

## **Planning Matters**

**A planning appeal for the Rubislaw Quarry development has been allowed by the Scottish Government reporter despite being unanimously rejected by the City Council Planning Committee.**

**Planning Permission Appeal by Scottish Ministers:**

**Residential Development Of 245 Private Rented Sector Flats (Up To Nine Storeys And Two Basement Levels) With Amenity Space, 254 Car Parking Spaces, Two Publicly Accessible Car Club Vehicles (Including Electric Charging Points), Residents' Gym, Residents' Function Room, Public Bistro And Public Promenade With Viewpoints To Quarry at Land Adjacent To Rubislaw Quarry Hill Of Rubislaw Aberdeen AB15 6XL**

**A notice of intention was issued by the Scottish Government reporter, David Buylla who decided to allow the appeal subject to conditions. This indicates that planning permission will be granted provided an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 is reached between the planning authority and the appellant.**





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Notice of Intention by David Buylla, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-100-2113
- Site address: land adjacent to Rubislaw Quarry, Hill of Rubislaw, Aberdeen AB15 6XL
- Appeal by Cartera Private Equities against the decision by Aberdeen City Council
- Application 200042/DPP for planning permission dated 13 January 2020 refused by notice dated 1 June 2020
- The development proposed: residential development of 245 private rented sector flats (up to nine storeys and two basement levels) with amenity space, 254 car parking spaces, two publicly accessible car club vehicles (including electric charging points), residents' gym, residents' function room, public bistro and public promenade with viewpoints to quarry
- Application drawings: listed in schedule at the end of this notice
- Dates of site visits by Reporter: 15 and 16 October 2020

Date of notice: 23 November 2020

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## Notice of Intention

For the reasons given below, I am minded to allow the appeal and grant planning permission subject to the conditions listed below, following the signing and registering or recording of a planning obligation under section 75 of the Town and Country Planning (Scotland) Act 1997, or some suitable alternative arrangement, covering the matters listed in paragraph 69.

## Preliminary matter

On 21 January 2020 the council issued a screening opinion confirming that this proposal did not require formal environmental impact assessment. I concur with that finding.

## Reasoning

1. I am required to determine this appeal in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Aberdeen City and Shire Strategic Development Plan 2020 (the SDP) and the Aberdeen Local Development Plan 2017 (the LDP) and its accompanying supplementary guidance. As the council has not suggested that the proposal raises any strategic policy conflict, I have focussed on the requirements of the LDP.

2. The determining issues in this appeal are:

- the proposal's landscape, townscape and visual amenity effects;

- its effect on the amenity of neighbouring residential and office properties; and
- its effect on nearby roads including the adequacy of the proposed parking provision.

3. The proposal is a revised resubmission of one which was refused planning permission on appeal in 2019 (DPEA reference PPA-100-2092). I have had regard to the findings of my colleague in that case and to other aspects of the site's planning history to which my attention has been drawn. However, I must consider this proposal afresh and I am not bound to follow any previous decision.

#### Landscape, townscape and visual amenity effects

4. The LDP identifies the appeal site as lying within an existing residential area where Policy H1 accepts the principle of residential development subject to four requirements. The first is that the proposal does not constitute over-development. The second requires proposals not to have an unacceptable impact on the character and amenity of the surrounding area. The third is that it would not result in the loss of valuable and valued areas of open space, as defined in the Aberdeen Open Space Audit 2010. The final requirement is that the proposal would comply with supplementary guidance. Non-residential development in such areas is also acceptable under this policy where complementary to residential use and where it would cause no nuisance.

5. Policy D1 requires development proposals to demonstrate high standards of design and to have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Six essential placemaking qualities are set out, which all proposals will be expected to demonstrate.

6. Policy D3, and its accompanying supplementary guidance, are concerned with "big buildings" - being those (according to paragraph 3.8 of the LDP) that would exceed the general height of the surrounding built context within the city centre and/or whose footprint is in excess of the established development pattern, the urban grain, and the surrounding context. The appellant does not dispute that its proposal is a "big building".

7. Policy D3 confirms that the most appropriate location for big buildings is within or on the periphery of the city centre. Paragraph 3.9 of the LDP confirms that, where possible, this is where such development should take place. The appeal site is not in or on the periphery of the city centre and does not occupy one of the locations that are exempted from the policy - employment land, industrial areas and established health or educational campuses. However, this does not mean that the potential for big buildings here is ruled out, as the policy wording goes no further than to indicate that the city centre is where such development is most appropriate; the supplementary guidance confirms that proposals elsewhere (excluding in the exempted areas referred to above) will be considered on their merits against various assessment requirements.

8. The site occupies a location where a range of land uses, building sizes and architectural styles can be observed. Immediately to the north, the Hill of Rubislaw office development contains buildings of a range of heights and lengths. These are prominent and substantial buildings of significantly more than domestic scale, albeit significantly lower than the highest point of the building now proposed.

## Conclusions

72. I find that the proposal complies overall with the development plan and that there are no material considerations that would justify refusing planning permission. Also, for the reasons I have set out above, I find that the proposal could reasonably be described as development that would contribute to sustainable development. As such, it can draw additional support from SPP. My conclusion is that planning permission should be granted subject to the conditions that the council has requested (with minor changes to improve clarity) to which the appellant has not objected.

73. Before planning permission is granted, a planning obligation restricting or regulating the development or use of the land must be completed in order to secure the matters listed in paragraph 69. I will accordingly defer determination of this appeal for a period of up to 13 weeks to enable the relevant planning obligation (either an agreement with the planning authority or a unilateral obligation by the appellant under section 75 of the Town and Country Planning (Scotland) Act 1997 or some suitable alternative arrangement as may be agreed by the parties) to be completed and registered or recorded, as the case may be. If, by the end of the 13 week period, a copy of the relevant obligation with evidence of registration or recording has not been submitted to this office, I will consider whether planning permission should be refused or granted without a planning obligation.

## Planning Application Summary with Decisions

Date	Planning Application Number	Address	Description	Type	ACC Status	Decision Date	Decision
31/07/2020	200876	15 Countesswells Close Aberdeen Aberdeen City AB15 8LY	Erection of single storey extension with flue to rear	Detailed Planning Permission	Approved	30/09/2020	Approved Unconditionally
14/08/2020	200919	Land To South Of Hazledene Road Aberdeen AB15 8LD	Erection of 4no. dwelling houses with associated landscaping	Detailed Planning Permission	Pending		
18/08/2020	200961	The James Hutton Institute Countesswells Road Aberdeen AB15 8QH	Works to 1 Protected Tree; T1 - Sycamore - Reduce & reshape as overhanging neighbouring properties	Works to Tree Preservation Order	Approved	02/09/2020	Approved Unconditionally
20/08/2020	200969	2 Queen'S Crescent Aberdeen AB15 4BE	Works to 5 Protected Trees; T1 - T5 - Mature Lime - Crown raise to first large branches/forks approx 7-	Works to Tree Preservation Order	Approved	04/09/2020	Approved Unconditionally
20/08/2020	200971	72 Craigiebukler Avenue Aberdeen AB15 8SU	Erection of single storey extension to rear	Detailed Planning Permission	Approved	20/10/2020	Approved Unconditionally
09/09/2020	201062	27 Burnieboozle Crescent Aberdeen AB15 8NR	Extension of dormer to front	Detailed Planning Permission	Approved	29/10/2020	Approved Unconditionally
08/10/2020	201212	Land At Countesswells Road Aberdeen	Installation of 1 illuminated free standing sign; 1 illuminated box sign and 1 non-illuminated glazing vinyl	Advertisement Consent	Approved	16/11/2020	Approved Conditionally
16/10/2020	201241	Hazlehead Park Hazlehead Avenue Aberdeen AB15 8BE	Installation of water bottle refill station	Detailed Planning Permission	Pending		
21/10/2020	201270	1 Woodburn Avenue Aberdeen AB15 8JQ	Erection of single storey extension to rear	Detailed Planning Permission	Pending		
21/10/2020	201273	The Gate Lodge 1 Rubislaw Park Road Aberdeen AB15 8DA	Works to 1 Protected Tree; T1 - Beech - Remove as overgrown/health & safety concerns	Works to Tree Preservation Order	Approved	06/11/2020	Approved Conditionally
29/10/2020	201320	52 Woodburn Gardens Aberdeen AB15 8JT	Erection of first floor extension above existing garage to side	Detailed Planning Permission	Pending		
30/10/2020	201329	14 Countesswells Crescent Aberdeen AB15 8LP	Erection of single storey extension to side and rear	Detailed Planning Permission	Pending		
13/11/2020	201311	59 Woodburn Gardens Aberdeen AB15 8JT	Basement conversion comprising excavation of ground to form access at basement level, formation of retaining walls and external staircase	Detailed Planning Permission	Pending		
11/11/2020	201340	Grove Nursery Hazledene Road Aberdeen AB15 8LD	Installation of modular unit to an outdoor nursery to provide wet weather shelter and toilets for staff and children with associated parking	Detailed Planning Permission	Pending		
13/11/2020	201347	29 Seafield Crescent Aberdeen AB15 7XD	Extension of an existing dormer to side	Detailed Planning Permission	Pending		
12/11/2020	201395	Land To Rear Of 20 Seafield Drive East Aberdeen AB15 7UX	Works to 4 Protected Trees; T1, T3 & T4 - Lime; T2 - Sycamore; Cut back overhanging branches &	Works to Tree Preservation Order	Pending		
16/11/2020	201404	1 Countesswells Place Aberdeen AB15 8LR	Erection of 1.5 storey extension to side and widening of driveway to front	Detailed Planning Permission	Pending		

## **Planning Applications as per weekly planning list November 2020:**

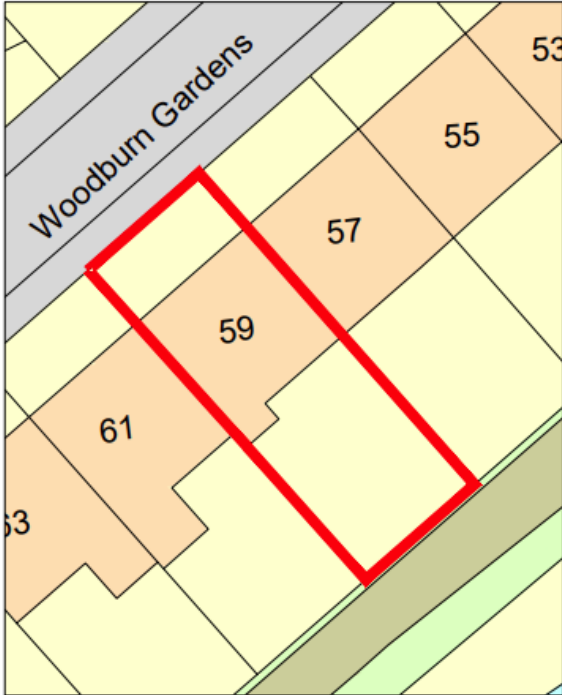
Reference	201311/DPP
Application Received	Wed 28 Oct 2020
Application Validated	Fri 13 Nov 2020
Address	59 Woodburn Gardens Aberdeen AB15 8JT
Proposal	Basement conversion comprising excavation of ground to form access at basement level, formation of retaining walls and external staircase
Status	Pending
Appeal Status	Unknown
Appeal Decision	Not Available

Application Type	Detailed Planning Permission
Expected Decision Level	Not Available
Case Officer	Jane Forbes
Community Council	Craigiebuckler And Seafield
Ward	Hazlehead/Ashley/Queens Cross
District Reference	Not Available
Applicant Name	Mr and Mrs Gerard and Jennt McDermott
Agent Name	PAUL WALBER
Agent Company Name	All Design (Scotland) Limited
Agent Address	James Gregory Centre Campus 2 Bridge Of Don Aberdeen AB22 8GU

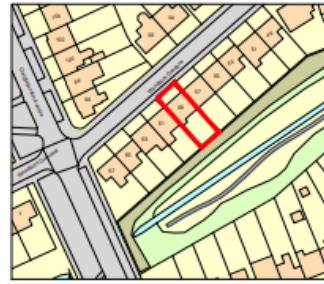
Application Validated Date	Fri 13 Nov 2020
Expiry Date	Fri 04 Dec 2020
Determination Deadline	Tue 12 Jan 2021

These drawings are to be read in conjunction with:  
AD 1370 / 02, 03, 04, 05, and 06

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Block Plan  
Scale 1:200



Location Plan  
Scale 1:1250



Aberdeen Innovation Park, Campus 2, James Gregory Centre  
Bridge of Don, Aberdeen, AB22 8GU  
Telephone Number - 01224 701576  
Website - www.all-design.co.uk

Project Development at 59 Woodburn Gardens,  
Aberdeen, AB15 8JT.

Drawing Title Location and Block Plan

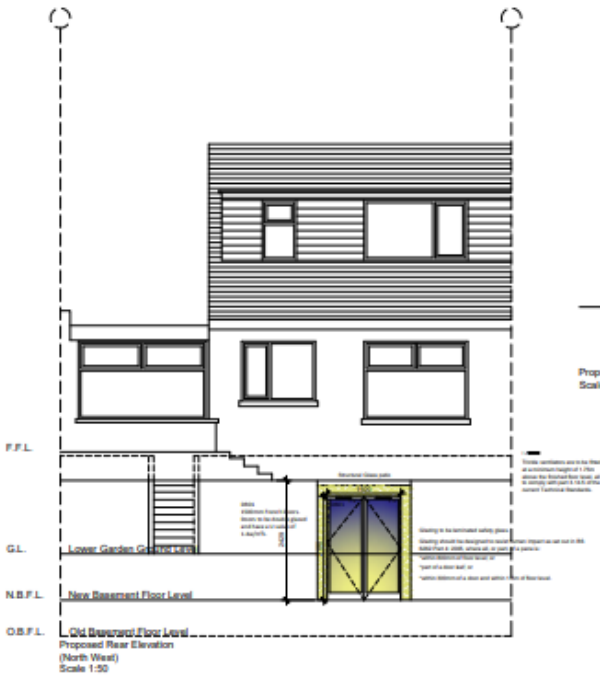
Drawing Number AD 1370 / 01 Rev B

Scale 1:1250, 1:200 @ A3 Date: 30th September 2020  
Drawn: CM

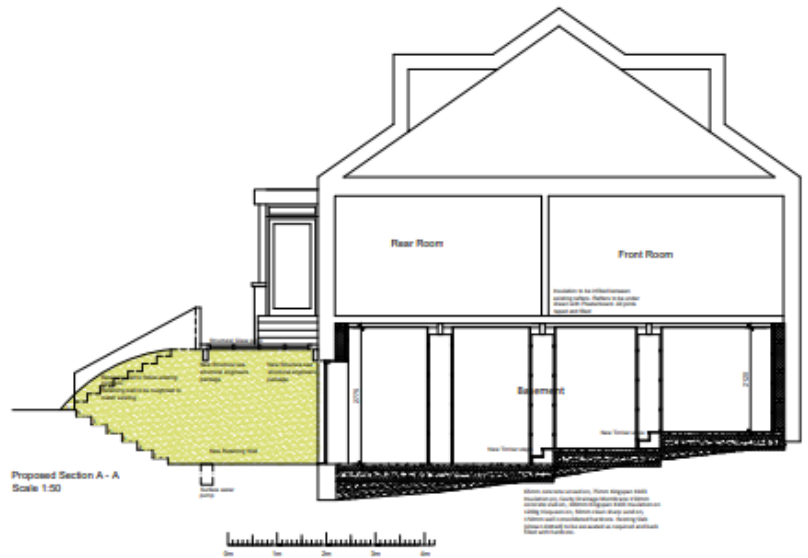
Rev	Comments	Date	By
B	Issued to Planning and Building Control	27/10/20	PW
A	Issued to Client for Comment	30/09/20	CM

These drawings are to be read in conjunction with:  
AD 1370 / 02, 03, 04, 05, and 06

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Proposed Rear Elevation  
(North West)  
Scale 1:50



Proposed Section A - A  
Scale 1:50



Aberdeen Innovation Park, Campus 2, James Gregory Centre  
Bridge of Don, Aberdeen, AB22 8GU  
Telephone Number - 01224 701576  
Website - www.all-design.co.uk

Project Development at 59 Woodburn Gardens,  
Aberdeen, AB15 8JT.

Drawing Title Proposed Elevation and Section

Drawing Number AD 1370 / 04 Rev B

Scale 1:50 @ A3 Date: 29th September 2020  
Drawn: CM

Rev	Comments	Date	By
B	Issued to Planning and Building Control	27/10/20	PW
A	Issued to Client for Comment	30/09/20	CM

Reference	201340/DPP
Application Received	Mon 02 Nov 2020
Application Validated	Wed 11 Nov 2020
Address	Grove Nursery Hazledene Road Aberdeen AB15 8LD
Proposal	Installation of modular unit to an outdoor nursery to provide wet weather shelter and toilets for staff and children with associated parking and works
Status	Pending
Appeal Status	Unknown
Appeal Decision	Not Available

Application Type	Detailed Planning Permission
Expected Decision Level	Not Available
Case Officer	Jemma Tasker
Community Council	Craigiebuckler And Seafield
Ward	Hazlehead/Ashley/Queens Cross
District Reference	Not Available
Applicant Name	Aberdeen City Council
Agent Name	Yunming Thomson
Agent Company Name	Halliday Fraser Munro
Agent Address	8 Victoria Street Aberdeen AB10 1XB

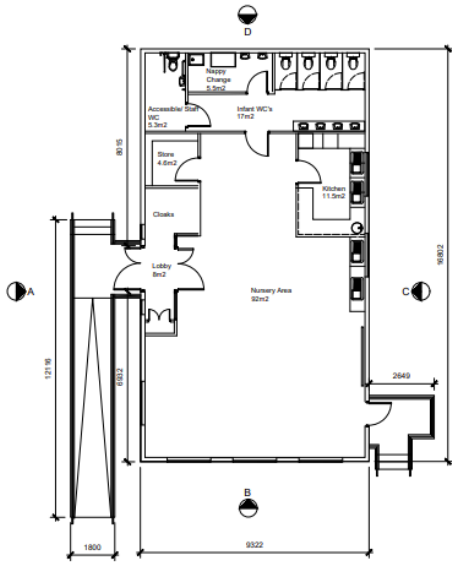
Application Validated Date	Wed 11 Nov 2020
Expiry Date	Wed 02 Dec 2020
Determination Deadline	Sun 10 Jan 2021

**Application to site a modular unit at The Grove at Hazlehead Park to act as a support unit to an outdoor nursery. The support unit will provide wet weather shelter and toilets for staff and children however, most of the staff and childrens day will be spent using the surrounding woodland at Hazlehead Park as a learning space. The support unit is being relocated from Westpark school but will be remodelled internally and overclad externally for aesthetics.**

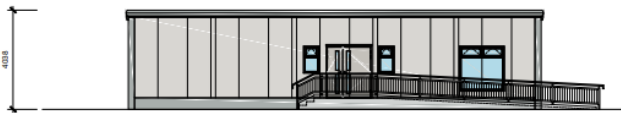




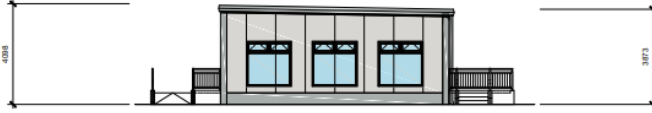
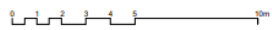




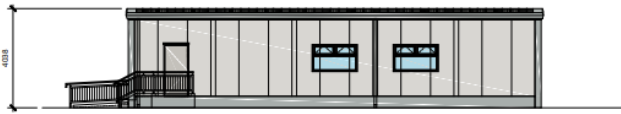
Existing Ground Floor Plan  
Scale: 1:100



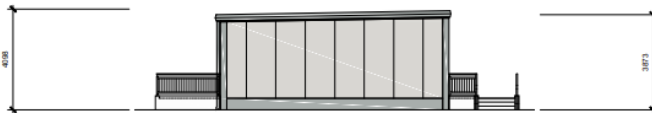
1 South East Elevation  
Scale: 1:100



2 North East Elevation  
Scale: 1:100



3 South West Elevation  
Scale: 1:100



4 North West Elevation  
Scale: 1:100



**HALLIDAY FRASER MUNRO**  
CHARTERED ARCHITECTS & PLANNING CONSULTANTS

Project:  
SLC EXPANSION PROGRAMME  
NEW NURSERY AT HAZLEHEAD PARK

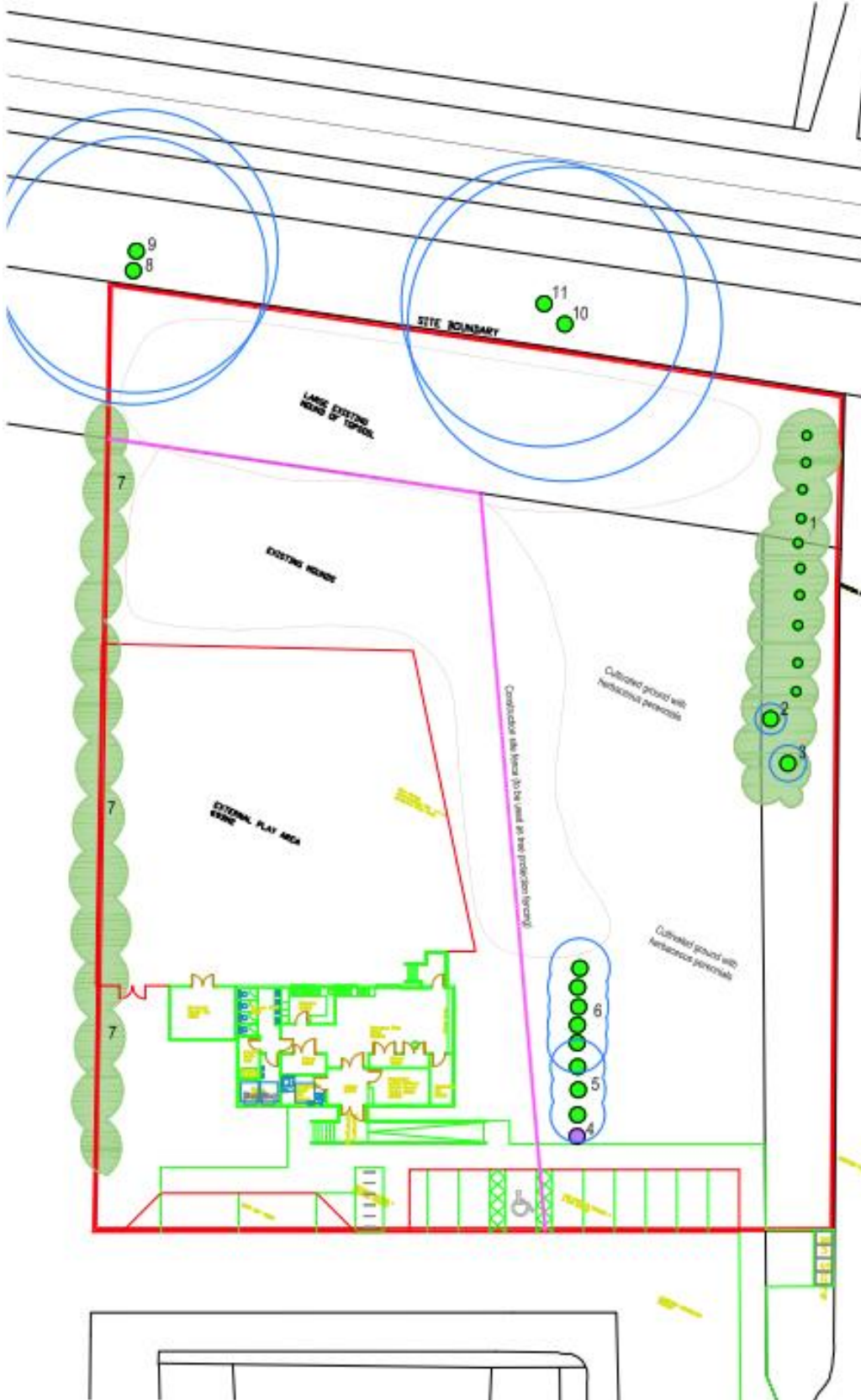
Client:  
ABERDEEN CITY COUNCIL  
Title:  
EXISTING MODULAR UNIT






Document Reference		Revision
Reference	Description	Revision
11456 - HFM - ZZ - 00 - DR - A - 00	001	

Drawing Status: \_\_\_\_\_ Revision: \_\_\_\_\_  
Scale: 1:100@A2 Date: AUGUST 20

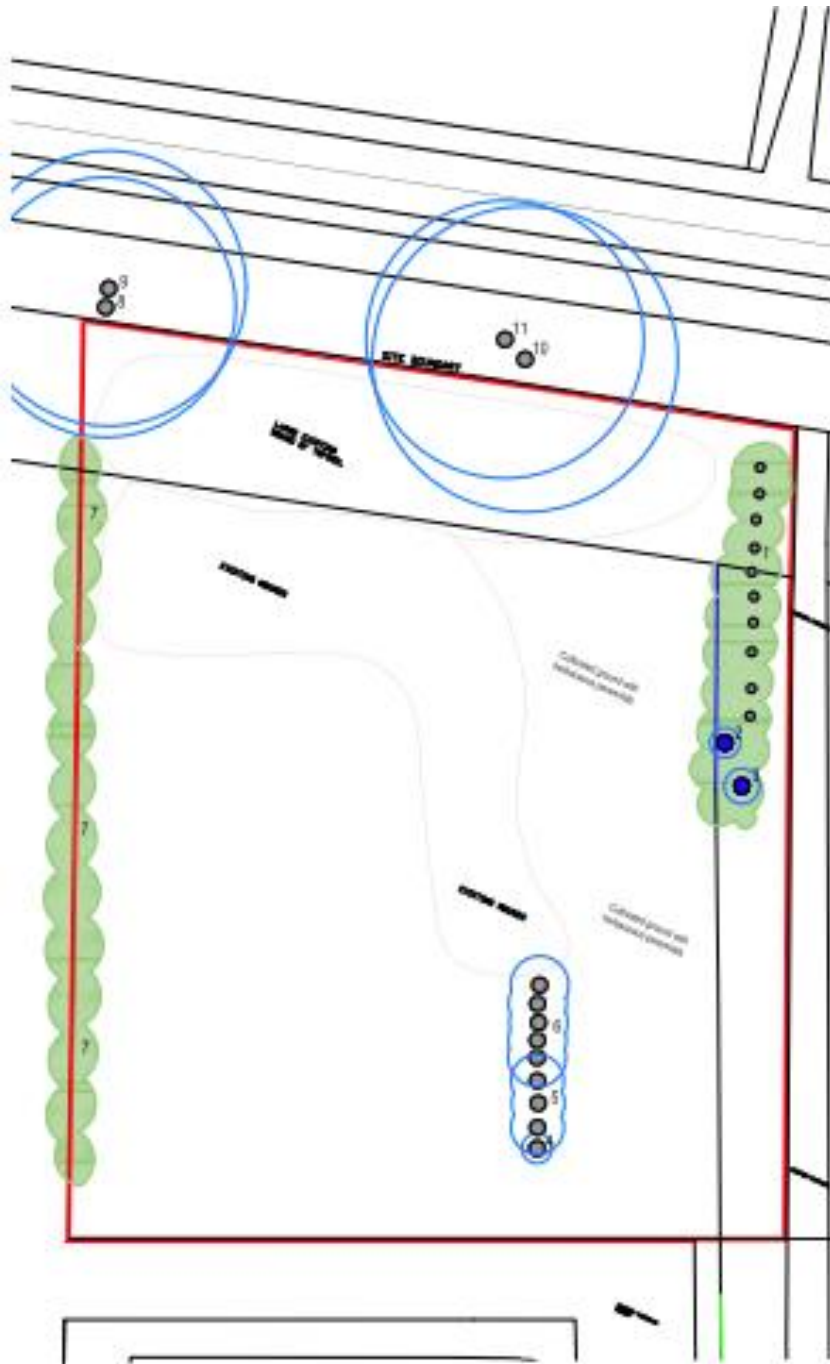
Do not scale this drawing.

Tree Protection & Management  
**Hazlehead Park  
 Nursery School**



-  Trees to retain
-  Fell for development
-  Root protection area
-  Construction site fence to act as tree protection fence
-  Site boundary

# Hazlehead Park Nursery School



	Category A Trees
	Category B Trees
	Category C Trees
	Category R Trees
	Root Protection area

**total arboriculture**

**project:** Hazlehead Park Nursery  
at Hazlehead Park

Client:	Arboriculture by Nature
Date:	20th September 2022
Site:	1000, Hazlehead Park
Scale:	1:200 (A1)

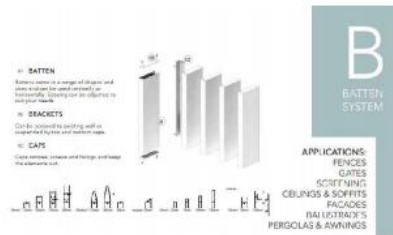
© 2022 Total Arboriculture



COPPER EFFECT FRAME TO ENTRANCE DOORS



TIMBER EFFECT ALUMINIUM BATTONS TO CLADDING AND WINDOW SURROUNDS



<http://www.knotwood.co.uk/wp-content/uploads/2019/10/Knotwood-Brochure.pdf>

**HALLIDAY FRASER MUNRO**  
CHARTERED ARCHITECTS & PLANNING CONSULTANTS

Project:  
ELC EXPANSION PROGRAMME  
NEW NURSERY AT HAZLEHEAD PARK

Client:  
ABERDEEN CITY COUNCIL

Proposed MATERIALS

Document Reference		Drawing Number
11456-HFM	·ZZ·ZZ·DR·A·00	007

Scale:  
NTS

Date:  
AUGUST 20

Reference	201347/DPP
Application Received	Mon 02 Nov 2020
Application Validated	Fri 13 Nov 2020
Address	29 Seafield Crescent Aberdeen AB15 7XD
Proposal	Extension of an existing dormer to side
Status	Pending
Appeal Status	Unknown
Appeal Decision	Not Available

Application Type	Detailed Planning Permission
Expected Decision Level	Not Available
Case Officer	Alex Ferguson
Community Council	Craigiebuckler And Seafield
Ward	Hazlehead/Ashley/Queens Cross
District Reference	Not Available
Applicant Name	Mr Colin MacKenzie
Agent Name	Andrew Keir
Agent Company Name	Andrew Keir Chartered Architect
Agent Address	Bloomfield Finzean Banchory AB31 6LY

Application Validated Date	Fri 13 Nov 2020
Expiry Date	Mon 07 Dec 2020
Determination Deadline	Tue 12 Jan 2021

The architectural drawings include:

- West Elevation:** A side view of the house showing a gabled roof, a chimney, and a porch area.
- South Elevation:** A front view of the house showing a gabled roof, a central door, and windows.
- North Elevation:** A rear view of the house showing a gabled roof, a chimney, and windows.
- Ground Floor Plan:** A detailed plan of the ground floor showing the layout of rooms, including a kitchen, living area, and stairs.
- First Floor (Proposed):** A detailed plan of the proposed first floor showing the layout of rooms, including a bedroom and bathroom.
- Section:** A vertical cross-section of the house showing the internal structure, including the roof, walls, and floor.
- Site Plan:** A small-scale plan of the site showing the location of the house and surrounding features.
- Location Plan:** A larger-scale plan of the surrounding area showing the location of the house in relation to the street and other buildings.

On the right side of the drawings, there is a table with the following information:

Proposed alterations (summary)	
2/2 Seafield Crescent	
Edinburgh	
AB13 7AD	
Address	
Reference	2020/0000

Below the table is the logo for Andrew Keir Chartered Architect, with contact information including a phone number (0131 447 2700) and a website (www.andrewkeir.co.uk).



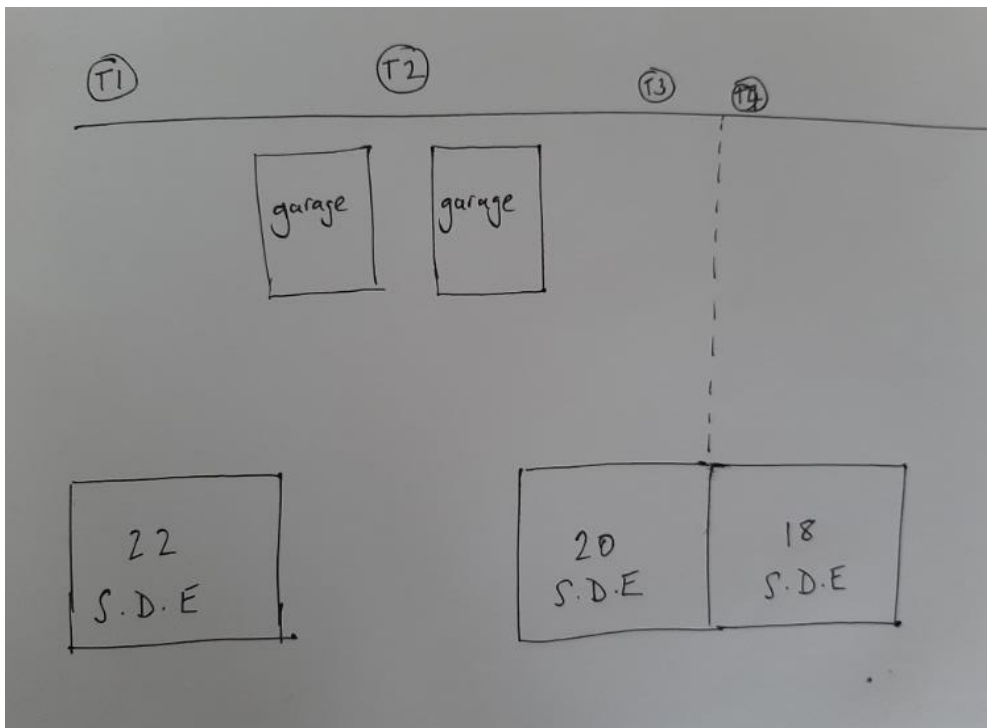


Application Validated Date	Thu 12 Nov 2020
Expiry Date	Not Available
Determination Deadline	Wed 23 Dec 2020

### Schedule of Proposed Works

Please list each individual tree and label them as T1, T2, T3 etc. and provide a detailed description of the works proposed and the reason for the works.

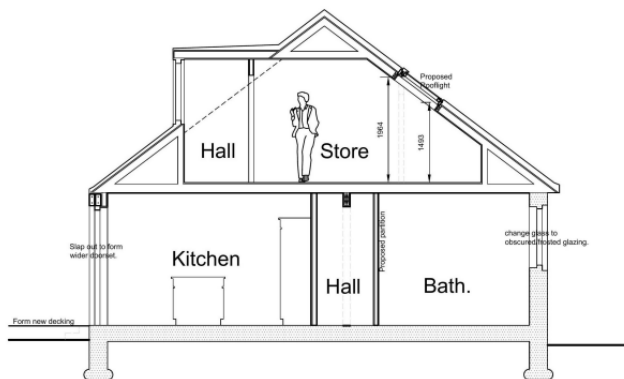
Tree No.	Tree Species	Description of tree work(s)	Reason(s) for work
T1	Lime	Cut back overhanging branches	Overhanging branches
T2 T1	Sycamore	Cut back overhanging branches	Large branches overhanging garages
T3	Lime	Crown lift	Overhanging branches
T4	Lime	Cut back overhanging branches	Overhanging branches



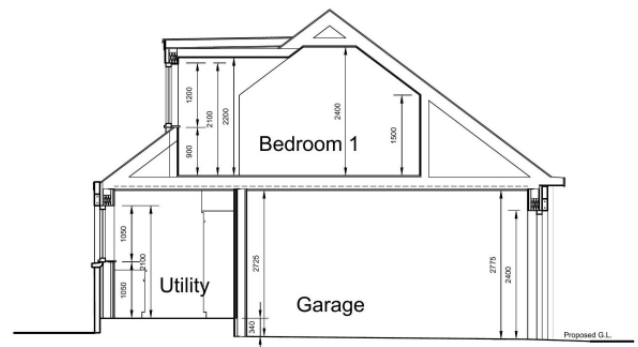
Reference	201404/DPP
Application Received	Fri 13 Nov 2020
Application Validated	Mon 16 Nov 2020
Address	1 Countesswells Place Aberdeen AB15 8LR
Proposal	Erection of 1.5 storey extension to side and widening of driveway to front
Status	Pending
Appeal Status	Unknown
Appeal Decision	Not Available

Application Type	Detailed Planning Permission
Expected Decision Level	Not Available
Case Officer	Roy Brown
Community Council	Craigiebuckler And Seafield
Ward	Hazlehead/Ashley/Queens Cross
District Reference	Not Available
Applicant Name	Miss B Will
Agent Name	Joan Harper
Agent Company Name	Baxter Design Company
Agent Address	1 The Square Mintlaw Peterhead AB42 5EH
Agent Phone Number	Not Available
Environmental Assessment Requested	No

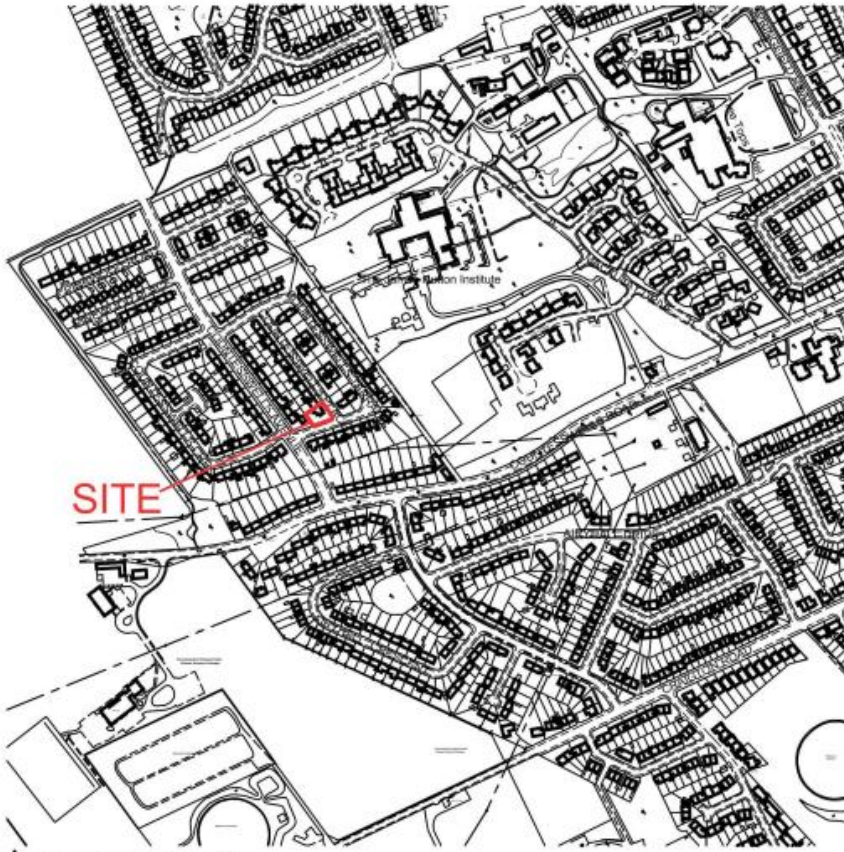
Application Validated Date	Mon 16 Nov 2020
Expiry Date	Tue 08 Dec 2020
Determination Deadline	Fri 15 Jan 2021



Cross Section A-A : Scale 1 : 50



Cross Section B-B : Scale 1 : 50



Location Plan : Scale 1 : 5000