

# Public Document Pack



To: Councillor Boulton , Chairperson; and Councillors Donnelly, the Depute Provost and Macdonald .

Town House,  
ABERDEEN 29 November 2018

## **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, 5 DECEMBER 2018 at 1.00 pm.**

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

### **B U S I N E S S**

1.1 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**

**MEMBERS PLEASE NOTE THAT THE FOLLOWING LINK WILL TAKE YOU TO THE LOCAL DEVELOPMENT PLAN.**

[Local Development Plan](#)

**TO REVIEW THE DECISION OF THE APPOINTED OFFICER TO REFUSE THE FOLLOWING APPLICATIONS**

**PLANNING ADVISER - GAVIN EVANS**

2.1 Replacement of Roller Shutter Access Gate (Retrospective) - 85 Blenheim Place Aberdeen - 181008

2.2 Delegated Report, Original Application Form, Decision Notice and Letter of Representation from Consultee (Pages 5 - 22)

Members, please note that all plans and supporting documents relevant to the review can be viewed online at the following link by entering the application reference number:-

Planning Reference - 181008

<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>

2.3 Planning Policies Referred to in Documents Submitted (Pages 23 - 24)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 25 - 32)

Members, please note that all plans and supporting documents relevant to the review can be viewed online at the following link by entering the application reference number:-

Ref Number (181008)

<https://publicaccess.aberdeencity.gov.uk/online-applications/search.do?action=simple&searchType=Application>

2.5 Determination - Reasons for Decision

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

2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

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.

 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <p style="margin: 10px 0 0 0;">Report of Handling</p>
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<b>Site Address:</b>	85 Blenheim Place, Aberdeen, AB25 2DZ.
<b>Application Description:</b>	Replacement of roller shutter access gate (retrospective)
<b>Application Ref:</b>	181008/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	19 June 2018
<b>Applicant:</b>	Mr Peter Faber
<b>Ward:</b>	Hazlehead/Ashley/Queens Cross
<b>Community Council:</b>	Queen's Cross and Harlaw
<b>Case Officer:</b>	Linda Speers

## **RECOMMENDATION**

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Refuse

## **APPLICATION BACKGROUND**

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### **Site Description**

The application site relates to an end-terrace 2-storey traditional granite property on the western side of Blenheim Place within the Albyn Place/Rubislaw Conservation Area. The rear garden is fully enclosed and stretches 23m long and 10m wide and includes a twin garage and an area of hardstanding all of which directly access the rear lane.

### **Relevant Planning History**

Planning permission (Ref: 180691/DPP) was approved in June 2018 to extend and raise the roof height of the adjacent garage. In addition, planning permission (Ref: 150791) was approved in July 2015 for the erection of a single storey extension to the rear of the dwelling. The original boundary wall on the rear lane was removed and replaced with a sliding timber gate post 2009; there is no planning records indicating consent was approved for this, and the works are therefore unauthorised.

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

Retrospective consent for the installation of a roller shutter gate, located on the rear boundary of the property, accessed via the rear lane. The gate is finished in black coated steel with the enclosure finished in a black timber.

### **Supporting Documents**

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PAKSDUBZMLC00>

## **CONSULTATIONS**

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**ACC - Roads Development Management Team** – no observations.

## **REPRESENTATIONS**

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None

## **MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

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.

### **National Planning Policy and Guidance**

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

### **Aberdeen Local Development Plan 2017 (ADLP)**

Policy H1: Residential Areas  
Policy D1: Quality Placemaking by Design  
Policy D4: Historic Environment

### **Supplementary Guidance (SG)**

Householder Development Guide (HDG)  
Aberdeen City Conservation Area Character Appraisals and Management Plan  
Albyn Place/ Rubislaw Conservation Area Character Appraisal

## **EVALUATION**

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The application site is located within an area zoned for residential (Policy H1) within the ADLP and within the Albyn Place/Rubislaw Conservation Area and relates to householder development. The proposal would comply with this policy in principle if it does not constitute over-development; the character and amenity of the surrounding conservation area is not adversely affected; and it complies with associated SG, in this case the HDG. Policy D1 and D4 requires all development to have high quality design that respects the character, appearance and setting of the historic environment.

The retrospective alterations relate to a gated entrance on the rear lane of an existing property in the Albyn Place / Rubislaw Conservation Area. The aim of the HDG is to promote in all cases *'good quality design, careful siting and due consideration of scale, context and design of the parent building are key to ensuring that development does not erode the character and appearance of our residential areas* and furthermore the emphasis on good design particularly in the city's Conservation Area is cited in 'The Aberdeen City Conservation Area Character Appraisals and Management Plan' which states that efforts to *'control the design and type of development within the conservation area, ensuring it is sympathetic and of high quality. Ensure the appropriate use of materials with regard to longevity and sustainability to protect and enhance the character and quality of the conservation area in the long term'*

The roller shutter structure is a freestanding feature electrically operated and measures 2.6m high; it sits 0.9m higher than the existing surrounding boundary walls. The height of the roller shutter is considered visually dominant; towering above the original boundary walls and appears unusual within its context, traditionally in this location a gated entrance would be timber, inward opening and consistent with the original wall height. While the location of the roller shutter is limited to a rear lane which includes a variety of enclosures and garages; typically, a roller shutter of this nature is associated with fronting a garage. The property includes a double garage on the rear lane and the addition of the freestanding roller shutter gate adjacent is conspicuous; furthermore, there is no justification for its presence. The design, scale and proportions of the roller shutter are considered inappropriate and not of a design which is suitable for a historic conservation area. The installation of this kind of modern roller shutter is a part of the incremental damage through small changes which undermine the historic character of the Conservation Area. It fits within the threat to the Conservation Area highlighted by the Conservation Area Character Appraisal – *“Unsympathetic development that does not reflect or relate to the character of the character area”*.

At some stage since 2009; the applicant has removed the original boundary wall and formed an opening presumably for car access; part of the garden has been converted to hardstanding and a sliding gate fitted to the opening. Recently, the sliding gate has been replaced with a roller shutter gate. The retrospective development is unauthorised and the loss of boundary walls in Conservation Areas should be avoided.

The property lies within the Albyn Place and Rubislaw Conservation Area and Historic Environment Scotland Policy Statement (HESPS) must be referred to in determination of the application. HESPS 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 roller shutter gate would have an adverse effect on the character of the Conservation Area and ultimately result in the loss of special architectural interest. Approval of this application would create an undesirable precedent for similar proposals resulting in further erosion of the traditional character, therefore the application is recommended for refusal as it does not comply with this policy and Policy D4 (Historic Environment).

In this instance and for the reasons outlined above the proposal is considered to impact negatively; the design and appearance would not make a positive contribution to the setting and would have unacceptable impact on the character or amenity of the surrounding area; and is therefore contrary to the guidelines set out in the Conservation Area management plan and Scottish Planning Policy, Policy H1 (Residential Areas), Policy D4 (Historic Environment) and Policy D1 (Quality Placemaking by Design) and the relevant Supplementary Guidance.

## **RECOMMENDATION**

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Refuse

## **REASON FOR RECOMMENDATION**

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1. The proposal is contrary to Historic Environment Scotland Policy Statement, Scottish Planning Policy, Policy D4 (Historic Environment) of the Aberdeen Local Development Plan 2017 as the proposed roller shutter gate, due to its size, design and materials do not enhance nor preserve the character of the Albyn Place and Rubislaw Conservation Area;

2. The proposal is contrary to Policy D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan 2017 and the Supplementary guidance - Householder Development Guide; the proposed roller shutter gate, due to its inappropriate size, design and materials do not make a positive contribution to the setting and would have unacceptable impact on both the character and visual amenity of the surrounding area; and
3. Approval of this application would create an undesirable precedent for similar proposals resulting in further erosion of the traditional character of the conservation area.





Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North 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 100125530-001

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

## 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)

Retrospective application for replacement vehicular access gate

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

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): \*

Please explain why work has taken place in advance of making this application: \* (Max 500 characters)

Client was unaware that the replacement gate would require planning permission

## 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:	Groundwater Architectural Design		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Kevin	Building Name:	<input type="text"/>
Last Name: *	Groundwater	Building Number:	41
Telephone Number: *	01224782035	Address 1 (Street): *	Bracken Road
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Portlethen
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	AB12 4TA
Email Address: *	info@groundwaterdesign.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Peter	Building Number:	85
Last Name: *	Faber	Address 1 (Street): *	Blenheim Place
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Aberdeen
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	AB25 2DZ
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

85 BLENHEIM PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB25 2DZ

Please identify/describe the location of the site or sites

Northing

806047

Easting

392432

## 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)

Advised to make a retrospective application for new gate

Title:

Ms

Other title:

First Name:

Linda

Last Name:

Speers

Correspondence Reference  
Number:

Date (dd/mm/yyyy):

13/06/2018

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:

495.00

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)

Dwelling

## 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?

3

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)? \*

3

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

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)

n/a

## Residential Units Including Conversion

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

Yes  No

## 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: Kevin Groundwater

On behalf of: Mr Peter Faber

Date: 19/06/2018

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 principal 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. \*

Yes  N/A

A Design Statement or Design and Access Statement. \*

Yes  N/A

A Flood Risk Assessment. \*

Yes  N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). \*

Yes  N/A

Drainage/SUDS layout. \*

Yes  N/A

A Transport Assessment or Travel Plan

Yes  N/A

Contaminated Land Assessment. \*

Yes  N/A

Habitat Survey. \*

Yes  N/A

A Processing Agreement. \*

Yes  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 Kevin Groundwater

Declaration Date: 19/06/2018

## Payment Details

Online payment: ABSP00002932

Payment date: 19/06/2018 15:36:00

Created: 19/06/2018 15:36



## **DECISION NOTICE**

### **The Town and Country Planning (Scotland) Act 1997**

### **Detailed Planning Permission**

Groundwater Architectural Design  
41 Bracken Road  
Portlethen  
Scotland  
AB12 4TA

on behalf of **Mr Peter Faber**

With reference to your application validly received on 19 June 2018 for the following development:-

**Replacement of roller shutter access gate (retrospective)  
at 85 Blenheim Place, Aberdeen**

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>
18-245/06	Location Plan
18-245/05	Elevations and Floor Plans

#### **REASON FOR DECISION**

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

1. The proposal is contrary to Historic Environment Scotland Policy Statement, Scottish Planning Policy, Policy D4 (Historic Environment) of the Aberdeen Local Development Plan 2017 as the proposed roller shutter gate, due to its size, design and materials do not enhance nor preserve the character of the Albyn Place and Rubislaw Conservation Area;

2. The proposal is contrary to Policy D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan 2017 and the Supplementary guidance - Householder Development Guide; the proposed roller shutter gate, due to its inappropriate size, design and materials do not make a positive contribution to the setting and would have unacceptable impact on both the character and visual amenity of the surrounding area; and
3. Approval of this application would create an undesirable precedent for similar proposals resulting in further erosion of the traditional character of the conservation area.

**Date of Signing** 8 August 2018



**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](http://www.eplanning.scot).

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

## **SERVICE OF PURCHASE NOTICE WHERE INTERESTS ARE AFFECTED BY A PLANNING DECISION**

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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# **Consultee Comments for Planning Application 181008/DPP**

## **Application Summary**

Application Number: 181008/DPP

Address: 85 Blenheim Place Aberdeen AB25 2DZ

Proposal: Replacement of roller shutter access gate (retrospective)

Case Officer: Linda Speers

## **Consultee Details**

Name: Mrs Christine Steel

Address: Aberdeen City Council, Marischal College, Broad Street, Aberdeen AB10 1AB

Email: csteel@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

## **Comments**

Roads Development Management have no observations to note.

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## **National Planning Policy**

Scottish Planning Policy (SPP)

<https://www.gov.scot/Resource/0045/00453827.pdf>

Historic Environment Scotland Policy Statement (HESPS)

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=f413711b-bb7b-4a8d-a3e8-a619008ca8b5>

## **Aberdeen Local Development Plan (ALDP)**

H1: Residential Areas;

D1: Quality Placemaking by Design;

D4: Historic Environment

## **Supplementary Guidance**

Householder Development Guide

<https://www.aberdeencity.gov.uk/sites/default/files/2.1.PolicySG.HouseHoldDesignGuide.pdf>

## **Other Material Considerations**

Albyn Place / Rubislaw Conservation Area Character Appraisal

[https://www.aberdeencity.gov.uk/sites/default/files/2013\\_Con\\_Appraisal\\_3\\_Albyn.pdf](https://www.aberdeencity.gov.uk/sites/default/files/2013_Con_Appraisal_3_Albyn.pdf)

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North 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      100125530-002

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:	Groundwater Architectural Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Kevin	Building Name:	
Last Name: *	Groundwater	Building Number:	41
Telephone Number: *	01224782035	Address 1 (Street): *	Bracken Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Portlethen
Fax Number:		Country: *	Scotland
		Postcode: *	AB12 4TA
Email Address: *	info@groundwaterdesign.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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Doctor"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Peter"/>	Building Number:	<input type="text" value="85"/>
Last Name: *	<input type="text" value="Faber"/>	Address 1 (Street): *	<input type="text" value="Blenheim 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="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB25 2DZ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="85 BLENHEIM PLACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB25 2DZ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806047"/>	Easting	<input type="text" value="392432"/>
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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)

Retrospective application for replacement vehicular access gate

## 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.

See attached statement

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

Yes  No

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

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Supporting Statement for Review Photographs relating to statement Drawing 18/245-05 Elevations and Layout Plans Drawing 18/245-06 Location Plan Decision Notice Photograph original gate Photograph new gate Letters of support

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

181008/DPP

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

19/06/2018

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

08/08/2018

## Review Procedure

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

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

Yes  No

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

Please select a further procedure \*

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

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

We believe that viewing the site in context to the surroundings will show that the proposal does not "set an undesirable precedent for similar proposals resulting in further erosion of the traditional character of the conservation area" as stated in item 3 of the refusal document

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

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

Yes  No

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

Yes  No

## Checklist – Application for Notice of Review

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

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

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

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

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

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

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

## Declare – Notice of Review

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

Declaration Name: Mr Kevin Groundwater

Declaration Date: 21/09/2018

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Ref: 18-245

21 September 2018

**PROPOSED DEVELOPMENT AT 85 BLENHEIM PLACE, ABERDEEN**

**STATEMENT**

We would seek review of the refusal of the application 181008/DPP dated 19 June 2018, refused permission on 8 August 2018

**Background**

The property is located within the Albyn Place and Rubislaw conservation area. The gate in question is located on the boundary facing the unnamed lane to the rear of 85 Blenheim Place

This metal vertical roller gate was installed earlier this year as a replacement for an existing sliding timber gate giving access to an existing driveway to the rear of the property. The reason for the installation of this gate rather than a direct replacement was due to the weight of the existing gate was causing structural damage to the adjacent garage and boundary wall. The walls were in imminent danger of falling into the back lane. Immediate structural repairs had to be carried out and subsequently, in the interest of public safety in the back lane and access to the driveway, it was decided that a self-supporting gate would be the best solution to preserve the stability of the existing structures. A vertical gate was installed as it could be automatically operated to minimise obstructing the public road and would not impinge on either the roadway or garden ground

This was carried out by my client who at the time was unaware that a replacement gate would require consent.

The current arrangements allow for my client to conveniently access the communal (dwellings Blenheim Place 85 and 87) car charger point and with minimal delay respond to his on-call commitments at Aberdeen Royal Infirmary.

The existing gate was identified by the planning officer as being unapproved during a site visit for a separate application and we were asked to make a retrospective application

**Grounds for refusal**

1. The proposal is contrary to Historic Environment Scotland Policy Statement, Scottish Planning Policy, Policy D4 (Historic Environment) of the Aberdeen Local Development Plan 2017 as the proposed roller shutter gate, due to its size, design and materials do not enhance nor preserve the character of the Albyn Place and Rubislaw Conservation Area
2. The proposal is contrary to Policy D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan 2017 and the Supplementary guidance - Householder Development Guide; the proposed roller shutter gate, due to its inappropriate size, design and materials do not make a positive contribution to the setting and would have unacceptable impact on both the character and visual amenity of the surrounding area

3. Approval of this application would create an undesirable precedent for similar proposals resulting in further erosion of the traditional character of the conservation area.

### **Reasons for review**

In response to the grounds for refusal:

1. Whilst the proposal is deemed contrary to Historic Environment Scotland Policy Statement, Scottish Planning Policy, Policy D4 (Historic Environment) of the Aberdeen Local Development Plan 2017 as it does not enhance nor preserve the character of the Albyn Place and Rubislaw Conservation Area it is wholly in context with the lane to the Rear of Blenheim Place and existing gates on Deswood Place
2. As various out buildings and driveway accesses have been formed in the lane over years the roller shutter gate does comply with points made in Supplementary Guidance Householder Development Guide - 3.1.10 Other Domestic Alterations: Fences, Walls and Other Boundary Enclosures. That “the scale and form of boundary enclosures should be appropriate to their context and should not detract from the street scene as a result of inappropriate visual impact and “would not result in an unacceptable impact upon the amenity of neighbouring dwellings”. To this effect we have enclosed written statements from the nearest neighbours and photographs of the back lane
3. Approval of this application would not create an undesirable precedent for similar proposals resulting in further erosion of the traditional character of the conservation area as there are already gates of a similar nature and design on the lane.

Our contention is that given the varied nature of the streetscape to both sides of the lane this application is not to the detriment to the surrounding area and should be considered for approval.