

Comment for Planning Application 160552

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Comment : I wish to object to the proposed development at Dunmail, No 3 South Avenue, Cults, Planning Application No. 160552.

The proposed development does not comply with a number of local and national planning policies:

1. The Aberdeen Local Development Plan Policy H1 Residential Areas states that within existing residential areas, proposals for new residential development will be acceptable in principle, provided it:

• does not have an unacceptable impact on the character or amenity of the surrounding area;

• complies with supplementary guidance on curtilage splits / redevelopment.

South Avenue is characterized by detached houses set within large plots in mature woodlands. The character of the area extending from South Avenue southwards toward the River Dee is typically Victorian. The scale and massing of the proposed development is disproportionate to the neighbouring detached villas, and the proposed building finish (render) will be at odds with the traditional granite characteristic of this area. The proposed development will significantly contribute to the cumulative effect of incremental changes due to development of the area. There will also be a loss of garden ground which would have a significant negative impact on the neighbourhood's character.

The Council's supplementary guidance also states that the need to avoid setting a precedent is a material consideration when determining planning applications. Given the desirability of Lower Deeside, which has high house prices and low densities of residential development, developers will seek out opportunities for the splitting of curtilages / redevelopment as the greatest returns can be made on investment, and therefore this proposal would set an unwelcome precedent for speculative development that would be highly detrimental to the area, eroding its character and amenity.

2. The Aberdeen Local Development Plan Policy NE5: Trees and Woodlands states that there is a presumption against all activities and development that will result in the loss of, or damage to, established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable.

A Tree Protection Order (TPO 159) is in force at Dunmail. In recent months a number of these protected trees have died; these trees are generally located within the proposed access and parking area of the new development. Normally, the TPO would require the dead trees to be removed and replaced to protect the woodland nature of the area. However, if the development proceeds there would be little scope within the site to replace these trees, resulting in the diminishment of the wooded characteristic and amenity of this area.

3. The site is not identified in the Aberdeen Local Development Plan as a development site.

Given that there is a substantial amount of private retirement accommodation in Cults (Florence Court, Cults – 53 flats, Kirk Manor, Cults - 24 flats, Dunmail Manor, Cults – 45 flats), there is no justification for this proposed development in terms of meeting local housing provision requirements.

4. In addition to the private retirement accommodation in Cults, Rorie Hall (Council run) provides 27 flats and the Deeside Care Home (privately run) provides accommodation for 68 residents. An additional 21 flats with up to 42 residents would significantly change the age demographic within Cults (McCarthy and Stone state in the Design and Access statement that the average age of a resident at date of entry to its properties is 75) and would place further strain on the already stretched medical facilities within Cults.

5. The proposed development would adversely impact upon the privacy and amenity of neighbouring properties. The

private gardens of Glendarroch, No 5 South Avenue, will be directly overlooked by the proposed development, and the proposed location of bins adjacent to the site boundary has the potential to cause an odour nuisance, as well as being unsightly. Car parking spaces are planned adjacent to the boundary with Glendarroch, which will be a source of light pollution / nuisance from car headlights.

6. The proposed development would constitute a breach of Dunmail's Title Conditions, recently updated by the Lands Tribunal for Scotland. These prohibit the construction of more than 4 no. detached, semi-detached or terraced dwellings on the site. The ruling clearly stipulates that the intention of the condition is to protect the benefitted owners (Glendarroch and Silverdale) from a flatted development being constructed on the site of Dunmail. It states that whilst the planning authorities might not, at the time of the ruling, approve such a development, that protection was required to prevent such a development being permitted in the future.

Furthermore, in its Estimates of Households and Dwellings in Scotland, 2014 (ref: <http://www.nrscotland.gov.uk/files/statistics/household-estimates/2014/household-est-2014.pdf>), the National Records Office of Scotland makes the following definition of a dwelling:

A dwelling refers to the accommodation itself, for example, a house or a flat.

Given that the Lands Tribunal ruling limits any development to a maximum of 4 dwellings, the proposed development of 21 dwellings clearly contradicts this Lands Tribunal ruling on Dunmail, the burdened property, and is enforceable by the benefitted owners at Silverdale and Glendarroch, who have both the right and interest to enforce the burden.

I therefore object on the grounds that the proposal is contrary to the Aberdeen Local Development Plan and supplementary planning guidance in terms of:

The proposal would adversely impact on the character and amenity of the surrounding area

The proposal would have a very significant detrimental impact on protected trees, and particular would result in the loss of established trees which make a contribution to their setting

The proposal would adversely impact upon the privacy and amenity of neighbouring properties

The proposal would set an undesirable and unwelcome precedent for speculative development that would have consequences for the character of Cults and of other Deeside villages

The proposal site is not identified in the Aberdeen Local Development Plan as a development site, and is not justified in terms of meeting local housing provision requirements

The proposed development is in clear breach of a Lands Tribunal ruling

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