

1 Elmfield Place
Aberdeen
AB24 3NW

To Whom This May Concern,

Letter of Objection to the Proposed Planning Application at 3 Elmfield Place, Aberdeen Ltd) 121582

I strongly object to the proposed planning application for 3 Elmfield Place, Aberdeen. There are many issues over such a development of this scale. The negative impacts this will have on the existing residents of Elmfield Place, Elmfield Avenue, Bedford Place and Erskine Street severely outweighs the positive. Planning application on this site has been REFUSED three times (twice by the Council and once by the Scottish Executive at the appeal stage) and now with the fourth application the same reasons are still prevalent as to why the planning application was refused. As found previously there are still **MAJOR** safety, parking, traffic, privacy, land ownership and other concerns with the application. At the site visit previously the City Roads dept were very concerned about such a development and this was seconded by other council members. Also we consultant Lewis MacDonald (Local MSP – at the time) who agreed with the safety implications with increased traffic at this site.

The Council's Roads Engineer in attendance identified two main issues of concern, being the fact that the width of the access lane at under 3.0 metres was a situation which although existing, was less than satisfactory for a residential development of the scale proposed.

The sub-committee refused the application stating that it was 'to the serious detriment of public safety'.

The same concerns still exist from previous objections. I would like to point out that it was not generally supported to redevelop the site as stated by the applicant. The majority of neighbours opposed this. Also I would like to point out that Elmfield Place does not serve 3 apartments to the west. There is two semi-detached houses 1 & 2 Elmfield Place.

- **Application/Owner**

I want to highlight the fact that there seems to be two planning applications submitted as one (Commercial Business and Residential use). Please investigate the type of application submitted. No evidence is given on the proposed plans for the business. The applicant could potentially use this as both a commercial and residential property. Please investigate further.

I believe the applicant is not the rightful owner of 3 Elmfield Place. It is believed that this property has been leased to the applicant instead. Please follow up on this.

- **Land Ownership**

The lane in question Elmfield Place is a **Privately Owned Lane** maintained by the surrounding property owners of the lane namely 1, 2 & 3 Elmfield Place and 29, 31, 33 & 35 Elmfield Avenue. The applicant has highlighted areas of land from the location plan implying to be the owner of this land. Please can this be

brought to the attention of the applicant. The applicant has also highlighted to own the area of land owned by 1 & 2 Elmfield Place. (please see attached plan) This area of land would be where vehicles would have to reverse onto in order to leave in a forward gear from the parking spaces. A deviant omission. To highlight again the swept path is privately owned by 1 & 2 Elmfield Place solely. This area of land is already used to park vehicles from 1 & 2 Elmfield Place. In total 6 plus one from 3 Elmfield Place vehicles presently use the lane and park on their own land. Please see attached plan to demonstrate this. Therefore this shows that there is no possible way to have four parking spaces and being able to leave in a forward gear. I draw this to your attention as this has an impact on the application. Ownership evidence attached for 1, 2, & 3 Elmfield Place.

- **Privately Owned Lane**

Elmfield Place is a private lane maintained by local residents. Without the consent of the lane owner/s the Roads Authority cannot enforce road markings on the private lane. Furthermore road markings would not satisfy as a solution. **Pedestrian and vehicle access would still be shared.** The lane would still be below substandard (under 3 wide) with the introduction of more vehicles increases these safety issues. I disagree that there would not likely be vehicle to vehicle conflicts. Past history proves that there has been an issues at the junction. Also stationary cars parked at the junction make entering and exiting from Elmfield Place challenging. Residents from the 6 flats on both sides of the lane have access to their back gardens from the lane. The increase in traffic increases the risk of accident to the residents using this lane.

- **Boundary Walls**

Elmfield Place's granite boundary walls cannot be lowered without the consent of the neighbouring proprietors. I can confirm all the proprietors object to the lowering of the boundary walls.

- **Workshop**

I object to such a workshop of this scale. Elmfield Place is not suitable for this type of business. Vehicle movement in excess of around 15-20 vehicles per day this area of land is not large enough to support this type of business. The boundary wall to the entrance of 1 & 2 Elmfield Place was removed by 3 Elmfield Place (without my consent) and also the gate to enclose 3 Elmfield Place has been removed. The workshop is now open plan. In a residential area any business of this type should be sectioned off and gated as it use to be. This type of business would bring safety, noise and traffic implications.

Please can you investigate the Change Use Class. I am not convinced that a change use has been approved by Aberdeen City Council. I can confirm that prior to 2002 the workshop was used as a Builders Yard. Post 2002 this was changed to an Electrical workshop. My concern is that the proposed business will become a mechanical garage. Within the workshop work has already began. Joists/walls/flooring has been removed. A very large hole in the ground has been dug out. Therefore I highlight that changes are being made to the workshop now.

Aberdeen City District-wide Local Plan

I highlight the following Policies from the Adopted Local Plan apply in relation to this application.

The site lies within an area zoned R1 (Residential Areas) in the Local Plan.

Paragraph 4.2.8 relates to back lane businesses. The premise of this Paragraph is to seek to relocate businesses operating from back lane Premises in a city to a more suitable location away from residential premises. There is a presumption against expansion of such businesses or the introduction of new commercial and industrial uses in to service lanes to the rear residential properties. The reason for this policy is to safeguard residential amenity.

- **Traffic**

This would result in increased traffic within Elmfield Avenue, Bedford Place, Elmbank Terrace as well as Elmfield Place itself. All the streets and even up the lane are already full to capacity. There would be an increase in vehicle movement at all times including the evenings and weekends. The potential that each house would have more than one car is very possible only adding to the current traffic problems. If this was a residential properties there is potential for traffic movement at anytime. Elmfield Place is a quiet and peaceful area. Very hard to find these days in the centre of town. One of the key reasons why I purchased my house.

- **Parking Spaces**

It would not be possible for this amount of spaces to exist on such a development. The parking spaces would require access from 1 & 2 Elmfield Place. I do not give my permission for No 3 to access this land to access the parking spaces. The appellant has never consulted myself about this change of access for number 3. Therefore I will not give my permission to use the land owned by myself and property number 2. (See Title deeds for No 1 demonstrating the mutual property owned). I do not consent to an access change. 1 & 2 was a gated area until the gate required replacing thus giving 1 & 2 private parking exclusively. The appellant as highlighted previously has already changed the entrance to my property and number 2 by demolishing a boundary wall to the gated properties. Only one car parking space is associated with 3 Elmfield Place, but on the application it indicates that there are already 2 when it should indicate the need for increased parking. I hope these points raise clearly demonstrate misleading/false information supplied to the Council by the appellant and that the appropriate action will be taken.

- **Health & Safety/Access**

The heightened safety risk associated with an ever increasing volume of traffic within the surrounding neighbourhood and the private lane (Elmfield Place) as this is a dead-end single track lane which has restricted visibility for lane users. The access lane is less than 3M wide is less than satisfactory for a residential development of the scale proposed. The lane does not allow two vehicles to pass and so is considered substandard to serve this development. There would most definitely result in excessive reversing. There are visibility restrictions at the junction of Elmfield Place

and Elmfield Avenue . (Please again refer to photo's which clearly demonstrate the access issues with Elmfield Place). I have concerns that fire tenders would be unable to reach the property in event of a fire. Currently there are at least 6 cars parking up this lane. The lane serves as the sole access for both vehicles and pedestrians to 1 & 2 Elmfield Place. It also serves the Elmfield Avenue properties whose gardens are joined to the lane. There is potential for the development to result in increased usage on the lane by children and elderly people. The intensified use of access could result in a road safety hazard. The Council should take very seriously into consideration. Thereby the proposal is in breach of local plan policy R1.

Taken from the Aberdeen Local development Guide in the Supplementary Guidance Topic: The Sub-division and Redevelopment of Residential Curtilages this type of pedestrian/vehicle access is considered not normally acceptable.

Pedestrian/vehicular safety and car parking (Pg8)

7.1 The provision of pedestrian and vehicular access to both the existing and the new dwelling is essential. In every case there should be safe and convenient pedestrian and vehicular access from the dwelling to the public road and pavement, avoiding contrived solutions. With the exception of private driveways it will not normally be acceptable for pedestrian access to be shared with vehicles eg where pedestrians have to walk on the carriageway of rear lanes or public roads to gain access to the development.

- **Residential Amenity**

The design of the proposed building will still overlook private gardens as well as comprising daylight and view for the surrounding residents. The rear of the new building would be positioned only metres from the boundary wall to the garden of 33 Bedford Place. The garden provides the only single outlook for this property. There is insufficient screening of the proposed building. This would be more dominant neighbours than the existing workshop. Window to window distance is less than 22m. In the location plan of over one hundred dwellings none have less than 22m in window to window distance. It also has occupied floors overlooking the garden and windows looking directly towards 33 Bedford Place. This is not in symphony with surrounding buildings. Many of which date back 100 hundreds and is inappropriate to the proximity of the existing dwellings. The proposed building would have an adverse impact on the amenity of the existing house, in breach of local plan policy R1 (1). Providing no privacy. If there is to be a site visit I suggest taking a look from No:33 perspective and I think you would be surprised how this development would have a significant impact on this resident.

- **Environment**

The possible effect on the conservation of the area as many trees and plants exist in a variety of the neighbouring residents. Also are number of **mature** trees in the immediate area that would most definitely be affected by the proposed development. Surely this is in the Council interest to protect these trees since there is a lack of greenery in this area which preserves the character and visual amenity of the area. There are most definitely mature trees/bushes in both Erksine Street and Bedford Place gardens.

- Design

The materials used in the construction of the building are not believed to be in keeping with the granite construction of the surrounding neighbourhood which dates back to the late 19th century.

- Density, Pattern and Scale

Taken from the Aberdeen Local development Guide in the Supplementary Guidance Topic: The Sub-division and Redevelopment of Residential Curtilages this type of development is considered not acceptable.

Density, pattern and scale of development pg 5

In most cases the predominant pattern of development in suburban residential areas is one of dwellings in a formal or semi-formal building line fronting onto a public road and having back gardens which provide private amenity space. In these areas the construction of dwellings in the rear gardens of existing dwellings, or the redevelopment of a site that results in dwellings that do not front onto a public road, constitutes a form of development that is alien to the established density, character and pattern of development. This form of development can also erode the privacy and private amenity space available to existing residents. Furthermore, the use of rear lanes for shared pedestrian or vehicular access to dwellings in rear gardens is not considered acceptable in that it results in the creation of a pedestrian safety hazard. Finally, approval of "tandem" or backland development of this sort sets an undesirable precedent for future applications of a similar nature, which, if replicated, could result in the creation of a second building line behind existing dwellings and fundamentally erode the character and residential amenity of such areas. With this in mind, in all suburban areas characterised by formal or semi-formal building line fronting onto a public road and having back gardens which provide private amenity space there will be a general presumption against the construction of new dwellings in rear garden ground behind existing or proposed dwellings in circumstances where the new dwellings do not front onto a public road.

- Noise

The nuisance factor associated with such a development to the surrounding neighbourhood includes hours of work, private lane (Elmfield Place) disruption sewage works, scaffolding as well as noise levels during the demolition and construction phases

I hope all these OBJECTIONS carries sufficient weight to override the proposed planning application.

Please advise if you receive this letter and also if there a site visit to follow.

Yours Sincerely



35, Elmfield Avenue,
Aberdeen,
AB243NU.

20.11.2012.

Dear Sir/Madam,

We would like to object to planning permission for 2 houses to be built at No.3 Elmfield Place, Aberdeen, AB243NU – application No. 121582.

We are objecting on the following grounds;

1. Similar plans have already been rejected by Aberdeen City Council and the Scottish Executive.
2. There is hardly enough room for the 3 cars that already use the lane for parking.
3. The lane leading to the proposed site is too narrow and is a danger to pedestrians using the lane and crossing the pavement. A heavier flow of traffic would enhance the danger.
4. The design of the building does not fit in with the surrounding houses and the materials used do not enhance the build.
5. Having a brick wall so high at the bottom of our garden looks atrocious and will cut out natural light.
6. There is a lot of wildlife, birds, etc, which use the mature trees in the area that surrounds the site and we would be extremely disappointed to lose the wildlife and possibly some of the trees.
7. The traffic flow plus 4 more cars would be too much and too heavy to bear 24 hours a day. Living in the ground floor flat we would have to endure a constant flow of cars, whereas if the building was kept for business purposes only, the traffic would only be during business hours.
8. There are houses on the street which have'nt sold or are taking a long time to sell therefore we don't see the need to build any more and reduce the precious greenery.

Yours faithfully,

Mrs Alison Crawford and

Mr George Stobbs.

33 Bedford Place
Aberdeen
AB24 3NT

To Whom This May Concern,

Letter of Objection to the Proposed Planning Application of 3 Elmfield Place (J & M Electrical Aberdeen Ltd) A8/1770

I strongly object to the proposed planning application for 3 Elmfield Place, Aberdeen. There are many issues over such a development of this scale. The negative impacts this will have on the existing residents of Elmfield Place, Elmfield Avenue, Bedford Place and Erskine Street severely outweighs the positive. Planning application on this site has been REFUSED three times (twice by the Council and once by the Scottish Executive at the appeal stage) and now with the fourth application the same reasons are still prevalent as to why the planning application was refused. As found previously there are still **MAJOR** safety, parking, traffic, privacy, land ownership and other concerns with the application.

- **Privately Owned Lane**

The lane in question Elmfield Place is a **Privately Owned Lane** maintained by the surrounding property owners of the lane namely 1, 2 & 3 Elmfield Place and 29, 31, 33 & 35 Elmfield Avenue. The applicant has highlighted this area of land from the location plan implying to be the owner. Please can this be brought to the attention of the applicant. Without the consent of the lane owner/s the Roads Authority cannot enforce road markings on the private lane. Furthermore road markings would not satisfy as a solution. Pedestrian and vehicle access would still be shared. The lane would still be below substandard (under 3 wide) with the introduction of more vehicles increases these safety issues.

- **Workshop**

I object to such a workshop of this scale. Elmfield Place is not suitable for this type of business. Vehicle movement in excess of around 15-20 vehicles per day this area of land is not large enough to support this type of business. The boundary wall to the entrance of 1 & 2 Elmfield Place was removed by 3 Elmfield Place and also the gate to enclose 3 Elmfield Place has been removed. The workshop is now open plan. In a residential area any business of this type should be sectioned off and gated as it use to be. This type of business would bring safety, noise and traffic implications.

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- Traffic

This would result in increased traffic within Elmfield Avenue, Bedford Place, Elmbank Terrace as well as Elmfield Place itself. All streets and even up the lane are already full to capacity. There would be an increase in vehicle movement at all times including the evenings and weekends. The potential that each house would have more than one car is very possible only adding to the current traffic problems.

- Parking Spaces

It is not possible for this amount of spaces to exist on such a development. The current parking situation is already a problem on the above streets. The street is full to capacity every night. This would be at the detriment of the community. Cars would not be able to leave in a forward gear.

- Health & Safety/Access

The heightened safety risk associated with an ever increasing volume of traffic within the surrounding neighbourhood and the private lane (Elmfield Place) as this is a dead-end single track lane which has restricted visibility for lane users. The access lane is less than 3M wide is less than satisfactory for a residential development of the scale proposed. The lane does not allow two vehicles to pass and so is considered substandard to serve this development. There would most definitely result in excessive reversing. There are visibility restrictions at the junction of Elmfield Place and Elmfield Avenue. I have concerns that fire tenders would be unable to reach the property in event of a fire. Currently there are at least 6 cars parking up this lane. The lane serves as the sole access for both vehicles and pedestrians to 1 & 2 Elmfield Place. It also serves the Elmfield Avenue properties whose gardens are joined to the lane. There is potential for the development to result in increased usage on the lane by children and elderly people. The intensified use of access could result in a road safety hazard. The Council should take very seriously into consideration. Thereby the proposal is in breach of local plan policy R1.

- Amenity

The design of the proposed building will still overlook private gardens as well as comprising daylight and view for the surrounding residents. The rear of the new building would be positioned very close to the boundary wall and to the garden of 33 Bedford Place. The garden provides the only single outlook for this property. This would be more dominant neighbours than the existing workshop. This is in breach of local plan policy R1. Providing no privacy.

- Design

The materials used in the construction of the building are not believed to be in keeping with the granite construction of the surrounding neighbourhood which dates back to the late 19th century.

- Environment

The possible effect on the conservation of the area as many trees and plants exist in a variety of the neighbouring residents. Also are number of **mature** trees in the immediate area that would most definitely be affected by the proposed development. Surely this is in the Council interest to protect these trees since there is a lack of greenery in this area which preserves the character and visual amenity of the area.

- Noise

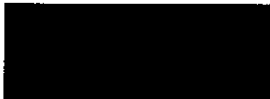
The nuisance factor associated with such a development to the surrounding neighbourhood includes hours of work, private lane (Elmfield Place) disruption sewage works, scaffolding as well as noise levels during the demolition and construction phases.

I hope all these OBJECTIONS carries sufficient weight to override the proposed planning application.

Please advise if you receive this letter and also if there is to be a site visit to follow.

Regards

Patrick Folan



From: <webmaster@aberdeencity.gov.uk>
To: <pi@aberdeencity.gov.uk>
Date: 03/12/2012 17:18
Subject: Planning Comment for 121582

Comment for Planning Application 121582

Name : David Parker
Address : 33 Elmfield Avenue
Top Floor Flat
AB24 3NU

Telephone [REDACTED]

Email [REDACTED]

type :

Comment : I object to the proposed development on the grounds that the design is not inkeeping with the surrounding victorian buildings, and would be an eyesore for the many properties surrounding the development. Also the proposed development will increase the risk of accidents to pedestrians and vehicles on the exit of elmfield place onto elmfield avenue, and also from residents back garden side entrance onto elmfield place. Elmfield avenue is an already congested street with no spaces available for residents and visitors to the proposed development would increase this problem.

Sally Wood - Elmfield Planning Application - 121582

From: [REDACTED]
To: [REDACTED]
Date: 16 January 2013 15:42
Subject: Elmfield Planning Application - 121582
CC: [REDACTED]
Attachments: 1_Elmfield_Place_Title_Deeds_03.JPG; 1_Elmfield_Place_Title_Deeds_02.JPG;
1_Elmfield_Place_Title_Deeds_01.JPG

Hi Sally,

I've recently spoken with Andrew May on the subject of the planning application at Elmfield Place.

He asked me to ensure you were made aware of the discrepancies in terms of land ownership at Elmfield Place as well as safety issue of increased traffic that this site poses.

I enclose title deeds from 1 Elmfield Place showing mutual ownership of land of both 1 & 2 Elmfield Place and that this must be maintained by both parties.

This contradicts the appellant's claim to solely own the land in question (see attached - yellow highlighting jointly owner land by 1 & 2 Elmfield Place).

In addition to this Elmfield Place (the lane adjoining various Elmfield Avenue and Elmfield Place properties) has been maintained collectively by the various residents over the years (tared road surface several times over the last 20 years paid with a relevant share paid by all adjoining the lane) and is not solely owned by the appellant.

Furthermore there are no additional safety / parking considerations for the residents at 1 and 2 Elmfield Place.

I just wanted to ensure you were given a clear picture in terms of this application as with the previous application some years back numerous discrepancies were made on the appellant's application in an attempt to mislead the Planning department as well as the local city councillors.

If you have any further questions on any of the above please drop me an email or contact me on [REDACTED]

Cheers

Ian

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ww [REDACTED]

From: Stuart Mansley [REDACTED]
To:
Date: 11 December 2012 14:56
Subject: Proposed residential development - Application Reference: P121582

Dear Sir/Madam,

Due to work commitments abroad I have been unable to respond to this planning application in a prompt manner. I would like to thank you for your consideration and forbearance in this matter, allowing me to make this representation:

I wish to object to the proposed building application, Reference No: P121582. Having viewed the application and the related documents I have several concerns regarding said application.

The application makes mention of adequate screening of adjacent properties by way of several mature trees growing in the surrounding gardens. In the case of Number 32 Erskine Street the mature tree in question is in poor condition and is due for removal. I am concerned that with a large number of windows on the proposed structures directly overlooking the garden and household of number 32 the lack of any screening between the properties will directly impact on residential amenity, namely in terms of loss of privacy.

I am also concerned with the actual design of the proposed properties, inspection of the detailed plans shows that the materials used and the structural design do not appear to be in-keeping with the surrounding properties.

In addition to this I am mindful of the fact that the removal of the outbuildings/workshops currently situated at 3 Elmfield Place will have a detrimental impact upon the stability of the South Eastern boundary wall of Number 32 Erskine Street. The existing building at 3 Elmfield Place was built directly butting up against the property boundary wall of Number 32 Erskine Street. Added to the fact that the lack of guttering on the workshop roof has already lead to water seepage damage to the existing boundary wall at number 32 I fear that the removal of the workshop will further undermine the structural integrity of the wall, potentially leading to structural failure.

Yours Sincerely

Mr Stuart Angus Mansley

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