

# Public Document Pack



To: Councillor Milne, Convener; and Councillors Jean Morrison MBE and Sandy Stuart

Town House,  
ABERDEEN 17 August 2015

## **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 **MONDAY, 24 AUGUST 2015 at 10.30 am.**

FRASER BELL  
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 21A Farburn Terrace - Extension to existing MOT Test Centre - 150141

The documents associated with this application can be viewed at –  
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150141>

### **PLANNING ADVISOR - GRACE HARRISON**

- 2.1 Delegated Report (Pages 3 - 20)

2.2 Planning policies referred to in documents submitted (Pages 21 - 48)

2.3 Notice of Review (Pages 49 - 56)

2.4 Determination - Reasons for decisions

Members, please note that reasons should be based against the 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 Harecraig , Culter House Road - Demolition of existing dwelling/garage and erection of two dwellings - 141735

The documents associated with this application can be viewed at –  
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=141735>

**PLANNING ADVISOR - GAVIN CLARK**

3.1 Delegated Report (Pages 57 - 66)

3.2 Planning policies referred to in documents submitted (Pages 67 - 106)

3.3 Notice of Review with supporting information submitted by applicant / agent  
(Pages 107 - 138)

3.4 Determination - Reasons for decisions

Members, please note that reasons should be based against the 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](http://www.aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Mark Masson email - [mmasson@aberdeencity.gov.uk](mailto:mmasson@aberdeencity.gov.uk) or tel- 01224 522989

## 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)):

21A FARBURN TERRACE, DYCE

EXTENSION TO EXISTING MOT TEST CENTRE.

For: Farburn Motors

Application Type : Detailed Planning Permission

Application Ref. : P150141

Application Date : 02/02/2015

Advert :

Advertised on :

Officer : Grace Harrison

Creation Date : 27 February 2015

Ward: Dyce/Bucksburn/Danestone(B  
Crockett/G Lawrence/N MacGregor/G  
Samarai)

Community Council: No response received

## RECOMMENDATION:

### Refuse

### DESCRIPTION

The site is located on the north eastern side of Farburn Terrace and is currently occupied by a commercial garage, offering car repair and servicing. It is bounded by car parking for the business to the east, commercial uses to the north and south and residential properties to the west. The existing buildings are single-storey and of modern design, consisting of three workshops and an ancillary office.

### RELEVANT HISTORY

**P842404**- An application for an extension to the garage, to provide an additional floor area of approximately 90 square metres, was approved on 5 December 1985.

**P911377**- An application for a further extension and alterations to the garage was approved on 24 October 1991.

### PROPOSAL

The proposal is to erect an extension to the front (southern elevation) of the existing garage, to create additional workshop space for vehicle servicing, etc. The extension would be 14.6m wide, 4.9m high and 8.5m deep, providing a further 136m<sup>2</sup> of floor space. To the west, it would extend 3.4m past the current

building line and a slightly smaller projection of 1.2m from the east. The principal elevation would feature two electronically operated garage doors, which open onto the existing yard, of 4m and 3m wide respectively, and a staff access door. The extension would see composite cladding on a steel frame, roofed with insulated panels.

### **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=150141>

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

### **CONSULTATIONS**

**Roads Projects Team** – No observations.

**Environmental Health** – The area does not currently enjoy a high level of amenity, and there is already disturbance from noise sources. Although we consider that the likelihood of nuisance caused by the proposals would not be significantly increased, the primary objective must be the protection of the public and therefore it is prudent to take a precautionary approach. The recommendation to refuse the application is supported.

**Communities, Housing and Infrastructure (Flooding)** – No observations.

**Community Council** – No response received.

**Aberdeen International Airport** – Proposal may fall within the dbLEQ contour and will be subjected to aircraft noise during the day and night.

### **REPRESENTATIONS**

Three separate letters of objection have been received; all relate to the impact of the proposals on the neighbouring house (21 Farburn Terrace) and raise the following matters:

- The height of the proposals would make the house feel as though it is enclosed by industrial development, and would lead to a loss of natural light;
- The proximity of the operations already causes nuisances including: fumes, lack of privacy, bad language used by staff and cars parked directly in front of windows. The new extension would increase these impacts; and
- The site is too small to accommodate this additional development, and would reduce the amount of yard and parking space available for the business.

### **PLANNING POLICY**

#### **Aberdeen Local Development Plan**

##### **H2 – Mixed Use Areas**

Development or change of use within Mixed Use Areas must take into account the existing uses and character of the surrounding area, and avoid undue conflict with the adjacent land uses and amenity. Where new industrial, business or

commercial uses are permitted, development should not adversely affect the amenity of people living and working in the area.

#### D1 – Architecture and Placemaking

Policy D1 states that development must be designed with due consideration for its context and make a positive contribution to its setting. Key factors in assessing proposals are siting, scale, massing, colour, materials, orientation, and details.

#### H8 – Housing and Aberdeen Airport

Applications for residential development under or in the vicinity of aircraft flight paths where the noise levels are in excess of 57dB LAeq (using the summer 16-hour dB LAeq measurement) will be refused, due to the inability to create an appropriate level of residential amenity, and to safeguard the future operation of Aberdeen Airport.

### **Proposed Aberdeen Local Development Plan**

The following policies substantively reiterate those included in the adopted 2012 Local Development Plan:

- H2 – Mixed Use Areas (see Policy H2 – Mixed Use Areas in adopted LDP)
- D1 – Quality Placemaking by Design (see Policy D1 – Architecture and Placemaking in adopted LDP)
- B4 – Aberdeen Airport (see Policy H8 – Housing and Aberdeen Airport in adopted LDP)

### **Supplementary Guidance**

#### Harmony of Uses

This covers mixed-use issues within and outwith the City Centre, providing guidance on issues that need to be addressed when a proposal has the potential to conflict with neighbouring land uses. Although it principally concerns hot food takeaways, cafes, liquor licensed premises and amusement arcades, the principles relate well to the issues required to be assessed in this application.

### **Other Relevant Material Considerations**

None.

### **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 of Development in a Mixed Use Area

The site is located within a Mixed Use area, as set out in the Local Development Plan and the wider Farburn Terrace area is characterised by a mix of residential,

commercial and industrial uses in close proximity. Policy H2 (Mixed Use Areas) states that new commercial development within these areas is acceptable in principle, provided it does not adversely affect the amenity of people living therein.

The existing Farburn Motors business has been in operation for over 30 years and therefore the principle of a garage in this location is well established. Furthermore, previous planning applications show that the garage has been subject to previous extensions which have resulted in incremental expansion. In terms of Policy H2, what needs to be assessed is whether and how the proposed new extension will impact on the amenity of the residents of the neighbouring house at 21 Farburn Terrace.

#### Impact on Residential Amenity

It is acknowledged that the operation of the garage, as it currently stands, has a negative impact on the residential amenity of 21 Farburn Terrace. Matters raised in representations relate to the nuisance caused by noise, fumes and lack of privacy during working hours. However, these impacts already exist. What now must be considered is whether these impacts would be significantly increased as a result of the extension, and whether any new negative impacts would arise.

The side (eastern) elevation of the dwelling at 21 Farburn Terrace abuts the garage's car park and yard area with no intervening screening. The house has four windows on this elevation, facing directly onto the yard. These windows open into habitable rooms on the ground floor (the kitchen) and first floor (bedrooms). Habitable rooms are defined in the Householder Development Supplementary Guidance as any room designed for living, eating or sleeping.

It is considered that the proximity and position of the proposed extension, in relation to 21 Farburn Terrace, would result in a significant additional loss of privacy for the occupants. The workshop entrance would be on the same level as the ground floor windows, positioned at right angles, with no screening. This means there would be direct lines of sight from the entrance of the garage, where people would be expected to be working continuously during working hours, into the house's side windows, which open into habitable rooms (kitchen and bedroom). At its nearest point, the extension would be 2m from the closest part of the house.

It is also considered that the proximity of the extension would also result in significantly increased levels of nuisance for the occupants of the house, over and above what is already experienced. Nuisance would be caused by the noise, smell and fumes generated by the vehicle servicing and repair work carried on in the new workshop, which would be much closer to the windows than at present.

Calculations show that there would be no loss of natural daylight to 21 Farburn Terrace as a result of the proposals. However, owing to its orientation, height and

proximity, the extension would lead to a significantly heightened sense of enclosure, or an 'overbearing' feeling of being 'blocked in', for the residents of 21 Farburn Terrace, particularly when using the rooms with windows on the eastern elevation.

For these reasons, it is considered that the proposed extension would have a significant further negative impact on the residential amenity of 21 Farburn Terrace, over and above the restricted level that which is already experienced as a result of the operation of the existing garage. Therefore, the proposals are in conflict with Policy H2, which states that new development in Mixed Use areas should not adversely affect the amenity of people living in the area.

#### Visual Amenity

The scale, siting, design and materials of the proposed extension would be in-keeping with the existing commercial buildings on the site, as well as the wider area which is characterised by buildings of mixed use, similar quality and character. It is considered that the extension would make a positive contribution to the area, improving the overall appearance of the garage from Farburn Terrace and surrounding public areas. Therefore, the proposals are in accordance with Policy D1.

#### Parking

The extension would result in a loss of some space in front of the garage. However, this would not result in any significant overspill parking on surrounding streets, because this area is primarily used for access into the existing garage only and no parking would be lost. The Roads projects team has no objection to the proposal.

#### Noise from Aberdeen Airport

In relation to the issue of noise from Aberdeen Airport, Policy H8 relates principally to safeguarding residential amenity from aircraft noise and is therefore not considered relevant to this application, which is for an extension to an existing Class 4 (Business) use.

#### Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and

- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application, the following relevant policies in the Proposed Local Development Plan substantively reiterate those contained in the adopted LDP:

- Policy H2 – Mixed Use Areas (see Policy H2 – Mixed Use Areas)
- Policy D1 – Quality Placemaking by Design (see policy D1 – Architecture and Placemaking)

### Conclusion

It is considered that these proposals are unacceptable when considered against Policy H2 in the Local Development Plan. As the erection of the proposed extension would have a significant negative impact on the residential amenity of 21 Farburn Terrace, through: a loss of privacy and amenity; increased nuisance; and a heightened sense of enclosure or being 'blocked in' by commercial uses.

Although the extension is likely to improve the overall appearance of the property from Farburn Terrace, in compliance with Policy D1, this factor does not outweigh the proposals' negative impact on residential amenity and the conflict with Policy H2. The site is not prominent, being situated at the end of a cul-de-sac, meaning any positive visual benefit would not be significant for the wider area.

In this case, there are no other material planning considerations which would have a bearing on the acceptability of the proposals. Therefore they are recommended for refusal.

## **RECOMMENDATION**

### **Refuse**

## **REASONS FOR RECOMMENDATION**

These proposals are unacceptable when considered against Policy H2 of the Local Development Plan, which states that new development in Mixed Use Areas must not adversely affect the amenity of people living and working in the area. It is considered that the proximity and position of the proposed extension would have a significant negative impact on the residential amenity of the adjacent house at 21 Farburn Terrace, through loss of privacy, increased nuisance (noise, smell, fumes) and heightened sense of enclosure. It is acknowledged that some of these impacts already exist due to the current operation of the garage. However, they would be significantly increased as a result of the extension, to an unacceptable degree. For the same reason, the proposals are also unacceptable according to the relevant Policy H2 – Mixed Use Areas in the Proposed Aberdeen Local Development Plan.

Ref. P150141

21 Farburn Terrace

Dyce

Aberdeen

AB21 7DR

2<sup>nd</sup> March 2015

Dear Sir /Madam

Today is my 88<sup>th</sup> birthday and for the last 52 years I have lived at this address. Over the years there have been many changes, but the planning application submitted by Mr Ritchie, Farburn Motors is going too far. If he gets permission for this I am going to get no light in my kitchen or any of the other back windows. He shows no respect for our property, we have recently had the Fire Service out as he was storing old oil at the back of our house, he also has tarred his yard and it is now up over our damp layer and he doesn't keep on top of his staff allowing them to wash cars and let the water run down to the back of our house. He really has outgrown the area and should think of moving his MOT section to another site. If the lease on the railway yard was to be rescinded he would have no parking at all. We have enclosed pictures so you can see some of the problems we have.

Yours sincerely



Isabella Morrison

ALSO IN THIS AREA.  
NEW BUS POINT AT STATION  
BOND HANGAR  
DONOUGHT EXTENSION

CHINESE TAKE  
AWAY



← this area will  
be filled in

















new building  
would come  
out as far  
as this.  
One of the vans  
that also  
black  
windows



PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 23 February 2015 20:04  
**To:** PI  
**Subject:** Planning Comment for 150141

Comment for Planning Application 150141

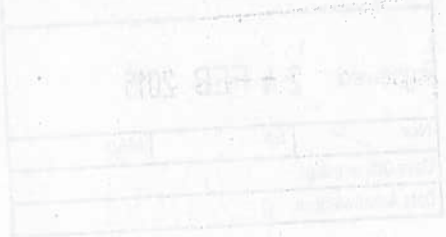
Name : Jacqueline, Bella & Wray Morrison Address : 21 Farburn Terrace Dyce Aberdeen  
AB21 7DR

Telephone : [REDACTED]

Email : [REDACTED] type :

Comment : We are very opposed to this extension, for almost 30 years we have tried to be good neighbours and let Mr Ritchie extend his business. When change of use was applied for many years ago, from a joiners to a panel beaters, it was to be a one man panel beating business not the extent of business it has become. We have felt for some time that Mr Ritchie was trying to do too much in too small an area. These plans are going to block all light coming into our kitchen, we have to have blinds up at the windows to save them looking directly into our kitchen and can't open our windows during working hours, because of fumes and language. We are sure that there must be another way he can bring his MOT area up to standard. Perhaps he could move the MOT area to an industrial estate. It would also affect the parking area, it is already too small for cars being left and this would reduce it further.

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PI

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**From:** webmaster@aberdeencity.gov.uk  
**Sent:** 24 February 2015 15:20  
**To:** PI  
**Subject:** Planning Comment for 150141

Comment for Planning Application 150141

Name : Wray Morrison  
Address : 21 Farburn Terrace  
Dyce  
Aberdeen

Telephone : [REDACTED]

Email : [REDACTED]

type :

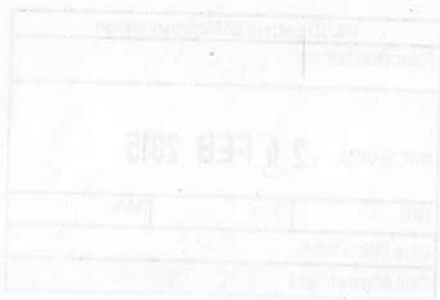
Comment : I would like to object to the plans as I live in the house that is directly affected by this development and if it goes ahead this will impact the windows that face onto the already tight yard space, please note that we can't open the kitchen windows during the day as often they are working on vehicles outside and if they start these up the fumes come straight into the house. Also the height of the proposed building will make the house feel blocked in by an industrial estate. we feel that the existing business has outgrown the sight for many years and if we had known 30+ years ago we would have objected to the change of use then, if you visit this garage business on a busy day you will see the shortage of room he has especially more so if he loses the additional land he rents which he uses for a car park and there has been several time this has almost happened.

We have generally had a good relationship with the owner but he does take things for granted that he can do them.

Regards

Wray Morrison

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**From:** Jacqueline Morrison <[REDACTED]>  
**Sent:** 13 July 2015 15:39  
**To:** LocalReviewBody  
**Subject:** Planning reference 150141

We submitted objections to the planning department regarding Gordon Ritchie, Farburn Motors application to extend his premises. We stand by the comments that we made. In the past we have always tried to be accommodating of any changes, but this is really going to cut light to the rear of our property. My brother and myself on separate occasions have spoken to Mr Ritchie and he can't comprehend how it would affect our property, he is adamant that he has to extend. We have both suggested to him that it would be better if he tried to reconfigure the buildings, which he isn't happy to do. We feel that the site has already reached it's capacity.

[REDACTED]

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## Policy H2 – Mixed Use Areas

Applications for development or change of use within Mixed Use Areas must take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity. Where new housing is proposed, a satisfactory residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity. Conversely, where new industrial, business or commercial uses are permitted, development should not adversely affect the amenity of people living and working in the area.

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## **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.

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## **Policy H8 - Housing and Aberdeen Airport**

Applications for residential development under or in the vicinity of aircraft flight paths, where the noise levels are in excess of 57dB LAeq (using the summer 16-hour dB LAeq measurement) will be refused, due to the inability to create an appropriate level of residential amenity, and to safeguard the future operation of Aberdeen Airport.

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## Supplementary Guidance

Topic: Harmony of Uses –  
Residential, Licensed  
Premises and Commercial  
Uses

March 2012

This Supplementary Guidance (SG) covers many licensing and mixed-use issues within and outwith the City Centre. It provides guidance on the circumstances where development proposals for specific uses may be permitted in the City, as well as the issues that might need to be addressed when a proposal has the potential to conflict with neighbouring land uses.

Several issues are covered in this report:

- Hot Food Takeaways;
- Liquor Licensed Premises (with exceptions to hotels, restaurants, cafes and off-licenses);
- Street cafes;
- Amusement Centres and Arcades;
- Living/ Working Above or Below a Business; and
- Residential Developments in the City Centre

### **Objectives and Revised Policy Guidelines**

This SG has taken into account relevant Local Development Plan objectives for the City, with special reference to the City Centre vision. Therefore, this SG is required to work within these objectives and vision to achieve a degree of balance where there may be potential conflict between these aims and development.

# **Hot Food Takeaways**

## **Introduction**

Proposals for hot food take-aways require to be given careful consideration as they raise sensitive amenity issues for neighbouring properties and land uses, for example the adverse effect of noise, smell and litter on residential properties. This is particularly the case with the City Centre, where hot food take-aways have continued to increase in number along with a similar rise in the provision of additional housing in the City Centre. Therefore, there are potential conflicts between the different uses which may give cause for concern.

It is proposed in this SG to use the term 'hot food shop' as the definition of a premises for which the main use is selling hot food for take-away, although such businesses may also operate as a restaurant/cafe. It should be noted, however, that the review is not intended to apply to restaurant/cafes where there is no substantial take-away element.

## **Background**

Hot food shops have continued to multiply in number in the City and, since 1983, planning permissions has been granted for many new premises in the City Centre. In the same period a similar number of hot food shops have been refused planning permission. Some of these refusals were challenged by way of appeal and a proportion of these were sustained and received planning permission.

## **Relevant Local Plan Policies**

Local Development Plan policies are an important factor in determining the merits of hot food shop proposals.

## **Outwith the City Centre**

In Residential Areas, H1, in the Local Development Plan, uses other than residential will not be permitted unless these are regarded as complementary to residential use, such as community facilities, schools, open space, churches, local shops (Class 1) etc. Other activities which would include hot food shops will not be permitted unless the Council can be satisfied that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

In Mixed Use Residential Areas, H2, there is a presumption against the introduction of other activities including hot food shops, unless the development would cause no conflict with or any nuisance to residential amenity.

In assessing hot food shop proposals within town centres, district centres and

neighbourhood centres, consideration will be given to whether or not a proposal will:

- \_ make a positive contribution to the overall viability of a centre
- \_ bring into use a vacant unit with consideration given to the length of time a unit has been vacant
- \_ provide a locally required service
- \_ retain an acceptable level of 'live' frontage
- \_ be strategically situated within a shopping centre e.g. it is important that corner shop units provide live shop window displays to enhance the attraction of a shopping centre

### **Within the City Centre**

Within the City Centre, applications for the introduction of Class 3 uses at street level are assessed for their likely effect on the vitality of shopping.

Along Union Street, proposals are assessed against the recommended minimum retail percentages as set down in the Council's 'Union Street Frontages Policy Guidelines'.

Within the City Centre Business District (CCBZ) there is a presumption in favour of retaining and developing commercial uses which includes the provision of restaurants.

Planning applications for hot food shops located outside these specified areas will be considered on their individual planning merits and will be assessed against any other relevant planning policies.

### **Role of Other Council Departments**

The Council's Licensing Committee has responsibility for granting licences in terms of the Civic Government (Scotland) Act 1982. With regard to the sale of hot food, the Committee's responsibility is confined to the granting of late hours catering licences and street trader licences. Street trader licences are required where hot food is sold for take-away from mobile vans and trailers located in a public place.

Food premises, including hot food shops, are required to be registered with Environmental Health in accordance with the Food and Safety Act 1990. Officers of this Section can enter catering premises to ensure that the provisions of the Act are being fully complied with. Offences include the selling of food which has been contaminated by extraneous matter, is unfit for human consumption and fails to meet food hygiene standards.

Environmental Health also has statutory obligations under a range of pollution control legislation. With regard to hot food shops the main area of concern to that Section are noise, air and litter pollution. The Government has published a Code of Practice in accordance with the Environmental Protection Act 1990 which lays down standards of cleanliness with regards to litter and refuse. Residential amenity can be adversely affected by fumes and odours generated by hot food shops or noise generated by customers, particularly where premises are open after 11pm. In this respect Planning & Infrastructure is assisted by Environmental Health on the likely effect of noise and smell arising from hot food proposals.

## **Issues**

### **Amenity**

The impact on amenity, and in particular residential amenity, is one of the major issues raised by hot food shop proposals. Factors which can adversely affect amenity include noise, smell and litter.

Noise nuisance can arise from both within and outwith hot food shop premises and may be generated by traffic, playing of music from radios and juke boxes, the operation of cooking and ventilation equipment, groups of people etc. Noise can be particularly intrusive late in the evening.

Nuisance from smells derives mainly from cooking, especially where frying operations are employed. Unpleasant odours however may arise from rubbish awaiting collection.

The impact of litter is recognised as being significant to planning control and therefore relevant in terms of amenity. This is of particular relevance, given that it would be unrealistic to suppose that litter could be prevented even by a cleansing service or hot food shop litter patrol.

The impact of ventilation ducting, attached to the exterior of buildings can be visually intrusive. This is of particular concern where the appearance of Listed Buildings and Conservation Areas may be adversely affected and where ducting passes close to windows in upper floors of premises containing a lower floor hot food shop.

Residential amenity can be adversely affected by the clustering of hot food shops, particularly in the City Centre, which is a reflection of the commercial and business nature of the area. It is also the case that hot food shops in the City Centre are generally open later, as permitted by their late hours catering license. Whilst levels of residential amenity in the City Center, outwith residential areas, are not expected to match those of more peripheral residential areas, a reasonable standard of amenity at all times is highly desirable. This is essential given that the Council's housing policies have consistently sought to encourage housing as a prominent land use in the City Centre. The proximity of hot food

shops to housing, however, can lead to conflict, particularly where late hours of opening are involved. The conflict can also be directly related to licensed premises in the City Centre, whose patrons provide much of the business for hot food shops, especially in the late evening and early morning.

Outwith the City Centre hot food shops generally seek to locate in district or local shopping centres. In many cases such centres are located beside or within residential areas. The importance of residential amenity in such areas is generally higher than for a City Centre location, especially if there are no other potential amenity conflicts such as licensed premises or a busy road.

### **Traffic and Parking**

Hot food shops attract a proportion of car borne customers, for which there is rarely adequate on or off-street parking available nearby. The consequence of this is often badly or illegally parked vehicles which can block visibility for both drivers and pedestrians, interfere with traffic signal controlled junctions and reduce the capacity of main roads. A major issue here is the threat to road safety. The attraction of car borne customers can also be to the detriment of residential amenity through noise, particularly in cases of late opening and through overspill parking in nearby residential streets. Whilst the problems of parking and traffic apply generally to hot food shops, the situation is less serious in the City Centre, where a greater proportion of customers arrive on foot and on street traffic restrictions act as a deterrent to illegal and indiscriminate parking, especially if it is believed that the restrictions will be enforced by the police.

### **Late Hours Catering Licences and Street Traders**

The Council's Licensing Committee, as stated earlier in the report, is responsible for the granting of late hours catering licences for hot food shops. It has guidelines restricting the terminal hours for trading. However, the planning authority may also, when granting planning permission, impose conditions limiting the opening hours of hot food shops on amenity grounds. In certain instances more onerous opening hours may be imposed in this way. However, it should be emphasised that such conditions would not be imposed without strong justification, e.g. to enable a development to proceed where it might otherwise be necessary to refuse planning permission.

The Licensing Committee also has responsibility for the granting of licences for street traders which are issued on an annual basis. In terms of the Licensing Committee's guidelines, all licence holders are required to specify precisely the location or locations, days and times at which they propose to trade. Though in many cases outwith planning control, street trader operations may adversely affect residential and visual amenity. It will be necessary, therefore, for representations to continue to be made by Planning and Infrastructure to the Licensing Committee where street traders operations may adversely affect amenity. Where a street trader's operation is considered to constitute

development in terms of the Planning Acts, planning permission will be required otherwise enforcement proceedings will be initiated.

No planning permission is usually required for hot food vans as they are not permanent fixtures. However, several traders operate from retail and commercial operator's car parks, often occupying designated car parking spaces or traffic circulation space. This reduces the amount of spaces available and may also increase the volume of traffic attracted to the area. Depending upon the degree of permanency and whether or not the use by the trader can be considered to be ancillary to the overall use of the site, such situations may constitute a material change of use of the land or contravene a condition of planning permission in which case it may be necessary to take enforcement action under the Planning Acts.

### **Revised Hot Food Shop Policy Guidelines**

The Council's aims and objectives for the City Centre differ from those for the rest of the City, in recognition of the different functions of these areas. This document takes account of the issues referred to earlier in this report and link closely with the Local Plan policies.

The following guidelines provide criteria to help assess the suitability of applications for hot food shops in the City Centre:

#### **City Centre**

- (i) In order to safeguard residential amenity proposals for hot food shops in areas allocated as, and adjacent to, Residential Areas will not be permitted, unless the Council is satisfied that the use would cause no conflict with, or any nuisance to, the enjoyment of the existing residential amenity;
- (ii) On Union Street, hot food shops at ground floor level will require to comply with the Union Street Frontage Guidelines. Policy C2 City Centre Business Zone and Union Street may also apply. Where the Frontages Guidelines allow, permission may be granted for a hot food shop provided none of the upper floors of the application property or adjacent properties are in residential use, in order to safeguard residential amenity. Special consideration may be given to granting permission where there are residential flats above if the operation involves only reheating of pre-cooked foods by means of microwave ovens. In such situations conditions may also be required regarding soundproofing and restrictions on hours of operation. Prior to granting approval, the Council requires to be satisfied that suitable arrangements have been made for litter disposal, in order to preserve the amenity of Union Street
- (iii) Hot food shop proposals in streets in the City Centre Business Zone other than Union Street require in the first instance to comply with the City Centre Business Zone Policy C2. Where the policy allows, permission may be granted for a hot food shop provided none of the upper floors of the application property or adjacent properties are in residential use and/or the amenity of other existing

housing, sites zoned for housing, or land identified as suitable for housing in the Local Development Plan, would not be adversely affected by such proposals.

(iv) In all other areas of the City Centre zoned as mixed use (H2) in the Local Development Plan, proposals for hot food shops will be considered on their individual planning merits. Approval will not normally be granted however, if the upper floors of the application property or adjacent properties are in residential use and/or the amenity of other existing housing, sites zoned for housing, or land identified as suitable for housing in the Local Development Plan, would be adversely affected by proposals.

### **Remainder of the City**

(i) There will be a presumption against the location of hot food shops in areas allocated as, and immediately adjacent to, Residential Areas and Mixed Use Residential Areas in order to safeguard residential amenity. Where fringe, linear, local or district shopping centres are located in Residential and Mixed Use Residential areas, proposals for hot food shops in such centres require in the first instance to be assessed against the criteria set down in the Local Development Plan Policy RT3 - Town, District and Neighbourhood Centres. Where that policy allows, permission may be granted for a hot food shop provided no upper floors of the application property or adjacent properties are in residential use and or the amenity of the Residential and Mixed Use Residential areas would not be adversely affected by such proposals.

(ii) In all other areas of the City outwith the City Centre, proposals for hot food shops will be considered on their individual planning merits. Approval will not normally be granted, however, if the upper floors of the application property or adjacent properties are in residential use and or the amenity of other existing housing, sites zoned for housing, H1 and H2, or identified as suitable for housing in the Local Development Plan, would be adversely affected by proposals.

(iii) Where the scale of operations of hot food sales from fuel filling stations is considered to be a material change of use and therefore requiring planning permission, applications will be considered on the basis of the Local Development Plan Policy area within which they are located and reference will then be made to the sub-sections above.

In addition to satisfying the guidelines as set down above, applications for hot food shops should allow satisfactory arrangements for parking and access or, depending on the circumstances, an improvement on the current authorized situation. Proposals to locate hot food shops on principal and main distributor roads will be assessed against their potential to adversely affect road safety, particularly where they are proposed to be located in close proximity to pelican crossings. Car parking will be assessed on parking standards and their own merits in consultation with the Roads Section.

The Planning Authority will also require to be satisfied that hot food shop proposals can provide adequate means of extracting, treating and dispersing odours without an unduly adverse effect on residential and visual amenity.



Details of the proposed ventilation system must be submitted as part of any planning application.

Hot food shop proposals require by law to be advertised as projects of “public concern”. The level of representation is a material consideration to take into account in assessing the merits of a particular proposal, providing that comments relate to planning matters and are received within the statutory consultation period.

## **Conclusions and Recommendations**

### **Conclusions**

The location of hot food shops is a sensitive issue with the public and the Planning Authority because of their potential impact on amenity. The Council is rightly proud of its high amenity standards. This care for environmental standards has to be carefully balanced against the need to make provision for hot food shops which offer a service to the public and whose products are much in demand. The revised guidelines link closely with the Local Development Plan policies forming an important benchmark for determining planning applications within and outwith the City Centre.

# **Liquor Licensed Premises**

## **Introduction**

Similar to hot food take-aways, liquor licensed premises proposals require to be given careful consideration as they generally raise sensitive amenity issues such as noise. This is particularly the case with the City Centre, where liquor licensed premises have continued to increase in number. Along with this there has been the increased activity in the provision of additional housing in the City Centre. Therefore, there are potential conflicts between the different uses which may give cause for concern.

It is proposed in this SG to use the term 'liquor licensed premises' as the definition of a unit that sells alcohol for consumption on and/or off the premises. However, there is an exception for liquor licensed premises that take the form of a small hotel, restaurant, café and off-licensed premises.

## **Relevant Local Development Plan Policies**

Local Development Plan policies are an important factor in determining the merits of liquor licensed premises proposals.

## **Outwith the City Centre**

In Residential Areas, H1, in the Local Development Plan, uses other than residential will not be permitted unless these are regarded as complementary to residential use, such as community facilities, schools, open space, churches, local shops (Class 1) etc. Other activities which would include liquor licensed premises will not be permitted unless the Council can be satisfied that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

In Mixed Use Residential Areas, H2, there is a presumption against the introduction of other activities including liquor licensed premises, unless the development would cause no conflict with or any nuisance to residential amenity.

In assessing liquor licensed premises proposals within town centres, district centres and neighbourhood centres, consideration will be given to whether or not a proposal will:

- \_ make a positive contribution to the overall viability of a centre
- \_ bring into use a vacant unit with consideration given to the length of time a unit has been vacant
- \_ provide a locally required service
- \_ retain an acceptable level of 'live' frontage
- \_ be strategically situated within a shopping centre eg it is important that corner shop units provide live shop window displays to enhance the attraction of a shopping centre

## **Within the City Centre**

Within the City Centre Business Zone (C2) applications for the introduction of a non-Class 1 (Retail) uses at street level are assessed for their likely effect on the vitality of shopping.

Along Union Street, proposals are assessed against the recommended minimum retail percentages as set down in the Council's 'Union Street Frontages Policy Guidelines'.

Within the City Centre Business Zone areas there is a presumption in favour of retaining and developing commercial uses which includes the provision of restaurants.

In other Local Development Plan policy areas applications for liquor licensed premises are considered on their individual planning merits. Proposals require, however, to be in accordance with other approved planning policies of the Council.

## **Role of Other Council Services**

The Council's Licensing Board has responsibility for granting liquor licences in terms of the Licensing (Scotland) Act 2005. With regard to these liquor licensed premises, the Board's responsibility is to determine a variety of applications in respect of premises and personal licences which are required for the sale of liquor.

## **Amenity Issues**

The impact on amenity, and in particular residential amenity, is one of the major issues raised by liquor licensed premises proposals. Factors which can adversely affect amenity include noise and anti-social behaviour.

Noise nuisance can arise from both within and outwith liquor licensed premises and may be generated by playing of music from music sound systems and juke boxes, deliveries and groups of people etc. Noise can be particularly intrusive late in the evening.

## **Revised Licensed Premises Guidelines**

The Council's aims and objectives for the City Centre differ in part from those for the rest of the City, in recognition of the different functions of these areas. This SG seeks to take into account of the issues referred to earlier in this report and link closely with the Local Development Plan policies.

The following guidelines are suggested to help assess the suitability of applications for licensed premises within the City Centre:

### **City Centre**

(i) There will be a presumption against the location of liquor licensed premises in areas allocated as, and adjacent to, Residential Areas in order to safeguard residential amenity. Such proposals could only be permitted if the Council were to be satisfied that the use would cause no conflict with, or any nuisance to, the enjoyment of the existing residential amenity

(ii) On Union Street, liquor licensed premises at ground floor level will require to comply with the Union Street Frontage Guidelines. Policy C2 City Centre Business Zone and Union Street may also apply. Where the Frontages Guidelines allow, permission may be granted for a liquor licensed premises provided none of the upper floors of the application property or adjacent properties are in residential use, in order to safeguard residential amenity.

(iii) Liquor licensed premises in streets in the City Centre Business Zone other than Union Street require in the first instance to comply with the City Centre Business Zone policy. Where the policy allows, permission may be granted for a liquor licensed premises provided none of the upper floors of the application property or adjacent properties are in residential use and or the amenity of other existing housing, sites zoned for housing, or identified as suitable for housing in the Local Development Plan, would not be adversely affected by such proposals.

(iv) In all other areas of the City Centre zoned as mixed use in the Local Development Plan, proposals for liquor licensed premises will be considered on their individual planning merits. Approval will not normally be granted however, if the upper floors of the application property or adjacent properties are in residential use and or the amenity of other existing housing, sites zoned for housing, or identified as suitable for housing in the Local Plan, would be adversely affected by proposals.

The following guidelines are suggested to help assess the suitability of applications for liquor licensed premises outwith the City Centre.

### **Remainder of the City**

(i) There will be a presumption against the location of liquor licensed premises in areas allocated as, and immediately adjacent to, Residential Areas and Mixed Use Residential Areas in order to safeguard residential amenity. Where fringe, linear, local or district shopping centres are located in H1 and H2 areas, proposals for liquor licensed premises in such centres require in the first instance to be assessed against the criteria set down in the Local Development Plan Policy RT3 - Town, District and Neighbourhood Centres. Where that policy allows, permission may be granted for liquor licensed premises provided no upper floors of the application property or adjacent properties are in residential use and or the amenity of the H1 and H2 areas would not be adversely affected by such proposals.

(ii) In all other areas of the City outwith the City Centre, proposals for liquor licensed premises will be considered on their individual planning merits. Proposals should, however, be in accordance with other Local Development Plan policies. Approval will not normally be granted, however, if the upper floors of the application property or adjacent properties are in residential use and or the amenity of other existing housing, sites zoned for housing, H1 and H2, or identified as suitable for housing in the Local Development Plan, would be adversely affected by proposals.

### **Conclusions**

The location of liquor licensed premises is a sensitive issue with the public and the Planning Authority because of their potential impact on amenity. The Council is rightly proud of its high amenity standards. This care for amenity has to be carefully balanced against the need to make provision for licensed premises which offer a service to the public which are much in demand. The revised guidelines link closely with the Local Development Plan policies forming an important benchmark for determining planning applications within and outwith the City Centre.

# **Street Cafes**

## **Introduction**

Aberdeen City Council supports and encourages the provision of street cafes in the City Centre, as they make a positive contribution by adding vitality, colour, life and interest to the street scene. They can help maximise the use of public spaces, aid the local economy and add to the facilities offered to people who visit, live, and work in Aberdeen.

It is important that street cafes are properly designed, administered and managed to ensure that they meet the high standards expected in Aberdeen City Centre. They should not obstruct public space or create a hazard for pedestrians, especially for blind, partially sighted and other disabled people.

## **Relevant Local Development Plan Policies**

For the purpose of this SG, street cafes are considered to be tables and chairs placed on public space as an extension of an existing ground floor use where food and drink is served to customers.

Before agreeing to planning permission for a street café, the Council must ensure:

1. They do not constitute a hazard; there should be enough pavement width or equivalent space to accommodate the seating, tables and café operation without causing hazard to, or invade the privacy of, other adjacent legitimate uses or impede access into or egress from nearby buildings or spaces or block a desire line.
2. If the development provides shelter from the elements, it should do so without permanently altering the physical fabric of the building to which they are attached or spaces in which they are located; and
3. They do not result in or contribute to an inadequate amenity for existing residential uses. Appropriate facilities to dispose of litter should be provided, without adversely affecting the quality, amenity or cleanliness of the City Centre.

## **Role of Other Council Services**

As well as the Council's Planning Department, the Council's Licensing Committee has responsibility for granting licenses. Proposals for street cafes must also adhere to other regulations from the Council's Roads Department.

## **Amenity Issues**

The impact on amenity, and in particular residential amenity, is one of the major issues raised by street cafes. Factors which can adversely affect amenity include noise, smell and litter.

## **Conclusions**

The location of street cafes is a sensitive issue with the public and the Planning Authority because of their potential impact on amenity. The Council is rightly proud of its high amenity standards. This care for amenity has to be carefully balanced against the need to make provision for street cafes which offer a service to the public. These guidelines link closely with the Local Development Plan policies forming an important benchmark for determining planning applications within the City Centre.

# **Amusement Centres and Arcades**

## **Introduction**

Amusement centres and arcade proposals require to be given careful consideration as they generally raise sensitive amenity issues such as noise and other disturbances. This is particularly the case within the City Centre, where amusement centre and arcade proposals have continued to increase in number. Along with this there has been the increased activity in the provision of additional housing in the City Centre. Therefore, there are potential conflicts between the different uses which may give cause for concern.

It is proposed in this SG to use the term 'amusement centre' as the definition of a unit that's main use is to predominantly conduct games for chance of profit. The definition of 'amusement arcades' in this SG is a unit that's main use is to predominantly conduct games for amusement only.

Amusement centres and arcade proposals will only be considered within the City Centre boundary set down in the Local Development Plan.

## **Amenity Issues**

The impact on amenity, and in particular residential amenity, is one of the major issues raised by amusement centres and arcades. Factors which can adversely affect amenity include noise and anti-social behaviour.

Noise nuisance can arise from both within and outwith licensed premises and may be generated by playing of music from music sound systems and juke boxes, arcade machines and groups of people etc.

## **Amusement Centres and Arcades Guidelines**

This SG seeks to take into account of the issues referred to earlier in this report and link closely with the Local Development Plan policies.

The following guidelines are suggested to help assess the suitability of applications for amusement centres and arcades within the City Centre:

### **City Centre**

(i) There will be a presumption against the location of amusement centres and arcades in areas allocated as, and adjacent to, Residential Areas in order to safeguard residential amenity. Such proposals could only be permitted if the Council were to be satisfied that the use would cause no conflict with, or any nuisance to, the enjoyment of the existing residential amenity



(ii) On Union Street, amusement arcades at ground floor level will require to comply with the Union Street Frontage Guidelines. However, no amusement centres or arcades will be permitted within sectors B and G identified in the Union Street Frontages Guidelines SG. Where the Frontages Guidelines allow, permission may be granted for a licensed premises provided none of the upper floors of the application property or adjacent properties are in residential use, in order to safeguard residential amenity.

(iii) Amusement centres and arcades in streets in the City Centre Business Zone other than Union Street require in the first instance to comply with the City Centre Business Zone policy. Where the policy allows, permission may be granted for an amusement centre or arcade provided none of the upper floors of the application property or adjacent properties are in residential use and or the amenity of other existing housing, sites zoned for housing, or identified as suitable for housing in the Local Development Plan, would not be adversely affected by such proposals.

(iv) In all other areas of the City Centre zoned as mixed use in the Local Development Plan, proposals for amusement centres or arcades will be considered on their individual planning merits. Approval will not normally be granted however, if the upper floors of the application property or adjacent properties are in residential use and or the amenity of other existing housing, sites zoned for housing, or identified as suitable for housing in the Local Plan, would be adversely affected by proposals.

## **Conclusions**

The location of amusement centres and arcades is a sensitive issue with the public and the Planning Authority because of their potential impact on amenity. The Council is rightly proud of its high amenity standards. This care for amenity has to be carefully balanced against the need to make provision for amusement centres and arcades which offer a service to the public. These guidelines link closely with the Local Development Plan policies forming an important benchmark for determining planning applications within and outwith the City Centre.

# **Living/ Working Above or Below a Business**

## **Introduction**

Living and/ or working above or below a business can prove to be a challenge as both possess potential conflicts between the appropriate and necessary functions of a thriving commercial area and residential uses. The challenge is to reduce any conflict to a minimum through careful siting and design of new residential properties and new licensed or noisy activities and premises and through the Local Development Plan to attract commercial and employment uses to contribute to the vitality of the City.

This conflict is more apparent in the City Centre; however outwith the City Centre this conflict can also occur. Whilst it is reasonable to expect an adequate level of residential amenity; urban centres are lively and vibrant places and those who live there should not expect that the amenity would be comparable to that of a purely residential area.

## **Living/ Working Above or Below a Business Guidelines**

The Council's aims and objectives for the City Centre differ in part from those for the rest of the City, recognition of the different functions of these areas. This SG seeks to take into account of the issues referred to earlier in this report and link closely with the Local Development Plan policies and City Centre Development Framework.

The following guidelines are suggested to help assess the suitability of applications for residential and office uses above or below a business throughout the City:

There will be a presumption in favour of proposals that bring into use and upgrade vacant, under-used and sub-standard upper and lower (basement) floor properties. Changes of use from residential to a non-residential use shall not be approved where:

1. There would be an unsatisfactory impact on the amenity of occupiers and users of surrounding premises, in terms of noise, fumes or other disturbance or inconvenience; or,
2. Where the proposal would involve a stairwell giving access to existing residential property being shared with non-residential users.

# **Residential Developments in the City Centre**

## **Introduction**

As discussed in the section above, there are challenges accommodating residential development in a thriving City Centre, where there is a mix of uses.

Developers proposing residential developments in the City Centre must be mindful of the location of licensed premises and noisy uses, and will be required to provide a noise impact assessment for developments close to the busiest/ noisiest areas of the City Centre.

Appropriate conditions such as soundproofing and the installation of filtration systems will, where appropriate, be required to be undertaken as part of any such development in order to maintain an acceptable level of residential amenity.

## **Residential Developments in the City Centre**

Proposals for new residential developments or conversion of existing premises to residential use will only be allowed in parts of the City Centre where a suitable residential amenity will be secured. To this end applications for such residential developments or conversions will be refused where one or more of the following criteria apply:

1. A suitable residential amenity cannot be achieved or maintained. This is likely to be in areas of the City Centre where there is significant evening or late night activity associated with licensed premises and in areas adversely affected by traffic and industrial noise. The onus will be on the applicant to demonstrate that satisfactory levels of residential amenity can be achieved including the submission prior to determination of any planning application of a noise assessment carried out by a suitably qualified consultant that demonstrates that adequate noise attenuation can be achieved;

2. The proposed development is within the same built structure:

- (a) as a public house;

- (b) as a place of entertainment.

Unless a noise assessment has been submitted by a suitably qualified consultant prior to determination of any planning application that demonstrates that adequate noise attenuation can be achieved

3. There is a common or shared access with licensed premises or other use detrimental to residential amenity;

4. The proposal is located beside a taxi rank.

5. The proposal is located within or adjacent to the Harbour boundary unless it can be demonstrated through a detailed noise assessment submitted prior to determination of any planning application by a suitably qualified consultant that a satisfactory level of residential amenity can be achieved taking account of background noise levels.

For further information 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](mailto:pi@aberdeencity.gov.uk)

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

ভাষা/ইন্টারপ্রেটিং এবং অন্যান্য ফরম্যাটের  
যোগাযোগ সাহায্যের জন্য দয়া করে  
:01224 523 470  
নম্বরে যোগাযোগ করবেন।

如果需要語言/傳譯及其他形式的傳訊支援服務，  
請聯絡:01224 523 470。

Если требуется помощь при выборе  
языка / переводчика или других  
способов общения, звоните по  
телефону :01224 523 470

للحصول على مساعدة بخصوص اللغة/ الترجمة  
و وسائل الاتصال الأخرى، الرجاء الاتصال  
بالرقم التالي: 01224 523 470

زبان / ترجمانی (انٹرپرائٹنگ) میں مدد اور اپنی بات دوسروں  
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رابطہ کریں : 01224 523 470

W razie potrzeby pomocy z językiem  
angielskim albo z tłumaczeniem, albo  
jakiejkolwiek innej pomocy do  
porozumienia, proszę skontaktować:  
01224 523 470

E-Mail: [pi@aberdeencity.gov.uk](mailto:pi@aberdeencity.gov.uk)

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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 **MR+MRS R. AND L. DAVIE**

Address **HARECRAIG  
CULTER HOUSE ROAD  
MILLTIMBER  
ABERDEEN  
AB13 0EN**

Contact Telephone 1   
Contact Telephone 2   
Fax No

E-mail\*

### Agent (if any)

Name **WILLIAM UPPER ARCHITECTS LTD**

Address **4 ST JAMES PLACE  
INVERURIE  
ABERDEENSHIRE  
AB51 3L3**

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

**ABERDEEN CITY COUNCIL**

Planning authority's application reference number

**P141735**

Site address

**HARECRAIG, CULTER HOUSE ROAD,  
MILLTIMBER, ABERDEEN, AB13 0EN**

Description of proposed development

**DEMOLITION OF EXISTING DWELLING/GARAGE AND  
ERECTION OF 2 DWELLINGS (SUB-DIVISION  
OF RESIDENTIAL CURTILAGE)**

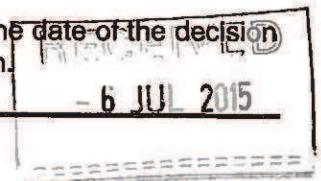
Date of application

**08/12/14**

Date of decision (if any)

**14/04/15**

**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:

WE WOULD BE HAPPY TO PROVIDE ANY FURTHER WRITTEN REPRESENTATIONS THE LRB MAY REQUIRE. IT MAY BE APPROPRIATE FOR THE LRB TO CONDUCT A SITE VISIT AS THE SITE IS A PRIVATE RESIDENTIAL PROPERTY AND CANNOT BE VIEWED IN ITS ENTIRETY FROM PUBLIC LAND.

**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:



## 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 REFER TO ATTACHED STATEMENT OF REASONS  
FOR REVIEW DOCUMENT

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. PRE-APPLICATION ADVICE 12/11/14                                      | DRAINAGE REPORT - NOV 2014  |
| 2. FIELD DISCUSSION WITH PLANNER 11/02/15                               | 11. GROUND ASSESSMENT AND SURFACE WATER DRAINAGE REPORT - FEB 2015    |
| 3. EMAILS TO + FROM PLANNER 18/02/15 - 24/02/15                         | 12. FLOODING COMMENTS - 30/01/15                                      |
| 4. S022 DESIGN STATEMENT REV A - ORIGINAL SUPPORTING STATEMENT          | 13. S022 / LOC, 08F, 09E, 10B, 10C - ORIGINAL APPLICATION DRAWINGS    |
| 5. S022 DESIGN STATEMENT REV B - AMENDED + REVISED SUPPORTING STATEMENT | 14. S022 / 081, 099, 10C, 11 - AMENDED + REVISED APPLICATION DRAWINGS |
| 6. HCM-1503-AA - ARBOREAL ASSESSMENT                                    | 15. DELEGATED REPORT  |
| 7. HCM-1503-T2 - TREE SURVEY REPORT                                     | 16. REFUSAL DECISION NOTICE   |
| 8. HCM-1503-TP - TREE PROTECTION  | 17. LETTER FROM COUNCILLOR BOULTON SUPPORTING PROPOSAL                |
| 9. CAT SURVEY   |   |
| 10. GROUND AND SURFACE WATER  |   |

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:

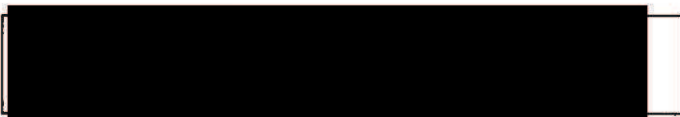
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

03.07.15

**Proposed Extension to form upgraded MOT Test Bay**

**Farburn Motors**

**21A Farburn Terrace, Dyce**

Design Supporting Statement

Farburn Motors is a long established business which provides an excellent garage service, repairs and MOT testing centre for the local community and has grown in size, within reason, over the years to adapt to the needs of a growing and established client base.

The proposed extension requirement has come about as a result of the increasing health and safety requirements and the requirements of VOSA guidelines required to maintain MOT testing facilities and not as a requirement for any increase to the existing workshop facilities.

Various options were looked at to assess the most cost effective, cause minimal disruptive to business and have a minimal impact on the surrounding properties. The surrounding premises which consist mainly of a commercial nature with a small number of residential premises adjacent to the site.

Options reviewed were as follows:

1. Raise the roof over the existing MOT test bay
2. Relocate the exiting MOT facilities to another part of existing workshop.
3. Relocate business to larger premises
4. Extend the existing premises towards Farburn Terrace to accommodate a new purpose built MOT testing facility.

Conclusions:

Option 1 was ruled out on cost and practicality due to the fact that the existing first office accommodation encroaches halfway across the existing facilities. The existing first floor office requiring extending at ground floor level.

Option 2 was ruled out on an operational base's as this would reduce the capacity of the existing workshop space. The premises would still require to be extended to accommodate this loss of workshop space so as to maintain the current level of service.

Option 3 was ruled out as Farburn Motors current workload comes mainly from the surrounding area and as there are currently no premises of a suitable size available within a reasonable distance from the current site and this may have a detrimental effect on the business.

Option 4 being the preferred option as this would be most cost effective, practical and having minimal impact to the existing operation. The existing MOT bay area would be used as additional storage facilities, used mainly for materials currently located outside the premises within the existing forecourt area. This provision would further improve the visual impact of the premises from the adjacent dwelling at 21 Farburn Terrace.

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# Agenda Item 3.1

Signed (authorised Officer(s)):

HARECRAIG, CULTER HOUSE ROAD,  
MILLTIMBER

DEMOLITION OF EXISTING DWELLING /  
GARAGE AND ERECTION OF 2  
DWELLINGS (SUB-DIVISION OF  
RESIDENTIAL CURTILAGE)

For: Mr & Mrs Ron & Loretta Davie

Application Type : Detailed Planning  
Permission

Application Ref. : P141735

Application Date : 08/12/2014

Advert : Can't notify  
neighbour(s)

Advertised on :

Officer : Tommy Hart

Creation Date : 30 March 2015

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

Community Council: No comments

## **RECOMMENDATION: Refuse**

### **DESCRIPTION**

The site is located on the north side of Culter House Road, approximately 50m to the east of the junction with Robertson Place and comprises a 2-storey dwellinghouse set in a site of around 0.3ha in size, with the house being positioned towards the front of the plot on a similar building line to 8a Culterhouse Road to the east. The application plot rises up slightly from the road towards the rear boundary where there is currently a tennis court set in the extensive landscaped garden with the existing house sitting around 1.5m above road level. To the west, the house at 36 Culterhouse Road sits slightly further back into that plot and with a south-west orientation. To the east of the site, the houses (no's 8a, 8b and 8c) are laid out in a cul-de-sac arrangement, whereas the houses to the west are generally set towards the back of the plots with substantial front gardens. On the south side of the road, the pattern of development is significantly different, with detached houses being set in smaller plots unlike a suburban housing estate. In terms of style and size of property, this varies throughout the immediate area. To the immediate north of the site lies a large area of mature forest. To the east (abutting the application site) the trees are covered by a Tree Preservation Order (TPO No. 62). Along the frontage of



the site there is a row of mature landscaping (hedge and trees) which continues along the east and west boundaries. There are also a number of trees within the application site.

## **RELEVANT HISTORY**

None

## **PROPOSAL**

Detailed planning permission is sought for the construction of two detached 2-storey 5-bedroom houses. Each plot would comprise an area of around 0.15ha in size.

The houses take a traditional approach to design. The main part of the house proposed at Plot 1 would measure around 12.5m wide x 12.0m, whilst Plot 2 would be 15.0m wide and 12.0m deep. Both have bay window features either side of the entrance which project 1.5m from the front building line and are 4.0m wide. These bays continue to the first floor where they include balconies. To the rear, the houses have a single-storey sun lounge attached, which is predominantly glazed with a traditional cupola roof, and measure around 5.0m x 5.0m in size. Garages are shown at basement level which is an amendment to the initial proposals whereby garages were shown adjacent to the road. The houses measure 5.5m to eaves level when taken from ground floor although this increases to around 8.5m from basement (garage) level, whilst the ridge height is around 12.0m above basement level. The roof design differs between the two plots, with Plot 1 having a dual hipped roof and Plot 2 proposing two gable-ends to the front and hipped to the rear and sides. The main part of the house on Plot 1 is set around 20m back from the site frontage, whilst the main part of the house on Plot 2 is set back around 16m. The garages in both cases project a further 3.0m.

In terms of external finishing materials, these are proposed as slate roofs, timber windows and doors painted dark grey, off-white smooth render to the external walls and grey granite to the bays, margins and quoins.

The proposals were updated from the original submission in which the house on Plot 1 was reduced in width and moved slightly further back into the site.

## **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=141735>

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



## **CONSULTATIONS**

**Roads Development Management-** Parking provision on-site is acceptable. On submission of additional information relating to visibility splays, there are no objections forthcoming.

**Environmental Health** – no observations

**Communities, Housing and Infrastructure (Flooding)** – the information provided is not sufficient and not clear enough to assess the drainage design. There are outstanding issues relative to flow control and surface water treatment.

**Community Council** – no comments received

## **REPRESENTATIONS**

No letters of representation/objection/support have been received.

## **PLANNING POLICY**

### **Aberdeen Local Development Plan**

#### Policy H1 – Residential Areas

Proposals for new residential development will be favourably considered subject to applications being satisfactory in terms of the siting, design and external appearance of the buildings, the means of access thereto, the landscaping of the site and on the further considerations of amenity, public safety and drainage.

#### Policy D1 – Architecture and Placemaking

Seeks to ensure high standards of design in all new developments, requiring all development to be designed with due consideration for its context and to 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 spaces, landscaping and boundary treatments, will be considered in assessing that contribution.

#### Policy NE5 – Trees and Woodland

There is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that have a natural heritage value or contribute to the character or amenity of a particular locality.

### Policy NE8 – Natural Heritage

Development that, taking into account any proposed mitigation measures, has an adverse effect on a protected species or an area designated because of its natural heritage value. Applicants should submit supporting evidence relative to protected species.

### **Supplementary Guidance**

The Council's supplementary guidance on 'The Sub-division and Redevelopment of Residential Curtilages' and 'Bats and Development' are relevant material considerations.

### **Proposed Aberdeen Local Development Plan**

The following policies substantively reiterate policies in the Adopted Local Development Plan as summarised above;

- Policy D1 – Quality Placemaking by Design
- Policy H1 – Residential Areas
- Policy NE8 – Natural Heritage

### **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 of Development**

The application is for the demolition of an existing residential dwelling and the construction of two detached houses, of much larger proportions, with an area designated for residential purposes. Policy H1 of the local development plan supports new residential development in areas designated as 'H1 Residential' on the Proposals Map. Therefore, the principle of development is acceptable subject to evaluation against the criteria contained in Policy H1 and other relevant policies and guidance as set out below. On the basis of principle alone, the application conforms to Policy H1.

### **Density and Pattern of Development**

The construction of new dwellings within an established area will potentially 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 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.

Culter House Road is characterised by detached house of a variety of styles and sizes, generally set well back from the road behind mature landscaping. This is particularly apparent on the north side of the road. The majority of houses are set within quite generous gardens. Culter House Road generally has approximate densities of around 8 to 11%. The application site is larger than the plots immediately to either side, being wider at some 46 metres compared to around 25-35 metres for the adjacent properties. However, the resultant site coverage would be 14% for each plot which would be higher than other properties on the north side of the road. Notwithstanding, there would still be a substantial area of garden ground available and the houses would have a sense of spacious grounds surrounding it. The position of the proposed houses on the site would, in terms of their relationship to the adjacent properties, reflect the general pattern on Culter House Road, albeit further forward in the plots than the majority of houses on the north side of the street. It is therefore considered that the proposal would be generally in keeping with the prevailing character and pattern of development in the immediate area.

### **Design, Scale, Massing and Visual Impact of Development**

In relation to pattern of development, the new houses would sit roughly on the same building line as the existing house and would have a similar north-south orientation which does not cause any immediate concerns in that it would not have a substantial negative impact on that current pattern of development of the wider area.

By virtue of the scale and position of the proposed houses, they would be unduly prominent in the streetscene being that, with the inclusion of the basement garage, the houses are effectively 3-storeys (around 12m in height above road level) and within 13-17m of that road. Although the existing house sits around 16m back from the road frontage, it is around 2m lower than the ridge level of the proposed houses and is hidden behind substantial mature landscaping along the southern boundary. The massing of the two houses also contributes to the prominence on site to a material degree when compared to the existing and neighbouring properties. The existing house sits adjacent to the east boundary, facing south, with the western half of the curtilage currently not built on. The house to the east faces gable-on to the street and is set back by around 20m behind mature landscaping so it is less prominent in the streetscene. The house to the west sits around 30m back from the street and faces in a south-westerly direction but has a fairly open aspect from the street. The proposed houses would be 1-2m taller than the existing and adjacent houses and would be closer

to the road than these properties. Also, bearing in mind that the existing front boundary landscaping would be reduced in scale, and that there would be substantial ground removal to allow for the basement garages, the houses would be significantly more prominent than the existing house on site and the houses adjacent. Cumulatively, the position, scale and massing of the new houses would have a significant visual impact on the streetscene. It is accepted that the application site could accommodate two site-specific houses but the proposals for the two “off the shelf” dwellings proposed is not appropriate in this circumstance.

Within the area surrounding the application site, there is a variety of detached house designs and sizes including traditional 1 ½-storey, 1970's single-storey, 1990's 2-storey and contemporary 2-storey (currently under construction) which gives a flavour of the varied nature of the area where there is no predominant house design. The variety of house designs is a defining and important characteristic of Culter House Road, in particular on its north side. Any new development must not undermine that defining characteristic, but instead should complement and reinforce it. The current proposal does not complement the character of the area. Rather it would be detrimental to the character due to the similarity of the house designs. Apart from the roof design, they are identical which is uncommon in this area save for the houses being built at 46/48 Culterhouse Road although those houses have an entirely different context being set towards the rear of the large plots, behind mature trees. According to the supporting information, the houses seek to resemble the traditional ‘west end villas’ of Aberdeen which are popular within Rubislaw Den South and with that in mind details such as feature gables, projecting bays and slate hipped roofs have been incorporated into the proposals. Notwithstanding, Policy D1 seeks for development to take account of its context and by seeking to resemble houses which are located some 6 miles to the east does not fit in with policy requirements. Further, it is considered that introducing two houses of a similar design into a streetscape with no predominant house design is not acceptable in terms of Policy D1 in that respect. Lastly, taking account of the position on site, the scale and massing of the houses, the proposals further contradict the requirements of Policy D1. Based on this, the application also fails to adhere to the principles of Policy H1.

The proposed development is acceptable in terms of the ‘feu split’ SG in relation to privacy and orientation to make the most of natural sunlight. The application is for two houses on a site which currently is occupied by one. This site is sufficiently large to be occupied by two houses of an appropriate scale, design and massing however, as indicated above, the specific houses proposed are not acceptable. The pattern of development would generally be in keeping with the immediate area.

The site currently has a density of around 8% which is low but is comparable to some of the properties nearby. The introduction of an additional property on the

site would change the density of the site to around 14% on each plot. Again, this is quite low in general terms although is acceptable in terms of the 'feu split' SG being typical of the surrounding area.

### **Impact on residential amenity**

The house on Plot 2 would be set sufficiently distant (around 26m) from the neighbouring property at 8a Culter House Road to the east. That, in addition to the orientation of the house on that plot means there is unlikely to be any negative impact on the residential amenity of the residents of 8a Culter House Road.

With respect to 36 Culter House Road to the west of the application site, it is considered that the scale of the 2-storey house positioned within 5m of the that mutual boundary would have a negative impact on the residential amenity of that house when taking account of the kitchen window which is around 3m off said boundary and faces directly towards the application site. It is clear that there would be a change in the outlook afforded to that property which itself is likely to impact on the amenity afforded. Notwithstanding, it is not considered that the impact of the new house on the adjacent property would be of a degree that would warrant refusal given that the east facing window is not the only window within the kitchen.

Overall, it is considered that the development would not have any significant negative impact on the residential amenity of the immediate area.

### **Trees**

To the immediate east of the application site, the area is covered by Tree Preservation Order - TPO 62. A tree survey was submitted with the application. A total of 42 trees were surveyed (including 8 within the adjoining site to the east) which include Cherry, Sitka Spruce, Scots Pine, Cypress, Beech, Sycamore, Douglas Fir, Beech and Beech Hedge. The report indicates that a total of 31 trees should be felled, 18 of which for health and safety reasons. The trees proposed for felling are between 7 and 28m in height and a mix of 'U' and 'C' class trees. No trees within the TPO area are proposed to be felled.

Notwithstanding, there is a significant concern that the proposed development would require the removal of trees outwith the application site which are covered by TPO. The trees within the neighbouring feu to the east are within 5m of the site boundary and as such it is likely that the roots of those trees would be present within the application site. Given this and the height of those trees which are up to around 20m in height, the proposed cut and fill proposed within the application site so close to the boundary to facilitate the amended plans incorporating the basement garage of Plot 2 would be very likely to negatively impact on root system of those trees and subsequently lead to the need for their

removal. The removal of the trees would be detrimental to the character of the area. Additional information was requested in relation to roots and tree protection measures given the close proximity of development and also the amount of 'cut' proposed on site however no information was forthcoming to alleviate concerns in that respect. Further, it should be borne in mind that as the trees are out-with the application site, there would be an undue burden put on the owner of the adjacent site to remove the trees should they be damaged as a result of the proposed development. Lastly, it is worth noting that the submitted tree protection plan does not propose any tree or root protection for the trees covered by TPO in the adjacent site which further adds to the concern.

The 'feu split' supplementary guidance is clear that where trees make a valuable contribution to the landscape setting of the urban area, there will be a presumption in favour of retaining them and the loss of any significant trees is a valid reason for refusal. It goes one step further by stating that care should be taken to position new buildings so as to minimise potential disturbance to the root system. Policy NE5 reiterates this position in terms of retaining trees which contribute to the character and amenity of the locality.

The trees are the subject of a TPO and it is judged that they provide a positive contribution to the local amenity. The potential future loss or damage to these trees through inappropriate tree works will significantly impact on the tree'd character of Culter House Road. It is considered that a house cannot be built on Plot 2 of the proposed plans without having an adverse impact on the trees, which are protected by a TPO. The loss or damage to protected trees is contrary to Policy NE 5 Trees and Woodland of the Aberdeen Local Development Plan.

Replacement planting is proposed on-site in the form of;

- 2no crateagus paul scarlet (2.1-2.5m)
- 2no malnus john downie (2.1-2.5m)
- 2no prunus accolade (2.1-2.5m)
- 2no prunus avium (2.1-2.5m)
- 4no prunus avium plena (2.1-2.5m)

Along the western boundary of each plot, beech hedging is proposed, to be planted at 0.6 – 0.8m in height and planted in two staggered rows, rows being 0.5m apart and plants being 1.0m apart. No plan has been submitted showing the proposed landscaping. The replacement planting is not considered sufficient to mitigate the potential loss of the mature trees on the adjacent site.

## **Ecology**

Page 7 of the Council's Supplementary Guidance '*Bats and Development*' states that where it is suspected that a bat roost is present, the local authority should request a bat survey to establish the impacts on bats, before determining the

application. It goes on to say that a bat survey cannot be included as a condition of planning approval as this is a requirement of the European Protected Species (EPS) Legislation.

A bat survey was submitted with the application. In addition to this, discussions took place between the Council's Environmental Policy team and the agent to clarify the situation relative to bats due to the proposed tree removal. The trees proposed for removal are Sitka spruce, Scots pine and Cypress. In general these species of trees are less likely to support roosting bats because they have fairly dense, coarse foliage while bats prefer an open approach to roosting areas such as those offered by broadleaf trees. While Scots pine may be more suitable, the arboriculturalist has not suggested that there are any significant cracks or holes in these trees. Comment was made on a crack in a Cypress but again this species of tree is not a preferred roosting site for bats. With that in mind, there are no concerns regarding bats and as such there is no conflict with Policy NE8 or the SG on bats.

### **Access and car parking**

Access to the plots would be from Culterhouse Road via the two access points. Submitted plans show that the visibility splays can be achieved in line with requirements for the road type. Further, car parking for 3no cars would be provided on-site which is acceptable. No objections have been received from the Roads Development Management team.

### **Proposed Aberdeen Local Development Plan**

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application, the policies listed below are of relevance;

- Policy D1 – Quality Placemaking by Design
- Policy H1 – Residential Areas
- Policy NE8 - Natural Heritage

These policies substantively reiterate policies in the adopted local plan. In addition, for the same reasons that the proposal contravenes the adopted local development plan, the proposals conflict with Policies D1 and H1 of the Proposed Plan.

## **RECOMMENDATION**

### **Refuse**

## **REASONS FOR RECOMMENDATION**

1.) The proposal is contrary to Policy NE5 (Trees and Woodlands) of the Aberdeen Local Development Plan, the Councils Supplementary Guidance: *Trees and Woodlands*, and *The Sub-division and Redevelopment of Residential Curtilages*. There is a presumption against all activities and development that will result in the loss of or damage to established trees that contribute significantly to nature conservation, landscape character or local amenity. Buildings and services should be sited so as to minimise adverse impacts on existing and future trees and tree cover. The proposal fails to provide an adequate separation distance from the beech, sycamore and douglas fir trees on the adjacent site to the east which are protected by a group Tree Preservation Order (TPO No. 62).

2.) By virtue of the proposed position of the houses on the site and their scale, massing and design, it is considered that the proposal fails to take account of its context and is therefore is contrary to Policy H1 (Residential Areas) and Policy D1 (Architecture and Placemaking), and the Council's Supplementary Guidance *The Sub-division and Redevelopment of Residential Curtilages* all of which seek to ensure that that the siting and design of new housing takes account of its setting, the surrounding landscape character, the topography of the site and the character and appearance of the area.



## **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

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## **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.

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## **Policy NE5 – Trees and Woodlands**

There is a presumption against all activities and development that will result in the loss of or damage to established trees and woodlands that contribute significantly to nature conservation, landscape character or local amenity, including ancient and semi-natural woodland which is irreplaceable.

Appropriate measures should be taken for the protection and long term management of existing trees and new planting both during and after construction. Buildings and services should be sited so as to minimise adverse impacts on existing and future trees and tree cover.

Native trees and woodlands should be planted in new developments.

Where trees are affected by a development proposal the City Council may make Tree Preservation Orders.

A tree protection plan for the long term retention of trees should be submitted and agreed with the Council before development commences on site.

See Supplementary Guidance on both protecting trees and woodlands and the trees and woodland strategy for Aberdeen for more information.

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## **Policy NE8 - Natural Heritage**

Development that, taking into account any proposed mitigation measures, has an adverse effect on a protected species or an area designated because of its natural heritage value will only be permitted where it satisfies the relevant criteria in Scottish Planning Policy. These are International Designations, National Designations, Local Designations and European Protected Species and Species protected under the Wildlife and Countryside Act 1981.

In all cases of development at any location: -

1. Applicants should submit supporting evidence for any development that may have an adverse effect on a protected species demonstrating both the need for the development and that a full range of possible alternative courses of action has been properly examined and none found to acceptably meet the need identified.
2. An ecological assessment will be required for a development proposal on or likely to affect a nearby designated site or where there is evidence to suggest that a habitat or species of importance (including those identified in the UK and Local Biodiversity Action Plans) exists on the site.
3. No development will be permitted unless steps are taken to mitigate negative development impacts. All proposals that are likely to have a significant effect on the River Dee SAC will require an appropriate assessment which will include the assessment of a detailed construction method statement addressing possible impacts on Atlantic Salmon, Freshwater Pearl Mussel and Otter. Development proposals will only be approved where the appropriate assessment demonstrates that there will be no adverse affect on site integrity, except in situations of overriding public interest.
4. Natural heritage beyond the confines of designated sites should be protected and enhanced.
5. Where feasible, steps to prevent further fragmentation or isolation of habitats must be sought and opportunities to restore links which have been broken will be taken.
6. Measures will be taken, in proportion to the opportunities available, to enhance biodiversity through the creation and restoration of habitats and, where possible, incorporating existing habitats.
7. There will be a presumption against excessive engineering and culverting; natural treatments of floodplains and other water storage features will be preferred wherever possible; there will be a requirement to restore existing culverted or canalised water bodies where this is possible; and the inclusion of SUDS. Natural buffer strips will be created for the protection and enhancement of water bodies, including lochs, ponds, wetlands, rivers, tributaries, estuaries and the sea. Supplementary Guidance will be developed on buffer strips.

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## Supplementary Guidance

### Topic: Bats and Development

January 2013



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## **1. Introduction**

This Supplementary Guidance provides information that will be needed for the consideration of the effects of planning and development on bats.

This guidance has been written for the use of planners and developers but can also be referred to by members of the public looking to conduct any structural work, large or small, such as making alterations to or demolishing a building, or conducting works that would affect trees (including lopping or felling).

The detail outlined includes information about bats, how to identify bat roosts, the types of developments which usually require bat surveys, what information is required in the survey, and what happens once the survey is complete.

**If a bat survey is required, the best time for carrying out surveys is between mid-May and mid-August. For structures suitable for hibernation, the best time for carrying out surveys is between October and March.**

**Planning this in advance and including the survey with the application can prevent delays in the planning process.**

## **2. General Information about Bats**

As the main predator of night-flying insects, bats are of major ecological importance. Bat populations are considered to be a good indicator of the broad state of wildlife and environmental quality due to their sensitivity to pressures experienced by other species.

They are small animals that roost in a variety of places and can be found in colonies, small groups or singly.

They do not usually damage property.

Bats require many different roosts depending on different conditions at different times of the year.

There are 17 resident bat species found in the UK, where 9 are found in Scotland.

The most common species which can be found in Aberdeen include the Common and Soprano Pipistrelle bats, and less frequently are the Brown Long-eared, Daubentons and Natterer's bats. Other species may be present and changing weather patterns may result in more species being discovered in north-east Scotland.

Bats have declined significantly. This is mainly due to the loss of suitable roost and feeding sites, reduced insect prey as a result of pesticide use, and mortality due to the use of highly toxic timber treatments in house roosts. Many species of bats are either threatened or endangered.

### 3. Bats and Legislation

Bats are European Protected Species (EPS) and are protected by European, UK and Scottish Law. The main piece of legislation in Scotland for the protection of bats is the **Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)**. These Regulations transpose the requirements of the EU Habitats Directive (92/43/EEC) and aim to protect and maintain the conservation status of EPS in Scotland. The following is a brief summary of the legislation.

Under these Regulations it is an offence to either deliberately or recklessly: -

- Capture, injure or kill a wild bat;
- Harass a wild bat or group of bats;
- Disturb a wild bat in a structure or place (roost) it uses for shelter or protection;
- Disturb a wild bat while it is rearing or otherwise caring for its young (maternity roost);
- Obstruct access to a bat roost or otherwise deny the animal use of the roost;
- Disturb a wild bat in a manner that is, or in circumstances which are, likely to significantly affect the local distribution or abundance of that species; and
- Disturb a bat in a manner that is, or in circumstances which are, likely to impair its ability to survive, breed or reproduce, or rear or otherwise care for its young.

The following is also an offence: -

- Deliberately or recklessly disturb a bat while migrating or hibernating.
- Damage or destroy a bat breeding site or resting place (roost).

A roost is any structure or place used for shelter or protection. As bats tend to return to the same roost every year, roosts are protected regardless if bats are present or not.



#### **4. Bats and Licensing**

**Scottish Natural Heritage (SNH)** - In some circumstances, actions that are otherwise an offence can be carried out under a licence. SNH has a power to grant licences for scientific, educational or conservation purposes including surveys.

Further information on licensing from SNH can be found at: -

**<http://www.snh.gov.uk/protecting-scotlands-nature/species-licensing/mammal-licensing/bats-and-licensing/>**

Where an impact on bats cannot be avoided, SNH will only grant a licence if the proposal satisfies all 3 of the following tests:-

1. That there is a licensable purpose for which licenses can be granted. For example, a licence may be granted 'to preserve public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'.

If this is satisfied, 2 further tests must be satisfied: -

2. That there is no satisfactory alternative to the granting of a licence; and
3. That the action authorised will not be detrimental to the maintenance of the population of the EPS concerned at a favourable conservation status in their natural range.

SNH will not issue a licence unless the 3 tests, which ensure that the bat population is not unduly threatened, have been met.

Please note that licences will not be granted until any planning position has been resolved.

## 5. Bats and Land Use Planning

The presence of a bat roost, even when bats are apparently absent, is a material consideration when a planning authority is considering any development proposal.

Developers should consider the presence of bats and roosts at the beginning of the planning stage. Contact your Local Planning Office for more guidance on bats at the start of planning your development (see section 13 'Further Information' on page 16).

**Scottish Planning Policy** states that in relation to the presence or potential presence of EPS, this presence rarely imposes an absolute block on development, however, mitigation measures are often required which may affect the layout, design and timing of works.

Planning permission must not be granted for development that would likely have an adverse effect on an EPS unless the Local Planning Authority is satisfied that 3 tests have been met (see section 4 'Bats and Licensing' on page 3).

Applicants should submit supporting evidence for any development that meets these 3 tests, demonstrating both the need for the development and that a full range of possible alternative courses of action have been properly examined and none found to acceptably meet the need identified.

The **Local Development Plan** and **Structure Plan** (or **Strategic Development Plan**) must be referred to as they contain policies to protect priority habitats and species.

The **UK Biodiversity Action Plan** notes all bat species as 'Species of Conservation Concern', while seven are 'Priority Species'. The Priority Species are the Barbastelle; Bechstein's; Noctule; Soprano Pipistrelle; Brown Long-eared; Greater Horseshoe; and Lesser Horseshoe.

There is a **North East Scotland Local Biodiversity Action Plan** for the Daubentons bat.

Table 1 shows the list of bats species currently found in Aberdeen and their protection status.

**Table 1: Bat Species in Aberdeen and their Protection Status.**

| <b>BAT SPECIES</b>   | <b>EPS</b> | <b>SCC</b> | <b>PS</b> | <b>NELBAP</b> | <b>SPI</b> |
|--|------------|------------|-----------|---------------|------------|
| Brown Long-eared   | ●          | ●          | ●         |               | ●          |
| Common Pipistrelle   | ●          | ●          |           |               | ●          |
| Daubentons   | ●          | ●          |           | ●             | ●          |
| Soprano Pipistrelle  | ●          | ●          | ●         |               | ●          |
| Natterer's   | ●          |            |           |               | ●          |
| EPS: European Protected Species<br>SCC: Species of Conservation Concern<br>PS: Priority Species (UK Biodiversity Action Plan)<br>NELBAP: North East Scotland Local Biodiversity Action Plan<br>SPI: Species of Principle Importance (Scottish Biodiversity List) |            |            |           |               |            |

When an application for development is received without a bat survey and it is suspected that a bat roost is present, **the Local Planning Authority should request a bat survey to establish the impacts on bats before the planning application is determined.**

**A bat survey cannot be included as a condition of Planning Approval but must be completed prior to granting planning permission. This is a requirement of the EPS legislation.**

The Local Planning Authority can refuse planning permission under its duty to protect EPS.

### **Permitted Development**

The new householder permitted development rights that came into force on February 6<sup>th</sup> 2012 means that certain home improvement projects will not require planning permission. Home improvements such as small alterations or extensions could affect bats and, therefore, the same principles of this supplementary guidance should be followed. If it is suspected that any permitted development could not proceed without an offence being committed, SNH should be contacted prior to commencement.

## 6. Identifying Bat Roosts

The types of places that bats roost include buildings such as houses, churches and schools. Other structures include bridges; caves; mines; cellars; tunnels; plus, holes and crevices in mature trees.

The main feature to look for is the presence of droppings. They are dark brown or black and are between 4 and 8mm in length; they resemble the size and shape of a grain of rice. Unlike mouse droppings, bat droppings crumble into a fine powder when pressed between the fingers.

Bat droppings may be found on the outside walls of buildings below holes where bats enter and leave their roosts. Piles of droppings can also be found below ridge boards, hips and around chimneys or gable ends.

**The quantity of droppings should not be relied upon to establish the number of roosting bats.** Bats can be tucked away in crevices, therefore, only a small amount of droppings may be seen or none visible at all.

As well as droppings, a specific odour and discarded moth wings can also indicate the presence of bats. A polished or clean surface along with the absence of cobwebs can also indicate an area regularly used by bats.

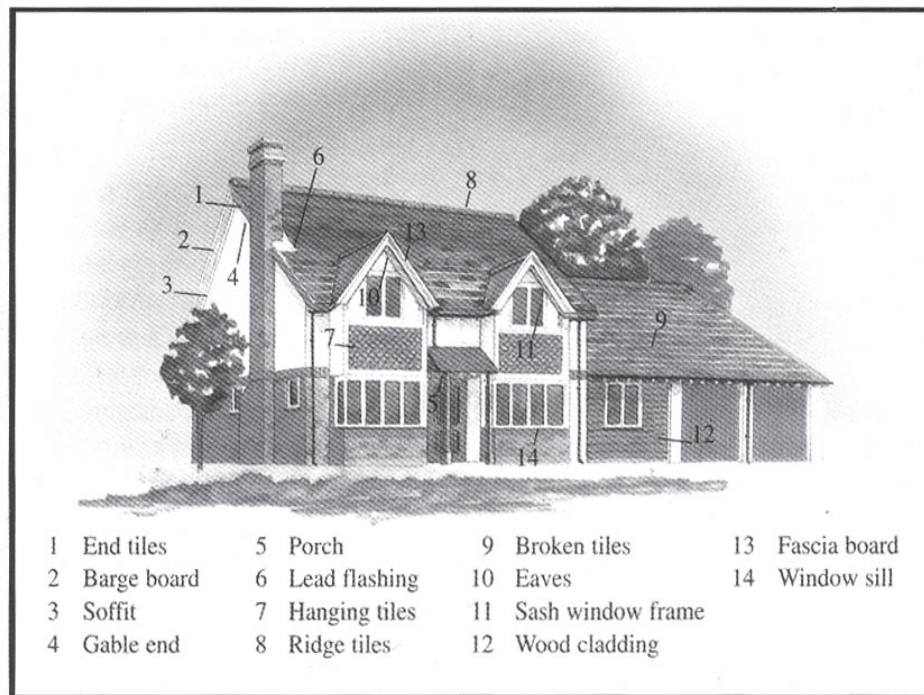
Summer roosts, frequently in buildings, are generally close to good feeding habitat and rich in insects. Good habitats include grassland, wetland, rivers and woodland.

With few insects around in winter, bats hibernate but wake occasionally to feed on milder evenings. Winter hibernation sites include caves, cellars, ice-houses, tunnels, bridges and other places which provide cool, stable conditions. Hibernating bats are very vulnerable to disturbance.

Tree holes can be used in both summer and winter.

The following Diagram 1 indicates areas in a house where bats may be found.

**Diagram 1: Areas in Houses Where Bats May Be Found**



**Photograph Source: Scottish Natural Heritage (2003)**

Wall cavities and flat roofs are also popular with Pipistrelle bats in Aberdeen.

**Bats can be found in any kind of building old or new, and it is important to note that almost any roof or building, such as flat or pitched roofs, wall cavities and window frames, is a potential bat roost.**

## **7. Establishing if a Survey is Required**

As previously indicated, bats use a wide range of buildings, structures and trees as roosts and have different requirements at various times of the year (please refer back to section 6 'Identifying Bat Roosts' including Diagram 1 on page 7). **It is therefore difficult to predict accurately where bats are likely to be found.**

### **Built Structures – When a Survey Will Always Be Required**

Where planning permission is sought, a survey will always be required for any structural work or demolition of any building with a known bat roost or where bats are known to be present in the building. (This may be highlighted by a North East Scotland Biological Records Centre (NESBReC) data search or as notified by any competent authority (SNH) or other).

### **Built Structures – When a Survey May Be Required**

Where it is not known if bats or a bat roost is present, development or demolition including alterations or extensions that would affect the types of buildings listed below may require a bat survey: -

- Any constantly heated building such as residential homes, hospitals, schools and swimming pools.
- Traditional buildings including churches and castles, with complex roof spaces.
- Stone and slate buildings including farmhouses; steadings; estate lodges; gatehouses; mill buildings; and old school buildings with an intact or almost intact roof structure.
- Underground and other structures such as tunnels, kilns, cellars, ice houses, or fortifications which provide stable winter temperatures can provide appropriate hibernation sites.
- Any building or structure close to freshwater and wetland habitats (such as rivers, burns, streams, ponds or wet grassland), woodland, hedgerows and/or lines of trees. This includes bridges and other structures over water features or wet ground.

### **Trees**

Other activities that **may** require a survey include proposed tree work (felling or lopping) and/or development affecting: -

- a. Old and veteran trees older than 100 years; and/or
- b. Trees with obvious holes, cracks or cavities; and/or
- c. Trees with a girth greater than 1m at chest height.

Note that trees other than these can sometimes contain bat roosts. Young plantations of conifers are not likely to have bat roosts. Trees are more likely to be used by bats if they are linked by other trees or hedgerows to woodland or other habitat suitable for bats.



**Note for Planners** - to help establish if a survey is required involving any of the types of buildings, structures or trees listed above, please refer to the additional information associated with this guidance.

### **General**

**Please note, it should not be presumed that bats will not be present outside these areas.** Where development is proposed outside these areas, it will be up to the Local Planning Authority to determine if a survey is required or not.

If there are reports that bats have been seen flying over a site where development is proposed, this may mean that they are foraging in the area and will have a roost nearby. It does not necessarily mean that there will be a roost on the development site.

It is recommended that for outside known sites uses by bats, sightings can be used together with information on the type of building to be altered or demolished along with suitable habitat in the vicinity to determine whether a bat survey should be carried out.

Any sightings received from a member of the public should be passed to NESBReC to enable them to keep records up to date.

**Remember, bats can be found in any structure and/or building both old and new if it is in the correct environment!**

## 8. Survey Standards

Providing an adequate survey will save time in processing a planning application where bats may be affected.

Surveys must be carried out by a surveyor that is suitably experienced.

Surveys must be detailed, complete and the correct methodology must be used.

**The minimum standard for bat surveys must be met, and any surveys which do not meet them, will not be accepted** (full survey details are included in section 9 'Minimum Survey Details' page 12).

The following literature can also provide relevant survey standards: -

- a. Bat mitigation Guidelines – English Nature; and
- b. Bat Surveys Good Practice Guidelines – Bat Conservation Trust.

**Surveys must be undertaken at the correct time of year.** (See Diagram 1: Bat Activity Calendar on page 11.)

For householder applications and other small scale developments such as steading conversions, winter surveys may be acceptable to rule out the presence of bats but these will only be accepted where all relevant parts of the building can be adequately inspected.

If winter surveys (outside mid-May to mid-August) find evidence of use by bats as summer roosts, or where they are inconclusive or there is potential for bats during summer time, further surveys during the summer months will be required to establish the extent of use and identify appropriate mitigation.

Alternatively, if summer surveys find evidence of likely use by bats as hibernation roosts, further surveys will be required during the winter months (October to March) to establish the extent of use and identify appropriate mitigation.

The survey and assessment should cover all phases of a phased development.

The Local Planning Authority will also liaise with NESBReC to obtain records of bat sighting and roost sites.

The following Diagram 1 presents the different activities by bats and at what time of year these activities occur. **Please note that unusual weather patterns can shift normal timings.**

**Diagram 1: Bat Activity Calendar.**

| MARCH   | APRIL  | MAY   | JUNE  |
|---|--|---|---|
| Signs of limited activity: small numbers feeding on warmer nights.          | Active and hungry. Become torpid <sup>1</sup> again when cold.                 | Fully active. Females search for suitable nursery sites.      | Young are born.   |
| JULY  | AUGUST   | SEPTEMBER   | OCTOBER   |
| Mothers suckle young. Some young almost full-size; others still very small. | Females desert nursery sites and seek males. Juveniles begin catching insects. | Mating takes places. Fat begins to build up ready for winter. | More mating. Seeking suitable hibernation sites. Periods of torpor. |
| NOVEMBER  | DECEMBER   | JANUARY   | FEBRUARY  |
| Bats begin hibernation, becoming torpid for longer periods.                 | Hibernating.   | Hibernating. Using stored fat as fuel.                        | Hibernating. Little fat left.                                       |

Mid May through to Mid August is the best time to carry out activity surveys.

October through to March is the best time to carry out hibernation surveys (refer back to section 7 for the types of structures suitable for hibernation).

For further details, refer to English Nature's Bat Mitigation Guidelines at <http://publications.naturalengland.org.uk/publication/69046> and the Bat Conservation Trusts Bat Surveys Good Practice Guidelines at <http://www.bats.org.uk/pages/batsurveyguide.html>.

<sup>1</sup> Torpid is when the body temperature lowers and the heart rate slows.

## **9. Minimum Survey Details**

All surveys submitted for development proposals should include the following: -

1. Objectives of the survey.
2. Time and date of the survey, and who carried the survey out.
3. Brief descriptions of weather conditions at the time of the survey.
4. Description of the proposed works including timings and stages.
5. Sources of pre-existing information such as records from NESBReC or the National Biodiversity Network (NBN) together with local sightings of bats.
6. Description of the buildings (including type of structure and materials) and/or trees being surveyed and their suitability as a bat roost for all locally recorded species of bat.
7. Habitat description of the site and surrounding area for context. This should include information on exposure of the site, proximity to water courses and water features, trees/hedgerows/woodland or other semi-natural habitat.
8. Methods of survey including dawn and dusk emergence survey or daytime inspection of building. Justification should be provided for the method of survey used and details of any equipment used.
9. Results of survey including sufficient evidence to justify conclusions in point 8 above. Results should include: -
  - Species present and approximate numbers;
  - Details found of signs of usage by bats; and
  - How habitats or features present are used by bats and an indication of level of use.
10. Interpretation and evaluation. These details should include: -
  - Presence or absence;
  - Constraints and limitations of survey. This should include factors influencing the survey results such as temperature and weather, and any limitations on accessibility to areas of the building. Are any areas of the survey inconclusive, and if so, what is the worst case scenario?
  - Assessment of usage by bats including sex of bats present, type of roosts i.e. winter site or maternity roost, and approximate size of roost; and
  - Site status assessment – importance of roost to the local bat species population.
11. Impact assessment either at the time of development and/or long term. In order to assess this accurately, adequate information on the proposed development will have to be made available to the surveyor. If bats are present, a summary of impacts should be provided including details of type, magnitude and duration of long term and short term impact. This should consider impact at site level in a wider context.

12. Mitigation and compensation – essential where bats are present and will be affected by the development. These details should include: -
  - Mitigation strategy – overview of how the impacts will be addressed with justification for timings of works if this is to be used to avoid disturbance to bats;
  - Roost creation or restoration and/or enhancement;
  - Exclusion – timing and methods;
  - Post development site safeguard and monitoring;
  - Work schedule with phasing; and
  - Relevant maps or plans or diagrams.
13. References.
14. Photographs, grid references and maps of key features of structure and surrounding habitat.
15. Qualifications and experience of surveyor including relevant licences.
16. Summary of survey findings at the beginning of the report.

## 10. Once a Survey is Complete

When a detailed report is submitted and includes evidence of bats, the Local Planning Authority is likely to consult with SNH for specialist advice on the significance of impacts on the species and the likely effectiveness of any mitigation proposed.

The Council will then take the following action: -

- If no evidence of bats is discovered **AND** the survey has been completed in accordance with the guidelines above, no further action will be required.
- If a survey has been conducted during the winter (outside mid-May to mid-August) and has reported suitable habitat for bats but no bats have been found, a further summer survey will be necessary **before** planning approval can be granted.
- Alternatively, if a survey conducted during the summer months has reported suitable habitat for hibernation roosts, a further survey will be necessary **before** planning approval can be granted.
- If bats are present, appropriate action/mitigation will need to be discussed and agreed with the Local Planning Authority prior to the granting of planning permission.
- Where a direct impact on bats cannot be avoided, the Council will only grant planning permission if it is satisfied that all three tests for a EPS licence can be met, and it would then remind the applicant of the need to apply for a licence from SNH prior to any commencement of works (see section 4 'Bats and Licensing' page 3).

## 11. Conditions or Obligations

Conditions or obligations can be imposed to highlight the applicant's legal responsibilities and give clear guidance on how to give protection to bats. Examples, which will depend on the individual situation, can include: -

- Restrictions on the timings when work can take place if a bat roost is present;
- Use of building materials such as bat bricks or special tiles which provide access points for bats;
- Management prescriptions to be agreed for habitats adjoining the development, e.g. grassland, scrub, woodland, hedgerows;
- The creation of feeding habitats adjoining the development, e.g. grassland, meadows, large ponds; and
- Appropriate lighting considerations – see Bats and Lighting in the UK, Bat Conservation Trust.

## **12. What You Can Do To Help Bats**

You can make your development bat friendly by incorporating provision for roosting and feeding. Bat boxes, placed on trees or buildings can attract bats. Bat bricks and bat slates into your house will allow access into the roof space. Landscaped gardens can be more bat friendly by including hedges, trees, ponds and night-scented flowers to attract insects for bats to feed on. Demonstrating that this has been considered could form an important element of your planning application. More information can be obtained from the Bat Conservation Trust (see section 14 'Other Useful Contacts' page 16).

**Remember, even if you do not require planning permission for any works on a building, or a survey has not been conducted, if you at least suspect the presence of bats, you must stop works immediately and seek the advice of SNH.**



### **13. Further Information**

#### **Local Planning Office**

Aberdeen City Council  
Business Hub 4  
Ground Floor North  
Marischal College  
Broad Street  
ABERDEEN, AB10 1AB

Tel: 01224 523470

Email: [pi@aberdeencity.gov.uk](mailto:pi@aberdeencity.gov.uk)

Web: [www.aberdeencity.gov.uk/planning](http://www.aberdeencity.gov.uk/planning)

### **14. Other Useful Contacts**

#### **Scottish Natural Heritage**

Tel: 01224 266500

Email: [licensing@snh.gov.uk](mailto:licensing@snh.gov.uk)

Web: [www.snh.gov.uk/protecting-scotlands-nature/species-licensing/](http://www.snh.gov.uk/protecting-scotlands-nature/species-licensing/)

#### **Bat Conservation Trust**

Tel: 0845 1300 228

Email: [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk)

Web: [www.bats.org.uk](http://www.bats.org.uk)

#### **North East Scotland Biological Records Centre (NESBReC)**

Tel: 01224 273633

Email: [nesbrec@aberdeenshire.gov.uk](mailto:nesbrec@aberdeenshire.gov.uk)

Web: [www.nesbrec.org.uk](http://www.nesbrec.org.uk)

#### **National Biodiversity Network**

Tel: 0115 959 6433

Email: [support@nbn.org.uk](mailto:support@nbn.org.uk)

Web: [www.nbn.org.uk](http://www.nbn.org.uk)

### **15. Acronyms**

|                |  |
|----------------|--|
| <b>EEC</b>     | European Economic Community                        |
| <b>EPS</b>     | European Protected Species                         |
| <b>EU</b>      | European Union                                     |
| <b>GIS</b>     | Geographical Information System                    |
| <b>NBN</b>     | National Biodiversity Network                      |
| <b>NELBAP</b>  | North East Scotland Local Biodiversity Action Plan |
| <b>NESBReC</b> | North East Scotland Biological Records Centre      |
| <b>PS</b>      | Priority Species                                   |

**SCC** Species of Conservation Concern

**SNH** Scottish Natural Heritage

[Back cover]



## 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 required 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 Daylight<sup>1</sup>. 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 Paper<sup>1</sup>. The appropriate methodology in this BRE Information Paper<sup>1</sup> 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 gain<sup>2</sup>. 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**

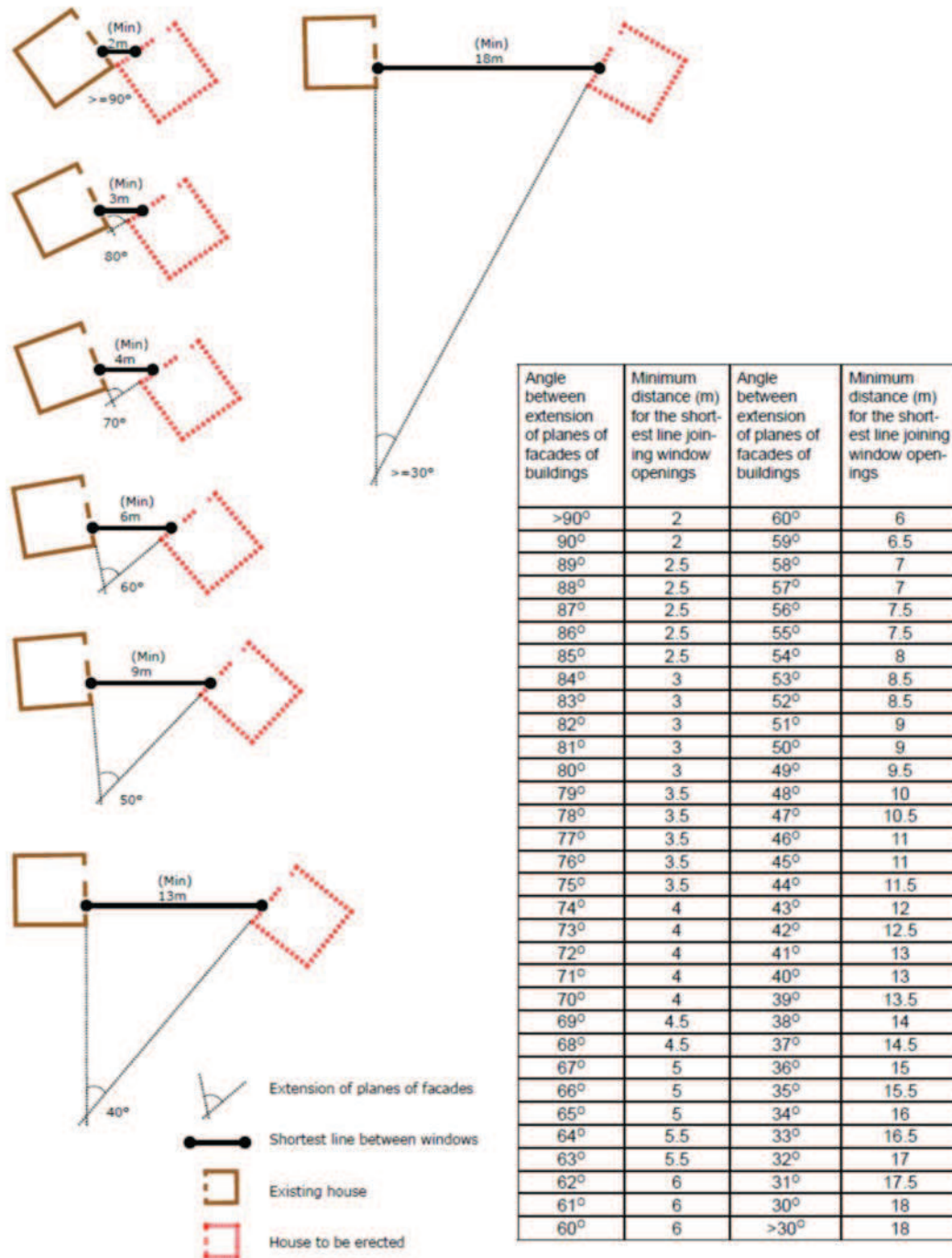
- 8.1 The need to avoid setting a precedent is a material consideration when determining planning applications. It is appropriate, when considering an application for a curtilage split or redevelopment, to consider whether the proposal may create a precedent whereby it would be difficult to resist similar 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**

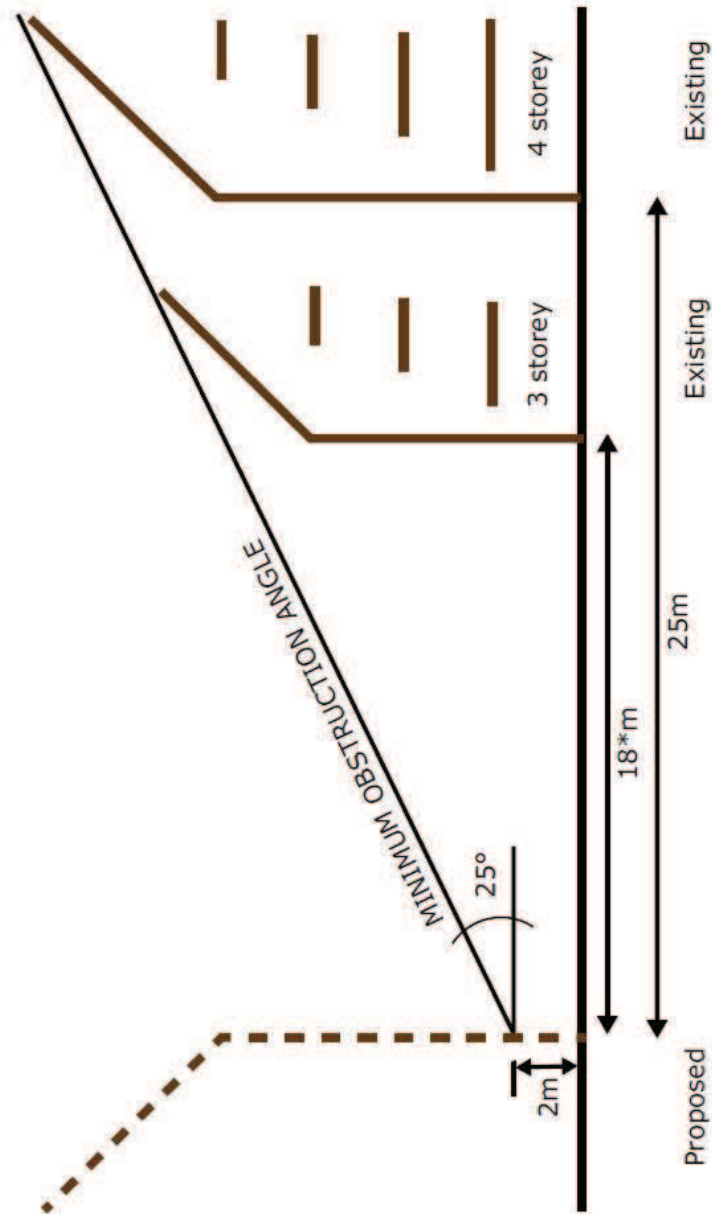
- 9.1 Since every application requires to be assessed on its own merits and site specific circumstances vary so much other issues may be relevant to individual planning applications. However the issues that have been identified above should always be considered when determining an application for the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



## Appendix 1 - Method for checking privacy distances between window openings



## 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**

If you require any further information please contact us:

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

**Telephone: 01224 523470  
Fax: 01224 636181  
E-Mail: [pi@aberdeencity.gov.uk](mailto: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)

Name **MR+MRS R. AND L. DAVIE**

Address **HARECRAIG  
CULTER HOUSE ROAD  
MILLTIMBER  
ABERDEEN**

Postcode **AB13 0EN**

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

### Agent (if any)

Name **WILLIAM UPPER ARCHITECTS LTD**

Address **4 ST JAMES PLACE  
INVERURIE  
ABERDEENSHIRE**

Postcode **AB51 3L3**

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

**ABERDEEN CITY COUNCIL**

Planning authority's application reference number

**P141735**

Site address

**HARECRAIG, CULTER HOUSE ROAD,  
MILLTIMBER, ABERDEEN, AB13 0EN**

Description of proposed development

**DEMOLITION OF EXISTING DWELLING/GARAGE AND  
ERECTION OF 2 DWELLINGS (SUB-DIVISION  
OF RESIDENTIAL CURTILAGE)**

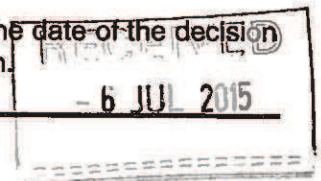
Date of application

**08/12/14**

Date of decision (if any)

**14/04/15**

**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:

WE WOULD BE HAPPY TO PROVIDE ANY FURTHER WRITTEN REPRESENTATIONS THE LRB MAY REQUIRE. IT MAY BE APPROPRIATE FOR THE LRB TO CONDUCT A SITE VISIT AS THE SITE IS A PRIVATE RESIDENTIAL PROPERTY AND CANNOT BE VIEWED IN ITS ENTIRETY FROM PUBLIC LAND.

**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:

## 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 REFER TO ATTACHED STATEMENT OF REASONS  
FOR REVIEW DOCUMENT

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. PRE-APPLICATION ADVICE 12/11/14                                      | DRAINAGE REPORT - NOV 2014  |
| 2. FIELDS DISCUSSION WITH PLANNER 11/02/15                              | 11. GROUND ASSESSMENT AND SURFACE WATER DRAINAGE REPORT - FEB 2015    |
| 3. EMAILS TO + FROM PLANNER 18/02/15 - 24/02/15                         | 12. FLOODING COMMENTS - 30/01/15                                      |
| 4. S022 DESIGN STATEMENT REV A - ORIGINAL SUPPORTING STATEMENT          | 13. S022 / LOC, 08F, 09E, 10B, 10C - ORIGINAL APPLICATION DRAWINGS    |
| 5. S022 DESIGN STATEMENT REV B - AMENDED + REVISED SUPPORTING STATEMENT | 14. S022 / 081, 099, 10C, 11 - AMENDED + REVISED APPLICATION DRAWINGS |
| 6. HCM-1503-AA - ARBORESCULE ASSESSMENT                                 | 15. DELEGATED REPORT  |
| 7. HCM-1503-T2 - TREE SURVEY REPORT                                     | 16. REFUSAL DECISION NOTICE   |
| 8. HCM-1503-TP - TREE PROTECTION  | 17. LETTER FROM COUNCILLOR BOULTON SUPPORTING PROPOSAL                |
| 9. CAT SURVEY   |   |
| 10. GROUND AND SURFACE WATER  |   |

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:

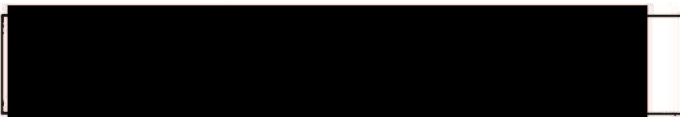
- ☒ Full completion of all parts of this form
- ☒ Statement of your reasons for requiring a review
- ☒ All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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

03.07.15

William Lippe Architects Ltd  
Job No: 5022

# Proposed Demolition of existing dwelling at and erection of 2 Dwellings at Harecraig, Culter House Road, Milltimber, Aberdeen, AB13 0EN

## Statement of Reasons for Review

July 2015 Rev A





## Statement of Reasons for Review

### Executive Summary

The first reason for refusal states that the proposal fails to provide an adequate separation distance from the beech, sycamore and douglas fir trees on the adjacent site to the east which are protected by a Tree Preservation Order. While the trees within the neighbouring feu to the east are within 5 metres of the site boundary and the planning officer states it is “very likely” their roots will be affected by the development and that no tree protection is shown on the drawings, this is not an accurate statement. The presence of a retaining dyke wall, area of topsoil and the potential for roots to have already been affected by the previous driveway upgrade mean the roots will not extend into the site. In addition, the trees are at a higher level behind the retaining dyke wall. Further detail in regard to this point can be found in the remainder of the Review document.

The second reason for refusal states that “by virtue of the proposed position of the houses on the site and their scale, massing and design it is considered that the proposal fails to take account of its context and is contrary to Policy H1 (Residential Areas) and Policy D1 (Architecture and Placemaking) and Supplementary Guidance Sub-Division of Residential Curtilages all of which seek to ensure that the siting and design of new housing takes account of its setting, the surrounding landscape character, the topography of the site and the character and appearance of the area”.

Careful attention to detail in pre-application and application discussions as well as in developing the proposal for the site entirely assesses and reflects the sites context. This is expanded in the remainder of the Review document, however, the following points of detail should be carefully taken into account in determining the appeal.

The planning officer acknowledges in his report that the percentage coverage is acceptable despite being under some others on Culter House Road. In addition, the position of the houses and the relationship of these to adjacent properties means that the development does reflect the general pattern of development on Culter House Road, again as acknowledged by the planning officer in his report. The report appears to be contradictory in the respect that it seeks a variety of housing being an important characteristic but does not take into account the four almost identical three-storey houses at 46-48 Culter House Road which gained planning permission. Those designs are not sufficiently different, however, as identified in the remainder of this Review document, the proposed houses are sufficiently different to each other to make a complimentary addition to the area.

In terms of scale, massing and height, the proposed eaves height of Plot 1 is only around 1 metre higher than the existing house. The eaves level of both houses is also around 0.5 metre to 1 metre lower than that of the neighbour at 36 Culter House Road to the west. Neither house is more than 1.5m higher than the ridge of the existing house and although the overall ridge height of both houses is higher than the existing house by a maximum of around 2 metres, they are both between 0.5m and less lower than the neighbouring house at 36 Culter House Road. The configuration of both roof designs lessens any impact with the house Mosshall to the east being far enough away and at a lower level in any case and the roof design of Plot 1 being acceptable.

The existing house is 11m x 15m wide with two 6m wide single storey extensions on each side. The effective frontage of the existing house, could therefore be read as being 27m (including garage and sunroom). Plot 1 at 13.8m x 13.2m, albeit as an overall two storey property, is not as wide and Plot 2 is only slightly wider by 1m at 12m x 15m. It would be unreasonable to expect the



dimensions of the new houses to match the original house and in any case, the increases in size are marginal.

The basement garages are so well set into the site there is no detrimental effect created by these and the floor levels of the effective ground floor of the two houses is at a similar height to the original house.

The new houses at 46-48 Culter House Road may well be set back within the plots with trees to the front but those are truly three storey houses and there is no less of a landscape context for the two proposed new houses with trees to the rear and walling and hedging to the front. It could also be argued there are examples of more prominent, higher density and more 'squeezed in' houses on the street.

In conclusion, the precedent set by the development at 46-48 Culter House road is an important consideration in assessing the appeal but so is the variety of houses, sizes, plots and density and designs on Culter House Road. That all said, the proposal must stand alone on its merits and it has been clearly explained throughout the process of the negotiations on the planning application what alterations have been made to the proposal to satisfy planning policy and requirements. However, we have more importantly demonstrated in detail why the proposal does take account of its context. We have also addressed why the scale and position of the houses by virtue of their height and massing are not unduly prominent in the streetscene. The designs are complimentary to the street and to each other. It has therefore been demonstrated that the site is not being overdeveloped and does not have an unacceptable impact on the character or amenity of the surrounding area in compliance with Policy H1 Residential Areas. It also therefore complies with the Supplementary Guidance on curtilage splits as it does not unacceptably disrupt the relationship between the buildings and their spaces. It does not, therefore, create an undesirable precedent. The proposal will also make a positive contribution to its setting in compliance with Policy D1 Architecture and Placemaking.

## Background

The Full Planning application P141735 was registered on 08/12/14 and proposed the demolition of the existing dwelling at Harecraig and erection of two dwellings on the site with detached garages at the site frontage. During the course of the application the proposals were revised in accordance with pre-application advice from the Planning Officer, relocating the garages from the front of the site and amending the dimensions of the dwelling on Plot 2. The garages were relocated as a partial basement storey below the houses utilising the vast change in level on site.

It is our opinion that the final application proposals submitted complies with all current Aberdeen Local Development Plan policies, Supplementary Guidance, Planning Advice and the pre-application advice provided. The justifications relating to these can all be found in the Supporting Statement submitted in support of the application.

## **Response to Delegated Report dated 30<sup>th</sup> March 2015**

### **Communities, Housing & Infrastructure (Flooding)**

The initial consultation dated 30/01/15 was forwarded by the Planning Officer 04/02/15 and a response sent to the Planning Officer by email on 17/02/15. A further consultation dated 01/04/15 was never forwarded to us to address. By this date the Planning Officer had already commenced the decision process and we were not made aware of any further issues to address on this matter.

### **Principle of Development**

This paragraph makes reference to “...*the demolition of an existing residential dwelling and the construction of two detached houses, of much larger proportions....*” The existing house measures around 11 x 15m with two 6m wide extensions either side accommodating a sun lounge and garage. The proposed houses are approximately 13.8 x 13.2m on Plot 1 and 12 x 15m on Plot 2 with double garages set below within the overall house width. The dimensions of Plot 1 were amended in accordance with comments from the Planning Officer in his pre-application advice. The proposed houses are 2 storey with a basement garage to one side, however the original 2 storey house floor level is set some 2.5m higher than the road level, effectively raising it almost a storey higher. We would therefore disagree with this statement regarding proportions.

### **Density and Pattern of Development**

This was deemed acceptable by the Planning Officer.

### **Design, Scale, Massing and Visual Impact of Development**

This paragraph states that the houses would be unduly prominent in the streetscene and makes several references which we would disagree with.

The Planning Officer states “...*The massing of the two houses also contributes to the prominence on site to a material degree when compared to the existing and neighbouring properties. The existing house sits adjacent to the east boundary, facing south, with the western half of the curtilage currently not built on...*” It is clear that any development, regardless of its size or design, proposed in an undeveloped area of a site will have a visual impact compared to the existing situation. The principle of an additional dwelling in this area was accepted and this is therefore irrelevant. The house proposed in the undeveloped part of the site has been designed to be sympathetic to the adjacent dwelling to the west and in keeping with the existing dwelling on the

site. Harecraig has an eaves height of around 5.8m above its immediate ground level which is around 2m higher than the road level. The proposed houses have an eaves height of approximately 5.5m above their adjacent ground level with the garage portion around 2.9m lower than this set to relate to road level. This equates to an eaves level on Plot 1 of only around 1m higher than that of the existing house with the eaves level of both plots around ½m and 1m lower than that of the neighbouring property to the west. The adjacent house to the east is significantly further away from the site for the eaves height of Plot 2 to affect it and is also positioned at a lower ground level due to the natural ground levels falling west to east.

The existing neighbouring house to the west, although two storey, is significantly built up from drive level to address the substantial change in level common over all sites in the vicinity. A raised terrace to the west is evident giving the house an elevated platform and the eastern part of the front elevation continues down to the drive level and therefore appears greater than two storey in this section. A similar approach has been taken in the application proposals.



Elevated positions houses in the vicinity illustrated by neighbouring house to the west and the application site

The neighbouring dwelling to the east is located some 20m from the site and is also set high on an elevated platform. We would disagree that existing house to the east “...is less prominent in the streetscene....” and that the proposed houses “...would be closer to the road than these properties...” The proposed houses at around 18m and 22m from the site frontage, with the exception of the small lower garage portion, do not sit any further forward on the site than the existing house at Harecraig or the dwelling to the east. They are positioned to follow the approximate building line created between the two existing dwellings either side. Furthermore, the mature landscaping referred to by the Planning Officer does not actually screen the eastern dwelling from the road either, as demonstrated in the photographs below.



36, 34 & 8a Culter House Road



8a (Mosshall) Culter House Road



We would disagree with the statement that “...are effectively 3-storeys...” They are partially 3 storeys. Only the garage section is 3 storey, however this is split in elevation at ground floor level where it projects out from the house at basement level, reducing its scale and mass. Also, the garage will effectively sit at road level which is significantly lower than the ground level of the existing house. It is also worth noting that the houses under construction on the same side of the road at 46/48 Culter House Road in application numbers P091006 & P131828 were approved as 3 storey, see below (these are incorrectly referred to as 2 storey in the Delegated Report) The Planning Officer referred us to these and other relevant applications for guidance in his pre-application advice dated 12/11/14.



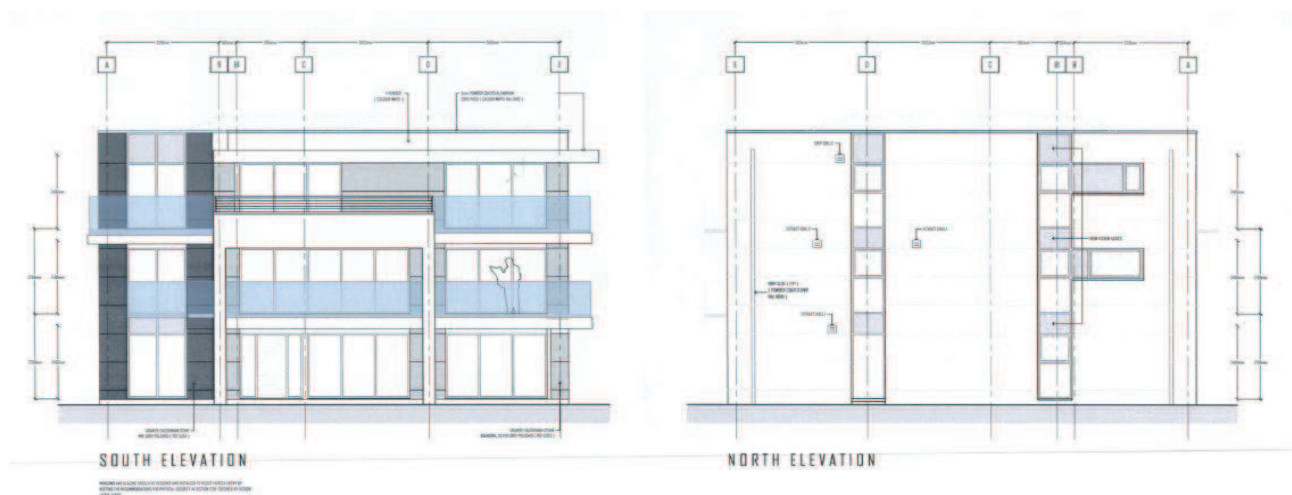
Plot 1 – 46/48 Culter House Road



Plots 3 & 4 – 46/48 Culter House Road



Plot 4 as completed - 46/48 Culter House Road



P0910076 Approved Elevations – Plots 3 & 4 - 46/48 Culter House Road

The Planning Officer states that the existing house *“...is hidden behind substantial mature landscaping along the southern boundary....”* The proposed houses will also sit behind the same mature landscaping and no alterations to this are proposed other than the vehicular access points.

We would also wish to highlight that during the application process we were encouraged and prepared to amend the original proposals to address the Planning Officer’s concerns regarding the location of the garages to the front of the site and the similarity in design. Prior to commencing with this redesign our suggested proposals to relocate the garages below the houses was discussed with the Planning Officer on 11/02/15 to ensure this was acceptable in principle. This was accepted by the Officer “like a townhouse style” but he wished to see the final design before commenting further. He was advised that the existing ground would be graded back up to the ground floor level of the house to reduce its impact and scale on site. No further comment was made on this aspect by the Planning Officer once the amended proposals were submitted, the only issue raised was that there was still *“little difference between the house designs”* in his email dated 18/02/15. We made a further suggestion that a change in materials and colour could be used on Plot 1 to assist in this but this was not accepted as sufficient either.

During the course of the application we were referred back by the Planning Officer to his pre-application advice dated 12/11/14. The proposed house on Plot 1 was subsequently revised in line with his advice which states in order to address the design issues he had *“...Taking account of the above, my initial thoughts are that the western house at least should be amended by way of making it narrower onto Culter House Road and therefore longer into the north of the site.....”* This was subsequently not accepted as sufficient to meet his requirements.

Again, we would like to further highlight that the pre-application advice referred us to other applications on the same side of Culter House Road, including those at 46/48 Culter House Road which were initially approved in P091006 with exactly the same housetype on each plot, please refer to earlier drawings. This principle has therefore already been established and accepted previously, therefore there should be no requirement for each plot in this application to have a mix of housetypes.

The Planning Officer has made reference to the roof heights. It is worth highlighting that the existing topography of the area generally slopes down from west to east and therefore the roof level of the existing dwelling to the west will naturally sit lower than that of Plot 2. The ridge level of Plot 1 is slightly higher than the neighbouring dwelling to the east however its hipped design significantly reduces its height and mass in comparison. Reference is also made to the existing front boundary landscaping and that it would be reduced in scale. It will not be reduced in scale, only the two drive openings will be created and any existing open areas replanted. The ground removal referred to for the garages will be redistributed below the houses and used to grade back up to existing levels where required.

Reference has also been made by the Planning Officer to the proposal of two “off the shelf” dwellings. We wish to make clear that these are not “off the shelf” housetypes. They have been specifically designed to suit the site, its orientation, views, topography, surrounding character and built environment. The fact that the layouts are very similar only substantiates this i.e. this is one site being divided into two and therefore what works for one will also work for the other as both have the same site context. They are also similar to those of the existing dwelling at Harecraig, again further validating these are a site specific design.

The houses are not identical as stated in the Delegated Report. Plot 1 is narrower and longer than Plot 2, as requested by the Planning Officer, and therefore has slightly different internal layouts, particularly on the first floor. Plot 1 has double doors onto the first floor terraces above the bay windows and Plot 2 has triple doors. Plot 1 has a hipped roof with an alternative roof pitch and Plot 2 has front facing gables on a hipped roof with a steeper roof pitch to suit. Our suggested variety of



colours and materials would have further assisted in meeting the Planning Officer's insistence on reducing the similarity in design but was not accepted.

Some of the photographic examples of traditional house styles and typical features referred to as surrounding context in the Supporting Statement are actually taken from No's 38 & 40 Culter House Road around 50m and 80m west of the site, 200m south west of the site on North Deeside Road and 300m south west on Milltimber Brae, not Rubislaw Den South some 6 miles away, as stated by the Planning Officer so are actually entirely relevant in informing the design and fitting with policy. Please refer to the following photographs.



Culter House Road



Milltimber Brae



North Deeside Road

We would therefore conclude that there is no policy requirement for the two houses to be of different design as accepted at 46/48 Culter House Road, however in an effort to meet the Planning Officer's concerns sufficient differences were created between the houses whilst retaining some design consistency between them, the reasons for which are expanded on in the Supporting Statement submitted with the application. The housetypes were designed to take account of their context. There may not originally have been a predominant house design on the north side of Culter House Road however this has been contradicted by the original approval of three identical housetypes on Plots 2, 3 and 4 at 46/48 Culter House Road in application P091006.

In consideration of the preceding information we would conclude that the Design, Scale, Massing and Visual Impact of the proposed development is acceptable. Privacy, orientation, natural sunlight, pattern of development and plot ratio were all deemed acceptable by the Planning Officer.

### **Impact on Residential Amenity**

The Planning Officer concluded that the development would not have any significant negative impact on the residential amenity of the immediate area.

### **Trees**

The Planning Officer correctly identifies that 31 trees are proposed to be felled, 18 of which are for health & safety reasons. However it should be noted that the remaining 13 trees are not proposed to be felled for development but purely because of their poor condition, as noted in the Tree Report submitted in support of the application.

The Delegated Report makes reference to concerns *"...that the proposed development would require the removal of the trees within the neighbouring feu to the east outwith the application site which are covered by a TPO.....it is likely their roots will be present within the application site..."*

The Tree Report clearly states on Page 4 *"The existing garage has a tarred driveway running to it from Culter House Road. This driveway was renovated recently, and new sub-soil installed and the driveway tarred. The root protection area of trees 73 and 74 extend over the area of the garage. However, these trees are on elevated ground behind a retaining dyke. The roots of these trees will not extend into the area of the garage for Plot 2 due to the retaining wall, area of topsoil, and roots having been cut in the previous driveway upgrading."* Hence why no tree or root protection for the neighbouring trees is indicated on the drawings. However, their canopy spread is indicated for reference.

In addition to this, the redesign of the dwellings and site during the course of the application ensures that no built development would take place within the "potential" root area indicated as canopy spread on the Tree Survey drawing for the aforementioned trees. Therefore, in compliance with Policy care has been taken to position new buildings so as to minimise potential disturbance to the root system.

The Planning Officer states *"Additional information was requested in relation to roots and tree protection measures given the close proximity of development and also the amount of 'cut' proposed on site however no information was forthcoming to alleviate concerns in that respect."* The request asked if there would be any change of level proposed along the frontage of the site, particularly in the location of the garage on Plot 2. This information was requested on the basis of the original application drawings which proposed a garage in the area concerned and therefore the redesign relocating the garage addressed this concern. The query on the frontage of the site was answered in an email on 17/02/15 stating that the revised proposals would not affect the ground level along the frontage of the site.



The Tree Report also goes on to state “*Where excavation is required within the Root Protection Area, this will be undertaken by hand, from within the foot print of the plot and should be overseen by the appointed arboricultural consultant.*” It is also worth noting that if in the unlikely event that roots were found to be present in the area of the drive during this excavation the small hammerhead indicated to the drive is not actually required and the development could still proceed. There would be no cut required within the “potential” root / canopy area for the construction of the dwelling as indicated on the proposals.

The proposed replacement planting is therefore not required “*to mitigate the potential loss of the mature trees on the adjacent site*” as stated by the Planning Officer, the amended proposals have addressed this concern. The proposed replacement planting should therefore be sufficient to enhance the two plots within their surrounding landscape.

Taking account of the above it is considered that there should be no damage to the neighbouring trees covered by the TPO and consequently no requirement to remove them. We therefore conclude that the application meets the requirements of Policy NE5 and that this is not a valid reason for refusal.

### **Ecology**

The Delegated Report concludes that there are no concerns regarding bats and therefore no conflict with Policy NE8 or Supplementary Guidance on bats.

### **Access and Car Parking**

It was demonstrated that the required visibility splays and car parking could be provided and therefore no objections were received from the Roads Development Management Team.

### **Conclusion**

We do not consider the reasons for refusal under Policies NE5, H1 and D1 to be valid and would therefore respectfully request that the decision is overturned.

Your Ref.  
Our Ref. MB/da  
Contact Marie Boulton  
Email [REDACTED]  
Direct Dial [REDACTED]  
Direct Fax [REDACTED]

30 June 2015

Mr and Mrs R Davie  
Harecraig  
Culter House Road  
Milltimber  
Aberdeen  
AB13 0EN

Aberdeen City Council  
Town House  
Broad Street  
Aberdeen AB10 1FY

Tel [REDACTED]  
Minicom [REDACTED]  
DX 529451, Aberdeen 9  
[www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Dear Convener

I and Cllr Malik Tauqeer would like to make clear our support for the application to demolish the existing house at Harecraig, Culter House Road, Milltimber, which has no design or historic merit, and replace it with 2 traditional style houses.

Having visited the site which is approximately 3/4 of an acre, we feel the houses sit comfortably on the site both in terms of size and design with the existing street scape and with no objections from any residents or the Community Council we would confirm our support for this application. We recognise that the applicants have changed the design to accommodate the concerns from Planners of the houses being identical by changing the roof styles so they are slightly different, even though Planners approved two identical houses just along the street which were of a contemporary design which attracted many objections. The applicants removed the separate garages and integrated them into the houses because Planners identified there were no other garages abutting Culter House Road; this change also removed the concern of any impact on the beech tree. Planners also recommended that the second house be made narrower and moved back from Culter House Road, again the applicant complied with their request. Having reviewed the arboriculturalist's report which demonstrates that no trees will be lost in the development we are content that the proposed houses would not jeopardise the trees in the future any more than the existing house.

We are supportive of Planners protecting traditional houses set in their own grounds but in this instance we believe that 1960s house adds little to the street in way of design and that the splitting of this feu is acceptable and will still leave large gardens with mature settings for the two proposed houses.

We would suggest that a site visit may assist in your deliberations.

Yours sincerely

[REDACTED]

**Councillor Marie Boulton**  
Depute Leader  
Member for Lower Deeside

Member for Lower Deeside

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Our Ref.  
Your Ref.  
Contact Tommy Hart  
Email [REDACTED]  
Direct Dial [REDACTED]  
Direct Fax [REDACTED]



**ABERDEEN**  
CITY COUNCIL

12 November 2014

William Lippe Architects Ltd  
4 St James Place  
Inverurie  
Aberdeenshire  
AB51 3UB

**F.A.O. Eleanor (by email)**

**Communities, Housing & Infrastructure**  
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Dear Eleanor

**Pre-application enquiry: demolition of house and construction of two houses at Harecraig, Culter House Road, Milltimber**

I've had a chance to look over the most recent plans submitted on 11<sup>th</sup> November. At this stage, I would like to point out that whilst the Planning Authority has no objection to the principle of redeveloping this residential site and introducing two houses, we are concerned that collectively, the design, size, scale and position of the houses are not currently what we would expect.

Policy D1 of the Aberdeen Local Development Plan states that all new development should be designed with due consideration for its context. For the most part, the context of the area from the proposed site towards the west (on the north side of Culter House Road) is one of reasonably sized properties set in large gardens, positioned (for the most part) with ample spacing to the boundary. It is the opinion of the Planning Authority that the size of the houses proposed, along with the proposed positioning, does not fit with the context of the immediate area – especially with respect to the western house which sits uncomfortably close to the boundary and the neighbouring house which abuts that boundary and likely to impact on amenity and character of the house and surrounding area.

With respect to design, it is clear that along the northern half of Culter House Road there are no two houses alike, with the house designs ranging from traditional villas to more modern and contemporary interpretations. With that in mind, the houses you propose, whilst slightly different in style, have not been designed with due consideration for their context which is, as described above, a mix of house types. Please feel free to review the recent approvals for similar development to get a flavour of the Planning Authorities stance on design in this area – 131828, 131751, 130609 and 091006 – with a view to amending the house designs.

GORDON MCINTOSH  
DIRECTOR



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Taking account of the above, my initial thoughts are that the western house at least should be amended by way of making it narrower onto Culter House Road and therefore longer into the north of the site.

Linked to this is the position of the proposed garages abutting Culter House Road. Currently, along the northern side of Culter House Road, there are no garages in a similar position. It is clear that positioning two triple garages in this position would have a negative impact on the character of the street. I would ask for some justification as to why these should be accepted as currently they cannot be supported.

At this early stage you may wish to have a discussion with our Roads Projects Team with regards to access as I'm unsure if they will look favourably towards two access points so close to each other.

On submission of any planning application, I would also expect a tree survey and protection plan to be submitted due to the trees on and abutting the site. Cognisance needs to be taken of the TPO trees to the immediate east of the site. It may well be that these trees impact on the proposed development so the tree survey needs to inform the development proposals which may mean that the eastern house also needs a design and position re-think – for your information there was an application refused at number 40 Culter House Road (130194) due to the potential impact on the trees.

Lastly, it is worth noting that our mapping system shows the potential presence of bats in and around the application site, therefore there is a requirement to provide a bat survey in line with our Supplementary Guidance - <http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=47678&sID=1439> 4. Early discussion with our Anne-Marie Gauld in that respect is essential. You will no doubt be aware that the ideal time for undertaking a bat survey is between May and August and as such I would suspect it would be difficult to progress any application until such survey is undertaken.

Please feel free to contact me should you wish to discuss any amendments to the scheme currently proposed. As things stand, if this scheme is submitted to the Planning Authority, it is difficult to see how a favourable recommendation could be considered.

Yours faithfully,

**Tommy Hart**  
Senior Planner

## Eleanor Alexander

---

**From:** Tommy Hart <[REDACTED]>  
**Sent:** 18 February 2015 11:07  
**To:** Eleanor Alexander  
**Subject:** RE: 5022 proposed dwellings at Harecraig, Culter House Road, Milltimber

Eleanor

Would it benefit a meeting here to go through all the salient points and thereafter see where you go from there? The change of materials/colour would not be sufficient on its own.

Yours

Tommy Hart | Senior Planner (Development Management)

**Please note;**

**I work a compressed fortnight and therefore will be out of the office every second Friday effective 22<sup>nd</sup> August 2014.**

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---

**From:** Eleanor Alexander [mailto:[REDACTED]]  
**Sent:** 18 February 2015 10:50  
**To:** Tommy Hart  
**Subject:** RE: 5022 proposed dwellings at Harecraig, Culter House Road, Milltimber

Tommy

Would a complete change in materials / colours on the house on Plot 1 suffice in achieving the difference between the two plots you desire?

Regards  
**Eleanor Alexander**

**Associate**  
**Chartered Architect** B.Sc (Hons) Arch . Dip . Arch . RIAS

**William Lippe Architects Ltd**  
4 St James Place, Inverurie  
Aberdeenshire, AB51 3UB



t: [REDACTED] f: [REDACTED]

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**From:** Tommy Hart [mailto:[REDACTED]]  
**Sent:** 18 February 2015 08:06  
**To:** Eleanor Alexander  
**Subject:** RE: 5022 proposed dwellings at Harecraig, Culter House Road, Milltimber

Eleanor

Many thanks for the amended plans. Whilst it is acknowledged that you have moved the house on plot 1 further east to create a reasonable separation between the existing house on the adjacent site and have removed the garages from the principle elevation, there is little difference in the house designs which caused concern at pre-application stage and was also highlighted early on for this application. For your convenience, my previous comments were;

*With respect to design, it is clear that along the northern half of Culter House Road there are no two houses alike, with the house designs ranging from traditional villas to more modern and contemporary interpretations. With that in mind, the houses you propose, whilst slightly different in style, have not been designed with due consideration for their context which is, as described above, a mix of house types. [relates to Policy D1 – Architecture and Placemaking]*

I see no material difference to the house designs which was previously highlighted as an issue and with that in mind I find it difficult to see how the planning authority can recommend approval of the application and would therefore be seeking to progress to determination within the next 2 weeks - please what plans you wish to proceed to determination with.

Lastly, please see attached comments from my Environmental Policy colleagues with regards bats and trees.

I look forward to hearing from you at your earliest convenience so that the application can progress to determination.

Yours

Tommy Hart | Senior Planner (Development Management)

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---

**From:** Eleanor Alexander [mailto: [REDACTED]]  
**Sent:** 17 February 2015 16:25  
**To:** Tommy Hart  
**Subject:** RE: 5022 proposed dwellings at Harecraig, Culter House Road, Milltimber

Good afternoon Tommy

We attach a set of revised proposals amended in accordance with your pre-application advice and as per our subsequent discussions. As agreed, the dwelling on plot 1 has been reduced in width and increased in length into the plot as you initially suggested. This has moved it eastwards away from the neighbouring western boundary and garage, leaving a considerable distance of around 4.8m to the boundary.

As discussed, we have also relocated the garages from the front of the plots to become integral garages set below the dwellings, working with the vast change in level over both plots. This sets the houses more comfortably within the existing topography, balancing out cut and fill on the site. The neighbouring plot to the west also has a similar approach to the garage, with it set well below the ground floor level of the house to suit the site levels.

In addition to these revisions we have repositioned the sun lounge on Plot 2 so it is centrally located on the rear elevation.

We will send some conceptual 3D images by separate email to assist in demonstrating how the revised proposals will appear in reality.

We have also attached an amended drainage report which addresses the comments made by flood prevention – a 75mm orifice plate has been added to the attenuation drain. The revised proposals will not affect the ground level along the frontage of the site as the ground can be graded to suit the existing levels in this area. This should therefore appease your Environmental Policy team's response.

We trust the proposals are now acceptable to you and you are in a position to approve the application. Should you have any queries please do not hesitate to contact us.

Regards  
**Eleanor Alexander**

**Associate**  
**Chartered Architect** B.Sc (Hons) Arch . Dip . Arch . RIAS

**William Lippe Architects Ltd**  
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Aberdeenshire, AB51 3UB  
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**From:** Tommy Hart [mailto: [REDACTED]]  
**Sent:** 11 February 2015 10:09  
**To:** Eleanor Alexander  
**Cc:** 'Loretta Davie'  
**Subject:** RE: 5022 proposed dwellings at Harecraig, Culter House Road, Milltimber

Eleanor

That's fine with me.

Yours

Tommy Hart | Senior Planner (Development Management)

**Please note;**

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**From:** Eleanor Alexander [mailto: [REDACTED]]  
**Sent:** 10 February 2015 16:15  
**To:** Tommy Hart  
**Cc:** Garfield Prentice; Loretta Davie  
**Subject:** RE: 5022 proposed dwellings at Harecraig, Culter House Road, Milltimber

Hi Tommy

I have given the client some rough overmarks of potential amendments and they have come back with a couple of queries which I plan to look into this afternoon. The client is actually away this week but I am receiving emails so would hope to have a decision from them this week once I have answered their queries, leaving me next week to finalise the drawings and resubmit to you if they so wish.

I have held off answering the two consultations you sent through until I knew if the proposals were going to change but will obviously respond to these once I get a final decision from the client.

Hope this is acceptable.

Regards



**Eleanor Alexander**

**Associate**

**Chartered Architect** B.Sc (Hons) Arch . Dip . Arch . RIAS

**William Lippe Architects Ltd**

4 St James Place, Inverurie

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**From:** Tommy Hart [[mailto:\[REDACTED\]](mailto:[REDACTED])]

**Sent:** 10 February 2015 16:07

**To:** Eleanor Alexander

**Cc:** Garfield Prentice

**Subject:** RE: 5022 proposed dwellings at Harecraig, Culter House Road, Milltimber

Eleanor

Can you provide a timescale for coming back with amendments? I'm keen not to let this drag on unnecessarily .

Yours

Tommy Hart | Senior Planner (Development Management)

**Please note;**

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## Eleanor Alexander

---

**From:** Tommy Hart <[REDACTED]>  
**Sent:** 18 February 2015 11:07  
**To:** Eleanor Alexander  
**Subject:** RE: 5022 proposed dwellings at Harecraig, Culter House Road, Milltimber

Eleanor

Would it benefit a meeting here to go through all the salient points and thereafter see where you go from there? The change of materials/colour would not be sufficient on its own.

Yours

Tommy Hart | Senior Planner (Development Management)

**Please note;**

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---

**From:** Eleanor Alexander [mailto:[REDACTED]]  
**Sent:** 18 February 2015 10:50  
**To:** Tommy Hart  
**Subject:** RE: 5022 proposed dwellings at Harecraig, Culter House Road, Milltimber

Tommy

Would a complete change in materials / colours on the house on Plot 1 suffice in achieving the difference between the two plots you desire?

Regards  
**Eleanor Alexander**

**Associate**  
**Chartered Architect** B.Sc (Hons) Arch . Dip . Arch . RIAS

**William Lippe Architects Ltd**  
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Aberdeenshire, AB51 3UB



t: [REDACTED] f: [REDACTED]

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**From:** Tommy Hart [[mailto:\[REDACTED\]](mailto:[REDACTED])]  
**Sent:** 18 February 2015 08:06  
**To:** Eleanor Alexander  
**Subject:** RE: 5022 proposed dwellings at Harecraig, Culter House Road, Milltimber

Eleanor

Many thanks for the amended plans. Whilst it is acknowledged that you have moved the house on plot 1 further east to create a reasonable separation between the existing house on the adjacent site and have removed the garages from the principle elevation, there is little difference in the house designs which caused concern at pre-application stage and was also highlighted early on for this application. For your convenience, my previous comments were;

*With respect to design, it is clear that along the northern half of Culter House Road there are no two houses alike, with the house designs ranging from traditional villas to more modern and contemporary interpretations. With that in mind, the houses you propose, whilst slightly different in style, have not been designed with due consideration for their context which is, as described above, a mix of house types. [relates to Policy D1 – Architecture and Placemaking]*

I see no material difference to the house designs which was previously highlighted as an issue and with that in mind I find it difficult to see how the planning authority can recommend approval of the application and would therefore be seeking to progress to determination within the next 2 weeks - please what plans you wish to proceed to determination with.

Lastly, please see attached comments from my Environmental Policy colleagues with regards bats and trees.

I look forward to hearing from you at your earliest convenience so that the application can progress to determination.

Yours

Tommy Hart | Senior Planner (Development Management)

Please note;

**I work a compressed fortnight and therefore will be out of the office every second Friday effective 22<sup>nd</sup> August 2014.**

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clicking on <http://www.aberdeencity.gov.uk/customerfeedback> and selecting Development Management (Planning Applications Team). Many thanks in advance.

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**From:** Eleanor Alexander [mailto: ]  
**Sent:** 17 February 2015 16:25  
**To:** Tommy Hart  
**Subject:** RE: 5022 proposed dwellings at Harecraig, Culter House Road, Milltimber

Good afternoon Tommy

We attach a set of revised proposals amended in accordance with your pre-application advice and as per our subsequent discussions. As agreed, the dwelling on plot 1 has been reduced in width and increased in length into the plot as you initially suggested. This has moved it eastwards away from the neighbouring western boundary and garage, leaving a considerable distance of around 4.8m to the boundary.

As discussed, we have also relocated the garages from the front of the plots to become integral garages set below the dwellings, working with the vast change in level over both plots. This sets the houses more comfortably within the existing topography, balancing out cut and fill on the site. The neighbouring plot to the west also has a similar approach to the garage, with it set well below the ground floor level of the house to suit the site levels.

In addition to these revisions we have repositioned the sun lounge on Plot 2 so it is centrally located on the rear elevation.

We will send some conceptual 3D images by separate email to assist in demonstrating how the revised proposals will appear in reality.

We have also attached an amended drainage report which addresses the comments made by flood prevention – a 75mm orifice plate has been added to the attenuation drain. The revised proposals will not affect the ground level along the frontage of the site as the ground can be graded to suit the existing levels in this area. This should therefore appease your Environmental Policy team's response.

We trust the proposals are now acceptable to you and you are in a position to approve the application. Should you have any queries please do not hesitate to contact us.

Regards  
**Eleanor Alexander**

**Associate**  
**Chartered Architect** B.Sc (Hons) Arch . Dip . Arch . RIAS

**William Lippe Architects Ltd**  
4 St James Place, Inverurie  
Aberdeenshire, AB51 3UB  
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**From:** Tommy Hart [mailto: [REDACTED]]  
**Sent:** 11 February 2015 10:09  
**To:** Eleanor Alexander  
**Cc:** 'Loretta Davie'  
**Subject:** RE: 5022 proposed dwellings at Harecraig, Culter House Road, Milltimber

Eleanor

That's fine with me.

Yours

Tommy Hart | Senior Planner (Development Management)

**Please note;**

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**From:** Eleanor Alexander [mailto: [REDACTED]]  
**Sent:** 10 February 2015 16:15  
**To:** Tommy Hart  
**Cc:** Garfield Prentice; Loretta Davie  
**Subject:** RE: 5022 proposed dwellings at Harecraig, Culter House Road, Milltimber

Hi Tommy

I have given the client some rough overmarks of potential amendments and they have come back with a couple of queries which I plan to look into this afternoon. The client is actually away this week but I am receiving emails so would hope to have a decision from them this week once I have answered their queries, leaving me next week to finalise the drawings and resubmit to you if they so wish.

I have held off answering the two consultations you sent through until I knew if the proposals were going to change but will obviously respond to these once I get a final decision from the client.

Hope this is acceptable.

Regards



**Eleanor Alexander**

**Associate**

**Chartered Architect** B.Sc (Hons) Arch . Dip . Arch . RIAS

**William Lippe Architects Ltd**

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**From:** Tommy Hart [[mailto:\[REDACTED\]](mailto:[REDACTED])]

**Sent:** 10 February 2015 16:07

**To:** Eleanor Alexander

**Cc:** Garfield Prentice

**Subject:** RE: 5022 proposed dwellings at Harecraig, Culter House Road, Milltimber

Eleanor

Can you provide a timescale for coming back with amendments? I'm keen not to let this drag on unnecessarily .

Yours

Tommy Hart | Senior Planner (Development Management)

**Please note;**

**I work a compressed fortnight and therefore will be out of the office every second Friday effective 22<sup>nd</sup> August 2014.**

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## Eleanor Alexander

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**From:** Eleanor Alexander  
**Sent:** 24 February 2015 11:25  
**To:** Tommy Hart  
**Subject:** RE: 5022 proposed dwellings at Harecraig, Culter House Road, Milltimber

Tommy

We would be obliged if you could proceed to determine the application on the basis of the most recent proposals we issued i.e. with the changes we made in accordance with your comments (drawing no's 5022/08H, 5022/09G, 5022/10C)

With reference to the consultation responses you forwarded, the environmental planner's response was based on the original submitted proposals and we would advise that the revised proposals will not affect the levels to the front of the property, particularly as the garage he refers to in Plot 2 has now been completely relocated. The layout has been planned to allow ground levels to be graded within the site back to existing levels along the boundaries so they are unaffected by the proposals.

With reference to Anne-Marrie Gauld's response regarding the trees earmarked for felling, these are purely identified for health & safety reasons and not for the development to proceed. Therefore, as the protection of any bats here would be covered by European Legislation and as the felling of the trees is not required for the actual development itself, the application can be determined without the need for this additional bat survey.

We would be obliged if you could confirm exactly what your recommendation will be along with any justification in terms of policy for refusal.

Regards  
**Eleanor Alexander**

**Associate**  
**Chartered Architect** B.Sc (Hons) Arch . Dip . Arch . RIAS

**William Lippe Architects Ltd**  
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Aberdeenshire, AB51 3UB  
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**From:** Tommy Hart [REDACTED]  
**Sent:** 18 February 2015 11:07  
**To:** Eleanor Alexander  
**Subject:** RE: 5022 proposed dwellings at Harecraig, Culter House Road, Milltimber

Eleanor

Would it benefit a meeting here to go through all the salient points and thereafter see where you go from there? The change of materials/colour would not be sufficient on its own.

Yours



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