killing the local landlords , with greedy developers building such builds and taking the cash away from Aberdeen.

what a shame.

Will the rent on these accommodations be regulated?

The new build at powis place - minimum rent for an ensuite is £150 per week

will these eye sores add on to Aberdeen's misery of empty buildings as ofcourse students will not be able to afford.

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**From:** [REDACTED]  
**To:** [PI](#)  
**Subject:** Proposed development 455 George street Aberdeen  
**Date:** 26 October 2015 16:16:57

---

Dear Sir/madam

Planning Reference no: 151588

Proposed demolition of existing building and erection of 6 storey student accommodation building including parking and landscaping.

I write on connection with the above planning application, I know the site quite well, and wish to inform you of my intension to object to the proposal.

I as a resident in adjacent housing to the site feel that with the building of the proposals, my health, well being and safety could be adversely affected by the increase of the anti-social behaviour by the students that will be residing in the accommodation. The other minor issue is how close this would also be to my boundary wall including my privacy, where I reside, I overlook the proposed area as do many other residents do within my building, this proposal also has not taken in account the blocking out of natural light, which is a right and not a privilege.

In addition I am concerned with the heavy increase of traffic and illegal parking that could potentially take place within a restricted area of fee paying residents parking spaces and restrictions also being place on emergency services/carer provisions for the disabled residents of Fraser Court.

Furthermore, there is no need for increasing student accommodation within the area as there is enough provided. I have also relayed my concerns to my local area MP.

If this application is to be decided by councillors, please take this as notice that I would like to take the opportunity to speak at the meeting of the committee at which this application is expected to be decided to further express my concerns in person.

Yours Faithfully

Miss Kerry England and Miss Cheryl Ramsey  
(60 Fraser Court)

## Planning Development Management Committee

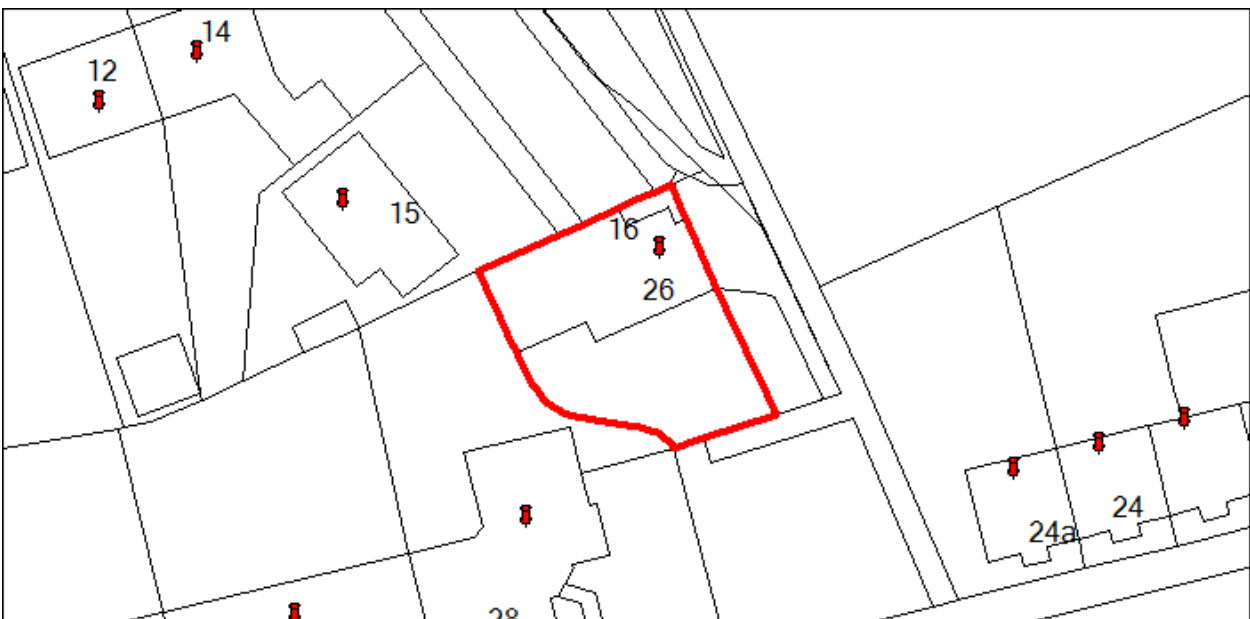
26 SUNNYBANK ROAD AND 16 SUNNYSIDE  
TERRACE, ABERDEEN

SUBDIVISION OF HOUSE TO FORM 2  
DWELLINGS AND ASSOCIATED  
ALTERATIONS INCLUDING: ALTERATION AND  
CONVERSION OF GARAGE; ERECTION OF  
SINGLE STOREY EXTENSION TO REAR;  
CREATION OF LIGHT WELLS AND  
FORMATION OF TWO ASSOCIATED WINDOW  
OPENINGS TO FRONT OF BASEMENT [ALL  
RETROSPECTIVE].

For: Michael McFadyen Property Leasing

Application Type : Detailed Planning Permission  
Application Ref. : P160306  
Application Date: 11/03/2016  
Officer: Dineke Brasier  
Ward : Tillydrone/Seaton/Old Aberdeen (J  
Noble/R Milne/R Grant)

Advert : Can't notify neighbour(s)  
Advertised on: 23/03/2016  
Committee Date: 01/06/2016  
Community Council : Comments



## **RECOMMENDATION:**

### **Approve Unconditionally**

#### **DESCRIPTION**

The application property is a traditional one and a half storey dwelling that has been significantly extended and altered from its original form. It is located at the end of Sunnyside Terrace, adjacent to a footpath that runs between Sunnyside Road and the University of Aberdeen, through Sunnybank Park. It is located in an existing residential area, outside the Old Aberdeen Conservation Area.

#### **RELEVANT HISTORY**

A planning application (Ref: 160177) for the retrospective subdivision of the dwelling was withdrawn in March 2016, as it did not seek to address the alterations to the dwellinghouse – which are intertwined with the change of use.

#### **PROPOSAL**

Retrospective planning permission now is sought for the subdivision into two flats, one four bedroom and one three bedroom, and external alterations facilitating the subdivision. The external works comprise the alteration and conversion of a single garage, erection of a single storey rear extension, creation of lightwells and the formation of two window openings in the basement to the front of the building.

#### **Supporting Documents**

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

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=160306>

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

#### **REASON FOR REFERRAL TO COMMITTEE**

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

#### **CONSULTATIONS**

**Roads Development Management** – No objection. No off-street parking spaces could be provided. Each household could apply for 2 parking permits. This would not create a situation where demand for on-street parking would exceed capacity. The creation of a turning area at the end of Sunnyside Terrace has been explored, but this is not a viable option due to the presence of nearby mature trees.

**Environmental Health** – No observations

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

**Community Council** – Objection based on the following matters:

1. Overdevelopment of the plot;
2. The character of the original dwelling has been significantly diluted due to the alterations;
3. Some residents are using the area to the rear for socialising, which has an adverse impact on the residential amenity of neighbouring dwellings;
4. The contemporary design of the lightwells is out of keeping in the surrounding area.

## **REPRESENTATIONS**

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

1. No provision for car parking;
2. Retrospective application as the work has already been carried out;
3. Overprovision of HMO's in this area;
4. Insufficient garden space, especially a lack of a rear garden;
5. Dwelling does not have a public face to the street and a private face to a garden;
6. Proposal represents overdevelopment;
7. Proposal has an unacceptable impact on the character and amenity of the surrounding area due to the disproportionate intensification of the use;
8. The proposal would represent an unacceptable precedent, especially in relation to the excavation and creation of lightwells in front gardens.

## **PLANNING POLICY**

### **Aberdeen Local Development Plan**

D1 – Architecture and Placemaking

D2 – Design and Amenity

D3 – Active and Sustainable Travel

T2 – Managing the Transport Impact of Development

H1 – Residential Areas

### **Proposed Aberdeen Local Development Plan**

D1 – Quality Placemaking by Design

T2 – Managing the Transport Impact of Development

T3 – Active and Sustainable Travel

H1 – Residential Areas

## **Supplementary Guidance**

- Subdivision and Redevelopment of Residential Curtilages Supplementary Guidance; and
- Transport and Accessibility Supplementary Guidance.

## **EVALUATION**

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

### Principle of Development:

The site is located in an existing residential area, where residential development is accepted subject to the following:

- The proposal does not constitute overdevelopment;
- It does not have an unacceptable impact on the character or amenity of the surrounding area;
- It does not result in the loss of valuable and valued areas of open space;
- Complies with Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.

Each of these points are discussed below.

### Impact on the character and appearance of the surrounding area and the original dwelling:

The original dwelling was a traditional one and a half storey detached property with dormers in the front and rear roof slope, providing additional accommodation in the loft. The building only had a very small rear garden, with the main outdoor amenity space being to the front. It is located on a plot adjacent to a footpath running between Sunnybank Road and Sunnyside Terrace. Sunnybank Road is to the front, whilst Sunnyside Terrace is immediately to the rear. There is an 18m deep grassed amenity area dividing the front garden and Sunnybank Road. The garden boundary treatment to the front and the side consists of a stone wall just over 1m in height.

The main aspect to the dwelling is to Sunnybank Road. Whereas although clearly visible from Sunnyside Terrace, the rear extension is modest and in keeping with the scale and design of the original dwelling, and does not detract from its character.

Due to the setback from Sunnybank Road, the alterations to the front have limited public visibility. Although the top of the railings surrounding the lightwells can be seen, these do not detract significantly from the general appearance of the property. Whilst walking along the footpath that runs along the side of the dwelling, the alterations become more apparent, but are seen in context with the three storey flatted blocks immediately to the west rather than with the more traditional dwellings along Sunnyside Terrace. Whilst accessed at the end of Sunnyside Terrace, the building faces south away from this road, it is not generally read as part of this streetscape, nor that of Sunnybank Road. As such, due to its location and orientation, the dwelling can be considered unique and in some isolation within the street, not becoming apparent until in close proximity.

Overall it is not considered that the design of the resultant building or its positioning in the two relevant streets has any significant negative impacts.

The proposal is not considered to represent overdevelopment as the only increase in the footprint of the building is the modest single storey rear extension, with a large front garden remaining, giving a more than reasonable plot ration in



the context. The remainder of the additional accommodation created to facilitate the subdivision of the dwelling is located in the original shell of the building.

The Council's Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages (SG) sets out that a dwelling should have a public face to a street and a private face to a garden. In this case, the proposal would face two streets, Sunnybank Road to the south and Sunnyside Terrace to the north. However, this is an existing situation, which is not altered through the subdivision of the dwelling. As such, in this case, this is acceptable.

#### Impact on residential amenity

SG further sets out that any properties created through subdivision should have a private rear garden of at least 9m in length. In this case, the context is somewhat different, with the rear only formally comprising a driveway, rather than garden ground and only really used as an access to the garage. It was not of a sufficient size or orientation to provide a good quality outdoor amenity space. This element of the guidance thus has no particular relevance in this case.

To all extents and purposes the front garden serves as the garden. Due to the setback from Sunnybank Road, it provides a pleasant, semi-private space with a southerly orientation at a distance from Sunnybank Road. The depth exceeds 10m, is considered adequate. It is landscaped to ensure that residents have adequate space to sit out, to dry their laundry etc. The proposal is therefore considered sufficient in terms of outdoor amenity space.

Internally the accommodation is split as follows:

*26 Sunnybank Road* occupies the majority of the original dwelling, has large living/ kitchen areas on the ground floor and three bedrooms, one with en-suite, and a further bathroom on the first floor;

*16 Sunnyside Terrace* generally occupies both the former garage and single storey rear extension, as well as the rooms created in the basement. It has four bedrooms, two bathrooms and a large kitchen/living area.

All the rooms in 26 Sunnybank Road are located within the original building, receive good levels of natural light and benefit from an outlook from both living accommodation on the ground floor and all the bedrooms on the first floor.

Regarding 16 Sunnyside Terrace the bedrooms in the converted garage have a southerly aspect and would also benefit from a good outlook and sufficient levels of natural light. The two bedrooms in the basement are lit through large windows served by the lightwells. Due to the size of the lightwell and the southerly aspect of both rooms, it is considered that they would receive an acceptable amount of light and a satisfactory, if restricted, outlook over the garden. The kitchen/ living area has no direct external outlook. However, an internal fully glazed wall leads to full height glazing in the external wall serving the access hallway. This, in combination with the rooflight above the main living area, would provide a satisfactory living environment.

Concerns have been raised that the intensification of the use of the plot would result in an adverse impact on the residential amenity of neighbouring properties. However, the nearest neighbouring dwelling is 15 Sunnyside Terrace, which is located immediately to the north. To the west are three storey flatted blocks.

The entrances into the flats are split, with 26 Sunnybank Road using the existing front door, whilst 16 Sunnyside Terrace would use the entrance facing east, in the rear elevation. As such, only one dwelling would be accessed directly off Sunnyside Terrace. In addition, the majority of windows serving habitable rooms and the main garden face south, again away from 15 Sunnyside Terrace, and towards the street and gable of the tenemental flats.

On this basis, it is considered that the proposed subdivision would not result in such an intensification of the use of the plot, or impact on existing amenity that it would have an unacceptable impact on the residential amenities of neighbouring properties.

#### Parking and access:

Being located in the Outer City, guidelines set out in the Transport and Accessibility SG, indicate that 5 parking spaces should be provided. In this case due to the conversion of the garage, and the construction of the rear extension, there is no space for on-site parking. However, Sunnybank Road and Sunnyside Terrace are located within a controlled parking zone with residents permits. The majority of dwellings on Sunnyside Terrace have at least some element of off-street parking. The street itself could accommodate approximately 25 parked cars. At present, only 11 residents permits have been issued. As such each dwelling could apply for two parking permits, a total of 4 spaces. Taking account of the low use of permits in this area, and the fact that in general on-street spaces are available in the immediate area, in this case, on-street parking provision is accepted. This would result in a shortfall of one space, however based on the proximity of the dwellings to the university, bus routes and local services, this is considered acceptable in the context.

Sunnyside Terrace is sufficiently wide to accommodate the turning of cars. Larger vehicles, including refuse vehicles, will need to reverse before they can turn round. However, this is an existing situation which is not made significantly worse and is therefore acceptable.

#### Other Matters Arising:

The following matters have not yet been addressed in this report but were raised through the comments of the Froghall, Powis and Sunnybank Community Council and letters of representation:

1. *At present, residents of the flats use the area to the rear to socialise, which has an adverse impact on the residential amenity of neighbouring properties.* – This is not a planning matter. The area to the rear of the building is part of the existing residential curtilage, and can be used by residents to gather and socialise.

2. *The application is retrospective* – The fact that the application is retrospective has no bearing on this assessment and recommendation. Each case is assessed on its own merits and unique qualities.
3. *Overprovision of HMOs* – The application is for the subdivision of one dwelling into two flats. Due to the number of bedrooms in each dwelling, no planning permission is required for a change of use to an HMO. As such, this is not relevant in this case. Should an HMO licence be required this would be a matter for the licencing committee to consider.
4. *The construction of the lightwells in the front garden would set an unacceptable precedent* – Each planning application is assessed on its own merits and in this case the approach is considered acceptable.

All other matters raised as summarised at the start of this report have been addressed in the relevant sections in the Evaluation of the proposal.

### Proposed Aberdeen Local Development Plan

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

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

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

In this case, the following policies from the Proposed Local Development Plan area relevant: D1 (Quality Placemaking by Design), T2 (Managing the Transport Impact of Development), T3 (Active and Sustainable Travel) and H1 (Residential Areas). Representations have been lodged against all of these policies and they therefore only carry limited weight. In general, these policies are reiterations of existing policies in the Aberdeen Local Development Plan, and the recommendations would have been the same.

## **RECOMMENDATION**

**Approve unconditionally**

## **REASONS FOR RECOMMENDATION**

It is considered that, due to the unique site characteristics, the alterations to the building and subsequent subdivision will not have an adverse impact on the character and appearance of the original dwelling or the immediate surrounding area, nor would it present an overdevelopment of the plot. The dwellings would provide adequate residential amenity for future occupiers, and would not have a significant detrimental impact on the residential amenities of neighbouring dwellings. Neither would it have an acceptable impact on local highway conditions, especially in relation to access and parking.

The proposal complies with the requirements of planning policies H1 (Residential Areas), D1 (Architecture and Placemaking), D2 (Design and Amenity), D3 (Active and Sustainable Travel) and T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan, policies H1 (Residential Areas), D1 (Quality Placemaking by Design), T2 (Managing the Transport Impact of Development) and T3 (Active and Sustainable Travel) of the Proposed Local Development Plan, the Subdivision and Redevelopment of Residential Curtilages Supplementary Guidance and the Transport and Accessibility Supplementary Guidance.

117 Sunnyside Road  
Aberdeen  
AB24 3LS

6th April 2016

Kristian Smith  
Planning and Sustainable Development  
Communities, Housing and Infrastructure  
Business Hub 4  
Aberdeen City Council  
Marischal College

Dear Mr Smith

**Planning Application 160306**

I am writing on behalf of Froghall, Powis and Sunnybank Community Council who wish to object to the planning application for the subdivision of house to form 2 dwellings and associated alterations including: alteration and conversion of garage; erection of single storey extension to rear; creation of light wells and formation of two associated window openings to front of basement [all retrospective].

This objection refers to the General Principles listed in the Aberdeen City Council Supplementary Guidance Householder Development Guide.

*Proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling.*

*The built footprint of a dwelling house as extended should not exceed twice that of the original dwelling.*

*No more than 50% of the front or rear curtilage shall be covered by development.*

The proposal is for the creation of a mismatched building over twice the size of the original cottage. The entire rear garden has been built over and the character of the original building is completely overwhelmed by the new development.

*Any extension or alteration should not result in a situation where amenity is 'borrowed' from an adjacent property. Significant adverse impact on privacy, daylight and general residential amenity will count against a development proposal.*

Due to the lack of any garden or enclosed space at the rear of the property, some of the current occupants are using the end of Sunnyside Terrace as an area for smoking and socialising. This is having an adverse impact on privacy and general amenity for households in the vicinity.

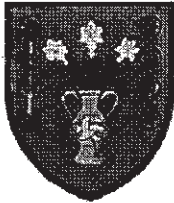
*In all instances, the scale and form of boundary enclosures should be appropriate to their context and should not detract from the street scene as a result of inappropriate visual impact.*

The large panels surrounding the light wells to the front of the building are clearly visible from within the conservation area boundary on Sunnybank Road. They are of a contemporary glass and metal design that is out of character with the traditional design of the cottage and other properties nearby.

We would ask that you reject this application.

Yours sincerely

Martin Thain  
Secretary  
Froghall, Powis and Sunnybank Community Council



OLD ABERDEEN HERITAGE SOCIETY

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

5th April 2016

Planning Dept,  
Aberdeen City Council,  
Marischal College.

Dear Sirs,

Planning Application No. 160306

Sunnybank Cottage, 26 Sunnybank Road  
(bordering Old Aberdeen Conservation Area)

Retrospective application for subdivision of dwelling house to form two dwellings, and associated alterations; alteration and conversion of garage to rooms; erection of single storey extension to rear; digging out of ground to front of cottage to make basement with two new windows; and building of two lightwells.

The Society wishes to lodge a firm objection to the above application.

With regard to the retrospective application for the extensive works at Sunnybank Cottage (there is as yet no such official address as 16 Sunnyside Terrace), we wish to object on the following grounds:-

① These plans contravene Policy D2 (Design and Amenity) of the adopted Local Development Plan, which states that:-

- (a) *"residential development shall have a public face to a street, and a private face to an enclosed garden or court."*
- (b) *"All residents shall have access to sitting-out areas."*

With regard to (a), the subdivision of this dwelling-house into two separate properties means that the one at the rear does not have a public face to the street, and neither property has a private face to an enclosed garden or court, as required.

With regard to (b), it is evident that as a consequence of the various extensions to the cottage, there is no sitting-out area for residents, to the rear in a private garden, as required by Policy D2.

② The Proposal contravenes Policy H1 (Residential Areas) on several counts:-

- a) This Policy does not permit proposals which would constitute overdevelopment. The creation of a new property from a dug-out basement plus rear extensions which take up the whole of the back garden is clearly over-development. The cramming of 8 bedrooms into what was once a modest cottage is overdevelopment.

- b) Contrary to Policy H1, this development has an unacceptable impact on the character and amenity of the surrounding area. The houses in the area which are adjacent and comparable to this one, to the north in Sunnyside Terrace, are all traditional in design, with ample front and back gardens. The current application has an unacceptable impact on the character and amenity of this area by the building over of the entire back garden, and the disproportionate intensification of use of a small cottage.
- c) Also contrary to Policy H1, this development does not comply with Supplementary Guidance on Curtilage Splits (as we detail below).
- d) Lastly, once again in contravention of Policy H1, this development does not comply with Supplementary Guidance on House Extensions, (as we detail below)

③ The Proposal fails to comply with Supplementary Guidance on Curtilage Splits as follows:-

- a) The proposed property at "16 Sunnyside Terrace" has no public face to a street, being at basement level on that elevation, and in any case is at present obscured by "lightwells".
- b) Neither of the subdivisions has a "private face to an enclosed garden or court" as required by section 3.6
- c) Neither subdivided flat has access to private sitting out areas, as also required by section 3.6
- d) Section 3.7 of this Supplementary Guidance requires that dwellings up to two storeys in height, such as this, should have a rear garden of at least 9 metres in length.

There is no rear garden at this property for the use of tenants of either proposed flat.

- e) Section 3.7 also requires that garden ground should be "useable for sitting out, and have an acceptable level of privacy and amenity".

There is nowhere private for occupants of either flat to sit out.

- f) Section 5.2 of the SG requires that:-

*"no more than a third of the total site area for each individual curtilage should be built upon"*

The proportion built upon in this application contravenes this; it is well over half the total area.

- g) Section 7.2 requires that:-

*"on-site parking to an appropriate level as stated in the adopted parking standards must be met both for the existing and the new building"*

Clearly, the current application provides no on-site parking whatsoever.

The adopted parking standards in the Guidance on Transport and Accessibility are clear.

The guidelines for a residential dwelling in this, the "Outer City" zone, are 3 parking spaces for a 4-bedroomed dwelling.

Sunnybank Cottage has at present 8 bedrooms, with 4 in the original house, and 4 in the extension. In order to meet the adopted parking guidelines, then, at least 6 parking spaces should be provided. Even for two 3-bedroomed flats, 4 spaces in total would be expected.



The guidelines laid out in the Proposed LDP for this "Outer City" area are little different; in that document, residential dwellings should once again have 3 parking spaces each. A total of 6 for this cottage would be required if it were sub-divided.

Even if this application were being considered primarily in terms of the proposed LDP, and so the new guidelines for HMOs were relevant, there would still be a requirement for 4 parking spaces for the 8 bedrooms.

The current application provides no parking whatsoever (in fact it removes the existing parking space), and therefore fails to meet the requirements of the Supplementary Guidance on Curtilage Splits (as well as Supplementary Guidance on Transport and Accessibility).

**It therefore contravenes Policy HI of the Local Development Plan**

**4) The Proposal fails to comply with the Supplementary Guidance on House Extensions**  
(The Householders Development Guide) as follows:-

It is contrary to General Principles 1, 4 and 5 of the Guide:-

- 1) The alterations both overwhelm and dominate the original form and appearance of the dwelling.
- 4) The built footprint of the dwelling, as extended, far exceeds twice that of the original dwelling.
- 5) Well over 50% of the rear garden is covered by development

**It therefore contravenes Policy HI of the Local Development Plan**

**5) Precedent**

As stated in the Council's Supplementary Guidance on Curtilage Splits or redevelopment, the need to avoid setting a precedent is here a material consideration.

It is the Society's view that to allow a development of such a nature as the one under consideration at Sunnybank Cottage would most definitely create a precedent-

*"whereby it would be difficult to resist similar developments, the cumulative effect of which would have a harmful effect on the amenity of the immediate area or the wider City"*

We have particular concern about the precedent which would be set by allowing the excavating of a front garden to form a new basement with windows; the creation of ugly "lightwells"; and the filling up of the entire back garden with extensions, much to the detriment of the character, appearance and amenity of a traditional cottage.

**6) The development contravenes Policy DI (Architecture and Placemaking)** as it is not "designed with due consideration for its context," nor does it "make a positive contribution to its setting."

The siting, scale and massing of the extensions completely overwhelm the original cottage, and the loss of the whole of the back garden to these extensions is completely out of character with adjacent houses.

Lastly, the building of extensive horizontal "lightwells" of what seems to be clear plastic at the front of Sunnybank Cottage, along with associated perspex or plastic fencing and rails, are, in the Society's view, an ugly intrusion.

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These most certainly do not show "due consideration for context" nor make a positive contribution to the setting of the cottage. In particular, they introduce an element to this residential area which is wholly alien to its character, and fails utterly to respect the local context.

\* \* \*

In summary of the above, we wish to object to this application on the grounds that it contravenes the City Council's Policies and Guidance as follows:-

Policy D1 of the Local Development Plan

Policy D2 of the Local Development Plan

Policy H1 of the Local Development Plan

Supplementary Guidance on Curtilage Splits

Supplementary Guidance in "Householder Development Guide"

Supplementary Guidance on "Transport and Accessibility"

Yours faithfully,



Mrs B McPetrie

Planning Secretary

Application ref.....160306.

One of my main issues with this application is that it is retrospective. The work has already been carried out.....there has been a deliberate attempt to deceive on the part of the developer.....if not why wasn't planning permission sought in advance of the work as most people would have done.

There is already over provision of HMO properties in this neighbourhood. This proposed development only exacerbates this situation.

I believe the proposed development does not accord with the local plan. In addition it does not meet the specification relating to new build.....insufficient exterior space to name but one.

This lack of any enclosed space has a negative impact on the neighbouring property as activities are all carried out in the public space which fronts the neighbouring property.

There is the issue of car parking. As we have been misled from day one over the number of people actually living in the property.....ref Ally Thain.....a conservative guess may be ten....add visitors....work vehicles...then there is the very real potential of significant requirement for parking space.....which is certainly not catered for in the proposal.

The proposal is inappropriate and detrimental for the community as a whole.....a family home is lost from the community for no good reason.

The entire proposal appears to be driven by personal gain with apparently no consideration at all for the needs of the neighbouring property and the the wider community.

John Whyte.

[REDACTED]

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