

# 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 September 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, 20 SEPTEMBER 2018 at 10.00 am.**

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

### **B U S I N E S S**

**MEMBERS PLEASE NOTE THAT ALL LETTERS OF REPRESENTATION ARE NOW AVAILABLE TO VIEW ONLINE. PLEASE CLICK ON THE LINK WITHIN THE RELEVANT COMMITTEE ITEM.**

#### **MOTION AGAINST OFFICER RECOMMENDATION**

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

#### **DETERMINATION OF URGENT BUSINESS**

- 2.1 Determination of Urgent Business

#### **DECLARATION OF INTERESTS**

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

## **MINUTES OF PREVIOUS MEETINGS**

- 4.1 Minute of Meeting of the Planning Development Management Committee of 16 August 2018 - for approval (Pages 11 - 14)

## **COMMITTEE PLANNER**

- 5.1 Committee Planner (Pages 15 - 16)

## **GENERAL BUSINESS**

### **WHERE THE RECOMMENDATION IS TO HOLD A PUBLIC HEARING**

- 6.1 Land Adjacent to Veterinary Hospital, Kingswells - Erection of Three Class 3 (food and drink) Units Including Two with Drive-thru Facilities - 181336 (Pages 17 - 30)

Planning Reference – 181336

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=PCH2OYBZG0T00>

Planning Officer: Matthew Easton

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

- 7.1 22 Kinaldie Crescent - Subdivision of Residential Curtilage and Erection of Residential Dwellinghouse and Associated Works, including Demolition of Existing Garage - 171196 (Pages 31 - 44)

Planning Reference – 171196

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=OXAXKHBZG9O00>

Planning Officer: Gavin Evans

- 7.2 Grey Mill Building, Broadford Works - Substantial demolition of Grey Mill building (including: South Mill, Old Mill and stair tower); Temporary Stabilisation of Remaining Southern Gable, (North Mill and New Mill also to be retained) - 180535 (Pages 45 - 72)

Planning Reference – 180535

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=P6M967BZ01U00>

Planning Officer: Lucy Greene

- 7.3 Former Mill Of Dyce Quarry And Blockworks Yard, Pitmedden Road - Change of Use of Former Blockworks to allow Storage of Heavy Goods Vehicles and Plant, with Associated Office, Service Facilities and Yard Space - 180693 (Pages 73 - 82)

Planning Reference – 180693

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=P83H3XBZ00D00>

Planning Officer: Robert Forbes

- 7.4 60 Queen's Road - Change of use from Residential Flats (sui-generis) to Office (Class 4); Erection of Single-Storey Extension and Two-Storey Extension to Rear; Formation of Car Parking to Front and Rear; Replace External Door; Alterations to Front and Rear Boundary Walls including Installation of Railings and Gates; Erection of Bin Store; Provision of External AC unit and Associated Landscaping - 180788 (Pages 83 - 92)

Planning Reference – 180788

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=P8WWTMBZLP300>

Planning Officer: Jane Forbes

7.5 154 Midstocket Road - Erection of First Floor Extension Above Existing Single Storey Extension to the Rear - 181378 (Pages 93 - 98)

Planning Reference – 181378

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

<https://publicaccess.aberdeency.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PCTQ84BZG7H00>

Planning Officer: Gavin Clark

7.6 Land at Maidencraig, North & South of A944 - Variation of Conditions 6 (Eastern Access Details) and 7 (Central and Western Access Details) and 8 (A944 Junction Improvements, including the A944 / Stronsay Drive junction) of Planning Permission in Principle (Ref: P130265) for a Mixed Use Development incorporating Residential, Commercial Uses, Community Facilities, Open Space, Landscaping and Associated Infrastructure to allow for an Altered Junction Layout for the Development - 180383 (Pages 99 - 114)

Planning Reference – 180383

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

<https://publicaccess.aberdeency.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P5MP9ZBZJUP00>

Planning Officer: Gavin Clark

7.7 Site at Maidencraig, North and South of the A944 - Modification of Planning Obligation (to allow additional applications/ variations) of Planning Permission in Principle Ref: 130265 for a Mixed Use Development Incorporating Residential, Commercial Uses, Community Facilities, Open Space, Landscaping and Associated Infrastructure - 181453 (Pages 115 - 118)

Planning Reference – 181453

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

<https://publicaccess.aberdeency.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PDFX9TBZ01700>

Planning Officer: Gavin Clark

## **DATE OF NEXT MEETING**

8.1 Thursday 1 November at 10am

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

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

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## MOTIONS AGAINST RECOMMENDATION

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

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

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

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

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# Agenda Item 3.1

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

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

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

**OR**

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

**OR**

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

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

**OR**

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

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

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## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 16 August 2018. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Jennifer Stewart, Vice Convener; and Councillors Allan, Cooke, Copland, Cormie, Greig, Avril MacKenzie and Malik.

**The agenda and reports associated with this minute can be found at:-**  
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=6266&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.**

### DECLARATIONS OF INTEREST

1. Councillor Copland declared an interest in regard to item 6.1 (Land at Wellheads Road) as a resident in Dyce. Councillor Copland did not feel it necessary to withdraw from the meeting.

### AGENDA

2. The Convener advised that item 7.1 on the agenda, 257 North Deeside Road, had been withdrawn from the agenda as this was now being dealt with under delegated powers, due to the Community Council withdrawing their objection to the application.

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 21 JUNE 2018

3. The Committee had before it the minute of the previous meeting of 21 June 2018, for approval.

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

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 26 JUNE 2018

4. The Committee had before it the minute of the Planning Development Management Committee (visits) of 26 June 2018, for approval.

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

## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

16 August 2018

### COMMITTEE PLANNER

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

**The Committee resolved:-**

to note the information contained in the Committee report planner.

### LAND AT WELLHEADS ROAD, DYCE - 181050

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

That a public hearing be held in regard to the application for a residential development comprising 302 flats over 4 and 5 storeys, associated infrastructure, access roads and landscaping at Wellheads Road Dyce.

The Committee heard from the Convener who advised that the purpose of the report was for Members to decide whether a Public Hearing should be held, given the number of objections received and that the Council had a financial interest in the application, being owner of part of the site. The Convener also explained that if Members agreed to hold a Public Hearing, the application could still be determined under powers delegated to officers. Members would then hear from interested parties participating in the Public Hearing but would not be making the planning decision. However principle 4 of the powers delegated to officers stated that:-

*“Any delegation made to an officer under this powers delegated to officers document shall not prevent the Council or relevant Committee from exercising the power so delegated provided the matter in question has not already been determined.”*

**The Committee resolved:-**

to agree that a public hearing be held in regard to the application, and that the application be brought back to the Planning Development Management Committee for determination at a future date. The date of the hearing would be agreed and an appointment sent to members of the Planning Development Management Committee in due course.

### 1 WESTERN ROAD, WOODSIDE - 081415

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

That the application for the demolition of existing house and outbuildings and erection of 22 affordable two bed flats and associated car parking at 1 Western Road, Aberdeen, 081414, be refused.

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

16 August 2018

The Committee heard from Robert Forbes, Senior Planner, who spoke in furtherance of the application and answered various questions from Members. Mr Forbes explained that the application had initially been approved in 2008, subject to the conclusion of a legal agreement, however the legal agreement had never been reached, and planning permission had not been granted as a result.

Daniel Lewis, Development Manager, also explained that due to the new Scheme of Governance agreed at Council, any application not determined within six months, should be looked at again afresh, and as a result this application was before to the Committee to be considered.

**The Committee resolved:-**

to agree to defer the application to allow additional time for negotiation on the legal agreement. Application to be reported to the Planning Development Management Committee of 21<sup>st</sup> February 2019 for determination.

**DATE OF NEXT MEETING**

8. The Committee noted that the date of the next meeting was scheduled for Thursday 20 September at 10am.

- **Councillor Marie Boulton, Convener**

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**  
16 August 2018

	A	B	C	D	E	F	G	H	I
1	<b>PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER</b> 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	<b>Report Title</b>	<b>Minute Reference/Committee Decision or Purpose of Report</b>	<b>Update</b>	<b>Report Author</b>	<b>Chief Officer</b>	<b>Directorate</b>	<b>Terms of Reference</b>	<b>Delayed or Recommended for removal or transfer, enter either D, R, or T</b>	<b>Explanation if delayed, removed or transferred</b>
3			<b>20 September 2018</b>						
4	Maidencraig	to approve or refuse the application	On agenda	Gavin Clark	Strategic Place Planning	Place	1	D	Outstanding responses required.
5	Broadford Works - 4 applications	to approve or refuse the application	On agenda	Lucy Greene	Strategic Place Planning	Place	1	D	Further report required.
6	154 Midstocket Road	to approve or refuse the application		Roy Brown	Strategic Place Planning	Place	1		
7	60 Queen's Road	to approve or refuse the application		Jane Forbes	Strategic Place Planning	Place	1		
8	22 Kinaldie Crescent	to approve or refuse the application		Gavin Evans	Strategic Place Planning	Place	1		
9	Land Adjacent to Veterinary Hospital	to hold a public hearing or not.		Matthew Easton	Strategic Place Planning	Place	1		
10	Former Mill Ofd Dyce Quarry Pitmedden Road	to approve or refuse the application		Robert Forbes	Strategic Place Planning	Place	1		
11			<b>01 November 2018</b>						
12	TPO 255 - 2018 - Malcolm Road	There was a previous committee instruction to bring back a report on TPO 248 and 249. These have been combined and will now be TPO 255.		Kevin Wright	Strategic Place Planning	Place	1		
13	Land at Culter House Road	to approve or refuse the application		Gavin Clark	Strategic Place Planning	Place	1		
14	Shielhill Road Mundurno	to approve or refuse the application.		Robert Forbes	Strategic Place Planning	Place	1		
15	Wellheads Dyce	to approve or refuse the application		Matthew Easton	Strategic Place Planning	Place	1		
16	OP51 Peterculter	to approve or refuse the application		Nicholas Lawrence	Strategic Place Planning	Place	1		
17			<b>6 December 2018</b>						
18									





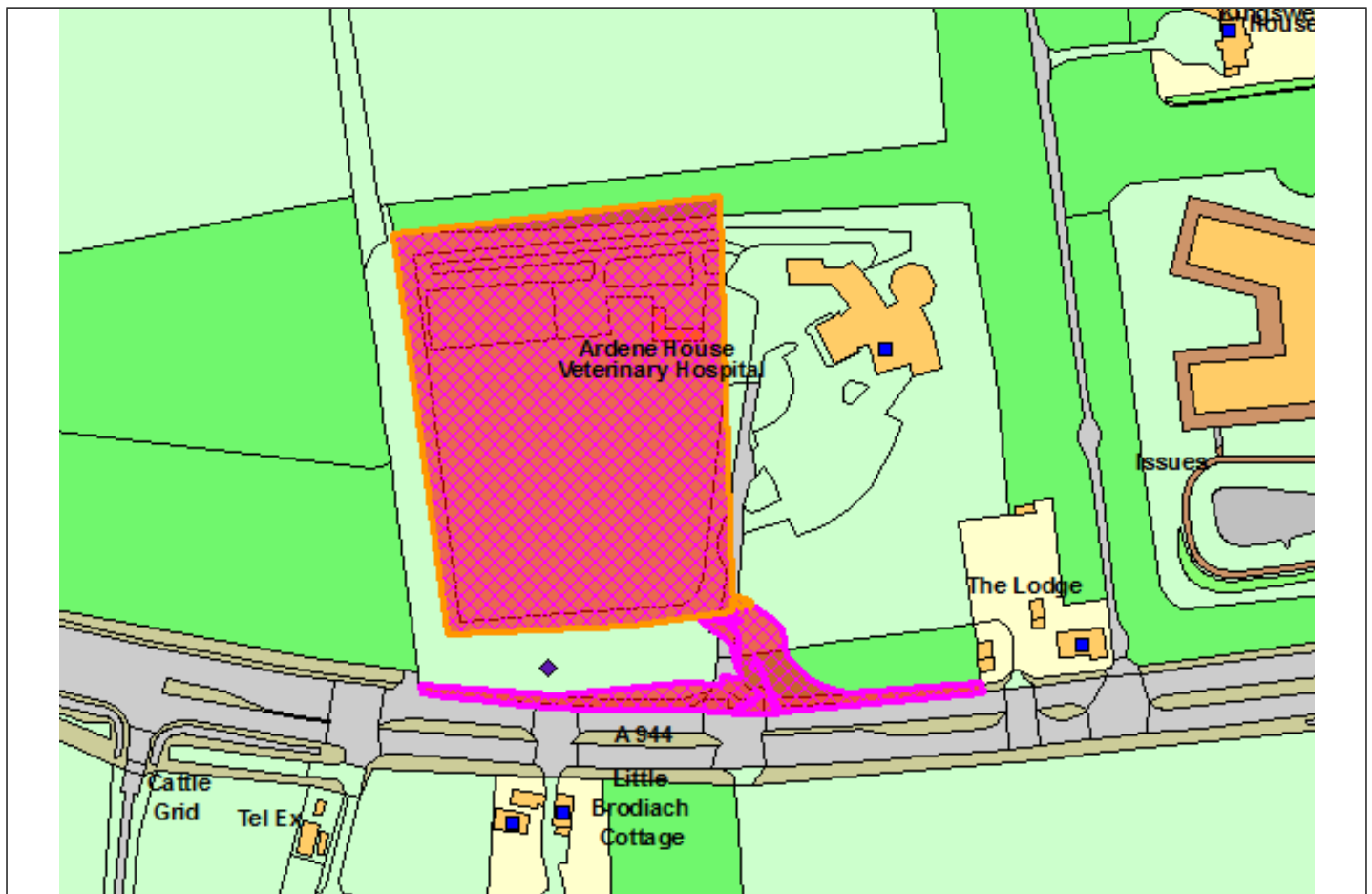


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 20<sup>th</sup> September 2018**

<b>Site Address:</b>	Land Adjacent to Veterinary Hospital, Kingswells, Aberdeen,
<b>Application Description:</b>	Erection of three class 3 (food and drink) units including two with drive-thru facilities
<b>Application Ref:</b>	181336/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	31 July 2018
<b>Applicant:</b>	CAF Properties (SABC) Limited
<b>Ward:</b>	Kingswells/Sheddocksley/Summerhill
<b>Community Council</b>	Kingswells
<b>Case Officer:</b>	Matthew Easton



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### **RECOMMENDATION**

**Convene a Public Hearing**

## APPLICATION BACKGROUND

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### Site Description

The site comprises approximately 1.5 hectares of land, located to the south of the Prime Four Business Park, around 2.4km to the east of Westhill, 0.75km west of Kingswells and 7.2km west of Aberdeen city centre. It comprises a grass field, a timber stable block, paddock and car park.

To the east are buildings and associated land forming 'Ardene House Veterinary Practice', which along with the site are enclosed by mature woodland belts to the north, east and south-west. Beyond to the north and east are: Kingswells House (dating from 1666 and category B-listed); and Prime Four Business Park, comprising large modern office buildings and a hotel.

The A944 (Skene Road) and shared foot/cycle way (Core Path 91 – Westhill Road to Queens Road) are immediately to the south. On the south side of the A944 are three residential properties: Little Brodiach Cottage; Lynford; and Muirvale, beyond which the land raises up towards Kingshill Wood.

The Aberdeen Western Peripheral Route ('AWPR') South Kingswells Junction is around 460m to the west and when open will join the A944 at this point.

At present the site forms part of the vets practice, being last used to as a horse paddock with associated facilities.

The site is accessed from the A944, in a left and right in, with left out only arrangement.

### Relevant Planning History

Detailed planning permission (ref: 130400) was granted in December 2014 for a three-storey office building of some 17,000 sqm and 425 car parking spaces. This development was independent of the nearby Prime Four Business Park and the proposed access would have been via the existing junction which would have been altered. The permission was not implemented and expired in December 2017.

## APPLICATION DESCRIPTION

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### Description of Proposal

Detailed planning permission is sought for the construction of three separate class 3 (food and drink) outlets, two of which would have drive-thru facilities. Ardene House Veterinary Hospital will remain in its current location. The proposal can be broken down as follows –

Unit	Floor space	No. of Covers	No. of Parking Spaces	Drive-Thru
Unit 1	578sqm	154 seats	49	Yes
Unit 2	186sqm	66 seats	18	Yes
Unit 3	303sqm	48 seats	20	No
<b>Total</b>	1,067sqm	268	87	N/A

Unit 1 would be in the southern part of the site, set over two storeys with a flat roof. Units 2 and 3 would be to the north and single storey. All would be finished in a variety of cladding materials, including: natural stone tiles, composite cladding panels, render and brick.

The potential occupiers are not specified.

Access would remain off the A944, however it is proposed that the right turn in would not be maintained as a result of closing the central reservation. As such the junction would operate as a left in, left out only. The geometry of the existing junction, and of the internal access road, would be modified.

## 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=PCH2OYBZG0T00>.

- Drainage Impact Assessment;
- Ecology Report (2013);
- Ecology Report (Updated 2018);
- Planning and Design Statement;
- Sequential Assessment Statement;
- Transport Statement; and
- Tree Survey Report.

## Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because there have been more than 20 objections (237 received) and it is considered to be a departure from the development plan. These factors trigger a report to Committee to seek a decision on whether a public hearing should be held.

## CONSULTATIONS

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**ACC - Environmental Health** – No objection. Advise that proximity to neighbouring residential properties sees potential for a significant adverse impact on amenity from odour associated with cooking operations. Request that where cooking activities are to be undertaken, prior to a decision regarding planning consent, the applicant must carry out an assessment by a suitably qualified engineer to establish any necessary Local Extract Ventilation (LEV) equipment. The extent of the necessary ventilation equipment and the effectiveness of the associated cooking odour and fume control measures must be fully demonstrated.

Also advise that the location is not located within or adjacent to an Air Quality Management Area (AQMA). It is unlikely the impact of emissions to air from or associated with the development (including those associated with road transport and construction/demolition) would result in exceedances of the national objectives. Thus, an assessment of the impact on air quality is not required.

**ACC - Flooding and Coastal Protection** – No objection. The proposed use of SUDS and prevention of flood water exiting the site during a M200 event is noted. However, advise that it should be highlighted to the applicant that there is a high risk of surface water flooding at the site

and it is recommended that consideration is given to including rain water harvesting in the design, this could include but is not limited to: raised planters coming off down spouts.

### **ACC - Roads Development Management Team –**

- Advise that access by pedestrians and cyclists is via a shared use path on the southern boundary (providing links to Westhill & Kingswells). Note that houses in Kingswells are c.1.6km walking distance from the site. Note that the revised design for the site access junction will include a shared pedestrian and cycleway on both sides of the access road, to tie into the existing infrastructure on the A944. Also note that there are no bus facilities in the immediate vicinity, with the Kingswells park and ride some 800m away.
- Advise that, as set out in the Transport and Accessibility Supplementary Guidance, the location sees the following maximum possible parking standard:
  - 1 space per 10m<sup>2</sup> for the 764m<sup>2</sup> of drive-thru restaurant use = 76.4 spaces + adequate queuing space;
  - 1 space per 12m<sup>2</sup> for the 303m<sup>2</sup> or restaurant use = 25.3 spaces;
 Therefore, there is a potential maximum of 102 spaces applicable.

- The applicant is proposing to provide 87 car parking spaces, which equates to 85% of the potential maximum. The applicant's justification for this reduced provision is that the site is "within easy walking distance" of Kingswells, Prime Four business park & the new football stadium. However, it is not accepted that the facility would be within reasonable walking distance of Kingswells, or the park and ride, and as such the shortfall is not accepted in this 'outer city' location. The applicant argues that similar sites suggested in the TRICS (Trip Rate Information Computer System) database are non-comparable as they are less rural. By that same logic, given the site is 'semi-rural' it can be argued that it is less accessible and as such, is more likely to encourage driving.

Cycle, motorcycle, and disabled parking are indicated as being proposed but are not tabulated / quantified in detail. As an example, it is not stated if this cycle parking is long-stay or short-stay, etc. – further details are required. Long-stay cycle parking should be provided for staff.

- Dimensions are required for road widths / footway widths / parking bay sizes, etc.
- Vehicular access from the A944 is to be via a left-in / left-out junction arrangement. This will necessitate that vehicles entering and leaving the site would use either the Kingswells roundabout to the east or the new AWPR roundabout to the west, should they be travelling to a destination opposite to the direction they exit.
- The access requirements for emergency service vehicles are normally dictated by the Fire Service and should be discussed with them.
- The swept path analysis shows that refuse vehicles would overhang the footway, grass, and parking spaces at several locations, this is not acceptable. A 250mm buffer is required between refuse collection vehicles and footways / parking spaces. Additionally, it is not shown how the refuse vehicle enters or leaves the Southern-most restaurant. The swept path for this manoeuvre should be detailed, as it appears potentially problematic.
- Swept paths should also be shown for HGV's of a size likely to be required for deliveries.
- The footway entering the site from the west narrows at the internal 90° corner. It is assumed that visitors will be required to cross the road here – however this footway is positioned on the

“bad” side of the corner, requiring pedestrians to have a 270° field of vision to ensure there are no vehicle conflicts. Crossings should be shown, including the crossing at the front of the site access at the A944 on the refuge island.

- An internal road is shown leading to the North-West of the site, but there is no mention of where this leads. It is assumed this connects to the Prime Four site, but this should be clarified.
- A Transportation Statement (TS) has been produced, as opposed to a Transportation Assessment (TA). However, outlets exceeding 1000m<sup>2</sup> gross floor area, trigger a requirement for a TA.
- Section 2.9 of the transport statement states that the *“geometry of the junction, and the internal access road, would be...subject to a detailed design exercise during a planning application process.”* However, no such exercise has been undertaken to support this planning application. Similarly, section 2.13 states that *“the actual quantum of parking spaces would be determined during any subsequent planning application process”*.
- It is noted that the applicant states in section 3.7 that *“the nearest bus stops are located within 200m west of the site on the A944”*. This does not appear to be the case, as there is no bus stop in that location.
- Section 5.14 states that *“the development peak would occur out with the traditional weekday network peaks, therefore the traffic impact during the busiest periods on the network would be minimal.”* Whilst it is agreed that peak traffic flows associated to the development will occur out with wider network peaks, it is not agreed that this equates that the impact during the busiest periods will be minimal. For example, the PM peak for this development sees 167 total vehicle trips between 19:00 and 20:00, however the local peak between 17:00 and 18:00 still results in 130 vehicle trips, which is still a significant number of trips, and only ~28% less than the development peak.
- The above is especially true when you consider that the previous office use would have replaced the existing vet, whereas the current proposal will operate alongside that existing business. Traffic counts undertaken as part of the TA for the previous office use show that the 2017 PM peak for the vet was 41 trips. As such, the 130 pm peak vehicle trips, coupled with the existing 41 pm peak trips equates to 171 pm peak trips, which is greater than the 167 pm peak trips the office would have generated.
- Section 6.9 of the TS states that *“The TRICS assessment also represents totals for each element, whereas in reality there will be shared trips between the outlets”*. I disagree and feel that the total GFA of all 3 is equivalent to a single unit of the combined GFA. It is unlikely that anybody will drive to the site with the intention of eating at several restaurants, they may change which restaurant they go to upon arrival, but the trip will still be undertaken to get there.
- The applicant states that *“TRICS was used to undertake an initial trip rate assessment...should therefore only be considered as giving initial guidance. It is recommended that specific surveys are undertaken...when a future planning application is being considered.”* As above, this is confusing, as a planning application is now being considered and no such information has been provided.
- The level of SUDS treatment shown appears sufficient.

In conclusion there are a number of outstanding issues in respect of this planning application. The Roads Development Management Team will be in a position to make further comment on receipt of the requested information.

**Aberdeen International Airport** – No objection. The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria. To avoid such conflict any planning permission should be subject to conditions requiring submission and approval of a Bird Hazard Management Plan.

**Archaeology Service (Aberdeenshire Council)** – No objection. It is recommended that owing to a former Quaker Meeting House being located somewhere within this area, a condition be attached requiring the submission and approval of a written scheme of investigation (WSI) and thereafter a programme of archaeological works be undertaken.

**Developer Obligations Team (Aberdeenshire Council)** – In order to mitigate the impact of the development on infrastructure, developer obligations of £1,502 would be required towards Core Path 91 for widening improvements.

**Kingswells Community Council (KCC)** – Object. As part of the discussions for the Prime Four masterplan KCC were given assurances that fast food outlets would not be appropriate for this development. Consequently, the suitability of this proposal is questioned. Any development in this area should comply with the vision laid out in the Prime Four Masterplan

- The only access to the development is a left in left out access from the A944. There is no direct access from within Prime Four which is 400m – 1,300m walk from the development. Given that one of the primary objectives is to serve Prime Four at lunch times, it is unlikely that many of these customers would walk due to excessive round-trip journey times.

Access by car from Prime Four is complicated by the necessity to go via the AWPR roundabout. An additional access point from within Prime Four should be provided to integrate the development into the overall Prime Four development. For other patrons the access to the site may be compromised if the Kingswells roundabout were to be changed to a signal-controlled junction as part of the changes required by the Countesswells Development. The Transport Assessment shows a potential, up to, 469 vehicles accessing this junction per hour. That is almost 8 vehicles per minute. This represents a significant increase over the existing situation.

The access has a deceleration lane but no acceleration lane. KCC question the safety of this arrangement. However, KCC would object to the removal of the trees in front of the vet to facilitate an acceleration lane if that was required. Consequently, if it is deemed necessary to provide an acceleration lane for the junction to operate safely the junction should be offset to the west. If this is not possible we would conclude that the junction design is not suitable for this location.

- One of the proposed objectives for this development is to provide facilities for people attending football matches and other activities at the Kingsford Stadium. One of the concerns raised for the stadium application was the danger to large numbers of football fans walking along the A944 from Kingswells Park and Ride to the stadium. The provision of a 'go to' destination along this route will attract more footfall and will increase the danger to football fans. The stadium application was approved assuming the use of shuttle buses between the stadium and the Park and Ride. Approval of this application will encourage fans to walk along the A944 to the development site. This could have major implications to the safety of football fans, as there is no provision in the stadium application to stop fans spilling onto the A944.

- Reconfiguration of the junction and the removal of the right turn into the Veterinary Hospital will increase journey times. This will be most evident when there is an emergency at peak times with traffic queueing along the A944. Any delays could have major impact on animal health and wellbeing. At other times when the access to the proposed development site is busiest the access to the vet will be compromised.

Overall KCC do not consider the development suitable for this location.

**Scottish Water** – No objection. There is currently sufficient capacity in the Invercarnie Water Treatment Works. There is currently sufficient capacity in the Nigg PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to Scottish Water.

**Transport Scotland** – The implications on the trunk road (AWPR) are being considered – further comments are awaited.

## **REPRESENTATIONS**

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Representations from 488 different individuals or organisations have been received. 237 of these object to the proposal and 251 are in support.

Those objecting include West Aberdeen Environmental Protection Association, the owners of the Bon Accord & St. Nicholas Shopping Centres and Aberdeen Civic Society. All other representations are from individuals, the majority from those live or work in Westhill and Kingswells.

These representations are summarised under the headings of 'Objections' and 'Support' below.

### **Objections**

#### Land Use

1. The proposal does not comply with the land use zoning for the site, which is 'specialist employment' (Policy B2). Demand for office space is increasing therefore the site should be retained in that use.
2. The site is designated as green space network (Policy NE1) and must be protected to ensure a buffer is maintained between Kingswells and Westhill. The development would infill the area.
3. The development should be within Prime Four Business Park.
4. The development would further erode the greenbelt (Policy NE2)
5. The development is contrary to the idea that the AWPR would not be a development corridor.

#### Sequential Approach

6. The development is contrary to Policy NC1 (City Centre Development – Regional Centre) which requires that as a significant footfall generating development, the preferred location for it

is the city centre, and if that is not possible, one of the existing town, district, or neighbourhood centres.

7. There has been a lack of flexibility in the applicant's application of the sequential test, contrary to part 1 of Policy NC5 (Out of Centre Proposals). A disaggregated development could be accommodated in existing retail centres. The applicant's sequential test fails to mention the Lang Stracht / Stronsay Drive site and it seeks that the development of three units be considered as a whole and then rejects alternative sites that would only be capable of accommodating a single unit.
8. No deficiency in quantitative or qualitative terms has been proven, contrary to part 2 of Policy NC5. There are existing food and drink premises in Prime Four and drive-thrus would be available within a 10-minute drive, once the AWPR opens.
9. The development would have a negative impact on the vitality and viability on local centres and the city centre, contrary to part 3 of Policy NC5 (Out of Centre Proposals). The development would divert trade from other outlets, including the 'Village Hotel' at Prime Four and proposed AFC Fan Zone.
10. The development would attract additional traffic, increasing traffic flows in the area, contrary to part 4 of Policy NC5 (Out of Centre Proposals).
11. The site is not easily accessible by regular, frequent and convenient public transport, contrary to part 4 of Policy NC5 (Out of Centre Proposals).
12. The proposed level of floor space would be significantly in excess of what could reasonably be considered to be required to meet the needs of the business park. It would be a destination in its own right and due to the distance between itself and the business Park, it instead would rely on passing trade on the A944.

### Transport

13. Further development on the A944 would increase traffic congestion. The impact of AWPR traffic on the road must be considered.
14. The existing cycle/footpath (a core path) would be affected, as vehicular access would be taken over it.
15. The proposed vehicular access between the site and Prime Four Business Park would be contrary to the Prime Four Development Framework.
16. The development would encourage football fans to walk along the A944, increasing road safety issues.
17. The transport assessment appears flawed.
18. The application makes no mention of the possibility that the fast food outlets proposed may also offer home delivery services, that would further add to the volume of traffic.
19. The transport statement implies that staff employed at these premises might be expected to park in the Kingswells Park and Ride car park.



20. The majority of customers would access the site by car, very few would walk. The development would encourage patrons to walk along the busy A944.
21. The suggestion that some customers might travel to these premises using the Park & Ride bus service or by bicycle from as far afield as Bielside verges on the farcical. No bus stops are provided nearby, as suggest by the applicant.
22. The car parks provided for these premises would be likely to suffer from rogue parking when events take place at the proposed Kingsford stadium, because of the inadequate parking proposed for that development.

#### Amenity

23. The development would generate litter. Livestock in surrounding fields could be affected by litter. Fences should be provided to stop wind-blown litter.
24. The smell from fast food is unpleasant and would affect the surrounding area.

#### Association with Kingsford Stadium

25. Approval of the Kingsford stadium application should not be seen as a reason to also support this development as the stadium application was considered to be standalone and unique.
26. Development to support the AFC Stadium at Kingsford should not be drip-fed into the planning system and should have been highlighted when the stadium was granted permission. The public have been misled as the submission of this application has been delayed.
27. The applicant's agent, Aurora Planning, is alleged to be involved with Kingsford Stadium, yet it was meant to be a standalone development.

#### Other

28. The same principles apply to this proposal as to the previous proposal for a retail park at Prime Four Business Park, which was recommended for refusal.
29. The use would be inappropriate next to a vet practice.
30. The vets practice should remain at the site.
31. The application is potentially contrary to Policy D2 (Landscape) on the basis that the proposed buildings could have a significantly adverse impact on the landscape setting between Kingswells and Westhill.
32. There appears to be no proper Landscape Visual Assessment submitted, so it is not possible to accurately gauge the visual impact. However, it appears from the elevations submitted, that the application comprises formulaic fast food outlets which will do nothing to add to the attractiveness of the OP29 designation for specialist employment users nor encourage company headquarters to locate here.
33. There are already fast food outlets in Westhill and Kingwells, more are not required.
34. The development would change the ambiance of Westhill.
35. The development would reduce property values in Westhill.

36. The development would provide food which is acknowledged to be unhealthy. It would be to the detriment of people's health, especially children's and young adults, contrary to the National Obesity Strategy.

#### Administrative

37. The weighting given to objections should be explained in the report of handling.

#### **Support**

38. The development would increase the choice of food outlets in the area for residents, workers and road users. The Kingswells and Westhill area lack amenities and this would help.

39. The development would create jobs and have a positive economic impact.

40. The development would provide an opportunity for people to meet socially.

41. The development would be less obtrusive than an office building.

42. The low-level design of the buildings looks reasonable, landscaping looks good and the development would sit comfortably within the landscape.

43. There would be minimal impact on the road network and traffic would be less concentrated on peak times than that associated with the previous office development.

44. Closure of the central reservation on the A944 would improve road safety.

45. It is in a good location, away from residential properties.

### **MATERIAL CONSIDERATIONS**

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#### **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

#### **Aberdeen Local Development Plan (2017)**

- D1: Quality Placemaking by Design
- D2: Landscape
- D4: Historic Environment
- NC4: Sequential Approach and Impact
- NC5: Out of Centre Proposals
- I1: Infra Delivery & Planning Obligation
- T2: Managing the Transport Impact of Dev

- T3: Sustainable and Active Travel
- B2: Specialist Employment Areas
- B4: Aberdeen Airport
- NE1: Green Space Network
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE8: Natural Heritage
- NE9: Access and Informal Recreation
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Build & Water Efficiency

### **Supplementary Guidance and Technical Advice Notes**

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

### **Other Material Considerations**

- Aberdeen City Centre Masterplan (CCMP)
- Strategic Investment Plan (SIP)

## **EVALUATION**

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Under 38A (4) of the Town and Country Planning (Scotland) Act 1997, the planning authority may decide to hold a hearing for any development not covered by the mandatory requirements and to give the applicant and any other person an opportunity of appearing before and being heard by the committee. In June 2010 the Council agreed guidelines on 'When to hold public hearings in relation to planning applications'.

It was agreed that the criteria triggering a report to Committee to seek a decision on whether or not a hearing be held would be –

- where the application has been the subject of more than 20 objections; and
- the Council has a financial interest; and/or,
- the application is a departure from the development plan.

Taking each of these in turn –

This proposal has attracted a total of 227 objections, and therefore exceeds the threshold of the first criteria.

In relation to criteria 2, the Council does not have any financial interest in the land subject of the application, or in the proposed development itself.

Thirdly, the application has been treated as departure from the development plan as: at this early stage it is considered to contravene Policy B2 (Specialist Employment), which states that in areas zoned for such use: *“only Class 4 (Business) uses shall be permitted, in order to maintain a high-quality environment. Activities associated with research, design and development, knowledge-driven industries and related education and training will be encouraged in these areas. Facilities that directly support business uses may be permitted where they enhance the attraction and sustainability of the Specialist Employment Area for investment. Such facilities should be aimed primarily at meeting the needs of businesses and employees within the Specialist Employment Area.”*

As such, this report is presented to determine whether a public hearing should be held. However, it should be noted that no recommendation is being made at this time in respect of the determination of the application.

In considering whether a hearing should be held, the guidelines indicate that *“whether the development plan policy is up-to-date and relevant to the matters raised, and whether these matters are material planning considerations”* should be taken into account.

The Aberdeen Local Development Plan, adopted in 20 January 2017, and the Aberdeen City and Shire Strategic Development Plan, which came into effect on 28 March 2014, collectively constitute the development plan against which applications for planning permission are considered. At this time the development plan is considered to provide an up-to-date and relevant policy framework for the determination of this planning application.

The representations received raise a wide range of issues. The predominant negative issues raised relate to: the potential traffic implications of the development; the appropriateness of the development to the location; and the potential impact on existing centres with similar uses. Conversely, 251 representations in support of the application have been received, predominately indicating that the development would: enhance the amenities available in the area; increase employment opportunities; and would be acceptable in terms of its scale and visual impact. These are all relevant planning considerations and relate to matters covered by the development plan.

Given the significant level of objection and support, as well as the wide range of matters raised, it is considered that the most appropriate manner of addressing these concerns is to convene a hearing at which all parties will have an opportunity to state their views in front of the Elected Members of the Planning Development Management Committee.

## **Next Steps**

Following the hearing the application would be assessed rigorously in terms of planning policy, the details of the proposal and the environmental, amenity and traffic impacts. This will be reflected in a subsequent report prepared by officers. The report would also take into account all written comments made by the consultation bodies and members of the public and all matters raised at the hearing.

Under the scheme of delegation agreed by Full Council in March 2018, officers have powers in certain circumstances to determine applications without referral to committee.

Due to (i) the number of objections received, (ii) the objection from the Environmental Health service, and (iii) the objection from the community council, if officers considered the application should be approved, a further report would be submitted to the committee for a consideration and a decision. If officers considered the application should be refused, it would be refused under delegated powers without a referral to committee

**RECOMMENDATION**

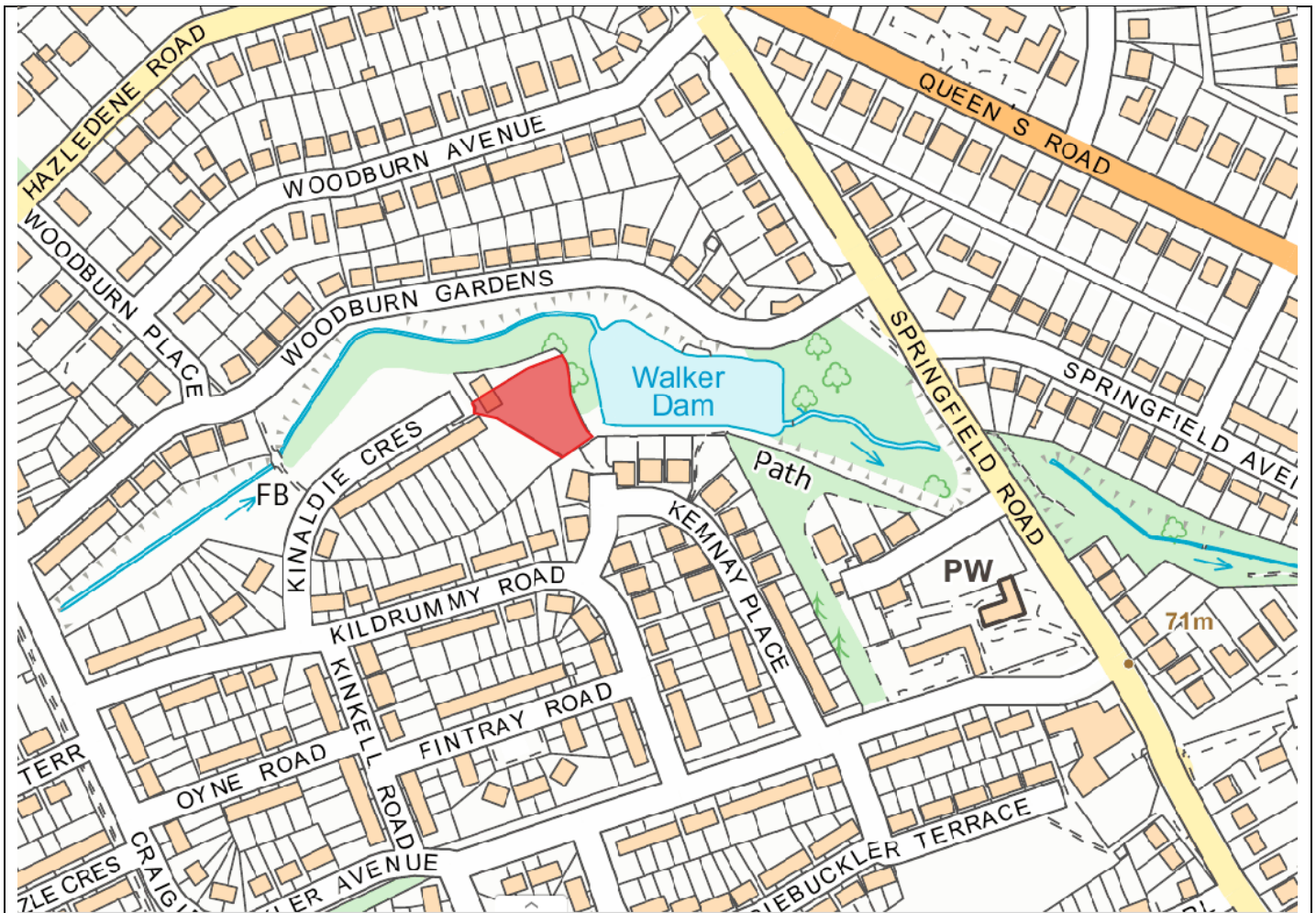
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**Convene a Public Hearing**

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 <p><b>ABERDEEN</b> 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;"><b>Committee Date: 20 September 2018</b></p>
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<b>Site Address:</b>	22 Kinaldie Crescent, Aberdeen, AB15 8HX,
<b>Application Description:</b>	Subdivision of residential curtilage and erection of residential dwellinghouse and associated works, including demolition of existing garage.
<b>Application Ref:</b>	171196/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	5 October 2017
<b>Applicant:</b>	Mr Neil and Nicola Greig
<b>Ward:</b>	Hazlehead/Ashley/Queens Cross
<b>Community Council</b>	Craigiebuckler And Seafield
<b>Case Officer:</b>	Gavin Evans



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## RECOMMENDATION

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Approve Conditionally

## APPLICATION BACKGROUND

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### Site Description

The application site, which extends to approximately 1400sqm, lies to the south-west of the Walker Dam and incorporates part of the rear garden to 22 Kinaldie Crescent, along with an area of open space between Nos. 30 and 32 Kemnay Place. These are currently two separate and distinct parcels of land, which would be combined to facilitate the proposed development.

The grounds to the rear of 22 Kinaldie Crescent slopes moderately down towards Walker Dam, with the land immediately to the east of the site characterised by mature trees. The generous plot of No. 22 is largely laid to grass. The eastern boundary, to the adjacent Walker Dam, is enclosed by a wooden stake fencing in a state of collapse.

An area of open space between 30 and 32 Kemnay Place lies to the south-east of 22 Kinaldie Crescent. It falls gently to the north, towards Walker Dam, and is largely laid to grass, with planted borders. Its eastern and western edges are enclosed by standard timber fencing, however its northern edge is defined by post-and-wire fencing and a row of existing trees, predominantly Alder and Rowan.

### Relevant Planning History

Application Number	Proposal	Decision Date
150311	Sub-division of residential curtilage and erection of new dwellinghouse and associated works	08.06.2016 Status: Refused
140029	Formation of new dwelling house	
120489	Change of use of amenity ground to garden ground	12.04.2012 Status: Withdrawn
120446	Change of use of Amenity Ground to Garden Ground	29.05.2012 Status: Withdrawn

In addition to these various applications for planning permission, there was an appeal to the Scottish Government in relation to the refusal of planning application ref 150311, which involved the construction of a new dwelling which would be accessed via Kemnay Place, through the construction of a new driveway across an existing area of open space. That appeal was dismissed in February 2017. The appointed reporter expressed no concerns in relation to design, density or impact on the Walker Dam Local Nature Conservation Site (LNCS), but upheld the Council's decision due to a conflict with policy H1, arising from proposed driveway resulting in both the loss of existing trees and the loss of an existing area of open space on Kemnay Place.

## APPLICATION DESCRIPTION

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### Description of Proposal



This application seeks detailed planning permission for the sub-division of the existing residential curtilage at 22 Kinaldie Crescent and the construction of a single dwellinghouse, along with associated parking, landscaping and hard surfacing.

The site would be accessed via Kinaldie Crescent, sharing the existing driveway for 22 Kinaldie Crescent, with some modifications.

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=OXAXKHBZG9O00>.

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

- Plans and Elevations
- 3-D visualisations
- Sun-path Study
- Tree Survey and Report
- Tree Protection & Management proposals
- Planning Statement
- Site sections

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because officers are recommending approval of the application where there is an objection from the local Community Council (Craigiebuckler and Seafeld Community Council).

## **CONSULTATIONS**

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**ACC - Roads Development Management Team** – Note that the existing property would retain 2no car parking spaces, and that 4no spaces would be provided for the proposed new dwelling. This level of parking is considered appropriate. Queries whether the driveway would be internally drained and free from loss material within 2m of the public footway. Queries gradient. Notes that the slight increase in traffic at the end of this cul-de-sac would not be of concern, and that visibility at the access appears to be sufficient. Queries whether there would be any changes to the existing footway and what refuse storage/collection arrangements are proposed.

Following written clarification from the applicants, further email correspondence from the Roads Development Management team confirms satisfaction.

**ACC - Environmental Health** – No observations.

**ACC - Flooding and Coastal Protection** – ACC Flood Team would like to make the applicant aware that there is a risk of Surface water flooding from the North and the East of the proposed site, from the Walker Dam and the West Burn of Rubislaw. We would strongly recommend the use of permeable materials and the use of rain water harvesting where suitable in the design.

**Craigiebuckler and Seafeld Community Council** – Highlight concerns expressed by a representative of 'Friends of Walker Dam' that, during hours of darkness, artificial light from the proposed dwelling and its white rendered finish would be harmful to the wildlife habitat around the Walker Dam. It is suggested that this may result in the loss of a number of bird and animal species

from the area. The Community Council is sympathetic to these concerns and states that possible adverse affects on the natural environment should be of prime importance in consideration of this application.

## **REPRESENTATIONS**

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Three letters of representation have been received in relation to this application. These express the following objections to the proposal:

- Loss of privacy and overlooking (to 24 Kinaldie Cres)
- ACC responsibilities under Human Rights Act – person’s right to peaceful enjoyment of all their possessions, including the home and other land.
- Over-development: The proposed dwelling would be ‘crammed’ in to the site, with the new dwelling afforded a very small garden for a house of this size, and in comparison to the gardens afforded to neighbouring plots
- The dwelling is not in character with its surroundings or the neighbouring properties, and would be unduly prominent from neighbouring dwellings
- Access: visibility is insufficient at the access, creating a hazard for cyclists, pedestrians and other vehicles
- Loss of on-street car parking
- Impact on amenity
- Potential for damage caused by construction vehicles
- Loss of natural light / overshadowing to 24 Kinaldie Cres
- Loss of existing views, due to the siting of the new house and the additional vehicles parked on-street
- Undesirable precedent for development in rear gardens
- Impact on existing drainage
- Structural damage to car-port at number 20, which sits on the site boundary
- Disruption caused by construction traffic
- Impact on existing trees, including their root systems
- Highlights earlier refusals and queries why access from Kinaldie Crescent should be any different
- Highlights that the garage to be demolished at 22 Kinaldie Crescent forms part of the boundary wall with no20.
- Contends that there is a surfeit of high-quality housing in the local area
- Concerns regarding access to the site during construction

## **MATERIAL CONSIDERATIONS**

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### **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)**

T2: Managing the Transport Impact of Development  
D1: Quality Placemaking by Design

D2: Landscape  
H1: Residential Areas  
H3: Density  
NE1: Green Space Network  
NE5: Trees and Woodland  
NE6: Flooding, Drainage & Water Quality  
NE8: Natural Heritage  
R6: Waste Management Req for New Development  
R7: Low & Zero Carbon Buildings & Water Efficiency  
T3: Sustainable and Active Travel

### **Supplementary Guidance and Technical Advice Notes**

Flooding, Drainage and Water Quality  
Landscape  
Natural Heritage  
Resources for New Development  
Sub-division & Redevelopment of Residential Curtilages  
Transport and Accessibility  
Trees and Woodlands

### **Other Material Considerations**

Scottish Planning Policy

## **EVALUATION**

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### **Principle of Development**

The application lies within a predominantly residential area, which has been zoned as such in the Local Development Plan, with policy H1 applicable. Policy H1 allows for residential development, provided a series of criteria can be satisfied. There is significant overlap between these criteria and the principles set out in the 'Sub-division and Redevelopment of Residential Curtilages' Supplementary Guidance, so it is appropriate for later sections of this report to consider these matters in parallel.

### **Transport and Accessibility**

The Council's 'Transport and Accessibility' SG identifies 'City Centre', 'Inner City' and 'Outer City' car parking zones and sets guidelines for the provision of off-street car parking accordingly. This site lies within the 'Outer City' zone, dwellings of more than 4 bedrooms should provide 3 spaces. The proposal indicated 4no spaces for the proposed new dwelling, with 2no spaces for the existing dwelling at 22 Kinaldie Crescent (as is currently the case). Whilst concern is raised in representations regarding a loss of on-street car parking as a result of the development, both the new dwelling and the existing house would be served via a reconfigured driveway which uses the same single footway crossing as the current house. Further exchanges with the applicant have confirmed that the gradient and materials to be used in the construction of the driveway are acceptable, and its drainage can be agreed via further submissions related to a planning condition in the event that members are minded to approve the application. ACC RDM colleagues have confirmed that visibility at the site access is acceptable. On that basis, the proposed access arrangements would not result in any loss of existing on-street car parking. Whilst it is recognised that there would be a slight increase in the number of vehicles using the road, this is considered to be negligible, and by making adequate provision for car parking off-street, the demand for on-

street parking should not be significantly increased. Existing bus services operate in the area, and can offer connections to various parts of the City, including the City Centre, where the bus and railway stations can provide for onward travel. On this basis, the proposal is considered to demonstrate accordance with policy T2 (Managing the Transport Impact of Development) of the ALDP, along with the associated 'Transport and Accessibility' SG.

Existing streets and footpaths provide adequate infrastructure for pedestrian and cycle movements, ensuring that the development can be accessed by a range of means, including cycling and walking, as required by policy T3 (Sustainable and Active Travel). Core Path 60 runs close to the eastern site boundary, offering an amenity route through the Walker Dam before joining up with Hazledene Road to the west and Johnston Gardens to the east. The proposal would not interfere with the Core Path route, which would continue to offer access to the Walker Dam Local Nature Conservation Site (LNCS).

### **Density, Scale and Pattern of Development**

The proposal involves the construction of a detached 4-bedroom dwelling across three levels in the south-western corner of the site. Due to the site levels falling from west to east, the dwelling would present a 1 ½ storey face to its western (front) elevation, but would allow for access to a lower ground floor level from its eastern (rear/garden) elevation. The proposal involves an existing residential plot being sub-divided to form an entirely new plot for the proposed dwelling. This development therefore represents 'curtilage splitting' as described in the Council's relevant 'Sub-Division and Redevelopment of Residential Curtilages' SG. This sets out a general expectation that the location and size of new dwellings will be 'in keeping with the established spatial character and built form of the surrounding area' and sets out further detailed guidance to that end.

The residential plots at Nos. 20 and 22 Kinaldie Crescent are among the largest in the local area. This proposal would result in the sub-division of the exceptionally large (2185sqm) plot at No. 22 in order to provide two plots of broadly the same size. It should be noted that, despite that sub-division, the two resultant plots would still compare favourably (at 1077sqm for the new house and 1008sqm for the retained no.22) to many of those in the surrounding area – as a comparison, Nos. 18 and 24 Kinaldie Crescent measure circa 570 and 520 sqm respectively, and 32 Kemnay Place is estimated at circa 650sqm. So far as plot size is concerned, it is considered that the density of development would be no less consistent with that seen in the surrounding area than is presently the case.

The relevant SG sets out that new development should reflect the density of the surrounding area, for both the new dwelling and the donor property. As a general guide, no more than a third (33%) of the total site area for each individual curtilage should be built upon. In this instance, the submitted design statement puts the plot coverage at around 20%, which is significantly below the guideline maximum of 33% suggested by the relevant SG and certainly no higher than is characteristic in the surrounding area.

It is not considered that the siting of the dwelling would be to the detriment of residential amenity or of the character of this area generally. Similarly, the density of the proposed development, with regard to building footprint and plot coverage, is appropriate in this setting, subject to consideration of the impacts arising from the proposal. In this regard, there is considered to be no material conflict with policy H3 (Density).

Over and above simple plot size, proposals must demonstrate due regard for any established pattern of development in the surrounding area. The properties on Kinaldie Crescent are generally set within long rear gardens whose width broadly corresponds with that of the dwellings. The notable exceptions to this are nos 20 and 22, at the eastern end of Kinaldie Crescent, where the rear gardens are much larger and widen out significantly to the rear. The size of these gardens is such that the sub-division of the plot at number 22 would not result in either the existing or the new

dwelling sitting in an incongruously small plot, but rather that the size of their plots would be closer to those in the remainder of the street. As number 22's plot narrows to the front, there is something of a 'pinch-point' in the site, such that a new dwelling cannot be accommodated immediately side-by-side with the existing property. The proposed dwelling is sited further back from Kinaldie Crescent as a result, but due to the width of 22's plot, does not sit directly behind the donor property in a manner characteristic of 'backland' development. Representations highlight a concern that this development could set a precedent for such 'backland' development where new dwellings are built to the rear of an established street pattern and a second building line is created. It is considered that the specific circumstances of this site, such as its corner location and the exceptional size of the rear garden at number 22, mean that this site is quite different from the remainder of Kinaldie Crescent, where the plots are of a more uniform size and shape. In that regard, and bearing in mind that it is for the planning authority to determine each application on its merits rather than draw broad comparisons between distinct sites and developments, it is not considered that any unwelcome precedent would arise from approval of this application. Whilst there is a narrowing of the plot that means the new house would share a driveway with number 22, both houses would retain adequate off-street car parking and generous plots. Notwithstanding the new dwelling's position slightly further back from Kinaldie Crescent, it is considered that the proposal is designed with a frontage facing Kinaldie Crescent, and adequately demonstrates regard for the established pattern of development in the surrounding area, as required by the Council's 'Sub-Division and Redevelopment of Residential Curtilages' Supplementary Guidance.

### **Design & Materials**

The proposed house accommodates an integral double garage within a broadly L-shaped form, with pitched roof dormer windows present within the roofspace, which in turn would be formed using slate-effect tiles. Elevations would incorporate grey granite, white wetdash render and larch timber cladding. The 1 ½ storey scale of the building's public face, use of dormer windows, timber cladding and granite at ground floor are all found in properties on Kinaldie Crescent, albeit these component parts are presented in a slightly more contemporary arrangement. The properties in Kinaldie Crescent are characterised by single garages adjoining the side wall of the house, whereas a double garage would be incorporated within the proposed house. Nevertheless, the building's siting is such that this and the alternative building footprint would not be immediately apparent from the street and certainly not incongruous in the streetscape. Similarly, whilst the wallhead height appears to be higher than that of neighbouring properties, the overall scale of the 1 ½ storey frontage is considered to be sufficiently sympathetic to its context, and the increased set-back from the street and drop in ground levels is such that any differences between the design of the new house and its neighbours would not be to the detriment of the character and amenity of the area. It is therefore considered that the proposal demonstrates a high standard of design, which demonstrates due regard for the site's context and the surrounding built form, as required by policy D1 (Quality Placemaking by Design) of the ALDP.

### **Privacy, Amenity, Daylight, Sunlight**

The closest neighbouring properties would be numbers 22 and 20 Kinaldie Crescent, both of which would lie to the west of the proposed dwelling. The rear garden of no.22 lies to the north, with the rear garden of no.20 to the south and southeast.

In terms of shading, the proposed new dwelling lies to the east of its immediate neighbours, so morning shade would be most relevant. A submitted Sun Study shows that impact would be at its greatest during winter, when a significant proportion of the rear garden at number 22 would be shaded. At other times of year, the study demonstrates no significant shading impact on either of these neighbouring properties. It is noted also that number 20 is circa 21m away at its closest point, which is comparable to the 18m distance commonly recommended as being desirable for new residential layouts.

In terms of daylight, the neighbouring properties at 20 and 22 are sufficiently separated from the new dwelling to ensure that there would be no unacceptable loss of light to the windows of habitable rooms.

As regards privacy, the SW and NW elevations of the dwelling would face towards no. 20. It is noted that there are no SW-facing windows in the ground or lower ground floors. At first floor level there is a small en-suite window (which would normally be frosted and is otherwise not treated as a 'habitable room') in the SW gable, along with a dormer window into the master bedroom above the garage. This window looks towards the garden of no.20, but is circa 9.5m from the boundary, which is comparable to the depth of a residential garden in a modern development. An upper floor window to bedroom 3 faces back towards no.20, but at a distance of circa 24.5m, which does not give rise to any concern regarding loss of privacy. There are also two rooflights to habitable rooms, but these are also not considered to result in undue loss of privacy.

The new dwelling itself would be afforded adequate privacy to its habitable rooms and rear garden, and would not be unduly overshadowed by neighbouring dwellings or by the mature trees within the adjacent Walker Dam LNCS. In summary, the proposal is considered to provide a high-quality residential environment for those residing in the new dwelling, whilst also respecting the amenity, privacy and environment afforded to neighbouring residents. In this regard, the proposal is considered to accord with the aims of policy H1 (Residential Areas) and the relevant 'Sub-Division and Redevelopment of Residential Curtilages' Supplementary Guidance.

### **Impact on Trees & Landscape**

Whilst the proposal does not involve the removal of any existing trees, it is noted that there are a number of trees outwith the site but in close proximity to the site boundary. These include large mature trees within the Walker Dam LNCS. The submitted Tree Survey indicates that the house footprint is entirely outwith the Root Protection Areas of these large mature trees, which offers some reassurance that they would not be harmed as a result of the proposal. Appropriate conditions can ensure satisfactory tree protection measures are adopted to protect canopies and Root Protection Areas from encroachment during construction. Given the significance of the trees in the adjacent Walker Dam LNCS it is appropriate to require that tree protection fencing is inspected by a qualified arboriculturalist prior to works commencing. The Council's 'Trees and Woodlands' Supplementary Guidance highlights that it is also necessary to consider the relationship between trees and buildings to ensure that inappropriate siting does not lead to increased pressure for tree removal for safety reasons or to remove excessive shading. In this instance, the revised siting of the dwelling has taken it further away from the 'zone of influence', such that the retained trees should not be perceived as a safety risk. Whilst these trees are of a considerable size, they lie due east and the site is afforded a relatively open aspect to the south, such that there would be no excessive shading attributable to the trees within the Walker Dam LNCS. Having had regard to these matters, it is concluded that the proposal is consistent with policy NE5 (Trees and Woodlands) and the associated Supplementary Guidance.

### **Walker Dam LNCS and Protected Species**

The Walker Dam is identified as a Local Nature Conservation Site (LNCS), which is a non-statutory local designation relating to areas of local importance for nature conservation. This is described as 'a charming mixture of landscaped areas and semi-natural habitats', the main feature of which is the large pond with a small burn and areas of wet woodland. It is also recognised as being one of Aberdeen's more accessible areas of open water which, due to its location within a residential area of the City, is 'an important recreational and educational resource'. Earlier sections of this report have addressed the potential impact on existing trees, both as a direct result of the proposed works and the relationship between trees and the new dwelling, concluding that there would be no direct impact, nor any significant threat to the long-term retention of these mature trees as a result of the proposal. In this regard, the value of this locally designated nature

conservation site is maintained, consistent with policies NE1 (Green Space Network), D2 (Landscape) and NE8 (Natural Heritage).

As the proposal involves the demolition of the existing garage in a location of potentially good bat habitats and recorded activity, a bat survey was undertaken to explore this further. The survey concluded that the garage does not have bat roost potential and there was no evidence of bat activity. The survey further stated that the adjacent trees did not possess good roosting potential, and that the new house with its down lighters would not affect any bats foraging adjacent to these trees. In this regard, the proposal would not result in any adverse impact on bats in their capacity as a European Protected Species, and the proposal accords with the provisions of policy NE8 (Natural Heritage) of the ALDP.

### **Drainage and Flood Risk**

ACC's Flooding Team has highlighted a risk of surface water flooding affecting the site and has therefore recommended that, in addition to a scheme of drainage within the site to ensure that there is no additional discharge of surface water than presently exists, the applicants should also consider the use of permeable materials and rainwater harvesting within the proposal. In this instance it is considered that a condition requiring the use of these measures would be warranted. Subject to these measures, the proposal would not result in any additional surface water flowing from the site and surface water would be subject to appropriate treatment before discharge. On that basis, flood risk would not be increased and the water environment would be adequately protected, as required by policy NE6 (Flooding, Drainage and Water Quality) of the ALDP.

### **Low and Zero Carbon Buildings**

The Council's 'Resources for New Development' Supplementary Guidance is a relevant material consideration. No details of the incorporation of Low and Zero Carbon generating technologies or other compliance with this guidance has been provided in support of the application, and it will therefore be necessary to attach a condition to any consent in order to obtain such details and to ensure compliance, should members resolve to approve the application. This will also ensure compliance with policy R7 (Low and Zero Carbon Buildings and Water Efficiency).

### **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.

### **Matters raised in representations**

Matters relating to: potential loss of privacy; potential impact on amenity; loss of daylight and overshadowing; density, scale and design; accessibility and car parking; road safety; drainage and flood risk; and impact on existing trees have been addressed in the foregoing sections of this report. Other points are addressed below:

- *ACC responsibilities under Human Rights Act – person's right to peaceful enjoyment of all their possessions, including the home and other land.*

The planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community, and this balancing of interests is embedded in the policies of the Development Plan. Officers are satisfied that, having assessed the impact of the proposal on amenity, privacy and other factors as set out in the policies of the Development Plan, approval of the application would not be incompatible with the rights afforded under the Human Rights Act.

- *Potential for disruption and damage caused by construction vehicles/traffic*

Construction traffic associated with the construction of a single dwelling is not likely to be of any great intensity. It is regrettable that there can be a degree of disruption and disturbance during any construction works, however this is generally of a temporary nature and would not warrant refusal of this application.

- *Loss of existing views, due to the siting of the new house and the additional vehicles parked on-street*

The loss of a particular view is not a material planning consideration. The visual impact of the house in the context of the streetscape and surrounding pattern of development is discussed in earlier sections of this report, along with impact on the amenity afforded to neighbours, which would include any undue visual impact when seen from neighbouring gardens.

- *Undesirable precedent for development in rear gardens*

All planning applications must be considered on their merits, however planning authorities must also be mindful of the implications of any given decision. In this instance, the application site is far larger than other sites on Kinaldie Crescent and its shape is such that the proposed dwelling would not sit directly behind the donor property in an undesirable 'backland' form. In this regard, it is not considered that any unwelcome precedent would be set by approval of this application.

- *Structural damage to car-port at number 20, which sits on the site boundary*
- *Highlights that the garage to be demolished at 22 Kinaldie Crescent forms part of the boundary wall with no20.*

As a general principle, any property damage or intrusion into land owned by another party resulting from the implementation of a planning consent would be a civil matter between the two parties. This is not a material consideration.

- *Highlights earlier refusals and queries why access from Kinaldie Crescent should be any different*

The current application must be assessed on its merits and the refusal of an earlier proposal does not preclude approval in this instance. In particular, it is notable that the earlier proposal had involved a different means of access, across an area of open space, and had involved both the removal of existing trees and encroachment into the Root Protection Areas of several mature trees within the Walker Dam site. Furthermore, that decision was taken under an earlier Local Development Plan, the policies and supplementary guidance of which differ from the current Plan.

- *Contends that there is a surfeit of high-quality housing in the local area*

The planning process does not require an assessment of whether there is demand for this development.

- *Concerns regarding access to the site during construction*

The practicalities of accessing the site for construction of the proposed dwelling would be a matter for the appointed contractor to address, with due regard to property rights and existing rights of access, and is not something that is for the planning authority to address in this evaluation of the proposal's merits.

### **Matters raised by Community Council**

The local Community Council has expressed concern that the white rendered finish to parts of the dwelling would be detrimental to the Walker Dam's value as a wildlife habitat, specifically by discouraging a number of bird and animal species from frequenting this area. Having queried this matter with Environmental Policy colleagues, officers are satisfied that the white rendered finish on parts of the proposed building is not likely to give rise to any particular disturbance to wildlife or the



value of the Walker Dam as a wildlife habitat generally. There are also existing dwellings equally close to the Walker Dam, which could be painted without any requirement for planning permission.

### **Summary**

This application involves the construction of a single detached dwelling on a new plot, formed by sub-dividing the exceptionally large plot of number 22 Kinaldie Crescent. Both the donor property and the new dwelling would be afforded generous plots of their own, with no significant impacts on privacy or amenity to surrounding properties. Whilst the proposed dwelling takes advantage of the falling ground level to provide accommodation across 3 floors, it would not appear incongruous or out of place in the streetscape. Its scale and design are considered appropriate to its context and the density of the development is adequately compatible with the surrounding street pattern. The revised siting and footprint of the dwelling are such that it would not require the removal of any existing trees and would result in any impact on root systems. Relevant technical matters including adequate site drainage and tree protection during construction can be secured through the use of appropriately worded planning conditions. In conclusion, it is considered that the proposal demonstrates accordance with the provisions of the Development Plan, and that no material considerations have been identified that are of sufficient weight to warrant determination other than in accordance with the Plan.

### **RECOMMENDATION**

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Approve Conditionally

### **REASON FOR RECOMMENDATION**

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The construction of a new dwelling on this site is consistent with its location in a residentially zoned area. The site is of an adequate size to accommodate the proposed dwelling and provide sufficient private garden ground for both the new dwelling and the donor property. Whilst it would be sited further back from Kinaldie Crescent than is characteristic, it is nevertheless considered that the proposal would be consistent with the general pattern of development in the surrounding area, and the design and scale of the dwelling is appropriate to its context, consistent with policies D1 (Quality Placemaking by Design) and H3 (Density), as well as the relevant 'Sub-Division and Redevelopment of Residential Curtilages' Supplementary Guidance.

The application site is adequately accessible and makes provision for off-street car parking, as required by policy T2 (Transport and Accessibility), T3 (Sustainable and Active Travel) and the associated Transport and Accessibility supplementary guidance. Adequate provision can be made for drainage in accordance with a scheme to be secured by condition, as required by policy NE6 (Flooding, Drainage and Water Quality).

The proposal would not result in the removal of, or damage to, any existing mature trees, consistent with policies NE1 (Green Space Network), D2 (Landscape) and NE5 (Trees and Woodlands) as well as the associated supplementary guidance.

### **CONDITIONS**

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#### **1. Boundary enclosures**

The dwelling hereby approved shall not be occupied unless the site boundaries have been enclosed in complete accordance with a scheme submitted to and approved in writing by the planning authority - in order to preserve the amenity of the neighbourhood.

**2. LZC compliance**

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

**3. Drainage scheme**

No development shall take place unless a scheme of all drainage works designed to meet the requirements of Sustainable Urban Drainage Systems has been submitted to and approved in writing by the planning authority and thereafter no part of the development shall be occupied unless the drainage has been installed in complete accordance with the said scheme (which shall include provision for the use of permeable surface materials and harvesting of rainwater) - in order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

**4. Car Parking**

The dwellinghouse hereby approved shall not be occupied unless provision has been made within the site for the off-street parking of motor vehicles in complete accordance with Plan No. or such other scheme as may be subsequently approved in writing by the planning authority - in the interests of road safety, the free flow of traffic and visual amenity.

**5. Tree Protection and Supervision**

No development shall take place unless the planning authority has approved in writing a scheme for the supervision of the arboricultural protection measures and works that have been approved by the planning authority for the construction phase of the development. Thereafter, development shall be undertaken in full accordance with the agreed scheme. Such a scheme shall include the timing and method of site supervision and record keeping. Supervision shall be carried out by a qualified arboriculturalist approved in writing by the planning authority but instructed by the applicant - in order to ensure adequate protection for the trees on site during the construction of the development.

**6. No activity within RPAs**

No materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the planning authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks - in order to ensure adequate protection for the trees on site during the construction of the development.

**7. Additional Tree Work**

That any tree work which appears to become necessary during the implementation of the development shall not be undertaken without the prior written consent of the planning authority; any damage caused to trees growing on the site shall be remedied in accordance

with British Standard 3998: 2010 "Recommendations for Tree Work" before the building hereby approved is first occupied - in order to preserve the character and visual amenity of the area.

## **ADVISORY NOTES FOR APPLICANT**

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### **Construction hours**

In the interests of protecting neighbouring properties from undue disturbance, it is recommended that no construction or demolition work shall take place:

- (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;
- (b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or
- (c) at any time on Sundays,

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

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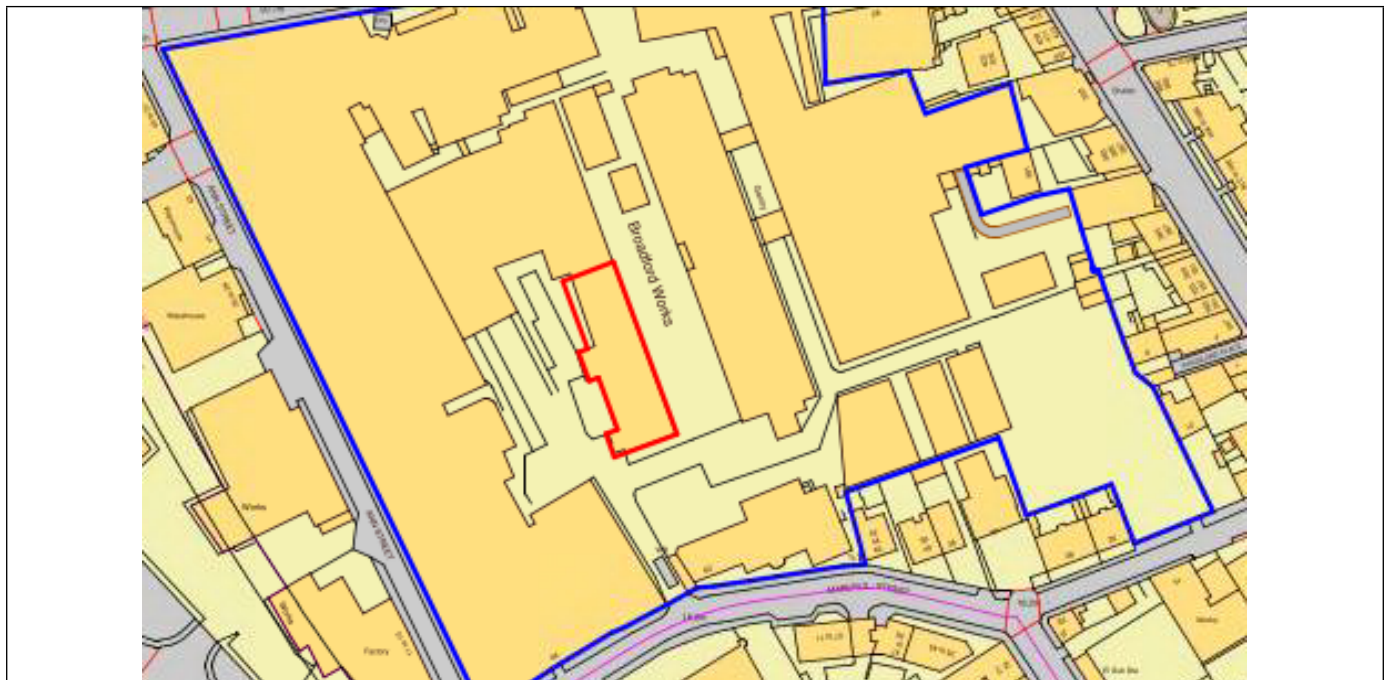


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 20 September 2018**

<b>Site Address:</b>	Grey Mill Building, Broadford Works, Aberdeen,
<b>Application Description:</b>	Substantial demolition of Grey Mill building (including: South Mill, Old Mill and stair tower); temporary stabilisation of remaining southern gable, (North Mill and New Mill also to be retained)
<b>Application Ref:</b>	180535/LBC
<b>Application Type</b>	Listed Building Consent
<b>Application Date:</b>	3 April 2018
<b>Applicant:</b>	Ferness Investment Holdings LTD
<b>Ward:</b>	George Street/Harbour
<b>Community Council</b>	George Street
<b>Case Officer:</b>	Lucy Greene



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### **RECOMMENDATION**

**Approve conditionally**

## APPLICATION BACKGROUND

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### Site Description

The Grey Mill sits centrally within the wider Broadford Works site, which is covered by a single Category A listing. The Broadford Works site lies to the north edge of the City Centre and is bounded by Maberly Street, Ann Street, Hutcheon Street and George Street.

Broadford Works was in continuous operation as a textile manufacturing site since 1808, until 2004. The buildings within the site were constructed over the course of almost two hundred years, and “represent an important historical evolution of building form and construction paralleling with the development of textile manufacturing processes” (Conservation Plan for Broadford Works, Page and Park, June 2000).

The application premises are known as ‘Grey Mill South’, however, there several elements:

**Old Mill** – the oldest building at Broadford and the oldest iron framed structure in Scotland. This is thought to be the fourth oldest in the world. The Old Mill is a fireproof spinning mill, completed in 1808, by Fenton Wood & Murray. It is four storeys in height, now with flat roof and with granite mass masonry walls. The slender, tapering, cruciform cast iron columns support cast iron beams, which in turn support shallow brick arches (jack arches), that carry the floors. The design of the frame was correlated with the machinery inside and outside, with building and equipment being ‘one’. It was built for the steam driven spinning and preparation of flax. The Page and Park Conservation Plan describes the Old Mill as “of prime importance and whilst now embedded between South Mill and North Mill, its significance and sensitivity should not be under-estimated in considering its potential for re-use.”

**South Mill** – dating from c.1820 and built onto the Old Mill, the South Mill is the third oldest fireproof spinning mill in Scotland. This is four storeys in height with a pitched slated roof that contained rooflights (the glazing has been missing for some time). The south gable of the South Mill terminates in a plinth, on which previously stood a bellcote, this granite gable containing window openings, is visually prominent upon entering Broadford Works via the main gates on Maberly Street. Around 1920 a red brick stair was added to the south east corner of the building. The tower is surmounted by ball finials and external metal fire escape stairs.

**Stair and toilet tower** – this is similar in appearance and age to the stair tower noted above. The tower extends across the full width and was added in between the Old Mill and South Mill. It is located where the Engine House and Boiler House to the Old Mill were previously located. Elevated in red brick with stone dressings and ball finials to the east elevation and granite to the west elevation, the east side of the tower contains the entrance.

### Relevant Planning History

**180537/DPP** – A current undetermined planning application by the same applicant for the erection of a replacement building to contain 36 flats on the footprint of the Old Grey Mill/Grey Mill South that is proposed for demolition by this application. The proposed structure would be built off the retained south gable and would form a separate building of similar height to the gable. A pend would be formed between the proposed replacement building and the retained Grey Mill North.

The following two applications have been approved this month for the site-wide redevelopment and refurbishment of all other buildings on the wider Broadford Works site.

**180530/MSC** - Matters specified in conditions (1) Phasing, (2) Siting, Design, (3) Landscaping, (4) Townscape features, (7) Parking - cycle and motorcycle, (9) Transportation infrastructure, (10) Local road improvement, (11) Junctions, (13) Traffic management, (14) Drainage, (15) Air quality, (16) Noise assessment, (18) Contaminated Land, (20) Refuse/recycling, (21) Ventilation and filtration, (22) Heating network, (23) Zero and low carbon and (24) Archaeological work, relating to Planning Permission in Principle 160150 for residential led mixed use development.

The building work relates to the conversion of all existing buildings (except the Grey Mill) and the erection of eight significant structures, including a two storey roof extension to the 'Red Mill', structure behind a retained façade on Hutcheon Street, large extensions and high quality public realm works.

**180531/LBC** - Various alterations and restoration works.

This listed building consent application includes the retention and conversion of all the buildings, except the Grey Mill, that remain on the site.

**Planning Application in Principle 160150** - Residential led (c.890 units) mixed use development, incorporating conversion of Listed Buildings. Named uses include apartments for rent; student residential accommodation; leisure; creche/nursery; restaurant; cafe and bars; office; retail; concierge facilities; reuse of "Grey Mill" building as studio workshop, live/work and gallery space; public realm; car parking; and ancillary works. **Approved conditionally with legal agreement 29.07.2016**

In 2000 the Council commissioned the Conservation Plan (the 'Page and Park Conservation Plan') and Development Study for the site. The development study proposed retaining and refurbishing as many of the existing buildings as possible for reuse, whilst using unobtrusive, peripheral parking which did not intrude upon the sensitive spaces at the core of the site. Any planning application for development of the site was therefore expected to be a conservation-led scheme conforming to the general principles contained in the development study and subsequent design brief.

In 2004, an application for planning permission and listed building consent (ref A4/1262) for conversion of the redundant mill buildings to provide 221 flats, the erection of 177 new build flats, and the provision within existing buildings of retail floor space (2450 sq.m.), a public house (530 sq.m.), a restaurant (250 sq.m.), offices (900 sq.m.) and 501 car parking spaces, was submitted. In August 2007, a report was presented to the Planning Committee with a recommendation of approval, but the Committee disagreed with the recommendation and refused the application on grounds relating to :- the lack of affordable housing; the scale of development in relation to the approved development brief; and, the inclusion of a large scale retail element which could be detrimental to existing outlets on George Street.

That decision was appealed and in February 2010 the Reporter (after issuing a letter of intent in June 2008) granted planning permission, subject to conditions and a legal agreement, but refused listed building consent. The Reporter concluded that the exceptional development costs attached to the site, especially associated to decontamination and cross funding required to secure the

preservation of the listed buildings, would leave insufficient residual value to provide the 10% affordable housing required through policy. He also considered that the impact of the new build elements of the proposal, including the proposed 10-storey building at the corner of Hutcheon Street and Ann Street, would be unlikely to result in a significant adverse impact on residential amenity or on Hutcheon Street. In addition he considered that there was no basis for refusal on the grounds of retail impact, particularly as the Council had previously approved the design brief which advocated a mixed used development, including retail uses. The parallel appeal in respect of Listed Building Consent was dismissed on the grounds that the application as submitted and subsequently amended, lacked significant amounts of detail and therefore could not satisfy the Reporter that the proposal would preserve the listed buildings, their setting or any features of special architectural or historic interest.

In 2012, a revised proposal (Ref 120048) for detailed planning permission for a “proposed urban village (mixed development)” including the: restoration and conversion of Listed Buildings, demolition of various other buildings to provide: 517 flats (175 via conversions); 4525m<sup>2</sup> of non-residential uses (c. 1975m<sup>2</sup> of ground floor retail; 1900m<sup>2</sup> of storage; a 450m<sup>2</sup> nursery and a 200m<sup>2</sup> restaurant); 569 surface and basement car parking spaces and associated works”. The changes to the previous Reporter approved scheme can be summarised as follows:

- The retention and restoration of 11 mill buildings, rather than 13;
- The submission of a Listed Building application to cover the demolition of all other buildings;
- The creation of 7 individual development packages (see attached plan), 5 of which were a combination of listed building and new build opportunity;
- The detailed design of all aspects of the proposed development, from services through to car parking, in such a way that the individual packages could come forward in any order, even all at once; and
- An additional 119 mainly new-build dwellings taking the total dwellings to 517, with 569 car parking spaces many of which were to be in basement parking.

That application was refused against recommendation by the Development Management Sub-Committee in August 2012, and again that decision was appealed. In May 2013 the Scottish Ministers issued a letter of intention stating that they intended to approve the application, subject to a legal agreement being agreed between the Council and the developer. This agreement was concluded and planning permission granted on 30 September 2014.

A parallel application for Listed Building Consent for the demolition of listed buildings (No's 8, 18, 19, 20, 21, 22, 23, 25, 26a, 27, 28, 29, 30, 32a, 47, 51, 52, 52a, 55, 87, 88, 89, 90, 90a, 91, 92, 93, 94, 95, 97, 100, 101) was also approved by Scottish Ministers on 31 January 2015. The demolition of those buildings has been carried out.

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

The proposal is for the demolition of the Old Mill, dating from 1808, the stair and toilet towers, dating from the 1920s and the South Mill, dating from 1820, with the exception of the south gable wall. The gable would be retained and propped for later incorporation into the proposed replacement building that is the subject of a separate undetermined application, as noted above.



## 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=P6M967BZ01U00>.

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

Report from the District Valuer, dated 7 September 2018  
Response to District Valuer, by Quod, dated 10 September 2018  
Investigation into the Condition of Old Mill and South Mill by Scottish Historic Buildings Trust, February 2018  
Grey Mill Addendum Structural investigation Report Revision 1, Cameron+Ross, March 2018  
Grey Mill Structural Investigation Report, Cameron+Ross, March 2018  
Demolition Method Statement, Beattie Demolitions, March 2018  
Demolition Proposals Report, Cameron+Ross, March 2018  
Library of Defects and Repairs Strategies  
Planning Statement, Ryden, March 2018  
Grey Mill Structural Condition Review, Arup, August 2016  
Old Mill and South Mill Heritage Statement: Case for Listed Building Consent, Hurd Rolland, March 2018  
Appendices 1 – 46 – Background information.

## Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because there are fourteen letters of objection, which means that the application falls outwith the Scheme of Delegation.

## CONSULTATIONS

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**Historic Environment Scotland** – The full response from HES is included below in Appendix 1. HES describe the protracted period of site, site visits and investigations and discussions with the Council, to try to find a viable solution that avoids demolition. It is noted that these included engaging both the HES engineer, and a specialist conservation engineer to investigate potential repair schemes and the estimated cost. There is now significantly more information on the structural condition and viability of any regeneration, than was previously available. This has revealed a significantly high cost of repair that HES state would be unlikely to offset by any possible grant from themselves.

HES summarise the applicant's submission in respect of the HESPS 'tests for demolition':

Test a. that the building is not of special interest.

- Despite its condition, the buildings retain their special interest and the case is not presented on this test.

Test b. The building is incapable of repair

- Noted are the submissions, including extensive structural condition reports. These highlight the seriously poor condition of the buildings and unstable ground.
- There are differing views from different engineers, however, it is concluded by HES that, at this point, a case for demolition solely under test b. has not been conclusively demonstrated.

Test c. the demolition of the building is essential to delivering significant benefits to economic growth or the wider community

- HES comments that there is no evidence that the benefits of the scheme could not be achieved through a proposal that includes the retention and conversion of the Old Grey Mill.
- It is noted, however, that the disproportionate costs of repairing the Grey Mill could cause the entire project to be abandoned, and HES advises that if the Council finds that the overall scheme delivers substantial economic or community benefits (on at least a regional level), and the high repair costs threatens those, then there would be a strong argument to allow demolition.

Test d. the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

- Notes that the applicant has assessed the costs of four options including the retention and repair of the Old Mill, as well as the scheme as proposed, ie the demolition of the Old Mill, with retention of the south gable, and erection of a new replacement building.
- It is acknowledged that the applicants appear to have set out a robust case showing that repair and retention is unviable.
- It is suggested the Council may wish to satisfy itself on the robustness of the financial assessment of the case, notes that the Council is seeking independent advice and, HES also notes that the purchase price of the site would be of interest.

In conclusion, HES notes several points:

- Previous planning approvals and efforts over the years to find a restoring purchaser for the whole Broadford Works complex.
- The currently presented opportunity to regenerate the site under a single cohesive scheme.
- Although not conclusively proved, there is a strong case under test b. that repairs would be at a very considerable cost.
- That public benefits could be lost if the costs of repair jeopardise the scheme for the whole site.
- The following questions are identified as being key:
  1. Whether the costs of repair (and additional costs of reusing the building) are possible within the overall scheme, or is the 'conservation deficit' too much for anyone to bridge. (test d)
  2. Whether the high costs of repair would threaten the substantial benefits that the overall scheme could bring. (test c)

- Setting aside the discussion over retention of the building, if this is not possible and only part of it may be retained (proposed to be the south gable, under the current application and planning application Ref. 180537/DPP), HES requests clarification over whether more than just the gable could be retained – whether there is scope to retain and prop the end section of the South Mill, retaining the early internal structure for a few bays is considered worthwhile.

## **REPRESENTATIONS**

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Fourteen letters of objection were received, including from the Architectural Heritage Society of Scotland, Aberdeen Civic Society and The Scottish Civic Trust. These made the following points:

1. The Grey Mill has been neglected, which is shameful. Repairs should have been carried out in the past. It is not acceptable that owners allow buildings to deteriorate and be vandalised, then claim that repair is unviable.
2. The building is an important part of Aberdeen's history, with the two structures (Old Mill and South Mill) making up the oldest iron-framed mills in Scotland and should not be destroyed.
3. With such great engineering history in Aberdeen, it must be possible to find a way to both solve the engineering problem and to save and find a re-use for the building.
4. That previous approved planning applications have always included the Grey Mill for retention and it is extremely concerning to see the reversal of the approach.
5. When the developer took on the A listed site, it was known that the buildings are at risk, and expensive to repair. There should therefore be a willingness to conserve them.
6. The costs of repair based on 'visual inspection' should not be taken at face value.
7. That the proposal is based on profit, not conservation. It has already been agreed that the developer does not have to contribute towards affordable housing, and heritage should not be similarly sacrificed.
8. Retention of a single façade is queried as not enough and inappropriate, due to others being visible.

## **MATERIAL CONSIDERATIONS**

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### **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.

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

## **National Planning Policy and Guidance**

Scottish Planning Policy (SPP)

Planning delivery advice: build to rent (September 2017) – builds on advice in the SPP.

Historic Environment Scotland Policy Statement 2016 (HESPS)

Managing Change in the Historic Environment: Demolition

## **Aberdeen Local Development Plan (2017)**

Policy D4 – Historic Environment

Policy D5 – Our Granite Heritage

## **Supplementary Guidance and Technical Advice Notes**

Broadford Works Design Brief

## **Other Material Considerations**

Page and Park Conservation Plan for Broadford Works

## **EVALUATION**

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### **Principle of Development**

The matters for consideration are:

1. Does the proposed demolition pass any of the tests set out within HESPS, that would justify demolition?
2. If demolition is justified in principle, could any additional fabric be retained?
3. If demolition is justified how might it be ensured that any demolition does result in the restoration and regeneration of the site as a whole?
4. Are there any other material considerations, including those raised by objectors?

### The HESPS Tests

HESPS contains national policy relating to the determination of the application for the demolition of listed buildings. Paragraph 3.38 states the presumption against demolition or other works that adversely affect the special interests of a listed building or its setting.

The buildings that are the subject of this application consist of the Old Mill (1808), the oldest iron framed fireproof mill in Scotland, the South Mill (1820) also one of the very early iron framed fireproof mills, and two red brick stair and toilet towers that were erected in the 1920s. One of these was erected between the Old and South Mills and it is suspected that the weight of this on the foundations, which bear onto peat, has pulled down the structures either side, causing some of the damage that is evident today. The rooflights were also broken out at some point in the last few years, and water has entered the buildings, causing the washing out of mortar in the brick jack arches, and the failure of large areas of plaster on the ceilings. Notwithstanding the derelict

condition of the buildings, their special interest remains. The Page and Park Conservation Plan assesses the Old Mill as “of prime importance and while now embedded between South Mill and North Mill, its significance and sensitivity should not be under-estimated in considering its potential for re-use”. Its significance is assessed as historically very important, architecturally very important and in terms of townscape, very important. The special interest lies in the fact that these were some of the very first buildings of their type. The Old Mill was specifically built as a mill powered by a steam engine, which drove machinery that was fixed into the various floors of the building. The form of the floors results in the building being fireproof in that there was no timber used in the construction. Slim, tapered, cast iron columns support beams on which were built relatively shallow brick ‘jack’ arches that span between the beams, supporting the floors above, which are of stone slabs.

Paragraph 3.42 of HESPS outlines the matters that will need to be evidenced by an applicant, to justify an application for demolition, at least one of the Tests needs to be met for the demolition to be justified:

Test a. that the building is not of special interest:

The applicant does not present a case under Test a. It is clear that the buildings retain their special interest despite the state of deterioration so demolition is not justified under this particular Test.

Test b. that the building is incapable of repair:

The applicant’s submissions present a case for demolition under this Test. A number of engineers have advised on the building, and much information is included in the submissions. These include a report by Cameron & Ross, with peer review, by Arup. The engineers agree that in principle, some form of ground stabilisation and piling would be necessary, prior to structural repairs to the superstructure of the building. The applicant’s engineer reports that the buildings are too fragile and unsafe to prop and that paying due regard to health and safety considerations means that the works are not possible. A further consideration is the restricted floor to ceiling height together with the proximity of columns, all of which combine to present great difficulty in creating a safe working environment, in the form of a ‘crash deck’, including one in which piling machinery could manoeuvre. The engineers disagree over the feasibility of this, although all agree that it would be awkward and expensive. The Aberdeen City Heritage Trust, together with the City Council commissioned an independent study by the Scottish Historic Buildings Trust, the engineering advice was provided by an experienced Conservation Accredited Structural Engineer, David Narro. This work concluded that it would be possible to repair the buildings, although at great cost. The applicant’s engineer maintains the view that the propping of the building is too dangerous, however, he has submitted a theoretical propping proposal that has been costed by a quantity surveyor.

It is acknowledged that there is a difference of opinion between the various engineers. In view of the conclusion reached by the Conservation Accredited Engineer, David Narro, that the works are achievable with mini piling and temporary support of the building, it is considered that the case is not made under Test b.

It is noted, however, that David Narro reports the works to be complex, and expensive. The indications are that the building continues to deteriorate. At present it is repairable at significant

cost, however, all the engineers acknowledge that there is a finite period of time until the buildings become beyond repair.

Test c. the demolition of the building is essential to delivering significant benefits to economic growth or the wider community

The application under consideration is one of four applications that were submitted together. The implementation of the other applications would result in the regeneration of the entire Broadford Works site, including restoration of all buildings remaining on site – the Grey Mill North, the iconic Red Mill, the buildings along Maberly Street and Ann Street, the lodge, a further mill within the site, and the façade retention scheme for red brick façade that remains next to Bavaria Auto Works garage on Hutcheon Street, as well as a full façade retention of the ‘Winding and Warping’ building close to Hutcheon Street. The two chimneys and the former hose drying tower are also proposed to be retained. This is as part of a proposal to develop a mixed use urban village, in line with the Planning Permission in Principle that was granted in 2016, and providing 425 flats and 430 student bedrooms, office space, shops and cafes. The proposal would also see high quality landscaping with the reuse of granite setts, cast iron lampposts and structured tree planning with seating areas and amenity spaces for residents. The site would be opened up to public access between Maberly Street and Hutcheon Street and would form a new and unique place in the city. Given the history of the site, its place in the City’s collective memory and the fact that it is a nationally significant collection of Category A listed buildings, the public benefits of the proposal are considered to be on the regional level.

The demolition of the Old and South Grey Mills is proposed, with a replacement building on a similar footprint, built onto the retained gable, and leaving an open pend between the new build and the Grey Mill North.

The applicant has submitted information about the development finances to support the assertion that the proposals for the Broadford Works site as a whole would be threatened by the substantial cost and complexity of retention and refurbishment of the Old and South Grey Mills. The applicant presents the case that they are beyond repair, but also argues that even if repair is possible (as asserted by others) both the costs of repair and financial return on a re-use, given the configuration of the floorspace, with the restricted height and density of columns would result in a scheme across the whole site that is unviable.

The discussion on this is described in more detail under Test d. below, however, it is considered by the planning authority in this instance that if Test d. is found to be proven, ie, that repair is not economically viable, then Test c. is also proven, that the demolition is necessary in order to realise the public benefits of the development providing significant benefit to the community.

Test d. the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

In order to fully and independently assess the economic viability of the proposal, the District Valuer (DV) was engaged by the Council to provide an independent view on the development finances and whether the repair of the Old and South Grey Mills, as part of the site-wide regeneration, would ‘stack up’. The District Valuer’s report is available [online](#) and confirms that the site-wide proposal including retention and re-use of the Grey Mill, would result in a multi-million pound

deficit. The assessment that was carried out involved having access to the applicant's financial modelling based on industry standards. The site has been on the market for a prolonged period of time since the closure of Richards Works and, as noted in the planning history, and by HES, there have been significant and unsuccessful previous efforts to facilitate a restoration scheme coming forward. At this point, the applicant has an approved scheme to regenerate the entire site, and has engaged in extensive discussions, as well as having submitted applications for the detailed works. This, together with the DV having corroborated the conclusion on viability, would appear to provide a basis on which to conclude that Test d. has been met.

Looking in further detail at the DV's report on economic viability, the DV further notes that: the site-wide proposal, including demolition of the Grey Mill and the erection of replacement building, would also result in a significant deficit; and, further queries the price paid for the site given that deficit. By way of explanation on these points, the applicant's agent, Quod, has provided commentary that is also available [online](#). It is stated that the proposal provides the opportunity to deliver a substantial investment asset, whereby a significant amount of capital would be employed in the Aberdeen market. The applicant intends to retain ownership of the site rather than sell the site as predicated in the viability assessment that has been carried out and is, therefore, interested in a long term rather immediate short-term yield from the site, as a priority. In layman's terms this means that the site owner / investors will receive rental income from the site in the long term, and the size of the site and development increases the attractiveness of this opportunity. This sort of long term return on investment is not reflected in the standard viability assessment that has been carried out which is predicated on value at a fixed point in time.

Taking the foregoing into account it is stated that, whilst the yield is lower than would usually be targeted, it does not represent a deficit when assessed on this long term commitment and could be delivered on this basis.

Both Quod, and the Council's own surveyors confirm that the methodology for assessing site viability used to produce the financial information assessed by the DV, is 'industry standard'. The basis for this method, is that the development is sold at completion, rather than retained as a long-term investment. Using this standard methodology for assessment of viability means that it is a workable, consistent and fair approach, whereby account cannot be taken of different applicant's investment proposals. The planning authority accepts advice from property specialists that this methodology and the conclusions reached are reasonable and representative of the financial position.

In terms of the price paid for the site, Quod confirms that the contract to purchase was entered into in August 2015 and payment made in 2017. Since 2015 there have been changes in the market that have been unhelpful, the scheme has been further developed and the proposals now put forward are deliverable.

In conclusion, determination of the application needs to be made at this point in time with the information before the planning authority. The Old and South Grey Mills are considered repairable, but at great expense and re-use options are limited by the type of structure, which further affects viability. The significance of the buildings is in their construction, rather than external appearance, therefore façade retention is not a worthwhile approach. Nevertheless, the question of possible retention of further fabric is considered below. In principle, however, it is apparent that in order to realise the considerable community wide benefits of the site wide proposal, it is unfortunately the

case that an attempted repair of the Old Grey Mill and Grey Mill South would render the proposal unviable. It is therefore considered that both Test c and d are met.

### Retention of fabric

The issue was raised by HES, of retention of more fabric than the proposed gable of the South Mill. The architects worked up options for this, based on retaining the gable and one bay, or the gable plus two bays. Issues arose because floor levels between the proposed new build scheme and the existing building, do not tie in, there is a difference of between 725mm and 1030mm, depending on the floor level in question – this is because floor to ceiling heights in the new build scheme differ from those in the existing building. It is also noted that the end bay / section of the Grey Mill South looks to have been a later addition, albeit contemporaneous with the original. The structure differs between the end bay and the other bays, leading to a further inconsistency.

Elevations were prepared, showing the implications of retaining further fabric. These show the retention of one bay, with the new build scheme as proposed under application Ref. 180537/DPP. The retention of the end bay on the eastern side of the building would mean that the retained fabric would be the red brick tower, which is itself a later addition. Whilst the red brick tower has townscape value as it ties in with red brick towers on the Grey Mill North and building 09/10, what is being sought by HES is the retention of the fabric of the Grey Mill South.

On balance, it is concluded that the retention of fabric does not achieve a great deal, partly because the end section of the Grey Mill South is a later addition, and the red brick tower an even later addition (1920s), and also because architecturally it does not work well with the proposed new build, nor is it apparent how a new built scheme would be differently designed to both provide floorspace and to tie in new and old fabric. The gable retention is considered to be a neater approach whereby the distinction between old and new is very clearly defined.

### Site-wide development

As noted above, it is considered that Tests c. and d. have been met. This would mean that demolition could be justified by the fact that the deliverability of the site-wide scheme is linked to allowing the removal of the Old Grey Mill. It is therefore necessary to consider to what extent there can be surety that the site-wide scheme would be delivered and that a worst-case scenario could not occur, whereby the Old Grey Mill and Grey Mill South were demolished and development did not take place.

In order to go some way towards ensuring that the demolition would lead to regeneration of the listed structures, it is proposed to attach a condition should consent be granted. The condition would ensure

- Firstly that demolition could not take place until contracts are signed for the works to at least the two phases of the wider Broadford Works site that contain the most significant buildings; and,
- Secondly that a construction programme should be submitted that involves at least six months of works to take place within those phases prior to demolition taking place.

The submission of the construction programme (prior to any development) would allow the planning authority to agree the works that would take place before demolition was permitted. It is considered that this suggested condition achieves the reassurance described above, whilst



affording a degree of flexibility to be agreed with the planning authority should valid construction programme issues emerge. It is acknowledged in this that the site is complex and there will be a higher than usual level of uncertainty due to the nature of the buildings and sheer size of site.

### Material Considerations

The flats are now all proposed to be 'build to rent' (BTR), rather than a mix of flats for sale as was proposed under the PPIP. Although this is not something normally controlled under planning, and is not in this instance, it is noted that the Scottish Government wishes to encourage a growing BTR sector, with the benefits being seen as the ability to provide housing quickly, facilitating mobility of labour and economic benefits for employees seeking to expand their workforce. BTR flats are also noted in the SG's Planning Delivery Advice, as a possible catalyst for larger development sites, where they quickly establish a sense of place. In this instance, it is to be welcomed that the current move to BTR is providing an opportunity for the site-wide development, with an approach to financial returns that appears to facilitating development of the site as a whole. It is the regeneration of the listed site, that is considered justification for the demolition that is the subject of this application.

### Policy D4 – Historic Environment and D5 – Our Granite Heritage

These policies seek to preserve historic and listed buildings, whilst policy D4, refers to the precursor of HESPS (SHEP), SPP and supplementary guidance. In this instance the Managing Change Guidance on Demolition is relevant.

In relation to demolition of listed buildings, HESPS contains 'tests' that are the same as those that were included in SHEP. HESPS is therefore the relevant national policy in terms of compliance with the above policies.

As outlined above, a case has been made for demolition, in terms tests c and d in HESPS and the proposal therefore complies with the first part of Policy D4.

Policy D4 also refers to archaeology and states that where preservation of the site in situ is not possible, then arrangements must be made for the full recording of the site. The Page and Park Conservation Plan includes a list of 'Essential Actions' at section 7.0. Both of these would be covered by conditions requiring: recording of the buildings to be removed, archaeological investigation of the area of the site covered by this application; recording of the features and findings of the above, publication of the records above.

Policy D5 relates to retention of granite buildings. Whilst for the reasons outlined above, it is considered that demolition is justified, it is proposed to attach a condition requiring submission of a scheme for the retention and re-use of granite and other materials from the Grey Mills.

### Matters Raised in Objections

1. *The Grey Mill has been neglected, which is shameful. Repairs should have been carried out in the past. It is not acceptable that owners allow buildings to deteriorate and be vandalised, then claim that repair is unviable.*

It is acknowledged that the Grey Mill has become derelict over the years since the Works closed. During this time there were efforts made to find a restoring purchaser, including planning permissions approved and schemes worked up to show how the site could potentially be packaged up for different developers. It is a very large site, which is difficult to develop other than as a whole. It is extremely unfortunate that buildings have deteriorated to the extent that exists. The current applicant has owned the site since 2017 and has been in discussions with the planning authority prior to this time. At this point, a decision is required to be made on this application, on the merits of the proposal that is before us.

- 2. The building is an important part of Aberdeen's history, with the two structures (Old Mill and South Mill) making up the oldest iron-framed mills in Scotland and should not be destroyed.*

The presumption is in favour of retention of the buildings. The entire site is Category A listed, which indicates that it is of national importance. Of the buildings on the site, the Old Mill is the most historically significant. Other buildings on the site trace the development of advances in the techniques of industrial building, so that the site as a whole tells this story. There has been rigorous examination of the submissions made by the applicant, including taking advice from an independently engaged Conservation Accredited Structural Engineer, and from the District Valuer. To refuse permission for the demolition would bring into question the viability of the entire scheme, which involves the restoration of all the other buildings existing on the site. These are significant Category A listed buildings in their own right, in terms of both historic and architectural interest, as well as the site as a whole being a unique part of the history of the City.

- 3. With such great engineering history in Aberdeen, it must be possible to find a way to both solve the engineering problem and to save and find a re-use for the building.*

As noted above, in respect of test b. there is believed to be an engineering solution that would allow repair of the Grey Mill in its current state. It is acknowledged that this is extremely expensive, such that it is beyond the scope of grant aid, as confirmed in the HES consultation response. However, the proposal would not be approved based on Test b., that it is beyond repair.

- 4. That previous approved planning applications have always included the Grey Mill for retention and it is extremely concerning to see the reversal of the approach.*

It is the case that the Planning Permission in Principle included the retention of the Grey Mill. The applicant's working up of a scheme for the site has identified the significant cost of repairing the building, the income that would be generated by the building when repaired, and the cross funding that could be provided by the development of the site as a whole. A financial assessment was submitted that shows an overall scheme including the repair and reuse of the Grey Mill, to be in significant deficit. The assessment shows the overall scheme including removal of the Old / South Grey Mills to be also in significant deficit, however, the difference between the two is very significant. These assessments have been considered independently by the District Valuer, who also acknowledges the unviability. As noted above, the applicant intends to retain the site and the long term income stream renders the site viable when

considered as that particular form of investment. However, as confirmed in the Quod statement dated 11 September 2018, this is at the lower end of viability. For this reason, as noted above, the demolition is considered to be justified under HESPS Tests c. and d.

5. *When the developer took on the A listed site, it was known that the buildings are at risk, and expensive to repair. There should therefore be a willingness to conserve them.*

This point is covered by much of what is said above. The combination of the market having changed, and further structural investigation having been carried out has contributed to the current application.

6. *The costs of repair based on 'visual inspection' should not be taken at face value.*

As noted above, the engineers' reports have not been taken at face value and have been fully interrogated.

7. *That the proposal is based on profit, not conservation. It has already been agreed that the developer does not have to contribute towards affordable housing, and heritage should not be similarly sacrificed.*

The applicant would not be investing in the site at all if there was not some yield from the scheme. This is a necessary in order to realise the public benefits of restoring the Category A listed site. It should also be borne in mind that 11 "buildings at risk" are proposed to be retained and regenerated in the site wide development. The Grey Mill (including Old Mill, South Mill, New Mill and red brick towers) is listed as one "building at risk" and the application would result in the loss of approximately half of the built fabric.

8. *Retention of a single façade is queried as not enough and inappropriate, due to others being visible.*

The historic significance in the Grey Mill is in its internal structure, this is in a serious state of disrepair and the oldest part is located centrally within the area proposed to be demolished. The facades themselves have architectural and townscape value, however, they are not of the same significance. The gable façade of the South Mill faces the site entrance and is visible in longer range views and from the street. It is considered a valid approach to retain this façade, which would be incorporated as part of a coherent design into the new build, the latter being the subject of a separate application.

## **Bats**

With regard to the possibility of bats using the buildings proposed for demolition, PPIp application Ref. 160150 confirms following a bat survey that there was no sign of them and little potential, due to damp.

## **RECOMMENDATION**

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**Approve conditionally**

## REASON FOR RECOMMENDATION

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The application proposal to demolish the Old Mill and South Mill elements of the Grey Mill is considered to be justified as the applicant has provided evidence, which has been independently verified, that if the site-wide proposals included the retention and repair of the Old and South Mills the entire development would be rendered unviable. The site-wide proposal involves the repair and retention of the remaining 11 Category A listed “buildings at risk”, and the remaining half of the Grey Mill, (known as New Mill), as part of a high quality mixed use development that will create a sense of place within the historic category A listed Broadford Works complex, with public access through the site and a high quality landscaping works including structured planting, the re-use of stone setts and cast iron features and areas of seating. It is considered that the scheme as a whole would result in public and community benefits on a regional level. With the attachment of conditions that require a signed building contract to be in place, and agreement with the planning authority over works that will take place prior to development, it is considered that the approval of the application is justified on the basis of Test c. and d. in the Historic Environment Scotland Policy Statement (HESPS), and accords, therefore, with Scottish Planning Policy and Policy H4 ‘Historic Environment’ in the adopted Aberdeen Local Development Plan.

Old and South Grey Mills are considered repairable, but at great expense and re-use options are limited by the type of structure, which further affects viability. The significance of the buildings is in their construction, rather than external appearance, therefore façade retention is not a worthwhile approach. Conditions would be attached to require the recording of the building as it stands, recording of archaeological finds and the reuse of elements of the fabric of the building, all in accordance with Policy D4 and D5 in the adopted Aberdeen Local Development Plan.

## CONDITIONS

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1. That the demolition shall not take place unless there has been submitted to, and agreed in writing by, the planning authority:
  - a. a signed binding contract for the works to implement the restoration of buildings within phase 1A and 2, as shown on the approved phasing plan, or such other as may be subsequently agreed, and construction of the replacement building incorporating the retained gable (all in accordance with Application Ref. 180531/LBC and 180537/LBC and/or such other listed building consent applications as may be subsequently approved); and,
  - b. a detailed construction programme for at least the first six months of works including phases 1A, 1B and 2, based on the phasing plan approved application 180530/MS, or such other plan as subsequently approved.

No demolition works shall take place unless the works preceding demolition, in the construction programme, or other such programme as may be subsequently agreed, have been fully completed – in the interests of ensuring that the demolition of the GM will result in the implementation of a project that will result in the restoration of the principal areas on this listed site.

2. No demolition shall take place until a scheme of archaeological investigation has been submitted for the approval in writing by the planning authority. Thereafter all works shall be undertaken in accordance with the approved scheme including the provision of post-

excavation and publication work. The scheme shall also set out the procedures for dealing with archaeological features discovered during the development of the site - in the interests of protecting items of historical importance as may exist within the application site.

3. No demolition hereby approved shall take place prior to a photographic survey of the relevant listed building being undertaken and submitted, along with an appropriately scaled survey drawing of the relevant building, to and approved by the planning authority. All elevations, both internal and external, together with the setting of the buildings, and any unusual feature/s, shall be photographed and clearly annotated on a plan, unless otherwise agreed in writing by the planning authority. Photographs, which should be digital on cd, shall be clearly marked with place name for identification, national grid reference and planning reference and deposited in the local Sites and Monuments Record - in order to ensure a historic record of the buildings.

Reason: To ensure that a historic record of the building is made for inclusion in the National Record of the Historic Environment and in the local Sites and Monuments Record.

4 Historic Environment Scotland's [Threatened Building Survey](#) Team should be notified and given three months to record the grey mill prior to the commencement of works - to ensure that a historic record of the building is made for inclusion in the National Record of the Historic Environment..

5. That demolition shall not take place unless there has been submitted to and approved in writing by, the planning authority a scheme for the salvage and reuse of dressed granite and granite blocks as well as cast iron features capable of salvage. The work shall be carried out in accordance with such a scheme and these materials shall be retained for re-use on the site – in the interests of retaining building fabric of historic architectural interest.

6. That the south gable of the Grey Mill South shall be retained on site in accordance with the approved details, or such others as may be subsequently approved. No works shall take place to the fabric of the gable, other than in accordance with the approved details, or others as may be subsequently approved – in the interests of preserving the fabric of the retained gable.

7. No granite cleaning to the retained gable shall take place until a stage two cleaning report in line with the Council's Stone Cleaning Supplementary Guidance and TAN 9 has been submitted to and approved by the planning authority.– in the interests of retaining the character of the listed retained gable.

8. No demolition shall take place unless there has been submitted to and approved by the planning authority, a scheme of dust suppression measures to minimise potential contamination and disturbance to nearby property. Thereafter such scheme shall be implemented as part of the works unless otherwise agreed by the planning authority - in order to minimise amenity impacts on adjacent properties during demolition works.

ADVISORY NOTES FOR THE APPLICANT

1. The notification should be made by filling out the [Consent Application Referral Form](#). This is available on the Historic Environment Scotland website.

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## APPENDIX 1



**By email to: [lgreene@aberdeencity.gov.uk](mailto:lgreene@aberdeencity.gov.uk)**

Aberdeen City Council  
 Planning & Sustainable Development  
 Business Hub 4, Ground Floor North  
 Marischal College  
 Broad Street  
 Aberdeen  
 AB10 1AB

Longmore House  
 Salisbury Place  
 Edinburgh  
 EH9 1SH

Enquiry Line: 0131-668-8716  
[HMConsultations@hes.scot](mailto:HMConsultations@hes.scot)

Our ref: HGG/A/GA/767  
 Our case ID: 300027575  
 Your ref: 180535/LBC  
 8 June 2018

Dear Sir/Madam

Planning (Listed Building Consent and Conservation Area Consent Procedure)  
 (Scotland) Regulations 2015  
 Grey Mill Building Broadford Works Aberdeen - Substantial demolition of Grey Mill  
 building (including: South Mill, Old Mill and stair tower); temporary stabilisation of  
 remaining southern gable, (North Mill and New Mill also to be retained)

Thank you for your consultation which we received on 19 April 2018. The proposals  
 affect the following:

<b>Ref</b>	<b>Name</b>	<b>Designation Type</b>
LB43908	MABERLY STREET, BROADFORD WORKS WITH RETURNS TO ANN STREET AND HUTCHEON STREET	Listed Building

### Our Advice

This listed building consent (LBC) application relates to the proposed substantial  
 demolition of the Grey Mill range, part of the above category A listed former textile mill  
 complex. It would specifically involve demolition of the Old Mill, dating from 1808; the  
 South Mill, dating from 1820; and the red brick/granite stair and toilet towers, dating from  
 the 1920s. These buildings comprise the middle and southern parts of the Grey Mill  
 range. The south gable of the South Mill would, however, be retained and propped for  
 subsequent incorporation with a proposed replacement building, subject of the  
 associated application for planning permission 180537/DPP. (Please see our separate  
 consultation reply letter for our comments on the proposed replacement scheme) The  
 remainder of the Grey Mill range, comprising the New Mill, dating from 1850-60, would be

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**

retained and converted. The buildings proposed for demolition are itemised as buildings 43 (South Mill), 44 (Stair and Toilet Tower), and 45 (Old Mill) in the Conservation Plan, of June 2000, produced by Page & Park Architects.

The Old Mill is the oldest surviving iron framed mill in Scotland and amongst the oldest of its type in the world. The South Mill is also one of the oldest surviving iron framed mills in Scotland, possibly the third oldest. Both mills are therefore highly significant buildings within the Category A listed Broadford Works site. They were accordingly identified for retention and potential re-use in the Conservation Plan.

Since the final closure of Broadford Works in 2004, the various buildings on the site have been disused and are in a varying states of decay. Twelve buildings, including the Grey Mill range, have been on the national Buildings at Risk register since 2008, the largest single site concentration of category A listed buildings on the register. Previous planning approvals in 2010 and 2014 for mixed-use 'urban village' regeneration schemes, did not materialize. However, we are pleased that significant tidying up of the site has been undertaken in recent years, as part of the transfer of site ownership to the current owners. This included sacrificial demolition of a specified number of buildings to help unlock the potential regeneration of the more important retained buildings. Listed building consent for this demolition work was granted in 2015 (120049/LBC). The new owners subsequently obtained planning permission in principle in 2016 (160150/PPiP) for a mixed use regeneration scheme, which included retention and re-use of the entire Grey Mill range. The PPiP forms the basis for the site wide detailed proposals, subject of the associated current applications (180530/MSD and 180531/LBC). Please see our separate consultation reply letters for these other applications for our comments on the site wide proposals.

### **Case for demolition**

We are naturally very disappointed to see an LBC application for substantial demolition of the Grey Mill range which comprise, as before, the two oldest, most important, buildings on the site. We have, over a protracted period of site visits, investigations and discussions with your Council, tried hard to find an alternative solution to demolition. This has included obtaining further advice from our own HES engineer, and then engaging a specialist conservation engineer to investigate a potential stabilisation and repair scheme and cost estimates for retention/repair. These investigations have indicated a significantly high cost, which would unlikely to be offset by any possible grant assistance from ourselves

We acknowledge that the current proposals are based on a full and updated condition survey of the Grey Mill buildings, including a detailed assessment of the underlying ground conditions, carried out by structural engineers following the completion of the approved demolition works and tidying up of the site in 2016. The information now





available on the structural condition and viability of regenerating the Grey Mill is significantly more comprehensive than that previously produced. The application includes copies of various reports by the engineers, Cameron + Ross, and a peer review report by Arup engineers, and details of an economic viability study, including Options Cost Appraisal by McLeod & Aitken QS, and a confidential Development Appraisal/Valuation by Ryden.

The applicant's set out their case for demolition, having regard to relevant national policy and guidance on the demolition of listed buildings, primarily set out in Historic Environment Scotland Policy Statement, 2016 (HESPS) – paragraph 3.42 and our Managing Change Guidance on Demolition. The submitted Heritage Statement, Planning Statement, and engineer's reports provide specific reference to one or more of the 4 tests for demolition set out in HESPS, paragraph 3.42. Proposals for demolition need to meet at least one of the tests:

Test a. the building is not of special interest

- The submitted Heritage Statement acknowledges the high importance of the Old Mill and South Mill and concludes that while the buildings are in a severely dilapidated and dangerous condition they retain their special interest. The applicants do not therefore present a case for demolition under test a.

Test b. The building is incapable of repair

- The applicant's case for demolition is based primarily on this test.
- The submitted documents include extensive structural condition survey reports, highlighting the seriously poor condition of the buildings and unstable ground condition of peat subsoil with inadequate historic timber grillage foundation. This, combined with significant mass and weight in the later inserted stair towers, has led to major differential settlement, particularly over the length of the Old Mill and South Mill. The settlement damage is most noticeable either side of the central stair tower between the Old and South Mills. It is likely the weight of the stair towers has exacerbated the settlement. The buildings have also suffered from long term disuse, vandalism and a lack of maintenance. The engineers advise that extensive ground stabilization/piling work would be required, including a considerable propping system to protect the buildings while the ground stabilization is carried out. Thereafter, substantial structural and fabric repairs would be needed for the buildings. The applicant's engineers advise that the buildings are too fragile and unsafe to allow a temporary propping system to be constructed so that ground stabilization work can be carried out. The engineers therefore recommend total demolition of the Old Mill, South Mill and adjoining



stair/toilet towers, with the exception of the south gable of the South Mill which they consider can be safely propped and re-used as part of a replacement scheme, partly because of different subsoil conditions at the southern end of the range. The applicant's obtained a peer review from Arup, who concur with the position of Cameron + Ross.

- Given the high importance of the buildings and seriousness of the proposed demolition, we appreciated the applicant's engagement at pre-application stage with your Council and ourselves. Along with your Council, we have been closely involved in a lengthy series of discussions since the applicants first presented their proposal for demolition in 2016. This has involved further investigations by engineers to find a viable alternative to demolition. In response to the applicants engineer's reports, and following initial discussions with our own engineer, a separate detailed appraisal was carried out by conservation accredited engineers from David Narro Associates, appointed by the Scottish Historic Buildings Trust (SHBT) who had previously undertaken an Options Appraisal for the Grey Mill range in 2015. Your Council and ourselves had agreed that commissioning this separate appraisal would assist with the assessment of the applicant's case for demolition. This was arranged through Aberdeen City Heritage Trust.
- The appraisal by David Narro Associates, included a non-intrusive visual inspection, an intrusive ground investigation by Geovia, and a review of the reports by Cameron + Ross, and Arup. David Narro Associates advise that while the buildings are in a poor state and the ground conditions are unstable, they consider that ground stabilization is achievable with mini-piling and temporary support for the buildings provided by a crash deck system under the first floor. On completion of the ground stabilization work, the repair works for the buildings could then proceed. The Structural Report by David Narro Associates, is included in the Investigation Report by SHBT of 16 February 2018, copies of which were given to the applicant's and their engineer's. The SHBT report also includes their architect's outline building/fabric condition survey report, and QS report on indicative costs for ground stabilization and building repair works, with a total estimated cost of £9m.
- In response, the applicant's engineers, Cameron + Ross, maintain their view that the buildings are too dangerous for a temporary propping system to be installed while ground stabilization piling work is carried out. Notwithstanding this, Cameron + Ross prepared a theoretical propping option based on discussions with David Narro Associates which has been costed and forms part of the applicant's economic viability appraisal under HESPS test d. (See below)



- We acknowledge the extensive investigations carried out and respect the professional views of the various engineers. The applicants, in their submitted supporting documents, acknowledge the difference of opinion between their engineer's and David Narro Associates on the repair capability. We consider this to be a significant difference of opinion, but are inclined to favour the David Narro report, as they are one of Scotland's foremost specialist conservation engineers with considerable experience in dealing with traditional buildings. We therefore consider that a case for demolition solely under test b. has, at this point, not been conclusively demonstrated. It is possible that the buildings can be repaired, albeit at great cost.
- Notwithstanding the above, we would also welcome clarification regarding the scope for retaining more than the south gable of the South Mill. The applicant's engineers advise that the south gable is generally in fair order and can be safely propped. It also appears that the underlying peat subsoil is not as thick towards the southern end and that differential settlement is not so apparent. We would therefore like to see if there is scope to retain and prop the end section of the South Mill, perhaps the end three bays, together with the south gable. Retention of the important early internal structure for a few bays would also be very worthwhile.

Test c. the demolition of the building is essential to delivering significant benefits to economic growth or the wider community

- The applicant's Heritage Statement sets out a case for demolition under test c. on the basis that demolition of the Old Mill and South Mill is essential to delivering wider economic benefits from the overall site-wide redevelopment of Broadford Works, similar to the social and economic benefits of an Urban Village redevelopment scheme envisaged in your Council's Broadford Works Design Brief of 2001. We recognize and welcome the potential wider benefits from a site-wide regeneration scheme, but there is no evidence to show the same benefits could not be achieved with a scheme that includes retention and conversion of the Old Mill and South Mill, in the event of a viable solution being found for their repair.
- However, the applicant's refer to the disproportionate costs (at least £9M) required to repair the buildings concerned which would jeopardise the viability of the overall scheme and cause the current project to be abandoned. This financial argument must be considered.
- If your Council finds that the overall scheme for Broadford delivers substantial economic or community benefits (on at least a Regional level), and the high repair

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costs of the buildings concerned threaten these benefits from being achieved, then there would be a strong argument to allow demolition.

Test d. the repair of the building is not economically viable and that it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

- The applicant's case under test d is set out in the submitted Heritage Statement, Planning Statement, Options Appraisal by Sheppard Robson; Options Cost Appraisal by McLeod + Aitken; and a confidential viability assessment Development Appraisal by Ryden. The applicants have stressed that the case under test d is submitted, notwithstanding their view that the buildings are incapable of repair and therefore meet test b.
- The applicant's case under test d. is based on their assessment of the costs for repair/retention of the buildings, including ground stabilization and the theoretical propping solution (Option1) compared with costs for three demolition based options: Option 2 - rebuild, using 60% salvaged material; Option 3 – South gable retention; and Option 4 complete new build. The costs have been subjected to the Development Appraisal by Ryden, which we understand assesses the financial impact of each option on the overall viability of the site. While this Appraisal is commercially sensitive and therefore submitted as a confidential document, it is summarised in the Heritage Statement (Executive Summary, paragraphs 0.17 – 0.18, and Section F: Economic Viability paragraphs 9.09 – 9.16). This highlights a significant large development deficit of -£11.5m for Option 1 retention/repair, compared with Option 2 (-£3.6m); Option 3 (-£1.9); and Option 4(-£1.2) Option 1 is also expressed in terms of Residual Land Value as -£9m, compared with Option 2 (-£1.2); Option 3 (£0.5m); and Option 4 (£1.2m)
- The applicant's conclude that retention and repair of the Old Mill and South Mill, with the theoretical propping solution, would result in a substantial site-wide deficit, the scale of which is most unlikely to be offset by any potential grant funding or other restoring purchaser becoming involved.
- While we acknowledge that the applicants appear to have set out a robust case showing that the retention and repair is not economically viable, your Council should satisfy themselves on the submitted supporting information, including the information on financial viability set out in the Development Appraisal. To assist with your Council's assessment of this, we understand that separate valuation advice is being sought. The purchase price for the site would also be of interest.



## Conclusion

We are mindful of the considerable effort over the years to find a restoring purchaser/ developer for the vast Broadford Works complex. Previous planning approvals for regenerating the site have not progressed to a detailed scheme, including the 2014 approved scheme based on an innovative development strategy of subdividing the site into smaller development packages with a marketing campaign and developer workshops to help attract investment.

We strongly welcome the opportunity now presented by the new owners to regenerate the site under a single cohesive scheme, including restoration and conversion of the other remaining listed buildings, together with complementary new build and public realm improvements.

We appreciate the applicants have provided a strong case for the substantial demolition of the Grey Mill, under HESPS test b), based on thorough investigations of the buildings, including underlying ground conditions. However, it is our view that the applicant's case for substantial demolition under this test has not been conclusively demonstrated. We believe that it is possible that the building can be stabilised and repaired, but we accept that this will be at a very considerable cost.

Should your Council agree there would be significant benefits gained from the regeneration of the overall site, we also consider there may be a case for demolition under HESPS test c). Potential public and economic benefits would be possible from a site-wide regeneration scheme that includes retention and conversion of the Old Mill and South Mill, (in the event of a viable solution for their repair). However, if the high costs of repair leads to the overall scheme being threatened or even abandoned this would obviously prevent the benefits from the overall scheme from being achieved.

We consider that the assessment of the case for demolition under HESPS test d), is also relevant. The first part of test d). is essentially asking whether there is a 'conservation deficit' for the site. There appears to be considerable evidence, including a Development Appraisal valuation report, showing a vast deficit resulting from a repair scheme for the Old Mill and South Mill, but again the figures would need to be examined in more detail against the site-wide development. The second part of the test, concerning marketing to a restoring purchaser, is normally required, but as the site has only been recently purchased, after a protracted marketing period, this may not be appropriate, particularly if the deficit is agreed to be considerable.

To conclude, the expertise of HES is in assessing the impact of the development on the historic environment. We believe the Old and South Mills are an important part of the wider, nationally important, site and should be retained if at all possible. However, we



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concede that the repair costs involved are substantial, due to the very particular and long term problems the building has. The problems are far beyond the scope of usual grant assistance.

The question is whether the costs for the repair (and the additional necessary costs for reusing the building) are indeed possible within the overall scheme. We have decided not to object in this instance, because we believe there may well be a compelling case that the costs involved could threaten the very welcome regeneration of the entire site.

We are content to be led by your Council in the investigation of the financial argument in more detail. The key considerations are whether the high costs of repair for the buildings concerned would threaten the substantial benefits that the overall scheme could bring (test c) and whether the 'conservation deficit' is judged too much for anyone to bridge (test d).

In the event of your Council satisfying themselves on the submitted evidence, we would suggest there is the potential to retain the southern end of the South Mill together with the south gable. We appreciate this would involve a revised replacement scheme, which we would be happy to discuss further.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building consent, together with related policy guidance.

### **Further Information**

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at [www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/](http://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/). Technical advice is available through our Technical Conservation website at [www.engineshed.org](http://www.engineshed.org).

As this application involves the demolition of listed buildings, if consent is granted there is a separate requirement through section 7 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 (as amended) to allow us the opportunity to carry out recording of the building. To avoid any unnecessary delay in the case of consent being granted, applicants are strongly encouraged to complete and return the

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Consent Application Referral Form found at [www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme](http://www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme).

Please contact us if you have any questions about this response. The officer managing this case is Michael Scott who can be contacted by phone on 0131 668 8913 or by email on [Michael.Scott@hes.scot](mailto:Michael.Scott@hes.scot).

Yours faithfully

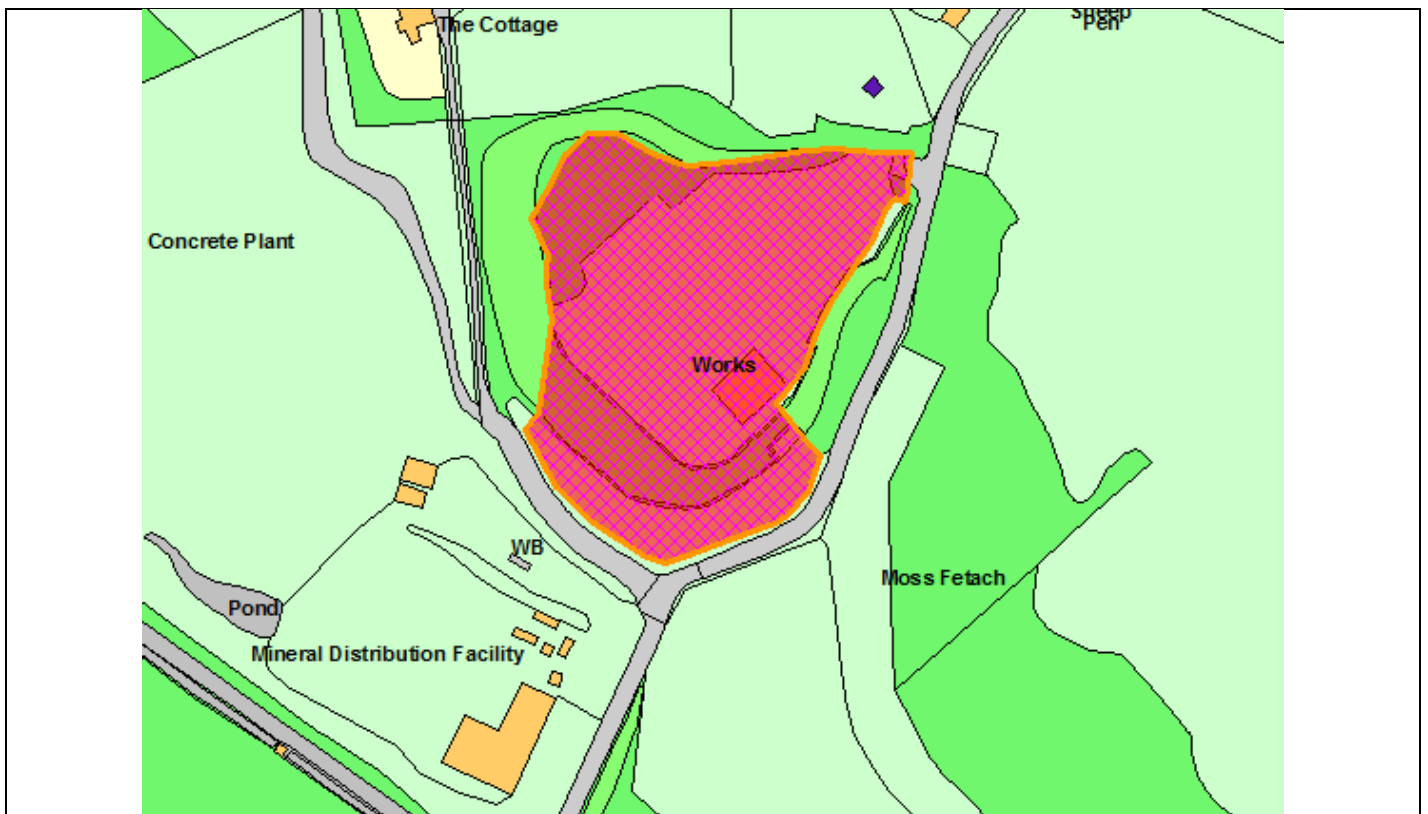
**Historic Environment Scotland**

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 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<b>Planning Development Management Committee</b>
	Report by Development Management Manager
	<b>Committee Date: 20 September 2018</b>

<b>Site Address:</b>	Former Mill Of Dyce Quarry And Blockworks Yard, Pitmedden Road, Dyce, Aberdeen AB21 0HA
<b>Application Description:</b>	Change of use of former blockworks to allow storage of heavy goods vehicles and plant, with associated office, service facilities and yard space
<b>Application Ref:</b>	180693/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	3 May 2018
<b>Applicant:</b>	Crusher Hire UK Ltd
<b>Ward:</b>	Dyce/Bucksburn/Danestone
<b>Community Council</b>	Dyce And Stoneywood
<b>Case Officer:</b>	Robert Forbes



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## **RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

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### **Site Description**

A redundant quarry which has subsequently been used for industrial purposes and has not been restored. It is located in open countryside north of Dyce and the AWPR, west of the River Don. Immediately to the south is the Aberdeen to Inverness railway line. The central part is concrete hardstanding, which has recently been used for the storage of heavy vehicles / plant / machinery on an unauthorised basis. This part is set below the level of the access track and adjacent land. Access is from Pitmedden Road, via an unadopted private access.

### **Relevant Planning History**

The site has a lengthy planning history dating back to 1949 when it was in use as a sand quarry.

In 1971 unconditional planning permission for erection of a block making factory was granted (ref. 1971/411).

In 2000, a CLU (ref. A0/1105) was issued for the use of the site as a block making works (i.e. a class 5 general industrial use). A second CLU for the proposed use of the site as a waste transfer station (ref. A0/1106) was refused at Committee in September 2000. This was subsequently granted on appeal in 2002, following a public local inquiry, where the proposed use was considered to fall within class 5 (general industrial), rather than class 6 (storage and distribution), thus did not require planning permission.

In 2003, a further CLU, for use of the site as a vehicle maintenance depot (ref. A2/2252) was refused, both by ACC and at appeal.

In 2007 a planning application for change of use of the site from industrial use to car parking for Aberdeen Airpark was refused at Committee (ref. A7/0857).

In 2010 a further similar planning application for use as car parking (ref. 091209) was again refused at Committee for the following reasons:-

1. Contravention of Green Belt policy;
2. Adverse visual effect on the landscape setting of Old Dyce Churchyard;
3. Adverse impact on the residential amenity of adjacent dwelling houses by virtue of the degree of vehicle movement outwith normal working hours.

In 2014 a planning application (ref. 140361) was submitted for erection of a log processing facility, but was subsequently withdrawn. A supporting statement for this application described the site as not currently being in use.

An enforcement case file was opened in 2017, to investigate the alleged unauthorised use of the site for storage of plant / machinery. That unauthorised use has since ceased, but the current application has been submitted in response to the enforcement investigation.

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

Use of the land for storage of HGVs / plant and associated ancillary facilities. Limited physical development is proposed, comprising the erection of ancillary temporary buildings located close to the site access. This would include a security cabin and two Portacabin containers (each approx.

9m long by 3.5m wide). A derelict hardstanding area at the southern edge of the site, which lies outwith the quarry floor, would be landscaped. It was originally proposed to develop this area as ancillary car parking and with offices, but the proposal has been amended to relocate such facilities to within the quarry floor. The existing access, located at the north-east corner of the site, would be retained and ancillary car parking provided within the site close to this junction (16 spaces).

### 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=P83H3XBZ00D00>.

- Ecological Survey;
- Landscape Proposals;
- Transport Statement;
- Drainage Statement;
- Flood Risk Assessment;
- Noise Impact Assessment;
- Planning Statement; and
- Commercial Report

### Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the number of objections exceeds the threshold of 6, the local Community Council object and the recommendation is for approval.

### CONSULTATIONS

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**ACC - Environmental Health** – No objection in relation to noise impact, provided noise mitigation measures are implemented in accordance with the submitted Noise Impact Assessment.

**ACC - Roads Development Management Team** – No objection, subject to a condition requiring upgrading (surfacing) of the site access and its junction with Pitmedden Road.

**ACC - Flooding And Coastal Protection** – Note that there is a risk of surface water flooding and that a drainage impact assessment has been provided. No objection subject to a condition regarding treatment of surface water.

**ACC - Contaminated Land Team** – Advise that the site is suitable for the proposed use and that no remediation is needed.

**Aberdeen International Airport** – No objection in terms of aerodrome safeguarding.

**Shell UK Exploration And Production** – Advise that oil / gas pipelines are located to the south of the site but the development would not affect pipeline integrity / servitude strip.

**Scottish and Southern Energy Power Distribution** – Advise that a high voltage overhead electricity line crosses the northern part of the site.

**Historic Environment Scotland** – No comments. Note that there are 2 scheduled ancient monuments close by and that the application should be determined in accordance with national and local policy on development affecting the historic environment.

**Dyce and Stoneywood Community Council** – Object on the basis of: inappropriate use; conflict with local plan policies NE1 and NE2; adverse traffic impact; and adverse noise impact on nearby residents.

## **REPRESENTATIONS**

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7 objections have been received, raising the following concerns:-

1. inadequate neighbour notification;
2. traffic impact / road safety;
3. noise impact;
4. conflict with green belt policy;
5. adverse impact on neighbours / surrounding greenspace; and
6. concerns regarding adverse visual impact of the car park area / Portacabin proposed at the southern edge of the site (latter now deleted).

## **MATERIAL CONSIDERATIONS**

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### **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.

As less than 20 objections have been received, there is no requirement to hold a public hearing in advance of determination of the application in accordance with Section 38A of the 1997 Planning Act. Additionally, notwithstanding that the proposal is considered to potentially conflict with certain policies within the adopted Local Development Plan, it is not considered to be a significant departure from the development plan and is not a proposal within the 'major' category in terms of the hierarchy of development, so that a hearing would be required on that basis.

### **National Planning Policy and Guidance**

SPP expresses a presumption in favour of development which contributes to sustainable development. It emphasises that need to secure protection of heritage assets.

Para 29 states that decisions should be guided by the following principles:-

- making efficient use of existing capacities of land, buildings and infrastructure;
- protecting and enhancing cultural heritage, including the historic environment;
- protecting and enhancing natural heritage, including green infrastructure, landscape and the wider environment;

Para. 76 states *"In the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land. Plans should make provision for most new urban development to take place within, or in planned extensions to, existing settlements."*

### **Aberdeen Local Development Plan (2017)**

NE1: Green Space Network

NE2: Green Belt

NE6: Flooding, Drainage and Water Quality  
D2: Landscape  
D4: Historic Environment  
R2: Degraded and Contaminated Land  
T5: Noise  
T2: Managing the Transport Impact of Development

### **Supplementary Guidance and Technical Advice Notes**

HES managing change guidance regarding setting.

### **Other Material Considerations**

The planning history of the site is of particular relevance.

## **EVALUATION**

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### **Principle of Development**

The proposal does not fall within the categories of development identified within local development plan green belt policy and it is considered that the proposed use is one which is preferred to be located within the urban area, or planned areas of industrial use. It would therefore conflict with policy NE2. However, there are particular circumstances (namely the degraded, unrestored nature of the site; the historic existence of previous non-conforming industrial use and the contained nature of the quarry floor, such that activity within it is not significantly visible), all of which are relevant material considerations in terms of assessment of the proposal.

As such, and notwithstanding the green belt location of the site, it remains in a degraded / unrestored condition such that it currently detracts from the landscape value of the green belt, with no likely prospect of or planning requirement for the land to be restored, whether through: landscaping, for agriculture or other countryside uses. The upper (southern) part of the site is particularly visible on approach to the Chapel of St Fergus / associated graveyard from Pitmedden Road. The use of the site for industrial purposes has seen: planning permission granted in 1971; the certificate of lawfulness granted in 2002; and by the 2002 appeal decision. Notwithstanding that there is an element of uncertainty as to whether industrial use of the site has been abandoned and as such may be no longer lawful, the historic authorised use for industrial purposes is a significant material consideration which weighs in favour of this application. No physical extension of the extent of the site which was previously authorised / developed is proposed and no new buildings are proposed, other than small temporary buildings. As the site has previously been developed and used for industrial purposes, with the main part of the former quarry floor well screened from its surroundings, its use for storage would not result in suburbanisation / adverse landscape impact in conflict with SPP paragraph 76. The proposal would also make use of redundant industrial land / buildings in accordance with the objectives of SPP paragraph 29. Neither would there would be no adverse impact on cultural heritage, as is discussed below. Otherwise the proposal would result in enhancement of natural heritage by providing enhanced green infrastructure and landscaping improvements on site. These impacts on natural heritage are also considered further below.

### **Natural Heritage Impact**

The extent to which the proposal complies with NE1 policy is a matter of judgement. Given that the site is degraded and unrestored former industrial land, it is not considered to contribute positively to the landscape character or wildlife / recreational value of the green belt / green space area. The site contains no designated features or landscape assets (e.g. mature trees) and the Ecological Survey identifies no adverse impacts on protected species / habitats. The report does however identify the presence of Japanese Knotweed on parts of the site / adjacent land, and the eradication of this alien species is a desirable objective and is recommended by the survey report. Approval of the development would enhance the landscape and wildlife value of the site by

securing restoration of a derelict / unsightly area at the southern edge of the site and enhanced soft landscaping measures, in accordance with the objectives of policy D2 and R2. Overall it is considered that such enhancements accord with the objectives of both NE1 and NE2, such that any tension with NE2 would not justify refusal.

### **Impact on Cultural Heritage / Historic Heritage Assets**

As noted above, the main part of the site, where the proposed activity would take place is well screened. It would not be intervisible with the Chapel of St Fergus, some 500m to the north, a scheduled ancient monument (SAM) and the associated cemetery, which affords elevated views over the River Don. Similarly the site is not intervisible with listed buildings at Crook of Don (approx. 480m north). Additionally no significant physical works are proposed and existing derelict land at the quarry edge would be landscaped. The elevated southern part is potentially intervisible with: Liddel's Monument (a Category A listed building some 800m north-west), the Chapel of St Fergus, and the remains of the Aberdeenshire Canal (a SAM located 100m to the south). However, no operational development is proposed there. The application has also been amended to propose removal of existing hardstanding / proposed car parking in this area and to introduce soft landscaping works. Such works would enhance the visual appearance and setting of this most visible part of site. It is therefore considered that the impact of the development on the setting of these features would be positive and does not warrant refusal of the application. Subject to imposition of a condition requiring the proposed landscaping there is considered to be no conflict with SPP, in relation to the historic environment, nor local plan policy D4.

### **Traffic Impact / Generation**

The proposed access is the same as that which was used when the site was in industrial use and leads to Pitmedden Road over the railway line. That section being shared with other properties, including an existing authorised industrial use (i.e. the concrete batching plant located to the south-west), so that HGV traffic is already present in the area and appears to operate without any evidence of a significant road safety impact, notwithstanding its poor standard. The Traffic Statement indicates that, given the existing / historic uses, there would be no significant increase in traffic that would warrant refusal. These findings were however originally queried by ACC roads officers, but a revised statement identifies mitigation measures (e.g. resurfacing and signage/lining at the Pitmedden Road junction) and these are considered adequate. A suspensive condition can be imposed to require implementation of such work prior to implementation of the proposed use. The proposal has also been amended to delete car parking in the southern area, which could have resulted in a potential road safety hazard due to the proximity to / junction with the private access road.

The site lies well out with the built up area and is within an area poorly served by public transport, so that it is unlikely that use of alternative transport modes would be significant and as such there would be a degree of conflict with policy T2. However, given that the previous authorised use of the site as industrial land would have resulted in similar traffic patterns / generation, and applying a proportionate approach, this policy conflict is not considered to warrant refusal.

### **Noise Impact**

Notwithstanding the presence of residential premises close to the site (e.g. Tillybrig Cottage on Pitmedden Road, and other houses to the north of the site), the noise impact assessment indicates that noise generation within the site would not result in significant adverse impact thereto. The Council's Environmental Health consultee do not dispute these findings. Thus, and given that no movement of traffic would take place outwith normal business hours (in contrast with the previously proposed use of the site as airport car parking, which was refused on amenity grounds), it is considered that there would be no undue noise impact on residential amenity related to traffic movement resulting from the use. It is therefore considered that there is no conflict with policy T5 and related guidance, subject to imposition of a condition requiring noise mitigation measures / restricting the hours of operation.

### **Flooding**

Notwithstanding that the site is known to have previously suffered from flooding due to surface water, a flood risk assessment has been submitted and the Council's Flooding Team do not consider that there is any basis for refusal of the application on flood risk grounds. Subject to imposition of a condition requiring implementation of drainage measures, as recommended in the drainage statement and flood risk assessment, there would therefore be no insurmountable conflict with policy NE6. As no significant physical development (e.g. new buildings / houses) is proposed, consultation with SEPA on flood risk grounds is not required.

### **Contamination**

Notwithstanding that there is a risk that the site is potentially contaminated, due to its previous industrial use, the proposed end use is not considered to be significantly sensitive, all such that the proposal accords with the policy R2. ACC's contamination experts agree with this analysis. As no significant physical development is proposed, imposition of conditions relating to contamination / remediation is not warranted.

### **Infrastructural Constraints**

Consultation with various consultees has not identified any conflict with the operation of existing facilities / infrastructure nearby (e.g. Aberdeen Airport, Oil / Gas pipelines and the high voltage electricity grid) or public safety risk that would warrant refusal of the application.

### **Economic Impact**

It is accepted that the proposed use results in a degree of employment generation, as no active use of the site is currently taking place and it is in a poor visual condition. However, it is considered that the limited employment associated with the use is not such that this requires to be afforded significant weight as a material consideration, particularly given the existence of available land elsewhere in the Aberdeen area with authorised industrial / storage use in preferred locations (e.g. designated industrial sites). Although the applicant's supporting commercial report / planning statement claims that no such sites are available at an economic cost that would be viable for the proposed use, it is not considered that this in itself justifies approval of the proposal, given: the limited evidence provided; that other plant hire businesses appear to operate successfully in designated industrial estates within Aberdeen; and that there is continued suppressed competition from oil related businesses for such allocated / authorised sites.

### **Other Matters Raised in Representation**

It has been established that the neighbour notification has been undertaken in accordance with statutory requirements.

### **Conclusion**

The environmental benefits afforded by the proposal, in terms of landscape improvement of the green space network and improvement of the site's physical and visual condition accords with the objective of policies: D2 (Landscape), D4 (Historic Environment), R2 (Degraded and Contaminated Land) and NE1 (Green Space Network), and outweighs any tension with policy NE2 (Green Belt), within the adopted Aberdeen Local Development Plan. The reasons for refusal of the previous application in 2010 have been addressed by the current proposal and conditions can be used to ensure compliance with other technical issues.

### **Time Period**

Extension of the time period for determination of the application has been agreed with the agent until 29/09/18 due to the need for submission of additional supporting information and amendment of the proposal

## RECOMMENDATION

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Approve Conditionally

## REASON FOR RECOMMENDATION

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The environmental benefits afforded by the proposal, in terms of landscape improvement of the green space network and improvement of the site's physical and visual condition accords with the objective of policies: D2 (Landscape), D4: (Historic Environment), R2 ( Degraded and Contaminated Land) and NE1(Green Space Network), and outweighs any tension with policy NE2 (Green Belt), within the adopted Aberdeen Local Development Plan. The proposal would accord with SPP in terms of: making efficient use of existing capacities of land / buildings and infrastructure; protecting and enhancing cultural heritage, including the historic environment (HES managing change guidance regarding setting); and protecting and enhancing natural heritage. The detailed technical issues raised by the proposal (e.g. noise / traffic / visual impact / flood risk) can be addressed by condition, such that it would accord with policies T5 ( Noise), T2 (Managing the Transport Impact of Development) and, NE6 ( Flooding, Drainage and Water Quality) and do not warrant refusal. The reasons for refusal of the previous application in 2010 have been addressed by the current proposal.

## CONDITIONS

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### 1. Landscaping

All soft landscaping proposals shall be carried out in accordance with the approved landscaping plan (ref. MOD-1808-LS, dated 21/8/18) and shall be completed during the planting season immediately following the commencement of the hereby approved use, 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, preserve the setting of nearby heritage assets and enhance the visual amenity and biodiversity value of the green space network.

### 2. Limit of extent of class 6 use

Notwithstanding the extent of the red line boundary of the site hereby approved, the extent of class 6 use hereby approved shall be limited to the existing hardstanding area within the former quarry floor (as indicated on drawing ref. 124964/001 rev D). No storage of materials or other development / associated use (e.g. use as car / vehicle parking) shall take place on the hardstanding area at the southern part of the site, or on the sloped edges of the quarry, which is that land indicated to be laid out as soft landscaping and thereafter preserved as open space free from development in accordance with the approved landscape plan (ref. MOD-1808-LS, dated 21/08/18).

Reason – To ensure that the environmental improvement benefits of the proposal are delivered in the long term and in order to prevent the creation of a road safety hazard due to traffic movement at a potentially hazardous junction.



### **3. Road Access Works**

The use hereby approved shall not take place unless all improvement works to the site access and junction with Pitmedden road, as identified on hereby approved drawing ref. 124964-1010 (dated 21/08/18), have been implemented in full, unless the planning authority has given prior written approval for a variation.

Reason - In the interests of road safety and the free flow of traffic.

### **4. Noise Attenuation**

The use hereby approved shall not take place unless all noise attenuation measures identified by the approved noise impact assessment (ref. R18.9964/3/AF, dated 19/07/18) have been implemented in full, unless the planning authority has given prior written approval for a variation. No active use of the site for class 6 or other ancillary purposes shall take place outwith the hours from 7am until 7pm on any day, unless the planning authority has given prior written approval for a variation of these operating hours. For the avoidance of doubt, no deliveries to / from the site, or movement of plant / machinery / vehicles stored on site / associated servicing / maintenance within the site shall take place outwith the above specified hours.

Reason - In order to prevent any adverse impacts on the amenity of residents in the surrounding area.

### **5. SUDS**

The use hereby approved shall not take place unless the recommendations of the submitted Drainage Statement issue 4 (dated July 18) have been implemented in full, unless alternative measures are agreed in writing by the planning authority.

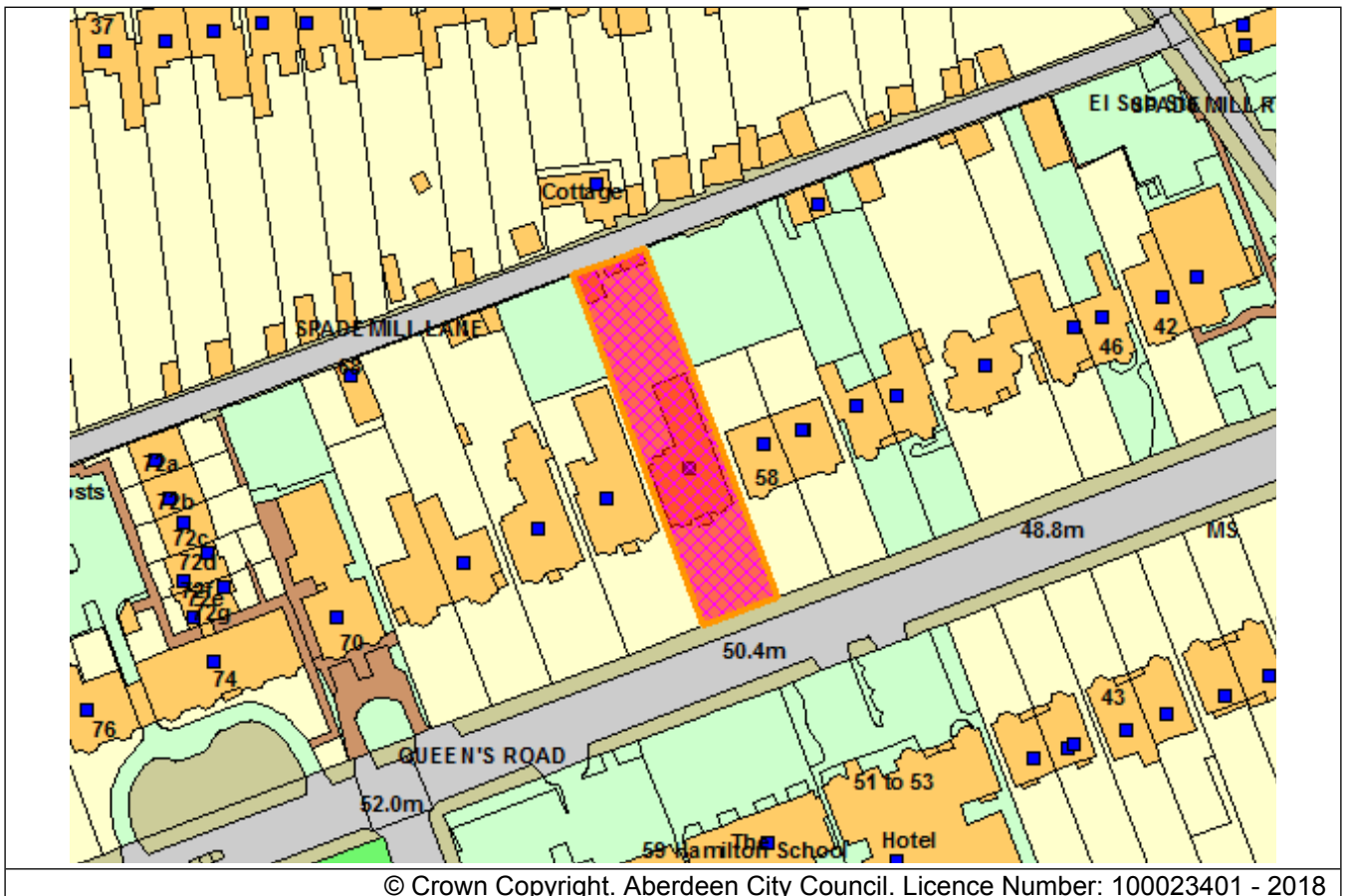
Reason - In order to safeguard water qualities in adjacent watercourses and to ensure that the development can be adequately drained.

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 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p><b>Committee Date: 20 September 2018</b></p>

<b>Site Address:</b>	60 Queen's Road, Aberdeen, AB15 4YE,
<b>Application Description:</b>	Change of use from residential flats (sui-generis) to office (class 4); erection of single-storey extension and two-storey extension to rear; formation of car parking to front and rear; replace external door; alterations to front and rear boundary walls including installation of railings and gates; erection of bin store; provision of external AC unit and associated landscaping
<b>Application Ref:</b>	180788/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	22 May 2018
<b>Applicant:</b>	Knight Property Group Limited
<b>Ward:</b>	Hazlehead/Ashley/Queens Cross
<b>Community Council</b>	Queen's Cross And Harlaw
<b>Case Officer:</b>	Jane Forbes



### RECOMMENDATION

Approve Conditionally

## APPLICATION BACKGROUND

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### Site Description

The application site comprises a Category B listed building which lies within the Albyn Place/Rubislaw Conservation Area and forms a group listing along with 62 and 64 Queen's Road, with all three properties in most part identical. The property is a 2 storey plus attic, 3 bay granite villa, designed by John Rust and dating from 1901. The roof of the main part of the dwelling features a lantern at the apex of the roof. The timber sash and case windows to the frontage include small pane leaded and stained glass upper sashes. Rainwater goods are formed in cast iron. To the rear of each of the properties (No's. 60/62/64) is a granite built service wing, with slated roof, built off the eastern gable/elevation.

At the frontage are corniced square plan gate piers to Queen's Road, with a low coped rough faced granite wall between. There are two narrow vehicular openings of 3 metres in width at present. Within the front garden is a looped gravel driveway, with a central grassed area and single tree. The side boundary walls are approximately 1.5 metres in height and constructed from granite rubble with a granite cope.

To the rear of the building, adjacent to Spademill Lane, is a sizeable domestic garage constructed in blockwork and timber panelling. The majority of the remaining rear boundary is formed by a granite rubble wall, part of which includes brick off the wall head to accommodate the greenhouse and outbuilding constructed within the garden. The western boundary to the rear is formed by a 2.2 metre high granite rubble wall, while the eastern rear boundary is formed by a 1.5 metre high granite rubble wall with brick cope. The remainder of the area is laid as garden, and partially overgrown.

### Relevant Planning History

Application Number	Proposal	Decision Date
150433 DPP	Change of use from residential to office use. Erection of 2 storey rear extension; Installation of railings and gates; and formation of car parking.	08.01.2016 Status: Approved
150434 LBC	Erection of 2 storey rear extension; Internal Alterations; Demolition of single garage and boundary wall (Partial); Installation of railings and gates; and formation of car parking.	24.12.2015 Status: Approved
161682/LBC	Alterations to windows involving replacement of existing timber single glazed sash units with new timber sash units incorporating double glazing and replacement rooflight	09.06.2017 Status: Refused
161683/DPP	Alterations to windows involving replacement of existing timber single glazed sash units with new timber sash units incorporating double glazing and replacement rooflights	26.05.2017 Status: Refused
170218/LBC	Erection of 2 storey rear extension; Alterations to listed building, including to floor levels, openings and layout; Installation of railings & gates; Demolition of outbuildings and parts of boundary walls; and Erection of new section of boundary wall	11.07.2017 Status: Refused
180814/LBC	Erection of single storey extension and two storey extension to rear; Internal alterations; Demolition of garage and outbuilding; Formation of car parking to front and rear to include alterations to boundary walls;	Status: Pending

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Installation of railings and gates; Replacement external door; Replacement of 4 no. rooflights.

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## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

Detailed planning permission is sought for a change of use from residential flats to Class 4 (Business). The proposal includes the erection of a single storey extension and a two storey extension to the rear of the property; the formation of car parking to the front and rear of the property and alterations to the boundary walls, including the installation of new railings and gates; the erection of a bin store and provision of an external AC unit; and associated landscaping within the front and rear gardens.

### **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=P8WWTMBZLP300>

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

- Design Statement

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because it is being recommended for approval and has been the subject of formal timeous objection by Queens Cross and Harlaw Community Council, within whose area the application site falls.

## **CONSULTATIONS**

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**ACC - Roads Development Management Team** – The Roads Development Management team is satisfied with the proposed parking arrangements which include 17 car parking spaces and 2 motor cycle spaces. 2 of the bays are for disabled parking and 2 will have electric charging points. The Roads team advised that whilst there would be a shortfall of 3 parking spaces based on maximum parking standards for the site, this would be suitably mitigated given that the site lies within a controlled parking zone and is highly accessible by public transport, and the proposal includes a suitable level of cycle parking (short & long stay). Amended plans have seen the waste storage area relocated adjacent to the rear lane, and within an area easily accessed for refuse collection.

**ACC - Waste Strategy Team** – No objection. Advised that the business premises would have a legal duty of care with regards the waste they produce, and that the business operating from the premises would have responsibility for the appropriate management and disposal of their waste. Suggested that the proposed bin store should be located nearer the entrance of the rear car park to avoid collection vehicles having to reverse either in or out of the car park.

**ACC - Environmental Health** – No objection. Recommended a condition be applied if the application is recommended for approval, whereby an appropriate noise impact assessment should be carried out to establish the noise levels of the AC units, any likely impact on neighbouring occupants, and whether any mitigation measures are necessary.

**ACC - Communities, Housing and Infrastructure (Flooding) –** No objection. Provided advice on sustainable urban drainage options for the site.

**Queens Cross and Harlaw Community Council –** Objection raised. The Community Council objected to the proposal on the basis that the proposal does not contribute or enhance the area, as required by the Planning regulations. They stated that the proposal “detracts substantially from the surrounding residential area as it will inevitably add yet another large billboard advertising vacant office space”, and “as an important entrance for businessmen into Aberdeen, Queens Road begins to make Aberdeen look a rather depressing and unattractive place to start up a new venture”. Suggest that “it would make more sense to leave the houses as they are on Queens Road and entice businesses to open offices on Union Street”.

## **REPRESENTATIONS**

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None, other than the aforementioned objection received from the Queen’s Cross and Harlaw Community Council.

## **MATERIAL CONSIDERATIONS**

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### **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)

Managing Change in the Historic Environment - Guidance notes on ‘Extensions’ and ‘Boundaries’

### **Aberdeen Local Development Plan (2017)**

B3: West End Office Area

D1: Quality Placemaking by Design

D4: Historic Environment

T2: Managing the Transport Impact of Development

T3: Sustainable and Active Travel

### **Supplementary Guidance and Technical Advice Notes**

TAN: Repair or Replacement of Cast Iron Railings

## **EVALUATION**

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### **Background to Proposal**

The property at No 60 Queen’s Road was most recently in residential use, but has lain vacant since 2014. Planning permission and listed building consent were granted in January 2016 and December 2015 respectively, to convert the property for office use and for an extensive 2 storey rear extension, with car parking to the front and rear. These permissions remain valid, with development work having been formally initiated in May 2016. The application site has been marketed for office use over a period of 2 years, however with no uptake and a general reduction in office demand across the city in recent time the applicant has indicated their intention to now occupy the refurbished property for their own business use, and as a result is seeking permission for a more modest development of the site than was previously approved.

### **Principle of Development**

The application site lies within the West End Office area (Policy B3), where there is a clear mix of uses including offices, residential properties, schools and hotels. The Aberdeen City Local Development Plan 2017 clearly identifies the West End Office Area as a 'prestigious high quality office location on the edge of the city centre, readily accessible by public transport, which also provides off-street car-parking and space for expansion'. Whilst the Community Council raised concerns with regards the proposed change of use from residential to office in this location, Policy B3 outlines that the Council 'will encourage and promote the continued development of this area as a focus for office development'.

Policy B3 suggests that the principle of a change of use to office is only acceptable if the proposed development is in-keeping with the character of the area, and takes into account the design and context of the existing building. It states that any new development proposals must ensure that existing residential amenity is protected and whilst it does not support the re-development of front gardens to provide car parks and driveways, it outlines that access to properties from rear lanes may be acceptable if satisfactory access arrangements can be provided.

In this instance it is considered that the proposed change of use to office would not prejudice the existing mix of uses currently operating within the neighbourhood, where office/commercial use is predominant, and where the application site already lies between two properties in office use. Taking this into account the proposal would not appear to compromise existing residential amenity within the surrounding area.

In order to establish whether the principle of the proposal is acceptable, the design detail must also be considered. The proposed rear extensions are deemed to be of a scale and design which suitably respects the special historic and architectural character of the property and of the wider area, and the proposed formation of a new vehicular entrance to the rear with hardstanding for car parking can be delivered with appropriate and safe access arrangements off Spademill Lane. The proposal includes the redevelopment and reconfiguration of the existing front garden and driveway/parking arrangement, with the delivery of a more formal layout to include 4 car parking spaces and landscaping. Policy B3 does not support the redevelopment of front gardens to provide car parks and driveways, however in this instance whilst the proposal would see a more formal arrangement implemented, there is clearly an existing gravel drive and informal parking arrangement within the front garden of the property. Furthermore, taking into account that the application site forms part of a grouping of three near identical properties, which includes No's 62 and 64 Queen's Road, both of which have very similar parking/landscaped layouts within their front gardens, it is considered that the proposed re-development of the front garden has some merit in that it will further promote the connection between this 'group' of three properties. Finally, it should be noted that consent was granted and remains valid for the formation of a car park layout as currently proposed.

Taking all of the above into account, whilst acknowledging that not all aspects of the proposal fully comply with the requirements of Policy B3, it is nevertheless considered that on balance, and bearing in mind that extant permissions already allow for a far more extensive, large scale development of the site, the general principle of the proposed development is acceptable, subject to more detailed design considerations.

### **Design, Scale and Impact of Development**

In terms of assessing the proposal against Policy D1 (Quality Placemaking by Design), the design of the proposed development is considered within the context of the site and surrounding area, with the aim of securing a positive contribution to the setting. Factors such as siting, scale, massing, colour, materials and orientation are amongst those considered in assessing such contribution. Both proposed extensions would be located to the rear (north) of the property, on a secondary elevation with the least possible impact on the setting of the building. The proposed single storey conservatory

extension would project a maximum 5.2 metres from the rear building line of the property (northern elevation), at a width of 4.5 metres, and constitutes a relatively modest development, with a high level of glazing and slated roof to match existing. The 2 storey extension proposed to the rear elevation of the original 'service wing' would project 3.7 metres, at a width of 6.7 metres, and with a ridge height of 7.2 metres, thus ensuring it does not breach the outline of the existing building, with a clear differentiation between the existing rear wing and the proposed extension being retained. Whilst the previous applications sought extensions with an overall floorspace of some 334m<sup>2</sup>, it is worth noting that this revised proposal would see the delivery of a far more modest scale of development of 59m<sup>2</sup>. The contemporary design allows a visual break between the traditional granite building and the proposed extensions, and the range of materials being proposed are of a high quality, with a combination of finishes to include rainscreen panelling, smooth render, timber framed windows and doors, and slated roof to match existing dwelling. Appropriate conditions have been applied requiring the submission of samples of materials for prior approval.

The proposal also comprises alterations to the front and rear boundary walls, the formation of car parking to the rear, and a more formal area of parking to the front. As already mentioned, there are extant consents in place for such alterations to be carried out on site and it is worth noting there has been no substantive change in policy since these consents were granted. In assessing this proposal, consideration has also been given to the existing arrangements at No's 62 and 64 Queen's Road, where very similar areas of hardstanding and formal car parking have been delivered within the front and rear gardens of these properties, and where all three properties, including No 60, form a distinct grouping. Taking all of this into account, it is considered that in the context of the site, the neighbouring properties and the surrounding area, the proposed alterations would in this instance be deemed acceptable.

Finally, the proposal also includes some minor development works including the replacement of an external door, installation of air conditioning units and the erection of a bin store. Following discussion with regards the proposed siting of the air conditioning units, they have been relocated from the rear boundary of the site to a location along the western boundary of the site, and at minimum distance of some 30 metres from any residential property. A condition has been applied which seeks the submission of a noise impact assessment which will establish the noise level of the AC units and whether any mitigation measures are required prior to occupation. The proposed door and bin store are of an acceptable scale, design and material finish, and deemed appropriate in terms of the setting of the listed building and the surrounding area.

Taking all of the above into account, it is considered that the proposed development would be suitably in accordance with the requirements of Policy D1 (Quality Placemaking by Design) of the Aberdeen City Local Development Plan.

### **Roads and Parking Considerations**

The proposed hardstanding to the front and rear of the property, which will provide vehicle, motorcycle and covered cycle parking for the proposed office use, with access off Queens' Road and Spademill Lane, is considered acceptable in this instance. The Roads Development Management team assessed the proposal and whilst seeking the submission of amended plans to include 2 disabled parking bays, they raised no objection and were generally satisfied with the level of vehicle and secure cycle parking provision which would be delivered on site. They were also satisfied that the proposed access/exit arrangements were appropriate. Whilst acknowledging that there would be a shortfall of 3 parking spaces based on maximum standards, they advised that this level of parking would be acceptable based on the provision of short and long stay cycle parking facilities and taking into account the central location of the site, which lies within a controlled parking zone and is highly accessible by public transport. As such the proposal is deemed suitably compliant with the requirements of Policy T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel).



### **Impact on the Listed Building/Conservation Area**

Historic Environment Scotland Policy Statement (HESPS) outlines the need to support proposals which involve alterations or adaptations to historic buildings which either sustain or enhance their beneficial use, and do not affect their special interest, whilst Policy D4 (Historic Environment) states that there will be a presumption in favour of the retention and reuse of listed buildings and buildings within conservation areas that contribute to their character. Scottish Planning Policy states that 'change to a listed building should be managed to protect its special interest while enabling it to remain in active use' and in evaluating development proposals affecting a listed building 'special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest.' Historic Scotland's Managing Change in Historic Environment guidance notes on Extensions and Boundaries outline specific criteria which should be addressed when considering such development proposals.

In this instance, and taking into account the impact which the proposal would have on this Category B listed property, it is considered that the scale, siting, design and materials of the proposed development are acceptable, with sufficient recognition of the special character and appearance of the building. The proposed extensions would be located on secondary (rear) elevations and would remain very much subordinate in scale and form to the original building. The impact of the proposed development on the overall setting of the listed property and on those properties neighbouring the site is deemed acceptable. Whilst acknowledging that the proposed extensions would be visible from Spademill Lane, any visual impact would be minimal and unlikely to affect the character or appearance of the conservation area within which the property lies.

The proposal includes the introduction of a more formal car parking layout to the front of the property as well as to the rear, the creation of a new opening off Spademill Lane, and the re-introduction of railings to the front and rear boundaries. Historic Scotland's Managing Change in Historic Environment guidance note on 'Boundaries' outlines that new openings should be consistent with existing design, with a minimum of historic fabric lost and any new opening detailed to match existing ones; whilst if openings are widened, this should not affect the coherence and relationship with other buildings.

In this instance, the existing openings along the front boundary are particularly narrow and the proposed widening by 500mm is considered proportionate, whilst also tying in with the entrance arrangements for the neighbouring property at No 62. Likewise, the proposed railings would be in mild steel, and whilst in most instances cast iron is the preferred material; it is recognised that the railings would be fixed in a traditional manner and are of an appropriate design which is compatible with the character of the property and again in-keeping with the neighbouring property at No 62. The proposed formation of an entrance to the rear of the site, accessed off Spademill Lane is deemed appropriate in terms of supporting the reuse of the building, and suitable care has been given to the scale, design and material finish of the new opening and associated railings. With all of this in mind it is considered that the proposals would not be contrary to the expectations of the guidance note on Boundaries, and whilst not entirely compliant with the Council's TAN on the Repair or Replacement of Cast Iron Railings, on balance, this feature would still reflect a traditional design and fitting, and would not detract from the character of the building or the wider conservation area.

Whilst the proposed development would involve a degree of intervention to the original fabric of the building, it is nevertheless considered that the alterations are relatively minor and the proposed extensions of a scale and design which would ensure that the special character and appearance of the building is not adversely affected and suitably protected. Taking all of the above into account it is considered that whilst the proposed development may not fully comply with the relevant Historic Scotland's Managing Change in Historic Environment guidance notes, it would be suitably in accordance with the overall expectations of HESPS and Scottish Planning Policy and with the requirements of Policy D4.

### **Other Matters Raised in Representation**

Queens Cross and Harlaw Community Council raised concerns relating to the principle of a change of use to office, and this has been addressed in the evaluation above. Concerns were also raised by the Community Council with regards the impact which billboard advertising has on Queen's Road, however this issue is not a material consideration in the determination of this application.

### **RECOMMENDATION**

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Approve Conditionally

### **REASON FOR RECOMMENDATION**

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The proposed change of use to office (Class 4) is considered to be an appropriate use for this site which lies within the West End Office Area. The proposed development is deemed to be subservient to and designed with due consideration for the listed building, whilst supporting its long-term use, and would have minimal impact on the character or appearance of the Albyn Place/Rubislaw Conservation Area within which it lies.

The proposal is considered to be suitably compliant with Policy D1 (Quality Placemaking by Design), T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) of Aberdeen City Local Development Plan (2017), and whilst acknowledging that the proposed development may not address all aspects of Policy B3 (West End Office Areas) or Historic Scotland's Managing Change in Historic Environment guidance note on 'Boundaries', it is considered that on balance, the proposed development would suitably accord with the general principle of Policy B3, and with the overall expectations of Historic Environment Scotland Policy Statement and Scottish Planning Policy, and with the requirements of Policy D4 (Historic Environment).

### **CONDITIONS**

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

(1) that no development shall take place unless samples of all external finishing materials to the roof and walls of the development hereby approved have been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed.

Reason: to ensure that the visual amenity of the area is maintained.

(2) that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. A\_200 Rev D of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the parking of cars ancillary to the development and use thereby granted approval.

Reason:- to ensure that public safety and the free flow of traffic is not compromised.

(3) that the development hereby granted planning permission shall not be occupied unless the cycle storage facilities as shown on drawing number A\_200 Rev D, or such other drawing as may subsequently be submitted and approved in writing by the planning authority, have been provided

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

(4) that all planting, seeding and turfing comprised in the approved scheme of landscaping as shown on drawing No's. A700 Rev A and A701 Rev A, or such other drawing as may subsequently be submitted and approved in writing by the planning authority, shall be carried out no later than the first planting season following 1<sup>st</sup> occupation of the development and any trees or plants which within a period of 5 years from the 1<sup>st</sup> occupation 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

Reason:- in the interests of maintaining the amenity of the area.

(5) that prior to occupation, an appropriate noise assessment is undertaken by a suitably qualified noise consultant to predict likely noise impact associated with plant equipment (ie air conditioning units) on neighbouring properties and any necessary control measures. The assessment should (a) be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note; (b) identify whether noise mitigation measures are required to reduce noise from the noise sources to an acceptable level, in order to reasonably protect the amenity of the occupants of the existing neighbouring properties; (c) The methodology for the noise assessment should be submitted and agreed in writing with ACC Environmental Health officers in advance of the assessment.

Reason:- in the interests of maintaining the amenity of the area.

## **ADVISORY NOTES FOR APPLICANT**

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### **ACC Waste Services**

Advised that the developer must obtain a Trade Waste Agreement with the waste company they select and any residential bins must be removed from site. If ACC Waste Services provide a trade waste service for this site, the bin store location should be nearer the entrance to the car park to avoid the collection vehicle having to either reverse in or out of the car park.

Provided the following general comments:

- Business premises need to be provided with a bin store to allocate, within the property, the waste and recycling bins.
- Commercial waste bins cannot be stored on the street any day of the week as per Council Policy 2009 (Obstructions- Commercial Waste Bins). Infringement on the Council Policy can lead to a fine of £500 per bin as adopted by the Enterprise, Strategic Planning and Infrastructure Committee on 29<sup>th</sup> August 2013.
- There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services. For this reason, business premises need to liaise with their waste contract collection to ensure the correct management of their waste.
- Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.
- The Waste (Scotland) 2012 requires that **all businesses** from 1<sup>st</sup> January 2014 are required to separate paper, cardboard, glass, plastic and metals for recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).
- General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:
  - An area of hard standing at storage and collections point(s)

- Dropped kerb at proposed bin collection point
- Yellow lines in front of bin collection point
- Bin storage areas to ideally be provided with a gulley and wash down facility for the interest of hygiene.

**ACC Flooding Team**

Recommended the use of permeable materials and rain water harvesting where suitable in the design.

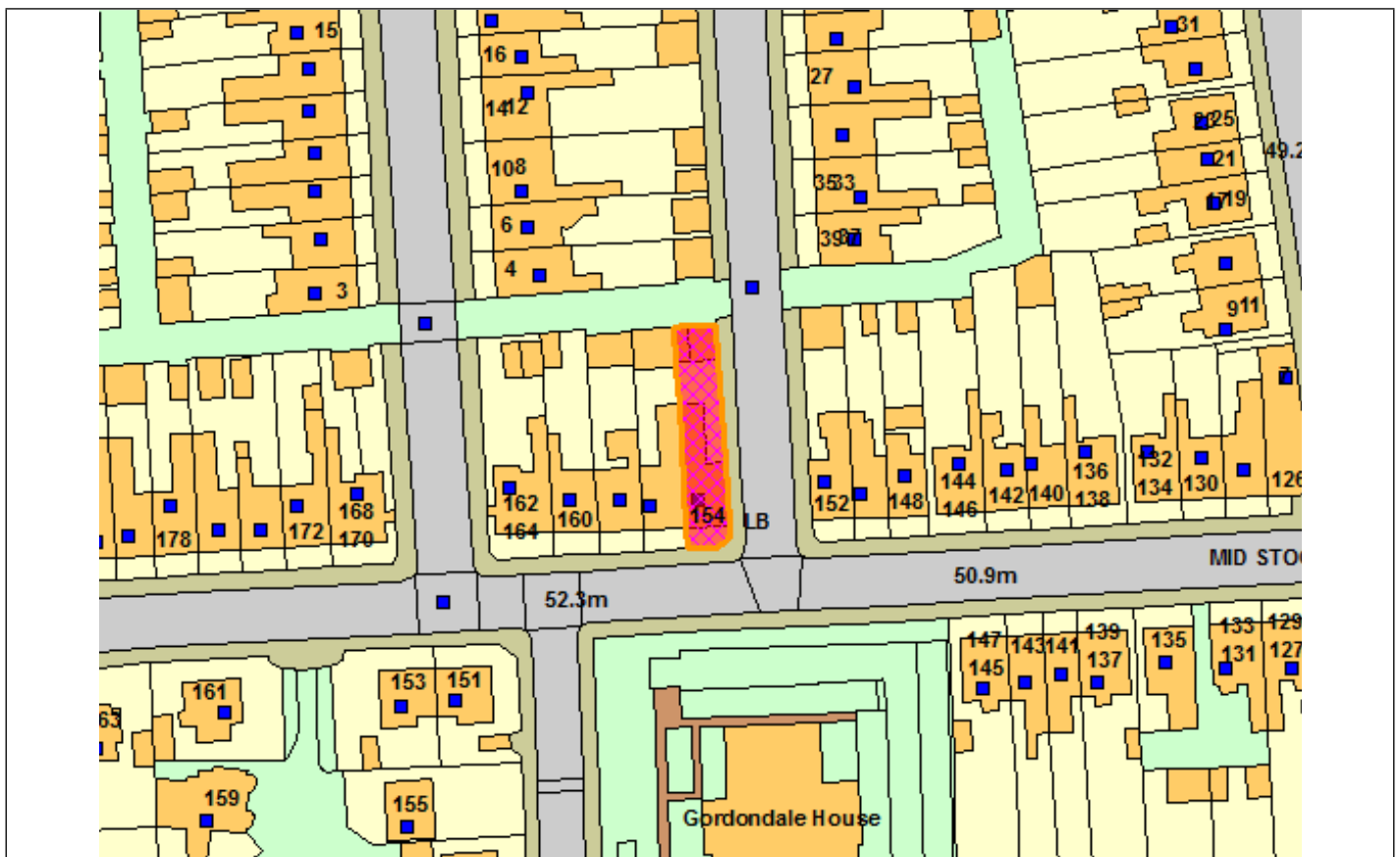


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 20<sup>th</sup> September 2018**

<b>Site Address:</b>	154 Midstocket Road, Aberdeen, AB15 5HT,
<b>Application Description:</b>	Erection of first floor extension above existing single storey extension to rear
<b>Application Ref:</b>	181378/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	3 August 2018
<b>Applicant:</b>	Mr & Mrs F & J Stewart
<b>Ward:</b>	Mid Stocket/Rosemount
<b>Community Council</b>	Rosemount And Mile End
<b>Case Officer:</b>	Roy Brown



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### RECOMMENDATION

Approve Unconditionally

## **APPLICATION BACKGROUND**

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### **Site Description**

A late 19<sup>th</sup> Century two storey end-terraced granite dwelling, and its associated front and rear curtilage. The dwelling has a south facing principal elevation. The site is bounded by Midstocket Road to the south, which the principal elevation fronts; Hosefield Avenue to the east; and Rosebery Lane to the north. It adjoins 156 Midstocket Road to its west and the dwelling has a traditional hipped roofed rear annexe projecting to the rear along the mutual western boundary which adjoins and mirrors the rear annexe of 156 Midstocket Road. Both of these rear annexes are two storeys in height for a projection of 4.6m from the rear elevation of the main dwelling and single storey for approximately 5.4m.

### **Relevant Planning History**

Planning permission (Ref: A7/0621) was approved in July 2007 for the formation of a dormer window.

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

The erection of a hipped roofed upper storey extension above the existing single storey rear annexe.

### **Supporting Documents**

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PCTQ84BZG7H00>

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because the application has been made by an elected member of the Council (Councillor Jennifer Stewart).

## **CONSULTATIONS**

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**ACC - Roads Development Management Team** – No objection – No observations

## **REPRESENTATIONS**

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None

## **MATERIAL CONSIDERATIONS**

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### **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 H1 -Residential Areas

Policy D1 - Quality Placemaking by Design

### **Supplementary Guidance (SG)**

## The Householder Development Guide (HDG)

### **EVALUATION**

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#### **Principle of Development**

The application site is located within a residential area, under Policy H1 of the ALDP, and the proposal relates to householder development. Householder development would accord with this policy in principle if it does not constitute over development, adversely affect the character and amenity of the surrounding area, and it complies with the SG. The extension would not result in the footprint of the dwelling being altered and would not significantly increase the intensity of activity on the site. It would thus not constitute overdevelopment, in compliance with Policy H1 of the ALDP.

#### **Design and Scale**

To determine the effect of the proposal on the character of the area it is necessary to assess the it in the context of Policy D1 of the ALDP. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment.

#### Scale, Materials and Form

The form of the proposed extension would be sympathetic to that of the original dwelling and the pattern of development in the surrounding area in that the extension would have a traditional hipped roofed form with the same pitch as the existing two storey annexe but would have a lower eaves and maximum height than the existing two storey annexe, which in turn has lower eaves and maximum heights than the main dwelling. The extension would not serve to overwhelm or dominate the original form or appearance of the dwelling and would be visually subservient to the original dwelling in terms of its height, mass and scale, in compliance with the Supplementary Guidance: 'The Householder Development Guide'. Whilst this two-storey form would have a substantial presence on Hosefield Avenue, it reflects the rear extensions in the area, notably those to the rear of Rosebery Street and the extension would have no impact on the principal elevation of the terrace.

In compliance with the Supplementary Guidance: 'The Householder Development Guide', the window proportions and the proposed slate roof would be complementary to the original dwelling. Whilst dry dash render is not a traditional material, it has been widely used on rear extensions and outbuildings in the surrounding area and thus would be compatible in this context.

#### Two Storey Extension Projecting Along the Mutual Boundary

With regard to terraced dwellings, the Supplementary Guidance: 'The Householder Development Guide' states that extensions of more than one storey would normally be refused where the proposal runs along a mutual boundary unless it can be demonstrated that the specific circumstances of the site and the proposal would ensure that there would be no detrimental impact on either the character or amenity of the area. It follows this by stating that proposals for extensions to end-terrace properties, as in this case, will be subject to these standards unless it can be demonstrated that the specific circumstances of the site and the proposal justify a departure from the above.

In this instance, the proposed extension would result in a two-storey extension projecting 10m from the rear elevation of the main dwelling along the mutual western boundary shared with the 156 Midsocket Road. Whilst this two-storey projection is significant, the rear annexe of 156 Midsocket Road projects an equal distance along the other side of this boundary and is two storeys in height for the first 5m from the rear elevation of the main dwelling, which would limit its massing from the west. Its projection would not adversely affect the character of the surrounding area.

The design and scale of the proposal would thus comply with the Householder Development Guide, and policies D1 and H1 of the ALDP.

## **Amenity**

### Background Daylight

Calculations, using the 45-degree rules in the Supplementary Guidance: 'The Householder Development Guide' show that the proposed extension would have no impact on the level of background daylight afforded to the habitable rooms of neighbouring residential properties.

### Sunlight and Overshadowing

Calculations do, however, show that the proposed extension would have an adverse impact on the level of sunlight afforded to an area of approximately 22sqm of the 76sqm area of the undeveloped area of the rear garden of 156 Midstocket Road.

The Householder Development Guide states that where a proposal fails to satisfy the requirements of the relevant test as in this instance, it will be appropriate for officers to consider other factors relevant to the likely impact on amenity including the proportion of amenity space/garden ground the proportion of amenity space/garden affected; the position of the overshadowed area relative to windows (of habitable rooms) of an adjacent property; and the nature of the space affected (e.g. overshadowed driveway).

The proposed extension would not affect the level of sunlight afforded into the habitable rooms of any of the neighbouring properties. Whilst the calculations show that the extension would affect approximately 29% of the rear garden of 156 Midstocket Road and the majority of this area is the primary outdoor amenity space of the affected garden, its patio, the orientation of the extension to the southeast of the affected space would mean that the extension would only impact this area for a few hours from the middle of to later in the morning, by midday there would be no overshadowing impact and the affected area would still be afforded a generous amount of sunlight from midday onwards. Approximately 7sqm of this area is affected already in the morning by the existing dwelling. On balance, the impact on the level of sunlight afforded to the rear of 156 Midstocket Road would have an insignificant impact on the existing level of amenity afforded to this residential property. It would therefore not conflict with the Supplementary Guidance: 'The Householder Development Guide to a degree that warrants refusal.

### Privacy

The Supplementary Guidance: 'The Householder Development Guide' states that windows to habitable rooms (habitable rooms constitute all rooms designed for living, eating or sleeping e.g. lounges, bedrooms and dining rooms/areas) should not look out directly over, or down into, areas used as private amenity space by residents of adjoining dwellings and in conflict with this, the bedroom window in the north elevation of the proposed extension would be able to look down into the rear patio area of 156 Midstocket Road at an oblique angle.

Whilst not compliant with the Supplementary Guidance, given an existing bedroom window on the north elevation of the rear annexe overlooks this area, the area would be overlooked from an oblique angle and there is presently limited screening between the two properties in the rear garden, the bedroom window on the north elevation would have negligible impact on the existing level of privacy, and thus amenity, afforded to this property, as well as any other neighbouring residential properties. It would therefore not conflict with the principles of Policies D1 and H1 of the ALDP.

On this basis, the circumstances of the site demonstrate that the two-storey projection along the mutual boundary would not have a detrimental impact on the character and amenity of the surrounding area.



The proposed extension would thus not have an impact on residential amenity in terms of daylight, sunlight and privacy to a degree that warrants refusal. It would therefore not conflict with the principles of Policies H1 – Residential Areas and D1 – Quality Placemaking by Design of the ALDP.

## **RECOMMENDATION**

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Approve Unconditionally

## **REASON FOR RECOMMENDATION**

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The proposed extension would be architecturally compatible in design and scale with the original building and the surrounding area.

Whilst the extension would be able to overlook the patio in the rear garden of the adjoining property from a habitable room, in conflict with the Supplementary Guidance: 'The Householder Development Guide', there is already a bedroom window overlooking the affected area, it would be at an oblique angle and there is presently limited screening between the curtilage of these two properties. Therefore, the overlooking from this window would have negligible impact on the existing level of privacy afforded to this property, as well as any other residential properties, and thus does not warrant refusal in this instance.

Whilst the proposal would have an adverse impact on the level of sunlight afforded to the patio in the rear garden of the adjoining property, 156 Midsocket Road, the impact would be limited to mid-late morning and the affected area would still be afforded a generous amount of sunlight from midday onwards.

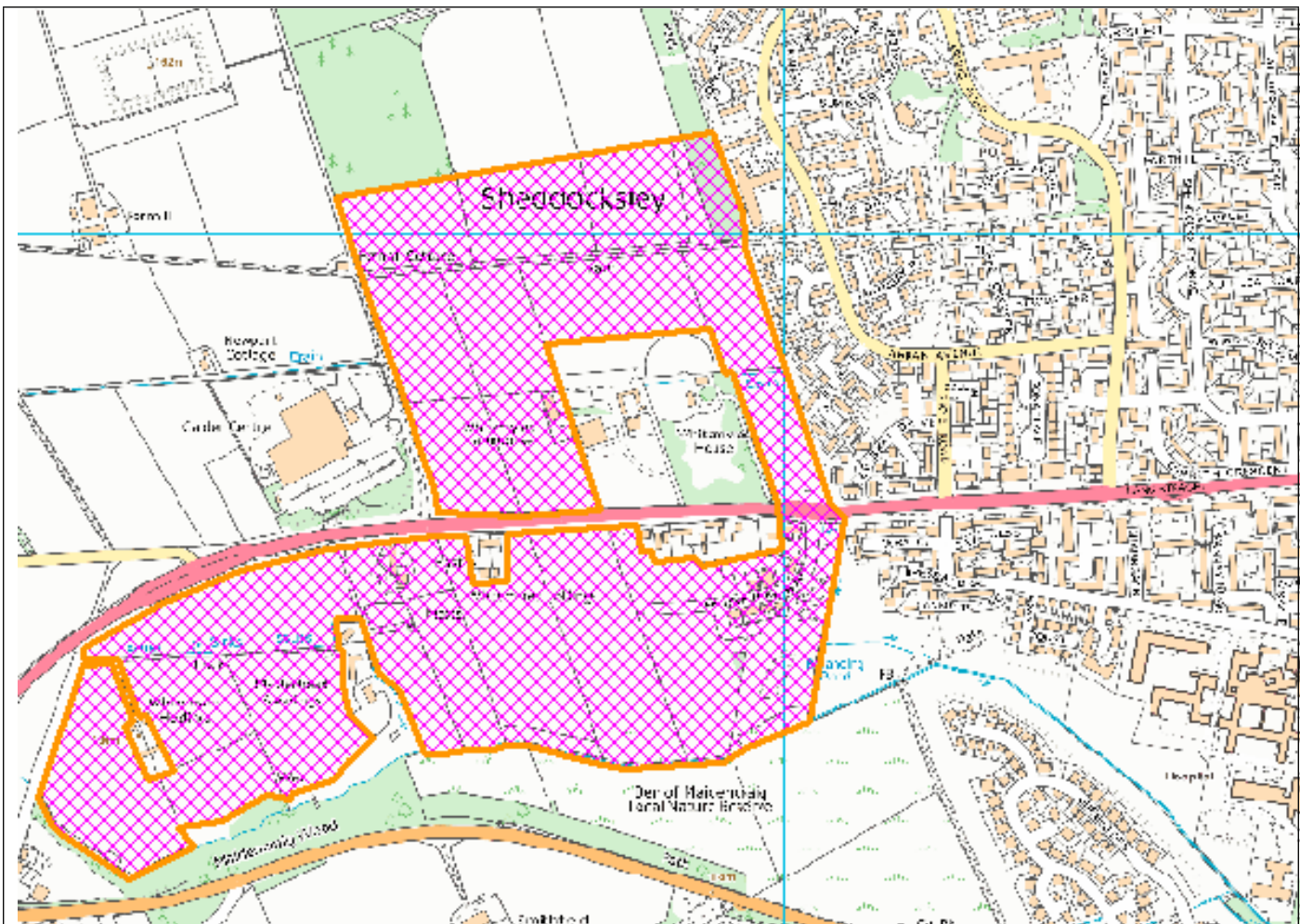
On balance, with respect to its two-storey form projecting along the mutual boundary, the proposed extension would not adversely affect residential amenity in terms of sunlight and privacy to a degree that would warrant refusal of planning permission in this instance.

The proposal would not significantly adversely affect the character and amenity of the surrounding area. It would therefore not conflict with the principles of Policies H1 – Residential Areas and D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan. There are no material planning considerations that warrant refusal in this instance.

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 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Planning Development Management Committee</h2>
	<p>Report by Development Management Manager</p>
	<p><b>Committee Date: 20<sup>th</sup> September 2018</b></p>

<b>Site Address:</b>	Land at Maidenraig, North & South Of A944, Aberdeen, AB15 6AX.
<b>Application Description:</b>	Variation of Conditions 6 (Eastern Access Details) and 7 (Central and Western Access Details) and 8 (A944 junction improvements, including the A944 / Stronsay Drive junction) of Planning Permission in Principle (Ref: P130265) for a mixed use development incorporating residential, commercial uses, community facilities, open space, landscaping and associated infrastructure to allow for an altered junction layout for the development
<b>Application Reference:</b>	180383/S42
<b>Application Type</b>	Section 42 (Variation to Conditions)
<b>Application Date:</b>	16 March 2018
<b>Applicant:</b>	Bancon Homes
<b>Ward:</b>	Kingswells/Sheddocksley/Summerhill
<b>Community Council</b>	Mastrick, Sheddocksley and Summerhill & Kingswells
<b>Case Officer:</b>	Gavin Clark



## RECOMMENDATION

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Approve Conditionally & Legal Agreement

## APPLICATION BACKGROUND

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### Site Description

The application site refers to two specific areas of land located to the west of the city centre. Identified as Maidencraig North East (OP32) and Maidencraig South East (OP31) under the Aberdeen Local Development Plan, which lie to the north and south of the Lang Stracht (A944). The sites provide a combined opportunity for 750 homes. The whole of the site has a southern aspect, sloping from north to south, and in terms of landscaping is generally undefined, with a typically rural identity running through both areas.

Situated adjacent to Sheddocksley on the western edge of the City, OP32 has a gradual slope from the north of the site down to the A944. The area extends to approximately 22.8 hectares and comprises the fields which surround Whitemyres House (Grade B listed) and Old Whitemyres Farmhouse (Grade Cs listed), and Fernhill Farm. The northern section of the boundary with Sheddocksley is defined by a thick tree belt, and the southern section by areas of hedgerow and sporadic tree planting. Further planting forms the northern boundary of the site, which in combination with general topography, screens the site from the north. It should be noted that development has commenced on 36 houses on the eastern-most side of this development site.

OP31, located west of the Summerhill residential area, is much more undulating in nature, extending to 29.8 hectares and encompassing the land from the A944 in the north, dropping steeply to the southern boundary with Den of Maidencraig. Beyond the Den Burn Valley to the south of the site is the Den of Maidencraig Local Nature Reserve, with Queens Road beyond. There is a Tree Preservation Order to the south of the Maidencraig Steadings, which contains 1 Grade Cs listed building, with a further Order covering part of Maidencraig Wood. It should be noted that development is close to completion (with houses now occupied) on 92 houses on Phase 1A on the eastern-most side of the development site.

### Relevant Planning History

*Maidencraig North-East and South-East:* The Maidencraig Masterplan fed into the formulation and submission of P130265, which encompasses the whole of Maidencraig North-East (OP 32) and South-East (OP31) sites. This document was approved as Supplementary Guidance in March 2013.

Planning permission in principle (Ref: 130265) was approved following the conclusion of a legal agreement in October 2017 for a mixed-use development incorporating residential, commercial uses, community facilities, open space, landscaping and associated infrastructure. The proposal seeks to amend conditions associated with this planning permission in principle application.

An associated application for the Modification of Planning Obligation (to allow additional applications/ variations) of Planning Permission in Principle Ref: 130265 is currently pending consideration.

An application (Ref: 181380/MS) is currently pending consideration for the Approval of Matter Specified in Conditions 1a (access), 1b (design), 1c (landscaping), 1d (tree survey), 1e (boundaries), 1f (waste collection), 1g (carbon reduction), Condition 12a (culvert), Condition 13a&b (badger exclusion zone), Condition 14 (pre-construction badger survey), Condition 15 (nature conservation

management plan), Condition 16a&b (waste management), Condition 17 (connectivity), Condition (20a&b bus stops), Condition 21 (SUDs), Condition 23a&b (dust suppression) of Planning Permission in Principle 130265/PPP for the erection of 40 dwellinghouses (part of Phases 1B/2B).

Planning permission (Ref: 131827) was approved following the conclusion of a legal agreement in October 2017 for the erection of 36 affordable houses, formation of access road and associated infrastructure (within Phase 1b), along with landscaping of adjacent site. This consent is in the process of being implemented.

Detailed planning permission (Ref: 130491) was approved under delegated powers in June 2014 (Phase 1a) for the erection of 92 dwellings, formation of access and associated infrastructure. This consent has been implemented, with many dwellings now occupied. Several additional applications associated with this consent have been submitted (such as changes of house type, or advertisement consents).

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

The application is submitted under the provisions of Section 42 of the Town and Country Planning (Scotland) Act 1997 and seeks modification to conditions 6, 7 and 8 of planning permission in principle P130265, which was approved in October 2017.

Conditions 6, 7 and 8, as approved, state that:

Condition 6: that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing the precise location, layout, design and construction method of the most eastern primary access junction with the A944, including capacity, distribution, signalling, operational flow, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; (b) no individual residential property hereby approved shall be occupied unless the relevant scheme is fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation – in the interests of road safety.

Condition 7: that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme, showing the precise location, layout, design and construction method of both the central and most western primary access junctions with the A944, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include capacity; distribution; signalling; operational flow, and a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; (b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the necessary roads infrastructure improvements required for that phase have been fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation – in the interests of road safety; and

Condition 8: that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme, showing the precise location, layout, design and construction method of A944 junction improvements, including the A944 / Stronsay Drive junction, together with provision of segregated cycle facilities at each, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; (b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this

condition, unless the necessary roads infrastructure improvements required for that phase have been fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation. Reason – in the interests of road safety.

The amendments proposed to each of these conditions will be discussed in the evaluation section of this report – as well as whether any additional conditions need to be amended/ added.

### **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=P5MP9ZBZJUP00>.

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

*Planning Statement: Bancon Homes: March 2015*: provides a background to the requirement for the current application, the issues associated with the current conditions and an overall conclusion.

*Planning Conditions Transportation Report: Arcadis: February 2018 (updating Technical Addendum submitted August 2018)*: provides an introduction to the proposal, details of the access strategy, an eastern development junction sensitivity test, details of the Lang Stracht junctions and an overall summary/ conclusion. Further information submitted also included an analysis of the results summary, pedestrian connectivity details and details of the modelling undertaken

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because the proposal has been subject five or more timeous letters of objection. The proposal therefore falls outwith the Scheme of Delegation.

## **CONSULTATIONS**

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**ACC – Roads Development Management Team** – following detailed negotiations they have no objection to the proposed development. The response will be discussed in greater detail in the evaluation section of this report.

**Transport Scotland** – does not proposed to advise against the granting of planning permission.

## **REPRESENTATIONS**

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27 letters of representation have been received (26 letters of objection and 1 neutral letter). The matters raised can be summarised as follows: -

### Neutral Comment

1. The western intersection needs to be signal controlled due to the lack of visibility on either side of the Lang Stracht; consideration should also be given to reduce the speed limit from 40mph to 30mph – it should be reduced further to 20mph if the road becomes a safe route to school.

### Objecting Comments

1. The infrastructure on the southern side of the Maidencraig development is not designed to cope with the traffic from the entire estate;

2. Queries whether an environmental study has been undertaken into the increased volumes of emissions on the nature reserve;
3. Road safety concerns with the proposed access, including impact on the safety of children;
4. Removing the ability to turn right, towards the Lang Stracht is considered unnecessary and will add time onto journeys. The current arrangement reduces the number of cars having to drive through the residential area;
5. Increase in traffic volumes, flow and frequency through the residential area;
6. Increased demand and heavy traffic flow around the two western access points from south and north Maidencraig – see no reason why the eastern access should be changed;
7. Access to convenience stores/ amenities/ hospitals will be impacted upon by increased travel times;
8. Increased impacts on air pollution and road surface wear;
9. The works proposed will be a hazard to road users and residents;
10. There has been a lack of transparency by the housebuilder in communicating the proposed junction change – this arrangement was not highlighted at the time of purchasing the property;
11. Do not understand why the change has been proposed – and have questioned why the Council have accepted this;
12. People will make dangerous manoeuvres (three-point turns etc) from the Lang Stracht onto the new access roads;
13. The wider communities should have been notified of the proposal, as the increased levels of traffic will have an adverse impact on the surrounding road network;
14. The alterations the road network will have an adverse impact on the AWPR;
15. The housing to the south has not been developed to allow alternative exists from the estates. This would need to be completed before any proposed change;
16. Concerns were raised with regards to the principle of residential development on the site, and the impact that this would have on the surrounding area;

## **MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) allows for applications for the development of land without complying with conditions attached to an earlier consent. Planning authorities are obliged to consider only the question of the conditions subject to which planning permission should be granted – i.e. the planning authority has no remit to reconsider the principle of the development.

With this type of application, there are two options available: (i) if the planning authority considers that the permission should be granted subject to different conditions from those originally applied, then it may grant planning permission accordingly; and (ii) if the planning authority considers that the planning permission should be granted subject to the same conditions as those originally applied, then it should refuse the application.

### **Aberdeen Local Development Plan (2017)**

- Policy T2: Managing the Transport Impact of Development

### **Supplementary Guidance**

- Transport and Accessibility
- Maidencraig Masterplan

## **EVALUATION**

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### **Principle of Development**

The issues for consideration in the determination of this application are that of the conditions that were attached to the original permission (Ref: 130265), in particular conditions 6, 7 and 8 in relation to the accesses to the development; specifically, whether circumstances have changed such that the conditions can be amended or deleted. The Planning Authority can also consider whether any other conditions associated with the previous Planning Permission in Principle can be amended/ altered, whether the resultant alterations would impact on residential amenity to an unacceptable degree, and whether the proposal would significantly conflict with the general aims of the approved masterplan. These matters will be discussed in greater detail in the below evaluation.

### **Compliance with Maidencraig Masterplan**

The Maidencraig Masterplan was approved and adopted as Supplementary Guidance in March 2013. The Maidencraig Development Framework was produced prior to the adoption of the Aberdeen Local Development Plan 2017; and was re-adopted on the 4<sup>th</sup> May 2017 (after the adoption of the ALDP in January 2017).

The approved Access Strategy (within the Masterplan) states that:

The Strategy agreed that OP32 (Maidencraig North East) would be served with 2 points of vehicular access from Lang Stracht, while OP31 (Maidencraig South East) would have 3 connections to Lang Stracht. Of the 3 access points agreed, the central one (currently serving Dobbie's Garden Centre) would be formed as crossroads and controlled by traffic signals. *"The other two accesses would be left-in, left-out only junctions. However, whilst the eastern and western junctions were to be left-in/left-out arrangements, there was a necessity to design a temporary all-ways junction for the eastern access point, to be utilised until the central junction is completed, providing an alternative means of access for residents, at which point it would become a left in/left out only junction."* Based on the current phasing plan, the central junction was to be completed in advance of the western junction, which would therefore be constructed as a left-in/ left-out arrangement, with provision for buses.

The revised access strategy of providing only two vehicular accesses on the south side of Lang Stracht, achieved by not providing the originally proposed western junction and by moving the central junction further to the west, would not undermine the general principles of the masterplan in terms of phasing of the development and the development layout and would not result in any substantive change to the positions of buildings or layout of the internal streets, other than the position of the new access. The line of the previously approved central access into the site would become a landscaped pedestrian route. The eastern access would remain unaltered and would revert to a left-in, left-out arrangement following completion of the new joint central/ western junction – which would be located approximately equidistant (160m) between those approved as part of the masterplan. The below assessment, and submitted Transport Statements indicate that there would be no net detrimental impact as a result of the changes proposed, and the access would not greatly impact on the phases of development, or layout of the site, and it is therefore concluded that the proposed development would not detract from the general aims of the masterplan to such a degree that would warrant amendment of its approved details.

### **Condition 6: (Eastern Access Details)**

The applicant is seeking to change the above condition, proposing to:

1. Allow for 300 units to be completed before a second development junction is built (subject to both an additional emergency access being provided, and the consent of the fire service);
2. Allow for 400 units to be occupied before the eastern signalised junction reverts to a left-in / left-out.



In essence, the wording of this condition would not be amended to any great extent. The intention of the condition was always to revert to a left-in/left-out arrangement following the completion of a certain number of dwellinghouses. The matter that will be altered relates to the number of units that can be completed on either side of the Lang Stracht before the central junction (required by Condition 7 of P130265) has to be constructed and implemented.

In terms of the first point, it is normally the case that no more than 100 residential units can be constructed on a housing site unless there are two means of vehicular access. This limitation is in place primarily to ensure that there is appropriate access available for emergency vehicles, in particular fire appliances. Therefore, any change to that normal limitation must be considered in terms of safety for residents. It also requires to be considered in terms of road safety and residential amenity. In justification, the applicant has provided correspondence from the Scottish Fire and Rescue Service intimating that they have no issue with the proposals. However, Roads Development Management finds the correspondence to be ambiguous on whether all of the 300 houses could be constructed on either the south or north side of Lang Stracht. As a temporary secondary emergency service access is proposed for the south side of the road, but not on the north side, in the interests of safety, it is appropriate that the construction of these 300 houses is more heavily weighted to the South until such time as the new additional and permanent junctions for either Maidenraig South East or Maidenraig North East being completed. To this end, it is appropriate to limit, by condition, the number of units accessed solely off the eastern access to a maximum of 184 completed residential units on the south side of Lang Stracht and a maximum of 116 completed units on the north side unless the additional permanent junctions have been constructed; which would also allow for the phases of development to accord with the general aims of the approved masterplan.

In terms of other issues on road safety and amenity; it is acknowledged that there could be some additional impact on the amenity of residents, given that up to 300 units could be occupied before construction of the secondary access (184 on the south – 116 on the north) is commenced. The Transport Assessment with the previous application noted that *“this junction could feasibly accommodate up to 200 residential units until a secondary access point would be required”*. It is acknowledged that in the short-term there would be additional traffic utilising the eastern most junction until such a time as the centralised junctions are completed, which may have a limited additional impact on other road users (pedestrians/ cyclists) arising solely from the extra volume of traffic. No specific road safety concerns on this arrangement have been raised by the Roads Development Management Team and thus from a safety perspective is acceptable for these early phases of the development. Whilst additional traffic will be passing those residential properties near to the eastern access until such time as the centralised junctions are completed, the increased volume of vehicles would not significantly impact on residential amenity. Any impacts that might arise, such as increased noise from traffic, would not be significant and would not warrant refusal of planning consent in this instance.

Regarding the second point, the applicant has provided analysis showing that the Eastern signalised junction can accommodate the traffic associated with 435 units (a split of 219 South and 216 North, representing phases 1a, 1b, 2a, & 2b all utilising the Eastern junction only) with a remaining practical reserve capacity of the junction of 2.2%. As such, waiting until 400 units are occupied to complete the replacement of these traffic signals with left-in / left-out junctions is not concerning (as 400 is less than 435) from a capacity point of view. However, the main factor influencing the timing for the removal of the Eastern junction traffic signals is preventing delay to drivers on the Lang Stracht, as the overall proposal is now for 2 sets of traffic signals at the re-configured central junctions, as well as the Eastern traffic signals being removed. It is therefore necessary to ensure that no more than two sets of traffic signals run concurrently, and that the Eastern signalised junction does not persist past the limits that have been identified above.

Subsequently, officers in the Roads Development Management Team have raised no objection to the proposed works providing the following criteria are incorporated into amended conditions:

- Upon completion of 184 units to the South, the Western development junction (signalised T-junction for access to the South) should be completed.
- Upon completion of 116 units to the North, the Central development junction (signalised T-junction for access to the North) should be completed.
- Upon completion of both the Western and Central junctions the Eastern junction should revert to left-in / left-out;
- No more than 219 dwellings to the South and 216 dwellings to the North can be completed before the Eastern access reverts to left-in / left-out.

This is now condition 4, as detailed in the below “conditions” section; and the information within the bullet points above have been incorporated into conditions 6 and 7.

### **Condition 7: (Central and Western Access Details)**

It is acknowledged that the existing “*Dobbies*” priority T-junction was to be upgraded to a signalised four-arm junction to provide the main major access point to both the northern and southern development sites.

The applicant is instead proposing two three-arm junctions. The southern arm of the previous design has been moved west by approximately 160m to create an offset between the northern and southern development access arms. These two access points would form the new central and western development junctions (i.e. the previous left-in / left-out western junction would no longer be part of the application).

Officers in the Roads and Transportation teams have been involved in detailed discussions with the applicant’s transportation consultants with regards to the details of the proposed T junctions. The stance taken was that the Council would not accept an updated junction proposal unless it was a universal betterment when compared to the originally approved design. Through an iterative process, over the course of several months, the applicant has presented a solution that reduces the predicted total delay in both eastbound and westbound directions, during both AM and PM peak times. This was done predominantly through reducing the widths of pedestrian crossings, making junctions more compact (to allow for more efficient operation in terms of pedestrian clearance times and vehicular inter-green time), and also through increasing the right-turn lane storage capacity on the eastern arm of the central junction.

As such, the Roads Development Management Team are content with the proposal to change the central crossroads junctions into two separate T-junctions, approximately 160m apart, serving both the north and south of the development sites. The movement of the southern access from the previous crossroads into a traffic signal junction to the west is therefore acceptable in principle. However, the final details of both junctions (the geometry and the precise location) are to be agreed with the Planning Service, in consultation with officers in Roads Development Management will still be required under the terms of Conditions 5 of this planning permission in principle application.

### **Condition 8: (A944 junction improvements, including the A944 / Stronsay Drive junction)**

The applicants also proposed to change the wording/ requirements of condition 8 as it was argued that, back in 2013, an indicative solution for the junctions on the A944 junction were agreed in principle, and the condition was inserted to agree this formally.

The applicant is seeking to make payments in lieu of actually undertaking the work on 4 of the 5 junctions, justifying that 2 nearby developments (Countesswells & Prime Four) are also responsible for improvements to these junctions. The applicant is still willing to solely upgrade the fifth junction.

Insufficient evidence has been submitted at this time to justify taking cash contributions for the proposed improvements, rather than the applicants undertaking the required works.

It is the view of the Planning Authority that this condition should not be altered at present. At present there is a requirement for the applicant to undertake works in relation to improvements at the A944 (Lang Stracht) junction with Stronsay Drive, which are deemed necessary to address transport impacts arising from the residential development and thus in order for the development to be acceptable. The applicant put forward a case that the legal agreements associated with both the Countesswells and Prime Four developments were also required to provide contributions towards these specific works. However, the legal agreements associated with those developments do not require upgrades to this specific junction and thus it remains necessary for the applicant to carry out the improvements in accordance with the condition. A condition on an application at Prime Four (Ref: P150642) did allow for financial contributions in lieu of implementing the mitigation measures necessary to accommodate the development although these monies have not yet been provided, and there is no guarantee that this will be paid, as a certain threshold of development has to be exceeded before they are due and there is no certainty at this time that this threshold will be exceeded.

This condition is now referred to as Condition 9 below.

### **Matters Raised in Letters of Representation**

#### Neutral Comment:

1. Comments are noted; and will be passed on to officers in the Transportation Team for consideration. Notwithstanding, this matter is not relevant to the determination of this planning application;

#### Objecting Comments:

1. The eastern, western and central junctions have always been proposed; and were designed to cope with the entire building out on both the northern and southern sections of the development. The proposed eastern junction arrangements will not be significantly changing, and the western/ central junction has been amended into one, where it has been adequately demonstrated that there will be no net detriment on the surrounding road network – this matter was discussed in greater detail in the above evaluation;
2. This application does not result in additional traffic overall. Only the access arrangements are changing, not the number of houses/ flats and thus no changes in traffic levels are expected;
3. The proposal has been assessed by officers in Roads Development Management, who have highlighted no major concerns with the proposed development. Matters in relation to pedestrian safety were also considered at the time of the original planning application;
4. This matter has been discussed in greater detail in the above evaluation;
5. As mentioned in Point 2 – the proposal does not result in more traffic overall – the same number of properties are to be build - only the access arrangements are changing, not the number of houses/ flats;
6. This matter has been discussed in greater detail in the above evaluation;

7. Moving the access further west would in theory increase travel times, but only marginally. As has been mentioned previously, it was always the intention to alter the eastern access when further properties have been built, and therefore this has always been the plan for the overall development;
8. This matter was addressed at the time of the original Planning Permission in Principle (PPiP);
9. This matter was addressed at the time of the original Planning Permission in Principle (PPiP);
10. This matter is not a material planning consideration;
11. The Council has not proposed the changes – they have been put forward and justified (in part) by the applicant (Bancon) – a detailed assessment was thereafter undertaken by the Council, which showed no net-detrimental impact on the surrounding road network. As a result the proposal has been progressed with a recommendation of approval.
12. Road safety is a material consideration, so what needs to be considered here is whether the proposal in itself would result in any dangerous manoeuvres. The proposal has been assessed by officers in Roads Development Management who have no objection to the development from a road safety perspective.
13. The wider transport arrangements were reviewed at the time of the original planning permission in principle application – with appropriate community consultation being undertaken. The proposal has been demonstrated to have no net detrimental impact on the surrounding road network – and correct neighbour notification/ advertisement/ consultation were undertaken; in relation to the current application, correct neighbour notification procedures were undertaken for the proposals. Neighbours were notified on the 20<sup>th</sup> and 21<sup>st</sup> March 2018, and the application was advertised in the Aberdeen Citizen on the 28<sup>th</sup> March 2018;
14. This matter was considered at the time of the original application – the proposal would not have a detrimental impact on the AWPR. This proposal does not change that situation;
15. The junction would not need to be altered until such a time that a certain number of units have been completed on the southern side of the development (as discussed in the above evaluation), with the current solution seen as an appropriate alternative to the previous western/ central junction proposal;
16. The principle of development has been established by the granting of application Ref: 130265.

### **Heads of Terms of any Legal Agreement**

The proposal was previously subject to a Legal Agreement that was eventually concluded in October 2017. This agreement did not provide a clause/ caveat to allow for any future application to be considered under the terms of said agreement. Subsequent to this the applicants have submitted an application to modify the existing legal agreement (Ref: 181453/MPO); which is also under consideration at this Planning Development Management Committee. If granted, this permission cannot be issued until such agreements has been finalised and registered, as the proposals will essentially grant a new planning permission in principle.

### **Amended/ Altered/ Deleted Conditions**

Conditions 2 and 3 of the original consent have been removed because these are covered by a Direction under Section 59(5) of the Town and Country Planning (Scotland) Act (as amended),

whereby the time periods for implementation of the permission automatically applies. Thus including these details in conditions is not appropriate. Condition 19 of the original planning consent has been removed, as it related to Phase 1A of the development site (which has now been completed – and works required from this have been completed). Further to this Conditions 9, 10, 11, 14, 16, 22 and 23 of the original consent have been amended to remove the words “*unless the planning authority has given written approval for a variation*” from each respective condition. Conditions 14, 15 and 20 have also been amended to make reference to the previously approved application. The wording of Condition 4 (now condition 2) has also been amended to allow for small variations to the approved masterplan (such as the revised accesses requested as part of this application) – and to allow some flexibility in relation to the phasing of the overall development.). Three new conditions (6, 7 and 8) as detailed at the end of this report have all been added and refer to further information required in relation to works associated with the proposed accesses.

## **RECOMMENDATION**

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Approve Conditionally and Legal Agreement

## **REASON FOR RECOMMENDATION**

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The proposed amendments to conditions 6 and 7 have been adequately justified, and the proposed alterations have been considered acceptable by both Transport Scotland and the Roads Development Management Team. Insufficient justification/ information has been submitted by the applicant to allow for the discharge or amendment of Condition 8. The full implementation of the improvements required at the Lang Stracht (A944)/Stronsay Drive junction is required to address the transport impacts of the development. Therefore, this condition remains unaltered. The proposal would not have an adverse impact on the amenity of residents within the Maidencraig development; and the revised road arrangement would comply with the general aims of the Maidencraig Masterplan. In this instance there are no material planning considerations that would warrant refusal of planning permission.

## **CONDITIONS**

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- (01) that no individual phase of the development pursuant to the planning permission in principle hereby approved shall be carried out until such time as a further application for that individual phase has been made to the planning authority for approval of the matters specified in this condition and such approval has been granted; unless the planning authority has given written approval for a variation; these matters being details of the:
- a) means of access and car parking, cycle parking and motorcycle parking;
  - b) siting, design and external appearance of the building(s);
  - c) hard and soft landscaping of the site;
  - d) tree survey to show details of all existing trees, and those to be removed, retained and planted, which a scheme for protection of those to be retained on site during construction works;
  - e) site and plot boundaries and enclosures;
  - f) arrangements for the segregation, storage, collection and management of residential, commercial and business waste arising from within that phase; and
  - g) low zero carbon equipment or carbon reduction measures to meet the requirements of the Council’s Supplementary Guidance: Resources for New Development.

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

- (02) that, the details and phasing of the development shall follow the general principles established in the Maidencraig Masterplan dated April 2013. (as amended by the revised masterplan drawing submitted with planning application 180383/S42 - Drawing Ref: 180383-01). In particular the areas identified as Phases 3a and 4, as indicated on page 54, 'Section 5.1 Phasing' of this document, will show evidence that the location, design and construction of the new housing have taken account of the need to protect residents from potential noise nuisance arising from the proximity to Albion Kennels Reason – to ensure that the agreed design principles and phasing are followed through to the detailed stages of the development, and to protect the amenity of residents.
- (03) that all planting, seeding and turfing, comprised in any scheme of landscaping approved under Condition (1) attached to this grant of planning permission in principle, 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.
- (04) that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing the precise location, layout, design and construction method of the most eastern primary access junction with the A944, including design, geometry, capacity, distribution, operational flow, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; (b) no individual residential property hereby approved shall be occupied unless the relevant scheme is fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation Reason – in the interests of road safety.
- (05) that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme, showing the precise location, layout, design and construction method of the second and third development (central) junctions with the A944, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include capacity; distribution; signaling; operational flow, and a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; (b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the necessary roads infrastructure improvements required for that phase have been fully implemented in accordance with the approved plans, unless the planning authority has given written approval for a variation. Reason – in the interests of road safety.
- (06) That, (a) upon completion of 185th residential unit to south of Lang Stracht (Opportunity Site OP 31 as identified in the Aberdeen Local Development Plan 2017), the development junction (as required by condition 5) (signalised T-junction for access to the south) should be completed; (b) upon completion of 117<sup>th</sup> residential unit to the north, of Lang Stracht (Opportunity Site OP 32 as identified in the Aberdeen Local Development Plan 2017 the development junction (signalised T-junction for access to the north, should be completed; and (c) upon completion of both of these junctions junctions, the eastern junction shall revert to a left-in, left-out arrangement (as required by Condition 4). Reason: in the interests of road safety; and to ensure the development site can adequately function.

- (07) That no more than 219 dwellings to the south of Lang Stracht (Opportunity Site OP 31 as identified in the Aberdeen Local Development Plan 2017) and 216 dwellings to the north of Lang Stracht (Opportunity Site OP32 as identified in the Aberdeen Local Development Plan 2017) can be completed before the eastern access, as required by Condition 4, reverts to a left-in left-out arrangement. Reason: in the interests of road safety; and to ensure the development site can adequately function.
- (08) That prior to the commencement of development on any further phase of development, details of the emergency access to the south of Lang Stracht (Opportunity Site OP 31 as identified in the Aberdeen Local Development Plan 2017), shall be submitted to, and approved in writing by the Planning Authority. Thereafter these details shall be implemented in their entirety on completion of the 100<sup>th</sup> house within this phase of the development site and shall remain in place until such time as the junction required by Conditions 5 and 6 has been completed. Reason: in the interests of road safety; and to ensure the development site can adequately function.
- (09) that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme, showing the precise location, layout, design and construction method of A944 junction improvements, including the A944 / Stronsay Drive junction, together with provision of segregated cycle facilities at each, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; (b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the necessary roads infrastructure improvements required for that phase have been fully implemented in accordance with the approved plan. Reason – in the interests of road safety.
- (10) that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing all elements required to implement and enforce a Prohibition of Driving Order on Core Path 29, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include all physical infrastructure alterations, and a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; (b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the Prohibition of Driving Order has been fully implemented in accordance with the approved plans. Reason – in the interests of road safety.
- (11) that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing a proposed management plan to deal with all access issues through the entire length of the insert road set back to the south of A944, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include provision for emergency access, prohibition orders, all physical infrastructure improvements, and a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; (b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the management plan has been fully implemented in accordance with the approved plans. Reason – in the interests of road safety.

- (12) that, no more than 182 residential units shall be occupied until the Aberdeen Western Peripheral Route (AWPR) has been constructed – in the interests of road safety and the free flow of traffic.
- (13) that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing the design and construction of culverts linking the north and south developments beneath the A944 has been submitted to, by means of a formal application for approval of matters specified in condition and approved in writing by the planning authority. Such details shall include a phasing plan which clearly identifies triggers and timescales for implementation in relation to the overall phasing of the site; (b) no building shall be occupied within any individual phase identified through the phasing plan under part (a) of this condition, unless the culvert scheme has been fully implemented in accordance with the approved plans. Reason – to mitigate the potential risk of flooding which the development poses to the existing communities.
- (14) that, (a) no development pursuant to the planning permission in principle hereby approved shall take place unless a detailed plan identifying appropriate exclusion zone boundaries for the main and subsidiary badger setts, as identified in the Badger Protection Plan, dated June 2013, submitted under planning application reference P130265, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; (b) unless the planning authority has given written approval for a variation through consultation with Scottish Natural Heritage, no construction works pursuant to the planning permission in principle hereby approved shall take place within any exclusion zone as identified in the above plan. Reason – to ensure protection of wildlife habitats within the site.
- (15) That, notwithstanding the details contained within the Badger Protection Plan, dated June 2013, submitted under planning application reference P130265, no development pursuant to the planning permission in principle hereby approved shall take place unless a Pre-construction Survey has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. The survey will be undertaken a minimum of 12 months prior to construction commencing; within a radius of 1km around the whole development site and shall include an up to date assessment of badger activity on the development site. It shall also highlight whether any badgers' setts exclusions are required, and if so, consider alternative sets and potential locations, having regard for restrictions arising from the breeding season – to ensure protection of wildlife habitats within the site.
- (16) that no development pursuant to the planning permission in principle hereby approved shall take place unless a Nature Conservation Management Plan, that incorporates the Local Nature Reserve and the Green Space Network, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority – in the interests of retaining and increasing the wildlife of the remaining habitats.
- (17) that, (a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a full site waste management plan for the processing of construction and demolition waste for that individual phase has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; (b) no work shall be carried out within that individual phase unless the management plan is fully implemented in accordance with the approved plans. Reason – to ensure that waste on the site is managed in a sustainable manner.



- (18) that, (a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme showing the precise location, layout and construction method of adequate pedestrian and cycle connectivity from that individual phase to the A944 has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; (b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved plans. Reason - in the interests of promoting sustainable connections outwith the site.
- (19) that, (a) no development within the area identified as Phase 1B as indicated on page 54, 'Section 5.1 Phasing' of the Masterplan dated April 2013, pursuant to the planning permission in principle hereby approved, shall take place unless a detailed scheme showing the precise location, layout, design and construction method of pedestrian and cycle connectivity from the eastern side of the development, north of the A944, to the existing residential area to the east, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; (b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved plans. Reason - in the interests of promoting sustainable connections outwith the site.
- (20) that, (a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a fully detailed SUDS scheme, to comply with the Drainage Impact Assessment, reference B9204, dated 05/09/2013, submitted under planning application reference P130265, for that individual phase has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; (b) no individual residential property hereby approved within that individual phase shall be occupied unless the relevant scheme under part (a) of this condition has been fully implemented in accordance with the approved plans. Reason – in the interests of protection of the water environment.
- (21) that, (a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless the implementation of a programme of archaeological work (to include all necessary post-excavation and publication work) has been secured for that individual phase in accordance with a written scheme of investigation that has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by, the planning authority; (b) no work shall be carried out within that individual phase unless the programme of archaeological work has been fully implemented in accordance with the approved plans. Reason – in the interests of protecting the historic heritage of the City.
- (22) that, (a) no individual phase of the development pursuant to the planning permission in principle hereby approved shall take place unless a detailed scheme in respect of that individual phase, showing suitable dust suppression measures to be incorporated within the procedures for demolition and construction, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority. Such details shall include the provision of dust suppression equipment during periods of dry weather, and measures to prevent the potential for mud and/or other debris from vehicular traffic being deposited on the A944 public highway adjacent to the site; (b) no work shall be carried out within that individual phase unless the relevant scheme under part (a) of this condition has been fully implemented in

accordance with the approved. Reason – in order to prevent dust arising on site giving rise to nuisance and to prevent the risk of environmental pollution.

- (23) that no individual employment based development pursuant to the planning permission in principle hereby approved shall be occupied unless a detailed Green Transport Plan for that individual development, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets, has been submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority - in order to encourage more sustainable forms of travel to the development.
- (24) that no individual residential property on any individual phase of the development pursuant to the planning permission in principle hereby approved shall be occupied unless a comprehensive Residential Travel Pack for that individual phase has been: (a) submitted to, by means of a formal application for approval of matters specified in condition, and approved in writing by the planning authority; and (b) subsequently provided to occupants of each residential property to be occupied. The Pack will set out proposals for reducing dependency on the private car, including information on external connectivity to key facilities, and will provide, in consultation with local schools and the planning authority, information on safer routes to schools - in the interests of promoting sustainable transportation.

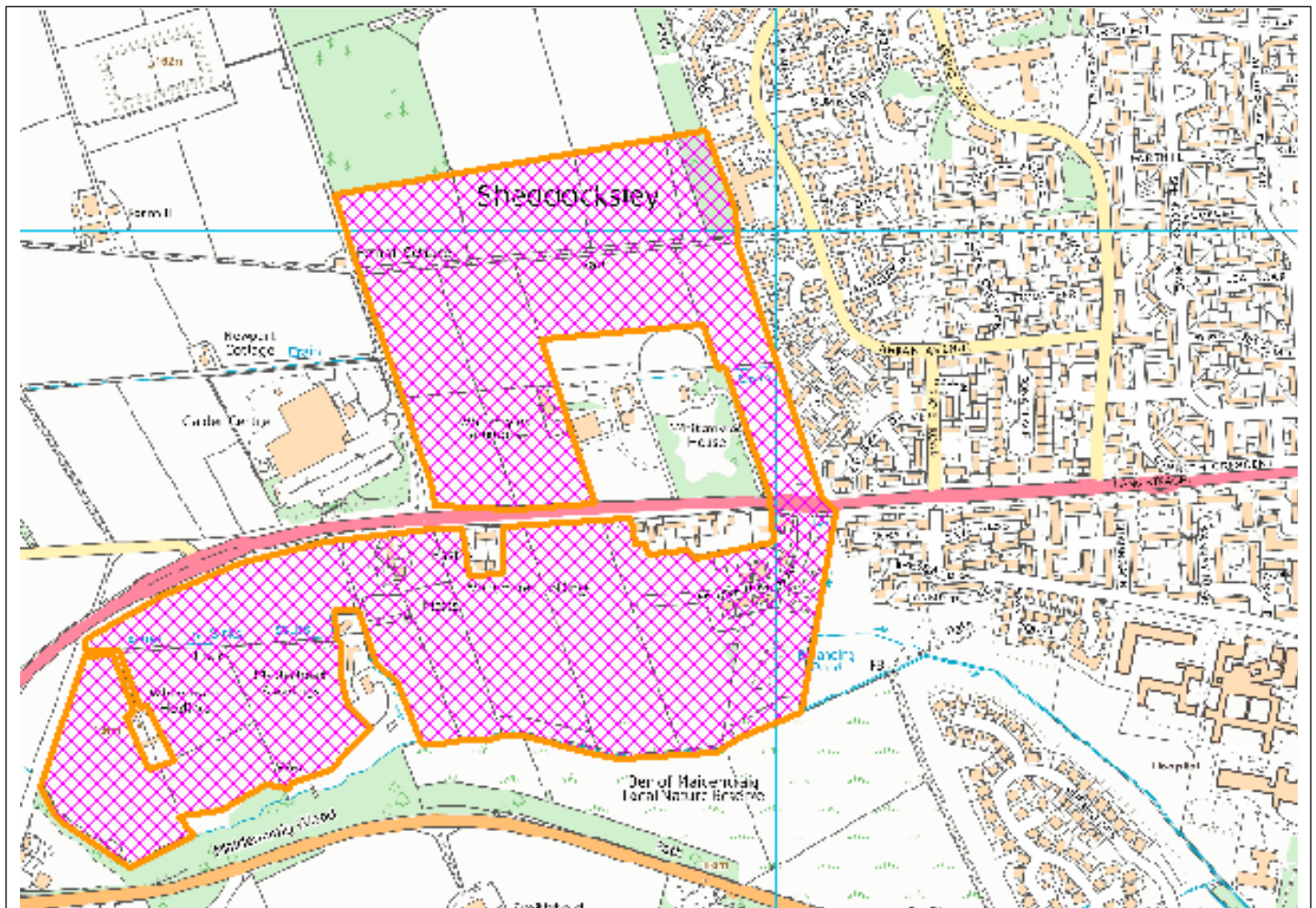


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 20<sup>th</sup> September 2018**

<b>Site Address:</b>	Site at Maidencraig, North and South of the A944, Aberdeen, AB15 6AX.
<b>Application Description:</b>	Modification of Planning Obligation (to allow additional applications/ variations) of Planning Permission in Principle Ref: 130265 for a mixed use development incorporating residential, commercial uses, community facilities, open space, landscaping and associated infrastructure
<b>Application Ref:</b>	181453/MPO
<b>Application Type</b>	Modification/Discharge of Planning Obligation
<b>Application Date:</b>	13 August 2018
<b>Applicant:</b>	Bancon Homes Ltd
<b>Ward:</b>	Kingswells/Sheddocksley/Summerhill
<b>Community Council</b>	Kingswells
<b>Case Officer:</b>	Gavin Clark



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## RECOMMENDATION

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Approve Modification

## APPLICATION BACKGROUND

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### Site Description

The application site refers to two specific areas of land located to the west of the city centre. Identified as Maidencraig North East (OP 32) and Maidencraig South East (OP 31) under the Aberdeen Local Development Plan, they lie to the north and south of the Lang Stracht (A944). The sites provide a combined opportunity for 750 homes. The whole of the site has a southern aspect, sloping from north to south, and in terms of landscaping is generally undefined, with a typically rural identity running through both areas.

Situated adjacent to Sheddocksley on the western edge of the City, OP32 has a gradual slope from the north of the site down to the A944. The area extends to 22.8 hectares and comprises the fields which surround Whitemyres House and Old Whitemyres Farmhouse, and Fernhill Farm. The northern section of the boundary with Sheddocksley is defined by a thick tree belt, and the southern section by areas of hedgerow and sporadic trees. Further tree planting forms the northern boundary of the site, which in combination with general topography, screens the site from the north.

OP31, located west of the Summerhill residential area, is much more undulating in nature, extending to 29.8 hectares and encompassing the land from the A944 in the north, dropping steeply to the southern boundary with Den of Maidencraig. Beyond the Den Burn Valley to the south of the site is the Den of Maidencraig Local Nature Reserve, with Queens Road beyond. There is a Tree Preservation Order to the south of the Maidencraig Steadings, which contains 1 Grade C(s) listed building, with a further Order covering part of Maidencraig Wood.

### Relevant Planning History

*Maidencraig North-East and South-East:* The Maidencraig Masterplan fed into the formulation and submission of P130265, which encompasses the whole of Maidencraig North-East (OP 32) and South-East (OP31) sites. Planning permission in principle (Ref: 130265) was approved following the conclusion of a legal agreement in October 2017 for a mixed-use development incorporating residential, commercial uses, community facilities, open space, landscaping and associated infrastructure. The proposal seeks to amend conditions associated with this planning consent.

An application for the variation of Conditions 6 (Eastern Access Details), 7 (Central and Western Access Details) and 8 (A944 Junction Improvement Works) (Ref: 180383/S42) of Planning Permission in Principle (Ref: P130265) is pending consideration. It should be noted that this application cannot be granted without the variation of the legal agreement required by the proposal currently under consideration.

## APPLICATION DESCRIPTION

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### Description of Proposal

The application relates to a consent for a mixed-use development that was granted subject to a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) to secure a number of developer obligations. Section 75A of the Act 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.

This application seeks the modification of the obligation to insert a clause to allow further planning applications (including 180383/S42) to be determined in accordance with the terms of the original legal agreement.

### **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=PDFX9TBZ01700>.

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because it seeks to vary a legal agreement required by a case previously determined by the Planning Development Management Committee (minute of meeting of 29<sup>th</sup> October 2013, item 1 refers).

### **CONSULTATIONS**

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None

### **REPRESENTATIONS**

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Applications to vary or discharge planning obligations under Section 75A of the Act are not open for public comment.

### **MATERIAL CONSIDERATIONS**

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#### **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 each 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(s) set out in the application – i.e. the proposed modification is either approved or refused.

#### **National Policy and Guidance**

Circular 3/2012 – Planning Obligations and Good Neighbour Agreements

### **EVALUATION**

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The original legal agreement associated with Planning Application Ref: 130265 did not include a clause allowing any variations to be granted in line with the terms of the original legal agreement. By granting consent for this modification any future applications for variations of conditions/ changes of house types and other associated alterations could be determined under the terms of the original legal agreement. Approval does not alter the level of developer obligations required by the original agreement. The proposal would therefore meet the aims of Circular 3/2012, and there are no reasons as to why a modification should not been granted in this instance.

**RECOMMENDATION**

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Approve Modification

**REASON**

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There is a requirement to allow any future applications/ variations (including that mentioned below) to be determined under the provision of the original legal agreement, associated with planning permission in principle P13/2065, to application 180383/S42. The variation to the agreement would allow that to take place.