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To: Councillor Milne, Convener; and Councillors Donnelly and Lawrence

Town House,
ABERDEEN, 28 October 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 4 - Town House on **WEDNESDAY, 4 NOVEMBER 2015 at 9.30 am.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

BUSINESS

- 1 Procedure Notice (Pages 5 - 6)

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 13-14 Adelphi - Alteration, partial demolition and change of use to form 5 No. flats to former Trades Club (141482)

The documents associated with this application can be viewed at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=141482>

PLANNING ADVISER - ANDREW MILLER

- 3 Delegated Report and letters of objection (Pages 7 - 28)
- 4 Planning policies referred to in documents submitted (Pages 29 - 38)

- 5 Notice of Review with supporting information submitted by applicant / agent
(Pages 39 - 44)
- 6 Determination - Reasons for decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 7 Consideration of conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer
- 8 243 North Deeside Road - Change of use to House of Multiple Occupation (Retrospective) (150466)
The documents associated with this application can be viewed at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=150466>

PLANNING ADVISER - ROBERT FORBES

- 9 Delegated Report (Pages 45 - 50)
- 10 Planning policies referred to in documents submitted (Pages 51 - 90)
- 11 Notice of Review with supporting statement submitted by applicant / agent (Pages 91 - 110)
- 12 Determination - Reasons for decision
- 13 Consideration of conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer
- 14 8 Turnberry Gardens - Replacement of existing flat roof on front porch with pitched roof extending for the full width of the dwelling (151183)
The documents associated with this application can be viewed at:-
<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref=151183>

PLANNING ADVISER - PAUL WILLIAMSON

- 15 Delegated Report (Pages 111 - 116)
- 16 Planning policies referred to in documents submitted (Pages 117 - 124)

- 17 Notice of Review with supporting statement submitted by applicant / agent (Pages 125 - 132)
- 18 Determination - Reasons for decision
- 19 Consideration of conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Lynsey McBain on 01224 522123 or email lymcbain@aberdeencity.gov.uk Stephanie Dunsmuir on 01224 522503 or email sdunsmuir@aberdeencity.gov.uk

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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 3

Signed (authorised Officer(s)):

13-14 ADELPHI, ABERDEEN

ALTERATION, PARTIAL DEMOLITION AND
CHANGE OF USE TO FORM 5 NO.FLATS
TO FORMER TRADES CLUB

For: West Coast Estates Ltd

Application Type : Detailed Planning
Permission

Application Ref. : P141482

Application Date : 02/10/2014

Advert : Section 60/65 - Dev aff
LB/CA

Advertised on : 29/10/2014

Officer : Paul Williamson

Creation Date : 19 May 2015

Ward: George Street/Harbour (A May/J
Morrison/N Morrison)

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The building to which this application relates reveals 2 ½ storeys to the Adelphi frontage, but sees 4 storeys of accommodation in other parts. The ground and basement floors of the building were last used as the 'Aberdeen Trades Union Council and Social Club', and has lain vacant for approximately two years, since the club closed around 2013. The first and second floors of the property are already in use as 6 flatted properties, which are accessed from a doorway on Adelphi Lane.

The property is of traditional construction, and includes timber framed windows and granite sills/stringcourse. The external walls have a beige render. The roof has been altered at some point in the past, and is now in mansard form, with velux rooflights in the northern section and dormers in the southern part. To the west a large and unsympathetic flat roofed extension is formed towards the rear of the properties fronting Market Street. Adelphi Lane runs along the northern boundary, while a further servicing lane also forms the western boundary.

The site is located within the Union Street Conservation Area.

RELEVANT HISTORY

A7/0552 – Proposed alterations to form 6 no.flats in the upper two floors of the building – Approved conditionally under delegated powers on 2 April 2007. This consent has been implemented.

A6/1620 – Alterations and extension to add additional floors to form 9 no. flats – Approved conditionally at Planning Committee on 26 October 2006. This was not implemented.

A0/0903 – 2 Storey toilet block and Store/Fire Escape Below Extension/Alteration/Refurbishment of Rear Flat Roof – Approved conditionally under delegated powers on 31 July 2000.

94/1406 – Cleaning Stonework and Painting of Render – Approved conditionally under delegated powers on 10 August 1994.

PROPOSAL

Detailed Planning Permission is sought for the alteration, partial demolition and change of use of the former trades club, to form 5 flats (two 2 bedroom, and three 3 bedroom). All flats would be of maisonette style, with accommodation over two levels (ground and basement). All would be single aspect, two in the original part of the building towards the Adelphi, and three towards the lane to the rear.

As part of the proposals, the two storey flat roofed extension at the rear of the building would be remodelled and drawn back by 1.8 metres, from the 1.2 metre wide lane. This would therefore create a separation of 3 metres from the blank rear gable of the building onto Market Street beyond. It would also cater for the provision of a tapered strip of defensible space with low landscaped cover, ranging from 1.5 to 1.8 metres in width. No direct access would be available to this space from the flats.

It is also proposed to replace the existing windows to the front elevation with double glazed timber framed sash and case units painted white. One of the existing doorways to the Adelphi elevation would also be partially blocked, to form a window with solid panel below. On the side/north elevation, two blocked up windows would be re-opened, with timber framed windows reinstated. In the remodelled extension to the rear, new doubled glazed white upvc windows would be installed.

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=141482>

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

Supporting Planning Statement;
Design Statement; and
Sunlight Analysis.

CONSULTATIONS

Roads Development Management – No objection. Advise that whilst 8 car parking spaces would normally be required, the development is being promoted as 'car-free'. As such, residents shall not be eligible to apply for residential parking permits. Further details of potential cycle parking and refuse storage would need to be conditioned. Contributions would also be required towards sustainable transportation, in this case the city car club. Furthermore, a contribution would also be necessary towards the Strategic Transport Fund.

Environmental Health – No objection. Conditions should be attached requiring a detailed noise assessment together with any mitigation measures; and, the provision of suitable facilities for waste and recycling.

Developer Contributions Team – The applicant has been provided with a copy of the Developer Contributions report which outlines that contributions are required towards affordable housing only.

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

Education, Culture & Sport (Archaeology) – A condition should be attached requiring the implementation of a programme of archaeological work prior to commencement of development.

Community Council – No comments received.

Education, Culture and Sport (Educational Provision) – Pupils from this development would be zoned to Hanover Street Primary School, and St Machar Academy, where there is capacity. No contributions are required from this proposal.

REPRESENTATIONS

11 letters of representation have been received. Five raise objections relating to the following matters:

- Additional flats in the centre of town shall put pressure on existing schools and roads;
- Further improvements could be made to the frontage of the building to modernise it;

- The rear roof could also be improved by altering its shape and appearance; and,
- Additional traffic utilising the narrow entrance would be a concern.

The remaining 6 letters of support highlighted the following aspects:

- The proposal would contribute to regeneration through bringing a disused building back into use;
- The proposal would help to deliver much needed homes for the City, and is an appropriate use for this building; and,
- The Aberdeen Civic Society consider that the proposal sensitively retains the historical façade of the building.

Matters raised which are not material planning considerations included:

- One less licensed premise is good for health and social issues;
- The proposal would result in the loss of another licensed premise in the city centre; and
- There is insufficient street lighting, which is unsafe, particularly at night.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy (SPP) – This states that ‘proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area.’

Scottish Historic Environment Policy (SHEP) July 2009 - SHEP highlights that ‘it is character or historic interest of an area created by individual buildings and open spaces and their relationship one with the other which the legislation covering conservation areas seeks to preserve.’

Aberdeen Local Development Plan

Policy C2 (City Centre Business Zone and Union Street) – This policy states that Proposals to use basement and upper floors for retail, residential and other appropriate purposes will be encouraged in principle.

Policy D1 (Architecture and Placemaking) - This policy outlines an expectation that all new development must be designed with due consideration for its context and make a positive contribution to its setting.

Policy D2 (Design and Amenity) – In order to ensure the provision of appropriate levels of amenity the following principles will be applied:

1. Privacy shall be designed into higher density housing;
2. Residential development shall have a public face to a street and a private face to an enclosed garden or court;

3. All residents shall have access to sitting out areas. This can be provided by balconies, private gardens, terraces, communal gardens or other means acceptable to the Council. ;
5. Individual flats or houses within a development shall be designed to make the most of opportunities offered by the site for views or sunlight.

Policy D4 (Aberdeen's Granite Heritage) – this policy encourages the retention of granite buildings throughout the City, with the conversion and adaptation of redundant granite buildings favoured.

Policy D5 (Built Heritage) - This policy states that proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy (SPP).

Policy I1 (Infrastructure Delivery and Developer Contributions) – this policy outlines that development must be accompanied by the infrastructure, services and facilities required to support the scale and type of developments proposed.

Policy H5 (Affordable Housing) – requires that housing developments of 5 or more units are required to contribute no less than 25% of the total number of units as affordable housing.

Policy R6 (Waste Management Requirements for New Development) – outlines that housing developments should have sufficient space for the storage of residual, recyclable and compostable wastes.

Proposal Local Development Plan

Policy NC2 (City Centre Retail Core)

Policy D1 (Quality Placemaking by Design)

Policy D4 (Historic Environment)

Policy D5 (Our Granite Heritage)

Policy I1 (Infrastructure Delivery and Planning Obligations)

Policy T3 (Sustainable and Active Travel)

Policy T5 (Noise)

Policy H5 (Affordable Housing)

Policy R6 (Waste Management Requirements for New Development)

Supplementary Guidance

Aberdeen City Council's Supplementary Guidance on 'The Sub-division and Redevelopment of Residential Curtilages' is of relevance to the development. Although specifically targeted at residential development on sites currently in residential use, some elements of this guidance are applicable to other types of development. This includes the sections on: amenity; daylight; and, sunlight.

The Union Street Conservation Area Appraisal is also a relevant material consideration.

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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas

Principle

As a general starting point, the proposal must be considered against Policy C2 (City Centre Business Zone) generally relating to the City Centre and Union Street.

The last use of the premise was as a club, and as such the proposal would not lead to the loss of any retail premise within the core part of the city centre. As such, consideration and indeed support can be given to proposals which bring vacant properties back into beneficial use, so long as those new uses themselves do not impinge upon the ongoing operation and enjoyment of surrounding properties, and comply with the other relevant policies of the development plan. These issues are discussed below.

Residential Amenity / Daylight

As outlined above, the proposal would see the creation of a total of five flats within the building, with accommodation for each flat spread between the ground and basement levels. It is considered appropriate that the accommodation should be considered in two parts, which are: the front (original section), and the rear (extension).

Original Section

In respect of the two flats which would have a single aspect towards the Adelphi, the basement level would in essence borrow light from either an existing pavement lightwell for Flat 1, or through the reconfigured doorway (new window, and associated lightwell) for Flat 2. In both instances, it is considered that the amenity of future occupants, particularly on the lower (basement level) would be particularly poor in the sense of natural daylight, to the extent that it would be unacceptable in terms of policy D2.

Extension

In the case of the flats proposed within the existing extension, again these would be single aspect. While the proposal does result in a slight reduction of approximately 1.8 metres to the overall depth of the extension, the proposed windows which would serve those flats would only be 3 metres from the rear (blank) wall of "The Snuggery" public house, and adjacent 'Rox Hotel'. As that elevation faces in a south westerly direction, it is anticipated that these flats would again be very unlikely to receive sufficient day/sunlight for occupants to enjoy. As such, these properties would suffer from a deficiency in amenity as a result, and would in most part be very dark, and daunting. Thus again unacceptable in terms of policy D2.

Amended plans provided by the applicant did provide some additional light, via skylights, to properties on ground floor but the accommodation on the basement level (bedrooms) would not see any betterment. The Supporting Planning Statement claims that "all of the rooms at the rear of the building will have rooflights to provide additional natural light ... which will result in all of these rooms having a relatively open outlook and a satisfactory level of amenity overall". Such a statement is factually incorrect, as the rooms at basement level cannot have rooflights, due to the presence of the ground floor above. Furthermore, due to the positioning of the rear gable of the buildings on Market Street being 3 metres from the proposed windows, it is unrealistic to claim that this result in a "relatively open outlook", and in reality the outlook is completely constrained and restricted. The provision of the small area of defensible space with low level planting cannot be considered as a useable area for future occupants to use for amenity, given that it shall in most part be in shadow and enclosed in a canyon like form by, the narrow lane and high sided walls adjacent.

Furthermore, the applicant also submitted a sunlight study in support of the proposals. While this provided an indication that properties would be afforded some exposure to sunlight, it would at times be as low as 38.5% of the overall sunlight hours available. Furthermore, when considered against the Supplementary Guidance on the 'Sub-division and splitting of residential feus', and particularly the aspects covering daylight, it is considered that the proposals would fail to demonstrate that good interior daylighting can be achieved through the '25 degree method', which requires that no obstruction measured in a vertical section perpendicular to the main face, from a point 2 metres above ground level, subtends an angle more than 25 degrees to the horizontal. In simplistic terms, the proposal flats would not achieve sufficient separation from adjacent buildings to achieve this guidance. As such, it is considered that the proposal would fail to comply with the supplementary guidance, reinforcing the failing against policy D2.

In all instances, the flats would not benefit from any external amenity space, or means considered acceptable to the Council through Policy D2 Design and Amenity. Discussion was held with the applicant in order to find a mutually

agreeable solution, although the extent of alternations which may be necessary would likely include the demolition of a significant extent (if not all) of the rear extension. Such a solution was not forthcoming. As such, the proposals are considered to be contrary to the aforementioned policy, and cannot be supported.

Impact on the Character of the Conservation Area (Design and Scale of Development)

As outlined above, the application site is located within the Union Street Conservation Area. Key characteristics for the immediate area, identified as 'The Green and South Side', are the Adelphi being on the site of St. Katherines Hill and among the most historic parts of the city.

It is clear that at some point in the distant past, this property has been extended in a manner (flat roofed form) which would not be acceptable by todays design standards for development in Conservation Areas. However, as part of the assessment of proposals which could affect the character of a Conservation Area, consideration must be given to opportunities to result in betterment, particularly where inappropriate development is present. In this instance, the applicant indicated their willingness to remove approximately 1.8 metres from the length of the current extension to create a slightly greater separation from the neighbouring buildings beyond. However this area is directly east of a large imposing blank wall to the rear of Market Street, and as such would be a poorly lit, and unappealing space for residents to enjoy to any great extent. Furthermore, the bland and uninspiring design of the remaining extension would not preserve or enhance the character of the Conservation Area to any significant extent, thus there is not considered to be any betterment proposed which would be considered as a material consideration worthy of outweighing other deficiencies.

From the perspective of the planning authority, the ideal solution for this building would see the complete demolition of the rear extension, which is a particularly poor example of design within the Union Street Conservation Area. There may however be scope to create a more sympathetic extension, which could possibly incorporate some of an alternative flatted development, albeit of a likely lower number of units and scale – and ensured that adequate amenity can be provided to future residents. However in this instance, the applicant wishes the application to be assessed in its current form and on its own merits.

While the removal of a very small part of the extension is proposed, the overall benefit to the character of the Conservation Area is negligible, given the site being surrounded by a tight-knit layout of other buildings.

Matters raised through Consultation Responses

In general, there were no technical objections to the proposals from consultees. Many matters, such as a noise assessment, scheme of archaeology, window details, cycle parking, and refuse storage facilities, could have in theory be dealt with through the use of planning conditions - should the principle of the development have been established. Furthermore, the requirement for developer obligations in the form of contributions towards affordable housing, the Strategic Transport Fund, and the City Car Club, were agreed by the applicant, although would have required the preparation and registration of a formal s75 planning obligation, or other suitable measure.

Relevant Planning Matters Raised in Written Representations

With regard to matters raised through representations that have not already been considered above:

- While concern was raised over the potential impact on facilities such as schools, consultation with the Developer Obligations Team did not highlight any inadequacies in or requirement for contributions towards education;
- The issue of design has been considered above in respect of the remodelled extension. However, Planning Authorities have a duty to determine the proposals that are submitted to them. While some improvements to the proposals were sought, these were more substantial than the applicant was willing to accept, and therefore the proposal has been assessed on its own merits;
- While concerns were raised over the use of the narrow entrance to the Adelphi, the development is being promoted as car-free, and it is not expected that any significant increase in usage would occur. Notwithstanding, no objections were received from the Roads Development Management Team.

Conclusion

While the Local Development Plan is supportive of proposals which bring vacant properties in the City Centre back into beneficial use, in this instance it has not been possible to demonstrate that the future occupants of the flats proposed would benefit from sufficient daylight/sunlight, and therefore the enjoyment of their property, and the residential amenity achieved would not be to a sufficient standard. The proposal would have a fairly negligible impact on the character of the conservation area and would not result in any noticeable betterment to the area, such to outweigh these amenity issues. The proposal would therefore be contrary to Policy D2 (Design and Amenity) of the Aberdeen Local Development Plan. Approval of the application would undoubtedly set a precedent for other

similar proposals, which would not create a satisfactory standard of living accommodation.

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 of the Proposed Local Development Plan largely reiterate those of the extant Local Development Plan, and therefore they are not considered to outweigh or alter the existing provisions.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

That the proposal, if approved, would result in the provision of a number of sub-standard properties which would have an insufficient level of residential amenity, by nature of their lack of sunlight/ daylight through convoluted and restricted apertures, and the close proximity to surrounding buildings. As such, the proposal would be contrary to Aberdeen Adopted Local Plan Policy D2 - Design and Amenity, and the associated Supplementary Guidance on the 'Sub-division and Redevelopment of Residential Curtilages'. Furthermore, the proposal, if approved, would set an undesirable precedent for similar developments which would have a significant adverse impact on the residential amenity experienced in such properties.



GEORGE MATHERS & CO.
SOLICITORS, ADVOCATES IN ABERDEEN
CRIMINAL & CIVIL LAW SPECIALISTS

Aberdeen City Council,
Planning Reception, Planning &
Sustainable Development,
Business Hub 4,
Marischal College,
Broad Street,
ABERDEEN.
AB10 1AB

Our Ref GM.MP.

Date 3rd November 2014

Dear Sirs,

***Proposed Development
13-14 Adelphi, Aberdeen
Planning Application Ref. 141482***

We write to acknowledge receipt of the Town & Country Planning Notice dated 16th October 2014 in relation to the proposed development at 13-14 Adelphi.

As the current occupants of number 23 Adelphi we are writing to indicate our support for the proposed redevelopment of the building opposite us.

It appears to us that rather than have an unoccupied, deteriorating property the proposed redevelopment is a positive step which could only enhance the amenity of the area.

Yours faithfully,



Partners: George FM, Mathers LL.B., N.P., William A. Findlay LL.B (Hons), Dip., L.P., Leslie Green LL.B.(Hons), N.P., Paul S. Barnett LL.B (Hons), Dip., L.P.,
Neil McRobert LL.B.(Hons), Dip., L.P., John A. McLeod LL.B.(Hons), N.P.
George Mathers is a Solicitor Advocate with Rights of Audience in the High Court of Justiciary
Associate: Christopher Matland LL.B (Hons), Dip., L.P.

23 Adelphi, Aberdeen AB11 5BL Telephone: (01224) 588599 Facsimile: (01224) 584147 LP 46 Aberdeen 1
Email: georgemathers@aol.com www.georgemathers.com

124 Osborne Place
Aberdeen
AB25 4DU
20th November 2014

Application No. 141482
Proposed Flats; 13-14 Adelphi

Dr Margaret Bochel
Head of Planning and Infrastructure
Aberdeen City Council
Broad Street
Aberdeen

Dear Dr Bochel

I object to this application as additional flats in the centre of the town will put pressure on existing facilities such as schools, roads etc

A rectangular area of the document is redacted with a solid pink color, obscuring the signature of Gavin Farquhar.

Gavin Farquhar

PI

From: webmaster@aberdeencity.gov.uk
Sent: 21 November 2014 15:42
To: PI
Subject: Planning Comment for 141482

Comment for Planning Application 141482

Name : Dr Ahmed Quadhir
Address : 29 Hillhead Road
Bieldside
Aberdeen
AB15 9EJ

Teleph

Email :

type :

Comment : Dear Sirs,

I object to this application for 2 reasons...

1.I feel that further improvements could be made within the proposals to modernise the frontage of the building (rather than leaving as is)

2.The rear roof has been left as is and could be further improved by building on it and improving the shape, look etc...

Thank you

2.

IMPORTANT NOTICE: This e-mail (including any attachment to it) is confidential, protected by copyright and may be privileged. The information contained in it should be used for its intended purposes only. If you receive this email in error, notify the sender by reply email, delete the received email and do not make use of, disclose or copy it. Whilst we take reasonable precautions to ensure that our emails are free from viruses, we cannot be responsible for any viruses transmitted with this email and recommend that you subject any incoming email to your own virus checking procedures. Unless related to Council business, the opinions expressed in this email are those of the sender and they do not necessarily constitute those of Aberdeen City Council. Unless we expressly say otherwise in this email or its attachments, neither this email nor its attachments create, form part of or vary any contractual or unilateral obligation. Aberdeen City Council's incoming and outgoing email is subject to regular monitoring.

6 Migvie Gardens
Kingswells
Aberdeen
13th November 2014

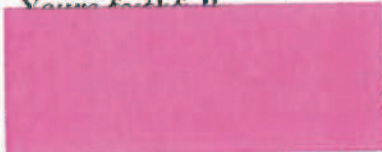
**Proposed Flats; 13-14 Adelphi
Application No. 141482**

**Dr Margaret Bochel
Head of Enterprise, Planning and Infrastructure
Aberdeen City Council**

Dear Dr Bochel

I am concerned about the additional traffic in the Adelphi going to the flats as it is a narrow entrance. As a result I would register my objection to this application

Yours faithfully

A rectangular area of the document is redacted with a solid pink color, obscuring the signature of the sender.

Graham Reid

From: webmaster@aberdeencity.gov.uk
Sent: 04 November 2014 15:18
To: PI
Subject: Planning Comment for 141482

Comment for Planning Application 141482

Name : Aishah Ali

Address : 114 Pittodrie place, AB24 5QT

Telep

Email

type

Comment : I am writing to object to this application on safety grounds. The Adelphi is very dark at night and i would like to see more street lighting.

IMPORTANT NOTICE: This e-mail (including any attachment to it) is confidential, protected by copyright and may be privileged. The information contained in it should be used for its intended purposes only. If you receive this email in error, notify the sender by reply email, delete the received email and do not make use of, disclose or copy it. Whilst we take reasonable precautions to ensure that our emails are free from viruses, we cannot be responsible for any viruses transmitted with this email and recommend that you subject any incoming email to your own virus checking procedures. Unless related to Council business, the opinions expressed in this email are those of the sender and they do not necessarily constitute those of Aberdeen City Council. Unless we expressly say otherwise in this email or its attachments, neither this email nor its attachments create, form part of or vary any contractual or unilateral obligation. Aberdeen City Council's incoming and outgoing email is subject to regular monitoring.

*103 Menzies Road
(First floor)
Aberdeen
AB11 9AN*

Dear Sir or Madam

RE 13-14 Adelphi, Aberdeen. 141482

*I wish to object to this Planning application as this would lead to the
loss of another licensed premises in the city centre*

Yours faithfully

A solid red rectangular box used to redact the signature of the sender.

Aby Duncan

PI

From: webmaster@aberdeencity.gov.uk
Sent: 24 November 2014 13:23
To: PI
Subject: Planning Comment for 141482

Comment for Planning Application 141482

Name : Aqeel Ajazi

Address : 25 Kingshill Road

Aberdeen

Teleph

Email :

type :

Comment : I am supporting this application for the following reasons:

• City centre regeneration

• Bringing a disused building back into life • We need more homes in the city and this application

helps • One less licensed premise (which is good for health and social issues) • Safe use for this building and area

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From: webmaster@aberdeencity.gov.uk
Sent: 24 November 2014 09:48
To: PI
Subject: Planning Comment for 141482

Comment for Planning Application 141482

Name : Syed RAZZAK

Address : The Ridge, North Deeside Road, Aberdeen

Telephone : 

Email : 

type :

Comment : I am supportive of this application as the proposal will bring about city centre regeneration and also provide an opportunity to utilise a disused building for the benefit of the people. There is clearly a shortage of rental properties in the city centre and this will help alleviate this need.

The fact that there will be one less licensed premises is also a positive factor and can reduce the potential for disruption in the area late at night and especially in the weekends.

Kind regards

Syed

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PI

From: webmaster@aberdeencity.gov.uk
Sent: 21 November 2014 23:50
To: PI
Subject: Planning Comment for 141482

Comment for Planning Application 141482

Name : Asif Akhtar
Address : 175 King St
Aberdeen
AB24 5AE

Teleph
Email :
type :

Comment : i am writing to inform you that i support this planning application.

My reasons for supporting this application is on the grounds that a vacant city centre building is being brought back into life, that much needed new homes are being created from the vacant building and finally that i would prefer seeing flats/housing instead of a bar/restaurant (as leisure users may attract anti social behaviour).

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Registered with the Scottish Civic Trust
Registered Charity Number SC003089
Honorary Secretary: Mr A Struthers

Aberdeen Civic Society
Co 6 Gauchhill Cottages
Kintore
Aberdeenshire
AB51 0XQ
Tel 07725 333406
info@aberdeencivicsociety.org.uk

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

21 November 2014

Dear Dr Bochel

Ref: 141482 - 13-14 Adelphi

The Society has considered the above applications and wishes to comment as follows:-

We very much support this application. It provides much needed opportunity to bring residents back into the city centre while sensitively retaining the historical façade of the building.

We would be grateful if our representation could be given consideration.

Yours sincerely

Alastair Struthers

to: webmaster@aberdeencity.gov.uk
cc: 14 November 2014 17:02
subject: PI
Planning Comment for 141482

Comment for Planning Application 141482

From: Dr Abdulkadir M Dawod

Address: Proprietor of the above two floors, which consists of six flats, to the property proposed for conversion.



Comment: Dear Sir or Madam

13-14 Adelphi, Aberdeen. 141482

The property has lain vacant for some time now and if a suitable use cannot be found I would fear that this building will fall into disrepair and have a negative effect on this area. The proposal to convert this into five flats is commendable and for that reason I would strongly support this application.

Yours faithfully

Abdulkadir M Dawod

Proprietor of the above two floors, which consists of six flats, to the property proposed for conversion at 13-14 Adelphi.



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Policy C2 – City Centre Business Zone and Union Street

The City Centre Business Zone is the preferred location for major retail developments as defined in Policy RT1. Where sites are not available in the City Centre Business Zone, then sites elsewhere in the City Centre may be appropriate.

Proposals for a change of use from retail (Class 1 of the Use Classes Order) to other uses within the City Centre Business Zone will only be acceptable if:

- (1) the proposal is in Union Street it must accord with the Union Street Frontages Supplementary Guideline
- (2) in other parts of the City Centre Business Zone it can be demonstrated that there is a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use since the property became vacant) and how the new use contributes to the wider aims for city centre enhancement; and
 - the proposed new use must enhance or adequately maintain daytime vitality, and an active street frontage; and
 - the alternative use does not conflict with the amenity of the neighbouring area.

Proposals to use basement and upper floor levels for retail, residential and other appropriate purposes will be encouraged in principle.

Policy D1 – Architecture and Placemaking

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

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

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

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

Policy D2 - Design and Amenity

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

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

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

Policy D4 - Aberdeen's Granite Heritage

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

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

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

Policy D5 – Built Heritage

Proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy. In relation to development affecting archaeological resources further details are set out in Supplementary Guidance on Archaeology and Planning.

Planning permission for development that would have an adverse effect on the character or setting of a site listed in the inventory of gardens and design landscapes in Scotland or in any additional to the inventory will be refused unless:

1. The objectives of designation and the overall integrity and character of the designated areas will not be compromised; or
2. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, economic and strategic benefit of national importance.

In both cases mitigation and appropriate measures shall be taken to conserve and enhance the essential characteristics, aesthetics, archaeological and historical value and setting of the site.

Policy I1 – Infrastructure Delivery and Developer Contributions

Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities.

Infrastructure requirements relating to Masterplan Zone sites and other allocated sites outwith the Masterplan Zones are set out in Appendices 4 and 5. Actions for delivering such infrastructure are described in the Local Development Plan Action Programme. Infrastructure requirements and the level of developer contributions for other development will be assessed using the criteria set out in the Infrastructure and Developer Contributions Manual. The precise level of infrastructure requirements and developer contributions

will need to be agreed with the Council, and other statutory agencies. The level of provision or contribution required will relate to the development proposed either directly or to the cumulative impact of development in the area and be commensurate to its scale and impact.

Masterplans will be expected to reflect the infrastructure requirements and developer contributions identified and should include a Delivery Statement setting out details of how the proposed development, and supporting infrastructure, will be delivered.

New infrastructure will either be provided by the developer or through financial contributions.

Policy H5 - Affordable Housing

Housing developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing. Further guidance on the provision of affordable housing from new developments is available in Supplementary Guidance on Affordable Housing.

Policy R6 – Waste Management Requirements for New Development

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

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

Proposed Local Development Plan

Policy NC2 City Centre Retail Core and Union Street

The City Centre Retail Core is the preferred location for major retail developments as defined in Policy NC1. Where sites are not available in the City Centre Retail Core, then sites elsewhere in the city centre may be appropriate.

Proposals for a change of use from retail (Class 1 of the Use Classes Order) to other uses within the City Centre Retail Core will only be acceptable if:

- 1 proposals on the part of Union Street covered by Supplementary Guidance : Union Street Frontages complies with that guidance;
- 2 in other parts of the City Centre Retail Core it can be demonstrated that:
 - a) the new use contributes to the wider aims of the City Centre Masterplan and Delivery Programme;
 - b) the proposed alternative use makes a positive contribution to the vitality and viability of the city centre and creates or maintains an active street frontage;
 - c) the proposed alternative will not undermine the principal retail function;
 - d) the applicants can demonstrate a lack of demand for continued retail use of the premises (applicants will be required to demonstrate what efforts have been made to secure a new retail use);
 - e) the new use does not create overprovision and/ or clustering of a particular use in the immediate vicinity; and
 - f) the alternative use does not conflict with the amenity of the neighbouring area.

Policy D1- Quality Placemaking by Design

All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials.

Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments.

Places that are distinctive and designed with a real understanding of context will sustain and enhance the social, economic, environmental and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities;

- **distinctive**
- **welcoming**
- **safe and pleasant**
- **easy to move around**
- **adaptable**
- **resource efficient**

How a development meets these qualities must be demonstrated in a design strategy whose scope and content will be appropriate with the scale and/or importance of the proposal.

To further ensure there is a consistent approach to placemaking throughout the city, the Aberdeen Masterplan Process will be applied to larger sites within the city.

Policy D4 – Historic Environment

The Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP, its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. It will assess the impact of proposed development and support high quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas, archaeology, scheduled monument, historic gardens and designed landscapes.

The physical in situ preservation of all scheduled monuments and archaeological sites will be supported. Developments that would adversely impact upon archaeological remains, including battlefields, of either national or local importance, or on their setting will only be permitted in exceptional circumstances, where there is no practical alternative site and where there are imperative reasons of over-riding public need.

In any such case, the applicant must at their own expense:

- take satisfactory steps to mitigate adverse development impacts; and
- where the preservation of the site in its original location is not possible, arrange for the full excavation and recording of the site in advance of development.

In those cases where this is not justifiable or feasible, provision should be made for excavation and record with an appropriate assessment and evaluation. The appropriate publication/curation of findings will be expected. Further guidance can be found within the supplementary guidance and technical advice notes listed in Appendix 6.

Policy D5 – Our Granite Heritage

Throughout Aberdeen the Council seeks the retention and appropriate re-use, conversion and adaption of all granite features, structures and buildings, including setted streets, granite kerbs and granite boundary wall

Proposals to demolish any granite building, structure or feature, partially or completely, that is listed or within a Conservation Area will not be granted Planning Permission, Conservation Area Consent and Listed Building Consent unless the Local Authority is satisfied that the proposal to demolish meets Historic Scotland's Scottish Historic Environment Policy (SHEP) test for demolition.

Where the retention and re-use of a granite feature, building or structure, in whole or part, is unviable then the visible re-use of all of the original granite as a building material within the development site is required.

Policy I1 Infrastructure Delivery and Planning Obligations

Development must be accompanied by the infrastructure, services and facilities required to support new or expanded communities and the scale and type of developments proposed. Where development either individually or cumulatively will place additional demands on community facilities or infrastructure that would necessitate new facilities or exacerbate deficiencies in existing provision, the Council will require the developer to meet or contribute to the cost of providing or improving such infrastructure or facilities.

Infrastructure requirements relating to Masterplan Zone sites and other allocated sites outwith the Masterplan Zones are set out in Appendices 3 and 4. Actions for delivering infrastructure are described in the Local Development Plan Action Programme. Infrastructure requirements and the level of contributions for other development will be assessed using the criteria set out in Supplementary Guidance Planning Obligations detailed on the following page.

The precise level of infrastructure requirements and contributions will need to be agreed with the Council and other statutory agencies. The level of provision or contribution required will relate to the development proposed either directly or to the cumulative impact of development in the area and be commensurate to its scale and impact.

Masterplans will be expected to reflect the infrastructure requirements and contributions identified and should include a Delivery Statement setting out details of how the proposed development and supporting infrastructure will be delivered.

New infrastructure will either be provided by the developer or through financial contributions. It will need to be compatible with other Local Development Plan policies.

Policy T3 Sustainable and Active Travel

New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, cycling and public transport penetration. Links between residential, employment, recreation and other facilities must be protected or improved for non-motorised transport users, making it quick, convenient and safe for people to travel by walking and cycling.

Street layouts will reflect the principles of Designing Streets and meet the minimum distances to services as set out in the supplementary guidance.

Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained at all times by the developer through provision of suitable alternative routes.

Recognising that there will still be instances in which people will require to travel by car, initiatives such as like car sharing, alternative fuel vehicles and Car Clubs will also be supported where appropriate.

Policy T5 – Noise

In cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application.

There will be a presumption against noise generating developments, as identified by a NIA, being located close to noise sensitive developments, such as existing or proposed housing, while housing and other noise sensitive developments will not normally be permitted close to existing noisy land uses without significant mitigation measures in place to reduce the impact of noise.

Development within or near to Candidate Noise Management Areas (CNMAs) and Candidate Quiet Areas (CQAs) will not be permitted where this is likely to contribute to a significant increase in exposure to noise or a deterioration of noise conditions in these areas, or where this will reduce the size of, or cause an increase in the noise level within, the CQA.

Further information on NIAs, CNMAs and CQAs, including maps of these areas, can be found in the relevant Supplementary Guidance Noise, detailed below which should be read in conjunction with this policy.

Policy H5 – Affordable Housing

Housing developments of five units or more are required to contribute no less than 25% of the total number of units as affordable housing.

Policy R6 Waste Management Requirements for New Development

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

Further details are set out in Supplementary Guidance Resources for New Developments. For proposals where we believe the potential savings on construction or demolition materials for recycling or reuse is likely to be significant, we will ask developers to prepare a Site Waste Management Plan as a condition of planning consent.

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NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

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

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

Yes No

Planning authority

Planning authority's application reference number

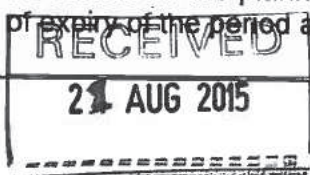
Site address

Description of proposed development

Date of application

Date of decision (if any)

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



Nature of application

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

Reasons for seeking review

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

Review procedure

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

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

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

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

N/A

Site inspection

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

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

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

A GATE HAS TO BE OPENED TO ALLOW INSPECTION OF THE REAR ELEVATION AND WE AS AGENT WOULD WANT TO BE PRESENT

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.

THE LEVEL OF AMENITY PROPOSED IS CONSISTENT WITH OTHER RESIDENTIAL PROPERTIES IN THE CITY CENTRE AREA. THEREFORE THE PROPERTIES CANNOT BE DEEMED TO BE SUB STANDARD

THE APPLICATION OF THE SC-SUB-DIVISION AND REDEVELOPMENT OF RESIDENTIAL CURTILAGES IS FUNDAMENTALLY WRONG.

THE EXISTENCE OF OTHER PROPERTIES WITH SIMILAR LEVELS OF AMENITY WITHIN THE CITY CENTRE WOULD SET A PRECEDENT FOR THE APPROVAL OF THESE PROPOSALS

THE PLANNING AUTHORITY HAVE ADOPTED AN UNBOLY NEGATIVE AND INFLEXIBLE APPROACH TO THE PROPOSAL IN THE CONTEXT OF THE EMERGING CITY CENTRE MASTERPLAN WHICH SEEKS TO ENCOURAGE MORE PEOPLE TO STAY OR BE RESIDENT WITHIN THE CITY CENTRE.

WE, AS AGENTS, PROVIDED OPTIONS IN TERMS OF A REVISED TREATMENT OF THE SOUTH ELEVATION TO DEAL WITH SPECIFIC CONCERNS REGARDING DAY-LIGHT AND OUTLOOK FROM THE FLATS

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

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

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.

REFER TO LIST ATTACHED

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

21/8/15.



Our Ref: 3178

NOTICE OF REVIEW IN CONNECTION WITH THE REFUSAL OF PLANNING PERMISSION FOR ALTERATIONS & CHANGE OF USE TO FORM 5NO. FLATS AT 13-14 ADELPHI, ABDN FOR WEST COAST ESTATES LTD.

Supporting Statement

If we are an aspiring city and committed to the current City Centre Masterplan then we are being foiled or failed by our Planning system. In essence the policies in the current Local Development Plan are no longer consistent with what we seek to achieve in the City Centre.

The levels of amenity we proposed for the flats is entirely consistent with levels of amenity in other city centre flats i.e. original flats and flats created by conversion over the past 20 years. Please also note there has, over the past 20 years or so, a significant number of city centre properties converted to flats where they mostly have no external garden or amenity space. On the basis of this precedent, the level of amenity we propose, cannot be deemed to be sub standard

The application of the Supplementary Guidance ; Sub-division and Re-Development of Residential Curtilages is simply wrong. This SG was conceived to deal with sub-division of residential feu in more outlying sub-urban areas and not the city centre. The use or application of this policy highlights exactly the point made in our first paragraph where policies are used or interpreted in an unduly negative tone which eventually inhibits development.

As architectural agents we provided options for the layouts of the proposals in an attempt to deal with the Planning Officer's concerns and we would contend that these options would be very workable in so far as they delivered more daylight and longer views from the windows to flats to the rear of this property.

It is worth noting that the upper floors of this property were converted to flats some 7-8 years ago. This property has now lain vacant for 2 years and in that time no other use has been promoted or found, and please note that the redevelopment of these properties are driven by the market and not by Planning Policy. Residential use is therefore the only realistic use this property could be used for. The alternative is that this property will find no use and will fall into disrepair and create a very negative impression of the City Centre.

This Notice of Review is to challenge how policies are interpreted and to highlight the discrepancy between the public aspirations of the Council in terms of the City Centre Masterplan and how planning applications such as these are dealt with. This application, and many other smaller interventions, would cumulatively bring more people in to live in the city centre.

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Agenda Item 9

Signed (authorised Officer(s)):

243 NORTH DEESIDE ROAD,
PETERCULTER

CHANGE OF USE TO HOUSE OF
MULTIPLE OCCUPATION (HMO)
(RETROSPECTIVE)

For: Rob Roy Bar Ltd, Mr Simon Cruickshank

Application Type : Detailed Planning
Permission

Application Ref. : P150466

Application Date : 27/03/2015

Advert : None

Advertised on : N/A

Officer : Andrew Miller

Creation Date : 29 June 2015

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

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The site comprises a 7 bedroom first floor flat on the southern side of North Deeside Road, Peterculter. It forms part of a two storey building and is accessed via steps at the rear of the building. The ground floor of the building is occupied by a bank.

RELEVANT HISTORY

None

PROPOSAL

Retrospective Detailed Planning Permission is sought for the change of use of the flat to a House of Multiple Occupation for 9 unrelated persons.

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=150466>

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

CONSULTATIONS

Roads Development Management – Recommend refusal on the grounds that no parking provision is available within the site and there is insufficient on street parking in vicinity of site.

Environmental Health – Recommend informative notes in relation to construction hours and waste/refuse storage.

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

Community Council – No response received.

REPRESENTATIONS

None

PLANNING POLICY

Aberdeen Local Development Plan

RT3 - Town, District and Neighbourhood Centres

Proposals for changes of use from retail to non-retail use in town, district and neighbourhood centres will only be allowed if:

1. the proposed alternative use makes a positive contribution to the vitality and viability of the shopping centre; and
2. the proposed alternative use will not undermine the principal retail function of the shopping centre or the shopping development in which it is located; and
3. the applicants can demonstrate a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use since the property became vacant); and
4. the proposed use caters for a local need; and
5. the proposed use retains or creates a live and attractive shop frontage.

Supplementary Guidance

The Council's Supplementary Guidance – Householder Development Guide (SG) is a material consideration in this instance. It contains three factors to be assessed in any change of use to an HMO:

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

Proposed Aberdeen Local Development Plan

NC6 – Town, District, Neighbourhood and Commercial Centres

Retail is the preferred use within these designated centres, however a mix of uses is desirable. Proposals for changes of use from retail to non-retail use in town, district, neighbourhood and commercial centres will only be allowed if it meets all of the following criteria:

1. the proposed alternative use makes a positive contribution to the vitality and viability of the centre;
2. the proposed alternative use will not undermine the principal function of the centre in which it is located;
3. the applicants can demonstrate a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use);
4. the proposed use caters for a local need;
5. the proposed use retains or creates a live and attractive shop frontage;
6. the new use does not create clustering of a particular use in the immediate vicinity; and
7. the alternative use does not conflict with the amenity of the neighbouring area.

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.

The main consideration in this instance relate to the principle of the change of use and the impact of the use of the flat as a House of Multiple Occupation (HMO).

The premises are located in an area containing a mix of retail and commercial uses and residential. It is zoned as Culter District Centre in the ALDP with associated policy RT3 creating a presumption against the loss of retail in these areas. In this instance as the previous use of the premises as a residential flat and current (unauthorised) use as an HMO are both residential, the proposals are not considered to conflict with the requirements of RT3.

Consideration must therefore be given to the suitability of the change of use of the premises from flat to HMO in terms of its impact on the surrounding area. The Council's Supplementary Guidance – Householder Development Guide (SG) states that all HMOs will be assessed against, but is not limited to, three criteria as detailed above.

No external amenity space is provided as part of this development. The application form states that 9 persons can be accommodated in the 7 bedroom HMO, and given the size of the property it would be expected that some degree of amenity would be provided for residents. A small area is available to residents to the rear at ground level, however given the numbers proposed as part of the HMO, it is considered there is insufficient amenity provided to the residents of the HMO.

Relating to the number of HMO properties in the locality, it is acknowledged there is unlikely to be a particular concentration in Peterculter in comparison to other areas of Aberdeen. Accordingly it is not considered that an addition of an HMO in this location would result in an excessive concentration of HMOs.

The guidance also states that where dedicated parking cannot be provided alongside the development, a proposal must not result in an exacerbation of parking problems in the local area.

The main issue in this case is parking provision. The Council's Roads Development Management team have objected to the application on the basis it fails to provide any parking. Whilst there is no current parking standard for HMOs, forthcoming draft supplementary guidance requires 0.5 spaces per

bedroom, meaning there would be a shortfall in 3 parking spaces. Whilst there is parking on North Deeside Road, there is an existing high demand for spaces and parking is at a premium. North Deeside Road is also the A93, a highly trafficked arterial route for Aberdeen.

This results in two impacts – one being an adverse impact on established residential amenity in the mixed use area, whereby there would be an increase in parking demand in an area where there is high demand for parking. The other is a potential impact on road safety, as an increase in pressure on on-street parking coupled with a highly trafficked arterial route could result in indiscriminate parking to the detriment of road safety.

The shortfall of parking means that the change of use does not comply with the requirements of the SG, by failing to provide sufficient designated parking and as a result would exacerbate existing parking problems.

Cycle parking should also be provided within the curtilage of the property, however it is noted there is a small area to the rear of the flat where cycle parking could be provided.

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 relevant policies within the proposed plan are similar to those of the adopted plan, therefore no further evaluation is required in respect of the proposed plan.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

Notwithstanding its retrospective nature, the change of use of the flat to a House of Multiple Occupation fails to provide any parking as part of the development in an area where on street parking is at a premium and would result in an exacerbation of parking problems in the local area and would have an adverse impact on the amenity of established residential uses as well as road safety. In addition the HMO fails to provide sufficient useable amenity space. Accordingly, the change of use to a House of Multiple Occupation would therefore fail to comply with the requirements of the Council's Supplementary Guidance – Householder Development Guide.

Policy RT3 - Town, District and Neighbourhood Centres

Proposals for changes of use from retail to non-retail use in town, district and neighbourhood centres will only be allowed if:

1. The proposed alternative use makes a positive contribution to the vitality and viability of the shopping centre; and
2. The proposed alternative use will not undermine the principal retail function of the shopping centre or the shopping development in which it is located; and
3. The applicants can demonstrate a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use since the property became vacant); and
4. The proposed use caters for a local need; and
5. The proposed use retains or creates a live and attractive shop frontage.

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Supplementary Guidance

Topic: Householder Development Guide



▪ INTRODUCTION

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

▪ OVERALL OBJECTIVE

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

▪ SCOPE OF GUIDANCE

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

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

▪ THE ROLE OF THE PLANNING SYSTEM

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

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

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

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

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

▪ STATUTORY REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

▪ GENERAL PRINCIPLES

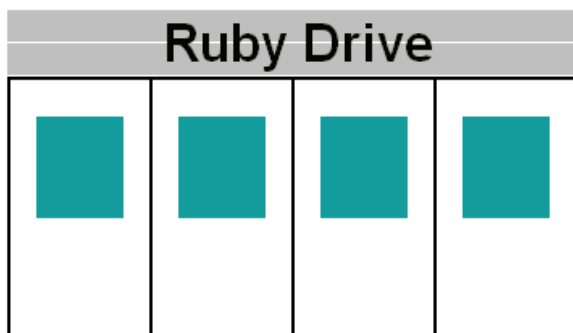
Elsewhere in this document, guidelines are set out in relation to specific types of development, such as house extensions, porches etc. In addition to those specific criteria, the following principles will be applied to **all** applications for householder development:

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

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

▪ **REAR & SIDE EXTENSIONS**

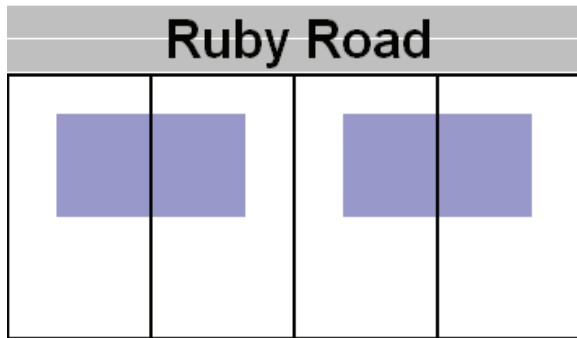
In addition to the design considerations noted above, the planning authority shall continue to apply guidelines relating to specific types of dwellings, as follows. Where dimensions are stated for projection of extensions, these should be measured from the rearmost original part of the main building,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



1. Detached Dwellings

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

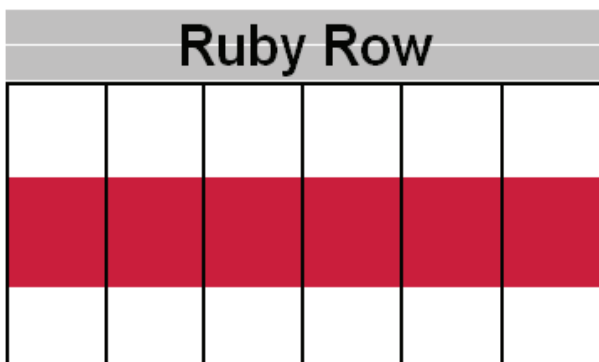
2. Semi-detached Dwellings



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

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

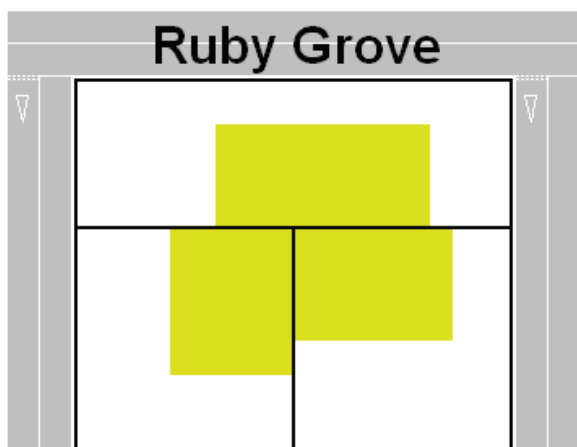
3. Conventional Terraced Dwellings



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

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

4. Grouped Terraces



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

▪ FRONT EXTENSIONS / PORCHES

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

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

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

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

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

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

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

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

▪ DORMER WINDOWS AND ROOF EXTENSIONS

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

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

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



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

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



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

Dormer Windows: General Principles

The following principles will normally apply in all cases:

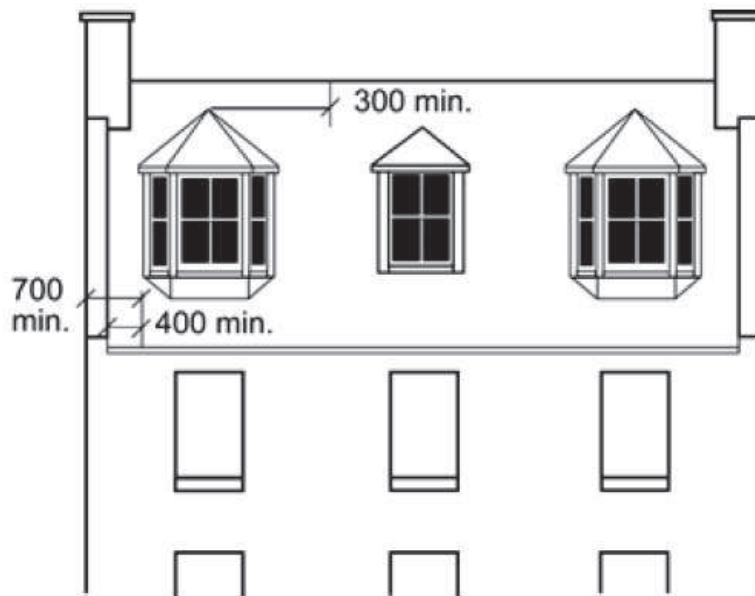
- a) On traditional properties, original dormers must be retained and repaired, and their removal and/or replacement with larger or modern dormers will not be permitted;
- b) The removal of inappropriate earlier dormers and roof extensions, and their replacement by architecturally and historically accurate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

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

Dormer Windows: Older properties of a traditional character

1. Front Elevations

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

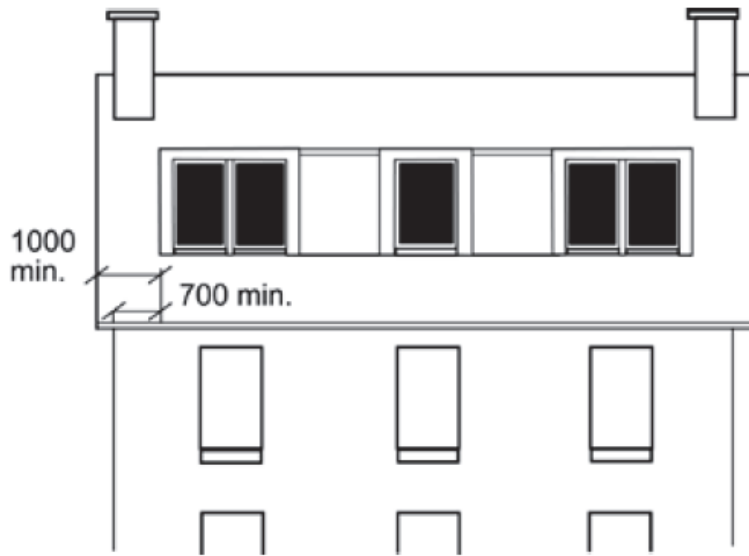


Piended dormers on typical Aberdeen tenement (linking dormers not acceptable on front elevations)

2. Rear Elevations and Exceptions

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

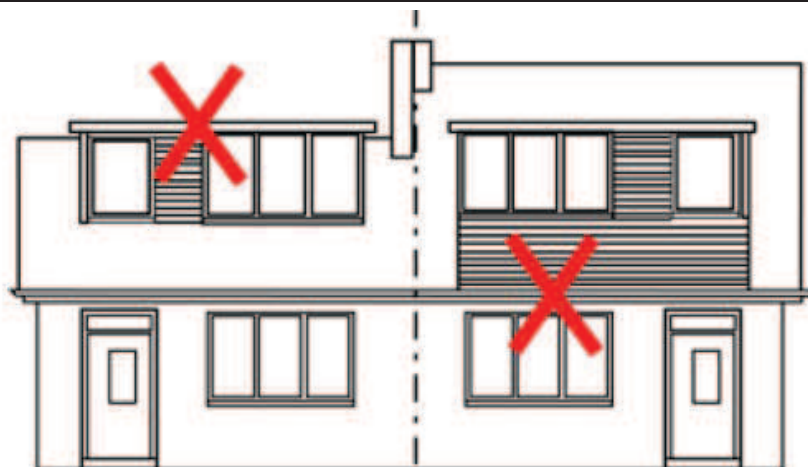
- a) The aggregate area of all dormer and/or dormer extensions should not dominate the original roof slope;
- b) Dormer haffits should be a minimum of 400mm in from the inside face of the gable tabling;
- c) The front face of dormer extensions should be a minimum of 400mm back from the front edge of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



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

Dormer Windows: Modern Properties

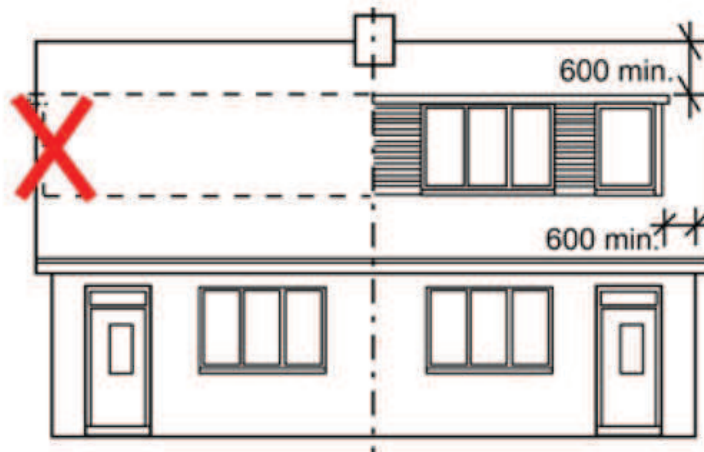
- a) Dormers and box dormer extensions have become common features in many modern housing areas, and the wide variety of designs of modern dwellings necessitates a greater flexibility in terms of design guidance. The amenity of other properties and the residential neighbourhood must however, still be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



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

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

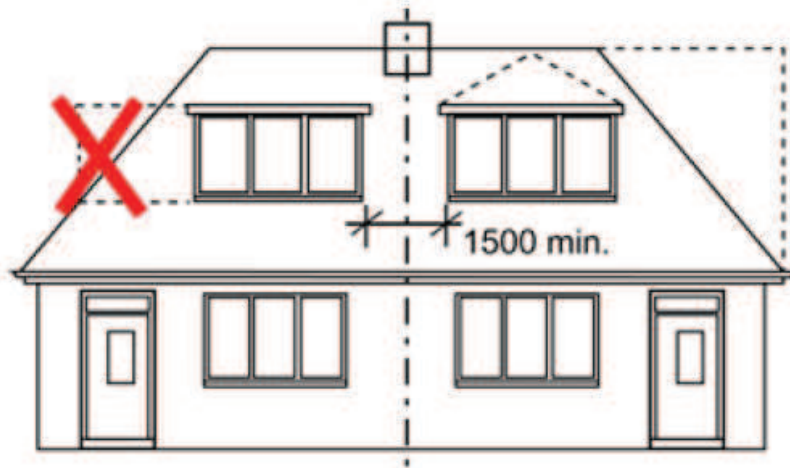
- d) The roof of the proposed extension should not extend to, or beyond the ridge of the existing roof, nor should it breach any hip. Dormer extensions cannot easily be formed in hipped roofs. Flat roofed extensions should generally be a minimum of 600mm below the existing ridge;
- e) The dormer extension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



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

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

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

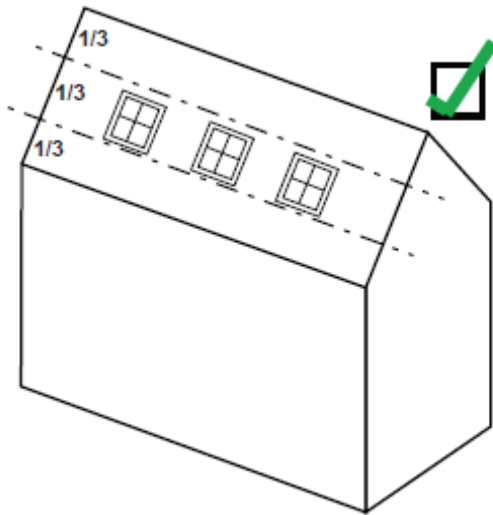


Flat roofed dormers on more traditional hipped roof house (Dormers should not breach hips. A pitched roof on this kind of dormer greatly increases its bulk). Extending roof to the gable on one side only is best avoided.

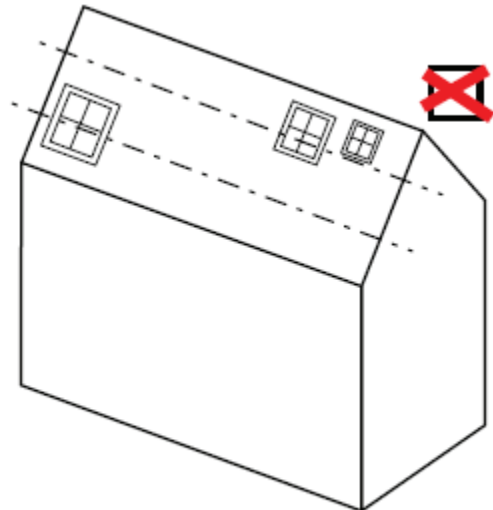
▪ **ROOFLIGHTS**

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

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



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

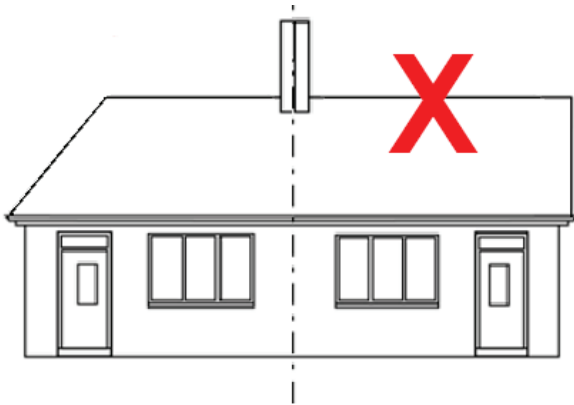


Rooflights too large and too close to eaves and verge. A variety of sizes, spacing and levels.

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

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

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



Hipped roof extensions

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

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

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

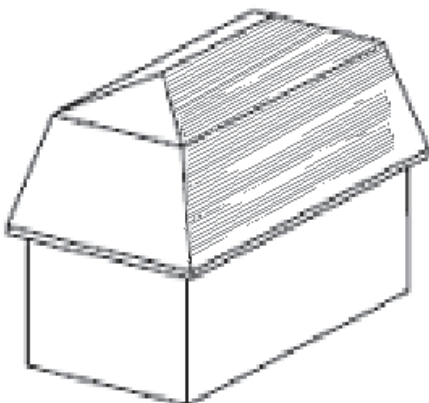
Half dormer windows

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



Wall-head gables

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



Mansard Roofs

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

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

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

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

▪ OTHER DOMESTIC ALTERATIONS

Replacement Windows and Doors

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

Satellite Dishes

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

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

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

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

Decking

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

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

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

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

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

Fences, Walls and Other Boundary Enclosures

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

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

Driveways

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

Planning permission will be required in the following circumstances;

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

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

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

Microrenewables

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

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

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

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

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

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

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

Asset Management
Enterprise, Planning and Infrastructure

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX A: GLOSSARY OF TERMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Fenestration - The arrangement of the windows in a building.

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

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

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

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

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

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

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

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

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

Piended – scots term for hipped (pronounced peended)

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

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

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

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

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

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

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

Wallhead – The uppermost section of an external wall.

APPENDIX B: APPLICATION CHECKLIST GUIDE

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

APPENDIX C: DAYLIGHT AND SUNLIGHT

Daylight

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

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

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

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

The 45° Method for daylight

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

DIAGRAM 1: 45° METHOD

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

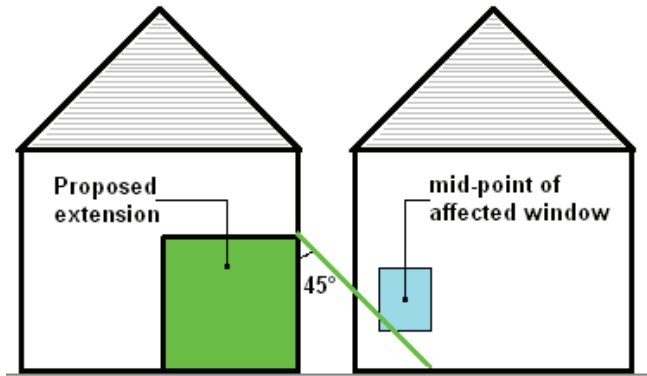


Fig A: Elevation view

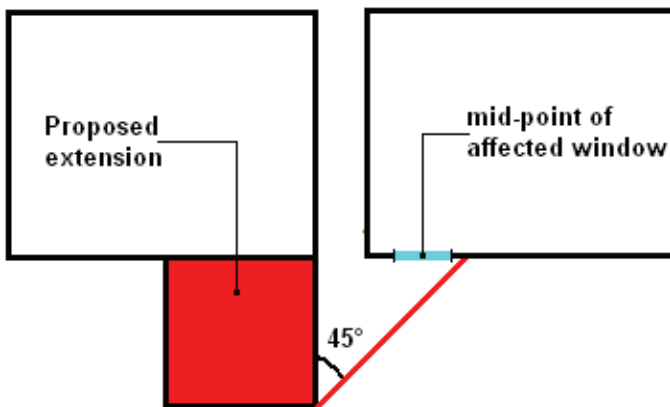


Fig B: Plan view

The 25° Method

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

DIAGRAM 2: 25° METHOD

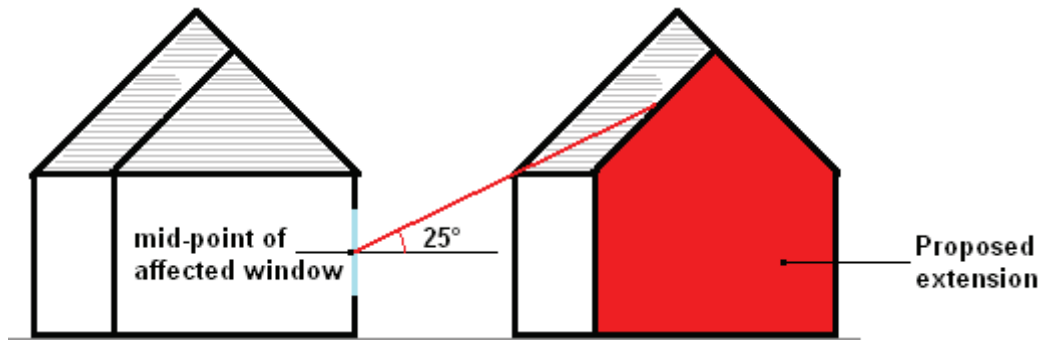


Fig A: Proposed extension may result in loss of daylight to adjacent window of a habitable room

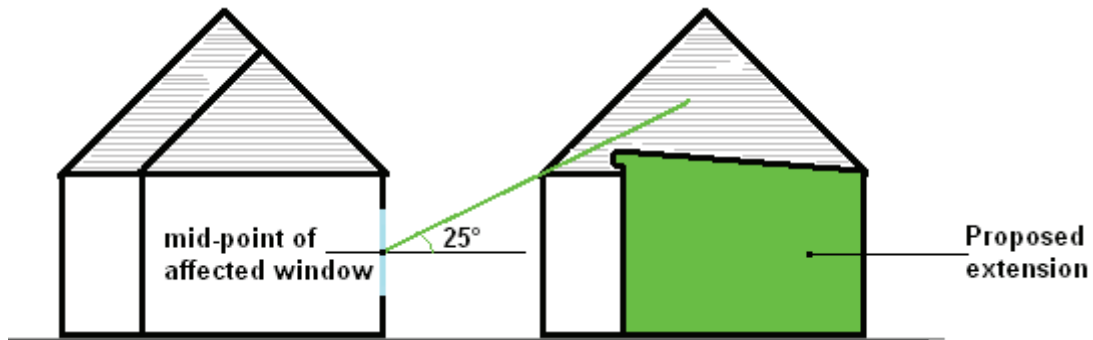


Fig B: Proposed extension would not result in loss of daylight to adjacent window of a habitable room

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

Sunlight

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

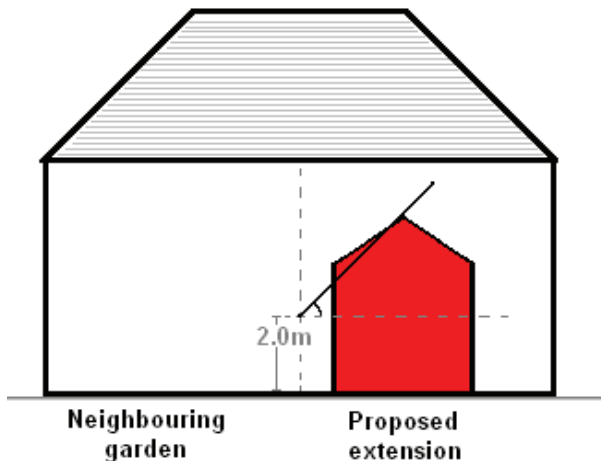
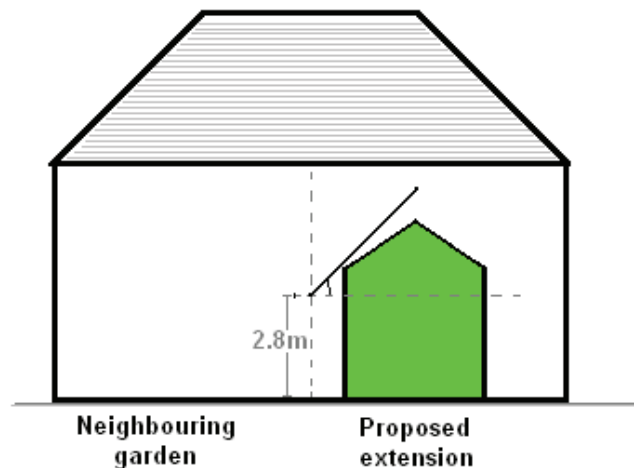
The method used involves drawing a line at 45 degrees to the horizontal. This line will begin at a point above ground level on the relevant boundary. The height above ground level will be determined by the orientation of the proposed building or structure relative to the affected space, as shown in the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

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

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

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

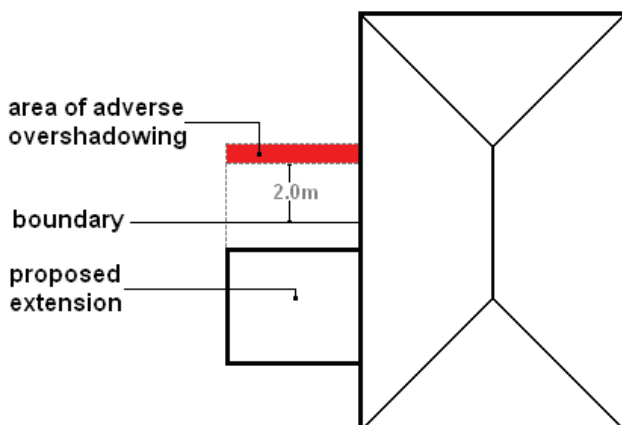
The diagram in Example 1 shows that the line drawn would not strike any part of the proposed extension, and therefore for the purposes of this test there would be no adverse affect on sunlight to the neighbouring garden.



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

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

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



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

Appendix D: Privacy

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

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

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

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

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

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

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

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

Policy NC6 Town, District, Neighbourhood and Commercial Centres

Retail is the preferred use within these designated centres, however a mix of uses is desirable. Proposals for changes of use from retail to non-retail use in town, district, neighbourhood and commercial centres will only be allowed if it meets all of the following criteria:

- 1 the proposed alternative use makes a positive contribution to the vitality and viability of the centre;
- 2 the proposed alternative use will not undermine the principal function of the centre in which it is located;
- 3 the applicants can demonstrate a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use);
- 4 the proposed use caters for a local need;
- 5 the proposed use retains or creates a live and attractive shop frontage;
- 6 the new use does not create clustering of a particular use in the immediate vicinity; and
- 7 the alternative use does not conflict with the amenity of the neighbouring area.

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

Tel: 01224 523 470

Fax: 01224 523 180

Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000132970-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Stronachs LLP
Ref. Number:	
First Name: *	Robert
Last Name: *	McDiarmid
Telephone Number: *	01224 845951
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	robert.mcdiarmid@stronachs.com

You must enter a Building Name or Number, or both:*

Building Name:	
Building Number:	34
Address 1 (Street): *	Albyn Place
Address 2:	
Town/City: *	Aberdeen
Country: *	UK
Postcode: *	AB10 1FW

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>
Other Title:	<input type="text"/>
First Name:	<input type="text" value="Simon"/>
Last Name:	<input type="text" value="Cruickshank"/>
Company/Organisation: *	<input type="text" value="Rob Roy Bar Limited"/>
Telephone Number:	<input type="text"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address:	<input type="text"/>

You must enter a Building Name or Number, or both:*

Building Name:	<input type="text"/>
Building Number:	<input type="text" value="243"/>
Address 1 (Street): *	<input type="text" value="North Deeside Road"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Aberdeen"/>
Country: *	<input type="text" value="United Kingdom"/>
Postcode: *	<input type="text" value="AB14 0UJ"/>

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
---------------------	--

Full postal address of the site (including postcode where available):

Address 1:	<input type="text"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement:	<input type="text"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text"/>
Address 4:	<input type="text"/>		

Please identify/describe the location of the site or sites.

Northing	<input type="text" value="800587"/>	Easting	<input type="text" value="383856"/>
----------	-------------------------------------	---------	-------------------------------------

Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Change of Use to House of Multiple Occupation (HMO) (Retrospective) at 243 North Deeside Road, Peterculter - P150466

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See appended Statement.

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

Yes No

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. You can attach these documents electronically later in the process: * (Max 500 characters)

Statement Document; Photo of Area at Rear of Property; 3x Photos of Car Park to Rear of Pub

Application Details

Please provide details of the application and decision.

What is the application reference number? *

P150466

What date was the application submitted to the planning authority? *

27/03/15

What date was the decision issued by the planning authority? *

01/07/15

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Please select a further procedure *

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? * (Max 500 characters)

A site visit would be useful to help the Local Review Board to understand (1) the availability of space at the rear of the Property for bicycle parking; and (2) the proximity of the nearby pub (also possessed by the Applicant) and the potential for making parking spaces available at the rear of the pub for exclusive use by the occupants of the Property. Photos are included in the event that the LRB does not consider that a site visit is necessary, having read the Applicant's statement.

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

Can the site be clearly seen from a road or public land? *

Yes No

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. (Max 500 characters)

The external area of the Property (i.e. the area to the rear) and the pub car park can be viewed unaccompanied. If the LRB wished to inspect the inside of the Property then this will require keys to the Property. However, it is understood that no issue has been taken with the interior of the property.

Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? * Yes No

Have you provided the date and reference number of the application which is the subject of this review? * Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? * Yes No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review * Yes No

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 (if any) from the earlier consent.

Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Robert McDiarmid

Declaration Date: 30/09/2015

Submission Date: 30/09/2015

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Notice of Review **Accompanying Statement**

Introduction

1. The Applicant seeks a review by the Local Review Body (“LRB”) under s.43A(8) of the Town and Country Planning (Scotland) Act 1997 of the Refusal of Change of Use Planning Permission by Dr Margaret Bochel dated 1st July 2015 (“the Decision”) in respect of the planning application with Reference P150466 (“the Application”).
2. It is respectfully submitted that the LRB should reverse the Decision and grant the Application on the basis that the Decision is based on (1) an erroneous understanding of the likely effect the granting of the Application would have on parking in the locality and (2) inappropriate reference to guidance which is not yet in force regarding parking facilities at HMO properties. Additionally, the HMO property is a benefit to the local community and the refusal to grant the Application would have the effect of reducing the capacity of the Property which would be detrimental to the stock of low-cost accommodation in the area and detrimental to local business.
3. In the event that the LRB is not satisfied that they should completely reverse the Decision, it is submitted that the LRB should grant the Application but under certain conditions as described below.

Reasons for Refusal

4. The reasons for the Decision to refuse the Application are narrated on the Refusal Notice dated 1st July 2015. The reasons stated can be summarised as follows:

“the change of use of the flat to a House of Multiple Occupation fails to provide any parking as part of the development in an area where on street parking is at a premium and would result in an exacerbation of parking problems in the local area and would have an adverse impact on the amenity of established residential uses as well as road safety.”;

“the HMO fails to provide sufficient usable amenity space.”; and

“accordingly...would therefore fail to comply with the requirements of the Council’s Supplementary Guidance – Householder Development Guide”.
5. These reasons are based on the comments and recommendation of the Roads Development Management team (“RDM”). Reference is made to the Memo from Gregor Whyte of ‘Roads Projects’ to Mr Andrew Miller, Planning Officer, and to the Recommendation Letter from Mr Miller dated 29th June 2015.
6. It is noted that the Environmental Health, Communities, Housing and Infrastructure and the Community Council all made no adverse comments

about the Application. The Application is compatible with the Aberdeen Local Development Plan (RT3).

Effect of the Application of Parking in the Locality

7. It is respectfully submitted that the view given by RDM in respect of parking is erroneous on two grounds:

7.1. The recommendation in relation to parking appears to ignore the fact that the Property has been operating under an HMO Licence for six years. The property was originally licenced as an HMO on 4th March 2009 for a capacity of six occupants. The capacity was then expanded to nine occupants on 4th April 2012.

The Application for Planning Permission for Change of Use has only recently become a technical requirement in order for the HMO team to renew the current HMO licence.

The Property has, for the last twelve months, had seven occupants. Prior to that, the property was invariably at full capacity with nine occupants.

The fundamental basis of the recommendation of RDM is that the granting of this Application would “result in an exacerbation of parking problems” and “would have an adverse impact”. As this property has been functioning for the past three years as an HMO with a licence for occupation by nine persons, the granting of this Application would not serve to increase the Property’s capacity. Therefore it cannot be said that the granting of this Application would exacerbate or cause an adverse impact to the parking situation in the locality. There would be no effect on parking in the locality.

It is submitted that RDM has erroneously treated the Application as if it were an application for Change of Use from a non-HMO property (which would involve additional occupants).

7.2. It is respectfully submitted that the second error by RDM relates to the reliance upon ‘draft’ ACC Planning Supplementary Guidance. In the Recommendation Letter from Mr Miller (p4), it is stated that there are currently no parking requirements for HMO’s. Nevertheless, Mr Miller relies upon “forthcoming draft supplementary guidance” which requires 0.5 spaces per bedroom, meaning that the Property would have a shortfall of three parking spaces. It is submitted that it is incorrect for this Application to be refused on the basis of a parking standard which does not currently exist. The Application should only be decided on the basis of guidance currently in force.

8. For the reasons mentioned above, the reasoning relating to parking should be reviewed by the LBR and the issue of parking should not prejudice the Application.

Failure to Provide Suitable Usable Amenity Space

9. The suggested failure to provide sufficient usable amenity space at the Property is also based on the opinion of RDM. This would appear to be related solely to the recommendation that there should be provision made at the Property for two long stay cycle parking spaces.
10. It is submitted that there is space available at the rear of the Property for its occupants to store bicycles, albeit there is currently no cycle parking spaces provided. It is submitted that the absence of two long stay cycle parking spaces a minor issue given that there is space at the property.
11. However, in the event that the LRB considers this to be of sufficient importance, it would be possible for the Application to be granted conditional upon the Applicant establishing two long stay cycle parking spaces in the area available at the property. A photograph of the area referred to is lodged with this Notice.

Failure to Comply with the Requirements of the Council's Supplementary Guidance Householder Development Guide ("HDG")

12. As is stated in the Recommendation Letter of Mr Miller, the HDG contains three factors to be assessed in any Change of Use to an HMO:
 - "1. Any adverse impact upon pedestrian or road traffic safety as a result of increased pressure on car parking;
 2. Significantly adverse impact upon residential amenity for any reason. This may include, but not be limited to, adequate provision of refuge storage space, appropriate provision of garden ground/amenity space, and an appropriate level of car parking.
 3. An excessive concentration of HMOs in a given locality, cumulatively resulting in a material change in the character of that area."
13. It is respectfully submitted that the Application satisfies these three factors. As stated above, the Property has been operating as an HMO with a capacity of nine persons for three years (and with a capacity of six persons for the three years preceding that). The granting of this Application would therefore not increase the current capacity of the Property and therefore cannot be said to have any adverse impact upon pedestrian or road traffic safety.
14. For the same reason, as this Application will not result in additional occupants being authorised to stay in the Property, it cannot be said that the granting of the Application would have a significantly adverse impact upon residential amenity.
15. Finally, as is noted by Mr Miller, there is no excessive concentration of HMOs in the locality.

16. On the basis of the factors outlined by the Planning Officer in his Recommendation Letter, it is submitted that this Application does satisfy those factors and therefore complies with the HDG. The Decision is therefore based upon the erroneous understanding that the Application does not comply with the HDG.

Other Relevant Information

17. The Property is owned by the Applicant who is a limited company. That limited company also runs a nearby pub in Peterculter, the Richmond Arms. The Richmond Arms serves the local community. The rental income from the Property feeds into the cash flow of the pub business. Consequently, the revenue from the Property has a direct connection to the viability of the pub. The Richmond Arms is one of three pubs in Peterculter and is a valuable part of the local community. The refusal of the Application would therefore be detrimental to that business and therefore the wider community.
18. As the LRB will no doubt be very well aware, there is a shortage within Aberdeen City of low cost accommodation. This has been exacerbated by the requirement of such accommodation for the substantial amount of construction workers who have come into the City to work on the major construction works ongoing in and around Aberdeen, including the AWPR and substantial residential construction. There is therefore an acute and substantial requirement for accommodation of the type this Property offers. This is reflected by the fact that the Applicant has high demand for accommodation within the Property. The property currently accommodates site managers for developments at Prime Four, Kingswells and the AWPR.
19. Properties of this nature bring individuals to the local community in Peterculter and therefore serve to improve the local community and its small businesses. We understand that this has been recognised by the Councillor for Lower Deeside, M. Tauqeer Malik. If the Application is refused then the Property will have two bedrooms left unoccupied, despite the demand for them.
20. It is submitted that the LBR should not act to effectively reduce the amount of low cost accommodation available within the community as it would be detrimental to those individuals seeking such accommodation and to the local community more generally.
21. The Applicant has experienced no problems whatsoever with its HMO licences over the past three years. The Applicant has never failed a HMO inspection. The Applicant has each year obtained the appropriate annual electrics certificates and gas safety certificates, both of which have been renewed again without problems this year. The Applicant also has had no difficulties with his landlord registration which is up to date. The Property, as an HMO with occupancy for nine persons, has proceeded over the last six years without problem and it is submitted that this has been of benefit to the community. Refusal of this Application will simply serve to reduce the low cost accommodation available within the locality and thereby cause detriment to the community, in particular its businesses.

Conditions

22. In the event that the LRB remained concerned that the granting of the Application would cause an exacerbation of parking issues within the community (albeit that no additional persons would be being authorised) it is submitted that the LBR would be entitled to grant the Application under condition that the Applicant make three parking spaces available in the car park at the rear of the Richmond Arms which it runs and has a lease over. The Applicant has indicated that he is willing to delineate with painted markings three separate car parking spaces at the rear of the pub as 'private' and for the use only of the occupants of the Property. The Applicant would also propose to grant additional rights to the occupants of the Property by way of amendments to their leases which would give them a legal right to use those spaces. It is submitted that this would cure the parking issue which is mentioned by RDM. However, for the reasons mentioned above, it is submitted that this is should not be necessary.
23. In the event that the LRB was also concerned about the lack of two long stay cycle parking spaces, it could readily be made a condition of this Application that the Applicant creates two cycle parking spaces in the area at the rear of the Property.
24. For all of the reasons mentioned above, it is submitted that the LRB should reverse the Decision and grant the Application. If the LRB remains concerned about the parking and cycling issues, then it is submitted that the LRB should satisfy those concerns by way of conditions on the grant of the Application.

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Agenda Item 15

Signed (authorised Officer(s)):

8 TURNBERRY GARDENS, ABERDEEN

REPLACE EXISTING FLAT ROOF ON
FRONT PORCH WITH PITCHED ROOF
THAT WOULD EXTEND THE FULL WIDTH
OF THE DWELLING

For: Mrs Dawn McKay

Application Type : Detailed Planning
Permission

Application Ref. : P151183

Application Date : 17/07/2015

Advert :

Advertised on :

Officer : Linda Speers

Creation Date : 21 August 2015

Ward: Bridge of Don (M Jaffrey/J Reynolds/S
Stuart/W Young)

Community Council: No comments

RECOMMENDATION:

Refuse

DESCRIPTION

The application site is located in a small residential cul-de-sac off Braehead Way. The property is a modern semi-detached 2-storey dwelling located on the east side of Turnberry Gardens and is set back circa 6000mm from the neighbouring property to the south No. 9 & 10 Turnberry Gardens. The south side of the property has been extended with a 2-storey extension and to the front of the property is small flat roof front porch finished in red brick. The main property has a pitched roof finished with brown roof tiles, the walls are rendered with a black & white dry dash render and the windows and doors are white PVC. The property has a front and rear garden space. The front garden is open and finished with gravel and suitable for parking cars. There are only 2no. house types in this immediate area and the majority of house types on Braehead Way are a similar 2 storey semi-detached.

RELEVANT HISTORY

A8/1671: Planning Permission – House Extension.
Permitted Development 2008

090716: Planning Permission – House Extension.
Approve Unconditionally 2009

P141623: Planning Permission - Erection of pitched roof above existing front porch and formation of canopy to front elevation.
Refused 13/ 2/2015

PROPOSAL

Planning permission is sought to replace the existing flat roof on the front porch with a new lean-to tiled roof which would extend the full width of the front elevation 5200mm metres to form a canopy. The canopy would be supported with a solid wall 1325mm deep on the north elevation. The proposed pitched roof would be 30° and 1200mm high from the wall head level. The proposal includes replacing the existing fascia and soffits which would match the existing. The roof tiles and rendered wall would also match the existing.

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=151183>

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

CONSULTATIONS

Roads Development Management - No observation

Environmental Health - No observation

Flooding - No observation

Community Council – No comments received

REPRESENTATIONS

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

PLANNING POLICY

Aberdeen Local Development Plan 2012

- **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, color, 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.

- **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 over development;
2. Does not have an unacceptable impact on the character or amenity of the surrounding area; and
3. Complies with the Supplementary Guidance on House Extensions relating to Dormer Windows.

Proposed Aberdeen Local Development Plan

The following policies substantively reiterate such policies in the adopted local development plan as summarised above:

- **Policy D1- Quality Placemaking by Design**

All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials.

- **Policy H1 - Residential Areas**

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

1. Does not constitute over development;
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; and
4. Complies with Supplementary Guidance

Supplementary Guidance

- **Householder Development Guide**

There is no specific guidelines relating to replacement roofs and canopy's however all alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling.

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.

An identical proposal was submitted and refused earlier this year, the following evaluation and recommendation is unchanged.

The proposed pitched roof above the existing porch would sit well with the existing dwelling as it would be of an appropriate position, scale and design and the materials would match the main property.

The proposed extended canopy which would dominate the entire front elevation (5200mm wide) is deemed to detract from the design of the original building. The canopy proposal is futile and serves to unbalance the pair of semis. The area in general is characterised by similar 2-storey semi-detached properties, however adjacent to the applicants property on Turnberry Road are 2no. 1.5-storey properties. These houses types by virtue of there design have a noticeable overhang, this is not considered a precedent for other house types to mimic. The proposal would result in an objectionable alteration which is considered to have a detriment impact on the pair of semis and the character and amenity of the residential area. In the interest of preserving consistent architectural form and as the design and appearance would not make a positive contribution to the setting and would have unacceptable impact on the character or amenity of the surrounding area; the proposal also fails to comply with policy D1 and H1 of the Aberdeen Local Development Plan 2012.

A recommendation by the case officer to remove the canopy and provide a pitched roof over the existing porch was disregarded by the applicant.

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, Policies D1 and H1 in the Proposed ALDP substantively reiterate that of the adopted local development plan and the proposal is therefore acceptable in terms of both plans for the reasons already previously given.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The proposed pitched roof and extended canopy do not comply with Aberdeen Local Development Plan Policy D1 (Architecture and Placemaking) and H1 (Residential Areas) and with the related Household Development Guide as the design and appearance would not make a positive contribution to the setting and would have unacceptable impact on the character or amenity of the surrounding area.

By virtue of the above the application does not comply with policy D1 (Quality Placemaking by Design) and H1 (Residential Areas) in the Proposed Aberdeen Local Development Plan.

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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 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- Quality Placemaking by Design

All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials.

Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments.

Places that are distinctive and designed with a real understanding of context will sustain and enhance the social, economic, environmental and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities;

- **distinctive**
- **welcoming**
- **safe and pleasant**
- **easy to move around**
- **adaptable**
- **resource efficient**

How a development meets these qualities must be demonstrated in a design strategy whose scope and content will be appropriate with the scale and/or importance of the proposal.

To further ensure there is a consistent approach to placemaking throughout the city, the Aberdeen Masterplan Process will be applied to larger sites within the city.

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Policy H1 Residential Areas

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

- 1 does not constitute over development;
- 2 does not have an unacceptable impact on the character and 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; and
- 4 complies with Supplementary Guidance.

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

- 1 they are considered complementary to residential use; or
- 2 it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

Any proposed loss of Local Shops or Community facilities would need to comply with the relevant policies Policy CF1 Existing Community Sites and Facilities and Policy NC7 Local Shop Units.

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

Tel: 01224 523 470

Fax: 01224 523 180

Email: pi@aberdeencity.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000132090-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

Title: *	Mrs
Other Title:	
First Name: *	Dawn
Last Name: *	McKay
Company/Organisation:	
Telephone Number: *	01224 553847
Extension Number:	
Mobile Number:	07759 410170
Fax Number:	
Email Address: *	dawn.mckay@abdn.ac.uk

You must enter a Building Name or Number, or both:*

Building Name:	
Building Number:	8
Address 1 (Street): *	Turnberry Gardens
Address 2:	Bridge of Don
Town/City: *	Aberdeen
Country: *	UK
Postcode: *	AB22 8PB

Site Address Details

Planning Authority:

Aberdeen City Council

Full postal address of the site (including postcode where available):

Address 1:

8 TURNBERRY GARDENS

Address 5:

Address 2:

Town/City/Settlement:

ABERDEEN

Address 3:

Post Code:

AB22 8PB

Address 4:

Please identify/describe the location of the site or sites.

Northing

810844

Easting

393722

Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Replace existing flat roof and erect a front porch with pitched roof that would extend the full width of the dwelling.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

I believe the development of the porch will make a positive contribution to the setting. The materials used will be high quality and match the existing property colours and materials. The work will be carried out professionally to high standards. I don't believe the porch constitutes overdevelopment or will have an unacceptable impact on the character/amenity of the surrounding area, in fact, I believe the development will enhance not only the property, but the street.

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

Yes No

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. You can attach these documents electronically later in the process: * (Max 500 characters)

I have attached photographs of properties with porches within 2 mile radius of my property. None of these properties look overdeveloped or have an unacceptable impact on their surrounding areas. There have been no objections from neighbours to our planning application, in fact, the neighbours adjoining our property are highly supportive of the plans and would also consider matching our development in the future. I also intend to render my property and lock block the driveway.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

P151183

What date was the application submitted to the planning authority? *

17/07/15

What date was the decision issued by the planning authority? *

28/08/15

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.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

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

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? * Yes No

Have you provided the date and reference number of the application which is the subject of this review? * Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? * Yes No

Note: 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. 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.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review * Yes No

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 (if any) from the earlier consent.

Declare - Notice of Review

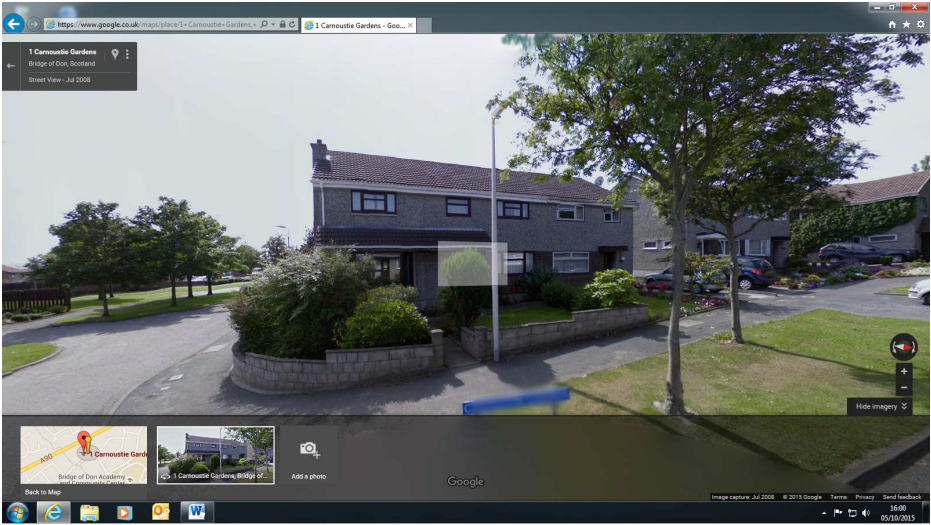
I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Dawn McKay

Declaration Date: 06/10/2015

Submission Date: 06/10/2015





Turnberry Gardens, Bridge of Don, Aberdeen,

No 1 & 2



No 3 & 4



No 5 & 6



No 7 & 8



No 9 & 10



No 8 – again



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