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

Town House,
ABERDEEN 8 March 2017

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Committee Room 2 - Town House on **THURSDAY, 16 MARCH 2017 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 ANY NOT IN THE REPORT PACK, ARE AVAILABLE TO VIEW IN THE MEMBERS' LIBRARY

MINUTES OF PREVIOUS MEETINGS

- 1.1 Minute of Meeting of the Planning Development Management Committee of 9 February 2017 - for approval (Pages 5 - 12)

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 2.1 Variation of Condition 3 (hours of operation) of 130490 for Extension to Quarry at Blackhills Quarry (Pages 13 - 46)

Planning Reference – 161759

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

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

Please enter the relevant planning reference number in the search field and click 'Search'.

Planning Officer – Paul Williamson

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 3.1 Proposed 4 Storey Development of Residential Flats and Retail Unit at 325 Holburn Street (Pages 47 - 76)

Planning Reference – 160557

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

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

Please enter the relevant planning reference number in the search field and click 'Search'.

Planning Officer – Jane Forbes

- 3.2 Demolition of Existing Building and Garage Annexe and Erection of 4 Residential Flats at 431 North Deeside Road (Pages 77 - 106)

Planning Reference – 161804

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

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

Please enter the relevant planning reference number in the search field and click 'Search'.

Planning Officer – Dineke Brasier

- 3.3 Erection of a 2 Storey Dwellinghouse at Land Between Airyhall House And Northcote Care Home, Airyhall Road (Pages 107 - 144)

Planning Reference – 161760

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

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

Please enter the relevant planning reference number in the search field and click 'Search'.

Planning Officer – Lucy Greene

Website Address: www.aberdeencity.gov.uk

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

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

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

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 9 February 2017. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Milne, Convener; Councillor Finlayson, Vice Convener; and Councillors Boulton, Cooney, Corall, Greig, Hutchison, Jaffrey, Lawrence, Malik, Jean Morrison MBE, Nicoll, Jennifer Stewart, Sandy Stuart and Townson (as substitute for Councillor Cormie).

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MIId=4362&Ver=4>

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

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 12 JANUARY 2017

1. The Committee had before it the minute of its previous meeting of 12 January 2017 for approval.

The Committee resolved:-

to approve the minute subject to amending the Declaration of Interest paragraph prior to article 4 to read that Councillor Nicoll declared an interest by virtue of him knowing an objector to the application, not the applicant.

MINUTE OF MEETING OF PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE-DETERMINATION HEARING OF 18 JANUARY 2017

2. The Committee had before them, the minute of the meeting of the Planning Development Management Committee Pre-Determination Hearing of 18 January 2017 for approval.

An amended version of the minute had been tabled for approval.

The Committee resolved:-

to approve the amended minute, which had been tabled at the meeting.

ROWETT RESEARCH INSTITUTE SITE – NEW ABERDEEN EXHIBITION AND CONFERENCE CENTRE (PPiP) - 150826

3. With reference to article 7 of the minute of meeting of the Planning, Development Management Committee of 10 December 2015, the Committee had before it a report by the Interim Head of Planning and Sustainable Development which sought planning permission in principle (PPiP) for demolition of existing building(s), erection of exhibition

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and conference centre including subterranean space, energy centre, hotels, offices, leisure, café/restaurants and associated access, landscaping, engineering works (including burn diversion) and car parking (including temporary car parking) at Rowett Research Institute, Greenburn Road, Bucksburn **which recommended:-**

A willingness to approve the application subject to conditions and the registering of a section 75 legal agreement to secure financial contributions towards (i) local road network improvements and (ii) strategic transport network improvements. The conditions proposed were the same as those listed in the previous report in 2015.

The Committee heard from Mr Matthew Easton, Senior Planner, who spoke in furtherance of the report. He explained that although the Committee were required to re-consider the PPIp application in its entirety, because the only material consideration to have changed was that in relation to the Strategic Transport Fund, the report looks at the issue of 'Phase 2' strategic transport impacts only.

Mr Easton also answered a number of questions from members, specifically addressing concerns in relation to the airport public safety zone. It was explained to members that the open space and overspill car park uses within the zone were considered to comply with the planning policy relating to public safety zones. It was highlighted that the overspill car park is only expected to be used when the subterranean car park is being used for exhibition purposes, which it is anticipated to occur during the very largest of exhibitions, which would occur once or twice a year at the most. It was also explained that the risk within the zone from an aircraft crashing was considerably lower than the risk the public are exposed to from everyday activities such as driving.

The Committee resolved:-

to approve the recommendation contained within the report.

ERECTION OF STUDENT ACCOMMODATION (374 BED SPACES) WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING AT 92-126 JOHN STREET - 161427

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

That the application be approved conditionally but to withhold consent until an agreement has been put in place to secure developer obligations of £3,291.00 towards the upgrade of open space in the city centre. The conditions were as follows:-

CONDITIONS

(1) External Material Finishes

That no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been

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submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed.

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

(2) Landscaping and Amenity Space

That the landscaping scheme hereby approved (namely drawing numbers 16047_HW_200 REV E02, 16047_L_200 REV E02, 16047_SW_200 REV E02 – or such other drawings as may be agreed in writing with the planning authority), shall be implemented in prior to the first use of the development hereby approved (excluding any planting which shall occur no later than the first planting season following completion of the development)

Reason: in order to ensure the external amenity space and associated landscaping are provided timeously.

(3) Refuse Storage

That the use hereby granted planning permission shall not take place unless provision has been made within the application site for refuse storage and disposal in accordance with a scheme which has been submitted to and approved in writing by the planning authority.

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

(4) Cycle Storage

That the development hereby granted planning permission shall not be occupied unless a scheme detailing cycle storage provision for 125 cycles in a secure, lockable facility has been submitted to, and approved in writing by the planning authority, and thereafter implemented in full accordance with said scheme.

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

(5) Noise Impact Assessment

That no development pursuant to this planning permission shall take place unless there has been submitted to and approved in writing for the purpose by the Planning Authority an assessment of the noise levels from the development on the nearest noise sensitive premises, unless the planning authority has given prior written approval for a variation. The assessment shall be prepared by a suitably qualified independent noise consultant and shall:-

- be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note;

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- identify the likely sources of noise; and
- indicate the measures to reasonably protect the amenity of the occupants of the noise sensitive premises from all such sources of noise that have been identified.

The development shall not be occupied unless the said measures have been implemented in full

Reason: in the interests of residential amenity.

(6) Boundary Treatment

That no development shall commence unless a scheme of boundary enclosures for the site has been submitted to and approved by the Council (as planning authority). The scheme shall include provision of a 1.8 metre high trespass proof fence in areas adjacent to the railway line. Thereafter the boundary treatment shall be provided and completed prior to the use of the building commencing.

Reason: in order that further consideration can be given to the boundary treatment of the development, details of which are lacking from the submission, and in order to ensure this is delivered timeously.

(7) Contaminated Land

The development shall not be occupied unless:-

- any long term monitoring and reporting required in the approved scheme of contamination (Report on Site Investigations, John Street, Aberdeen, Mason Evans, November 2015) or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken; and
- a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

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

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

(8) Drainage

That no development shall commence unless details of the following surface water drainage matters have been submitted and agreed with the Council (as planning authority):-

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- Confirmation that the discharge rate to the Gilcomston Burn during a 1:200 year flood event does not exceed 10 litres per second; and
- A scheme for the provision of 2 levels of treatment of surface water drainage.

Thereafter the development shall be implemented in accordance with those details unless otherwise agreed in writing with the Council.

Reason: to ensure the development is served by a suitable level of surface water drainage and in the interests of flood prevention.

(9) Student Accommodation

The development hereby approved shall not be leased other than by students enrolled on full-time or part time further or higher education courses in Aberdeen unless otherwise agreed in writing with the planning authority.

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

(10) Travel Plan

That prior to first occupation of the units or completion of the development (whichever is the soonest), a travel plan shall be submitted to and approved by the Council (as Planning Authority). The travel plan shall include (but is not limited to):-

- Information on the restriction of parking to residents (e.g. wording of tenancy agreement on "No Car" provision).
- A scheme for the management of parking on site (for staff and disabled students).
- Details of a travel pack to be provided to students, which identifies sustainable travel in light of the "No Car" parking provision on the site.

Thereafter the measures identified in the travel plan shall be implemented in accordance with the approved plan.

Reason: in the interests of sustainable travel.

(11) Railway Works

No development shall commence unless written evidence has been submitted to and approved by the Council (as Planning Authority) to demonstrate that the applicant/developer has provided and submitted details of all changes in ground levels, laying foundations and operation of mechanical plant in proximity to the Aberdeen-Inverness rail line for approval by Network Rail's Asset Protection Engineer.

ADVISORY NOTES FOR APPLICANT

Contaminated Land

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Localised hotspots of benzo(a)pyrene and asbestos will be excavated and removed to a suitable licensed waste disposal facility, or re-used on-site beneath hardstanding or buildings, (not in landscaped or garden areas). Waste transfer notes should be retained for presentation to the planning authority.

There is a large stockpile of demolition material stored in the central area of the site. If this material is to be disposed of, it should be disposed to a suitable waste disposal facility and all waste consignment notes should be retained for presentation to the planning authority.

If materials are to be imported for use in the landscaped areas, these require to be tested to demonstrate their suitability. Testing should be undertaken at a rate of 1 sample per 500m³ for a range of common contaminants of concern.

Roads

Residents will not be eligible to apply for on-street parking permits.

Railways

Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The Committee heard from Mr Andrew Miller, Senior Planner, who spoke in furtherance of the report and provided details on the application. Mr Miller also answered a number of questions from members, specifically relating to restrictions for bird nesting, developer contributions, access for servicing the apartments and building materials.

The Committee also heard from Mr Gregor Whyte, Senior Engineer, who provided details on the roads and transport aspect of the application and answered various questions from members in this regard.

The Committee resolved:-

- (i) that they are mindful to approve the recommendation contained within the report, final approval is delegated to officers subject to officers investigating and either discounting for valid planning reasons or securing (1) the possibility of accommodating car club places either on site or in proximity to the development; and (2) the possibility of providing developer contributions to any committed future phases of the Johan Cruyff Court Community Sports Facility, subject to meeting planning guidance; and
- (ii) that a further condition relating to a bird hazard management plan be added to those outlined within the report.

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ERECTION OF FOUR RESIDENTIAL FLATS AND ASSOCIATED CAR PARKING AT 19 SOUTH AVENUE - 161721

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

That the application be refused for the following reasons:-

- (1) Due to its bulk, scale, massing, width and height the proposal is considered out of context in the surrounding area and an overdevelopment on the site. The site is located in a low density character area that gradually moves westwards along North Deeside Road. No consideration has been given to these characteristics, nor to the modest nature of the immediate neighbouring dwelling. The proposal is therefore contrary to policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan.
- (2) The overall design of the proposed building, due to its massing, width, height and features such as the large flat roof, dormer type sections of the roof and proposed materials is not considered to be of a sufficiently high quality to warrant approval under policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan and would not reflect local styles and urban form, nor would it reinforce the established pattern of development.
- (3) The proposed building, due to its height, scale and massing is considered to have an overbearing impact on the modest dwelling at 21 South Avenue, and would result in an unacceptable loss of light to their private garden, rear door and dormer window, and side facing window. The proposal is therefore considered to have a significant detrimental impact on their residential amenity, and would be contrary to policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan and Interim Planning Guidance on Sub-division and Redevelopment of Residential Curtilages.

The Committee heard from Ms. Dineke Brasier, Planner, who spoke in furtherance of the report and confirmed that a number of existing trees on the site had been felled.

The Committee resolved:-

to approve the recommendation contained within the report and therefore refuse the application.

- **COUNCILLOR**

RAMSAY

MILNE,

Convener

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27 October 2016

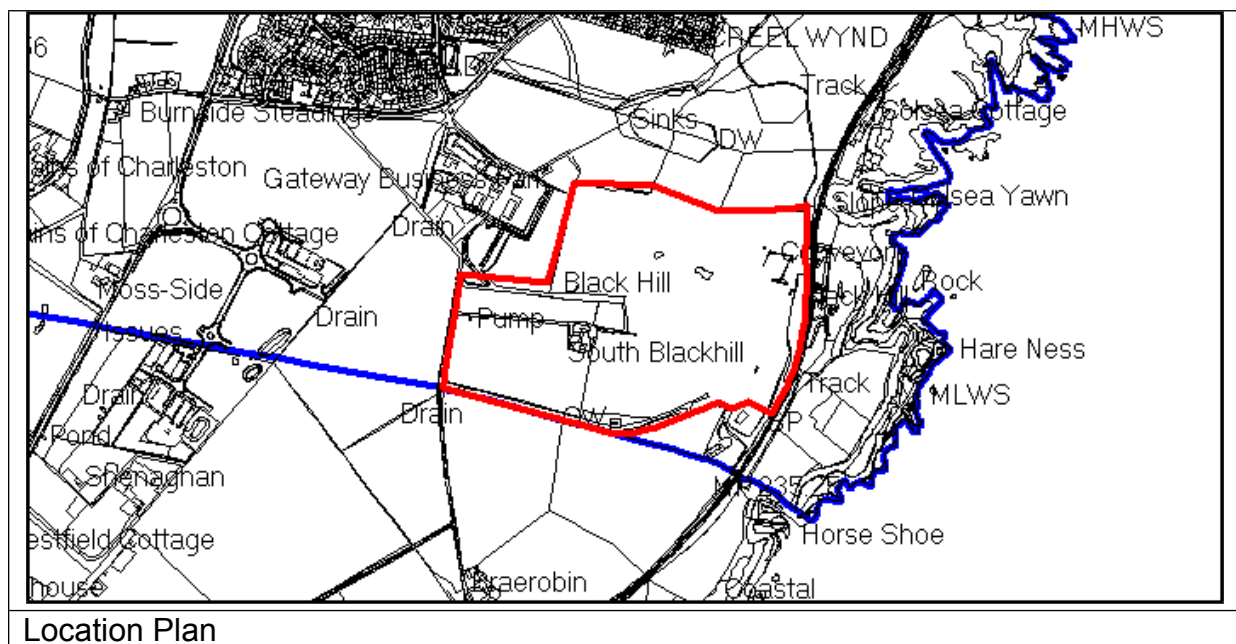
DRAFT

Planning Development Management Committee Section 42 (Variation to Conditions)

161759/S42: Variation of condition 3 (hours of operation) of 130490 for extension to quarry at Blackhills Quarry, Leiths (Scotland) Ltd, Cove, Aberdeen
AB12 3LR

For: Leiths (Scotland) Limited

Application Date:	13 December 2016
Officer:	Paul Williamson
Ward:	Kincorth/Nigg/Cove
Community Council:	Cove And Altens
Advertisement:	Project of Public Concern
Advertised Date:	21 December 2016
Committee Date:	16 March 2017



RECOMMENDATION: Willingness to Approve Subject to s75 Planning Obligations and Conditions

SITE DESCRIPTION

Blackhills Quarry is an existing operational hard rock quarry situated in a semi-rural location to the south of Aberdeen. The southern boundary of the application site adjoins the administrative boundary with Aberdeenshire Council.

Cove Cottage, a residential property within the ownership of the applicants, is located some 100m to the south of the site; access to which is gained via the quarry access road. The closest private residential property, Colsea Cottage, is located some 250m to the north-east. Cove is located to the north and the site is approximately 300m from the closest residential properties therein.

The Gateway Business Park is located some 400m to the west of the permitted quarry development and some 300m from the proposed extension area. A vegetated strip of land along the eastern boundary forms a stand-off between the quarry and the East Coast Railway Line, with land falling sharply away to the coast and the North Sea after this. The applicant's main office and workshop, at Rigifa Farm, is located to the north-west.

RELEVANT HISTORY

There has been a quarry at this location since the early twentieth century. The applicant, Leith's, re-opened the quarry in 1977, and have been continuously engaged in the winning and working of hard rock from that time. The most recent planning permissions are as follows:

Planning Permission (Ref: 85/2431) was approved in May 1986 for the extension and formation of a new base level to the rock quarry.

Planning Permission (Ref: 96/1600) was approved in November 1996 for an extension and retention of use of the quarry and construction of a new access road.

Planning Permission (Ref: A6/2284) was approved in March 2007 for a variation to conditions associated with Planning Ref: 96/1600.

Planning Permission (Ref: 130490) was approved (subject to a legal agreement) on 7 January 2015. That application was for the extension to the existing quarry and continuation of operations until November 2050.

DESCRIPTION OF PROPOSAL

Following the grant of planning permission (Ref: 130490) in January 2015 for the extension of Blackhills Quarry, and the continuation of hard rock extraction and processing, the applicant is seeking planning permission to

1. vary the hours of operation which were previously attached to the aforementioned permission until 18 July 2017

This would effectively allow a slight extension of the hours of hard rock quarrying and extraction by 1 hour in the evening, Monday to Friday, and by 4 hours on a Saturday afternoon. In addition, the application also seeks to allow continual sales/despatch of quarried products from Monday 6 am to Saturday 6 pm, from 2 May to 18 July 2017. These extended hours are considered by the applicant to be necessary in order to supply the rock armour/aggregate for the breakwaters required for the Aberdeen Harbour Expansion project, which forms part of National Planning Framework 3 (NPF3) comprising 14 key infrastructure projects for the nation.

2. Provide and operate a trommel (also known as a rotary screen, which is a mechanical screening machine used to separate mineral/rock materials) within the quarry.
3. Specify a traffic routing plan which indicates that HGV movements would avoid going through the centre of Cove, and would instead be routed via the Old Wellington Road, Wellington Road, before connecting through the Altens Industrial Estate via Harness Road, before utilising the Coast Road to get to the Harbour expansion site at Nigg Bay.

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OI4POGBZI2200>.

- Supporting Statement
- Noise Assessment
- Routing Plan (for Harbour Development)

CONSULTATIONS

Consultee	Date of Comments	Comments Made
ACC - Environmental Health	19 January 2017	<p>No objection. Following an initial review of the noise assessment, additional information was sought from the applicant and a request for the inclusion of a comparison of HGV road traffic noise with the WHO 'Guideline for Community Noise', an amended Noise Impact Assessment Ref. R17.9365/5/AF (date of report: 9th January 2017) was received.</p> <p>1. With regard to the predicted noise from the introduction of the trommel screen and related activities in addition to noise from ongoing quarry activities, noise may be audible at the noise sensitive receptors in the area. However, the addition of these activities at the proposed times, the predicted noise levels do not exceed the relevant PAN 50 criterion at receptors in third party ownership. This Service therefore has no concerns of a resulting significant adverse impact from this</p>

aspect of the proposed variation.

2. With the exception of No.2 Charleston Drive the predicted noise levels from the HGV movements both 10 loads (20 movements) per hour and 20 loads (40 movements) per hour at the chosen receptors during the daytime and evening do not exceed the WHO criterion for those time periods and as such do not raise concerns of a significant adverse impact at these receptors.

3. In the case of No.2 Charleston Drive a predicted increase of +1 dB(A) was reported for 10 loads (20 movements) per hour during the daytime and evening. However a 1 dB(A) increase is considered to be a negligible impact.

4. In the case of No.2 Charleston Drive a predicted increase of +4 dB(A) was reported during 20 loads (40 movements) per hour during the daytime and evening. There may be some impact on the outdoor areas at this property during these periods.

5. The predicted noise levels from the HGV movements both 10 loads (20 movements) per hour and 20 loads (40 movements) per hour at the chosen receptors during the night time period exceed the WHO criterion for this time period. This was however based on a worst case scenario with windows partially open for ventilation purposes providing a 15 dB reduction. This reduction would however be considered more should the windows be closed.

6. The HGV vehicle noise at night may impact on approximately 20 properties (with no obstructions

between the properties and the road to act as an effective barrier) in the Charleston area along the road side of the proposed route for the vehicles, specifically, along the western end of the Cove Road and a section of the Wellington Road from the Cove Road Junction to the A956.

7. Due to the nature of the area and the type of potential noise disturbance to be expected there are limited opportunities for vehicle noise mitigation measures. However a number of mitigation measures have been detailed within the report essentially, driver technique to be applied and training thereof, strict adherence to the highway speed limits and use of vehicles with exhaust silencer in good working condition.

8. The available data from measurements in the area in question indicates relatively high night-time ambient (LAeq) noise levels. For instance, within tables 5.1 and 5.2 indicates the night time ambient levels would appear to exceed the WHO internal night-time guideline value.

9. Any potential noise impact from HGV road traffic noise will be limited to a period of approximately 11 weeks.

The above factors have been considered in forming an opinion on the viability of this proposal in terms of public health impact. Any impact is on a limited number of properties for a limited period of time. In conclusion, therefore, the Environmental Health Service has no objection to the proposal.

ACC - Roads Development Management Team		No objection to the proposals in principle. However the submitted traffic routing proposals do not align with current discussions with Aberdeen Harbour. A condition shall therefore require the submission of a revised traffic routing scheme.
Network Infrastructure Ltd.	Rail 4 January 2017	No objection to this application as Network Rail consider it will have no impact on railway infrastructure.
Cove and Altens Community Council	23 January 2017	No objection so long as the detail regrading new working hours and routes/movements of heavy lorries is strictly adhered to.

REPRESENTATIONS

19 timeous letters of objection were received in respect of this application. The concerns raised are summarised as follows:

- The proposals should include noise deflection barriers and noise monitoring throughout;
- Adequate use of water sprays to prevent dust migration is necessary;
- HGV vehicles must be prevented from travelling through Cove to minimise any road safety risks particularly with nearby children;
- Concerns over existing mud on the road being exacerbated;
- Vibration levels from blasting is already excessive;
- Traffic monitoring should be undertaken, particularly for the stretch between Cove Road, and its junction with the Old Wellington Road;
- Objects to the principle of the extension as it would destroy more green areas, and significantly affect existing residential amenity;
- There is already overspill parking from the applicants employees in the surrounding residential area;
- Consultation should have come directly from the applicant in advance of this application;
- With existing works in the area such as the AWPR, the associated problems such as traffic congestion shall worsen;
- The extended operational hours are excessive;
- The criteria for the noise assessment is flawed, as background levels were based upon those at the time of the original extension application, and not upon the enhanced noise levels experienced now;
- The proposal shall result in a considerable increase in noise which shall be unbearable for adjacent residents, particularly through the night;
- The proposals could also have a detrimental impact upon surrounding wildlife and pets, whom have hearing thresholds beyond that of human beings;
- There shall be a significant degradation of the roads surface with the huge increase of HGV movements in quick succession;

- Work by the applicant is often going on outwith the exiting authorised hours;
- The business interests of the applicant, and that of the Harbour expansion project, should not outweigh the opinion of local residents

The letter of support indicated that the expansion of the quarry will benefit the community long term through the creation of jobs, thus helping the failing economy of Aberdeen.

One further late letter of representation highlighted the following concerns:

- The proposals could affect the running of an existing business adjacent to the Harbour project due to continual delivery and activity throughout the night.

REASON FOR REFFERAL TO COMMITTEE

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

PLANNING POLICY

Aberdeen Local Development Plan 2017

Policy NE2 – Green Belt

Policy I1 – Infrastructure Delivery and Planning Obligations

Policy T2 – Managing the Transport Impact of Development

Policy T4 – Air Quality

Policy T5 – Noise

Opportunity Site OP55 Indicates the 32.76 hectare Blackhills Quarry as having planning permission to continue hard rock extraction and processing

OTHER RELEVANT MATERIAL CONSIDERATIONS

Interim Planning Advice

- Air Quality
- Noise
- Transport and Accessibility

EVALUATION

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

At the outset of the consideration of this application, it must be accepted that the general principle of the quarry extension has already been established through the

grant of planning permission in January 2015 following consideration at the Planning Committee meeting of 24 April 2014, and the subsequent registration of a s75 planning obligation thereafter. As such, the principal considerations with this application relate to the acceptability or otherwise of the proposed increase in the operational hours of the quarry during the prescribed periods applied for.

In respect of the request to extend the hours of extraction by one hour in the evenings of Monday to Friday, and an additional 4 hours on a Saturday afternoon, together with the operation of the Trommel screen, while not ideal, given that the impacts would be for a restricted period of time, and still retain Sundays as a time when no work is undertaken, it can be accepted subject to the appropriate variation of the condition to ensure that post 18 July 2017, the times would revert to those previously authorised. The level of noise anticipated, would also be within acceptable limits, and all other conditions of the previous permission would still apply in respect of noise and vibration limits.

The more contentious issue for this application, is the potential for continual operations (starting 2 May to 18 July) from Monday 6 am to Saturday 6pm, with scope for 40 vehicular movements per hour (20 out, and 20 returning), to meet the demand for hard rock for the Harbour Extension breakwaters given the limited window/tidal elements for such works. As outlined in the response from Environmental Health Officers, there is perceived to be potential for such vehicular movements in particular to be a disturbance to residential amenity, particularly around the vicinity of Charleston Drive/Lochinch.

However, what ultimately must be considered is the balance between helping to enable the delivery of a substantial infrastructure project such as the Harbour expansion, and the economic benefits that it shall ultimately bring for the City, against the particular impact over a specific 11 week period, to the residential amenity of those neighbours closest to the Quarry, and its associated access roads.

From the perspective of the Development Plan, there is no conflict with Policy NE2 Green Belt, as the principle of the quarry extension has already been established. Furthermore, in respect of traffic impact, while 40 associated movements per hour seems substantial, in comparison to the flows of traffic already upon the existing road network, it can be accommodated without significant detriment to the flow of traffic, particularly outwith peak periods. The proposals can therefore be considered to be in accordance with Policy T2 Managing the Transport Impact of Development.

As part of the application submission, an initial noise assessment was further supplemented by additional information from the applicant. Following review by Environmental Health Officers, it was acknowledged that there would be periods during which impacts on residential amenity would be likely (approximately 20 properties in particular) due to noise levels exceeding those recommended by the World Health Organisation (WHO) during the night. Some mitigation measures have been identified in respect of vehicle routing, driver training, adherence to speed limits, and the use of exhaust silencers. There are, however, no physical measures such as bunding which could be provided due to the lack of availability of land adjacent to the traffic route. Notwithstanding, a judgement has to be made in

respect of the impact that such noise increases would have. Environmental Health Officers have ultimately confirmed that they have no objection to the proposals.

Should noise levels ultimately be queried, then it is possible for further monitoring to take place through liaison with Environmental Health.

In respect of matters raised in representations which have not already been assessed above, while clarification was sought from the agent in respect of matters contained within the initial noise assessment, Environmental Health Officers are ultimately satisfied with the methodology of the submitted supporting information.

Matters such as dust and vibration are already covered by the conditions of the original permission to extend the quarry. Concerns over the condition of the road surface from additional HGV movements would also be covered by the overarching s75 planning obligation to that aforementioned application, as it required the regular monitoring and contribution to roads maintenance as a result of any degradation which could be linked to quarry vehicles. In respect of potential congestion, no objection was raised by the Roads Officer in this regard. While flows would be increased, they would only represent a minimal percentage of overall road usage/flows. While there is the potential for wildlife impacts, the proposal relates to an existing quarry operation, the extension of which and its associated implications have already largely been assessed previously. Limitations would still apply to blasting during the day, whereas night-time operations would predominantly relate to deliveries of rock/aggregate, thus the associated wildlife impacts would be negligible. Turning to the suggestion that operations are already being undertaken outwith agreed hours, this is a matter that would require separate investigation, from either the Planning Inspector and/or through Environmental Health Officers, should operations constitute a statutory nuisance. It is however expected that the applicant would adhere to the specific wording of the conditions proposed below. Any breach of condition would be investigated accordingly.

In summary, it is acknowledged that permission has already been granted to both extend the quarry at Blackhills as well as allow its continued operation in the period up to 2050. While the operational hours would generally not require variation, the delivery of the Aberdeen Harbour Expansion is a nationally identified project in NPF3, and one which has tight timeframes for specific works. As such, it is considered that the wider economic benefits to the City region in providing an expanded harbour are of considerable weight. While any detrimental impacts on residential amenity are generally discouraged, the applicant has sought in this instance (for the time variations for dispatch) a period covering 11 weeks. Thereafter, operational hours would revert to those previously applied. Therefore, on balance, it is considered that the variation to the hours should be approved as requested.

As per legislative requirements, applications for s42 variation to conditions require that all of the conditions are carried over from the relative previous consent (in so far as they are still relevant or have not previously been purified), as the decision is tantamount to a new planning permission. As the previous application required the signing of an over-arching s75 planning obligation, a further s75 minute of

agreement shall also be necessary to ensure that the same terms are reflected to this planning permission.

RECOMMENDATION: Willingness to Approve Subject to s75 Planning Obligations and Conditions

REASONS FOR RECOMMENDATION

Following the previous approval of the quarry extension which would ensure an adequate supply of minerals within Aberdeen City, and would ensure reserves of construction aggregates for a period exceeding 10 years, the site remains allocated as opportunity site within the recently Adopted Local Development Plan. The requested variation to operational hours, and to house additional screening equipment would be in order to meet specified mineral requirements for the Aberdeen Harbour Expansion project, which itself is a project of national importance. While any associated impact on residential amenity would generally be avoided over and above those already consented, such impacts would be of a restricted nature of around 11 weeks. While according within Policies NE2 Green Belt, and T2 Managing the Transport Impact of Development, the slight departure from T5 Noise can be accepted in this instance due to the specific time limited nature of the proposed operation.

CONDITIONS

(1) At least one (1) year prior to mineral workings ceasing on the site, a restoration and aftercare plan shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the said scheme. The plan must include information on any proposals for phased working and progressive restoration, as well as the effect that any restoration will have on the water environment, including groundwater quality and quantity. The said plan must also include an assessment of the effect that any backfilling below the water table will have on groundwater - to prevent pollution of the water environment and to minimize and prevent mineral waste on site.

(2) That the proposed operations hereby granted permission shall cease on or before 28 November 2050 unless the written approval of the planning authority is first obtained - in order to protect the environment and amenity of the area in general.

(3) That the hours of operations for:

extraction and processing during the period of 16 March 2017 to 18 July 2017 shall be restricted to:

i) 07:00am - 08.00pm, Mondays to Fridays;

ii) 07:00am - 5.00pm, Saturdays; and

iii) At no time on a Sunday, bank holidays, or national holidays; unless written consent of the planning authority is obtained.

and

the despatch of dry aggregates during the period of 2 May 2017 to 18 July 2017 shall be restricted to:

- i) Monday 06:00am to Saturday 06:00pm (continuous working);
- ii) At no time on a Sunday, bank holidays, or national holidays; unless written consent of the planning authority is obtained.

Outwith those dates, the hours of operations for extraction and processing and despatch of dry aggregates shall be restricted to:

- i) 07:00am - 07:00pm, Mondays to Fridays;
- ii) 07:00am - 1.00pm, Saturdays; and
- iii) At no time on a Sunday, bank holidays, or national holidays;

Unless written consent of the planning authority is obtained - in the interest of residential amenity.

(4) That the hours of operations for operation and dispatch from the asphalt plant shall be restricted to:

- i) 06:00am - 07:00pm, Mondays to Fridays;
- ii) 06:00am - 04:00pm, Saturdays; and
- iii) At no time on a Sunday, bank holidays or national holidays;

Unless the written consent of the planning authority is obtained – in the interest of residential amenity.

(5) That the equivalent noise level (Leq) shall not exceed 55dB(A) measured as a one hour free field Leq at any existing noise sensitive property external to the site boundary, the details for measuring which are to be submitted to, and approved in writing by the Planning Authority.

South Blackhills may be periodically subject to higher levels but not exceeding 60dBL provided that the property remains under the control of the applicant and suitable noise attenuation measures that are submitted to and approved by the Planning Authority are introduced to the property - in the interest of residential amenity.

(6) That the ground vibration as a result of the blasting operations shall not exceed a peak particle velocity of 6mms⁻¹ ppv for 95% of events with no blast exceeding 12.0mm/sec⁻¹ at existing private residential and commercial properties, with a limit of 12mms⁻¹ being applied at railway structures and 14.8mms⁻¹ being applied at Haven Cottage - which is owned by the applicant - in the interests of residential amenity.

(7) That prior to the commencement of any blasting operations, a scheme for the monitoring of blasting including the location of monitoring points and equipment to be used, shall be submitted to, and approved in writing by the planning authority. Thereafter, all blasting operations shall take place in accordance with the scheme as approved or with such subsequent amendments as may receive the written approval of the planning authority - in the interest of public safety.

(8) That prior to the commencement of any blasting operations, details of the methods employed to minimise air pressure from blasting operations, shall be

submitted to, and approved in writing by the planning authority. Thereafter, all blasting operations shall take place only in accordance with the scheme as approved or such subsequent amendments as may receive the written approval of the planning authority - in the interests of public safety.

(9) That the depth of the quarry shall not exceed 48m above ordinance datum (AOD) without the prior written approval of the planning authority - in order to protect the character of the area.

(10) That all planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development 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.

(11) That no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work which shall include post-excavation and publication work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority - in the interests of protecting items of historical importance as may exist within the application site.

(12) That no blasting shall take place within the site unless the prior approval of Network Rail is obtained. For the avoidance of doubt, Network Rail should be notified seven days in advance of any blasting in order to afford them an opportunity of making comment - in the interests of public safety.

(13) The level of vibration at the railway boundary shall not exceed a maximum peak particle velocity of 25mm/sec - to maintain the integrity of the railway infrastructure.

(14) That the proposal should ensure that there is no reduction in the effectiveness of any drain or watercourse belonging to Network Rail. Furthermore, there must be no interference to any existing drainage rights that Network Rail enjoys - to maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

(15) Without the prior approval of Network Rail, the proposed works shall not generate an increase in the existing flow rates into any culvert that passes beneath the railway - to maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

(16) Storm or surface water must not be discharged onto, or towards Network Rail property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or run-off affecting the railway - to maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

(17) Storm or surface water must not be discharged onto, or towards Network Rail property. Suitable drainage or other works must be provided and maintained by the developer to prevent surface flows or run-off affecting the railway - to maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.

(18) Cranes and jibbed machines, used in connection with the works, must be positioned that the jib or any suspended load does not swing over railway infrastructure or within 3 metres of the nearest rail if the boundary is closer than 3 metres - to maintain the safety of railway operations.

(19) All cranes, machinery and constructional plant must be positioned and used to prevent the accidental entry onto railway property of such plant or loads attached thereto, in the event of failure - to maintain the safety of railway operations.

(20) Vibration monitoring shall be carried out by the developer, or their contractors, to determine the effects of blasting on the railway, and Network Rail, in consultation with the Planning Authority, shall be supplied with a copy of the results - to maintain the safety of railway operations and the integrity of railway infrastructure.

(21) That a procedure shall be set in place between Network Rail and Leith's (Scotland) Limited on the design and operation of a "Safe System of Work" to ensure the protection of rail traffic whilst blasting is being undertaken - to maintain the safety of railway operations and the integrity of railway infrastructure.

(22) The developer shall (a) meet the costs of all reasonable protective works carried out by Network Rail, which are directly attributable to the proposed use of explosives pursuant to the foregoing conditions, and (b) indemnify Network Rail against all third party claims arising by reason or in consequence of the said use of explosives except insofar as the same are caused by the negligence of Network Rail, their servants, agents or licensees - to maintain the safety of railway operations and the integrity of railway infrastructure.

(23) Where alterations to existing ground levels are proposed within 10 metres of the boundary of railway land (including the construction of storage mounds) detailed plans of the development, including cross-sections should be forwarded to Network Rail, in consultation with the Planning Authority, for assessment and comment before development commences - to maintain the safety of railway operations and the integrity of railway infrastructure.

(24) Network Rail shall be notified of any significant alterations to the characteristics of the work or site, for example changes in the depth of working, limits of extraction, blasting specification etc. – for safety, Network Rail needs to be aware of all development adjacent to its property.

(25) That notwithstanding the details submitted as part of the application submission, the prior to the commencement of the temporary revised operation hours in Condition 3 above, a scheme detailing the traffic routing to the Aberdeen Harbour Extension site shall be submitted to and agreed in writing by the Planning Authority.

Thereafter such scheme shall be adhered to in its entirety – in the interests of the residential amenity of the area, and road safety.

ADVISORY NOTES FOR APPLICANT

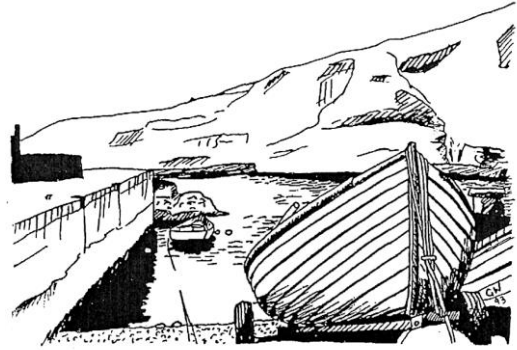
Where possible, the free face of workings shall be orientated away from the railway to reduce the risk of material being projected onto railway property as a result of blasting operations.

Any dewatering during excavations should be in compliance with CAR General Binding Rule (GBR) 2 and GBR 15. Abstraction of groundwater in quantities greater than 10m³/day may require authorisation under CAR depending on the scope and duration of the works.

COVE AND ALTENS COMMUNITY COUNCIL

Chair: Ms Michele McPartlin
14 Langdykes Way
Cove Bay
Aberdeen
AB12 3HG
[REDACTED]
info@cove-bay.com

Secretary: Ms Sue Porter
12 Stoneyhill Terrace
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By email

Paul Williamson
Senior Planner (Development Management)
Planning and Sustainable Development
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Aberdeen City Council
Business Hub 4
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Marischal College
Broad Street
Aberdeen
AB10 1AB

23rd January 2017

Dear Mr Williamson

Blackhills Quarry, Cove. P161759/S42

Cove and Altens Community Council does not have an issue with this planning application so long as all the detail regarding new working hours and the routes and movement of heavy lorries is strictly adhered to.

We also ask that you take cogniscence of any submissions from local residents.

Yours sincerely

[REDACTED]

Michele V McPartlin
Chairperson, for and on behalf of Cove and Altens Community Council

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Comments for Planning Application 161759/S42

Application Summary

Application Number: 161759/S42

Address: Blackhills Quarry Leiths (Scotland) Ltd Cove Aberdeen AB12 3LR

Proposal: Variation of condition 3 (hours of operation) of 130490 for extension to quarry

Case Officer: Paul Williamson

Customer Details

Name: Mrs Amanda Duncan

Address: Southern View Charleston, Nigg Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We already have severe difficulties getting out of Cove Road junction at Nigg side due to increased traffic from new housing and industrial developments. Our kids have to cross at the crossroads at Cove Road/old Wellington Road to get to school and it is very dangerous and difficult for them and it takes on average 10 mins to get across as the traffic is so busy. In addition the noise and dust from nearby AWPR construction is horrendous and the mud on the roads is dangerous so adding to this would be catastrophic for us.

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Address: Blackhills Quarry Leiths (Scotland) Ltd Cove Aberdeen AB12 3LR

Proposal: Variation of condition 3 (hours of operation) of 130490 for extension to quarry

Case Officer: Paul Williamson

Customer Details

Name: Mrs Audrey Gunn

Address: 36 Earns Heugh Crescent Cove Bay Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The noise level and increase in traffic is just not acceptable. We already have to put up with the blasting at the quarry which you can literally feel under your feet inside your own home.

OBJECT!

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Case Officer: Paul Williamson

Customer Details

Name: Miss Amanda Ross

Address: 33 Viking Place Portlethen Aberdeenshire

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Expansion of the quarry will benefit the community long term. It will create jobs and help boost the failing economy of Aberdeen.

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Case Officer: Paul Williamson

Customer Details

Name: Mrs Donna Boyne

Address: 3 Charleston View Cove Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is unacceptable to residents

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Proposal: Variation of condition 3 (hours of operation) of 130490 for extension to quarry

Case Officer: Paul Williamson

Customer Details

Name: Mrs Donna Duncan

Address: 14 Lochinch Place Cove Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Already the residents of cove have an increase of traffic and noise due to the house building in the area, the AWPR and the residents south of the city using cove as a rat run at peak times. With regards to the quarry my house actually shakes when the quarry blasts. This over time will have a detrimental effect to the foundations of my home, with the increase of opening times, then it would assume blasting would increase thereby effecting my home earlier than anticipated.

Before this is approved I strongly urge the council to install a traffic management system at the top of cove road leading on to old wellington road. Even now there is often tail backs onto cove road as those travelling north and south on old wellington road fail to let people out. This will only impede those wishing to come out of the lochinch developments.

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Case Officer: Paul Williamson

Customer Details

Name: Ms Gretta Connell

Address: 18 Lochinch Gardens, Aberdeen AB12 3RG

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this, due to the fact that our house backs on to the roadway which the quarry uses. The noise that is already omitted along with the vibrations on blast days is unacceptable. I have young kids who's sleep is already disturbed by the traffic and the noise of this road is beyond acceptable. Trying to get out of Lochinch Gardens in the mornings around 7:30/8:00 is crazy, the amount of traffic on the local roads due to the bypass & people using this route to access altens & nigg community/work areas is unacceptable. Something needs to be done before a child is hurt crossing the road or something worse. If the hours are extended I think that it would have a disastrous affect on our family life. I can not understand why houses like ours that will be directly affected by this have not been consulted either by Leigh's or the council in regards to this application, I feel this is an underhanded application and can not express my anger and objections enough

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Proposal: Variation of condition 3 (hours of operation) of 130490 for extension to quarry

Case Officer: Paul Williamson

Customer Details

Name: Dr Greg Palka

Address: 9 Cove Path Cove

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As a Cove resident I feel that the current operation of the quarry might generate excessive noise, dust and heavy traffic levels.

The noise is heard from a significant distance and affects the quality of life - throughout the day for the nonworking residents and on weekends for all residents.

Judging by how dusty the road and the green area is, the trucks and the quarry are generating excessive noise levels as it stands.

To ensure the safety standards are not exceeded, would it be possible for the owner to present serial noise and dust levels monitoring around the quarry at the moment throughout the week of operation?

The small access road to the quarry is located right next to the football pitch, and as a regular jogger I am often passed by heavy loaded trucks at speeds on the access road off Cove road. As an adult I don't feel safe and I have concerns about the safety of the kids and the parents using the football field.

Would the owner be able to submit a current risk assessment looking at these areas.

The current road network and infrastructure of the *village* of Cove are not suitable for heavy plant operation and traffic, in my opinion.

This may be further complicated by the increased traffic to/from the newly built houses and the nearby access roads to the bypass.

Therefore in my view expanding the current operations will further increase the already excessive environmental, health and safety burden and as such would not be acceptable.

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Proposal: Variation of condition 3 (hours of operation) of 130490 for extension to quarry

Case Officer: Paul Williamson

Customer Details

Name: Mr Glenn Webster

Address: 2 Lochinch Place Cove Bay Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to note my objection to the application from Leiths Quarry to extend their operating hours on the basis that this will have a negative impact on neighbouring households.

In particular the proposal to increase HGV movements to 2640 per week over a continuous 132 hour period is mind blowing and I struggle to comprehend that volume of traffic on the roads (which are in essence B roads) surrounding the site. Those roads are already used as a rat run by vehicles avoiding the A90 / Wellington Road at peak times so good luck to any Leiths HGV trying to enter the flow of traffic at those times. Will adherence with speed limits be monitored if permission is granted? Will HGV's be fitted with noise reducing exhaust silencers? Will any additional silt build up on surrounding roads & pavements be cleaned up by the councils roads department?

Why have noise recordings at the site from 2012 been allowed in the Vibrock assessment that has been provided with the application? Surely more recent recordings need to be in place for a 2016 application as much can change in 4 years.

The Vibrock assessment states that additional HGV movements are predicted to produce 4dB(A) noise levels above the allowable BS5228 criteria, surely those levels cannot be allowed to disturb local households especially during the night when most people try to sleep.

I hope you will consider these comments when you review this application.

Regards

Glenn Webster

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Comments for Planning Application 161759/S42

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Address: Blackhills Quarry Leiths (Scotland) Ltd Cove Aberdeen AB12 3LR

Proposal: Variation of condition 3 (hours of operation) of 130490 for extension to quarry

Case Officer: Paul Williamson

Customer Details

Name: Mrs Heather Holmes

Address: 4 Cove Walk Cove Bay Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I moved to Cove to retire and enjoy the quiet, scenic existence. I am devastated to hear that you are planning to destroy more of the green areas surrounding a small almost rural community. I have spent a small fortune re locating to my retirement home to have peace and quiet with no word that the quarry was extending. This would have made a huge impact on my decision to settle here and "the Community" as a whole would reject this absurd plan. I found out only by heresay so boy, you kept that quiet. We won't go down without a fight.

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Planning Development Management Committee Detailed Planning Permission

160557: Proposed 4 storey development of residential flats and retail unit. at 325 Holburn Street, Aberdeen, AB10 7FP,

For: Mr H Singh

Application Date:	6 May 2016
Officer:	Jane Forbes
Ward:	Torry/Ferryhill
Community Council:	Ferryhill And Ruthrieston
Advertisement:	N/A
Advertised Date:	N/A
Committee Date:	16 March 2017



Location Plan

RECOMMENDATION: Refuse

SITE DESCRIPTION

The application site comprises part of the wider garden of the residential property at No 325 Holburn Street, and specifically an area of some 217m² which lies between the gable ends of No 325 and that of the 4 storey tenement building at No 323, which lies immediately to the north of the site. The application site is located on the eastern side of Holburn Street, at a distance of some 20 metres north of its junction with Bloomfield Road, and at approximately 130 metres south of the Broomhill Road roundabout. To the rear of the application site, and at a distance of 13 metres from the eastern boundary, is a 3 storey flatted development. This property, which is accessed from and fronts onto the Hardgate, was built within grounds which previously formed part of the wider garden ground of No 325 Holburn Street, with conditional consent having been granted for the residential development in 2013.

The area within which the application site lies is zoned as residential (Policy H1) within the Aberdeen Local Development Plan, and is largely characterised by 1½ storey traditional granite buildings which are set back from Holburn Street, with garden ground to the front and rear.

RELEVANT HISTORY

- Planning application Ref 130765 for the sub-division of the existing curtilage and erection of four flats with associated car parking was approved conditionally under delegated powers on 1 November 2013.
- Planning application Ref 150623 for the erection of a rear extension over ground floor and semi-basement level to replace an existing extension was approved unconditionally under delegated powers on 5 June 2015.
- Planning application Ref 151265 for the formation of a driveway was refused under delegated powers on 11 November 2015.

DESCRIPTION OF PROPOSAL

The application seeks full planning permission for the erection of a 4 storey, flat-roofed property which would incorporate a single retail unit at ground floor level, and 3 no. two bed flats, with one on each of the upper floors. The proposed development would extend for a length of 13 metres, from east to west, and across the full width of the application site (6.6 metres), thereby adjoining the neighbouring tenement at No 323 Holburn Street, whilst retaining a separation distance of 1 metre from the gable end of the dwelling at No 325 Holburn Street. The front (west) elevation of the proposed development, which would face onto Holburn Street, would have a staggered building line; initially linking and lining up with the frontage of the tenement building at No 323 Holburn Street, and then angled back at 45° to link with the southern boundary of the site. The retail unit and the upper flats would have separate entrances, both accessed off Holburn Street, with the entrance to the upper levels also providing internal access to the rear of the site where bin and cycle storage would be located. External finishes to the property would include grey brick with a brick string course, anthracite grey composite boards, black aluminium framed windows with galvanised steel protective barriers, and an EPDM (synthetic membrane) covered flat roof.

SUPPORTING DOCUMENTS

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

- Supporting Planning Statement, including traffic survey, dated 28th April 2016.

CONSULTATIONS

Consultee	Date of Comments	Comments Made
ACC - Environmental Health	12 May 2016	Noise Impact Assessment required to assess likely sources and levels of internal and external noise for the 4 storey development, including road traffic noise.
ACC - Roads Development Management Team	19 July 2016	Object to the proposal on the grounds of insufficient parking for residential and retail elements of the development.
ACC - Flooding And Coastal Protection	12 May 2016	No observations.

REPRESENTATIONS

9 letters of objection have been received raising the following matters:

Impact on amenity

1. Following recent development of a block of flats to the rear of the site, the proposal would see further division of the garden ground at 325 Holburn Street, resulting in overdevelopment of the site.
2. Adverse impact on amenity, with the scale, height and massing of the proposed development affecting sunlight/daylight of existing properties and/or garden areas at No's 280 Hardgate, 322 & 323 Holburn Street.
3. Impact on privacy of neighbouring properties at No's 280 Hardgate, 322 & 323 Holburn Street, with increased overlooking.
4. Proposed retail unit would introduce additional noise/odour issues, as a result of the bin area located to the rear of the proposed development.
5. Proposal would block views from 323 Holburn Street.

Impact on character of surrounding area

6. Design, scale, height and massing of proposed development would be out of place in this location, and would not fit with the character of existing property in the surrounding area;

Impact on Parking and Traffic

7. The proposal does not propose parking for either the residential or retail use.
8. The surrounding area has existing parking issues, with insufficient on-street parking for residents and pressure from commuters parking in the area. Further residential/retail development would add to this pressure.
9. Holburn Street is particularly busy with traffic and at this location buses struggle to pass with cars parked on both sides of the road.
10. Road safety issues raised concerning the speed and number of vehicles passing this location.
11. Construction work would cause additional traffic congestion/parking issues within the area.

Other

- 12. Existing high level of vacant retail units within the area.
- 13. Lack of clarity on type of retail use for the ground floor unit.
- 14. Proposal would result in devaluation of surrounding properties.
- 15. No detail on proposed hours of construction work or likely duration of works.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because more than 6 letters of objection have been received. The application therefore falls outside the Council's Scheme of Delegation.

PLANNING POLICY

Aberdeen Local Development Plan 2017

H1: Residential Areas

D1: Quality Placemaking by Design

T2: Managing the Transport Impact of Development

OTHER RELEVANT MATERIAL CONSIDERATIONS

Interim Planning Advice: Subdivision and Redevelopment of Residential Curtilages and Transport and Accessibility.

EVALUATION

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

The main considerations which are of relevance in this instance relate to the principle of the proposed development; its design, scale and siting and how this fits within the context of the area; its likely impact on the character and amenity of the area, including whether it affects existing privacy/amenity of neighbouring properties; whether appropriate access and parking forms part of the proposal; and finally, whether the proposed development can deliver a suitable level of amenity for future residents.

Impact on the Character of the Surrounding Area

The application site lies within a residential area, zoned under Policy H1 (Residential Areas) of the Aberdeen Local Development Plan, which states that 'proposals for new development will be approved in principle if it does not constitute over development; does not have an unacceptable impact on the character and amenity of the area; and complies with Supplementary Guidance. Proposals for non-residential uses will be refused unless they are considered complementary to residential use; or it can be demonstrated that the use would cause not conflict with, or cause any nuisance to, the enjoyment of existing residential amenity.'

In this instance the proposed mixed use development, incorporating 3 flats and a retail unit, would be located within part of the garden ground of No 325 Holburn Street, a 1½ storey dwellinghouse with basement. The garden at No 325 has

previously been subdivided, following the granting of planning permission in 2013 and the subsequent construction of a 3 storey flatted development, built to the rear of the current application site. Whilst acknowledging that the proposed 4 storey development would adjoin an existing 4 storey tenement building at No 323 Holburn Street, the scale of development being proposed would remain very much out of character with that of the surrounding area, including that of the neighbouring dwellinghouse at No 325, given there is an established building pattern of 1½ storey detached/semi-detached, traditional granite dwellings which is very much in evidence along this stretch of Holburn Street. Taking into account the scale of development being sought, it would appear that the proposal is seeking to capitalise on the 4 storey tenement at No 323, however, this property is a later addition to the street and does not accurately reflect the immediate context within which the application site lies, in terms of the height, density and building lines of surrounding properties.

Taking into account the height and siting of the proposed development, with a separation distance of just 1 metre from the neighbouring 1½ storey dwelling with basement at No 325 Holburn Street, it is apparent that this proposal would introduce a particularly imposing elevation when viewed from Holburn Street, and in particular on approach from the south. Whilst a section of the front building line may well fall in line with that of the 4 storey tenement property at No 323, it would nevertheless project some 6.5 metres beyond that of the neighbouring property at No 325. Furthermore, although acknowledging that a staggered front building line has been incorporated into the design with a view to minimising the visual impact and massing of the 4 storey development along this front, public elevation, it is nevertheless apparent that the building would remain extremely dominant in the context of the existing streetscape, and particularly overbearing on the property at No 325.

On the basis that the scale of development being proposed would clearly result in overdevelopment of the site, and would neither respect nor complement the character of development in the immediate area, it is considered that the proposal would be contrary to both Policy D1 (Quality Placemaking by Design) and Policy H1 (Residential Areas) of the Aberdeen Local Development Plan, and would fail to address the requirements of Interim Planning Advice on 'The subdivision and redevelopment of residential curtilages'.

Design & Materials

The proposed design of the 4 storey building shows a relatively contemporary style, with a flat-roof and a feature, angled front elevation incorporating floor to ceiling windows. To the rear, the building has a regular pattern of window openings on the 4 levels, whilst to the side (south), where the elevation extends along the mutual boundary with No 325 Holburn Street, it is blank with the exception of narrow full length windows facing directly south, on each of the upper floors. The contemporary style of development which is being proposed would contrast with the more traditional appearance and materials of the properties surrounding the application site, and whilst this approach in itself would not be of particular concern, when this is considered alongside the concerns being raised in relation to the scale and positioning of development within the site as highlighted above, it is considered that the quality of design is not of a sufficiently high standard, as required under policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.

Impact on Residential Amenity

The proposed development would extend the full width of the application site, thereby adjoining the existing 4 storey tenement building to the north (No 323 Holburn Street) and lying at 1 metre off the gable end of the 1½ storey dwelling with basement at No 325 Holburn Street to the south. The front elevation of the development would have a staggered building line, linking up with the front building line of the tenement at No 323, and then falling back at an angle to lie some 1.2 metres forward of the front building line of No 325. To the rear (east) of the site, the proposed development would extend 1 metre beyond the building line of the tenement building at No 323, whilst the rear building line of the neighbouring property at No 325 would lie some 1.2 metres beyond that of the proposed building. As a result of the proposed siting, the southern gable end of the development, at 4 storeys in height, would have a particularly overbearing impact on the 1½ storey dwelling at No 325 Holburn Street, to the detriment of existing residential amenity.

To the east and beyond the rear boundary line of the application site is a recently constructed flatted development which fronts onto the Hardgate (No 280), with a drop in ground level of some 2 metres between the application site and the property at No 280. The rear building line of this development incorporates balcony areas which provide the potential for residents to sit outside, and with a degree of privacy, given there is currently no direct overlooking. The proposed development would lie directly to the rear of the aforementioned flatted property, with a separation distance of just 24 metres between the rear building line of the proposed 4 storey development and that of No 280 Hardgate. The proposed development, which would include windows up to 3rd floor level, would rise to a height of 11 metres, but with the added impact of an additional 2 metres in height, when compared to the property at No 280, given the change in ground level between these neighbouring sites. Taking this into account, it is considered that the proposed development would adversely affect existing privacy and introduce additional overlooking to the rear elevation of the flatted property at No 280 Hardgate, and would also likely result in overshadowing to the rear of this neighbouring site, to the detriment of the residential amenity of these residential properties.

The distance between the front elevation of the proposed building, which incorporates a high level of glazing, and the properties which lie directly opposite, and across Holburn Street, at No's 322 and 326, would be some 23 metres. The Subdivision and Redevelopment of Residential Curtilages Interim Planning Advice states that a minimum distance of 18m should be achieved between facing windows. Taking into account that the separation distance between these aforementioned properties which lie across Holburn Street and to the west of the application site, and the building line of the proposed development, would be more than the recommended 18 metres, and that there is a rise in ground level of approximately 2 metres between the development site and the two properties, then it is considered unlikely that the proposal would have any significant impact on existing privacy for those properties lying directly opposite the site. Whilst concerns have been raised by some residents about their loss of views, this is not a material planning consideration.

Based on the above, the proposal would be contrary to the requirements of Policy D1 (Quality Placemaking by Design) and Policy H1 (Residential Areas) of the Aberdeen Local Development Plan. The proposed development would introduce a significant degree of massing and a resulting impression of overbearing on the dwelling at No 325 Holburn Street, and would also adversely affect the existing residential amenity and privacy of residents at No 280 Hardgate. Whilst the impact of the proposed development on the adjoining tenement at No 323 may be less significant, it remains likely that the introduction of a 4 storey high development directly south of the tenement, with a projection of 1.2 metres beyond that of the tenement rear building line, would have some adverse effect on existing daylighting.

Provision of Residential Amenity

If viewed in isolation of the potential impact on existing residential amenity, then it is likely that the proposed flats within the development could secure a reasonable level of amenity for future residents. An area of private garden ground could be delivered to the rear of the site, and whilst no detail is provided in relation to the landscaping of such an area, this could be conditioned. Likewise, the orientation of the proposed development would allow for a suitable level of interior daylighting and sunlight to the flatted properties. It is however apparent that any view from the proposed flats to the rear of the site would likely introduce overlooking issues towards the outdoor balconies of the neighbouring flatted development at No 280 Hardgate, as previously outlined, and that the scale of proposed development would cause varying degrees of overshadowing on all neighbouring properties to the site. On the basis that the Interim Planning Advice, 'The Subdivision and Redevelopment of Residential Curtilages' states that "New residential development should not borrow amenity from, or prejudice the development of, adjacent land or adversely affect existing development in terms of privacy, overlooking, daylighting or sunlighting", then it is clear that the amenity which would be achievable for the proposed development would be to the detriment of the amenity currently enjoyed by existing residents of neighbouring properties, and on that basis such a proposal would not be acceptable.

Impact on Roads & Traffic

Interim planning advice on transport and accessibility states that for this site, which is deemed to lie outwith the city centre, 1.5 parking spaces per flat and 1 parking space per 30m² for the retail use should be delivered within the curtilage of the site. However, with no parking proposed within the layout, there would be an overall shortfall of 6 spaces for the development.

The proposal includes the delivery of 4 no. cycle racks to the rear of the building, and whilst these are not shown to be covered, nor secure, such detail could be conditioned. Notwithstanding this, the Roads Development Management team has objected to the proposal on the grounds of insufficient vehicle parking for both the residential and retail elements of the proposed development. Their comments are based on the aforementioned shortfall in on-site parking provision and the inability to deliver such parking as a result of the existing constraints of the site. A previous planning application for the formation of a driveway at this site was refused in November 2015, as a result of road safety concerns.

Whilst as part of the planning supporting statement, the applicant included a parking survey for the area surrounding the site which appeared to demonstrate some

capacity for on-street parking; the survey was not completed in accordance with the Roads Development Management team's recognised standards. Furthermore, the findings of the survey did not appear to reflect issues regarding existing congestion and pressure on parking within the area, albeit that these issues were highlighted by local residents in their letters of representation, and recognised by the Development Management team.

Taking all of the above into account, the proposal would be contrary to the requirements of the Interim Planning Advice on Transport and Accessibility, and would not be deemed suitably compliant with the requirements of Policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan.

Matters Raised in the Letters of Representation

The above evaluation has addressed all issues raised in the letters of representation, with the exception of the following matters:

4. *The proposed retail unit would introduce additional noise/odour issues, with the bin area being located to the rear of the development.* Environmental Health officers advised that a Noise Impact Assessment should be carried out in order to assess the likely sources and levels of noise both within and outwith the premises. The proposed layout includes an area for bin storage to the rear of the property, and this would typically be deemed the most appropriate location for such a facility.

11. *Construction work would cause additional traffic congestion/parking issues within the area.* This is not a material planning consideration. It would be up to any developer to ensure that access to all properties would be maintained.

12. *Existing high level of vacant retail units within the area.* This is not a material planning consideration.

13. *Lack of clarity on type of retail use proposed at ground floor level.* The proposal, if approved, would allow for any Class 1 use to operate from the premises.

14. *Proposal would result in devaluation of existing properties.* This is not a material planning consideration

15. *No detail on proposed hours of construction work or likely duration of works.* Environmental Health officers advise hours of construction work during development phase and this would be included as an informative, were consent to be granted for the proposed development. No indication of the likely duration of development work is required as part of the planning process, once development commences on site.

Recommended conditions

The application is recommended for refusal, however, should committee be minded to grant consent, then conditions should include the submission of details on materials, landscaping, drainage, bin and bike storage detail, and a noise impact assessment would be recommended.

RECOMMENDATION: Refuse

REASONS FOR RECOMMENDATION

1. The proposed development would result in the subdivision of an existing residential plot, and would not be in-keeping with the established pattern of development which prevails in the area. Whilst the introduction of mixed use development such as this, with retail at ground floor level and residential on the upper floors, would not in principle be deemed unacceptable within an area which is zoned as Policy H1 (Residential) in the Aberdeen Local Development Plan, the impact of the proposed development in this instance would be considered inappropriate for its residential context, given that it raises fundamental issues in terms of its design, scale and positioning of development within the site, and the adverse impact which this would have on the character of the area. On this basis the proposal fails to comply with the requirements of both Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) of the ALDP.
2. Aberdeen City Council's Roads Development Management team has objected to the proposal on the basis that the proposed development would fail to deliver a suitable level of off-street parking, and without such provision, the congestion already experienced in the streets surrounding the site from existing on-street parking would only increase to the detriment of residential amenity and road safety. The proposal would neither address the requirements of Aberdeen City Council's Interim Planning Advice on Transport and Accessibility, nor suitably comply with the Policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan.
3. The proposed building, due to its height, scale and massing would have an overbearing impact on the neighbouring dwellings at both 325 Holburn Street and 280 Hardgate, and given the drop in ground level from west to east, would introduce an unacceptable level of overlooking to the rear of the property at No 280 Hardgate, and in particular the private balcony areas associated to this flatted development. The proposal is therefore considered to have a significant detrimental impact on existing residential amenity, and would be contrary to policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan and to the Interim Planning Advice on the Sub-division and Redevelopment of Residential Curtilages.

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From: [REDACTED]
To: [PL](#)
Subject: Application Number 160557 - 325 Holburn Street
Date: 01 June 2016 16:54:08

NOT PROTECTIVELY MARKED

Dear Sir or Madam,

I am writing to notify you of my objections to the above planning development.

Recently, a development of a block of flats was built upon the Hardgate end of this same property, which used to be one large garden, halving the size of the garden and tarring over the green space. Whilst I did not object to this development, to now find that the other half of this same garden is now to be further developed causes me concern, and I perceive this to be over-development.

It appears that our green space in the City Centre is fast disappearing and this is further 'garden grabbing'. Such developments negatively impact on the quality of life for people like myself who live in the City Centre and enjoy the little green space and access to light we have left.

This development appears to stretch right to the border wall with the block of flats that I reside in next door at 323 and will be taller, which will also block out some of the already limited light we get in our garden, and potentially damage the wall which surrounds my garden. The street lighting in the area is also poor in Winter and so we need all the natural light we can get.

I also feel that the visual impact would be negative as the new build will be out of place in character and appearance with the older houses and tenement blocks around it.

This property is also near the junction with Bloomfield Road, and I'd have further concerns about road safety issues, if a business was to be situated there.

I am sceptical about the parking survey carried out. I regularly have challenges finding parking at my flat, particularly during office hours, despite what your surveyors found. Another business premises and four flats will impact on this situation significantly. I can only assume that the survey counted the parking on the east side of Bloomfield Road, where there are quite a lot of spaces but many inaccessible due considerably overgrown shrubs and bushes which need significantly cut back, and therefore should not have been counted.

We neighbours had to suffer all the noise and disturbance of the recent development mentioned above. Further noise and disturbance of construction will undoubtedly impact on our mental wellbeing.

Holburn Street is a nice street to live on particularly because of the lovely gardens in the area - please don't allow another to be bulldozed over for parking space and 'development'. Better development would be to spend some time and money enhancing and preserving the lovely old houses and flats that are already there and encouraging more greenery and light in the area, rather than increasing population and business density - though sadly, less profitable for those with money to build!

Yours sincerely,
Sheila

Sheila McDerment
323 Holburn Street
Aberdeen
AB10 7FP

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Tha am fiosrachadh sa phost-d seo, agus ann an ceangal(an) sam bith na chois, prìobhaideach agus dh'fhaodte FO SHOCHAIR LAGHAIL.

'S ann a-mhàin airson an neach-uidhe a tha e.

Mura tusa an neach-uidhe no mura h-eil dleastanas ort a chur air adhart chun an neach-uidhe, thathar le seo a' leigeil fios dhut gu bheil e toirmisgte am post-d seo a chleachdadh air dhòigh sam bith, no fhoillseachadh, no sgrùdadh, no sgaoileadh, no riarachadh, no lethbhreac a dhèanamh dheth.

Ma thàinig am post-d seo thugad le mearachd, leig fios sa bhad chun an neach a sgaoil e, a' cleachdadh a' ghòireis fhreagairt ann am bathar-bog a' phuist-d agad no le fios a chur gu POILEAS ALBA air (+44) 1786 289070 agus cuir às dhan phost-d.

From: [REDACTED]
To: [PL](#)
Subject: OBJECTION TO PLANNING APPLICATION 160557
Date: 24 May 2016 08:55:25

I am writing to outline my reasons for objection to planning application reference: 160557.

I don't stay in this area but my son bought an overpriced flat at 280 Hardgate just for off road parking.

I am over at the flat a lot and it does not matter what time or day it is parking around this area is a major problem, Not just from the occupants of the flats is this area, but from people dumping their cars around this area to dodge paying for parking nearer the city centre, My son has already had problems with rouge parkers on the pavement outside his flat. If this development were to go ahead where are another 8 + cars going to park ? Holburn street at this area is always busy, and buses struggle to pass each other as cars park on both sides.

Planning permission at 325 Holburn street has already been declined in the past what is the difference now ?

Sincerely Mr Doug Milne

MR DOUG MILNE TEL [REDACTED]
88 ERNSHEUGH CIRCLE
COVE BAY ABERDEEN
AB12 3RW

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From: [REDACTED]
To: [PL](#)
Cc: [REDACTED]
Subject: Planning Application 160557
Date: 19 May 2016 21:18:30

Dear Sir/Madam,

I am writing in response to planning application 160557. I would like to formally register concerns to the proposed application:

1. Given the number of vacant retail units and properties currently unoccupied due to the current climate, including properties immediately adjacent to the proposed development, I fail to see the rationale to construct further floor space when there is an inability to ensure occupancy which can reasonably be expected to continue in the short to mid-term;
2. The design of the building is clearly out of harmony with the adjacent 4 storey building; the height of the proposed 4 storey development is equivalent to 3 storeys of the adjacent building and lacks coherence;
3. It is not specified what form of retail let will be. If this is known it should be disclosed as part of this application;
4. There is no reference to the expected durations of construction works. This should be noted in the application;
5. It is noted in the guidance notes that construction hours are not grounds for an objection, however as having a young family I would like to put on record that all construction hours must be compliant with government standards for construction.

brgds

Martin Simms & Morgane Haberlay-Simms

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From: [REDACTED]
To: [PI](#)
Subject: Planning Application Reference: 160557
Date: 22 May 2016 20:15:19

I am writing to include an additional comment, with regards to my previously submitted outline for objection on 12/05/16.

The two streets surrounding the property, Holburn Street and Hardgate already reach full capacity on a daily basis for on street parking.

Since this new proposed development does not include any plans for onsite parking, this will further more cause traffic build up and parking issues on both streets.

Please consider this along with my previous email, as reasons for objection against this planning proposal.

Kind Regards,

Barry

Flat A
280 Hardgate
Aberdeen
AB10 6AA

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From: webmaster@aberdeencity.gov.uk
To: [PI](#)
Subject: Planning Comment for 160557
Date: 22 May 2016 22:30:52

Comment for Planning Application 160557

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

Telephone :

Email : [REDACTED]

type :

Comment : We object on the basis of design, scale and massing and parking. The design is uninteresting and makes little reference to the properties adjacent to it. The floor to ceiling heights look very small by comparison to adjacent buildings and this makes the building look out of scale. This is accentuated by the flat roof. The materials are not in keeping with anything in the local area.

The lack of any parking provision at all is not something that should be encouraged. If parking is not provided on site, then future residents should not have access to resident parking permits, in order to protect the amenity of the surrounding properties.

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From: webmaster@aberdeencity.gov.uk
To: [PJ](#)
Subject: Planning Comment for 160557
Date: 16 May 2016 23:27:03

Comment for Planning Application 160557

Name : Claire Cameron

Address : 323 Holburn Street,
Aberdeen,
AB10 7FP

Telephone :

Email : [REDACTED]

type :

Comment : Dear Sir/Madam

I would like to object the planning permission for application number 160557, 325, Holburn Street, Aberdeen, Aberdeen City, AB10 7FP. I live at 323 Holburn Street, next door to where the plans have been made and I want to object for the following reasons:

- I feel this would be a huge invasion of privacy to my tenement and also the tenement that backs onto the plans.
- I feel the height of the storey would effect sunlight to my property and our private garden.
- I feel the height of the storey would ruin my view and personal space.
- The new development would look out of place and ugly on the street, being surrounded by the beautiful old granite buildings.
- The retail unit and flats would mean more parking spaces will be needed and I already find parking very difficult at times.

I was very upset to see the plans for 325 Holburn Street, as I was happy with my property location but if this goes ahead I will strongly consider moving from my home.

Best Regards,
Claire Cameron

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From: webmaster@aberdeencity.gov.uk
To: [PJ](#)
Subject: Planning Comment for 160557
Date: 16 May 2016 10:36:15

Comment for Planning Application 160557

Name : Stephanie Abbott

Address : Flat C

280 Hardgate

Aberdeen

AB10 6AA

Telephone :

Email : [REDACTED]

type :

Comment : I am writing to outline my reasons for objection to planning application reference: 160557.

The plan for a 4 storey building is significantly larger than the flats situated to the rear of this proposed development and will therefore result in restricted sunlight to these properties as well as reduced privacy as this is the location of bedrooms and balcony areas. Plot 280 Hardgate was sold by the same owner for the construction of 280 Hardgate and these owners were not informed of this future proposal when purchasing their properties.

In addition to this there will be an increased amount of noise and odour as a result of the retail plot as well as the household flats. There are currently very limited disposal points in this area which will be reduced by having additional properties.

Parking in the area is already very restricted and additional households will only add to this pressure.

All owners of each flat at 280 Hardgate, have similar feelings towards this application.

Kind regards,

Stephanie Abbott

Flat C

280 Hardgate

AB10 6AA

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From: webmaster@aberdeencity.gov.uk
To: [PI](#)
Subject: Planning Comment for 160557
Date: 12 May 2016 14:54:13

Comment for Planning Application 160557

Name : Barry Milne

Address : Flat A

280 Hardgate

Aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Height of building is much taller than our recent development of flats 280 Hardgate, causing overlooking onto back rooms and balconies of our flats, impacting on severe loss of privacy.

Any daylight and sun rays would be blocked also.

Noise and odour could be present from suggested back retail plot and bin area of proposed development.

Plot of 280 Hardgate was sold by same owner, for construction of new flats, without advancement notice of this future new proposal.

All owners of each flat at 280 Hardgate, have similar feelings towards this application.

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From: webmaster@aberdeencity.gov.uk
To: [Pl](#)
Subject: Planning Comment for 160557
Date: 11 May 2016 15:12:48

Comment for Planning Application 160557

Name : Bill Keir

Address : 322 Holburn Street

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I strongly object to the proposed development across the road from my house.

The property owner previously applied for permission to convert the front garden into off-street parking - which was denied.

As such it seems to me that this application is purely to make a return on the work and cost incurred so far, rather than address a real shortfall of retail space and a requirement for more flats in this area.

Other grounds for objection regarding this application include:

- 1) Development work will cause congestion for the duration of the development
- 2) There is no parking capacity for the additional cars this development would inevitably attract
- 3) If developed there would be additional congestion - especially with an additional retail unit
- 4) There is already a spare retail unit further up Holburn Street
- 5) Previously complaints have been made to the Police regarding the amount of traffic and its speed at that point of Holburn Street (this includes large articulated delivery lorries) - the Police regarded the current parking as a measure to slow traffic but keep it moving
- 6) Buses often find it difficult to pass each other on the road between Iceland and Bloomfield Road
- 7) The development will block light into our side of the road - our house purchased 10 years ago
- 8) There will be a loss of privacy for houses on the other side of the road
- 9) The visual aspect to that part of Holburn Street will be adversely affected (I suspect the owner will not be living there?)

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From: webmaster@aberdeencity.gov.uk
To: [PI](#)
Subject: Planning Comment for 160557
Date: 11 May 2016 17:58:13

Comment for Planning Application 160557

Name : Thomas Wheeler

Address : First Right

323 Holburn Street

Aberdeen

AB10 7FP

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I would like to firmly object to this planning application.

As a resident home-owner within the neighbouring building I am deeply concerned by such a development. The proposed site and size of the development is almost guaranteed to fully obscure the view from my Kitchen. This will not only diminish the view from the room, making the view nothing more than a wall, but drastically impact the natural sunlight that we currently enjoy. The bright and unrestricted view from the kitchen window of the fields of green beyond the city were a highlight when considering purchasing this property (my first and only purchase).

Then of course there is the impact on our garden, which again will be negatively impacted in terms of view and sunlight.

This development will not only impact my own satisfaction of living here but will likely have a negative effect on the property's ability to attract prospective buyers if I come to sell it on. This in could effect the resale value in a negative manner.

Thank you for your time,

Tom Wheeler

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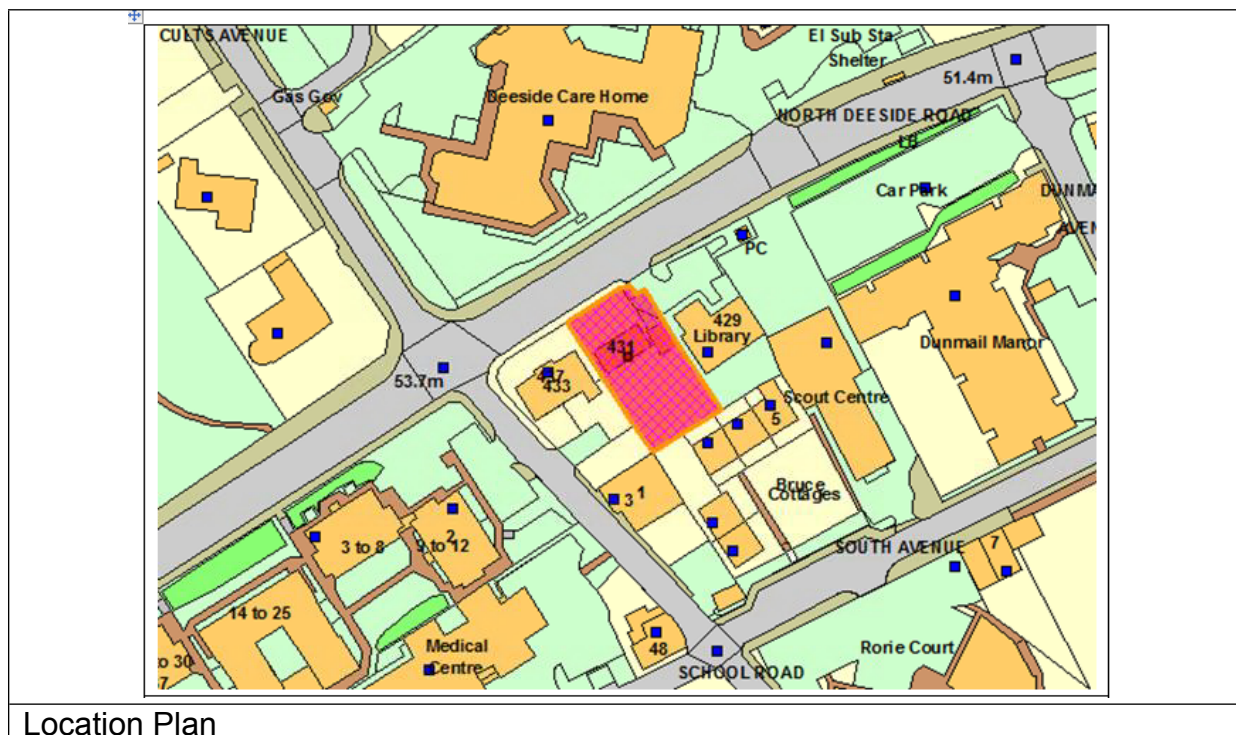
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Planning Development Management Committee Detailed Planning Permission

161804/DPP: Demolition of existing building and garage annexe and erection of 4No residential flats at 431 North Deeside Road, Cults, Aberdeen, AB15 9SX

For: 3J Property Investment Ltd

Application Date:	23 December 2016
Officer:	Dineke Brasier
Ward:	Lower Deeside
Community Council:	Cults, Bieldside And Milltimber
Advertisement:	N/A
Advertised Date:	N/A
Committee Date:	16 March 2017



Location Plan

RECOMMENDATION: Refuse

SITE DESCRIPTION

The site is located in an existing residential area within the settlement of Cults. It is currently occupied by a part demolished traditional cottage and garage. There is a distinct fall in levels across the site. The cottage is therefore single storey fronting North Deeside Road, and two storeys with additional accommodation in the roof space facing the rear garden. This rear garden itself slopes down gently to the rear

boundary. To the front is a drive leading up to the garage and an enclosed gravelled area, previously used as the front garden. The front garden is enclosed by a low granite boundary wall with a mix of 1.8m-2m chainlink fencing and close boarded timber fencing surrounding the rear garden.

To the east is the Cults Library, to the west is a two storey residential building, immediately to the south (rear) are the single storey Bruce Cottages, with a further two storey residential building to the south west of the site.

RELEVANT HISTORY

There is no relevant planning history

DESCRIPTION OF PROPOSAL

Planning permission is sought for the demolition of the existing building and garage and the erection of four flats. Floorplans for each flat would be the same and would contain a single bedroom with dressing room and en-suite bathroom, a second bathroom and a large open plan living/dining/kitchen area. The three flats on the upper floors would each have a south facing balcony, whereas the lower ground flat would have opening doors leading to the communal garden. The building would be three storeys to the front and four storeys to the rear, with a height of 9m facing North Deeside Road and 12m to the rear. To enable the overall four storey height at the rear, the rear garden would be dug out by roughly 1m and completely levelled. The front garden would also be slightly lowered and finished entirely in hard surfaces. The building would have a rectangular plan and a flat roof, with a length of 15.6m by a width of 10m, leaving only a narrow gap of 1m to the boundary with 433-437 North Deeside Road to the west, whilst completely built up to the boundary with the library to the east. Proposed finishes include light grey brick, including dark grey brick detailing, full height glazing and panelling. It is proposed to provide five car parking spaces at the front of the building, accessed via the existing shared vehicular entrance with the library.

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OIN5L6BZI9D00>.

- Design and Access Statement by Fitzgerald Associated, dated December 2016
- Planning checklist by Fitzgerald Associates, received 23 February 2017
- Shadow study covering Spring, Summer, Autumn and Winter

CONSULTATIONS

Consultee	Date of Comments	Comments Made
ACC - Roads Development Management Team	25 January 2017	No objection. Five parking spaces should be sufficient for this development. No concerns with regards to the use of a shared access with the library.

ACC - Environmental Health	6 January 2017	No objection subject to the conditioning of a Noise Impact Assessment
ACC - Flooding And Coastal Protection	6 January 2017	No objection subject to the consideration of rain water attenuation storage and the adoption of permeable block paving.
ACC - Waste Strategy Team	6 January 2017	No objection. Some concerns with regards to servicing as access very close to a signalised pedestrian crossing.
Cults, Bieldside and Milltimber Community Council	23 January 2017	Would like to raise concerns with regards to: <ol style="list-style-type: none">1. Access to parking spaces. It appears difficult to manoeuvre vehicles without encroaching onto the library forecourt;2. Residents of Bruce Cottages should be consulted with regards to the proposed tree screen arrangements; and3. Quality of design. The straight box design lacks the geometric imagination that could be expected for a building fronting the main street of Cults.

REPRESENTATIONS

Six letters of objection, five letters of support and one letter commenting on the proposal have been received.

The letters of objection raise the following matters:

1. Due to its size, the proposed building would overshadow and have an overbearing impact on 433-437 North Deeside Road;
2. Height and footprint of the proposed building would be larger than that of the existing building and would constitute an overdevelopment of the site;
3. Design should be revised in a lighter colour and its height should be increased;
4. Proposed building would result in devaluation of 433-437 North Deeside Road;
5. Design would not complement that of existing buildings in the area/ would visually detract from area;
6. Increase in traffic could result in misuse of existing parking spaces at the library and manoeuvring out of these spaces would appear complicated without crossing over into the library car park;
7. Increase in traffic in combination with the shared use of the access with the library and the proximity of the signalised pedestrian crossing could pose safety issues for pedestrians;
8. Demolition of existing building will cause disruption to adjacent properties;
9. Right of way across library access

The letters of support raise the following matters:

1. Proposal would result in economic regeneration of a property that has been unoccupied for years;
2. Proposal would result in removal of an eyesore that has been empty for years

The letter commenting raises the following matters:

1. Concerns about parking provision. Any overspill from the proposed development into the library car park would disadvantage library users.

REASON FOR REFFERAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because six letters of objection have been received. The application therefore falls outside the scheme of delegation.

PLANNING POLICY

Aberdeen Local Development Plan 2017

H1: Residential Areas

D1: Quality Placemaking by Design

T2: Managing the Transport Impact of Development

NE6: Flooding, Drainage & Water Quality

R6: Waste Management Requirements for New Development

R7: Low & Zero Carbon Build & Water Efficiency

OTHER RELEVANT MATERIAL CONSIDERATIONS

Interim Planning Guidance on Transport and Accessibility and Subdivision and Redevelopment of Residential Curtilages

EVALUATION

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

Design and Impact on character and appearance of surrounding area

The proposed building would have a length of 15m by a width of 10m, resulting in a total footprint of 150m². It would be three storeys to the front and four to the rear. The flat roofed building would have a height of 9m facing North Deeside Road and 12m to the rear. Proposed materials would predominantly consist of brick with feature full height glazing for the staircase and entrance with additional dark grey cladding to the front. The rear would contain a recessed balcony for the ground, first and second floor flat. Windows in the front elevation would be fairly standard, with windows in the rear elevation either obscurely glazed or high level.

The site would be levelled to the front and lowered by approximately 0.4m. As a result, the finished front ground floor level would sit lower than that of the

neighbouring property at 433-437 North Deeside Road. To the rear, the garden would be further excavated and levelled. The rear elevation would sit up to 1.15m lower than the current ground level. This would result in the lower ground floor flat only having windows facing south out over the rear garden with no natural light entering from the north. The proposed building would be set in line with the existing garage and the library, 3.4m behind the front elevation of the existing property on the site and 5m behind the front elevation of 433-437 North Deeside.

The existing building and garage on the site combined would have a footprint of 80m². Both buildings are relatively low with the eaves height of the cottage facing North Deeside Road set at 3.1m and the ridge height at 6.7m, with the ridge height of the garage at 3.4m.

The proposal would result in a building of a significantly larger height, scale and massing than that currently on the site. It would be substantially larger and higher than both the Cults library and the neighbouring property of 433-437 North Deeside Road. The existing building has an eaves height of just over 3m with the roof sloping away from North Deeside Road to an overall ridge height of 6.7m. This building on the other hand, would have a flat roof, which consequently means its massing would be much greater, resulting in a much denser development. As such, even though the building might only be 1m higher than the ridge height of 433-437 North Deeside Road as shown on the street scene drawings, its massing and impact would be much greater. Furthermore, it would fill nearly the full width of the plot, leaving only a narrow gap of around 1m to the boundary with 433-437 North Deeside Road. Again, this indicates a significant increase in site coverage. Finally, the proposal would not leave any separation between the front elevation/entrance into the building and the hard surfaced driveway/ parking area. This would provide a poor setting for the building, and would not respond to the site context, as most buildings surrounding the plot have landscaped front gardens.

This part of North Deeside Road has a mixed character, with in general more traditionally designed pitched roof two storey buildings fronting on the south side of North Deeside Road. The library immediately to the east of the site is a more modern building with large windows and a height of one and a half storeys onto the North Deeside Road and two and a half storeys to the rear. The proposal is for a modern, square building, which could be considered to appear incongruous in this context, especially in relation to the neighbouring property at 433-437 North Deeside Road. Its design is square and does not necessarily read well as a residential building. In addition, the southern elevation would appear blank and utilitarian. This is due to the constrained nature of this site and the position of neighbouring buildings and is an indication that the proposed building does not fit comfortably on the site and is considered an overdevelopment. Finally, bricks and cladding are not materials that are prevalent in this area, and the proposed colours (light grey bricks and dark grey brick detailing and panels) would stand out in this context.

Furthermore, to enable the construction of a four storey building on this site, the rear garden would be significantly lowered and excavated by up to a metre compared to current levels. As a result, the building would sit lower than surrounding development, which is particularly relevant for the lower ground floor flat, as this flat would not have any windows looking out over North Deeside Road. In addition, the

rear elevation clearly demonstrates that the proposed building is too large for the site. All windows facing south are either frosted, high level or recessed within a large balcony. This is due to the distance between the rear elevation of the proposed building and the Bruce Cottages, which at 15m is 3m less than the required 18m. As such, the proposal does not take due consideration of the context in which the building is set. Taking account of all the above, the proposal can be considered not to respect the existing built environment in terms of massing, height, materials and its visual impression.

Policy D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan sets out that all proposals will be considered against six essential qualities. These are:

1. Distinctive
2. Welcoming
3. Safe and pleasant;
4. Easy to move around;
5. Adaptable;
6. Resource efficient

The supporting text then goes on to set out criteria for each of these qualities. With regards to 1 (Distinctive) this includes that all proposals should respond to the site context, and are designed with due consideration to siting, scale, massing and proportions. In addition, they should also reinforce established patterns of development. In this case, it's considered that due to the reasons set out above, the proposed building does not respond well to the site context, and would be considered an overdevelopment of the site, and is therefore considered contrary to policy D1.

Impact on residential amenity of neighbouring properties
433-437 North Deeside Road

The proposed front elevation would be set in line with that of the Cults library, but would be more than 5m behind the front elevation of 433-437 North Deeside Road. Due to the size of the proposed building, this means that the rear elevation would be 7m behind the main rear elevation of this neighbouring building. The west elevation of the proposed building would not contain any windows or any other features. As such, the residents of 433-437 North Deeside Road would look out to a large, imposing, high brick gable at close proximity to their flats, which would be considered to have an overbearing impact on their outlook and would be detrimental to their residential amenity. This would be contrary to the requirements of policies D1 and H1 of the 2017 ALDP.

The applicant has submitted shadow studies covering all seasons. These show that, due to the orientation of the building and its relationship with 433-437 North Deeside Road, the proposed building would not cast unacceptable levels of shadow over this neighbouring property.

Bruce Cottages

The Bruce Cottages, a row of small terraced single storey dwellings to the south would be set at a distance of 15m from the rear elevation of the proposed building. Even though their main outlook would be south towards South Avenue, they contain

several windows facing north towards the application site. The floor levels of Bruce Cottages would be at a similar level as the lower ground floor level of the proposed building. The proposed building, due to its height, width and massing would be considered to have a detrimental impact on the outlook from and would have a dominating and overbearing impact on these small residential properties. The applicant has attempted to mitigate the impact of the building by the introduction of a 2m close boarded timber fence on the boundary with a tree screen immediately behind. It is considered that this would not be sufficient to screen a 4 storey building, and that it would not sufficiently mitigate the overbearing impact of a building of such a scale and size. Furthermore, the proposed screening itself, especially the trees, could pose issues with regards to loss of light and outlook. It should be taken into account though that it would be possible to erect the fence under permitted development rights.

The distance between the rear elevation and the Bruce Cottages would be 15m. The rear elevation would contain a high level window, two obscurely glazed windows and a recessed balcony for each of the upper floor flats with patio doors and full height glazing for the lower ground floor flat. The balconies would have a depth of 3m. All of these measures, the obscure glazing, the high level windows and the recessed balconies, technically comply with guidance in relation to overlooking – keeping the distance between facing windows serving habitable rooms at 18m. However, the need to utilise all of these measures, is an indication that the relationship between the proposed building and the Bruce Cottages is extremely tight and uncomfortable, even more when taking account of the difference in scale between the two buildings and the increase in the number of units overlooking these small properties. It is therefore considered that the proposal would have an adverse impact on the residential amenities of the residents of the Bruce Cottages, which would be contrary to policies H1 and D1 of the 2017 ALDP.

1-3 School Road

To the south west of the site is 1-3 School Road, a two storey residential building. This building is located directly behind 433-437 North Deeside Road. The distance between 1-3 School Road and the proposed building would be 13m. Again, it is considered that due to its scale and massing the proposal would have an adverse impact on the outlook of residents from this property. However, as the outlook towards the building would be set at an oblique angle, this in itself would not warrant a reason for refusal.

Proposed building

With regards to the living accommodation provided, each floor would contain a large living/dining/kitchen area, bedroom with dressing room and en-suite bathroom and a further bathroom. Again, even though technically the proposal would work, the internal layout demonstrates the conflict between the building and the Bruce Cottages to the rear with the bedroom looking out towards North Deeside Road and the bathrooms utilising the obscurely glazed windows in the usually more desirable south elevation. In addition, due to the proposed internal layout, the bedroom of the ground floor flat only has an outlook over the hard surfaced parking area. There is no separation or any soft landscaping between this area and the building itself. This would result in a poor outlook for this room and the north facing windows serving the living/kitchen area.

The three upper flats would be served by a large balcony and all four flats would have access to a communal south facing rear garden approximately measuring 200m². This would be an adequate provision of external amenity space.

Impact on local highway conditions, especially in relation to access and parking

Access and parking

The site layout shows five parking spaces to the front of the building sharing an access onto North Deeside Road with the library to the east. Interim Planning Advice on Transport and Accessibility sets out that a 1 bed flat in Cults should provide 1.5 parking space, resulting in a requirement of six parking spaces for the overall development. As such, there is a shortfall of one. However, taking account of the position of the site on a main route to the city centre, well served by several bus routes and within walking distance of essential facilities such as a health centre, school and supermarket, this shortfall is accepted.

The driveway into the development is 6m wide, which would be sufficient for cars to enter and exit the site in a forward gear. The proposal would use the existing access onto North Deeside Road serving the library. Concerns have been raised in letters of objection about the intensification of the use of this access. Roads Development Management Team (RDMT) has considered this issue, and is satisfied that the intensification of the use of the access would not result in any public safety issues. Visibility splays would be acceptable.

Cycle Parking

Cycle parking would be provided to the rear of the building. Bikes would need to be carried down 14 steps to the communal garden. Again, RDMT has considered this, and concluded that this location is acceptable. No details have been provided of a safe and secure cycle store. However, taking account of the size of the communal garden, there is sufficient scope to accommodate a bike shed. If Committee were minded to approve, then these details could be conditioned.

Waste and flooding

Waste

A bin store would be located next to the entrance into the site. The proposed bin store would be sufficiently large to accommodate all necessary bins. Distance to the bins from the front door of the building would be within 30m, and the distance from the bin store to the road, where pick-up would take place, would be less than 10m. As such, this aspect of the proposal would meet all requirements.

Flooding

Flooding Team has been consulted, and did not raise any objections to the proposal. The use of rainwater attenuation storage and porous materials for the driveway and parking spaces is recommended.

Low and zero carbon buildings

Policy R7 of the 2017 ADLP sets out that all new buildings must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 20% below that required under current buildings standards. In their supporting statement, the applicant has not proposed any concrete measures in

achieving this target, but has indicated a willingness to accept a condition requesting this information.

Other matters raised in letters of representation

Letter of objections:

1. Overshadowing of 433-437 North Deeside Road: This has been discussed in the evaluation above.
2. Height and footprint larger than that of existing building: This has been discussed in the evaluation above.
3. Height of proposed building should be increased: The height of the proposed building has been discussed in the evaluation above
4. Devaluation of neighbouring properties: This is not a material planning consideration
5. Design would not complement buildings in surrounding area: This has been discussed in the evaluation above.
6. Library parking: This has been discussed in the evaluation above;
7. Increase in traffic: This has been discussed in the evaluation above;
8. Demolition: The proposal would result in the demolition of the existing buildings on the site. An informative could be added advising the applicant of a restriction to working hours. However, this would be an issue dealt with under Environmental Health legislation.;
9. Right of way across library car park: The applicant has confirmed that this right of access is within the title deeds.

Letters of support:

1. Economic regeneration: Scottish Planning Policy is generally supportive of proposals that would result in economic development and regeneration, and this is a material consideration. However, any development would need to be compliant to other planning policies and would be acceptable on a site-by-site basis. In this case, it is considered that the proposal would fail to comply with various policies in the 2017 ALDP, and that in this case, this material consideration would not justify a departure from recently adopted policy.
2. Removal of an eyesore: The planning authority would support the redevelopment of this site. However, as stated above, any proposal would need to comply with relevant planning policies and it is considered that, in this case, not all relevant planning policies are met.

Recommended conditions

This application is recommended for refusal based on the reasons below and described in more detail in the evaluation above. However, if Committee were minded to approve, then it is recommended the following conditions are attached to any consent:

- Details of materials
- Details of hard and soft landscaping
- Details of boundary treatment
- Provision of car parking
- Details and provision of cycle parking
- Noise Impact Assessment
- Low and Zero Carbon generating technology

RECOMMENDATION: Refuse

REASONS FOR RECOMMENDATION

1. The proposed building, due to its architectural design, height, scale and massing has not been designed with due consideration for the site context, and is considered to be an overdevelopment on a relatively small site. The proposal would therefore be contrary to the requirements of policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the 2017 Aberdeen Local Development Plan.
2. Due to the large gable, which would extend 7m to the rear of the neighbouring property at 433-437 North Deeside by an overall height of four storeys, the proposal is considered to have an overbearing impact on the outlook of the residents of this existing building, to the detriment of their residential amenity. This would be contrary to the requirements of policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the 2017 Aberdeen Local Development Plan.
3. Despite the proposed screening on the rear boundary consisting of a 2m close boarded fence with trees behind, it is considered that the construction of a building with an overall height of 12m at a distance of 15m from the rear elevation of the single storey Bruce Cottages, and the increase of number of units on the site would have an overbearing impact on the Bruce Cottages and would result in an increased level of overlooking. Taken together, this would result in a significant detrimental impact on their residential amenity, which would be contrary to planning policies D1 (Quality Placemaking by Design) and H1 (Residential Areas).



**CULTS BIELDSIDE AND MILLTIMBER
COMMUNITY COUNCIL**

cbmcc@cbmcommunity.org.uk

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

23 January 2017

Dear Ms. Brasier,

Planning Application 161804/DPP: Demolition of existing building and annexe and erection of 4 No residential flats and associated car parking 431 North Deeside Road Cults Aberdeen AB15 9SX

I am writing on behalf of the Cults Bieldside and Milltimber Community Council (CBMCC) to share our views on the proposed building of 4 residential flats in the grounds of 431 North Deeside Road. The Community Council is concerned about the following issues and would request Planning Department to take these into consideration when assessing the application.

1. Access is a potential problem. What is the height of the wall immediately at the entrance to the car park, and will the wall still have a curve on entering the car park? We understand that the provision of six car parking spaces for the four flats is in line with guidance but it would seem very difficult to access spaces 1 and 6 and manoeuvring vehicles would have to encroach on the library forecourt.
2. Bruce Cottages. Residents should be consulted regarding the tree screen arrangements at the south boundary.
3. Design. Although we agree that there is a mix of styles surrounding the site and a contemporary design would fit in well, we feel that the straight box design chosen lacks the geometric imagination that could be expected for a building fronting to the main street of Cults. E.g. the library features strong horizontal lines, a v-shaped roof and a forward entrance block.

Please contact me if you have any questions.

Yours sincerely,

Lindsay Davidson

For Peter Roberts

Planning Liaison Officer

Copy to: Councillor Marie Boulton, Councillor Aileen Malone, Councillor Tauqeer Malik

Peter Roberts, Planning Liaison Officer CBMCC
6 Marchbank Road, Bieldside, Aberdeen AB15 9DJ
01224 868524 - roberts.peter53@gmail.com

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Comments for Planning Application 161804/DPP

Application Summary

Application Number: 161804/DPP

Address: 431 North Deeside Road Cults Aberdeen AB15 9SX

Proposal: Demolition of existing building and garage annexe and erection of 4No residential flats

Case Officer: Dineke Brasier

Customer Details

Name: Mrs Margaret Booth

Address: 26 Cairnlee Avenue East Cults

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Great to see something positive happening with this eyesore. It's been in this delapidated state for sometime now.

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Comments for Planning Application 161804/DPP

Application Summary

Application Number: 161804/DPP

Address: 431 North Deeside Road Cults Aberdeen AB15 9SX

Proposal: Demolition of existing building and garage annexe and erection of 4No residential flats

Case Officer: Dineke Brasier

Customer Details

Name: Mr Christopher Robb

Address: Maybank Crathes

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I pass this old building every day. Glad to see something positive happening with it. It brings the otherwise good area around it down.

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Comments for Planning Application 161804/DPP

Application Summary

Application Number: 161804/DPP

Address: 431 North Deeside Road Cults Aberdeen AB15 9SX

Proposal: Demolition of existing building and garage annexe and erection of 4No residential flats

Case Officer: Dineke Brasier

Customer Details

Name: Mr John Okerinde

Address: 433 North Deeside Road Cults Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. The design aesthetic of the proposed building does not complement the existing buildings in the area and will negatively impact the area visually. The proposed development's characteristics will not be consistent with the current environment which is a family friendly and less densely populated neighborhood. The proposed building is massive and substantially larger when compared to the existing building. The height of the proposed building will overshadow the surrounding residential building and reduce ventilation and natural light received by the residential buildings. The size of the proposed building will demean the adjacent properties to the west and east bound and consequently diminish the value of the property at 433 North Deeside Road. The proximity will unnerve the occupants of the properties in 433-437 North Deeside Road and the public who utilize the Cults library and learning center.

2. Vehicular access to the proposed building from North Deeside road will be shared with the library, the proposed 4 residential flats and 6 parking spaces will increase the traffic in the area with already limited access. Due to the proposed building being very close to a public building with limited parking spaces, misuse of the allocated parking spaces for the library and the proposed building may occur. The combination of the increased usage of vehicular access, the pedestrian crossing and the cross-junction which are located only a several feet from the building site will cause increased congestion around this region and could pose safety issues for children and young adult who may wish to visit the Library.

3. The demolition of the existing property will cause disruption to the adjacent properties and potentially impact the traffic at that region of North Deeside Road. If asbestos or any other contaminant is present; the environment may be contaminated during demolition and construction. 433-437 North Deeside Road will experience noise pollution during construction.

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Comments for Planning Application 161804/DPP

Application Summary

Application Number: 161804/DPP

Address: 431 North Deeside Road Cults Aberdeen AB15 9SX

Proposal: Demolition of existing building and garage annexe and erection of 4No residential flats

Case Officer: Dineke Brasier

Customer Details

Name: Mr Brent Walker

Address: 13 Kirk brae Cults Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I would like to see this project go ahead as the current building has been empty so long it's fallen into a state of disrepair and is fast becoming an eyesore

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Comments for Planning Application 161804/DPP

Application Summary

Application Number: 161804/DPP

Address: 431 North Deeside Road Cults Aberdeen AB15 9SX

Proposal: Demolition of existing building and garage annexe and erection of 4No residential flats

Case Officer: Dineke Brasier

Customer Details

Name: Mr Derren Mcrae

Address: Beaconsfield Place Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This property has lain vacant for a number of years and is a blot on what is a prominent spot on North Deeside Road. Given the current climate it is encouraging that someone is looking to invest in the site and create attractive well located apartments

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Comments for Planning Application 161804/DPP

Application Summary

Application Number: 161804/DPP

Address: 431 North Deeside Road Cults Aberdeen AB15 9SX

Proposal: Demolition of existing building and garage annexe and erection of 4No residential flats

Case Officer: Dineke Brasier

Customer Details

Name: Mr Neil Thomson

Address: 7 friarsfield avenue cults Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: At last after ten years this eyesore will be turned into apartments. Nice to see a more modern design in the centre of cults perfect for those downsizing and approaching the later years of life all within walking distance of all amenities.

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Comments for Planning Application 161804/DPP

Application Summary

Application Number: 161804/DPP

Address: 431 North Deeside Road Cults Aberdeen AB15 9SX

Proposal: Demolition of existing building and garage annexe and erection of 4No residential flats

Case Officer: Dineke Brasier

Customer Details

Name: Mr John Grant

Address: Central Library Rosemount Viaduct Aberdeen

Comment Details

Commenter Type: Council Employee

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

Comment Reasons:

Comment: The Library Service has no objection to the planning application in principle. However, Cults Library will share access from North Deeside Road to the Library Car Park and proposed parking for the development, to the front of each building and we have concerns about the proposed (6) number of parking spaces. With the potential of 2 cars at each of the 4 flats plus any visitor parking, we do not believe this to be adequate. The library car park has space for only 2/3 cars including one disabled parking space and any overspill from the proposed development would disadvantage library users.

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Comments for Planning Application 161804/DPP

Application Summary

Application Number: 161804/DPP

Address: 431 North Deeside Road Cults Aberdeen AB15 9SX

Proposal: Demolition of existing building and garage annexe and erection of 4No residential flats

Case Officer: Dineke Brasier

Customer Details

Name: Mr Chua Para

Address: 155 Craigievar Crescent Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to this planning application for the following reasons

1. Road safety: The proposed access for additional cars is very close to a controlled road crossing used by the elderly and school children. The impact of additional cars will be dangerous for these pedestrians
2. I do not believe 6 parking spaces can safely be fitted into the planned space and will require cars the reverse in/out creating a hazard to library users. Additionally any overspill parking will use the library car park which will dissuade the public from using the library at a time when its use is dwindling and needs to be encouraged
3. The design is not in keeping with the area
4. If the applicant does not own the area in front of the existing garage which is to be demolished and is reliant on access to this property over council owned land what happens if the council choose to sell the library
5. The application appears to be for a property higher than the existing building which I thought was not allowed
6. The footprint of the planned building is larger than the existing property

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Comments for Planning Application 161804/DPP

Application Summary

Application Number: 161804/DPP

Address: 431 North Deeside Road Cults Aberdeen AB15 9SX

Proposal: Demolition of existing building and garage annexe and erection of 4No residential flats

Case Officer: Dineke Brasier

Customer Details

Name: Mr Paul Cameron

Address: 28 kirk place cults aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I don't like the colour of the proposed building a lighter grey colour would be better.

I also think the building should be taller, at least the same height as the old people opposite this would allow the apartments to get better views of Deeside.

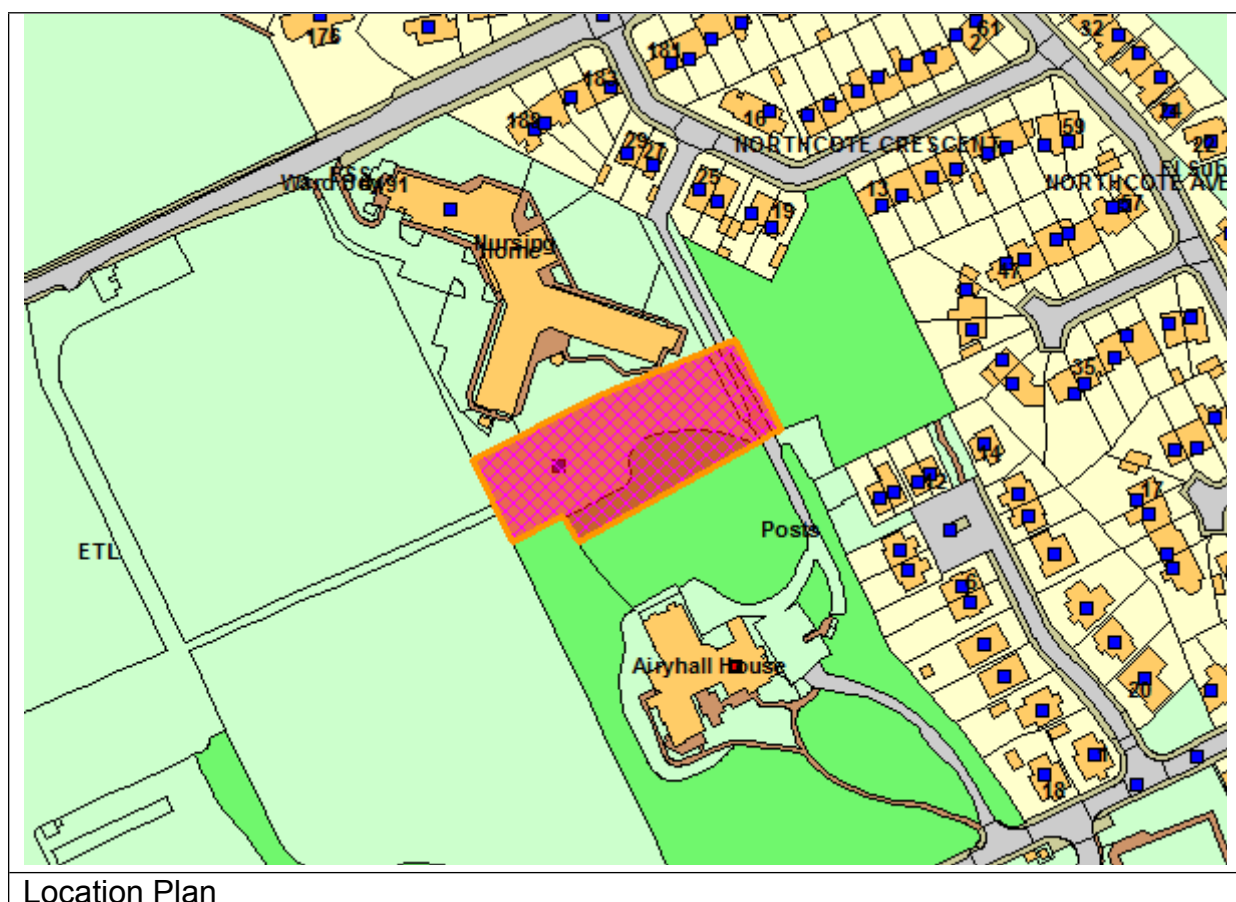
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Planning Development Management Committee Detailed Planning Permission

161760/DPP: Erection of a 2 storey dwellinghouse at Land Between Airyhall House And Northcote Care Home, Airyhall Road, Aberdeen, AB15 7TF

For: Bancon Homes

Application Date:	14 December 2016
Officer:	Lucy Greene
Ward:	Airyhall/Broomhill/Garthdee
Community Council:	Braeside And Mannofield
Advertisement:	Section 60/65 Affecting Character of Conservation Area
Advertised Date:	04.01.2017 & 06.01.2017
Committee Date:	16 March 2017



RECOMMENDATION: Refuse

SITE DESCRIPTION

The site is located between Airyhall Road and Craigton Road, sitting between Airyhall House, which is divided into flats for over 55s, and Northcote Lodge Care Home and forms part of the original policies of Airyhall House. The site, which is rectangular in shape and extends to 0.35 hectares, is substantially wooded, containing a significant number of large mature trees. The site is reasonably level, except for that part of the site next to the south boundary which rises up by 1.5-2.0 metres. An existing access lane to Airyhall House runs through the eastern part of the site. That lane is closed to through traffic south of the application site and is a core path. The application site was formerly part of the policies of Airyhall House and historic maps show small scale buildings associated with the main house and its walled garden.

Northcote Care Home, to the north of the site, is a 2 storey building of irregular shape. Airyhall House, to the south, is 3 storeys high. To the east is an area of public open space containing a large number of medium sized trees. Immediately to the west is green belt land. To the south lies the walled garden and grounds associated with Airyhall House. The walled garden immediately abuts the southern boundary of the site.

An informal footpath crosses the site east – west and this is located towards the southern edge of the site.

The site lies within the eastern portion of the Pitfodels Conservation Area.

RELEVANT HISTORY

Application Number	Proposal	Decision Date
090141	Erection of 54 Bed Nursing Home	Approved Conditionally

The application site for the nursing home included this current application site, with some of the replacement tree planting taking place within the current application site. This looks to have included 7 replacement trees for those lost for the building of the nursing home, and which were planted to enhance

131354	Construction of 5 No. terraced houses and associated site works	Refused
PPA-100-2060		Appeal dismissed

The appeal decision can be read here:

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=115601>

The upholding of original decision in the appeal was based on the following (main issues):

The Supplementary Guidance on plot splits was relevant and applied, as were policies relating to design, layout and amenity for existing and incoming residents. In relation to these:

- The pattern of development would not replicate the existing buildings to either side.
- Scale and massing of the proposed houses would introduce another different and discordant built form into the surroundings.

- The proposal would not improve the surroundings.
- In order to ensure privacy, the design would result in blank and harsh rear elevation to the north (care home), with no passive surveillance of the communal back garden, which in turn would be overlooked by the care home.
- Although there would be no effect on light reaching the buildings to either side, the tree canopies and orientation meant that the communal garden would be dark and overshadowed for most of the year.
- The proposed materials and their use on the buildings were not natural or traditional and would not suit nor complement the surroundings.
- the character of the area would change substantially to become far more urban and this would erode the character, quality and value of the area's landscape. The change would not help to conserve, restore and enhance the local landscape.
- Tree loss and risk to mature trees due to building within root zones. Construction traffic accessing the site would also find it difficult to do so without damage to trees.
- The widening of the entrance for visibility splays for service vehicles would entail clearance of vegetation which would further erode the character of the green space.
- the site forms part of the extensive wooded grounds associated with Airyhall House, which is now on the edge of the last remaining gap in the urban area at this north end of the conservation area. Landscape setting is part of the setting of the conservation area. The impact of the change that would result from the appeal proposal on important qualities, such as seclusion, tranquillity, low density development, mature trees, and traditional styled and finished buildings would be harmful, especially cumulatively with development nearby. The conservation area could not absorb that additional change without further erosion of its key characteristics and I have no evidence to show that this impact could be mitigated. It was therefore considered that the proposal would detract from and would specifically not preserve or enhance the character or appearance of the conservation area.

DESCRIPTION OF PROPOSAL

The application proposal is for a detached two storey five bedroom dwellinghouse, with integral double garage. The footprint of the house (including garage) would be 201m². The proposed house would be located toward the rear of the site, however, still allowing for a large rear garden of 560m² to the west (rear) .

The main house would consist of a traditional type rectangular plan building, with two storey granite gabled entrance feature, wallhead dormers faced with timber linings to either side and the remainder of the frontage in white coloured roughcast with granite features. To the rear is a projecting one and a half storey annex. The garage sits to the side of the main house and has bedroom accommodation within its upper level. The roofs would be slated.

It would be proposed to contain the rear garden within a 1.8m high timber fence, whilst providing a public footpath to the south side of the fence, linking the core path / access lane, with footpaths within the green space to the west.

The house would be approximately 16.5m to the south of Northcote Lodge Care Home at the nearest point. This is a windowless gable. However the nearest window to window distance would be approximately 20.5m – between windows on the south west end elevation of the care home and on the rear ground floor level family room. Windows from the care home would overlook the gardens to varying extents, with windows being at a horizontal distance of approximately 11m at closest and at an oblique angle.

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OI4V9SBZI2900>.

CONSULTATIONS

Consultee	Date of Comments	Comments Made
ACC - Environmental Health	25 January 2017	No observations
ACC - Roads Development Management Team	27 January 2017	No objection It is noted that the existing access road will be upgraded and extended into the house site such that it is suitable for access for service vehicles
ACC - Flooding And Coastal Protection	1 February 2017	No objection
ACC - Waste Strategy Team	30 January 2017	No objection
Braeside and Mannofield Community Council	19 January 2017	Objects for the reasons set out below

- The 2012 LDP identified the area as a development opportunity for 20 houses and these have been built already. The existing house would be contrary to the LDP.
- Many of the reasons for the refusal of the previous application still apply.
- Impact on landscape, amenity and character of the site and adjacent area.

REPRESENTATIONS

Fourteen letters of representation have been received. These raise the following issues:

- There was a problem with neighbour notification whereby Airyhall House was missed out. (This was rectified and correct notification carried out.)
- That the site has been the subject of refusal and an appeal dismissed
- The house would be badly sited, in an isolated and inappropriate location, with regards to potential for noise and trespass, between a nursing home and Airyhall House which is restricted to residents aged over 55.

- There is a wide network of paths and rights of way in the area, the new development would need to respect these.
- Concerns regarding the need to delineate the boundary between the site and Airyhall House, and the type of boundary treatment. Letters refer to the current situation whereby walkers on the path stray onto the Airyhall House grounds.
- There has been no maintenance by the applicant, of the area between the site and Airyhall House.
- Interaction of boundary treatment and mature trees needs to be carefully considered.
- Access to the proposed property. The lane from Craigton Road is a single dirt track which has no lighting but is regularly used. It is also the path to the bus stop.
- Continued occasional use of the land by pedestrians and occasional use by vehicles.
- It is stated that the road should be lit, cleared of undergrowth and surfaced for safety reasons and must remain available to walkers
- That the nearby woodlands are home to wildlife and part of the scheme to bring back red squirrels. The site is part of network of green spaces used by wildlife.
- The site would include an area that provides access to the walled garden associated with Airyhall House. Although this is not the only access, it is easier for those with walking problems and for taking in gardening equipment. An access gate, of a width suitable for access (4 feet stated in representation) is needed.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because there are fourteen letters of representation and an objection from the Community Council.

PLANNING POLICY

Aberdeen Local Development Plan 2017

Policy H1 – Residential Areas
Policy D1 – Quality Placemaking by Design
Policy D2 – Landscape
Policy D4 – Historic Environment
Policy NE3 - Urban Green Space
Policy NE5 – Trees and Woodland
Policy NE9 – Access and Informal Recreation

OTHER RELEVANT MATERIAL CONSIDERATIONS

Historic Scotland's "Managing Change in the Historic Environment
Pitfodels Conservation Area Character Appraisal 2015
Interim Guidance: The Sub-Division and Redevelopment of Residential Curtilages

The previous appeal decision is also a material consideration in so far as it is relevant.

Interim Guidance: Green Space Network & Open Space

Interim Guidance: Trees and Woodlands

EVALUATION

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

As the site is situated in the Pitfodels Conservation Area, it is also a requirement in accordance with section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

The main issues for consideration are:

- Impact on the residential environment for existing and incoming residents;
- Impact on trees, woodland and wider landscape character, including on the core path and footpath network; and,
- Impact on character of the conservation area, in terms of proposed building and the landscape setting of the conservation area.

Residential Use and Amenity

The proposal lies within an area zoned under Policy H1: Residential Areas. This policy presumes in favour of residential development, subject to several provisos:

- is not overdevelopment;
- should not harm local character and amenity or remove valued open space; and
- should comply with SG “The sub-division and redevelopment of residential curtilages”, which applies to development in the garden ground of existing properties, in other words, to curtilage splitting.

The house would be set within relatively large grounds and would be considered not to be over development in the context of its own site, however, this matter will be considered further below in the context of the character of this particular area.

The nature of the site is that it has a rural feel, being crossed by both the core path – the lane from Craigton Road – and the footpath leading east/west between the core path and the green space to the west. It is unmaintained, which provides the feel of a wild space and this enhances the environment for those using the footpaths. The proposal for the house, and also the 1.8m timber fence around the rear garden, which would run alongside the footpath, would therefore harm local character and amenity.

The application site was part of the curtilage of Airyhall House and the supplementary guidance therefore applies. This identifies the relevant issues as privacy, design, external finishes, sunlight and daylight, scale, massing and pattern.

In terms of separation distances and orientation, there would be no impact in terms of daylighting or sunlighting, on the occupiers of the existing neighbouring buildings. The tree coverage on the site would mean that large areas of the grounds would be overshadowed at many times of year, although slightly less so at the rear. This would potentially impair the enjoyment of the site by occupiers in terms of sunlight and would be likely to result in there being pressure for further trees to be removed in the future. Trees will be discussed further later in the report.

There would be insignificant impact on the privacy of the occupiers of the existing buildings and for the incoming residents, separation distances would compare favourably with those typically found in residential areas.

The proposed house would introduce a different scale and massing to this particular area, as it would not correspond to either Airyhall House or Northcote Care Home, both of which are buildings of larger footprint set within green surroundings. The area has a different character to that of the suburban area to the east, which lies outside the conservation area, and is an area of transition between the more urban area, and the green belt to the west. The proposal does not fit with the pattern of development in the immediate area.

The proposal would harm the local character and amenity and particularly in relation to users of the paths, and would not therefore comply with Policy H1.

Policy NE3- Urban Green Space presumes against granting permission to redevelop woods and other areas of urban green space. Green Space is defined in the Interim Guidance relating to open space as vegetated areas of open space within urban areas. There are some exceptions within the policy, these include: where there is no significant loss to the landscape character and amenity of the site and the adjoining area; where public access is maintained or enhanced; the site of no significant wildlife or heritage value; there is no loss of established or mature trees; or, there would be equivalent replacement green space. In this particular case, the site is well used by walkers, as well as the outlook contributing to the amenity of those living in the care home, the proposal would result in loss of enjoyment of the site, whilst a footpath link would be provided, it would be of a different character. The site is of value to wildlife, although does not have special significance, its value to wildlife would be impaired by change in nature of the site to garden ground. Mature trees would be lost and highly likely to be damaged and require work in the future. The policy exception relating to replacement open space is not relevant in this case.

In terms of Policy NE9, whilst the character of the footpaths would be affected, the informal route through the site would remain, albeit rerouted slightly. The policy also refers to access during construction, and there is no reason why this could not be managed to allow the access to remain open. The proposal does not contravene Policy NE9.

Landscape, trees and woodland

The proposal would result in the removal of two mature trees in order to provide access. In addition, the root protection areas of trees along the northern boundary would be very close to the foundations of the house and may sustain damage in the

long term. Construction access would also be restricted and further damage may occur.

As mentioned previously there is significant tree coverage on the site, any works to trees requires permission due to the conservation area designation, however, experience has shown that building houses with this sort of relationship to trees, often results in pressure for the trees to be removed in the medium term.

Policy NE5 presumes against development that will result in the loss of, or damage to, trees and woodlands that contribute to landscape character and local amenity.

The wooded setting is a key part of the character of the conservation area in this location, as well as the trees contributing to the recreational value of the area as noted above. The proposal would not therefore comply with Policy NE5 and the interim guidance: Trees and Woodland

Conservation Area

The character of the Pitfodels Conservation Area is one of large country houses within large plots and of a landscape setting of extensive mature tree planting. The proposal, due to the introduction of a house and its associated boundary treatments, would erode the quality of the area's character. The proposal would not preserve or enhance the character of the conservation area in this particular location.

Setting aside the principle, the massing and elevational design of the house, whilst generally derived from traditional design and having some of the associated features, would not be in keeping with semi rural character of the surroundings. This is due to its scale, introducing an alien feature as noted above, and factors such as integral garages and the prominent gable feature.

In conclusion, the proposal would harm the local character and amenity due to the change in the nature of wooded site, with its public footpaths and core paths. It would result in loss and damage to trees and would not preserve and enhance the character of the conservation area, due to both the principle and detailed design of the proposal.

Should the Committee resolve to approve the application, it is recommended that this be conditional upon matters including: landscaping and tree planting, materials for the house and boundary enclosure, withdrawing permitted development rights, ensuring provision of the footpath and access to the walled garden,

RECOMMENDATION: Refuse

REASONS FOR RECOMMENDATION

The application proposal would have a negative impact on the natural, wooded site and its surroundings including public footpath and core path, leading between residential areas and the green space to the west. The proposal would result in loss, potential damage and future loss of trees. It is thereby contrary to Policy H1, D2, NE3 and NE5 in the Local Development Plan 2017, and to the interim guidance on The Sub-division and redevelopment of Residential Curtilages and interim guidance on Trees and Woodlands.

Due to the impact of the introduction of a house of the scale and design proposed on trees and the landscape character of the site and immediate area, it would not preserve or enhance the character of the Pitfodels Conservation Area as described within the Character Appraisal and would be contrary to Policy D4, D1, Scottish Planning Policy and Historic Scotland's Managing Change Guidance: Setting.

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Braeside and Mannofield Community Council

19 January 2017

Head of Planning and Sustainable Development
Aberdeen City Council
Broad Street
Aberdeen

Dear Sirs,

Planning Application 161760/DPP- Detached 2 Storey House

On behalf of Braeside and Mannofield Community Council I wish to object to the above application in line with Section 25 of the Town and Country Planning (Scotland) Act 1997 and the following material considerations.

The 2012 LDP identified the area as development opportunity for 20 houses. These have been built and the additional house would be contrary to the existing LDP and emerging LDP.

The planning history of the site whereby a previous application was refused on a number of grounds, many of which still apply.

Policy NE3 Urban Green Space (para phrase) "permission will not be granted to redevelop woods or all other areas of urban green space for any other use..."

There is also the fear that this development will create an undesirable precedent making it difficult to resist similar proposals.

In addition I suggest there will be a significant loss to the landscape character and amenity of the site and adjoining area and a site where wildlife such as roe deer are frequently seen.

Community Councils are proposed as Statutory Consultees within the current Planning Review "Empowering Planning to deliver great places" and it is the wish of Braeside and Mannofield Community Council to formally object to the planning application.

Yours faithfully,

(Ms) Naomi Mandel
Chairperson
Braeside and Mannofield Community Council

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Comments for Planning Application 161760/DPP

Application Summary

Application Number: 161760/DPP

Address: Land Between Airyhall House And Northcote Care Home Airyhall Road Aberdeen AB15 7TF

Proposal: Erection of a 2 storey dwellinghouse

Case Officer: Lucy Greene

Customer Details

Name: Mr Alexander Innes

Address: 16 Airyhall House Airyhall Road Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is the 3rd attempt by Bancon to my knowledge to get planning permission for this site. I believe that they are on part of Airyhall House land according to original drawing given to Airyhall residents.

What access will new dwelling have to public roads? This new building will be sitting between a home for old and infirm people at care home and Airyhall House which is occupied by people of 55 and over but majority are senior citizens.

If this goes ahead will Bancon fix the lights on the lane from Northcote crescent to Airyhall house. They were disconnected by Bancon when construction of Airyhall House took place. This lane connects residents to No 5/15 bus but cannot be used in winter months due to lane being in complete darkness.

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[REDACTED]
117 Anyhall House
Anyhall Road
Aberdeen
AB15 7TF
21.01.17.

Dear Ms Greene

Planning Application 161760/DPP

Referring to the above planning application, I have no objections to the plan to build a 2 storey house on this site, but I would like confirmation that the following will be considered by the planning committee.

1. The boundaries between Anyhall house and the new development be clearly set out, also reference to the mature trees and their maintenance
2. If a fence is to be erected, what type and who will own and maintain it?
3. The access lane will be cleared of undergrowth & the surface made suitable for vehicle use.

4. Street lighting will be installed
5. Anyhall house residents will still have access to the lane.
6. Hopefully the paths etc in the woods will still be there for the use of walkers etc. These woods are home to a number of deer, foxes, rabbits & squirrels and at the present we are involved in the scheme to bring the red squirrels back into the area.

Yours sincerely



(Mrs)

Mr A Wotherspoon
24 Airyhall House
ABERDEEN
AB15 7TF

20th January 2017

Planning & Sustainable Development
Business Hub 4
Marischal College
Broad Street
ABERDEEN
AB10 1AB

Dear Sirs

Planning Application Number 161760/PP
House by Bancon to the rear of Airyhall House

My apartment is on the top floor of Airyhall House facing to the rear therefore I will be overlooking this development.

My concerns / queries are as follows in no particular priority -

- 1 - This is a large house and will probably attract a family with children and perhaps pets. I think siting this between a nursing home for the elderly and Airyhall House which is restricted to residents aged 55 and over will lead to problems of noise and trespass in future.
- 2 - We already have instances of children and people exercising dogs trespassing therefore I feel a substantial fence or wall defining the boundary between the properties will be necessary.
- 3 - The entry lane to the new development from Northcote Crescent is unlit and single lane. Will this be improved?
- 4 - There is an access gate between the walled garden of Airyhall House and the rest of the property at that end of the house. The gate is now going to lead to this new development. The alternative is to go right around the house which will be more difficult for residents with walking problems and getting gardening equipment into the walled garden.

Yours Sincerely



A Wotherspoon

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21 Airyhall House

Planning & Sustainable Development

Airyhall Road

Business Hub 4

Aberdeen

Marischal College

AB15 7TF

Broad Street

Aberdeen AB10 1AB

Planning Application Ref 161760/PP (date of Notification 13/1/2017)

I wish to express disappointment that **no notification** was given to residents of Airyhall House when the original Planning Application Notification for the above, dated 21st December, was distributed. It was purely by chance that it was brought to my attention and only after an email to your department, that the residents of Airyhall House finally received a notification dated 13th January 2017.

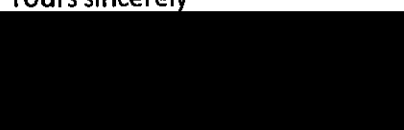
I have no major objections to the proposed development however I raise the following observations:

- Bancon Homes were responsible for developing the Airyhall House site and are also the developer for this planning application. It is essential that the boundaries of the two sites are clearly determined since this would determine responsibility of the owners on both sites regarding ground maintenance and tree care. The site plan layout indicates a 1.8m timber fence as the boundary of the new house site but there is no clear indication of the boundary of the Airyhall House site. In the time interval since Airyhall House was built (2008), Bancon have not carried out any maintenance in the area in question. Who will be responsible for the maintenance of footpath and the trees in the area on either side of the east/west footpath which lies between the two housing developments? This area is very popular with dog walkers many of whom allow their dogs to stray into the grounds of Airyhall House, regardless of signs stating it is private property. This has caused concern to house owners themselves and to those with young grandchildren.

I request that in granting planning permission a definitive boundary is created between the two sites in question prior to any construction work being undertaken on the new development.

- I would hope that upgrading the residential access road would be an opportunity for the lighting in this road to be reinstated to make it a safe and attractive route for pedestrians.

Yours sincerely



Audrey Yule

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Comments for Planning Application 161760/DPP

Application Summary

Application Number: 161760/DPP

Address: Land Between Airyhall House And Northcote Care Home Airyhall Road Aberdeen AB15 7TF

Proposal: Erection of a 2 storey dwellinghouse

Case Officer: Lucy Greene

Customer Details

Name: Dr Maureen Gillan

Address: 6 Airyhall House Airyhall Road Aberdeen

Comment Details

Commenter Type: Member of Public

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

Comment Reasons:

Comment: Why were the residents of Airyhall House not notified of this planning application?

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Comments for Planning Application 161760/DPP

Application Summary

Application Number: 161760/DPP

Address: Land Between Airyhall House And Northcote Care Home Airyhall Road Aberdeen AB15 7TF

Proposal: Erection of a 2 storey dwellinghouse

Case Officer: Lucy Greene

Customer Details

Name: Miss Ellen Mo

Address: 25 Northcote Crescent Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am objecting to this planning due to the following reasons.

The development would not preserve or enhance the character and appearance of the conservation area.

The house is in an inappropriate and isolated location. In addition the entrance is via a narrow single tracked lane. Will there be any issues with emergency services reaching the house.

This area is already highly developed and the house is not in keeping with the surrounding area.

The area is heavily used by local children and dog walkers and the loss of green space would be of detriment to the local community.

I feel Bancon Homes are trying to build anything on land. This is the third set of plans in recent years and all others have been refused. The repeated refusal to develop on this land should be considered.

Regards,
Ellen Mo

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17 Airyhall House
Aberdeen AB 15 7TF

Aberdeen City Council
Planning and Sustainable Development
Business Hub 4
Marischal College
Broad Street
Aberdeen AB 10 1AB

17 January 2017

To Whom It May Concern

Planning Application Reference 161760/PPP
Date of Notice 13 January 2017

I refer to the above Planning Application and firstly wish to express my concern that others were notified on 21 December 2016 and only due to diligence by another resident of Airyhall House were we as residents of the adjoining development informed of the application. Can you please explain this?

Whilst there is little objection to the proposed development I must express my concern that should this be approved there must be put in place **prior** to development the following:-

1. Various walkers and dog walkers (private and professional) consider that they can freely walk through the grounds of Airyhall House and some are less than responsible. Therefore a 1.8m Timber Fence **MUST** be raised to form the boundary between our grounds and the woodland path so there can be no mistake as to what is and is not the open walkway. This was a condition on a previous development application (P131354) and should be carried over.
2. Maintenance of trees and ground care. It must be clearly determined who looks after what. Little or no tree management has taken place by the current land owners (Bancon) since the completion of Airyhall House in 2008 and this now becomes a priority
3. Lighting and maintenance of the lane – this also must be clearly defined as to what is to be installed and who is to be responsible with clear demarcation of ownership.

Yours faithfully



Fay Clark



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8 Northcote Crescent
ABERDEEN
AB15 7TJ

9 January 2017

Head of Planning and Sustainable Development
Aberdeen City Council

Dear Sir/Madam

Planning Application 161760/DPP
Detached 2 Storey House

I write regarding the above application for a 2 storey detached house and submit my formal objection.

In support of my objection I attach various papers.

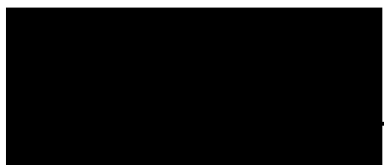
The application is very similar to a previous application which was refused by the Scottish Government Reporter.

- 1 Letter dated 3 June 2015 from the Scottish Government Directorate for Planning and Environmental Appeals.
- 2 Letter from Aberdeen City Planning dated 23 February 2015
- 3 My submission to Planning dated 10 October 2013 regarding my objection to 5 Terraced Houses.
- 4 Letter from Aberdeen City Council Planning dated 4 December 2014.

As the Scottish Government Reporter and Aberdeen City Council Planning were against the previous application surely this new application which is on the same piece of land, would be treated in the same manner.

I trust my objection and supporting papers will be taken into account in determining the matter.

Yours faithfully

A black rectangular box redacting the signature of Fred W Robertson.

Fred W Robertson.

Copy; Councillor Ian Yuill
Mr. Saemus MacInnes (For Community Council)

Directorate for Planning and Environmental Appeals

Telephone: 01324 696453 Fax: 01324 696444
E-mail: Christopher.Kennedy@scot.gov.uk

Mr F Robertson
8 Northcote Crescent
Aberdeen
AB15 7TJ



Our ref: PPA-100-2060

3 June 2015

Dear Mr Robertson

**PLANNING PERMISSION APPEAL: LAND NORTH OF AIRYHALL HOUSE
CRAIGTON ROAD, PITFODELS ABERDEEN AB15 7TP**

I am writing to let you know that the above appeal has been dismissed by the reporter.

A copy of the decision notice and where applicable any claim for expenses is now available on our website www.dpea.scotland.gov.uk. If you cannot access the website and would like a copy of the decision to be sent or emailed instead, then please contact me and I will arrange.

The reporter's decision is final. However, you may wish to note that individuals unhappy with the decision made by the reporter may have the right to appeal to the Court of Session, Parliament House, Parliament Square, Edinburgh, EH1 1RQ. An appeal must be made within six weeks of the date of the appeal decision. Please note, though, that an appeal to the Court of Session can only be made on a point of law and it may be useful to seek professional advice before taking this course of action.

I trust this information is clear. Please do not hesitate to contact me if you require any further information.
Yours sincerely

Christopher Kennedy

CHRISTOPHER KENNEDY

Directorate for Planning and Environmental Appeals
" " " * CHARFORMAT Case Officer

 Follow @DPEAScotland

4 The Courtyard, Callendar ~~abode fghj abode abode~~
DX 557005 Falkirk ~~abode fghj abode abode~~
www.dpea.scotland.gov.uk
www.scotland.gov.uk/Topics/Planning/Appeals

Our Ref. L043863
Your Ref.
Contact Ben Peter
Email BPeter@aberdeencity.gov.uk
Direct Dial 01224 522507
Direct Fax 01224 522937



ABERDEEN CITY COUNCIL

Fred Robertson
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Legal and Democratic Services
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Aberdeen City Council
Business Hub 6 L1S
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Aberdeen AB10 1AB

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23 February 2015

REC - 24.2.15

Dear Sir,

PLANNING APPEAL: P131354, AIRYHALL HOUSE LAND NORTH OF, CRAIGTON ROAD, PITFODELS AB15 7TP, CONSTRUCTION OF 5 NO.TERRACED HOUSES AND ASSOCIATED SITE WORKS

As you know, you made representations to the Planning Authority in connection with the above application by ~~Balcon Developments Ltd.~~ That application was refused planning permission on the following grounds:-

That the proposal would not preserve or enhance the character and appearance of the conservation area, being detrimental to that character and appearance due to (a) the inappropriate location, form, design and external finishing materials of the proposed houses, (b) the inappropriate density of development and juxtaposition with adjacent buildings resulting in a pattern of development that is not reflective of or in keeping with the area, and (c) the loss of green space, all of which would be contrary to Scottish Planning Policy, Scottish Historic Environment Policy and Policies D1 (Architecture and Placemaking), D2 (Design and Amenity), D5 (Built Heritage), and D6 (Landscape) and the associated supplementary guidance of the Aberdeen Local Development Plan and Policies D1 (Quality Placemaking by Design), D2 (Landscape), D4 (Historic Environment) and H1 (Residential Areas) of the Proposed Aberdeen Local Development Plan.

The proposal would be contrary to Policy LR1 of the Aberdeen Local Development Plan in that the proposal would exceed the number of residential units allocated for the area, to the detriment of the character of the area arising from the inappropriate density of development.

In accordance with the relevant statutory regulations, I write to give you notice that Bancon Developments Ltd appealed to the Scottish Government against the refusal of planning permission and has requested that the appeal be disposed of with a review of all relevant information provided by the parties as well as inspection of the land subject to appeal. Copies of representations previously made to the Planning Authority in connection with the application will be sent to the Scottish Government and the Appellant(s), and will be considered by the Scottish Government when determining the appeal unless, within fourteen days of the date of receipt of this notice, the person who made the representations asks the Scottish Government to disregard them. If therefore, you do not wish your representation to be considered by the Scottish Government you should so advise it within fourteen days of receipt of this notice.

Any additional written submissions in relation to the appeal should be sent to the Scottish Government within fourteen days of the date of receipt of this notice.

If you wish to make any additional representations, you should write to the Scottish Government, Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. 12.8.3.15

E-mails can be sent to: dpea@scotland.gsi.gov.uk

The Scottish Government reference number is PPA-100-2060

Yours faithfully



Ben Peter
Paralegal
Litigation and Licensing

8 Northcote Crescent
ABERDEEN
AB15 7TJ

10 October 2013

Dr Margaret Bochel
Head of Planning and Sustainable Development
Aberdeen City Council
Marischal College
Broad Street
ABERDEEN
AB10 1AB

Dear Dr Bochel

Proposals Affecting the Setting of Listed Buildings or the Character
of Conservation Areas (Sections 60 and 65of the Planning (Listed Building
and Conservation Areas) (Scotland)Act 1997)
Airyhall House Land north of Craigton Road Pitfodels
Aberdeen AB15 7TP Conservation Area 010
Construction of 5 Terraced Houses
and Associated Site Works
Bancon Developments Ltd - Ref.No. 131354

1. Preamble

With regards to the application noted above I submit a formal objection to the proposals.

The suggested construction of 5 Terraced Houses and associated Site Works is basically a rerun of a similar proposal submitted along with the planning application a number of years ago for the Care Home – Nazareth House. Whilst the Care Home received Planning Consent from the Committee against advice from the Planning Officers and is now built the Cottages part of the application did not proceed at that time to Committee. Instead of Cottages this application is for Terraced Houses on the same site.

2. Objections

1. The entrance to the Houses is up what in fact is a narrow Lane and I seem to recall the Emergency Services raised on the previous application concerns in that they would not have reasonable safe and quick access.
These concerns must still apply.
2. I have lived within the area for over 60 years and the proposed site has always been a Right of Way used by Walkers and Dog Walkers over that period
3. At the time of the previous application a Tree Survey was done and several Trees were felled as it was suggested these were diseased. At that time during a Site Visit I was assured by a Planning Officer that the remaining Trees were protected and no more could be removed.
In this proposal a large area of mature trees is suggested for felling. This should not be allowed particularly when the Council and Governments are recommending more Trees be planted.
4. This is a Conservation Area and although with the developments which have already happened in the area numbers have reduced wild animals are still seen in the area – Roe Deer etc. The Application must not be allowed to happen as it would further reduce the habitat for these animals.
5. In conclusion I trust my objection will be taken into account in determining the application.

I would also request to be allowed to address the Committee on the matter as the case in certain other Authorities. I am available at any time to also discuss my concerns with the Planning Officers. It does seem to be somewhat unfair that they discuss matters with Applicants but not any Objectors.

Yours sincerely

Fred Robertson.

Copy:- Councillor Ian Yuill
Mr Saemus MacInnes.

Your Ref.
Our Ref. GDP/P131354[ZID]/32
Contact Garfield Prentice
Email pi@aberdeencity.gov.uk
Direct Dial 01224 522198
Direct Fax 01224523180

04/12/2014

Mr Fred Robertson
8 Northcote Crescent
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Planning & Sustainable
Development
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Dear Sir/Madam

The Town and Country Planning (Scotland) Act 1997
Airyhall House Land north of, Craigton Road, Pittfodels
Construction of 5 No.terraced houses and associated site works
Application Ref: P131354

I refer to the above application and your letter of representation. The application was refused by the Planning Authority on 4 December 2014.

In reaching their decision, the Planning Authority took into account relevant Council policies, all the material considerations and the points raised in your letter of representation.

In accordance with current legislation, where an application is refused, the applicant has the right of appeal to the Scottish Ministers provided any such appeal is made within three months of the date of this decision. If the applicant appeals you will be notified directly and afforded the opportunity of making further representations at that time.

Yours faithfully

Dr Margaret Bochel
Head of Planning and Sustainable Development

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12 Airyhall House
Airyhall Road
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17-1-17

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Planning Application Ref. 161760/PPP (Date of Notice 13.01.2017)

We wish to express disappointment that No Notification was given to residents of Airyhall House when the original Planning Application Notification for the above, dated 21st December 2016 was distributed.

It was purely by chance and casual discussion that it was brought to our attention and only after an email to your department we at Airyhall House finally received Notification dated 13th January 2017. Only 2 Notifications appear to be listed on the original document and therefore it begs the question How many other Owner/Occupiers have been missed?

We have no major objections to the proposed development, however we wish to raise the following observations:-

Bancon Homes were the Developer for the Airyhall House Site, and are also the Developer for this Planning Application.

This being the case it is relevant that the Boundary between the Two Sites is determined by means of a 1.8m Timber Fence. The erection of the Timber Fence was first Noted on Bancon's previous application Ref. P131354 Dated 12 09.2013, where it clearly states that the boundary would be determined by such a Fence.

The Fence would then determine responsibility of the owners on both Sites regarding Ground Maintenance and Tree Care.

It is now Eight Years since the first owners moved into Airyhall House, and to date Bancon have not carried out any of the above maintenance in the area in question.

The area in question is also very popular with both Individual and professional Dog Walkers (Many of whom are Not Responsible) and allow their dogs to stray and bound in the grounds of Airyhall House, regardless of Signs stating it is Private Property. This has caused concern to house owners themselves and also to those with young grandchildren.

Hopefully the said fence would help alleviate this concern.

Consequently, we request that you seriously take the above into consideration when you grant Planning Permission, and that a Definite Boundary is created between the Sites in question prior to any Construction work being undertaken on the New Development.

Yours sincerely



Mr & Mrs J. Birnie

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