

Public Document Pack



To: Councillor Milne, Convener; and Councillors Cormie and Stuart

Town House,
ABERDEEN 20 June 2016

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 **TUESDAY, 28 JUNE 2016 at 10.00 am.**

FRASER BELL
HEAD OF LEGAL AND DEMOCRATIC SERVICES

BUSINESS

- 1 Procedure Notice (Pages 7 - 8)

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

PLANNING ADVISER - GARETH ALLISON

- 2.1 Moss-Side Croft, Charleston - Change Of Use From Residential (Class 9) to Industrial (Class 5); Erection of Workshop; 1.8m High Palisade Fence; Widening Of Existing Access; and Conversion of Existing Garage to Form Office - P160131

- 2.2 Delegated Report, Plans and Decision Notice (Pages 9 - 18)

Members, please note that the relevant plans can be viewed online:-

<http://planning.aberdeencity.gov.uk/docs/planningdocuments.asp?appnumber=160131>

2.3 Planning policies referred to in documents submitted

Members, the following planning policies are referred to:-

National Policy and Guidance

Scottish Planning Policy

Aberdeen Local Development Plan

Policy D1 – Architecture and Placemaking

Policy D3 – Sustainable and Active Travel

Policy D6 - Landscape

Policy NE2 – Green Belt

Policy T2 – Managing the Transport Impact of Development

Proposed Aberdeen Local Development Plan

Policy D1 – Quality Placemaking by Design

Policy D2 - Landscape

Policy NE2 – Green Belt

Policy T2 – Managing the Transport Impact of Development

Policy T3 – Sustainable and Active Travel

The policies can be viewed at the following link:-

http://www.aberdeencity.gov.uk/planning_environment/planning/local_development_plan/pla_local_development_plan.asp

2.4 Notice of Review with supporting information submitted by applicant / agent (Pages 19 - 48)

2.5 Determination - Reasons for decision

Members, please note that reasons should be based against Development Plan policies and any other material considerations.

2.6 Consideration of conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer

PLANNING ADVISER - GARETH ALLISON

3.1 47 Cranford Road, Mannofield - Garage - P151897

3.2 Delegated Report, Plans, Decision Notice and Letter of Representation (Pages 49 - 60)

Members, please note that the relevant plans can be viewed online:-

<http://planning.aberdeencity.gov.uk/docs/planningdocuments.asp?appnumber=151897>

3.3 Further Comments from Initial representation and Response from the Agent (Pages 61 - 76)

3.4 Planning policies referred to in the documents submitted

Members, the following planning policies are referred to:-

Aberdeen Local Development Plan 2012

Policy H1 – Residential Areas:

Policy D1 – Architecture and Placemaking

Supplementary Guidance – Householder Development Guide

The Council's guidance on alterations to domestic properties is a relevant material consideration.

Proposed Aberdeen Local Development Plan

The following policies substantively reiterate policies in the adopted Local Development Plan as summarised above:

D1 – Architecture and Placemaking (D1 – Quality Placemaking by Design)

H1 - Residential Areas (H1 –Residential Areas in adopted LDP)

The policies can be viewed at the following link:-

http://www.aberdeencity.gov.uk/planning_environment/planning/local_development_plan/pla_local_development_plan.asp

3.5 Notice of Review with supporting information submitted by applicant / agent (Pages 77 - 92)

3.6 Determination - reasons for decision

Members, please note that reasons should be based against Development Plan policies and any other material considerations.

3.7 Consideration of conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer

PLANNING ADVISER - ANDREW MILLER

4.1 Mossbrodiepark, Peterculter - Erection of New Dwellinghouse - P160180

4.2 Delegated Report, Plans, Decision Notice and Letter of Representation (Pages 93 - 108)

Members, please note that the relevant plans can be viewed online:-

<http://planning.aberdeencity.gov.uk/docs/planningdocuments.asp?appnumber=160180>

4.3 Planning policies referred to in the documents submitted

Members, the following planning policies are referred to:-

Aberdeen Local Development Plan

NE1 – Green Space Strategy

NE2 – Green Belt

NE6 – Flooding and Drainage

D1 – Architecture and Placemaking

D6 – Landscape

T2 – Managing the Transport Impact of Development

Supplementary Guidance - Conversion of Steadings and other Non-residential Vernacular Buildings.

Proposed Aberdeen Local Development Plan

NE1 – Green Space Strategy

NE2 – Green Belt

NE 6 – Flooding, Drainage and Water Quality

D1 – Quality Placemaking by Design

D2 – Landscape

T2 – Managing the Transport Impact of Development

The policies can be viewed at the following link:-

http://www.aberdeencity.gov.uk/planning_environment/planning/local_development_plan/pla_local_development_plan.asp

4.4 Notice of Review with supporting information submitted by applicant / agent (Pages 109 - 150)

4.5 Determination - reasons for decision

Members, please note that reasons should be based against Development Plan policies and any other material considerations.

4.6 Consideration of conditions to be attached to the application - if Members are minded to over-turn the decision of the case officer

PLANNING ADVISER - MATTHEW EASTON

5.1 14 Caledonian Court, Ferryhill Terrace - Replacement Windows and Door - P151844

5.2 Delegated Report, Decision Notice and Plans (Pages 151 - 160)

Members, please note that the relevant plans can be viewed online:-

<http://planning.aberdeencity.gov.uk/docs/planningdocuments.asp?appnumber=151844>

5.3 Notice of Review with supporting information submitted by applicant / agent
(Pages 161 - 166)

5.4 Planning policies referred to in the documents submitted
Members, the following planning policies are referred to:-

National Policy and Guidance

Scottish Planning Policy

Aberdeen Local Development Plan 2012

Policy D5 – Built Heritage

Policy H1 - Residential Areas

Other Material Considerations

Scottish Historic Environment Policy (SHEP)

TAN: The Repair and Replacement of Windows and Doors

'Windows' guidance note from Historic Scotland's 'Managing Change in the Historic Environment' series

Marine Terrace Conservation Area Appraisal

Proposed Aberdeen Local Development Plan

The policies can be viewed at the following link:-

http://www.aberdeencity.gov.uk/planning_environment/planning/local_development_plan/pla_local_development_plan.asp

5.5 Determination - reasons for decision

Members, please note that reasons should be based against Development Plan policies and any other material considerations.

5.6 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 Allison Swanson on aswanson@aberdeencity.gov.uk / tel 01224 522822

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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 2.2

Signed (authorised Officer(s)):

MOSS-SIDE CROFT, CHARLESTON

CHANGE OF USE FROM RESIDENTIAL (CLASS 9) TO INDUSTRIAL (CLASS 5); ERECTION OF: WORKSHOP; 1.8M HIGH PALISADE FENCE; WIDENING OF EXISTING ACCESS; AND CONVERSION OF EXISTING GARAGE TO FORM OFFICE.

For: EIS Waste Services

Application Type : Detailed Planning Permission

Application Ref. : P160131

Application Date : 17/02/2016

Advert : Dev. Plan Departure

Advertised on : 02/03/2016

Officer : Hannah Readman

Creation Date : 31 March 2016

Ward: Kincorth/Nigg/Cove (N Cooney / A Finlayson/S Flynn)

Community Council:

RECOMMENDATION:

Refuse

DESCRIPTION

A semi-vacant residential site located on the west side of Wellington Road, some 23m north of the Aberdeen City/Aberdeenshire boundary. A three bay detached garage occupies the North West corner of the site whilst the remaining area comprises hard standing and overgrown garden ground which has approximately 15 containers stored on it. The site is designated as Green Belt land within the Local Development Plan. To the north is an industrial building with yard beyond which lies 'Opportunity Site 78' which is zoned for the development of 20.5ha of employment land yet remains undeveloped at present. East of the site and across the road is 'Opportunity Site 69' which is partially developed for business and industrial use and has land reserved for the delivery of a football pitch and associated facilities. The Green Belt extends from the site to the south and west.

RELEVANT HISTORY

P081996 – Detailed Planning Permission was approved unconditionally in November 2008 for a single storey house extension, the erection of a garage and the formation of a driveway.

P090588 – Detailed planning permission was approved unconditionally in June 2009 for a house extension.

In relation to the land which is under the applicant's ownership adjacent to the site, the following history is of relevance:

P922077 – Detailed planning permission was refused by Planning Committee in January 1995 for a change of use from tipping area to waste transfer station.

P050276 – A Certificate of Lawfulness (existing) was issued by the Planning Committee in July 2005 for use of land as an operating centre for vehicles and trailers including the siting of a demountable office building and a yard for the storage and maintenance of skips and containers.

P060441 – Detailed planning permission was approved conditionally by the Planning Committee in March 2006 for the erection of a building for the garaging and maintenance of the company's vehicles.

P091795 – Detailed planning permission was approved conditionally by the Planning Committee in February 2010 for the sub-division of an industrial building to create a metal recycling business.

PROPOSAL

For a change of use from class 9 (residential) to class 5 (general industrial), the erection of a workshop measuring approximately 31m in length, 19m in width, 6m to eaves height and 7m to ridge height, erection of a 1.8m high palisade fence to the perimeter of the site, widening of existing access, installation of security gates and the conversion of the existing garage to form an office.

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.=160131>

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

- Design Statement – February 2016

CONSULTATIONS

Roads Development Management – The footpath would need to be extended up to the site should the proposal be supported, shortfall of 2 parking spaces, Travel Plan and Drainage Impact Assessment should be submitted;

Environmental Health – No observations;

Flooding – Requested Drainage Impact Assessment;

Community Council – No response received.

REPRESENTATIONS

None

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy

Aberdeen Local Development Plan

Policy D1 – Architecture and Placemaking

Policy D3 – Sustainable and Active Travel

Policy D6 - Landscape

Policy NE2 – Green Belt

Policy T2 – Managing the Transport Impact of Development

Proposed Aberdeen Local Development Plan

Policy D1 – Quality Placemaking by Design

Policy D2 - Landscape

Policy NE2 – Green Belt

Policy T2 – Managing the Transport Impact of Development

Policy T3 – Sustainable and Active Travel

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 application site was occupied by a residential dwelling until it was destroyed by fire and subsequently demolished in 2011. Since this time, the site has lain vacant although it is evidential from a site visit that it is being used for the informal storage of containers (without planning consent) associated with the business operating to the north. The site is designated as part of the green belt and therefore any proposal must comply with policy NE2 of the Local Development Plan. This policy states that *“no development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or landscape renewal”*. The current proposal does not comply with any of these “essential” activities and therefore it is assessed to see if any of the exceptions apply. The proposal is not justified as being essential infrastructure, a historic building or an extension of an existing building and therefore exceptions 2, 3 and 4 are not relevant. Exception 1 states that *“proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:*

- a) *The development is within the boundary of the existing activity;*
- b) *The development is small scale;*

- c) *The intensity of activity is not significantly increased;*
- d) *Any proposed built construction is ancillary to what exists.”*

If it can be demonstrated that the proposed development complies with this exception, then the principal may be acceptable.

The last authorised use of the site is class 9 (residential). Whilst a replacement dwelling and continued residential use may be acceptable and in compliance with policy NE2, this application seeks a change of use to class 5 (general industrial) use and is therefore introducing a new use to this part of the green belt. As the proposal is therefore not in association with an existing activity within the red line boundary, it does not comply with point a) of exception 1. It is therefore not possible for all criteria to be met, contrary to policy NE2. However, consideration is given to the land contained within the blue line boundary to the north of the site to establish if the current proposal would warrant development in association with this existing industrial activity. Although the application is not presented in this way given that the two sites would have no linked access, it is worth noting that the proposed building is of a larger width and length than the adjacent building and could therefore not be considered ancillary or small scale. The level of activity associated with this use would likely double that of the neighbouring site thereby increasing the intensity of activity associated within the wider blue line boundary area. This alternative scenario is therefore also contrary to policy NE2.

The site, having previously been developed, could be considered a brownfield site. The redevelopment of the site or the restoration of it must still comply with policy NE2: Green Belt and be of an appropriate nature and scaled proposal. The current proposal as discussed above is not considered to be of an appropriate scale or nature for the green belt. Scottish Planning Policy states that “planning should direct the right development to the right place”. Given the sites location within immediate proximity of two opportunity sites which are designated for development of this nature, it would be inappropriate to allow the incremental erosion of the green belt under the pretence of it being left to become an eye sore. Whilst it would be beneficial for the site to be reused, it being left to degrade is not a sound planning reason to support unsuitable development on the site.

The proposed use would operate 7 days a week and employ approximately 12 people with the potential for expansion in the future. The submitted supporting information also indicates that the site would be visited by several articulated lorries each week. A wider entrance is proposed in order to accommodate this increase in vehicular movement. The removal of trees required to achieve this could be mitigated with additional trees being planted on the site as the trees being lost are not of any arboricultural significance. In order for the proposal to be supported by Roads Development Management Officers, an extension to the existing footpath network would be required in order to link the site with the public transport network and a travel plan drafted in order to comply with policies D3 and T2. However, given that the principle of the development is not established to be acceptable, further details have not been requested. Equally, the full

Drainage Impact Assessment requested by flooding Officers is not required at this stage.

Solely in terms of the works necessary for the conversion of the garage to form an office, the appearance of the structure would not greatly change and would have a neutral impact on the character of the area, in compliance with policy D1. However, as discussed above, the principle of forming a business use of the site does not comply with green belt policy. The palisade fencing and gates would create a harsh boundary contrary to policy D6, particularly on the west and southern boundaries that border further green belt land; exploring alternative boundary treatments would be encouraged if a suitable development was sought for the site in order to comply with policy D6.

In conclusion, the proposed industrial use and scale of the associated development do not justify a departure from the relevant Local Development Plan Policies and is therefore not supported.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. 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 representation and are regarded as unresolved issues to be determined at the Examination; and
- the relevance of these matters to the application under consideration.

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. The foregoing can only be assessed on a case by case basis. In this instance, no additional considerations are raised.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The proposed change of use would introduce a new use to a green belt site which is not deemed ancillary, small scale or within the boundary of an existing activity. The associated built development is not in keeping with the character of the green belt, being too large for its context and of no architectural merit. Overall, the proposal is contrary to Scottish Planning Policy, Aberdeen Local

Development Plan Policies D1 – Architecture and Placemaking, D6 - Landscape, NE2 – Green Belt, and Proposed Local Development Plan Policies D1 – Quality Placemaking by Design, D2 – Landscape and NE2 – Green Belt.



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

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Refusal of Planning Permission

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

on behalf of **EIS Waste Services**

With reference to your application validly received on 17 February 2016 for Planning Permission under the above mentioned Act for the following development, viz:-

**CHANGE OF USE FROM RESIDENTIAL (CLASS 9) TO INDUSTRIAL (CLASS 5);
ERECTION OF: WORKSHOP; 1.8M HIGH PALISADE FENCE; WIDENING OF
EXISTING ACCESS; AND CONVERSION OF EXISTING GARAGE TO FORM
OFFICE.**

at **Moss-side Croft, Charleston**

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

Document No: 172106;

Detail: Site; Drawing No: 5168/01B;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160131&index=172106>

Document No: 172107;

Detail: Elevations, GF and Section; Drawing No: 5168/03B;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160131&index=172107>

Document No: 172108;

Detail: Elevations, Floors & Section; Drawing No: 5168/02B;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160131&index=172108>

PETE LEONARD
DIRECTOR

Document No: 172109;
Detail: Drainage; Drawing No: 111701/2001;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160131&index=172109>

Document No: 173000;
Detail: Site-Location; Drawing No: 5168/LOC;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160131&index=173000>

Document No: 173001;
Detail: Existing Site Plan; Drawing No: 5168/05;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160131&index=173001>

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

The proposed change of use would introduce a new use to a green belt site which is not deemed ancillary, small scale or within the boundary of an existing activity. The associated built development is not in keeping with the character of the green belt, being too large for its context and of no architectural merit. Overall, the proposal is contrary to Scottish Planning Policy, Aberdeen Local Development Plan Policies D1 - Architecture and Placemaking, D6 - Landscape, NE2 - Green Belt, and Proposed Local Development Plan Policies D1 – Quality Placemaking by Design, D2 - Landscape and NE2 - Green Belt.

Date of Signing 31 March 2016

Daniel Lewis
Development Management Manager

Enc.

PETE LEONARD
DIRECTOR

NB. EXTREMELY IMPORTANT INFORMATION RELATED TO THIS REFUSAL OF PLANNING APPROVAL

The applicant has the right to have the decision to refuse the application reviewed by the planning authority and further details are given in Form attached below.

Regulation 28(4)(a)

Form 1

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions

1. If the applicant is aggrieved by the decision of the planning authority to –
 - a. refuse planning permission for the proposed development;
 - b. to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c. to grant planning permission or approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at <http://eplanning.scotland.gov.uk/>.

Notices of review submitted by post should be sent to –

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

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in it's existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

PETE LEONARD
 DIRECTOR

PETE LEONARD
DIRECTOR

NOTICE OF REVIEW

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

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

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

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

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name MR MARK STAMP

Address EIS WASTE SERVICES
GALLOWHILL
NICC
ABERDEEN
AB12 4LP

Postcode AB12 4LP

Contact Telephone 1 [REDACTED]

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name WILLIAM LIPPE ARCHITECTS

Address 4 ST JAMES PLACE
INVERURIE
ABERDEENSHIRE

Postcode AB51 3JG

Contact Telephone 1 01467 622785

Contact Telephone 2

Fax No 01467 624185

E-mail* admin@lippe-architects.co.uk

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

Yes No

* Do you agree to correspondence regarding your review being sent by e-mail? Yes No

Planning authority ABERDEEN CITY COUNCIL

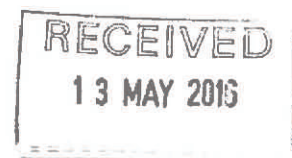
Planning authority's application reference number P160131

Site address MOSS-SIDE CROFT, CHARLESTON, ABERDEEN

Description of proposed development CHANGE OF USE FROM RESIDENTIAL (CLASS 9) TO INDUSTRIAL (CLASS 5); ERECTION OF WORKSHOP; 1.5M HIGH PALISADE FENCE; WIDENING OF EXISTING ACCESS AND CONVERSION OF EXISTING GARAGE TO FORM OFFICE

Date of application 08.02.2016 Date of decision (if any) 21.03.2016

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:

Site inspection

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

- 1. Can the site be viewed entirely from public land?

Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>
- 2. Is it possible for the site to be accessed safely, and without barriers to entry?

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

The site is secure at present but can be opened up if there is to a site visit. It is easily accessed from the public road.

Statement

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

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

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

PLEASE SEE SEPARATE APPEAL STATEMENT
ATTACHED AS DOCUMENT 1

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

Yes

No

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

List of documents and evidence

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

DOCUMENT 1	- PLANNING REVIEW STATEMENT
DOCUMENT 2	- DESIGN STATEMENT
DOCUMENT 3	- OFFICER'S DELEGATED REPORT
DOCUMENT 4	- REFUSAL NOTICE DATED 31.03.2016
DOCUMENT 5	- REFUSED DRAWINGS - 5168/01B - 5168/02B - 5168/03B
DOCUMENT 6	- EXISTING GOODS VEHICLES OPERATORS LICENSE FOR ADJACENT SITE

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

Wolay Tiem

Date

12 May 2016



Planning Statement for Notice of Review for:

**Full Planning Permission for Change of Use From Residential (Class 9) to Industrial (Class 5);
Erection of Workshop; 1.8m High Palisade Fence;
Widening of Existing Access and Conversion of Existing Garage to Form Office at Moss-side Croft, Charleston – Planning Application Reference P160131**

For EIS Waste Services

May 2016

Contents:

1-Background, Proposal and Grounds of Appeal

2-Planning Policy and Advice

3-Discussion, Justification and Conclusion



1. Background, Proposal and Grounds of Appeal

This appeal relates to Aberdeen City Council's refusal of full planning permission reference P160131 for change of use from residential (Class 9) to industrial (Class 5); erection of workshop; 1.8m high palisade fence, widening of existing access and conversion of garage to form office at Moss-side Croft, Charleston.

The reason for refusal states:

"The proposed change of use would introduce a new use to a green belt site which is not deemed ancillary, small scale or within the boundary of an existing activity. The associated built development is not in keeping with the character of the green belt, being too large for its context and of no architectural merit. Overall, the proposal is contrary to Scottish Planning Policy, Aberdeen Local Development Plan Policies D1 – Architecture and Placemaking; D6 – Landscape, NE2 – Green Belt and Proposed Local Development Plan Policies D1 – Quality Placemaking by Design, D2 - Landscape and NE2 – Green Belt".

The grounds of appeal are that notwithstanding the location of the appeal site within the green belt, the proposal:

- Is ancillary to the neighbouring development in the ownership of the appellant in compliance with Policy NE2 of the Adopted LDP and Policy NE2 of the Proposed LDP;
- Is small scale and is not large in compliance with Policies NE2 and D6 of the Adopted LDP and Policies NE2 and D2 of the Proposed LDP;
- Has an acceptable design is acceptable in this location in compliance with Policies NE2 and D1 of the Adopted LDP and Policies NE2 and D1 of the Proposed LDP;
- Would not intensify the use of the site to an unacceptable degree in compliance with Policy NE2 of the Adopted LDP and Policy NE2 of the Proposed LDP;
- Reflects and is in keeping with the surrounding development in compliance with Policies D1 and D6 of the Adopted LDP and Policies D1 and D2 of the Proposed LDP;
- Would rectify the anomalous Greenbelt boundary in the location as the boundary of the allocated and developed employment land to the east stretches further south than the appeal site;
- Is a previously developed brownfield site which will be regenerated in compliance with Scottish Planning Policy 2014 and Aberdeen City and Shire Strategic Development Plan 2014;
- Would upgrade the environment of the appeal site and its surroundings, be of a high quality and be properly landscaped to tie in with this 'gateway' location;
- Is more acceptable than continued the use of the site for a dwellinghouse which is not acceptable given the impact the growing surrounding non-residential uses are already having on the appeal site;
- Does not take adequate cognisance of the economic benefit in compliance with Scottish Planning Policy 2014 and the Aberdeen City and Shire Strategic Development Plan 2014;
- Would be in line with creating the 'gateway' image the City Council aspires to in this location and in line with the Regional Economic Strategy;
- Is not the subject of any technical objections from consultees;
- Is not the subject of any objections from Members of the public or the Community Council;
- Complies with Policies D3 (Sustainable and Active Travel) and T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan and T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) of the Proposed Aberdeen Local Development Plan;
- Does not display an explicit reason for refusal as to why the proposal does not comply with Scottish Planning Policy – on the contrary, the proposal supports business and employment;
- Does not say that the proposal is contrary to the Strategic Development Plan in the reason for refusal and more cognisance should be taken that the proposal does comply with the SDP.

The application site lies just within the boundary of Aberdeen City with the Aberdeenshire administrative boundary lying around 200 metres to the south. It lies to the west side of Wellington Road.



View of appeal site towards the north on the west side of Wellington Road

For many years, the existing site has had a dwellinghouse on it and planning permission was granted in 2008 and 2009 to extend this including the triple garage which still exists and which would be converted to form an office. A fire destroyed the extended dwellinghouse on the site and it has been demolished. The site measures approximately half a hectare. The updated drawing has been submitted as a document in support of this appeal. The existing house and garage is owned by the owner of EIS Waste Services.



Existing triple garage to be converted to an office

The appellant is EIS Waste Services who have operated successfully in this area since 1983. The majority of the EIS Waste operation lies within the Aberdeenshire Council administrative area within the Green Belt. EIS Waste has been able to develop and grow the business in the years it has operated in Aberdeenshire despite being allocated in the Greenbelt and it is difficult to understand the resistance to their development within the Aberdeen City Council boundary. The business now employs 105 staff.

The appellant owns and operates the land to the immediate north of the site as an operating centre for vehicles and trailers including the siting of a demountable office building and a yard for the storage and maintenance of skips and containers. The site contains a building which is used for the garaging and maintenance of the company's vehicles and it also has permission for part of the building to be used for metal recycling which is no longer operating. It is proposed to remove the existing wall from between the two sites. The appellant also holds a Goods Vehicle Operator's Licence for the adjacent site which permits 12 vehicles and 1 trailer to operate from the site.



Site outlined in red adjacent to site and buildings in the ownership of the appellant



Existing EIS Waste site to the immediate north of the appeal site



View of rear of existing EIS Waste building to the immediate north of the appeal site – existing wall between the two sites will be removed as part of the proposals.

The adopted Aberdeen Local Development Plan 2012 allocates a number of opportunity sites in very close proximity to the appeal site. Site OP78, Charleston, to the immediate north of the appeal site and the adjacent site in the ownership of the appellant is an opportunity for development of 20.5Ha of employment land. The site is proposed as site OP60 in the Proposed Aberdeen Local Development Plan and it remains as an opportunity for 20.5Ha of employment land.



View of the allocated employment opportunity land to the north at Charleston

Site OP69 lies to the east of Wellington Road and is called the Aberdeen Gateway/Moss-side/Mains of Cairnrobin site and is an opportunity for 20.2Ha of employment land. Planning permission has been granted for a high quality Class 4 business Use subject to a Section 75 legal agreement. A 2Ha extension to the developable area at the north end of the site has been made. The north part of the site has been reserved for open space, a full sized football pitch, a half sized football pitch and associated changing facilities. The site is proposed as site OP53 in the Proposed Aberdeen Local Development Plan and remains an opportunity for high quality Class 4, open space, football pitches and changing facilities.

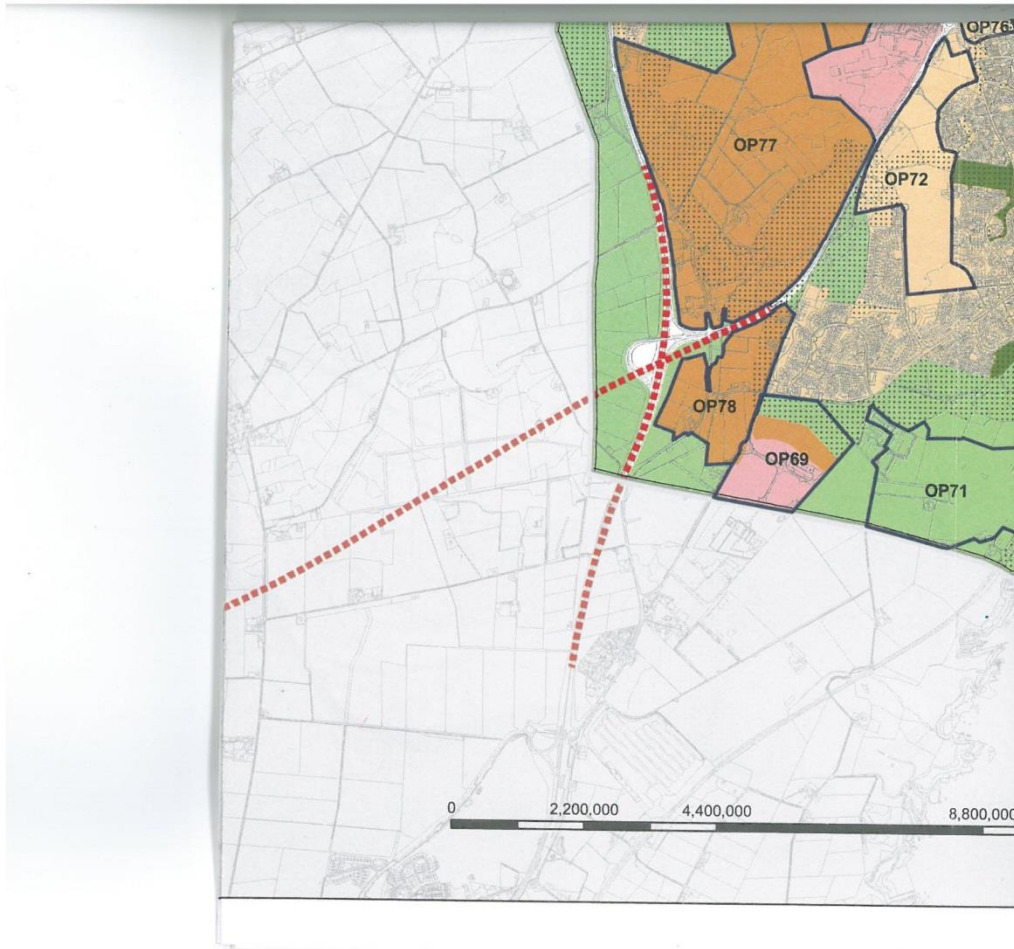


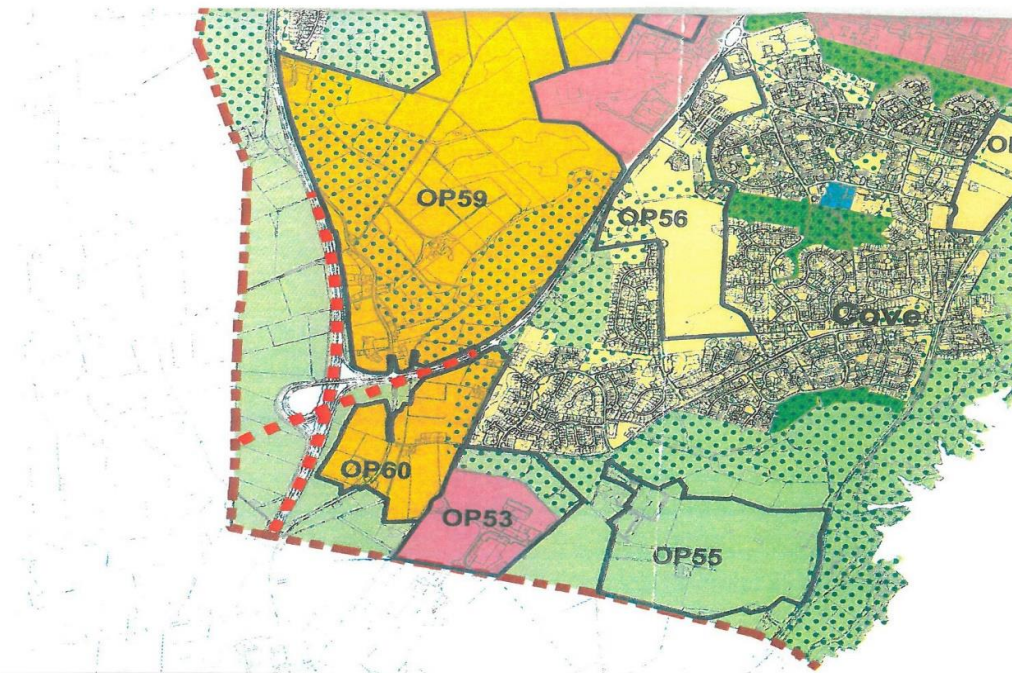
Existing employment development directly opposite the appeal site on the allocated employment land to the east side of Wellington Road which operates 24 hours per day



View from the appeal site to the east shows floodlights on the building opposite which are disruptive to the current residential use of the appeal site

It should be noted that the edge of the employment allocation to the east lies approximately 25metres to the south of the appeal site boundary and the appeal site is therefore anomalous with the allocated employment land to the east. The entire length of the sites in the ownership of EIS Waste which still remain bizarrely covered by the Greenbelt measure approximately 200metres in length. These are surrounded to the north and east by allocated and developed employment land.





Site OP71 lies further to the east again at Blackhills Quarry at Cove measuring 32.76Ha. Planning permission was granted in 1996 to continue hard rock extraction and processing, external work area and continue manufacture of asphalt and bituminous macadam. It also includes an area containing future mineral reserves. This site is proposed as site OP55 in the Proposed Aberdeen Local Development Plan and notes that planning permission was granted in 2013 to continue hard rock extraction and processing.

Site OP77 at Loirston is also of note. Although it lies further to the north of the Charleston employment allocation to the north of the appeal site, it is allocated for 119.2Ha for 1500 homes and 11Ha of employment land with potential to accommodate a football or community stadium. This site is proposed as OP59 in the Proposed Aberdeen Local

Development Plan for the same developments and a Development Framework for Loirston has also been approved as Supplementary Guidance.

It should also be noted that the appeal site lies in close proximity to the existing EIS Waste Services headquarters and recycling centre at Nigg/Checkbar. The site is well landscaped but maintains a visible presence in this area. A number of permissions to expand the business and its operations in this location have been granted over the years most recently for a stone cleaning plant and wash pods. The appellant operates within extremely strict planning and environmental controls and legislation and is not aware of any objections or complaints at any of the sites in his ownership and takes pride in operating a professional waste business. The site already benefits from significant landscaping that the appellant has planted over the years and this would be augmented with additional planting. There is also already an existing access into the appeal site and this would be widened to accommodate the proposal.



Existing boundary planting at appeal site



Existing access into appeal site



View of the appeal site on the west side of Wellington Road with the existing employment development to the east side.



2. Planning Policy and Advice

National Plans and Policies

The economic significance of the Aberdeen and Aberdeenshire area is recognised in **National Planning Framework 3 2014**. It notes the ambition “to maintain Aberdeen’s position as one of the world’s energy capitals and to maximise its growth potential and diversification into other sectors”.

Scottish Planning Policy 2014 notes that “NPF3 supports the many and varied opportunities for planning to support business and employment”.

SPP 2014 states that “in order to support economically, environmentally and socially sustainable places, decisions should be guided by a number of principles, including giving due weight to net economic benefit and making efficient use of existing capacities of land, buildings and infrastructure”.

Regional Plans and Policies

The Regional Economic Strategy covering Aberdeen was approved in 2015. This seeks to secure the future of the north east economy and is a 20 year vision for the well-being of the place and our people. It aims to capitalise on the foundations of our economy and focuses on developing activity in the sectors, diversifying within them and into new markets. Its vision seeks to maximise the opportunities from the renaissance scenario and outlines our plans to sustain, diversify and grow our regional economic base and achieve equitable distribution of economic success. The vision also seeks to capitalise on our natural heritage and quality of life, and broaden our economic base by growing and developing our food and drink, agriculture and fishing, tourism, life sciences, business, financial and professional services, creative industries and new energy technologies.

The strategic vision for the **Aberdeen City and Shire Strategic Development Plan 2014** which is for it to be “an even more attractive, prosperous and sustainable European City Region and an excellent place to live, visit and do business”. To help achieve this vision, one of the main aims of the SDP is to “provide a strong framework for investment decisions which help grow and diversify the regional economy, supported by promoting the need to use resources more efficiently and effectively”.

To support the main aim, the SDP also aims to “make sure the area has enough people, homes and jobs to support the level of services and facilities needed to maintain and improve the quality of life”.

The economic objective in the SDP is “To provide opportunities which encourage economic development and create new employment in a range of areas that are both appropriate for and attractive to the needs of different industries, while at the same time improving the essential strategic infrastructure necessary to allow the economy to grow over the long term”.

The only policy within the SDP states that “In assessing development proposals, we will balance the importance given to each aim in coming to a decision, taking into account the spatial strategy, objectives, objectives and targets of the Plan”.

The SDP aims to make sure that new development meets the needs of the whole community, both now and in the future, and makes the area a more attractive place for residents and businesses to move to. To achieve the vision the highest standards for urban and rural design must be set, a mix of land uses should be promoted, land should be used more efficiently and previously developed land must be reused. Land brought forward for development must be used efficiently and brownfield and regeneration areas should be given priority.

Local Plans and Policies

Aberdeen Local Development Plan 2012

Policy T2 – Managing the Transport Impact of Development states that new developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Guidance. Planning conditions and/or legal agreements may be imposed to bind the targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review. Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

Policy D1 - Architecture and Placemaking states that 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 D3 - Sustainable and Active Travel states that new development will be designed in order to minimise travel by private car, improve access to services and promote healthy lifestyles by encouraging active travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are both protected and improved. Access to, and movement within and between, new and existing developments will prioritise transport modes in the following order - walking, cycling, public transport, car and other motorised vehicles. Street layouts will reflect the principles of Designing Streets and will meet the minimum distances to services as set out in Supplementary Guidance on Transport and Accessibility, helping to achieve maximum levels of accessibility for communities to employment, essential services and areas of recreation. 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 through the provision of suitable alternative routes.

Policy D6 – Landscape states that development will not be acceptable unless it avoids:

1. significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct 'sense of place' which point to being either in or around Aberdeen or a particular part of it;
2. obstructing important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways and particularly from the main city approaches;
3. disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them;
4. sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside activities. Development should avoid significant adverse impacts upon existing landscape elements, including linear and boundary features or other components, which contribute to local amenity, and provide opportunities for conserving, restoring or enhancing them.

Further guidance is available in our Supplementary Guidance: Landscape Strategy Part 2 – Landscape Guidelines.

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

The following exceptions apply to this policy:

1. Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:
 - a) the development is within the boundary of the existing activity.
 - b) the development is small-scale.
 - c) the intensity of activity is not significantly increased.
 - d) any proposed built construction is ancillary to what exists.

2. Essential infrastructure, such as electronic communications infrastructure and electricity grid connections, transport proposals identified in the Local Development Plan, such as the Aberdeen Western Peripheral Route, as well as roads planned through the masterplanning of new housing and employment allocations, which cannot be accommodated other than in the green belt.

3. Buildings in the green belt which have a historic or architectural interest or traditional character that contributes to the landscape setting of the city will be permitted to undergo a change of use to private residential use or to a use which makes a worthwhile contribution to the amenity of the green belt, providing it has been demonstrated that the building is no longer suitable for the purpose for which it was originally designed. (See Supplementary Guidance on The Conversion of Steadings and other Non-residential Vernacular Buildings in the Countryside).

4. Proposals for extensions of existing buildings as part of a conversion or rehabilitation scheme will be permitted in the green belt provided:

- a) the original building remains visually dominant;
- b) the design of the extension is sympathetic to the original building in terms of massing, detailing and materials; and
- c) the siting of the extension relates well to the setting of the original building.

Proposed Aberdeen Local Development Plan 2015

Policy D1- Quality Placemaking by Design states that 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. Further guidance can be found within the supplementary guidance detailed below and Technical Advice notes listed in Appendix 5 Masterplans and Appendix 6 Supplementary Guidance.

Policy T2 - Managing the Transport Impact of Development states that commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel. Transport Assessments and Travel Plans will be required for

developments which exceed the thresholds set out in Supplementary Guidance Transport and Accessibility. The development of new communities should be accompanied by an increase in local services and employment opportunities that reduce the need to travel and include integrated walking, cycling and public transport infrastructure to ensure that, where travel is necessary, sustainable modes are prioritised. Where sufficient sustainable transport links to and from new developments are not in place, developers will be required to provide such facilities or a suitable contribution towards implementation. Further information is contained in the relevant Supplementary Guidance detailed below which should be read in conjunction with this policy.

Policy T3 - Sustainable and Active Travel states that 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 NE2 - Green Belt states that no development will be permitted in the Green Belt for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/quarry restoration; or landscape renewal. The following exceptions apply to this policy:

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

- a) The development is within the boundary of the existing activity;
- b) The development is small-scale;
- c) The intensity of activity is not significantly increased; and
- d) Any proposed built construction is ancillary to what exists.

2 Essential infrastructure (such as electronic communications infrastructure, electricity grid connections, transport proposals identified in the LDP or roads planned through the masterplanning of opportunity sites) will only be permitted if it cannot be accommodated anywhere other than the Green Belt.

3 Buildings in the Green Belt which have a historic or architectural interest, or a valuable traditional character, will be permitted to undergo an appropriate change of use which makes a worthwhile contribution to the visual character of the Green Belt. Please see relevant Supplementary Guidance on Conversion of Buildings in the Countryside for detailed requirements.

4 Proposals for extensions of existing buildings, as part of a conversion or rehabilitation scheme, will be permitted in the Green Belt provided:

- a) The original building remains visually dominant;

- b) The design of the extension is sympathetic to the original building in terms of massing, detailing and materials, and
- c) The siting of the extension relates well to the setting of the original building.

5 Replacement on a one-for-one basis of existing permanent houses currently in occupation will normally be permitted provided:

- It can be demonstrated to the Council that they have been in continuous occupation for at least 5 of the seven years immediately prior to the date of the application;
- The replacement house, except in exceptional circumstances (e.g. to improve a dangerous access), occupies the same site as the building it would replace. Where replacement houses are permitted on sites different from the original site, the original house will require to be removed;
- Replacement houses should be of a scale, design and external appearance that contributes to the visual character of the Green Belt.

All proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials. All developments in the Green Belt should have regard to other policies of the Local Development Plan in respect of landscape, trees and woodlands, natural heritage and pipelines and control of major accident hazards.

Policy D2 – Landscape states that developments will have a strong landscape framework which improves and enhances the setting and visual impact of the development, unifies urban form, provides shelter, creates local identity and promotes biodiversity. In order to secure high quality development, planning applications for new development must include a landscape strategy and management plan incorporating hard and soft landscaping design specifications. The level of detail required will be appropriate to the scale of the development. Quality development will:

- be informed by the existing landscape character, topography and existing features to sustain local diversity and distinctiveness, including natural and built features such as existing boundary walls, hedges, copses and other features of interest;
- conserve, enhance or restore existing landscape features and should incorporate them into a spatial landscape design hierarchy that provides structure to the site layout;
- create new landscapes where none exist and where there are few existing features;
- protect and enhance important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways and particularly from the main city approaches;
- provide hard and soft landscape proposals that is appropriate to the scale and character of the overall development. Further guidance can be found within the supplementary guidance detailed below and technical advice notes listed in Appendix 6.



3. Discussion, Justification and Conclusion

The appeal site is surrounded by employment development and allocations and other development such as quarrying and community uses. It is no longer an appropriate site for a dwellinghouse given the operating hours and conditions of the neighbouring employment uses. It is also not an appropriate site to continue with a Greenbelt allocation. While the Greenbelt is important in a number of locations and contexts, this is not the case with the appeal site for the 16 grounds for appeal highlighted.

The proposal makes efficient use of existing land, buildings and infrastructure and it is accessible and does not require long distance travel. There are environmental, social and economic consequences of planning permission not being granted and which would go against the whole strategy for the area.

Scottish Planning Policy provides a welcoming approach to small scale, appropriately located and sustainable development which this proposal represents. The planning officer has taken a very narrow view and heavy handed approach to determining the application.

There is a much wider planning context to considering this appeal. In the context of the Aberdeen City and Shire region the current downturn in the oil and gas industry must be considered. However, we equally cannot rely on the primary industries and land allocations in settlements for business use. This development will meet a very specific and local need. Importantly, policy allows for this.

Scottish Planning Policy states that “in order to support economically, environmentally and socially sustainable places, decisions should be guided by a number of principles, including giving due weight to net economic benefit and making efficient use of existing capacities of land, buildings and infrastructure”. The economic benefit of the proposal has not been given adequate weight in making the decision in terms of Scottish Planning Policy. Opportunities which encourage economic development and create new employment is also encouraged by the Strategic Development Plan and this has not been taken into account. The reuse of brownfield land encouraged by the SDP has also not been adequately taken into account. With no explicit reason given in the reason for refusal as to why the proposal does not accord with the Scottish Planning Policy, it is actually the case that the proposal complies with it. The

Strategic Development Plan is not mentioned in the reason for refusal and therefore its compliance with the key strategic document should be given far more weight as should be the case with the Regional Economic Strategy.

In terms of Policies NE2 regarding Green Belt of the Adopted and Proposed Local Development Plans, exception 1 to this Policy states that “proposals for development associated with existing activities in the Green Belt will be permitted but only in all of the following criteria are met:

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

If it can be demonstrated that the proposed development complies with this exception then the principal may be acceptable.

With regard to criteria a) the case officer notes that while the development is not in association with an existing activity within the red line boundary, consideration can be given to land contained within neighbouring blue land in the ownership of the applicant. However, the case officer goes on to state that because there is no direct link between the two sites, that the adjacent site cannot therefore be taken into consideration. This seems a particularly harsh assessment of the situation and it is put forward that consideration can be given to the application site in principle as it is inextricably linked to the neighbouring EIS Waste site. The existing wall between the two sites will be taken down meaning that there will now be a physical link between them.

With regard to criteria b) the development is not of a large scale. The application site boundary is similar to the adjacent site although it is marginally larger by around 742 square metres. The proposed new building is also only marginally larger by around 203 square metres. Notwithstanding this, it is argued that the proposed development is extremely small in scale by any industrial or commercial standards and in comparison to what can be found directly opposite the appeal site.

With regard to criteria c) the officer speculates as to the level of activity associated with the development as being ‘likely double’ that of the neighbouring site and increasing the level of activity within the wider blue line boundary area. The neighbouring site is an operation centre for vehicles and trailers and for maintaining skips and containers. The appellant holds a Goods Vehicle Operator’s Licence for the operation of 12 HGV’s and 1 trailer from the neighbouring site. This site will have more traffic movements due to the nature of the use of the site than the appeal site contrary to the comments of the officer. The Council’s Roads Engineer has no objections to the industrial and workshop proposal or the proposed traffic movements and

only indicates that an extra two parking spaces be provided. In no way can the intensity of activity be described as being significantly increased.

With regard to criteria d), while the proposed building is marginally larger than the neighbouring site, the overall presence would not be significant. The garage already exists and would simply be converted to provide an office. The proposed workshop building is only 203 square metres larger than the existing adjacent building and again it is argued certainly nowhere near the scale of the commercial buildings which already exist adjacent to the site and will do in the future. It is therefore clear that the proposal complies with Policy NE2 of the Adopted LDP and Policy NE2 of the Proposed LDP.

In terms of Policies D1 regarding Placemaking, Architecture and Design in the Adopted and Proposed Local Development Plans it is excessive to say that the development would not be distinctive, welcoming, safe and pleasant, easy to move around, adaptable and resource efficient. The context surrounding the application is such that the development will not in any way look out of place with neighbouring development. The new building would be built with goosewing grey cladding to the walls and roof, beige drydash render, grey gutters and downpipes and merlin grey roller shutter doors. This is no different to many agricultural buildings which would be appropriate in this location and is also not out of place with the surrounding commercial buildings. It will also be well screened and palisade fencing will match the neighbouring development across the road and this will be augmented by additional landscaping. Again, as per the discussion related to policy NE2 and proposed policy NE2, the site is a derelict eyesore at present and the development would see the existing garage used for the office, the site being restored and put to appropriate use and the small workshop building is designed entirely appropriately for such a use adjacent to other such uses/buildings. The siting, scale, massing, colour, materials and orientation are appropriate for the context at this site.

In terms of Policies D6 and D2 regarding Landscape of Adopted and Proposed Local Development Plans these seek developments which do not significantly affect the landscape character of the area or its sense of place. Development should not obstruct views or main city approaches or sprawl into green spaces. A landscape strategy may be required which will improve and enhance identity and important views. The site is a previously developed brown-field site which is deteriorating in condition and the development will improve this situation. Although the site is on the built edge of the city, its development which will be carried out to a high quality as with all EIS Waste Services sites. This will enhance the entrance to the city from the south and augment the development which has already taken place to the east and south of the appeal site on the other side of the road and will match the adjacent EIS Waste site to the north. The creation of 'gateways' to the city will be assisted by this development in line with the Regional Economic Strategy. The proposal therefore complies with these policies.

The development is of high quality, has good access, landscaping and footpath links would enhance connectivity and is already surrounded and proposed to be surrounded by commercial, business and employment development.

It may not neatly fit with Greenbelt policy but it is also not a 'clear' Greenbelt site and is clearly an anomalous allocation in the LDP. It has an implemented permission on the site and while this existing residential use is perhaps marginally less intense than what is proposed, the development cannot be described as of such a large scale or intensity that could not be supported as an expansion that the Greenbelt policy supports. The proposal would be in keeping with surrounding development, upgrade the site and its surroundings and be developed to a high standard including landscaping. Neighbouring development also extends further to the south and into the Green Belt than the appeal site.

There are no infrastructure, servicing, access and noise concerns and there would be no impact on the amenity of the surrounding area or residential properties. As noted by the officer the proposal also complies with policies D3 Sustainable and Active Travel and T2 Managing Transport Impact of Development of the existing LDP and policies T2 Managing the Transport Impact of Development and T3 Sustainable and Active Travel of the proposed LDP. The appellant is happy to provide the additional two parking spaces, footway extension up to the site and a travel plan by condition. A Drainage Impact Assessment and Surface Water Drainage Scheme can be submitted to be agreed.

There are no third party objections to the proposal and no objections from statutory consultees. The Community Council has not objected to the proposal.

To conclude, if the proposal is not supported, the site will remain a residential site in the middle of an industrial estate.

As such, it is respectfully requested that the Local Review Body uphold the appeal and grant full planning permission.

Agenda Item 3.2

Signed (authorised Officer(s)):

47 CRANFORD ROAD, MANNOFIELD

GARAGE

For: Mrs J. Prabucki

Application Type : Detailed Planning
Permission

Application Ref. : P151897

Application Date : 09/12/2015

Advert :

Advertised on :

Officer : Jacqui Thain

Creation Date : 15 March 2016

Ward: Airyhall/Broomhill/Garthdee (A
Taylor/G Townson/I Yuill)

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The application property is a traditional, mid-terraced dwelling with long, narrow garden to the rear that backs onto a lane. The plot currently extends beyond the garages on either side, by approximately 2.2m/2.7m respectively, and a wall approximately 1.55m high encloses the far end of the plot from the lane. Rear gardens in the surrounding area (17 of 18 properties in Cranford Road) have installed garages which are built with a consistent building line onto the rear lane.

RELEVANT HISTORY

Planning application reference P151243 for "Proposed Garage," was approved unconditionally on 3/12/2015. It should be noted that the location of the garage approved is different to that of the garage proposed in the current planning application, i.e. the approved garage was positioned in line with the other garages to the west and would be situated only marginally forward of the garages to the east, by approximately 500mm.

PROPOSAL

Detailed planning permission is sought to form a new garage at the far end of the rear garden. The proposed garage would measure approximately 6.6m long x 5.6m wide, with a mono-pitch roof would reach a height of 3.2m/3.8m. The building would project 1.7m/1.2m beyond the existing garages to either side. The

materials proposed are roughcast to match the main dwelling, larch timber linings, slate blue roof cladding and a grey Fyfestone basecourse.

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.=151897>

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

CONSULTATIONS

Roads Development Management – Recommends refusal of the application on the following grounds:

- Notes that the rear boundary of 47 Cranford Road sits forward of the garages to either side.
- Notes that the vast majority of properties along this length of Cranford Road (those sharing access to this rear lane) benefit from existing garages, all of which have been built along a consistent building line.
- Highlights that the proposed garage would sit proud of the adjoining garages, obstructing visibility along the lane from the adjacent garages, affecting the safety of pedestrian, cycle and vehicular movement.
- Notes also that vehicles emerging from the garage do not achieve national standards of visibility. The lack of visibility is regarded as creating a road safety hazard and is a worsening of the existing situation.

Environmental Health – No observations.

Community Council – No response received.

REPRESENTATIONS

One letter of objection has been received, the main points of which can be summarised as follows:

- The objector states that the garage front should be at least 2 metres back from the existing garden wall.
- The garage could result in a safety hazard for children who play in the lane.

Other matters were discussed that are not material planning considerations. The letter of representation also states that they have no objection to a garage being built.

PLANNING POLICY

Aberdeen Local Development Plan 2012

Policy H1 – Residential Areas:

Policy D1 – Architecture and Placemaking

Supplementary Guidance – Householder Development Guide

The Council's guidance on alterations to domestic properties is a relevant material consideration.

Proposed Aberdeen Local Development Plan

The following policies substantively reiterate policies in the adopted Local Development Plan as summarised above:

D1 – Architecture and Placemaking (*D1 – Quality Placemaking by Design*)

H1 - Residential Areas (*H1 – Residential Areas in adopted LDP*)

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.

Aberdeen Local Development Plan 2012

Policy H1 – Residential Areas:

The proposed garage conflicts with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2012, which states that within existing residential areas proposals for householder development must not have an unacceptable impact on the character and amenity of the surrounding area.

The garage would not sit well within the application plot or within the wider residential area. The proposed garage would project beyond the neighbouring garages by approximately 1.70m to the west & by 1.20m to the east and would introduce an incongruous feature to the otherwise broadly consistent building line. At an overall height of c. 3.8m, the garage would be noticeably inconsistent with the form of garages on the rear lane. This uncharacteristic siting would be at odds with the existing layout of the lane and would be detrimental to the amenity and character of the wider residential area.

Policy D1 – Architecture and Placemaking

The proposed garage does not comply with Policy D1 (Architecture & Placemaking) of the Aberdeen Local Development Plan in that it has not been designed with due consideration for its context and would have a detrimental impact on its setting. The siting of the garage is inappropriate in relation to its localised context.

Supplementary Guidance

The garage conflicts with the Household Supplementary Guidance “Householder Development Guide” with regard to:

- The location of the proposal is not compatible with the neighbouring garages.

- The garage would not sit well within the lane or within the wider residential area.
- The garage would project beyond the neighbouring garages on the lane resulting in significant detrimental impact on residential amenity and character and sub-standard arrangements for vehicular and pedestrian visibility.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. 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 representation and are regarded as unresolved issues to be determined at the Examination; and
- the relevance of these matters to the application under consideration.

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. The foregoing can only be assessed on a case by case basis. In this instance, the applicable policies have not materially changed from those in the current LDP, and dictate that the Planning Authority can not support the proposal and therefore Planning Consent should be refused.

Matters Raised in the Letter of Objection

The objector states that the garage front should be at least 2 metres back from the existing garden wall.

The location of the garage has been addressed in the foregoing assessment of the application.

The garage could result in a safety hazard for children who play in the lane.

The Council's Roads Development Management Team has made comment with regard to road safety, as detailed above.

Conclusion

Taking deliberation of the above, it is concluded that the Planning Authority can not support the planning application in this form, and that the planning application should therefore be refused. The proposal would constitute a road safety hazard due to lack of visibility and would result in the worsening of visibility from existing garages. In addition, the positioning of the garage would have an incongruous appearance on the lane. It is noted that there is an existing consent which can be

validly implemented, and the principle of a garage served by the rear lane is accepted. The proposal is considered to be contrary to Aberdeen Local Development Policies H1 (Residential Areas) and D1 (Architecture and Placemaking) and does not comply with the Council's Householder Development Guide Supplementary Guidance.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The planning application is refused due to the proposed garage being a potential road safety hazard due to lack of visibility. Vehicles emerging from the garage would not achieve national standards of visibility and the proposal would worsen the existing situation. In addition, the garage would protrude beyond the neighbouring garages resulting in a detrimental impact on the lane and on the character and amenity of the wider residential area. The garage is inappropriate with regard to siting and conflicts with Aberdeen Local Development Plan Policies H1 (Residential Areas) & D1 (Architecture & Placemaking) and does not comply with the related Householder Development Guide.

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

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Refusal of Planning Permission

Ken Mathieson Architectural Design
Mansard House
15 Oldmeldrum Road
Bucksburn
Aberdeen
AB21 9AD

on behalf of **Mrs J. Prabucki**

With reference to your application validly received on 9 December 2015 for Planning Permission under the above mentioned Act for the following development, viz:-

GARAGE
at **47 Cranford Road, Mannofield**

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

Document No: 169291;
Detail: Location Plan; Drawing No: not provided;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=151987&index=169291>
Document No: 169292;
Detail: Proposed Site and Location Plan; Drawing No: WD01;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=151987&index=169292>

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

The planning application is refused due to the proposed garage being a potential road safety hazard due to lack of visibility. Vehicles emerging from the garage would not achieve national standards of visibility and the proposal would worsen the existing situation. In addition, the garage would protrude beyond the neighbouring garages resulting in a detrimental impact on the lane and on the character and

PETE LEONARD
DIRECTOR

Continuation

amenity of the wider residential area. The garage is inappropriate with regard to siting and conflicts with Aberdeen Local Development Plan Policies H1 (Residential Areas) & D1 (Architecture & Placemaking) and does not comply with the related Householder Development Guide.

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

Document No: 169291;

Detail: Location Plan; Drawing No: not provided;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=151987&index=169291>

Document No: 169292;

Detail: Proposed Site and Location Plan; Drawing No: WD01;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=151987&index=169292>

Date of Signing 22 March 2016

Daniel Lewis

Development Management Manager

Enc.

PETE LEONARD
DIRECTOR

NB. EXTREMELY IMPORTANT INFORMATION RELATED TO THIS REFUSAL OF PLANNING APPROVAL

The applicant has the right to have the decision to refuse the application reviewed by the planning authority and further details are given in Form attached below.

Regulation 28(4)(a)

Form 1

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions

1. If the applicant is aggrieved by the decision of the planning authority to –
 - a. refuse planning permission for the proposed development;
 - b. to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c. to grant planning permission or approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at <http://eplanning.scotland.gov.uk/>.

Notices of review submitted by post should be sent to –

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

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in it's existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

PETE LEONARD
 DIRECTOR

PETE LEONARD
DIRECTOR

Comment for Planning Application 151897

Name : Cliff Kite

Address : 58 Duthie Terrace

Aberdeen

Telephone : 01224 314935

Email :

type :

Comment : I have reviewed the plan and while I have no objection to a garage being built, there are 2 unacceptable aspects of the current plan to which I do object.

1. In this second plan, the architect is clearly taking advantage of the wording of the Council when they approved the first version of the plan for this garage. This wording stated that the wall extending into the private lane should not be more than is necessary to allow a 6 metre distance to the garage opposite. This view ignores the amount of space the garages already built have contributed, from their own private property, to common turning space for safe entry and exit to garages, i.e. 2 metres. Reducing the contribution to common space, the owner of the planned garage will have to use a disproportionate amount of common space given up by other property owners of the lane. Put another way, the owner of the proposed garage will have to use up to 2 metres of neighbours' private property in order to access their garage. As the original lane is 2.95 metres wide and neighbours' contribution to common space is 2 metres, the proposed plans only imply the front of the planned garage has to be 1 metre back from the existing wall. (You will notice the architect has carefully avoided stating this, instead quoting 6 metres distance to the garage opposite.) This is unacceptable and I object to the current plan. I request the garage front should be at least 2 metres back from the existing garden wall.

2. Having the proposed garage extending into the lane by 1.2 metres beyond an adjacent garage, constitutes a loss of opportunity to remove a blind spot and safety hazard for small children who play in the lane.

For these 2 reasons, I would ask you to reject the current plan and request they are amended to accommodate the above.

The garage opens on to a private lane, commonly owned by residents. Whilst the Council must have some authority over awarding planning permission, the residents should also have a direct say in the matter. Please let me know what the legal position is concerning this.

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From: Cliff []
Sent: 29 May 2016 21:54
To: Allison Swanson; LocalReviewBody
Subject: Notice of Review - P151897 - 47 Cranford Road

Dear Ms Swanson

Thank you for the update on the process for the above. I have read through the information on-line and do have further comments to make. These summarised objections are immediately below. They are made because the agent has not accepted the design (particularly the protruding nature, beyond adjacent garages, of the garage into the lane) will have a detrimental impact on the amenity and safety in the lane.

1. The reason the proposed garage front should be 2 metres back from the existing garden wall, is to make it compatible with the contribution made to 'common space' by all other garage owners in the immediate area. This provides safe and manageable garage entry/exit. Occasionally, cars are parked outside their owners' garages in the 2 or more metre (private) spare space created when their garage was built. If the applicant's garage was built as per the proposal and a car parked opposite, it is very unlikely they could enter/exit safely, if at all. Moving the proposed garage front 2 metres back would also align with every other garage on the Cranford Road side of the lane, as you look towards Duthie Place, and thus make it aesthetically acceptable for this residential area. Having the proposed garage front protrude would be loss of amenity and an eyesore.
2. It is the loss of opportunity to remove a blind-spot and safety hazard that is key here. While the proposal improves visibility when compared to the existing garden walls, not taking the opportunity to simply and completely remove it during re-construction, implies the design intentionally retains a safety hazard. The belief there has been no record of traffic incidents in the lane, does not mean there have been none, and an avoidable one, is one too many. Too often we hear 'lessons must be learned' when simple common sense should have been used in the first instance.

For the sake of completeness, I have also commented specifically on some of the content of the Notice of Review prepared by Ken Mathieson Architectural Design on behalf of Mrs J Prabucki to support the request for review. The text in black is copied from the review, with my comments in red/italics for clarity.

47 Cranford Road, Mannofield, Aberdeen, AB10 7NJ - Request for review of refusal of planning application P151897 for the erection of a garage in the rear garden.

Introduction

This Notice of Review has been prepared by Ken Mathieson Architectural Design on behalf of Mrs J Prabucki to support the request for review under the terms of Section 43A(8) of the Town and Country Planning (Scotland) Act 1997 and Regulation 9 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, against the refusal by Aberdeen City Council to grant detailed planning permission for the construction of a domestic garage in the rear garden of the dwellinghouse at 47 Cranford Road, Mannofield, Aberdeen.

Please note that this request for review is against the refusal by Aberdeen City Council to grant detailed planning permission for the construction of "a domestic garage in the rear garden."

At the end of the review Ken Mathieson states -

Conclusion

The Local Review Body is accordingly asked to grant this appeal to allow a long established, successful, small, local business to develop in a sensitive manner.

This does not corroborate the above planning application with regards a domestic garage. It clearly gives reference that the garage is going to be utilised for business purposes. Therefore it can be surmised that a greater amount of vehicular traffic can be expected to and from same – deliveries etc.

Mr Mathieson submits in his report;

Policy H1 – Residential Areas:

The relevant sections of Policy H1 - Residential Areas requires that within existing residential areas householder development will be approved in principle if it:

does not constitute over development;

does not have an unacceptable impact on the character or amenity of the surrounding area;

complies with Supplementary Guidance on House Extensions.

The above statement relating to a long established, successful, small, local business contradicts this part of Policy H1.

Site Description

The application property is the only one of the Cranford Road properties with access to the lane which does not already have a garage with access from the lane. *Correct*

There is one property on the Duthie Terrace side of the lane which does not have a garage with access from the lane. *Incorrect - there are six properties on the Duthie Terrace side of the lane that do not have a garage with access from the lane.*

The lane is surfaced and forms a cul-de-sac but does not have a proper turning area at its end. – *It was re-surfaced, at great collective private expense, therefore increased “business vehicles” manoeuvring (given the intention for this proposed application) would potentially damage the lane.*

The lane is not adopted and remains under private ownership – *further confirmation of status and use of lane*

View along lane towards Duthie Place – application site is the property which projects from the left hand side. Note how the properties on the right hand side have variable building lines.

The 2nd photograph with the above statement stops short of making the facts clear – the reason there is a “variable building line” on the right hand side, is due to the fact that properties with garages on the Duthie Terrace side, have had their garages built and set back into their respective gardens, and four properties have their original garden wall and no garages.

Proposal

The front of the garage would be built 1.1 metres behind the line of the boundary wall to the lane. This results in the lane being widened at this point from 4.9 metres to 6.0 metres. *Correct – but only because the garages at nos.58/60 Duthie Terrace have been built 2 metres back into private property.*

Response to Grounds of Refusal and Assessment of Application by the Appointed Officer

It is not accepted that the projection of the garage forward of other garages would be detrimental to the amenity and character of the wider area. *When owners of the adjacent property, (No.45 Cranford Road) recently had their garage rebuilt and extended in width, they didn't deem it necessary to project same out into the lane – it seems they accepted that by doing so would have had an impact on all other residents.*

The character of the lane is simply that of a rear service lane providing that function to the houses which border the lane. *Clearly not what is stated within the Conclusion section (the lane is not for business use), so one can't really use this response. Any building in the lane must be character of the wider residential area.*

The boundary wall of the existing garden already projects in to the lane; any views of the proposed garage from neighbouring residential properties are largely obscured by existing garages and outbuildings. The proposed garage is of a scale in keeping with other garages in the lane and the Council has previously considered the design to be acceptable by granting consent to the earlier application. The applicant merely wishes to provide a garage for her own use, within her own garden and to retain an area of garden for the enjoyment of her family. It is not accepted that the proposed garage constitutes either overdevelopment or is out of keeping with the character of the area and therefore it complies with Policy H1 – *See previous comments above.*

Policy D1 Response

The application site lies within a rear service lane with garages and out buildings of a wide range of built form and external finishes. The application property projects in to the lane. This projection will be reduced so as to provide a 6 metre width to the lane opposite the applicant's property (currently the lane is 4.9 metres wide at this point). *Again, only because garages at 58/60 Duthie Terrace have been built 2 metres back into private property. If I was to exercise my right to utilise these two metres, there would be clear access issues if this proposed build goes ahead. If I was to submit in the future, a building application for a larger garage and was to go on the same premise as this application, then the lane width would be severely reduced and my application, because of this one, would not be approved – however, I wouldn't do this as I consider the "bigger picture."*

Public Safety Response

Clearly the principle of constructing a garage and the small increase in vehicle movements which that will generate in the lane has already been accepted. *Not if the use of the garage is confirmed as per the statement made in the Conclusion section*

The comments and Report of Handling fail to acknowledge that the proposal meets the required 6 metres width in the lane opposite the garage to allow adequate manoeuvring space for users of the garage. *Again, this is based upon residents opposite having given up 2 metres of their own property when their garages were constructed, nothing to do with applicant moving their garage slightly further back than the existing garden wall. They have to accept what every other resident with a garage has done, given up 2 metres to ensure sufficient access to garages, as well as safe passage for up and down the lane.*

This increase in the width of the lane will allow a clearer view along the lane as well as making the use of the lane more convenient for other residents. The removal of the existing shed and demolition of the side boundary walls of the application site will, in fact, improve visibility for users of the garages on either side of the application property. *Incorrect, the protruding garage is higher and an obstruction will still exist.* The visibility for people accessing and exiting the proposed garage will essentially be the same as that for any other garage in the lane. Indeed the incorporation of granite setts in front of the garage as a means of defining private ground may well provide a safer arrangement than is the case for existing garages where there is no change in the surface and indeed where garage doors, when open, will project in to the lane. *Predominately, more and more garages in the lane do not have garage doors that project into the lane when opened, but those that do project only a few inches into the 2 metres of private property given up.*

Letter of Objection Response

It is interesting to note that some 40 properties have rear access to the lane and there has only been one objection submitted. Indeed no objections have been received from the properties on either side of the applicant's house which are arguably more directly affected by the proposal.

I would argue that the properties on either side are not more directly affected by the proposal. The protrusion of the proposed garage affects entry and exit and therefore applies more to properties opposite, on the Duthie Terrace side. The current occupants of No.62 Duthie Terrace, which is partially directly opposite this proposal, rent the said property and have therefore not commented on this proposal. Also occupants of No.60 Duthie Terrace did object to the first application for a garage at 47 Cranford Road but date constraints prohibited objecting to the second application.

Conclusion

This has been commented upon a number of times previously.

For these reasons, I would ask you to reject the current plan and request it is amended to accommodate the above.

Regards
Cliff Kite

From: Stuart [-]
Sent: 06 June 2016 11:25
To: Allison Swanson
Subject: 2006- Notice of Review - P151897 - Additional Comments

Morning Allison,

Having reviewed the single objectors comments he pointed out that the end of our statement contained the last two lines *"The Local Review Body is accordingly asked to grant this appeal to allow a long established, successful, small, local business to develop in a sensitive manner"*.

Regrettably these lines are contained within our report due of Administration error.

I can confirm that the proposed garage is for Domestic purposes only and will not form part of any business.

I have attached an amended copy of our statement with these two line now removed for clarification.

I trust all is in order however should you have any queries please do not hesitate to contact me.

Kind Regards

STUART MATHIESON

on behalf of

KEN MATHIESON ARCHITECTURAL DESIGN Ltd.

Tel No. 01224 710357

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Mrs J Prabucki

47 Cranford Road, Mannofield, Aberdeen, AB10 7NJ

Request for review of refusal of planning application P151897 for the erection of a garage in the rear garden.

Statement to accompany the Notice of Review.

Introduction

This Notice of Review has been prepared by Ken Mathieson Architectural Design on behalf of Mrs J Prabucki to support the request for review under the terms of Section 43A(8) of the Town and Country Planning (Scotland) Act 1997 and Regulation 9 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, against the refusal by Aberdeen City Council to grant detailed planning permission for the construction of a domestic garage in the rear garden of the dwellinghouse at 47 Cranford Road, Mannofield, Aberdeen.

Site Description

The application property is a traditional one and a half storey, terraced, granite house located on the eastern side of Cranford Road. There is a rear service lane to the back of the property. The lane runs from Duthie Place, which is subject to a 20 mph speed restriction, to end at the rear of 61 Cranford Terrace. The lane is surfaced and forms a cul-de-sac but does not have a proper turning area at its end. This lane provides access to garages to the rear of houses in Cranford Road and Duthie Terrace. Some 40 houses back on to the lane. The application property is the only one of the Cranford Road properties with access to the lane which does not already have a garage with access from the lane. There is one property on the Duthie Terrace side of the lane which does not have a garage with access from the lane. The lane is not adopted and remains under private ownership.

The application property is separated from the lane by a 1.36 metres high rubble wall. The garden projects further in to the lane than the properties on either side with the side wall facing 45 Cranford Road 1.64 metres high and that facing 49 Cranford Road 1.1 metres. There is a shed close to the rear wall which further restricts visibility in the lane. There is a variable building line to the lane on the Duthie Terrace side.

The house to the north at 45 Cranford Road i.e. closer to the junction of the access lane with Duthie Place has a garage extending to the boundary with the application property whilst the house on the other side at 49 Cranford Road i.e. closer to the end of the access lane contains a garage but separated from the application site by a length of wall and pedestrian gate.

The surrounding area is predominantly residential in nature. The site is not covered by any special protection and lies out with any conservation area.

The following photographs illustrate the existing position in the lane.



View along the lane towards end – application site is the property which projects from the right hand side of the lane.



View along lane towards Duthie Place – application site is the property which projects from the left hand side. Note how the properties on the right hand side have variable building lines.



Application site showing shed at boundary wall



Application site showing shed at boundary wall

Proposal

The application seeks detailed planning permission for the construction of a single domestic garage at the bottom of the rear garden. The proposed garage which would be built off the inside edge of the side boundary walls would measure approximately 6.6m in length x 5.6m in width. The front of the garage would be built 1.1 metres behind the line of the boundary wall to the lane. This results in the lane

being widened at this point from 4.9 metres to 6.0 metres. The garage would extend the full width of the garden. The design of the garage incorporates a mono-pitch roof rising in height from 3.2 metres to 3.8 metres. The building would project 1.2 metres forward of the existing garage on the north side (45 Cranford Road) and 1.7 metres forward of that on the south side (49 Cranford Road). It would be similar in scale to other garages within the lane.

External materials are proposed to be materials proposed are roughcast to match a recently built extension to the rear of the original house with a grey Fyfestone basecourse, larch timber linings and slate blue roof cladding.

The area of private ground between the garage and the lane will be surfaced in granite setts to provide a clear demarcation between the public lane and private ground in front of the proposed garage but this would not preclude general use of this area.

Decision of Appointed Officer

The application was refused on 22 March 2016 for the following reason.

‘The planning application is refused due to the proposed garage being a potential road safety hazard due to lack of visibility. Vehicles emerging from the garage would not achieve national standards of visibility and the proposal would worsen the existing situation. In addition, the garage would protrude beyond the neighbouring garages resulting in a detrimental impact on the lane and on the character and amenity of the wider residential area. The garage is inappropriate with regard to siting and conflicts with Aberdeen Local Development Plan Policies H1 (Residential Areas) & D1 (Architecture & Placemaking) and does not comply with the related Householder Development Guide.’

A copy of the decision is attached as appendix 1 and a copy of the Report of Handling as appendix 2. The comments of the Council’s Roads Officer had a significant role in the decision and they are produced as appendix 3.

Relevant Planning History

Planning permission was granted unconditionally under reference 151243 for “Proposed Garage,” on 3/12/2015. The location of the garage approved differs from that of the garage proposed now in the current planning application in that the approved garage was positioned in line with the garage to the north and would be situated only marginally forward of the garage to the south by approximately 500mm.

In essence what is proposed now is a garage of a similar size and design to that which has been approved but which has been repositioned towards the lane by 1.2 metres.

A copy of the Report of Handling for the earlier application is included as appendix 4.

This recent planning permission has a direct relevance to the consideration of the current proposal and is discussed further in this statement.

Prior to the submission of the application which was approved the Planning Service advised that the demolition of the wall to the lane and the formation of a parking space constituted permitted development.

Response to Grounds of Refusal and Assessment of Application by the Appointed Officer

The application was refused on grounds of public safety and amenity solely for the reason of the siting of the proposed garage. No objection has been raised to the design of the proposed garage. Indeed in the Report of Handling the reason given for the decision to approve the earlier proposal states:

'The proposed garage would sit well within the plot and within the lane and fully complies with Aberdeen Local Development Plan Policies H1 (Residential Areas) & D1 (Architecture & Placemaking) and with the related Householder Development Guide with regard to design, siting, scale and materials. The proposal would result in no detrimental impact on the wider area.'

In view of this previous assessment this statement will be confined to issues of siting and public safety.

It is agreed that the two most relevant Aberdeen Local Development Plan policies are those which are discussed in the Report of Handling namely Policy H1 - Residential Areas and Policy D1 - Architecture and Placemaking.

Policy H1 – Residential Areas:

The relevant sections of Policy H1 - Residential Areas requires that within existing residential areas householder development will be approved in principle if it:

- does not constitute over development;
- does not have an unacceptable impact on the character or amenity of the surrounding area;
- complies with Supplementary Guidance on House Extensions.

The Appointed Officer concludes that the proposed garage conflicts with Policy H1 as the

'garage would not sit well within the application plot or within the wider residential area. The proposed garage would project beyond the neighbouring garages by approximately 1.70m to the west & by 1.20m to the east and would introduce an incongruous feature to the otherwise broadly consistent building line. At an overall height of c. 3.8m, the garage would be noticeably inconsistent with the form of garages on the rear lane. This uncharacteristic siting would be at odds with the existing layout of the lane and would be detrimental to the amenity and character of the wider residential area'.

Response

It is not accepted that the projection of the garage forward of other garages would be detrimental to the amenity and character of the wider area. The character of the lane is simply that of a rear service lane providing that function to the houses which border the lane. The boundary wall of the existing garden already projects in to the lane; any views of the proposed garage from neighbouring residential properties are largely obscured by existing garages and outbuildings. The proposed garage is of a scale in keeping with other garages in the lane and the Council has previously considered the design to be acceptable by granting consent to the earlier application. The applicant merely wishes to provide a garage for her own use, within her own garden and to retain an area of garden for the enjoyment of her family. It is not accepted that the proposed garage constitutes either overdevelopment or is out of keeping with the character of the area and therefore it complies with Policy H1

Policy D1

Policy D1 - Architecture and Placemaking which is a general city wide policy seeks to ensure high standards of design and requires new development to be designed with due consideration for its context and to make a positive contribution to its setting. Factors such as 'siting, scale, massing, colour, materials, orientation, details, the proportions of building elements will require to be addressed.

The Appointed Officer in the Report of Handling considers that the proposed garage would conflict with the requirements of Policy D1 in that it has not been designed with due consideration for its context and would have a detrimental impact on its setting. The siting of the garage is inappropriate in relation to its localised context.

Response

The application site lies within a rear service lane with garages and out buildings of a wide range of built form and external finishes. The application property projects in to the lane. This projection will be reduced so as to provide a 6 metre width to the lane opposite the applicant's property (currently the lane is 4.9 metres wide at this point). By siting the proposed garage in the position sought in the current application not only has the width of the lane has been increased to that required by the Council's Roads Officer but also two lengths of old boundary wall on either side of the application site have been retained which shows the historic context of the immediate area. The retention of the walls makes a positive contribution to the amenity of the area.

The design of the proposed garage which has a crisp, contemporary appearance will enhance the appearance of the lane. The approach to the design of the garage has been accepted as being satisfactory by the previous grant of permission.

The proposed design therefore accords with the general terms of Policy D1 (Architecture and Placemaking) of the ALDP'.

Supplementary Guidance

The Appointed Officer considers that the proposed garage is in conflict with the Household Supplementary Guidance “Householder Development Guide” in that –

- The location of the proposal is not compatible with the neighbouring garages.
- The garage would not sit well within the lane or within the wider residential area.
- The garage would project beyond the neighbouring garages on the lane resulting in significant detrimental impact on residential amenity and character and sub-standard arrangements for vehicular and pedestrian visibility.

Response

The Householder Development Guide does not, in fact, contain any specific advice on garages or outbuildings. It contains the following general requirements

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.

The Appointed Officer has not raised any concerns about the general design approach or loss of amenity to particular residential properties in the context of the Supplementary Guidance but rather reiterates the concerns he has expressed about the siting of the garage and its impact on the appearance of the lane. This issue has been addressed in the response to Policies H1 and D1.

Public Safety

The other reason for refusal relates to public safety. It is unfortunate and very much to be regretted that the comments of the Roads Officer fail to mention either the recent grant of planning permission for the erection of a similar size of garage at the site or also that a parking area could be formed without a specific grant of planning permission. The Roads Officer was party to discussions in regard to both of these matters.

Response

The Report of Handling does not include any discussion of the comments of the Roads Officer in its evaluation section but simply includes the concerns as a reason for refusal.

Clearly the principle of constructing a garage and the small increase in vehicle movements which that will generate in the lane has already been accepted. The comments and Report of Handling fail to acknowledge that the proposal meets the required 6 metres width in the lane opposite the garage to allow adequate manoeuvring space for users of the garage. This increase in the width of the lane will allow a clearer view along the lane as well as making the use of the lane more convenient for other residents.

The removal of the existing shed and demolition of the side boundary walls of the application site will, in fact, improve visibility for users of the garages on either side of the application property.

The visibility for people accessing and exiting the proposed garage will essentially be the same as that for any other garage in the lane. Indeed the incorporation of granite setts in front of the garage as a means of defining private ground may well provide a safer arrangement than is the case for existing garages where there is no change in the surface and indeed where garage doors, when open, will project in to the lane.

The garage entrance is some 45 metres from the end of the lane. Vehicle speeds are very slow in the lane and it is believed that there are no records of any traffic incidents in the lane.

Letter of Objection

The Report of Handling indicates one letter of objection was received which was summarised in the Report. The Report of Handling summarised the objection as follows.

'The relevant planning matters raised relate to the following matters

- The objector states that the garage front should be at least 2 metres back from the existing garden wall.
- The garage could result in a safety hazard for children who play in the Area'

Response

This response will be confined to relevant planning matters raised in the objection letter.

The objector resides at 58 Duthie Terrace. That property backs on to the lane diagonally across from the application property. The widening of the lane by 1.1 metres in front of the applicant's property will provide more manoeuvring space for the objector. The objection suggests that the projection of the garage 'into the lane

by 1.2 metres beyond an adjacent garage constitutes a loss of opportunity to remove a blind spot and safety hazard for small children who play in the lane.' It is a principle of the planning system that in the determination of planning applications the proposed development should be compared with the existing circumstances. The lane is currently restricted by the applicant's garden walls and shed and for reasons previously described it is felt that the proposed arrangements result in an improvement on the existing position. It is interesting to note that some 40 properties have rear access to the lane and there has only been one objection submitted. Indeed no objections have been received from the properties on either side of the applicant's house which are arguably more directly affected by the proposal.

No comments were received from the Braeside and Mannofield Community Council.

Conclusion

The proposed garage has been well designed to respect the character of the area and does not have any adverse impact on residential amenity. The position of the garage is entirely within the applicant's property and has been sited to make most efficient use of the ground which is available. The existing boundary walls already restrict the width of the lane at this point and together with the existing shed these walls already affect visibility along the lane. The proposal to widen the lane in front of the garage will lead to an improvement over the existing situation and meets the previously expressed requirements of the Council's Roads Officer for 6 metres width of the lane opposite the garage. There has been no evidence produced that the garage raises any issues of public safety above any other garage in a rear service lane.

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Marischal college Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100012966-001

The online reference 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:	Ken Mathieson Architectural Design Ltd		
Ref. Number:	2006	You must enter a Building Name or Number, or both: *	
First Name: *	Stuart	Building Name:	Mansard House
Last Name: *	Mathieson	Building Number:	15
Telephone Number: *	01224 710357	Address 1 (Street): *	Oldmeldrum Road
Extension Number:		Address 2:	Bucksburn
Mobile Number:		Town/City: *	Aberdeen
Fax Number:	01224 710358	Country: *	Scotland
		Postcode: *	AB21 9AD
Email Address: *	stuart@kenmathieson.com		

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="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="J."/>	Building Number:	<input type="text" value="47"/>
Last Name: *	<input type="text" value="Pabrucki"/>	Address 1 (Street): *	<input type="text" value="Cranford Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="REDACTED"/>	Postcode: *	<input type="text" value="AB10 7NJ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

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" value="47 CRANFORD ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB10 7NJ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="804364"/>	Easting	<input type="text" value="391917"/>
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Description of Proposal

Please provide a description of your 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)

Garage to the rear of 47 Cranford Road

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 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.

Full Statement to be attached to application

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

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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 to accompany Notice of Review, Planning refusal Doc P151897, Unconditional Planning Approval P151243, 2006-PL3-A, 2006-PL4-A, House Holder Application form, Site Plan

Application Details

Please provide details of the application and decision.

What is the application reference number? *

P151897

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

09/12/2015

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

22/03/2016

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 a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

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)

Site Inspection - see statement for full details

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: Mr Stuart Mathieson

Declaration Date: 16/05/2016

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Mrs J Prabucki

47 Cranford Road, Mannofield, Aberdeen, AB10 7NJ

Request for review of refusal of planning application P151897 for the erection of a garage in the rear garden.

Statement to accompany the Notice of Review.

Introduction

This Notice of Review has been prepared by Ken Mathieson Architectural Design on behalf of Mrs J Prabucki to support the request for review under the terms of Section 43A(8) of the Town and Country Planning (Scotland) Act 1997 and Regulation 9 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, against the refusal by Aberdeen City Council to grant detailed planning permission for the construction of a domestic garage in the rear garden of the dwellinghouse at 47 Cranford Road, Mannofield, Aberdeen.

Site Description

The application property is a traditional one and a half storey, terraced, granite house located on the eastern side of Cranford Road. There is a rear service lane to the back of the property. The lane runs from Duthie Place, which is subject to a 20 mph speed restriction, to end at the rear of 61 Cranford Terrace. The lane is surfaced and forms a cul-de-sac but does not have a proper turning area at its end. This lane provides access to garages to the rear of houses in Cranford Road and Duthie Terrace. Some 40 houses back on to the lane. The application property is the only one of the Cranford Road properties with access to the lane which does not already have a garage with access from the lane. There is one property on the Duthie Terrace side of the lane which does not have a garage with access from the lane. The lane is not adopted and remains under private ownership.

The application property is separated from the lane by a 1.36 metres high rubble wall. The garden projects further in to the lane than the properties on either side with the side wall facing 45 Cranford Road 1.64 metres high and that facing 49 Cranford Road 1.1 metres. There is a shed close to the rear wall which further restricts visibility in the lane. There is a variable building line to the lane on the Duthie Terrace side.

The house to the north at 45 Cranford Road i.e. closer to the junction of the access lane with Duthie Place has a garage extending to the boundary with the application property whilst the house on the other side at 49 Cranford Road i.e. closer to the end of the access lane contains a garage but separated from the application site by a length of wall and pedestrian gate.

The surrounding area is predominantly residential in nature. The site is not covered by any special protection and lies out with any conservation area.

The following photographs illustrate the existing position in the lane.



View along the lane towards end – application site is the property which projects from the right hand side of the lane.



View along lane towards Duthie Place – application site is the property which projects from the left hand side. Note how the properties on the right hand side have variable building lines.



Application site showing shed at boundary wall



Application site showing shed at boundary wall

Proposal

The application seeks detailed planning permission for the construction of a single domestic garage at the bottom of the rear garden. The proposed garage which would be built off the inside edge of the side boundary walls would measure approximately 6.6m in length x 5.6m in width. The front of the garage would be built 1.1 metres behind the line of the boundary wall to the lane. This results in the lane

being widened at this point from 4.9 metres to 6.0 metres. The garage would extend the full width of the garden. The design of the garage incorporates a mono-pitch roof rising in height from 3.2 metres to 3.8 metres. The building would project 1.2 metres forward of the existing garage on the north side (45 Cranford Road) and 1.7 metres forward of that on the south side (49 Cranford Road). It would be similar in scale to other garages within the lane.

External materials are proposed to be materials proposed are roughcast to match a recently built extension to the rear of the original house with a grey Fyfestone basecourse, larch timber linings and slate blue roof cladding.

The area of private ground between the garage and the lane will be surfaced in granite setts to provide a clear demarcation between the public lane and private ground in front of the proposed garage but this would not preclude general use of this area.

Decision of Appointed Officer

The application was refused on 22 March 2016 for the following reason.

‘The planning application is refused due to the proposed garage being a potential road safety hazard due to lack of visibility. Vehicles emerging from the garage would not achieve national standards of visibility and the proposal would worsen the existing situation. In addition, the garage would protrude beyond the neighbouring garages resulting in a detrimental impact on the lane and on the character and amenity of the wider residential area. The garage is inappropriate with regard to siting and conflicts with Aberdeen Local Development Plan Policies H1 (Residential Areas) & D1 (Architecture & Placemaking) and does not comply with the related Householder Development Guide.’

A copy of the decision is attached as appendix 1 and a copy of the Report of Handling as appendix 2. The comments of the Council’s Roads Officer had a significant role in the decision and they are produced as appendix 3.

Relevant Planning History

Planning permission was granted unconditionally under reference 151243 for “Proposed Garage,” on 3/12/2015. The location of the garage approved differs from that of the garage proposed now in the current planning application in that the approved garage was positioned in line with the garage to the north and would be situated only marginally forward of the garage to the south by approximately 500mm.

In essence what is proposed now is a garage of a similar size and design to that which has been approved but which has been repositioned towards the lane by 1.2 metres.

A copy of the Report of Handling for the earlier application is included as appendix 4.

This recent planning permission has a direct relevance to the consideration of the current proposal and is discussed further in this statement.

Prior to the submission of the application which was approved the Planning Service advised that the demolition of the wall to the lane and the formation of a parking space constituted permitted development.

Response to Grounds of Refusal and Assessment of Application by the Appointed Officer

The application was refused on grounds of public safety and amenity solely for the reason of the siting of the proposed garage. No objection has been raised to the design of the proposed garage. Indeed in the Report of Handling the reason given for the decision to approve the earlier proposal states:

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In view of this previous assessment this statement will be confined to issues of siting and public safety.

It is agreed that the two most relevant Aberdeen Local Development Plan policies are those which are discussed in the Report of Handling namely Policy H1 - Residential Areas and Policy D1 - Architecture and Placemaking.

Policy H1 – Residential Areas:

The relevant sections of Policy H1 - Residential Areas requires that within existing residential areas householder development will be approved in principle if it:

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- does not have an unacceptable impact on the character or amenity of the surrounding area;
- complies with Supplementary Guidance on House Extensions.

The Appointed Officer concludes that the proposed garage conflicts with Policy H1 as the

'garage would not sit well within the application plot or within the wider residential area. The proposed garage would project beyond the neighbouring garages by approximately 1.70m to the west & by 1.20m to the east and would introduce an incongruous feature to the otherwise broadly consistent building line. At an overall height of c. 3.8m, the garage would be noticeably inconsistent with the form of garages on the rear lane. This uncharacteristic siting would be at odds with the existing layout of the lane and would be detrimental to the amenity and character of the wider residential area'.

Response

It is not accepted that the projection of the garage forward of other garages would be detrimental to the amenity and character of the wider area. The character of the lane is simply that of a rear service lane providing that function to the houses which border the lane. The boundary wall of the existing garden already projects in to the lane; any views of the proposed garage from neighbouring residential properties are largely obscured by existing garages and outbuildings. The proposed garage is of a scale in keeping with other garages in the lane and the Council has previously considered the design to be acceptable by granting consent to the earlier application. The applicant merely wishes to provide a garage for her own use, within her own garden and to retain an area of garden for the enjoyment of her family. It is not accepted that the proposed garage constitutes either overdevelopment or is out of keeping with the character of the area and therefore it complies with Policy H1

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Response

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The design of the proposed garage which has a crisp, contemporary appearance will enhance the appearance of the lane. The approach to the design of the garage has been accepted as being satisfactory by the previous grant of permission.

The proposed design therefore accords with the general terms of Policy D1 (Architecture and Placemaking) of the ALDP'.

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The visibility for people accessing and exiting the proposed garage will essentially be the same as that for any other garage in the lane. Indeed the incorporation of granite setts in front of the garage as a means of defining private ground may well provide a safer arrangement than is the case for existing garages where there is no change in the surface and indeed where garage doors, when open, will project in to the lane.

The garage entrance is some 45 metres from the end of the lane. Vehicle speeds are very slow in the lane and it is believed that there are no records of any traffic incidents in the lane.

Letter of Objection

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‘The relevant planning matters raised relate to the following matters

- The objector states that the garage front should be at least 2 metres back from the existing garden wall.
- The garage could result in a safety hazard for children who play in the Area’

Response

This response will be confined to relevant planning matters raised in the objection letter.

The objector resides at 58 Duthie Terrace. That property backs on to the lane diagonally across from the application property. The widening of the lane by 1.1 metres in front of the applicant’s property will provide more manoeuvring space for the objector. The objection suggests that the projection of the garage ‘into the lane

by 1.2 metres beyond an adjacent garage constitutes a loss of opportunity to remove a blind spot and safety hazard for small children who play in the lane.' It is a principle of the planning system that in the determination of planning applications the proposed development should be compared with the existing circumstances. The lane is currently restricted by the applicant's garden walls and shed and for reasons previously described it is felt that the proposed arrangements result in an improvement on the existing position. It is interesting to note that some 40 properties have rear access to the lane and there has only been one objection submitted. Indeed no objections have been received from the properties on either side of the applicant's house which are arguably more directly affected by the proposal.

No comments were received from the Braeside and Mannofield Community Council.

Conclusion

The proposed garage has been well designed to respect the character of the area and does not have any adverse impact on residential amenity. The position of the garage is entirely within the applicant's property and has been sited to make most efficient use of the ground which is available. The existing boundary walls already restrict the width of the lane at this point and together with the existing shed these walls already affect visibility along the lane. The proposal to widen the lane in front of the garage will lead to an improvement over the existing situation and meets the previously expressed requirements of the Council's Roads Officer for 6 metres width of the lane opposite the garage. There has been no evidence produced that the garage raises any issues of public safety above any other garage in a rear service lane.

The Local Review Body is accordingly asked to grant this appeal to allow a long established, successful, small, local business to develop in a sensitive manner.

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Agenda Item 4.2

Signed (authorised Officer(s)):

MOSSBRODIEPARK, PETERCULTER

ERECTION OF NEW DWELLINGHOUSE

For: Mr Cameron Bain

Application Type : Detailed Planning
Permission

Application Ref. : P160180

Application Date : 18/02/2016

Advert : Dev. Plan Departure

Advertised on : 02/03/2016

Officer : Dineke Brasier

Creation Date : 21 March 2016

Ward: Lower Deeside (M Boulton/A

Malone/M Malik)

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The site is located in the green belt and green space network and extends to approximately 1150m². It is to the immediate west of a private road connecting four spread out properties in an isolated location off Culter House Road. To the south is Hill House, with the other three properties further north and not visible from the application site. To the east, on the other side of the track, is a wooded area, which is a designated Local Nature Conservation Site.

The site is covered in predominantly rough grass and a cleared area where the footings of a former steading complex have recently been excavated. In terms of topography, it slopes down from south to north and east to west.

RELEVANT HISTORY

None

PROPOSAL

Planning permission is sought for the construction of a two storey four bedroom dwelling in the northern part of the site.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at -

<http://planning.aberdeencity.gov.uk/PlanningDetail.asp?ref.=160180>

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

1. Design Statement

CONSULTATIONS

Roads Development Management- No comments received.

Environmental Health – No observations.

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

Community Council – No comments received.

REPRESENTATIONS

One letter of objection raises the following matters:

1. Site is located within the green belt and the new house would detrimentally affect the landscape setting of the green belt and be contrary policy NE2 (Green Belt) of the ADLP;
2. There is no existing building on the site, so the proposal cannot be considered as a rehabilitation of an existing farmstead;
3. The site is identified as Green Space Network, its development would erode the wildlife and landscape character of the site and would fail to comply with policy NE1 (Green Space Network) of the ADLP; and
4. The proposal would result in a loss of open space and would be contrary to policy H1 (Residential Areas) of the ADLP.

PLANNING POLICY

Aberdeen Local Development Plan

NE1 – Green Space Strategy

NE2 – Green Belt

NE6 – Flooding and Drainage

D1 – Architecture and Placemaking

D6 – Landscape

T2 – Managing the Transport Impact of Development

Supplementary Guidance - Conversion of Steadings and other Non-residential Vernacular Buildings.

Proposed Aberdeen Local Development Plan

NE1 – Green Space Strategy

NE2 – Green Belt

NE 6 – Flooding, Drainage and Water Quality

D1 – Quality Placemaking by Design

D2 – Landscape

T2 – Managing the Transport Impact of Development

EVALUATION

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

Principle of the development

Being within the green belt, policy NE2 (Green Belt) of the Aberdeen Local Development Plan (ADLP) applies. NE2 does not permit development for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration, or landscape renewal. In this case, the proposal would be for the construction of an additional, new dwelling on what is promoted as a vacant site. The dwelling would not be related to any existing activities within the green belt. As such, the proposal would introduce a further, additional dwelling in the green belt, increasing the amount of residential activity within this sensitive area, all clearly contrary to the principle of policy NE2 (Green Belt).

The Design Statement submitted sets out that, as the dwelling would be located within the area where the footings of a former farm complex have been discovered and excavated, the proposal should be considered under exceptions NE2(3) and NE2(4) as a conversion/ extension of an existing building in the Green Belt. However, these exceptions (supplemented by the associated Supplementary Guidance) only apply for buildings that are worthy of retention, and that are structurally sound enough to be converted without major rebuilding. In this case, as there is no existing building, these paragraphs would not be relevant, and the proposal is considered as the creation of a new, additional dwelling in the Green Belt, and not as a conversion or an extension associated to such a conversion.

Given the above it is considered that the principle of the development does not comply with the policy context which would allow for the development of new housing in the Green Belt.

Green Space Network (GSN)

The site is located within the GSN, and policy NE1 (Green Space Network) applies. NE1 does not support proposals for development likely to destroy or erode the character or function of the GSN. In this case, the site comprises predominantly rough grass with some gorse bushes and other shrubs along the boundary. There is limited obvious evidence of its previous function as a farmstead, as the intervening period has seen effective regeneration to a natural state. Neither is there any indication that there is any pressing need to address

any issues associated to its previous development, such as significant contamination or other blights detrimental to health or amenity.

The proposal would see approximately 25% of the area occupied by the building and associated hardstanding, with the remainder being used as residential garden. Provided this area would be suitably landscaped and taking account of the rural surroundings of the site, it could be considered that, on balance, the area lost to development would not have a significant detrimental impact on the overall function of the green space network in this location.

Scale and Design

Notwithstanding the fact that the principle of the proposed development is unacceptable, the proposed building, would be of a high design standard. Presenting split level accommodation which makes good use of the topography. Proposed materials include rubble coursed granite with charred Scottish larch to walls and a pitched slate roof. This combination of materials would be appropriate for a dwelling in this location.

Access

The site would be served by an existing private single track road, leading to Culter House Road. At present, this private road serves four dwellings. A further additional dwelling would still be under the threshold requiring adoption of the road, and there are no further issues with this aspect of the proposal.

Drainage and flooding:

The site would not be connected to a public sewer, and a new septic tank/soakaway is proposed. No comments were received from the Council's Environmental Health Services, and as such this is considered to be acceptable. Suitable licensing controls would be applied via SEPA.

Other matters arising:

One letter of objection was received raising four issues, as set out above.

The first three have been discussed in the forgoing assessment, where the Planning Authority agrees with matters 1 and 2, in that the proposal would have an adverse impact on the character and appearance of this part of the green belt, and that the proposal would not constitute a conversion of an existing building.

However, with regards to point 3, it is considered that adequate landscaping could mitigate any potential adverse impact on the green space network, and that the purpose and function of the GSN could be maintained.

With regards to 4, the site is not located in an existing residential area, and policy H1 (Residential Areas) is therefore not considered relevant.

The Design Statement submitted with the application makes reference to various documents other than the adopted Local Development Plan, including: Scottish Planning Policy (SPP); the National Planning Framework (NPF3); Designing Places (now Creating Places); PAN 67 – Housing Quality; PAN 72 – Housing in the Countryside; PAN 75 – Planning for Transport; an A&DS guide to rural house design; and the Aberdeen City and Shire Structure Plan.

In general the overall argument put forward is that the site comprises ‘brownfield land’ and can thus be developed, despite being located within the greenbelt. This brownfield status contention being due to the remnants of the former farm complex having been discovered during excavations, and identified on historic maps. However, this steading complex was only apparent on OS maps dating more than 100 years ago, and the use for either formal agricultural or associated residential purposes has been long since abandoned. Furthermore, without excavation, the remains of the steading complex were not apparent. As such, the Planning Authority does not consider this piece of land as brownfield, rather it has regenerated so as to be ‘greenfield’ and any strategic policies and guidance related to development on brownfield land should not be considered. Notwithstanding many of the interpretations of these strategic documents are liberal and designed to fit the arguments being made, rather than considering the referenced documents in the round. Importantly the approach to the principles is not aligned with the consistent interpretations of Aberdeen City Council, or the LDP policy framework relative to green belt development. Overall it is not considered that the approach and position of the Council is unaligned with any of these documents, in that the principle of the development is not compliant with the Development Plan Framework and that there are no material circumstances to outweigh those provisions.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. 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 representation and are regarded as unresolved issues to be determined at the Examination; and
- the relevance of these matters to the application under consideration.

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. The foregoing can only be assessed on a case by case basis.

In this case, policies D1 (Quality Placemaking by Design), D2 (Landscape), NE1 (Green Space Strategy), NE2 (Green Belt), NE6 (Flooding, Drainage and Water Quality) and T2 (Managing the Transport Impact of Development) are relevant. Representations have been submitted for all of these policies, and they all carry limited weight. In general, the policies are reiterations of existing policy as discussed above. The main exception being policy NE2 (Green Belt), which carries a further exception dealing with replacement dwellings. However, in this case, the proposal is for a new, additional dwelling in the Green Belt and not a replacement dwelling. As such, there is no substantive change to the emerging policy position.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The site is located in the green belt where the principle of the construction of an additional dwelling would be contrary to the types of development suitable under the terms of policy NE2 (Green Belt) of the Aberdeen Local Development Plan and policy NE2 (Green Belt) of the Proposed Local Development Plan. The proposal is therefore considered to be contrary to the main functions of the Green Belt, which are to preserve the landscape setting of the city and to resist urban sprawl.

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Refusal of Planning Permission

Domestic Architecture Development
97 Dryburgh Avenue
Rutherglen
Glasgow
G73 3ET

on behalf of **Mr Cameron Bain**

With reference to your application validly received on 18 February 2016 for Planning Permission under the above mentioned Act for the following development, viz:-

ERECTION OF NEW DWELLINGHOUSE at **Mossbrodiepark, Peterculter**

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

Document No: 173047;
Detail: Location; Drawing No: AL(90)001;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160180&index=173047>

Document No: 173049;
Detail: Proposed GF Layout; Drawing No: AL(20)001;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160180&index=173049>

Document No: 173051;
Detail: Proposed FF Layout; Drawing No: AL(20)002;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160180&index=173051>

Document No: 173052;
Detail: Proposed Roof Layout; Drawing No: AL(20)003;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160180&index=173052>

PETE LEONARD
DIRECTOR

Document No: 173054;
Detail: Proposed Elevations and Sections; Drawing No: AL(21)001;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160180&index=173054>

Document No: 173056;
Detail: Proposed Site Layout; Drawing No: L(90)003;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160180&index=173056>

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

The site is located in the green belt where the principle of the construction of an additional dwelling would be contrary to the types of development suitable under the terms of policy NE2 (Green Belt) of the Aberdeen Local Development Plan and policy NE2 (Green Belt) of the Proposed Local Development Plan. The proposal is therefore considered to be contrary to the main functions of the Green Belt, which are to preserve the landscape setting of the city and to resist urban sprawl.

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

Document No: 173047;
Detail: Location; Drawing No: AL(90)001;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160180&index=173047>

Document No: 173049;
Detail: Proposed GF Layout; Drawing No: AL(20)001;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160180&index=173049>

Document No: 173051;
Detail: Proposed FF Layout; Drawing No: AL(20)002;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160180&index=173051>

Document No: 173052;
Detail: Proposed Roof Layout; Drawing No: AL(20)003;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160180&index=173052>

Document No: 173054;
Detail: Proposed Elevations and Sections; Drawing No: AL(21)001;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160180&index=173054>

Document No: 173056;
Detail: Proposed Site Layout; Drawing No: L(90)003;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160180&index=173056>

Date of Signing 23 March 2016

PETE LEONARD
DIRECTOR

Daniel Lewis
Development Management Manager

Enc.

NB. EXTREMELY IMPORTANT INFORMATION RELATED TO THIS REFUSAL OF PLANNING APPROVAL

The applicant has the right to have the decision to refuse the application reviewed by the planning authority and further details are given in Form attached below.

Regulation 28(4)(a)

Form 1

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions

1. If the applicant is aggrieved by the decision of the planning authority to –
 - a. refuse planning permission for the proposed development;
 - b. to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c. to grant planning permission or approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at <http://eplanning.scotland.gov.uk/>.

Notices of review submitted by post should be sent to –

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

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in it's existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

PETE LEONARD
 DIRECTOR

PETE LEONARD
DIRECTOR

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Development Management
Enterprise, Planning & Infrastructure
Aberdeen City Council, Business Hub 4
Marischal College, Broad Street
Aberdeen AB10 1AB

7 March 2016

Our Ref: JF/CC
Email: claire.coutts@ryden.co.uk

Dear Sir/Madam

**NEW DWELLING HOUSE, MOSSBRODIEPARK, PETERCULTER
PLANNING APPLICATION REF: 160180**

I refer to the above application which was submitted on 17 February 2016 for the erection of a new dwellinghouse. The application site consists of an area of ground, with some evidence of excavation having taken place which have uncovered a stone path and a short length of foundation stones which may once have been part of a boundary wall. There is no existing structure on the site.

On behalf of the owners of the adjacent Hill House, I wish to object to the proposals on the following grounds:

Green Belt and Green Space Network

The site lies within the Green Belt and Green Space Network as identified in the extant Aberdeen Local Development Plan 2012. The aim of the green belt is to maintain the identity of Aberdeen and the communities within and around the city by defining physical boundaries clearly, avoiding coalescence and urban sprawl, maintaining the landscape setting and providing access to open space. The green belt directs planned growth to the most appropriate locations. New housing is more appropriate outwith the boundaries of the green belt and the development of a new house on this site would detrimentally affect the landscape setting of this green belt location and would therefore be contrary to its green belt designation.

Policy NE2 – Green Belt advises that no development will be permitted in the green belt for purposes other than those essential for agriculture, woodland, forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal. This application does not meet any of these requirements and as such, it is not a suitable proposal for this site.

Edinburgh
0131 225 6612

Glasgow
0141 204 3838

Leeds
0113 243 6777

Dundee
01382 227900

Policy NE2 allows for some exceptions to the policy:

1. *Proposals for development associated with existing activities in the green belt will be permitted but only if the development is within the boundary of the existing activity; it is small scale; the intensity of activity is not significantly increased; and any proposed built construction is ancillary to what exists.* The proposal for a new dwellinghouse would not meet this exception as there is no existing green belt activity in operation which would enable further development within its boundary.
2. *Essential infrastructure, such as electronic communications infrastructure and electricity grid connections, transport proposals, as well as roads planned through the masterplanning of new development that cannot be accommodated other than in the green belt.* This proposal is not for any essential infrastructure and therefore does not comply with this requirement.
3. *Buildings in the green belt which have a historic or architectural interest or traditional character that contributes to the landscape setting of the city will be permitted to undergo a change of use to private residential use or to a use which makes a worthwhile contribution to the amenity of the green belt, providing it has demonstrated that the building is no longer suitable for the purpose for which it was originally designed.* There is no existing building on the site which could be converted, therefore the application does not comply with this part of Policy NE2.
4. *Proposals for extensions of existing buildings as part of a conversion or rehabilitation scheme will be permitted in the green belt, provided, the original building remains visually dominant; the design of the extension is sympathetic to the original building in terms of massing, detailing and materials; and the siting of the extension relates well to the setting of the original building.*

The supporting statement purports that the proposals closely match this policy section, however, we strongly disagree with this. The applicant suggests that the farmstead is in a dilapidated state and paragraph 3.3 of the supporting statement acknowledges that much of the walls have been removed. However, in reality the foundations of the site were only uncovered as the result of the excavation of the site. Prior to this, the foundations were not visible and there was no evidence of any farm building on the site.

Any rehabilitation, as permitted by this policy, requires the original building to remain visually dominant. In this case, there is no building standing on the site to rehabilitate and therefore no building to remain visually dominant. It cannot therefore, be regarded as the rehabilitation of the previous farmstead, but an entirely new building which would not comply with this policy. It is therefore not suitable in this Green Belt location.

The location of the site is further compounded by its identification as Green Space Network. This is an additional layer of protection, adding value to the provision, protection, enhancement and connectivity of open space and habitats around cities. Policy NE1 – Green Space Network states that the Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted. It is argued, that the erection of a new dwellinghouse on the site will erode the wildlife and landscape character of the site and therefore fails to comply with Policy NE1. As such, it should not be supported.

Loss of Open Space

Policy H1 - Residential Areas of the Aberdeen Local Development Plan outlines that new residential and householder development will only be approved if it does not have an unacceptable impact on the character or amenity of the surrounding area, or result in the loss of valuable and valued areas of open space.

Open space is defined within the Aberdeen Open Space Audit 2010 as "open, usually green land within or on the edge of settlements. Parks, public gardens, allotments, woodland, play areas, playing fields, green corridors and paths, churchyards and cemeteries, *natural areas*, institutional land as well as civic space".

Natural/semi natural areas are undeveloped or previously developed land within residual natural habitats or which have been planted or colonised by vegetation or wildlife. The Open Space audit highlights that natural or semi natural greenspace is the most well used type of open space with 73% of respondents to the community engagement exercise indicating that they use these spaces more than a few times a month.

The development of this site will therefore result in the loss of valuable open space in this Green Belt/Green Space Network setting. As such, it does not comply with Local Development Plan Policy H1 and Policies NE1 or NE2 which are in place to protect the natural environment. It is respectfully requested that the application be refused on these grounds.

I trust that these issues will be taken into consideration in the determination of the planning application, however, should you require clarification of any matters, please do not hesitate to contact me.

Yours faithfully



Claire Coutts
Associate

cc Hill House, Culter House Road

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Marischal college Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100012267-001

The online reference 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:	<input type="text" value="Suller & Clark"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Karine"/>	Building Name:	<input type="text" value="Scoutbog Steading"/>
Last Name: *	<input type="text" value="Suller"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="07742613598"/>	Address 1 (Street): *	<input type="text" value="Oldmeldrum"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Oldmeldrum"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
		Postcode: *	<input type="text" value="AB51 0BH"/>
Email Address: *	<input type="text" value="karine@sullerandclark.com"/>		

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"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Fernlea"/>
First Name: *	<input type="text" value="Cameron"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Bain"/>	Address 1 (Street): *	<input type="text" value="Crubenbeg"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Newtonmore"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="PH20 1BE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

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

Please identify/describe the location of the site or sites

Northing	<input type="text" value="801778"/>	Easting	<input type="text" value="384255"/>
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Description of Proposal

Please provide a description of your 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)

Full planning permission for erection of dwelling house

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 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.

Please refer to attached Appeal Statement

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

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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)

Appeal Statement-Suller & Clark Design Statement PLANS- Location Plan, Existing Site Plan, Proposed Site Plan, Ground Floor Plan, First Floor Plan, Roof Plan, Proposed Elevations and Sections

Application Details

Please provide details of the application and decision.

What is the application reference number? *

P160180

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

18/02/2016

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

23/03/2016

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 a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

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)

It is considered a site visit would provide a clear understanding of the brownfield nature and condition of the site

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 Karine Suller

Declaration Date: 16/05/2016

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

**Appeal against refusal (Planning Ref: P160180)
Planning Permission for Erection of Dwelling House
At
Mossbrodiepark, Peterculter, Aberdeen**

by Aberdeen City Council ("the Council")

For Mr and Mrs Bain ("the Appellant")

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Background

An application seeking Full Planning Permission for a single house on land at Mossbrodiepark, Peterculter was submitted on 18th February 2016 and refused by Aberdeen City Council on the 23rd March 2016. The planning application sought full planning consent for a single house on land at Mossbrodiepark, Peterculter, Aberdeen. (Planning reference P160180.). The Appellant wishes to Appeal against the refusal of this permission.

The reasons for refusal stated:

The site is located in the green belt where the principle of the construction of an additional dwelling would be contrary to the types of development suitable under the terms of policy NE2 (Green Belt) of the Aberdeen Local Development Plan and Policy NE2 (Green Belt) of the Proposed Local Development Plan. The proposal is therefore considered to be contrary to the main functions of the Green Belt, which are to preserve the landscape setting of the city and to resist urban sprawl.

Grounds of Appeal

The Appellant submits that the site subject of the appeal falls within the definition of **brownfield land** as provided by Scottish Planning Policy. The site has no function and has no prospect of a return to an agricultural use given the current condition of the site. All policies of the Scottish Government and Aberdeen City Council support the reuse of brownfield land as a scarce resource. Indeed Scottish Planning Policy 2014, which post dates the Aberdeen LDP, introduced a presumption in favour of development that contributes to sustainable development. The reuse of brownfield land is considered to contribute to sustainable development.

The appeal site is located in a discreet location and, with the proposed enhanced landscaping provided as part of the overall scheme, the proposed house will not have a detrimental impact on the Greenbelt. Indeed the development of a single, high quality, innovative family home, which has been designed to respond to the site and the surroundings, will result in a net environmental benefit through the reuse of derelict brownfield land which has been the subject of recent fly tipping. The house will continue the existing development pattern of the area, that being sporadic development of single houses which have developed organically over time. The proposed house will not have a detrimental impact on the landscape setting of the City and will not result in urban sprawl. As such the main function of the Greenbelt remains unaffected by this proposal.

As such it is submitted that there are sufficient material planning justifications to set aside strict adherence to the Policy NE2 in this instance.

Application Background

A planning application for a single house was lodged on the 18th February 2016. The application was supported by detailed plans and a comprehensive Design Statement. This Appeal Statement should be considered in conjunction with this detailed Design Statement and all supporting plans.

The necessary consultees were informed of the development including The Roads Service, Environmental Health, Communities, Housing and Infrastructure (Flooding) and the local Community Council, no comments or objections were received. On letter of objection was received from a local resident.

The Report of Handling concluded that the principle of the development did not comply with the exceptions of development permitted in the Greenbelt however it went on to state that in terms of the Green Space Network

“provided the area would be suitably landscaped and taking account of the rural surroundings of the site, it could be considered that, on balance, the area lost to development would not have a significant detrimental impact on the overall function of the green space network in this location.” (S&C emphasis)

In terms of the proposed scale and design of the proposed house, the Report of Handling concluded

“ the proposed building, would be of a high design standard. Presenting split level accommodation which makes good use of the topography. Proposed materials include rubble coursed granite with charred Scottish larch to walls and a pitched slate roof. This combination of materials would be appropriate for a dwelling in this location.” (S&C emphasis)

With regard to access, the Report of Handling confirmed that use of the adjacent private single track road, leading to Culter House Road would be under the threshold requiring adoption of the road. Therefore, there are no issues with the proposed access.

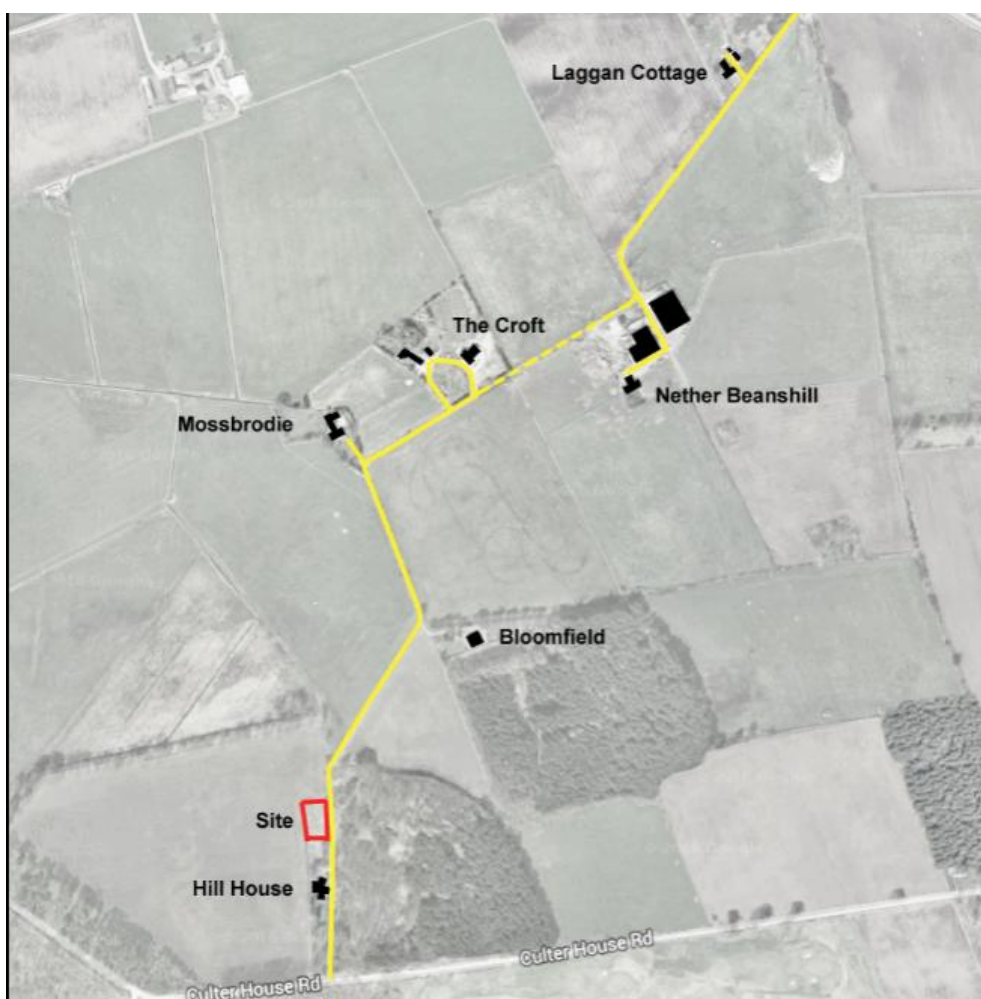
Finally, in terms of drainage and flooding, the Report of Handling confirmed that no comments were received from the Council’s Environmental Health Services, and as a result the proposed private drainage system was considered acceptable.

Therefore in conclusion, while the officers had concerns that the proposal was contrary to the greenbelt policies of the LDP, in all other matters the proposed house was considered acceptable.

Site Description

The appeal site is located to the south of Contlaw and 1km North of Peterculter town centre, 400m from the periphery of Peterculter. The site lies immediately to the west of an unclassified private road which connects to the south with Culter House Road. This track is identified on the Aberdeen City Core Paths Plan as route 51. To the south of the application site is located Hill House a 1 ½ storey stone cottage which has been extended over time. To the north and west of the site are open fields.

The surrounding area is generally agriculture however the area includes sporadic farm steadings and individual houses which have developed organically over time. Both Peterculter and Milltimber and many of the communities along North Deeside Road have grown from small historic settlements centred along the A93. To the north and south of Culter House Road, there are many examples of infill developments, replacement houses and subdivisions of the larger feus to house lots. There are also examples of scattered and dispersed single house developments in the countryside, for example, to the west end of Culter where the road turns north at the dog-leg, to the west of the road, there are 2 properties which appear to be 1970's and 1980's builds. There are also examples of small residential schemes such as the 4 bungalows to the north of 100 Contlaw Road, which sit in the countryside, and appear to be 1970's builds. These all demonstrate that properties can be assimilated into the greenbelt without detriment to the locale.



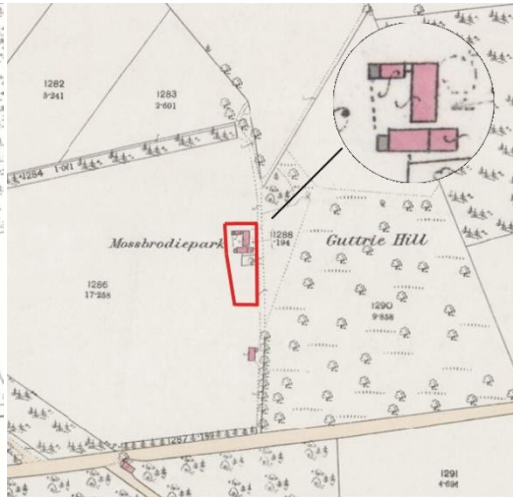
Plan demonstrating the sporadic organic growth of property within the immediate area

The site lies approximately 600m west of line of the AWPR. Significant construction works are currently ongoing to develop this strategic road.

The site itself extends to some 0.11 ha. Historically the site accommodated Mossbrodiepark Farm Steading. The steading is identified on the 1869 & 1900 OS maps.



1869 OS Map



1900 OS Map

The site is clearly defined with the access track to the east, existing property to the south and established field boundaries to the north and west. The site is vacant and isolated from any agricultural use. The land is overgrown and unsightly with clear evidence on site of the former steading use. The remains consist of the lower part of 2 foot thick granite rubble walls and cobbled floor surfaces. The area of walls exposed sits marginally above the old internal floor level at an estimate height of the wall from the top to the bottom of foundation to be around half a metre in height. It is estimated that the farmstead occupied approximately 160sqm to the northern end of the site; the remains of all these buildings are all still present on site.



Photographs of remains on site

The site has no current function and is unlikely to be returned to any form of agricultural use due to its current condition, which would require significant clearance to make it suitable for any form of agricultural use. Further, the site has been subject to some fly tipping over the years which has resulted in an unsightly appearance. It is clear that the site falls within the definition of brownfield land as provided in the glossary to Scottish Planning Policy, that being

“Land which has previously been developed. The term may cover vacant or derelict land; land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable.”

Proposed development

The appeal seeks full planning permission for the erection of a single family home with garden, associated landscaping, parking and access. The appellant grew up in the cottage ‘Hill House’ immediately south of the site and now wishes to return to the area with his young family. Detailed plans have been submitted which demonstrate a carefully considered, highly sustainable 1 ½ storey family home. A Design Statement has been lodged in support of the proposal, which should be considered in association with this Appeal Statement. This document details the design process and confirms that from the inception of the project a key consideration was to create a family home which will have a distinct character and create a sense of place. The proposal will result in an innovative new house which will be both sympathetic to neighbouring buildings while reflecting the vernacular heritage of the

surrounding rural Aberdeen landscape. The resultant house is of high quality design with sustainable features at the core of the design including

- Creating an airtight and insulated building envelope that achieves Gold Aspect under the current building regulations.
- Maximising passive solar gain potential. Large glazing to face onto the South West court, glazing recessed whenever possible to protect interior from overheating under the summer sun.
- Adopting 'thermal mass' principals whenever possible to absorb heat during the day and release during the night. Stone flooring adjacent to full height glazing.
- Where practicable using a ground source heat pump to provide heating & hot-water.
- Sourcing a significant proportion of the building materials locally to reduce transportation.

While the proposed house is of contemporary design it also reflects and respects the heritage of the rural area and it is submitted that, on completion, it will make a valuable contribution to the architectural heritage of the area.

Vehicular access to the site will be taken by sharing the existing access track to the east the appellants are willing to undertake some improvement works to this road as part of any consent, the form of works to be agreed with the Roads Service.

Development Plan Policy

Scottish Planning Policy 2014

The recently adopted SPP published in June 2014 provides an overview of the key components and overall aims and principles of the planning system in Scotland. In general terms the SPP advises that the planning system should enable the development of well designed, energy efficient, good quality developments in sustainable locations.

Paragraph 2 states

“Planning should take a positive approach to enabling high-quality development and making efficient use of land to deliver long-term benefits for the public while protecting and enhancing natural and cultural resources.”

The SPP introduced a

“presumption in favour of development that contributes to sustainable development”

This policy principle in turn requires policies and decisions to be guided by a number of principles, of relevance to the current application area

“supporting good design and the six qualities of successful places”

These being distinctive, safe and pleasant, welcoming, adaptable, resource efficient, easy to move around and beyond.

and

“making efficient use of existing capacities of land, buildings and infrastructure...”

Paragraph 33 states that

“Where relevant policies are out of date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration”

The SPP supports designation of greenbelts where considered appropriate. Paragraph 52 confirms that Local Development Plans should indicate what development is considered appropriate within the greenbelt areas and that this may include

“development associated with agriculture, including reuse of historic agricultural buildings”

The SPP makes no mention of the condition of the “historic agricultural buildings”.

The SPP provides a generally accepted definition of brownfield land as

“Land which has previously been developed. The term may cover vacant or derelict land; land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable.”

Aberdeen and Shire Strategic Development Plan 2014

The SDP confirms the strategic spatial strategy this includes the greenbelt designation around Aberdeen the role of which is confirmed as protecting the character and landscape setting of the City.

The SDP confirms the commitment to reuse brownfield land in preference to Greenfield sites.

Aberdeen City Local Development Plan 2012

Adopted in 2012 the Aberdeen City LDP this pre dates the most recent Scottish Planning Policy document.

The Plan provides a spatial strategy including the designation of Aberdeen’s Greenbelt. The document strongly encourages the reuse of brownfield sites. The LDP concurs with the SPP definition of brownfield land. The Plan confirms the Council’s commitment to high quality development. In relation to countryside locations are relevant to this proposal.

In terms of the greenbelt the Plan confirms that the aim of the greenbelt is to

“maintain the identity of Aberdeen and the communities within and around the city by defining their physical boundaries clearly avoiding coalescence and urban sprawl, maintaining the landscape setting and providing access to open space. The greenbelt directs growth to the most appropriate locations and supports regeneration”

The principal relevant policies are:

NE1 – Green Space Strategy

NE2 – Green Belt

NE6 – Flooding and Drainage

D1 – Architecture and Placemaking

D6 – Landscape

T2 – Managing the Transport Impact of Development

Supplementary Guidance - Conversion of Steadings and other Non-residential Vernacular Buildings.

Proposed Aberdeen Local Development Plan

The proposed Aberdeen City LDP is currently with the Reporter for examination. The Plan places significant emphasis on the reuse of brownfield land in preference to Greenfield land. That said, at the time of lodging the application, the Proposed Aberdeen City Local Development Plan while approved by Aberdeen City Council and was lodged with DEPA for examination in November 2015. The statutory period for representation has now expired and unresolved representations are with the Scottish Ministers for consideration. The Proposed ALDP is at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to policies and proposals of the plan that are subject to unresolved objection, this includes Policy NE1 Green Space Networks and NE2 - Greenbelt.

Discussion

The appeal seeks full planning permission for a single family home designed and constructed to a very high standard. The appellant grew up in the cottage 'Hill House' immediately south of the site and now wishes to return to the area with his young family. It is submitted that the site subject of the current appeal falls within the accepted definition of brownfield land. The site has no current use and no prospect of a use without significant clearance and decontamination. The site has been subject to fly tipping and is therefore an unsightly area of brownfield land with no current function. Scottish Planning Policy introduces a presumption in favour of development that contributes to sustainable development, the reuse of brownfield land maximising the use land as a scarce and finite resource is considered to be wholly sustainable.

The proposed house has been carefully designed to provide a contemporary and sustainable family home which respects and reflects the architectural heritage of the area and will make a valuable contribution to the architectural legacy within the area. The Design Statement lodged in support of the application demonstrates clearly the careful consideration of the site, evolution of the design in response to the site and provides a sensitively designed innovative and wholly sustainable family home. The Design Statement further describes in detail the design process which culminated in the proposed house which, while contemporary in nature, includes elements which reflect the original farm steading use of the

site and the vernacular architectural heritage of the site. It is considered that this carefully considered house will result in an individually designed house which will make a valuable contribution to the architectural heritage of the countryside location.

The proposed house will not have any detrimental impact of the surrounding neighbours. The proposed house is set within a discreet location and on a defined site as such it is considered that the proposed house will not have a detrimental impact on the landscape setting of Aberdeen City nor will it result in coalescence or result in any urban sprawl.

Access to the site will be from the adjacent unclassified track. No objections to the use of this road have been raised by the Roads Service. The appellants are willing to undertake some improvement work to this road, the scope of work to be agreed with the Roads Service

The Report of Handling prepared by officers confirmed that in terms of the impact on the Green Space Network, the scale and design of the proposed house, the access and drainage and flooding solution are all considered satisfactory.

As such, it is the nature of the site, set within a greenbelt location, which causes conflict with the policies of the LDP.

The site historically accommodated a farm steading; this is confirmed through the historic plans and through clear evidence of the former use on site. There is no possibility in its current condition that the site can be used for any productive or active agricultural use. Any development will require considerable decontamination and removal of all remaining materials and below ground structures before the site is suitable for any form of reuse. Naturalisation of the site may occur over time but the site could become an eye sore with scrub vegetation and the dumping of materials, indeed fly tipping has been experienced on site recently. This will no doubt cause significant concerns to those living within the immediate vicinity and will have a detrimental impact on the countryside.

The definition brownfield land is defined in the SPP is

“Land which has previously been developed. The term may cover vacant or derelict land; land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable.” (S&C emphasis)

Therefore it is submitted that the site clearly falls within the definition of brownfield land as it has previously been developed, albeit that the above ground structures have been, in the main, removed.

The Scottish Government prioritises the reuse of brownfield land. Indeed, the SPP 2014 introduces a presumption in favour of development that contributes to sustainable development, with one of the guiding principles of the planning system being:

“making efficient use of existing capacities of land, buildings and infrastructure”.

It is clear that the current development will contribute to sustainable development and will ensure the efficient reuse of previously used brownfield land.

The extant Aberdeen City Local Development Plan adopted 2012 is considered out of date as it predates the SPP and therefore could not have responded to this key priority of the Scottish Government.

The SPP goes on to confirm that

“Where relevant policies are out of date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration”

In these circumstances it is submitted that the most recent expression of Scottish Planning Policy, which post dates the extant Local Development Plan, includes a presumption in favour of development that contributes to sustainable development is a significant material consideration in the determination of this application.

In the current circumstances, the application site clearly falls within the definition of “brownfield land”. The site has clear evidence of the former steading use. The site has no current function, and due to the former use and the remaining structures on site the site has no possibility of a return to productive agricultural use. The reuse of the site will therefore contribute to sustainable development.

Further, a very carefully considered house design has evolved in response to the site, resulting in a house which will make a valuable contribution to the architectural heritage of rural Aberdeen. Scottish Planning policy provides six qualities of successful places, these being:

Distinctive, the proposed house has been carefully design to respect the topography of the site and the surrounding area. The resultant design provides a contemporary home which, while being wholly sustainable, reflects the vernacular architectural heritage of the area.

Safe and pleasant, The house and garden have been laid out and incorporate significant landscaping which will ensure the development will not have any detrimental impact on the surrounding Green Space Network.

Welcoming, the house has been orientated and designed to make best use of the south facing aspect, while providing a home which creates and presents a welcoming elevation to the access road.

Adaptable, the house has been designed to adapt to modern family living.

Resource efficient, the proposed house is proposed on a brownfield site, which in itself is considered highly sustainable as it ensures the reuse of land as a scarce resource. In addition sustainable features are provided at the core of the design.

Easy to move around and beyond, the proposed house will make use of the existing access track. The site is located on the core path route and is a short walk from the existing facilities at Peterculter.

Further, it is submitted that the proposed single family house follows the established pattern of development within the area where single high quality family homes have been developed

organically overtime. The current proposed house follows this established development pattern,

Therefore, it is considered that the development fully adheres to the most recent expression of Scottish planning Policy in that the proposed house will contribute to sustainable development and will provide a “successful place” as defined by Scottish Government.

Considering the specific policies of the Aberdeen City LDP of relevance to the current application:

Policy NE1 – Green Space Network The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted.

Response: As confirmed by the Report of Handling the proposed house would result in approximately 25% of the area occupied by the building and associated hard standing, with the remainder being used as residential garden. As part of the proposal a landscape scheme will be developed which will integrate the new house into its landscape setting by providing a landscape structure which reflects and enhances the patterns of woodland planting which are characteristic of the local area. This will also enhance the green space network generating additional amenity and ecological benefits for the site and its wider landscape setting. As a result, and as confirmed by the Report of Handling, it is considered that the small area of land required for the house and hard standing will **not** have a significant detrimental impact on the overall function of the green space network in this location.

As such it is considered that the proposal complies with Policy NE1 Green Space Network

Policy NE2 – Green Belt No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal. The policy provides a number of exceptions including the reuse of

“Buildings in the green belt which have a historic or architectural interest or traditional character that contributes to the landscape setting of the city will be permitted”

In the current circumstances it is submitted that this Policy does not reflect the most recent guidance provided by the Scottish Planning Policy, which incorporates the key Policy Principle

“a presumption in favour of development that contributes to sustainable development”

This in turn requires policies and decisions to be guided by a number of principles one of these being

“making efficient use of existing capacities of land, buildings and infrastructure...”

The SPP provides a generally accepted definition of brownfield land as

“Land which has previously been developed. The term may cover vacant or derelict land; land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable.”

Paragraph 33 of the SPP states that

“Where relevant policies are out of date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration”

In this instance it is clear that the SPP published 2014 postdates the Aberdeen LDP adopted 2012 and therefore the presumption in favour of sustainable development introduced by the SPP is not reflected in the LDP.

In the current circumstances it is clear that the appeal site falls within the accepted definition of brownfield land in that it has previously been developed and comprises *“vacant and derelict land”*. The site has no current use and has no prospect of a viable use due to the remains of the structures on site. Therefore the reuse of the site to provide a carefully designed and sustainable family home, one which responds to the six qualities of successful places fully adheres to the most recent guidance provided by the Scottish Government.

Therefore, while it is accepted that there is some conflict with Policy NE2 Greenbelt Policy it is submitted that the Policy is somewhat out of date as it cannot have reflected the Scottish Government’s presumption in favour of sustainable development incorporated in the SPP 2014. As such the presumption in favour of development that contributes to sustainable development is a significant material consideration in the determination of this appeal.

The current development is considered wholly sustainable as it will result in the reuse of brownfield land - land which has no current use due to the onsite structures and no likelihood of a return to productive agricultural use. The proposed house is of a very high quality design, a design which has developed in response to the site and, while contemporary in nature, reflects the vernacular architectural heritage of the area. The proposed house follows the established development pattern in the area that being one off individually designed homes. The proposed site is in a discreet location and in no way will detract from the quality of the greenbelt.

The background to Policy NE2 confirms the aims of the greenbelt are

“maintain the identity of Aberdeen and the communities within and around the city by defining their physical boundaries clearly avoiding coalescence and urban sprawl, maintaining the landscape setting and providing access to open space. The greenbelt directs growth to the most appropriate locations and supports regeneration”

In the current circumstances the proposed house will not result in urban sprawl or coalescence, there will be no negative impact on the landscape setting or access to open space. The aims support regeneration which is clearly provided by the current proposal. A recent application on land to the north of Cults Ref 140159: Craigton Road, Cults the redevelopment of a vacant and dilapidated and partially demolished 1½ storey house and ancillary buildings set within extensive wooded grounds was approved planning consent. In approving the application the Report of Handling that

“Replacing an existing house within a residential curtilage on a one for one basis would not undermine the purpose of green belts as expressed in SPP.”

The report went on to note that

"There is no allowance made within green belt policy for the provision of replacement dwellings, though it has been the practice of this authority to consider that there is no land use impediment to such a development, on the basis that this can be considered as being related to an existing on-going use within the green belt, and would not generally involve any material intensification of that use."

The Officer also noted

"The proposed replacement house, being within an existing residential curtilage would not undermine the purpose of the Green Space Network."

The reasons for approval included

"that the design would be of a high standard and that the house would not impact on the wider landscape character of the green belt, it is considered that the design of the proposed house is acceptable. The proposed house would be substantially larger than the existing property. The footprint of the building would be substantially greater. The height would also increase significantly. Consequently, the overall massing of the house would be substantially greater than the existing property."

It is submitted that the current proposal provides very similar circumstances. The site is clearly brownfield, there is clear evidence of the previous use on site and the proposed single house would not result in an undue material intensification of the use. The Report of Handling to the application confirmed that the proposal would not result in a significant detrimental impact on the overall function of the green space network in this location.

And finally the proposed house is of a very high quality design which again as confirmed by the Report of Handling

" the proposed building would be of a high design standard. Presenting split level accommodation which makes good use of the topography. Proposed materials include rubble coursed granite with charred Scottish larch to walls and a pitched slate roof. This combination of materials would be appropriate for a dwelling in this location."

Therefore, while it is accepted that there is some conflict with Policy NE2 it is submitted that there are sound material justification for setting aside strict adherence to the Policy in this instance these being

- The site falls within the accepted definition of brownfield land. The reuse of the land represents sustainable development and as a result the proposal accords with the most recent Scottish Government advice contained in the SPP 2014 and the presumption in favour of development that contributes to sustainable development contained therein.
- The proposed house fulfils the definition of a successful place as provided by the SPP.
- The proposed family home will make a positive contribution to the architectural heritage of rural Aberdeenshire
- There is no land use impediment to the development, the proposed residential use is related to the last known use of the site and will not involve any material intensification of this use.

- The proposed house follows the pattern of development in the area, that being sporadic development of high quality homes which have developed organically over time.
- The proposal will not have any conflict with the Green Space Network nor will it conflict with the aims of the greenbelt in that the single house will not result in coalescence or urban sprawl, maintaining the landscape setting and providing access to open space.

Policy NE6 - Flooding and Drainage Development will not be permitted it would increase the risk of flooding, would be at risk itself from flooding.

There is no issue of flooding on site or as a result of the development as such the appeal fully complies with Policy NE6.

Policy D1 - Architecture and Place making 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.

The proposal is supported by a detailed Design Statement which explains the evolution of the design and demonstrates how the proposed house responds to the appeal site. In considering the proposal the Report of Handling confirmed that the scale and design to be acceptable as such the proposal fully complies with Policy D1.

Policy D2 - Design and Amenity Provides design standards to be applied to new development. These have been considered in detail and all requirements fully met by the current design. As a result the proposal fully complies with Policy D2.

Policy T2 – Managing the Transport Impact of Development New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated.

The current application is for a single house, traffic generation is therefore slight. The existing access track is considered suitable for the development. Further, the house sits on a core path route within a short walk to the existing facilities and services in Peterculter.

Therefore the proposal complies with Policy T2.

Summary

The Town and Country Planning (Scotland) Act 1997 as amended requires that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

In the current circumstances the appeal seeks full planning permission for a single house which has been designed to a very high standard. The application site falls within the accepted definition of brownfield land that being "*Land which has previously been developed. The term may cover vacant or derelict land*". The most recent expression of Scottish Planning Policy published 2014 introduced a presumption in favour of development that contributes to sustainable development. The reuse of this brownfield site, land which

has no current purpose due to the former buildings, is considered to be wholly sustainable. Therefore, it is submitted that the presumption in favour of sustainable development as contained within the SPP provides a sound, pragmatic and material justification for allowing redevelopment of this site, which has been exhibited by Aberdeen City Council in other instances of replacement buildings in the Greenbelt.

The design of the house has been carefully considered to respect the topography of the land and provides a home which is contemporary in nature, incorporating sustainable features at the core of the design, but at the same time reflecting the vernacular architectural heritage of the rural area. The proposed house responds positively to the six qualities of successful places provided by the SPP. The development continues the development pattern of the area that being one off individually designed homes. The proposed house will in no way result in urban sprawl or coalescence and will not in any way detract from the visual amenity of the green belt.

The Appellant submits that the Appeal complies with all policies of the Scottish Government and while there may be some conflict with the Aberdeen LDP, it is submitted that this predates the most recent Scottish Government advice published in the 2014 SPP and therefore the presumption in favour of sustainable development should take precedence in this instance.

Therefore and in conclusion we would respectfully request that this appeal is upheld and planning consent granted.

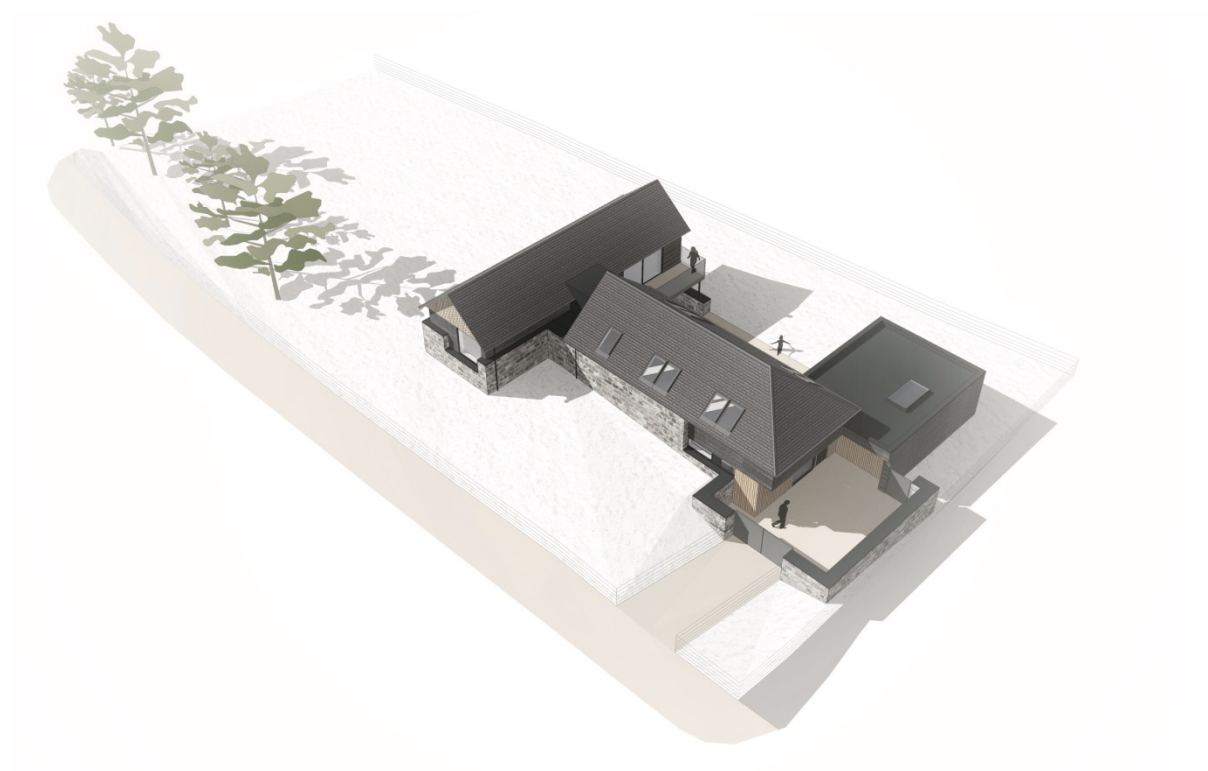
Suller & Clark

May 2016



DESIGN STATEMENT

New Dwelling House
Mossbrodiepark
Peterculter
Easting: 384265 - Northing: 801786



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- 1 Background
- 2 Introduction
- 3 Site Description
- 4 House Proposal
- 5 Planning Policy, Advice & Guides
- 6 Conclusion
- 7 Declaration

1) BACKGROUND

Name of scheme: Proposed New Home at Mossbrodiepark

Applicant: Mr & Mrs Bain

Architect: Domestic Architecture Development Ltd

2) INTRODUCTION

We represent the owners of vacant land located immediately North of Peterculter. Our clients, Mr and Mrs Bain and their young daughter seek to build a new family home which will allow them to return to the Aberdeen area. Mr Bain grew up in the cottage 'Hill House' immediately South of the site in the late 1970s and 80s and was schooled in Peterculter Primary and then Cults Academy. They hope to send their young daughter to these local schools. Moving back to this area would offer the opportunity to be closer to family and friends and allow Mr Bain to return back to the surroundings he grew up in. Mr Bain, working in the Oil and Gas industry, currently undergoes an unsustainable regular commute to Aberdeen for business. Mrs Bain works as an Airline Captain, and as such could be based from Aberdeen airport. The completion of the nearby AWPR in 2018 will further assist this commute.

3) SITE DESCRIPTION

3.1 Location

The proposed application site is located approximately 1km South of Contlaw and 1km North of Peterculter town centre (400m from the periphery of Peterculter) and 10km West of Aberdeen city centre. The vacant land is accessed from an unclassified private road which connects to Culter House Road, approximately 600m due West of the AWPR (Fig 01). This track is identified on the Aberdeen City Core Paths plan as route 51. The site is located within the Aberdeen City & Shire Green Belt and Greenspace Network but out with the Peterculter Local Nature Conversation Site.

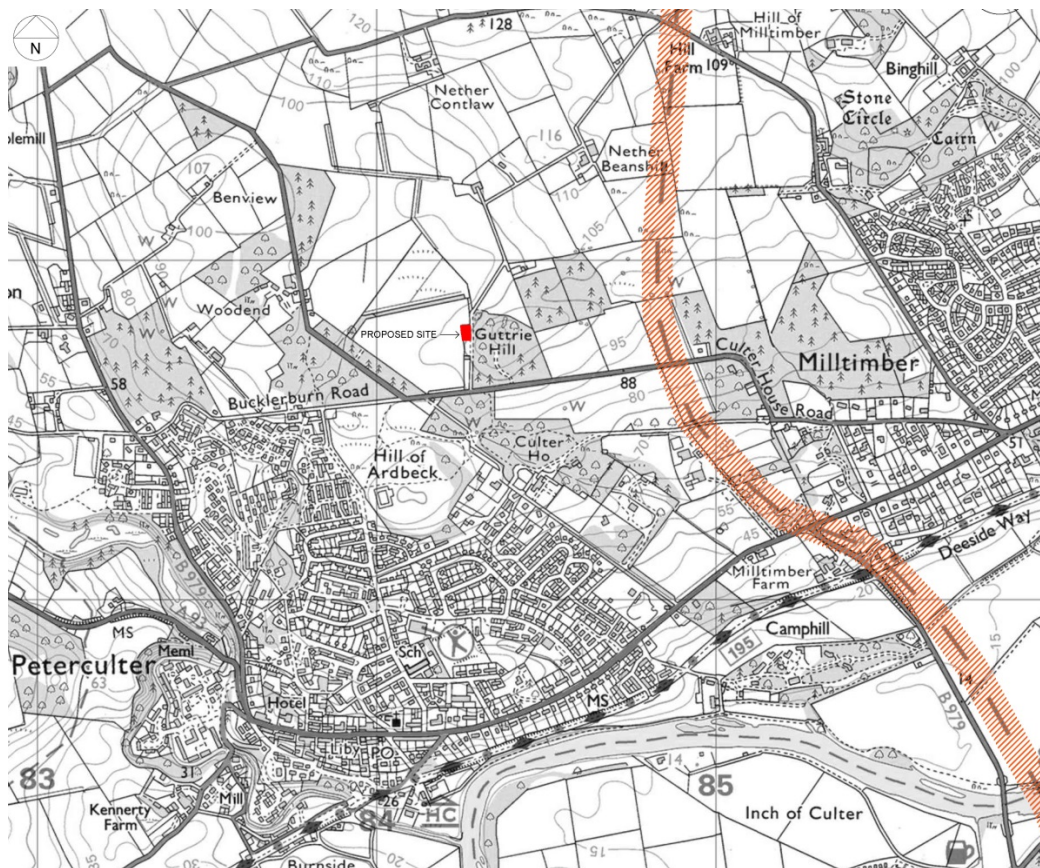


Fig 01 – OS Map extract

3.2 Surrounding Landscape, key buildings, AWPR and characteristics

The adjoining land to the West and North boundaries is currently and historically been used for agricultural purposes. The fields are bound with stone dykes and mature trees. The landscape to the East, across the private track (Guttrie Hill), is currently hilled woodland which previously occupied 3 quarries that date back to the late 19th century. The property to the South contains a cottage called Hill House (previously Mossbrodie Cottage) which dates back to the late 19th century. The private track running adjacent to the eastern boundary is identified in Aberdeen City Councils Core Paths as Route 51 (Fig 02).



Fig 02 – Satellite photo

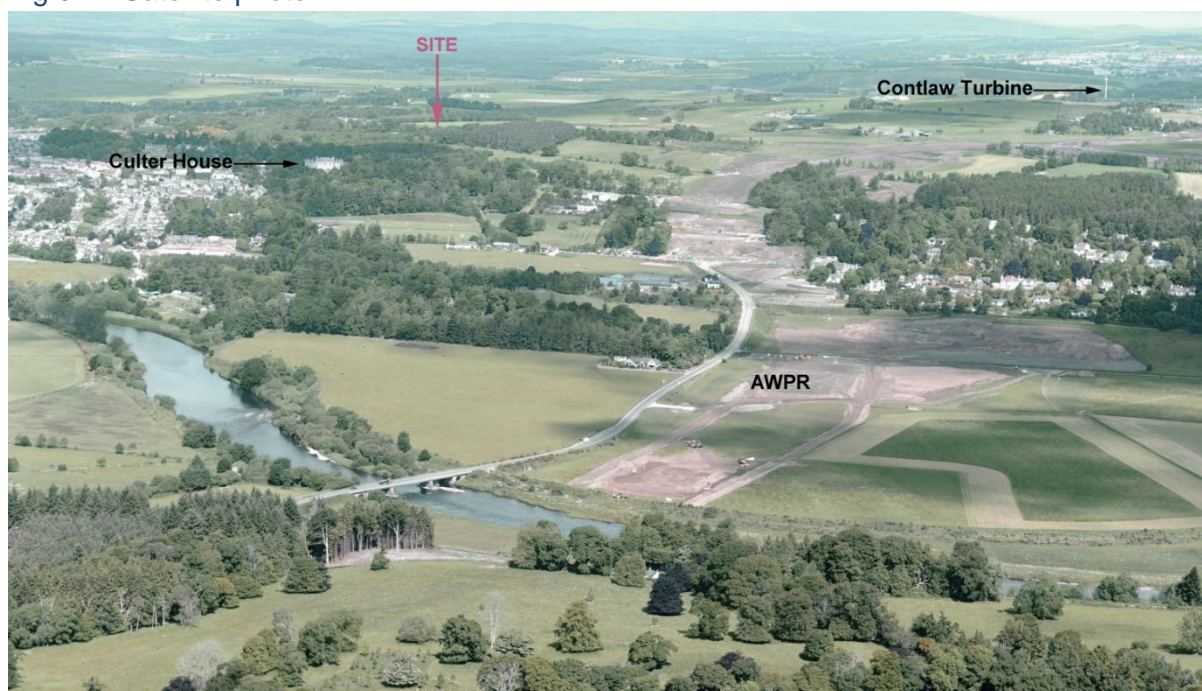


Fig 03 – Aerial photo

The local vernacular for 19th century buildings located in the area are predominantly small crofts and small to medium scaled Farmsteads. These buildings are simple in form and generally consist of a grouping of single storey and 1 ¾ storey buildings with steeply pitched roofs and gables ends. Walls are built with solid granite stone and roofs are finished with slate. Culter House, a large 3 storey 17th century Country House, is located 500m to the South along with a number of recently built large detached suburban houses. To the South West, lies the Northern part of Peterculter consisting of recently built small to medium sized brick + render finished 1 + 2 storey detached houses. To the North, recent developments include; an equestrian centre near Guttrie Hill and a wind turbine at South Lasts Farm, Contlaw. To the East the extensive AWPR development is ongoing (Fig 03).

3.3 Site History / Land use

The land currently owned by our client previously occupied a Farmstead called Mossbrodiepark. This is identified on the 1869 & 1900 ordinance survey maps (Fig 04 & 05). The Farmstead is also described in the Aberdeenshire OS name Books 1865-71 as 'a farm stading consisting of a dwelling house and office houses' and by the RCAHMS as 'a farmstead comprising one unroofed building and three roofed buildings is depicted on the 1st edition of the OS 6-inch map'. The old Farmstead buildings appear to have grown organically in a tight cluster to the northern end of the site. Buildings were arranged on a North / South axis. Subsequently the buildings fell into disrepair during the earlier half of the 20th century and regrettably much of walls have been removed. The boundary fence which separated the land from the adjacent field has remained insitu since 1900 and as such the land has been lying vacant and isolated from agricultural use.

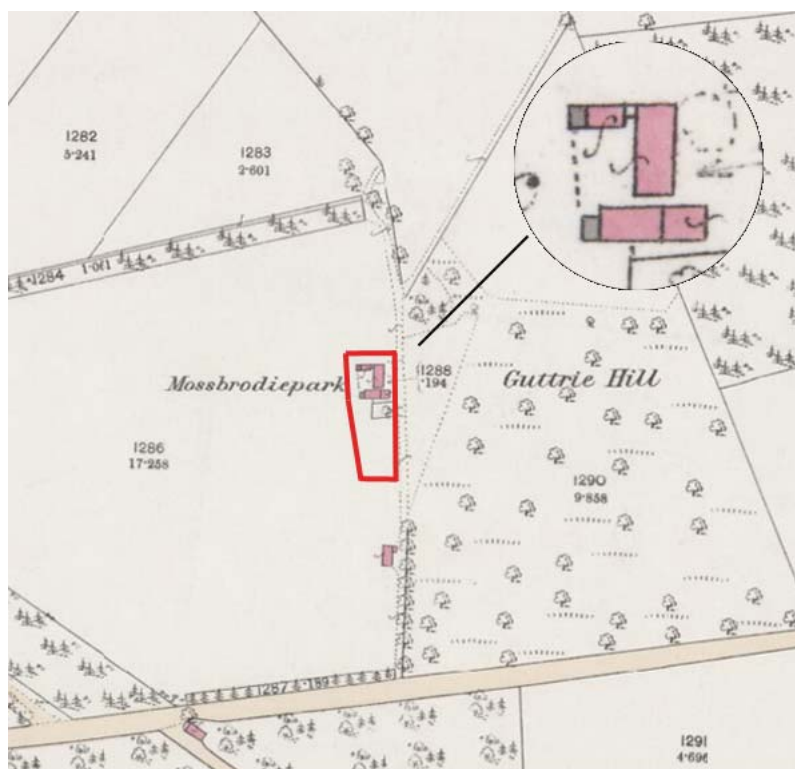


Fig 04 – OS extract 1869



Fig 05 – OS extract 1900

3.4 Characteristics of proposed site - present

The vacant site is approximately 0.11ha in size. The land is rough unused ground with a 1:12 slope running generally East to West across the width of the site. To the South of the site the ground sits lower than the private track and some mature trees are located along the track edge (Fig 06 & 07).

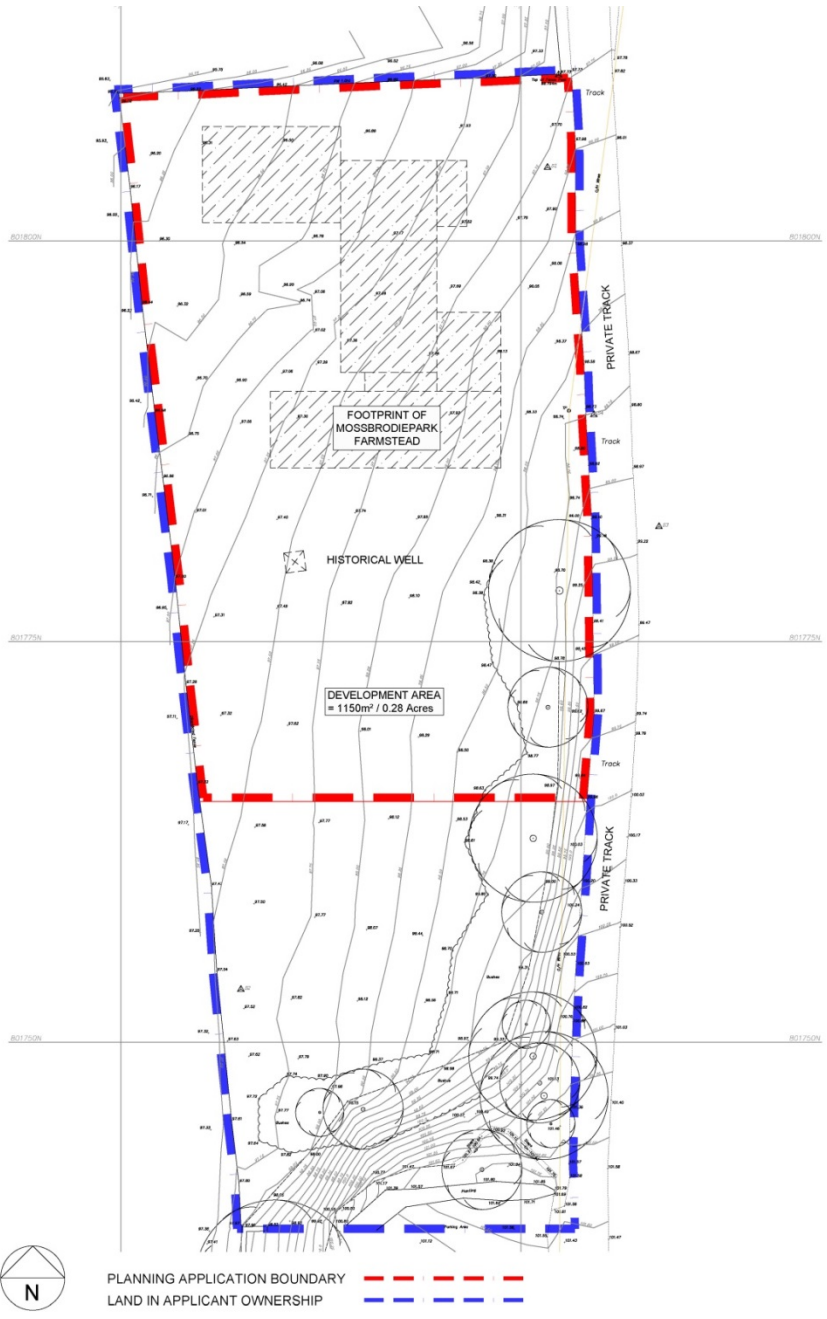


Fig 06 – Existing Site Plan



Fig 07 – Site Photo as viewed from private track

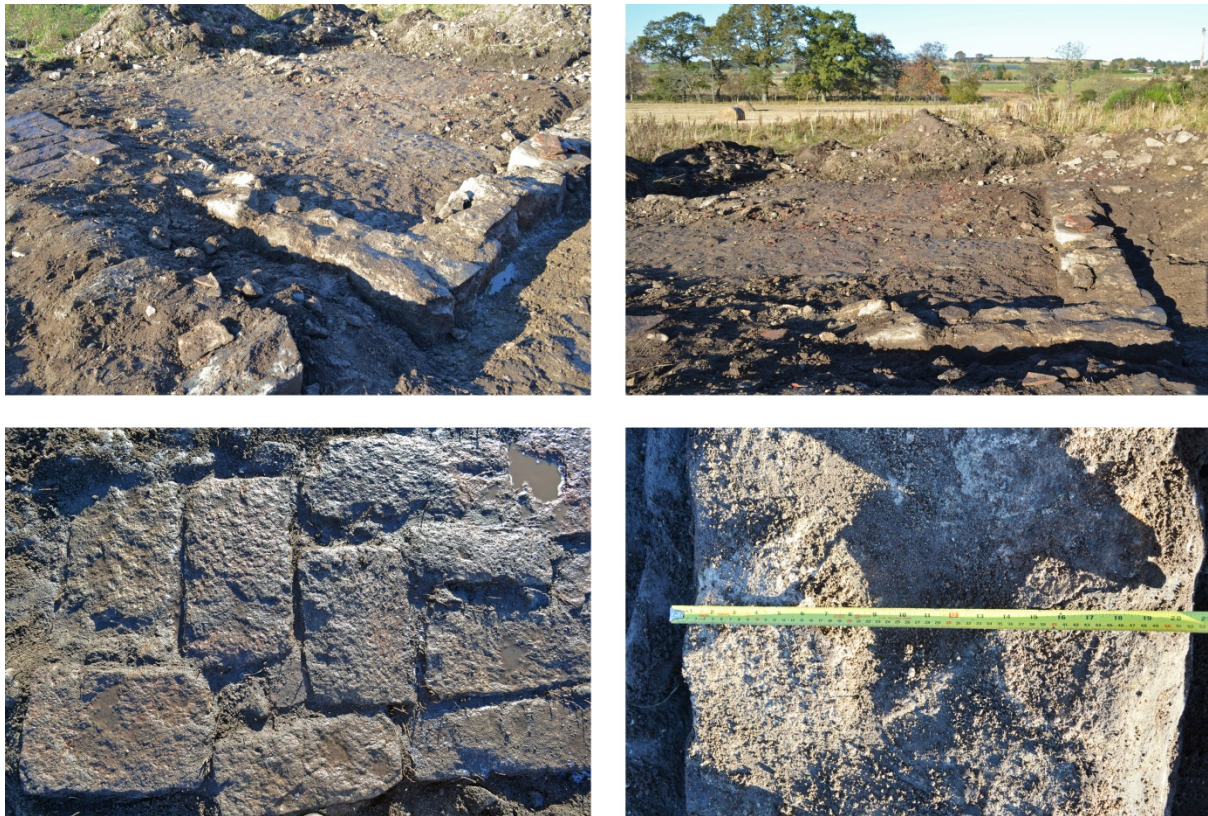


Fig 08 – Farmstead remains

During an excavation undertaken by our client to locate and cap an old water well, the remains of the old farmstead have been partially exposed. Remains consist of the lower part of 2 foot thick granite rubble walls and cobbled floor surfaces (Fig 08). The area of walls exposed sits marginally above the old internal floor level and we estimate the height of the wall from the top to the bottom of foundation to be around half a meter high. It is estimated that the farmstead occupied approximately 160sqm to the northern end of the site, and the remains of all these buildings are all still present.

This discovery clearly demonstrates the land has not been sterilised and the land remains 'Brownfield' as defined by the Scottish Government in the Glossary of Scottish Planning Policy 2014. Our client appreciates that the buildings may have archaeological significance and is fully supportive of the site being surveyed and recorded should permission be granted.

4) HOUSE PROPOSAL

4.1 Accessibility

For access to Aberdeen City centre, either public transport can be used from Johnstone Gardens (North end of Peterculter), a 10 minute walk away, or a cycle along Core Path 51 (adjacent to site) to Core Path 76 then to Core Path 66 would take you into the centre of Aberdeen inside 40 minutes. For local amenities, for example, the post office in Peterculter, along North Deeside Road is located 1500 meters to the South; an acceptable distance for walking as Stated by the Scottish Government in PAN 75.

4.2 Siting

Our client proposes to erect a new Dwelling House on Brownfield Land previously occupied by the Mossbrodie Park Farmstead to the Northern half of their land. The extent of the proposed new home will be specifically sited within the footprint of the historical buildings.

Existing services including, mains water, electric and telecoms are all currently located at very close proximity to the site (Fig 09).

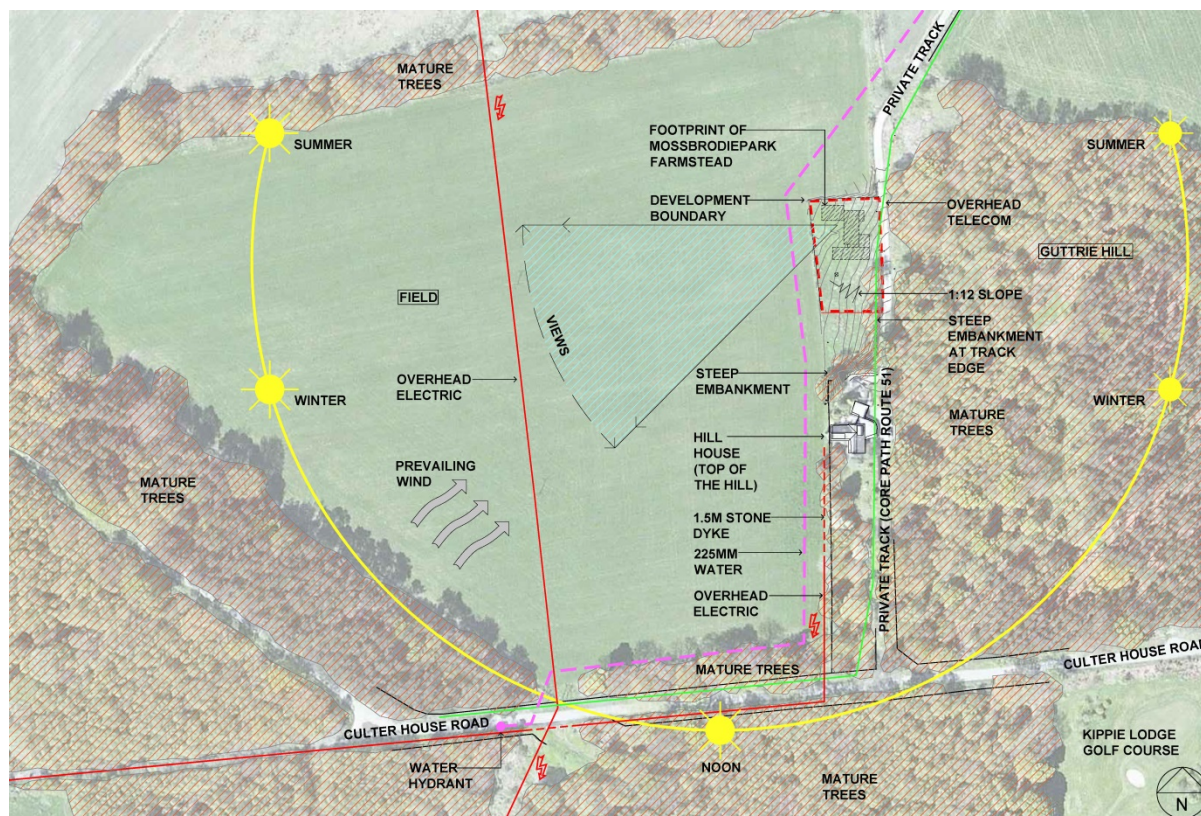


Fig 09 – Site Analysis

4.3 Access

The proposed vehicular and pedestrian access to the proposed House will reuse the old access to the old farmstead to the North East corner, for practical reasons this connects to the existing private track at a manageable gradient. The adjacent track connecting to Cutler House Road is in a very poor state of repair, with extremely large pot holes. Our client has confirmed they would consider repairing and resurfacing this section of road as part of the development.

4.4 Impact

The intention is that the chosen site will have little to no impact on the surrounding Greenbelt. Mature trees entirely enclose the proposed site and the adjacent field (with the exception of a small gap to let power cables pass) screening the site from the public road and neighbouring properties (Fig 09).

The group of the existing trees running along the edge of the private track and to the North of Hill House will be kept and maintained to again reduce any impact from passing traffic along the private track.

The level of the proposed site is approximately 97.5m above sea level and is set down approximately 3.5m from the ground levels of the neighbouring Hill House. The relative low level of the site and its proximity to the North end of the site means it will not be dominate within the context of the surrounding landscape.

Given the remoteness of the site from neighbouring properties there are no concerns regarding privacy and shadowing.

There are currently no mature trees, hedges, water courses in the area proposed to be built upon and as such the proposed development will have a negligible impact on natural habitats and wild flora & fauna.



Fig 10 – Proposed Site Plan

4.5 Form and Detail

From the inception of this project we have sought to create a home which will have a distinct character and sense of place. A home which is both sympathetic to neighbouring buildings and to those that previously stood on the site, but also reflects the innovative thinking of the Applicant. The house design has been influenced by the ‘old farmstead vernacular’, but is intended to be ‘of its time’ with modern elements incorporated.

As well as being respectful to the buildings that once stood on the site, building within the footprint of the old Farmstead buildings also offers an interesting and practical solution for a new house design. The building form makes reference to the old farmstead by adopting a ‘T’ shaped house plan with a garage added to the North end. This forms a convenient inner

courtyard which creates a private, sunny and sheltered external space with views across the adjacent field, a space to be enjoyed throughout the year.

The houses proportion, eaves and ridge heights are respectful of the old farmstead vernacular (Fig 03). The eaves and verge details are kept as straightforward as possible with no extended soffit unlike many 20th century 'kit houses'. No dormers are proposed. Through careful use of the existing levels the building generally reads as a single storey from the access track (North, East and South Elevations) and 1 & ¾ storey to the private side (West Elevation).

A general concept for the house was to create a 'robust' stone facing to the outer walls (the public side) and create a 'lighter' glazed and clad finish to the south facing and sheltered inner walls (the private side). The stone walls are set down at gables to form recessed areas of glass and cladding. Thin roof overhangs project over the recesses protecting the external finishes and preventing the internal spaces from overheating in the summer. A low level wall; a continuation of the East elevation extends to the North and creates a new entrance and parking area at the entrance to the house and garage.



Fig 11a – Proposed House photomontage – view from track



Fig 11b – Proposed House photomontage – as viewed back from adjacent field

4.6 Materials

A restrained palette of external finishes are proposed consisting of natural materials appropriate to the rural setting and echoing vernacular buildings. The Applicant is keen to invest in using materials of the highest quality that will stand the test of time. We propose the walls will be clad in Aberdeen granite (varied colours grey, black + pink) with areas of Scottish timber cladding and large south / west facing glazing which will allow solar gain and views across the field and trees beyond. The roof will be finished in British natural slate (Fig 12).

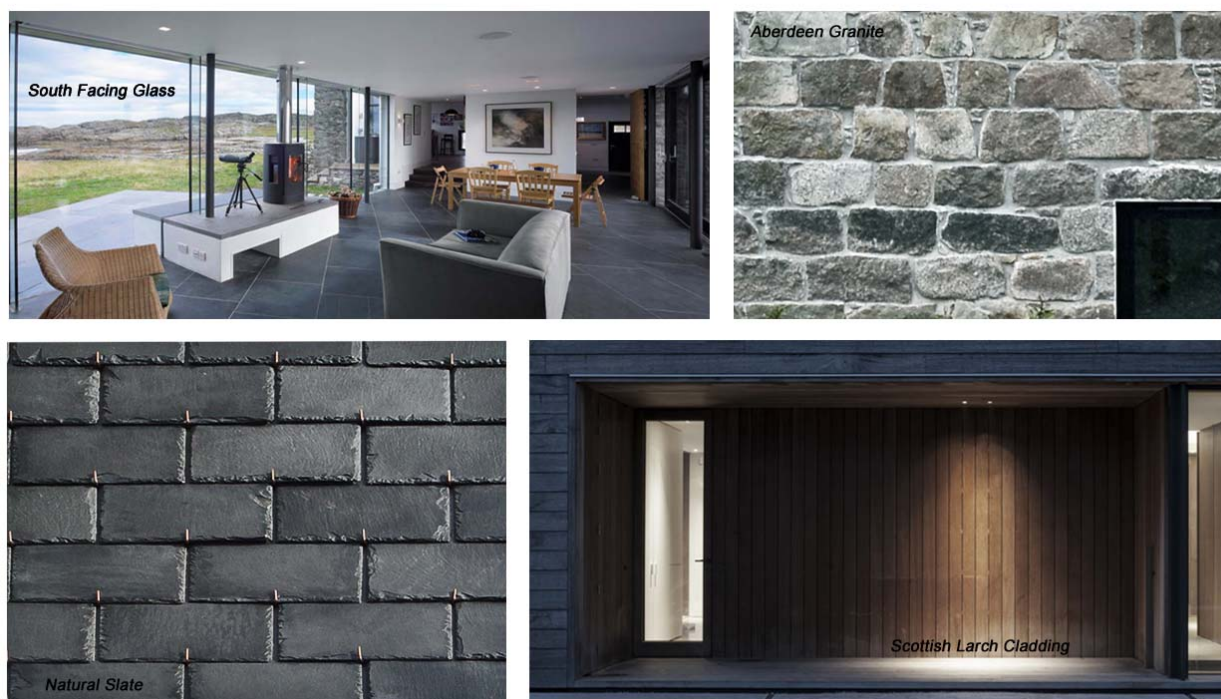


Fig 12 – External Finishes

Sustainability

The applicant foresees this project as a major step towards further reducing his own and his partner's carbon footprint. It is our clients' intension to:

1. Create an airtight & insulated building envelope that achieves Gold Aspect under the current building regulations.
2. Maximise passive solar gain potential. Large glazing to face onto the South West court, glazing recessed whenever possible to protect interior from overheating under the summer sun.
3. Adopt 'thermal mass' principals whenever possible to absorb heat during the day and release during the night. Stone flooring adjacent to full height glazing.
4. Where practicable use a ground source heat pump to provide heating & hot-water.
5. Source a significant proportion of the building materials locally to reduce transportation.

5) PLANNING POLICY, ADVICE & GUIDES

Full consideration has been given to all relevant policies, advice & guidance during the design process. The following documents and referenced extracts have informed and assisted the house design.

Scottish Planning Policy / The Scottish Government 2014

Glossary

'Brownfield land

Land which has previously been developed. The term may cover vacant or derelict land, land occupied by redundant or unused building and developed land within the settlement boundary where further intensification of use is considered acceptable.' (p71)

Our clients land has been previously developed and is vacant which qualifies the development site as Brownfield as defined in SPP.

National Planning Framework for Scotland 3 / The Scottish Government 2014

2.21 *'Most of Scotland's vacant and derelict land lies in and around our cities.. This presents a significant challenge, yet also an opportunity for investment. **Planning has an important role to play in finding new and beneficial uses for previously used land** (p8)*

4.17 *'Whilst **re-use of vacant land remains a priority**' (p46)*

At National level the government states re-use of 'previously used land' should be considered a priority.

Scottish Planning Policy / The Scottish Government 2014

Paragraph 40

'Planning should direct the right development to the right place.

This requires spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area. To do this, decisions should be guided by the following policy principles:

- *optimising the use of existing resource capacities, particularly by co-ordinating housing and business development with infrastructure investment including transport, education facilities, water and drainage, energy, heat networks and digital infrastructure;*
- *using land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores;*
- **considering the re-use or re-development of brownfield land before new development takes place on greenfield sites;**
- *considering whether the permanent, temporary or advanced greening of all or some of a site could make a valuable contribution to green and open space networks, particularly where it is unlikely to be developed for some time, or is unsuitable for development due to its location or viability issues; and*

- *locating development where investment in growth or improvement would have most benefit for the amenity of local people and the vitality of the local economy.’ (p13)*

Paragraph 49

‘For most settlements, a green belt is not necessary as other policies can provide an appropriate basis for directing development to the right locations. However, where the planning authority considers it appropriate, the development plan may designate a green belt around a city or town to support the spatial strategy by:

- ***directing development to the most appropriate locations and supporting regeneration;***
- ***protecting and enhancing the character, landscape setting and identity of the settlement; and***
- ***protecting and providing access to open space.’ (p13)***

The proposed design will be of the highest standard and be respectful of its surroundings; making very little impact and enhancing the Greenbelt. The proposal will not affect any access to open space, as noted earlier in statement; our client would specifically like to upgrade a section of Core Path Route 51 therefore making the Greenbelt more accessible to all.

The proposal does not undermine the purpose of green belts as described in SPP.

Designing Places / Scottish Executive

‘At one end of the scale, sensitive siting and design of single houses in the countryside can help support and revitalise rural communities without undermining the area’s distinctive qualities.’ (p4)

‘identity, safe and pleasant spaces, ease of movement, a sense of welcome, adaptability and good use of resources – are at the heart of good design for urban and rural development.’ (p10)

‘The challenge for our architecture today is to fuse what is still vital in local tradition with the best in our increasingly global civilisation, to marry them in new ways that meet our modern needs and aspirations.’ (p11)

Points acknowledged and fully addressed in the proposed house design.

PAN 67 – Housing Quality / Scottish Executive 2003

‘Too many new homes look as if they could be anywhere. Thoughtlessly chosen standard house types and inappropriate materials look disconcertingly out of place.’ (p10)

‘The development should reflect its setting, reflecting local forms of building and materials’ (p23)

Points acknowledged and fully addressed in the proposed house design.

PAN 72 – Housing in the Countryside / Scottish Executive 2005

***'The purpose is to create more opportunities for good quality rural housing which respects Scottish landscapes and building traditions. The advice should not, however, be seen as a constraint on architects and designers wishing to pursue innovative and carefully considered contemporary designs.'* (p5)**

***'Buildings in rural areas can often be seen over long distances and they are there for a long time. Careful design is essential. Traditional buildings can be an inspiration but new or imaginative re-interpretation of traditional features should not be excluded. Where possible, the aim should be to develop high quality modern designs which maintain a sense of place and support local identity.'* (p7)**

***'SINGLE HOUSES - There will continue to be a demand for single houses, often individually designed. But these have to be planned, with location carefully selected and design appropriate to locality.'* (p7)**

***'a well designed house must reflect the landscape in which it is set. It must be informed by and respond to it, rather than being a house which is designed without regard to the context and placed within a site'.* (p10)**

***'LOCATION WITHIN THE LANDSCAPE - Most new developments should try to fit into or nestle within the landscape. Skyline development should normally be avoided, as should heavily engineered platforms. This is to ensure that the building does not interrupt and conflict with the flow of the landform or appear out of scale. Even where sites are less visible they will still require a significant level of skill to assimilate buildings into the landscape.'* (p11)**

***'WOODLANDS - Setting a building against a backdrop of trees is one of the most successful means by which new development can blend with the landscape.'* (p11)**

***'BOUNDARY TREATMENTS - The open space associated with a house or houses should be considered as an integral part of the development, not as an afterthought, and again be treated in relation to the surrounding environment.'* (p11)**

***'TOPOGRAPHY – Sloping sites need careful consideration to allow a practical house design which does not look out of place. They can, however, give an opportunity to use the difference in levels to create an interesting and fitting building.'* (p12)**

***'ORIENTATION – Attention should be paid to established building lines and orientation of any buildings in the area. Overlooking should be avoided. The location and proximity to natural and built features, such as landmarks, can also influence layout.'* (p12)**

***'SHELTER – Layouts should try to avoid any unnecessary exposure to the elements, i.e. houses should shelter one another and generally be positioned to take account of the prevailing wind direction and to create a good microclimate.'* (p12)**

***'SOLAR GAIN – Energy efficient layouts can help to maximise natural light and solar gain.'* (p12)**

'In some areas, such as National Parks, National Scenic Areas and Conservation Areas, there may be a case for more prescription and a preference for traditional design, but it is also important to encourage the best of contemporary designs. There is considerable scope for creative and innovative solutions whilst relating a new home to the established

character of the area. The overall aim should be to ensure that new housing is carefully located, worthy of its setting, and is the result of an imaginative, responsive and sensitive design process.' (p15)

'SCALE - There is a sturdy quality to much of the scale and shape of Scotland's domestic rural architecture. This is derived largely from the simplicity of the form and proportion' (p16)

'MATERIALS - The use of inappropriate or too many materials can have a negative impact. The greater the use of local materials, the more the house may reflect aspects of the local character. This will also help to contribute to sustainability.' (p17)

'DETAILS - The detailed aspects of rural house design show some general characteristics, although local guidance should stress any variations. Many of the typical attributes of the Scottish rural house, such as window size and setbacks, eaves and verges, dormer design, chimney stacks and porches are shaped by an often wet and windy climate. Overall, design details often need to be assessed on individual merits but excessive detailing and ornamentation should generally be avoided.' (p18)

Points acknowledged and fully addressed in the proposed house design.

PAN 75 - Planning for Transport

Annex B13

'Accessibility to local facilities by walking and cycling: – A maximum threshold of 1600m for walking is broadly in line with observed travel behaviour'

The proposed site is within the 1600m threshold stated in PAN 75.

30% New House Design in Small Towns and Rural Areas / A+DS

'HOUSE DESIGN - House designs should resolve questions such as: creating a welcoming entry (especially in bad weather); how to exploit passive solar gain; where are the best views; where best to put the kitchen; how to address environmental issues; and how best to balance the demands of sensible use, durability and appearance.

The inspiration for new design can come from older forms of building; tackling climate change; using local materials; innovative technology.

The role of the client is critical in driving the level of ambition and showing determination in getting good results.' (p10)

'MATERIALS + DETAILS - A clarity of ideas, a thoughtfully selected palette of materials and care putting the building elements together enable the building to perform well at all levels.' (p18)

Points acknowledged and fully addressed in the proposed house design.

Aberdeen City and Shire Structure Plan 2009

Paragraph 3.9

While we prefer development to take place on brownfield sites (some of these will be in the community regeneration areas), the scale of growth we expect will mean that more than

half of the development will need to take place on greenfield sites. **This will mean reviewing the whole green belt to make sure that it meets the requirements of this plan and Scottish Planning Policy.**

Paragraph 4.28

Land brought forward for development must be used efficiently and brownfield sites and regeneration areas should be given priority.

The strategic guidance contained in the structure plan states a preference and priority for brownfield development.

Aberdeen Local Development Plan 2012 – Policy D1 – Architecture & 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.’

The proposal acknowledges that new development must be designed with due consideration for its context. Its siting, scale, massing, materials, orientation, details, proportions, open space, landscaping and boundary treatments have all been major factors during the design process.

Aberdeen Local Development Plan 2012 – Policy D6 – Landscape

Development will not be acceptable unless it avoids:

1. significantly adversely affecting landscape character and elements which contribute to, or provide, a distinct ‘sense of place’ which point to being either in or around Aberdeen or a particular part of it;

The proposed design works within the existing topography, it is ‘small scale’ and fits within the footprint of previous development making minimal impact on the landscape. Although this is a 21st century house, due consideration has been made so that the design principals are respectful of the ‘old farmstead vernacular’. The design will contribute to and enhance the surrounding landscape character. It will offer a distinct ‘sense of place’ that is so often missing from the standardised language of a typical kit house built on the fringes of towns.

2. obstructing important views of the City’s townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways and particularly from the main city approaches;

The site is fully enclosed by mature trees along with the adjacent field. The site is hidden from the public road (with the exception of a small break in the trees) and will only be seen by passing traffic from the adjacent track.

3. disturbance, loss or damage to important recreation, wildlife or woodland resources or to the physical links between them;

The development is 'small scale', there is no loss or damage to important recreation, wildlife or woodland resources

4. sprawling onto important or necessary green spaces or buffers between places or communities with individual identities, and those which can provide opportunities for countryside activities. *Development should avoid significant adverse impacts upon existing landscape elements, including linear and boundary features or other components, which contribute to local amenity, and provide opportunities for conserving, restoring or enhancing them. Further guidance is available in our Supplementary Guidance: Landscape Strategy Part 2 – Landscape Guidelines.*

The development is 'small scale'; there is no sprawling.

Aberdeen Local Development Plan 2012 – Policy NE1 – Green space Network

The City Council will protect, promote and enhance the wildlife, recreational, landscape and access value of the Green Space Network. Proposals for development that are likely to destroy or erode the character or function of the Green Space Network will not be permitted. Where major infrastructure projects or other developments necessitate crossing the Green Space Network, such development shall take into account the coherence of the network. In doing so measures shall be taken to allow access across roads for wildlife and for access and outdoor recreation purposes. Masterplanning of new developments should determine the location and extent of the Green Space Network within these areas. Development which has any impact on existing wildlife habitats, or connections between them, or other features of value to natural heritage, open space, landscape and recreation must be mitigated through enhancement of Green Space Network.

There are currently no mature trees, hedges, water courses in the area proposed to be built upon and as such the proposed development will have a minimal impact on wildlife. The landscape quality of this relatively small site will be preserved.

Aberdeen Local Development Plan 2012 – Policy NE2 – Green Belt

'No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal. The following exceptions apply to this policy:

- 1. Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met: a) the development is within the boundary of the existing activity. b) the development is small-scale. c) the intensity of activity is not significantly increased. d) any proposed built construction is ancillary to what exists.*
- 2. Essential infrastructure, such as electronic communications infrastructure and electricity grid connections, transport proposals identified in the Local Development Plan, such as the*

Aberdeen Western Peripheral Route, as well as roads planned through the masterplanning of new housing and employment allocations, which cannot be accommodated other than in the green belt.

3. Buildings in the green belt which have a historic or architectural interest or traditional character that contributes to the landscape setting of the city will be permitted to undergo a change of use to private residential use or to a use which makes a worthwhile contribution to the amenity of the green belt, providing it has been demonstrated that the building is no longer suitable for the purpose for which it was originally designed. (See Supplementary Guidance on The Conversion of Steadings and other Non-residential Vernacular Buildings in the Countryside).

4. Proposals for extensions of existing buildings as part of a conversion or rehabilitation scheme will be permitted in the green belt provided: a) the original building remains visually dominant; b) the design of the extension is sympathetic to the original building in terms of massing, detailing and materials; and c) the siting of the extension relates well to the setting of the original building.'

Our client's situation and proposal closely match those described in into sub-section 4 of NE2. Even though the farmstead is in a dilapidated state, our client does still have the remains of existing buildings on their land. Due to the limited remains, a conversion is obviously not possible; however we do consider the proposed development to be a 'rehabilitation scheme' of the old farmstead, closely matching the original group of buildings using familiar massing, detailing and materials. The siting of the new house will generally reflect the old footprint. The new house will be smaller than the original building footprint.

Aberdeen Local Development Plan 2012 – Policy R7 – Low and Zero Carbon Buildings

All new buildings, in meeting building regulations energy requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 building standards. This requirement does not apply to: 1. Alterations and extensions to buildings; 2. Change of use or conversion of buildings; 3. Ancillary buildings that are stand-alone having an area less than 50 square metres; 4. Buildings which will not be heated or cooled, other than by heating provided solely for the purpose of frost protection; or 5. Buildings which have an intended life of less than two years.

Advice acknowledged. Our client targets achieving no less than Gold Aspect under the current building regulations.

Using Local Timber - Contributing to Sustainable Construction

Advice acknowledged on Scottish Timber, the applicant aspires to use local timber for the superstructure, non-loadbearing walls & framing and Scottish Larch cladding.

6) CONCLUSION

The Planning Application, as submitted together with this Design Statement, demonstrates general compliance with Scottish Planning Policy.

We acknowledge the Government wants to see redundant brownfield land brought back into productive use to create attractive environments. We also acknowledge the core aims of the Green belt as noted under Scottish Planning Policy and note the proposed home will not conflict with these.

This is an opportunity to redevelop and bring to life a redundant brownfield site with an exceptionally designed house. With careful consideration to siting, house design, form, character, materials and details the proposed house will make a positive contribution to the surrounding landscape and local area.

7) DECLARATION

This Design Statement has been prepared by Mr Robbie Bennett BSc (Hons) PGDip MSc RIBA RIAS, Director of Domestic Architecture Development.

Signed...  FOR DOMESTIC ARCHITECTURE DEVELOPMENT LTD

Date: 16th February 2016

Agenda Item 5.2

Signed (authorised Officer(s)):

14 CALEDONIAN COURT, FERRYHILL
TERRACE, FERRYHILL

REPLACEMENT WINDOWS AND DOOR

For: Mr D Thomson

Application Type : Detailed Planning
Permission

Application Ref. : P151844

Application Date : 02/12/2015

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

Advertised on : 16/12/2015

Officer : Sheila Robertson

Creation Date : 15 April 2016

Ward: Torry/Ferryhill (Y Allan/A Donnelly/J
Kiddie/G Dickson)

Community Council: No comments

RECOMMENDATION:

Refuse

DESCRIPTION

Located on the west side of Ferryhill Road, at its junction with Caledonian Lane, and within the Marine Terrace Conservation Area, the application site is occupied by a 2 storey, end terraced town house, which forms part of a residential development created by the redevelopment of a former church to provide 9 flats and 3 townhouses around 1993. The property is built of granite with a slated pitched roof. The front elevation features a fully glazed, 2 storey gablet. The windows are 6 paned with a casement style opening mechanism, while the glazing at inter mezzanine level is fixed pane, backed by coloured film. To the rear the windows are 'lookalike' sash and case with a horizontal transom and a tilt and turn opening mechanism. All windows are constructed of white painted timber. The entrance door, which is located to the rear, is fully glazed. Both front and rear elevations are readily visible from a public viewpoint.

RELEVANT HISTORY

None

PROPOSAL

Planning permission is sought to replace all windows/glazing, to the front and rear elevations. The replacements would be double glazed units in white PVC.

The design and opening mechanism of the windows and fixed glazing to the front elevation would generally replicate existing, but with planted on astragals rather than true astragals. The lower windows would be converted to French doors. To the rear the replacement windows would fully replicate existing in terms of design and dimensions. The entrance door would be replaced by a composite door with a vertical glazed panel and letterbox at low level.

The proposal has been amended since original submission; a horizontal transom has been added to the rear windows, and all PVC glazing frames changed from grey to white in colour.

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.=151844>

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

CONSULTATIONS

Roads Development Management – No observations

Environmental Health – No observations

Flooding – No observations

Community Council – No comments received

REPRESENTATIONS

None.

PLANNING POLICY

National Policy and Guidance

- [Scottish Planning Policy](#)

Aberdeen Local Development Plan 2012

- [Policy D5 – Built Heritage](#)
- [Policy H1 - Residential Areas](#)

Other Material Considerations

- [Scottish Historic Environment Policy \(SHEP\)](#)
- [TAN: The Repair and Replacement of Windows and Doors](#)
- ['Windows' guidance note from Historic Scotland's 'Managing Change in the Historic Environment' series](#)
- [Marine Terrace Conservation Area Appraisal](#)
- [Proposed Aberdeen Local Development Plan](#)

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

The Council's Appraisal of this particular Conservation Area identifies one of its major weaknesses as unsympathetic development that does not reflect or relate to the character of the Conservation Area. Both the Council's Technical Advice Note and Historic Scotland's 'Windows' guidance note state that, where there is no alternative to replacement, new windows should be replaced in an environmentally sensitive way which is in keeping with the character of the original building and the quality of its design. The Supplementary Guidance further states that "Consent for replacement windows on Listed Buildings or public elevations in a Conservation Area which reproduce the astragal pattern but opens in a different manner will always be refused, as will consent for those where the astragals are merely applied to the surface of, or are sandwiched between, the panes of double glazing". The proposal incorporates a casement opening style window, in white PVC, which would replicate existing windows in terms of pattern of glazing and opening mechanism, but which would fail to replicate the original design in terms of astragal design, being 'planted on' rather than true astragals, which fully separate the individual panes of glass. The use of PVC in place of timber is generally acceptable in this situation, provided the astragal detailing can be replicated.

The terrace of which the application site forms part displays uniform treatment of fenestration, unique to this particular terrace, and which is considered to contribute positively to the character of the terrace and furthermore the character of the wider Conservation Area. Any replacement windows should therefore respect this uniformity and endeavour to carefully match new windows to the most prevalent and appropriate existing appearance; this will assist in maintaining current uniformity within this terrace, thereby preserving and enhancing the character of the area. It is considered that in this situation the only acceptable form of replacement window would have to be based on an exact replication. This was relayed to the applicant's agent but the suggestion was subsequently dismissed.

The use of planted-on astragals would result in replacement windows that would appear incongruous and compromise the architectural integrity of the building, and the terrace as a whole. The design and appearance of the proposed windows would not make a positive contribution to the setting and would have an unacceptable impact on the character and amenity of the surrounding Conservation Area. Approval of this application would create an undesirable precedent for similar proposals which, if replicated, would cumulatively result in

further erosion of the traditional character of both the terrace and the wider conservation area. The proposal therefore does not accord the supplementary guidance: TAN – The Repair and Replacement of Windows and Doors, or with Policy D5 and H1 of the Aberdeen Local Development Plan 2012.

The amended design of the replacement windows to the rear is considered acceptable, and compliant with policy guidelines, however the replacement door is not of authentic traditional timber panelled construction and therefore conflicts with the Council's guidance.

The property lies within the Marine Terrace Conservation Area and Historic Scotland 'Scottish Historic Environment Policy' (SHEP) must be referred to in determination of the application. SHEP states that the planning authority must pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area when determining applications. It is considered that the work would have an adverse effect on the character of the Conservation area and ultimately the loss of special architectural interest. Approval of this application would create an undesirable precedent for similar proposals resulting in further erosion of the character, therefore the application is recommended for refusal as it does not comply with this policy and thereby with policy D5 and Historic Scotland's guidance - Managing Change in the Historic Environment.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. 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 representation and are regarded as unresolved issues to be determined at the Examination; and
- the relevance of these matters to the application under consideration.

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. The foregoing can only be assessed on a case by case basis; however in this instance it is not considered that the applicable policies would introduce material change to the manner in which this application would be determined.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

The proposal is contrary to Scottish Planning Policy, Scottish Historic Environment Policy and Policy D5 of the Aberdeen Local Development Plan 2012 as it neither preserves nor enhances the character of the Conservation Area. The proposed window design is insensitive and its detailing would impact negatively on the current uniform fenestration of the terrace and the wider character of the Conservation Area, contrary to the guidance contained in the Technical Advice Note – The Repair and Replacement of Windows and Doors and with Historic Scotland’s guidance - Managing Change in the Historic Environment Document. Approval of this application could create an undesirable precedent for similar proposals resulting in further erosion of the character of the Conservation Area.

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THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Refusal of Planning Permission

Cr Smith
Cr Smith Glaziers Dunfermline Ltd
Gardeners Street
Dunfermline
KY12 0RN

on behalf of **Mr D Thomson**

With reference to your application validly received on 2 December 2015 for Planning Permission under the above mentioned Act for the following development, viz:-

REPLACEMENT WINDOWS AND DOOR at 14 Caledonian Court, Ferryhill Terrace, Ferryhill

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

Document No: 177127;

Detail: Amended elevations; Drawing No: not provided;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=151844&index=177127>

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

The proposal is contrary to Scottish Planning Policy, Scottish Historic Environment Policy and Policy D5 of the Aberdeen Local Development Plan 2012 as it neither preserves nor enhances the character of the Conservation Area. The proposed window design is insensitive and its detailing would impact negatively on the current uniform fenestration of the terrace and the wider character of the Conservation Area, contrary to the guidance contained in the Technical Advice Note - The Repair and Replacement of Windows and Doors and with Historic Scotland's guidance - Managing Change in the Historic Environment Document. Approval of this application could create an undesirable precedent for similar proposals resulting in further erosion of the character of the Conservation Area.

PETE LEONARD
DIRECTOR

Continuation

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

Document No: 177127;

Detail: Amended elevations; Drawing No: not provided;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=151844&index=177127>

Date of Signing 5 May 2016

Daniel Lewis

Development Management Manager

Enc.

PETE LEONARD
DIRECTOR

NB. EXTREMELY IMPORTANT INFORMATION RELATED TO THIS REFUSAL OF PLANNING APPROVAL

The applicant has the right to have the decision to refuse the application reviewed by the planning authority and further details are given in Form attached below.

Regulation 28(4)(a)

Form 1

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions

1. If the applicant is aggrieved by the decision of the planning authority to –
 - a. refuse planning permission for the proposed development;
 - b. to refuse approval, consent or agreement required by condition imposed on a grant of planning permission;
 - c. to grant planning permission or approval, consent or agreement subject to conditions,

the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at <http://eplanning.scotland.gov.uk/>.

Notices of review submitted by post should be sent to –

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

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in it's existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

PETE LEONARD
 DIRECTOR

PETE LEONARD
DIRECTOR



Marischal college Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100011998-001

The online reference 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:	<input type="text" value="Cr Smith"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Grant"/>	Building Name:	<input type="text" value="Cr Smith"/>
Last Name: *	<input type="text" value="Allan"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01383 732181"/>	Address 1 (Street): *	<input type="text" value="Gardeners Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Dunfermline"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="KY12 0RN"/>
Email Address: *	<input type="text" value="grant.allan@crsmith.co.uk"/>		

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"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="D"/>	Building Number:	<input type="text" value="14"/>
Last Name: *	<input type="text" value="Thomson"/>	Address 1 (Street): *	<input type="text" value="Caledonian Court"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Ferryhill"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB11 6RG"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

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" value="14 CALEDONIAN COURT"/>
Address 2:	<input type="text" value="FERRYHILL TERRACE"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB11 6RG"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805358"/>	Easting	<input type="text" value="393888"/>
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Description of Proposal

Please provide a description of your 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)

Proposed replacement of timber windows with new white uPVC windows. Replacement of timber door with new composite timber door.

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 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.

Our customer wants to upgrade their windows to uPVC to save cost on continuously having to maintain the existing timber windows. The new PVC-u windows will not radically alter the aesthetic of the windows. The new PVC-u windows will have a u-value of 1.4 w/m2k, thus improving air infiltration and reducing heat loss. Also, these new windows will improve sound insulation and security.

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

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

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)

Drawings Photos

Application Details

Please provide details of the application and decision.

What is the application reference number? *

P151844

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

25/11/2015

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

05/05/2016

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: Mr Grant Allan

Declaration Date: 06/05/2016

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