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To: Councillor Milne, Convener; and Councillors Cameron, Crockett, Donnelly and Jean Morrison MBE

Town House,
ABERDEEN, 17 September 2014

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in Committee Room 2 - Town House on **THURSDAY, 25 SEPTEMBER 2014 at 2.00 pm.**

JANE G. MACEACHRAN
HEAD OF LEGAL AND DEMOCRATIC SERVICES

B U S I N E S S

- 1 Procedure Notice (Pages 1 - 2)

COPIES OF THE RELEVANT PLANS / DRAWINGS ARE AVAILABLE FOR INSPECTION IN ADVANCE OF THE MEETING AND WILL BE DISPLAYED AT THE MEETING

TO REVIEW THE DECISION OF THE APPOINTED OFFICER TO REFUSE THE FOLLOWING APPLICATIONS

- 2 The Endrig, Auchlea Farm, Kingswells - Removal of Condition No.1 and Condition No.4 of conditional planning permission (ref 92/0424) - P131646

Please note that the ward information on the report is incorrect, and this application is actually in the Lower Deeside ward.

PLANNING ADVISER - KRISTIAN SMITH

- 2.1 Delegated Report (Pages 3 - 12)

- 2.2 Planning policies referred to in documents submitted (Pages 13 - 14)
 - 2.3 Notice of Review with supporting information submitted by applicant / agent
(Pages 15 - 44)
 - 2.4 Determination - Reasons for decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
 - 2.5 Consideration of conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer
- 3 Argyle House, School Road, Cults - Demolition of existing outbuilding and erection of replacement building to create a residential annex (140369) - Amendment to P130235

PLANNING ADVISER - TOMMY HART

- 3.1 Delegated Report and Letters of Objection (Pages 45 - 58)
- 3.2 Planning policies referred to in documents submitted (Pages 59 - 174)
- 3.3 Notice of Review with supporting information submitted by applicant / agent
(Pages 175 - 244)
- 3.4 Determination - Reasons for decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 3.5 Consideration of conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Steph Dunsmuir, tel 522503 or email sdunsmuir@aberdeencity.gov.uk

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations, shall be carried out in stages.
3. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
4. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
5. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
 - (a) written submissions;
 - (b) the holding of one or more hearing sessions;
 - (c) an inspection of the site.
6. If the LRB do decide to seek further information or representations prior to the determination of the review, they will require, in addition to deciding the manner in which that further information/representations should be provided, to be specific about the nature of the information/representations sought and by whom it should be provided.
7. In adjourning a meeting to such date and time as it may then or later decide, the LRB shall take into account the procedures outlined within Part 4 of the regulations, which will require to be fully observed.

DETERMINATION OF REVIEW

8. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.

9. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-

“where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
10. In coming to a decision on the review before them, the LRB will require:-
 - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
 - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
 - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
11. In determining the review, the LRB will:-
 - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
 - (b) overturn the appointed officer's decision and approve the application with or without appropriate conditions.
12. The LRB will give clear reasons for its decision in recognition that these will require to be intimated and publicised in full accordance with the regulations.

Agenda Item 2.1

Signed (authorised Officer(s)):

THE ENDRIG, AUCHLEA FARM,
KINGSWELLS

THE REMOVAL OF CONDITION NO.1 AND
CONDITION NO. 4 OF CONDITIONAL
PLANNING PERMISSION REF:92/0424

For: Mr Alexander Clark

Application Type : Section 42 Variation
Application Ref. : P131646
Application Date : 13/11/2013
Advert : Can't notify
neighbour(s)
Advertised on : 27/11/2013
Officer : Jane Forbes
Creation Date : 10 July 2014
Ward: Kingswells/Sheddocksley/Summerhill
(L Ironside/S Delaney/D Cameron)
Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The application site is located within the Green Belt, and lies at a distance of approximately 1000 metres to the south-west of the A944 Aberdeen to Alford Road. The site comprises a single storey dwellinghouse which lies at some 40 metres to the north of Auchlea Farm, a mixed dairy/arable farm of some 200 acres. The site is accessed along a single width, rough track which leaves the A944 at some 1000 metres to the east of its junction with the B9119 Aberdeen to Tarland Road.

RELEVANT HISTORY

Ref: 92/0424 – Conditional planning consent was granted in April 1992 for the erection of a dwellinghouse and integral garage within a site of some 0.19h located directly to the north of the agricultural buildings and farmhouse associated with Auchlea Farm, and accessed off the farm road. Conditions applied included limiting the occupation of the dwelling to a person solely or mainly employed in agriculture on Auchlea Farm, and prohibiting the sale of the dwellinghouse separately from Auchlea Farm.

PROPOSAL

This application is submitted under the provisions of Section 42 of the Town and Country Planning (Scotland) Act 1997, and seeks removal of Condition 1 and Condition 4 of planning permission 92/0424.

Condition 1 states “that the occupation of the dwelling shall be limited to a person solely or mainly employed in the locality (ie Auchlea Farm) in agriculture as defined in Section 275 of the Town and Country Planning (Scotland) Act 1972 - in order to safeguard the amenity of this Green Belt location”.

Condition 2 states “that the dwellinghouse hereby approved shall at no time be sold off or separated in any manner from the farm known as Auchlea without the prior approval of the planning authority – in order to preserve the amenity of this Green Belt location”.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council’s website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=131646>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

- Written Statement submitted by the agent on behalf of the applicant outlining the reason for seeking removal of conditions – lodged on 13 November 2013 along with the planning application.
- Letters from Planning Consultant – dated 29 March 2014 and 23 June 2014.

CONSULTATIONS

Roads Project Team – No observations.

Environmental Health - No observations.

Enterprise, Planning & Infrastructure (Flooding) – No observations.

Community Council – No response received.

REPRESENTATIONS

None

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy 2014 (SPP) – states that where planning authorities consider it appropriate, development plans may designate a green belt around a city or town to support the spatial strategy by:

- directing development to the most appropriate locations and supporting regeneration;
- protecting and enhancing the character, landscape setting and identity of the settlement; and
- protecting and providing access to open space.

SPP outlines that local development plans should describe the types and scales of development which would be appropriate within a green belt. These may include:

- development associated with agriculture, including the reuse of historic agricultural buildings;
- development associated with woodland and forestry, including community woodlands;
- horticulture, including market gardening and directly connected retailing;
- recreational uses that are compatible with an agricultural or natural setting;
- essential infrastructure such as digital communications infrastructure and electricity grid connections;
- development meeting a national requirement or established need, if no other suitable site is available; and
- intensification of established uses subject to the new development being of a suitable scale and form.

Aberdeen City and Shire Strategic Development Plan 2014

Provides a spatial strategy for development, and outlines the vital role which the green belt plays in protecting the character and landscape setting of the city. The Plan acknowledges the need for growth across the city, but states that development must be guided to appropriate places whilst protecting the most important areas.

Aberdeen Local Development Plan

Policy NE2 (Green Belt) – States that no development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:

- The development is within the boundary of the existing activity.
- The development is small-scale.
- The intensity of activity is not significantly increased.
- Any proposed built construction is ancillary to what exists.

Other Relevant Material Considerations

Occupancy Restrictions & Rural Housing – A letter issued by the Chief Planner in November 2011 sought to clarify the Scottish Government's view on the use of conditions or planning obligations to restrict occupancy of new rural housing. It stated that a number of issues had arisen with the use of occupancy restrictions, some of which had been exacerbated by the economic situation at that time. Some people had found it difficult to obtain a mortgage, others to sell the house, or have the restriction lifted, when they were forced by necessity to move, noting

that the use of occupancy restrictions introduced an additional level of complexity (a potential expense) in the process of gaining planning permission for a new house.

The letter stated that the Scottish Government believed that occupancy restrictions were rarely appropriate and so should generally be avoided. However, the letter continued to state that in areas, including Green Belts, where...there was a danger of suburbanisation of the countryside or an unsustainable growth in long distance car-based commuting, there was a sound case for a more restrictive approach.

EVALUATION

Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires the planning authority in determining the application only to consider the question of the condition(s) subject to which the previous planning permission should be granted. The planning authority has the option to approve the permission subject to new or amended conditions or to approve planning permission unconditionally. Alternatively the planning authority can refuse the application, which would result in the conditions on the original application remaining.

Background

Planning permission was granted on 30 April 1992 for the erection of a dwellinghouse at Auchlea Farm. Although a previous application for a similar proposal had been refused in 1991, this was as a result of the proposed siting of the dwelling being deemed inappropriate, given that it would have been remote from the existing agricultural buildings and farmhouse. The revised proposal (Ref 92/0424) addressed this issue and was subsequently approved with conditions applied which included tying any future occupation of the dwelling to agricultural workers and restricting any independent sale of the property from Auchlea Farm. This was in accordance with relevant policy at that time, where there was a restriction on any residential development taking place within the green belt unless “applicants can satisfy the council that it is required to provide residential accommodation for essential agricultural workers, who are needed to be housed immediately adjacent to their place of employment and where there is a proven local need”. It was accepted by the planning authority that an additional house was required to support the agricultural business, and conditions were applied to the planning permission on that basis.

Supporting Documents/Statement

The agent submitted the following statement on behalf of the applicant, Mr Alexander Clark, and in support of the application for the removal of Conditions 1 and 4:

“Due to advanced age and health issues, Mr & Mrs Alexander Clark have had to downsize and have been allocated a flat in a sheltered housing complex. Mr

Clark, who owns Endrig, wishes to sell the property but is prevented from doing so by the planning restriction. A grandson of Mr Clark's who works at Auchlea Farm would be interested in buying the property, but would be unable to obtain a mortgage given the present restriction".

A supporting statement was submitted by Planning Consultants Archial, dated 29 March 2014, and this included a written statement from a financial consultant advising that as a result of the restriction incurred by Condition 1 of planning consent ref 92/0424, which tied the occupation of the dwelling to a person solely or mainly employed on Auchlea Farm, the applicant's grandson would not be in a position to secure a mortgage to purchase the property in question and this would also apply were a Section 75 legal agreement to be entered into, with that same restriction. The statement re-iterated that the applicant's grandson would be employed at Auchlea Farm, in accordance with Condition 1, and also stated that whilst local plan policy on green belt supported residential development in association with agricultural business, it did not mention a requirement for attaching any condition which would restrict the occupancy of such development. Finally, it was stated that the Chief Planner, in his correspondence of 4 November 2011 to all Heads of Planning, advised that occupancy conditions introduce an additional level of complexity and potentially expense to the planning process, very often leading to problems associated with obtaining a mortgage. The supporting statement finished by quoting the Chief Planner, in saying "The Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided".

A further supporting statement, again from Planning Consultants Archial, was received on 23 June 2014. This letter referred to the new Scottish Planning Policy and quoted from the section entitled "Promoting Rural Development", specifically outlining the following text: "paragraph 81 states that in pressurised areas, such as green belts, then development plans and planning decisions should avoid the use of occupancy conditions". The statement also referred to Circular 3/2012 on Planning Obligations and Good Neighbour Agreements and the limited role which it sees for the obligations restricting the use of buildings, with paragraph 50 recognising that such restrictions have historically been used in respect of housing in rural areas.

Comments with regards to the Supporting Statements/Documentation

The supporting statement from the agent gives a relatively brief outline of the reasons behind the application, and the need for the removal of the condition.

The 1st of the supporting statements from Archial includes correspondence from a financial consultant who advises that lenders who have been approached and from whom finance has been sought for the property at Endrig, have indicated they would not be willing to provide a mortgage to the applicant's grandson to purchase the property were Condition 1 to remain, nor would they be in a position to provide a mortgage on the basis of the applicant entering into a Section 75

Agreement. However, it is unclear from the correspondence submitted, as to the exact number and nature of financial institutions which were approached, and to what extent they were made aware that a Section 75 Agreement could include a clause which would allow for the discharge of any restriction of sale, were a lending bank or building society to be faced with the agricultural business going into bankruptcy.

Specific reference is made in the 2nd supporting statement submitted by planning consultants Archial, to Scottish Planning Policy (SPP) 2014, which was issued on 23 June 2014, and specifically to the section which relates to “Promoting Rural Development”. However, this section clearly refers to rural areas and not green belt designated land. The application site lies within the green belt, and therefore any reference and link to policy which supports ‘rural development’ or ‘development in rural locations’ as suggested, is irrelevant and perhaps misleading. On this same issue, the supporting statement refers to paragraph 81 and claims that it states “that in pressured areas, such as green belts, then development plans and planning decisions should avoid the use of occupancy conditions”. This quote is inaccurate, as paragraph 81 does not refer to green belt areas. Rather, under the heading “Promoting Rural Development, and against paragraph 82, SPP does state “In some most pressured areas, the designation of green belts may be appropriate.” This further emphasises the fact that SPP has made a differentiation between rural areas and green belt. Finally, reference to Circular 3/2012 on Planning Obligations and Good Neighbour Agreements and the manner in which restrictions have historically been used in respect of housing in rural areas has little relevance in this instance, given the context of the application site.

Whilst it is highlighted in the 1st supporting statement submitted by the planning consultant Archial that in assessing any development proposal against Green Belt Policy (NE2), there is no direct reference to any requirement to apply conditions which would restrict the occupation of a proposed dwellinghouse development to agricultural workers, it should be noted that this clearly does not remove the ability to apply this condition, or any other, if deemed appropriate.

Discussion

Scottish Planning Policy (2014) clearly distinguishes between development in green belt and rural areas. Against the heading “Promoting Rural Development”, SPP discourages development in rural areas which are easily accessible from Scotland’s towns and cities in an attempt to try and protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside. It advises that plans and decision making should guide most new development to locations within or adjacent to settlements and sets out the circumstances in which new housing outwith settlements may be appropriate, stating that in such circumstances occupancy restrictions should be avoided. In terms of green belt policy, and as already outlined above, whilst SPP does state that in some most pressured rural areas, the designation of green belts may be

appropriate, in terms of green belt policy itself, it makes absolutely no reference to the need to avoid occupancy restrictions.

In terms of the guidance issued by the Chief Planner in November 2011, again, whilst it was emphasised that occupancy restrictions in relation to houses in the countryside were rarely appropriate and therefore should generally be avoided, it nevertheless clearly stipulated that in green belt locations, where, due to commuter or other pressure, there is a danger of suburbanisation of the countryside or an unsustainable growth in long distance car-based commuting, there is a sound case for a more restrictive approach. The letter from the Chief Planner therefore acknowledges that a restrictive approach can be considered appropriate where significant pressure for housing development exists. Whilst Policy NE2 (Green Belt) permits a limited range of development types within the green belt, and this includes development for agricultural use, there is without question considerable and ongoing pressure for housing within the green belt surrounding Aberdeen, and it is invariably individual dwellings which are seen to cause the suburbanisation and increase in car borne commuting which is judged unsustainable.

Although supporting information which has been submitted advises of the importance of removing the occupancy condition due to difficulties encountered in obtaining a mortgage to purchase the property, it is worth reiterating at this point that the dwellinghouse was originally granted planning permission specifically as a direct result of the requirements of an agricultural business, and it was only on the basis of the house being essential for the agricultural business, with the occupancy of the property restricted to someone directly employed within that business, that the proposal for a dwellinghouse in this location was deemed acceptable and justifiable in terms of green belt policy. Based on the supporting information which has been submitted on behalf of the applicant, it is apparent that the circumstances are now such that the dwelling would be occupied by the grandson of the original applicant, and given that he would be employed at Auchlea Farm, there would be no valid reason for the removal of condition 1 which was applied in order to ensure the occupancy of the dwellinghouse remained with someone directly employed in agriculture at the farm. It should be noted that the financial issues which the applicant's grandson appears to be encountering in terms of securing a mortgage for the property at Endrig could be addressed through entering into an appropriate Section 75 Legal Agreement. Whilst it would appear that this option has been discounted on the advice of a financial consultant, it is of particular relevance that whilst not all lenders may be willing to accept the security which can be offered by the applicant and planning authority entering a Section 75 Agreement which would specifically allow for the occupancy condition to be discharged should the lending bank or building society, as heritable creditor, seek to exercise a power of sale, this option has operated successfully in similar circumstances and by other planning authorities in Scotland, and on that basis is considered a valid solution in this instance.

Although the aforementioned letter from the Chief Planner accepts that the use of occupancy restrictions introduces an additional level of complexity in the process of gaining planning permission for a new house, it is nevertheless apparent that if the Planning Authority were to agree to the removal of Condition 1 it would result in there being no tie between the occupant of the dwelling to the agricultural farm, and whilst it may be possible to remove Condition 4, which relates to the actual sale of the house independently of the farm business, this in itself would not preclude future occupancy of the dwelling to remain linked to the farm business, and as such could be deemed acceptable. The original application was granted consent on the basis of a direct need for additional residential accommodation in support of the farm business, and based on the detail provided in the supporting statement, which states that the use of the dwelling would remain for an agricultural worker, it would appear that Condition 1 would remain entirely valid.

Does an occupancy condition meet the tests set out in Circular 4/1998.

Circular 4/1998 sets six tests which all planning conditions should meet. Conditions should only be imposed where they are necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects.

Conditions may be appropriate where there are sound planning reasons to justify them, and this would apply in circumstances where a dwelling has been allowed on a site where permission would not normally be granted. In such instances, granting an unconditional permission would mean that not only could the dwelling be sold for general residential use, but there would be no restriction on the occupation of the owner, and this could well be contrary to development plan policy for the locality.

Planning conditions which tie the occupation of properties to a business are commonly used by planning authorities where otherwise they could not be supported. In 1992, when the original application for a residential dwelling at Endrig was determined, Condition 1 was deemed relevant to planning, given that it was required to control the use of the land, it was relevant to the development permitted, was enforceable, precise and considered to be reasonable in all other respects. On this basis the condition met the six tests, and based on current national and local planning policy, the condition would still be relevant and applicable today, as it ensures compliance with the Development Plan, whilst allowing the needs of the farm business to be met.

Conclusion

Given the advice from the Chief Planner, and based on the requirements of both Scottish Planning Policy and Policy NE2 (Green Belt), it is considered that whilst Condition 4 could be removed, Condition 1 remains necessary, as it ensures occupancy of the house is tied to someone employed in agriculture at Auchlea Farm. Planning policies within the green belt seek to protect its integrity and in particular seek to avoid the granting of individual planning permissions to prevent

its cumulative erosion. In the absence of specific individual requirements of the farm business in the first instance, the dwelling which was granted conditional consent would not have complied with green belt planning policy, and this has not changed since consent was granted and therefore removal of Condition 1 would not be appropriate.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

Whilst the removal of Condition 4 of planning permission 92/0424 would be deemed acceptable in this instance, the proposed removal of Condition 1 which relates to occupancy, is contrary to Scottish Planning Policy (SPP) and Policy NE2 (Green Belt) of the Aberdeen Local Development Plan, and would appear contrary to advice provided by the Chief Planner in 2011. SPP and Policy NE2 seek to protect the integrity of green belts and to prevent their cumulative erosion. In this instance, if it were not for the original requirements of the farm business, the dwellinghouse which is the subject of this application would not have complied with green belt planning policy and would ultimately have been refused. Current policy seeks to safeguard against unsustainable development and suburbanisation of the green belt area and the removal of Condition 1 would undermine such policies. It is judged that Condition 1 continues to meet the tests set out in Circular 4/1998. Taking all of the above into consideration, the proposal to delete Condition 1 is deemed unacceptable in planning policy terms.

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Policy NE2 – Green Belt

No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

The following exceptions apply to this policy:

1. Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:
 - a) the development is within the boundary of the existing activity.
 - b) the development is small-scale.
 - c) the intensity of activity is not significantly increased.
 - d) any proposed built construction is ancillary to what exists.
2. Essential infrastructure, such as electronic communications infrastructure and electricity grid connections, transport proposals identified in the Local Development Plan, such as the Aberdeen Western Peripheral Route, as well as roads planned through the masterplanning of new housing and employment allocations, which cannot be accommodated other than in the green belt.
3. Buildings in the green belt which have a historic or architectural interest or traditional character that contributes to the landscape setting of the city will be permitted to undergo a change of use to private residential use or to a use which makes a worthwhile contribution to the amenity of the green belt, providing it has been demonstrated that the building is no longer suitable for the purpose for which it was originally designed. (See Supplementary Guidance on The Conversion of Steadings and other Non-residential Vernacular Buildings in the Countryside).
4. Proposals for extensions of existing buildings as part of a conversion or rehabilitation scheme will be permitted in the green belt provided:
 - a) the original building remains visually dominant;
 - b) the design of the extension is sympathetic to the original building in terms of massing, detailing and materials; and
 - c) the siting of the extension relates well to the setting of the original building.

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OUR REF – REL
YOUR REF – P131646

5th August 2014

Mr M.Allan
Legal and Democratic Services
Corporate Governance
Aberdeen City Council
1st Floor
Town House
Broad Street
Aberdeen
AB10 1AQ

Dear Mr Allan

**Notice of Review – Removal of Condition No.1 and Condition No.4 of Conditional Planning
Permission Ref 92/0424
The Endrig, Auchlea Farm, Kingwells, Aberdeen**

Please find enclosed a notice of review in relation to the above application. The following information is enclosed:

Notice of Review
Location Map
Decision Notice – P131646
Review Statement

We look forward to your written acknowledgement of this submission.

Yours sincerely



Roger Laird
MA MSc MRTPI
Senior Planning Consultant
rlaird@archialnorr.com

enc – see above

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NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

THE FURTHER WRITTEN SUBMISSIONS ADDRESS THE PROPOSAL'S COMPLIANCE WITH PLANNING POLICY, TOGETHER WITH THE OTHER MATERIAL CONSIDERATIONS INCLUDED IN THE STATEMENT.

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

CARE WOULD REQUIRE TO BE TAKEN IN RELATION TO THE OPERATION OF THE NEIGHBOURING DUCKLED FARM.

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

PLEASE SEE ATTACHED STATEMENT.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

1. LOCATION MAP
 2. DECISION NOTICE - REF P131 646
 3. STATEMENT TO LOCAL REVIEW BODY

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the ~~applicant~~/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed


Date 5th AUGUST 2014



ABERDEEN
CITY COUNCIL

Application Ref No P131646

PLANNING & SUSTAINABLE DEVELOPMENT
Business Hub 4, Marischal College, Broad Street,
ABERDEEN. AB10 1AB

The Town And Country Planning (Scotland) Act 1997

Refusal of Planning Permission

Kathleen Davidson
Fare-Lea
Echt
Westhill
Aberdeenshire
AB32 6UL

on behalf of **Mr Alexander Clark**

With reference to your application validly received on 13 November 2013 for Planning Permission under the above mentioned Act for the following development, viz:-

The removal of Condition No.1 and Condition No. 4 of Conditional Planning Permission Ref:92/0424 at The Endrig, Auchlea Farm, Kingswells

the Council in exercise of their powers under the above mentioned Act hereby REFUSE Planning Permission for the said development as specified in the application form and the plan(s) and documents docketed as relative thereto and numbered as follows:-

131646-01

The reasons on which the Council has based this decision are as follows:-

Whilst the removal of Condition 4 of planning permission 92/0424 would be deemed acceptable in this instance, the proposed removal of Condition 1 which relates to occupancy, is contrary to Scottish Planning Policy (SPP) and Policy NE2 (Green Belt) of the Aberdeen Local Development Plan, and would appear contrary to advice provided by the Chief Planner in 2011. SPP and Policy NE2 seek to protect the integrity of green belts and to prevent their cumulative erosion. In this instance, if it were not for the original requirements of the farm business, the dwellinghouse which is the subject of this application would not have complied with green belt planning

GORDON McINTOSH
DIRECTOR

Continuation

policy and would ultimately have been refused. Current policy seeks to safeguard against unsustainable development and suburbanisation of the green belt area and the removal of Condition 1 would undermine such policies. It is judged that Condition 1 continues to meet the tests set out in Circular 4/1998. Taking all of the above into consideration, the proposal to delete Condition 1 is deemed unacceptable in planning policy terms.

The plans, drawings and documents that are the subject of this decision notice are numbered as follows:- 131646-01

Date of Signing 17 July 2014



Dr Margaret Bochel
Head of Planning and Sustainable Development
Enc.

GORDON McINTOSH
DIRECTOR

REPORT



Project Number: IAAB140031

Project Title: Removal of Occupancy Condition, The Endrig, Auchlea Farm, Kingswells

Document Title: Local Review Body Statement

Date / Revision: 5th August 2014

Contents

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- 2.0 Application Site
- 3.0 Background
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- 6.0 Summary of Reasons for Seeking Review
- 7.0 Requested Review Procedure
- 8.0 Conclusion

Appendix 1 - Planning Permission for the Endrig – Ref 92/0424

Appendix 2 - Letter from Opus Financial Consultants, 25th March 2014

Appendix 3 - Letter from Chief Planner, 11th November 2011

Appendix 4 - Email from Planner, 20th November 2013

1.0 Introduction

1.1 This request for a review follows Aberdeen City Council's refusal of application reference P131646 – *The removal of Condition No.1 and Condition No. 4 of Conditional Planning Permission Ref: 92/0424*, at The Endrig, Auchlea Farm, Kingswells. The refusal was made on the 17th July 2014. The request for review has been made on behalf of Mr Alexander Clark.

2.0 Application Site



Figure 1 – Aerial Image Showing Application Site

2.1 The application site lies approximately 1km to the south-east of Westhill. It is accessed via a farm track, which connects Auchlea Farm with the Aberdeen to Westhill road. The adjoining land is agricultural in character, with areas of woodland also found to the south and east.



Figure 2 – Aerial Image Showing The Endrig in Relation to Auchlea Farm

2.2 A larger scale photograph of the site is included in Figure 2 above, which shows the relationship of The Endrig with the adjacent Auchlea Farm.

3.0 Background

3.1 In 1992 planning permission was granted for the erection of the dwellinghouse known as The Endrig (ref 92/0424). The application was subject to 4 conditions, however the 2 most relevant were numbers 1 and 4, which were as follows:

- 1) *That the occupation of the dwelling shall be limited to a person solely or mainly employed in the locality (ie Auchlea Farm) in agriculture as defined in Section 275 of the Town and Country Planning (Scotland) Act 1972.*
- 4) *That the dwellinghouse hereby approved shall at no time be sold off or separated in any manner from the farm known as Auchlea without the prior approval of the planning authority.*

3.2 A copy of the decision notice is included as Appendix 1.

3.3 This application was applied for by Mr Alexander Clark, who has lived in The Endrig, since its construction soon after approval of the application in 1992. He has lived there with his wife, and has farmed at Auchlea Farm over that period. Due to advancing age and health issues Mr and Mrs Clark will be moving to a flat in sheltered accommodation. It is now proposed that Mr Clark's grandson – Mr Davidson would now move into the Endrig with his wife. Mr Davidson already works at Auchlea Farm, and this would continue.

3.4 Following the agreement that Mr and Mrs Davidson would move to The Endrig, they began to explore the possibility of obtaining a mortgage for the property. At that stage it became apparent that it was not possible to obtain a mortgage, as a result of the agricultural occupancy condition which was attached to the permission for the dwellinghouse. Mr and Mrs Davidson have explored this matter with Opus Financial Consultants, who in turn have approached a large number of lenders. The response which has been received is that no lenders would consider providing a mortgage due to the existence of the occupancy condition. A copy of the response from Opus Financial Consultants is included in Appendix 2.

5

4.0 Reasons for Seeking a Review

4.1 The reason for seeking a review is that the proposal complies with planning policy, and should therefore be approved.

5.0 Matters to be Taken into Account in Review

Reasons for Refusal

5.1 The application was refused for the following reasons:

Whilst the removal of Condition 4 of planning permission 92/0424 would be deemed acceptable in this instance, the proposed removal of Condition 1 which relates to occupancy, is contrary to Scottish Planning Policy (SPP) and Policy NE2 (Green Belt) of the Aberdeen Local Development Plan, and would appear to be contrary to advice provided by the Chief Planner in 2011. SPP and Policy NE2 seek to protect the integrity of green belts and to prevent their cumulative erosion. In this instance, if it were not for the original

requirements of the farm business, the dwellinghouse which is the subject of this application would not have complied with green belt planning policy and would ultimately have been refused. Current policy seeks to safeguard against unsustainable development and suburbanisation of the green belt area and the removal of Condition 1 would undermine such policies. It is judged that Condition 1 continues to meet the tests set out in Circular 4/1998. Taking all of the above into consideration, the proposal to delete Condition 1 is deemed unacceptable in planning policy terms.

5.2 In summary, the above reasons state that the application is contrary to a range of planning policies and guidance, which are discussed below.

Scottish Planning Policy

5.3 The first area which the reasons for refusal refer to is *Scottish Planning Policy* (SPP). The most up to date version of this document was recently published on the 23rd June 2014. This document includes both *Principal Policies* and *Subject Policies*. Under the *Principal Policies* section, a description of the types and scales of development which should be supported in green belts is set out (para.52). This includes development associated with agriculture. There is no reference to the use of occupancy conditions in this section.

5.4 The *Subject Policies* area includes a section on *Promoting Rural Development*, which makes reference to green belts and to the use of occupancy conditions. Paragraph 81 states:

In accessible or pressured rural areas, where there is a danger of unsustainable growth in long-distance car based commuting or suburbanisation in the countryside, a more restrictive approach to new housing development is appropriate, and plans and decision making should generally:

- *Guide most new development to locations within or adjacent to settlements; and*
- *Set out the circumstances in which new housing outwith settlements may be appropriate, avoiding the use of occupancy conditions.*

5.5 Paragraph 81 provides the clearest reference to occupancy conditions contained in the SPP, and as stated above, it is confirmed that they should be avoided.

5.6 SPP therefore makes reference to the range of uses which are acceptable in the green belt, which includes those related to agriculture. In its reference to occupancy conditions it states that they should be avoided. This position is entirely supportive of the current application, in that it does relate to agriculture, and seeks to remove an occupancy condition.

5.7 It appears from the delegated report that in making an assessment of national planning policy it has been considered that the section on *Promoting Rural Development* does not apply to green belts. We note that

paragraph 82 which is contained in this section does make reference to the allocation of green belts, and we therefore see no reason why it would not apply to these areas.

- 5.8 For the foregoing reasons, the proposal would not conflict with any of the terms of the SPP, and indeed is provided with support from this document in its reference to avoiding the use of occupancy conditions.

Aberdeen Local Development Plan 2012

- 5.9 The second element of the reasons for refusal states that the application is contrary to the requirements of *Policy NE2 – Green Belt*. This policy sets out the restrictive range of policies which apply to the green belt. It confirms that development related to agriculture is permissible, and in light of the fact that the occupants of The Endrig will continue to be employed in this sector, the proposal would not result in any conflict with NE2. It can be noted that the policy does not contain any specific reference to the use of occupancy conditions, and the removal of the condition in question would therefore not conflict with any requirements in this regard.

Letter from Chief Planner – 4th November 2011

- 5.10 In November 2011, the Chief Planner issued a letter entitled *Occupancy Restrictions and Rural Housing*. The third area referred to in the decision notice suggests that the application “*would appear contrary to advice provided by the Chief Planner*”. A copy of this letter is included in Appendix 3, and it sets out the Scottish Government’s views on the use of occupancy conditions in relation to new rural housing.

- 5.11 It recognises that restrictions have been typically used to limit the occupancy of new houses in the countryside, to people who are mainly employed in agriculture. It goes on to state that these restrictions have caused a number of issues, including the difficulties which are experienced in obtaining a mortgage, and problems which arise when it is necessary to sell the house out of necessity. These are the precise set of circumstances which apply to the current application, as the existence of the occupancy restriction is preventing a mortgage being obtained, and causing an obstacle to the sale of the property.

- 5.12 The letter notes that occupancy restrictions introduce an additional level of complexity (and potentially expense) to the planning process and that they can be intrusive, resource intensive and difficult to monitor and enforce. There can be little doubt over the over-riding message contained in the letter, as it states that Scottish Planning Policy does not promote the use of occupancy restrictions, and includes the following message in bold lettering:

The Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided.

- 5.13 The Chief Planner does make reference to green belts, recognising that in such locations there is additional pressure for development which could lead to the suburbanisation of the countryside, and as a result a more

restrictive approach should be applied. However it does not state that occupancy conditions are the method through which this should be achieved.

- 5.14 This letter contains a clear policy direction in relation to the use of occupancy restrictions, which the current application is entirely in accordance with. We find no evidence in the letter to suggest that the application is contrary to any of its content, and consider that reference to it in stated reasons for refusal is unjustified.
- 5.15 The advice contained in the letter from the Chief Planner is translated into policy via *Circular 3/2012 – Planning Obligations and Good Neighbour Agreements*. Whilst it is recognised that this does not directly apply to the current application, it does reinforce the clear policy message in relation to opposition to occupancy restrictions, which is expressed in the SPP, the letter from the Chief Planner.
- 5.16 The stated reason for refusal suggests that current policy seeks to safeguard against unsustainable development and suburbanisation of the green belt, and that the removal of Condition 1 would undermine these policies. In practical terms the refusal of the application would result in an increase in unsustainable travel patterns in the area. There is no question that it is not possible to obtain a mortgage on a property which is restricted by an occupancy condition. Therefore if the condition in question remains in place, then it will be necessary for Mr and Mrs Davidson to find an alternative dwellinghouse away from the farm. This would result in increased travel patterns on a daily basis, and would create an unnecessary barrier to the efficient operation of Auchlea Farm. Furthermore it would be necessary for The Endrig to either remain vacant, or to be occupied by a farmer from another farm unit away from Auchlea Farm, thereby resulting in additional traffic movement by that party. In the event that the current application was approved, this would allow Mr and Mrs Davidson to live at their place of work, thereby resulting in the most sustainable solution in terms of travel. Refusal of the application would result in a dramatic increase in the number of vehicle movements to and from The Endrig and Auchlea Farm.
- 5.17 The foregoing addresses the reasons for refusal that have been listed in the decision notice. In addition there are other matters which are relevant to the determination of the review. In an effort to reach a solution, the planning officials have proposed the use of a Section 75 agreement which would restrict the occupancy of the dwellinghouse in the same way that Condition 1 does. It has been suggested by the planning officials that this approach may be acceptable to lenders, in the event that the agreement includes a clause which would allow the discharge of the agreement should the associated farm business goes into bankruptcy. It is stated that this has been acceptable at another unnamed planning authority. This suggestion has been made to the lenders which have been approached by Opus Financial Consultants and is not acceptable to any of them. Whilst this suggestion would cover the eventuality of Auchlea Farm going into bankruptcy, it would not address the situation of the occupant getting into financial difficulties. Under such circumstances the lender would be left in the position of attempting to sell a property with an agricultural occupancy restriction imposed on it. This would severely limit the range of potential purchasers, and it is therefore not surprising that this option has been rejected by lenders.

5.18 This approach suggested by planning officials is in direct contravention of the national guidance contained in *Circular 3/2012 – Planning Obligations and Good Neighbour Agreements*. This reiterates the guidance contained in the letter from the Chief Planner, stating that:

While the most common use of planning obligations is to ensure the provision of infrastructure to make the development acceptable in planning terms, there is a limited role for obligations in restricting the use of land or buildings.

Such restrictions have historically been used particularly in respect of housing in rural areas. Imposing restrictions on use are rarely appropriate and so should generally be avoided. They can be intrusive, resource intensive, difficult to monitor and enforce and can introduce unnecessary burdens or constraints. (paras. 49 & 50)

5.19 In light of the most up to date planning policy which is included in Circular 3/2012, it is not considered that the use of a Section 75 agreement would be a workable solution to the current situation.

5.20 It can be noted that the approach now taken by Aberdeenshire Council to occupancy restrictions reflects the content of up to date national policy. Applications to remove such conditions are recommended for approval, and any new dwellinghouses in the countryside which are deemed to be acceptable are approved without any occupancy conditions. The boundary with Aberdeenshire Council lies only 650 metres to the west of the site.

5.21 Interestingly an approach which reflects the content of national planning policy has also been taken with other applications within Aberdeen City, which are also located in the green belt. Application P121357 for the removal of an occupancy condition at Newmill, North Deeside Road, Peterculter, was recommended for approval. The delegated report for this application states:

The guidance from the Chief Planner indicates that the Scottish Government see the use of such conditions as introducing an extra layer of complexity to the planning process. When conditions are causing problems for those living in the property or circumstances change, it is clear from the letter that the Scottish Government encourages the removal of such conditions.

5.22 Moreover the reasons for approval took into account the advice on removal of occupancy conditions that had been issued by the Scottish Government.

5.23 The approach taken with the current application is in stark contrast to that applied by Aberdeenshire Council and this other example from Aberdeen City Council, both of which correctly reflect the up to date national guidance which is in place.

Removal of Condition 4

5.24 Condition 4 states:

That the dwellinghouse hereby approved shall at no time be sold off or separated in any manner from the farm known as Auchlea without the prior approval of the planning authority.

5.25 During discussions on the application, the planning officials have confirmed that they have no opposition to the removal of Condition 04. This is confirmed in the email dated 20th November 2013, which is included as Appendix 4. This indicates that Condition 04 could be removed via an exchange of letters. Moreover, the decision letter for the current application which is the subject of this review, states that the removal of Condition 04 is acceptable.

5.26 There have been no objections to the application from any neighbouring party.

6.0 Summary of Reasons for Seeking a Review

6.1 This appeal to the local review body has been submitted to allow the applicant's grandson to move into The Endrig and to continue farming at Auchlea Farm.

6.2 The existence of the occupancy condition prevents Mr & Mrs Davidson obtaining a mortgage, and therefore being able to purchase The Endrig.

6.3 The practical implications of this are that Mr & Mrs Davidson would require to live remotely from Auchlea Farm, with Mr Davidson travelling back and forth from the farm on a daily basis. Furthermore, The Endrig would require to be sold to another agricultural worker who had no relationship with Auchlea Farm, which would create further vehicle movements. This is a far less sustainable solution than the one which would result from the approval of the current application.

6.4 The Scottish Government has recognised that the attachment of occupancy conditions to rural housing has created considerable problems for the occupants. In recognition of this, all national policy and guidance since 2011 has taken a consistent line in discouraging the use of such conditions. The letter from the Chief Planner is clearly opposed to their use, stating that they are rarely appropriate, and should generally be avoided. The SPP is more explicit, stating that occupancy conditions should be avoided. This message is also included in Circular 3/2012 in relation to planning obligations, stating that occupancy restrictions are rarely appropriate and should generally be avoided. Since 2011 there has been a concerted policy shift away from the use of occupancy conditions, with all current forms of guidance and policy indicating that they are rarely appropriate. This policy stance at the national level is supportive of approval of the application in

question. In light of the foregoing, we cannot agree that the application is contrary to the requirements of the SPP and the Chief Planner's letter in relation to occupancy conditions.

6.5 Policy NE2 – Green Belt, contained in the Local Plan is silent on the use of occupancy conditions, and it is therefore not accepted that the proposal is contrary to it.

6.6 The neighbouring local authority 650 metres to the west in Aberdeenshire have recognised the shift in policy at the national level, and are now as a matter of course approving applications to remove occupancy conditions.

6.7 This approach has also been taken in relation to other applications which have been dealt with within the green belt in Aberdeen City, with the example quoted above recognising the support for the approach which has been expressed at the national level.

6.8 The reasons for refusal which have been listed state that the proposal would undermine the policies which seek to safeguard against unsustainable development and the suburbanisation of the countryside. In response to this, it can be highlighted that the application would not result in the construction of any additional housing in the green belt. It would simply allow the applicant's grandson to take over the farmhouse and continue working on the adjoining farm.

6.9 The planning officials' suggested solution involves the drafting of a legal agreement to restrict the occupancy of the dwellinghouse. This approach is contrary to the requirements of Circular 3/2012, and is also not acceptable to any mortgage lenders. This therefore does not represent a workable solution to the current situation.

11

7.0 Requested Review Procedure

7.1 The Notice of Review indicates that the favoured review procedure involves further written submissions.

8.0 Conclusion

8.1 This supporting statement describes the reasons for seeking a review, and the matters to be taken into account during its determination. Planning policy has now shifted away from the use of occupancy conditions, with the Scottish Government recognising that they create unnecessary burdens for occupiers of rural housing. The current case is a prime example of this, with the condition in question preventing the applicant's grandson from taking over The Endrig. Approval of this application for review would remove this unnecessary burden, and it is hoped that favourable consideration can be given to its approval.

Appendix 1 – Planning Permission for the Endrig – Ref 92/0424

CITY OF ABERDEEN DISTRICT COUNCIL

REF. NO.:- 92/0424

DECISION DATE 30.04.92

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1972 (AS AMENDED)

CONDITIONAL PLANNING PERMISSION

To LIAM FINDLAY,
WESTHILL HOUSE,
WESTHILL,
SKENE,

on behalf of A. CLARK

With reference to your application dated 03.03.92 for Planning Permission under the abovementioned Act for the following development, viz:-

FOR THE ERECTION OF A DWELLINGHOUSE AND INTEGRAL GARAGE.

at
AUCHLEA, KINGSWELLS, ABERDEEN.

the Council in exercise of their powers under the abovementioned Act hereby GRANT Planning Permission for the said development in accordance with the plan(s) docketted as relative hereto and the particulars given in the application, subject however to the following condition(s), for which reason(s) are stated viz:-

- 01 That the occupation of the dwelling shall be limited to a person solely or mainly employed in the locality (ie Auchlea Farm) in agriculture as defined in Section 275 of the Town and Country Planning (Scotland) Act 1972-in order to safeguard the amenity of this Green Belt location.
- 02 that samples of the granite facings shall be provided to the satisfaction of the City Planning Officer prior to the commencement of works on site-in order to preserve the visual amenity of this Green Belt location.
- 03 That the site shall be suitably landscaped, to the satisfaction of the City Planning Officer-in order to preserve the amenity of the neighbourhood.
- 04 That the dwellinghouse hereby approved shall at no time be sold off or separated in any manner from the farm known as Auchlea without the prior approval of the planning authority-in order to preserve the amenity of this Green Belt location.

IT SHOULD BE UNDERSTOOD THAT THIS PERMISSION DOES NOT CARRY WITH IT ANY NECESSARY APPROVAL TO THE PROPOSED DEVELOPMENT UNDER THE BUILDING STANDARDS REGULATIONS OR OF THE OWNER OR SUPERIOR OF THE LAND OR PROPERTY INCLUDING, WHERE APPLICABLE, THE DISTRICT COUNCIL.

CITY PLANNING OFFICER

Dated 30th April 1992

APB

ENC.

Appendix 2 – Letter from Opus Financial Consultants, 25th March 2014

Appendix 3 – Letter from Chief Planner, 11th November 2011

Directorate for the Built Environment
Jim Mackinnon, Director and Chief Planner

T: 0131-244 0770 F: 0131-244 7174
E: jim.mackinnon@scotland.gsi.gov.uk



Heads of Planning



4 November 2011

Dear Sir/Madam

OCCUPANCY RESTRICTIONS AND RURAL HOUSING

I am writing to clarify the Scottish Government's views on the use of conditions or planning obligations to restrict the occupancy of new rural housing.

Occupancy restrictions are typically used in Scotland to limit the occupancy of new houses in the countryside either to people whose main employment is with a farming or other rural business that requires on-site residency, or to people with a local connection. Sometimes new houses are tied to particular land holdings, preventing them being sold separately. Such restrictions have been applied either through planning conditions or Section 75 planning obligations.

A number of issues have arisen with the use of occupancy restrictions, some of which have been exacerbated by the current economic situation. Some people have found it difficult to get a mortgage to buy a house with an occupancy restriction. Others have found it difficult to sell the house, or have the restriction lifted, when they are forced by necessity to move. While it may be possible to include provisions in the condition or obligation that attempt to address these issues, any use of occupancy restrictions introduces an additional level of complexity (and potentially expense) into the process of gaining consent for a new house. Occupancy restrictions can also be intrusive, resource-intensive and difficult to monitor and enforce.

Scottish Planning Policy promotes a positive approach to rural housing. It states that development plans should support more opportunities for small scale housing development in all rural areas, including housing which is linked to rural businesses. It does not promote the use of occupancy restrictions.

The Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided.

B5142669
Victoria Quay, Edinburgh EH6 6QQ
www.scotland.gov.uk



In determining an application for a new house in the countryside, it may be appropriate for the planning authority to consider the need for a house in that location, especially where there is the potential for adverse impacts. In these circumstances, it is reasonable for decision-makers to weigh the justification for the house against its impact, for example on road safety, landscape quality or natural heritage, and in such circumstances it may be appropriate for applicants to be asked to make a land management or other business case. Where the authority is satisfied that an adequate case has been made, it should not be necessary to use formal mechanisms to restrict occupancy.

The Scottish Government believes that a vibrant populated countryside is a desirable objective and that new housing to realise this aim should be well sited and designed, and should not have adverse environmental effects that cannot be readily mitigated. In areas, including green belts, where, due to commuter or other pressure, there is a danger of suburbanisation of the countryside or an unsustainable growth in long distance car-based commuting, there is a sound case for a more restrictive approach. In areas where new housing can help to support vibrant rural communities or sustain fragile rural areas, planning authorities should seek to support suitable investment in additional provision, focussing on the issues of location, siting, design and environmental impact rather than seeking to place restrictions on who occupies the housing.

Where sites are considered unsuitable for new housing, more acceptable locations will often exist elsewhere on the same landholding or nearby, and planning authorities can assist applicants by advising where these are.

Yours faithfully



JAMES G MACKINNON

Appendix 4 - Email from Planner, 20th November 2013



Jim Davidson <jim.davidson9@gmail.com>

Planning application Ref 13/1646 - Removal of Condition 1 of Conditional Planning Permission Ref 92/0424

Jane Forbes <JANEF@aberdeencity.gov.uk>
To: "jim.davidson9@gmail.com" <jim.davidson9@gmail.com>

20 November 2013 15:14

FAO Kathleen Davidson

Dear Kathleen,

I refer to our recent telephone discussions regarding the above application, some of which focussed on the purpose of us requesting clarification as to the reason your client was seeking removal of the conditions applied to planning permission Ref 92/0424. I can confirm that following further discussion with colleagues on the most appropriate means of progressing this application, and thereby addressing your request to remove both Condition 1 and 4 with the intention of securing suitable documentation for mortgage purposes, it would be possible at this stage to amend the description of the planning application to read: 'Removal of Condition 1 and Condition 4 of Conditional Planning Permission Ref 92/0424'. Should you wish the description to be amended in this manner, could you please e-mail me with this request.

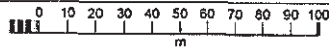
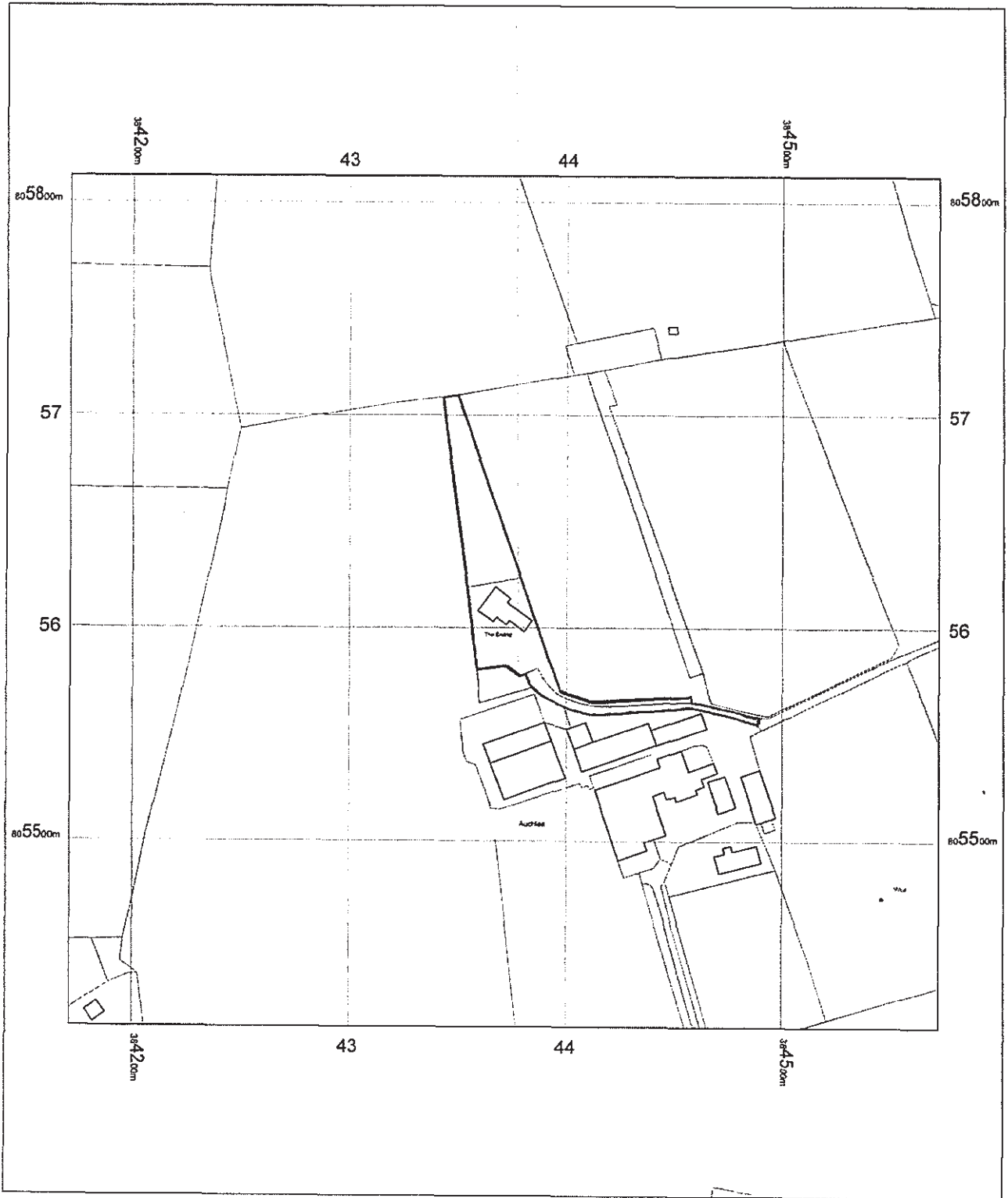
Notwithstanding the above, it does remain possible to have the removal of Condition 4 dealt with in writing alone, without the need for it to form part of a planning application, and should you wish to proceed on that basis I would ask that you submit in writing a formal request for the removal of Condition 4, including the reason for such a request. I will await your decision on how you wish to proceed.

In the meantime, I would wish to advise you at this early stage that whilst in terms of planning policy, the removal of Condition 4 would appear acceptable, this would not apply to the removal of Condition 1, and on that basis we would not be in a position to approve the current application as it stands.

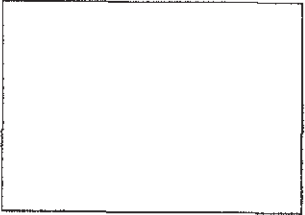
Should you have any queries regarding the above, please do not hesitate to contact me.

Regards

Jane Forbes
Planner (Development Management)
Planning & Sustainable Development
Enterprise, Planning & Infrastructure
Aberdeen City Council
Business Hub 4



PROJ. PLAN



OS MasterMap 1250/2500/10000 scale
 08 November 2013, ID: BW1-00272118
 www.blackwellmapping.co.uk
 1:2500 scale print at A4, Centre: 384371 E, 805612 N
 ©Crown Copyright Ordnance Survey. Licence no.
 100041040



BLACKWELL'S
 www.blackwellmapping.co.uk
 TEL: 01224 485 845
 maps.aberdeen@blackwell.co.uk

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Agenda Item 3.1

Signed (authorised Officer(s)):

ARGYLE HOUSE, 2 SCHOOL ROAD, CULTS

DEMOLISH EXISTING OUTBUILDING AND
ERECTION OF REPLACEMENT BUILDING TO
CREATE A RESIDENTIAL ANNEX. (AMENDMENT
TO P130235)

For: Mr Alex MacDonald

Application Type : Detailed Planning Permission

Application Ref. : P140369

Application Date : 14/03/2014

Advert :

Advertised on :

Officer : Sally Wood

Creation Date : 7 May 2014

Ward: Lower Deeside (M Boulton/A Malone/M Malik)

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The application site comprises a portion of an existing garden which serves an established residential dwelling. There is a building located within the application site which is semi-detached; having a building attached to its western elevation. The site is located on the southern side of South Avenue in Cults, close to its junction with School Road. There is a granite wall along the northern boundary approximately 2.2 metres in height, beyond which is a single width lane and a medical centre. To the west of the site is the building, which the existing building within the site is attached to, this is in separate ownership. To the south and east is the rest of the garden ground which serves the host house, Argyle House - 2 School Road. The existing vehicular access to Argyle House is currently served off School Road.

The building located within the application site is of traditional construction with granite walls and a natural slate roof. The building has two floors internally. Its height to eaves level is 3.5 metres, whilst the ridge height is 5.1 metres. The existing building appears to be historically an ancillary element to the building that it is attached to, which is in separate ownership. The applicant has referred to this building as a coach house, and states that it used to be ancillary accommodation to Argyle House. It nevertheless is a building which has a lower eaves and ridge height than the building which it is attached to.

The original coach house (not including the attached extension on the eastern side or the building to the west which is in separate ownership) measures approximately 12 metres in length by 3.7 metres in width. The extension to the

east has been added some time later and is single storey in height. The extension measures 4.6 metres long by 5.2 metres in depth (external measurements). The extension has internal measurements of 4.3 long x 4.5 deep; the extension has an up and over garage door which is accessed via South Avenue.

RELEVANT HISTORY

P130235 Demolish existing outbuilding and form replacement dwelling house and greenhouse and potting shed. Refused, 27.06.2013.

P111489 related to alterations and extensions to Argyle House. Granted, 25.11.2011.

PROPOSAL

The application form states that the proposal is to “Demolish existing outbuilding and erect replacement building to create a residential annex within the curtilage of Argyle House ...and greenhouse”. The scale and design of the replacement outbuilding is discussed in more detail under the ‘Design’ heading within the Evaluation section of this report.

The replacement building is for the provision of ancillary accommodation to the main Argyle House [e.g. an annex]. The submitted plans show a double garage, bedroom, storage and shower on the ground floor. At first floor level there would be two bedrooms, a bathroom and an open living/dining/kitchen.

The application form makes reference to a greenhouse, however, it has already been erected and it is understood to be permitted development as it is less than 4 metres in height. Given that there are no elevations plans or details submitted of the proposed greenhouse, it is viewed that this element of the proposal does not form part of the consideration of this application.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council’s website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=140369>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

CONSULTATIONS

Roads Projects Team – the previous application required visibility splays of 2.4 metres x 25 metres (reference 130235); the submitted plans show splays of 2.4 x 5 metres, which is below standard. This is a narrow road and although un-adopted is the access to the medical centre so an appropriate visibility splay shall

be required for road safety reasons. Object to the application for road safety reasons due to inadequate visibility splays

The number of parking spaces proposed is acceptable.

Environmental Health – comments, no observations.

Enterprise, Planning & Infrastructure (Flooding) – comments, no observations

Community Council – no comments received

REPRESENTATIONS

One letter of representation has been received. The objections raised relate to the following matters –

1. Work on the access to Argyle House has resulted in the access to my property being blocked on several occasions.
2. As the proposed development is opposite the medical centres foresee even more problems with the access.
3. Damage has been caused to School Road due to the carrying out of works at Argyle House.
4. Repair of road should be considered as part of this application.
5. A greenhouse has already been erected on the site, are they proposing another one?

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP) seeks to promote appropriate development, particularly within existing settlements. It seeks high quality development that is sympathetic to its setting and takes into consideration amenity.

The siting and design of new housing should take account of its setting, the surrounding landscape, topography, character, appearance, ecologies and the scope for using local materials.

Planning authorities should promote the efficient use of land and buildings, directing development towards sites within existing settlements where possible to make effective use of existing infrastructure and service capacity and to reduce energy consumption. Redevelopment of urban and rural brownfield sites is preferred to development on greenfield sites.

Infill sites within existing settlements can often make a useful contribution to the supply of housing land. Proposals for infill sites should respect the scale, form and density of the surroundings and enhance the character and amenity of the community. The individual and cumulative effects of infill development should be sustainable in relation to social, economic, transport and other relevant physical infrastructure and should not lead to over development.

Aberdeen City and Shire Structure Plan

Provides a spatial strategy for development, to ensure the right development in the right place to achieve sustainable economic growth which is of high quality and protects valued resources and assets, including built and natural environment, which is easily accessible.

Aberdeen Local Development Plan

Policy D1 Architecture and Placemaking – ensures that high standards of design are achieved through a number of considerations, including context, to ensure that the setting of the proposed development and its design is acceptable.

Policy D2 Design and Amenity – outlines a number of considerations which shall be taken into account when assessing a planning application in the interests of amenity considerations, mainly relating to residential, including privacy; residential development shall have a public face to a street and a private face to an enclosed garden or court; sitting out areas for residents (gardens).

Policy D4 Aberdeen's Granite Heritage – encourage the retention of granite buildings even if not listed or in a conservation area. Conversion and adaptation of redundant granite buildings will be favoured. Where a large or locally significant granite building that is not listed or in a conservation area is demolished, the Council will expect the original granite to be used on the principal elevations of the replacement building.

The Council will seek to retain coach houses and other large granite-built outbuildings adjoining rear lanes in conservation areas and conversion to appropriate new uses will be encouraged.

Policy H1 Residential Areas – within existing residential areas proposed new residential development will be approved in principle if it: (i) does not constitute over development; (ii) does not have an unacceptable impact on the character or amenity of the surrounding area; (iii) does not result in the loss of valuable and valued areas of open space; (iv) complies with Supplementary Guidance on Curtilage Splits; and (v) complies with Supplementary Guidance on House Extensions.

Policy T2 Managing the Transport Impact of Development – new developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility.

Policy R6 Waste Management Requirements for New Developments – there should be sufficient space for the storage of residual, recyclable and

compostable wastes. It should accord with Supplementary Guidance on Waste Management.

Policy R7 Low and Zero Carbon Buildings – all new buildings in meeting building regulation energy requirements must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions at a level as cited in the Supplementary Guidance on Low and Zero Carbon Buildings.

Supplementary Guidance

1. Householder Development Guide -

In the interests of residential amenity. Provides guidance on such matters as design e.g. rooflights, and other alterations.

2. Low and Zero Carbon Buildings -

Improving the energy performance of buildings by considering the use of renewable energy technologies and other buildings methods to reduce carbon dioxide emissions.

3. The Sub-division and Redevelopment of Residential Curtilages -

Primarily aimed at consideration of development which involves additional dwellings within the curtilage of existing dwellings, and the demolition of existing dwelling(s) and replacement with new dwelling(s) at a higher density.

Also relevant to this application are the following:

- Para 7.1 The provision of pedestrian and vehicular access to both the existing and the new dwelling is essential. In every case there should be safe and convenient pedestrian and vehicular access from the dwelling to the public road and pavement.
- Para 7.3 Vehicular access from the public street must provide safe sightlines for pedestrians and the driver of the vehicle.

4. Transport and Accessibility -

Car parking standards and access considerations, having regard to road safety. There is no specification for garage dimensions; however the minimum specification for a car parking space is 5.0 metres by 2.5 metres. In reality a garage would have to be wider than the dimensions specified for a car parking space given the presence of walls and the need to exit a vehicle.

The Guidance continues to state that driveways must be positioned to enable the required visibility, including pedestrian visibility, to be achieved in accordance with National Standards. Visibility is particularly important on popular pedestrian routes and near schools. Driveways which do not meet the minimum requirements for visibility will be refused.

5. Waste Management Requirements in New Development -

Within curtilage provision for three wheelie bins (an area 2 metres x 1 metre to accommodate all the bins).

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Principle

The site lies within an area identified as residential within the Aberdeen Local Development Plan. The principle of residential development is therefore considered acceptable subject to detailed considerations including design (individual design and impact on streetscape); impact on residential amenity (privacy, loss of light, etc.); road safety issues; and other material considerations.

Design

This application follows an earlier application which was refused planning permission. Pre-planning advice was offered, but none was sought by the agent. This scheme differs in terms of design and position of garage door compared with the earlier application (P130235).

The submitted plans show a replacement building 6.7 metres high to the ridge, with an eaves height of 3.85 metres. The height of the replacement building is shown higher than the existing building which it would replace, by some 1.5 metres (to the ridge), and would mirror the height of the building that it is attached to in terms of the ridge and eaves height. The northern elevation, which faces onto the lane, would have no windows within the wall, and four conservation style rooflights at varying heights and dimensions.

The replacement building is considered inappropriate in design terms both its individual design considerations, and the impact on the streetscene. Currently the existing building appears ancillary having a lower eaves and ridge height. This gives the building a feeling of being ancillary, breaks up the mass, and allows the building to be 'read' as an extension. It is these design features which add intricacy and interest to the built fabric. The replacement building would be 13.3 metres long with the same eaves and ridge height, it therefore would appear to dominate the attached building. In addition the north elevation shows no openings within the wall, which would appear bland, the proposed development turns its back onto the lane, as opposed to the existing building, which has small traditional and detailed windows, containing six panes of glass, and of a 'workers cottage' type of architecture dating from the 19th Century.

The proposed openings onto the lane are considered unsympathetic to the locality having no strong design principles with only rooflights of varying design. The Council's Supplementary Guidance 'Householder Development', advises that rooflights 'should have a conspicuously vertical proportion'. The image shows that rooflights which are too large and too close to eaves and verge; and a variety of sizes, spacing and levels' are not encouraged. The proposed design shows two different styles of rooflights within the north elevation, two of each are proposed to be installed. Those above the proposed studio are square in their appearance at dimensions of 1.1 x 1.2 as can be seen on the first floor plan and roof plan. The other two rooflights are also shown overly square in their appearance 0.8 x 0.9 metres. The two larger rooflights would be installed close to the ridge, and the other two close to the eaves level. The design and position of the rooflights appear incohesive. Rooflights should have a vertical emphasis, particularly in this location to appear in-keeping, and they should be equally spaced within a central position within the roof.

The first stance would be to retain the existing coach house, as encouraged within planning policy D4 (Aberdeen's Granite Heirtage); however as the building is neither listed or within a conservation area the Planning Authority has little control over its loss. However, the replacement building in terms of design and use of materials should respect the streetscene, in particular given that it is part of a semi-detached building. It is considered that by virtue of its design, and the inappropriate use of rendered walls that the building does not comply with planning policies.

The southern elevation is not a public elevation, however, whilst there are no objections in principle to individual components of the design such as window or doors, there is a concern in relation to the overall scale and mass, which is aforementioned. The east elevation will be viewed above the granite wall. The gable at 8.0 metres in overall width appears overly wide and bulky.

The application is therefore considered contrary to Scottish Planning Policy; and the Aberdeen Local Development Plan - Planning Policies D1 (Architecture and Placemaking) as the design of the replacement building is not considered to be sympathetic to its setting and therefore does not pay respect to its context, policy requires that proposed development respects setting; and Policy H1 (Residential Areas) as the replacement building would have an unacceptable impact on the character of the surrounding area.

Residential Amenity

The application description states that the application is for a residential annex to Argyle House. As an independent house the application could not be supported, as the proposal fails to provide sufficient amenity area, and therefore would be contrary to Planning Policy H1 [Residential Area] and Supplementary Guidance on The Subdivision and Redevelopment of Residential Curtilages.

However, it is considered that as an annex to the main dwelling the proposal would not give rise to amenity concerns in terms of insufficient garden ground or impact on Argyle House. It should be noted that to secure continuity and to ensure that the building would not be sold off, disposed or leased separately from Argyle House that the imposition of a condition or legal agreement could be considered.

Loss of Existing Granite Building

Planning Policy D4 [Aberdeen's Granite Heritage] states that the Council will encourage the retention of granite buildings even if not listed or in a conservation area; and that the conversion and adaptation of redundant granite buildings will be favoured.

The application site is not located within a conservation area, and it does not relate to a listed building. Whilst it is strongly encouraged that the building is retained and adapted, it is considered that the Council probably in reality has little control over its demolition. Whilst the building is described as a coach house, there was no evidence on site that the building is a residential unit. On site it is clear that it is currently used as a building ancillary to the main house [Argyle House]. On that basis consent would unlikely be required for the demolition of the building.

Planning Policy D4 continues to state that where a large or locally significant granite building that is not listed or in a conservation area is demolished, the Council will expect the original granite to be used on the principal elevations of the replacement building.

The building is considered locally of importance, but its significance is debatable. Such buildings provide interest and character within lanes, as in is this case in this instance. It is therefore considered locally significant in this setting. The building also forms part of a larger building. The attached house to the west has been rendered, and has a slate roof. The existing coach house subject to this application has granite stone walls and a natural slate roof. The proposed new replacement building would have rendered walls. It is judged that given the existing attached dwelling is rendered that the loss of granite is unacceptable. The new building should at the very least incorporate granite within the north most public elevation, thus providing a contrast to the dwelling it would be attached to and appearing in-keeping within the streetscene, including the existing granite wall. The proposal is considered contrary to Planning Policy D4 (Aberdeen's Granite Heritage).

Road Safety

Argyle House is currently served off School Road with a vehicular access. Works have recently been undertaken at the house, where a gap within the granite wall

was created for access. This at the time of the site visit was blocked off, though it is understood that it will be repaired. A previous attempt was made by the owner to install a vehicular access at this corner, but was withdrawn when it did not gain support from the Roads Projects Team.

The existing building subject to this application was previously extended to the east. The extension contains a garage door on the north elevation which is off-set from the entrance into the medical centre, i.e. it is not directly opposite. The door is an up and over type, which opens into the lane. It is understood that the extension dated from circa 1950's; it is conceivable that it may not have required planning permission at the time of its construction, and therefore no control over its internal dimensions would have been exercised.

The internal measurement of the existing 'garage' is 4.5 metres long by 4.3 metres wide. With a length of 4.5 metres it is considered that the extension is not feasible to be a garage to accommodate a car. Garages designed to accommodate a car are at the very minimum 4.9 metres in length internally. The existing 'garage' extension is therefore not considered to be a space which can be used as a garage to accommodate cars, but more as ancillary storage facility, to store bikes, motorbikes, and household items, etc. It is therefore considered that a vehicular access to serve Argyle House therefore does not currently exist from South Avenue.

The proposed development includes the provision of a double garage, with a minimum dimension of 7.2 metres wide x 6 metres long. The garage door is proposed to be located in the end gable (east elevation) of the proposed building, which to the front of would be an area of hardstanding for parking and turning. The garage and area of hardstanding would be accessed through a proposed 5 metre gap within the 2.2 metre high granite wall which runs along the northern boundary, and it would be located immediately adjacent the end wall of the building. It is proposed to install a sliding gate.

The entrance to the proposed double garage would be located close to the entrance into the medical centre which is located on the opposite side. The Roads Projects Team has noted that within the previous application the visibility splays required were 2.4 metres x 25 metres (reference 130235), whilst the submitted plans show visibility splays of 2.4 x 5 metres, which is below standard. The main concern is in relation to road and pedestrian safety. On the basis of lack of visibility splays, the Roads Projects Team object to the planning application. Any cars or pedestrians using the lane could be at risk from collision with either a vehicle using the proposed new vehicular access. The entrance to the garage is close to the medical centre, which is accessed only via South Avenue. Both pedestrians and vehicles therefore use the lane to gain access to the medical centre and other properties further along the lane. It is considered that not only would there be a conflict with other vehicles, but also pedestrians, including more vulnerable persons for example children or elderly persons

walking or cycling to the medical centre. There is no footpath provision along the lane for pedestrians to use.

The agent was invited during the processing of the earlier application to omit the garage from the proposed scheme, and to provide a detached garage within the wider garden grounds to overcome the concerns of lack of visibility, and to utilise the existing vehicular access off South Avenue. The application has failed to take recognition of the concerns previously raised. There is no over-riding need for a separate vehicular access and parking to serve an annex to Argyle House, which could use the existing parking area and access.

The proposal is considered to be contrary to planning policy T2 (Managing the Transport Impact of Development) because the proposed vehicular access would have the potential to cause conflict with other vehicles and pedestrians using the lane due to the lack of visibility splays. Furthermore, the Supplementary Guidance 'The Sub-division and Redevelopment of Residential Curtilages' states that 'the provision of pedestrian and vehicular access to both the existing and the new dwelling is essential. In every case there should be safe and convenient pedestrian and vehicular access from the dwelling to the public road and pavement.' [Para 7.1] and 'vehicular access from the public street must provide safe sightlines for pedestrians and the driver of the vehicle.' [Para 7.3]

Other

One letter of representation was made in relation to the application. The concerns raised are not material as blocking of an access is not something that the Planning Service can control and damage to property. In relation to the greenhouse, this does not form part of the consideration of this application, as it is understood to be permitted development based on the information provided from the agent.

All the area of hardstanding has not been included within the application site boundary as part of the proposed hardstanding and steps have been omitted. Whilst this is not ideal, it has not affected the consideration of this application. Should the recommendation have been to approve planning it is considered that conditions could be imposed to ensure adequate parking and turning, and given the application is an annex to the main dwelling, there is sufficient control to secure its provision and retention.

Policy R6 Waste Management Requirements for New Developments – there should be sufficient space for the storage of residual, recyclable and compostable wastes. It should accord with Supplementary Guidance on Waste Management. No details of waste management have been provided, however it is considered that there would be sufficient space to accommodate the necessary bins and recyclable facilities which could be secured by condition.

Policy R7 Low and Zero Carbon Buildings – all new buildings in meeting building regulation energy requirements must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions at a level as cited in the Supplementary Guidance on Low and Zero Carbon Buildings. No details of Low and Zero Carbon Technology has been provided, however currently as stated, if a development complies with the Building Standards then it is in compliance with the supplementary guidance. It is therefore judged that it is not necessary to apply a condition.

Conclusion

If approved there would need to be consideration for a condition to specify that the building could only be occupied as ancillary accommodation for Argyle House. Furthermore, and for the avoidance of any doubt, permitted development rights should be removed, to ensure that the building could not be altered or extended without the benefit of planning permission in the interests of visual amenity, residential amenity and to ensure effective control.

The proposed development involves the loss of a granite building, which whilst not in a conservation area or considered a large building, is in terms of the lane and the area which it is sited is a significant building in terms of the context of the streetscene. The proposed replacement building does not incorporate the original granite to be used on the principal elevations of the replacement building. The proposal is therefore contrary to Planning Policy D4 of the Aberdeen Local Development Plan.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

1. The proposed development is considered unacceptable in terms of its design by virtue of its scale, mass and external materials, particularly on its public elevation onto the lane, which fails to pay respect to its setting. The proposal is therefore contrary to Scottish Planning Policy which seeks high quality design; and the following policies contained within the Aberdeen local Development Plan - D1 [Architecture and Placemaking] which seeks high standards of design to ensure that the setting of the proposed development and its design is acceptable; and H1 [Residential Areas] as the proposed new development would result in having an unacceptable impact on the character of the surrounding area.
2. The proposed non-use of granite within the replacement building is considered contrary to planning policy D4 (Aberdeen's Granite Heritage) of the Aberdeen Local Development Plan. The existing building is granite and is considered locally significant. Its loss would erode a traditional building which

policies seek to retain. Whilst in principle there is no over-riding objection to a suitable designed building, it is considered that it should incorporate granite on the northern most public elevation, to appear in-keeping within the streetscene, and to comply with planning policy D4.

3. The proposed development would constitute a road safety and pedestrian safety hazard by virtue of the creation of a new access without the requisite visibility splays. The proposal is therefore contrary to Scottish Planning Policy and Planning Policies H1 [Residential Areas] and T2 [Managing the Transport Impact of Development] of the Aberdeen Local Development Plan. Furthermore, it is contrary to Supplementary Guidance on The Sub-division and Redevelopment of Residential Curtilages which requires a safe and convenient pedestrian and vehicular access from the dwelling to the public road and pavement and, that the vehicular access from the public street must provide safe sightlines for pedestrians and the driver of the vehicle.

5 School Road

application No 140369

Cults
AB15 9LR
5th April 2014

Dear Sir

My concern to this proposed development is the access. For the past 3 years development has been happening at this address & the access to my home has been blocked many many times. As this development is mainly on South Avenue opposite the health centre I see ever more problems of access.

Also the road (School Road) which I think is owned by myself, but in Donald & Rory Court has been badly 'torn up' by the many trucks, cranes, diggers etc, so much so that the drain covers stand proud of the surface of the road by about 2"-3".

Perhaps repair of the road should be considered in

This development.

As far as I can see a large greenhouse has been erected in the last few months, are they proposing a second one?

Yours sincerely



P&SD Ltd. - S. S. 7 -	
Application Number:	140369
RECEIVED	8 APR 2014
Officer Initials	SWO
Knowledge	9-4-14
MAP	

Policy D1 – Architecture and Placemaking

To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

To ensure that there is a consistent approach to high quality development throughout the City with an emphasis on creating quality places, the Aberdeen Masterplanning Process Supplementary Guidance will be applied.

The level of detail required will be appropriate to the scale and sensitivity of the site. The full scope will be agreed with us prior to commencement.

Landmark or high buildings should respect the height and scale of their surroundings, the urban topography, the City's skyline and aim to preserve or enhance important views.

Policy D2 - Design and Amenity

In order to ensure the provision of appropriate levels of amenity the following principles will be applied:

1. Privacy shall be designed into higher density housing.
2. Residential development shall have a public face to a street and a private face to an enclosed garden or court.
3. All residents shall have access to sitting-out areas. This can be provided by balconies, private gardens, terraces, communal gardens or other means acceptable to the Council.
4. When it is necessary to accommodate car parking within a private court, the parking must not dominate the space: as a guideline no more than 50% of any court should be taken up by parking spaces and access roads. Underground or decked parking will be expected in high density schemes.
5. Individual flats or houses within a development shall be designed to make the most of opportunities offered by the site for views and sunlight. Repeated standard units laid out with no regard for location or orientation are not acceptable.
6. Development proposals shall include measures to design out crime and design in safety.

7. External lighting shall take into account residential amenity and minimise light spillage into adjoining areas and the sky.

Development deemed to have an influence on public realm in the City Centre, Town, District or Neighbourhood Centres will make an agreed contribution to art or other enhancement of the public realm.

Policy D4 - Aberdeen's Granite Heritage

The City Council will encourage the retention of granite buildings throughout the City, even if not listed or in a conservation area. Conversion and adaptation of redundant granite buildings will be favoured. Within conservation areas, neither conservation area consent nor planning permission will be given for the demolition or part removal of granite buildings (excepting those buildings that make an insignificant contribution to the character of the conservation area). Consent will not be given for the demolition of granite-built garden or other boundary walls in conservation areas. Where a large or locally significant granite building that is not listed or in a conservation area is demolished, the City Council will expect the original granite to be used on the principal elevations of the replacement building.

The City Council will seek to retain original setted streets and granite pavements in conservation areas, and elsewhere if they contribute significantly to a sense of place. Where the opportunities occur, greater use will be made of granite in resurfacing historic streets in the City Centre.

The City Council will seek to retain coach houses and other large granite-built outbuildings adjoining rear lanes in conservation areas and conversion to appropriate new uses will be encouraged.

Policy H1 – Residential Areas

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new residential development and householder development will be approved in principle if it:

1. Does not constitute overdevelopment
2. Does not have an unacceptable impact on the character or amenity of the surrounding area
3. Does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010
4. Complies with Supplementary Guidance on Curtilage Splits; and
5. Complies with Supplementary Guidance on House Extensions

Within existing residential areas, proposals for non-residential uses will be refused unless:

1. They are considered complementary to residential use

2. It can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity

Policy T2 – Managing the Transport Impact of Development

New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Guidance. Planning conditions and/or legal agreements may be imposed to bind the targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review.

Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

Policy R6 – Waste Management Requirements for New Development

Housing developments should have sufficient space for the storage of residual, recyclable and compostable wastes. Flatted developments will require communal facilities that allow for the separate storage and collection of these materials. Recycling facilities should be provided in all new superstores or large supermarkets and in other developments where appropriate. Details of storage facilities and means of collection must be included as part of any planning application for development which would generate waste.

Further details are set out in the Supplementary Guidance on Waste Management.

Policy R7 - Low and Zero Carbon Buildings

All new buildings, in meeting building regulations energy requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards. This percentage requirement will be increased as specified in Supplementary Guidance.

This requirement does not apply to:

1. Alterations and extensions to buildings;
2. Change of use or conversion of buildings;

3. Ancillary buildings that are stand-alone having an area less than 50 square metres;
4. Buildings which will not be heated or cooled, other than by heating provided solely for the purpose of frost protection; or
5. Buildings which have an intended life of less than two years.

Compliance with this requirement will be demonstrated by the submission of a low carbon development statement. Further guidance is contained in Supplementary Guidance on Low and Zero Carbon Buildings.

Town and Country Planning (Scotland) Act 1997 (as amended)

25 Status of development plans

Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

37(2) Determination of applications: general considerations

In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

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Supplementary Guidance

Topic: Householder Development Guide



▪ INTRODUCTION

Good quality design, careful siting and due consideration of scale are key to ensuring that domestic development does not erode the character and appearance of our residential areas. Poorly designed extensions and alterations to residential properties can have a significant impact on the character and appearance of a building which, when repeated over time, can have a significant cumulative impact upon the wider area. By ensuring that careful consideration is given to such works, and consistent standards applied, we can seek to retain the characteristics of the built environment which contribute towards the character and identity of an area, while also protecting the amenity enjoyed by residents.

▪ OVERALL OBJECTIVE

All extensions and alterations to residential properties should be well designed, with due regard for both their context and the design of the parent building. Such extensions and alterations should make a positive contribution to the design and appearance of a building, maintain the quality and character of the surrounding area, and respect the amenity of adjacent neighbours. This document seeks to facilitate good design and provide a sound basis for restricting inappropriate development, bringing together a number of existing pieces of supplementary guidance into a single document in the process.

▪ SCOPE OF GUIDANCE

The guidelines set out in this document shall apply, on a city-wide basis unless otherwise stated, to all domestic properties. In the case of dormer windows and roof extensions, the guidelines will also extend to originally residential properties now in non-domestic use. It should be noted that the guidance contained within this document will be applicable only to those development proposals which require an express grant of planning permission, and shall not apply where any proposal is exempted from the application process by virtue of relevant permitted development rights. Permitted Development is a term used for certain types of development which, by satisfying specified conditions, is automatically granted planning permission without the submission of an application to the planning authority.

This document supersedes existing supplementary guidance relating to *'Dormer Windows and Roof Extensions'*, *'Dwelling Extensions in Aberdeen City'*, *'Dwelling Extensions in Cove'* and *'Extensions forward of the Building Line'*. The guidelines set out in this supplementary guidance should, where relevant to the development proposal, be read in conjunction with the City Council's other published Supplementary Guidance and Technical Advice Notes.

▪ THE ROLE OF THE PLANNING SYSTEM

In coming to a decision on any planning application, the planning authority must determine that application in accordance with the development plan, unless '*material considerations*' indicate otherwise. At time of writing, the development plan comprises the Aberdeen Local Plan 2008 and the Aberdeen City and Shire Structure Plan 2009.

There are two main tests in deciding whether a consideration is material and relevant:

- It should serve or be related to the purpose of planning – it should therefore relate to the development and use of land; and
- It should fairly and reasonably relate to the particular application.

It is for the decision-maker to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the provisions of the development plan. As a result of changes to the planning system, made through the 2006 Planning etc. (Scotland) Act and associated regulations, Supplementary Guidance prepared and adopted in connection with a Local Development Plan will form part of the development plan.

It should be noted that the planning system does not exist to protect the interests of one person against the activities of another, although in some cases private interests may well coincide with the public interest. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

▪ STATUTORY REQUIREMENTS

The definition of "development" is set out in the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc (Scotland) Act 2006, and is termed as the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. There are various exemptions to this, details of which can be provided by the planning authority.

Permitted Development rights set out in the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended. This document, commonly termed the 'Permitted Development Order' or 'PD Order', sets out various works which will not require an express grant of planning permission, provided those works are carried out in accordance with certain criteria. Where it is intended to utilise these rights, we encourage householders to seek confirmation from the planning authority before any works are carried out. The permitted development rights available to any

particular property can vary depending on factors such as location within a conservation area, removal of such rights by condition placed on a past approval, or removal of such rights by a virtue of an Article 4 direction. The effect of such a Direction is to remove permitted development rights, thereby necessitating submission of a formal application for planning permission. All of Aberdeen's Conservation Areas are covered by Article 4 Directions, with the exception of Rosemount and Westburn (Conservation Area 11). Article 4 directions also apply to areas of areas of Kingswells and Burnbanks, which lie outwith any Conservation Area. Please contact the planning authority for further details.

Taking into account the above, householders considering any works to land or property, should ask the following questions;

1. Do these works constitute 'development' as set out in planning legislation?
2. If the works constitute 'development', can they be carried out as 'Permitted Development'?

The answers to these questions will determine whether a planning application is necessary for any works, though it is recommended that the Council be consulted in order to ensure that any interpretation of legislation is correct.

In assessing planning applications, there are a number of duties incumbent upon Aberdeen City Council as the planning authority. These are duties set out in relevant planning legislation, and include the following;

Listed Buildings – The authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Conservation Areas – With respect to buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Trees – The planning authority shall, in granting planning permission for any development, ensure adequate provision is made for the preservation or planting of trees. Furthermore the authority shall make tree preservation orders (TPOs) as it considers to be necessary in connection with the grant of any such permission.

Protected Species – Where there is reason to believe that protected species may be located within or adjacent to a development site, the Planning Authority may deem it necessary for an application to be accompanied by additional supporting information in order to allow proper assessment of any likely impact as a result of development. For further guidance in relation to protected species, applicants should consult the City Council's published Supplementary Guidance on **Natural Heritage**; and **Bats and Development**.

Where works would affect a listed building, it may be necessary to apply for a separate consent for those works, called Listed Building Consent. This consent is independent from ordinary planning permission, and may be required in addition to planning permission. Where both consents are necessary, the applicant must obtain both consents before work can begin.

In assessing any application for Listed Building Consent, the emphasis is placed on preserving the historic character of the building(s) in question. Applications can be made online via the Scottish Government's e-planning website (www.eplanning.scotland.gov.uk) or direct to Aberdeen City Council using the application forms available on our own website. For advice on whether Listed Building Consent will be necessary for your proposal, please contact Aberdeen City Council's Development Management section on 01224 523 470 or by email via pi@aberdeencity.gov.uk. In considering proposals for Listed Building Consent, Conservation Area Consent or planning permission for development which may affect the historic environment, the planning authority will take into account Scottish Planning Policy (SPP), the Scottish Historic Environment Policy (SHEP) and the Managing Change in the Historic Environment guidance note series published by Historic Scotland.

Planning legislation requires that certain applications are advertised in the local press. Applications for Listed Building Consent or planning applications that affect the setting of a listed building will be advertised, while those located within a Conservation Area may be advertised depending on the potential impact of the proposal. There is no charge to the applicant in such instances. Advertisement is also required where it has not been possible to issue notification because there are no properties on adjacent land, and for this the cost will be borne by the applicant.

▪ GENERAL PRINCIPLES

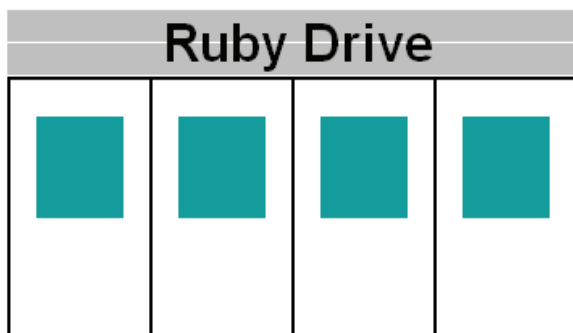
Elsewhere in this document, guidelines are set out in relation to specific types of development, such as house extensions, porches etc. In addition to those specific criteria, the following principles will be applied to **all** applications for householder development:

1. Proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling.
2. Any extension or alteration should not result in a situation where amenity is 'borrowed' from an adjacent property. Significant adverse impact on privacy, daylight and general residential amenity will count against a development proposal.

3. Any existing extensions, dormers or other alterations which were approved prior to the introduction of this supplementary guidance will not be considered by the planning authority to provide justification for a development proposal which would otherwise fail to comply with the guidance set out in this document. This guidance is intended to improve the quality of design and effectively raise the design standards and ground rules against which proposals will be measured.
4. The built footprint of a dwelling house as extended should not exceed twice that of the original dwelling.
5. No more than 50% of the front or rear curtilage shall be covered by development.

▪ **REAR & SIDE EXTENSIONS**

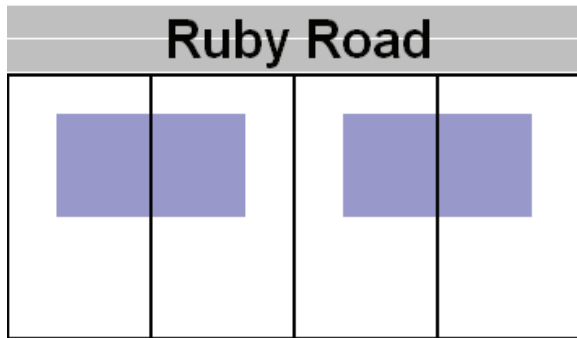
In addition to the design considerations noted above, the planning authority shall continue to apply guidelines relating to specific types of dwellings, as follows. Where dimensions are stated for projection of extensions, these should be measured from the rearmost original part of the main building, and should not include any store or outhouse which did not originally contain any internal living accommodation. Where an extension is proposed as part of a steading conversion, the proposal will be assessed primarily against the Council’s published Supplementary Guidance on *‘The Conversion of Steadings and other Non-residential Vernacular Buildings in the Countryside’*.



1. Detached Dwellings

- a) The maximum dimensions of any single-storey extension will be determined on a site-specific basis.
- b) On detached properties of 2 or more storeys, two storey extensions will generally be possible, subject to the considerations set out in the ‘General Principles’ section, above.

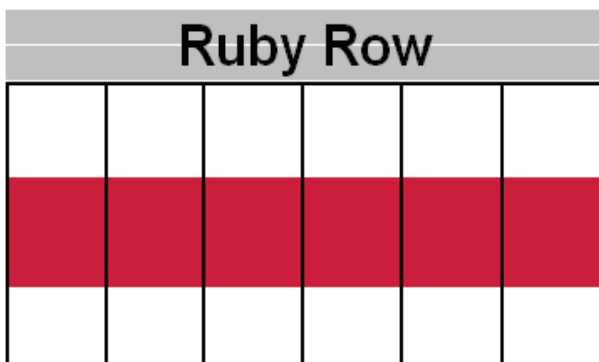
2. Semi-detached Dwellings



- a) Single storey extensions will be restricted to 4m in projection along the boundary shared with the other half of the semi-detached property. In all other cases, the maximum size of single storey extension will be determined on a site-specific basis, with due regard for the topography of the site and the relationship between buildings.

- b) On properties of 2 or more storeys, two storey extensions may be possible, subject to the design considerations set out in the 'General Principles' section, above. The projection of two-storey extensions will be restricted to 3m along the boundary shared with the other half of the semi-detached property.

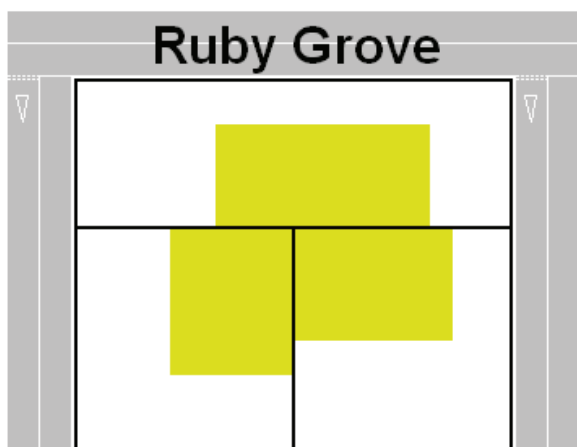
3. Conventional Terraced Dwellings



- (a) Single storey extensions to terraced dwellings will be restricted to 3m in projection along a mutual boundary.
- (b) Two storey extensions will normally be refused where the proposal runs along a mutual boundary. There will generally be limited scope for the addition of two-storey extensions to terraced properties.

- (c) Proposals for extensions to end-terrace properties will be subject to these standards unless it can be demonstrated that the specific circumstances of the site and the proposal justify a departure from the above.

4. Grouped Terraces



- (a) Extensions should not project forward of any established building line
- (b) Single-storey extensions to group terrace properties will be restricted to 3m in projection from the rear wall of the original dwelling
- (c) Two-storey extensions to grouped terrace properties will not normally be acceptable

▪ FRONT EXTENSIONS / PORCHES

The Council has developed the practice, when considering proposals for porch extensions in front of a formal building line, of limiting such structures to the minimum size necessary for protection from storms.

The practice which has become established is intended to preserve the consistent architectural form of a terrace, maintain an uncluttered street scene and to ensure that light and prospect are not lost to neighbouring properties. Recent changes to permitted development legislation allow the construction of porches in certain prescribed instances. In assessing applications of this nature, the following will apply;

a) Front extensions of any type should be of a scale and design which is complementary to, and consistent with, the original dwelling. Modest porches will generally be acceptable, but these should not incorporate additional rooms (e.g. toilet, shower room), and should not detract from the design of the original building or the character of the street.

b) In all cases, careful consideration will be given to (i) impact on adjacent property; (ii) visual impact; and (iii) the extent of any building line and the position of the adjacent buildings generally.

c) Within a Conservation Area, it will not be permitted to add a front extension to any property which forms part of an established building line.

d) Given the wide variety of house types across the city and the existence of 'dual-frontage' dwellings, it will be for the planning authority to determine which elevation forms the principal elevation of a dwelling for the purposes of this guidance.

e) It may be permissible to incorporate bay windows on front elevations, subject to an appropriate restriction in depth and an acceptable design outcome which will complement the original property. The design and scale of such extensions should reflect that of the original dwelling, and should not be utilised as a means to secure significant internal floorspace.

f) Any front extension should incorporate a substantial proportion of glazing, in order to minimise its massing and effect on the streetscape.

▪ DORMER WINDOWS AND ROOF EXTENSIONS

Recent changes to the Permitted Development rights available to householders allow for the addition of dormer windows (subject to criteria regarding position in relation to a road, distance from site boundaries etc) to properties outwith Conservation Areas. Nevertheless, such alterations can have a significant impact upon the character of a property and the wider streetscape, and so careful consideration of proposals remains important.

As a basic principle, new dormer windows or roof extensions should respect the scale of the building and they should not dominate or tend to overwhelm or unbalance the original roof. The purpose of this design guide is to assist those intending to form, alter or extend dormer windows in their property, in formulating proposals which are likely to be considered favourably by the planning authority. Situations may arise where the extent of new dormers or roof extensions will be considered excessive. There may also be situations where any form of roof extension or dormer will be considered inappropriate e.g. on a very shallow pitched roof with restricted internal headroom. It is recommended therefore that advice from the planning authority is obtained before submitting a formal application for any consent.

A series of general guidelines are outlined below, and are followed by further guidelines which will be applied to older properties of a traditional character and modern properties respectively.



Above: Examples of the variety of dormer types to be seen around Aberdeen

Below: Situation where roof pitch is too shallow to comfortably accept any type of dormer or roof extension



Example of a poorly designed roof extension – Dormers are too large, dominating the roof slope, and use of substantial infill panels and slated aprons contributes to bulky appearance

Dormer Windows: General Principles

The following principles will normally apply in all cases:

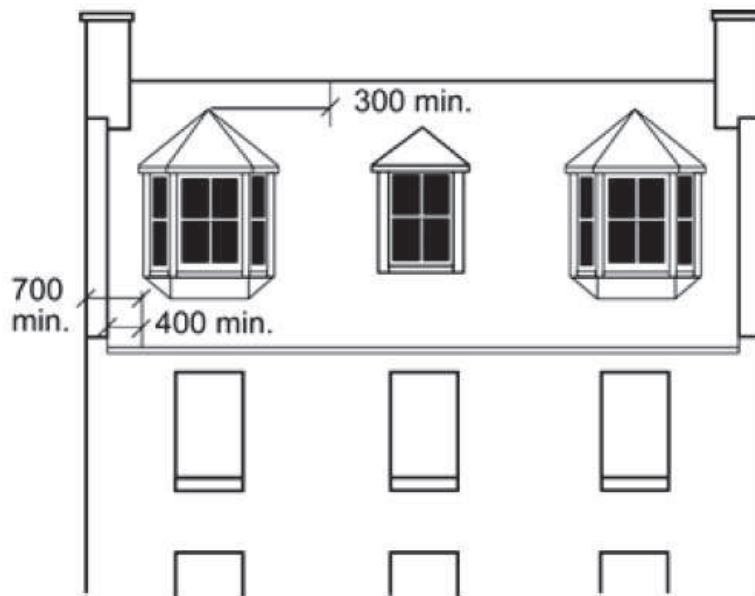
- a) On traditional properties, original dormers must be retained and repaired, and their removal and/or replacement with larger or modern dormers will not be permitted;
- b) The removal of inappropriate earlier dormers and roof extensions, and their replacement by architecturally and historically accurate dormers will be actively encouraged;
- c) In terraces or blocks of properties of uniform design where there are no existing dormers, the construction of new dormers will not be supported on the front or other prominent elevations (e.g. fronting onto a road);
- d) On individual properties or in terraces where there are existing well-designed dormers and where there is adequate roof space, the construction of new dormers which match those existing may be acceptable. Additional dormers will not be permitted however, if this results in the roof appearing overcrowded. These dormers should be closely modelled in all their detail and in their position on the roof, on the existing good examples. They will normally be aligned with windows below;
- e) Box dormers will not be permitted anywhere on listed buildings, nor will the practice of linking existing dormers with vertical or inclined panels; and
- f) In the case of non-listed buildings in conservation areas, consideration may be given to the provision of linked panels between windows on the private side of the building, where the extension is not seen from any public area or is otherwise only visible from distant view. In such cases any linked panel should slope at a maximum of 75° to the horizontal.

Non-traditional style dormers may be accepted on the rear of non-listed buildings in conservation areas, but generally not on the rear or any other elevations of listed buildings.

Dormer Windows: Older properties of a traditional character

1. Front Elevations

- a) On the public elevations of older properties the Council will seek a traditional, historically accurate style of dormer window. In addition, all new dormers will have to be of an appropriate scale, i.e. a substantial area of the original roof must remain untouched and clearly visible around and between dormers. The main principles to be followed are:
- b) Existing original dormers should be retained or replaced on a "*like for like*" basis. Box dormer extensions will not normally be acceptable on the front elevations;
- c) The aggregate area of all dormers and/or dormer extensions should not dominate the original roof slope. New dormers should align with existing dormers and lower windows and doors;
- d) The front face of dormers will normally be fully glazed and aprons below the window will not be permitted unless below a traditional three faceted piended dormer;
- e) Dormers should not normally rise directly off the wallhead. In the case of stone buildings, dormers which rise off the inner edge of the wallhead will generally be acceptable. The position of the dormer on the roof is very important. Dormers which are positioned too high on the roof give the roof an unbalanced appearance
- f) The outer cheek of an end dormer should be positioned at least 700mm in from the face of the gable wall or 1000mm from the verge. Where there is tabling on top of the gable, the cheek should be at least 400mm in from the inside face of the tabling. It is never acceptable for a dormer haffit to be built off the gable or party wall; and
- g) The ridge of any new dormer should be at least 300mm below the ridge of the roof of the original building. If it is considered acceptable for the dormer ridge to be higher than this, it should not nevertheless, breach the ridge or disturb the ridge tile or flashing.

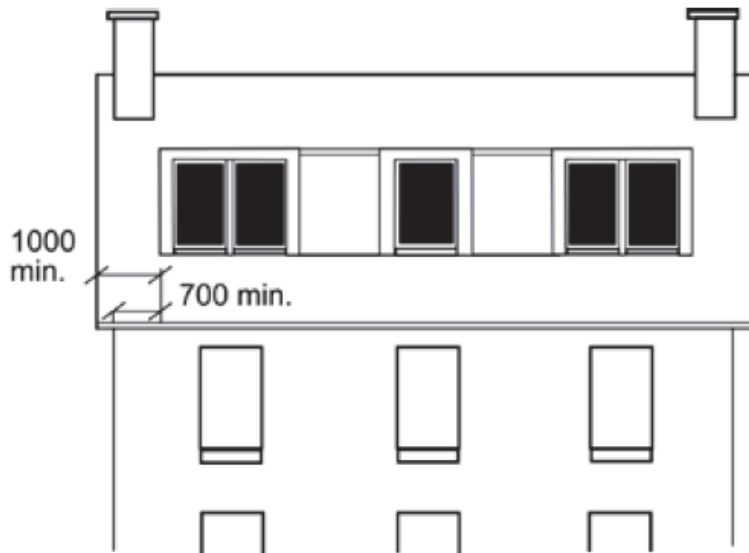


Piended dormers on typical Aberdeen tenement (linking dormers not acceptable on front elevations)

2. Rear Elevations and Exceptions

The guidelines for older properties may be relaxed where a property is situated between two properties which have existing box dormer extensions, or in a street where many such extensions have already been constructed. They may also be relaxed on the non-public (rear) side of a property. In such cases, and notwithstanding the design and finish of neighbouring development, the following minimum requirements will apply:

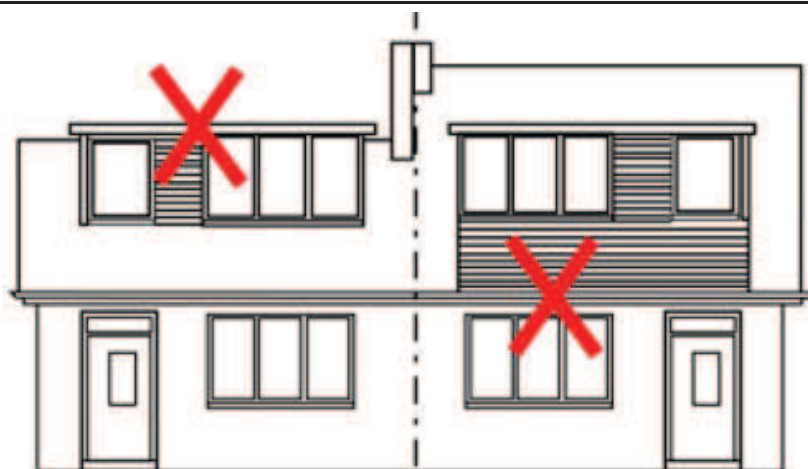
- a) The aggregate area of all dormer and/or dormer extensions should not dominate the original roof slope;
- b) Dormer haffits should be a minimum of 400mm in from the inside face of the gable tabling;
- c) The front face of dormer extensions should be a minimum of 400mm back from the front edge of the roof, but not so far back that the dormer appears to be pushed unnaturally up the roof slope.
- d) Flat roofs on box dormers should be a reasonable distance below the ridge;
- e) Windows should be located at both ends of box dormers;
- f) A small apron may be permitted below a rear window; and
- g) Solid panels between windows in box dormers may be permitted but should not dominate the dormer elevation.



Flat roofed box dormer (normally only acceptable on rear elevations)

Dormer Windows: Modern Properties

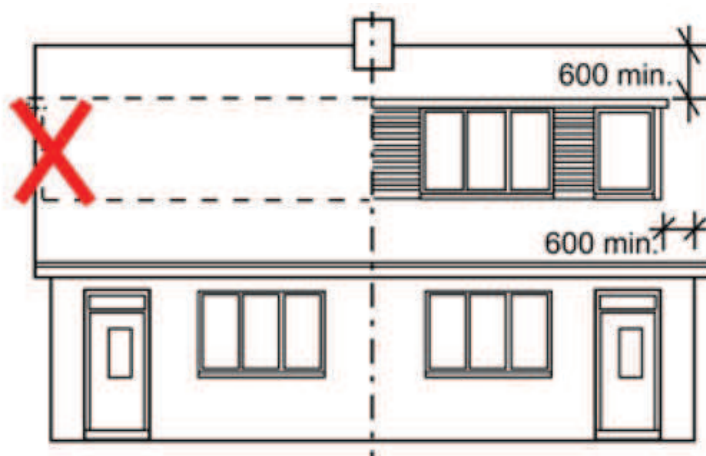
- a) Dormers and box dormer extensions have become common features in many modern housing areas, and the wide variety of designs of modern dwellings necessitates a greater flexibility in terms of design guidance. The amenity of other properties and the residential neighbourhood must however, still be protected, with the integrity of the building being retained after alteration. The following basic principles may be used to guide the design and scale of any new dormer extension:
- b) The dormer extension should not appear to dominate the original roofspace.
- c) The dormer extension should not be built directly off the front of the wallhead as the roof will then have the appearance of a full storey. On public elevations there should be no apron below the window, although a small apron may be acceptable on the rear or non-public elevations. Such an apron would be no more than three slates high or 300mm, whichever is the lesser;



Dormer extension should not extend to or breach ridge (roof too shallow)

Dormer extensions should not be built off front of wall head or include apron

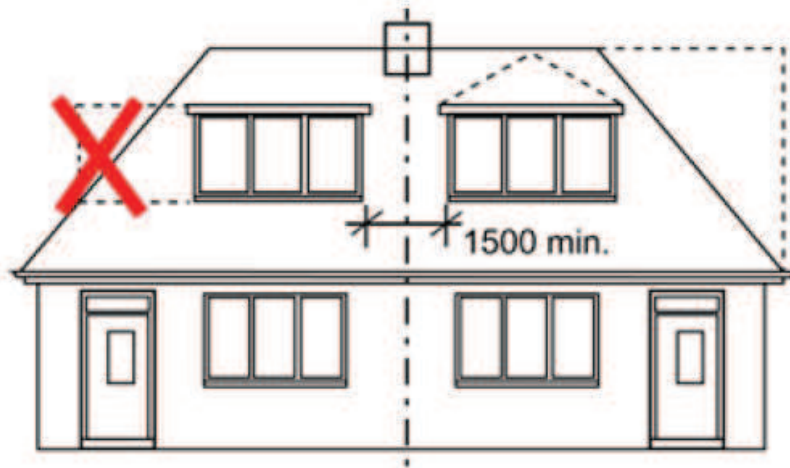
- d) The roof of the proposed extension should not extend to, or beyond the ridge of the existing roof, nor should it breach any hip. Dormer extensions cannot easily be formed in hipped roofs. Flat roofed extensions should generally be a minimum of 600mm below the existing ridge;
- e) The dormer extension should be a minimum of 600mm in from the gable. The dormer haffit should never be built off the gable or party walls, except perhaps in the situation of a small semi-detached house where the dormer extension may sometimes be built off the common boundary. In terrace situations, or where a detached or semi-detached bungalow is very long, dormer extensions should be kept about 1500mm apart (i.e. dormer haffits should be 750mm back from the mutual boundary) so as not to make the dormer appear continuous or near continuous;



Box dormer extension on small semi-detached house (in this case it is permissible to build up to the party wall). Dormers should not extend out to verge / roof edge.

- f) The outermost windows in dormer extensions should be positioned at the extremities of the dormer. Slated or other forms of solid panel will not normally be acceptable in these locations. In the exception to this situation, a dormer on a semi-detached house may have a solid panel adjacent to the common boundary when there is the possibility that the other half of the house may eventually be similarly extended in the foreseeable future. In this case the first part of the extension should be so designed as to ensure that the completed extension will eventually read as a single entity;
- g) There should be more glazing than solid on the face of any dormer extension.
- h) Box dormer extensions should generally have a horizontal proportion. This need not apply however, to flat roofed individual dormer windows which are fully glazed on the front;

- i) Finishes should match those of the original building and wherever possible the window proportion and arrangement should echo those on the floor below:
- j) The design of any new dormer extension should take account of the design of any adjoining dormer extension.

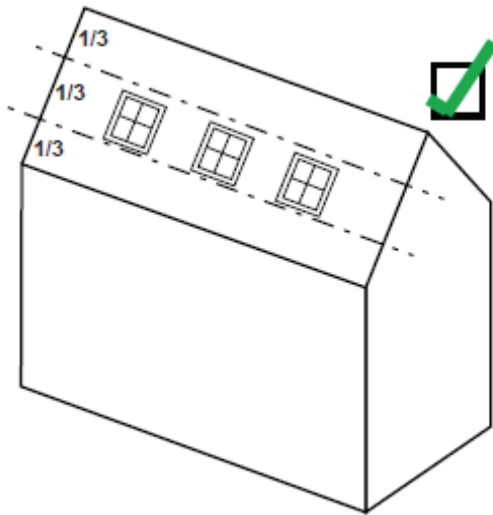


Flat roofed dormers on more traditional hipped roof house (Dormers should not breach hips. A pitched roof on this kind of dormer greatly increases its bulk). Extending roof to the gable on one side only is best avoided.

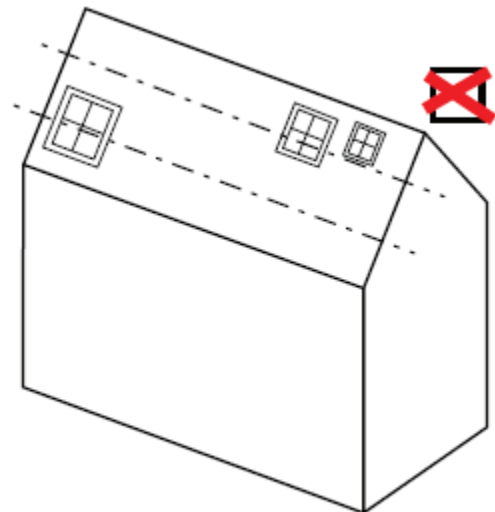
▪ ROOFLIGHTS

The installation of rooflights is a simple and cost effective method of allowing additional natural light and ventilation into an attic or roofspace. An excessive use of these rooflights can however, create visual clutter on a roof. Planning Permission is required for the installation of such rooflights on buildings in conservation areas and Listed Building Consent is required for proposals involving alteration of a listed building. When considering the installation of a rooflight, account should be taken of the following:-

a) A rooflight provides considerably more light than a normal vertical window of the same dimension. Many rooflights installed are consequently, larger and more numerous than is really necessary. In a roofspace used only for storage, the smallest rooflight will generally be adequate;



Small rooflights in the middle third of roof space and evenly spaced.

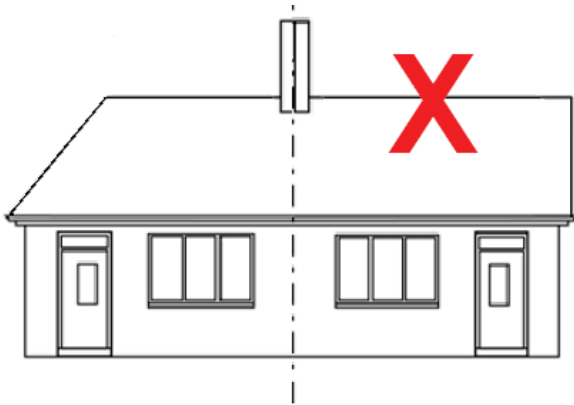


Rooflights too large and too close to eaves and verge. A variety of sizes, spacing and levels.

- b) Rooflights should have a conspicuously vertical proportion. Seen from ground level, the foreshortening effect will tend to reduce the apparent height of the window, giving it a more squat appearance;
- c) On older buildings, and particularly on listed buildings and buildings in conservation areas, a 'heritage' type of rooflight will be expected. This is of particular importance on public elevations. Even the addition of a central glazing bar to a rooflight can provide a more authentic appearance in such instances;
- d) Large timber or cast iron rooflights divided into several sections were frequently provided above stairwells. It is not ideal to replace these with a single-pane modern rooflight. If the original rooflight cannot be repaired, aluminum or steel patent glazing is a more satisfactory option; and

- e) For rooflights fitted into slated roofs, manufacturers can provide a special flashing with their rooflights to keep the projection of the rooflight above the plane of the slates to a minimum.
- f) There are available metal roof windows which have an authentic traditional appearance whilst meeting current standards for insulation and draught exclusion.

▪ **OTHER FORMS OF DORMER WINDOW AND ROOF EXTENSION**



Hipped roof extensions

Modifying only one half of a hipped roof is likely to result in the roof having an unbalanced appearance. The practice of extending a hipped roof on one half of a pair of semi-detached houses to terminate at a raised gable will not generally be accepted unless;

- The other half of the building has already been altered in this way; **or**
- Such a proposal would not, as a

result of the existing streetscape and character of the buildings therein, result in any adverse impact on the character or visual amenity of the wider area.

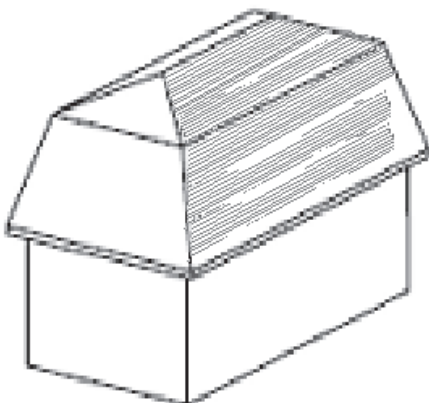
Half dormer windows

Half dormer windows have the lower part of the window within the masonry wall, with the part in the roof space surrounded by masonry or timberwork. This type of window is usually quite narrow, vertical in proportion, and is appropriate when the floor is below the wall-head level.



Wall-head gables

A wall-head gable commonly has a centre window, with flues passing each side within the masonry to a common central chimney. It would be essential for any such feature to be constructed in the same material as the wall below. (Both half dormer window and wall-head gables have a strong visual impact which could substantially alter the character of a building. They are therefore, unlikely to be acceptable on listed buildings, but might be accepted in conservation areas or on other older buildings of a traditional character.)



Mansard Roofs

Mansard roofs are a common, even a somewhat overused method of obtaining additional attic floorspace having standard headroom overall. Mansard roofs tend to have a top heavy appearance on buildings which have only a single storey of masonry, and should be restricted to buildings of two or more masonry storeys. They will not normally be acceptable in semi-detached or terraced situations unless all the other properties in the

group are to be similarly altered at the same time. In effect, few situations will arise where an existing roof can readily be converted to a mansard roof.

On the occasions when a mansard roof solution is acceptable, considerable attention to detail is required to ensure that the altered roof is visually authentic. The following points should be observed:

- a) There should be no fascia at the eaves, nor should the mansard project forward of the masonry line;
- b) The mansard should be taken down to either a concealed lead gutter behind a masonry parapet, or to an "ogee" or half round cast iron gutter in line with the face of the masonry;
- c) The gables of the building should be extended up in the same material as the original gables, and should terminate at a masonry skew in the same profile as the mansard roof. It will not normally be acceptable to return the mansard roof across the gable with hipped corners;
- d) The lower slope of the roof should be inclined at no greater than 75° to the horizontal.

▪ OTHER DOMESTIC ALTERATIONS

Replacement Windows and Doors

Windows and doors are important features of a building that contribute greatly to the character of the building and of the street in which the building stands. They are also increasingly subject to alteration or replacement. Householders are referred to the council's Supplementary Guidance entitled '*Guidance on the Repair and Replacement of Windows and Doors*'.

Satellite Dishes

In all cases, microwave antennas should, as far as is practicable, be sited so as to minimise their visual impact and effect on the external appearance of a building. The cumulative effects of such seemingly minor additions can be significant, particularly within conservation areas and where installed on listed buildings. Permitted development rights exist for the installation of satellite dishes on dwellinghouses outwith Conservation Areas, provided any dish installed would not project more than 1m from the outer surface of an external wall, roof plane, roof ridge or chimney of the dwellinghouse.

For buildings containing flats, satellite dishes may only be installed without planning permission where the site;

1. Lies outwith any Conservation Area
2. Is not within the curtilage of a Listed Building
3. Would not protrude more than 1m from the outer surface of any wall, roof place, roof ridge or chimney.

Where planning permission is required for such works, the Council's duties in relation to listed buildings and conservation areas will be of relevance. Householders should also be aware that, irrespective of the Permitted Development rights set out above, a separate application for Listed Building Consent is likely to be required where installation is proposed within the curtilage of a listed building.

Decking

Homeowners are often unaware that the formation of decking may require planning permission. It is therefore important to discuss any such proposals with the planning authority at an early stage to determine what consents may be necessary and to identify any potential issues with a proposal. The formation of decking will require planning permission in the following instances;

- Any part of the deck would be forward of a wall forming part of the principal elevation, or side elevation where that elevation fronts a road;
- The floor level of any deck or platform would exceed 0.5m in height;
- The combined height of the deck and any wall, fence, handrail or other structure attached to it, would exceed 2.5m;
- If located within a Conservation Area or within the curtilage of a Listed Building, the deck or platform would have a footprint exceeding 4 square metres

Raised decking can in many cases provide a desirable outdoor amenity space, but the impact upon adjacent properties should be given careful consideration. The raised surface of a deck may result in overlooking into neighbouring gardens and a consequent loss of privacy. Equally, enclosing raised decks with additional fencing can result in neighbours being faced with excessively tall boundary enclosures which can affect light in neighbouring gardens.

The following guidelines will be relevant to the assessment of proposals involving raised decking areas;

- a) Proposals should not result in an unacceptable loss of privacy for neighbouring residents.
- b) Proposals should not result in an adverse impact upon the amenity of adjacent dwellings, including both internal accommodation and external private amenity space.
- c) There will be a presumption against the formation of decking to the front of any property, or on any other prominent elevation where such works would adversely affect the visual amenity of the street scene.

Fences, Walls and Other Boundary Enclosures

Boundary enclosures such as fences, gates and walls may not require planning permission, due to the permitted development rights which exist.

- a) Planning permission will always be required for such works to a listed building, or within the curtilage of a listed building.
- b) Planning permission will always be required for such works within a Conservation Area.
- c) Conservation Area Consent may be necessary for the demolition of boundary walls with conservation areas.
- d) In all instances, the scale and form of boundary enclosures should be appropriate to their context and should not detract from the street scene as a result of inappropriate visual impact.
- e) In all instances, proposals for boundary enclosures should not result in an unacceptable impact upon the amenity of neighbouring dwellings.

Driveways

The Council's Supplementary Guidance on '*Transport and Accessibility*' provides guidance on situations where planning permission will be required for such works. This guidance also sets out criteria by which applications for parking areas in Conservation Areas and within the curtilage of Listed Buildings will be assessed.

Planning permission will be required in the following circumstances;

- The property is a flat;
- Construction work involves over 0.5 metres of earthworks (excavation or raising of ground level);
- The verge to the footway has grass over 2.5 metres wide;
- The driveway accesses on to a classified road;
- The property is a listed building or is situated in a conservation area.

Permission will not be granted for a driveway across an amenity area or roadside verge unless it would have no detrimental impact in road safety and would have no adverse effect on the amenity of the area (e.g. involves the loss of mature or semi-mature trees).

For more detailed guidance on proposals involving the formation of a driveway, please consult sections 8 and 9 of the Council's '*Transport and Accessibility*' Supplementary Guidance.

Microrenewables

The term 'micro-renewables' refers to all forms of domestic micro-generation utilising a renewable form of energy. These come in a number of forms, and are increasingly common as the relevant technology evolves and becomes more widely available, efficient, and reliable.

The planning authority aims to encourage the use of micro-renewable technologies within the curtilage of domestic dwellinghouses. Careful consideration is required in relation to their positioning, however, in order to avoid undue prominence within the street scene, particularly within conservation areas and where proposals may affect the setting of a listed building. Installation of such equipment can in many cases be carried out by virtue of Permitted Development rights, which allow for improvements and alterations to dwellinghouses and other works within the curtilage of a dwellinghouse, provided the site is located outwith any designated Conservation Area and does not involve works within the curtilage of a Listed Building. At present there are no permitted development rights available for domestic microgeneration via the installation of wind turbines on a dwellinghouse. In most circumstances, planning permission will be required for the installation of wind turbines elsewhere within the curtilage of a domestic property.

▪ **CHANGE OF USE FROM AMENITY SPACE TO GARDEN GROUND**

Amenity space and landscaping are valued assets within residential areas. They are common features in most housing developments and are provided for a number of reasons including –

- to improve the appearance of the area;
- to provide wildlife habitats, enhance ecology and often form part of sustainable urban drainage systems;
- to act as pedestrian routes through developments;
- to provide informal recreation areas;
- to provide good safety standards for drivers, cyclists and pedestrians in terms of road verges or visibility splays.

Many homeowners seek to purchase areas of such land from either the Council or a housing developer to enlarge their own gardens. In all circumstances this requires planning permission for a change of use from amenity ground to garden ground.

Prior to submitting a planning application it is advisable to contact the landowner to see if they would be willing to sell the particular piece of land. In the case of the Council land you should contact –

Asset Management
Enterprise, Planning and Infrastructure

Business Hub 10
Second Floor South
Marischal College
Broad Street
AB10 1AB

It is also advisable to contact Planning and Sustainable Development prior to submitting your application for planning advice on acceptability of your proposal.

Planning applications will be assessed in the context of Policy H1 (Residential Areas) of the Aberdeen Local Development Plan which states that proposals for householder development will only be approved if they do not result in the loss of valuable open space. Each planning application for change of use is dealt with on its own individual merits, however in considering whether an application is acceptable the Council will assess the proposal against the following criteria –

- The proposal should not adversely affect amenity space which makes a worthwhile contribution to the character and amenity of the area or contains mature trees that make a significant contribution to the visual amenity of the wider neighbourhood. In most circumstances the amenity ground will make a contribution, however sometimes small incidental areas of ground make little contribution to the appearance of the neighbourhood. For instance it may be acceptable to include within garden ground secluded areas that are not visible from footpaths or roads and that do not make a contribution to the wider visual amenity of the area. Similarly it may be acceptable to include small corners of space that can be logically incorporated into garden ground by continuing existing fence lines.
- The proposal should not fragment or, if replicated, be likely to incrementally erode larger areas of public open space or landscaping.
- The proposal should not worsen or create a deficiency in recreational public open space in the area. The less amenity space there is in an area the more value is likely to be placed on the existing amenity space. The Open Space Audit identifies areas of the city where there is a deficiency and should this be the case there will be a presumption against the granting of planning permission.
- The proposal should not result in any loss of visual amenity including incorporating established landscaping features such as mature trees or trees that make a significant contribution to the area. It is unlikely the Council would support the incorporation and likely loss of such features, however in circumstances where it is acceptable replacement planting to compensate will normally be required.
- The proposal should not result in an irregular boundary layout that would be out of keeping with the otherwise uniform character of the area.

- The proposal should not result in the narrowing of footpath corridors or lead to a loss of important views along such footpaths, making them less inviting or safe to use.
 - The proposal should not prejudice road or pedestrian safety. Areas of amenity space often function as visibility splays for roads and junctions.
 - The proposal should not give rise to the setting of a precedent that would make it difficult to resist similar proposals in the future. Over time the cumulative impact of the loss of separate areas of ground can lead to the gradual erosion of amenity space, which is not in the public interest and can affect the overall amenity and appearance of the area.
- **HOUSES IN MULTIPLE OCCUPATION (HMOs)**

Presently the term House in Multiple Occupation (HMO) is not one commonly associated with the planning system in Scotland. The term is not defined in planning legislation, though Scottish Government Circular 8/2009 does provide some advice on HMOs, suggesting that there may be a role for the planning system in managing HMOs where a material change in the use of a house or flat has taken place. Multiple occupancy can intensify pressure on amenity, particularly with regards to shared/mutual areas and car parking. It is therefore appropriate to ensure that appropriate provision is made prior to granting planning permission for an HMO.

A useful starting point is to clearly identify what constitutes an HMO for the purposes of this Supplementary Guidance. The planning system defines 'dwellinghouse' and 'flat' as detailed below;

Flat “means a separate and self contained set of premises whether or not on the same floor and forming part of a building from some other part which it is divided horizontally.” Part 1 (2) Town and Country Planning (General Permitted Development) (Scotland) Order 1992)

A house is defined within class 9 (houses) under the Town and Country Planning (Use Classes) (Scotland) Order 1997. This allows for use as;

- a) *A house, other than a flat, whether or not as a sole or main residence, by-*
 - (i) *A single person or by people living together as a family; or*
 - (ii) *Not more than 5 residents living together including a household where care is provided for residents*
- b) *as a bed and breakfast establishment or guesthouse, where at any one time not more than 2 bedrooms are, or in the case of premises having less than 4 bedrooms, 1 bedroom is, used for that purpose.*

This means that, where more than 5 persons are living together, other than as a family, the premises would not fall within the definition of a 'dwellinghouse' for planning purposes. It is reasonable to use this same threshold as the point at which a material change in the use of premises has occurred, and an application for change of use to form an HMO would be necessary.

Where flats are concerned, planning legislation does not specify any number of residents above which premises will no longer be considered a 'flat' for planning purposes. Given the potential for increased pressure on amenity, particularly in shared/mutual areas and car parking, it is necessary for this guidance to set a threshold above which use will no longer be considered as a 'flat'. HMOs account for a significant proportion of the available rental accommodation in Aberdeen, and are particularly important in supporting the City's sizeable student population. In setting a threshold above which planning permission will be necessary, it is noted that any number of people may live together in a single property, provided they are part of the same family unit. Taking this into account, it is considered that 6 or more unrelated people living together in a flat would be materially different from family use. This will be the threshold used for the purposes of this guidance.

Planning permission will be required for change of use to a House in Multiple Occupation in the following instances;

- 1. The occupation of a house by 6 or more unrelated persons**
- 2. The occupation of a flat by 6 or more unrelated persons**

It is important to note that separate licensing requirements exist for the establishment of an HMO, irrespective of the planning-specific guidance set out in this document. The granting of planning permission does not remove any requirement to obtain the appropriate licence and vice versa. Furthermore, success in obtaining planning permission for use of premises as an HMO does not guarantee a successful license application. It should be noted that, while the term 'HMO' is common to both systems, it has a different meaning depending on the context in which it is used. For licensing purposes, an HMO is defined as any house or flat which is the principal residence of three or more people who are members of three or more families.

This guidance is intended to set the thresholds at which a house or flat will no longer be considered to be in domestic use and will be treated as a House in Multiple Occupation for planning purposes. Having identified where such changes of use take place, it is then necessary to set out the factors which will be considered in assessing any such application.

Proposals involving formation of an HMO as defined in this guidance will be assessed with regard to matters including, but not limited to, the following;

1. Any adverse impact upon pedestrian or road traffic safety as a result of increased pressure on car parking;
2. Significantly adverse impact upon residential amenity for any reason. This may include, but not be limited to, adequate provision of refuse storage space, appropriate provision of garden ground/amenity space, and an appropriate level of car parking.
3. An excessive concentration of HMOs in a given locality, cumulatively resulting in a material change in the character of that area. This will be assessed in consultation with the Council's HMO Unit within the Housing & Environment service, who hold relevant information on the location of existing licensed HMO properties.

Where it is not practicable for dedicated car parking to be provided alongside the development, a proposal must not exacerbate existing parking problems in the local area.

APPENDIX A: GLOSSARY OF TERMS

Amenity - The attributes which create and influence the quality of life of individuals or communities.

Amenity space - Areas of open space such as gardens, balconies and roof terraces.

Article 4 direction – Some types of development do not need planning permission by virtue of permitted development rights. An Article 4 Direction is an order made by Scottish Ministers which suspends (for specified types of development) the general permission granted under the Town and Country (General Permitted Development) (Scotland) Order 1992 (as amended), thereby removing permitted development rights.

Bay window - a window or series of windows forming a bay in a room and projecting outward from the wall externally

Boundary enclosure – Boundary treatment such as a fence, wall, hedge, ditch or other physical feature which demonstrates the edges of a site or otherwise encloses parts of that site

Building line - The line formed by the frontages of buildings along a street. For the purposes of this guidance, this shall not generally include elements such as the front of any porches, canopies, garages or bay windows.

Common boundary – A boundary which is shared by residential properties on either side

Conditions – Planning conditions are applied to the grant of planning permission and limit and control the way in which a planning consent may be implemented. Such conditions can require works to be carried out in a certain way (e.g. restriction on opening hours or adherence to an approved tree management plan) or can require submission of further information in order to demonstrate the suitability of technical details (e.g. drainage or landscaping schemes for a new development)

Conservation Area – Conservation Areas are areas of special architectural or historical interest, the character or appearance of which it is desirable to preserve or enhance. Such areas are designated by the local planning authority. Details of the Conservation Areas in Aberdeen can be found on the Council's website, www.aberdeencity.gov.uk.

Conservation Area Consent – Conservation Area Consent is required for proposals which involve the whole or substantial demolition of any unlisted building or structure in a Conservation Area. Conservation Area Consent is not required for the demolition of a building which has a volume of less than 115 cubic metres, or for the partial demolition of a building, or for minor alterations to gates, walls and fences within a Conservation Area. Demolition

works may, however, require planning permission, and so confirmation should be sought from the planning authority.

Curtilage - The land around, and belonging to, a house.

Daylight – Diffuse level of background light, distinct from direct sunlight

Development Plan – The “Development Plan” is a term used to incorporate both the current Local Plan/Local Development Plan and the current Structure Plan/Strategic Development Plan.

Dormer Window – Dormer windows are a means of creating useable space in the roof of a building by providing additional headroom.

Dwellinghouse – For the purposes of this guidance, the term “dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building

Fenestration - The arrangement of the windows in a building.

Gable - The part of a wall that encloses the end of a pitched roof.

Habitable rooms - Includes bedrooms and living rooms, but does not include bathrooms, utility rooms, WCs or kitchens when not accompanied by dining facilities.

Haffit – The sides or ‘cheeks’ of a dormer window.

Hipped Roof – A four-sided roof having sloping ends as well as sloping sides

Listed Building – Working on behalf of Scottish Ministers, Historic Scotland inspectors identify buildings which are worthy of statutory protection. These are ‘Listed Buildings’. The criteria by which the Scottish Ministers define the necessary quality and character under the relevant legislation are broadly; Age and Rarity; Architectural Interest; and Close Historical Association

Listed building Consent – Listed Building Consent is obtained through an application process which is separate from, but runs parallel to, that by which planning permission is obtained. This separate regulatory mechanism allows planning authorities to ensure that changes to listed buildings are appropriate and sympathetic to the character of the building. Listed Building Consent must be obtained from the planning authority if you wish to demolish, alter or extend, either internally or externally, a listed building.

Mansard Roof – A four-sided roof having a double slope on all sides, with the lower slope much steeper than the upper.

Material Consideration - Any issue which relates to the use and development of land and is relevant to the planning process.

Permitted Development - an aspect of the planning system which allows people to undertake specified forms of minor development under a deemed grant of planning permission, therefore removing the need to submit a planning application.

Piended – scots term for hipped (pronounced peended)

Planning Authority – This is the term given to the Council in its role exercising statutory functions under Planning legislation. Authorities have three main planning duties: Development Management (assessing and determining planning applications); Development Planning (preparing, updating and monitoring the authority's Local Plan/Local Development Plan); and Enforcement (seeking to investigate and resolve breaches of planning control)

Porch - A covered shelter projecting in front of the entrance of a building.

Roads Authority - This is the term given to the Council in its role exercising statutory functions under Roads legislation. Where trunk roads are concerned, Transport Scotland is the relevant roads authority.

Sunlight – The sun's direct rays, as opposed to the background level of daylight

Supplementary Guidance – Supplementary Guidance is prepared by the planning authority in support of its Local Plan/Local Development Plan. These documents are generally intended to provide greater detail or more specific and focused guidance than might be practicable within the Plan itself.

Tabling – A raised horizontal surface or continuous band on an exterior wall; a stringcourse

Tree Preservation Order – The planning authority has the powers to make Tree Preservation Orders if it appears to them to be a) expedient in the interest of amenity and/or b) that the trees, groups of trees or woodlands are of a cultural or historical significance. The authority has duties to a) make such TPOs as appear to the authority to be necessary with any grant of planning permission; and b) from time to time to review any TPO and consider whether it is requisite to vary or revoke the TPO.

Wallhead – The uppermost section of an external wall.

APPENDIX B: APPLICATION CHECKLIST GUIDE

Have you discussed the proposed works with your neighbours?	
Is planning permission required? Remember, some works can be carried out as 'Permitted Development'	
Is any other form of consent required for the works?	
Have you considered the appointment of an architect, planning consultant or other agent to act on your behalf? Though not mandatory, this can be worthwhile as agents will be familiar with the planning system and should be able to provide the drawings and supporting information to the necessary standards.	
Will any supporting information be necessary to enable the planning authority to make a full assessment of issues relevant to the proposal? For example, are there trees or protected species within the site?	
Is the building a Listed Building or within a Conservation Area? If so, it is recommended that advice is sought from the planning authority prior to submission in order to gauge the potential impact on these designations.	
Have you considered your proposal in relation to the guidance contained within the Householder Development Guide? Any proposal for householder development will be assessed against this Supplementary Guidance	
Is the proposed design consistent with the character of the property and the surrounding area?	
Would the development proposed result in any significant adverse impact on your neighbours in terms of loss of light, overshadowing and/or privacy?	
Would the proposed development result in an insufficient provision of amenity space/private garden?	
Have any changes to access and/or parking requirements been discussed with the Council in its role as Roads Authority?	

APPENDIX C: DAYLIGHT AND SUNLIGHT

Daylight

It is appropriate to expect that new development will not adversely affect the daylighting of existing development. Residents should reasonably be able to expect good levels of daylighting within existing and proposed residential property.

A useful tool in assessing the potential impact of proposed development upon existing dwellings is the BRE Information Paper on 'Site Layout Planning for Daylight'. This document sets out techniques which can be applied as a means of assessing the impact of new development upon daylighting. These techniques should only be applied to "habitable rooms", which for the purposes of this guidance shall mean all rooms designed for living, eating or sleeping eg. lounges, bedrooms and dining rooms/areas. Kitchens without dining areas are not considered as habitable rooms.

For domestic extensions which adjoin the front or rear of a house, the 45° method will be applied in situations where the nearest side of the extension is perpendicular (at right-angles to) the window to be assessed. The 45° method is not valid for windows which directly face the proposed extension, or for buildings or extensions proposed opposite the window to be assessed. In such instances, the 25° method, also detailed below, may be appropriate.

It should be noted that these guidelines can only reasonably be applied to those buildings which themselves are good neighbours, standing a reasonable distance from the boundary and taking only their fair share of light. Existing windows which do not meet these criteria cannot normally expect the full level of protection. It is important to note that these tools will be used as and when the planning authority deems it appropriate due to a potential impact on daylight to an existing dwelling. The results of the relevant daylighting assessment will be a material consideration in the determination of an application, and should not be viewed in isolation as the sole determining factor.

The 45° Method for daylight

This method involves drawing 45° lines from the corner of a proposed building or extension in both plan and section views. If the shape formed by **both** of these lines would enclose the centre point of a window on an adjacent property, the daylighting to that window will be adversely affected.

DIAGRAM 1: 45° METHOD

The line drawn at 45° would pass through the mid-point of the window on elevation drawing, but not on the plan. This extension would therefore satisfy the 45° method for daylighting assessment. Were the proposal to fail on both diagrams, it is likely there would be an adverse affect on daylight to the adjacent window of the neighbouring property.

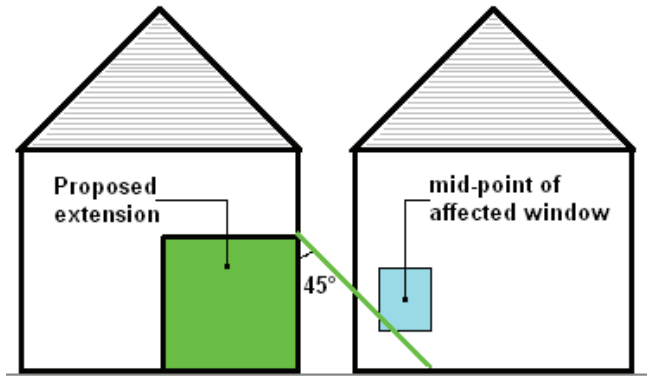


Fig A: Elevation view

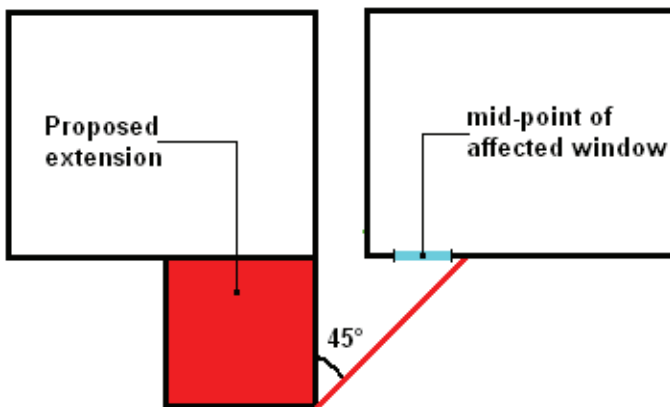


Fig B: Plan view

The 25° Method

The 25° method should be applied in situations where existing windows would directly face the proposed building or extension. Firstly, a section should be drawn, taken from a view at right angles to the direction faced by the windows in question. On this section, a line should be drawn from the mid-point of the lowest window, 25° to the horizontal, towards the obstructing building or extension. If the proposed building or extension is entirely below this line, it is unlikely to have a substantial effect on the diffuse daylighting of the existing building. Where the 25 degree approach is not satisfied, it will be for the planning authority to make a judgement on the degree of impact upon an adjacent dwelling.

DIAGRAM 2: 25° METHOD

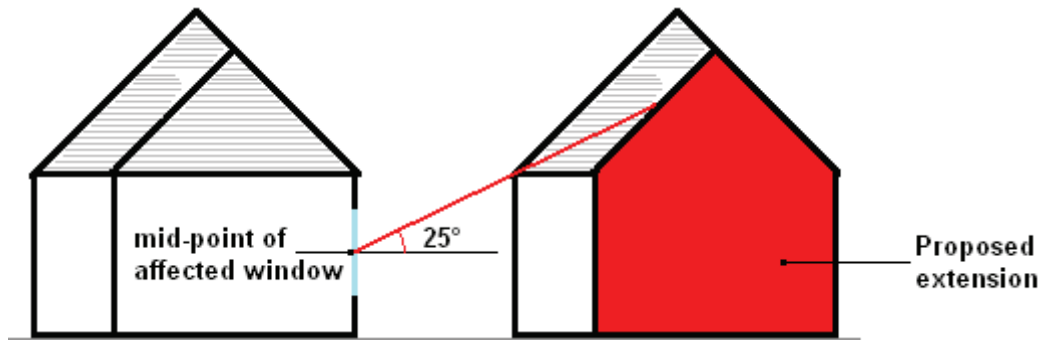


Fig A: Proposed extension may result in loss of daylight to adjacent window of a habitable room

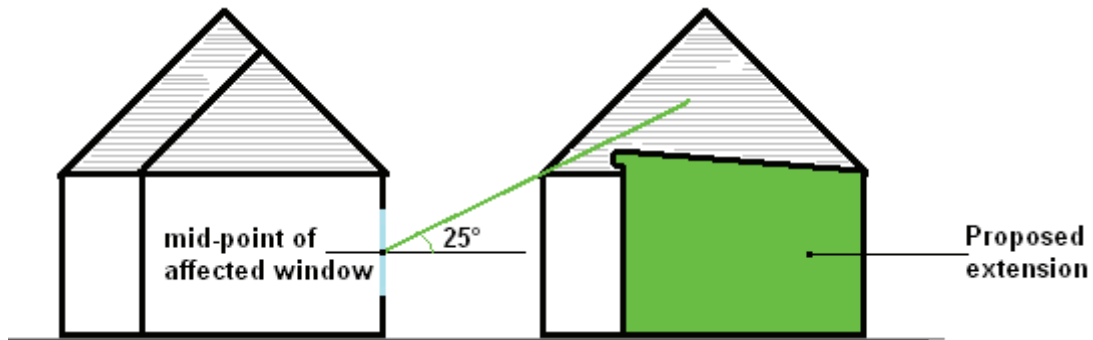


Fig B: Proposed extension would not result in loss of daylight to adjacent window of a habitable room

Both diagrams show line drawn from mid-point of affected window, at 25° to the horizontal.

Sunlight

In many instances, extensions to residential property will have at least some effect on the level of direct sunlight which falls on adjacent land or buildings. Where such overshadowing is excessive, substantial areas of land or buildings may be in shade for large parts of the day, resulting in a significant impact on the level of amenity enjoyed by residents. It is therefore helpful to have some means by which an assessment of any potential overshadowing can be made.

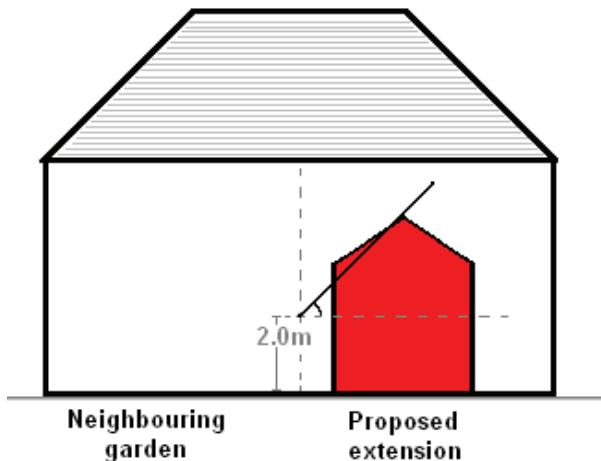
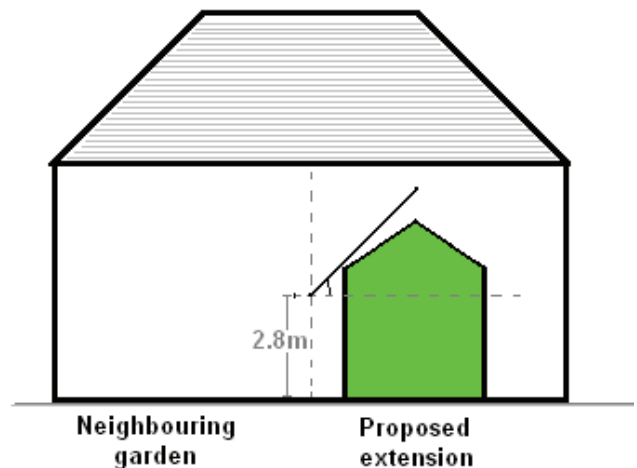
The method used involves drawing a line at 45 degrees to the horizontal. This line will begin at a point above ground level on the relevant boundary. The height above ground level will be determined by the orientation of the proposed building or structure relative to the affected space, as shown in the table opposite;

Orientation of extension relative to affected space	Height from which 45 degree line should be taken
N	4m
NE	3.5m
E	2.8m
SE	2.3m
S	2m
SW	2m
W	2.4m
NW	3.3m

This method is intended as a tool to assist case officers in their assessment of potential overshadowing, and it is important that this be applied sensibly and with due regard for the context of a particular site. Where a proposal is not able to satisfy the requirements of the relevant test, it will then be appropriate for officers to consider other factors relevant to the likely impact on amenity. These will include, but will not be limited to: the proportion of amenity space/garden affected; the position of the overshadowed area relative to windows (of habitable rooms) of an adjacent property; and the nature of the space affected (e.g. overshadowed driveway).

Example 1: In this example (right), the proposed extension would be located to the East of the neighbouring garden ground. A point 2.8m above ground level, on the site boundary, is found. From this point, a line is drawn at 45 degrees to the horizontal.

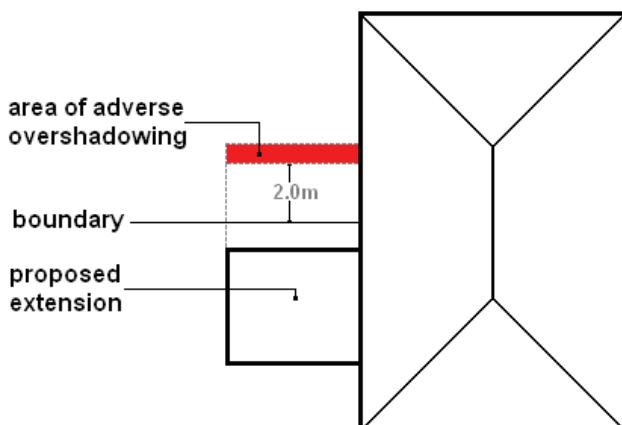
The diagram in Example 1 shows that the line drawn would not strike any part of the proposed extension, and therefore for the purposes of this test there would be no adverse affect on sunlight to the neighbouring garden.



Example 2: In this second example (left), the proposed extension would be constructed to the south of the adjacent garden ground. The same process is followed, but in this instance the line is drawn from a point 2m above ground level.

As the first diagram shows, the proposed extension would intersect the 45 degree line drawn. This suggests that there would be an area of adverse overshadowing in the neighbouring garden as a result of this proposal.

The second diagram demonstrates the area of adjacent garden ground which would be affected in plan view. This allows the case officer to make an assessment of the proportion of garden affected relative to the total useable garden area. As mentioned previously, the nature of the affected area will also be of relevance in



determining whether there is justification in allowing a proposal which does not satisfy the 45 degree test for sunlight. There will be instances where proposals will be approved on this basis.

Appendix D: Privacy

New development should not result in significant adverse impact upon the privacy afforded to neighbouring residents, both within dwellings and in any private garden ground/amenity space. What constitutes an acceptable level of privacy will depend on a number of factors. The purpose of this guide is not to create a rigid standard which must be applied in all instances, but rather to set out the criteria which will be taken into account in determining the impact of a particular development.

It is common practice for new-build residential development to ensure a separation distance of 18m between windows where dwellings would be directly opposite one another. Given the application of this distance in designing the layout of new residential development, it would appear unreasonable to then apply this to residential extensions to those same properties.

Assessment of privacy within adjacent dwellings will therefore focus upon the context of a particular development site, taking into account the following factors:

- existing window-to-window distances and those characteristic of the surrounding area;
- any existing screening between the respective windows;
- appropriate additional screening proposed
- respective site levels
- the nature of the respective rooms (i.e. are windows to habitable rooms); and
- orientation of the respective buildings and windows.

Any windows at a distance of 18m or more will not be considered to be adversely affected through loss of privacy. At lesser distances, the factors stated above will be considered in order to determine the likely degree of impact on privacy. For the purposes of this guidance, habitable rooms constitute all rooms designed for living, eating or sleeping eg. lounges, bedrooms and dining rooms/areas.

Any windows to habitable rooms should not look out directly over, or down into, areas used as private amenity space by residents of adjoining dwellings. In these circumstances the windows of non-habitable rooms should be fitted with obscure glass.

The addition of balconies to existing residential dwellings will require careful consideration of their potential impact upon privacy. Such additions, if poorly considered, can result in significant overlooking into adjacent gardens. Any

proposed balcony which would result in direct overlooking of the private garden/amenity space of a neighbouring dwelling, to the detriment of neighbours' privacy, will not be supported by the planning authority.



Supplementary Guidance

Topic: Low and Zero Carbon
Buildings

February 2014

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Introduction

The purpose of this supplementary guidance is to provide the methodology for developers to demonstrate compliance with Aberdeen Local Development Plan policy **R7**, which requires all new buildings to install low and zero carbon generating technology.

Background

Climate change, energy insecurity and rising fuel poverty are key challenges for Scotland now and in the foreseeable future.

The Climate Change (Scotland) Act 2009 received Royal Assent on August 4, 2009. The Act sets in statute the Government Economic Strategy target to reduce Scotland's emissions of greenhouse gases by 80 per cent by 2050. This covers the basket of six greenhouse gases recognised by the United Nations Framework Convention on Climate Change and includes Scotland's share of emissions from international aviation and international shipping.

More than 40% of Scotland's carbon dioxide emissions, a major cause of climate change, come from the energy we use to heat, light and run our buildings.¹ In Aberdeen City housing makes up 31% of the City's carbon footprint, which is 3.98 tonnes CO₂ per capita. The Aberdeen City and Shire Structure Plan provides significant housing and employment allowance: 36,000 homes and 175 hectares of employment land to 2030. The housing allocations, once built, would result in an increase in the housing stock by 33%.

Requiring new buildings to meet more stringent energy standards will lessen their environmental impact, make them more affordable to heat, lessen our dependence on imported energy and support a domestic market for low and zero carbon generating technologies. Implementation of Policy **R7** Low and Zero Carbon Buildings would thereby contribute to sustainable economic growth.

Policy **R7** does not duplicate these standards, but requires developments to meet a proportion of the mandatory CO₂ emission reduction through the use of low and zero carbon generating technologies. In most cases, this will mean that the energy assessment information required to satisfy the buildings standards' energy requirements will be required at planning stage, not afterwards.

¹ <http://www.sbsa.gov.uk/sullivanreport.htm>

Legal Requirement

Section 72 of the Climate Change (Scotland) Act 2009 requires Local Planning Authorities to “include policies requiring all developments in the local development plan area to be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, calculated on the basis of the approved design and plans for the specific development, through the installation and operation of low and zero carbon generating technologies.” In February 2010, Scottish Planning Policy reiterated the above requirement.

The Development Plan Context

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires decisions on planning applications to be made in accordance with the development plan, unless material considerations indicate otherwise. Upon adoption of the Aberdeen Local Development Plan in 2012, the Development Plan for Aberdeen will comprise the Aberdeen City and Shire Structure Plan (2009), the Aberdeen Local Development Plan and associated Supplementary Guidance.

Structure Plan targets require:

- All new buildings to be carbon neutral by 2016
- The city region’s electricity needs to be met from renewable sources by 2020.

Local Development Plan policy

Policy **R7**, below, sets a requirement for all new buildings to incorporate low and zero carbon generating technologies to reduce the predicted carbon dioxide emissions by at least 15%. This policy is hereafter referred to in this Supplementary Guidance as ‘the policy’.

R7 - Low and Zero Carbon Buildings

All new buildings, in meeting building regulations energy requirements, must install low and zero carbon generating technology (LZCGT) to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards. This percentage requirement will be increased as specified in Supplementary Guidance.

This requirement does not apply to:

- *Alterations and extensions to buildings;*
- *Change of use or conversion of buildings;*
- *Ancillary buildings that are stand-alone having an area less than 50 square metres;*
- *Buildings, which will not be heated or cooled, other than by heating provided solely for the purpose of frost protection; or*
- *Limited life buildings which have an intended life of less than 2 years.*

Compliance with this requirement will be demonstrated by the submission of a low carbon development statement. Further guidance is contained in Supplementary Guidance.

Increasing the Proportion of Low and Zero Carbon Generating Technologies

The Sullivan report made recommendations about the most effective way to increase standards, through the building standards. It recommends that there are staged energy improvements beyond the 2007 building standards: 30% by 2010; 60% by 2013 and net zero carbon by 2016/17. This has been identified as the most appropriate method to reach net zero carbon buildings by 2016 if practical. Therefore, the planning requirements for low and zero carbon generating technologies are to be a part of the required saving, and will help to promote the development of renewable technologies, which as the CO₂ targets are increased will become essential. The present economic context has led to delays in implementing the increases and it is important that this policy reflects any changes to the planned increases.

As the building standards energy requirements are increased there will be an increasing need to incorporate a larger proportion of low and zero carbon generating technologies. Therefore, as building standards are increased the proportion of savings to be met through low and zero carbon generating technologies is always to be at least half the total saving. The applicable rate will be half of the prevailing Energy Requirements at the point in time at which the application was granted consent. The CO₂ reduction through low and zero carbon generating technologies will not be increased ahead of the changes in the Building Standards Energy Requirements and Table 1 below sets out the indicative requirements.

Table 1: Indicative % Reduction Achieved Through Low and Zero Carbon Generating Technologies Above 2007 Baseline

Year	% reduction	Planned Building Standards Energy Requirements
2010	15%	30%
2014	30%	60%
2016	50%	100%

Low and Zero Carbon Generating Technologies and the Masterplanning Process

Larger developments that have a mix of both housing and business or include large energy users such as schools and swimming pools will provide a continued heat demand throughout the whole day. For this type of development the use of decentralised and local renewable or low carbon sources of heat and power becomes more viable, and for combined heat and power plants this continued heat demand will ensure continued electricity generation. There are a number of larger mixed use allocations in the Local Development Plan and this provides an opportunity to make use of these technologies to achieve greater CO₂ savings.

During the process of preparing masterplans for larger mixed use developments developers will be required to carry out a feasibility study of the potential for renewable and low-carbon energy solutions across the site, for example, the potential to make use of decentralised combined heat and power using a renewable fuel source such as woodchip. This may result in an opportunity to make greater CO₂ savings than required by Policy R7. In terms

of residential developments this should cover developments of 500 units or more that include other uses than solely housing.

For sites where a decentralised energy scheme is commercially viable, and it is the preferred option, it will be important to consider the build programme and at which stage in the development the energy scheme will become viable. It will not always be feasible to implement the full decentralised energy scheme, using renewable fuel, designed to serve the whole development for the first phase of development because the projected heat load will not exist to support the plant. In the case that development will, once complete, make use of a decentralised heating or combined heat and power plant and it has been calculated that on completion of the development there will be additional CO₂ savings above those required by policy R7, flexibility in the application of policy should be applied to the earlier phases that make use of temporary sources of heat. For example, installing a temporary small scale gas powered decentralised energy plant in advance of providing a larger scale biomass powered decentralised energy plant.

Designing for Reduced Energy Demand

Good, careful design at the outset will minimise the total energy demand for the lifetime of a development. Design considerations for a development as a whole and for the individual buildings will help to increase the efficiency of energy use. Well sited developments, orientation and design are not always included in the calculation methodologies used for building regulations. However, use of passive energy efficiency measures should be incorporated into all development to help reduce the energy demand of new buildings in addition to the buildings standards energy requirements.

Eligible Low and Zero Carbon Generating Technologies

The equipment may be attached to the building or within the site boundary as shown on the planning application. This allows for the low and zero carbon generating technologies to benefit more than one building and being sited to maximise energy gain.

The technologies eligible to meet the requirements of the policy are set out in Table 2 below.

Table 2: Eligible Zero and Low Carbon Generating Technologies

Biomass	Solar power	Air source heat pumps
Fuel cells	Photovoltaics	Combined heat and power
Micro-hydro	Ground source heat pumps	Heat exchange recovery systems
Micro-wind	Water source heat pumps	Geothermal
Solar Thermal	Passive flue gas heat recovery devices	

Demonstrating Compliance with Policy

Applicants should consider how to meet the requirements of this guidance at an early stage of planning. It will be the responsibility of applicants to provide the necessary technical calculations in support of planning applications to demonstrate how the proposed development will satisfy the requirements of this guidance.

The policy target is specific to CO₂ emissions from the **energy performance**². The assessment approach in this guidance therefore relates directly to this. In order to demonstrate the appropriate reduction in CO₂ emissions as a result of low and zero carbon generating technologies the Standard Assessment Procedure Energy Rating (SAP) is required for dwellings and the Simplified Building Energy Model (SBEM) for all other developments. Table 3 below sets out a summary of the stages in the calculation to demonstrate compliance with this policy.

Table 3: Summary of Calculations and Process

1.	The appropriate software program (SAP/SBEM) is used to calculate the 2007 Building Regulations CO ₂ Emissions Standard. This will provide a Target Emissions Rate (TER), which is the predicted CO ₂ emissions for a building of the specified size. Note: it is important for the purposes of this calculation that it is the 2007 TER that is used.
2.	The appropriate software program (SAP/SBEM) is used to calculate the actual emissions rate for the proposed development, which includes the low and zero carbon generating equipment. This is the Dwelling or Building Emissions Rate (DER/BER), which is the predicted CO ₂ emissions for the actual proposal.
3.	Calculate the reduction from step 1 to step 2: step 1- step 2
4.	Calculate the reduction in step 3 as a % reduction on the 2007 TER: (Step 3 ÷ Step 1) x 100
5	The appropriate software program (SAP/SBEM) is used to calculate the actual emissions rate for the development without the low and zero carbon generating technologies. This is a repeat of stage 2 and provides a re-calculation of the DER/BER without the low and zero carbon generating technologies.
6.	Calculate the reduction, beyond the 2007 standard, due to the low zero carbon equipment: (step 5 – step 2)
7.	Calculate the percentage reduction beyond the 2007 standard as a result of low and zero carbon equipment: (Step 6 ÷ step 3) x Step 4
Note: The calculation methodology may require to be updated when revised building standards come into force.	

² Energy performance covers the CO₂ emissions arising from the use of heating, hot water and lighting.

Instances When Policy Will Be Relaxed

Development will have deemed compliance with the requirement to install low and zero carbon generating technology if it can be demonstrated that the development will achieve a CO₂ saving greater than required by the current building standards (the minimum standard is likely to change over the life time of the plan as building standards are increased),

Justification

Section 44 of the Climate Change (Scotland) Act 2009 seeks to ensure that public bodies in exercising their functions in the way best calculated contribute to the delivery of the carbon reduction targets and carry these out in the most sustainable way. In addition the Structure Plan has set a target of all new buildings to be carbon neutral by 2016.

It is accepted that the most sustainable way in which the carbon emissions from new buildings can be saved is through improving the energy efficiency of the building. By reducing the energy demand of a building in the first instance as far as is practicable it becomes more feasible to then provide the lower energy requirements through low and zero carbon generating technologies. By allowing the relaxation of policy if a greater CO₂ saving can be achieved the Council will make a greater contribution towards the delivery of the Scottish Government's carbon reduction targets and the Structure Plan target.

Pre-application Discussions

The installation of LZCGT can raise additional issues which need to be tackled at an early stage in planning a development. As an example, ground source heat pumps (which are one of the eligible technologies listed in Table 2), can cause significant damage to trees. Where trees are present on, or adjacent to the site where associated pipes are to be buried, a tree survey should be submitted along with the application highlighting the likely impact of the excavation works on the tree(s) and any mitigation proposed. The impact the excavation works and installation are likely to have on local hydrology should also be investigated. Micro-hydro schemes may require authorisation from SEPA under the Water Environment (Controlled Activities) (Scotland) Regulations 2005.

Before submitting your planning application, we encourage you to discuss your proposal with us. We can advise you of your project's compliance with planning policies and on detailed design matters.

Useful Documents

SPP – <http://www.scotland.gov.uk/>

Development Plan:

Aberdeen City and Shire Structure Plan (2009) – www.aberdeencityandshire-sdpa.gov.uk

Aberdeen City Council (2008) Aberdeen Local Development Plan - <http://www.aberdeencity.gov.uk/localdevelopmentplan>

Detailed Advice on LZC Equipment:

Scottish Government (2002) PAN 45: Renewable Energy Technologies - <http://www.scotland.gov.uk/Publications/2002/02/pan45/pan-45>

Scottish Government (2006) Annex to PAN 45 Renewable Energy Technologies: Planning for Micro Renewables - <http://www.scotland.gov.uk/Publications/2006/10/03093936/0>

Greater London Authority (2004) Integrating renewable energy into new developments: Toolkit for planners, developers and consultants - http://www.london.gov.uk/mayor/environment/energy/renew_resources.jsp

Building Standards Division - Safe and sustainable installation of low carbon equipment - Guides
<http://www.scotland.gov.uk/Topics/Built-Environment/Building/Building-standards/publications/pubtech#a15>

SEPA (2010) Supporting Guidance WAT-SG-62 Geothermal Abstraction - Geothermal Energy
<http://search.sepa.org.uk/sepa?action=search&q=geothermal%20energy>

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Supplementary Guidance

Topic: The sub-division and redevelopment of residential curtilages

March 2012

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1.0 Introduction

- 1.1 In recent years the growing restriction of available land supply for new housing development on both greenfield and brownfield sites in the City together with escalating house prices have led to increasing pressures for:
- the construction of houses and flats (together henceforth referred to as dwellings) within the garden ground of existing residential property (curtilage splitting) and
 - the complete demolition and replacement of existing dwellings by new dwellings at higher density on the same curtilage or curtilages (redevelopment)
- 1.2 These pressures are most intense in the areas of the City with the highest house prices and with the lowest densities of residential development. It is here that developers perceive that the most opportunities exist for splitting of curtilages/redevelopment and the greatest returns can be made on investment. The Deeside settlements of Cults, Bieldside and Milltimber have been a particular target of developers in this respect.
- 1.3 The problem of preparing guidelines to assist in the determination of planning applications that involve the sub-division or complete redevelopment of an existing residential curtilage(s) to create one or more new dwellings on the original site(s) is caused by the wide variety in the form and layout of residential properties in the city. These range from large dwellings sitting in grounds of one acre and upwards, to granite properties of the late 19th century, inter-war developments and post war housing estates. Within most of these general groups there are differing types of building, i.e. detached, semi-detached or terraced, each with different arrangements and provision of rear or side gardens and in some cases rear lanes to provide vehicular or pedestrian access. To attempt to prepare concise guidelines to cover for all of the eventualities arising from this wide cross section of curtilages is complex. Nevertheless, the fundamental character of many attractive residential areas formed by the pattern of development and the relationship between buildings and landscaped garden ground with mature trees is likely to be adversely affected if the current trend of curtilage splitting and redevelopment continues indefinitely. With this in mind, the guidelines in this document are considered to be essential as part of the planning response to protect the appearance and residential amenity of the City as a whole.
- 1.4 It should be noted that, although specifically targeted at residential development on sites currently in residential use, some elements of this guidance are applicable to other types of development. For instance, non residential development within the curtilage of an existing dwelling and the construction of dwellings on greenfield and brownfield sites that are not currently in residential use.

2.0 Development Guidelines

- 2.1 It is considered that curtilage splitting involves development on urban green space (garden ground), whilst redevelopment of residential sites involves development on both urban green space (garden ground) and brownfield land (the footprint of existing dwellings). This supplementary guidance is considered necessary to establish the criteria against which applications for redevelopment and curtilage splitting should be assessed.
- 2.2 The following development guidelines are not intended to be cover all the planning considerations that are relevant or all potential curtilage split or redevelopment scenarios but they are targeted at providing more specific guidance on the most commonly encountered situations.

3.0 Privacy, residential amenity, daylight and sunlight

- 3.1 As a general principle new residential development should not borrow amenity from, or prejudice the development of, adjacent land or adversely affect existing development in terms of privacy, overlooking, daylighting or sunlighting.
- 3.2 The relationship of new residential development to existing dwellings is an important factor to be considered in assessing whether the privacy, amenity, sunlight and daylight of residents of both existing and proposed dwellings would be adversely affected.

Privacy

- 3.3 To ensure privacy, as a general guideline, there should be a minimum separation of 18 metres between the windows of existing and proposed habitable rooms (i.e. the shortest line joining one window opening to any part of the other). Notwithstanding the foregoing there will be circumstances in which greater distances are appropriate – for instance where there are differences in ground levels or where higher buildings are proposed. Habitable rooms constitute all rooms designed for living, eating or sleeping e.g. lounges, bedrooms and dining rooms/areas. This distance can be reduced if the angle between the windows of the existing and proposed residential properties is offset, if effective screening exists, or if screening is proposed that would not obstruct light (see Appendix 2), adversely affect residential amenity or be unacceptable for other planning reasons. Appendix 1 provides further guidance on the acceptable distances between windows to ensure adequate privacy based on the angle between them. This methodology will also be applied to assess the potential privacy impact of proposed extensions to existing residential property.
- 3.4 Devices such as angled or controlled aspect windows or louvres will not normally be a justification for a reduction in these privacy distances. In exceptional circumstances high level windows may be acceptable as long as they are not to habitable rooms or are secondary windows to habitable rooms (ie smaller windows provided in addition and usually in a different wall, to a room's main window).

- 3.5 Any windows to habitable rooms should not look out directly over, or down into, areas used as private amenity space by residents of adjoining dwellings. In these circumstances the windows of non-habitable rooms should be fitted with obscure glass.

Amenity space

- 3.6 Residential development should have a public face to the street and a private face to an enclosed garden or court. All residents should have access to sitting out areas.
- 3.7 Rear gardens of dwellings up to two storeys in height should have an average length of at least 9 metres and dwellings of more than 2 storeys should have garden lengths of at least 11 metres. Garden ground should be conveniently located immediately adjoining residential properties, be in a single block of a size and layout to be useable for sitting out and have an acceptable level of privacy and amenity. For instance, it will not be acceptable for private garden ground to be:
- at the street frontage of a property, close to and overlooked from the road
 - located under the canopy of trees or in a location that is excessively shaded by vegetation or buildings or to directly overlooked by windows of habitable rooms of adjoining residential property
 - rear gardens should be enclosed by solid fences or walls of at least 1.8 metres in height in order to ensure security and privacy.
- 3.8 In flatted developments in high density, central urban locations site constraints may mean that a balcony for each flat may be all that can be accommodated. Even in these situations, however, garden ground should be provided if at all possible (for instance by placing car parking areas under a deck, under the buildings or underground to free up space for garden ground or amenity areas)
- 3.9 Where it is necessary to accommodate car parking within a private court,
- the parking must not dominate the space and no more than 50 percent of any court should be taken up by parking spaces or access roads and
 - a detailed landscape plan will be require to be submitted along with any planning application
 - car parking courts should be located to the rear of any proposed residential development and not between the street frontage of the development and the public road

Daylight

- 3.10 Where appropriate, the impact of new residential development on daylight for both existing and proposed residents will be informed both by professional judgement and by technical guidance. If not submitted with an application, applicants will be asked in appropriate

circumstances to support their proposals with calculations and illustrations based on the BRE Information Paper on Site Layout Planning for Daylight¹. Development proposals should satisfy the 25 degree approach illustrated in the diagram in Appendix 2. The 25 degree approach defines the point at which good interior daylighting can be achieved. It requires that (on the main front and rear elevations of a building) no obstruction measured in a vertical section perpendicular to the main face from a point two metres above ground level, subtends an angle more than 25 degrees to the horizontal. If the 25 degree approach is not met there may still remain the potential for adequate daylighting and a more detailed assessment must be made by calculating the vertical sky component using the methodology in the BRE Information Paper¹. The appropriate methodology in this BRE Information Paper¹ will also be applied to assess the potential sunlight impacts of proposed extensions to existing residential property

Sunlight

3.11 New dwellings should be designed and orientated to make the most of the opportunities offered by the site for views and sunlight in order to provide a pleasant living environment and maximise passive solar gain. If not submitted with an application, applicants will be asked in appropriate circumstances to support their proposals with calculations and illustrations based on the BRE Information Papers on sunlight and solar gain². This methodology will also be applied to assess the potential sunlight impacts of proposed extensions to existing residential property.

4.0 Design and Materials

4.1 In general the design and external finishes of any new dwellings should complement those of the surrounding area. High quality contemporary or modern design that enhances the appearance of the area, or that provides an attractive contrast to surrounding buildings, will be encouraged where appropriate.

4.2 In conservation areas there will be a presumption against the demolition of existing granite built dwellings. In circumstances in which it is proposed to demolish a granite faced dwelling, or in conservation areas where granite architecture predominates, there will be a requirement that all elevations of new development that would be prominently visible from the street (including gables) should be finished with natural granite and the main roof should be of complementary natural roofing materials (almost always natural slate). An exception may be made in circumstances where a particularly high quality modern design is proposed. However, particular care will be necessary to ensure that any new dwelling incorporates design elements and materials that respect the character of the area.

5.0 Density, pattern and scale of development

5.1 The construction of a new dwelling or dwellings within an established area will affect the overall density and pattern of development of the

surrounding area, the acceptability of which will be dependent on the general form of development in the locality. Consideration must be given to the effect the dwelling or dwellings may have on the character of the area formed by the intricate relationship between buildings and their surrounding spaces created by gardens and other features. New dwellings must be designed to respect this relationship.

- 5.2 In terms of density, as a general guide, no more than a third (33 percent) of the total site area for each individual curtilage should be built upon. Densities of less than 33 percent will be required in areas of lower density housing. Densities higher than 33 percent will only be allowed when similar densities are characteristic of development in the surrounding residential area.
- 5.3 In most cases the predominant pattern of development in suburban residential areas is one of dwellings in a formal or semi-formal building line fronting onto a public road and having back gardens which provide private amenity space. In these areas the construction of dwellings in the rear gardens of existing dwellings, or the redevelopment of a site that results in dwellings that do not front onto a public road, constitutes a form of development that is alien to the established density, character and pattern of development. This form of development can also and erode the privacy and private amenity space available to existing residents. Furthermore, the use of rear lanes for shared pedestrian or vehicular access to dwellings in rear gardens is not considered acceptable in that it results in the creation of a pedestrian safety hazard. Finally, approval of “tandem” or backland development of this sort sets an undesirable precedent for future applications of a similar nature, which, if replicated, could result in the creation of a second building line behind existing dwellings and fundamentally erode the character and residential amenity of such areas. With this in mind, in all suburban areas characterised by formal or semi-formal building line fronting onto a public road and having back gardens which provide private amenity space there will be a general presumption against the construction of new dwellings in rear garden ground behind existing or proposed dwellings in circumstances where the new dwellings do not front onto a public road.
- 5.4 New dwellings should not project forward of the building line of the street (if there is one). The width of a curtilage may allow for a dwelling to be built alongside an existing dwelling or for an existing house or dwellings to be demolished to make way for a new development facing the street. The distance between proposed dwellings, and between proposed and existing dwellings, (ie between gable ends) should be similar to that predominating on the street.
- 5.5 Notwithstanding the foregoing, the following may be possible:
 - (a) to convert existing substantial sized traditional granite built outbuildings at the rear of existing properties to form dwellings (subject to other material considerations) where most of the

accommodation of any individual dwelling is contained within the envelope of the original structure. The creation of new dwelling(s) within rear wings attached to existing houses will not be permitted.

(b) to accommodate a new dwelling in the rear garden of an existing dwelling on a corner site so that existing and proposed dwellings have a road frontage. In these instances, as well as complying with other planning criteria, both the existing and proposed dwellings will require private garden ground in compliance with guidelines in the 'Amenity Space' section above (please see para. 3.6 – 3.9). The amalgamation or joining together of the gardens of existing dwellings to accommodate a new dwelling or dwellings and associated garden ground will not be allowed in these circumstances.

(c) In the case of the redevelopment of an exceptionally large site (if the form of development is not alien to the general pattern, density and character of dwellings in the area), it may be possible for detached houses to be built which gain access from a new private driveway or a new road constructed to adoptable standard. Where a driveway (rather than a road to adoptable standard) is proposed this should serve a maximum of three or four houses

5.6 In all circumstances, the scale and massing of the any new dwelling(s) should complement the scale of the surrounding properties. Where new dwellings are proposed that front onto a street adjoining or between existing existing properties, a street elevation to a recognised scale will require to be submitted with any planning application to illustrate the relationship between the proposed dwelling(s) and existing adjoining properties. In these circumstances, it will not be acceptable for the ridges or wallheads of any new dwelling(s) to rise above the height of the ridges or wallheads on adjoining dwellings unless this results directly from a pre-existing difference in ground level (eg a dwelling to be built at a higher level due to the slope of street).

5.7 It is important to remember that, in many instances, a residential property can be extended without the need for planning permission, which can be particularly relevant when considering the impact the proposal may have on neighbouring residents and the appearance of the surrounding built environment. Permitted development rights will be removed by planning condition where appropriate in these circumstances.

6.0 Trees and garden ground

6.1 Trees make a valuable contribution to the landscape setting of urban areas and the loss of significant trees can be valid reason for refusal of planning permission. With this in mind there will be a presumption in favour of retaining semi-mature and mature trees either within the site or immediately adjacent to it regardless of whether they are protected by a Tree Preservation Order or sited in a Conservation Area. Where

mature or semi-mature trees are located on a site a tree survey will require to be submitted with the planning application in accordance with guidance in British Standard 5837. Care should be taken to position new buildings to minimise potential disturbance to the root system or the tree canopy. If trees are to be lost, replacement planting will be required where possible to mitigate for the loss.

- 6.2 Similarly the loss of garden ground can be a material consideration that can lead to refusal of an application in circumstances where it is considered to make a significant contribution to the visual amenity of the neighbourhood. For example, the loss of mature or attractive garden areas that are prominent in views from adjoining streets.

7.0 Pedestrian/vehicular safety and car parking

- 7.1 The provision of pedestrian and vehicular access to both the existing and the new dwelling is essential. In every case there should be safe and convenient pedestrian and vehicular access from the dwelling to the public road and pavement, avoiding contrived solutions. With the exception of private driveways it will not normally be acceptable for pedestrian access to be shared with vehicles eg where pedestrians have to walk on the carriageway of rear lanes or public roads to gain access to the development.

- 7.2 On-site parking to the appropriate level as stated in the adopted parking standards must be met both for the existing and the new dwelling(s).

- 7.3 Vehicular access from the public street must provide safe sightlines for pedestrians and the driver of the vehicle.

- 7.4 Driveways should be at least 5 metres in length (6 metres in front of garage doors).

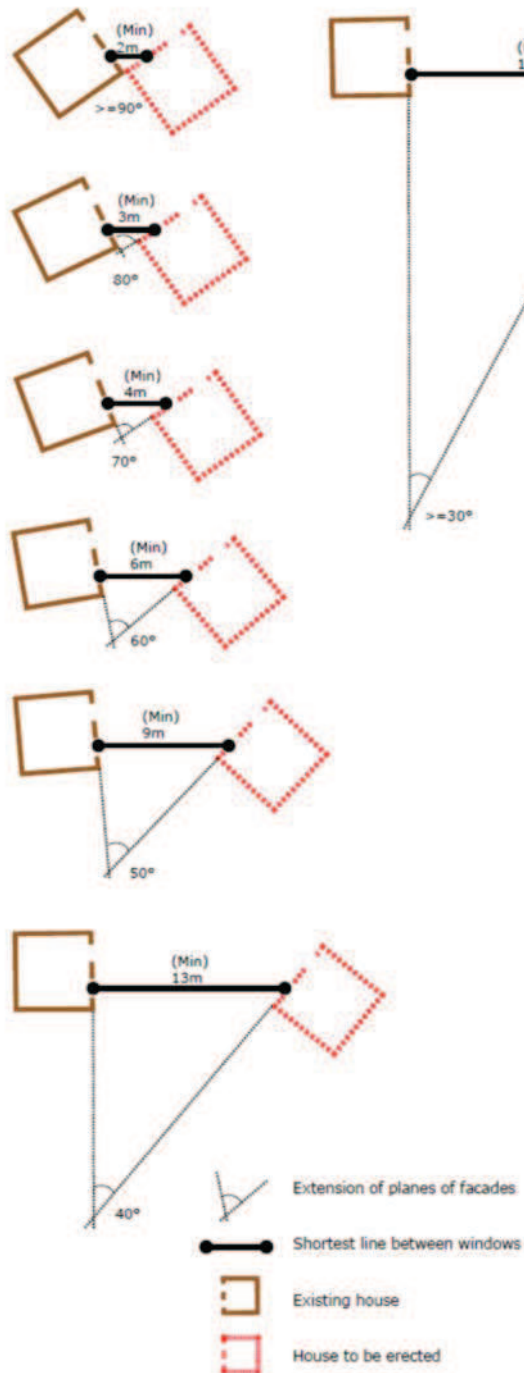
8.0 Precedent

- 8.1 The need to avoid setting a precedent is a material consideration when determining planning applications. It is appropriate, when considering an application for a curtilage split or redevelopment, to consider whether the proposal may create a precedent whereby it would be difficult to resist similar developments, the cumulative effect of which would have a harmful effect on the character or amenity of the immediate area or the wider City.

9.0 Conclusion

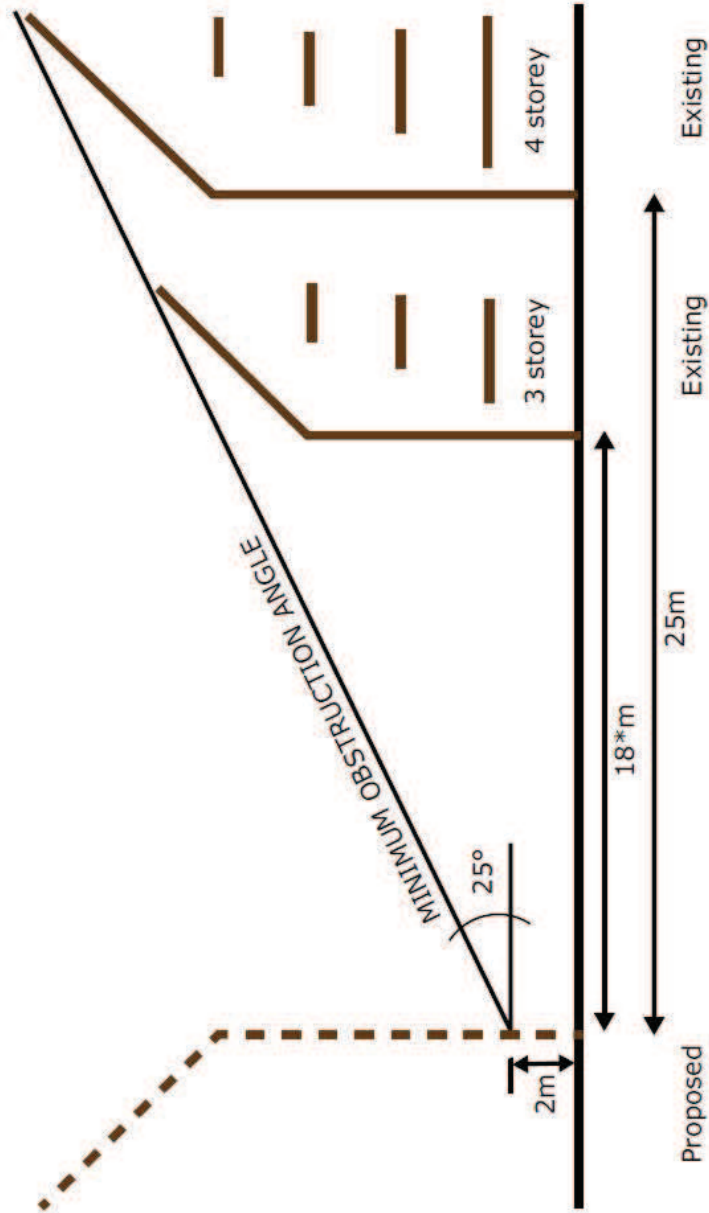
- 9.1 Since every application requires to be assessed on its own merits and site specific circumstances vary so much other issues may be relevant to individual planning applications. However the issues that have been identified above should always be considered when determining an application for the sub-division or redevelopment of existing residential curtilages.

Appendix 1 - Method for checking privacy distances between window openings



Angle between extension of planes of facades of buildings	Minimum distance (m) for the shortest line joining window openings	Angle between extension of planes of facades of buildings	Minimum distance (m) for the shortest line joining window openings
>90°	2	60°	6
90°	2	59°	6.5
89°	2.5	58°	7
88°	2.5	57°	7
87°	2.5	56°	7.5
86°	2.5	55°	7.5
85°	2.5	54°	8
84°	3	53°	8.5
83°	3	52°	8.5
82°	3	51°	9
81°	3	50°	9
80°	3	49°	9.5
79°	3.5	48°	10
78°	3.5	47°	10.5
77°	3.5	46°	11
76°	3.5	45°	11
75°	3.5	44°	11.5
74°	4	43°	12
73°	4	42°	12.5
72°	4	41°	13
71°	4	40°	13
70°	4	39°	13.5
69°	4.5	38°	14
68°	4.5	37°	14.5
67°	5	36°	15
66°	5	35°	15.5
65°	5	34°	16
64°	5.5	33°	16.5
63°	5.5	32°	17
62°	6	31°	17.5
61°	6	30°	18
60°	6	>30°	18

Appendix 2 -
The 25 degree approach to calculating daylight



* It should be noted that 18 metres is the minimum separation distance for privacy but where development is proposed adjacent to taller buildings or on sloping sites this distance must be increased if adequate daylight is to be achieved to the ground floor of the proposed house.

REFERENCES

1. Littlefair PJ. "Site layout planning for daylight". Building Research Establishment Information Paper. March 1992.
2. Littlefair PJ. "Site layout for sunlight and solar gain". Building Research Establishment Information Paper. March 1992

The above publications can be purchased from: BRE Bucknalls Lane Watford WD25 9XX or <http://www.brebookshop.com>

FURTHER INFORMATION

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Supplementary Guidance

Topic: Transport and Accessibility

March 2012

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1. INTRODUCTION

Good transport connections are essential to the economic prosperity of Aberdeen and the quality of life of people living and working in the City. With an emphasis on ensuring that transport provision is considered from the very outset of a planning application, the Council is committed to developments that encourage sustainable travel.

This Supplementary Guidance on Transport and Accessibility aims to assist developers in the preparation of planning applications. This document examines a number of transport and accessibility issues that may have to be considered as part of a planning application and should be read in conjunction with the Aberdeen Local Development Plan and the Local Transport Strategy.

2. STANDARDS FOR ACCESSIBILITY AND PUBLIC TRANSPORT SERVICES

The ability to access key services and facilities directly affects quality of life and is a major contributor to social inclusion. New and existing communities should be able to access services, facilities and jobs by walking, cycling and public transport.

Developments should be linked by the most direct, attractive, safe and secure pedestrian links possible to potential trip sources within 800 metres of the development.

Public transport should be available within 400 metres of the origins and destinations of trips within the development. Public transport provision should be at a frequency, times and to places that;

- Are at intervals of no more than 15 minutes, and ideally 10-12 minutes;
- Meet the needs of those without access to a car who would wish to access the development; and
- Provide an effective alternative for those that do have access to a car.

Developers will be required to provide for the appropriate level of service identified through a transport assessment, if this level will not be provided commercially by a bus operator.

In all cases developers should engage with the Council and relevant partners (such as Nestrans and public transport operators) at an early stage in the masterplan and/or planning application process to discuss the arrangements and requirements for providing new public transport services.

Accessibility Planning software, such as Accession, may be used as a tool to assess potential development locations and then guide decisions on development proposals. Accessibility planning involves measuring journey times to services and facilities and identifying the most suitable locations for new development or particular services and facilities. By measuring accessibility to services/facilities by public transport this process can also be used to improve the quality and availability of public transport to existing and future users or customers. In doing so, Accessibility Planning provides opportunities to improve social inclusion.

3. ACCESS AND PERMEABILITY

The ability to access, move around and through the built and natural environment by walking and cycling is a major contributor to quality of life and, in particular, an individual's ability to freely access the services and facilities they need without using a vehicle. New development will be required to protect and enhance existing access rights including core paths, rights of way and paths within the wider network.

The Land Reform (Scotland) Act 2003 introduced the right of responsible non-motorised access to most land and inland water in Scotland. The Land Reform Act also introduced statutory duties on Aberdeen City Council requiring it to protect access rights, including core paths and other paths within the wider paths network. In addition, the Council has a duty under the Countryside (Scotland) Act 1967 to uphold access along any public right of way.

In planning the layout of new development, the Core Paths Plan (2009) and Open Space Strategy (2011) should be taken into account, including routes referred to as 'aspirational' in the Core Paths Plan. New development must be permeable to walkers and cyclists and should ensure that new routes are planned in accordance with the 5 C's – connected, convenient, comfortable, convivial and conspicuous – as referred to in the Aberdeen Local Transport Strategy 2008 - 2012.

The Aberdeen Outdoor Access Forum brings together key stakeholders involved with access to the outdoors. The Forum has an input to access provision relating to new development, and will assist the Council in the resolution of any outdoor access disputes where there are conflicts between the provision of new or improved access routes and neighbouring land uses.

Further guidance on the following access issues can be found in the documents listed below.

Standards for path construction	Lowland Path Construction: A Guide to Good Practice Paths for All (2001)
Standards for signage design	Signage Guidance for Outdoor Access: A Guide to Good Practice Paths for All (2009)
	Directional Signage Guidance for Paths Aberdeen City Council (2011)

4. GUIDELINES & SPECIFICATIONS GUIDANCE

The Council is undertaking a review of its 1998 publication “Guidelines and Specification for Roads within Residential and Industrial Developments” which sets out the technical requirements for designing new roads, parking facilities, and walking and cycling infrastructure. The review takes account of the Scottish Government’s Policy Statement Designing Streets (2010). The Council intends to publish a fully revised version of the technical guidelines in due course and officers are progressing this detailed work. In the meantime, the Local Development Plan has taken account of Designing Streets by including a Roads Descriptor’ Map which categorises the road network according to the principles of Designing Streets (see Figure 1 and 2 below). This will form part of the full review document but is being published as part of this Supplementary Guidance in order to guide the planning and delivery of different types of roads that the Council will expect to be provided to support new developments.

For the avoidance of any doubt, we would recommend that developers speak to the Roads Design Team at the earliest possible stage in the planning application process to determine an appropriate design and layout for development.

Figure 1 – Roads Descriptor Map

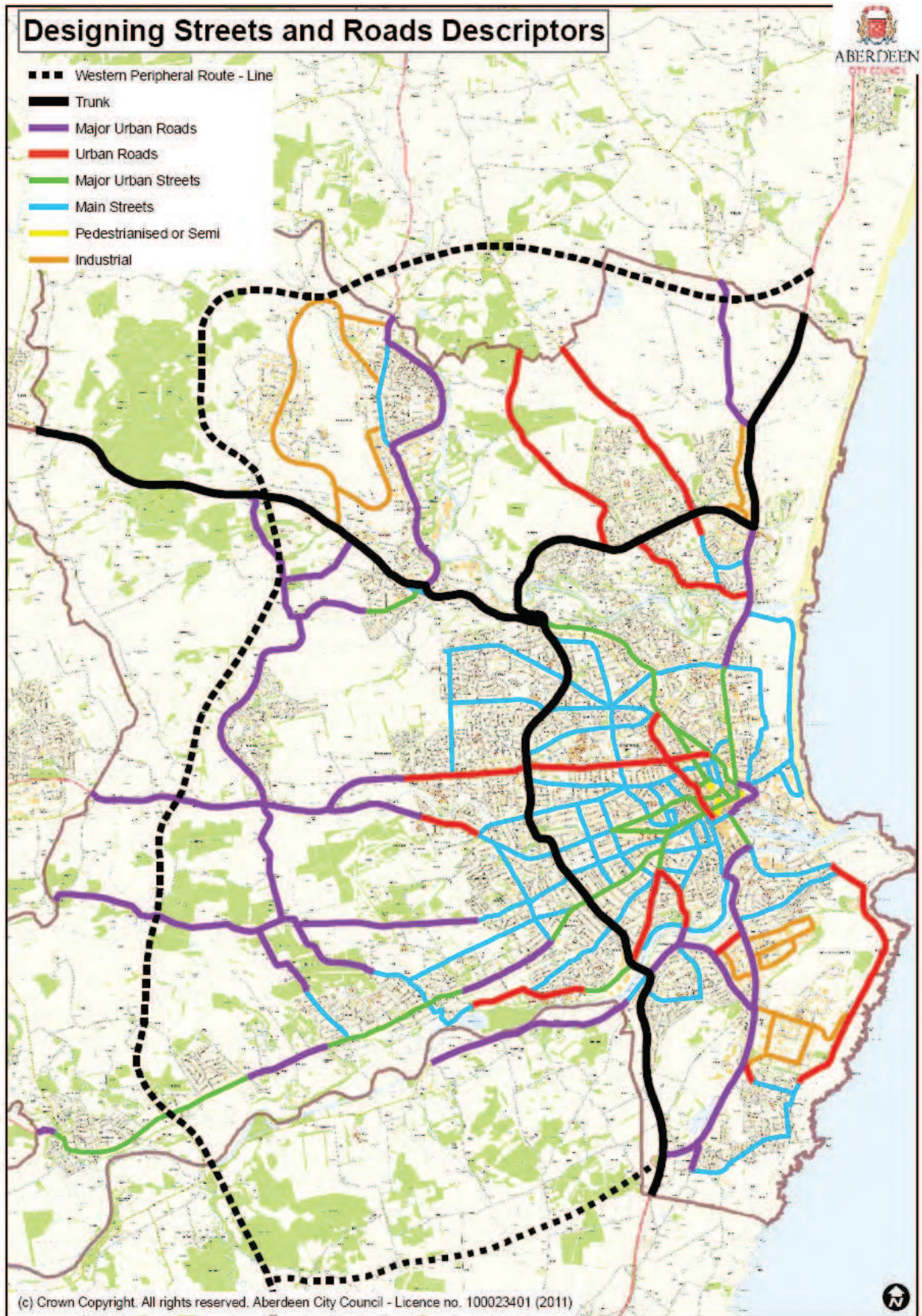
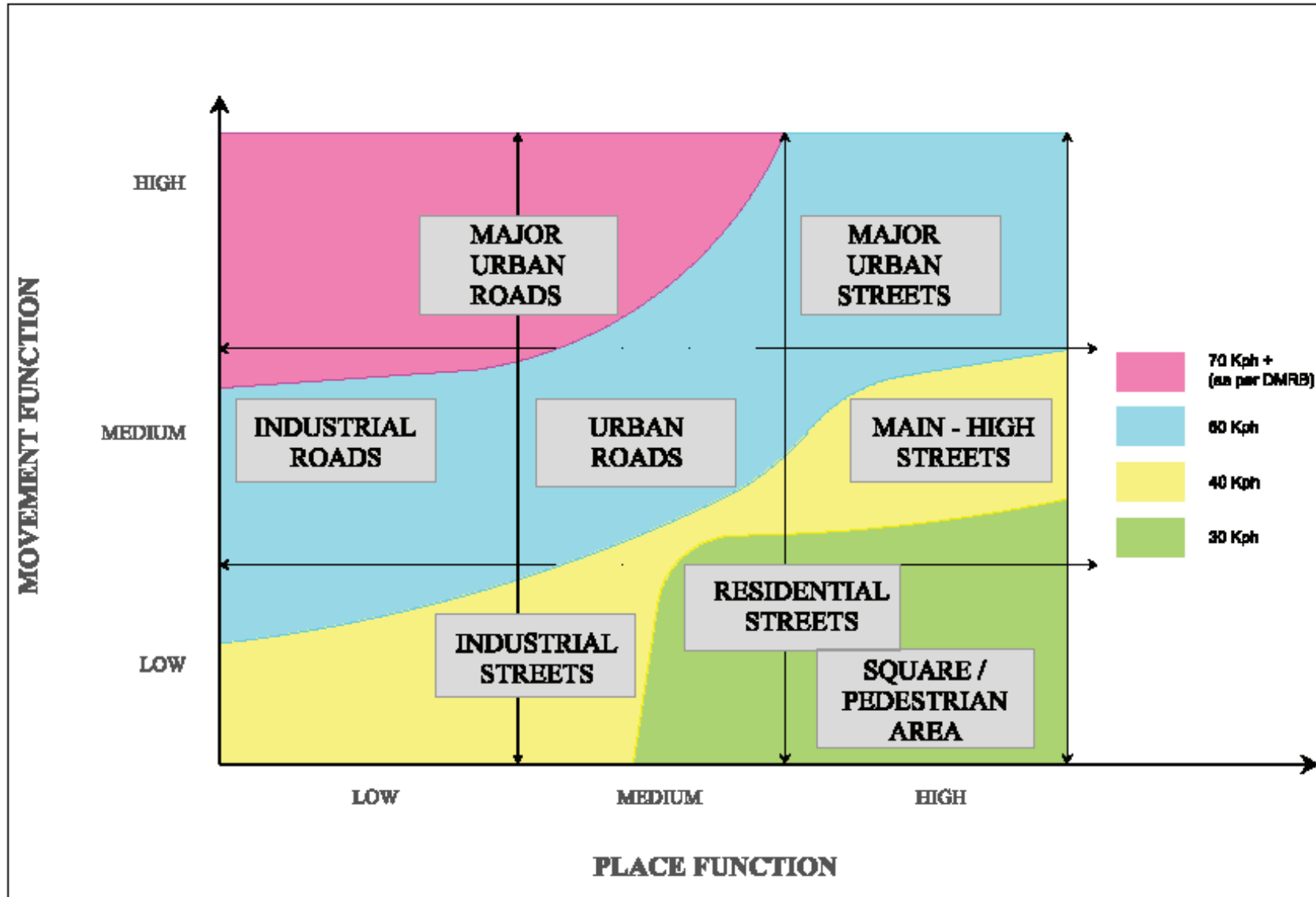


Figure 2 – Roads Descriptor Matrix



5. TRANSPORT ASSESSMENTS

The majority of new development will have an impact on the transport network and these impacts must be identified and dealt with as early as possible in the planning process. Transport Assessments (TA) can help to identify and tackle these issues at the planning application stage.

The Infrastructure and Developer Contributions Manual Supplementary Guidance document identifies transport infrastructure required to support sites identified in the Local Development Plan. In addition, developers will be required to undertake a Transport Assessment to determine whether any further infrastructure or service improvements are required in order to support the development proposed.

The Scottish Government has published guidance on Transport Assessments (Transport Assessment and Implementation: A Guide, 2005) and developers should refer to this for more detailed information.

Transport Assessments will vary in size and complexity depending on the nature, size and possible effects of the development.

A Transport Assessment will be required for developments which exceed the following thresholds,:

- Food retail >1,000m² Gross Floor Area
- Non-food retail >1,000m² Gross Floor Area
- Cinemas and conference facilities >1,000m² Gross Floor Area
- Leisure facilities >1,000m² Gross Floor Area
- Business >2,500m² Gross Floor Area
- Industry >5,000m² Gross Floor Area
- Distribution and warehousing >10,000m² Gross Floor Area
- Hospitals >2,500m² Gross Floor Area
- Higher and further education >2,500m² Gross Floor Area
- Stadia >1,500 seats
- Housing >100 dwellings.

A Transport Assessment should provide a comprehensive and consistent review of all the potential transport impacts relating to a proposed development or redevelopment and its immediate vicinity. The TA should consider travel-related issues such as safety, trip generation, access junction design and new infrastructure required (such as new bus services or cycle lanes) before, during and following construction. Adverse traffic and accessibility issues should be addressed and, if appropriate, suitable mitigation measures identified.

The assessment should look at the accessibility of the site by different modes of travel. The objective should be to maximise sustainable travel by walking, cycling and public transport and only then to consider the impact of the residual car traffic. Developers will be expected to take a realistic approach to their assessment of how much travel will be capable of being attracted to sustainable modes and they should bear in mind the Council's traffic targets as set out in the Local Transport Strategy (2008) and detailed in the Local Transport Strategy Monitoring Paper (2009).

There are two ways to ensure that sustainable travel will be maximised. First, through careful attention to the design and layout of the development itself and giving priority to those on foot, cycling or using public transport ahead of car user requirements; secondly through measures to improve infrastructure and services to encourage sustainable travel within the catchment area of the development.

As a minimum, the Transport Assessment should include:

1. Details of the development:
 - The proposed land use;
 - Scale of the development, such as number of residential units or Gross Floor Area (GFA) and phasing of development;
 - Plans and drawings showing the proposed site layout, particularly the proposed pedestrian, cycle and vehicular access points into the site;
 - Servicing arrangements and emergency vehicle access; and
 - Parking provision (including disabled, cycle and motorcycle parking).
2. Existing transport conditions:
 - Walking and cycling routes and facilities;
 - Existing public transport services and infrastructure;
 - Operation of the local road network;
 - Recent traffic surveys; and
 - Accident history on the local road network.
3. Trip generation and distribution:
 - Calculation of the likely number of trips to and from the development by each transport mode throughout the day; and
 - Determination of which routes will be used to access the site.
4. Public transport, walking and cycling assessments:
 - Assessment of whether the current public transport services and walking and cycling infrastructure have sufficient capacity to accommodate the additional trips created by the development;
 - An assessment of the level of accessibility to services and facilities by public transport, walking and cycling, where possible using the Accession software tool; and
 - If levels of accessibility are not sufficient, details of new facilities/services to be provided as part of the development proposals, such as public transport improvements and improved footpath and cycle path linkages.
5. Proposals (in the form of a Travel Plan) to reduce the number of trips to the development:
 - Measures to reduce the need to travel (e.g. home working);
 - Measures to encourage the use of more sustainable travel options rather than single occupier car journeys (e.g. walking, cycling, public transport, car sharing); and
 - A proposed parking strategy.
6. Traffic Impact Assessments:
 - Assessment of whether the road network has sufficient capacity to accommodate the residual vehicular trips created by the development

- The transport impacts of site construction, including the requirements of abnormal loads in the construction, use and decommissioning of the present development;
- The transport impacts of freight or service operations;
- If the site of the proposed development has a current use or an extant planning permission with trip patterns/volumes, the net level of change that might arise out of the new proposals should be set out; and
- An identification of the mitigation measures that will be required to address those traffic impacts that are likely to cause concern.

6. TRAVEL PLANS

A Travel Plan is a generic title for a package of measures aimed at promoting more sustainable travel choices to and from a development, with an emphasis on reducing reliance on the private car, thereby lessening the impact on the surrounding road network. A Travel Plan may also be required to address a particular traffic or parking problem likely to come about as a result of development and to reduce harmful emissions from vehicles.

Travel Plans can also reduce the cost of business travel, promote healthy living among employees and residents and widen the potential labour pool to include those that do not have access to a car. Travel Plans can be financially beneficial for employers to implement, by reducing the number of car parking spaces required.

A Travel Plan will be required for developments which exceeds the following thresholds:

- Food retail >1,000m² Gross Floor Area
- Non-food retail >1,000m² Gross Floor Area
- Cinemas and conference facilities >1,000m² Gross Floor Area
- Leisure facilities >1,000m² Gross Floor Area
- Business >2,500m² Gross Floor Area
- Industry >5,000m² Gross Floor Area
- Distribution and warehousing >10,000m² Gross Floor Area
- Hospitals >2,500m² Gross Floor Area
- Higher and further education >2,500m² Gross Floor Area
- Stadia >1,500 seats
- Housing >100 dwellings.
- All schools.

Developments which fall below these thresholds are also encouraged to prepare Travel Plans in support of applications for development.

Travel Plans should be site-specific and measures and objectives should reflect the individual characteristics of a site as well as the trips likely to be generated by that development. They should contain a range of measures to ensure that the site is accessible by a variety of modes of transport, and that private car use to and from the site is discouraged via a combination of incentives and disincentives. Workplace Travel Plans can address commuter journeys to work, customer access, business travel and fleet management and they can encompass the movement of freight as well as people.

There may be opportunities to create informal or formal networks of organisations and businesses within defined areas known as Transport Management Organisations (TMOs). TMOs provide a forum for identifying and implementing measures that will improve travel conditions for companies, their employees, and the local community. Aberdeen City Council will work with Nestrans and the private sector to support and encourage the development of further TMOs across Aberdeen.

What should the Travel Plan contain?

A number of conditions have been identified that must be in place in order for a Travel Plan to be successful:

- The appointment of a dedicated Travel Plan Co-ordinator to oversee implementation of the Plan;
 - Engagement with staff and residents to identify what would encourage them to change their travel behaviour;
 - The Plan should be based on the findings of a recent staff or residents travel survey and regular follow-up surveys should be undertaken to assess the Plan's progress and ensure it remains current;
 - The plan should include a comprehensive package of measures, including incentives and disincentives to bring about change;
 - The plan should be site-specific, tailored to suit the individual development;
 - The plan should set clear objectives and targets, with monitoring procedures identified;
 - A funding stream for new infrastructure, initiatives, promotion and marketing;
- and
- Senior management support and approval for the Plan.

Typical workplace travel plan measures include:

- Ensuring there are safe walking and cycling routes to the development;
- Providing safe cycle parking facilities near the entrance to the workplace;
- Providing showers and changing facilities for cyclists and pedestrians;
- Providing a dedicated bus for employees or entering into negotiations with bus companies to extend an existing bus service to serve the development ;
- Providing tele- and video-conferencing facilities to reduce the need for business travel;
- Providing a pool car or car club vehicle for employees who need the use of a car during the working day;
- Negotiating discounted public transport fares for employees;
- Car Park management such as deliberately limiting staff parking or charging staff for car parking;
- Establishing a car share scheme for employees and implementing priority parking spaces for car sharers;
- Introducing flexible working arrangements, such as home working and flexitime working;
- Introducing the HMRC's Salary Sacrifice Schemes for buses, bicycles and home computers;
- Raising awareness of the health, environmental and cost benefits of walking, cycling and using public transport;
- Raising awareness of public transport serving the site and making public transport maps, timetables and leaflets available to staff and visitors.

Residential Travel Plans should outline measures aimed at influencing the travel behaviour of new home owners to, from and within the development. These could include:

- Ensuring the development is well served by safe and pleasant walking and cycling routes;

- Entering into negotiations with bus operators to ensure that the development can be served by public transport if it is not at present;
- Distributing a welcome pack to new residents with maps showing local walking and cycling routes and local public transport maps, leaflets and timetables ;
- Providing a car club vehicle(s) for residents to use;
- Establishing a residents' car share scheme;
- Providing residents with 1 months' free public transport tickets or a voucher for discounted walking or cycling goods.

Leisure Travel Plans may also be required for developments likely to generate a large volume of visitor journeys. Measures could include innovative marketing campaigns and initiatives for encouraging sustainable travel, such as limiting, or charging for, car parking, and ensuring the development is well served by walking, cycling and public transport links.

A free online Travel Plan Builder is available (www.aberdeencitytravelplans.co.uk) and officers in the Transportation Team are available to assist businesses and developers in the preparation of a Travel Plan.

Monitoring and Evaluation

Travel Plans should identify effective monitoring techniques and these will be agreed with the Council. The Council will request updates from developers every two years on the implementation of the Travel Plan. Legal Agreements may be required or planning conditions may be placed on planning applications to bind the targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review. More detailed guidance on what is expected as part of a Travel Plan will be available in Travel Plans: A Guide for Developers which is being prepared and will be published in 2012.

7. PARKING

Parking policy is an essential component of the City Council's Local Transport Strategy. Parking price and availability can have a significant influence on the way that people choose to travel.

Adequate parking can enhance the attractiveness of an area for development and sufficient spaces are needed to prevent over-spill parking into surrounding areas especially if this will have a detrimental impact. On the other hand, the over-provision of parking spaces can involve large tracts of land and lead to increased land prices, reduce building densities and increase distances people must walk between adjacent land uses. Over-provision of parking can also reduce travel by alternative forms of transport.

Parking standards must therefore reflect a balance of conflicting objectives. The standards in this document have been informed by the evidence of existing parking demands and take account of the potential requirement for parking spaces in the future given other policy measures to encourage the use of alternatives to cars. They also take account of the Scottish Government's Scottish Planning Policy guidelines on parking standards.

The level of parking standards also relates to the location of the development. To encourage the use of alternatives to the car where accessibility is high by non-car modes, the maximum parking standards are lower. Three separate zones have been identified by the Council for the application of varying parking standards and these are described below and are shown in the map on Figure 3, page 18:

- **Zone 1** is highly accessible by public transport and the density of population relative to the mixture of land uses (retailing, employment etc) allows for a large proportion of pedestrian and cycle journeys. On-street parking, public off-street parking and park and ride opportunities are also available. These factors allow for the lowest maximum levels of parking associated with new developments.
- **Zone 2** is relatively accessible by public transport and pay and display parking is available in most parts of the area for short stay use.
- **Zone 3** provides the third and least restrictive maximum standards as the area is less accessible by public transport and the distance from main residential areas may preclude walking and cycling on a significant scale.

Whilst the Local Transport Strategy seeks to reduce the amount of unnecessary car use and dependency, it maintains the right of individuals to own and keep cars at a residence. In view of this, the parking standards for housing developments should be considered as guidelines. Where development proposals include the provision of off-street parking, the entitlement to on-street parking permits will be restricted. Within all zones where development proposals include parking provision that is less than the guidelines for that Zone, developers will be expected to provide suitable alternatives such as bus permits and membership to car clubs.

Different land use components in a mixed development should aim to share car parking provision when the demand for the different land uses is at different times of the day or week. For example, parking provision at a school in the daytime could be

used for community and leisure facilities at evenings and weekends. Equally, office car parking spaces could be used by neighbouring residents and visitors during evenings and weekends when the business premises are unoccupied.

LOW AND NO CAR HOUSING

Aberdeen City Council will support and encourage low or no car housing, recognising the contribution this can have towards sustainable development, where there is evidence that car ownership and use will be low enough to justify proposals, and where public transport and other travel options are sufficient to allow residents to rely wholly on them.

It is vital that such development is located in an area of good existing public transport, cycle and pedestrian links, thus allowing a design that facilitates as many trips as possible to and from the development being made by modes other than the private car.

Such development is likely to be more successful in city centre locations, where there is already a high demand for car parking and good public transport links.

The Council will consider the following issues in determining proposals for low or no car housing:

- The development is mixed use and there are employment opportunities within walking and cycling distance of residential units;
- The development is linked to the main road network by well lit, safe and pleasant footways or paths for pedestrians;
- The development is within 400m of the local cycle network and there is adequate bicycle parking available; and
- There are at least 2 buses in each peak time quarter hour period serving, or stopping close by to, the development.

Where development proposals are specifically put forward as low or no car housing, the entitlement to on-street parking permits will be restricted.

The developer may also wish to establish a car club for the development, thus reducing the need for residents to own a private car in the first place. There will always be a requirement for a minimum amount of disabled parking within the site.

CAR CLUBS

An alternative way for a developer to demonstrate a commitment to minimising car use is to enter into an agreement relating to a car club. Aberdeen City Council support, and will promote, the implementation and expansion of car clubs in Aberdeen City, especially in developments where there is significant potential to reduce the number of car trips.

A car club is a scheme whereby a vehicle or vehicles are shared by a particular community, with members typically paying an annual membership fee which then provides them with access to a car on a 'pay as you go' basis (with the individual usually paying for use per mile or per hour). Such a system allows members of the

club to enjoy all the advantages and conveniences of car travel without them having to own a car themselves.

Car club vehicles can act as pool vehicles for workplaces and can remove the need for householders in a residential development to own a car. Research shows that each car club vehicle typically replaces 6 private cars as club members refrain from buying or maintaining a second car or even choose not to own a car at all.

Car clubs provide a means to reduce the number of parking spaces required for new developments and can be used to retrofit existing developments, allowing them to adopt more of a 'Home Zone' style approach. By reducing or eliminating the need for onsite parking many new developments are made possible and their traffic impact minimised.

Developers may choose to set up a car club solely for their development or to pay for membership of an existing car club for all residents and/or employees of the development. For a residential development to have a self-contained car club, guidance suggests that there should be at least 200 units. Developments which are smaller, or which have a mix of uses, can still include car clubs, although these may need to be open to other subscribers in the immediate local area. Shared residential and business membership could be one approach, as use of the vehicles for business journeys is likely to be more in demand during working hours on weekdays and domestic usage is likely to be more pronounced in evenings and weekends.

In entering into a legal agreement to set up and/or promote a car club, the developer should ensure that the club is up and running from the very beginning of the occupation of the development. It should be offered to prospective members on favourable terms. A common requirement is free initial membership for three years. The developer should expect to contribute to the costs of setting up and promoting the club, as well as any traffic orders and works that might be necessary. The developer should guarantee the car club for a period of 10 years.

PARKING STANDARDS

This section addresses the following:

- Non-residential parking (**maximum standards**)
- Residential parking (**guidelines**)
- Disabled Badge Holders' Parking (**requirements**)
- Delivery space (**guidelines**)

Car Parking Standards - Introduction

Figure 3 below shows the areas covered by each of the 3 parking standard zones. Please note the boundaries shown are indicative and subject to change through any updates to the Local Transport Strategy.

Figure 3 – Zones for Parking Standards



For a change of use, developers should, in the first instance, take account of the standards shown in the following tables. This may mean increasing the number of spaces or possibly taking some away. Times of use of the existing and proposed land use(s) may be relevant to the need to provide extra parking. For instance a proposal for residential development in what is currently an office use may, on first consideration, require extra spaces. However, as residential parking demand tends to be mainly in an evening, it may be that the extra spaces could be accommodated elsewhere without road safety, amenity or other issues being raised.

If a site is redeveloped in its entirety with existing buildings demolished and the site cleared then developers should be guided by the standards in the following tables.

Many development proposals contain a variety of types of land uses. When assessing these applications the developer will be required to take account of the shared use of the site particularly if the different land uses are in use at different times of the day.

Where parking standards in the following tables relate to Gross Floor Area (GFA) this should be measured to the outside of the external walls of the development and will include all public and privately accessible areas.

Where it is proposed to extend an existing building (or other land use) parking provision should be based on the Gross Floor Area of the existing plus proposed building area.

Parking bays should generally be 2.5 x 5.0 metres with a 6.0 metre aisle width between bays. For nurseries or similar type of development where small children are to be dropped off, an extra 0.9 metres should be provided between spaces.

Where it is necessary to accommodate car parking within a private court, the parking must not dominate the space: no more than 50% of any court should be taken up by parking spaces and access roads. This figure is a guideline and the planning authority reserves the right to consider each case on its particular merits. In high density schemes it will be expected that underground or decked parking will be provided in order to achieve this.

In order to contribute to the Scottish Government's carbon reduction targets the Council will also encourage the provision of electric vehicle infrastructure as part of developments with associated off-street car parking.

Non-residential car parking spaces – all maximum amounts

1: RETAIL			
Land Use	City Centre	Inner City	Outer City
Food retail outlets (>1000m2 GFA)	1 per 40m2	1 per 22m2	1 per 14m2
Non-food retail outlets (>1000m2 GFA)	1 per 50m2	1 per 30m2	1 per 20m2
Food/non-food retail outlets (<1000m2 GFA)	1 per 70m2	1 per 40m2	1 per 30m2
Motor trade (including vehicle display area, spares dept, servicing, tyre and exhaust centre)	0.5/1 staff; 1 per 50m2 vehicle display area; 1 per 50m2 spares department; 3/servicing bay, 2/tyre and exhaust bay	0.5/1 staff; 1 per 33m2 vehicle display area; 1 per 25m2 spares departments; 3/servicing bay, 2/tyre and exhaust bay	0.5/1 staff; 1 per 33m2 vehicle display area; 1 per 25m2 spares departments ; 3/servicing bay, 2/tyre and exhaust bay
Petrol Filling Stations (note retail element assessed separately)	1 per 2 staff	1 per 2 staff	1 per 2 staff

2. FINANCE, PROFESSIONAL AND OTHER SERVICES			
Land use	City Centre	Inner City	Outer City
Banks, Building Societies, etc.	1 per 90m2	1 per 62m2	1 per 40m2

3. FOOD AND DRINK			
Land use	City Centre	Inner City	Outer City
Restaurants and cafes	1 per 40m2	1 per 17m2	1 per 12.5m2
Pubs/clubs/discos/bars	1 per 40m2	1 per 25m2	1 per 12.5m2
Take-away	1 per 33m2	1 per 33m2	1 per 33m2
Drive Through Restaurants – requires adequate queuing space	1 per 10m2	1 per 10m2	1 per 10m2

4. BUSINESS			
Land use	City Centre	Inner City	Outer City
Offices	1 per 80m2	1 per 50m2	1 per 30m2

5. GENERAL INDUSTRIAL			
Land use	City Centre	Inner City	Outer City
Industrial premises (excluding motor vehicle workshops)	1 per 100m2	1 per 55m2	1 per 40m2

6. STORAGE AND DISTRIBUTION			
Land use	City Centre	Inner City	Outer City
Warehousing – storage and distribution	1 per 300m2	1 per 167m2	1 per 100m2
Warehousing – wholesale trading	1 per 100m2	1 per 72m2	1 per 50m2

7. HOTELS, HOSTELS			
Land use	City Centre	Inner City	Outer City
Hotels, boarding houses, guest houses, and motels (restaurant and conference facilities counted separately)	0.6 per bedroom	0.75 per bedroom	1 per bedroom

8. NON-RESIDENTIAL INSTITUTIONS			
Land use	City Centre	Inner City	Outer City
Nursery and Primary Schools	0.8 per staff	0.8 per staff	0.8 per staff
Higher and Further Education	0.5 per staff plus 1 per 15 students	0.5 per staff plus 1 per 15 students	0.5 per staff plus 1 per 15 students
Public Library	1 per 90m ²	1 per 57m ²	1 per 36m ²
Public hall/Function room	1 per 50m ²	1 per 27m ²	1 per 18m ²
Religious Institution	0.5 spaces per 10 seats	1 space per 10 seats	1 space per 10 seats
Medical Centres/Vets/Dentists	3 per consulting room plus 0.5 per staff	3 per consulting room plus 0.5 per staff	3 per consulting room plus 0.5 per staff
Hospitals	Merit (but will require Travel Plan)	Merit (but will require Travel Plan)	Merit (but will require Travel Plan)

9. ASSEMBLY AND LEISURE			
Land use	City Centre	Inner City	Outer City
Conference Centre	1 per 10 seats	1 per 7.5 seats	1 per 5 seats
Cinema/Concert hall/Theatre/Bingo hall	1 per 12 seats	1 per 8 seats	1 per 5 seats
Stadium	1 per 20 seats	1 per 20 seats	1 per 15 seats
Sports centre/facility	1 per 30m ²	1 per 22m ²	1 per 22m ²

Residential Car Parking Standards

These should be treated as **guidelines**, rather than maximums. The level of parking proposed in a new development will need to be agreed with the Planning Authority.

Residential Car Parking Standards – all guidelines

DWELLINGS			
Land use	City Centre	Inner City	Outer City
Residential Dwellings	1.5 allocated space per dwelling	1.75 allocated space per dwelling	2 allocated spaces per dwelling (up to 3

	(up to 3 bedrooms), 2 per dwelling (4 or more bedrooms)	(up to 3 bedrooms), 2 per dwelling (4 bedrooms)	bedrooms), 3 per dwelling (4 bedrooms).
1 bedroom flat (no designated spaces)	1 per unit	1 per unit	1.5 per unit
2 bedroom flat (no designated spaces)	1.5 per unit	1.75 per unit	2 per unit
3 bedroom flat (no designated spaces)	1.5 per unit	1.75 per unit	2 per unit
Housing Association/Social Housing (rented only)	0.8 per unit	0.8 per unit	0.8 per unit
Special Needs Housing	1 per resident staff member plus 1 per 8 residents	1 per resident staff member plus 1 per 8 residents	1 per resident staff member plus 1 per 8 residents
Sheltered Housing/Care Home/Nursing Home	1 per resident staff member plus 1 per 8 residents	1 per resident staff member plus 1 per 3 residents	1 per resident staff member plus 1 per 3 residents
Purpose Built Student Accommodation	1 per resident staff member plus 1 per 10 students	1 per resident staff member plus 1 per 10 students	1 per resident staff member plus 1 per 10 students

Disabled Badge Holders' Parking – all requirements

Reserved disabled parking should be provided as per the following table. Please note that these are minimum standards.

Disabled Badge Holders Parking

	Car park size up to 200 spaces	Car park maximum standard size over 200 spaces
Employment Uses	1 space per disabled employee plus 2 spaces or 5% of the total number of spaces in the car park or whichever is greater	6 spaces plus 2% of the total number of spaces in the car park
Retail, Leisure and Recreation Uses	3 spaces or 6% of the total number of spaces in the car park or whichever is greater	4 spaces plus 4% of the total number of spaces in the car park

Spaces for drivers with a disability should generally be 2.5 x 5.0 metres with a 0.9 metre strip between adjacent spaces to allow access for wheelchairs. These spaces should, where possible, be located within 50 metres of the entrance to buildings to assist accessibility.

Delivery/loading/unloading Parking Standards – all guidelines

These standards apply to spaces required for vehicles regularly and necessarily involved in the servicing of businesses or other buildings. It includes space for

commercial vehicles delivering goods or collecting goods from premises and space for loading and unloading.

Details of operational parking requirements should be considered as guidelines. Where no operational requirement is specified requirements will be considered on a case by case basis. However, it is important where possible that loading and other servicing facilities are provided on site to prevent delivery vehicles queuing or using on-street locations to load and unload.

Delivery/loading and unloading parking standards

1. RETAIL	
Land Use	
Food retail outlets (>1000m2 GFA)	Assessed on merit
Non-food retail outlets (>1000m2 GFA)	Assessed on merit
Food/non-food retail outlets (<1000m2 GFA)	Assessed on merit
Motor trade (including vehicle display area, spares dept, servicing, tyre and exhaust centre)	Assessed on merit
2. FINANCE, PROFESSIONAL AND OTHER SERVICES	
Land Use	
Banks, Building Societies etc.	Assessed on merit
3. FOOD AND DRINK	
Land Use	
Restaurants and cafes	Assessed on merit
Pubs/clubs/discos/bars	Assessed on merit
Take-away	Assessed on merit
Drive Through Restaurants	Assessed on merit
4. BUSINESS	
Land Use	
Offices	Assessed on merit
5. GENERAL INDUSTRIAL	
Land Use	
Industrial premises (excluding motor vehicle workshops)	1 loading bay up to 500m2 GFA, 2 loading bays between 500m2 and 2500m2 GFA and 3 loading bays over 2500m2
6. STORAGE AND DISTRIBUTION	
Land Use	
Warehousing (storage and distribution and wholesale trading)	1 loading bay up to 500m2 GFA, 2 loading bays between 500m2 and 2500m2 GFA and 3 loading bays over 2500m2
7. HOTELS, HOSTELS	
Land Use	
Hotels, boarding houses, guest houses, and motels (restaurant and conference facilities counted separately)	1 loading bay, and coach spaces will be required for hotels with more than 50 bedrooms
8. NON RESIDENTIAL INSTITUTIONS	
Land use	
Nursery and Primary Schools	Pick-up/set down facilities for school buses and cars
Higher and Further Education	Pick-up/set down facilities for school buses and cars
Public Library	Space for mobile library van as appropriate

Public hall/Function room	Provision for a coach
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9. ASSEMBLY AND LEISURE	
Land Use	
Conference Centre	1 coach space per 50 seats
Cinema/Concert hall/Theatre/Bingo hall	A space for coaches/cars to pick up and set down as appropriate
Stadium	Provision for coaches-to be assessed with Travel Plan and accessibility
Sports centre/facility	Provision for coaches-to be assessed with Travel Plan and accessibility

Motorcycle Parking Standards

Motorcycle parking should be considered early in the design process. Facilities should be conveniently located, adequately lit, well signed, secure and vandal proof. It is also important that facilities are not placed in dark recesses or at the rear of car parks where they are less likely to be used. They should be located as close as possible to building entrances, ideally overlooked from a building or in the clear view of pedestrians.

Wall loops or fixing devices anchored in or adjacent to the road can provide secure anchor points for motorcycles. These need to be robust in order to prevent them from being lifted out of the ground or cut with cutting tools. The anchor point should be compatible with a wide range of bike types and locking devices. A height of 600mm will accommodate a range of wheel sizes and helps prevent thieves from using the ground as leverage for bolt cutters and jacks. The anchor points should be located and designed in positions that do not pose a hazard to partially sighted or disabled people. Motorcycle bays may also be acceptable.

Motorcycle Parking Standards – all minimums

Land use	Motorcycle parking provisions
1. RETAIL	
Food Retail Outlets (>500m ² GFA)	1 per 1500m ² with a minimum of 1 space for staff and 1 space for customers
Non-Food Retail Outlets (>500m ² GFA)	1 per 1500m ² with a minimum of 1 space for staff and 1 space for customers
Food/Non-Food Retail Outlets (<500m ² GFA)	1 space for staff and 1 space for customers
2. FINANCIAL, PROFESSIONAL AND OTHER SERVICES	
Banks, Building Societies, etc.	1 per 1200m ² with a minimum of 1 space for staff and 1 space for customers
3. FOOD AND DRINK	
Restaurants and cafes	1 per 300m ² public area with a minimum of 1 space for staff and 1 space for customers
Pubs and Winebars	
Fast food Takeaway	
4. BUSINESSES	
Offices	1 per 1000m ² for employees and 1 per 4000m ² for visitors
5. GENERAL INDUSTRIAL	
Industrial premises	1 per 2000m ² for employees and 1 per 8000m ² for visitors
6. STORAGE AND DISTRIBUTION	
Warehousing	1 per 6000m ² for employees and 1 per 16000m ² for visitors

7. HOTELS, HOSTELS	
Hotels, boarding houses, guest houses, and motels	1 per 15 bedrooms with a minimum of 1 space for customers and 1 space for staff
8. NON RESIDENTIAL INSTITUTIONS	
Primary School	1 per 8 staff with a minimum of 1
Secondary School	1 per 8 staff with a minimum of 1
College/University	1 per 8 staff with a minimum of 2
Medial Centre	1 per 25 parking spaces with a minimum of 1 space for staff and 1 space for customers.
9. ASSEMBLY AND LEISURE	
Public Library	1 per 25 parking spaces with a minimum of 1 space for staff and 1 space for customers.
Cinema/Concert Hall/Theatre/Bingo Hall	
Conference Centre	
Public Hall	
Stadium	
Sports Centre/facility	
10. RESIDENTIAL INSTITUTIONS	
Special Needs Housing	1 visitor space per 25 units with a minimum of 1 space and 1 space per 25 staff with a minimum of 1
Sheltered Housing/Care Home/Nursing Home	1 visitor space per 25 units with a minimum of 1 space and 1 space per 25 staff with a minimum of 1
Hospitals	Assessed individually - a Travel Plan will be required.
Purpose Built Student Accommodation	1 per 25 beds and 1 per 25 staff with a minimum of 1 space for staff and 1 space for students
Flats (<6)	1 space per 8 flats with a minimum of 1
Flats (7-10)	
Flats (11-15)	
Flats (15-25)	
Flats (26-30)	
Flats (31+)	

Cycle Parking Standards

It is important that developers provide secure cycle parking at each new development, whether that be at a place of work or residence, so that individuals can make a choice of whether they wish to cycle to work with the knowledge that their bike will be secure at both ends of the journey.

This Guidance will be applied to:

- New developments and extensions to existing developments;
- Conversion of existing buildings involving a change of use; and
- Material changes of use

The location and provision of cycle parking facilities differs between short and long stay. Drawings submitted for a planning application should clearly indicate the number of spaces available for bicycles, and

For short stay:

- Precise location
- Design (usually Sheffield stand) as defined in 'Key Elements of Cycle Parking Provision'

For long stay:

- Internal building location or

- External location and design

Short Stay Parking

Short stay cycle parking is for visitors and/ or customers. This type of facility should be located in a safe, convenient, accessible and prominent position, preferably on-site and adjacent to the entrance of a building, and an absolute maximum of 50m from the entrance. Buildings with more than one entrance should either have cycle parking readily accessible from every entrance, or a smaller number of facilities should be located at each entrance.

The facility should be well signed and either lit, or placed close to a source of light. If possible, it should be monitored by closed circuit television and be visible to on-site security staff. As weather protection for cycle parking is highly desirable developers will need to consider this at an early stage in the design of new developments. The facility should be located so as not to cause an obstruction to pedestrians or partially sighted people. For short stay parking, Sheffield stands are recommended for most types of development. Wall loops may be acceptable in certain circumstances, for instance in areas where pavement widths are restricted. It should be noted however that stands that support the bicycle by one wheel only are NOT satisfactory.

Long Stay Parking

Long stay parking should be provided where cycle parking is required in excess of six hours, this includes residential, office and hotel developments. More secure facilities in the form of cycle cages or lockable compounds should be provided. These must be covered. Alternatively, secure compounds within buildings may be acceptable, provided they are located at ground level and are accessible. The compound must be under continuous supervision or have a shared key arrangement where each cyclist has a key to the outer door. Sheffield stands should also be provided within the bike store for increased security. On larger sites, small clusters of cycle parking facilities are preferable to large, central parking compounds.

Individual lockable facilities are a preference at residential developments, however there is a realisation that these will take up a greater footprint compared to a cycle compound. Aberdeen City Council will therefore look for flatted developments of six flats and under to contain individual lockable facilities at a ratio of one space per flat, which will take up approximately the same footprint as one car parking space. Where higher density developments take place with limited, or no car parking, the expectation is that the ratio of flats to cycle parking is also one to one.

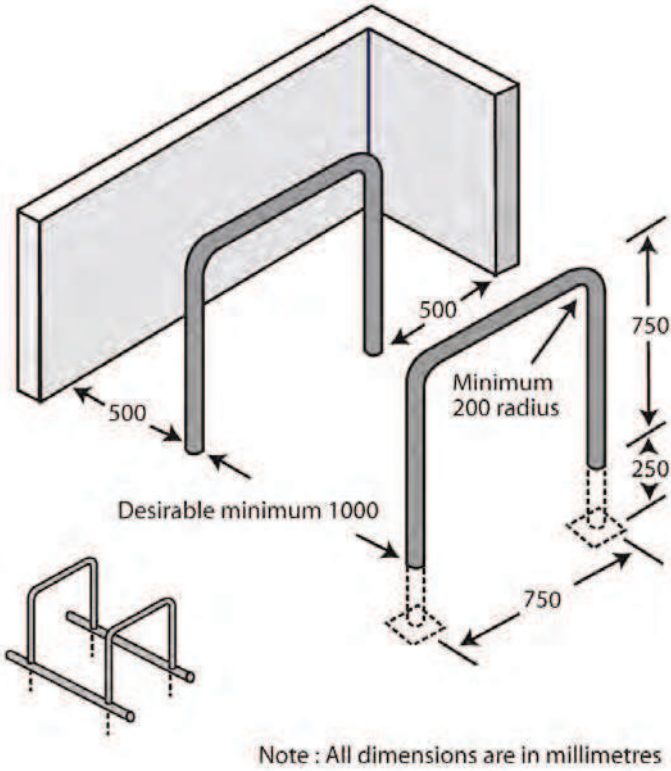
Sheffield Stand Specifications

The material and finish of stands can vary greatly, and only the higher specification of stainless steel and galvanised, powder or nylon coated should be used.

Stands should be 750mm high and a minimum of 750mm long. The frame of the stand should have a minimum outer diameter of 42mm. A desirable minimum

distance of 1000mm should be provided between stands to accommodate two cycles per stand. Stand ends should either be embedded in concrete, bolted into the ground or welded to parallel bars at ground level to form a 'toast' rack system. Adequate space should be provided at either end of the stand to enable cycles to be easily removed. The diagram below indicates the necessary dimensions for Sheffield stands and the amount of space required around each stand.

Figure 4 – Sheffield Stand Dimensions



Cycle Parking Standards

Please note that without exception, a minimum of two short stay stands, or four cycle parking spaces, should be provided with all types of use. Within the centre of town, if the entrance of a development is located within 50m of city centre cycle parking stands these can be included as part of the short stay cycle spaces required in the development quota.

Land use	Cycle parking provision
1. RETAIL	
Food Retail Outlets (>500m2 GFA)	1 per 250m2
Non-Food Retail Outlets (>500m2 GFA)	1 per 300m2
Food/Non-Food Retail Outlets (<500m2 gfa)	1 per 300m2
2. FINANCIAL, PROFESSIONAL AND OTHER SERVICES	
Banks, Building Societies, etc.	1 per 250m2
3. FOOD AND DRINK	
Restaurants and cafes	1 per 10 staff; 1 per 20 seats
Pubs and Winebars	1 per 100m2
Fast food Takeaway	1 per 50m2

4. BUSINESSES	
Offices	1 per 300m2
5. GENERAL INDUSTRIAL	
Industrial premises	1 per 500m2
6. STORAGE AND DISTRIBUTION	
Warehousing	1 per 1000m2
7. HOTELS, HOSTELS	
Hotels, boarding houses, guest houses, and motels	1 per 10 staff
8. NON RESIDENTIAL INSTITUTIONS	
Primary School	1 per 10 staff or students
Secondary School	1 per 10 staff or students
College/University	1 per 8 staff or students
Medical Centre	1 per 20 staff plus 1 per 20 staff for visitors
9. ASSEMBLY AND LEISURE	
Public Library	1 per 20 staff plus 1 per 10 staff for visitors
Cinema/Concert Hall/Theatre/Bingo Hall	1 per 10 staff plus 1 per 20 peak period visitors
Conference Centre	1 per 50 seats for staff plus 1 per 50 seats for visitors
Public Hall	1 per 10 staff plus 1 per 20 peak period visitors
Stadium	1 per 10 staff plus 1 per 20 peak period visitors
Sports Centre/facility	1 per 10 staff plus 1 per 20 peak period visitors
10. RESIDENTIAL INSTITUTIONS	
Special Needs Housing	1 per 10 staff
Sheltered Housing/Care Home/Nursing Home	1 per 10 staff
Hospitals	1 per 20 staff plus 1 per 20 staff for visitors
Purpose Built Student Accommodation	1 per 3 students
Flats (<6)	1 per flat
Flats (7-10)	1 per 1 flats
Flats (11-15)	1 per 1 flats
Flats (15-25)	1 per 1 flats
Flats (26-30)	1 per 1 flats
Flats (31+)	1 per 1 flats

Where a planning application for the intensification of an existing use or a change of use is made, there could be a need to provide additional cycle parking on the site in line with the standards. If there is no room for facilities to be provided on-site, the planning authority may ask for appropriate facilities to be provided off-site. Such provision should be within 50 metres of the development.

8. PARKING IN CONSERVATION AREAS

Introduction

Large parts of Aberdeen, mainly to the south and west of the city centre, have been designated as conservation areas in order to protect and, where possible, enhance their architectural character and environmental amenity.

The typical layout of most of these areas consists of broad streets, often tree lined, occasionally having service roads and gardens between the street and the buildings. The buildings may vary in size and style, but generally they have small front gardens and long walled gardens to the rear, frequently accessed from a rear lane running parallel to the street.

The increasing demand for off street parking brought about by ever expanding car ownership, and the introduction of traffic management schemes, generates pressure for car parking in garden areas, both to the front and rear of commercial and residential properties in conservation areas.

Statutory and Other Requirements

In conservation areas, planning permission is required to form a car park within a front or rear garden, and in some situations, conservation area consent may also be required where the proposals entail demolition work. Planning permission is also required to form a car park within the curtilage of a listed building, whilst listed building consent is required if any structure within the curtilage of a listed building is to be altered or removed. In all cases, including those where no planning or listed building consents are required, there is a requirement to apply to the City Council to form a footway crossing. Applicants should contact the Planning Authority at the earliest opportunity.

Trees in conservation areas are statutorily protected, and their removal without prior consent from the Council constitutes an offence, as does the removal of any tree that is protected by a tree preservation order. Consent is also required before any work, such as lopping or thinning, is carried out to a protected tree.

Removal of existing parking spaces

Whilst generally the pressure from property owners is to create additional car parking space, there may be an occasion when an owner will wish to convert existing parking space back to landscaping. Residents will be encouraged to restore private car parking in conservation areas to its original use as garden space, to help restore the character of an area. The condition to this is that the planning authority must be satisfied that any loss of off-street parking will not have a detrimental effect on road safety.

PARKING IN FRONT GARDENS

The conversion of front gardens for car parking will only be permitted where:

- the site is outwith the West End Office Area;
- rear garden parking is not an option;
- where there are no implications for road safety;

- where there is no impact on significant street or garden trees; and
- where on-street parking is readily available in the vicinity.

Other situations will be considered on their own merit, but with the provision that the garden will have to be large enough to take a single car whilst leaving a reasonable space between the parked car and the house, and at least 50% of the garden ground for soft landscaping. A detailed list of the criteria for assessing proposals for new driveways are set out below.

Road Safety

All applications to form a driveway must be assessed against road safety standards to ensure they do not present hazards to other road users or pedestrians.

Definitions of Road Types

A **Classified Road** is a highway which has been identified as being of importance for the movement of traffic. Classifications given are Class A, B or C, and any new access onto a classified road requires planning permission. **Primary Distributor Roads** form the primary network for the urban area and comprise trunk roads and important classified roads. All **Trunk Roads** are Class A. **District Distributor Roads** may be class A, B or C whilst **Local Distributor Roads** may be Class B or C, but are generally unclassified. Trunk Roads and Primary Routes are shown in the Finalised Aberdeen Local Plan in the Additional City Wide Proposals maps.

Access onto Classified Roads

There is a presumption against granting planning permission for a driveway onto a trunk road or primary distributor road. On district distributor roads there is also a presumption against granting consent for driveways, but this may be relaxed provided the proposal meets road safety criteria, and vehicles are able to enter and exit the parking area in forward gear. Local distributor roads are treated similarly to district distributors but without the requirement to enter and exit in forward gear.

Visibility

Driveways must be positioned to allow adequate visibility, particularly on busy pedestrian routes, in accordance with national standards.

Proximity to Road Junctions

Driveways will not normally be closer to a junction than 15 metres, although this may be relaxed if the road is lightly trafficked.

Footpath Crossings

No more than one footpath crossing per property will be permitted, except in situations where a large house may have a long frontage when an 'in' and 'out' may be acceptable.

Driveways

Driveways must be at least 5.0 metres in length, and new houses must have a driveway of at least 6.0 metres. Where, however, a driveway is more than 7.0 metres long, it must be at least 10.0 metres in length to prevent the possibility

of two cars being parked, with the second car overhanging the footpath. The gradient of the driveway must not normally exceed 1:20, although 1:15 may be acceptable in some circumstances, depending on the surface texture employed. The first two metres of the driveway adjacent to the footpath must not be surfaced with loose material such as gravel, to prevent material being carried onto the footpath or roadway. The driveway must be drained internally, with no surface water discharging onto the roadway. A driveway might not be permitted if it is accessed from a 'Pay and Display Area', or via a parking lay-by, where the lay-by is regularly occupied.

Planning Criteria in relation to Parking in Front Gardens

Planning criteria considered when assessing whether consent may be granted for parking in front gardens of listed buildings or buildings in conservation areas. Similar criteria apply to front gardens of flats.

General Criteria

1. No more than 35% of the front garden area may be given over for the combined parking area, driveway and any turning area, or 50% if footpaths and other hard surfaced areas are included. At least 50% of the garden area should be left in topsoil to permit soft landscaping.
2. Where the property originally had cast iron railings, their reinstatement will be encouraged to lessen the impact of parked cars, failing which some other form of enclosure will be required, or appropriate soft landscaping.
3. The formation of the access driveway or parking area must not result in the loss of any street trees or significant garden trees.
4. Consent will not be granted where the property has a rear garden area, suitable for parking, which is accessible from a rear lane or side street.
5. Where the garden is owned by more than one resident, owners will not be permitted a separate driveway and parking area each unless they can be achieved without fragmenting the garden or unduly reducing on-street parking. A communal driveway and parking area may be permissible provided they occupy no more than 35% of the front garden, or 50% if footpaths and other hard surfaced areas are included.
6. Where the building is in multiple ownership, the formation of an access driveway for one or more owners should not result in any of the remaining owners having no opportunity to park in the street adjacent to their property.
7. Consent will not normally be granted for parking in garden areas in front of tenement flats.

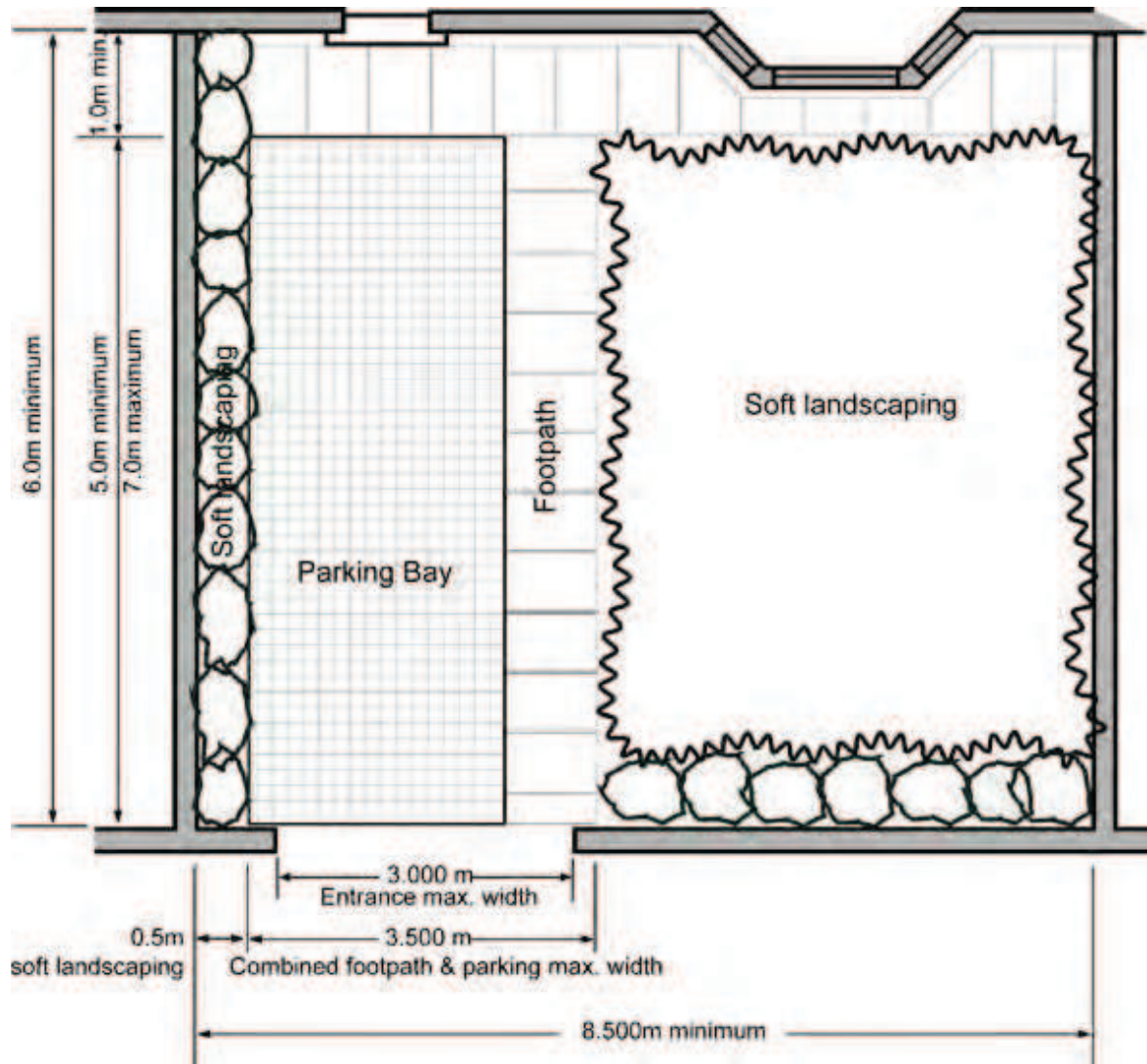
Situations where classification of road and location of driveway permits reversing out from the parking area

1. The parking area should be no closer to the front wall of the property than 1.0 metre.
2. The driveway must be no wider than 3.0 metres, or 3.5 metres if combined with the footpath.

Situations where classification of road permits garden parking provided it can be entered and exited in forward gear

1. The parking and turning areas should be no closer to the front wall of the property than 1.0 metre.
2. The design of any turning area should be such that it can be used only for turning and not as additional parking area.

3. Suitable landscaping should be provided to screen both parking and turning areas, and generally to soften the intrusive effect of cars parked in front of the property.



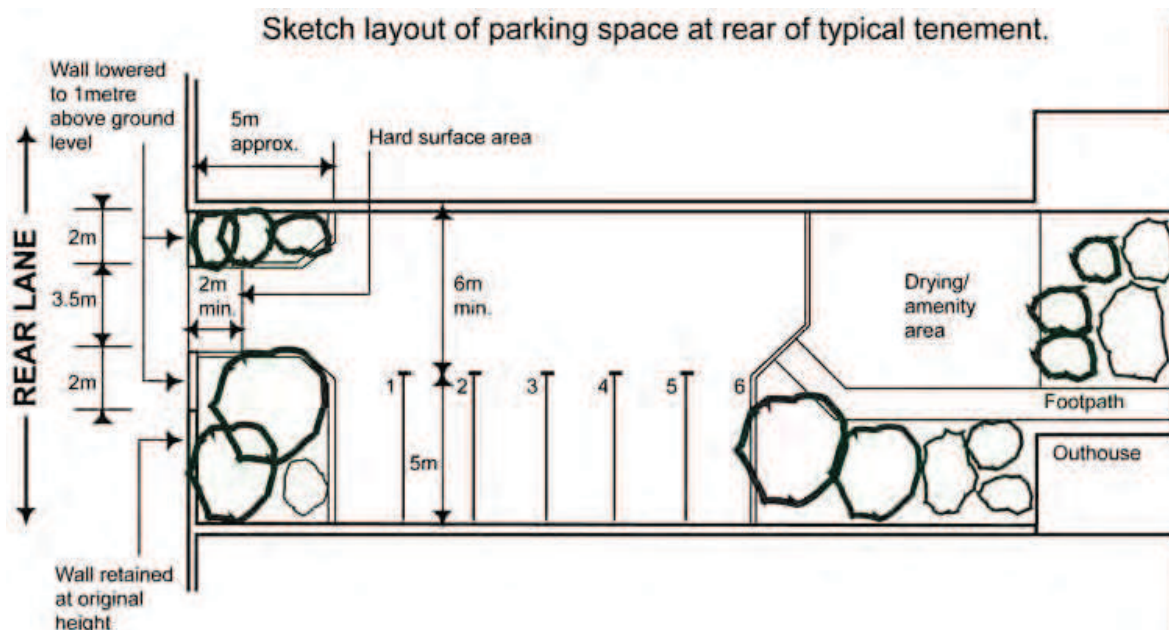
Sketch layout of smallest front garden capable of accepting a single car parking space whilst retaining 50% garden ground for soft landscaping.

Total area + 51m²approx

Total area of landscaping = 25m²approx

PARKING IN REAR GARDENS

In certain areas of the City, where rear lanes provide access to back gardens, it may be acceptable to convert part of these back gardens to car parks. In order to preserve as much as possible of the amenity provided by these gardens, the area given over to parking will be the minimum required to provide no more than one car space for each flat, and the treatment of other areas, including boundary walls, landscaped areas and screen planting, will require careful consideration. In the case of houses, or houses which have been subdivided into a small number of flats, it may be easier to provide parking space, as most rear gardens will be able to accommodate a small number of cars, whilst still leaving a good proportion of garden ground unaffected.



General requirements for Parking areas in Gardens

1. The car park should be internally drained and should incorporate Sustainable Urban Drainage Systems to deal with surface water run off.
2. Parking spaces should be delineated on the site.

Parking Layout in Rear Gardens

Where car parks in rear areas are permissible, their layout will vary depending on the site characteristics and parking requirements. A high priority is placed on retaining significant trees, original outbuildings such as stables or coach houses, boundary features such as granite walling and even changes in level which add interest to the site.

Parking bays should be 5.0 metres by 2.5 metres, and access aisles around 6.0 metres wide. Adequate space should be allowed to permit turning entirely within the site. A generous space of around 5.0 metres should be allowed between the parking area and the rear lane to permit adequate landscaping, and for trees to develop without threatening boundary walls.



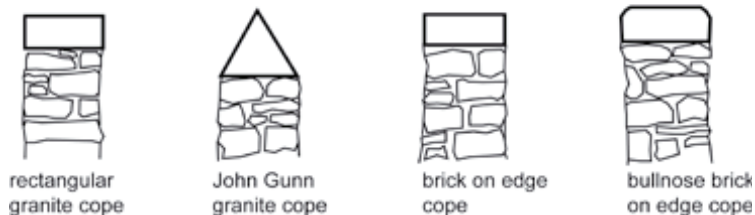
Surfacing of Parking Areas

An area of granite setts or other similar finish is required at the entrance to the car park, to provide an identifiable boundary between the lane and the car park and to retain any loose materials which may be used to surface the car park. The parking surface may be constructed in a variety of durable materials such as block pavers, tarmac or gravel. Water bound materials such as clay and sand based hoggin or granite dust are temporary measures which are not acceptable. Where the surface of the parking area is to be gravel, the length of granite setts or similar material at the entrance to the car park must be at least 2metres, to prevent gravel being dragged onto the public road or lane.

Rear Boundary Walls

Boundary walls are generally around two metres high, built of granite pinnings or granite rubble, usually left exposed but occasionally harled. They will normally have a granite or red brick-on- edge coping. Openings formed in rear boundary walls should be of a width of around 3.5 metres to allow vehicular access. A length of boundary wall on each side of the opening will likely have to be reduced in height to permit visibility in each direction for parking areas serving commercial premises or more than a single residential unit. Beyond this the wall must step back up to its original height, to provide a degree of screening of the car park. Materials matching the original should be used in any alterations to boundary walls.

COMMON TYPES OF COPE



Gates

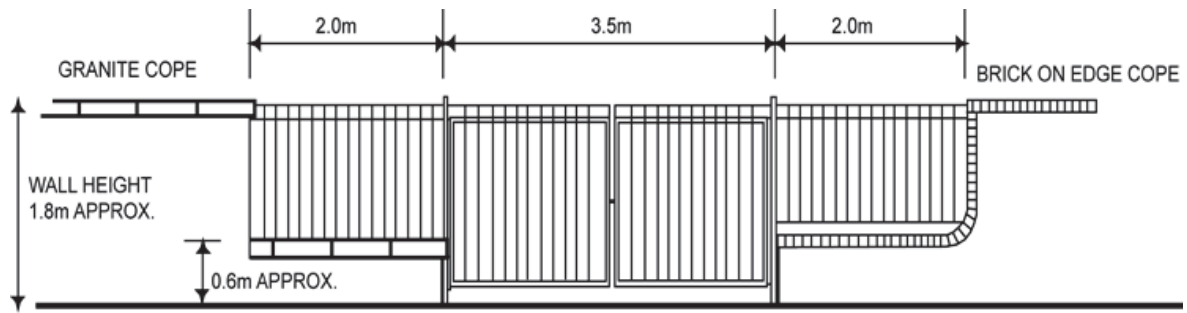
Close-boarded timber pedestrian pass gates, or vehicular gates to a single residential unit, either stained or painted and constructed to the same height as the boundary wall, are a common feature of these lanes, and provide reasonable security and privacy. Cast and wrought iron or mild steel gates can be used at entrances to commercial premises or flatted developments, and can be effectively employed in conjunction with railings on top of an adjacent lowered wall. Ornate scrollwork is however, alien to Aberdeen's special architectural character, particularly in the context of rear or service lanes, and ought to be avoided. Gates must always open into the garden rather than into the lane.

Trees and Landscaping in Rear Gardens

Where rear garden ground is to be given over for car parking there will be an inevitable loss of amenity space, or potential amenity space where the ground in question has been neglected. This type of space is of great importance for visual stimulation, wildlife, air quality, sustainable drainage, and practical and leisure uses such as clothes drying or simply gardening and sitting outdoors. The area given over for parking should therefore, be kept to an absolute minimum. In order that garden ground remains the dominant feature of the garden it is suggested that no more than 45%-50% be given over for parking and other areas of hard surfacing, although these percentages may increase slightly in flatted situations to allow one parking space per flat. Where consent is given for the formation of parking area in garden ground, it will be a condition of that consent, that the remainder of the garden will be landscaped in accordance with an approved scheme. It is a normal requirement of such conditions that the landscaping be maintained for a period of five years following the implementation of the landscaping.

The Council has a statutory duty to have regard to the preservation of existing trees and to require the planting of new trees in appropriate circumstances. In that respect it should be noted that trees within conservation areas are statutorily protected, and that it is an offence to remove a protected tree before express consent has been granted by the City Council. A tree survey is required if there are any trees over 75mm in diameter at chest height. Existing trees contribute greatly to the attractiveness and character of a locality, and must be retained and protected from any damaging construction activities. An area no less than half the tree height or canopy spread, whichever is the greater, (British Standard 5837; Trees in Relation to Construction), must be kept free of any disturbance such as changes in ground levels, excavation and compaction. Where there is insufficient space to comply with the British Standard, encroachment into the protected area will be permissible only if it can be demonstrated to the satisfaction of the planning authority, that the proposal can be carried out in a manner which will not cause damage to the trees, or detrimentally affect their setting.

The council will normally require the planting of new trees as part of proposals for the landscaping of parking areas. Such trees can be particularly effective when planted just inside the feu, near the rear lane. The species of tree chosen should be the largest type suitable for the particular site, as these will tend to produce the greatest impact and environmental benefits. Native species of trees should be used where suitable.



Alternative methods of finishing lowered walls at rear parking areas

Lock-up Garages in Rear Gardens

The formation of lock-up garages off rear lanes, serving houses or a small number of flats, can usually be achieved satisfactorily. The design and positioning of the garage should be given careful consideration, particularly with regard to the effect the garage will have on the appearance of the lane. Where, as in most situations, the garage opens onto the lane, the outer wall of the garage should be on the same line as the garden wall, and not recessed back from it, as this helps to maintain the delineation of the lane. This may affect the choice of garage door as it is not acceptable for the door to encroach onto the lane as it is opened.

The formation of ranks of garages in the rear gardens of tenements has an extremely detrimental effect on the appearance of rear garden areas, and will not normally be permitted. They occupy more garden ground than simple parking spaces. They also protrude above garden walls and cannot easily be screened by trees or other landscaping measures. It is virtually impossible to recreate any sense of enclosure in these situations, and the turning space in front of the garages tend to become desolate areas which attract vandalism. Additionally the formation of banks of garages can greatly increase the built footprint of the feu to the extent that it could push it over the 33% maximum area which is generally considered permissible to be developed.

9. DRIVEWAYS GUIDE

These guidelines have been prepared to advise householders on the consents that are required from the Council if they are proposing to build a driveway.

In seeking consent for a new driveway applicants (householders) should note that it is possible that up to three separate consents may be required including:

- Planning Permission (Town and Country Planning Scotland Act 1997 [as amended by the Planning etc Scotland Act 2006])
- Road Consent (Roads Scotland Act 1984)
- Landlord's Consent

Planning Permission

Reasons for requiring planning permission include:

- The property is a flat;
- construction work involves over 0.5 metres of earthworks [excavation or raising of ground level];
- the verge to the footway has grass over 2.5 metres wide;
- the driveway accesses on to a classified road*;
- the property is a listed building or is situated in a conservation area.

Permission will not be granted for a driveway across an amenity area or road side verge unless it would produce a demonstrable improvement in road safety and have no adverse effect on the amenity of the area.

*Local authorities are obliged to consult Transport Scotland, the trunk road authority, when they receive planning applications for any development that lies within 67 metres of the trunk road or where there may be any impact on traffic using the trunk road network.

Roads Consent

Permission will always be required from the Council for the installation of a driveway. If the driveway is the subject of a planning application then roads issues will be dealt with as part of the planning process, otherwise an application is made direct to the Roads Authority for permission to construct the access. Applications which affect the trunk road network may be referred to Transport Scotland for a recommendation.

The following conditions should be met to comply with the Roads Authority requirements and standards. These conditions apply to all driveway applications, including those that do not require an application for planning permission.

Length of the Driveway

The length of the driveway must be a minimum of 5 metres. This is considered to be the minimum length which will accommodate the average car, without overhanging the footway. Vehicles that overhang the footway cause a road safety hazard to pedestrians, especially young children and those with a disability.

Driveways in new houses must have a minimum length of 6 metres. If a driveway application is longer than 7 metres, it must then be at least 10 metres long. This requirement is to prevent two cars parking with the second car overhanging the footway.

These standards are set for the average length of car and it is noted that some smaller cars are less than this standard. However once permission is granted the Council has no control over what type of car might use the driveway and it must therefore consider not only the existing use, but also the future use of the site. Driveways, which do not meet the minimum specified length of 5 metres, will be refused.

Visibility

Driveways must be positioned to enable the required visibility, including pedestrian visibility, to be achieved in accordance with National Standards. Visibility is particularly important on popular pedestrian routes and near schools. A driveway should also meet the public road at right angles and a vehicle should be able to enter and exit the driveway at right angles to the road, so that a driver can see clearly in both directions without having to turn round excessively. Driveways which do not meet the minimum requirements for visibility will be refused.

Distance from a Junction

Driveways should be a minimum of 15 metres from a junction, although there may be circumstances where this may be relaxed on lightly trafficked roads.

Number of Footway Crossings per Property

In general only one footway crossing per property is allowed. This is to avoid a proliferation of crossings, causing a road safety hazard to pedestrians. In some situations this may be relaxed, for example at large houses with a long frontage where an “in” and an “out” may be permitted. Where properties have suitable existing facilities at the rear of the property it is unlikely that permission will be granted for further crossings at the front of the building.

Access from Parking Lay-bys

A driveway will not generally be permitted if access is taken from a parking lay-by, which is regularly in use. Similarly access from a “Pay and Display” area may also be refused.

Gradient

The gradient of a driveway should generally not exceed 1 in 20 although this may be relaxed in certain circumstances to a maximum of 1 in 15, provided suitable measures such as nonslip surfacing are employed. It is acknowledged that a parked vehicle could slide on a gradient greater than 1 in 15, and gradients greater 1 in 15 will not therefore be permitted.

Drainage

A driveway should be internally drained with no surface water discharging on to the public road. This is to prevent any flooding on the public road, with ice perhaps forming in the winter.

Construction of the Footway Crossing

A driveway must be served by a footway crossing constructed by the City Council to ensure that it is constructed to a suitable standard and that any services under the footway have suitable protection.

Loose material e.g. stone chippings must not be used to surface the first 2 metres of the driveway adjacent to the footway. Only one footway crossing will be allowed per property to avoid any impact on road safety. The normal width of a footway crossing is 3 metres but this may be increased to 6 metres for a double driveway.

The applicant is responsible for the payment of all works involved.

Landlords/Other Consents

In addition Superior's or Landlord's consent may be required for the Works. Solicitor's advice should be sought on this matter. Where the Council owns the property, the Council's consent as landlord will be required. Where the property was previously in the ownership of the Council, there may also be a requirement to seek "Superior's Consent" from the Council for the Works. This should be obtained before work commences.

Where a change of use of private or public open space is required please contact the council.

Driveway application to Enterprise, Planning and Infrastructure

An application for a driveway should be made to Enterprise, Planning and Infrastructure. Staff will give advice on what is required for a driveway and whether the driveway will require a planning application. If no planning application is required they will advise if the driveway is acceptable with regard to council standards. For further information please contact:

Planning and Sustainable Development
Enterprise, Planning & Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen, AB10 1AB
Tel: 01224 523470, Fax: 01224 636181
Email pi@aberdeencity.gov.uk

Some of the questions that will require to be answered are:

Is the property a council house?

Is the property a flat?

Is the driveway to be at right angles to the road?

Is the driveway to be a minimum of 5 metres long?

All applications must include a suitable plan clearly showing the location of the proposed driveway and the dimensions along with the construction details. All applications must satisfy the standards described above or the application may be rejected.

10. AUTOMATIC TELLER MACHINES (“CASH MACHINES”)

The location of ATMs has implications for road safety and parking. Ideally auto-tellers should be located along active building frontages in public areas where there is a high level of pedestrian movements and passive surveillance. These may be at main shopping streets, supermarkets, neighbourhood shopping areas or bank premises, but other locations may be acceptable. This guidance clarifies where new ATMs may be provided.

The suitability of new ATMs will be considered on the following criteria:

- The level of pedestrian movements;
- Positioning of the ATM in relation to active building frontages and passive surveillance;
- Width of pavements around the proposed ATM;
- The availability of parking adjacent to the proposed sites where there is no obstruction to surrounding uses or driveways;
- Appearance of the ATM and impact on the surrounding built and natural environment.

The auto-teller should not be positioned adjacent to or near junctions or bends in the road or in areas where there is poor visibility. The provision of a proposed ATM should not cause obstruction to existing pedestrian movements.

In addition, there shall be a presumption against granting planning permission for automatic telling machines where it can be clearly demonstrated:

- a) that the width of the footpavement in the vicinity of the machine is restricted in relation to the observed level of pedestrian movements along that section, and may furthermore be restricted by the presence of bus stops or light controlled pedestrian crossings, such that the congestion created by persons standing at the machine may cause an obstruction to the free flow of pedestrian movement along the footpavement.
- b) that the machine is to be located within 3 metres of the corner of the building at a street junction where persons standing at the machine may cause an obstruction to the free flow of pedestrian movement along the converging footpavements.
- c) that the machine is to be located where it is not readily visible from a public thoroughfare or is in an area poorly lit.
- d) that the installation of the machine would be too detrimental to the external appearance of the property or would result in the loss of, or unsatisfactory alteration to, an internal feature of architectural or historical importance.

Relevant Links:

Aberdeen City Council Directional Signage Guidance for Paths 2011

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=39148&sID=3159>

Aberdeen City Council Travel Plan Builder

<http://www.aberdeencitytravelplans.co.uk>

Aberdeen Local Transport Strategy (2008-2012)

http://www.aberdeencity.gov.uk/web/files/sl_Planning/local_transport_strategy08.pdf

Aberdeen Local Transport Strategy (2008 -2012) Monitoring Update Paper 2009

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=25606&sID=2866>

Aberdeen Outdoor Access Forum

http://www.aberdeencity.gov.uk/planning_environment/environment/core_paths/plan_outdooraccessforum.asp

Aberdeen Core Paths Plan 2009

http://www.aberdeencity.gov.uk/planning_environment/environment/core_paths/plan_corepaths.asp

Designing Streets: A Policy Statement for Scotland 2010

<http://www.scotland.gov.uk/Resource/Doc/307126/0096540.pdf>

First Group Plc Aberdeen

<http://www.firstgroup.com/ukbus/aberdeen/>

Lowland Path Construction: A guide to Good Practice 2001

http://www.pathsforall.org.uk/component/option,com_docman/Itemid,69/gid,101/task,doc_details/

Nestrans – The Transport Strategy for Aberdeen City and Shire

<http://www.nestrans.org.uk/home.html>

Signage Guidance for Outdoor Access: A Guide to Good Practice 2009

http://www.pathsforall.org.uk/component/option,com_docman/Itemid,69/gid,106/task,doc_details/

Stagecoach Bus

<http://www.stagecoachbus.com/>

Transport Assessments and Implementation: A Guide 2005

<http://www.scotland.gov.uk/Publications/2005/08/1792325/23264>

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01224 523 470

E-Mail: pi@aberdeencity.gov.uk



Supplementary Guidance

Topic: Waste Management
Requirements in New Development

March 2012

Supplementary Planning Guidance – Waste Management Requirements for New Development

Developments should provide enough space for the storage and collection of waste – specifically recyclables, composting and residual waste – and access to such facilities. Planning conditions are already imposed on proposals likely to generate a significant amount of waste e.g. public houses, restaurants, medium to large-scale retail outlets and offices. However more could be done at the design stage to ensure that adequate provision is made for such facilities.

Policy R6 states that all new development will be required to incorporate adequate provision for waste disposal and recycling facilities. Housing developments regardless of size should have sufficient space for the storage of residual, recyclable and compostable wastes (black, blue and brown wheelie bins). Flatted developments will require communal facilities that allow for the separate storage and collection of these materials. Recycling facilities should be provided in all new superstores or large supermarkets and in other developments where appropriate. Details of storage facilities and means of collection must be included as part of any planning application for development which would generate waste.

In order to allow as many people as possible to recycle their household waste, the Aberdeen Waste Strategy relies on the kerbside collection of segregated waste. Houses will have 3 wheelie bins.

There will be a need for space for multiple waste storage bins and containers at each property. Different developments will have a different waste management service and therefore, space and access requirements. In all domestic cases, developments should comply with Building Standards (Standard 3.25 of the Technical Handbook).

Houses with Gardens

From 2012/13, houses with gardens will have 3 wheeled bins:

1. A 240l wheeled bin for recyclable materials such as glass, plastics, cans, paper and card. This is currently taken to Sclattie Quarry for transfer. However, in future it will be taken to a new Material Recycling Facility in Altens to be separated for recycling.
2. A black wheeled bin for residual waste – what's left – currently the bin provided for this service has a capacity of 240l but this may reduce in time to 180l.
3. A brown bin for garden waste.

In addition, houses will need a 25l food waste container that will be taken for composting or anaerobic digestion.

Houses will require an external space for 3 x 240 litre wheeled bins. The minimum size of external waste storage area required is 2m x 1m per house. This should be hard surfaced and, if covered, a minimum height of 2m.

Preferably, storage areas should be screened or sited out of public view, but readily accessible to the householders.

There should also be space in private or shared gardens for home composting (see below).

Houses without Gardens

From 2012/13, houses without gardens will have a 25l food waste container and 2 wheeled bins:

1. A 240l wheeled bin for recyclable materials such as glass, plastics, cans, paper and card. This is currently taken to Sclattie Quarry for transfer. However, in future it will be taken to a new Material Recycling Facility in Altens to be separated for recycling.
2. A black wheeled bin for residual waste – what's left – currently the bin provided for this service has a capacity of 240l but this may reduce in time to 180l.

In addition, houses will need a 25l food waste container that will be taken for composting or anaerobic digestion.

The householder is responsible for moving bins from storage areas to the public road footway adjacent to the property where they can be emptied by the Council. This distance should be kept to a minimum and as agreed with the collection authority. There should be no steps, kerbs or other obstructions between the storage areas and collection points for safety reasons. The route should be surfaced. Maximum Gradients are given in pages 44 and 45 of Designing Streets

<http://www.scotland.gov.uk/Resource/Doc/304284/0095457.pdf>

Wheeled bins will be provided by Aberdeen City Council for new developments.

Where we introduce food waste only collections (houses without gardens and multi-occupancy properties), we will probably provide a 7l kitchen caddy (designed to sit on a work surface) and a 25l food bin that sits under the sink/beside the general waste bin in the kitchen:



In **flats and terraces** it is usual for householders to store their waste externally, either in individual bins or communal bins. Adequate provision should be made for external hard standing space for communal bins for residual, compostable and recycling waste. As a guide, one x 1280l bin for refuse and recycling and 1 x 240l for food waste should be provided for every 10 flats.

These should be easy to reach for both householders (ideally between main points of access and car parking/main pedestrian routes) and refuse collection vehicles so they should be close to a public road, have no steps and incorporate drop kerbs where appropriate. The use of access pends and rear service routes may be appropriate. The turning diameter for refuse vehicles is 18m. If this cannot be provided throughout a development, then a centralised external storage point which is accessible to refuse vehicles must be provided. The suitability of the surface and access and egress routes for vehicles should be agreed with the highways authority. Turning on lockblock paving should be avoided.

In some cases it may be necessary to make provision for Factor's waste. In flats this is mainly garden waste so storage provision should be made for this where appropriate.

Storage areas should also be adequately screened, lit and hard surfaced. Communal storage areas should preferably be roofed with appropriate clearance for hinged bin lids.

Aberdeen City Council provides communal storage bins for a charge. For further details contact the Waste Team
Email wasteaware@aberdeencity.gov.uk
Tel: 08456 08 09 19

There should also be space in private or shared gardens for home composting (see below).

One issue which developers may wish to explore with our Waste Team (wasteawareaberdeen@aberdeencity.gov.uk) is that of underground storage and/or design of above ground storage for communal properties. We will look at this in more detail in respect of its costs, possible take up in future and practical issues of how to service underground bins effectively. Such an approach may be more practical for larger developments of over 50 flats to provide for the installation of underground bins. It would free up more space for the development compared to bin compounds as compensation.

Composting is a good option for the treatment and recycling of garden and other organic waste. Home composting areas should be designed into all new housing developments and compost bins provided. However, they must be carefully designed as part of the garden and not merely placed in a convenient area which may be inappropriate.

A 2m x1m area should be provided with a suitable sized composter and adequate drainage considered. Normally a 330 litre compost bin is adequate for most small to medium sized gardens but different sizes are available. Compost bins and green cones (which are used to digest food waste) can be supplied by Aberdeen City Council for a charge. Alternatively, householders can purchase a range of subsidised bins from Zero Waste Scotland website <http://wasteawareScotland.org.uk/>.

Commercial developments vary in activity and scale. However, they will be expected to recycle waste and so multiple storage containers are likely to be required. The minimum size of storage area for a small shop is 2m x 1m. This is a minimum area and size will vary significantly due to the size and type of business. Larger retail and commercial developments should as a minimum allow for three separate containers for refuse, paper and card and other recyclables. As with residential properties, areas of hard standing at storage and collection points are required and dropped kerbs along routes where waste is moved in wheeled containers. Where premises are accessible to the public, safe pedestrian access must be provided even where collection is from the public footway.

Post 2012/3, we will convert all recycling points, including those in supermarket car parks to mixed recycling bins. We could potentially add facilities for other materials such as batteries and small waste electrical and electronic equipment (WEEE). Retail outlets that sell electrical goods should provide front of store battery recycling facilities and where practical, back-of-store facilities for WEEE take back.

Commercial properties do not have to use Aberdeen City Council to uplift and dispose of their waste. If they request the service, charges are levied for the provision of appropriate bins and for collection and disposal. For any information on business waste, including costs, or to arrange meetings and discuss waste management practices, contact the Council's Waste Aware Team on 08456 080919 or email wasteawareaberdeen@aberdeencity.gov.uk.

Site Waste Management Plans

Developers can save money and help the environment by not over-ordering materials, using recycled material and minimising waste production during construction. Preparing a Site Waste Management Plan will help identify how much waste will be produced, how this can be minimised and what might be done with the waste. For proposals where we believe the potential savings are likely to be significant, we will ask developers to prepare a Site Waste Management Plan. The Netregs website has a useful checklist and guide for creating these.

http://www.netregs.gov.uk/static/documents/NetRegs/SWMP_Simple_Guide_Feb_2011.pdf

Contacts

For general information on **household, recycling and commercial waste** visit

http://www.aberdeencity.gov.uk/Rubbish/wwa/rub_waste_aware_aberdeen.asp

Email wasteawareaberdeen@aberdeencity.gov.uk

Tel: 08456 08 09 19

For information on **composting** visit

http://www.aberdeencity.gov.uk/Rubbish/wwa/household_waste/rub_home_composting.asp

For general information on **Building Standards**, contact

Building Standards Team
Planning and Sustainable Development

Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Phone: 01224 523470

Fax: 01224 636181

Email: pi@aberdeencity.gov.uk

If you need advice or information on making a **planning application** contact

Application Support Team
Planning and Sustainable Development

Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Phone: 01224 523470

Fax: 01224 636181

Email: pi@aberdeencity.gov.uk

External contacts

Advice on **composting and purchasing subsidised compost bins** is available from the Waste Aware Scotland Website

<http://wasteawarescotland.org.uk/>

Other **general information and guidance on waste** can be found on the Scottish Environment Protection Agency website <http://www.sepa.org.uk/>

For help with **language / interpreting** and other formats of communication support, please contact:

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E-Mail: pi@aberdeencity.gov.uk

NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)		Agent (if any)	
Name	MR & MRS. A. MacDonald.	Name	MRA Architects.
Address	Argyle House School Rd; Cults.	Address	The Studio Station Sq. Aberdeen.
Postcode	AB15 9LR.	Postcode	AB34 5HX.
Contact Telephone 1		Contact Telephone 1	
Contact Telephone 2		Contact Telephone 2	
Fax No		Fax No	
E-mail*		E-mail*	

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority	Aberdeen City.		
Planning authority's application reference number	P14036.9 (# P130235)		
Site address	As Argyle House above.		
Description of proposed development	Demolition of existing out building & ex. garage & const. of new studio & garage.		
Date of application	24.02.14	Date of decision (if any)	12.05.14

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary.

The case officer refused to take notice of previous planning advice from main planning app. (P111489), refused to attend site meetings & took over 3 months to produce a decision which was then rushed out without due consideration.
Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- 1. Can the site be viewed entirely from public land? Yes No
- 2. Is it possible for the site to be accessed safely, and without barriers to entry? Yes No

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

Part of the app. site is within the walled garden of Kyle Ho. & access to the garden is therefore reqd.

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

See attached statement, letters, emails & Docs.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

N/A

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Handwritten text in a box: "this is all set out in the appeal papers -"

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

Handwritten date: 6/Aug/14

Handwritten text: MRA ARCHITECTS - AGENT

Notice of Review of Planning Refusals

P130235 & P 140369

for

Studio & Replacement Double Garage

at

Argyle House, School Road, Cults

for

Mr & Mrs A MacDonald

Job 1011

6 August 2014

Appeal Statement for Argyle House - Studio, School Road, Cults

Planning

On 25 Nov. 2011 we were granted full planning consent for the restoration and extension of Argyle House on ref. P111489. This work is now complete.

A subsequent & separate planning application was then lodged to demolish the existing wash house and double garage and to replace this with a new double garage and studio with attached greenhouse ref. P130235

Background

As part of the discussions for app. P111489 with the planning service we requested that the existing access to Argyle House be moved to the corner of School Road & South Avenue as this was considered to be more appropriate and a safer access.

After extensive discussions with the planning case officer Ms. Sheila Robertson and the city roads engineer Mr Kamran Syed this proposal was rejected.

However, in a letter from Ms Robertson & Mr Syed dated 26 Oct & 25 Oct respectively it was suggested that if the proposed access was to be moved 15m west along South Drive that this would be acceptable. As this proposal, at that time, would have involved a major re-construction of the client's garden this offer was not followed up, the original access was retained & the alternative was not perused.

Studio Planning Applications P130235 & P 140369

On 18 Feb. 2013 we made a full detailed application to demolish & re-build an existing wash house & double garage & to replace this with a new double garage and artist's studio under ref. P130235

Ms Sally Wood was the new planning case officer. Ms Wood made it abundantly clear that she did not approve of the application or the proposals. In particular Ms Wood would not accept the agreement of Ms Robertson & Mr Syed to move the access 15m to the west.

After extensive discussions with Ms. Wood we proposed the following changes to the design to accord with Ms. Woods requests of her emailed letter dated 27 March 2013;

Studio

1. We reduced the eaves height to be 300mm below that of the adjoining building
2. We altered the window fenestration to match that of the original windows
3. We reduced the height of the altered/existing garden wall to accommodate the new lean-to greenhouse, by 800mm
4. We the additional walling required for the new greenhouse was to be in granite reclaimed granite from the demolished wash house
5. We altered the design of the roof to reflect the planners concerns & remove the gable onto South Avenue & re-located this to the east elevation within the garden to reflect the design of the original wash house
6. We deleted the use of Seaton brick but we retained the lime harling for three reasons;

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- a. There is insufficient reclaimed granite from the demolished wash house to build the extra walling for the lean too greenhouse & the street elevation of the proposed new building
 - b. Argyle House has just been re-harled in wet dash lime harling and we want this building to have the same finish
 - c. We feel that a lime harled building will sit more comfortable adjacent to the existing house to the west.
7. Argyle House has an existing double garage onto South Avenue & this establishes a precedent
 8. A house, of the calibre of Argyle House, requires a double garage
 9. Ms Wood suggested re-locating the garage to another part of the garden but this was not possible without removing a substantial number of mature broad leaf trees, all of which were covered by TPO's.
 10. We considered the wide double door proposed to South Avenue was the only practical & safely way to enter and exit the garage. To remove this in preference for two single doors does not leave sufficient room to manoeuvre a vehicle safely into & out of the garage without the risk of damage to the vehicle
 11. We do not consider that any adverse comments from Aberdeen City Roads would be relevant or enforceable as South Avenue is a **private non-adopted road**
 12. South Avenue and many of the surrounding lanes have numerous examples of double garage doors as we propose – see pic.

Despite these compromise proposal and several other changes we made to the design Ms Wood refused to compromise on any of her demands.

The app. was refused on 27 June 2013

On 24 Feb 2014 a revised app. was lodged taking further account of the reasons for refusal under ref. P140369.

This too was refused on 12 May 2014

We made several requests of Ms Wood to meet and discuss the application with her either on site or in her office. All requests were either refused or ignored.

When we lodged the amended planning app. (P140369) we provided the evidence of the previous discussions with Ms Robertson referred to above regarding the re-location of the of the access 15m to the west along South Drive.

We received an email from Ms Wood on 2 April 2014 demanding the removal of drawings 1101/28A, 48 & 49 from the app. as she considered these to not relevant to the current app. However, it transpired in a subsequent telephone call with our principal Mr Rasmussen that Ms. Wood admitted that she had not properly studied the drawings or even reading the attached letter of 25 February 2014. It is not only unacceptable for a planning officer to taken over 2 months to reply to our letter but the manner in which Ms Wood dealt with application was, in our opinion, most un-professional and un-acceptable behaviour from a public official.

Ms Wood was singularly reluctant to compromise on the design and access requirements despite ample evidence that this was acceptable to her predecessor Ms Robertson & that there were already many building of this type in the locality.

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When Ms Wood intimated that she would recommend refusal of this 2nd application in an email dated 8 May 2014. We emailed immediately back on the 9 May 2014 requesting that a decision to refuse was deferred for a site meeting.

Ms Wood again ignored this request & refused the application within 2 working days, in what we considered to be a very hasty decision.

It is our considered opinion that Ms Wood did not deal with this application in a fair or professional manner, ignored the decisions & recommendations of Ms Robertson & Mr Sayed relating to the new access & refused to compromise in any way over the design. There were numerous examples of delays & lost drawings on the administration of this application. We also suggest that to take over three months to deal with this application, given that this was a simple amendment to a previous application on the same site was excessive. We believe that Ms Wood refused to application in order to accord with the Scottish Government's requirements not to delay the determination of applications in a timeous manner.

In Ms Wood's email to our clients dated 12 May 2014 she states;

"..... (the architect should) have sought pre-application advice. This advice was not sought & a 2nd application submitted. "

This is a most inappropriate statement, firstly no offer of a pre application consultation was ever offered and secondly we took very careful note of the reasons for refusal of the 1st application & had acknowledged all of these in the 2nd application.

We therefore, ask the review panel to approve this application.



Michael Rasmussen Associates Chartered Architects

Page 182.

Appendix 01

Documents attached;

1st Planning Application Ref. P111489

- 1 26 Oct '11 Letter from Ms Robertson planning officer Mr Syed (planning & roads officers) agreeing to moving the access 15m to the west along South Drive + drawing
- 2 27 March '13 Letter from Ms Wood requesting changes to design of studio
- 3 29 March '13 Response to item 2 with examples of similar building in the locality
- 4 9 April '13 Request for feedback as there had been no response from Ms Wood
- 5 9 April '13 Ms Wood forwards response from roads
- 6 12 April '13 Reply to item 5 & requesting a site meeting. No response from Ms Wood no offer of a site meeting
- 7 9 May '13 Agreeing to amend application
- 8 13 June '13 Request for feedback as there had been no response from Ms Wood
- 9 27 June '13 Application refused without any further contact

2nd Planning Application P140369

- 10 25 Feb. '14 Letter with 2nd planning application
- 11 2 April '14 Ms Wood requests the withdrawal of all drawings referring to the previously agreed alternative access
- 12 2 April '14 Letter confirming (reluctantly) the withdrawal of drgs. 1101/28A, 48 & 49
- 13 14 April '14 Request for feedback as there had been no response from Ms Wood
- 14 7 May '14 Confirmation that greenhouse was built under permitted development guidelines
- 15 8 May '14 Ms Wood intimating refusal
- 16 9 May '14 Request not to refuse until a site meeting arranged – request refused
- 17 12 May '14 Application refused

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18 12 May '14 Email to client explain reasons for refusal

Appendix 02

Drawings Attached

1st Planning Application ref. P111489

- 1 1101/03 Survey drawing of existing wash house & double garage 1:100
- 2 1101/04 1st planning drawing 1:100
- 3 1101/73 Site & location plan 1:200 & 1:1250
- 4 1101/69 Revised CAD design for studio & garage

2nd Planning Application Ref. P140369

- 5 1101/73D Revised site & location plan 1:200 & 1:1250
- 6 1101/69C Revised CAD design for studio & garage
- 7 1101/28A Alternative accesses agreed with Ms Robertson
- 8 1101/48 Corner access agreed with Ms Robertson
- 9 1101/49 Access moved 15m to west on South Drive agreed with Ms Robertson

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Our Ref. SIR/P111489 [ZEF]
Your Ref.
Contact Sheila Robertson
Email pi@aberdeencity.gov.uk
Direct Dial 01224 522224
Direct Fax 01224 636181



ABERDEEN CITY COUNCIL

26/10/2011

Michael Rasmussen Associates
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AB34 5HX

Planning & Sustainable
Development
**Enterprise, Planning &
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Fax 01224 636181
Minicom 01224 522381
DX 529452, Aberdeen 9
www.aberdeencity.gov.uk

Dear Sir/Madam

Argyle House, 2 School Road, Cults
Proposed alterations, garden room extension, balcony, new/replacement
dormer windows, driveway/parking area and electric gates
Application Ref P111489

Please find attached a copy of the comments received from our Roads Service regarding the formation of a new access as part of the above application for planning permission,

As you will note, an objection has been raised to the close proximity of the new access to a road junction, its location is deemed to constitute a road safety hazard. I discussed this issue with your client last week during my site visit in anticipation of such an objection being raised. In view of the requirement for a new access to be 15 metres distant from a road junction, your client may wish to consider retaining the existing access or relocating the proposed access to the northern boundary abutting South Avenue.

I would be grateful if you would discuss this issue with your client with a view to submitting amended plans for the new access that would address the issues raised.

GORDON McINTOSH
DIRECTOR



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Yours faithfully

Sheila Robertson
Planning Technician

GORDON McINTOSH
DIRECTOR

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Page 186

MEMO



ABERDEEN
CITY COUNCIL

To	Sheila Robertson Planning & Infrastructure	Date	25/10/2011
		Your Ref.	P111489 (ZLF)
		Our Ref.	TR/KS/1/51/2
From	Kamran Syed		
Email	Kasyed@aberdeencity.gov.uk		
Dial	01224 523426		
Fax			

Roads Projects
Enterprise, Planning & Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen AB10 1AB

Planning Application no. P111489
Argyle House, 2 School Road, Cults
Proposed alterations, garden room extension, balcony, new/replacement dormer windows, driveway/parking area and electric gates

I have considered the above planning application and have the following observations:

1 Parking

- 1.1 I note that the applicant plans to alter the existing dwelling and form a new driveway at the front of the property.
- 1.2 I am satisfied that the development has provided the adequate parking at the proposed site.

2 Access

- 2.1 I note that the applicant plans to reinstate the existing access from the School Road and form a new vehicular access to the proposed driveway.
- 2.2 The proposed access is too close to the School Road/South Avenue junction. According to Aberdeen City Council (ACC) Roads policy a driveway should not generally be closer than 15m to a junction so that the vehicles turning the corner are not suddenly confronted by a vehicles manoeuvring in front of them. The proposed access may result in a road safety issue and the risk of conflict between moving vehicles can be increased substantially. The applicant should consider relocation of the proposed access.

Conclusion

A revise drawing showing an alternative access proposal should be submitted before I am able to give my further comments on this application.

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KAMRAN SYED
Engineering Officer (Development and Traffic)

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Mike Rasmussen

From: Sheila Robertson <SHROBERTSON@aberdeencity.gov.uk>
Sent: 24 April 2012 12:03
Subject: Re: Argyle House, 2 School Road

Hi Craig

I dont have any written comments from Roads to pass to you, however our discussions centred particularly on the position of the proposed access in terms of proximity from the road junction, which was deemed to be satisfactory. In order to improve road visibility the entrance to the driveway should be set back approximately 1 metre from the heel of the lane. The width of the access should be approximately 3 metres in width, and the walls to either side of the access should be no more than 1 metre in height to both sides of the access for distance of 1.5 metres,

I trust this information will be of use to you. Any further enquiries please get back to me

Regards

Sheila Robertson
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Enterprise, Planning & Infrastructure
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Mike Rasmussen

Sent: 27 October 2011 09:22
Subject: Re: Proposed new access at Argyle House, 2 School Road
Attachments: 1101 09C Planning - Site .jpeg; Untitled attachment 00016.htm

Good Morning Sheila,

Thank you for the letter regarding the driveway access at the above project.

I have discussed this with our client and they would prefer to re-locate the proposed new access on the North boundary as indicated on the attached drawing.

However before we re-submit the drawing we would like to run it past the roads engineer to receive any further comments on the new location, height of gate posts etc.

The alternative solution would be to keep the existing access however this is not our clients preferred option as they wish to screen their property from the new apartments which are currently being constructed adjacent to their current access.

Can you also confirm that the proposed application would receive approval once the driveway and access solution is approved?

Kind Regards,
Craig

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Our Ref. SWO/P130235
Your Ref.
Contact Sally Wood
Email pi@aberdeencity.gov.uk
Direct Dial 01224 522197
Direct Fax 01224 523180



ABERDEEN
CITY COUNCIL

27/03/2013

Michael Rasmussen Associates
F.A.O. Craig Allison
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AB34 5HX

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Dear Sir/Madam

**The Coach House, 2 School Road, Cults
Demolish existing outbuilding and form replacement dwelling house and
greenhouse and potting shed
Application Ref P130235**

I refer to the planning application submitted in connection with the above, and our telephone conversation of the 26th March.

It is understood that the proposal is for a house which is intended to be used in conjunction with the main house as an annex to provide overspill accommodation for family or friends of the owners of the house at 2 School Road when visiting. This is particularly important to clarify, because as submitted the proposal is unacceptable as a stand alone independent house; primarily due to the lack of amenity space, and the provision of other ancillary features, such as a potting shed, greenhouse and garage, which are understood to be facilities for the main house. On the basis that the proposal is an annex, then I proceed with the following comments, and the application will be considered as such, unless you indicate otherwise within 21 days from the date of this letter.

The site currently consists of a building which appears historically to have been part of the adjoining house which is in the neighbouring title. The existing building has domestic properties, and is of granite with a natural slate roof covering. A number of openings exist on the northern side, the elevation facing South Avenue. The existing

GORDON McINTOSH
DIRECTOR

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building appears subservient to that of the adjacent house, being lower in height and smaller in scale. The existing building is also articulated in three parts, with the incorporation of a central chimney which divides the element of the building with an upper floor, and a further lower single storey garage/storage building. The design is more akin to a craft/cottage type style of architecture. It is noted that the garage is more of a storage facility given its limited internal dimensions, and is certainly small to be considered a garage facility.

The proposal is to demolish the existing building, and to erect a replacement residential unit. The replacement building is slightly smaller in overall length than the existing, discounting the greenhouse and potting shed, but it is of full two storeys in height, being the same height as the existing dwelling, with a gable incorporated in its design. It is noted that the external materials are render, with brick surround on all openings, with a slate roof.

There are a number of concerns with the proposed design. Any new proposal should be in-keeping with the existing streetscape, and take into consideration the attached dwelling. The building should replicate a similar scale and mass to South Avenue as the current building, reading as a subservient element to the attached house. The proposal to raise the height of the roof to match the existing house provides a building which is just one single large mass, of which design does not appear sympathetic to the original house. The current break in height, with different ridge and eaves height, is a more suitable design consideration. Furthermore, the introduction of a gable on to the South Avenue is not in-keeping within the streetscene, and conflicts with the original dwelling. It is considered that an attempt has been made to incorporate a dormer to match.

You are strongly advised to amend the design so that the ridge and eaves height of the new dwelling is 300mm or lower than the adjoining house, in addition the gable to South Avenue is omitted from the design.

We have consulted the Roads Project Team, but have yet to receive its observations. However, it is likely that a proposal for a garage off South Avenue, with garage door opening into the lane, would be unacceptable due to the limited visibility splays, and it being directly opposite a vehicular access into the medical centre. It may be worth considering omitting any garaging within the proposed new building, which would free up additional space for accommodation, and therefore allow a redesign without the need to go to full two storeys in height for its entire length. A garage could be accommodated closer to the main house, which would also be closer to the vehicular access as permitted under planning application 111489 should your clients wish to have a garage.

Buildings should be designed so that they have an active frontage within the streetscene. The omission of the gable towards South Avenue, and a reduction in the ridge and eaves height, should be accompanied with appropriate openings, which are akin to the existing, windows with similar astragals and dormers to match. Openings could be kept relatively simple, but are considered would be an appropriate design consideration than a large single garage door six metres in length as submitted. Should the garage be omitted from the scheme then this would enable a step change within the overall length of the building, similar to the existing, which would provide improved articulation of the building, breaking up the massing as more of the accommodation could be provided on the ground floor level. This would also

improve accessibility as more of the key accommodation would be provided on the ground floor level (kitchen, bedroom and shower facility).

The Council has a policy that seeks to retain granite building, even outwith Conservation Areas. Consideration should be given to incorporate granite within the new building, particular in the public elevation. Whilst there is no objection in principle to the use of render within the walls of the house, the use of Seaton Brick on all the surrounds is not considered appropriate, as it is introducing a material not prevalent within the locality.

Finally, as part of the proposal it is noted that the boundary wall would be raised by an additional 1.6 metres. The boundary wall is a prevalent feature on South Avenue, and its current height ties in with the adjacent boundary walls. New development, as aforementioned, should be in-keeping. A change in the wall height by 1.6 metres, would increase the height of the wall to 3.8 metres in height, which is judged to be out of keeping and provide a deadening affect to the lane. The height of the wall should be retained as existing to be in-keeping with the walls which exist adjacent. However, it is acknowledged that it could be increased in height to some degree if so desired, but this should be the absolute minimal increase. The pitch of the roof of both the greenhouse and potting shed could be amended accordingly should your client wish to nestle the buildings behind the wall. In principle though there is no reason why a greenhouse and potting shed could not be built abutting or just in front of the wall, and appear slightly higher than the wall. It is considered that revisions can be incorporated which retains the wall at the existing height, or with a minimal increase.

It is acknowledged that this will be of some disappointment, but would advise that in principle a dwelling as an annex tied to the main house is acceptable, but there are revisions/amendments required to change the current design proposal. Omitting the garaging would not only improve any road safety concerns, but would also allow more flexibility in providing the level of accommodation sought. Reducing the height would mean the building was more in-keeping, as would the removal of the gable facing onto South Avenue. There are no strong over-riding objections to the retention of a gable facing into the site (to the south) in principle, but as suggested above, the presentation onto South Avenue, and its relationship with the existing house attached are such that the building should remain subservient.

I look forward to hearing from you within 21 days from the date of this letter. If you would like to discuss the matter then please do not hesitate to contact me on the details provided.

Yours faithfully

Sally Wood
Planner

GORDON McINTOSH
DIRECTOR

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Mike Rasmussen

From: Mike Rasmussen
Sent: 29 March 2013 14:45
To: 'SalWood@aberdeencity.gov.uk'
Cc:
Subject: FW: Application ref. P130235
Attachments: Ex. wash house & adj back house harled.JPG; Harled back house 01.JPG; Harled back house 02 & double garage.JPG; Ex window style to be retained in new building.JPG; South Av. double garage nearby.JPG; New lime harling Argyle House.JPG; Wash House & Back House to west.JPG; Wash House gable etc..JPG; Proposed change to Studio roof.PDF

Dear Ms. Wood

Application ref. P130235

Further to your E-Letter of 27/03/13 may we comment as follows.

Status

1. The present building was the wash house & drying loft for Argyle house & is contemporary with the house circa. 1845. At a later date (probably around the 1950's) a garage was added
2. We can confirm that this application is for ancillary accommodation to the main Argyle House
3. Mrs. MacDonald is an artist & the room on the 1st floor has a dual use. It will principally be her painting studio but also doubles as a sitting room/dining area & kitchen for guests.
4. Our clients have no plans to let this building
5. We can confirm that the studio would most certainly not be sold as this would detract from the overall amenity of Argyle House.

Background & Design Philosophy

6. The design of the replacement building has been conceived to reflect the current and not the former or historic street-scape. Several of the "Back Houses" in the Cults area and on South Avenue have been altered and extended on a similar basis to that proposed in the current application (see attached pictures)
7. The current design has therefore, been conceived to harmonise with the existing, altered "Back House" immediately to the west. We opted to harmonise our eaves height, roof pitch, wall finish, slated roof and window fenestration with this building. We therefore, maintain that this interlinks these two buildings in an appropriate manner for the overall street scape
8. The current "triptych" massing of the existing wash house, garage & a wall divided in two by the wash house boiler chimney occurred randomly, over time and has no architectural merit or relevance to the street scape as seen today
9. The internal dimensions and heights of the existing wash house building render this building completely unsuitable for conversion. The restricted heights in particular do not meet the minimum requirements as set out in the Scottish Building Regulations. Demolition & re-development is therefore, the only option.
10. We maintain that the proposed building is therefore, in keeping with the overall streetscape of South Avenue & the surrounding area, taken as a whole

Proposed Amendments

That said we have discussed your comments with our client and we propose the following compromise solution:

11. We would prefer to maintain the eaves height as designed to match the adjacent building but, if necessary, we would consider reducing this height by 300mm
12. We will revert to a window fenestration that reflects the current multi pane windows which we agree will be more in keeping with surrounding buildings – see pics.
13. We will reduce the height of the existing garden wall, which must be raised to accommodate the lean-to greenhouse, by 800mm

14. We will construct the additional walling for the green house in granite using reclaimed granite from the demolished wash house
15. We propose to amend the design of the roof to reflect your concerns & remove the gable onto South Avenue & re-locate this to the east elevation within the garden (see attached draft sketch) which reflects the design of the old wash house
16. We will drop the use of Seaton brick but we wish to retain the lime harling for three reasons:
 - a. There is insufficient reclaimed granite from the demolished wash house to build the extra walling for the lean too greenhouse & the street elevation of the proposed new building
 - b. Argyle House has just been re-harled in wet dash lime harling and we want this building to have the same finish
 - c. We feel that a lime harled building will sit more comfortable adjacent to the existing house to the west.

Garage

We are not willing however, to alter the design or location of the garage for the following reason;

17. Argyle House has an existing garage onto South Avenue & this establishes a precedent – see pic
18. A house, of the calibre of Argyle House, requires a double garage and there is no alternative suitable site within the garden for one, without removing a substantial number of mature broad leaf trees. As we believe there are TPO's on these trees this would not be acceptable to the Council or our clients
19. Due to the narrowness of South Avenue a wide double door is the only practical way to safely enter and exit the garage – as at present. To remove this in preference for two single doors does not leave sufficient room to manoeuvre a vehicle safely into & out of the garage without the risk of damage to the vehicle
20. We do not consider that any adverse comments from Aberdeen City Roads would be relevant or enforceable as South Avenue is a private non-adopted road
21. South Avenue and many of the surrounding lanes have numerous examples of double garage doors as we propose – see pic.

If our revised compromise proposals 9 – 14 above are acceptable please let us know & we will email revised drawings by return.

Regards

Michael Rasmussen - Architect

Michael Rasmussen DA FRIAS RIBA
Director
Michael Rasmussen Associates - Chartered Architects
The Studio
Station Square
Aboyne
Aberdeenshire
AB34 5HX

Web: www.rasarc.com

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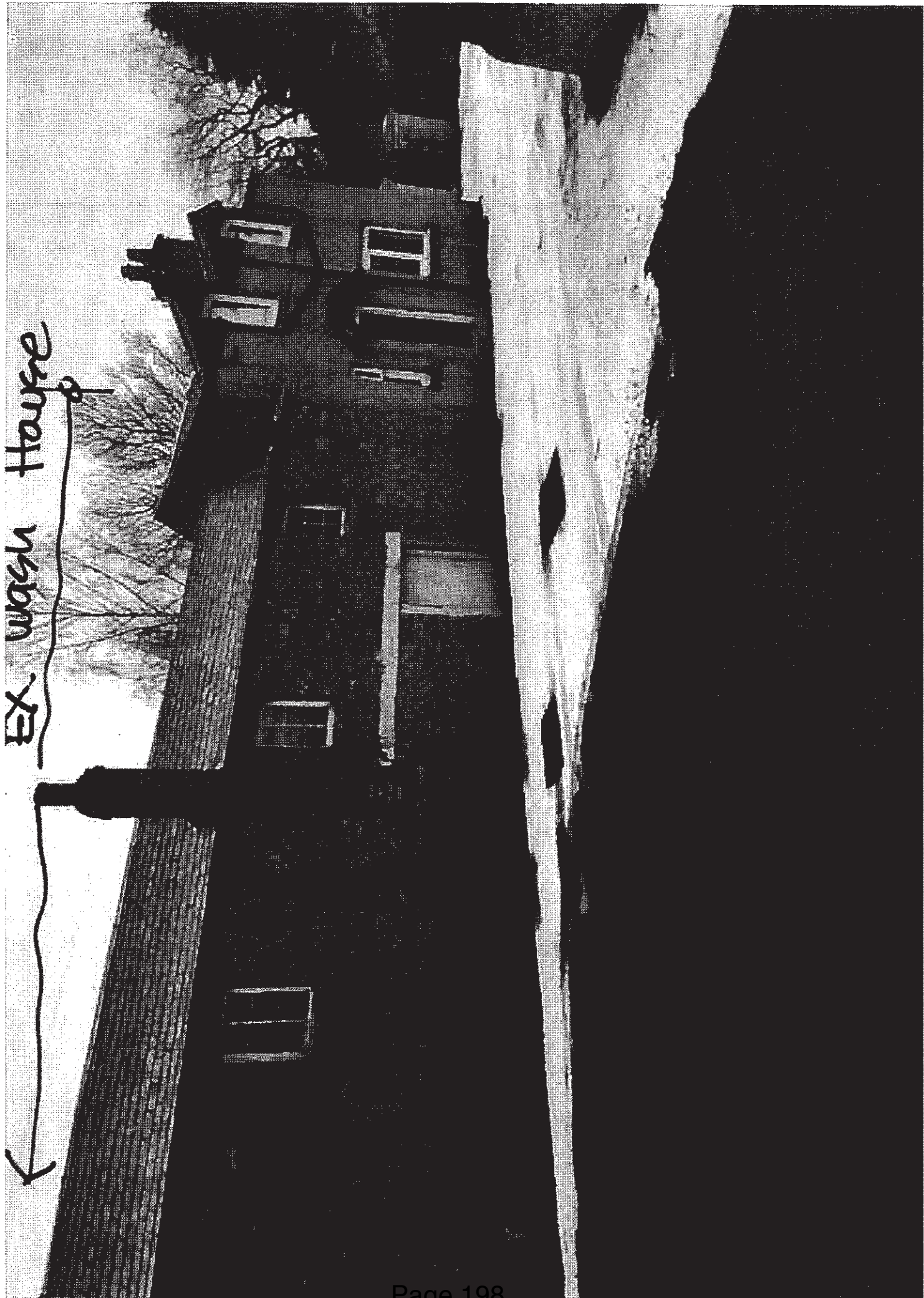
This message has been scanned for viruses and dangerous content by Converged, and is believed to be clean.

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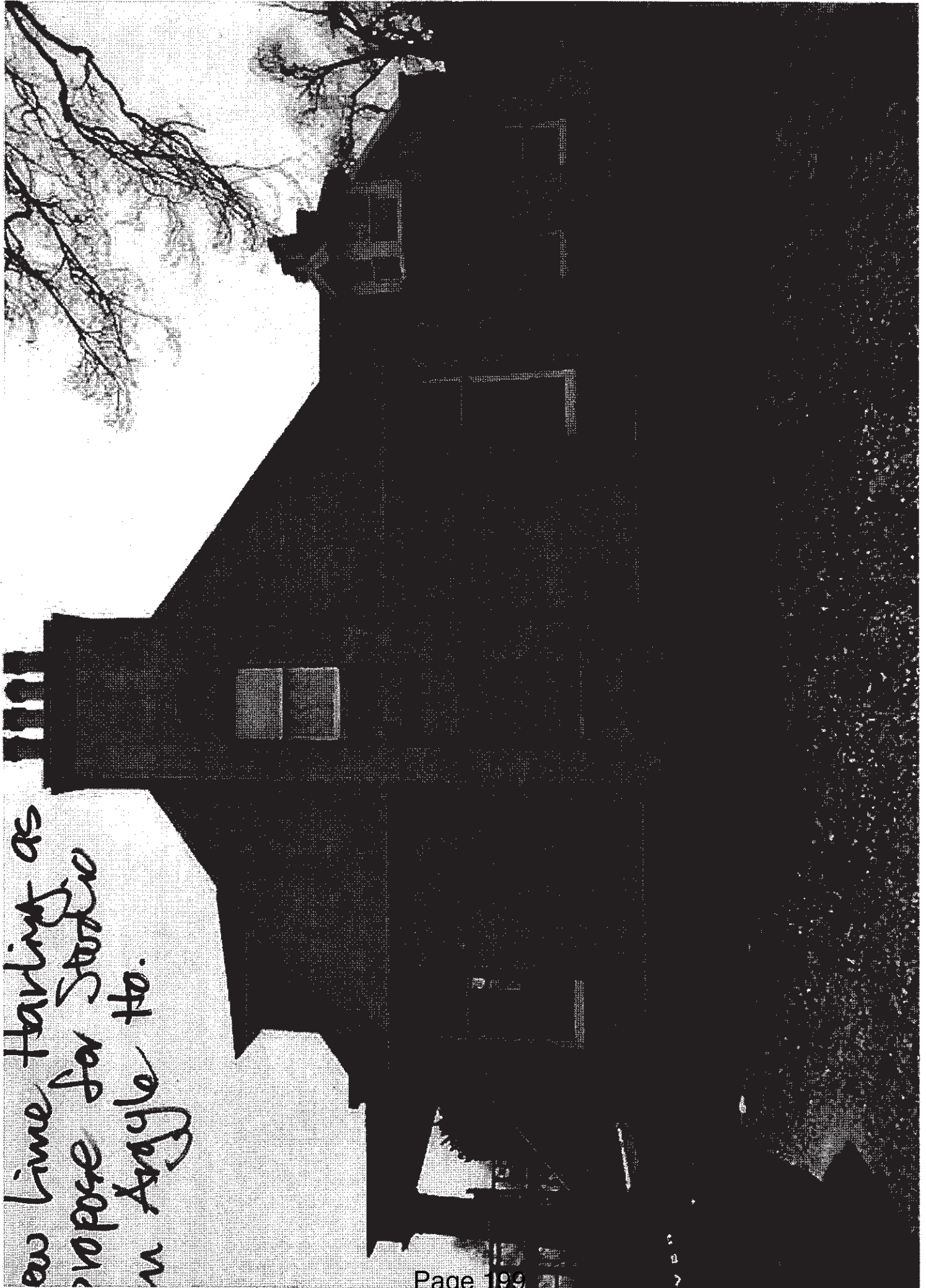
Ex. Wash House

Ex. Purple Garage & access to South Avenue

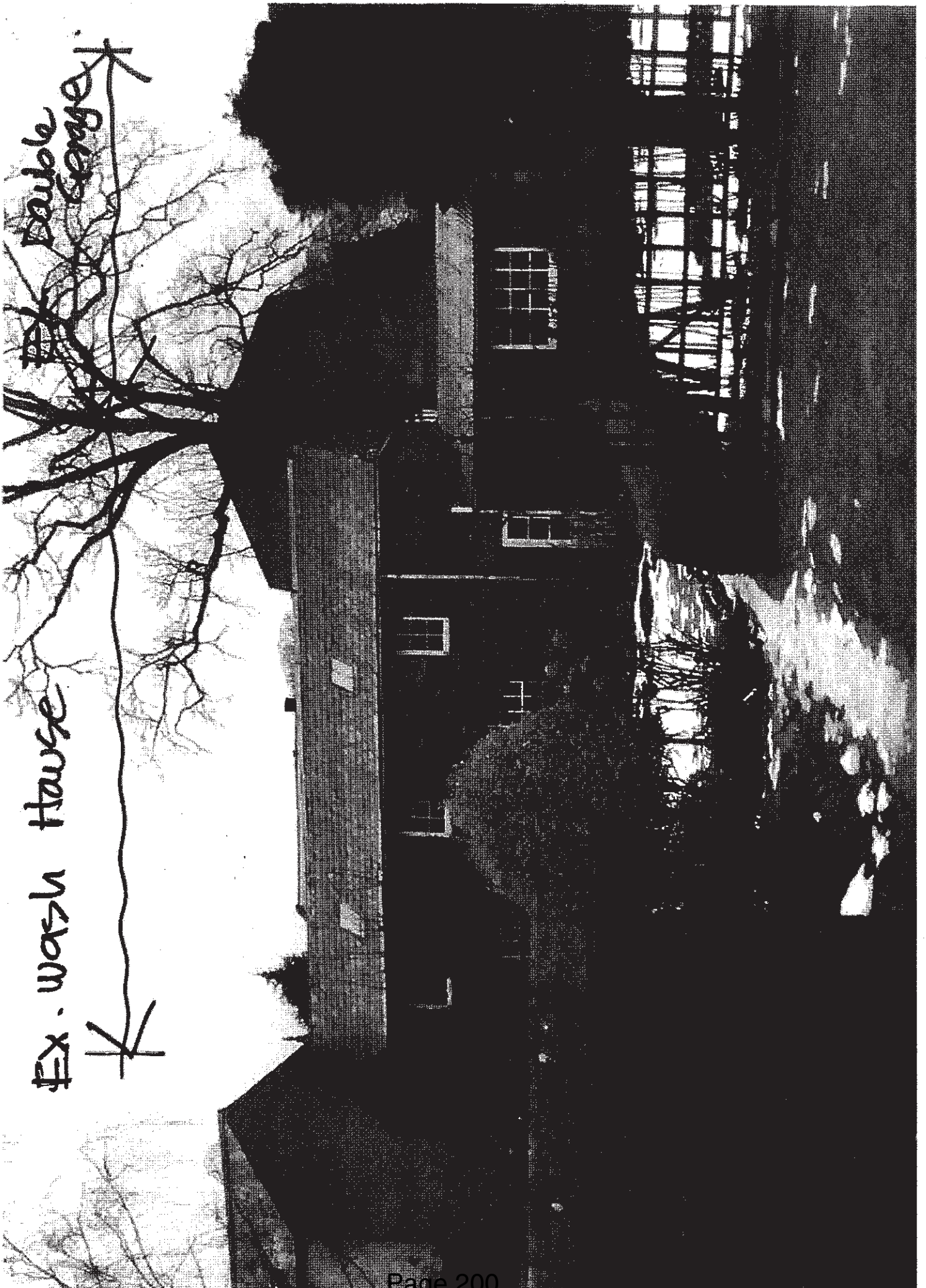


EX Wash House



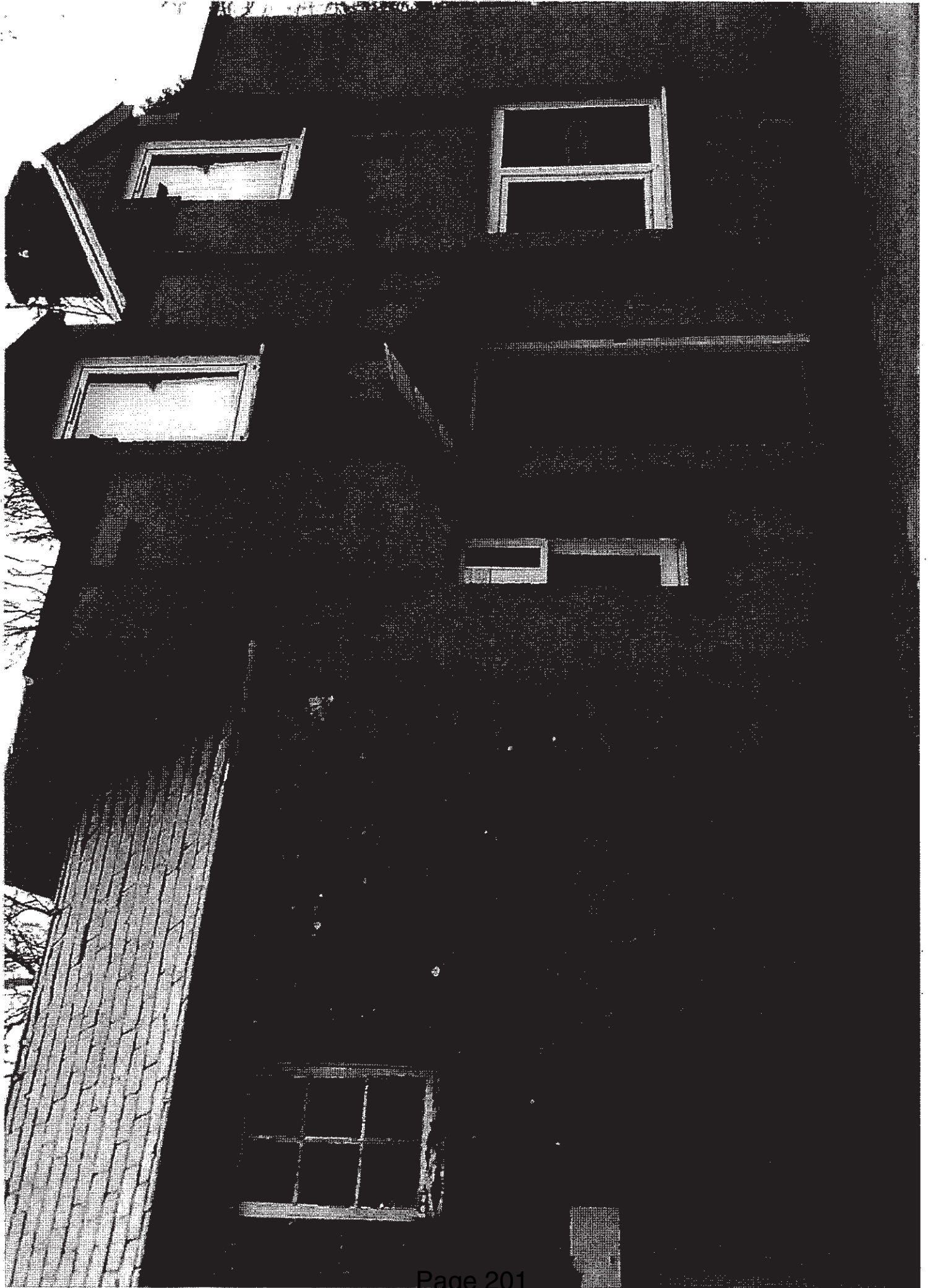


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vopose for Storko
in Argyle Ho.



Ex. wash house

Double Garage

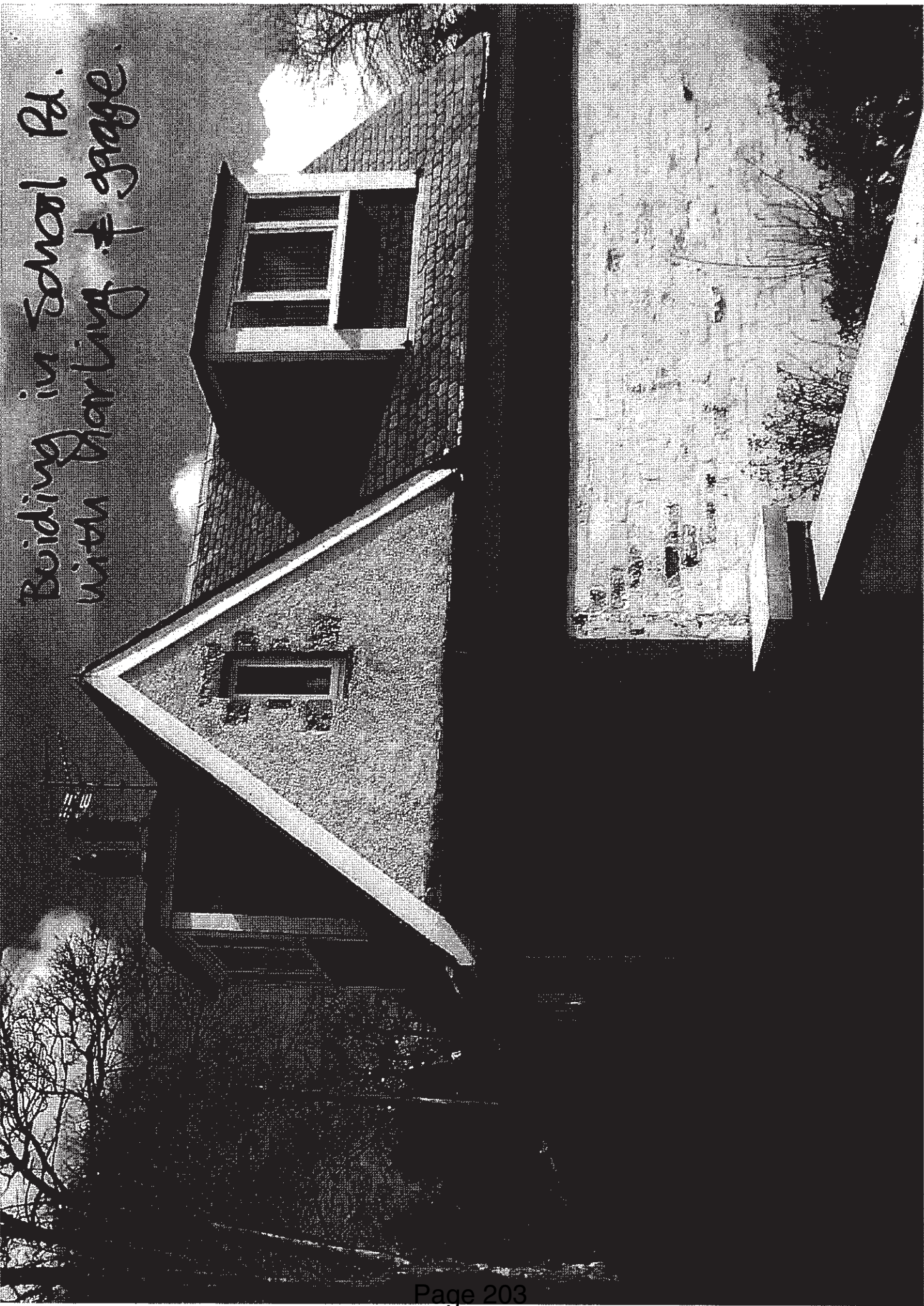


Harled garage
with double
door.

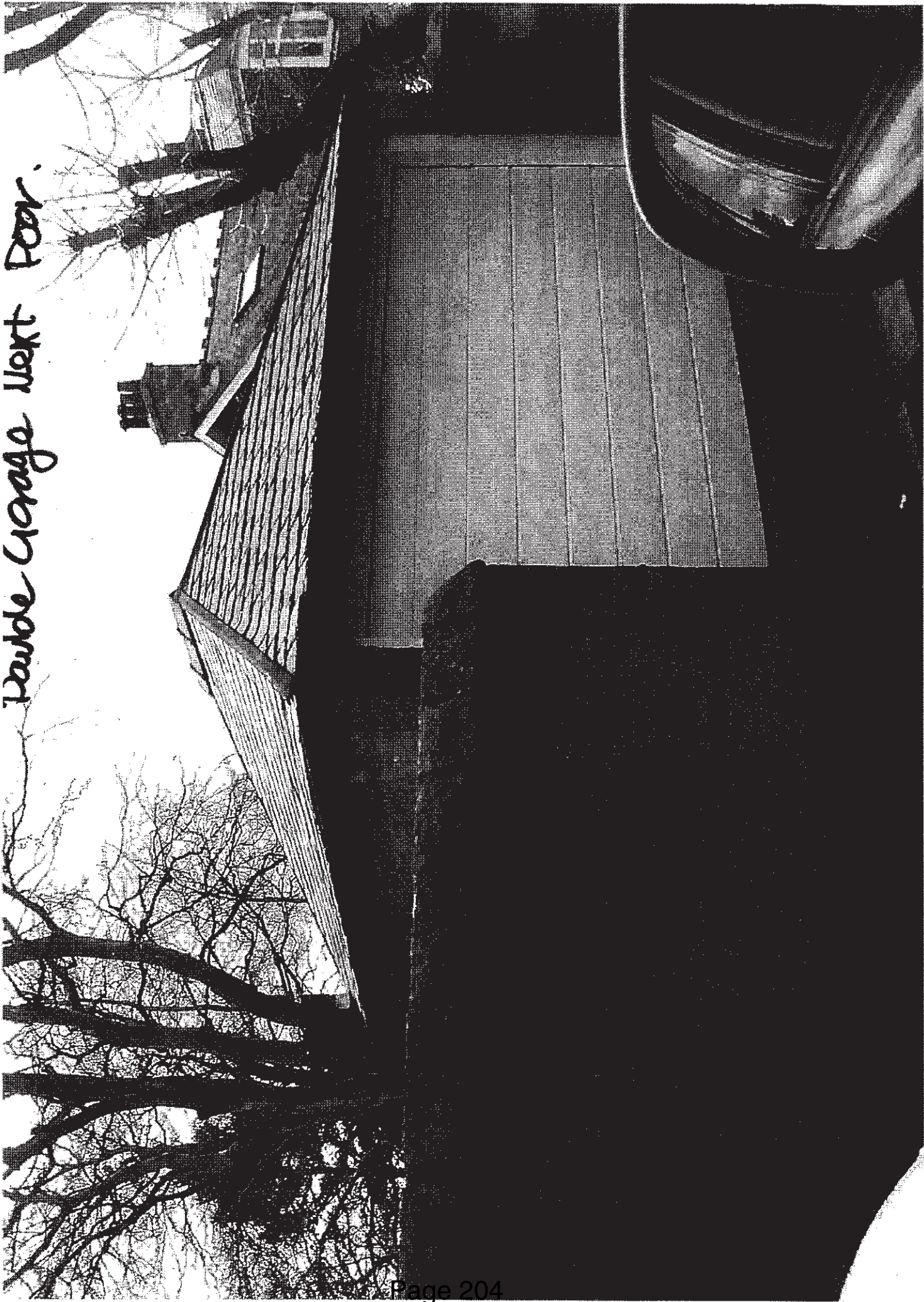
wood floor.



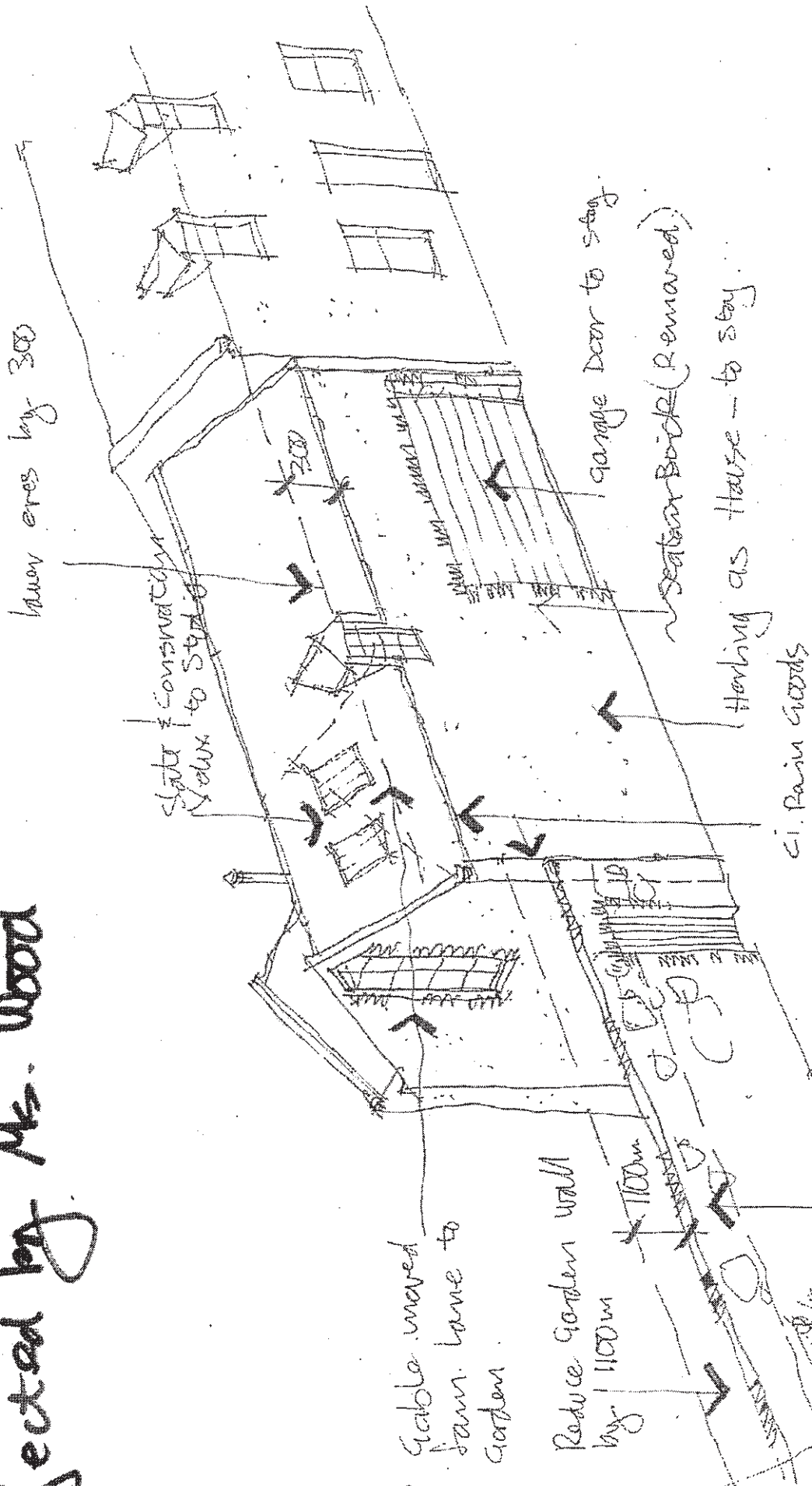
Buidling in School Rd.
with Darling & Jage.



Double Garage Next Door.



Proposed Amendments ejected by Mr. Wood



I suggest these
drawings - I think
is implied
/Mtd

Mike Rasmussen

From: Mike Rasmussen
Sent: 09 April 2013 09:43
To: 'SalWood@aberdeencity.gov.uk'
Subject: Argyle House P130235

Importance: High

Dear Ms Wood

I sent you an email with questions on the 29th of last month re. changes to the above. Have you had a look at this yet & may I have a reply – my client is getting anxious.

Regards

Mike Rasmussen

Michael Rasmussen DA FRIAS RIBA
Director
Michael Rasmussen Associates - Chartered Architects
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AB34 5HX

Web: www.rasarc.com

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MEMO



ABERDEEN
CITY COUNCIL

To	Sally Wood Planning & Infrastructure	Date	09/04/2013
		Your Ref.	P130235 (ZLF)
		Our Ref.	TR/IH/1/51/2
From	Roads Projects		
Email	IHamilton@aberdeencity.gov.uk		
Dial	01224 522752		
Fax			

Roads Projects
Enterprise, Planning & Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen AB10 1AB

Planning application no. P130235
The Coach House, 2 School Road, Cults
Demolish existing outbuilding and form replacement dwelling house and greenhouse and potting shed

I have considered the above planning application and have the following observations:

1.0 Introduction

1.1 I note that the applicant wishes to demolish the existing building and construct a new flat incorporating a garage.

2.0 Parking

2.1 In accordance with the Councils parking guidance for residential developments, two parking spaces should be provided for a three bedroom flat. I note that two parking spaces are provided within the property and accept this.

3.0 Site Access

3.1 The site will take access onto South Avenue. I will ask that a visibility splay of 2.4m x 25m in the horizontal plane be shown. Within the vertical plane the visibility splay extends from a point 1.05m above the carriageway at the driveway access, to a point 0.26m above the carriageway at either end of the horizontal plane. Within this space there should be no obstruction. Within the visibility splay, the boundary wall must not exceed 1m in height. I would ask that a detailed drawing be provided showing this.

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4.0 Conclusion

- 4.1 There are outstanding issues in relation to this application. On receipt of the further information requested I will be in a position to provide additional comment.

Iain Hamilton
Engineer (Developments and Traffic)

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Mike Rasmussen

From: Mike Rasmussen
Sent: 12 April 2013 15:24
To: 'Sally Wood'
Cc: Craig Allison; 'jomacdonald@mac.com'; 'alex.macdonald@spdltd.com'
Subject: RE: Argyle House P130235
Attachments: IAH00709.doc

Importance: High

Dear Ms Wood

Thank you for your comments below but we do not agree with them.

We have consulted Messrs Barton Willmore, eminent planning consultants from Edinburgh & their view differs markedly from yours & your roads colleagues.

Before taking this matter further may I refer you to the following approval granted on 6 March 2013 <http://planning.aberdeencity.gov.uk/docs/planningdocuments.asp?appnumber=130018>. This is an identical situation to our clients in which the City Roads Dept. raised no adverse comments for a double garage in a situation no different from ours. Neither did they seek any sightlines etc. In addition this was for access onto an adopted road which will carry a much higher requirement to comply with road safety legislation.

Our application is for access onto a private, un-adopted lane of much lower status. Our lane is 5.3m wide & the 130018 consent was onto a lane only 4.55m wide. The inconsistencies here are too great to ignore.

I am sure that you will agree the importance of continuity in decision making. Before taking this matter further I would like to offer you & your colleagues in roads, the opportunity to re-consider your advice in light of the 130018 approval. In the event that we receive a refusal to our application as a consequence of our inability to achieve the sight lines set by the City Roads Dept. we will have no hesitation in sifting the 130018 approval as precedence for an appeal & we will be seeking substantial compensation for our client as a consequence. I am sorry to be so blunt about this but I am sure you will agree that consistency & even handedness is everything in panning. We cannot have one rule for one applicant and a different rule for another – you trust you can appreciate this.

Please come back to me by return as my client is pressing me for a decision on this application. May I also ask you to address the other design changes we have proposed, e.g. the wall head heights, the removal of the gable to the lane etc.

I am happy to convene a site meeting if this will be of assistance to you & your roads colleagues. As you can see I am copying this email to my client who no doubt will also wish to speak to you on this matter.

Regards

Michael Rasmussen – Architect

From: Sally Wood [<mailto:SalWood@aberdeencity.gov.uk>]
Sent: 09 April 2013 10:00
To: Mike Rasmussen
Subject: Re: Argyle House P130235

Good Morning Mr Rasmussen,

I have had the opportunity to look at the drawings attached to your e-mail of the 29th, which I received 1st April, owing to the office being closed.

I am waiting comments from the Roads Project Team, which I was assured I would have received yesterday, and I will chase them again. I am aware that they will be asking for visibility splays which may affect the current proposal. I did mention in my earlier correspondence that I was waiting the comments from the Roads Project Team. It is regrettable that I am not in receipt of these. Once I am in receipt of those comments, I will respond more fully. In the meantime I will ask roads again for their comments.

I hope this updates you as to the current situation.

Regards

Sally.

Sally Wood
Planner (Development Management)
Planning and Sustainable Development
Enterprise Planning and Infrastructure
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We are committed to improving the quality of the service we provide and would like to know your views on the service you have received.

By clicking on <http://www.aberdeencity.gov.uk/customerfeedback> selecting Development Management (Planning Applications Team) and filling out the online feedback form, you will be helping us learn what we need to do better.

>>> Mike Rasmussen <mike@rasarc.com> 09 April 2013 09:43 >>>

Dear Ms Wood

I sent you an email with questions on the 29th of last month re: changes to the above. Have you had a look at this yet & may I have a reply – my client is getting anxious.

Regards

Mike Rasmussen

Michael Rasmussen DA FRIAS RIBA
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Mike Rasmussen

From: Mike Rasmussen
Sent: 09 May 2013 17:54
To: 'Sally Wood'
Subject: RE: P130235 - 2 School Road, Cults - planning advert fee

Dear Ms Wood

I will chase up my clients for this in the morning – my apologies for the delay.

I wanted to let you know that we have appointed planning consultants, Messrs. Barton Willmore & Pirs. of Edinburgh, to assist us with this application & we met them on site on Tuesday to review the project. Barton Willmore will be contacting you in due course regarding what we consider to be the impractical demands of the roads engineer whose role here is only advisory & not statutory as the lane is a private un-adopted road.

We have agreed to all of your requests for changes to the design;

- on the height of the building,
- the design of the windows,
- the use of granite on the lane elevation
- & the re-design of the roof /gable.

We believe that it is reasonable to expect an element of compromise to come forward from the planning service in this case & we will look forward to a full review of this application with you & Barton Willmore in due course. We would suggest a site meeting at a mutually agreeable time.

Regards

Michael Rasmussen – Architect

From: Sally Wood [<mailto:SallyWood@aberdeencity.gov.uk>]
Sent: 09 May 2013 17:11
To: Craig Allison
Cc: Mike Rasmussen
Subject: P130235 - 2 School Road, Cults - planning advert fee

Dear Sirs,

I refer to my correspondence of the 8th March 2013, which contained the acknowledgement letter for the planning application P130235 - 2 School Road, Cults.

We do not appear to have received the sum of £60.00 which was requested in that letter to cover the cost of the advertisement. In terms of Regulation 20 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, it was found necessary for the Council to advertise the application in the local press for a period of 14 days because it was not possible for the planning authority to carry out notification of all neighbours because there are no premises situated on neighbouring land to which notification can be sent.

Please arrange for the fee to be sent within 14 days from the date of this correspondence. We are unable to proceed to determination until all the fees due are paid.

Regards,

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We are always trying to improve the quality of customer service that we provide and would like to know your views on the service you have received to help us learn what we need to do better. We would very much appreciate you taking a few moments to fill in our short feedback form by clicking on <http://www.aberdeencity.gov.uk/customerfeedback> and selecting Development Management (Planning Applications Team). Many thanks in advance.

Sally Wood
Planner (Development Management)

Planning & Sustainable Development | Enterprise Planning & Infrastructure | Aberdeen City Council | Business Hub 4 | Ground Floor North | Marischal College | Broad Street | Aberdeen | AB10 1AB.

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Mike Rasmussen

From: Mike Rasmussen
Sent: 13 June 2013 10:14
To: 'SalWood@aberdeencity.gov.uk'
Cc:
Subject: P130235 Argyle House New garage & Studio
Attachments: P130235 - 2 School Road Cults - Barton Willmore Response
Importance: High

Dear Ms Wood

May I enquire on the progress of the above planning application? Our clients planning consultants Messrs. Barton Willmore sent a response to you on 30 May & I am wondering if you have had an opportunity to consider this information. In case you did not receive the email from Barton Willmore I attach another copy. Our clients are now anxious for this application to be determined. We look forward to hearing from you.

Regards

Michael Rasmussen

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Web: www.rasarc.com

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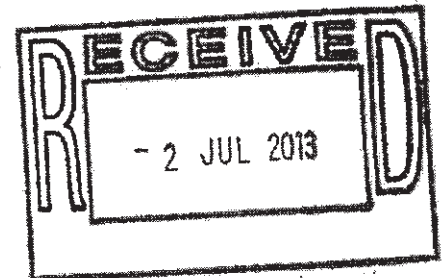
ABERDEEN
CITY COUNCIL

PLANNING & SUSTAINABLE DEVELOPMENT
Business Hub 4, Marischal College, Broad Street,
ABERDEEN. AB10 1AB

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Refusal of Planning Permission

Michael Rasmussen Associates
The Studio
Station Square
Aboyne
Aberdeenshire
AB34 5HX



on behalf of **Mr Alex MacDonald**

With reference to your application validly received on 21 February 2013 for Planning Permission under the above mentioned Act for the following development, viz:-

DEMOLISH EXISTING OUTBUILDING AND FORM REPLACEMENT DWELLING HOUSE AND GREENHOUSE AND POTTING SHED
at **The Coach House, 2 School Road, Cults**

the Council in exercise of their powers under the above mentioned Act hereby REFUSE Planning Permission for the said development as specified in the application form and the plan(s) and documents docketed as relative thereto and numbered as follows:-

1101/03;
1101/69;
1101/73.

The reasons on which the Council has based this decision are as follows:-

The proposed development would constitute a road safety and pedestrian safety hazard by virtue of the creation of a new access without the requisite visibility splays. The proposal is therefore contrary to Scottish Planning Policy; Designing Streets; and Planning Policy H1 [Residential Areas] of the Aberdeen Local Development Plan. Furthermore, it is contrary to Supplementary Guidance on The Sub-division and Redevelopment of Residential Curtilages which requires a safe and convenient pedestrian and vehicular access from the dwelling to the public road and pavement and, that the vehicular access from the public street must provide safe sightlines for pedestrians and the driver of the vehicle.

GORDON McINTOSH
DIRECTOR

**NB. EXTREMELY IMPORTANT INFORMATION RELATED TO THIS REFUSAL OF
PLANNING APPROVAL**

The applicant has the right to have the decision to refuse the application reviewed by the planning authority and further details are given in Form 2 attached below.

SCHEDULE 6

Regulation 28

Notice to accompany refusal etc.

Form 2

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**Notification to be sent to applicant on refusal of planning permission or on the grant of permission
subject to conditions**

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Planning & Sustainable Development, Enterprise, Planning and Infrastructure, Aberdeen City Council, Business Hub 4, Ground Floor North, Marischal College, Broad Street, Aberdeen AB10 1AB

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carry out of any development which has been or would be permitted, the owner of the land may service on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

GORDON McINTOSH
DIRECTOR

MR/SG/1101B

25th February 2014

The Studio, Station Square, Aboyne
AB24 5LV Scotland

187 799 (0) 1000000000
Email: info@rasarc.com Web: www.rasarc.com

Application Support Team

Att. Ms. Sally Wood

Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Ms. Wood

**Demolish existing outbuilding and erection of replacement building to create a residential annex within the curtilage of Argyle House, School Road, Cults, AB15 9LR and greenhouse
Re-Submission following refusal of App. Ref. P130235**

This is a re-application following the refusal of the above previous application. In the application we have addressed the main objections of the original application which were;

- 1 The eaves height was too high
- 2 The design of the roof did not replicate the scale and proportions of the original building
- 3 The windows did not follow the style of the original building
- 4 The materials were not considered appropriate
- 5 The garden wall was to be raised to allow the greenhouse and potting shed to be built
- 6 The access directly into the garage off the private un-adopted lane was not considered acceptable

Point 5

Please note that the green house is not part of the application as it is considered as permitted development. As it is now re-design as a free standing structure this means that we no longer need to increase the height of the existing garden wall, nor do we need to remove the existing hedging.

Point 6

When the Council was processing the planning application for the restoration and extension of Argyle house, consent ref.P111489, we originally applied to move the main access to the property from its present location on School Lane/Road to the corner of School Road and South Avenue. After extensive discussions with the case

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Michael Rasmussen, BA
director

officer Ms. Sheila Robertson and the Roads Department it was clear that the proposed access at the junction was not acceptable. However, in discussions with Ms. Robertson and Roads, an alternative was proposed by the Council to move the access 15m to the west as shown on Drgs. 1101/28A, 48 & 49. This however, option was not perused at that time as the clients decided to retain the present access.

As part of our current re-designing of the annex we have now adopted the Council's proposal to adopt this alternative access, as the preferred access to the new garage annex. This proposal is re-enforced as it is also in the same position as the existing garage doors.

We trust therefore that the Council will accept this as the access to the new garage within the ancillary accommodation.

We therefore, lodge the following documents in support of the application as follows:

- 4 copies of the following drawings
- 1101/03 Existing Building
- 1101/73C Proposed Site Plan & Location Plan
- 1101/69C Proposed Plans and Elevations
- 1 copy of the planning forms
- 1101/28A, 48 & 49 Alternative access drgs. (1 copy)
- Planning officer's letter re. access dated 26/10/11 (1 copy)
- Road's officers report to planning dated 25/10/11 (1 copy)
- There is no planning fee as this is a re-application with 12 months of a refusal

Please acknowledge receipt of this application.

We trust this is satisfactory for your requirements and look forward to hearing from you in the near future. Should you have any queries relating to this application, please do not hesitate to contact this office, where we will endeavor to provide assistance.

Yours Sincerely

Michael Rasmussen – Architect

Enc
Cc Mr. & Mrs. A MacDonald

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Mike Rasmussen

From: Mike Rasmussen
Sent: 02 April 2014 11:22
To: 'Sally Wood'
Subject: RE: P140369 Argyle House, 2 School Road, Cults
Attachments: Planning letterout 02 further Revised Planning Application 2014 -.doc

Importance: High

Dear Sally

Please see attached a revised planning app. covering letter that should clarify the situation. As you require 4 copies of each drg. these are in today post.

Regards

Mike Rasmussen

From: Sally Wood [<mailto:SalWood@aberdeencity.gov.uk>]
Sent: 02 April 2014 11:15
To: Mike Rasmussen
Cc: Garry Bisset
Subject: P140369 Argyle House, 2 School Road, Cults

Good Morning,

Thank you for returning my call this morning.

In order to be able to procedurally deal with this planning application I would require that that red line for the planning application site boundary be changed and match that of P130235. Alternatively the current application could be withdrawn, re-submitted with the wider red line and the appropriate planning fee paid. You/the applicant has either option.

It is understood that plan 48 will be either amended or withdrawn, as this shows a proposed vehicular access that does not form part of this particular application. Plan 73C will be amended in terms of the application site boundary – please outline in blue the other land that the applicant owns, similar to what was done in application P130235.

Plan 28A will be withdrawn. You made reference in our telephone call that you wish this plan to be considered as supporting information. Whilst I do fully understand your intentions from our telephone call that it was put in as supporting documentation of the current application, it unfortunately does not come across in that format, it unfortunately appears as an additional plan to consider, and I therefore would suggest that consideration is given to showing these options within a document titled such as supporting information or similar, and consider elaborating on the points that you wish to make.

If you would like to discuss this please do not hesitate to contact me. Please submit this information within 14 days from today in order that we can continue to progress with the application.

Kindest regards

Sally.

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Sally Wood
Planner (Development Management)

Planning & Sustainable Development | Enterprise Planning & Infrastructure | Aberdeen City
Council | Business Hub 4 | Ground Floor North |
Marischal College | Broad Street | Aberdeen | AB10 1AB.

Telephone Number 01224 522197
Facsimile 01224 523180

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MR/SG/1101B

2 April 2014

The Studio, Station Square, Aboyne
Aberdeenshire, AB34 5HX, Scotland

Att. Ms. Sally Wood

Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Ms. Wood

Demolish existing outbuilding and erection of replacement building to create a residential annex within the curtilage of Argyle House, School Road, Culfs, AB15 9LR and greenhouse
Re-Submission following refusal of App. Ref. P130235
Current ref. # 140369

Further to our recent telephone conversation we confirm the following drawings form the current re-application of the above.

The following drawings and documents were submitted on 25th February 2014 and have not changed or require amendment;

- 1101/03 Existing Building
- 1101/69C Proposed Plans and Elevations
- 1 copy of the planning forms (previously lodged)
- Planning officer's letter re. access dated 26/10/11 (1 copy)
- Road's officers report to planning dated 25/10/11 (1 copy)

The following drawing has been amended

- We submit 2 copies of the amended site plan 1101/73D with the site boundaries now the same as the previous refused application P130235. Please note that part of the site boundary now runs through the eastern side of the greenhouse. As this does not require planning permission – it falls under permitted development – this should not be an issue. The greenhouse installation is complete.
- We formally withdraw drawings 1101/28A, 48 & 49, as requested by Aberdeen City Planning Service, as these seem to be causing confusion.

As the question of the access onto the lane was previously of concern we wish to make the following points;

- The current proposed access point for the siding gate is in the same location as the existing garage door.

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Michael Rasmussen, BA
director

- The current proposed access point for the siding gate was proposed by Aberdeen City Planning Service as acceptable following discussion we had with the planning case officer Ms. Sheila Robertson in respect of a new access to Argyle House on the corner of School Road and South Avenue that formed part of planning app. 111489. Our proposal for the new corner access to Argyle House was rejected by Roads but in our discussions Ms. Robertson she proposed that if we moved the proposed new access 15m to the west, along South Avenue, away from the corner that this would be acceptable. As we are now re-applying for the studio we now wish to adopt this alternative access location as proposed by Ms. Robertson.

We trust this is satisfactory for your requirements and look forward to hearing from you in the near future. Should you have any queries relating to this application, please do not hesitate to contact this office, where we will endeavor to provide assistance.

Yours Sincerely

Michael Rasmussen – Architect
Enc

Cc Mr. & Mrs. A MacDonald

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Mike Rasmussen

From: Mike Rasmussen
Sent: 14 April 2014 11:11
To: 'SalWood@aberdeencity.gov.uk'
Cc:
Subject: P140369
Attachments: RE: P140369 Argyle House, 2 School Road, Cults

Dear Sally

I was checking on the web site to see how progress was going with this app. I may be wrong but the drawings you asked to be withdrawn seem all to be registered & the new site plan etc. do not seem to be on the web site yet. Did you receive the amended site plan & drgs. etc. I sent by letter on 2 April 2014? If not do you need me to re-send these?

May I have an update please on progress as my client is asking how things are going. Do you want to have a meeting on site - may I suggest this as it might help to clarify issues & save time in the long run.

Regards

Mike

Michael Rasmussen DA FRIAS RiBA
Director
Michael Rasmussen Associates - Chartered Architects
The Studio
Station Square
Aboyne
Aberdeenshire
AB34 5HX

Web: www.rasarc.com

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Mike Rasmussen

From: Mike Rasmussen
Sent: 07 May 2014 10:07
To: 'Sally Wood'
Subject: RE: P140369
Attachments: Green House.pdf

Dear Sally

The client ordered the greenhouse last year & it was well under construction by the time I submitted the present application. As far as I know the greenhouse is now complete. I was not involved with this aspect of the project & I believe that the supplier advised the client that it fell under permitted development - drgs. are attached.

How is your review of the application going? I have a meeting tomorrow with my client at 2pm on another matter & it would be good to report progress.

Regards

Mike

From: Sally Wood [<mailto:SalWood@aberdeencity.gov.uk>]
Sent: 01 May 2014 15:47
To: Mike Rasmussen
Subject: FW: P140369

Good Afternoon,

The application includes a greenhouse, yet no plans are shown for the greenhouse. Could you please send details of the greenhouse in terms of its height to the eaves and to the ridge?

Many thanks

Sally Wood
Planner (Development Management)

Planning & Sustainable Development | Enterprise Planning & Infrastructure | Aberdeen City Council | Business Hub 4 | Ground Floor North | Marischal College | Broad Street | Aberdeen | AB10 1AB.

Telephone Number 01224 522197
Facsimile 01224 523180

From: Craig All
Sent: 14 April 2014 11:49
To: Sally Wood
Subject: Re: P140369

Dear Sally,

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Mike has asked me to forward the the PDF version of the revised site and location plan.

Please find the drawing attached.

Kind Regards,
Craig

Craig Allison

Michael Rasmussen Associates - Chartered Architects
The Studio
Station Square
Aboyne
Aberdeenshire
AB35 5HX

E _____
Web: rasarc.com

On 14 Apr 2014, at 11:41, Mike Rasmussen wrote:

From: Sally Wood [<mailto:SalWood@aberdeencity.gov.uk>]
Sent: 14 April 2014 11:30
To: Mike Rasmussen
Subject: RE: P140369

Good Morning Mr Rasmussen,

I have checked with my colleagues in Application Support Team who receive and scan amended plans, and there is no record of receipt of the amended drawings.

Would you be able to send an electronic copy of them please?

In terms of a site meeting, I have already undertaken a site visit.

Regards,

Sally.

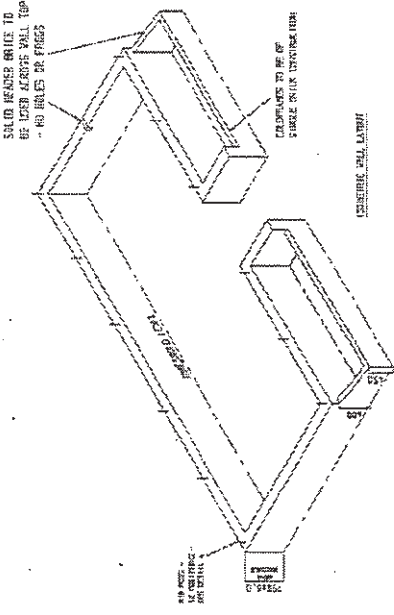
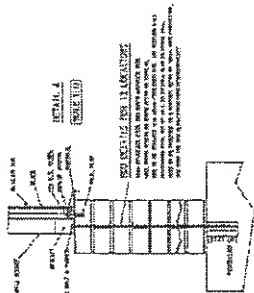
Sally Wood
Planner (Development Management)

Planning & Sustainable Development | Enterprise Planning & Infrastructure | Aberdeen City Council | Business Hub 4 | Ground Floor North | Marischal College | Broad Street | Aberdeen | AB10 1AB.

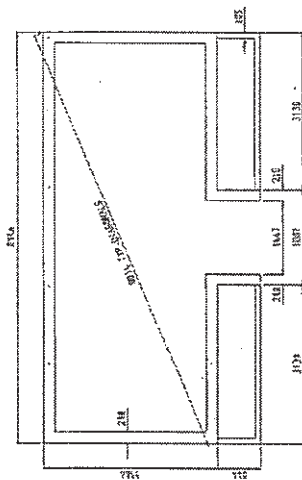
Telephone Number 01224 522197

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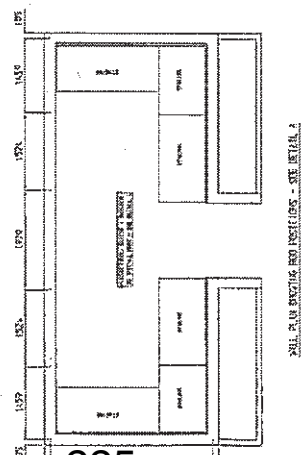
IMPORTANT NOTE:
ALL DIMENSIONS TO BE WITHIN PLUS OR MINUS 3/8" UNLESS OTHERWISE STATED



IMPREGNATE BRUSH TO THE 2ND WALL DIMENSION IS TO BRUSH FROM HARTLEY BOTANIC BRUSH BY RECEIVED SPECIFICATION.



WALL PLAN



2ND FLOOR WINDOW AND DOOR SCHEDULES - SEE DETAIL 2
2.01.000

STEP, RISE, RATES ARE AVAILABLE ON REQUEST FROM HARTLEY BOTANIC

NOTIFICATION OF PERMITS AND WALLS RELATED RESPONSIBILITY
As shown on the drawings, the contractor shall be responsible for obtaining all necessary permits and approvals from the local authority. The contractor shall be responsible for ensuring that the work is carried out in accordance with all applicable regulations and standards. The contractor shall be responsible for ensuring that the work is carried out in accordance with all applicable regulations and standards.

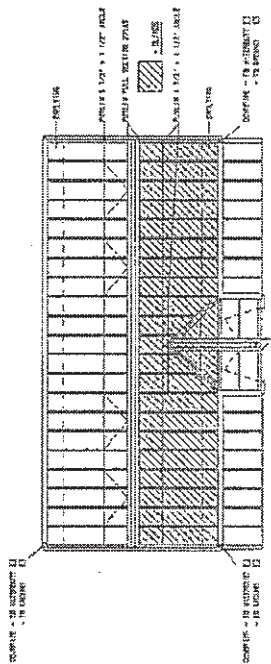
Item No.	Description	Quantity	Unit	Price	Total
1	Window Frame	1	Sq. Ft.	100.00	100.00
2	Door Frame	1	Sq. Ft.	100.00	100.00
3	Window Frame	1	Sq. Ft.	100.00	100.00
4	Door Frame	1	Sq. Ft.	100.00	100.00
5	Window Frame	1	Sq. Ft.	100.00	100.00
6	Door Frame	1	Sq. Ft.	100.00	100.00
7	Window Frame	1	Sq. Ft.	100.00	100.00
8	Door Frame	1	Sq. Ft.	100.00	100.00
9	Window Frame	1	Sq. Ft.	100.00	100.00
10	Door Frame	1	Sq. Ft.	100.00	100.00

The contractor shall be responsible for ensuring that the work is carried out in accordance with all applicable regulations and standards. The contractor shall be responsible for ensuring that the work is carried out in accordance with all applicable regulations and standards.

All work shall be done in accordance with the specifications and drawings. The contractor shall be responsible for ensuring that the work is carried out in accordance with all applicable regulations and standards.

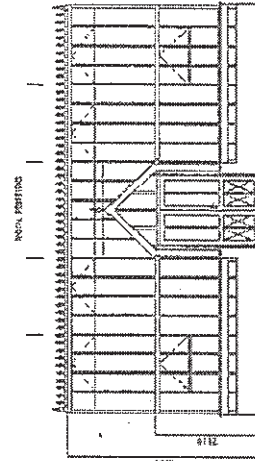
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DO NOT SCALE IF IN CONTACT WITH HARTLEY BOTANIC



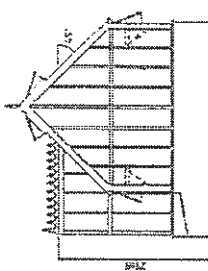
FRONT VIEW

FRONT VIEW



FRONT VIEW

FRONT VIEW



FRONT VIEW

FRONT VIEW

FRONT VIEW

THRESHOLD AND INTERIOR PART LEVEL WHICH SHOULD BE SLIGHTLY ABOVE NORMAL FINISH LEVEL. THE THRESHOLD LEVEL IS THE LEVEL AT WHICH THE DOOR WILL SEPARATE WITH NORMAL CLEARANCE. THIS SHOULD BE THE FINISHED FLOOR LEVEL. THE THRESHOLD SHOULD BE 2" ABOVE THE FINISHED FLOOR LEVEL. THE THRESHOLD SHOULD BE 2" ABOVE THE FINISHED FLOOR LEVEL.

HARTLEY BOTANIC LIMITED
Hartley Road, Greenfield
Oldham, Lancashire, O13 7AL
Tel: 01457 831181 Fax: 01457 831182

GENERAL ARRANGEMENT DRAWING
THE WINDOW AND DOOR SCHEDULES

SCALE FOR DRAWING IN METERS

DESCRIPTION:
GENERAL ARRANGEMENT DRAWING

PROJECT:
HARTLEY BOTANIC LIMITED

DATE:
11.11.17

BY:
HARTLEY BOTANIC LIMITED

CHECKED BY:
HARTLEY BOTANIC LIMITED

APPROVED BY:
HARTLEY BOTANIC LIMITED

PROJECT NO.:
HARTLEY BOTANIC LIMITED

DRAWING NO.:
HARTLEY BOTANIC LIMITED

SCALE:
HARTLEY BOTANIC LIMITED

PROJECT NO.:
HARTLEY BOTANIC LIMITED

DRAWING NO.:
HARTLEY BOTANIC LIMITED

SCALE:
HARTLEY BOTANIC LIMITED

THESE DETAILS MUST BE APPROVED BY YOU HAVE RIGHTS RELATING TO THESE DETAILS. PLEASE CONTACT HARTLEY BOTANIC LIMITED.

Facsimile

01224 523180

From: Mike Rasmussen
Sent: 14 April 2014 11:11
To: Sally Wood

Subject: P140369

Dear Sally

I was checking on the web site to see how progress was going with this app. I may be wrong but the drawings you asked to be withdrawn seem all to be registered & the new site plan etc. do not seem to be on the web site yet. Did you receive the amended site plan & drgs. etc. I sent by letter on 2 April 2014? If not do you need me to re-send these?

May I have an update please on progress as my client is asking how things are going. Do you want to have a meeting on site - may I suggest this as it might help to clarify issues & save time in the long run.

Regards

Mike

Michael Rasmussen DA FRIAS RIBA
Director
Michael Rasmussen Associates - Chartered Architects
The Studio
Station Square
Aboyne
Aberdeenshire
AB34 5HX

Email: mike@rasarc.com
Web: www.rasarc.com

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Mike Rasmussen

From: Sally Wood <SalWood@aberdeencity.gov.uk>
Sent: 08 May 2014 17:00
To: Mike Rasmussen
Subject: P140369 Argyle House, 2 School Road, Cults

Good Afternoon Mike,

I have tried to return the call this afternoon, as I have now finished a draft delegated report. Unfortunately I am advised you have not returned from your site visit (by Garry Bissett, 16:40 approx.).

I am out of the office until Monday, but wanted to drop you an e-mail to say that the application at Argyle House has been carefully considered. The design of the building and the non re-use of granite are such that the proposal cannot be supported as it is not in accordance with policies contained within the Aberdeen Local Development Plan. In addition the proposed visibility splays are insufficient, and therefore pose a concern in terms of pedestrian and road safety. All these issues were previously discussed with you and considered in the assessment of the earlier application, it is therefore disappointing that the proposal has failed to address these concerns. On that basis there has been no alternative but to recommend refusal of the application. Given that pre-planning advice was offered, although not taken up, and the previous refusal, we have taken the view to determine the application as submitted.

I acknowledge that this will be of disappointment to you and your client. Your clients of course have the right to seek appeal to the Local Review Body, details of which would be attached to any decision notice. You may wish to consider this option and discuss with your client in the event that the application is refused as per the recommendation.

I apologise that I am not available tomorrow, I return to the office on Monday. Nevertheless, whilst not good news, I hope nevertheless that this correspondence updates you accordingly. Please do not hesitate to contact me by e-mail or by phone, to which I should be able to respond to on my return next week

Sally Wood
Planner (Development Management)

Planning & Sustainable Development | Enterprise Planning & Infrastructure | Aberdeen City Council | Business Hub 4 | Ground Floor North | Marischal College | Broad Street | Aberdeen | AB10 1AB.

Telephone Number 01224 522197
Facsimile 01224 523180

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Mike Rasmussen

From: Mike Rasmussen
Sent: 09 May 2014 17:33
To: 'SalWood@aberdeencity.gov.uk'
Cc:
Subject: RE: P140369 Argyle House, 2 School Road, Cults
Importance: High

Dear Ms. Wood

I was concerned to receive your email from yesterday as I believed that we had been able to address all of your previous concerns from the 1st application. My client Mr MacDonald is presently on a business trip to Mexico & returning at the weekend. May I therefore, request that you take no action to formally refuse this application until Mr & Mrs MacDonald & I have had an opportunity to meet with you to discuss this application. I am convinced that with a meeting on site (or in your office if that is more convenient for you) & a comprehensive discussion we will find a suitable compromise solution.

Regards

Michael Rasmussen - Architect

Cc Messrs. Barton Wilmore - Planning Consultants - Edinburgh
Mr & Mrs MacDonald

From: Sally Wood [<mailto:SalWood@aberdeencity.gov.uk>]
Sent: 08 May 2014 17:00
To: Mike Rasmussen
Subject: P140369 Argyle House, 2 School Road, Cults

Good Afternoon Mike,

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not hesitate to contact me by e-mail or by phone, to which I should be able to respond to on my return next week

Sally Wood
Planner (Development Management)

Planning & Sustainable Development | Enterprise Planning & Infrastructure | Aberdeen City Council | Business Hub 4 | Ground Floor North | Marischal College | Broad Street | Aberdeen | AB10 1AB.

Telephone Number 01224 522197
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CITY COUNCIL

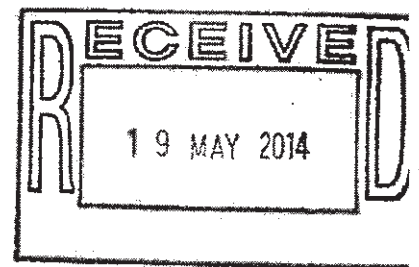
APPLICATION REF NO P140369

PLANNING & SUSTAINABLE DEVELOPMENT
Business Hub 4, Marischal College, Broad Street,
ABERDEEN. AB10 1AB

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Refusal of Planning Permission

Michael Rasmussen Associates
The Studio
Station Square
Aboyne
Aberdeenshire
AB34 5HX



on behalf of **Mr Alex MacDonald**

With reference to your application validly received on 14 March 2014 for Planning Permission under the above mentioned Act for the following development, viz:-

DEMOLISH EXISTING OUTBUILDING AND ERECTION OF REPLACEMENT BUILDING TO CREATE A RESIDENTIAL ANNEX. (AMENDMENT TO P130235) at Argyle House, 2 School Road, Cults

the Council in exercise of their powers under the above mentioned Act hereby REFUSE Planning Permission for the said development as specified in the application form and the plan(s) and documents docketed as relative thereto and numbered as follows:-

1101/73 REV D; 1101/69 REV C; 1101/03.

The reasons on which the Council has based this decision are as follows:-

1. The proposed development is considered unacceptable in terms of its design by virtue of its scale, mass and external materials, particularly on its public elevation onto the lane, which fails to pay respect to its setting. The proposal is therefore contrary to Scottish Planning Policy which seeks high quality design; and the following policies contained within the Aberdeen local Development Plan - D1 [Architecture and Placemaking] which seeks high standards of design to ensure that the setting of the proposed development and its design is acceptable; and H1 [Residential Areas] as the proposed new development would result in having an unacceptable impact on the character of the surrounding area.

GORDON McINTOSH
DIRECTOR

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**NB. EXTREMELY IMPORTANT INFORMATION RELATED TO THIS REFUSAL OF
PLANNING APPROVAL**

The applicant has the right to have the decision to refuse the application reviewed by the planning authority and further details are given in Form attached below.

Regulation 28(4)(a)

Form 1

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions

1. If the applicant is aggrieved by the decision of the planning authority to –
 - a. refuse planning permission for the proposed development;
 - b. to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c. to grant planning permission or approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at <http://eplanning.scotland.gov.uk/>.

Notices of review submitted by post should be sent to –

Planning and Sustainable Development
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in it's existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner

GORDON McINTOSH
DIRECTOR

Mike Rasmussen

From: Sally Wood <SalWood@aberdeencity.gov.uk>
Sent: 12 May 2014 11:23
To: 'Jo Macdonald'; Mike Rasmussen
Cc: Alex Macdonald
Subject: RE: Planning Application P140369 Argyle House- Jo Macdonald
Attachments: P140369 Argyle House, 2 School Road, Cults

Good Morning Ms Macdonald,

I refer to your e-mail sent today, and a similar e-mail from your agent which was sent on Friday, for which I have just read this morning. I have been out of the office since Thursday afternoon, but I attach the e-mail that I sent to your agent on Thursday for your information.

It is fully acknowledged that you will be disappointed by the decision to recommend the application for refusal of planning permission. However, it was noted that with the earlier application protracted discussions and negotiation were undertaken with your agent during the processing of the earlier application to negotiate suitable alternatives, including the removal of the garage, making the building appear subservient and an active frontage to the lane, and the inclusion of granite within external walls. Following the previous refusal I suggested to your agent, Mike, that pre-planning application advice should be sought. This advice was not sought and the second application was submitted. Given this background this current application has moved to recommendation. Having checked this morning the decision has already been made on the application.

In the e-mail I sent to your agent on Thursday, I advised that you may wish to appeal the decision to the Local Review Body. This may be an option you would like to consider. Alternatively you may consider a re-submission but I would strongly advise the offer of pre-planning application advice be sought.

If you wish to discuss then please do not hesitate to contact me.

Regards,

Sally Wood
Planner (Development Management)

Planning & Sustainable Development | Enterprise Planning & Infrastructure | Aberdeen City Council |
Business Hub 4 | Ground Floor North | Marischal College | Broad Street | Aberdeen | AB10 1AB.

Telephone Number 01224 522197
Facsimile 01224 523180

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-----Original Message-----

From: Jo Macdonald [mailto:jo.macdonald@aberdeencity.gov.uk]
Sent: 12 May 2014 09:19
To: Sally Wood
Cc: Alex Macdonald
Subject: Planning Application P140369 Argyle House- Jo Macdonald

Good Morning Sally,

I tried to phone you earlier today, but you were away from your desk. I will phone again later this morning in addition to sending this email.

My husband and I were informed by our architect, Mike Rasmussen, that you were going to suggest our latest planning application is refused.

We would really appreciate it, if before you deal with our application formally, that we could come in and see you ourselves with Mike, and discuss the issues which are of concern to you, so that we really understand what the situation is, and would hope that there would be room for us to find some kind of solution.

We would be grateful of such an opportunity, and would be happy to pop in asap to meet you, even if you had a spare moment this morning.

My mobile number , our home telephone number is

Regards

Jo Macdonald

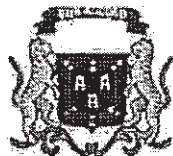
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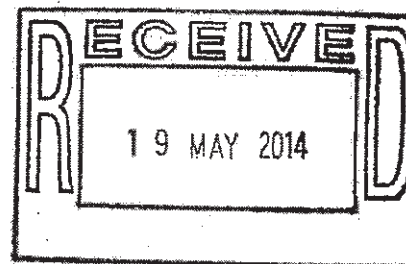
ABERDEEN
CITY COUNCIL

PLANNING & SUSTAINABLE DEVELOPMENT
Business Hub 4, Marischal College, Broad Street,
ABERDEEN. AB10 1AB

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Refusal of Planning Permission

Michael Rasmussen Associates
The Studio
Station Square
Aboyne
Aberdeenshire
AB34 5HX



on behalf of **Mr Alex MacDonald**

With reference to your application validly received on 14 March 2014 for Planning Permission under the above mentioned Act for the following development, viz:-

DEMOLISH EXISTING OUTBUILDING AND ERECTION OF REPLACEMENT BUILDING TO CREATE A RESIDENTIAL ANNEX. (AMENDMENT TO P130235)
at **Argyle House, 2 School Road, Cults**

the Council in exercise of their powers under the above mentioned Act hereby REFUSE Planning Permission for the said development as specified in the application form and the plan(s) and documents docketed as relative thereto and numbered as follows:-

1101/73 REV D; 1101/69 REV C; 1101/03.

The reasons on which the Council has based this decision are as follows:-

1. The proposed development is considered unacceptable in terms of its design by virtue of its scale, mass and external materials, particularly on its public elevation onto the lane, which fails to pay respect to its setting. The proposal is therefore contrary to Scottish Planning Policy which seeks high quality design; and the following policies contained within the Aberdeen local Development Plan - D1 [Architecture and Placemaking] which seeks high standards of design to ensure that the setting of the proposed development and its design is acceptable; and H1 [Residential Areas] as the proposed new development would result in having an unacceptable impact on the character of the surrounding area.

GORDON McINTOSH
DIRECTOR

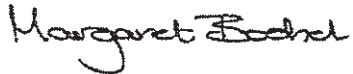
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2. The proposed non-use of granite within the replacement building is considered contrary to planning policy D4 (Aberdeen's Granite Heritage) of the Aberdeen Local Development Plan. The existing building is granite and is considered locally significant. Its loss would erode a traditional building which policies seek to retain. Whilst in principle there is no over-riding objection to a suitable designed building, it is considered that it should incorporate granite on the northern most public elevation, to appear in-keeping within the streetscene, and to comply with planning policy D4.

3. The proposed development would constitute a road safety and pedestrian safety hazard by virtue of the creation of a new access without the requisite visibility splays. The proposal is therefore contrary to Scottish Planning Policy and Planning Policies H1 [Residential Areas] and T2 [Managing the Transport Impact of Development] of the Aberdeen Local Development Plan. Furthermore, it is contrary to Supplementary Guidance on The Sub-division and Redevelopment of Residential Curtilages which requires a safe and convenient pedestrian and vehicular access from the dwelling to the public road and pavement and, that the vehicular access from the public street must provide safe sightlines for pedestrians and the driver of the vehicle.

The plans, drawings and documents that are the subject of this decision notice are numbered as follows:- 101/73 REV D; 1101/69 REV C; 1101/03.

Date of Signing 12 May 2014



Dr Margaret Bochel
Head of Planning and Sustainable Development
Enc.

GORDON McINTOSH
DIRECTOR

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**NB. EXTREMELY IMPORTANT INFORMATION RELATED TO THIS REFUSAL OF
PLANNING APPROVAL**

The applicant has the right to have the decision to refuse the application reviewed by the planning authority and further details are given in Form attached below.

Regulation 28(4)(a)

Form 1

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions

1. If the applicant is aggrieved by the decision of the planning authority to –
 - a. refuse planning permission for the proposed development;
 - b. to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c. to grant planning permission or approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at <http://eplanning.scotland.gov.uk/>.

Notices of review submitted by post should be sent to –

Planning and Sustainable Development
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in it's existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner

GORDON McINTOSH
DIRECTOR

of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

GORDON McINTOSH
DIRECTOR

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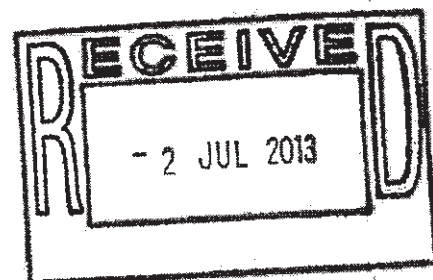
ABERDEEN
CITY COUNCIL

PLANNING & SUSTAINABLE DEVELOPMENT
Business Hub 4, Marischal College, Broad Street,
ABERDEEN. AB10 1AB

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Refusal of Planning Permission

Michael Rasmussen Associates
The Studio
Station Square
Aboyne
Aberdeenshire
AB34 5HX



on behalf of **Mr Alex MacDonald**

With reference to your application validly received on 21 February 2013 for Planning Permission under the above mentioned Act for the following development, viz:-

DEMOLISH EXISTING OUTBUILDING AND FORM REPLACEMENT DWELLING HOUSE AND GREENHOUSE AND POTTING SHED
at The Coach House, 2 School Road, Cults

the Council in exercise of their powers under the above mentioned Act hereby REFUSE Planning Permission for the said development as specified in the application form and the plan(s) and documents docketed as relative thereto and numbered as follows:-

1101/03;
1101/69;
1101/73.

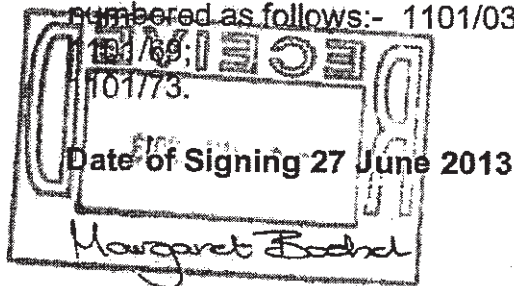
The reasons on which the Council has based this decision are as follows:-

The proposed development would constitute a road safety and pedestrian safety hazard by virtue of the creation of a new access without the requisite visibility splays. The proposal is therefore contrary to Scottish Planning Policy; Designing Streets; and Planning Policy H1 [Residential Areas] of the Aberdeen Local Development Plan. Furthermore, it is contrary to Supplementary Guidance on The Sub-division and Redevelopment of Residential Curtilages which requires a safe and convenient pedestrian and vehicular access from the dwelling to the public road and pavement and, that the vehicular access from the public street must provide safe sightlines for pedestrians and the driver of the vehicle.

GORDON McINTOSH
DIRECTOR

The proposed development is considered unacceptable in terms of its design by virtue of its scale, mass and external materials, particularly on its public elevation onto the lane, which fails to pay respect to its setting. The proposal is therefore contrary to Scottish Planning Policy which seeks high quality design; and the following policies contained within the Aberdeen local Development Plan - D1 [Architecture and Placemaking] which seeks high standards of design to ensure that the setting of the proposed development and its design is acceptable; and H1 [Residential Areas] as the proposed new development would result in having an unacceptable impact on the character of the surrounding area.

The plans, drawings and documents that are the subject of this decision notice are numbered as follows:- 1101/03;



Dr Margaret Bochel
Head of Planning and Sustainable Development
Enc.

GORDON McINTOSH
DIRECTOR

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**NB. EXTREMELY IMPORTANT INFORMATION RELATED TO THIS REFUSAL OF
PLANNING APPROVAL**

The applicant has the right to have the decision to refuse the application reviewed by the planning authority and further details are given in Form 2 attached below.

SCHEDULE 6

Regulation 28

Notice to accompany refusal etc.

Form 2

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

**Notification to be sent to applicant on refusal of planning permission or on the grant of permission
subject to conditions**

If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Planning & Sustainable Development, Enterprise, Planning and Infrastructure, Aberdeen City Council, Business Hub 4, Ground Floor North, Marischal College, Broad Street, Aberdeen AB10 1AB

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use by the carry out of any development which has been or would be permitted, the owner of the land may service on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

GORDON McINTOSH
DIRECTOR

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