

# Public Document Pack



To: Councillor Milne, Chairperson; and Councillors Cameron and Donnelly.

Town House,  
ABERDEEN 23 February 2017

## **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in Committee Room 2 - Town House on **WEDNESDAY, 1 MARCH 2017 at 10.00 am.**

FRASER BELL  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### **BUSINESS**

- 1 Procedure Notice (Pages 3 - 4)

**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 CASE UNDER SECTION 43A (8) (C) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 ON THE BASIS THAT THE APPOINTED OFFICER FAILED TO GIVE THE APPLICANT NOTICE OF THEIR DECISION OR DETERMINATION WITHIN THE PERIOD ALLOWED FOR DETERMINATION OF THE APPLICATION**

### **PLANNING ADVISER - NICHOLAS LAWRENCE**

- 2 Southfield, Inchgarth Road - Sub Division of Residential Curtilage and Erection of Dwelling House - 161124

Members, please note that this review has not yet been determined and this is an appeal on grounds of non-determination. A decision has to be made by members of the Local Review Body.

- 3 Draft Delegated Report, Plans and Decision Notice and Letters of Representation/Consultation Responses (Pages 5 - 60)

Members, please note that the relevant plans can be viewed online. Please enter reference number 161124:-

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

4 Planning policies referred to in documents submitted

Members, the following planning policies are referred to:-

Policy H1 – Residential Areas  
Policy D1 – Quality Placemaking by Design  
Policy D2 - Landscape  
Policy D4 – Historic Environment  
Policy NE5 – Trees and Woodland

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](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 agent (Pages 61 - 64)

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 feel there are conditions required.

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

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

## 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.

## Report of Handling Detailed Planning Permission

**161124/DPP:** Sub-division of residential curtilage and erection of dwelling house at Southfield, Inchgarth Road, Aberdeen, AB15 9NX

For: Mr & Mrs Culligan

Application Date:	3 August 2016
Officer:	Lucy Greene
Ward:	Lower Deeside
Community Council:	Cults, Bieldside And Milltimber
Advertisement:	S60/65 Development affecting Conservation Area
Advertised Date:	24 August 2017

### **RECOMMENDATION: Refuse**

#### **SITE DESCRIPTION**

The site is part of an existing residential plot, of 0.13 ha in size, within the Pitfodels Conservation Area. There are mature trees principally along the southern boundary with Westerton Road and also centrally on the site. The trees along Westerton Road are covered by Tree Protection Order (TPO). There is a change in levels of approximately 10m between the lowest point at the south east corner and the northern boundary, close to the driveway in front of the existing house.

#### **DESCRIPTION OF PROPOSAL**

The proposal is for a 'plot split', and erection of a dwellinghouse within the area of ground in front (south) of the existing house, known as 'Southfield'. The house would be located close to the north and west site boundaries (approximately 5m and 1.2m respectively) With the significant change in levels and the site being south facing, a part double storey, part single storey house is proposed, that would sit into the slope. There would be extensive full height glazing to the south side of the house, with only windows to the rear / north elevation and west. Two healthy large mature trees towards the rear of the site would be lost and a further two within the central area would be close to the frontage of the proposed house. The house would be accessed from the rear, via the existing shared driveway to the existing house at Southfield. Parking would be provided at the upper level, on top of the single storey element of the house that contains bedrooms at the lower level.

The house would be located slightly less than 20m back from the street at the closest point of the ground floor level. There is a terrace and the living room, kitchen / dining at the upper level, with bedrooms at the lower level.

#### **RELEVANT HISTORY**

Application Number	Proposal	Decision Date
150880	Sub-division of residential curtilage	25.04.2016

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and erection of new dwellinghouse

Status: Refused

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Application reference 150880 was refused for the following reason:

*That the removal of trees, removal and alteration of a section of stone wall, would in themselves, and together with the view of the proposed house from the public street, have a detrimental impact on the character of the Pitfodels Conservation Area. This is because the trees and wall are important elements of the Conservation Area. Approval of the application would risk setting a precedent for similar development that would cumulatively result in further damaging impact on the character of the conservation area. The proposal would be, thereby, contrary to:*

- a) *Scottish Planning Policy;*
- b) *Scottish Historic Environment Policy;*
- c) *Managing Change in the Historic Environment guidance note on Setting;*
  
- d) *Local Development Plan 2012 policies:*
  - i. *Policy D5 – Built Heritage,*
  - ii. *Policy NE5 – Trees and Woodland,*
  - iii. *Policy D1 – Architecture and Placemaking*
  
- e) *Proposed Local Development Plan 2015 policies:*
  - i. *Policy D1 – Quality Placemaking by Design,*
  - ii. *Policy D4 – Historic Environment*
  - iii. *Policy NE5 – Trees and Woodland*
  
- f) *Supplementary Guidance: The sub-division and redevelopment of residential curtilages 2012*

The main differences between the previously refused application (ref 150880) and this current application are as follows:

- The previously refused house was accessed from Westerton Road via a new driveway. This proposed the creation of an opening in the existing stone boundary wall. The currently proposed house would be accessed from the rear via an existing shared driveway.
- The house that was refused was located further east on the site – approximately 8.5m further east and within 1m of the eastern boundary at the closest point.
- The previously refused house was slightly larger in footprint and in floorspace as it would be two storeys, as compared to part single and part double storey house now proposed.
- Both proposals are located a similar distance (at closest point) to the northern boundary.
- The currently proposed house is at a level approximately 1m higher AOD (above ordnance datum). This is because existing ground levels are higher on the west side of the site. However, it should be noted that the upper storey is smaller in footprint, than the previously refused house.

## **SUPPORTING DOCUMENTS**

All drawings and supporting documents listed below can be viewed on the Council's website at [www.publicaccess.aberdeencity.gov.uk](http://www.publicaccess.aberdeencity.gov.uk). These include:

Tree survey schedule, report and drawing

### **CONSULTATIONS**

Consultee	Date of Comments	Summary of Comments
ACC - Roads Development Management Team	5 September 2016	No objection. Satisfied with the parking arrangement proposed. Queries refuse collection.
ACC - Environmental Policy Team		No comments
ACC – Waste Team	19 August 2016	No objection. Detailed comments on refuse storage arrangements.

### **REPRESENTATIONS**

Two letters of representation have been received (1 letter of objection and 1 neutral letter). The matters raised can be summarised as follows:-

- Requesting that it be conditioned that any access along the joint driveway be agreed with other property owners and that damage caused by such traffic be repaired by the applicant at their expense.
- That location plan is out of date and that the structure in the garden of the neighbouring property no longer exists, meaning that the views are more open to the street.
- That the proposal would result in a modern property being positioned close in front of the properties of Romansleigh and Southview – the two semi detached properties currently having the appearance of a single Victorian mansion with commanding views over the land that falls away to the south. The result would detract from the character of the Conservation Area.
- Quotes the planning history at the property known as Robinhill, where planning permission was approved for the demolition of one house and erection of two, as well as a new access through the boundary wall.
- The previous application at Southview (refused) would have had less of an impact on the neighbouring property, Romansleigh, as it was further away. The previous application was refused due to the creation of the new access and break in the boundary wall, however, precedent has been set for this at Robinhill and 13 Westerton Road.
- There is no a shortage of properties in the Cults area as hundreds of houses could be provided under the local development plan allocations.

### **PLANNING POLICY**

#### **Proposed Aberdeen Local Development Plan (as Modified)**

Policy H1 – Residential Areas

Policy D1 – Quality Placemaking by Design

Policy D2 - Landscape

Policy D4 – Historic Environment

Policy NE5 – Trees and Woodland

## **OTHER RELEVANT MATERIAL CONSIDERATIONS**

Sub-division and redevelopment of residential curtilages – March 2012  
Pitfodels Conservation Area Appraisal

Historic Environment Scotland Policy Statement (HESPS)  
Managing Change in the Historic Environment guidance on ‘Setting’

## **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.

### Proposed Aberdeen Local Development Plan

The Proposed Aberdeen Local Development Plan (as Modified) was approved by Council on 14 December 2016 and Council has notified the Scottish Ministers of the intention to agree to the modifications, with formal adoption of the Plan expected by the end of January, unless otherwise directed by the Scottish Ministers.

The Proposed LDP (as Modified) now carries significant weight.

In terms of Supplementary Guidance (SG), any SG adopted with the 2012 LDP will cease to have any weight at the end of January. Applications are to be determined against the emerging SG to the 2017 LDP. This guidance constitutes ‘Interim Planning Guidance’ until its formal adoption as SG has been ratified by the Scottish Government. This is expected to be end of May 2017.

With regard to the policies and SG relevant to this particular application, it is noted that these are not significantly different from those within the 2012 LDP and its associated SG.

The area in question is zoned residential in the 2017 LDP and the site is in residential use as part of an existing garden. In order to assess the impact of this particular proposal, reference is made to the criteria within the interim guidance Supplementary Guidance: The Sub-division and Redevelopment of Residential Curtilages ‘. The status of this guidance is that it is currently out for consultation, with consultation period ending on 30<sup>th</sup> January, however it is still a material consideration. It should be noted that the guidance echoes that within the SG associated with the 2012 LDP.

### Built Form and Townscape

The existing pattern of development in the surrounding area is one of detached houses within relatively large plot sizes. There is not a regular building line in this area, with houses both sitting back a considerable distance from the road, and located close to it. Where houses are closer to the road these tend to be smaller traditional cottages, or more contemporary houses that have been added as plot splits. The site and most of the surrounding area lies within the Pitfodels Conservation Area and it is within this context that townscape is considered. The



area is also characterised by the trees that enclose and screen sites and buildings within the Conservation Area.

The density of development on the application site would be approximately 17%, lower than the guideline figure of 33%, in the SG. However, the figure of 33% is not adjusted to take account of the characteristics of different areas of the city. It remains for the planning authority to assess density based on the merits of the case and on the prevailing character of the area, here the density is relatively high for the area, though not to a degree that it would be unacceptable.

Whilst the scale and massing of the proposed new dwellings would be in keeping with houses in the locality, the physical relationship, between the existing houses – Southview and Romansleigh - and the proposed house, as seen from the street, would be atypical of the conservation area. The location of the proposed house, close to the site boundary and the house being set at approximately 4m above Westerton Road pavement level with existing houses visible directly behind it, would result in a cluster of development of differing and competing styles. Due to the level differences, there would be a ‘terracing effect’, whereby the proposed house would be seen immediately in front and below the existing house and its neighbour. The result of this would be that development would appear to be at a higher density than is the case ‘on plan’. Views of the houses would be mitigated to some degree by the trees on the street frontage. However, the hedge that currently screens the lower level of the existing house would be hidden behind the proposed house, some of the trees within the central area of the site would be lost, and the full height of the proposed house’s frontage would be visible through the street frontage trees, especially when the trees are not in leaf. It is considered that, in the context of the area’s topography and siting of the proposed building in relation to the existing houses, there would be a detrimental impact on the character of the conservation area.

Impact on the conservation area is discussed further below, however, in terms of townscape, siting and impact on the streetscene within the historic environment context, the proposal is contrary to interim guidance on the splitting of residential curtilages and to Policy D1 – Architecture and Placemaking in the 2017 LDP.

In terms of building line and height of ridge in comparison with other dwellings, both of these factors are irregular within the area, and there is no particular detrimental impact due to either of these factors alone.

#### Design and materials

The proposed contemporary design and materials would not be unacceptable in themselves.

#### Amenity

Privacy: Windows in the proposed house largely face southwards towards Westerton Road. There are high level (with lower edge approximately at 1.6m above floor level) windows facing north and westwards, however these provide light to stairs shower room and kitchen, so given this, the height above floor level and the presence of the hedge, there would be no significant impact on privacy. The distance between the rear elevation of the proposed house and the existing property at Southview is

approximately 14.1m. Due to the difference in the levels between the proposed and existing houses and that the proposed house is single aspect, there would be no significant overlooking of the existing house (or houses) or of gardens.

Sunlighting and daylighting: Due to the level differences and relative positions of the existing and proposed house and the existing hedge in front of Southview, there would be no issues of concern in relation to these matters.

*Amenity Space:* although the proposed house would not enjoy a traditional layout of front and rear garden, in terms of size alone, there would be sufficient area of amenity space. To the south and east of the house there would be areas of patio, balcony / terrace and grass of suitable size to provide an acceptable level of amenity.

### Trees

The proposal would result in the loss of the two trees to the rear of the site – a western red cedar and a sycamore - as well as the likelihood of the loss of the two further trees – the noble fir and larch – due to the overshadowing that these latter two would create on the proposed house; these are the points of conflict with policy. There is also a concern that the root protection area of a further two trees may be impacted by the proposal – a mature horse chestnut and a noble fir, with a third tree (mature noble fir) also possibly affected. The trees are protected by virtue of being within the conservation area and contribute significantly to its character as they are part of the group of trees that are seen from the public streets in this area. The proposal is therefore contrary to Policy NE5: Trees and Woodlands, as well as the interim guidance on splitting of residential curtilages.

### Conservation Area Character

The site lies within the Pitfodels Conservation Area (PCA) and PCA Appraisal describes how trees make a significant contribution to the conservation area and this matter is discussed above, it also notes loss of tree cover over time as a negative factor within the area. The PCA character would also be affected by the view of the proposed house, together with the existing houses, views into the site would be more open following the removal of trees within the site. Roxlee House to the south-east should not be taken as a precedent, as this makes no contribution to enhancing or preserving the character of the conservation area. It is however, located in front of a backdrop of mature trees.

It is acknowledged that there are existing houses located close to the street, however, the houses to the north west, are single storey and traditional in character, they also have a backdrop of mature trees. These do not set a precedent that would indicate that this proposal would be acceptable. The contemporary design is not unacceptable in itself, however, it would be visible (clearly visible for at least half the year) within the streetscene. The change to the conservation area would not be in keeping with its character. The proposal could not, therefore, be considered to preserve or enhance the character of the conservation area.

The policy in HESPS is expanded upon within the Historic Environment Scotland 'Managing Change' guidance note on 'Setting'. Paragraph 4.11 states that thought must be given to whether new development can be incorporated sensitively in terms of the setting of a historic asset, such as a conservation area. Paragraphs 4.13 and 4.14 describe the factors to be taken into account, these include: the cumulative effects of proposed changes, and, the ability of the landscape, which comprises the setting, to absorb new development without eroding its key characteristics. The application proposal would erode the treed setting of the conservation creating a more open view into the site whilst the proposed house would be seen in conjunction with the existing houses as a cluster of development. It may also set a precedent whereby further development may incrementally further erode the landscaped character. SPP states that planning permission should normally be refused for development within a conservation area that fails to preserve or enhance the character or appearance of the area.

As such it is considered that the proposal does not comply with SPP or HESPS, the managing Change Guidance on 'Setting' and is thereby contrary to Policy D4 – Historic Environment, in the LDP.

**RECOMMENDATION: Refuse**

**REASONS FOR RECOMMENDATION**

That the removal of trees would, together with the view of the proposed house in conjunction with the existing houses, from the public street, would have a detrimental impact on the character of the Pitfodels Conservation Area. Approval of the application would risk setting a precedent for similar development that would cumulatively result in further damaging impact on the character of the conservation area. The proposal would be, thereby, contrary to:

- a) Scottish Planning Policy;
- b) Historic Environment Scotland Policy Statement;
- c) Managing Change in the Historic Environment guidance note on Setting;
- d) Local Development Plan 2017 policies:
  - i. Policy D4 – Historic Environment,
  - ii. Policy NE5 – Trees and Woodland,
  - iii. Policy D1 – Quality Placemaking by Design
- e) Interim guidance in 'Supplementary Guidance: The sub-division and redevelopment of residential curtilages' 2017

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# Comments for Planning Application 161124/DPP

## Application Summary

Application Number: 161124/DPP

Address: Southfield Inchgarth Road Aberdeen AB15 9NX

Proposal: Sub-division of residential curtilage and erection of dwelling house

Case Officer: Lucy Greene

## Customer Details

Name: Mrs Susan Pyle

Address: Romansleigh 15 Westerton Road Cults Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I have several comments to make relevant to this application.

1. The plans of the area on Westerton Road regarding this application are long out of date, and new plans have relevance to my objections. There is no longer any structure adjacent to the front drive of Romansleigh, a garage having been removed many years ago, and there is uninterrupted land between Romansleigh and Westerton Road. The property which was originally Robinhill, 13 Westerton Road, was demolished in 2013 and two new properties built on a line that is further away from Westerton Road than the original property, again giving an open aspect from the properties onto this portion of Westerton Road.

2. Southfield / Romansleigh, which appears to all practical purposes to constitute one large Victorian mansion, is a house with a long local history built in the 1850s on a portion of the Pitfodels Land Company Conservation Area. The property occupies a commanding site looking on to Westerton Road and has been carefully maintained over very many years. The current plans to 'plonk', and I use the word advisedly, a modern property directly in front of the Southfield portion would severely affect the character of the Conservation Area. This plan places a modern property far too close to both Southfield and Romansleigh in a position as close as is possible to both properties. Both properties would be blighted by the intrusion of the roof onto their outlook, and Romansleigh would also be blighted by the presence of a new property very close to the boundary between the two sections of the Victorian house and having the higher elevations along a substantial section of the boundary. I have no objections to a modern property placed at a more remote position on the site.

3. Plans were submitted in 2011, ref numbers 11548 and 11531, by David McKay, the owner of Robinhill, to demolish Robinhill and erect 5 dwelling houses on the site. These plans were

withdrawn when he was advised by yourselves that a development of this density would be refused planning position. Application number 121527 for the erection of just 2 dwelling houses was subsequently approved, along with a new entry through the granite wall onto Westerton Road. Both of these houses are actually set further back from Westerton Road than Southfield / Romansleigh.

4. I understand that plans were submitted to yourselves by Mr and Mrs Culligan to erect a property similar to the current proposal on a different position on the site. This would not have been directly in front of and in line with Southfield, and would have presented a more favourable outlook onto the properties from Westerton Road. The property would have been further down the sloping site towards Westerton Road and offset towards the south eastern portion of the plot to present a more oblique aspect. I understand that this proposal was rejected because of a separate access which would have been effected by making a gateway in the granite wall bordering Westerton Road. A breach in the wall was permitted in order to construct the new Robinhill and 13 Westerton Road, so I do not understand why this was not acceptable in this case. You surely cannot be prepared to grant permission to construct a new property close to and directly in front of the historic Southfield / Romansleigh in preference to allowing the building of a dwelling house in a position much more sympathetically situated with respect to the Conservation Area.

5. I would not necessarily object to a construction along the lines of the original plans, placing the new building away from the top corner proposed in the current plans, which aesthetically is in the worst possible position in front of a notable local property. A new building further down the hill and away from the central line down from Southfield / Romansleigh would blend better into the environment.

6. There is hardly a shortage of new properties in the Cults area as hundreds of new properties are constructed and under construction under the local development plan. An unsympathetic development is surely a step too far in this case.

# Comments for Planning Application 161124/DPP

## Application Summary

Application Number: 161124/DPP

Address: Southfield Inchgarth Road Aberdeen AB15 9NX

Proposal: Sub-division of residential curtilage and erection of dwelling house

Case Officer: Lucy Greene

## Customer Details

Name: Mr John Andrew

Address: Maroy, Inchgarth Road, Aberdeen AB15 9NX

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: A condition should be applied that any access to the site via the drive shared with Maroy and Pinewood requires the consent of the owners of Maroy and Pinewood, and that any damage caused to the shared drive by such traffic will be repaired by the applicant at the applicant's expense.

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# Comments for Planning Application 161124/DPP

## Application Summary

Application Number: 161124/DPP

Address: Southfield Inchgarth Road Aberdeen AB15 9NX

Proposal: Sub-division of residential curtilage and erection of dwelling house

Case Officer: Lucy Greene

## Customer Details

Name: Ms Hannah Lynch

Address: Not Available

## Comment Details

Commenter Type: Council Employee

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment:Waste Services response

As I understand, the development will consist of subdivision of curtilage and erection of dwelling house.

The new property will be provided with:

-1 x 240litre black wheeled bin for general waste (please note this will be replaced with a 180l bin from 2017)

As the properties are currently serviced by the rural route, they just receive a general waste service. From 2017 all properties in Aberdeen city will be standardised and rural properties will also receive the following services per property:

1 x 240litre brown wheeled bin for food and garden waste (caddy and liners will be provided as well)

1 x 240litre mixed recycling wheeled bin

General points

- All the wheeled bins and black boxes/white bags must be presented at the end of the driveway that goes on to Inchgarth road only on the collection day and must be removed from the kerbside as soon as possible. No containers should be permanently stored on the kerbside.

- No excess should be stored out with the containment provided. Information for extra waste uplift is available to residents at either [www.aberdeencity.gov.uk/wasteaware](http://www.aberdeencity.gov.uk/wasteaware) or by phoning 08456 08 09 19.

- A path should be provided to the vehicle collection point which is level with bin stores. Pathways to the collection vehicles should be free of obstacles with provision of a slope should there be any gradient; so that any containment can be easily moved to the kerbside on collection days.

Pathways should be suitably paved to allow bins to be moved safely.

Developers must contact Aberdeen City Council using the above details a minimum of two months

before properties will be occupied. Bins MUST be on site prior to residents moving into properties. It might be pertinent nearer the final stages of completion for a representative from Aberdeen City Council's waste team to assess the site to ensure that all of our considerations have been implemented. This will be undertaken by the Recycling Officer for that area. I ask that you contact us with a suitable date and time in the future.

# Comments for Planning Application 161124/DPP

## Application Summary

Application Number: 161124/DPP

Address: Southfield Inchgarth Road Aberdeen AB15 9NX

Proposal: Sub-division of residential curtilage and erection of dwelling house

Case Officer: Lucy Greene

## Customer Details

Name: Mr Kamran Syed

Address: Not Available

## Comment Details

Commenter Type: Council Employee

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: I am satisfied with the parking arrangement in place (as per drawing 003-01). Is there a plan in place for how refuse will be collected?

Additionally, I note that the findings of the tree survey report are out of date as of April 2016.

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## Environmental Policy team response - planning application, masterplan, and development framework consultations.

### PROPOSAL DETAILS

	Enter details in this column
Application / plan name	Southfield, Inchgarth Road
Application reference number / reference	161124
Planning case officer	Lucy Greene
Date of request	7 <sup>th</sup> September 2016
Date response required	
Date of response	27 <sup>th</sup> September 2016
EP team (name of responder)	Kevin Wright
Other EP team members or Services consulted by EP	

### POLICY AND GUIDANCE

	Enter text in this column
<b>Relevant policy and legislation</b>	
Relevant legislation / regulations	
Relevant LDP policies	NE5 – Trees and Woodlands
Relevant Supplementary Guidance/Technical Advice Note	
Other key references	

**COMMENTS**

Relevant Policy/guidance or other reference	Comments (including compliance, non-compliance and reasoning)
<p>NE5 - Trees and Woodlands</p>	<p>The proposed development is contrary to Policy NE5- Trees and Woodlands. Policy NE5 – Trees and Woodlands makes a presumption against all activities and development that will result in the loss or damage to established trees and woodlands that contribute significantly to local landscape character and local amenity. NE5 notes that buildings and services should be sited so as to minimise adverse impacts on existing trees and requires appropriate measures to be taken for the protection and long term management of existing trees.</p> <p>I note that the application requires the removal of tree 2040 and 2041.</p> <p>The tree survey drawing (interpreted as the Arboricultural Impact Assessment Plan and Tree Protection Plan is misleading and has not been undertaken to BS5837:2012. The plan details the root protection area of individual trees as a square. The default as per BS5837:2012 is to plot root protection areas as circles unless pre-existing site conditions or other factors indicate that rooting has occurred asymmetrically. There are no pre-existing site conditions that would suggest rooting has taken place asymmetrically.</p> <p>This methodology has resulted in a misleading interpretation of potential impacts. For example the root protection area plotted for tree 2043 notes the edge of the RPA as approximately 11 metres away from the base of the tree. If the RPA is plotted correctly, as a circle, the edge of the RPA should be approximately 12.6 metres away from the base of the tree. Considering the proximity of tree 2039 and tree 2043 the proposal is likely to impact on the RPA of these trees and to a lesser extent tree 2042. I would also note that no account on the impact of the RPA of tree 2043 has been considered in relation to the proposed 500mm excavation detailed in drawing 003-01. Considering the size of these trees and the species any impact to the RPA is likely to be detrimental and result in the trees becoming unstable due to the shallow rooting nature of such trees.</p> <p>In addition to the identified negative impacts noted above. I would highlight concerns relating to the proximity of the proposed dwelling to mature trees. Tree 2043 and 2042 which lie to the south of the proposed dwelling are a mere 11 and 12 metres away these trees are 23 and 19 metres in height. Considering they are on the south side of the dwelling they are likely to have a significant impact on the level of light reaching the property. In addition I would have concerns over long-term retention due to future concerns regarding the proximity of a dwelling house next to such mature trees. I would have similar concerns regarding tree 2039 which whilst smaller than the above trees at 16 metres in height it is</p>

	<p>significantly closer at approximately 6 metres from the proposed development.</p> <p>For the above reasons the environment policy team cannot support this application.</p>
--	--

**POSITION**

*Objection: the development is unacceptable in principle (fundamentally contrary to policy). Explain what policies/guidance the development does not comply with.*

Position options	Enter text in this column – state clearly the matters to be addressed, if any,
Objection	See comments above

**DEVELOPER CONTRIBUTIONS**

Enter text

**FURTHER ADVICE PROVIDED**

	Enter text in this column
Date	
Response by	
Response to	
Advice provided	

**EP TEAM ADMIN**

<b>Environmental Policy Team monitoring</b>	<b>Guidance</b>	<b>Enter text in this column</b>
Site visited?	<i>State if the site was visited.</i>	
Time on this response	<i>For EP monitoring</i>	
EP team members / other services or external consultees consulted	<i>For audit trail</i>	
Outcome	<i>State the changes resulting from EP team input and the final outcome, if known</i>	



## Additional Comments Received from the applicant.

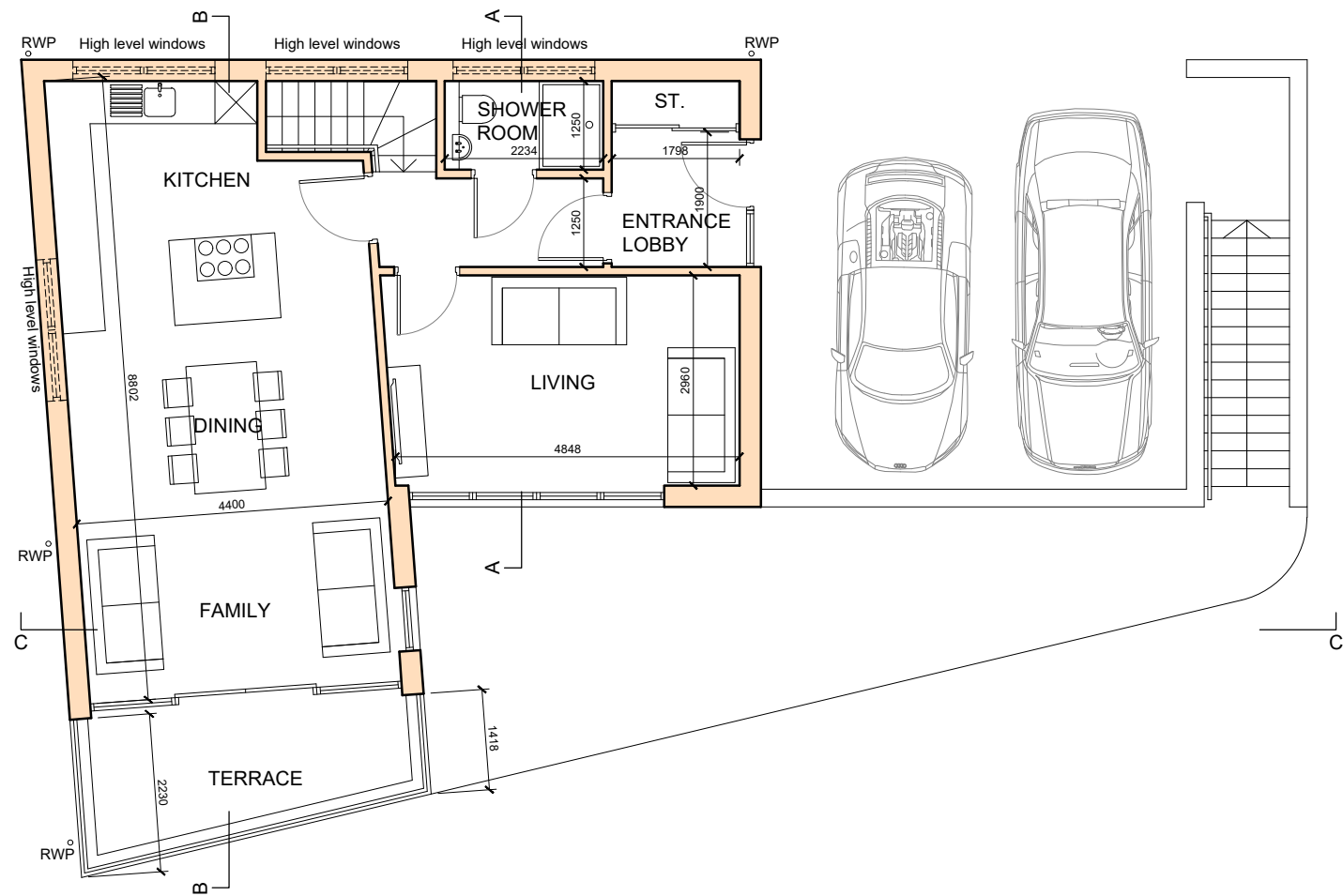
1. The position of the house on the first application invited no comments by the neighbours. In fact, the neighbours at Roxlee, Romansleigh and Maroy were in favour and could appreciate the benefits of turning this disused, over grown piece of land into something which would actually look cared for and could only be viewed as a positive contribution to the environment. Furthermore, If the **first** footprint were to be accepted, then this would not interfere with the shared driveway which has been commented on by neighbours at Maroy.

2. Precedence has been set at Robinhill with regard to a new opening in the boundary wall. Why is it acceptable for the Council to granted permission for a new boundary wall opening less than 25 metres away from our proposed opening? What is the rationale for this? This has never been explained.

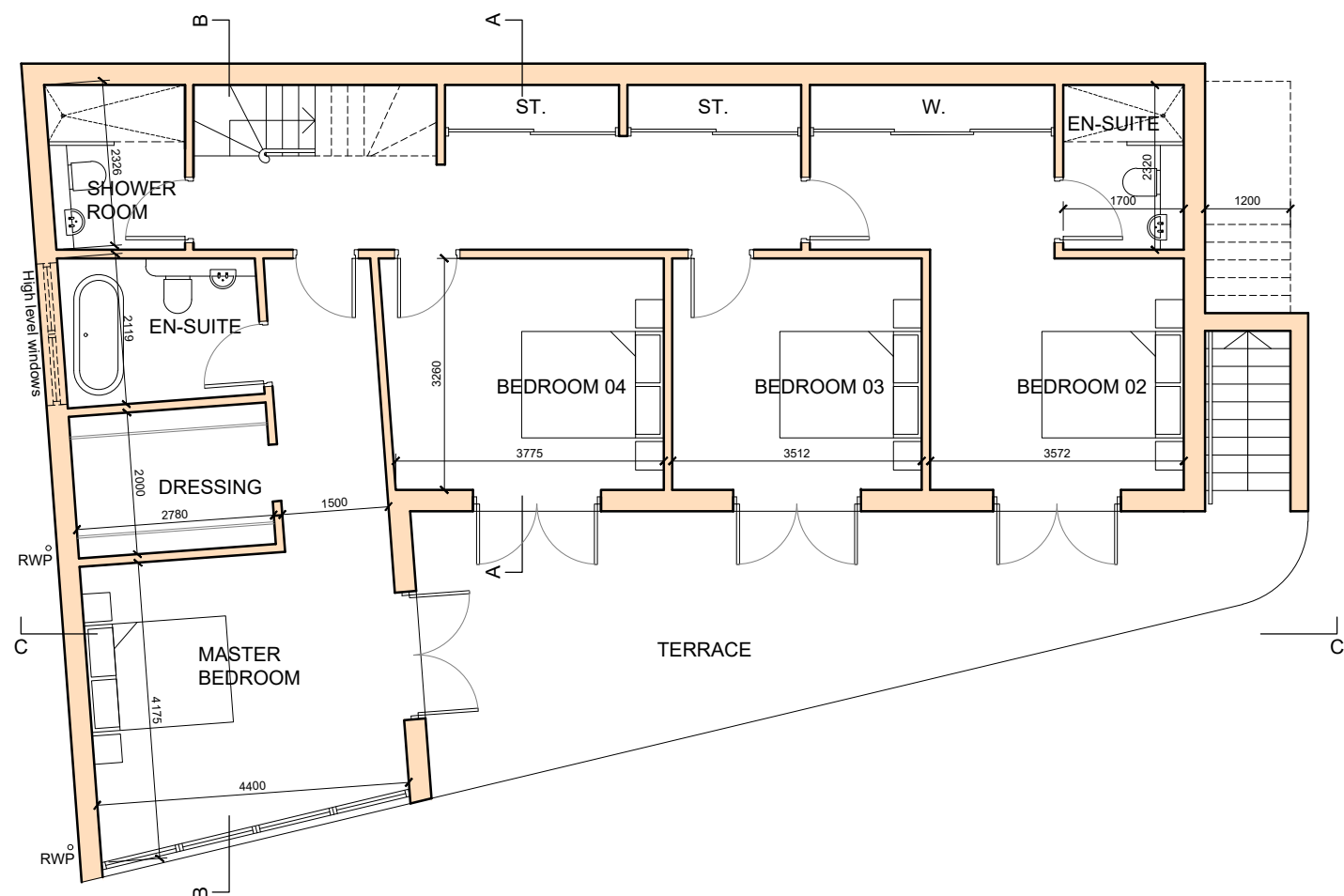
3. Furthermore, the density and size of the trees on the proposed site is out of proportion with their close proximity to housing and roads. Currently, an application has had to be submitted for the felling of two trees on the site which are large, overhanging the whole width of Westerton Rd and causing bulging and breakage to the boundary wall. The two trees that need to be felled for the application, the Larch (which looks dead) and the Noble Fir are the tallest and it is a constant concern that these trees will simply fall over because maintenance costs are so high. Thus, the application was a way of allowing the majority of trees to remain but for the land to be used more productively.

4. Numerous trees have ben removed around the boundary wall at Inchgarth House (less than 100 metres away), so much so that a house that was barely visible 2 years ago is now easily seen from the road. Why is this different?

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GROUND FLOOR PLAN



LOWER GROUND FLOOR PLAN



VISUALISATIONS  
FOR ILLUSTRATION PURPOSES ONLY



Rev.	By	Description	Date
A	IMcG	Amended for planning	30.08.16

Anderson House  
Quarry Road  
Aberdeen  
AB16 5UU  
01224 945880  
info@mcgregorgarrow.co.uk  
www.mcgregorgarrow.co.uk



Project  
**NEW HOUSE**  
Location  
**WESTERTON ROAD, CULTS**  
Client  
**F. CULLIGAN**  
Drawing Title  
**PROPOSED PLANS**

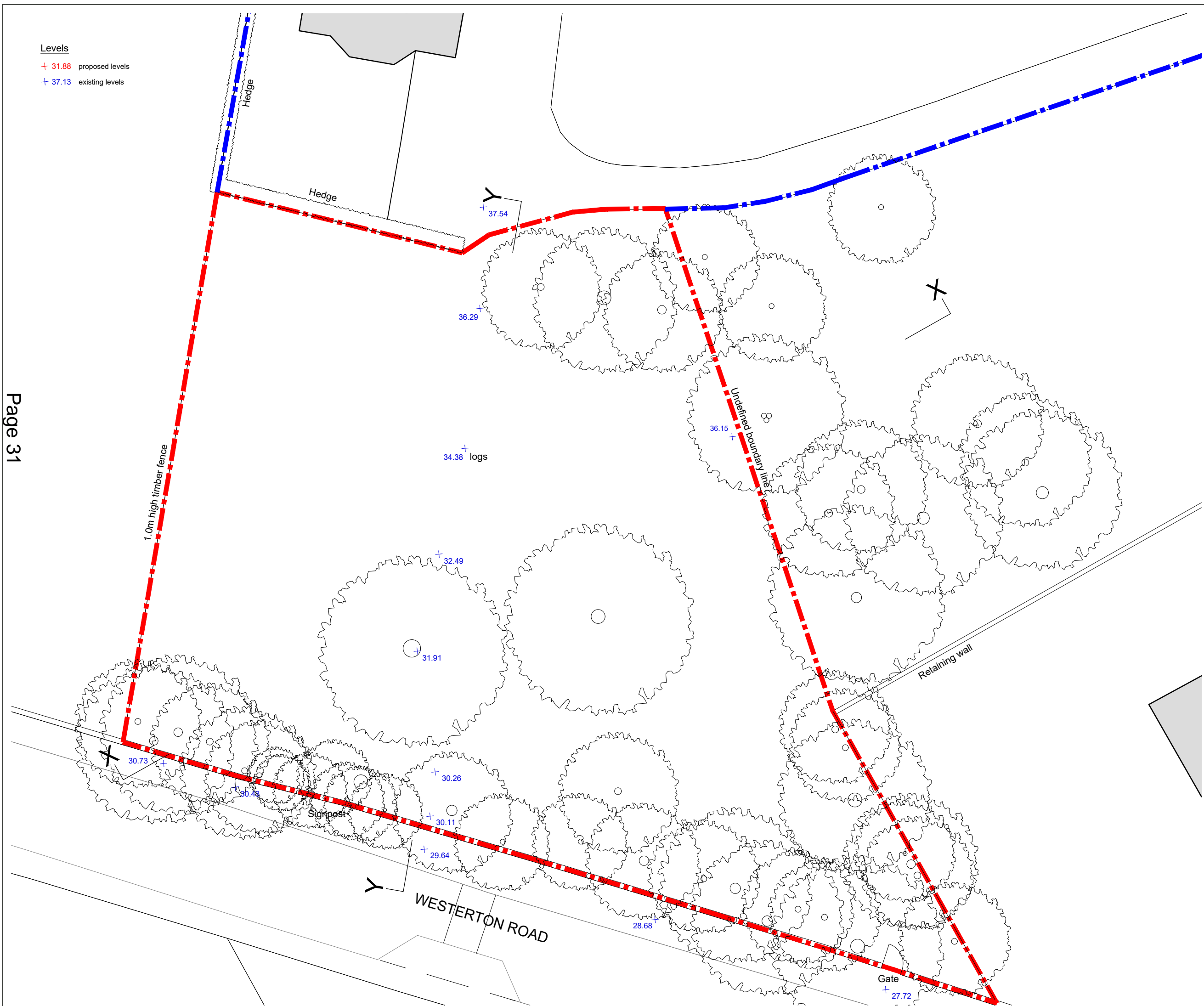
Project Ref. C005	Drawing No. 004-01	Revision A
Scale A3 AS SHOWN	Date JUL. 2016	Drawn by CMcG

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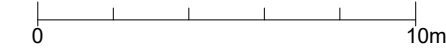


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**Levels**  
 + 31.88 proposed levels  
 + 37.13 existing levels



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B	RMcG	Levels added	18/06/15
A	RMcG	Planning Application	29/05/15
Rev.	By	Description	Date

25 Orchard Street  
 Aberdeen  
 AB24 3DA  
 01224 945880  
 info@mcgregorgarrow.co.uk  
 www.mcgregorgarrow.co.uk

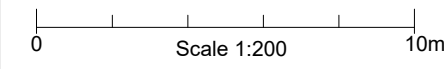
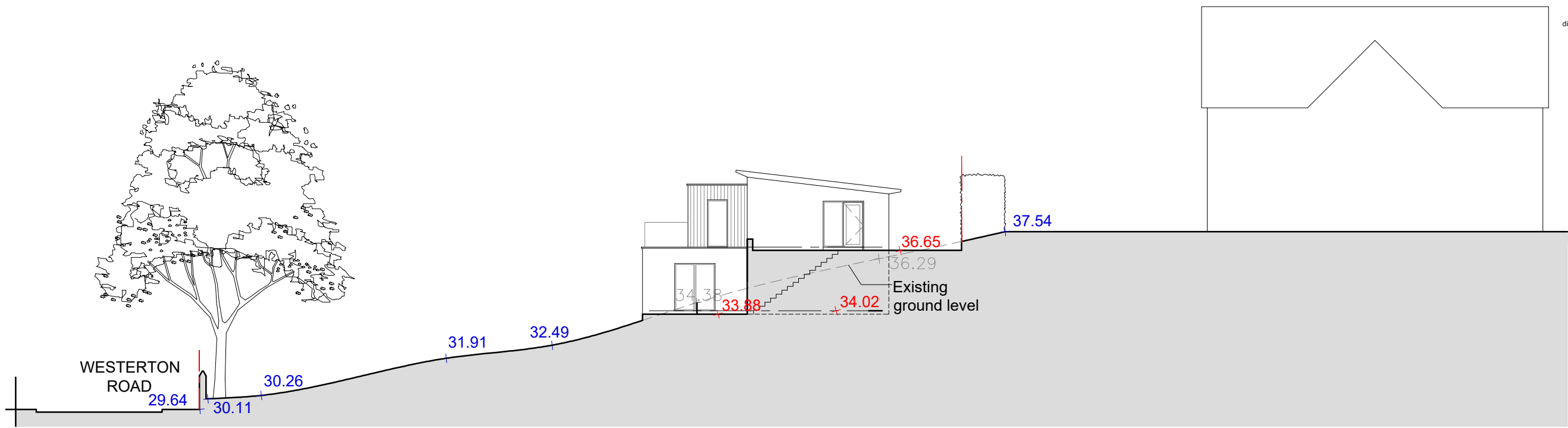


Project  
**NEW HOUSE**  
 Location  
 WESTERTON ROAD, CULTS  
 Client  
**F. CULLIGAN**  
 Drawing Title  
**EXISTING SITE PLAN**

Project Ref. C005	Drawing No. 001	Revision B
Scale A3 1:200	Date JUN. 2014	Drawn by IMcG

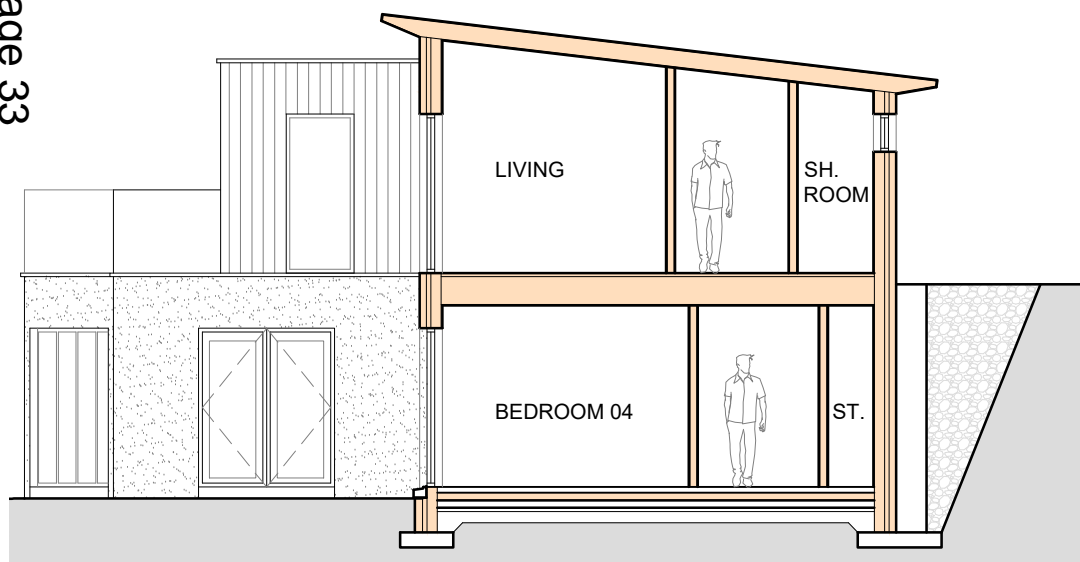
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SITE SECTION Y-Y Scale 1:200

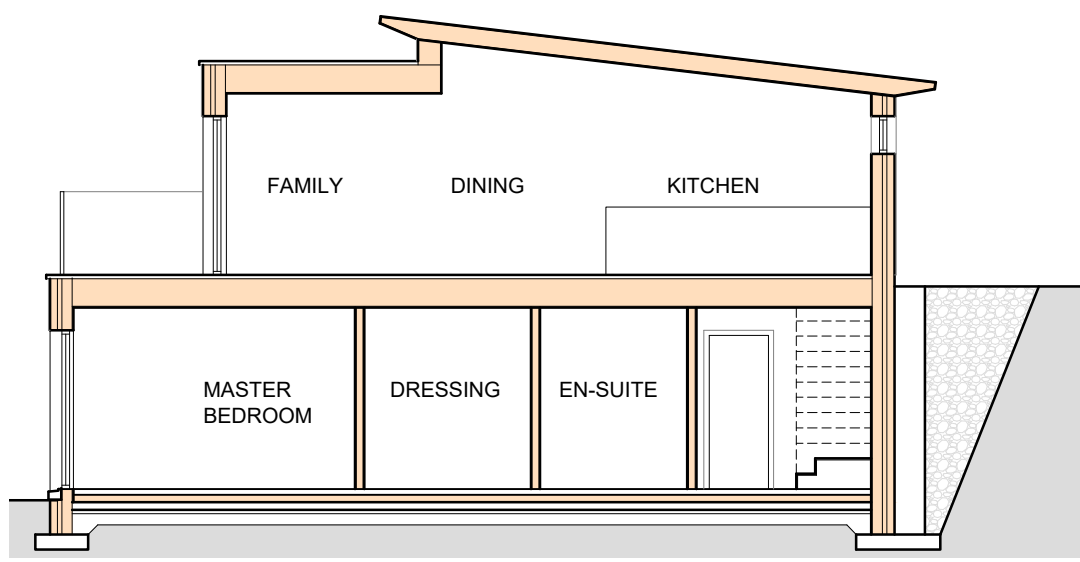
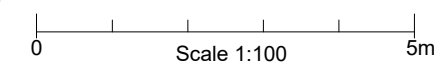
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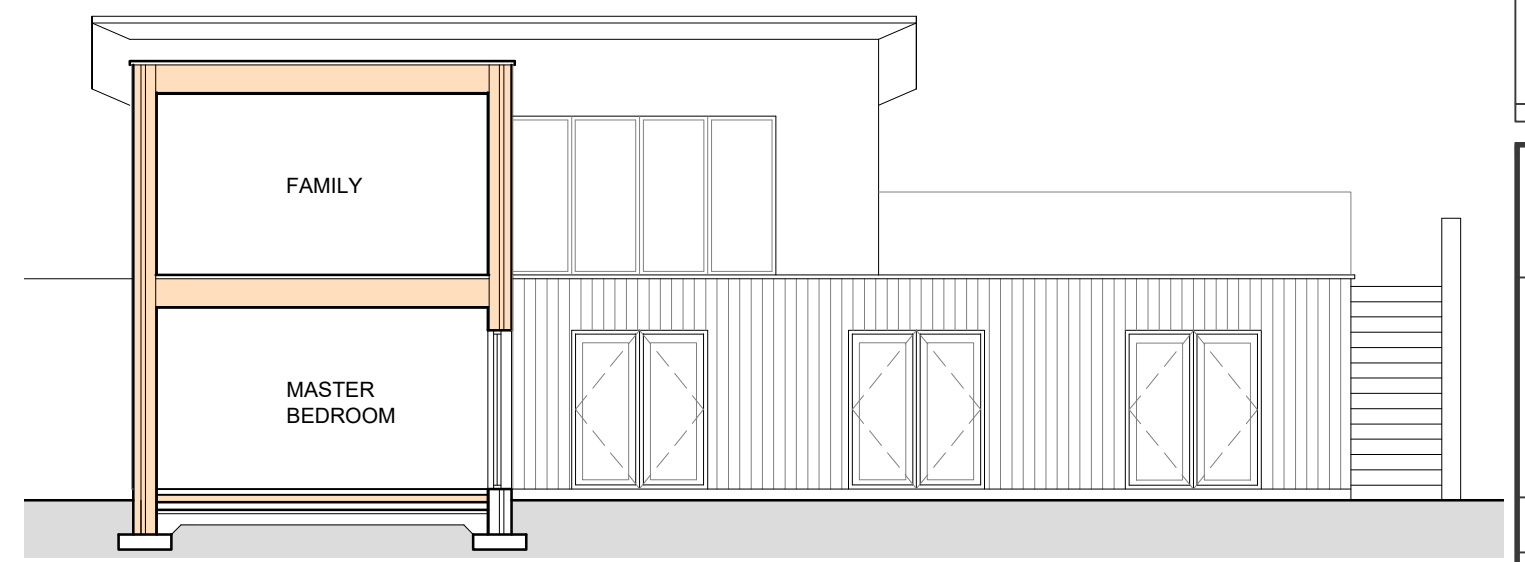
SECTION A-A Scale 1:100



SITE SECTION X-X Scale 1:200



SECTION B-B Scale 1:100



SECTION C-C Scale 1:100

A	IMcG	Amended for planning	30.08.16
Rev.	By	Description	Date

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Project  
**NEW HOUSE**  
 Location  
**WESTERTON ROAD, CULTS**  
 Client  
**F. CULLIGAN**  
 Drawing Title  
**DRAWING OF PROPOSED**

Project Ref. C005	Drawing No. 005-01	Revision A
Scale A3 AS SHOWN	Date JUL. 2016	Drawn by CMcG

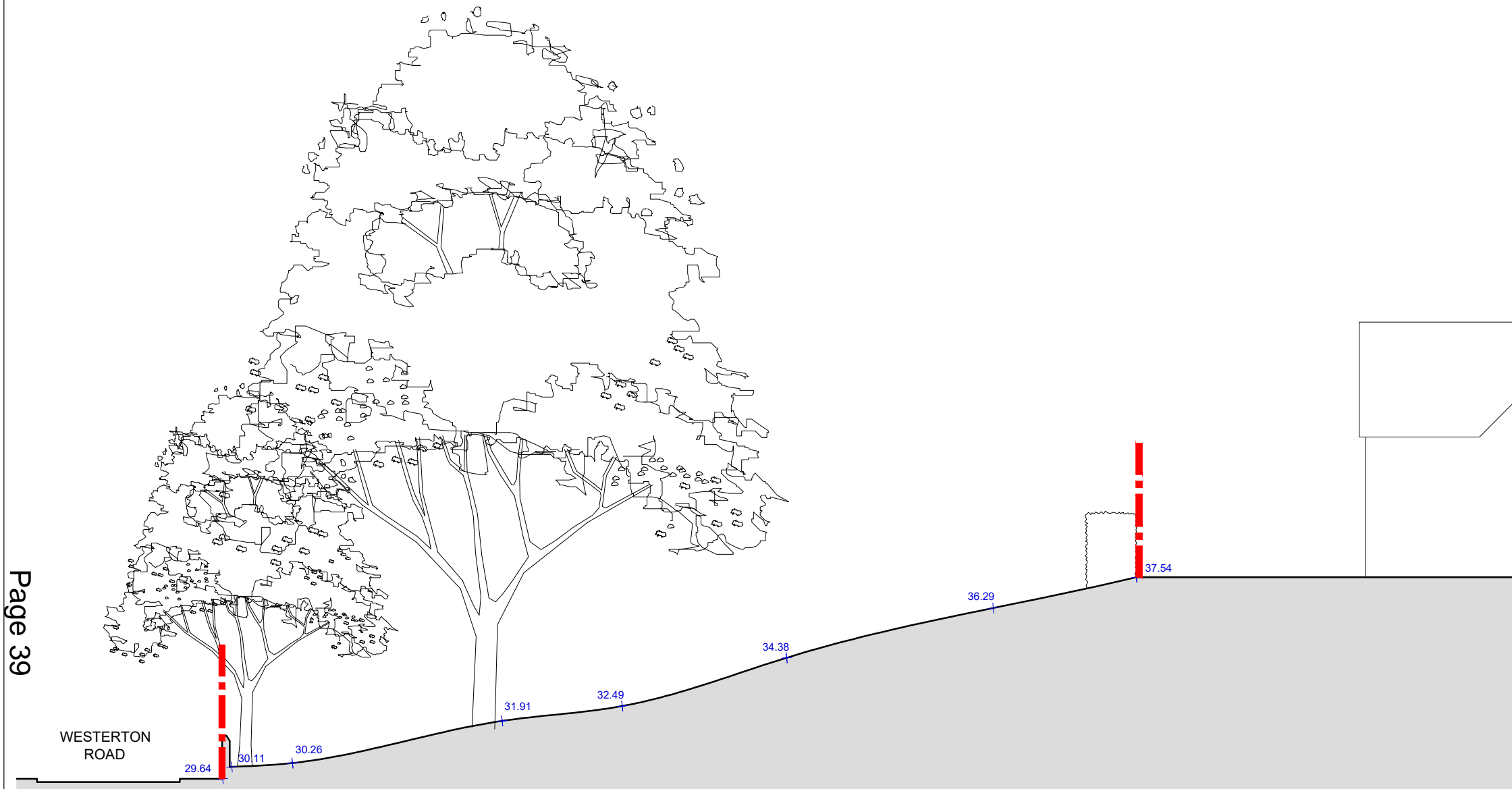
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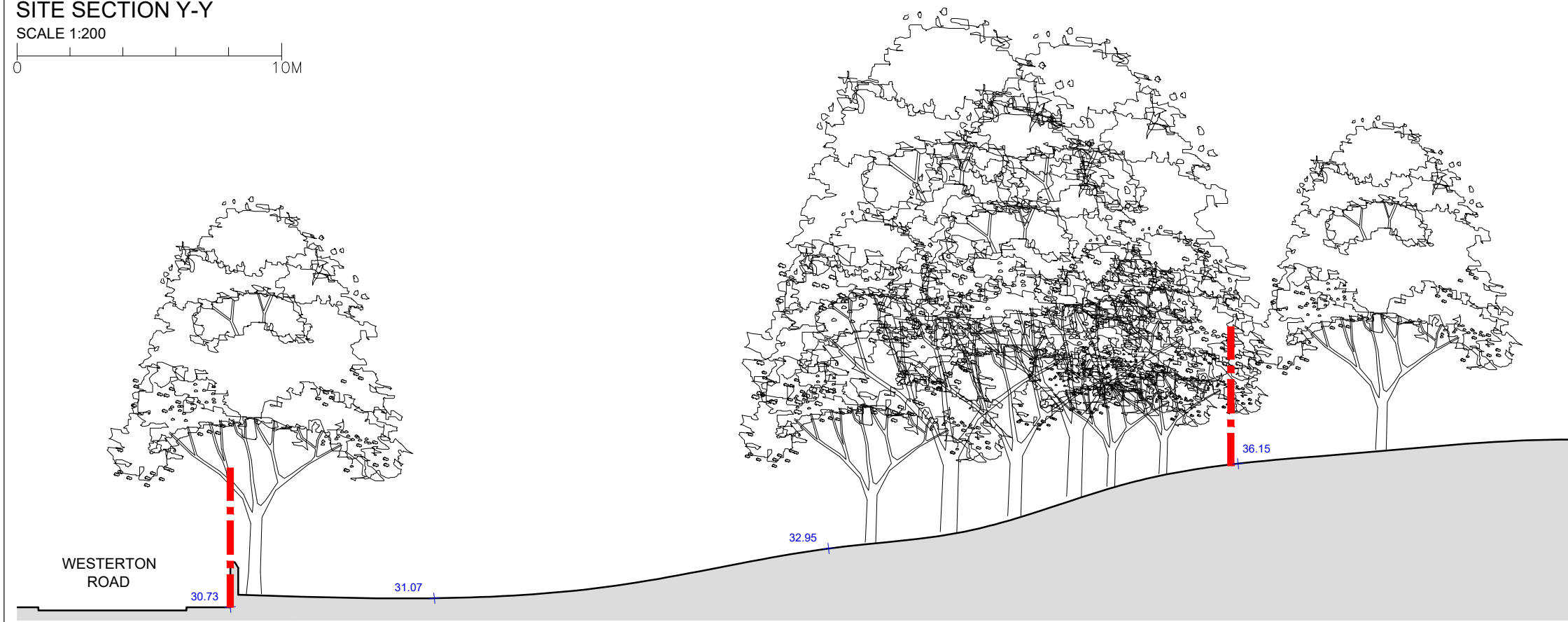
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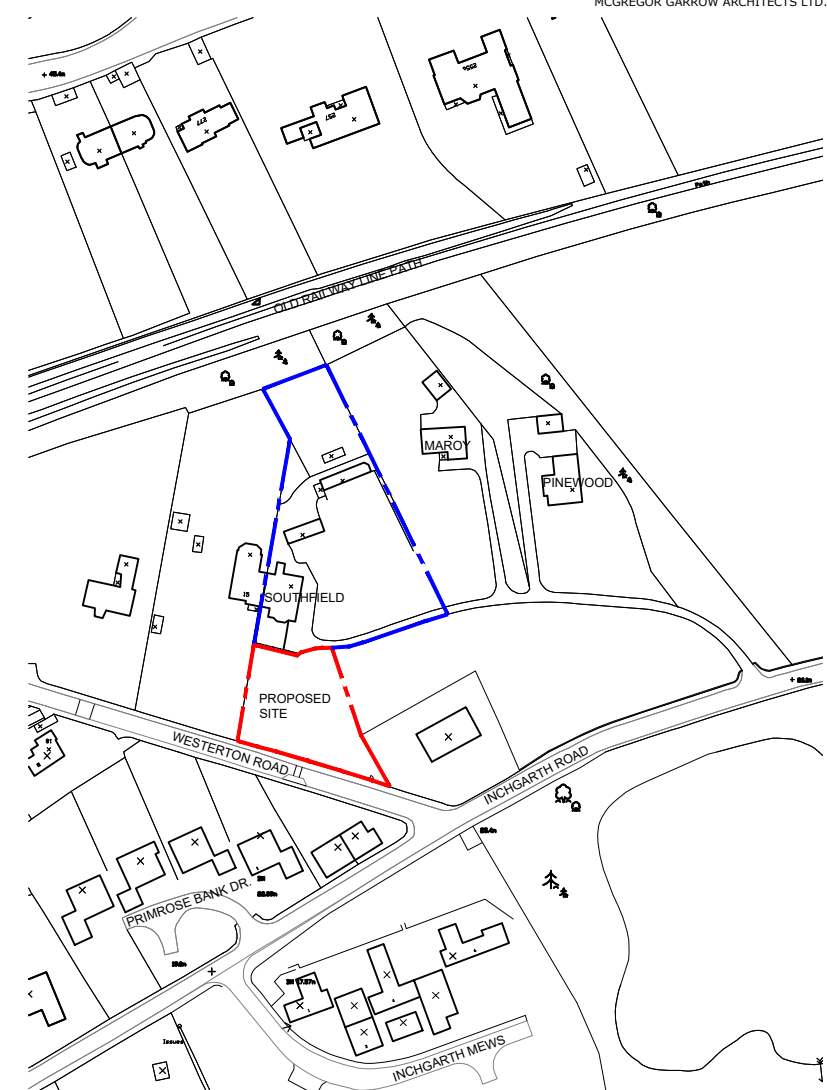
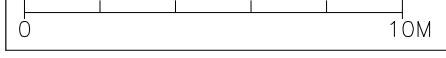
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**SITE SECTION Y-Y**  
SCALE 1:200



**SITE SECTION X-X**  
SCALE 1:200



**LOCATION PLAN**  
SCALE 1:2500



Rev.	By	Description	Date
C	IMcG	Amended boundary outline	06/08/16
B	RMcG	Levels added	18/06/15
A	RMcG	Planning Application	29/05/15

25 Orchard Street  
 Aberdeen  
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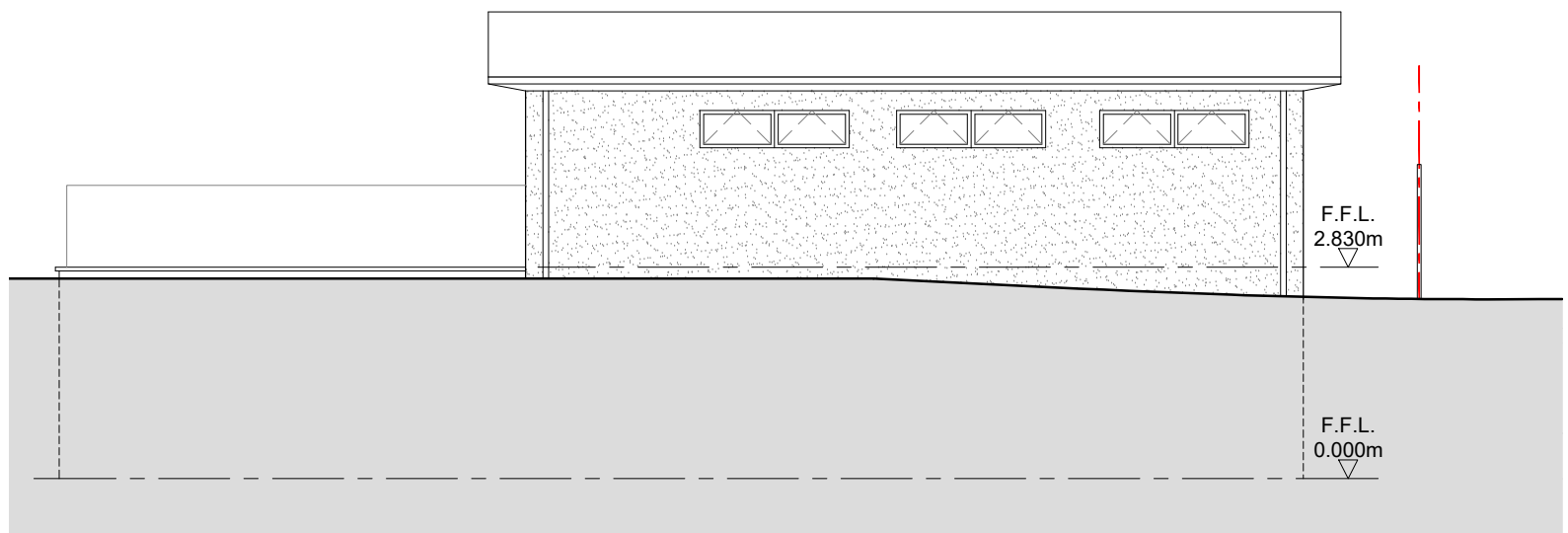


Project  
**NEW HOUSE**  
 Location  
**WESTERTON ROAD, CULTS**  
 Client  
**F. CULLIGAN**  
 Drawing Title  
**EX. LOCATION & SITE SECTIONS**

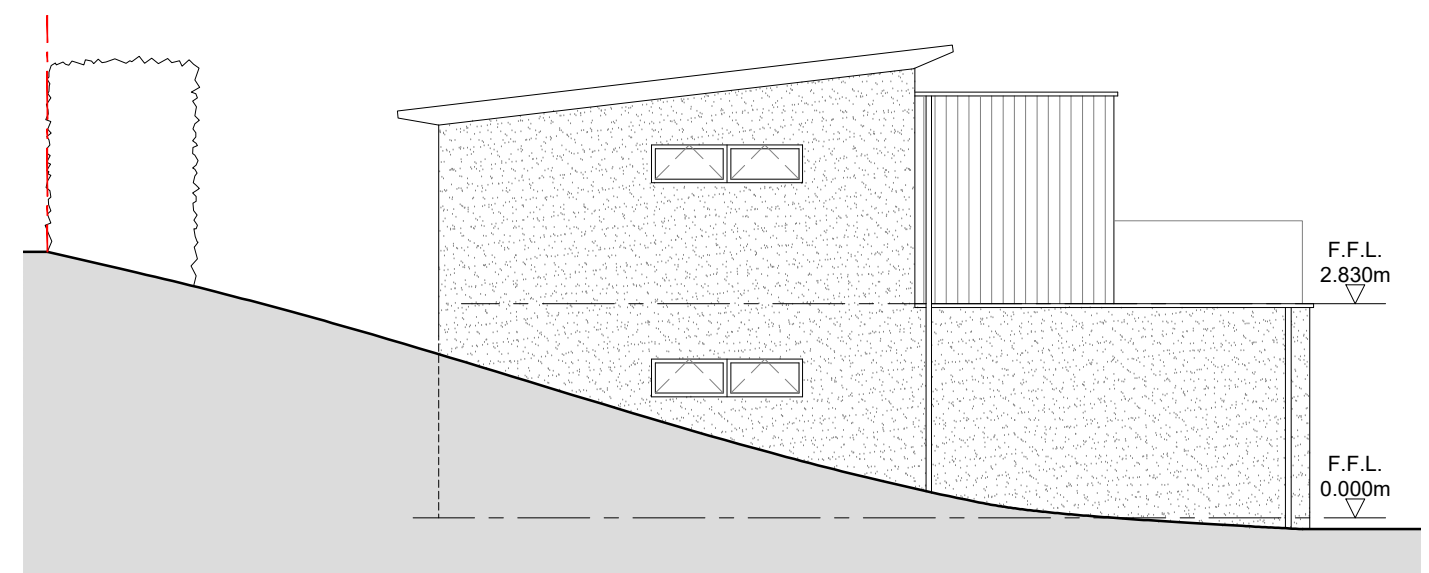
Project Ref. C005	Drawing No. 002	Revision C
Scale A3 AS SHOWN	Date JUN. 2014	Drawn by IMcG

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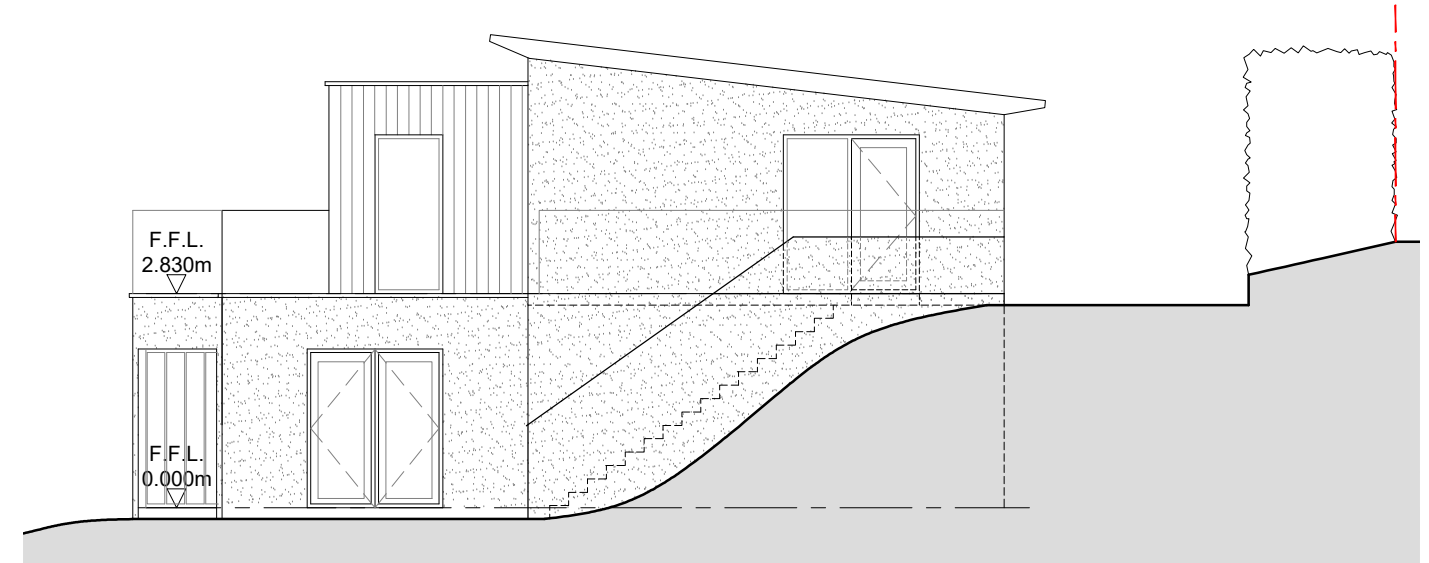
NORTH ELEVATION



WEST ELEVATION





SOUTH ELEVATION



EAST ELEVATION

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**FINISHES**

- WALLS**
-  Render, light coloured (TBC)
  -  Timber cladding



**ROOFS**

Single-ply roofing membrane, dark grey colour

**SOFFITS & FASCIAS**

Dark grey aluminium

**WINDOWS & DOORS**

Dark grey aluminium

**RAINWATER GOODS**

Dark grey aluminium

**DRIVEWAY**

Permeable block paving

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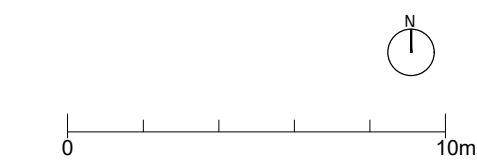
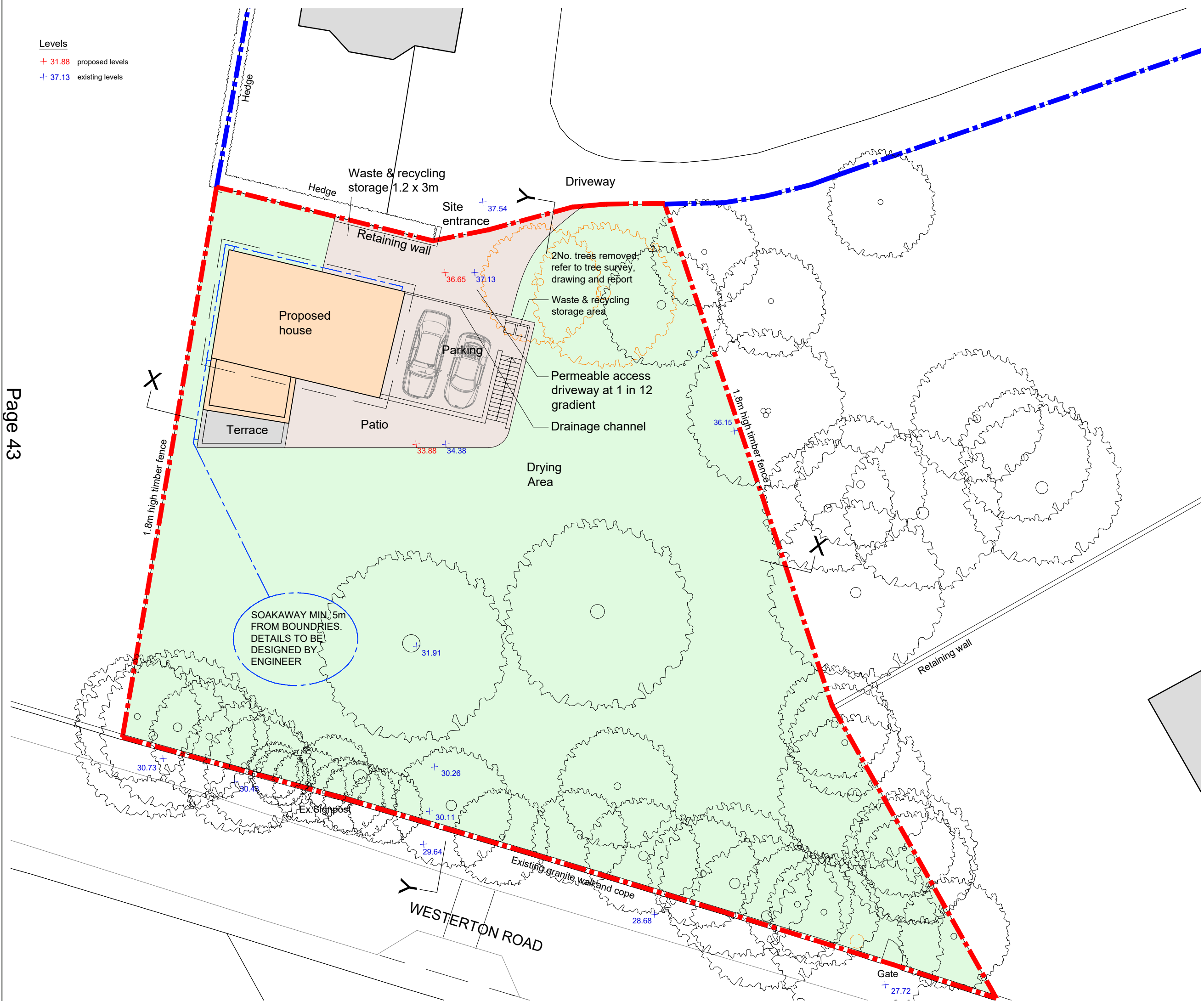
Project  
**NEW HOUSE**  
 Location  
**WESTERTON ROAD, CULTS**  
 Client  
**F. CULLIGAN**  
 Drawing Title  
**PROPOSED ELEVATIONS**

Project Ref. C005	Drawing No. 006-01	Revision A
Scale A3 1:100	Date JUL. 2016	Drawn by CMcG

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**Levels**  
 + 31.88 proposed levels  
 + 37.13 existing levels

Page 43



Rev.	By	Description	Date
A	IMcG	Amended for planning	30.08.16

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Project  
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 Location  
 WESTERTON ROAD, CULTS  
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 F. CULLIGAN  
 Drawing Title  
**PROPOSED SITE PLAN**

Project Ref. C005	Drawing No. 003-01	Revision A
Scale A3 1:200	Date JUL. 2016	Drawn by CMcG

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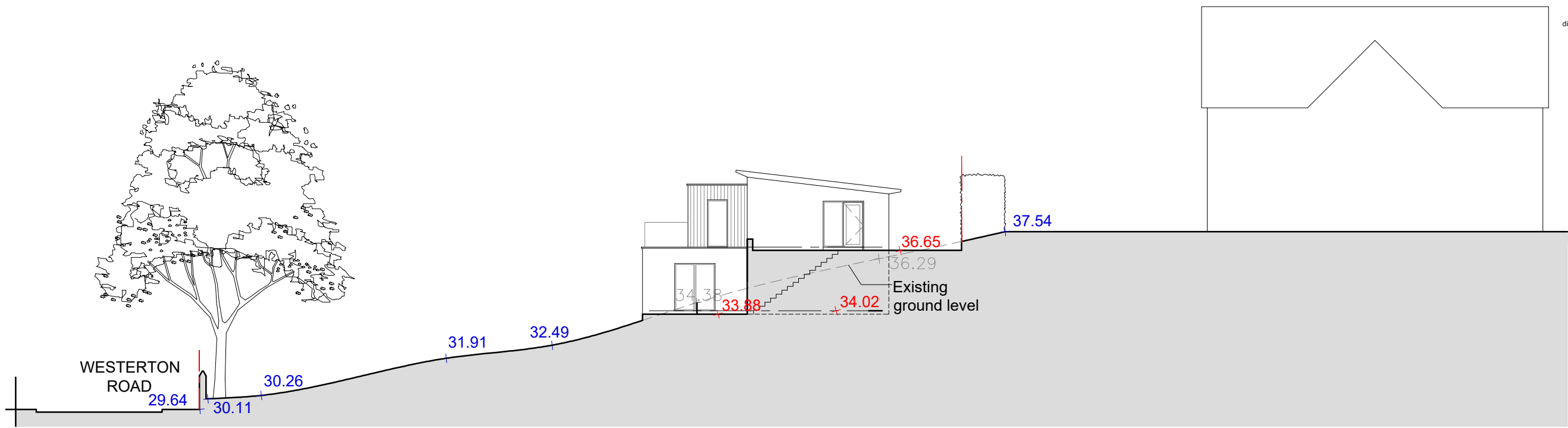
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				N	E	S	W									
2001	Sycamore	18	460	8	3	5	3	8	Early mature	Fair	Restricted spread at site boundary. Overhanging Westerton Road. Minor deadwood.	40+yrs	B2	95.73		
2002	Beech	18	540	8	2	6	2	2	Early mature	Fair	Restricted spread at site boundary. Overhanging Westerton Road. Minor deadwood.	20-40yrs	B2	131.9		
2003	Lawson cypress	5	250:250	0	0	0	0	-	Semi mature	Dead	Has lost top at 5m.	0	U	56.69		
2004	Holly	10	320	5	3	3	3	2	Early mature	Fair	Restricted spread at site boundary. Overhanging Westerton Road. Basal shoots becoming dense.	40+yrs	B2	46.32		
2005	Beech	20	480	6	5	6	3	4	Early mature	Fair	Restricted spread at site boundary. Overhanging Westerton Road. Minor deadwood.	40+yrs	B2	104.2		
2006	Beech	14	360	6	2	5	3	2	Early mature	Fair	Restricted spread at site boundary. Overhanging Westerton Road.	40+yrs	B2	58.63		
2007	Beech	8	120	4	4	2	2	1	Semi mature	Poor	Restricted spread at site boundary. Overhanging Westerton Road. Suppressed beneath canopy.	20-40yrs	C2	6.51		
2008	Beech	12	150	3	3	4	2	6	Semi mature	Poor	Restricted spread at site boundary. Overhanging Westerton Road.	20-40yrs	C2	10.18		
2009	Holly	9	140	4	3	3	3	1	Semi mature	Fair	Bushy crown at site boundary. Large basal shoots.	20-40yrs	C2	8.87		
2010	Beech	10	150	1	2	4	2	5	Semi mature	Poor	Restricted spread at site boundary. Overhanging Westerton Road. 2 adjacent stems.	40+yrs	C2	10.18		
2011	Beech	8	160	3	2	4	2	<1	Semi mature	Poor	Restricted spread at site boundary. Overhanging Westerton Road. Poor form.	20-40yrs	C2	11.58		
2012	Holly	15	330:350	4	4	4	4	1	Mature	Fair	Dense crown with tips overhanging boundary wall. Ivy well established.	20-40yrs	B2	104.7		
2013	Beech	18	360	2	4	5	3	4	Semi mature	Fair	Restricted spread at site boundary. Overhanging Westerton Road. Lesser form.	20-40yrs	B2	58.63		

Tag No.	Species	Ht. (m)	Dia. (mm)	Crown Spread (m)				Ht. Cl. (m)	Age Class	Condition	Comments	Life Exp.	Retention Category	RPA (m <sup>2</sup> )	Recommendations	Timescale
				N	E	S	W									
2014	Holly	12	300	3	3	4	2	1	Semi mature	Poor	Restricted spread at site boundary. Overhanging Westerton Road. Lesser form. Neighbouring tree has blown over.	10-20yrs	C2	40.72		
2015	Sycamore	17	420	6	6	5	5	5	Early mature	Fair	Reasonable form. Basal shoots becoming dense. Ivy climbing trunk.	40+yrs	B2	79.8	Cut back basal shoots. Severe ivy stems at base.	Within 12 months
2016	Variiegated Holly	16	430	4	3	4	3	4	Mature	Fair	Reasonable form. Basal shoots becoming dense. Ivy climbing trunk.	20-40yrs	B2	83.65		
2017	Holly	16	250: 130	3	2	5	4	1	Early mature	Fair	Restricted spread at site boundary. Overhanging Westerton Road. Dense crown of lesser form.	10-20yrs	C2	35.98		
2018	Lawson cypress	16	350: 330	3	2	2	2	3	Mature	Poor	Restricted spread at site boundary. Overhanging Westerton Road. Dense ivy and tight forks.	<10yrs	U	104.7	Remove	Within 5 years
2019	Beech	20	650	4	5	10	9	3	Mature	Fair	Spreading crown overhanging road. Beginning to push wall at base. Minor deadwood and low branch tips above pavement.	20-40yrs	B2	191.1	Prune to balance crown following removal of neighbour.	Within 5 years
2020	Lawson cypress	17	330	1	2	2	2	5	Mature	Poor	Restricted spread at site boundary. Overhanging Westerton Road. Basal decay.	<10yrs	U	49.27	Remove	Within 12 months
2021	Holly	10	320: 250: 180	4	5	4	3	2	Early mature	Fair	Bushy, multistemmed tree of lesser form. Overhanging site boundary.	20-40yrs	B2	89.18	Prune to balance crown following removal of neighbour.	Within 5 years
2022	Beech	19	680	5	7	7	3	4	Mature	Poor	Spreading crown of poor form overhanging road. Beginning to push wall at base. Minor deadwood and low branch tips above road.	<10yrs	U	209.2	Remove to avoid damaging wall.	Within 5 years
2023	Sycamore	16	360	1	6	4	1	5	Semi mature	Fair	Restricted spread at site boundary. Overhanging adjacent garden. Basal shoots developing.	40+yrs	B2	58.63	Cut back basal shoots.	Within 12 months
2024	Lawson cypress	18	450: 550: 200	5	5	5	4	5	Mature	Poor	At boundary with adjacent garden. 3 stems from ground level. Poor form with tight forks.	<10yrs	U	246.4	Remove	Within 12 months
2025	Ash	26	950	6	6	6	9	12	Mature	Poor	Large tree overhanging boundary with adjacent garden. Dense ivy obscuring base and lower trunk. Vigour of upper crown appears reasonable.	10-20yrs	B2	408.3	Severe ivy stems at base. Prune to reduce length and end weight on limbs.	Within 12 months
2026	Lawson cypress	18	480:400	3	4	3	2	8	Mature	Poor	At boundary with adjacent garden. 2 stems from ground level. Poor form with tight forks.	<10yrs	U	176.7	Remove	Within 12 months

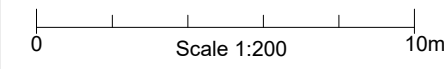
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				N	E	S	W									
2027	Wych elm	22	750	3	5	5	9	9	Mature	Poor	Dense ivy obscuring trunk and crown. Dead branches indicate Dutch elm disease. Nearby dead elms present.	<10yrs	U	254.5	Remove	Within 12 months
2028	Scots pine	22	500	3	3	2	4	18	Mature	Poor	Spindly with no lower branches and sparse crown. Ivy well established.	10-20yrs	C2	113.1	Severe ivy stems at base.	Within 12 months
2029	Beech	22	660	6	6	4	4	6	Mature	Poor	Dense ivy obscuring base and crown. Vigour of visible tips appears reasonable.	20-40yrs	B2	197.1	Severe ivy stems at base.	Within 12 months
2030	Sycamore	24	880	7	8	10	9	6	Mature	Fair	Spreading crown with bias towards neighbours property. Density and vigour appears reasonable. Ivy climbing trunk. Minor deadwood throughout.	40+yrs	A2	350.3		
2031	Sycamore	20	420	6	2	2	2	6	Early mature	Poor	Restricted spread. Sparse crown of low vigour.	10-20yrs	C2	79.8		
2032	Beech	22	600	6	9	2	3	1	Mature	Fair	Restricted spread of lesser form. Moderate deadwood in lower crown.	20-40yrs	B2	162.9		
2033	Beech	24	760	9	8	8	6	5	Mature	Fair	Reasonable form and vigour in upper crown. Few lower branches. Moderate deadwood.	20-40yrs	B2	261.3		
2034	Norway maple	12	210	2	4	4	3	5	Semi mature	Poor	Restricted spread developing pronounced bias towards neighbours property.	20-40yrs	C2	19.95		
2035	Wych elm	18	350: 290: 180	5	5	3	6	6	Early mature	Dead	Standing dead. Retains branch structure.	0	U	108.2	Remove	Within 12 months
2036	Beech	18	340	7	7	4	2	1	Semi mature	Poor	Poor form leaning towards driveway. Patches of canker present.	20-40yrs	C1	52.3		
2037	Sycamore	19	380	5	5	4	4	5	Semi mature	Fair	Reasonable form and density. Overhanging driveway.	40+yrs	B2	65.33		
2038	Yew	11	480	5	5	4	3	1	Early mature	Fair	Overhanging driveway. Sparse upper crown. Bacterial wet wood at base.	40+yrs	B2	104.2		
2039	Horse chestnut	16	590	6	3	6	7	2	Mature	Fair	Dense ivy obscuring trunk. Vigour appears reasonable.	40+yrs	B2	157.5	Severe ivy stems at base	

Tag No.	Species	Ht. (m)	Dia. (mm)	Crown Spread (m)				Ht. Cl. (m)	Age Class	Condition	Comments	Life Exp.	Retention Category	RPA (m <sup>2</sup> )	Recommendations	Timescale
				N	E	S	W									
2040	Western red cedar	18	580	3	3	3	4	<1	Mature	Fair	Reasonable form and density. Next to driveway.	40+yrs	B2	152.2	Remove to accommodate house.	
2041	Sycamore	17	400	4	4	6	4	3	Early mature	Fair	Restricted spread with ivy climbing trunk. Co dominant stem has been removed. Basal shoots developing.	40+yrs	B2	72.38	Remove to accommodate house.	
2042	Larch	19	700	8	6	6	4	12	Mature	Fair	Dense ivy obscuring base and trunk. Vigour appears reasonable. Crown of lesser form.	20-40yrs	B1	221.7	Severe ivy stems at base and re-inspect	
2043	Noble fir	23	1050	6	7	6	7	2	Mature	Fair	Dense ivy obscuring base and trunk. Vigour and form appears reasonable. Moderate deadwood.	20-40yrs	B1	498.8	Severe ivy stems at base and re-inspect	
OS 1	Holly	12	400	4	2	4	4	1	Early mature	Fair	Growing within neighbours property. Dense crown overhanging boundary. Has not been inspected on detail.	20-40yrs	B2	72.38		
OS 2	Weeping beech	19	450	4	6	3	4	1	Mature	Fair	Growing within neighbours property. Pendulous variety with tips overhanging boundary. Has not been inspected in detail.	40+yrs	B2	91.61		

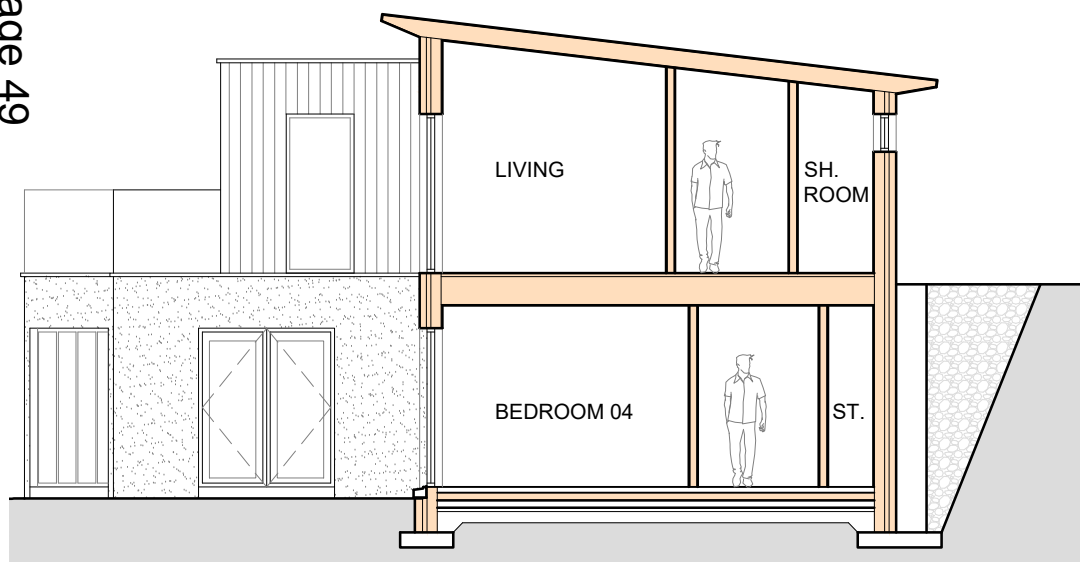




SITE SECTION Y-Y Scale 1:200



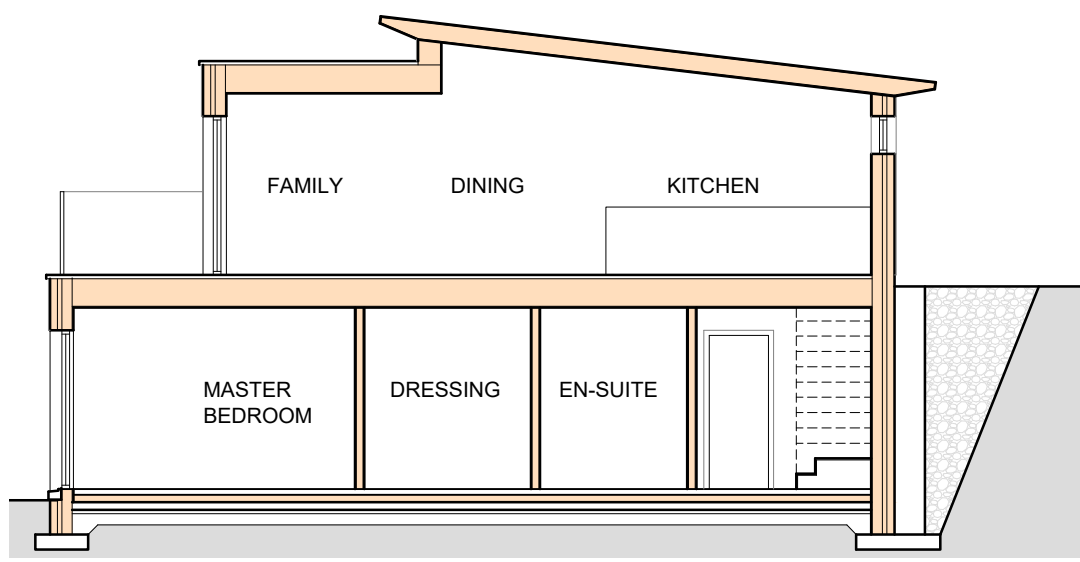
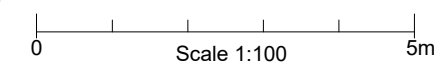
Page 49



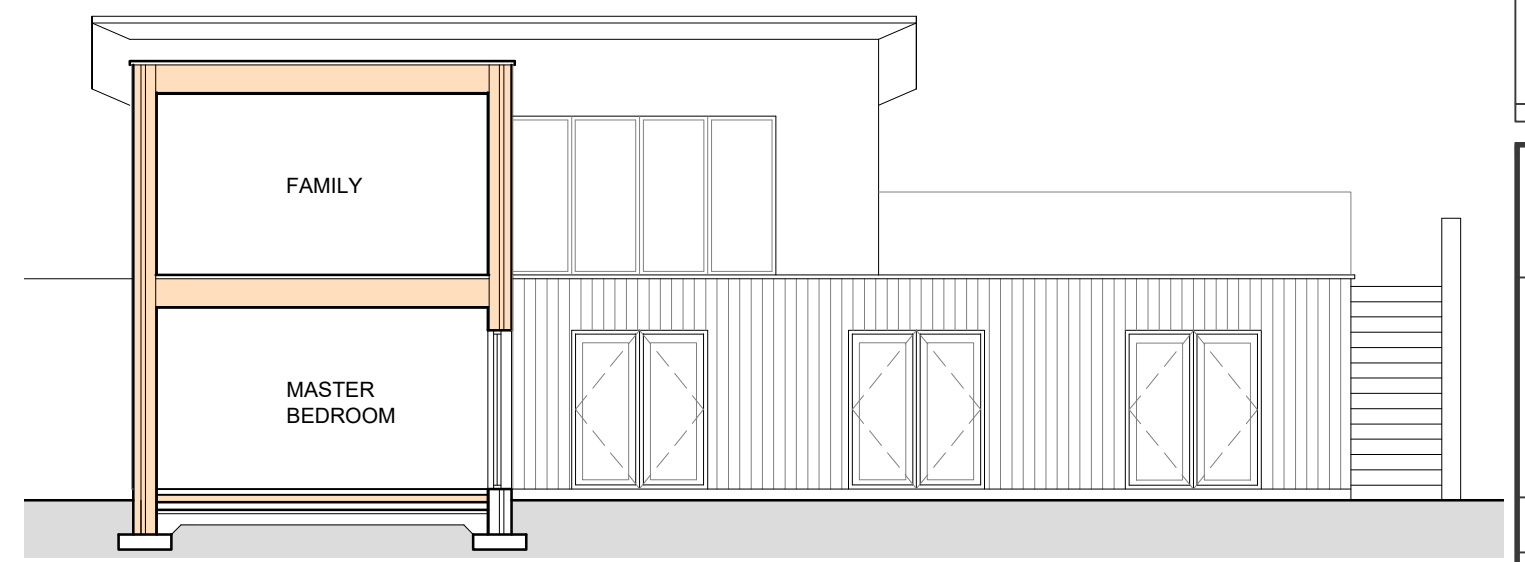
SECTION A-A Scale 1:100



SITE SECTION X-X Scale 1:200



SECTION B-B Scale 1:100



SECTION C-C Scale 1:100

A	IMcG	Amended for planning	30.08.16
Rev.	By	Description	Date

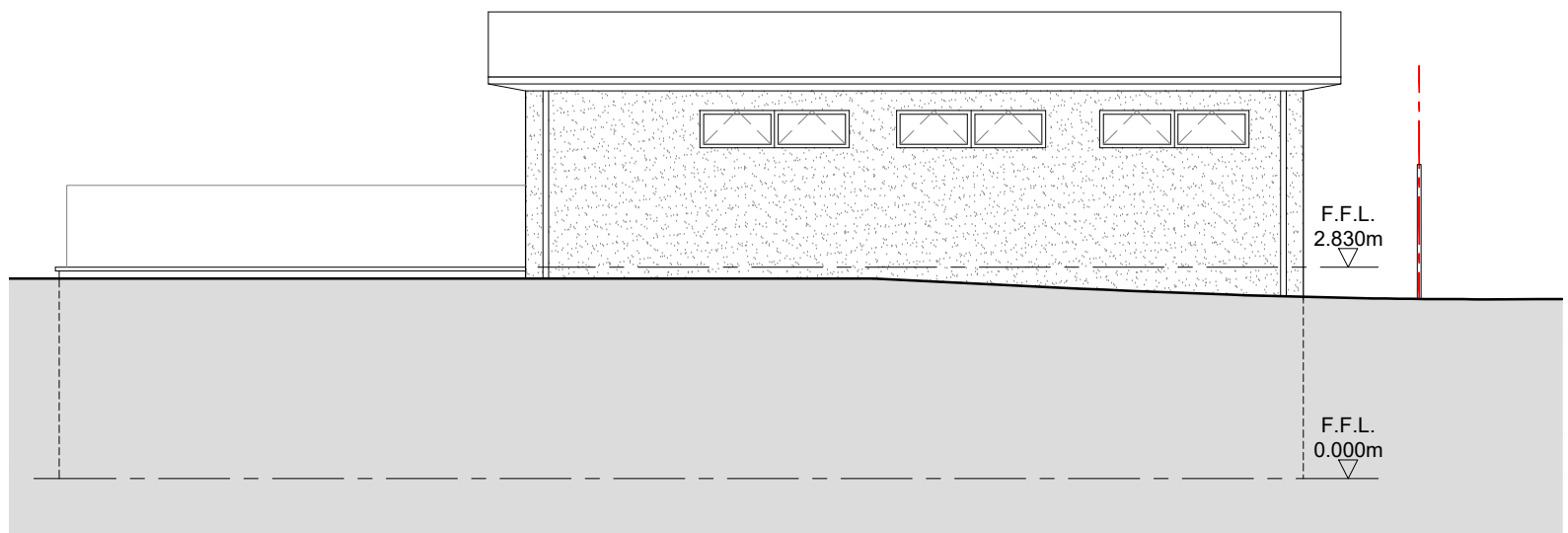
Anderson House  
 Quarry Road  
 Aberdeen  
 AB16 5UU  
 01224 945880  
 info@mcgregorgarrow.co.uk  
 www.mcgregorgarrow.co.uk



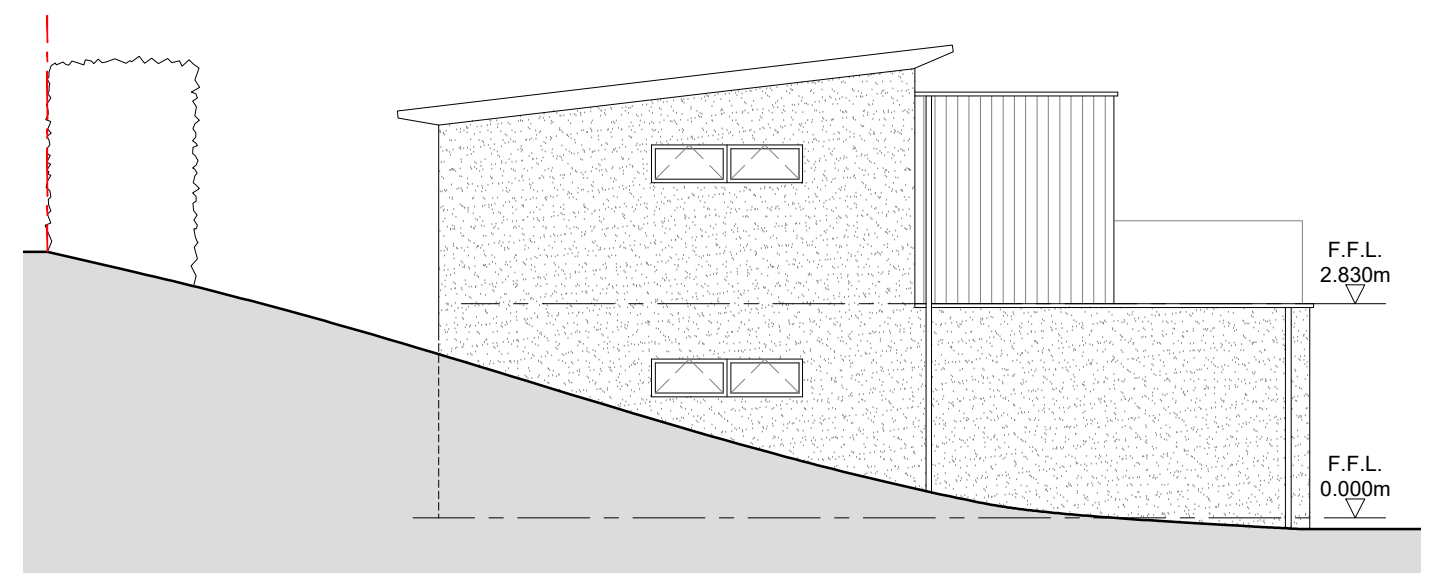
Project  
**NEW HOUSE**  
 Location  
**WESTERTON ROAD, CULTS**  
 Client  
**F. CULLIGAN**  
 Drawing Title  
**DRAWING OF PROPOSED**

Project Ref. C005	Drawing No. 005-01	Revision A
Scale A3 AS SHOWN	Date JUL. 2016	Drawn by CMcG

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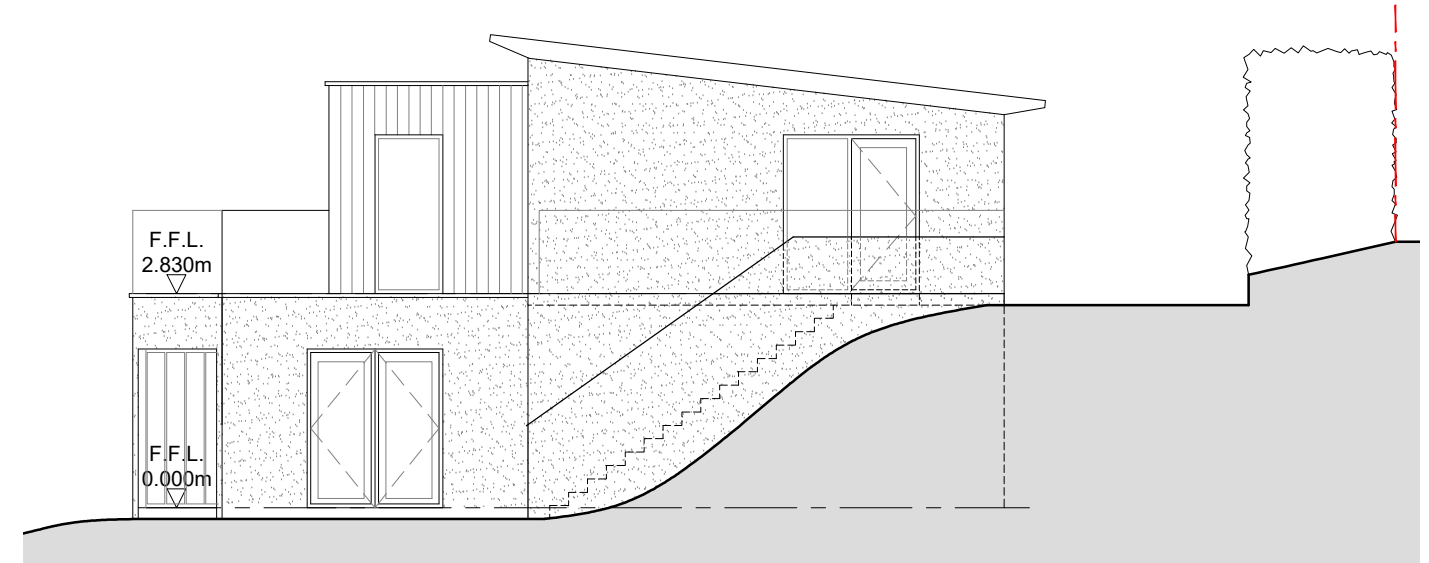
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION





EAST ELEVATION

Page 51

**FINISHES**

**WALLS**

-  Render, light coloured (TBC)
-  Timber cladding

**ROOFS**

Single-ply roofing membrane, dark grey colour

**SOFFITS & FASCIAS**

Dark grey aluminium

**WINDOWS & DOORS**

Dark grey aluminium

**RAINWATER GOODS**

Dark grey aluminium

**DRIVEWAY**

Permeable block paving



Rev.	By	Description	Date
A	IMcG	Amended for planning	30.08.16

Anderson House  
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 www.mcgregorgarrow.co.uk



Project  
**NEW HOUSE**  
 Location  
**WESTERTON ROAD, CULTS**  
 Client  
**F. CULLIGAN**  
 Drawing Title  
**PROPOSED ELEVATIONS**

Project Ref. C005	Drawing No. 006-01	Revision A
Scale A3 1:100	Date JUL. 2016	Drawn by CMcG

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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 100002804-002

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.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Sub-division of residential curtilage and erection of new dwelling house

Is this a temporary permission? \*  Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*  Yes  No

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## 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:	McGregor Garrow Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	ian	Building Name:	
Last Name: *	McGregor	Building Number:	25
Telephone Number: *	01224 945880	Address 1 (Street): *	Orchard Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB24 3DA
Email Address: *	ian@mcgregorgarrow.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	-	Building Name:	Southfield
First Name: *	Mr & Mrs	Building Number:	
Last Name: *	Culligan	Address 1 (Street): *	Inchgarth Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB15 9NX
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

SOUTHFIELD

Address 2:

INCHGARTH ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 9NX

Please identify/describe the location of the site or sites

Northing

803054

Easting

390122

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

This application is for a revised design, addressing the issues of the original application 150880 which was determined (Refused) on 25/04/2016.

Title:

Ms

Other title:

First Name:

Lucy

Last Name:

Green

Correspondence Reference Number:

Date (dd/mm/yyyy):

25/04/2016

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

1328.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Empty, unused land, part of the 4860 sq.m site within the curtilage of the existing 'Southfield' house.

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- Yes – connecting to public drainage network  
 No – proposing to make private drainage arrangements  
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? \* (e.g. SUDS arrangements) \*

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.



Are you proposing to connect to the public water supply network? \*

- Yes  
 No, using a private water supply  
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

The proposals show the provision of waste and recycling storage, with the location shown adjacent to the access road to aid collection.

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

How many units do you propose in total? \*

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*  Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*  Yes  No

Is any of the land part of an agricultural holding? \*  Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Ian McGregor

On behalf of: - Mr & Mrs Culligan

Date: 03/08/2016

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: \* (Max 500 characters)

Provide copies of the following documents if applicable:

- |  |                              |   |
|--|------------------------------|---|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Ian McGregor

Declaration Date: 03/08/2016

# NOTICE OF REVIEW

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

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

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

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

Use BLOCK CAPITALS if completing in manuscript

**Applicant(s)**

Name

Address   
Postcode

Contact Telephone 1   
Contact Telephone 2   
Fax No

E-mail\*

**Agent (if any)**

Name

Address   
Postcode

Contact Telephone 1   
Contact Telephone 2   
Fax No

E-mail\*

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

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

Yes  No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application

Date of decision (if any)

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

**Nature of application**

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

**Reasons for seeking review**

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

**Review procedure**

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

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

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

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

**Site inspection**

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

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

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

**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.

- NON DETERMINATION OF APPLICATION.

- APPROVAL FOR 2 NEW HOUSES APPROVED ON ADJACENT SITE (REF:121527) INCLUDING REMOVAL OF TREES UNDER TREE PROTECTION ORDER

- APPLICATION 160782 - INCHGARM HOUSE. ALTHOUGH THIS APPLICATION HAS BEEN WITHDRAWN TREES HAVE BEEN REMOVED. THERE DOES NOT APPEAR TO BE ANY CONSENT FOR CARRYING OUT THIS WORK, WHICH IS OF A SIMILAR NATURE TO THE APPLICATION, AT SOUTHFIELD, FOR REVIEW.

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

Yes  No

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

**List of documents and evidence**

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

C005 - 001 B	EXISTING SITE PLAN
C005 - 002 C	EXISTING LOCATION & SITE SECTIONS
C005 - 003-01A	PROPOSED SITE PLAN
C005 - 004-01A	PROPOSED PLANS
C005 - 005-01A	PROPOSED SECTIONS
C005 - 006-01A	PROPOSED ELEVATIONS
10-051 23 A	BLOCK PLAN - 13 WESTERN ROAD (APP 121527)
(PHOTO) APP 121527	- EXISTING PLAN
(PHOTO) APP 121527	- EXISTING STREETVIEW
(PHOTO) APP 121527	- TREES REMOVED
	(PHOTO) APP 160782 - TREES REMOVED

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

**Checklist**

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

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

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

**Declaration**

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

Signed

Date

09 / 12 / 16