

Andrew H.R. Goldie,
276 Union Grove,
Aberdeen AB10 6TQ
5th August 2013

Tel.: [REDACTED]

Mr Tommy Hart,
Planning and Sustainable Development,
Aberdeen City Council
Ground Floor North
Marischal College
Broad Street
Aberdeen, AB10 1AB

Application 130934: Proposed 2-Storey Office Development to Rear of 21 Forest Road.

Dear Mr Hart,

I am writing on behalf of Queen's Cross & Harlaw Community Council in connection with the above proposal. Following approaches from neighbours of the applicant and subsequent discussion within the Community Council, we consider the proposed development to be unsatisfactory in a number of areas, and wish to register objection accordingly.

Our comments are as follows:-

1. The site is located within a designated Residential Zone as documented within the Aberdeen City Local Development Plan; and as a commercial office development, it is inconceivable that the proposed development could be deemed 'complementary to residential use' as defined by published policy relating to such residential areas. Furthermore, the development would clearly have an adverse impact on residential amenity in several respects. Specifically,
 - The scale and mass of the development (the 3D images do not do justice to the proposed dimensions) would have an adverse impact on visual amenity for the area in general and for neighbouring properties in particular.

- The property would overlook neighbouring properties and gardens, and would therefore curtail existing privacy.
 - The development would inevitably generate a significant volume of commercial vehicular traffic which would generate additional noise and pollution, hereby impairing residential amenity [we note the absence of a traffic report for this planning application]. We are also of the view that the additional traffic would be in contention with existing traffic both in Queen's Lane North and in the proposed access via a private access lane for residential garages. Furthermore, there is a significant doubt regarding pedestrian safety, as the western end of Queen's Lane North is too narrow to support pavement access. The planning application is surprisingly scant in detail regarding site access proposals. However, following a site inspection, it seems likely that access would be hazardous for both pedestrians and vehicular traffic.
2. This property is located within a designated Conservation Area, and protection afforded by such status applies not only to individual properties, but also to rear garden areas and the open spaces between properties. What is proposed here is a substantial building on two storeys built on a green open space which contributes much to the general amenity of this valuable Conservation Area. From what can be gleaned from the plans as submitted, the proposed development would run counter to Conservation Area policy and principles in a number of ways. Specifically,
- It would result in an unacceptable increase in building density in a protected area.
 - It would destroy a green space that is important to the amenity of the Conservation Area.
 - It would require the loss of, or significant structural alteration to, protected stone boundary walls.
3. The Community Council has been furnished with a copy of the report commissioned by local residents from Mr Gordon MacCallum of Keppie Planning. We wholeheartedly agree with the points raised therein; and in particular the comments with respect to Policies H1 and D5 as documented in the Aberdeen City Local Development Plan.

The above is a fair reflection of the views of Queen's Cross and Harlaw Community Council, and we trust that you will give our comments due weight in the determination of this application. We are of the firm belief that this planning application should be rejected for the reasons outlined above. Should Committee Members feel in any way inclined to doubt our assessment however, then we recommend that a site visit be undertaken to resolve matters.

Should you require clarification on any of the above points, please do not hesitate to contact me.

Yours sincerely,

[REDACTED]

Planning Convenor,

Queen's Cross & Harlaw Community Council.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 02 August 2013 16:13
To: PI
Subject: Planning Comment for 130934

Comment for Planning Application 130934

Name : Catherine McKeever

Address : 9 Forest Road

Aberdeen

AB15 4DE

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object to this application on the following grounds;

1. The site is within a Residential Area zoning where Policy H1 of the Aberdeen City Council adopted ALDP 2012 applies. This application is for an office development in a residential area and therefore does not conform to, and is contradicts, the 2012 Local Development Plan.

2. We and our neighbours in the area would suffer considerable lack of amenity due to the non-compatible nature of the proposed development. The traffic congestion caused by the attendance of 24-30 employees and their associated business services would create a significant disruption to the residential use of the area.

3. The safety considerations relating to a significant increase in vehicular movement in the relatively narrow access lane adjoining Queens Road North are sufficient to put ourselves and other families in the area at notable incremental risk.

4. The proposed development will create a dis-amenity by nature of overlooking existing residential properties and gardens.

5. The proposed development would necessitate the destruction of trees and green space which is further non-conforming with the Councils LDP2012 H1 policy.

6. We assert that the applicant does not have any legal right to take and form an access over the stretch of lane adjoining Queens Road North that services our garages and those of our neighbours.

7. The area around the proposed development is a Conservation Area. Paragraph 115 of the Scottish Planning Policy states that "planning permission should normally be refused for development within a Conservation area that fails to preserve or enhance the character or appearance of the area"; The proposed development comprehensively fails to either enhance or preserve the character of the area by virtue of its destruction of green space, its increase in congestion, its increase in safety risk, and its mis-amenity with surrounding residential use.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 05 August 2013 10:12
To: PI
Subject: Planning Comment for 130934

Comment for Planning Application 130934

Name : Ian Findlay

Address : 97 Beaconsfield Place

Aberdeen

AB15 4AD

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment :

We would like to object to planning permission being granted for the proposed development referenced by the above application number for 21 Forest Road.

The proposed development sits in Aberdeen City Council Conservation Area No.4 which is designated as such to preserve and enhance the special character of the area, which clearly this proposal does not. Further to this trees in this area are also protected by the conservation area designation which this proposal may impact.

We believe that access to the site will be a potential safety concern to pedestrians and vehicles alike due to the single lane available for this purpose being suitable for access to garaging only. The proposal provides space for 25 workers with additional to visitors to the office creating quite a different flow of traffic in this area.

We also feel that the proposed development will be a source of light pollution.

130934

PI

From: Wilkes, Michael [REDACTED]
Sent: 29 July 2013 08:49
To: PI; Tommy Hart
Cc: Kim Thomas [REDACTED]; Jennifer Stewart
Subject: Planning Application at the rear of 21 Forest Road

Dear tom,

I live at 89 Beaconsfield Place close to the site of the Planning Application at the rear of 21 Forest Road.

I would like to bring to your attention the objection below that I have raised via the Aberdeen City website.

Kind regards

Mike

Objection

I object to this application, and so want to have it fully reviewed by the planning committee.

I am concerned about over development of the Queens Lane North.

This a road within the conservation area where residents are required to be mindful of the changes they make to their house, and adhere to strict planning laws, to ensure that the nature of the area is preserved. I do not think this application is in line with this thinking.

Queens Lane is, by design a service access, but now supports a significant number of new developments. I do think that this application takes into account the increase in traffic that it will bring.

The plan shows that the access to site, is narrow, and close to the end of Queens Lane North. This will further impact traffic flow and pedestrian safety in this area.

I am also concerned that the two storey building in the application is closer to the back of the houses on Beaconsfield Place than the existing new buildings. The new application may result in the gardens and rooms at the back of the houses on Beaconsfield Place being over looked. This will also increase the light pollution for residents on Beaconsfield Place.

Mike Wilkes
Lomond Development Manager
Europe E&P
BG Group | 28 Albyn Place | AB10 1YL
Tel [REDACTED]
Email [REDACTED]

BG Energy Holdings Limited
Registered in England & Wales No: 3763515 Registered address:

100 Thames Valley Park Drive
Reading, Berkshire RG6 1PT UK
Telephone: [REDACTED]
Website: [REDACTED]

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P&SD Letters of Representation	
Application Number:	130934
RECEIVED	29 JUL 2013
Nor	(Scu) MAp
Case Officer Initials:	TH
Date Acknowledged:	31/07/13

PI

From: webmaster@aberdeencity.gov.uk
Sent: 29 July 2013 08:42
To: PI
Subject: Planning Comment for 130934

Comment for Planning Application 130934

Name : Michael Wilkes

Address : 89 Beaconsfield Place

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object to this application, and so want to have it fully review by the planning committee.

I am concerned about over development of the Queens Lane North.

As a road within the conservation area where residents are required to be mindful of the changes they make to their house, and adhere to strict planning laws, to ensure that the nature of the area is preserved. I do not think this application is in line with this thinking.

Queens Lane is by design a service access, but now supports a significant number of new developments. I do think that this application takes into account the increase in traffic that it will bring.

The plan shows that the access to site, is narrow, and close to the end of Queens Lane North. This will further impact traffic flow and pedestrian safety.

I am also concerned that the two storey building in the application is closer to the back of the houses on Beaconsfield Place than the existing new buildings. The new application may result in the gardens and rooms at the back of the houses on Beaconsfield Place being over looked. This will also increase the light pollution for residents on Beaconsfield Place.

ROYAL MAIL SIGNED FOR

The Head of Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College, Broad Street
Aberdeen, AB10 1AB

Our Ref: JF/ND

18 July 2013

Email: [REDACTED]

Dear Dr M Bochel

**OBJECTION TO DETAILED PLANNING APPLICATION REFERENCE 130934
FOR THE ERECTION OF A NEW 2 STORY OFFICE BUILDING ON LAND TO
THE REAR OF 21 FOREST ROAD TO BE ACCESSED FROM QUEENS LANE
NORTH**

Edinburgh

Glasgow

Leeds

Dundee

Inverness

I write on behalf of Mr and Mrs Fyvie who reside at 17 Forest Road, Aberdeen and are in receipt of a neighbour notification in respect of the above application for Planning Permission. Having reviewed the application, I write to object to the proposed development on their behalf.

The application is for the development of a one and a half story office building located on ground to the rear of 21 Forest Road, Aberdeen. The proposed office building would comprise 218sqm with 9 car parking spaces including one disabled car parking space.

I have assessed the proposals against Development Plan policy as contained within the Aberdeen Local Development Plan 2012 (ALDP) and material considerations, as set out in Scottish Planning Policy (SPP). Having regard to these it is contended that the proposal is contrary to the ALDP and supplementary guidance for the reasons discussed below.

The ALDP identifies the site as lying within a residential area where ALDP policy H1 applies; it also lies within the Albyn Place and Rubislaw Conservation Area. ALDP policy H1 states that proposals for non residential uses within existing residential areas will be refused unless:

- they are considered complementary to residential use; or
- it is demonstrated that they would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

As the development would require the sub-division of a residential curtilage the development proposal also requires to be assessed against supplementary guidance The Sub-division of Residential Curtilages (March 2012) which it too lacks compliance with; whilst the guidance is specifically targeted at residential development it is applicable to other non residential types of development (paragraph 1.4).

The site is located to the rear of 17 Forest Road and lies immediately adjacent to the garage owned by this property. The lane, which provides rear access to the properties on Forrest Road and also the site itself, is a quiet lane leading onto Queens Lane North. Access to the site would be taken from the existing access at the junction of the lane and Queens Lane North. Queens Lane North is used as a service lane for properties on Queens Road and also provides access to residential properties at Dempsy Court. Queens Lane North would provide the sole access for both pedestrian and vehicular traffic for the development and also an office building at Inverden House.

The development of an office building in this location will undoubtedly increase traffic movements on Queens Lane North; which raises significant concerns and would, due to the narrow width of the lane and lack of pedestrian footpaths, pose a significant hazard to both pedestrians and vehicles using the lane. This is compounded by the fact that there are no footpath links for pedestrians to use to access the proposed office building; existing footpath links on the lane stop at Dempsy Court and are only located to the north of the lane. The Sub-division and Redevelopment of Residential Curtilages guidance recognises that it is not acceptable for pedestrians to have to walk on the carriageway of rear lanes to access developments or for pedestrians to share access with vehicles, as it results in the creation of a pedestrian safety hazard.

Due to the width of the lane at this location it is not considered possible for the instillation of foot paths to make the proposal acceptable in road safety terms. Consequently if approved the proposal would have a detrimental impact on both pedestrian and vehicular safety.

The site plan shows the proposed development facing a car park and not a street. Supplementary guidance advises that new development should have a frontage onto a public street as this is the predominant pattern of development in urban areas. Development that does not front onto the public street constitutes development that is alien to the residential area. Consequently the proposal lacks compliance with the guidance.

The proposed site plan shows little open space and as such, its density is out of character with the density of neighbouring buildings. Buildings within the local area have expansive areas of open space. The proposal is at odds with this and as a result fails to respect the relationship of existing buildings and their surrounding spaces. As a result development of the site would be alien to the existing pattern of development, character and density of development located in the area. Furthermore as the development proposed does not front a public street it would form backland development and set a precedent for similar unacceptable types of development.

As noted above, the application shows 9 car parking spaces. Whilst this is in excess of the requirement stated in supplementary guidance my client is concerned that the presence of an office in this location would increase car parking in the neighbouring area. Given the lack of footpath provision to the site employees/ visitors may, due to safety concerns, to rely on the private car to access the development.

The Den Burn lies on the northern boundary of the application site and in the absence of a Flood Risk Assessment my clients are concerned that the site may be at risk of flooding or may increase the risk of flooding to neighbouring properties. As the land is currently grass and is proposed to be developed which will affect surface water drainage. Consequently it is considered to lack compliance with ALDP policy NE6 Flooding and Drainage.

Whilst it is accepted that the proposed office building would lie adjacent to an existing office, it is considered that the intensification of office use in this location would conflict with residential amenity and impact on the ability of residents to enjoy their property.

To conclude it is evident that the proposal for the development of an office building in the ground to the rear of 21 Forest Road lacks compliance with ALDP policy H1 and supplementary guidance. If approved it would result in backland development alien to the character of the area which it is located. It would also create a pedestrian hazard. Consequently the development would, by virtue of increased

traffic movements and its detrimental impact on pedestrian safety, result in a use which is not compliant within a residential area.

For the reasons stated above my clients wish to object to this application and respectfully request that it is refused.

Yours sincerely



Natasha Douglas
MA (Hons) MRTPI
Planning Consultant

PI

From: webmaster@aberdeencity.gov.uk
Sent: 02 August 2013 16:10
To: PI
Subject: Planning Comment for 130934

Comment for Planning Application 130934

Name : James McKeever
Address : 9 Forest Road
Aberdeen AB15 4DE

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I object to this application on the following grounds:

1. The site is within a Residential Area zoning where Policy H1 of the Aberdeen City Council adopted ALDP 2012 applies. This application is for an office development in a residential area and therefore does not conform to, and is contradicts, the 2012 Local Development Plan.
2. We and our neighbours in the area would suffer considerable lack of amenity due to the non-compatible nature of the proposed development. The traffic congestion caused by the attendance of 24-30 employees and their associated business services would create a significant disruption to the residential use of the area.
3. The safety considerations relating to a significant increase in vehicular movement in the relatively narrow access lane adjoining Queens Road North are sufficient to put ourselves and other families in the area at notable incremental risk.
4. The proposed development will create a dis-amenity by nature of overlooking existing residential properties and gardens.
5. The proposed development would necessitate the destruction of trees and green space which is further non-conforming with the Councils LDP2012 H1 policy.
6. We assert that the applicant does not have any legal right to take and form an access over the stretch of lane adjoining Queens Road North that services our garages and those of our neighbours.
7. The area around the proposed development is a Conservation Area. Paragraph 115 of the Scottish Planning Policy states that "planning permission should normally be refused for development within a Conservation area that fails to preserve or enhance the character or appearance of the area." The proposed development comprehensively fails to either enhance or preserve the character of the area by virtue of its destruction of green space, its increase in congestion, its increase in safety risk, and its mis-amenity with surrounding residential use.

James McKeever

PI

From: McKeever, James [REDACTED]
Sent: 02 August 2013 16:19
To: PI
Cc: Jennifer Stewart; Cath McKeever
Subject: Objection to planning application 130934
Attachments: 2nd August letter to ACC v1.doc

Dear Sirs

Please find attached our letter detailing our objection to the Planning Application 130934 for the erection of a 2-Storey Office Building accessing Queens Lane North.

Sincerely

James and Catherine McKeever
9 Forest Road

Classifier Attachment List:

[2nd August letter to ACC v1.doc - Unclassified]

BG Energy Holdings Limited
Registered in England & Wales No: 3763515 Registered address:
100 Thames Valley Park Drive
Reading, Berkshire RG6 1PT UK
Telephone: [REDACTED]
Website: <http://www.BG-Group.com>

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James and Catherine McKeever
9 Forest Road
Aberdeen
AB15 4DE

2nd August 2013

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

For the attention of Mr Tommy Hart

Dear Sir,

**Planning Application 130934
Erection of a 2-Storey Office Building on land to the rear of 21 Forest Road,
accessed from Queens Lane North.**

We are writing as owners of 9 Forest Road to object to the application for Planning permission for a proposed development of a 2-storey office building on land to the rear of 21 Forest Road by Mr Keith Douglas.

Our property is accessed at the rear adjacent to and in conflict with the access of the proposed development.

I note that the latest date for receiving objections is 5th August 2013.

Our objections are based on the following;

1. The site is within a Residential Area zoning where Policy H1 of the Aberdeen City Council adopted ALDP 2012 applies. This application is for an office development in a residential area and therefore does not conform to, and is contradicts, the 2012 Local Development Plan.
2. We and our neighbours in the area would suffer considerable lack of amenity due to the non-compatible nature of the proposed development. The traffic congestion caused by the attendance of 24-30 employees and their associated business services would create a significant disruption to the residential use of the area.

3. The safety considerations relating to a significant increase in vehicular movement in the relatively narrow access lane adjoining Queens Road North are sufficient to put ourselves and other families in the area at notable incremental risk.
4. The proposed development will create a dis-amenity by nature of overlooking existing residential properties and gardens.
5. The proposed development would necessitate the destruction of trees and green space which is further non-conforming with the Councils LDP2012 H1 policy.
6. We assert that the applicant does not have any legal right to take and form an access over the stretch of lane adjoining Queens Road North that services our garages and those of our neighbours.
7. The area around the proposed development is a Conservation Area. Paragraph 115 of the Scottish Planning Policy states that "*planning permission should normally be refused for development within a Conservation area that fails to preserve or enhance the character or appearance of the area.*" The proposed development comprehensively fails to either enhance or preserve the character of the area by virtue of its destruction of green space, its increase in congestion, its increase in safety risk, and its mis-amenity with surrounding residential use.

We strongly object to the proposed development on these grounds, and encourage the Council to adhere to the Aberdeen Local Development Plan.

Yours Sincerely

James and Catherine McKeever
9 Forest Road

COPIED TO:

Councillor Jennifer Stewart

P&SD Letters of Representation		
Application Number:	130934	
RECEIVED - 5 AUG 2013		
<input checked="" type="radio"/> NoP	<input type="radio"/> Sou	<input type="radio"/> MAp
Case Officer Initials:	TH	
Date Acknowledged:	6/08/13	

17 July 2013

Our Ref: GMC / AMN / 213432

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

For the attention of Tommy Hart

Dear Sirs,

**Town & Country Planning Scotland Acts
Planning Application 13/0934
Erection of a 2-Storey Office Building on land to the rear of 21 Forest Road,
accessed from Queens Lane North
Objections of Mr & Mrs McKnight**

Keppie Planning have been instructed by Steven and Lesley McKnight who reside at 11 Forest Road, Aberdeen to object to the proposed development of a 2-storey office building on land to the rear of 21 Forest Road, by Mr Keith Douglas.

In this context, we note that the date for receiving objections is now 5th August 2013 and not the 19th July 2013, as previously indicated in the Council's website.

The statutory starting point, as the Council are aware, is the Development Plan, which in this case is confined to the Adopted Aberdeen City LDP 2012. The scale of this development does not raise any strategic policy issues.

Aberdeen City LDP Adopted 2012

This planning application requires being determined in accordance with Sections 25 and 37 of the Town & Country Planning Act and taking account of any adverse material considerations, of which there are many in this case.

Whilst the site is close to the West End Office Area zoning, it does not adjoin it and, is firmly and unambiguously, within a Residential Area zoning where Policy H1 applies.

The policy presumption in H1 is clearly for new residential development and housebuilder development and, therefore, this application, for a non-conforming use should fall at the first hurdle. The principle of an office development is contrary in terms to Local Plan Policy H1. An assessment against criteria 1 – 5 is therefore unnecessary and not relevant in this case.

The second part of H1 measures departures from residential issues and, in our balanced view set out below, the application fails the 2 tests outlined in this policy.

"Within existing residential areas, proposals for non-residential uses will be refused unless:

1. *they are considered complementary to residential use, or*
2. *it can be demonstrated that the use would cause no conflict with or any nuisance to, the enjoyment of existing residential amenity".*

Directors: W Baxter Allan Dip Tp MRTPI Gordon MacCallum Dip Tp MRTPI

160 West Regent Street • Glasgow G2 4RL •

Keppie Design Ltd. Registered in Scotland no 159423

Planning & Sustainable Development	
Mail ID	
RECEIVED 18 JUL 2013	
www.keppiedesign.co.uk	
REPLY /	
Section	Officer

In commenting on both criteria 1 and 2, we consider that:-

Due to the scale, massing and location of the proposed building and the access, parking and land-use change proposed, this development is clearly not compatible with the surrounding existing residential properties. The hours of operation, the nature of business during the day and early evening, the commuting traffic and delivery movements would, even if practicably achievable, create a conflict of activity and disfunctional sense of place at this locus.

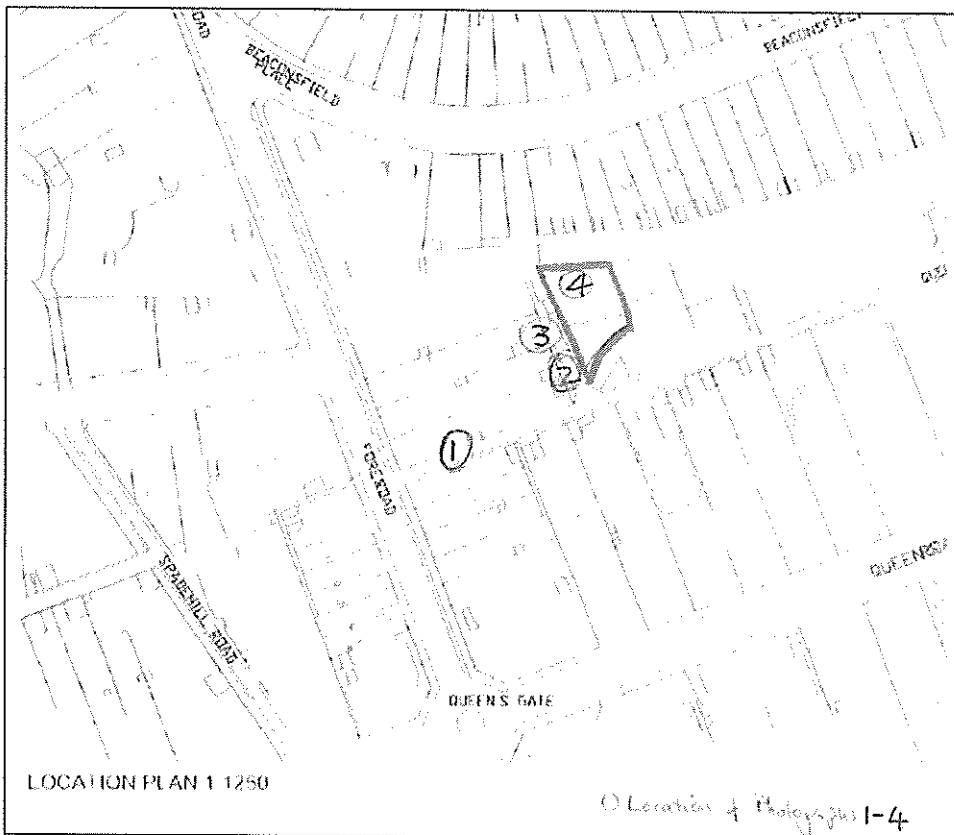
Simply put, this location is totally unsuitable in every practical way as an office location for between 24 – 30 employees (as set out in the plans attached to this application).

We note the applicant has not attempted to justify the proposal against Policy H1, as no supporting planning statement has been prepared, which is surprising being the proposal is contrary to the zoning preferences in the LDP. There are also no accompanying ecological or tree surveys, which is again surprising, given the wildlife interest in and around the site, and the number of mature trees, some of which will require to be felled.

This office development, which is in such close proximity to residential properties and private gardens on Forest road, will create a disamenity by nature of overlooking existing residential properties and gardens, and the use of the proposed access through Queens Lane North, a private residential lane. This will not only create a vehicle conflict at the point of entry but, a legal dispute relating to the ownership and access rights over this private stretch of lane, a point reviewed at a later juncture in this objection.

Amenity and Access Issues relating to H1

Access to Site



Queens Lane North is narrow and not capable of widening. The photograph below shows the access situation from Forest Road to the entry point to the site.



Photo 1 – One-Way Access from Forest Road

The entry point to the site is shown at photograph 2 which is directly through a stone wall and mature tree.



Photo 2 - Entry point to site

From the layout plan below, all delivery and refuse vehicles would require to reverse out of the development and only the 8 parked cars would be able to exit the office in a forward gear. In addition, the exit would be blind and conflict with the 6 residential garages currently serving the houses on Forest Road and the entrance to the house adjoining the site.

The impact of additional traffic generated by a business with 24 plus employees, deliveries and visitors will be a severe dis-amenity and potential hazard affecting road safety and significant additional movements along this one way lane effecting its entire length. Indeed any development of a similar scale on this site regardless of use would create a problem as simply the lane is not able or designed to absorb additional traffic.



Photo 3 - Vehicle conflict zone

There is further (although not strictly a planning matter, it is a material consideration) point relating to ownership and legal rights over the stretch of lane which services the houses on Forest Road but not number 21, which is owned by the applicant. It is asserted that Mr Douglas does not have any legal entitlement to take and form an access as he proposes.

Existing Situation

The northern part of the site is currently in garden use as shown from the photograph below. It is understood this is owned by Mr Douglas and it contains a number of mature trees and is currently a compatible neighbouring use within a residential area.



Photo 4 - Existing condition of application site

The remaining part of the site to the south is unkempt but contains a number of trees and wildlife habitat. It is not known who owns this area, however as it is contained within the stone walls, it currently is largely unseen from surrounding properties.

A burn separates the northern boundary of the application site from the housing to the north, which overlooks the site.

In summary, there is a clear policy presumption against the principle of this proposed development as evidenced by the applicant's failure to accord with Policy H1, as outlined above.

In this case the proposals are also deemed to be contrary to other policies in the LDP, notably in relation to the site's Conservation Area status and the place making of the scheme and its associated impact on amenity.

Policy DC5 – Built Heritage

The above policy advises that proposals affecting Conservation Areas will only be permitted if they comply with Scottish Planning Policy.

Para 115 of the SPP states that "*planning permission should normally be refused for development within a Conservation area that fails to preserve or enhance the character or appearance of the area.*"

In this case, it is clear that the loss of existing mature trees, the shoe-horning of an office development and the associated access into what is a tight site, and the associated adverse impact upon the neighbouring residential amenity all combine to ensure this application fails to preserve or enhance the character or appearance of the area.

Indeed, the blank large rendered wall and roof plane towards the western elevation is totally dominating and a clear disamenity to residents, but also incongruous within the Conservation Area.

In such circumstances, it is incumbent on Aberdeen City Council to refuse consent for the additional reason of impact on the Conservation Area.

Other Matters

There is local evidence of significant bat activity in the area and it appears they roost/nest in the mature trees within the Conservation Area. In addition, other local wildlife considerations have certainly not been assessed by the applicant.

Conclusions

Drawing together all the planning arguments against this proposal and, notwithstanding the legal issues relating to rights of access and ownership, we strongly recommend that this application be refused for the following reasons.

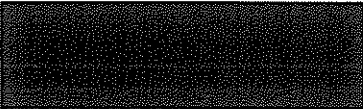
It is contrary to Policies H1 and D5 of the Adopted Aberdeen City Local Development Plan as:-

- It would create a development which is incompatible within a residential area as zoned in the LDP.
- It would create a non-conforming use which would create a clear disamenity to the existing properties, including increased noise, traffic, overlooking and a change in character.
- It will create traffic chaos and a danger at this access point.
- It intends to use a totally inadequate standard of private road for all servicing and accessing.
- There will be a loss of walls and removal of mature trees within the Conservation Area.
- There will be an increase of activity.
- The development will create a dominating building alien to existing forms of housing and gardens.
- The massing of the building will create a visual blight/blot due to the large rendered walls and roof plane.
- Some windows will overlook existing residential properties to the detriment of privacy.
- There is evidence of significant bat activity in the area, which has not been assessed, nor any other wildlife interest.

Recommendation

Taking account of all the enclosed, we firmly recommend that the application be refused as contrary to the LDP Policies H1 and D5. There can be no material considerations nor any evidence led by the applicant that would indicate any other decision can be made other than in accordance with the LDP position as Adopted by Aberdeen City Council so recently as February 2012.

Yours sincerely


Gordon MacCallum
Director

cc: Mr & Mrs S McKnight

PI

From: webmaster@aberdeencity.gov.uk
Sent: 02 July 2013 12:32
To: PI
Subject: Planning Comment for 130934

Comment for Planning Application 130934

Name : Lesley McKnight
Address : 11 Forest Road
Aberden
AB15 4DE

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Dear sir

We strongly object to this application. Firstly, To our knowledge Mr Douglas does not own the land he wishes to erect the 2 storey office building. The neighbours and ourselves from No 9 to 17 have maintained the back lane leading to our garages accessed from Queens Lane North for several years. Secondly, Mr Douglas does not use the lane and therefore he will not be affected by the disruption this will cause. Thirdly, there is no access available to this proposed development apart from access from where our garages are placed just off the back lane. Fourthly, There is already a very large business extension at the rear of 20 Queens Road which will affect the flow of traffic and has already created disruption. This will bring greater traffic volume in a quiet residential area. Finally, we do not wish for another office building erected with in such close proximity and overlooking our property.

Regards
Lesley McKnight

Development Management
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Broad Street
Aberdeen
AB10 1AB

Mr Jamie Burnett
13a Forest Road
Aberdeen
AB15 4DE

Dear Mr Hart,

I am writing to object to the following planning application:

Registered Date:	26/06/2013	Case Officer:	Tommy Hart
Ward & Councillor:	Hazlehead/Ashley/Queen's Cross (M Greig/J Stewart/J Thomson/J Corall)	Telephone:	522199
Location:	21 Forest Road, Aberdeen, AB15 4DE (Land at Rear)		
Proposal:	Erect new 2 storey office building on land to the rear of 21 Forest Road accessed from Queens Lane North		
Application No:	130934		
Applicant		Agent	
Mr Keith Douglas		Cumming & Co	
21 Forest Road (Land at Rear)		Albion House 6 Castlehill	
Aberdeen		Aberdeen	
AB15 4DE		Aberdeen City	
		AB11 5GJ	

The following responses (A through D) detail my concerns with the proposed development. But in summary they can be reduced to the following issues:

Summary

1. The plans submitted make it impossible to accurately visualise this development as they give no indication of the building dimensions or what groundwork's will be undertaken;
2. It will be a modern office development out of keeping with the mostly residential conservation area that it will be situated in;
3. I am concerned about loss of privacy due to the development at the rear of my property and in the garden;
4. I am concerned that the development will have a negative impact upon the wildlife in the area and the water quality in the Den Burn;
5. I expect there to be serious access issues and an increase in the traffic density increasing the potential for accidents in the narrow Queens Lane North (no pavement) during and after construction;

A more in depth discussion on all these details is included in the sections below.

A. Construction Height / Design

It is unclear from the plans provided what the actual height this building will be and its visibility from my garden / property, which cannot be determined for the following reasons:

- i. The plot of land where the office will be situated is on a significant slope and I suspect ground works will be undertaken to level this. It is unclear if the lower ground level will be raised to do this (increasing apparent height) or the higher levels lowered to achieve this (reducing apparent height). There is no mention of how this will be achieved in the plans.
- ii. Further to this, the drawings cannot easily be used to determine the dimensions. There is what is called a "scale" on the drawing but there is no reference point for this (i.e. depending on how large I print the drawing changes the measured dimensions). In fact what is quoted as a "scale" is in fact actually a ratio. Furthermore the "scales" quoted on drawing PL02 are misleading. I think there is only one "scale" for this drawing, yet three are quoted.
- iii. There has recently been a large number of developments put up in the Queens Lane North Area (New build flats / Office extensions, etc) and feel the area is becoming over developed and becoming populated with buildings that are modern looking in nature and out of keeping with the more traditional original buildings in the area.

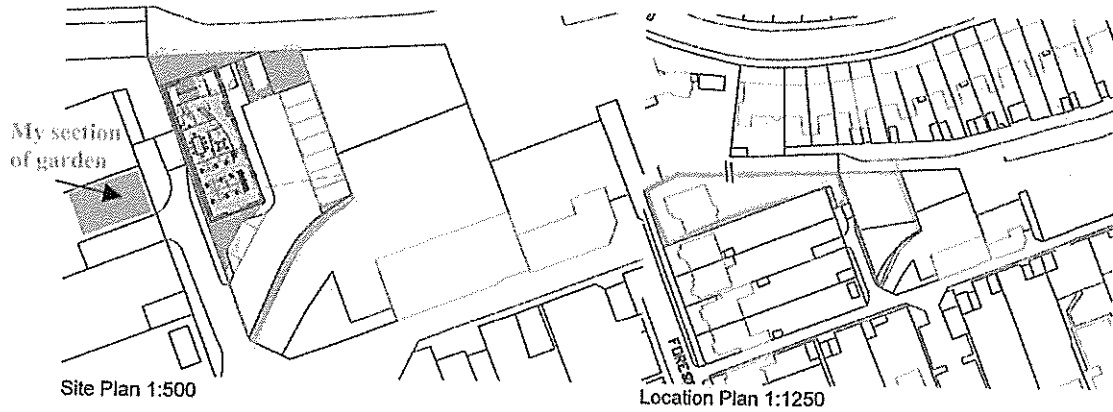
It is therefore impossible to accurately visualise how this potential future construction will appear from my property / grounds. This is a major concern for myself. However, what is proposed is a two storey office block; realistically it will be significantly higher than similar structures (garages) in the vicinity which are single storey.

Furthermore, this is predominately a residential zone within a conservation area. The addition of a modern office premises into the area I feel would be out of keeping. I think it will result in a significant change in the ambience in the surrounding area potentially making my section of garden feel hemmed in and overlooked.

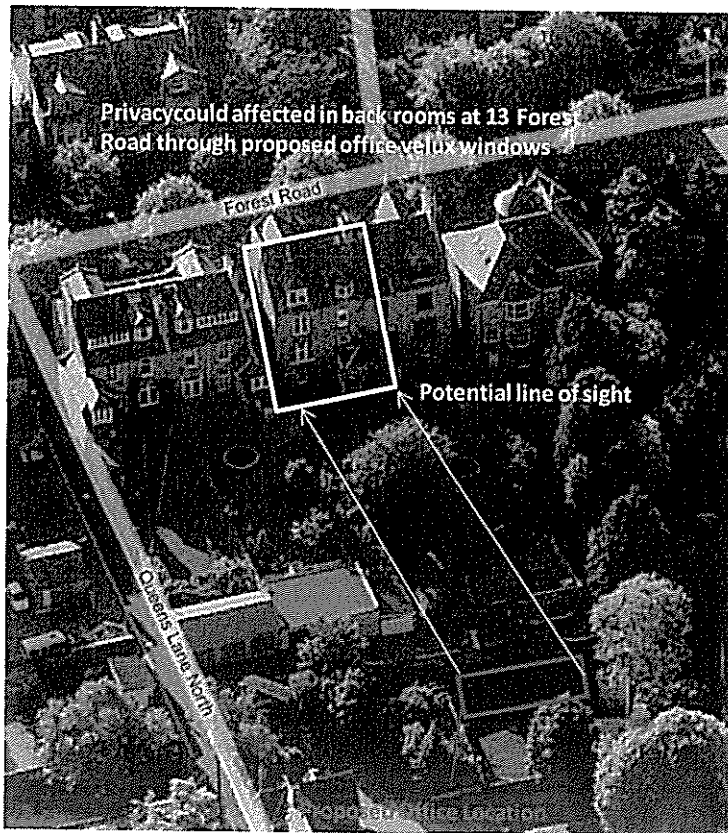
B. Loss of Privacy

I am concerned that the proposed will result in a loss of privacy, for the following reasons:

- i. There will be 5 off velux windows directly over looking my section of garden (which will be the closest to the development);



- ii. These windows will also allow a direct line of sight into the rear windows of our property. Presently there are no other properties with a direct line of sight in the vicinity.



C. Environmental Issues.

- i. I am not aware of where the water run-off drains from the development will be routed to but I do know there is a constant problem with drainage on Forest Road / Rubislaw Den South Road. When it rains heavily this system tends to back up resulting in significant water accumulation across the roads and junction. This is probably a result of the road drainage system being at a bottom of a slope and its proximity to the Den burn which we presume it drains into (like the location for the proposed new office similar slope and same proximity to Den burn which it may drain into). I feel there is the potential for this to happen at this proposed new development. If it does occur I suspect we would be subjected to recovery works / maintenance happening on regular basis (this has happened at least 2-3 times to business at low points close to the Den burn on Queens lane North in the last 2 years i.e. Dizzys Bar and surrounding businesses).
- ii. I am concerned that there will be damage to the large beech tree in my garden as a result of carrying out any ground works. I suspect that the routes for the trees will extend into the ground where the proposed office will be and could be damaged as a result of ground works.
- iii. I am concerned that the building works will have a negative impact on the wildlife that use the area that the office will be built on (currently half managed / half unmanaged land) and the wild life that use the ground at my property, which includes, wood pigeons, foxes, squirrels and bats (a European Protected Species).
- iv. There is a concern that construction activities (run-off) from the site will have an adverse effect on the den burn water quality.

D. Access / Disruption

The proposed location of the construction is in a difficult to access location and congested. I am concerned that during the proposed buildings construction and through its life time could create problems:

- i. The proximity of the proposed office location is very close to a large number of residential dwellings who will likely be subjected to an extended period of construction noise.
- ii. Access for large construction vehicles will be particularly difficult and given the narrow nature of the lanes that provide access, the size of these construction vehicles and the amount of foot traffic (commutes and school children) down these lanes at peak times. There will be a raised possibility of an accident during this time, bearing in mind that there are actually no pavements on the access lanes in the vicinity.
- iii. If the development is built then the density of traffic will increase during peak times too (i.e. workers, clients and service traffic to the new building).
- iv. The access to the garages of existing owners could be complicated by ingress and egress from the office given the narrowness of the lanes and the proposed entry point to the office (off the rear lane that accesses the garages).
- v. Further to this the difficult access will make access of emergency vehicles (i.e. fire engines / ambulances) more problematic.
- vi. It is noted that there are around 24 desk spaces (excluding clients), and 8 parking spaces. It is expected that in reality there will be a requirement for much more than 8 parking spaces. Given that the surrounding area is permit / paid parking I think the temptation for people using the building will be to double park in the office car park (restricting emergency access) and / or use the garage access lane, also restricting access, especially for the garage owners.

It is expected that this development will create unwanted disruption during and after construction, increase the traffic density and risk of an accident during peak times and due to its difficult access create problems for people using the rear lanes potentially restricting resident's access and emergency vehicles.

Best Regards,

Mr Jamie Burnett (13a Forest Road)

P&SD Letters of Representation		
Application Number: 130934		
RECEIVED - 5 AUG 2013		
Nor	Sou	MAp
Case Officer Initials: TH		
Date Acknowledged: 6/08/13		

PI

From: webmaster@aberdeencity.gov.uk
Sent: 02 July 2013 11:46
To: PI
Subject: Planning Comment for 130934

Comment for Planning Application 130934

Name : Iain Smith Solicitors LLP
Address : 18 Queens Road
Aberdeen
AB15 4ZT

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : On behalf of the firm of ISS LLP I object to the proposed development on the following grounds; 1. overdevelopment of the feu 2. destruction of urban green space 3. Access to and egress from the site is dangerous having regard to present gateway and also with ref. the current volume of pedestrian and vehicular traffic using the lane with a one way system in operation.
4. Lack of parking.
5. There is a substantial development ongoing at the rear of no 20 QR.....this when complete will add to the congestion and danger to pedestrians and other road users...Queens Lane North cannot handle any more pedestrian and vehicular traffic.

Robert Vickers

130934

From: Steve O'Hara [REDACTED]
Sent: 30 July 2013 11:09
To: PI
Subject: Planning Application at the rear of 21 Forest Road

Good morning

I am writing to object to a planning application for a new two storey office development to be built at the rear of 21 Forest Road.

I am a resident at 85 Beaconsfield Place and am already very concerned at the amount of development in what is a residential and conversation area.

A key safety concern for myself as a mother of two young children who walk to and from nursery and school is pedestrian safety. It is already an issue when walking round Forest Road and crossing the road at Queens Lane North. There is also the ongoing problem for residents where Beaconsfield Place is used as a shortcut for many commuters - which is very evident in the state of our road compared to other streets in the West End where there is not the same volume of commuter traffic.

Regards
Gillian O'Hara

A. C. MORRISON & RICHARDS

ADVOCATES IN ABERDEEN, NOTARIES PUBLIC, SOLICITORS and ESTATE AGENTS

Our Ref: MAF/FM

18 Bon-Accord Crescent,
Aberdeen AB11 6XY
Telephone: (01224) 573321

FAX: [REDACTED]
DOCUMENT EXCHANGE: DX ABS0
THE LEGAL POST: LP-48 ABERDEEN 1

Your Ref:

Date: 16th July 2013

The Director,
Planning & Sustainable Development,
Marischal College,
Broad Street,
ABERDEEN,
AB10 1AB.

ENTERPRISE PLANNING AND
INFRASTRUCTURE
RECEIVED
18 JUL 2013

Dear Sirs,

**T W GIBSON'S TRUST
PLANNING APPLICATION 130934
PROPOSED DEVELOPMENT AT REAR OF 21 FOREST ROAD,
ABERDEEN**


We refer to the Application for Planning Permission for the proposed development at the rear of 21 Forest Road, Aberdeen.

On behalf of and as instructed by our clients, The Trustees of T.W. Gibson's Trust, proprietors of number 18 Queens Road, Aberdeen, we hereby object to this application on the following grounds:-

1. Overdevelopment of the site with a 2 storey office block with the only access being from Queens Lane North.
2. Significant increase in traffic in this narrow back lane, exacerbating existing traffic problems, to the detriment of neighbouring proprietors.
3. Potential safety hazards associated with increased traffic.
4. Development of a green urban space, which should be preserved.

Kindly acknowledge receipt of this letter.

Yours faithfully,

 [REDACTED]

PI

From: Paul Dawson [REDACTED]
Sent: 29 July 2013 12:21
To: PI
Subject: Planning application 21 forest road re 130934

Paul Dawson 27 forest road ab154de

Dear head of planning I am e mailing you today regards the planning application at 21 forest road ref 130934 I want to put an objection to this on the grounds as follows this area is a conservation area also this is a residential area by allowing people to build two storey office blocks in their back gardens is setting a very bad example to a very beautiful and important part of our city also looking at the access from the property is very tight were is all the cars going to get parked . Queens lane north is a one way street with no pavements for pedestrians safety. If you look at the properties on queens road a number of them have developments going on behind them causing major over development and traffic problems their is already a row of garages beside the development making this access even worst and dangerous for the residents . Hope we can see sense on this one many thanks paul Dawson

Robert Vickers

From: webmaster@aberdeencity.gov.uk
Sent: 11 July 2013 22:12
To: PJ
Subject: Planning Comment for 130934

Comment for Planning Application 130934

Name : Michael Wilson
Address : 95 Beaconsfield Place
Aberdeen
AB15 4AD

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Having lived in our home for nearly 25 years I was shocked when I received notification of the proposed plans for offices.

Since its inception the area in question has always been a green area combining both grass areas and dense trees.(A previous owner used it as a vegetable garden)

We have already lost the bat population when the flats were built on the previous Grampian Television Buildings.

The lane is almost unique in Aberdeen where the general public can walk up the side of the Denburn and see a variety of wildlife.

The proposed site is a haven for all kinds of wildlife,with it's combination of trees and green areas.Its destruction would mean the loss of this amenity and the present inhabitants will I presume move to the private area of the Denburn whose access is limited to the rich and few who reside on Rublislaw Den.

On a personal note myself and neighbours will have lost the total privacy this open space provided.

We will now have the office windows looking directly onto our back gardens.

note. with interest, the applicant had a garage built in such a way that it completely screens the proposed offices from his own garden.

Whilst I am not an engineer I do not know what effect the new buildings will have on the local flood protection scheme.

The Denburn has burst its banks twice in the past 5 years at this point and Dizzy's has installed expensive flood prevention measures because of recent floods they have suffered.

In conclusion I object to the development as it would substantially change the local environment purely so that one individual can make a financial gain.

PI

From: webmaster@aberdeencity.gov.uk
Sent: 02 August 2013 09:54
To: PI
Subject: Planning Comment for 130934

Comment for Planning Application 130934

Name : William Brebner
Address : 23 Forest Road
Aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I would object to this development on the following basis:

The development is in a conservation area.

Precedent is being set for offices in a residential area.

The area has already been subjected to overdevelopment with the erection of houses on this "green site"; It will have a serious impact on the parking in surrounding streets