

Public Document Pack



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

Town House,
ABERDEEN 12 June 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, 21 JUNE 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 5 - 6)

DETERMINATION OF URGENT BUSINESS

- 2.1 Determination of Urgent Business

DECLARATION OF INTERESTS

- 3.1 Members are requested to intimate any declarations of interest (Pages 7 - 8)

MINUTES OF PREVIOUS MEETINGS

- 4.1 Minute of Meeting of the Planning Development Management Committee of 24 May 2018 - for approval (Pages 9 - 22)
- 4.2 Minute of Meeting of the Planning Development Management Committee (Visits) of 31 May 2018 - for approval (Pages 23 - 24)

COMMITTEE PLANNER

- 5.1 Committee Planner (Pages 25 - 28)

GENERAL BUSINESS

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 6.1 Bridge of Dee Bar, 651 Holburn Street - Demolition of Existing Function Suite, and Erection of 29 bed Student Accommodation - 170966 (Pages 29 - 42)

Planning Reference – 170966

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=OUIE68BZMSI00>

Planning Officer: Gavin Clark

- 6.2 Land At 15A Dee Street - Installation of Telecoms Cabinet - 170521 (Pages 43 - 48)

Planning Reference – 170521

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=P17LG3BZI1Y00>

Planning Officer: Sepideh Hajjoltani

- 6.3 Land adjacent to Rubislaw Quarry, Hill of Rubislaw - Residential Development comprising 299 Private Flats, Gym, Function Room, Public Heritage Bistro, Promenade, Car Parking and Amenity Space - 180368 (Pages 49 - 78)

Planning Reference – 180368

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=P5HGE3BZJRR00>

Planning Officer: Matthew Easton

- 6.4 Land At Dubford, Bridge Of Don - Modification of Planning Obligation associated with Planning Permissions: Ref: 120722; 120723; 121422; 121387; and 141506, to Remove Clause 5 from the associated Section 75 agreement (relating to payment of a Strategic Transport Funding Contribution) - 180418 (Pages 79 - 84)

Planning Reference – 180418

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=P5WBG8BZ02E00>

Planning Officer: Robert Forbes

- 6.5 Shielhill Crescent And Perwinnes Crescent, Dubford - Repositioning of Children's Play Area - amendment to Detailed Planning Permission 160630 - 180600 (Pages 85 - 92)

Planning Reference – 180600

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=P79T1PBZKQM00>

Planning Officer: Robert Forbes

- 6.6 Bremac Inverurie Road - Erection of extensions to side and rear elevations and formation of raised terrace (Pages 93 - 98)

Planning Reference – 180660

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

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

Planning Officer: Sheila Robertson

OTHER REPORTS

7.1 Finalised Enforcement Update Report (Pages 99 - 130)

DATE OF NEXT MEETING

8.1 Date of Next Meeting - 16 August 2018

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 3.1

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

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

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

OR

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

OR

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

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

OR

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

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

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 24 May 2018. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; and Councillor Donnelly, the Depute Provost (as substitute for Councillor A MacKenzie) ; and Councillors Allan, Cooke, Copland, Greig, Malik and Townson (as substitute for Councillor Cormie).

The agenda and reports associated with this minute can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=6264&Ver=4>

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

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 26 APRIL 2018 - FOR APPROVAL

1. The Committee had before it the minute of the previous meeting of 26 April 2018, for approval.

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

COMMITTEE PLANNER

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

The Committee resolved:-
to note the information contained in the Committee report planner.

76 MORNINGSIDE AVENUE - 180409

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

That the application for the erection of a 1.5 storey extension to the rear of 76 Morningside Avenue Aberdeen, be approved unconditionally.

Councillor Yuill spoke as a local member in regards to the application and asked Members to consider a site visit for the application before determination.

The Committee resolved:-

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to agree to defer the application in order a for a site visit to take place on Thursday 31 May at 9.30am.

LAND AT DUBFORD, BRIDGE OF DON - 180415

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

That the application for the modification of planning obligation associated with 141506 to amend clause 4.2 to remove the requirement to provide two affordable housing units at land at Dubford, Bridge of Don, Aberdeen, be approved.

The Committee resolved:-

to approve the modification of the application.

26 CRAIGMAROINN GARDENS - 180482

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

That the application for the change of use from public amenity space to garden ground and the erection of a boundary wall at 26 Craigmarronn Gardens Aberdeen, be approved unconditionally.

Gavin Clark, Senior Planner, spoke in furtherance of the application and answered questions from members.

The Committee resolved:-

to approve the application unconditionally.

SALTOUN ARMS, 69 FREDERICK STREET - 180518

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

That the retrospective application for the change of use of garden ground area to outdoor bar seating area to the rear, be approved subject to the following conditions:-

CONDITIONS

- (1) The external area hereby approved shall not be used between the hours of 10pm and 10 am the following day. The external area shall not be used unless the external access doors to it, as formed in the rear wall of the premises, are of a self-closing type, so as not to remain open other than when being used for access or egress

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purposes, and otherwise kept locked shut when the beer garden is not in use. – In order to ensure that the residential amenity of existing residents is not adversely impacted late at night and in order to prevent escape of noise in order to comply with the aspirations of policy H2 (Mixed Use Areas) within the Adopted Local Plan and relevant supplementary guidance regarding Harmony of Uses.

- (2) The external area hereby approved shall not be used for amplified music / performances. – In order to protect the residential amenity of adjacent occupants.

ADVISORY NOTES FOR APPLICANT

The applicant is advised of the need for a premises license in relation to use of the external area.

Lucy Greene, Senior Planner, spoke in furtherance of the application and answered various questions from members.

The Committee resolved:-

- (i) to request that the Chief Officer – Strategic Place Planning, write to the applicant to highlight that the application had been submitted retrospectively and work had been carried out without planning consent; and
- (ii) to otherwise approve the application conditionally.

ABERDEEN EXHIBITION AND CONFERENCE CENTRE, EXHIBITION AVENUE, BRIDGE OF DON - 150824

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

That the application for the proposed demolition of existing buildings, and the erection of mixed use development to include residential units, commercial and business use, recycling centre and park and ride facility at the Aberdeen Exhibition and Conference Centre, be approved conditionally, with permission to be withheld until a legal agreement is entered into to secure affordable housing and developer obligations relating to primary education, community facilities, sports and recreation, healthcare, transportation and open space.

Conditions

(1) That no development shall be undertaken in any phase unless a detailed phasing programme outlining the delivery of buildings, open space and roads infrastructure across the entire application site has been submitted to, and approved in writing by the planning authority via a formal 'Matters Specified in Conditions' application - in order to ensure development is progressively accompanied by appropriate associated infrastructure, and to inform the timescale for submission of further applications for

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'Matters Specified in Conditions' specified in the planning authority's direction stated in this notice.

(2) No development in connection with each respective phase/block of the planning permission hereby approved shall take place until full details of the siting, design, external appearance and landscaping within the relevant phase of the development and the means of access serving the relevant phase/block of development have been submitted to and approved in writing by the Planning Authority. The development shall then be implemented in complete accordance with the approved details, or those subsequently approved. Depending on the phase/block, and unless otherwise agreed in writing with the planning authority, the MSC applications shall include:

- a) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point within the relevant phase/block of development;
- b) A detailed Drainage Plan for the relevant phase/block of development, including full details of the proposed means of disposal of surface water from the relevant phase/block of development, including how surface water run-off shall be addressed during construction, as well as incorporating the principles of pollution prevention and mitigation measures. The final location of SUDs, including ponds, should be appropriately positioned in accordance with an agreed flood risk assessment;
- c) Full details of the connection to the existing Scottish Water foul water drainage network for the relevant phase/block of development;
- d) Details of all cut and fill operations in the relevant phase/block of the development;
- e) The details of all roads, footpaths and cycleways throughout the relevant phase/block of the development;
- f) Details of any screen walls/fencing to be provided within the relevant phase/block of the development;
- g) Details of all landscaping, planting and screening associated with the relevant phase/block of the development;
- h) Full details of the layout, siting, design and finish of all residential properties, throughout the relevant phase/block of development;
- i) Full details of the layout, siting, design and finish of all non-residential properties throughout the relevant phase/block of development. This shall include but is not limited to: commercial premises, the Park and Choose, household waste and recycling centre (HWRC), local scale retail units; and,
- j) Full details of all waste/recycling collection points, for residential and non-residential properties;

- 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.

(3) The landscaping details to be submitted pursuant to Condition 2 above shall include:

- a) Existing and proposed finished ground levels relative to a fixed datum point;

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- b) Existing landscape features and vegetation to be retained. Tree survey, including layout plan showing proposed development together existing trees;
- c) Existing and proposed services including cables, pipelines and substations;
- d) The location of new trees, shrubs, hedges, grassed areas and water features;
- e) A schedule of plants to comprise species, plant sizes and proposed numbers and density;
- f) The location, design and materials of all hard landscaping works including walls, fences, gates, street furniture and play equipment;
- g) An indication of existing trees, shrubs and hedges to be removed;
- h) A Biodiversity Action Plan;
- i) A Management Plan detailing appropriate management measures for all watercourse buffer strips;
- j) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted - in the interests of protecting trees and ensuring a satisfactory quality of environment.

(4) That the development shall not be brought into use and no residential units shall be occupied unless there has been implemented on site the works detailed below, in accordance with details submitted to and approved in writing by, the planning authority, unless otherwise agreed in writing with the planning authority. The works are:

- a) A shared use path alongside the frontage of the proposed site on Ellon Road;
- b) The repositioning of existing pedestrian crossing facilities on Ellon Road and their upgrading to include toucan crossing facilities (to provide linkage to the northbound bus stop on Ellon Road).
- c) Provision of dropped kerb crossing facility on Exploration Drive in the vicinity of the pedestrian access junction.
- d) Upgrading of existing bus stop infrastructure and the provision of dedicated bus layby.
- e) Provision of bus stops located at internal site on Exhibition Drive.
- f) Relocating of existing bus stop outside AECC (on Ellon Road) to a layby close to the Park and Choose, timing of this shall coincide with the relocation of the pedestrian crossing;
- g) Bus stops on the northern section of the upgraded Exhibition Avenue;
- h) Layout of the footpaths within the site to provide linkage with the existing path leading through to King Roberts Way to the south west of the application site.

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- In the interest of road safety and connectivity.

(5) That no residential units shall be occupied unless there has been submitted, to and approved in writing by the planning authority, details identifying safe routes to schools within the proposed development. This shall include details of measures, including a timetable for implementation, required to help ensure safe travel to school. No residential units shall be occupied unless the works have been implemented on site including the works detailed below, unless otherwise agreed in writing with the planning authority. The works are in relation to providing safer routes to school and include the following:

1. Drop Kerb facilities with tactile paving at North Donside Road/ Broadfold Drive Junction
2. Drop Kerb facilities with tactile paving at North Donside Road/ Gordon Road Junction
3. Tactile pavers should be installed on pedestrian crossing link to Fraserfield Gardens.
4. A crossing point on Scotstown Road to allow safe crossing point from Fraserfield Gardens.

- in the interests of road safety and encouraging walking.

(6) that the existing Park and Ride service shall be retained on site and operational during the construction period on the wider application site, unless otherwise agreed in writing with the planning authority – in the interests of continuity of public transport provision.

(7) No part of the development shall be occupied prior to the Aberdeen Western Peripheral Route being open to traffic, and the consequent removal of trunk road status for the A90 Parkway / Ellon Road. - To restrict the scale of the development in order to minimise the interference with the safety and free flow of traffic on the trunk road.

(8) No part of the development shall be occupied until a comprehensive Travel Plan for that part of the development that sets out proposals for reducing dependency on the private car has been submitted and approved in writing by the planning authority, after consultation with Transport Scotland, as the Trunk Roads Authority. In particular this Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.- To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport

(9) That no development shall take place unless there has been submitted to and approved in writing by the Planning Authority, a Framework Travel Plan, setting out proposals for reducing dependency on the private car. – in the interests of reducing travel by private car.

(10) No more than 498 residential dwellings and 2400sq.m. of office space, or other such development combination of equivalent traffic generating uses as demonstrated to

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the satisfaction of the Planning Authority shall be occupied unless the mitigation scheme for the A90(T) Parkway/ Ellon Road roundabout, generally in accordance with AECOM drawing number SKE001 (November 2015) has been implemented unless otherwise agreed in writing with the planning authority- in the interests of road safety.

(15) That no dwellings shall be occupied until such time as a public transport strategy, including proposals for the provision of either new or extended bus services linking the development with the existing public transport network, and details of the phased implementation of the strategy, have been submitted to and approved by the Planning Authority. Thereafter the agreed strategy shall be implemented in full in accordance with such a scheme, unless otherwise agreed in writing with the Planning Authority - in the interests of encouraging the use of public transport.

(10) That no development shall take place unless there has been submitted to and approved in writing by, the planning authority in consultation with SEPA prior to any works on site:

- The hydraulic model is re-run to incorporate an allowance for Climate Change as part of the sensitivity analysis
- Consideration is made of the flood events which have been documented at the Park and Ride car park on the site, by Aberdeen City Council in their 4th and 5th Biennial Flood Reports.
- No development will be permissible within the 1 in 200 year flood plain outline. With the present information provided this is defined in Figure 11 of the Flood Risk Assessment for Planning Application in Principle, dated 12 October 2015, by Kaya Consulting Ltd for Goodson Associates.
- In regard to the proposed opening up of a culvert on the site - detailed modelling of the new channel is provided.

- to protect people and property from flood risk in accordance with Scottish Planning Policy.

(11) Prior to commencement of any work in any phase of the development, a detailed scheme for the protection and enhancement of the water environment shall be submitted to, and approved in writing by, the Planning Authority in consultation with SEPA [and SNH or other agencies as appropriate]. This shall include:

Confirmation of the location of all existing water bodies on site and demonstration of how they have been positively incorporated into the layout of the development, including appropriate buffer zones between the top of the bank of the watercourse and the development.

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All works on site must be undertaken in accordance with the approved scheme unless otherwise agreed in writing with the Planning Authority in consultation with SEPA.

- to protect and improve the water environment.

(12) that no development in any individual phase/block shall take place unless a scheme detailing levels of sustainable drainage (SUDS) surface water treatment has been submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C697) and should incorporate source control.

- to ensure adequate protection of the water environment from surface water run-off.

(13) No development shall take place on site in each independent phase/block pursuant to this planning permission unless a site specific Construction Environmental Method Plan (CEMP) has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. All works on site must be undertaken in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority.

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

(14) The details to be submitted pursuant to Condition 2 for each respective phase of the development shall show the proposed means of disposal of foul and surface water from the relevant phase of the development within the form of a Sustainable Urban Drainage System and include a development impact assessment and detailed design and methodology statement. Unless otherwise agreed in writing by the Planning Authority, in consultation with SEPA, the development shall connect to the public sewer and the relevant phase of the development shall not be occupied unless the agreed drainage system has been provided in its entirety and maintained thereafter throughout the lifetime of the consent in accordance with the approved maintenance scheme. The details required shall also include details of the future long term maintenance of the system covering matters such as:

- a) Inspection regime relating to matters such as outlets/inlets;
- b) Frequency and method of cleaning of filter trenches, removal of silt etc.;
- c) Grass cutting (and weeding) regime for swales;
- d) Means of access for future maintenance;
- e) How to ensure that planting will not be undertaken over perforated pipes;
- f) Details of the contact parties for future factoring/maintenance of the scheme;

- to protect the water environment and help reduce flooding.

(15) Prior to the commencement of any phase of development, as identified in the approved phasing plan required by condition 1, for each respective phase full details of

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the proposed street design for each block, which shall contain, but not be limited to, a parking strategy, road junctions and visibility splays, cycleway provision, gradients, level details, finishing/surfacing materials and crossing points, shall be provided for the further written approval of the Planning Authority in consultation with the Roads Authority. The development shall be carried out in complete accordance with such a plan and buildings shall not be occupied unless the streets and parking areas for the respective block are complete and available for use - in the interests of road safety.

(16) No development shall take place until an assessment of emissions to air from road traffic associated with the whole development has been submitted to and approved in writing by the planning authority. The assessment shall be undertaken in accordance with a method approved by Council's Environmental Health Service and take into account additional traffic associated with other consented or proposed developments in the area, including the 3rd Don Crossing and Aberdeen Western Peripheral Route. Where the development is assessed as having an adverse impact on local air quality mitigation measures shall be specified in the report. The approved mitigation measures shall thereafter be implemented in accordance with a timetable agreed with the planning authority. Reason – in order to mitigate the impact of road traffic associated with the development on local air quality.

(17) Prior to the occupancy of each block, parking spaces, surfaced in hard standing materials shall be provided within the site in accordance with the agreed parking strategy in accordance with the Council's Car Parking Standards, unless otherwise agreed in writing with the planning authority - in the interests of road safety.

(18) No development in any particular phase of the development hereby approved shall take place unless surveys for protected species (red squirrel / bats /badgers) for that phase have been carried out and submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place within the relevant phase of the development unless detailed mitigation measures to safeguard any identified protected species have been submitted to and approved in writing by the Planning Authority. No development shall take place within the relevant phase unless the mitigation measures which have been agreed in writing by the Planning Authority are carried out in accordance with the agreed scheme - to ensure the protection of protected species.

(19) No development shall take place within any individual block until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. The programme of archaeological work will include all necessary post-excavation and publications.

(20) that no development within any individual phase/block shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified

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in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.

(21) that no development in any individual phase/block 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.

(22) 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) in any individual phase/block 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.

(23) that there shall be no development involving hard surfaces or buildings within the area of the application site zoned as green belt under Policy NE2 of the adopted Local Development Plan 2012. No development or works shall take unless details have been submitted to and approved in writing by the planning authority – in the interests of the green belt and landscape areas setting of adjacent areas.

(24) That any overlap in operation of the existing AECC and the proposed facility at Rowett North (including event testing) shall be implemented only in accordance with an operational and transportation statement to be agreed in writing with the planning authority – in the interests of ensuring that there is no detrimental impact on the capacity of the road network

Informatives

INFORMATIVE 1

DIRECTION UNDER SECTION 59 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997:

that the subsection (2)(a)(i) of section 59 shall apply as respects the permission with the substitution for the period of 3 years referred to in that subsection, of 5 years, as is considered appropriate by the planning authority in this instance on the basis of the scale of the development.

The provisions of section 59(2) shall therefore be read as follows:

1) that this planning permission in principle shall lapse unless a further application or applications for approval of the matters specified in all condition(s) attached to this

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grant of planning permission in principle in respect of phase 1(as defined in terms of condition 1) has been made before whichever is the latest of the following:

- (i) the expiration of 5 years from the date of this grant of planning permission in Principle;
- (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions was refused;
- (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

2) that this planning permission in principle shall lapse unless a further application or applications for the requisite approval of the matters specified in all condition(s) attached to this grant of planning permission in principle in respect of each phase subsequent to phase 1 (as defined in terms of condition 1) has been made before whichever is the latest of the following:

- (i) the expiration of 3 years from the date of the last grant of requisite approval for the previous phase;
- (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval of matters specified in conditions for the phase in question was refused;
- (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed;

- pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3) that this planning permission in principle shall lapse on the expiration of 2 years from the approval of matters specified in conditions on the final phase (as defined in condition 1 of this permission) being obtained (or, in the case of approval of different matters on different dates, from the requisite approval for the last such matter being obtained) unless the development of the final phase to which the permission relates is begun before that expiration – pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

INFORMATIVE 2:

For the avoidance of doubt, the term 'phase' within any condition shall refer to the phases as have been approved under the terms of Condition 1 of the planning permission in principle hereby approved.

INFORMATIVE 3.

Unless otherwise agreed in writing with the Planning Authority, during the construction of any phase of the development, the normal hours of operation for all activity audible at the boundary of the nearest noise sensitive premises shall be between 07:00 to 19:00 hours Monday to Friday; 07:00 to 12:00 hours on Saturday, with no working on Sundays.

INFORMATIVE 4

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

24 May 2018

It is advisable that the developer contact the Council's Waste Aware Team to discuss the appropriate waste storage and uplift arrangements for the residential developments.

INFORMATIVE 5

The applicant is advised that should any contamination of the ground be discovered during development the Planning Authority should be notified. The extent and nature of the contamination should be investigated and a suitable scheme for the mitigation of any risks arising from the contamination should be agreed and implemented to the satisfaction of the Planning Authority. This is in order to ensure that the site is suitable for use and fit for human occupation.

The report noted that at the Planning Development Management Committee of 10 December 2015, they resolved to approve the application conditionally, along with securing of affordable housing and developer obligation contributions. It was noted that a new Supplementary Guidance was now in place which resulted in a contribution towards healthcare provision also being required.

The Committee heard from Lucy Greene, Senior Planner, who answered questions from members in regards to the application and clarified the current position with the application. Elena Carlisle, Legal Team Leader, Planning and Enforcement, updated the Committee in regards to the Section 75 legal agreement.

The Committee resolved:-

to approve the recommendation contained within the report.

- **Councillor Marie Boulton, Convener**

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE
24 May 2018

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

ABERDEEN, 31 May 2018. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS). Present:- Councillor Boulton, Convener; Councillor Donnelly, the Depute Provost (as substitute for Councillor MacKenzie) and Councillors Cooke and Copland.

Also in attendance:- Councillor Yuill (as local member).

The agenda and reports associated with this minute can be found at:-

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=152&Mid=6224&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.

76 MORNINGSIDE AVENUE - ERECTION OF 1.5 STOREY EXTENSION TO REAR - 180409

1. With reference to article 3 of the Planning Development Management Committee of 24 May 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 - Strategic Place Planning, **which recommended**:-

That the application for the erection of a 1.5 storey extension to the rear at 76 Morningside Avenue be approved unconditionally.

The Committee heard from Councillor Ian Yuill, who spoke as a local member in regards to the application. Councillor Yuill addressed the Committee and advised that he had concerns in relation to the impact the proposed extension would have on the neighbouring properties, and felt that the proposed underbuilding would be excessive to the neighbouring properties. Councillor Yuill highlighted that various other properties on Morningside Avenue had extensions, but were either one storey extensions or conservatories and felt that the proposed extension was excessive.

Garfield Prentice, Team Leader, spoke in furtherance of the application and answered various questions from members, whereby it was noted that in regards to over shadowing the neighbouring property, there would only be a slight impact in the morning to the patio area but was not considered to be a significant impact.

The Committee resolved:-

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

- **Councillor Marie Boulton, Convener**

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS)

	A	B	C	D	E	F	G	H	I
1	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.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3	21 June 2018								
4	Development of Models for Civic Leadership and Engagement	To consider models for Civic Leadership and Engagement		Derek McGowan	Early Intervention and Community Empowerment	Customer		R	Following the decision at Full Council on 5 March to 'endorse the values and principles of civic leadership and engagement as set out in Appendix L' there was not a further requirement to report to Committee. This has therefore been removed from the planner. Any future proposals regarding civic leadership and engagement will be presented to the appropriate committee for consideration.
5	Hill of Rubislaw	to approve or refuse the application	On agenda	Matthew Easton	Strategic, Place, Planning	Place	1		
6	Bridge of Dee Bar, 170966	to approve or refuse the application	On agenda	Gavin Clark	Strategic, Place, Planning	Place	1		
7	Dubford Bridge of Don - 180418	to approve or refuse the application	On agenda	Robert Forbes	Strategic, Place, Planning	Place	1		
8	Dubford Bridge of Don - 180600 play park	to approve or refuse the application	On agenda	Robert Forbes	Strategic, Place, Planning	Place	1		
9	Bremac, Inverurie Road - 180660	to approve or refuse the application	On agenda	Sheila Robertson	Strategic, Place, Planning	Place	1		
10	Dee Street - 171521	to approve or refuse the application	On agenda	Sepi Hajjoltani	Strategic, Place, Planning	Place	1		
11	16 August 2018								

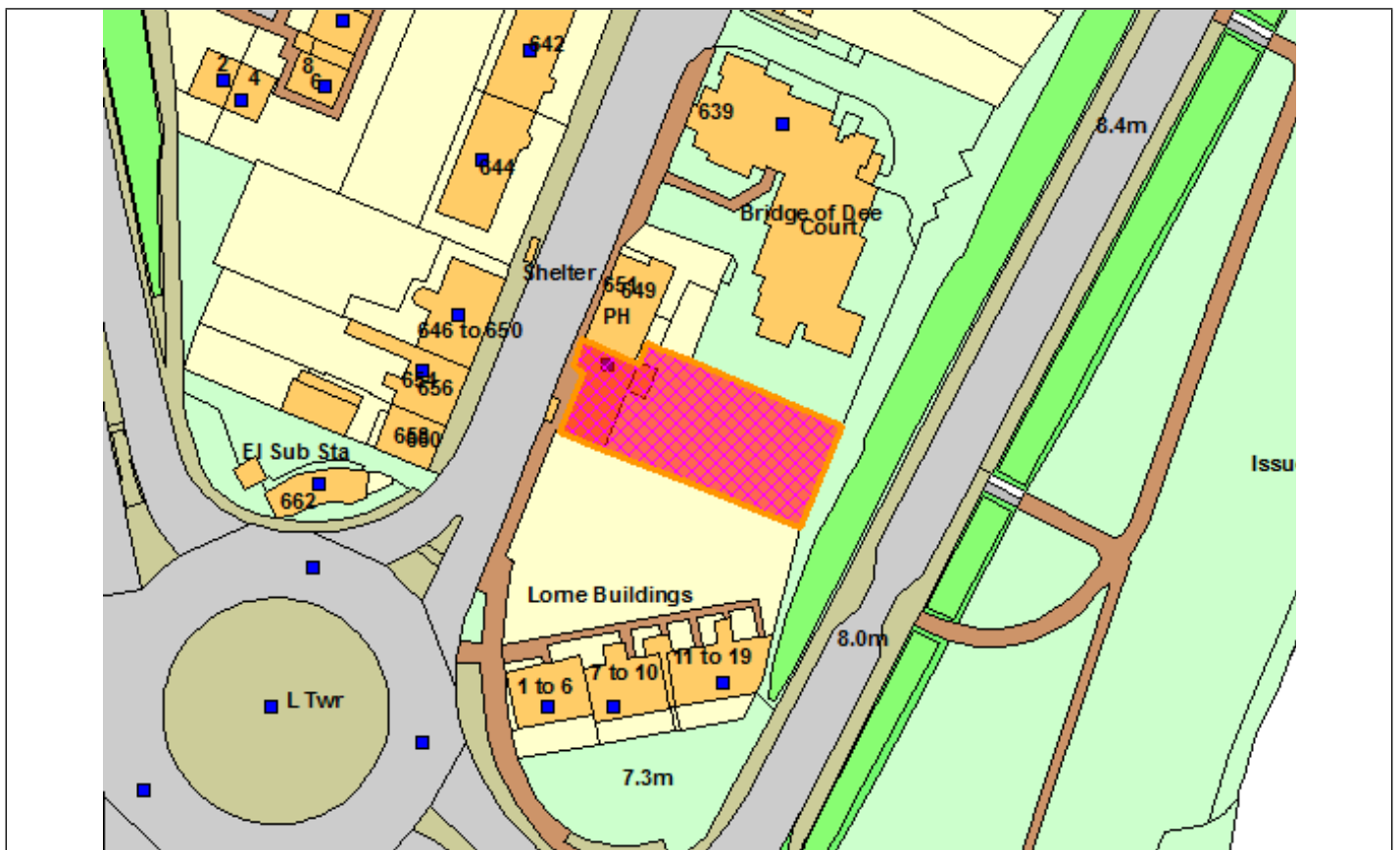
	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
12	Confirmation of TPO 248 and 249	to combine TPO 248 with TPO 249 and to report back to a subsequent Committee with the combined report for consideration.		Kevin Wright	Strategic, Place, Planning	Place	1		
13	Broadford Works - 4 applications	to approve or refuse the application		Lucy Greene	Strategic, Place, Planning	Place	1		
14	Maidencraig	to approve or refuse the application		Gavin Clark	Strategic, Place, Planning	Place	1	D	Design changes required.
15	257 North Deeside Road	to approve or refuse the application		Dineke Brasier	Strategic, Place, Planning	Place	1	D	Noise assessment required and parking survey. To be submitted from applicant.
16	1 Western Road, 081415	to approve or refuse the application		Robert Forbes	Strategic, Place, Planning	Place	1	D	Discussions on land ownership ongoing.
17			20 September 2018						
18	OP51 Peterculter	to approve or refuse the application		Nicholas Lawrence	Strategic, Place, Planning	Place	1		
19									
20			01 November 2018						
21									
22									
23									
24			6 December 2018						
25	Shielhill Road Mundurno	to approve or refuse the application.		Robert Forbes	Strategic, Place, Planning	Place	1		
26									
27			24 January 2019						
28									
29									
30			21 February 2019						
31									
32									
33			21 March 2019						
34									
35									
36			18 April 2019						

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
37	Annual Committee Effectiveness Report	To present the annual effectiveness report for the Committee.	May-19		Governance	Governance	GD 7.4		
38									
39	AD HOC REPORTS (CYCLE DEPENDENT ON REQUIREMENT TO REPORT)								
40									
41									
42									
43									
44			May 2019 Onwards						
45									

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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: 21st June 2018</p>

Site Address:	Bridge of Dee Bar, 651 Holburn Street, Aberdeen, AB10 7JN.
Application Description:	Demolition of existing function suite, and erection of 29 bed student accommodation
Application Reference:	170966/DPP
Application Type	Detailed Planning Permission
Application Date:	11 August 2017
Applicant:	Yorsipp (Trustees) and David T G Reid
Ward:	Torry/Ferryhill
Community Council	Ferryhill And Ruthrieston
Case Officer:	Gavin Clark



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RECOMMENDATION

Willingness to approve with conditions, subject to the conclusion of a legal agreement securing developer obligations towards the Core Path Network (£6473).

APPLICATION BACKGROUND

Site Description

The application site, which extends to approximately 773 square meters, is currently occupied by a single storey function room associated with the adjacent Bridge of Dee Bar. There is an area of ground to the rear which is currently overgrown with areas of grass, shrubbery and trees. A mature bank of trees is located on the eastern edge of the site fronting on to Riverside Drive. The surrounding area includes sheltered housing and the existing public house to the immediate north, residential flats to the south and west and Riverside Drive (and the River Dee) to the east.

Relevant Planning History

- A planning application (Ref: 161239/DPP) for the demolition of the existing lounge bar and erection of 43 bed student accommodation was withdrawn in January 2017;
- Planning permission (Ref: A3/0823) was refused by Planning Committee in July 2004 for the installation of an access and beer garden to the rear of the public house; which included an access to the site from Riverside Drive;
- There have been various other applications in the last 30 years for alterations to the existing public house and installation of associated signage.

APPLICATION DESCRIPTION

Description of Proposal

An existing function suite on site would be demolished. Consent is sought for the erection of student accommodation on a site adjacent to the Bridge of Dee Bar. The building proposed would be 4 storeys in height (with the top floor recessed) from the western (Holburn Street) elevation, and due to the gradient of the site would be five storeys in height on its eastern (Riverside Drive) elevation. The proposal would utilise materials including dark grey brick, buff brick, dark/ light grey aluminium panels and aluminium windows and doors. Internally, the proposal would include a games room, gym and laundry at lower ground floor level, which would also provide access to the rear garden, a six-bed flat at ground floor level, a nine-bed flat at first and second floor level and a five-bed flat at third floor level, providing 29 bedrooms in total.

The rear of the site would be utilised as garden space associated with the student accommodation. It is noted that shrubbery and trees would be removed from the site to accommodate the development; with replacement planting taking place within the curtilage of the site (subject to planning conditions).

The proposal has been amended since the original submission following significant discussions with the Planning Service. This included a reduction in height of the building, various changes to the external appearance of the building and a reduction in bedrooms from 40 to 29. Neighbours were re-notified on the 2nd February 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/applicationDetails.do?activeTab=documents&keyVal=OUIE68BZMSI00>.

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

Design Statement: Halliday, Fraser Munro: August 2017: was submitted in support of the original proposal and provided a background to the development, a site appraisal, existing building appraisal, details of the previous application, design development, design proposals and an overall conclusion.

Planning Statement: Halliday, Fraser Munro: August 2017: provided details of the site, the proposed development, the overall planning context and an overall conclusion.

Drainage Impact Assessment: Cameron + Ross: August 2017: provided details of the site, existing ground conditions, development proposals, foul drainage proposals, surface water proposals, an assessment of flood risk, details of future maintenance and construction phasing.

Flood Statement: Cameron + Ross: August 2017: an introduction to the proposal, baseline conditions, potential sources of flood risk, an overall flood assessment and summary/ conclusion.

Protected Species Survey: Northern Ecological Services: October 2017: all trees within, and close to the grounds of the Bridge of Dee public house were inspected for their capacity to provide roosting spaces for bats in major cracks, crevices or cavities in the trunks and limbs. None of the trees inspected showed potential for bat roosts and no bird nests were noted at the time of survey.

Tree Survey & Tree Survey Schedule: Struan Dalgleish Arboriculture: October 2017: provided an introduction to the proposal, methodology, tree survey results and trees and development. The findings of this report are discussed within this report.

Supporting Marketing Statement: Homeguard Leasing: June 2018: indicates the positives of the proposed development, its proximity to RGU, on a bus route on the south side of the city, the demand for high quality student accommodation close to campus.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because there have been more than 5 timeous letters of objection to the application. Subsequently, the proposal falls out-with the scheme of delegation.

CONSULTATIONS

ACC – Roads Development Management Team – have no objection to the proposal, noting that it is a no-car development that has good walking and cycling links, good access to public transport and appropriate refuse facilities have been provided. Have also requested the insertion of a condition in relation to the submission of a travel plan.

ACC – Environmental Health – have no objection to the proposal, subject to the submission of a Noise Assessment (to be controlled via an appropriately worded planning condition). Have no concerns with regards to air quality; and have suggested the insertion of informatives in relation to noise from the site, ground preparation and construction works.

ACC – Waste Strategy Team – have no objection to the proposal, and have advised of the waste management requirements for the proposed development. These have been shown on the submitted plans and an appropriate informative would be added to the planning consent, were permission to be granted.

Developer Obligations Team – have advised of the requirement for contributions towards the core path network (£6,473). This will be controlled via a legal agreement.

Scottish Water – no response received, it is therefore assumed that they have no objection to the proposed development.

ACC – Flooding and Coastal Protection – noted that there is a SUDS scheme planned and require that the scheme be able to hold the volume in a 0.5%+CC event using appropriate calculations to conclude the run-off rate. This could be added as an appropriate condition to the consent. They also recommend the use of permeable materials where suitable in the design to help prevent an increase in surface water run-off as well as the use of rain water harvesting.

REPRESENTATIONS

The application has received a total of 21 representations (15 in support and 6 against), the following material matters of which have arisen:

Supporting Comments:

- The proposal will make use of a redundant/ underused building and rear garden area;
- Proposal is considered to be of an appropriate design and will have a positive impact on the character and appearance of the surrounding area;
- The proposal is within walking distance of the university and is within a wholly sustainable location;
- There would be no loss of amenity to neighbouring properties;
- The proposal will provide further accommodation for students;
- The proposal would see the re-development of a vacant, brownfield site;
- The proposal will have a positive impact on the surrounding economy;
- The proposal complies with the Strategic Development and Local Development Plan.

Objecting Comments:

- The proposal will lead to further traffic issues in the surrounding area;
- Insufficient parking is to be provided within the proposed development;
- The proposal will have an adverse impact in terms of noise; litter and loss of privacy, in particular given that it would be located in close proximity to sheltered accommodation;
- Security concerns;
- Concerns with regards to overlooking and loss of light from the proposed flats;
- Concerns were raised with regards to the loss of trees, and the impacts that this may then have on privacy;
- The proposal represents an overdevelopment of the site, and is out of scale with the existing buildings in the surrounding area.

Non-Material Planning Considerations:

- That development on the site has been refused previously.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Aberdeen Local Development Plan (ALDP)

- Policy D1: Quality Placemaking by Design;
- Policy D5: Our Granite Heritage;
- Policy I1: Infrastructure Delivery and Developer Obligations;
- Policy T2: Managing the Transport Impact of Development;
- Policy T3: Sustainable and Active Travel;

- Policy T4: Air Quality;
- Policy T5: Noise;
- Policy H1: Residential Areas;
- Policy NE5: Trees and Woodland;
- Policy NE6: Flooding, Drainage and Water Quality;
- Policy NE8: Natural Heritage;
- Policy R6: Waste Management Requirements for New Developments;
- Policy R7: Low and Zero Carbon Buildings, and Water Efficiency; and
- Policy CI1: Digital Infrastructure

Supplementary Guidance (SG)

- The Sub-Division and Redevelopment of Residential Curtilages
- Planning Obligations;
- Transport and Accessibility;
- Air Quality;
- Noise;
- Natural Heritage;
- Trees and Woodland;
- Flooding, Drainage and Water Quality; and
- Resources for New Development

EVALUATION

Principle of Development

The application site lies within a designated residential area in the ALDP. Associated Policy H1 states that new development will be approved in principle if it does not: constitute over development; have an unacceptable impact on the character and amenity of the surrounding area; or result in the loss of valuable and valued areas of open space. Development should also comply with Supplementary Guidance.

Student accommodation can be considered to be a quasi-residential use, with the main differences being the temporary (usually yearly basis) of the tenancies and shared communal facilities (kitchens, living/common rooms and laundry). In this case the surrounding area contains a mix of uses, including the adjoining public house and sheltered housing complex to the immediate north, and “mainstream” residential properties to the west and south of the site.

In this instance it is considered that the principle of the redevelopment of the site for student accommodation would be acceptable, for the reasons detailed in this evaluation, and the proximity of the site to further educational facilities.

Design and Amenity

Policy D1 contains criteria which seeks to ensure that all new development is appropriately designed for its context. The proposed building has been amended since its original submission, having an overall height of approximately 12m when viewed from the principal elevation of Holburn Street (due to the slope of the site the extension would have a height of 15m when viewed from the eastern elevation). The proposed building will not appear out of context when viewed within the surrounding area. The building would be set back from the main building line of the street, which would set back the visual massing of the frontage of the building. The use of different materials (including grey/ brown/ buff brick and metal cladding drawn from colour appreciation of the context) would also enable the proposal to fit in with the surrounding buildings as an appropriate addition to the surrounding context. A condition requiring samples to be provided for approval is recommended to ensure appropriate colour and textures complimenting the context.

Externally, private open space would be provided to the rear of the property, which would be for the use of all residents of the accommodation (extending to approx. 70sqm) to augment the internal amenity spaces. The level of external amenity space is appropriate for the location; and the site also lies in close proximity to larger areas of open space, including the River Dee, located to the immediate east.

Overall, it is considered the design and siting of the student accommodation would be suitable for its context in terms of massing and finish and would comply with the requirements of policies D1 of the ALDP.

It is also noted that the proposal will result in the loss of a granite structure. The applicants have indicated that the doughtings from the function suite will be re-used within the site (in boundary treatments/ garden features) and a condition will be inserted on to the consent in this regard. Subject to the submission of a satisfactory scheme, the proposal would comply with Policy D5 of the ALDP.

Impact on Surrounding Area/Residents

Given the scale of the development, and under the requirements of policy H1, the proposals will not result an adverse impact on the amenity of neighbours in terms of overshadowing/loss of daylight or loss of privacy.

In support of the application, the applicant undertook a sun path analysis to assess the impact of the development on neighbouring properties, as well as the provision of sunlight to the amenity space proposed as part of the development. This demonstrates that the proposed development would not have an adverse impact on the immediately adjacent property (the flat located within the public house) and would not negatively impact on the sheltered housing located nearby as well as other residential flats in the surrounding area. The shading analysis did indicate, however, that the proposed development would over shadow the proposed amenity space in the evening more than it would at present.

Window-to-window distance on the principal elevation would be approximately 18.5m, within recommended distances. It is therefore considered that there would be no overlooking issues to the west; as there are no direct properties to the east, there would be no issue to this elevation. Existing vegetation and a distance of approx. 35m would ensure no detrimental privacy issues to the properties to the south (the windows on both these elevations would serve bedrooms). In addition, the windows on the northern elevation would serve hallways (non-habitable rooms) and it is therefore considered that there would be no privacy issues in this regard.

It is noted that some concerns were raised with regards to the amenity space to the rear, and the impact that this may have on the sheltered housing to the north. Whilst it is appreciated that this area is overgrown at present, and not used, the introduction of an area of garden ground for the student accommodation would not have an overly adverse impact on the amenity of the surrounding area, and is considered to be acceptable in this instance. It is also expected that any replacement planting would take place along this elevation.

For the above reasoning, it is not considered that the proposal would negatively impact on the amenity of surrounding properties, and the proposal is therefore considered to comply with this element of Policy H1 of the ALDP.

Ecological Matters

It is noted that the proposed development would result in the loss of mature trees within the site (close to the extension and also one within the boundary of Bridge of Dee Court). There are also a number of trees out-with the boundary to the south, which could potentially be impacted upon by

the proposed development. In this regard, the applicants submitted have submitted a Tree Survey in support of the application. This concluded that the large mature trees to the rear of the site would not be impacted upon by the proposed development.

The tree survey indicates that various trees will be required to be removed from the site to as part of the development, this includes four sycamore trees, which are rated in a fair to poor condition and range in height from 13-17m. One is required for removal to facilitate the development and the other tree have been recommended for removal as they will soon outgrow their location. It is also recommended to remove a mature birch tree, extending to 16m in height and considered to be in a poor condition. It is also recommended that a sycamore tree be pruned; as would four plane trees. Whilst a number of trees would be removed from site, replacement planting is proposed, and would be controlled via an appropriately worded planning condition.

With regards to the trees in the adjacent site (to the south), the survey concludes that, provided the existing boundary treatment is retained, roots from these trees would not extend into the site, and as a result the development proposals would have no impact below ground on parts of these trees. Pruning, is however, likely to be required to allow for construction of the proposed extension.

The applicants also propose tree protection barriers throughout the development, to protect existing trees within the site, this matter will be further controlled via an appropriately worded planning condition.

The applicants have also submitted an ecological survey due to the potential presence of bats both within the application boundary and within the surrounding woodland. The report advised that all trees within, and close to, the grounds of the Bridge of Dee public house were inspected, with none showing any capacity for bat roosts and no bird nests were noted at the time of the survey. There are therefore no ecological constraints to construction within the grounds of the property.

The proposal has been assessed by colleagues, who noted the removal of these trees within the site are considered to be acceptable in order to facilitate development (subject to appropriate replacement planting), and considered all other matters highlighted in the submitted assessments to be considered acceptable given their overall conditions and proximity to existing buildings. The proposed development would therefore not conflict with the general aims of Policy NE5: Trees and Woodland and NE8: Natural Heritage of the ALDP and its associated SG: Trees and Woodland and Natural Heritage.

Transport and Accessibility

The proposal has been assessed by colleagues in Roads Development Management, who have raised no objection to the proposed development. They have noted that there is a good foot and cycle network around the site, and bus stops are located in close proximity to the application site. Whilst no parking is proposed with the development this is considered acceptable as the site is well served by alternatives to the private car as noted above. Cycle parking facilities have also been provided within the development; which are considered acceptable. A green travel plan has also been requested, and this could be provided via an appropriately worded planning condition. Subject to the above, the proposed development would comply with the general principles of Policy T2: Managing the Transport Impact of Development and T3: Sustainable and Active Travel, as well as the associated Supplementary Guidance: Transport and Accessibility of the ALDP.

Waste Management Requirements

The proposal has been assessed by colleagues in Waste Management and Roads Development, who have raised no objection to the proposed development; advising that the site can be adequately serviced with waste facilities provided at the entrance to the site (on ground floor

level). As the site has been adequately serviced the proposal would accord with Policy R6 and its associated Supplementary Guidance: Resources for New Development of the ALDP.

Air Quality/ Noise

The proposal has been subject to consultation with colleagues in Environmental Health. With regards to noise, they have noted that the proposal is located within a Noise Management Area and has the potential to be impacted upon by existing noise sources, in particular road traffic noise. Additionally, a number of air handling units at the rear of neighbouring commercial business emit some noise. They have therefore requested the submission of a Noise Assessment, and ask that this be submitted as a condition to the planning consent. Subject to the insertion of this condition, the proposal would comply with Policy T5: Noise and the associated Supplementary Guidance: Noise of the ALDP.

In relation to the impact of the proposal on local air quality from motor vehicle usage the plans do not indicate any parking provision at the development. There would therefore be no traffic originating from the proposed development that would to affect air quality in the area. The proposed development is in close proximity to the Anderson Drive Air Quality Management Area. The air quality objectives were all met since 2012. Additionally, the air quality objectives for NO₂ at the nearest monitoring point on Holburn Street were met since 2011. It is therefore considered unlikely that levels of these pollutants at the proposed site on Holburn Street would exceed national objectives. The proposal is therefore considered to be acceptable from an air quality perspective and the proposal would therefore comply with Policy T4: Air Quality and the associated Supplementary Guidance: Air Quality of the ALDP.

Flooding/ Drainage

A Drainage Impact Assessment and Flooding Statement was submitted in support of the application. These documents have been assessed by colleagues in the Flood Prevention Unit, who have noted that there is a SUDS scheme planned and require that the scheme be able to hold the volume in a 0.5%+CC event using appropriate calculations to conclude the run-off rate. This could be added as an appropriate condition to the consent. They also recommend the use of permeable materials where suitable in the design to help prevent an increase in surface water run-off as well as the use of rain water harvesting. Subject to the above, the proposal would comply with Policy NE6 and the associated Supplementary Guidance: Flooding, Drainage and Water Quality of the ALDP.

Developer Obligations

The Council's Developer Obligations Team has indicated that contributions are required towards the core path network (£6,473). If planning consent were to be granted then this figure would be provided via a legal agreement to ensure compliance with Policy I1 of the ALDP.

Low/ Zero Carbon Developments

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. Whilst no details have been submitted in this regard, this matter could be controlled via an appropriately worded planning condition to ensure compliance with Policy R7 of the ALDP.

Digital Infrastructure

All new residential (and therefore student accommodation) development will be expected to have access to modern, up-to-date high-speed communications infrastructure. The proposal is located within an urban location, which currently has access to said infrastructure. The proposal would therefore comply with Policy CI1 of the ALDP.

Matters Raised in Letters of Representation

Objecting Comments:

1. *Concerns with regards to traffic and parking arrangements for the proposed development;* Response: this matter has been assessed in the above evaluation; with colleagues in Roads Development raising no objection to the development given the nature of the proposed development, and surrounding site context.
2. *Concerns about the siting of the proposed development, adjacent to a public house and sheltered housing, and the impact that the development would have in terms of noise, rubbish and loss of privacy.* Response: these matters have been discussed in the above evaluation. The siting of the proposal is considered to be appropriate given its context, and it is not considered that the proposed development would have an adverse impact in terms of noise, and privacy would not be adversely affected. The proposed rear of the site would be cleared to provide adequate amenity, and it would be expected that any waste would be cleared by proposed tenants.
3. *Concerns in relation to construction noise;* Response: colleagues have raised no objection to the development, and an informative would be added to the planning consent, any noise complaints during construction would be investigated by colleagues in Environmental Health;
4. *The proposal will lead to over development of the site;* Response: the proposal has been amended since this objection was received, and it is now considered that there would be an appropriate level of development on site.
5. *Concerns in relation to security;* Reason: this matter is not considered to be a material planning consideration.
6. *Concern that no trees would be removed from the development; and that the trees in the surrounding area have been removed recently due to damage;* Response: this matter has been discussed elsewhere in the report.

Supporting Comments:

1. *The proposal will make use of a redundant/ underused building and rear garden area.* Response: comments are noted.
2. *Proposal is considered to be of an appropriate design and will have a positive impact on the character and appearance of the surrounding area.* Response: the design of the proposed development is considered to be appropriate and has been assessed as such in the above evaluation.
3. *The proposal is within walking distance of the university and is within a wholly sustainable location;* Response: comments are noted
4. *There would be no loss of amenity to neighbouring properties;* Response: comments are noted
5. *The proposal will provide further accommodation for students;* Response: comments are noted
6. *The proposal will have a positive impact on the surrounding economy;* Response: comments are noted
7. *The proposal complies with the Strategic Development and Local Development Plan;* Response: comments are noted

Non-material planning matters

1. *The proposal has previously been refused;* Response: there has been a previously withdrawn application on site, and there have been design amendments to the current proposal; no applications have been refused on site in recent years.

RECOMMENDATION

Willingness to approve with conditions, subject to the conclusion of a legal agreement securing developer obligations towards the Core Path Network (£6473).

REASON FOR RECOMMENDATION

The redevelopment of the site for student accommodation is considered to be a suitable use compatible with neighbouring land uses and is designed, sited and serviced in a way that would maintain the amenity of the surrounding area and represent a positive enhancement of the townscape that makes good use of an accessibility site located in close proximity to further education facilities. Subject to conditions it is considered that the proposals are considered to accord with relevant policies of the Aberdeen Local Development Plan 2017.

CONDITIONS

1. That no development shall take place unless there has been submitted to and approved in writing a detailed Green Travel Plan, which outlines sustainable measures to deter the use of the private car and advises of sustainable travel choices to and from the site. **Reason:** in order to encourage more sustainable forms of travel to the development.
2. No works in connection with the development hereby approved shall commence unless a tree protection plan has been submitted to and approved in writing by the planning authority. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:
 - a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
 - b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction).
 - c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas.
 - d) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation.
 - e) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained.
 - f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.

No works in connection with the development hereby approved shall commence unless the tree protection measures have been implemented in full in accordance with the approved tree protection plan. No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the planning authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks. The approved tree protection measures shall be retained in situ until the development has been completed. **Reason:** In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

3. No works in connection with the development hereby approved shall commence unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. Details of the scheme shall include:
 - a) A tree survey in accordance with BS 5837:2012.

- b) Existing landscape features and vegetation to be retained.
- c) Protection measures for the landscape features to be retained.
- d) The location of new *trees, shrubs, hedges and grassed areas*.
- e) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- f) The location, design and materials of all hard landscaping works including walls, fences, gates.
- g) An indication of existing trees, shrubs and hedges to be removed.
- h) A programme for the implementation, completion and subsequent management of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

4. No works in connection with the development hereby approved shall commence unless samples and details of all the material (walls, windows, doors and roofing materials) to be used in the external finish for the approved development have been submitted to and approved in writing by the planning authority. The *development* shall not be *occupied* 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.
5. The building hereby approved shall be erected unless an Energy Statement applicable to that *building* has been submitted to and approved in writing by the planning authority. The Energy Statement shall include the following items:
 - a) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
 - b) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments.

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter. **Reason:** To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Supplementary Planning Guidance – Resources for New Development.

6. That prior to the commencement of development a Noise Assessment by a suitably qualified noise consultant is carried out in order to ascertain the predicted impacts of likely noise sources associated with proposed development and the necessary control measures. This document shall thereafter be submitted to and approved in writing by the Planning Authority in consultation with colleagues in Environmental Health. 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 existing sources of noise potentially impacting on the proposed development
- c) Identify the likely sources of noise associated with the proposed development.
- d) Detail the noise mitigation measures to reduce noise from the existing and likely noise sources to an acceptable level to reasonably protect the amenity of the occupants of the proposed and existing neighbouring residences respectively.
- e) The methodology for the noise assessment should be submitted and agreed in writing with this Service in advance of the assessment

Reason: in order to protect the residential amenity of the surrounding area.

7. No works in connection with the development hereby approved shall commence unless details in relation to the re-use of the granite downtakings from the function suite within the curtilage of the application site boundary have been submitted to, and approved in writing by the Planning Authority. **Reason:** to ensure that the granite is re-used within the curtilage of the site, and to ensure compliance with Policy D5: Our Granite Heritage of the Aberdeen Local Development Plan.
8. That all works shall be undertaken in accordance with the submitted Drainage Impact Assessment (Cameron and Ross – August 2017) and Flood Statement (Cameron and Ross – August 2017), unless otherwise agreed in writing by the Planning Authority. **Reason:** to ensure that the site can be adequately drained and reduce potential for flood risk.

INFORMATIVES

1. The Council's Flood Prevention Unit strongly recommend the use of permeable materials where suitable in the design to help prevent an increase in surface water run off as well as the use of rain water harvesting.
2. In order to protect amenity of the occupants of the neighbouring residences from noise produced as a result of demolition, site/ground preparation works and construction works, the developer should apply the following controls:
 - i. For the duration of the site preparation and construction phase, solid hoarding (of minimum 2m height) or equivalent to be erected at the development site boundary in particular between the site and existing residential properties on Holburn Street, to reasonably protect amenity at the rear of the properties;
 - ii. Operations creating noise which is audible at the site boundary should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays; and
 - iii. Identify the likely significance of the construction noise levels affecting residential premises during the accepted times and apply a maximum threshold level established through application of an appropriate method described within Annex E of BS5228 1:2009+A1:2014.
3. The **student accommodation** will be provided with:
 - **4 x 1280l general waste containers**
 - **4 x 1280l co-mingled recycling containers**
 - **1 x food waste container for each bin store (each kitchen will receive a kitchen caddy, bioliners and associated information)**

The following costs will be charged to the developer:

- **Each 1280l bin cost £413.60**
- **Each food waste container cost £514.49**

No garden waste will be provided for flat residences as it is assumed grounds will be maintained as part of a service charge for the building and undertaken by a commercial contractor.

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Planning Development Management Committee

Report by Development Management Manager

Committee Date: 21 June 2018

Site Address:	Land At 15A Dee Street, Aberdeen, AB11 6AW
Application Description:	Installation of telecoms cabinet
Application Ref:	171521/DPP
Application Type	Detailed Planning Permission
Application Date:	21 December 2017
Applicant:	BT Openreach
Ward:	Torry/Ferryhill
Community Council	Ferryhill and Ruthrieston
Case Officer:	Sepideh Hajisoltani



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site is a section of pavement on the eastern side of Dee Street, outside a four storey block of flatted properties. The pavement at this point of Dee Street is approximately 3.2m wide and within the Bon Accord Crescent/ Crown Street Conservation Area.

Relevant Planning History

170570/DPP- Detailed planning permission for installation of a telecoms cabinet was refused in December 2017 on visual amenity grounds.

APPLICATION DESCRIPTION

Description of Proposal

Installation of a telecommunications cabinet: 1300mm in height, 800mm long and 450mm wide and dark green in colour. It would be sited at the kerb of the pavement adjacent to 31 Dee Street and would be set 0.3m set back from the edge of the pavement.

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=P17LG3BZI1Y00>

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

- Supporting Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the proposal is being recommended for approval and has been subject of formal objection from the Roads Authority. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

ACC - Roads Development Management Team – Despite the proposed location leaving adequate footway clearance, and not hampering with the required visibility, having the cabinet on the road-side of the footway is not encouraged. The Roads Development Management Team and the Streetworks Occupation Team would be minded to refuse this application.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)
- Historic Environment Scotland Policy Statement (HESPS)
- Planning Advice Note PAN 62 (Radio Telecommunications)

Aberdeen Local Development Plan (2017)

- Policy D1: Quality Placemaking by Design
- Policy H2: Mixed Use Areas
- Policy CI2: Telecommunications Infrastructure
- Policy D4: Historic Environment

Reason for referral to Committee:

The application has been referred to the Planning Development Management Committee because the proposal is being recommended for approval and has been subject of formal objection from the Roads Authority. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

EVALUATION

Visual impact on the Development on the Conservation Area

Scottish Planning Policy (2014) (SPP) highlights the importance of digital infrastructure and states that the planning system should support:

- development which helps deliver the Scottish Government's commitment to world-class digital connectivity;
- the need for networks to evolve and respond to technology improvements and new services;
- inclusion of digital infrastructure in new homes and business premises; and
- infrastructure provision which is sited and designed to keep environmental impacts to a minimum.

Accordingly, the planning system has an important role to play in strengthening digital communications capacity and coverage across Scotland. However, all components of equipment should be considered together and designed and positioned as sensitively as possible, with cumulative visual effects of equipment being taken into account as part of the decision making process.

It is acknowledged that the proposed cabinet installation is part of a wider Government 'Digital Britain' project that will provide Super-Fast Broadband connectivity to the majority of the population. The previous application submitted for installation of a cabinet in this area was refused on visual amenity grounds. The agent has confirmed that the current application is the only other alternative due to technical limitations such as underground services. In this instance it is considered that visual impact of the proposal is not significant enough to warrant refusal of the application.

Impact of the proposal on Road Users

The siting of the proposed cabinet would reduce the width of the pavement from 3.2m to 2.45m. However it is noted that the reduced width would not be less than the minimum requirement for footpath users including wheelchair users or for the visually impaired. Consultation response from the Roads Development Management Team states that there would be adequate footpath clearance. It is also confirmed that the proposed cabinet would not have a detrimental impact on visibility for car users. Whilst acknowledging that a road-side location for the cabinet would not normally be encouraged, in this instance, the wider benefit of the proposal to the local community

and the overriding public and economic benefits arising from the delivery of digital connectivity across the city, outweighs the concerns with regard to the location of the cabinet. The reason for allowing this road-side cabinet are considered to be specific to this location and thus would not be seen as setting a precedent for other locations across the city.

Policy D1: Quality Placemaking by Design

SPP and PAN 62 seek to ensure that telecommunications equipment is designed and sited to minimise visual impact or intrusion, particularly in sensitive locations. PAN 62 elaborates on this position stating that developments should be concealed and disguised where possible, however, it recognises that technical requirements and constraints may limit opportunities for sensitive design and siting.

The proposed cabinet would be noticeable from the public road and would have an impact on the visual amenity of the area. It is widely accepted that telecommunication cabinets are normally seen as common features in urban areas. In this instance the application site is located within a one way street in the city centre with a variety of street furniture including traffic signs, bollards and telecoms cabinet nearby. As such the proposed cabinet would increase the extent of these features. To mitigate this, a condition is attached, requiring that the cabinet be painted in light grey colour to better blend with the nearby buildings. Notwithstanding the visual impact on the surrounding area, it is considered that the level of this impact would not have a significant detrimental impact on the characteristics of the surrounding area.

It is considered that subject to conditions, the proposal sufficiently complies with the provisions of Policy D1.

Policy H2: Mixed Use Areas

Applications for development or change of use within Mixed Use areas must take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity. The proposal fully accords with Policy H2 in that no new or extended use is proposed on site and that the cabinet would contribute to towards a technologically advanced city which is one of the objectives that feed through Aberdeen Masterplan. It is also noted that the siting of the cabinet would allow for routine maintenance and other relevant operator work without resulting in detrimental impact on residential amenity of nearby flats in terms of noise, privacy and overlooking.

Policy CI2: Telecommunications Infrastructure

It is considered that the proposal is generally acceptable in terms of policy CI2 in that the siting and appearance of the proposed equipment would not have a significant detrimental impact on the visual amenity, character or appearance of the surrounding area. It is also considered that the proposal is in full compliance with the long term vision of Aberdeen as a Smart City.

Policy D4: Historic Environment

The Council seek to protect preserve and enhance the historic environment in line with Scottish Planning Policy, Historic Environment Scotland Policy Statement and its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan.

It is considered that subject to conditions the proposal would not have a significant detrimental impact on the character and visual amenity of the conservation area, and sufficiently complies with policy D4.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

Subject to conditions, the proposed cabinet sufficiently complies with the relevant policies of the Aberdeen Local Development Plan, namely policies D1 (Quality Placemaking by Design), H2 (Mixed Use Areas), D4 (Historic Environment) and CI2 (Telecommunications Infrastructure) in that the proposal would not have a detrimental impact on the visual amenity and character of the conservation area and would not negatively impact pedestrian and road users safety. On the basis of the above, and following on from the evaluation under policy and associated guidance, it is considered that there are no material planning considerations that would warrant refusal of the application.

CONDITIONS

1. In the event that the hereby approved cabinet becomes obsolete or redundant, it must be removed within 6 months of such event. Once removed, the site shall be made good in accordance with a scheme to be submitted and approved in writing by the Planning Authority, within 1 month of such removal.

Reason – to minimise the level of visual intrusion and ensure the reinstatement of the site to a satisfactory condition.

2. Unless otherwise approved in writing by the Planning Authority the cabinet hereby approved shall be painted in light grey colour.

Reason – in the interest of visual amenity.


ADVISORY NOTES FOR APPLICANT

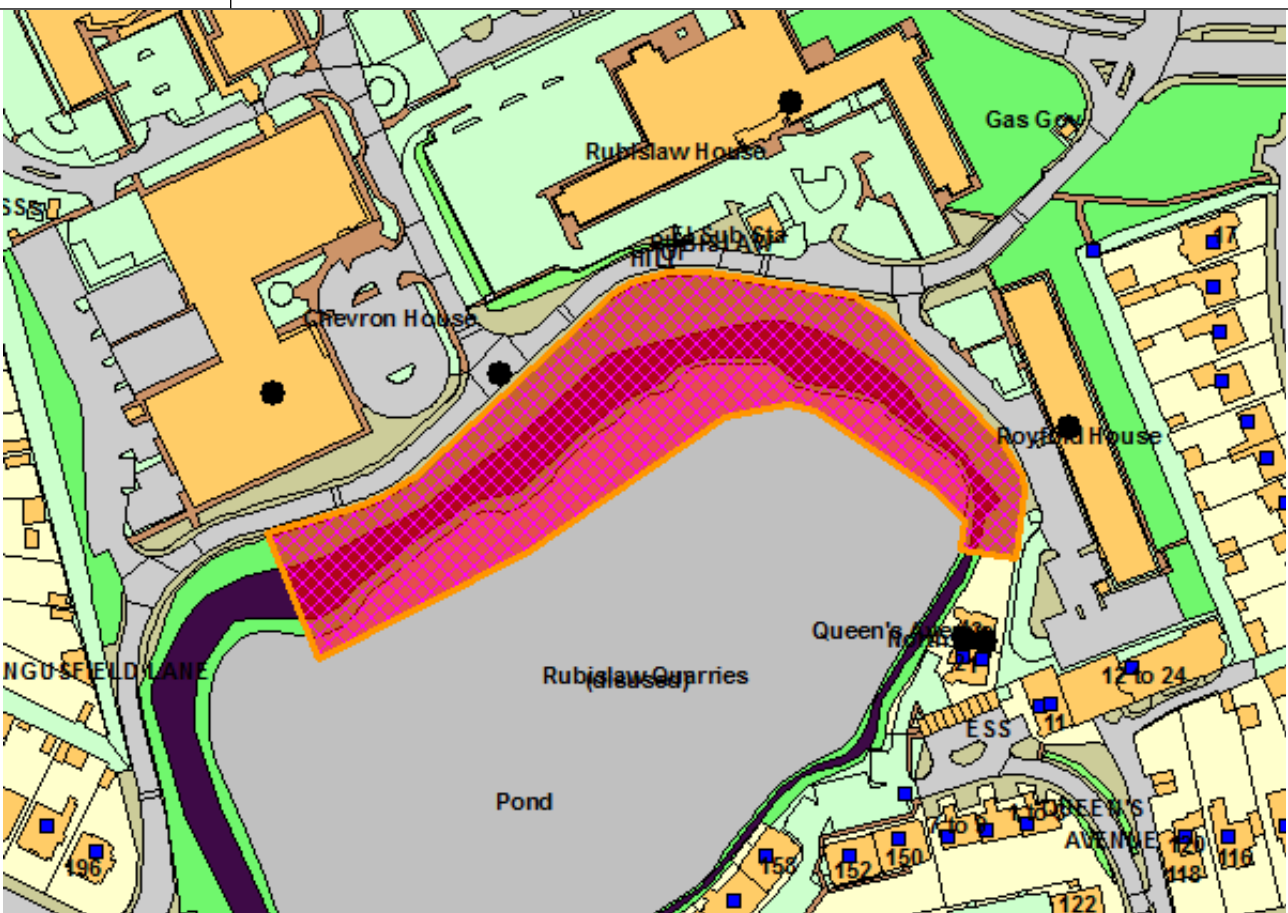
The applicant should be made aware that if the intended works involve the crossing of a footpath, carriageway or verge at any point, then that part of the works will require an application under the New Roads and Street Works Act. The applicant will require to contact the Road Works Co-ordination Unit on (01224) 522290 or (01224) 522298, roadworkscoordination@aberdeencity.gov.uk.

The applicant be made aware that they would have to be a member of the national register "Symology" and would be required to register their intended works through the Scottish Register "Symology".

Symology Limited
Glenbervie Business Centre, Glenbervie Business Park
Larbert, Falkirk, FK5 4RB
T: 01324 682170, F: 01324 682179
E: srwr@symology.co.uk

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 ABERDEEN CITY COUNCIL	<h2>Planning Development Management Committee</h2>
	Report by Development Management Manager
	Committee Date: 21 June 2018
Site Address:	Land adjacent to Rubislaw Quarry, Hill of Rubislaw, Aberdeen, AB15 6XL
Application Description:	Residential development (across ten storeys and three basement levels) consisting of 299 private flats, gym, function room, public heritage bistro, promenade, car parking and amenity space
Application Ref:	180368/DPP
Application Type	Detailed Planning Permission
Application Date:	14 March 2018
Applicant:	Cartera Private Equities
Ward:	Hazlehead/Ashley/Queens Cross
Community Council	Queen's Cross and Harlaw
Case Officer:	Matthew Easton



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RECOMMENDATION

Approve subject to conditions and withhold the issuing of consent until a legal agreement has been entered into to secure affordable housing contributions and developer obligations relating to primary and secondary education, core paths, open space and healthcare.

APPLICATION BACKGROUND

Site Description

The site is situated on the southern edge of the Hill of Rubislaw office park and comprises the land adjacent to the northern edge of the disused Rubislaw Quarry, which is now filled with water.

The land is undeveloped and comprises mostly scrub vegetation and bare ground. A small area at the western end of the site is covered by broadleaved semi-natural woodland (protected by Tree Preservation Order No.134), which continues out-with the site around the entire north west, west and south west edges of the quarry. It is fenced off with no public access due to the proximity to the quarry edge. A hedgerow runs along the length of the site boundary shared with the office park.

There is no public access to any of the quarry site and public views into the site are very limited. The quarry edge on the north side largely comprises a rocky cliff face with areas of vegetation and the whole quarry site is designated as a Local Nature Conservation Site.

To the immediate north is the Hill of Rubislaw office park, featuring large offices buildings between three and five storeys high, set within car parks and surrounded by areas of woodland. Chevron House, Rubislaw House face the site with H1 (including Pure Gym) and Marathon House beyond. To the east is Royfold House, beyond which are homes situated on Royfold Crescent. Situated on the south east edge of the quarry are homes on Queen's Road, Queen's Avenue and Queen's Avenue North. Woodland covers the south west and northwest edges of the quarry.

Relevant Planning History

- Outline planning permission (97/1300) for a six-storey office (three levels of office space and three of parking) with 326 parking spaces was approved in July 1998. The consent was not implemented and expired in July 2001.
- Outline planning permission (98/1814) for offices and 86 flats and 226 parking spaces was approved in March 2001. The building was predominately five storeys with a tower reaching seven storeys. The consent was not implemented and expired in March 2004.
- Details of reserved matters (A1/0439) relating to 98/1814 were approved in July 2001. The number of flats increased to 107, the office space was reduced, and 162 parking spaces were now proposed. The consent was not implemented and expired in July 2004.
- The outline planning permission granted in March 2001 was 'renewed' in September 2005 (A5/0742). The consent was not implemented in expired in March 2009.
- Detailed planning permission (A6/0478) for 116 flats, food and drink use and 207 parking spaces was approved in August 2006. The building was predominately five storeys, with a nine-storey tower. This consent was partially implemented and is still live and capable of being completed.
- Detailed planning permission (P121692) for a five-storey office building was approved in July 2014. The consent was not implemented and expired in July 2017.
- Detailed planning permission (P140788) for a Granite Heritage Centre was granted in December 2015. The centre was proposed on a separate site located on the south side of the

quarry. It was to include a heritage museum, restaurant/bar and conference suites, with views over the quarry. Despite obtaining planning permission, the prospects of the heritage centre proceeding seem unlikely after an application to vary the title conditions, which prevent its construction, was rejected by the Land's Tribunal for Scotland in January 2018.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of a mixed use residential led development of 299 flats and public bistro.

The development is proposed as a 'build to rent' (BTR) scheme whereby the applicant would retain ownership and control of the entire development and manage its day-to-day operation. Individual units would be self-contained and separately let to residents, with communal facilities and on-site amenities integrated as part of the development. The different components of the development comprise –

- 299 flats (comprising 9 studio apartments, 198 one-bed apartments, 86 two-bed apartments and 6 three-bed apartments)
- Residents' gym (not open to the public)
- Residents' function room, a communal recreational facility for residents to meet, which would also be available for event hire.
- Class 3 food and drink use (164m² GFA) located on the ground floor. Described as a 'heritage bistro', the premises would be open to the public and would contain a permanent exhibition displaying material from the quarry, as well as a photographic history.
- A public walkway adjacent to the building and along the edge of the quarry, providing public access to the quarry edge and allowing views across over the water.
- Three levels of basement parking with a total of 332 car parking spaces, accessed via two ramps, broken down as follows –
 - 318 car parking spaces allocated to the flats (including 3 car club spaces). Parking would be communal to all flats and unallocated; and
 - 14 car parking spaces allocated to the food and drink use.
- 30 motorcycle spaces (28 for residents and 2 for the bistro) and 125 cycle spaces (120 for residents and 5 for the bistro)

The proposal would take the form of one building modelled into three peaks with valleys between. The building would be between four and ten storeys, reaching a maximum of 32.8m above street level. It would be constructed from modules arranged to create a chequerboard pattern being either solid or glass. The following materials are proposed –

- Masonry-based off-white textured material for the white cladding panel.
- Glazed floor to ceiling window units

- Spandrel glass panels to visually match the floor to ceiling windows when viewed obliquely or with no backlighting.
- Granite at the ground floor where the amenity spaces protrude from the glazed public areas. This will be part of the theme for the bistro, showcasing granites in various textures and finishes to the public viewing/walk way areas.
- Dark coloured powder coated aluminium panels.
- The external building envelope would see colour controlled with any incidental colour added to the elevation by blinds / blind boxes behind glazing rather than on the facade itself.

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=P5HGE3BZJRR00>

- Badger Survey (*not available online*)
- Drainage and Flooding Assessment
- Design and Access Statement
- Environmental Walkover Survey
- Ground Investigation Report
- Landscape Design Framework
- Landscaping and Visual Impact Assessment
- Planning Statement
- Pre-application Consultation Report
- Sustainability Statement
- Transport Statement
- Tree Survey

CONSULTATIONS

ACC - Environmental Health – The proposed development is adjacent to an existing Air Quality Management Area (AQMA). Although the concentrations of NO₂ and PM₁₀ in the surrounding road network are currently not exceeding the annual mean concentrations, the introduction of 332 additional car parking spaces, associated traffic and the construction of the development has the potential to adversely affect air quality in the immediate vicinity of the site and the wider area. It is therefore recommended that an air quality impact assessment is carried out. The assessment should consider the impact on existing residents as well as the potential exposure levels of occupants of the new properties on Hill of Rubislaw. Measures to reduce any potential air quality impacts should be considered.

A noise impact assessment will be required to ensure that the noise criteria can be achieved. It is noted that there will be fixed plant within the development including individual air source heat pumps which may be a noise source which could impact on the amenity of existing nearby residences as well as the residents of the proposed development.

ACC - Flooding and Coastal Protection – No objection, providing the conditions proposed by SEPA are attached to any consent granted.

ACC - Roads Development Management Team – No objection.

Local bus services can be found on both Queens Road and Anderson Drive, with direct links into the city centre and alternatively out to the west of the City into Aberdeenshire. Bus stops are located within 400m of the site, which is this distance considered to be readily walkable. The applicant's commitment to implement or provide financial contribution to upgrade the existing bus stop on south side Queen's Road is noted. This upgrade promotes the use of alternate transport and contributes towards justification for reduced number of parking provision within the development.

Based on the above the proposed development would require a maximum total of 463 parking spaces, however it is noted that this proposal is for only 332 parking spaces. The applicant proposes to provide 1 parking space per studio/1-bedroom flat, which would reduce the parking requirements by 96 car parking spaces. It has been agreed that if mitigatory measures (car club spaces, upgrading of the bus stop, provision of a travel plan and agreement that residents have one car per flat) were to be implemented, that this provision would be considered acceptable.

Due to the Scottish Government initiative for almost complete decarbonisation of road transport by 2050, new residential developments are required to provide electric vehicle charging points. The minimum requirement for a development of this size is for 2 spaces for both 'Active' and 'Passive' provision. Clarification on where the electric charge unit will be situated, and appropriate markings is required to be submitted.

30 motorcycle parking spaces is proposed which is below the required 38 spaces based on 1 space per 8 flats and 1 space per 300m² for the bistro. However, I can confirm that a reduced provision would be accepted.

The revised percentage impact assessment provided by the applicant shows a 1.8% impact increase on the strategic network, as this is below the 2% threshold on the congested network we do not require any further assessment.

A Travel Plan and residential travel pack is required to be created by the applicant in support of this application, a framework on how this would be created has been provided and is accepted.

ACC - Waste Strategy Team – Initial concerns with waste arrangements have been resolved through amendments to building layout (removal of chute system, inclusion of separate store for commercial element of building and rationalisation of bins stores).

Developer Obligations Team – Affordable housing contributions of £4,111,250 and other developer obligations of £360,390 towards primary education, secondary education, open space, core path network and healthcare are required (these are discussed in more detail later in the report).

Queen's Cross and Harlaw Community Council – Object to the proposal and raise the following issues with the proposal –

1. It is inappropriate for it's context, would be a prominent and inappropriate feature on the city skyline and represents overdevelopment. Higher density development should be in the city centre.
2. It does not respect the historic environment and does not have an appropriate level of granite features included;

3. It is not accompanied by the necessary infrastructure and facilities to support a larger community;
4. The site is a Local Nature Conservation Site where badgers have been sighted. Badgers must be protected.
5. Trees were removed prior to the tree survey being undertaken.
6. There is a risk of flooding from discharging surface water from the development into the quarry.
7. There would be a shortfall in car parking leading to parking problems in the area. Additional traffic associated with the development would exacerbate traffic problems.
8. It is assumed a noise impact assessment would be required but one does not appear to have been submitted.
9. There should be a public hearing due to the number of objections.

Scottish Environment Protection Agency – Concerns had been raised that the development could potentially increase the flood risk to the existing residential development on the southern rim of the quarry by increasing the volume or rate of surface water discharged into the quarry. SEPA also had concerns regarding the risk to the development from the rising water levels within the quarry.

The applicant has provided a site section which helps to demonstrate the levels of the site in context with the existing development. The lowest level of the proposed development is around 2.4m above the current water level in the quarry. However, the sections also show that the lowest level of the proposed development is around 0.78m lower than southern rim. It has been agreed by all parties that the water level in the quarry is rising, but SEPA appreciate that this is an 'unusual' case and that the potential risk to the development from the rising level would be relatively slow, i.e. years rather than hours/days. Therefore, SEPA have less concern that the occupants of the proposed development would be "caught unaware" or impacted by a sudden flood event. Dewatering of the quarry had previously taken place at the request of the Council who had concerns regarding the flood risk to the existing residential development. Although from the information SEPA hold, the pump and outfall appear to be under private ownership, we understand that in their role as Flood Risk Management Authority, the Council have powers to reduce water levels in emergency situations. A management plan to control the water level in the quarry would not only benefit the proposed development but would benefit the existing residential development. Considering the nature of the risk at this site SEPA consider that no new development should commence until a robust management plan for controlling the water level in the quarry has been agreed by Aberdeen City Council, Scottish Water, and all other relevant parties. SEPA request that this is secured by condition.

Currently all surface water on site drains into the quarry. Originally a like-for-like discharge of surface water into the quarry was proposed, and SEPA understand that all neighbouring developments at the quarry have a historic agreement to allow this. However, the applicant has now revised the surface water drainage proposals, and there is to be a 50% reduction in discharge to the quarry with the remainder attenuated and discharged into the existing surface water sewer. We appreciate that this would create a betterment to the current situation. While the details of the connection to the sewer would not be a matter for SEPA to comment on, as the surface water drainage has flood risk implications then no development should take place until the arrangements

for the connection to the sewer has been reviewed and agreed by the Council and Scottish Water. SEPA request that this is secured by condition.

If the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases.

It has been confirmed that the development will connect to a new foul sewer within the Hill of Rubislaw. The applicant should liaise with Scottish Water to discuss the foul drainage connections.

Scottish Natural Heritage – This proposal will affect badgers. SNH advise that the compensation laid out in the Species Protection Plan is suitable. If the Council are minded to approve this application, it must be satisfied that the requirements for a species licence under the *Protection of Badgers Act 1992* are likely to be met. If not, there is a risk of the applicant being unable to make practical use of the planning permission or committing an offence. This advice is based on the following information –

- The number of badgers affected by the proposal will be small.
- A suitable compensatory sett will be provided at an appropriate distance from the current sett and from the proposed development.
- It will be ascertained that the badgers have found the artificial sett before they are excluded from the original sett.

If the Council approve this application, even with the mitigation set out in the species protection plan, a licence from SNH will still be required by the applicant before they can proceed with the development. Based on the information currently available to us, it is likely that a licence would be granted. (*Since this consultation response was received, a license has been granted by SNH*).

Scottish Water – No objection. There is currently sufficient capacity in the Invercarnie Water Treatment Works and the Nigg Waste Water Treatment Works.

Transport Scotland – Does not propose to advise against the granting of permission

REPRESENTATIONS

373 letters of representation have been received (369 letters of objection, 3 letters of support and 1 neutral letter). The matters raised can be summarised as follows –

Objections

Quarry

1. The quarry is an icon of Aberdeen, being the source of much of Aberdeen's granite and said to be the largest man-made hole in Europe. It therefore has high heritage, civic, historic and cultural value, which the development does not respect. The site is unique and should not be developed for flats.
2. The Council should support the proposed Granite Heritage Centre instead (application reference 140788). There should be a visitor centre instead and public access to the quarry, so the public can appreciate the quarry's heritage.
3. The heritage bistro which would form part of the development is not of sufficient scale to support tourism.

Design

4. The proposed development is out of scale with its surroundings and represents significant overdevelopment. It would fail to comply with Policy D3 (Big Buildings) of the local development plan.
5. The proposed development is out of character with the local area and its design is highly inappropriate, oppressive and overpowering.
6. The proposed use of concrete, glass and steel is inappropriate for the area. Granite should be used to reflect the history of the quarry.
7. Due to its height and location at the crest of a hill, the building would be seen from afar, and represent an intrusion on the skyline. The development does not comply with Policies D2 (Landscape)
8. There is a lack of green space included as part of the development, with the entire site consumed by the building.

Amenity

9. The development would lead to extra noise and disturb existing residents.
10. Views for existing residents would be adversely affected.
11. The privacy of existing residents would be negatively affected.
12. The development would overshadow the surrounding area.
13. Residential use is not compatible with offices.

Natural Heritage

14. The development would be detrimental to wildlife. Badgers have been seen at the quarry and would be affected. The ecological survey doesn't mention foxes, owls or sparrow hawks which frequent the area.
15. Woodland and shrubs within a Local Nature Conservation Site would be removed.
16. Trees were removed prior to the application being submitted.

Economic

17. The housing rental market would be overwhelmed with additional units, affecting landlords in the area. There are many vacant properties in the city. There is therefore no demand for further residential accommodation
18. An Economic Impact Assessment should be submitted to support the application.
19. The value of nearby homes would be negatively affected.
20. Aberdeen's economy needs to diversify into tourism.

21. The proposed gym and bistro are superfluous as there is a gym within the business park and plans for the Granite Heritage Centre.

Transport

22. The development would result in additional traffic, increasing pressure on the surrounding road network.

23. There would not be enough parking as residents are likely to have more than one car. There is already overspill parking from the Hill of Rubislaw offices.

24. The development would affect access and egress to the offices within the business park.

Drainage

25. The water level in the quarry is continually rising and regular pumping is required to prevent properties from being flooded. No further surface water should be allowed to be discharged into quarry.

26. Dumping spoil into the quarry may well cause problems with flooding of the quarry environs

Other

27. Increased levels of traffic would lead to impact on air quality

28. The development should take place elsewhere in Aberdeen.

29. There have been previous applications for redevelopment and none have been taken forward.

30. The development would set a precedent.

31. Payment of contribution by the applicant towards affordable housing to ACC may lead to suggestions of impropriety.

32. Construction would create disturbance, safety risks with increased traffic, heavy plant and equipment. Construction contractors would cause parking problems.

33. Neighbour notification was not received

34. If the site is developed, there is a risk that people will fall into the quarry resulting in death.

35. Expectation that the heritage bistro would not be delivered.

36. Constructing into the granite could affect the stability of the quarry.

37. There would be a detrimental impact on community services such as schools and health facilities due to the increased population.

38. The site is not zoned for housing.

39. Further public consultation is required.

40. The construction of flats which would provide views over the quarry for their occupants would be at the expense of the public.

Support

41. The development represents £68 million of foreign investment in Aberdeen.

42. The architecture is great

43. Visitors would have the opportunity to use the heritage café.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

- Scottish Planning Policy (June 2014)
- Planning Delivery Advice: Build to Rent (September 2017)

Aberdeen Local Development Plan (2017)

- D1: Quality Placemaking by Design
- D2: Landscape
- D3: Big Buildings
- I1: Infra Delivery & Planning Obligation
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T4: Air Quality
- T5: Noise
- H1: Residential Areas
- H3: Density
- H4: Housing Mix
- H5: Affordable Housing
- B1: Business and Industrial Land
- NE1: Green Space Network
- NE3: Urban Green Space
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE8: Natural Heritage
- NE9: Access and Informal Recreation
- R2: Degraded & Contaminated Land
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Build & Water Efficiency

- CI1: Digital Infrastructure

Supplementary Guidance and Technical Advice Notes

- Affordable Housing
- Air Quality
- Big Buildings
- Harmony of Uses
- Landscape
- Natural Heritage
- Noise
- Planning Obligations
- Resources for New Development
- Transport and Accessibility

EVALUATION

Principle of Development

The principle of developing this site is long-established and dates back to 1998 when a large-scale office building was approved. In the intervening period, further consents have been approved and have expired, except for a consent (A6/0478) for residential and office use approved in August 2006. A limited amount of work on that proposal was started but not continued. These works were sufficient to constitute a commencement of development and as a result, the planning permission remains valid indefinitely. This, along with the previously approved applications, establishes the principle of development and is a material consideration in the determination of this application.

The site is within an area zoned for residential use under Policy H1 (Residential Areas) (*issue 38 in representations*). The policy states that proposals for new development and householder development will be approved in principle if it (i) does not constitute over development; (ii) does not have an unacceptable impact on the character and amenity of the surrounding area; (iii) does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and (iv) complies with Supplementary Guidance (Taking each of these in turn –

(i) Overdevelopment

In terms of overdevelopment, it is necessary to consider the building's scale, massing and form. As well as considering this against the context of the site, this needs to be considered against the consented scheme approved in 2006 as it could still be fully implemented.

It is acknowledged that the building is large, both in terms of its length and its height, therefore the provisions of Policy D3 (Big Buildings) and the associated supplementary guidance applies. The policy indicates that big buildings are most appropriately sited in the city centre and its periphery. Hill of Rubislaw is well established as a location for large buildings, both in terms of what exists and what has been consented over the years. The site forms the northern edge of the former quarry, which in itself is large in scale, with its body of water and wider tree setting forming a foreground and context to the proposal. Therefore, the site is considered appropriate for a large building.

The building would more or less occupy the entire application site. Normally this would not be considered acceptable, as areas of open space would be required to accompany the building,

traditionally in the form of areas of grass or gardens. However, as required by supplementary guidance, in this case the building provides extensive areas of public realm, including small landscaped public squares between the three elements of the proposal and walkways along the former quarry edge which would be publicly accessible as a destination. These elements would provide the opportunity to allow public access to the quarry edge for the first time and would provide sufficient outdoor amenity for residents. Other elements such as parking have also been satisfactorily accommodated under the building. Consequently, the fact the development covers much of the site, is not in itself a negative characteristic and its amenity is considered to be satisfactorily designed into the proposal (*issue 8*).

The maximum height of the 2006 scheme is 29.94m from street level, representing the tower part of the development, whereas the remainder is predominantly 17.70m high. The proposal would achieve a maximum height of 32.8m, on the western most peak, with the middle peak being 29.6m and the eastern peak 26.4m. It is accepted the building would be substantially taller than the consented scheme. However, this height is not consistent across the building, with the massing broken up by the stepped profile of the peaks and valleys, reducing the impact of its apparent size. The massing of the building is further reduced by the large pends between ground and third floor level and the non-linear nature of the building, which wraps around the edge of the quarry rather than being one extensive mass. Therefore, whilst undoubtedly a tall building, its scale and massing would be successfully lessened by its modelled form.

(ii) Character and Amenity of the Surrounding Area

With any large new development within an urban area there is the potential for the character and existing residential amenity to be changed. This could be visual impact or in terms of the way the development interacts with current uses in relation to disturbance or availability of daylight, overshadowing and privacy.

Local Visual Impact

As required by the Supplementary Guidance on Big Buildings, the applicant has carried out a Landscape and Visual Assessment to consider the landscape and visual impact on the proposal. It has considered several key receptors and the impact upon them because of the proposal.

The character of the area to the immediate north is the Hill of Rubislaw office park featuring large offices buildings between three and five storeys high, set within car parks. The office park would be where the highest visual impact would occur as the building would be immediately adjacent. However, when considered against the characteristics of the office park and the buildings within it, such an intervention would not be significantly unusual. Visually this area would have a low sensitivity to change, given its office use and the associated visual receptors largely being people in their place of work. Again, matters relating to daylight, overshadowing and privacy are of less concern due to the area being a place of work but nonetheless any impact is not considered to be significant due to the form of the building being lower near the existing offices and the sufficient distance between other buildings at its higher points.

The areas to the west, south and east are largely residential, predominately featuring large, detached granite-built houses set within gardens and tree lined streets. The more contemporary flatted development at Kepplestone, features four towers, the highest of which is seven storeys.

From the local area the site is generally well enclosed and screened by other building and trees and topography around the Hill of Rubislaw. However, given the height of the building, it will be visible from several points in the surrounding area including some homes. Being residential properties, the sensitivity of these receptors would be high. Each of these areas is considered

below. The significance of the visual effect is categorised as minor, moderate, major-moderate or major.

- The building would be visible from several homes on Rubislaw Den South to the north west, from a distance of some 180m. The building would be visible above the top of Rubislaw House and through the gap in trees where the road into Hill of Rubislaw meets Anderson Drive. The impact is considered moderate due to the existing view already including buildings within the business park and the busy trunk road with associated infrastructure such as railings and traffic lights. Trees between the site and the homes would provide some screening all year round but especially in the summer months. The impact is considered moderate in the long term.
- To the south of the quarry, views would be obtained from Queen's Road and Rubislaw Park Road facing north, at a minimum distance of around 160m. The embankment and trees along the southern edge of the quarry would provide screening, but less so in the winter months. The stepped nature and general shape of the building would minimise its visual impact. If the Granite Heritage Centre were to be constructed, the character of this area would be substantially changed and would block views of the new building from some homes but make it more visible from others. The impact from the proposed building would be moderate in the long term.
- Angusfield Avenue / Angusfield Lane – The view is of low scenic quality, with the lane and retaining wall around the quarry visible in the foreground and Chevron House in the mid-distance. Domestic buildings such as sheds and garage are prominent in views from the rear of homes on Angusfield Avenue, which are approximately 100m away from the proposed building. Due to the existing character of the view, the impact of the building visually would be moderate, reducing to minor in future as trees continue to grow and provide more screening.
- The building would be highly visible from the homes on the south side of the quarry. The foreground for those at the quarry edge of vegetation and the quarry water surface, with medium-distance views of vegetation on the opposite side of the quarry and the office buildings at Hill or Rubislaw. The building would be in full view with no intervening screening. However, there would still be some distance between the existing properties and the new building and the outlook would remain open across the surface of the quarry. The impact would be major-moderate in the long term. It should be noted however that any impact from previously approved schemes and the live scheme would be similar in that the view will become that of a large building. There would however be differences in their appearance.

Otherwise the site is well enclosed and unlikely to be particularly visible in the local area due to the topography.

Wider Visual Impact

The building would also be seen from more distant views throughout the city, which the applicant has also considered in their assessment (*issue 7*).

- From the A90 adjacent to Kincorth, around 3km away, as motorists approach the city from the south, open views towards the site are available. Any change in the view would be negligible when considered against the large area of the city and its skyline which would be visible.
- On the approach to the site from the north on North Anderson Drive, approximately 0.7km away, the introduction of the building would be a prominent feature on the skyline in the far distance, however, the building would sit below the skyline and would frame Seafield House and Rubislaw House which come into view when approaching the site.

- From Harlaw Playing Fields at Cromwell Road, approximately 0.9km away, the proposed building would sit above the existing residential flatted blocks at Kepplestone but would be at this point be a distant feature, with the impact being considered moderate.
- From the road leading to Dobbies Garden Centre, Lang Stracht (around 2.8km away), the development would only be seen as a distant feature on the horizon, set against the built form, topography and changing skyline of the city. Tall buildings, such as the numerous residential tower blocks and office buildings are not uncommon on the city's undulating skyline. The impact would be negligible.

Daylight, overshadowing and privacy

The building is a sufficient distance away from existing residential properties for there to be no impact in terms of availability of daylight or impacts from overshadowing. Similarly, the distance between buildings is significantly further than the standard 18m window to window distance used to determine whether there would be any impact on privacy, when buildings are directly opposite one another. The closest residential property effectively sits alongside the new building and any windows that do face one another would be around 30m apart and at an oblique angle. Those on the south side are approximately 140m away (*issues 10, 11 and 12*).

The office buildings are around 20-25m away from the north elevation of the flats. There would be a degree of overshadowing and overlooking from the flats. However, given that the use of the offices is as a workplace rather than residential, the sensitivity to these factors would be low, with the issue not being of significance.

Disturbance

The predominately residential use of the development is very unlikely to introduce any noticeable level of disturbance to existing residential properties, largely due to urban nature of the surroundings, the distance between the existing homes and that the proposed development is also a residential use. The food and drink element is small scale and a sufficient distance from residential properties to make any disturbance negligible.

Residential use is regarded as compatible with office use, as any disturbance generated by the offices is likely to be limited to vehicles coming and going at relatively low speeds and which would not be unusual beside residential properties. The peak morning and evening periods may be busy with traffic entering and leaving the office park, but other times would be fairly quiet (*issue 13*).

In summarising matters (i) and (ii), the building is considered to have been designed with a silhouette which brings interest to the skyline and which uses its scale, massing and form to minimise its visual impact, despite its size. The character and amenity of the surrounding area would also be maintained, and any change of note would be in local views from a small number of limited locations, where the impact would be moderate (*issue 4 and 5 and Community Council issue 1*)

(iii) Does Not Result in the Loss of Valuable and Valued Areas of Open Space.

The site forms part of the Hill of Rubislaw Local Nature Conservation Site and is designated as Green Space Network. The quarry and its surroundings function as an isolated green space which although not directly linked to other green spaces, provides benefits in term of biodiversity and landscape value within an urban area.

The value of the application site to these wider designations however is limited as it largely comprises dense scrub, a species poor hedgerow, bare earth and an area of semi-natural broadleaved woodland. Throughout the period since it closed, there has been no public access or views into the site, lessening its value as open/green space. It must also be recognised, as already discussed, that the principle of developing the site has been established for some time. Therefore, the loss of the site as designated open space, whilst not desirable, is not considered to be significant.

This loss must also be balanced against the positive aspects of the proposals relating to open space. A major benefit of the proposal is the walkway which would provide free public access to the quarry edge, enhancing the value of the quarry and the public's ability to interact with it. The provision of this public access is welcomed and considered a positive aspect of the proposal (*issue 40*). The proposals would also feature areas of hard and soft landscaping around the buildings, including 38 new trees, and planter beds with a wide range of native grasses, shrubs and hedges. In addition to this, a contribution of £27,213.60 towards improving open space at Hazlehead Park would be secured to support several projects by the Friends of Hazlehead Group.

To summarise, the loss of the open space has already been accepted. Its loss is not desirable but is not significant and on balance the introduction of public access and a high quality hard and soft landscaping scheme results in a neutral impact in terms of open space.

(iv) Complies with Supplementary Guidance

There are a range of supplementary guidance documents that apply to this development. Compliance with each SG is discussed in the relevant section of the report, but in general it is considered that the proposal follows the requirements of the relevant SG.

To conclude matters in respect of Policy H1, the proposal is considered to comply with the requirements of the policy. The building is not considered to represent overdevelopment or to have an unacceptable impact on the character and amenity of the surrounding area. The building would sit comfortably within the site, due to the surrounding topography and landscape and through the careful design of its scale, massing and form. The amenity impacts on surrounding residential properties are largely restricted to a visual impact, which would be moderate from a limited number of locations, but otherwise negligible or nil. Although open space would be lost, the opening of the site to public use and provision of high quality public realm and landscaping would result in a neutral impact.

Moving onto other matters relating to the principle of development –

Economic Considerations / Rental Market

Concerns have been raised that the housing rental market would be overwhelmed with additional units, affecting landlords in the area. It is also suggested that there is no demand for further residential accommodation. Although 299 additional flats would be a significant number of flats, the planning system does not operate to protect private interest. Guidance from the Scottish Government on build to rent schemes (BTR) identifies the benefits of such schemes, such as complementing existing housing delivery models and helping to increase the overall rate of delivery of housing. BTR can provide high-quality, purpose-built rented accommodation that can enhance the attractiveness of the city, for new and different developers and long-term investors at scale. It can also support labour market mobility by providing homes for people moving into the area for work. It is important that a range of rental options are available in the city and this development would contribute towards that aim (*issues 17 and 19*).

There is no requirement for residential development to provide an economic impact assessment (*issue 18*).

Granite Heritage Centre

A separate proposal for a Granite Heritage Centre to be located on the south side of the quarry was granted detailed planning permission in December 2015 (ref: P140788). The centre was to include a heritage museum, restaurant/bar and conference suites, with views over the quarry. Despite obtaining planning permission, the prospects of the heritage centre proceeding seem unlikely after an application to vary the title conditions, which prevent its construction, was rejected by the Land's Tribunal for Scotland in January 2018.

A significant number of representations express a preference for the heritage centre over the proposed residential development of this application. The approval of this residential application however would not prejudice the heritage centre proceeding. Being on different sites and on opposite sides of the quarry, with approximately 120m between them, both developments could in theory be built. It is also suggested in representations that a heritage centre should be built on this site instead of the proposed development. In respect of both these matters, the planning authority is required to consider only the application before it. Refusal of the application based on a preference for other schemes, one of which appears to have little prospect of proceeding and the other which is non-existent, is unlikely to be competent or defensible at appeal (*issue 2 and 21*).

Quarry Heritage

Many representations refer to the value placed on the quarry in terms of its history and the significant role it has played in the development of Aberdeen through the widespread use of granite quarried there. The feeling of many is that the site is unique and should not be developed, or if it is to be, it should be a development celebrating the quarry. Despite this, the quarry does not benefit from any statutory designations such as being a scheduled monument, conservation area or world heritage site for example (*issue 1*). In response to this, as outlined earlier in the report, the principle of development on the northern edge of the quarry has been established for some 20 years.

The relatively small size of heritage bistro is questioned in representations and it is suggested that it would not support tourism sufficiently. However, the primary use of the development is residential and although officers have encouraged a public use to be incorporated into the development, which the applicant was receptive to, there is no policy requirement to do so. The public walk ways and landscaping will allow access to view the former quarry, which is a prospect not currently available and unlikely to be through any other projects (*issues 3 and 20*).

Layout, Design and Amenity

The general aspects on the proposal's scale, design and massing have already been discussed in relation to the building's impact on the surrounding area. More specifically, there is a requirement to ensure that the proposed building adheres to other good design principles, set out by Policy D1 (Quality Placemaking by Design).

The proposal's architectural design is unique to the site and has been informed by its surroundings. Although unashamedly different from typical flatted developments in Aberdeen, this is welcomed as it provides distinctiveness and adds interest to the city's built environment. The site, as described earlier, due to being relatively enclosed, provides an opportunity for a different approach to development, without adversely impacting upon the character of the surrounding area.

The architectural modules from which the building would be constructed, would create a chequerboard pattern of 'in' and 'out' modules and a rhythm across the facades. This 'in' and 'out' arrangement would create a textured effect adding interest to the building in near. In terms of materials, the building would be predominately finished in masonry-based off-white textured panels, with contrasting grey window frames and spandrel panels. Granite would feature at ground floor level around the public areas. The office buildings at Hill of Rubislaw are constructed from a variety of materials such as stone, concrete and glass, so the materials proposed would not be incongruous with the area. They are considered acceptable in principle and a condition has been attached requiring the precise materials to be specified and samples provided (*issue 6 and CC2*).

Raised planters would be incorporated into the private terraces associated with the flats, featuring shrubs and grasses adding further visual interest and diversity across the proposals. Species appropriate to the climate and tolerant to either sunlight or shade would be used depending on the orientation of the planters.

There is a mixture of flat sizes, allowing a variety of household sizes to occupy the development. All units on the quarry side of the development would generally face south or south west, ensuring they benefit from direct sunlight and an excellent outlook. Those on the business park side generally face north or north east. There are thirteen single aspect flats looking north on either the ground, first or second floors, which represents 4.35% of the 299 total. Whilst not ideal in terms of outlook, this is a small amount of the overall total and difficult to avoid. Those that are north facing on the floors above would benefit from being high enough to enjoy distant views. All other flats are either south facing or feature a dual aspect. Many of the flats would also benefit from their own private terrace, which are built into stepped form of the building. The terraces would feature planters to allow greenery to be added to the development.

The proposal would have an active street frontage with double height glazing for the public and communal areas on both the north (office park) and south (quarry) sides. This would animate and integrate the proposal by allowing the activity inside to be seen outside, as would the use of terraces and areas of glazing at upper levels. The public spaces provide pedestrians with priority, leading to the walkways at the quarry edge which are easily accessible and overlooked to ensure natural surveillance. Inclusive access for those with disabilities has been incorporated into the design with the provision of ramps and stair lifts. Beneath the ground floor and walkway would be three storeys of parking built into the quarry rock face. A green living wall is proposed to screen the parking levels and tie the building into the remaining vegetation.

Five waste and recycling stores would be located at ground floor, allowing access for residents and for collection by refuse vehicles. The waste storage for building cores 5 and 6 would be located adjacent to core 4, resulting in the furthest away residents having to walk around 80m to the nearest waste store, further than the recommended 30m in the SG. Notwithstanding, it would not be possible to have a store any closer as it would then not be possible for collection vehicles to access it. The food and drink element would have its own store.

In summary, it is considered that the development has been thoughtfully designed in response to its context and would create a successful place with a distinctive architectural character, taking account of the criteria in Policy D1 (Quality Placemaking by Design).

Noise

There is the potential for residents to be affected by externally mounted air source heat pump which are proposed on the roof. As the equipment is yet to be specified a condition has been attached requiring a noise assessment to be submitted which considers the likely impact and if

necessary proposes mitigation measures such as enhanced glazing. Otherwise, it is not considered that the uses themselves would cause any noise nuisance (*issue CC8*)

Accessibility, Traffic and Car Parking

Accessibility

The site is within the built-up area and is well connected to other residential and employment areas. Footway routes and crossing facilities are suitably located on Queen's Road and Anderson to facilitate pedestrians. To enhance pedestrian access a new section of footpath would be created on the south side of Hill of Rubislaw to Queen's Road, a condition has been attached requiring a detailed scheme to be submitted. Queen's Road is served by several bus routes which link the city centre to the west end of the city and settlements beyond such as Westhill and Kingswells. Bus stops for these services are located within 400m of the site which is considered reasonable walking distance. The applicant has agreed to fund the upgrading of the existing bus stop on the south side of Queen's Road near the Hill of Rubislaw. Overall it is considered the site is well positioned in terms of accessibility.

Impact on Road Network

Vehicular access to the Hill of Rubislaw is via two signal-controlled junctions, one at Queen's Road and one at Anderson Drive. The following junctions have been assessed by the applicant as part of their transport statement and reviewed by the Council's roads officers (*issue 22, 24 and CC7*).

- Anderson Drive (A90) / Hill of Rubislaw signal controlled junction – During the AM and PM peak periods the junction appears to operate very efficiently with queuing on all approaches effectively managed through the current signal settings. Queuing on all approaches is generally rolling in nature and clearing, in most instances, within every green phase. Analysis shows that in both the AM and PM peak the junction would still operate within capacity.
- Queen's Road (B9119) / Hill of Rubislaw signal controlled junction – The junction presently operates effectively and with the addition of the development would operate in the AM and PM peaks without any increase in queuing. This is an improvement over the previously approved office scheme which saw the junction operate over capacity.
- Anderson Drive (A90) / Queen's Road (B9119) roundabout junction – the junction currently operates over capacity during the AM and PM peak periods. With the addition of the development, in the AM peak queuing increases on the Anderson Drive approach but stays the same on other approaches. In the PM peak there is a marginal increase (less than 2%) in delays. However, the expected opening of the AWPR in Autumn of this year is expected to lead to increases in capacity on Anderson Drive, which the above traffic analysis has not taken account of. With this increase in capacity and the impact being less than 2%, the situation is accepted and no further analysis or mitigation required.

Parking

The Transport Accessibility SG sets out the Council's guidance on the provision of car parking. The car parking figures for both the residential and commercial development are applied as maximums, with lower levels accepted where accessibility is good and other measures to reduce private car usage are in proposed.

In the outer city zone, a maximum of 1.5 spaces per flat is permitted, resulting in a maximum possible provision for the residential element of 448 spaces. In this instance it is proposed to provide 318 spaces for 299 flats. This includes three Co-Wheels car club spaces and cars would be provided and be made available to residents and the wider public. Each is considered to be the equivalent of seventeen parking spaces (total of 51) and are anticipated to reduce the number of residents who would own their own car. All the residential spaces would be communal and unallocated, ensuring they are used to their full capacity, rather than sitting unused if a resident does not own a car. It would also be part of a tenant's lease that they could not park more than one car at the development. A residential travel pack would be provided to residents which would provide a package of measures aimed at promoting more sustainable travel choices and reducing the use of the private car.

A further fourteen car parking spaces allocated to the food and drink use which is in accordance with the guidance in terms of the proposed floor space. The total number of spaces proposed is therefore 332. This number of spaces, when considered against the accessible location and measures such as the car club, is considered reasonable for the nature of the development and are acceptable to the Roads Development Management Team

As already outlined it is considered that the site is readily accessible by public transport and within walking distance of various places of work and services. The level car parking proposed has been reviewed by the Council's roads officers and is considered acceptable (*issue 23 and CC7*).

Drainage

It is proposed that surface water run-off from the building roof area would be drained via downpipes to stone filled filter trenches at ground level. 50% of the building roof area would discharge via underground storage at a restricted rate to the existing surface water sewer (to be agreed with Scottish Water) and 50% of the building roof area would discharge via gravity drains to the basement level. Flows will then discharge via a separator to the outfall which would discharge into the existing quarry water body. All other areas of the site will be covered by the building roof area. A sluice and weir control would be installed to provide an overflow to the Scottish Water sewers which would limit the maximum level of water within the quarry during extreme weather. It is anticipated that the natural drainage regime will manage the water levels.

Concerns had been raised that the development could potentially increase the flood risk to the existing residential development on the southern rim of the quarry by increasing the volume or rate of surface water discharged into the quarry. There are also concerns regarding the risk to the development from the rising water levels within the quarry. However, the proposed surface water arrangements would create a betterment to the current situation in terms of the amount of water which would discharge to the quarry, as 50% would now be directed to the surface water sewer. The arrangements have been reviewed by SEPA and the Councils flooding team and found to be acceptable in principle. Conditions have been attached requiring a detailed scheme to be submitted.

SEPA have also advised that they have less concern that the occupants of the proposed development would be "caught unaware" or impacted by a sudden flood event, due to the slow rate at which the water in the quarry rises. However, SEPA recommend that a management plan to control the water level in the quarry would not only benefit the proposed development but would benefit the existing residential development. A condition has therefore been attached requiring such a plan to be submitted (*issues 25, 26 and CC6*).

Foul water from the development would discharge to a new sewer, which would tie into the existing Scottish Water foul sewer. This arrangement is acceptable, and a condition has been attached ensuring that a sewer connection is made.

Natural Heritage

Policy NE8 (Natural Heritage) and the associated SG requires that development should seek to avoid any detrimental impact on protected species through the carrying out of surveys and submission of protection plans describing appropriate mitigation where necessary.

Protected Species

A phase one habitat survey as well as a further badger survey have been carried out by the applicant

- Badgers, a protected species under the *Protection of Badgers Act 1992*, were identified as being affected by the development. Due to the sensitivities surrounding the species, further details of the survey and its findings cannot be disclosed publicly as to do so would be potentially harmful to the badgers' safety and wellbeing. It can however be confirmed that a mitigation plan has been submitted which has been reviewed by Scottish Natural Heritage (SNH) and is considered suitable. SNH have also issued a licence allowing the mitigation measures to be undertaken (*issue 14 and CC4*).
- In the UK all wild birds, their nests and eggs, are protected by law. Although the quarry has in the past been home to birds of prey (Peregrines, Kestrels and Fulmars), none were noted during the survey and the potential of the quarry to be suitable for such birds is now low due to the increased water level in the quarry which has reduced the extent of the cliff ledges.
- Most of the site is unsuitable for breeding birds, with most of the dense scrub cleared. However, the along the sides of the quarry and in the east, it is sufficiently thick to support breeding birds. A variety of birds were noted during the survey. To avoid disturbance or destruction of any nests, the site should be checked by an ecologist 24-hours before any construction commences to ensure there are no breeding birds present.
- There were no indications of invasive or injurious species detected on the survey.

Trees

It is proposed to remove a total of 34 trees. These trees are predominately sycamore, ash, whitebeam, cherry, birch and elm and vary in height from between 7m to 15m. At the western end of the site, 15 of these trees are protected by Tree Preservation Order No.134, which covers this small area of the site and the wider area of woodland on the north west, west and southern edges of the quarry. The remaining 19 trees are at the eastern end of the site and are not protected. The removal of trees would be contrary to Policy NE5 which states that there is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. Notwithstanding, the loss of all but one of these trees has already been consented in previous approvals. Although the trees contribute to the character of the immediate area, they have limited value in the wider area. To compensate for their loss, tree planting is proposed throughout the public areas surrounding the building, with the indicative landscape plans showing new 39 trees. A condition has been attached requiring tree protection measures to be implemented to ensure protection of the remaining trees to the west (*issue 15*)

It was reported shortly after submission of the application that trees had been removed from the site prior to the application being submitted. Having investigated the alleged removal of trees at the site it would appear that this largely involved removal of undergrowth rather than mature trees. Officers are satisfied that no breach of planning control occurred and that no removal of protected trees occurred (*issue 16 and CC5*).

It is considered that sufficient measures would be in place to ensure that natural heritage interests are protected.

Air Quality

Policy T4 (Air Quality) states that development proposals which may have a detrimental impact on air quality will not be permitted unless measures to mitigate the impact of air pollutants are proposed and agreed.

The proposed development is adjacent to the Anderson Drive Air Quality Management Area (AQMA). Although the concentrations of NO₂ and PM₁₀ in the surrounding road network are currently not exceeding the annual mean concentrations, the introduction of additional traffic additional car parking spaces, associated traffic and the construction of the development has the potential to adversely affect air quality in the immediate vicinity of the site and the wider area. It is therefore recommended by Environmental Health officers that an air quality impact assessment is carried out. A condition has been attached requiring an assessment to be submitted and if necessary a set of mitigation measures to be implemented. These could include measures to minimise the need to travel by the private car, supporting the car club or providing green infrastructure (*issue 27*).

Affordable Housing / Developer Contributions

Affordable Housing

In accordance with the Affordable Housing Supplementary Guidance, the equivalent of 74.75 units are required to be provided as affordable housing. Normally a registered social landlord (RSL) would take control of a block of units and manage them as affordable housing, however due to the expected high maintenance costs and difficulty in sub-dividing the building to allow an RSL to take control of part of it, it has been determined that rather than onsite provision, a commuted sum would be the most appropriate option. The sum of £4,111,250 is therefore required, based on the prime area rate of £55,000 per unit.

Developer Obligations

To mitigate against the impact of the development on community infrastructure, financial contributions are sought to make the development acceptable, calculated in accordance with the adopted Planning Obligations Supplementary Guidance and advice from relevant Council services (*issue 31, 37 and CC3*). The applicant has agreed to these contributions, which would be secured by a legal agreement.

- Factoring this development into the 2015 roll forecasts for Hazlehead Primary School would result in the school exceeding capacity by 2020 by a maximum of 15 pupils. To reconfigure the school to increase capacity a contribution of £39,525.00 is sought.
- For Hazlehead Academy the development results in the capacity being exceeded by seven pupils, therefore to allow reconfiguration a contribution of £18,445.00 is sought.

- The development would include a residents' only gym and the Rubislaw Playing Fields have capacity, therefore no contributions towards sports and recreation have been sought. A condition has been attached requiring the gym to be provided.
- No response was received from Council services regarding community facilities therefore no contributions have been requested.
- A contribution of £73,358.40 is sought towards Core Path 27 (Den of Maidencraig to Anderson Drive). As this development will have an additional impact a contribution is required towards the upgrade of this path, which is currently worn granite dust path which is beginning to become boggy in places. The contribution will be utilised to replace the existing path to suitable standards to accommodate the anticipated additional users as a result of this development.
- A contribution of £27,213.60 towards enhancing open space at Hazlehead Park is sought.
- Great Western Medical Practice and Hamilton Medical Practice would serve the development and as both facilities are currently operating beyond working capacity a contribution of £201,848.00 is sought to create additional capacity. The scale of this development is such that should it proceed then both practices would be unable to accommodate through internal re-configuration and would need to consider expansion.

Sustainability

Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) requires all new buildings to 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 in accordance with the associated supplementary guidance. In order to meet these requirements, the following is proposed –

- Building fabric will exceed minimum requirements and accredited construction details used to reduce unwanted heat loss / thermal bridging.
- Air tightness testing will be carried out to reduce unwanted air infiltration.
- All fixed light outlets will be LED high efficiency type.
- Ventilation systems will utilise heat recovery.
- Heating systems will be decentralised and utilise heat-pump technology to reduce carbon emissions.
- Enhanced controls will be used to reduce unnecessary energy consumption.

A condition has been attached requiring final calculations demonstrating compliance to be submitted.

Policy R7 also requires all new buildings to use water saving technologies and techniques. A statement has been submitted which identifies water saving measures which would achieve gold standard on the Building Standards Sustainability Label. A condition has been attached requiring the measures to be implemented.

Other Matters Raised in Representations

Most matters raised in representations and Queen's Cross and Harlaw Community Council have been addressed above. Remaining issues are addressed below.

- Issue 19 – The impact which a development may have on house prices, whether negative or positive, is not a material planning consideration.
- Issue 26 – The title deeds of the site allow inert spoil from the site to be deposited via a chute into the quarry. The construction environmental management plan would determine if this method of disposing of spoil from the site is appropriate.
- Issue 28 – Whilst there may well be other sites in Aberdeen where flats could be developed, the planning authority are required to consider the application before it.
- Issue 29 – Whether previous permissions, not all of which have been submitted by this applicant, have been implemented or not is not relevant to the determination of this application.
- Issue 30 – Each application is considered on its own merits and each site, especially in this case, is unique. Therefore, it is unlikely that this would set a precedent other than for any future development on this site.
- Issue 32 – It is accepted that construction would be disruptive however this is inevitable with a large project. The building is proposed to be constructed using off-site fabrication of the components, allowing the build programme length and associated disruption to be reduced compared to traditional build methods. An informative note would be attached advising of the permitted working hours, with any complaints being investigated by the Council's Environmental Health service.
- Issue 33 – Neighbour notification notices was issued as per the requirements of the regulations. The list of notified neighbours includes Rubislaw House, the proprietor of which is the company which has suggested they were not notified. It would be for the building occupier to pass on the notice to the proprietor.
- Issue 34 – A glass safety barrier would be erected on the walkway to prevent anyone falling into the quarry. The barrier would be required to comply with any relevant building standards regulations.
- Issue 35 – A condition would be attached requiring the heritage bistro to be delivered.
- Issue 36 – The stability of the quarry during construction would be the responsibility of the applicant.
- Issue 39 / Community Council Issue 9 – The application did not trigger either of the two sets of criteria for holding a public hearing. The statutory public consultation (neighbour notification and press advert) was undertaken. The applicant also carried out a consultation event prior to submission of the application. A significant amount of representations has been received in response to the application, making it clear that the public were aware of it.

Heads of Terms of any Legal Agreement

A legal agreement would be required to secure the payment of affordable housing and developer obligations outlined earlier in the report.

RECOMMENDATION

Approve subject to conditions and withhold the issuing of consent until a legal agreement has been entered into to secure affordable housing contributions and developer obligations relating to primary and secondary education, core paths, open space and healthcare.

REASON FOR RECOMMENDATION

The principle of developing this site is long-established and dates back to 1998 when a large-scale office building was approved. Subsequent application, including one that is still live and capable of being implemented, establishes the principle of development. In terms of Policy NE1 (Green Space Network) the value of the site to these wider designations however is limited as it largely comprises dense scrub, a species poor hedgerow, bare earth and an area of semi-natural broadleaved woodland. Throughout the period since it closed, there has been no public access or views into the site, lessening its value as open/green space.

It is important that a range of rental options are available in the city and the proposed introduction of a significant number of build-to-rent flats would contribute towards increasing these options. The building is not considered to represent overdevelopment or to have an unacceptable impact on the character and amenity of the surrounding area. The building would sit comfortably within the site, due the surrounding topography and landscape and through the careful design of its scale, massing and form. The 10-storey height is not consistent across the building, with the massing broken up by the stepped profile of the peaks and valleys, reducing the impact of its apparent size. The architectural modules from which the building would be constructed, would create a chequerboard pattern of 'in' and 'out' modules and a rhythm across the facades. This 'in' and 'out' arrangement would create a textured effect adding interest to the building in both near and distant views. Therefore, whilst undoubtedly a tall building, its scale and massing would be successfully lessened by its modelled form. From distant views, tall buildings, such as the numerous residential tower blocks and office buildings are not uncommon on the city's undulating skyline, with the introduction of the building having a negligible impact. The proposals are therefore considered to be in accordance with the provisions of Policy D1 (Quality Placemaking by Design), D2 (Landscape) and D3 (Big Buildings).

The amenity impacts on surrounding residential properties, considered through Policy H1 (Residential Areas) are largely restricted to a visual impact, which would be moderate from a limited number of locations, but otherwise negligible or nil. Although open space would be lost, the opening of the site to public use and provision of high quality public realm and landscaping would result in a neutral impact.

In respect of the separately proposed Granite Heritage Centre which already has planning permission, in determining this application, a preference to see another unrelated development proceed is not a material planning consideration. Both the proposed development and the heritage centre could proceed independently of one another.

The provision of the 'heritage bistro' within the development with a public walk way and landscaping will allow public access along the edge of the quarry for the first time and is welcomed, enhancing the value of the quarry and open space. Several trees would be removed to allow development; however, their loss has already been established through previous applications. New tree, grass and shrub planting would feature as part of the landscaping scheme for the public areas within the development. In this regard, the proposal is in accordance with

Policy D1 (Quality Placemaking by Design), D2 (Landscape) and NE9 (Access and Informal Recreation) and NE5 (Trees and Woodland).

In terms of transportation, the site and the requirements of Policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) is well located within the urban area and close to public transport routes. A sufficient level of parking has been provided and the impact on the surrounding road network considered to be minimal.

50% of the surface water from the site would be directed to the public sewer, whereas the remainder would be discharged to the quarry at a controlled rate, representing an improvement over the current situation as less water would be directed into quarry. SEPA and the Council's Flooding Team have confirmed with these proposals and it is expected that the requirements of Policy NE6 (Flooding, Drainage & Water Quality) would be met.

A mitigation plan has been submitted with respect to badgers and is considered acceptable, with a license for the activity granted by Scottish Natural Heritage, thereby complying with NE8 (Natural Heritage).

In accordance with Policy I1 (Infrastructure Delivery & Planning Obligations) and H5 (Affordable Housing), suitable developer obligations towards affordable housing, primary and secondary education, core paths, open space and healthcare, would be secured through a legal agreement.

CONDITIONS

(1) SURFACE WATER DRAINAGE

No development shall take place unless a detailed scheme for surface water drainage and connection to the sewer, in accordance with the Drainage & Flooding Assessment (Issue 04 – June 2018) has been submitted to and approved in writing by the planning authority in consultation with SEPA and Scottish Water. Thereafter development shall be implemented in accordance with the agreed scheme.

Reason – to prevent any flooding and ensure adequate protection of the water environment from surface water run-off.

(2) QUARRY WATER LEVEL MANAGEMENT PLAN

No development shall take place unless a scheme for the management of the water level within the quarry has been submitted to and approved in writing by the planning authority in consultation with SEPA and Scottish Water. Thereafter the management plan shall be implemented in accordance with the agreed details.

Reason – to ensure that the proposed development is not at risk of flooding from rising water levels in the quarry.

(3) FOUL WATER DRAINAGE

No development shall take place unless confirmation has been received that Scottish Water will accept a connection to their sewer network from the development. Thereafter development shall be implemented in accordance with the agreed foul drainage scheme.

Reason – to ensure adequate protection of the water environment from foul water generated by the development.

(4) AIR QUALITY ASSESSMENT

No development shall take place unless an air quality assessment which considers the impact on existing residents as well as the potential exposure levels of occupants of the new properties on Hill of Rubislaw. Measures to reduce any potential air quality impacts should be considered. The approved mitigation measures shall thereafter be implemented in accordance with a timetable agreed with the planning authority.

Reason - to mitigate the impact of road traffic associated with the development on local air quality.

(5) NOISE MITIGATION SCHEME FOR NEW RESIDENTIAL PROPERTIES

No development shall take place unless a scheme of measures for the protection of the proposed residential properties has been submitted to and approved in writing by the planning authority.

The scheme shall ensure that internal noise level, assessed with windows open, within any flat shall not exceed the WHO Community Noise Guideline Value of LAeq 30dB within bedrooms for the night time period 2300-0700 and LAeq 50dBA within outdoor living areas for the day time period 0700-2300. Where necessary, the noise assessment shall specify mitigation measures required to achieve these levels. Thereafter no flat shall be occupied unless the mitigation measures relevant to that property have been implemented in accordance with the agreed scheme.

Reason – to ensure that residents of the development are adequately protected from excessive noise levels.

(6) DETAILED LANDSCAPING SCHEME

No development shall take place unless a detailed scheme of hard and soft landscaping works has been submitted to and approved in writing by the planning authority. The scheme shall be in accordance with the principles outlined in the Landscape Design Framework produced by Optimised Environments (ref: 171159_OPEN_HillRubi_LDF-01) and include –

- (i) Existing landscape features and vegetation to be retained.
- (ii) The location of new trees, shrubs, hedges and grassed areas and water features
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- (iv) The location, design and materials of all hard landscaping works including surfacing, walls, fences, gates and street furniture (including the public walkway)
- (v) a programme for the long-term management and maintenance of the hard and soft landscaping.

All soft landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason – To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

(7) PROVISION OF PARKING

No development shall take place unless a scheme for the phased provision of the vehicle, motorcycle and bicycle parking has been submitted to and approved in writing by the planning authority. The phasing scheme shall –

- (i) ensure that a level of vehicle, motorcycle and bicycle parking appropriate to the number of units is available on occupation of each part of the building.
- (ii) demonstrate when and where the bistro spaces, electric vehicle charging points and car club spaces would be provided.

Thereafter no unit within the building shall be occupied unless the parking associated with that unit and identified as such in the phasing scheme has been constructed, drained, laid-out and demarcated in accordance with drawings IBI-XX-ZZ-PL-A-100-0098 (Rev.2) and IBI-XX-ZZ-PL-A-221-0099 (Rev.2) or such other drawing approved in writing by the planning authority.

Parking areas shall not thereafter be used for any other purpose other than the purpose of the parking of vehicles ancillary to the development and use thereby granted approval.

Reason – to ensure public safety and the free flow of traffic.

(8) PROVISION OF PUBLIC AREAS AND WALKWAY

No development shall take place unless a scheme for the phased provision of the publicly accessible external parts of the development (including the quarry edge walkway and area noted as 'aspirational paving outside ownership boundary line' on the pavement adjacent to the site) has been submitted to and approved in writing by the planning authority.

Thereafter each section of such areas shall be made available to the public on completion of the corresponding part of the building.

Such areas will thereafter remain in use as publicly accessible space for the life of the development.

Reason – to ensure the delivery of elements of the development proposed to enhance the accessibility of the quarry open space.

(9) PROVISION OF FOOD & DRINK USE AND GYM

No development shall take place unless a scheme for the provision of the (i) food and drink unit; and (ii) gym parts of the development has been submitted to and approved in writing by the planning authority.

Thereafter each element shall be provided in accordance with the approved scheme.

Reason – to ensure the delivery of the amenities proposed for the development.

(10) EXTERNAL FINISHING MATERIALS

No development shall take place unless a scheme detailing all external finishing materials of the proposed building has been submitted to and approved in writing by the planning authority. Thereafter the development shall be finished in accordance with the approved scheme unless a written variation has been approved by the planning authority.

(11) EXTERNAL LIGHTING

No development shall take place unless a scheme of the external lighting for the building and its external areas has been submitted to and approved in writing by the planning authority. Thereafter the development shall be implemented in accordance with the approved scheme.

Reason – to ensure public safety.

(12) TREE PROTECTION SCHEME

No development shall take place unless a scheme for the protection of all trees to be retained on and out with the site (including the route of the pedestrian path to Queen's Road) during construction works has been submitted to and approved in writing by the planning authority. The tree protection scheme shall thereafter be implemented for the duration of the construction of the development unless otherwise agreed in writing with the planning authority.

Reason – to ensure adequate protection for the trees on site during the construction of the development.

(13) BADGER PROTECTION PLAN

No development shall take place unless the species protection measures contained within the Badger Survey (RQA-1805-BDS – 15 May 2018) have been fully implemented in accordance with the license granted by Scottish Natural Heritage.

Reason – to ensure that badgers are protected from development.

(14) CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

No development (including site stripping, service provision or establishment of site compounds) shall take place unless a site-specific construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority in consultation with SEPA.

The CEMP must include construction-phase and final SuDS supported by drawing(s) showing the location of the construction phase SuDS features; storage locations; pollution prevention and mitigation measures in place during construction e.g. spillage / chemical management and monitoring; emergency contacts to SEPA for pollution incidents and Invasive non-native species (INNS) management. The construction phase SUDS should be in compliance with the requirements of SEPA General Binding Rules 10 and 11 for the management of water run-off from a construction site to the water environment

Thereafter development shall be undertaken in accordance with the approved CEMP.

Reason – to minimise the impacts of necessary demolition / construction works on the environment

(15) WASTE STORAGE

No development shall take place unless a scheme for the phased provision of the waste storage areas has been submitted to and approved in writing by the planning authority.

Thereafter no unit within the building shall be occupied unless the waste storage area associated with that unit and identified as such in the phasing scheme has been constructed and is available for use in accordance with drawings IBI-XX-ZZ-PL-A-221-0099 (Rev.2) and IBI-WS-XX-PL-A-100-0103 (Rev.2) or such other drawing approved in writing by the planning authority.

Waste storage areas shall not thereafter be used for any other purpose other than the purpose of the storing waste generated by the development.

Reason – to ensure adequate waste storage provision and for the protection of public health.

(16) LOW AND ZERO CARBON BUILDINGS

The building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full.

Reason – to ensure the 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'.

(17) WATER EFFICIENCY MEASURES

No flat or commercial element of the building shall be occupied unless the water efficiency measures identified in section 5.0 of the Sustainability Statement (Issue 02) produced by KJ Tait Engineers have been installed and are available for use.

Reason – to help avoid reductions in river water levels, which at times of low flow can have impacts on freshwater pearl mussel, one of the qualifying features of the River Dee Special Area of Conservation (SAC).

(18) BUS STOP UPGRADE

No flat or commercial unit shall be occupied unless the bus stop located on the south side of approximately 40m east of Angusfield Avenue has been upgraded in accordance with a scheme submitted to and approved in writing by the planning authority.

Reason – to encourage the use of public transport and reduce dependency on the private car for travel.

(19) RESIDENTIAL TRAVEL PLAN

No flat shall be occupied unless a residential travel pack has been submitted to and approved in writing by the planning authority. The residential travel pack shall identify details of different travel options available in the area to discourage the use of the private car. The approved travel pack shall be supplied to each household on occupation of a flat.

Reason – to reduce dependency on the private car for travel.

(20) COOKING ODOUR CONTROL

The food and drink use shall not become operational unless a scheme of Local Extract Ventilation (LEV) for that use has been submitted to and approved in writing by the planning authority. The scheme must fully demonstrate the extent of the necessary ventilation equipment and the effectiveness of the associated cooking odour and fume control measures.

Reason – to ensure that residential properties are not adversely affected by cooking odours.

ADVISORY NOTES FOR APPLICANT

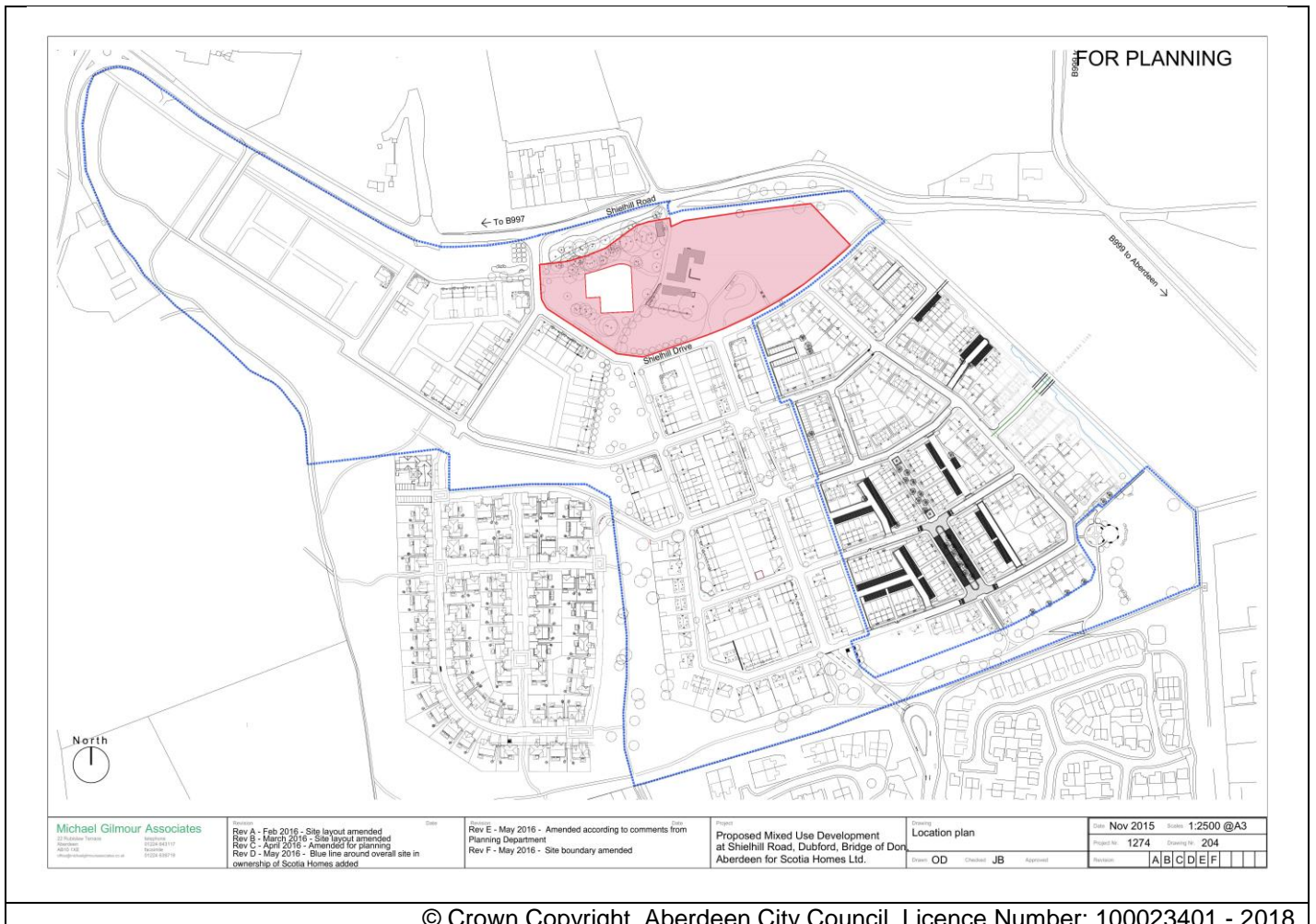
(1) HOURS OF DEMOLITION AND CONSTRUCTION WORK

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

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

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2> <p style="margin: 5px 0 0 0;">Report by Development Management Manager</p> <p style="margin: 5px 0 0 0;">Committee Date: 21 June 2018</p>
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Site Address:	Land At Dubford, Bridge Of Don, Aberdeen,
Application Description:	Modification of planning obligation associated with planning permissions: Ref: 120722; 120723; 121422; 121387; and 141506, to remove clause 5 from the associated Section 75 agreement (relating to payment of a Strategic Transport Funding Contribution)
Application Ref:	180418/MPO
Application Type	Modification/Discharge of Planning Obligation
Application Date:	20 March 2018
Applicant:	Scotia Homes Ltd
Ward:	Bridge Of Don
Community Council	Bridge Of Don
Case Officer:	Robert Forbes



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RECOMMENDATION

Approve Modification

APPLICATION BACKGROUND

Site Description

The subject site is located at the northern edge of the built up area of Bridge of Don. It comprises a major housing development, known as 'Dubford', which has significantly progressed over recent years, with many areas complete and a large number of the properties occupied. Various phases have been developed not only by the applicant, but also others, including Barratt and CALA.

Relevant Planning History

Application Number	Proposal	Decision Date
141506	Erection of 115 units (Scotia)	20.06.16
131614	Erection of 76 units (CALA)	05.01.14
121422	Mixed use development (41 Scotia units)	27.09.13
121387	Erection of 191 dwellings (Barratt)	19.09.13
120722	Erection of 109 units (Scotia)	19.09.13

APPLICATION DESCRIPTION

Description of Proposal

The application seeks to modify the existing s.75 (legal obligation) to remove the requirement for payments to be made to the Strategic Transport Fund (STF) by the lead developers at Dubford (i.e. Scotia Homes Ltd).

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=P5WBG8BZ02E00>.

- Supporting Letter;
- Legal report

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the Community Council object and the recommendation is one of approval.

CONSULTATIONS

ACC - Roads Development Management Team – Note that the requirement for STF contributions has been quashed by the Supreme Court. Advise that further strategic transport assessment is not required for the above referenced planning applications (relating to the approved Dubford development), as such matters were assessed and mitigations identified and required by the associated planning permissions. These improvements included:

- B997/Shielhill Road Junction (Alterations in current geometry);
- B999 Priority Junction / Shielhill Road (Forward Visibility);
- B999 Priority Junction / Shielhill Road (Junction alterations);
- B999/Denmore Priority Junction (Ghost Island);

- A90(T)/B999 Roundabout (Increasing the entry width on the western, northern and eastern arms);
- A90 (T)/B997 Roundabout (Increasing the entry width on the western, eastern and southern arms with an increase in the flare length on northern arm);
- A90 (T)/Woodside Road (west) priority junction (Increasing the width of Woodside Road);
- Denmore Road / Woodside Road priority junction (Increasing the entry width on Woodside Road);
- A90 (T)/A956 Roundabout (Increasing the entry width on all approaches to the roundabout); and
- Works on Scotstown Road to form a cycle track;

Aberdeen City and Shire Strategic Development Planning Authority (SDPA) – No comments;

Bridge of Don Community Council – Object on the grounds that the parent planning permissions were approved inclusive of STF and that the developer wishes to remove this requirement, and also the traffic impact of the development requires to be reassessed via an application for planning permission.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

Section 75A of the Town and Country Planning (Scotland) Act 1997 allows for a person against whom a planning obligation is enforceable to apply to the planning authority to have the obligation either modified or discharged. In determining such requests, the planning authority must consider the application on its own merits and reach a decision in accordance with the terms of the development plan, unless material considerations indicate otherwise. Any modification should be considered against the policy tests set out in Circular 3/2012 (Planning Obligations and Good Neighbour Agreements). The planning authority may determine that the obligation be modified as per the proposed modification or continue in its current form. It cannot determine that the obligation should be subject to any modification other than the modification set out in the application – i.e. the proposed modification is either approved or refused.

National Planning Policy and Guidance

Scottish Planning Policy encourages delivery of new housing. Para 109: *“Planning can help to address the challenges facing the housing sector by providing a positive and flexible approach to development.”*

Circular 3/2012 – Planning Obligations and Good Neighbour Agreements

Planning obligations made under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) should only be sought where they meet all of the following tests:

1. necessary to make the proposed development acceptable in planning terms (paragraph 15);
2. serve a planning purpose (paragraph 16) and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans;
3. relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19);

4. fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23); and
5. be reasonable in all other respects (paragraphs 24-25).

Aberdeen Local Development Plan (2017)

H1: Residential Areas

T2: Managing the Transport Impact of Dev

I1: Infrastructure Delivery & Planning Obligation

OP10: Dubford

Supplementary Guidance and Technical Advice Notes

- Dubford Development Framework;
- Transport and Accessibility;
- Planning Obligations

Other Material Considerations

The Supreme Court decision of 25/10/2017 in relation to STF is of key relevance. The Court confirmed that STF guidance (“Delivering Identified Projects Through a Strategic Transport Fund”), as approved by the SDPA in December 2011 and ratified by ACC EPI Committee in March 2012 was unlawful as it failed to meet statutory requirements for planning obligations (as set out in Planning Circular 3/2012). The guidance remains quashed so that the SDPA cannot lawfully collect STF monies, nor use the monies for the purposes set out in the legal obligation.

- Local Transport Strategy

EVALUATION

Principle of Development

In light of the recent Supreme Court decision, it is no longer legally competent for the Planning Authority to require STF contribution from developers. Therefore, there is no reasonable option but to agree to the modification as requested (i.e. removing clause 5 of the existing section 75 obligation). The Council’s Roads Officers have no objection to the requested variation and do not require further technical assessment to be undertaken in this case as this was assessed through determination of the relevant planning applications at Dubford. As it is not within the scope of this application to reconsider the planning permissions to which the section 75 obligation relates, it would not be reasonable to require further transportation assessment in this case.

As there is no requirement in this instance to re-assess the transport impact of the development at Dubford, in determining this application, there is no need to have regard to the related land use and transportation policies / supplementary guidance set out above. Allowing the variation is consistent with the positive and flexible approach to delivery of housing set out in Scottish Planning Policy.

As STF guidance has been quashed, it no longer forms part of the development plan and is not a material consideration in determination of the application. There is no other supplementary guidance or policy within the development plan which requires payment of STF contributions. In this case, the development plan policies are not of relevance to the proposed variation. The Supreme Court decision is an overriding material consideration which justifies approving the variation.

In the event that the modification is refused, it is likely that an appeal against such a decision would be submitted and it is also likely that this would result in a claim for costs against the Council on the grounds of unreasonable behaviour.

Community Council Comments

In light of the recent Supreme Court decision, it is no longer legally competent for the Planning Authority to require STF contribution from developers. Therefore, there is no reasonable option but to agree to the modification as requested (i.e. removing clause 5 of the existing section 75 obligation).

The Council's Roads Officers have no objection to the requested variation and do not require further technical assessment regarding transport impact to be undertaken in this case as this was assessed through determination of the relevant planning applications at Dubford.

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

Approve Modification

REASON FOR RECOMMENDATION

In light of the recent Supreme Court decision, it is no longer legally competent for the Planning Authority to require STF contribution from developers. Therefore, there is no reasonable option but to agree to the modification as requested. The Council's Roads Officers do not require further technical assessment to be undertaken in this case, as transport impact mitigations have earlier been identified and are required to be undertaken. As it is not within the scope of this application to reconsider the planning permissions to which the section 75 obligation relates, as requested by the Community Council, it would not be reasonable to require further transportation assessment in this case.

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Planning Development Management Committee

Report by Development Management Manager

Committee Date: 21 June 2018

Site Address:	Shielhill Crescent And Perwinnes Crescent, Dubford, Aberdeen.
Application Description:	Repositioning of Children's Play Area - amendment to detailed planning permission 160630
Application Ref:	180600/DPP
Application Type	Detailed Planning Permission
Application Date:	20 April 2018
Applicant:	Mr Jonathan Wisely, Scotia Homes Ltd
Ward:	Bridge Of Don
Community Council	Bridge Of Don
Case Officer:	Robert Forbes

FOR PLANNING

Michael Gilmour Associates 22 Mackenzie Terrace Aberdeen AB9 8TB Phone: 01224 626262 Email: info@mga.co.uk	Date: Rev A - Feb 2016 - Site layout amended Rev B - March 2016 - Site layout amended Rev C - April 2016 - Amended for planning Rev D - May 2016 - Blue line around overall site in ownership of Scotia Homes added	Date: Rev E - May 2016 - Amended according to comments from Planning Department Rev F - May 2016 - Site boundary amended	Project: Proposed Mixed Use Development at Shielhill Road, Dubford, Bridge of Don Aberdeen for Scotia Homes Ltd.	Location plan Drawn: OD Checked: JB Approved:	Date: Nov 2015 Scale: 1:2500 @A3 Project No: 1274 Drawing No: 204 Revision: <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td> </td><td>A</td><td>B</td><td>C</td><td>D</td><td>E</td><td>F</td></tr></table>		A	B	C	D	E	F
	A	B	C	D	E	F						

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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The site sits within a major housing development, known as 'Dubford', at the northern edge of Bridge of Don. It comprises an area of public open space laid to grass and containing a few small trees. A second equipped play area is located at the south-east corner of the 'Dubford' development, in excess of 400m from the application site.

Relevant Planning History

Application Number	Proposal	Decision Date
120722	Residential development	17.01.13
160630	Mixed use development	01.07.16

The delivery of the above mixed use development, which included a play area, has been constrained due to commercial factors so that it has not been possible to deliver the play area within the location originally proposed.

APPLICATION DESCRIPTION

Description of Proposal

Formation of a play area within an area of existing open space area within the 'Dubford' residential development site. This more central location within the development, than that c.110m to the north and approved under planning ref. 160630, and close to the main spine footpath running through the development. The play area would be available for public use and would have associated boundary enclosure, access gates, safety surfacing and seating. A total of 5 play features would be provided. Additional tree planting would be undertaken within the open space area, to compensate that lost. At its closest point the play area would be c.18m from the front elevation of the closest facing house located on Perwinnes Crescent, across that public road. A connecting footpath would be provided to link with the main spine footpath.

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=P79T1PBZKQM00>.

- Planning statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the number of objections exceeds 5 and the recommendation is for approval.

CONSULTATIONS

ACC - Environmental Health – No objection. The proposed playpark facility and its proper and reasonable use is not considered to present a significant risk of an unreasonable level of noise impact on neighbouring properties. Suggest that the distance of the play area from residential property is maximised in order to avoid possible noise nuisance.

ACC - Roads Development Management Team – No objection. Advise that the proposal does not result in conflict with public / road safety. The play area is to be enclosed to avoid conflict with the road, and has access paths onto the surrounding footways. Surrounding roads have a 20mph speed limit.

Bridge of Don Community Council – No response yet received. However it has been intimated that comments are due to be submitted, pending a public meeting on 13/06/18. A verbal update will be provided should comments be received.

REPRESENTATIONS

A letter of support has been received from a local resident indicating the benefit of the facility for local children.

16 objections have been received from local residents raising the following concerns:-

1. Adverse impact on residential amenity (e.g. noise / potential for anti-social behaviour / litter / graffiti);
2. Public / road safety concerns due to vehicle traffic on adjacent roads;
3. Existing roads unsafe;
4. Lack of car parking;
5. Loss of open / green space;
6. Requirement for further public safety measures (e.g. traffic calming);
7. Failure of applicant to deliver other supporting facilities (e.g. commercial units / nursery / footpath links);
8. Concern regarding continued derelict condition of the location of the originally approved play area;
9. Concern regarding future maintenance of the play area;
10. Lack of requirement for the proposed facility;
11. Alternative locations for the play area are preferable;
12. Discrimination against disabled children;
13. Lack of consultation with residents;
14. Adverse impact on property values; - (not a material consideration)
15. Mis-selling of property by the applicant; - (not a material consideration)
16. Impact on views from private property;- (not a material consideration)

The matters identified as not being material considerations will not be addressed in the evaluation below.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

Scottish Planning Policy encourages protection and enhancement of open space / recreational facilities.

Aberdeen Local Development Plan (2017)

CF2: New Community Facilities
 D1: Quality Placemaking by Design
 D2: Landscape
 H1: Residential Areas
 NE3: Urban Green Space
 NE4: Open Space Provision in New Development
 T3: Sustainable and Active Travel
 OP10: Dubford

Supplementary Guidance and Technical Advice Notes

- Dubford Development Framework

EVALUATION

Principle of Development

The principle of provision of play facilities directly associated with and located within major residential development sites accords with the objectives of SPP regarding open space, local plan policies CF2, NE4 and related Supplementary Guidance regarding Open Space. Such supporting facilities are complementary to residential use and an appropriate component of open space provision. The provision of play facilities would be of benefit to the amenity of the wider associated residential development and therefore accords with the objectives of H1 policy. The issue of any possible tension with residential amenity is addressed below. As play areas are an informal recreational use, there would be no conflict with policy NE3 in principle.

Location

As the proposed location is readily accessible by sustainable transport and convenient to the surrounding community, being served by the path network – which it is to be suitably connected to, the proposal accords with local plan policies CF2 and T3. The existing play area within the south-east corner of the wider development site is located outwith convenient walking distance of the northern and western parts of the ‘Dubford’ development and therefore provision of such a facility within the northern part is desirable. In terms of compliance with local plan policy and related guidance, there is no requirement for the applicant to demonstrate that alternative locations for the play area are more suitable, or indeed unsuitable. No “sequential testing” for such facilities is needed in order to demonstrate compliance with SPP. The approved Dubford Development Framework encourages the delivery of a play area in close proximity to the proposed site. Overall the proposed location would better accord with the Framework than the location as approved under planning permission 160630. It would also benefit from proximity to the main pedestrian / cycle spine route through the development, natural surveillance from surrounding roads and houses and is located on one of the few level areas of open space within ‘Dubford’. It would also be better sheltered from the elements than other more exposed open space areas elsewhere within the development, thereby better enabling its active use. It is therefore considered that the play facility would be suitably located.

Design / Landscape Impact

The development is considered to be appropriately designed and would not erode the urban design quality of the wider development, so that there is no conflict with the objectives of policy D1. In this particular case, there is no unacceptable loss to the landscape character of the area and the amenity of the site, public access would be maintained, the site is of no significant wildlife or heritage value, there is no loss of established / mature trees, no adverse impact on water features and no conflict with SPP. Although no replacement green space would be provided, it is not considered pragmatic or reasonable to insist on such provision in this instance, as referenced

by policy NE3, given that the development is for recreational purposes directly associated with the wider residential development. Sufficient space would exist around the play area to enable enhancement of the landscape setting. A condition can be imposed to ensure that a suitable degree of enhanced landscaping / tree planting is provided in the vicinity of the development, within the open space area, in accordance with the expectations of policy D2.

Residential Amenity

Although the representations received argue that the development would adversely impact on existing residential amenity enjoyed by adjacent dwellings, it is not considered reasonable to refuse the proposal on this basis. On balance it is considered that any such impact would not be significant or unacceptable, given that the Council's Environmental Health Officers have no objection to the proposal on grounds of noise disturbance to residents.

Whilst there is some potential that the use would cause a limited degree of nuisance to immediately adjacent residents (e.g. due to anti-social use of the play area and generation of noise), that could be the case with any such facility and is not legitimate grounds to refuse the application given that the provision of play facilities in general within residential developments is supported by Council policy (e.g. Supplementary Guidance on Open Space and Green Infrastructure) and the approved Dubford Development Framework also encourages the delivery of a play area in close proximity to the proposed site and surrounding housing. The potential to relocate the play area elsewhere within the open space, as suggested by the Environmental Health Officer, is constrained due to the existence of an infrastructure wayleave which precludes development in its vicinity.

Road Safety

Notwithstanding the safety concerns raised by objectors, the Council's Roads Officers have no objection to the proposal and do not require the implementation of further road safety measures (e.g. traffic calming) or additional parking. There is no record of a significant vehicle / pedestrian accident risk in the immediate vicinity of the site. This is perhaps reflective of the fact that the open space area where it is proposed to site the play area is surrounded by residential roads with a 20mph speed limit. It would not therefore be reasonable to refuse on this basis. The allegations of inappropriate driver behaviour (e.g. speeding within the housing area) are not a material planning consideration, rather a public safety matter which would be more appropriately investigated by the Council as roads authority or Police Scotland, irrespective of the proposed development. Suitable pedestrian and cycle access to the play area would be provided.

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. Given that the Council would not be providing or maintaining the play area, the detailed design of the play equipment and its suitability for use by varied groups, including disabled children, is a matter for the owner / developer of the facility. The location of the play area within a level area of the site would enable its compliance with access requirements arising from the Equality Act (e.g. provision of wheelchair access).

Other Matters Raise in Objection

In light of the minor nature of the development, there is no statutory requirement for pre-application consultation with local communities in this case. The alleged failure of the applicant to deliver other supporting facilities and the alleged derelict condition of the land where the play area

was originally to be sited are not matters of relevance to consideration of this planning application, but could be investigated separately as specific planning enforcement enquiries. The future maintenance of the play area would be a matter for the landowners and factor responsible for maintenance of the open space.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The principle of provision of play facilities directly associated with and located within major residential development sites accords with the objectives of SPP regarding open space, local plan policies CF2 (New Community Facilities), NE4 (Open Space Provision in New Development) and related Supplementary Guidance regarding Open Space. Such supporting facilities are complementary to residential use and an appropriate component of open space provision. As play areas are an informal recreational use, there would be no conflict with policy NE3 (Urban Green Space) in principle. As the location of the site is readily accessible by sustainable transport and convenient to the surrounding community, the proposal accords with local plan policies CF2 (New Community Facilities) and T3 (Sustainable and Active Travel). The approved Dubford Development Framework encourages the delivery of a play area in close proximity to the proposed site. The provision of play facilities would be of benefit to the amenity of the wider associated residential development and therefore accords with the objectives of policy H1 (Residential Areas). It is considered that any impact on residential amenity would not be significant, particularly given that the Council's Environmental Health Officers have no objection to the proposal on grounds of noise disturbance to residents. Notwithstanding the safety concerns raised by objectors, the Council's Roads Officers have no objection to the proposal and do not require the implementation of further road safety measures (e.g. traffic calming) or additional parking. The development is considered to be appropriately designed and would not erode the urban design quality of the wider development, so that there is no conflict with the objectives of policy D1 (Quality Placemaking by Design). A condition can be imposed to ensure that a suitable degree of enhanced landscaping / tree planting is provided in the vicinity of the development within the open space area in accordance with the expectations of policy D2 (Landscape). There are no other material considerations which warrant refusal of the application.

CONDITIONS

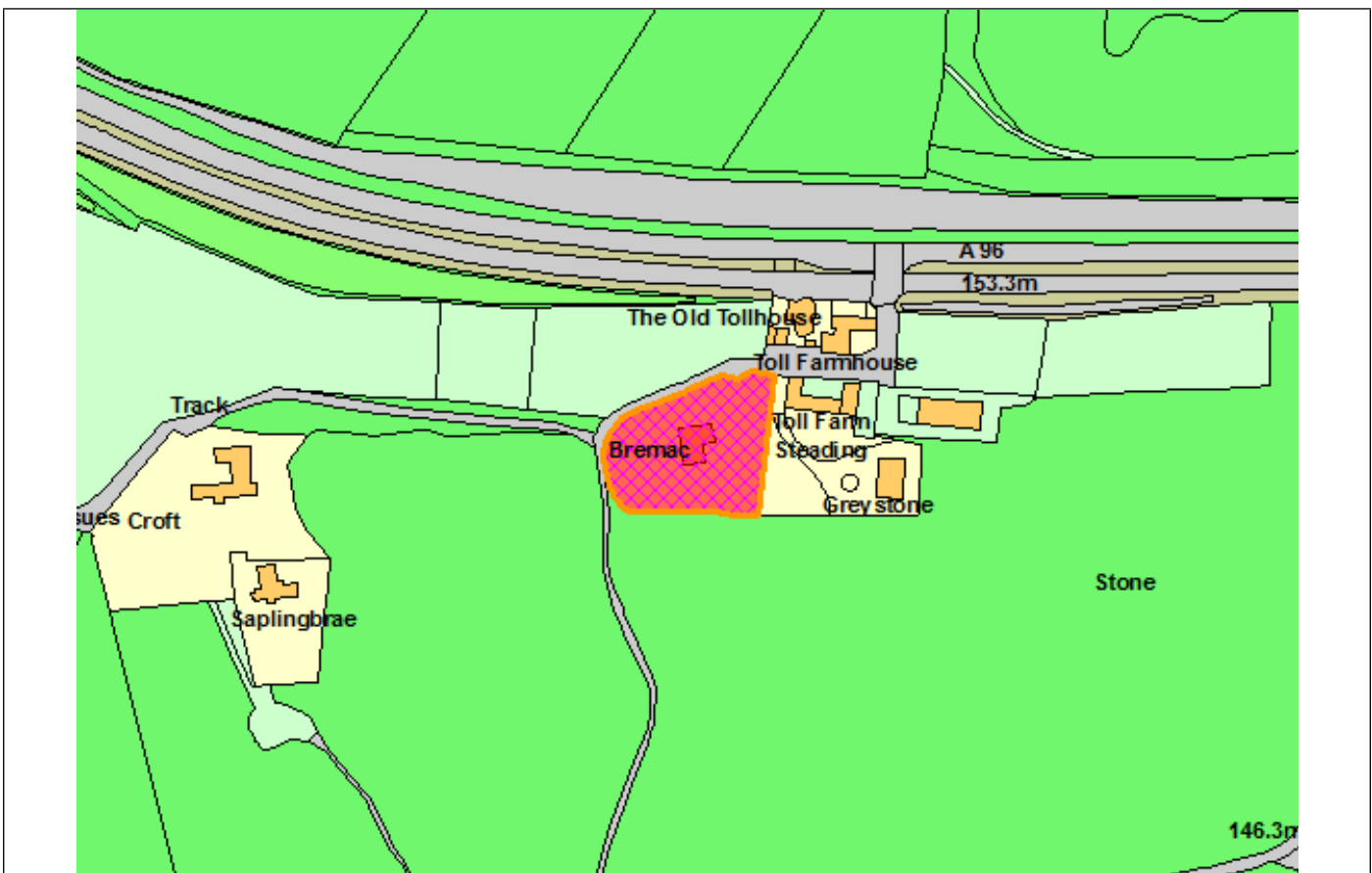
01. No development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the site and its surroundings, 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. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in

accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.

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 <p>ABERDEEN CITY COUNCIL</p>	Planning Development Management Committee
	Report by Development Management Manager
	Committee Date: 21 June 2018

Site Address:	Bremac, Inverurie Road, Aberdeen, AB21 0TT
Application Description:	Erection of extensions to side and rear elevations and formation of raised terrace
Application Ref:	180660/DPP
Application Type	Detailed Planning Permission
Application Date:	2 May 2018
Applicant:	Mr & Mrs A Stephen
Ward:	Dyce/Bucksburn/Danestone
Community Council	Dyce And Stoneywood
Case Officer:	Sheila Robertson



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RECOMMENDATION

Approve Unconditionally

APPLICATION BACKGROUND

Site Description

The application site extends to 0.28 hectares and sits to the south of the A96 and approximately 1km west of its junction with the B979. Access to the property is taken from the A96, which also serves 4 other properties – Toll Farm House, The Old Toll House, Toll Farm Steading (converted to residential use) and Greystone. The application property, which is the westernmost property within this cluster, is a detached bungalow sitting centrally within the plot, its principal elevation facing west. The property has been extended in the past by the addition of an extension to the eastern elevation, providing an entrance porch/hallway and garage, and by a conservatory to the west. The site slopes down in 2 directions, from north to south and east to west. The eastern boundary is planted with 6m plus high lleylandii; the southern and part western boundaries abut Clinterty Woods, with relatively open views towards the west; and the northern boundary is screened by 1.8m high fencing which abuts a track with grazing land beyond. The property is located within the Green Belt and Green Space Network, as identified in the Aberdeen Local Development Plan

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

The application proposes the erection of (a) a single storey extension to the southern elevation, providing a new bedroom/ ensuite, study, utility room, bathroom and new entrance facing north west, with a double garage attached to the eastern elevation; (b) single storey extension to the western elevation to extend the existing lounge, involving removal of the existing conservatory; and (c) an area of raised timber decking 1.6m above ground level, at its highest point, which would wrap around the lounge extension. The existing garage and porch would be removed.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P7U6CGBZL3800>

The following document has been submitted in support of the application –

Bat Roost Potential Survey – Landcare NorthEast – 23 May 2018 – Explains the suitability of the building as a bat habitat, or otherwise; the presence of bats in the area which could affect the proposal; and identifies that no bats were found to be roosting in the building, and as a result no negative impact on bats or bat roosts is anticipated from the proposed development.

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it has been the subject of six or more timeous letters of representation (following advertisement and/or notification) that express objection or concern about the proposal and thus falls out with the Council's Scheme of Delegation.

CONSULTATIONS

None required.

REPRESENTATIONS

6 letters of representation (objection) have been received. The objections can be summarised as follows: -

- Impact of building construction works, mainly in terms of noise, to local wildlife (such as red squirrels, deer) and domestic animals (horses grazing in adjoining fields).
- Issues relating to ownership of the communal access road and its use for construction traffic.
- The original building would no longer be visually dominant, and the siting of the extension does not relate well to the building.
- The proposed decking would be to the front of the dwelling house and overlook private land.
- The neighbour notification procedure has not been carried out correctly - the Forestry Commission as owner of adjoining wood land has not been notified, and the neighbour of Toll House is not in residence during renovation work.
- Assurances required from neighbour regarding impact of development on their soakaway.

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 NE2 (Green Belt)
- Policy NE8 (Natural Heritage)

Supplementary Guidance and Technical Advice Notes (SG)

- The Householder Development Guide
- Natural Heritage

EVALUATION

Principle of Development

The application dwelling is located within an area of land designated as Green Belt in the Aberdeen Local Development Plan and the proposal relates to an existing dwelling house. To accord with Policy NE2, proposals for development associated with existing activities in the green belt will be permitted if the development is within the boundary of existing activity; the development is small-scale; the intensity of activity is not significantly increased; and any built construction is ancillary to what exists. It also requires development proposals in the Green Belt to be of the highest quality in terms of siting, scale, design and materials and to have regard to other policies of the Local Development Plan in respect of the natural environment and landscape. These issues are addressed in the below evaluation.

Design, Scale and Layout

The surrounding area contains a mix of modern, converted and traditional properties; the existing dwelling house is a modest 1980's 2 bedroomed bungalow, occupying a substantial plot, and which is not considered to be of any particular architectural or vernacular merit or of any historical value. The proposed development is compliant with Policy NE2 for the following reasons: the proposed development would be contained within the boundary of the existing site; although additional living accommodation would be created, in addition to an attached double garage, it is considered that this would not constitute any significant intensification of residential use on site; the development would be small scale relative to the plot, increasing the current built site coverage by 3% to 10%

thereby retaining a very low level of development; although the form of the original dwelling house would not remain visually dominant as a result of the proposals, the extensions would be of sympathetic design, replicating original by way of their single storey form, materials and detailing thereby resulting in the building reading as a single unit rather than piecemeal development; the extensions would enhance the appearance of the existing dwelling house by the removal of previous unsympathetic extensions; their siting would relate well to the existing dwelling house permitting only partial views of the extended sections from the A96; and the proposal would result in a dwelling house that would neither compete with, nor detract from, the established character of the surrounding landscape.

In terms of scale, Policy NE2 requires development to be small scale, while the Householder Development Guide recommends that no more than 50% of the front or rear curtilage should be covered by development and the built footprint of a dwelling house, as extended, should not exceed twice that of the original dwelling. While the proposal would satisfy the first criteria contained in the SG, it would fail to meet the second. The existing dwelling house has already extended its original footprint of 112sq.m to 169sq.m. The current proposal would further increase the total footprint to 314sq.m. which is clearly contrary to the criteria contained in both the SG and Policy NE2. However, when considered against the overall size of the land holding, the rise in footprint and scale of the resultant dwelling house could be considered as acceptable as both a very low level of development and generous amount of private garden ground would be retained which would compare favourably with neighbouring properties, and be in keeping with the semi-rural character of the area; since the extensions would replicate the design and materials of the existing dwelling house, the scale of development would neither be readily apparent nor impact on the established pattern of development; and the site is such that the cumulative total increase in footprint can be easily accommodated without any impact to the visual character and residential amenity of the area. These factors are considered to be sufficient justification to accept such a level of development contrary to the SG and Policy NE2.

Guidance relating to the erection of raised decking contained in the SG, contains a presumption against the formation of decking to the front of a property or on any other prominent elevation where such works would adversely affect the visual amenity of the streetscape. The proposed decking would wrap around the proposed west facing extension with an area of 63 sq. resulting in a negligible increase in site coverage (2%) which would maintain the current very low density of development within the site. The scale of the decked area is considered to be appropriate in relation to both the scale of the dwelling house and size of plot. The dwelling house does not form part of a regular streetscape, and the decked area would not be readily visible from a public viewpoint. Its scale, location and materials are such that there would be minimal impact to the visual amenity of the wider area therefore this element is acceptable in terms of the SG.

Due consideration has therefore been paid to siting, scale, massing and finishing materials of the proposed extensions therefore the proposal is also compliant with the aims of Policy D1, having been designed with sufficient regard for the character of the existing building and its context within the surrounding area.

Impact on Residential Amenity

The surrounding properties, Toll Farm Steading, Greystone and The Old Toll House sit 31m, 64m and 48m respectively to the east of the application dwelling house, more than sufficiently distant to ensure no impact in terms of loss to their internal day light levels or any over shadowing within their curtilage. The mutual boundaries are sufficiently well screened to ensure no loss of privacy to neighbours private garden space from any new windows to the extension and garage to the east, and all neighbouring windows are well out with the 18m window-to-window distance required to ensure privacy. The extension and decked area to the west would offer views towards Clinterty Woods, open pasture land and Kirkhill Forest. No neighbouring private residential space would be

overlooked. Residential amenity would therefore be retained in compliance with Policy H1 (Residential Areas).

Impact on Natural Environment

The site lies within an area which provides a good habitat for bats, and since they are a European Protected Species, it has been necessary for the applicant to provide a bat survey to establish the likely impact of the development proposal on this protected species. The submitted survey found that while bats foraged around the house, there was no evidence of bats using the building as a roost, and no negative impact on bats or bat roosts is anticipated from the proposed development, in compliance with Policy NE8 – Natural Heritage of the ALDP.

None of the trees within the site and surrounding area are protected however all development would take place well within the boundaries of the site, and out with the root protection area and canopy spread of any trees other than one immature tree which would require removal to facilitate development however its contribution to the wider amenity of the area is negligible and its loss is acceptable given the context/character of the remainder of the site and the level of tree cover surrounding the property. There will be no requirement to request replacement planting.

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.

Matters Raised in Representation

Disruption during construction

Any issues relating to general disturbance to neighbouring properties and surrounding areas, including impact to both domestic livestock and wildlife, as a result of the construction of the development, is not considered to be a material planning consideration. The area does not lie within an area identified as either a Candidate Noise Management Area (CNMA) or Candidate Quiet Area (CQA) where protection measures exist for preventing increases in noise exposure resulting from new development, and there would be no significant exposure to noise as a result of this development, the noise levels associated with such domestic development generally being of a temporary nature and within acceptable levels, therefore a Noise Impact Assessment was not considered necessary. The development would nevertheless be subject to statutory noise control measures controlled by the Council's Environmental Health Team.

Access Issues

The access road is in private ownership therefore any issues relating to right of access/obstruction by vehicles is a civil matter that must be sorted out by the parties concerned. Such matters relating to access are not material planning considerations and for which the planning authority has no powers of intervention. They are therefore not included in this assessment. For similar reasons, matters relating to a soakaway will not form part of the assessment.

Scale of Development

Matters raised regarding the scale of development have been assessed in the evaluation above. Whilst it is recognised that there would be a substantial increase in floor space over original, contrary to the guidance contained in the Householder Development Guide and Policy NE2, the resultant property would sit well within a substantial plot, with no impact to residential or visual amenity, therefore such mitigating factors can permit approval of the application contrary to the guidance.

Loss of privacy

It has been demonstrated in the assessment above that the proposed development would have no impact on neighbours' current levels of privacy.

Impact to wildlife

The submitted bat survey demonstrates no adverse impact to the local bat population. All development will take place well within the confines of the site boundaries and is not considered to disturb wild life habitats or compromise the natural heritage value of the wider area.

Neighbour Notification

A notice has been sent to all properties within 20m of the boundary of the application site in accordance with the Town and Country (Development Management Procedure) (Scotland) Regulations Act 2013. In the case of a 'Householder' application such as this, if no premises are associated with an area of notifiable land (such as the woodland abutting the western boundary of the application property) then the owner need not be notified. The neighbour notification process has been carried out in accordance with the above procedure.

RECOMMENDATION

Approve Unconditionally

REASON FOR RECOMMENDATION

The proposal is considered acceptable in the context of the both the plot size and existing dwelling, having been designed with due consideration for the architectural form of the existing dwelling house and the context of the surrounding area. The proposal is considered satisfactory in terms of design, scale, materials; the site would not be over-developed; and the extensions would have no adverse impact on the residential amenity of neighbouring properties in terms of overshadowing, or on loss of daylight or privacy and would have an acceptable impact on the visual and landscape character of the Green Belt. It is recognised that the proposed extension would not fully comply with the associated Supplementary Guidance: Householder Development Guide, in terms of increase in the footprint of the original dwelling house however material considerations, including the resultant site coverage, which would be acceptable in terms of the SG, and lack of impact on visual amenity, have allowed for a departure from this element of the policy. The proposal is otherwise considered to be compliant with Policies D1 (Quality Placemaking by Design) and Policy NE8 (Natural Heritage) of the Aberdeen Local Development Plan and with all other elements contained in the associated Supplementary Guidance: Householder Development Guide. There are no material planning considerations, including those issues raised in the letters of objection, that would warrant refusal of the application.

ADVISORY NOTES FOR APPLICANT

Bats may be present

Please note there is a possibility that bats may be present in the site. All bats and their breeding or resting places (i.e. roosts) are protected by law. It is an offence to disturb, injure or kill any bat or to damage, destroy or obstruct access to a bat roost. Damage does not have to be deliberate to be considered an offence. Work that may impact on bats and their roosts can only be carried out under licence. If evidence of bats is discovered works must cease immediately and the advice of Scottish Natural Heritage must be sought.

COMMITTEE Planning Development Management Committee

DATE 21 June 2018

INTERIM DIRECTOR: Gale Beattie

TITLE OF REPORT: Planning Enforcement Activity – April 2017 to March 2018

REPORT NUMBER SPP/18/

1. PURPOSE OF REPORT

- 1.1 To inform Members of the planning enforcement work that has been undertaken by the Strategic Place Planning Service from 1st April 2017 to 31st March 2018.

2. RECOMMENDATION

- 2.1 That Members note the contents of this report.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no specific implications for revenue and capital budgets, priority based budgeting, or state aid arising from consideration of this report. Some cost may be incurred if direct action to secure compliance with an enforcement notice is necessary. This can generally be accommodated within existing budgets, actions outwith budget parameters will trigger a specific report being submitted to Committee to seek authorisation or other instructions.

4. OTHER IMPLICATIONS

- 4.1 Normal Health & Safety at Work considerations apply. If successful enforcement action is not carried out, there may be implications for health and safety in relation to specific unauthorised works. Scottish Ministers attach great importance to effective enforcement, as a means of sustaining public confidence in the planning system in accordance with the expectations of the Town and Country Planning (Scotland) Act 1997, as amended, "The Planning Act". The long term credibility of the planning service is also dependent on effective enforcement activity. Effective enforcement could further result in greater protection for the environment. There would be no direct impact on any of the Council's property functions, unless breaches of planning control have occurred on land within the ownership of the Council. In such cases, the use of planning enforcement action against the Council as owner is not considered appropriate, and use

of alternative powers by the Council as landowner is sought to resolve such breaches.

5.0 REPORT

1. This report provides an annual update for the Planning Development Management Committee of the enforcement work that has been pursued by the Development Management Section. The previous report, which was presented to the Development Management Committee in July 2017, advised of the enforcement work that had been pursued by the Development Management Section for the 12 months up to 31st March 2017.
2. This report identifies all cases which have been investigated with a view to determining whether or not a breach of planning control has taken place and whether it is expedient to take enforcement action. It details those cases that have been resolved; updates cases that were under investigation prior to April 2017; and those that have required formal enforcement action. It also lists cases which were investigated prior to April 2017 and have yet to be resolved. The attached spreadsheets provide a summary of the complaint / alleged breach and an update of the current status and any related action.
3. It is evident that a number of cases have been resolved through negotiation and discussion, without recourse to formal enforcement action. In a number of circumstances, particularly where householders are concerned, the breaches are relatively minor and may have taken place because the parties were unaware of the requirement of the need for first obtaining planning permission. In many cases, the submission of a planning application and eventual grant of planning permission has resolved the situation.
4. A total of 166 new cases have been investigated since the last report. The majority (114) have been resolved without recourse to formal action by the approval of a retrospective planning application, by informal negotiation, or were found not to constitute a breach of planning control (i.e. it was not proportionate or reasonable to undertake enforcement action following initial investigation). The remainder (52 cases) are still under investigation and may require formal enforcement action if negotiation proves unsuccessful and if there is found to be a breach of planning control which has resulted in significant disamenity or threat to public safety. Eleven enforcement notices have been served during the current reporting period. Of the historic enforcement cases previously investigated, 27 are unresolved and may require formal action to ensure a satisfactory outcome.
5. It is a continuing trend that a significant proportion of complaints received are of a relatively minor nature and are frequently householder related cases (approximately half). As these cases often do not relate to properties in conservation areas or involve protected trees, and often do not raise issues of public amenity or public safety concern, they are likely to be of lower priority in terms of consideration of possible enforcement action, notwithstanding the statutory duty to investigate enforcement complaints. However, these cases can give rise to very strong feelings between those affected, often taking up a significant officers' time in investigating / resolving a dispute.

6. The commitment of the Scottish Government to ensuring sustainable economic growth requires consideration of the economic implications of enforcement activity. Factors such as employment retention and creation are therefore of some weight in considering whether, in any given situation, it is expedient to take enforcement activity. There is also a need to ensure that burdens imposed on developers in terms of planning conditions and planning obligations / legal agreements are proportionate and reasonable. However, in certain cases the duty to have regard to planning policy objectives (e.g. protection of the green belt) and related environmental considerations may be of overriding importance in terms of justifying enforcement action. An example of this was the service of an enforcement notice in relation to an unauthorised plant hire business located in the green belt at Perwinnes Farm. A recent appeal against the service of this notice was unsuccessful, with the reporter agreeing that action by the council was warranted.
7. A significant issue within the reporting period has been the prioritisation of action in relation to Union Street, and the wider city centre, in accordance with the report to the meeting of the Planning Development Management Committee of 14 July 2016 (see weblink below). This is in recognition of the civic importance of this street, its related conservation status / heritage interests and the public perception of physical decline of the appearance of the street. Successful enforcement action was taken in relation to unauthorised signage at 150 Union Street (Eclectic Fizz) and 15 Union Street (Brewdog) including the service of enforcement notices and related appeals. Discussion with the relevant agent is ongoing in relation to resolution of this latter breach, although the option of direct action may be required to secure removal of the signage in the event that the owner fails to resolve the breach of control. Although an enforcement notice was served in relation to an unauthorised roller shutter at 82 Union Street (Ecigs) an appeal against this notice was successful and no further action was taken in this case, as listed building consent has been granted by the reporter for the work.
8. Concerns regarding the neglected condition of upper floor properties is to be progressed with relevant Council and third party colleagues. This has been identified as a relevant matter in relation to a number of premises on Union Street (e.g. above the Archibald Simpson public house and at 26 Union Street where action was taken by the owners to address the poor condition of the upper floors). Should action by property owners fail to address concerns regarding the poor physical condition and appearance of such property, there may be a need for the Council to serve "Amenity Notices" using powers under section 179 of the Planning Act.
9. Notwithstanding the challenging economic situation and submission of a low number of major planning applications in the reporting period, the scale and number of major developments, which previously have been consented and partly constructed within the City, presents significant resource challenges in terms of monitoring and compliance with planning permission requirements. This has placed a significant burden on the role of planning enforcement given that such applications are often subject to numerous conditions / legal obligations which require post approval monitoring / action. Such action is generally led on a case by case basis by the planning case officer, in liaison

with relevant key consultees / other interested parties (e.g. legal services). A recurring issue with many of these sites is the level and scale of developer obligation burdens imposed on developers and potential breach of related planning conditions / obligations (e.g. in relation to major / greenfield residential development). Bearing in mind the need to be proportionate and reasonable, the general approach of the service in these circumstances has been to try and resolve the relevant matter by negotiation with the developer, rather than by use of formal enforcement powers. However, in cases raising potentially serious environmental / amenity / infrastructure impacts, it may be necessary to use such powers.

10. The deteriorating condition of the nationally important complex of former mill buildings at Broadford Works is a continuing area of concern, however, it is encouraging that further planning and listed building consent applications have recently been submitted. In light of ongoing discussions between the Council and the landowner / developer, no enforcement action has been undertaken. However, given the potential risk of loss of these buildings and their major historic / architectural importance, monitoring and review of this position is required.
11. The following table provides a summary of the enforcement caseload since the July 2017 report and divides the cases into new and those included in the previous report.

<i>New Cases – 1st April 2017 to 31st March 2018</i>	<i>Cases resolved</i>	<i>114</i>
<i>New Cases - 1st April 2017 to 31st March 2018</i>	<i>Under investigation or being negotiated</i>	<i>52</i>
<i>Update of cases from previous reports</i>	<i>Cases resolved and/or closed</i>	<i>50</i>
<i>Update of cases from previous reports</i>	<i>Being negotiated, awaiting planning application/appeal decisions, or referred for enforcement.</i>	<i>27</i>
<i>Enforcement Notices served</i>		<i>11</i>
<i>Enforcement Notices in process of being prepared</i>		<i>3</i>

An Enforcement Charter, which is a statutory requirement arising from implementation of the 2006 Planning (Scotland) Act, was first adopted by the Council in June 2009, there is a statutory requirement to review this document every two years and there have been updates on a number of occasions since 2009, with a further review and update process ongoing. This Charter helps to explain the role of the planning enforcement team to the public, as well as setting priorities in terms of delivery of the planning enforcement service. Enforcement activity and prioritisation, including reporting and deciding whether it is expedient to take any enforcement action, reflects the recommendations made within the Charter and the particular circumstances of each enforcement enquiry. Priority is given to those cases which raise significant public amenity concerns. Other cases, such as domestic cases which do not raise public amenity concerns, have less priority in terms of possible enforcement action. In accordance with the

expectations of the Development Management (DM) Team Customer Service Excellence accreditation, the Enforcement Charter is updated regularly with minor changes made to reflect recent revision of the wider DM Charter.

6.0 SERVICE & COMMUNITY IMPACT

Corporate - The enforcement of planning control links to the Council's core value that "Aberdeen City Council will strive to enhance the high quality of life within the City" and corporate objectives that "Aberdeen City Council will continually review, update and enforce the Aberdeen Local Plan in order to maintain the balance between development pressures and the need to conserve and enhance the City's natural environment." The planning enforcement function also relates to the Single Outcome Agreement 12 "we value and enjoy our built and natural environment and protect it and enhance it for future generations."

Public - The Corporate Best Practice Guide on Human Rights and Equalities will be adhered to when deemed necessary to take enforcement action. There is no requirement for Equalities or Human Rights Impact Assessment in this case.

7.0 BACKGROUND PAPERS

Relevant planning appeal decisions / letters issued within the relevant period and referred to in the attached spreadsheet are available at the following weblinks :-

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=118508>

Perwinnes Farm, Scotstown Rd – Enforcement Notice Appeal – dismissed - 15/5/18

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=118482>

15 Union Street (Brewdog) – Enforcement Notice Appeal – dismissed -23/4/18

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=118254>

64 Queens Rd – Enforcement Notice Appeal – no jurisdiction to consider – 19/1/18

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=118165>

82 Union Street – Listed Building Enforcement Notice Appeal – allowed – 9/10/17

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=117717>

150 Union Street – Advertisement Consent Appeal - dismissed -17/05/17

The Council's Planning Enforcement Charter and DM Charter, which are referred to in section 5 above, are available on the Council's website at the following address:-

http://www.aberdeency.gov.uk/web/files/sl_Planning/plan_enforce_charter.pdf

http://www.aberdeency.gov.uk/planning_environment/planning/planning_sustainable_development/pla_developmanage_charter.asp

The Committee report regarding investigation of enforcement relating to Union Street is available below :-

<https://committees.aberdeency.gov.uk/documents/s58527/Draft%20Union%20Street%20Enforcement%20Investigation%20-%20report.pdf>

8.0 REPORT AUTHOR DETAILS

Robert Forbes, Senior Planner
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Email: rforbes@aberdeency.gov.uk

Current Ward Index and Councillors

<u>Ward Number</u>	<u>Ward Name</u>	<u>Councillors</u>
1	Dyce/Bucksburn/Danestone	Barney Crockett Avril MacKenzie

		Neil MacGregor Gill Samarai
2	Bridge of Don	Alison Alphonse Brett Hunter John Reynolds Sandy Stuart
3	Kingswells/Sheddocksley/Summerhill	David John Cameron Steve Delaney John Wheeler
4	Northfield/Mastrick North	Jackie Dunbar Gordon Graham Ciaran McRae
5	Hilton/Woodside/Stockethill	Neil Copland Lesley Dunbar Freddie John
6	Tillydrone/Seaton/Old Aberdeen	Ross Grant Alexander McLellan Jim Noble
7	Midsocket/Rosemount	Jenny Laing Bill Cormie Tom Mason
8	George Street/Harbour	Dell Henrickson Ryan Houghton Michael Hutchison Sandra MacDonald
9	Lower Deeside	Marie Boulton Philip Bell M. Tauqeer Malik
10	Hazlehead/Ashley/Queens Cross	Jennifer Stewart Martin Greig John Cook Claire Imrie
11	Airyhall/Broomhill/Garthdee	Ian Yuill Douglas Lumsden Gordon Scott Townson
12	Torry/Ferryhill	Yvonne Allan Christian Allard Alan Donnelly Catriona MacKenzie
13	Kincorth/Nigg/Cove	Sarah Duncan Stephen Flynn Alex Nicoll Philip Sellar

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Registered Enforcement Cases - April 2017 to March 2018

ADDRESS	WARD	COMPLAINT	CURRENT STATUS
Burnside Drive Dyce	1	Erection of metal panels on pipe crossing Far Burn.	Panels to stop people walking across exposed pipe and works done by Scottish Water for safety purposes and permitted development. No further action
Dyce Drive Kirkhill Barbers	1	Erection of building/container used as barbers.	Letter sent to Kirkhill Barbers advising planning permission required for building. No response to correspondence PCN being considered.
876 Great Northern Road	1	Erection of four advertising banners.	Following letter to Pizza Hut Banners were removed from the site.
Former Blockworks Mill of Dyce Pitmedden Road	1	Use of site for storage and maintenance of plant equipment and vehicles.	Letter sent to owner/occupier of site advising of lack of planning permission for use of site and requesting use cease. Ongoing discussion with agents for owners of site. Agents have indicated intention to submit planning application for consideration by end of April 2018.
6 Princess Street, Dyce	1	Use of House for boarding dogs.	No material change of use of property has occurred. No further action required.
24 Wallacebrae Road	1	Concern raised that height of extension not in accordance with approved plans.	Following visit to site it was determined that height of rear wall is being constructed in accordance with approved plans.
Stoneywood House, Stoneywood Park	1	Removal of Shelter/structure from grounds of listed building.	Correspondence with factor/developer about removal of shelter. Planner has been in discussion with factor/developer about replacement structure.
Woodside Road Bridge of Don (SiG Insulation)	2	Erection of advertising banners.	Following correspondence banners have been removed.
Woodside Road Bridge of Don (Thistle Windows)	2	Erection of advertising banners.	Following correspondence banners have been removed.
Denmore Road Denmore Industrial Estate Topps Tiles	2	Erection of advertising banners on wall.	Following correspondence with occupier banners were removed.
9 Seaview Place	2	Relocation of fencing into landscaped amenity area.	Letter sent to householder advising of lack of planning permission, and requesting action to rectify planning breach. Various planning applications submitted and latest awaiting determination.

Perwinnies, Scotstown Road	2	Use of land as heavy plant machinery storage and maintenance with temporary office and car park.	Following correspondence with owner/occupier, planning application submitted and refused. Enforcement notice served and appeal submitted and awaiting determination.
Mundurno, Ellon Road	2	Earth works in field close to house.	Works associate with cabling for windfarm and substation at Blackdog for Scottish and Southern Electricity network and works are permitted development not requiring consent from planning.
Whitestripes Avenue Bridge of Don	2	Erection of metal fence along edge of development at Whitestripes Avenue.	Following correspondence planning application (171056/MSC) submitted August 2017 with details of fencing submitted and approved November 2017.
Sheilhill Quarry, Sheilhill Road	2	Landscaping condition not done in accordance with planning permission.	Letter sent to current owner of site requesting action to provide landscaping in accordance with approval. Owner has indicated willingness to provide landscaping.
68 Balgownie Road	2	Removal of wall and Vegetation	Wall less than 2.0 metres in height and does not require planning permission. Matter is being investigated and monitored by Building Standards.
2 Ellon Road Don View	2	Erection of timber shed at front of pub/restaurant beside parking area.	Letter to owner of restaurant/bar advising of requirement for planning permission. Section 33A Notice served requiring the submission of planning application.
11 Balgownie Road	2	Removal of small boundary wall within conservation area.	Wall removed not considered to be of importance to conservation area. Minor breach of planning control, not considered expedient to take further action.
The Core Berryhill Crescent Murcar	2	Check lack of landscaping to development.	Conditions requiring details of strategic landscaping submitted and approved. No breach of planning has taken place. No further action at this time.
Perwinnes, Scotstown Road	2	Siting and use of residential caravans.	Letter sent to owner advising of lack of consent. Enforcement action currently being considered.
Denmore Road Murcar Industrial Estate	2	Erection of large pole sign without consent.	Following correspondence with agent for owner application (171052/ADV) submitted October 2017 for pole sign and refused October 2017. Appeal against refusal submitted and sustained February 2018.

Denmore Road Newton of Murcar Industrial Estate (Home bargains)	2	Erection of new signs	Occupier has been contacted and advised of requirement Application (180081/ADV) submitted January 2018 and approved March 2018.
148 Lee Crescent North	2	Erection of extension at rear of house.	Enquiry sent in error no planning breach. No further action required.
17 Bute Way	3	Shed in front garden	Letter sent to householder advising of requirement for planning permission. Shed removed from front garden.
Wellside Circle Kingswells	3	Overgrown area of land.	It is considered that the condition of the land is such that it does not warrant any action under planning legislation.
Bethlin Mews Kingswells	3	Use of garage for commercial purposes.	Letter sent to owner requesting information concerning use and activities taking place at garage. Inspected property and materials being stored did not amount to a material change of use. Situation to be monitored.
28 Concraig Gardens Kingswells	3	Replacement windows (condition attached to housing development removing permitted development rights)	following correspondence with owner planning application (171243/DPP) submitted October 2017 and approved December 2018.
18 Swannay Square Summerhill	3	Tall fence erected to front garden area of property without consent.	Request for boundary fencing to be reduced in height complied with. No further action.
11 Castle Street	4	Alterations to the frontage of Listed building. Removal of fascia and replacement door.	Following correspondence with occupier applications (171076/DPP & 171073/LBC) submitted September 2017 and approved January 2018.
Spey Terrace	4	Untidy storage of building materials.	Building Standards have been asked to look into safety concerns. Agent has been made aware of concerns about safety issues related to storage of materials. No breach of planning control at present. No action at this time.
Granitehill Road (Hall and Tawse)	4	Erection of flue for bio mass heater for industrial unit.	Flue considered to be a permitted development not requiring the submission of a planning application.

9 Stocket Parade	4	Erection of shed in rear garden.	Initial inspection structure was not erected but discussions with owner indicated that planning had been contacted and the proposed shed was to be permitted development. On further inspection after erection of structure it was found that the shed erected is larger than what was previously discussed and now requires planning permission. Householder has indicated intention to submit planning application.
Cattofield Place (Malcolm Allan)	5	Removal and replacement of trees at development	No breach of planning Street trees removed in accordance approved landscaping scheme as within visibility splays of new exit/access to development. New trees have been planted to replace trees removed. No breach of planning control.
420 Clifton Road	5	Formation of driveway.	Letter to householder requesting details of works that may have taken place. It is considered that works are minor and not considered expedient to take further action.
475 King Street	5	Subdivision of house used as house in multiple (with planning permission) occupation, into two residences.	Owner of property has indicated intention to revert the property back to one HMO in accordance and not have the property sub divided into two separate addresses. No further action at this time.
173 Ash-Hill Drive	5	Erection of timber fence	Fence erected at rear of house and not more than 2.0 metres in height. Fence permitted development not requiring the submission of a planning application.
49 University Road	6	Replacement front window, entrance door and surround with UPVC in conservation area.	Following correspondence with owner of flat, application for Certificate of lawfulness (171373/CLE) for replacement window submitted November 2017 and approved December 2017. Revised planning application (180142/DPP) for altered replacement front door and surround submitted February 2018 and approved April 2018. Front door to be replaced in accordance with approval by July 2018.
Old Aberdeen Mission Hall St Machar Drive	6	Erection of advertising banner on wall of mission hall.	Following correspondence with Mission Hall banner has now been removed.

Fraser Noble Building, Elphinstone Road Old Aberdeen	6	Replacement windows to Fraser Noble Building in conservation area.	Following discussions with planners it is considered that works are similar to what was previously there and that no further action requires to be taken.
108 - 130 Don Street, Old Aberdeen	6	Erection of banner advertising accommodation on building.	Letter sent to accommodation company and banner removed from building.
6 Cheyne Road	6	Erection of building in rear garden	Site visited and spoke to owner of property who advised me that following previous refusal and discussions with planner building is being constructed within the sizes allowing it to be a permitted development.
52 Hayton Road	6	Alterations to building prior to planning application being determined.	Planning application (170803/DPP) submitted July 2017 and approved August 2017.
69 Don Street Old Aberdeen	6	Removal and replacement of roof and gable.	Works considered to be repair and maintenance on a like to like. No further action.
83 Don Street Old Aberdeen	6	Alterations to property, formation of hardstanding, removal of wall.	Planning permission required for formation of hardstanding. It is considered that works are minor and not considered expedient to take further action.
530 King Street	6	Use of garage at rear of residential property as workshop for repairing cars.	Following correspondence with owner of property use of domestic garage as repair workshop has ceased.
66 Tillydrone Avenue	6	Non compliance with conditions attached to approval. Replacement front door. Parking of vehicles in rear garden.	Agent has now submitted details Following correspondence with agent details required by conditional planning permission submitted and approved. Works currently underway to comply with permission. Planning application (171368/DPP) submitted November 2017 for replacement front door and awaiting determination.
St Machar Drive Old Mission Hall	6	Car parking not in accordance with approved plans.	Applicant has been contacted and advised that altered scheme requires consent. Planning application (171392/DPP) to vary approval submitted November 2017 and approved January 2018.
Bedford Road (McDonalds)	6	Check hours of operation of restaurant. (P130766 - Condition 20).	Visited site and spoke to manager, assured that they stop selling food to the public at midnight. No further action.
12 Montgomery Road	6	Erection of shed.	Householder advised of requirement for planning permission. Planning application (180435/DPP) submitted March 2018 and awaiting determination.

1 Donside Street, Tillydrone	6	Boarding up of shop windows.	Letter has been sent to occupier of shop and owners of property to try and ascertain proposals for frontage.
Pittodrie Lane/Pittodrie Street	6	Check elevation of student accommodation facing onto Pittodrie Lane.	Whilst works are still currently taking place to the develop the site the elevation that has been constructed at the corner of Pittodrie Lane/Street appears to be in accordance with the approved plans. No further action.
High Street Old Aberdeen Former public convenience	6	Commencement of work on site in breach of suspensive condition attached to planning permission.	Agent has been contacted and archaeologist has been appointed to monitor site. No further action at present.
Tillydrone Road Donvegan	6	Incorporation of amenity land into private garden ground and associated works to form parking area.	Applicant has been informed of requirement for planning permission and a retrospective planning application (180332/DPP) has been submitted March 2018 and approved April 2018.
Aberdeen Royal Infirmary Foresterhill Road	7	Non compliance with conditions attached to planning permission (151988) for multi storey car park.	Following correspondence with Agent details required by conditions have been submitted and approved.
104 Cornhill Road	7	Erection of extension to side of garage at rear of house.	Extension built at side of garage permitted development.
104 Cornhill Road	7	Use of garage/extension at rear of house for personal training classes/sessions	Letter sent to householder requesting information/inspection. From initial inspection of premises and information provided by householder there does not appear to be a material change of use taking place. Situation being monitored.
Cornhill Road Former Royal Cornhill Hospital	7	Type of surfacing materials used in footpaths in residential development, not in accordance with approved plans.	Agent has been contacted about use of tarmac on footpaths not being in accordance with approved plans.
55 Argyll Place	7	Installation of non-conforming windows to Listed Building	Request for trickle vents to be removed and satisfactory repairs to be carried out to existing windows complied with. Resolved.
9 Chapel Street (Bodrum Kebab House)	7	Erection of an unauthorised video/ illuminated fascia box sign.	Enforcement Notice served Feb. 2018 asking for box sign to be removed within a 3 month period. To be monitored for compliance.
6/7 Crimon Place	7	Erection of an unauthorised satellite dish	Letter issued Jan.18 & Apr.18 asking for dish to be relocated or removed.

14 Raeburn Place (land adjacent to)	7	Machinery & building related materials being stored on land adjacent to flatted property.	Landowner asked to clear site Feb.18 - owner has advised that an application seeking consent for flatted properties is to be lodged shortly and that site will be cleared by end of May 2018.
77 Raeden Crescent	7	Timber structure formed within front garden area of property without consent.	No positive response to request for an application to be lodged seeking retrospective consent - minor breach with no substantive detriment on visual amenity - not expedient to enforce.
37 Summer Street (McNasty's)	7	Large extractor fan erected to rear of property without planning consent.	Investigation established that extractor fan has been in-situ for well over 4 years and is immune from further action.
65 Thistle Street (Bagozza)	7	Alleged unauthorised use of shop unit as hot food take-away.	Consent granted for Class 3 use (Restaurant/Café) Feb. 2015 - Inspection carried out Mar.18 confirmed that premises are operating as a café/bistro. No further action to be taken.
15 Rose Street (East/West Guest House)	7	Alleged unauthorised use of premises licenced as an HMO	Use of premises as licenced HMO approved in 2014. No breach of planning - No further action.
39 Kings Crescent	8	Erection of door in side elevation of house in conservation replacing window.	Owner has been advised of requirement for planning permission and requested to submit a planning application for consideration. It is considered that it is not expedient to take further action in this matter.
15 North Square Footdee	8	Enquiry concerning use of shed for business purposes.	Shed being used as an artist's studio. Occupier has been contacted requesting details of how the artists studio is operated. It is considered that the studio is ancillary to the residential use of the property and not considered to be a material change of use.
191 George Street	8	Use of shop for selling hot food and erection of roller shutter over shopfront.	Letter sent to occupier advising of requirement for consent to sell hot food and requesting removal of roller shutter. Hot food still appears to be being sold from shop and roller shutter has been removed from frontage.
38-45 Castle Street	8	Replacement door and frame to shop.	Occupier has been advised of the requirement for planning permission. Planning application (171286/DPP) submitted and recently withdrawn, subject to revised application being submitted.

69 Frederick Street The Saltoun Arms	8	Formation of outdoor seating area at rear of public house.	Agent has been contacted and Following correspondence and meeting with agent, planning application (180518/DPP) submitted and awaiting determination.
207 King Street	8	Erection of banners advertising accommodation on building.	Letter sent to accommodation company. Banners subsequently removed.
7 Stirling Street CASC Aberdeen Ltd	8	erection of structure in front forecourt of property.	Following discussions with occupier/agent retrospective application (180499/ADV) submitted and approved.
55-56 Castle Street The Wig	8	Erection of projecting signs and fascia sign.	Owner and manager advised of requirement of consent for signs.
207 King Street	8	Erection of two advertising banners.	Following correspondence with agent for property the banners have been removed.
403 King Street Zetland house	8	Erection of banners advertising accommodation on building.	Following correspondence with letting agent banners removed.
St Peter Street St Peter's Halls of Residence	8	Erection of banner	Written to managers of student accommodation requesting removal of banners.
Sea Beach Esplanade	8	New building not built in accordance with approved plans.	Correspondence with agents advising of requirement for new planning application indicating alterations to approval.
37 Marischal Street (1st Floor)	8	Removal of window and frame from flat.	Following meeting with owner window and frame have been reinstated.
17 Gallowgate	8	Erection of new illuminated sign.	Letter sent advising of requirement for advertisement consent. Application (180002/ADV) submitted and approved.
5-9 Union Street (Brewdog)	8	Erection of new illuminated signs and door removed and replaced with window in listed building without consent.	PCN served on occupier of premises. Enforcement Notice served for removal od signs and appeal against Notice submitted January 2018. Appeal has been dismissed but period for compliance with Notice has been extended until October 2018.
49 Castle Street	8	Erection of new signs on frontage of shop unit.	Letter sent to occupier of shop advising of lack of consent, and requesting action to rectify matter. Application (171506/ADV) submitted December 2017 and refused February 2018. Ongoing discussions with agent/applicant about what would be acceptable.
22-24 King Street	8	Use of former restaurant as comedy club.	Following correspondence with occupier advising of lack of planning permission, retrospective planning application (180289/DPP) for a change of use submitted March 2018 and approved.

10 Shiprow (Vue Cinemas)	8	Erection of vinyl adverts on upper level glazing above shiprow entrance.	Letter sent advising of lack of consent, letter sent advising of lack of consent. Enforcement action currently being considered.
7 Stirling Street CASC Aberdeen Ltd	8	Erection of new signage.	Retrospective application (180499/ADV) submitted and approved.
9 Belmont Street	8	Erection of new signs	Letter sent to owner of property advising of lack of consent. Application (180380/ADV) submitted March 2018 and awaiting determination.
Schoolhill Art Gallery	8	External works not in accordance with approvals.	Correspondence and discussion currently in progress with developers/agent to rectify situation.
Little Belmont Street Old Schoolhouse	8	Erection of large frame/structure in front forecourt for TV screen.	Following discussions with manager. Structure has been removed from front of building.
199 King Street	8	Erection of illuminated barbers pole.	Following correspondence with occupier of shop, illuminated barbers pole removed from shop.
2 Guild Street	8	Erection of menu boards and new lighting on frontage of Cat C listed building	Letter sent to occupier of property advising of requirement for listed building consent. It is considered that the works are minor and that it is not expedient to take further action.
26 Union Street	8	Boarding up of upper floor windows of Cat C listed building.	Correspondence with agent for applicant advising of requirement for consent.
Beaconhill Road Milltimber (Rowanbrae)	9	Alleged 'Breach of Condition' re. provision of adequate visibility splay from access driveway. (Ref.P141781)	Site inspection established that visibility splay provided from access driveway complies with approved plans. No further action.
48 Culter House Road Milltimber	9	Installation of new electric gate to front entrance without planning consent.	Site inspection that electronic gate has not been fitted to front entrance area. No further action.
37 Deeview Road South Cults	9	Security lighting erected to gable wall of property without consent.	Site inspected - modest sized security lighting fitted to gable wall established to be 'permitted development' - no further action.
Inchgarth House Inchgarth Road, Garthdee	9	Retrospective Listed Building Consent application for new external chimney on the North West elevation refused. (Ref.170928/LBC)	Appeal against Planning refusal lodged - Decision on appeal still pending.
71 Malcolm Road Peterculter	9	Roof structure of recently built rear extension not in accordance with approved plans. (Ref.160169)	Site investigation established that construction of rear extension appears to comply with approved plans. No further action.
111 Malcolm Road Peterculter	9	Erection of outbuilding and construction of new boundary wall/gates without consent	Application seeking retrospective consent for works carried out received February 2018. (Ref.1180219/DPP) Decision pending.

North Deeside Road Milltimber (Edgehill House site)	9	Breach of Condition re. access to site from North Deeside Road instead of Culter House Road. (Ref.130211)	Applicant has now confirmed that access to development site will be from Culter house road & not North Deeside Road. Resolved.
250 North Deeside Road (Wellwood Estate)	9	New house built within walled garden area of Wellwood estate not built in accordance with approved plans. (Ref.P110047)	Application seeking retrospective consent lodged October 2018 (Ref.171236/DPP) approved unconditionally February 2018. No further action.
North Deeside Road Milltimber (Milltimber Farm)	9	Unauthorised quarrying & excavation works being carried out on site.	Request for pre-app to be lodged for consideration complied with (Ref.170109/PERAPP) Advice issued November 2017 - Works onsite have ceased meantime. No further action at this time.
25 Pittengullies Circle Peterculter	9	Construction of new extension not in accordance with approved plans (Ref.141747)	Site inspection established that construction of new extension appears to be in accordance with approved plans. No further action to be taken
19 South Avenue Cults	9	Large quantity of earth deposited/stockpiled within empty site.	Landowner has advised that soil deposited temporarily on site is to be transported to nearby development site within next few weeks. Site to be monitored for compliance
26 St Ronan's Circle Peterculter	9	Erection of unauthorised boundary fencing	Minor alteration to boundary fencing deemed not expedient to enforce. No further action to be taken.
11 Albyn Place (Albyn Club)	10	Erection of TV equipment to front elevation of Listed Building without consent	Written confirmation received from Club Mar. 2018 advising that TV screens are to be removed. To be monitored for compliance.
82 Angusfield Avenue	10	Rear garden boundary wall not rebuilt in accordance with approved plans. (Ref.P160561)	Request for rear boundary wall to be altered in accordance with approved plans complied with. Resolved.
10 Ashley Park North	10	New single storey extension built to side/rear of house not in accordance with approval (Ref.170613/DPP)	Site inspection(s) established that building works to the new extension comply with the approved plans. No further action.
56 Beaconsfield Place	10	Large area of decking constructed to rear of property in conservation area without consent.	Request for application to be lodged seeking retrospective consent complied with. Application submitted & approved June 2017. Resolved.
117 Brighton Place (sat dish)	10	Erection of satellite dish to front elevation of flatted property in conservation area.	Request for satellite dish to be removed complied with. Resolved.
22 Countesswells Close	10	Large sun room extension being built to rear of property without planning consent.	Site inspection confirmed that sun room construction complies with 'permitted development' guidelines and would not be subject to planning consent. No further action.

Hazlehead Crescent (Dolphin Fish & Chip Shop)	10	External flashing strip lighting erected on building premises without consent..	Very modest strip lighting fixed around building at roof soffit level not considered to be 'development' - permitted development, no further action.
86 Queens Road (Aberdeen Grammar Rugby)	10	Unauthorised banner erected to front elevation	Requested for banner to be removed eventually complied with. Resolved.
Rosewell Park (designated play park area)	10	Designated play park area to be removed without prior consent.	Owners/Factor advised that provision of play area was made conditional with original consent for the Rosewell Park approval and it should not be removed unless the condition was varied or removed. Confirmation received from Factor that play area would remain in place, and that an application seeking to remove or vary condition would be lodged to due course. Site to be monitored.
4 Rubislaw Park Crescent	10	Alleged unauthorised business use operating from recently built structure located within rear garden of property.	Site investigation confirmed that Pilates classes are being conducted within the recently built outbuilding, however, the level of this activity is considered to be ancillary to the residential use of the property. No further action .
16 Rubislaw Terrace	10	Replacement windows & doors installed to Cat.(B) Listed Building without planning consent.	Application lodged Sept. 2017 seeking retrospective planning & listed building consent for replacement windows/doors refused Oct.2017 - not expedient to enforce as replacement windows/doors are almost identical to original.
245 Union Grove (Cognito Deli)	10	Works/alterations carried out within garden ground at rear of premises without planning consent.	Request for all further works on site to cease complied with. Application for 'change of use' of garden ground & outdoor seating area lodged (Ref.70844/DPP) Decision on application pending.
74 Springfield Avenue	10	Works to construct new single storey extension & decking area encroaching onto adjoining property. (Ref.160554)	Site visited - building works thus far carried out appear to comply with approved plans. Very minor encroachment issues are a private matter between house owners. No further action at this time.
58b Whitehall Place	10	Construction of new house not in accordance with approved plans (Ref.131045)	Detailed site inspection appears to confirm that construction work complies with both Planning & Building Warrant approvals. No further action.
11 Woodburn Avenue	10	Erection of large summer house structure within rear garden area without planning permission.	Construction of summer house confirmed as being 'permitted development' not requiring formal planning consent.

22 Woodburn Crescent	10	Tall replacement boundary wall erected within rear garden of property without P.P.	Site investigation carried out confirmed that works carried out do not require planning consent. Permitted Development.
22 Woodburn Crescent	10	Unauthorised business use operating from residential property without consent.	Site Investigation established that allegations of unauthorised business use operating from residential property are unfounded. No further action.
8-14 Great Western Place	10	Several small holes to facilitate central heating flue & piping made to stonework of Cat. (B) Listed Building.	Very minor works not subject to Listed Building Consent. No further action.
59-63 Queens Road (The Chester Hotel)	10	Breach of Conditions re. use of rear car park access gates.	Request issued July 17 asking for arrangements to be made to ensure access gates are used in compliance with planning consent complied with. No further action.
45 Springfield Place (land adjacent to)	10	Ground excavation works carried out to area of amenity land adjacent to Springfield Place.	Works authorised by Scottish Water are associated with essential upgrading of existing sewer system capacity with the installation of additional sewer holding tanks for existing & proposed new housing. Works are deemed to be 'permitted development'. No further action.
28 Viewfield Road	10	Breach of Condition re. installation of opaque glass to new extension dormer window	No positive response to letters issued Feb.18 & Mar.18 asking for breach to be rectified - formal enforcement action to be considered.
Broomhill Road (lock-up garages)	11	Alleged unauthorised business use operating from lock-up garage.	Letter issued to owner of lock-up asking for more information re. current use of lock-up. Planning Contravention Notice to be served if no response is received.
5 Garthdee Terrace Garthdee	11	Property sub-divided to create additional self-contained property.	Correspondence issued to owner seeking clarification/information on occupancy of sub-divided area.
38 Inchbrae Terrace Garthdee	11	Construction of large summer house & erection of tall boundary fencing without planning consent.	Established that summer house, decking & boundary fencing have been in-situ well in excess of 4 years and are therefore immune to further action.
97 Ivanhoe Road Garthdee	11	Tall radio antenna/aerial erected to rear of property without consent.	Requested for antenna/aerial to be lowered/taken down complied with. No further action.
46 Morningside Gardens	11	Construction of new single storey rear extension not in accordance with approved plans.	Alterations made to roof structure to comply with approved plans. No further action.
6 Northcote Road Pitfodels	11	Replacement garage & alterations to rear boundary wall carried out without formal consent.	Request for owners to significantly alter building works carried out to adhere to 'permitted development guidelines complied with. Resolved.

135 Oakhill Grange	11	Ground excavation & building works carried out to rear garden area without consent.	Request for application to be lodged seeking retrospective consent complied with. App. lodged June 2017 (1706999/DPP) approved unconditionally August 2017. No further action.
4 Ruthrie Terrace	11	New fencing erected along front driveway mutual boundary without planning consent.	New fencing (approx. 2 metres in height) erected behind principal elevation of house would not be subject to planning consent. No further action.
122 South Anderson Drive	11	New 'metal' fencing erected on South Anderson Drive boundary without consent.	Section 33a Notice issued March 2018 requesting for a planning application to be lodged seeking retrospective consent for fencing.
150 South Anderson Drive	11	Removal of boundary wall and formation of new driveway access without planning consent.	Investigation confirmed that works on site are associated with an approval granted in Mar.17 for the formation of a driveway & alterations to boundary walls (Ref.170072/DPP) No further action.
662 Holburn Street (M&M Services Grampian Ltd.)	11	Erection of fence/gate to rear of property without consent. 'Right of way' access also blocked off.	Request for fence/gate to be removed eventually complied with following investigation into legal status of 'right of way'. No further action.
9 Bon Accord Square (Befriend A Child)	12	Unauthorised banner fixed to railings	Banner now removed from railings - no further action to be taken at this time.
82 Bon Accord Street	12	Erection of flag/flagpole within curtilage of Listed Building without consent.	Saltire flag attached to short bracket & fixed to top branches of existing tree. Deemed to be 'de-minimis'. No further action.
39 Brimmond Place Torry	12	Small shed/decking area erected within rear garden area of flatted property without consent.	Established that shed/decking area has been in place well in excess of 4 years and is immune from any further action.
Finnan Place Torry (former NESCU premises)	12	NESCU advert sign still being displayed on premises despite property being vacant for some considerable time.	Planning permission not required for removal of sign - referred to Asset Management to action - no further action by Planning required.
74 Gairn Terrace	12	Construction of new double garage to rear of property not as approved.	Site inspection confirmed that new garage construction complies with the approved plans. No further action.
123 Holburn Street (Bev's Bistro)	12	Breach of current permitted planning use re. sale of hot food.	Application lodged Sept. 2018 seeking to vary condition re. food preparation & opening hours withdrawn Jan. 2018 - no further complaints have been received - situation to be monitored.
143-145 Holburn Street (Adams Lounge/Hawthorn Bar)	12	Several air conditioning units & large ventilation flue installed without planning permission.	Air conditioning units not subject to planning consent - Letter issued April 2018 asking for an application to be lodged seeking retrospective consent.

Polmuir Road (Duthie Park Café, Duthie Park)	12	Building works to cafe extension not in accordance with approved plans (Ref.151633)	Site visit/inspection confirmed minor discrepancies from approved plans. Revised drawings lodged and approved as a 'non-material variation' (Section 64)
Polmuir Road (Duthie Park Café, Duthie Park)	12	Breach of suspensive conditions re. formation of temporary access.	Application lodged Feb. 2018 seeking consent for new service access road withdrawn Mar. 18. Applicant has advised that a revised application is to be lodged in due course.
Polmuir Road (Duthie Park Café, Duthie Park)	12	Two large freestanding signboards erected at front of cafe premises without consent.	Café proprietor has been asked to either remove signboards or to lodge an application seeking view of authority on obtaining retrospective consent.
333 Union Street (Soul Bar)	12	Large unauthorised advert banner erected on railings fronting Union Street.	Enforcement Notice served September 2017 asking for advert banner to be removed complied with. No further action.
367 Union Street (Topolabamba Restaurant)	12	Installation of 'flashing' illuminated fascia signage without consent..	Application seeking consent for illuminated signage lodged March 2018. Decision pending.
407 Union Street	12	Sash window frames pertaining to 2nd floor dormer windows replaced without formal consent.	Letter issued to owner April 2018 asking for window sashes to be altered/replaced as per original and for an application to be lodged seeking required retrospective consent.
Willowbank Road (former garage site)	12	Location/position of student flats under construction not approved (Ref.151074)	Site inspection confirmed that location/position of new flats complies with the approved plans. No further action.
7 Abbotswell Crescent Kincorth	13	Erection of 2 radio masts/antennae without planning permission	Letter issued Feb.18 asking for antennae to be reduced in height or for an application to be lodged seeking retrospective consent - owner has advised that 1 antenna will be reduced in height, and the other removed. To be monitored for compliance.
170 Abbotswell Crescent Kincorth	13	New extension possibly encroaching onto adjoining land owned by Council.	Alterations made to garden ground along boundary near to Council to prevent encroachment. No further action.
Abbotswell Road (Banks O'Dee Sports Centre)	13	Erection of unauthorised signage/signboard on access road.	Letter to be issued asking for the signboard to be removed or an application submitted seeking retrospective Advertisement Consent.
Blackhills Quarry, Cove (Leiths Scotland Ltd.)	13	Alleged 'breach of conditions' re. monitoring of blasting operations.	Information & data provided from Leiths confirming monitoring of blasting operations are being conducted. No further action at this time.
1 Colsea Road Cove	13	Summer house structure erected within rear garden area of property in Conservation Area without consent.	Established that summer house structure has been in place well in excess of 4 years and therefore has deemed consent. No further action.

Cove Harbour Cove Bay	13	Hardcore imported onto site & prep. works for installation of small seating area carried out near parapet wall at harbour entrance.	Pre-application enquiry re. proposed seating & associated works submitted April 2018 following site meeting with owner's contractor.
Craigshaw Drive (Mercedes-Benz showroom)	13	Vehicles displayed/parked outwith dealership on road verge fronting Wellington Road	Request for display/parking of vehicles on grass verge to cease complied with. No further action.
Craigshaw Road (Jump In, Aberdeen)	13	Breach of Condition. Re. provision of pedestrian link. (Ref.61212/DPP)	Amended plan re. pedestrian link submitted - condition now purified and entrance roads/footpaths now implemented. No further action.
65 Kincorth Crescent Kincorth	13	Tall wall/fencing erected to rear garden area without planning consent.	Request for alterations to be made to wall/fencing to meet planning guidelines complied with. No further action.
69 Kirkhill Road Torry	13	Alleged that designated residential parking area being used for business related purposes by nearby resident.	Random site monitoring over 3 month period found no obvious indications that parking area was being used in connection with business related purposes. No further action to be taken.
Langdykes Road Cove [Kincardine Offshore Wind Farm]	13	Area of land utilised for substation compound not in accordance with approved plans	Request for application to be lodged seeking retrospective consent complied with. Application submitted March 2018 (Ref.180313/DPP) approved conditionally April 2018. Resolved.
7 Langdykes Drive Cove	13	Large shed structure erected to rear garden area without planning consent.	Letter to be issued to owner asking for a planning application to be lodged seeking retrospective consent.
Old Stonehaven Road Charleston (Boyne Villa)	13	Alleged breach of condition re. provision of site drainage/SUDS (Ref.161164/DPP)	Site visit established that site drainage/SUDS have still to be completed. Owner has confirmed that this will be fully implemented upon receipt of clearance from Roads. To be monitored.
Old Stonehaven Road Charleston (Boyne Villa)	13	Erection of workshop/garage on site without planning permission.	Temporary ad-hoc tent erected on site to facilitate basic lorry maintenance not subject to formal planning consent.
53 Shieldhill Gardens Cove	13	Summer house structure erected within front garden area of property without consent.	Letter to be issued to owner asking for an planning application to be lodged seeking retrospective consent.
South Loirston Road Cove	13	Ground level raised & retaining wall constructed on East site boundary adjacent to South Loirston Road not shown on approved plans.	Requirement for ground level to be raised to ensure front garden & parking areas could be installed correctly for safety reasons. Nearby drystone dyke bolstered to accommodate works. No further action.

Wellington Road Specialist Cars)	13	Vehicles displayed/parked outwith dealership on road verge fronting Wellington Road	Letter issued March 2018 asking for the practice of parking cars on landscaping strip complied with. No further action at this time.
Wellington Road (Reg Vardy Jaguar/Land Rover)	13	Vehicles parked on landscaped area fronting Wellington Road without consent..	Letter issued March 2018 asking for the practice of parking cars on grass verge complied with. No further action at this time.

Resolved Cases From Previous Report - April 2017

ADDRESS	WARD	COMPLAINT	CURRENT STATUS
24 Wallacebrae Road	1	Fence and lock block to front garden.	Retrospective planning application (170237/DPP) submitted March 2017 for fence and lock block and approved April 2107.
1 Glenhome Terrace Dyce	1	Erection of large structure in rear garden of house.	Following contact with householder retrospective planning application (170385/DPP) submitted April 2017 and approved June 2017.
28 Victoria Street Dyce	1	Erection of large pigeon loft on top of garage at rear of house.	Following correspondence and discussions with householder pigeon loft above garage has been removed.
29 Seaview Avenue	2	Incorporation of amenity land into garden by erection of fence.	Planning application (161787/DPP) submitted December 2017 and refused consent April 2017. Decision to refuse planning application reversed at local review body.
53 Ellon Road Bridge of Don	2	Erection of railings over 1.0 metres in height.	Planning application (170467/DPP) submitted April 2017 and approved June 2017.
Ellon Road Berryhill Bridge of Don	2	Consent expired for V Boards erected on land.	Unauthorised signboards removed.
The Parkway Jewson	2	Erection of large number of advertising banners on boundary fencing.	Letter sent to occupier advising of requirement for consent and requesting removal of unauthorised signs. Large number of banners have been removed from the fencing. No action to be taken at present.
Howes Road (Enermech Ltd) Bucksburn	3	Erection of security fencing and gates.	Fencing time exempt from enforcement action as erected more than 4 years ago.
Howes Road Bucksburn (Enermech)	3	Large movement of soil within site forming new levels/landscaped area.	Retrospective planning application submitted April 2014 (P140343) and refused June 2014. Works are Time exempt from enforcement action.
46 Stewart Terrace Northfield	4	Erection of decking at rear of terraced house.	Retrospective planning application (161482/DPP) submitted October 2016 and approved December 2016.
East Terrace 9 Union Square	4	Retrospective application for the erection of illuminated box sign and illuminated fascia sign refused consent.	Revised planning application (170877/ADV) submitted July 2017 and approved August 2017. Signs have been replaced to comply with approval.

60 Anderson Avenue	5	Erection of Shed /Decking in side garden of flatted property.	As property is flatted planning permission is required for structure. This is considered to be a minor breach of planning and it is not considered expedient to take further action.
66 Tillydrone Avenue	5	Building up of rear door and window openings within conservation area.	Application (161003/DPP) submitted July 2016 included alterations to rear refused November 2016. Appeal against refusal submitted and appeal allowed.
106 Clifton Road	5	Alterations to form outbuildings	unauthorised alterations to outbuildings have been removed.
1-3 Great Northern Road Northern Hotel	5	Erection of illuminated projecting sign	Letter sent to Northern Hotel advising of requirement for planning permission. Minor breach of planning it is not expedient to take further action in this matter.
88 Don Street, Old Aberdeen	6	Erection of fencing in rear garden.	Fencing erected more than four years ago and time exempt from formal action.
39 School Drive	6	Erection of timber structure in rear garden of flatted property.	Timber structure has been removed from property.
61 Powis Terrace	7	Fixing of tiles of granite walls of shop and erection of illuminated box sign.	Following contact with tenant and agent for owner the tiles have been removed from the wall of the property. Premises have become vacant.
78 Rosemount Place	7	Large amount of discarded building materials & debris deposited within yard area at rear of property.	Request for yard area to be tidied-up to acceptable condition complied with. No further action at this time.
20 Kingshill Avenue	7	Building works not in accordance with approved plans (Ref.161623/DPP) & ground excavation works carried out to front garden area without planning permission.	Site inspected - building works found to be in accordance with approved plans - works carried out to garden area not subject to planning consent. No further action.
150 Union Street (Eclectic Fizz)	7	Installation of unauthorised signage within main entrance doorway.	Enforcement Notice asking for removal of sign box served Sept.16. eventually complied with. No further action.
82 Union Street	8	Installation of roller shutter over door vestibule.	An Enforcement Notice was served May 2017 which comes into effect June 2017. Appeal against Notice submitted appeal against Notice allowed.
128 Union Street	8	Installation of roller shutter over shopfront without consent.	Letter sent to occupier advising that shutter not in accordance with that which was previously approved and requesting action to rectify matter. Applicant has resolved breach by installing shutter to comply with planning permission.

79 Charlotte Street	8	Hours of operation of dance studio. Breach of condition.	No evidence of continuing breach of planning condition. No further action at this time.
21 Union Street	8	Non Compliance with condition 1 of planning permission (P151160) requiring details of shopfront prior to change of use being implemented.	Retrospective planning application (170634/S42) to vary conditions submitted June 2017 and approved December 2017.
7 Belmont Street	8	Erection of large "To Let" sign on front of building.	Enforcement Notice served and unauthorised advertisement has been removed from front of building.
15 Union Street The Athenaeum	8	Illuminated signboards erected to entrance doorway without consent.	Enforcement notice served August 2017. Revised applications (170574/ADV & 170688/LBC) submitted and approved. Unauthorised signs have been removed and replaced in accordance with approvals.
Guild Street Aberdeen Railway Station	8	Weeds/Debris on canopies over platforms part of listed building.	Following service of Amenity Notice and appeal against Notice. Works have been completed to our satisfaction to comply with the Notice.
5-9 Union Street The Athenaeum	8	Erection of new advertisements listed building.	Retrospective applications (P160218, P160219 & P160221) submitted February 2016 and withdrawn by applicant. Unauthorised signage removed.
100 Union Street	8	Erection of new signs on listed building.	Revised applications submitted (170246/LBC & 170247/ADV) submitted March 2017 and approved June 2017. Signage altered to comply with approvals.
1 Gaelic lane	8	Erection of replacement windows to upper floor of property.	No response from owner concerning unauthorised windows.
171 King Street	8	Replacement Windows to listed building.	Letter sent to owner of property requesting action be taken to resolve matter. It is not considered expedient to take enforcement action.
157 Union Street	8	New roller shutter has been erected over doorway.	An Enforcement Notice was served May 2017 and which comes into effect June 2017, 90 days given to comply with notice subject to any appeal submitted. Shutter currently not in use, situation being monitored to determine if further action required.
149 Spital	8	Erection of illuminated fascia signs.	It is considered that signage is acceptable and that it is not expedient to take further action.
11 Commerce Street	8	Non compliance with suspensive condition attached to planning permission (141779) relating to provision of cycle storage.	Agent has submitted details which are considered acceptable.

4 Trinity Street	8	Illuminated fascia signs.	It is considered that the sign erected is acceptable and that it is not expedient to take further action.
52-54 Park Road Ocean Apartments	8	Breach of condition attached to planning permission A7/0723	Traffic light have now been installed to comply with condition attached to planning permission.
39 Kings Crescent	8	Erection of timber outbuilding at rear of house in conservation area.	It is considered that the outbuilding has no impact on the residential amenity of the area, and that no further action is taken.
86 Queens Road (Grammar Rugby Club)	10	Large advert board/banner erected within front garden area without consent.	Advertisement Enforcement Notice requesting the removal of the advert board served Mar.17 eventually fully complied with Sept.17. Resolved.
64 Queens Road	10	Breach of Condition re. formation of driveway & parking area to front of property (Ref.151102)	Enforcement Notice asking for alterations to be carried out to driveway served Sept. 2017 - Appeal against Notice lodged Oct. 2017 upheld by DPEA. No further action.
22 Countesswells Avenue	10	Breach of condition re. installation of obscure glass to new rear dormer windows	No positive response to Breach of Condition Notice or further Legal correspondence issued Sept. & Nov. 2017 - Not considered expedient or in the Council's interest to pursue further due to high costs involved in trying to recover the low financial penalties for non-compliance.
20 Rubislaw Den North	10	Erection of satellite dish near to front elevation/gable corner of Cat. (B) Listed Building.	Request issued Nov.16 asking for dish to be relocated now complied with. No further action.
1 Desswood Place/ 3 Whitehall Road (Corner Tree Café)	10	Internal floor area of café operation extended without consent.	Application seeking formal consent for additional café floor area lodged January 2017 (ref.161743) and approved conditionally July 2017. Resolved.
1 Gaitside Place Garthdee	11	Erection of large palisade type steel cage adjacent to front entrance without consent	Sanctuary Housing Association contacted Mar.17 & asked to remove/replace steel cage with alternative solution - Palisade steel cage structure now removed. No further action.
19 Crown Street [Ice Hair & Body]	12	Erection of an unauthorised illuminated projecting sign	Formal requests for projecting sign to be taken-down complied with August 2017. Resolved.
Wellington Road Balmoral Park (Aberdeen Audi)	13	Large illuminated totem sign erected within Aberdeen Audi site close to Wellington Road.	Letters issued to Aberdeen Audi Jan.& Mar. 2017 asking for sign to be removed - totem eventually relocated to agreed alternative location Mar. 2018. No further action to be taken.
66 Abbotswell Drive Kincorth	13	Commercial related signage erected to garden area of residential property.	Requested for signage to be removed complied with.

26 Burnbank Place Torry	13	Erection of large area of decking (possible off-road parking) within garden area next to Burnbank Place roadway.	Application seeking retrospective consent submitted Oct. 2016 & refused February 2017 - request for partially built decking to be taken down complied with. No further action at this time.
12 Belvidere Road Cults	13	Breach of Condition re. installation of obscure glass to new dormer windows (Ref.150283)	Request for Condition re. installation of obscure glass to dormer windows to be purified complied with. No further action.

Outstanding Cases From Previous Report - April 2017

ADDRESS	WARD	COMPLAINT	CURRENT STATUS
Craibstone Golf Club Craibstone	1	Erection of new building adjacent to golf club buildings.	No action has been taken by the owner to resolve the situation. Further formal action being considered.
Howes Road Newton Garage Bucksburn	1	Formation of surfaced storage area.	Difficulty in establishing current ownership of land, Land search from Registers of Scotland do not have ownership information.
Howes Road Newton Grange Bucksburn	1	Formation of surfaced storage area.	Met with owner of land and he has indicated intention to submit planning application. No progress from owner of land in submitting planning application. Further formal action being considered.
Meikle Clinterty Tyrebagger	1	Use of agricultural buildings for mixed business uses	Following correspondence and discussions with agent, several planning applications have been submitted October 2017 and pending consideration. Application for one unit for Certificate of Lawfulness (161337/CLE) approved March 2017
Malcolm Road Bucksburn Britannia Hotel	1	Check vehicle access complies with approval.	Application to Roads for consent to alter vehicle access applied for and awaiting determination. Following serious fire at Hotel and premises currently vacated no progress has been made on widening of access.
58 Market Street Stoneywood	1	Erection of outbuilding and use as residential accommodation.	Planning contravention notice sent to owner of property but lack of response from owner. Report to planning committee for authorisation to take formal enforcement action.
203 Stoneywood Road	1	Erection of Signboard in front garden of house.	No response to letter issued asking for signboard to be removed - formal action being considered.
Newton Terrace Bucksburn	1	Use of unit as a garage workshop	Breach of Condition Notice served requiring the ceasing of the unauthorised use of the unit as a vehicle repair workshop.
Howe Moss Drive Unit 3 Dunnottar House	1	Extension of service yard at rear of unit. Erection of wall and fence. No response to correspondence Planning contravention notice currently being considered.	Letter sent to owner advising of lack of consent for engineering works, requesting that works cease until this matter has been resolved. Planning contravention Notice to be prepared to serve on owners/occupiers.

12 Seaview Place	2	Incorporation of public amenity land into garden by erection of fence.	Letter sent to householder advising of lack of consent and requesting reinstatement of fence. Revised planning application (170257/DPP) submitted March 2017 and refused April 2017.
1 Cairnview Crescent	5	Roof of building at rear of house not being built in accordance with planning permission by the addition of small dormers.	Revised planning application submitted May 2016 and refused August 2016. Appeal submitted and hearing dismissed. Enforcement action being considered.
437-441 Great Northern Road	5	Erection of timber structures at rear of shop and formation of Shisha lounge.	Letter sent to occupier advising of lack of planning permission for structures and requesting information concerning the use as a shisha lounge. Enforcement action currently being considered.
St Margaret's Chapel Spital	8	Works taking place to vacant chapel which is a Category A Listed Building.	Correspondence and discussions with owners of property are ongoing with planning officers.
25 Union Street	8	Untidy shopfront.	Amenity Notice served requiring works to be done to tidy shopfront. Notice not complied with. Quote for works obtained and in process of writing to owners about non compliance with Notice.
33 Union Street	8	Erection of fascia advertisement. Applications for advert consent and listed building consent refused.	Appeal against re-served enforcement notice dismissed. Quote for action to remove fascia sign obtained and contacting owners about further action.
Park Road (Barratt North Scotland)	8	Materials used in boundary wall and store finishes not in accordance with approval.	Correspondence sent to agent concerning the works which vary from that shown on the planning permission. Reminder to be sent to developer about change in materials.
88 Union Street	8	Installation of security roller shutters	Enforcement Notice submitted but was subsequently withdrawn. Applications submitted for consideration (171508/DPP & 171509/LBC) and awaiting determination.
85 King Street	8	Erection of timber linings around windows on listed building.	Revised application (1708875/LBC & 170876/DPP) submitted July 2017 and approved September 2017. Applicant has been advised that works still require to be completed. Owner has indicated intention to commence work at end of May 2018. Monitor.
27 Belmont Street Redemption	8	Erection of new signs	No response to correspondence, Enforcement action being considered to rectify breach.

Culter House Road, Milltimber (Croft House)	9	Possible unauthorised engineering works being conducted on site adjacent to AWPR works.	No unauthorised planning related activity noted during site monitoring, however, SEPA has been asked to investigate reports of ad-hoc depositing of building related materials on the site. Site monitoring to be continued meantime.
Inchgarth Road Garthdee (Inchgarth House)	9	Unauthorised works carried out within grounds of property	Planning Contravention Notice (PCN) seeking additional information of works carried out served on owners. Formal action proceedings under discussion with Legal Services.
North Linn Farm Peterculter	9	Several steel storage containers sited on agricultural land without planning consent.	Site inspection confirmed that siting of containers would require formal consent - Request for containers to be removed partially complied with - further meeting & discussions to be held with landowner to agree on a resolution - Enforcement Action under consideration.
3 Queens Gardens	10	Erection of bright orange coloured sign to main entrance doorway without Listed Building Consent.	Application lodged seeking retrospective Listed Building Consent refused, however, company has confirmed that signage is to be removed when they relocate offices Q3 this year. To be monitored.
52 Springfield Road	10	Boundary wall near main road demolished & stonework/rubble piled within rear garden area	Amenity Notice served asking for removal of rubble by mid-Apr. 18 - owner has confirmed that Roads have now agreed for him to re-locate nearby lamppost to facilitate new driveway at rear of property - stonework currently onsite will be used for construction of new boundary wall to be re-built shortly. Site to be monitored for compliance.
166 Union Grove	10	Breach of Condition re. range/type of hot food allowed to be offered for sale.	Legal Services have been asked to prepare & serve an appropriate Enforcement Notice.
Thorngrove Avenue "Friendville"	11	Erection of several fence panels to garden boundary facing Gt. Western Road without consent.	Request for an application to be lodged seeking retrospective consent complied with. (170645/DPP) Application refused Aug. 2018, however, fencing remains in-situ - letter issued Apr. 2018 requesting the removal of the fence panels.
189 Union Street [Shapla Indian Restaurant]	12	Unauthorised signage erected to front elevation & around entrance doorway of Cat. (B) Listed Building.	Enforcement Notice seeking removal of unauthorised signage only partially complied with. Legal Services to be consulted gaining access to property to facilitate possible direct action.