

# Public Document Pack



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

Town House,  
ABERDEEN 08 February 2022

## **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE**

The Members of the **PLANNING DEVELOPMENT MANAGEMENT COMMITTEE** are requested to meet in **Council Chamber - Town House on THURSDAY, 17 FEBRUARY 2022 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. <https://aberdeen.public-i.tv/core/portal/home>

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

## **MINUTES OF PREVIOUS MEETINGS**

- 4.1. Minute of Meeting of the Planning Development Management Committee of 20 January 2022 - for approval (Pages 7 - 18)

## **COMMITTEE PLANNER**

- 5.1. Committee Planner (Pages 19 - 22)

## **GENERAL BUSINESS**

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

- 6.1. Detailed Planning Permission for the installation of takeaway food kiosk and outdoor seating area with decking including change of use (partly retrospective) (Temporary for 18 months) - land at former Cults Railway Station Aberdeen (Pages 23 - 44)

Planning Reference – 211587

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

[Link.](#)

Planning Officer: Gavin Clark

- 6.2. Detailed Planning Permission for the erection of a single storey extension to the rear - 36 Raeden Crescent Aberdeen (Pages 45 - 66)

Planning Reference – 210972

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

[Link.](#)

Planning Officer: Roy Brown

- 6.3. Detailed Planning Permission for the redevelopment of an existing site for erection of 17 residential flats over 4 storeys including demolition and all associated works - 15 Maberly Street Aberdeen (Pages 67 - 104)

Planning Reference – 210697

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

[Link.](#)

Planning Officer: Robert Forbes

- 6.4. Detailed Planning Permission for the erection of a coffee shop with 'drive-thru' (sui generis) and associated infrastructure and landscaping works - site to north of KFC, Intown Road, Bridge of Don Aberdeen (Pages 105 - 136)

Planning Reference – 211453

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

[Link.](#)

Planning Officer: Jane Forbes

- 6.5. Detailed Planning Permission for the installation of broadband antenna (retrospective) - 536 Great Western Road Aberdeen (Pages 137 - 150)

Planning Reference – 211633

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

[Link.](#)

Planning Officer: Ross McMahon

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

- 7.1. Planning Permission in Principle for the erection of a dwelling house at West Cults Farm, West Cults Road Aberdeen (Pages 151 - 168)

Planning Reference – 211490

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

[Link.](#)

Planning Officer: Dineke Brasier

- 7.2. Detailed Planning Permission for the erection of a shed to the rear (partly retrospectively) - Bank Cottage, 6 Sunnybank Road Aberdeen (Pages 169 - 188)

Planning Reference – 211702

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

[Link.](#)

Planning Officer: Jemma Tasker

## **OTHER REPORTS**

- 8.1. Scottish Government consultation on the Draft National Planning Framework 4 (NPF4) - Presentation by Claire McArthur

## **DATE OF NEXT MEETING**

- 9.1. 17 March 2022 - 10am

EHRIAs related to reports on this agenda can be viewed [here](#)

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

Website Address: [aberdeencity.gov.uk](http://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](mailto: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 29.11 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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## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

ABERDEEN, 20 January 2022. 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, Greig, Henrickson (as substitute for Councillor Cormie), 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 9 DECEMBER 2021

1. The Committee had before it the minute of the previous meeting of 9 December 2021, for approval.

**The Committee resolved:-**

to approve the minute as a correct record.

### MINUTE OF MEETING OF THE PLANNING DEVELOPMENT MANAGEMENT COMMITTEE (VISITS) OF 16 DECEMBER 2021

2. The Committee had before it the minute of the Planning Development Management Committee (visits) of 16 December, 2021, for approval.

**The Committee resolved:-**

to approve the minute as a correct record subject to the amendment of Councillor Cooke's name on page 3 of the minute.

### COMMITTEE PLANNER

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

**The Committee resolved:-**

to note the information contained in the Committee business planner.

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### LAND AT TILLYOCH, CULTER HOUSE ROAD - PRE DETERMINATION HEARING - 211699

4. The Committee had before it a report by the Interim Chief Officer – Strategic Place Planning, which considered whether the planning application for Tillyoch Culter House Road Aberdeen, which triggered the statutory criteria to require that a Pre-Determination Hearing be held, should be determined by the Planning Development Management Committee or by Full Council.

#### **The report recommended:-**

that the Committee -

- (a) note the contents of the report; and
- (b) agree that the application be subject of a statutory pre-determination hearing by a special meeting of the Planning Development Management Committee and that the application then be determined at a subsequent scheduled Planning Development Management Committee meeting.

#### **The Committee resolved:-**

to approve the recommendations.

### 51 FROGHALL TERRACE ABERDEEN - 211499

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 change of use from class 9 (house) to class 8 (residential institution) at 51 Froghall Terrace be approved subject to the following condition:-

#### **Condition**

1. Cycle Storage

The use hereby approved shall not take place unless details of the proposed secure cycle storage on site has been submitted to and approved in writing by the Planning Authority and such facilities have been made available for use by occupants.

Reason: In order to promote sustainable transport methods.

The Committee heard from Robert Forbes, 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.

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**At this juncture, the Convener advised that items 6.2 and 6.3 on the agenda (minute items 6 and 7), would be considered at the same time.**

### ALBYN HOSPITAL ABERDEEN - 211019

6. 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 two storey extension with a plant room to the rear, erection of entrance extension with ramp to the front and side, alterations to the car parking and landscaping and other associated works at Albyn Hospital, Aberdeen, be approved subject to the following conditions:-

#### **Conditions**

##### **(1) TREE PROTECTION**

No development (including demolition or site setup) shall take place unless an updated tree protection plan and method statement has been submitted to and approved in writing by the planning authority. The plan and method statement shall take account of the addendum to arboricultural assessment dated December 2021. Thereafter the protection measures shall be implemented and remain in place for the duration of construction of the development.

Reason – to protect trees from damage during construction. in accordance with Policy NE5 (Trees and Woodlands).

##### **(2) TREE PLANTING**

The theatre extension hereby approved shall not be brought into use unless a scheme of compensatory tree planting has been submitted to and approved in writing by the planning authority. The scheme shall include trees at the southern boundary of the site shared with 1 Albyn Grove for the purposes of softening the interface between the two uses.

Thereafter all planting 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 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.

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### (3) EXTERNAL FINISHING MATERIALS

No development shall take place unless a scheme detailing all external finishing materials of the proposed extension and entrance area has been submitted to and approved in writing by the planning authority. The scheme shall include detailed specifications of all materials to be used on the external areas of the building. Thereafter the development shall be finished in accordance with the approved scheme unless a written variation has been approved by the planning authority.

Reason – to ensure an appropriately high quality of detailing commensurate with the setting of the proposal.

### (4) DRAINAGE

The theatre extension hereby approved shall not be brought into use unless the surface water drainage proposals shown on Cameron + Ross drawing A210085-XX-CAM-DR-C-001 (Rev.2) have been installed and are available for use.

Reason – to ensure that surface water is satisfactorily dealt with.

### (5) CYCLE PARKING

The theatre extension hereby approved shall not be brought into use unless a scheme for cycle parking has been submitted to and approved in writing by the planning authority. The scheme shall include details of long-stay secure and covered cycle parking. Thereafter the development shall not be occupied unless the approved scheme has been implanted and is available for use.

Reason – to encourage cycling.

### (6) NOISE

The theatre extension hereby approved shall not be brought into use unless –

- Details demonstrating that the noise from the intake duct of supply fan SF/1.02 does not exceed 48 dBA at 1m from the louvre;
- Details demonstrating that noise from the plantroom will not exceed 21 dBA outside the nearest dwelling on Albyn Grove with all mechanical plant units within operated at maximum duty. The details shall include location, dimensions and design of the louvres.

Have been submitted to and approved in writing by the planning authority. Thereafter the development shall not be occupied unless the development has been implemented in accordance with the approved details and any mitigation measures have been implemented or are in operation.

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Reason – to protect surrounding residential properties from noise disturbance.

### (7) TRAVEL PLAN

The theatre extension hereby approved shall not be brought into use unless a travel plan has been submitted to and approved in writing by the planning authority. The plan shall outline sustainable measures to deter the use of the private car, in particular single occupant trips and provide detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets.

Reason – to encourage more sustainable forms of travel to the development.

### (8) OBSCURE WINDOW

The theatre extension hereby approved shall not be brought into use unless any windows within the door on the south elevation of the extension have been fitted with obscure glass (minimum obscuration level 3). The obscure glass shall thereafter remain in place as long as the door exists.

Reason – to protect the occupiers of 1 Albyn Grove from overlooking.

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

### **The Committee resolved:-**

to refuse the application unanimously for the following reasons:-

1. That the proposal would constitute overdevelopment of the site by virtue of the adverse impact of the proposal, in particular the 2 storey element on the residential amenity of residential properties at 1 and 3 Albyn Grove; and
2. That the proposal would be contrary to Policy D4 – Historic Environment of the adopted Local Development Plan 2017, particularly in respect of the 2 storey element of the proposed extension, and would have an adverse impact on the character of the conservation area due to its visual prominence in views from Albyn Grove and Albyn Lane.

## **ALBYN HOSPITAL ABERDEEN - 211020**

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

That the application for listing building consent for the erection of a two storey extension with a plant room to the rear, erection of entrance extension with a ramp to the front and side, alterations to car parking and landscaping and other associated works at Albyn Hospital, Aberdeen, be approved subject to the following conditions:-

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### Conditions

#### (1) EXTERNAL FINISHING MATERIALS

No development shall take place unless a scheme detailing all external finishing materials of the proposed extension and entrance area has been submitted to and approved in writing by the planning authority. The scheme shall include detailed specifications of all materials to be used on the external areas of the building. Thereafter the development shall be finished in accordance with the approved scheme unless a written variation has been approved by the planning authority.

Reason – to ensure an appropriately high quality of detailing commensurate with the setting of the proposal.

The Committee heard from Matthew Easton who spoke in furtherance of the application and answered questions from members.

### The Committee resolved:-

to refuse the application unanimously for the following reasons:-

That the proposal would be contrary to Policy D4 – Historic Environment of the adopted Aberdeen Local Development Plan 2017 in that it would have an adverse impact on the character of the category C listed buildings at 21 and 24 Albyn Place and category B listed buildings at 22 and 23 Albyn Place.

### **SITE AT QUATTRO HOUSE, WELLINGTON CIRCLE ABERDEEN - 210973**

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

That the application for planning permission in principle for a residential development of 79 units, comprising the conversion of an existing office building and the erection of a new build and associated infrastructure at the site at Quattro House, Wellington Circle Aberdeen, be approved subject to the following conditions:-

### Conditions

#### **(1) DESIGN AND LAYOUT OF ACCESSES, PATHS AND BUILDINGS**

No development within any particular phase or block shall take place unless a matters specified in conditions application, including the detailed layout and design of access points, roads, parking areas, buildings and other structures for that particular phase or block, has been submitted to and approved in writing by the planning authority.

The proposed development shall be in accordance with the overarching layout, siting, design, height and massing principles of roads, paths and buildings established by this grant of planning permission in principle and the matters specified in conditions applications shall comprise:



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- a) details of existing and proposed site levels (including cross sections);
- b) details of the mix of residential unit numbers, type, size and tenure;
- c) details of layout, design and external appearance of –
  - (i) vehicular and pedestrian access points (including connections to Wellington Road);
  - (ii) all buildings and ancillary structures;
  - (iii) vehicular and motorcycle parking;
  - (iv) short and long-term secure cycle parking;
  - (v) storage and collection arrangements for waste and recyclables;
  - (vi) boundary enclosures around and within the site, including details of any new openings in existing stone boundary walling; and
  - (vii) external lighting
- d) details of the elements of the existing building to be retained and incorporated into the alteration and extension of Block A.

Thereafter the development shall not be implemented other than in full accordance with the approved details.

Reason – to ensure a satisfactory layout and design of the development and ensure provision of a suitable level of parking.

### (2) LANDSCAPING

No development within any particular phase or block shall take place unless a matters specified in conditions application including a scheme of hard and soft landscaping covering all areas of public and private open/green space for that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall include details of –

1. Those areas reserved as private space and those areas that will be freely accessible for all residents and the general public;
2. Existing and proposed finished ground levels;
3. Existing landscape features, trees, woodland and vegetation to be retained or removed, following an up to date tree survey that takes account of bat roost potential and a scheme for the protection of all trees to be retained within and immediately adjacent to the site;
4. Existing and proposed services and utilities including cables and pipelines;
5. Proposed tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planting.
6. Location, design and materials of walls, fences, gates, play equipment and street furniture;
7. Arrangements for the management and maintenance of existing and proposed open space, and landscaped areas; and
8. Proposed hard surface finishing materials.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of each respective phase of the development or such other date as may be agreed in writing with the Planning Authority.

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Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason – in order to integrate the development into the surrounding landscape, increasing the biodiversity and recreational value of the site and creating a suitable living environment for future residents.

### **(3) NOISE IMPACT ASSESSMENT MITIGATION**

No unit shall be occupied unless a matters specified in conditions application has been submitted to and approved in writing by the planning authority, which shall include details of compliance with all of the following mitigation measures (as recommended in the Noise Impact Assessment - Vibrock – Ref: R21.11148/4/IK - 22 November 2021):

- a) Erection of acoustic barriers 3.0 metres high along the northern boundary of the site and a 1.8 metres high around the rest of the site boundaries as detailed within section 9.1.2 and figure 5 of the Noise Impact Assessment;
- b) bedrooms are positioned on aspects with no view of the Royal Mail Depot;
- c) the gable end aspects of Block A facing the industrial commercial noise sources are designed to accommodate circulation spaces, including, but not limited to, hallways and stairwells;
- d) installation of the recommended minimum sound insulation requirements discussed in section 9.2.9 and presented in Table 5 of the Noise Impact Assessment, for the worst-case aspects including requirements to achieve night-time 45 dB L<sub>Amax</sub> in Block B – Habitable rooms facing Wellington Circle;
- e) an appropriate form of glazing and ventilation is incorporated into the scheme's final design (with provision of associated specifications for the entire scheme to meet the criteria adopted to the satisfaction of the planning authority);

And thereafter no unit shall be occupied until the details approved in the said approved matters specified in conditions application have been fully implemented in accordance with the details so approved.

Reason: In order to ensure that a satisfactory residential environment can be created for the occupants of the proposed development.

### **(4) CONTAMINATED LAND – SITE INVESTIGATION**

No development shall take place unless a matters specified in conditions application including a scheme to address any significant risks from contamination on the site has been submitted to and approved in writing by the planning authority.

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

1. an investigation to determine the nature and extent of contamination

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2. a site-specific risk assessment
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed
4. verification protocols to demonstrate compliance with the remediation plan

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

### **(5) CONTAMINATED LAND - REMEDIATION**

No building(s) on the development site shall be occupied unless a matters specified in conditions application including:

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

Has been submitted to and approved in writing by the planning authority.

The final building 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 suitable for use and fit for human occupation.

### **(6) DUST MANAGEMENT PLAN**

No development (including site stripping, service provision or establishment of site compounds) within any part of the site shall take place unless a matters specified in conditions application comprising a Dust Management Plan has been submitted to and approved in writing by the planning authority. The Dust Management Plan shall include the following;

1. An 'Air Quality (Dust) Risk Assessment' by a suitably qualified consultant carried out in line with the IAQM 2014 Guidance entitled 'Guidance on the Assessment of Dust from Demolition and Construction' (or equivalent as demonstrated) to predict the likely dust levels and impact on air quality including a determination of its significance; and
2. A plan for dust management produced in line with the aforementioned guidance and based on the outcome of the Dust Risk Assessment, detailing the necessary dust control measures to be implemented.

Reason – to control air pollution from dust associated with the construction of the development and to protect the amenity of neighbouring land uses.

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### **(7) SITE WASTE MANAGEMENT**

No development shall take place unless a matters specified in conditions application including a Site Waste Management Plan, detailing how construction-phase waste would be minimised and disposed of, has been submitted to and approved in writing by the planning authority.

Reason – in order to minimise waste at source on the construction site, in accordance with Scottish Planning Policy (paragraph 218).

### **(8) SURFACE WATER DRAINAGE**

No development within any particular phase or block shall take place unless a matters specified in conditions application including a detailed scheme for surface water drainage for that particular phase or block has been submitted to and approved in writing by the planning authority.

Reason – in order to ensure adequate protection of the water environment from surface water run-off and to ensure that the site can be adequately drained without increasing flood risk.

### **(9) ELECTRIC VEHICLE CHARGING POINTS**

No unit shall be occupied unless a matters specified in conditions application including:

- (i) details of the type and location of electric vehicle charging points and bays;
- (ii) markings and signage to identify the bays; and
- (iii) a phasing plan for their provision, have been submitted to and approved in writing by the planning authority.

Thereafter the charging points and bays shall be provided in accordance with the agreed phasing plan prior to the occupation.

Reason – to provide for and encourage the use of electric vehicles.

### **(10) RESIDENTIAL TRAVEL PACK**

No unit shall be occupied unless a matters specified in conditions application including a residential travel pack for that phase or block has been submitted to and approved in writing by the planning authority. Each residential travel pack shall identify details of different travel options available in the area in order to discourage the use of the private car. The approved travel pack shall be supplied to the occupants of every residential unit within that block or phase on occupation. Each Travel Plan shall identify measures to be implemented in order to discourage the use of the private car as well as the duration of the plan, system of management, monitoring, review and reporting and thereafter shall be implemented as approved.

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

### **(11) WATER EFFICIENCY STATEMENT**

No development within any particular phase or block shall take place unless a matters specified in conditions application including a water efficiency statement for that particular phase or block has been submitted to and approved in writing by the planning authority. The statement should take into account the advice provided in CIRIA publication C723 (Water sensitive urban design in the UK) and specify the measures proposed to incorporate water saving technology into the development so as to achieve gold standard for water use efficiency in domestic buildings or BREEAM level 5 for non-domestic buildings. Thereafter the approved measures shall be implemented in the construction of the development.

Reason – in order to help minimise water abstraction from the River Dee.

### **(12) LOW AND ZERO CARBON BUILDINGS**

No development within Block B shall take place unless a matters specified in conditions application comprising a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance for the building has been submitted to and approved in writing by the planning authority. Thereafter, the building shall not be occupied unless the approved measures have been implemented in full and are available for use.

Reason – in order to ensure that the development complies with the 'Low and Zero Carbon Buildings' Supplementary Guidance.

### **(13) WASTE-WATER CONNECTIONS**

No development within any particular phase or block shall take place unless a matters specified in conditions application including a scheme for the connection of buildings to the public waste water system for that particular phase or block has been submitted to and approved in writing by the planning authority. The scheme shall include confirmation from Scottish Water that connections can be made and any necessary upgrades to the public waste-water system are in place. Thereafter no building shall be occupied unless connection has been made to the public waste-water network in accordance with the approved details.

Reason – in order to ensure that sewage is satisfactorily treated and disposed of.

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

#### **The Committee resolved:-**

to refuse the application unanimously for the following reasons:-

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1. The proposal is contrary to Policy B1 (Business and Industrial land) of the adopted Aberdeen Local Development Plan which states that land zoned for business and industrial uses shall be retained for Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) uses and safeguarded from other conflicting development types such as the residential development proposed;
  2. The proposal is contrary to Policy D1 – Quality Placemaking of the Aberdeen Local Development Plan and constitutes an unsuitable location for residential development in terms of the amenity of future residents due to its location between a busy main road and adjoining commercial properties that operate at all hours of the day and are heavily used by HGV vehicles, and the high levels of light pollution caused by nearby floodlights – all of which would create an environment that would be detrimental to residential amenity; and
  3. The development would not be accessible by a safe route to school due to young school children having to cross several busy junctions on the way to the adjoining primary school.
- **Councillor Marie Boulton, Convener**

	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									
3			17 February 2022						
4	Former Cults Railway Station, Station Road Cults - 211587	To approve or refuse the installation of takeaway food kiosk and outdoor seating area	On agenda	Gavin Clark	Strategic Place Planning	Place	1		
5	Site to the north of KFC, Intown Road BOD - 211453	To approve or refuse the application for the erection of coffee shop with 'drive-thru' (sui generis) and associated infrastructure and landscaping works	On agenda	Jane Forbes	Strategic Place Planning	Place	1		
6	36 Raeden Crescent 210972	To approve or refuse the application for the proposed 2 storey extension to the rear	On agenda	Roy Brown	Strategic Place Planning	Place	1		
7	15 Maberly Street - 210697	To approve or refuse the application for the erection of 17 flats.	On agenda	Robert Forbes	Strategic Place Planning	Place	1		
8	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	D	Will now come to March committee. Awaiting revised information.
9	Bank Cottage, 6 Sunnybank Road - 211702	To approve or refuse the application for erection of a shed retrospectively	On agenda	Jemma Tasker	Strategic Place Planning	Place	1		
10	105 Waterton Road - 211813	To approve or refuse the application for erection of single storey extension with canopy to rear		Jemma Tasker	Strategic Place Planning	Place	1	D	Delayed due to time constraints. Will be reported to March committee.
11	West Cults Farm - 211490	To approve or refuse the application for erection of dwellinghouse	On agenda	Dineke Brasier	Strategic Place Planning	Place	1		
12	536 Great Western Road - 211633	To approve or refuse the application for installation of broadband antenna (retrospective)	On agenda	Ross McMahon	Strategic Place Planning	Place	1		
13			17 March 2022						
14	Queens Link Leisure Park - 211715	To approve or refuse the application for proposed drive-thru restaurant/ take away		Robert Forbes	Strategic Place Planning	Place	1		

	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	Prime Four Development Framework	Updated DF for the remaining part of Prime Four Business Park		Laura Robertson	Strategic Place Planning	Place	1		
16			Future applications to PDMC (date of meeting yet to be finalised).						
17	Orchard Cottage, 1 The Orchard	To approve or refuse the application for replacement windows		Dineke Brasier	Strategic Place Planning	Place	1		
18	OP51, Peterculter - 190314	To approve or refuse the proposed residential development including mix of private, affordable and retirement housing consisting of approximately 49 homes with associated access roads and landscaping.		Gavin Evans	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	To approve or refuse the application for erection of 47 flats		Robert Forbes	Strategic Place Planning	Place	1		
21	Millbank House - 211430	To approve or refuse the application for conversion to form 10 flats		Robert Forbes	Strategic Place Planning	Place	1		
22	Former Treetops Hotel site - 211528	To approve or refuse the residential development of 89 units (including 25% affordable) comprising 54 houses and 35 flats over 3, 4 and 6 storey blocks and associated roads and parking, drainage infrastructure, open space and landscaping.		Matthew Easton	Strategic Place Planning	Place	1		
23	Wallace Tower - DPP and LBC 211613 and 211657	To approve or refuse the application for Change of use from residential dwelling (class 9) to mixed use (class 3 and 4) including community cafe and ancillary office accommodation; erection of 2 storey extension to form additional seating areas to cafe; formation of access ramp, external seating area and erection of bin store with associated hard and soft landscaping works		Dineke Brasier	Strategic Place Planning	Place	1		
24	26 Hollybank Place - 211807	To approve or refuse the application for demolition of an existing commercial unit and erection of 11 no. residential apartments over 4 storey with associated hard and soft landscaping works		Roy Brown	Strategic Place Planning	Place	1		



	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									
25	Aberdeen Grammar School FP's Club, 86 Queens Road - 211806	To approve or refuse the application for erection of 3no. villas, 4no. apartments and 2no. maisonette apartments with associated works		Jane Forbes	Strategic Place Planning	Place	1		
26	Aberdeen Local Development Plan 2022 – Draft Aberdeen Planning Guidance: Masterplans and Planning Briefs			Andrew Brownrigg	Strategic Place Planning	Place	4 and 5		
27	<b>PRE APPLICATION FORUM</b> - 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			
28	<b>PRE DETERMINATION HEARING</b> - Tillyoch - 211699 - date to be confirmed.	Residential development (circa 250 units) with associated infrastructure, open space, landscaping and community facilities.		Aoife Murphy	Strategic Place Planning	Place			

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## PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

17<sup>th</sup> February 2022

**Installation of takeaway food kiosk and outdoor seating area with decking including change of use (partly retrospective)**

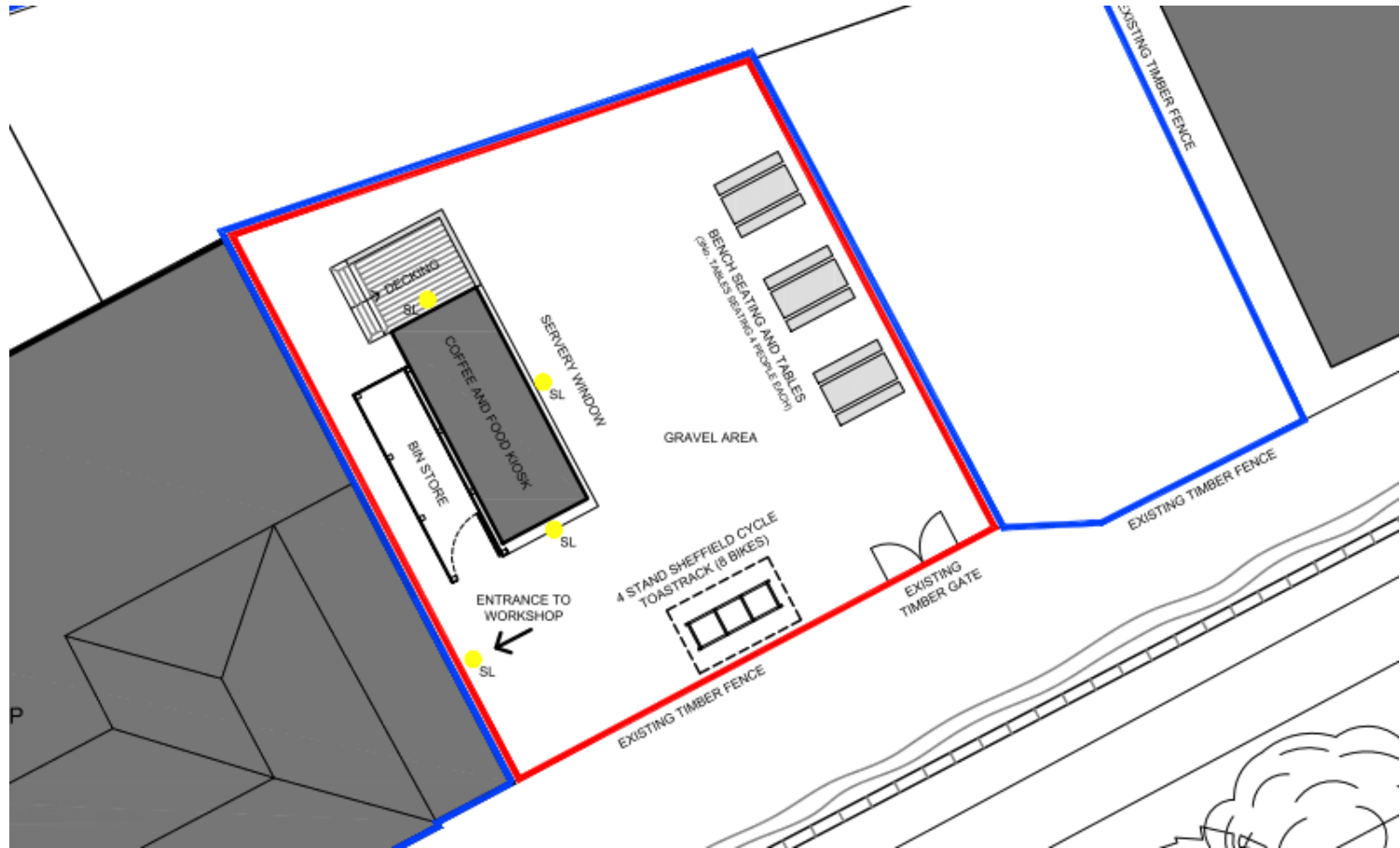
**Land at Former Cults Railway Station, Station Road, Cults  
Aberdeen, AB15 9SJ**

**Application Ref: 211587/DPP**

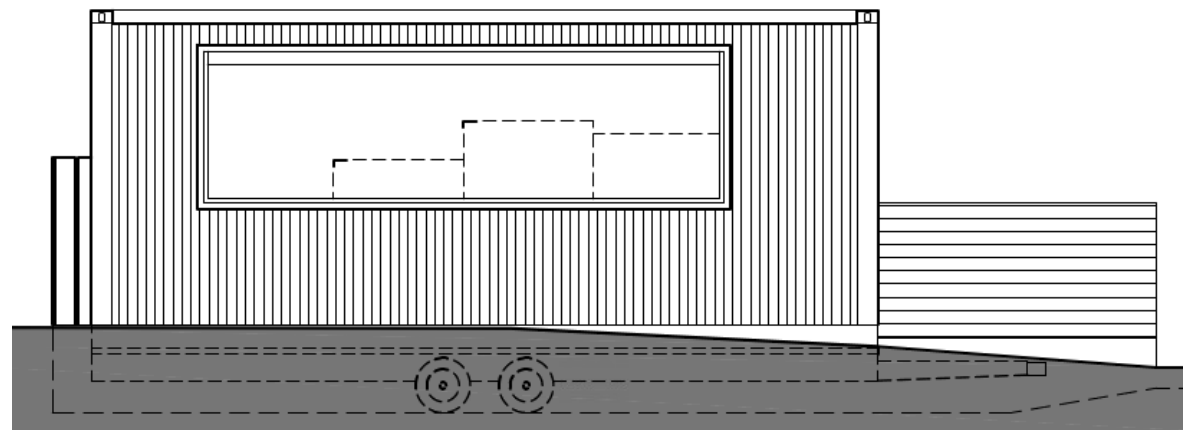
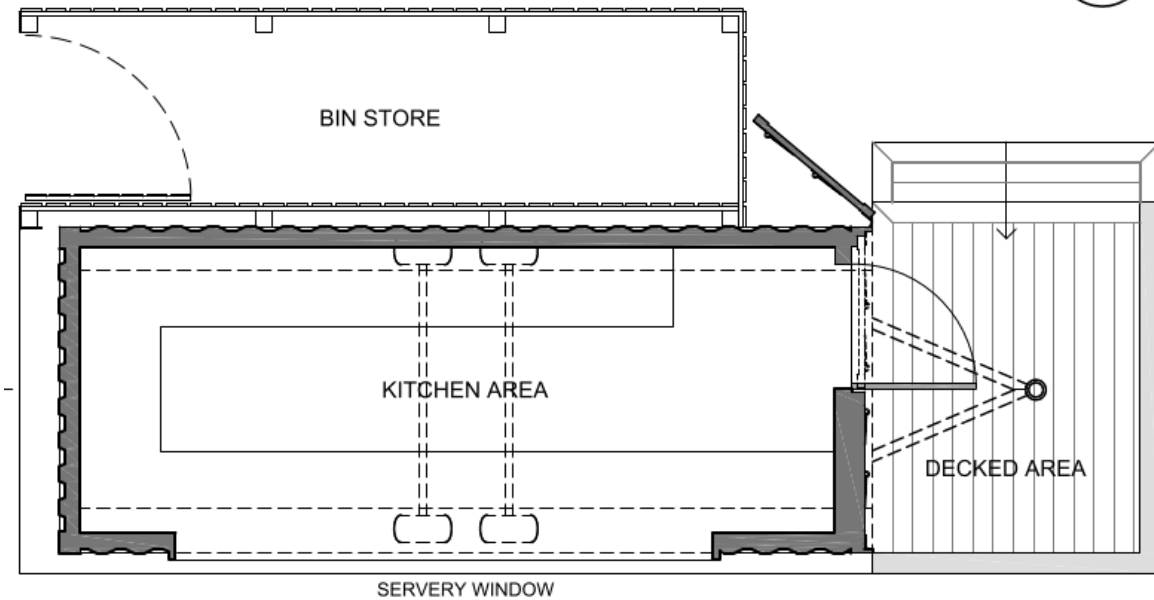
# Location Plan



# Site Plan (Proposed)



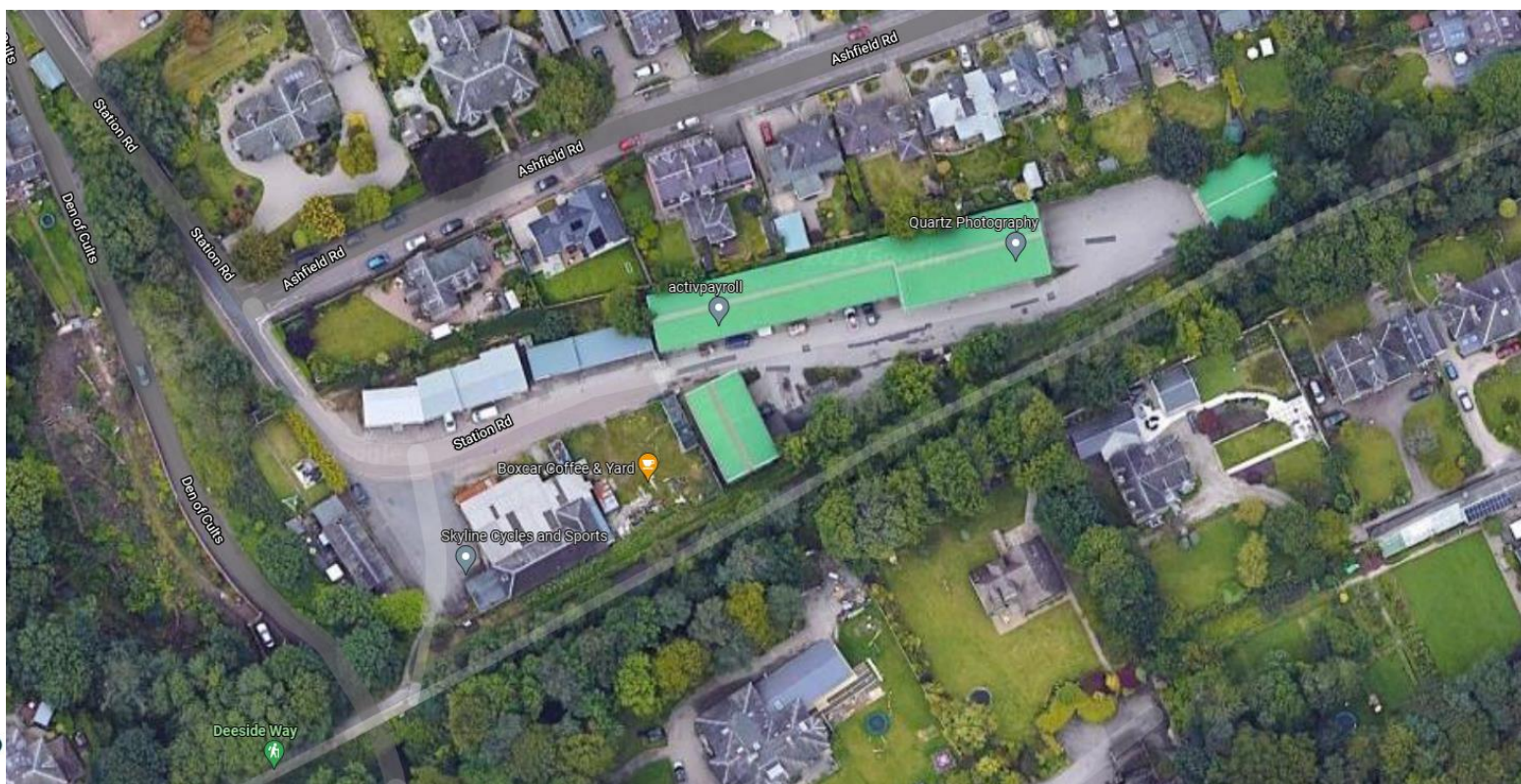
# Floor Plan and Principal Elevation



AST ELEVATION



# Site Overview (Google Maps)



## Site Photos (Surrounding Context)





# Site Photos (Surrounding Context)



## Site Photos – Building as Constructed





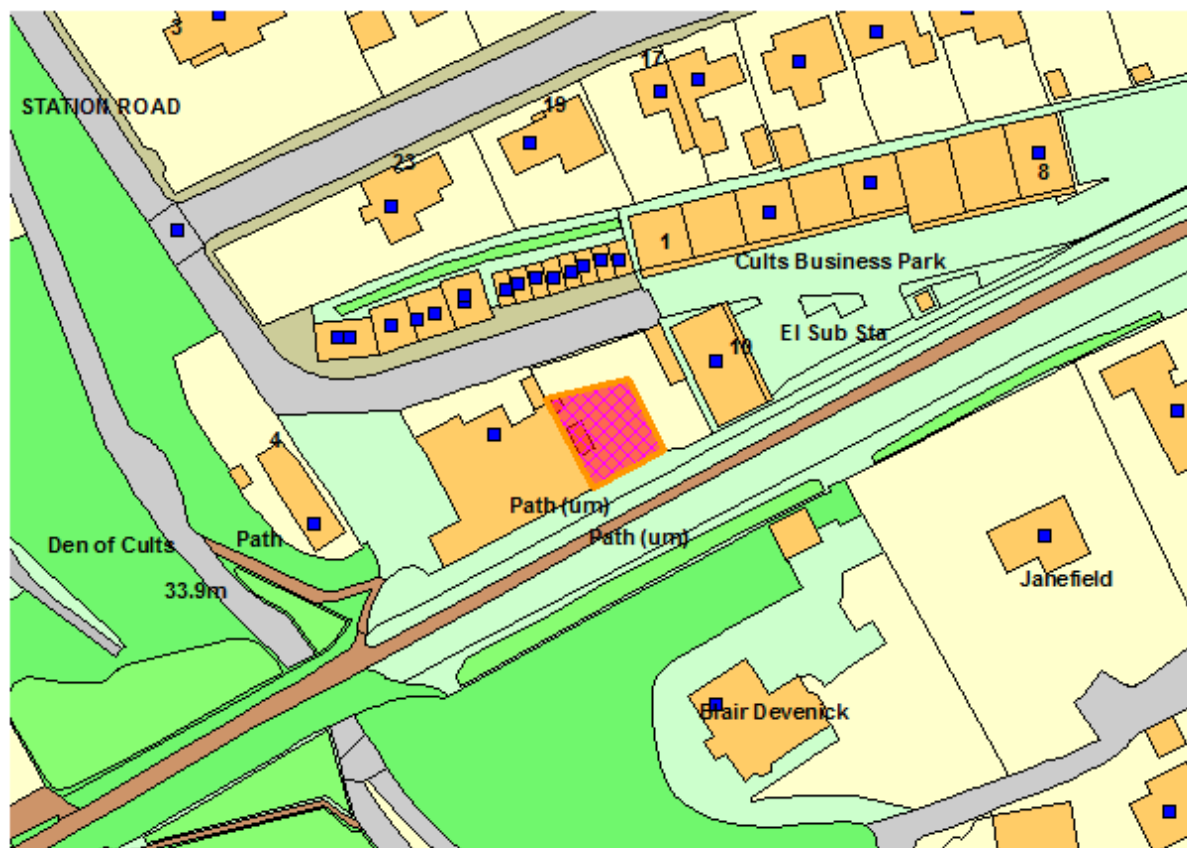


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 17<sup>th</sup> February 2022**

<b>Site Address:</b>	Land at former Cults Railway Station, Station Road, Cults, Aberdeen, AB15 9SJ
<b>Application Description:</b>	Installation of takeaway food kiosk and outdoor seating area with decking including change of use (partly retrospective) (Temporary for 18 months)
<b>Application Ref:</b>	211587/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	8 November 2021
<b>Applicant:</b>	JJ's Food & Drink Co Ltd
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Cults, Bieldside and Milltimber
<b>Case Officer:</b>	Gavin Clark



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### RECOMMENDATION

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The application site, which extends to approximately 197sqm, relates to an area of land to the immediate east of the former Cults Railway Station on the southern side of Station Road and approximately 125m to the south of North Deeside Road. The adjacent former station building is currently utilised as a cycle repair business operating under the consented use class of the premises, which was previously a joinery store and workshop. To the immediate south of the site is the Deeside Way, and further south of this mature trees lining the rear curtilage of a residential property which forms part of the boundary of the Pitfodels Conservation Area. The Station building itself is located to the immediate west, with a residential property located approximately 40m west (4 Station Road) of the site. To the north and east are a number of commercial units along with Cults Business Park (to the east). Further north are a number of residential properties on Ashfield Road (approximately 28m north of the site boundary, behind the business units). The application site is not within the Pitfodels Conservation Area.

### **Relevant Planning History**

An application for planning permission (Ref: 210140/DPP) was refused by the Planning Development Management Committee in October 2021 for a change of use to class 3 (food and drink) with outdoor seating area including alterations to a shop front; re-cladding; installation of doors, rooflights and roof repairs with associated works. This application related to the former station building and immediately surrounding land, including the area that is the subject of the current application. No appeal was submitted against this refusal. The reasons for refusal of the application were that the proposal was considered contrary to Policy H1 due to the scale of development impacting on residential amenity and that it was contrary to Policy T3 due to the absence of a segregated footway access from North Deeside Road.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

The proposal seeks detailed planning permission for the erection of a coffee and food kiosk with associated area of decking, serving area and outdoor seating (three tables and six benches). Planning permission is sought on a temporary basis for a period of 18 months. The kiosk has already been installed on the site. It constitutes a metal container set on wheels but, due to the difference in ground levels and the decking that surrounds it, the structure is more permanent in appearance. The kiosk measures 6m x 2.4m with an overall height of 2.7m whilst the area of decking measures 2m x 2.4m and is located approximately 0.27m above ground level. A 1.6m high timber fence surrounds the bin store, which is located to the rear of the building. In terms of materials, the container is constructed in metal and has been painted dark blue externally. The timber fencing and decked areas are all unpainted and have a natural looking finish. The kiosk already exists on site and is trading, however the seating and tables are not on site, although informal seating in the form of wooden sleepers exists, hence the part retrospective nature of the application.

### **Amendments**

None

### **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=R23QVZBZHNI00>

- Design Statement: November 2021

- Planning Statement: November 2021

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

The application has been referred to the Planning Development Management Committee as the proposal has been subject to more than six timeous letters of objection. Subsequently, the proposal falls outwith the Scheme of Delegation.

### **CONSULTATIONS**

**ACC - Roads Development Management Team** – No objection to the proposal following the receipt of further information regarding deliveries to the site (as mentioned in the CBMCC response). Their response will be discussed in greater detail in the evaluation section of this report.

**ACC - Environmental Health** – No objection to the proposal following the receipt of further information regarding the proposed operation of the premises. Their response will be discussed in greater detail in the evaluation section of this report.

**ACC - Waste and Recycling** – advise of the waste management requirements for the proposed development.

**Cults, Bieldside and Milltimber Community Council** – supports the provision of the “Boxcar Café” noting that the proposal has significant public support and that the café has proved popular with walkers and cyclists.

Note concerns of local residents showing potential traffic and road safety problems on Station Road. Particularly in relation to food deliveries made by a 7.5 tonne truck, whereas analysis submitted by the previous application showed a swept path for a 4.5 tonne transit van. CBMCC therefore requested that colleagues in RDM look at the issue and advise whether food deliveries and business waste collections can be made safely without inconvenience caused to local residents using Station Road.

Also note that it is not clear why a different postcode was used for the application and that it is unfortunate that concerned local residents were not directly notified. Confirmed their representation as a conditional support.

Further comments were received from the Community Council on the 3<sup>rd</sup> February 2022 summarising their current position on the planning application. They note that the kiosk is popular with users of the Deeside Way but has received criticism from nearby residents. They have noted the concerns, which include increased car traffic on Station Road, deliveries and refuse collections, noise and cooking odours, litter, and loss of privacy. There was also a query in relation to the use of the main building by staff.

Note that the concerns of the residents (particularly around noise and odour) need to be addressed if the Community Council are to maintain their conditional support for the proposal. They would also prefer the consent to be limited to 12 months from the date of the PDMC meeting as a strong incentive to a permanent solution (which would be a café within the former station building on a smaller scale to that previously proposed).

### **REPRESENTATIONS**

A total of 38 valid and timeously made representations have been received in relation to this application (16 objections and 22 in support). The matters raised can be summarised as follows:

## Objections:

### *Principle of Development/ Amenity Concerns*

1. Consider that, similar to the previous application for wider redevelopment, the proposal would result in a *scale of development that would be excessive for the site, constituting overdevelopment, 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 site will have an outdoor service area with seating behind residential properties. The proposed hours of operation would conflict with Policy H1 in that the proposal would conflict and provide nuisance to the enjoyment of residential amenity. Another objector queried the hours of operation, stating that the unit should close at 5pm.
3. Object to access directly to the station platform, which encourages the congregation of patrons closer to residential properties to the south.
4. The planning application should not be considered as a steppingstone back to the original planning application, which was rejected.
5. Concerns in relation to noise, hours of operation, proximity of trees and impact on wildlife.
6. The proposal is contrary to Policy D1 of the ALDP in that it is not welcoming, not safe and is not pleasant.
7. Query the temporary nature of the proposal, and the 18-month nature of the retrospective planning application.
8. The proposal would have an adverse impact in terms of noise, which would get worse with the seating proposed.

### *Roads*

9. Queries were raised regarding the initial roads consultation response, with specific mention of cycle parking provision, the lack of requirement to update pedestrian infrastructure to the site and the refuse collection plan – noting that the objector considers that the access to the site for delivery/ refuse vehicles is not up to standard.
10. The proposal will result in increased traffic on the Den of Cults, which will also cause further damage to boundary walls of neighbouring properties, the lack of a footpath from North Deeside Road will also raise safety issues.

### *Other Matters*

11. Queries regarding the neighbour notification process, and that an incorrect postcode has been utilised for the building.
12. If the permanent structure is on a Class 4 business site, then the application should cover both the permanent structure and the change of use.
13. The main building is being utilised for the proposed use; this has not been reflected in the current planning application. The staff use the main building for general purposes.

### *Non-Material Considerations*

14. Queries whether the proposal is commercially viable as a standalone unit.
15. Query whether the car parking area is owned by the applicant.

## Support:

16. The temporary structure has brought back in to use a previously derelict area and the addition of decking would improve the visual appeal of the area, with the outdoor seating providing a valuable addition.
17. Cults has no cafes with outdoor seating, and with a limited amount of indoor seating, the kiosk and seating area would be of huge benefit to the area.
18. The location of the site adjacent to the Deeside Way encourages active travel with people walking and cycling to the kiosk.
19. The café has a positive impact regarding mental health.
20. The proposal provides a variety of food and drinks.
21. The Council should do their utmost to help independent, entrepreneurial businesses flourish in Aberdeen.
22. The proposal would have a positive impact on the surrounding area and is an asset to the community. The site is also in a convenient location.
23. Note that the station building is much less of an eyesore on the community, with the site having been cleared and the building fixed.

## **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.

### **Development Plan**

#### **Strategic Development Plan**

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified that are applicable to this application.

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

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant – H1 (Residential Areas), D1 (Quality Placemaking by Design), T2 (Managing the Transport Impact of Development), T3 (Sustainable and Active Travel), T4 (Air Quality), T5 (Noise) and R6 (Waste Management Requirements for New Development).

### **Proposed Aberdeen Local Development Plan**

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; and 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 following policies are relevant to this proposal: Policies H1 (Residential Areas), WB2 (Air Quality), WB3 (Noise), D1 (Quality Placemaking), D2 (Amenity), T2 (Sustainable Transport), R5 (Waste Management Requirements for New Development) and T3 (Parking).

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

Transport and Accessibility, Temporary Buildings and Noise.

## **EVALUATION**

### **Principle of Development**

In terms of the principle of development, the application site is located within a designated residential area where Policy H1 (Residential Areas) of the ALDP applies. The aforementioned policy advises that within such areas, 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.

The Planning Authority must therefore consider the impact of the kiosk and associated works and whether the building / use would be complementary to the existing residential use of the surrounding area, and whether it can be demonstrated that the proposal would have no adverse impact on the residential amenity of the surrounding area. These matters will be discussed below.

### **Impact on Residential Amenity**

A number of the residential properties in the area have raised objections to the proposed development in terms of impact on residential amenity. The nearest properties to the north (19 and 23 Ashfield Road) are located approximately 28m (to boundary) and 36m (to rear elevation) respectively from the application site boundary. The property at 4 Station Road is located approximately 42m from the application site boundary (with the existing station building located in between). It is noted that the properties on Ashfield Road sit at a higher level, and there are commercial business units in between.

The modular building is considered to be acceptable given the context of the surrounding area, which, although predominantly residential, does include a number of business and commercial uses immediately adjacent. Furthermore, the proposed development is located within the generally commercial area immediately adjacent to the Cults Business Park. The location of the site adjacent to the Deeside Way would also allow the proposal to cater for both the local and wider areas with both walkers and cyclists being able to utilise the facility, without accessing it from North Deeside Road. The proposal would have an impact on residential amenity, though additional noise and activity, although any impact is not considered to be sufficiently detrimental, due to the scale of the operations and the location of the kiosk. The applicant has also confirmed that there would be no cooking on site (other than the re-heating of foods) and colleagues in Environmental Health (EH) are content with this element of the proposal, concluding that there would be no odour impact on the surrounding residential area. The hours of operation (until 8pm) are considered to be acceptable.



and typical of such facilities found within a more residential setting and EH are also content with this element of the proposal. A condition can be applied to the consent regarding hours of operation.

Considering the above, specifically the nature of the proposal, the cooking operations, and the hours of operation, it is considered that the proposal would not have an adverse impact on residential amenity to such an extent that would warrant refusal of planning permission. The proposal is therefore considered to comply with Policy H1 (Residential Areas) of the ALDP.

### **Temporary Buildings**

Also of relevance is the Temporary Buildings Supplementary Guidance. Firstly, this guidance states that *“Planning permission is not required for the erection or placing of moveable structures (including buildings) required as part of a temporary use taking place on land for 28 days or less. This would, for example, allow a portable building to be located within a park, field or public open space during an outdoor event or open-air market”*. When offering advice initially, the Planning Service were of the view that planning permission would not be required for a structure that was on wheels and could be moved to and from the site on a daily basis. This view changed once the structure was installed in its present form with the decking surrounding the structure, which resulted in a more permanent appearance.

The guidance goes on to state that *“‘Portable buildings’ are typically stand-alone, self-contained buildings that are manufactured and fitted out in a factory. They are delivered in one piece by road and craned into position, usually supported on jack-up legs”*. *The Council consider that in most circumstances three years is a reasonable timescale for any permanent accommodation solution to be achieved, and therefore typically that will be the maximum initial period of time granted for portable buildings.”* This guidance is considered to be of relevance to what is being proposed. As the building has already been in place and operating since July 2021, a temporary consent until July 2024 is considered to be appropriate in this instance. This will allow for a more permanent solution to be found in the longer term.

The guidance also advises that such buildings should be appropriately located away from the principal elevation, avoid the loss of parking spaces and landscaped areas. The building is located to the side of the station building, would not utilise existing parking spaces and would not be sited on a landscaped area. As a result of the above, and subject to conditions controlling the temporary nature of the building, it is considered to comply with the SG.

### **Design and Scale**

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

In this instance, it is recognised that the proposal is relatively small scale in nature and viewed against the backdrop of the station building and business units found in the surrounding area. The building and associated structures have been sited with due consideration for their surrounding context and would have no adverse impact on the character or amenity of the surrounding area. Subsequently, given the temporary nature of the proposal, it is considered to comply with Policy D1 of the ALDP.

### **Traffic/ Roads Impact**

Policy T2 states that *“new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel”*, whereas Policy T3 advises that *“new developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport”*

The proposal has been assessed by colleagues in Roads Development Management (RDM). Their initial response queried cycle parking and refuse collection, requiring the submission of swept path analysis to show how waste was to be collected. This information was subsequently submitted and accepted.

In their finalised consultation response, they noted that existing parking provision is sufficient for the scale of development proposed. They also noted that staff cycle parking would be provided within the existing former station building and cycle parking for patrons would be provided through a Sheffield stand accommodating eight cycles within the current application boundary. Provision of such facilities can be controlled via planning condition. The applicants submitted a swept path plan for a 7.5 tonne box van, which was also considered to be acceptable. As a result of the above, colleagues in RDM raised no objection to the proposed development.

The site is also considered to be in a sustainable location, which is easily accessible by walkers, cyclists and by public transport (from North Deeside Road).

As a result of the above evaluation, the proposal would not conflict with Policy T2 (Managing the Transport Impact of Development), T3 (Sustainable and Active Travel) or the associated Supplementary Guidance: Transport and Accessibility of the ALDP.

### **Air Quality/ Noise**

Policy T5 (Noise) advises that *“there will be a presumption against noise generating developments, as identified by a NIA, being located close to noise sensitive developments, such as existing or proposed housing”*.

It is noted that the larger cafe proposal within the station building under application 210140/DPP was supported by a Noise Impact Assessment. In this case, an NIA was not requested due to the small-scale nature of the operation. Colleagues in EH noted that the current premises are unsuitable for unrestricted cooking activities due to the risk of adverse odour impacting on neighbouring residential properties. Based on the information contained within Section 6.5 of the Design Statement, which advises that *“the food menu includes breakfast rolls, croissants, bagels, sandwiches, wraps, toasties and paninis. Where required items are cooked/ heated using a panini contact grill, or a countertop electric hob”*. On the basis of the above statement, colleagues in EH are content with a suitably worded planning condition to restrict cooking activities which are more likely to give rise to odour emissions. This has been added as condition 3.

The applicants advised that they are agreeable to a condition restricting the type of method of cooking being attached to any approval rather than installing a Local Extract Ventilation system and submitting the relevant assessments. Menu items such as bacon or sausage rolls would be pre-cooked off site and only heated up on site. The use of a panini grill and home baking would allow for compliance with the above.

A further query was raised by the Planning Service regarding the hours of operation, following comments received from members of the public. EH advised that operating until 8pm is considered reasonable and that they had no objection to this element of the proposal. This is understood to be in line with the licence granted for the site. Opening hours are seasonal, with the following proposed and considered to be acceptable: 08:00 to 19:00 Monday – Thursday, and 08:00 to 20:00 Friday to Sunday (April to September) and 08:00 to 17:00 Monday – Saturday and 09:00 to 17:00 on a Sunday (October to March).

Colleagues in Environmental Health have raised no objection to the application and as a result the proposed development would comply with Policies T4 (Air Quality) and T5 (Noise) of the ALDP along with the associated Supplementary Guidance relating to Air Quality and Noise.

## 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. Policy D2 (Amenity) is a new policy which seeks to ensure that buildings and uses are fit for purpose and meet the needs of users and occupiers, with consideration given to neighbouring properties to ensure there would be no unreasonable impacts on daylight, sunlight, noise, air quality and outlook. In respect of this policy (and as assessed in the above evaluation), it is considered that the proposal would not have an adverse impact on the amenity of neighbouring residential properties.

## Matters Raised by Community Council

Cults, Bieldside and Milltimber Community Council note their conditional support for the proposal. The matters raised in relation to deliveries have been considered by colleagues in RDM, who have raised no objection to the proposals following the submission of further information. The matters in relation to the postcode are noted and whilst unfortunate, have had no impact on the neighbour notification process. All properties within 20m of the application red line boundary (which is less notifiable neighbours than the station building proposal due to a smaller red line boundary) were notified of the proposed development in line with regulations. An advertisement was also placed in the Evening Express on the 17<sup>th</sup> November 2021.

In terms of the updated comments from the Community Council (received on the 3<sup>rd</sup> February 2022), these can be addressed as follows. In terms of noise and odour, Environmental Health are content with the methods of cooking (as detailed above) and a condition has been inserted restricting the level of cooking that can be done on site. The other matters raised in relation to traffic, access and impact on residential amenity have also been addressed above. The Community Council preference for the 12-month permission is noted, and the Planning Service have justified why an 18-month permission is acceptable.

## Matters Raised in Representation

### *Principle of Development/ Amenity Concerns*

1. Consider that, similar to the previous application for wider redevelopment, the proposal would result in a scale of development that would be excessive for the site, constituting overdevelopment, 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. *Response: each application is considered on its own merits. The Planning Service consider the proposal to be acceptable for the reasons detailed below and through the report.*
2. The site will have an outdoor service area with seating behind residential properties. The proposed hours of operation would conflict with Policy H1 in that the proposal would conflict and provide nuisance to the enjoyment of residential amenity. Another objector queried the hours of operation, stating that the unit should close at 5pm. *Response: this matter has been discussed in the residential amenity section above. Environmental Health have raised no concerns regarding the hours of operation and 8pm is considered reasonable.*
3. Object to access directly to the station platform, which encourages the congregation of patrons closer to residential properties to the south. *Response: as this is an existing access point to the Deeside Way it would not be possible to restrict access to the development. Use*

*of the existing access along the Deeside Way and platform reduces the number of patrons passing through the residential area.*

4. The planning application should not be considered as a steppingstone back to the original planning application, which was rejected. *Response: each application is considered on its own merits. The Planning Authority is only considering this application at present, and its approval is not considered to suggest support for an application for the wider site.*
5. Concerns in relation to noise, hours of operation. *Response: The proposal has been assessed by colleagues in Environmental Health, who have raised no objection to the proposal in terms of either noise or hours of operation.*
6. Proximity of trees and impact on wildlife. *Response: due to the small-scale nature of the development, it is not anticipated that the proposal would have an impact on either trees or wildlife.*
7. The proposal is contrary to Policy D1 of the ALDP in that it is not welcoming, not safe and is not pleasant. *Response: the proposal has been assessed against Policy D1 and is considered to be compliant in this instance.*
8. Query the temporary nature of the proposal, and the 18-month nature of the retrospective planning application. *Response: the temporary nature of the proposal has been discussed elsewhere in this report.*
9. The proposal would have an adverse impact in terms of noise, which would get worse with the seating proposed. *Response: colleagues in Environmental Health have raised no objections from a noise perspective.*

#### **Roads**

10. Queries were raised regarding the initial roads consultation response, with specific mention of cycle parking provision the lack of requirement to update pedestrian infrastructure to the site and the refuse collection plan – noting that the objector considers that the access to the site for delivery/ refuse vehicles is not up to standard. *Response: the response from colleagues in RDM has been discussed elsewhere in this report.*
11. The proposal will result in increased traffic on the Den of Cults, which will also cause further damage to boundary walls of neighbouring properties, the lack of a footpath from North Deeside Road will also raise safety issues. *Response: colleagues in RDM have raised no objection to the site access, nor footpath access to the site. If there is damage to boundary walls, then this would be a civil matter between the relevant parties. It is not anticipated that many patrons will access the facility by the Den of Cults as there are other, more accessible options available.*

#### **Other Matters**

12. Queries regarding the neighbour notification process, and that an incorrect postcode has been utilised for the building. *Response: the matters in relation to neighbour notification have been discussed in the Community Council section above.*
13. If the permanent structure is on a Class 4 business site, then the application should cover both the permanent structure and the change of use. *Response: there is no requirement for a change of use of the land to be included in such an application.*

14. The main building is being utilised for the proposed use; this has not been reflected in the current planning application. The staff use the main building for general purposes. *Response: the main building can be used for ancillary functions such as by members of staff. This would not result in a material change of use of the building for which planning permission would be required.*

#### *Non-Material Considerations*

15. Queries whether the proposal is commercially viable as a standalone unit. *Response: the viability of the proposal is not a material planning consideration.*
16. Query whether the car parking area is owned by the applicant. *Response: it is noted that the land is leased from the Council. Response: The applicant has highlighted in blue additional land within that ownership, this includes the parking area suggested above.*

#### Support:

17. The temporary structure has brought back in to use a previously derelict area and the addition of decking would improve the visual appeal of the area, with the outdoor seating providing a valuable addition. *Response: comments noted, the principle of development along with the impacts have been discussed elsewhere in this report.*
18. Cults has no cafes with outdoor seating, and with a limited amount of indoor seating, the kiosk and seating area would be of huge benefit to the area. *Response: comments noted, although this is not material to the determination of this application.*
19. The location of the site adjacent to the Deeside Way encourages active travel with people walking and cycling to the kiosk. *Response: it is noted that the site is in a highly accessible location.*
20. The café has a positive impact regarding mental health. *Response: comment noted.*
21. The proposal provides a variety of food and drinks. *Response: comment noted, although the food offering is not a material planning consideration.*
22. The Council should do their utmost to help independent, entrepreneurial businesses flourish in Aberdeen. *Response: comment noted.*
23. The proposal would have a positive impact on the surrounding area and is an asset to the community. The site is also in a convenient location. *Response: comment noted, issue has been discussed elsewhere.*
24. Note that the station building is much less of an eyesore on the community, with the site having been cleared and the building fixed. *Response: the proposal does not relate to the main station building.*

#### **RECOMMENDATION**

Approve Conditionally

#### **REASON FOR RECOMMENDATION**

The proposal is considered to be an acceptable form of development, which would have no adverse impact on the character or amenity of the surrounding residential area. The building has been

designed with due consideration for its surrounding context, is located in an accessible location and appropriate levels of parking and cycle parking will be provided. The building is considered to be of a temporary nature and a related temporary permission is considered appropriate. Subject to conditions, the proposal is therefore considered to comply with Policies H1 (Residential Areas), D1 (Quality Placemaking by Design), T2 (Managing the Transport Impact of Development), T3 (Sustainable and Active Travel), T4 (Air Quality), T5 (Noise) and R6 (Waste Management Requirements for New Development) of the Aberdeen Local Development Plan 2017, as well as with the associated Supplementary Guidance relating to Transport and Accessibility, Temporary Buildings and Noise.

For similar reasons the proposal would also comply with Policies H1 (Residential Areas), WB2 (Air Quality), WB3 (Noise), D1 (Quality Placemaking), D2 (Amenity), T2 (Sustainable Transport), R5 (Waste Management Requirements for New Development) and T3 (Parking) of the Proposed Aberdeen Local Development Plan.

In consideration of the Supplementary Guidance: Temporary Buildings and under Section 58(4)(c) it is considered this permission should be directed to lapse on 31st July 2024.

## **CONDITIONS**

1. Planning permission is hereby granted for a temporary period only and shall cease to have effect and lapse (excepting the effect of condition 2) on 31st July 2024 (the 'cessation date'). Prior to the cessation date, the use hereby permitted shall cease, the application site shall be cleared of all works and development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992) and the application site shall be reinstated in accordance with the agreed restoration scheme submitted to and approved in writing by the planning authority under the terms of condition 2 of this permission. Reason: To ensure the building is used for a temporary period in terms of the Supplementary Guidance: Temporary Buildings and minimise the impact on the amenity of the surrounding area and to ensure the appropriate restoration of the site.
2. Within two months prior to the cessation date of 31<sup>st</sup> July 2024, full details of a scheme for the restoration of the application site shall be submitted to and approved in writing by the Planning Service. Prior to the cessation of this permission the site shall be restored in accordance with the approved restoration scheme. Reason: To ensure the timeous and appropriate restoration of the site following the expiry of this temporary permission, in the interests of the visual amenity of the area.
3. That within one month of the date of this permission, the cycle storage facilities as shown on drawing no. 1003 Rev B (Site Plan – Proposed) shall be provided and retained for the duration that the building is located on site. Reason - in the interests of encouraging more sustainable modes of travel.
4. That no cooking or frying operations (including but not limited to: deep fat frying, shallow frying, oven cooking, boiling, stewing, grilling, or broiling) shall be carried out on the premises. Reason: in order to protect the amenity of neighbouring uses from cooking odours.
5. That the use hereby granted planning permission shall be undertaken in accordance with the details outlined in the Litter Management Plan (Section 6.8 of the approved Design Statement), unless otherwise agreed in writing by the Planning Authority. 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.

6. That the use hereby approved shall not operate outwith the times in the following days and months:
  - a. In the months of April to September (inclusive) in any given year the use hereby approved shall not operate outwith the hours of 08:00 to 19:00 Monday to Thursday or outwith the hours of 08:00 to 20:00 Friday to Sunday.
  - b. In the months of October to March (inclusive) in any given year the use hereby approved shall not operate outwith the hours of 08:00 to 17:00 Monday to Saturday and 09:00 to 17:00 on a Sunday.

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

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# Planning Development Management Committee

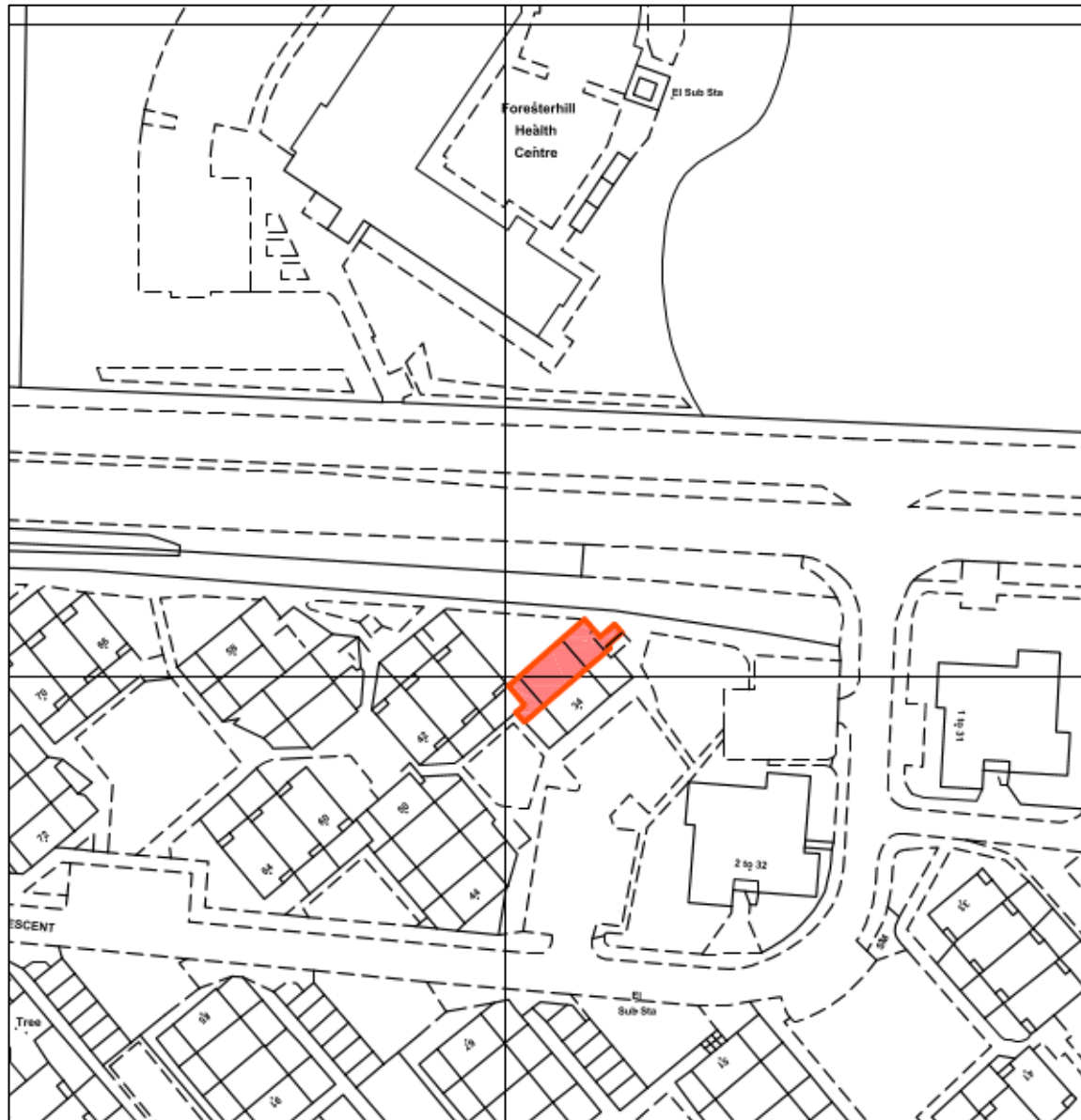


**Erection of single storey extension to rear**

**36 Raeden Crescent**

Detailed Planning Permission (Ref: 210972/DPP)

# Location Plan



# Satellite Image





# Aerial View of existing dwelling (from north)



# View of Principal Elevation from the south

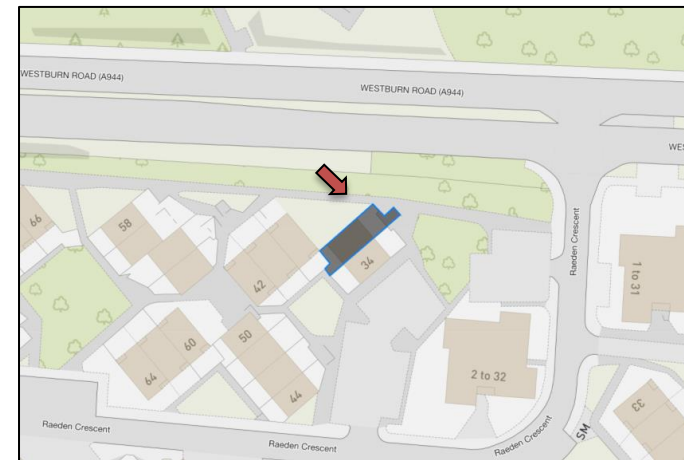




# View from the east

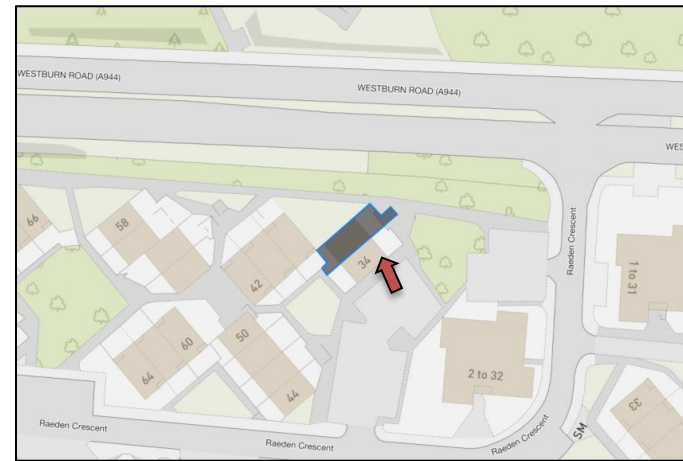


# View from the northwest





# View from the southeast





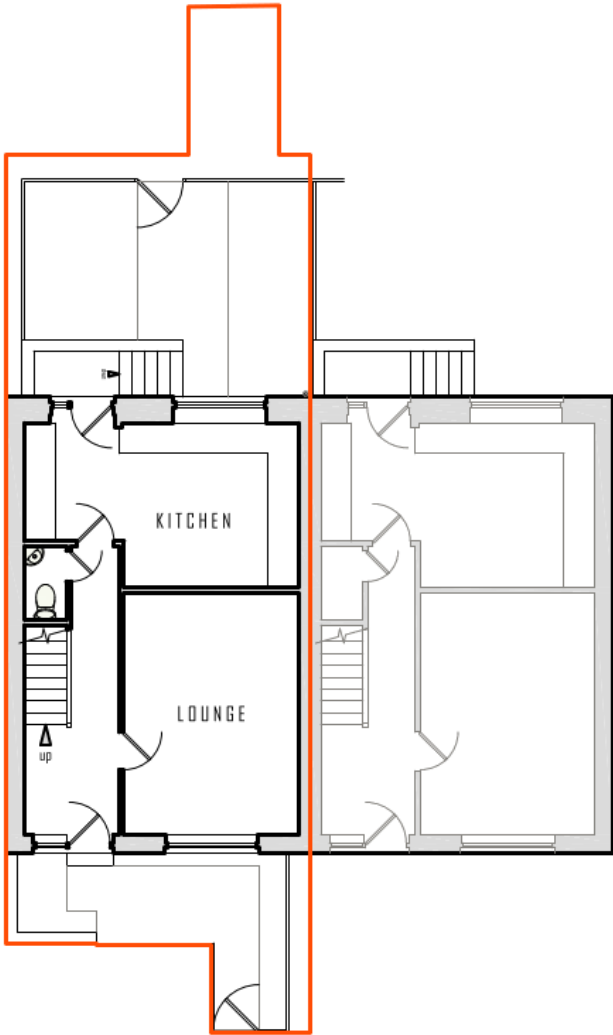
# View from Westburn Road to the northeast



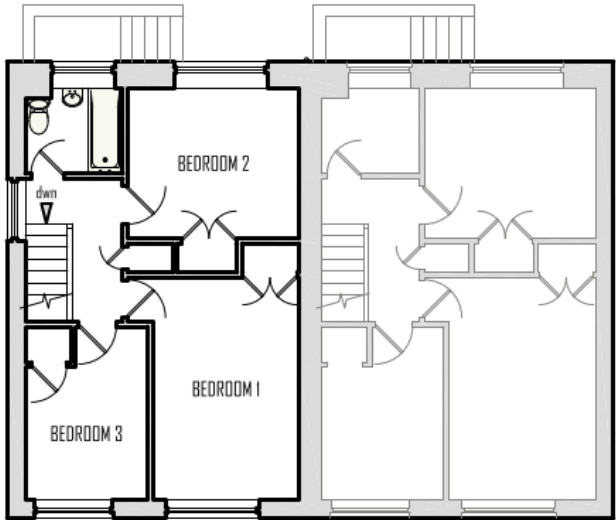
# View from Westburn Road to the northeast



# Existing Site Plan and Floor Plans

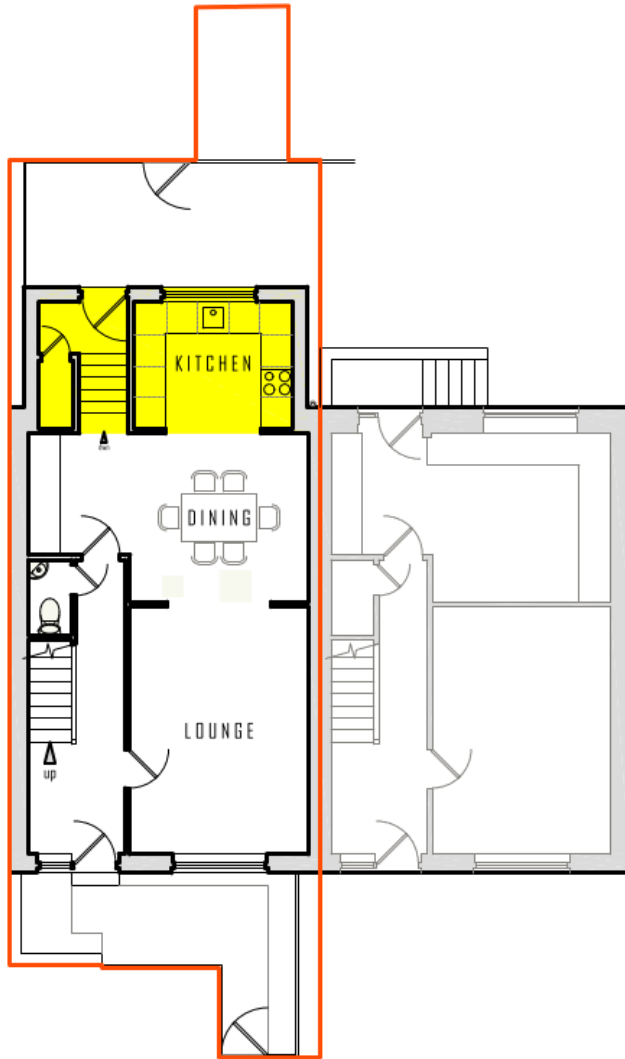


EXISTING GROUND FLOOR PLAN

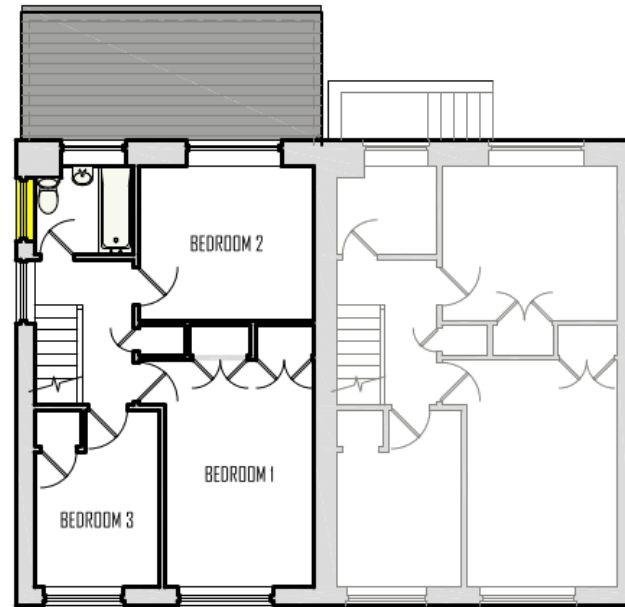


EXISTING FIRST FLOOR PLAN

# Proposed Site Plan and Floor Plans



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN

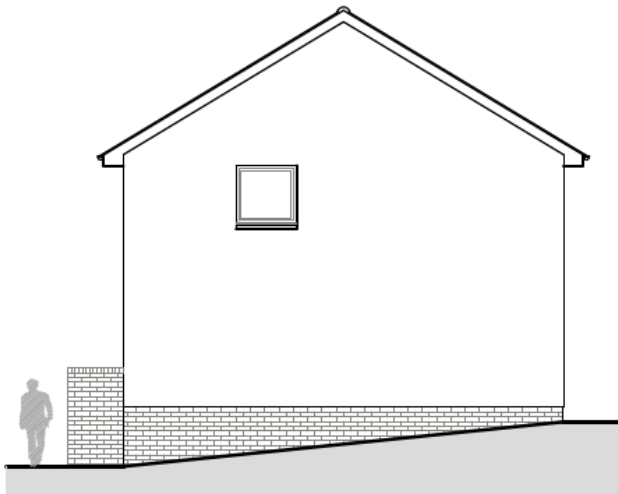
# Existing Elevations



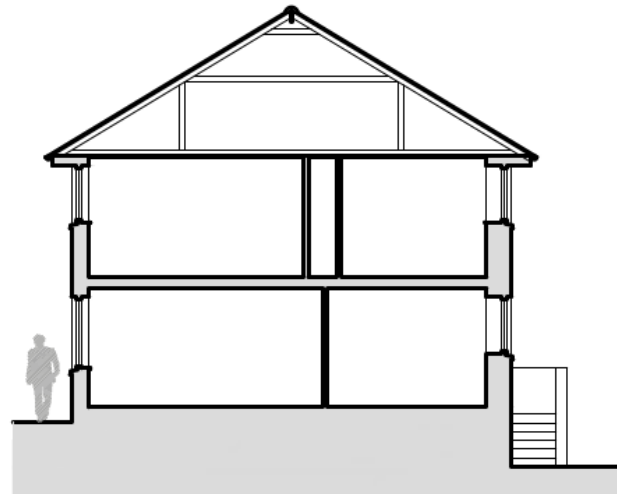
EXISTING SOUTH ELEVATION



EXISTING NORTH ELEVATION



EXISTING WEST ELEVATION



EXISTING SECTION AA

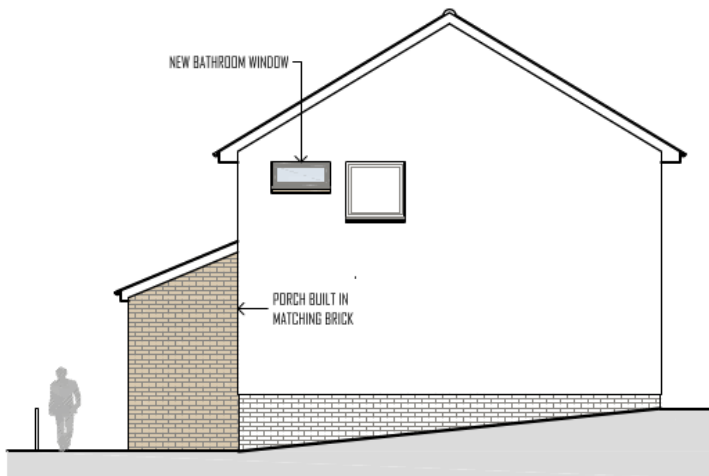
# Proposed Elevations



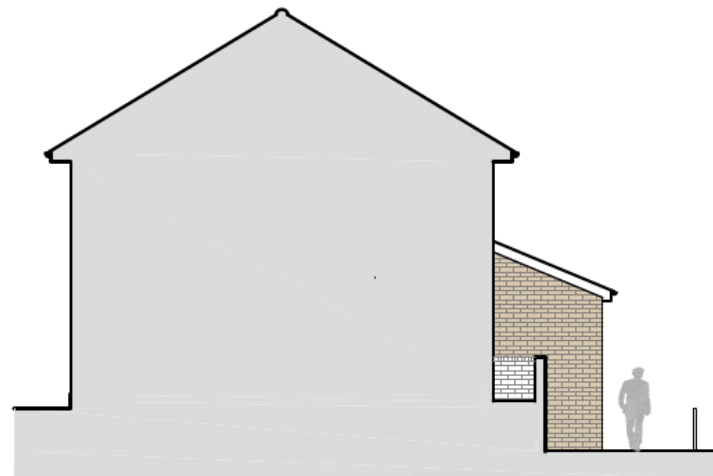
PROPOSED SOUTH ELEVATION



PROPOSED NORTH ELEVATION



PROPOSED WEST ELEVATION



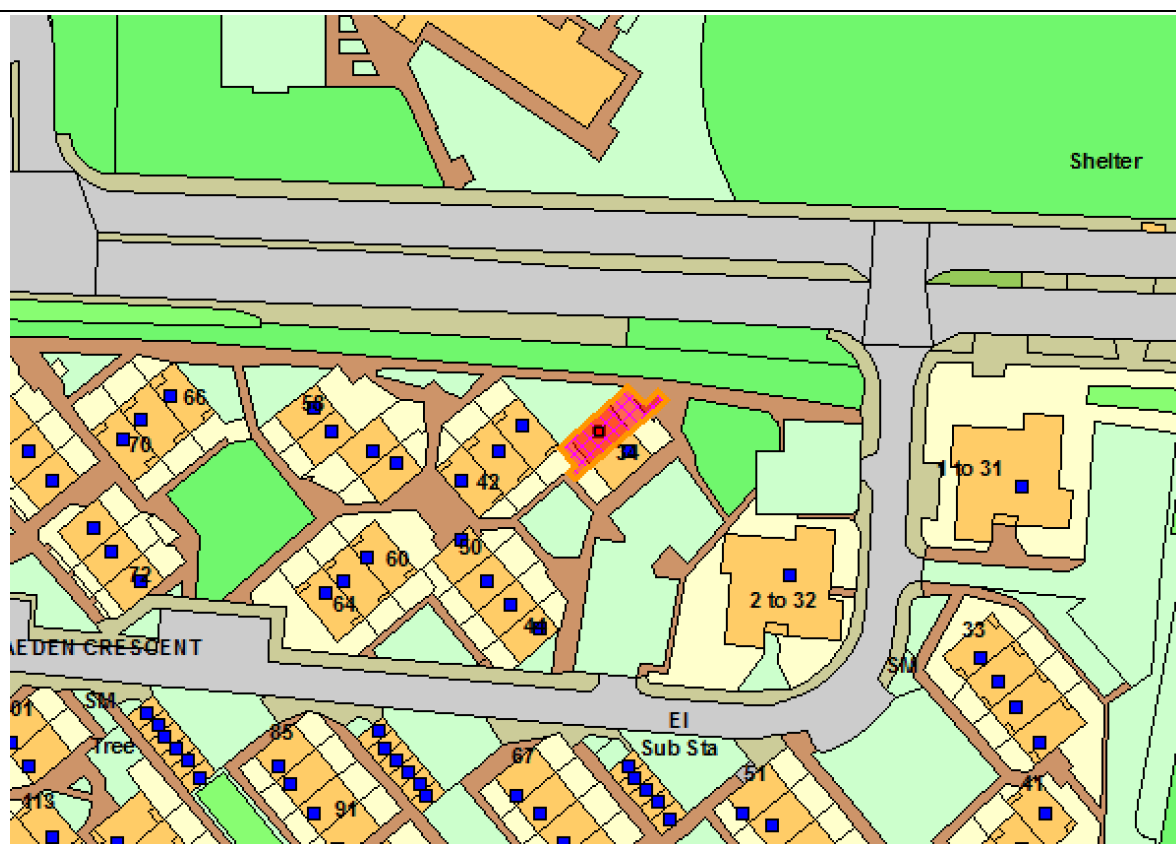
PROPOSED EAST ELEVATION

## Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 20 January 2022

<b>Site Address:</b>	36 Raeden Crescent, Aberdeen, AB15 5WJ
<b>Application Description:</b>	Erection of single storey extension to rear
<b>Application Ref:</b>	210972/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	5 July 2021
<b>Applicant:</b>	Mr E McMillan
<b>Ward:</b>	Mid Stockert/Rosemount
<b>Community Council:</b>	Rosemount and Mile End
<b>Case Officer:</b>	Roy Brown



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## **RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The application site comprises a two-storey semi-detached dwellinghouse, its associated front and rear curtilage and a communal drying area adjacent to the residential curtilage, located in a residential area.

The dwellinghouse has a southwest facing principal elevation that fronts communal open space and a footway. It is adjoined by 34 Raeden Crescent to the southeast and is bounded to the northwest and northeast by open space and a public footpath. Approximately 10m to the north of the site is a dual carriageway, Westburn Road.

The ground level slopes from the southwest to northeast and thus the rear elevation is c.0.8m lower in ground level than that of the principal elevation.

The surrounding area of Raeden Crescent is characterised by uniformly designed single storey and two-storey terraced and semi-detached dwellings.

### **Relevant Planning History**

Planning permission (Ref: 191508/DPP) was refused on 10<sup>th</sup> December 2019 for the erection of front and rear dormers and a single storey rear extension on the property. It was refused due to the incompatible design and scale of the dormers and the decision was upheld by the Local Review Body. Its Report of Handling stated: *'It must be emphasised that planning permission is refused due to the design and scale of the proposed dormers but not that of the extension.'* There was no reference to the single storey extension in the reasons for refusal.

The single storey extension proposed in that application was of similar design and form to the extension proposed.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Planning permission is sought for the erection of a single storey extension to the (northeast) rear of the dwelling. The extension would have a lean-to roof with a maximum height of c.4.5m and c.3.5m high eaves. It would be c.5.5m in width and would project c.2.4m from the rear elevation along the boundary shared 34 Raeden Crescent. It would be finished in brick, roof tiles to match the existing building and would have a uPVC door, fanlight and window.

The plans indicate that two rooflights are proposed on the southwest elevation and a new window opening is proposed on the northwest elevation of the dwellinghouse. These alterations would fall within the provisions of Class 2B of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended. They therefore do not require express planning permission and are therefore not included in the application.

### **Amendments**

In agreement with the applicant, the following amendments were made to the application:

The application has been reduced in scale so that only a single storey extension is proposed rather than the two-storey extension that was initially proposed. The finishing materials have been



revised to be brick and to have roof tiles to match the existing building. This change required the re-notification of the application, which was carried out in November 2021.

### **Supporting Documents**

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QVRW3VBZLGL00>

### **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 because the Rosemount and Mile End Community Council has objected to the application.

This community council has been dis-established since the submission of the objection. However, as they were the recognised local Community Council at the time of their objection, their response is considered a Local Community Council objection in terms of the Aberdeen City Council Consolidated Schemes of Delegation for Planning and Related Applications.

### **CONSULTATIONS**

**Rosemount and Mile End Community Council** – Objection – Concerns raised with respect to the initial submission for a two-storey extension. The proposed extension is too large, would cover more than 50% of the rear curtilage, it would be out of character and of inappropriate finish, which would be of particular concern due to it being readily visible from public areas. The proposal would be particularly dominating to the public footpath to the north due to its close proximity, design and scale. Many flatted properties to the east of the development which are likely to be impacted by it may not be aware it has been submitted as they were not notified.

### **REPRESENTATIONS**

7 timeous representations objecting to the application have been received overall, this includes any additional comments received due to the re-notification of the application in light of the amendments submitted. The matters of concern raised can be summarised as:

- The design, materials and scale of the extension would not be compatible with original dwelling, the site and the surrounding area. The proposal would conflict with the Supplementary Guidance: 'The Householder Development Guide'.
- The proposal would adversely affect the amenity afforded to 34 Raeden Crescent by overshadowing its curtilage and would appear dominating and overwhelming to users of the public footpath to the north, given its proximity and brick construction.
- The proposal could impact the drainage of the adjacent property.
- Concern raised with respect to the design and scale of the initially submitted proposal to erect a two-storey extension and its impact on residential amenity.
- There are discrepancies in the drawings as they show that the extension would be built in brick, but the notes identify the use of both standing seam cladding and brick. It is also argued that the plans over-state the size of the rear curtilage.

- The planning history is confusing. The proposal was included on the Planning Development Management Committee agenda as a two-storey extension. An application for a two-storey extension may be submitted in the future.
- Concern that the inclusion of the drying area within the site boundary would result in a change of use of the space from amenity space to garden ground, and concern that this could set an unwelcome precedent.
- The accuracy of the Land Ownership Certificate submitted with the application is disputed.

## **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.

### **Development Plan**

#### Strategic Development Plan

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified. (or state otherwise)

#### Local Development Plan

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan (ALDP) will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

Policy D1 - Quality Placemaking by Design  
Policy H1 - Residential Areas

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

The Householder Development Guide (HDG)

### **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 following policies of the Proposed ALDP are of relevance:

Policy H1 - Residential Areas

Policy D1 - Quality Placemaking

Policy D2 - Amenity

## **EVALUATION**

### **Principle of Development**

The application site is located in a residential area, under Policy H1 of the ALDP, and the proposal relates to householder development. Householder development would accord with this policy in principle if it does not constitute over development, adversely affect the character and amenity of the surrounding area, does not result in the loss of valued open space, and it complies with the Supplementary Guidance, in this case the Householder Development Guide (HDG).

This proposal would comprise development that would be located in the existing private residential curtilage. Therefore, it would not result in the loss of publicly valued open space.

The other issues are assessed in the below evaluation.

### **Design and Scale**

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

The Supplementary Guidance: 'The Householder Development Guide' states that given the wide variety of house types across the city and the existence of 'dual-frontage' dwellings, it will be for the planning authority to determine which elevation forms the principal elevation of a dwelling for the purposes of this guidance. In assessing this proposal against the HDG, it is recognised that both the northwest and southeast elevations of this dwelling are public facing and the fenestration of the windows and doors on each are characteristic of a principal elevation. Nevertheless, the southwest elevation is the principal elevation in that it, like the adjacent properties, fronts the residential court serving Raeden Crescent and the southwest curtilage is of layout and design solely characteristic of front curtilage. The rear elevation fronts open space and the curtilage to the northeast contains features characteristic of being rear curtilage. Therefore, the planning service considers that the southeast elevation of this dwellinghouse is unambiguously the principal elevation and, as such, the development constitutes a rear extension.

The proposed extension would be ancillary to the original dwelling in terms of its single storey lean-to form and its ancillary maximum and eaves heights that would be significantly less than of

the original dwelling. The proposed extension would comply with the guidance in the HDG for rear extensions in that it would project significantly less than 4m along the boundary shared with the adjacent property, 34 Raeden Crescent as it would project c.2.3m to the rear along the mutual southeast boundary.

The finishing materials and, in particular the use of brick and roofing tiles, would match and thus complement the use of those on the original dwelling. The use of brick would correspond with the basecourse of the original dwelling. Given the extension would be readily visible from public vantage points on Westburn Road to the west, north and east, should the application be approved, it would be subject to a condition requiring the finalised details of the finishing materials of the development to be submitted to the Planning Service for consideration.

In compliance with the HDG, the proposal would not result in the footprint of the dwelling being doubled as the footprint of the dwelling as extended would be 23% greater than that of the original dwelling. The rear curtilage covers an area of c.27.3sqm, noting that the area of drying area and the minor strip of land at the northwest of the site does not form part of the residential curtilage and is therefore not included in this figure. The proposed extension would have a built footprint of c.12.8sqm. Therefore, c.47% of the rear garden ground would be covered by development. As such, it would comply with the HDG in that no more than 50% of the rear curtilage would be covered by development as a result of the proposal.

Whilst it would be readily visible from Westburn Road and there are indeed no similar extensions on the rear of the similar dwellings in the surrounding area, this does not mean that no development of this nature would be acceptable, but that the Planning Service needs to give due consideration to the character of the area. Overall, it is considered that the design and scale of the proposed single storey extension would be architecturally compatible with the original dwelling and the surrounding area. Therefore, it would not adversely affect the character and visual amenity of the surrounding area and given its ancillary scale and footprint, the proposal would not constitute over-development. As such the design and scale of the development would comply with Policies H1 – Residential Areas and D1 – Quality Placemaking by Design of the ALDP and the Supplementary Guidance.

### **Residential Amenity**

Established using the 45-degree sunlight method in the HDG, the extension would not overshadow the habitable rooms of any neighbouring property. Whilst c.1sqm of the rear curtilage of 34 Raeden Crescent would be overshadowed by the development, the impact to the level of sunlight afforded to 34 Raeden Crescent would be very limited and would have negligible impact on their residential amenity. Overall, just c.4% of the total area of the rear curtilage of 34 Raeden Crescent would be affected, the development is to the northwest of the affected space and thus would only impact the space on very limited hours, and the affected space is already overshadowed by the dwellings of 34 and 36 Raeden Crescent themselves.

The 45-degree daylight method in the HDG shows the proposal would adversely affect the level of background daylight entering the glazed rear door of 34 Raeden Crescent. However, as the room is a kitchen rather than a habitable room and the room is also served by a large window, the impact on this window would have negligible impact on the level of residential amenity afforded to that dwelling.

The proposed extension would not adversely affect the level of privacy afforded to the adjacent property given its windows would be on the northeast elevation similar to the existing windows on the dwelling.

As such, it is considered that the proposed extension would not impact any other property in terms of sunlight, daylight or privacy given its distance from other residential properties. The proposed

extension would therefore have a negligible impact to residential amenity in terms of privacy, sunlight and background daylight, in accordance with Policies H1 and D1 of the ALDP, and the HDG.

### **Matters Raised by the Rosemount Community Council**

It is considered that the concerns raised with respect to the design, materials, scale and footprint of the initially submitted two-storey extension have been satisfactorily addressed through the amendments to the application and through a condition regarding the materials.

The comments note that some properties were not notified and may not be aware of the application. The planning authority notified all neighbouring properties within 20m of the application site, as required by Regulation 18 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, as amended. Any properties outwith 20m of the application site were therefore not notifiable neighbours, nevertheless, any member of the public has the opportunity to comment on a planning application should they wish to do so.

With respect to concern that the flats (1-31 and 2-32 Raeden Crescent) are likely to be impacted by the development, given the significant distance from the development from these residential properties and the minor scale of the development, the proposal would have no impact on the residential amenity afforded to those properties.

### **Matters Raised in the Representations**

#### Amenity

The concerns raised with respect to the impact on residential amenity have been satisfactorily addressed through the submission of revised plans to reduce the extension to the single storey extension proposed and its above evaluation. The proposal would be of ancillary scale and form and would not adversely affect the level of amenity afforded to the users of the public footpath to the north.

#### Design and Scale

The concerns raised with respect to the design and scale have been satisfactorily addressed in the above evaluation and through the revision to reduce the proposal to a single storey extension. The extension has been revised so that its footprint would cover less than 50% of the rear curtilage.

#### Application Description Changes

The development has been amended since submission to be a single storey extension. Neighbours were re-notified once these revised plans had been submitted.

Whilst the application was included on the Planning Development Management Committee Business Planner of the 9<sup>th</sup> December 2021 PDMC Agenda Pack as a '2 storey extension', it must be highlighted that the agenda pack is indicative and not relevant in the determination of this application. The application description has been amended since that document was written and the application processed in the correct manner as a result.

Notwithstanding the application site includes a drying area to the northeast of the rear curtilage within the red line boundary, the application solely relates to the erection of a single storey extension within existing residential curtilage. The application does not include the change of use. This would require planning permission separately.

Every planning application is assessed on its own merits and any application that may be submitted in the future would be processed in accordance with statutory requirements against the relevant material planning considerations at that time.

### Discrepancies

As revised, there are no discrepancies in the proposed plans regarding the finishing materials. An appropriately worded condition requiring the finalised details of the finishing materials in advance of initiation of development would ensure they are acceptable.

### Drainage

The ancillary footprint of the development relative to the abundance of surrounding open space means that the proposal would have negligible impact on drainage in the area.

### Land Ownership Dispute

Dispute regarding the ownership of the land is not a material planning consideration but is instead a civil matter to be settled between the relevant third parties.

The applicant has submitted a Land Ownership Certificate certifying that they are sole owner of all land on the application site. Upon receipt of the objections disputing the accuracy of this, the agent has confirmed that the certificate is indeed correct. There is no burden on Aberdeen City Council to probe the legitimacy of the certificate and it is the responsibility of the applicant and not the planning authority to certify that this has been served correctly.

### **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**

Approve Conditionally

### **REASON FOR RECOMMENDATION**

Subject to an appropriately worded condition requiring finalised details of the finishing materials, the proposed single storey extension would be architecturally compatible in design, footprint height, form, materials and scale with the original dwelling and the surrounding area. The proposed extension would have a negligible impact on the residential amenity afforded to the neighbouring residential properties, notably 34 Raeden Crescent. The proposal would therefore not adversely affect the character and amenity of the surrounding area. It would therefore comply with Policies D1 – Quality Placemaking by Design and H1 – Residential Areas of the adopted Aberdeen Local Development Plan 2017; the Supplementary Guidance: ‘The Householder Development Guide; and Policies D1 – Quality Placemaking, D2 - Amenity and H1 – Residential Areas of the Proposed Aberdeen Local Development Plan 2020.

### **CONDITIONS**

1. That no construction related to the extension shall take place unless finalised details of the finishing materials to the walls and roof of the development have been submitted to, and approved in writing by the planning authority. Thereafter, the development shall be constructed in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding area.

# PLANNING DEVELOPMENT MANAGEMENT COMMITTEE

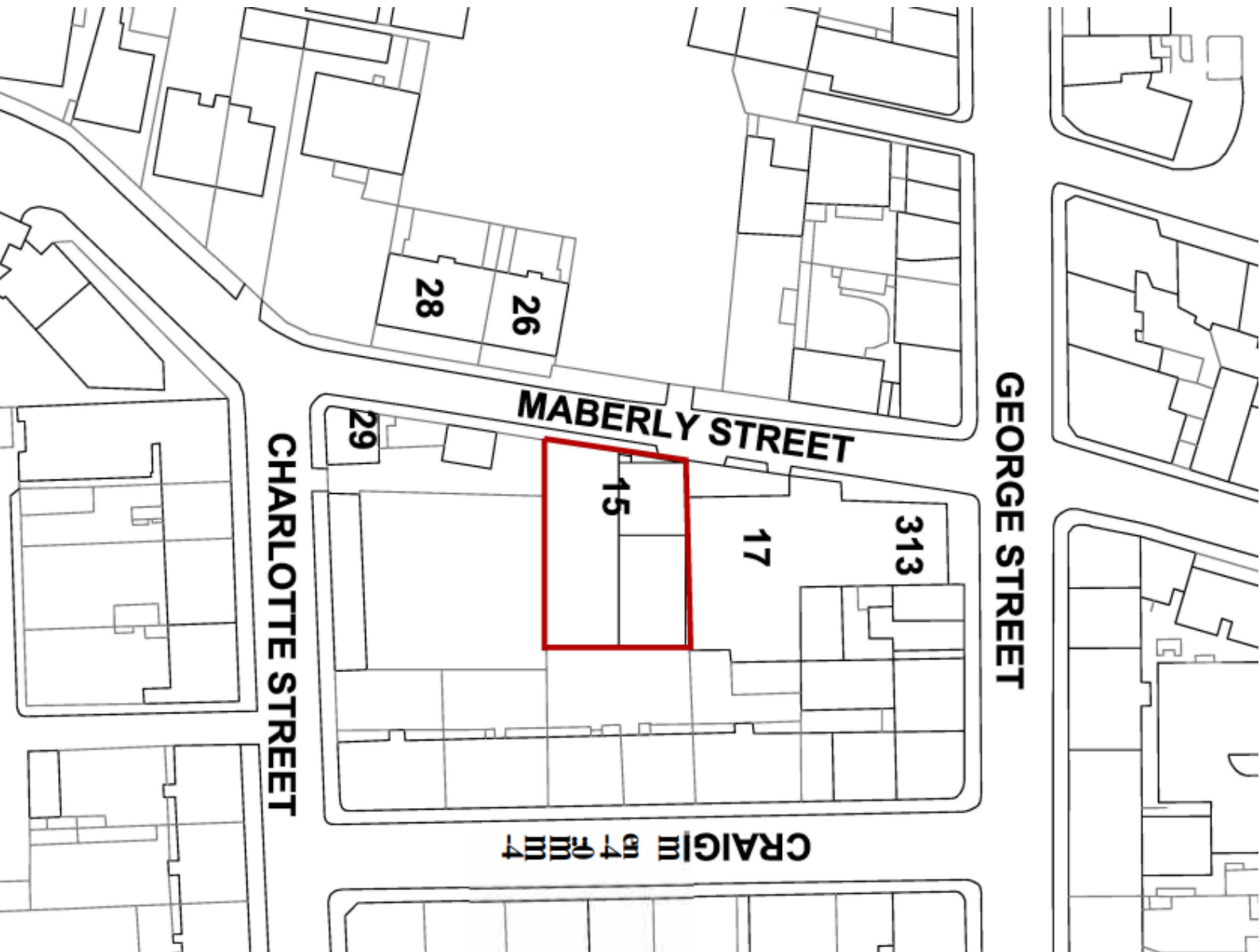


Meeting Date : 17/02/22

Description: Erection of 17 Flats

Address: 15 Maberly Street

Type of application : Detailed Planning Permission  
Application number: 210697/DPP



GEORGE STREET

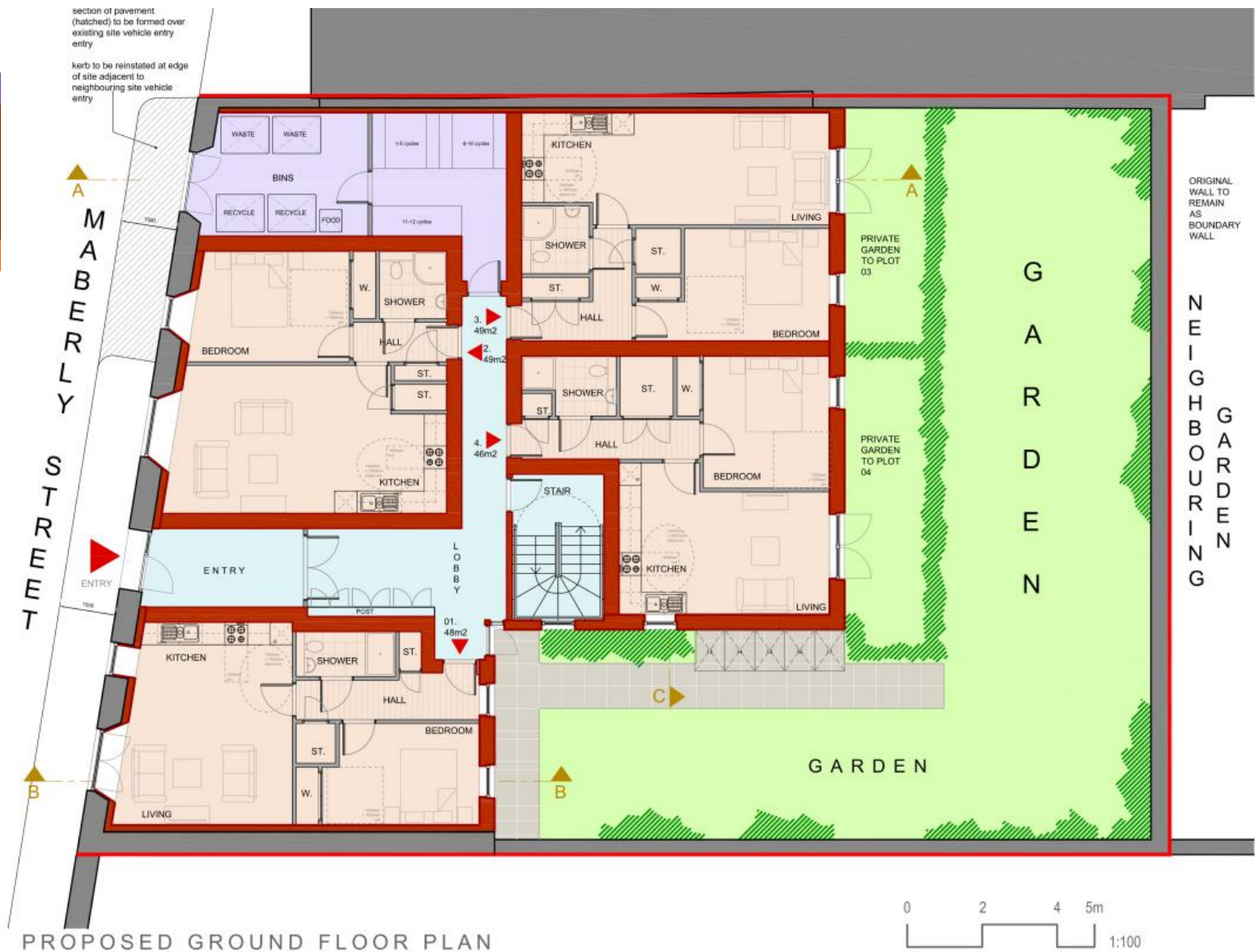
MABERLY STREET

CHARLOTTE STREET

CRAIGMYLE STREET

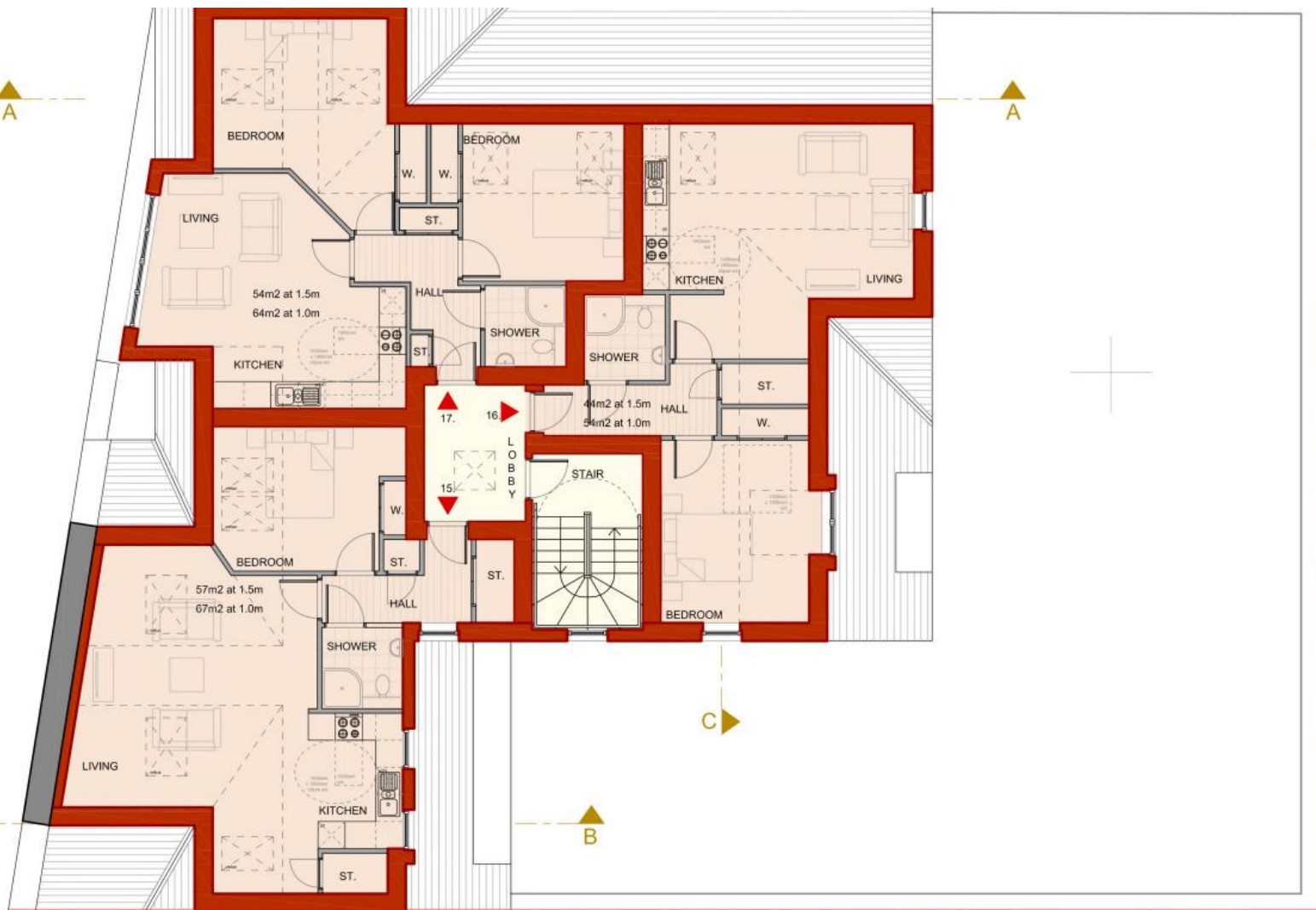
Location Plan





## Proposed Ground Floor Plan









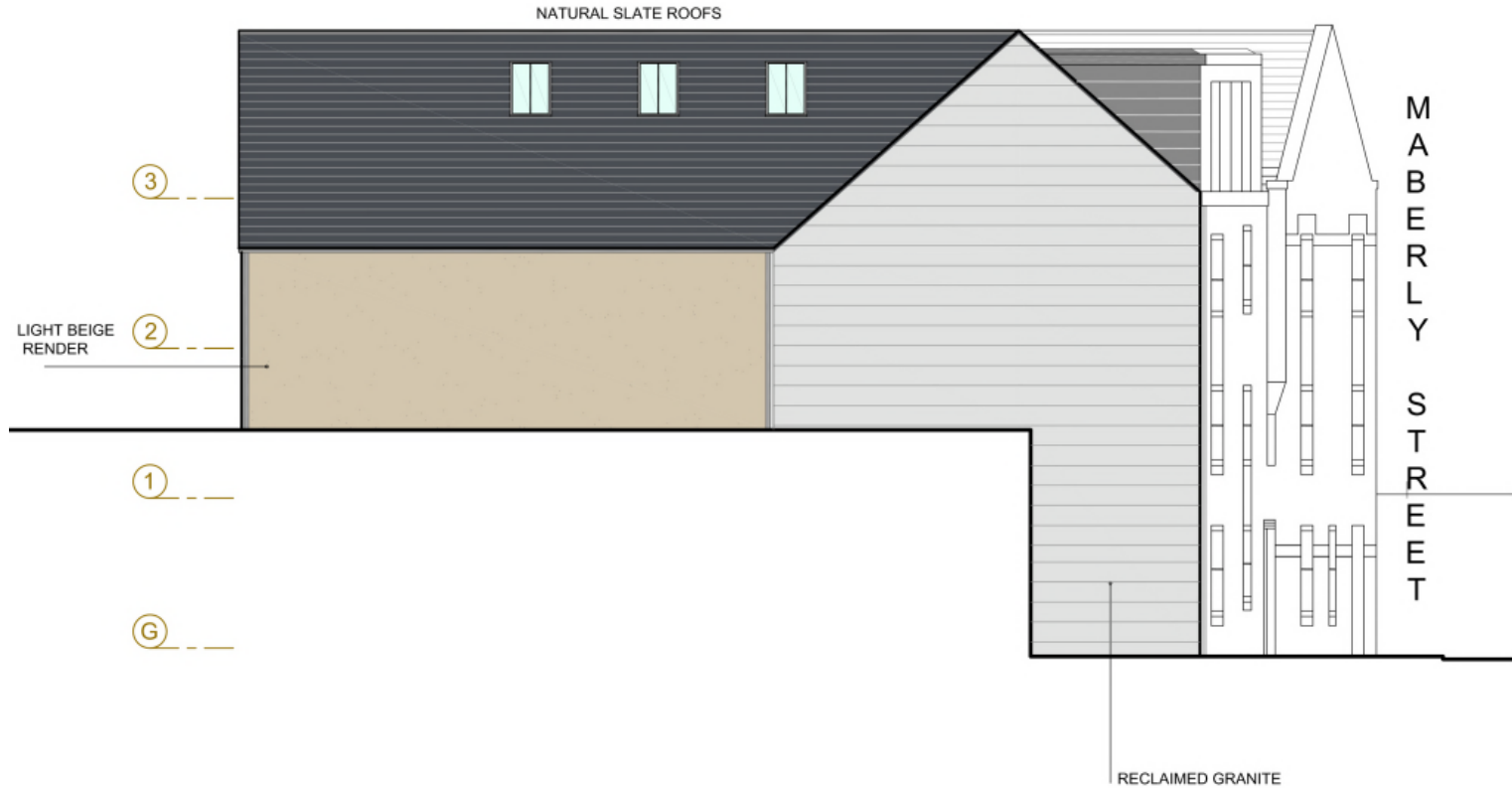


SOUTH ELEVATION



**Proposed South (Courtyard) Elevation**





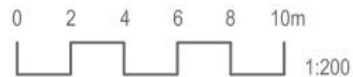
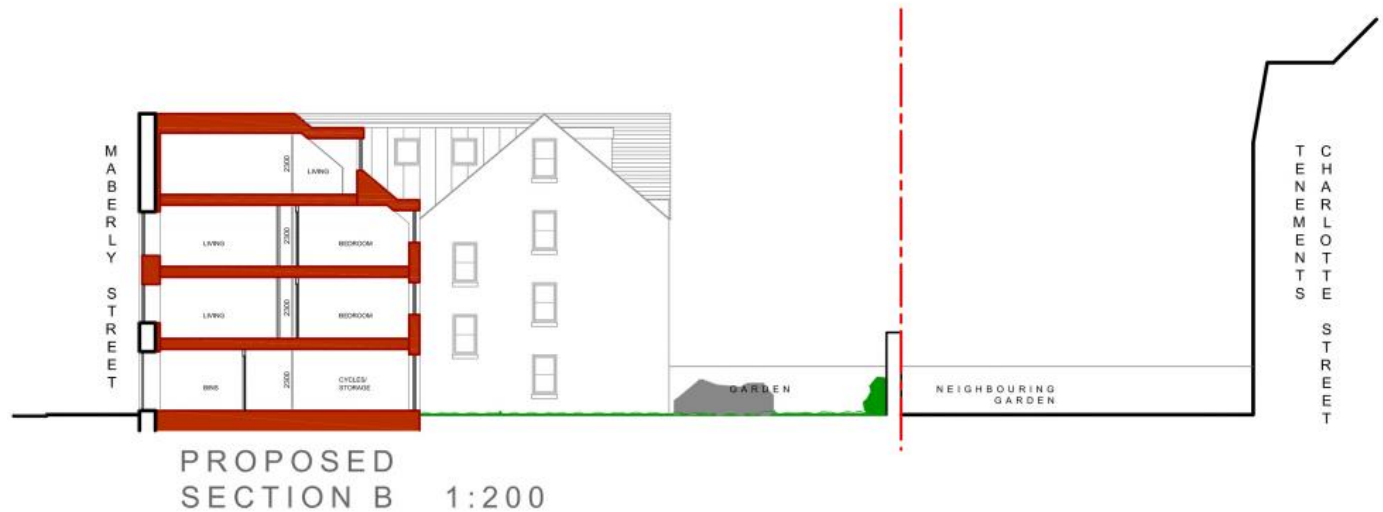
EAST ELEVATION



FINISHES SCHEDULE	
ROOFS	MAIN ROOFS TO BE CLAD WITH NATURAL SLATE

Proposed East Elevation

# Proposed Site Section to Charlotte St





# Street Elevation (Existing / Proposed)



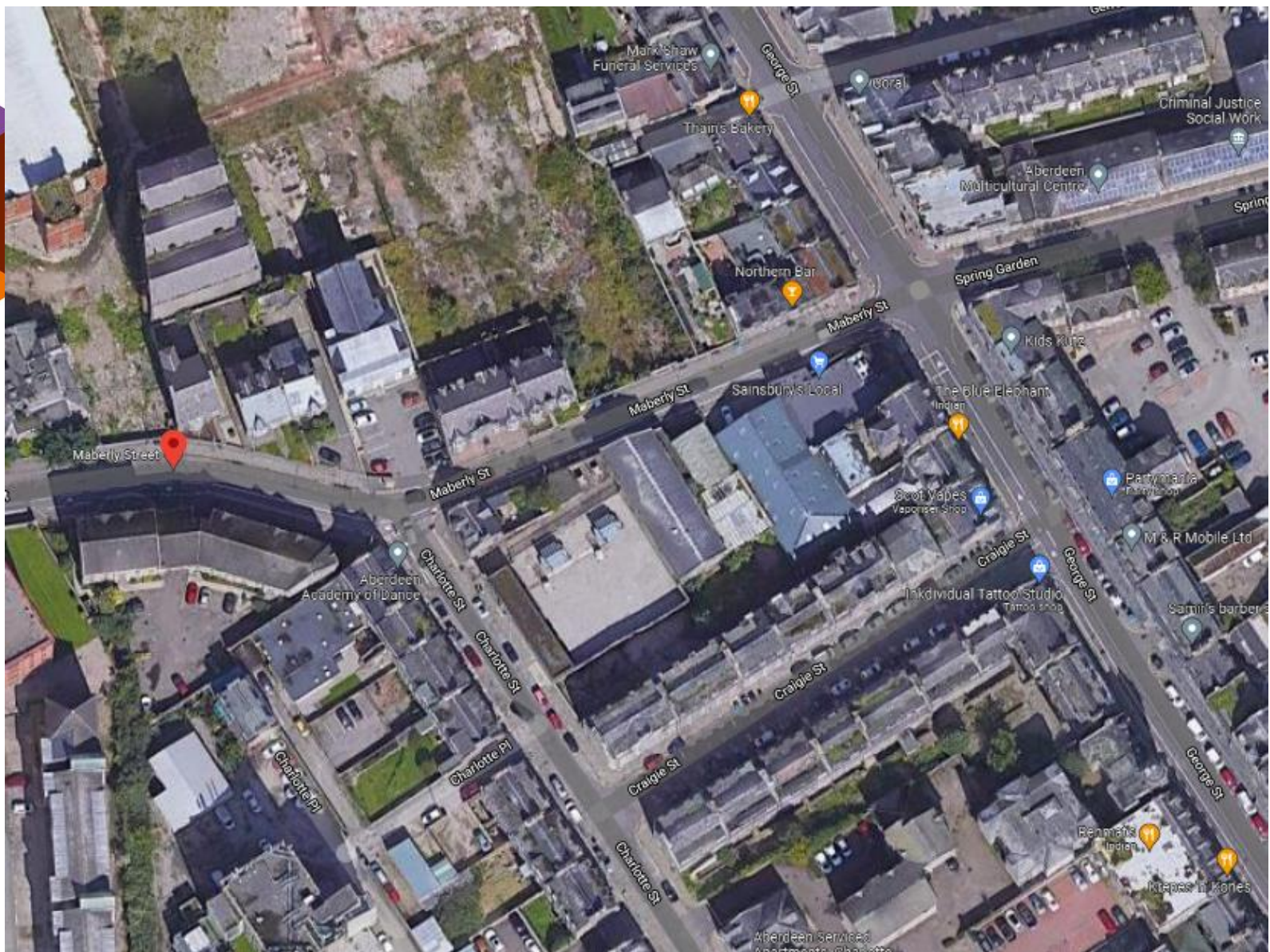
# Frontage Visual



# Frontage Visual







**Location Plan – Aerial View**





**Site Context – oblique aerial view**









View of site looking west on Maberly St





**View of Site looking east on Maberly St**





**Site Frontage / Access onto Maberly St**

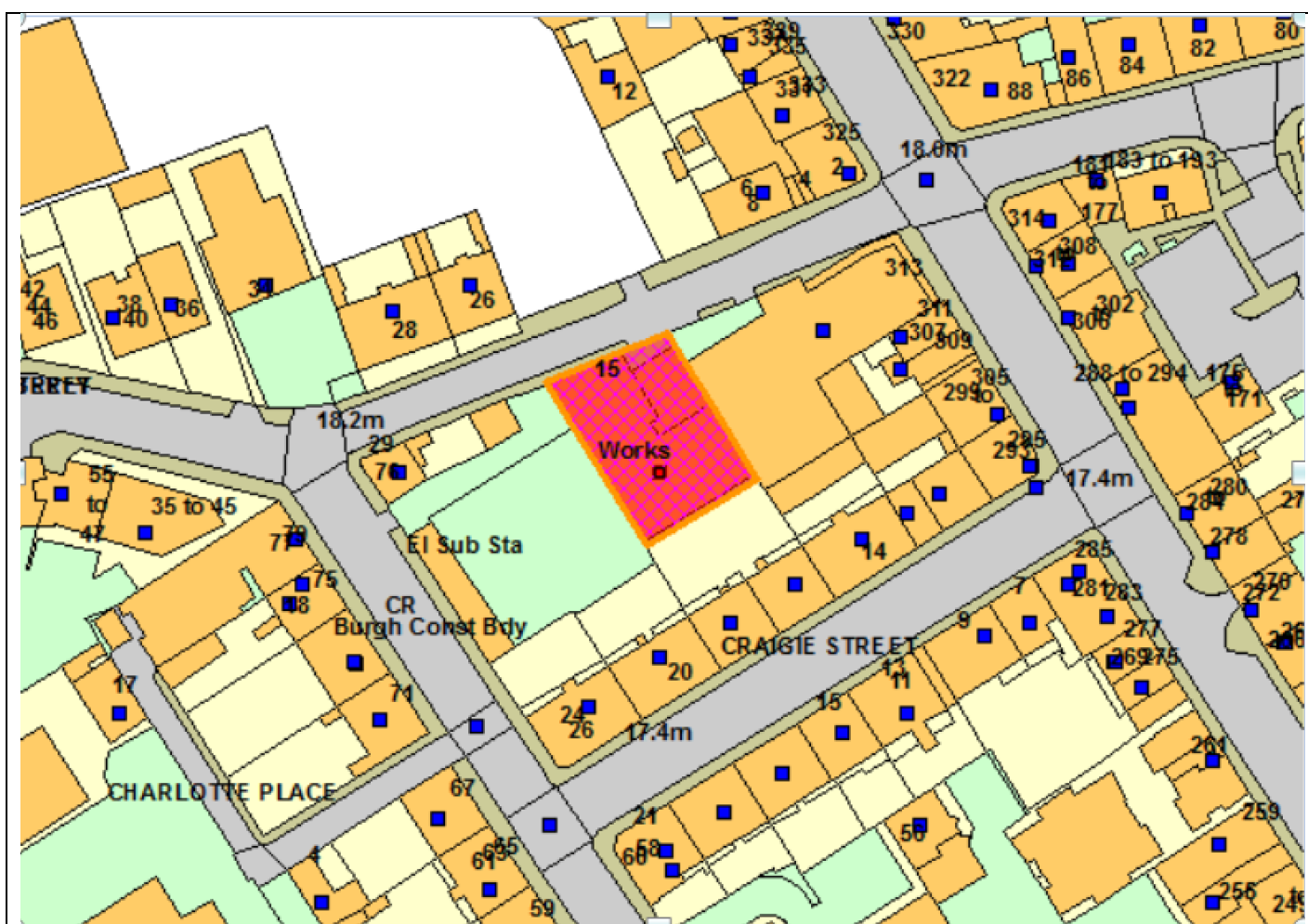
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# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 17 February 2022

<b>Site Address:</b>	Scottaspress, 15 Maberly Street, Aberdeen, AB25 1NA
<b>Application Description:</b>	Redevelopment of an existing site for erection of 17 residential flats over 4 storeys including demolition and all associated works
<b>Application Ref:</b>	210697/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	18 May 2021
<b>Applicant:</b>	Aberdeen Capital Investment Ltd.
<b>Ward:</b>	George Street/Harbour
<b>Community Council:</b>	George Street
<b>Case Officer:</b>	Robert Forbes



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## RECOMMENDATION

Approve Conditionally & Legal Agreement



## **APPLICATION BACKGROUND**

### **Site Description**

This vacant site is located within a mixed-use area within the City Centre boundary. It currently accommodates a substantial granite building of 19th century origin and was previously used as a printer's workshop and associated external yardspace. The granite building occupies the entirety of the western half of the site and has a slate clad centre apex pitched roof. It has a dressed granite frontage with string course and window margins and gable feature. The side elevations are constructed of coursed granite blocks. The eastern section of the site is occupied by more modern buildings including an open fronted portal framed shed / yard fronting onto Maberly Street. A vehicle access gate defines the eastern edge of the site at the street boundary and there is no footway at this point. Maberly Street is a relatively narrow road which carries a high volume of through traffic.

The site is bound by Maberly Street to the north, with 3 storey Victorian tenement and the derelict Broadford Works directly opposite facing the site. To the east is a single storey commercial unit and a retail unit. There are 3½ storey traditional tenements fronting onto Craigie Street to the south, the rear of which face directly onto the site. To the west lies an electrical substation, associated yard and residential properties.

### **Relevant Planning History**

Application Number	Proposal	Decision Date
182151/DPP	Erection of 16 flats over 4 storeys with associated car parking	05.04.2019 Status: Withdrawn
190982/DPP	Redevelopment of an existing site for erection of 10 residential flats over 3 storeys including demolition and all associated works	04.11.2019 Status: Withdrawn
200621/DPP	Redevelopment of an existing site for erection of 17 residential flats over 4 storeys including demolition and all associated works	10.12.2020 Status: Refused

An appeal against the refusal of the above planning application was submitted to the Scottish Ministers and was dismissed in April 2021. The decision notice is available via the link below:

<https://www.dpea.scotland.gov.uk/CaseDetails.aspx?ID=121398>

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Redevelopment of the site to provide 17 flats over 4 floors. Other than one 2 bedroom flat on the top floor, the flats would be 1 bedroom units. All flats would be accessed via a communal entry from the street. The top floor flats would be largely contained within the proposed roof-space, utilising zinc clad box dormers with flat roofed sections on the rear and west elevation elevations. No car parking is proposed. Cycle parking and bin storage would be provided within a ground floor storage area at the east end of the site. The proposed building would occupy in excess of 50% of the site and would have a high percentage of single aspect flats (with windows either solely facing the street or the rear garden). The building would have a continuous built frontage to the street with no setback, reflecting the pre-existing building line. A communal open space area and some small private garden areas would be provided for residents at the rear of the site, although the communal garden would be significantly shaded by buildings and boundary walls. The existing

granite boundary walls would be reduced in height to 3m. The rear wall of the proposed building would be 8m from the existing rear wall of the site at its closest point, with the rear wall of the western section being 17m from the rear wall.

External materials would include natural (re-used) granite and some zinc cladding to infill sections and the dormer on the frontage and natural slate on the pitched roof sections. The rear and side elevations would be largely finished in smooth beige render. Grey painted timber framed doors and windows are proposed. Synthetic membrane would be used on the extensive sections of flat roofs but this would not be visible from ground level.

Notwithstanding the statement in the supporting Planning Statement submitted with the planning application that “all of the proposed flats would be provided as affordable housing, with negotiations for these to be purchased by a Registered Social Landlord underway” the applicant has now advised, via his agent, that he wishes the affordable housing waiver to be applied, whereby none of the proposed flats will be categorised as, or delivered as affordable homes, but instead the development will be comprised solely of mainstream flats.

### **Amendments**

In agreement with the applicant, the following amendments were made to the application:

- Revised layout/elevations relative to the original proposal and the submission of a revised noise assessment

### **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=QTAULVBZJT700>

- Planning Statement;
- Design Statement;
- Site Investigation / Risk Assessment;
- Drainage Strategy and Flood Risk Assessment (FRA);
- Noise Impact Assessment (NIA);
- Walk to school Report.

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

The application has been referred to the Planning Development Management Committee because in excess of 5 objections have been received and the local Community Council object.

### **CONSULTATIONS**

**ACC - Housing** – This development is included within the Strategic Housing Investment Plan for delivery as 100% affordable housing. A RSL has been identified to purchase the units from the developer. The proposed mix meets housing need and demand. The site falls within the affordable housing waiver zone.

**ACC - Schools Estates Team** – The proposed site falls within the school catchment areas for Aberdeen Grammar School and Skene Square School. Given that the proposal is for largely one-bedroom flats, it is not expected that this development will have any significant impact on pupil numbers or the pupil capacities of these schools.

**ACC - Waste and Recycling** – No objection. Advise that provision of waste / recycling bins at the

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

**ACC - Developer Obligations** – No objection. Advise that financial contributions are required for, healthcare facilities (£6,001), open space (£1,903) and community facilities (£19,016).

**ACC - Environmental Health** – No objection subject to implementation of noise mitigation measures in order to protect the amenity of prospective residents due to road noise and the adjacent electrical substation.

**ACC - Roads Development Management Team** – No objection on parking, road safety, servicing, or traffic generation grounds. Express concern regarding the existing footway on Maberly Street and request that this is upgraded. Advise that the extent of cycle parking is acceptable but request further details. Advise that there will also be a requirement for car club contributions in order to address the lack of car parking on site. No drainage concerns.

**ACC - Contaminated Land Team** – No objection. Recommend that a condition is imposed to address potential contamination due to the previous industrial use of the site.

**ACC – Flooding** – No objection subject to implementation of SUDS measures.

**Scottish Water** – No objection. Advise that there is sufficient wastewater treatment capacity at Nigg.

**George Street Community Council** – Advise that affordable city centre housing and granite retention / re-use is welcome but raise the following concerns and consider that there would be an adverse impact on the amenity of existing residents:

- Inadequate community engagement;
- Overdevelopment of the site;
- Inadequate provision of on site car parking, including disabled parking and EV charging;
- Inadequate bin storage provision;
- Inadequate pedestrian / wheeled access / egress due to restricted pavement width;
- Shading of footpath / street by the building. Request that building line is set back from the street;
- Potential disturbance to occupants of ground floor flats due to proximity of pavement (need for nuisance prevention measures to windows / doors);
- Loss of granite from west boundary;
- Obstruction of light to gardens and flats on Craigie Street;
- Structural stability concerns due to poor ground conditions;
- Need for connection to the district heating network.

## **REPRESENTATIONS**

11 objections have been received raising the following concerns:

- Overdevelopment of the site (excessive building height / footprint / density);
- Overshading / overlooking / loss of sunlight / daylight to adjacent residential premises;
- Traffic management impact, including servicing / delivery arrangements;
- Increased car parking pressure / lack of parking;
- Absence of electric vehicle charging;
- Lack of need for more flats;



- Loss of granite building and boundary wall on south boundary;
- Loss of private views from adjacent flats;
- Unsuitable ground conditions / contamination;
- Potential overspill refuse / waste impact on street;
- Security / boundary treatment;
- Alternative commercial use of site more appropriate;
- Potential use as “Airbnb”;
- Noise impact on proposed residents / conflict with adjacent substation site;
- Impact on adjacent garden ground;
- Inappropriate materials;
- Site not identified in local plan or related urban capacity study for development;
- Conflict with planning policy (ALDP policies H1: Residential Areas H2 Mixed-Use Areas, H4 Housing Mix, D1 Quality Placemaking and D5 Our Granite Heritage. Proposed 2020 LDP: H1 Residential Areas, H2 Mixed Use Areas, D1 Quality Placemaking, D2 Amenity, D5 Landscape design, D6 Historic Environment, D7 Our granite Heritage, D8 Windows and Doors, LR1 Land Release Policy);
- Inappropriate design.

## **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 that contributes to sustainable development.

### **Strategic Development Plan**

The current Aberdeen City and Shire Strategic Development Plan 2020 (SDP) was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

### **Local Development Plan**

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. The extant local development plan [Aberdeen Local Development Plan 2017 (ALDP)] is now beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of the Scottish Planning Policy (2014) which states:

“Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.”

The following ALDP policies are relevant –

Policy H2 - Mixed Use Areas  
Policy H3 - Density  
Policy H5 - Affordable Housing  
Policy D1 - Quality Placemaking by Design  
Policy D2 - Landscape  
Policy D5 - Our Granite Heritage  
Policy NC1 - City Centre Development – Regional Centre  
Policy I1 - Infrastructure Delivery and Planning Obligations  
Policy T2 - Managing the Transport Impact of Development  
Policy T3 - Sustainable and Active Travel  
Policy T5 - Noise  
Policy NE4 - Open Space Provision in New Development  
Policy NE6 - Flooding, Drainage and Water Quality  
Policy R2 - Degraded and Contaminated Land  
Policy R6 - Waste Management Requirements for New Development  
Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency  
Policy CI1 - Digital Infrastructure

#### **ALDP Supplementary Guidance (SG) and Technical Advice Notes (TAN)**

Harmony of Uses  
Landscape  
Flooding, Drainage and Water Quality  
Green Space Network and Open Space  
Resources for New Development  
Noise  
Transport and Accessibility  
Planning Obligations  
Materials (TAN), March 2020

#### **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 it 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 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. In relation to this particular application, the policies in the PALDP substantively reiterate those in the ALDP. The following policies are relevant: H2- Mixed Use Areas; D1- Quality Placemaking; D2 Amenity, D5 Landscape design, D6 Historic Environment, D7 Our granite Heritage, R7- Renewable & Low Carbon Energy Development; R8- Heat Networks.

#### **Other Material Considerations**

City Centre Masterplan (CCMP)

## **EVALUATION**

### **Principle of Development**

The delivery of residential development on a disused brownfield site within the built-up area of the city which is accessible by public transport accords with the SPP presumption in favour of development that contributes to sustainable development. Although the SDP forms part of the Development Plan, the proposal is of a scale and nature that does not result in strategic or cross boundary impacts and does not therefore require to be assessed against the SDP.

The site is both located within the City Centre boundary and within a mixed-use area, as such Policies NC1 - City Centre Development – Regional Centre and H2 - Mixed Use Areas apply. The City Centre Masterplan (CCMP) is also a material consideration.

Policy NC1 advises that development within the city centre must contribute towards the delivery of the vision for the city centre as a major regional centre as expressed in the CCMP and Delivery Programme. A key aim of the CCMP is to increase the level of residential units within the city centre. The proposed development would have no impact on any existing retail or office units and given that the proposal would provide flats, the development is considered to be in compliance with Policy NC1 and the CCMP, although the site lies outwith the city centre boundary identified in the CCMP. Compliance with ALDP Policy H2, and wider topic-based policies is addressed below.

### **Residential Amenity**

ALDP policy H2 advises that applications for new development must take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity. Where new housing is proposed, a satisfactory residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity. In the case of this application site, Maberly Street is largely residential, however other uses, such as retail units, a dance studio, public houses and take-aways, amongst others, can be found on the surrounding streets. The proposal would therefore result in no change to the overall character of the area and there are considered to be no insurmountable conflicts of use.

ALDP Harmony of Uses SG states:

“Whilst it is reasonable to expect an adequate level of residential amenity, urban centres are lively and vibrant places and those who live there should not expect that the amenity would be comparable of that of a purely residential area.

Developers proposing residential developments in the city centre must be mindful of the location of licensed premises and noisy uses. Appropriate measures, such as more stringent noise attenuation, may need to be undertaken as part of any such development in order to maintain an acceptable level of residential amenity.

Proposals for new residential development or conversion of existing premises to residential use will only be allowed in parts of the city centre where a suitable residential amenity will be secured.”

As mentioned within Policy H2, aspects of amenity require careful consideration for any new development and issues such as overlooking, impact on privacy and overshadowing have all been highlighted through representations. In this instance the application is sited within a mainly residential area and therefore the use will have a neutral impact on the surrounding properties given they will fall within the same use class. While it is noted that this development is in close proximity to neighbouring residential properties to the north and south, this is expected given the site's City Centre location. In terms of the proposed design solution, it is considered that such impacts are minimised to an acceptable level, given the need to maintain a level of amenity for the

future occupants of the proposed flats. In terms of overlooking and privacy, windows facing north are separated from windows of the closest residential properties by a public road, while those facing south would be set back from the existing boundary wall by around 9m meaning that a window-to-window distance at the closest point (relative to the flats to the south) in excess of 20m is achieved. Although the window arrangement on the rear elevation proposes extensive use of glazing, such that there would be potential overlooking neighbours to the south from upper floor flats, no balconies are proposed, and such overlooking would be at an acceptable distance.

While it is appreciated that the front part of the proposed development would be taller than the existing building (around 600mm higher), given its urban location, and the reduced footprint relative to the existing building, there would be no substantive impact on surrounding properties in terms of sunlight, daylight or overshadowing. The flatted development along Craigie Street is to the south of the site and therefore will not be affected by any loss of sunlight or overshadowing. The impact on the commercial premises to the east and west would not be a concern. Any impact on the private garden area to the west would only be early in the morning, as such it is considered that there would be no significant adverse impact. While the area to the north would be affected by loss of daylight and overshadowing, this encompasses the public road and the south-eastern area of the derelict Broadford Works site. Therefore, existing residential amenity to the north will not be affected by this development. Any temporary impacts on amenity associated with demolition (e.g. dust / noise generation) could be addressed by use of condition. Overall, it is considered that the current levels of daylight and sunlight will not be adversely impacted upon and there are no concerns that overshadowing will impact on any existing residential amenity.

With regards to the amenity of the proposed development, a NIA has been submitted due to the site proximity to neighbouring commercial premises and other noise sources (e.g. substation and traffic). The NIA recommends noise attenuation measures to windows in order to address this matter and the additional noise impact created due to the proximity of an electrical substation site. The assessment has been reviewed by the Council's Environmental Health Service, who find the assessment and mitigation measures identified in the document to be appropriate. Such mitigation measures outlined in that assessment can be addressed by condition.

The Landscape Supplementary Guidance advises that individual flats shall be designed to make the most of any opportunities offered by the site to optimise views and sunlight. In this case, while some of the flats are single aspect either looking to the north or the south, all living space/ bedrooms within the proposed flats have windows sufficient for letting daylight into the building. In terms of outlook, the flats to the rear will look onto the amenity space, while the flats to the front will overlook Maberly Street and Broadford Works beyond. The deep floorplate of part of the proposed building is considered to be particularly challenging as this has resulted in single aspect flats and restricted potential for natural ventilation and sunlight penetration to the flats, which is not considered to be a highly sustainable solution. There is a tension with PALDP Policy D2 because not all units have a public face onto the street and the single aspect units to the front don't have a private face onto an enclosed garden or court. However, the development would have a public face to the street which would provide surveillance and an active street frontage. It would also have a private face to an enclosed courtyard / garden and residents would all have access to an external seating area. This tension does not therefore warrant refusal. There is no ACC design standard or policy which specifically precludes use of single aspect flats and it is recognised that the design of flatted developments in constrained urban sites is challenging. It is accepted that the occupants of the ground floor north facing flats fronting Maberly Street will have a particularly poor level of amenity due to their proximity to / intervisibility with the pavement and road and lack of any private garden ground or scope for screening.

Due to the position of the building adjacent to the street there would be no opportunity for intervening screening / soft landscaping at the site frontage and occupants of the flats at the frontage would be exposed to road / street noise. This is a situation which is common in central

urban areas. However, the single aspect nature of the flat layouts and the narrow nature of the pavement along the site frontage presents an additional amenity challenge in this instance. The Community Council has identified a relevant concern that occupants of the ground floor flats could be affected by disturbance such as anti-social behaviour (e.g. knocking of windows / doors). Whilst it is agreed that setting the building back from the street would address this concern, it is considered desirable from a design perspective to respect the existing building line. The design of the development has been amended such that the proposed westmost ground floor flat would have a dual aspect and its bedroom window would be located on the rear elevation. Whilst the proposed single aspect ground floor flat would have a particularly restricted amenity, the applicant has declined to amend the development to address this concern. However, the overall level of amenity is considered acceptable given the site's City Centre location.

Significant usable external amenity space would be provided for residents on site (around 240m square metres in total). Although this space would not be public and would not fully achieve the expectations of policy NE4, this is not unusual in a city centre development where sites are generally constrained. Access to open space is particularly challenging as there is limited provision of public open space within the wider area. The nearest significant open space area is Union Terrace Gardens, which is currently being redeveloped. However, it is considered that this deficiency / policy tension can be addressed by securing financial contribution for enhancement of open space outwith the site as requested by the developer obligations consultee.

Overall, it is considered that the level of residential amenity currently experienced by neighbouring properties would not be adversely impacted as a result of this development. It is also considered, with the aid of mitigation measures, that significant adverse impact on the development from neighbouring properties or conflict with adjacent uses is unlikely to occur. It is recognised that residents would benefit from ready access to the many amenities and facilities available within the city centre (including the urban realm and other uses such as retail and commercial uses and healthcare facilities). Subject to imposition of suitable conditions, the proposal would therefore accord with Policies H2 and T5 and related guidance.

## **Design**

It is recognised that a design statement has been submitted in attempt to justify the design solution relative to policy D1 and the design of the scheme has been significantly amended in attempt to address design concerns (e.g. re-use of granite). Whilst in terms of policy D5, the retention and re-use of the building in its existing form is desired, the principal of redevelopment of the site for residential use has previously been accepted. It is recognised that no alternative proposals for re-use / conversion of the building have been submitted. Furthermore, the form of the existing building does not make it readily convertible to residential use due to the large floor plates and position of walls on the site boundaries. The building has no statutory protection, due to being unlisted and located outwith a conservation area.

The scale (height) and frontage treatment of the proposed building is considered to be appropriate for its built context and would be a suitable addition to the street scene. It is recognised that the massing / footprint, form and detail of the scheme raises significant challenges which is reflected by the objections. It is considered that a dual aspect flatted development of reduced footprint / gable width would be a preferable and more sustainable design solution, resulting in increased separation with existing flats and increased garden ground. However, this would result in a significant reduction in density / numbers of flats which would not accord with the densification objective of ALDP policy H3. The proposal requires to be determined as proposed on the basis of its compliance with relevant design policy and guidance and other relevant material consideration, including the appeal decision. The previous proposal was not refused on the basis of overdevelopment and there has been no intervening change in planning policy since the appeal decision.

The proposal has been amended to address the concerns regarding the limited re-use of granite from the doughtaking of the existing building as expressed in the previous refusal and appeal decision. It is considered that the revised design solution proposed achieves the objective of finishing the north elevation and visible north ends of the east and west elevations in granite recycled from the site. It is therefore considered to satisfy the objective of ALDP policy D5.

The other materials proposed are considered appropriate for the development and its context. Whilst a small element of zinc cladding is proposed on the front wall, this is considered appropriate in order to highlight the transition between the retained (western) section of the building and the re-used granite which would be used to face the eastern section of the frontage. Whilst smooth render is proposed on the rear and part of the side elevations, in contrast with historic residential developments which are constructed in natural granite, these elements would not be visible or prominent from any public place. The use of slate clad pitched roofs on the visible sections of the roof is particularly welcome and in keeping with the context.

### **Granite Reuse**

With regard to retention and re-use of granite the Materials TAN states:

“Existing local granite contributes to Aberdeen’s identity and distinctive sense of place. All existing granite should be valued, retained and re-used;

- Where new developments require granite to be taken down, as much of the down-takings as possible should be re-used in the new development;
- The retention and re-use of existing granite is also more sustainable than the introduction of new materials.”

In order to comply with policies D1 and D5 and related Materials TAN, amendment of the scheme was requested such that granite down-takings are used on the entire north elevation and more substantively used on the return sections of the east and west elevations which are visible from the street. The agent has agreed to this request. Granite would also be retained / reused on the boundary walls.

### **Transport Impacts**

Policies T2 - Managing the Transport Impact of Development and T3 - Sustainable and Active Travel advise that new developments should provide sufficient measures to minimise any traffic impact that may occur as a result of the development. Likewise, new developments should maximise opportunities for sustainable development and should be accessible by a range of transport modes.

In this case the development is located within the City Centre and does not provide any car parking spaces. The site is readily accessible by other modes of transportation such as walking, cycling and buses, due to its central location, with regular bus services nearby on George Street and other streets. In addition, the site would be close to the City’s bus and train stations. The submitted Walk to School report demonstrates that the site has good access to nearby schools and states that no network interventions are required. It has been reviewed and accepted by ACC Roads officers. In light of this, given the central location of the development and the variety of transport modes that can be used to access the site, the proposal is considered acceptable in terms of relevant transport policy.

Lack of parking provided within the site has been raised as a concern in the objections received for this application. However, the Planning Authority are promoting car parking free developments within the City Centre to encourage sustainable development in accordance with the objectives of alleviating issues such as traffic congestion and climate change, by discouraging car use and

incentivising modal shift. Given the central location of the site, it is likely that the development would result in low car usage, relative to more peripheral locations. In addition, given that the site lies within one of the Council's Controlled Parking Zones, on-street car parking in such areas is regulated. It is recognised that future occupants of the site may be entitled to apply for parking permits for neighbouring streets within this zone, thereby increasing on-street car parking pressure. This is an area where there is already an overprovision of parking permits issued to residents and thus reliance solely on the car club is not ideal. However, this would unlikely have a significant impact on existing parking pressure and does not in itself warrant refusal on safety grounds. Use of developer contributions towards implementation and use of the city car club is recommended in this case in order to reduce such on-street parking pressure. It is recognised that there is limited prospect of the Broadford Works development being implemented in the near future, or related car club spaces being provided there. However, there remains potential that on street car club spaces will be provided in the area and residents would have access to existing facilities. Prospective occupants would also have the potential use of both Chapel Street and Denburn Multi-storey car parks, although these are both over 1km from the site, so not highly convenient. ACC Roads Development Management Team are satisfied that no parking is provided within the site in principle. As such, it is considered that there would be no substantive grounds for refusal of the application on the basis of car parking pressure or transport generation or planning policy. As no car parking is proposed, there would be no conflict with ACC transport guidance regarding EV charging and it would not be feasible to provide this.

It is noted that ACC Roads Development Management do not object to the proposal on the basis of traffic generation and have raised no specific public or road safety concerns in relation to vehicle traffic generation, servicing and delivery requirements, but acknowledge the need to upgrade footway access. It is noted that the proposal would result in a betterment in terms of road / public safety by securing the removal of the existing vehicle access into the site, thereby avoiding vehicles reversing across the footway onto Maberly Street.

With regards to cycle parking, this would be acceptably located within the building at ground floor level and within the rear external area, accessed from Maberly Street. One space would be provided per flat, which is in compliance with the requirements outlined in the Transport and Accessibility Supplementary Guidance. Although further details of provision are required, this can be addressed by condition.

In light of the above the proposal is considered to comply with Policy T2 and T3 of the Aberdeen Local Development Plan 2017 and its associated guidance, subject to conditions regarding pedestrian access and cycle provision. The development would be acceptable in terms of traffic generation and in terms of assessment against relevant planning policy regarding transport. The requirement for car club contributions to address the absence of off-street parking can be secured via a Legal Agreement.

### **Drainage / Flood Risk**

The site is located within an area identified in the SEPA flood risk maps as being at medium risk of fluvial (river) flooding. It is understood that this relates to the nearby Gilcomston Burn, as opposed to any river. The burn is culverted and lies 85m to the west of the site at its closest point. It passes underneath a nearby housing development located to the west of Charlotte Street which was constructed in the 1990s. There have been no recorded / historic flooding incidents affecting the site or its immediate vicinity. The submitted drainage strategy and FRA indicates that the flood risk to the development is low and recognises that SUDS would be required within the site but that no mitigation measures are required outwith the site. Given that the site is already fully developed, it is considered that the development would not increase flood risk elsewhere. Indeed, the introduction of new green spaces within the site would lessen the likely rate of surface water discharge from the site relative to the existing situation, such that it would be beneficial. Whilst the submitted drainage strategy relates to a previous iteration of the development which included car



parking and has been superseded, the design and delivery of SUDS on site can be addressed by suspensive condition, in accordance with the objective of ALDP policy NE6 and related SG. It is therefore considered that the level of flood risk affecting the site does not warrant refusal, although it is recognised that the requirement for SUDS may constrain the external landscape design.

### **Other Technical Matters**

The design of the entry to the building has been amended to address concerns regarding its usability and attractiveness for occupants. The external entrance door / screen would be recessed 500mm from the pavement and the internal corridor width has been increased to 2m, thereby creating in effect a 2m space for pedestrians at the entrance point and increasing the space for manoeuvring at the entry / exit point. This is considered acceptable and raises no public safety concerns.

Whilst no connection to the district heating network is proposed, this is not a requirement of current planning policy / guidance. Proposed policy R8 within the PALDP states that heat networks are encouraged and supported. Such heating systems are desired in terms of sustainable design. However, the applicant has declined to amend the development to enable such connection and no network currently exists connecting to the site. As guidance referred to in this policy (i.e. Aberdeen Planning Guidance regarding Heat Networks and Energy Mapping) has yet to be published, the weight which can be afforded to that policy is limited. It would not therefore be reasonable to refuse the development on the basis that no connection to a heat network is proposed.

The revised bin store location and capacity is considered to comply with the expectations of ALDP policy R6 and related guidance. Adequate waste storage and suitable access would be provided on site as requested by the ACC Waste Service.

Provision of on-site renewable energy and water saving technology can be required by suspensive condition in accordance with the objective of ALDP policy R7. As the site lies within the city centre it is assumed that there is adequate existing phone reception and digital infrastructure such that no mitigation measures or new infrastructure is required to demonstrate compliance with ALDP policy C11.

### **Other Matters Raised in Objection**

It is noted that the site is not specifically identified as an opportunity site for development within the adopted or proposed local plans and proposed policy LR1 is not applicable in this case. However, not all windfall sites are included within such plans. This does not preclude the potential for residential development, which requires to be assessed against relevant planning policy. The acceptability of the development relative to ALDP policies D1, H2 and related concerns regarding design amenity, impact on neighbouring uses and overdevelopment / design concerns are assessed above. Road safety and transport / parking concerns are assessed above. Although no mix of dwelling types / sizes is proposed, as the proposed development is under 50 units, there is no conflict with policy H4. As the site does not lie within a H1 area it does not require to be assessed relative to that policy. The technical matters of contamination, noise and refuse provision and related policy compliance are addressed above. Although it is alleged that there is a lack of demand for housing, this is contradicted by ACC housing service and affordable housing guidance and there remains a requirement to address the expectations of the city centre masterplan. As the proposal is not for Airbnb accommodation or other alternative commercial uses, it cannot be assessed as such. Lack of need for more flats is not a justifiable reason for refusal. Contamination concerns can be addressed via a site investigation / remediation strategy. As the development would not encroach onto adjacent garden ground, there would be no loss of such gardens and the reduced boundary wall height would improve the amenity of such land. The detailed treatment of the boundary walls and related security concerns can be addressed by condition. Impact on private views is not a material planning consideration. As the site does not lie within a conservation area and does not relate to a listed building it is considered that policies D6 Historic

Environment, D8 Windows and Doors are of limited relevance in this case.

Whilst the Community Council has expressed concern regarding the capacity and design of the bin store, the relevant Waste Service consultee has no concerns regarding the proposal. It is considered that the location of the store within the building would be convenient for both residents and for uplift via the street. Details of its ventilation can be secured by condition in order to preserve the appearance of the building frontage. Granite from the west elevation would be reused on the new frontage of the building. It is accepted that the height of building would result in additional shading of the public pavement and road, but this is not considered to warrant refusal. Structural stability concerns of the building would be addressed by Building Standards and are not a planning consideration in this case. Adequate neighbour notification has been undertaken in accordance with the statutory requirements. As the development is not a major proposal, there was no requirement for pre-application consultation or additional community engagement measures in this case.

### **Proposed Aberdeen Local Development Plan**

In relation to this particular application, other than policy D2 and R8, 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. The tensions with proposed policies D2 and R8 are addressed above and do not warrant refusal.

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

In order to address the matters raised by the developer obligations consultee, any approval would require to be deferred pending the conclusion of a legal agreement with the Council. Such agreement would be required to address contribution requirements towards healthcare facilities (£6,001), open space (£1,903), community facilities (£19,016) and car club contributions (£6,800). The agreement would also be required to restrict the timescale for implementation of the development or address the provision of affordable housing (see below)

### **Time Limit Direction**

The application lies within the boundary of the city centre affordable housing waiver and thus potentially exempt from affordable housing requirements. As the applicant seeks permission for entirely mainstream housing, the development would be required to begin within 12 months of the date of the decision notice. As such, a time limit direction or related legal obligation may be applied to any grant of permission. The applicant has confirmed that the waiver should apply and thus a 1 year permission would apply in this instance.

## **RECOMMENDATION**

Approve Conditionally & Legal Agreement

## **REASON FOR RECOMMENDATION**

The delivery of residential development on a disused brownfield site within the built-up area of the city which is accessible by public transport accords with the presumption in favour of development that contributes to sustainable development as set out in Scottish Planning Policy 2014.

The development is considered to be appropriate for this mixed-use area, whilst meeting the aims of the City Centre Masterplan and will have no adverse impact on the amenity of the area in terms of scale, siting, noise, overlooking, or overshadowing. As such, the development complies with Policy NC1 – City Centre Development – Regional Centre, Policy H2 - Mixed Use Areas, Policy D1 - Quality Placemaking by Design, Policy H3 – Density and Policy T5 – Noise within the Aberdeen City Local Development Plan 2017 (ALDP). Whilst there will be a loss of a traditional

granite building, it is considered that there is sufficient reuse of granite within the site for the development to be acceptable in terms of Policy D5 - Our Granite Heritage. Contributions are being sought and secured via a legal agreement in line with Policy I1 - Infrastructure Delivery and Planning Obligations. While no parking is provided for within the site, the site is in an excellent location for a variety of sustainable modes of transport as such the application is in full compliance with Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel. Whilst insufficient amenity space is being provided within the site, compensatory contributions are being sought for the enhancement of nearby City Centre open spaces and the development is in a good area to provide access to these. Such contribution is required in order to address the objective of Policy NE4 - Open Space Provision in New Development. Connection to public infrastructure is proposed and is acceptable and suitable drainage measures can be provided. While necessary mitigation measures are required to ensure there is no risk of contamination for future occupants, these will be conditioned, as such the proposal complies with Policy NE6 - Flooding, Drainage and Water Quality and Policy R2 - Degraded and Contaminated Land. Appropriate waste provision is being provided within the site. An energy / water efficiency statement will be required to be submitted via condition and the development is in a suitable location to provide modern digital connections. Therefore, the proposal complies with Policy R6 - Waste Management Requirements for New Development, Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency and Policy C11 - Digital Infrastructure.

Overall, the development is considered acceptable when assessed against all relevant policies of the Aberdeen Local Development Plan 2017 and applicable Supplementary Guidance Planning Obligations, Transport and Accessibility, Flooding, Drainage and Water Quality, Green Space Network and Open Space, Resources for New Development. The proposal would be compliant with the equivalent zoning and topic-based policies in the Proposed Aberdeen City Local Development Plan 2020 (PALDP). Although there would be tension with PALDP policies D2 - Amenity and R7 – Heat Networks, this is not considered to warrant refusal. All concerns raised through submitted representations have been addressed and there is no material consideration which warrants refusal in this instance.

## **CONDITIONS**

### **1.Noise Assessment Mitigation Measures**

The flats hereby approved shall not be occupied unless the specific noise mitigation measures have been installed in complete accordance with the Noise Impact Assessment carried out by AVAL (ref. 91407 rev. D) dated 12 Jan 2022, or such other mitigation measures as may be agreed in writing with the Planning Authority. The measures once installed, shall be retained in perpetuity. Reason: In the interests of the residential amenity of occupants.

### **2.Dust Management Plan**

No works in connection with the development hereby approved (including demolition) shall take place unless a Dust Management Plan has been submitted to and approved in writing by the Planning Authority. Any mitigation measures highlighted within this plan shall be implemented and retained in full for the duration of the demolition process.

Reason: In the interests of existing residential amenity.

### **3. Contaminated Land**

No works in connection with the development hereby approved (other than the demolition of the existing buildings) shall commence unless an investigation of the site has been undertaken in accordance with Planning Advice Note 33 'Development of Contaminated Land' and BS 0175:2011+A2:2017 - 'Investigation of Potentially Contaminated Sites – Code of Practice' and a report of that investigation has been submitted to and approved in writing by the Planning Authority. The investigation report shall include the following:

1. an investigation to determine the nature and extent of contamination;

2. a site-specific risk assessment;
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed; and
4. verification protocols to demonstrate compliance with the remediation plan.

Where it is determined by the site investigation report that remediation of the site is required no works in connection with the development hereby approved (other than the demolition of the existing buildings) shall commence unless a remedial scheme has been submitted to and approved in writing by the planning authority. The development hereby approved shall not be brought into use unless the approved scheme of remediation has been carried out in its entirety and a validation report has been submitted to and approved in writing by the planning authority. Any areas of hardstanding, clean cover or other such barriers within the application site boundary that are included within the approved scheme of remediation and are required to break one or more pollutant linkages shall be permanently retained as such and shall not be disturbed without the prior written approval of the planning authority.

Reason: In order to ensure any potential contamination of the site is dealt with appropriately in the interests of public and environmental safety.

#### 4.Surface Water Drainage

No development shall take place pursuant to this permission unless the proposed surface water drainage system for the site has been submitted to and approved in writing by the Planning Authority. This shall include details of surface water SUDS measures and associated maintenance measures as required on site. The building hereby approved shall not be occupied unless the approved surface water drainage system has been implemented in full and is permanently retained thereafter in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and retained, in the interests of the amenity of the area.

#### 5.Landscape and Amenity Space

No development pursuant to the planning permission hereby approved shall take place unless a detailed scheme of landscaping and amenity space for the site has been submitted to and approved in writing for the purpose by the Planning Authority. This scheme shall include details of the proposed grassed / herbaceous areas, areas of any tree/shrub / climbing planting including details of numbers, densities, locations, species, sizes, stage of maturity at planting and establishment / protection measures and management arrangements. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be carried out in the first planting season following the completion of the development and any planted areas which within a period of 5 years from the completion of the development, are removed or become seriously damaged shall be replaced in the next planting season with others of an extent and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority.

Reason - In the interests of protection of the amenity of the area and ensure a suitable landscape treatment and amenity for occupants.

#### 6. Carbon Neutrality / Water Saving

No development shall take place pursuant to this permission unless an Energy and Water Saving Statement for the building has been submitted to and approved in writing by the Planning Authority. The Energy Statement shall include the following items:

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

The development shall not be occupied unless it has been constructed in full accordance with the approved details in the Energy and Water Saving Statement. The carbon and water reduction measures shall be retained in place and fully operational thereafter.

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

#### 7. Cycle Store

No development shall take place pursuant to this permission unless details of secure cycle storage for occupants has been submitted to and approved in writing by the Planning Authority. The flats hereby approved shall not be occupied unless the cycle storage facilities as shown on drawing no. 3359 PL-05 C, or such other drawings as may be approved, have been provided and are demonstrated to be secure/lockable, via submission of such details.

Reason: In the interests of encouraging more sustainable modes of travel and the objective of ALDP policy T2.

#### 8. Granite Re-use

No development shall take place pursuant to this planning permission, nor shall any demolition works commence, unless a scheme for the sensitive dismantling, storage and subsequent re-use on site of granite walling within the site has been submitted to and agreed in writing by the planning authority. Thereafter, the development shall be implemented in complete accordance with the approved scheme.

Reason: In order to secure appropriate re-use of granite within the development in accordance with the expectations of ALDP policy D5 and sustainability objectives.

#### 9. Boundaries

No development shall take place pursuant to this planning permission, nor shall any demolition works commence, unless a detailed scheme for the retention and alteration of the existing granite boundary walls has been submitted to and approved in writing by the Planning Authority. The development hereby approved shall not be occupied unless such scheme as may be approved and the plot / boundary enclosures as shown on drawing 3359 -18, or such other drawing as may be approved in writing by the Planning Authority have been implemented in their entirety, unless otherwise agreed in writing.

Reason: In the interest of visual and residential amenity / privacy and to ensure a satisfactory finish of the development.

#### 10. Construction Details

No development shall take place pursuant to this planning permission unless construction details of the proposed dormer windows; rainwater goods; external vents / ducts; entrance recess; the proposed zinc / blank infill panels and the window / door reveals on the building facades, including detailed cross sections demonstrating the relationship with masonry, have been submitted to, and approved in writing, by the Planning Authority. For the avoidance of doubt all ventilation pipes and services shall be directed to the rear of the building / roof and any interventions on the granite façade shall be minimised. 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 finish of the development

#### 11. Pedestrian Access

No development shall take place pursuant to this planning permission unless a detailed scheme for the removal of the existing redundant site access and footway reinstatement at the site frontage has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, the existing granite kerbs shall be reused.

Reason: In the interests of encouraging more sustainable modes of travel and the objective of

sustainable development and ALDP policy T2.

#### 12. Bin Storage

The flats hereby approved shall not be occupied unless provision has been made within the application site / adjacent premises controlled by the applicant for refuse disposal and recycling facilities in accordance with a scheme which has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt such storage shall include suitable ventilation and wash down / drainage facilities.

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

### **ADVISORY NOTES FOR APPLICANT**

#### 1. DIRECTION UNDER SECTION 58(2) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997:

Aberdeen City Council hereby directs that this planning permission will lapse on the expiration of a period of 1 year from the date of this decision notice, unless the development is begun within that period.

#### 2. Noise from Site/Ground Preparation and Construction Works

In order to protect the amenity of the occupants of existing nearby residential properties, any development works at the proposed development (including site/ground preparation, demolition, and construction) causing noise beyond the site boundary should not occur outside the following hours:

- i. Monday to Friday 0700 hours to 1900 hours
- ii. Saturday 0800 hours to 1300 hours

This is in line with Aberdeen City Council guidelines.

#### 3. Travel Plan

The building hereby approved shall not be brought into use unless a Travel Plan for occupants has been submitted to and approved in writing by the Planning Authority. The Travel Plan shall encourage sustainable means of travel and shall include mode share targets. It shall identify measures to be implemented, the system of management, monitoring, review, reporting and duration of the incorporated measures designed to encourage modes other than the private car. The building shall not be brought into use unless the measures set out in its the approved Travel Plan have been implemented in full.

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# PLANNING DEVELOPMENT MANAGEMENT COMMITTEE



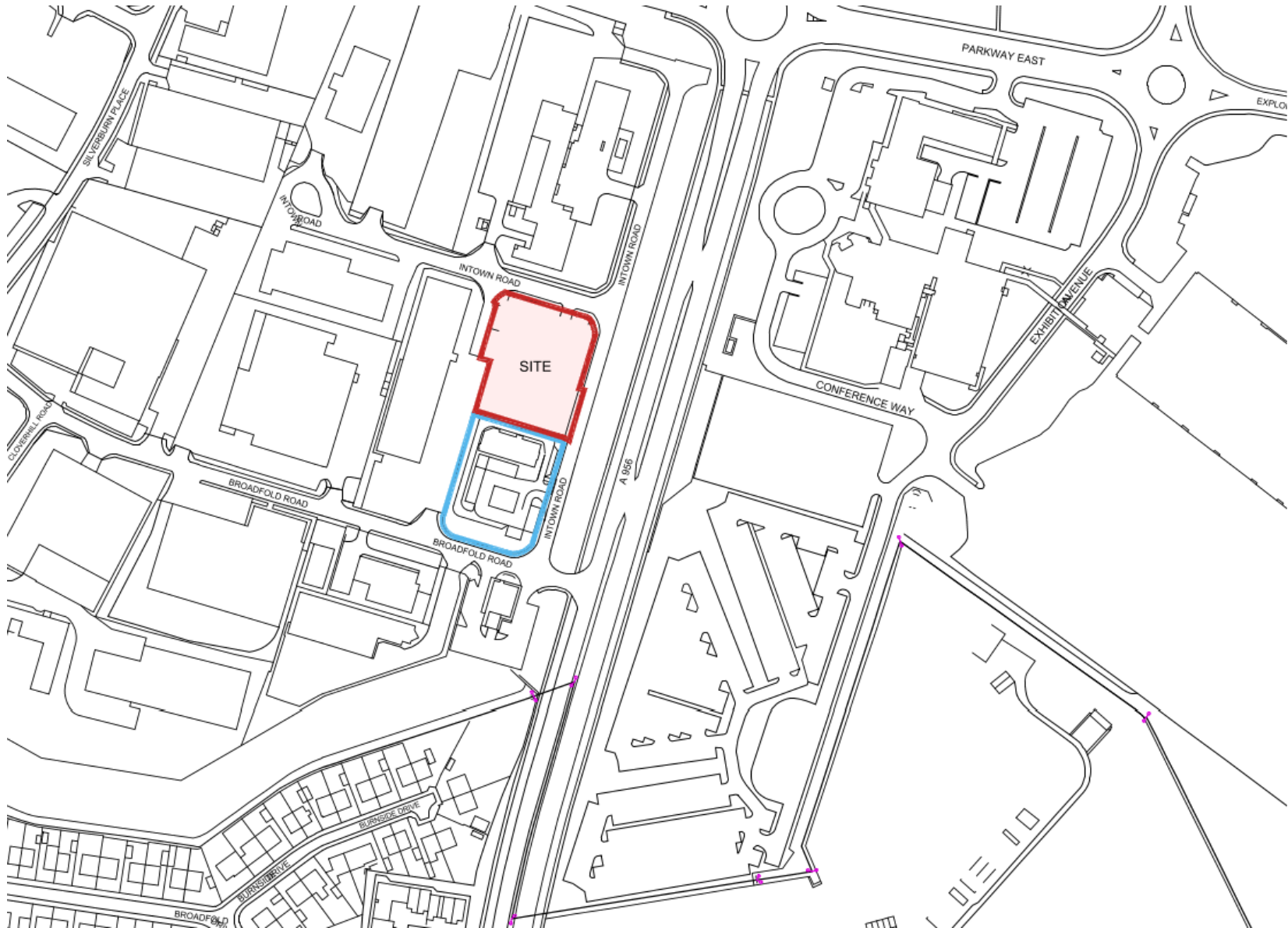
17 February 2022

Erection of coffee shop with 'drive-thru' (sui generis) and associated infrastructure and landscaping

Site to North of KFC, Intown Road, Bridge of Don

Detailed Planning Permission  
211453/DPP

# Location Plan

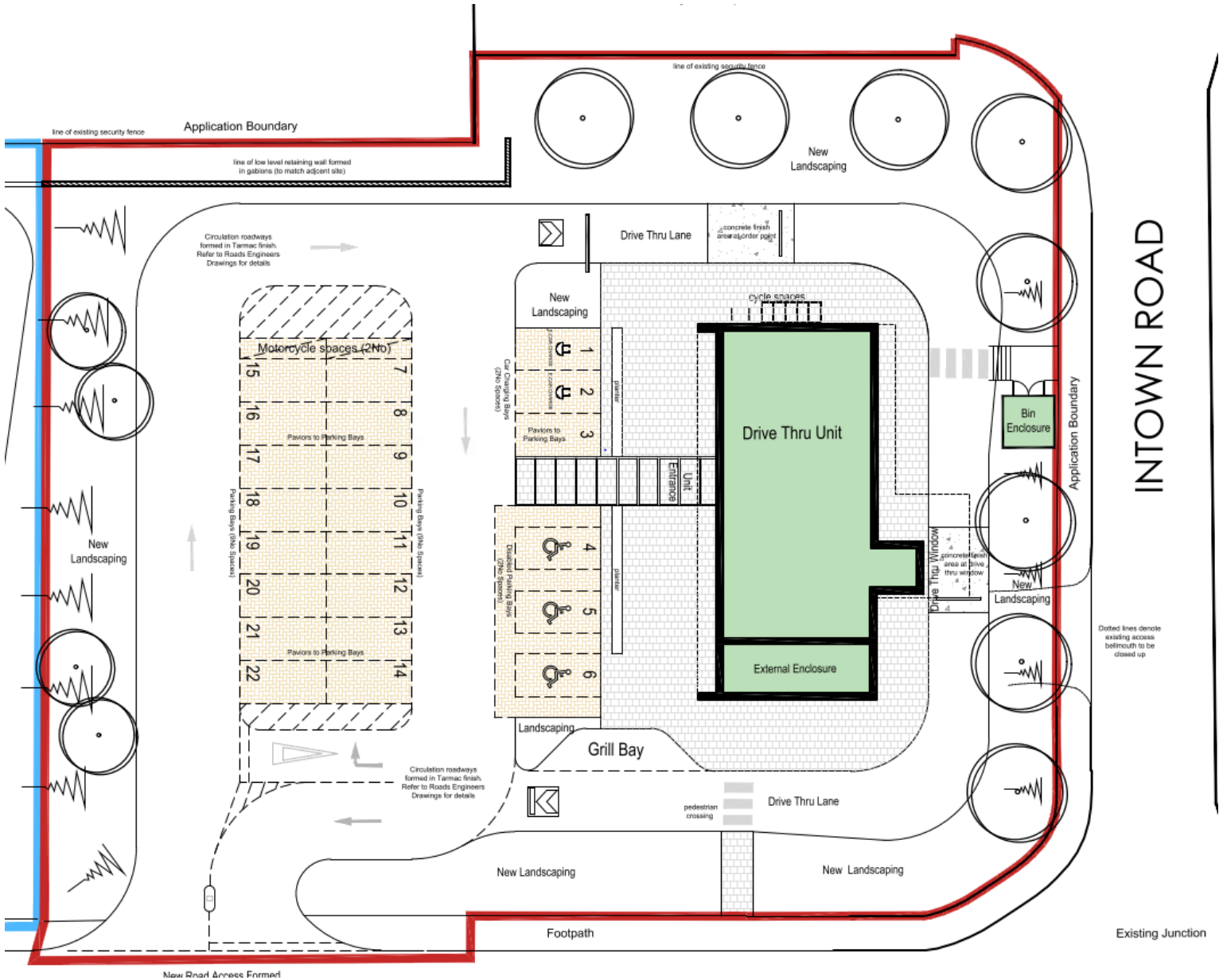




# Aerial View

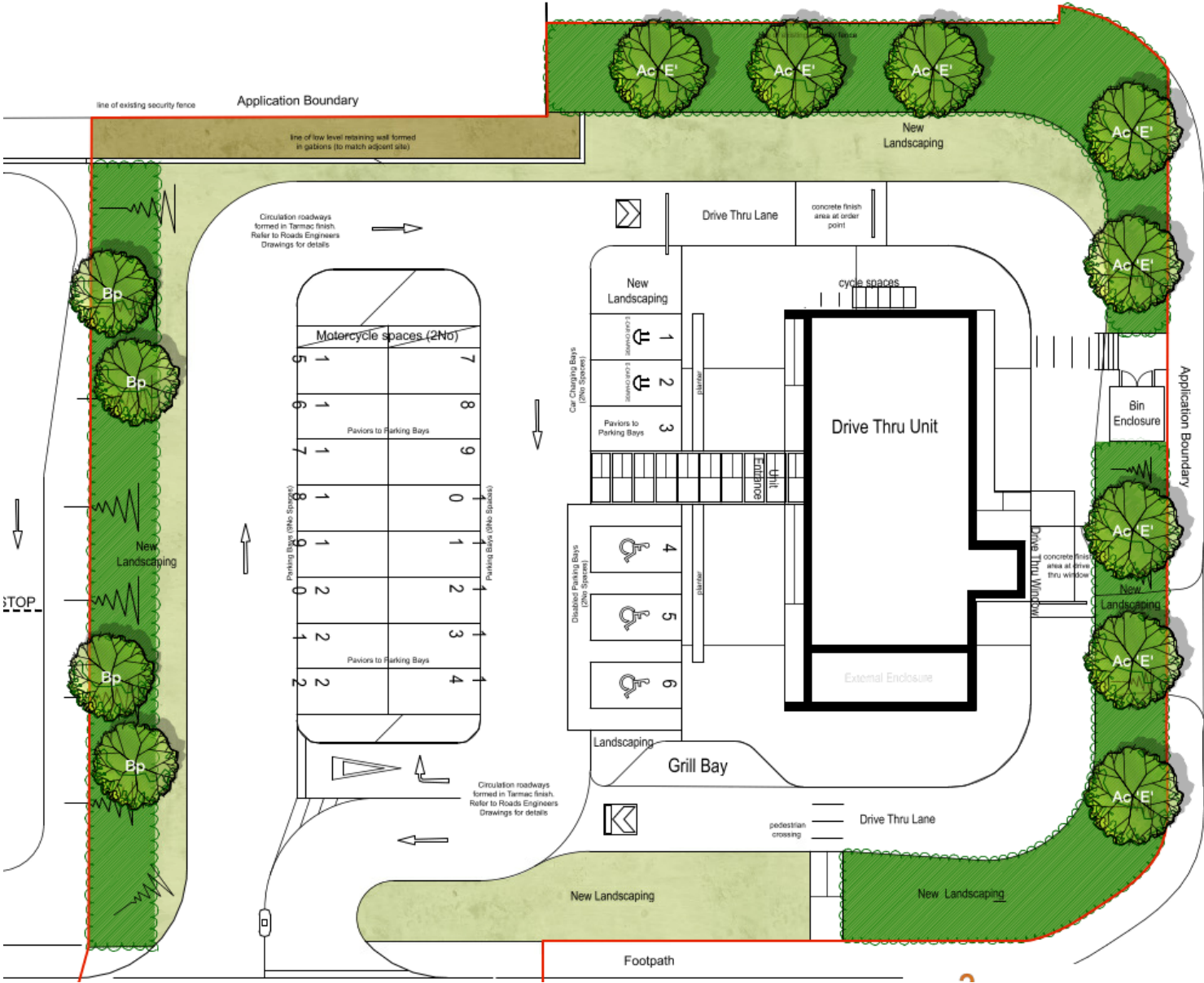


# Site Layout Plan (Proposed)

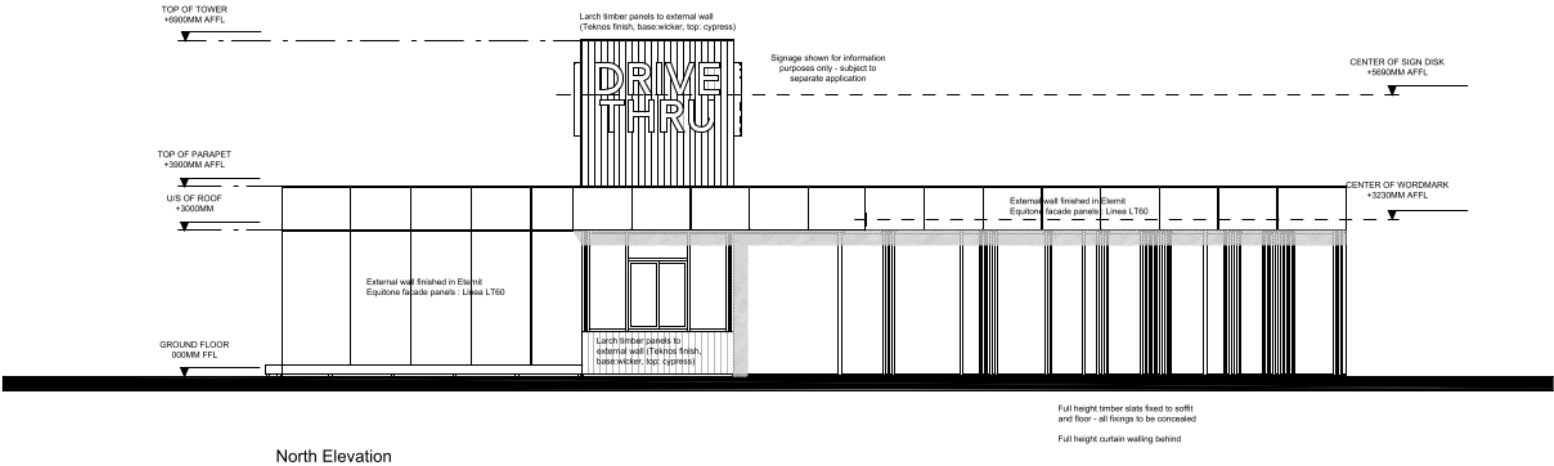
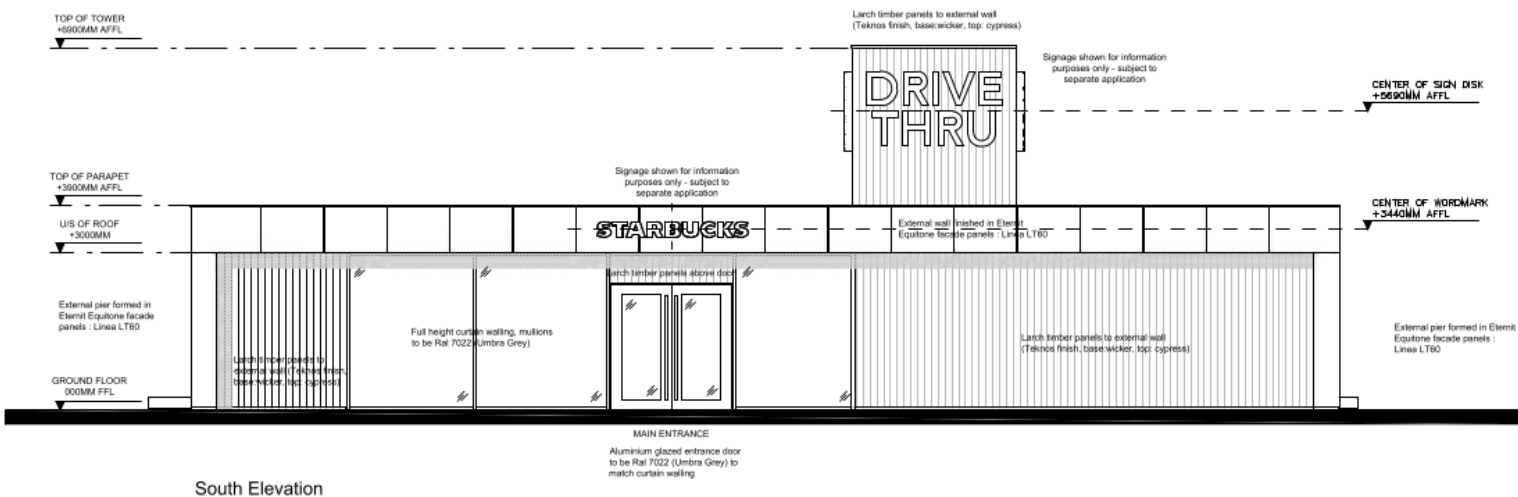




# Landscaping Plan (Proposed)

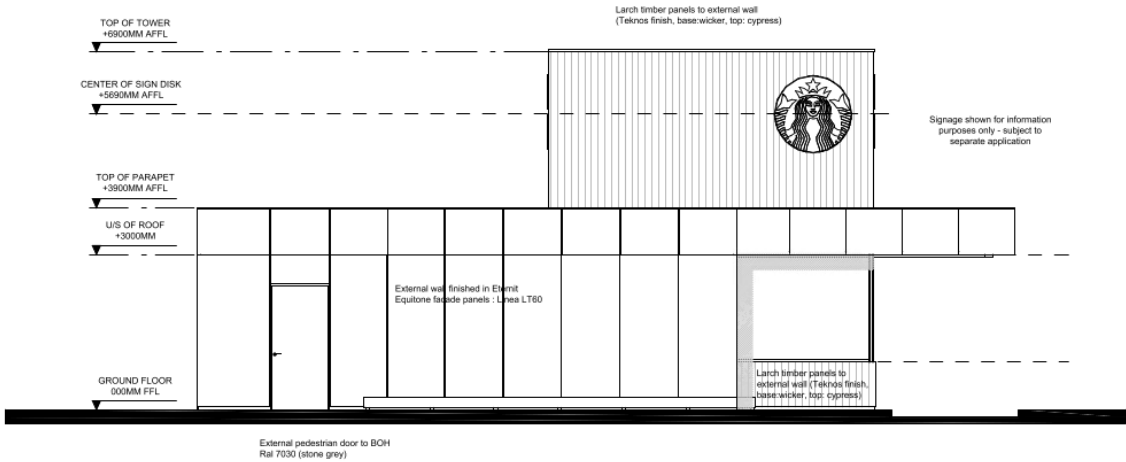


# Proposed Elevations (South & North)

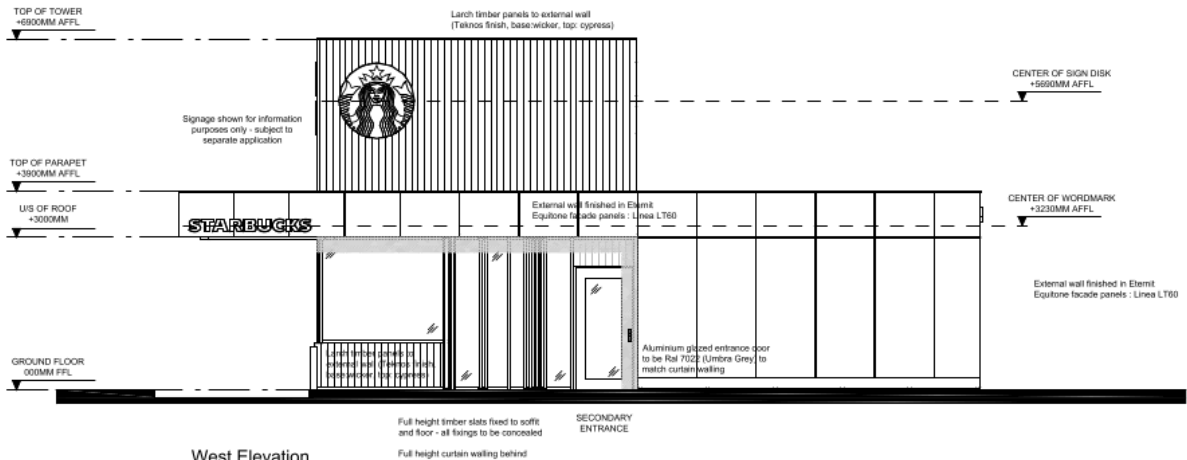




# Proposed Elevations (East & West)



East Elevation



West Elevation

## Example of a Facility in Manchester with similar Design & Material Finish (For Information Only)



# Site Overview – Google Maps





# Site Overview – Google Maps (3D)





## Google Image – Facing North along Intown Road towards the Site





## Google Image – Facing West from Ellon Road onto Broadfold Road and its junction with Intown Road





## Site Photo – North East Corner of Site – Facing South-West





# Site Photo – North West Corner of Site – Facing East





# Site Photo – Northern Boundary - Facing South



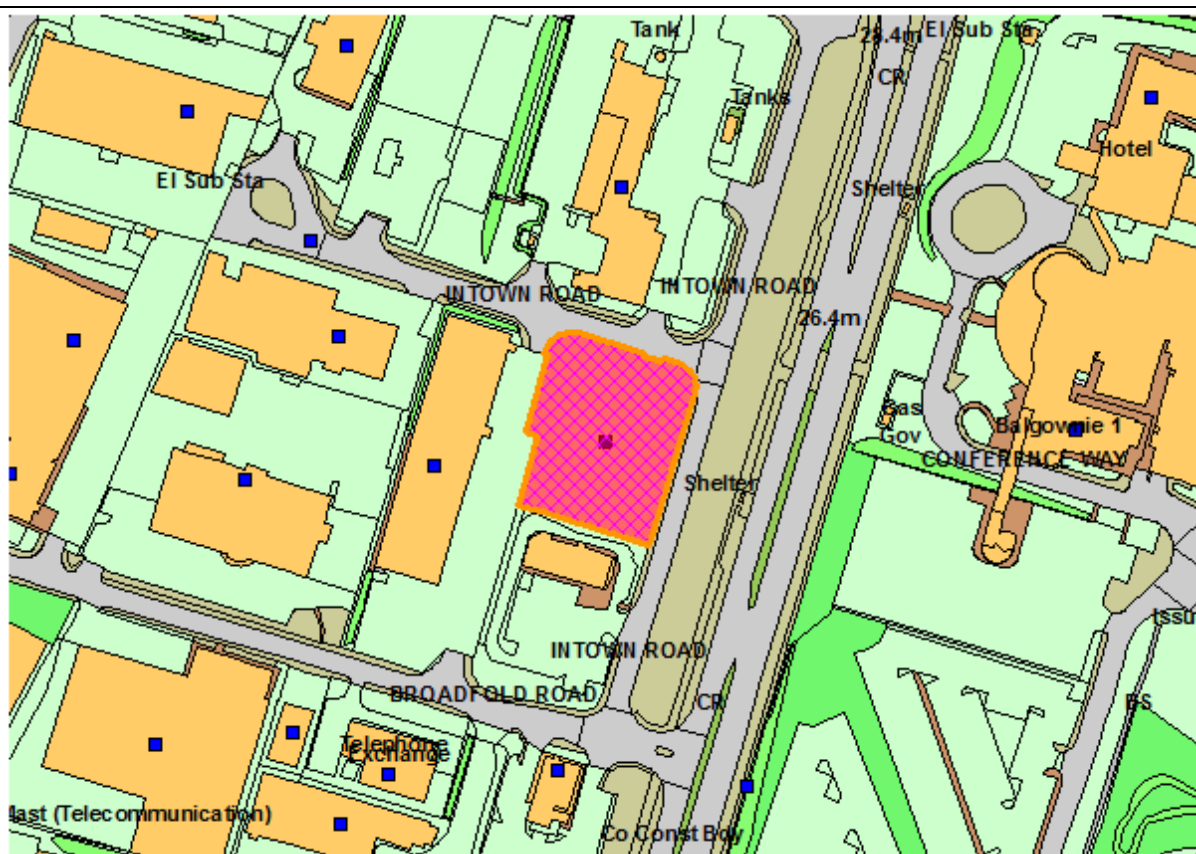
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## Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 17 February 2022

Site Address:	Site To North Of KFC, Intown Road, Bridge Of Don, AB23 8EE
Application Description:	Erection of coffee shop with 'drive-thru' (sui generis) and associated infrastructure and landscaping works
Application Ref:	211453/DPP
Application Type	Detailed Planning Permission
Application Date:	6 October 2021
Applicant:	Kemble Estates Ltd.
Ward:	Bridge Of Don
Community Council:	Bridge Of Don
Case Officer:	Jane Forbes



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### RECOMMENDATION

Approve Conditionally



## **APPLICATION BACKGROUND**

### **Site Description**

The application site, which is bound to the north and east by Intown Road, forms part of the Bridge of Don Industrial Estate. It extends to 0.28ha, and previously formed part of a wider site which was occupied by a car sales garage and car repair/servicing workshop, prior to the entire site being cleared and subdivided, with the 0.25ha site created to the south redeveloped as a hot-food restaurant and drive-thru (KFC).

To the west of the site, and at a slightly higher level beyond a retaining wall, is a large industrial building and associated access/yard, whilst to the north, across Intown Road, is a BOC Gas depot. To the east of the site, and beyond Intown Road lies an area of landscaping which runs parallel to the A956 Ellon Road dual carriageway.

### **Relevant Planning History**

**P120633:** Redevelopment of the site, including demolition of car showroom and workshop, with an industrial/commercial unit with car park and yard. Approved conditionally in June 2015.

**P151586:** Temporary consent for a 76-bedroom containerised hotel with social space and 68 parking spaces & change of use to Class 7 hotel. Application withdrawn prior to determination on 19 November 2015.

**191277/DPP:** Erection of coffee shop with 'drive-thru' (sui generis) and associated infrastructure and landscaping works. Application refused under delegated powers on 5 March 2020. The decision was referred to the Local Review Body on 1 June 2020. The LRB upheld the earlier decision and planning permission was refused.

### **Planning History of the Adjacent Site**

**P160623:** Erection of fast food restaurant with associated 'drive-thru', infrastructure works and landscaping. Application refused under delegated powers on 21 December 2016. The decision was referred to the Local Review Body on 8 February 2017, where the proposal was again refused.

**170789/DPP:** Erection of fast food restaurant with associated 'drive-thru', infrastructure works and landscaping. Approved conditionally under delegated powers on 14 November 2017.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought for the erection of a coffee shop and 'drive-thru' facility, with associated car parking and landscaping. This would comprise a flat roofed, single storey building (190m<sup>2</sup>) incorporating an enclosed utility yard area (30m<sup>2</sup>) located within the northern section of the site; a vehicle access for the drive-thru facility running clockwise from the access off Intown Road along the outer limits of the developed area of the plot; the 'drive-thru' collection point located along the northern elevation of the building; 22 proposed car parking spaces (including 3 disabled spaces and 2 charging bays), 2 motorcycle spaces which would be located centrally and to the south of the coffee shop/drive-thru building and 9 cycle parking spaces, comprising 5 secure lockers and 2 cycle hoops providing the remaining 4 spaces.

The proposed external finishes of the building would include a combination of full height glazing, vertical larch timber panel cladding and light brown composite panel cladding to the front (south) elevation, which faces south across the car park and incorporates the main customer entrance to

the building. The east elevation facing across Intown Road would incorporate the same composite panel cladding; with the remaining elevations including a combination of vertical timber panels, full height glazing and composite panel cladding. All glazing would include grey aluminium frames. The roof would be finished in a light grey laminated membrane which would be screened by means of a parapet clad in brown composite panels to match the walls. Finally, a 6.3m x 3.1m tower feature finished in vertical larch timber panelling would be located on the roof of the building, set back some 6.8m from its southern (front) elevation, and projecting to a height of some 3 metres above roof level.

The proposed landscaping includes a combination of tree and shrub planting with amenity grass along all four boundaries of the site.

### **Amendments**

Amendments were made to the proposal by the applicant in December 2021:

- The site layout was revised to deliver a larger area of public space and outdoor seating adjacent to the entrance to the coffee shop building and more direct pedestrian access between the coffee shop and associated car park.
- 5 secure cycle parking spaces have been accommodated within the revised site layout.
- The design of the proposed coffee shop building was revised, including replacement of the previously proposed mono-pitch roof with a flat roof and the introduction of a timber clad tower feature to the roof, all to reflect a recent change in the corporate design requirements of the applicant.

### **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=R0JYL2BZGQ100>

- Planning Statement by Halliday Fraser Munro, dated September 2021
- Drainage Impact Assessment (Revision 2) by Cameron & Ross, dated September 2021
- Transport Statement by ECS Transport Planning Ltd, dated September 2021
- Travel & Servicing Management Plan by Halliday Fraser Munro, submitted December 2021
- Correspondence from the agent, on behalf of the applicant (dated 2 December 2021), addressing points raised in consultation comments and letters of representation
- Correspondence from the marketing agent Mark Halliday & Co, on behalf of the applicant, submitted October 2021 and January 2022

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

The application has been referred to the Planning Development Management Committee because Bridge of Don Community Council has objected to the proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## **CONSULTATIONS**

**Health And Safety Executive (Hazardous Substances Consent)** – No objection. Do not advise against the proposed development.

**ACC - Roads Development Management Team** – The Roads Development Management (DM) team reviewed the information submitted, including in terms of access, parking, internal road layout, local road network, drainage and a travel plan framework. Initial concerns raised relating to the

absence of secure cycle parking for staff on site have been addressed. Roads Development Management (DM) raised no objection to the development proposal subject to conditions being applied including in relation to the submission of a travel plan. Further detail on the consultation response is covered in the evaluation section of this report.

**ACC - Environmental Health** – No objection. Considered the supporting documentation submitted, the proposed end use and site location and advised that the proposal was not considered likely to have a significant adverse noise impact and therefore a Noise Impact Assessment was considered neither necessary nor proportionate.

Advised that on the suggested use a significant adverse odour impact was not likely, therefore an Odour Impact Assessment was not considered necessary or proportionate. Confirmed that in the absence of a suitable commercial Local Extract Ventilation (LEV) system, the premises would be considered unsuitable for unrestricted class 3 uses therefore a suitably worded condition should be applied to restrict and allow for appropriate control of cooking activities which could give rise to odour emission.

**ACC - Waste and Recycling** – No objection. Confirmed that the proposed development would be classified as commercial and would therefore receive a business waste collection. Provided advice on the waste management requirements for the proposed development whilst noting that Aberdeen City Council can only provide a very general response regarding commercial developments given the range of waste service contractors operating in the city.

**Bridge Of Don Community Council** – The Bridge of Don Community Council objected to the proposal, and raised the following points:

- (1) Concerns relating to the existing traffic situation at the Ellon Road/Broadfold Road junction and at the Broadfold Road/Intown Road junction.
- (2) Cars are queuing on Ellon Road (a dual carriageway) to get onto Broadfold Road and access the current outlets. Depending on the situation cars may not get onto Intown Road.
- (3) An additional outlet in this area will only cause additional traffic which will come to a standstill with tempers being raised.
- (4) An example we have been made aware of is a resident visiting KFC Drive Thru and having to wait 30 mins to get out of Intown Road. As Intown Road is a no through road this situation unfortunately will become a normal occurrence.
- (5) Concerns raised regarding ACC Roads DM Team consultation response which outlines the following points: *1) The applicant has stated that the KFC TA shows the Broadfold Road junction will operate at only 34% of the available capacity (including KFC traffic) after the road improvements which have recently been undertaken - meaning there is plenty of spare capacity for their site; and 2. The applicant has undertaken surveys of queues in the area in May 2021. These surveys evidence that there is significantly reduced queues and indiscriminate parking, which previously hindered the smooth operation of the junction.* The Community Council raise concerns with these points as on passing the junctions at various times a lot of built up traffic can be seen. The fact that McDonalds already have a traffic steward would suggest that there is still a problem with the volume of traffic for the road layout.
- (6) As far as the survey evidence, this was carried out in unprecedented times, where all roads were very quiet due to COVID restrictions with people opting to walk rather than take the car anywhere. Therefore, we would urge that a further survey is undertaken to provide up to date data, before any decision on this application is made. This survey needs to be carried out at peak times to give a true picture. Peak times being:- Thurs - Sun 1600 - 2000 and Sat & Sun 1200 – 1400”.
- (7) Coffee outlets are very popular, as seen with the one at the Bridge of Don Retail Park. Subject to this, the anticipated volume of customers and therefore traffic associated with a new outlet, from not just local residents but also those heading out to Aberdeenshire, will cause undue traffic

backlog and chaos in the surrounding area, which raises safety concerns.

## **REPRESENTATIONS**

Three valid and timeously made representations have been received in relation to this application, two expressing objection and one expressing support. The points raised are summarised as follows:

### **Support**

- As a resident of Bridge of Don/Danestone community I have never seen KFC traffic causing any problems on this slip road, the traffic has been within their car park;
- Currently we need to travel into the city centre to buy a Starbucks;
- The location is perfect;
- The Community Council should contact residents for opinions especially when objecting to something that would be of benefit for the majority of us.

### **Objection**

- A drive-thru site needs to have active Rapid (or better) EV charging from the day the development is open and to have more than one charger, not 'passive' ie just ducting and cabling with no date as to when the infrastructure may be installed;
- The application is contrary to key policies of the Aberdeen City Local Development Plan, including: B1 'Business and Industrial Land', D1 'Quality Placemaking by Design', T2 'Managing the Transport Impact of Development' and T3 'Sustainable and Active Travel' (including the relevant Supplementary Guidance 'Transport and Accessibility');
- The application will have an adverse impact on the local road network and affect local road safety and the ability of employees of the BOC site which lies directly north of the application site to safely undertake their gas delivery operations;
- Local road network improvements undertaken since the previous application for this site have not addressed traffic issues;
- Traffic continues to back up on Intown Road and Broadfold Road onto the A956, creating a significant hazard at peak hours. Further drive through traffic will only increase these issues;
- Concerns raised regarding the proposed pedestrian network within the site;
- The site is totally dominated by parking, including circulating road space, a "Drive Thru" lane and service bays and does not present an attractive or welcoming space for pedestrians, cyclist or other active travel users;
- Cycle parking facilities are located remote from the main entrance and it is not clear if these facilities are secure, covered or well lit;
- Pedestrians face a 200m walk from the nearest bus stop on Ellon Road. The proposed parking allocation demonstrates a reliance on private car access;
- The Transport Statement suggests the traffic estimates for the proposed development are overestimated. The number of car parking spaces proposed for the site does not reflect this;
- The landscape plan does not indicate a path or trackway to allow refuse wheelie bin or skip access onto Intown Road;
- The Council's refuse manager has noted that the refuse collection area should include for an area of hard standing at storage and collections point(s), a dropped kerb at proposed bin collection point and yellow lines in front of bin collection point. No commitment to providing these can be found in the Transport Statement, suggesting that any facilities will not be compliant. In addition, there appears to be a considerable level difference (circa 1.75m) between the "Drive Thru" lane and Intown Road and it is not clear how wheelie bins or heavy refuse sacks can be safely transported to a collection point on Intown Road;
- If refuse collection is to be undertaken on Intown Road, this may impede vehicle access to the BOC site;
- There would be an overprovision of car parking spaces on site, contrary to policy and parking

standards;

- The proposal to have ducting for just 2 spaces is deficient and not in the spirit of national government aims to reduce reliance of internal combustion vehicles;
- Concerns raised regarding the servicing arrangements for the proposed development due to the constraints of the site;
- No details of the Service Management Plan have been provided;
- The purpose of the Rigid Truck swept path assessment drawing is unclear in the planning submission;
- The turning head area at the end of Intown Road that is proposed to turn refuse vehicles in is subject to parking and may restrict access for HGV refuse movements at this location;
- Concerns raised regarding the trip generation estimates, including the suggestion that trip sharing may occur between McDonalds and KFC users and the proposed Starbucks and whether delivery services (eg via Uber, Just Eat and Deliveroo) have been accounted for;
- The current McDonalds site requires a traffic steward to help control parking and traffic flow at the main access junction to the wider area. The proposed development is highly likely to exacerbate an already fragile transport network and cause significant safety and access concerns for all road users. No Road User Safety Audit (RUSA) has been offered or requested and as such it cannot be stated that proposed operation can operate in a safe and efficient manner;
- The Travel Plan provided in the Transport Statement is generic and lacks detail.

## **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

### **Development Plan**

#### **Strategic Development Plan**

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

#### **Local Development Plan**

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies



relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

Policy B1 - Business and Industrial Land  
 Policy B6 - Pipelines, Major Hazards and Explosive Storage Sites  
 Policy D1 - Quality Placemaking by Design  
 Policy T2 - Managing the Transport Impact of Development  
 Policy T3 - Sustainable and Active Travel  
 Policy NC5 - Out of Centre Proposals  
 Policy R6 - Waste Management Requirements for New Development  
 Policy R7 - Low & Zero Carbon Buildings, and Water Efficiency  
 Policy NE6 - Flooding, Drainage & Water Quality

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

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 following policies of the Proposed ALDP are of relevance in the assessment of this planning application -

Policy B1 - Business and Industrial  
 Policy B6 - Pipelines, Major Hazards & Explosive Storage Sites  
 Policy D1 - Quality Placemaking  
 Policy D2 - Amenity  
 Policy NE4 - Our Water Environment  
 Policy T2 - Sustainable Transport  
 Policy T3 - Parking  
 Policy R5 - Waste Management Requirement in New Development  
 Policy R6 - Low and Zero Carbon Buildings, and Water Efficiency  
 Policy VC3 - Network of Centres  
 Policy VC9 - Out-of-Centre Proposals

## **EVALUATION**

### **Principle of Development**

The application site is zoned under Policy B1 (Business and Industrial Land) of the Aberdeen City Local Development Plan. Policy B1 states that *"Land zoned for business and industrial uses shall*

*be retained for Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) uses and safeguarded from other conflicting development types.”* The policy does outline that *“facilities that directly support business and industrial uses may be permitted where they enhance the attraction and sustainability of the city’s business and industrial land. Such facilities should be aimed primarily at meeting the needs of businesses and employees within the business and industrial area.”*

The proposed use as a coffee shop and associated drive-thru does not fall within any of the above classes, and as such it must be evaluated against the latter of the above principles. Whilst accepting that people working within the Bridge of Don Industrial Estate would likely use the facility, taking into account the drive-thru aspect of the proposal and the location of the site, where it is directly accessed and particularly visible from the A956 Ellon Road dual carriageway, then it is also apparent that the nature of development which is being proposed in this instance is such that it will attract a customer base from an area beyond that of the business and industrial park within which it lies.

It is accepted that supporting facilities can attract trade from outwith the area within which a business and industrial park operates. In this instance the elevated position of the proposed coffee shop and drive-thru and its resulting visual prominence to motorists from the Ellon Road dual carriageway, when combined with the predominant vehicular focus of the proposal, including indirect access from the dual carriageway; a drive-thru facility; and the maximum standard of car-parking provision being sought for the site; is such that the proposed development would undoubtedly result in a use which would clearly attract passing trade from vehicular users of the main arterial route as well as serving the needs of businesses and employees located within the Bridge of Don Industrial Estate.

The potential focus of the customer base of the proposed development extending beyond the Industrial Estate and therefore not being aimed primarily at meeting the needs of businesses and employees within the business and industrial area is also evidenced by the intended 24 hour operation of the facility. The planning statement submitted in support of the proposal refers to *“the large local walking catchment, both of business park users and local residential areas”*. The statement also identifies the potential for further increasing the customer base for the coffee shop and drive-thru with several hundred new homes having recently been granted planning permission on the opposite side of Ellon Road and to the north of the site. The proposed development does not specifically address the criteria which allows for an exception to the primary policy and as such the proposal represents a departure from the Local Development Plan on the basis that it does not comply with the requirements of Policy B1 (Business and Industrial Land).

Taking the above into account it is therefore necessary to consider whether there are any material planning considerations that would in this instance justify the granting of planning permission as a departure from the adopted Local Development Plan.

In this regard it is of particular relevance to note that the application site formed part of a wider site which operated as a car showroom/garage until becoming vacant in 2009 and subsequently cleared in 2013 when buildings associated with the car showroom/garage use were demolished. Throughout this period of some 12 years the site has been actively marketed and whilst consent was granted in November 2017 for a fast food drive-thru within the southern part of the site, the northern section which extends to an area of 2800m<sup>2</sup> and relates to this current application under consideration has remained vacant. Despite the continuous and active marketing of the application site which has taken place, as confirmed and detailed by the agents on behalf of the applicant, there has been no interest forthcoming in the site for industrial/business use. The agent involved in the marketing of the site has advised that the marketing campaign has evolved with the ever-changing Aberdeen property market and economic conditions including an updated brochure and agency board as recently as January 2021, following the previous refusal in June 2020 of application ref 191277/DPP for a coffee shop with 'drive-thru' on the same site, but with no serious interest other than from the current applicant. So, notwithstanding the active marketing of the site, it has now

remained vacant for a lengthy period of time and with what would certainly appear to be limited potential for this relatively compact site being redeveloped for a new Class 4/5/6 use.

Consideration has been given as to whether the proposed use of the site as a coffee-shop with drive-thru would cause conflict with existing uses within the surrounding area, given its business and industrial zoning. The immediate context of the site is an existing fast food drive-thru immediately to the south of the site (KFC) and to the south of that and across Broadfold Road, a further fast food drive-thru (McDonalds). To the west is an industrial building with vehicle access and yard areas located along its eastern boundary and adjacent to the western boundary of the application site, whilst to the north and across Intown Road is the site occupied by BOC as a distribution hub with office buildings and yard space located adjacent to its southern boundary. It is not considered that the erection of a coffee shop and drive-thru within the application site which is located on the periphery of the Bridge of Don Industrial Estate and currently lies derelict would adversely affect the existing amenity of those neighbouring sites or those within the wider industrial estate to any significant degree.

Taking all of the above into account it would appear appropriate and legitimate in this instance to consider the proposed alternative use for the site on the basis that there are sufficient material considerations allowing for a departure from its business and industrial zoning. An assessment of the proposed development under all remaining relevant policy is set out below.

### **Sequential Approach**

The Aberdeen City Local Development Plan and Scottish Planning Policy both recognise and prioritise the importance of identified town centres by requiring that all significant footfall generating uses are located in accordance with a sequential 'town centre first' approach. The Planning Statement submitted in support of the application argues that *"The proposed coffee shop with drive-thru is not considered to be a significant footfall generating use. This has been the view of the Planning Authority in relation to other drive-thru coffee shops approved and now operational in out of town locations on land allocated for business use"*. With this in mind and in terms of assessing the proposed development against Policy NC5 (Out of Centre Proposals), whilst also noting that each application is determined on its own merits, in this instance it is acknowledged that in considering similar proposals relating to coffee shop drive-thrus but with more extensive floor areas than currently being proposed as part of this application, it has previously been accepted that such facilities did not fall within the remit of significant footfall developments.

As outlined above, it is recognised that the proposed coffee shop and drive-thru would attract customers from beyond the Bridge of Don Industrial Estate, considering its location adjacent to the Ellon Road dual carriageway, however beyond that and bearing in mind the relatively limited scale of the facility (190m<sup>2</sup>) its operation would likely be focussed largely on the surrounding local area, given that a number of similar coffee shops with drive-thrus are already established across the wider city, including within existing town centres as well as within similar business and industrial settings such as this. It is not apparent that there would be other sites within the surrounding area which could readily accommodate the format of development proposal which is being sought here, whilst also providing the access opportunities afforded by this site, which includes ease of access for pedestrians and cyclists, and for those travelling by public transport. With bus stops on both sides of Ellon Road at a distance of between 160 and 270 metres from the site, and a shared footway/cycleway on the northbound side of the A956, there is an acceptable range of travel options available for accessing the site, albeit access to the proposed drive-thru coffee shop is likely to be predominantly by private car and such access would almost certainly be less car dependant if the coffee shop were located within a city centre or other centre location.

The planning statement confirms that the rationale behind the proposal is that *"the site is located on the edge of an existing industrial estate, is not of an appropriate size or quality to accommodate a viable level of Class 4, 5 or 6 use, and that the marketing that has taken place over the past 10*

*years demonstrates that this is not a viable use. A supporting letter from the marketing agent confirms that there is no demand for this type of site in this location from business or industrial users, and notes there is an oversupply. The proposal presents an opportunity to introduce a mix of uses to enhance the amenity of nearby businesses, as well as passing trade, without impacting upon the nature of the industrial estate area.”*

SPP requires planning authorities to show flexibility in responding to changing economic circumstances and allow the realisation of new business and employment opportunities, with this flexibility balanced against allowing development in inappropriate locations. It is maintained that the site is not of an acceptable size or quality for a business or industrial use, and that would appear to be borne out by the extended period that it has lain vacant despite the ongoing marketing of the site during that time.

The proposal would see the introduction of a 3<sup>rd</sup> drive-thru facility within a radius of less than 100 metres along a stretch of road directly accessed off Ellon Road, and to a site which lies on the eastern periphery of the Bridge of Don Industrial Estate. The proposed coffee shop and drive-thru could potentially be in competition with similar existing uses in designated centres and there could therefore be some impact on those existing facilities due to divergence of trade. It is noted that the site is accessible by pedestrians and cyclists, served by a suitably frequent and convenient public transport service, and the proposed use does not raise any significant concerns from an air quality perspective, however by its very nature, whilst not solely dependent, it would nevertheless be largely dependent on access by private car. Taking all of the above into account, and whilst accepting that the proposal may not be deemed to fall strictly within the remit of a significant footfall generating development, when considered against the expectations of Policy NC5 (Out of Centre Proposals) of the ALDP, there is a degree of tension.

### **Design, Siting and Scale**

Policy D1 (Quality Placemaking by Design) of the ALDP requires all development to ensure high standards of design and to have a strong and distinctive sense of place as a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. It is acknowledged that not all development will be of a scale that makes a significant placemaking impact, but that good design and detail does add to the attractiveness of the built environment.

It is considered that the design, scale and positioning of the proposed development and associated landscaping is appropriate in this instance. The resulting visual impact of the single storey, flat roofed building would be acceptable within the context of the site and the surrounding area. Its design and material finish would largely conform with that of similar drive-thru developments within the city, including those neighbouring the site, and would have no adverse impact on the character or amenity of the area.

The proposal is considered to be suitably compliant with the requirements of Policy D1 of the Aberdeen City Local Development Plan.

### **Traffic Impacts, Access Arrangements and Car Parking**

Policy T2 (Managing the Transport Impact of Development) of the ALDP states that “new development must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel” whilst Policy T3 (Sustainable and Active Travel) states that “new development must be accessible by a range of transport modes with an emphasis on active and sustainable transport”.

A Transport Assessment, Service & Travel Management Plan and Swept Path Analysis were included in the submission in support of the proposed development. ACC Roads DM team assessed the proposal and provided comment, including on the information contained within these supporting

documents. The proposed site layout was considered acceptable, providing appropriate connection between the site and the existing external network for pedestrians and cyclists, including the provision of dropped kerb crossings and priority within the site for crossing a vehicular lane. A new road access off Intown Road is proposed along the eastern boundary of the site, adjacent to its south-eastern corner.

The revised site layout includes an acceptable level of car, motorcycle and cycle parking for this type of use. A total of 9 cycle parking spaces are proposed on site, which exceeds the 5 required under current cycle parking standards, as outlined within the Council's Supplementary Guidance on Transport and Accessibility, thereby suitably encouraging sustainable travel to the site for both customers and staff, with 5 of the 9 spaces identified as secure cycle lockers, and all cycle parking provision deemed to be suitably located within the site. 2 motorcycle parking bays are proposed, along with a total of 22 car parking spaces, of which 3 are for disabled users and of the remaining 19 spaces, 2 are identified for passive EV charging. Whilst acknowledging that there may be a degree of ambiguity within the Council's Transport and Accessibility SG on how the level of car parking spaces for a site is calculated based on the maximum standards when considering the proportion to be allocated for disabled users, the ACC Roads DM team is entirely satisfied that the total no. of car parking spaces proposed for the site is appropriate. A condition has been applied which requires submission of details on the EV charging stations for approval and for the approved stations to be installed prior to the coffee shop and drive thru facility operating. The site lies within an acceptable distance of bus stops, located on Ellon Road, and as such is considered suitably accessible by public transport. Conditions have also been applied to ensure delivery of the short/long stay cycle parking on site and for a Travel Plan to be implemented, with details to be submitted and agreed by the planning authority, again with a view to encouraging active and sustainable modes of travel in association with the site.

Under the former proposal for a coffee shop and drive-thru at this site ACC Roads DM team provided comment on the proposed servicing of the site and raised concerns relating to the potential for conflict between service vehicles manoeuvring within the site and customer parking, based on the original car parking layout. As a result of those concerns the internal layout of the site was revised to allow for the proposed level of car, motorcycle and cycle parking to be delivered, and amendments made to the site junction onto Intown Road with a view to restricting access to small delivery vehicles. This current proposal has accommodated the same junction modification thus ensuring a limit on the size of service vehicles accessing the site and the Roads DM team has confirmed that it is satisfied that the swept path analysis submitted suitably evidences and supports this arrangement.

Taking into account the aforementioned junction modification which will limit servicing of the site to small delivery vehicles it has been acknowledged and accepted by ACC Roads DM that refuse vehicles will not access the site and an area for bin storage is proposed along the northern boundary of the site with access for collection by refuse vehicles from Intown Road. The Roads DM team has confirmed it is satisfied with the arrangements for refuse storage and collection as proposed and that the road layout along Intown Road is suitable to accommodate access by refuse vehicles.

Bridge of Don Community Council has objected to the proposal, with concerns raised regarding the impact of the proposed development on the local road network including traffic build up at the Ellon Road/Broadfold Road and Intown Road junctions. There is concern that the introduction of a further drive-thru outlet in the area would result in additional traffic and increased pressures on the network. The Community Council commented that the traffic surveys provided in support of the application which demonstrate the upgraded Ellon Road/Broadfold Road/Intown Road junction as operating within capacity were undertaken when the local road network was very quiet due to COVID restrictions and should have been carried out at peak times. The Community Council also raised safety concerns relating to the proposed development, with the anticipated volume of customers



and associated traffic from a new coffee shop and drive-thru potentially causing undue traffic backlog and chaos in the surrounding area.

The scope of the Transport Assessment was agreed with ACC Roads DM and the transport surveys were carried out on a Friday and Saturday in May 2021 including at peak periods. The survey findings stated that the Intown Road/Broadfold Road junction would operate within capacity once the proposed coffee-shop drive-thru was in place and identified spare capacity at that junction to accommodate future demand. The findings of these surveys were deemed acceptable by the ACC Roads DM team.

Having fully considered all of the supporting information submitted, including the Servicing and Travel Management Plan and Transport Assessment with all its associated reports (Transport Statement, Addendum Note & Technical Note) and traffic surveys, and based on the proposed site layout, the Roads DM team has confirmed it is satisfied with the findings and has no concerns regarding the proposed development. It should be noted that since the previous proposal for a coffee shop and drive-thru at this site was initially considered and subsequently determined, the consented KFC drive-thru in the adjoining site to the south is now operational with all road upgrades and parking restrictions associated with its operation now implemented, and this has been reflected in the traffic information submitted in support of the current proposal.

Concerns relating to indiscriminate parking along Broadfold Road have been raised in the representations received and the Transport Assessment has highlighted that such concerns relate primarily to the operation of the McDonalds drive-thru and advise that a monitoring system has now been introduced, including the use of a traffic steward, to alleviate such issues at peak times. A letter of support from a local resident has stated that they have not witnessed any traffic issues relating to the KFC drive-thru operation, however issues have been raised in representation and by the Bridge of Don Community Council Community with regards ongoing traffic flow problems in the vicinity of the application site. Whilst such issues were apparent in early 2020 when site visits were undertaken by the case officer as part of the evaluation of the previous application and these were clearly identified within the report of handling at that time, such issues have not been witnessed during a number of site visits undertaken by the case officer as part of the evaluation of this current application, despite these visits having been carried out over a period of two months at the end of 2021 and at peaks times, including on week days and at weekends and over lunchtimes and late afternoons/early evenings.

Taking all of the above into account it is considered that the proposal would suitably comply with the requirements of Policy T3 (Sustainable and Active Travel) and Policy T2 (Managing the Transport Impact of Development) of the Aberdeen City Local Development Plan.

### **Other Technical Matters**

Part of the site falls within a major hazard site consultation zone and as a result the Health and Safety Executive (HSE) were consulted on the proposal. HSE did not advise against the proposed development and the proposal is therefore deemed suitably compliant with Policy B6 (Pipelines, Major Hazards and Explosive Storage Sites) of the ALDP.

Policy R6 (Waste Management Requirements for New Development) of the ALDP requires all new development to provide sufficient space for waste storage. Provision has been made for bin storage to the rear of the facility along the northern boundary of the site, with collection from Intown Road. The Council's Waste & Recycling Team raised no objection to the application and advised of the waste management requirements. The Roads DM team advised the proposed waste storage and collection arrangements were acceptable and they were satisfied that an adequate turning head would be available on Intown Road for refuse vehicles. The proposal would therefore be suitably compliant with the above policy.

A Drainage Impact Assessment (DIA) was submitted in support of the proposed development and included detail on a drainage channel across the site access junction and surface water drainage arrangements for the road and car parking runoff. The DIA also provided appropriate pollution mitigation indices. The Roads DM team confirmed they had no concerns with the proposed drainage arrangements. The proposal would therefore be suitably compliant with Policy NE6 (Flooding, Drainage and Water Quality) of the ALDP.

All new buildings must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of application through the installation of low and zero carbon generating technology. Whilst no details have been submitted in this regard, this matter can be controlled by means of an appropriate planning condition in order to ensure compliance with Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) of the ALDP.

### **Matters raised in letters of objection**

The matters raised in letters of objection as summarised at the start of this Committee Report have been addressed in the evaluation above.

### **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**

It is acknowledged that the proposed development fails to comply with the requirements of Policy B1 (Business and Industrial Land) of the Aberdeen City Local Development Plan in as far as it does not constitute a business or industrial use, nor could it be considered as being aimed primarily at meeting the needs of the existing businesses and employees of the Bridge of Don Industrial Estate. However, it is also accepted that despite continuous and active marketing of this brownfield site since it became vacant in 2009, there has been no interest forthcoming in the site, which lies on the periphery of the Industrial Estate, for industrial or business use.

It has therefore been deemed appropriate and legitimate in this instance to consider the proposed alternative use for this site, thereby allowing for a departure from its business and industrial zoning. This would accord with the expectations of SPP which requires planning authorities to show flexibility in responding to changing economic circumstances and allow the realisation of new business and employment opportunities, with this flexibility balanced against allowing development in inappropriate locations. It is maintained that the site is not of an acceptable size or quality for a business or industrial use, and that would appear to be borne out by the extended period that it has lain vacant despite the ongoing marketing of the site during that time.

Due to the limited scale of development being sought in this instance the proposal would not clearly fall within the remit of a significant footfall generating development, however it should nevertheless be acknowledged that the proposed coffee shop and drive-thru development would potentially be in competition with similar uses in existing designated centres and on the basis that there could therefore be some impact on those existing facilities due to divergence of trade, there is a degree of tension with this proposal when considered against the expectations of Policy NC5 (Out of Centre Proposals) of the Aberdeen City Local Development Plan.

It is accepted that the proposed development would serve a wider customer base than that of the surrounding business and industrial area and recognised that this is all the more likely given the location of the site adjacent to a main thoroughfare which provides access in/out of the city. The site is however deemed suitably accessible by a range of means and subject to a number of conditions is capable of encouraging and supporting sustainable travel. An acceptable level of on-site car, motorcycle and cycle parking has been proposed, and it is considered that the local road network is capable of accommodating the trips generated. As such the proposal is considered to accord with the aims of Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) of the Aberdeen City Local Development Plan, and the associated 'Transport and Accessibility' Supplementary Guidance.

Taking all of the above into account, and on balance, whilst the proposal is deemed to be a departure from Policy B1 (Business and Industrial Land) and may introduce some tension with the expectations of Policy NC5 (Out of Centre Proposals) of the Aberdeen City Local Development Plan, there are deemed to be sufficient material considerations in this instance to justify such departure. The proposal is of an appropriate design, scale and finish, and is thereby in accordance with Policy D1 (Quality Placemaking by Design) of the Aberdeen City Local Development Plan. The requirements of Policies B6 (Pipelines, Major Hazards and Explosive Storage Sites), R6 (Waste Management Requirements for New Development) and NE6 (Flooding, Drainage and Water Quality) have been suitably addressed, and it is considered that compliance with Policy R7 (Low and Zero Carbon Buildings, and Water Efficiency) of the Aberdeen City Local Development Plan can be controlled by means of an appropriately worded condition. The majority of the policies in the Proposed Aberdeen Local Development Plan (PALDP) 2020 reflect those of the adopted Local Development Plan with which the proposal is in accordance for the reasons noted above. A departure from Policy B1 (Business and Industrial Land) can be justified for the reasons outlined above.

## **CONDITIONS**

### **1. CAR PARKING**

That the development hereby approved shall not be brought into use unless the car and motor cycle parking areas hereby granted planning permission have been constructed, laid-out and demarcated in accordance with drawing No. P(00) 003 Rev PO1 (Proposed Site Plan) 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 and motorcycles 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.

### **2. ELECTRIC VEHICLE CHARGING POINTS**

That prior to development commencing on site, details of the type of electric vehicle charging stations to be installed in association with the 2 EV car parking spaces identified on drawing No. P(00) 003 Rev PO1 (Proposed Site Plan) have been submitted to and approved in writing by the planning authority, and thereafter the charging stations are installed in accordance with the agreed detail prior to the use hereby approved commencing. Reason: In order to encourage the use of electric vehicles and comply with the Council's 'Transport and Accessibility' Supplementary Guidance.

### **3. CYCLE PARKING (SHORT AND LONG STAY)**

That the development hereby granted planning permission shall not be brought into use unless

the secure cycle storage and parking facilities identified on drawing No. P(00) 003 Rev PO1 (Proposed Site Plan) of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority 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) of the Aberdeen Local Development Plan.

#### **4. TRAVEL PLAN**

That the coffee shop hereby granted planning permission shall not be occupied unless full details of a Staff Travel Plan which includes an overarching aim, outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, realistic modal share targets and a series of measures to obtain these targets as set out in an Action Plan, are submitted to and agreed in writing by the planning authority and thereafter the Travel Plan is implemented in accordance with the approved details. Reason: In order to encourage the use of alternative and sustainable modes of travel, as required by Policy T3 (Sustainable and Active Travel) of the Aberdeen Local Development Plan.

#### **5. LANDSCAPING SCHEME**

That all soft and hard landscaping proposals shall be carried out in accordance with drawing No. 0001 Rev D (Proposed Landscape Layout) and drawing No. 0002 Rev C (Proposed Planting Plan) of the plans hereby approved or such other drawing(s) as may subsequently be submitted and approved in writing by the planning authority, with all planting, seeding and turfing carried out in the first planting season following the completion of the development. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works, including all boundary treatment, shall thereafter be permanently retained. Reason: In the interests of the visual amenity of the area.

#### **6. CARBON REDUCTION AND WATER EFFICIENCY**

The building 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:

- 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.

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 the development complies with the on-site carbon reductions required in Scottish Planning Policy and Policy R7 of the Aberdeen Local Development Plan.

#### **7. RESTRICTED USE**

That no cooking/frying operations or hot food preparation shall be carried out on the premises of the coffee shop hereby approved other than the re-heating of pre-cooked produce by means of a microwave oven. Reason: In the interests of the amenity of the surrounding area and in the absence of a suitable commercial Local Extract Ventilation (LEV system), the premises are

considered unsuitable for unrestricted Class 3 uses.

**ADVISORY NOTES FOR APPLICANT**

1. The access junction and any provision of dropped kerb(s) associated with this development should be designed to Aberdeen City Council standards. The development will require to be subject to a Section 56 Roads Construction Consent application and the applicant should contact Colin Burnet on 01224 522409 to discuss this matter in further detail



# PLANNING DEVELOPMENT MANAGEMENT COMMITTEE



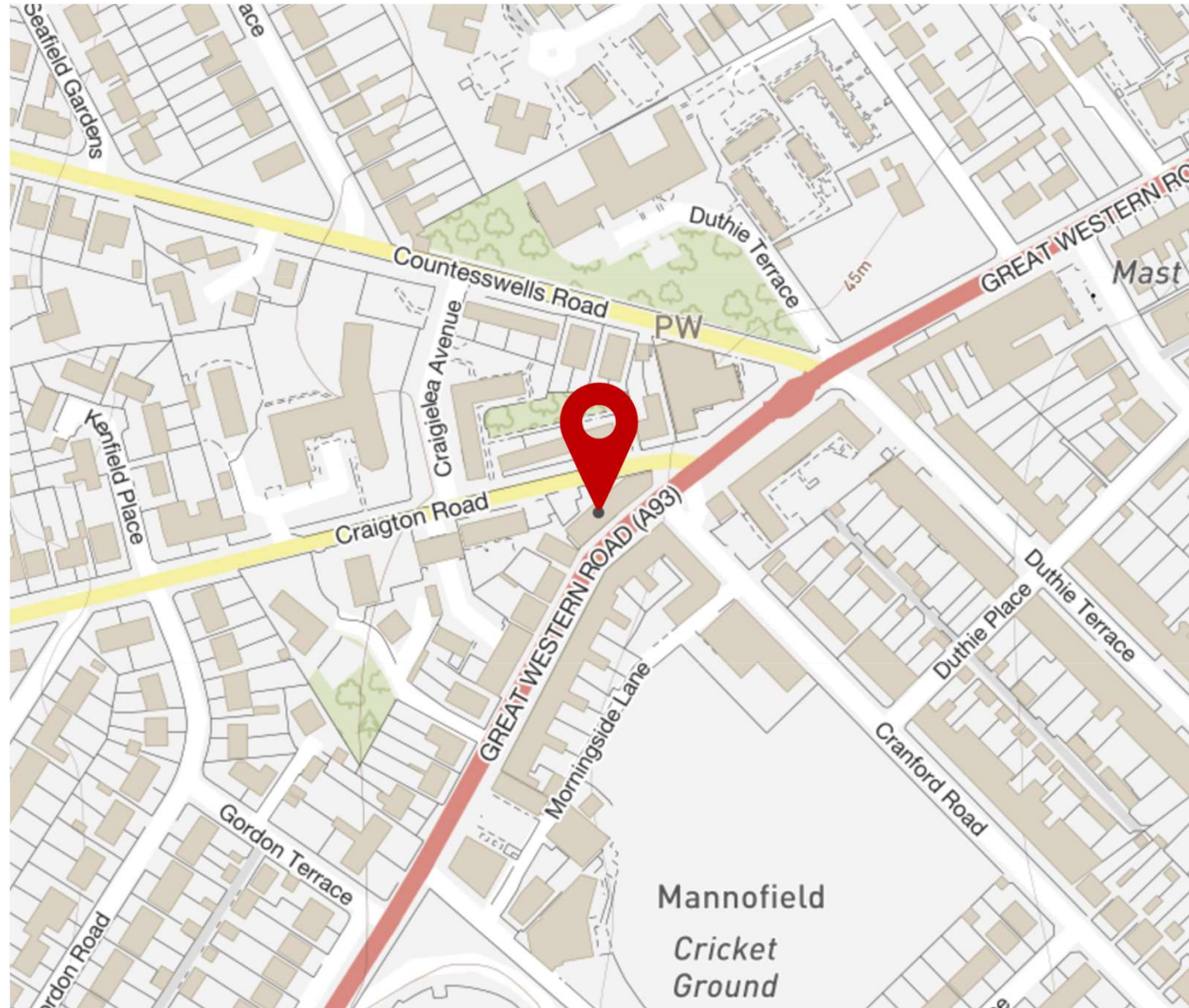
17 February 2022

Installation of broadband antenna (retrospective)

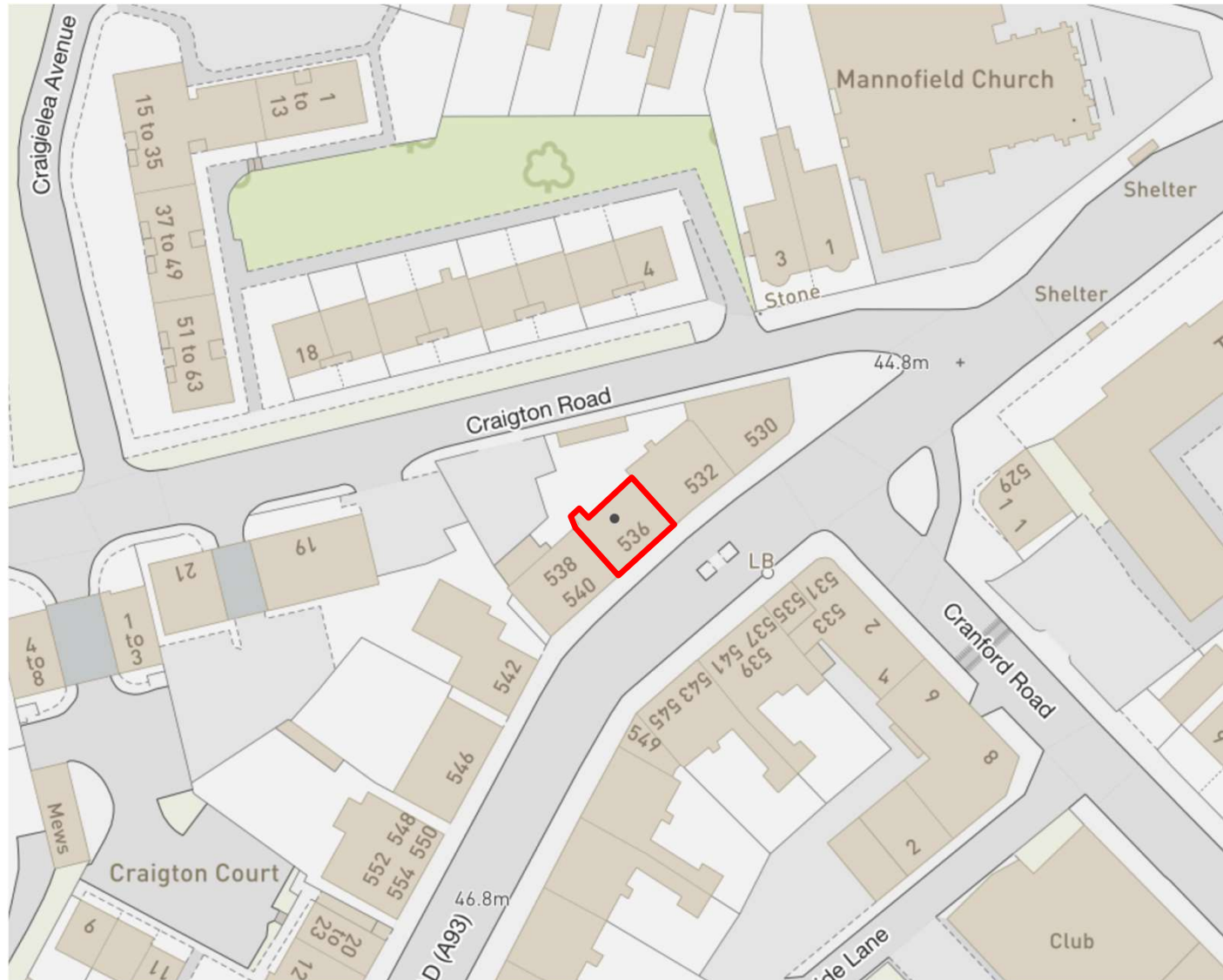
Ground Floor Right, 536 Great Western Road

**Application reference: 211633/DPP**

# Site Location (GIS) – Wider Context



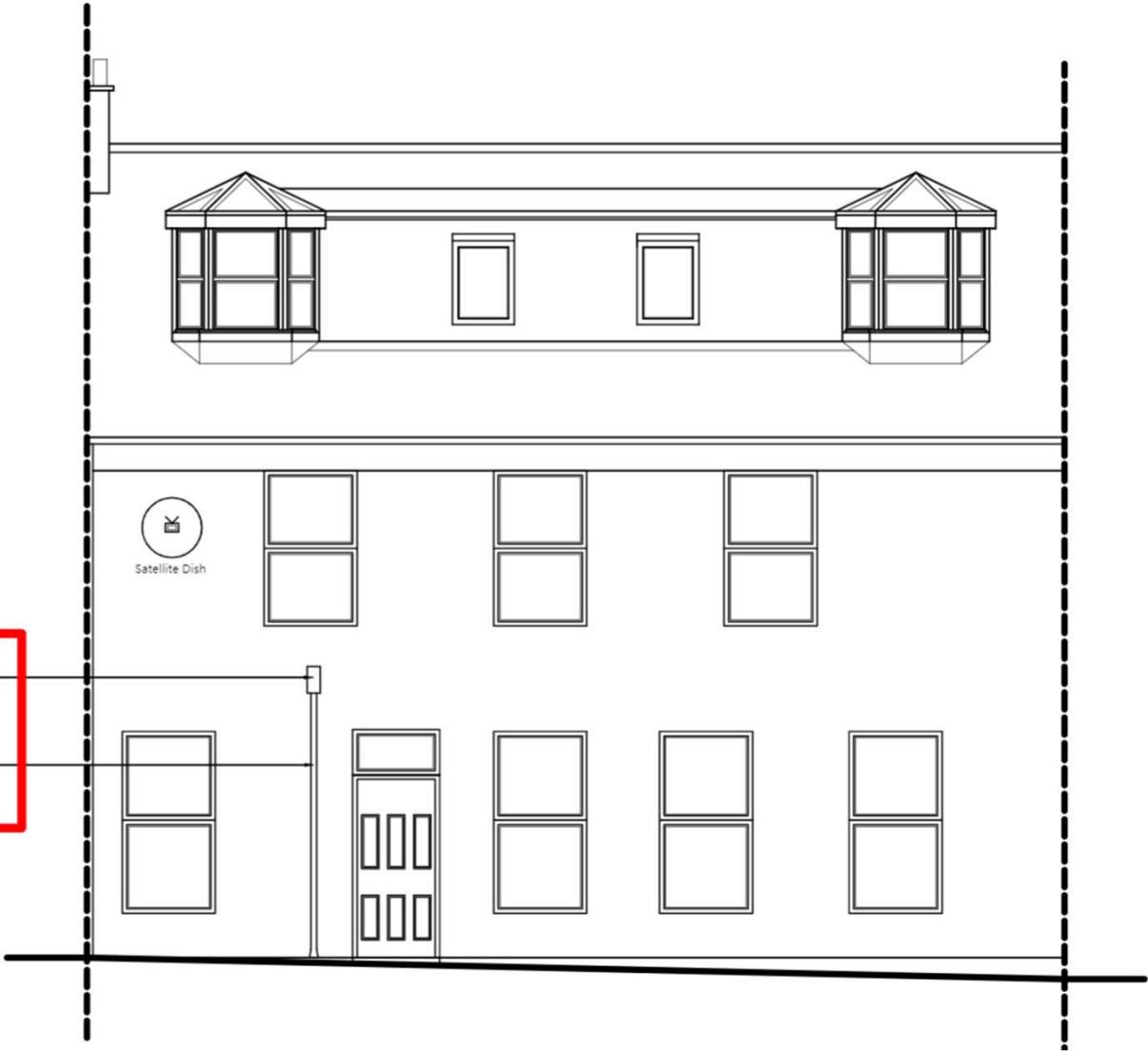
# Site Location (GIS) – Local Context



# Elevation – As Built

Antenna Housing, installed white, to be painted grey

Conduit Cable, installed brown, to be painted grey.





# Site Photo





# Site Photo

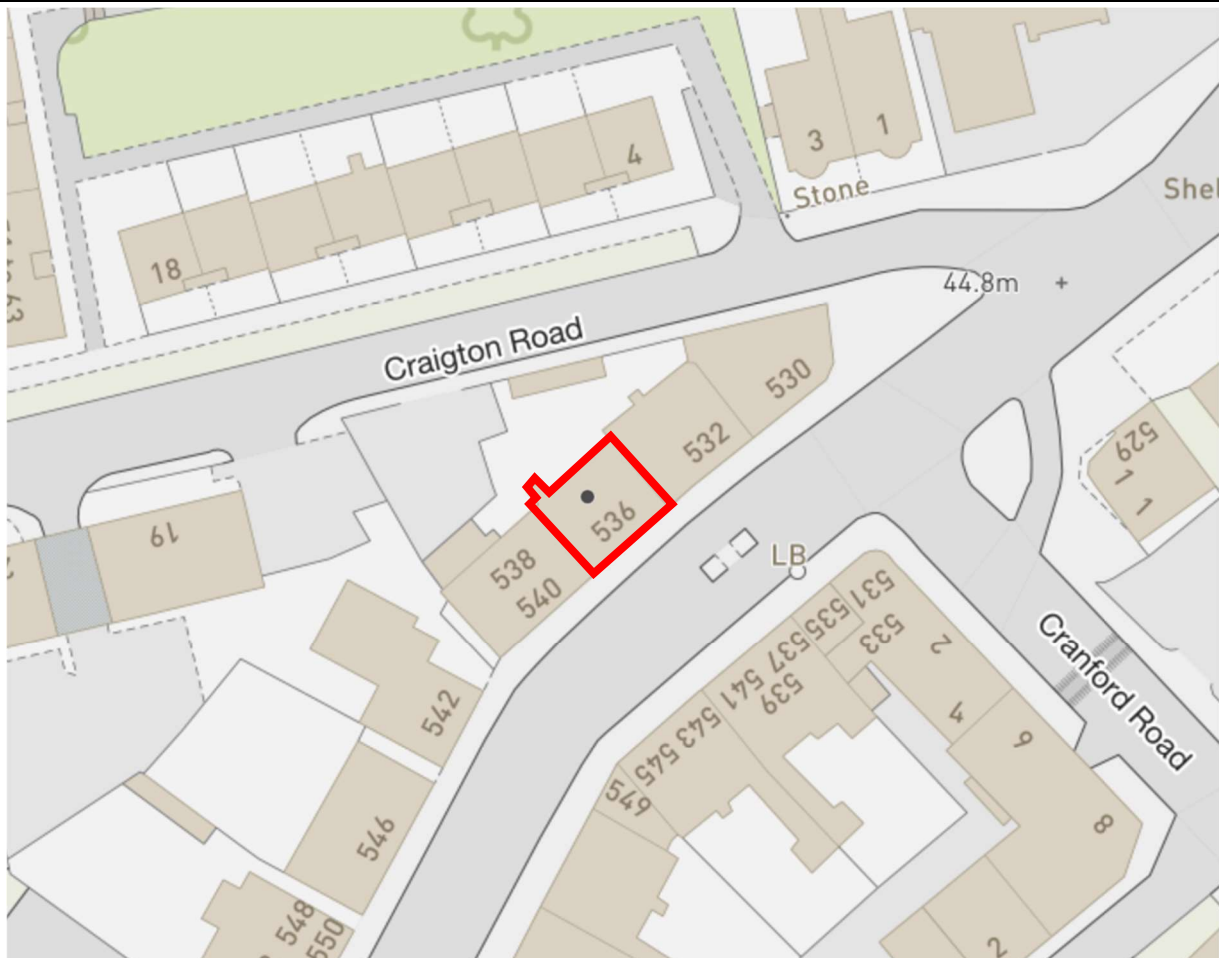


## Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 17 February 2022

Site Address:	Ground Floor Right, 536 Great Western Road, Aberdeen, AB10 6PG
Application Description:	Installation of broadband antenna (retrospective)
Application Ref:	211633/DPP
Application Type	Detailed Planning Permission
Application Date:	15 November 2021
Applicant:	Mr Joseph Meane
Ward:	Airyhall/Broomhill/Garthdee
Community Council:	Braeside & Mannofield
Case Officer:	Ross McMahon



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### **RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The application site comprises a ground floor flat forming part of a traditional mid-terraced flatted block, of slate and granite construction, located on the northern side of Great Northern Road to the west of its junction with Craigton Road and Cranford Road. The application site is located within the Great Western Road Conservation Area.

### **Relevant Planning History**

Application Number	Proposal	Decision Date
211318/DPP	Installation of broadband antenna to front (retrospective)	20.10.2021
		Status: Withdrawn

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is retrospectively sought for the installation of an externally mounted broadband antenna, its housing (colour white to be painted grey) and vertical cabling including a brown cable conduit, also to be painted grey. The equipment is installed to the left-hand side of the main entrance door to the building, on its principal elevation facing south-east onto Great Western Road.

### **Amendments**

Following submission of the application, the colour of the antenna housing and cable conduit has been changed from brown to grey, as noted on the submitted drawings.

### **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=R2MHYJBZHY800>

- *Supporting Statement & Photographic Record (Inspired Design & Development Ltd.)*
- *Route Approval (City Fibre)*
- *Vodafone Survey Comments*

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

The application has been referred to the Planning Development Management Committee because it has attracted six or more representations that express concern with the proposal. Additionally, the application is being recommended for approval and has been subject to an objection from the local Community Council. Consequently, the proposal falls out with the Scheme of Delegation.

## **CONSULTATIONS**

**Braeside & Mannofield Community Council** – Objection. The proposal has a detrimental impact on the property within the conservation area. Notes that there appears to be no obvious reason why the cable could not be diverted to rise vertically beside the downpipe a few meters to the west of the current position.

## **REPRESENTATIONS**

A total of six letters of representation have been received, all of which express concern with the proposal. Representations are summarised as follows:

1. *The proposal does not comply with the criteria set out between the ACC Planning and City Fibre for installation within Conservation Areas.*
2. *Such installations appear to be widely installed throughout Aberdeen with little regard for the appearance of the elevations of tenement buildings.*
3. *The installation by City Fibre/Vodafone is a breach of planning regulations.*
4. *Setting of a precedent within similar contexts.*
5. *The installation causes harm to the appearance of the property and the Great Western Road Conservation Area.*
6. *The supporting documentation demonstrates little consideration being given to the likely visual impacts and does not relate to the context in question.*
7. *Other consented or unconsented installations do not constitute sufficient justification.*
8. *Questions the accuracy and legitimacy of the land ownership certificate.*
9. *The equipment has been installed in a poor and 'slip shod' manner.*

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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

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

### **Development Plan**

#### **Strategic Development Plan**

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

#### **Local Development Plan**

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

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

- Scottish Planning Policy (SPP)
- Historic Environment Policy for Scotland (HEPS)

- Historic Environment Scotland (HES) – *Managing Change in the Historic Environment: External Fixtures*.

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

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking by Design)
- Policy D4 (Historic Environment)
- Policy CI2 (Telecommunications Infrastructure)

### **Other Material Considerations**

- Great Western Road Conservation Area Character Appraisal (CACA)

### **Proposed Aberdeen Local Development Plan 2020**

The Proposed Aberdeen Local Development Plan (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. The following policies of the PALDP are of relevance in the assessment of this planning application:

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- Policy CI2 (Telecommunications Infrastructure)

## **EVALUATION**

### **National & Local Policy Context**

#### **Telecommunications Infrastructure**

SPP highlights the importance of digital infrastructure and states that the planning system should support development which helps deliver the Scottish Government's commitment to world-class digital connectivity, the need for networks to evolve and respond to technology improvements and new services, inclusion of digital infrastructure in new homes and business premises, and infrastructure provision which is sited and designed to keep environmental impacts to a minimum.

Further to the above, Policy CI2 (Telecommunications Infrastructure), were relevant to the proposal at hand, states that proposals for telecommunications development will be permitted provided that they comply with the over-arching themes included within PAN62, as well as other applicable national and local policies in relation to:

1. The siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on visual amenity, character or appearance of the surrounding area.
2. If on a building, apparatus and associated structures should be sited and designed to



minimise impact to the external appearance of the host building.

3. If proposing development in a sensitive area, the development should not have an unacceptable effect on areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or buildings of architectural or historic interest.

### Historic Environment

SPP (para. 137) states that the planning system should:

- promote the care and protection of the designated and non-designated historic environment and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning; and
- enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.

HEPS (p. 13) in its policies for managing the historic environment, states that decisions affecting the historic environment should be informed by an inclusive understanding of its breadth and cultural significance; when considering changes to specific assets and their context, detrimental impacts should be avoided. Also of relevance is Historic Environment Scotland's (HES) '*Managing Change in the Historic Environment: External Fixtures*' guidance.

Policy D1 (Quality Placemaking by Design) requires 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. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment.

Policy D4 (Historic Environment) states that the Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, HEPS and its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. High quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas and historic gardens and designed landscapes, will be supported.

The ALDP 'proposals map' shows the entirety of the site being located within a residential area. Policy H1 (Residential Areas) applies to development within such areas, and states that a proposal for householder development will be approved in principle if it:

1. does not constitute overdevelopment;
2. does not have an unacceptable impact on the character and amenity of the surrounding area;
3. does not result in the loss of valuable and valued areas of open space; and
4. complies with SG.

In respect of the requirements of Policy H1, there would be no loss of open space given the nature of the proposal, in that the development relates to the alteration of an existing private flats. Further, there is no prospect of overdevelopment of the site, nor would there be any impact on residential amenity. Therefore, in terms of establishing the acceptability of the principle of the proposal in the context of Policy H1, proviso 2, as set out above, applies.

### **Assessment**

SPP establishes a presumption in favour of digital infrastructure and notes that such development should be supported via the planning system, provided that efforts are made to integrate equipment in a manner that is sympathetic to the host building, surrounding assets and designations, whilst acknowledging technical limitations. In respect of the City Fibre rollout within Aberdeen, an informal

agreement between Aberdeen City Council Planning Service and City Fibre has been established which sets out a number of general principles and expectations regards installation of broadband infrastructure within sensitive areas, such as conservation areas, and instances when planning applications would not normally be taken for such development, for example, on non-public elevations, such as to the side or rear of buildings.

Where planning permission is required for such works, and where installation is to take place on sensitive elevations and locations, the onus is on the applicant to demonstrate the lack of alternative and preferable routes. Information submitted by the applicant and installer note that preferable and less impactful locations are not possible in this particular case, as set out by City Fibre, below.

*‘External wiring through the back of the property:*

- *Considering the toby location, to bring the services through the back of the property will cause more disruptions and a high risk of damaging the facade of the building.*
- *The route towards the back of the building will add 11 additional 90 degrees bends which will make impossible to blow the fibre through.*
- *The option to make those bends at wider angles will only result in a very unsightly install with no options to cover or protect the fibre against any damage or tampering.*
- *Exit point through the back of the building can only be done through the door frame which is not permitted in the design specifications.*
- *The property is mid-terrace so there are no options to relocate at either side.*

*Internal box fit and wiring:*

- *Considering the toby location, to bring the services through the back of the property will cause more disruptions and a high risk of damaging the facade of the building.*
- *The route towards the internal possible lockbox location will add 8 additional 90 degrees bends which will make impossible the blow.*
- *The option to make those bends at wider angles will only result in a very unsightly install with no options to cover or protect the fibre against any damage or tampering.*
- *Due the internal shape of the staircase and the flats door locations to run internal fibre will cause a very unsightly install.*
- *The entire internal network would be unprotected with a high risk of damage and tampering.’*

In light of the above, it has been evidenced to the satisfaction of the Planning Service that all alternative options are neither feasible, appropriate or will result in lesser harm to the building and surrounding area, as a result of the building and its characteristics, the location of existing infrastructure and limitations associated with the technology in question.

Further to the above, it should be noted that the building to which the equipment is attached is considered to generally be of lesser significance and heritage merit in the context of the wider area and the Great Western Road Conservation Area; in part due to the absence of any architectural features of note and the presence of existing unsympathetic development such as cabling, a satellite dish, PVCu windows and an elongated dormer. The presence of the existing elevational clutter, consented or otherwise, in itself is not sufficient justification for the further installation of inappropriate development; however, the Planning Authority is required to give due regard to the host building and its defining characteristics and whether further development is likely to unduly worsen an existing situation.

It is acknowledged that the manner in which the equipment has been installed in this particular case is not of a high standard, and includes the purported use of non-ferrous screws, several of which have been applied to granite rather than via mortar joints. However, the matter of broken clips and loose fixings is a maintenance issue rather than a planning matter to be considered under this

application. Notwithstanding, the existing materials/colour used is not considered appropriate for the host building and thus is contrary to aspects of national and local policy and guidance, as noted above. However, the Planning Service considers that an appropriate use of colour would go some way to mitigating some of the visual impact associated with the external equipment. To that end, an updated drawing has been submitted by the applicant specifying the use of grey, rather than white and brown, which is considered to be more appropriate for the host building and area.

### **Conclusion**

Taking into consideration the overarching presumption in favour of digital infrastructure in combination with the lack of preferable routing options and the lack of heritage merits of the host building, the installed equipment, subject to being finished in an appropriate colour, would not cause undue harm to the host building or wider area and is considered to be acceptable in the context of Policy CI1 (Telecommunications Infrastructure), Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design). In this instance, the equipment would therefore preserve the character and appearance of the Great Western Road Conservation Area in line with legislative requirements, Scottish Planning Policy, Historic Environment Policy for Scotland (and associated 'Managing Change' guidance) and therefore Policy D4 (Historic Environment) of the ALDP.

### **Matters Raised in Representation**

Matters raised through representations not expressly addressed in the preceding evaluation are discussed below. The original land ownership certificate supplied by the applicant was incorrect. The Planning Service requested and subsequently received an updated certificate from the applicant thus settling the procedural error. All owners/occupiers within the building were duly notified by the applicant on 25<sup>th</sup> October 2021 and as such, procedural and legislative requirements were duly followed. On the question of precedent, it should be noted that each case is assessed on its own merits and no precedent would be set by the granting of this proposal. The recommendation is based on the individual circumstances of the case and the characteristics of the site and host building.

### **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**

Approve Conditionally

### **REASON FOR RECOMMENDATION**

The installed equipment complies the relevant policies of the Aberdeen Local Development Plan, namely Policy CI2 (Telecommunications Infrastructure), Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design). Due to the lack of alternative routing options, limitations associated with the installed technology and subject to the application of an appropriate colour, the equipment is considered acceptable in respect of principle, location, design and use of materials, and would not result in undue harm to the host building or surrounding area owing to their individual and localised characteristics. The proposal would therefore preserve the character and appearance of the Great Western Road Conservation Area in line with legislative requirements, Scottish Planning Policy, Historic Environment Policy for Scotland (and associated 'Managing Change' guidance) and therefore Policy D4 (Historic Environment) of the Aberdeen Local Development Plan. On the basis of the above, it is considered that there are no material planning considerations of sufficient weight that would warrant refusal of the application.

## **CONDITIONS**

### **Exact Colour of Broadband Antenna and Cable Conduit**

(1) Within 1 month of the date of the granting of planning permission, details of the exact colour of grey to be used for the painting of the approved installed broadband antenna and cable conduit shall be submitted to and agreed in writing by the Planning Authority. Thereafter, the painting of the broadband antenna and cable conduit shall take place within 2 months of the date the colour is agreed.

Reason – to preserve the character and appearance of the building and the conservation area.

# PLANNING DEVELOPMENT MANAGEMENT COMMITTEE



Erection of dwelling house

West Cults Farm, West Cults Road, Cults

Planning Permission in Principle  
211490/PPP



# Aerial Photo



# Location Plan



## Local Plan

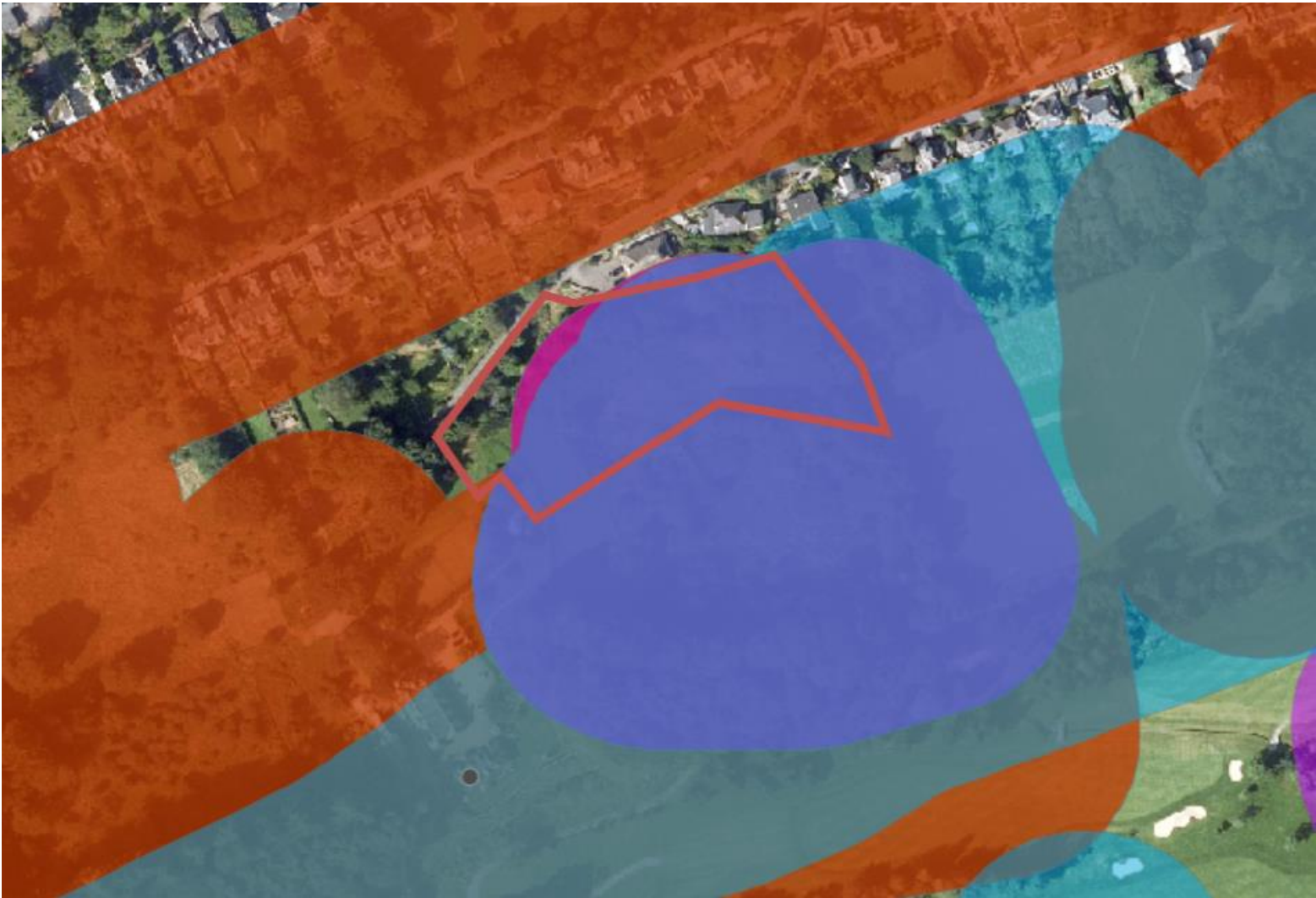




## Green Space Network



# Bat habitat





# Flood risk map



✓ SEPA Flood Map v1\_3 RIVER - High: 10% chance of happening in any one year



✓ SEPA Flood Map v1\_3 RIVER - Medium: 0.5% chance of happening in any one year



✓ SEPA Flood Map v1\_3 RIVER - Low: 0.1% chance of happening in any one year



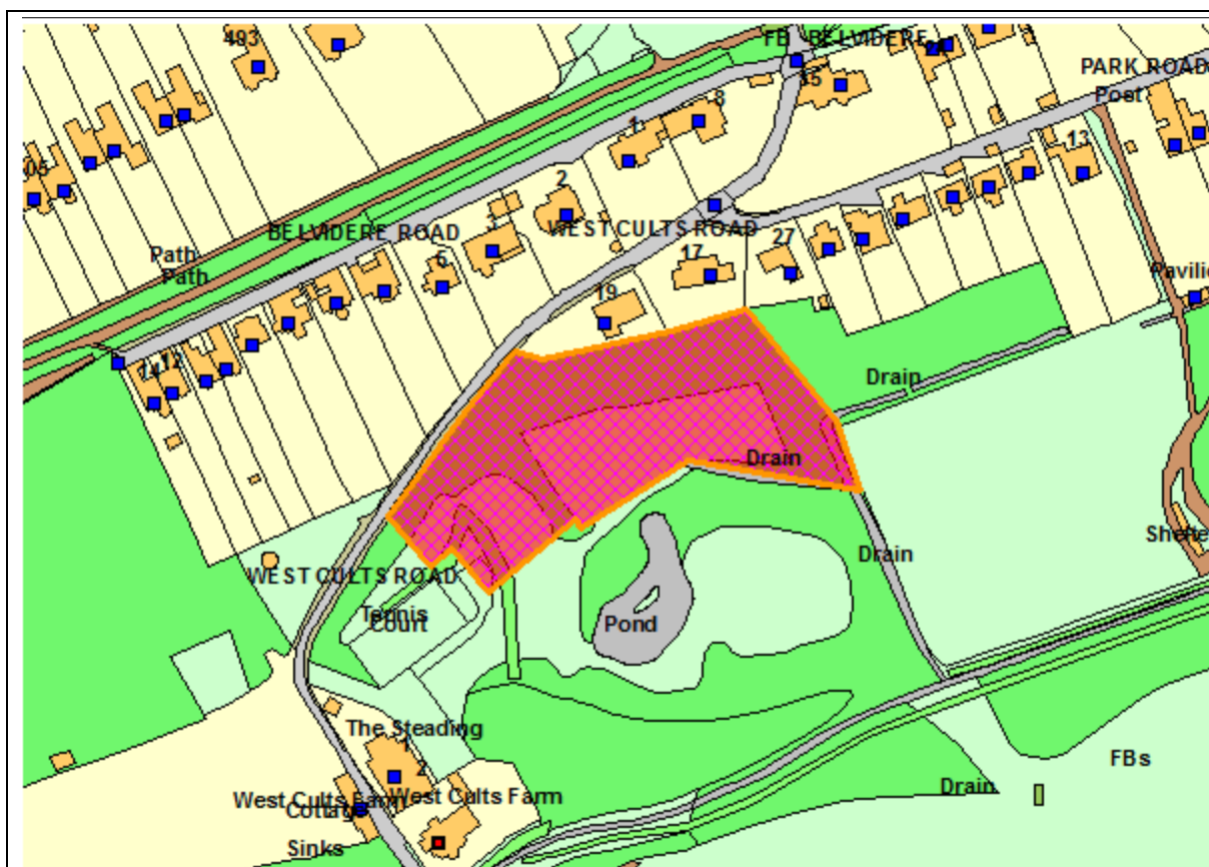
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# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 17 February 2022

Site Address:	West Cults Farm, West Cults Road, Aberdeen, AB15 9HQ
Application Description:	Erection of dwelling house
Application Ref:	211490/PPP
Application Type	Planning Permission in Principle
Application Date:	18 October 2021
Applicant:	Mrs Gillian McLeod
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber
Case Officer:	Dineke Brasier



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## RECOMMENDATION

Refuse

## APPLICATION BACKGROUND

## Site Description

The application site comprises an irregular shaped area extending to c.0.98ha located in the Green Belt. It is positioned to the south east of West Cults Road, to the south of the residential area of Cults, and c.400m to the north west of the River Dee. Although the site boundary adjoins existing housing on West Cults Road, it sits at a lower level and is not visually connected.

Adjacent to the site, West Cults Road at this point narrows to a single track private road. There is a distinct drop in levels between this road and the application site, which itself mainly consists of a central grassed area with trees along the boundaries. An existing field drain runs directly from the site towards the River Dee Special Area of Conservation (SAC), which is c.400m to the south east.

## Relevant Planning History

110284 – Residential development – Withdrawn on 17<sup>th</sup> January 2014

## APPLICATION DESCRIPTION

### Description of Proposal

Planning permission in principle is sought for the erection of a single detached dwelling. As the application is for planning permission in principle, only a site plan showing the indicative position of an access and location of the dwelling has been submitted. This plan shows the dwelling to be located centrally within the plot with a vehicular access taken from West Cults Road at the north west boundary and a curved driveway leading up to the dwelling. A detached garage and vehicular turning area are shown.

### 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=R10UWYBZH1900>

1. Supporting Statement by the agent, dated January 2022, setting out their justification for the proposed development. It also states that the applicant did not wish to submit any additional information at the PPP stage, following a request by the Planning Service..

### Reason for Referral to Committee

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

## CONSULTATIONS

**ACC - Roads Development Management Team** – No objection in principle. The site is located in the outer city and does not lie within an area of controlled parking. As this is only an application for 'Planning Permission in Principle' no exact details on the number of bedrooms is available. Parking provision should be provided on-site in line with ACC Supplementary Guidance.

West Cults Road is a private road and the driveway access shall take access from this private road. There will therefore be no amendments to any adopted roads, footways and kerbing required to be carried out by ACC Road Maintenance Unit.

**ACC - Environmental Health** – No observations

**ACC - Waste and Recycling** – No objection. General comments in relation to the number of bins required and method of collection.

**Archaeology Service (Aberdeenshire Council)** – No comments following consideration of the nature of the development, topography of the land and the known sites within the wider landscape.

**Scottish Water** – No objection. General comments in relation to capacity at Invercannie Water Treatment Works and Nigg PFI Waste Water Treatment Works.

**SEPA** – Objects to the application based on the information currently available.

The site is partly within the functional floodplain based on the SEPA Flood Maps. This indicates that there is a medium risk of flooding from the River Dee. SEPA has multiple records of flooding nearby. More information is therefore requested, including:

- Current and proposed development site and finished floor levels related to nearby watercourses;
- Appropriate photographs and/or any nearby historical flood levels;
- Topographic level information including cross sections across the watercourse (including the channel bed levels, and bank levels of the opposite bank), upstream, downstream and adjacent to the site.

If this information is insufficient to provide a robust assessment of the risk of flooding to the proposed development, then a detailed Flood Risk Assessment may need to be carried out by a suitably qualified professional.

If the watercourse that runs along the southern site boundary is proposed to be culverted, then additional information on that aspect of the proposed development is also required.

**Cults, Bielside And Milltimber Community Council** – No response received

## **REPRESENTATIONS**

A total of 18 letters of objection have been received, raising the following matters:

1. Proposed development is not consistent with policy NE2 (Green Belt) of the 2017 Aberdeen Local Development Plan;
2. Site is liable to flooding and is located outside the flood defences for the farmhouse and steading at the bottom of West Cults Road;
3. No street lighting or pavement on this section of West Cults Road so unsafe for pedestrians;
4. West Cults Road is a single track road but used as a rat run;
5. Large area of dense vegetation and wildlife habitat which forms a wildlife corridor will be destroyed. Adverse impact on a wide diversity of species, including endangered;
6. Construction traffic will impact on amenities and access in the area. Due to the nature of West Cults Road, they would require to use Park Road, which, due to the number, size and weight of construction vehicles required would be completely destroyed;
7. Applications for developments in the lower half of a garden in Belvedere Road and the old Cults curling pond at the bottom of West Cults Road were refused;
8. Adverse impact on property values of neighbouring dwellings.

## **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 – paragraphs 49-52 setting out function of the green belt and types of development that could be appropriate in such locations.

## Development Plan

### Strategic Development Plan

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

### Local Development Plan

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: “Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

- D1 – Quality Placemaking by Design
- T2 – Managing the Transport Impact of Development
- NE1 – Green Space Network
- NE2 – Green Belt
- NE5 – Trees and Woodland
- NE6 – Flooding, Drainage and Water Quality
- NE8 – Natural Heritage
- R6 – Waste Management Requirements for New Development
- R7 – Low and Zero Carbon Buildings, and Water Efficiency
- CI1 – Digital Infrastructure

## Supplementary Guidance

Flooding, Drainage and Water Quality  
 Natural Heritage  
 Transport and Accessibility

## Trees and Woodlands

### 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.

D1 - Quality Placemaking

D2 - Amenity

NE1 – Green Belt

NE2 – Green and Blue Infrastructure

NE3 – Our Natural Heritage

NE4 - Our Water Environment

NE5 – Trees and Woodland

T3 - Parking

R5 - Waste Management Requirements for New Development

R6 - Low and Zero Carbon Buildings, and Water Efficiency

C11 - Digital Infrastructure

### **EVALUATION**

#### **Principle of Development**

The site is located in an area designated as Green Belt in the 2017 Aberdeen Local Development Plan and policy NE2 (Green Belt) applies. This policy sets out that *'No development will be permitted for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/quarry restoration; or landscape renewal.'* These types of development considered acceptable in a green belt setting are consistent with those set out in Scottish Planning Policy paragraph 52.

This proposal is for the construction of a new, additional dwelling in the Green Belt, and thus does not fall within any of the categories listed above. Policy NE2 continues with setting out various exceptions to the policy, however, none of these exceptions provide for the construction of an additional new dwelling in the green belt. As such, the principle of the proposed development would not comply with this policy, and the proposal is considered contrary to the requirements of both policy NE2 (Green Belt) and Scottish Planning Policy.

The applicant in their supporting statement sets out that they currently own the property known as Bradley Cairns (West Cults Farmhouse) at the bottom of West Cults Road and had intended to retire to that dwelling. However, the property has been flooded in recent history, making it unable to insure and as such they now wish to construct a new dwelling. This in itself is not considered sufficient justification to allow a departure from policy NE2 (Green Belt) to construct an additional dwelling in the green belt. The supporting statement also suggests that the application site can be

considered as domestic curtilage due to the existence of a summerhouse and use of the land by neighbours as extended garden areas. The Planning Service does not agree with this view and considers the site to be unused land within the Green Belt.

### **Impact on trees and woodlands**

Policy NE5 (Trees and Woodlands) sets out that there is a presumption against all development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. This policy is supplemented by Supplementary Guidance on Trees and Woodlands (SGTW), which provides guidance and criteria on when tree surveys, arboricultural impact assessments and tree protection plans should be submitted, and what information they generally should contain. This guidance does not make any distinction between the level of information to be provided as part of a detailed planning application or application for planning permission in principle. Sufficient information is, however, required in order to assess the potential impact, or absence of any impact of development on the existing trees and woodland.

In this case, the application site is surrounded by a tree belt along all boundaries, including along the north west boundary fronting onto West Cults Road, where the proposed vehicular access into the site would be constructed, with additional clusters of trees throughout the centre of the site. It is considered that these trees contribute significantly to nature conservation, landscape character, local amenity and climate change adaptation and mitigation, in line with policy NE5 as set out above.

The Planning Service therefore requested that a tree survey, arboricultural impact assessment and tree protection plan be submitted to enable adequate assessment of the proposal against policy NE5 and SGTW. Notwithstanding its non-compliance with policy NE2 as set out above, this additional information was considered necessary to establish whether any development on the site would be compatible with the above policy. Following various requests, and as set out in their supporting statement, the applicant has not submitted this additional information. It is not acceptable to provide this information at a later stage in the process.

As there is no information demonstrating otherwise, it is considered that the proposal would pose a significant risk in terms of the loss of and impact on existing trees and woodland within and around the edges of the site. The proposal would appear to require a significant number of trees to be removed and proposes no replacement planting resulting in an overall net loss of tree cover. This would be in direct conflict with the Planning Authority's duty to ensure where possible that adequate provision is made for the preservation of existing tree stock or planting of trees. Due to the lack of arboricultural submissions, it is not possible to determine the overall level of impact on the existing tree stock, and how damage to the tree stock will be avoided throughout the construction phase. However, it appears highly likely that the development will result in the significant loss of and/or damage to trees. The proposal, based on the information currently available, and in the absence of information indicating otherwise, is therefore considered to be contrary to the requirements as set out in policy NE5 (Trees and Woodlands) and SGTW.

### **Impact on Green Space Network and Natural Heritage**

The site is located within the green space network and part of a 'core' green space network covering a large area including the River Dee, Newton Dee Estate, Deeside Golf Course and Allan Park, and policy NE1 (Green Space Network) applies. This policy sets out that proposals for development that are likely to destroy or erode the character and/or function of the Green Space Network will not be permitted. Green Space Network can carry various functions, including, but not limited to, formally designated natural heritage sites; a diversity of habitats and their connectivity; woodland, hedgerows and individual trees; and water bodies.

This undeveloped area, set within broadleaved woodland, represents an important habitat for

wildlife, particularly in association with the surrounding trees, including bats and potentially other protected species. Policy NE8 (Natural Heritage) therefore also applies. This policy sets out that development should seek to avoid any detrimental impact on protected species through the carrying out of surveys and submission of protection plans describing appropriate mitigation measures where necessary. Therefore, and as set out in relation to trees above, even though the principle of the proposed development is considered non-compliant with policy NE2, additional information is required to establish whether any development on the site would have an adverse impact on protected species and their habitat and the core function of the green space network in this area as a wildlife corridor and habitat.

To that effect, the Planning Service requested submission of an Ecological Impact Assessment, including a preliminary bat roost assessment for any potentially affected trees. As with the tree survey and associated information, the applicant confirmed that they are not prepared to submit that information for this planning permission in principle application. As such, insufficient information is currently available to assess the impact of any development on the site against policies NE1 (Green Space Network) and NE8 (Natural Heritage). Based on the information currently available, and in the absence of information to the contrary, the proposal is therefore considered to have an adverse impact on the quality and would result in the erosion of the character of the Green Space Network, and is likely to have a detrimental impact on protected species – and would thus not comply with the policies listed above.

It should be noted that bats in particular are a species protected by law, and that the Planning Authority has a statutory duty to ensure that no development will have an adverse impact on this protected species. As no information is available in relation to the presence of bats within the application site, it is not possible to make this judgement and the Planning Authority would not meet this statutory duty if the application were approved on the basis of the information currently available.

### **Habitats Regulation Appraisal and the River Dee Special Area of Conservation (SAC)**

Policy NE8 (Natural Heritage) sets out that in all cases, a development that is likely to have a significant effect on a Natura site, either alone or in combination with other plans or projects, will require an appropriate assessment (under the Habitats Regulation) to demonstrate that it will not adversely affect the integrity of the site.

In this case, the field drain that runs parallel to parts of the south and east site boundaries are part of a system of field drains that run directly towards the River Dee SAC, which lies only c.400m from the application site. It is therefore necessary to consider whether the proposal would have any impact on the qualifying species of the SAC through a Habitats Regulations Appraisal (HRA), either during the construction or operational phases. An initial HRA and subsequent Appropriate Assessment of the proposed development was undertaken by the Planning Service. This concluded that even though there was the potential for the proposal to have a significant effect on the SAC, this could be mitigated through the use of Matters Specified in Conditions applications requesting details in relation to the position and method of SUDS, and through submission of a Construction Environment Management Plan to avoid any adverse impact on the SAC due to siltation and pollution of the field drains during construction.

### **Flooding**

Policy NE6 (Flooding, Drainage and Water Quality) sets out that development will not be permitted if it would increase the risk of flooding; or would be at risk from flooding. It further sets out that a Flood Risk Assessment will be required where a development is likely to result in a material increase in the number of buildings at risk of flooding.

The southern part of the site falls within the functional floodplain of the River Dee and has a low to medium risk of flooding as set out in the latest SEPA flood risk maps. There are multiple records of

flooding within the immediate area within the last 20 years. Based on the current amount of information available, SEPA object to the proposal. The Planning Service therefore requested the submission of a Flood Risk Assessment in accordance with the requirements of policy NE6 as set out above. However, the applicant confirmed that they are not prepared to submit this information as part of this current application. As such, insufficient information is available to assess the impact of the proposal in relation to flooding, and the proposal is considered not to comply with the criteria part of policy NE6 and associated Supplementary Guidance 'Flooding, Drainage and Water Quality'.

### **Access**

The proposed development would see the creation of an additional vehicular access onto West Cults Road. West Cults Road at this point is a narrow single track lane, with sharp, poor-visibility bends leading up to its junction with North Deeside Road and no separate pavement.

Roads Development Management do not object to the principle of the proposal, however further information would need to be submitted as part of a MSC application to confirm how the proposed access into the site would be constructed (e.g. levels and visibility splays) and that it is not certain that any such MSC application could be supported. As such, given this planning permission in principle application would need to ensure that the level of development and the proposed access can be satisfactorily accommodated in some form a levels survey was requested as part of this current application to ensure no unacceptable situation would arise which could not be resolved at MSC-stage. This information has not been submitted, and as such, the Planning Service is not in a position to determine whether the vehicular access can be constructed to an acceptable standard taking account of comments from Roads Development Management, or whether any engineering works required to construct the access would have an acceptable visual impact on the character and appearance of the surrounding area given the significant change in levels between the central part of the application site and West Cults Road or result in the unacceptable loss of trees.

Given this information, requested along with the other information discussed previously, has not been submitted, it is considered that insufficient information is currently available to assess the impact of the proposed vehicular access onto West Cults Road against the criteria of both policy T2 (Managing the Transport Impact of Development) and D1 (Quality Placemaking by Design), and Supplementary Guidance on Transport and Accessibility, so the current application is contrary to these policies.

### **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.

### **Matters raised in representations**

1. Proposed development is not consistent with policy NE2 (Green Belt) of the 2017 Aberdeen Local Development Plan – *This has been addressed in the evaluation above;*
2. Site is liable to flooding and is located outside the flood defences for the farmhouse and steading at the bottom of West Cults Road – *This has been addressed in the evaluation above;*
3. No street lighting or pavement on this section of West Cults Road so unsafe for pedestrians – *This has been addressed in the evaluation above;*
4. West Cults Road is a single track road but used as a rat run – *This has been addressed in the evaluation above;*
5. Large area of dense vegetation and wildlife habitat which forms a wildlife corridor will be destroyed. Adverse impact on a wide diversity of species, including endangered – *This has been addressed in the evaluation above;*
6. Construction traffic will impact on amenities and access in the area. Due to the nature of West



Cults Road, they would require to use Park Road, which, due to the number, size and weight of construction vehicles required would be completely destroyed – *Construction traffic is not a material planning consideration*;

7. Applications for developments in the lower half of a garden in Belvedere Road and the old Cults curling pond at the bottom of West Cults Road were refused – *All applications are assessed on a case-by-case basis*;
8. Adverse impact on property values of neighbouring dwellings – *This is not a material planning consideration*.

### **Recommended Matters Specified in Conditions**

The application is recommended for refusal. However, in the event that Members are minded to approve the application, then it is requested that the following matters are covered through subsequent Matters Specified in Conditions applications:

1. Detail on siting, layout, design and materials;
2. Detail on landscaping, including surfacing materials and boundary treatments;
3. Details on existing and proposed levels;
4. Detail on vehicular access, including detailed levels survey and visibility splays;
5. Submission of tree survey, arboricultural impact assessment and tree protection plan;
6. Submission of ecological impact assessment, including a preliminary bat roost survey for any potentially affected trees within the development site;
7. Submission of a flood risk assessment;
8. Submission of detailed information on SUDS and drainage;
9. Submission of a construction environment management plan.

### **RECOMMENDATION**

Refuse

### **REASON FOR RECOMMENDATION**

1. That the application site lies within the Green Belt, and the proposal is for a new additional dwelling. Additional dwellings are not permitted through any of the exceptions set out in Policy NE2 (Green Belt) of the 2017 Aberdeen Local Development Plan, or policy NE1 (Green Belt) of the 2020 Proposed Development Plan. The proposed development is therefore contrary in principle to Green Belt Policy. There are no other material planning considerations that would justify a departure from these policies;
2. That the application site contains a number of mature and semi-mature trees. To enable assessment of the proposal on these trees, additional information by in the form of a tree survey, tree protection plan and arboricultural impact assessment is required. This information has not been provided, and there is thus insufficient information to assess the impact of the proposed development on the existing tree stock within the site. The development proposal is thus considered contrary to the requirements of policy NE5 (Trees and Woodlands) of the 2017 Aberdeen Local Development Plan; policy NE5 (Trees and Woodlands) of the 2020 Proposed Local Development Plan and Supplementary Guidance on Trees and Woodlands;
3. That the application site is located within the Green Space Network; and is considered suitable as bat habitat and has the potential to offer habitat to other protected species. To enable assessment of the impact of the proposal on the Green Space Network, European protected species (including bats), and potentially other protected species, additional information by means of an Ecological Impact Assessment including a preliminary bat roost assessment is required. This information has not been provided, and there is thus insufficient information to assess the impact of the proposed development on the Green

Space Network; European and other protected species and their habitats. The development proposal is thus considered contrary to the requirements of policies NE1 (Green Space Network) and NE8 (Natural Heritage) of the 2017 Aberdeen Local Development Plan; and policies NE2 (Green & Blue Infrastructure) and NE3 (Our Natural Heritage) of the 2020 Proposed Local Development Plan;

4. That part of the application site is located in an area liable to flooding as shown on the SEPA flood risk maps. To establish the potential of flooding of the proposed development, additional information by way of suitable supporting information and potentially a flood risk assessment is required. This information has not been provided, and there is thus insufficient information available to assess the proposed development in terms of flood risk. The development proposal is thus considered contrary to the requirements of policy NE6 (Flooding, Drainage and Water Quality) of the 2017 Aberdeen Local Development Plan and policy NE4 (Our Water Environment) of the 2020 Proposed Local Development Plan;
5. That due to the change in levels between the application site and the location of the proposed vehicular access onto West Cults Road, levels survey information is required to enable assessment of the works required to construct the driveway and its visual impact on the character and amenity of the surrounding area. This information has not been provided, and there is thus insufficient information to establish the extent of engineering works and their impact on the character and amenity of the surrounding area, contrary to the requirements of policy D1 (Quality Placemaking by Design) and T2 (Managing the Transport Impact of Development) of the 2017 Aberdeen Local Development Plan; policy D1 (Quality Placemaking) of the 2020 Proposed Local Development Plan; and Supplementary Guidance on Transport and Accessibility.

# Planning Development Management Committee



Erection of shed to rear (partly retrospective)

Bank Cottage, 6 Sunnybank Road

Detailed Planning Permission  
211702/DPP

Agenda Item 7.2

# Location Plan



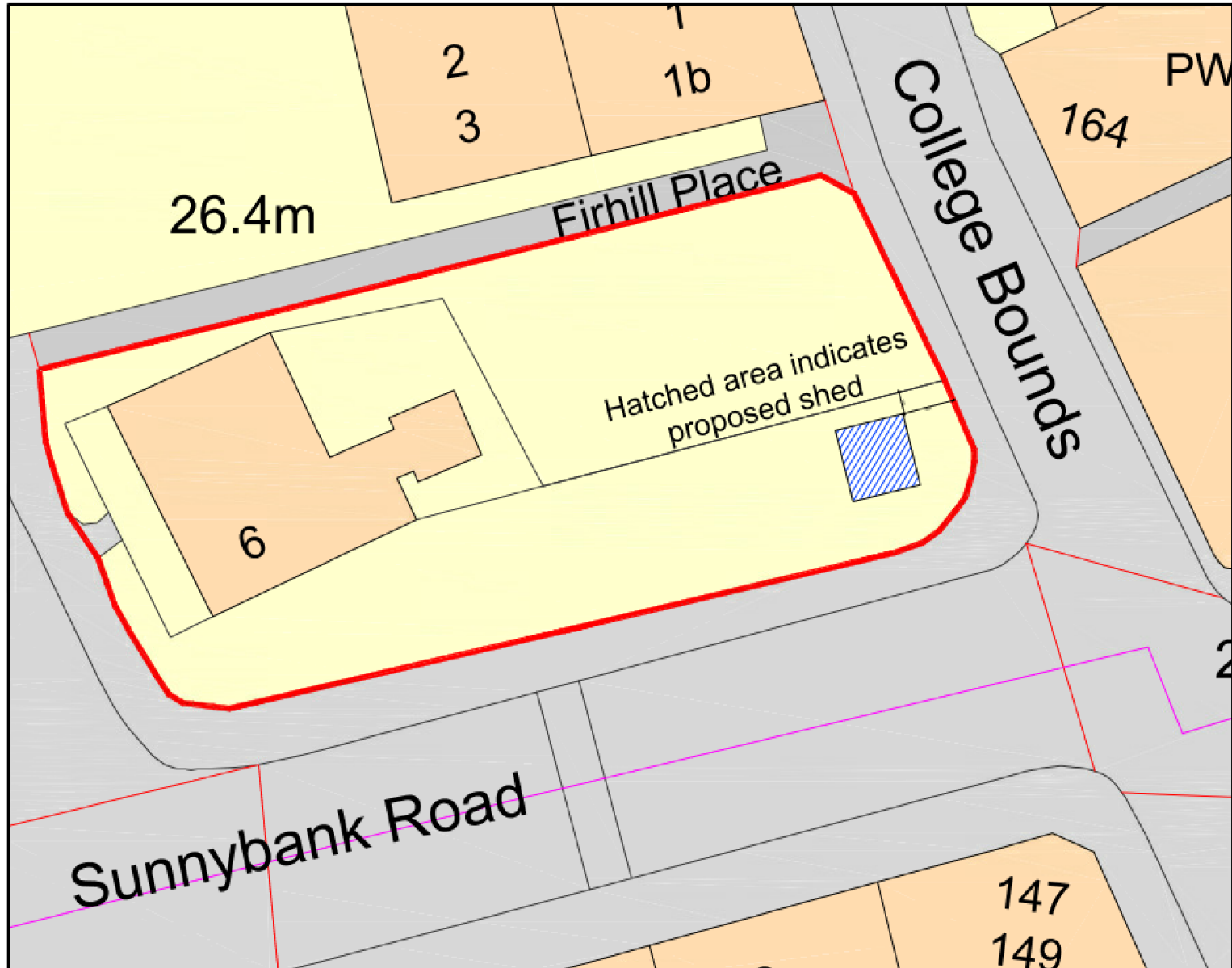


# Aerial Photo

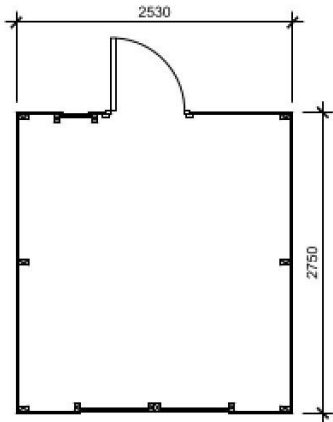




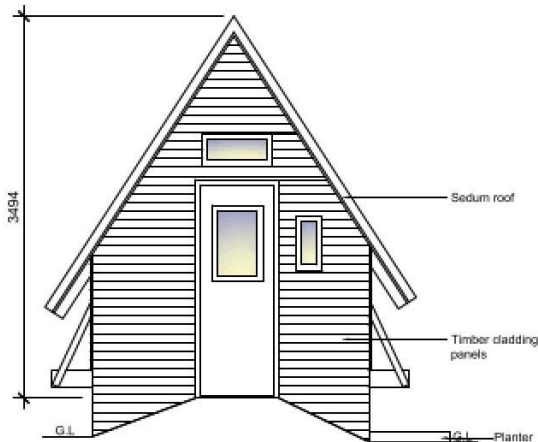
# Proposed Site Plan



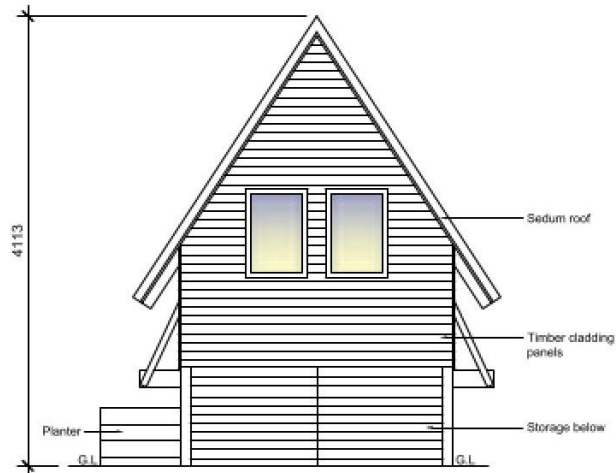
# Proposed Plans & Elevations



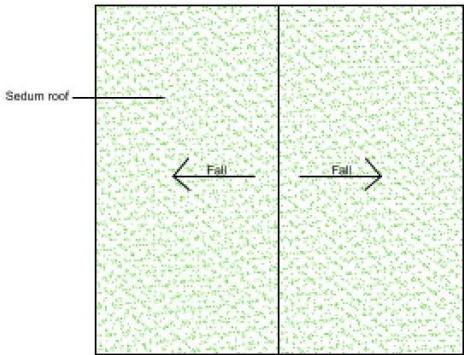
Proposed Floor Plan



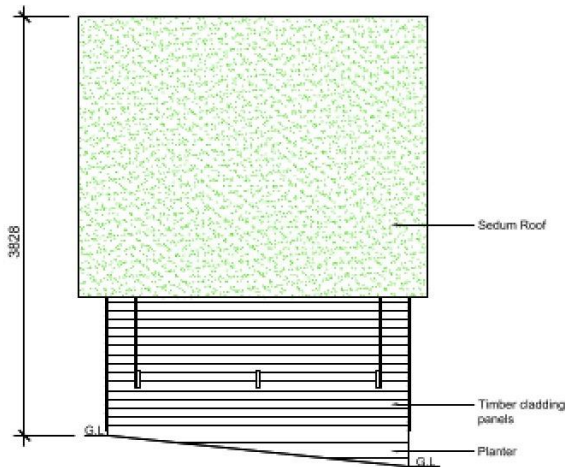
Proposed Front Elevation (West)



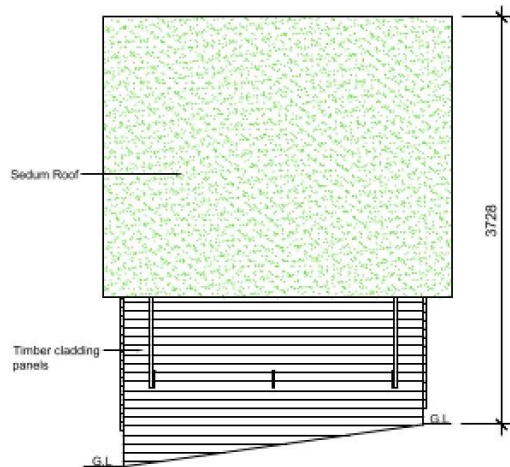
Proposed Rear Elevation (East)



Proposed Roof Plan



Proposed Side Elevation (South)



Proposed Side Elevation (North)

# Site Photos





# Site Photos





# Site Photos





# Site Photos



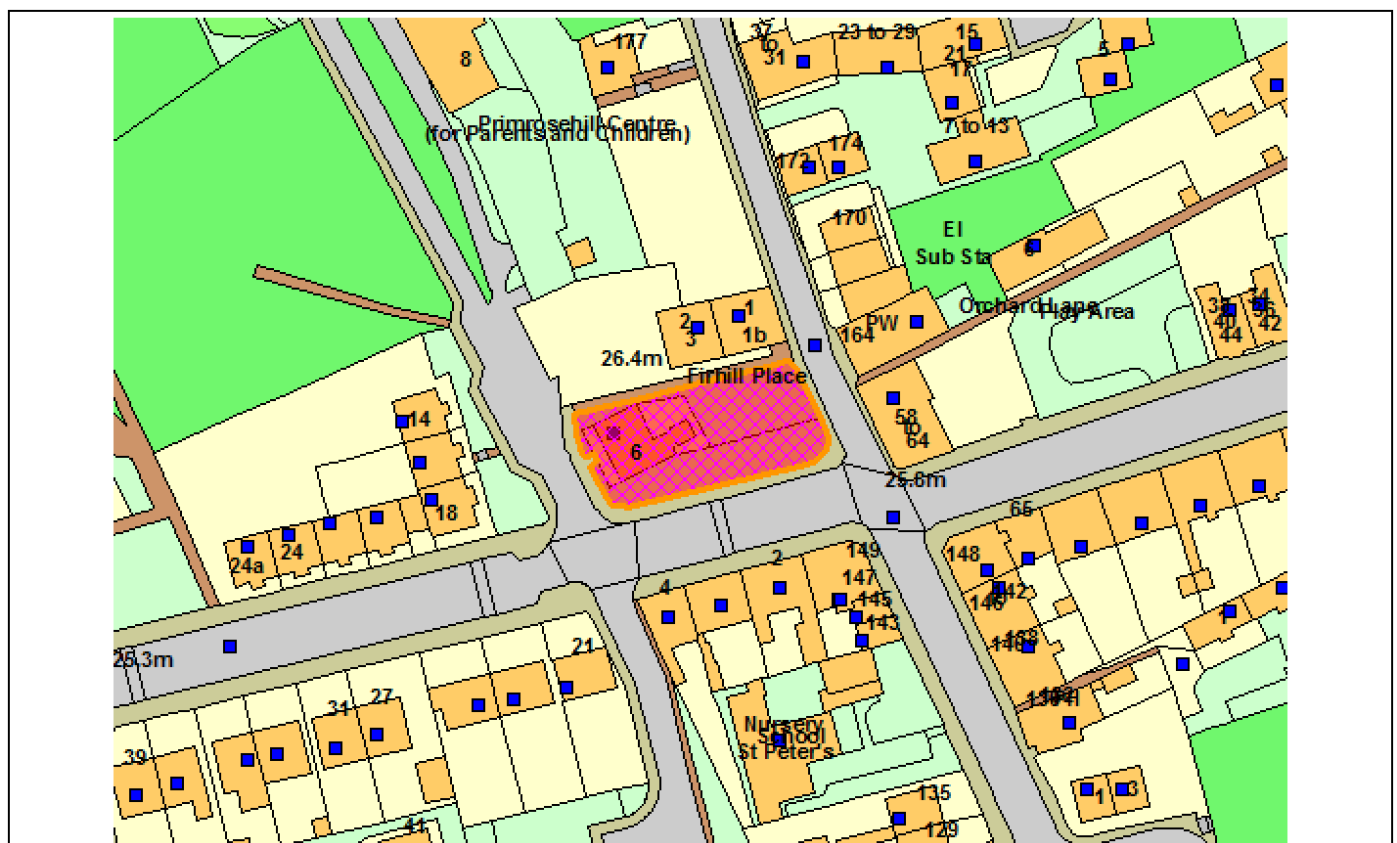
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# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 17<sup>th</sup> February 2022**

Site Address:	Bank Cottage, 6 Sunnybank Road, Aberdeen, AB24 3NG
Application Description:	Erection of shed to rear (partly retrospective)
Application Ref:	211702/DPP
Application Type	Detailed Planning Permission
Application Date:	7 December 2021
Applicant:	Dr Anna Helene Katrin Riemen
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Old Aberdeen
Case Officer:	Jemma Tasker



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## RECOMMENDATION

Refuse.

## **APPLICATION BACKGROUND**

### **Site Description**

The application site relates to a historic, detached, single storey dwellinghouse and its associated front and rear curtilage, located on the corner of Sunnybank Road and Spital, Old Aberdeen. The dwelling is accessed via an access road to the north of the main Sunnybank Road thoroughfare, which serves a small number of dwellings and the Old Aberdeen Medical Practice. The dwelling has a west facing principal elevation fronting this road; Sunnybank Road bounds the site to the south; Spital bounds the site to the east; and to the north lies Firnhill Place. The rear curtilage, to which this application relates, spans an area of approximately 505sqm and slopes down from the rear elevation of the property towards both Spital and Sunnybank Road. The curtilage is bound by a low-rise boundary wall and shrubs along the southern boundary and due to level changes, this wall rises along the eastern boundary of the site to approximately 1.8m in height. The site is located within the Old Aberdeen Conservation Area.

### **Relevant Planning History**

No relevant planning history.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed Planning Permission is sought part retrospectively for the erection of a shed to the rear (east) of the dwellinghouse.

The outbuilding is located in the south-east corner of the site, approximately 2.4m and 2.3m from the eastern and southern boundaries, respectively. It measures approximately 2.5m x 2.8m and has a pitched roof with an eaves height of c.1.7m and a maximum ridge height of 4.1m. A single entrance door with windows above and to the side are located on the west elevation, and two 0.6m wide windows are located on the east elevation. Finishing materials include timber cladding and a sedum roof.

As this application is partially retrospective – although it is noted that works are substantially completed – some parts of the proposal have not yet been carried out, including the installation of the sedum roof.

### **Amendments**

None.

### **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=R3C1CABZIEE00>

Design Statement by All Design (Scotland Limited) (November, 2021) – provides details of the existing dwelling, the site and the proposed structure.

Supporting Statement by Aurora Planning (February, 2022) – assess the application against permitted development criteria, details the environmental benefits of the outbuilding and suggests that once fully completed, the sedum roof and planting will soften the appearance of the structure.

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

The application has been referred to the Planning Development Management Committee because more than 5 timeous objections from the public and an objection from the Old Aberdeen

Community Council have been received and thus, the application falls out with the Council's Scheme of Delegation.

## **CONSULTATIONS**

**Old Aberdeen Community Council** – Object to the application for the following reasons:

1. The shed is highly visible and out-of-keeping with its immediate vicinity.
2. The development does not achieve an appropriate standard of design for the location.
3. Development in this location may be both detrimental to the character of this area and disruptive to key views in the larger Conservation Area.
4. Steeply pitched roof is not a typical installation for Old Aberdeen and there are concerns regarding the sustainability of the sedum. This should be clearly presented, including technical details.

## **REPRESENTATIONS**

10 representations have been received, 2 in support and 8 objecting to the development. The matters raised can be summarised as follows:

### **Support**

1. Proportionate and pleasing enhancement to the property.
2. It is simple and well-designed and fits in well with the older style of the surrounding locale.
3. Because it is wooden it will look traditional and not out of place.

### **Objection**

1. Privacy concerns as the large windows look directly into the windows of neighbouring properties.
2. The design is not in keeping with the granite buildings and cobbled streets of the Old Aberdeen area.
3. The structure is unacceptable in the prominent position it has been constructed on and is found to be very dominant.
4. Other applications for sheds have been refused in the surrounding area due to their visibility and impact on the Conservation Area.
5. Concerns regarding the fact that is going to be used for the nesting of birds and roosting of bats.
6. Photo No 2 indicating the position of the new shed is incorrect – it places the Alpine Chalet closer to the house and amongst trees when in fact it is located at the furthest distance from the house.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

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

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



## **National Planning Policy and Guidance**

Scottish Planning Policy (SPP)

Historic Environment Policy for Scotland (HEPS)

## **Development Plan**

### Strategic Development Plan

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

### Aberdeen Local Development Plan 2017 (ALDP)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

Policy CF1 – Existing Community Sites and Facilities

Policy D1 – Quality Placemaking by Design

Policy D4 – Historic Environment

## **Supplementary Guidance (SG)**

The Householder Development Guide (HDG)

## **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. Policies of relevance include:

Policy CF1 – Existing Community Sites and Facilities  
 Policy D1 – Quality Placemaking  
 Policy D2 – Amenity  
 Policy D6 – Historic Environment

### **Other Material Considerations**

Old Aberdeen Conservation Area Character Appraisal and Management Plan (December, 2015)  
 Managing Change in the Historic Environment: Setting

## **EVALUATION**

### **Principle of Development**

The application site lies within an area on the ALDP Proposals Map covered by Policy CF1 (Existing Community Sites and Facilities), by virtue of its proximity to the University of Aberdeen campus which lies to the north. Policy CF1 is more specifically applicable to existing community sites or facilities such as those used for healthcare, education or other community uses, and it is not particularly relevant to residential properties, such as the application site. Nevertheless, the policy does note that:

*'Where a CF1 area contains uses other than that for which the area has been designated and these uses make a positive contribution to the character and community identity of the area, any proposals for development or changes of use, whether or not for the community use recognised in the designation, will be opposed if a likely result would be significant erosion of the character of the area or the vitality of the local community.'*

The proposed development relates to the curtilage of a residential property, situated within the historic setting of the Old Aberdeen Conservation Area. As such, in order to ensure compliance with Policy CF1, it is necessary to assess the impact of the proposed works on the character of the area and specifically the Householder Development Guide (HDG).

### **Scale and Design**

The Design Statement submitted with the application states the proposed shed has been designed to provide an inside working area, specifically for holding garden utensils and carrying out potting. It is also stated that it has been designed to provide shelter for local wildlife and to accommodate climbing plants.

The Supporting Statement (by Aurora Planning) submitted by the applicant seeks to justify the proposal on the basis that, if it was 10cm lower than proposed, it would be permitted development under Class 3A of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended. However, the assessment provided within the Supporting Statement has failed to take account of the structure's location. Criteria set out under Class 3A states that development is not permitted by this Class if *'any part of the development would be forward of a wall forming part of the principal elevation or side elevation where that elevation fronts a road'*. In this case, the structure is located wholly forward of the side (south) elevation which fronts Sunnybank Road and thus could not be permitted development, even if the height is lowered by 10cm. Notwithstanding, the proposal submitted for planning permission is not permitted development and thus the Planning Authority is entitled, indeed required, to consider the design merits of the proposal, the impacts on amenity and the impact on the character of the Conservation Area.

The Supporting Statement also refers to Court of Appeal judgement of *Mansell v Tonbridge & Malling BC*, in relation to what is termed the "fallback position" being a material consideration. The fallback position in this case, according to the applicant's Planning Consultant, being that a lower shed could be erected under permitted development rights. However, and importantly, as noted

above, a reduction in height of the shed would not result in it being permitted development. Although Court of Appeal case relates to an entirely different type of proposal, it is acknowledged that the fallback position is, or can be, a material consideration. However, the weight to be attached to it as a material consideration is a judgement for the Planning Authority. In this case, as noted above, a shed of any size could not be erected on the site in the same position as the proposed shed as permitted development. Any such shed could not project forward of the side wall of the house and thus would have to be set much further into the site and thus further away from the Sunnybank Road boundary. Such a location would likely be among, or at least close to, the trees in that part of the garden, trees that are protected by virtue of being within a Conservation Area. It is unclear whether such a shed could be constructed in a location without interfering with the trees. For this reason, it is considered that little weight, if any, can be given to the fallback position and it cannot be used to provide justification for the development which otherwise fails to comply with policy and guidance and which would be harmful to the character and visual amenity of the Old Aberdeen Conservation Area.

Moving forward, in terms of the HDG, it is considered that the scale of the proposed shed, when viewed in isolation, would be appropriate in terms of the existing dwellinghouse and plot size and would not result in overdevelopment, given that the shed would occupy a footprint of some 7sqm within the curtilage, which extends to an area of some 505sqm, and would therefore remain within the 50% of development allowed in terms of the HDG.

However, under Policy CF1 (Existing Community Sites and Facilities), there is a fundamental requirement that development should not adversely affect the character of an area, and in terms of the basic principles of the HDG, due consideration is required to be given to the scale, context and siting of development. In the context of this application site, which lies within the Old Aberdeen Conservation Area, such consideration is clearly of particular relevance.

The HDG outlines specific criteria to be addressed when considering outbuildings, which would include this type of development, and in this respect there is further emphasis that such development should not have a negative impact on the character of the surrounding area, and a clear statement within the HDG which states that *'where highly visible and especially in conservation areas, detached garages should be of a scale and design that respects the prevalent context of the surrounding area'*. Although the HDG refers to detached garages here, it is nevertheless pertinent to all outbuildings and thus, this application.

In assessing the proposal against Policy D1 (Quality Placemaking by Design) of the ALDP, while this policy recognises that not all development will be of a scale that makes a significant placemaking impact, it recognises that good design and detail adds to the attractiveness of the built environment. Furthermore, under Policy D1, the design of the proposed development is considered within the context of the site and surrounding area, with factors such as siting, scale, massing, materials, design detail, proportions and the established pattern of development all deemed to be relevant in assessing its contribution and impact.

Taking all of the above into account it is considered that the proposal has failed to address the context of the site and its surrounding area. The shed would occupy a prominent location within this residential curtilage, on an open corner with limited screening. In terms of design, the proposal is deemed inappropriate, the 'Alpine chalet' inspiration – which, in turn, has created a large, wooden structure with an extremely steep roof – has not taken any cue from the original architectural design of the existing dwellinghouse or those in the surrounding area. Due to this steep pitch, with a maximum height of 4.1m on the east elevation, fronting Spital, the shed would be significant in terms of height, which is further exacerbated due to level changes between the application site and street level, heightening the shed's dominance within the streetscene. Although timber is generally considered an acceptable building material for outbuildings such as this, this would be more applicable in rear gardens that are minorly visible from a public viewpoint.

Due to the shed's siting and scale, the use of materials in this instance are not suitable for their context and fail to complement the existing building and surrounding area. The siting, form, height and overall quality of the shed fails to take account of its location, thereby having a negative impact on the character of the area and adversely affecting the built environment.

As such, the proposal would fail to address the expectations of the Supplementary Guidance: 'The Householder Development Guide' and would be contrary to the requirements of Policies CF1 (Existing Community Sites and Facilities) and D1 (Quality Placemaking by Design) of the ALDP.

### **Impact on the Historic Environment**

The application site lies within the Old Aberdeen Conservation Area. Scottish Planning Policy (SPP) states that *'proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance'*. Historic Environment Policy for Scotland (HEPS) meanwhile outlines the importance of fully understanding the impact of decisions, with full consideration given to the level of impact of proposals on the historic environment, with negative impact avoided where possible. Policy D4 (Historic Environment) of the ALDP states that *'high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings and conservation areas will be supported'*. Lastly, HES's 'Managing Change in the Historic Environment: Setting' document sets out that *'setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context'* and that *'finalised development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets'*.

As discussed, the shed is sited in a highly prominent location and thus, is clearly visible from within the Conservation Area. The immediate surrounding area is characterised by traditional properties and previously, this corner of the site was undeveloped and unoffensive. However, as mentioned above, due to the siting of the shed in the south-eastern corner of the site and the limited screening available, the proposal results in an obtrusive structure in a highly visible location. The structure is of an incompatible design – by virtue of its roof pitch, materials and overall quality – which is not reflective of the original dwellinghouse or the surrounding area. Thus, the structure has little regard for its setting and is completely at odds with the prevailing character of the surrounding area. It would erode the character of the Conservation Area by introducing a visually disruptive feature to the streetscape, at odds with the character and appearance of the surrounding area and altering the existing balance and character of this part of the Conservation Area, to its detriment.

For the reasons stated above, it is considered that the proposed development would have an adverse impact on the character and appearance of the Old Aberdeen Conservation Area, and as such the proposal would be contrary to Policy D4 (Historic Environment) of the ALDP, and would fail to address the aims of SPP, HEPS and Managing Change in the Historic Environment: Setting.

### **Impact on Residential Amenity**

No development should result in a situation where amenity is "borrowed" from a neighbouring property or there is an impingement on the amenity enjoyed by others. Due to the location of the shed in relation to neighbouring properties, it is considered the proposal would not result in any adverse impact on neighbouring properties in terms of daylight receipt or overshadowing. In terms of privacy, the shed would contain glazing on both the east and west elevations. It is considered the glazing on the west elevation, facing the dwelling, is minimal and causes limited privacy concerns. In terms of the glazing on the east elevation, this would be located some 11m from the properties opposite (58-64 Orchard Street). Although it is recognised that the non-habitable nature of a garden shed would ordinarily provide limited privacy concerns, given the structure sits in an

elevated position, the glazing would likely provide opportunities to directly overlook the aforementioned neighbouring properties at first floor level, and it is considered there would be an infringement on the privacy currently afforded to these properties.

In terms of the applicant's claim that the structure would encourage wildlife and biodiversity, specifically the encouragement of birds and bats, due to the relatively small, domestic scale of the structure, it is not considered that this would cause any undue harm to the amenity of neighbouring properties.

Overall, due to privacy concerns, the proposal would be contrary to the guidance contained within the HDG.

### **Environmental Considerations**

As noted above, the applicant claims the structure would encourage wildlife. The potential environmental benefits within this proposal are noted and are generally welcomed. However, policy currently focuses on existing heritage assets and their protection and enhancement, and does not currently require individual development to provide environmental or biodiversity benefits. Thus, only limited weight can be attributed to this issue. This consideration does not outweigh the statutory duty on the Planning Authority to preserve and enhance the character and appearance of the Conservation Area.

### **Matters Raised by the Community Council**

1. *The shed is highly visible and out-of-keeping with its immediate vicinity.*  
The shed's location has been discussed in the foregoing evaluation: 'Scale and Design'.
2. *The development does not achieve an appropriate standard of design for the location.*  
The design of the shed has been discussed in the foregoing evaluation: 'Scale and Design'.
3. *Development in this location may be both detrimental to the character of this area and disruptive to key views in the larger conservation area.*  
The impact on the Old Aberdeen Conservation Area has been discussed in the foregoing evaluation: 'Impact on the Historic Environment'.
4. *Steeply pitched roof is not a typical installation for Old Aberdeen and there are concerns regarding the sustainability of the sedum. This should be clearly presented, including technical details.*  
No details have been provided regarding this – it has not been demonstrated that a sedum roof can or cannot be used on such a steep roof pitch. Should members be minded to approve the application, it is recommended that a condition is attached regarding the provision of details of the proposed sedum roof and technical details of how it would be installed.

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

1. *Privacy concerns as the large windows look directly into the windows of neighbouring properties.*  
Impact on neighbouring privacy has been addressed in the foregoing evaluation: 'Impact on Residential Amenity'.
2. *The design is not in keeping with the granite buildings and cobbled streets of the Old Aberdeen area.*



The design of the outbuilding and its compatibility with the surrounding area has been addressed in the foregoing evaluations: 'Scale and Design' and 'Impact on the Historic Environment'.

3. *The structure is unacceptable in the prominent position it has been constructed on and is found to be very dominant.*

This has been addressed in the foregoing evaluations: 'Scale and Design' and 'Impact on the Historic Environment'.

4. *Other applications for sheds have been refused in the surrounding area due to their visibility and impact on the conservation area.*

Every application is assessed on its own merits. Nevertheless, this application has been assessed in terms of its location and impact on the Conservation Area.

5. *Concerns regarding the fact that it is going to be used for the nesting of birds and roosting of bats.*

Within the Design Statement submitted as part of this application, it is stated that the structure is for holding garden utensils and carrying out potting, as well as providing opportunities for birds and bats. Given the domestic scale of the structure, there are limited concerns regarding the impact this would have on the amenity of neighbouring properties.

6. *Photo No 2 indicating the position of the new shed is incorrect – it places the Alpine Chalet closer to the house and amongst trees when in fact it is located at the furthest distance from the house.*

It is noted the pictures provided within the Design Statement are not entirely clear. However, a site visit has been undertaken as part of this application and it is noted the details provided within the Site Plan and other drawings are accurate.

### **Proposed Aberdeen Local Development Plan 2020**

In relation to this particular application, the Policies CF1, D1, D2 and D6 in the proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan 2017 and the proposal is not acceptable in terms of both Plans for the reasons previously given.

### **Summary**

To conclude, although a minor addition to the rear garden ground in terms of footprint, the shed would result in an intrusive, dominant feature within this prominent location by virtue of its poor design, form and siting, to the detriment of the surrounding area.

For the reasons set out in the evaluation above, the proposal fails to preserve the character and appearance of the Old Aberdeen Conservation Area and is contrary to SPP; HEPS; Policies CF1 (Existing Community Sites and Facilities) and D1 (Quality Placemaking by Design) of the ALDP; and the associated Supplementary Guidance: 'The Householder Development Guide'.

The Planning Authority have concerns regarding the feasibility of installing a sedum roof on such a steep roofslope and no technical details have been provided regarding this. Therefore, should the Committee be minded to approve the application, it is recommended a condition is attached to the grant of consent requiring technical details of the roof to be submitted to the Planning Authority. Thereafter, the roof should be installed as per the agreed details, unless otherwise agreed in writing.

### **RECOMMENDATION**

Refuse.

## **REASON FOR RECOMMENDATION**

The proposal has failed to consider the context of the site and its surrounding area, and on the basis that the shed would occupy a prominent location within the rear curtilage and, from a design perspective, fails to relate to the original dwelling or surrounding area, it is considered that such development would be incompatible with the original dwelling, and have an adverse effect on the character of the existing built environment. The proposal is therefore considered to be contrary to the requirements of Policies CF1 (Existing Community Sites and Facilities) and D1 (Quality Placemaking by Design) of the adopted Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'The Householder Development Guide'; and Policies CF1, D1 and D2 of the Proposed Aberdeen Local Development Plan 2020.

The proposal would fail to preserve the character and appearance of the Old Aberdeen Conservation Area in line with the legislative requirements of Scottish Planning Policy and Historic Environment Policy Scotland and would therefore also fail to address the requirements of Policy D4 (Historic Environment) of the adopted Aberdeen Local Development Plan 2017 and Policy D6 of the Proposed Aberdeen Local Development Plan 2020.

Taking the above into account and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations of sufficient weight that would warrant approval of the application in this instance.