

Rosemount & Mile-End Community Council

10 Craigie Park  
Rosemount  
Aberdeen  
AB25 2SE  
15<sup>th</sup> May 2014

Andrew Miller  
Planning & Infrastructure  
Aberdeen City Council  
Ground Floor North  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

Planning Application at 27 Whitehall Terrace, Aberdeen  
Ref: Number 140440 change of use from Dwelling House to Childminding.

Dear Mr Andrew Miller,

In light of the recent Planning Application to change the use from Dwelling House (Class9) to "Mixed Use" to allow for Childminding we the R&M-ECC are writing to register our objection to the aforesaid application at 27 Whitehall Terrace.

The documentation submitted lacked enough information on the "Garden Area" which one would require to determine how much garden area one could say was suitable to allow six or more children to use as a play/exercise area.

There are a number of highly sensitive issues with regards to this application which we will highlight throughout this response:-

1. The peace and quiet which I have enjoyed since retiring was short lived as it came to an end without any warning with cars stopping and voices which was very unusual for this part of the road let alone so very early in the morning.

The noise starts at approximately 7am with vehicles arriving to deliver children and then the same procedure when they are being collected throughout the day and until the last child leaves in the evening five days Monday to Friday.

I have been able to relax in their back garden enjoying the peace and quiet every day of the week, unfortunately this is now curtailed to Saturday and Sunday when there are no children playing in the next door garden but that could change at any time.

The same would apply to the surrounding neighbours on Whitehall Road and those immediately within earshot of 27 Whitehall Ter. and those residents immediately across on Craigie Park.

Not only have I had to put up with the noise factor they have the inconvenience of having missiles being thrown into their garden and then the childminder having to climb the dividing wall to get into their garden to retrieve any missile that has been thrown by the children into their garden.

2. The play/exercise area at the rear of 27 Whitehall Terrace is **not child friendly**, as the size of the area is considerably reduced by the area of the **conservatory, garden shed, the parking lot area** immediately in front of the former studio/office and also the **size of the garden area of the former studio/office** now being used for childminding.

The area is reduced yet again by the **installation of a trampoline** which now leaves a much reduced area to be classed as a play/exercise area.

If you add up all the areas taken up by all the aforesaid obstacles there is very little garden area left which could be classed as a play/exercise area.

The parking lot was installed just before the previous application was approved in May 1991 to allow the residents to park their vehicle instead of using on street parking.

The photograph enclosed shows the alterations to the wall where a gateway was installed and also shows the cement blocks which they used to make the parking lot area before the previous owner decided to sell the property.

It also gives you a rough idea of the garden area which at the moment allows 6 children to play/exercise in but can anyone visualise 18 playing in the same area??

3. At the moment there is no **"safe area"** for the children to be dropped off or collected, as the parking area on Whitehall Ter. is Pay & Display and Residents Parking on Craigie Park so is this aforesaid a requirement for the present proposed change of use?

4. There is a **health and safety** issue when anyone exits the studio as they have to cross the parking lot area before they get down the steps to gain access to the lower part of the present garden. There is no safety handrail or safety gate preventing anyone falling down the steps or wall into the lower part of the garden.

The surface of the parking lot area immediately in front of the studio/office is covered with small pieces of **broken up slate** or some similar type of material which is a hazard if any of the children/staff happen to fall and this could cause a serious accident.

5. Has a **Risk Assessment** been carried out to establish that every precaution has been taken care of to minimise any unforeseen accidents happening??

6. Having prior knowledge of what the inside of the studio/office area consists of I don't remembering encountering any **"fire exit" or "back door"**. Should a fire happen to break out and the exit by the front door was cut off, does manhandling the occupants through one of the windows constitute a fire exit??

Again this may not be required when change of use is sought, but one would think that the **safety and wellbeing would be paramount** irrespective of any regulation when change of use is presented to the council planning department??

7. When it comes to Health, Safety and Wellbeing where children are allowed to play on the trampoline has there been a **"Risk Assessment"** done on the person/s allowing them clearance to supervise children using the aforesaid apparatus??

Being a qualified Nursery Nurse doesn't constitute they have the necessary qualification to look after children or anyone else using the aforesaid piece of apparatus.

One would think that it's everyone's responsibility to make sure the Health, Safety and Wellbeing is paramount to everyone at all times irrespective of what issue/proposal is being debated in this case to grant permission for change of use from "Dwelling House to Childminding for up to 18 children??

8. Craigie Park is in a "conservation area" and is privately owned by the residents and the amount of extra traffic to 27 Craigie Park and 27 Whitehall Ter. dropping off their children and coming back to collect them whatever time of day it may be is another issue for those living immediately across or next door to 27 Whitehall Terrace.

9. We have reason to believe that vehicles are parking without payment when parents come to deliver or collect their children or some staff who work on the premises.

However, it is appreciated that the City Traffic Wardens can't be expected to visit the area to watch if they are paying for parking but it's recognised that the onus is left to each individual to adhere to any parking regulations, but it is quite clear they don't if the information received is correct.

10. Health & Safety along with Care Inspectorate have been contacted expressing the aforesaid concerns and issues highlighted in this response so we can do but hope that some dialogue will take place with all parties involved before any decision is made to change the use from Dwelling House to Childminding.

11. Unfortunately, should anyone think of selling their property within the area of 27 Whitehall Ter. or 27 Craigie Park the value of their property will be greatly reduced should the application be granted.

12. In conclusion, we would recommend that the members of the ACC Planning Committee agree to have a site visit to see for themselves the issues highlighted in the contents of this response.

Yours sincerely



Willie Jaffray (Chair)  
R&M-ECC



Rosemount & Mile-End Community Council

10 Craigie Park  
Rosemount  
Aberdeen  
AB25 2SE  
19<sup>th</sup> June 2014

Head of Planning  
Dr Margaret Bochel  
Planning & Sustainable Development  
Enterprise Planning & Infrastructure  
Aberdeen City Council  
Broad Street  
Aberdeen  
AB10 1AB

Ref: Planning application 140440 for 27 Whitehall Terrace Aberdeen for change of use from Dwelling House to Childminding.

In light of the new application to change the previous application 140440 from Dwelling House (Class 9) for childminding of 18 children R & M-E CC are **OBJECTING** to the contents of the new application for Dwelling House (class 10) for childminding for 10 children.

The contents of "class 10" are complex and in some cases ambiguous to what the property can be used for and the R&M-ECC objections are as follows:

The previous owner applied for a relaxation of a clause on planning application 11143 to the studio/office at the rear of their property.

The application was granted with the following new conditions:-

<><>The studio shall not be used for any purpose other than which is ancillary to the domestic use of the dwelling house in order to preserve the amenity and character of the neighbourhood.

This condition was put in place to ensure there would be no detrimental impact upon the character of the Conservation Area and any attempt to alter or change the use, in the view of the residents, would not only break the condition but also the spirit behind the conditions put in place.

<><>The present owner began childminding for 6 children for which no planning permission was required if it was conducted from the house.

This however was being run from the studio/office at the rear of the property under the name of Sunny Gardens Childminding which has the address of 27 Craigie Park.

<><>This is contravening the amended planning permission which the previous owner got back in 2011.

In June 2014 an amended planning application was received for change of use from dwelling house (class9) for 18 children to mixed use of dwelling house and childminding (class10) for 10 children operating from 8am – 6pm Monday to Friday. We have reason to believe this isn't the case and children can start arriving any time after 7am.

Our previous letter of objection dated the 15<sup>th</sup> May 2014 highlighted a number of sensitive issues with regards to the application which we highlight and would like to re-iterate the following issues which will still have to be addressed before the present application is granted.

<><> Firstly the inconvenience of the noise of vehicles and children playing in the play/exercise not only to but everyone within earshot of 27 Whitehall Ter. and those residents immediately across on Craigie Park and on Whitehall Road.

<><> The documentation submitted lacked enough information on the "Garden Area" which one would require to determine how much garden area one could say was suitable to allow six to 10 children use as a play/exercise area.

<><> The play/exercise area at the rear of 27 Whitehall Ter. is **not child friendly**, as the size of the area is considerably reduced by the area of the conservatory, garden shed, the parking lot area immediately in front of the former studio/office and also the size of the garden area of the former studio/office now being used for childminding.

The area is reduced yet again by the installation of a trampoline which now leaves a much reduced area to be classed as a play/exercise area.

If you add up all the areas taken up by all the aforesaid obstacles there is very little garden area left which could be classed as a play/exercise area.

The parking lot was installed just before the previous application was approved in May 1991 to allow the residents to park their vehicle instead of using on street parking.

Photograph enclosed which must still be on file with previous letter of objection shows the alterations to the wall where a gateway was installed and also shows the cement blocks which they used to make the parking lot area before the previous owner decided to sell the property.

It also gives you a rough idea of the garden area which at the moment allows 6 children to play/exercise in but can anyone visualise 10 playing in the same area??

<><> At the moment there is no "safe area" for the children to be dropped off or collected, as the parking area on Whitehall Ter. is Pay & Display and Residents Parking on Craigie Park so is this aforesaid a requirement for the present proposed change of use?

<><> There is a **health and safety** issue when anyone exits the studio as they have to cross the parking lot area before they get down the steps to gain access to the lower part of the present garden. There is no safety handrail or safety gate preventing anyone falling down the steps or wall into the lower part of the garden.

<><> The surface of the parking lot area immediately in front of the studio/office is covered with small pieces of **broken up slate** or some similar type of material which is a hazard if any of the children/staff happen to fall and this could cause a serious accident.

<><>Has a **Risk Assessment** been carried out to establish that every precaution has been taken care of to minimise any unforeseen accidents happening??

<><>Has a **Risk Assessment** been carried out as there is no "fire exit" or "back door". Should a fire happen to break out and the exit by the front door was cut off, does manhandling the occupants through one of the windows constitute a fire exit??

Again this may not be required when change of use is sought, but one would think that the **safety and wellbeing would be paramount** irrespective of any regulation when change of use is presented to the council planning department??

<><>When it comes to Health, Safety and Wellbeing where children are allowed to play on the trampoline has there been a "**Risk Assessment**" done on the person/s allowing them clearance to supervise children using the aforesaid apparatus??

Being a qualified Nursery Nurse doesn't constitute they have the necessary qualification to look after children or anyone else using the aforesaid piece of apparatus.

One would think that it's everyone's responsibility to make sure the Health, Safety and Wellbeing is paramount to everyone at all times irrespective of what issue/proposal is being debated in this case to grant permission for change of use from "Dwelling House to Childminding for up to 18 children??

<><>Craigie Park is in a "conservation area" and is privately owned by the residents and the amount of extra traffic to 27 Craigie Park and 27 Whitehall Ter. dropping off their children and coming back to collect them whatever time of day it may be is another issue for those living immediately across or next door to 27 Whitehall Terrace.

<><> We have reason to believe that vehicles are parking without payment when parents come to deliver or collect their children or some staff who work on the premises.

However, it is appreciated that the City Traffic Wardens can't be expected to visit the area to watch if they are paying for parking but it's recognised that the onus is left to each individual to adhere to any parking regulations, but it is quite clear they don't if the information received is correct.

<><>However, a report by the Roads Dept. Officer dated the 27<sup>th</sup> May 2014 states and I quote "I note that the current number of children is mixed use house/childminding is accommodating 6 and should this application be successful there will be a maximum capacity imposed through planning conditions. I have discussed this application with the Traffic Management section and they are of the opinion that due to the present size of childminding and its hours of operation 8-6pm and the local parking zone will be able to accommodate short stay parking for pick up and drop offs".

Another part of the report and I quote " The drop off zone out with the controlled parking spaces shown by the applicant as an updated plan submitted must not be used. Any areas of DYLines offer corner protection and allow access to the lane at the South West of Craigie Park.

The applicant must be aware of this and must put a mechanism in place informing the parents of a safe procedure for dropping off and picking up their children.

This would involve using controlled parking zone parking spaces and walking the child to and from the house".

In the real world which it's not, are the Roads Dept not aware of the parking problems which exists throughout the city and at the majority of all city schools where parents do not recognise any parking regulation when it comes to parking in order to deliver or collect their children.

Do they really think that parents are going to listen to the owner of the Child Minding facility Mrs Olga Sevastyanova on where they should park? NOT A CHANCE.

Have a look at the parents parking problem at any school and Mile-End School Midstocket Road which is a shining example where City Wardens and Police Scotland have been involved and still the parents disregard being told not to park in areas they shouldn't.

This means the parking will be all over the place on either Whitehall Ter. or Craigie Park which will cause considerable disruption to neighbours with vehicles coming and going and being parked where they shouldn't be as the photo shows.

<><>A photograph has been sent showing vehicles parking on the corner of Whitehall Ter and Craigie Park, parking on Double Yellow Lines which shows the problems the residents are already experiencing and visualise what it would be like if the application is granted.

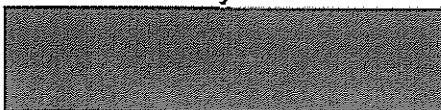
Craigie Park and Whitehall Ter. are already being used for RAT RUNS as it saves the motorist from standing in a queue of traffic at the Lights at Whitehall Rd and Albert Street at any time of the day.

Bearing in mind that Craigie Park hasn't been adopted by the council and at the moment through the generosity of the Ward Councillors the potholes are being repaired but there will come a day this will not happen and the residents will have to pay for any repairs.

<><>Care Inspectorate have visited the residents and Mrs Olga Sevastyanova and we are still waiting for their report which will be issued at the end of this month as to what their proposals will be.

<><>In conclusion, we would recommend that the members of the ACC Planning Committee agree to have a site visit to see for themselves the issues highlighted in the contents of this response before any final decision is made whether to grant this application or not.

Yours sincerely



Willie Jaffray (Chair)  
R&M-ECC



36 Whitehall Road

Aberdeen

AB25 2PR

15/05/2014

Aberdeen City Council

EnterprisePlanning and Infrastructure

Business Hub4

Broad Street

Aberdeen AB10 IAB

Dear Sir

Application No 140440 27 Whitehall Terrace Aberdeen

I have only lived in this part of the city for 2 years and realise and appreciate what a sought after residential area it is . We are in a conservation area renowned for peace and tranquility.

With the proposed change of use to the above address I do feel most of this would be lost and we the residents would be exposed to additional noise and traffic build up and congestion.

The knockon effect of this would have a detrimental effect on all around but specifically on the owners at 25 Whitehall Terrace.

It is my opinion that the house and studio outhouse in question is completely unsuitable as a childminding facility as is the small overcrowded garden area. They are definately not child friendly.

I therefore wish to advise you that I fully understand the importance of childminding resources but on this occasion I must disagree with it being located at 27 Whitehall Terrace.

Yours Faithfully



Alistair Milne

cc Jennifer Stewart Local Councillor

cc Mr W.Jaffrey Chair person Community Council.

24 Craigie Park  
Aberdeen  
AB25 2SE  
18<sup>th</sup> May 2014

Dear Mr Millar

**Objection to Planning Application P140440 – Change the Use of 27 Whitehall Terrace from Dwelling House to Child-minding**

I am writing to you to formally submit my objection to the change of use of 27 Whitehall Terrace from a dwelling house to a child-minding business, with the potential for the business to cater for up to 18 children at any one time. I am objecting for the following reasons:

- Increased noise from traffic - this business would introduce a significant amount of traffic to Whitehall Terrace and Craigie Park, ruining the peace of these tranquil residential streets.
- Increased noise from children – I am already aware of the amount of noise generated by 6 children playing outside. This will be trebled if the application is passed, ruining the ambiance of this residential street.
- Increased wear and tear to the road surface of Craigie Park due to an increase in traffic – Craigie Park has never been “adopted” by the council. Therefore the cost of repairs to the road surface is borne by the residents of Craigie Park. This business will be to the financial detriment of the Craigie Park residents.
- Pedestrian Safety – increase in the volume of traffic and irresponsible parking will put pedestrians at greater risk. Parents are already parking on double yellow lines/corners when dropping off/picking up their children.
- Pressure on parking spaces – parking on Whitehall Terrace and Craigie Park is governed by pay & display and parking permits. The streets are already quite full with residents’ cars plus other “L” permit holders from neighbouring streets who park their cars on our street as it is perceived as a safer street to park. The parents are already parking in “resident only” bays and do not pay for the parking.

I believe that if you allow this change of use to go through, you will be setting a precedent within the area. Whitehall Terrace and Craigie Park are residential streets and should be maintained as such. There are plenty of other areas in Aberdeen which would be more suitable for this type of business.

Yours sincerely

Rhona Macdonald

PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 03 June 2014 19:07  
**To:** PI  
**Subject:** Planning Comment for 140440

Comment for Planning Application 140440

Name : Colin Ballantyne  
Address : 44 Whitehall Road  
Aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : I would like to object to the change of use from dwelling house to mixed use of dwelling house and childminding for 10 children at 27 Whitehall Terrace, Aberdeen, AB25 2RY, application number 140440.

My grounds for objecting are as follow:

An increase in noise as a direct result of more children in the back garden, directly behind my property.

A rise in parking in what is already a congested area for spaces.

The risk of my property losing value as a direct result of a business such as this operating in the immediate vicinity of my home, a residential area.

Regards,

Colin Ballantyne

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PI

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**From:** Colin Ballantyne [REDACTED]  
**Sent:** 17 May 2014 12:12  
**To:** PI  
**Subject:** Objection to Application 140440

I would like to object to the proposed change of use of 27 Whitehall Terrace from dwelling house to childminding, application reference number 140440.

My reasons for objecting are the likely increase in traffic, noise and parking congestion and in particular any adverse reaction to local house prices as a result of a busy business in the neighbourhood.

Colin Ballantyne  
44 Whitehall Road  
Aberdeen

PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 05 June 2014 20:47  
**To:** PI  
**Subject:** Planning Comment for 140440

Comment for Planning Application 140440

Name : Gemma Woodall  
Address : 46 Craigie Park  
AB25 2SE

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : To Whom it May Concern,

We are writing to object to the above planning application. The reasons for our objection are detailed below and a Planning Officer is welcome to visit our property if required when making an assessment on this application.

Reasons for Rejection:

- \* Road safety concerns caused by increased traffic from the proposed nursery - Craigie Park and Whitehall Terrace are a designated walk way for school children walking to Mile End school.
- \* Wear and tear to a private road from increased traffic volumes to the proposed nursery - Craigie Park is a private road which Aberdeen council does not want to adopt. Therefore any maintenance of the road is paid for by the residents not the council but the council would benefit from the proposed nursery business
- \* Detrimental effect on quality of life for the residents of Whitehall and Craigie Park for the following reasons:
  - \* Parking - the proposed nursery application confirms that there are 7 car parking spaces available, 4 on Whitehall Terrace and 3 on Craigie Park and implies that they are available for the proposed nursery use. The 4 spaces on Whitehall Terrace are not for the sole use of the proposed nursery and are pay and display. The 3 spaces on Craigie Park are residents only parking so would not be available for use by non-residents collecting / dropping off children at the proposed nursery. Use of these "spaces" for a 10 child nursery will make it difficult for residents to park on the road, particularly at key times when residents are returning from school drop-offs and work which will coincide with nursery pick up and collection.
  - \* Noise - there has already been an increase in noise from the current childminding business and this will increase if the application to make it a 10 child nursery is approved, impacting quality of life for residents in a residential area due to noise pollution and use of private gardens.
  - \* Litter / Privacy - there has already been an increase in litter and toys being thrown in to the gardens of neighbours bordering the current childminding business, with staff from the childminding business climbing over the fence to retrieve them which impacts their quality of life and privacy. We are concerned that a 10 child nursery would see a further increase in litter and toys to neighbouring gardens and also on to the street.
- \* Previous Applications - we understand that an application by the

Bruce Nursery c3 years ago to add another story to the nursery was rejected because it would impact the quality of life for the neighbour and prevent use of their garden due to a lack of privacy. We feel that if this application is approved, it will impact quality of life for residents for a number of reasons listed above and we would hope that the review of this application also considers impacts on quality of life for the residents.

Regards

Gemma & Guy Woodall

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P&SD Letters of Representation		
Application Number: 140440		
RECEIVED 06 JUN 2014		
Nor	Sou <input checked="" type="checkbox"/>	Mac
Case Officer Initials: AMI		
Date Acknowledged: 12/06/14		

Robert Vickers

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**From:** Alison Townley [REDACTED]  
**Sent:** 16 June 2014 19:28  
**To:** PI  
**Subject:** Application number 140440 - 27 Whitehall Terrace, Aberdeen

Dear Planning

We wish to express our concern and are objecting to the proposed "change of use from a dwelling house to mixed use and childminding"

We are extremely concerned about the noise levels and disturbances that will be occurred if 10 children are at 27 Whitehall Terrace at one time.

We are unable to relax in our garden at the present without being disturbed by the constant shouting, screaming and crying of the children. They seem to be in the garden from before the proposal of 8 am at the present.

Alison & Jack Townley

## Robert Vickers

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 05 May 2014 21:30  
**To:** PI  
**Subject:** Planning Comment for 140440

Comment for Planning Application 140440

Name : Keith and Sheila Swankie

Address : 50 Craigie Park

Aberdeen

AB25 2SE

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Application No. 140440

27 Whitehall Terrace, Aberdeen

We recently received notification of a planning application for a change of use from dwellinghouse to mixed use for the above property. Firstly, can you please clarify what exactly mixed use entails. As Whitehall Terrace and Craigie Park are totally residential, it would be our wish to see them stay that way.

The paperwork attached to the application conveys very little. From the hand-drawn plans appended to the application on line, it would appear that the studio building in the garden of the property is to be used for child-minding purposes. Please be aware that this has been on-going since last Christmas and we have, on several occasions, been in contact with the Planning Department to indicate our annoyance and disbelief that a child minding business can be commenced without any notification being given to other owners.

Please also be aware that, although the application is for 27 Whitehall Terrace, the building concerned and which will be used for the child-minding, is actually in Craigie Park. Craigie Park is, as mentioned, a tree lined, totally residential street, in a Conservation Area which would be ruined should this proposed development be permitted.

Jacqui Thain was dealing with the matter previously and indicated that Mrs. Sevastyanova who is a fully registered child minder, was permitted to have up to six children at the premises without any planning permission or change of use having to be granted. She indicated in her letter to us of 3rd March that the facility operated on a relatively small scale, and did not constitute a material change of use to the main use of the property as a place of residence. Obviously, just as we suspected, this situation has changed in a very short space of time. We told her previously in no uncertain terms and now re-iterate our point that there are more than six children being cared for and the volume of cars attending to drop off and collect children are many more than she mentions in her letter. Presumably this is set to increase dramatically if this application is approved.

Having spoken today with Lorraine and Dennis Riddell who live at 25 Whitehall Terrace; the other half of the semi-detached property - they are distraught to learn from a visit to the Planning Department that the proposal is for around 18 children to be cared for at Sunny Garden; nursery.

Like them, we are appalled to see that there is no reference to the number of children mentioned in the on-line paperwork; which is frankly a joke. Unless someone can pay a visit to the Planning Department, they have no idea what the application is actually for. Mixed use really conveys nothing that makes any sense and there is no mention in the paperwork that the studio building on Craigie Park is where the child-minding is to take place.

To cut a long story as short as possible we object in the strongest of terms to this proposal and hope, for once, the Planning Department will exercise some sort of common sense and refuse this application on the grounds that it



detracts from the neighbourhood and lowers the value of the neighbouring properties. The present situation is becoming unbearable with allegedly six children being cared for. These children scream, shout and play on the huge trampoline in the garden from around 8a.m. until 6p.m. The thought of 18 children playing in the garden and the volume of cars this will create is, quite frankly, beyond comprehension.

This application should be unequivocally rejected in its entirety.

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P&SD Letters of Representation		
Application Number: 140440		
RECEIVED - 6 MAY 2014		
NGP	SC	WFO
Case Officer Initials	AM	
Date Acknowledged	R-5-14	

PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 22 June 2014 22:31  
**To:** PI  
**Subject:** Planning Comment for 140440

Comment for Planning Application 140440

Name : Laura Skinner  
Address : 23 Whitehall Terrace  
Aberdeen  
AB25 2Ry

Telephone : [REDACTED]

Email : [REDACTED]

type :  
Comment : Laura Skinner  
23 Whitehall Terrace  
Aberdeen  
AB25 2RY  
Planning & Sustainable Development  
Enterprise, Planning & Infrastructure Aberdeen City Council Business Hub 4 Ground Floor North Marischal  
College Broad Street Aberdeen  
AB10 1AB

22/06/14

For the attention of Mr. A Miller, case officer

Dear Sir,

PLANNING APPLICATION NO P140440

The Town and Country Planning (Scotland) Act 1997  
27 Whitehall Terrace, Aberdeen, AB25 2RY Change of Use from Dwelling House (Class 9) to Mixed Use to Allow for  
Child-minding

I write in connection with the above planning application. I have examined the amended plans and I know the site very well. I wish to still object very strongly to the change of use for this dwelling house and add some furthermore points/objections to my last submission.

A brief planning history of the studio/annex

- It was built to replace the existing garage in 1991 under planning reference 91/0628 for the sole use of the then applicant only, with provision for a review in the event of the applicant relinquishing interest.
- The residents were also told at that time that should the studio/annex no longer be required then it would be turned back into a garage.
- In August 2011 the then owners of 27 Whitehall Terrace applied to have the condition removed under planning application P111143
- Regardless of 18 objections the application was approved with the condition that the studio shall not be used for any purpose other than that which is ancillary to the domestic use of the dwelling house and therefore

could not be used separately to the dwelling house; in order to preserve the amenity and character of the neighborhood;

- This condition was put in place to ensure there would be no detrimental impact upon the character of the Conservation Area.
- The property was sold and the new owners started their child-minding business toward the end of 2013 and the beginning of 2014.
- To my knowledge planning permission was not required to allow for the child-minding of 6/7 children provided it was run from the house but it IS being run from the studio/annex as well.
- This is completely in breach of the amended planning permission of 2011 and most undoubtedly does not protect the amenity and character of the neighborhood and does have a large impact on the character of this Conservation Area.
- The first set of plans were flawed (as pointed out by the roads department) as none of the dwelling house or studio; rooms had been labeled for the what use within the child-minding business and a new detailed set of drawings were submitted by Mrs. Sevastyanova.
- After going online to view the documents I saw the new detailed plans clearly stating that the studio; is being used as a Playgroup business and the home is being used to run the child-minding business (and confirmed by Mrs. Sevastyanova in the attached letter to her neighbors
- I received the amended planning application at the beginning of June and the new application states a Change of Use from dwelling home (class 9) to mixed use of dwelling house and child-minding (class 10) for 10 Children, operating from 8am-6pm Monday to Friday. (I have personally seen children arriving before 8am & after 6pm)

The first planning application was submitted previously for the change of use from a dwelling house to mixed use (Class 9) it raised around 30 objections! This change also included the studio;, which is now being used for the current child-minding business and playgroup business.

If this planning application succeeds it allows the potential to run a large range of types of businesses to be run from the dwelling home and studio;. What is to stop others in the area doing the same? My understanding is Mrs. Sevastyanova should be in contact with the council, looking into your Planning Policy for a more suitable site in an area designated for business/office use.

In Mrs. Sevastyanovas letter (attached) she states her business is ;just a child-minding service which is most likely going to be of a temporary nature;. I queried this with the planning department and was told the application is temporary, for 50 years! In my mind this is not ;temporary; as the home could be sold a number of times in the next 50 years.

I do not understand why Mrs. Sevastyanova is applying for the change of use if in her eyes the business is ;most likely going to be of a temporary nature;. If she is allowed to run a playgroup for two hours a day and allowed 6/7 children why the need to change the dwelling house use to allow for an extra 3 children? This doesn;t seem practical. I fear the home could become a nursery in the future or some other business if the class is allowed to change, especially if the current owner is only running her business temporary.

I would like to draw your attention to the councils own rules and regulations in regards to planning guidance on Children;s Nurseries, Childminding ect

- Under the heading private nurseries it is noted that this includes playgroups. A number of the points in the guidance are relevant in this planning application which I am sure were on the previous submissions.

- These points include unreasonable noise (see previous submission in regards to quality of life), opening hours (see above), suitable outside play areas and protection of the residential amenity of adjoining property. Also stated in the guidance is play space should be located away from habital rooms of adjoin properties (see plans), adequate buffering (you are more than welcome to visit my back garden to see there is not enough buffering in place at the moment).

In regards to the councils Roads Department report,

- I don't understand why the Roads Department has no issue with the planning application and the plans submitted, if someone would have visited the site they would realise the 4 spaces to the side of the property, on Craigie Park, are resident only spaces. Would 27 Whitehall Terrace be allowed to purchase more parking permits to allow their customers to use these spaces?

- I would like to think the Roads Department and Planning department will look seriously into the documents submitted by other neighbours showing serious parking issues including parking on double yellows, on the junction between Whitehall Terrace and Craigie Park and customers parking in the resident only spaces.

- I have been advised to contact the Traffic Wardens or Police Scotland if illegal parking is taking place. If this would be done by the time a traffic warden were to arrive to issue a ticket for the illegal parking the owner of the vehicle would have left. I see this as a ridiculous request by Aberdeen Council.

Furthermore, I do hope you take these new points on board when looking into this planning application and consider the affect it will have on the residents, roads and quality of life in the area. If anyone would like to contact to view the site of 27 Whitehall Terrace from my property I am more than willing for a visit.

I also understand the Community Council also share these concerns along with more.

If this application is to be decided by councilors, please take this as notice that I would like to speak at the meeting of the committee at which this application is expected to be decided. Please let me know as soon as possible the date of the meeting.

Yours faithfully,

Laura Skinner

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PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 20 May 2014 17:39  
**To:** PI  
**Subject:** Planning Comment for 140440

Comment for Planning Application 140440

Name : Laura Skinner  
Address : 23 Whitehall Terrace  
Aberdeen  
AB25 2RY

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : Laura Skinner  
23 Whitehall Terrace  
Aberdeen  
AB25 2RY

Andrew Millar  
Planning & Sustainable Development  
EP and I  
Aberdeen City Council  
Business Hub 4  
Ground Floor North  
Marshall College  
Broad Street  
Aberdeen  
AB10 1AB  
19th May 2014

For the attention of Mr A Millar, case officer Dear Sir, PLANNING APPLICATION NO 140440 Proposed Change of Use of 27 Whitehall Terrace, Aberdeen, AB25 2RY from dwelling house to mixed use for child-minding, by Mrs O Sevastyanova. I write in connection with the above planning application. I have examined the plans and I know the site well. I wish to object strongly to the change of use of this home on this location.

The reasons for my objection are as follows;

1. Quality of life Issues

- Myself and my neighbours are unable to use their gardens at present due to the amount of noise and disturbance during daylight hours (at the moment from as early as 7.00 am until after 6.00pm)
- My husband works unsociable hours and has found it hard to sleep when required due to the noise made by the child-minding business already in place at the property
- My neighbour at #25 Whitehall Terrace has been unable to use the garden during the nice weather as the children intimidate him over the small stone wall between the properties
- #25 has also had their garden covered in toys from the children already being looked after at #27 and my husband has seen staff members of the child-minding service in their garden collecting toys without permission of the owners of #25

- We are unable to use our own garden due to the level of noise. My husband and I have two dogs and find the noise already produced at #27 hard to deal with. We are unable to let our dogs out in the garden without them reacting to the noise and do not want to add the noise disturbance for our neighbours
- I also have not been able to sit in the garden with visitors because the noise produced by the children at #27. My visitors and I found it hard to hear each other speaking over the level of noise produced

## 2. Traffic

- With the level of children being looked after at the moment I have already seen a large increase in the traffic of the street and with that problems with the parking on Whitehall Terrace and Craigie Park
- Unable to park near my home on Whitehall due to parents of children using the spaces
- The level of traffic will increase if the planning application goes ahead and will allow more car traffic on the streets with parents dropping off and collecting the children
- Parking is already taking place on double yellow lines, corners, pay and display without payments and within the resident only bays with no permits
- Already have seen an excess of 15 cars in one day dropping off and collecting children from the premises
- Wear on the road. Craigie Park is a non-adopted carriageway and extra traffic generated by the child-minding business already causes wear and tear on the road and is then up to the residents to maintain not the council
- Extra traffic is not confined to 7.00-18.00. Children can be looked after for the full day, half day or even by the hour
- Children use Whitehall Terrace and Craigie Park as a designated route to the Mile End School and the Aberdeen Grammar School. The increase in traffic is a safety issue

## 3. Safety

- Pedestrians safety due to the level of increase of traffic if the planning goes ahead
- Understand this may not be a planning issue, but the safety of the children being looked after by the child-minding business in regards to the access onto Craigie Park and the access to Neighbours properties

## 4. Inaccurate Plans

- The plans of the building #27 are not accurate in the drawing in regards to what is in the back garden, the extension or sunroom
- The plans of my address, #23, are incorrect. We no longer have a garage and can see into the garden of #27
- The Roads department have been informed of 6 available parking spaces. Unsure of why #27 has 6 parking spaces allocated to the address
- The Road Department has allocated a parking space straight in front of my driveway blocking access to my property

## 5. Mixed Use description

- I have queried with the council the description of mixed use and was not able to get an accurate description
- I have been advised if the premises is allowed to become mixed use the amount of children could be increased to eighteen. If this were to go ahead the points made above will just increase and worsen!
- The planning department should take the number of children into consideration if the planning is approved of the size of the business could potentially become
- I am worried if this application is approved the premises becomes a business address, this can increase to eighteen children, but after that what is to stop it becoming a bigger business allowing the care of a further amount of children?

This application should be rejected in our opinion

Signature:

Yours faithfully,

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PI

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**From:** Sheila Swankie [REDACTED]  
**Sent:** 06 June 2014 10:21  
**To:** PI  
**Cc:** Andrew Miller; Jennifer Stewart; [REDACTED]  
**Subject:** Application P140440 - 27 Whitehall Terrace  
**Attachments:** nursery.third objection.doc

I have received an amended neighbour notification with regard to the above application. I wish the undernoted taken into account as my further objections when this application is being determined.

Sheila Swankie



**Amendments to Planning Application  
P140440  
27 Whitehall Terrace, Aberdeen**

I am heartened to learn that the original objections to the application in its initial format, which I understand are around 30, will still stand against the amended application. Obviously, the new time limit within which to lodge objections allows for a more specific line of objection given the applicant's intentions are now slightly clearer.

In addition to my earlier objections, I wish the undernoted to be added:

The Planning Department have asked the applicant to clarify what she is actually looking for. She has now indicated she wishes to cater for some ten children on a daily basis, Monday to Friday 8am - 6pm- **is this a further ten children on top of the six she does not require permission for, some of whom arrive at 7am?** This point is still unclear! Given the hand drawn sketches provided, I assume these children will be cared for both in her own home and in the former studio building at the foot of her garden? Again this is unclear.

The plans drawn by her are inaccurate and convey very little to those who do not live in the area or know the property.

1. The drawing shows she still seems to be advocating that the six parking spaces marked are for the use of the parents dropping off their children. Members of the Planning Committee may well be unaware that of those, four are "residents only" spaces and two "pay and display" spaces for use by those with permits and visitors who pay and display. They are NOT for the sole use of the parents of children at her property who neither have a permit or pay and display. The applicant should be asked to update this drawing to reflect the true position.
2. A traffic warden sent to look at the area apparently indicated that it was common place for parents dropping off children at any nursery facility within the city to flaunt the parking rules and they turned a blind eye to it, even when cars are parked on double yellow lines. Are the Council then advocating lawbreaking by these parents and heightening the risk of accident to all, especially the local residents?
3. The cross-hatched area for dropping off and collecting children on the drawing is still wrong. Despite twice being mentioned by Richard Bailie in his previous Roads Reports, the plans have not been amended. Given he acknowledges the drop off zones marked on the applicant's plan should not be used, how can he still recommend approval? If these zones are not to be used then **where are children supposed to be dropped off and collected?** Object until the position becomes clear.
4. Surely the Roads Department, and indeed the Planning Department should go back to the applicant and ask her to prepare acceptable plans in which she can show neighbours and the Planning Committee **exactly where the children will be dropped off and collected and exactly where parents should be parking** before the matter can be dealt with further? This would appear to be a fundamental point requiring clarification.
5. The statement at 2.2 of the third Roads Report by Richard Bailie is totally unacceptable. The onus should not be on the applicant to "inform parents of a safe procedure for dropping off and picking up their children" when no provision appears to have been made for this. How can the Council, in particular the Roads Department, assure local residents that safe access is being allowed to

residents using the lane given there is no real recommended drop off point? Given the Roads Engineer is recommending approval with the plans in their present state, there will then be no liability on the applicant to "put a mechanism in place" as stated in the report! This must be clarified.

6. Given most of the children are dropped off and collected in Craigie Park which is a non-adopted road, can the Roads Department please let me know which section of the Road Traffic Act allows them the right to make the final decision on the roads aspect of this application? As they neither own nor maintain this road, and are at pains to advise that the road will, when deemed necessary, require to be maintained by the frontagers, it therefore stands to reason that the owners of the properties on Craigie Park should have the final say as to whether or not they find the roads position satisfactory or not? They should NOT just be forced to accept the decision of the Roads Department, and more particularly one member of the said department. Please clarify this important point as, if this application is approved, substantially more traffic will be visiting the street on a daily basis, meaning the road surface will disintegrate faster than would have ordinarily been the case and as a consequence, accelerate the need for repairs.
7. If this application is granted, will the applicant, as owner of No. 27 Whitehall Terrace and 27 Craigie Park, be responsible for two shares of any road maintenance required?
8. The business use aspect is still worrying given ten children may only be a start, and may, as mentioned above, be on top of the six for which permission is not required. The next step will be a full scale nursery in the former studio building.
9. If indeed the application is granted, and the use of the former studio building is no longer "ancillary to the use of the dwellinghouse" given a business will be being conducted from it, will the former studio building then be classed as business premises and the applicant pay business rates accordingly?
10. As the applicant is apparently entitled to child-mind six children without planning permission, why does she feel she requires planning permission at all? At the present time, the applicant and her assistants have six children (sometimes more) on a daily basis, Monday to Friday. Her charges appear to be £40 per child per day, equating to gross income of £240 on a daily basis. This generates an income of £1200 per week, equivalent to an annual income in the region of £60,000 (with a two week holiday) or £62,000 if she, and her staff, operate each week throughout the year. Surely this is sufficient income for any "small business run from home" ? The desire to raise the number of children to ten (or perhaps sixteen if she is still permitted to have the initial six) is borne out of sheer greed not any desire to provide care for more children. This would, potentially, generate an income of £2000 per week or a gross annual income of £104,000 for a 52 week business or £100,000 with a two week holiday for ten children and, for sixteen children a mind-blowing £640 per day; £3,200 per week or £166,400 per annum!! This is definitely **NOT a small scale business which would not adversely affect the neighbourhood**, as previously stated by the Planning Department but a full-scale potentially large business development which will have a huge impact on the neighbourhood and its residents, and which will open the flood gates for others.

These points of concern form the basis of my continued objection. Please take them into account when determining the outcome of this application.

City of Edinburgh Council Planning Department		
Application Number: 140440		
RECEIVED 06 JUN 2014		
Nor	Sou ✓	MAP
Case Officer Initials: AMI		
Date Acknowledged: 12/06/14		

PI

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**From:** Sheila Swankie [REDACTED]  
**Sent:** 18 May 2014 16:08  
**To:** PI  
**Subject:** Planning Application 140440 - 27 Whitehall Terrace

Attention - Andrew Millar,

Dear Sir,

**27 Whitehall Terrace - P140440  
ADDENDUM**

I recently received notification of a planning application for a change of use from dwellinghouse to "mixed use" for the above property.

I did submit an e-mail objection but feel that I was perhaps not fully aware of the proposals when I did so, given the roads report was not available on line, at that particular time.

I wish to strongly object on the undernoted terms and wish this addendum to be appended to my original objection -

1. Noise levels - with allegedly 6 children the noise is sometimes deafening so I dread to think what it will be like if permission is granted for 18. Most unfair on neighbours, some of whom are elderly.
2. Traffic impact on Craigie Park - this is a non-adopted stretch of road which the Council do not maintain. The level of traffic has increased dramatically given the children already being catered for and will rise to something quite horrendous if even more parents are vying for parking spaces to drop off and pick up children. Some of them are parking for over 30 minutes in the area without paying or in residents permit parking zones without permits. The owner of 27 Whitehall Terrace may indeed say that, as her main address is not in Craigie Park, she has no liability for roads maintenance. She will then be making lots of money whilst the residents of our street are supposed to pay to have the road maintained!
3. The building in which the children are being cared for has a postal address of 27 Craigie Park. This could mean that the house and business are eventually separated and someone other than the owner of the property is left running the child care facility in the former studio building using the Craigie Park address. This is in contravention of the original application for the studio building.
4. The application form appears to show that there are "6 parking spaces and 2 proposed spaces" relevant to the property. This is totally inaccurate. The spaces are for residents only or are "pay and display" spaces for use by the general public, and DO NOT RELATE SPECIFICALLY TO THIS PROPERTY. I have checked with the engineer who wrote the roads report and he indicated he took his information from the application form but had not been on a site visit. He did, however, confirm that no extra spaces had been allocated to that property. Perhaps the owner of the house thinks

that, as the spaces are adjacent to her wall, they go with her property and are for her sole use, but this is not the true position.

5. Parents dropping off and collecting children are parking on yellow lines, on corners and in the residents only zone on a regular daily basis. This is becoming dangerous even at the present time, so more cars would be a huge problem and I feel this aspect is worthy of serious consideration by the Roads Department not just a short report by an engineer who admits he has not even seen the location for himself. Given there are some 20 cars on a regular basis for 6 children, if the number of children cared for trebled, so would the cars!
6. Lack of consideration for neighbours. Children not being checked when screaming at the tops of their voices and throwing toys over walls into neighbouring gardens or out onto the street.
7. Business developments such as this should not be permitted within Conservation areas.

I therefore object in the strongest terms.

Sheila Swankie  
50 Craigie Park  
Aberdeen AB25 2SE

PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 18 May 2014 17:30  
**To:** PI  
**Subject:** Planning Comment for 140440

Comment for Planning Application 140440

Name : Gemma & Guy Woodall  
Address : 46 Craigie Park,  
Aberdeen  
AB25 2SE

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : We object to planning application 140440 for the following reasons:

**\*\*Road safety concerns caused by increased traffic from the proposed nursery - Craigie Park and Whitehall Terrace are a designated walk way for school children walking to Mile End school.**

**\*\*Wear and tear to a private road from increased traffic volumes to the proposed nursery - Craigie Park is a private road which Aberdeen council does not want to adopt. Therefore any maintenance of the road is paid for by the residents not the council but the council would benefit from the proposed nursery business.**

**\*\*Detrimental effect on quality of life for the residents of Whitehall and Craigie Park for the following reasons:**

**\*\*Parking - the proposed nursery application confirms that there are 7 car parking spaces available, 4 on Whitehall Terrace and 3 on Craigie Park and implies that they are available for the proposed nursery use. The 4 spaces on Whitehall Terrace are not for the sole use of the proposed nursery and are pay and display. The 3 spaces on Craigie Park are residents only parking so would not be available for use by non-residents collecting / dropping off children at the proposed nursery. Use of these "spaces" for an 18 child nursery will make it difficult for residents to park on the road, particularly at key times when residents are returning from school drop-offs and work which will coincide with nursery pick up and collection.**

**\*\*Noise - there has already been an increase in noise from the current childminding business and this will increase if the application to make it an 18 child nursery is approved, impacting quality of life for residents in a residential area due to noise pollution and use of private gardens. There are no restrictions on hours of business allowing the proposed nursery to have children at anti-social hours e.g. 7am - 8pm.**

**\*\*Litter / Privacy - there has already been an increase in litter and toys being thrown in to the gardens of neighbours bordering the current childminding business, with staff from the childminding business climbing over the fence to retrieve them which impacts their quality of life and privacy. We are concern that an 18 child nursery would see a further increase in littler and toys to neighbouring gardens and also on to the street.**

**\*\*Previous Applications - we understand that an application by the Bruce Nursery c3 years ago to add another story to the nursery was rejected because it would impact the quality of life for the neighbour and prevent use of their garden due to a lack of privacy. We feel that if this application is approved, it will impact quality of life for residents for a number of reasons listed above and would hope that this application is also considered against quality of life for the residents.**

We are happy to answer any questions on email or phone and a planning officer is welcome to 27 Whitehall Terrace from our property if required.

Regards

Gemma & Guy Woodall

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PI

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**From:** Jack Townley [REDACTED]  
**Sent:** 18 May 2014 10:28  
**To:** PI  
**Cc:** Jennifer Stewart; [REDACTED]  
**Subject:** Objection to planning application 140440

Sir/Madam

This is a formal objection to the application to change the use of the dwelling house located at 27 Whitehall Terrace, Aberdeen City, AB25 2RY.

My principal objection is on the grounds of noise and general disturbance, I cannot sit in my own garden during the day at present without being disturbed with the current noise level and I do not even wish to contemplate the noise levels with the potential of three times the number of children.

Jack & Alison Townley  
40 Whitehall Road  
AB25 2PR

Sent from my iPad

**Robert Vickers**

---

**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 08 May 2014 17:49  
**To:** PI  
**Subject:** Planning Comment for 140440

Comment for Planning Application 140440

Name : Richard Mearns  
Address : 48 Craigie Park  
Aberdeen  
Ab25 2SE

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : This is a quite residential area. Application will result in much noise in garden area and increase in traffic and parking issues. Title deeds to area state homes not to be businesses in craigie park area. I object to the application.

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**Robert Vickers**

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 10 June 2014 20:23  
**To:** PI  
**Subject:** Planning Comment for 140440

Comment for Planning Application 140440

Name : richard mearns  
Address : 48 Craigie Park  
Aberdeen  
Scotland  
UK

Telephone : [REDACTED]

Email : [REDACTED]

type :

Comment : This is a peaceful residential area that is in a conservation area, therefore I object to this development. There is plenty of business premises empty in Aberdeen, we should not be converting residential areas in conservation areas into businesses. Especially when the main access road is a non-adopted road and business use should not be allowed. Title deeds to properties on Craigie Park state area not to be used for business purposes. Also object to increased parking issues and noise likely to affect area.

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36 Whitehall Road

Aberdeen

AB25 2PR

14/05/2014

Aberdeen City Council

Enterprise Planning and Infrastructure

Business Hub4

Broad Street

Aberdeen AB10 IAB

Dear Sir

**Application No 140440**

**27 Whitehall Terrace Aberdeen**

Re the above one of my main observations is that supporting documents submitted are lacking in material details and information. No sizes /dimensions are included and no clear definition on whether the house /studio building is being altered. I have requested that the local Community Council seek clarity on the above and share this with local residents.

Other aspects of the change of use to 27 Whitehall Terrace to allow childminding gives rise to concern in the following areas:

**Child friendly premises.** The location, size and style both of house and garden are inadequate to allow the intended increase in childminding.

**The general well-being on all close neighbours.** The knock on affect of additional noise levels and traffic congestion in the area would have a detrimental impact on all around but specifically the other half of the semi detached house ie 25 Whitehall Terrace .

The residential amenity of our area will be eroded by a considerable degree.

The increase from 6 to a possible 18 children could soon be 36 children when the owners realise the commercial feasibility of their business, giving up on the residential status of their home and allowing childminding upstairs.

I therefore appeal to the Planning Committee to undertake site visits, seek reports from Health and Safety , Fire Service , Police Traffic Management and Child Scotland and also to listen and speak to the residents of this residential area including the local Community Council.

I trust the above information is helpful in allowing you to make the correct decision on

behalf of young vulnerable children, paying parents and local residents.

Yours Faithfully



Jennifer A. Milne

cc Jennifer Stewart Local Councillor

cc Mr W.Jaffrey Chair person Community Council.