



Brathens Eco-Business Park
Units 6&7,
Hill of Brathens, Glassel,
Banchory, AB31 4BW

www.dabarchitecture.co.uk
info@dabarchitecture.co.uk

T 01330 833861

M: 07825183859

Frances Brown
Business Services
Woodhill House
Westburn Road
Aberdeen
AB16 5GB

27th December 2017

Project: Kirkton House Conversion Path Appeal
Ref: LRB 396 FB/fb

Dear Frances Brown

The Local Review Body met on the 24th November to consider our submission for review. The Local Review Body made a request for additional information from the Roads Department 1. Who owns the proposed land for the footpath 2. Who is currently responsible and maintains it.

- 1.0 1. In response to who owns the proposed land for the footpath the roads department have advised that they do not know who owns the land but they have control over it. Obviously we are disappointed with this response given that the LRB had requested this information and awarded additional time to investigate further. Given that my Client does not own the land and ownership is not known then a condition cannot be imposed ' If the land is outside that site, a condition requiring the carrying out of the works on land cannot be imposed unless the authority are satisfied that the applicant has sufficient control over the land to enable those works to be carried out' Circular 4/1998 Annex A The Use of Conditions in Planning Permissions Section 36.
- 1.1 2. The Roads Department have confirmed that they 'have control over the land' and that they maintain this therefor they have the capacity to carry out the proposed works



Brathens Eco-Business Park
Units 6&7,
Hill of Brathens, Glassel,
Banchory, AB31 4BW

www.dabarchitecture.co.uk
info@dabarchitecture.co.uk

T 01330 833861

M: 07825183859

2.0 To reiterate our reasoning for appeal are as follows:-

2.1 Cost

The site has particular challenges in relation to the construction cost of the listed building element and therefore weight requires to be given to the support for the retention and re-use of this. The alternative is likely to be the deterioration of the building. The costs of providing a 900m² path will further stretch the projects deliverability. Local Authorities should consider each site individually taking into account site issues and strategic priorities which in this case should be the retention of Kirkton House.

2.2 Connectivity

Kirkton House forms part of the settlement of Kirkton of Skene and therefore connectivity should be reinstated to support local amenities and provide safe passage to the local school. My client is in full support of path upgrades which will strengthen the link between Kirkton House and Kirkton of Skene. Upgrades to the existing path between Kirkton House and Elrick cannot be attributed to residents of Kirkton House, instead this path is currently utilized by people who do not reside at Kirkton House. The Kirkton House development should not be seen as an opportunity to create a path network for residents out with Kirkton House. The provision of two means of connectivity is an overburden on the development.

2.3 Necessity

Kirkton House when in operation as a Care Home would have had significantly more vehicular/pedestrian movements than the proposed development. My Client is supportive of upgrades (access road/path to Kirkton of Skene) that will provide safe access for residents. In accordance with circular 4/1998 and the six test for conditions The proposed path is not necessary for this development.



Brathens Eco-Business Park
Units 6&7,
Hill of Brathens, Glassel,
Banchory, AB31 4BW

www.dabarchitecture.co.uk
info@dabarchitecture.co.uk

T 01330 833861

M: 07825183859

2.4 Conclusion

The planning application approved is for the conversion of a listed building which will provide a new lease of life and safeguard a piece of Aberdeenshire built heritage for years to come. There is an existing currently managed path that if required can be upgraded by ACC/others. Given the complexity of the listed building conversion, associated works and size of development it is unreasonable for my client to absorb these costs.

Yours Sincerely

Kerr Byers

Partner

Dab architecture llp