

Objection to planning applications 161316/DPP and 161317/DPP

We live above the proposed “shop” at 2 Desswood and 13 Whitehall Road. We would appreciate the Planning authority taking into account our desire for the requested change of use to be refused. We do not wish to have a shop below us for the annoyance it will cause us, in particular due to the increases in public access to the area where we live. However, if the authority deems that change of use must be allowed we ask that specific limitations be applied on: area of use, type of use and hours of trading to minimize the nuisance.

We have referred to the policies referenced in our Notifications but apologise if we have not approached the matter as intended. In the “Aberdeen Local Development Plan” Policy H1 (3.39, p193) it suggests that: “proposals for non-residential uses will be refused unless: (1) complimentary to residential use, (2) can be deemed use would cause no conflict with or any nuisance to residential use”.

We view the proposed shop is not complimentary to residential use as it is not a shop that will serve the local community, which in fact has adequate provision, but would be better suited supporting the vitality of Aberdeen’s designated retail areas. Further, it will conflict with our residential use and other residents in the area have told us that they object.

The neighbourhood

Our understanding from personal communication is that the majority of the neighbours adjacent to this proposed development would prefer it not to be allowed. 2 flats on Whitehall Road & 1 on Desswood are empty at present and 2 properties have elderly people (who would not like an increase in noise but view they need not be involved), 1 flat on Desswood has a young group of renters, whom we understand being short stayers have limited interest. Otherwise our understanding is that everyone adjacent would prefer permission not to be given. Those a few houses away tend to have limited interest or concern. Many residents in the area have lived here for decades and some properties pass through generations. We have owned our property since 2005 and are considering having to move if a shop is allowed, despite that this would cause great difficulty as we have moved elderly relatives into the area.

We view the neighbourhood as being largely settled residential. There is a small corner shop at 3 Desswood. This does cause some road issues (parking on double yellow lines) but would fall in our opinion within (Aberdeen Local Development Plan 3.58, p200) “existing local shops ... play an important role in helping maintain sustainable communities”. This shop changed hands a few years ago and has restricted opening hours because of limited use. There is also a Wood Floor centre on the far side of Whitehall Road, with minimal footfall (this business controls the property used by the gift shop and café, all 3 being interconnected). The development of the café at 1 Desswood, that has limited the space of the gift shop, has caused difficulties in the area. Despite a planning application for 3 tables and chairs plus stools in window areas, it has spread to 2 other rooms and then to 16 chairs outside (exceeding 25% of the allowed interior, has no sight line for supervision and for which permission was not sought for use beyond 28 days). What was described by roads for the allowed planning as “quite a modest development”, has without permission increased and causes a nuisance to adjacent residents. Those living in the listed double upper above have had their quality of life significantly affected. This café is appreciated by many locals but it now serves much more than the

local community and aims to attract in new people and annoyingly is encouraging a change to our local area, but in our opinion well beyond the permission granted. We are delighted that in the last few days tables are no longer being put up outside, and can again use our small front garden, and come and go, without an audience. The new development at 2 Desswood and 13 Whitehall Road has been described to the neighbourhood as making us a “chic Boutique” area of Aberdeen. In the Aberdeen Local Development Plan at 1.3, p159 it refers to the National Planning Framework for Scotland NPF2 we note the aim “to help build safer, stronger and healthier communities, by promoting ... a better quality of life.” Please help us by supporting our residential area rather than allowing us to be converted to a “boutique” area. We do not wish to become a “chic” or otherwise area with increased public footfall but wish to work, support families, be good neighbours and support our community. Further we feel all levels of our community would be best supported by enhancing the viability of the designated retail areas.

Aberdeen’s retail area

Aberdeen’s retail areas are marked on relevant maps. Our area is not a retail area. The maps show the major retail area based around Union Street, however both Rosemount and the West End area, based around Thistle Street and Chapel Street, are retail areas. All 3 areas have properties that can be used for retail available at present. In our opinion shops that are not aiming to support a purely local need would be best placed in main retail areas, and we believe this is supported by the guidance. The Aberdeen Local Development Plan at 1.7, p160 notes the NPF2 and suggests that “improving ... city centre ... to create a more vibrant social scene” is important. Concentrating shops in an area allows the shops to benefit from each other. We would like to see new retail outlets support a vibrant shopping area, rather than seeking space elsewhere and leaving depressingly empty retail outlets in retail areas; such unused shops drag our city down. We appreciate that it may be cheaper to set up a shop in our residential area but would ask the Planning authority to appreciate the detriment caused to the residential area being overtaken and the retail areas being abandoned.

We do not believe that more local shops are needed to serve our residential area. Major retail areas are within reach, and we have a significant selection of other local shops. The shop that wishes to open below us has put information through our door and has a website at opaqueaberndeen.com. The intended shop “Noticed a gap in the market for luxury glassware” and intends to bring “this luxury service to Aberdeen”. This is not a shop to serve the local area but Aberdeen generally, and as such would benefit Aberdeen most by placing itself in a retail area. Aberdeen Local Development Plan, Policy RT1, p200-201 states that “In all cases, proposals shall not detract significantly from the vitality or viability of any first, second, third or fourth tier retail location...”. The Supplementary Guidance (City Centre and Retailing-Hierarchy of Centres) in states “the City Centre is identified as being the preferred location for developments fulfilling a citywide role”. (For clarification - the Supplementary Guidance also shows Fountainhall as our Neighbourhood Centre (Fig 3)).

Class 4 or Class 1

We appreciate that the Aberdeen Local Development Plan at 1.5, p160 notes that NPF2 suggests that “Aberdeen has a key role as a driver of economic activity... primary aim ... to grow and diversify the economy.” The ALDP at 3.29, p188 states “it is important to safeguard from other development pressures the supply of existing industrial and business land throughout the City”. In our opinion this clearly supports that a change of use from Class 4 to Class 1 would not be appropriate. To allow

a change to retail that will also deprive the designated retail areas of much needed vitality seems to us doubly counterproductive. In fact, a change of use to residential would appear to be supported by the policies.

[Application Ref: 161316/DPP](#)

We have specific concerns about the use of this property as a shop. Our understanding is that this unit was originally a flat owned by our property. (When we bought our property we were advised that the back courtyard was ours with a right of way over it for this unit. We were subsequently advised that in fact legal documents dictate that the courtyard is shared with this unit). Our feeling is that the courtyard was intended to be shared by residential users. Sharing with the office has been amicable, if frustrating, in particular when those using the office space were told that they could use the courtyard for smoking. But at least there was no issue of sharing with totally unknown members of the public. We have a family and are uncertain how to balance the state's education of "stranger danger" with a child's playtime in their garden. We are also concerned about the issues of rubbish. When the café first opened opposite there was often waste spilling from the bins onto the pavement. At present the office kindly puts its bins in its small private garden. We understand that a shop can have significant waste but are concerned about use of the shared courtyard for waste, packing materials and storage that could pose a risk to our residential use. We appreciate that a requirement for a system of use could be imposed. But would note that when such was imposed upon the café for the cleaning of their filters, the previous tenants (although there was a system) failed to implement it.

[Application Ref: 161317/DPP](#)

We are concerned about the desire to remove an internal wall that runs underneath our living room wall, and corresponding walls on our upper level. Originally there were three separate units with some shared space on the ground floor. We appreciate that this wall has been altered previously, but are seriously concerned that this fact may lead to a misconstruing, and that in fact at least part of it may be required for structural integrity. The building is triangular, dates from 1907, and is not easy to understand.

[Other general conflict with residential use](#)

The Class 1 retail permission sought includes a much broader range of use than discussed in the developer's brochure provided to residents. We feel the Council should consider the full range of retail that is permitted under Class 1 status, in particular including: launderette and dry cleaners, the noise and chemicals from which would be a hazard; hairdressing, likely to have continuous ambient music; and the sale of cold food, with attendant increase in environmental smells, littering and very high footfall. We are perhaps most horrified by the possibility of an off-licence, vaping shop or legal highs shop, which it is not clear to us is excluded from Class 1. Further that there do not appear specific limitation on hours of trading. We have a bedroom directly over the 2 Desswood main entrance area, for use by elderly relatives during the afternoons and nights (being the only bedroom on the same level as the toilet).

We are concerned that there are no specific limitations in the applications on: (1) area of use, there being 50% shared interest in the courtyard associated with 13 Whitehall Road; (2) type of use,

considering e.g. a laundrette or hairdresser would require material changes to drainage; and (3) permitted days and hours of trading to be specified to minimize the nuisance to adjacent residents (research shows early bed times for children are important for their development). We would request specific limitations be imposed if change of use is to be allowed, and for local consultation with adjacent residents on the extent of such limitations. Also that notification with right to object be required for any alterations, and that these can be enforced in the case of breaches.

We are aware from others who have shops underneath them that, there can be difficulties with use of their doorway, doorbell and letter box in nonconstructive manner by the visiting retail customers. There is also normally significant inconvenience and noise from deliveries and increased comings and goings, which transmits through the pavement into the building. Historically, the office downstairs have shared with us their annoyance with people sitting on their wall, imposing on their personal space, and there would be an increased interference for our privacy with this proposal. (We have put in triple glazing with laminated glass on our upper storey, as advised, to reduce street noise. We looked at buying the surrounding ground from the Council but were discouraged by the office below who would only agree if the land would be shared 50/50 with them as they were concerned that it would reduce the value of their property). At present we hear hoovering and some conversations on the ground floor when on our first floor, and in turn we try to restrict our use of our ground floor to prevent difficulties for the office, who are quiet. We do not wish to be driven from our first floor though by a shop's noise and/or desire for less normal residential noise from us. Our house is a family home and in use 24/7. We are also private people. We hope for and aim to have amicable relations with the office users below us. But we do not wish for interaction with and relationships with general members of the public in our home environment.

We would also note that there have been blocked drains issues. Smells can be caused in our house due to these (we have had our traps checked). The office have had to call in professionals a few times, our understanding is that such occurs when things are accidentally flushed down the toilet, perhaps contributed to by old shared drains. If usage of the system is to be extended, particularly if to members of the public who will not learn to appreciate issues, we are concerned that the problem could reoccur and worsen.

There is also concern about road use and parking in the area. We find poor road use most annoying, the worst we have witnessed is someone pulling in at the corner to speak to people at the café even though traffic wardens were passing, and otherwise stopping in the double yellow line area. We can have 3 cars parked on one stretch of double yellows opposite us and then a delivery van seeming to see if it can deliver at the corner. We do find it frustrating that some people park and do not buy tickets, especially when we then have to carry the weekly shop 5 car lengths. We are aware though that for the upper area of Whitehall Road and further down Desswood parking becomes a real problem for residents, it does cause acrimony, and increased parking at our end significantly aggravates their problems. A shop that is not needed for merely local trade will increase the traffic and parking issues in the area. We are particular concerned that people will be distracted at this corner, a busy area for us but also Grammar School children, by looking in shop windows (but at least hopefully not normally now for who is sitting outside the café). We are very concerned that a glass shop at the corner will result in significant pickups on our side of the road with stopping on the yellow lines, we believe that this will significantly increase the danger to road users but given the serious risk of harm to pedestrians involved in any accident such is of even more concern.