

Notice of Review – Planning Reference: 211791/DPP

This Notice of Review is served because planning application reference 211791/DPP has not been determined within the defined timescales and an extension has not been agreed. The preferred method of determination is by way of written submissions. The matters which are raised relate to aspects of the planning application and responses by the planning services in respect of these aspects. Documents used for the purpose of this review includes documents submitted on the planning portal, correspondence between the planning authority and the agent for the applicant and the professional team and relative reports.

Email dated 29/3/22 09:37 from Robert Forbes, Senior Planner, ACC to Kevin Spence, Wellwood Leslie Architects which requests an extension to the time for determination and Kevin Spence's email response of 31/3/22 declining the request are relevant and attached.

The basis of this Notice of Review is a response to the letter dated 4/3/22 (emailed 4/3/22 16:04) from Robert Forbes, Senior Planner, ACC to Kevin Spence, Wellwood Leslie Architects which details the reasons for non-support (attached).

Density / Scale

Despite the terms of the letter of 4/3/22, we are of the view that the Gordon Arms Hotel development immediately adjacent indeed represents a precedent. Similarly, we are of the view that the very nearby, substantial new retail unit (Co-op) is also a precedent in terms of height and scale. It is a definitive fact that the substantial buildings adjacent to the east are much higher. The elevation drawing inserted below clearly evidences this aspect.



The Design & Access Statement published on the portal on 20/12/21 and in particular slides 8, 9 & 10, 14-27 refer. This illustrates the quality of the proposed design and materials, undertakes a comparison with the buildings in the close vicinity and provides 'before' and 'after' illustrations.

Impact on Retail Centre

The retail space proposed is the largest that can be accommodated on site while retaining the existing shop so no more is practicably possible in this regard. The proposal allows for the demolition of the derelict extension to the existing shop. The letter of 4/3/22 states that

there will be a loss of existing customer parking but in reality, there will be more. The ground that is occasionally used by the public to park 4 cars, is off-road, on our land and is private. If the development does not proceed, it is open to us to gate the access. Parking is provided on the new development for the new shop.

There will be significantly increased parking and access for shoppers. 18 new car parking spaces are being provided and they are non-designated spaces as per Council policy and therefore available for shoppers at all times, bearing in mind that most of the day the occupiers of the flats will likely either be at work or out doing something else. Accordingly a large number of spaces and far more than at present will be available to shoppers. There will also be 2 new active EV charging points provided. There will still be 3 parking spaces at the front. In addition there is, of course, the car park across the road. All told, this proposal will materially increase the number of parking spaces available to shoppers.

We are of the view that a good number of the occupiers of the apartments will use public transport as opposed to cars.

The occupiers of the new apartments will undoubtedly lead to an improvement in the economic health of the centre of Culter.

Residential Amenity

The letter of 4/3/22 makes comment about the adjacent house to the north relative to light. The consultant's, Mach Acoustic, email of 15/3/22 (extract attached) advises that the house to the north is not considered to fall within the scope of the development. They state that "The property hasn't been assessed because it is on a higher level than the proposed development hence, its daylight and sunlight might not be affected by the proposed development. Not to mention that it was not possible to obtain clear site photos and references couldn't be taken from Google Earth to inform geometry and locations, as the site boundaries are well screened by trees, obstructing the view of this property and limiting the possibility of taking site photos."

Accordingly, the terms of the letter of 4/3/22 are not correct as the adjacent house to the north would not be adversely affected by the new development. It appears that the terms of the letter of 4/3/22 do not take account of the actual level of the existing house.

This adjacent house sits on a higher level than the proposed development hence, its daylight and sunlight will not be affected by the proposed development. Very importantly the owner of the property in question has made no objection to the planning application which backs up our position.

It is the consultant's view that daylight to the proposed apartments will be adequate.

It is incorrect in the letter of 4/3/22 to state that the appropriate report does not contain information relating to shadow cast analysis. The report investigated and presented the impact on the adjacent property during winter looking into the WPSH (Winter Probable Sunlight Hours) for the assessed windows in the adjacent properties, please see pages 14 and

15 in the report. We are satisfied that the proposed properties will have more than adequate daylight.

Access

Roads Services, Aberdeen City Council, have advised that they are supportive of our application. They are content with our junction proposal. They have asked that the bus stop markings on the roadway are moved slightly to the east and we have agreed to this at our cost.

We do not agree with the subjective views outlined in the letter of 4/3/22 regarding no 'front door'. There are many examples of developments of this nature.

Despite the terms of the letter of 4/3/22 with regard to issues of concern relative to roads – relative to visibility splays, this is contrary to the ACC Roads Service view on the matter. The letter of 4/3/22 states that the required visibility will likely not be achievable notwithstanding that this does not accord with the view of the Roads Service.

Similarly it is stated in the letter of 4/3/22 that the new proposal will create a safety issue with regard to access but again this is not the view of ACC Roads Service.

Given that the only 2 objections are from the same household, it is completely subjective to state in the letter of 4/3/22 that there will be further objections in due course. Indeed the contrary may well be case with support forthcoming. There is no anticipated reduction in street parking. The development provides for a significant increase in parking spaces in the area.

We disagree with the letter of 4/3/22 where it states that the proposed works will involve removal of an existing footway.

Parking

The site sits directly on a bus route and cycle lanes and sits within the city boundary. We are of the view that a large number of the occupiers will not be car owners and will use public transport. There is a car park diagonally opposite. Local residents and the public generally welcome this development.

Servicing

It is accepted that the bin store is 2m outwith the norm and we do not consider that this amounts to excessive travel distances.

Landscape Provision

A significant amount of landscaping is being provided by way of new shrubs, trees and planters. The Landscaping Plan published on the portal on 23/2/22 refers and provides full details. The development is close to the Deeside Way and to the countryside just round the corner at the Rob Roy statue.

Tree Impact

It is not reasonable for the planner to say that he does not accept that the tree removal proposed will take place. Rather, we confirm that this will definitely take place. The landowner is supportive of our application. In the original consultation response, only a few weeks previous to the letter of 4/3/22, there were no negative comments relative to trees on site and, indeed, there are no actual trees on our site. We are extremely disappointed that this negativity has been introduced at a late stage in the process. The Tree Protection Plan and Tree Survey Report published on the portal on 20/12/21 refer. Significant tree and shrub planting is being provided on the development which currently has none.

The arboricultural consultant has advised that there is no evidence of bats roosting. Accordingly there is no reason for any requirement for a single bat survey to be undertaken during the bat activity season. Any bat survey undertaken in due course will confirm that the buildings are not being used by bats and thus a single activity survey could be a condition of any approval of development prior to demolition of existing buildings. Please refer to the Bat Report published on the portal on 20/12/21 and the Additional Bat Survey Comments published on the portal on 14/2/22.

Low and Zero Carbon Buildings

The proposed properties will be highly insulated to a level beyond that required by Building Regulations to reduce heat loss and to reduce energy consumption. Air sourced heat pumps will be utilised to provide heating to all properties which is in line with the current aim of the Scottish Government to reduce CO2 emissions and to replace domestic gas boilers with alternative heat sources.

Crime Risk

We confirm that the car parking area will be illuminated from dusk to dawn by way of movement sensors. In addition, there are many rooms overlooking the car park and their light will shine onto the car park.

Planning Policy

A full review of relevant planning policy has been set out in the attached Planning Policy Statement. This confirms that the proposed redevelopment of this accessible, brownfield site has been designed with full consideration for its context and complies with the principles of Policy D1 of the adopted LDP.

Furthermore, the proposal is considered to comply with the general provisions of Policies NC6 – Town, District, Neighbourhood and Commercial Centres, has been designed with due consideration for its context, in accordance with Policy D1 – Quality Placemaking by Design and would also meet the requirements of Policies R6 – Waste Management Requirements for New Developments and T2 – Managing the Transport Impact of Development of the adopted Local Development Plan.

We have confirmed that we accept all obligations contained in the Developer Obligations: Assessment Report.

The application can therefore be considered to accord with the relevant policies of the development plan and should be granted planning permission.

In conclusion, a development of this scale will result in a reasonable scale of employment creation. The build contract itself will be circa £2 million which clearly means a large number of people will be engaged in the project.

We do not consider that the proposal conflicts with relevant planning policy and the scale and design will be a positive addition to the area.

We have addressed the concerns of the Planning Service hopefully leading to a supportive outcome.

The development will bring a large number of benefits to the area namely; a new retail unit and a reasonable number of new apartments in the middle of the village. This will bring significant benefits to existing shop/business owners. This will help ensure that the heart of the village thrives in the years ahead.

If the development is not to proceed, given the site is zoned for industrial use, there is an opportunity to create a storage and distribution business in the old bakery which will result in commercial vehicles coming and going on an on-going basis. We have a party who is pressing us to lease the premises to them on this basis.

The development will ensure that the existing site is significantly improved from a visual perspective – the Site Photographic Record published on the portal on 16/2/22 is relevant. It is currently zoned and utilised on an industrial basis albeit it is in the centre of the village and the development will create a much improved long term use for the betterment of all.