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

Town House,
ABERDEEN 18 April 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, 26 APRIL 2018 at 10.00 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

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

DETERMINATION OF EXEMPT BUSINESS

- 3.1 Determination of Exempt Business

DECLARATION OF INTERESTS

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

MINUTES OF PREVIOUS MEETINGS

- 5.1 Minute of Meeting of the Planning Development Management Committee of 22 March 2018 - for approval (Pages 11 - 26)
- 5.2 Minute of Meeting of the Planning Development Management Committee (Visits) of 28 March 2018 - for approval (Pages 27 - 36)

COMMITTEE TRACKER

- 6.1 Committee Tracker (Pages 37 - 40)

GENERAL BUSINESS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 7.1 91 High Street, Old Aberdeen - Change of Use from Class 2 (Financial and Professional Services) to Student Accommodation (Sui Generis) (Pages 41 - 50)

Planning Reference – 171445

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=ZZZY9JBZSK671>

Planning Officer: Jamie Leadbeater

- 7.2 91 High Street, Old Aberdeen - Listed Building Consent for Formation of New Window and Rooflights, Replacement of Windows and Doors and Internal Works (Pages 51 - 56)

Planning Reference – 171457

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=P0L549BZHPU00>

Planning Officer: Jamie Leadbeater

- 7.3 15 High Street, Old Aberdeen - Change of Use from Vacant Dwellinghouse (Class 9) to Public House (Sui Generis) (Pages 57 - 66)

Planning Reference – 170710

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=ORJ7SEBZLKH00>

Planning Officer: Jamie Leadbeater

- 7.4 15 High Street, Old Aberdeen - Listed Building Consent for Internal Alterations to Form Public House (Pages 67 - 72)

Planning Reference – 170709

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=ORJ538BZLKE00>

Planning Officer: Jamie Leadbeater

- 7.5 Unit 12, Mastrick Shopping Centre, Greenfern Road - Change of Use from (Class 1) retail to Hot Food Takeaway (Sui Generis) (Pages 73 - 78)

Planning Reference – 171333

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=OYUKDBBZGWF00>

Planning Officer: Jamie Leadbeater

- 7.6 Land At Bieldside Lodge, North Deeside Road - Approval of Matters Specified in Conditions of P120491 for one Dwellinghouse (Pages 79 - 94)

Planning Reference – 170028

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=OJPKW SBZIFL00>

Planning Officer: Lucy Greene

- 7.7 Land opposite 39 Bloomfield Road - Erection of a 1.5 Storey Dwelling with Double Garage, Partial Excavation and Relevelling, Including Construction of Retaining Walls and Associated Landscaping (Pages 95 - 102)

Planning Reference – 180060

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=P2P7RK BZ01U00>

Planning Officer: Dineke Brasier

- 7.8 Morkeu, Craigton Road - Proposal for the construction of the Friarsfield Link Road, Development of 19 Residential Units (including affordable housing) and Associated Ancillary Works (Pages 103 - 114)

Planning Reference – 170307

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=ON87A4 BZJO000>

Planning Officer: Nicholas Lawrence

- 7.9 (Site between) Countesswells Road/Hazledene Road - Zone A, Section 75A Modification, Discharge of Planning Obligation associated with A7/2178 and A8/530 relating to the site of 170525 (Pages 115 - 120)

Planning Reference – 180013

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=P28GP2BZ02E00>

Planning Officer: Gavin Evans

- 7.10 Inchgarth House - Complete demolition of the Steading and Lodge to allow Reinstatement of Inchgarth House and Surrounding Landscape (Pages 121 - 126)

Planning Reference – 170610

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=OQK6Q3BZL3U00>

Planning Officer: Sepideh Hajisoltani

EXEMPT/CONFIDENTIAL BUSINESS

- 8.1 Triple Kirks (Pages 127 - 148)

Planning Reference – 151239

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=ZZZY9HBZSK972>

Planning Officer: Nicholas Lawrence

DATE OF NEXT MEETING

- 9.1 Date of Next Meeting - 24 May 2018

Members are asked to note the date of the next meeting is scheduled for Thursday 24 May 2018 at 10am.

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

Website Address: www.aberdeency.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@aberdeency.gov.uk

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 4.1

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, 22 March 2018. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; and Councillors Allan, Cooke, Copland, Cormie, Greig, Avril MacKenzie and Malik.

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=5867&Ver=4>

DECLARATIONS OF INTEREST

1. Councillor Cooke declared an interest in regards to 70 Countesswells Road and intimated that he would leave the meeting prior to consideration of the item. Councillor Avril MacKenzie declared an interest in regards to Bankhead Inn, 161-165 Bankhead Road as she had previously expressed her view on the application. Cllr MacKenzie advised that she wished to speak as a local member but would withdraw from the meeting prior to consideration of the application.

The Committee resolved:-
to note the declarations of interest.

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 15 FEBRUARY 2018 - FOR APPROVAL

2. The Committee had before it the minute of the previous meeting of 15 February 2018, for approval.

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

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 22 FEBRUARY 2018 - FOR APPROVAL

3. The Committee had before it the minute of the Planning Development Management Committee site visit of 22 February 2018, for approval.

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

COMMITTEE TRACKER

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

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The Committee resolved:-

to note the information contained in the Committee report tracker.

DECLARATION OF INTEREST

Councillor Cooke declared an interest in the following item due to being a member of the Gordon Highlander Museum Advisory Board and also a Friend of the Museum. The museum is in close proximity to the proposed application and also has a coffee shop. Councillor Cooke took no part in the deliberation or determination of the item and withdrew from the meeting.

70 COUNTESSWELLS ROAD - 171336

5. The Committee had before it a report by the Interim Chief Officer for Strategic Place Planning, **which recommended:-**

That the application for the change of use from Class 1 (shops) to Class 3 (Food and Drink) including the installation of a door on the eastern elevation at 70 Countesswells Road Aberdeen, be approved subject to the following conditions:-

(1) 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.

(2) 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.

(3) Noise/ Odour Assessment

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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.

(4) 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.

The Committee heard from Gavin Clark, Senior Planner, who spoke in furtherance of the application.

The Committee resolved:-

to approve the application conditionally.

THE CHESTER HOTEL, 59-63 QUEEN'S ROAD - 171347

6. The Committee had before it a report by the Interim Chief Officer for Strategic, Place Planning, **which recommended:-**

That the application for the partial demolition of a single storey function suite and replacement with larger single storey suite, external stair and associated works at the Chester Hotel, 59-63 Queens Road Aberdeen, be approved subject to the following conditions.

(1) 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.

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

(2) 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.

(3) 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 NOTE 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.

The Committee heard from Matthew Easton, Senior Planner, who spoke in furtherance of the report. Mr Easton also answered various questions from Members in regards to parking issues and the proposed loss of car parking spaces. Mr Easton also explained that in regards to the potential increase in use of Queens Lane South for deliveries, this was covered in the proposed conditions. Mark Wilkie, Roads Development Management Team Leader, and Nick Glover, Principal Environmental Officer also answered questions in regards to parking issues and queries and potential noise concerns from the proposed new function hall.

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The Committee resolved:-

to approve the application subject to the conditions contained within the report.

16 WHINHILL ROAD - 171478

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

That the application for the conversion of the former guesthouse (Class 7) into four flats, including formation of additional dormer window on the rear elevation, installation of 1 rooflight to front, formation of new window to side of existing rear extension and the subdivision of front door to form two entrances, at 16 Whinhill Road be approved subject to the following 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 NOTE FOR APPLICANT

- 1) It is recommended that 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 to obtain the permits.

Jamie Leadbeater, Planner, 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, subject to the payment of Club car contributions.

DECLARATION OF INTEREST

Councillor Avril MacKenzie declared an interest in the following item by virtue of her previously expressing her view on the application. Councillor MacKenzie indicated that she wished to speak as a local member in

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regards to the application and left the meeting prior to consideration and determination of the application. Accordingly, in terms of Section 7.15 of the Councillors' Code of Conduct, Councillor MacKenzie declared an interest in the matter and withdrew from the meeting.

BANKHEAD INN, 161-165 BANKHEAD ROAD - 171552

8. 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 the outbuilding to a hot food take away, including the erection of a single storey extension with flue pipe and ramp to the front at Bankhead Inn, 161-165 Bankhead Road, be approved subject to the following 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.

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- 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.

Jamie Leadbeater, Planner, spoke in furtherance of the application. Councillor MacKenzie spoke as a local member and advised that she had concerns in regards to the traffic situation and felt that emergency services would be unable to get through should they need to, as in the evening there was a lot of traffic and she felt that the proposed application would add to the situation. She also enquired about the roof and whether it would be replaced.

The Committee resolved:-

to approve the application conditionally.

UNION TERRACE GARDENS - 170497

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

That the application for the alterations and extension to the 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 at Union Terrace Aberdeen, be approved subject to the following 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:

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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 Constriction

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.

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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

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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

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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

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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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

22 March 2018

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

22 March 2018

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.gv.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.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

22 March 2018

The Committee heard from Kristian Smith, Team Leader Development Management, who spoke in furtherance of the application and answered various questions from Members.

Councillor Cormie requested that the application be deferred in order for a site visit to be carried out before determination of the application.

The Committee resolved:-

to agree that the application be deferred for a site visit before determination, at a date to be agreed in due course.

19 SOUTH AVENUE - 180143

10. 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 four residential flats, associated car parking and landscaping, and part removal of boundary wall, at 19 South Avenue Aberdeen be refused.

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

The Committee resolved:-

to approve the recommendation and therefore refuse the application.

DATE OF NEXT MEETING - 26 APRIL 2018

11. The Committee noted that the date of the next meeting was Thursday 26 April at 10am in Committee Room 2.

- **COUNCILLOR MARIE BOULTON, Convener**

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
22 March 2018

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 28 March 2018. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; and Councillors Allan, Cooke, Copland, Cormie, Greig and Avril MacKenzie.

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=152&MId=5868&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.

UNION TERRACE GARDENS - ALTERATIONS AND EXTENSION TO GARDENS - 170497

1. With reference to article 9 of the Planning Development Management Committee of 22 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 Chief Officer for Strategic, Place and Planning, **which recommended:-**

That the application for the alterations and extension to Union Terrace Gardens, including the restoration and renovation of structures/statues and toilets, development of buildings containing exhibition, retail, café and community hub space, provision of improved access and associated infrastructure and engineering works, be approved subject to the following 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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

28 March 2018

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 Constriction

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

28 March 2018

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

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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.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

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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.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

28 March 2018

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

28 March 2018

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 :

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

28 March 2018

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

28 March 2018

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.gv.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.

Following the site visit, members returned to the Town House to deliberate and determine the application. The Committee heard from Kristian Smith, Team Leader, Development Management, who spoke in furtherance of the application and answered various questions from members. Laura Robertson, Senior Planner, and Kevin Wright, Environmental Planner, also answered questions in regards to the application. Members asked a number of questions which included the details on the height of the three proposed buildings, consultation with the relevant disability groups, the proposed planning condition in regards to the re-use of granite, the loss of trees and the Tree Protection Orders currently in place and also the proposed water feature.

The Committee resolved:-

to approve the application conditionally as contained within the report.

- **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	W	Application withdrawn
Bieldside Lodge, 170028	to approve or refuse the application		Lucy Greene	Strategic, Place, Planning	Place	1		
Land to the south of Mill Lade Wynd, 180252	to approve or refuse the application		Gavin Clark	Strategic, Place, Planning	Place	1	W	Application withdrawn
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		Further discussion and designs amendments required. Go to May PDMC
1 Western Road, 081415	to approve or refuse the application		Robert Forbes	Strategic, Place, Planning	Place	1		Land ownership being clarified. Likely to be May PDMC.
44 Bedford Road, 141664	to approve or refuse the application		Gavin Clark	Strategic, Place, Planning	Place	1		No longer required to go to committee.
Triple Kirks, 151239	to approve or refuse refund of developer obligation payment.		Nicholas Lawrence	Strategic, Place, Planning	Place	6		
Morkeu, Friarsfield	to approve or refuse the application		Nicholas Lawrence	Strategic, Place, Planning	Place	1		
Countesswells Road/Hezledene	to approve or refuse the application		Gavin Evans	Strategic, Place, Planning	Place	1		

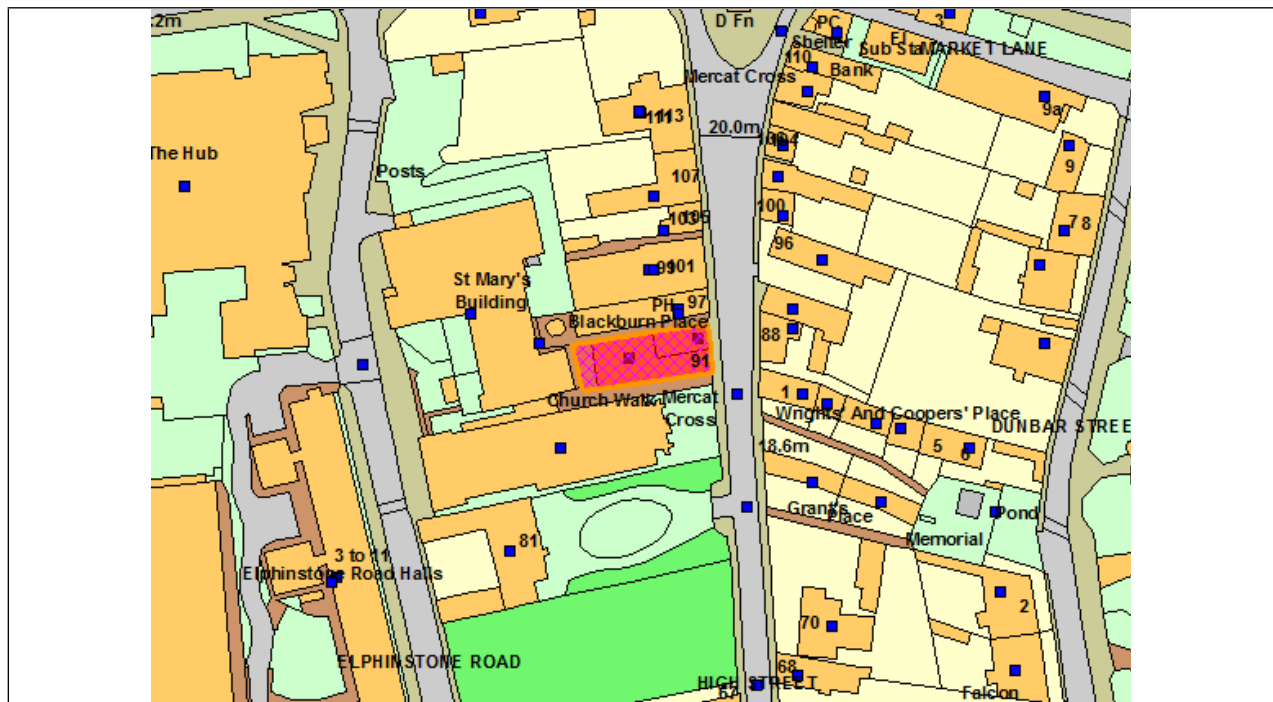
Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	If delayed, removed, transferred or withdrawn, enter either D, R, T or W	Explanation if delayed, removed, transferred or withdrawn
Inchgarth House 170610	to approve or refuse the application		Sepi Hajisoltani	Strategic, Place, Planning	Place	1		
		24 May 2018						
Development of Models for Civic Leadership and Engagement	To consider models for Civic Leadership and Engagement		Derek McGowan	Early Intervention and Community Empowerment	Customer			
Hill of Rubislaw	to approve or refuse the application		Matthew Easton	Strategic, Place, Planning	Place	1		
Bridge of Dee Bar, 170966	to approve or refuse the application		Gavin Clark	Strategic, Place, Planning	Place	1		
Maidencraig	to approve or refuse the application		Gavin Clark	Strategic, Place, Planning	Place	1		
76 Morningside Avenue	to approve or refuse the application		Sheila Robertson	Strategic, Place, Planning	Place	1		
		21 June 2018						
		16 August 2018						
		20 September 2018						
		01 November 2018						
		6 December 2018						
Shielhill Road Mundurno	to approve or refuse the application.		Robert Forbes	Strategic, Place, Planning	Place	1		
1 Western Road	to approve or refuse the application.		Robert Forbes	Strategic, Place, Planning	Place	1		
		24 January 2019						
		21 February 2019						
		21 March 2019						
		18 April 2019						

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
Annual Committee Effectiveness Report	To present the annual effectiveness report for the Committee.	May-19		Governance	Governance	GD 7.4		
AD HOC REPORTS (CYCLE DEPENDENT ON REQUIREMENT TO REPORT)								
		May 2019 Onwards						

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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: 26th April 2018</p>

Site Address:	Bank Of Scotland, 91 High Street, Aberdeen, AB24 3EN
Application Description:	Change of use from class 2 (financial, professional and other services) to student accommodation (sui generis), including: formation of new window and rooflights; replacement of existing windows and door and removal of vents, and installation of covered bike store
Application Reference:	171445/DPP
Application Type	Detailed Planning Permission
Application Date:	8 December 2017
Applicant:	Stanthorne Ltd
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council	Old Aberdeen
Case Officer:	Jamie Leadbeater



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The vacant ground floor space, formerly occupied by a bank (Class 2) until April 2016, of an extended a two and half storey category B-listed building on the western side of High Street in the Old Aberdeen.

The floor area comprises that of the main part of the building as well as the adjoining flats roof single store extension and converted pitched roof outbuilding, with a small enclosed yard to the rear (west) of it. Externally, the building is finished in traditional stone and terracotta profiled roof tiles with white timber sash & case windows, although non-original windows and doors are located on the exterior of the extension and converted outbuilding.

In terms of site designation and context, the site falls within an 'Existing Community Sites and Facilities' designation on the ALDP Proposals Map 2017 pertaining to the University of Aberdeen as a further education provider and is located within the Old Aberdeen Conservation Area. The University of Aberdeen's St. Mary's building is located immediately to the rear (west), which is accessed by pedestrian accesses (Church Walk and Blackburn Place) which run south and north of the application property respectively. A flat currently exists on the upper floors.

Relevant Planning History

Application Number	Proposal	Decision Date
171457/LBC	Formation of new openings and installation of window and rooflights; install replacement windows, with some modification to apertures in rear elevation; replace door with window and associated timber linings; removal of vents; install bicycle store; and installation of replacement external stairs, to allow formation of bin store.	Pending consideration – to be considered at PDMC (26/04/18)

APPLICATION DESCRIPTION

Description of Proposal

Change of use from Class 2 to a 6 bedroom student accommodation facility, creation of bike and bin stores in rear yard, and associated external alterations. Each bedroom would have en-suite bathroom facilities and there would be communal kitchen/dining

room and separate living room. The alterations to the building would include the following:

- Install 2no. rooflights in flat roof extension to serve kitchen/dinner;
- Replace door facing onto Blackburn Place with a sash & case window and low-rise walling to serve living room;
- Create new sash & case window in side elevation of converted outbuilding overlooking Church Walk to serve bedroom 5;
- Replace existing windows overlooking Church Walk with timber sash & case windows to serve bedroom 3 and 4; and,
- Modify existing window opening on west elevation of converted outbuilding and install replacement timber framed casement window to serve bedroom 6; and,
- Reduce window size in other window on west elevation of converted outbuilding and install new timber framed casement window to serve bedroom 1.

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=P0AKLOBZHLJ00> .

- Design and Heritage Statement.

Reason for Referral to Committee

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

CONSULTATIONS

ACC - Waste Strategy Team – No comments.

ACC - Roads Development Management Team – No objection. The proposed use would reduce the maximum permissible parking standard from 11 to 2 spaces. However, as the site is well-connected for pedestrians and cyclists and is located within 35m of a bus stop, which negates the need for dedicated parking. Bin store location is considered acceptable.

Old Aberdeen Community Council – Object, on the basis of the following:

- Proposed layout would not comply with the with Scottish Government guidance for HMOs;
- The premises has inadequate sound attenuation and further sound installation should be installed to minimise disturbance to the flat above.
- Inadequate bin storage;
- Removal of door on Blackburn Place and replacement with an opaque glazed screen is considered unacceptable

REPRESENTATIONS

18 objections have been received, raising the following material planning considerations:

- Increased parking pressures;
- Adverse impact on amenity of the flat above, primarily from noise;
- Adverse impact on the residential character of High Street;
- Alterations would harm the character and appearance of the conservation area;
- Old Aberdeen CACA (Conservation Area Character Appraisal) identifies an increase in HMOs on High Street as a 'threat';
- Insufficient room for waste bins;
- Lack of acoustic insulation within building;
- Former bank operated 9am to 5pm, whereas student accommodation would be in 24hour use.

Issues raised in representations which are not material planning considerations:

- The premises would be better used for permanent residents;
- It is highly desirable to maintain a healthy balance between 'town and gown';
- Lack of housing provision for families within Old Aberdeen;
- Impact on Aberdeen University's ability to let rooms in their own halls of residence, due to overprovision of student accommodation in Old Aberdeen;
- A Category B listed building is unsuitable for HMO accommodation;
- Adverse impact on local community, as students are not permanent residents;
- Proposed use would detract from tourist experience of Old Aberdeen.

PLANNING POLICY FRAMEWORK

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

- Scottish Planning Policy (SPP)
- Historic Environment Scotland – *Managing Change in the Historic Environment: Guidance Notes*.
- Scottish Government Circular 2/2012 - *Houses in Multiple Occupation: Guidance on Planning Control and Licensing*

Aberdeen Local Development Plan (2017)

- Policy CF1: Existing Community Sites and Facilities
- 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
- Policy T3: Sustainable and Active Travel

Supplementary Guidance and Technical Advice Notes

- Householder Development Guide (Supplementary Guidance)
- Replacement of Windows and Doors (Supplementary Guidance)
- Resources for New Development (Supplementary Guidance)
- Student Accommodation (Technical Advice Note)
- Transport and Accessibility (Supplementary Guidance)

Other Material Considerations

- Old Aberdeen Conservation Area Character Appraisal (CACA)

EVALUATION

Main Issues

The main issues in this matter are: firstly, whether the proposed development is acceptable in principle; and, secondly, whether the proposal in its detailed form is compatible with the character of the area having regard to the provisions of the Development Plan and other material considerations. Land-use designation Policy CF1 in the ALDP covers these main considerations.

Principle of the Development

The site has laid vacant for approximately 2 years, following closure of the bank, and despite marketing no demand for continued Class 2 use has emerged. As such, it is reasonable to consider an alternative use for the building.

The proposed use is pseudo-residential and therefore considered reasonable in this mixed use location. Given its nature it is also considered to be harmonious with the residential flat above and those neighbouring the site, as well as being complementary to the University of Aberdeen as the local designated 'existing community facility' which potential occupiers may be associated.

Compatibility with Character of the Area

High Street and adjoining streets are characterised by a congruous mix of uses, including: mainstream residential, student accommodation and commercial uses. The proposed use would align with this established character.

Taking into account the points above, it is considered the proposal would be in accordance of Policy CF1 in the ALDP, therefore rendering the proposed change of use as acceptable. It should also be further noted that the site's easy access to the

University of Aberdeen confirms its alignment with the relevant requirements of the Council's Student Accommodation Technical Advice Note (TAN).

Amenity

Prospective Occupants

It is considered occupants would be afforded a reasonable level of general amenity, by virtue of the proposed internal layout. Rooms would be well served by windows allowing the permeation natural light and air - albeit there would be variances of this from window to window, such that some would gain more than others. As some windows are close to the street there would be privacy impacts, however this is to be expected in such a historic environment. Furthermore, communal bike and bin storage facilities within the rear yard would enhance the general amenities afforded to prospective occupiers, again in-keeping with the expectations for student accommodation set out within the TAN.

Neighbours

It is not considered the proposed use would be unduly adverse to neighbours residential amenity, especially in relation to noise and privacy, by virtue of the proposed window relationship with surrounding buildings. The change in use will also see improved noise attenuation between the ground floor and flat above – through the building warrant process. It is also noted that there is already noise from pedestrians and vehicles passing along High Street (which is cobbled) 24 hours day. It is noted that specific concerns have been raised about this issue from the residents in the above flat, but in discussion with Environmental Health it is not considered that a Noise Impact Assessment was required, given the standard of noise mitigation between the two properties required to be achieved through the building warrant process.

Overall, it is considered the proposals would achieve satisfactory amenity to occupants without unduly compromising the general residential amenity afforded to existing adjoining and neighbouring residential properties.

Impact on listed building and conservation area (historic assets)

Policy D4 in the ALDP states there will be a presumption in favour of the re-use of listed buildings whilst new developments should seek to respect the character, appearance and setting of these buildings, as well as protecting their special architectural or historic interest. This policy is underpinned by SPP and HES guidance.

Re-use of building

As stated above, the Council's supports the re-use of listed buildings – which is underpinned by relevant national policy and guidance – given this contributes largely towards the long-term conservation of important historic assets. This proposal would deliver on this on this.

Rooflights

The proposed rooflights would be located atop the relatively recent flat roofed link extension not readily visible from surrounding public thoroughfares and therefore should

not adversely affect elements of historic or architectural significance but it would be prudent to obtain details of these in advance to afford maximum protection, which can be controlled by condition. Furthermore, by virtue of their siting and scale they would not be readily visible from public vistas such as Blackburn Place, Church Walk and High Street, and therefore would not adversely affect the character and amenity of the conservation area.

Replacement Windows

The quality of the existing windows fronting onto Church Walk are considered to be poor and their replacement with timber sash & case windows would greatly enhance the character and appearance of the listed building and conservation area.

New Window

This has been justified to provide natural light and ultimately enhance the amenity of potential occupants of the related room, which is considered necessary given the proposed use as pseudo residential accommodation. It would not adversely impact on the fabric of the main part of the listed building, being in the gable of the 'outbuilding' element, and the sash & case window proposed would be coherent with the other windows within the building. Whilst the proposed granite cills and lintols appear acceptable in principle, it is considered necessary to control the detail of these through an appropriately worded condition to the benefit of the visual amenity of the conservation area.

Replace Door with Window

This would ensure an original aperture is retained, whilst enabling the proposed use, whilst not overtly visible from High Street. The detail of the sash & case window and associated timber linings beneath would be coherent with the established character of windows and complementary to the built fabric of the building, as well as being reversible at a later date. It is therefore considered an acceptable impact on the exterior of the building which would not be adverse to the visual amenity of the conservation area. This solution supersedes the original opaque screen originally proposed, which the objection raised concern about.

Replacement Staircase

The proposed railings would be an improvement on those present, even when reconfigured, and would be contained within the rear yard area, thus not having any prominent bearing on the setting of the listed building or character of the conservation area. Likewise, the proposed additional raised concrete area – forming the bin store – would have no greater impact given it would be contained largely behind the existing boundary wall.

Bike Store

This structure would abut the wall and therefore not affect its original character or appearance. Given it would be sited in an enclosed yard; it would not unduly impact on the listed building's setting and character and appearance of the conservation area.

Overall, it is considered the proposed physical external changes to the listed building would not unduly jeopardise its original character and appearance, or that of the wider Old Aberdeen Conservation Area.

Access, Parking and Waste Storage

The Council's Roads and Waste services have been consulted on the proposals but raised no concerns, on the basis the proposals would reduce the parking requirement for the premises and waste would be stored in an appropriate location. In addition, the close proximity of the site to Aberdeen University and inclusion of cycle should seek to mitigate the dependence on the private car as best as reasonably possible. This should allay objectors concerns regarding impact on road safety and waste storage. Subsequently, it is considered the proposal complies with policies R6, T2 and T3 in the ALDP and their respective relevant supplement guidance documents.

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.

Issues raised in representation, not yet addressed

- *Proposal is contrary to the Council's TAN on student accommodation* – It is considered the proposal would comply with the relevant requirements of this document, although it should be noted that it has limited materiality in reaching a determination and is for general guidance purposes.

Conclusion

The proposed use is considered to be compatible with adjoining and neighbouring uses, including the designated community use (University of Aberdeen) which the site has been designated as within on the ALDP Proposals Map. The physical alterations to the building would be adequately sympathetic to the character and appearance of the listed building, and Old Aberdeen Conservation Area. Finally, it has been demonstrated the proposed development could be appropriately serviced. Taking the aforementioned points into account, the proposal would comply with the relevant requirements of all relevant policies in the ALDP 2017 and their associated supplementary guidance. In the absence of any other overriding material considerations, the application is recommended for approval.

RECOMMENDATION

The proposed use would be complementary to the University of Aberdeen, as the nearest 'existing community facility' and would be in-keeping with the character of congruous uses spanning along High Street and adjoining streets. In addition, the proposed physical changes to the application property are considered be appropriately sympathetic to the character and appearance of the category 'B' listed building and wider Old Aberdeen Conservation Area. Finally, the proposed use would be sustainably accessible to the university and wider amenities within the surrounding area and city centre. To this end, the proposal is considered compliant with the following policies in the Aberdeen Local Development Plan 2017: CF1– Existing Community Sites and Facilities; Policy D1- Quality Placemaking by Design; Policy D4– Historic Environment; R6: Waste Management Requirements for New Development; T2 – Managing the Transport Impact of development; and, T3: Sustainable and Active Travel. In the absence of any other overriding material considerations, the proposal is considered acceptable.

REASON FOR RECOMMENDATION

Approve Unconditionally

CONDITIONS

- 1) No development shall occur until full details of: the cill and lintols pertaining to the windows within the converted outbuilding; and, rooflights, have been submitted to the Planning Authority and agreed in writing. Thereafter, the proposed development shall be carried out in complete accordance with such approved details.

Reason: In the interest of the character and appearance of the category B-listed building.

- 2) For the avoidance of doubt, all: frames associated to replacement and new windows within the building; and the 'timber linings' used to partially block-up the existing doorway fronting onto Blackburn Place, shall be constructed from wood.

Reason: To ensure the changes are sympathetic to the special architectural interest of the listed building.

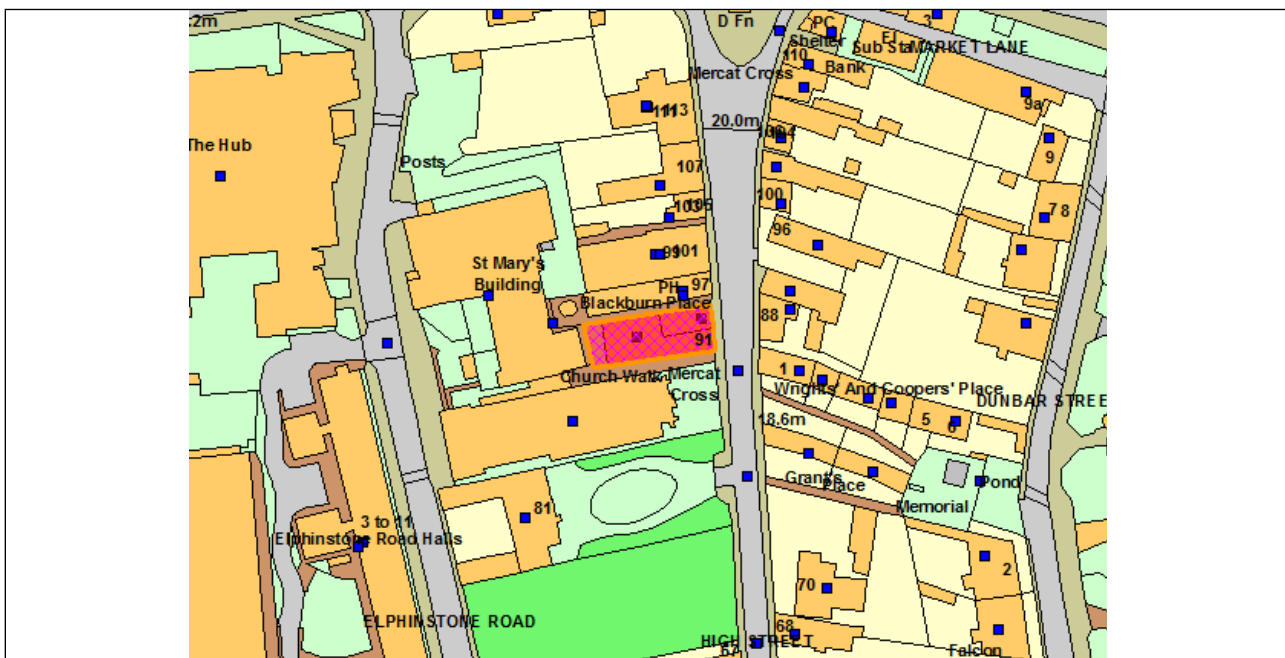
ADVISORY NOTES FOR APPLICANT

- 1) The applicant will need to obtain an HMO (House in Multiple Occupation) license from the Council in order to legally operate the development.

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 <p>ABERDEEN CITY COUNCIL</p>	<h2>Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p>Committee Date: 26th April 2018</p>

Site Address:	Bank Of Scotland, 91 High Street, Aberdeen, AB24 3EN
Application Description:	Formation of new openings and installation of window and rooflights; install replacement windows, with some modification to apertures in rear elevation; replace door with window and associated timber linings; removal of vents; install bicycle store; installation of replacement external stairs, to allow formation of bin store; and various internal alterations
Application Reference:	171457/LBC
Application Type	Listed Building Consent
Application Date:	7 December 2017
Applicant:	Stanthorne Ltd
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council	Old Aberdeen
Case Officer:	Jamie Leadbeater



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The vacant ground floor and year 'garden' of an extended a two and half storey category B-listed building – formerly used as a bank – on the west side of High Street in the Old Aberdeen Conservation Area.

The application relates to the main part of the building, which fronts High Street, as well as the adjoining flat roofed single storey extension and attached pitched roof former outbuilding, as well as a small enclosed yard to the rear (west). Externally, the building is finished in granite and terracotta profiled roof tiles with white timber sash & case windows, although non-original windows and doors are located on the exterior of the extension and converted outbuilding. The interior of the building has been modified over time and stripped of all original features.

Relevant Planning History

Application Number	Proposal	Decision Date
171445/DPP	Change of use from class 2 (financial, professional and other services) to student accommodation (sui generis); Formation of new openings and installation of window and rooflights; install replacement windows, with some modification to apertures in rear elevation; replace door with window and associated timber linings; removal of vents; install bicycle store; and installation of replacement external stairs, to allow formation of bin store.	Pending consideration – To be heard by PDMC On 26/04/2018

APPLICATION DESCRIPTION

Description of Proposal

The proposal involves both internal and external alterations to the building as described below:

- Subdivide interior, using partition walling and suspended ceiling, to create: 6 en-suite bedrooms, kitchen/dining area and lounge;
- Install 2no. rooflights in flat roof of rear link extension;
- Replace door facing onto Blackburn Place with a sash & case window with timber linings below;
- Create new sash & case window in side elevation of converted outbuilding overlooking Church Walk;

- Replace two existing windows overlooking Church Walk with timber sash & case windows;
- Modify existing window opening on west (rear) elevation of converted outbuilding and install timber framed casement window. Reduce size of second window opening window in this elevation and also install timber framed casement window;
- Install replacement railings to staircase in rear yard and extend raised platform slightly to form bin store; and,
- Install timber framed cycle store in rear yard.

Supporting Documents

All drawings, and supporting document listed below, can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P0L549BZHPU00> .

- Design and Heritage Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the local community council has objected to the proposals.

CONSULTATIONS

Historic Environment Scotland – No comments..

Old Aberdeen Community Council – Object; on the basis that the existing doorway fronting onto Blackburn Place should not be replaced with an opaque screen.

REPRESENTATIONS

One objection has been received, which has raised the following material matter:

- Replacement of door on northern/ side elevation with opaque screen is not acceptable.

MATERIAL CONSIDERATIONS

Legislative Requirements

Where a proposal affects a listed building Sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining an application for Listed Building Consent to have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses. This is the primary consideration in the determination of applications for Listed Building Consent.

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)

- Historic Environment Scotland – *Managing Change in the Historic Environment: Guidance Notes*.

Aberdeen Local Development Plan (2017)

- Policy D4: Historic Environment

Supplementary Guidance and Technical Advice Notes

- Replacement of Windows and Doors (Supplementary Guidance)

Other Material Considerations

- Old Aberdeen Conservation Area Character Appraisal (CACA)

EVALUATION

Policy D4 in the ALDP states there will be a presumption in favour of the re-use of listed buildings whilst new developments should seek to respect the character, appearance and setting of these buildings, as well as protecting their special architectural or historic interest. This policy is underpinned by SPP and HES guidance.

Internal Changes

No features of historic or architectural significance remain within the interior of the building – as set out in the submitted Design & Heritage Statement and correspondence with the agent - and the original layout appears to have been modified over time. As such, the proposed internal rearrangement is not considered to have an undue adverse impact on the inner fabric of the building which could impact on its original character and integrity.

Rooflights

The proposed rooflights would be located atop the relatively recent flat roofed link extension not readily visible from surrounding public thoroughfares and therefore should not adversely affect elements of historic or architectural significance but it would be prudent to obtain details of these in advance to afford maximum protection, which can be controlled by condition.

Replacement Windows

The quality of the existing windows fronting onto Church Walk are considered to be poor and their replacement with timber sash & case windows would greatly enhance the character and appearance of the listed building.

New Window

This has been justified to provide natural light and ultimately enhance the amenity of potential occupants of the related room, which is considered necessary given the proposed use as pseudo residential accommodation. It would not adversely impact on the fabric of the main part of the listed building, being in the gable of the 'outbuilding' element, and the sash & case window proposed would be coherent with the other windows within the building. Whilst the proposed granite cills and lintols appear

acceptable in principle, it is considered necessary to control the detail of these through an appropriately worded condition.

Replace Door with Window

This would ensure an original aperture is retained, whilst enabling the proposed use, whilst not overtly visible from High Street. The detail of the sash & case window and associated timber linings beneath would be coherent with the established character of windows and complementary to the built fabric of the building, as well as being reversible at a later date. It is therefore considered an acceptable impact on the exterior of the building. This solution supersedes the original opaque screen originally proposed, which the objection raised concern about.

Replacement Staircase

The proposed railings would be an improvement on those present, even when reconfigured, and would be contained within the rear yard area, thus not having any prominent bearing on the setting of the listed building. Likewise, the proposed additional raised concrete area – forming the bin store – would have no greater impact given it would be contained largely behind the existing boundary wall.

Bike Store

This structure would abut the wall and therefore not affect its original character or appearance. Given it would be sited in an enclosed yard; it would not unduly impact on the listed building's setting.

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.

Conclusion

Overall, it is considered the proposed physical changes to the listed building would not unduly jeopardise its original character and appearance and therefore the relevant expectations of Policy D4 and its associated SG on replacement windows and doors, which are underpinned by national planning policy and guidance. Furthermore, it is not considered the proposal would be at odds with the themes within the CACA for Old Aberdeen. Taking the aforementioned factors into account, the application is therefore recommended for approval, subjected to the recommended condition.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed internal and external changes to the listed building are considered sympathetic to the character and appearance and therefore would not pose any undue adverse impacts to the building's special architectural and historic interest. As such, the proposals are considered compliant with the relevant requirements of the Policy D4: Historic Environment in the Aberdeen Local Development Plan 2017 and associated Supplementary Guidance on replacement of doors and windows, as well as the essence of relevant provisions of national policy and guidance. Therefore the proposals are considered acceptable.

CONDITIONS

- 1) No development shall occur until full details of the cill and lintols pertaining to the windows within the converted outbuilding, as well as rooflights, have been submitted to the Planning Authority and agreed in writing. Once approved, the proposed development shall be carried out in complete accordance with the approved scheme.

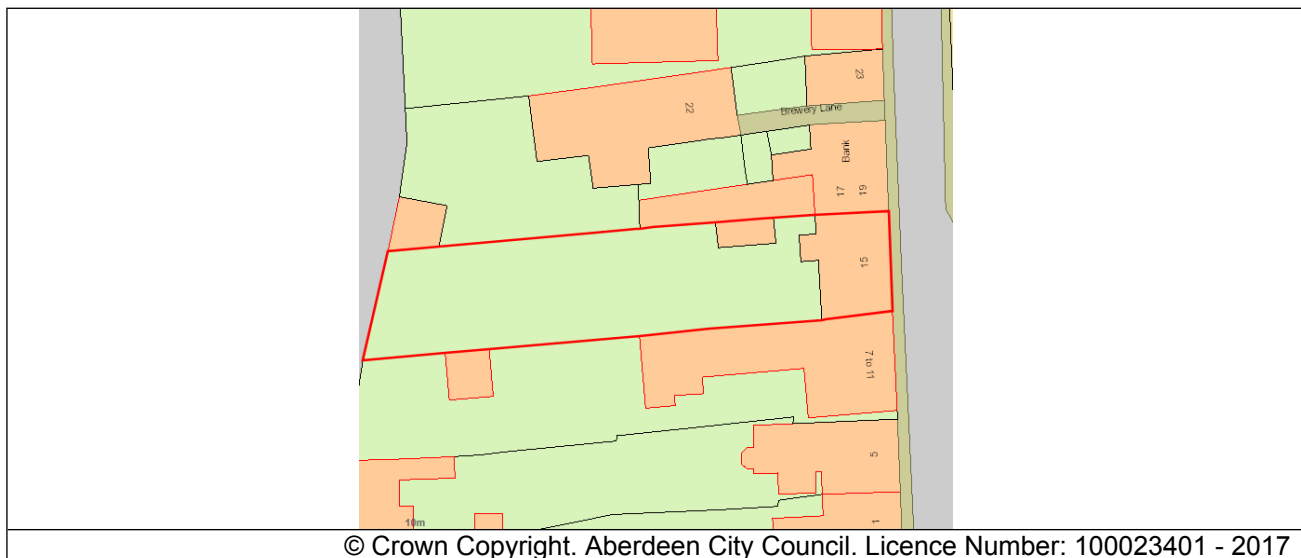
Reason: In the interest of the character and appearance of the category B-listed building.

- 2) For the avoidance of doubt, all replacement and new windows within the building shall be constructed from timber, as well as the timber linings used to partially block-up the existing doorway fronting onto Blackburn Place.

Reason: To ensure the changes are sympathetic to the special architectural interest of the listed building.

 <p>ABERDEEN CITY COUNCIL</p>	<h2>Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p>Committee Date: 26th April 2018</p>

Site Address:	15 High Street, Aberdeen, AB24 3EE,
Application Description:	Change of use of from residential (Class 9) to public house (Sui Generis), and installation of ventilation duct to rear
Application Reference:	170710/DPP
Application Type	Detailed Planning Permission
Application Date:	6 July 2017
Applicant:	Mr Juliusz Matraszek
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council	Old Aberdeen
Case Officer:	Jamie Leadbeater



RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The site comprises the ground floor of a vacant late 18th Century category B-listed dwellinghouse on the western side of High Street in Old Aberdeen within an area identified as being associated to the University of Aberdeen (UoA).

The principal elevation abuts the pedestrian walkway on High Street, with a garden area including detached storage building to the rear. A building in office use associated to the UoA office adjoins the northern side elevation, whilst a catholic chaplaincy abuts the southern boundary. To the east beyond High Street is an area of open space (Elphinstone Lawn) flanked by listed buildings such as: King's College Chapel ('A' listed); King's College; and the King's College New Building, both 'B' listed.

In terms of land use designations, the site is zoned within a wider 'Existing Community Sites and Facilities' area, as shown on the Proposals Map to the Aberdeen Local Development Plan 2017 (LDP) and within the Old Aberdeen Conservation Area.

Relevant Planning History

Application No.	Proposal	Decision Date
170709/LBC	Listed Building Consent (LBC) for Internal alterations to building to form Public House	Pending consideration, and presented elsewhere on this PDMC Agenda.

APPLICATION DESCRIPTION

Description of Proposal

Change of use from dwellinghouse (Class 9) to Public House (a *Sui Generis* use) and installation of ventilation duct to rear elevation. Submitted Drawing No L(00)04 Rev B sets out the internal arrangement of the proposed public house.

In respect of proposed servicing arrangements, deliveries are expected to be taken on Elphinstone Road to the rear (west) and into the premises via the rear 'garden' area. A detached building within this rear area, close to the rear elevation, will act as a storage facility. Opening hours are proposed to be midday to midnight, Monday to Sunday.

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=ORJ7SEBZLKH00> .

- Conversation Noise Assessment
- Noise Impact Assessment

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the local community council has objected and the application has received in excess of 5 valid objections.

CONSULTATIONS

ACC - Environmental Health – No objection. Attended during ‘conversation noise’ assessment with the applicant’s Noise Acoustician, and on review of the written findings, do not consider predicted noise levels would be audible within adjoining premises. Furthermore, if planning permission is to be granted it is recommended that a condition be attached restricting use of the rear garden area to staff only.

ACC - Roads Development Management Team – No objection. Note there is no dedicated parking, but that the application property is easily accessible by foot and well served by cycle routes and by a number of public transport connections within a 400m radius, some of which run past the application property.

ACC – Waste Strategy – No objection. Premises would be served by a business waste collection. ACC is not the only commercial waste collector and the applicant would need to make their own arrangements for the collection of waste. The business would be required to make provision for recyclable and food waste. Waste should not be stored on street.

Old Aberdeen Community Council – Object, for 3 main reasons: proposed use would degrade a listed building; severely degrade the ability of the adjoining chaplaincy to meet the needs of students in need; and, the proposal will have an adverse effect on Old Aberdeen.

Police Scotland – No objection, but offer the following observations. General layout is good from a crime prevention perspective. Advise there is a low-crime rate locally. Note that the proposal could change the crime profile of the area, if left un-checked, through an increase in anti-social behaviour and public disorder. However, this could be mitigated through use of: CCTV; and/or staff monitoring of customers within the premises; and use of good quality lighting within and outside the premises. It is recommended the applicant liaises with Police Scotland’s Architectural Liaison Officer at each stage of the development process for purposes of designing-out crime and it is encouraged the applicant obtains secures the ‘Secured By Design’ award to demonstrate safety and security have been proactively considered and the development meets high standard in this respect.

REPRESENTATIONS

The application has received a total of 630 representations (396 in support and 234 against), the following material matters of which have arisen can be summarised as:

Reasons to Support:

- Provide platform to enhance community spirit and raise morale;
- Would bring a long-term vacant building back into use;
- Any disruption arising would be minimal;
- Aberdeen has a huge problem with underused properties
- Good location in relation to the University of Aberdeen as the designated 'existing community facility';
- Noise concerns overplayed;
- High Street is already a busy public thoroughfare and this use would not significantly affect this;

Reasons to object:

- Noise from the pub would disturb adjoining chaplaincy building;
- The building is not derelict;
- Adverse impact on local residents in terms of noise and general disturbance;
- The application property should remain as a dwellinghouse;
- Pub would give rise to an incongruous mix of uses;
- Use would adversely affect the peaceful and leafy character of Old Aberdeen;
- Proposed use would give rise to road safety implications through increase in drop-offs and unauthorised parking;
- The adjoining chaplaincy has a residential nature to its use;
- Proposals contrary to the Council's local planning policies;
- Proposal would be 'alien' to the established character of Old Aberdeen;
- Proposed use would change the 'residential nature' of High Street;
- Proposed use would spoil the setting of King's College opposite;
- Proposed opening hours of 12pm to 12am are unacceptable;
- Proposals conflicts with the Council's SG on 'harmony of uses';
- Fails to comply with Scottish Government's policy on 'sustainable development';

Issues raised in representations which are considered non-material to determination

- Students are transient people by nature and therefore their support for this project should be meaningless;
- There is not an under provision of licensed premises in Old Aberdeen;
- Litter arising from the use would have an unacceptable impact on High Street;
- The number of houses within in Old Aberdeen in gradually diminishing, which is adversely affecting local community character;
- Excessive alcohol consumption in society is a serious problem and this would only serve to exacerbate this issue;
- Proposed use would adversely affect the existing public houses businesses in Old Aberdeen, specifically the St. Machar Bar;
- Proposed use would give rise to an increase in anti-social behaviour;

- Proposed use would result in students congregating outside the premises on High Street resulting in increase in litter.
- Safety concerns for pedestrians walking-up High Street late at night;
- No details have been given about signage;
- There are already sufficient employment opportunities for students;
- Old Aberdeen needs more family homes as opposed to student bars to make it better;
- Unethical to have a public house next to a place of worship which accommodates classes for children;
- There is no evidence that the Bobbin and St. Machar Bar do not meet the needs of locals
- Removal of beer garden element would just transfer noise from the rear of the property to the front of it, on High Street;
- Proposed use would reduce tourist's interest in Old Aberdeen;
- Would create jobs;
- No Student's Union at present, university lacking its own dedicated student bar;
- Existing pubs in Old Aberdeen are not student-friendly;
- In sufficient capacity in The Bobbin to cater for all students;
- Would help community cohesion in Old Aberdeen;
- A place for new students to meet;
- Proposed use would help to revitalise the local economy of Aberdeen;
- Proposed use could help reduce anti-social behaviour by increasing social interactions;
- Objections are based on prejudice against students;

PLANNING POLICY FRAMEWORK AND MATERIALITY

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 Policy and Guidance

- Scottish Planning Policy (SPP)
- Planning Advice Note 1/2011: Planning and Noise (PAN 1/11)

Aberdeen Local Development Plan 2017 (ALDP)

- Policy CF1: Existing Community Sites and Facilities
- Policy D4: Historic Environment
- Policy T5: Noise
- Policy T2: Managing the Transport Impact of Development
- Policy R6: Waste Requirements for New Development

Supplementary Guidance (SG) and Technical Advice Notes (TAN)

- Noise (SG)
- Transport and Accessibility (SG)
- Resources for New Development (SG)

EVALUATION

Main Issues

The main issues are: firstly, whether the proposed development is acceptable in principle; and secondly, whether the proposal is compatible with the character of the area and amenity of neighbouring uses.

Assessment of Main Issues

Principle of Development

Policy CF1 of the LDP will permit in principle the re-use of buildings within Existing Community Sites and Facilities for alternative uses where land and buildings have become surplus to requirements, subject to being compatible with the character of the area.

The University, via its Estates Department, has conveyed its desire to seek an alternative use for the building on the basis that it is surplus to their current and anticipated future academic and non-academic needs. Therefore the principle of the development is acceptable subject to its compatibility with the character of the area.

Affect upon Character of the Area

Compatibility with Character of the Area

The character of an area is more than the component buildings and the spaces they create, it embodies a range of differing and competing uses. In this regard the character of the area includes St. Machar Bar and Red Lion pub which has proven to be a part of a congruous mix of uses along High Street and College Bounds respectively. Therefore the proposed use is not unique or out of character with the area.

With regard to the proposed use as a public house, this is considered to fall within the scope of a 'community facility' and the development thus accords with the character designation set out in the ALDP.

Impact upon Amenity

It is accepted that privacy and the protection of general amenity constitutes a material consideration in determining development proposals and is also an important objective in ensuring that residents of properties bounding any development site feel at ease within and without their accommodation. This position is covered by LDP policy T5 and its explanatory text at paragraph 3.54:

The planning system has a role to play in ensuring new development does not result in increasing numbers of people exposed to adverse noise impacts

The primary consideration in this respect is whether the proposed use would harm the amenity of the area by way of excessive noise generation and its migration. The neighbouring chaplaincy express concerns over noise generation impacting on the tranquillity within their place of worship, as well as resident staff having their amenity degraded.

To investigate noise issues a noise assessment was undertaken in the chaplaincy building in the presence of their representatives. The Council's Environmental Service having reviewed the assessment and visited the site conclude that likely noise generation would not pose an unacceptable impact to adjoining properties (including the chaplaincy). It is therefore considered that the proposed development accords with policy T5 of the LDP.

The proposed hours of opening are a matter which are best controlled via the licensing process and it would not be appropriate to apply separate control via a planning condition. However the use of external areas as beer gardens or a street café has not been considered in this assessment and would require a further application to be made. An appropriately worded planning condition can confirm this limitation/ requirement.

Other Issues

Impact on Historic Asset

Policy D4 of the LDP, building upon national advice, actively encourages the productive re-use of vacant listed buildings to uses that will maintain their long term conservation and physical upkeep. The proposal meets these requirements, mindful that a number of minor internal alterations are addressed in the accompanying Listed Building Consent application.

The only external physical change to the listed building is the introduction of a small ventilation duct within the rear elevation wall, to serve the proposed toilets. Given the form and scale of the vent it would not have an undue adverse impact upon the character and appearance of the Listed Building or the Conservation Area. This aspect of the proposal is considered to accord with LDP policy D4.

Transport and Accessibility

The site occupies a highly sustainable location and is accessible by a full range of modes of transport, outwith the private motor car, and therefore complies with policy T2 of the LDP.

Waste Management

The submitted site plan shows waste facilities to be located in the rear garden area, which would be accessible to staff only. Waste Strategy have no objection to the proposals. It is considered that the waste arrangements, incorporating collection off Elphinstone Road, accord with LDP policy R6.

Residual matters from those raised in public representations

The following material matters raised in letters of objection are addressed as follows:

- *Proposed use would spoil the setting of King's College opposite* – The proposal does not incorporate any tangible changes to the building thus there would be no physical impact on the setting of the surrounding listed buildings;
- *Proposals conflicts with the Council's SG on 'harmony of uses'* – Given the site's land-use designation (CF1), this referenced supplementary guidance is not applicable (relating to only H1 and H2 areas).
- *The application property should remain as a dwellinghouse* – The proposal before us is for the change of use of the premises and this must be determined on its own merits;
- *Use would adversely affect the peaceful and leafy character of Old Aberdeen* – The proposal would not affect the visual character of the area and would not affect trees. Peaceful is a subjective term and is down to personal interpretation, however the submitted noise assessments demonstrates that building is already constructed to a standard which suitably retains noise. As such the impact on amenity is considered acceptable.

Conclusion

The proposal would comply with the aforementioned policies of the LDP underpinned by relevant national planning policy and guidance and in the absence of any overriding other material considerations the application is recommended for approval.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The principle of development is considered acceptable, the proposed use would accord with the existing character of the area and the proposal would aid the conservation of a long-term vacant category B-listed building, considered surplus to current and anticipated future requirements by the owner. Further, the proposed use would not cause undue detriment to the function and amenity of adjoining uses, and amenity of the wider Old Aberdeen Conservation Area. Finally, the proposed use would be accessible by a range of transport modes and suitable storage arrangement can be accommodated within the site. Taking these aforementioned factors into account, the proposal is considered compliant with the relevant national policy and guidance, and the following policies in the Aberdeen Local Development Plan 2017: Policy CF1: Existing Community Sites and Facilities; Policy D4: Historic Environment; Policy T5: Noise; Policy T2: Managing the Transport Impact of Development; and, Policy R6: Waste Requirements for New Development, as well as their relevant associated supplementary guidance. Therefore the proposal is considered acceptable.

CONDITIONS

- 1) That, for the avoidance of doubt, the garden space within the rear curtilage of the application property shall not be used by customers of the public house at any time.
Reason: In the interests of local residents' general amenity.

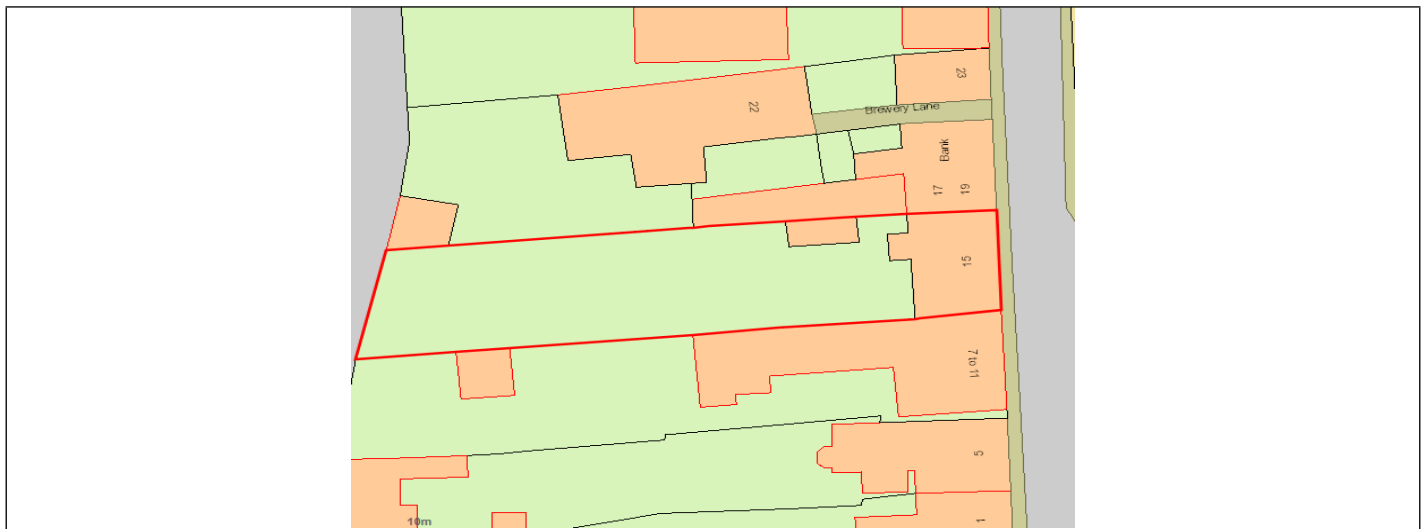
ADVISORY NOTES FOR APPLICANT

- 1) Express Advertisement Consent is likely to be required should the applicant wish to affix any signage to the application property. It is therefore recommended that the applicant contacts the Planning Service to establish if an application would be needed.
- 2) Listed Building Consent (LBC) may be required for any external or internal changes to the building to facilitate public house use – including advertisements. It is therefore recommended that the applicant contacts the Planning Service to establish if an application would be needed.
- 3) The applicant is responsible for arranging business waste collection from the premises. Aberdeen City Council is not the only waste collection operators in the city. ACC Waste services can be contacted by phone on: 03000 200 292.
- 4) It is recommended that the applicant/developer liaises with Police Scotland's Architectural Liaison Officer to discuss possible measures associated to 'designing-out crime' and securing a 'Secured By Design' award.
- 5) The applicant/operator is required to obtain an appropriate operating licence from the Council's Licensing Department to legally bring the public house proposals into use. ACC Licensing can be contacted by phone on: 01224 522449 or by email at: licensing@aberdeencity.gov.uk.

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 <p>ABERDEEN CITY COUNCIL</p>	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 26th April 2018

Site Address:	15 High Street, Aberdeen, AB24 3EE,
Application Description:	Internal alterations to building to form Public House
Application Reference:	170709/LBC
Application Type	Listed Building Consent
Application Date:	6 July 2017
Applicant:	Mr Juliusz Matraszek
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council	Old Aberdeen
Case Officer:	Jamie Leadbeater



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The ground floor area of a vacant two and half storey, late 18th Century category B-listed dwellinghouse on the western side of High Street within Old Aberdeen.

Externally, the building sees an aged granite block to the front; a pitched slated roof, containing piended dormers to front and chimney stacks to either end. The front elevation contains a black panelled front door, with associated fanlight, 5 white painted timber sash & case windows with a '6

over 6 pane' astragal pattern across the ground and first floor. The rear elevation contains similar style windows at ground and first floor level, although the façade is primarily similar stonework as to the front. However, there is also red brick rubble blocking-up two previous window apertures; a circular fanlight window; and hipped slated roof rear porch, finished in render.

Internally, the ground floor contains features which appear of architectural and historic interest, such as: doors and their frames, cornicing, fireplaces, and wooden panelling to windows. These features sit alongside more modern features such as: radiators, plaster board walls, wallpaper and kitchen facilities.

Relevant Planning History

Application Number	Proposal	Decision Date
170709/LBC	Change of use of from residential (Class 9) to public house (Sui Generis)	Pending consideration, and presented elsewhere on this PDMC Agenda.

APPLICATION DESCRIPTION

Description of Proposal

Internal alterations to building, associated to proposed use as a Public House, comprising:

- Remove and replace defective beam in ceiling to main left-side room;
- Remove existing non-original plasterboard walls in left-side room, to expose lath and plaster finish to internal walls;
- Install new partition walling, in back-right room, to form disabled and unisex toilets; and,
- Core 4 inch (diameter) hole through rear brick wall to install ventilation for the toilets.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/onlineapplications/applicationDetails.do?activeTab=documents&keyVal=ORJ538BZLKE00> .

- Heritage Statement

Reason for Referral to Committee

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

CONSULTATIONS

Historic Environment Scotland – No objection. Advise that the proposals do not raise historic environment issues of national significance; that changes to the building should be minimised and allow for reversibility, and be assessed with the assistance the Council's conservation officers.

Old Aberdeen Community Council – Object, on the basis of: inadequate level of information; very high levels of concern from long-term residents; potential oversupply of drinking establishments; unsuitable building for the use; and, unsuitable location for the proposed use.

REPRESENTATIONS

The application has received a total of 82 representations, all of which object to the proposals. The great majority of these letters raise no material issues to the consideration of an application for Listed Building Consent, however those that do raise the following material matters:

- The open-plan proposals would destroy the original internal layout of the category B-listed building;
- Demolition of inner walls undermines the concept of 'listing' which implies a degree of protection;
- Historic floor layout would be lost as a consequence of the proposed works;
- Proposed changes would lead to irreversible change to the character of the listed building;
- Original cornicing would be ripped out which can't be replaced;
- Widening of entrance door to meet safety standards would compromise the attractiveness of the listed building;
- Proposals would be contrary to Policy D4 in the ALDP.

MATERIAL CONSIDERATIONS

Legislative Requirements

Where a proposal affects a listed building Sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining an application for Listed Building Consent to have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses. This is the primary consideration in the determination of applications for Listed Building Consent.

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)
- Historic Environment Scotland – *'Managing Change in the Historic Environment: Guidance Notes'*.

Aberdeen Local Development Plan (2017)

- Policy D4: Historic Environment

Supplementary Guidance and Technical Advice Notes

- None

EVALUATION

Policy D4 in the ALDP states there will be a presumption in favour of the re-use of listed buildings; whilst new developments should seek to respect the character, appearance and setting of these buildings, as well as protecting their special architectural or historic interest. This policy is underpinned by SPP and HES guidance.

Removal and installation of replacement beams

The existing load bearing beam is no longer structurally sufficient to support the ceiling within the proposed bar servery. The proposed beam would seek to reinforce the structural stability of the ceiling to make it safe for public use. The scale and siting of the beam is considered reasonable in which to serve this purpose, without being unduly intrusive on the original internal wall fabric.

Installation of partition walls

These walls have been justified in order to provide toilets for the proposed public house, in order to meet DDA (Disability Discrimination Act) requirements. They have been designed in order to

minimise disturbance to the floor and ceiling, and would be removable should they no longer be required, as per Historic Environment Scotland's (HES) advice.

Creation of vent duct

The duct is necessary to ventilate the toilets, and whilst it would involve making an hole in a section of existing random rubble granite wall, the diameter would be minor and therefore would pose no significant impact to the original character and appearance of the listed building, especially given it would not be overtly visible from surrounding public vistas. Although it is likely that the positioning will be chosen to minimise impact on the stonework, a suitably worded condition could control the precise positioning of the works – to ensure the minimum impact on stonework.

Removal existing non-original plasterboard

This would enable an element of the building's interior, which is not of architectural or historic significance, to be removed to expose part of the historic fabric of the building, thus enhancing the special character and appearance of the building – a core requirement of national and local policy and guidance.

Matters raised by local community council and objectors not yet addressed

- 1) *Inadequate level of information* – The Planning Service is content that sufficient detail and information on the proposed works have been submitted to reach a competent determination;
- 2) *Very high levels of concerns from long-term residents* – The level of concern and length of time an objector has resided in the area is not material to the Planning Service's consideration of the application for Listed Building Consent. All material concerns have been addressed within the above evaluation;
- 3) *Potential oversupply of drinking establishments* – This is not a material consideration in determining a Listed Building Consent application;
- 4) *Unsuitable building for the use* – This is not a material consideration in assessing the merits of the proposal, notwithstanding it is considered that the works to the building are appropriate in terms of the Listed Building considerations;
- 5) *Unsuitable location for the proposed use* – This is not a material consideration in assessing the Listed Building considerations;
- 6) *The open-plan proposals would destroy the original internal layout of the category B-listed building* – The amended proposals would not alter the original layout by removing original walls or doors. The original proposals did seek to undertake these works, but the applicant has omitted these from the proposals amidst concerns from the Planning Service;
- 7) *Widening of entrance door to meet safety standards would compromise the attractiveness of the listed building* – The proposals do not entail the widening of the entrance door;
- 8) *Original corncicing would be ripped out which can't be replaced* – Very little of the existing corncicing would be removed, other than a few inches associated to the installation of the proposed new beam. Those limited interventions are considered acceptable.

Conclusion

In conclusion, the proposed works are considered to have a minor impact on the original fabric of the listed building which are both supported by reasonable justification and which can largely be reversed. To this end, it is not considered the proposals would have an undue impact on the building overriding original character and appearance, thus rendering the proposals acceptable within the context of Policy D4 in the ALDP, SPP and HES guidance. Therefore the application is recommended for approval.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

By virtue of the scale of proposed level of changes to the interior of the existing listed building, it is not considered the proposed works would unduly compromise the special architectural or historic character and integrity of this category B-listed building. To this end, the proposal is deemed compliant with the thrust of relevant national policy and guidance, as well as that of Policy D4: Historic Environment within the Aberdeen Local Development Plan 2017. Other material considerations are not considered to outweigh these merits and therefore the proposal is considered acceptable.

CONDITIONS

- 1) No development shall occur until the applicant has submitted precise details to the Planning Authority for approval clarifying the exact location for drilling the ventilation duct into the rear wall. Once agreed, the works shall be carried out in complete accordance with the approved scheme.

Reason: In the interests of minimising damage to the built fabric, particularly stonework, of the listed building

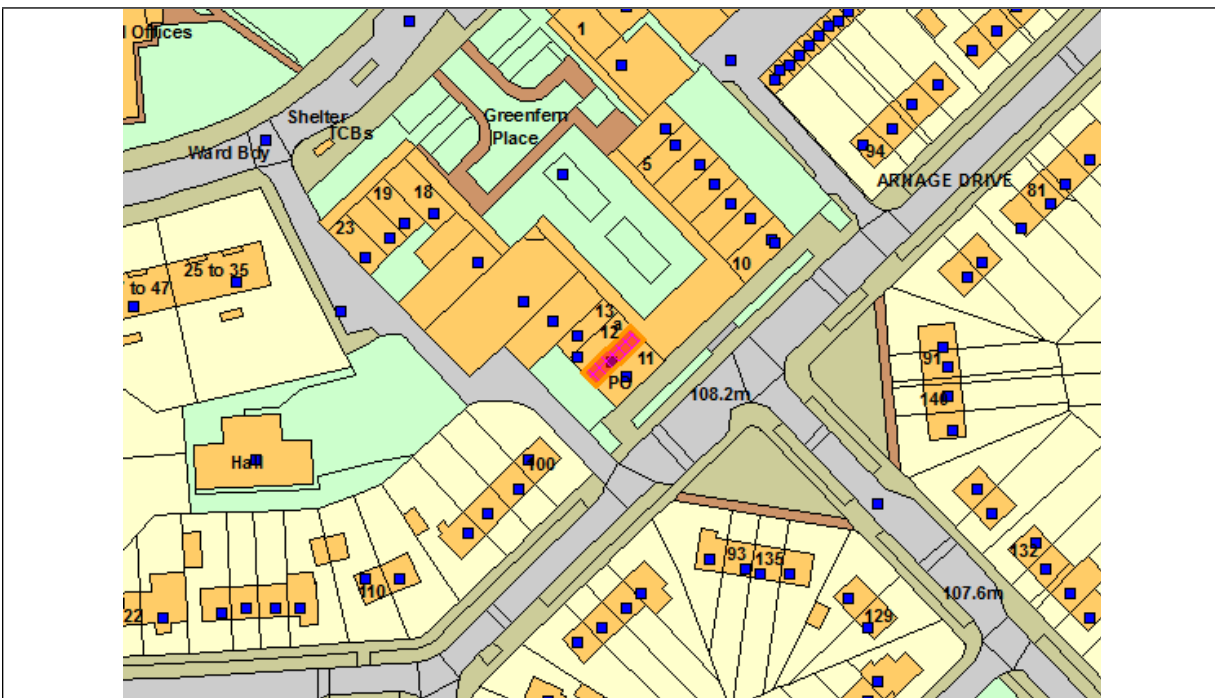
ADVISORY NOTES FOR APPLICANT

- 1) Further Listed Building Consent (LBC) could be required to affix any signage to the building, including above the main entrance door from High Street. It is therefore recommended that the applicant contacts the Planning Service to establish if an application would be needed.
- 2) Express Advertisement Consent would most likely be required to erect/affix any signage to the fabric of the listed building which is visible from High Street or Elphinstone Road. It is recommended the applicant/developer engages in pre-application discussion with the Planning Authority for such proposals prior to the submission of any formal application to obtain the required consent.

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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: 26th April 2018</p>

Site Address:	Unit 12 , Mastrick Shopping Centre, Greenfern Road, Aberdeen AB16 6PY
Application Description:	Change of use from class 1 (shops) to sui generis (hot food take-away)
Application Reference:	171333/DPP
Application Type	Detailed Planning Permission
Application Date:	7 November 2017
Applicant:	Mr Kamel Ouarab
Ward:	Kingswells/Sheddocksley/Summerhill
Community Council	Mastrick, Shedocksley And Summerhill
Case Officer:	Jamie Leadbeater



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

A vacant class 1 (shop) unit in Mastrick Shopping Centre, which is itself situated between Arnage Drive and Greenfern Road. The shopping centre, a designated 'neighbourhood centre' on the ALDP Proposals Map 2017, comprises commercial units of varying sizes which contain a mix of: Class 1 (Shops), 2 (Financial, Professional and other services), 3 (Food and Drink) and Sui Generis (such as hot food takeaway) uses. The nearest residential property is located c.17m to the south-west of the application unit.

Relevant Planning History

Application Number	Proposal	Decision Date
131843	Change of Use from Class 1 (Shops) to Class 2 (Financial & Professional Services), 15 Greenfern Road	Approved - Feb 2014.
120454	Change of Use from Class 1 (Shops) To dental surgery (Class 2), Unit 6 Mastrick Shopping Centre	Approved - June 2012
101422	Change of Use from Class 1 (Shops) To Class 2 (Financial & Professional Services), Unit 4 Mastrick Shopping Centre.	Approved - Nov. 2012
850572	Conversion (change of use) for use as a post office 11 Greenfern Road	Approved - April 1985

APPLICATION DESCRIPTION

Description of Proposal

Change of use from Class 1 (Retail) to Hot Food Takeaway (Sui Generis).

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=OYUKDBBZGWF00> .

- Local Extract Ventilation (LEV) equipment specification;

- Noise Impact Assessment
- Supporting marketing letter

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because both: five objections have been received; and the local community council has objected, and the application is recommended for approval.

CONSULTATIONS

Environmental Health – No objection - satisfied that the proposed LEV (Local Extract Ventilation) system would provide suitable odour control to protect the amenity of the nearest residents and businesses. In addition, the associated Noise Impact Assessment (NIA) is considered reasonable.

Mastrick, Sheddocksley & Summerhill Community Council – Object. Do not welcome a further Hot Food Takeaway as there are 4 of these open during evenings and another 3 during the day.

REPRESENTATIONS

The five objections raise the following material planning considerations:

- Enough takeaways already in the shopping centre;
- The shopping centre would be better served by the unit remaining as a Class 1 shop,
- Loss of amenity within the shopping centre, given it would reduce availability for a more varied shopping experience;
- Smells and fumes would permeate from the premises;
- Opening of a further takeaway will undoubtedly generate frequent vehicle and pedestrian movements;

Issues raised which are not material planning considerations are:

- There are already different types of takeaways and food shops in the area serving different types of food;
- Likelihood of littering from customers is highly probable within public areas;
- Impact of Tesco (on the Lang Stracht) on the viability of premises within the shopping centre.

PLANNING POLICY FRAMEWORK

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 Policy and Guidance

- Scottish Planning Policy

Aberdeen Local Development Plan (2017)

- Policy NC6: Town, District, Neighbourhood and Commercial Centres
- Policy T5: Noise

Supplementary Guidance and Technical Advice Notes

- Hierarchy of Centres (Supplementary Guidance)
- Noise (Supplementary Guidance)

EVALUATION

Change of Use

Policy NC6 in the ALDP makes provision for change-of-use from retail providing it meets all of the following criteria:

- The proposed use makes a positive contribution to the vitality and viability of the centre;
- The proposed use will not undermine the principal function of the centre;
- The applicant can demonstrate a lack of demand for the continued retail use of the premises;
- The proposed use caters for a local need;
- The proposed use retains and creates a live and attractive shop frontage;
- The proposed use does not create clustering of a particular use in the immediate vicinity;
- The proposed use does not conflict with the amenity of the surrounding area.

In response to the criteria, the following assessment is made:

- The proposed use would make a positive contribution to the local neighbourhood centre's (as defined in the Hierarchy of Developments SG) vitality and viability on the basis that the unit has been vacant for a period time and the proposed use is likely to broaden the commercial offering within the neighbourhood centre;
- Should this application be approved: 12 shop (Class 1) units would remain in operation (a further additional unit is also vacant); 3 units in Class 2 use; and 7 units which fall within undefined use classes (Sui Generis), including a public house, 2 bookmakers and 4 hot food takeaways – a mix of uses which is supported by SPP for town and local centres Considering this it is clear that Class 1 use would remain dominant and therefore it is not considered the principle retail function of the shopping centre would be compromised;
- The applicant has submitted detailed marketing evidence confirming the premises has been marketed for retail use since 30th November 2016, with no interest coming forward for Class 1 use. Moreover, it should be noted that this

proposal is consistent with the recent planning history of the shopping centre which demonstrates a trend moving away from Class 1 retail;

- The local community council have objected, stating that there at present 4 hot food takeaways open during evenings and 3 during the day. Whilst this may be the case, this does not necessarily indicate that there is no defined 'local need' for the proposed use, as the success and commercial offering of each of these businesses is dictated by the consumer market which falls outwith the control of the Planning Service;
- At present, the shopfront is masked by a permanently closed roller shutter (reflecting its lack of occupation), and approval of this proposal would see a use recommence and the shutters opened during operational periods - creating a live frontage;
- At present, hot food takeaway outlets are dispersed throughout the shopping centre, like other non-retail uses which contribute to the vitality and viability of the centre. Should this application be approved, it is not considered it would fundamentally alter this arrangement. To this end, it is not considered the proposed would not create an undue level of clustering of Hot Food Takeaways in Mastrick, and as such would not undermine the character and amenity of the centre;
- The submitted noise and odour control information has been reviewed by the Council's Environmental Health Service and they are content the proposal would not have an unacceptable impact on the general amenity of neighbouring residents or businesses through odours and ventilation equipment noise. It would, however, be necessary to condition implementation of the Local Extract Ventilation (LEV) system prior to the use coming into operation.

Overall, it is considered the proposed use would align with the requirements of Policy NC6 and therefore the principle of development is considered acceptable. Furthermore, it should be noted that the proposal would comply with the relevant expectations of Policy T5 and its associated SG in respect of noise.

Other matters raised in representations

- *The shopping centre would be better served by the unit remaining as a Class 1 shop* - Each proposal is required to be considered on its own merits. Moreover, as highlighted in the above discussion, a marketing campaign has not demonstrated any interest from retail occupiers;
- *Opening of a further takeaway will undoubtedly generate frequent vehicle and pedestrian movements* – The site is easily accessible by foot, bicycle, bus and the shopping centre is well served by dedicated car parking and servicing bays to the rear of units. To this end, it is clear the shopping centre is already designed to address such impacts. Furthermore, it should be noted that an increase in pedestrian and vehicle movements would enhance the vitality and viability of the centre to local the benefit of local businesses.

Conclusion

In conclusion, the proposal is considered an acceptable use in line with all relevant ALDP policies and associated supplementary guidance. In the absence of any overriding other material considerations, the application is recommended for approval.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed use would not undermine the primary retail function of Mastrick Shopping Centre and would make a positive contribution to vitality and viability of the neighbourhood centre, whilst not posing an undue amenity impact to neighbouring residential and commercial properties. As such, the proposal is considered compliant with Policy NC6: Town, District, Neighbourhood and Commercial Centres; and Policy T5: Noise in the Aberdeen Local Development Plan 2017 and the supplementary guidance on noise. Furthermore, the proposed use would result in a continued mix of local centre use as supported by SPP. The proposal is therefore considered acceptable.

CONDITIONS

- 1) Prior to the use coming into operation, the Local Extract Ventilation (LEV) system as specified in the submitted Noise Impact Assessment (prepared by Bureau Veritas, 20/03/2018) shall be installed and remain operational for the lifetime of the use.

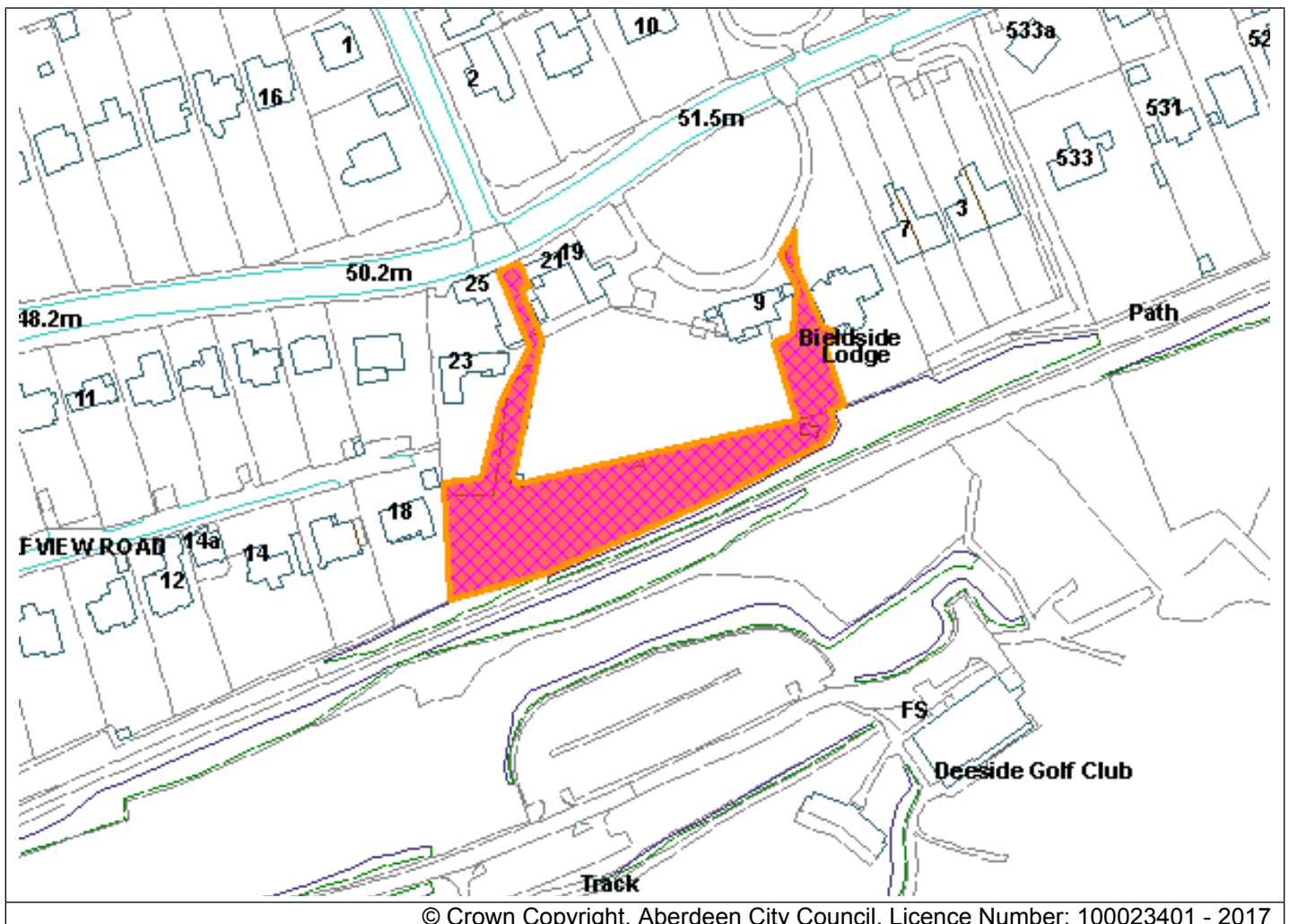
Reason: In the interests of protecting local residents and businesses general amenity.

ADVISORY NOTES FOR APPLICANT

- 1) Should the applicant/developer wish to affix any new signage to the application property, it is recommended they check with the Planning Service before undertaking any works to check if Express Advertisement Consent will be needed. The Planning Service is contactable on 01224 523470 or at pi@aberdeencity.gov.uk

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p>Committee Date: 26th April 2018</p>

Site Address:	Land At Bielside Lodge, North Deeside Road, Bielside, Aberdeen AB15 9AD
Application Description:	Approval of matters specified in conditions 1(design/landscaping/boundary treatment/method statement) 6(finishing materials) 7(drainage works) 8(foul sewerage facilities) 10(landscaping) 12 & 13(care, protection and maintenance of trees) of P120491 for erection of dwellinghouse
Application Reference:	170028/MSC
Application Type	Approval of Matters Specified in Condition
Application Date:	16 January 2017
Applicant:	Mr Iain Hawthorne
Ward:	Lower Deeside
Community Council	Cults, Bielside and Milltimber
Case Officer:	Lucy Greene



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RECOMMENDATION

Approve conditionally

APPLICATION BACKGROUND

Site Description

The application site consists largely of part of the garden ground associated with Bielside Lodge, the latter lying to the north east of the site. The site also includes a connected strip of land extending northwards and linking with North Deeside Road, so that it wraps around the walled garden to the Category B listed Bielside House and would originally have formed part of its grounds. The site is on a steep south facing slope.

The submissions state that the site extends to 3545m². The main area is approximately 120m in length, whilst varying between approximately 35m and 7m in width. This main area of the site contains a number of trees protected by Tree Preservation Order (TPO) and is otherwise roughly grassed and self-seeded with smaller plants. There is a fall of 12m between North Deeside Road and the southern end of the garden to the rear of Bielside Lodge. There is a further fall east/west across the site of 10m between the southern corner of the garden to the rear of Bielside Lodge and the main site to the south of the Bielside House gazebo. The eastern leg falls 9m between the shared horseshoe driveway and the main part of the site.

On the eastern side the site includes the south west corner of the garden ground immediately to the rear of Bielside Lodge. It should be noted that the application site boundary does not include the driveway linking Bielside Lodge and Bielside House to North Deeside Road. (This driveway is 'horseshoe' shaped and was partly included in the Planning Permission in Principle (PPiP) application site boundary.)

On three sides the site is bounded by the walled garden to the listed Bielside House. An elevated summer house/gazebo, forms a distinctive corner feature within the boundary wall. The wall and summerhouse form part of the listing. There is a metal gate within the walled garden wall providing access, across the application site and through a further gate, onto the Deeside Walkway. The southern boundary of the site runs along the boundary of the former Deeside Railway line, now a public walk and cycle way, part of the Core Path Network and a Local Nature Conservation Site. To all other sides the area is residential.

Relevant Planning History

Application Number	Proposal	Decision Date
120491	Planning Permission in Principle for Erection of dwellinghouse	22.12.2015 Approve with legal agreement

APPLICATION DESCRIPTION

Description of Proposal

The application is for approval of matters specified in conditions (MSC) for conditions 1, 6, 7, 8, 10, 12 and 13 of Planning Permission in Principle (PPiP) for erection of dwellinghouse Ref P120491.

These conditions cover the requirements for submission of information on the PPiP prior to development commencing. The only exception to this being that part of the PPiP application site is not included in this MSC application site, and where conditions relate to that area of land, they

would not be covered in this current MSC. The only condition that relates to this excluded area is in condition (1)(ii) which relates to the “landscaping of the site, including construction and laying out of the access..” A further application for MSC would be required to confirm details of any works lying within this area of the site.

The conditions could be summarised as follows (the full wording of each condition is included in the Evaluation Section below):

- (1) – Design of house, landscaping, boundary treatments, construction method statement and swale
- (6) – External finishing materials
- (7) – Surface water drainage
- (8) – Foul drainage and water
- (10) – Planting of trees and landscaping
- (12) – Tree protection during works
- (13) – Management proposals for trees

The following two conditions from the PPIp (Ref.120491) are also relevant as they set out restrictions and requirements on development:

- Condition 15 requires there to be no storage of materials or machinery etc, nor changes in ground levels within the root protected areas specified in condition 12.
- Condition 17 requires the remediation of any damage to trees or surfaces on the Deeside Walkway and that no works to trees is carried out without consent of the planning authority. This is to be noted when assessing information submitted in relation to the construction method statement under condition 1.

To recap, the PPIp approval is for a single storey detached house, that is described as ‘semi-subterranean’. The house would take advantage of the north – south slope of the land so that it’s single aspect south facing elevation would be approximately at the level of the Deeside Walkway, whilst the accommodation would be built into the slope, with varying proportions being under what is the current ground level. The plans indicate that the footprint of the house would be irregular in shape being a maximum of approximately 14m at its widest point, with a meandering front elevation extending approximately 42m across the site and that the roof of the house would be grassed / planted. The applicant’s agent had submitted cross sections indicating how the ground behind the house, i.e. that containing the listed walls and garden to Bielside House, would be retained behind the rear wall of the proposed house.

Various trees were indicated as being required to be removed, proposed to be transplanted or felled for health reasons.

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=OJPKWSBZIFL00>.

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

- Layout and elevational plans
- Construction Method Statement by Anderson Construction
- Tree survey by Astell Associates dated 13.03.2018
- Tree Protection Plan
- Drainage Statement by Ramsay and Chalmers
- Planning Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because there are 84no. representations and the determination therefore falls outside the scope of delegated powers.

CONSULTATIONS

ACC - Roads Development Management Team – No comments.

ACC - Flooding And Coastal Protection – No objections subject to there being no surface water flowing onto the Deeside Walkway or house.

Cults, Bielside and Milltimber Community Council

The Community Council objects to the proposal, having submitted an objection in the initial consultation period, and a further objection following fresh submissions and a period of re-consultation. These were on the following grounds:

- The condition requires a construction method statement (CMS) showing how the house could be built without damage to the listed structure and how vehicles and equipment would be brought to the site. The revised CMS submitted should adhere to policy NE9 and not involve obstruction and inconvenience for users of the Deeside Walkway, whilst the public should always have freedom of movement along the Walkway. Other methods should be explored, such as craning items from the tennis court to the rear of Bielside Lodge.
- Confirmation is also desired, that a legal agreement has been entered into that would prevent the development of further vehicle accesses, as noted in the PPIP.
- In the first objection the Community Council comments on the inadequate details relating to foul sewage.

REPRESENTATIONS

There were 84 letters of objection received from 79 individuals or organisations. These are summarised below:

Construction Method Statement and the Deeside Walkway:

1. Allowing construction to take place from the Deeside Walkway would result in restrictions on use of path and possibility of damage;
2. Damage to trees on walkway and construction site;
3. The use of Golf Road is unacceptable as it is very narrow and unsuitable for construction vehicles;
4. Access to Golf Club would be impeded if the Walkway is used for construction access;
5. Construction Method Statement fails to satisfy the conditions with regard to damage to listed structure, trees or delivery transfer and storage of materials;
6. Objector raises concern about potential for damage to listed structures adjacent to the application site and submits a report from Fairhursts 2006 on structural integrity of wall to listed building;
7. Any agreement on use of the Deeside Walkway is without the house having planning permission and is therefore *ultra vires*;
8. There is no provision or mention of, the existing gates in listed wall that provide access across the application site for occupiers of Bielside House, and for maintenance of wall;
9. Access gates provided by applicant from Deeside Walkway into site do not have planning permission;
10. Updated CMS in dealing with the listed wall issues, dismisses this with erection of a hoarding at sufficient distance, this is inadequate;

11. CMS reference to trees does not mention lifting of materials at height that could damage canopies;
12. That there is a report to full Council on current process for access along Deeside Walkway for construction traffic and existence of licensing powers, which are under delegated powers to officers in Ranger Service. It is further stated that since 2011 only 4 licences have been granted, 3 for tree works and one for the Aberdeen Western Peripheral Route. The granting of licence for the erection of a house would be inconsistent with this approach;
13. CMS refers to large tipper trucks to removed excavated material, whilst the access way along the Deeside Way is 3m and horseshoe drive is 2.7m, likelihood of structural failure of the summerhouse and wall due to vibration of vehicles;
14. That the proposal to take construction access via the entranceway to Bielside Mill is contrary to the S75 agreement that restricts access;
15. It is questioned how the potential layout areas indicated on the plans would be used without impact on the protected trees and their roots;
16. Allowing construction access from the Walkway would set a precedent for building on all land backing onto it;
17. That it should be questioned whether the old bridge over the Deeside Walkway (part of Golf Road), is adequately strong to withstand heavy vehicles;
18. Use of this route for construction materials would be likely to involve stacking materials next to a swing gate that is a fire access point, near to the Golf Club exit. This requires consideration and risk assessment;
19. Lorries would have to reverse along the Deeside Walkway as there is nowhere to turn;
20. Taking construction access from North Deeside Road would also be dangerous due to the nature of manoeuvres needed. Vehicles would need to reverse out, due to land ownership boundaries and there is a record of accidents;
21. The Deeside Way is used by residents of Newton Dee, and is safe and secure allowing a sense of well-being and security for these residents. This freedom and independence for residents would be threatened;
22. Proof is required that the excavation for the property would not undermine the slope and create a landslide;

Access:

23. Vehicular access to the proposed house is contrived;
24. The proposal does not provide for disabled access;

Wildlife and trees:

25. Presence of bats and red squirrels on site, these are protected species that would be adversely affected;
26. Tree survey and plans for replanting do not tie in with PPIp;
27. Loss of healthy protected trees, whilst there is history of failure to comply with TPOs on this site;

Procedural and legal matters

28. Ownership statements on application are incorrect and this is proven by Court of Session interdict. An accompanying plan shows the relevant land ownerships;
29. Long delay in providing information on the application has caused uncertainty;
30. There was a lack of consultation with the council's conservation team or Historic Environment Scotland although there is potential identified in the PPIp to affect setting;
31. That at the time of planning permission for Bielside Lodge, this was conditional upon the remainder of the ground being undeveloped. There has been no physical change to the ground and the site should remain undeveloped;
32. The S75 legal agreement on the PPIp application, did not achieve what was being sought by Committee, in terms of restricting access;

Drainage

33. The area missing from this current MSC application but within the PPIp application site contains the access and drainage;
34. Details are insufficient to show how water from the site mill lade would be dealt with;
35. There are two alternative drainage plans – one uses horseshoe drive and the other uses area to south of Bielside Lodge, where no servitude rights exist across land – it is owned by 1-7 North Deeside Road;
36. The current mill lade from Bielside Mill discharges over the proposed site, this needs diverting in an environmentally sound way to avoid flooding of nearby property;

Policies

37. The proposal is contrary to the following policies in the adopted Aberdeen Local Development Plan:
 - a. NE1 – Green Space Network;
 - b. NE9 – Access and Informal recreation;
 - c. NE5 - Trees and Woodlands;
 - d. NE6 – Flooding, Drainage and Water Quality;
 - e. D4 – Historic Environment; and
 - f. Supplementary Guidance on Sub-division and re-development of residential curtilages - the current version contains different wording with regard to respecting pattern of existing development and this proposal fails to do so; and,

Other matters:

38. Loss of existing views from neighbouring properties would adversely affect residential amenity.

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 D2 – Landscape
Policy D4 – Historic Environment
Policy H1 – Residential Areas
Policy NE5 – Trees and Woodlands
Policy NE6 – Flooding, Drainage and Water Quality

Supplementary Guidance and Technical Advice Notes

Supplementary Guidance: The Sub-Division and Redevelopment of Residential Curtilages
Supplementary Guidance: Trees and Woodlands

EVALUATION

Principle of Development

The principle of development has been established by the permission granted under Planning Permission in Principle (PPiP) Reference 120491.

It is not therefore relevant to revisit the matters of principle that were considered at that time, other than in so far as the details are relevant to those matters.

The matters for consideration now are: design of house, landscaping, boundary treatments, construction method statement, external finishing materials, surface water drainage, foul drainage and water, planting of trees and landscaping, tree protection during works, management proposals for trees.

Taking each condition in turn:

Design, Landscaping Boundary Treatments and Construction Method Statement

(1) that no development pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application has been made to the planning authority for approval of the matters specified in this condition and such approval has been granted; these matters being details of the: (i) detailed design and external appearance of the building(s) the highest point of which shall be no more than 37.5m AOD and shall be planted with grass or other plants in accordance with a scheme to be agreed as required by other conditions;

(ii) landscaping of the site, including construction and laying out of the access and the installation of a swale or other measures in order to handle water from the former mill lade;

(iii) details of the boundary treatment, including the hedge and temporary treatment to the boundary in the period before the hedge reaches its intended height;

(iv) a construction method statement including details of how construction of the house and any retaining structures shall take place avoiding damage to the listed structures near to the site, including the garden wall and summerhouse; and, how construction vehicles and materials will be brought to and stored upon the site, including how these will be transferred onto the site taking into account the need to protect trees. - in order to comply with Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

Design and external appearance of the building (condition (1)(i))

The design indicated on the submitted plans is very similar to that indicated in the PPiP application. It has a similar footprint and the top of the grassed roof is indicated as being at a level above ground level of 37.5m AOD.

The glazed frontage to the house would be formed in aluminium curtain walling, which would be faceted to achieve an overall curve. A curved metal brise-soleil would extend along the edge of the roof. The external doors to the entrance at the east end of the proposed house would be aluminium framed glazed doors and the adjacent concrete retaining wall, would be faced in random stone rubble adjacent. The roof covering would be sedum, mosses and grasses.

The appearance of the proposed house is as generally indicated in the PPiP. This application is specifically for the details of the curtain walling, roof and brise soleil. It is indicated that the roof would be covered in low growing sedum. The PPiP considered issues such as the impact of the proposal on the setting of the listed building, impact on visual amenity and the amenity of users of the Deeside Walkway. It is only in terms of the further detail now submitted that these issues are to be assessed. The details now submitted would result in only an insignificantly different impact

on the setting of the listed building and associated structures, the Deeside Walkway and visual amenity in the area in general, over and above that already considered in the PPIp application. With the foregoing in mind it is considered that the details are acceptable in terms of condition (1)(i).

Landscaping and swale (condition (1)(ii))

The submitted plans indicate that 36no. trees would be planted, in addition to the beech hedge along the southern boundary. These would be appropriate native species, similar to those currently on site, such as beech, holly, scots pine and cherry. The number of trees is suitable in terms of what could be accommodated on the site, species are appropriate and the details are acceptable in terms of this condition.

Plans indicate the use of no-dig methods for laying surfaces. These would be porous asphalt surfaces to the car parking and driveway within the existing garden of Bielside Lodge. The footpath between the car park and the house would utilise a cellular confinement system with porous asphalt, whilst the footpaths through the areas in front of the house would be gravel on a geogrid. These proposals would allow for sustainable drainage of surface water, whilst mitigating for potential damage to tree roots through digging or compaction.

In terms of the swale, engineers have provided details of further works to deal with water that flows in varying volumes and times from the south end of the Bielside Mill plot and across the western area of the site. These involve a channel to be laid over the ground and a small depression outside root protection areas, where water would soak away. There would therefore be no change to the current situation in terms of impact on the Deeside walkway.

The details submitted are considered acceptable in terms of condition (1)(ii). It should be noted however, that this current MSC application does not include the area of driveway between North Deeside Road and Bielside Lodge, and any change to hard landscape surfaces in that area would need to be subject to a further application for MSC.

Boundary Treatment (condition (1)(iii))

Boundary Treatment proposals include a beech hedge along the boundary with the Deeside Walkway. There is no boundary treatment indicated between the application site and the applicant's property, Bielside Lodge. It is noted that condition 5 on the PPIp application removed permitted development rights, such that an application would be required to be made to erect a boundary treatment. Having said that, in this location, lack of a boundary treatment would be acceptable, as it impacts upon the applicant's property only. There is no indication of a temporary treatment to the boundary during the growth period of the hedge. This is not unacceptable, however, it is noted that due to the removal of permitted development rights, any boundary treatment proposed would require planning permission.

With the attachment of a condition requiring the hedging to be planted and replaced where necessary within specified periods, it is considered that the details submitted are acceptable in terms of condition 1(iii).

Construction Method Statement (condition (1)(iv))

A construction method statement (CMS) has been submitted in relation to condition (1)(iv). This includes several elements.

Laydown areas for materials are indicated and these are just outside tree root protection areas. The proposed areas are small, the western most area (Area 3) is on a steep slope and areas are bounded by the edges of tree root protection areas. Whilst it is acknowledged that these will be awkward to use and care will be needed to work within the tree protection fencing, the details of

those two areas are considered acceptable. The area indicated for site huts has been amended to take it out of the root protection area of tree 861.

Turning to the CMS itself, this is a revised version provided by Anderson Construction. It states that the main means of access to the works will be via the Deeside Walkway and that “due to the limited space available for vehicular access there may be a requirement for larger loads to be decanted before they go down Golf Road and then transported along to the construction works by specialist transportation”. The CMS acknowledges the limitations of the access and amongst other things, states that a banksman on foot will escort all vehicle movements. There have been discussions directly between the Council’s Ranger Service and the applicant, with the former being the Council service that would regulate the use of the Deeside Walkway. The agreement with the Council would be likely to include restrictions, amongst many things, on times of use of the Walkway, so that use would fall outside the busier commuting times. The decision as to whether and under what terms access would be granted along the Deeside Walkway is for the Council, rather than the planning authority.

Construction sites are occasionally located in awkward and restricted locations and in these circumstances measures such as specialist vehicles and smaller loads require to be used. With that in mind construction access is rarely a matter for consideration by the planning authority, and it is only in respect of impact on the protected trees and the listed structure that it is a consideration under this application. It is considered that the proposals for access could reasonably be considered to be possible without significant impact on the Walkway. A condition on the PPIp requires remediation, and this would be attached to any consent granted under this current application. However, the use of the Walkway would be regulated by the Council under other controls and national planning guidance indicates that the planning system should not seek to duplicate these.

The purpose of the CMS is not for the planning authority to approve the details of construction as that is not within the remit of planning. The legitimate planning consideration is limited to whether a method of construction is proposed that has taken into consideration the restrictions of the site including protection to existing structures. The construction method proposed would involve excavating out the area of ground prior to the construction of a reinforced in-situ concrete retaining wall. The CMS confirms that no vibration causing methods or equipment are proposed. It would be possible to attach a condition to this affect to any consent granted, ensuring that the work takes place in accordance with the CMS. There is no reason to conclude that appropriately sized diggers and other equipment would not be able to construct the proposed house whilst remaining outside the areas of tree protection and with the protective fence in place to the listed wall and summer house.

Taking into account the requirement for separate agreement between the Council and applicant on the Deeside Walkway access; and, with conditions requiring that protection fences remain in place and that there are no activities that cause vibration, it is considered that the details submitted are acceptable in terms of the condition.

External Finishing Materials (condition 6)

(6) that no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

The glazed frontage to the house would be formed in aluminium curtain walling, which would be faceted to achieve an overall curve. A curved metal brise-soleil would extend along the edge of the roof. The external doors would be aluminium framed glazed doors with external walls in natural stone. The roof is proposed to be planted with a mix of sedum, mosses and grasses, that would

help blend the house into the natural environment, with a condition relating to replacement of this if it dies off, the details are considered appropriate. Overall, the details submitted are considered acceptable within the setting of the site as the proposal represents a simple contemporary approach with a limited palette of materials. The PPIP considered the principle of the design approach in terms of its impact on the setting of the listed building and the Deeside Walkway and the materials carry through on the approach indicated previously in principle.

Drainage (conditions 7 and 8)

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

(8) that the dwellinghouse hereby granted planning permission shall not be occupied unless a scheme for the provision of foul sewerage and wholesome water facilities has been submitted to and approved in writing by the Planning Authority and that the said scheme has been implemented - in the interests of public health.

A drainage statement was provided by Ramsay and Chalmers, as well as plans showing the location of a soakaway and the foul drainage arrangements. Surface water falling onto the green sedum roof would run into drainage channels that would connect into the soakaway shown to the south east of the proposed house. The car park would be surfaced in porous paving. The soakaway would be located outwith the root protection areas. Foul drainage would be provided via a pump and link up the driveway to the public sewer under North Deeside Road. The pump is indicated as being located where it would be outside the root protection areas.

Taking into account the foregoing carefully considered design elements that mitigate surface water drainage and provide adequately for foul water disposal the proposed measures are considered acceptable in terms of conditions 7 and 8.

Trees

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

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

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

Under the PPIp application, it was indicated that in total 11no. trees would be removed, 2no. of these should be removed for health and safety reasons and attempts would be made to transplant two of the smaller trees, so that 7no. trees would be removed purely for development.

The plans submitted for the MSC application indicate the same trees as being affected by the development. These trees have grown in the intervening period and it is less likely that transplantation would be successful. At the time of consideration of the previous application, there was some doubt that transplantation would be successful, due to the size and intertwining of roots with other trees. These trees are relatively small and replacement planting would provide adequate replacement tree cover within a relatively short time span so the loss of these trees is not considered to be significant in this context .

The following trees would be lost:

8m Norway Maple – Cat. B
14m Cherry – Cat. B
2no. 11m Cypress – Cat. B
16m Sycamore – Cat. B
16m Lime – Cat. B
6m Holly – Cat. B
13.75m Cherry – Cat. C
7m Holly – Cat. B

An additional tree is proposed to be moved for health and safety reasons, which is a 14m high Wyeh Elm that is growing immediately adjacent to the listed stone wall.

Under the PPIp application it was acknowledged that root protection areas of some trees to be retained would to varying degrees, lie within the footprint affected by the proposed build. The Grand Fir, tree number 845 was noted as having a high canopy and for this reason it was taken into account that it was less likely to be under pressure for removal by future residents due to blocking sunlight. The principle of tree removal and building within this proximity of trees was taken into account in the approval of the PPIp. The building's footprint has remained the same, whilst the trees have grown.

Trees protection measures have been proposed that follow guidance in terms of the type of fencing, albeit, the tree root protection areas are acknowledged to be compromised by the development. This situation has not changed as a result of the submissions within this MSC application and refusing the application on the basis of loss of, and impact on, trees is not justified. It is acknowledge that the principles of building within the proximity of trees proposed does not comply with the current SG on Trees and Woodland, which looks at zones of influence for trees. These extend more widely than root protection area and take into account the relationship of trees to houses. It is noted, however, that the house is south facing with a large glazed elevation to the main living space, which should help provide balance between receipt of sunlight and overshadowing by trees.

On the basis of advice from the Council's arboricultural planner, a number of conditions are recommended to be attached relating to trees, these are:

- I. Timing of tree works so that they take place outside the bird breeding season;
- II. That no-dig methods be used for the vehicle and pedestrian route surfaces;
- III. That replacement planting be itself replaced if it dies within 5 years;
- IV. That prior written consent is required for any additional tree work that becomes required;

- V. That no construction activities or heavy items are stored with root protection areas and that there are no changes in ground level. This is in order to avoid root compaction with starves the tree roots of oxygen.
- VI. Restrictions on bringing large construction items through the denser areas of trees to the east and west of the site
- VII. That further evidence is required of the appropriateness of the thrust boring technique for installing underground services.

These conditions are attached in order to maximise the degree of protection to the trees on site, that are subject of TPO and avoid accidental damage.

Taking into account the foregoing the submitted details are considered acceptable in relation to conditions 10., 12. and 13.

Other matters raised in letters of representation:

Points 1, 2, 3, 4, 5, 7, 12, 13, 16, 17, 18, 19, 21 Deeside Walkway – this has been covered above and is a matter that is regulated by the Council, with a licence. If granted the licence would contain a number of restrictions and limits designed to protect the users, including vulnerable users, of the Walkway, the trees, surfaces and wildlife.

Points 6. and 10. Listed Wall – a protective fence would be provided and this would be required by condition to remain in place for the duration of works. In addition, the CMS confirms that there will be no vibration and this is conditioned.

Point 8. Existing access - across the site for the residents of Bielside House is acknowledged on a drawing. It is however, a private matter between the applicant and neighbour.

Point 9. The gates do not currently require planning permission whilst they are not being used. Use of the gates to build the house, once all consents are in place, also does not require planning permission.

Points 14. and 32.. The Section 75 does not restrict access via Bielside Mill route and did achieve the Committee resolution.

Point 15. The CMS has been amended in terms of the site hut area.

Point 20. and 28. Land ownership matters are not a relevant planning consideration. Revised Certificates were submitted in terms of land ownership of the application site.

Point 22. The proposed house construction would be signed off by an engineer and require Building Warrant.

Points 23., 24., 27. and 31. Were dealt with at PPIP stage.

Point 26. Revised tree surveys were submitted and this matter is dealt with above.

Point 29. Neighbours were renotified of the revised information submitted.

Point 30. The Council's conservation officers were consulted and had no comment. Historic Environment Scotland are not statutory consultees. The principle of the development in terms of impact on setting was dealt with at PPIP stage and is mentioned above in terms of details.

Point 33. The area missing from the MSC application boundary does include the sewer, and this will be dealt with via a future MSC.

Points 34. and 36. This is dealt with above.

Point 35. A revised plan has been submitted to confirm that drainage is via the driveway to North Deeside Road.

Point 37. Policies are dealt with above. Where the principle of the development has been established, this cannot be revisited in the light of updated or new policies.

Point 38. Loss of views is not a valid planning consideration.

RECOMMENDATION

Approve conditionally

REASON FOR RECOMMENDATION

The principle of the development was accepted through the Planning Permission in Principle 120491 (PPiP). The details submitted in terms of design and materials comply with Policy D1- Quality Placemaking by Design and Policy H1 – Residential Areas, and are acceptable in terms of condition (1)(i), replacement tree planting and boundary hedges are proposed and in terms of the impact on the public view and visual amenity from the Deeside Walkway, these comply with Policy D2 – Landscape. The proposal is acceptable in terms of condition (1)(ii) and (iii) and 6.

The use of the Deeside Walkway is controlled, under separate licence, by the Council rather than the planning authority. With the proposed conditions restrictions activities and storage within certain areas of the site in order to protect trees and listed structures, the Construction Method Statement is considered acceptable in terms of condition (1)(iv).

The proposals for drainage are acceptable in terms of Policy NE6 and conditions 7 and 8.

With regard to trees, it was acknowledged at PPiP stage that the proposal would result in the loss of a number of trees and that the proposed house would be potentially affect the root protection areas of others due to proximity. It is acknowledged that the proposal does not fully accord with the current Supplementary Guidance on Trees and Woodland, whilst there are also tensions with Policy NE5 – Trees and Woodland. In terms of the details submitted, these provide protection as far as possible to the remaining trees. Replacement tree planting is acceptable and the details submitted are acceptable for conditions 10, 12 and 13.

CONDITIONS

1. That any tree removal works agreed in terms of this planning permission shall take place outside the bird breeding season, which for the purposes of this shall be taken to be beginning of March until of end of August – in the interests of wildlife.
2. That works shall not take place unless there remains in place on site the scheme for the protection of trees and to be retained on the site during construction works as approved under this MSC in relation to condition and 12 (Ref. 120491) and this has been agreed on site with the planning authority- in order to ensure adequate protection for the trees on site during the construction of the development.

3. that all planting, seeding and turfing, including the sedum roof, comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.
4. that any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the Planning Authority; any damage caused to trees growing on the site shall be remedied in accordance with British Standard 3998: 1989 "Recommendation for Tree Works" before the building hereby approved is first occupied - in order to preserve the character and visual amenity of the area.
5. that no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.
6. The proposals shall be carried out in complete accordance with the management proposals for the care and maintenance of all trees to be retained and any new areas of planting (to include timing of works and inspections) and as approved under condition 13 (Ref.120491), unless the planning authority has given prior written approval for a variation - in order to preserve the character and visual amenity of the area.
7. That the development shall take place only in accordance with the Construction Method Statement by Anderson Construction including that there shall be no use of piling or other equipment or methods that would cause vibration as amended by any details agreed in terms of the conditions on this permission, unless otherwise agreed in writing with the planning authority – in the interests of protection of trees and the listed building and structures.
– in the interests of preserving the fabric of the nearby listed building.
8. The structures required for the site hut and welfare area shall not be delivered to the site via the Deeside Walkway, unless details are submitted to and agreed in writing by, the planning authority showing how this can be implemented without damage to trees.
9. No plant, machinery or construction vehicles shall access the area of the site in which construction is proposed to take place via either the western leg access to North Deeside Road, or via the Bielside Lodge / car park area and the eastern leg access – in the interests of protecting trees.
10. That the pipes for the underground services shall not be installed other than in accordance with further details of the thrust boring technique, including a report from a suitably qualified person on the suitability of the site, details of the machinery size and pit locations – in the interests of protecting trees.
11. That works shall not take place unless there remains in place on site the scheme for the protection of listed structures and this is to be retained on the site during construction works as

approved under this MSC in relation to condition 1 (Ref. 120491) - in order to help ensure the protection of listed structures on site during the construction of the development.

ADVISORY NOTES FOR APPLICANT

1. That the Council's separate agreement is required to the use of the Deeside Walkway for access. The applicant is advised to contact Ian Talboys, Public Infrastructure and Environment.

2. No construction or demolition work should take place:

(a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;

(b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or

(c) at any time on Sundays,

except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.

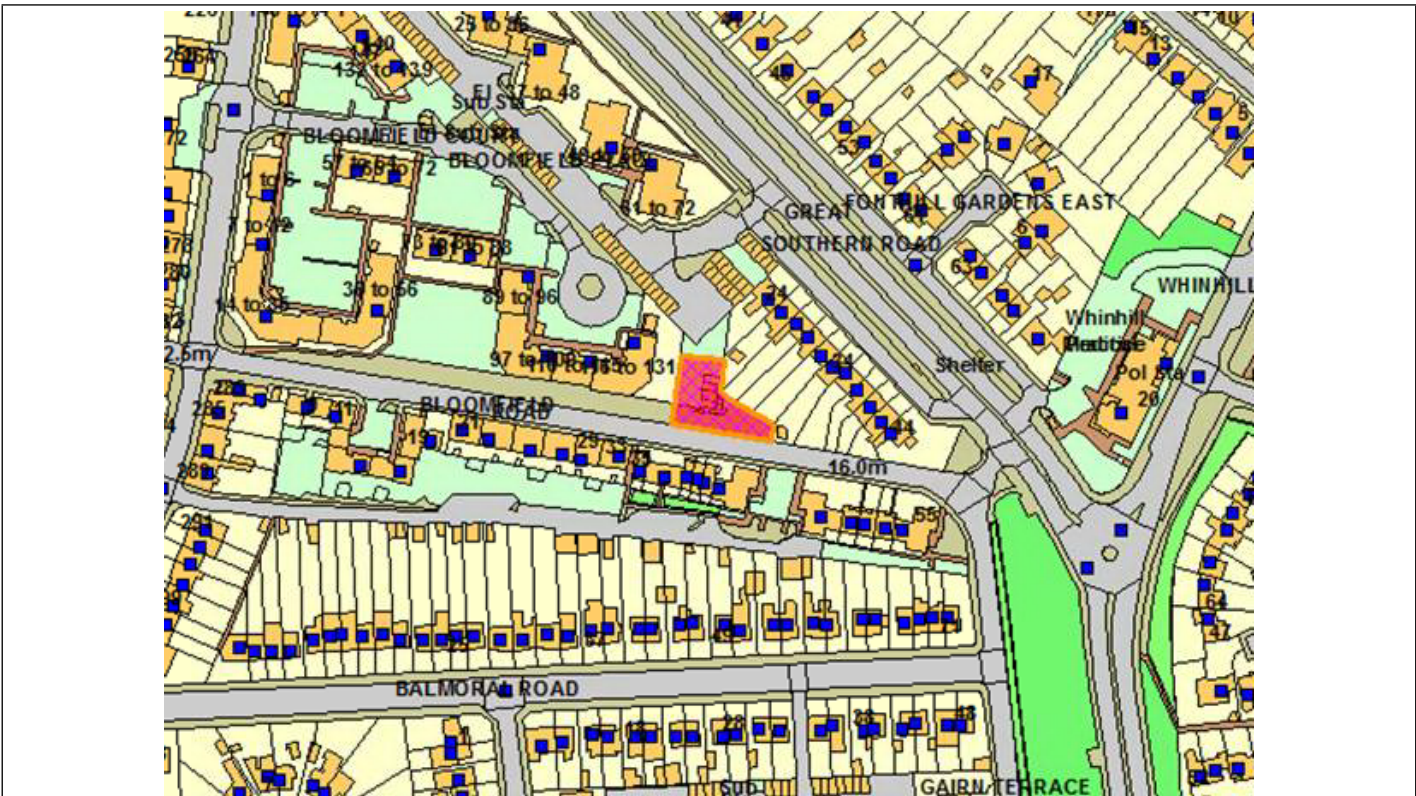
3. It should be noted that the following condition is attached to the Planning Permission in Principle Reference 120491:

(5) that notwithstanding the provisions of Article 3 and Schedule 1, Parts 1, 2 and 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 no extensions, alterations or improvements which materially affect the external appearance of the dwellinghouse, nor any means of enclosure shall be erected or carried out either on, or in the curtilage, of the dwelling houses hereby approved without a further grant of planning permission from the planning authority - in the interests of visual amenity.

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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: 26 April 2018</p>
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Site Address:	Land Opposite To 39 Bloomfield Road, Aberdeen, AB10 6AG,
Application Description:	Erection of a 1.5 storey dwelling with double garage, partial excavation and releveling, including construction of retaining walls and associated landscaping.
Application Reference:	180060/DPP
Application Type	Detailed Planning Permission
Application Date:	18 January 2018
Applicant:	A C Morrison And Richards
Ward:	Torry/Ferryhill
Community Council	Ferryhill And Ruthrieston
Case Officer:	Dineke Brasier



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The site is L-shaped, measures c600m², is currently in use as an enclosed garden serving the Bloomfield Court flats, and contains a building with three garages. The northern section has a width of c.15.5m, which widens out to c.35.5m at the southern boundary. It has a maximum depth of c.24m from north to south. There is a distinct drop in levels from the relatively flat garden to Bloomfield Road. A steep bank on the southern end of the site drops down by c.4m over a length of 6.5m. As a result, there is a retaining wall on the east boundary with properties on Great Southern Road.

The site is located in an existing residential area. Bloomfield Court, a four storey flatted block is located immediately to the west; to the south are three storey flatted blocks along Bloomfield Road; to the east are two storey terraced traditional granite properties on Great Southern Road; and to the north is a garage court serving properties on Bloomfield Place. Bloomfield Road itself is a narrow road with limited traffic and limited on-street parking.

Relevant Planning History

Planning permission 131189 was approved on 21 November 2013 for the erection of a reception/office building on land immediately to the north of the application site. This permission was not implemented and has now lapsed.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the construction of a 1½ dwelling with double garage, partial excavation, releveling and construction of retaining walls. The proposed dwelling would have a near square footprint and measure c.10m by c.10m. It would have a small front projection extending by c.1.3m. Accommodation would include lounge, kitchen/family room, utility room, bedroom and bathroom on the ground floor; three bedrooms and bathroom on the first floor; and a double garage underneath. The garage would not be linked internally to the house. Access to the house would be via steps to both the east and west of the building. The building would have a small rear garden with a depth of c.5m, with a larger side garden that slopes down to Bloomfield Road. To the front would be an area of hardstanding for bin storage and additional parking.

Proposed materials include white render for the walls and grey concrete tiles for the roof.

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=P2P7RKBZ01U00> .

1. Planning Statement by Raymond Simpson Architects dated 11 January 2018

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee as it received seven letters of objection, and therefore falls outwith the Council's Scheme of Delegation.

CONSULTATIONS

ACC - Roads Development Management Team – No objection provided cars can enter and leave the site in a forward gear.

ACC - Environmental Health – No observations

ACC - Flooding And Coastal Protection – Strongly recommends the use of permeable materials as well as the use of rain water harvesting to prevent an increase in surface water flooding.

ACC - Contaminated Land Team – No objection. However, as the site is associated with land with an industrial history, it is recommended conditions are attached requesting a site investigation scheme

ACC - Waste Strategy Team – No objection. Bins should be presented on kerbside of Bloomfield Road

REPRESENTATIONS

Seven letters of objection have been received, raising the following matters:

1. Adverse impact on privacy and outlook of properties on Great Southern Road;
2. Height of proposed building is excessive and would constitute an overdevelopment of the site;
3. Impact on security as existing high wired perimeter fence along boundary with Bloomfield Road will be reduced, improving access to the rear of properties along Great Southern Road;
4. No need for a four bedroom house in city;
5. Bloomfield Road can't accommodate any further cars. Development would pose risk for cyclists and pedestrians;
6. Proposal could result in waterlogging of the embankment behind the rear of 24-44 Great Southern Road;
7. Ground might be too soft to allow for excavation of site, which could result in a landslide;
8. Confirmation sought if proposal includes alterations to existing mutual wall;
9. Existing garages on the site could contain asbestos;
10. A taxi company might purchase building, which could result in activity during the day and night with associated resultant noise;
11. High hedge between application site and gardens of properties on Great Southern Road should be removed and replaced with something that is easier to maintain;
12. Loss of access to rear of properties on Great Southern Road for workmen etc.;
13. Natural screening between Bloomfield Court and application site should be retained; and
14. Design would be improved through use of a traditional pitch over projection rather than mono-pitch roof (*Nb. This has been changed in amended plans*).

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
- R2: Degraded and Contaminated Land
- R6: Waste Management Requirements for New Development

R7: Low and Zero Carbon Building and Water Efficiency
 CI1: Digital Infrastructure

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 within an existing residential area, and policy H1 applies. This policy sets out that residential development would be acceptable in principle, provided it:

- Does not constitute overdevelopment;
- Does not have an unacceptable impact on the character and amenity of the surrounding area;
- Does not result in the loss of valuable and valued areas of open space;
- Complies with Supplementary Guidance.

Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages (SG) sets out that in general, no more than 33% of the site can be built upon. In this case, the total footprint of the building would be c.128m², with the overall site measuring c.590m². This would result in a site coverage of 21.7%, significantly below the 33% as set out in the SG.

Another factor to be taken into account is the overall density of the surrounding area. In this case, to the west and south are residential flats, and to the east a row of terraced properties. These are all of a higher density than that proposed on the application site. The proposed development would not be considered an overdevelopment on the site.

The site is currently in use as an enclosed garden for the residents of Bloomfield Place, and is not open to the general public. The minimum distance between the three flatted blocks on Bloomfield Place and the application site is c.45m, and residents would need to cross a parking court to reach the space. The three flatted blocks are set in landscaped gardens, which naturally act as the external amenity area of these units. As such, due to the distance between these flats, and the remaining areas of garden ground, the loss of this piece of enclosed garden is considered acceptable.

The impact of the proposal on the character and appearance of the surrounding area and residential amenity of neighbouring properties will be assessed in detail below.

Impact on character and appearance of the surrounding area

The proposal is for a 1½ storey detached dwelling. The surrounding area is characterised by 3 and 4 storey blocks of flats and a terrace of 2 storey granite properties. Further to the south are semi-detached dwellings along Balmoral Road. The single dwelling proposed would be located on the north of Bloomfield Road, with the existing flats located to the south of this road. It would be the only property with vehicular access onto Bloomfield Road from the north.

The building would be split level, with a garage underneath the main body of the dwelling. This garage would project c.1.7m from the front elevation of the dwelling, and would be set at a distance of c.6.5m from the edge of Bloomfield Road. The existing wire fencing and dense shrubs would be removed, and this front boundary would be opened up. Boundary treatment would consist of a 0.8m high stone wall, rising up to c.1.9m nearer the properties on Great Southern Road to tie in with the existing retaining wall between the application site and these dwellings.

Due to the distance from the road, the building would be viewed in context with the higher buildings at Bloomfield Court, and its height would be considered appropriate.

The design of the property includes full height glazing to the eastern half of the projection and a 1100mm glass balustrade along the front of the property. The garage has been lined up with the main dwelling and from Bloomfield Road would read as a single building. Planting would be used to soften the appearance of the building in the streetscape. The proposed boundary wall would gradually increase in height towards the dwellings on Great Southern Road to allow for a more smooth transition between the proposed and existing boundary treatments. Proposed materials are detailed as render for the walls and white render for the walls. To ensure that the garage and the dwelling read as one building when viewed from Bloomfield Road, it is considered necessary to add a condition to any consent requesting further details of materials.

It is considered that the scale and design of the proposal would be acceptable, and would not have an adverse impact on the character and appearance of the surrounding area.

Impact on residential amenity

The dwelling would leave a distance of c.22m to the rear elevation of the nearest neighbouring property on Great Southern Road. SG sets out that a minimum distance of 18m should be retained between facing windows to ensure an acceptable level of privacy. This is therefore considered acceptable. The east elevation contains a single full height window on the ground floor with a further two small windows on the first floor. The first floor windows would serve a bedroom and bathroom. No details have been provided of proposed boundary treatment between the dwelling and the properties on Great Southern Road. This can be conditioned to ensure sufficient screening of the private rear gardens of these properties from views from the dining room window. The bedroom window would result in some direct views over the private rear gardens of these dwellings. However, based on the length of these gardens, exceeding 18m, this is not considered to have a significant adverse impact on privacy of these existing dwellings.

The west elevation contains three small windows on ground floor level serving a utility room, ensuite bathroom and toilet. None of these would be considered habitable rooms, and would not result in a loss of privacy for flats in Bloomfield Court.

The distance between the proposed dwelling and both Bloomfield Court to the west and the properties on Great Southern Road to the east is too great to result in any loss of light to these existing dwellings.

The proposed dwelling would provide a good quality living environment for future residents. The rear garden is relatively small with a depth of c.5m. However, due to the width of the plot (c.15m) and the large side garden, it is considered that sufficient outdoor amenity space would be provided for this single dwelling.

Impact on local highway conditions, especially parking and access

Bloomfield Road is a narrow two way street, with on-street parking and communal bins serving the flats on one side, and double yellow lines on the other. Supplementary Guidance on Transport and Accessibility sets out that a four bedroom dwelling in this location should have a maximum of 3 parking spaces per dwelling. These spaces are provided on site in the double garage and the area to the front. Furthermore, there is sufficient space to enable cars to turn within the site, thereby enabling them to enter and leave the site in a forward gear.

Contaminated land and flooding

The site is associated with land with an industrial history, and as such there could be traces of contamination. The Contaminated Land Unit has been consulted on the scheme, and raised no

objections. However, it recommended a condition be added requesting submission of a scheme to address any significant risks from potential contamination on the site, and implementation of this scheme if required.

The most southern edge of the site has a 1:200 chance of surface water flooding. This is the hard surfaced parking area, with the residential dwelling set at a significant higher level. Sufficient drainage measures have been included in the design of this parking area to prevent any further risk of flooding of this area. As such, the Council's Flooding Team does not raise any objections to the proposal.

Comments have been raised with regards to the impact of the development on drainage in the rear gardens of houses on Great Southern Road. No changes are proposed to this boundary, with levels starting to be altered at a minimum distance of c.4m with alterations to the main bank at a distance of at least 6m to this boundary. The existing hedge along this boundary would be retained. As such, it is considered unlikely that the proposal would have an unacceptable impact on drainage in these back gardens.

Low and Zero Carbon Building, Water Efficiency and Digital Infrastructure

No information has been submitted setting out how the proposed dwelling will comply with policies in relation to low and zero carbon building, water efficiency and digital infrastructure. Policies in the 2017 Aberdeen Local Development Plan set out that all new buildings must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology. These details, plus additional information on water saving technologies and techniques to be installed in the building can be submitted through condition.

Policy C11 sets out that all new residential development are expected to have access to modern, up-to-date high-speed communications infrastructure. These details can be submitted through condition.

Extension to determination date

The application has been the subject of negotiations and an extension to the determination date to 7th May has been agreed to allow for Committee processes.

Matters raised in letters of objection

1. Adverse impact on privacy and outlook of properties on Great Southern Road – *This is discussed above;*
2. Height of proposed building is excessive and would constitute an overdevelopment of the site – *This is discussed above;*
3. Impact on security as existing high wired perimeter fence along boundary with Bloomfield Road will be reduced, improving access to the rear of properties along Great Southern Road;
4. No need for a four bedroom house in city – *The front site boundary would be sufficiently overlooked from the proposed property with no alterations proposed to the boundary with Great Southern Road;*
5. Bloomfield Road can't accommodate any further cars. Development would pose risk for cyclists and pedestrians – *Roads Development Management have assessed the application, and do not raise any objections to the scheme;*
6. Proposal could result in waterlogging of the embankment behind the rear of 24-44 Great Southern Road – *This is discussed above;*
7. Ground might be too soft to allow for excavation of site, which could result in a landslide – *Excavations start at a distance of c.4m to 6m from the boundary with properties on Great Southern Road. Due to the level of excavations and the height of the retaining walls required, these issues will be checked as part of any building warrant application;*

8. Confirmation sought if proposal includes alterations to existing mutual wall – *Proposal does not include alterations to the existing retaining wall;*
9. Existing garages on the site could contain asbestos – *This would be dealt with under different legislation;*
10. A taxi company might purchase building, which could result in activity during the day and night with associated resultant noise – *Ownership is not a material planning consideration. If the property would be used as a taxi company than a change of use application would be required, which would then be assessed on its own merits;*
11. High hedge between application site and gardens of properties on Great Southern Road should be removed and replaced with something that is easier to maintain – *This hedge is existing and is not a material planning consideration;*
12. Loss of access to rear of properties on Great Southern Road for workmen etc. – *This is not a material planning consideration;*
13. Natural screening between Bloomfield Court and application site should be retained – *No alterations are proposed to the existing boundary treatment between Bloomfield Court and the application site*
14. Design would be improved through use of a traditional pitch over projection rather than mono-pitch roof - *This has been changed in amended plans, and the design now includes a pitched roof over the projection.*

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposal is considered not to have an adverse impact on the character and appearance of the surrounding area, nor would it be an overdevelopment of the site, nor would it have an adverse impact on the residential amenity of surrounding properties or local highway conditions, especially in relation to parking and access. Subject to conditions, it would comply with Aberdeen Local Development Plan policies H1 (Residential Areas); D1 (Quality Placemaking by Design); T2 (Managing the Transport Impact of Development); NE6 (Flooding, Drainage and Water Quality); R2 (Degraded and Contaminated Land); R6 (Waste Management Requirements for New Development); and R7 (Low and Zero Carbon Building and Water Efficiency) and Supplementary Guidance on Subdivision and Redevelopment of Residential Curtilages; and Transport and Accessibility.

CONDITIONS

1. No development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed

Reason: In the interests of visual amenity.

2. No development shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that has been approved in writing by the planning authority.

The scheme shall follow the procedures outlined in “Planning Advice Note 33 Development of Contaminated Land” and shall be conducted by a suitably qualified person in accordance with best practice as detailed in “BS10175 Investigation of Potentially Contaminated Sites - Code of Practice” and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination and any ground gases
2. a site-specific risk assessment
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed
4. verification protocols to demonstrate compliance with the remediation plan

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

3. No building(s) on the development site shall be occupied unless
 1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken
and
 2. a report **specifically relating to the building(s)** has been submitted and approved in writing by the planning authority that verifies that remedial works to **fully address contamination and ground gas issues related to the building(s) have been carried out,**

unless the planning authority has given written consent for a variation.

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

4. The building hereby approved shall not be occupied unless 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 for the reduction of carbon emissions have been implemented in full

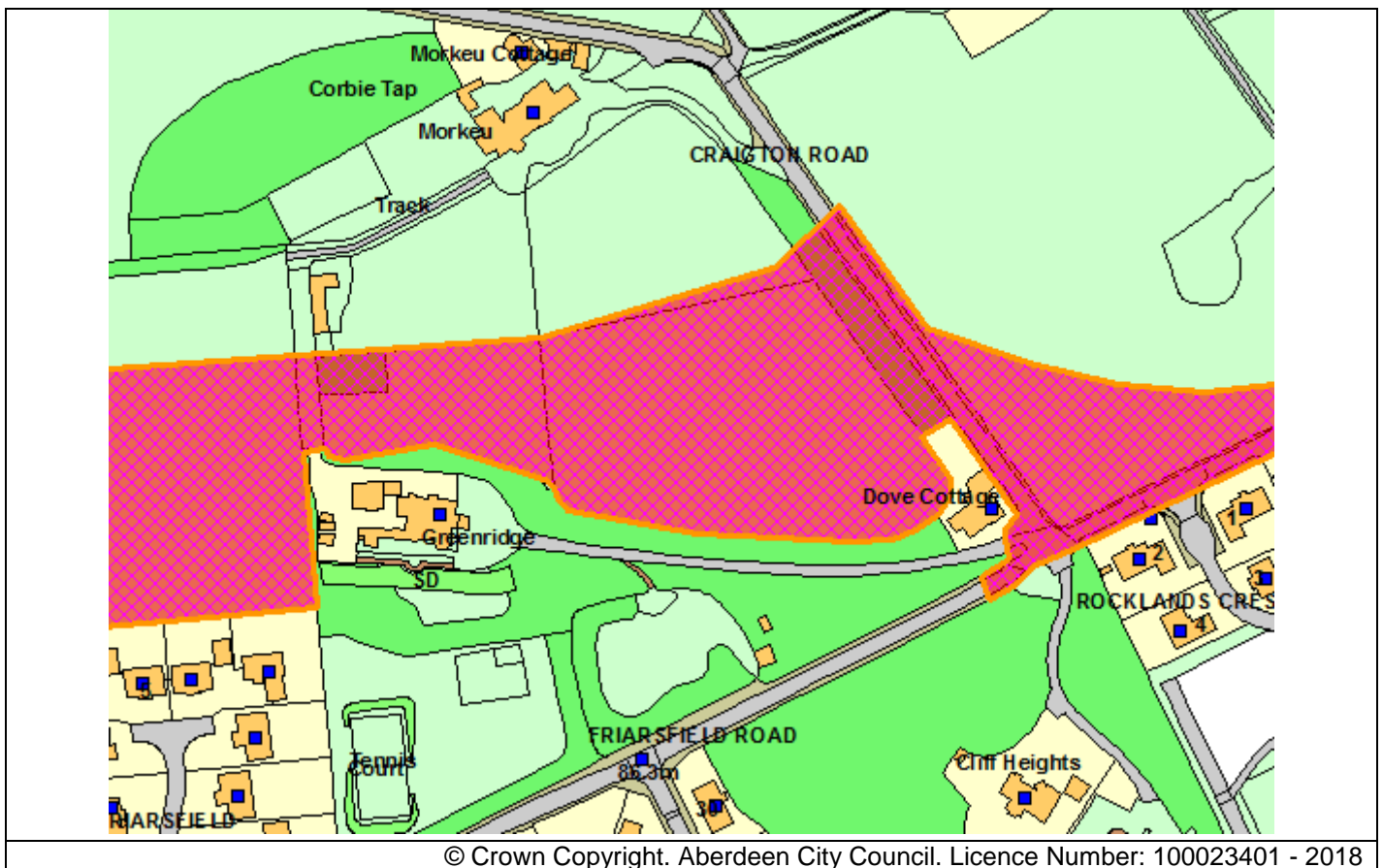
Reason: To ensure that this development complies with requirements for reductions in carbon emissions specified in Policy R7 of the 2017 Aberdeen Local Development Plan.

5. No development shall take place until a statement detailing how the development shall have/ provide access to modern, up to date high speed communications infrastructure has been submitted to and approved in writing by the planning authority. The approved measures shall thereafter be implemented in accordance with the approved details.

Reason: To ensure compliance with Policy CI1 of the 2017 Aberdeen Local Development Plan.

 <p>ABERDEEN CITY COUNCIL</p>	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date:

Site Address:	Morkeu, Craigton Road, Aberdeen, AB15 9PT
Application Description:	Proposal for the construction of the Friarsfield Link Road, development of 19 residential units (including affordable housing) and associated ancillary works
Application Reference:	170307/DPP
Application Type	Detailed Planning Permission
Application Date:	24 March 2017
Applicant:	CALA Management Ltd
Ward:	Lower Deeside
Community Council	Cults, Bieldside And Milltimber
Case Officer:	Nicholas Lawrence



RECOMMENDATION

Willingness to approve subject to a legal agreement in respect of completion of the link road, developer contributions (Secondary Education £10,540.00; Community Facilities £36,225.00; Core Path Network £7,366.00; Open Space £3,623.00; Healthcare £20,267.00; and £41,250 affordable housing) as set out in the Developer Obligation consultation response, agreement on primary schooling arrangements, and appropriately worded planning conditions.

APPLICATION BACKGROUND

Site Description

The site totals some 3 ha in area and adopts a partial elliptical linear shape on an approximately east-west axis and occupies the north-eastern aspect of the designated Friarsfield Opportunity Site (OP41) as shown on the Proposals Map to the Aberdeen Local Development Plan 2017 (LDP). The site is bounded to the north by countryside and to its southern, eastern and western boundaries by residential areas that front Friarsfield Road (i.e. the A93), together with Greenridge' a category B listed building to the south and east of the site.

Relevant Planning History

Application Number	Proposal	Decision Date
110559	Change of use from agricultural land to housing development (10 units)	Decision issued 04.01.2012
120340	Residential development of 81 units (including affordable housing), public open space, SuDS and access works	Decision Issued 26.11.2013; Non-material variation issued 21.06.2017
140272	Residential development of 107 private dwellings and 12 affordable apartments and ancillary works	Decision Issued 10.12.2016

APPLICATION DESCRIPTION

Description of Proposal

In brief, planning permission is sought for the erection of 19 dwellings, including 4 affordable units, together with associated landscaping and the construction of the eastern element of the proposed distributor road from Kirk Brae to Craigton Road. The distributor road is a longstanding commitment and will address current/future road capacity and road safety issues and facilitate release of the housing allocation on the opportunity site that is currently constrained by the capacity of the road network in Cults.

In terms of composition, the western residential element comprises 4 detached dwellings serviced off the distributor road by a singular access; whereas, the balance of the residential element (i.e. to the east) embraces 8 semi-detached and 3 detached properties, together with 4 "cottage flats" that constitute the affordable housing. The two residential elements are linked to each other by the distributor road. The development proposed areas of tree planting bordering both the link road and dwellings and is augmented by areas of hedging and boundary walls, features that are common to the area.

On the matter of design and form, the dwellings provide accommodation across two levels, with simple pitched roofs and can best be described as polite suburban housing that utilise a simple

palette of materials. The domestic form of the open market housing is also carried over to the affordable units that adopt the appearance of a row of cottages.

The disposition of the developmental elements is shown on Drawing No. PL-01 Rev I (Site Plan).

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=ON87A4BZJO000>.

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

- Ecological Appraisal and Protected Species Survey
- Drainage Assessment
- Planning Supporting Statement
- Tree Survey

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because 12 letters of objection have been received, together with one neutral representation. Accordingly, the application sits outside the scope of the Council's Scheme of Delegation. The application has been referred to the Planning Development Management Committee because

CONSULTATIONS

Developer Obligations Team - Obligation payments sought in respect of Secondary Education £10,540.00 (Cults Academy – reconfiguration of accommodation); Community Facilities £36,225.00 (Airyhall Community Centre – accommodate more community groups); Core Path Network £7,366.00 (Core Path 63 - widening to enhance access for more user types and abilities); Open Space £3,623.00 (open space at DE 23 Craigton); Healthcare £20,267.00 (provision of additional capacity for GP space at Cults Medical Practice); and £41,250 affordable housing (commuted sum for 0.75 of a unit).

On the matter of primary education - The application site is within the catchment area for Cults Primary School which is already over capacity. Education & Children's Services are unable to support this application as there is no available capacity at the school with no opportunity to extend or reconfigure.

ACC – Education - Education and Children's services confirm that the proposal cannot be supported as there is no available capacity at the Primary School and the Service cannot provide the required school places for any additional housing in the Cults zone.

ACC - Environmental Health - No observations

ACC - Housing Strategy & Performance - No objection

ACC - Flooding and Coastal Protection - No objection subject to conditions regarding the Sustainable urban Drainage System

ACC – Environmental Policy - No objection subject to condition regarding further survey work

ACC - Roads Development Management Team - Outstanding matter to be addressed by planning conditions

ACC - Waste Strategy Team - No objection

Scottish Environment Protection Agency - No objections

Scottish Water - No response

Forestry Commission Scotland - No objection as there is any proposed woodland removal in respect to the Scottish Government's Policy on Control of Woodland Removal.

Cults, Bieldside and Milltimber Community Council - The Community Council object for 5 principal reasons:

1. Overdevelopment of the Opportunity Site
2. Harm the landscape and character of the area
3. Affect amenity of the Friarsfield Way residents
4. Flooding of existing garden areas
5. Prematurity

REPRESENTATIONS

12 representations have been received objecting to the proposed development. The expressed concerns are summarised below:

- Not in accordance with the Local Development Plan
- Should not be any affordable housing
- Will cause flooding
- Decrease property values
- Lack of pedestrian crossing and impact upon road safety

PLANNING POLICY FRAMEWORK 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.

Planning Policy Framework and Material Considerations

National Planning Policy and Guidance

- National Planning Framework 3
- Scottish Planning Policy
- Designing Streets
- Designing Places
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 67 Housing Quality
- PAN 68 Design Statements

- PAN 77 Designing Safer Places
- PAN 78 Inclusive Design
- Planning and Open Space
- Scottish Government - On Line Flooding, Planning and Waste Management advice

Aberdeen Local Development Plan 2017 (LDP) & Supplementary Guidance (SG)

- D1 Quality Placemaking by Design
- D2 Landscape
- I1 Infrastructure Delivery and Planning Obligations
- T3 Sustainable and Active Travel
- H1 Residential Areas
- H3 Density
- H5 Affordable Housing
- NE4 Open Space Provision in New Development
- NE5 Trees and Woodland
- NE6 Flooding, Drainage and Water Quality
- NE8 Natural Heritage
- NE9 Access and Informal Recreation
- R6 Waste Management Requirements for New Developments
- SG Resources for New Development
- SG Landscape
- SG Planning Obligations
- SG Affordable Housing
- SG Flooding, Drainage and Water Quality
- SG Natural Heritage
- SG Trees and Woodland
- SG Open Space and Green Infrastructure
- SG Transport and Accessibility.

EVALUATION

Main Issues

The main issues in this matter are: firstly, whether the proposed development is acceptable in principle; secondly, whether the proposal in its detailed adversely affects the character and amenity of the area; thirdly whether the proposal constitutes overdevelopment; fourthly, impact upon areas of open space; and fifthly, adequacy and delivery of social and physical infrastructure.

Assessment of Main Issues

Principle of the Development

The site is within a residential area as set out under policy H1 of the LDP that will permit in principle new residential development provided; it does not have unacceptable impact upon character and amenity of the surrounding area; does not constitute overdevelopment; does not result in the loss of valuable open space; and is compatible with Supplementary Guidance. In addition, the site forms part of OP41 within the LDP, supported by the Friarsfield Development Framework (the Framework), that allocates the overall area for residential development subject to the provisions of the Development Plan.

The principle of the proposed development is therefore acceptable provided the aforementioned factors are taken into account.

Impact upon Character and Amenity of the Area

Character

The character of the surrounding area, save that to the north, and the consented residential development within the Opportunity Site is of a suburban form.

In this regard the western element of the proposed development clearly reflects and responds to the suburban style of development to the south (i.e. Friarsfield Way) both in terms of approximate plot size, disposition, design form, together with the use of a singular vehicular access point and turning head arrangement. Consequently, this aspect of the scheme reads as an extension of the Friarsfield Way housing, albeit at a raised level, and the wider residential development and is not deemed to be out of character with the area.

The eastern aspect of the site as with its western counterpart adopts a suburban form and by the espousal of a simple palette of materials and dwelling styles provides unity and coherence across the development and to neighbouring residential development. This aspect of the development is not out of character with the immediate and wider area.

In terms of house design; the dwellings can be described a polite suburban residences either as detached, semi-detached or the 'cottage flats' and are not considered to be inappropriate to either the site or wider area. Consequently they are not considered not to harm the character of the area and thereby accord with policies D1 and H1 of the LDP, together with national guidance.

On the matter of landscape; the Framework notes that the area is, in part, defined by pockets of woodland and field edges created by walls or hedges. The proposed development builds upon these elements with the creation of a hedgerow fronting the link road and to the rear of the western residential element, together with stonewalling. The proposal involves the removal of 30 trees and a group of trees to accommodate the link road, a number of which are unviable and have been the subject to damage through grazing. The scheme does include the planting of some 87 trees facing the distributor road as well to the southern aspect of the mainstream residential development.

It is considered that the form of the landscaping will not harm the character of the area and this aspect of the proposal accords with the provisions of the LDP (policy D2 – Landscape), Supplementary Guidance, and the Framework.

Impact upon Amenity

The impact upon amenity from the proposed development was raised by the Community Council in respect of the residents of Friarsfield Way to the south of plots 1-4. It is accepted that privacy and the protection of general amenity constitutes a material consideration in determining development proposals and is an important objective in ensuring that residents proposed developments and those of properties bounding any development site feel at ease within and outwith their properties. This position is covered within the explanatory text to LDP policy D1 and within Scottish Planning Policy.

It recognised that due to the topography of the site and the embankment plots 1-4 are at a level of above numbers 4, 5, 6, and 7 Friarsfield Way. The dwellings are set back from the earthed embankment that forms a backdrop to the rear gardens of 4-7 Friarsfield Way. However, the rear elevations of the proposed dwellings is some 60 metres from the rear elevations of the Friarsfield

dwellings and such a separation distance coupled to its elevation is not considered to raise any adverse impacts upon amenity. This is also considered to be the case in terms of the garden areas that are separated by 25 metres and enclosures. It should be noted that between the two groupings of dwellings there are a series of garages and tree planting.

Overdevelopment

Overdevelopment in connection with residential development is usually referenced in terms of dwellings per hectare (dph). LDP policy H3 (Density) requires that all housing developments larger than 1 hectare achieve a net density of 30 dph. However, the density of housing under the policy has to take account of the sites characteristics and that of the surrounding area, together with creating attractive residential environments. The Framework recognises the surrounding residential densities (average 22 dph) and the topography and features of the Opportunity Site and places forward a notional density of between 9.5 and 15 dph.

In this regard the net dph (i.e. dwellings, access roads, private garden spaces, and incidental open space) equates to 19 dph. Therefore the quantum of development is not considered to constitute overdevelopment. Whilst the dph figure is below that set within the LDP, it is considered appropriate having regard to the Framework, the topography of the site, requirement to provide a singular access point off the distributor road, and the creation of attractive residential environments. Consequently, it is considered that the proposal accords with the aspirations of the Development Plan, the Framework, Supplementary Guidance, and national planning policy.

Loss of Open Space

The Framework, which embodies the advice set in LDP policies provides approximately 4 ha of open space, focused mainly along the Cults Burn, which is in excess of the requirement set in the LDP.

Notwithstanding the above, the proposed development provides areas of additional open space and structural landscaping that links with existing areas of open space and landscaping (e.g. tree planting along the link road; tree planting to south of residential areas and open space between plot 4 and the cottage flats) to other parts of the OP41 site.

It is considered that the proposed development adds to the open space and thereby accords with the open space and landscaping policies of the LDP, the Framework, Supplementary Guidance, and national planning policy.

Adequacy and delivery of social and physical infrastructure

The proposed development has both negative and positive impacts in relation to social and physical infrastructure.

Social

In regard to social infrastructure, it is noted above that there is no available capacity at Cults Primary School to cater for this development and it is possible that capacity will only be available in 2023. However, allowing for the scale of development and to mitigate this shortfall for a temporary period primary school aged pupils could be bussed to other school/s where space is available and this matter could be addressed in the legal agreement.

Physical

The distributor road will alleviate current capacity issues associated with Friarsfield Road and improve road safety. The road will facilitate the delivery of the housing set within the Framework and in turn create a better quality of residential environment for those residential areas serviced by Friarsfield Road.

Other issues

Affordable Housing

LDP policy H5 (Affordable Housing) requires housing development of 5 units or more to contribute no less than 25% of the total number of units as affordable housing. The proposed development is required to provide 4.75 units, which allowing for the proposed affordable units produces a shortfall of 0.75 units. The shortfall can be addressed by way of a commuted sum.

The proposed split between on-site provision and commuted payment accords with the provisions of the Development Plan and Supplementary Guidance.

Flooding

Policy NE6 of the LDP, in brief, will not permit development if it would increase the risk of flooding. The Flood Team of the Council require clarification that the existing Sustainable urban Drainage Scheme (SuDS) already in place on the site has enough volume capacity to deal with the proposed development. The Flood Team are content that this can be addressed by way of a planning condition.

Roads

The Roads Development Management Team is of the view that the proposed distributor road will meet the safety standards in terms of visibility requirements and that a Roads Construction Consent will be required for the construction of the access junctions, thereby providing further control over the development.

Concern was raised with regard to the provision of a bus stop only on the south side of the distributor road between the housing areas as the proposed bus route involves a loop that would take the busses back in the direction of the city (i.e. using the north side of the road). The Applicants have agreed to provide a bus stop on the north side of the distributor road and this can be addressed via a planning condition.

Natural environment

The application documentation in respect of the proposed development has highlighted that there was evidence of squirrel foraging and the site also provides suitable habitat for bat activity and roosting; badger foraging and a variety of breeding birds. However, no protected species were discovered on site during surveys.

Mindful of the potential for the site to harbour areas for bats either to forage or roost it is considered appropriate that a full bat survey is undertaken prior to development commencing and the findings of the survey should be implemented in agreement with the Local Planning Authority.

Prematurity

In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a LDP is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the

cumulative effect would be so significant, that granting permission could prejudice the LDP by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the LDP. A proposal for development which has an impact on only a small area would rarely come into this category.

As the site has been allocated for residential use, is not a significant development, is included within an up to date LDP, and cognizant that each application is considered on its particular merits there is no reason to justify a determination of this application on the basis of prematurity.

Listed Buildings

The proposed development will not harm the setting of Greenridge a category B listed building

Heads of Terms of any Legal Agreement

The heads of terms of the legal agreement should include, albeit not limited to the developer obligation payments, completion of the link road linked to occupation of the proposed units; and bussing / primary schooling arrangements.

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.

RECOMMENDATION

W Willingness to approve subject to a legal agreement in respect of completion of the link road, developer contributions (Secondary Education £10,540.00; Community Facilities £36,225.00; Core Path Network £7,366.00; Open Space £3,623.00; Healthcare £20,267.00; and £41,250 affordable housing) as set out in the Developer Obligation consultation response, agreement on primary schooling arrangements, and appropriately worded planning conditions.

REASON FOR RECOMMENDATION

The proposed development will assist with the delivery of the distributor road which underpins the delivery of the housing set out in the Framework and subject to the provisions of the legal agreement in respect of securing arrangements in respect of primary schooling it is considered that the development accords with the aforementioned policies of the Aberdeen Local Development Plan 2017 and Supplementary Guidance, Scottish Planning Policy, and national planning guidance.

CONDITIONS

Hard landscaping

No development shall commence until details of the hard landscaping, including details of the pathways, have been submitted to and approved in writing by the local planning authority. All hard

landscaping works which form part of the approved scheme shall be completed prior to the first occupation of any part of the development.

Reason: To enhance the appearance of the development and to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2017

Soft landscaping

No development shall commence until details of the soft landscaping (including details of any trees or hedges to be retained and measures for their protection during in the course of the development, proposed plant numbers, species, location and size of trees and tree pits) and details of the management and maintenance of the landscaping shall be submitted to and approved in writing by the local planning authority. For the avoidance of doubt this includes the embankment to the south of plot 1- 4 as shown on DRAWING No. PL01 Rev I.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D1 and D2 of the Aberdeen Local Development Plan 2017.

Soft landscaping (implementation / maintenance)

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of any part of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D1, D2 and NE5 of the Aberdeen Local Development Plan 2017

Protection of existing trees

No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies D1 and NE5 of the Aberdeen Local Development Plan 2017

Materials / Hard Landscaping

The development hereby permitted shall not commence until samples of the materials (including colour) to be used in the construction of the external surfaces, including road and other areas of hardstanding, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenity of the area and to comply with policy D1 of the Aberdeen Local Development Plan 2017.

Refuse and Recycling

The development hereby permitted shall not commence until a scheme for the storage of refuse and recycling, including the design of the enclosures, have been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full as approved prior to the first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To comply with policy R6 of the Aberdeen Local Development Plan 2017

Boundary treatments / details

Prior to the commencement of development details of the proposed boundary treatments, including any gates, walls and/or fences shall be submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be implemented prior to the first occupation of any of the buildings and retained in perpetuity.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies D1 of the Aberdeen Local Development Plan 2012.

Retention of parking area

The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with Supplementary Planning Guidance on Transport and Accessibility

Cycle parking

The development hereby permitted shall not commence until details of secure parking facilities for the occupants of, and visitors to, the development hereby permitted have been submitted to and approved in writing by the local planning authority. These facilities shall be fully implemented and made available for use prior to the first occupation of any part of the development hereby permitted and shall be retained for use at all times.

Reason: To provide adequate levels of cycle parking and to promote sustainable forms of transportation and to comply with policies T3 and D1 of the Aberdeen Local Development Plan 2017 and Supplementary Guidance on Transport and Accessibility.

Biodiversity Measures

No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of any of the dwellings hereby approved

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy NE8 of the Aberdeen Local Development Plan 2017.

Permitted Development Rights

Notwithstanding the provisions of Article 3 and Schedule 1, Parts 1, 2 and 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (or any order revoking and re-enacting that Order with or without modification) no extensions, alterations or improvements which materially affect the external appearance of the dwellinghouses, nor any means of enclosure shall be erected or carried out either on, or in the curtilage, of the dwellinghouses hereby approved without a further grant of planning permission from the local planning authority.

Reason The Local Planning Authority considers that further development could cause detriment to the visual amenity of the area and for this reason would wish to control any future development to comply with policies H1 and D1 of the Aberdeen Local Development Plan 2017

SuDS

No development shall commence until details that the existing SuDs Scheme already in place on site have enough volume capacity to deal with the increased volume from the proposed development and the details shall include, details regarding the capacity of the Cellular storage crates at Rosefield Gardens, construction phase SuDS, information regarding the localised interception of surface water run- off and the protection of the permanent drainage system, and the manhole calculations for the Manholes for M30 & M200 events summer and winter that would need to be carried out using FHE13.

Reason In in interest of avoiding flooding to comply with policy NE6 of the Aberdeen Local Development Plan 2017

Bus Stops

Notwithstanding the submitted drawings the dwellings hereby approved shall not be occupied until details of the bus stops on the north and south carriageways of the approved distributor road, including location, design and crossing points over the road have been submitted to and approved in writing by the Local Planning Authority and shall thereafter be implemented in complete accordance with the agreed details.

Reason In the interests of public safety and to comply with policy T3 of Aberdeen Local Development Plan 2017

ADVISORY NOTES FOR APPLICANT

 <p>ABERDEEN CITY COUNCIL</p>	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 26th April 2018

Site Address:	Zone A (site Between), Countesswells Road/Hazledene Road, Aberdeen,
Application Description:	Discharge of planning obligation associated with A7/2178 and A8/530 relating to the site of 170525
Application Reference:	180013/MPO
Application Type	Modification/Discharge of Planning Obligation
Application Date:	8 January 2018
Applicant:	Hazledene Developments (3) Ltd
Ward:	Hazlehead/Ashley/Queens Cross
Community Council	Craigiebuckler And Seafield
Case Officer:	Daniel Lewis



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RECOMMENDATION

Approve Discharge

APPLICATION BACKGROUND

Site Description

The application site forms lies in the north-eastern corner of the wider Hazledene development site, which is located between Hazledene Road, to the north, and the adjacent Pinewood development site, to the south. The Pinewood site is itself bounded by Countesswells Road to the south. Those two development sites, allocated via previous Local Development Plans, combine to form a wider development area, L-shaped in plan view, which sits directly to the west of the established residential areas of Countesswells and Craigiebuckler. Their combined site area is some 27 hectares, of which roughly 10.5ha is contained within the Pinewood site and 16.5ha within Hazledene. This application concerns an area of 1.07ha at the north-eastern corner of the Hazledene site, which incorporates a frontage onto Hazledene Road.

Relevant Planning History

Application Number	Proposal	Decision Date
072132	Residential development and formation of access roundabout	19.08.10
080831	Planning Permission in Principle for circa 250 units within Hazledene site	19.08.10
130994	Application for the approval of Matters Specified in Conditions, relating to 50 homes within Hazledene Zone A, accessed from Hazledene Road	28.11.13
170525	Erection of care home and 4 dwellings within part of Hazledene Zone A	10.7.17

APPLICATION DESCRIPTION

Description of Proposal

This application is made under section 75A of the Planning Act, which relates specifically to the modification or discharge of planning obligations. In this instance, the applicants seek to discharge a planning obligation which secures affordable housing in relation to residential development approved via the approval of Planning Permission in Principle (PPiP) at Pinewood and Hazledene. The discharge is sought only in relation to the site of the recent planning approval for the erection of a care home and 4 dwellings which forms a small part of the wider area covered by the planning obligation. The remainder of the Pinewood and Hazledene sites would still be covered by the planning obligation related to affordable housing.

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=P28GP2BZ02E00>.

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

- Cover letter
- Application form
- Location Plan
- S75 Minute of Agreement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the planning obligation to which it relates involved a 'Major' development which was not determined by the appointed officer under a scheme of delegation. In this regard, the Council's Scheme of Delegation indicates that determination of this current application to discharge the planning obligation cannot be delegated to the appointed officer.

CONSULTATIONS

None

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

The Planning etc. (Scotland) Act 2006 (the 2006 Act) amended the provisions in the Town and Country Planning (Scotland) Act 1997 (the 1997 Act) covering planning obligations (previously known as planning agreements). References to 'the Act' are to the amended legislation. Sections 75, 75A, 75B and 75C deal with planning obligations.

Section 75 sets out the framework for planning obligations including:

- The scope and purpose of a planning obligation;
- That a planning obligation may contain conditions and the extent to which it may require the payment of monies, or provision of infrastructure;
- That a planning obligation (to which the owner is a party) may be registered in the Land Register of Scotland or the General Register of Sasines, making a planning obligation enforceable against future owners or occupiers of the land;
- The provision of powers for planning authorities to enforce the terms of an obligation through direct action.

Section 75A creates a formal process whereby a person against whom a planning obligation is enforceable may apply to the planning authority to have the obligation either modified or discharged.

National Planning Policy and Guidance

Scottish Planning Policy, in its '*Core Values of the Planning Service*' states that the service should '*be proportionate, only imposing conditions and obligations where necessary*'.

Scottish Government Circular 3/2012: *Planning Obligations and Good Neighbour Agreements* provides advice on the use of planning obligations and sets out the series of tests that must be met in order for the use of a planning obligation to be appropriate.

Aberdeen Local Development Plan (2017)

I1 Infrastructure Delivery and Planning Obligations

H1 Residential Areas

H5 Affordable Housing

H4 Housing Mix

Local Planning Advice

Pinewood Hazledene Planning Brief

EVALUATION

Principle of Development

Planning obligations may be considered necessary by planning authorities in order to make a development acceptable in planning terms, and typically cover matters such as developer contributions and affordable housing provision. These obligations are registered against the title deeds in order that they will be enforceable against the owner of the land in the event that ownership changed hands after planning permission is obtained. In this case, a planning obligation was used to require that 10% of the residential development approved via applications 080831 and 072132 be delivered as affordable housing.

The background to the current application is that planning permission was granted for the construction of a care home and 4 dwellings on this part of the site in July 2017, via the approval of application 170525/DPP. Application 170525/DPP was approved subject to a separate planning obligation, which involved payment of developer contributions pursuant to that development.

The applicant has submitted confidential supporting information (including excerpts from legal contract documents) that is considered to demonstrate that Dandara now have a concluded contract with an established nursing home operator to implement planning consent 170525/DPP for the construction of a nursing home on the site to which this S75A application relates. A condition of the land deal is that the current owners seek to discharge obligations relating to the earlier residential consents, and in so doing offer a 'clean' title to the purchasers.

It is acknowledged that discharge of the obligation to provide affordable housing related to the site of planning application 170525/DPP means that there is still a hypothetical risk that that affordable housing obligation to provide the equivalent of a two or three affordable units may not be secured on this particular part of the site if the deal with the nursing home operator falls through or/and the site is progressed for a housing development. However there is no reason to believe that this will be the case - with the evidence pointing to an urgency to progress the construction of the nursing home in the very near future. Implementation of the nursing home consent would fulfil the desirable planning objective of adding diversity to the residential mix on the wider Pinewood/Hazledene site. Facilitating the delivery of this development is very much in the interests of creating a diverse residential environment and mix of house types in accordance with the objectives of the Pinewood Hazledene Planning Brief and Policy H4 - Housing Mix of the adopted Local Development Plan.

With the foregoing in mind it is recommended that the applicant's proposed discharge of the S75 Agreement which secures affordable housing associated with planning approvals A7/2178 and A8/530 is discharged in as far as it relates to the site of planning approval 170525/DPP.

RECOMMENDATION

Approve Discharge

REASON FOR RECOMMENDATION

Planning consent has been obtained for an alternative development on this site, and necessary developer obligations relating to that alternative development have been secured by separate means. There is little realistic prospect of the earlier residential consents now being delivered on this portion of the wider development site, and by agreeing to discharge the earlier planning obligation in relation to affordable housing – only insofar as it relates to this site – the planning authority can facilitate the sale of the site and the delivery of the more recent consent, which includes construction of a care home. Facilitating the delivery of this development is very much in the interests of creating a diverse residential environment and mix of house types in accordance with the objectives of the Pinewood Hazledene Planning Brief and Policy H4 - Housing Mix of the adopted Local Development Plan

CONDITIONS

None

ADVISORY NOTES FOR APPLICANT

None

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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: 26 April 2018</p>
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Site Address:	The Steading/ Lodge, Inchgarth Road, Aberdeen, AB15 9NX
Application Description:	Complete demolition of the Steading and Lodge to allow reinstatement of Inchgarth House and surrounding landscape
Application Reference:	170610/LBC
Application Type	Listed Building Consent
Application Date:	26 May 2017
Applicant:	Kirkwood Homes Ltd Technical Department
Ward:	Lower Deeside
Community Council	Garthdee
Case Officer:	Sepideh Hajisoltani



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RECOMMENDATION

Approve Unconditionally

APPLICATION BACKGROUND

Site Description

The application site is located to the south of Inchgarth Road and is currently occupied by two semi-detached dwellings - 'Inchgarth Lodge' and 'The Steading'. These much altered granite buildings are situated within the curtilage of Inchgarth House which is a category 'C' Listed Building. The site lies within Pitfodels Conservation Area.

Relevant Planning History

P110529- Detailed planning permission for erection of new flat roofed extension to accommodate new kitchen and utility room was approved unconditionally in July 2011.

P111556 & P111557- Listed building consent and detailed planning permission for demolition of existing garage and port, erection of new store, garage block and colonnade, conversion of house and 2 flats back to one main house and refurbishment of all windows was approved conditionally in January 2012.

P140684- Detailed planning permission for erection of single storey rear extension was approved conditionally in July 2014.

P150523 & P150524- Detailed planning permission and listed building consent for removal of existing block garage and single storey extension to north east elevation, conversion of house and 2 flats back to one house, erection of new extensions to north east and north west elevations and refurbishment of all windows was approved conditionally in June 2015. This has been implemented.

P160782- Detailed planning permission for erection of 2 storey garage with ancillary space; formation of an opening in the boundary wall to create access gate and a driveway was withdrawn by applicant in September 2016.

170020/DPP- Detailed planning permission for construction of triple garage with ancillary accommodation at upper level was withdrawn by applicant in March 2017.

171921/DPP- Detailed planning permission for formation of new access and driveway with gate, wall and pillars, erection of a two storey detached garage and a single storey storage building and associated landscaping was refused in January 2018.

171540/DPP- Detailed planning permission for erection of two storey detached garage and associated access and landscaping was approved conditionally in April 2018.

APPLICATION DESCRIPTION

Description of Proposal

This application seeks listed building consent for complete demolition of the Steading and Lodge to allow construction of a two storey garage and implementation of associating landscaping within the curtilage of Inchgarth House. The replacement scheme was subject of two separate detailed planning permissions. The first one, proposed as part of 170921/DPP was refused in January 2018 due to inappropriate siting of the proposed garage and detrimental impact on future tree planting. A revised proposal was later submitted as part of 171540/DPP. This application was approved conditionally in 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>

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

- Bat Survey
- Demolition Statement
- Standing Building Survey Part 01
- Standing Building Survey Part 02

Reason for Referral to Committee

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

CONSULTATIONS

Historic Environment Scotland (HES) – The response of 15 June 2017 is summarised as below:

- Given the substantial scale and unsympathetic nature of the alterations, which appear to date from the mid to late 20th century, it is considered that the Steading and Lodge would be unlikely to meet the listing criteria in their own right. Accordingly it is acknowledged that a case for their demolition can be justified with regard to national policy on demolition of listed buildings, as set out in Historic Environment Scotland's Policy Statement (HESPS).
- If the Council is satisfied that there is a case for demolition, having regard to HESPS, options should be explored to retain and re-use the original granite parts of the buildings, including the scope to reinstate the traditional form of the lodge and steading, re-affirming their association with the category C listed Inchgarth House.

Community Council - The Cults, Bielside and Milltimber Community Council has formally objected to the application on the grounds that it contravenes Policy D4- Historic Environment and that demolition of two habitable homes which were originally part of the heritage of a Category C listed building within a conservation area is undesirable and unnecessary.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

Where a proposal affects a listed building Sections 14(2) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities in determining an application for Listed Building Consent to have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses. This is the primary consideration in the determination of applications for Listed Building Consent.

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)
- Historic Environment Scotland Policy Statement (HESPS)

Aberdeen Local Development Plan (2017)

- Policy D4: Historic Environment
- Policy D5: Our Granite Heritage

Supplementary Guidance and Technical Advice Notes

- Conservation Area Character Appraisal – Pitfodels
- Managing Change in the Historic Environment: Demolition

EVALUATION

The proposal seeks complete demolition of the existing Lodge and Steading. According to Managing Change in the Historic Environment guidance note on 'Demolition', buildings within the curtilage of a listed building have the same statutory protection. Based on the definition of demolition as provided on this document, the proposed demolition cannot be classified as alterations as it includes total demolition of the buildings.

Policy D4 has a presumption in favour of retention and reuse of listed buildings within conservation areas that contribute to their character. The applicant has stated that the proposed works are part of the wider works that aim to enhance the surroundings of Inchgarth House and that they have considered reuse of the existing buildings into a garage. However, the applicant has expressed that the buildings have featured so much alteration and renovations over the years that they would not be able to be used as a functioning garage. It is also noted that in the wider site, which previously accommodated three residential units, is now converted into one dwelling and no further use as additional residential use is being proposed.

In terms of importance of the buildings, it is noted that the existing semi-detached buildings have been altered considerably from their original form. A number of large box dormers and flat roof extensions have been installed on the buildings and as such the special character of these buildings has extensively been lost. The submitted standing building surveys submitted by the applicant provide evidence of the current state of the buildings both internally and externally and it is considered that there are no internal features with special architectural or historic merits.

According to Policy D5, proposals to demolish any granite building, partially or completely, that is listed or within a Conservation Area will not be granted Listed Building Consent unless the Local Authority is satisfied that the proposals to demolish meets HESPS (Paragraph 3.42) test for demolition. According to this test, evidence should be provided to show that:

- a. the building is not of special interest; or
- b. the building is incapable of repair; or
- c. the demolition of the building is essential to delivering significant benefits to economic growth of the wider community; or
- d. the repair of the building is not economically viable and that it had been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

In this instance, it is considered that as a result of accumulation of unsympathetic alterations point (a) has been met. The existing buildings are therefore considered to detract from the special character of Inchgarth House (being of no special character) and their removal is considered acceptable. The applicant has expressed their intention to re-use the reclaimed granite duntakings from the buildings for the reinstatement of part of the boundary wall (as approved in 171540/DPP) and other future ancillary structures or developments within the site.

It should also be noted that the proposal for the replacement building on the footprint of the existing Lodge and Steading has been recently approved conditionally (151540/DPP) and the replacement scheme is considered to maintain the traditional layout of the site and how the main house is read within the site. The proposed garage replicates the form and materials of the recent

extensions to Inchgarth House which keeps the continuity of traditional materials and building form on site. The applicant has

In general terms the setting of Inchgarth House would not be detrimentally harmed. The proposal therefore preserves the historic environment and would not adversely impact on the existing character of Inchgarth House. This authority is satisfied that the works are able to demonstrate compliance with the relevant tests from HESPS and its associated 'Managing Change in the Historic Environment; guidance notes and provisions of policy D4 and D5.

EXTENSION OF TIME

An extension of time has been agreed with the applicant to cover the delay in submission of the proposed application for the replacement scheme (171540/DPP).

RECOMMENDATION

Approve Unconditionally

REASON FOR RECOMMENDATION

The proposed demolition of the Lodge and Steading would remove existing buildings with unsympathetic alterations and with no special character. Thus it is considered that the principal setting of Inchgarth House and its special interest would be preserved in accordance with the principles of Scottish Planning Policy, Historic Environment Scotland Policy Statement and Policy D4 (Historic Environment) and D5 (Our Granite Heritage) of Aberdeen Local Development Plan, as well as Historic Environment Scotland's relevant 'Managing Change in the Historic Environment' Guidance Notes.

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Exempt information as described in paragraph(s) 6 of Schedule 7A of the Local Government (Scotland) Act 1973.

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