

Public Document Pack



To: Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; and Councillors Allan, Cooke, Cormie, Copland, Greig, Avril MacKenzie and Malik.

Town House,
ABERDEEN 14 March 2018

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Committee Room 2 - Town House on **THURSDAY, 22 MARCH 2018 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 ARE NOW AVAILABLE TO VIEW ONLINE. PLEASE CLICK ON THE LINK WITHIN THE RELEVANT COMMITTEE ITEM.

MOTION AGAINST OFFICER RECOMMENDATION

- 1.1 Motion Against Officer Recommendation - Procedural Note (Pages 7 - 8)

DETERMINATION OF URGENT BUSINESS

- 2.1 Determination of Urgent Business

DECLARATION OF INTERESTS

- 3.1 Members are requested to intimate any declarations of interest (Pages 9 - 10)

MINUTES OF PREVIOUS MEETINGS

- 4.1 Minute of Meeting of the Planning Development Management Committee of 15 February 2018 - for approval (Pages 11 - 16)
- 4.2 Minute of Meeting of the Planning Development Management Committee (Visits) of 22 February 2018 - for approval (Pages 17 - 20)

COMMITTEE TRACKER

- 5.1 Committee Tracker (Pages 21 - 22)

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1 70 Countesswells Road - Change of Use from Class 1 (Shops) to Class 3 (Food and Drink) including installation of door on eastern elevation (Pages 23 - 32)

Planning Reference – 171336

All documents associated with this application can be found at the following link:-

<https://publicaccess.aberdeency.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OYZZ9OBZGXQ00>

Planning Officer: Gavin Clark

- 6.2 The Chester Hotel, 59-63 Queen's Road - Partial demolition of single storey function suite and replacement with larger single storey suite, external stair and associated works. Demolition of spa wing, formation of new gable and hipped-roof including one new guest bedroom (Pages 33 - 42)

Planning Reference – 171347

All documents associated with this application can be found at the following link:-

<https://publicaccess.aberdeency.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OZ24KFBZGZL00>

Planning Officer: Matthew Easton

- 6.3 16 Whinhill Road - Conversion of former guesthouse (Class 7) into 4 flats, including formation of additional dormer window on rear elevation, installation of 1 rooflight to front, formation of new window to side of existing rear extension, and subdivision of front door to form 2 entrances (Pages 43 - 54)

Planning Reference – 171478

All documents associated with this application can be found at the following link:-

<https://publicaccess.aberdeency.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=P0WMLFBZ01U00>

Planning Officer: Jamie Leadbeater

- 6.4 Bankhead Inn, 161-165 Bankhead Road - Change of use of outbuilding to hot food take away (Sui Generis); including erection of single storey extension with flue pipe and ramp to front (Bankhead Road) (Pages 55 - 62)

Planning Reference – 171552

All documents associated with this application can be found at the following link:-

<https://publicaccess.aberdeency.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=P1Q44BBZI7000>

Planning Officer: Jamie Leadbeater

- 6.5 Union Terrace Gardens - Alterations and extension to gardens, including: restoration and renovation of structures/ statues and toilets; development of buildings containing exhibition, retail, café and community hub space; provision of improved access, including raised walkways and re-grading northern gardens; tree works; and associated infrastructure and engineering works (Pages 63 - 90)

Planning Reference – 170497

All documents associated with this application can be found at the following link:-

<https://publicaccess.aberdeency.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Planning Officer: Sepideh Hajisoltani

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 7.1 (Land South of) Shielhill Road, Mundurno, Dubford, Bridge of Don - Erection of 99 No. houses with associated car parking, landscaping and drainage (Pages 91 - 100)

PLEASE NOTE THAT THIS ITEM HAS BEEN WITHDRAWN AND WILL NOT BE CONSIDERED BY COMMITTEE ON 22 MARCH 2018.

Planning Reference – 131851

All documents associated with this application can be found at the following link:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ZZZY9LBZSK206>

Planning Officer: Robert Forbes

- 7.2 Duthie Park Cafe, Duthie Park, Polmuir Road - Formation of new service road (partially retrospective) (Pages 101 - 108)

PLEASE NOTE THAT THIS ITEM HAS BEEN WITHDRAWN AND WILL NOT BE CONSIDERED BY COMMITTEE ON 22 MARCH 2018.

Planning Reference – 180133

All documents associated with this application can be found at the following link:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P3O3LABZ IUD00>

Planning Officer: Robert Forbes

- 7.3 19 South Avenue - Erection of 4 residential flats, associated car parking and landscaping, and part removal of boundary wall (Pages 109 - 120)

Planning Reference – 180143

All documents associated with this application can be found at the following link:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P3QC5WBZIW000>

Planning Officer: Dineke Brasier

DATE OF NEXT MEETING

- 8.1 Date of Next Meeting - 26 April 2018

To access the Service Updates for this Committee please use the following link:
<https://committees.aberdeencity.gov.uk/ecCatDisplayClassic.aspx?sch=doc&cat=13450&path=0>

Website Address: www.aberdeencity.gov.uk

Please note that Daniel Lewis will be in Committee Room 2 from 9.30am for Members to view plans and ask any questions.

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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MOTIONS AGAINST RECOMMENDATION

Members will recall from the planning training sessions held, that there is a statutory requirement through Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 for all planning applications to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. All Committee reports to Planning Development Management Committee are evaluated on this basis.

It is important that the reasons for approval or refusal of all applications are clear and based on valid planning grounds. This will ensure that applications are defensible at appeal and the Council is not exposed to an award of expenses.

Under Standing Order 28.10 the Convener can determine whether a motion or amendment is competent, and may seek advice from officers in this regard.

With the foregoing in mind the Convener has agreed to the formalisation of a procedure whereby any Member wishing to move against the officer recommendation on an application in a Committee report will be required to state clearly the relevant development plan policy(ies) and/or other material planning consideration(s) that form the basis of the motion against the recommendation and also explain why it is believed the application should be approved or refused on that basis. Officers will be given the opportunity to address the Committee on the competency of the motion. The Convener has the option to call a short recess for discussion between officers and Members putting forward a motion if deemed necessary.

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Agenda Item 3.1

You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether reports for meetings raise any issue of declaration of interest. Your declaration of interest must be made under the standing item on the agenda, however if you do identify the need for a declaration of interest only when a particular matter is being discussed then you must declare the interest as soon as you realise it is necessary. The following wording may be helpful for you in making your declaration.

I declare an interest in item (x) for the following reasons

For example, I know the applicant / I am a member of the Board of X / I am employed by...
and I will therefore withdraw from the meeting room during any discussion and voting on that item.

OR

I have considered whether I require to declare an interest in item (x) for the following reasons however, having applied the objective test, I consider that my interest is so remote / insignificant that it does not require me to remove myself from consideration of the item.

OR

I declare an interest in item (x) for the following reasons however I consider that a specific exclusion applies as my interest is as a member of xxxx, which is

- (a) a devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; or
- (d) a body being a company:-
 - i. established wholly or mainly for the purpose of providing services to the Councillor's local authority; and
 - ii. which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.

OR

I declare an interest in item (x) for the following reasons.....and although the body is covered by a specific exclusion, the matter before the Committee is one that is quasi-judicial / regulatory in nature where the body I am a member of:

- is applying for a licence, a consent or an approval
- is making an objection or representation
- has a material interest concerning a licence consent or approval
- is the subject of a statutory order of a regulatory nature made or proposed to be made by the local authority.... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 15 February 2018. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; Councillor Alan Donnelly, the Depute Provost; and Councillors Allan, Alphonse, Copland, Cormie, Lesley Dunbar, Greig, Hutchison, John, Catriona Mackenzie (as substitute for Councillor Cooke), Malik, McLellan, Sellar, Sandy Stuart and Wheeler.

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&Mid=5855&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 7 DECEMBER 2017 - FOR APPROVAL

1. The Committee had before it the minute of the previous meeting of 7 December 2017, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE TRACKER

2. The Committee had before it a tracker of future Committee business.

The Committee resolved:-

to note the information contained in the Committee report tracker.

168-170 SPITAL ABERDEEN - 171356

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

That the application for the change of use from Class 9 (Dwelling house) to Class 10 (non-residential institutions) retrospectively at 168-170 Spital Aberdeen, be approved subject to the following conditions:-

- 1) That the use hereby approved shall not continue beyond 3 months of the date of this decision unless there has been submitted to, and approved in writing by the planning authority a detailed travel plan, which outlines sustainable measures to

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

15 February 2018

deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets:-

Reason: In order to encourage more sustainable forms of travel to the development.

- 2) That the use hereby approved shall not continue beyond 3 months of the date of this decision unless a scheme detailing cycle storage (minimum 3no. Sheffield stands) provision has been submitted to, and approved in writing by the planning authority, and the said scheme has been implemented in full:-

Reason: In order to encourage more sustainable forms of travel to the development.

ADVISORY NOTE FOR APPLICANT

Waste Management

As this is a non- residential development; this type of development is supplied with the following:

- 1 x180l general waste wheeled bin
- 1x 240l mixed recycling wheeled bin
- 1x 240l garden waste wheeled bin

Over and above this provision, the developer will have to purchase bins and set up a Trade Waste Agreement.

Please note food waste is a chargeable trade waste service

If you require further trade waste information please contact the officers at businesswaste@aberdeencity.gov.uk

General points

- All the waste containers must be presented on The Spital only on the collection day and must be removed from the kerbside as soon as possible. No containers should be permanently stored on the kerbside.
- No excess should be stored out with the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 03000 200 292.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

15 February 2018

The Committee heard from Daniel Lewis, Development Manager, who spoke in furtherance of the application. There were no questions from Members in regards to the application.

The Committee resolved:-

to approve the application conditionally.

31 TULLOS CRESCENT ABERDEEN - 171418

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

That the application for the erection of a single storey extension to the rear of 31 Tullos Crescent, Aberdeen, be approved unconditionally.

Councillor Allan requested that a site visit take place before determining the application.

The Committee resolved:-

- (i) to agree to defer the application in order for a site visit to take place on Thursday 22 February 2018, for consideration and determination; and
- (ii) to request that officers seek clarification on the ground ownership of the application site before the site visit.

39/41 UNIVERSITY ROAD, OLD ABERDEEN - 171376

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

That the application for the change of use of ground floor flat to House of Multiple Occupancy (HMO), the erection of single storey extension associated to the proposed HMO, extension at first floor level to provide additional accommodation to existing first floor flat and the erection of the bike and bin stores in the rear garden at 39/41 University Road, be approved subject to the following conditions:-

- 1) Prior to commencement of development, the application is required to provide details/samples of the proposed render and timber cladding finishes for approval in writing by the Planning Authority. Thereafter, the approved scheme shall be carried out in accordance with such agreed details.

Reason: in the interests of the character and general amenity of the Old Aberdeen Conservation Area.

ADVISORY NOTE FOR APPLICANT

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Despite the granting of planning permission to use the ground floor flat as a HMO, the applicant/owner of the premises would still be required to apply and obtain a variation to their existing HMO license from the Council before this use can legally be implemented.

The Committee heard from Jamie Leadbeater, Planner, who spoke in furtherance of the application and answered various questions from Members. In regards to parking, Mark Wilkie explained that a HMO did not qualify for any additional parking permits and would only have two parking permits per flat. The permits were allocated on a first come first served basis so would not increase the amount of cars parking at the property.

The Convener, seconded by the Vice Convener moved:-

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

Councillor McLellan, seconded by Councillor Alphonse, moved as an amendment:-

That the application be refused due to the detrimental impact on the residential amenity of the area and also concerns for the existing neighbours.

On a division, there voted:- for the motion (13) – the Convener and Vice Convener; the Depute Provost Councillor Donnelly and Councillors Allan, Copland, Cormie, Lesley Dunbar, Hutchison, John, Mackenzie, Malik, Sellar and Sandy Stuart; for the amendment (4) – Councillors Alphonse, Greig, McLellan and Wheeler.

The Committee resolved:-

to adopt the motion and therefore approve the application conditionally.

277 NORTH DEESIDE ROAD, MILLTIMBER - 171444

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

That the application for the sub division of residential curtilage and erection of dwellinghouse with associated new access and landscaping works at 277 North Deeside Road Aberdeen, **be refused.**

Jamie Leadbeater, Planner, and Kevin Wright, Environmental Planner, spoke in furtherance of the application and answered various questions from Members.

The Committee resolved:-

- (i) to defer the application for a site visit on 22 February 2018; and
- (ii) to request that the Environmental Planner investigate the trenches at the site before the site visit.

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15 February 2018

**CONFIRMATION OF TREE PRESERVATION ORDER NUMBER 249/2017
MALCOLM ROAD, PETERCULTER, ABERDEEN - CHI/18/003**

7. The Committee had before it a report by the Interim Director for Communities, Housing and Infrastructure, which requested the confirmation of a provisional Tree Preservation Order 249 (2017) Malcolm Road, Peterculter

The report recommended:-

that the Committee confirm the making of Tree Preservation Order 249/2017 Malcolm Road subject to modification and instruct the Head of Legal and Democratic Services to attend to the requisite procedures to serve the Order as confirmed upon the interested parties and seek to register the Order with the Registers of Scotland.

The Committee resolved:-

to combine TPO 248 with TPO 249 and to report back to a subsequent Committee with the combined report for consideration.

**CONFIRMATION OF TREE PRESERVATION ORDER NUMBER 250/2017
CONTLAW ROAD, MILLTIMBER - CHI/18/004**

8. The Committee had before it a report by the Interim Head of Planning and Sustainable Development, which requested the confirmation of a provisional Tree Preservation Order 250 (2017) Contlaw Road, Milltimber.

The Committee resolved:-

to confirm the making of the Tree Preservation Order 250/2017 Contlaw Road subject to modification and instruct the Head of Legal and Democratic Services to attend to the requisite procedures to serve the Order as confirmed upon the interested parties and seek to register the Order with the Registers of Scotland.

- **Councillor Marie Boulton, Convener.**

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
15 February 2018

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 22 February 2018. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; and Councillors Donnelly, the Depute Provost, Allan (for item 1), Alphonse, Copland, Cormie, Hutchison, John, Malik, McLellan, Sellar and Sandy Stuart.

31 TULLOS CRESCENT - 171418

1. With regards to article 4 of the minute of the Planning Development Management Committee of 15 February 2018, whereby it had been agreed to visit the site before determining the application, the Committee had before it a report by the Interim Head of Planning and Sustainable Development, **which recommended:-**

That the application for the erection of a single storey extension to the rear of 31 Tullos Crescent be approved **unconditionally**.

The Committee heard from Roy Brown, Planner, who spoke in furtherance of the application and answered various questions from members. Members asked various questions in regards to the application which included land ownership of the proposed site as well as the impact the proposed extension would have on the property above.

Councillor John, seconded by the Vice Convener moved:-

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

Councillor Allan, seconded by Councillor Donnelly, the Depute Provost moved as an amendment:-

That the application be refused as the proposed single storey rear extension would be considered to adversely affect the level of amenity of the surrounding properties by way of a loss of privacy and light, and would set an undesirable precedent for similar development, which would adversely affect the character of the surrounding area.

On a division, there voted:- for the motion (5) – the Vice Convener and Councillors Cormie, Hutchison, John and Sellar; for the amendment (8) the Convener, Councillor Donnelly the Depute Provost and Councillors Allan, Alphonse, Copland, Malik, McLellan and Sandy Stuart.

The Committee resolved:-

to adopt the amendment and therefore refuse the application.

LAND TO THE REAR OF 277 NORTH DEESIDE ROADMILLTIMBER - 171444

2. With reference to article 6 of the minute of the Planning Development Management Committee of 15 February 2018, whereby it had been agreed to visit the

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

22 February 2018

site prior to determination, the Committee had before it a report by the Interim Head of Planning and Sustainable Development, **which recommended:-**

That the application for the sub division of residential curtilage and the erection of a dwellinghouse with associated new access and landscaping works at 277 North Deeside Road, Milltimber Aberdeen, 171444, be refused.

The Committee heard from Kristian Smith, Team Leader Development Management and Kevin Wright, Environmental Planner, who spoke in furtherance of the application. They also answered various questions from members in regards to the application and in particular, in regards to the various tree concerns. It was noted that the location of the proposed dwelling would fall within the root protection areas and zone of influence of three trees in the neighbouring garden area to the east and one large mature tree located within the south-western part of the site close to the proposed large glazed dining area within the proposed house.

The Convener, seconded by Councillor Copland moved:-

That the application be refused in line with the recommendation contained within the report.

Councillor Cormie moved as an amendment, seconded by Councillor Alphonse:-

That the application be approved unconditionally as the proposed dwellinghouse would not conflict with the existing pattern of development in the immediately surrounding area and the proposed layout would afford an adequate level of general residential amenity to both prospective residents and existing neighbouring property. The design of the proposed dwellinghouse is also considered acceptable. The existing trees both within and outwith the site would not be affected by the development, taking into account their existing condition and proximity from the proposed dwellinghouse. Given this, the proposal would not adversely affect local landscape character and amenity generated by these trees. The proposal is also considered acceptable from a drainage, access, parking and waste storage perspective. Taking the aforementioned points into account, the proposal is considered acceptable in terms of the following policies in the Aberdeen Local Development Plan 2017: Policy D1: Quality Placemaking by Design; Policy H1: Residential Areas; Policy NE5: Trees and Woodlands; Policy NE6: Flooding, Drainage and Water Quality; and, Policy R6: Waste Management Requirements for New Development. Furthermore, the proposal is considered to be in-keeping with the relevant provisions of the following Supplementary Guidance documents associated with the aforementioned policies: Trees and Woodlands; The Sub-division and Redevelopment of Residential Curtilages; and, the Householder Development Guide. Other material considerations do not indicate otherwise, and therefore the proposal is considered acceptable.

On a division, there voted for the motion (5) – the Convener and Councillors Copland, Hutchison, Malik and Stuart; for the amendment (7) – the Vice Convener and Councillors Alphonse, Cormie, Donnelly, John, McLellan and Sellar.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)
22 February 2018

The Committee resolved:-

to adopt the amendment and therefore approve the application unconditionally.

- **Councillor Marie Boulton, Convener**

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER

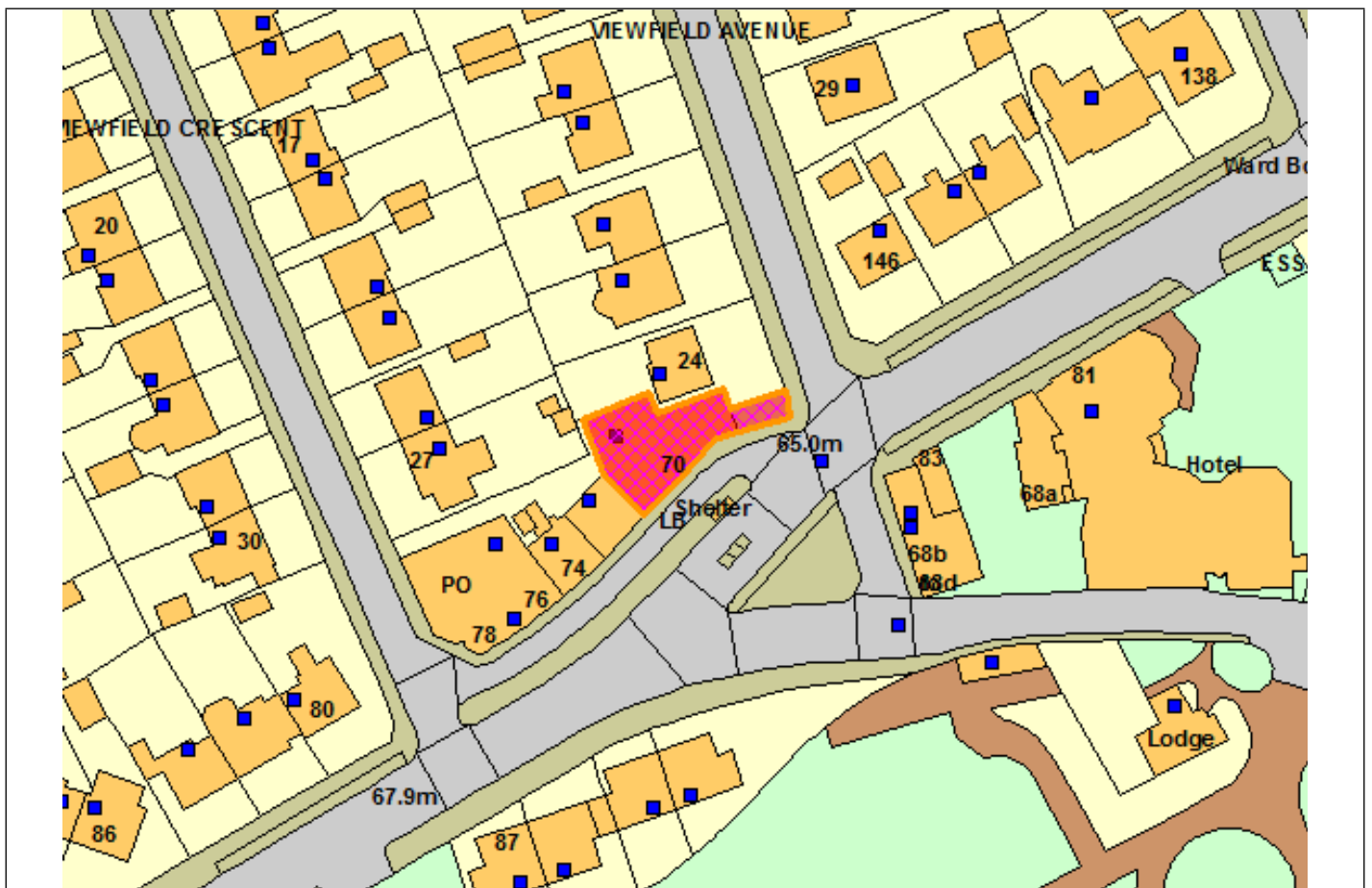
The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.

Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	If delayed, removed, transferred or withdrawn, enter either D, R, T or W	Explanation if delayed, removed, transferred or withdrawn
		26 April 2018						
91 High Street, 171455	to approve or refuse the application		Jamie Leadbeater	Strategic, Place, Planning	Place	1		
91 High Street, 171457	to approve or refuse the application		Jamie Leadbeater	Strategic, Place, Planning	Place	1		
15 High Street. 170709	to approve or refuse the application		Jamie Leadbeater	Strategic, Place, Planning	Place	1		
15 High Street, 170710	to approve or refuse the application		Jamie Leadbeater	Strategic, Place, Planning	Place	1		
Unit 12, Matrick Shopping Centre, 171333	to approve or refuse the application		Jamie Leadbeater	Strategic, Place, Planning	Place	1		
Pitfodels Station Road	to approve or refuse the application		Ross McMahon	Strategic, Place, Planning	Place	1		
Bielside Lodge, 170028	to approve or refuse the application		Lucy Greene	Strategic, Place, Planning	Place	1	D	Late informaiton and legal commentary to be added in
Land to the south of Mill Lade Wynd, 180252	to approve or refuse the application		Gavin Clark	Strategic, Place, Planning	Place	1		
Land opposite 39 Bloomfield Road, 180060	to approve or refuse the application		Dineke Brasier	Strategic, Place, Planning	Place	1		
Bridge of Dee Bar, 170966	to approve or refuse the application		Gavin Clark	Strategic, Place, Planning	Place	1		
1 Western Road, 081415	to approve or refuse the application		Robert Forbes	Strategic, Place, Planning	Place	1		
44 Bedford Road, 141664	to approve or refuse the application		Gavin Clark	Strategic, Place, Planning	Place	1		
Triple Kirks, 151239	to approve or refuse refund of developer obligation payment.		Nicholas Lawrence	Strategic, Place, Planning	Place	1		

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2> <p style="margin: 5px 0 0 0;">Report by Development Management Manager</p> <p style="margin: 5px 0 0 0;">Committee Date: 22nd March 2018</p>
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Site Address:	70 Countesswells Road, Aberdeen, AB15 7YJ.
Application Description:	Change of Use from Class 1 (Shops) to Class 3 (Food and Drink) including installation of door on eastern elevation
Application Reference:	171336/DPP
Application Type	Detailed Planning Permission
Application Date:	6 November 2017
Applicant:	Figment Ltd
Ward:	Hazlehead/Ashley/Queens Cross
Community Council	Craigiebuckler And Seafield
Case Officer:	Gavin Clark



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site is presently vacant, with its most recent use being as a mini supermarket (Class 1). The property is located on the northern side of Countesswells Road, at its junction with Viewfield Avenue and Seafield Road and is located within a group of 4 other units, which contains two shops, a hot-food takeaway and hairdressers, with the surrounding area being predominantly residential in nature. A small area of open space lies to the south-east of the site, next to which is another group of commercial units and beyond that the Palm Court Hotel.

Relevant Planning History

Planning permission (Ref: P130711) was approved by the Planning Development Management Committee on the 26th September 2013 for the installation of a new entrance with associated shop front alterations and new roof mounted roof refrigeration equipment. This consent was implemented. An associated application for advertisement consent (Ref: P131199) for the installation of illuminated and non-illuminated signs was approved on the 9th October 2013.

Planning permission (Ref: 92/2108) was approved in January 1994 for a change of use of supermarket to licenced restaurant, including alterations to form a new doorway.

An application for planning permission (Ref: 180034/DPP) is currently pending consideration on a site to the south-east (68D Countesswells Road) for a change of use from class 1 (shops) to mixed use class 1 and class 3 (food and drink). This application is to be determined under delegated powers.

APPLICATION DESCRIPTION

Description of Proposal

A change of use from Class 1 (Retail) to Class 3 (Food and Drink) for use as a coffee shop/roastery; the proposal also includes the installation of an access door on the eastern elevation to allow for access to the "seasonal servery area".

The application has been amended since the original submission; with the outdoor seating area to the east of the site removed.

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=OYZZ9OBZGXQ00>

Supporting Statement: Figment: November 2017: provides a background to the proposed development, and an assessment against relevant planning policy.

Marketing Statement: Ryden: November 2017: confirmed that the site has been fully marketed since early November 2014 with limited interest for retail use. Over this period the marketing agent also targeted occupiers locally and nationally for retail and other uses.

Noise and Odour Impact Assessment: Grosle Environmental Services: February 2018: this report highlighted a number of recommendations in order to mitigate noise and odour nuisance from the proposed premises.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because there have been more than 5 timeous letters of objection. The proposal therefore falls out with the Council's Scheme of Delegation.

CONSULTATIONS

ACC - Roads Development Management Team – have raised no objection to the proposed development. Compared to its existing use as a retail outlet, the proposal would require approximately three times more in terms of parking provision (21 spaces compared to 8.4). It is noted that none of the shops in the retail parade have parking, so the proposal is not unusual in this regard. Roads Development Management consider the location of refuse storage (to the western elevation) to be acceptable; and are also content with the proposed level of delivery (once, six days per week). They also acknowledged that the outdoor seating area has been removed from the proposal.

ACC - Environmental Health – initially requested the submission of a Noise Impact Assessment, which was submitted in February 2018. The noise assessment was subsequently reviewed and was considered to be reasonable. They have, however, requested the insertion of a condition ensuring that associated noise mitigation measures are met, in the interests of residential amenity.

An odour impact assessment was also submitted, which was also considered to be acceptable. A further condition has been requested to ensure odour mitigation measures are carried out in accordance with the recommendations of the aforementioned report.

Craigiebuckler and Seafield Community Council – have no objection to the proposed development; noting that there is a need in the area for the type of service the applicant proposes, the development would be a welcome addition to a vacant premises and that the proposed business would cater for customers who have been shopping in the neighbouring retail outlets and would be an attraction that would increase footfall.

REPRESENTATIONS

Twenty-three letters of representation have been received (Twenty letters of objection; three letters of support). The matters raised relate to the following:

Objection Comments:

- The proposal could result in anti-social behaviour and littering; something which should be adequately controlled;
- Traffic and parking problems, which presently exist and which will be exacerbated by the proposed change of use;
- Concerns are highlighted with regards to the outdoor seating area, and the impact this would have on surrounding residential amenity; concerns were also raised that the loss of the parking space for the outdoor seating area would adversely impact on refuse collection and deliveries, impact on users of the footway and neighbouring bus stops;
- Concerns that the proposal would be used as a hot-food takeaway;
- The habits of users of a coffee shop are different to that of retail facilities, which could result in people parking for a considerably longer period of time;
- There is an overprovision of similar facilities in the surrounding area;
- The impact that the proposal is located within a residential area and would have an adverse impact on surrounding residential amenity;
- A similar proposal has been rejected on site previously;
- Concerns raised with regards to cooking odours, smells and noise associated with the café;

- The external area and seasonal servery is accessed via steps only, which would contravene the Equalities Act and Building Regulations.

Supporting Comments:

- There are a lack of similar facilities in the surrounding area; and the proposed use would complement and not compromise other facilities and businesses

Non-Material Planning Matters

- A number of concerns were raised with regards to the granting of a late licence; this is not something that would be controlled by the Planning Service and has therefore not been discussed elsewhere within this report.

MATERIAL CONSIDERATIONS

Legislative Requirements

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.

Aberdeen Local Development Plan (ALDP)

- Policy D1: Quality Placemaking by Design;
- Policy NC6: Town, District and Neighbourhood Centres;
- Policy T2: Managing the Transport Impact of New Development;
- Policy T4: Air Quality;
- Policy T5: Noise; and
- Policy R6: Waste Management Requirements for New Development.

Supplementary Guidance

- Hierarchy of Centres;
- Harmony of Uses;
- Transport and Accessibility;
- Air Quality and
- Noise

EVALUATION

Principle of Development

Policy NC6: Town, District and Neighbourhood Centres of the ALDP states that retail is the preferred use within these designated centres, however a mix of uses is desirable. Proposals for changes of use from retail to non-retail uses in said centres will only be allowed if they meet all of the following criteria:

- The proposed alternative use makes a positive contribution to the vitality and viability of the centre;
- The proposed alternative use would not undermine the principal function of the centre in which it is located;
- The applicants can demonstrate a lack of demand for continued retail use of the premises;
- The proposed use caters for a local need;
- The proposed use retains or creates a live and attractive frontage;

- The new use does not create clustering of a particular use in the immediate vicinity which would undermine the character or amenity of the centre or the well-being of the community; and
- The proposed use does not conflict with the amenity of the neighbouring area.

In terms of the first point above, the unit has been vacant for a number of years and it could be argued that the proposed use, as a café, would add to the vitality and viability of the neighbourhood centre. There are presently a variety of uses within the neighbourhood centre, including a mini-supermarket, hot-food takeaway, pet shop and hairdressers, which are located in the immediate vicinity, but also includes the units adjacent to the triangular area of open space on the opposite site of the road and the Palm Court Hotel. It is therefore not considered that the proposed use would undermine the principle function of the retail centre. The applicants, through the submission of a Marketing Statement have also shown that there is a lack of demand for continued retail use of the premises; with the property having been vacant for approximately 3 years. The proposal would also cater for a local need and would create a live and active frontage. Whilst it is noted that the Palm Court Hotel provides a similar function; and an application is currently pending for a similar use on a site adjacent; it is not considered that the proposal would cause a cluster of a particular use in the immediate vicinity and in turn the proposal would not undermine the character or amenity of the centre, or the well-being of the surrounding community. The principle of development can therefore be supported, and the proposal is considered to accord with Policy NC6: Town, District and Neighbourhood Centres of the ALDP and the associated Supplementary Guidance: Hierarchy of Centres.

The Harmony of Uses Supplementary Guidance provides guidance on over-concentration, protection of residential amenity, waste and litter, odours and cooking smells and road safety issues. These matters have been addressed elsewhere within this report, and it is concluded that the proposal meets all of the aforementioned points and therefore complies with said guidance.

Layout, Siting and Design

The proposed external alterations are minor in nature, and relate to the installation of an access door on the eastern elevation of the property to allow access to the seasonal server area. Whilst no details of materials have been included, this matter can be controlled via an appropriately worded planning condition, and as a result the proposal would accord with Policy D1 (Quality Placemaking by Design) of the ALDP.

Transportation/ Waste Management

The proposal has been assessed by officers in the Roads Development Management Team, who have raised no objection to the proposed development. The proposal is located in the outer city, out with any controlled parking zones. The site currently has no parking, and no parking spaces are proposed.

There is an acknowledgement that the long opening hours (7:30am to 7:30pm – 7 days a week) would mean that the site could conflict with the nearby streets during peak usage hours and this, coupled with the lack of a controlled parking zone (CPZ) would mean that there would be a chance of indiscriminate parking taking place on neighbouring streets. Additionally, compared to its existing authorised use as a retail outlet (which requires a maximum of 1 parking space per 30 sqm), cafes require a maximum of 1 parking space per 12 sqm (i.e. 21 spaces based on a floor area of approximately 252 sqm – this is compared to 9 spaces for retail use). As such, it is acknowledged that the proposed use may result in parking on streets in the surrounding area at certain peak times, in turn potentially having some impact on surrounding residential amenity. Nonetheless, it is not considered that this impact would be to such an extent that would warrant refusal of planning permission; and the lack of parking facilities is considered to be acceptable in this instance. Therefore, whilst the proposal fails to comply with the Transport and Accessibility

Supplementary Guidance (as no parking would be provided), the proposal is considered to be acceptable in this instance.

The applicants have also confirmed that there will be deliveries six days a week, which would occur once a day during opening hours. This is acceptable and would not be dissimilar to the arrangement of the consented use. There is a slip road adjacent to the shops entrance, which should ensure that deliveries would not take place from the main road. Roads Development Management has no concerns with the proposed development in this regard.

In terms of waste provision, the proposal would utilise existing waste facilities located to the side of the existing units, and which are utilised by the units in the surrounding area. All waste would be collected on a weekly basis; which is considered acceptable. The proposal is therefore considered to be in accordance with Policy R6: Waste Management Requirements for New Development of the ALDP. Provision of said facilities would be controlled via an appropriately worded planning condition. A litter management plan will also be requested, and this matter will be controlled via an appropriately worded planning condition.

Noise/ Odour/ Ventilation

The applicants have submitted a Noise and Odour Impact Assessment Report in support of the application, following a request from Environmental Health. This report provided a summary of the proposal and considered noise; providing guidance on the extraction system and indicated that the noise levels at the nearest residential home would be below the required criteria of 35dBA. The extraction system would not operate after 22:00 hours (the supporting statement indicates proposed opening hours of 7:30am – 7:30pm, with a potential to extend to 10pm as a licensed premises) therefore no night time comparisons were provided. Odour levels were also considered by Environmental Health, who were content with the findings of the Report; which indicated that there would be no adverse impact on residential amenity. The recommendations of the Report will be controlled via an appropriately worded planning condition. Environmental Health has raised no objection to the proposal subject to the above. It is therefore considered that the proposal would accord with Policies T4: Air Quality and T5: Noise of the ALDP as well as the associated Supplementary Guidance relating to Air Quality and Noise.

Matters Raised in Letters of Representation

Objection Comments:

- *The proposal could result in littering; something which should be adequately controlled.*
Response: an appropriate condition can be added on to the consent, requiring the submission of a Litter Plan;
- *The habits of users of a coffee shop are different to that of retail facilities, which could result in people parking for a considerably longer period of time; traffic and parking problems, which presently exist and which will be exacerbated by the proposed change of use.*
Response: This matter has been discussed above in the section marked “Transportation / Waste Management”
- *Concerns are highlighted with regards to the outdoor seating area, and the impact this would have on surrounding residential amenity; concerns were also raised that the loss of the parking space for the outdoor seating area would adversely impact on refuse collection and deliveries, impact on users of the footway and neighbouring bus stops.* Response: this element of the proposal has been removed from the development.
- *Concerns that the proposal would be used as a hot-food takeaway.* Response: a separate planning application would be required to operate the premises as a hot-food takeaway.

- *The impact that the proposal is located within a residential area and would have an adverse impact on surrounding residential amenity.* Response: the applicants have adequately demonstrated that the proposal would not have an adverse impact on residential amenity through removal of the outdoor seating area and the submission of a Noise and Odour Impact Assessment Report, the findings of which, including the implementation of appropriate mitigation measures would be controlled via condition to ensure that an appropriate level of residential amenity would be maintained. The potential impact on residential amenity in terms of parking has also been discussed previously, and this impact is not considered to be to such an extent that would warrant refusal of planning permission.
- *A similar proposal has been rejected on site previously.* Response: the planning authority has no record of an application for Class 3 use being refused on site. Planning permission was approved in January 1994 for a change of use of supermarket to licenced restaurant, including alterations to form a new doorway. From record, this does not appear to have been implemented.
- *Concerns raised with regards to cooking odours, smells and noise associated with the café.* Response: the applicants have submitted a Noise and Odour Impact Assessment, which states that the proposal would have an acceptable impact on the character and appearance of the surrounding area; the findings of this report will be controlled via an appropriately worded planning condition.
- *The external area and seasonal servery is accessed via steps only, which would contravene the Equalities Act and Building Regulations.* Response: it is not considered that the proposal would have an equalities impact given that access could be taken from Countesswells Road. Building Standards have therefore confirmed that the proposed layout and access arrangements are acceptable in principle. Any matters relating to buildings regulations would be covered by any application for a building warrant.

Supporting Comments:

- *There is a lack of similar facilities in the surrounding area; and the proposed use would complement and not compromise other facilities and businesses.* Response: comments are noted

Non-Material Planning Considerations

- Comments in relation to anti-social behaviour are not a material planning consideration; and would be a matter for Police Scotland.
- There is an overprovision of similar facilities in the surrounding area is not considered to be material in this instance. It could be considered material, if the impact on clustering/ over-provision resulted in an adverse impact on residential amenity.

Equalities Impact Assessment

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics. In coming to this assessment the Planning Authority has had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010, to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Summary

The proposal is considered to comply with all relevant policies of the Aberdeen Local Development Plan and its associated Supplementary Guidance; in this instance there are no material planning

considerations, including matters raised in letters of representation; which would warrant refusal of consent in this instance. The proposal is therefore recommended for conditional approval for the reason below.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The principle of a café at this location is considered to be acceptable, as the proposal meets all of the criteria set in Policy NC6: Town, District and Neighbourhood Centres. The proposal involves some minor alterations to the building; no road safety concerns have been raised and all environmental concerns have been resolved and can be controlled via an appropriately worded planning condition. All other technical matters have been resolved. The proposal is therefore considered to comply with Policies D1: Quality Placemaking by Design; T2: Managing the Transport Impact of New Development; T4: Air Quality; T5: Noise; and R6: Waste Management Requirements for New Development of the Aberdeen Local Development Plan and the associated Supplementary Guidance in relation to Hierarchy of Centres; Harmony of Uses; Air Quality and Noise. Whilst there is a conflict with the Transport and Accessibility Supplementary Guidance material considerations allow a departure from this element of guidance in this instance. There are no material planning considerations, including the issues raised in letters of representation, that would warrant refusal of planning permission in this instance.

CONDITIONS

Litter management plan

No works in connection with the development hereby approved shall commence unless a litter collection policy and plan for the development has been submitted to and approved in writing by the planning authority. All the measures identified in the approved policy and plan shall be in place and fully operational before the premises are open to members of the public. Thereafter, the premises shall not operate other than in complete accordance with the approved litter collection policy and plan.

Reason: In the interests of the amenities of the surrounding area.

Details or sample of materials required

No works in connection with the development hereby approved shall commence unless details and colour of the new door on the eastern elevation have been submitted to and approved in writing by the planning authority. The development shall not be brought into use unless the external finish has been applied in accordance with the approved details.

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

Noise/ Odour Assessment

The use hereby approved shall not be brought into use unless the mitigation measures as highlighted in the Noise and Odour Impact Assessment (Grosle Environmental Services) are implemented in their entirety. Confirmation of the installation of these measures shall be submitted to, and approved in writing by the Planning Authority, in consultation with Environmental Health, before the premises is occupied for its intended use.

Reason: to ensure that an adequate level of residential amenity can be maintained.

Outdoor Seating

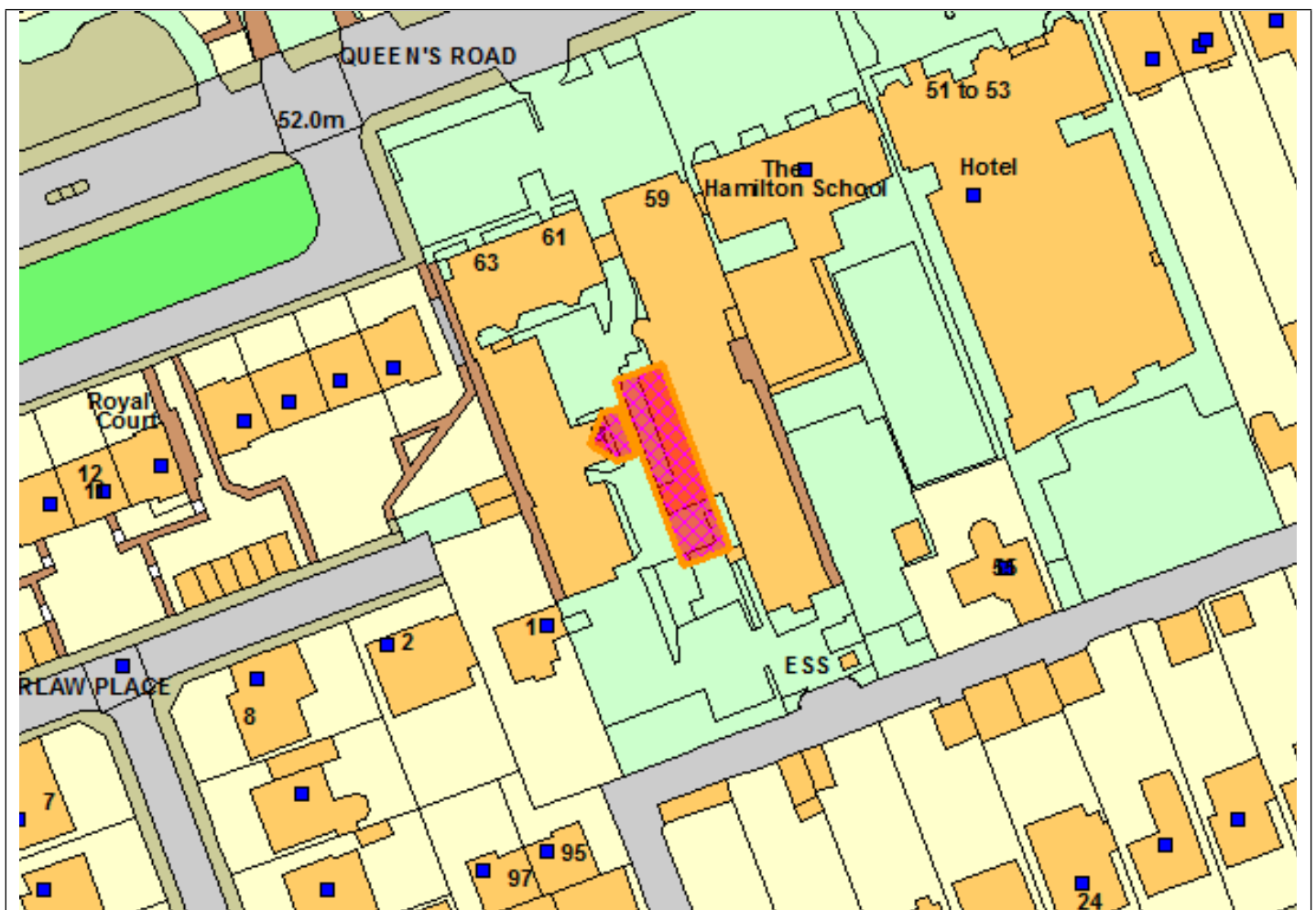
The external area to the east of the building (and as shown on Drawing No: 309(GA) 002 REV B) shall not be used as an outdoor seating area, and shall be retained as an area of hardstanding in perpetuity.

Reason: to ensure an appropriate level of residential amenity is retained.

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2> <p style="margin: 5px 0 0 0;">Report by Development Management Manager</p> <p style="margin: 5px 0 0 0;">Committee Date: 22 March 2018</p>
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Site Address:	The Chester Hotel, 59-63 Queen's Road, Aberdeen, AB15 4YP
Application Description:	Partial demolition of single storey function suite and replacement with larger single storey suite, external stair and associated works. Demolition of spa wing, formation of new gable and hipped-roof including one new guest bedroom
Application Reference:	171347/DPP
Application Type	Detailed Planning Permission
Application Date:	16 November 2017
Applicant:	The Chester Hotel
Ward:	Hazlehead/Ashley/Queens Cross
Community Council	Queen's Cross and Harlaw
Case Officer:	Matthew Easton



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

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

The hotel buildings comprise three 19th century granite villas which date from 1896 with extensions to the rear which were refurbished or constructed since 2012. Two of the villas are B listed and one C listed. The hotel is within Conservation Area 4 (Albyn Place/Rubislaw).

The specific area to which this application relates is the existing meeting and function room and external area around it.

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

Relevant Planning History

- Detailed planning permission (P121555) for a new block featuring 20 bedrooms and restaurant extension was approved by delegated powers in February 2013.
- Detailed planning permission (P130773) for the raising of the existing restaurant roof, external alterations and a new stairwell was approved in September 2013.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the partial demolition of the single storey meeting and function suite and its extension to create a larger single storey suite, providing an additional 162m² of floor space, increasing the size of the suite from 375m² to 537m².

Similar to the existing arrangement, there would be a set of doors providing external access on the south elevation, via a set of steps, to the car park and the hotel grounds. A further small set of doors would be provided on the north elevation.

The extension would be constructed over the existing vehicular access through the site. In order to maintain access, the small ground floor spa section in the opposite wing of the hotel would be removed along with a bedroom at first floor level, with the access being realigned. The removed section of the wing would be made good with the construction of a new gable wall.

Four parking spaces would be removed in order to accommodate the extension, reducing the number of spaces at the hotel from 47 to 43.

Supporting Documents

The following documents have been submitted in support of the application and can be viewed on the Council's website at –

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OZ24KFBZGZL00>

- Parking survey
- Tree report

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because Queen's Cross and Harlaw Community Council have objected to the application.

CONSULTATIONS

ACC - Roads Development Management Team – No objection.

- The site is located in Controlled Parking Zone X and in the outer city area in terms of parking standards, but is very close to the inner city. The site is highly accessible by pedestrians and cyclists and those using public transport, with bus stops almost immediately outside the hotel on Queen's Road.
- The proposal would reduce the number of parking spaces from 47 to 43, as well as introducing a 162m² conference suite, requiring one space per 18m², resulting in the requirement of nine additional spaces. There is a net loss of parking of thirteen spaces.
- The applicant's car parking survey shows that there is plenty of spare capacity, except on Saturday evenings, where there are only around eight (15%) spaces free. However, as four spaces would be removed, this means only four spaces (9%) would be free on Saturday evenings for the current situation.
- The increase in floor space, would result in the requirement for nine more spaces, meaning that it is likely that on Saturday evenings (and possibly Fridays) there would not be sufficient parking. However, given that the site is so accessible by foot / taxi / bus and (to a lesser extent) train, and given that the site is within a controlled parking zone, the marginal shortfall can be accepted.

ACC – Environmental Health – No objection. Taking into account the mixed use nature of the area, some impact in terms of noise within the gardens of neighbouring gardens may be expected. Protecting residents within their homes at night (the most likely times for venue uses) would be the priority. It is considered reasonable that in the nearest residential properties that any noise from the hotel function room is inaudible given the distance between the function room and residential properties

Queen's Cross and Harlaw Community Council – Object to the application.

1. The Chester Hotel submitted the application at Christmas and the Council advised that no extension for the submission of representations would be granted. The Community Council were relieved to be given an extension of time in order to respond to additional information on parking.
2. The families of what once was a quiet residential area have been demoralised by the continual battle to constrain the Chester Hotel in their quest to drive commercial gain from noisy functions. Residents have in the past had to inform Police and make complaints about noise to the Environmental Department. This appears to be why even very active residents in the area are too weary to mount yet another protest against the Chester.

A larger function area with external staircase would increase problems with noise and make the situation even worse for families and local residents in the area. Previous applications and the comments stated above show the problems local people have had to appreciate. The hotel are unlikely to be able to constrain even more clients to make less noise when they have failed to do so in the past.

3. In the past the Planning Committee sent the hotel a letter about their conduct with regard to unauthorised development.
4. The proposed development fails to demonstrate due regard to its context, and would not make a positive contribution to its setting, contrary to Policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan (ALDP).
5. The proposed development would, by virtue of its over-development of the site and detrimental impact on both the surrounding townscape generally, result in an adverse impact on the character and appearance of the area, contrary to Scottish Planning Policy, Scottish Historic Environment Policy and Policy D5 (Built Heritage) of the ALDP.
6. It is considered that controlling overspill parking to protect residential amenity is relevant. The revised West End Office Area Policy should reinforce the protection of residential amenity.

Parking and increased traffic and car noise would be a problem. As far back as February 2014 the Community Council protested about the overspill parking which will take place in Queens Lane South and elsewhere. The Roads Development Management Team consultation response concedes that that at certain times because spaces will be lost when the new function venue area is built then "it is likely that on Saturday evening (and possibly Fridays) they will not have sufficient parking". Queens Cross Community Council have previously protested at the method Chester has of counting "free" spaces available but one only needs to look at Chester Hotels own photos with planning application 160341 for Saturday 5th December 2015 and Sunday 6th December to see how the Chester car park is short of spaces, and hence must get even worse with fewer spaces.

7. It is difficult to understand how the Care Home at the other end of Queens Lane South was refused planning permission while the Chester Hotel is given planning permission when presumably the same policy rules apply. Those close to the Chester Hotel fear what will happen when the Chester begins to further develop the former Hamilton School which was thought to be planned as a boutique hotel but turns out will be operated by the Chester.

REPRESENTATIONS

One letter of representation has been received from a local resident who objects to the application. The following matters are raised –

- A. the purpose is to host larger events with a greater number of guests – this will lead to much increased noise and disturbance to the neighbouring family residences. The use as both wedding and conference functions, plus other events, allows this to be a daily occurrence. I particularly object to any use of the modified areas; buildings, roofs, terraces or grounds for outside entertainment purposes – on the basis of increased noise and disturbance, given the increased guest capacity. The applicant has not stated how they intend to mitigate these effects from either inside or outside areas (e.g. with open doors or windows).
- B. Tree 798 is rather large and dominates the neighbouring area. Is it not possible to modify the tree to be more sympathetic to the surrounding area?

MATERIAL CONSIDERATIONS

Legislative Requirements

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.

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

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)

Aberdeen Local Development Plan (2017)

- Policy D1 (Quality Placemaking by Design)
- Policy D4 (Historic Environment)
- Policy T2 (Managing the Transport Impact of Development)
- Policy T3 (Sustainable and Active Travel)
- Policy B3 (West End Office Area)
- Policy NE5 (Trees and Woodland)

Supplementary Guidance and Technical Advice Notes

- Trees and Woodlands
- Transport and Accessibility

EVALUATION

Principle of Development

The Chester Hotel is located within the West End Office Area (Policy B3) where offices and business uses are generally supported. Other commercial uses are not explicitly mentioned in the policy, however the hotel use has been established at the site for many years and the original buildings have already been extensively extended. Therefore, to determine whether this specific proposal is acceptable, the matters to be assessed are the size, scale and design of the extension and any impact it may have on the amenity of the surrounding area.

Size, Scale, Layout and Design and Impact upon the Conservation Area and Listed Buildings

The extension would project out from the side of the existing wing by 7.3m and be 24.1m long (3.1m longer than the existing). It would have a flat roof at the same level as the existing wing, which would remain subservient in height to all the other wings and the listed elements of the hotel.

The location of the extension, within the centre of the site and with taller elements of the hotel on either side, would result in it being visually contained within the hotel site. The dominant built form along the western end of Queen's Lane South is that of considerably sized buildings on the north side of the lane, including the Chester Hotel itself, the neighbouring Hamilton School (which has consent for a larger extension than at present), Malmaison Hotel and Albyn School. The proposed extension is smaller than all of these structures and would not alter the established character of this part of Queen's Lane South. The character of this part of the Albyn Place/Rubislaw Conservation Area would be maintained.

The proposed extension would increase the width of the wing attached to no. 59. This would obstruct views of the rear of the listed building from within the car park and Queen's Lane South, although these are somewhat compromised already by the existing wings and trees. The impact upon the setting of the listed building would therefore be insignificant. In term of close up views however as there would be a gap of some 15m from the rear of the listed building at no. 61, there would be no direct impact upon the listed building itself.

The extension would be finished in stone veneer panels in a dark polished granite colour which is the same finish as the existing wing which is considered acceptable. The area around the extension and vehicular route through the site would be finished in high quality materials and provides a suitable setting for the hotel buildings.

Taking into account the foregoing, the proposal would preserve the character of the conservation area and the setting of the listed buildings in accordance with the legislative requirement, SPP and Policy D5 of the ADLP (*Community Council issues 4 and 5*).

Amenity

The extension would increase the existing conference and function suite floor space from 375m² to 537m². The hotel advises that the maximum number of persons which the hotel caters for in the suite is 350, when the room is setup for a reception, which would not increase. For a dinner dance the maximum number which could be catered for is 200, which would increase to 280.

Concern has been raised by the Community Council and a neighbour that the expanded function room would increase levels of disturbance from the hotel and it is acknowledged that there has

been a tension between the hotel and neighbouring residents. Investigations by Environmental Health officers have not resulted in it being established that a statutory nuisance was occurring. The nature of the area around this section of Queen's Road is that there is a mix of uses, which inevitably results in a level of amenity that at times may not be as high in a solely residential area.

Although the number of people attending a dinner dance could increase from 200 to 280, the maximum number of people which could be accommodated overall would not increase. The function suite doors on the southern elevation, (facing Queen's Lane South) would continue to feature a vestibule with a set of internal doors to help contain internal noise. After 10pm the doors are manned by staff to prevent guests from using them – those wishing to smoke or exit are directed to the doors on the north elevation, near the bend from the Queen's Road side of the hotel and some 90m from the rear of houses on Harlaw Road where complaints tend to originate. Residential properties are located closer (around 30m away at Royal Court); however the other two intervening hotel wings would help contain and buffer any noise. Hotel staff also carry out patrols of the rear car park every 30 minutes and all bands and music cease at 1am.

On the basis that the hotel function room already exists and the maximum number of people would not be increasing, it is considered that the likelihood of an increase in disturbance as a result of the expanded function suite would be negligible. Taking into account the advice from Environmental Health, to ensure that noise is contained within the building as far as possible a condition has been attached requiring details of the wall and roof construction to be submitted for approval, with the requirement that it is sufficient to ensure that internal noise is inaudible within the nearest residential properties.

The proposal does not seek to change how the grounds of the hotel are used as suggested in representations. However, it should be noted that any activity which one would expect to reasonably take place within the grounds of a hotel, could take place without planning permission, as long as no physical development was undertaken. For example, activities such as outside drinking and dining, the conducting of weddings or taking of wedding photos, or smoking, could legitimately take place within the grounds and this application does not change that. (*CC Issue 2 and Issue A in representations*)

The roof of the extension would be flat and present the opportunity to connect in with the existing small terrace area at the end of the restaurant wing. Previous attempts to allow this area to be used for outdoor dining and drinking have been resisted by the planning authority. Although there is no indication that the intention would be to use the new flat roof for those purposes, in order to avoid any doubt, a condition is proposed which would prevent such activity on the roof.

In terms of overlooking of privacy, the situation would remain unaltered, with the rear of gardens on Harlaw Road, which are directly opposite the rear of the hotel, being around 40m away and the houses themselves 65m, significantly more than the 18m window-to window distance.

Parking

A parking survey has been submitted which indicates that over three days (a Saturday, Sunday and Monday) during August 2017, on average 40% of the car park spaces at the hotel were occupied. On a Saturday afternoon and early evening this increased to a maximum of 81%.

Four parking spaces would be removed in order to accommodate the extension, reducing the number of spaces at the hotel from 47 to 43. The Roads Development Management Team have advised that the increase in floor space, would result in the requirement for nine more spaces, meaning that it is likely that on Saturday evenings (and possibly Fridays) there would not be sufficient parking to accommodate all patrons coming by car. However, it is considered that given

that the site readily accessible by foot, taxi, bus and (to a lesser extent) train, and given that the site is within a controlled parking zone, the marginal shortfall can be accepted.

It should be noted that there is a planning condition restricting use of the rear gate which provides access to Queen's Lane South. It may only be used by service vehicles and shall remain closed and locked other than (a) between 0800 and 1200 Monday to Saturday; or (b) when service vehicles are entering or exiting the site. There have been no recent reports of customers abusing this condition with resultant parking on the lane, obstruction of access to garages or the free-flow of traffic on the lane. Furthermore, Queen's Lane South is within a controlled parking zone with restrictions operating between 9000 and 1700 Monday to Friday. This would deter indiscriminate parking during the day as those doing so would risk a parking fine.

Given the restrictions, when the car park is at its busiest, the potential for unauthorised parking on Queen's Lane South is low and it is expected that if it was full, customers would park on Queen's Road which has capacity and sections of unrestricted parking in the evenings. As with any event where people are drinking alcohol, the likelihood is that they will arrive and depart by taxi/minibus, public transport or on foot, rather than their own car. The parking situation would remain satisfactory and in accordance with Policy T2 (Managing the Transport Impact of Development) (*CC Issue 6*).

Trees

A tree survey has been carried out and identifies two trees in close proximity to the extension, a 15m high sycamore and a 18m high horse chestnut. Both trees are somewhat compromised at the moment by extensive non-porous hard surfacing within their root protection areas. The steps associated with the extension would encroach slightly into the root protection of the horse chestnut. In order to ensure what root may be in the area are protected from any further damage and to avoid any digging, it is proposed to construct the steps from a steel frame attached to the building which would cantilever out over the root protection area. The steps would be finished with stone steps and landing, with joints would be left open so that rainwater steps would drop to the under-croft below and provide water to the roots of the tree – representing an improvement on the current arrangement which is an impermeable hard surface. In terms of the zone of influence (ZOI) of the trees (in other words the falling distance), they are already in a confined area with buildings well within their ZOI. The proposal would the southern part of the wing around 2.7m closer to the tree, still 3.5m away from the existing canopy, although in other places (not subject of this application) is it within 1m of the building. Remedial works are recommended in the tree report to ensure that the tree remains healthy.

The comments in representations regarding the copper beech tree adjacent to the lane (tree 798) are noted. Although included within the submitted tree survey the proposals have no implications on the tree itself and the carrying out of the work suggested cannot be imposed through this application.

In terms of impact on trees the proposal is considered to be in accordance with Policy NE5 (Trees and Woodland).

Other Matters Raised by the Community Council

- Timing of Application Submission – An applicant is free to submit an application at any time. The submitted plans and documents and ability to submit representations were available on the Council's website throughout the festive period (*CC issue 1*). This is not material to the determination of the application.

- Previous Development at Hotel – The occurrence of unauthorised development at the hotel previously is not material to the determination of this application. The said development now has consent (*CC issue 3*).
- Other Developments – Each application must be considered on its own merits. Consideration of different proposals at different sites is in this case not relevant to determination of the application (*CC issue 7*).

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The size, scale, position and design of the extension would preserve the character of the conservation area and the setting of the listed buildings in accordance with the legislative requirement, SPP and Policy D5 of the ADLP.

On the basis that the hotel function room already exists and the maximum number of people would not be increasing, it is considered that the likelihood and significance of an increase in disturbance as a result of the expanded function suite would be negligible. Approval of the detailed construction of the extension would ensure that a suitable level of sound attenuation is achieved.

The potential for unauthorised parking on Queen's Lane South is low due to parking restrictions in the area and planning condition restricting use of the gate in the evenings. The parking situation would remain satisfactory and in accordance with Policy T2 (Managing the Transport Impact of Development).

The steps on the southern elevation would be constructed from a cantilevered steel frame to avoid damage to tree root, with the proposal overall considered to be in accordance with Policy NE5 (Trees and Woodland).

CONDITIONS

(01) CONSTRUCTION DETAILS (NOISE ATTENUATION)

No development shall take place unless construction details of the roof and walls of the proposed extension, demonstrating that noise generated from within the meeting/function room shall be inaudible (music noise level LAeq not to exceed 10 dBA below the existing background LA90) within the nearest residential properties, have been submitted to and approved in writing by the planning authority. Thereafter, the meeting/function room shall not be brought into use unless the extension has been constructed in accordance with the approved details.

Reason – in order to ensure that disturbance from the meeting/function is minimised externally and to maintain the amenity of the area.

(02) STEPS

No development shall take place unless details of the porous material to be utilised below the steps on the southern elevation has been submitted to and approved in writing by the planning authority. Thereafter, the meeting/function room shall not be brought into use unless the area below the steps has been finished in the approved material and the joints between the stone steps are permeable.

Reason – in order to ensure the availability of water to the roots of the nearby horse chestnut tree.

(03) FLAT ROOF

No activities associated with the operation of the hotel such as drinking, dining, entertaining or other events involving hotel customers, shall take place on the area marked as 'new flat roof area' on Graham Mitchell drawing 018 of the drawings hereby approved.

Reason – in order to avoid disturbance to surrounding residents from potentially noisy and disruptive activities in an elevated position.

ADVISORY NOTES FOR APPLICANT

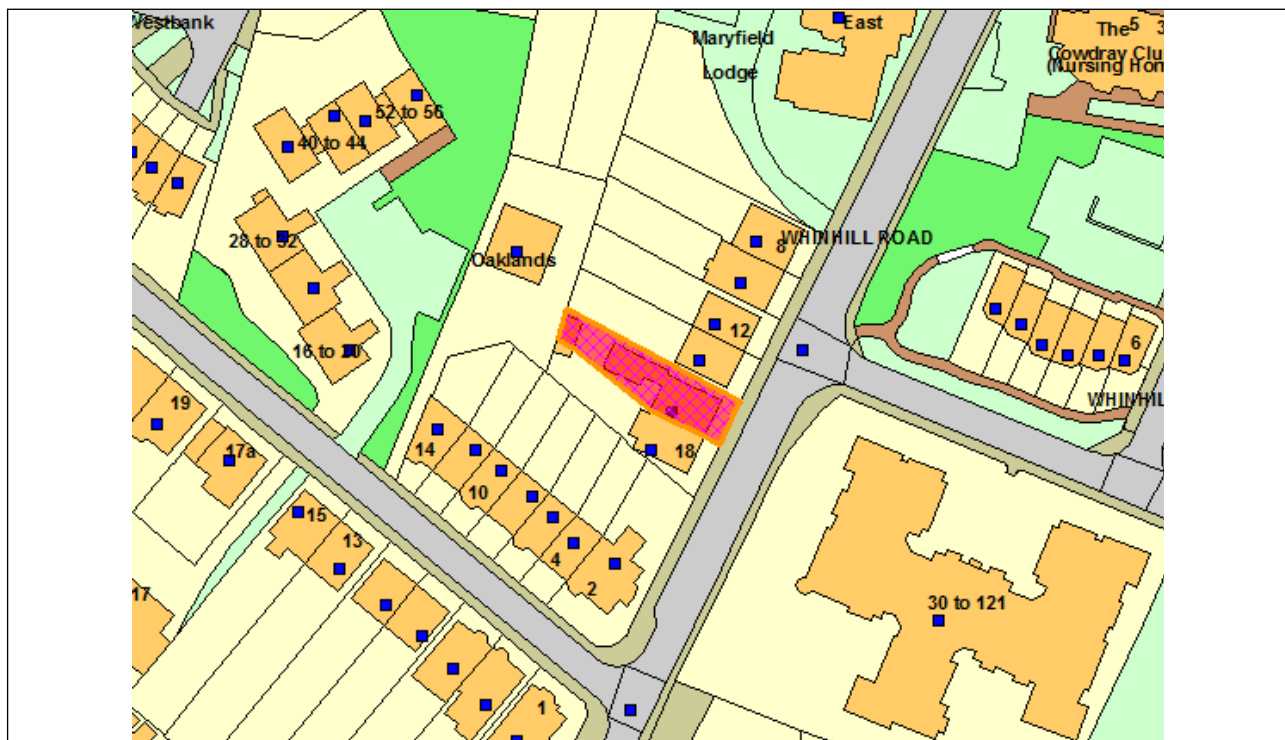
(01) HOURS OF DEMOLITION AND CONSTRUCTION WORK

Unless otherwise agreed in writing with Aberdeen City Council Environmental Health Service (poll@aberdeencity.gov.uk / 03000 200 292), demolition or construction work associated with the proposed development should not take place out with the hours of 07:00 to 19:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays. No noisy work should be audible at the site boundary on Sundays.

Where complaints are received and contractors fail to adhere to the above restrictions, enforcement action may be initiated under the Control of Pollution Act 1974.

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p>Committee Date: 22nd March 2018</p>

Site Address:	16 Whinhill Road, Aberdeen, AB11 7XH,
Application Description:	Conversion of former guesthouse (Class 7) into 4 flats, including formation of additional dormer window on rear elevation, installation of 1 rooflight to front, formation of new window to side of existing rear extension, and subdivision of front door to form 2 entrances.
Application Reference:	171478/DPP
Application Type	Detailed Planning Permission
Application Date:	3 January 2018
Applicant:	Mr Jonathan Lau
Ward:	Torry/Ferryhill
Community Council	Ferryhill And Ruthrieston
Case Officer:	Jamie Leadbeater



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RECOMMENDATION

Approve Conditionally, subject to securing payment of Car Club contributions

APPLICATION BACKGROUND

Site Description

The curtilage of a 2½ storey semi-detached 12 bedroom vacant guesthouse (Class 7) on the western side of Whinhill Road, within the Ferryhill Conservation Area. It site comprises a small defined garden area at street level to the front and a long basement level rear garden area containing a flat roof single storey extension and grassed area. The rear garden area adjoining the rear garden areas associated with 18 Whinhill Road to the south and 14 Whinhill Road to the north. A modern detached dwellinghouse called Oaklands is situated to the north-west. Fonthill Terrace – a set of Category B-listed buildings – is positioned to the south.

The front elevation of the application property comprises a white uPVC front door with associated fanlights with single casement window above and two storey bay window with turret roof, which is also accompanied by two rooflights set either side within the front roof slope finished in natural slate tiles. The rear elevation comprises a rooflight and panted dormer made from a timber frame in the roof space, whilst below it are two first floor windows and two windows at ground floor level, one which has a bay-style formation.

Relevant Planning History

Application Number	Proposal	Decision Date
171254/DPP	Change of Use from Class 7 (hotels and hostels to dwellinghouse (Class 9)	Approved under delegated powers – Oct. 2017

APPLICATION DESCRIPTION

Description of Proposal

Conversion of a guesthouse (Class 7) to form 4 flats (Sui Generis), including: formation of additional dormer window on rear elevation, installation of additional rooflight on front roof slope, formation of new window on side elevation, and subdivision of front door to form 2 entrance doors (with associated fan lights).

In terms of building arrangement, the basement level flat would be served by its own front door accessed down the north-eastern side elevation of the building where as the ground floor flat, and first and second flats, would be served by two separate entrances on the front elevation upon subdivision of the existing front doorway. The left-hand door would serve the first and second (roof space) flats and the right-hand door would serve the ground floor flat. The front garden space would be used to accommodate waste bins for all flats, and the rear garden area would be dedicated to the basement level flat.

Cycle storage would be accessed via a door of the north-western side elevation made accessible to residents of all flats.

Supporting Documents

All drawings can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=P0WMLFBZ01U00> .

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because 6 or more objections have been received against the proposals.

CONSULTATIONS

ACC - Waste Strategy Team – Proposed location of waste bins, although not ideal, is the most practical location for storage given limited space within and the topography of the site. The proximity of the waste storage area would not present any refuse collection issues.

ACC - Roads Development Management Team – No objection. The shortfall of parking would be less under this proposal than there is for the existing use. The proposed 4 flats would be entitled to 8 collective parking permits, resulting in as many as 6 additional cars being parking on the street in an already congested area. This could be mitigated against through a contribution to the local Car Club Scheme given it is a 'no car' proposal. Further, the proposed lockable cycle parking within the site should help to mitigate the shortfall is dedicated car parking and the site is well served by existing bus routes within a 400m radius on Polmuir Road and Great Southern Road. The proposed bin store location should not give rise to any road safety issues.

REPRESENTATIONS

Ten (10) letters of representation have been received in respect of the application, all of which have objected to the proposals. The letters have raised the following material planning issues:

- Proposed number of units would significantly impact on number of on-street parking spaces available for the neighbourhood;
- Proposed dormer extension to top floor would have an imposing impact on category B listed buildings on Fonthill Terrace;
- Proposed balcony would provide overlooking platform into neighbours private garden ground;
- Already parking congestion problems in parking permit area;
- Design of the proposed additional dormer window not in-keeping with the architectural style of those in the conservation area;
- Proposed location of bin store to front of building would adversely affect the aesthetics of the conservation area.

Issues raised in letters but not considered to be material planning considerations are as follows:

- Existing rear extension to property is an eyesore and should be removed;
- Parking directly outside of one's house is not possible on Fonthill Terrace;
- Construction phase of developing proposed dormer window would adversely impact on privacy and enjoyment of the adjoining property.

MATERIAL CONSIDERATIONS

Legislative Requirements

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.

Aberdeen Local Development Plan (2017) (ALDP)

- Policy H1: Residential Areas
- Policy D1: Quality Placemaking by Design
- Policy D4: Historic Environment
- Policy R6: Waste Management Requirements for New Development
- Policy T2: Managing the Transport Impact of Development

Supplementary Guidance (SG)

- Householder Development Guide
- Resources for new development
- The repair and replacement of windows and doors
- Transport and Accessibility

Other Material Considerations

- Historic Environment Scotland (HES) – “Managing Change in the Historic Environment: Guidance Notes”.

Equalities Impact Assessment

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics. In coming to this assessment the Planning Authority has had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010, to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

EVALUATION

Principle of Development (compliance with Policy H1)

The application site is set within a designated residential area as defined on the ALDP 2017 Proposals Map. Developments within such areas are subject to Policy H1. The policy does not set any specific requirements for changes of use in such areas, but given the proposed use would be residential in nature it is considered acceptable in principle. In order for the proposal to be deemed compliant with the policy it must achieve the following:

- 1) not constitute 'over development';
- 2) not have an unacceptable impact on the character and amenity of the surrounding area;
- 3) not result in the loss of valuable and valued areas of open space (as defined on the Aberdeen Open Space Audit 2010); and,
- 4) complies with relevant supplementary guidance.

The above requirements are considered to be addressed as follows:

- 1) The proposed 4 flats would be accommodated within the physical parameters of the existing building, with the exception of the proposed additional dormer of the rear roof slope to provide additional floorspace within the roof area to accommodate a self-contained 1 bedroom flat. The design merits of the dormer extension are addressed separately below, but its inclusion in principle is not considered to result in 'over development' of the site in a physical sense;
- 2) The proposed change of use would not alter the dominant residential character of the surrounding area. Furthermore, the proposed physical changes to the building would not alter the character of the building or surrounding area given timber doors, timber windows, dormer windows and rooflights are already in existence and therefore in principle would not have an unacceptable impact on the visual amenity of the surrounding area. The specific design merits of which are assessed in full in the section to follow. In terms of amenity impacts on existing neighbouring residents, these are considered to be minimal. The proposed additional dormer would not alter existing overlooking relationships with adjoining properties and it would be orientated down the existing rear feu associated with the application property and therefore not pose any undue overlooking concerns. Likewise, the proposed additional rooflight on the front roof slope would not cause any new private amenity issues given the existing relationship with the building on the opposite side of Whinhill Road and the separation that exists. The proposed change of use is not likely to give rise to any other amenity impacts on neighbouring properties, especially when taking into consideration the cumulative number of bedrooms within the shell of the building would be reduced from 12 down to 8, although it is accepted that residents would be in more permanent occupation under flat use as opposed to existing guest house use. But in short, there is likely to be a less intensified use of the building with possibly less people coming and going from the building

which can only reduce noise disturbance to neighbouring residents to their general amenity benefit;

- 3) The proposed development would not fall within any existing defined public open spaces and therefore would not give rise to any such loss of open space;
- 4) The proposal is subject to the 4 supplementary guidance documents listed above in the 'material considerations' section of the above. Adherence to the relevant parts of each SG will be discussed in the paragraphs below.

In light of the discussion above, providing the proposals comply with the relevant requirements of the relevant supplementary guidance documents then the proposal should be considered compliant with Policy H1.

General amenity afforded to flat residents (compliance with Policy D1)

The ground, first and second floor flats would be dual aspect and therefore mean that all habitable rooms within each self-contained flat would be served by a window. This will allow residents an outlook and to obtain natural light, both of which are basic requirements to achieve general residential amenity. The basement level flat would not be dual aspect, all habitable rooms would be served by a window and the garden area would be dedicated purely to the basement flat to enhance the general sense of place and permeation of natural light into the self-contained unit. None of the existing or proposed windows serving habitable rooms within each of the flats would be affected by any direct overlooking from within 18m and therefore would have no privacy issues. Taking the above considerations into account, each flat would obtain an adequate level of residential amenity expected for a flat and therefore would adhere to the relevant requirement of Policy D1.

Physical changes to building (compliance with Policy D1 and D4)

The application is located within a conservation area, and therefore the physical changes to the building are subject to Policy D4, and Policy D1, the requirements of which are implicit to Policy D4 given the context of the site. Policy D4 states the Council will seek to protect, preserve and enhance the historic environment in line with relevant local and national policy and guidance. Further, the policy states that high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of conservation areas will be supported.

Dormer Window

The Council's Householder Development Guide SG provides specific guidance on the addition of dormer window to the rear of traditional properties, which the application property is considered to be. The relevant guidance is as follows:

- the aggregate number of dormers should not dominate the roofspace;
- the front face of dormer will normally be fully glazed;
- Dormers should not rise directly off the wall head, equally dormers positioned too high on the roof give the roof an unbalanced appearance; and,

- The ridge of any dormer should be at least 300mm below the ridge of the roof of the original building.

The design of the proposed additional dormer window would seek to replicate the shape, proportion and construction materials of the existing dormer window on the rear, and therefore is considered acceptable in principle design terms. This entails the front part of the front face of the dormer being fully glazed and dormer being set-off the wall-head and more than 300mm below the ridge of the main roof. Whilst the addition of the dormer would change the pattern of dormer windows along the rear elevation of the application and adjoining neighbouring property, any balance between these properties has already been compromised by different bay windows at first floor level below. Certainly, the proposed addition would create greater symmetry and balance to the rear elevation of the application property in isolation. Taking into consideration the aforementioned points, it is considered the dormer proposal would comply with the relevant expectations of Section 3.1.7 of the Householder Development Guide SG. This position should alleviate concerns by objectors who were of the belief that the proposed additional dormer on the rear would not be built in an appropriate architectural style that is in-keeping with the surrounding area.

In terms of conservation area impact, the addition of the dormer would have a very limited visual impact from the main nearest public vista – Whinhill Road - and therefore would have no visual prominence in the Ferryhill Conservation Area other than from a car park pertaining to a flat development to the north-west off Fonthill Terrace which is little used by the wider public. To this end it is not considered the proposed dormer would have an undue adverse impact on the character and amenity of the Ferryhill Conservation Area and therefore would be compliant with Policy D4 in the ALDP and relevant HES guidance.

New Side Window

The proposed creation of a new window within the existing basement level extension would provide a source of light to the proposed toilet within the basement level flat. Given the window would be orientated towards the adjacent neighbours rear garden, it is not considered to pose any undue private amenity impacts given this relationship already exists given the presence of a larger window in the existing extension and by virtue of the fact the window would not serve a 'habitable' room – as defined in the Council's Householder Development Guide. As such, it is considered acceptable within the context of Policy D1. The proposed window is not considered to have any implications of the character and amenity of the Ferryhill Conservation Area given it would not be readily visible from any public vistas and therefore would not be at odds with Policy D4.

Changes to front door

The proposal entails the subdivision of the existing front door aperture to create two separate accesses – the left-hand door for access to the first and second (roof space) flats, and the right-hand door would serve the ground floor flat. This solution has already been employed at 12 Whinhill Road to good effect, which is also similar-looking property

in terms of its original form, character and appearance. It is acknowledged the proposed works would likely deviate away from the building's original front door arrangement, but providing the work is carried out to a similar high standard to that at number 12 the visual impact is likely to give rise to an enhancement in the appearance of the conservation area. The Council's SG titled The Repair & Replacement of Doors & Windows expresses a preference in reinstating original doorway proportions but given the doorway proposals are fundamental to making the proposed development work in this case, it is considered necessary to relax this preference. Removal of the existing uPVC doors and frames, to be replaced by timber panelled doors and associated timber framed fan lights - would be more sympathetic to the original fabric of the building, which is one of the key objectives of the SG. In order to maintain control over the quality of the replacement door structure (including associated fan light), it is recommended a condition be attached seeking precise details and specification of the doors to be used. Overall, it is considered the proposed front door changes would have a positive impact on visual amenity of the conservation area and surrounding area, thus rendering it compliant with the relevant provisions of Policy D1 and D4, although not completely in accordance with all the relevance guidance detailed in the associated SG.

New rooflight

The Council's Householder Development Guide SG states that new rooflights should be vertically orientated and evenly spaced in terms of their arrangement, whilst also rooflights within buildings in conservation areas should be encompass a 'conservation-style' design. The proposed additional rooflight would be coherent with the existing size of rooflights and separation distance from the eaves and ridge height of the roof, thus following the expectations set out in the SG. In addition, in this case the position of the rooflight would not detract from the existing turret feature above the first floor window. The submitted drawings provide no assurances that the rooflight would have conservation-style design, but this could be controlled through condition if members are minded to support the proposals. This would ensure adverse impact on visual amenity or character of the conservation area, therefore rendering the proposals in-keeping with policies D1 and D4 as well as the Householder Development Guide SG.

Site Servicing (compliance with Policy T2 and R6)

The main servicing requirements associated to this development include parking, access and waste storage/disposal. These requirements are assessed against policies T2 and R6 and their respective associated supplementary guidance documents. Policy T2 states, commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. Policy R6 states that all new developments should have sufficient space for storage of general waste, as well as recyclables and compostable waste.

With regards to the requirements of Policy T2, it is noted that many local residents have raised concerns about the proposals worsening an already oversubscribed on-street parking arrangement through the issuance of additional parking permits within the local Controlled Parking Zone (CPZ). The Council's Roads Development Management team

has been consulted on the proposals and have not objected. They do, however, acknowledge the concerns of local residents but recognise there is no scope to provide dedicated car parking within the site and therefore residents would rely on use of permits to park within the CPZ. The number of permits would increase from 2 to 8 for the existing premises under the proposals, but the applicant has sought to minimise the dependency on the use of private vehicles through allocation of dedicated cycle storage within the building and the applicant has agreed to make a contribution (£1600) towards the Car Club scheme to provide prospective residents some access to a vehicle when they need it. In addition, the site is well served by existing bus routes within a 400m radius which should further reduce the dependency on private vehicles. These considerations should afford some degree of comfort to existing neighbouring residents that the existing parking situation would not be significantly worsened by this development and as such, the proposals is considered compliant with the relevant requirements of the policy.

With regards to the requirements of Policy R6, the Council's Waste Strategy has been consulted on the storage proposals within the existing front garden area and they are content with this arrangement as it will enable both easy access for residents to store waste in a communal area and the waste would be sited within 10m of the pick-up point for refuse vehicles on Whinhill Road. To this end, the proposal is considered compliant with the policy and its associated supplementary guidance document. It is noted that the storage of waste within the front garden area would not be the ideal solution in terms of minimising the impact on the visual amenity of the conservation area, a concern raised by an objector. However, this arrangement is already in place along the same side of the street and there is little scope to accommodate to bin elsewhere in the site given the topographical constraints of it. Notwithstanding this, it is not considered the storage of bins to the front of the property would have a significant adverse effect on the character and amenity of the Ferryhill Conservation Area.

Remaining matters yet to be addressed, raised in representations

- 1) *Proposed dormer extension to top floor would have an imposing impact on category B listed buildings on Fonthill Terrace* – There is already an existing dormer on the adjacent property (18 Whinhill Road) which lies in closer proximity to the properties on Fonthill Terrace. Furthermore, the proposed additional dormer would not be orientated towards properties on Fonthill Terrace and it would be sited approximately 30m away from the rear of properties on Fonthill Terrace and 10m away from their associated garden boundaries. Taking these factors into account, it is not considered the proposed dormer window would have an imposing impact on the listed properties on Fonthill Terrace.
- 2) *Proposed balcony would provide overlooking platform into neighbours private garden ground* – The original proposals have been altered to omit the balcony element to the rear dormers and therefore this point is no longer considered relevant.

Conclusion

In conclusion, the proposed change of use of the application property is considered acceptable given the use would be harmonious to the established residential nature of neighbouring sites. Furthermore, the proposed physical alterations to the building would not adversely affect the character and amenity of the Ferryhill Conservation Area, or result in new relationships between the application property and neighbouring residential properties which would present undue impacts on the residential amenity afforded to existing neighbours. Finally, the site can be adequately serviced in respect of waste storage, access and parking - providing the applicant makes payment of monetary contributions towards the existing Car Club. Taking the aforementioned points into account, the proposal is considered to accord with the relevant requirements of all relevant policies in the ALDP 2017. In the absence of any other overriding material considerations, the application is recommended for approval.

RECOMMENDATION

Approve Conditionally, subject to securing payment of Car Club contributions

REASON FOR RECOMMENDATION

The proposed residential use of the building is considered sympathetic to the established residential use of the surrounding area. All proposed flat units could achieve an adequate standard of residential amenity without unduly compromising the amenity of existing neighbouring residential properties. The proposed physical changes to the building would not have an undue adverse impact on the Ferryhill Conservation Area. A shortfall in dedicated car parking can be offset through the provision of dedicated cycle storage and access to the local Car Club. Waste storage would be sited in easy reach of refuse vehicles and is in line with waste storage solutions currently present on the same side of Whinhill Road. Taking the aforementioned merits into account, the proposal is considered compliant with the following policies in the Aberdeen Local Development Plan 2017: Policy H1: Residential Areas; Policy D1: Quality Placemaking by Design; Policy D4: Historic Environment; Policy R6: Waste Management Requirements for New Development; and, Policy T2: Managing the Transport Impact of Development. In the absence of any other overriding material considerations, the proposal is deemed acceptable.

CONDITIONS

- 1) No development shall occur until the applicant/developer has submitted precise details and specifications for the proposed rooflight and replacement front doors (and associated fan light and frames) for approval in writing by the Planning Authority. Once approved, the proposals shall be implemented in line with the agreed scheme.

Reason: In the interests of the Ferryhill Conservation Area's character and amenity.

ADVISORY NOTES FOR APPLICANT

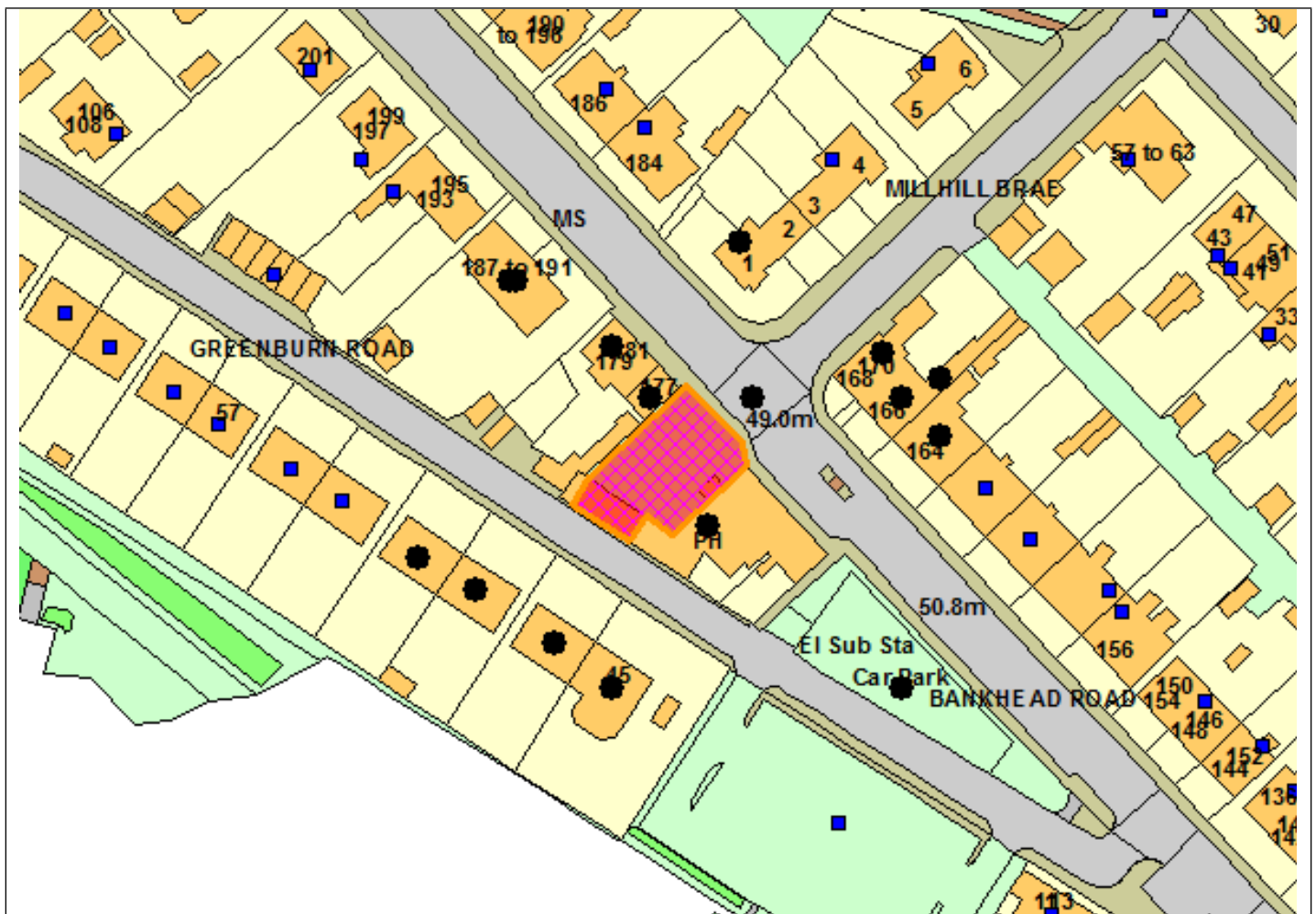
- 1) It is recommended the applicant/developer contacts the Council's Transport Strategy Team & Programmes Team regarding the co-ordination of residents' access to use of existing cars within the Car Club. They are contactable on 01224 522756.

- 2) Residents of each flat can apply to the Council for parking permits to make use of on-street parking on Whinhill Road and surrounding streets. A cost will be incurred in order to obtain the permits.

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2> <p style="margin: 5px 0 0 0;">Report by Development Management Manager</p> <p style="margin: 5px 0 0 0;">Committee Date: 22nd March 2018</p>
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Site Address:	Bankhead Inn, 161-165 Bankhead Road, Aberdeen, AB21 9HQ
Application Description:	Change of use of outbuilding to hot food take away (Sui Generis); including erection of single storey extension with flue pipe and ramp to front (Bankhead Road)
Application Reference:	171552/DPP
Application Type	Detailed Planning Permission
Application Date:	3 January 2018
Applicant:	Mr Richard Bleakley
Ward:	Dyce/Bucksburn/Danestone
Community Council	Dyce And Stoneywood
Case Officer:	Jamie Leadbeater



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

A vacant single storey outbuilding - adjoining the Bankhead Inn public house, with associated car parking to the front, all on the south-western side of Bankhead Road in Bucksburn. The front/public elevation of the existing outbuilding is set approximately 20m back from Bankhead Road, from where access is taken. On the opposite side of Bankhead Road is the junction with Millhill Brae, with a terrace of granite tenement buildings on its east side and single storey terraced properties to the west, both residential in use. Greenburn Road runs along the rear (west) of the site/ outbuilding, which sees single storey residential properties opposite. A residential property and adjoining local shop (Class1) sit to the west, fronting Bankhead Road.

The application property is a traditional single storey outbuilding finished in a painted roughcast render with pitched corrugated sheet roof. Existing openings exist on both street facing elevations, including 4 doors to the north/car park and 3 'barred' windows to Greenburn Road. The car park is largely defined by a c.1.5m high stone wall along its boundary and higher stone walls associated with the neighbouring properties.

Relevant Planning History

Application Number	Proposal	Decision Date
171552/DPP	Change of use of outbuilding to hot food take away (<i>Sui Generis</i>); including erection of single storey extension with extract flue and ramp to front (Bankhead Road)	06.05.2017 Withdrawn

APPLICATION DESCRIPTION

Description of Proposal

It is proposed to use the outbuilding as a hot food takeaway (a *Sui generis* use), and in association with this use erect a single storey pitched roof extension. There would also be an associated extract flue and pedestrian access ramp to front entrance door. The car park would also be reconfigured and formally laid out to define 7 car parking spaces (1 disabled), as well as areas for bicycle and motorcycle parking. Waste would be stored in an enclosed area to the west of the proposed extension, adjacent to the mutual boundary wall with 177 Bankhead Road, and a collection area provided adjacent to the access from Bankhead Road.

The proposed extension would project 4.8m forward of the principal elevation and have a width of 7.8m, eaves height of 2.5m and ridge height of 5.4m. It would be finished in render to match existing building and the roof would be finished in grey ridged sheeting material to match existing roof finish. The roof of the existing building is also to be upgraded with the same material. Replacement windows and doors would be constructed from aluminium frames. The proposed flue pipe would adjoin the north-western side elevation of the extension up to a height of 4.2m above ground level and sit 2.3m from the roof plane.

Supporting Documents

All drawings, and supporting documents listed below, can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=P1Q44BBZI7000> .

- Car Parking Survey
- Noise & Odour Impact Assessment

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than 5 objections have been received and the local community council has objected.

CONSULTATIONS

ACC - Roads Development Management Team – No objection. The site has good walking and cycling links, with bus stops within 50m. Proposed car park layout is accepted, as is waste storage. The submitted Car Parking Survey indicates that there would be a maximum of 2 cars using the car park at any one time. Use of the car park by the proposed use would take parking spaces away from the public house which already has a shortfall of dedicated spaces, but there is good public parking availability in the surrounding area and it is expected the development would serve the local community, which would require limited dependency on the car park. The car park would provide motorcycle and bicycle storage to minimise dependence on the private vehicle also.

ACC - Environmental Health – No objection. The submitted Noise and Odour Impact Assessment demonstrates appropriate noise and odour mitigation measures would ensure no unacceptable impact on residential amenity, subject to conditions seeking the implementation of such mitigation measures.

ACC - Waste Strategy Team – No objection. General comments provided. Developer needs to make sure the bin store can accommodate general waste, recyclables and food waste and be accessible at all times.

Bucksburn and Newhills Community Council – Object, for the following reasons:

- There are existing numerous outlets locally where ‘fast food’ can be purchased;
- A primary school is close to the site and we would not want to encourage the youngsters to use an outlet of this type at lunch breaks;
- Against attracting more traffic to the area when it could pose a danger to pupils of the new primary school;
- There is currently limited parking space in the area and the development would add to congestion;
- The proposed outlet is likely to give rise to litter and noise which would be a nuisance to adjoining neighbours;
- Proposed use can give rise to an unpleasant odour;

REPRESENTATIONS

Seven (7) representations have been received against the application, all of which have objected. The letters have raised the following material planning considerations:

- Proposed use would generate additional vehicle congestion on Bankhead Road at peak times;
- Proposed use could prevent emergency vehicle access along Bankhead Road, due to likelihood of additional cars parking on the road;

- Proposed use would give rise to additional noise disruption on top of that arising from existing adjoining public house;
- Limited car parking at present afforded to the Bankhead Inn and on surrounding streets such as Millhill Brae;
- Concerned about smells arising from the takeaway;
- Development would present road safety concerns for children crossing Bankhead Road from the next school on the opposite side of the road;
- Location of the proposed waste store against neighbours wall would result in vermin being attracted to the neighbours property;
- Disagree with Odour Assessment findings and in fact location of proposed flue pipe will provide odour nuisance to adjacent neighbours property;

Issues raised by the local community council and objectors which are not considered material to the determination of the application:

- Litter discarded by customers outwith the site would arise from the takeaway;
- Noises and smells used to emanate from the building;
- The existing shop sees people using neighbouring property as a shortcut, the proposed takeaway would increase this;
- A chip shop close to a school would encourage obesity, especially during lunch breaks. t lunch breaks; and
- There are existing numerous outlets where 'fast food' can be purchased.

MATERIAL CONSIDERATIONS

Legislative Requirements

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.

Aberdeen Local Development Plan (2017)

- Policy D1: Quality Placemaking by Design
- Policy H1: Residential Areas
- Policy T2: Managing the Transport Impact of Development
- Policy T3: Sustainable and Active Travel
- Policy R6: Waste Management Requirements for New Development
- Policy T4: Air Quality
- Policy T5: Noise

Supplementary Guidance and Technical Advice Notes

- Air Quality (Supplementary Guidance)
- Noise (Supplementary Guidance)
- Transport and Accessibility (Supplementary Guidance)
- Harmony of Uses (Supplementary Guidance)

Other Material Considerations

None

Equalities Impact Assessment

Consideration of the equalities impact arising from the proposed development has been undertaken and it is concluded the proposed ramp would have a positive impact on those with certain protected characteristics.

EVALUATION

Change of Use (compliance with Policy H1, T4 and T5)

The application site is set within a designated residential area, as defined on the ALDP 2017 Proposals Map. Developments within such areas are subject to Policy H1 in the ALDP, which supports new development in residential areas subject to the following:

- 1) not constitute 'over development';
- 2) not have an unacceptable impact on the character and amenity of the surrounding area;
- 3) not result in the loss of valuable and valued areas of open space (as defined on the Aberdeen Open Space Audit 2010); and,
- 4) complies with relevant supplementary guidance.

In addition to the above, Policy H1 states that proposals for non-residential uses will be refused unless they are considered complementary to residential use and it can be demonstrated that the use would cause no conflict with residential amenity, both considerations which are implicit to points 2 and 4 above which will be addressed in the below paragraphs accordingly.

Overdevelopment

The scale of the extension would take up a small portion of the existing car park and overall site area. The height and massing of the extension would sit below that of the existing outbuilding, making it appear visually subservient. There would also be sufficient dedicated car parking to serve both the hot food takeaway and public house, which would share it. For these reasons, it is not considered the proposal would 'over develop' the site.

Impact on Character of Surrounding Area

The immediate surrounding area is characterised by a mixture of uses, a public house; local shop; school; and hairdresser – whilst overall the area is predominantly residential in nature. The proposed hot food takeaway is considered to be appropriately positioned between two existing non-residential uses, so as to group non-residential uses in the area and to give an element of containment of that use. The physical changes to the building would not unacceptably alter the character of the building, given its form and proposed finishing materials. Taking these three key points into account (context of uses in area; containment; and visual characteristics), it is not considered the proposed development would have an unacceptable impact on the character of the surrounding area, visually or in terms of the mixture of uses.

Impact on Amenity of Surrounding Area

The main amenity issues to consider are: the omission of smells from food preparation; and noise generated from cooking equipment. The requirements of Policy T4 (Air Quality) and T5 (Noise) are implicit to addressing these issues. Both policies seek to control respective issues through a relevant assessment of the likely air quality and noise impacts, prior to determination of a planning application.

A Noise & Odour Impact Assessment has been submitted and reviewed by the Council's Environmental Health Service. They accept the findings and request conditions requiring the implementation of the mitigation measures detailed. Such conditions would satisfy the respective

requirements of policies T4 and T5 in the ALDP and their supplementary guidance, as well as the amenity requirements of policy H1.

It is acknowledged that the proposed use is likely to attract additional people to the area which could give rise to some associated noise and objection has been raised to this effect. However, the closest residential properties are situated within a context where they are well detached from the proposed use, which is contained and set back from the road. Existing non-residential uses and passing road traffic mean that there is unlikely to be any significant uplift in noise disturbance arising from the proposed use. It may also be expected that the cluster of non-residential uses may see some joint trips. Any noise arising from cooking operations would be limited by the mitigation measures set out in the Noise Report, whilst any anti-social behaviour would be a matter for Police Scotland.

Taking all above factors into account, it is not considered the proposal would have an unacceptable amenity impact on the surrounding area, particularly in relation to resultant odour or noise.

Loss of Open Space

Not relevant.

Compliance with Relevant Supplementary Guidance(s)

As stated above, the proposal is subject to the supplementary guidance associated with Policy T4 and T5 would be complied with. The SG associated with Policy T2 - Transport and Accessibility is also relevant and is discussed below, in relation to access and parking.

Taking all the above considerations into account – providing the proposal proves compliant with the SG on Transport & Accessibility – the proposal is considered compliant with Policy H1.

Extension and Ramp – Design

The proposed extension and associated ramp must be assessed against Policy D1 in the ALDP, which states all development must ensure high standards of design.

The application building is unusual in its character and appearance within the immediate locality and the gable-ended frontage to the extension is not considered inappropriate with form and character of the existing building. The lower height and width relative to the overall elevation, would present a visually subservient addition to the existing building. The proposed set of bi-folding doors would afford an attractive contemporary frontage and coupled with the overall scheme of works contribute towards raising the general visual amenity of the immediate locality. Given the extended building would remain set-back from Bankhead Road, by c.14m, it would not dominate the overall street scene. Proposed finishing materials are considered acceptable, further details could be controlled through condition. Thus the proposed extension would fall within the expectations of Policy D1.

The proposed ramp would allow access by persons of varying physical capabilities, which is welcomed. The ramp structure is minor in scale and is designed to serve its purpose. It is well set back from Bankhead Road and therefore would pose no undue visual amenity impacts. To this end, it is also acceptable.

Access, Parking and Waste

The main servicing requirements associated with this development are parking, access and waste storage/disposal, which are assessed against policies T2, T3 and R6.

Policy T2 and T3 require new developments to demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

The associated SG states that within the 'outer city' area there is a maximum requirement for 2.6 parking spaces associated to the scale of the use proposed. The wider proposals make provision for 7 car parking spaces, as well as motorcycle and bicycle parking. All shared with the adjoining public house, which the applicant also owns. The location is also well served by a bus route, on Bankhead Road and sees bus stops close by. The Council Roads Service has considered and accepted the proposals, supported by the Car Parking Survey. To this end the proposal is considered compliant with Policy T2 and its associated SG.

A number of objections raise concerns about the road safety impact of the development; however such concerns are not shared by Roads colleagues.

Policy R6 states that all new developments should have sufficient space for storage of general waste and recyclables and such facilities are detailed on the plans. The Council's Waste Service has been consulted and provided general comments, which can be reiterated through use of an informative. The adjoining neighbour has objected to the bin store location, on the basis that vermin would be attracted to their premises. However, the arrangement detailed is deemed suitable and should this transpire environmental health legislation would address it.

Conclusion

It is considered the proposed use would be adequately complementary to the surrounding residential area and the proposed extension and associated ramp would be acceptable in the design terms, all given the context of the surrounding area. Noise and odour would be dealt with through agreed mitigation measures to be conditioned. Further, the proposed development would be sustainably accessible, and proportionate car parking would be provided which would not unduly hinder the needs of the adjacent public house. To this end, the proposal is considered to be in accordance with all relevant policies in the ALDP 2017 and the associated Supplementary Guidance. In the absence of any other overriding material considerations, the application is recommended for conditional approval.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed use of the building would be acceptable within the parameters of Policy H1: Residential Areas in the Aberdeen Local Development Plan (ALDP) 2017, subject to implementation of appropriate noise and air quality mitigation measures. The proposed extension and associated ramp are considered acceptable in design terms given the site's context, and would not give rise to any undue amenity impacts on neighbouring uses and therefore would comply with the relevant requirements of Policy D1: Quality Placemaking by Design in the ALDP 2017. The proposed use could be adequately serviced in respect of access and parking and the good accessibility to the site via a range of transport modes and therefore would satisfy the relevant expectations of Policy T2: Managing the Transport Impact of Development and T3: Sustainable & Active Travel in the ALDP. Waste would be stored in a well-contained enclosure adjacent to the application property to prevent sprawl into public areas and therefore would satisfy the thrust of Policy R6: Waste Management Requirements for New Development in the ALDP. Finally, the proposal would also accord with the relevant requirements of Policy T4: Air Quality and T5: Noise in the ALDP 2017. In the absence of any other overriding material considerations, the proposal is considered acceptable.

CONDITIONS

- 1) Prior to operation of development, all noise mitigation measures outlined in Appendix I of the submitted Noise & Odour Impact Assessment (carried out by Grosle Environmental Services in October 2017) shall be implemented in full and thereafter remain in place for the lifetime of the development.

Reason: In order to suitably control noise arising from cooking equipment to the benefit of local residents' general residential amenity

- 2) Prior to operation of development, all odour mitigation measures set out in Sections 5 and 6 of the submitted Noise & Odour Impact Assessment (carried out by Grosle Environmental Services in October 2017) shall be implemented in full and thereafter remain in place for the lifetime of the development.

Reason: In order to suitably control malodour arising from cooking operations to the benefit of local residents' general residential amenity.

- 3) No development shall take place until samples of the proposed finishing materials to the extension and replacement roof and doors to the existing building have been submitted to and approved in writing by the Planning Authority. Once approved, the approved scheme shall be implemented in line with the agreed details.

Reason: In the interests of public visual amenity.

ADVISORY NOTES FOR APPLICANT

- 1) Should the applicant/developer wish to apply any signage to the application property it is recommended that they consult with the Planning Service in advance, to establish if Express Advertisement Consent would be required.
- 2) Aberdeen City Council is not the only commercial waste contractor in the city and therefore it is expected the applicant/developer will make their own arrangements with a waste contractor to remove commercial waste from the site.

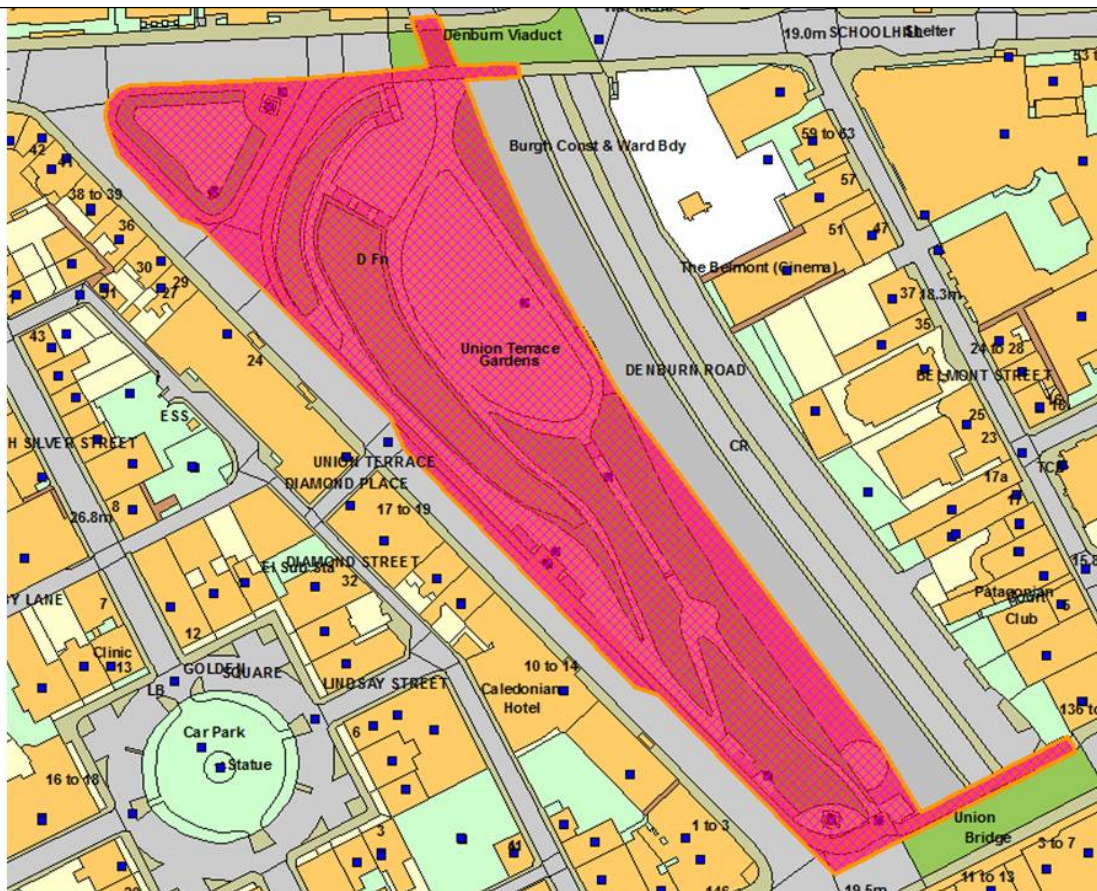


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 22 March 2018

Site Address:	Union Terrace Gardens, Union Terrace, Aberdeen,
Application Description:	Alterations and extension to gardens, including: restoration and renovation of structures/statues and toilets; development of buildings containing exhibition, retail, café and community hub space; provision of improved access, including raised walkways and regrading northern gardens; tree works; and associated infrastructure and engineering works
Application Reference:	170497/DPP
Application Type	Detailed Planning Permission
Application Date:	4 May 2017
Applicant:	Aberdeen City Council
Ward:	Mid Stockton/Rosemount
Community Council	City Centre
Case Officer	Sepideh Hajisoltani



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1. RECOMMENDATION

Approve Conditionally

2. APPLICATION BACKGROUND

Site Description

The application relates to a sunken public park (c.1.6 hectares) in Aberdeen city centre, known as 'Union Terrace Gardens'. Historically used as 'Bleaching Greens' in the 1700s, various phases of transition and transformation saw it opened to the public as a Victorian Garden in 1878.

The gardens are bounded to the: north by Rosemount Viaduct; south by Union Street; east by the Aberdeen-Inverness railway line and the Den Burn; and to the west by Union Terrace. It is also surrounded by prominent listed buildings, including: His Majesty's Theatre; Aberdeen Art Gallery; the former Triple Kirks; former St Nicholas Congregational Church; 1-3 Union Terrace; and 146 Union Street.

The gardens themselves are Category 'B' listed and set within the Union Street Conservation Area. The listing covers all built elements of the gardens, including: arcades; balustrades; and the public toilets.

The topography sees steep embankments framing more level functional public spaces. Access to and within the site is currently restricted by stairs and steep gradients to footways, making the Gardens largely inaccessible to wheelchair users. There are a number of mature trees across the gardens and a floral crest depicting the city's coat of arms on a slope in the northern part.

Relevant History

In 2010-11 a £140 million "City Garden Project" was subject to an international design competition. The preferred scheme involved raising the level of the Gardens to street level and developing the spaces below, and was to be supported by £50 million funding from Sir Ian Wood. This scheme was narrowly supported by a public referendum (45,301/41,175) in early 2012, but subsequently not progressed following a Council decision in August that year. This scheme was never subject to a formal planning submission.

More recently local and international street artists undertook a graffiti art project to the interior walls of the arcades.

The space has also been previously used for temporary events such as the Christmas Market and the Spectra Festival.

170052/ESC	Request for EIA Screening Opinion from the Planning Authority in relation to the extension of the existing arboretum: formal and community gardens; renovation of existing buildings and listed buildings: creation of exhibition space, retail outlets: cafe/community hub: provision of improved access arrangement and regrading northern gardens: associated infrastructure and engineering works	Decision Date: Feb 2017 Status: EIA not required.
170496/LBC	Listed Building Consent for various alterations, extensions, repairs and demolition works to: arches, balustrades, public toilets and associated structures, including statues	Submitted in May 2017 Status: Pending decision

3. APPLICATION DESCRIPTION

Description of Proposal

It is proposed to: restore key heritage features; introduce new architectural interventions; undertake extensive landscaping works (including tree removal/ other arboricultural works and replacement tree planting); provide associated infrastructure; and undertake various engineering works to redevelop and re-profile the gardens. These include the following interventions:

Raised walkways:

Three raised walkways would provide new access opportunities to the Gardens. Whilst differing in their scale and intended function, they are visually linked in terms of aesthetic form and material.

Walkway-1, located to the south of the Gardens and providing ramped access from Union Street. A section of the Granite wall on Union Bridge would be removed to create the entry. The minimum usable width is 3m, to cater for non-motorised users of all abilities. The design of this walkway has been refined during the course of this application, to reduce potential for impact on any future development of the adjacent railway.

Walkway-2, situated off Union Terrace, close to the proposed 'Burns Pavilion'. This would create a viewing platform, set below the level of the street and into the Gardens, which could also be used as a flexible events space.

Walkway-3, halfway between the Burns Pavilion and proposed 'Rosemount Pavilion', again below the level of Union Terrace. It would project out from the steep slope and into the gardens, again providing a viewing platform/ smaller events space.

Finishing materials for all three walkways would be a 'copper' alloy cladding and railings, with surface decking transitioning into adjacent paved surfaces being resin-bound aggregate complemented with granite trim.

Union Terrace Building and the Victorian Toilets:

The initial submission proposed a glazed pavilion wrapping around the gent's toilet, directly behind the existing granite balustrades and statue at the junction of Union Street and Union Terrace. However after a process of re-design the building was moved north along Union Terrace and the design, scale and form of the building were also revised to refine the design and its relationship with the existing streetscape.

This pavilion, the largest of three new buildings, would be a focal point of the south-west corner of the gardens. It is proposed that it would be used for Class 3 (Food and Drink i.e. café/restaurant) purposes over two levels. It would also connect, via a glazed link, to the existing refurbished Gents and Ladies Toilets at a lower level. Within the toilets existing features, including urinals and tiles, would be conserved as elements within a new bar space. The internal layout of the upper level and high level of glazing allows for views across the gardens. The overall height is approximately 6.1m, when considered from Union Terrace street level, and 12.4m where it rises from the Gardens, whilst the footprint extends to 148sqm.

External finishes would see: a pre-cast post and beam 'frame', containing large scale aggregates; perforated steel panels as part of the roof structure; a glazing system with a 'bronze' aluminium finish externally and timber internally.

A number of the existing granite balustrades and the staircase to the Gents toilets would be removed, to visually open up and enhance the public realm. This would also extend the public realm surrounding the Edward VII statue at the junction of Union Street and Union Terrace.

Burns Building:

The Burns Pavilion (footprint of c.100sqm), centrally positioned behind the Robert Burns Statue off Union Terrace. A lift would provide access to the arcades, where suitably graded access to the lower gardens would be available. The building would accommodate a mixture of uses: at Union Terrace level, flexible information and gallery space; whilst the arcade level would contain a café and publicly accessible toilets.

Again this building has been subject to a process of redesign, and reduction in mass, with the architectural theme reflecting that of the Union Terrace Building described above.

Rosemount Plaza and Pavilion, Wallace Statue and Armorial Railings:

A plaza would be formed, as a street level extension to the Gardens, containing a water feature (which can act a stage when drained) within which the Wallace statue would be situated and hard and soft landscaping and new tree planting, and the smallest of the three pavilions with seating area. A number of existing trees would be removed in this area.

The Rosemount Pavilion would be set on one level and have a footprint of c.78sqm, and is designed, orientated and in alignment with the other two pavilions – again reflecting the bay design and heights of their upper/ street level form. It would be used as a coffee shop, or small café/ bar.

The statue would not be moved, but would be set within a water feature, which would incorporate lighting for the statue and additional feature lighting. The water would be able to be drained, to allow use as events space, such as: to allow wreath laying for the annual 'Wallace 700' Commemoration ceremony.

The armorial railings are to be reused onsite in a re-imagined way around some of the new landscaping features.

Amphitheatre:

The removal of the existing slip road from Rosemount Viaduct to Union Terrace would facilitate the extension of the gardens into Rosemount Plaza. As a result space would be available to ease the gradient and facilitate a winding pathway into the gardens. This path would incorporate 280 linear metres of bench seating facing into the gardens, towards the 'central lawn'. This amphitheatre is indicated to accommodate between 1460 and 860 people, depending on the type of event. A running water channel, fed by rainwater, is to be incorporated into the design of the path. Integral seating and lighting will be incorporated into sections of retaining walls.

The Central Lawn:

A large grassed area (c.2,500sqm), just north of the gardens centre would act as the primary events space, it would be some 250sqm larger than that existing. There would be a 450sqm area of hardstanding immediately to the north-east, allowing for 'set-down' of event equipment.

Archway Galleries:

Whilst there would be full retention of the arched Arcade façades that run along the length of the Gardens, recessed elevations would be incorporated into the voids to create a mixture of accommodation. Those which are to be glazed could be flexible exhibition space; others would be clad (or partially clad) and provide space for: plant; storage for events; and seating and bikes.

Granite Staircase:

The existing granite staircase, in the northern part of the garden, would be dismantled and rebuilt in a realigned position. This would incorporate it as a new axis feature and alternative access route, within the amphitheatre, to the lower gardens. As a result of the change in gradient, although the existing granite walls and copes are to be reused, the wall height will reduce by one block course.

Granite Balustrades:

Wide scale structural improvement, reinstatement and repair of the existing balustrades would take place. Additionally areas of balustrade would be removed at the northern end of the gardens, around the plaza, and on Union Street and Union Terrace - to allow for extension of the Gardens and significantly improved access arrangements.

Play Area:

Play equipment is to be installed, providing formal facilities for families and children.

The Floral Crest:

The existing 'Bon Accord' Floral Crest would be relocated within the amphitheatre space, allowing for the associated regrading of this slope and introduction of the winding pathway.

Mary Slessor Memorial:

The memorial would be retained within an 'Arboretum' area, close to its current location, but repositioned to align with new paths.

Lighting:

Various lighting features are proposed at: Rosemount plaza; the Amphitheatre; steps; Arcades; raised walkways and pathways; and as part of the new buildings. Also proposed is a 'halo of light' feature, comprising rings attached to support poles. This light feature could have fixed and also interchangeable elements, allowing for adaptation to different themes or events.

Union Terrace:

Localised widening of the footway at the Burns statue entrance; disabled parking; new tree planting; and provision of seating and cycle racks, are all proposed for Union Terrace. However, much of these works do not in themselves require planning permission.

Community Building:

A flexible community facility is to be provided within the 'arboretum' area, adjacent to the railway line.

Union Bridge Barrier:

The initial submission included a suicide deterrent measure on Union Bridge; however this element was subsequently removed. However, the applicant has continued discussions

with the planning authority and Historic Environment Scotland and other stakeholders. Separate applications for such a barrier have been submitted on 12 March 2018.

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/simpleSearchResults.do?action=firstPage>

- Design and Access Statement (5442-LDA-00-XX-RT-L-9004- Rev B)
- Planning Supporting Statement
- Planning Supporting Statement: Addendum to support amended design submission
- Conservation Statement
- Conservation Statement Addendum (5442-LDA-00-XX-RT-Z-9006)
- Arboriculture Impact Assessment (5442-LDA-00-XX-RT-L-9001)
- Outline Landscape Specification (5442-LDA-00-XX-RT-L-9002)
- Planning: Consultation Summary (5442-LDA-00-XX-RT-L-9005)
- Overall Benefits of the Proposals
- Biodiversity Enhancement Plan
- Ecology Survey Report (9056-R-APPR-19112016)
- Bat Survey
- Outline Maintenance and Management Plan (5442-LDA-00-XX-RT-L-9003)
- Drainage Assessment (REP 0001- Issue 2)
- Geotechnical and Geo-Environmental Desk Study Report (251807-00)
- Utilities Report
- Lighting Structure (ARP/SDR/ 005- Rev 0)
- Scheme Design Report - Walkway Structure 1 (ARP/AIP/001- Draft 2)
- Scheme Design Report - Walkway Structure 1 (ARP/SDR/001- Rev 0)
- Scheme Design Report - Walkway Structure 2 (ARP/SDR/002- Rev 0)
- Scheme Design Report - Walkway Structure 3 (ARP/SDR/003 – Rev 0)

4. Pre-Application Consultation

Following a series of individual stakeholder sessions, held by the applicant throughout September and October 2016, public engagement ran between 2nd and 9th December 2016 at the Christmas Market on Union Terrace. An online consultation was published through the Council's Citizen Space portal, and printed copies of the consultation document distributed locally.

A total of 1417 responses were received: 1298 responses online via the portal; and 119 in 'hard copy'. The 119 hard copies included 48 from pupils of Harlaw Academy and Robert Gordon's College.

The submitted Planning Consultation Summary includes a breakdown of responses, indicating that views were positive overall. Of the six defined measures, particularly high ratings were: improvements to accessibility (95% positive), improving facilities (94%), and safety (89%). Comments were also positive in relation to: heritage features (81% positive), preserving the green space (78%) and creating events space (70%).

5. Re-notification and Re-consultation

In response to representations received during the planning consultation period, refinements were made to the initial proposal in November 2017. Due to the nature of these changes neighbours and stakeholders were re-notified/ re-consulted, and an updated press advert published.

6. Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the proposal has attracted more than 5 valid and timeously made representations objecting to, or expressing concern about, the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

Of these representations 5 are in support, 24 object, and 1 is neutral in content.

CONSULTATIONS

Developer Obligations Team – Advise the wider community benefits of this proposal do not warrant additional developer contributions, given the enhancement of this community space.

ACC - Waste Strategy Team – No objection. Comments received in relation to the requirement for a condition controlling details on: waste and recycling, storage and collection for commercial developments.

ACC - Roads Development Management Team – No objection. Acknowledge that, while the location is central and highly accessible from a wide area, the Gardens themselves are currently not and that the proposal seeks to rectify this by incorporating a number of additional and amended access routes.

Advise of the requirement for conditions relating to alterations to Union Terrace (including disabled parking, new bus stops and delivery bays for commercial units). Also confirm that no contribution would be required towards wider Road Network improvements.

ACC - Flooding and Coastal Protection – No objection. Comments received in relation to the requirement for a condition for installation of Sustainable Urban Drainage Systems (SUDS) measures.

ACC - Environmental Health – No objection. Request conditions relating to: submission of Noise Impact Assessment(s) detailing the specific noise sources of proposed uses within new buildings, and implementation of relevant noise mitigation measures; as well as submission of a ventilation assessment, and implementation of odour control measures.

Aberdeen International Airport – No objection from an aerodrome safeguarding perspective, including to revised building designs.

Historic Environment Scotland – No objection. However, suggest that a greater range of visualisations showing the proposals in relation to the setting of 'A' listed buildings should be submitted.

Network Rail Infrastructure Ltd. – No objection. This position followed an initial holding objection; due to the requirement to assess technical issues relating to 'Walkway 1' and associated encroachment over Network Rail owned land potentially required to double track this part of the Aberdeen – Inverness Line. Such assessments took place and the revised scheme addresses this issue through the repositioning of this walkway.

Police Scotland – No objection. Advise that the general layout appears good, from a Crime Prevention Through Environmental Design (CEPTED) perspective, and highlight safety concerns within the park due to its darkness at night.

Royal Society for The Protection of Birds Scotland – No comments.

Scottish Environment Protection Agency (SEPA) – No objection. This followed an initial objection due to a lack of information on the potential to de-culvert the Denburn. Subsequently further information on this was provided and SEPA confirmed withdrawal of their objection. However, they request conditions regarding implementation of 'green measures' (for example green roofs, rain water harvesting/ sustainable water use measures and use of native plant species) on site.

Scottish Water – No objection. Request advisory notes are attached to any planning permission.

Transport Scotland – No objection.

Archaeology Service for Aberdeenshire, Moray, Angus, and Aberdeen City Councils – No objection. Request a condition requiring a photographic survey.

REPRESENTATIONS

Thirty representations have been received, summarised as follows:-

Support:

1. Upgrading the gardens is welcomed.
2. Pruning of existing trees would allow more light in the gardens.
3. Independent businesses could be encouraged to occupy the arches to create social activity and liveliness.
4. The amendments to the proposal, particularly the changes to the design of the buildings at Union Street and the Burns Statue, are welcomed.

Neutral:

5. The garden should be upgraded whilst there is an oil industry in the city.
6. The current layout of the Gardens is loved by many.
7. The existing status of the garden is an embarrassment to the city.
8. As much grass and green space as possible should be kept.
9. An equally elegant granite sculpture of Robert Burns own coat of arms should be commissioned.
10. The tree area with wild planting should be maintained to an impeccable standard to make it photogenic.
11. The previous scheme to raise the garden and double the area available to the public by extending over the railway and dual carriageway could have been explored.

Objection:

12. The application should have been publicised properly so people could have their say.

13. There has been no major public engagement for this application.
14. There has been only a 1 week window in December for consultation with general public.
15. The Victorian toilets should be restored and reinstated.
16. Existing structures should not be torn down and replaced at great expense.
17. The Floral display should be retained in its current form and location.
18. There is no need for lift(s) and new buildings and they are not keeping with the gardens.
19. There is no need for retail use within the Gardens.
20. There is no need for further restaurants as the city is in a serious down-turn.
21. Proposed works should be limited to maintenance and improved lighting.
22. The visual impact of the proposal will detract from the surrounding areas.
23. There would be negative impact and intrusion with regards to views within the Gardens, as a result of the raised walkway.
24. Construction of a building/ lift shaft directly behind the Burns Statue will overpower the statue and lead to the loss of the iconic photogenic view through the trees to the Cowdray Hall across the Denburn.
25. Buildings along Union Terrace would block the vista and the panoramic view of the buildings and skyline.
26. The water feature to surround the listed statue would have a negative impact on the setting of the statue.
27. That the buildings would look best backing on to the railway line with a horizontal walkway across to the rear of Robert Burns Statue.
28. The proposed buildings would block the light from the Union Terrace path and into the gardens.
29. The proposal should include a protection barrier on Union Bridge.
30. The heraldic granite coat of arms could be incorporated within the balustrade on Union Terrace, either to the left or right of the Burns Statue.
31. The water feature proposed around the Wallace Statue would diminish access to the plinth and the inspirational messages engraved there and will also hinder, probably prevent, hanging of the annual memorial wreath.
32. Rubbish would be thrown into the water feature and it would require maintenance.
33. The water feature around the statue would have an impact on maintenance of the statue.
34. Lack of sufficient information.
35. All green areas should be left with grass.
36. The water feature could attract unsocial behaviour, as it could be seen as a paddling pool.
37. Concerns about cyclists sharing the new paths (raised walkways) and that the gardens cannot be child/dog friendly, whilst also accommodating cyclists.
38. Concerns over safety within the gardens, advise of the need for Police Scotland to be consulted in relation to lighting and CCTV arrangements.
39. The water spilling about from the water feature would be a hazard to walkers especially in winter. The water feature could be a health and safety hazard in the centre of town particularly with so many bars and clubs in the area.

MATERIAL CONSIDERATIONS

Legislative Requirements

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.

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

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)
- Creating Places

Aberdeen City and Shire Strategic Development Plan (2014)

Aberdeen Local Development Plan (2017)

- Policy D1: Quality Placemaking by Design
- Policy D2: Landscape
- Policy D4: Historic Environment
- Policy D5: Our Granite Heritage
- Policy NC1: City Centre Development - Regional Centre
- Policy T2: Managing the Transport Impact of Development
- Policy T3: Sustainable and Active Travel
- Policy T5: Noise
- Policy NE3: Urban Green Space
- Policy NE5: Trees and Woodland
- Policy NE6: Flooding, Drainage & Water Quality
- Policy NE9: Access and Informal Recreation
- Policy R6- Waste Management Requirements for New Development
- Policy R7- Low and Zero Carbon Buildings, and Water Efficiency

Supplementary Guidance and Technical Advice Notes

- Stone cleaning
- Landscape
- Transport and Accessibility
- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Natural Heritage
- Natural Environment Supplementary Guidance

Historic Environment Scotland: Managing Change in the Historic Environment

- Accessibility
- Boundaries
- Demolitions

- External Fixtures
- Engineering Structures
- Setting
- Gardens and Designed Landscapes
- New Design in Historic Setting

EVALUATION

National Policy Considerations

Scottish Planning Policy (SPP)

SPP expresses four planning outcomes, which explain how planning should support the vision of SPP.

These are:

1. A successful, sustainable place – supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.
2. A low carbon place – reducing our carbon emissions and adapting to climate change.
3. A natural, resilient place – helping to protect and enhance our natural and cultural assets, and facilitating their sustainable use.
4. A more connected place – supporting better transport and digital connectivity.

Aberdeen City and Shire Strategic Development Plan (2014)

This recognises we must face up to the challenges and grasp the opportunities ahead to be able to maintain and improve the attractiveness of the region as a place to live, visit and do business. It sets out a vision for a successful and sustainable future.

Stated aims are to:

- Provide a strong framework for investment decisions which help to grow and diversify the regional economy, supported by promoting the need to use resources more efficiently and effectively; and
- Take on the urgent challenges of sustainable development and climate change.

To support these main aims, the plan also aims to:

- Make sure the area has enough people, homes and jobs to support the level of services and facilities need to maintain and improve the quality of life;
- Protect and improve our valued assets and resources, including the built and natural environment and our cultural heritage;
- Help create sustainable mixed communities, and the associated infrastructure, which meet the highest standards of urban and rural design and cater for the needs of the whole population; and
- Make the most efficient use of the transport network, reducing the need for people to travel and making sure that walking, cycling and public transport are attractive choices.

Aberdeen Local Development Plan (2017)

The Aberdeen Local Development Plan (ALDP) has been prepared within the framework of the aforementioned SPP and Aberdeen City and Shire Strategic Development Plan (ACSSDP) and as such its policies worded so as to take account of those documents, as such the assessment of the proposals within the materiality of all three documents is undertaken below.

Policy D1: Quality Placemaking by Design

D1 advises that development must incorporate high standards of design and have a strong and distinctive sense of place. Additionally proposals should also be distinctive, welcoming, safe and pleasant, easy to move around, adaptable and resource efficient.

Historic Environment Scotland Guidance on 'Accessibility' states that quality of access for all people is a fundamental aim of the Scottish Ministers' policy (HESPS). HESPS sets out an inclusive approach, that: people of all levels of physical, mental and sensory ability should have the opportunity to access, experience and enjoy the historic environment on an equal basis. It recognises that improved accessibility can have numerous benefits for the historic environment, in particular its contribution to the use and viability of historic buildings and places. It also considers that with careful thought and planning, improved physical access to most elements of the historic environment can usually be achieved through reasonable adjustments, without harming the character and appearance of the historic building or place.

In this context Union Terrace Gardens were identified in Aberdeen City Councils City Centre Urban Realm Strategy as being underutilised and perceived as unsafe, particularly that the current disabled access was limited and undesirable. This proposal seeks to: significantly improve accessibility and create better pedestrian links through the gardens; and reduce the visual dominance of the railway, as viewed from the gardens; and introduces new uses and structures into the gardens. The applicant has stated that creating accessible routes and lift access to the Gardens has been a key driver in determining the revised layout for the Gardens.

In this instance, the proposed design, scale and massing of buildings have been revised in response to consultation feedback, in order to further protect and enhance the surrounding heritage assets and Listed Buildings.

Historic Environment Scotland Guidance on 'New Design in Historic Setting' highlights the importance of the scale of new design and states that consideration should be given to: the surrounding scale, hierarchy and massing of existing built form. On this matter the scale and mass of the new buildings are considered to have an appropriate relationship with their surrounding urban context. The height of the three proposed buildings particularly relate to the established first floor datum of the existing buildings along Union Terrace. The clearly related design concept of this 'family of buildings' proposed along Union Terrace have been informed by the history of local trams and their character and identity associated with the area. The relationship of solid to void on the proposed buildings also creates permeability through buildings, when seen from Union Terrace, and allows a relationship with the gardens beyond.

The newly defined (glazed) event spaces created within the arcades would maintain the visual permeability into, and out of, these arches and would attract visitors into the gardens.

It is considered that the proposed materials for the three buildings are of a high quality and that, subject to conditions, the use of colour, texture and pattern of materials would be appropriate. Related to this, the proposed bronze finish for the raised walkways exterior cladding creates a visual link with the recent additions to the Art Gallery's rooftop extension, with which there will be a visual connection. In terms of proposed materials for path surfacing, two types have been proposed: natural stone paving; and resin-bound aggregate complemented with granite trim. The stone will predominantly be within the Upper Gardens area; whilst resin-bound aggregate paths will pass through the lower landscaped areas. This clear and limited palette of surfacing will allow the Gardens to be easily navigable. The agent has confirmed that there has been ongoing dialogue with stakeholders, including the Disability Equity Partnership and the Bon Accord Access

Panel, to ensure that the proposed materials address issues and concerns with regard to accessibility.

As there is a requirement that new design should consider and respond to the layers of history associated with the site. The agent has acknowledged that there is scope to reference history, traditional industry or historical events in the paving and seating walls – such as through inscriptions. As these elements of interpretation will be developed in the technical design stages, a condition will be attached to this decision for approval of further details in this regard.

It is noted that the proposal would have an impact on the views to the gardens from Union Street, Union Terrace and Rosemount Viaduct. These views are currently interrupted by large canopies of mature trees and the application would clearly introduce change by removing a number of these trees, providing new landscaping, and introducing new design features.

In this regard, although the proposed replacement tree planting includes a number of large trees, it is acknowledged that the current scale of canopy cover would be reduced, at least for a period of time after implementation of the scheme and before such planting becomes established and mature. However, it is considered that proposal would not, in the long term, have a significant detrimental impact on visual amenity of the gardens and the proposed landscaping and contemporary design features would introduce additional elements of interest into the gardens.

In terms of siting of the buildings it is considered that moving the Union Terrace building further to the north, than was originally proposed, maintains the important panoramic view from the south-west into the gardens and beyond to the listed buildings on Belmont Street.

It is thus considered that the design of the proposal is appropriately high quality in compliance with Policy D1.

Policy D2: Landscape

D2 requires that new development be informed by existing landscape character, topography and existing features to sustain local diversity and distinctiveness, including natural and built features such as existing boundary walls and other features of interest. Developments should also provide hard and soft landscape proposals that are appropriate to the scale and character of the overall development and should conserve, enhance or restore existing landscape features.

In considering this, the amended proposal would see three zones within the Gardens based on their existing and potential landscape characters:

- 1- **The Upper Gardens**- providing the primary interface and transition space between the Gardens and the surrounding cityscape, by drawing the Gardens up and out to the level of the surrounding streets. These include the new buildings to attract and provide for a significant number of visitors.
- 2- **The Green**- comprising open lawn and events space.
- 3- **The Arboretum**- an area supplemented by new non-native tree planting creating a wider species variety.

It is considered that the proposal sufficiently complies with policy D2, in that it creates new architectural features of quality within enhanced views with appropriately designed hard and soft landscaping across the gardens. Most existing built features, including the Floral Crest, would be retained. However, it is recognised that the constraints associated with the existing landscaping, topography and some architectural features have proven difficult to resolve, in the context of delivering the stated vision of the proposal: i.e. delivering transformational change; preserving the

unique green space qualities of the garden; and respecting heritage. However, the overall scheme seeks to balance all these matters, with a view to finding a proportionate and sustainable outcome. It is considered that this balance has been satisfactorily achieved.

Policy D4: Historic Environment

D4 seeks to protect, preserve and enhance the historic environment in line with Scottish Planning Policy, HESPS and the Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. Scottish Planning Policy (SPP) and Historic Environment Scotland Statement (HESPS) both seek to ensure the special interest of listed buildings and character of conservation areas are preserved or enhanced. In this instance the detailed assessment of the interventions to various parts of the listed gardens will be considered fully in the assessment of the Listed Building Consent application, which accompanies this planning application.

Notwithstanding the above, there remains a policy presumption within D4 in favour of the retention and reuse of listed buildings and buildings within conservation areas, where they contribute to the character, which is considered to be addressed by the proposals. In this regard the development is considered to be of a high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation area and historic gardens. Thus the scheme is considered appropriate.

Since its construction in the 19th century, the ongoing development in and around Union Terrace Gardens means that the area accommodates many rich and significant historical assets. These assets play an important role in experiencing and understanding the history of both the Gardens and Aberdeen itself. The scheme now proposed has an architectural concept of the buildings having a notion of reversibility, and minimal intervention, to protect the historic assets. The proposal supports the physical in situ preservation of all statues. Clearly the works will enhance the existing heritage feature within the Gardens by:

- Repairing the existing granite balustrading to the perimeter of the Gardens. These Balustrades are important elements in defining the character of the listed Gardens and the character of the conservation area and contribute to the sense of place.
- The Wallace Armorial Railings would be retained on Rosemount Plaza. These railings and their relationship with the Wallace statue are important elements of the character of this area.
- Reinstating the granite stairway as a central part of the new accessible route into the Gardens from Rosemount Viaduct and reusing the existing granite steps, walls and coping materials as part of the new interventions. This addresses the advice given by HES, in that the new work and the historic fabric would be integrated to provide improved access.
- Retaining the existing statues to the edges of the Gardens, giving them a new, enhanced setting.
- Creating new interventions within the arches via 'lightweight structures' that express the heritage fabric of the Gardens.
- Using lighting to celebrate heritage features such as the arches, monuments and viaduct.
- Restoring the Victorian Gents and Ladies Public toilets, that were added to the Gardens in 1892 and were remarkably luxurious for their time.

Other works in relation to relocation of certain heritage assets such as: the Floral Crest, heraldic granite coat of arms; removal of a section of the granite wall on Union bridge, a number of Balustrades and the relocation of the Wallace Railings would allow provision of unassisted and dignified physical access for all, without a significant detrimental impact on the character of the listed elements of the gardens and Union Street Conservation area.

Restoration and reuse of the derelict Victorian Toilets will remove an important 'B' listed building from the Buildings at Risk Register and new use will be introduced to the archways, through the sensitive use of glazing and lighting to increase activity and visitors to the Gardens.

In the round it is considered that the proposed alterations and adaptations of the historic fabric complies with policy D4, in that it would see satisfactory steps taken to mitigate any adverse impacts of the development; and, where preservation has not been possible, that recording of the original form will take place. It is also considered that the works would not impact negatively on the character of the listed elements of the garden and their special interest and would contribute to the main character of the gardens and the wider surrounding area.

Policy D5: Our Granite Heritage

Throughout Aberdeen the Council seeks the retention and appropriate re-use, conversion and adaption of all granite features, structures and buildings, including setted streets, granite kerbs and granite boundary walls.

Proposals to demolish any granite building, structure or feature, partially or completely, that is listed or within a Conservation Area will not be granted Planning Permission, unless the Local Authority is satisfied that the proposal to demolish meets the HESPS tests for demolition:

- Importance of the building;
- Condition of the building;
- Economic viability of reusing the building; and
- Wider Public benefits.

In order to improve the access and from the entrance to the walkways, the proposal seeks to remove sections of granite wall on Union Bridge. The steps to the Gents toilets and a number of balustrades would be removed on the south-west corner to open up the public realm and the access to the gardens. Balustrades to the north-west corner of the site will also be removed as part of the extension of the garden to again further improve accessibility.

In terms of the importance of these elements, it is noted that they all form part of the category 'B' listing of the Gardens and all have the same statutory protection. It is also noted that the Gents toilets are included in the Buildings at Risk register and their restoration has been identified as a key element in the project. In terms of visual appearance, the balustrades are in good condition; however the majority of them require repair and reinforcement. Cost has not been highlighted as a critical factor in delivering the proposal; however the wider public benefits of the scheme can be used to justify the demolition of the above mentioned elements.

The agent has confirmed that recycled granite would be used in the project wherever practical.

Accordingly it is considered that the proposal is in accordance to policy D5.

Policy NC1: City Centre Development - Regional Centre

Development within the city centre must contribute towards the delivery of the vision for the city centre as a major regional centre as expressed in the City Centre Masterplan (CCMP) and Delivery Programme. As such the city centre is the preferred location for community, cultural and other significant footfall generating development serving a city-wide or regional market.

Proposals for new commercial leisure, community, cultural and other significant footfall generating development shall be located in accordance with the sequential approach.

In addition rejuvenation of the Union Terrace Gardens relates to the Denburn Valley 'Intervention Area' which is one of the 22 physical projects, among 49 projects, that together will deliver the masterplan strategy which aims to achieve the vision of "A city centre for a global city" with the purpose of "Energising the city centre to deliver prosperity and quality of life for all". The Masterplan report indicates that the focus is that a revitalised Union Terrace Gardens establishes itself as a key destination.

It is considered that the proposal directly contributes to this CCMP vision by enhanced connections, restoration of historic features and contemporary interventions with the intent to create a more accessible, enticing and vibrant city centre destination.

In terms of uses proposed and NC1, the site being within the city core fits with the wide range of appropriate uses, including sequential test considerations.

Policy T2: Managing the Transport Impact of Development

T2 requires that, commensurate with the scale and anticipated impact, new development must demonstrate that sufficient measures have taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

Given the location of the site, and proximity to Union Street, the site clearly has good access to public transport. Union Terrace itself is a key corridor for local and regional bus and coach journeys. Otherwise, it is anticipated that the proposal would have little negative impact on road network, although the closure of the left turn link from Rosemount Viaduct will result in all vehicles needing to utilise the main junction. Other interventions on Union Terrace do not form part of this application. One bus stop would be lost in the stopping-up of this slip-road. A planning condition can be attached requiring submission of further details of new bus stops on Union Terrace.

The applicant has confirmed that all matters pertaining to Union Terrace including full details of disabled parking spaces and delivery bays for commercial units will be addressed in a separate application and a suspensive planning condition can address the timing and details associated.

The applicant has also clarified that vehicular access to the Gardens, beneath the Denburn Viaduct, will be restricted to essential servicing, such as general park maintenance. Regular servicing will be undertaken from the upper level, directly from Union Terrace.

Policy T3: Sustainable and Active Travel

T3 requires that new developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and that the internal layout of developments must prioritise walking, cycling and public transport penetration.

In these respects the proposal seeks to improve the accessibility by creating new accessible routes right to the lower level of the Gardens from: Rosemount Viaduct, Union Terrace and Union Street, all in order to improve the destination potential of this public space. This objective is also a key priority of the wider City Centre Master Plan.

Cycle parking is included at several locations – outside the Burns Event building, beside Rosemount Viaduct junction; two locations in the north, within the gardens themselves; within the Archways; and staff cycle parking within the Union Terrace Pavilion. The distribution of cycle parking (82 spaces over 6 locations) is considered adequate.

It is also noted that the minimum width of 3m for the raised walkway from Union Street would allow 'share with care' use for cyclists and pedestrians.

It is thus considered that the proposal is in full compliance with policy T3.

Policy T5: Noise

In cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application.

In this case the site is located in a busy city centre location and within a context where various events already take place; however there are a number of hotels in the vicinity that could be impacted from plant associated with the proposed commercial premises in the proposed buildings. However, the precise nature of the uses to be undertaken within the buildings, and any associated plant requirements are at this stage unknown. However, a NIA could identify related potential impacts and recommend noise attenuation measures and a number of conditions requiring this can be attached to the consent.

Policy NE3: Urban Green Space

NE3 states that permission will not be granted to redevelop any parks, playing fields, sports pitches, woods, allotments or all other areas of urban green space (including smaller spaces not identified on the Proposals Map) for any use other than recreation and sport. The application is in full compliance with policy NE3, in that the main use of the site as a public park would be retained.

Policy NE5: Trees and Woodland

NE5 presumes against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation.

In addition any new buildings and services should be sited so as to minimise adverse impacts on existing or proposed trees. Appropriate measures should also be taken for the protection and long term management of existing trees and new planting, both during and after construction.

Where trees may be impacted by a proposed development, a Tree Protection and Mitigation Plan will be required to be approved before any development activity commences.

In this instance the site currently contains 75 trees. Initially the proposals indicated the removal of 46 individual trees (across categories A, B and C, 70% within the upper two categories), plus a group of uncategorised self-seeded trees. Thus 23 trees were to be retained.

A detailed assessment of arboriculture impacts has been carried out by the Council's arboricultural planner. He has advised that a further 12 trees should be considered at risk, because there is not sufficient detail to have confidence that these could be retained as a result of the works proposed. In the event that these 12 can be retained this would result in retention of 23 trees and the loss of 52. However, if the detailed design demonstrates that construction impacts cannot be mitigated and the 12 'at risk' trees have to be removed, the maximum number removed from the site would be 64 – leaving 11 of the original specimens.

The proposal would result in a reduction in the current number of tree species present in the gardens from 17 to 8. However it should be noted that it is proposed, within the landscape mitigation strategy, that an overall increase in tree numbers from the original 75 would result. With this new tree planting, the proposal will result in an increase in tree species to 27. This figure

being in the event that all trees deemed at risk are required to be removed and that the tree planting proposals are undertaken as outlined.

As such, it is clear that the proposal is contrary to policy NE5, in that it would result in significant loss of existing trees on site (between 52 and 64 of the current 75 trees). However, there requires to be consideration of the overall benefits of the proposed scheme, and whether the associated material considerations would outweigh the policy conflict. It is also important to note that the applicant has stated that they are seeking to retain the maximum possible number of trees, while delivering the vision for transformational change within the Gardens.

In this context the main objectives of the transformational vision for Union Terrace Gardens are:

- Respecting the existing elements of landscape character, heritage, views and topography.
- Renewing the physical and cultural connection to the city centre.
- Reactivating the associated public space to create vibrant urban spaces.
- Reimagining the physical space through interventions, which reflect the cultural and emotional memories of the place.

However, it has become clear that in redesigning Union Terrace Gardens to achieve these objectives that there have been a number of unique design challenges, such as the existing site levels and topography, restricted space and poor accessibility.

Throughout the design process, the applicant has sought to take a balanced approach in order to meet all of the required elements and so as to ensure a safe and inviting Union Terrace Gardens, with improved facilities and access for all.

Within the current proposals, existing trees have been retained where possible – although such opportunities have been limited by other competing requirements. Overall, while a relatively large proportion of the existing trees are required to be removed, a larger number of new trees are proposed as part of a comprehensive re-landscaping scheme.

This proposed new tree planting, in the most part is specified as large, ‘early mature’ specimens (5 x 9-12m, 21 x 7-9m, 24 x 5-7m, and 19 x 3.5-4.25m) that will provide some immediate impact. 38% of the replacement trees will be over 7m. However, it is acknowledged that there will inevitably be some short-term effects on the character of the gardens and surrounding streets, particularly during construction phases. However, on completion, and as establishment occurs, the long-term character of the gardens will remain that of a city centre park filled with large trees.

As a result of this significant tree replanting, over time local amenity will be vastly improved by the proposals, through a varied park filled with appropriate hard and soft landscaping – which includes a wide range of tree species providing significant visual interest and cover within a reimagined city park. All of which tie together the wider aims of the Union Terrace Gardens project and sits within the framework of the City Centre Masterplan.

Additionally the removal of some of the existing trees increases amenity of the gardens, by facilitating access to the widest possible number of citizens and visitors via the formation of walkways that are accessible by wheel chairs, prams and push chairs . Importantly the amenity and climate change mitigation value of the removed trees themselves is not lost, but enhanced by the proposed new trees. Furthermore visitors will be able to readily and easily access an amenity containing more trees of a greater variety.

In respect of landscape character, local amenity and climate change adaptation and mitigation the proposal for the revitalised Union Terrace Garden, in the longer term would represent a significant improvement on that which presently exists.

In conclusion, despite the significant short term impact on trees, which is contrary to NE5, the longer term environmental and public benefits would outweigh this short term adverse impact.

Policy NE6: Flooding, Drainage & Water Quality

NE6 does not permit development if it would increase the risk of flooding. As such the design aims to minimise surface water run-off, by retaining large areas of permeable surfacing/ soft landscaping. Where areas of additional hardstanding are introduced, the design looks to offset the loss of any green space with the provision of SUDS features as detailed below:

- a) Porous finishes are proposed within the amphitheatre and lower garden paths;
- b) A dry swale is proposed adjacent to the vehicular entrance from the north (Denburn Viaduct) and the main area of hard standing;
- c) The Burns Event and the Union Terrace Event Buildings will incorporate green roof systems;
- d) Run off from the buildings could also be harvested for irrigation purposes with this non potable water used to irrigate the lawns and planting during their establishment, this can be controlled via suitable conditions; and
- e) Natural soakaway/French drains are proposed adjacent to footpaths in the Arboretum and within the Central lawn

It is considered that subject to conditions for implementation of the identified SUDS features, the proposal would be in full compliance with policy NE6.

Policy NE9: Access and Informal Recreation

New development should not compromise the integrity of existing or potential recreational opportunities, including general access rights to land and paths. This includes any impacts on access during the construction phase of a development. On this latter matter the applicants should provide detail on how public access and safety will be maintained during construction, for example through temporary diversion. Otherwise the access and recreation value of the gardens will be enhanced as a result of the development.

Policy R6 – Waste Management Requirements for New Development

All new developments should have sufficient space for storage of general waste, recyclable materials and compostable wastes where appropriate. Indicative details are provided in this regard, however details can be controlled via suitable conditions attached to any consent, requiring further details/ information on waste management. Waste Services have no objection to the proposal.

Policy R7 – Low and Zero Carbon Buildings, and Water Efficiency

All new buildings in meeting building regulations energy requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions. Compliance with this requirement will be demonstrated by the submission of a low carbon development statement secured by a suitable condition.

Other Matters Raised in Representations

Items 1-4 are in support of the application. In relation to item 3, the applicant has confirmed that discussions have taken place with local universities in relation to using the Arcades as exhibition space for students.

Items 5-7 are neutral in their context and refer to the timing of the project and current status of the application site.

Item 8 refers to the retention of green space. It is noted that 'a preserved and enhanced green space' has been one of the six priority themes of the project. The landscape proposals have been described and discussed above.

Item 9 relates to a suggestion for a new sculpture; however this is out with the scope of this project and does not form part of the proposals.

Item 10 refers to a maintenance matter which is not a material planning consideration in the determination of this application.

Item 11 refers to a different scheme muted for the gardens in 2010. However, this application requires to be assessed on its own merits having regard to the development plan and other relevant material considerations.

Items 12-14 refer to the public consultation and representation period. Details of the public consultation and representations periods have been covered in section 4 of this report and have complied with statutory requirements.

Item 15 refers to restoration of the listed toilets and is discussed above, but will be assessed separately in terms of the application for Listed Building Consent.

Items 16-17 refer to the impact of the proposal on existing structures and features. In this regard the suitability of the proposal in terms of design and impact on the historic environment and granite heritage has been assessed against policies D1 and D5 above.

Items 18-20 refer to the proposed uses within the new buildings. In this regard it is considered that the proposed uses are complementary for a city centre public park. It is also noted that the proposed lift provides disabled access to the site and improves accessibility. It should also be noted that the operator of the Burns Building would manage the use of the lift and also the public toilets within the building.

Item 21 refers to the scope of project. It should be noted that this application requires to be assessed on its own merits having regard to the development plan and other relevant material considerations.

Items 22-25 refer to material planning considerations which have been covered in the assessment above.

Item 26 refers to the impact of the proposal in the setting of listed buildings and monuments. This is a material planning consideration and has been discussed in the evaluation section of this report. More detailed assessment will also take place in association with the consideration of the related application for Listed Building Consent.

Item 27 relates to an alternative location for the proposed buildings. However, again it should be noted that this application requires to be assessed on its own merits having regard to the development plan and other relevant material considerations.

Item 28 refers to the impact of the proposal on natural light in the lower level of the garden. In this regard the proposals would overshadow a section of the garden, however it is noted that this area is currently overshadowed by large canopies of existing trees. Accordingly the proposal would not result in any significant detrimental loss of daylight at lower levels of the garden or any habitable rooms of residential property.

Item 29 refers to a protection barrier on Union Bridge and that the proposal should incorporate this. However, that element of proposal was been removed from this application. However the applicant had engaged in formal pre-application discussions on detailed design of a protection barrier and has submitted separate applications on 12 March 2018.

Item 30 relates to a suggestion for an alternative location for the Heraldic coat of arms. However, the proposed location, at lower level of the garden, is considered to be acceptable when assessed on its own merits having regard to the development plan and other relevant material considerations.

Item 31 relates to the water feature around Wallace Statue. On this matter the applicant has confirmed that the water feature will be able to be drained to allow wreath laying for the annual Wallace 700 Commemoration Ceremony. Site visits have also confirmed the orientation and position of the statue in relation to the water feature would allow the messages on the plinth to be easily read.

Items 32-33 again relate to potential maintenance issues which are not material planning considerations.

Item 34 relates to a perceived lack of sufficient documents submitted in support of this application. However, it is considered that across the life of the application sufficient information has been submitted to give the proposals due consideration against all relevant matters. It should also be noted that certain planning conditions are recommended to address outstanding information in relation to further assessments, design details, construction methods and tree protection plans. This approach is considered appropriate.

Items 36-39 refer to health and safety matters. It should be noted that the proposal have been assessed by Roads Development Management Team and also Police Scotland and no concerns have been raised in these regards.

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

Equality Act 2010

Under section 149 Equality Act 2010, a public authority must in the exercise of its functions have due regard to the interests and needs of those sharing the protected characteristics under the Act, such as age, gender, disability and race (the Public Sector Equality Duty – PSED). It is considered that the proposal has due regard to ‘advance equality of opportunity’, by removing disadvantages associated access to this public park by introduction of measures designed to allow access to all

(particularly lifts and appropriately level pathways) from Union Street, Union Terrace and Rosemount viaduct.

Delay in Determination beyond Statutory Period

The application was submitted in May 2017, however for various reasons it went through a process of re-design and requests for the submission of further information. Continuous and ongoing discussion with the applicant and their agent has seen a progression timelines agreed towards the presentation of this application at today's Planning Development Management Committee.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed design, scale, form and materials of the architectural interventions are of high quality. The proposal would retain and reuse the listed elements of the garden in compliance with SPP and relevant Historic Environment Scotland documents and will contribute to the character of the conservation area by enhanced accessibility and creating a vibrant city centre destination. The proposals would also directly contribute towards the vision of the Aberdeen City Centre Masterplan.

However there are some policy conflicts, with the development proposed being contrary to the provisions of policy NE5 (Trees and Woodlands) in that the proposal would result in significant loss of existing trees on site. However it is considered that the overall public and environmental benefits of the proposed scheme would, in the longer term, outweigh the policy conflict.

Overall the proposal is considered to appropriately comply with Scottish Planning Policy and the Aberdeen City and Shire Strategic Development Plan (2014).

Subject to conditions, the proposal would sufficiently comply with the provisions of the following policies of the Aberdeen Local Development Plan (2017): D1 (Quality Placemaking by Design), D2 (Landscape), D4 (Historic Environment), D5 (Our Granite Heritage), NC1 (City Centre Development – Regional Centre), T2 (Managing the Transport Impact of the Development), T3 (Sustainable and Active Travel), T5 (Noise), NE3 (Urban Green Space), NE6 (Flooding, Drainage and Water Quality), NE9 (Access and Informal Recreation), R6 (Waste Management Requirements for new Development) and Policy R7 (Low and Zero Carbon Buildings and Water Efficiency), as well as the associated Supplementary Guidance and Technical Advice Notes.

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

CONDITIONS

1) Photographic Survey

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

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

2) Further Details on Tree Retention

That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing by the planning authority further detailed construction drawings for all the trees identified to be retained: as highlighted in green and amber on drawing no. 5442-AIA-004 (Existing and Proposed Tree Planting).

Reason- in order to ensure protection of trees onsite during the construction of the development.

3) Tree Protection

That no development shall take place unless a detailed tree protection plan has been submitted to and approved in writing by the Planning Authority and thereafter any recommended measures specified within that plan shall be implemented in full. Such plan should acknowledge the detailed construction methods proposed/ required and associated risks to existing trees.

Reason - in order to ensure adequate protection for the trees onsite during the construction of the development.

4) Removal of Trees

That the removal of trees, as agreed in terms of conditions on this permission, shall only take place outside the bird nesting season (that being mid-March until the end of August), unless otherwise agreed in writing with the planning authority.

Reason – In the interests of preserving wildlife.

5) Public Access during Construction

That no development shall take place unless further details on temporary measures for public access and safety during construction has been submitted to, and approved in writing by the planning authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason - in the interest of public access and safety.

6) Bus Stop Improvement

That none of the hereby approved uses, within the new buildings and enclosed areas within the arched arcades, shall take place unless a scheme detailing the design of and means of delivery for new bus stops serving Union Terrace has been submitted to and approved in writing by the

planning authority. Thereafter such use of these buildings and enclosed areas shall not become operational until the bus stops are installed in accordance with the details as so agreed, unless otherwise agreed in writing by the planning authority.

Reason - in order to encourage the use of public transport to the site and ensure the safety of pedestrians.

7) Disabled Parking Bays on Union Terrace

That none of the hereby approved uses, within the new buildings and enclosed areas within the arched arcades, shall take place unless a scheme detailing the disabled parking bays on Union Terrace are submitted to and approved in writing by the planning authority. Thereafter such use of these buildings and enclosed areas shall not become operational until the bays so approved are available for use in accordance with the details as so agreed, unless otherwise agreed in writing by the planning authority.

Reason - in order to ensure the safety of pedestrians.

8) Delivery Bays on Union Terrace

That none of the hereby approved uses, within the new buildings and enclosed areas within the arched arcades, shall take place unless a scheme detailing the delivery bays for vehicles serving the commercial units on Union Terrace are submitted to and approved in writing by the planning authority. Thereafter such use of these buildings and enclosed areas development shall not become operational until the bays so approved are available for use in accordance with the details as so agreed, unless otherwise agreed in writing by the planning authority.

Reason - in order to ensure the safety of pedestrians.

9) Play Equipment

That prior to commencement of the development, a scheme detailing the play equipment to be provided within the Gardens shall be submitted to and approved in writing by the planning authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason- in the interest of visual amenity

10) Community Garden

That prior to commencement of the development, a scheme detailing the interventions associated to the community garden and any associated building(s) shall be submitted to and approved in writing by the planning authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason- in the interest of visual amenity

11) Re-use of Granite Downtakings

That no development shall take place unless further details are submitted on how granite downtakings associated with the hereby approved development, are to be reused within the wider scheme, unless otherwise agreed in writing with the planning authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason: In accordance with Policy D5 – Our Granite Heritage

12) Inscriptions on Surfacing and Steps

That no development shall take place unless a detailed scheme setting out proposals of historic referencing on surfacing and steps, including detailed drawings, has been submitted to and approved in writing by the Planning Authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason- in the interest of visual amenity and to respond to the layers of history associated with the site.

13) Lighting Feature

That no development shall take place unless further details the 'halo of light' feature (including the suspended ring and support poles) has been submitted to and approved in writing by the Planning Authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason - in order to preserve visual amenity.

14) Lighting Mitigation Plan

That no development shall take place unless a lighting assessment/ mitigation plan, to address any potential impacts on wildlife, for the scheme of lighting proposed (based on the BCT Interim Guidelines for artificial light and wildlife) has been submitted to and approved in writing by the Planning Authority. The assessment should include the type of light used in all light sources (Spectral composition), whether use of directional lighting is proposed and where and whether some dark periods are to be provided in operation of the lights.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason - in order to balance the impact on ecosystems and control light pollution and reduce lighting energy consumption.

15) Building Materials

That no development pursuant to the planning permission hereby approved shall be carried out unless samples of all external materials and finishes associated to all built development, including but not limited to: buildings; walkways; paths; stairs; railings; and infill to the arched arcades have been submitted to, and approved in writing by the planning authority.

The development shall thereafter be undertaken in accordance with the details thereby approved.

Reason - in order to protect the visual amenities of the area.

16) Environmental Noise Control

That prior to the commencement of any use, within the new buildings along Union Terrace, a noise impact assessment (s) shall be submitted to and approved in writing by the Planning Authority.

This assessment should:

- a) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note;
- b) Identify the likely sources of noise associated with the proposed development;

- c) Detail the noise mitigation measures to reduce noise from the likely noise sources to an acceptable level to reasonably protect the amenity of the occupants of the existing neighbouring residences; and
- d) The methodology for the noise assessment should be submitted and agreed in writing with Aberdeen City Council Environmental Health Service in advance of the assessment.

Such use(s) shall not thereafter commence unless the mitigation measures thereby approved have been implemented in their entirety.

Reason – in the interests of protecting the amenity of neighbouring properties.

17) Environmental Odour Control

That no cooking activities (including: oven cooking; boiling; stewing; grilling/broiling; deep fat frying or shallow frying) shall take place in any of the buildings hereby approved unless a Local Extract Ventilation System (LEV) has been installed and is operational in the premises, all permitted activities relating to hot foods must be limited to appropriate means of re-heating and hot holding precooked products only.

Reason – In the interests of protecting amenity of local residents and to remove the risk of malodour from cooking activities.

18) Local Extract Ventilation

Where any use is to commence inclusive of a commercial food service, where a Local Extract Ventilation (LEV) system is to be installed to remove food cooking odours and fumes, the following are required:

- a) A suitable extract ventilation assessment by a competent person, to establish the necessary air extraction flow rate based on the proposed cooking activities, the necessary specification of the LEV equipment and mitigation measures required to effectively; filter, neutralise extract and disperse cooking fumes produced at the premises. The assessment should be carried out in accordance with relevant standards, for example the DEFRA document Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems and associated references.
- b) The details of this assessment and its findings must be submitted to, and approved in writing by the planning authority, in the form of a suitable report by a competent person to the satisfaction of this Service. This report must fully demonstrate the minimum design specification of the LEV equipment and cooking odour/fume control measures and their effectiveness.

Such commercial food services shall not become operational until such time as the LEV system thereby approved has been installed and is operational in the premises.

Reason – in the interests of protecting the amenity of neighbouring properties.

19) Implementation of Green Measures

That no development shall take place until a schedule of the green measures that will be implemented on site (for example green roofs, rain water harvesting/ sustainable water use measures, use of native plant species) have been submitted to, and approved in writing by the planning authority, in consultation with SEPA. Thereafter such measures shall be and implemented in full, in respect of the elements of development to which they relate.

Reason - to ensure adequate protection of the water environment and contribute to and enhance the natural environment.

20) Sustainable Urban Drainage Systems

That the development hereby approved shall not come into public use unless the Sustainable Urban Drainage Systems have been installed according to the Drainage Assessment (Ref: REP 0001- Issue 2). The said scheme should have a discharge of 40 litres per second or less to the Denburn in a 0.5% probability rainfall event.

Reason - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

21) Low and Zero Carbon Buildings and Water Efficiency

That the new buildings and enclosed areas within the arched arcades hereby approved shall not be brought into use until a scheme detailing compliance with the Council's 'Resources for New Development' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme have been implemented in full.

Reason - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

22) Waste Management

That none of the hereby approved uses, within the new buildings and enclosed areas within the arched arcades, shall take place unless provision has been made within the application site for refuse storage and disposal in accordance with a detailed scheme including: the total number of waste bins, their sizes and collection arrangement by the business waste contractor, which has been submitted to and approved in writing by the planning authority.

Reason - in order to preserve the amenity of the neighbourhood and in the interests of public health.

ADVISORY NOTES FOR APPLICANT

1- Network Rail :

Uncontrolled drainage towards the railway may have a direct impact on the reliability and frequency of the rail transport in your area.

All surface or foul water arising from the development must be collected and diverted away from Network Rail Property. (Any Sustainable Urban Drainage Scheme should not be sited within 10 metres of railway infrastructure and should be designed with long term maintenance plans which meet the needs of the development).

The railway can be a dangerous environment. Suitable barriers must be put in place by the applicant to prevent unauthorised and unsafe access to the railway.

If not already in place, the applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. We recommend a 1.8 metre high 'rivetless palisade' or 'expanded mesh' fence. Network Rail's existing boundary measure must not be removed without prior permission.

The proximity and type of planting proposed are important when considering a landscaping scheme. Leaf fall in particular can greatly impact upon the reliability of the railway in certain seasons. Network Rail can provide details of planting recommendations for neighbours.

Where trees/shrubs are to be planted adjacent to the railway boundary these should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary.

Construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

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.

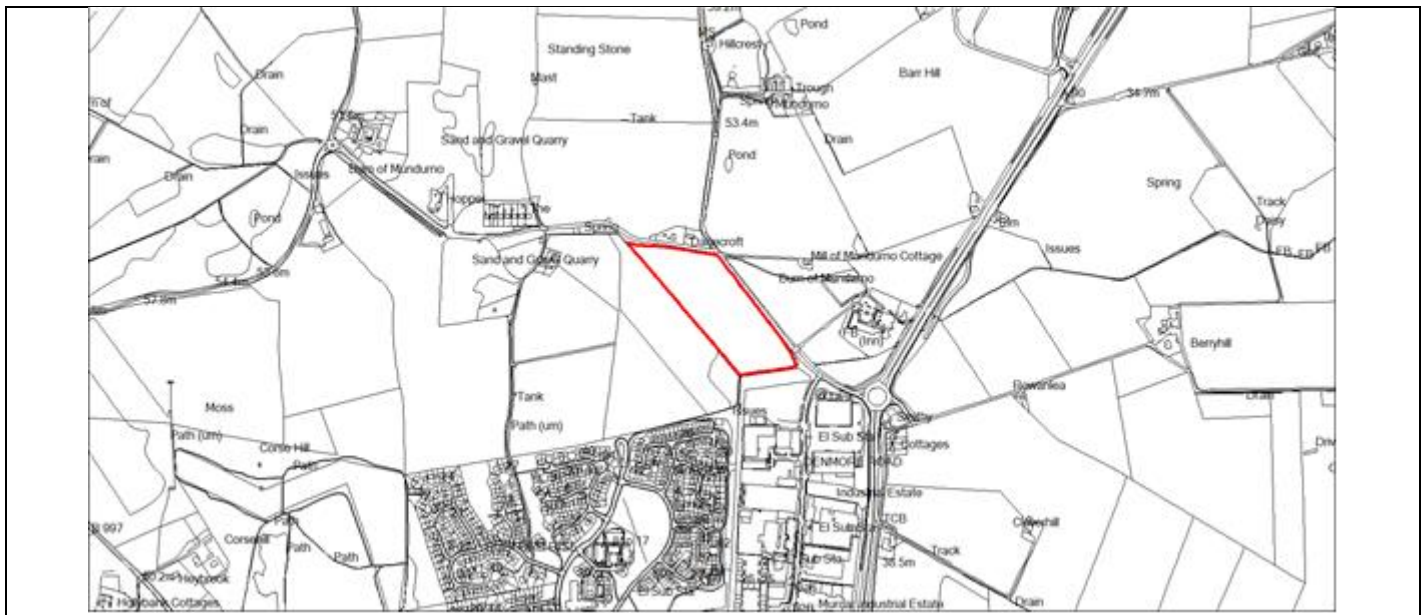
The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
Tel: 0141 555 4087
E-mail: AssetProtectionScotland@networkrail.co.uk

- 2- The applicant is advised that the removal of the slip road on Union Terrace would require a stopping up order. The applicant should contact Doug Ritchie (DRitchie@aberdeencity.gov.uk) in this regard.
- 3- For the avoidance of doubt the planning consent hereby granted does not give or imply the granting of consent for any advertisement on the approved buildings and structures. If such advertisements do not benefit from deemed advertisement consent, a separate application for express advertisement consent should be submitted. For further advice please contact the planning authority.
- 4- For the avoidance of doubt the planning consent hereby recommended does not give or imply granting of consent for cleaning of any of the buildings with abrasive, chemical or high pressure water method above 50 p.s.i. For further advice please contact the planning authority.
- 5- Any CCTV system installed should be monitored and registered with the Information Commissioner's Office (ICO) to be compliant with current legislation including the Data Protection and Human Rights Acts. Further information can be obtained at the ICO website at www.ico.gov.uk to assist with this compliance.

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2> <p style="margin: 5px 0 0 0;">Report by Development Management Manager</p> <p style="margin: 5px 0 0 0;">Committee Date: 22 March 2018</p>
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Site Address:	(Land South of), Shielhill Road, Mundurno, Dubford, Bridge of Don Aberdeen
Application Description:	Erection of 99 No. houses with associated car parking, landscaping and drainage.
Application Reference:	131851
Application Type	Detailed Planning Permission
Application Date:	18 December 2013
Applicant:	Chingmere Limited
Ward:	Bridge Of Don
Community Council	Bridge Of Don
Case Officer:	Robert Forbes



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RECOMMENDATION

Refuse

UPDATE

The application was originally considered at the PDMC Committee meeting on 21/8/14 when it was resolved to approve the application subject to conditions / a s.75 agreement and subject to the applicant demonstrating that the land required to secure the provision of the path and road links required to connect with the development located outwith the site to the west is within their control, by means such as entering into a legal agreement with the adjacent landowners.

Since then there have been ongoing discussions in relation to resolution of the outstanding planning issues, including strategic roads impact and developer obligation matters. The applicant has recently advised in writing that the adjacent housing developer (Barratt) does not now intend to acquire the application site, as was previously anticipated. The applicant has failed to demonstrate that the land required to deliver the path and road links is within their control. Although the site can be accessed without these links, they are required to ensure that the proposed housing development complies with sustainable transport policies T2 and T3 and to ensure that the development complies with the approved Dubford Development Framework. The Council has no intention of developing such path links (the requirement for which only arises as a result of the current planning application and is therefore the responsibility of the developer). The path / road links required do not lie entirely within the current application site and are, in part not located on land within either their or the Council's control. No specific planning application for delivery of the path / road links in advance of the housing development has been submitted by the applicant and no planning permission exists to deliver these links. Notwithstanding that neither the lead housing developer (Scotia) nor the adjacent developer (Barratt) have expressed objection to the provision of these links in principle, there is significant risk that the delivery of the required links (which require development on adjacent land outwith the control of the applicant and the Council) may be prejudiced due to the legal challenges in developing on third party land. This is complicated by the fact that road and pedestrian / cycle access to the site can technically be achieved without the proposed links (though this would not in itself result in adequate pedestrian / cycle access / connectivity). In these circumstances, there is significant risk that should a planning condition be imposed, or legal obligation be entered into, requiring delivery of these links, this would be the subject of an appeal or future application to remove such burden given that the applicant could argue that it would not meet the test of being reasonable (e.g. due to the need to develop on third party land). There is therefore significant risk that approval of this application would ultimately result in an unsustainable housing development lacking in acceptable connection to bus routes and lacking safe routes to school. Given the lack of progress by the applicant in resolving this matter, and the recent breakdown in discussion with the adjacent developer, it is now considered appropriate to determine the application with a recommendation of refusal.

In the event that members do not agree with this recommendation, it is suggested that the development should be subject to a legal obligation to ensure provision of the required infrastructure to support the development, including developer contributions for off-site road infrastructure. Conditions are also suggested to address various amenity / technical issues and to address flood risk.

APPLICATION BACKGROUND

Site Description

This 4 hectare site is located at the northern edge of the built up area of Bridge of Don and is undeveloped. It is gently undulating with a slight southerly aspect. The site drains towards the Mundurno Burn, which runs along the west and south boundaries. The site was previously used as arable farmland and contains no vegetation or landscape features protected by designation, although scrub is present along the burnside and native orchids have been recorded in the marshy grassland present at its north-west and south-east corners. To the north of the site, across Shielhill Road, lies farmland and a row of detached houses. To the south, beyond an area of buffer woodland, the site is bounded by an industrial estate, with typical late 20th century suburban housing located further to the west. The western boundary is formed by the Burn of Mundurno, beyond which a residential development is underway.

Relevant Planning History

Outline planning permission for the residential development of the adjacent site to the west, including community facilities and improvements to an area of adjoining green belt (ref A3/1922)

was refused at committee in 2003. A subsequent planning appeal was dismissed, following a public inquiry, in October 2004, as was a related claim for expenses against the Council. The reasons for dismissal included: contravention of structure and local plan policies; prematurity in light of pending local plan review; conflict with national policy regarding sustainable transport, including reducing the reliance on private cars; and potential adverse impact on the local and trunk road networks due to uncertainty regarding the proposed closure of Shielhill Road to vehicular traffic.

Planning permission in principle for erection of 550 dwellings on the adjacent land (which forms the main part of the OP10 allocation within the current Local Development Plan) was granted at Committee in 2013 (ref. 120723). Various companies (Scotia, Barratt and Cala) have developed / are currently developing various parts of this site, under various detailed approvals.

Detailed planning permission (ref. 121387) for erection of 191 houses on the immediately adjacent site, to the west, was granted in 2013 and is currently under construction (by Barratt). This approval indicated future access links to connect with the current application site across the Mundurno Burn, however, there is no obligation for that developer or the lead developer (Scotia) to construct such links. Neither are details of such links required to be submitted or approved, as the development approved on the OP10 site is able to connect southwards to existing bus services and community facilities.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought to erect a 'major' residential development. A mix of dwelling types is proposed, including detached, semi-detached and terraced houses, together with associated open space, parking and roads infrastructure. The houses are of 2 storeys and of a style relatively typical of many current suburban developments in the city, with pitched roofs clad with concrete tiles and harled walls. Landscaped open space is proposed along the burn and the northern site boundary. A beech hedge is proposed alongside the B999.

The main access is from the B999, to the east. A path is proposed to the south, along the B999, to connect with Denmore Road. Pedestrian / cycle links are indicated to the west, to connect with adjacent housing development, across the Burn of Mundurno. A secondary access road is also indicated to provide potential emergency access. However, these path and emergency access routes require development on land outwith the site boundaries, are controlled by a third party, and no details of such links have been provided.

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=ZZZY9LBZSK206>.

The following documents have been submitted in support of the application –

Design Statement; Landscape Plan; Transport Assessment; Air Quality Assessment; Flood Risk Assessment; Ecological Assessment; Drainage Layout; Noise Report; Archaeology Report; and Habitat Report

Reason for Referral to Committee

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

The development is classed as a major application and the local Community Council object to the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation. The Committee previously resolved to grant planning permission subject to a section 75 legal obligation requiring developer obligation payments and contribution to the "Strategic Transport Fund". This resolution requires to be reviewed by members in light of the recent decision of the UK Supreme Court in relation to development at Elsick in Aberdeenshire.

CONSULTATIONS

Roads Projects Team – Advise that further assessment / modelling of the potential strategic transport impact of the development is required to be undertaken. Also advise that contributions are also required for minor road improvement schemes in the vicinity. No objection regarding on site car parking provision. Note that provision of acceptable links to public transport nodes is dependent on provision of off-site footpath links, via the adjacent development to the west (currently under construction by Barratt).

Environmental Health – No objection, subject to implementation of noise attenuation measures, due to exposure to traffic and industrial noise.

Developer Contributions Team – Request on-site provision of affordable housing, and developer contributions for enhancement of primary education, community facilities, healthcare, sports and recreation and libraries. Also advise that on site core path connections are required. A total figure of £ 449,800 is requested, excluding any contribution to address any required strategic transport measures.

Enterprise, Planning & Infrastructure (Flooding) - Advise that full surface water drainage proposals and a drainage impact assessment are required.

Education, Culture & Sport (Archaeology) – No objection. Request that a condition is imposed to allow site investigation prior to development works.

Scottish Environment Protection Agency – No objection, subject to imposition of conditions regarding: provision of a 6m buffer strip to protect the burn-side from development; foul drainage measures; flood risk mitigation; and environmental management.

Community Council – Object due to: alleged inadequate on site car parking provision; the proposed reduction of the speed limit on the B999; traffic congestion; lack of provision of pavements within the site; and potential development to the north of the B999.

REPRESENTATIONS

3 letters of objection/support have been received in 2013. The objections raised relate to the following matters –

Traffic impact / inadequate road infrastructure; disturbance during construction; giant hogweed infestation along the burn; overdevelopment of housing / lack of amenities; inadequate provision of landscaping along the northern boundary (to soften the impact on neighbouring houses).

A letter of support has been submitted on behalf of the applicant, which sets out their intentions regarding delivery of the path connections to the adjacent site.

MATERIAL CONSIDERATIONS

Legislative Requirements

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.

National Planning Policy and Guidance

The key objective of the Scottish Government is sustainable economic growth. SPP (Scottish Planning Policy) as it relates to housing and transport is of particular relevance. SPP expresses a presumption in favour of development that contributes to sustainable development. SPP regarding transport and housing is also relevant.

Designing Places / Designing Streets and PAN 44 (Fitting New Housing Development into the Landscape) are of direct relevance and emphasises the importance of good design.

City & Shire Strategic Development Plan

The ACS DP sets a target to increase the population of the city region to 480,000 by 2030. It identifies Aberdeen City as a key growth area and allocates a total of 16,500 housing units for the period 2007- 2016.

Aberdeen City Local Development Plan 2017 (ALDP)

The site lies within the eastern extremity of opportunity site OP10: Dubford, which is designated for development of 550 housing units in the period up to 2016. No housing allocation for this site is made for the subsequent local plan periods (i.e. 2017-2026, or 2027-2035).

H1: Residential Areas
Green Space Network [NE1]
D1: Quality Placemaking by Design
H3: Density
H4: Housing Mix
H5: Affordable Housing
I1: Infrastructure Delivery & Planning Obligation
NE4: Open Space Provision in New Dev
NE6: Flooding, Drainage & Water Quality
NE8: Natural Heritage
R7: Low & Zero Carbon Build & Water Efficiency
T2: Managing the Transport Impact of Dev
T3: Sustainable and Active Travel
CI1: Digital Infrastructure

Supplementary Guidance and Technical Advice Notes

The site lies within the Dubford Development Framework, which was approved by Committee in 2012 and confirms the suitability of the site, and adjacent land to the west, for residential and associated development in principle.

The following topic based guidance is relevant :-

Transport and Accessibility
Planning Obligations
Affordable Housing
Landscape
Noise
Green Space Network and Open Space
Flooding, Drainage and Water Quality
Resources for New Development

Other Material Considerations

Local Transport Strategy- This encourages alternative transport modes in accordance with SPP objectives.

Equalities Impact Assessment

An Equalities Impact Assessment is not required in this instance because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics. In coming to this assessment the Planning Authority has had due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010, to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

EVALUATION

Principle of Development

The site has been allocated for housing development in the adopted local development plan, and a development framework for the development of it and the adjacent land to the west as housing has previously been approved by the Council. The provision of housing on the site also accords with the growth aspirations of the strategic development plan. However, the 550 housing unit allocation for the opportunity site (up to 2016) has been achieved by extant planning permissions on land immediately to the west. No housing allocation is made within the adopted local plan for the opportunity site for the current / future plan periods (i.e. 2017-20126, or 2027-2035). Furthermore, there is no shortfall in land supply within the Aberdeen housing market and the greenfield nature of the site and location in Bridge of Don is such that there is no wider strategic benefit to allowing housing development there (e.g. regeneration / landscape restoration). Subject to agreement between the applicant, the Council and the owner / developer of adjacent housing sites, the required infrastructure to support the development can potentially be provided and made accessible to prospective residents, in accordance with the objectives of local plan policy I1. However there is significant uncertainty regarding the strategic transport impact of the development (as addressed below). Furthermore, there is significant uncertainty regarding provision of required path links and this matter is addressed below.

Land-Use

In order to achieve a mix of uses in the wider development (in the interests of sustainable development and minimisation of traffic generation, and in accordance with the objectives of local plan policies T2 and CF2 and SPP), the approved Development Framework envisaged this part of the site would be of an entirely residential nature, with commercial uses envisaged on adjacent land to the west, which is not controlled by the applicant. Such non residential uses remain to be provided within the wider development site. It is considered unreasonable to insist that such non-residential uses are provided within the site, given the wider Framework. However, it is essential that pedestrian linkage is provided to the west in order that such facilities and existing further afield supporting facilities (e.g. schools / shops / bus stops) are accessible to residents of the proposed housing, all in the interests of sustainable development.

It should be noted that local plan policy does not specifically require that a mixture of uses or supporting facilities are delivered within such major greenfield housing release sites. In this specific case, the local plan OP10 designation makes no reference to the need for delivery of non-housing uses within the wider site.

Density

The gross density of development proposed is approx. 25 units per hectare. The net density (excluding public open space, etc.) is about 34 units, which complies with policy H3. The extent of open space provision (approx. 1 Hectare) is considered to accord with policy NE4. These figures

are considered acceptable in the context within which the site is located, being a suburban, mixed density development with areas of open space, adjacent to the green belt boundary. The proposal is therefore not considered to be overdevelopment.

Cumulative Impacts

The OP10 designation envisages a total of 550 units being delivered for the whole of the opportunity site. Bearing in mind housing approvals on adjacent land to the west, the proposal would result in a potential overall total of around 650 units. With the exception of strategic transport impact (addressed below) the potential cumulative impacts resulting from implementation of the combined developments at Dubford have been examined by the relevant consultees and are considered to be acceptable.

Traffic / Access

Although the site has been allocated for housing development in the adopted local plan and a development framework for development of it and the adjacent land to the west has been approved, compliance with this development framework is dependent on provision of the required off site pedestrian / cycle links to land to the west. In the absence of the delivery of these links, it is considered that the development would conflict with the Dubford Development Framework, the aspirations of local plan policies T2, T3 and the Local Transport Strategy. It would be likely to result in unnecessary car dependency contrary to the objective of sustainable economic development and sustainable transport as expressed in SPP. There remains a significant degree of uncertainty regarding delivery of the required path links to connect with the housing development / facilities to the west of the site. The applicant has advised that they have been in discussion with the adjacent developer/landowner regarding this matter but that Barratt do not now intend to purchase the application site.

The Council's roads officers are satisfied that the traffic generation resulting from the development would have no insurmountable impact on the local road network. Provision of such off-site road infrastructure required can be secured by conditions / legal obligation and developer contributions relating to traffic impact. However, notwithstanding submission of a transport assessment, the potential wider strategic transport impact of the development remains to be submitted and assessed by roads officers. Insufficient information has therefore been submitted in order to address the strategic transport impact of the development and demonstrate that there would be no adverse traffic impact on the wider road network resulting from implementation of the development. A revised transport assessment is required. In the absence of this information a precautionary approach is warranted in this case given that approval of the proposal would result in the overall number of housing units at the opportunity site significantly exceeding the figure allocated in the Adopted Local Plan. This would be likely to result in additional vehicle trips on the road network, particularly in the absence of delivery of the sustainable path links to connect the development with adjacent land to the west.

Notwithstanding the comments of the Community Council, Roads officers are satisfied with the level of car parking provision on site, and with the internal layout and pedestrian facilities within the development. The proposed road access position is acceptable in terms of public safety. Provision of the secondary emergency access to the west is not required at the outset of the development, and therefore does not preclude commencement of development at the site. A condition could require a limit of 50 units being developed prior to provision of this secondary access, however, the delivery of this link is again dependent on agreement with the adjacent landowners / housing developers who are not party to this planning application.

Design / Layout

As regards the layout and form of development envisaged, the proposal is considered to conform with the expectations of the Development Framework. The two storey suburban nature of the development is in keeping with historic forms of settlement expansion within the wider Bridge of

Don area and is appropriate to that context, notwithstanding the undeveloped land across the B999. Although the proposed development lacks a strategic buffer zone along the boundary with the B999 (which is the green belt boundary), this is not required by the Development Framework and the development layout has been amended, during the application process, in attempt to create a suitable boundary treatment along this prominent approach to the city. It is considered that this boundary treatment would be further enhanced by the provision of a low stone dyke, in recognition of the rural context across the B999 and this is a matter that can be addressed by condition. The wider extent and disposition of open space within the site is considered to be appropriate, as it emphasises existing assets such as the burn and adjacent woodland and provides adequate screening at the northern and southern edges.

Although the urban form of the development would be heavily influenced by the road layout, the standard of design is considered to be compatible with 'designing streets' and takes some account of 'designing places'. Thus it is considered acceptable in terms of policies D1 and D2. The proposed materials and finishes are compatible with those of the adjacent 'Barratt' development currently under construction. A mix of dwelling types and sizes would be provided in accordance with policy H4.

Landscape / Wildlife Impact

Implementation of the development will clearly result in landscape change, due to urbanisation. However, the existing nature conservation value of the site is limited due to its pre-existing use as farmland and the absence of woodland. Given that no housing development is proposed within the western edge of the site, which is designated in the LDP as green space network, there is no fundamental conflict with policy NE1. In the longer term, the natural heritage value of the burn-side would be enhanced by the proposed native woodland planting along its edge and within proposed public open space areas. In addition to providing open space of landscape benefit and allowing the development to integrate with its setting, in accordance with the objectives of PAN 44, such open space would also enable the translocation of native orchids which are present within the site and would be affected by the development. Subject to imposition of conditions, the proposal is therefore considered to accord with policies D6, NE1 and NE8.

Drainage

The development avoids encroachment of housing onto the functional floodplain of the Mundurno Burn and suitable SUDS would be incorporated within the open space, in accordance with the objectives of policy NE6. The layout has been amended in order to ensure that a suitable buffer area is preserved between the burn and the proposed housing, with intervening open space areas. SEPA have no objection to the development subject to conditions in order to protect the aquatic environment.

Developer Contributions / Affordable Housing

A range of contributions have been sought by the Council's advisors, which can be secured by legal obligation. Although the specific type and extent of affordable housing proposed is unclear, the applicant has no objection to on site provision - in accordance with the objectives of policy H5. It is anticipated that 15% of units proposed on site would be affordable (in accordance with the ratio achieved at the adjacent site). Although this is less than the 25% minimum figure specified in policy H5, it would accord with the expectations of the approved development framework and does not therefore justify refusal of the development. An additional financial contribution could be secured for off-site provision, subject to future negotiation.

Objector Concerns

The concerns regarding traffic impact remain to be addressed / evaluated. The concern regarding alleged inadequate local road infrastructure can be addressed by condition, as the Council's road's officers have no objection. Reduction of the traffic speed limit on the B999 is desirable in the interest of public safety and can be achieved by implementation of road traffic orders separate

from the planning process. Given that it is not in the interest of sustainable development to encourage overprovision of car parking; given the requirement to provide open space, SUDS and garden ground within the development; and in order to ensure adequate amenity for occupants and address environmental concerns, it is not considered appropriate to amend the development to address the Community Council's concerns regarding lack of car parking and footpaths.

No development is currently planned / applied for to the north of the site, or across the B999, and such land lies within the green belt as designated in the adopted local plan. The prospect of any future development there is therefore not a material consideration in determination of this application.

The matter of control of giant hogweed on the site and adjacent land is primarily a matter for the existing landowners to address. This is not a matter for the planning authority to intervene in, as other statutory controls exist to address this concern.

Disturbance during construction is considered to be a transient matter that does not warrant imposition of planning conditions or refusal of the development. The Council has separate powers in relation to control of noise nuisance, should there be concerns expressed in relation to that during construction.

Whilst it is recognised that the wider Bridge of Don area is perceived as being deficient in terms of provision of amenities, the developer has agreed, in principle, to the provision of developer contributions to address the deficiencies identified by the Council's Planning Gain advisor. Provided that the necessary off-site footpath and cycle links are delivered to allow prospective residents to sustainably access such facilities (e.g. schools, shops, community and sports facilities), it is considered that this is not a matter which warrants refusal of the application.

It is also considered that adequate buffer planting is proposed along the northern site boundary and condition could be imposed requiring details of and implementation of landscaping.

RECOMMENDATION

Refuse

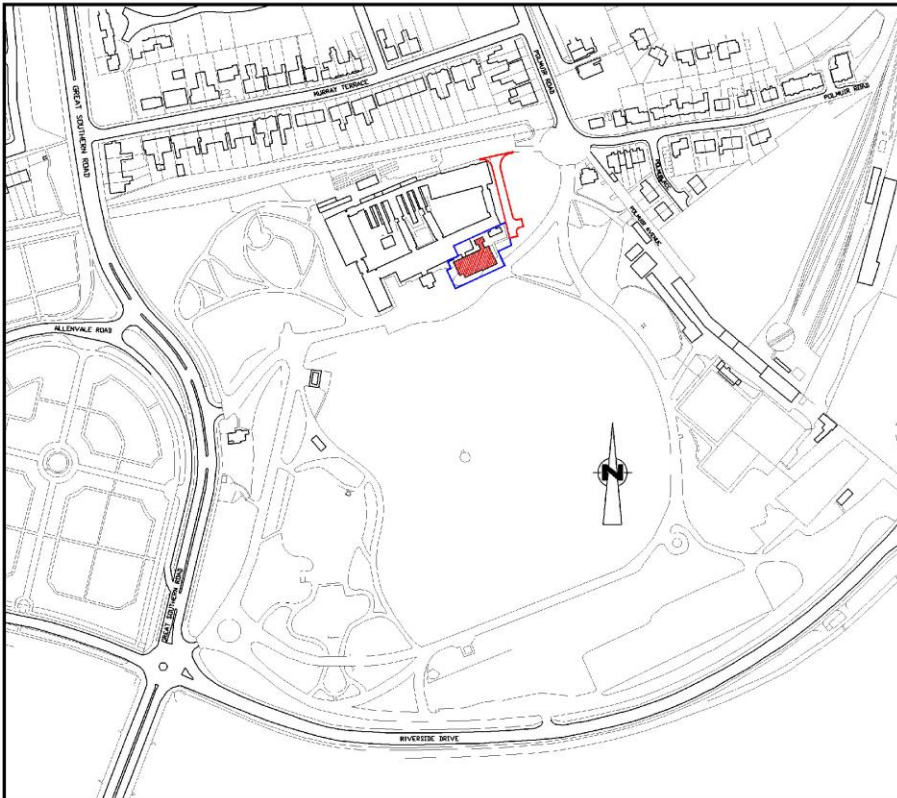
REASON FOR RECOMMENDATION

01. Although the site has been allocated for housing development in the adopted local plan and a development framework for development of it and the adjacent land to the west has been approved, compliance with this development framework is dependent on provision of the required off site pedestrian / cycle links to land to the west. In the absence of the delivery of these links, it is considered that the development would conflict with the Dubford Development Framework, the aspirations of local plan policies T2, T3 and the Local Transport Strategy. It would be likely to result in unnecessary car dependency contrary to the objective of sustainable economic development and sustainable transport as expressed in SPP.
02. Insufficient information has been submitted in order to address the strategic transport impact of the development and demonstrate that there would be no adverse traffic impact on the wider road network resulting from implementation of the development. A revised transport assessment is required. In the absence of this information a precautionary approach is warranted in this case given that approval of the proposal would result in the overall number of housing units at the opportunity site significantly exceeding the figure allocated in the Adopted Local Plan. This would be likely to result in additional vehicle trips

on the road network, particularly in the absence of delivery of the sustainable path links to connect the development with adjacent land to the west.

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p>Committee Date: 22 March 2018</p>

Site Address:	Duthie Park Cafe, Duthie Park, Polmuir Road, Aberdeen AB10 6BH
Application Description:	Formation of new service road (partially retrospective)
Application Reference:	180133/DPP
Application Type	Detailed Planning Permission
Application Date:	5 February 2018
Applicant:	Coffee Societea Ltd
Ward:	Torry/Ferryhill
Community Council	Ferryhill And Ruthrieston
Case Officer:	Robert Forbes



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RECOMMENDATION

Refuse and Enforce

APPLICATION BACKGROUND

Site Description

The site forms part of a public park. It lies close to its eastern entrance on Polmuir Road. Its northern edge abuts the access to the public car park located adjacent to the former railway line (now Deeside Way), with the boundary previously defined by a low granite wall (now removed). It is used as a servicing access for the winter garden café. A number of large bin stores, associated with the use of the café, are located on it and are clearly visible within the park. The access road is unsurfaced and surrounded by a shallow earth bund. Temporary metal fencing is located at the edge of the bunding within the adjacent grassed area of the park which includes a number of mature deciduous trees of amenity value. The road was created in August 2015.

The site was previously landscaped public open space forming part of the public area of the park and included a herbaceous border, shrubs and grass. Other land under the applicant's control includes part of the winter garden facility located within Duthie Park, in particular the café building and adjacent landscaped open space. The café building has recently reopened after having been disused for some years. This is sited within a single storey building, which appears to have been constructed in the 1970s.

Relevant Planning History

Planning permissions for various restoration works within the Park were granted in 2010, and have been implemented with funding from the Heritage Lottery Fund.

Planning permission ref 151633 for alteration and extension of the café was granted conditionally in June 2016. Planning application ref 161605 to form a service road within the park was withdrawn.

APPLICATION DESCRIPTION

Description of Proposal

Permission is sought to form a service access road within the park, located to the east of the winter garden complex. The application is partly retrospective as the earthworks have been undertaken, although the access is unsurfaced. The proposed access would be 5m wide, surfaced with tarmac and would include a hammerhead at its southern end. No details of surfacing / soft landscape / site boundary treatment / tree protection or drainage works have been provided.

Supporting Documents

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P3O3LABZIUD00>.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because of the recommendation to take enforcement action to secure removal of the access, for which no delegated authority exists in this instance.

CONSULTATIONS

ACC - Roads Development Management Team – Request further information in relation to vehicle turning arrangements.

ACC – Environmental / Park Services – Express concerns regarding the adverse landscape impact of the road due to the loss of soft landscaping, absence of screening / landscaping, the potential removal of further vegetation, its excessive footprint / width and question the ability of servicing vehicles to turn within the site. The potential for its use being compromised by unregulated car parking is also raised. The need for removal of the access road and reinstatement of the open space is raised as it is stated that the road was a temporary access during construction works within the park which are now complete.

ACC - Flooding And Coastal Protection – No objection. Request imposition of a condition regarding SUDS.

ACC - Land And Property Assets – Confirm that the site is owned by the Council and that a lease has been entered into with the applicant regarding operation of the adjacent winter garden café.

Historic Environment Scotland – Confirm that they do not intend to intervene in the application determination process.

REPRESENTATIONS

10 objections from members of the public have been received. These raise the following matters:-

Loss of open space / vegetation;
Adverse landscape / visual impact;
Potential impact on trees;
Adverse impact on the designed landscape of Duthie Park;
Previous service access route via Polmuir Road gates was adequate;
Unauthorised use of the land for the storage of unsightly refuse bins;
Creation of a public safety hazard due to reversing of vehicles onto the access route to the Deeside Way;
Potential abuse of the access road by parking of cars;
Absence of detail regarding boundary treatment / landscaping measures;
Need for reinstatement of landscaping / open space / screening;
Absence of surface drainage / creation of a flood risk;
Lack of supporting information / inaccurate information,;
Loss of boundary wall;
Concern regarding breach of condition of previous planning permission.

The Friends of Duthie Park consider that the heritage and environmental amenity of the park should not be affected by the proposal and are concerned about the untidiness of the site. They have no objection to the road in principle but suggest that it is reduced in extent and screened by planting.

The Heritage Lottery Fund consider the proposed road to be a material change to the park and (if allowed) potential breach of contract which may have implications for the lottery grant. They express concern regarding the lack of information / justification / mitigation proposed and the potential adverse impact of the road on the designed landscape of Duthie Park. Question if other servicing arrangements may be available.

MATERIAL CONSIDERATIONS

Legislative Requirements

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.

National Planning Policy and Guidance

The overall SPP objective of sustainable development and specifically regarding protection of greenspace is relevant. SPP regarding Valuing the Historic and Natural Environments (paras 148 and 194) is relevant.

Historic Environment Scotland Policy Statement

Aberdeen City and Shire Strategic Development Plan (ACSSDP)

This has a target to make sure that development improves and does not lead to the loss of, or damage to, built, natural or cultural heritage assets.

Aberdeen City Local Development Plan 2017 (ALDP)

D1: Quality Placemaking by Design

D2: Landscape

D4: Historic Environment

NE1: Green Space Network

NE3: Urban Green Space

NE6: Flooding, Drainage & Water Quality

NE8: Natural Heritage

T3: Sustainable and Active Travel

Supplementary Guidance and Technical Advice Notes

Landscape

Natural Heritage

Tree Protection

Other Material Considerations

The site lies within a designated designed landscape (Duthie Park). In considering development proposals that affect it, the Council has a statutory duty to have regard to the preservation and enhancement of the landscape character of the designed landscape.

ACC Open Space Audit of 2010.

Equalities Impact Assessment

The potential for conflict between use of the access road by servicing vehicles and disabled / vulnerable users of the Deeside Way (e.g. children) and others accessing/ egressing the adjacent Duthie Park car park, such that the proposed development has potential to result in differential impacts on those with protected characteristics, raises the potential need for such impact assessment. This has not been submitted by the applicant. In the absence of such assessment, approval of the application may potentially conflict with the requirements of the Equality Act 2010. The Act has the objective to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

EVALUATION

Principle of Development

The proposal raises significant issues in terms of the principle of development within a park for purposes other than recreation and sport. The proposal conflicts with local plan policies NE1 and NE3 by reason of the removal of greenspace from within the park and its conversion to hard surface that would not be available to the public. No replacement green space is proposed and it is unclear how that could be provided. As regards the ACC Open Space Audit of 2010, the site scores very highly in terms of the quality of open space. No replacement landscaping (planting) is proposed and it is unlikely that this would mitigate the loss of open space. It would therefore conflict with the objective of policy D2. In addition the width of the access and the inclusion of a turning head are considered to be excessive and result in further unnecessary loss of green space and additional adverse visual impact. The proposal would conflict with the overall SPP objective of sustainable development and conflicts with SPP regarding protection of greenspace of public value. Although the applicant considers that the development is necessary to operate the café, it is noted that the pre-existing café at the winter gardens operated without the service access road. No overriding justification for approval of the development is considered to exist. No evidence has been submitted that alternative servicing arrangements, avoiding formation of the access road, have been considered by the applicant. The applicant claims that the park café was previously serviced by an access road which has been built over. However, no such vehicle access existed when the park café was last used and aerial imagery evidences that the area now occupied by the access road was previously vegetated.

Heritage Impact

The proposal has a detrimental impact on the value of the designed landscape of Duthie Park, by reason of the removal of pre-existing landscaped green space of amenity value and absence of any mitigation proposals. Formation of the access has also resulted in the removal of part of a low granite wall of historic interest. This is located at the north end of the site adjacent to the car park access. The adverse visual impact of the access is compounded by its use as a bin store associated with the park café. It is unclear what alternative, less prominent locations have been considered for the bin storage. Although screening could be introduced to soften the adverse impact of the access / bin store, this would not address the fundamental issue of loss of open space / green space of heritage value. The proposal therefore conflicts with policy D4 and SPP / HESPS objectives regarding protection of heritage assets. Approval of the application as proposed would not accord with the statutory duty to have regard to the preservation and enhancement of the landscape character of the designed landscape.

Tree Impact

The development has the potential to cause disturbance to existing trees of amenity value located within the park. No survey information / details of tree protection have been provided in order to allow detailed assessment in terms of policy NE5. However, given the matters of principle above, it is not considered appropriate to request such information and as avoidance of further adverse impact can potentially be addressed by imposition of condition.

Ecological Impact

In the absence of an ecological survey of the site prior to commencement of the work, it is not possible to accurately assess the ecological impact of the proposal relative to policy NE8. However it can be concluded that the removal of the pre-existing vegetation and formation of the hard surfacing / road has had a negative impact. This could potentially be mitigated to a degree by provision of replacement planting. Given the matters of principle above, it is not considered appropriate to request such information.

Public / Road Safety

It is considered that the proposal raises public safety concerns due to the potential conflict with pedestrian and cyclist users of the adjacent Deeside Way who would be required to use the same access. In particular, the proposal is likely to result in the reversing of delivery / servicing vehicles (

e.g. bin lorries) in the vicinity of the existing public car park with consequent risk to vulnerable groups such as cyclists, children, disabled and pedestrians attempting to use / access the Deeside Way. This risk is exacerbated by the challenging geometry and change in levels associated with accessing / exiting from the Deeside Way. Alternative delivery arrangements, whereby delivery vehicles could use the existing turning area located immediately adjacent to the entrance gates to the park on Polmuir Road would appear to be available, without need for reversing of such vehicles or removal of additional landscaping / boundary features of heritage value. This would be a preferable solution that would avoid the need for creation of the proposed road and would avoid servicing / delivery vehicles using the existing access to the Deeside Way car park. It is recognised that this would require deliveries to be transferred from the park gates to the café by hand / barrow / trolley but this is not considered to be an unreasonable arrangement given the limited travel distance and limited change in levels.

It is recognised that there is currently potential for the access to be abused by the parking of private cars on it, however, this could potentially be addressed by creation of a barrier / gate.

Flood Risk

Due to the removal of green space within the park and its replacement by hard surfacing, the proposal would be likely to increase the existing rate of surface water run-off to the nearby drainage point at Polmuir Road. There is a known flood risk at the low point of Polmuir Road in the vicinity of the former railway bridge. The Council's flooding team have no objection to the application subject to the imposition of a condition regarding the proposed use of SUDS on site. However, the application is not supported by any technical information relating to surface water drainage and no SUDS are proposed on site. Given the partly retrospective nature of the application it may be inappropriate to rely on use of conditions to address this matter. It is therefore considered that the proposal would conflict with local plan policy NE6 and conflicts with sustainability objectives to retain existing green space which provides a valuable role in terms of mitigation of flood risk.

Precedent

Approval of the application would result in an undesirable precedent for similar proposals for uses other than recreation or sport affecting other public green spaces.

Other Matters raised in objection

The applicant has failed to comply with suspensive conditions imposed in relation to the previous approval at the site for expansion of the café building (e.g. relating to provision of replacement landscaping and provision of SUDS) , however the current application requires to be assessed on its merits.

Other matters

Although the Council has an interest in the application as landowner, the level of objection is below the threshold of 20 whereby there would be a potential need for a Development Plan Departure Hearing.

Enforcement Action

In light of the retrospective nature of the application, the damage to the landscape quality of the designed landscape of Duthie Park which has taken place due to removal of the pre-existing vegetation, including a herbaceous border and trees which provided valuable screening and softening of the east elevation of the winter garden complex, enforcement action is required to secure preservation of this valuable historic asset and ensure compliance with the objectives of policy D4. Whilst the adverse impacts of the proposal identified above could be mitigated to a degree by redesign and provision of landscaping / screening / boundary details, this would not address the fundamental matters of principle and conflict with planning policy which have been identified resulting from loss of the greenspace and creation of the access. It is not feasible to

provide replacement public open space in the area, nor is this proposed. Furthermore the planning authority has a duty to determine application timeously and it is likely that, in order to create improved sight lines at the junction, use of the access would result in loss of further vegetation / planting within the northern edge of the park. In the absence of any positive action by the applicant to rectify this significant breach of planning control, authority is sought to instruct enforcement action by the Council as landowner in order to secure removal of the access road / associated bunding, temporary fencing and bin stores located within the site and secure its restoration as soft landscaping / including screen planting along the boundary with the winter garden complex, including creation of a suitable planting medium by removal of the existing road sub base and importation of topsoil.

RECOMMENDATION

Refuse and Enforce

REASON FOR RECOMMENDATION

01. The proposal conflicts with local plan policies NE1 and NE3 by reason of the removal of valuable greenspace from within the park, which is of heritage value, and its conversion to hard surface that would not be available to the public or used for sport / recreational purposes and would erode its greenspace function. The proposal has a detrimental impact on the value of the designed landscape of Duthie Park and would therefore conflict with the objectives of policies D2 and D4. The proposal would conflict with the overall Scottish Planning Policy objective of sustainable development and conflicts with its position regarding protection of greenspace of public value. No overriding justification for approval of the development is considered to exist;

02. Insufficient information has been submitted in order to demonstrate compliance with local plan policy NE6 and ensure that the development does not exacerbate the historic flooding problem nearby on Polmuir Road (a drainage assessment / details of SUDS are required). No equalities impact assessment has been submitted;

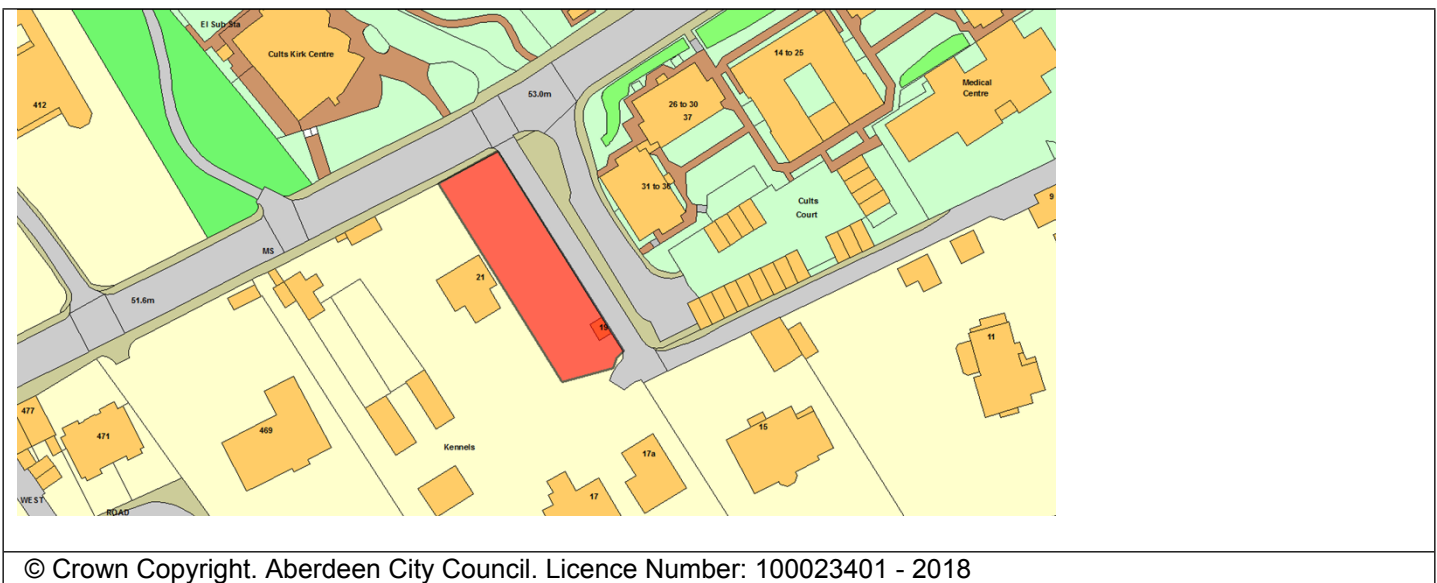
03. The proposal would result in the creation of a potential public / road safety hazard by reason of the potential conflict with vulnerable pedestrian and cyclist users of the adjacent Deeside Way, by reason of the reversing of heavy vehicles (e.g. bin lorries / delivery vehicles) in the vicinity of the existing access road to the car park;

04. Every application needs to be decided on its own merits, however, applying a consistent approach following an approval of this application would result in the approval of similar proposals other than for recreation or sport affecting other public green spaces and resulting in the unnecessary removal of greenspace contrary to the objectives of local plan policies NE1, NE3 and D2. For these reasons the approval of this application would set an undesirable precedent.

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p>Committee Date: 22 March 2018</p>

Site Address:	19 South Avenue, Aberdeen, AB15 9LQ,
Application Description:	Erection of 4 residential flats, associated car parking and landscaping, and part removal of boundary wall
Application Reference:	180143/DPP
Application Type	Detailed Planning Permission
Application Date:	6 February 2018
Applicant:	Mr S Spearritt
Ward:	Lower Deeside
Community Council	Cults, Bieldside And Milltimber
Case Officer:	Dineke Brasier



RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The site is a relatively narrow, rectangular plot measuring c.900m². It is c.15m in width by a length of c.60m. It is located on the corner of North Deeside Road and an unadopted section of South Avenue. The site is accessed from South Avenue from a private single width lane shared with four residential properties and the dog boarding kennels. It was previously occupied by a one and a half storey detached dwelling, which has been demolished. To the west is a one and a half storey

detached dwelling on a similar sized plot - 21 South Avenue; to the south is a strip of land and a cluster of detached dwellings set in sizable gardens; to the east is South Avenue and Cults Court, a 2.5 storey flatted development; and to the north are North Deeside Road and Florence Court, a sheltered housing complex. Boundary treatments consist of a high granite wall to the north and east; mature planting and a timber fence to the west and open to the south.

The site is located within the existing residential area of Cults.

Relevant Planning History

Planning application 161721/DPP for the erection of four flats, associated landscaping and parking was refused by Planning Development Management Committee on 9th February 2017. The main reasons for refusal were based on the impact of the proposal on the character and appearance of the surrounding area; insufficient quality of design; and adverse impact on the residential amenity of 21 South Avenue.

Planning permission 141049 for the construction of a detached dwelling with integral garage and associated works was approved under delegated powers on 13th November 2014. This permission has now lapsed.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the erection of a building containing four flats, associated parking and landscaping, and removal of part of the boundary wall. The building would be rectangular and measure c.25.5m by c.10.5m with projections either side measuring c.8m by c.1.6m (west) and c.1m by c.3m (east), resulting in a total footprint of c.280m². It would have three storeys with a flat roof and would have an overall height of 9.6m. The first and second floor would be stepped with balconies/roof terraces serving the upper floor units. The building would be finished in grey bricks and grey render. The main entrance would be located to the side of the building.

Internally, it would contain four flats with a floorspace ranging between c.140m² and c.170m². Each flat would have two bedrooms and a study, which would be large enough to be used as a third bedroom, large kitchen/dining/living area, and two or three bathrooms. Flat 1 would be a duplex and located on the ground and first floor, flat 2 would be on the ground floor only, flat 3 on the first floor and flat 4 on the second floor. Flat 3 would have a south facing balcony; flat 4 would have both a north and south facing balcony; flat 1 and 2 would have access to the garden ground to the north and south of the building respectively.

Landscaping would include a car park with six spaces accessed from South Avenue to the rear, space for bin and bike storage, and a footpath along the east side of the building. No detailed landscaping plans have been submitted, but the garden is shown to be laid to grass with the existing hedge between 19 and 21 South Avenue retained. A section in the boundary wall along South Avenue opposite the main entrance would be lowered and glass inserted.

Supporting Documents

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P3QC5WBZIW000> .

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because more than six letters of objection have been received.

CONSULTATIONS

ACC - Roads Development Management Team – No objections. Following development South Avenue should be brought up to adoptable standards. However, due to the width of the lane, this road will not be acceptable for adoption. Concerns with regards to the size and position of bin and bike stores. Further clarifications required with regards to width of right of access. Poor visibility from South Avenue onto North Deeside, however this is accepted as it is an existing situation. Requests condition with regards to submission of details regarding excavation to ensure there will be no adverse impact on North Deeside Road and South Avenue

ACC - Flooding And Coastal Protection – No objections. Recommends the use of permeable surface materials and rain water harvesting.

ACC - Waste Strategy Team – Expressed concerns with regards to the current condition of this part of South Avenue.

ACC - Environmental Health – No objection subject to a condition requesting a noise impact assessment to ensure that new flats would be suitably insulated from noise coming from North Deeside Road.

Cults, Bieldside and Milltimber Community Council – Objection based on the following:

1. Size, scale and design of the proposed building is out of character and context for this area of Cults. Footprint of the building is much larger than that of the refused application 161721/DPP;
2. Due to its design, the building will be incompatible with buildings in the area;
3. Overbearing impact on 21 South Avenue and leading to a loss of light and privacy, resulting in a detrimental impact on residential amenity;
4. Access would be through narrow lanes and poor quality unadopted roads. This is the primary route for existing residents and should remain open at any time.

REPRESENTATIONS

Fourteen letters of objection received, raising the following matters:

Residential Amenity:

1. Balconies and windows will overlook existing properties on Cults Court, 15, 17A and 21 South Avenue and would result in a significant loss of privacy and residential amenity;
2. Loss of light and overshadowing to properties on Cults Court, and 21 South Avenue;
3. Proposal would be overbearing on 21 South Avenue with an elevation measuring 25m facing this property, 17m of which would be set at 9m high;

Context

4. No consideration of context. Development is not in keeping with scale and design of surrounding single and two storey houses; Properties to the south, including 21 South Avenue and the original house at 19 South Avenue were designed to limit their visual impact on North Deeside Road by sitting low behind the boundary wall. This building would stand proud of that wall, and would sit uncomfortable within this context.
5. Existing building line is broken as the front elevation extends some 7.2m from that previous approved and the front elevation of 21 South Avenue;

6. The proposed palette of materials is out of context in this area, which is near the Pittfodels Conservation Area;

Design

7. Massing, scale and height of proposed building is too large for the site. Change from pitched to flat roof further increases massing;
8. Poor quality of design. Proposal is box-like with no consideration of context. Proposed materials would not complement wider area;
9. Footprint of proposed building is larger than that previously refused under 161721/DPP. Proposed floorspace well in excess of a 'normal' two bedroom flat. 'Study' can easily be used as a third bedroom. Application should therefore be considered to be for four flats with three bedrooms with consequent impact on amenity in terms of noise, required parking spaces and visitors;
10. Due to the large floorspace of each flat, assessment should be based on floorspace rather than number of bedrooms; Due to their size, the density of the proposal is akin to four large dwellings on a small site;

Parking

11. Area shown for car parking could impede access to neighbouring properties as existing right of way shown is very narrow and location of parking space in the south west corner could block access to neighbouring properties;
12. Insufficient parking for number of bedrooms provided;
13. Timber fence to the rear of the bins will block visibility for traffic leaving the kennels;

Access

14. This part of South Avenue is unadopted and in a very poor state of repair. It would not provide satisfactory and adequate road access to the proposed development;
15. Proposal would have an adverse impact on pedestrian safety as no safe pedestrian route to North Deeside Road is shown;
16. Service and refuse vehicles cannot access site;
17. Access to the existing driveway for 17A and 19 South Avenue is required 24/7 and cannot be blocked by parked cars;
18. Construction traffic would result in even further deterioration of this part of South Avenue;
19. Increase in traffic could lead to difficulties at North Deeside Road/South Avenue junction with increased levels of waiting traffic on North Deeside Road;

Other

20. Applicant has demolished southern boundary wall;
21. Concerns with regards to noise and disruption over construction period;
22. Soil has been deposited on the site with no safety fence in place;
23. Reduction in property values;
24. Site area is larger than in previous applications. This casts doubt on levels of accuracy in application with regards to ownership and access rights
25. There is no row of mature trees along the full site boundary of Cults Court even though these are shown in drawings;
26. To allow construction, scaffolding would need to be erected on land owned by 21 South Avenue;
27. Proposal would set a precedent for similar developments along North Deeside Road;

MATERIAL CONSIDERATIONS

Legislative Requirements

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.

Aberdeen Local Development Plan (2017)

- H1: Residential Areas
- D1: Quality Placemaking by Design
- T2: Managing the Transport Impact of Development
- NE6: Flooding, Drainage and Water Quality
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Building & Water Efficiency

Supplementary Guidance and Technical Advice Notes

Supplementary Guidance

Subdivision and Redevelopment of Residential Curtilages
Transport and Accessibility

EVALUATION

Principle of Development

The site is located in an existing residential area, where the principle of residential development would be considered acceptable provided it:

1. Does not constitute overdevelopment;
2. Does not have an unacceptable impact on the character and amenity of the surrounding area;
3. Does not result in the loss of valuable and valued open space; and
4. Complies with relevant Supplementary Guidance. In this case Supplementary Guidance on Subdivision and Redevelopment of Residential Areas.

All of these issues will be discussed in detail below.

Impact on character and appearance of surrounding area

The west side of South Avenue is characterised by low density residential development predominantly consisting of detached dwellings in substantial plots with large gardens to the front and rear. Properties are often nestled behind high stone boundary walls within a strong landscape setting. This pattern of development is continually repeated along Lower Deeside further to the west towards Bielside and Milltimber and to the south towards the River Dee. The majority of dwellings are orientated to make best use of views towards the River Dee, and for solar orientation. To the east, approximately 16m from the other side of South Avenue with the flatted development of Cults Court, is a more dense pattern of development forming part of the village centre of Cults. The village centre is a relatively small, confined area of Cults and includes the majority of services, shops with flatted residential developments. It is effectively delineated by South Avenue on its southern and western sides, by North Deeside Road to the north and by St. Devenick's Place to the east.

Visually, this part of South Avenue together with the access road into Cults Court form the boundary between these two distinct character areas, with the application site falling clearly within the predominantly low density residential area. This wide visual distinction is further emphasised by the high granite boundary wall running along South Avenue and North Deeside Road screening properties further west from North Deeside Road and minimising their visual appearance in the street scene. Cults Court on the other hand, is much more prominent in the street scene and has a much more dense nature.

The proposed development would comprise of four large two bedroom flats with study that could be used as a third bedroom in a three storey building. The floorspace of the flats would range from c.140m² to c.170m² - comparable to a relatively large four bedroom detached dwelling. The footprint of the building would be c.280m². It would generally be rectangular in shape with a projection set on either side elevation. Dimensions are c.25m by c.10 with the projection on the west elevation measuring c.8m by c.1.8m and the projection on the east side c.3m by c.1m. The projection on the east elevation would provide space for the communal entrance and staircase. The building would be set over three storeys with an overall height of c.9.6m. The ground floor and most of the first floor would be completely below the top of the boundary wall along North Deeside Road and South Avenue. Its significant scale and massing would be further emphasised through the use of a flat roof. For comparison, the neighbouring one and a half storey property at 21 South Avenue has a footprint of c. 125m² with a ridge height of c.7.4m and a pitched roof sloping away from North Deeside Road. A building of such large dimensions as proposed under this application would appear out of context in this relatively low density area, being closer to North Deeside Road and would dwarf the dwelling immediately adjacent at 21 South Avenue.

Furthermore, the front elevation of the proposed building would project c.7.2m from the front elevation of 21 South Avenue. It would leave a gap of c.10m to North Deeside Road, whereas there is a gap of c.18.5m from 21 South Avenue to North Deeside Road. As such, the proposed development would break the existing building line along this part of North Deeside Road, which in itself would be contrary to guidance contained in the Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages (SG). It would move development much nearer to this main road through Cults, and due to this position, and the increased scale and massing of the proposed building, would become much more prominent in the street scene than the surrounding dwellings. As stated above, this part of North Deeside Road is characterised by properties sitting low behind high boundary walls, minimising their visual impact on the street scene. This proposed development on the other hand, due to its proximity to North Deeside Road, scale, height and massing would stand proud in the street scene, which would be out of character in the surrounding area. As such, it is considered that the proposed development has not taken any cognisance of the site context, and would not complement the existing streetscape.

With regards to density, the overall site area is stated as c.900m² and the footprint of the building is c.280m², resulting in a site coverage of 31%. SG sets out that as a general rule, no more than 33% of the site area should be covered by development. However, it further emphasises that proposed density should reflect that prevalent in the surrounding area. Therefore, even though the 31% is less than the 33% as set out in the SG and therefore technically complies with this figure, the overall density in the surrounding area is much lower and generally ranges between 13% (new dwelling at 15 South Avenue – pp140813) and 20% (new dwelling at 469A North Deeside Road – pp131266). As such, the proposed site coverage on this plot would be excessively higher than that common in the surrounding area. A further measure for density is the number of residential units per hectare. In this low density character area, this figure is low and generally set at less than 10 units per hectare. The proposed development would be constructed at a density of 44 units per hectare. This would be a out of keeping with the prevalent density in this low density area.

For the reasons set out above, the proposal would not comply with policies D1 and H1 of the 2017 Aberdeen Local Development Plan (ALDP) and Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages as it would be considered to have an adverse impact on the character and appearance of the surrounding area and would be an overdevelopment of the site.

Design

The proposed design shows a near rectangular building with a large flat roof. It would be three storeys high. It would be stepped on the rear (south) elevation with a roof terrace serving both flats 3 and 4. The front (north) elevation would contain a single step back, with a roof terrace serving

flat 4. The front elevation would contain a mix of window styles and sizes, consisting of full height windows and sliding doors serving flat 1 and 4, square windows serving flats 1, and small rectangular windows serving flats 1 and 4. These windows appear randomly spread across this elevation, and do not contain any symmetry or pattern. Fenestration in the rear elevation would appear more balanced, and consists of rectangular and square windows and sliding double doors serving flats 2, 3 and 4. The west elevation facing 21 South Avenue contains a number of high level windows serving studies and bathrooms spread over all three floors. Finally the east elevation facing Cults Court contains a mix of rectangular and square windows of varying dimensions, including a long rectangular high level window serving a dining area. A significant feature of the development is that it is set far below the level of South Avenue by c.2.6m, and c.2m below the floor level of the single dwelling previously approved on the site under PP141049.

The design of the building incorporates various features aimed at maximising the available amount of floorspace, including high level windows, flat roof and lowered ground levels. These features and the overall design of the building do not take due consideration of the site context in which the building would sit and do not present a particularly coherent architectural style. The volume of accommodation proposed in what is a constrained site results in a very large and bulky building with contrived design features such as the high level windows in the side elevations aimed at preventing any excessive overlooking or loss of privacy to neighbouring properties.

In this case, the volume of the building would result in a site that can be seen to be split in three distinct parts, a garden to the front, a large building in the centre and a predominantly formal hard landscaped area to the rear with a further garden area. The overall appearance therefore lacks the landscape setting that is dominating in this part of Cults and further to the west. The proposed garden area to the front would be significantly overshadowed and due to its proximity to the main North Deeside Road would not result in a pleasant usable external amenity space. There would be no clear separation between the garden to the rear and the parking area reducing the quality of this space. However, it is acknowledged that there is significant balcony space for the upper two flats.

Overall, it is considered that the overall design of the building is not of a sufficiently high standard and does not respond well to the context, as required under policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan.

Impact on residential amenity

Existing properties

The nearest neighbouring dwelling would be 21 South Avenue, immediately to the west of the application site. This is a modest one and a half storey dwelling similar to that previously occupying the application site. The gap between the west elevation of the proposed building and this existing property would range between c.0.75m and c.3.4m due to the projection in the centre of the elevation. The north elevation would project c.7.2m closer to the road than the north elevation of number 21 and the south elevation would extend c.5.3m further south. The overall height of the building would be c.1.7m higher than the ridge height of number 21. The combination of the flat roof at a greater height, the wider elevation and the projection to both the front and the rear of the dwelling would result in a building that would have a dominating and overbearing impact on this significantly smaller building set at a relatively short distance. As such, this would have a detrimental impact on their residential amenity.

In addition, due to the front and rear projection, scale and massing of the proposed building, it is considered that this would result in the loss of light and some degree of overshadowing of parts of the garden of 21 South Avenue, a side facing window, front dormer and small window, again to the detriment of the residential amenity of this existing residential property.

The proposal includes two long rectangular high level windows serving a study and three small, square high level windows serving bathrooms facing out towards the private garden of number 21. These windows are clearly designed to increase the amount of accommodation available in the flats as the rectangular windows are the only windows serving these study areas. As such, even though they are high level, they could have a perceived impact on the privacy and levels of overlooking of 21 South Avenue.

The east elevation contains windows serving study and living areas on the first and second floor. These windows would look out towards Cults Court, which is set at a distance of c.17m from the proposed building. SG sets out that a minimum distance of 18m should be retained between facing windows to ensure adequate levels of privacy. In this case, due to the orientation of Cults Court, the main living accommodation of some of the flats in this apartment block would look out towards the site. However, this is across a public road and the existing flats are set at a higher level, both of which factors limit the significance of the impact on privacy.

Furthermore, due to their size and design, both the south and north facing balconies would afford clear views into the private garden area of 21 South Avenue, and towards habitable rooms in flats in Cults Court. As such, taking together the location of proposed balconies, the number of side facing windows and orientation of living accommodation of flats in Cults Court, the proposal would result in overlooking and loss of privacy to the detriment of the residential amenity of residents at Cults Court. Furthermore, the balconies would result in overlooking of the private front and rear garden of 21 South Avenue to the detriment of their residential amenity.

The distance between the rear elevation of the proposed building and properties 17 and 17A South Avenue to the rear exceeds 40 metres. As such, this distance is easily more than twice the recommended 18m, and the proposal would not result in an unacceptable loss of privacy to the occupiers of these dwellings.

As such, based on the above, the proposal would be contrary to the requirements of planning policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan as it would have an unacceptable overbearing impact on the modest dwelling at 21 South Avenue and would result in overshadowing of the private garden ground and several windows of this dwelling resulting in an unacceptable detrimental impact on their residential amenity. In addition, due to the number of side facing windows in combination with the balconies, it would result in an increase of overlooking of properties at Cults Court and 21 South Avenue. Taking all these factors together, there would be an unacceptable impact on the residential amenity of the occupiers of the adjacent existing buildings.

Residents

The proposed flats would be very large, ranging between c.140m² and 170m² and would provide more than sufficient floorspace for a 2/3 bedroom flat. Flat 1 would be north facing and located on the ground and first floor. Due to the proposed excavations, all ground floor windows serving this unit would be set below the level of South Avenue, with only the top section of the first floor windows above the top of the boundary wall. This would result in a dwelling with a very restricted outlook, and a dark living environment with no or very limited direct sunlight. As such, this unit would provide a very low quality living environment, which would be unacceptable.

Similarly, flat 2 would be located on the ground floor and would also be below the level of South Avenue. This flat would be facing out towards the rear, and the main living area would look out over the rear garden and parking area. However, the east facing rooms, including a bedroom would have a very restricted outlook towards a high boundary wall and receive very little natural light. West facing rooms include a further bedroom and a study. The only source of light for the study would be a high level window. The bedroom would be located in the projection, and the window would be south facing. However, due to the depth of the overall west elevation, very little

sunlight would reach this window. As such, a number of habitable rooms would be excessively dark, and would not provide an acceptable quality of living accommodation.

External amenity space would be provided through a north facing garden for flat 1, a south facing garden for flat 2 and balconies for flats 3 and 4. Provision for flats 2, 3 and 4 would generally be acceptable. However, due to the height of the retaining/boundary wall surrounding the site and the height of the proposed building, the north facing garden area serving flat 1 would be in shadow for the vast majority of the day. Furthermore, it would be adjacent to North Deeside Road, which is a busy main road from Aberdeen to the west, resulting in noise. SG sets out that external amenity space should be of sufficient quality, not located immediately adjacent to a road, and should not be excessively shaded. Taking account of the above, the proposed garden ground serving this unit would not be acceptable.

Due to the location of the site adjacent to North Deeside Road, Environmental Health Unit has requested a condition requiring the applicant to submit a Noise Impact Assessment to ensure the proposed flats would be suitably insulated against traffic noise. This could be dealt with through a condition and absence of this Noise Impact Assessment would not warrant a reason for refusal in itself.

For the reasons set out above, the proposed development would not provide acceptable living accommodation with especially flat 1 severely compromised. As such, the proposal would be contrary to policies D1 and H1 of the ADLP and SG on Subdivision and Redevelopment of Residential Curtilages.

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

Supplementary Guidance on Transport and Accessibility sets out that 1.5 parking spaces per flat would be required in Cults. The site plan shows six spaces, so this requirement is met. However, one space is located in the extreme south west corner of the site. A right of access runs across this part of the site from South Avenue to 19 South Avenue. Even though the site plan shows that this right of access can be retained under the current proposal, it is extremely tight and any poorly parked car could block the right of access. It should therefore be ensured that clear demarcation is visible between the right of access and the parking spaces.

Four cycle spaces and a motorcycle space would be provided to the rear. These are not shown as covered and secure. However, sufficient space would be available, and details of cycle storage could be conditioned. This in itself would therefore not warrant a separate reason for refusal.

South Avenue is currently not adopted, and due to its width would not be eligible for adoption in the future. However, the applicant has been advised that it is recommended the road be upgraded to adoptable standards to improve its quality.

Visibility from South Avenue onto North Deeside Road is substandard due to the height of the boundary wall along the site. However, as this is an existing situation and due to the number of expected traffic movements caused by the development, this is considered acceptable in this instance.

Waste Management

A bin store would be provided to the rear of the site. Further details of this bin store should be submitted. However, again, there is sufficient space on-site in the general location of the indicative bin store shown on the site plan.

Drainage and Low and Zero Carbon Buildings

Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) of the Aberdeen Local Development Plan 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 by the Scottish building regulations at the time of the application. No details have been provided. However, it is considered that this can be dealt with by condition.

Previous permission

The previous permission 141049 is a material consideration. However, this permission was for a completely different type of development. That permission was for a single replacement dwelling whereas this current application is for a block of four very large flats. In addition, the external appearance of this approved dwelling was more akin to what is found in this general area. Its scale and massing were proposed to be much smaller than that of the building that is the subject of this application, partly due to the use of a pitched roof and the ground level was proposed at a level that was closer to the natural contours of the land and appeared less incongruous. It is therefore considered that this previous permission would not provide sufficient justification or can serve as a precedent for this current application.

Other Matters arising from Community Council and Letters of Objection

Cults, Bieldside and Milltimber Community Council

1. Size, scale and design of the proposed building is out of character and context for this area of Cults. Footprint of the building is much larger than that of the refused application 161721/DPP – *This has been discussed above*
2. Due to its design, the building will be incompatible with buildings in the area – *This has been discussed above;*
3. Overbearing impact on 21 South Avenue and leading to a loss of light and privacy, resulting in a detrimental impact on residential amenity – *This has been discussed above;*
4. Access would be through narrow lanes and poor quality unadopted roads. This is the primary route for existing residents and should remain open at any time – *This has been discussed above*

Matters raised in Letters of Objection not addressed above:

Design

10. Due to the large floorspace of each flat, assessment should be based on floorspace rather than number of bedrooms; Due to their size, the density of the proposal is akin to four large dwellings on a small site – *This has been addressed as density has been considered in both plot ratio and dwellings per hectare and massing is taken into account in terms of design*

Parking

12. Insufficient parking for number of bedrooms provided – *The proposal meets the maximum parking standards as set out in the Transport and Accessibility SG;*
13. Timber fence to the rear of the bins will block visibility for traffic leaving the kennels – *Access to surrounding properties has been considered by Roads Development Management, and they raised no objections to the scheme;*
14. Access Proposal would have an adverse impact on pedestrian safety as no safe pedestrian route to North Deeside Road is shown;
15. Service and refuse vehicles cannot access site;
18. Construction traffic would result in even further deterioration of this part of South Avenue – *This part of South Avenue is not adopted and therefore not maintained by Aberdeen City Council. Repairs are a matter for residents.*

Other

20. Applicant has demolished southern boundary wall – *The site is not located in a conservation area, and the wall is therefore not statutory protected. Its demolition did therefore not require consent;*

21. Concerns with regards to noise and disruption over construction period – *This would be dealt with under Environmental Health Legislation;*
22. Soil has been deposited on the site with no safety fence in place – *it is understood that the applicant has used this site to temporarily store soil from his other site at 431 North Deeside Road, Cults and that this will be removed in due course;*
23. Reduction in property values – *This is not a material planning consideration;*
24. Site area is larger than in previous applications. This casts doubt on levels of accuracy in application with regards to ownership and access rights – *Clarifications have been sought with the applicant with regards to ownership of the site*
25. There is no row of mature trees along the full site boundary of Cults Court even though these are shown in drawings – *Noted. No response required;*
26. To allow construction, scaffolding would need to be erected on land owned by 21 South Avenue – *This would be a civil matter between the applicant and the owner of 21 South Avenue;*
27. Proposal would set a precedent for similar developments along North Deeside Road – *Each application would be assessed on its own merits against site specific characteristics and relevant policies current at the time. As such, it is not considered that the proposal would act as a precedent for other high density development.*

Recommended Conditions

The application is recommended for refusal, however, if Committee are minded to grant, then conditions requesting the submission of further details on materials, landscaping, drainage, bin and bike storage, low and zero carbon building methods, a noise impact assessment and method of construction for excavation works/works on retaining walls along the North Deeside Road/South Avenue boundary would be recommended.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. Due to its bulk, scale, massing, footprint, width and height the proposal is considered out of context in the surrounding area, would not complement the existing street scene and would represent an overdevelopment of the site. The site is located in a low density character area that gradually extends westwards along North Deeside Road. The proposal relates poorly to the site context, including to the modest nature of the immediate neighbouring dwelling at 21 South Avenue. The proposal is therefore contrary to policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the 2017 Aberdeen Local Development Plan and Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.

2. The overall design of the proposed building, due to its massing, width, height and features such as the large flat roof, lowered ground levels, high level windows and lack of landscaped setting is not considered to be of sufficiently high quality as required under policy D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan.

3. The proposed building, due to its location on the site, length, height, scale and massing is considered to have an overbearing impact on the modest dwelling at 21 South Avenue, and would result in loss of sunlight to their private garden, side facing window and front dormer window. In addition, the use of balconies on both the front and rear elevation would result in overlooking and a loss of privacy to the private garden areas serving this existing dwelling. The proposal is therefore considered to have a significant detrimental impact on the residential amenity of this neighbouring property and would be contrary to policies D1 (Quality Placemaking by Design) and

H1 (Residential Areas) of the 2017 Aberdeen Local Development Plan and Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.

4. The distance between facing windows serving habitable rooms in the proposed building and Cults Court would be less than 18m. This, in combination with the use of north and south facing balconies, would result in an unacceptable perceived loss of privacy and overlooking to flats in Cults Court facing out towards the proposed building and poor relationship between existing and proposed dwellings to the detriment resulting in loss of residential amenity for occupiers of both. This is therefore considered contrary to policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the 2017 Aberdeen Local Development Plan and Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.

5. Flat 1, as proposed, would not provide an acceptable standard of living accommodation and residential amenity as it would be north facing and located below street level. As such, it would receive very limited natural daylight resulting in a dark living environment with a very restricted outlook. In addition, the proposed external amenity space serving this unit would be located to the north of the building, would be severely overshadowed due to the location of high boundary walls and the height of the proposed building, and would suffer from noise pollution caused by traffic using the North Deeside Road immediately to the north. The proposal therefore conflicts with policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the 2017 Aberdeen Local Development Plan and Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages.