

Public Document Pack



To: Councillor Boulton, Convener; Councillor Councillor Stewart, the Depute Provost, Vice Convener; and Councillors Allan, Cooke, Copland, Cormie, Greig, MacKenzie and Malik.

Town House,
ABERDEEN 28 October 2021

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in Council Chamber - Town House on **THURSDAY, 4 NOVEMBER 2021 at 10.00 am.** This is a hybrid meeting and Members may also attend remotely.

Members of the press and public are not permitted to enter the Town House at this time. The meeting will be webcast and a live stream can be viewed on the Council's website. [Aberdeen City Council webcasts.](#)

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

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

MOTION AGAINST OFFICER RECOMMENDATION

- 1.1 Motion Against Officer Recommendation - Procedural Note (Pages 5 - 6)

DETERMINATION OF URGENT BUSINESS

- 2.1 Determination of Urgent Business

DECLARATION OF INTERESTS

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

MINUTES OF PREVIOUS MEETINGS

- 4.1 Minute of Meeting of the Planning Development Management Committee of 30 September 2021 - for approval (Pages 9 - 26)
- 4.2 Minute of Meeting of the Planning Development Management Committee Pre Determination Hearing of 9 September 2021 - for approval (Pages 27 - 38)

COMMITTEE PLANNER

- 5.1 Committee Planner (Pages 39 - 40)

GENERAL BUSINESS

PLANNING APPLICATIONS WHICH ARE THE SUBJECT OF WRITTEN REPORTS

- 6.1 Committee Annual Effectiveness Report - COM/21/260 (Pages 41 - 54)
- 6.2 Proposed Aberdeen Local Development Plan 2020 - Draft Aberdeen Planning Guidance (Masterplans and Development Frameworks) - PLA/21/256 (Pages 55 - 62)

Members please note that the masterplan and development frameworks documents are not included in the agenda pack due to their size but can be viewed here. [Link](#).

WHERE THE RECOMMENDATION IS ONE OF APPROVAL

- 7.1 Detailed Planning Permission for formation of external access stair with balustrade - 1 Mounthooly Way Aberdeen (Pages 63 - 80)

Planning Reference – 211054

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Robert Forbes

WHERE THE RECOMMENDATION IS ONE OF REFUSAL

- 8.1 Detailed Planning Permission for change of use to a hot food takeaway (sui generis) - 1E Bank Street Aberdeen (Pages 81 - 98)

Planning Reference – 210905

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Dineke Brasier

- 8.2 Detailed Planning Permission for partial change of use of existing guest house to form class 3 (food and drink) and installation of flue - Grandville, 58 Victoria Street Dyce (Pages 99 - 120)

Planning Reference – 210815

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Aoife Murphy

- 8.3 Detailed Planning Permission for splitting of feu and erection of 2 storey dwelling house with garage and canopy, including access and car parking with associated works - Anchorage, 4 Milltimber Brae East Aberdeen (Pages 121 - 142)

Planning Reference – 210717

All documents associated with this application can be found at the following link and enter the reference number above:-

[Link.](#)

Planning Officer: Jemma Tasker

DATE OF NEXT MEETING

9.1 Thursday 9 December 2021 - 10am

To access the Service Updates for this Committee please click [here](#)

Website Address: www.aberdeencity.gov.uk

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

MOTIONS AGAINST RECOMMENDATION

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

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

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

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

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DECLARATIONS OF INTEREST

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 xxx, 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.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 30 September 2021. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE. Present:- Councillor Boulton, Convener; Councillor Stewart, the Depute Provost, Vice Convener; and Councillors Allan, Cooke, Copland, Cormie, Greig, MacKenzie and Malik.

The agenda and reports associated with this minute can be found [here](#).

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

MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE OF 19 AUGUST 2021

1. The Committee had before it the minute of the previous meeting of 19 August 2021, for approval.

The Committee resolved:-

to approve the minute as a correct record.

COMMITTEE PLANNER

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

The Committee resolved:-

to note the information contained in the Committee business planner.

SITE AT FARBURN PLACE, DYCE, ABERDEEN - 210665

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

That the application for detailed planning permission for the erection of an energy storage facility with associated works at the site at Farburn Place, Dyce Aberdeen, be approved subject to the following conditions:-

Conditions

1. That in the event that any battery installed and commissioned fails to commercially operate as intended for a continuous period of six-months and there is no plan in place to bring the battery in to operation within a further period of six-months, then unless agreed in writing with the Planning Authority, the

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facility will be deemed to have ceased to be required. If deemed to have ceased to be required, the battery, battery storage container and its ancillary equipment will be dismantled and removed from the site, with the cells being appropriately disposed and/ or recycled/ re-purposed, and the ground being re-instated to the specification and satisfaction of the Planning Authority by the operator within the following three-month period.

Reason: to ensure that any redundant facilities are removed from the site, in the interests of safety, amenity and environmental protection.

2. That in the event of the development hereby approved not operating on a commercial basis to the grid network for a continuous period of 12 months, the company must immediately notify the Planning Authority in writing of the situation and shall, if directed by the Planning Authority decommission the development and reinstate the site to the specification and satisfaction of the Planning Authority. The Planning Authority shall have due regard to the circumstances surrounding the failure to store electricity.

Reason: to ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration of the site. In the interests of safety, amenity and environmental protection.

3. No development shall commence unless and until full details of the proposed battery storage containers (and ancillary infrastructure) hereby permitted has been submitted to and approved in writing by the Planning Authority. These details shall include: (a) design, power rating, sound power level modelled at the most sensitive receptor deviating from the Noise Impact Assessment accompanying the application), layout and dimensions of the battery storage containers (and ancillary infrastructure) and the metering building to be installed and (b) the external colour and/ or finish of the battery storage containers (and ancillary infrastructure). Thereafter, the battery storage containers and associated infrastructure shall be installed and operate in accordance with these approved details and maintained in the approved colours, free from rust, staining or discolouration until such time as the development is decommissioned. All cables between the battery storage containers, metering building and any point of connection to the public network shall be installed and kept underground.

Reason: to ensure the Planning Authority is aware of the development details and to protect the visual amenity of the area.

4. That no development shall commence until details of the final drainage design has been submitted to and approved in writing by the Planning Authority. The development shall be constructed in accordance with the approved details and thereafter maintained in perpetuity.

Reason: in order to ensure that the site is adequately drained.

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5. That no development shall take place unless it is carried out in full accordance with a scheme to deal with contamination on the site that has been approved in writing by the Planning Authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include:

- a) an investigation to determine the nature and extent of contamination,
- b) a site-specific risk assessment,
- c) a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

The development hereby approved shall not be brought into use unless:

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

The development hereby approved shall not be brought into use unless a report has been submitted and approved in writing by the planning authority that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation.

Reason: in order to ensure that the site is fit for human occupation.

6. That the development hereby approved shall not be occupied unless the noise mitigation measures have been installed in accordance with the conclusions and recommendations set out in the approved Noise Impact Assessment (CSP Acoustics Ref: 1584 001 JT V1.1 dated 7th May 2021), unless otherwise agreed in writing with the Planning Authority on the basis of an updated assessment. Once installed the mitigation measures shall be retained in perpetuity, unless otherwise agreed in writing by the Planning Authority.

Reason: in the interests of residential amenity.

7. That no works in connection with the development hereby approved shall take place unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority.

Details of the scheme shall include:

- (i) Existing landscape features and vegetation to be retained.

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- (ii) The location of new [trees, shrubs, hedges, grassed areas and water features]. - Delete as appropriate.
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- (iv) The location, design and materials of all hard landscaping works including [walls, fences, gates, street furniture and play equipment].
- (v) An indication of existing trees, shrubs and hedges to be removed.
- (vi) A programme for the completion and subsequent maintenance of the proposed landscaping.

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

In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long-term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme.

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

8. That prior to the commencement of development, the Fire Safety Management Procedure shall be submitted to, and agreed in writing by the Planning Authority. Thereafter the plan shall be implemented and retained in perpetuity, unless otherwise agreed in writing by the Planning Authority.

Reason: in the interests of fire safety and in the amenity of the surrounding area.

9. That no development to which this planning permission relates shall take place unless a scheme in relation to the specification and colouring and final details of the proposed boundary treatments, including the proposed acoustic fencing has been submitted to and approved in writing by the Planning Authority and the development shall not be occupied unless the approved scheme has been implemented in its entirety.

Reason: In order to preserve the amenity of the area.

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10. That the development hereby approved shall not be occupied unless the car parking areas, accesses and associated areas of hardstanding hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. 11641-0009-09 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 purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

The Committee heard from Gavin Clark, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

The Committee resolved:-

to approve the recommendation and therefore approve the application conditionally.

FORMER CULTS RAILWAY STATION, STATION ROAD, CULTS ABERDEEN - 210140

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

That the application for detailed planning permission for the change of use to class 3 (food and drink) with an outdoor seating area including alterations to a shop front, re-cladding, installation of doors, rooflights and roof repairs with associated works, at the former Cults Railway Station, Station Road Cults Aberdeen, be approved subject to the following conditions:-

Conditions

1. NOISE & ODOUR MITIGATION

That the use hereby approved shall not take place unless all mitigation measures recommended in the approved Noise & Odour Impact Assessment (Reference: Proposal Number 151120b, Revision 2, Date 22-01-21) have been implemented in full. These must include:

1. The noise insulation measures detailed within section 3.6 and the related Appendix C – ‘Wall and Roof Construction Detail’
2. The noise and odour control measures detailed within section 6.2 and the related Appendix A (A4 to A5) – ‘Kitchen Extraction System Details’
3. That the outdoor customer seating areas as identified on approved drawing Site Plan 1008 – 1010 Rev C shall have a maximum capacity of 68 people as detailed within section 4.11 of the approved Noise & Odour Impact Assessment (Reference: Proposal Number 151120b, Revision 2, Date 22-01-21), and at no

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time shall that capacity be exceeded

Thereafter the mitigation measures, or similar as may be agreed in writing with the Planning Authority, shall remain in place for the duration of the use.

Reason: In order to preserve the amenity of neighbouring properties from noise and odour emissions associated to the proposed use.

2. OPERATIONAL HOURS

That the use hereby approved shall not operate outwith the hours of Sunday to Thursday from 08:00 to 23:00 hours and Friday to Saturday from 08:00 to 23:30 hours for the internal space, and outwith the hours of Sunday to Thursday from 8:00 to 20:00 hours and Friday to Saturday from 08:00 to 21:30 hours for the outdoor space.

Reason: In order to preserve the amenity of neighbouring properties.

3. WASTE MANAGEMENT

That the use hereby approved shall not take place unless a waste management plan for the site has been submitted to and agreed in writing by the planning authority, including detail on the provision of external litter bins for customer waste during hours of operation, and the approved waste management plan fully implemented in accordance with the agreed details and remaining in place for the duration of the use.

Reason - In order to ensure suitable waste storage and collection arrangements are in place, including appropriate facilities for customers and to protect public health and the amenity of the area.

4. ELECTRIC VEHICLE CHARGING POINTS

That prior to development commencing on site, details of the type of electric vehicle charging station to be installed in association with the 2 EV car parking spaces identified on approved drawing Site Plan 1008 – 1010 Rev C have been submitted to and approved in writing by the planning authority, and thereafter the charging station is installed in accordance with the agreed detail prior to the use hereby approved commencing.

Reason: In order to encourage the use of electric vehicles.

5. BUS STOP UPGRADE

That the use hereby approved shall not take place unless works for the upgrading of the westbound bus stop nearest to the site on North Deeside Road as detailed on approved drawing no 140788/SK1002 Rev B (Fairhurst), or such other drawing as

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may subsequently be submitted to and agreed in writing by the planning authority, have been implemented in full and in accordance with the agreed scheme.

Reason: In order to upgrade the existing sub-standard bus stop to an acceptable standard and encourage the use of public transport as a sustainable mode of travel.

6. PEDESTRIAN/VEHICLE ACCESS UPGRADES

That the use hereby approved shall not take place unless works for the upgrading of the pedestrian and vehicle access to the site along Station Road as detailed on approved drawings no 140788/SK1002 Rev B (Fairhurst) and 1008-1011 Rev A, or such other drawings as may subsequently be submitted to and agreed in writing by the planning authority, have been implemented in full and in accordance with the agreed scheme.

Reason: In order to provide an appropriate standard of pedestrian access to the site and encourage the use of alternative and sustainable modes of travel.

7. CAR PARKING

That the use hereby approved shall not take place unless all car parking has been constructed, drained, laid-out and demarcated and is available for use in accordance with approved drawing Site Plan 1008 – 1010 Rev C, or such other drawing as may subsequently be submitted to and agreed in writing by the planning authority.

Reason: In the interests of public safety and provision of adequate car parking and the free flow of traffic.

8. CYCLE PARKING

That the use hereby approved shall not take place unless full details of all cycle parking facilities indicated on approved drawing Site Plan 1008 – 1010 Rev C have been submitted to and agreed in writing by the Council as planning authority and thereafter constructed and available for use in full accordance with such approved details.

Reason: In order to encourage cycling as an alternative and sustainable mode of travel.

9. STAFF TRAVEL PLAN

That the use hereby approved shall not take place unless full details of a staff travel plan to include information on the accessibility of the site in terms of walking, cycling, and public transport have been submitted to and agreed in writing by the planning authority and thereafter the travel plan is displayed/distributed to all staff members in accordance with the approved details.

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Reason: In order to encourage the use of alternative and sustainable modes of travel.

10.EXTERNAL LIGHTING

That no development shall take place unless full details of all new external lighting proposed for the site has been submitted to and approved in writing by the planning authority. Thereafter the external lighting shall be implemented in accordance with the approved details.

Reason – to ensure that the site would be adequately lit at night in the interest of safety, and without detriment to the amenity of any existing or proposed residential properties.

11.LANDSCAPING SCHEME

All landscaping shall be carried out in accordance with the approved scheme (as shown on approved drawing Ref No CRS-2106-LS, dated 25.6.21) and shall be completed during the planting season immediately following the commencement of the development or as otherwise 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.

The use shall not take place unless the management and maintenance of the landscaping as shown on approved drawing Ref No CRS-2106-LS, dated 25.6.21, is being implemented.

Reason: To ensure a satisfactory scheme of landscaping which integrates with the proposed development and local landscape in the interests of the visual amenity of the area.

12.GLAZING

That the use hereby approved shall not take place unless the full height windows on the west elevation of the property are fitted with full height obscure glazing, at a minimum obscuration rating of 3.

Reason: In the interests of protecting the privacy of neighbouring properties.

The Committee heard from Jane Forbes, Planner, who spoke in furtherance of the application and answered various questions from members.

The Convener moved, seconded by Councillor Greig:-
that the Committee refuse the application for the following reasons:-

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1. The proposal would result in a scale of development that would be excessive for the site, constituting overdevelopment and intensification in the use of the site that would introduce additional noise and disturbance to the area especially in the evening and in relation to the introduction of outdoor seating, food serving van and play area. The proposal is, therefore, considered to be contrary to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan in that it would not be complementary to residential use and in as far as it would conflict with, and result in nuisance to, the enjoyment of existing nearby residential amenity.
2. The proposed development would create a pedestrian safety hazard in that there would be no direct, safe and segregated footway access to the site from the main residential community of Cults and public transport on North Deeside Road. The proposal would, therefore, be contrary to Policy T3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan which specifies that development must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and that links between residential, employment, recreation and other facilities must be protected or improved for non-motorised transport users, making it quick, convenient and safe for people to travel by walking and cycling.

Councillor Cooke moved as an amendment, seconded by Councillor Cormie:-
that the application be approved conditionally in line with the recommendation.

On a division there voted, for the motion (7) – the Convener, the Vice Convener and Councillors Allan, Copland, Greig, MacKenzie and Malik – for the amendment (2) – Councillors Cooke and Cormie.

The Committee resolved:-

to adopt the motion and therefore refuse the application.

CRAIGSHAW HOUSE, CRAIGSHAW ROAD, ABERDEEN - 210015

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

That the application for detailed planning permission for the redevelopment of an existing site, including change of use to class 3 (food and drink) with the erection of two drive thru restaurants (sui generis) with associated infrastructure and car parking at Craigshaw House, Craigshaw Road Aberdeen, be approved subject to the following conditions:-

Conditions

1. Land Contamination

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

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

- a) an investigation to determine the nature and extent of contamination
- b) a site-specific risk assessment
- c) a remediation plan to address any significant risks and ensure the site is fit for the use proposed; and
- d) verification protocols to demonstrate compliance with the remediation plan

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

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

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

2. Car Parking

That neither of the units hereby approved shall be brought into use unless the approved areas of car parking have been constructed, drained, laid-out and demarcated in accordance with drawing No. A-218848-PRO L001 T 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 purpose of the parking of cars ancillary to the development and use thereby granted approval.

Reason: in the interests of public safety and the free flow of traffic, and to ensure compliance with Policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan and the associated ‘Transport and Accessibility’ Supplementary Guidance.

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3. Electric Vehicle (EV) Spaces and Infrastructure

That the development hereby granted planning permission shall not be occupied unless Electric Vehicle spaces and associated infrastructure has been constructed, drained, laid-out and demarcated as shown on the approved site plan drawing No. A-218848-PRO L001 T.

Reason: in order to promote the decarbonisation of road transport and to ensure compliance with the Council's 'Transport and Accessibility' Supplementary Guidance.

4. Cycle Parking (Short and Long Stay)

That the development hereby granted planning permission shall not be brought into use unless the cycle storage facilities as shown on drawing no. A-218848-PRO L001 T have been fully installed and made available for use.

Reason: in the interests of encouraging sustainable travel, as required by policy T3 (Sustainable and Active Travel).

5. Carbon Reduction and Water Efficiency

The building(s) hereby granted planning permission shall not be occupied unless an Energy Statement and Water Efficiency Statement applicable to that building has been submitted to and approved in writing by the planning authority, and thereafter any measures agreed within that submission have been implemented in full.

The Energy Statement shall include the following items:

- Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development; and
- Calculations using the SAP or SBEM methods which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with Policy R7 of the Aberdeen Local Development Plan 2017.

The Water Efficiency Statement shall include details of all proposed water saving technologies and techniques, along with evidence that the required BREEAM standard has been achieved.

Reason: to ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy R7 of the Aberdeen Local Development Plan 2017.

6. Noise Impact Assessment Compliance

That the units hereby approved shall not be occupied unless the noise mitigation measures have been installed in accordance with the conclusions and recommendations set out in the approved Noise Impact Assessment (Envirocentre Ltd Reference: Document Number: 9658, project Number: 374689, 30 July 2021)

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These shall include, but not be restricted to the following measures contained within the Noise Impact Assessment:

- A) The plant installed does not exceed the noise emission levels used within the noise modelling, specifically the A Weighted Sound Power Levels detailed within Tables 5-1 and 5-2; and
- B) The octave band sound pressure levels from the plant do not exceed the 'Proposed Specific Noise Level (internal)' detailed within Figure 6-1 Night-time NR Assessment.

Once installed the mitigation measures shall be retained in perpetuity, unless otherwise agreed in writing with the Planning Authority.

Reason: in the interests of amenity.

7. Odour Impact Assessment Compliance

That the units hereby approved shall not be occupied unless the odour mitigation measures have been installed in accordance with the conclusion and recommendations set out in the Odour Impact Assessment (Envirocentre Ltd Reference: Document Number: 9657, project Number: 374689, 30 August 2021). These shall include, but not be restricted to the following measures contained within the Odour Impact Assessment:

- A) Discharge of the extracted air not less than 1m above the roof ridge of any building within 20m of the building housing the commercial kitchen; and
- B) Application of any one of the four recommended odour mitigation solutions for high level odour control: 1. Fine filtration or ESP followed by carbon filtration (carbon filters rated with a 0.2-0.4 second residence time). 2. Fine filtration or ESP followed by carbon filtration and by carbon filtration and by counteractant/neutralising system to achieve the same level of control as 1. 3. Fine filtration or ESP followed by UV ozone system to achieve the same level of control as 1; or Fine filtration or ESP followed by wet scrubbing to achieve the same level of control as 1.

Reason: in the interests of the amenity of the surrounding area.

8. Restricted Use – Southern Unit

In relation to the southernmost hereby granted planning permission (as shown on drawing no: A-218848-PRO L001 T), no cooking/frying operations or hot food preparation shall be carried out on the premises other than the re-heating of pre-cooked produce by means of a microwave oven, unless the planning authority has given prior written approval for a variation.

Reason: due to the absence of a suitable Local Extract Ventilation (LEV system) the premises are considered unsuitable for unrestricted Class 3 uses.

9. Landscaping Scheme

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That no development pursuant to the planning permission hereby approved shall be carried out unless there has been submitted to and approved in writing for the purpose by the planning authority a further detailed scheme of landscaping for the site, which scheme shall include indications of all existing trees and landscaped areas on the land, and details of any to be retained, together with measures for their protection in the course of development, and the proposed areas of tree/shrub planting including details of numbers, densities, locations, species, sizes and stage of maturity at planting. For avoidance of doubt this should include heavy standard trees and greater numbers than shown in the previous submissions to ensure an immediate impact.

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

10. Tree Protection Measures

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

Reason: in order to ensure adequate protection for the trees on site during the construction of the development.

11. Storage of Materials

That no materials, supplies, plant, machinery, spoil, changes in ground levels or construction activities shall be permitted within the protected areas specified in the aforementioned scheme of tree protection without the written consent of the Planning Authority and no fire shall be lit in a position where the flames could extend to within 5 metres of foliage, branches or trunks.

Reason: in order to ensure adequate protection for the trees on site during the construction of the development.

12. Green Travel Plan

That neither of the units hereby granted planning permission shall be occupied unless there has been submitted to and approved in writing a detailed Green Travel Plan for staff, 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.

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

13. Gullies

That the development hereby granted planning permission shall not be brought in to use unless gullies are installed to the rear of any parking areas where the contours slope towards the rear. Details of such a scheme shall be submitted to,

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and approved in writing by the Planning Authority, and thereafter installed in accordance with the approved scheme.

Reason: to ensure that the site can be adequately drained.

The Committee heard from Gavin Clark, Senior Planner, who spoke in furtherance of the application and answered various questions from members.

The Committee resolved:-

to approve the recommendation and therefore approve the application conditionally.

LAND AT EAST OF A92 ELLON ROAD AT CLOVERHILL, MURCAR, BRIDGE OF DON, ABERDEEN - 210884

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

That the application for approval of matters specified in conditions 1 (phasing), 2 (detailed design), 3 (landscaping), 4 (drainage), 5 (archaeology), 6 (contaminated land(i)), 8 (safe routes to school), 9 (residential travel pack), 15 (noise), 16 (dust), 17 (species surveys), 18 (water), 19 (watercourses), 20 (SUDS), 21 (trees), 22 (tree care), 23 (carbon reduction and water efficiency), 25 (sports pitch), 26 (street design, parking), 27 (CEMP) and 28 (flood risk) of 191171/PPP in relation to the erection of 536 homes with associated landscaping, open space and infrastructure, at land at the east Of A92 Ellon Road At Cloverhill, Murcar, Bridge Of Don, Aberdeen, be approved subject to the following conditions:-

Conditions

1. Use as Social Rented Housing

The development hereby approved shall not be used other than as social rented housing (as defined in Aberdeen City Council's 'Affordable Housing' Supplementary Guidance), managed and operated by either Aberdeen City Council or by a Registered Social Landlord (RSL).

Reason: To ensure compliance with Aberdeen City Council's 'Affordable Housing' Supplementary Guidance and because the level of car parking provision within the approved development is based on standards for social rented housing specifically, as opposed to other forms of affordable housing.

2. Commercial Units – Use Classes

The ground floor commercial units hereby approved shall not be used for purposes other than those falling within classes 1 (shops), 2 (financial and professional services), 3 (food and drink) or 10 (non-residential institutions – including nursery).

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Reason; In order to ensure that the development is served by facilities to meet the needs of residents and to allow for facilitate first occupation within acceptable use classes.

3. **Rear Lane Access**

No unit within the development hereby approved shall be occupied unless any path with no destination other than access to multiple rear gardens has been restricted through the use of lockable gates or other such equivalent measures to prevent access by non-residents. For the avoidance of doubt this requirement does not apply to paths fronting open space.

Reason: In order to restrict inappropriate access to rear lanes by non-residents and to 'design out' crime where practicable.

The Committee heard from Gavin Evans, Senior Planner, who spoke in furtherance of the application and answered questions from members.

The Committee resolved:-

to approve the recommendation and therefore approve the application conditionally.

FORESTGAIT, 22 KING'S GATE, ABERDEEN - 210592

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

That the application for detailed planning permission for the erection of a residential development comprising 35 flats/apartments over 3 and 4 storeys, including the erection of ancillary structures and demolition of the existing redundant building, formation of car parking area, landscaping and alterations to the site access, at Forestgait, 22 King's Gate Aberdeen, be refused.

The Committee heard from Jamie Leadbeater, Planner, who spoke in furtherance of the application and answered various questions from members.

The Convener moved, seconded by the Vice Convener:-

that the application be approved with the following conditions. Consent to be withheld until completion of a Section 75 legal agreement to secure developer obligations towards community facilities/sport and recreation, open space, healthcare and transportation.

Conditions

1. Tree Protection measures

No development shall take place until all tree protection measures set out in the submitted Tree Protection Plan (Struan Dalgleish Arboriculture, August 2021) have

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been put in place. Once in place, they shall remain in situ until construction of the hereby approved development has been completed and all plant and machinery has been removed from the site. The said tree protection measures include utilising a 'no-dig' construction methodology for the formation of car parking spaces to the east of Richmondhill Court as set out in the Tree Survey Report.

Reason: To ensure the proposal complies with Policy T5 (Trees and Woodland) in the Aberdeen Local Development Plan 2017.

2. Cycle Parking and Bin Storage

No flats shall be occupied until all car parking spaces, bin and cycle stores laid out in drawing 11760-HFM-ZZ-ZZ-DR-A-P(90)004 REV I have been implemented in full.

Reason: In order to ensure the development is served by appropriate supporting infrastructure and encourages residents to make use of sustainable and active travel, to ensure compliance with policies R6 (Waste Management Requirements for New Development) and T3 (Sustainable and Active Travel) in the Aberdeen Local Development Plan 2017.

3. EV charging points

No development shall take place until a scheme for EV (Electric Vehicle) charging points has been submitted to and approved by the Planning Authority. Once approved, no units shall be occupied until all EV charging points identified in the agreed scheme have been fully implemented and are operational.

Reason: To ensure the development encourages use of sustainable means of transport from the outset.

4. Details of wall alteration

No development shall take place, until a detailed methodology for the dismantling of the section of wall identified on Drawing No. 11760-HFM-ZZ-ZZ-DR-A-P(00)022 REV B and its re-assembly, including details of where the down-takings are to be stored in the interim. The methodology should include pointing details and the type of mortar to be used.

Reason: To ensure compliance with Policy D4 and D5 in the Aberdeen Local Development Plan 2017.

5. Samples of finishing materials

No units shall be occupied until, details/samples of the proposed external renders, granite and cladding have been submitted to and approved in writing by the Planning Authority. Once approved, the agreed finishes shall be implemented in accordance with approved plans.

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Reason: To ensure the proposed development would be sympathetic to the site's setting in the Albyn Place/Rubislaw Conservation Area, to ensure compliance with Police D1 (Quality Placemaking by Design) in the Aberdeen Local Development Plan 2017.

6. Energy-saving measures in construction and Water Saving Technologies

No units shall be occupied until full details of the energy efficiency rating of the building and details of water efficient technology to be installed in the built fabric of the hereby approved building have been submitted to and approved in writing by the Planning Authority. Once approved, the construction of the building shall be carried out to a standard which ensures the approved energy efficiency levels can be achieved.

Reason: To ensure compliance with Policy R7 (Low and Zero Carbon Buildings, and water efficiency) in the Aberdeen Local Development Plan 2017 and its associated Supplementary Guidance.

7. Residential Travel Pack

No units shall be occupied until a Residential Travel Pack (RTP) shall be submitted to and approved in writing by the Planning Authority following consultation with the Roads Service. The RTP shall then be issued to the occupants of each flat.

Reason: To ensure compliance with Policy T3 (Sustainable and Active Travel) in the Aberdeen Local Development Plan 2017.

8. Soft Landscaping

No units shall be occupied until all details of soft landscaping, including the soft landscaping buffers around the perimeter of the site, as well as details of the management and maintenance of the landscaping have been submitted to and approved in writing by the Planning Authority. Once approved, the scheme of soft landscaping shall be implemented in full prior to occupation of any unit. Any planting (including replacement trees planting), 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 or trees of similar size and species to those originally required to be planted.

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

9. Digital Infrastructure

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No flats shall be occupied until the applicant/developer has submitted details to the Planning Authority demonstrating that the hereby approved flats could be served by up-to-date highspeed digital communications infrastructure.

Reason: To ensure compliance with Policy CI1 (Digital Infrastructure) in the Aberdeen Local Development Plan 2017.

10. Drainage

No units shall be occupied until the SUDS (Sustainable Urban Drainage System) scheme has been implemented in full.

Reason: To ensure the development is served by appropriate surface water drainage infrastructure to prevent localised flooding to neighbouring properties, to ensure compliance with Policy NE6 (Flooding, Drainage and Water Quality) in the Aberdeen Local Development Plan 2017.

Councillor Greig moved as an amendment, seconded by Councillor Cormie:-
that the application be refused in line with the recommendation.

On a division there voted, for the motion (6) – the Convener, the Vice Convener and Councillors Cooke, Copland, MacKenzie and Malik – for the amendment (3) – Councillors Allan, Cormie and Greig.

The Committee resolved:-

to adopt the motion and therefore approve the application conditionally. Consent to be withheld until completion of a Section 75 legal agreement to secure developer obligations towards community facilities/sport and recreation, open space, healthcare and transportation.

BAADS FARM, ANGUSTON ROAD, PETERCULTER, ABERDEEN - 210998

8. The Convener advised that this application had been withdrawn.
- **Councillor Marie Boulton, Convener**

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 9 September 2021. Minute of Meeting of the PLANNING DEVELOPMENT MANAGEMENT COMMITTEE PRE DETERMINATION HEARING. Present:- Councillor Boulton, Convener; and Councillors Copland, Cormie, Greig and MacKenzie.

In attendance as local members: Councillors Alex Nicoll and Radley.

The agenda and reports associated with this minute can be found [here](#).

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.

LAND TO THE SOUTH AND SOUTH-WEST OF DEESIDE BRAE, ABERDEEN - 201558

1. The Committee heard from the Convener who began by welcoming those present at the hybrid Pre-Determination Hearing and provided information on the running order. The Convener explained that the site under review at the hearing was for detailed planning permission for a major residential development of 133 units with associated landscaping and parking and supporting ancillary infrastructure at land to the south and south-west of Deeside Brae Aberdeen, planning reference 201558. The Convener explained that the first person to address the hearing would be Mr Alex Ferguson, Planning Officer and asked that speakers adhere to their allocated time in order for the hearing to run smoothly and in a timely manner.

The Committee then heard from Mr Alex Ferguson, Planner, who addressed the Committee in the following terms.

Mr Ferguson began his presentation by displaying a number of photos of the site in order to give members a better sense of the application site.

Mr Ferguson explained that in terms of the site's location within the wider context of Aberdeen, the site lay to the west of Kincorth and the A92 and to the south of Garthdee and the River Dee. He also advised that the majority of the site lay to the south and south-west of the Deeside Brae residential development, which lay to the south of Leggart Terrace and South Deeside Road. It was noted that the site incorporated the Den of Leggart and also included a narrow winding strip of land that adjoined Leggart Terrace to the north and the site was approximately 9.6 hectares in size.

Mr Ferguson advised that the area of land immediately to the west of the site was currently the subject of a separate planning application to Aberdeenshire Council for upgrades to the Causey Mounth road, the formation of a junction and access road and for the provision of open space for the proposed development.

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Mr Ferguson explained that the majority of the site to the south and south-west of Deeside Brae comprised open arable fields, with the wooded Den of Leggart running south to north through the spine of the site. A section of the A92 dual carriageway lay within the eastern edge of the site, with a layby and an established tree belt between the A92 and the remainder of the site to the west.

Mr Ferguson also advised that the site's western boundary formed the administrative boundary between Aberdeen City Council and Aberdeenshire Council. Open arable farmland lay to the south with Tollohill Woods to the south-west. The Leggart Burn formed the western edge of the site before running through the Den of Leggart and eventually joining the River Dee to the north.

Mr Ferguson explained that in terms of the adopted Aberdeen Local Development Plan zoning, the majority of the site was zoned as Green Belt land, with residential areas to the north and east – and Aberdeenshire to the west. He noted that a large part of the site was also zoned as Green Space Network, including the Den of Leggart which was a Local Nature Conservation Site.

Mr Ferguson advised that in relation to the Proposed Aberdeen Local Development Plan 2020, the majority of the site had been re-zoned as a residential allocation Opportunity Site, (OP46), for 150 homes.

Mr Ferguson highlighted that Green Belt Policy NE2 of the adopted Local Development Plan stated a presumption against all new development in the Green Belt unless the proposals were related to the provision of essential infrastructure or were small-scale and generally associated to existing activities, such as house extensions or one-for-one replacement dwellings and that there was no provision in Green Belt policy for new residential development.

Mr Ferguson noted that a large part of the site was also zoned in the adopted Plan as Green Space Network, with Policy NE1 applicable. Policy NE1 stated a presumption against development that would erode or destroy the character and function of the Green Space Network.

Mr Ferguson indicated that the Planning Service considered that the proposed development would, in principle, be contrary to both the Green Belt and Green Space Network policies and that the development thus constituted a significant departure from the adopted Local Development Plan Strategy, and that was why a Pre-Determination Hearing was required.

However, Mr Ferguson advised that the site had been rezoned as residential land and allocated as an Opportunity Site for 150 homes in the Proposed Aberdeen Local Development Plan 2020 and although the Proposed Plan represented the settled view of the Council, it had yet to complete examination by the Scottish Government and was yet to be adopted.

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As a result, Mr Ferguson intimated that although the Proposed Local Development Plan did constitute a material consideration in the determination of the application, the adopted 2017 Local Development Plan was still the primary document against which the application should be assessed at this time.

Mr Ferguson indicated that the applicant proposed to develop the two fields in the southern part of the site, in two distinct parts – east and west. The eastern part of the site would contain 100 units, all to be accessed via a new signalised junction on the A92 and the western part of the site was proposed to contain 33 units and would be accessed from the west, via the Causey Mounth road in Aberdeenshire. 25% of the total number of units would be affordable housing.

Mr Ferguson explained that a foot and cycle path was proposed to link the eastern and western parts of the site, with further foot and cycle path links to be provided into the Deeside Brae development to the north and to the A92.

Mr Ferguson advised that the proposal indicated a mix of house types and sizes across the site, which included detached, semi-detached, terraced and flatted units, and included two blocks of flats in the western part of the site. Two SUDS basins were also proposed in order to attenuate surface water run-off from the development into the Leggart Burn.

Mr Ferguson also intimated that the applicant had proposed to form a vehicular access to the eastern part of the site via a new signalised junction on the A92 to the east and the junction would also provide pedestrian crossings to allow access to Kincorth.

In relation to consultee responses, Mr Ferguson advised that responses received were detailed in the committee report and could be summarised as follows:

- Aberdeenshire Council objected to the application, noting that the proposal was contrary to the adopted local development plan, that the site was identified as being ‘undesirable’ for housing in the Council’s Main Issues Report for the Proposed Local Development Plan and that the proposed development would be unsustainable and contrary to Scottish Planning Policy;
- The Council’s Archaeology Service did not object to the application but requested two conditions in the event of any approval in relation to identifying the presence of historic boundary stones and carrying out archaeological works prior to the commencement of development;
- Developer Obligations would be required to go towards the upgrade of the local core path network, the reconfiguration of the Cove and Kincorth medical practice and the creation of additional capacity at the Kincorth Community Centre;
- There would be sufficient capacity at both Abbotswell Primary School and Lochside Academy to accommodate the number of pupils expected to be generated by the development;

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- The Council's Environmental Health service did not object to the application and accepted the findings of the applicant's Noise and Air Quality Impact Assessments, which considered that the occupants of the development would not be adversely affected by noise from traffic on the A92, and that the development would not have an adverse impact on air quality;
- Housing Strategy had noted that the applicant's proposed affordable housing tenure (mid-market rent) was unacceptable and required to be amended, preferably to social-rent operated by a registered social landlord;
- Roads Development Management objected to the application, primarily due to the undesirable impact that the new signalised junction on the A92 would have on traffic flows into and out of the city, for what was a relatively small number of homes;
- Following the submission of additional information by the applicant, SEPA were satisfied that the proposed development would not be at any significant risk of flooding, nor would it result in any significant risk of flooding to other properties downstream; and
- NatureScot did not object to the application and accepted the Council's findings that the development would not have any likely significant impacts on the qualifying features of the River Dee Special Area of Conservation.

Mr Ferguson advised that in terms of timeous representations submitted by third parties, a total of 121 representations were received, all of which either objected to, or noted concerns about, the proposed development. A number of issues and concerns were raised, and summarised as the following:-

- The proposals were contrary to the adopted Local Development Plan, particularly in terms of the Green Belt and Green Space Network policies;
- The application was premature with regard to the current status of the Proposed Local Development Plan;
- The development bid for the allocation of the site in the Proposed Plan was considered undesirable in the Main Issues Report;
- The site could be removed from the Proposed Plan without resulting in a housing land supply deficit; and
- The proposals would have a detrimental impact on the landscape, natural heritage and access & recreation, as well as road safety & traffic implications and impacts on the amenity of existing, neighbouring properties.

The Convener then invited Mr Nathan Thangaraj, Engineer, to address the Committee in regard to road issues. Mr Thangaraj explained that a safe routes to school audit had yet to be carried out and the existing footway on the A92 adjacent to the proposed site was sub-standard with a 1-1.2m wide footway and explained that the applicant had noted that the road would require improvements in pedestrian provision to support these development proposals, however they were still to be identified.

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Mr Thangaraj noted that cycling within the development would be on street and cycling to and from the site would be on the links offered by the surrounding road network. There were no dedicated cycle-only routes leading to and from the site.

Mr Thangaraj advised that an existing bus stop south of the proposed access junction on A92 should be relocated as it was within 100m of the proposed junction and details of this were yet to be finalised.

Mr Thangaraj explained that a development of more than 50 units would be required to have two accesses, one access and one emergency service access, and 100 or more units typically required two full accesses, although a relaxation could be afforded where the single point of access was sufficiently wide. Mr Thangaraj highlighted the implications if Aberdeenshire did not approve their access and all 133 houses were accessed from one side. Mr Thangaraj felt that it would be better to require the applicant to have two accesses to future proof the site.

Mr Thangaraj advised that the western units would take access via Tulloch Wood Road which was within Aberdeenshire Council's boundary, for which Aberdeenshire Council would provide detailed comments.

Mr Thangaraj also explained that details were required to be submitted for the location of the emergency access and the east side of the development of 100 homes would take access via a new signalised junction with the A92 Stonehaven Road. The proposal would be to form a new access junction to the development, which would be via a lay-by off the A92 on the southern edge of the city. The A92 was classed as a major strategic "A" class road and one of the two major access routes into the city from the south. The lay-by was used for abnormal loads to wait prior to being escorted by the Police through the City. The proposal would remove this strategically important facility for haulage contractors and Police Scotland.

Mr Thangaraj also advised that although the AWPR was now opened, the A92 still provided a primary route into the city, Altens Industrial Area and both harbours, and as such the delays to this peak time traffic which would result from this proposed junction were not desirable. He also indicated that the A92 Stonehaven Road was until recently designated as a trunk road and now was classed as a major "A" Class road into the city. As such the roads authority did not advocate introducing additional signal junctions along this route and noted that any new junction on A92 should have a strategic link carrying out significant amount of traffic. It would not be acceptable to reduce the capacity on a strategic road for a small number of houses.

Mr Thangaraj highlighted that the development had been assessed and it was deemed likely that the site would generate 100 vehicle trips in the AM and PM peak and it was assumed that two thirds of these would utilise the A92 junction. Spread over the whole hour this suggested every minute there would be multiple vehicles waiting to activate the signals to access the site, creating a delay on the A92. The proposed cycle time for the signals was currently 80/85 seconds in the AM and PM peaks.

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Mr Thangaraj intimated that the applicant stated that the signals on the development arm would be vehicle activated and would only turn green on demand thus minimising delay to the A92, however, this was likely to be a frequent occurrence during the peak hours. He also indicated that should the existing layby be removed, an alternative location would have to be provided elsewhere within close vicinity on the south side of the city. It was noted that the applicant had asked the Council to identify an alternative lay-by location. However, Mr Thangaraj advised that this should be explored by the applicant and form part of their submission.

Mr Thangaraj advised that junction improvements/mitigations would be required at the Bridge of Dee roundabout and King George VI roundabouts and noted that theoretical improvements had been suggested in the Transport Assessment to achieve no net detriment, but these should be costed, and this value sought via condition to be used on transportation improvements in or around this area.

Mr Thangaraj concluded that in summary Roads Development Management were not in favour of this development in its current form due to the impact that the access junction would have on both the free flow of traffic along the A92, and the impact on the layby in the area and there were numerous other issues such as pedestrian access, safe routes to schools and junction improvements that were outstanding but were likely to be resolvable in the future.

Members then asked questions of Mr Ferguson and Mr Thangaraj and the following information was noted:

- There was sufficient capacity at both Abbotswell Primary School and Lochside Academy for pupils generated from this proposed development and other recently approved local housing developments;
- The removal of the proposed cycle path from the applicant was due to the impact on the Den of Leggart following feedback;
- More detailed information should be provided on archaeology findings and any potential loss from the site;
- More information should be supplied in terms of the effect the development would have on the A92 traffic volume both north and south at peak times and the effect the phasing of the traffic lights on the A92 would have on traffic flow;
- The current bus stop would be within 100 metres of the proposed signalised junction, and therefore the applicant had been asked to relocate the bus stop, however it was noted that one bus stop was sufficient and the applicant would not be required to establish another bus stop;
- Developer obligation contribution would be sought for the local community centre, however it was noted if this centre was not in operation that the money could be requested for another facility that could serve the local community; and
- A signalised junction would be required for safe routes to school and a safe route to school audit was due to be carried out.

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The Convener then invited the applicant to address the Committee, and the speakers consisted of Alastair Wood, Savills, Jack O'Brien, Applicant, Kevin Moir, Engineer and Des Twomey, Architect.

Mr Wood began the presentation and gave a background to Comer Group, who were the applicant. Mr Wood advised that they had delivered thousands of new homes elsewhere within the UK, Ireland and Europe and they would be a new entrant into the Aberdeen market and this development would establish their presence in Aberdeen. He advised that the Comer Group were very keen to explore other opportunities elsewhere in the city and surrounding areas. Mr Wood provided some images of the quality of the developments they had delivered elsewhere.

Mr Wood advised that in relation to the application site, it lay close to and would connect with local facilities and noted that there was sufficient schools' capacity within the area and advised that they proposed to improve the footway at the front of the development and also provide the junction improvements to link the development into the established footpath network into local schools thereby providing the safe routes to schools.

Mr Wood noted that the site lay immediately to the south of the existing Deeside Brae redevelopment and advised that that development was successfully delivered and built within two years of gaining planning permission.

Mr Wood advised that the proposal was for 133 new residential units, varying from 1 bed to 4 bed properties and 25% of the properties would be affordable. There would be an extensive open space area and planting was also proposed. There was also the opportunity for safe access from the A92, with public transport links to the city centre in close proximity.

Mr Wood explained that the land was to be allocated in the next Aberdeen City Local Development Plan OP46 for up to 150 residential units, with green space network to the south.

In terms of the vision and design response, Mr Wood advised that the proposed site represented a sustainable extension to the city, and the proposals had been carefully assessed and a design developed via a landscape-led Masterplan incorporating the six qualities of placemaking. He explained that the scale and character of the proposal had been informed by the surrounding built and natural environment and was considered to integrate well with its surroundings. The proposals would also help to link fragmented parts of the green space network and could transform local active travel options. There was a variety of house types proposed including the on-site affordable housing.

In relation to consultation, Mr Wood advised that they had undertaken an extensive pre application consultation which was held online in accordance with current guidelines and the project website had remained live all the way through the post submission period to allow interested parties to view the proposals in detail, with 638 users and

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2,343 page views. There was also an online event held on 6 August 2021, which provided an opportunity for the community to meet with the Project Team, and gave an opportunity to offer support/feedback on the proposals.

Mr Wood indicated that generally the consultation process was positive, and certain feedback had been incorporated into the application proposals, as summarised below:-

1. **Feedback** - Concern over suitability of Causey Mounth to support development & potential for 'rat runs' through development.
Consideration in application - New access to A92 proposed. No vehicular link between north and south of site to prevent 'rat run'.
2. **Feedback** - Respondents confirmed they walked and cycled in local area particularly to Tollochill Wood, school, library & wider south Deeside.
Consideration in application - The Design & Access Statement and Illustrative Masterplan showed provision of integrated pedestrian & cycle routes through the site & to active travel network.
3. **Feedback** - Loss of Den of Leggart & biodiversity
Consideration in application - This was a powerful theme in responses and it was now proposed to largely retain and enhance the Den of Leggart and consider connections to Tollochill Woods.
4. **Feedback** - Potential for footbridge crossing of River Dee.
Consideration in application. Mr Wood noted that this was outwith the application site. However, the comments had been raised by Comer Homes in the context of the Aberdeen City Council Draft Active Travel Action Plan consultation.

Mr Wood confirmed that if the second access on the western side of the site was not approved by Aberdeenshire Council, then this would prevent the 33 houses on the western part of this application site being built as there would be no second access onto the A92.

In terms of the loss of Den of Leggart biodiversity, Mr Wood indicated that this was a key theme in responses from members of the public and as a result, they had removed any formal pedestrian link through that area with the proposed application.

In terms of the urban design process, Mr Wood explained that all of the urban design characteristics had been brought forward looking at connectivity through the site and the existing landscape framework and based on existing Aberdeen street patterns and housing typologie whilst also providing a new design perspective for the city. The materials proposed would reflect the city's design vernacular.

Mr Wood indicated that they had avoided the rat run taking the active travel run route around the Den of Leggart and had provided additional open space and parking. He noted there was the opportunity to provide strategic connections linking up existing areas of the south of the city into the development. The development would provide a wide range of homes to meet all sectors of the Aberdeen market that had been informed by residential agency colleagues, as well as providing affordable housing. All

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of the house types would be able to accommodate electric vehicle charging points and he noted they were proposing some semi-detached properties. Mr Wood indicated that the development would be well screened.

In conclusion Mr Wood explained that the development had been well publicised with the public. The project website had remained online throughout the entire post submission period to allow as many people as possible to appreciate the proposed development. The Council's Education Service had confirmed there was sufficient school capacity and the development would provide an east west active travel route around the south of the city. The site was allocated in the Proposed Local Development Plan, and if approved, this application would help the Council deliver its housing requirements and create new homes in the early part of the forthcoming local plan period.

Members then asked questions of the applicant and the presenters and the following information was noted:-

- In regards to parking, there would be a below the surface parking structure for the flatted properties and all flats would have one parking space, access to visitor parking, and access to electric charging vehicles point;
- If permission from Aberdeenshire Council was refused for the planning application which fell in the Aberdeenshire boundary, the western part of the application site would not be developed;
- The affordable housing aspect would be located in the middle of the site on the eastern side;
- Members requested that the applicant investigate modelling data of HGVs who currently used the layby on the A92;
- The layby in question was owned by the Council and an agreement could be entered into with the applicant and the Council. The applicant would then be in charge of maintenance of the layby;
- The flatted buildings would be three storey in height with an attic and the design had been carefully considered, taking into consideration the town scape and would utilise pitched roofs;
- An adjustment had been made to the roads proposal after the engagement process to stop a potential rat run through the development; and
- The applicant had informed all of the local Community Councils but had not received any response to date. In response Councillor Nicoll advised that the Kincorth and Leggart Community Council had not been able to meet in recent times and therefore had been unable to respond to the consultation.

The Committee then heard from Mr Steve Gray, who was speaking as both an individual and also as the chairperson for Protect Banchory Devenick, a community group with around 340 members, which was a community organisation that worked to protect the unique environment and wildlife habitat of Banchory Devenick.

Mr Gray intimated that their position was essentially entirely aligned with that of the Council's own officials and written professional analysis, including the main issues

**PLANNING DEVELOPMENT MANAGEMENT COMMITTEE – PRE DETERMINATION
HEARING**

9 September 2021

report from last year and advised that he wished to highlight some of their members' key points.

Firstly Mr Gray talked about the Greenbelt policy and noted the city's own policy stated that safeguarding the Greenbelt helped to avoid coalescence and sprawling development on the edge of the city and maintain Aberdeen's landscape setting and provide access to open space. He advised that the policy went on to say that proposals for development that were likely to destroy or erode the character or function of the green space network would not be permitted. Mr Gray highlighted that OP46 fell under this, as it was regarded as undesirable by the planning officials previously.

Mr Gray also highlighted that the Den of Leggart was a local nature conservation site and surrounding it with housing despite any re-zoning on the council map would not change the fact that it was a habitat for various protected species.

Mr Gray explained that there were issues around flooding and drainage on the site despite what had been said by the applicant. The local farmer did not plant on some of this site because it was too wet for crops and noted that if the site was drained it would move the water somewhere else, presumably downstream towards the city, which increased local flooding risk.

Mr Gray also highlighted their concerns in regard to schooling, and advised that whilst there might be space in the designated schools, the schools were only accessible on foot by crossing the A92, which was one of the busiest roads in the city. He noted that he thought that anyone who used the road regularly would have serious concerns about a procession of children trying to cross at 8:00/8:30am in the morning.

Mr Gray then spoke about the proposed buildings. He stated there were two four storey blocks of flats contained in the development, with a total of 24 flats, and these contrasted distinctly with all of the existing properties in the area, which were low lying and he believed these would have a major landscape impact in breach of the Council's specific policies around large buildings.

Mr Gray also indicated that the applicant themselves in their landscape and visual appraisal document stated that a change in visual characteristics would be perceived in close proximity to the site and would result in medium or even high magnitude of effects on the visual experience at local viewpoints.

Mr Gray then went on to mention roads issues which had been highlighted. He intimated the organisation had serious concerns about how this site worked in terms of road access and particularly the connection with public transport. He stated that they understood that the site was added to the draft local development plan last year to increase the housing numbers in line with government targets, and not because Councillors or officials saw any merit in this site. However, he indicated they would be against the proposal as they did not believe this site had any merit and could be

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE – PRE DETERMINATION HEARING

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removed without an impact on meeting government targets and he therefore suggested that the site be removed.

Mr Gray concluded by stating that he had not seen anything in writing at any stage which laid out why the Council considered this site to have any merit. Mr Gray strongly urged Councillors to reject this application in the strongest terms and urged members to protect a unique area of Green land and to ensure that the public saw that the objective planning criteria was being applied in line with common sense and professional advice and to maintain public confidence in the planning system.

The Committee then heard from Mr Campbell Murdoch, speaking as an individual. Mr Murdoch wished to highlight the transport aspects to the application. Mr Murdoch indicated that from the developers' own consultants, they admitted that there would be traffic flow issues which would cause both the Bridge of Dee roundabout and the King George V bridge roundabout to be operating above their practical and theoretical capacity as a consequence of this development. He noted they did not have a mitigation plan for this, which consequently would mean longer waiting times and in fact an increase in omissions as another consequence of the development. He stated that everyone should be promoting and encouraging walking and cycling provision but noted that the site in terms of topography was very steep and not really practical in terms of commuting for school children.

In terms of schooling provision, Mr Murdoch advised that pupils would be crossing the A92 to move east off to Abbotswell Primary, or Lochside Academy, but his other concern was that the affordable housing aspect would be off to the west of the site, because there was no possibility of building a sustainable integrated community within the area. He noted that to the west there were no facilities whatsoever. He felt that the affordable housing would be basically dumped in the middle of a field with no facilities.

Mr Murdoch felt that the use of brick was not suitable and did not blend in well with the surrounding area and felt that the nearest brick building was the Shell building on the A92.

Mr Murdoch also advised that there were other brownfield sites in the city where housing could be built and help meet the housing requirements.

Mr Murdoch was at a loss as to why this site would be developed for housing and urged members to refuse the application.

The Convener thanked all those who attended the hybrid hearing, specifically those who had presented their case, submitted representations and provided information. She advised that the Interim Chief Officer – Strategic Place Planning would prepare a report for submission to a meeting of the Planning Development Management Committee (PDMC) for subsequent consideration and determination.

COUNCILLOR MARIE BOULTON, Convener

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	A	B	C	D	E	F	G	H	I
1	PLANNING DEVELOPMENT MANAGEMENT COMMITTEE BUSINESS PLANNER The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
3			04 November 2021						
4	Anchorage, 4 Milltimber Brae East - 210717	To approve or refuse the application for Splitting of feu and erection of 2 storey dwelling house with garage and canopy, including access and car parking with associated works	On agenda	Jemma Tasker	Strategic Place Planning	Place	1		
5	58 Victoria Street Dyce - 210815	To approve or refuse the application for partial change of Use to class 3 (food and drink)	On agenda	Aoife Murphy	Strategic Place Planning	Place	1		
6	Leggart Brae - 201558	To approve or refuse the application for major residential development of 133 homes, new road junction on to A92, associated infrastructure and landscaping		Alex Ferguson	Strategic Place Planning	Place	1	D	Applicant asked to amend proposals therefore will aim to go to December cte.
7	1 Mounthooly Way - 211054	To approve or refuse the application for formation of access stair	On agenda	Robert Forbes	Strategic Place Planning	Place	1		
8	15 Maberly Street - 210697	To approve or refuse the application for the erection of 17 flats.		Robert Forbes	Strategic Place Planning	Place	1	D	Awaiting submission of revised proposals.
9	1E Bank Street	To approve or refuse the application for change of use to class 3 (food and drink) with hot food takeaway (sui generis)	On agenda	Dineke Brasier	Strategic Place Planning	Place	1		
10	Aberdeen Local Development Plan 2022 – Draft Aberdeen Planning Guidance: Masterplans and Planning Briefs	This report presents draft Aberdeen Planning Guidance for the Proposed Local Development Plan for approval and consultation.	On agenda	Andrew Brownrigg	Strategic Place Planning	Place	4 and 5		
11	Committee Annual Effectiveness Report	To report on the committee annual effectiveness report	On agenda	Lynsey McBain	Governance	Commissioning	GD 8.5		
12			09 December 2021						
13	36 Raeden Crescent 210972	To approve or refuse the application for the proposed 2 storey extension to the rear		Roy Brown	Strategic Place Planning	Place	1		
14	Prime Four Development Framework	Updated DF for the remaining part of Prime 4 Business Park		Laura Robertson	Strategic Place Planning	Place	4		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
15			Future applications to PDMC (date of meeting yet to be finalised).						
16	Orchard Cottage, 1 The Orchard	To approve or refuse the application for replacement windows		Dineke Brasier	Strategic Place Planning	Place	1		
17	33 Holburn Street - 201409	To approve or refuse the change of use to from class 1 (shops) to class 3 (food and drink) with hot food take away (sui generis) including installation of vents and 3no. wall mounted air condition units with associated works		Gavin Clark	Strategic Place Planning	Place	1		
18	Quattro House Wellington Circle - 210973	To approve or refuse the application for residential redevelopment of site to form 96 flats with associated car parking and open space		Alex Ferguson	Strategic Place Planning	Place	1		
19	Wellington Road Cove - 211072	To approve or refuse the application for residential development (27 units)		Robert Forbes	Strategic Place Planning	Place	1		
20	56 Park Road - 211224 - likely December	To approve or refuse the application for erection of 47 flats		Robert Forbes	Strategic Place Planning	Place	1		
21	31 St Andrews Street - 211263 - November or December	To approve or refuse the application for change of use to student accommodation.		Aoife Murphy	Strategic Place Planning	Place	1		
22	Millbank House - 211430	To approve or refuse the application for conversion to form 10 flats		Robert Forbes	Strategic Place Planning	Place	1		
23	Albyn Hospital - 211019/DPP and 211020/LBC	To approve or refuse the erection of two storey extension with plant room to rear; erection of entrance extension with ramp to front and side; alterations to car parking and landscaping and other associated works		Matthew Easton	Strategic Place Planning	Place	1		
24	PRE APPLICATION FORUM - Causewayend Bridge of Don - 201365 - date to be confirmed.	To hear from the applicant in relation to an application for Major residential development of approximately 350 units (at least 25% affordable) with associated infrastructure, open space and landscaping		Gavin Evans	Strategic Place Planning	Place			

ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management Committee
DATE	4 November 2021
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Committee Annual Effectiveness Report
REPORT NUMBER	COM/21/260
DIRECTOR	Gale Beattie, Director of Commissioning
CHIEF OFFICER	Fraser Bell, Chief Officer - Governance
REPORT AUTHOR	Lynsey McBain
TERMS OF REFERENCE	GD 8.5

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to present the annual report of the Planning Development Management Committee to enable Members to provide comment on the data contained within.

2. RECOMMENDATION

That Committee:-

- 2.1 provide comments and observations on the data contained within the annual report; and
- 2.2 note the annual report of the Planning Development Management Committee.

3. BACKGROUND

Annual Reports on Committee Terms of Reference

- 3.1 The annual committee effectiveness reports were introduced in 2018/19 following a recommendation from the Chartered Institute of Public Finance and Accountancy (CIPFA) as part of the Council's work towards securing that organisation's accreditation in governance excellence. The Terms of Reference set out that each Committee will review its own effectiveness against its Terms of Reference through the mechanism of the annual report.
- 3.2 The annual effectiveness reports were mentioned by CIPFA in their report which awarded the Mark of Excellence in Governance accreditation to Aberdeen City Council. CIPFA highlighted the implementation of the annual

effectiveness reports as a matter of good practice in governance and were encouraged that, during consideration of the reports at Committee and Council, Members had made suggestions for improvements to the reports in future years.

- 3.3 As well as the CIPFA Accreditation, Committee Services also won SOLAR Administration Team of the Year in March 2020 in recognition of the introduction of the annual committee effectiveness reports and the process which allows Committees to examine how they can improve the way they do business, while providing assurance that they are undertaking their role effectively.
- 3.4 Data from the annual effectiveness reports has been used to inform the review of the Scheme of Governance, ensuring that Committee Terms of Reference were correctly aligned, and identifying any areas of the Terms of Reference which had not been used throughout the year in order that they could be reviewed and revised if necessary. The information from the effectiveness reports will also be used to feed into the Annual Governance Statement.
- 3.5 The reports provide a mechanism for each committee to annually review its effectiveness, including data on attendance, any late reports, referrals to Council and the number of times officer recommendations were amended, and to ensure that it is following its Terms of Reference.
- 3.6 Similarly, recording the sections or stretch outcomes of the Local Outcome Improvement Plan (LOIP) which apply to each report allows Members to be aware of the direct impact of any proposals before them on the LOIP, and gives a general overview at the end of each year of the number of reports which have had an impact on the LOIP stretch outcomes. Officers also actively review the data gathered to ensure that it aligns to the Council's operating model and decisions taken by the Council throughout the year.
- 3.7 Any comments from Members on areas of data that should be considered would be welcomed to ensure that Members are presented with meaningful data.
- 3.8 The annual report for 2020/2021 is therefore appended for the Committee's consideration. It should be noted that the annual reporting period for 2020/21 is longer than previous years due to the Covid-19 pandemic which resulted in a number of committee meetings being cancelled in the first half of 2020/21. Following consideration by the Committee, the report will be submitted to Full Council in December for noting.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications from the recommendations of this report.

5. LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from the recommendations of this report.

6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	N/A		
Compliance	Failure to submit this report would mean that the Council would not be complying with its instruction that all committees and Full Council receive such a report each year.	L	Council is given the opportunity to consider the reports and provide feedback on any amendments Members would wish to see in the content so that this can be taken on board for next year's Scheme of Governance review.
Operational	N/A		
Financial	N/A		
Reputational	N/A		
Environment / Climate	N/A		

7. OUTCOMES

There are no links to the Council Delivery Plan, however the committee effectiveness annual reports link to the Scheme of Governance, by ensuring that each committee is fulfilling its Terms of Reference.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Full impact assessment not required
Data Protection Impact Assessment	Not required

9. BACKGROUND PAPERS

None.

10. APPENDICES

- 10.1 Planning Development Management Committee Annual Effectiveness Report
(1 May 2020 to 31 October 2021)

11. REPORT AUTHOR CONTACT DETAILS

Lynsey McBain
Committee Services Officer
lymcbain@aberdeencity.gov.uk
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Planning Development Management Committee Annual Effectiveness Report 2020/2021



Planning Development Management Committee

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1. INTRODUCTION

- 1.1 I am pleased to present the third annual effectiveness report for the Planning Development Management Committee. As Members will be aware, as part of their interim assessment of the Council's governance arrangements in 2016, CIPFA recommended that Committees review the extent to which they had operated within their Terms of Reference, through an annual report. This had been an aspiration for some time, representing good practice in governance terms. I am delighted that the Council was the first in Scotland to be awarded the CIPFA Mark of Excellence in Governance, and that the annual effectiveness report was highlighted by CIPFA as an example of good governance. The annual effectiveness report also informs the annual review of the Council's Scheme of Governance and enables officers to identify if any changes are required, for example, to the Committee Terms of Reference.
- 1.2 As part of the 2021 review, minimal changes were made to the Planning Development Management Committee Terms of Reference to provide greater clarity and those will be monitored throughout the year and taken into consideration during next year's review and the preparation of the fourth annual committee effectiveness report.
- 1.3 The annual report is a good mechanism for the Committee to support the Council's improvement journey by demonstrating the ways that the Committee contributes to the Council Delivery Plan and Local Outcome Improvement Plan, whilst also providing the opportunity to reflect on the business of the Committee over the past year and to look to the Committee's focus for the year ahead.
- 1.4 Throughout the year, the Committee has worked to determine all applications for consent or permission except those local applications which fall to be determined by an appointed officer under the adopted Scheme of Delegation or for which a Pre Determination Hearing has been held; visited application sites where agreed; made Orders and issued notices; approved the development briefs and masterplans; developed and adopted non-statutory development management guidance; and conducted Pre Determination Hearings in pursuance of the provisions contained within 38A of the Town and Country Planning (Scotland) Act 1997.



Councillor Marie Boulton

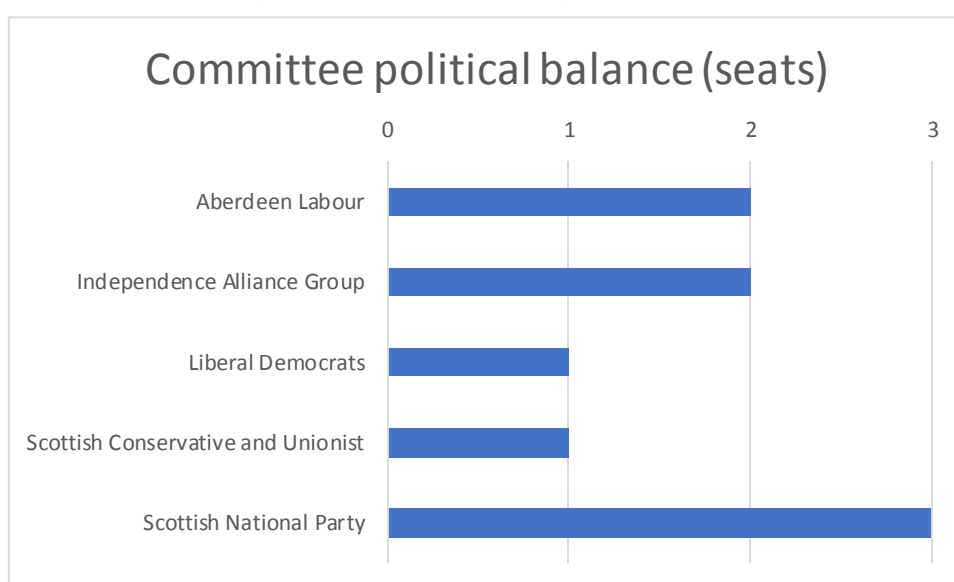
Convener, Planning Development Management Committee

2. THE ROLE OF THE COMMITTEE

- 2.1 The role of the Committee is to ensure the effective undertaking of the Development Management and Building Standards duties of the Council.

3. MEMBERSHIP OF THE COMMITTEE DURING 2020/2021

- 3.1 The Planning Development Management Committee has 9 Elected Members.



4. MEMBERSHIP CHANGES

- 4.1 During the reporting period, the membership of the Committee has remained the same.

5. MEMBER ATTENDANCE

Member	Total Anticipated Attendances	Total Attendances	Substitutions	Nominated Substitute
Marie Boulton	13	13	0	
Jennifer Stewart	13	13	0	
Yvonne Allan	13	13	0	
John Cooke	13	10	3	Dell Henrickson Miranda Radley x 2
Neil Copland	13	11	2	Christian Allard and Jim Noble (for one meeting) Miranda Radley
Bill Cormie	13	11	2	Michael Hutchison

				and Jessica Mennie (for one meeting) Alex Nicoll
Martin Greig	13	12	1	Steve Delaney
Avril MacKenzie	13	13	0	
M. T. Malik	13	12	1	Barney Crockett

6. MEETING CONTENT

- 6.1** During the 2020/2021 reporting period (1 May 2020 to 31 October 2021), the Committee had 13 meetings and 3 Pre Determination Hearings and considered a total of 7 non-application reports. There were also 49 specific applications considered. 44 of these applications were approved/refused in line with the officer recommendation and 5 went against the officer recommendation. Due to COVID-19 and restrictions, no site visits have been held during the reporting period.

6.2 Terms of Reference

Of the 7 non-application reports received the following table details how the reports aligned to the Terms of Reference for the Committee.

Terms of Reference	Count of Terms of Reference
Remit of Committee 1	0
Remit of Committee 2	0
Remit of Committee 3	0
Remit of Committee 4	1
Remit of Committee 5	4
Remit of Committee 6	2
Remit of Committee 7	0

- 6.3** During the course of 2020/21 the Planning Development Management Committee received reports under Term of Reference 4 (approve development briefs and masterplans, 5 (adopt non-statutory planning management guidance) and 6 (conduct pre-determination hearings in pursuance of the provisions contained within s38A of the Town and Country Planning (Scotland) Act 1997) but no reports under Terms of Reference 3 (make Orders and issue Notice) This would indicate that the Committee has discharged its role throughout the course of the reporting period. As stated above, there were 49 applications considered and these cover Terms of Reference 1 and 2. In relation to remit 7, any application coming forward following a Pre Determination Hearing would be classed as an application and not a report, hence why the number is 0.

6.4 Local Outcome Improvement Plan

The following table provides details on the 7 reports and how many had a link to the themes of the Local Outcome Improvement Plan.

Local Outcome Improvement Plan	Number of reports
Economy	5
People (Children)	3
People (Adult)	6
Place	5

6.5 Reports and Committee Decisions

The following table details the outcome of the Committee's consideration of the 7 reports presented to it throughout the year.

Reports	Total
Number which were Exempt/Confidential	0
Number of reports where the Committee has amended officer recommendations	0
Number of reports approved unanimously	6
Number of reports requested by members during the consideration of another report to provide additional assurance and not in forward planner	0
Number of Service Updates requested	0
Number of decisions delayed for further information	0
Number of times the Convener has had to remind Members about acceptable behaviour and the ethical values of Public Life	0
Number of late reports received by the Committee (i.e. reports not available for inspection by members of the public at least three clear days before a meeting)	0
Number of referrals to Council, or other Committees in terms of Standing Order 34.1	0

6.6 Notices of Motion, Suspension of Standing Orders, Interface with the Public

Number of notices of motion	0
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Number of times Standing Orders were suspended and the specific Standing Orders suspended	0
Standing order number (ref)	N/A
Number of deputations or other indicators of interface with the public, i.e. engagement and social media.	0

7. TRAINING REQUIREMENTS

Officers from the Local Development Plan, Development Management and Legal Services Teams carried out Elected Member training in the planning process and Elected Members Code of Conduct in relation to the determination of planning applications in December 2020.

8. CODE OF CONDUCT – DECLARATIONS OF INTEREST

- 8.1 5 declarations of interest were made by Councillors during the reporting period. Information in respect of declarations of interest is measured to evidence awareness of the requirements to adhere to the Councillors' Code of Conduct and the responsibility to ensure fair decision-making.

9. CIVIC ENGAGEMENT

- 9.1 No civic engagement was undertaken specifically around the activity of the Planning Development Management Committee.

10. OFFICER SUPPORT TO THE COMMITTEE

Officer	Anticipated Attendance	Attendances
Chief Officer – Strategic Place Planning	13	11
Development Management Manager	13	13
Chief Officer – Governance (representative)	13	13

11. EXECUTIVE LEAD'S COMMENTS

- 11.1 Planning Development Management Committee (rather than Full Council) now determine development proposals considered to be significant departures from development plan strategy. A report is presented to PDMC with a recommendation to determine whether PDMC wishes the application to be decided by Full Council or PDMC.
- 11.2 Due to COVID-19, Planning Development Management Committee and

Local Review Body meetings have been successfully held electronically and broadcast online.

12. NEXT YEAR'S FOCUS

- 12.1** The effectiveness of the Committee will continue to be reviewed over the year and planning training will continue to be part of the scheduled elected member development programme.

Appendix 1

Committee Terms of Reference Approved by Council on 3 March 2021

PURPOSE OF COMMITTEE

1. To ensure the effective undertaking of the Development Management and Building Standards duties of the Council.

REMIT OF COMMITTEE

The Committee will:

1. determine all applications for consent or permission except those local applications which fall to be determined by an appointed officer under the adopted Scheme of Delegation or for which a Pre Determination Hearing has been held;
2. visit application sites where agreed;
3. make Orders and issue Notices;
4. approve development briefs and masterplans;
5. adopt non-statutory planning management guidance
6. conduct pre-determination hearings in pursuance of the provisions contained within s38A of the Town and Country Planning (Scotland) Act 1997; and
7. determine an application for planning permission for a development where a pre determination hearing is held in terms of s38A of the Town and Country Planning (Scotland) Act 1997

JOINT WORKING WITH OTHER COMMITTEES

The Committee will maintain an awareness of key issues arising through the work of other committees of the Council, through lead officers, conveners and vice conveners working together, and attending other committees as observers. Specifically, key relationships will be required with the Capital Programme Committee which will oversee the preparation of the Local Development Plan to the point where it will be approved by Council.

JOINT WORKING WITH NON COUNCIL BODIES

The Committee, through its lead officers, will work jointly as appropriate with the Scottish Environment Protection Agency, Historic Environment Scotland and the Planning and Architecture Division of the Scottish Government.

Executive Lead: Chief Officer – Strategic Place Planning



ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management
DATE	4 November 2021
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Proposed Aberdeen Local Development Plan 2020 – Draft Aberdeen Planning Guidance (Masterplans and Development Frameworks)
REPORT NUMBER	PLA/21/256
DIRECTOR	Gale Beattie
CHIEF OFFICER	David Dunne
REPORT AUTHOR	Donna Laing
TERMS OF REFERENCE	4

1. PURPOSE OF REPORT

- 1.1 This report presents draft Aberdeen Planning Guidance to the Proposed Aberdeen Local Development Plan 2020 for approval and consultation.

2. RECOMMENDATIONS

That the Committee:-

- 2.1 Note that currently adopted Supplementary Guidance will be classed as Aberdeen Planning Guidance under the next Local Development Plan;
- 2.2 Approve the Draft Aberdeen Planning Guidance documents;
- 2.3 Instruct the Interim Chief Officer – Strategic Place Planning to, subject to any minor drafting changes, publish twelve Aberdeen Planning Guidance documents for a six week, non statutory, public consultation;
- 2.4 Instruct the Interim Chief Officer – Strategic Place Planning to make any minor technical drafting updates which may be required to other existing non-statutory planning guidance in order to ensure all planning policy references are up-to-date and consistent;
- 2.5 Instruct the Interim Chief Officer – Strategic Place Planning to report the results of the public consultation and any proposed revisions to the Draft Aberdeen Planning Guidance to a subsequent Planning Development Management Committee by September 2022, and;

- 2.6 Instruct the Interim Chief Officer – Strategic Place Planning to consult the Strategic Environmental Assessment (SEA) Gateway on associated SEA Screening Report and to publicise the result of the Screening Determinations via a public notice following the above six-week consultation process.

3. BACKGROUND

- 3.1 The Proposed Aberdeen Local Development Plan 2020 (Proposed Plan), Proposed Delivery Programme, Environmental Report and associated background documents were approved by Full Council on 2 March 2020. The documents were published as part of a statutory period of representation in public which took place between 20 May 2020 and 31 August 2020.
- 3.2 On 22 July 2021 the Proposed Aberdeen Local Development Plan was formally submitted to the Scottish Ministers for Examination in public. The Examination is being co-ordinated by the Planning and Environmental Appeals Division (DPEA) of the Scottish Government. The DPEA are currently reviewing and processing documentation and a Reporter is expected to be appointed in due course.
- 3.3 The Proposed Aberdeen Local Development Plan 2020 comprises a vision, the spatial strategy and key policies and proposals. Aberdeen Planning Guidance can be adopted by the planning authority in connection with a Local Development Plan and contains more detailed policy guidance.

4. STATUS OF PLANNING GUIDANCE

- 4.1 The Masterplans and Development Frameworks before Committee today were adopted as statutory Supplementary Guidance documents in March 2017 to support the extant Aberdeen Local Development Plan. Under the Planning etc (Scotland) Act 2006, Supplementary Guidance documents are valid for the five year lifespan of a Local Development Plan. As such, these documents are required to be readopted with each new Local Development Plan. The current Supplementary Guidance documents will remain in force until the Aberdeen Local Development Plan 2017 is replaced by the next Aberdeen Local Development Plan in 2022.
- 4.2 The Planning etc (Scotland) Act 2019 Part 9 repeals the ability to produce and adopt Supplementary Guidance, therefore the Planning Authority now wish to initiate the process to approve such documents as non-statutory Aberdeen Planning Guidance, to sit alongside the next Local Development Plan once it is adopted.
- 4.3 Although the documents listed below were prepared and adopted under the previous Aberdeen City and Shire Strategic Development Plan 2014, and the current Aberdeen Local Development 2017, their content remains relevant and valid. No text changes have been made to these documents other than a statement which sets out that these documents were produced before the

Aberdeen City and Shire Strategic Development Plan 2020 had been adopted and the production of the Proposed Local Development Plan.

4.4 The following documents are proposed for approval for public consultation:

- Countesswells Development Framework and Phase One Masterplan
- Dubford Development Framework
- Former Davidson's Mill Development Framework and Masterplan
- Friarsfield Development Framework
- Grandhome Development Framework
- Maidencraig Masterplan
- Newhills Development Framework
- Oldfold Development Framework and Masterplan
- Persley Den/Woodside Masterplan
- Rowett North AECC Development Framework
- Bridge of Don AECC Development Framework
- Bay of Nigg Development Framework

4.5 A 6-week period of consultation in public will be undertaken in Winter 2021/2022. The consultation will be undertaken electronically with documentation available for inspection via the Council website. The consultation will be communicated via an advertisement in a regional newspaper and also through the Council's website, the Local Development Plan newsletter and social media platforms.

4.6 Comments on the consultation will be submitted using the Council's consultation hub (Citizen Space), email or by post. These comments will be reviewed, synthesized and reported by to a later Planning Development Management committee meeting.

4.7 Alongside the Masterplans and Development Frameworks noted in paragraph 4.4, there are a number of existing non-statutory planning documents known as Local Planning Advice. The documents are listed below:

- Aberdeen Harbour Development Framework
- Balgownie Centre Bridge of Don
- Bon Accord Baths Planning Brief
- Broadford Works Design Brief
- Conservation Area Character Appraisals and Management Plan
- Denburn Valley Planning Brief
- River Don Corridor Framework
- RGU City Centre Planning Brief
- St Peters Nursery Site

4.8 There are two further Development Frameworks. The Greenferns Development Framework and Masterplan was adopted as interim Planning Advice at Full Council on 5 March 2018. The Loirston Development Framework was approved as Aberdeen Planning Guidance at Planning Development Management Committee on 10 December 2020. It is proposed that the Local Planning Advice noted in paragraph 4.7, and the Greenferns Development Framework and Masterplan be renamed Aberdeen Planning Guidance to ensure consistency amongst documents. As noted in Recommendation 2.4 it is asked that Members instruct Interim Chief Officer – Strategic Place Planning to undertake

a solely technical review of the existing non-statutory planning guidance noted in paragraph 4.7 and the Greenferns Development Framework and Masterplan, and Loirston Development Framework, in order to ensure that, for example, all planning policy references are up-to-date. This review would be undertaken over the coming months, and the updated documents directly uploaded onto the Council's website in preparation for the adoption of the next Aberdeen Local Development Plan. Given the minor drafting nature of the changes proposed, officers feel that no public consultation exercise is required to support this process.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from this report as the cost of preparing Aberdeen Planning Guidance is met through existing staff time resourcing budget. As the consultation will be carried out online there are no printing or venue costs.
- 4.2 As a major landowner in the city, proposals for the development of land and assets owned by Aberdeen City Council will, where this is applicable, be subject to assessment in line with the principles and standards set out in Aberdeen Planning Guidance. This may have financial implications for the Council as a developer.

5. LEGAL IMPLICATIONS

- 5.1 There are no direct legal implications arising from this report. The Planning etc (Scotland) Act 2019 repeals the ability to produce and adopt statutory guidance. Whilst the guidance will no longer have a statutory basis, it is still important that it is retained in a new form, non-statutory guidance, this still informs decisions on such development in Aberdeen.

6. MANAGEMENT OF RISK

- 6.1 The Local Development Plan is reviewed on a statutory basis. Aberdeen Planning Guidance and Local Planning Advice should also be reviewed and should be done so to coincide with the adoption of the next Local Development Plan. This will ensure continuity in the provision of up to date and relevant planning frameworks.

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
Strategic Risk	Ensuring up to date and relevant planning frameworks for the adoption of the Local Development Plan.	L	Ensure that consultation on updated versions of Masterplans, development frameworks and Local Planning Advice is undertaken early in the

			examination process of the Proposed Local Development Plan and there is flexibility to respond to consultation comments.
Compliance	Ensuring that current adopted Supplementary Guidance is replaced with Aberdeen Planning Guidance to comply with relevant Planning Legislation.	L	Ensure that robust and transparent consultation is undertaken in a timeous manner on Aberdeen Planning Guidance.
Operational	Ensuring timeously published and adopted planning frameworks to avoid delays in the issuing of planning application determinations.	L	Ensure that consultation on updated versions of Masterplans, development frameworks and Local Planning Advice is undertaken early in the examination process of the Proposed Local Development Plan and there is flexibility to respond to consultation comments.
Financial	Not having timely published versions of Masterplans and Development Frameworks could lead to uncertainty at Planning application stage and potentially lead to more staff time being spent processing applications on these sites and a greater number of planning application appeals.	L	Consult on the updated versions of Masterplans, development frameworks and Local Planning Advice parallel to the examination of the Proposed Local Development Plan to ensure that the Local Development Plan and supporting documents are up to date and relevant at the date of adoption.
Reputational	The planning authority has consistently reviewed the Local Development Plan, Masterplans and Development Frameworks within the statutory review period.	L	Ensure that consultation on updated versions of Masterplans, development frameworks and Local Planning Advice is undertaken early in the examination process of the Proposed Local Development Plan and there is flexibility to respond to consultation comments.

Environment / Climate	Ensuring that planning frameworks take into consideration the relevant environmental and climate change legislation at the point of their development and production.	L	Consult on the updated versions of Masterplans, development frameworks and Local Planning Advice parallel to the examination of the Proposed Local Development Plan to ensure that the Local Development Plan and supporting documents are up to date and relevant at the date of adoption. Carry out Strategic Environmental Assessment Screening Reports.
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7. OUTCOMES

<u>COUNCIL DELIVERY PLAN</u>	
	Impact of Report
Aberdeen City Council Policy Statement	The proposals within this report support the delivery of People Policy Statement 10 and the delivery of Council homes. The development framework for new housing land will enable the delivery of new social and affordable housing complementary to the Council's delivery of new homes.
Aberdeen City Local Outcome Improvement Plan	
Prosperous Economy Stretch Outcomes	The proposals within this report will help to support the Stretch Outcome 'No one will suffer due to poverty by 2026.' The development proposals contained within the Aberdeen Planning Guidance help to create a framework for the delivery of new energy efficient homes which will help reduce fuel poverty for residents.
Prosperous Place Stretch Outcomes	The proposal within this report will support different ways for active travel through the creation of a network of active travel corridors through the development frameworks.
Regional and City Strategies	
	The proposals within this report support the Strategic Development Plan and Regional Transport Strategy by recommending the use of the masterplanning process to deliver large scale housing and employment land allocations.
UK and Scottish Legislative and Policy Programmes	
	The report sets out the how the consultation of Aberdeen Planning Guidance rather than Supplementary Guidance conforms with Part 9 of the Planning etc (Scotland) Act 2019.

8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Full impact assessment required.
Data Protection Impact Assessment	Not required

9. BACKGROUND PAPERS

Aberdeen Local Development Plan – Proposed Plan 2020

10. APPENDICES

Link to all of the documentations. [Planning guidance link to documents.](#)

11. REPORT AUTHOR CONTACT DETAILS

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PLANNING DEVELOPMENT MANAGEMENT COMMITTEE



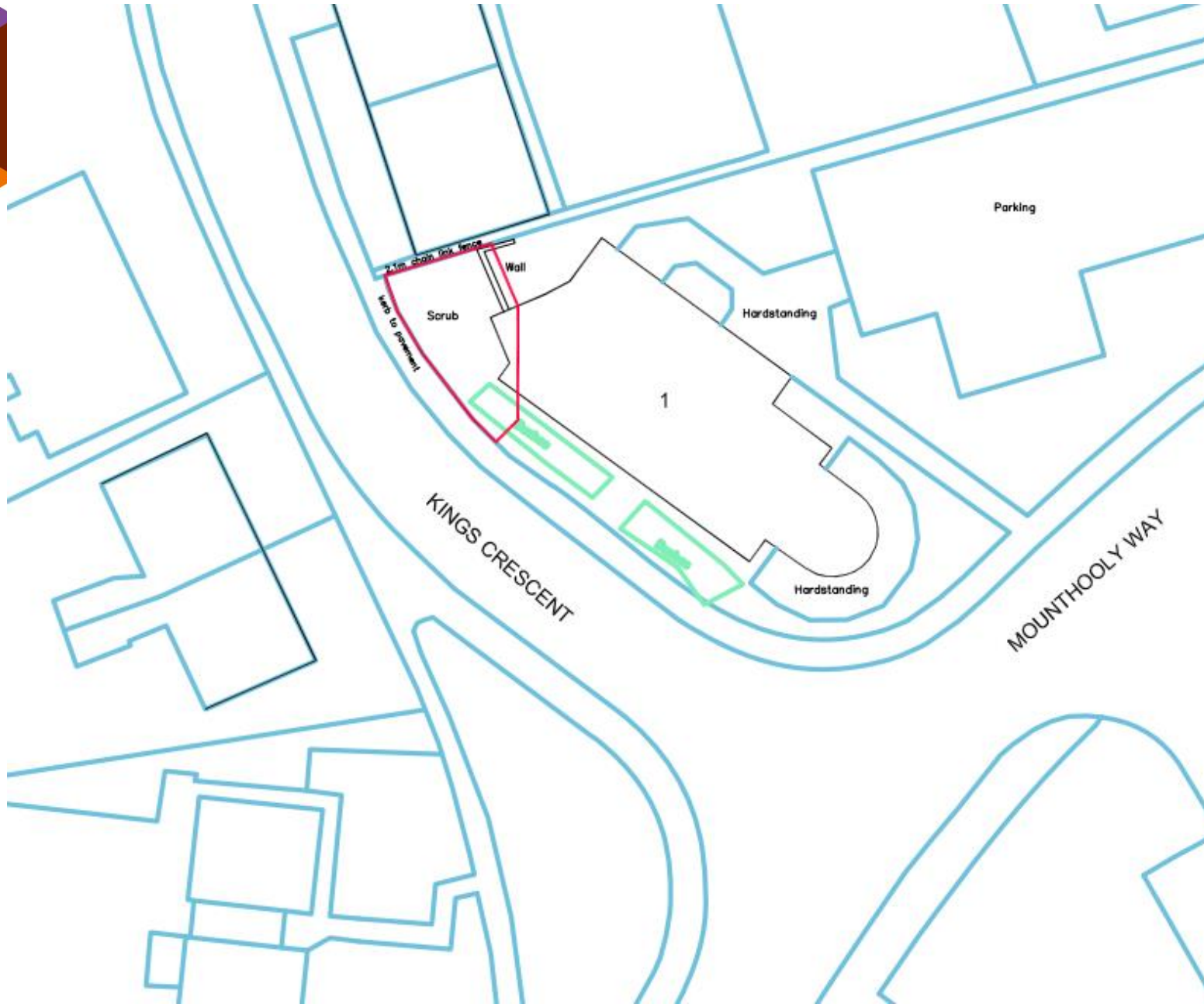
Meeting Date : 04/11/21

Description: Formation of External Stair with
Balustrade

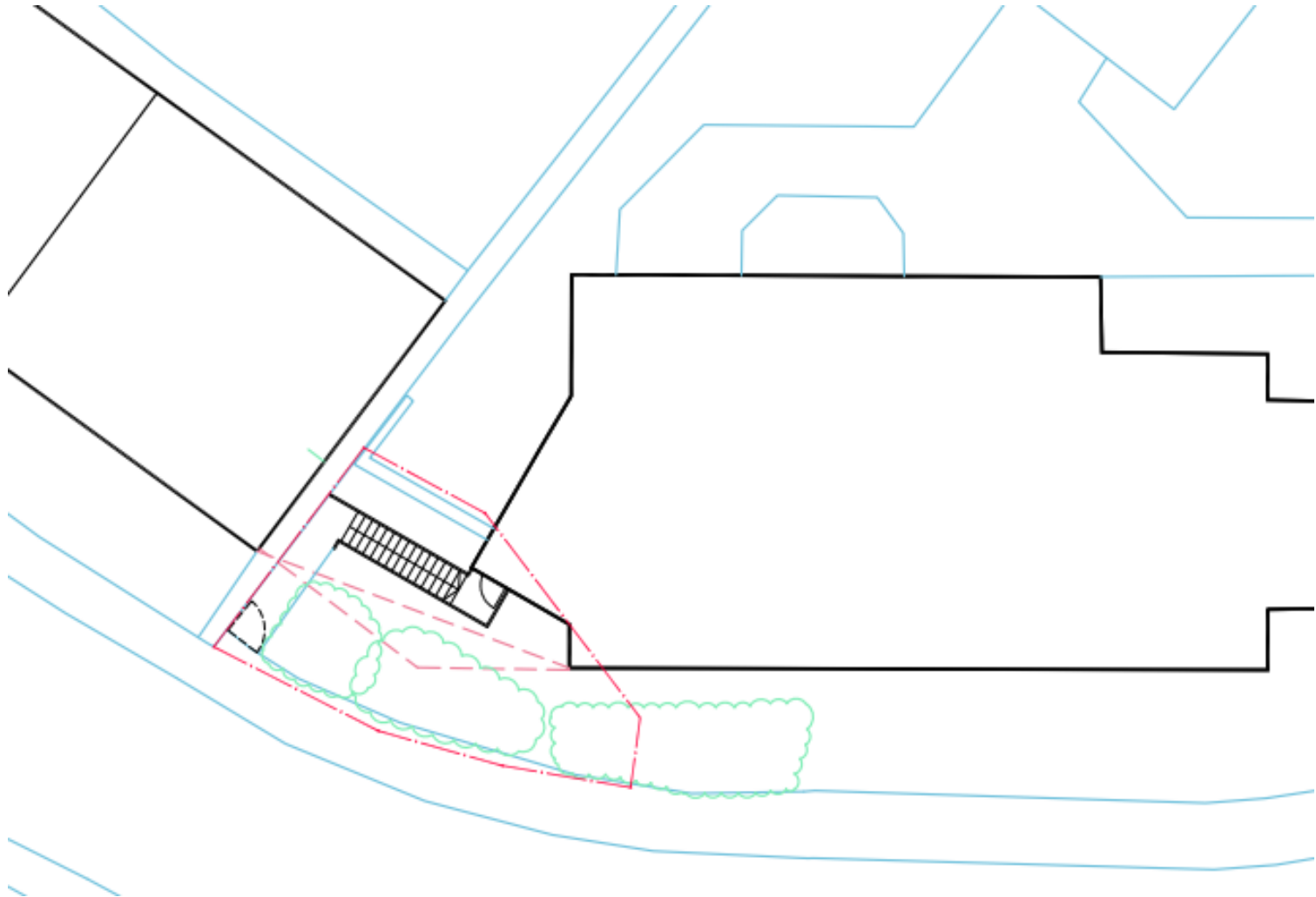
Address: 1 Mounthooly Way, Aberdeen

Type of application : Detailed Planning Permission
Application number: 211054/DPP

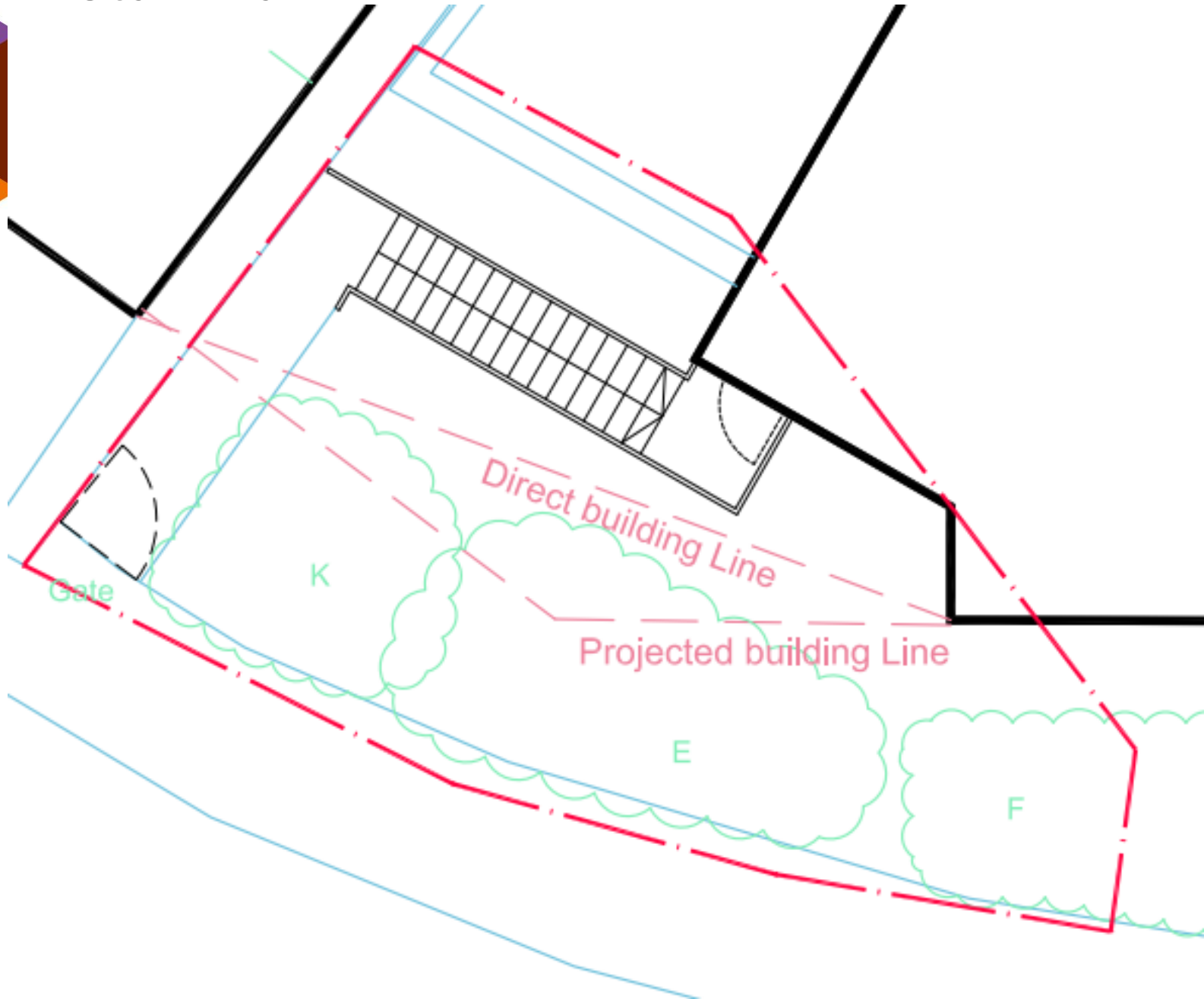
Location Plan



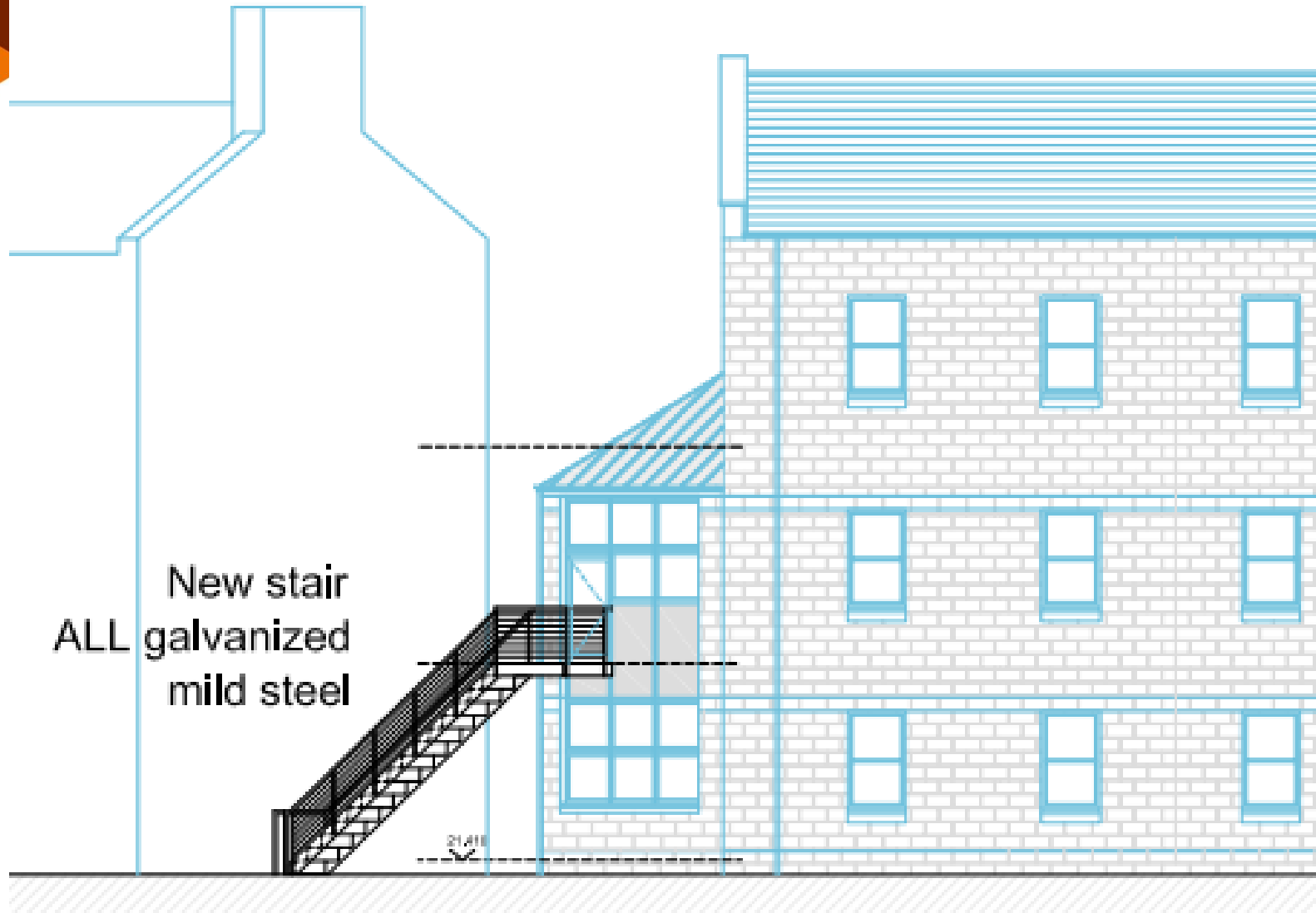
Proposed Site Layout



Stair Plan



SW Elevation



NW Elevation

Page 68



Aerial Photo



Oblique Aerial View



View North up Kings Crescent



Site viewed from Kings Crescent



View South along Kings Crescent



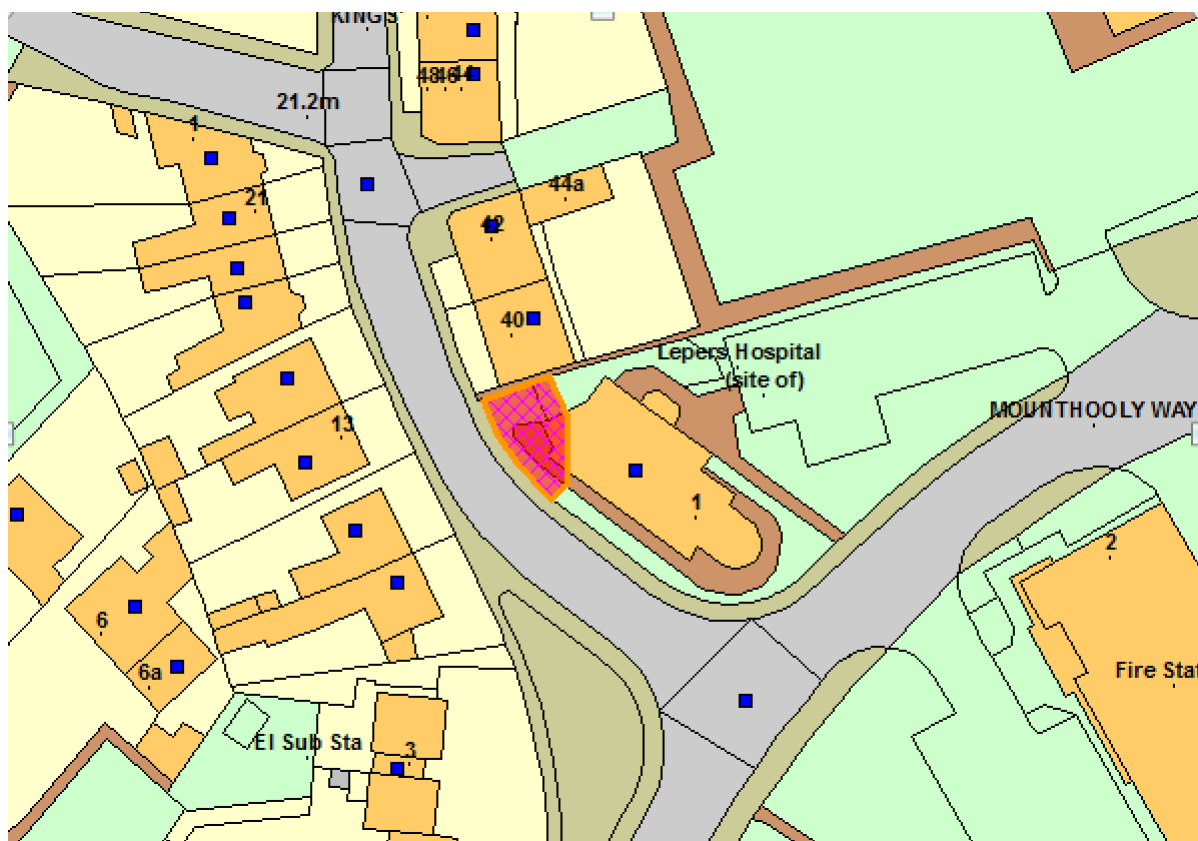
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Planning Development Management Committee

Report by Development Management Manager

Committee Date: 4th November 2011

Site Address:	1 Mounthooly Way, Aberdeen, AB24 3ER,
Application Description:	Formation of external access stair with balustrade
Application Ref:	211054/DPP
Application Type	Detailed Planning Permission
Application Date:	3 August 2021
Applicant:	West Coast Estates
Ward:	George Street/Harbour
Community Council:	Old Aberdeen
Case Officer:	Robert Forbes



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RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The proposal relates to an office building of late 20th century origin and associated incidental open space. The site is located adjacent to the southern edge of Old Aberdeen conservation area, which extends along Kings Crescent and is largely residential in character. The building is 3 storey and constructed of grey concrete blocks with a pitched slate clad roof. A 2-storey glass faced projecting extension with lead roof is attached to the north-west gable of the building. Access to the site is gained from Mounthooly Way. The entrance to the building is on its north-east (rear) elevation facing the ancillary surface car park. There are no door openings on the south-west elevation of the building facing the street.

Relevant Planning History

Application Number	Proposal	Decision Date
191102/DPP	Alterations and extension of existing office premises including change of use to create a mixed-use development, incorporating retail unit at ground floor level with 6no.residential flats above; formation of bin store with enclosure and associated car parking and works	15.05.2020 Status: Approved

The initiation of development of the above approval commenced on 26.04.2021.

APPLICATION DESCRIPTION

Description of Proposal

Formation of an external access stair attached to the north-west end of the building and associated alterations to the façade / ground. The stair would provide an independent access to / egress from the first floor of the building, as an alternative to the existing (rear) pedestrian access. It would be constructed of galvanised mild steel and would have a similar metal handrail / barrier. The stair would face north and would be unenclosed. Its maximum height above existing ground level would be around 4 metres and it would extend around 5 metres north of the existing building. The existing glazed screen on the building façade would be adjusted to create a glazed door opening providing access onto a level platt at the top of the stair. A new pedestrian access path would be created at the north boundary, adjacent to the tenement.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QWMWT0BZLXC00>

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because the local Community Council object.

CONSULTATIONS

Old Aberdeen Community Council – Object on the grounds of adverse visual impact on the adjacent conservation area; insufficient information regarding purpose of the works; insufficient construction details / technical specifications; alleged non-compliance with UK regulations: lack of

lighting / safety implications; conflict with a gas meter on site; potential use of the door as an access, implications for occupants of the upper floor.

REPRESENTATIONS

Old Aberdeen Heritage Society object to the proposal on the following grounds:

- Adverse impact on the adjacent conservation area
- Adverse visual impact of the stair
- Conflict with the design of the related building.
- Lack of adequate justification for the works
- Unsuitability as a private entrance to the upper floor

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

Scottish Planning Policy 2014 (SPP) expresses a presumption in favour of development which contributes to sustainable development.

Historic Environment Policy for Scotland (HEPS) is relevant.

Aberdeen City and Shire Strategic Development Plan 2020 (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

Aberdeen Local Development Plan 2017 (ALDP)

H2: Mixed Use Areas

D1: Quality Placemaking by Design

D2: Landscape

D4: Historic Environment

Supplementary Guidance and Technical Advice Notes

Landscape SG

Materials TAN

Proposed Aberdeen Local Development Plan 2020 (PALDP)

The PALDP was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the PALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The PALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications.

The ALDP will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the PALDP (including individual policies) in relation to specific applications will depend on whether –

- such matters have or have not received representations as a result of the period of representations in public for the PALDP;
- the level of representations received in relation to relevant components of the PALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis. In this case the zoning and topic-based policies in the PALDP reiterate those of the ALDP.

Other Material Considerations

Old Aberdeen Conservation Character Appraisal.

EVALUATION

Principle of Development

As no change of use is proposed and the works relate to the existing authorised use of the premises as offices, ALDP policy H2 is of limited relevance in this case. As no change of use is proposed and the works are minor in nature there would be no change to the character of the wider area and therefore no conflict with the objective of ALDP policy H2. Detailed consideration of the proposal relative to topic-based policies is addressed below. As the works are of a minor nature, SPP is of limited relevance in this case. There would be no conflict with its objective of the creation of sustainable communities. The proposal does not raise matters of cross boundary significance such that the SDP is of limited relevance in this case.

Conservation / Heritage Impact

It is noted that the proposal relates to a building of modern origin and limited architectural value. The proposed works do not relate to a historic or architecturally significant building. As the site lies outwith Old Aberdeen conservation area, the related character appraisal is of limited relevance in this case. Although Kings Crescent is of clear historic importance as a mediaeval approach route to Old Aberdeen from the south, its alignment at this point has been altered due to major road works undertaken in the 20th century (e.g. the formation of Mounthooly Way) which significantly disrupts the historic street pattern. Although the works would be visible from Kings Crescent, the stair would be a subservient element and would not be visually intrusive in the street scene given that it would be set back from the historic building line. Therefore, it would not adversely impact on the approach to the conservation area along Kings Crescent. It is therefore considered that there would be no adverse impact on the setting of the nearby conservation area or on other heritage assets (e.g. nearby Category B listed buildings which front onto Kings Crescent). As such the proposal has a neutral impact on heritage assets and there would be no conflict with the objectives of HEPS and ALDP policy D4.

Design Considerations

It is accepted that the stair does have a rather utilitarian appearance which is perhaps more suited to an industrial context. However, given that the building to which the staircase would be attached is of limited architectural value and the stair / balustrade would be a subservient feature, located on a gable (side) elevation and not unduly prominent within the street scene, it is considered that this is not in itself sufficient grounds for refusal. Precise details of the treatment of the building elevation to create the entrance door can be required by condition. Furthermore, the alternative option of encasing the stair within a solid enclosure would result in it having increased height / bulk and massing and therefore potential increased visual impact. There would be sufficient space at the site frontage to provide mitigatory soft shrub / tree planting that would serve soften and screen the development from the public footpath / road. It is noted that black painted metal railings are a visible feature of the adjacent tenement, enclosing the associated raised entrance platts and basement lightwells. These railings are of modern origin, simple design, and have no ornate /

traditional finials or castings which are typically associated with historic buildings, such that the proposed balustrade would be of similar appearance. There is an existing metal chain-link fence with barbed wire horizontal top strands at the west boundary of the site, which has a rather industrial appearance and is located immediately adjacent to the pavement. Given this context it is considered that the development would accord with the expectations of ALDP policy D1 and related Materials TAN and would be acceptable, subject to agreement of a finish / colour.

No details of external site works are provided (e.g. landscaping / hard surfacing / boundary treatment). However, the submitted site plan indicates that soft landscaping (ground cover shrub planting) would be formed at the boundary with the footpath. It is considered that there is sufficient space within the site to ensure suitable additional replacement mitigatory soft planting which would serve to soften and screen the development when viewed from the public road, including potential inclusion of tree planting. Details of such planting can be required by condition in order to address the expectations of policy D2 and related guidance.

Impact on Residential Amenity

Whilst the stair would be used as an access to / egress from the upper floor of the building it is considered that this would be likely to be on a limited / intermittent basis and this does not raise significant amenity concerns that would warrant refusal. It is noted that there are no window or door openings in the gable of the adjacent tenement building to the north, such that the stair would pose no privacy impact on or overlooking of such residents. Although the works would be visible from houses on the opposite side of the street, this would be at a distance of 20m and there are existing upper floor windows in the tenement and office building which are closer. Furthermore, these houses are elevated and set back from the street, from which they are already visible and exposed to noise sources. It is therefore considered that there would be no impact on residential amenity due to overlooking or otherwise due to its use as an access / egress.

Other Matters Raised in Representations

The design, heritage and amenity implications of the works are addressed above. Whilst it is appreciated that limited technical information has been provided, it is considered that adequate information has been provided to assess the general impact of the development and its compliance with planning policy and guidance. Although the existing gas meter housing at the north of the site is not shown on the drawings, it is considered that there is sufficient space within the site such that it could be relocated without resulting in adverse visual impact (e.g. sited underneath the stair). There is no requirement for the applicant to provide a justification for the works, which relate to the existing use of the upper floor by a charity as an office. Whilst works are underway at the site in relation to the recent planning approval, it is understood that the proposal does not relate to such works (i.e. conversion of the ground floor of the building to a retail unit and formation of flats above). As regards the implications of the works for the users of the upper floor of the building it is considered that this is a consideration of limited weight and materiality. However, it is noted that the stair would provide a convenient alternative access to the existing rear access point. Compliance with other legislation (e.g. health and safety matters) is not a material planning consideration. There is no planning requirement for the stair to be provided with lighting and it is noted that existing street lighting would provide a degree of illumination for users.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposal relates directly to the authorised use of the site as offices. As no change of use is proposed and the works are minor in nature there would be no change to the character of the wider area and therefore no conflict with the objectives of Aberdeen Local Development Plan 2017 (ALDP) Policy H2: Mixed Use Areas. Subject to details which can be conditioned it is considered that design impact of the works would be acceptable and there would be no conflict with the objective of ALDP policy D1: Quality Placemaking by Design. Provision of mitigatory soft landscaping can be required by condition in accordance with the objective of ALDP policy D2: Landscape. There would be no adverse impact on the setting of the nearby conservation area or on other heritage assets such there would be no conflict with the objectives of ALDP policy D4: Historic Environment.

CONDITIONS

1. Finishes / construction details

No development shall take place pursuant to this planning permission unless construction details and finishes / colours of the proposed metal stair / balustrade; any relocated gas meter enclosure; the proposed glazed door / framing on the building facade, including detailed cross sections and demonstrating the relationship with the masonry, have been submitted to, and approved in writing, by the Planning Authority. Thereafter the development shall be carried out in accordance with the details so agreed.

Reason: In the interest of visual amenity and to ensure a satisfactory design quality of the development.

2. Boundary Treatment / Landscaping

No development shall take place pursuant to this planning permission unless a further scheme of soft landscaping / boundary treatment works for the site has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:-

- The location / extent of new tree / shrub / hedge / soft ground cover planting;
- A schedule of planting to comprise species, plant sizes and proposed numbers and density;
- Details of any boundary treatments (e.g. walling / railing / gate / fencing);
- Proposed hard landscaping (e.g. paviers) associated with the access path;
- A programme for the completion and subsequent establishment of the proposed landscaping / boundary works.

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

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

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

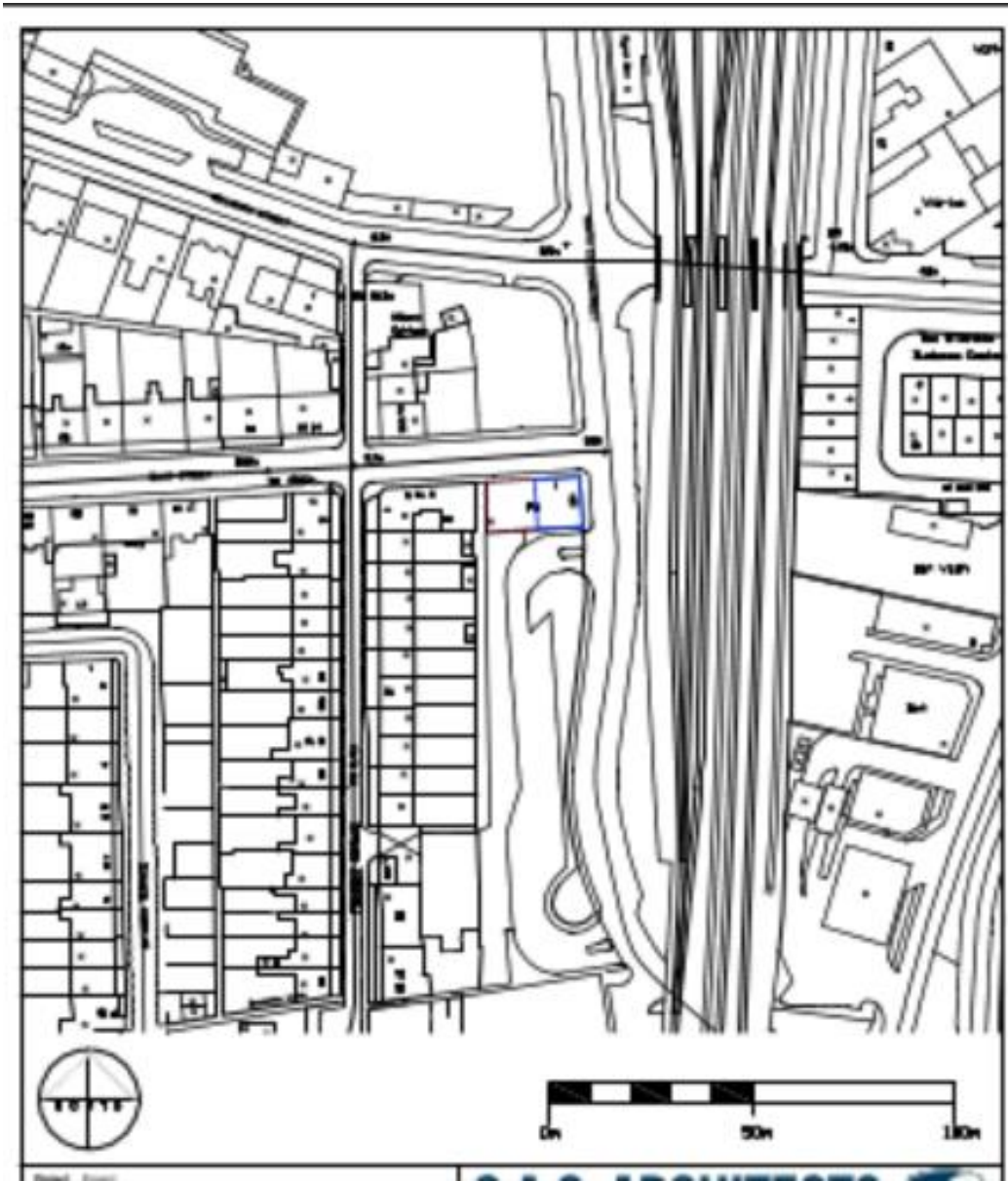


Change of use to a hot food takeaway (sui generis)

1E Bank Street, Aberdeen

Detailed Planning Permission
210905/DPP

Location Plan



Aerial Photo



Existing floorplans



Ground floor

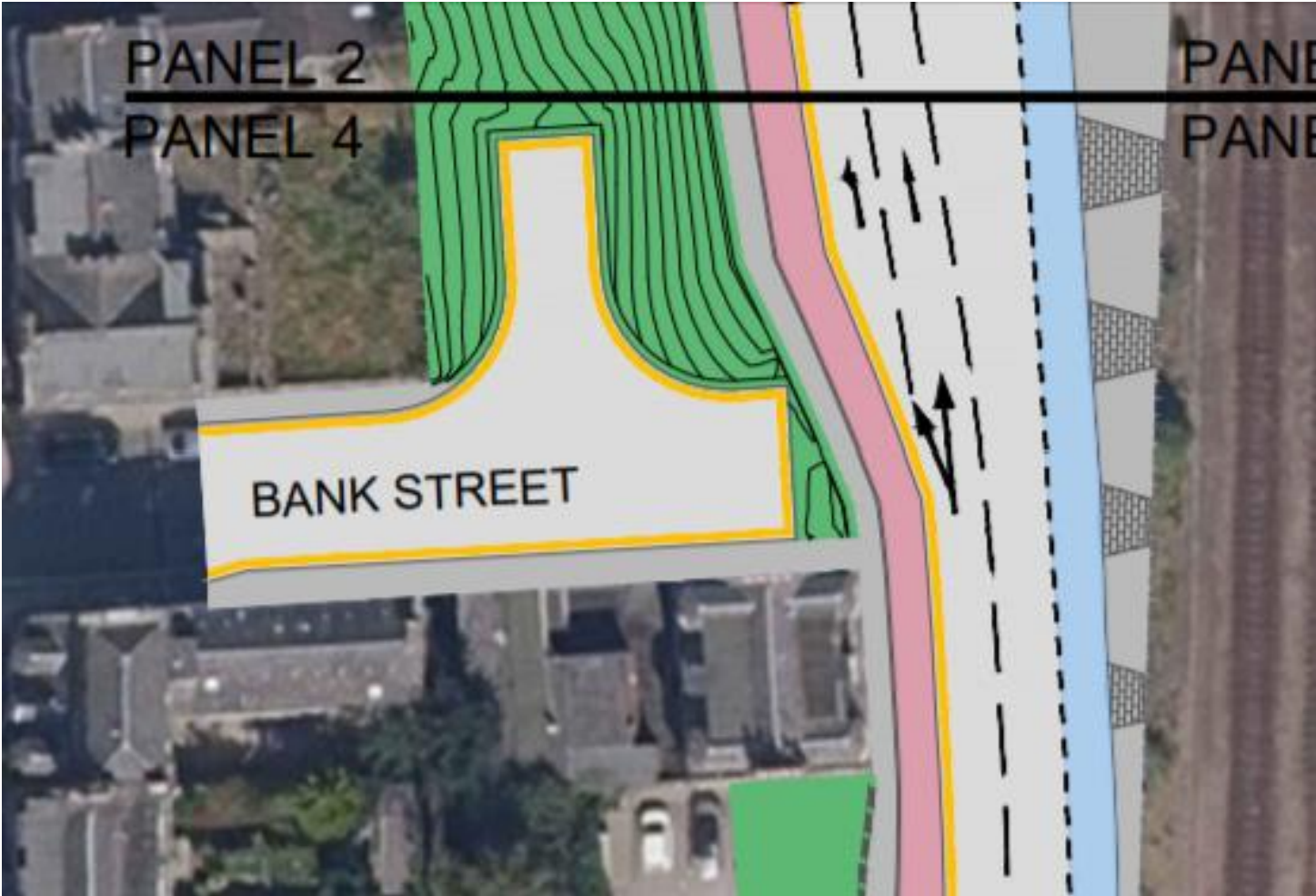


First floor

South College Street Improvement Scheme



Bank Street detail



Site photos

View up to Bank Street from South College Street



Site photos

Application property

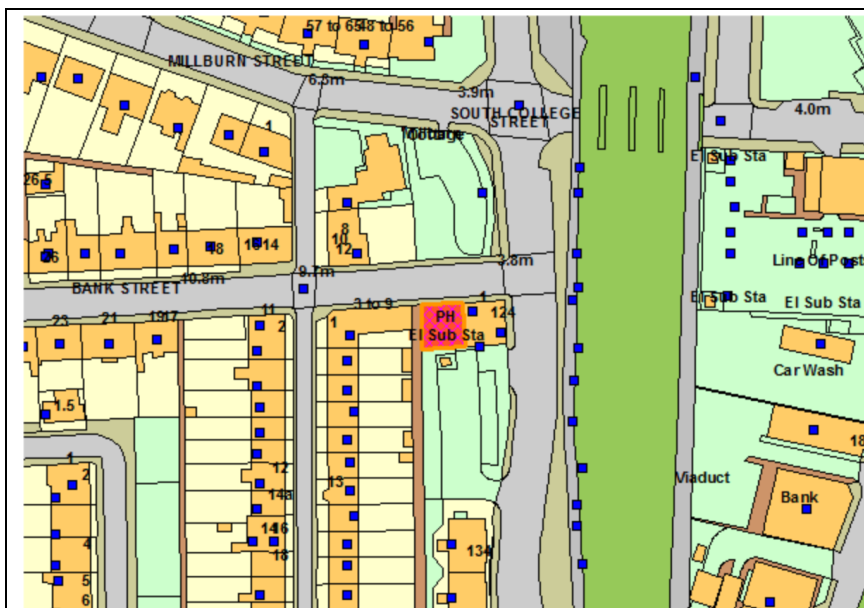


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 4 November 2021

Site Address:	1 E Bank Street, Ferryhill, Aberdeen, AB11 6LA
Application Description:	Change of use to a hot food takeaway (sui generis)
Application Ref:	210905/DPP
Application Type	Detailed Planning Permission
Application Date:	21 June 2021
Applicant:	West Coast Estates
Ward:	Torry/Ferryhill
Community Council:	Ferryhill And Ruthrieston
Case Officer:	Dineke Brasier



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RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises the rear part of the building formerly known as the Ferryhill Tavern/ Devanha Lounge. It consists of a modern part single/part two storey extension attached to the former Ferryhill Tavern, which now operates as a Papa Johns Pizza takeaway– a traditional granite 2.5 storey building. This part of the building – the former Devanha Lounge, is currently vacant. It has been split from the Ferryhill Tavern, and carries its own address – 1E Bank Street. It has a direct

entrance onto Bank Street to the north, has a render finish with a part timber clad upper floor extension and part flat/part mono pitched roof. Due to a change in levels along Bank Street, part of the ground floor sits below pavement level, and as a result, even though two storeys in height internally, is presented as a 1/1.5 storey building along Bank Street.

Relevant Planning History

The building formerly known as 124 South College Street – Ferryhill Tavern/Devanha Lounge has a long and complex planning history since the original public house closed. Relevant applications include the following:

- 200094/DPP – Change of use from public house (sui generis) to hot food takeaway (sui generis), alterations to shop front and installation of ventilation and extraction system – Approved on 9th July 2020 (ground floor front part of the building only) - this permission has been implemented;
- 171224/DPP – Change of use from public house (sui generis) to a restaurant and associated function room (class 3) with rear extension – Approved on 14th December 2017 (full building); and
- 160531 – Change of use of public house (sui generis) to shop (class 1), partial replacement of rear extension, installation of plant equipment to roof, and installation of new shopfront – Refused 16th June 2016 – Appeal dismissed (full building).

APPLICATION DESCRIPTION

Description of Proposal

Change of use of the former Devanha Lounge to a hot food takeaway (sui generis). Supporting documents set out this would be operated in conjunction with the existing hot food takeaway in the adjacent 124 College Street building. No external alterations are proposed, and the assessment considers the principle of the change of use only.

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=QV1T8IBZKZQ00>

Noise and Odour Impact Assessment by Grosle Environmental Services, dated 30th September 2021; and

Planning Statement by CAG Architects, dated August 2021;

Reason for Referral to Committee

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

CONSULTATIONS

ACC - Roads Development Management Team – The site is located in the inner city in controlled parking zone V and has a GFA of 154m². The site is centrally located and has good walking and cycling links to Ferryhill and the wider city. There are bus stops with regular bus services heading in both directions within 300m on Crown Street, and within 400m on Ferryhill Road. The train station is within 800m of the application site.

The site has no off-street parking. The proposed use technically requires the same level of parking

as the existing use. However, it is noted that a takeaway is likely to see higher levels of vehicular traffic than a bar lounge / function room due to delivery drivers, customers picking up orders and deliveries. Existing on street parking is already well utilised by residents. As with the application for the hot food takeaway at 124 South College Street (now Papa Johns), RDMT has a number of concerns about a takeaway in this location, particularly a second one, which would increase the intensity of the use. Both take-aways will use Bank Street for refuse collection and deliveries, multiple times a week. Parking on Bank Street is generally at capacity and refuse service vehicles would require multiple adjacent bays to sit empty in order to service the buildings, which is deemed unlikely and an impractical servicing strategy on a road of this nature, adjacent to a busy road.

Improvement works to South College Street are planned, which would close Bank Street at the South College Street end, forming a turning head which would remove a lot of parking from this end of Bank Street. This would be a benefit for this application as service vehicles could enter Bank Street, turn and temporarily offload a lot more easily than currently.

It is noted that the applicant mentions that parking demand will be highest in the evening when *'demand for parking is lowest from other neighbouring uses'*. However, the evening is when the pizza takeaway and neighbouring residential uses will be highest, and when parking demand is at its peak.

It is further noted that the applicant states that *'the guidance [SG on Transport and Accessibility] states that the Council 'will accept or may require less parking in order to keep traffic generation within acceptable levels and ensure appropriate amenity levels.'* However, simply not providing parking is not a guarantee that a site will not generate vehicular trips.

In relation to deliveries, SG states that each hot food takeaway proposal will be assessed on a case by case basis but that it is important where possible that loading and other servicing facilities are provided on site or shared with other uses to prevent delivery vehicles queuing or using on-street location to load and unload. The proposal is contrary to this, as delivery vehicles are more than likely going to have to use on-street locations to load and unload as Bank Street is a busy (in terms of parking use) street. Large vehicles would struggle to find a regular parking spot, even if a parking permit is possessed. It is not possible to condition specific delivery vehicles. Servicing would take place three times a week from Bank Street and parking permits would be used. Utilising parking permits is not a workable solution as the parking permits would have to be given to the delivery company and ensured that specific drivers make their deliveries and, even if that were the case, it would be contingent on having one or two empty spaces (depending on the size of delivery vehicle) adjacent to one another, and that the adjacent pizza shop is not making deliveries at the same time. A lot of factors would therefore have to simultaneously work in the applicants favour for deliveries to park without causing any disruption to Bank Street. This situation would be less of an issue once the works on the South College Street corridor are completed as Bank Street would be a dead end with a turning head, permitting guaranteed space for delivery vehicles to turn and stop.

Conclusion

There are concerns with this application in the current context of the site and surrounding area. Parking, deliveries and collections are all problematic and are likely to cause issue. For this reason, Roads would be minded to recommend refusal of the application.

However, the ACC South College Street scheme would see Bank Street stopped up at South College Street, a turning head implemented, and double yellow lines installed. This will alleviate all of the Roads concerns. Discussions with the Roads Projects Team have highlighted that these works will be completed late 2022. As such, Roads Development Management would not object to this application if a condition were applied restricting the implementation of the use to after these works are completed.

ACC - Environmental Health – The Noise and Odour Assessment has been reviewed and its findings are considered acceptable. In relation to noise and odour, the proposed development is accepted provided application of the critical noise and odour mitigation measures achieving at least an equivalent effect of those measures contained within the assessment takes place. These must include:

- A. The noise and odour control measures detailed within section 6.2 and the related Appendix A (A1 to A5) – ‘Kitchen Extraction System Details’; and
- B. The proposed operating hours detailed within section 3.3.

It is also recommended that an advisory note is attached to any planning permission for the operator to establish a written Odour Management Plan including strict adherence to the managerial controls detailed within section 6.3 and appendix E1 – ‘Maintenance and Cleaning’ to reduce the risk of malodour and statutory nuisance going forward.

ACC - Waste And Recycling – No objection. General comments provided in relation to waste collection for commercial premises.

Ferryhill And Ruthrieston Community Council – None received

REPRESENTATIONS

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

1. Refuse bins should not be stored on Bank Street for public safety;
2. The proposed South College Street works will result in Lower Bank Street becoming a cul-de-sac with a dead end and turning circle. It has been reported that available parking will be reduced by 10 spaces. Entrance to the proposed takeaway will be at the bottom of Bank Street and will surely cause congestion;
3. Existing lack of parking, worsened since Papa Johns opened;
4. Drug related problems in the area. A takeaway would further disturb the peace and quiet of the area;
5. Storage of bins in the rear lane. Access to flats in 3 and 5 Bank Street should be maintained. There is already a problem with flytipping in the lane and locating bins in the lane would perpetuate the idea that it is acceptable to dump rubbish. Who would take responsibility for keeping it free of rubbish and other items;
6. Council Waste Officers have outlined measures expected for business waste collection, including hard standing, dropped kerb, double yellow lines and infrastructure to support washing and hygiene. None of this is available in this location with the exception of the dropped kerb. However, parking is at a premium and it is not guaranteed that there would be space at the dropped kerb to get the bin on/off the pavement;
7. Adverse impact on residential amenity caused by noise (kitchen fan extracts) and odour;
8. Use of Bank Street as a loading/delivery area may see unsuitable vehicles using the road for its size;
9. Likely that this takeaway would have a noticeable impact on a main arterial route through Aberdeen – South College Street;
10. Adverse impact on property prices;

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in

making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

Aberdeen Local Development Plan (2017)

H1: Residential Areas
 D1: Quality Placemaking by Design
 T1: Land for Transport
 T2: Managing the Transport Impact of Development
 T5: Noise

Supplementary Guidance

Harmony of Uses; and
 Transport and Accessibility

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis.

H1: Residential Areas
 D1: Quality Placemaking
 D2: Amenity
 T1: Land for Transport
 T2: Sustainable Transport
 T3: Parking
 WB3: Noise

EVALUATION

Principle of Development

The site is located in an established residential area, and policy H1 (Residential Areas) of the 2017 Aberdeen Local Development Plan (ALDP) applies. This policy sets out that non-residential development is only acceptable if:

1. The proposed use would be considered complementary to the residential use; or
2. It can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

In this case, it can be considered that a hot food takeaway would serve the existing surrounding community of Ferryhill, and as such the first criterion of H1 would be met. However, the impact of the proposal on the residential amenity of neighbouring properties requires to be assessed in detail.

This will be discussed below.

Impact on residential amenity

As set out above, the site is located in an established residential area, and there are residential properties in close proximity both to the east (above Papa Johns) and to the west (3-5 Bank Street). Supplementary Guidance on Harmony of Uses (SG) applies, and sets out criteria that need to be considered in relation to the creation of hot food takeaways within residential areas, and their potential impact on residential amenity of nearby properties. SG sets out that the creation of a hot food takeaway could have an adverse effect on noise, vibration, odour, traffic disturbance and litter, and that a concentration of a similar type of development could increase the potential conflict. The protection of the living conditions of residents living in close proximity is a key consideration in the assessment of this application.

SG further sets out that it is not usually considered acceptable to locate a hot food shop immediately adjacent or beneath residential properties. In this case, unlike for application 200094/DPP, there are no residential properties immediately above the application site. However, there are flats immediately to the east and west, above Papa Johns, and at 3 and 5 Bank Street.

The application is accompanied by a Noise and Odour Impact Assessment (NOIA), which was assessed by colleagues in Environmental Health. This NOIA sets out that, subject to implementation of a suitable kitchen extraction system and restriction of delivery/servicing times, the proposed use would not result in unacceptable levels of noise disturbance to these neighbouring properties. The recommendations and mitigation measures proposed in the NOIA are accepted by colleagues in Environmental Health. However, the NOIA does not set out what the proposed opening hours of the hot food takeaway would be. People gathering, entering and leaving the premises late at night could result in disturbance, and this should therefore be considered. The application is also supported by a Planning Statement, which sets out that proposed opening hours would be 07:00am to 11:00pm Mondays to Sundays. These hours are similar to those conditioned for the adjoining hot food takeaway, and are thus considered acceptable and could be controlled by condition. Taken together, the proposed change of use is not considered to have an unacceptable adverse impact on the residential amenity of neighbouring properties in relation to noise and smells.

In relation to litter, the proposed site plan sets out that commercial bins would be stored in the private lane to the rear of the property. This is the same approach as currently used for the neighbouring Papa Johns takeaway. Colleagues in Waste Management have provided general guidelines for storage and collection of commercial waste, but raise no issues with the bin store as proposed. As such, this is considered acceptable.

The impact of the proposal on local highway conditions, including parking and servicing, is discussed in detail below.

Impact on local highway conditions

Parking

The site is located immediately to the west of South College Street – a major route between the city centre, the Queen Elizabeth Bridge and the south and east of the city. The site is located within a controlled parking zone, with on-street permit parking and pay and display parking bays available on both sides of Bank Street. There is no parking available on South College Street itself, although there is some informal parking to the east in relation to the business premises located in the railway arches. There are yellow double lines along the western side of South College Street and within close proximity of the various junctions. No parking spaces are available on-site.

The previous application 200094/DPP for the change of use of the front part of the Ferryhill Tavern to a hot food takeaway raised concerns in relation to parking and servicing, and colleagues in Roads Development Management raised an objection to that application.

This current application raises similar issues, and, unlike the previous application, is not supported by a parking survey. Parking in Bank Street is currently well-used, especially during the evening as it is a residential street. This is likely to coincide with the time that visits to the hot food takeaway would be at its highest. The proposed use would require the use of existing parking bays for parking for customers and delivery drivers, but also for servicing, deliveries and refuse collection. As stated above, it is likely that the highest demand for parking spaces would be at a time (late afternoon/early evening) when demand for parking spaces from surrounding residential properties would be at its highest. The applicant has stated in their Planning Statement that the business would purchase two parking permits – as would be allowed under current regulations, and use these to accommodate delivery vehicles. However, the availability of parking permits would not necessarily mean that parking bays would be available. Colleagues in Traffic Management have confirmed that there is a high level of pressure on parking spaces in Bank Street and the surrounding area, with comments in letters of objection indicating that this situation has worsened since the opening of the hot food takeaway in the former Ferryhill Tavern.

The opening of the proposed hot food takeaway would worsen this situation, and is expected to further increase pressure on the availability of existing parking spaces for residents. Due to the proximity of the spaces to the junction with South College Street, this is considered to have an adverse impact on both their residential amenity as it would become harder for residents to find a suitable parking space within close proximity to their dwelling. In addition, it is considered unlikely that customers of the hot food takeaway would circle the surrounding streets to find an available space, and that the level of indiscriminate parking, including on yellow double lines in close proximity to the junction of South College Street and Bank Street would increase, which in itself would have an adverse impact on road safety.

It is further noted that even though the SG on Transport and Accessibility sets out that the number of required parking spaces for the existing function room and the hot food takeaway would be the same, due to the nature of the use, they would be used differently. Whereas visitors to the function room would stay for a longer time, and are therefore more likely to find a legal parking space at a short walking distance from the premises, customers and delivery drivers to the hot food takeaway would only be at the building for a short period of time, and are therefore more likely to want to park in close proximity to the building.

Servicing

The Planning Statement sets out that delivery/servicing vehicles, including refuse collection vehicles, would use existing parking bays. However, as set out above, there are serious concerns in relation to this approach as existing parking bays are extremely well-used, and generally at capacity. Even with a parking permit, it is expected that delivery vehicles would often struggle to find a suitable parking place that would not result in an obstruction to Bank Street. Due to their size, it is expected that most delivery vehicles would require at least one or two parking spaces (depending on the size of the delivery vehicle), and that the existing Papa Johns would not have a delivery in process. It is only when these factors work together that any deliveries/servicing of the proposed unit would not lead to any disruption in Bank Street. However, due to the high use of the parking spaces in this area, this is not considered an acceptable solution, and it is considered that deliveries/servicing of the unit could result in double parking and blocking of part of Bank Street in close proximity to its junction with South College Street. On this basis, colleagues in Roads Development Management raise significant concerns and recommend refusal of the application at the present time.

A further consideration is the appeal decision following the refusal of planning application 160531 for this site and the adjacent building. This application was for a change of use of the full building to a convenience store, but similarly raised issues in relation to parking and servicing. The Reporter in her decision letter stated that *'I consider that, because of the lack of off-street parking and the*

likelihood that service deliveries would disturb nearby residents there would be a significant detrimental impact on those living locally...'. She continued by stating that 'the proposal does not comply with local development plan policy T2 because of the lack of parking and with policy H1 because of the conflict with residential amenity.' Although this current proposal is for a hot food takeaway and not a convenience store, this appeal decision is a material consideration and should be given weight in any decision, given it could create similar issues especially in relation to parking and the impact on residential amenity caused by a loss of parking for residents, and the potential impact of double parking and blocking of Bank Street by delivery vehicles on road safety.

Improvements to South College Street

Policy T1 (Land for Transport) sets out that land has been safeguarded for a number of strategic transport projects, including South College Street Improvements. Even though the application site itself is not included in the land safeguarded to facilitate this scheme, the stretch of Bank Street from its junction with South College Street roughly up to the front door of 3 Bank Street is included. A recent consultation provided details of the proposed scheme for the South College Street Improvement works. In the area subject of this application, the proposed drawings show that the junction from Bank Street onto South College Street would be closed, with a turning head created in the area of rough ground opposite the application property.

In their comments, colleagues from Roads Development Management reflected that upon completion of the proposed scheme, a number of issues set out above, especially in relation to deliveries/servicing of the unit could potentially be overcome as delivery/servicing vehicles could pull into the turning head for the duration of their delivery without blocking the road. This would be considered sufficient to remove their primary concern in relation to this application subject to a condition setting out that the use could not be implemented prior to completion of the proposed South College Street improvement works.

In relation to this proposed condition, Scottish Government Circular 4/1998: The Use of Planning Conditions in Planning Permissions sets out that all planning conditions should meet six tests. They should be:

1. Necessary;
2. Relevant to Planning;
3. Relevant to the development to be permitted;
4. Enforceable;
5. Precise; and
6. Reasonable in all other respects.

In this case, the works discussed above have not yet started. Colleagues in Roads Projects Team have confirmed that current timescales for completion of the works is expected to be Autumn 2022. Given a planning permission is only valid for a period of three years, and, given that the South College Street Improvement Works have not yet commenced and that this target date of Autumn 2022 thus includes an element of uncertainty, use of a 'Grampian' style condition as outlined above could result in a permission that could not be implemented for the majority of its lifetime. This would be considered unreasonable, and this proposed condition would thus not meet all six tests as set out above. It is therefore considered that, even though the proposed improvement works would overcome some of the concerns set out above, it would be premature to give these proposed works significant material weight. As such, it is considered that the application should be determined on the basis of the current situation, and that the objection from Roads Development Management is maintained.

Conclusion

The proposed change of use, relative to the existing road layout and parking situation, is considered to have a detrimental impact on local highway conditions, especially in relation to parking, servicing and deliveries to and from the unit, and would be contrary to requirements of policies T2 (Managing

the Transport Impact of Development) and SG on Transport and Accessibility. The increased pressure on existing parking spaces caused by the proposed use would have a detrimental impact on the residential amenity of residents of nearby residential properties, and would thus be contrary to policy H1 (Residential Areas).

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is not acceptable in terms of both Plans for the reasons previously given.

Policy D2 (Amenity) and T3 (Parking) are new policies. Policy D2 is aimed at safeguarding residential amenity. As set out above, the impact of the proposal on availability of parking spaces for existing residents is considered to have an adverse impact on their residential amenity, and the proposal would thus not comply with this policy.

Policy T3 (Parking) is aimed at ensuring sufficient parking is provided for development proposals. Again, for the reasons given above, it is considered that this proposal does not comply with this policy.

Matters raised in letters of objection

1. Refuse bins should not be stored on Bank Street for public safety – *It is proposed to have a bin storage area to the rear of the building, and thus not in the public realm;*
2. The proposed South College Street works will result in Lower Bank Street becoming a cul-de-sac with a dead end and turning circle. It has been reported that available parking will be reduced by 10 spaces. Entrance to the proposed takeaway will be at the bottom of Bank Street and will surely cause congestion – *This has been discussed in the evaluation above;*
3. Existing lack of parking, worsened since Papa Johns opened – *This has been discussed in the evaluation above;*
4. Drug related problems in the area. A takeaway would further disturb the peace and quiet of the area – *Drug related problems are not a material planning consideration, whilst the impact of the proposal on the residential amenity of residents has been discussed above;*
5. Storage of bins in the rear lane. Access to flats in 3 and 5 Bank Street should be maintained. There is already a problem with flytipping in the lane and locating bins in the lane would perpetuate the idea that it is acceptable to dump rubbish. Who would take responsibility for keeping it free of rubbish and other items – *This would be a civil matter between all users/owners of the lane;*
6. Council Waste Officers have outlined measures expected for business waste collection, including hard standing, dropped kerb, double yellow lines and infrastructure to support washing and hygiene. None of this is available in this location with the exception of the dropped kerb. However, parking is at a premium and it is not guaranteed that there would be space at the dropped kerb to get the bin on/off the pavement – *The consultation response from Waste Services sets out that commercial bin collection can be undertaken by various companies and is not restricted to the Council. As such, even though the listed is desirable, it might not be essential;*
7. Adverse impact on residential amenity caused by noise (kitchen fan extracts) and odour – *This has been discussed in the evaluation above;*
8. Use of Bank Street as a loading/delivery area may see unsuitable vehicles using the road for its size - *This has been discussed in the evaluation above;*

9. Likely that this takeaway would have a noticeable impact on a main arterial route through Aberdeen – South College Street - *This has been discussed in the evaluation above;*
10. Adverse impact on property prices – *This is not a material planning consideration.*

Suggested potential conditions

The proposal is recommended for refusal, however, if the Planning Committee is minded to approve, then the following conditions would be suggested:

1. Control on opening hours;
2. Installation of mitigation measures in relation to noise and odour controls as set out in the submitted Noise and Odour Impact Assessment.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. The proposed change of use, relative to the existing road layout and parking situation is considered to have a detrimental impact on local highway conditions on Bank Street and its junction with South College Street – a main thoroughfare, especially in relation to parking, servicing and deliveries to and from the unit. The increased pressure on existing parking spaces by visitors, delivery drivers and delivery/servicing vehicles would reduce capacity for parking for existing residents living in nearby properties, thus resulting in a detrimental impact on their residential amenity.

The proposal is thus considered to be contrary to policies T2 (Managing the Transport Impact of Development) and H1 (Residential Areas) of the 2017 Aberdeen Local Development Plan; policies T2 (Managing the Transport Impact of Development); T3 (Parking); H1 (Residential Areas) and D2 (Amenity) of the 2020 Proposed Local Development Plan and Supplementary Guidance: Transport and Accessibility.

PLANNING DEVELOPMENT MANAGEMENT COMMITTEE



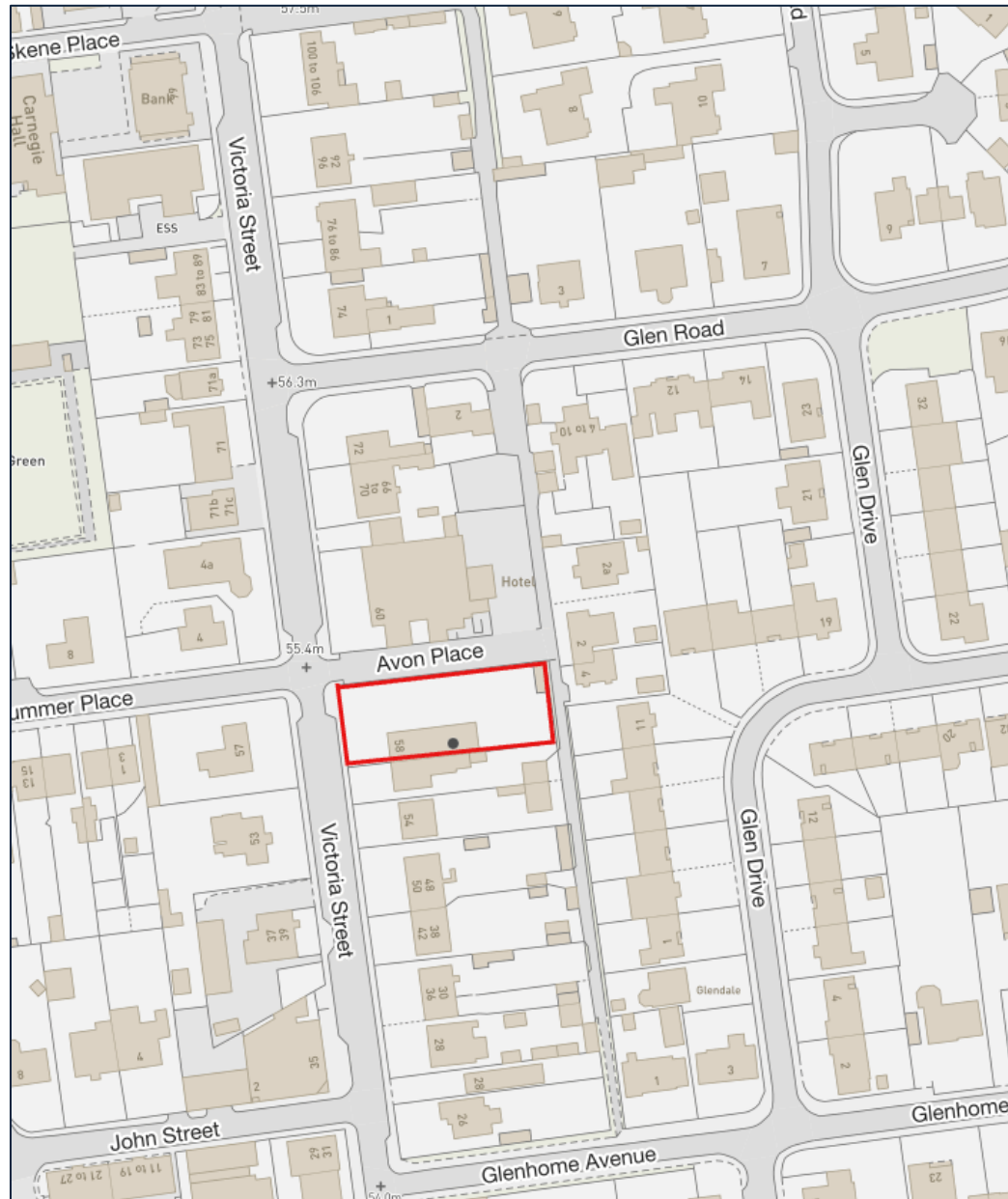
4 November 2021

Partial change of use of existing guest house
to form class 3 (food and drink) and
installation of flue

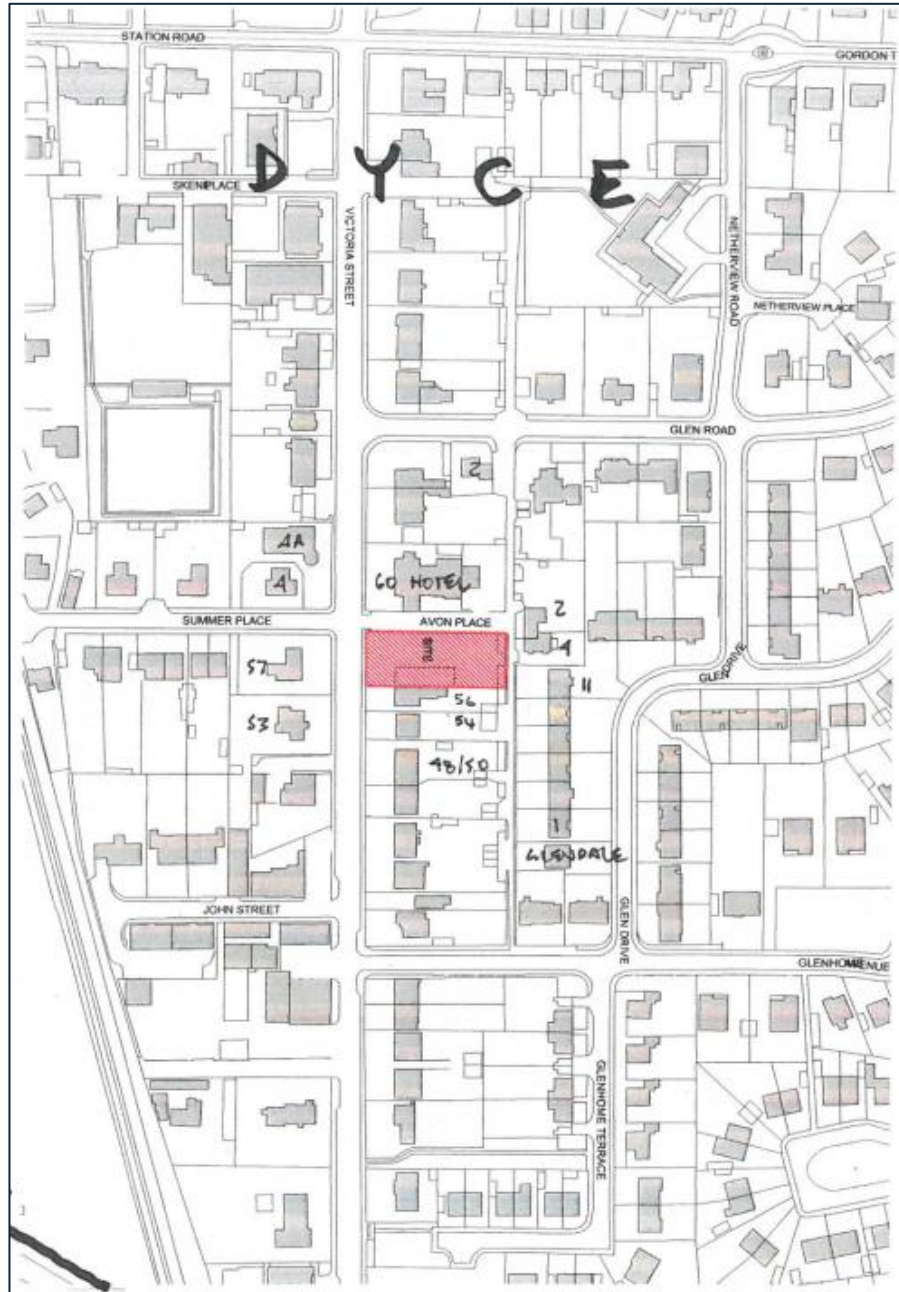
Granville, 58 Victoria Street, Dyce, Aberdeen

Application reference: 210815/DPP

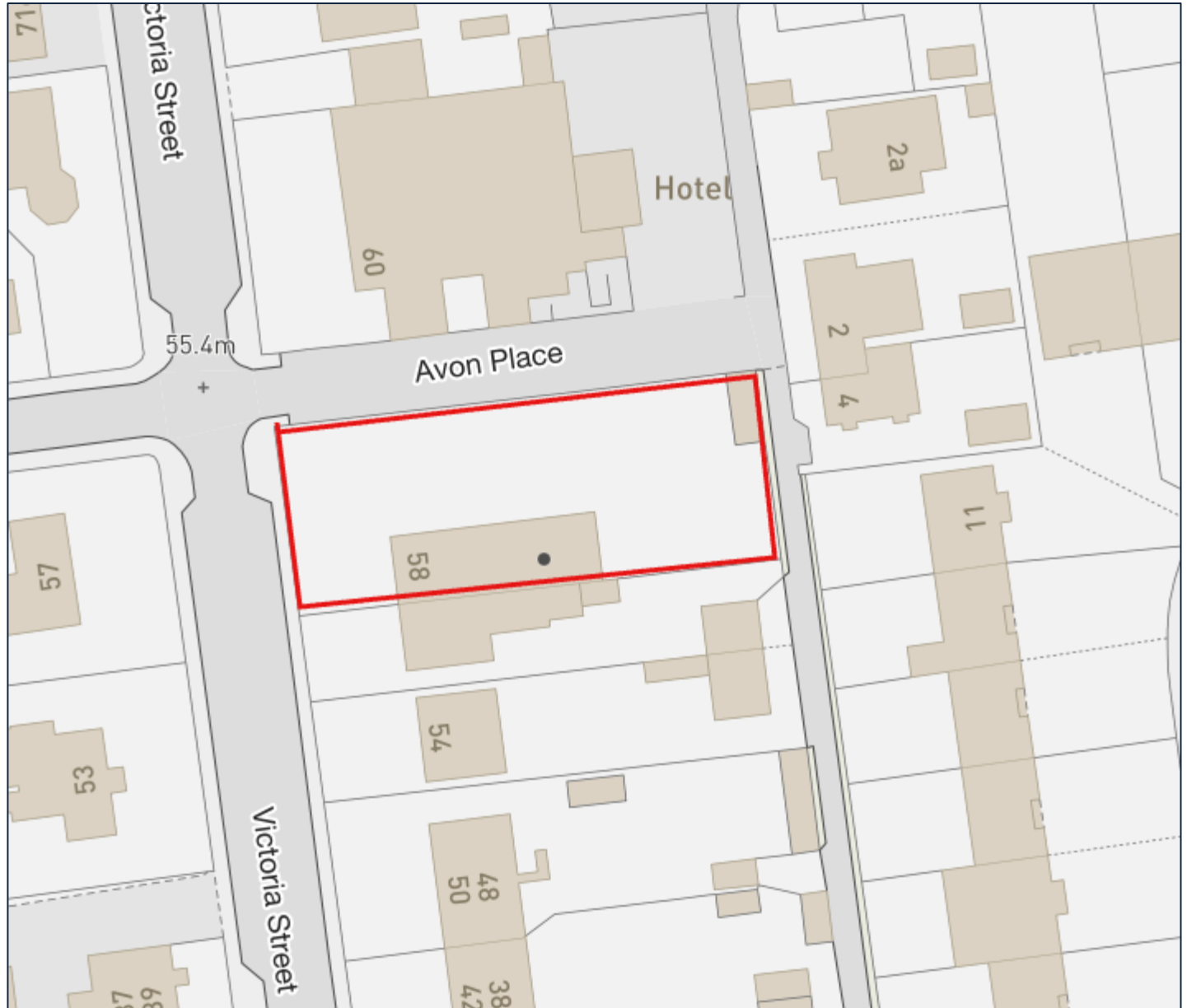
Site Location (GIS) – Wider Context



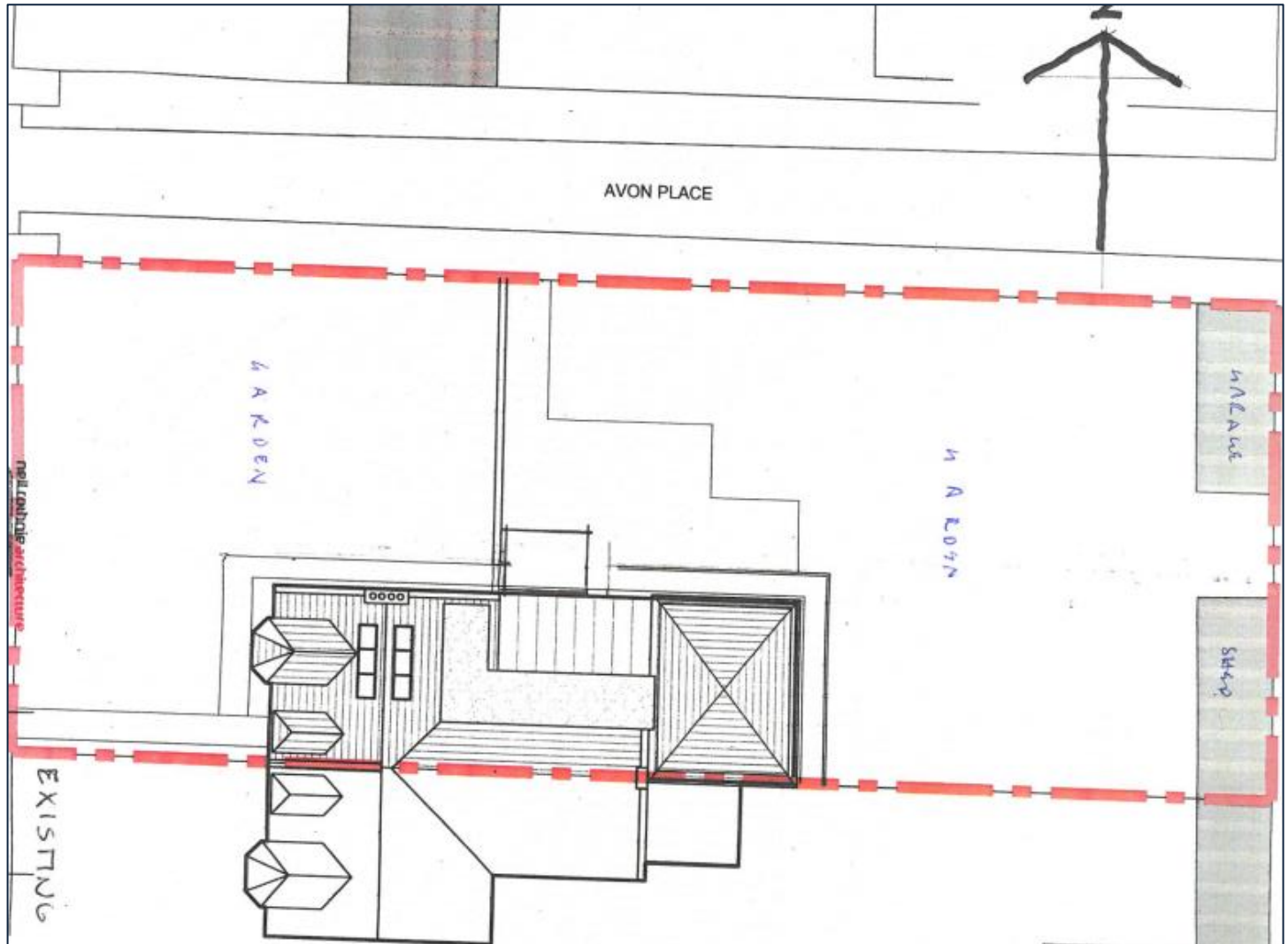
Site Location



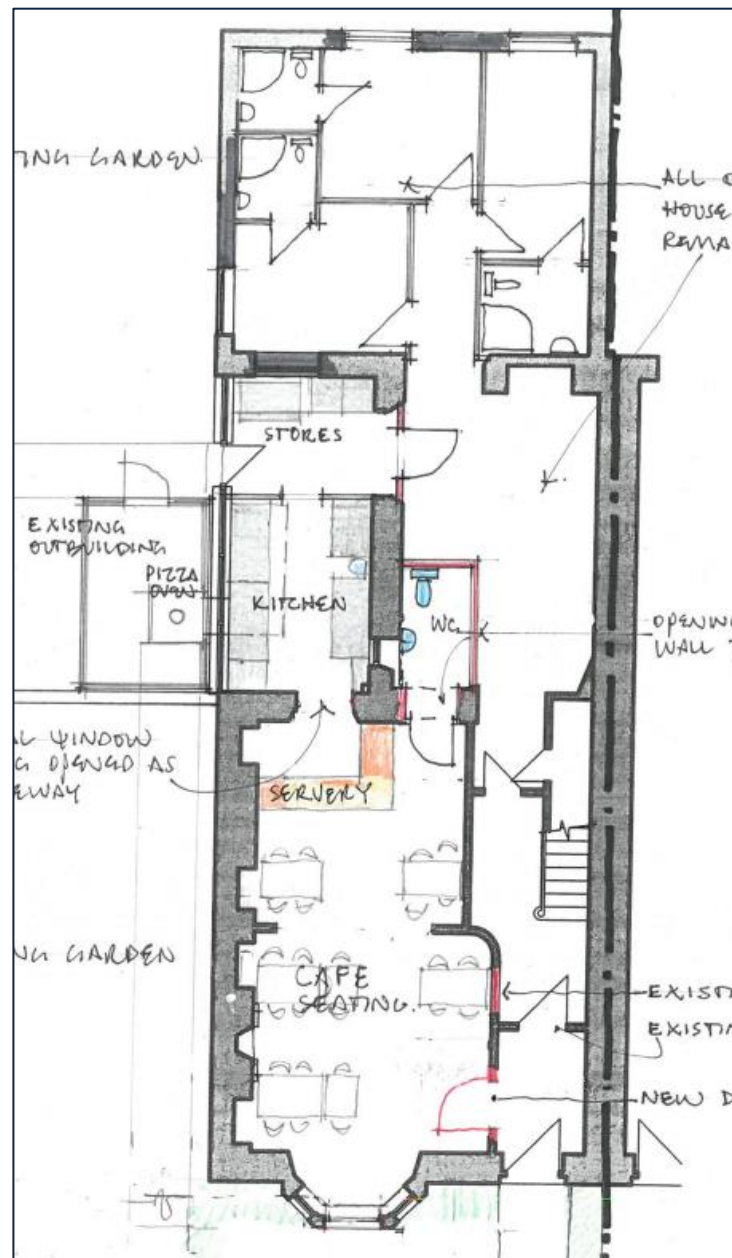
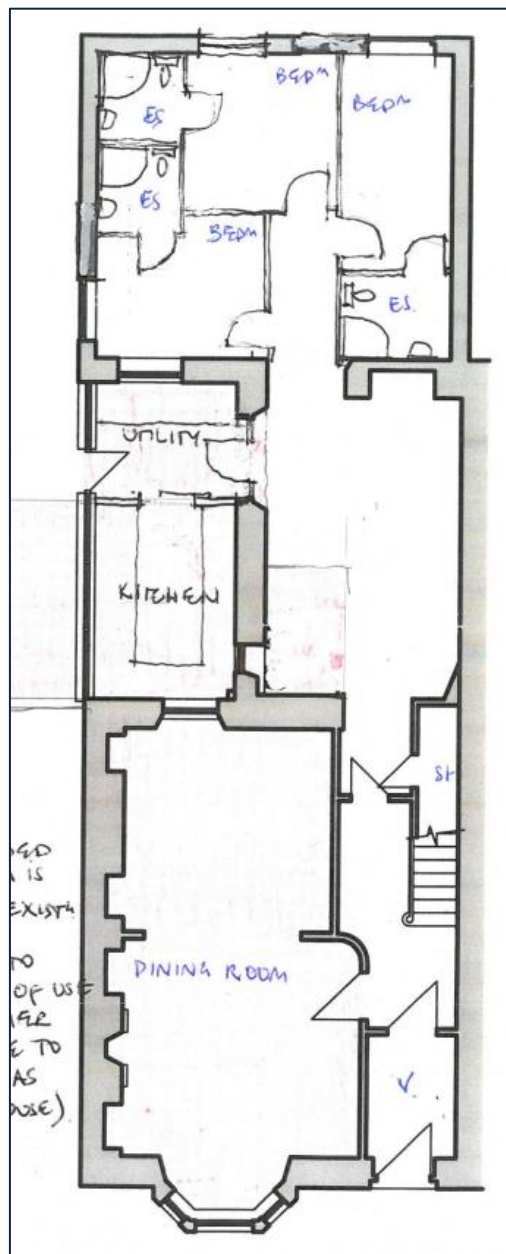
Site Location



Application Site



Existing and Proposed Floor Plans



Front (West) Elevation



Side (North) Elevation



Site Photo – West Elevation



Site Photos – North Elevation



Site Photo – Avon Place towards Victoria Street



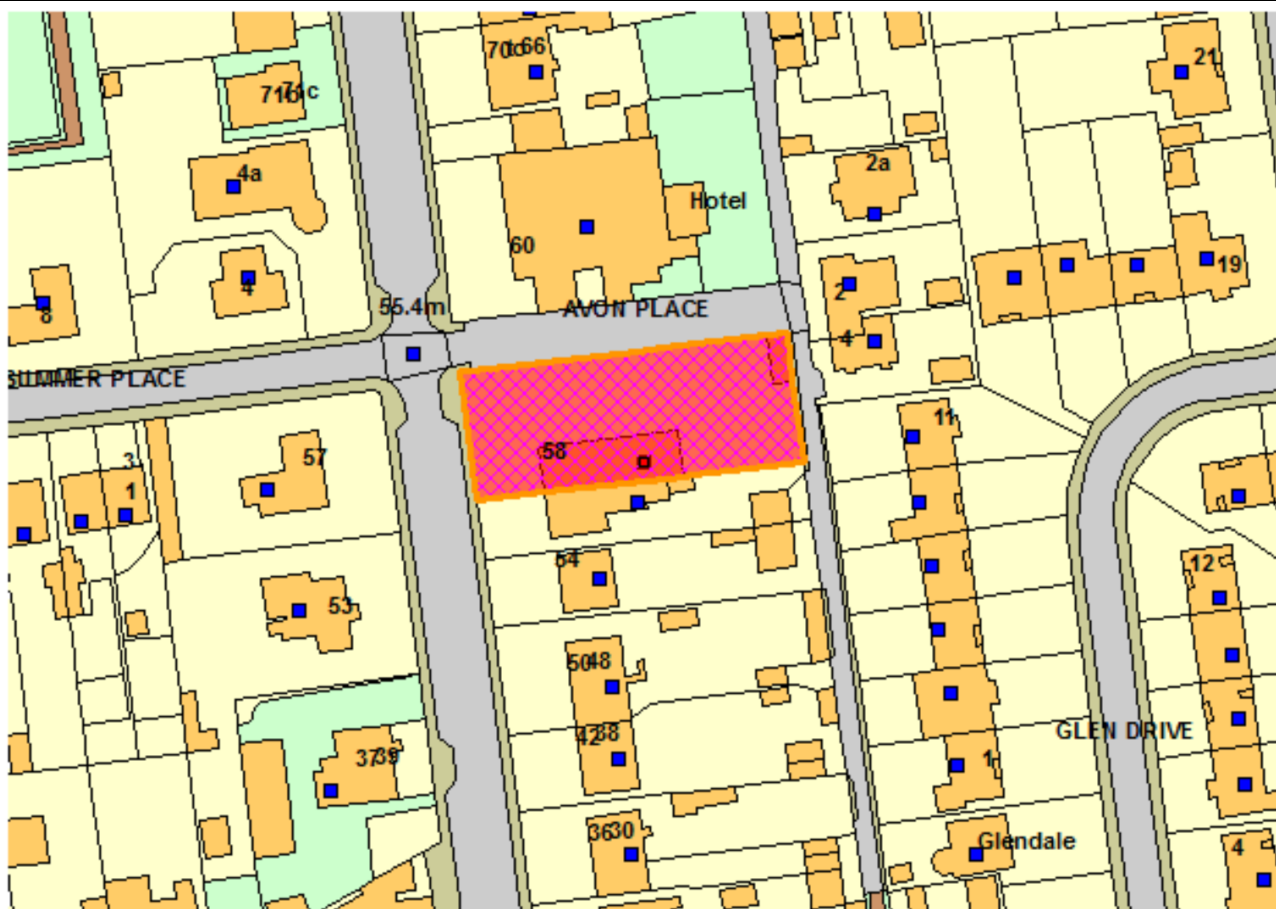
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Planning Development Management Committee

Report by Development Management Manager

Committee Date: 04 November 2021

Site Address:	Granville, 58 Victoria Street, Dyce, Aberdeen, AB21 7EE
Application Description:	Partial change of use of existing guest house to form class 3 (food and drink) and installation of flue
Application Ref:	210815/DPP
Application Type	Detailed Planning Permission
Application Date:	10 June 2021
Applicant:	Granville Guest House
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Dyce and Stoneywood
Case Officer:	Aoife Murphy



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RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site lies on the east side of Victoria Street, at its junction with Avon Place. This corner site comprises a substantially extended 1½ storey traditional semi-detached property which is currently used as a guest house (Class 7). The site is fully enclosed with a low granite wall and hedge along the front boundary, and a 1.5m high granite wall along both the side (north/south) and rear (east) boundaries. Within the site, a 1.5m high granite wall extends from north to south, forming a division between the front and rear gardens. Vehicular access is provided via an existing entrance off Avon Place along the northern boundary. Two outbuildings can be found to the rear of the site.

Relevant Planning History

210316/DPP – Detailed Planning Permission for a partial change of use of the existing guest house to form hot food takeaway (sui generis) including formation of entrance with ramp and steps – Withdrawn 17 May 2021.

110579 – Detailed Planning Permission alterations to form new window for the formation of 4 bedrooms and en-suite – Approved, 13 June 2011.

APPLICATION DESCRIPTION

Description of Proposal

Permission is sought for a partial change of use from guest house to café (Class 3) which would consist of utilising the existing dining room to provide a seating area and servery. The existing utility will be converted into a storage area, while the kitchen will be retained and will be used to serve both the proposed café and the occupants of the remaining lettable rooms. It is also proposed to utilise an existing outbuilding, located on the north elevation for a pizza oven. The proposal will utilise the existing flue on the north elevation, but also proposes a further flue extending from the roof of the extension up the roof plane of the existing building, terminating above the existing ridge. The proposal would also see the formation of an internal WC, but this does not fall part of the application. As the works only involve part of the building, the remainder would be retained as a guest house falling within Class 7.

Initially it was proposed to alter the central window within the existing bay on the west elevation to form a doorway, however, in light of concerns highlighted by the Planning Service regarding the proposed works to the front elevation, the applicant has amended the proposal, so rather than altering the existing window, the existing door on the west elevation would be utilised and would serve both the existing guesthouse and proposed Class 3 use. The proposed steps and ramps initially proposed have also been removed and the existing path would be utilised.

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=QUBT5SBZKHH00>

- Design Statement
- Noise Impact Assessment
- Odour Impact Assessment

- Planning Statement

Reason for Referral to Committee

The application has been referred to the Planning Development Management Committee because it has been the subject of six or more timeous letters of representation.

CONSULTATIONS

ACC - Environmental Health – having reviewed the Noise and Odour Impact Assessment's the Service advises that it has no objection to the development subject to conditions regarding mitigation and hours of operation and an advisory regarding an Odour Management Plan.

ACC - Roads Development Management Team – has advised that it has no objection to the proposal in terms of access, parking or accessibility.

ACC - Waste and Recycling – has no objection, but has provided general comments regarding commercial developments.

Aberdeen International Airport – has no objection subject to a condition relating to the submission and approval of a Bird Hazard Management Plan.

Dyce And Stoneywood Community Council – has objected to the proposal due to the impact on the existing character of the existing building due to the formation of a new door and impact of the proposed change of use on residential amenity due to parking, litter, odour and hours of operation.

REPRESENTATIONS

7 representations have been received (7 objections). The matters raised can be summarised as follows –

- Access to residential properties
- Concerns regarding deliveries
- Issues with traffic flow/congestion
- Parking concerns
- Road safety
- Hours of operation
- Proposed external works impacting on the appearance and character of the existing building
- Intensification and congregation of crowds
- Impact on residential amenity
- Litter
- Visual impact due to flue
- Noise Impact
- Odour Impact
- Sale of alcohol

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

Scottish Planning Policy (SPP)

Aberdeen Local Development Plan (2017)

Policy H1 - Residential Areas

Policy D1 - Quality Placemaking by Design

Policy T2 - Managing the Transport Impact of Development

Policy T3 - Sustainable and Active Travel

Policy T5 - Noise

Supplementary Guidance

Harmony of Uses

Transport and Accessibility

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis.

The foregoing can only be assessed on a case by case basis. Policy H1 - Residential, Policy D1 - Quality Placemaking and Policy T3 - Parking are relevant in this case.

EVALUATION

Principle of Development

The site is located within the residential area of Dyce and as such requires to be assessed against Policy H1 - Residential Areas. H1 advises that proposals for non-residential uses will be refused unless they are considered complementary to residential use or it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

While a class 3 use is proposed, the principles contained within the Harmony of Uses Supplementary Guidance is valid as it highlights the need to protect the living conditions of residents in close proximity to a development. This forms a major consideration in assessing this proposal, especially given that uses such as this can generate unacceptable levels of noise, vibration, odour, traffic disturbance and litter. Furthermore, noise and vibrations generated from cooking and essential extraction equipment, along with increased levels of customer movement, can cause disturbance to residents. Therefore, applications within close proximity to residential units will be refused where it is considered that there may be significant adverse impacts on residential amenity.

In order to assess whether there would be a conflict with, or any nuisance to, the enjoyment of existing residential amenity, Environmental Health requested the submission of an Odour and Noise Impact Assessments.

Regardless of the outcome of these assessments, the Planning Service must also consider whether this location is the most appropriate for a development of this nature, taking into account the context of the surrounding area. In this case, the site lies adjacent to a Neighbourhood Centre to the west and a hotel to the north, however, the site is wholly contained within a residential area as designated by the Aberdeen Local Development Plan 2017, with several residential properties surrounding the property, including the adjoining property at 56 Victoria Street to the east. Additionally, and as noted above the building within the application site operates and would continue to partially operate as a guesthouse. While it is noted that a hotel is located to the north on the opposite side of Avon Place, these premises has been operating from its site since the late 80's/early 90's and is a standalone property, as such it does not set a precedent for other similar developments in the area and this application must be considered on its own merit.

The submitted planning statement makes reference to a previous approval, 181741/DPP, Café Twenty One located on Station Road adjacent the existing railway station. Given its surrounding context, which is not comparable to the current application site, the previous decision made by the Planning Service is not relevant to this proposal and does not set a precedent for the proposed change of use. Further claims are made that there are several other uses in the area, which are in close proximity to the application site. The Planning Service do not dispute that there are other uses in the area, but some of these premises are located within designated Neighbourhood Centre while other sites, like Café Twenty One, are not comparable to the current application site and therefore cannot be used as justification for this proposal.

The applicant also *“seeks to ensure the long-term sustainable use of the existing property on the application site and respond to economic challenges caused by the downturn in the oil industry and the coronavirus pandemic”*, however no information or evidence has been submitted to support this claim, bar the supporting statement stating that *“it is not anticipated that a significantly higher level of demand will return in future”*. The submitted statement does not serve as sufficient evidence or justification and merely makes assumption on the future of the business and therefore cannot be given any weight.

Furthermore, reference is made to the Scottish Government's Draft Advice on Net Economic Benefit and Planning, however as this is only in draft form it cannot be given any significant weight. Notwithstanding, no information on the net economic benefit has been provided by the applicant.

A consideration that does need to be taken into account is the fact that several representations have been submitted, which raise material concerns regarding the proposed change of use, this is in addition to the local Community Council, who advise that this development would have a negative impact on the levels of residential amenity currently enjoyed by those that live in the area.

At the time the Environmental Health Service requested further information in relation to odour and noise control, the Planning Service also raised and outlined its concerns regarding the development and given the issues relating to the principle of development, it was not considered appropriate to request any further information or put the applicant to further expense. Regardless of this the applicant carried out and submitted the relevant information. This has now been considered and reviewed by Environmental Health, who has advised that it finds the reports acceptable and has no objection to the proposal subject to conditions relating to mitigation as outlined in the assessments and an advisory regarding an odour management plan. However, it is noted that both assessments refer to a takeaway rather than the proposed Class 3 use, furthermore, the Noise Impact Assessment does not take into account other noise nuisance that may arise from the premises such as patrons entering and existing the premises.

Despite the positive response from Environmental Health, the Planning Service has concerns regarding the proposed use beyond whether the premises can operate without resulting impacts

from noise and odour and must assess if there would be an impact on the general amenity of the wider residential area.

Having given full consideration to the above and the information detailed within the relevant policies and guidance, it is considered that this location would not be acceptable for a development of this nature and is likely to have a significant adverse impact on the surrounding properties due to the increase in the intensification of the site, which would include the guesthouse and this proposed class 3 use. The proposed floor plan submitted shows approximately 6 tables could be accommodated in the premises which could potentially accommodate up to 28 covers at one time, which means that 28 people could be entering and existing the premises at any one time throughout the day, the impact of which would be most apparent for the adjoining property at 56 Victoria Street, considering their front door lies less than 2m away from the main entrance of the application property, which has a mutual boundary consisting of low lying landscaping akin to a residential area. While the impact may be reduced if the operating hours were limited to daytime use, what is proposed in this case appears to be a café/pizza restaurant which according to the submitted noise impact assessment would operate into the evening and night. Although hours of operation could be conditioned, this should only be considered if the proposal as a whole is acceptable. In this instance, the proposed use in addition to the existing Class 7 use, would result in an intensification of the site that is unacceptable for a residential area and would have a direct impact on the amenity of the property at 56 Victoria Street, an impact that is considered to be unjustified.

It is understood that the applicant has seen a reduction in the demand for the guesthouse use and would like to see the existing premises being used to its full potential. However, the building's end use is limited as this site falls within a residential area, in which residents should be afforded a sufficient level of amenity, amenity that would be eroded should this application be supported.

Furthermore, the planning statement makes reference to ancillary takeaway use, advising that Circular 1/1998 states "*Where take-away is a minor component of the business and will not affect environmental amenity it should be treated as de minimus, i.e. as not requiring planning consent*". A specific takeaway use has not been proposed as part of this application and earlier this year the applicant was advised that such a use would not be supported, hence the withdrawal of the previous application. While an ancillary takeaway use may be considered de minimus according to the Circular subject to it having no impact on the environmental amenity, the Planning Service do have concerns that a takeaway element would not be "ancillary" given that the planning statement advises that a takeaway use would be used "*to meet customer demands*". This would suggest that if customer demand exists and increases, then a takeaway element would or could become a significant part of the business. Additionally, at this time the Planning Service cannot quantify what would be ancillary in terms of the proposed use or even advise if a takeaway element would be ancillary. Furthermore, the Service would be unable to restrict such an ancillary use via condition. It is considered at the element of a takeaway would exacerbate the concerns highlighted above and result in further impacts on the general amenity and specifically the amenity of 56 Victoria Street.

It is considered that a development such as this would be more suited to a designated centre, or potentially within a detached property, rather than a semi-detached property within residential area, especially given the level of people it has the potential to attract. Overall, it would be considered inappropriate and unacceptable to allow for a partial change of use within this building and it is considered that the proposed use does not fully comply with Policy H1 - Residential Areas and the Harmony of Uses Supplementary Guidance and therefore cannot be supported by the Service.

In respect of vibration, this is not considered to be an issue with a proposal of this nature. In relation to litter, given that the use would be Class 3 and not a takeaway this is not considered to be an issue.

External Alterations

Policy D1 - Quality Placemaking by Design requires all development to have high standards of design and have a strong and distinctive sense of place which is a result of context appraisal.

This proposal initially included a number of changes to the principal elevation of the property, which would result in the enlargement of the existing window opening to form a door and the installation of an external ramp. Overall, it was considered that the changes to the front elevation of the property, by enlarging the existing window to form a door would have a negative impact on this existing traditional granite building and would have an adverse impact on the character of the surrounding area, which is considered contrary to the criteria of Policy D1. An aspect that was also raised within submitted representations.

Given the issues with the principle of development, it was not considered necessary to request any changes to the proposed works to the front elevation, but in recognising the concerns the applicant amended the proposal and rather than forming a new entrance via the existing window the existing front door would be utilised to provide access to this Class 3 use and the existing guesthouse. The proposed external ramp has also been removed from the proposal, but this was not at the request of the Planning Service. The proposed flue would be located on the north elevation and would be visible from Avon Place, however given the scale in relation to the existing flue located on the same elevation it is not considered to be a concern. In light of the above, the proposal is therefore in compliance with Policy D1 - Quality Placemaking by Design.

Non-compliance with Policy D4 - Historic Environment has been raised within the comments from the local Community Council, but as this building is not listed or within a conservation area the assessment of any impact will need to be fully considered against Policy D1.

Transport Impacts

In relation to transport impacts associated with this proposal, Roads Development Management have reviewed the proposal and notes that the applicant has indicated that the site has four existing car parking spaces. Upon review it is assumed that these spaces relate to parallel parking along the south side of Avon Place, a privately owned road and used for parking by the neighbouring premises including residential properties and the Dunavon.

The associated provision of four spaces is marginally below the maximum parking requirement of six spaces outlined within the supplementary guidance for such a use and while such existing provision is also there to serve remaining guest house extents, it is noted that there is further on-street parking available within the lay-by along Victoria Street which would accommodate short term parking. It is also considered that such use would likely predominantly serve the local area, community and residents which lends itself to less reliant on private car travel to/from the proposed use. Therefore, the associated parking would be considered acceptable and allow for alternative travel to/from the proposed café.

In terms of sustainable travel, the site is served by direct access onto publicly adopted footpaths on Victoria Street which provides connectivity to the wider Dyce area. In terms of cycle access to the site this would be on-street until the connections with 'National Cycle Network – Route 1' along the old railway, referred to as Formartine and Buchan Way as well as this same route along Riverview Drive. This route provides connections directly into the City Centre and connections to other cycle infrastructure to other areas of the city. Furthermore, Victoria Street forms part of regular bus service routes in and out of the City, with such bus stop provision within approximately 150m of the site. Additionally, Dyce is served by its own rail station with regular services in and

out of the city and other areas surrounding Aberdeen, with the station located within 400m to the site.

It is noted that a large proportion of the representations raise parking as a concern, however on-street parking is available on Victoria Street, where there are generally no parking restrictions. Should there be an issue with indiscriminate or illegal parking then this falls within the remit of Police Scotland rather than a material planning consideration for the Planning Service.

Concerns regarding an increase of traffic, both vehicular and pedestrian as a result if this development have been raised, however, the development is adjacent a main road with sufficient footpaths, as such any increase in traffic should not impact the surrounding network and this is not a concern that was raised by the Council's Roads Development Management Team. Further concerns relating to road safety have also been raised, but again this is not a concern raised by the Roads Team.

In light of the positive response from Roads Development Management and despite concerns raised through representations, it is considered that the proposal complies with Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel.

Representations

The following concerns have been raised through representations; all concerns not addressed above will be considered below.

- Access to residential properties – *development would and should not impede access to existing residential properties.*
- Concerns regarding deliveries – *given the availability of on-street parking it is considered that the site would be able to receive deliveries without impacting the surrounding area.*
- Issues with traffic flow/congestion – *addressed above but a concern not raised by Roads Development Management owing to the location of the development.*
- Parking concerns – *addressed above but a concern not raised by Roads Development Management owing to the location of the development.*
- Road safety – *addressed above but a concern not raised by Roads Development Management owing to the location of the development.*
- Hours of operation – *no hours of operation have been proposed and given the issues relating to the principle of development no details regarding this aspect were sought. However, it is noted in the supporting assessments that the applicant has advised that the premises would not operate beyond 11pm. If it was likely that the application would be approved then hours of operation would be a key condition attached to any grant of permission.*
- Proposed external works impacting on the appearance and character of the existing building - *Those works are no longer part of the proposal.*
- Intensification and congregation of crowds – *addressed above.*
- Impact on residential amenity - *addressed above.*
- Litter – *addressed above, but the responsibility would be on the owner/occupier of the premises to keep the areas clear of litter and provide appropriate waste facilities should it be required*
- Visual impact due to flue – *addressed above.*
- Noise Impact – *addressed above.*
- Odour Impact – *addressed above.*
- Sale of alcohol – *not a material planning consideration and would fall under separate licencing legislation.*

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

That the proposal, if approved, would be contrary to Policy H1 – Residential Areas of the Aberdeen Local Development Plan 2017 for the reason that the proposed use would be unacceptability located within and not suited to an existing residential area whereby it would have an adverse impact on the general residential amenity of the area and specifically a significant adverse impact on the level of amenity currently enjoyed by the occupants of the adjacent property, namely 56 Victoria Street, due to the increased and significant level of activity and thus disturbance, arising from customers entering and leaving the premises, including during the evening and night time.

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Planning Development Management Committee



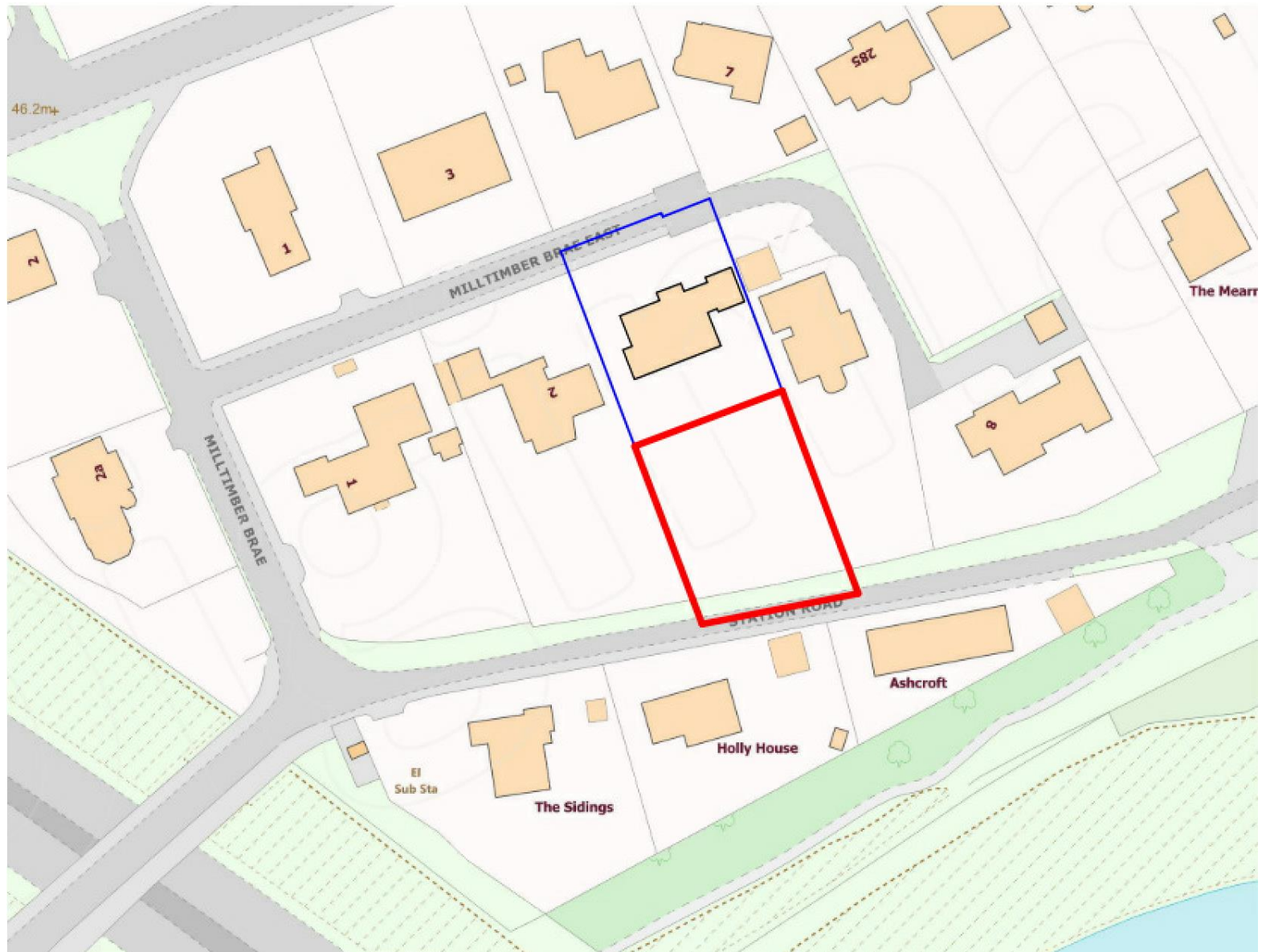
Splitting of feu and erection of 2 storey dwellinghouse
with garage and canopy, including access and car parking
with associated works

Anchorage, 4 Milltimber Brae East

Detailed Planning Permission
210717/DPP

Agenda Item 8.3

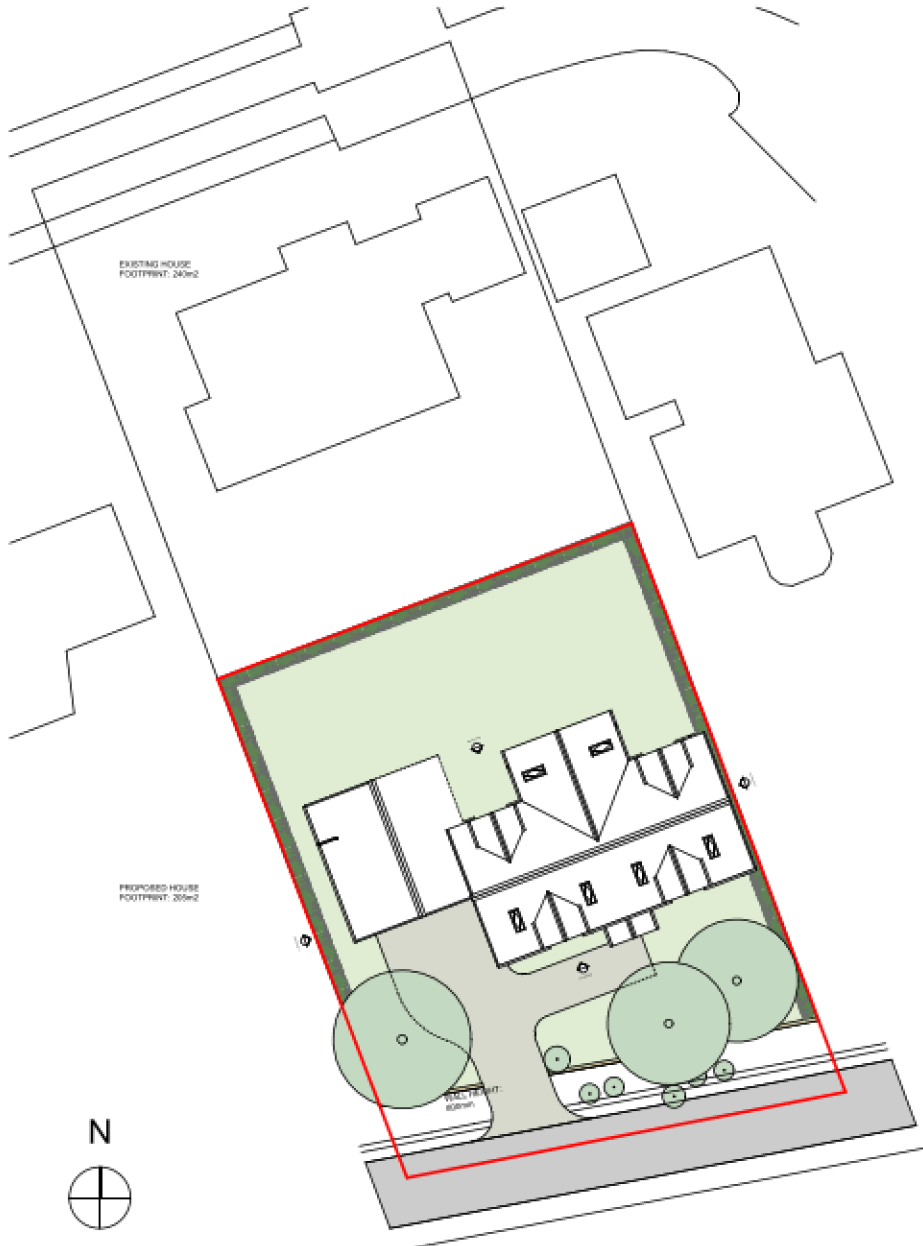
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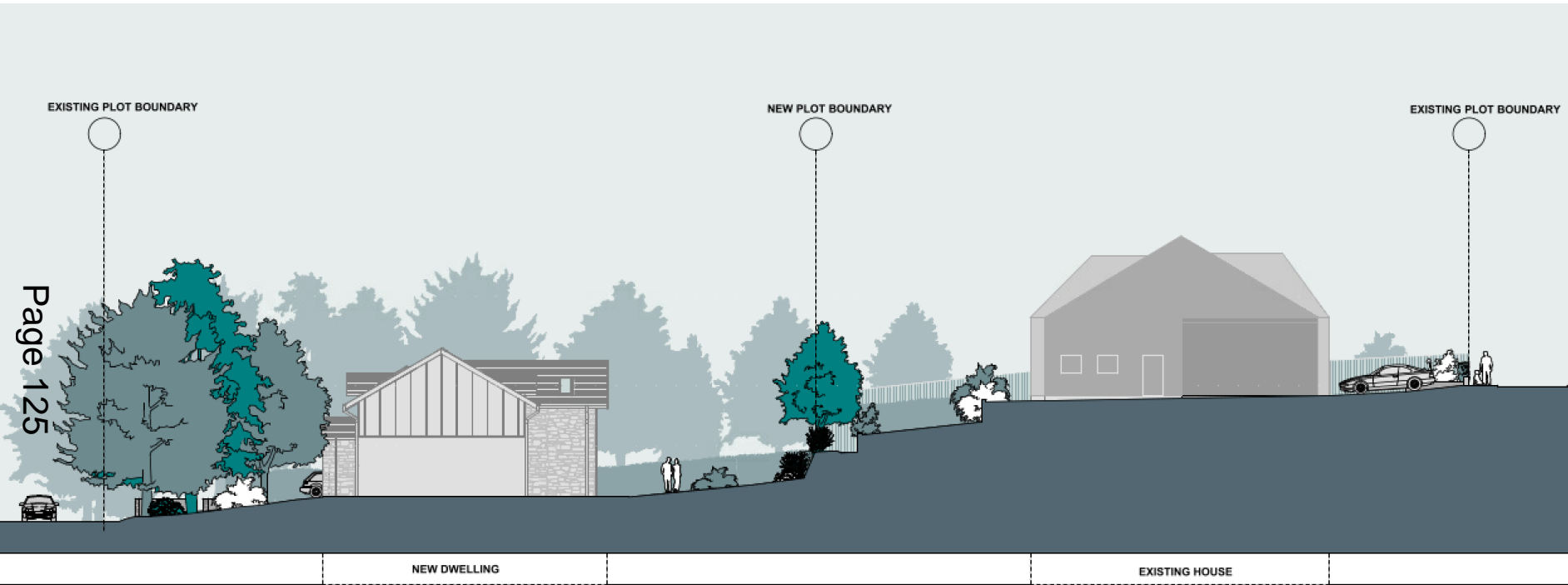
Aerial Photo



Proposed Site Plan



Proposed Cross-Section



Proposed Elevations

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Proposed South Elevation

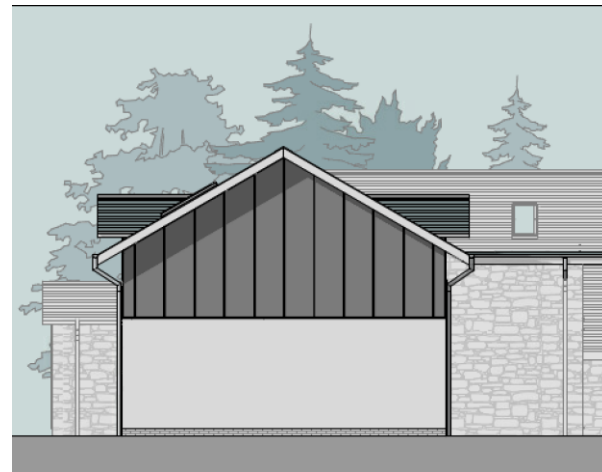
Proposed Elevations



Proposed North Elevation



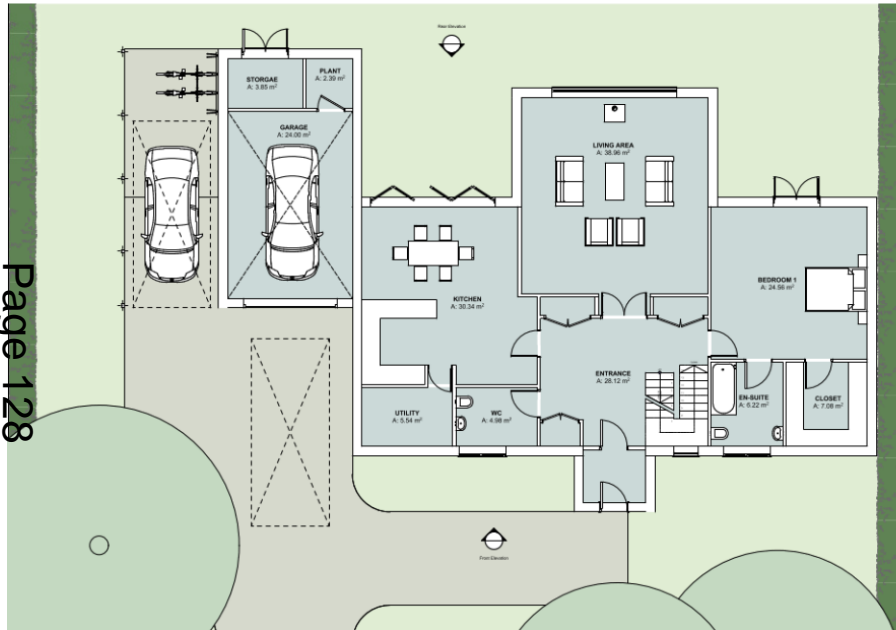
Proposed West Elevation



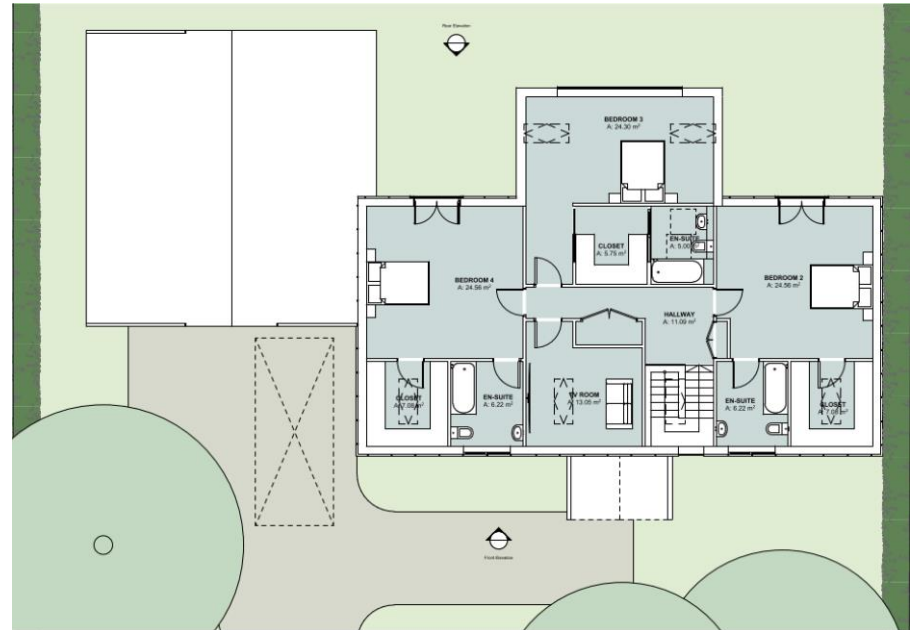
Proposed East Elevation

Proposed Floor Plans

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Proposed Ground Floor Plan



Proposed First Floor Plan

Site Photos

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Site Photos



Site Photos

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Site Photos

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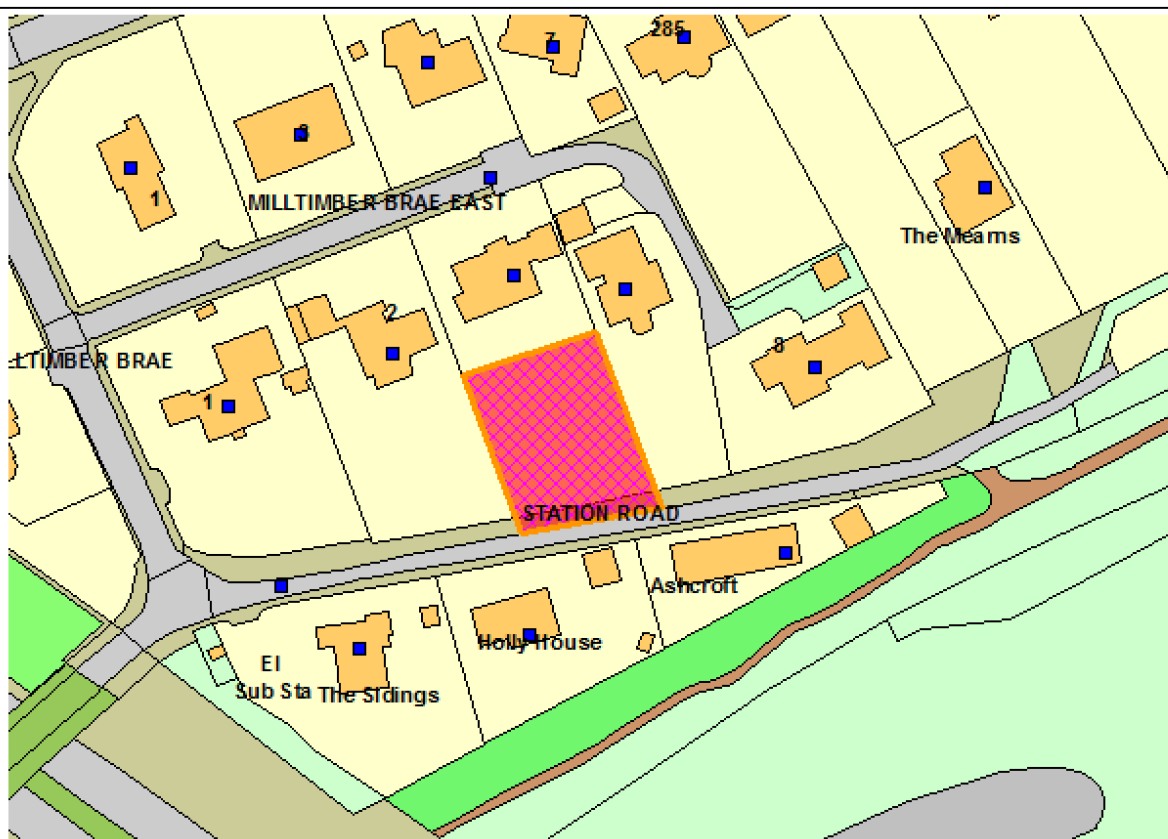


Planning Development Management Committee

Report by Development Management Manager

Committee Date: 4th November 2021

Site Address:	Anchorage, 4 Milltimber Brae East, Aberdeen, Milltimber, AB13 0DN
Application Description:	Splitting of feu and erection of 2 storey dwelling house with garage and canopy, including access and car parking with associated works
Application Ref:	210717/DPP
Application Type	Detailed Planning Permission
Application Date:	21 May 2021
Applicant:	Mr Sam Clark
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber
Case Officer:	Jemma Tasker



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RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site extends c.1023sqm and comprises approximately half of the feu of a detached bungalow. The existing house lies at the north end of its feu and faces south over the garden which slopes southwards towards Station Road. The application site comprises nearly three quarters of the front garden area. The site is bound to the west and east by the garden grounds of 2 and 6 Milltimber Brae East, respectively. The southern boundary of the site is screened by a drystone dyke which is separated from Station Road by a grass verge. Trees and shrubs currently line the southern boundary of the site. The surrounding area is residential, characterised by large, detached houses of varying styles set in large gardens and facing south over the Dee valley.

Relevant Planning History

Application Number	Proposal	Decision Date
051959	Proposed new dwellinghouse	21.09.2006 Status: Refused.

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission (DPP) is sought for the subdivision of a residential curtilage and the erection of a detached, four-bedroom dwellinghouse and detached garage/carport, as well as the creation of a new access and associated works.

The proposed dwellinghouse would be two storeys in height with a pitched roof at an overall height of c.7.4m. It would have a rectangular plan measuring c.16.8m by 8.3m, with a two storey projection to the rear, sitting slightly below the ridge height of the main dwelling, measuring c.6.6m by c.3.5m. The principal elevation would face southwards and take access from a new driveway formed onto Station Road. The rear elevation would face north towards Milltimber Brae East and would be extensively glazed at both ground floor and first floor level. The dwellinghouse would incorporate a contemporary design and proposed finishing materials would include white render, zinc and stone for the walls; slate tiles for the roof; and timber/upvc/aluminium composite windows. A garage and car port would abut the west elevation of the proposed dwelling measuring c.7.6m by c.8.3m, with a pitched roof at an overall height of 4.9m. The dwellinghouse would be set back from Station Road by approximately 11m (at the closest point), with the garage and carport being a further 5m back. The distance between the rear of the proposed dwellinghouse and the existing house would be 22.5m. The dwellinghouse and garage/carport would be set at approximately 1.2m above the level of Station Road.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QTEXSDBZJXF00>

Design and Access Statement by Kasia Antoszyk (May 2021) – provides a summary of the proposal; a description of the site, its character and identity; and provides further details regarding the design, materials and character of the proposal.

Report by Kasia Antoszyk (July 2021) – provides further detail in regard to the character of the site and the history of the area, in reference to the Supplementary Guidance: ‘The Sub-Division and Redevelopment of Residential Curtilages’.

Policy and Neighbouring Applications Study by Kasia Antoszyk (August 2021) – provides details of an application (ref. 171444/DPP) deemed to provide a precedent for the current application and how the current application complies with the Supplementary Guidance: ‘The Sub-Division and Redevelopment of Residential Curtilages’.

Reason for Referral to Committee

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

CONSULTATIONS

ACC - Roads Development Management Team – The new driveway is required to meet the road at 90 degrees – this does not appear to be the case. A channel drain is required at the interface between the new driveway and the road, and no loose material should be used in the first 2m of the driveway to prevent it being carried out with the property boundary.

ACC - Waste and Recycling – No objection. Have provided details on the waste facilities required for one dwelling.

Cults, Bieldside and Milltimber Community Council – Object to the application, noting two principal concerns. Firstly, the proposed property would have no right to vehicular access via Station Road as a result of the A90 (AWPR) Special Road (Extinguishment of Public Rights of Way) Order 2010 and Station Road being privately owned. The Community Council also deprecate any additional vehicle movements on this section of the Deeside Way, to the potential detriment of walkers, cyclists and horse riders. Secondly, while the resulting plot ratios from the split would conform to Supplementary Guidance, the splitting of this feu would disrespect the established pattern of development of the neighbouring houses and gardens and would thus contravene Policy H1 of the Aberdeen Local Development Plan 2017 and Supplementary Guidance para 3.1.

REPRESENTATIONS

A total of 19 objections were received, the matters raised can be summarised as follows:

Access and Traffic

- It would open up the only access to Station Road from the north side and could potentially cause a new traffic hazard.
- None of Milltimber Brae East properties have access to Station Road.
- Applicant refers to Station Road as a public road when in fact it is a private road.
- The A90 Special Roads Order (2010) prevents any new vehicular access to Station Road.
- The condition of Station Road will deteriorate following the use of heavy construction vehicles required for the proposal.

Trees and Wildlife

- The proposal will result in the loss of mature trees and shrubs.
- Adverse impact on wildlife.

Residential Amenity

- Concerns regarding the overlooking of 2 Milltimber Brae East from expansive glazing on the rear of the proposed dwelling.
- Loss of light to 2, 4 and 6 Milltimber Brae East and two properties on Station Road.

Character and Appearance of Surrounding Area

- Unacceptable impact on the character of this low-density residential area.
- Garden will be much smaller in comparison to surrounding properties which offer generous garden space.
- Detrimental impact on Station Road which retains its traditional rural and natural appearance.
- The proposal would demolish a section of the drystone dyke that runs the length of Milltimber Brae East.
- The proposal would create a new line of houses along the north side of Station Road.
- Apart from 2 Milltimber Brae East, neighbouring properties are bungalows.
- Overdevelopment of the site.
- The removal of established trees would create a view of the development which does not currently exist on Station Road.

Other Considerations

- Photographs supplied with the application are inaccurate.
- At risk of setting a precedent for similar development in the area.
- The proposed dwelling exceeds the height permitted in Milltimber for properties to the south side of a split feu.
- Obstruction of Station Road affecting houses on the road and other users of the Deeside Way.
- Further build in the area would cause residents further stress and uncertainty.
- Proposal will increase flood risk on Station Road.
- Proposal breaches the minimum separation distance of 18m of neighbouring properties.
- The south-west view from 8 Milltimber Brae East will be obstructed.
- Proposal risks the disruption to services for households along Stations Road and 8 Milltimber Brae East.
- The proposal is purely for the financial gain of the applicant.

MATERIAL CONSIDERATIONS**Legislative Requirements**

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

Aberdeen Local Development Plan (2017) (ALDP)

Policy D1 – Quality Placemaking by Design

Policy H1 – Residential Areas

Policy NE5 – Trees and Woodlands

Policy NE8 – Natural Heritage

Policy R6 – Waste Management Requirements for New Development

Policy R7 – Low and Zero Carbon Building and Water Efficiency

Policy T2 – Managing the Transport Impact of Development

Supplementary Guidance (SG)

The Sub-Division and Redevelopment of Residential Curtilages
 Transport and Accessibility
 Trees and Woodlands
 Natural Heritage

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis. Policies of relevance include

Policy D1 – Quality Placemaking

Policy D2 – Amenity

Policy NE3 – Our Natural Heritage

Policy NE5 – Trees and Woodland

Policy R5 – Waste Management Requirements for New Development

Policy R6 – Low and Zero Carbon Building and Water Efficiency

Policy T2 – Sustainable Transport

EVALUATION

Principle of Development

The application site is located within a residential area as identified in the ALDP and Policy H1 applies. This policy sets out that residential development is generally acceptable provided it: would not result in overdevelopment of the site; would not have an adverse impact on the character and amenity of the surrounding area; would not result in the loss of valued and valuable open space; and would comply with relevant Supplementary Guidance, in this case the Subdivision and Redevelopment of Residential Curtilages.

The proposal would not result in the loss of any open space given that it is located within the curtilage of a residential property. Other issues are discussed in the evaluation below.

Layout, Design and Scale

Policy D1 of the ALDP states that all development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. The SG sets out that the location and size of any new dwellings must be in keeping with the established spatial character and built form of the surrounding area. The following should be adhered to:

- New dwellings must respect the established pattern of development formed by the relationship between buildings and their surrounding spaces.
- The scale and massing of the any new dwellings should complement the scale of surrounding properties.
- The density of the surrounding area should be reflected in the development proposals for the new and existing property. Generally, no more than 33% of the total site area should be built upon.
- New dwellings should generally not project forward of any established building line.
- High quality design and materials – including design components – which enhances and respects the character and appearance of the surrounding area will be encouraged.

In this case, the proposal is for a curtilage split and construction of a new two storey, detached dwelling. The existing site measures c.1896sqm, with the dwelling having a footprint of c.241sqm, resulting in a development ratio of c.13%. Following the curtilage split, two smaller plots would be created, with the one serving the existing dwelling extending to c.903sqm, and the newly created plot extending to c.1023sqm. Therefore, the proposal would result in a plot ratio of c.27% for the existing dwelling and, based on a footprint of c.230sqm for the new dwelling and garage, of c.22% for the new dwelling.

It is acknowledged that these figures are lower than the maximum level of development suggested by the SG (33%). However and importantly, this cannot be considered in isolation and the SG sets out that the density of the surrounding area should be reflected in the development proposal for both the existing and new property. Milltimber Brae East is characterised by large, detached houses set in generous sized gardens with a somewhat established building line – particularly numbers 1-6 Milltimber Brae East. It is acknowledged that the house known as ‘The Mearns’, which resulted from a feu split more than 30 years ago and a dwelling approved by the Planning Development Management Committee in 2018 (application reference 171444/DPP) are, or will be accessed from Station Road. These dwellings are located on the far eastern side of Station Road and relate to previous feus forming part of dwellings on North Deeside Road, not Milltimber Brae East. With the exception of the aforementioned dwellings, no properties are accessed via the north side of Station Road. The houses along the south side of Station Road have a different pattern of development and cannot be compared to the current proposal. Within the Design and Access Statement submitted as part of the application, it is stated that *‘there is a strong building line on Milltimber Brae East and a line of larger rear gardens along Station Road’*. Later, within the Supporting Statement titled ‘Report’ it is stated that *‘there is no established building line on Milltimber Brae East at all’*. Nevertheless, the application site, the two houses to its west and the single house immediately to its east present a lower density character, with similar patterns of development and the introduction of a new house in the front garden would disrupt this pattern. Currently, no houses forming part of Milltimber Brae East are accessed from Station Road. The new two storey dwelling and access onto Station Road would be visually dominant and would have a detrimental visual impact on the semi-rural ambience of the area, specifically along the northern side of this road which is continually lined by a drystone dyke and trees and thus, the proposal would considerably change this character of the area. Further to this, precedent can be a legitimate planning consideration, in particular where the potential for cumulative impacts could arise. A precedent could be set for similar feu-splits along Milltimber Brae East and in the surrounding streets which, in aggregate, would change the low-density character and established pattern of development in the area, to the detriment of the existing amenity and character of the area.

While there is a mixture of architecture in the immediate area and thus, the contemporary approach the proposed dwelling displays would be acceptable, as the proposal would not respect the existing building line nor the overall density or established pattern of development of the immediate area and thus has not been designed with due consideration for its context, the

proposal would be contrary to the guidance contained within the SG: 'The Sub-Division and Redevelopment of Residential Curtilages' and thus, Policies D1 and H1 of the ALDP.

Impact on Residential Amenity

No development should result in a situation where amenity is "borrowed" from an adjacent property or there is an impingement on the amenity enjoyed by others. In order to help achieve this, the SG sets out core requirements, as follows:

- New dwellings should not adversely affect the existing dwellings residential amenity in terms of privacy, overlooking, daylighting or sunlight.
- There should be a minimum separation of 18 metres between the windows of existing and proposed habitable rooms.
- Rear gardens should have an overall length of at least 9m, which should be conveniently located immediately adjoining the residential property and be of a layout which makes it 'usable' in respect of functionality and privacy.

In this instance, the rear elevation of the proposed dwelling, facing the rear elevations of dwellings on Milltimber Brae East, would incorporate substantial glazing serving one bedroom and living space at ground floor level and three bedrooms at first floor level. Gable ends of the dwelling would be blank. There would be a minimum separation distance of 22.5m between the existing and new dwelling, with the floor level of the existing dwelling sitting approximately 4.7m higher than the floor level of the proposed dwelling, ensuring that the proposal would not result in a significant loss of privacy/excessive overlooking. In addition, the separation distance of 22.5m is sufficient to ensure that the proposal would not result in a significant loss of light or overshadowing to this property. It is acknowledged that the current outlook from the existing dwelling, looking southwards, overlooks the expansive and mature garden ground. While the proposed dwelling would sit lower than that of the existing dwelling, it is recognised that the outlook would nevertheless change. What before was an expansive outlook, would change to feeling somewhat compact. While the outlook of the existing dwelling would change, due to the difference in levels between the two dwellings, it is not considered that this would significantly adversely impact the enjoyment of the existing dwelling.

The proposed dwelling would be built along the eastern mutual boundary with 6 Milltimber Brae East, resulting in an increase in shadow cast to the garden ground of this property. However, this impact would only be apparent in the late evening and given the extent of garden ground which would be unaffected, it is considered that the impact would not be of a significant duration or magnitude. Additionally, due to the orientation of the proposed dwelling in relation to this property, it is not considered that there would be any significant impact on the level of privacy currently afforded to this property.

Both the existing property and the new dwelling would have private rear gardens exceeding 9m in depth which would provide a good level of amenity for existing and future residents.

Taking together, the proposal would not have an adverse impact on the residential amenity of neighbouring properties and would result in a good level of accommodation for the new dwelling, in compliance with the relevant parts of Policies H1 and D1 and SG on Subdivision and Redevelopment of Residential Curtilages.

Impact on Trees

Policy NE5 states that there is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands (regardless of whether they have statutory protection). The SG also sets out that care should be taken to position new buildings to minimise potential disturbance to the root system of tree canopies. Appropriate measures should

be taken for the protection and long-term management of existing trees and new planting both during and after construction. The loss of mature or attractive garden trees which make a contribution to the visual amenity of the neighbourhood would not be acceptable.

The proposal would result in the loss of four trees. It is not only the immediate tree loss that is a concern, but also the future impact and likely further loss of trees. The proximity of the proposed building to the existing tree stock poses a number of issues. The proposed new building significantly impacts the available future rooting environment which will be required to ensure healthy stable future growth. In addition, the proximity of the trees immediately adjacent to the south facing elevation will have a significant impact on light levels reaching the house and future work will be required to maintain a physical distance between the proposed building and tree stock.

Overall, the proposal does not leave sufficient space between the existing tree stock and the proposed dwelling to allow for future retention. The sheer proximity of the trees to the proposed building will cause future conflict in terms of poor light levels and concerns regarding proximity as the trees become larger. Therefore, the proposal fails to comply with Policy NE5 (Trees and Woodlands) of the ALDP and the SG: 'Trees and Woodlands'.

Natural Heritage

As some trees may be mature enough to have bat roost features, a Preliminary Bat Roost Assessment was requested and submitted as part of the application. It advised that the trees had either low or negligible bat roost potential. This is accepted; however, should felling or any work near the trees take place, it is recommended that a suitably qualified bat surveyor is present. Subject to this, it is considered that the proposal would comply with Policy NE8 (Natural Heritage) of the ALDP and the SG: 'Natural Heritage'.

Parking and Access

As per the Transport and Accessibility SG, the proposal would require 3 off-street car parking spaces which are noted to be provided via a garage, car port and large driveway. The proposed garage sufficiently exceeds the required internal dimensions set out by the SG: 'Transport and Accessibility'. In terms of access, the existing dwelling gains vehicular access from Milltimber Brae East, while the proposed site layout shows access via Station Road. While a cross-section has been submitted showing the gradient of the proposed driveway, and details regarding drainage and the material, the Roads Development Management Team noted that the driveway would not meet the road at 90 degrees, as per the proposed site plan. Should the committee be minded to approve the application, the geometry of the driveway could be sought and controlled by condition by seeking additional information regarding the access and driveway from the applicant/developer prior to commencement of development. Subject to this condition, the proposal would comply with Policy T2 of the ALDP and the Supplementary Guidance: 'Transport and Accessibility'.

Waste

Policy R6 requires new development to have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. The proposed site layout does not show a dedicated area for refuse bins. Nevertheless, colleagues in Waste Services have no objection to the proposal but have provided details of the required waste facilities which would be relayed to the applicant if permission was granted. The proposal would therefore be considered compliant with Policy R6 of the ALDP.

Low and Zero Carbon

Policy R7 sets out that all new buildings must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology. In addition, all new buildings are required to use water saving technologies and techniques. No information on how these targets are met were

submitted as part of this application. However, this information would generally be requested via a condition.

Matters Raised by the Community Council

The proposed property would have no right to vehicular access via Station Road as a result of the A90 (AWPR) Special Road (Extinguishment of Public Rights of Way) Order 2010 and Station Road being privately owned. The Community Council also deprecate any additional vehicle movements on this section of the Deeside Way, to the potential detriment of walkers, cyclists and horse riders. Secondly, while the resulting plot ratios from the split would conform to Supplementary Guidance, the splitting of this feu would disrespect the established pattern of development of the neighbouring houses and gardens.

Officers in the Roads Development Management Team have advised the 2010 Order states that Station Road will be *'an alternative right of way, not being a right of way enjoyable by vehicular traffic'*, suggesting that it will not be a through-road for any traffic, as opposed to not permitting any new driveways onto the road. It is not considered that a single driveway in this location would have any material impact on the AWPR. Roads Development Management Team have not given rise to any concerns in respect of the road safety of other road users along station road. The pattern of development has been discussed in the foregoing evaluation: 'Layout, Design and Scale' whereby it is considered that the proposal would disrupt the existing pattern and density of development.

Matters Raised in Representations

Access and Traffic

While the proposal is likely to give rise to additional vehicles using Station Road, the level of uplift is considered to be negligible and consultation with the Roads Development Management Team has not given rise to any concerns in this respect. As noted above, the A90 Special Roads Order (2010) sets out that Station Road will not be a through-road for any traffic, the prohibition of new driveway accesses is not detailed. Station Road being a private road and the potential deterioration of its condition are not material planning considerations in the determination of this planning application.

Trees and Wildlife

Impact on trees and wildlife has been discussed in the foregoing evaluation: 'Impact on Trees' and 'Natural Heritage' whereby the proposal is considered contrary to Policy NE5 of the ALDP. In terms of wildlife, the preliminary bat roost survey identified the bat roost potential as low or negligible. Additionally, should the application be approved, the Tree Report advises that no tree works should be carried out between November and March to ensure that nesting birds are not present.

Residential Amenity

Proposed windows to the rear would be located a minimum distance of 12m from the western mutual boundary with 2 Milltimber Brae East and 25m from the rear elevation of this dwelling. This separation should prove sufficient to design-out any potential undue intrusion of privacy. As discussed in the foregoing evaluation: 'Impact of Residential Amenity' it is considered that the dwelling would be located sufficiently distant from neighbouring dwellings to result in no significant loss of internal daylight levels.

Character and Appearance of Surrounding Area

The impact of the proposal on the character and appearance of the area has been discussed in the foregoing evaluation: 'Layout, Design and Scale' whereby the impact on the semi-rural character and the existing building line has been discussed.

Other Considerations

Potential obstruction caused by the development; the impact and disruption this could cause to neighbouring households; the obstruction of views; and the motive of the applicant for pursuing the proposal are not material planning considerations and therefore, are not assessed. There is no stated height permitted in Milltimber for properties to the south side of a split feu. The site is not located within an identified area for flooding thus, it is considered that flood risk is relatively low. A separation distance of 18m is a general guide for windows which face each other – this distance can be reduced if the angle between the windows of the existing and proposed residential properties is offset. In regard to the inaccurate photographs, additional, more recent, photographs have been provided separately by the agent.

Proposed Aberdeen Local Development Plan (2020)

In relation to this particular application, the Policies D1, H1 and NE5 in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the Adopted Local Development Plan and the proposal is not acceptable in terms of both Plans for the reasons previously given.

Conclusion

Overall, the pattern of development which is being proposed is deemed out of character with that of the immediate area. The proposal does not accurately reflect the immediate context within which the application site lies, in terms of density and building lines of surrounding properties. It would be visually intrusive within this long established landscape character, to the detriment of the visual amenity of the area. Additionally, the proposal would result in the removal of trees which make a contribution to the character of the area and would result in the dwelling being located within close proximity to existing trees, effecting the stability of their future. Therefore, the proposal fails to accord with Policies D1, H1 and NE5 of the Aberdeen Local Development Plan, in addition to the SG: 'The Sub-Division and Redevelopment of Residential Curtilages' and 'Trees and Woodlands'.

Should the Committee be minded to approve the application, conditions would be required including those relating to: the geometry of the driveway, and the formation of the driveway as so agreed; details of how low and zero carbon targets are to be met; and an advisory note relating to waste facilities.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposal would not respect the existing building line nor the overall density or established pattern of development of the immediate area; would be detrimental as a single development to the character of the area; and would set an unwelcome precedent for similar developments in the immediate area which would cumulatively erode the existing character and amenity of the area. Furthermore, the proposal fails to leave sufficient space between the existing tree stock and the proposed dwelling to allow for future retention. On the basis of the above, it is considered that the proposal fails to accord with Policies D1 (Quality Placemaking by Design), H1 (Residential Areas), and NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan 2017; the associated Supplementary Guidance: 'The Sub-Division and Redevelopment of Residential Curtilages' and 'Trees and Woodlands'; and Policies D1, H1 and NE5 of the proposed Aberdeen Local Development Plan 2020. It is considered that there are no material planning considerations of sufficient weight that warrant approval of the application contrary to the above policy and guidance.