

Public Document Pack



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

Town House,
ABERDEEN 21 September 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 5 - Town House on **WEDNESDAY, 28 SEPTEMBER 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 - ANDREW MILLER

- 2 333 Union Street - erection of temporary marquee within forecourt/ of bar/restaurant/casino - 160624
- 3 Delegated Report, Plans and Decision Notice and letter of representation (Pages 9 - 24)

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

Please enter number 160624:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ZZZY9GBZSK580>

4 Planning policies referred to in documents submitted

Members, the following planning policies are referred to:-

**Historic Environment Scotland Policy Statement
Scottish Planning Policy (SPP)**

Aberdeen Local Development Plan

Policy D1- Architecture and Placemaking

Policy D5- Built Heritage

Proposed Aberdeen Local Development Plan

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

Policy D1- Quality Placemaking by Design (D1 in adopted LDP)

Policy D5- Our Granite Heritage (D5 in adopted LDP)

Supplementary Guidance

Temporary Buildings Design Guide (March 2012)

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 Notice of Review with supporting information submitted by applicant / agent
(Pages 25 - 52)

6 Determination - Reasons for decision

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

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

PLANNING ADVISER - ROBERT FORBES

8 The Mill, Clinterty - proposed demolition of former mill building and erection of replacement dwelling house - 160426

9 Delegated Report, Plans and Decision Notice and letter of representation (Pages 53 - 98)

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

Please enter number 160426:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

10 Planning policies referred to in documents submitted

Members, the following planning policies are referred to:-

National Policy and Guidance

Scottish Planning Policy paragraphs 48 – 55: Sets out the function of the green belt and specifies types of development that might be acceptable.

Aberdeen Local Development Plan:

NE2: Green Belt

NE5: Trees and Woodlands

NE6: Flooding and Drainage

NE8: Natural Heritage

D1: Architecture and Placemaking

T2: Managing the Transport Impact of Development

R2: Degraded and Contaminated Land

Proposed Local Development Plan

NE2: Green Belt

NE5 – Trees and Woodlands

NE6: Flooding, Drainage and Water Quality

NE8: Natural Heritage

D1: Quality Placemaking by Design

T2: Managing the Transport Impact of Development

R2: Degraded and Contaminated Land

Supplementary Guidance

Conversion of Steadings and Other Non-Residential Buildings;
Bats and 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

11 Notice of Review with supporting documents by agent/applicant (Pages 99 - 132)

12 Determination - Reasons for decision

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

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

PLANNING ADVISER - LUCY GREENE

14 12D Nellfield Place - replacement windows to front of flat - 160537

15 Delegate Report, plan and Decision Notice (Pages 133 - 146)

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

Please enter number 160537:-

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ZZZY9GBZSK668>

16 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 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

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

17 Notice of Review with supporting information submitted by applicant/agent (Pages 147 - 158)

18 Determination - Reasons for decision

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

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Lynsey McBain on lymcbain@aberdeencity.gov.uk / tel 01224 522123

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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. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.
Any representations:
 - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
 - made outwith the 14 day period representation period referred to abovecannot and will not be considered by the Local Review Body in determining the Review.
5. 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.
6. 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.

7. 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.
8. 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

9. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
10. 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.”
11. 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.
12. 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.**
13. The LRB will give clear reasons for its decision in recognition that these will require to be intimated and publicised in full accordance with the regulations.

Agenda Item 3

Signed (authorised Officer(s)):

“SOUL”, 333 UNION STREET

ERECTION OF TEMPORARY MARQUEE
WITHIN FORECOURT OF
BAR/RESTAURANT/ CASINO
(RETROSPECTIVE).

For: PB DEVELOPMENT COMPANY LTD

Application Type : Detailed Planning
Permission

Application Ref. : P160624

Application Date : 17/05/2016

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

Advertised on : 25/05/2016

Officer : Sepideh Hajisoltani

Creation Date : 13 July 2016

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

Community Council: No comments received

RECOMMENDATION:

Refuse

DESCRIPTION

The site is the former Langstane Kirk, a Category B listed building, located at the junction of Bon Accord Street and Union Street in Union Street Conservation Area. The ground floor has been converted to a public house and restaurant (Soul) with the paved forecourt used as an outside seating area for bar/diner customers. The upper floor has been converted to a casino (Soul Casino) with access taken from Bon Accord Street.

RELEVANT HISTORY

09/0681 & 09/1372 - Detailed planning permission and listed building consent for erection of a conservatory were approved conditionally in December 2009. These permissions were not implemented and have now expired.

P151224 - Advertisement consent for a banner sign was refused in October 2015 due to its inappropriate site, design, material and position. An appeal was lodged to Scottish Ministers in October 2015 and advertisement was granted in January 2016.

PROPOSAL

Detailed planning permission is sought retrospectively for a temporary marquee within the forecourt at Soul for a further period of 3 years.

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.=160421>

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.

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

Community Council – No comments received.

REPRESENTATIONS

1 letter of objection has been received, relating to the following matters-

- 1- The proposal would have unacceptable effect on visual amenity for an important category B listed building
- 2- The proposed period of 3 years is a long timescale for a temporary structure.

PLANNING POLICY

Historic Environment Scotland Policy Statement Scottish Planning Policy (SPP)

Aberdeen Local Development Plan

Policy D1- Architecture and Placemaking

Policy D5- Built Heritage

Proposed Aberdeen Local Development Plan

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

Policy D1- Quality Placemaking by Design (D1 in adopted LDP)

Policy D5- Our Granite Heritage (D5 in adopted LDP)

Supplementary Guidance

Temporary Buildings Design Guide (March 2012)

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 application seeks consent for a marquee, which is currently on-site but without the benefit of planning permission. Consent is sought for a period of three years. It is noted that the temporary structure has been on site without a consent for more than two years (Google Street View records shows the marquee on site since at least May 2014). Supplementary Guidance on Temporary buildings states that temporary structures should be designed to cater for the short term needs of expanding establishments and not for longer term accommodation purposes. Planning permission will normally be granted for this type of temporary unit on a year to year basis, up to a maximum duration of two and a half years. It is considered that the structure has been on-site long enough to exceed what could reasonably be considered a temporary period to allow the business to source alternative long term and higher quality solutions.

The principal determining issues in this application relate to the impact on visual amenity, the appearance & character of the conservation area and the setting of the listed building which forms an important land mark on Union Street and surrounding area.

In relation to Policy D1, the siting of the marquee to the front of the listed building is such that it is considered to detract from the setting, character and visual amenity of the building and the wider conservation area by reason of contrasting colour and appearance of finishing materials, the creation of visual clutter on the building frontage and its interference with the visibility of the building.

The proposed structure does not help to maintain the special historic and architectural interest of the listed building and does not comply with Policy D5, even on a temporary basis.

The proposal would not result in the loss of any car parking and would not be located on any landscaped amenity areas, however the location of the marquee does not fully comply with the Supplementary Guidance on Temporary Buildings that states that the temporary buildings should be sited to the rear of the existing buildings.

Other Matters Raised in Representations

Objections 1&2 relating to the visual amenity and the time frame for the temporary building have been addressed in the evaluation section.

Full regard has been given to all concerns raised in representations.

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 relation to this particular application, the policies in the Proposed ALDP substantively reiterate those in the Adopted Local Development Plan and the proposal is not considered to be acceptable in terms of the relevant policies set out in the Proposed ALDP.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

Due to its inappropriate quality, design and material the temporary structure detracts from the setting and character of the listed building and visual amenity within the wider conservation area by reason of its prominent position in public view on Union Street. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that the proposal does not accord with the provisions of the Historic Environment Scotland Policy Statement, Scottish Planning Policy, the Aberdeen Local Development Plan and Supplementary Guidance on Temporary Buildings. There are no material planning considerations, including the Proposed Aberdeen Local Development Plan, that would warrant approval of the application.



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

THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Refusal of Planning Permission

Ken Mathieson Architectural Design Ltd.
Mansard House,
15 Oldmeldrum Road,
Bucksburn
Aberdeen, Aberdeen City
AB21 9AD

on behalf of **PB Development Company Ltd.**

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

**ERECTION OF TEMPORARY MARQUEE WITHIN FORECOURT OF
BAR/RESTAURANT/CASINO (RETROSPECTIVE)
at "SOUL", 333 UNION STREET, ABERDEEN**

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:-

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

Due to its inappropriate quality, design and material the temporary structure detracts from the setting and character of the listed building and visual amenity within the wider conservation area by reason of its prominent position in public view on Union Street. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that the proposal does not accord with the provisions of the Historic Environment Scotland Policy Statement, Scottish Planning Policy, the Aberdeen Local Development Plan and Supplementary Guidance on Temporary Buildings. There are no material planning considerations, including the Proposed Aberdeen Local Development Plan, that would warrant approval of the application.

PETE LEONARD
DIRECTOR

Continuation

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

Document No: 181673;

Detail: Existing / Proposed Elevations, Layout, Roof , Site; Drawing No: 001 Rev A;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160624&index=181673>

Document No: 181674;

Detail: Location Plan; Drawing No: not provided;

<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160624&index=181674>

Date of Signing

A handwritten signature in black ink that reads "Daniel Lewis". The signature is written in a cursive, slightly slanted style.

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

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Comment for Planning Application 160624

Name : Bill Harrison

Address : 16 Summer Place

Dyce

Aberdeen AB21 7EJ

Telephone :

Email :

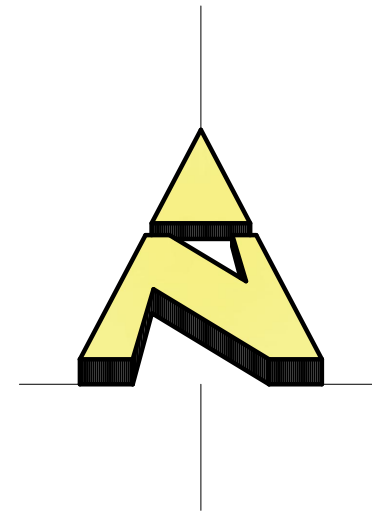
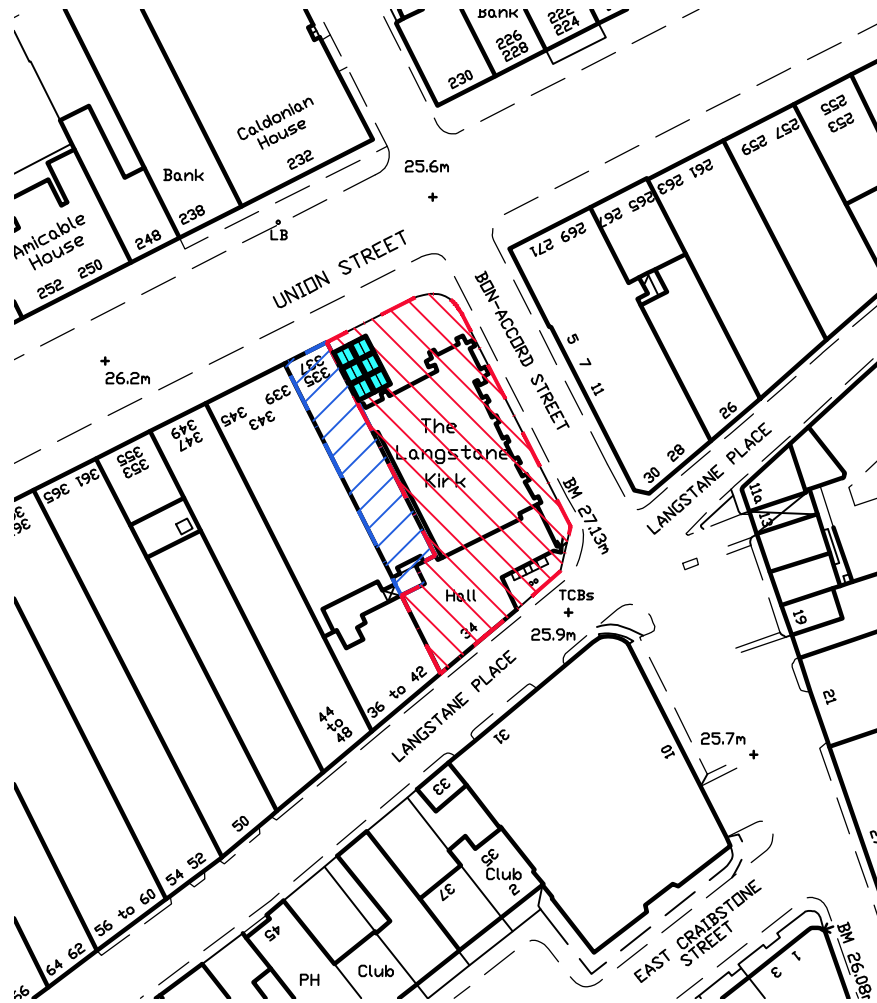
type :

Comment : I object to this application. Reason: unacceptable effect on visual amenity for an important Grade-B listed building facing Union Street. Three years is an absurdly long timescale for a 'temporary' structure.

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Proposed Marquee at: Soul Bar, 333 Union Street, Aberdeen

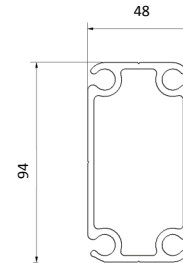
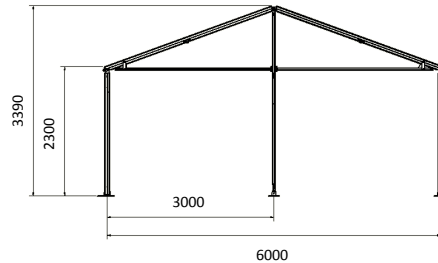
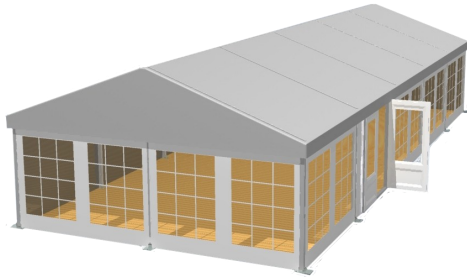
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Site Location Plan Scale 1:1250 @ A4

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6m Multispan Marquee



TECHNICAL SPECIFICATIONS	
Width of Marquee	6000mm
Length of 1 bay	3000mm
Eave Height	2300mm
Ridge Height	3390mm
Roof Pitch	20 degrees
Surface Area of 1 Bay	18m ²
Maximum Length of Marquee	Infinite
Longest Part	3470mm
Weight of 1st Bay	278 Kg
Weight of Additional Bay	115 Kg

MATERIALS	
Steelwork	Mild Steel (Grade43)
Aluminium	Alloy (6061 T6)
PVC	650 g/m ² PVC Coated Polyester

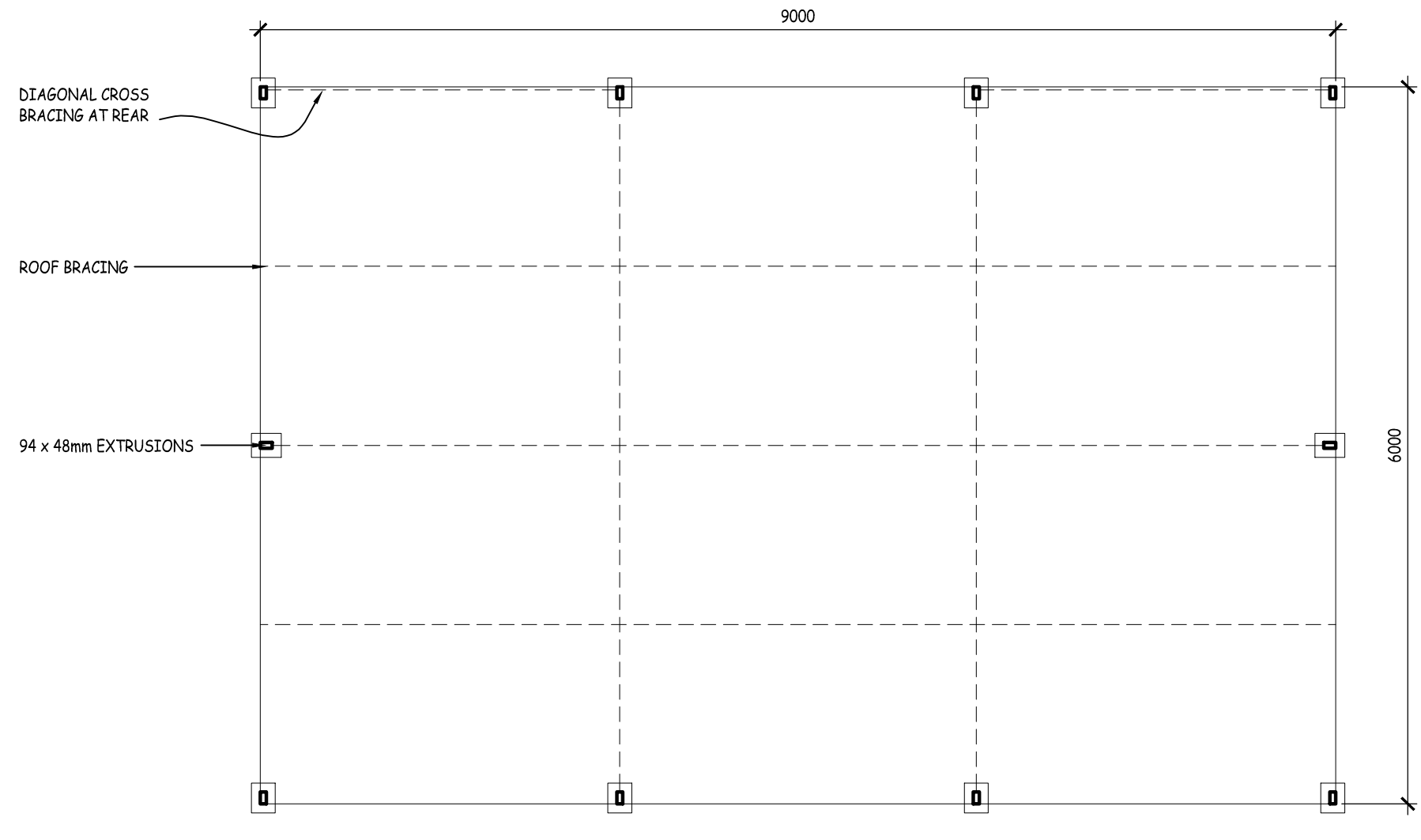
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Proposed Marquee at: Soul Bar, 333 Union Street, Aberdeen

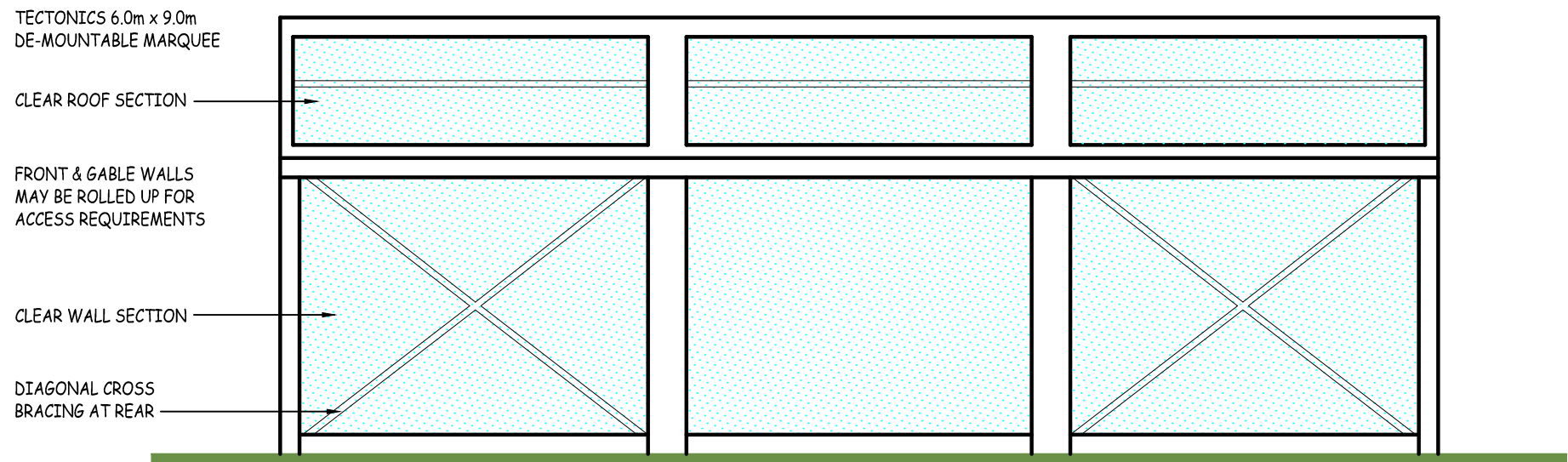
kenmathieson
ARCHITECTURAL DESIGN
& DEVELOPMENT CONSULTANT
LTD.
MANSARD HOUSE
15 OLDMELDRUM ROAD
BUCKSBURN
ABERDEEN
AB21 9AD
TEL: 01224 710357
FAX: 01224 710358
E-MAIL: info@kenmathieson.com

Client: PB Dev. Co.
Project: Proposed Marquee
at Soul Bar, 333 Union Street,
Aberdeen, AB11 6BS
Title: Existing & Proposed Plans, Sections & Elev.
Scale: As Shown
Date: May 16
Drawn By: SM
Job No: 2076
Drawn: 001
Issue: A
DOMESTIC, COMMERCIAL & INDUSTRIAL
Limited Company Registered in Scotland No. 229653

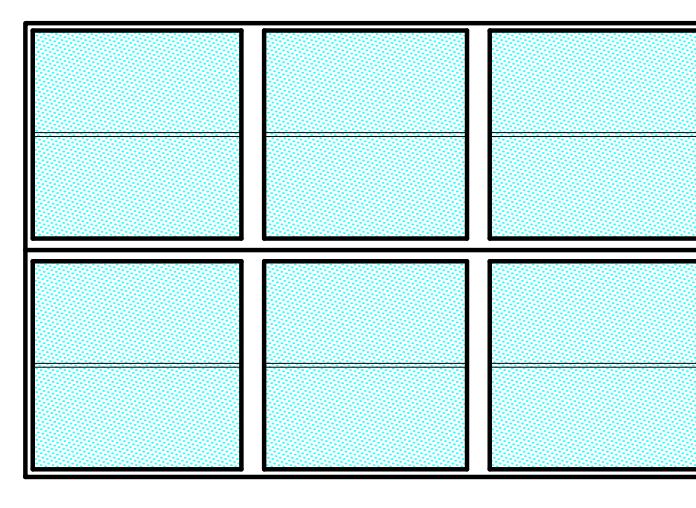
Amendments		Date
A	First issue	May 16



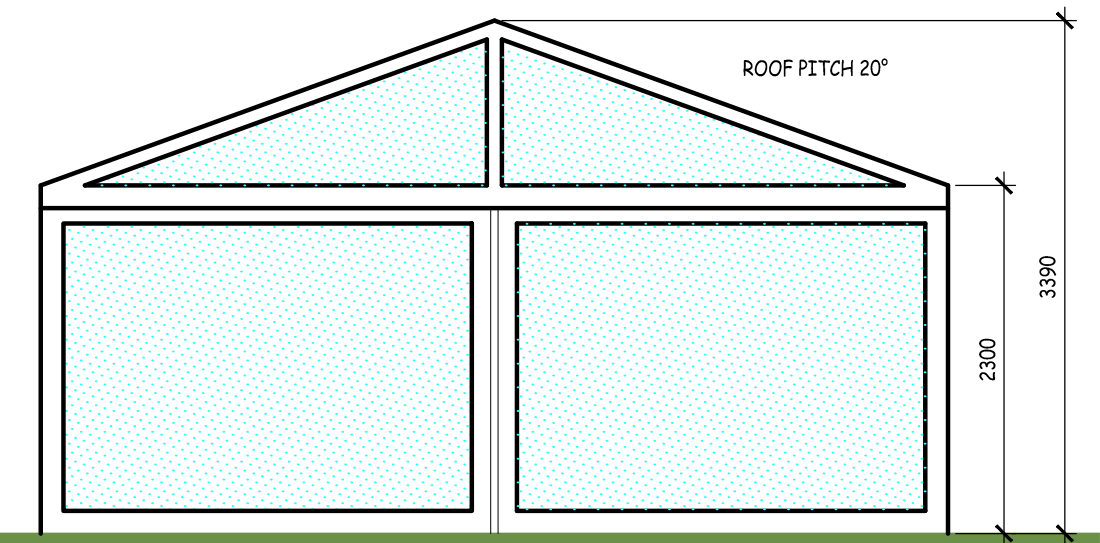
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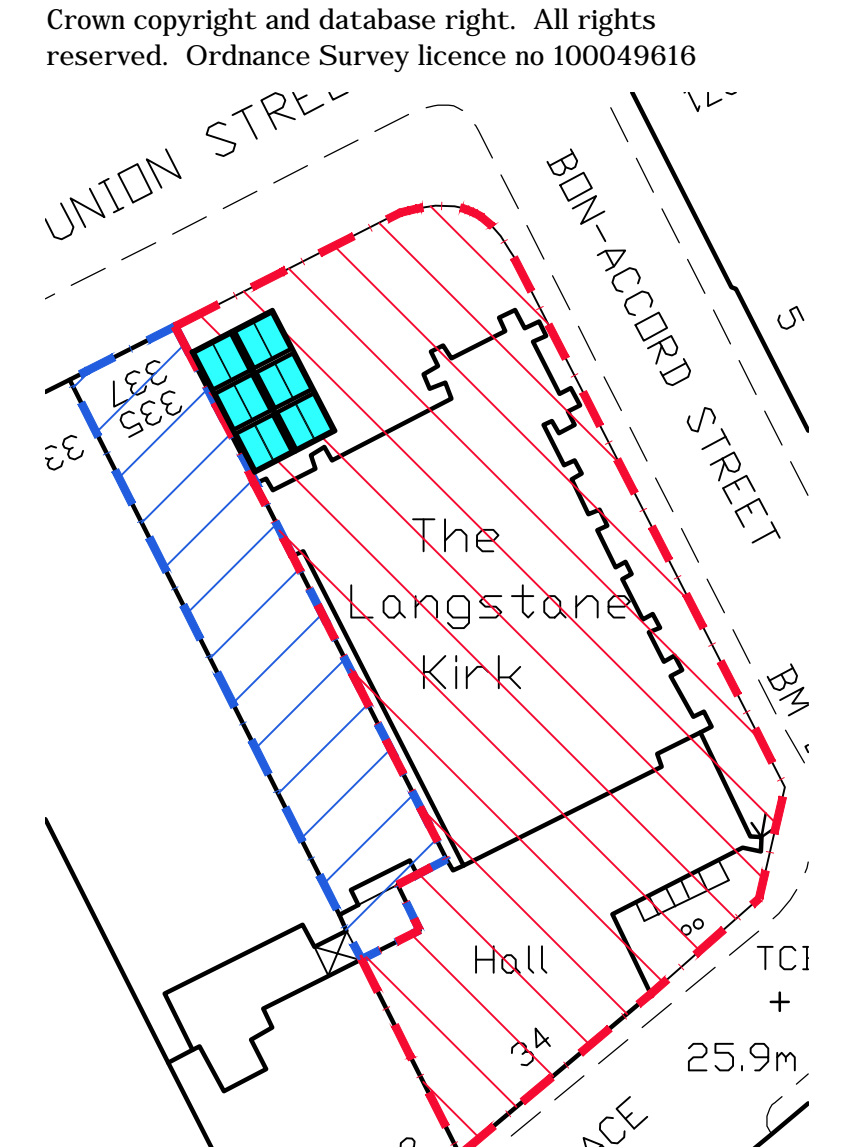
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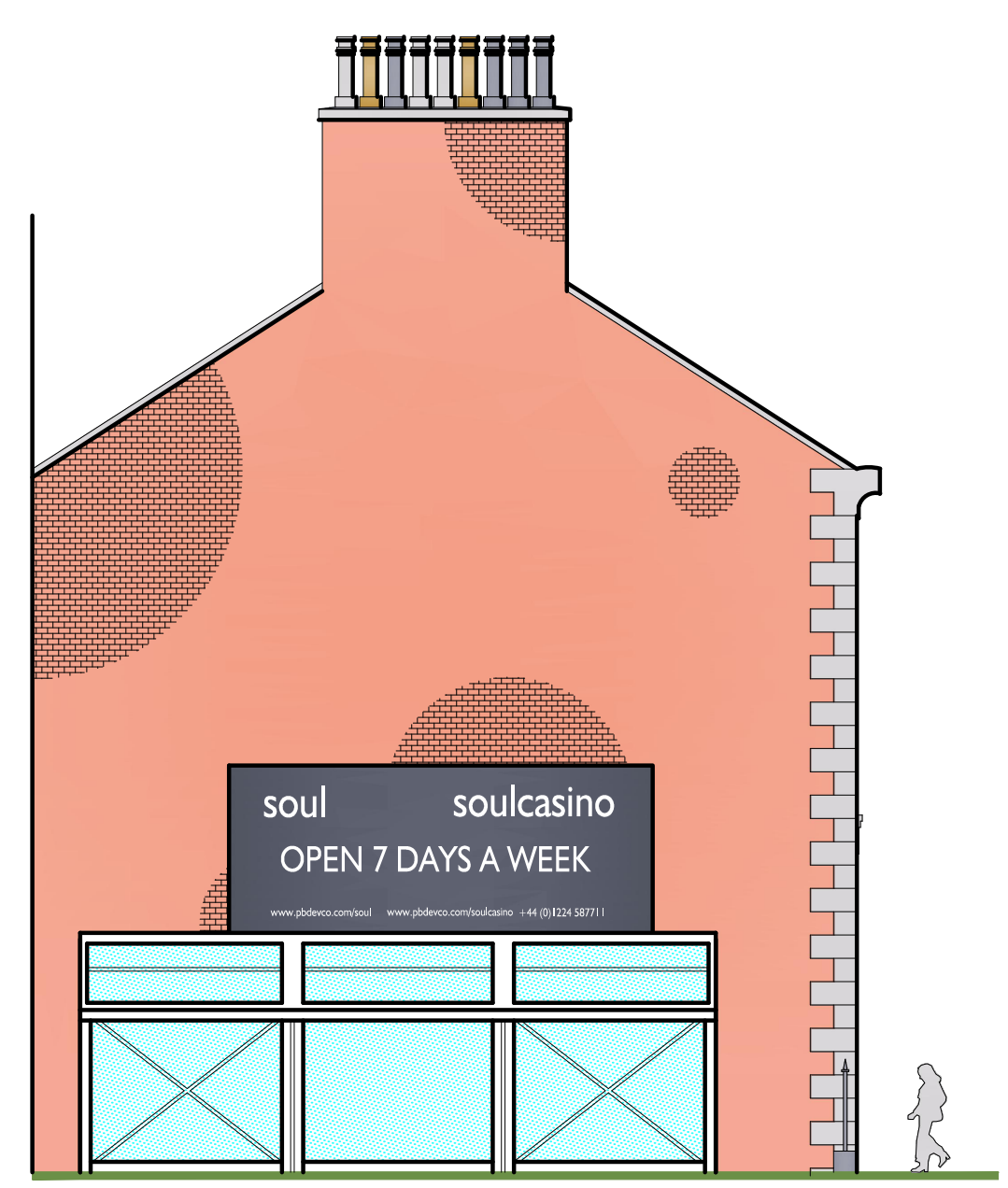
Roof Plan 1:100



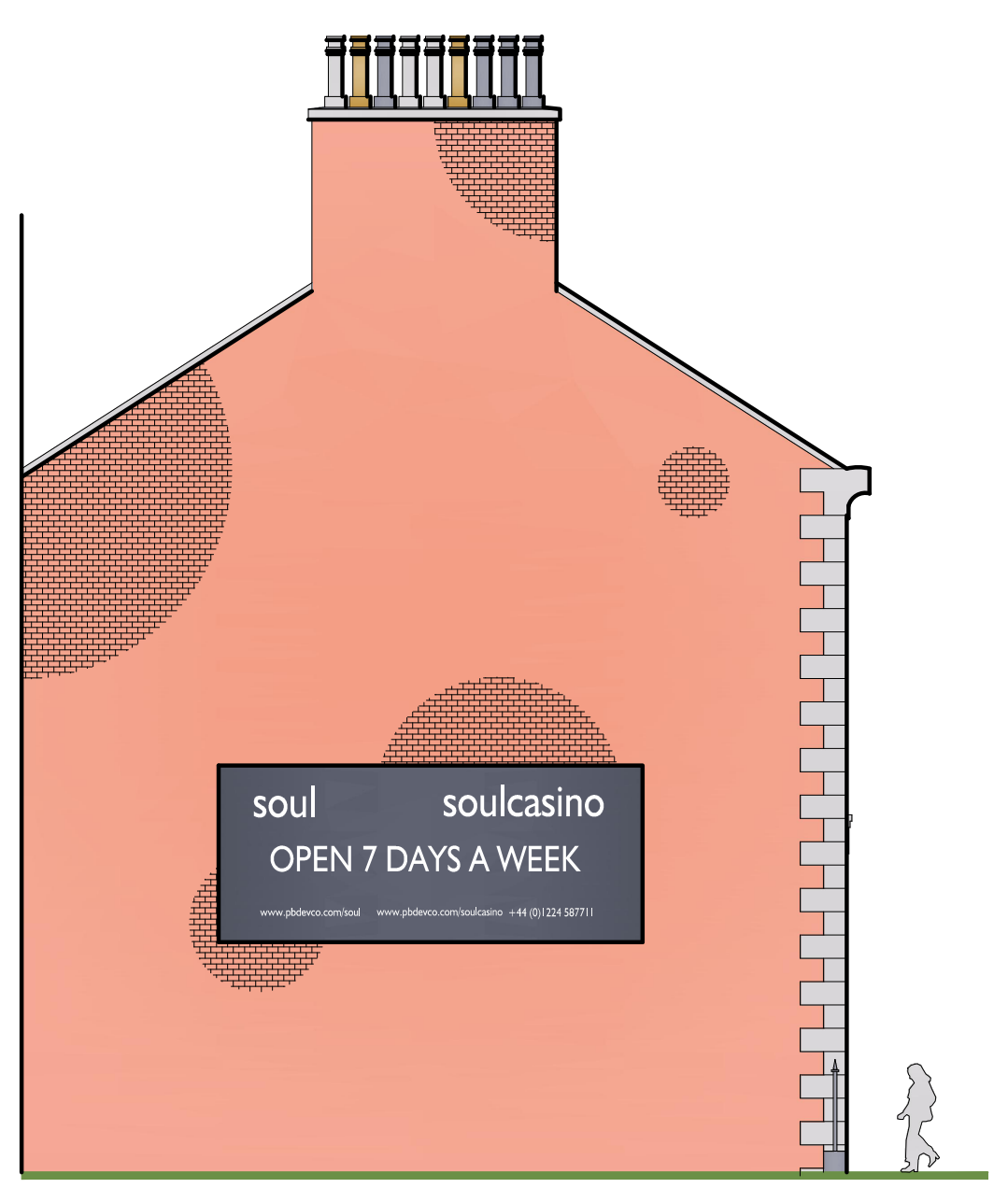
Proposed South Elevation Scale 1:50



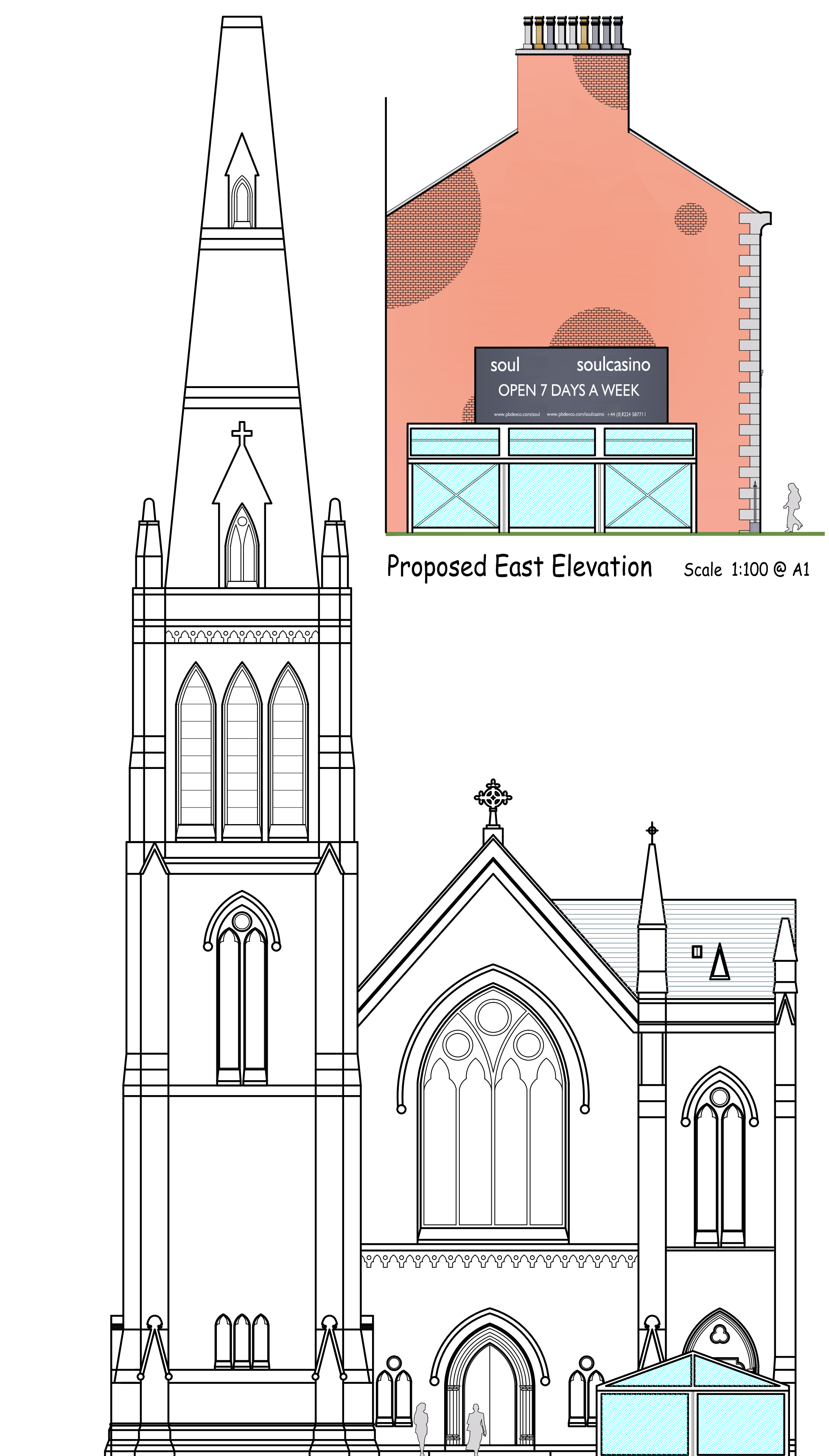
Site Layout Plan Scale 1:500



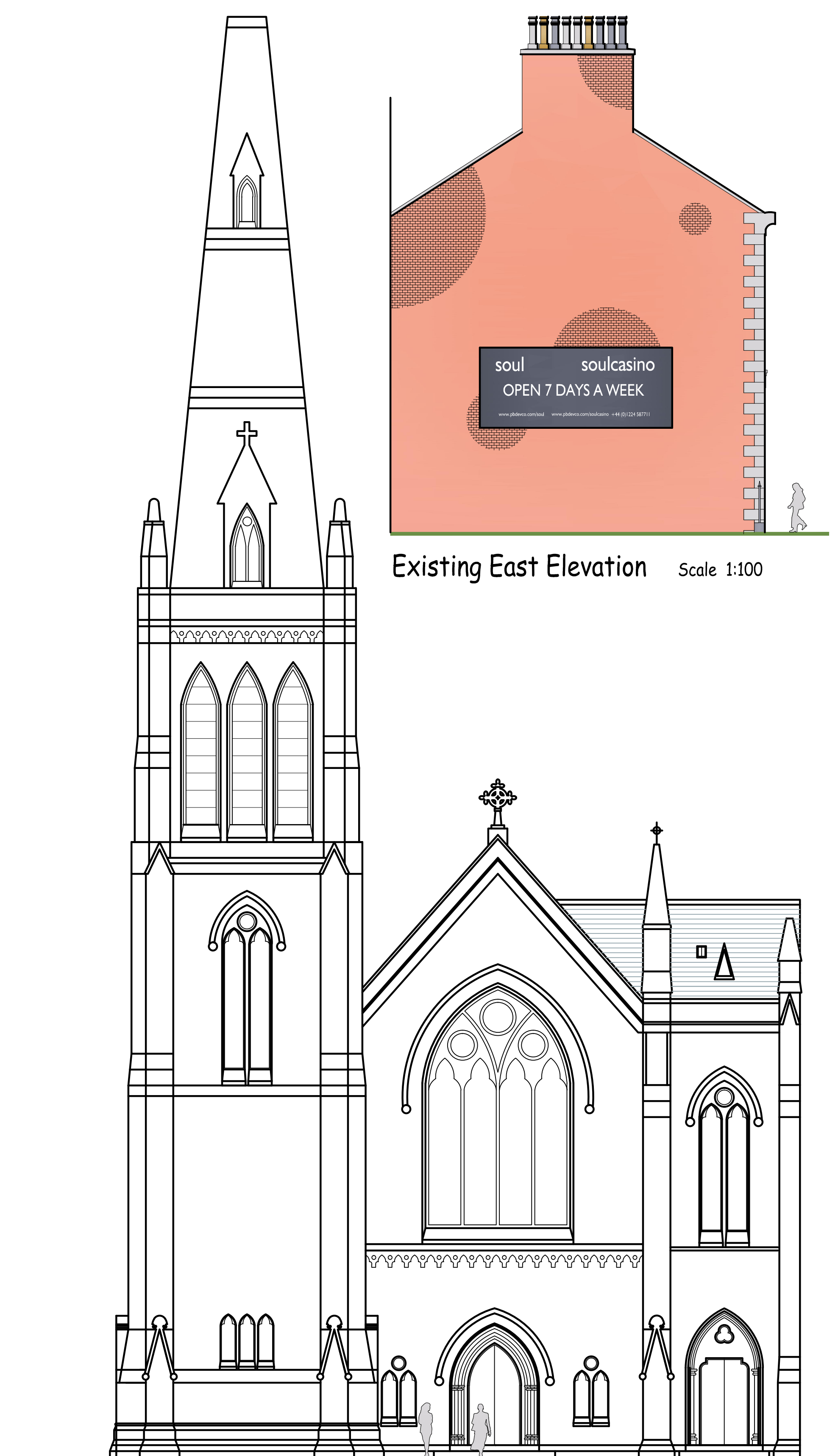
Proposed East Elevation Scale 1:100 @ A1



Existing East Elevation Scale 1:100



Proposed North Elevation Scale 1:100 @ A1



Existing North Elevation Scale 1:100

© Drawing Copyright of Ken Mathieson Architectural Design Ltd. All Dimensions to be Checked & Confirmed on Site. Rights to Commencement of any Work or Manufacture of any Elements taking place & any discrepancies to be reported back to Project Co-ordinator for Decision. All Works & Materials to comply fully with all current British Standards (UK or European Standards if Relevant), Codes of Practice & All necessary Safety Acts.

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PLANNING APPLICATION (Ref: P160624) – SOUL, 333 UNION STREET, ABERDEEN, AB11 6BS.

PB Development Company Ltd, 15 Summer Street, Aberdeen

Request for review of refusal of planning application P160624 for retrospective planning permission for the erection of a temporary marquee within the forecourt of the Soul bar/restaurant/casino premises, 333 Union Street, Aberdeen.

Statement to accompany the Notice of Review.

Introduction

This Notice of Review has been prepared by Ken Mathieson Architectural Design Ltd on behalf of PB Development Company Ltd 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 erection of a temporary marquee within the forecourt of the premises.

Background

The former Langstane Kirk and Church Hall were converted to a bar/diner, restaurant and on a new mezzanine floor a casino following the grant of planning permissions and listed building consents in 2002 and 2003.

This sensitive development has allowed the reuse of an important category B listed building which was no longer required for its original purpose. The building, including the sandstone spire which forms an important city centre landmark, has been repaired and refurbished.

A glazed extension to the front of the building received planning permission and listed building consent in 2005. A larger conservatory, both higher and projecting closer to Union Street, of a contemporary design received planning permission and listed building consent in 2009. The 2005 planning permission and listed building consent remain valid as work has started to implement them.

Site Description

The premises are situated at the junction of Union Street and Bon Accord Street.

The former church building is set back from Union Street. This forecourt has been laid out in a mixture of hard and soft landscaping and includes outdoor seating which, together with the reintroduction of traditional cast iron railings and the retention of a mature tree provides an attractive feature at the junction of Union Street and Bon Accord Street. A temporary marquee, which is the subject of this review, has been positioned in the rear corner of this area adjacent to the blank, brick gable of the neighbouring property 335 - 337 Union Street area for a little over two years.

The former Langstane Kirk is listed category B whilst the property 335 – 337 Union Street is included category C. The site lies within the Union Street Conservation Area.

The following photographs show the marquee, the site and the wider area.



Photograph taken within Courtyard



Photograph taken from Union Street

Proposal

Planning permission is sought for a period of a further 3 years for the marquee. The marquee measures 9.0 m by 6.0 m with a height to the eaves of 2.3 m and to the ridge of 3.39 m. The short side which faces Union Street is set back 2.0m from Union Street. The marquee is situated adjacent to the blank, red brick gable of the neighbouring property at 335/337 Union Street. The marquee is a simple construction with a steel frame supporting a largely clear PVC skin.

Relevant History

The marquee has been erected largely on the site of proposals which were approved in 2005 and 2009 respectively for the construction of a conservatory as an extension to the licensed premises. Works were undertaken to begin to implement the 2005 permission by the formation of foundations so that consent remains live. It is instructive to note that in regard to the 2009 application the report by the Head of Planning and Sustainable Development states that:

‘The conservatory would sit comfortably within the corner formed by the church frontage and the adjacent brick wall where it would be largely concealed from view from the west and would be seen against this backdrop from the east.’

and that

‘the conservatory would make better all-year round use of the external space, provide an active frontage and contribute to the vitality of the City Centre’.

Listed Building Consent was granted in 2005 by the Scottish Ministers following the call in of the application. The Reporter in relation to that application noted ‘the façade of the listed building is not symmetrical so that the conservatory would not result in an imbalance but would complement to some extent the major feature of the tower and steeple on the east side’.

The listed building consent remains valid for the same reason as the 2005 planning permission.

There is a banner sign attached to the gable immediately above the marquee. This is clearly shown in the photographs included above. The sign received advertisement consent on appeal on 19 January 2016 for a period of 3 years following an earlier decision to refuse the application by officers using delegated powers. In deciding to grant permission the Reporter noted:

‘I consider the activities in the forecourt to be a normal part of a contemporary city centre restaurant business and essential to utilising the forecourt for the use for which it already has planning permission’.

The Reporter further stated

‘The addition of the proposed advertising banner in such a setting would not appear to the casual observer on Union Street as incongruous or to represent such a

change of appearance from the present commercial environment as to fail to preserve the character or appearance of the conservation area’.

Whilst at that time the marquee was not the subject of a planning application the Council did not raise any particular concerns to its presence within the forecourt.

A copy of the Reporter’s decision letter is included as appendix 3.

Response to Report of Handling and Reasons for Refusal

The Report of Handling refers to the following policies being of direct relevance to the application but only provides an assessment in terms of the Local Development Plan policies.

Historic Environment Scotland Policy Statement

Scottish Planning Policy (SPP)

Aberdeen Local Development Plan

Policy D1- Architecture and Placemaking

Policy D5- Built Heritage

Proposed Aberdeen Local Development Plan

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

Policy D1- Quality Placemaking by Design (D1 in adopted LDP)

Policy D5- Our Granite Heritage (D5 in adopted LDP)

Supplementary Guidance

Temporary Buildings Design Guide (March 2012)

The reasons given for refusal are:

Due to its inappropriate quality, design and material the temporary structure detracts from the setting and character of the listed building and visual amenity within the wider conservation area by reason of its prominent position in public view on Union Street. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that the proposal does not accord with the provisions of the Historic Environment Scotland Policy Statement, Scottish Planning Policy, the Aberdeen Local Development Plan and Supplementary Guidance on Temporary Buildings. There are no material planning considerations, including the Proposed Aberdeen Local Development Plan, that would warrant approval of the application.

A copy of the decision notice is included as appendix 4. It is noted that the decision notice is not dated but nevertheless the applicants have instructed that this appeal be lodged.

Discussion

Historic Environment Scotland Policy Statement.

Scottish Ministers want to realise the full potential of the historic environment as a resource – cultural, educational, economic and social – across every part of Scotland and for all the people and to make the best use of the historic environment to achieve their wider aims of economic and social regeneration.

Scottish Planning Policy

A key aim of SPP (para 60) is that planning for town centres should be flexible and proactive, enabling a wide range of uses which bring people into town centres. The planning system should: encourage a mix of uses in town centres to support their vibrancy, vitality and viability throughout the day and into the evening.

Whilst the detailed evaluation of the application by the Appointed Officer does not assess the application in terms of either of these policies it is clear that the principle of the proposal is consistent with the SPP objectives of encouraging activity and vibrancy. It is also felt that the marquee is consistent with the Historic Environment Policy Statement. There is no impact on the fabric of any listed building, the marquee is of a light weight construction and can be removed from the site at the end of its life without any trace of it having been on the site. The marquee has allowed the premises to continue to trade successfully in a very difficult economic climate caused by a combination of the downturn in the local economy and the impact of the new drink drive laws. This in turn has ensured that the listed building is maintained to a high standard.

The two Local Development Plan Policies to which the Report of Handling refers are high level design policies.

Policy D1 - Architecture and Placemaking - seeks 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

Policy D5 - Built Heritage requires proposals affecting Conservation Areas or Listed Buildings to comply with Scottish Planning Policy.

The marquee is a temporary structure. It is not visible further to the west on Union Street because of its position adjacent to a tall gable. In views from the east and from directly across Union Street it appears as a modest structure forming part of the commercial area in front of the Soul Bar and Diner. Its impact is further reduced by the presence of the mature tree and other features within the open area.

The red brick gable against which the marquee is placed is of no particular architectural or visual merit and indeed can be considered to present a rather plain and forbidding appearance. The marquee adds life and interest to the area.

The site lies within the Union Street Conservation Area. The Council has a duty under Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to preserve and enhance the character or appearance of the conservation area. This requirement is satisfied so long as the proposal is considered to have a neutral impact on the character of the conservation area.

The marquee can only be seen for short distances from the pavement on the south side of Union Street and from opposite the site to near the junction with Huntly Street on the pavement on the north side. In both cases it is viewed against the tall, red brick, gable and its prominence is significantly reduced by the set back from Union Street, the mature tree in the forecourt, other legitimate features within the forecourt as well as street furniture, including planters, large advertising signs, street lights and road signs outwith the site.

It is felt that the Reporter's findings in respect of the appeal against refusal of consent for the sign behind the marquee when he concluded that the addition of the proposed advertising banner in such a setting would not appear to the casual observer on Union Street as incongruous or to represent such a change of appearance from the present commercial environment as to fail to preserve the character or appearance of the conservation area could apply equally to the marquee in that the marquee is a reasonable and attractive feature in the forecourt. The Reporter made no comments about the marquee when dealing with the appeal for the banner.

In terms of the impact of the marquee on the listed former Langstane Kirk it is not attached to the building and is generally in the position of the proposed conservatories which received both planning permission and building consent. The Reporter at the time of the call-in of the listed building application in 2005 saw no reason to oppose the principle of a building in this location.

In terms of the Temporary Buildings Design Guide (March 2012) the marquee falls within the category of demountable buildings. The Design Guide states that permission will be granted for an initial period of 5 years for demountable buildings but requires such buildings to

- a) be sited to the rear of existing buildings;
- b) to avoid loss of existing car parking spaces; and
- c) not be sited on landscaped amenity areas, especially those with established tree and shrub planting.

The introduction to the Design Guide indicates that the guidance is aimed at parties wishing to erect a demountable building on their industrial or commercial sites; with the guidance directed more towards industrial estates rather than city centre sites of the type under consideration. The Guidelines also acknowledge that there may be exceptional circumstances which merit approval of an application which does not meet all of the criteria.

The marquee satisfies the second and third criteria and whilst not strictly satisfying the first requirement it is set back behind existing building lines, is within an area where people gather and is clearly ancillary to the use of the forecourt where it is situated. It is not practical for design guidance of this nature to consider in detail all possible scenarios.

It is assumed that the requirement in the Guidelines to site temporary buildings to the rear of permanent buildings is for reasons of visual amenity. This issue has been addressed in detail above.

Other Material Considerations

It is noted that no objections were made to the proposal by any consultee whilst only one objection was received in response to the publicity given to the application. The Report of Handling summarises the grounds of objection as:

- ‘1- The proposal would have unacceptable effect on visual amenity for an important category B listed building
- 2- The proposed period of 3 years is a long timescale for a temporary structure’

These matters have been addressed previously.

Paragraph 2.9 of the Aberdeen Local Development Plan states that it is vital for the future prosperity of Aberdeen that the City Centre is enhanced and promoted as a safe, attractive, and accessible and well connected place which contributes to an improved quality of life. The Council has for a number of years encouraged a ‘café culture’ both through the previous (2008) Local Development Plan, the City Centre Development Framework, 2012 as well as supporting trial schemes in parts of the City Centre.

This aspiration was restated recently when the Council unanimously approved the City Centre Masterplan proposed by independent consultants BDP at the Full Council meeting which took place 24 June 2015. Two key objectives of the Masterplan involve changing perceptions and promoting the view of Aberdeen City Centre as an energetic, inclusive and fascinating place where people will want to live, work and visit and secondly to promote a metropolitan outlook in ensuring the city centre meets the needs of the wider population of Aberdeen City and Shire and beyond and is specifically planned and governed to reflect this wider metropolitan role.

The use of the forecourt at Soul has made an important contribution to this objective. Unfortunately the forecourt is located on the shady south side of Union Street which has an impact on the use of the area. The marquee has played a significant role in helping to overcome this and ensure greater use is made of the area thereby contributing to the vitality and attractiveness of the area.

Conclusion

It is felt that, contrary to the assessment of the application in the Report of Handling, the foregoing demonstrates that the Marquee accords with both Scottish Planning Policy and Historic Scotland's: Scottish Historic Environment Policy. It is also been shown that the Marquee has no adverse impact on the amenity of the area and that it complies with the relevant Development Plan policies. Proposals for the site have been considered on several occasions over a number of years including twice by Reporters. It is felt that approval of the application would be consistent with the findings of the Reporters on both occasions as well as with previous decisions of the Council.

PLANNING APPLICATION (Ref: P160624) – SOUL, 333 UNION STREET, ABERDEEN, AB11 6BS.

PB Development Company Ltd, 15 Summer Street, Aberdeen

Request for review of refusal of planning application P160624 for retrospective planning permission for the erection of a temporary marquee within the forecourt of the Soul bar/restaurant/casino premises, 333 Union Street, Aberdeen.

Statement to accompany the Notice of Review.

Introduction

This Notice of Review has been prepared by Ken Mathieson Architectural Design Ltd on behalf of PB Development Company Ltd 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 erection of a temporary marquee within the forecourt of the premises.

Background

The former Langstane Kirk and Church Hall were converted to a bar/diner, restaurant and on a new mezzanine floor a casino following the grant of planning permissions and listed building consents in 2002 and 2003.

This sensitive development has allowed the reuse of an important category B listed building which was no longer required for its original purpose. The building, including the sandstone spire which forms an important city centre landmark, has been repaired and refurbished.

A glazed extension to the front of the building received planning permission and listed building consent in 2005. A larger conservatory, both higher and projecting closer to Union Street, of a contemporary design received planning permission and listed building consent in 2009. The 2005 planning permission and listed building consent remain valid as work has started to implement them.

Site Description

The premises are situated at the junction of Union Street and Bon Accord Street.

The former church building is set back from Union Street. This forecourt has been laid out in a mixture of hard and soft landscaping and includes outdoor seating which, together with the reintroduction of traditional cast iron railings and the retention of a mature tree provides an attractive feature at the junction of Union Street and Bon Accord Street. A temporary marquee, which is the subject of this review, has been positioned in the rear corner of this area adjacent to the blank, brick gable of the neighbouring property 335 - 337 Union Street area for a little over two years.

The former Langstane Kirk is listed category B whilst the property 335 – 337 Union Street is included category C. The site lies within the Union Street Conservation Area.

The following photographs show the marquee, the site and the wider area.



Photograph taken within Courtyard



Photograph taken from Union Street

Proposal

Planning permission is sought for a period of a further 3 years for the marquee. The marquee measures 9.0 m by 6.0 m with a height to the eaves of 2.3 m and to the ridge of 3.39 m. The short side which faces Union Street is set back 2.0m from Union Street. The marquee is situated adjacent to the blank, red brick gable of the neighbouring property at 335/337 Union Street. The marquee is a simple construction with a steel frame supporting a largely clear PVC skin.

Relevant History

The marquee has been erected largely on the site of proposals which were approved in 2005 and 2009 respectively for the construction of a conservatory as an extension to the licensed premises. Works were undertaken to begin to implement the 2005 permission by the formation of foundations so that consent remains live. It is instructive to note that in regard to the 2009 application the report by the Head of Planning and Sustainable Development states that:

‘The conservatory would sit comfortably within the corner formed by the church frontage and the adjacent brick wall where it would be largely concealed from view from the west and would be seen against this backdrop from the east.’

and that

‘the conservatory would make better all-year round use of the external space, provide an active frontage and contribute to the vitality of the City Centre’.

Listed Building Consent was granted in 2005 by the Scottish Ministers following the call in of the application. The Reporter in relation to that application noted ‘the façade of the listed building is not symmetrical so that the conservatory would not result in an imbalance but would complement to some extent the major feature of the tower and steeple on the east side’.

The listed building consent remains valid for the same reason as the 2005 planning permission.

There is a banner sign attached to the gable immediately above the marquee. This is clearly shown in the photographs included above. The sign received advertisement consent on appeal on 19 January 2016 for a period of 3 years following an earlier decision to refuse the application by officers using delegated powers. In deciding to grant permission the Reporter noted:

‘I consider the activities in the forecourt to be a normal part of a contemporary city centre restaurant business and essential to utilising the forecourt for the use for which it already has planning permission’.

The Reporter further stated

‘The addition of the proposed advertising banner in such a setting would not appear to the casual observer on Union Street as incongruous or to represent such a

change of appearance from the present commercial environment as to fail to preserve the character or appearance of the conservation area’.

Whilst at that time the marquee was not the subject of a planning application the Council did not raise any particular concerns to its presence within the forecourt.

A copy of the Reporter’s decision letter is included as appendix 3.

Response to Report of Handling and Reasons for Refusal

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Whilst the detailed evaluation of the application by the Appointed Officer does not assess the application in terms of either of these policies it is clear that the principle of the proposal is consistent with the SPP objectives of encouraging activity and vibrancy. It is also felt that the marquee is consistent with the Historic Environment Policy Statement. There is no impact on the fabric of any listed building, the marquee is of a light weight construction and can be removed from the site at the end of its life without any trace of it having been on the site. The marquee has allowed the premises to continue to trade successfully in a very difficult economic climate caused by a combination of the downturn in the local economy and the impact of the new drink drive laws. This in turn has ensured that the listed building is maintained to a high standard.

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The red brick gable against which the marquee is placed is of no particular architectural or visual merit and indeed can be considered to present a rather plain and forbidding appearance. The marquee adds life and interest to the area.

The site lies within the Union Street Conservation Area. The Council has a duty under Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 to preserve and enhance the character or appearance of the conservation area. This requirement is satisfied so long as the proposal is considered to have a neutral impact on the character of the conservation area.

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Other Material Considerations

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- 2- The proposed period of 3 years is a long timescale for a temporary structure'

These matters have been addressed previously.

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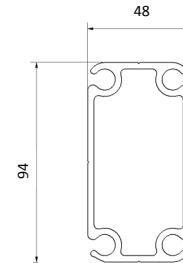
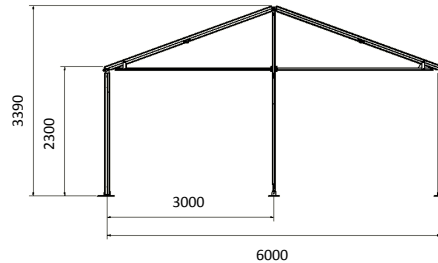
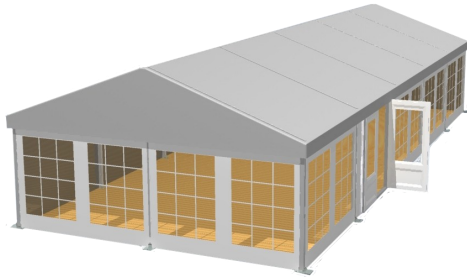
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Conclusion

It is felt that, contrary to the assessment of the application in the Report of Handling, the foregoing demonstrates that the Marquee accords with both Scottish Planning Policy and Historic Scotland's: Scottish Historic Environment Policy. It is also been shown that the Marquee has no adverse impact on the amenity of the area and that it complies with the relevant Development Plan policies. Proposals for the site have been considered on several occasions over a number of years including twice by Reporters. It is felt that approval of the application would be consistent with the findings of the Reporters on both occasions as well as with previous decisions of the Council.

6m Multispan Marquee



TECHNICAL SPECIFICATIONS

Width of Marquee	6000mm
Length of 1 bay	3000mm
Eave Height	2300mm
Ridge Height	3390mm
Roof Pitch	20 degrees
Surface Area of 1 Bay	18m ²
Maximum Length of Marquee	Infinite
Longest Part	3470mm
Weight of 1st Bay	278 Kg
Weight of Additional Bay	115 Kg

MATERIALS

Steelwork	Mild Steel (Grade43)
Aluminium	Alloy (6061 T6)
PVC	650 g/m ² PVC Coated Polyester

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Decision by Don Rankin, a Reporter appointed by the Scottish Ministers

- Advertisement appeal reference: ADA-100-2004
- Site address: 333 Union Street, Aberdeen, AB11 6BS
- Appeal by Stuart Clarkson (PB Development Company) against the decision by Aberdeen City Council
- Application for advertisement consent P151224 refused by notice dated 7 October 2015
- The advertisement proposed: banner sign
- Date of site visit by Reporter: 8 January 2016

Date of appeal decision: 19 January 2016

Decision

I allow the appeal and grant advertisement consent.

Reasoning

1. Regulation 4(1) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 limits the exercise of the powers of control of advertisements solely to the interests of amenity and public safety, and these matters are elaborated in regulation 4(2). No concerns have been raised either by the council or other consultees with respect to road safety. Accordingly, on the basis of the site inspection and the written submissions, I consider that the determining issue in this appeal are whether the proposed display would be contrary to the interest of amenity.
2. The sign for which advertisement consent is sought has already been erected. The sign is an unlit banner sign (6 metres X 2.5 metres) fastened 3.26 metres high on the gable end wall of the building at No.335/337 Union Street. It advertises the restaurant and event venue located in the former church building at No.333 Union Street. No.333 is set back from Union Street and the sign on the blank gable wall of the adjacent building overlooks the front patio and marquee area in front of No.333. Although on the gable end of No.335/337 the setback of No.333 ensures that the sign is highly visible to much of the eastward extension of Union Street. The location falls within the Union Street Conservation Area and both buildings, No.333 and No.335/337 are listed. The former church at No.333 is listed category 'B' and No.335/337 to which the banner sign is attached is listed category 'C'.
3. The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that development on listed buildings should preserve the architectural and historic interest

of the building and respect the setting of the building. The same Act requires that development should preserve or enhance the character or appearance of the conservation area. Policy for the implementation of this statutory duty is contained in Scottish Planning Policy (SPP) and Scottish Historic Environment Policy (SHEP). These requirements are reiterated in the policies of the adopted Aberdeen Local Development Plan (ALDP) policies D1 & D5. The Proposed replacement Aberdeen Local Development Plan policies D1 and D5 covers the same ground with further explanation in the council's Supplementary Planning Guidance: *Shopfront Design and Advertisement Design Guide* (SPG).

4. SPP and SHEP are generally supportive of the conversion and reuse of redundant listed buildings to ensure their continued beneficial use so long as the key features of architectural or historic interest of both the structure and the setting are preserved. Similarly, the character or appearance of the conservation area must be preserved or enhanced. Conversion of the former Langstane Kirk (No.333 Union Street) into a restaurant and event venue in the commercial heart of the city is a successful example of such re-use. It is a unique setting being on the main frontage of Union Street, the city's premier shopping street, but set back with a substantial forecourt framed by the gable wall of No.335/337 Union Street. Advertising the venue with a substantial banner and the use of bold colours would not be incongruous in a street of modern shop fronts.

5. Looking first at the character and appearance of the conservation area, the former Langstane Kirk building at No.333, now 'Soul' and Soul Casino, is brightly lit and has permission for use of the forecourt for a marquee, tables, chairs and patio heaters as well as an unimplemented permission for a substantial glass conservatory. There are free standing boards advertising special events. I note that the council views all of the above as clutter and does not wish to see it intensified with the addition of a 6m X 2.5m banner sign 3.26m high on the gable wall framing the forecourt. I consider the activities in the forecourt to be a normal part of a contemporary city centre restaurant business and essential to utilising the forecourt for the use for which it already has planning permission. The proposed banner would be at right angles to the main Union Street frontage and clearly different from the adjoining shop front advertising. It would only be seen from a limited area around the junction of Union Street and Bon Accord Street. It would be partially hidden behind street front trees and the forecourt marquee or conservatory. The addition of the proposed advertising banner in such a setting would not appear to the casual observer on Union Street as incongruous or to represent such a change of appearance from the present commercial environment as to fail to preserve the character or appearance of the conservation area.

6. Turning to the effect on the listed buildings, No.335/337 Union Street is a 'C' category listed building dating from around 1820. It is probably one of the original stone tenement buildings forming Union Street. The key feature identified in the Historic Scotland Listing Schedule is the ashlar stone façade. The gable end of that building, the wall for the proposed banner sign, is of simple red brick and as part of a terrace development of Union Street was most probably never intended to form part of the publicly viewable part of the building. The red brick gable wall does not therefore form an essential part of the architectural interest of the building. However, whilst it may never have been intended to form part of the publicly seen façade it has been exposed at least since the construction of the Langstane Kirk (No.333 Union Street) next door in 1869. In that context it is part of the historic appearance of No.335/337 and part of the historic setting of No.333 next door. It is therefore an essential part of the historic interest of both buildings.

7. SHEP recognises that banner signs may sometimes be fixed to historic buildings if the means of attachment does not damage any architectural details. However, they should only be allowed on a temporary basis and not where they would have an adverse impact upon the character or appearance of the building. The modest fixings required for a banner sign at this location would not damage the historic fabric of the building. The location overlooking the forecourt of No.333 is already part of the commercial environment associated with 'Soul' restaurant and event venue. I have already found that the proposed banner sign would not be an incongruous part of the character or appearance of the conservation area and for the same reasons I consider that it would not adversely impact on the architectural or historic interest of the two listed buildings.

8. SHEP allows for appropriate banner signs on historic buildings only on a temporary basis. In this context I take temporary to mean a short period of a few weeks to advertise a particular event, and not the 3-5 years of a full advertisement consent. The proposal is therefore contrary to SHEP. However, taking into consideration my other findings of a lack of adverse impact either on the conservation area or the historic or architectural interest of the listed buildings I consider this setting to be sufficiently unique that in this case SHEP does not outweigh the commercial imperative of clearly advertising the presence of 'Soul' at its location in the city centre.

9. I note the council's reference to SPG policy discouraging upper floor signage and the desire for gold lettering on windows to advertise these such commercial premises. I consider this to be so far removed from the setting of the current proposal as not to be relevant. Similarly, I consider the other premises where banner signs have appeared in the city centre, referred to by both the appellant and the council, as being so different from the proposal's unique setting as to be irrelevant to the key issues in this case.

10. Having regard to all of the above and all other matters raised I conclude that the proposal would not harm either the amenity of the area or safety and that in consequence the appeal is allowed. Having regard to the unique nature of the proposal and the partial conflict with SHEP I consider it appropriate for the impact of the banner sign to be able to be reviewed in three years. I note that the appellant is agreeable to this time limit. The statutory conditions in Part 1 of Schedule 1 of the 1984 Regulations also apply.

Don Rankin

Reporter

Condition

This permission is granted for a temporary period of three years at the end of which time the sign together with all fixtures and fittings must be removed and the gable wall restored to its former condition.

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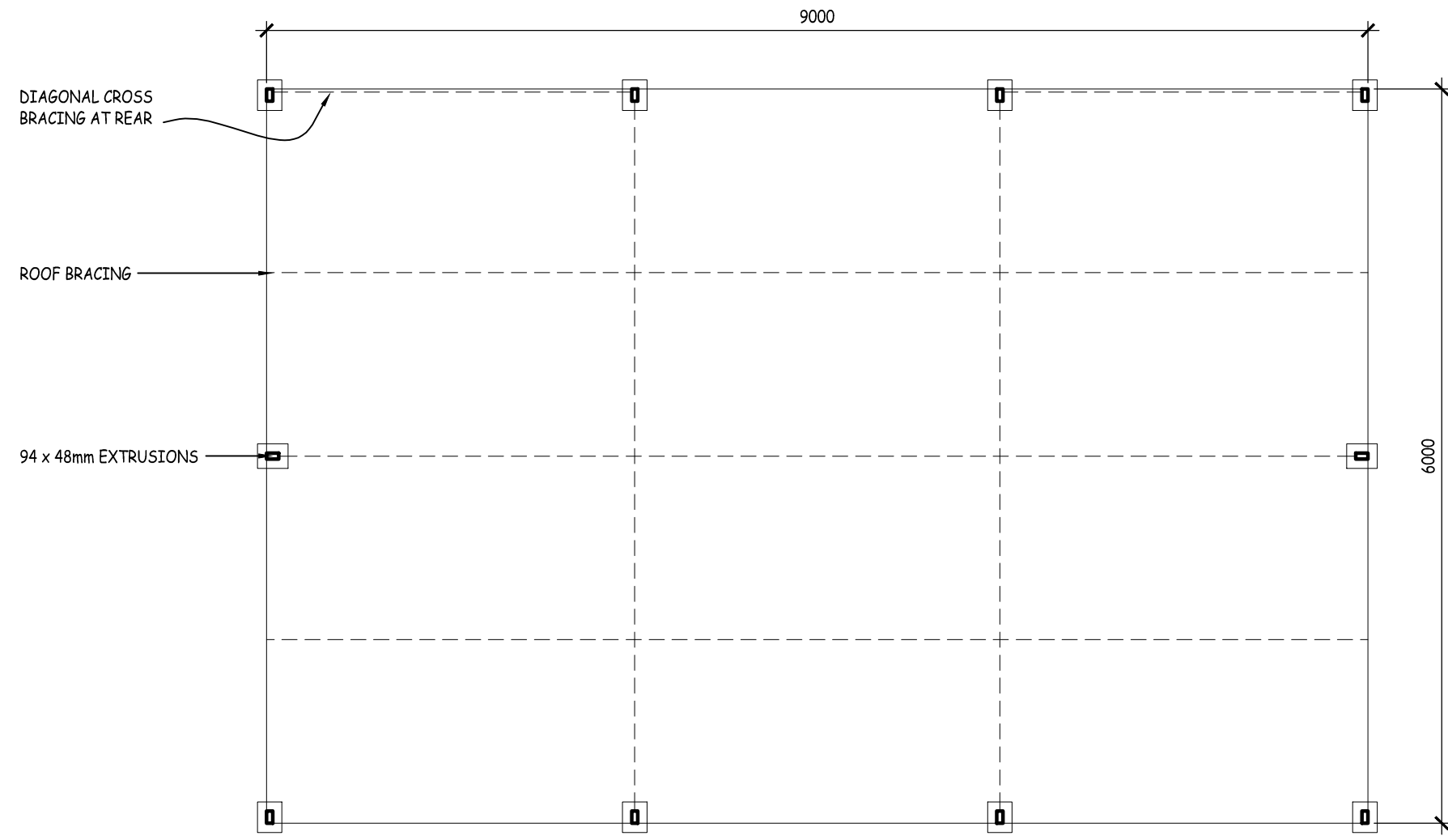
Proposed Marquee at: Soul Bar, 333 Union Street, Aberdeen

kenmathieson
ARCHITECTURAL DESIGN
& DEVELOPMENT CONSULTANT
LTD.
MANSARD HOUSE
15 OLDMELDRUM ROAD
BUCKSBURN
ABERDEEN
AB21 9AD
TEL: 01224 710357
FAX: 01224 710358
E-MAIL: info@kenmathieson.com

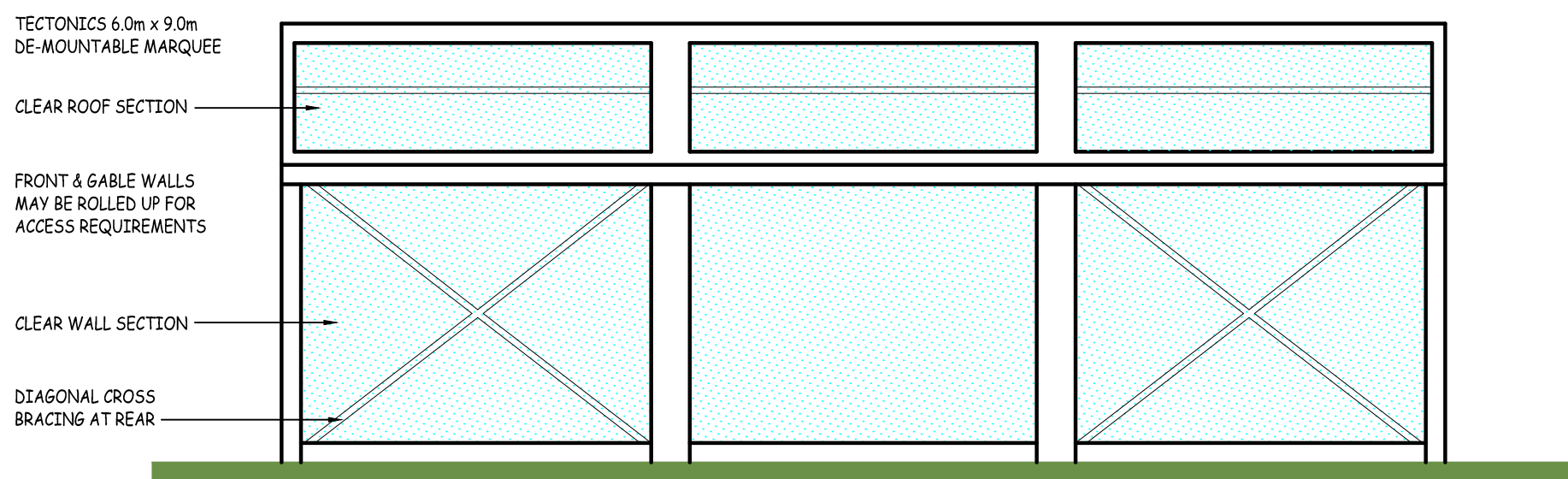
Client	PB Dev. Co.		
Project	Proposed Marquee at Soul Bar, 333 Union Street, Aberdeen, AB11 6BS		
Title	Existing & Proposed Plans, Sections & Elev.		
Scale	As Shown	Date	May 16
Drawn By		Issue	SM
Job No	2076	Drawn	001
		Issue	A

DOMESTIC, COMMERCIAL & INDUSTRIAL
Limited Company Registered in Scotland No. 229653

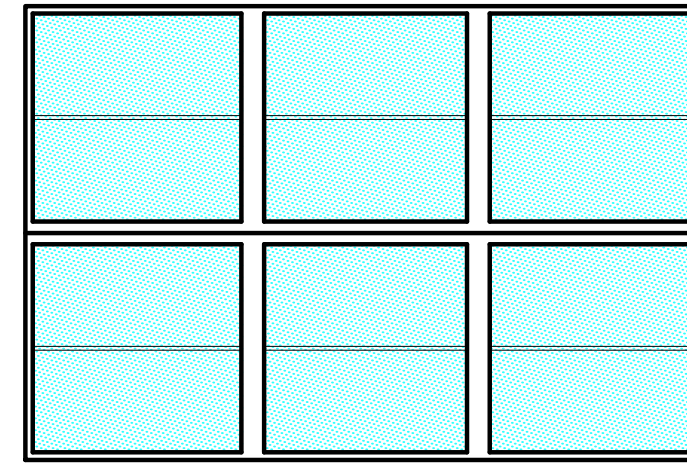
Amendments	Date
A First issue	May 16



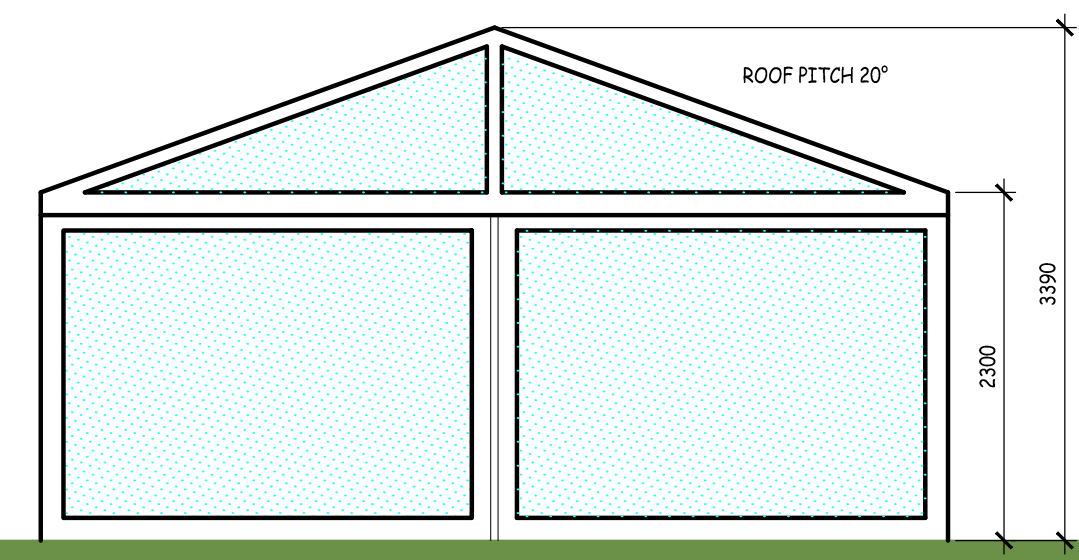
Layout Plan Scale 1:50 @ A1



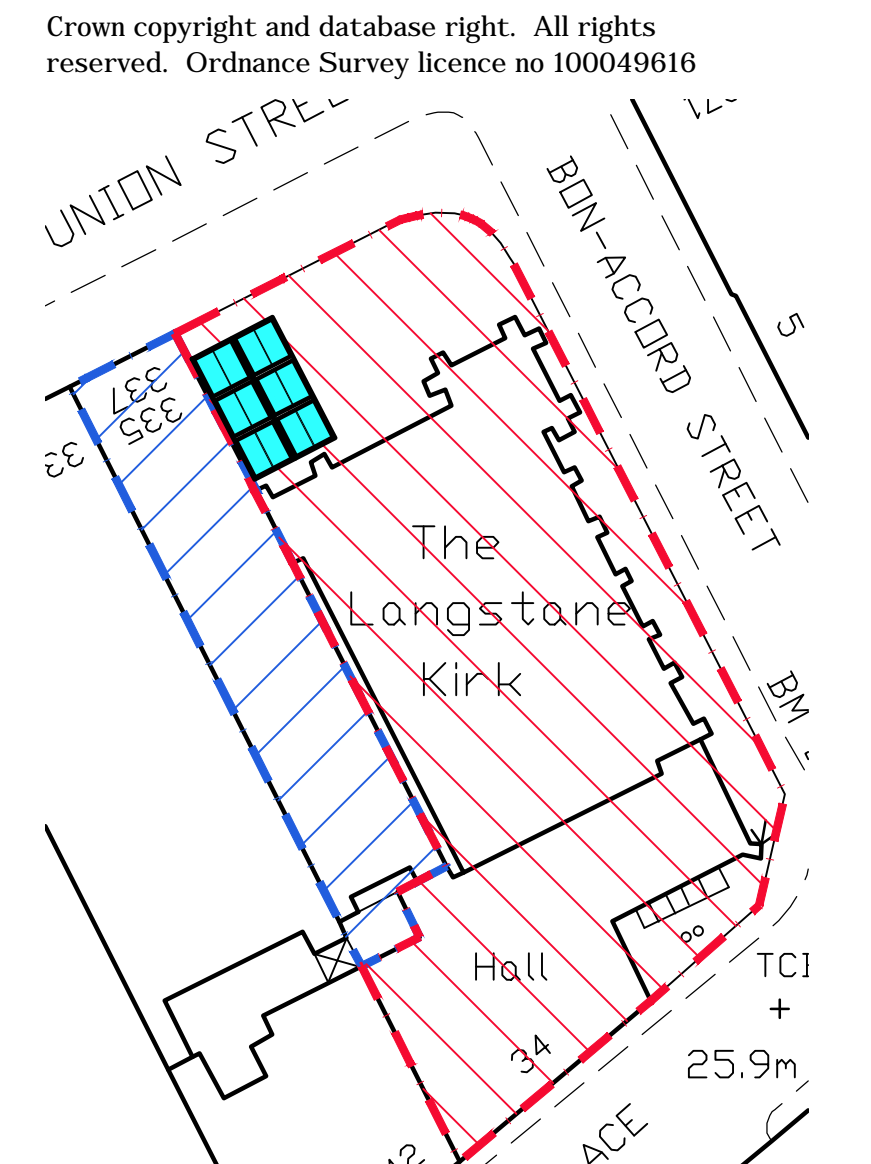
Proposed West Elevation Scale 1:50 @ A1



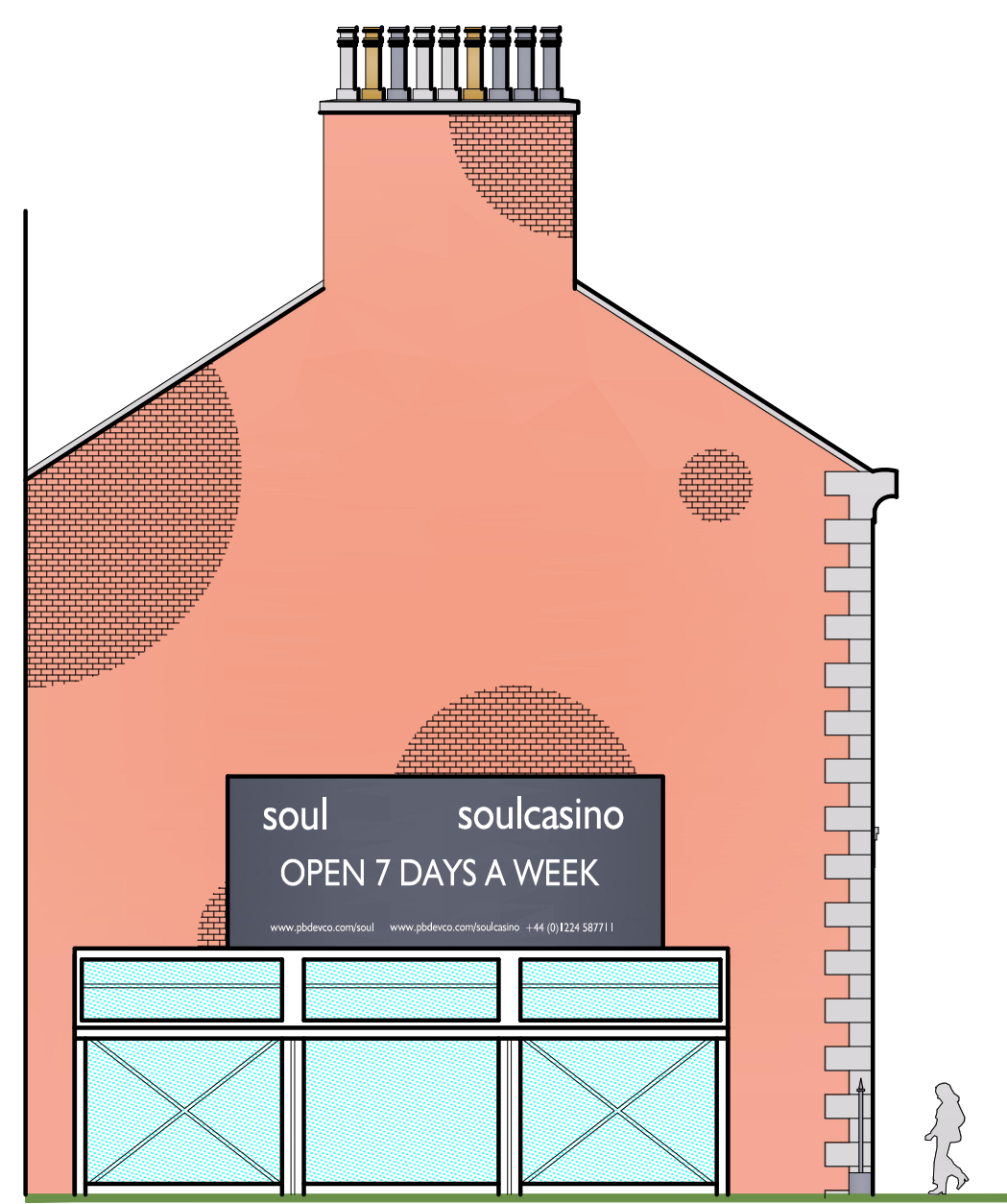
Roof Plan 1:100



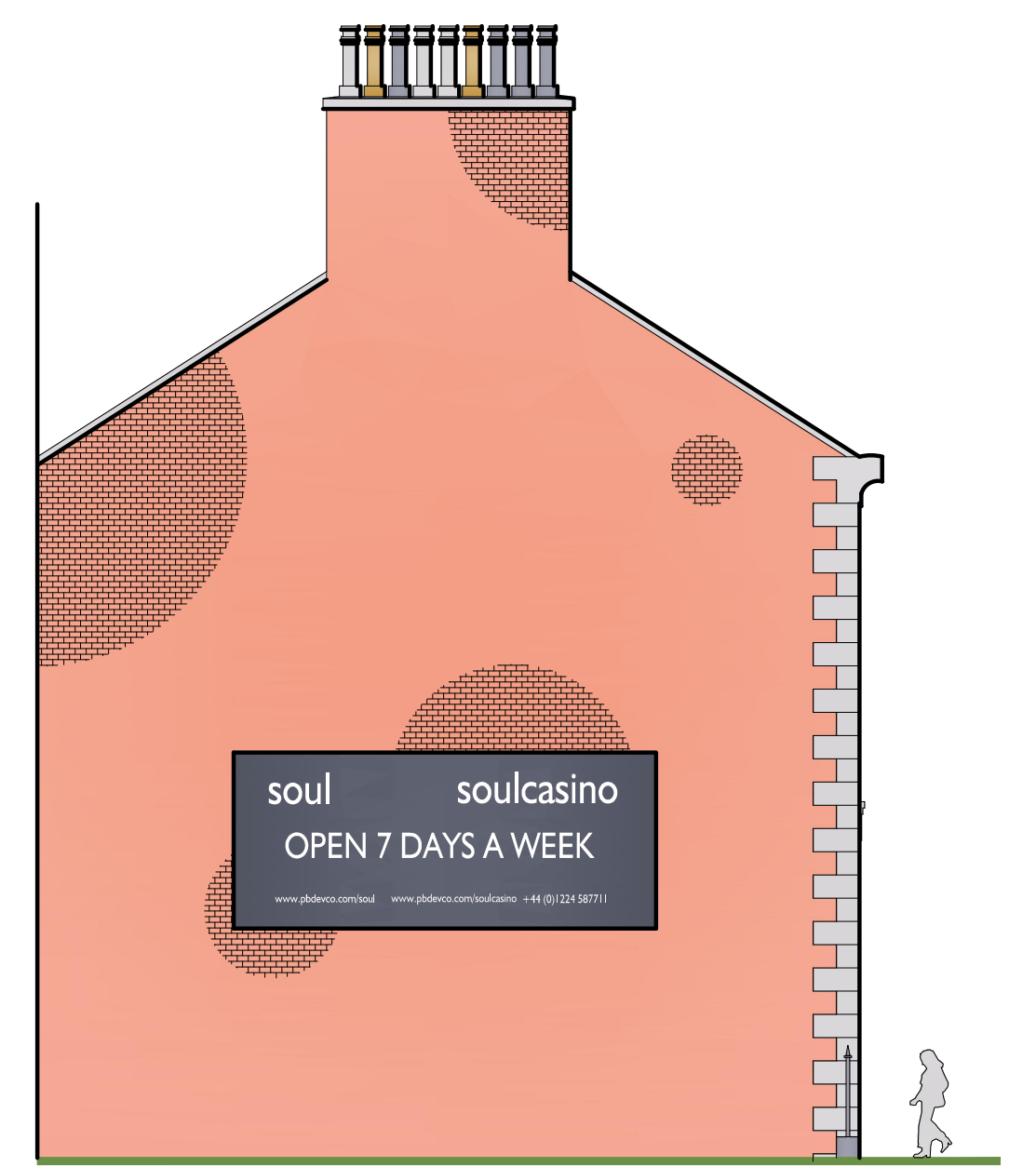
Proposed South Elevation Scale 1:50



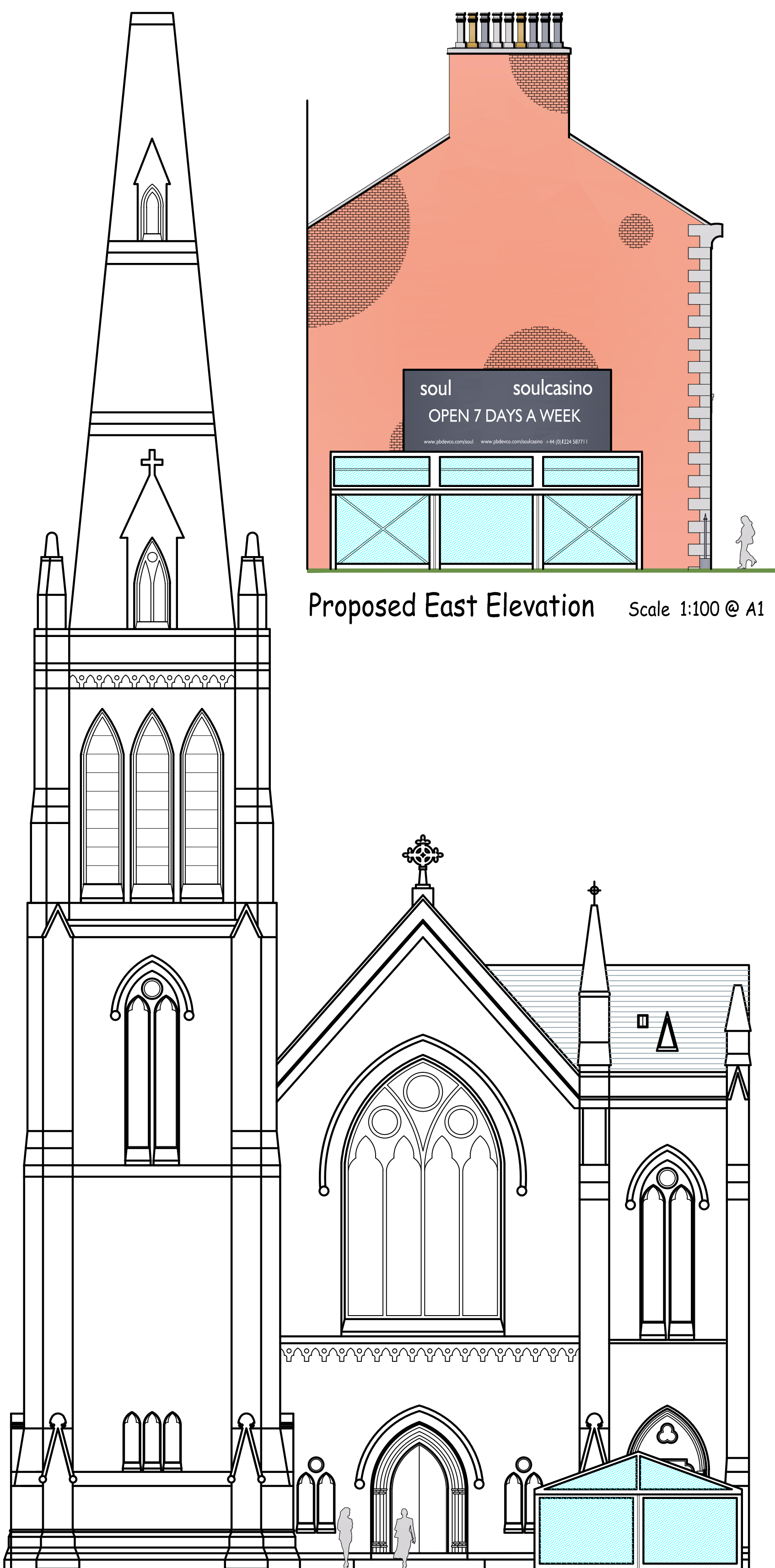
Site Layout Plan Scale 1:500



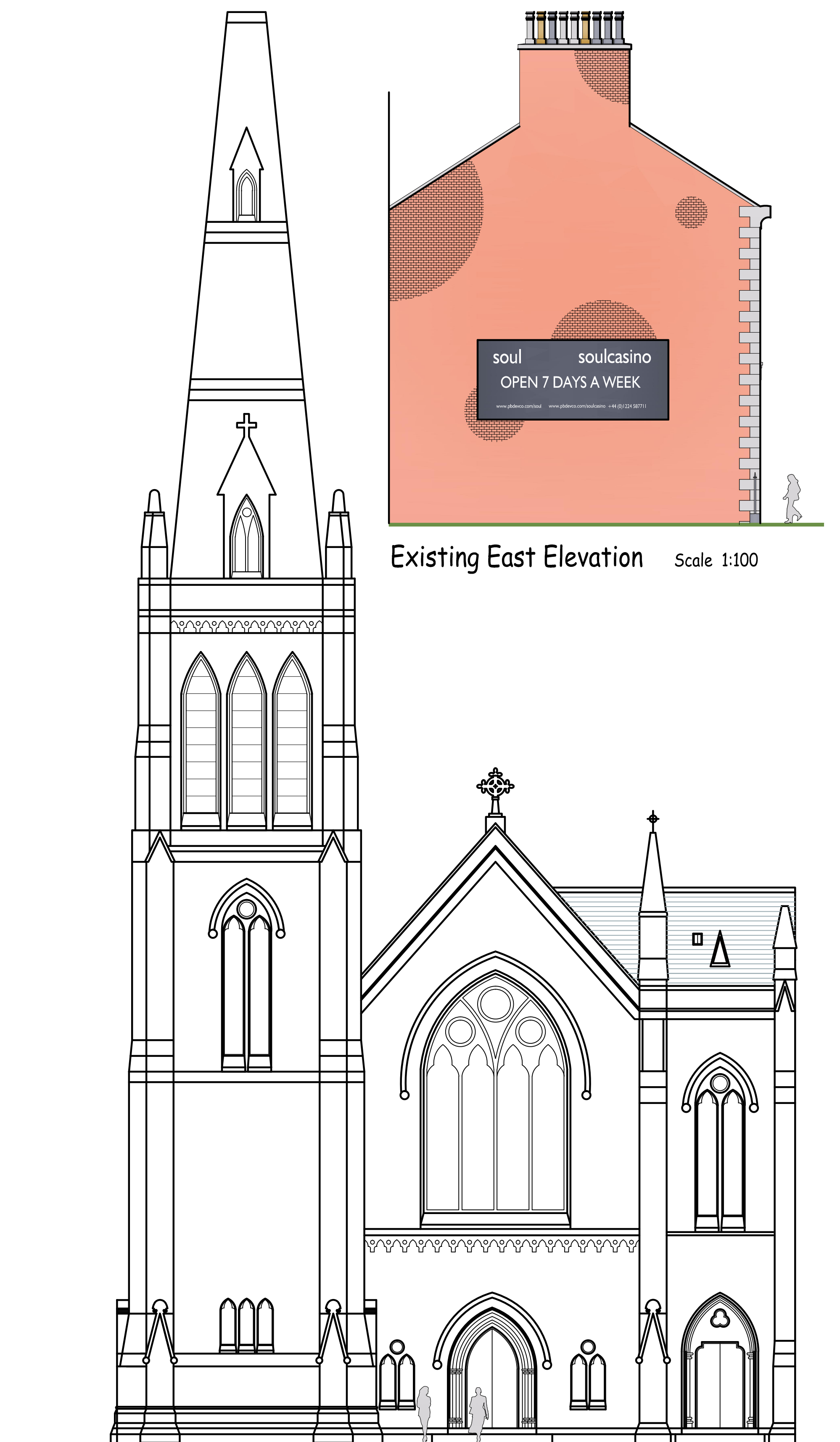
Proposed East Elevation Scale 1:100 @ A1



Existing East Elevation Scale 1:100

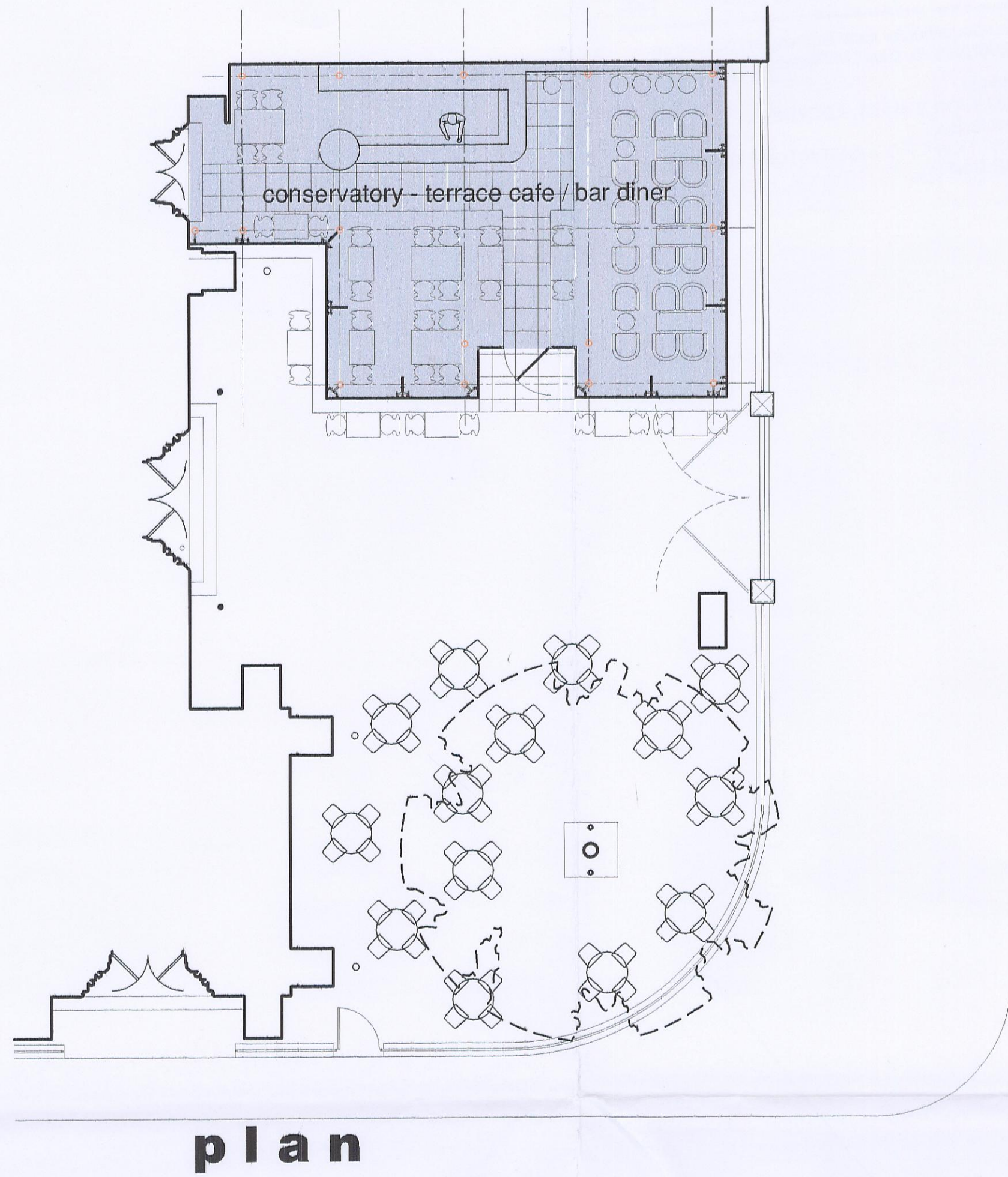


Proposed North Elevation Scale 1:100 @ A1



Existing North Elevation Scale 1:100

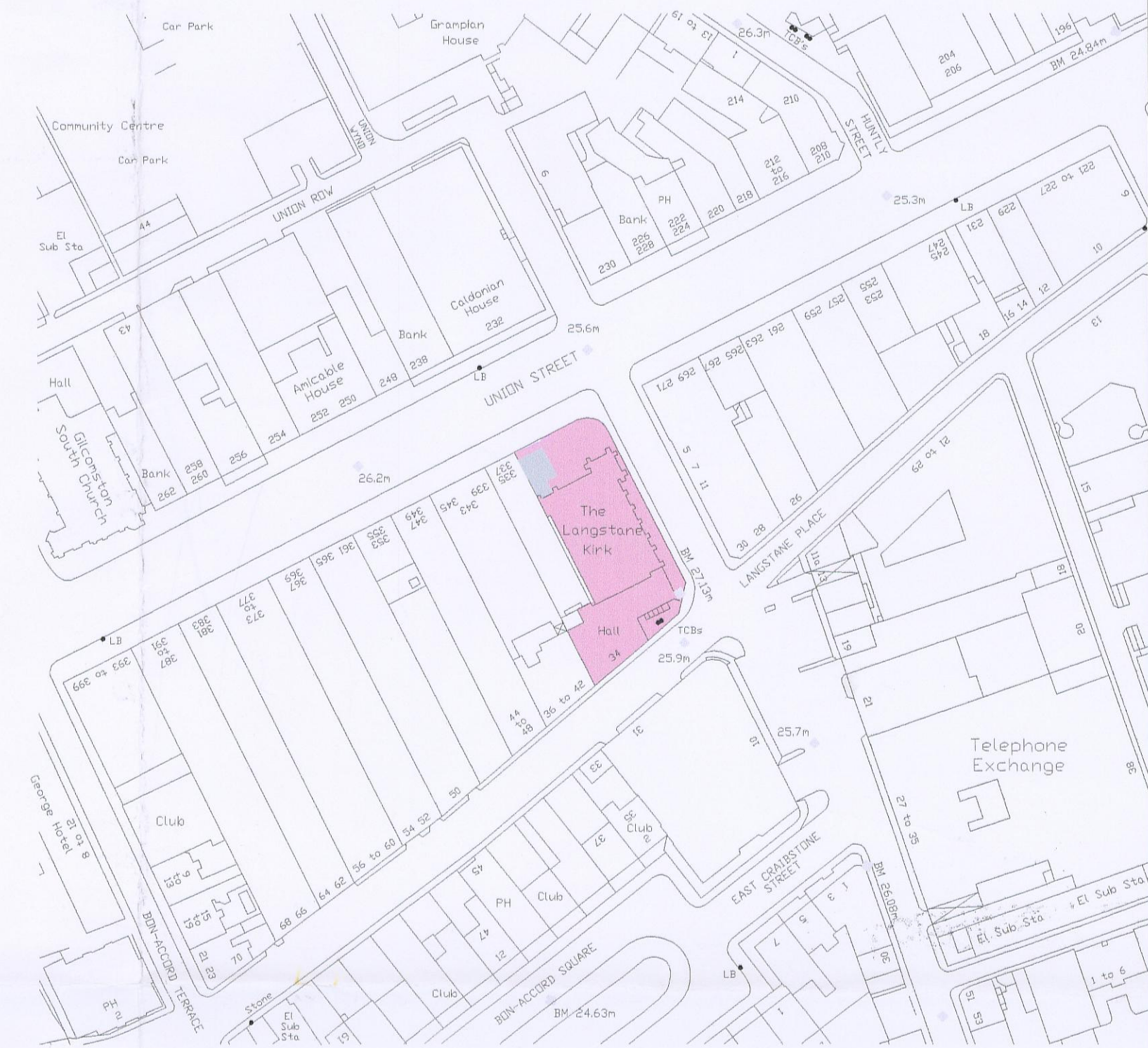
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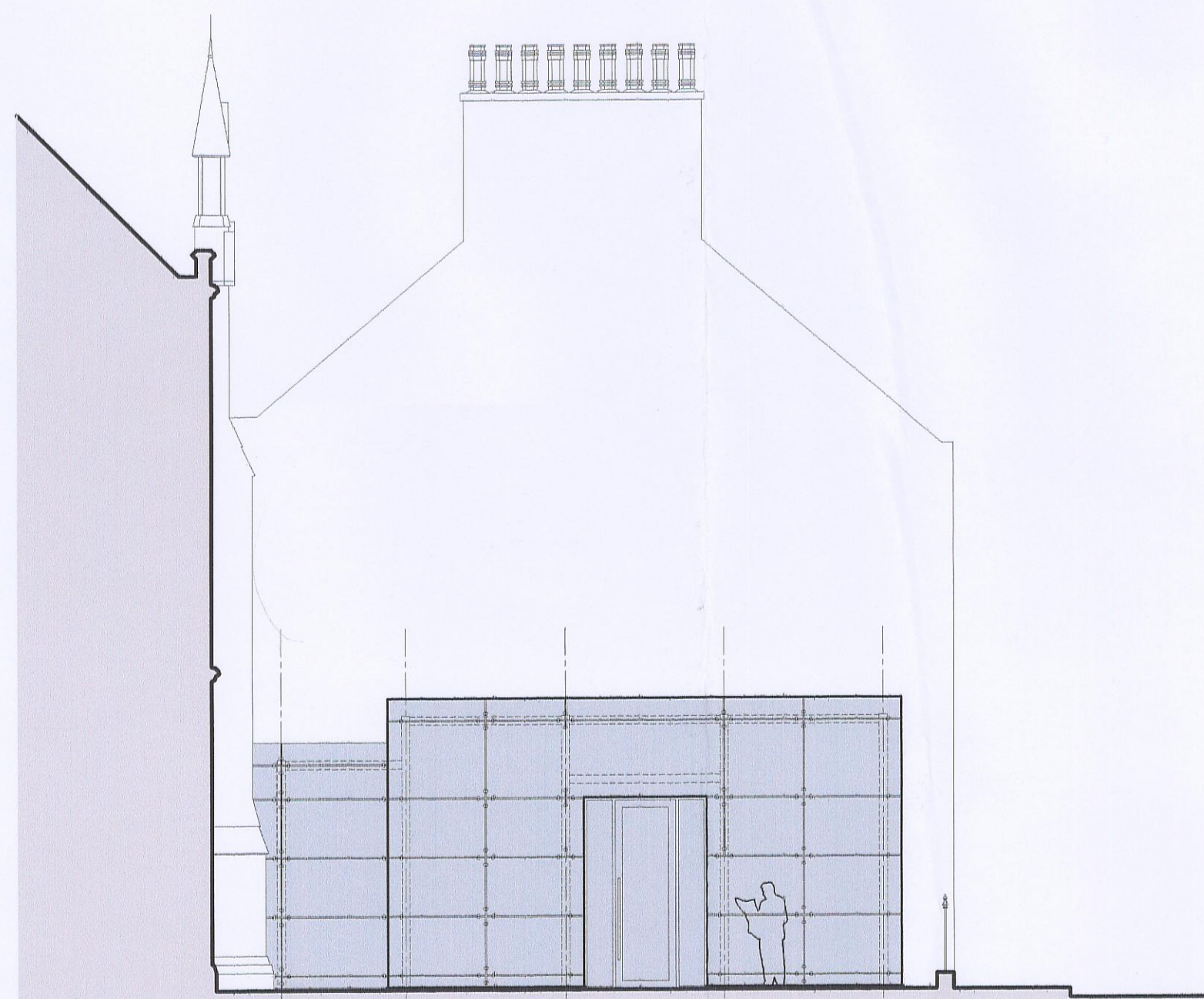
plan



north elevation



location plan scale 1 : 1250



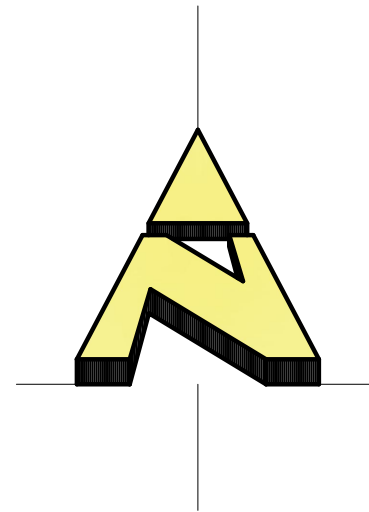
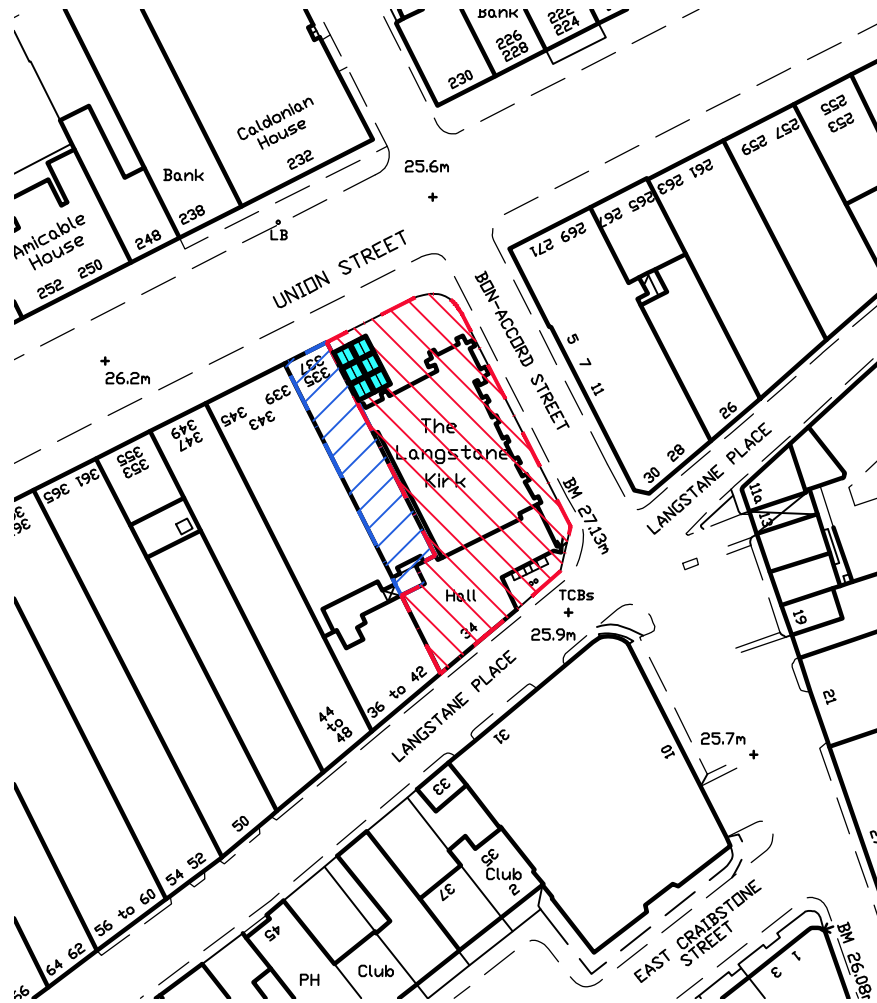
east elevation

FITZGERALD ASSOCIATES (+)		
ARCHITECTS + INTERIOR DESIGNERS 53 ALBERT STREET ABERDEEN AB25 1XT Tel +44 (0)1224 633375 Fax +44 (0)1224 638520 Email : info@fda-design.ltd.uk		
Client :	P.B. Development Co Ltd	
Project :	Conservatory - Terrace Cafe / Bar Diner The Longstone Kirk Aberdeen	
Description :	Planning Details Plan & Elevations	
Drawn By :	Scale :	Date :
Karin Duguid	1 : 100	March 2009
Project No :	Drawing No :	Rev :
2931	117	

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Proposed Marquee at: Soul Bar, 333 Union Street, Aberdeen

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Site Location Plan Scale 1:1250 @ A4

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Report of Handling Detailed Planning Permission

160426: Proposed demolition of former mill building and erection of replacement dwelling house at The Mill, Little Mill of Clinterty, Kingswells, Aberdeen

For: Mr D Flynn

Application Date:	7 April 2016
Officer:	Dineke Brasier
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Dyce and Stoneywood
Advertisement:	Neighbour Notification
Advertised Date:	20/04/16 – 04/05/16

DECISION: Refused

SITE DESCRIPTION

Located in the Green Belt, immediately east of the administrative boundary with Aberdeenshire. The main existing structure/ building comprises a part single and part two storey former mill of vernacular style and constructed in granite, with a dual pitched slated roof and rectangular footprint. The mill has clearly been redundant for a prolonged period of time, and has fallen into disrepair, with only part of the roof remaining, sections of the wall missing, and all wooden windows and doors largely absent. In addition there is a smaller dilapidated wooden shed located more centrally within the site.

The site itself is triangular and located near a 'Y' shaped road junction, connecting the B979 (Skene – Tyrebagger road) with the C93C Borrowstone Road running between the A944 at Kingsford to the B979. A burn runs east-west along the southern boundary, with what appears to be a former mill lade running immediately behind the south elevation of the former mill.

DESCRIPTION OF PROPOSAL

To take down the existing mill building and to reconstruct it with an element of extension, resulting in a new four bedroom detached dwelling. This reconstruction would see the mill building positioned a further 1m into the site. The resultant reconstructed mill would reflect the existing shape, form, materials and openings of the existing building. It would however have a slightly higher ridge height, to allow for foundations and a floor level raised above ground level. The extended element would comprise a full two storey side wing/ extension to the north-west elevation, the footprint of which would be approximately a third of that of the original mill building. The extension would have similar proportions to the 'mill', although with walls finished in timber cladding. All window frames and doors would be of timber construction.

RELEVANT HISTORY

081526 – Refurbishment and extension to the existing mill building to form a dwellinghouse – Approved conditionally on 12 November 2008. This permission was not implemented and lapsed in November 2013.

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at <https://publicaccess.aberdeencity.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

- Bat Survey
- Environmental Walkover
- Design Statement
- Structural Survey

CONSULTATIONS

Roads Development Management – No objection. Initially advised that visibility from the proposed access is acceptable, but that three off-street, rather than two, parking spaces would be required. An amended site layout showing the three spaces has been provided.

Environmental Health – No objection. Recommended that the applicant confirms that a mains water supply is available.

Contaminated Land Unit – No objection. Advise that should any contamination be discovered during development the Planning Authority should be notified immediately.

Communities, Housing and Infrastructure (Flooding) – Advise that further information on surface water drainage proposals is required, including: design calculations and drawings or a drainage impact assessment, indicating the proposed SuDS facilities; in addition to a full examination of all watercourses within the vicinity of the site and the impact which the development shall have on the existing drainage network. A letter from Scottish Water showing acceptability of the connection should also be submitted.

Community Council – No comments.

REPRESENTATIONS

1 letter of objection has been received, summarised as follows:

- Proposal would further reduce traffic visibility at road junction;
- New dwelling will increase overall density of housing in the area;
- Proposal would have an adverse impact on the character and appearance of the surrounding area as it would involve the demolition of a vernacular building and its replacement with a new dwelling;
- Removal of trees and undergrowth.

PLANNING POLICY

National Policy and Guidance

Scottish Planning Policy paragraphs 48 – 55: Sets out the function of the green belt and specifies types of development that might be acceptable.

Aberdeen Local Development Plan:

NE2: Green Belt
NE5: Trees and Woodlands
NE6: Flooding and Drainage
NE8: Natural Heritage
D1: Architecture and Placemaking
T2: Managing the Transport Impact of Development
R2: Degraded and Contaminated Land

Proposed Local Development Plan

NE2: Green Belt
NE5 – Trees and Woodlands
NE6: Flooding, Drainage and Water Quality
NE8: Natural Heritage
D1: Quality Placemaking by Design
T2: Managing the Transport Impact of Development
R2: Degraded and Contaminated Land

Supplementary Guidance

Conversion of Steadings and Other Non-Residential Buildings;
Bats and Development

EVALUATION

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

Principle of development:

The site is located in the green belt, where Policy NE2 presumes against development other than that essential for: agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

NE2 does provide for a number of exceptions, one of which is the conversion of redundant agricultural or other buildings of historic interest. In this case the main building is a vernacular granite mill, which is over 100 years old and forms an interesting feature within this rural locale. It is however in a poor state of repair, with no roof over the northern section, all windows and doors removed and some parts of the walls dilapidated. The structural report supporting the application sets out that

retention of the building would not provide a satisfactory structural solution for the following reasons:

- The walls could not be refurbished without a significant element of underpinning, dountaking and rebuilding;
- The loss of pointing and open wallheads will have caused degradation of the mortar in the masonry walls;
- Timber lintels are not a suitable long term structural solution for supporting masonry;
- Tunnels and nests of vermin and small animals may have weakened and disrupted the insides of the walls

Hence the reasoning for demolition and rebuilding in a similar, if slightly larger form, and set back off the boundary with the adjacent property.

The Supplementary Guidance on the Conversion of Steadings and Other Non-Residential Vernacular Buildings in the Countryside (SG), clearly states that planning permission will only be granted if the building is in a sufficient condition to be converted without substantial rebuilding. Clearly in this case, the proposal is for the demolition of the existing mill building and its reconstruction and extension to form a new dwelling on a slightly repositioned footprint. As such, the proposal does not comply with the prescriptive detail of this guidance, and therefore cannot be considered as a conversion under the exceptions policy listed in NE2.

Resulting from this, the proposal is assessed as a new dwelling in the Green Belt, the principle of which is not accepted by the development plan without suitable justification. As there is no such justification promoted, the principle of the new dwelling is contrary to policy NE2 (Green Belt) and the associated SG.

Impact on the character and appearance of the surrounding area:

The existing mill building is located on the boundary with the neighbouring properties garden, hence the reasoning that the new dwelling would be positioned approx. 1m into the site, although overlapping the existing footprint to a significant degree. The general form would see the mill sympathetically reconstructed as the principal wing, although slightly higher in order to accommodate adequate foundations and a raised floor level. There would however be a sizeable two storey wing projecting north-west into the site, although with a smaller footprint and matching roof pitches and ridge height.

The site slopes down relatively steeply towards the burn from the north-east. The area where the extension is proposed would be excavated to provide a level development platform and surrounding garden area. This projecting wing, from the front/ principal elevation of the building, would be the visual focus on the approach from the north-west, where the public roads are located.

Both policy NE2 (Green Belt) and the SG set out that extensions to traditional buildings should be relatively modest, and should not overpower the original building. In this case, although the existing rectangular building on a north-south axis is to be demolished and essentially rebuilt in a similar form, the projection would be viewed in context with that vernacular form and would not overpower or clash with it.

When viewed from the road, the extension would be the prominent feature although its scale and massing is sympathetic with that of the mill building. It is considered that the scale and form of this additional wing, although in a contrasting finish, is an interesting addition and in line with the requirements of both policy NE2 and the SG.

In term of the detail of the design, the reconstructed mill element is well considered, however there are elements of the extension, which could be more aligned with the vernacular architecture of the mill. These include the removal of overhanging eaves and a more vertical emphasis to some of the window openings, such as those on the south-west elevation. Additionally it is unclear as to how the regrading of ground adjacent to the north-east elevation would take place, and whether the resultant (relatively blank) elevation would appear stark and relatively prominent from the adjacent road. However, these matters are minor and could be controlled via conditions.

Impact on residential amenity:

The nearest neighbouring property is 'Littlemill Cottage' immediately to the east, and which the existing mill building forms the boundary with the garden. As mentioned, the new dwelling would be off-set by 1m, and see no window or door openings in the elevation. It is considered that even the reconstruction of the wall would be an improvement on the existing situation, which sees a derelict wall form the boundary with and aspect from Littlemill Cottage.

The eastern roof slope (facing Littlemill Cottage) of the reconstructed mill would contain six small velux windows . However, their positioning (in excess of 2m above floor level) is such that only oblique views of the sky would be likely, as they are mainly a means to introduce additional light on this side of the first floor. As such, they would not result in an unacceptable loss of privacy to the occupiers of Littlemill Cottage.

The overall height of the resultant 'mill' building would not significantly increase (c. 0.4m), and due to the building being moved further into the site, the proposal would not result in a loss of light to the occupiers of Littlemill Cottage.

Impact on local highway conditions, especially parking and access:

The proposal would create an additional access onto the Tyrebagger-Wynford Farm road. The demonstrated visibility splays of 2.4m x 90m would meet necessary standards, and thus the access is acceptable.

The proposed dwelling would have four bedrooms, and therefore three on-site parking spaces are to be provided, in line with applicable standards. These are shown on the site plan.

Impact on protected species:

Given the significant tree cover and proximity near a watercourse, which in combination with the nature and condition of the existing building, the site could provide a suitable habitat for bats. As bats are a European protected species, and the Planning Authority has a duty of care to ensure any development proposals would not have an adverse impact on this species, a bat survey was requested and has been submitted. The bat survey sets out that the site is well used by bats for

foraging, but that both the building and the mature trees on the site are currently not used as bat roosts. Particularly the building itself has only very limited potential for bat roosts due to its poor state of repair.

An environmental site walkover has also been undertaken, and no signs of other protected species were found.

Impact on trees

The proposal would require the removal of one mature tree, located close to the existing mill building. This tree is not protected and can be removed without the Council's permission. The majority of other trees are located adjacent to the burn and are to be retained. The removal of this one tree would therefore not have a detrimental impact on the character of the site. Otherwise a condition could require submission of an Arboricultural Impact Assessment (AIA) to ensure tree issues are satisfactorily addressed.

Impact on flooding and drainage:

A small burn and the defunct mill lade run through the site, and cross sections have been provided showing that the difference in levels between these watercourses and the proposed building is sufficient to ensure no risk of flooding. In addition, the cross sections show that the building would be at a higher level than the field on the other side of the boundary, and any water runoff would therefore go away, rather than towards the proposed dwelling.

With regards to drainage, a private drainage system should be located at a minimum of 10m from both public roads and water courses. This distance cannot be achieved on the site, and it has therefore been agreed with SEPA that a mini-sewage treatment plant, discharging to a filtration trench/partial soakaway into the river, would be acceptable. This foul water solution is therefore acceptable.

Contaminated Land Issues:

Due to the previous use of the building as a mill, there might be potential for some ground contamination. However, this risk is not considered to be so high that the use of any conditions would be justified. An informative note could be attached to advise that contact should be made with ACC's Contaminated Land Team in the event of any discovery of contamination.

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 NE2 (Green Belt), NE6 (Flooding, Drainage and Water Quality), NE8 (Natural Heritage), D1 (Quality Placemaking by Design), T2 (Managing the Transport Impact of Development) and R2 (Degraded and Contaminated Land) would be relevant. Representations have been submitted against all these policies and they therefore carry limited weight. In general, these policies reiterate the policies used above in the assessment of the proposal. The proposal would therefore have a similar outcome if assessed against those policies.

RECOMMENDATION: Refuse

REASONS FOR RECOMMENDATION

The principle of the proposal to demolish the existing building and construct a new dwelling would be contrary to policy NE2 (Green Belt) of the Aberdeen Local Development Plan, policy NE2 (Green Belt) of the Proposed Local Development Plan and the Supplementary Guidance: Conversion of Steadings and Other Non-Residential Vernacular Buildings in the Countryside, as it would represent the construction of an additional new dwelling in the Green Belt without any clear and acceptable justification.

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Baxter Design Company (Old Deer) Ltd
Adenhall
9 Kirkgate
Old Deer
Peterhead
UK
AB42 5LJ

on behalf of **Mr D Flynn**

With reference to your application validly received on 7 April 2016 for the following development:-

**Proposed demolition of former mill building and erection of replacement dwelling house
at The Mill, Little Mill of Clinterty**

Aberdeen City Council in exercise of their powers under the above mentioned Act hereby **REFUSE PLANNING PERMISSION** for the said development in accordance with the particulars given in the application form and the following plans and documents:

<u>Drawing Number</u>	<u>Drawing Type</u>
15510-01/3	Other Drawing or Plan
15510-03/3	Ground Floor Plan (Proposed)
15510-02	First Floor Plan (Proposed)
T-01	Site Layout (Levels)
XS-01	Site Cross Section

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

PETE LEONARD
DIRECTOR

The proposal to demolish the existing building and construct a new dwelling would be contrary to policy NE2 (Green Belt) of the Aberdeen Local Development Plan, policy NE2 (Green Belt) of the Proposed Local Development Plan and the Conversion of Steadings and Other Non- Residential Vernacular Buildings in the Countryside as it would represent the construction of an additional new dwelling in the Green Belt without any clear and accepted justification.

Date of Signing 11 August 2016



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S32A of 1997 Act)

None.

RIGHT OF APPEAL THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

If the applicant is aggrieved by the decision of the planning authority –

- a) to refuse planning permission;
- b) to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
- c) to grant planning permission or any approval, consent or agreement subject to conditions,

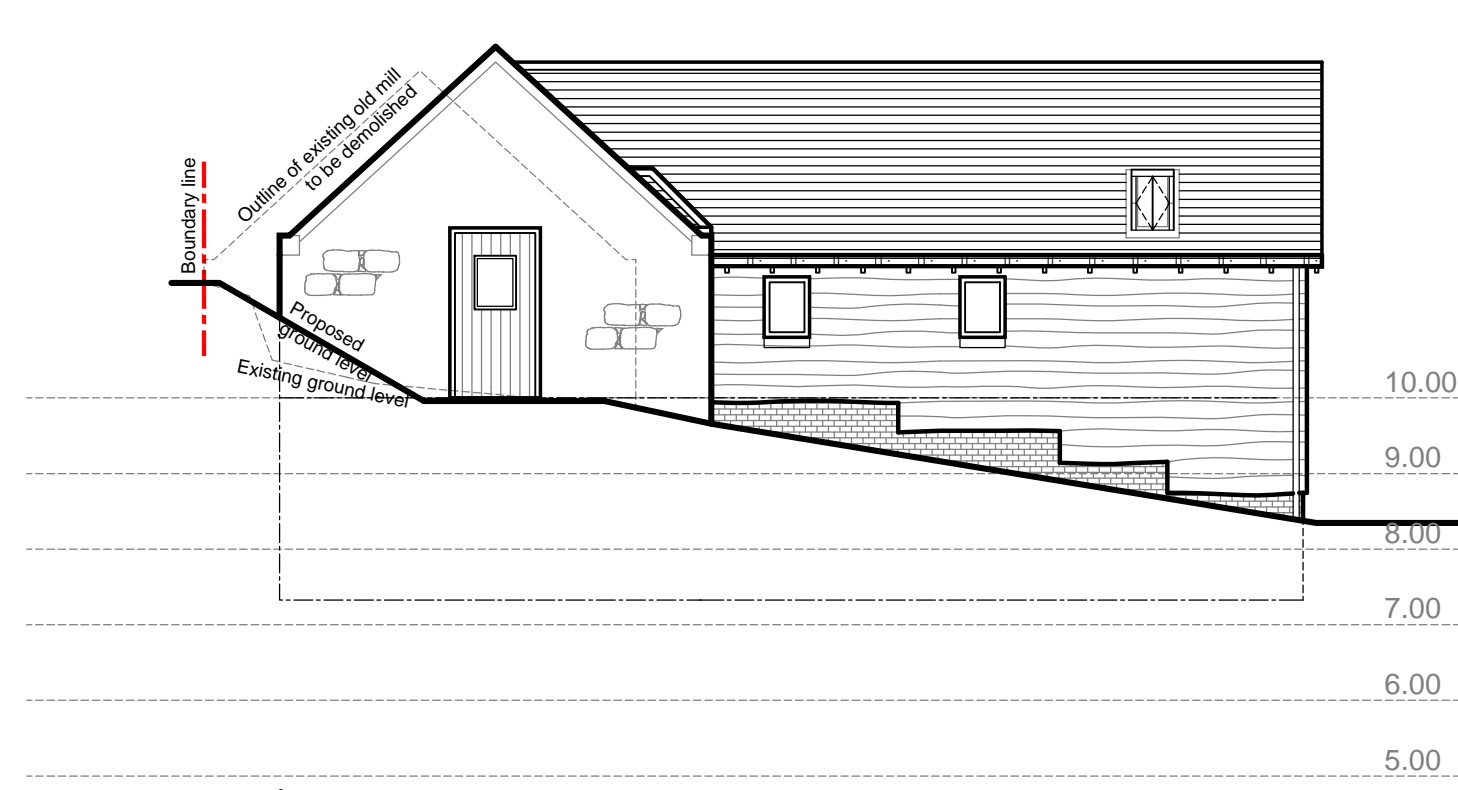
the applicant may require the planning authority to review the case under section 43A(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or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

Notices of review submitted by post should be sent to Planning and Sustainable Development (address at the top of this decision notice).

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that 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.

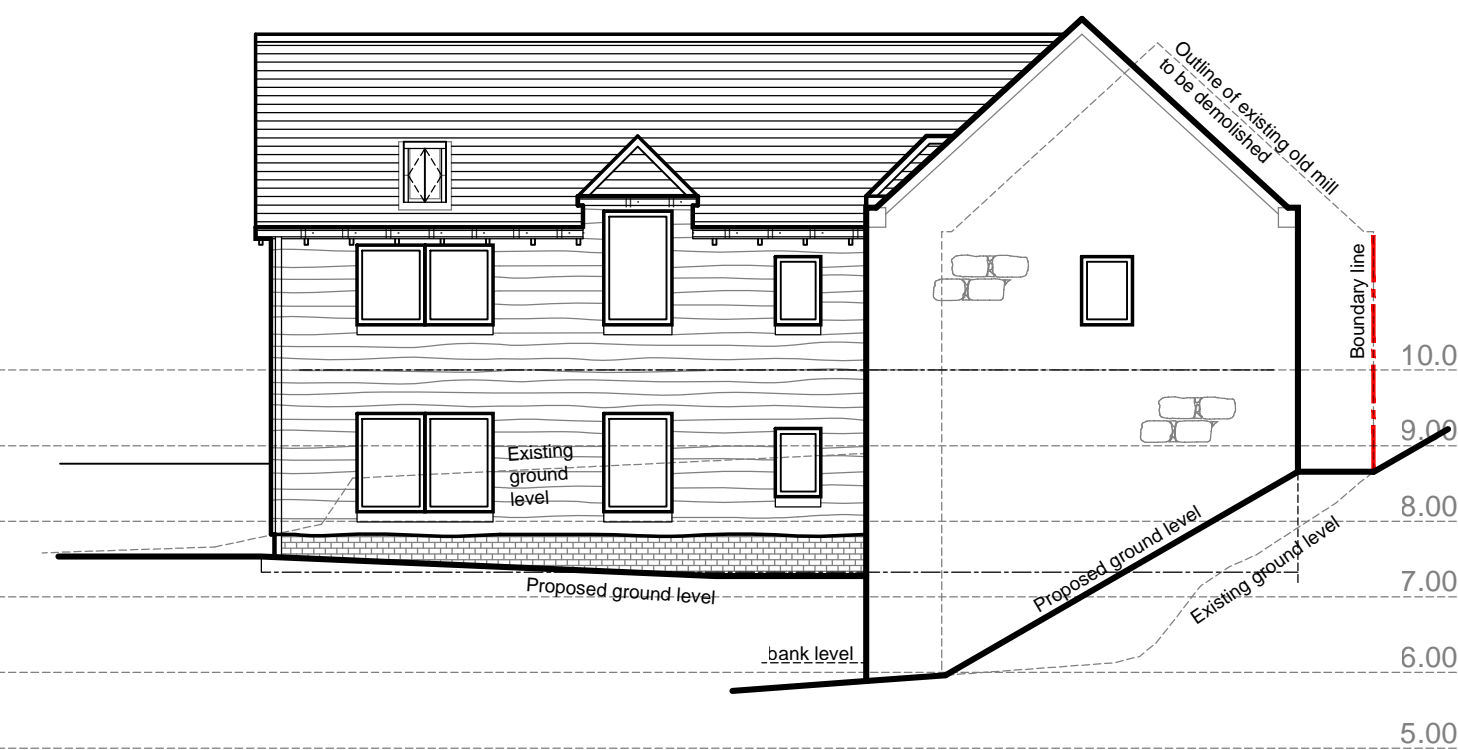
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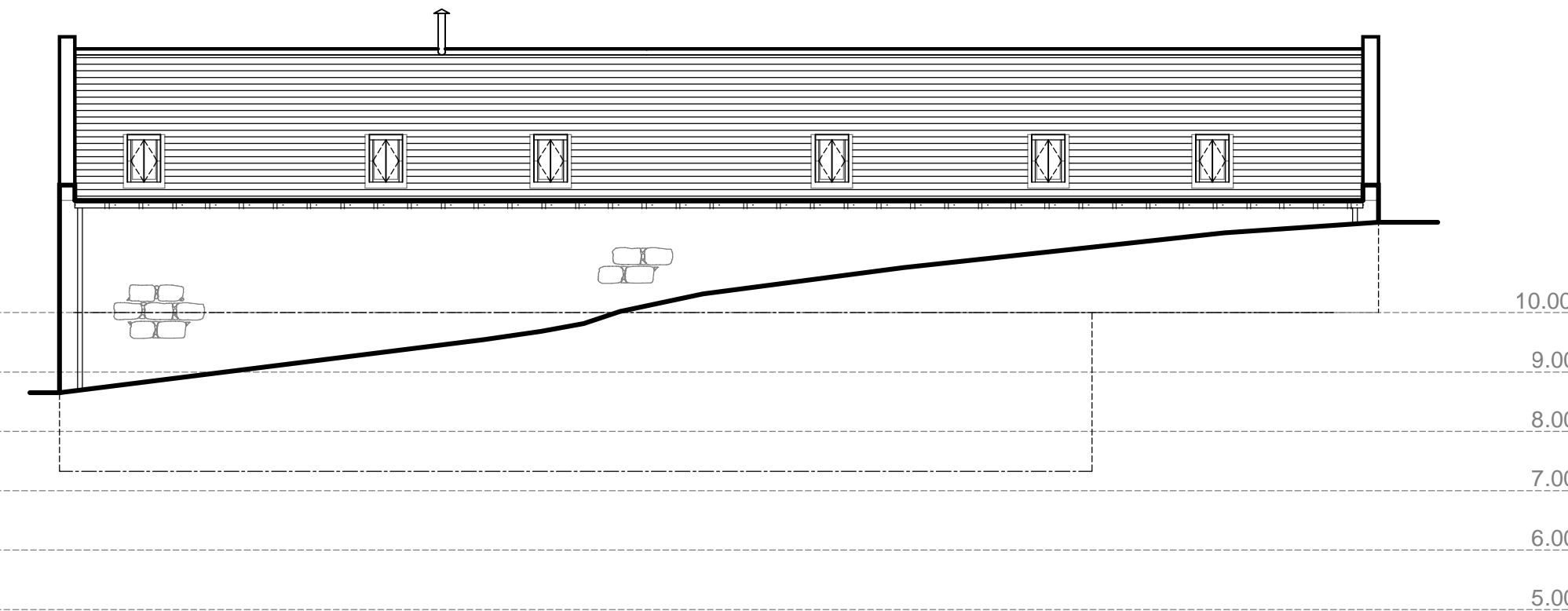
North-East Elevation : Scale 1 : 100



North-West Elevation : Scale 1 : 100



South-West Elevation : Scale 1 : 100



South-East Elevation : Scale 1 : 100

Finishes

Walls
Natural granite (taken from existing steading) flush pointed, timber waney edge cladding

Roof
New or best quality second hand slates (main building). Code 5 lead flashings to all roof junctions and valleys.

Windows & doors
Brown timber windows and doors

Fascias & Soffits
Timber stained brown

Rainwater Goods
Black Upvc Gutters and downpipes.

Floor area 234.71 sq.m.
(Ground floor 98.92sq.m, First floor 135.79sq.m)



The Mill : Littlemill of Clinterty : Kingswells :

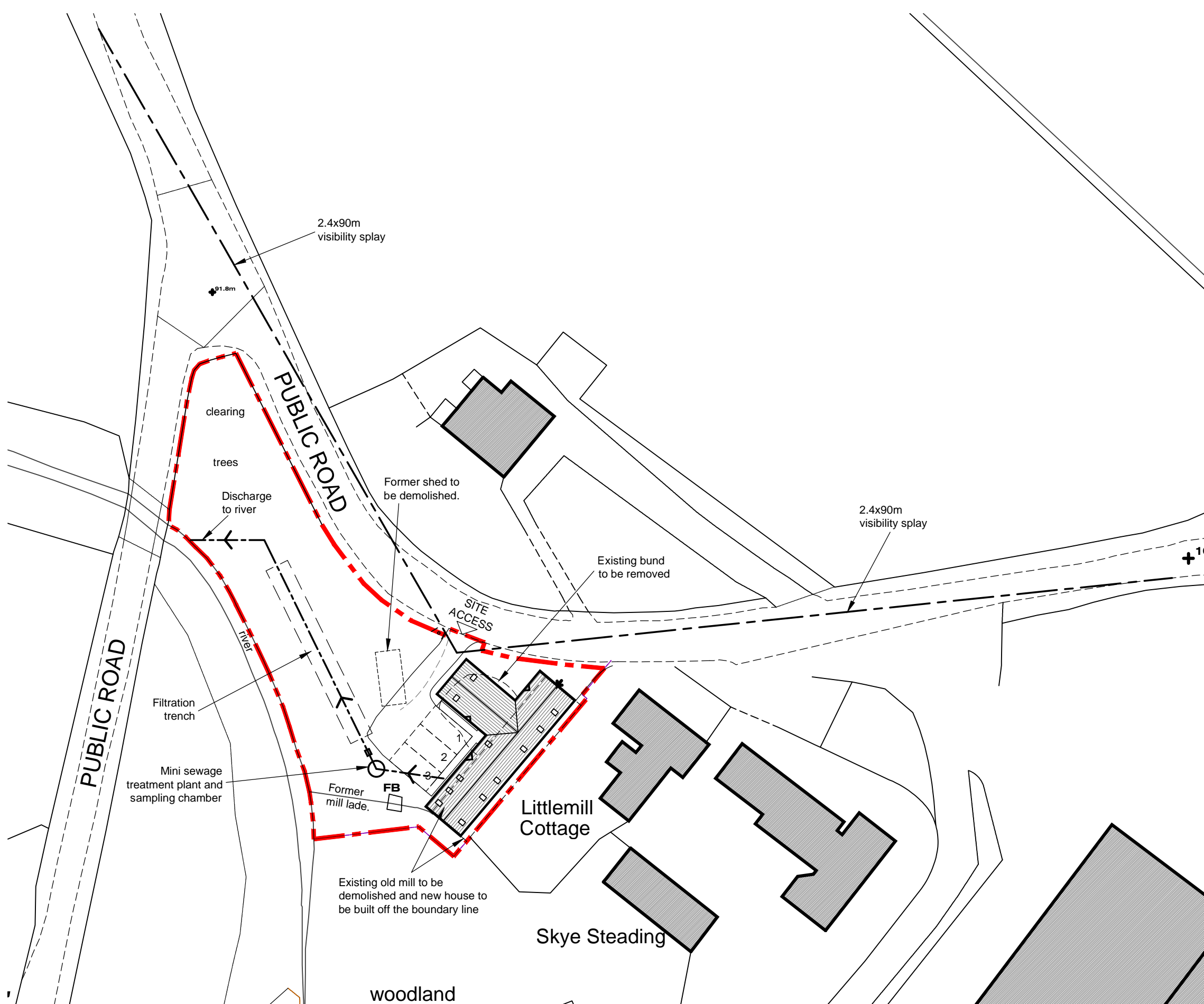
Mr D Flynn
Demolition of former mill building and erection of replacement dwelling house

Drawing Title
Site Plan, Block Plan & Elevations

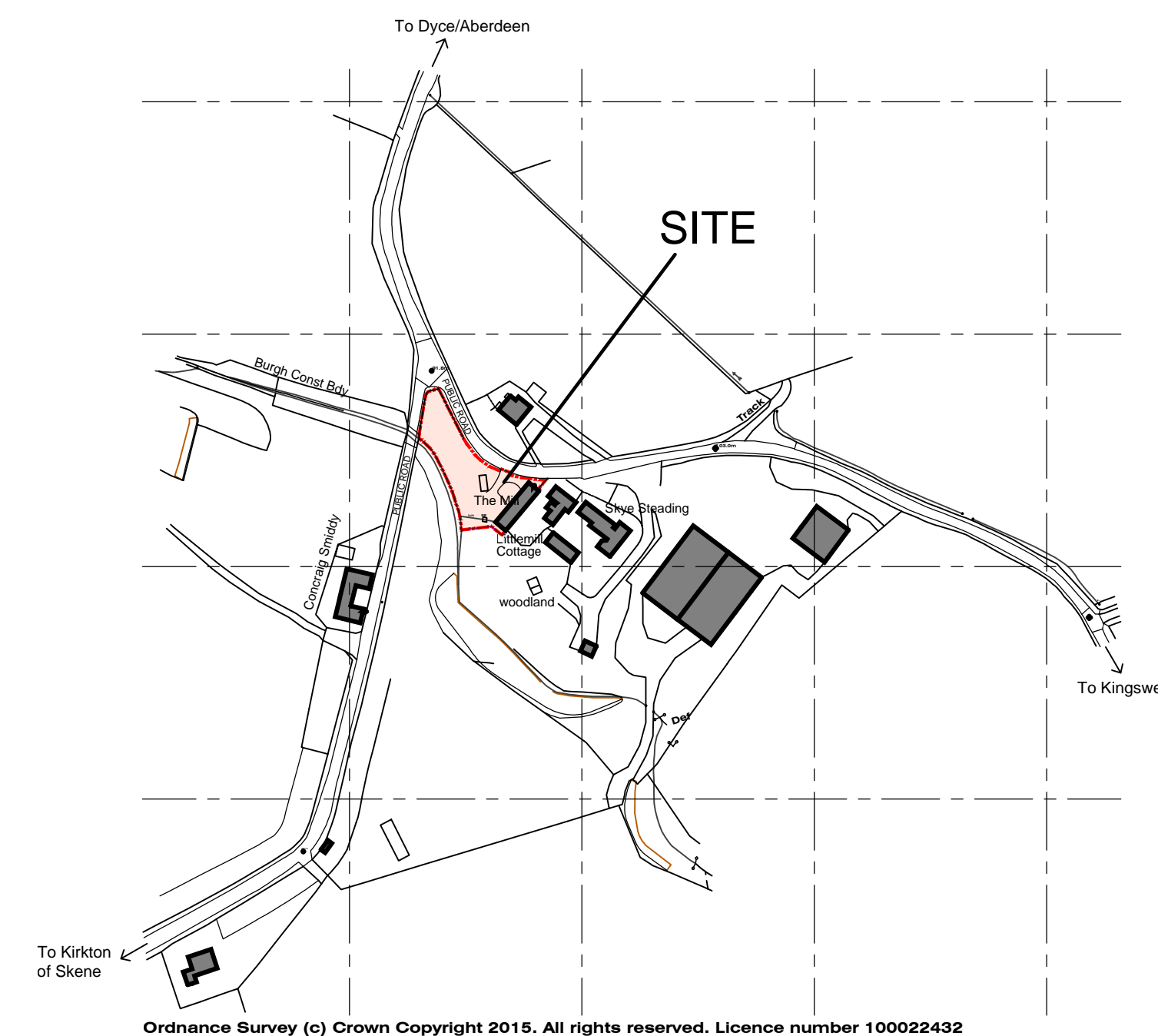
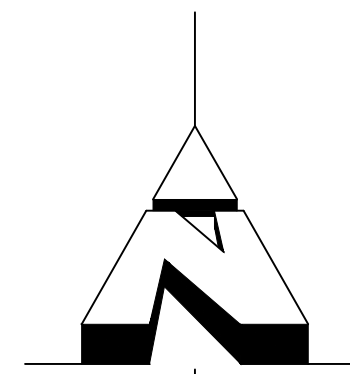
Date	Job No	Drawn By
24/03/16	15510-01	Ryan Urquhart
Amendment	No	Date
Elevations revised	1	30/03/2016
Elevations & Block Plan revised	2	18/07/2016
Elevations revised CM	3	05/08/2016

Architectural & Building Consultants

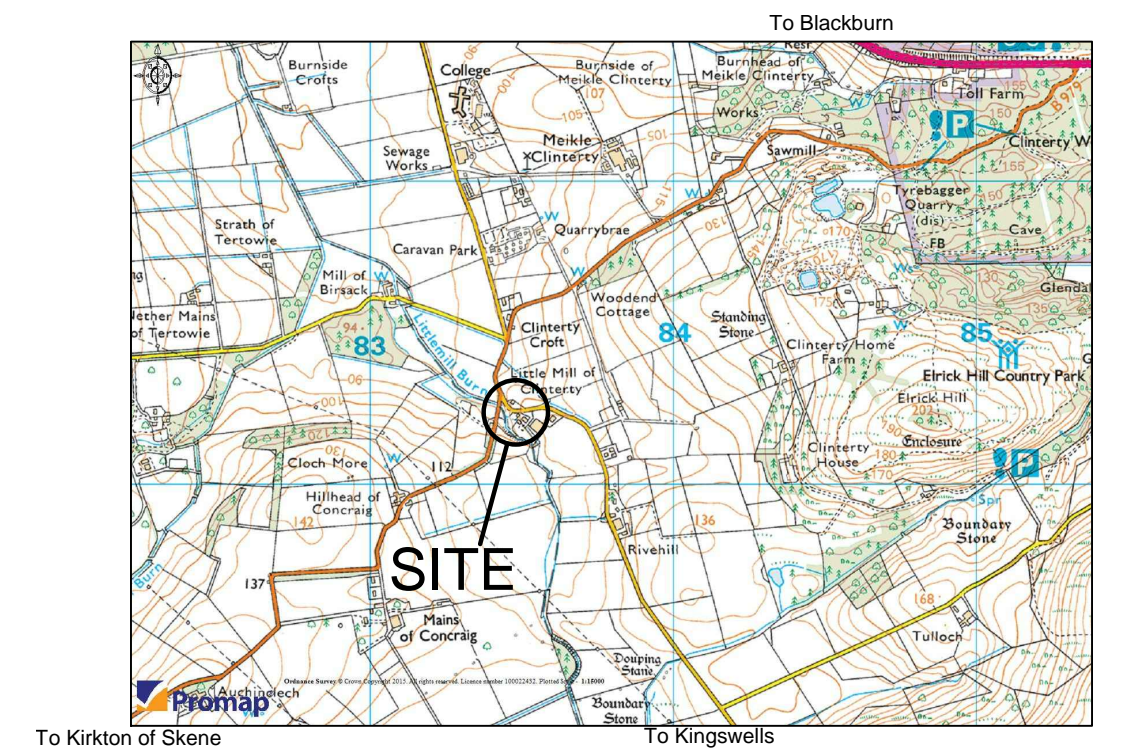
Aden Hall, 9 Kirkgate, Old Deer, Peterhead, Aberdeenshire AB42 5LJ
Tel : 01771 622296



Block Plan : Scale 1 : 500



Site Plan : Scale 1 : 2500



Location Plan : Scale 1 : 25000

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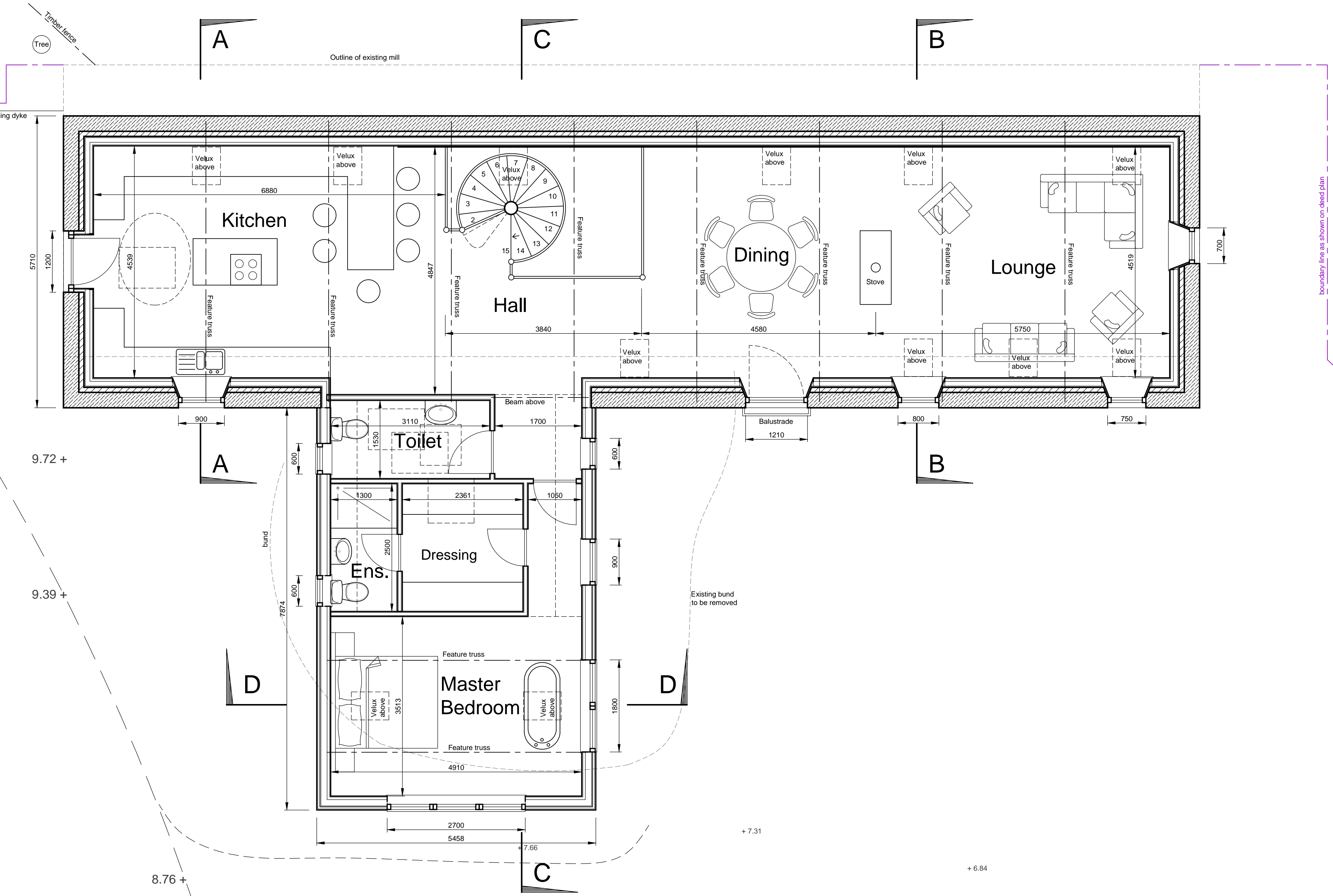
The Mill : Littlemill of Clinterty : Kingswells :

Mr D Flynn
Demolition of former mill building and erection of replacement dwelling house

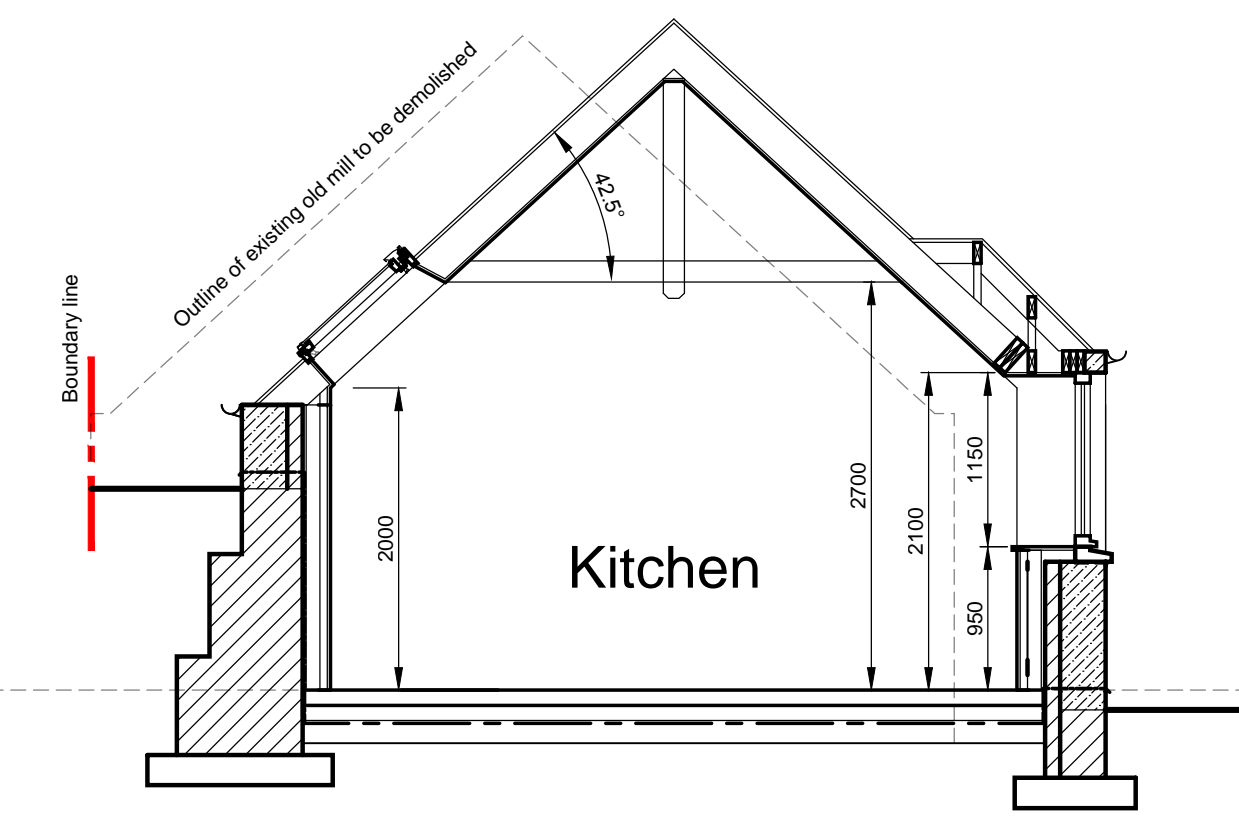
Drawing Title
First floor plan & sections

Date 24/03/16	Job No 15510-02	Drawn By Ryan Urquhart
Amendment	No	Date
Plan and Sections revised	1	30/03/2016

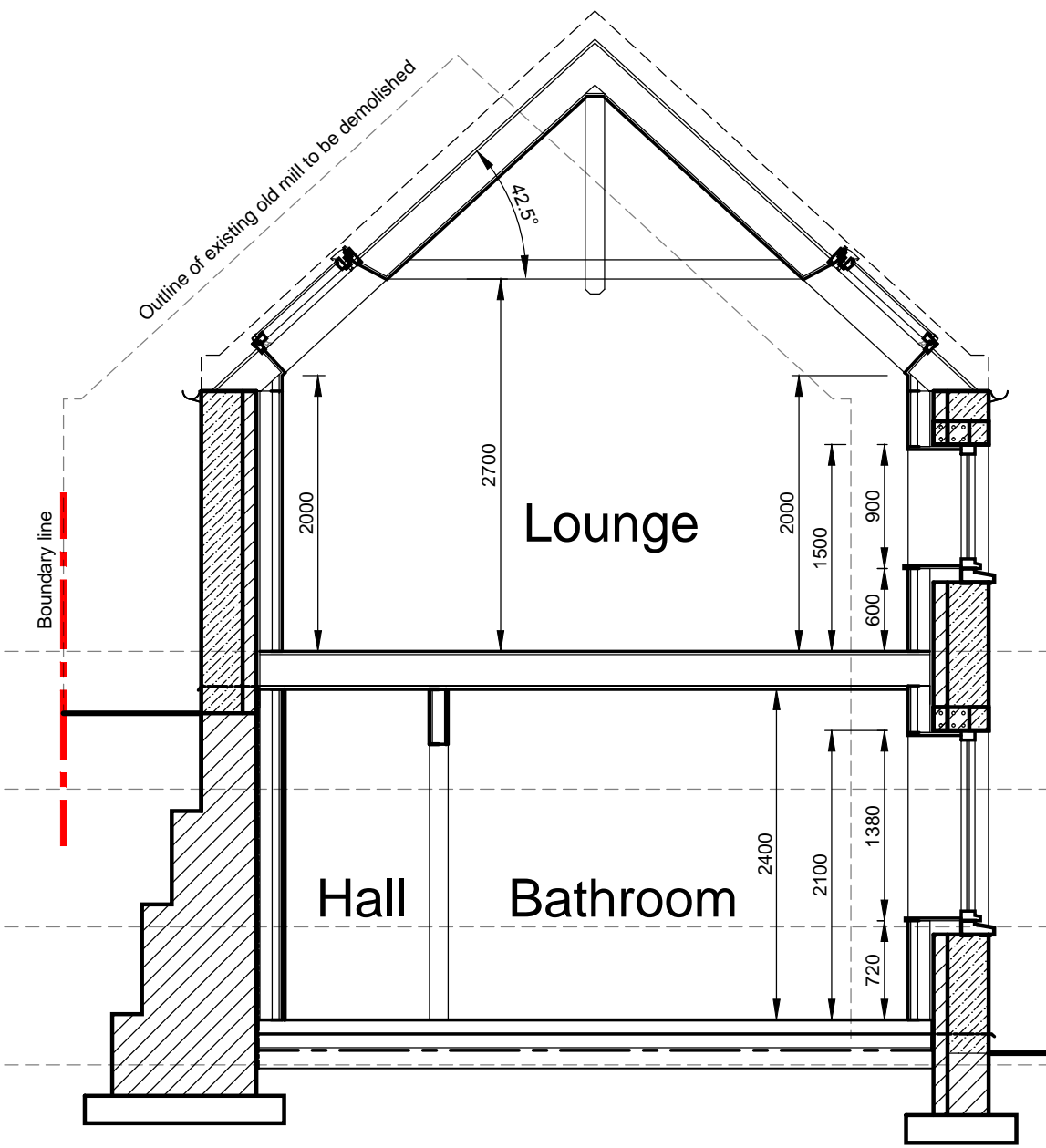
Architectural & Building Consultants
Aden Hall, 9 Kirkgate, Old Deer, Peterhead, Aberdeenshire AB42 5LJ
Tel : 01771 622296



First Floor Plan : Scale 1 : 50



Cross Section A-A : Scale 1 : 50



Cross Section B-B : Scale 1 : 50

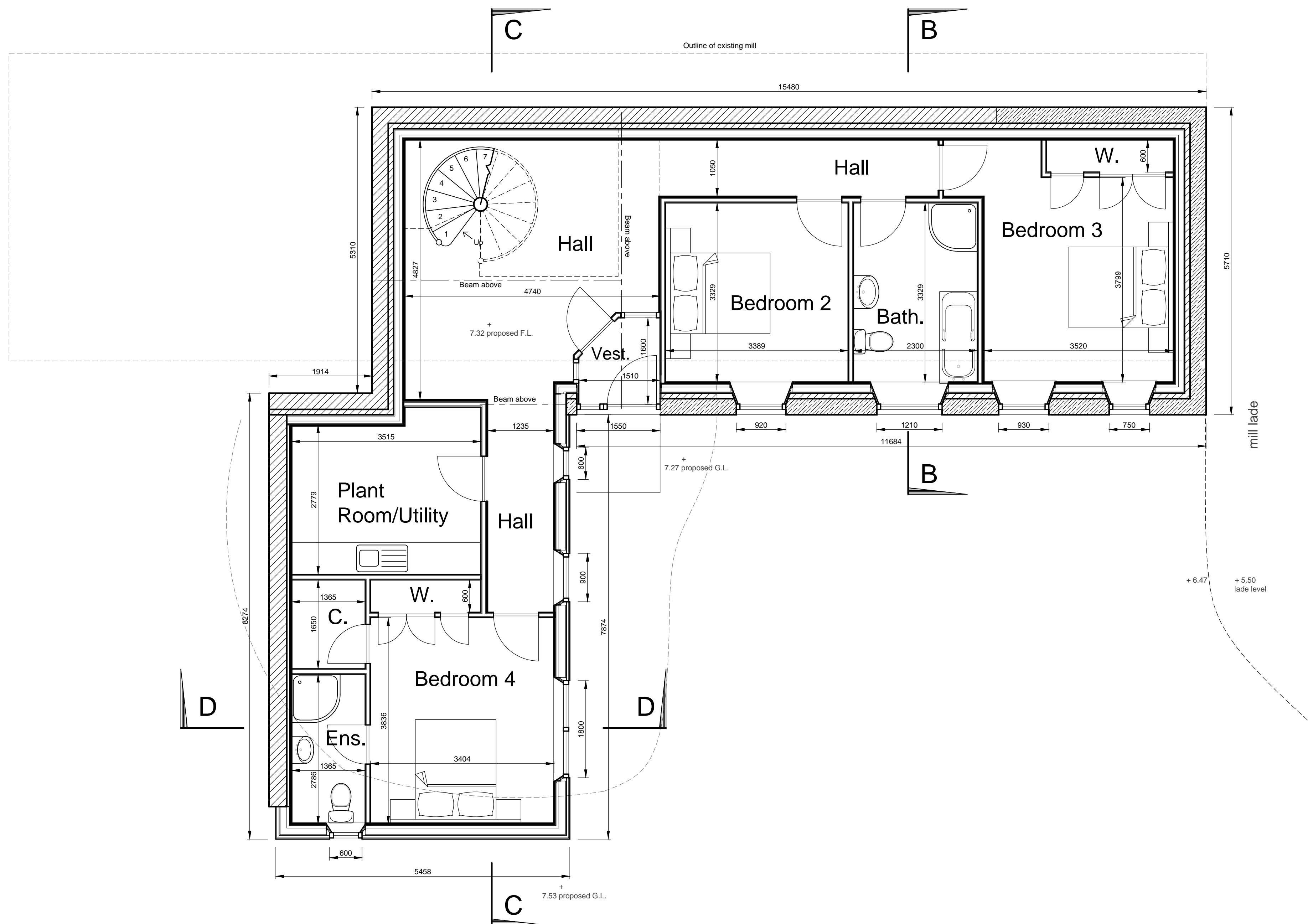
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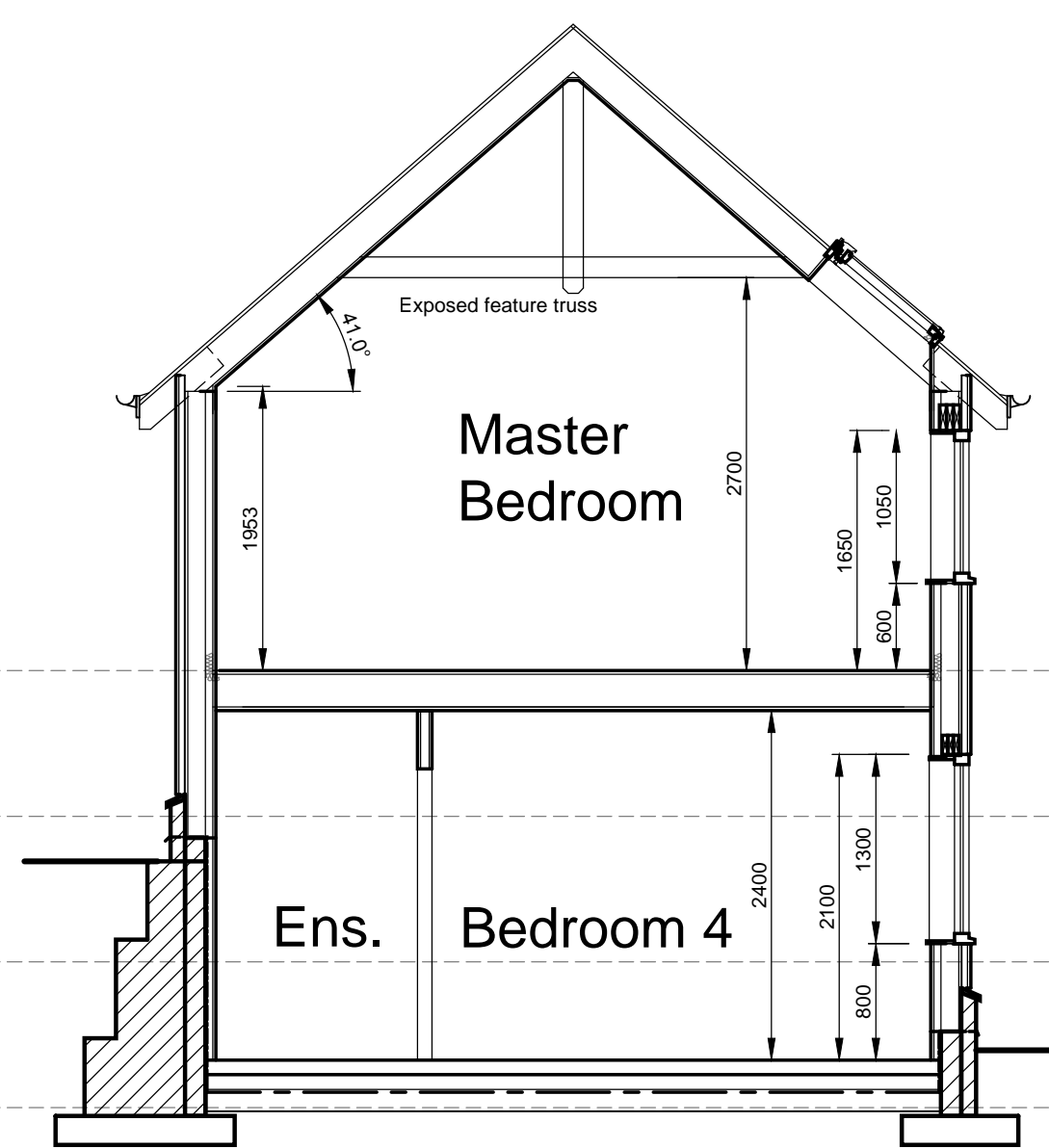
**The Mill : Littlemill of
Clinterty : Kingswells :**
Mr D Flynn
Demolition of former mill building and
erection of replacement dwelling house

Drawing Title		
Ground floor plan & sections		
Date	Job No	Drawn By
24/03/16	15510-03	Ryan Urquhart
Amendment	No	Date
Plan and Sections revised	1	30/03/2016
Section C-C revised	2	18/07/2016
Floor plan & section D-D revised	3	04/08/2016
CM		

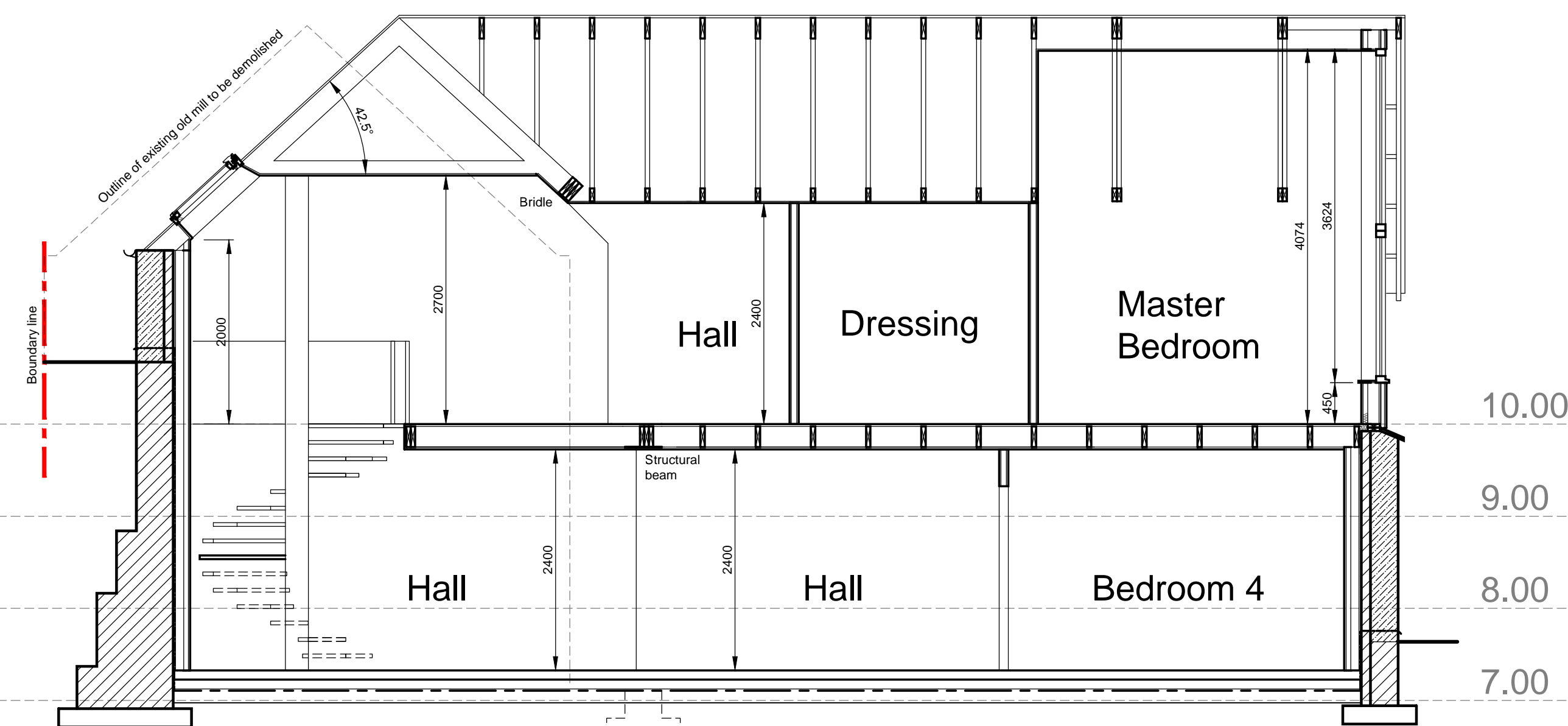
Architectural & Building Consultants
Aden Hall, 9 Kirkgate, Old Deer, Peterhead, Aberdeenshire AB42 5LJ
Tel : 01771 622296



Ground Floor Plan : Scale 1 : 50



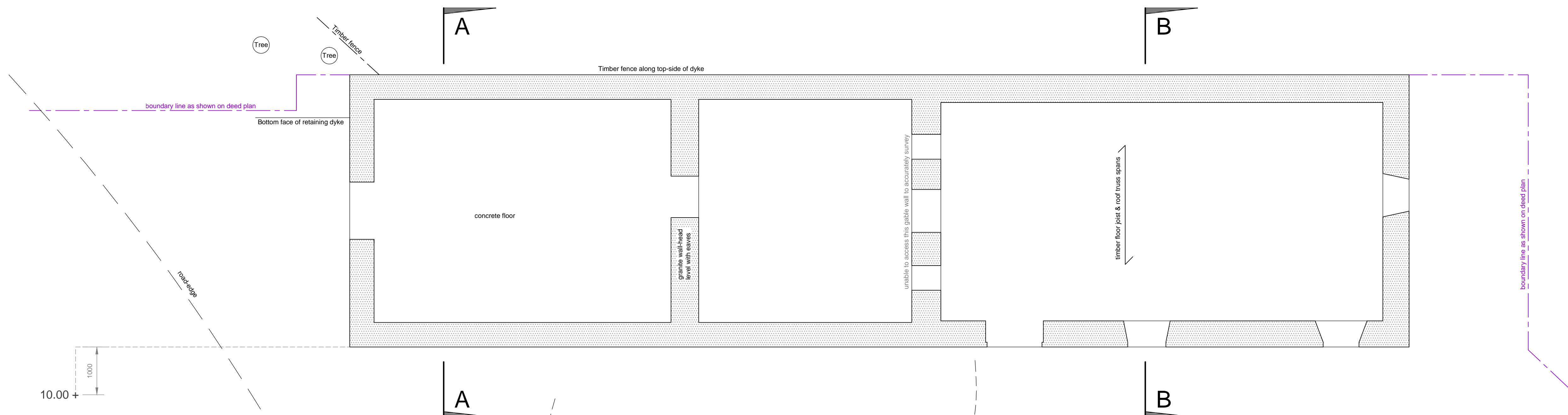
Cross Section D-D : Scale 1 : 50



Cross Section C-C : Scale 1 : 50

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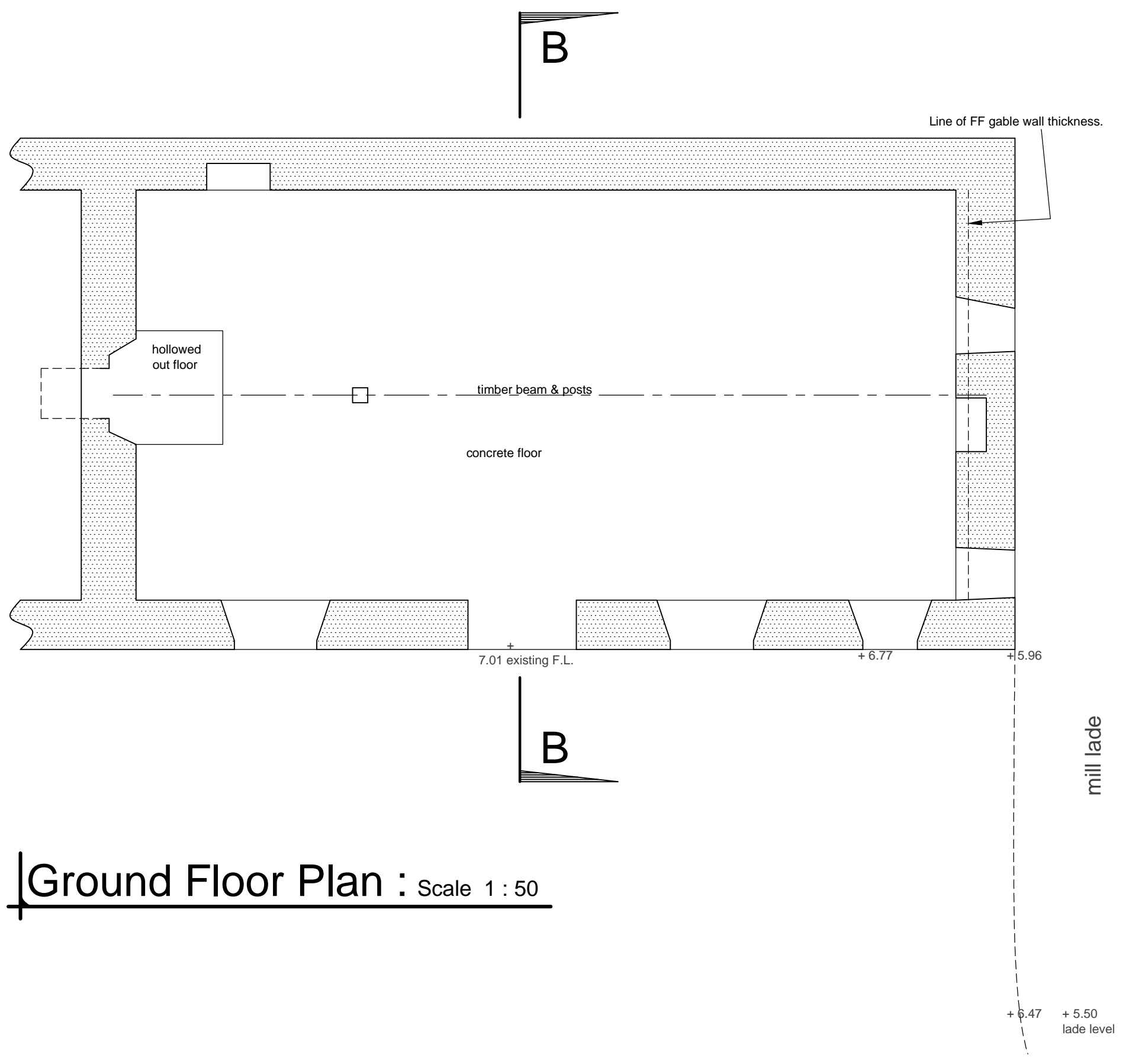
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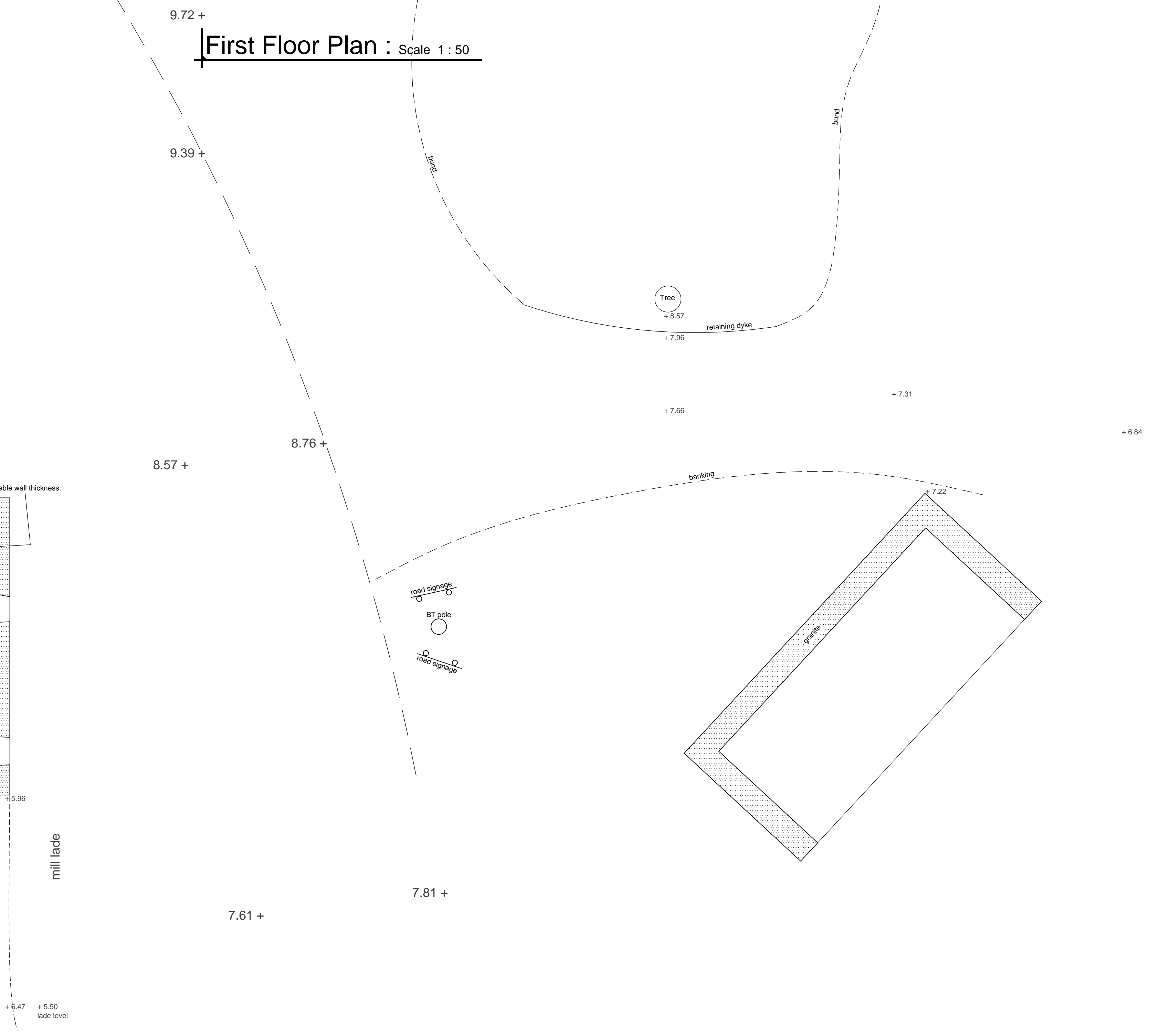
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1.000

First Floor Plan : Scale 1 : 50

see ground floor plan for levels of this area.



Ground Floor Plan : Scale 1 : 50

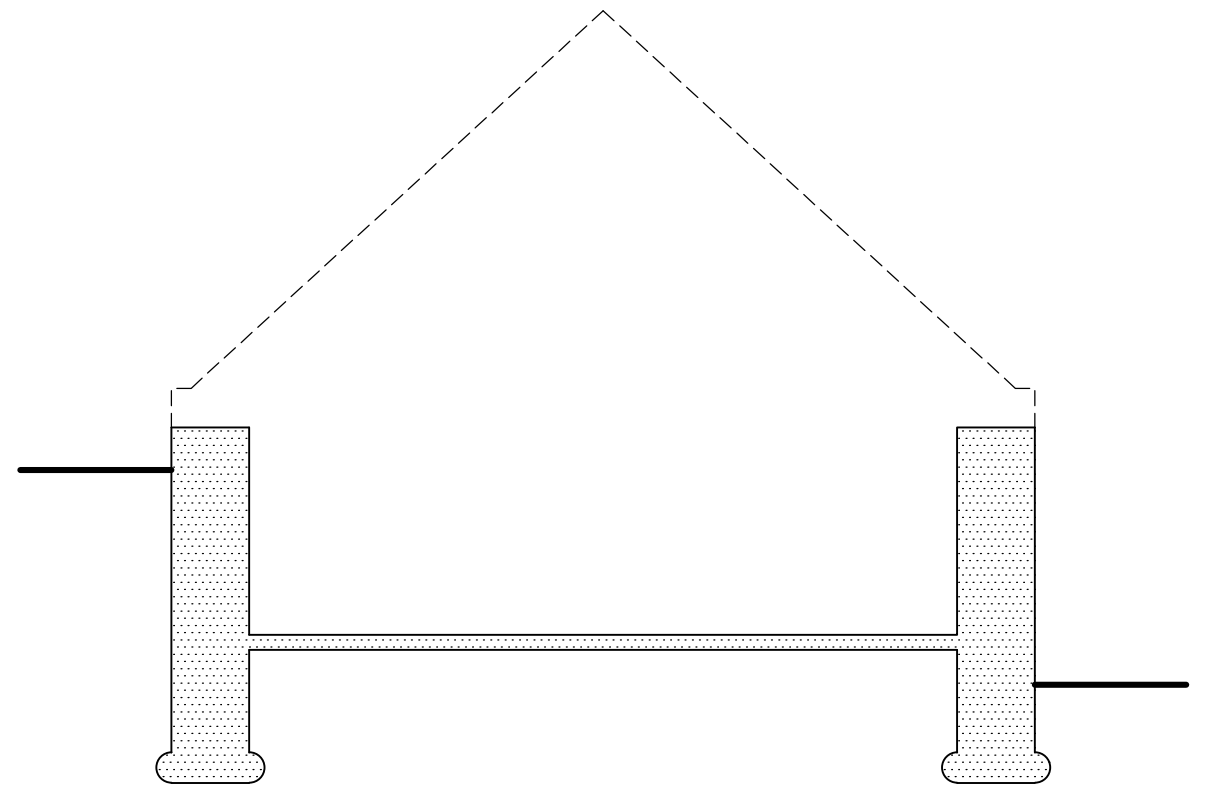


The Mill : Littlemill of Clinterty : Kingswells :
Mr D Flynn
Demolition of former mill building and erection of replacement dwelling house

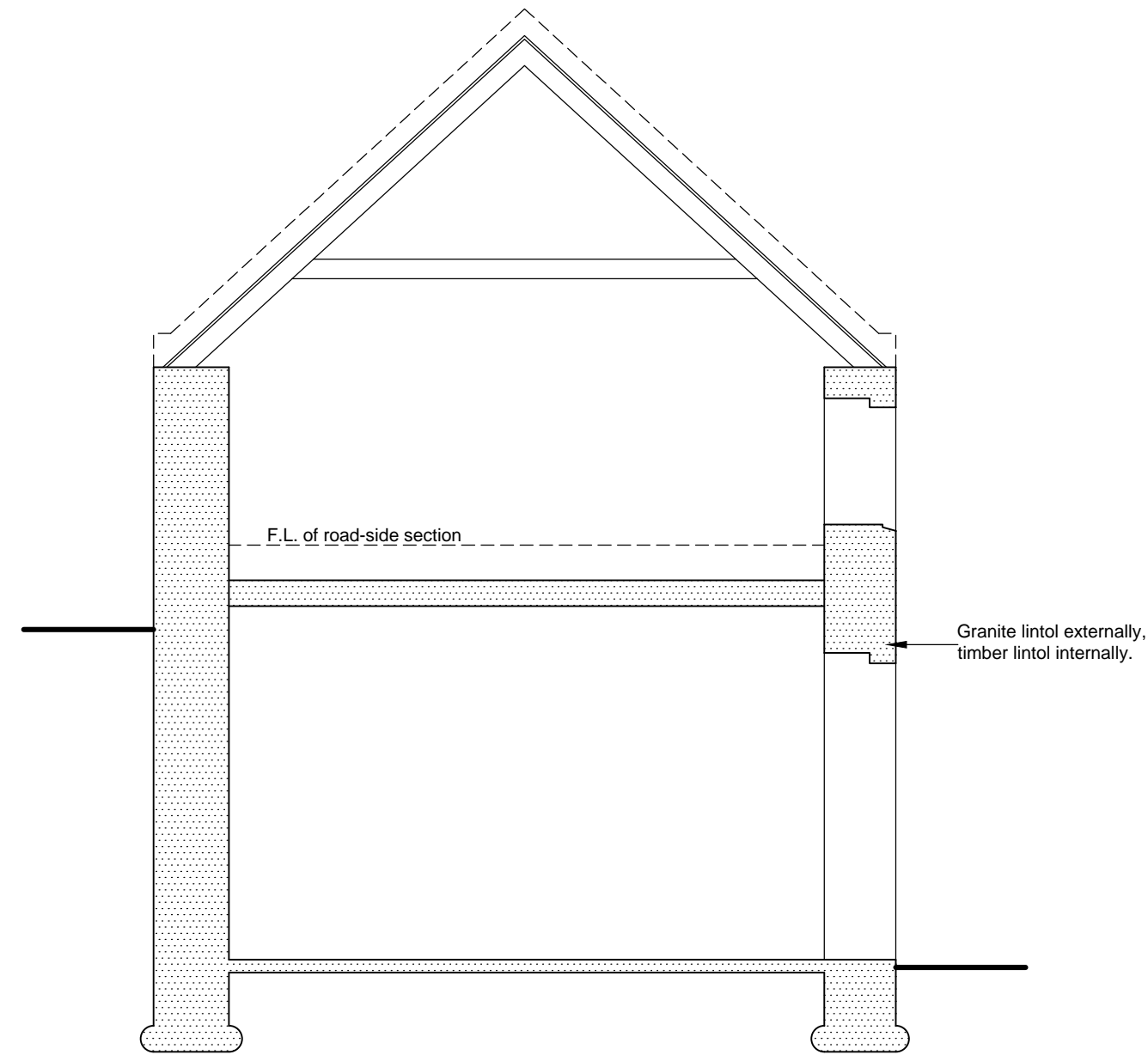
Drawing Title EXISTING DRAWINGS		
Date 30/10/15	Job No 15510-E1	Drawn By Ryan Urquhart
Amendment	No	Date
Description adjusted	1	31/03/16

Architectural & Building Consultants
Aden Hall, 9 Kirkgate, Old Deer, Peterhead, Aberdeenshire AB42 5LJ
Tel : 01771 622296

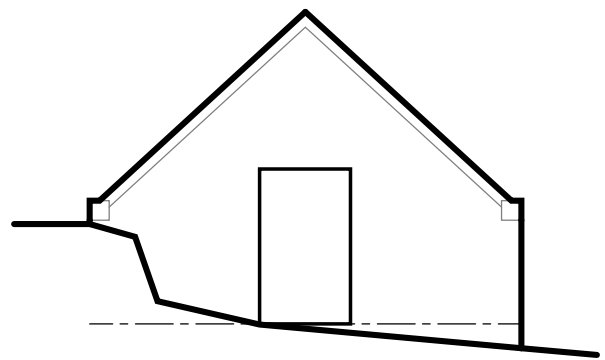
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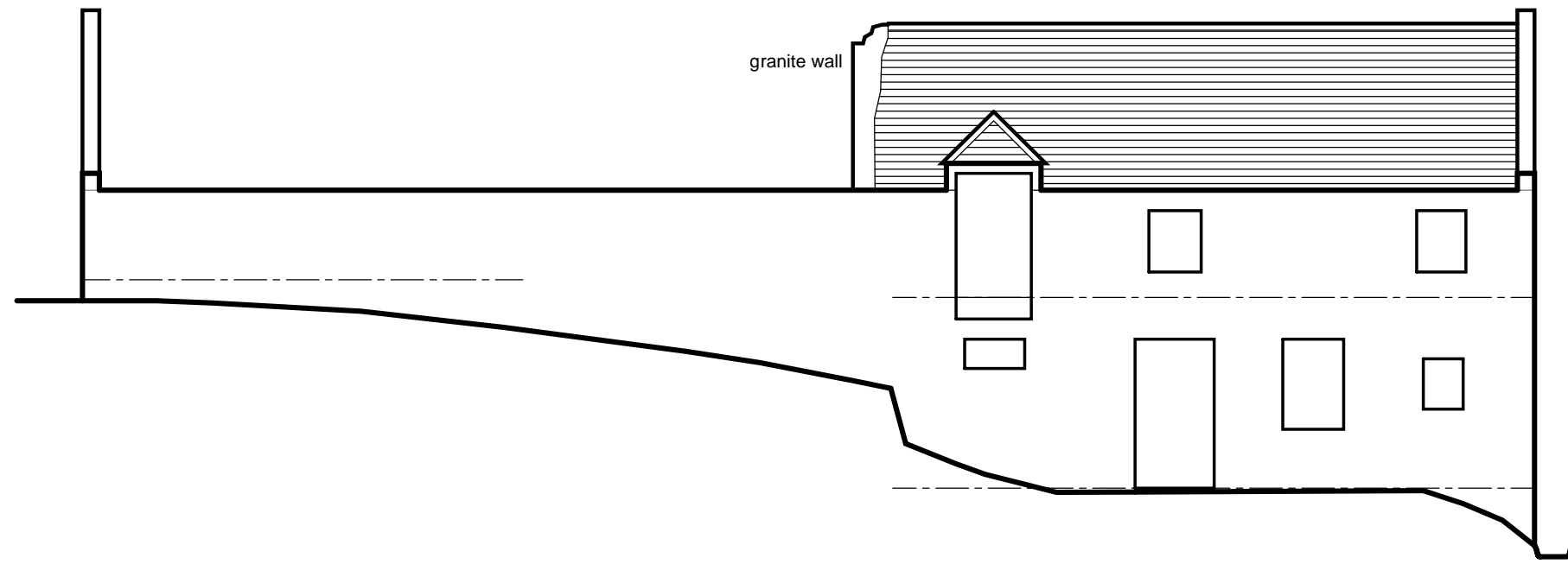
Cross Section A-A : Scale 1 : 50



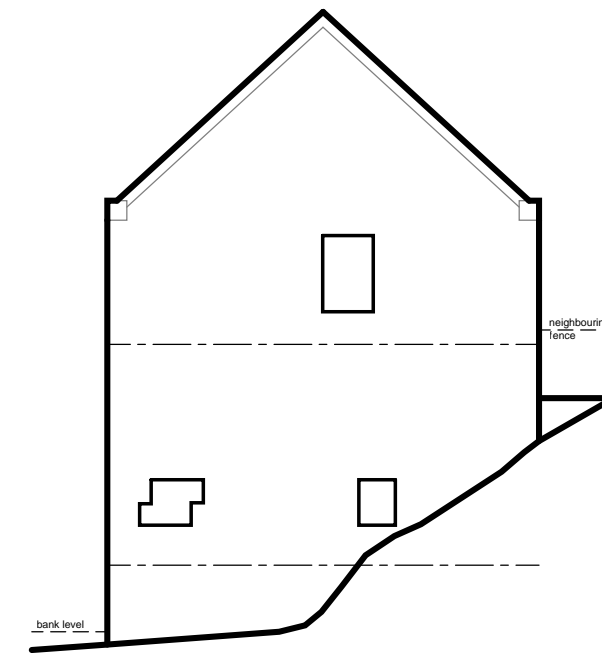
Cross Section B-B : Scale 1 : 50



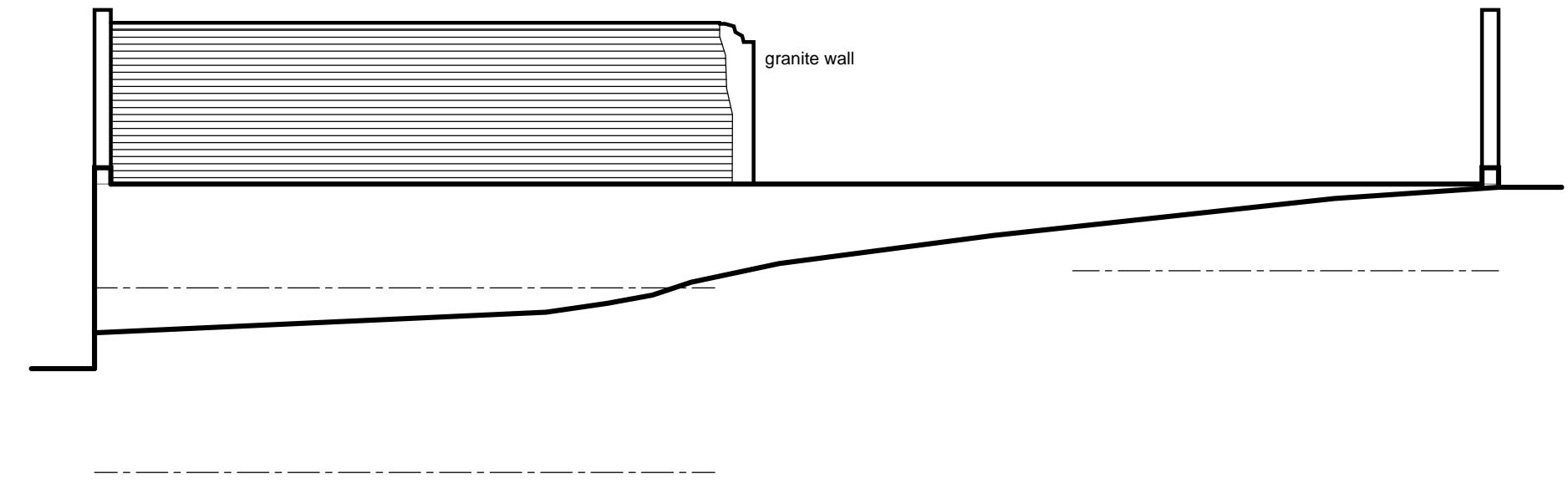
North-East Elevation : Scale 1 : 100



North-West Elevation : Scale 1 : 100



South-West Elevation : Scale 1 : 100



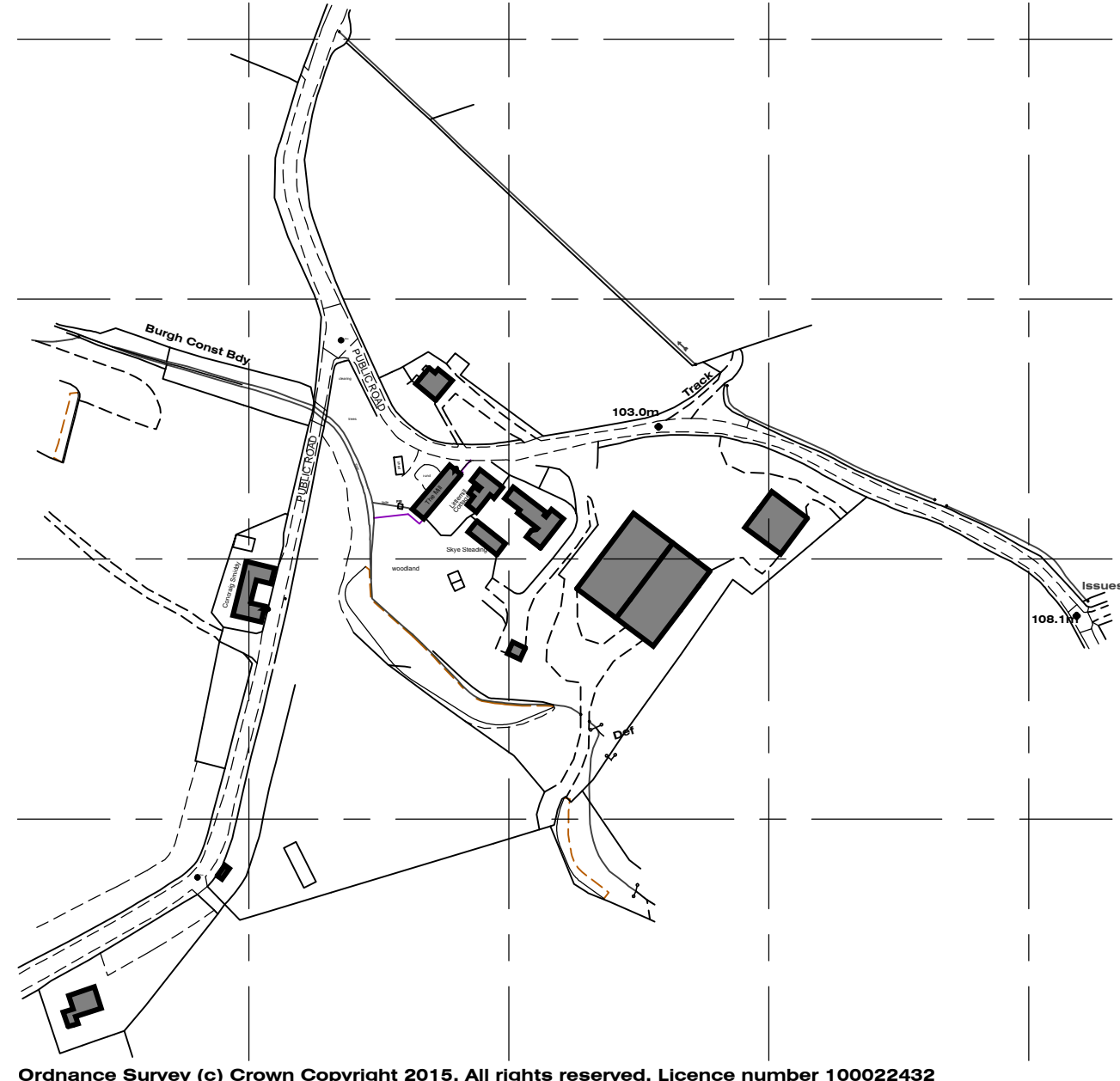
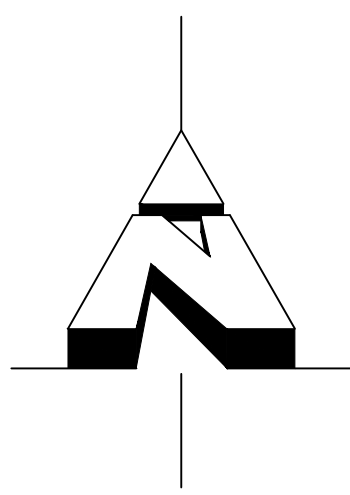
South-East Elevation : Scale 1 : 100



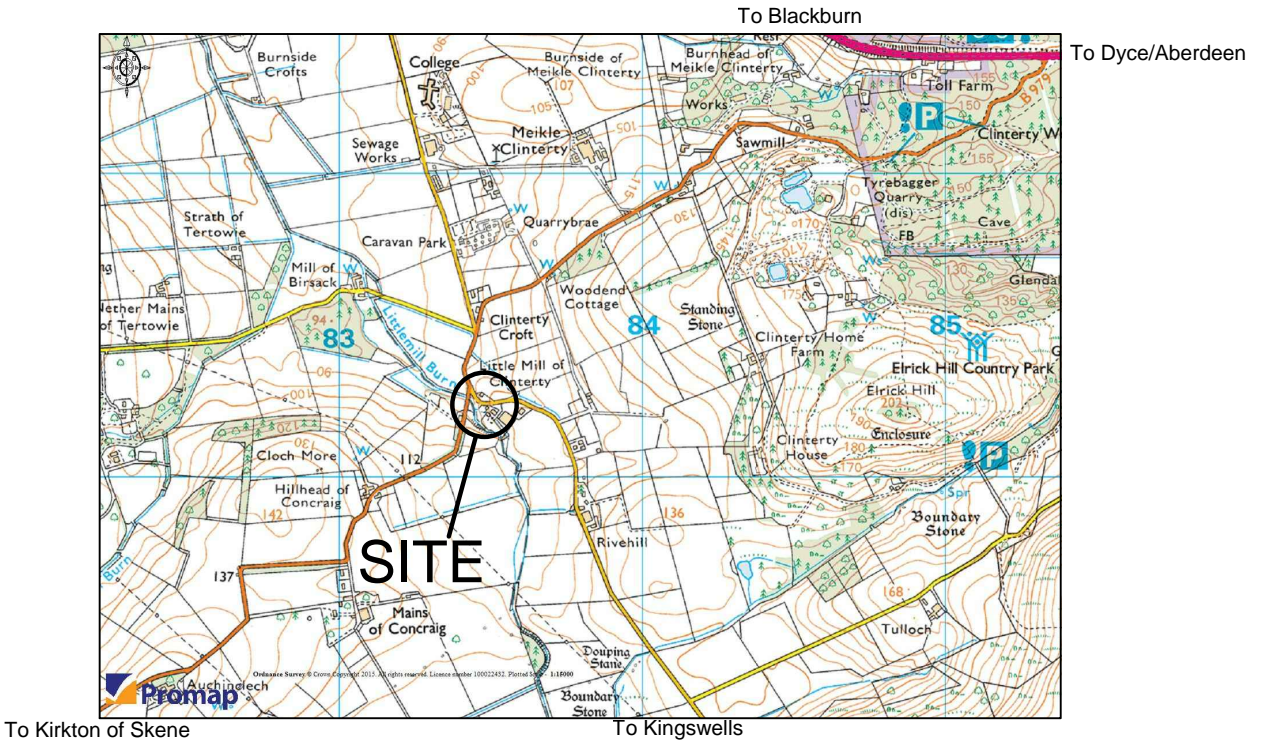
BAXTER DESIGN COMPANY		
The Mill : Littlemill of Clinterty : Kingswells :		
Mr D Flynn Demolition of former mill building and erection of replacement dwelling house		
Drawing Title		
EXISTING DRAWINGS		
Date	Job No	Drawn By
30/10/15	15510-E2	Ryan Urquhart
Amendment	No	Date
Description adjusted	1	31/03/16
Architectural & Building Consultants		
Aden Hall, 9 Kirkgate, Old Deer, Peterhead, Aberdeenshire AB42 5LJ		
Tel : 01771 622296		



Block Plan : Scale 1 : 500



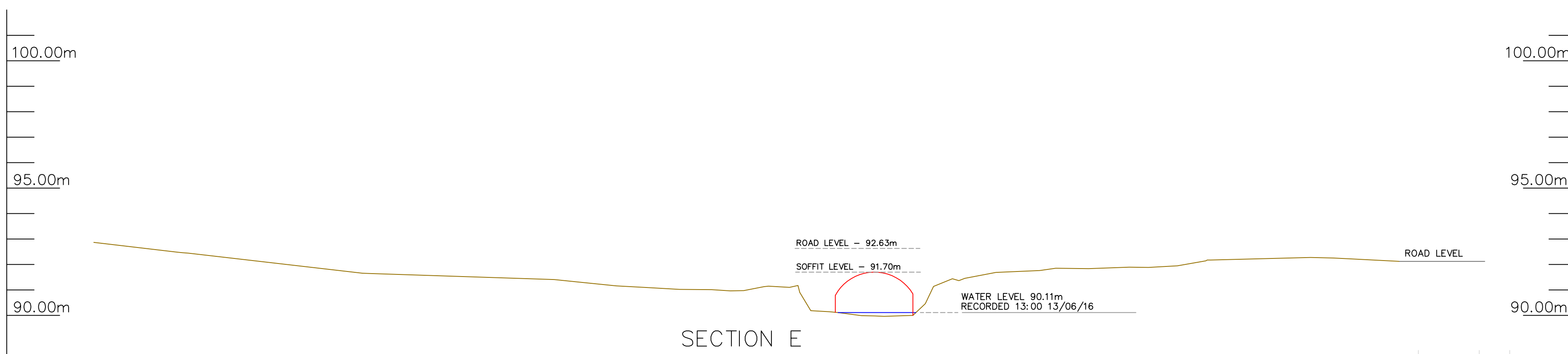
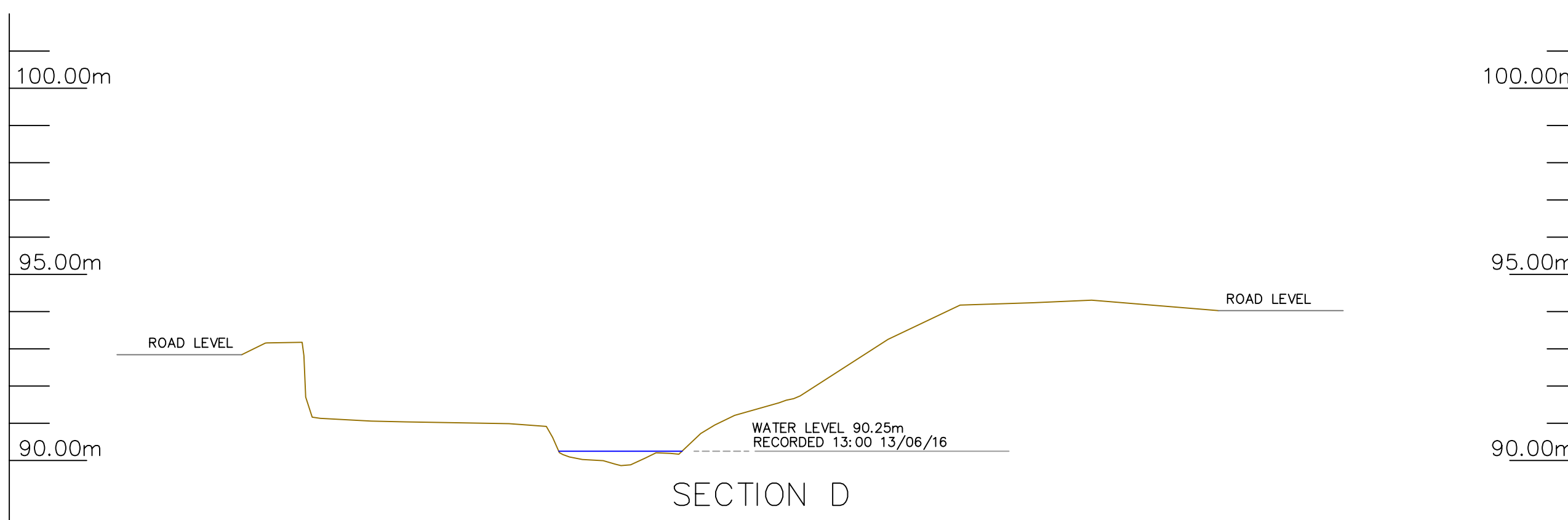
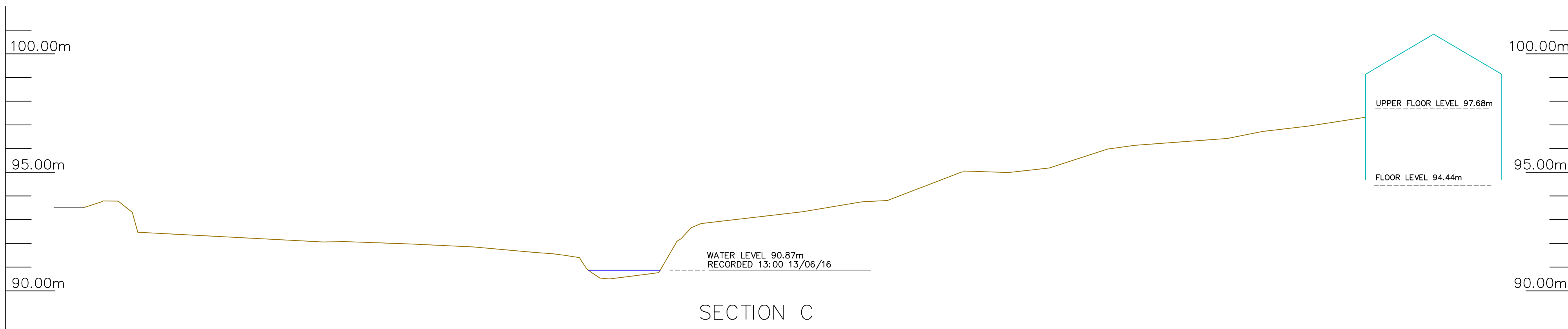
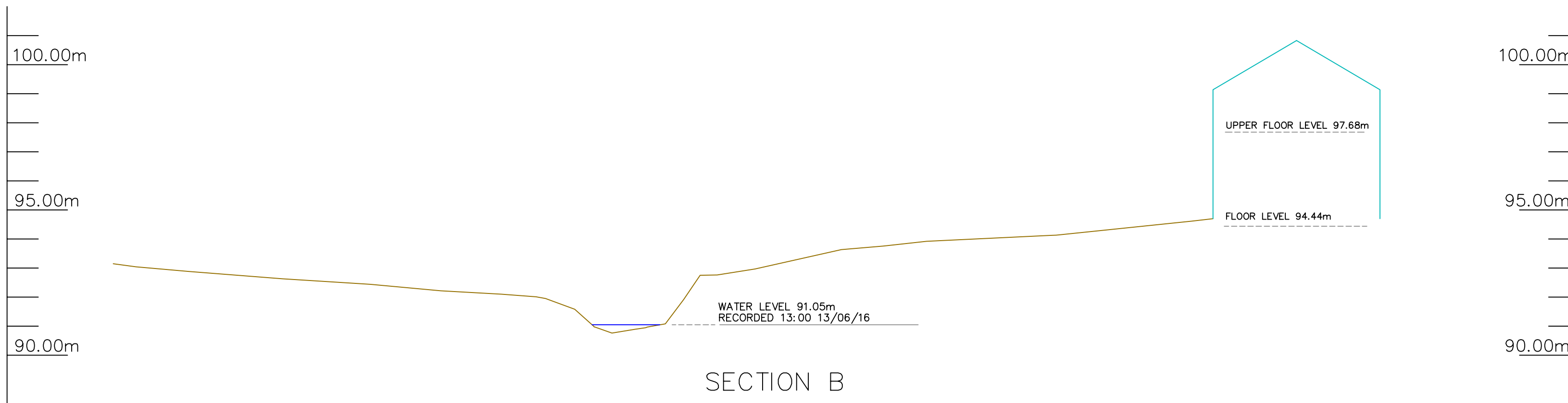
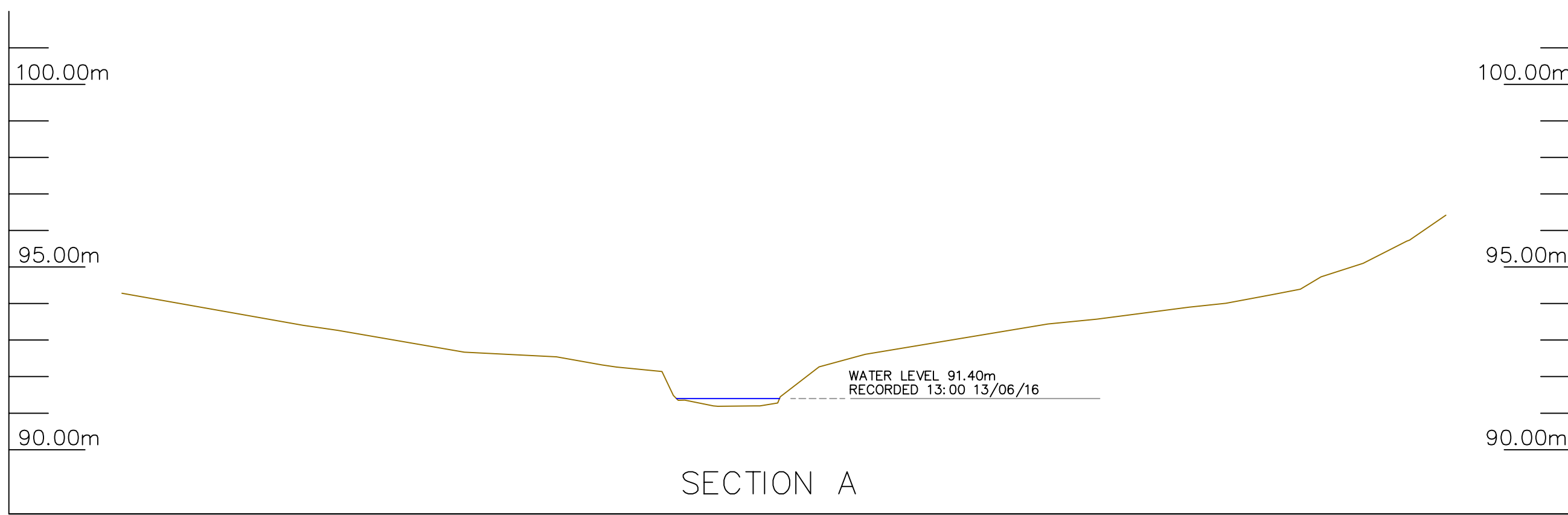
Site Plan : Scale 1 : 2500



Location Plan : Scale 1 : 25000

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REV	DATE	DRAWN	DESCRIPTION	CHECK
-	-	-	-	-
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-	-	-	-	-

Project: PROPOSED DEVELOPMENT AT LITTMILL OF CLINTERTY NR. KINGSWELLS, ABERDEEN

Drawing Title: EXISTING SITE SURVEY CROSS-SECTIONS

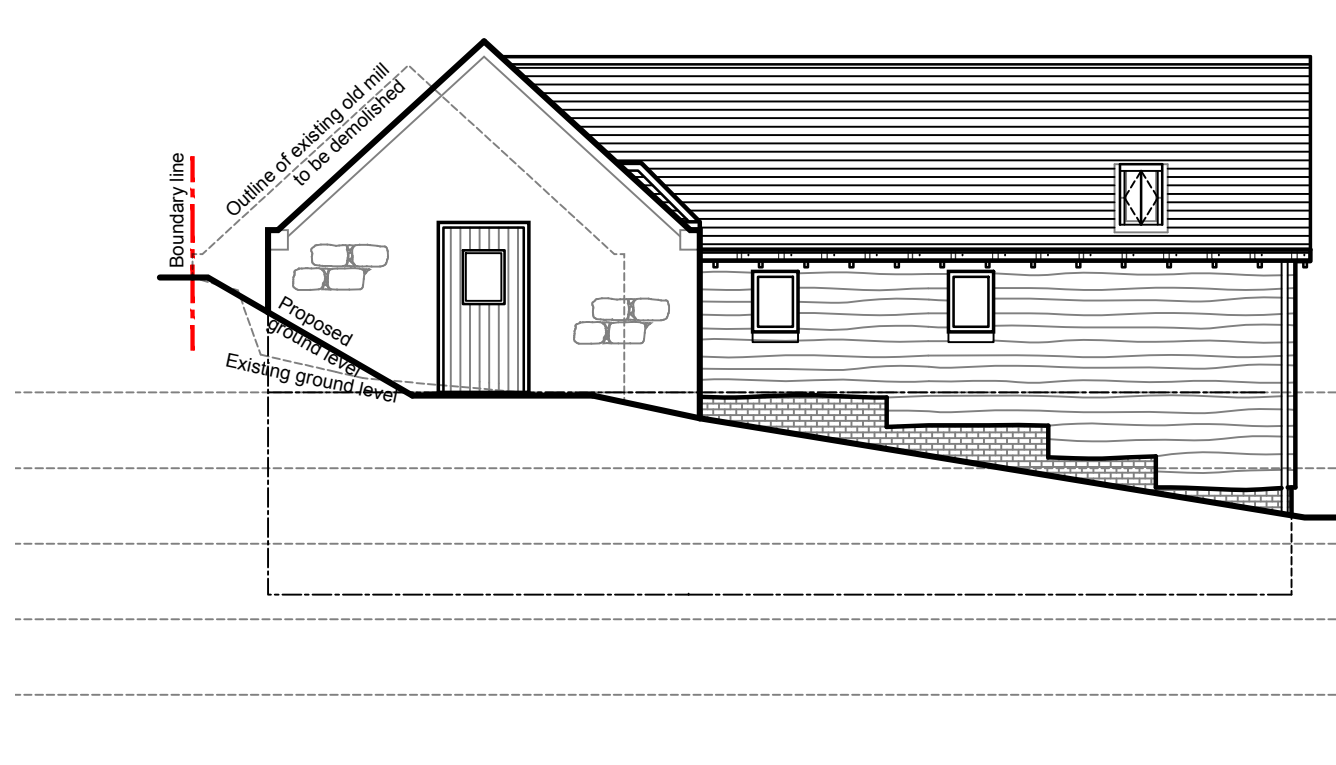
Client: MR. DARREN FLYNN

Project No: GCS 5034 Drawing No: XS-01

Drawn by: A.Bryce Checked by:

Scale: 1:125 at A1 Date: JUNE 2016

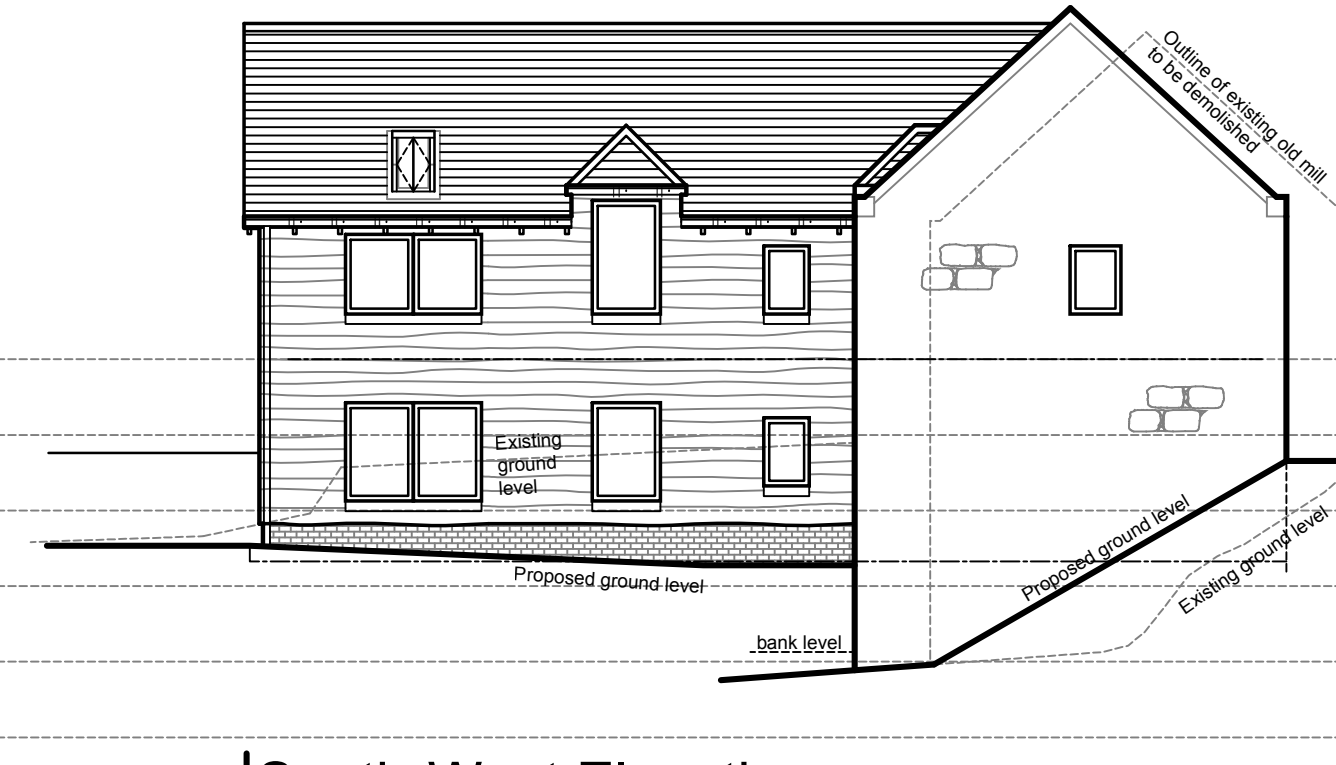
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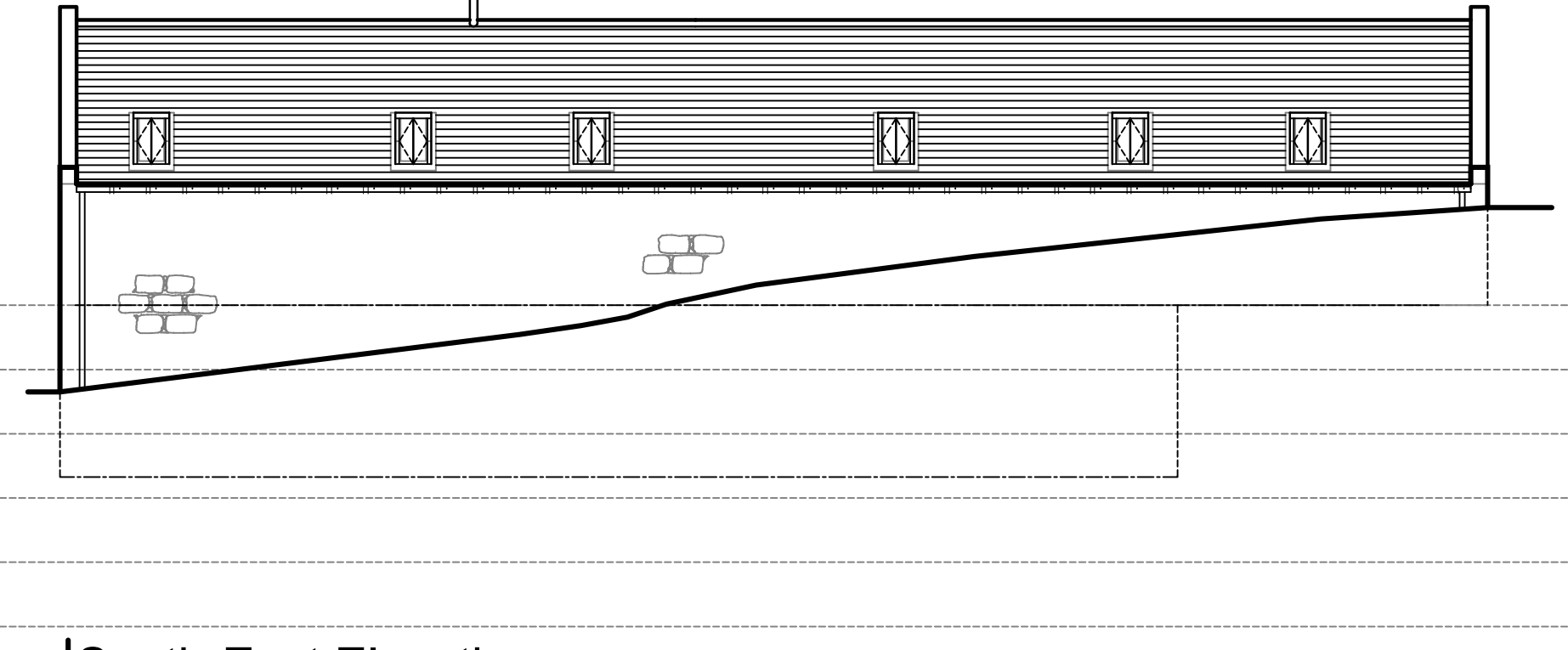
North-East Elevation : Scale 1 : 100



North-West Elevation : Scale 1 : 100



South-West Elevation : Scale 1 : 100



South-East Elevation : Scale 1 : 100

Finishes
Walls
 Natural granite (taken from existing steading) flush pointed, timber waney edge cladding
Roof
 New or best quality second hand slates (main building). Code 5 lead flashings to all roof junctions and valleys.
Windows & doors
 Brown timber windows and doors
Fascias & Soffits
 Timber stained brown
Rainwater Goods
 Black Upvc Gutters and downpipes.
Floor area 234.71 sq.m.
 (Ground floor 98.92sq.m, First floor 135.79sq.m)

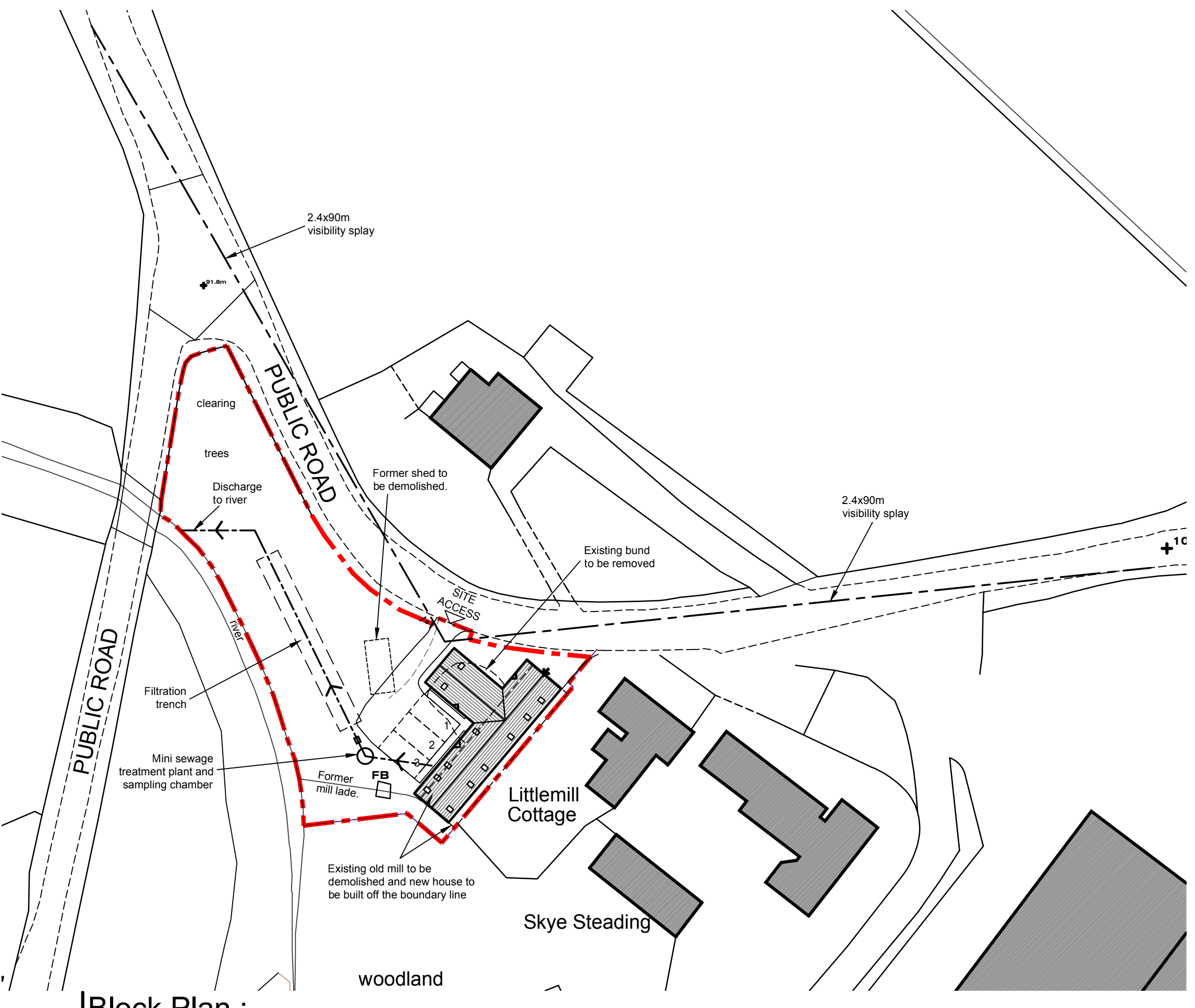


The Mill : Littlemill of Clinterty : Kingswells :
 Mr D Flynn
Demolition of former mill building and erection of replacement dwelling house

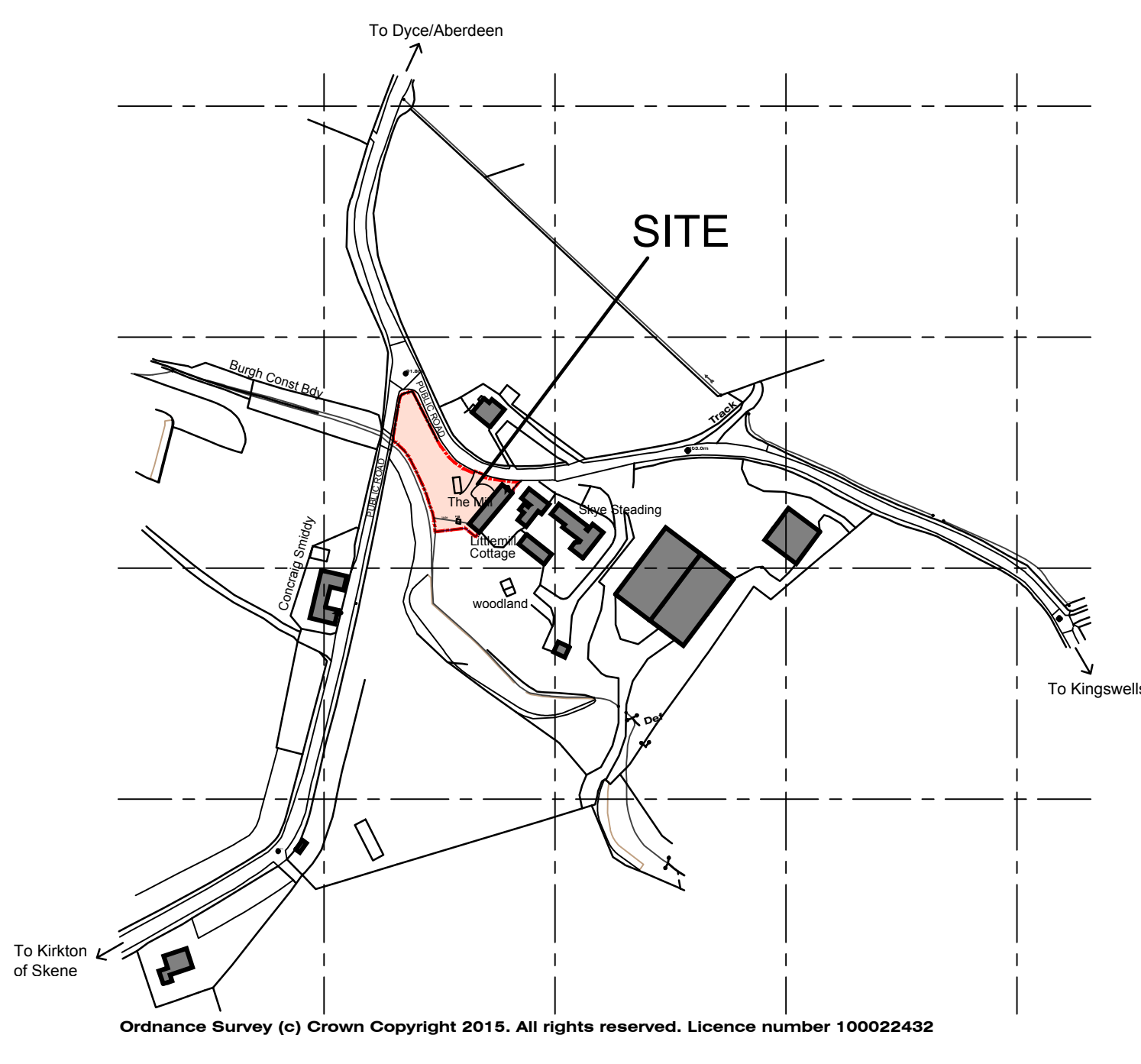
Drawing Title
Site Plan, Block Plan & Elevations

Date	Job No	Drawn By
24/03/16	15510-01	Ryan Urquhart
Amendment	No	Date
Elevations revised	1	30/03/2016
Elevations & Block Plan revised	2	18/07/2016
Elevations revised CM	3	05/08/2016

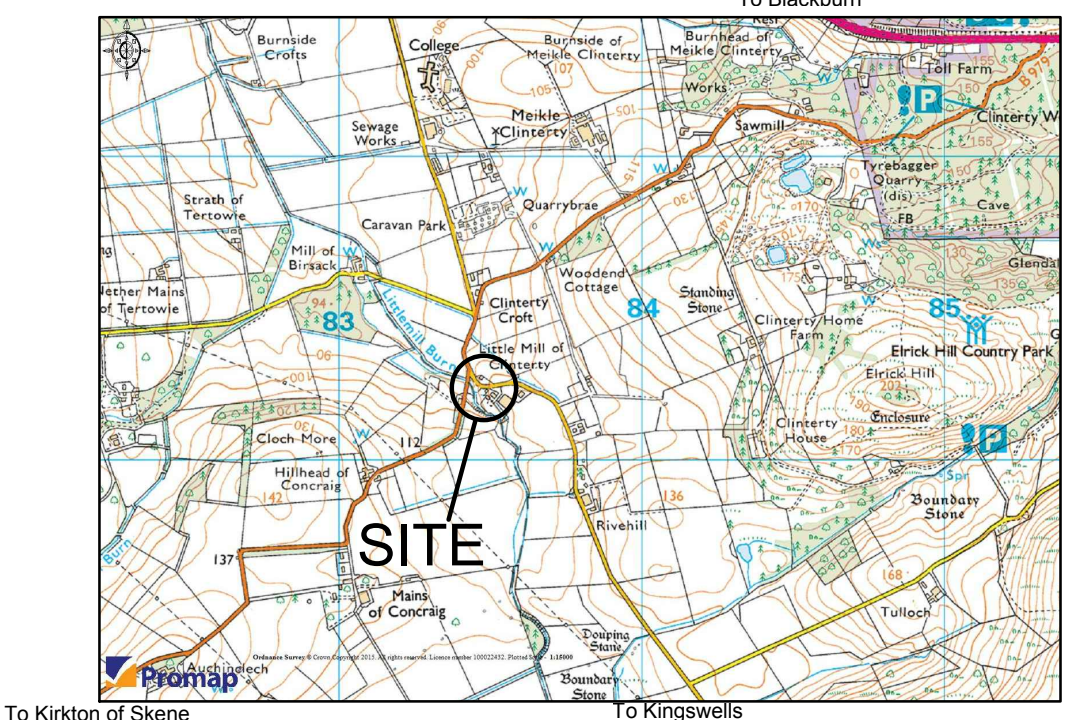
Architectural & Building Consultants
 Aden Hall, 9 Kirkgate, Old Deer, Peterhead, Aberdeenshire AB42 5LJ
 Tel : 01771 622296



Block Plan : Scale 1 : 500



Site Plan : Scale 1 : 2500



Location Plan : Scale 1 : 25000

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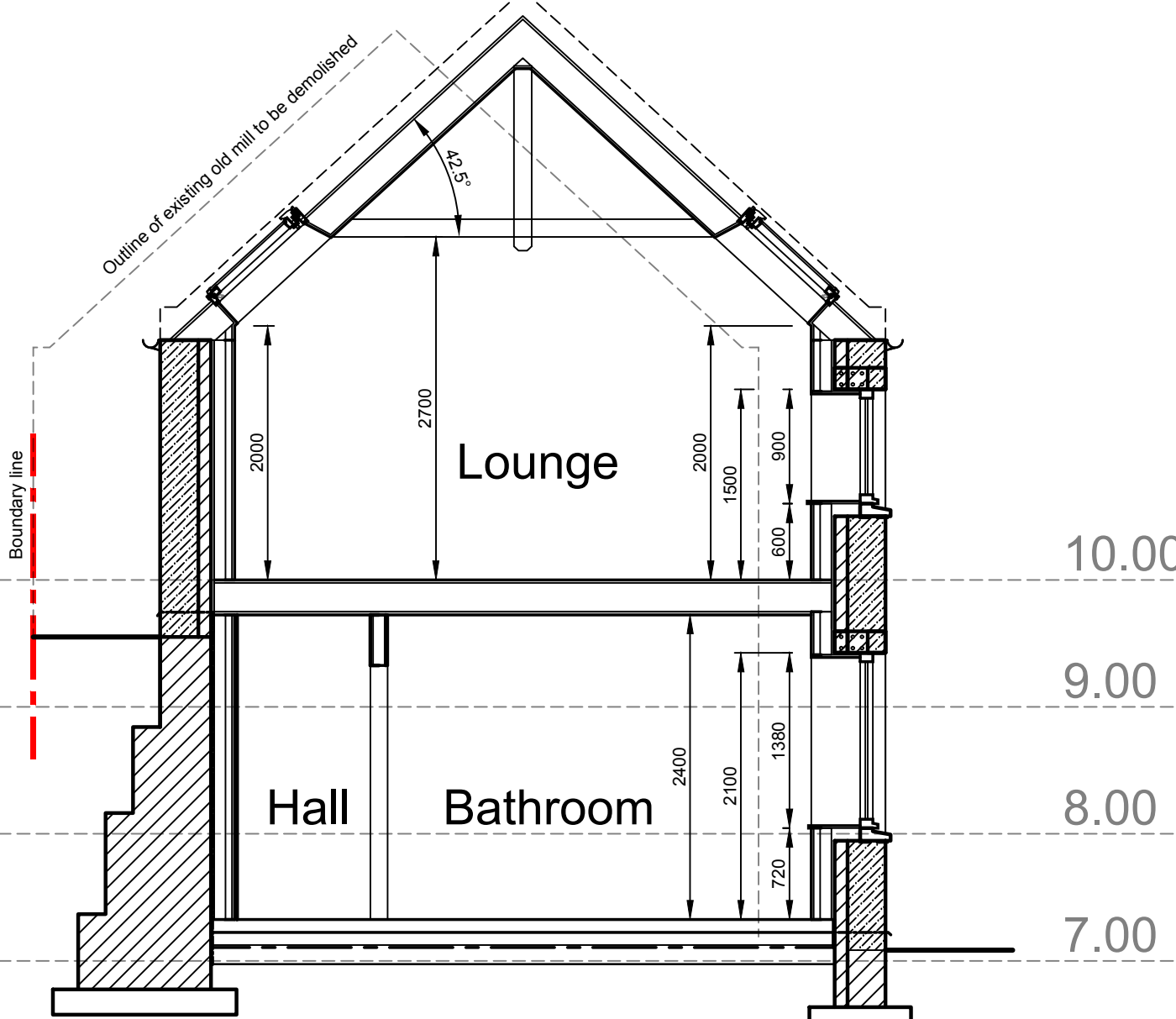
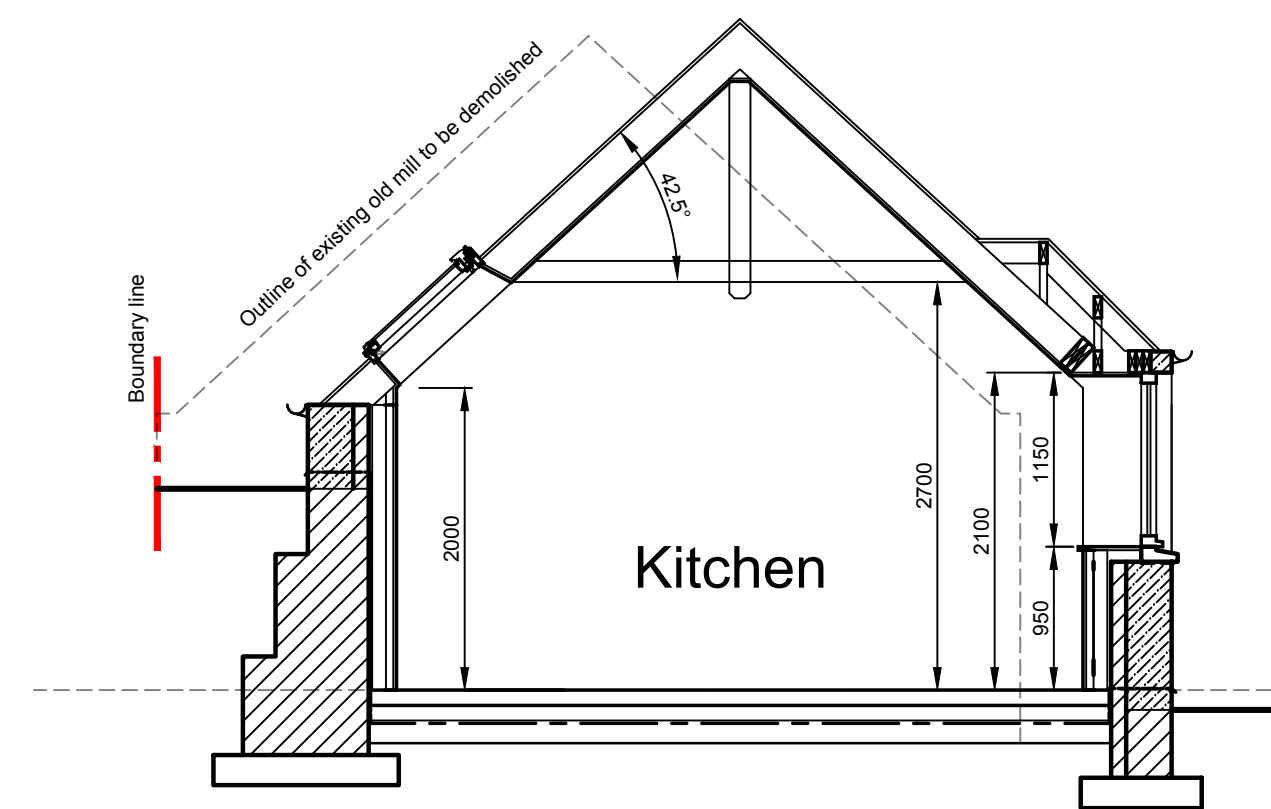
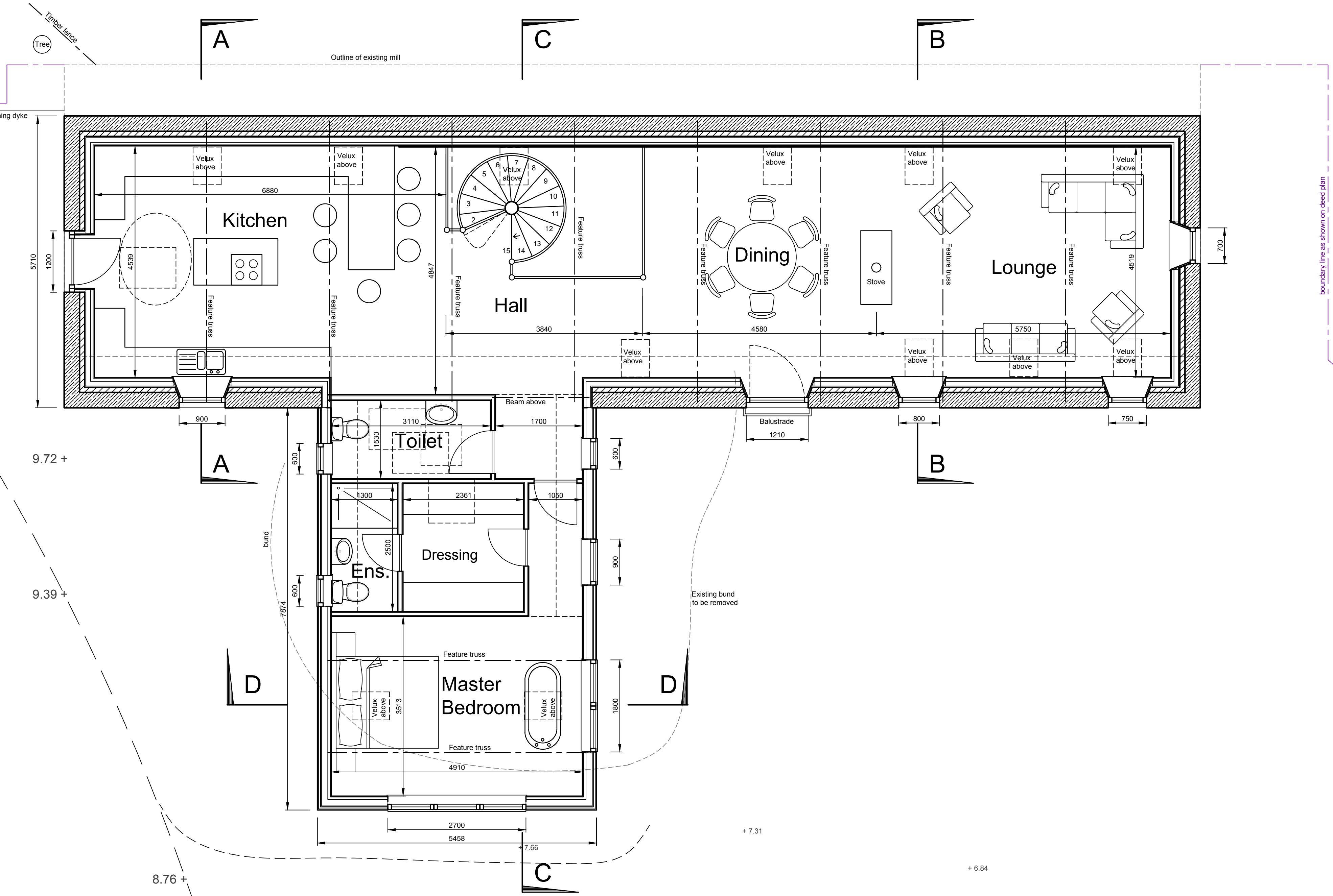
The Mill : Littlemill of Clinterty : Kingswells :

Mr D Flynn
Demolition of former mill building and erection of replacement dwelling house

Drawing Title
First floor plan & sections

Date 24/03/16	Job No 15510-02	Drawn By Ryan Urquhart
Amendment	No	Date
Plan and Sections revised	1	30/03/2016

Architectural & Building Consultants
Aden Hall, 9 Kirkgate, Old Deer, Peterhead, Aberdeenshire AB42 5LJ
Tel : 01771 622296



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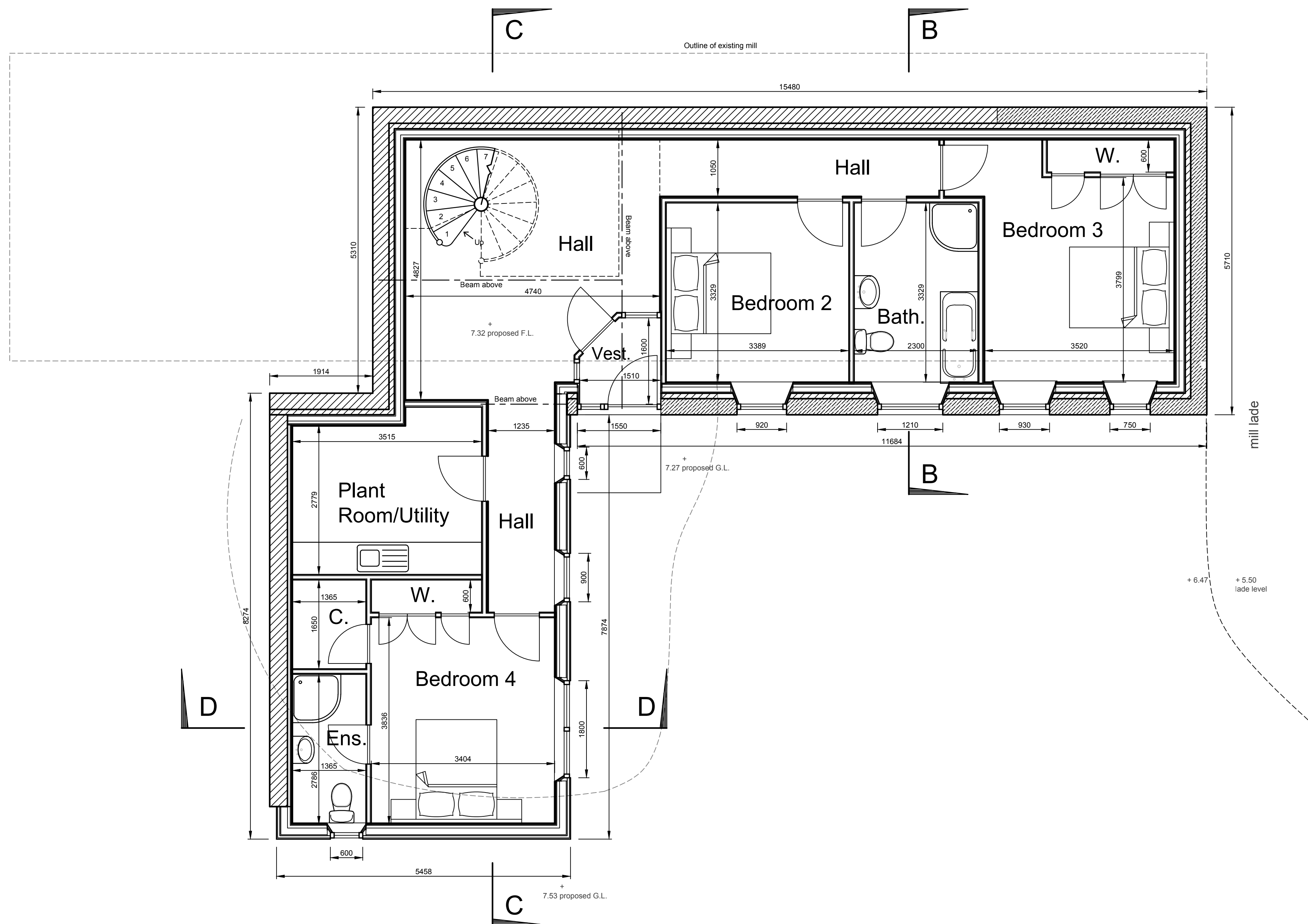
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**The Mill : Littlemill of
Clinterty : Kingswells :**

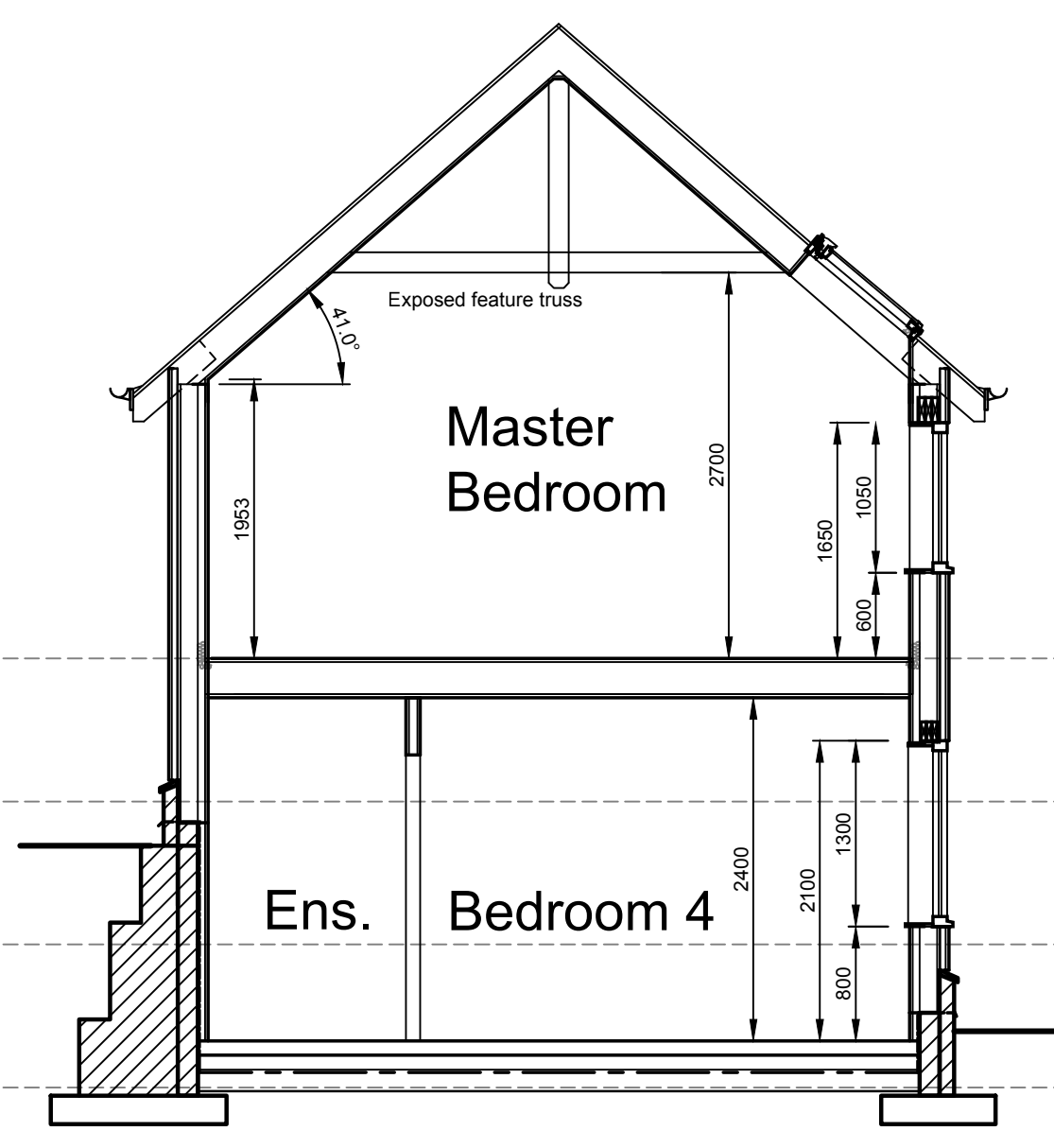
Mr D Flynn
Demolition of former mill building and
erection of replacement dwelling house

Drawing Title		
Ground floor plan & sections		
Date	Job No	Drawn By
24/03/16	15510-03	Ryan Urquhart
Amendment	No	Date
Plan and Sections revised	1	30/03/2016
Section C-C revised	2	18/07/2016
Floor plan & section D-D revised CM	3	04/08/2016

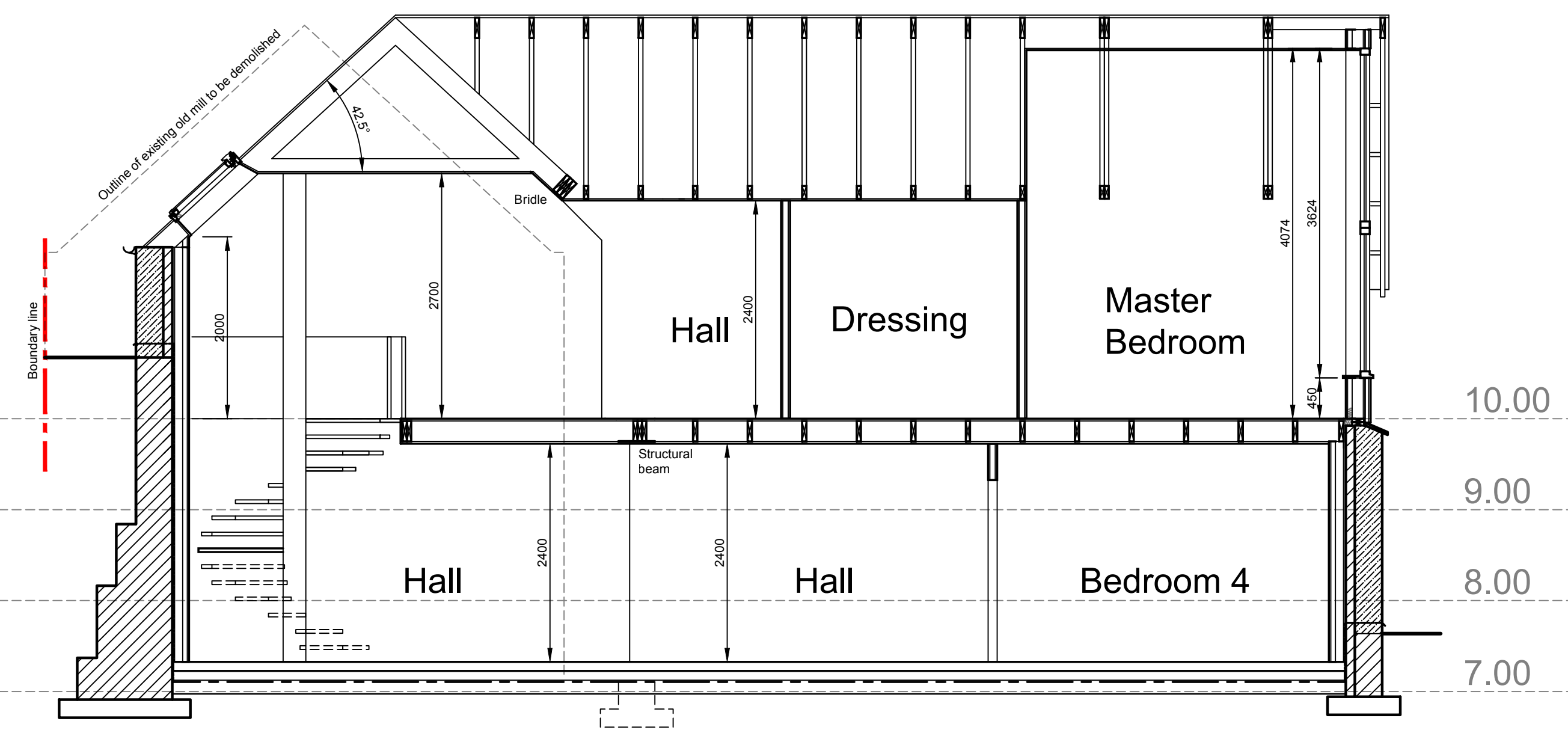
Architectural & Building Consultants
Aden Hall, 9 Kirkgate, Old Deer, Peterhead, Aberdeenshire AB42 5LJ
Tel : 01771 622296



Ground Floor Plan : Scale 1 : 50



Cross Section D-D : Scale 1 : 50



Cross Section C-C : Scale 1 : 50

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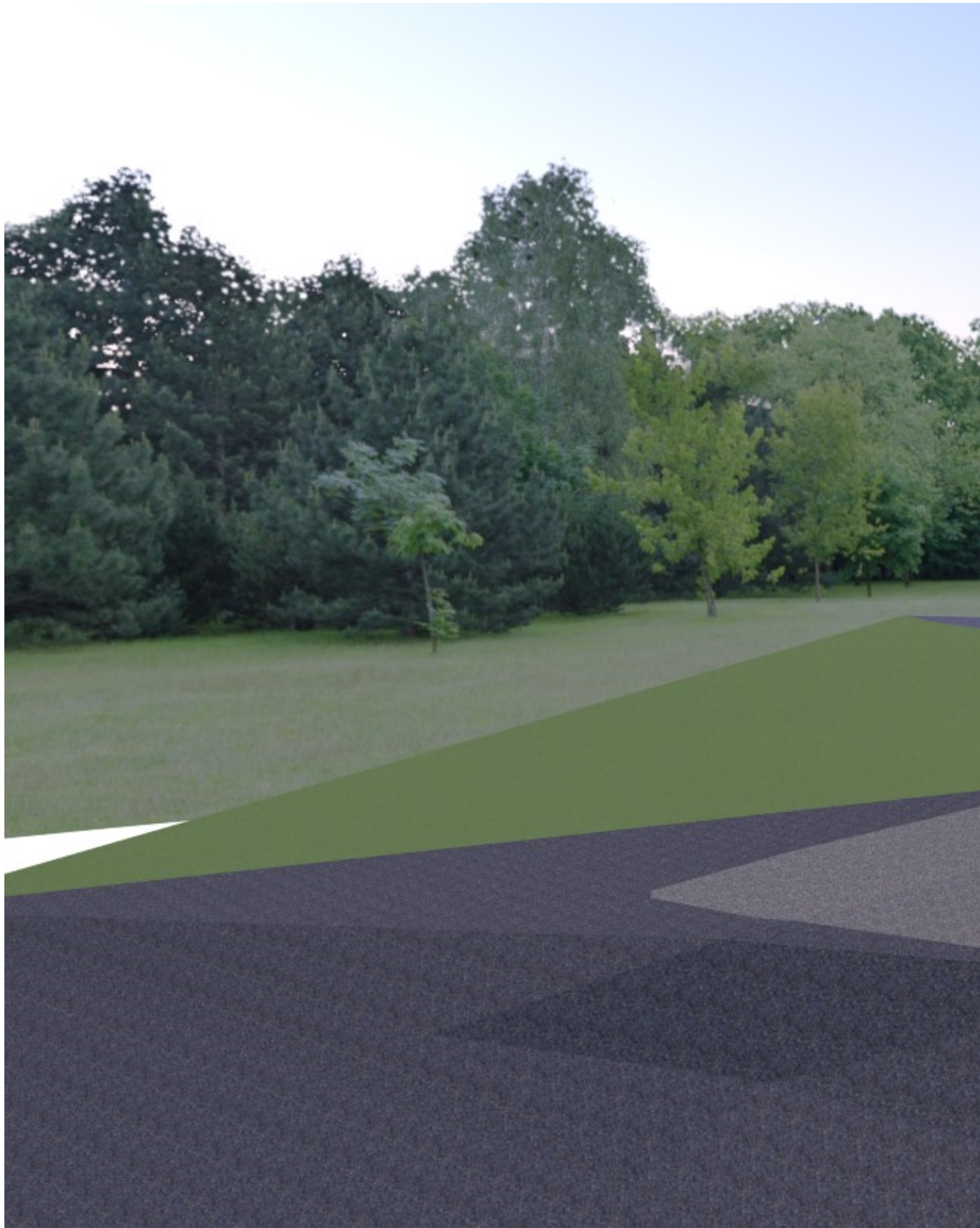
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Comments for Planning Application 160426

Application Summary

Application Number: 160426

Address: Mr D Flynn The Mill Little Mill Of Clinterty Kingswells Aberdeen AB15 8RN

Proposal: Proposed demolition of former mill building and erection of replacement dwelling house

Case Officer: Dineke Brasier

Customer Details

Name: Dr William Maitland

Address: Concraig Smiddy, Clinterty, Kingswells, Aberdeen AB15 8RN

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Residential Amenity
- Traffic or Highways

Comment: The plan calls for the destruction of an historic and visually appealing watermill and replacement with a new building whose style and roofline are incompatible with the other traditional buildings in the immediate area. This large dwelling house is squeezed onto a relatively small plot.

The area is zoned for agricultural use, not residential. The new building will increase the density of housing in an area where the existing density of houses is low.

The building will further reduce traffic visibility at the road junction. The new building is sited at a road junction that has reduced traffic visibility in all 3 directions and the roads leading from the junction are width constrained. This junction is busy at commuting time and a proportion of traffic drives fast through the junction. If the plot is taken over by this building and its' garden and with a wall on the opposite side of the road, there will be nowhere else for pedestrians crossing the junction to walk but on the road. There are pedestrians walking from the travellers site to reach work, shops and entertainment.

The plans would necessitate the removal of trees and undergrowth in a small woodland habitat.

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MEMO



ABERDEEN
CITY COUNCIL

To	Dineke Brasier Planning & Infrastructure	Date	21/04/2016
		Your Ref.	P160426 (ZLF)
		Our Ref.	TR/MW/1/51/2
From	Roads Projects		
Email	MWilkie@aberdeencity.gov.uk		
Dial	01224 523482		
Fax			

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

Planning application no. P160426
The Mill, Little Mill of Clinterty, Kingswells
Proposed demolition of former mill building and erection of replacement dwelling house

I have considered the above planning application and have the following observations:

The proposal includes details of an improved access onto the public road, with 2.4 x 90m visibility splays to west and east, which would be acceptable.

The proposal shows two car parking spaces, however for a dwellinghouse of this size in this location, three car parking spaces should be provided within the curtilage of the property.

I would support this development proposal, if a condition could be attached to any consent you may wish to grant, pertaining to the need to provide 3 off-street car parking spaces; and an informative could be provided to the applicants, advising them to contact our Roads colleagues about the upgrading of the access onto the public road.

Mark Wilkie
Senior Engineer

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MEMO



ABERDEEN
CITY COUNCIL

To	Dineke Brasier Planning & Infrastructure	Date	23/05/2016
		Your Ref.	P160426 (ZLJ)
		Our Ref.	
From	Flooding		
Email	mfoley@aberdeencity.gov.uk		
Dial	01224 53 3829		
Fax			

Flooding
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 11
2nd floor West
Marischall College
Broad street
AB10 1AB

Planning application no. P160426
The Mill, Little Mill of Clinterty, Kingswells
Proposed demolition of former mill building and erection of replacement dwelling house

I have considered the above planning application and have the following observations :

Surface Water Drainage Proposals

Please provide full surface water drainage proposals for the development, outlining in full detail the proposed method of discharge of surface water and discharge rates. Any proposed SuDS facilities to include design calculations and drawings to be submitted for approval.

Drainage Impact Assessment

Please provide a full Drainage Impact Assessment for the development, indicating the proposed SUDS facilities (as stated above) in addition to a full examination of all watercourses within the vicinity of the site and the impact which the development shall have on the existing drainage network. The proposed new drainage system (storm and foul by separate) should also indicate the location of these connections into the existing network.

When this information has been provided, we will offer further comment on the application. They should provide us with a letter from Scottish Water showing an acceptance of the connection.

Regards
Miriam Foley
Engineer

Pete Leonard
Corporate Director

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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 100008767-002

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:	Baxter Design Company (Old Deer) Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Baxter	Building Name:	Adenhall
Last Name: *	Design	Building Number:	9
Telephone Number: *	01771 622296	Address 1 (Street): *	Kirkgate
Extension Number:		Address 2:	Old Deer
Mobile Number:		Town/City: *	Peterhead
Fax Number:		Country: *	UK
		Postcode: *	AB42 5LJ
Email Address: *	info@baxterdesigncompany.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="8"/>
Last Name: *	<input type="text" value="Flynn"/>	Address 1 (Street): *	<input type="text" value="Crimon Place"/>
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="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB10 1RX"/>
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="810231"/>	Easting	<input type="text" value="383469"/>
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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)

Aberdeen City Council reference 160426 - The Mill, Little Mill of Clinterty, Kingswells, Aberdeen - proposed demolition of former mill building and erection of replacement 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 see attached Supporting Statement (too many characters to fit in box)

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)

15510-01(am3) - site plan, block plan and elevations; 15510-02(am1) - first floor plan and sections, 15510-03(am3) - ground floor plan and sections; 15510-E1 (am1) and E2(am1) - existing drawings; Design Statement; GCS 5034 and GCS 5034 XS-01 - Topographical drawings and site cross sections (flooding); Astell Associates Bat Survey; Astell Associates Environmental Walkover Survey; Ramsay & Chalmers Structural Report; Supporting Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

160426

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

07/04/2016

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

11/08/2016

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 *

Holding one or more hearing sessions on specific matters

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)

The applicant would like to discuss the justification for the proposal with the Local Review Body for the reasons outlined in the accompanying Supporting Statement

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

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

Yes No

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

Yes No

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Parts of the building are structurally unsound and parking is restricted. We would like to be on site if the members would like to undertake a site inspection, to ensure their safety.

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: . Baxter Design

Declaration Date: 19/08/2016

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**PROPOSED DEMOLITION OF FORMER MILL BUILDING AND
ERECTION OF REPLACEMENT DWELLING HOUSE AT THE MILL,
LITTLE MILL OF CLINTERY, KINGSWELLS, ABERDEEN
REF: 160426**

SUPPORTING STATEMENT

We submitted the application on the basis that the client had originally sought to convert and extend the building to meet his needs. There had been a previous application approved on the site in 2008, which has now expired. This showed that the building was to be converted and extended in a similar manner to what we have proposed. The client bought the site on the premise that the previously approved plans showing the layout and size of building would meet his requirements.

After undertaking a site survey and further investigations including a structural engineer's report, we found that the building was structurally unsound and would need to be largely rebuilt in places. We therefore felt it necessary that the building should be entirely demolished and we then proposed to rebuild the steading, largely 'as is', but with the building moved one metre away from the south-east boundary. This would be beneficial to both the applicant and the owners and occupiers of the neighbouring cottage, Little Mill Cottage, for logistical reasons as they would be able to then build a retaining wall and erect a fence and workers would not then need to go back into the site of Little Mill Cottage and cause any further disruption to them during construction of the house. The applicant had discussed this with the neighbour prior to the submission, and they seemed to be happy with this arrangement. This would also pull the building slightly further away from the boundary which would further reduce any possible overshadowing or privacy issues between the two properties. The granite stonework and roof slates are to be salvaged from the existing building and re-used to clad the new build, so this part of the new build will look authentic, as if it had always been there.

As the client had been keen to convert the steading, he stated that the proposed dwelling house must mimic the proposed former steading conversion layout and therefore we designed the proposals to suit the existing building with a modern extension out to the west side, as was previously proposed in 2008. The extension to the west side would be finished externally with very different materials, i.e. timber cladding and corrugated roof sheeting, to provide a contrast to the original building and a clear definition between old and new. We have made alterations to this during the application process following discussions with the planners. As can be seen in the planner's Report of Handling, this was deemed favourable, although some minor design issues e.g. window styles, may be adjusted but are very minor issues.

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We had also provided additional reports and documentation to allay the concerns of the Flood Prevention Unit and Environmental Planners, and so the only reason for refusal was that the Aberdeen City Council planning policy does not allow for demolition and rebuilding of redundant buildings. We feel that this is adequately justified in this case, as the reason for demolition and rebuilding is that the existing building is structurally unsound, and therefore large parts of the building would need to be demolished anyway to be converted, and it makes sense from both logistical and overshadowing/privacy points of view that the building be slightly further away from the boundary, to benefit both the applicant and the neighbour of the development.

These are further backed up by what is shown in our Design Statement, design drawings, the engineer's structural report and additional documents for the Environmental Survey and the topographical survey.

The applicant for the site would like a hearing in this review, so that he can put his point across and demonstrate his commitment to reinstating the building to its former glory by demolishing what is currently an eyesore and rebuilding with an extension to accommodate the client's wants and needs.



Design Statement

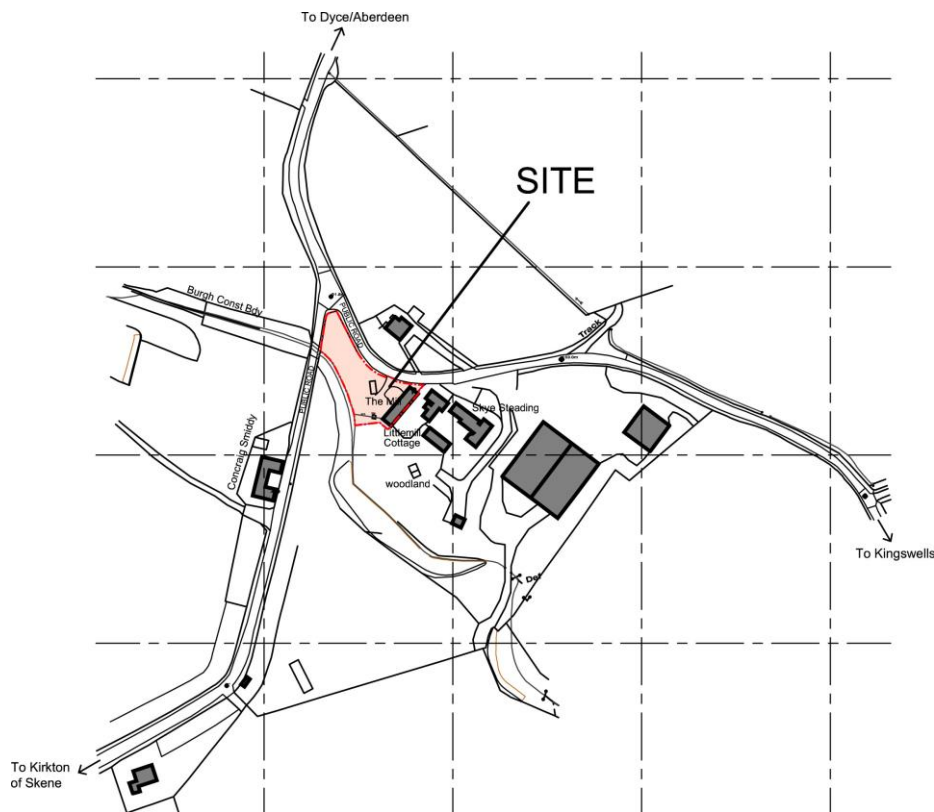
Job no. 15510
Demolition of former mill building
and erection of replacement
dwelling house
The Mill, Little Mill of Clinterty,
Kingswells, AB15 8RN

site description

This full planning permission application proposes the demolition of a derelict former mill building and erection of a new detached dwelling house, on behalf of Mr Darren Flynn. The site previously had planning permission for change of use of land, conversion of and extension to the former mill building into a dwelling house under Planning Permission no. A8/1218. The site is located west of Aberdeen, in the Clinterty area near Kingswells. The site is accessed via the B979 public road, which connects to the Aberdeen to Blackburn stretch of the A96 dual-carriageway.



location plan

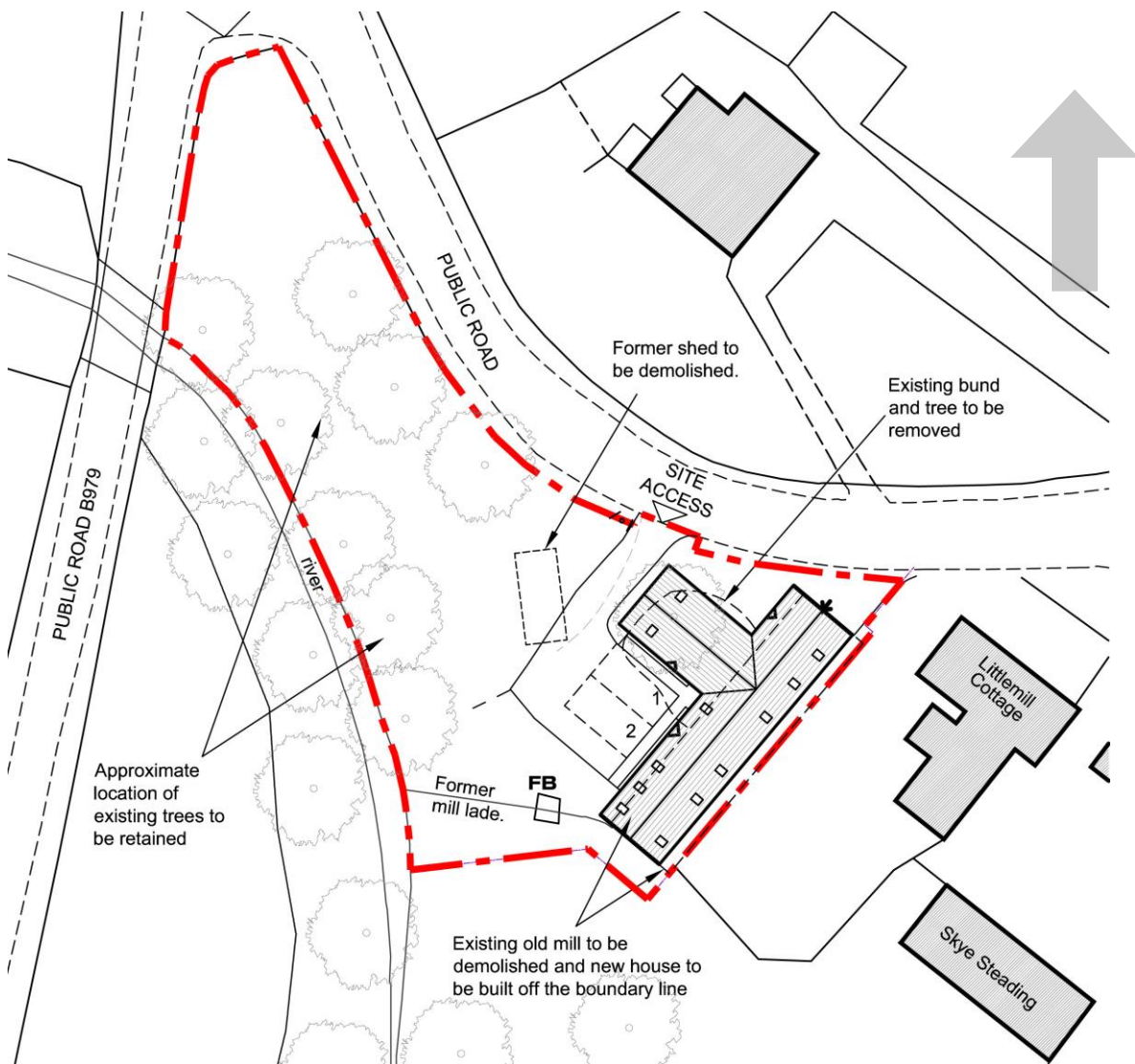


site plan

site analysis

The proposed site encompasses one steading and one shed, both of which are in poor condition both structurally and aesthetically. The roofing to both buildings is incomplete and is completely missing in some areas. The site boundary is defined by the Littlemill Burn to the south-west, Borrowstane Road to the north and the B979 road to the west. The outer wall of the former mill building lies directly on and defines the site boundary to the south-east. The smaller building is located centrally to the site, the back wall of which is retaining higher ground behind it, and appears to have formerly been used for storage.

The site slopes down significantly towards the burn. We propose to retain the existing mature trees nearest the burn, and we propose to remove one mature tree that sits between the buildings to allow for easier access and to allow the extension to the mill building to be built.



block plan

The block plan above shows the proposed replacement dwelling house, with the buildings that we propose to demolish shown with dashed lines. We propose to retain the footprint of the existing building as far as possible.

The position of the existing access into the site allows us to achieve the required 2.4m x 90m clear to both sides of the public road. We anticipate that the telegraph pole and 'sharp turn' road sign adjacent to the access point can be retained as adequate visibility onto the public road can be achieved without the need to relocate them.

services

The proximity of the watercourse and public roads surrounding the site and the actual shape of the site mean that there is not enough space within the site itself in which to locate a soakaway system to discharge drainage from a septic tank. Following discussions with SEPA and building control, it was agreed that the best solution for the waste water is a mini sewage treatment plant discharging to the burn via a partial soakaway. The surface water will also be discharged to the burn via a partial soakaway.

Electricity and telecommunications are available in the area and will be connected into our site. Some overhead cables will require to be removed/re-routed to site prior to the commencement of building works on site.

As for heating the proposed building, this will be determined at building warrant stage of the proposals when SAP calculations will be carried out to meet the requirements for carbon emissions from the proposed house. The applicant would like to use a renewable heating source if possible, such as a ground source heat pump and wood burning stove, although full consideration will be given to other possible heating systems e.g. oil-fired, wood-fired, etc.

As this site is situated approximately 5 miles from Kingswells and Westhill, future occupants would benefit from the existing amenities and services located within these settlements. These include a primary school, playpark, playing field, doctor's surgery, post office, local shops and a good public transport system.

site identity

Little Mill of Clinterty lies in a rural area mixed with minor industrial premises. The nearest buildings are traditionally-built granite cottages with slate roofs, and there are also a number of modern steading conversions in the area. The shape of the surrounding landscape, close proximity of the burn and existing mature trees are features that give the site quite specific, natural characteristics.



*Top – view onto the public road from the north-east corner of the site, looking west.
Bottom - view of the tree between the buildings, and the steading itself, from the access*



*Top – view of the gable end of the steading from the road at the east corner
Bottom - view of the steading from the southern corner looking back up to the north*

design principles + solution

When we were initially approached by the applicant, he had a clear idea that he would like to retain the existing building as far as possible, and to convert the building into a dwelling house and add an extension to create additional living space to suit his needs, per the previous planning approval for the site. We proceeded to measure up the area of the existing building that was accessible at the time. As can be seen in the photographs provided, we were restricted in certain areas by structural instabilities, particularly to the first floor of the main wing of the building as the floor joists were rotten and excessively damaged in parts, and the roof was partially collapsed over this area. There is no roof over the northern section of the building, which has allowed weeds to grow within the building and thus restricted our access further. The middle part of the building is inaccessible as there are no doors into it and the floor level is very low.

We contacted structural engineers, Ramsay and Chalmers, who had provided a structural report on the building to accompany the previous application. Since then the condition of the building had deteriorated considerably. At that point we held extensive discussions with the applicant and the engineer regarding the merits of retaining the existing building, and instructed Ramsay and Chalmers to update their structural report to suit the current condition of the building. It was concluded that so many parts of the building were unstable and would need to be taken down and rebuilt that there was little point in retaining the building, and that the building should be demolished entirely. Please refer to the Ramsay and Chalmers structural report for further information.

Further to this, the applicant had been in discussion with the neighbour to the east of the property. Discussions were held regarding access to the building during construction works, as the east wall of the building forms the boundary to the site, and since the building has become unsightly in the last few years, the neighbours have erected a timber fence along that wall to minimise the visual impact of the deteriorating building upon them. When the decision was taken that the existing building should be demolished, it made sense to move the proposed house off the boundary for logistical and amenity purposes – this would be most beneficial to both the applicant and the neighbours.

The property had been for sale on the open market for approximately 5 years before Mr Flynn purchased it. The location of the site is ideal for those looking to live in a peaceful rural location near to Aberdeen for a short commute, however the poor condition and appearance of the building are thought to be the main reasons that few people appeared to be willing to take on such a project. Mr Flynn recognised the potential for development, and although it was determined that the former mill building should be demolished, he aims to retain the principles and key characteristics of the site in the proposed design. We have achieved this by emulating the retaining structure to the east side, albeit now slightly off its former location. The opening sizes and styles of the existing building will also be retained. The external walls will be clad in granite stonework salvaged from the demolished building, and the roof will be finished with slates salvaged from the demolition works where possible, with best quality locally-sourced slates being used to finish the remaining areas.

Although many traditional buildings throughout the area are in good condition and can be quite pleasing on the eye, this building has become an eyesore in recent years as weeds have overcome the building, and damp ingress has ruined many of its features. As can be seen in the images of the existing building, vegetation is present within large areas of the walls, which will have compromised the structural integrity in many places, even where cracks are not present, and some parts of the walls do in fact contain cracks. This is particularly relevant in the east wall, which is retaining high areas of neighbouring ground to the east. No tanking appears to be present in the wall, and it is doubtful that any drainage will have been installed behind the wall, so this wall is particularly prone to excessive damp. Although modern materials and methods are available to help prevent damp entering buildings, this market mainly focuses on new-builds and thus the market is limited in terms of products that would be suitable for application in traditional walls where conversions are being carried out. This would be met with excessive costs, and would not guarantee full protection against damp ingress. This is another reason that it was determined that the building should be demolished, so that a full waterproof tanking system could be incorporated where required.

The building was formerly used as a mill and not intended to be used as living accommodation, so it is not thought to hold architectural significance. The main features of the building are the hayloft door with dormer roof, and small windows in the lower, southern part of the building. If converted into a dwelling house, the long north-west elevation would appear rather bleak and monotonous, particularly where forming the front elevation and entrance to the building. The proposed extension will break up the long elevation and create a more private entrance and amenity area for the occupants to enjoy in the southern areas of the site.

As mentioned previously, there are two original buildings on site. One is a small, derelict shed which we propose to demolish to allow for better access for construction vehicles and to salvage the granite to be used in the proposed build.

The mill building is around 100 years old and is built with traditional granite walls and timber roof trusses with a slate finish. There are a number of small openings in the southern part of the building that face south and west. It is thought that the majority of mill activities would have taken place in these areas, and the northern areas of the building would mostly have been used for storage. The previously approved planning application shows how the building could have been converted into a dwelling house fit for modern-day living, whilst retaining the majority of the window and door openings, to retain the character of the building. As can be seen, the extension is required to provide adequate living space for the occupants.

A design is proposed for a replacement house which resembles the original building as much as practically possible. This meets the client's brief and will also help to effectively conserve the building for many years to come, by reflecting the original nature of the house in a well-planned manner, considerate of neighbour's amenity and construction logistics.

The proposed house will be constructed systematically, by first demolishing the existing building in its entirety and temporarily securing the banking to the

eastern areas. A retaining wall will be built to these areas to provide stability to the bank, and allow adequate drainage systems to be installed. Tanking systems within the new walls will prevent damp ingress. The new walls will be constructed from timber framing containing high levels of insulation; this will allow fast construction to get the building wind and watertight as soon as possible. So while internal works are progressing e.g. plumbing and electrical work, builders can simultaneously be on site, building the external skin of granite stonework and ensuring that it matches the former mill building. The roof will be finished with slates, and traditional timber window units will also be fitted.

The design of the proposed extension mimics the design which was approved previously. We have changed the finish to be of granite up to first floor level, as the amount of granite that can be salvaged from the buildings is not thought to be enough to complete the extension. We therefore propose to clad the first floor walls of the extension in timber cladding – this will mimic many traditional buildings in the area. The cladding will be of a ‘waney’ edged style, as its curved, irregular lines will give the impression that it has been cut from the adjacent woodland and fitted to the building, rather than artificially produced from alternative sources. This will provide contrast to the granite walls, and combine nicely with the natural timber windows to give a natural, sustainable feeling to the house. The waney-edge timber cladding to the extension part of the building was chosen to blend naturally with the surrounding landscape.



The house layout has been designed to allow outward views from the living areas and the main bedroom over the wooded area and the burn. These areas will also be west facing to allow evening sun and thus solar gain to provide some heat to these areas and reduce running costs for the applicant. The kitchen window allows views toward the road and site entrance, allowing the occupants to see delivery vehicles and visitors on approach. Rooflights have been proposed to the vaulted roofs in the living area and Master Bedroom to bring in natural light and solar gain in the morning hours, which is necessary given the low eaves level of the existing building, which is being imitated in the proposed design. There are rooflights present in the existing building which will have had the same purpose, to bring natural light into the first floor areas where people will have been working.

The window sizes and positions to the ‘mill’ part of the proposed house imitate those in the original building, which can be seen in the existing and proposed elevations. The windows of the existing building are irregular in shape and size,

so we have copied this in the proposed design to retain its character. The windows to the first floor are low in height due to the eaves height, but have been designed as fixed panes that will allow the occupants to see out and down to the woodland and garden, and rooflights are required above them to bring adequate levels of light in, and will ventilate these areas. The hayloft door style, size and position has been incorporated within the design as it is a key feature of the north-west elevation. Windows in traditional buildings are normally portrait in proportion, and so the majority of windows in the 'extension' part of the building have been made portrait to match, with 3no. windows on the gable end coupled together to maximise views and evening sun to the bedroom. The windows to the south-west elevation are more like those see in the existing mill building, more square in shape and fixed openers to get the view out. The low eaves height means that rooflights are required here too to gain natural light and ventilation.

The applicant is committed to using natural materials as far as possible, and will also use granite stonework and other rustic materials throughout the interiors. Not only will this recycle materials and save the applicant the cost of sourcing new materials, but this will also create a dramatic effect in the entrance and living areas, reflective of the natural, sustainable external appearance. Examples of images from the client's brief have been incorporated below to give an indication of their intentions for the building.

The image below shows an aerial view of the property obtained by the applicant. The back of the building is directly on the boundary line, upon which the neighbour has formed a timber fence to screen their property from the unsightly appearance of the building. This proximity of the building to the boundary line is a negative feature of the property which will have had an impact upon the market value of both properties, and would have an undesirable effect on the amenity of both parties.



Aerial view of the existing building and woodland

It is proposed that the replacement house will be situated just off the boundary line, which will allow future maintenance of the wall and roof on that side. During building works, once the retaining wall has been constructed and backfilled the contractor should not require access to the neighbour's property again, so a screen fence could be erected at that time. This will enhance the neighbour's privacy and amenity, as if the building were to be converted, contractors would continually require access to the neighbour's land to carry out works, and the applicant would also need to continue to access the land for future maintenance works.

The proposals have been carefully considered, deliberation between us, the client and structural engineers at the early planning stage concluded that the existing building should be demolished and a replacement dwelling house erected in its place due to structural instabilities and lack of damp proofing. Further consideration of logistics, neighbour amenity, access and maintenance provision for occupants, justified the need for the proposed building to be relocated off the footprint of the existing building. The design has been well-thought-out to achieve the goals set out in the clients original brief, and since the original intention was to convert the building, it was deemed fit to emulate the existing building in the proposals, and apply the same principles as if we were converting the building in the proposed design.

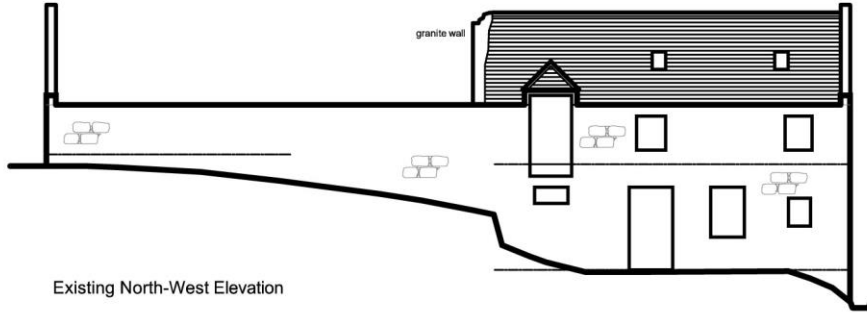


ideas for internal spaces and finishes as part of the client's brief to embody a traditional yet dramatic feeling throughout.

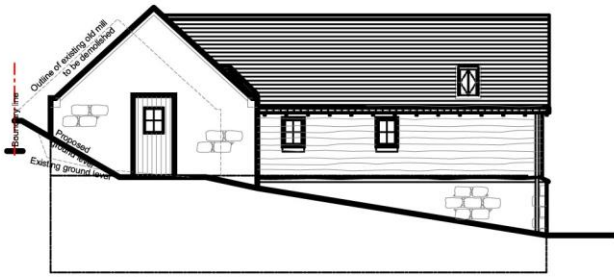




Proposed North-West Elevation



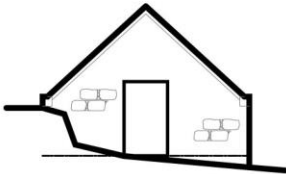
Existing North-West Elevation



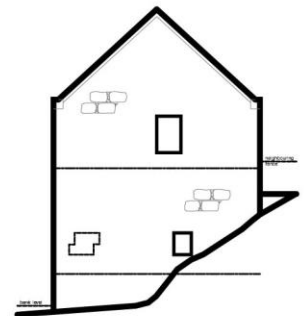
Proposed North-East Elevation



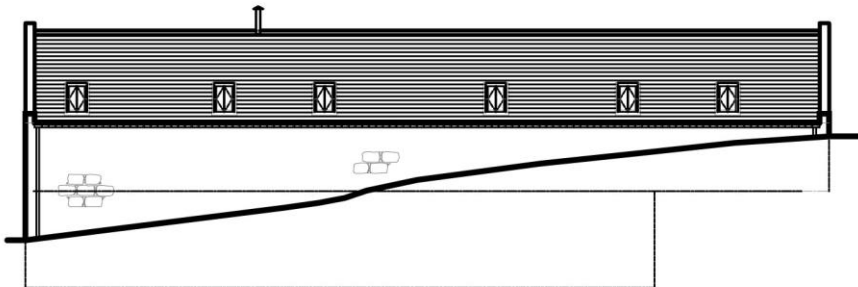
Proposed South-West Elevation



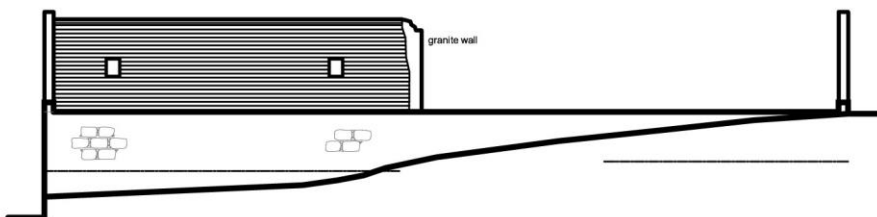
Existing North-East Elevation



Existing South-West Elevation



Proposed South-East Elevation



Existing South-East Elevation

existing and proposed elevations



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Little Mill of Clinterty



Environmental Walkover Survey

15th July 2016
Ref: LMC-1607-EIS

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Environmental Walkover Survey

Little Mill of Clinterty

Contents

1. Introduction.....	3
2. Methodology	3
3. Site Description	3
4. Survey Results – Vegetation	5
5. Controlled Invasive Species	5
6. Red Squirrels	6
7. Badgers	7
8. Bats	8
9. Otter	9
10. Water Vole	10
Appendix A: Contact Details	11
Appendix B: Legislation, Guidance and References	11

Environmental Walkover Survey

Little Mill of Clinterty

1. Introduction

Background

Astell Associates have been instructed by Baxter Design Company (Old Deer) Ltd to carry out an environmental walkover survey of the site.

This report has been commissioned to support the current planning application for the demolition of the existing building and construction of a new house on the site, and demonstrating that the implications of the proposed development on the ecological and landscape aspects on the site have been fully considered.

Professional Qualifications

Nigel Astell has been involved in ecology and arboriculture for over 35 years. He holds degrees in Botany and Zoology and is a member of the Arboricultural Association and The Chartered Institute of Environmental and Ecological Management.

Survey Objectives

The principal objective of Environmental Walkover Survey was to characterise the habitats present on site. In addition the study area was assessed to identify whether there were any features on site that would indicate the presence of protected species and species or habitats of nature conservation importance or the presence of non-native invasive species that could represent a significant ecological constraint. This survey was undertaken with specific regard to the potential presence of water voles.

2. Methodology

A site visit was undertaken on 11th June 2016 by Nigel Astell.

A general assessment of the habitats in the proposed development area including ground flora has been carried out.

An appraisal of the habitats present on site was undertaken during the survey to identify whether there were any suitable habitat for, or any signs to suggest the presence of populations of protected species including bats, badgers, water voles and otters.

The area was walked at 0.5m intervals. Both banks of the burn were walked and any signs of water vole and otter were recorded, if found.

3. Site Description

Little Mill of Clinterty is located within an area of arable farmland immediately to the east of Littlemill burn. The mixed broadleaf and riparian vegetation which line the burn provide habitat connectivity to the scrub and woodland to the east. The mill itself is surrounded on three sides by mature broadleaves, and is sheltered by rising topography to the west and north. Due to the proximity of the burn and trees, there is excellent bat foraging potential.





Photo 1: View northeast from the bridge over the burn. Stone edge to burn and dense rudderal flora.



Photo 3: View south past mature beech tree. The banks of the burn do not have water vole habitat and there was no signs of water voles.



Photo 2: View along burn showing stone banks and dog's mercury with umbels as the rudderal vegetation.



Photo 4: View west through trees along burn side. Dense deciduous trees screen the building from this direction.

4. Survey Results – Vegetation

Perennials

The following perennial plants were found. These form dense areas of plant cover over the whole site. In places this rudderal vegetation was 1.5m in height.

Cow parsley	Ragwort	Dog's mercury
Nettle	Raspberry	Blackberry

Trees

There were a number of mature deciduous trees alongside the burn and in other areas of the old mill cartilage. Sycamore is the dominant species, with beech also present. These formed dense areas of shade along the river banks and into the garden area.

5. Controlled Invasive Species

The site was also assessed for the presence of invasive and injurious species including Japanese knotweed *Fallopia japonica* and giant hogweed *Heracleum mantegazzianum* which are listed under Schedule 9 part ii of the Wildlife and Countryside Act 1981 (as amended). Under section 14 of the Act it is an offence to cause the spread or relocation of either species.

There were no invasive species present at the site.

6. Red Squirrels

Overview

The red squirrel is an arboreal mammal and spends most of its foraging time in the woodland canopy. They prefer a woodland where there is easy access from tree to tree, without the necessity of frequently descending to ground level. The red squirrel's main diet consists of pine cones, beech mast, wild berries and fungus. Although typically arboreal, it will also forage on the ground, particularly in spring, when searching for fallen cones.

The autumn and winter seed harvest is extremely important, both for survival through the winter months, and to ensure breeding success the following spring. Chewed and stripped cones, and broken nut shells can often be found scattered below a favourite feeding branch, or on tree stumps.

The squirrel builds nests or dreys in many trees, not just as a nursery for the safety of the young, but for other purposes. Some may be crow or magpie nests converted by these squirrels, but usually they are the squirrels own work, a hollow ball composed of twigs, strips of bark, moss and leaves. Nursery dreys are much larger than resting dreys, with a more complex structure of interwoven leaves, grass, moss and sometimes paper, within the woven ball of twigs. Resting dreys are smaller and can be a loose ball of twigs, a domed structure, or a simple platform. The red squirrel drey is smaller and more compact than that of the grey squirrel, and it is easy to differentiate between the two.

The Red Squirrel is diurnal with peaks of activity in the early morning and just before dark. It does not hibernate, although in the winter it may sleep more than in the summer. Squirrels will still be active though, even in cold weather.

Legislation Affecting Red Squirrels

The red squirrel population has declined in Britain in the last 50 years. This decline has been caused by competition and displacement by the introduced grey squirrel.

Red squirrels are a priority species within the UK Biodiversity Action Plan. In 2006 a Scottish strategy for red squirrel conservation was published (SNH 2004) which aims to conserve viable populations of red squirrel across the current range.

Red squirrels have been protected against intentional acts of damage and disturbance since the 1981 UK Wildlife and Countryside Act (WACA) Schedule 5. This was amended to offer greater protection for red squirrels in the Nature Conservation (Scotland) Act 2004, by including both intentional and reckless acts.

It is now an offence to 'intentionally or recklessly:

- kill, injure or take (capture) a Red Squirrel;
- damage, destroy or obstruct access to any structure or place which a Red Squirrel uses for shelter or protection; or to
- disturb a Red Squirrel while it is occupying a structure or place which it uses for that purpose.'

Squirrel Survey

No evidence of squirrels was found in the trees surrounding the field. Neither squirrel dreys, eaten seeds, feed tables or any evidence of red squirrel was found.

Squirrels will forage in mature beech trees, but do not forage amongst sycamore. There is limited foraging for red squirrels on the site and little connectivity with red squirrel habitat in other areas of Clinterty.

7. Badgers

Badgers and Legislation

Badgers are given protection under the protection of Badgers Act 1992, as amended by the Nature Conservation (Scotland) Act 2004.

Badger Characteristics

The Badger, *Meles meles*, is a nocturnal animal that spends the day underground in setts. These family setts can have anything from 5 – 50 Badgers living in them. However it is more usual to find around 15 individuals living in them at any one time. Badgers have a defined territory within which the sett will be located. Badgers will tend to walk their territory during the night, marking these areas which they travel, on well worn paths.

A set can be identified by means of the multiple openings, considerably larger than rabbit holes. Piles of earth and old bedding are found outside the entry/exit holes. Scratching posts and latrines are identifiable in the immediate proximity to the sett. Badgers do not hibernate, but will sleep longer and deeper in winter and will spend considerable periods underground during inclement weather.

The presence of Badgers in an area is usually obvious as they leave many indicators which can be used to identify their presence:

- Setts, main setts, annex setts and outlying setts
- Badger tracks
- Large entrance tunnels to the setts
- Soil heaps and old bedding
- Muzzle holes, rooted up patches of grassland
- Scratching posts/trees (often Elder)
- Latrine pits
- Hair on barbed wire fence
- Regularly used Badger tracks

Badgers are resilient animals, good at foraging and due to their nocturnal habits, can live in an area for many years without being noticed.

However Badgers do have difficulty in coping with major excavations, or the use of heavy machinery coming over their tunnels, as this can cause the collapse of large areas of the sett.

Badger Survey

The survey looked for evidence of hairs caught on fences, snuffle holes in the grassland and field edges, badger latrines and sets. None were found. No evidence of badgers was found.

The exclusion zone for badgers recommended by SNH is 30m away from a sett. There are no badger setts within 30m or close by the site. The proposed new house will not impact on the badger population of the Clinterty area.



8. Bats

Legal Protection of Bats

Bats are given protection under Annex IIa and IVa of the EC Habitats Directive (92/43/EC) and applied in Scotland by the Conservation (Natural Habitats etc) Regulations 1994 as amended by the Conservation (Natural habitats) (amendment) Regulations of 2004 and 2007.

Bats are a European protected species and as well as a prohibition on killing or capturing them, legislation also relates to the protection of their breeding and roosting and resting (day roost) sites. Any activity that may impair their ability to survive, reproduce or rear their young is legislated against. It is also an offence to disturb bats which may affect the local distribution or abundance of the species to which it belongs.

Bat Characteristics

Bats use different roosts during different times of year, and for different purposes. A bat colony will generally return to the same roosts year after year.

Bats hibernate over winter in a communal roost and generally remain inside from autumn to spring. Winter roosts are typically caves, mines, buildings and hollow trees which have constant low temperatures and high humidity. In spring, the bats may use alternative roost sites which are used during the day. By summer the female bats will be found at a maternity roost where they will give birth and suckle young. Preferred sites for a maternity roost are hollow trees, buildings and bridges.

Signs of Bat Habitation

The following features of trees which can be used as a bat roost were looked for, as on page 64, box 8.1 of the BCT Bat Survey Guidelines:

- Natural holes
- Woodpecker holes
- Cracks / splits in major limbs
- Loose bark behind dense thick ivy
- Hollows and cavities
- Roosts within dense epicormic growth
- Bird and bat boxes

Bat Survey

A separate bat survey has been carried out on the old mill building. Refer to report LMC-1607-BS.

The trees along the burn are mature. The sycamore had no bat roost potential. The large beech had limited bat roost potential in cracks in the divergence angle. There was no evidence of bats. The young / semi-mature sycamore trees around the old mill building had no bat roost potential.

No mature trees are to be felled for the proposals.



9. Otter

Legal Protection of Otters

Otters are given protection under The Conservation (Habitats & c.) Regulations 1994, the Wildlife and Countryside Act (Schedule 5) 1981, as amended by the Nature Conservation (Scotland) Act 2004.

They are also a European protected species under Annex IV of the EC Habitats Directive 1994.

Otter Characteristics

Otters are now more common than is imagined. They have made a recovery from the low population numbers of the 1950s and 1960s, due to the legal protection given them, as detailed above.

Otters rest up during their nightly foraging and during the day in temporary resting places called couches. These are typically found in boulder areas or in scrub/ long grass close to rivers.. The otters will also have an underground home, known as a holt. This is often a hole in the bank with an underwater entrance. The young will be born in this holt, which is only used at the time that cubs are around, otherwise the otter has no permanent home. Spraint or 'droppings' are a good clue to the otters presence. These are often found in a conspicuous area, under bridges, or large flat stones etc. Young can be born at different times of the year and there are often two or three young in a litter.

Otters start their hunting at sunset, catching fish and returning to the bank to eat its prey. The main diet of otter is fish, and is often a wasteful feeder, eating only the succulent parts. Occasionally they may catch wild duck and moorhen . On land they sometimes take rabbit, rats, mice and voles. Frogs, newts, freshwater shrimps and crayfish are also eaten.

Although they are well adapted to aquatic life, they may travel across country from pool to pool, to an estuary or to the coast. Otters have been known to cover over 24km in a nights travel.

The presence of otters in an area can be identified by signs such as:

- Spraint: The characteristic faecal droppings of otters, deposited in a visible place.
- Footprints: These are often found in the damp ground around a watercourse that otters use.
- Holt sites: This is the otters underground home, where females will give birth to their cubs. Found in places such as under the roots of bankside trees.
- Couches: Otters hide up during the day in areas of dense vegetation.
- Slides: Often found at access points to waterways.
- Feeding remains: e.g. fish carcasses

Otter Survey

Otters use watercourses to commute during their nightly foraging. Otters may use the Littlemill burn during this commuting.

However there was no evidence of otters on the burn, in the fine silts along the burn edges. There were no signs of couches in the long vegetation on the northeast bank close to the proposed development.

10. Water Vole

Overview

The vole is a close relative of the rat and mouse, the vole can be distinguished from either of them by its blunt snout, tiny ears and short tail. There are six species of vole which live in the UK. Voles are active day and night. Voles feed mainly on grasses and other plant material.

The water vole lives along banks of canals, slow moving rivers, lakes and marshes. The water vole has a home territory based on a burrow, the entrance to which is often just below the surface of the water. Male voles live along about 130 metres of water bank, while females have ranges about 70 metres long.

Legislation Affecting Water Voles

Under the Wildlife and Countryside Act 1981, as amended by Countryside and Rights of Way Act 2000, it is an offence to recklessly damage, destroy or obstruct access to any structure or place which water voles use for shelter or protection. Legal protection is given to water vole habitat because the loss of suitable habitat is the main reason for the dramatic reduction in their numbers. Since April 1998 the water vole has received legal protection through its inclusion in Schedule 5 of the Wildlife and Countryside Act 1981 section 9 (4) only. This offers protection to water vole habitat but not to the animal itself as decline in numbers is mainly attributed to destruction of habitat.

Signs of Voles Habitation:

- Droppings:** Water voles deposit distinctive black/greenish, shiny faeces in latrines. Latrines occur throughout and at the edges of their range during the breeding season, and are clearly visible.
- Grass Cropping:** There will often be an area around the burrow which has been very close cropped on top of a bank.
- Tracks in Mud:** There may be tracks in the mud near the edge of streams, usually near areas where voles have been feeding and have also left signs of bitten off plants.

Visual Sighting: The water vole is usually seen as it dives into the water to swim. Its normal tendency is to submerge, whereas a rat stays on the surface. After swimming, the water vole often sits upright on the bankside, feeding on water plants or washing its face.

Water Vole Survey

The banks of the burn had rock areas, constructed rock areas and areas of tall ruderal vegetation. There were no grass areas where water voles could make tunnels, or short cropped grass areas which would have identified water voles in the area. The burn is a spate burn and for large parts of the year is too shallow for water voles.

There was no water vole habitat and no evidence of water voles was found.



Appendix A: Contact Details

Client: Mr Darren Flynn,
8 Crimon Place,
Aberdeen
AB10 1RX

Architect: Joanna Moore
Baxter Design Company (Old Deer) Ltd,
Adenhall,
9 Kirkgate,
Old Deer, Peterhead,,
AB42 5LJ
Tel: 01771 622296
email: joanna@baxterdesigncompany.co.uk

Environmental Consultant:
Nigel Astell
Astell Associates
26 Binghill Crescent
Milltimber,
Aberdeen
AB13 0HP
Tel 01224 8686458
email: info@astellassociates.co.uk

Appendix B: Legislation, Guidance and References

Town & Country Planning Act 1990
Town & Country Planning (Trees) Regulations 1999
Construction (Design & Management) Regulations 1994

Directive 92/43/EEC The Conservation of National Habitat & of Wild Flora & Fauna,
Directive 79/409/EEC, The Conservation of Wild Birds (The Birds Directive)
The Wildlife and Countryside Act 1981
Nature Conservation (Scotland) Act 2004
Badgers Act 1992
Natural Environment and Rural Communities Acts 2006
The Conservation (Habitats & c.) Regulations 1994
Annex IV of the EC Habitats Directive 1994

JNCC. (2003). Handbook for Phase 1 Habitat Survey: A Technique for Environmental Audit. JNCC. Peterborough
Hundt (2012) Bat Surveys: Good Practice Guidelines. 2nd Edition. Bat Conservation Trust
Kruuk, H. (1989). The Social Badger. Oxford University Press, Oxford
Altringham, J.D. (2011) Bats: From Evolution to Conservation. Oxford University Press, Oxford
Pearce, G.E. (2015) Badger Behaviour, Conservation & Rehabilitation, Pelagic Publishing



Nigel Astell
Astell Associates

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Agenda Item 15

Signed (authorised Officer(s)):

12D NELLFIELD PLACE, ABERDEEN

REPLACEMENT WINDOWS TO FRONT OF
FLAT

For: Miss M. Troffin

Application Type : Detailed Planning
Permission

Application Ref. : P160537

Application Date : 29/04/2016

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

Advertised on : 11/05/2016

Officer : Tom Walsh

Creation Date : 21 June 2016

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

Community Council: No response received

RECOMMENDATION: Approve conditionally

DESCRIPTION: The subject site is a first floor flat in a terraced block. The Block is located in an established residential and conservation area.

RELEVANT HISTORY: None

PROPOSAL: Replacement of existing timber windows with uPVC windows.

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.=160537>

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

Communities, Housing and Infrastructure (Flooding) – No observations

Community Council – no response 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
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

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 sensitively replaced in an environmentally sensitive way which is in keeping with the character of the original building and the quality of its design. The buildings in this terrace are predominately finished with sliding sash and case windows in a white uPVC material. In terms of materials no original timber windows remain except the subject flat. Therefore the replacement with uPVC to the front, which is supported by the Council's relevant TAN, is considered to be acceptable.

The initial proposal demonstrated horns, however the Council's position is to discourage horns. Amended plans were requested that would remove both the horns and also visible trickle vents. The amended proposal is a replacement with like-for-like frame style, omitting the trickle vents and horns, and is considered an appropriate outcome. These 'lookalike' sash and case windows have upper and lower sashes of the same size as those in the window they would replace. In addition the upper sash is stepped out in front of the lower sash in profile and less than 25mm of the outer frame is visible at the top and sides.

As the property lies within the Great Western Road Conservation Area, Historic Scotland's '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 therefore considered that the work would not have an adverse effect on the character of the Conservation area or result in the loss of special architectural interest. Given the considerable number of replaced windows dating from multiple periods it is difficult to argue that there is a consistent treatment has been maintained or can be maintained. The retention of the opening style will help to preserve what remaining uniformity there is in window treatments along Nellfield Place.

Therefore the application is recommended for approval as it complies with the Council's TAN (at time of validation – this has since been revised) policy D5 and with 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. In this case, the applicable policies of the

Proposed Plan largely are not significantly altered, and it is considered that the proposal is consistent with the provisions of the Proposed Plan.

RECOMMENDATION: Conditional approval

REASONS FOR RECOMMENDATION

The proposal is considered to comply with the relevant policies of the Aberdeen Local Development Plan 2012, namely Policies D5 (Built Heritage) and H1 (Residential Areas) in addition to Council's Technical Advice Note: The Repair and Replacement of Windows and Doors; in that the elements of the proposal have been designed to respect the character of the existing building and in addition there would be no significant detrimental impact on the existing visual amenity or character of the Great Western Road Conservation Area. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations - including the Proposed Aberdeen Local Development Plan - that would warrant refusal of the application. The proposed replacement windows would not have a detrimental impact on the character of the Conservation Area, in accordance with Scottish Planning Policy, Scottish Historic Environment Policy and Policy D5 (Built Heritage) of the ALDP.

CONDITIONS

it is recommended that approval is given subject to the following conditions:-

(1) that the window(s) hereby approved shall be constructed in full accordance with the detailed cross section(s) submitted and approved with the application and that the visible part of the outer frame of the front windows hereby approved shall not exceed 25 mm in width at the top and sides of the window opening with the remainder of the frame being concealed behind the masonry window check, unless the planning authority has given prior written approval for a variation - in order to preserve the character of the conservation area.

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APPLICATION REF NO P160537

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

Conditional Planning Permission

CR Smith

Gardeners Street
Dunfermline

KY12 0RN

on behalf of **Miss M. Troffin**

With reference to your application validly received on 29 April 2016 for Planning Permission under the above mentioned Act for the following development, viz:-

REPLACEMENT WINDOWS TO FRONT OF FLAT at 12D Nellfield Place, Aberdeen

the Council in exercise of their powers under the above mentioned Act hereby GRANT Planning Permission for the said development in accordance with the particulars given in the application form and the plan(s) and documents docketed as relative thereto.

Permission is granted subject to the following condition(s), for which reasons(s) are stated viz:-

(1) that the window(s) hereby approved shall be constructed in full accordance with the detailed cross section(s) submitted and approved with the application and that the visible part of the outer frame of the front windows hereby approved shall not exceed 25 mm in width at the top and sides of the window opening with the remainder of the frame being concealed behind the masonry window check, unless the planning authority has given prior written approval for a variation - in order to preserve the character of the conservation area.

The reason(s) on which the Council has based this decision are as follows:- The proposal is considered to comply with the relevant policies of the Aberdeen Local Development Plan 2012, namely Policies D5 (Built Heritage) and H1 (Residential Areas) in addition to Council's

PETE LEONARD
DIRECTOR

Continuation

Technical Advice Note: The Repair and Replacement of Windows and Doors; in that the elements of the proposal have been designed to respect the character of the existing building and in addition there would be no significant detrimental impact on the existing visual amenity or character of the Great Western Road Conservation Area. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations - including the Proposed Aberdeen Local Development Plan - that would warrant refusal of the application. The proposed replacement windows would not have a detrimental impact on the character of the Conservation Area, in accordance with Scottish Planning Policy, Scottish Historic Environment Policy and Policy D5 (Built Heritage) of the ALDP.

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

Document No: 180117;
Detail: Location Plan; Drawing No: not provided;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160537&index=180117>

Document No: 180120;
Detail: Window Sections 00; Drawing No: 2;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160537&index=180120>

Document No: 184977;
Detail: Amended Plans; Drawing No: 001A;
<http://planning.aberdeencity.gov.uk/docs/showimage.asp?j=160537&index=184977>

Date of Signing 22 June 2016



Daniel Lewis
Development Management Manager

Enc.

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

The development to which this notice relates requires to be commenced within 3 years of the date of this notice unless a condition of planning approval specifies otherwise.

PETE LEONARD
DIRECTOR

Continuation

This permission does not carry with it any necessary approval under the Building Standards Regulations or of the owner or superior of the land or property including, where applicable, the City Council. Please ensure that this permission is compatible with any building warrant obtained. The Planning Service does not cross check approvals in detail.

The applicant has the right to have the decision reviewed by the planning authority in certain circumstances (eg. if aggrieved by the conditions that have been attached) and further details are given in Form 2 attached below.

A person who has been granted planning permission under the terms of the foregoing notice and intends to start work to implement this planning approval must, once they have decided the date they will start work on the development, inform the Council in writing of that date as soon as is practicable, but in all circumstances prior to work commencing. Failure to do so is a breach of planning control under Section 123(1) of the 1997 Planning Act. The Council should be informed of the start date and other required information on the Notice of Initiation of Development Form attached below

A person who completes the development for which planning permission has been granted by the foregoing notice must, as soon as is practicable after doing so, give notice of completion to the Council on the Notice of Completion of Development form attached below. In common with the failure to submit an notice of initiation of development, the Council may take enforcement action if a notice of completion is not given.

PETE LEONARD
DIRECTOR

Continuation

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

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its 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

Continuation

NOTICE OF INITIATION OF DEVELOPMENT

The Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 **Form X**

The Planning (Development Management Procedure)(Scotland) Regulations 2008

Notice under Sections 27 A,B and C of the above Act and Regulations 37 and 38, regarding the initiation (start) of work for which planning permission has been granted.

Planning Permission reference number:- Date of Issue :-

P160537	22 June 2016
----------------	---------------------

Address of site to which permission applies :-

12D NELLFIELD PLACE, ABERDEEN

I hereby give notice that it is intended to **start** the above development on the following date:-
(see notes 1 – 3 below)

--/--/--

(see note 4 below)	<u>Name</u>	<u>Address</u>
Person Intending to Carry Out Development		
Landowner of Site (If different)		
Site Agent appointed for development		Mobile or landline tel. number

Date of Submission of Notice --/--/--

PETE LEONARD
DIRECTOR

Continuation

Address to which you should send this notice :-

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

Should you require any help in completing this notice, please contact us :-

Telephone: **03000 200 292**
Fax: **01224 636181**
E-mail: **pi@aberdeencity.gov.uk**
Web-site: **www.aberdeencity.gov.uk**

Notes

1. Notice of start of work **must** be given **prior to** commencement of the development (i.e. before starting work on site).
2. Failure to submit this notice to the planning authority is a breach of planning control under section 123 (1) of the 1997 Act.
3. Work may lawfully be commenced at some point after the start date given above, provided that it is undertaken in complete accordance with the planning permission and any related planning conditions which have been imposed.
4. Data Protection Act 1998 - For the purposes of processing this information Aberdeen City Council is the Data Controller. The information on this form will be recorded on computer and also stored and processed automatically for planning purposes. Information will be disclosed only in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997, as amended, or otherwise as required by law, including disclosure to other agencies.

PETE LEONARD
DIRECTOR

Continuation

NOTICE OF COMPLETION OF DEVELOPMENT

The Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006 Form X

The Planning (Development Management Procedure)(Scotland) Regulations 2008

Notice under Sections 27B of the above Act, regarding the completion of work for which planning permission has been granted.

Planning Permission reference number:- Date of Issue :-

P160537	22 June 2016
----------------	---------------------

Address of site to which permission applies :-

12D NELLFIELD PLACE, ABERDEEN

I hereby give notice that the above development was completed on the following date:- (see notes 1 and 2 below)

--/--/--

(see note 3 below)	<u>Name</u>	<u>Address</u>
Person Carrying Out Development		
Landowner of Site (If different from above)		
Site Agent appointed in respect of the development		Mobile or landline number

Date of Submission of Notice

--/--/--

PETE LEONARD
DIRECTOR

Continuation

Address to which you should send this notice :-

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

Should you require any help in completing this notice, please contact us :-

Telephone: **03000 200 292**
Fax: **01224 636181**
E-mail: **pi@aberdeencity.gov.uk**
Web-site: **www.aberdeencity.gov.uk**

Notes

1. Notice of completion of development on site **must** be given as soon as practicable thereafter.
2. The planning authority may take enforcement action if such a notice is not given. When the last phase of a phased development is completed, the requirement to give notice of completion of development applies.
3. Data Protection Act 1998 - For the purposes of processing this information Aberdeen City Council is the Data Controller. The information on this form will be recorded on computer and also stored and processed automatically for planning purposes. Information will be disclosed only in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997, as amended, or otherwise as required by law, including disclosure to other agencies.

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 2013
The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

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.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS
ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MISS	Ref No.	
Forename	M	Forename	SEAN
Surname	TROFIN	Surname	BORTHWICK
Company Name		Company Name	CR SMITH
Building No./Name	FLAT D	Building No./Name	
Address Line 1	12 NELLFIELD PLACE	Address Line 1	GARDENERS STREET
Address Line 2		Address Line 2	
Town/City	ABERDEEN	Town/City	DUNFERMLINE
Postcode	AB10 6DJ	Postcode	KY12 0RN
Telephone		Telephone	01383 732181
Mobile		Mobile	
Fax		Fax	
Email		Email	sean.borthwick@crsmith.co.uk
3. Application Details			
Planning authority	ABERDEEN CITY		
Planning authority's application reference number	P160537		
Site address	FLAT D, 12 NELLFIELD PLACE, ABERDEEN, AB10 6DJ		
Description of proposed development	PROPOSED REPLACEMENT OF EXISTING WHITE TIMBER SASH & CASE WINDOWS WITH NEW KAT UPVC WHITE SASH & CASE WINDOWS		

Date of application

29.04.2016

Date of decision (if any)

22.06.2016

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

4. Nature of Application

Application for planning permission (including householder application)

Application for planning permission in principle

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)

Application for approval of matters specified in conditions

5. Reasons for seeking review

Refusal of application by appointed officer

Failure by appointed officer to determine the application within the period allowed for determination of the application

Conditions imposed on consent by appointed officer

6. 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.

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, 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 necessary.

[Empty text box for explanation]

7. Site inspection

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

Can the site be viewed entirely from public land?

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

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

8. 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 GROUNDS OF APPEAL

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

Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. 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

DRAWINGS, PHOTOS, GROUNDS OF APPEAL

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.

10. Checklist

Please mark the appropriate boxes to confirm that 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 requesting 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 hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:

[Redacted Signature]

Name:

JEAN BORTHWICK

Date:

22-08-2016

Any personal data that you have been asked to provide on this form will be held and processed in accordance with the requirements of the 1998 Data Protection Act.



home sweeter home

Grounds of Appeal Statement

On behalf of

Miss. Trofin

Proposed replacement of existing white timber sash and case windows with new Kat PVCu white sash and case windows.

***Planning ref: 160535
Flat D, 12 Nellfield Place
Aberdeen
AB10 6DJ.***

The Condition

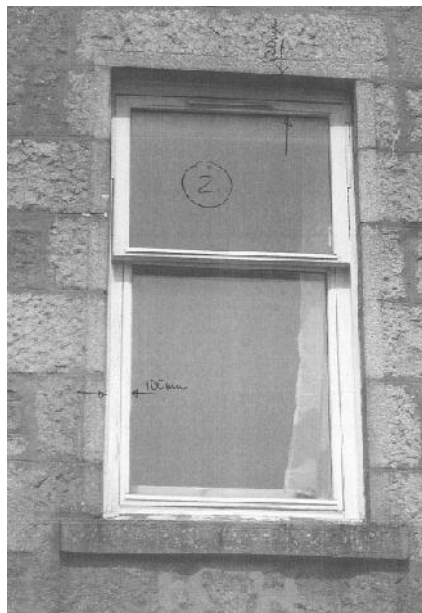
The following is to be read in support of our appeal against a condition raised in our granted planning permission decision notice.

“that the window(s) hereby approved shall be constructed in full accordance with the detailed cross section(s) submitted and approved with the application and that the visible part of the outer frame of the front windows hereby approved shall not exceed 25 mm in width at the top and sides of the window opening with the remainder of the frame being concealed behind the masonry window check, unless the planning authority has given prior written approval for a variation - in order to preserve the character of the conservation area.’

Following the issuing of this condition, a surveyor was sent back to the property and confirmed that at the sides, 15mm of each proposed window would be hidden behind the stone jambs. At the top of the window, 10mm would be hidden behind the lintel. Having received this information I was able to calculate that 53mm of the frame will be visible at the sides and 45mm will be visible at the top.

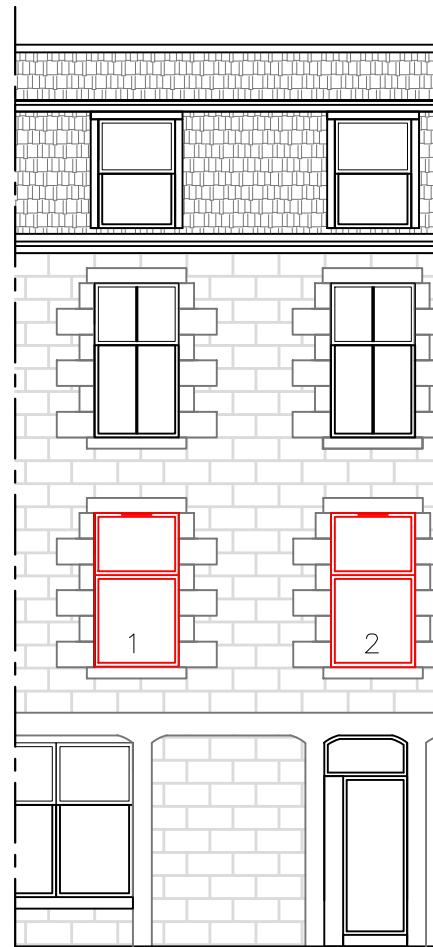
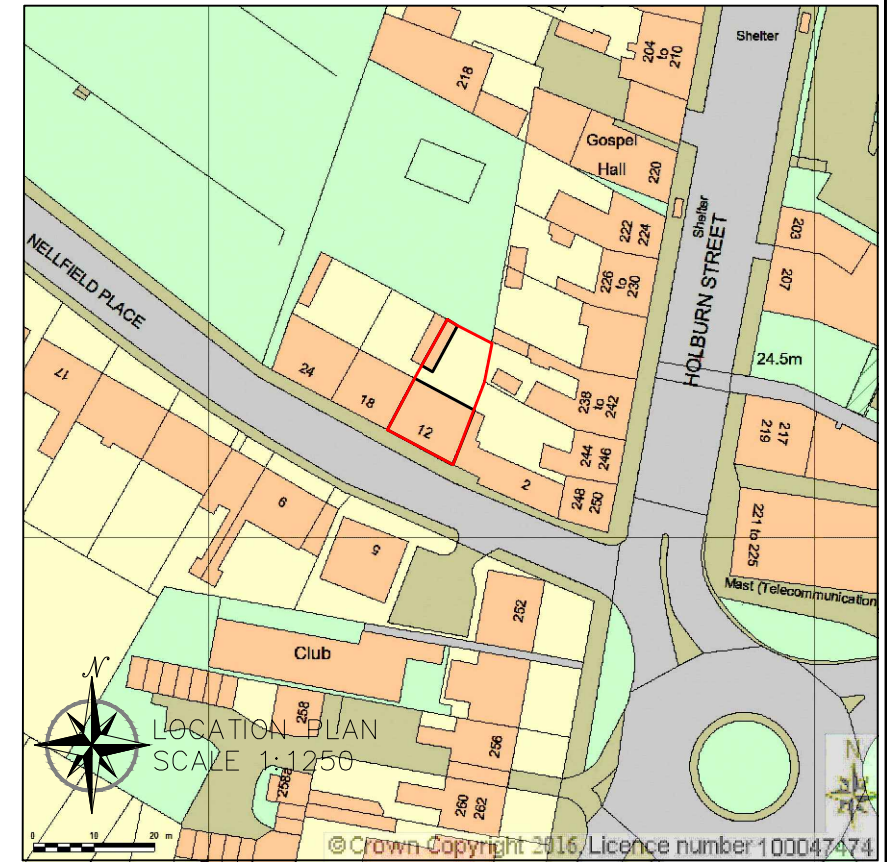


Existing window 1



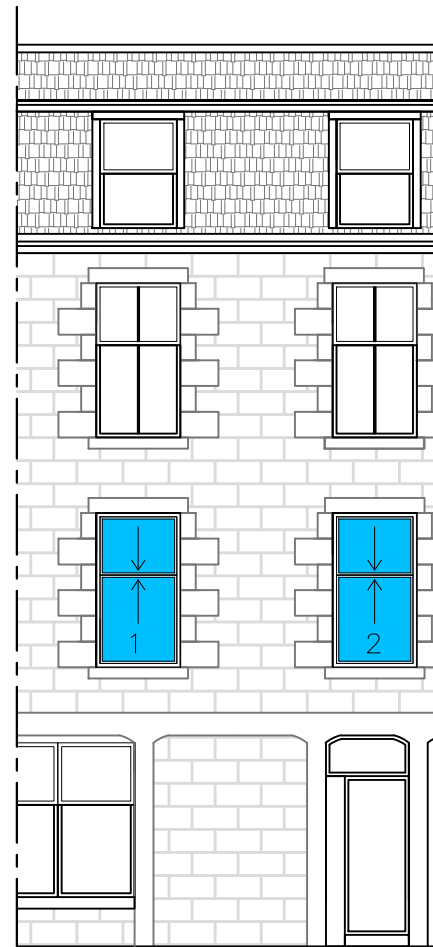
Existing Window 2

The above photos show the existing window frame sizes. At the sides, 100mm of the timber window frame are visible. AT the top, 120mm of the window frame are visible. From this evidence, one can see that we are actually making an improvement. Therefore, we feel that this condition is unnecessary and ask that this condition is removed so that we can proceed with the installation of these windows.

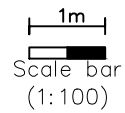


Existing Front Elevation (Facing South - West)
Scale 1:100

Existing white timber windows to be removed and replaced with new white Kat Sash and Case PVCu windows.

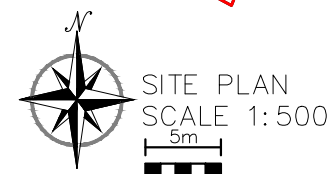
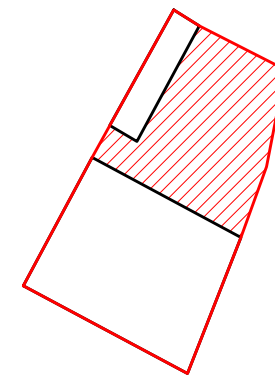


Proposed Front Elevation (Facing South - West)
Scale 1:100



Window Specification

New white PVCu windows to be fully glazed (4/20/4) Bottoms panes to have toughened glass to BS6262 part 4: 2005 and BS6206. Glazing to be low E with argon filled cavity. Windows to be draught stripped and weathersealed. Windows provide a u-value of 1.4 w/m²k.



CLIENT Miss Trofin
Flat D 12 Nellfield Place
Aberdeen
POSTCODE AB10 6DJ
TELEPHONE 07583627161

PROJECT SPECIFICATION
Proposed replacement windows.

CONTRACT NO. 0758362761 | DRAWING NO. 001A

DRAWN BY - SEAN BORTHWICK

SCALE: AS ILLUSTRATED | DATE: 21 June 2016

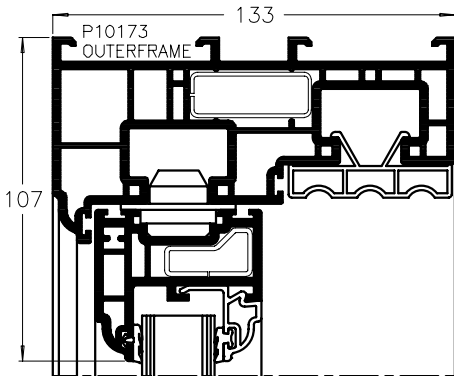
REVISION
Rev A: Horns removed from windows.
Trickle vents removed.

**THIS DRAWING IS FOR ILLUSTRATION PURPOSES ONLY
THEREFORE NOTHING CONTAINED HEREIN SHALL
CONSTITUTE OR FORM ANY PART OF ANY CONTRACT.**

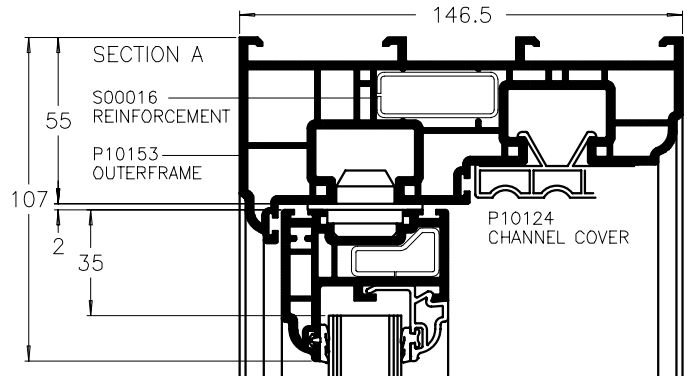
SIGNED:.....DATE:.....

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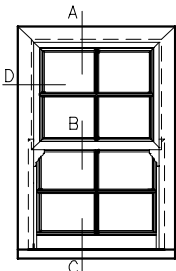
VERTICAL SLIDING WINDOW
 SMALL SASH AND LARGE SASH WITH DEEP BOTTOM RAIL
 EQUAL SPLIT



SECTION A



SECTION A



TO CALCULATE FINISHED SASH HEIGHTS.
 TOP & BOTTOM SASH HEIGHT =

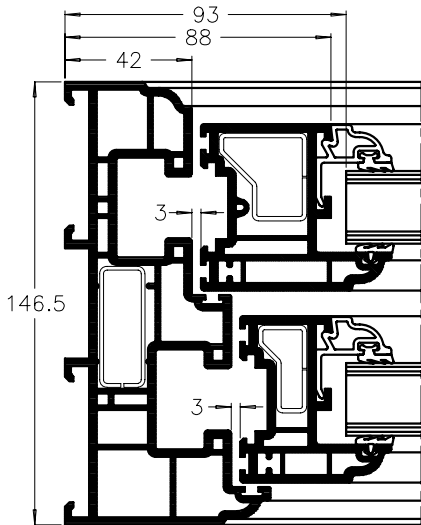
$$\frac{\text{OVERALL FRAME HEIGHT} - 97\text{mm} + 24\text{mm}}{2}$$

TO CALCULATE FINISHED SASH WIDTHS.
 TOP SASH WIDTH =

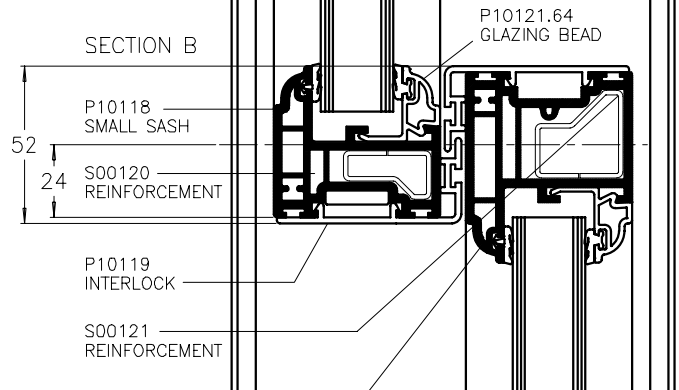
$$\text{OVERALL FRAME WIDTH} - 116\text{mm}$$

BOTTOM SASH WIDTH =

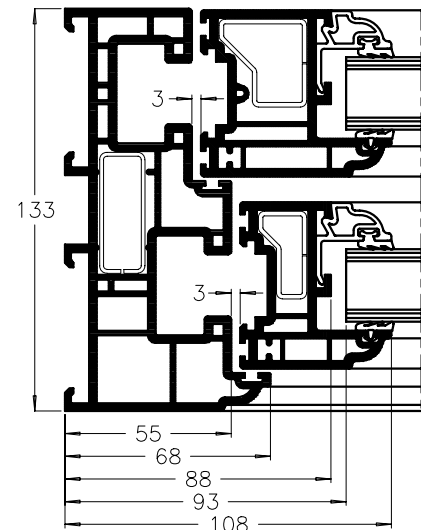
$$\text{OVERALL FRAME WIDTH} - 90\text{mm}$$



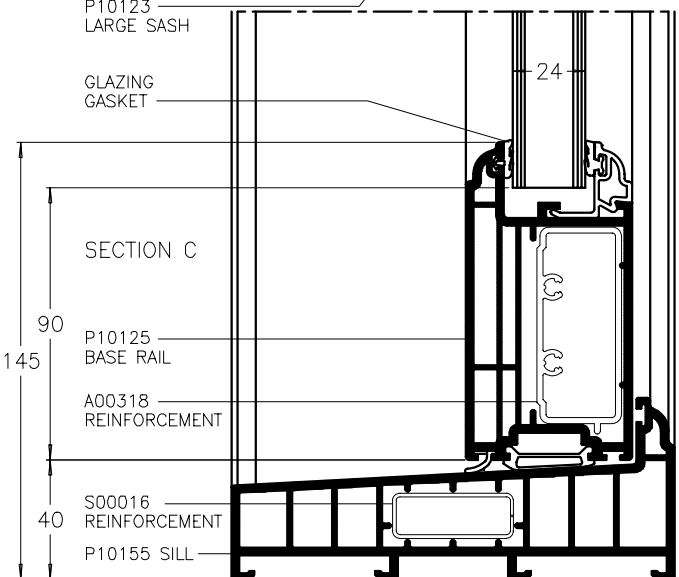
SECTION D
 P10153
 OUTERFRAME



SECTION B



SECTION D
 P10173
 OUTERFRAME



SECTION C

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