

# Public Document Pack



To: Councillor Boulton, Chairperson; Councillor Alan Donnelly, the Depute Provost; and Councillor Cameron.

Town House,  
ABERDEEN, 11 December 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 **TUESDAY, 18 DECEMBER 2018 at 1.30 pm.**

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

### **BUSINESS**

1.1 Procedure Notice (Pages 5 - 6)

**Copies of the relevant plans / drawings are available for inspection in advance of the meeting and will be displayed at the meeting**

**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 Unit 1, Stoneywood Park - Extension of yard area including all associated engineering and landscaping works (P180989)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) by entering the application reference number 180989.

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 7 - 90)

2.3 Planning Policies Referred to in Documents Submitted (Pages 91 - 92)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 93 - 108)

2.5 Determination - Reasons for Decision

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

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

### **PLANNING ADVISER - GAVIN EVANS**

3.1 16 Don Terrace - Formation of driveway to front (P180912)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) by entering the application reference number 180912.

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 109 - 128)

3.3 Planning Policies Referred to in Documents Submitted (Pages 129 - 130)

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 131 - 138)

3.5 Determination - Reasons for Decision

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

## **PLANNING ADVISER - LUCY GREENE**

- 4.1 Land at rear of 44/46 Bedford Road - Erection of 6 residential flats with associated landscaping (P181541)  
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) by entering the application reference number 181541.
- 4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 139 - 166)
- 4.3 Planning Policies Referred to in Documents Submitted (Pages 167 - 168)
- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 169 - 176)
- 4.5 Determination - Reasons for Decision
- 4.6 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 Stephanie Dunsmuir, [sdunsmuir@aberdeencity.gov.uk](mailto:sdunsmuir@aberdeencity.gov.uk) or tel 01224 522503

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## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

### PROCEDURE NOTE

#### GENERAL


1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations shall be carried out in stages.
3. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
4. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.  
Any representations:
  - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
  - made outwith the 14 day period representation period referred to abovecannot and will not be considered by the Local Review Body in determining the Review.
5. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
6. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
  - (a) written submissions;
  - (b) the holding of one or more hearing sessions;
  - (c) an inspection of the site.

7. If the LRB do decide to seek further information or representations prior to the determination of the review, they will require, in addition to deciding the manner in which that further information/representations should be provided, to be specific about the nature of the information/representations sought and by whom it should be provided.
8. In adjourning a meeting to such date and time as it may then or later decide, the LRB shall take into account the procedures outlined within Part 4 of the regulations, which will require to be fully observed.

#### DETERMINATION OF REVIEW

9. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
10. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-
 

“where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
11. In coming to a decision on the review before them, the LRB will require:-
  - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
  - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
  - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
12. In determining the review, the LRB will:-
  - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
  - (b) overturn the appointed officer’s decision and approve the application **with or without appropriate conditions.**
13. The LRB will give clear reasons for its decision in recognition that these will require to be intimated and publicised in full accordance with the regulations.

 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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<b>Site Address:</b>	Unit 1, Stoneywood Park, Aberdeen, AB21 7DZ
<b>Application Description:</b>	Extension of yard area including all associated engineering and landscaping works
<b>Application Ref:</b>	180989/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	18 June 2018
<b>Applicant:</b>	Marwood Group Ltd
<b>Ward:</b>	Dyce/Bucksburn/Danestone
<b>Community Council:</b>	Dyce And Stoneywood
<b>Case Officer:</b>	Matthew Easton

## RECOMMENDATION

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Refuse

## APPLICATION BACKGROUND

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### Site Description

The application site comprises an area of woodland of approximately 2550m<sup>2</sup> in area. The eastern most two thirds feature dense woodland, whereas the smaller remaining western part comprises trees at a lower density with rough ground and grass. It forms part of a wider woodland belt, generally 35m deep, which separates Stoneywood Industrial Estate to the north and the Stoneywood Estate and other residential properties to the south.

To the immediate north of the identified application site, is a single storey warehouse and storage yard. It is understood to have been occupied by the applicant, Marwood Group, a non-mechanical plant hire company, since around late 2015. To the east are further trees forming an additional part the woodland belt continuing c.35m deep over a distance of some 335m; and to the south are homes on Cedar Avenue, a part of the Stoneywood Estate residential development. To the west is a dwellinghouse (328 Stoneywood Road) and plot of land accommodating a recently completed 1½ storey dwellinghouse. These latter two (328 Stoneywood Road and new house) immediately abut the site.

### Relevant Planning History

- Utilising permitted development rights, the applicant recently created an additional area of yard space at the rear of their building – within the extent of their existing site, identified by the blue on the location plan. No planning permission was required for this work.

- Planning permission (161802/MS) exists for a new house to the immediate south of the site, on land between 326 and 328 Stoneywood Road. The house would be located adjoining the south western boundary of the application site, with the house toward the west part of the plot and a garden at the east.
- A planning application (171180/DPP) for the extension of the yard and removal of the woodland was refused by the Planning Development Management Committee, in accordance with officer recommendation on 7 December 2017, with the decision being issued on 3 January 2018.

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

The construction of an extension to the storage yard associated with the Marwood Group operation. The yard extension would be approximately 1385m<sup>2</sup> in area and located across the eastern most two-thirds of the application site. It would be surfaced with asphalt.

The construction of the yard would require the removal of vegetation and woodland on the site, comprising the loss of 93 trees.

The western third of the site, comprising approximately 591m<sup>2</sup>, would be planted with 80 replacement trees. An eight metre wide landscape strip would also be provided along the southern boundary of the site whereas the eastern side would have a two metre boundary.

This application represents a reduction of around 20% in the size of the yard which was refused permission in January 2018.

### **Supporting Documents**

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PAIS5IBZMIU00>

- Supporting Statement
- Tree Survey Report (same report as submitted for application 171180/DPP)

## **CONSULTATIONS**

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**Dyce and Stoneywood Community Council** – The Community Council object for the following reasons –

- The unacceptable effect on residential amenity of nearby properties with respect to noise and visual intrusion.
- The inappropriate proposed land use in terms of policy NE1 (Green Space Network).
- The unacceptable loss of mature woodland in terms of policy NE5 (Trees and Woodland).
- The Community Council consider that to all intents and purposes the application is a resubmission of application 171180/DPP which was refused.

## **REPRESENTATIONS**

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Twenty eight letters of representation have been received, the vast majority from residents of surrounding homes and wider Stoneywood Estate. All object to the application and the following matters of concern have been raised –

1. The removal of the woodland is generally unacceptable.
2. The removal of woodland would affect the amenity of residents on Cedar Avenue in terms of noise and pollution.
3. The removal of the woodland would adversely affect the visual character and feel of Stoneywood Estate.
4. The removal of woodland would affect wildlife.
5. The removal of the woodland would expose other trees to wind damage, increasing risk of loss for of the entire woodland belt.
6. The trees are described by the applicant as being in poor condition, however according to their tree report only four need to be felled due to their condition.
7. The proposed replacement tree planting would not provide any screening for a significant time.
8. The zoning of the woodland as green space network should not be considered as an error, as suggested by the applicant.
9. The area to the south side of the woodland belt is residential in character and not commercial as suggested by the applicant.
10. A tree preservation order should be made covering the woodland.
11. If any external lighting was proposed for the yard it would be detrimental to residential amenity.
12. If approved the application could encourage other similar applications for the removal of further trees along this tree belt.
13. If the applicant requires larger premises, there are plenty of vacant premises in the area which would be used, which would avoid the need to remove trees.
14. The proposal would benefit a private company over the wider residents of the area and public.

## **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.

Section 159 of the act requires that whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.

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

#### Scottish Planning Policy (2014)

- Para 194 (A Natural, Resilient Place – Policy Principles)
- Para 216 - 218 (A Natural, Resilient Place – Woodland)

#### The Scottish Government's Policy on Control of Woodland Removal Policy

- Provide policy direction for decisions on woodland removal in Scotland.

**Aberdeen Local Development Plan (2017)**

- B1: Business and Industrial Land
- H1: Residential Areas
- NE1: Green Space Network
- NE5: Trees and Woodland

**Supplementary Guidance and Technical Advice Notes**

- Trees and Woodlands

The site lies out-with the area covered by the Stoneywood Estate Development Framework and Masterplan.

**EVALUATION**

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**Background**

Scottish Planning Policy indicates that ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development.

In this case the section of woodland which would be removed to allow the development comprises an area approximately 60m long and between 22m and 30m wide, with associated undergrowth. The trees present therein vary in height, with the largest up to 25m tall, and many over 100 years old. These trees form part of a much larger woodland belt, 335m long, which runs the length of Cedar Avenue. This woodland belt provides a buffer between Stoneywood Industrial Estate and the housing within Stoneywood Estate, the latter developed by Dandara over recent years.

A tree survey of the affected area has been submitted by the applicant and reviewed by the Council's Environmental Policy Team. The survey however is identical to that previously submitted and has not been updated to take account of the revised proposal.

Notwithstanding, it appears that around 18 of the 95 trees on the site would remain if the proposal were approved, resulting in a total of 77 trees being removed to allow development. A proportion of these trees have been classed as category 'C' by the applicant, which indicates they are of low quality and value, either due to their poor condition and limited life expectancy, or relatively young age. However no consideration would appear to have been given to their landscape significance or cumulative impacts rather than individual merits. The majority of trees currently categorised as 'C' would, in the opinion of the planning authority, be better described as category 'B2'; inferring that they attract a significantly higher collective rating as a group than they might as individuals, due to their visual contribution to the wider locality. Furthermore the Planning Statement considered these trees to be of poor quality; however only four trees appear to be proposed for removal due to their condition or for woodland management reasons (*as noted by issue 6 in representations*).

Despite the reduction in the number of trees which would have been required to be removed because of the previous application refused in January 2018, as discussed in the following sections, the reduction does not remove the significant tensions with several policies.

**Land Use Policy Zoning / Amenity**

The entire area of woodland is covered by the residential colouring upon the proposals map of the ALDP, where Policy H1 (Residential Areas) states that proposals for non-residential uses will be refused unless they are either considered complementary to residential use; or it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

A warehouse and storage use is generally not considered to be a use compatible with residential uses. Importantly, this part of the Stoneywood Estate is particularly quiet as Cedar Avenue is a no-through road and set back from busy Stoneywood Road and divided from non-residential uses to the north by the significant tree belt. By allowing the yard to expand, the proximity of industrial uses and associated activity to the houses on Cedar Avenue would be reduced from around 60m+ to some 22m to 30m. This would significantly decrease the amenity of residents in the area by bringing potentially noisy activity closer to their homes, in conflict with the requirements of Policy H1.

Visually, the woodland belt provides a significant barrier between the industrial estate and the residential properties. Its removal would result in a storage yard, with potentially associated plant equipment, being evident from these homes, substantially altering the character of the area. The proposed yard would also be immediately adjacent to the garden ground of the new home located on the plot between 324 and 328 Stoneywood Road, again reducing the level of amenity which the home would enjoy. The existing house at 328 Stoneywood Road would also experience a reduction in amenity, as the yard activity moved substantially closer. The 8m wide landscaped strip proposed along the southern edge of the site would considerably fall short of providing the same, if any, significant buffer or element of protection, especially if external lighting was later proposed/installed. In summary, the loss of the woodland and creation of the yard would significantly reduce the amenity of existing and future residents, contrary to Policy H1 (*issues 2, 3, 9 and 11 in representations*).

A small area of the application site, on its west side and comprising a landscaped area, is zoned for business and industrial purposes, where Policy B1 (Business and Industrial Land) supports in principle the expansion of existing concerns and uses. However, B1 goes on to say that within such existing business and industrial areas, there shall be a presumption in favour of retaining existing open space. It is noted that the area zoned as business and industrial is where it is suggested that replacement planting could be provided, so there is no direct conflict with this policy in the detail of the proposals.

However, more generally, whilst the expansion of existing businesses is supported by Policy B1 (for example by extending a building within the footprint of an existing operational site), the expansion into areas of green or open space is not. The overall proposal is clearly contrary to the aim of retaining open space and therefore Policy B1 is not considered to lend any weight to the development of areas out with this designation, or indeed that identified area in itself.

## **Natural Heritage**

Four natural heritage policies within the Local Development Plan apply to the proposal.

Policy NE3 on 'Urban Green Space' says that permission will not be granted to redevelop any parks, playing fields, sports pitches, woods, allotments or all other areas of urban green space (including smaller spaces not identified on the Proposals Map) for any use other than recreation and sport. Exceptions will be made when an equivalent and equally convenient and accessible area for public space is laid out and made available in the locality by the applicant for urban green space purposes and where proposals meet certain criteria. No compensatory areas are proposed in this case.

The tree belt is also identified as forming part of Aberdeen's Green Space Network, a strategic network of connected natural green spaces and habitats linked to the communities around them. In these areas, Policy NE1 applies, which states that the Council will: protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network. Proposals for development that are likely to destroy or erode the character and/or function of the Green Space Network will not be permitted.

Finally, Policy NE5 on 'Trees and Woodlands' contains a presumption against all activities and development that will result in the loss of or damage to: trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation.

Through the Community Council's response and representations from individual residents, it has been made clear that the local community in the area place particular value on the green space which exists in and around Stoneywood Estate, both in terms of what it contributes towards the parkland character of the area and the wildlife habitat it provides. Several representations highlight the range of wildlife which can be found in the woodland, including red squirrels, great crested newts (both protected species), deer, foxes and birds. By encouraging connectivity between habitats, the Green Space Network helps to improve the viability of species and the health of isolated habitats and ecosystems (*issue 8 in representations*).

There is the potential for bats and other protected species such as red squirrel to be present within the woodland. Therefore, the provisions of Policy NE8 on 'Natural Heritage' would apply, which seeks to avoid any detrimental impact on protected species through the carrying out of surveys and submission of protection plans describing appropriate mitigation where necessary. Notwithstanding, in this case the principle of development is not considered to be acceptable and therefore such surveys have not been requested.

The proposed development is clearly in contravention Policy NE3 as it would redevelop an area of woodland, considered to be urban green space. No equivalent green space is proposed and even if it was the relevant additional criteria could not be met, such as the proposal having no significant loss to the landscape character and amenity of the site and surrounding area.

The removal of the woodland would evidently destroy this part of the green space network and erode the network in the wider sense. It may also encourage other businesses within Stoneywood Industrial Estate to seek the removal of other parts of the woodland belt, thus setting an undesirable principle precedent. The loss of this area of woodland could also expose other trees which have developed with an element of protection would otherwise be protected from the wind. This risks tree loss beyond that identified in the applicant's tree report (*issue 5*). The proposal is therefore contrary to Policy NE1 (Green Space Network) and Policy NE5 (Trees and Woodland) (*issues 1, 4, 12 in representations*).

Whilst compensatory planting has been proposed, it is considered that this would not actually compensate for the removal of the 77 trees and the extent of woodland area lost. The planting of 80 trees in an area approximately 42% of the area proposed for felling is not considered adequate to compensate for the proposed loss of woodland and would not provide a similar visual and functional greenspace as is currently present. Additionally it would take a significant number of years for trees to reach the same maturity as those which they would replace and in any case as they would be concentrated at the western side of the site. This arrangement would not achieve the same effect as a visual screen between the industrial and residential use (*issue 7 in representations*).

## **National Policy on Control of Woodland Removal Policy**

The Scottish Government's Policy on Control of Woodland Removal applies and requires that woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for compensatory planting may form part of this balance. Approval for woodland removal should be conditional on the undertaking of actions to ensure full delivery of the defined additional public benefits. In this context, whilst it has been indicated that Marwood Group is doing well and that this development would aid continued expansion of the business, it is not considered that such potential economic benefit would represent an overriding wider public benefit, so as to outweigh the negative public impacts set out above – and as such does not comply with the Scottish Government policy. Indeed such expansion could be facilitated by relocating to a more suitably sized premises or constructing a new premises on allocated business and industrial land, for which there is a plentiful supply within the Aberdeen City region (*issues 13 and 14 in representations*).

### **Tree Preservation Order**

It has been suggested that a tree preservation order (TPO) be applied to the woodland, which would make it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destruct a tree without the consent of the planning authority.

None of the Stoneywood Estate is at present covered by a TPO; however as part of the ongoing review of sites throughout the city, the making of such an order will be considered (*issue 10*).

### **RECOMMENDATION**

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Refuse

### **REASON FOR RECOMMENDATION**

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The loss of the woodland and creation of the yard would significantly reduce the amenity of existing and future residents in both the immediate surroundings and wider Stoneywood area, contrary to Policy H1 (Residential Areas).

The removal of the woodland would destroy part of the city's identified Green Space Network (GSN) and erode the overall network in the wider sense. It may also set a principle precedent and encourage other businesses within Stoneywood Industrial Estate to seek the removal of other parts of the woodland belt, exacerbating this negative impact on the GSN. The proposal is therefore contrary to Policy NE1 (Green Space Network), NE3 (Urban Green Space) and Policy NE5 (Trees and Woodland). Neither is the proposal supported by the Scottish Government's Policy on Control of Woodland Removal, as no overriding wider public benefit has been demonstrated.

Compensatory planting has been proposed but it is considered that this does not adequately compensate for the reduction in area of GSN and associated removal of 93 mature trees.

Whilst the expansion of existing businesses is supported by Policy B1 (Business and Industrial) within such allocated areas, the overall proposal does not see the business activity expanded into such an identified area, but is also clearly contrary to the aim of retaining open space and therefore Policy B1 is not considered to support the proposals.

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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 100125162-001

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)

Extension of yard area including all associated engineering and landscaping works.

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?

Yes  No

(Answer 'No' if there is no change of use.) \*

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:	Halliday Fraser Munro		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Halliday Fraser Munro	Building Name:	
Last Name: *	Planning	Building Number:	8
Telephone Number: *	01224 388700	Address 1 (Street): *	Victoria Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB10 1XB
Email Address: *	planning@hfm.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:	per agent
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	per agent
Company/Organisation	Marwood Group Ltd	Address 2:	
Telephone Number: *		Town/City: *	per agent
Extension Number:		Country: *	per agent
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *			



## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

Unit 1 Stonewood Park

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Aberdeen

Post Code:

AB21 7DZ

Please identify/describe the location of the site or sites

Northing

811711

Easting

389144

## 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)

Pre-Application Written Response from Planning Authority

Title:

Mr

Other title:

First Name:

Matthew

Last Name:

Easton

Correspondence Reference Number:

180300/PREAPP

Date (dd/mm/yyyy):

20/03/2018

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:

2550.00

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)

Scrub land adjacent to industrial yard operated by applicants

## 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)? \*

0

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: Halliday Fraser Munro Planning

On behalf of: Marwood Group Ltd

Date: 15/06/2018

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)

Tree Survey and Supporting Statement

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: . Halliday Fraser Munro Planning

Declaration Date: 18/06/2018

## **DECISION NOTICE**

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

### **Detailed Planning Permission**

Halliday Fraser Munro  
8 Victoria Street  
Aberdeen  
Scotland  
AB10 1XB

on behalf of **Marwood Group Ltd**

With reference to your application validly received on 18 June 2018 for the following development:-

**Extension of yard area including all associated engineering and landscaping works  
at Unit 1, Stoneywood Park**

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:

<b>Drawing Number</b>	<b>Drawing Type</b>
10865 / SK-001	Location Plan
10865 / SK-010 Rev A	Site Layout (Proposed)
800	Site Layout (Other)

#### **REASON FOR DECISION**

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

The loss of the woodland and creation of the yard would significantly reduce the amenity of existing and future residents in both the immediate surroundings and wider Stoneywood area, contrary to Policy H1 (Residential Areas).

The removal of the woodland would destroy part of the city's identified Green Space Network (GSN) and erode the overall network in the wider sense. It may also set a principle precedent and encourage other businesses within Stoneywood Industrial Estate to seek the removal of other parts of the woodland belt, exacerbating this negative impact on the GSN. The proposal is therefore contrary to Policy NE1 (Green Space Network), NE3 (Urban Green Space) and Policy NE5 (Trees and Woodland). Neither is the proposal supported by the Scottish Government's Policy on Control of Woodland Removal, as no overriding wider public benefit has been demonstrated.

Compensatory planting has been proposed but it is considered that this does not adequately compensate for the reduction in area of GSN and associated removal of 93 mature trees.

Whilst the expansion of existing businesses is supported by Policy B1 (Business and Industrial) within such allocated areas, the overall proposal does not see the business activity expanded into such an identified area, but is also clearly contrary to the aim of retaining open space and therefore Policy B1 is not considered to support the proposals.

**Date of Signing** 25 July 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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# Comments for Planning Application 180989/DPP

## Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

## Customer Details

Name: Dr Bill Harrison

Address: 16 Summer Place Dyce Aberdeen

## Comment Details

Commenter Type: Community Councillor

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Hello, I am writing on behalf of Dyce and Stoneywood Community Council. This is to all intents and purposes a resubmission of application 171180 (refused in Jan 2018) and we object to it for the same reasons: (i) unacceptable effect on residential amenity of nearby properties with respect to noise and visual intrusion; (ii) inappropriate proposed land use in terms of policy NE1 (green space) of the Local Development Plan; (iii) unacceptable loss of mature woodland in terms of policy NE5 (trees and woodland) of the Local Development Plan.

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# Comments for Planning Application 180989/DPP

## Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

## Customer Details

Name: Dr Scott Campbell

Address: 5 Rosewell Park Aberdeen

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:By all accounts this is a resubmission of application 171180 (refused in Jan 2018) and I object to it on the same grounds: (i) unacceptable effect on residential amenity of nearby properties with respect to noise and visual intrusion; (ii) inappropriate proposed land use in terms of policy NE1 (green space) of the Local Development Plan; (iii) unacceptable loss of mature woodland in terms of policy NE5 (trees and woodland) of the Local Development Plan and iv) there are many vacant industrial units within the Dyce and Aberdeen area that are suited to this purpose and it is unnecessary to remove trees from natural woodland to achieve the same purpose.

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**From:** [REDACTED]  
**Sent:** 9 Jul 2018 17:30:03 +0100  
**To:** PI  
**Subject:** Application Ref 180989/DPP - Resident Objection

Dear Matthew,

I am writing to note my opposition to the new planning application submitted by Marwood Group Ltd in Stoneywood. It's basically the same application submitted in Oct 2017 only proposing to leave a slightly wider strip of trees than the 2m they proposed last time.

I'm very disappointed to see a second application showing total disregard to the local area and residents. I hope the planning application board take the growth of this company into consideration when reviewing the application. It's been on the site for less years than any of the adjacent neighbours, and have already extended their yard once or twice. Now they require a bigger premises. How long before they outgrow the current facility and move for a larger premises, leaving behind a forever altered landscape? They won't be there in 100 years, which is how long it will take the proposed saplings to replace the mature trees they propose to remove. With an abundance of commercial premises available, even in the local vicinity, it seems absurd and obscene that a company would make such a selfish proposal.

Please find below the points I submitted last year in objection to the last application. I've re-submitted them as my view remains the same. All points remain relevant to the new application.

Kind regards,

Kelly Murray  
2 Cedar Avenue, Stoneywood



I received a Neighbour Notification Notice (ACC REF: 180989/DPP) in relation to Unit 1, Stoneywood Park, Dyce, AB21 7DZ. Marwood Group Ltd wants to extend their industrial yard. Please accept this correspondence as a strong objection to the proposal. I live at 2 Cedar Avenue, directly opposite the proposed yard extension on the south side.

Impact on Amenity & Design of yard: height trees / barrier

The applicant plans on clearing about 2550m<sup>2</sup>. of dense woodland that separates them from our residential street (Cedar Avenue) with the exception of a proposed 8m wide 'landscaped strip'. They propose to plant a hedge on

this border. This to replace over 100 mature trees reported in the applicant's own tree report as being approximately 100 yrs old, and many 20m+ in height! Hedges planted on our estate four years ago are not yet established, so this planting will do nothing to provide screening or a barrier between industrial land and residential. Our home and our direct neighbours on Cedar Avenue would directly overlook the proposed yard extension. See pics below. Apart from loss of view and loss of privacy, this would result in increased noise and pollution, not to mention the detrimental impact on wildlife.

Adjacent to their proposed new yard, the applicant intends to plant 80 new trees, which in principle affords a better barrier between the yard and homes at the Southwest. In practise however - removing huge mature trees and replacing them with saplings 70cm - 90cm high will have a huge impact on the character and amenity of the neighbouring housing.

The applicant already extended their yard a bit, and removed trees to do so. Those works evidently didn't require planning permission as there were no notices issued. Our outlook at the moment is onto dense woods. In the winter when the trees are bare you can see more of the industrial area beyond. However, if the extension goes ahead we will be directly overlooking an industrial yard full of bright red engineering plant, their building, and the BP building beyond.

Compatibility with other uses in the area and affect on trees

The applicant significantly plays down many aspects in their application:

1. Impact on wildlife: We've been a bit spoiled with our surroundings. It's pretty remarkable to live in Aberdeen surrounded by mature woodland, along with squirrels, deer, rabbits, owls and bats on your doorstep. We even spot foxes and woodpeckers. Will be gutted to trade that in for red containers and plant hire equipment etc. In the past four years here, we've seen so many trees lost from the landscape already. The tree report notes [REDACTED] evidenced on the site and proposes to protect any new trees from the same which establishes these animals frequent the area.
2. Impact on neighbouring residents and how it will affect the look of the whole avenue. There is a hard boundary between Stoneywood Estate and the industrial area beyond. The woodland strip serves as a natural barrier between Cedar Avenue and Stoneywood Park. Policies H1 'Residential Areas', NE5 'Trees and Woodland' and NE1 'Green Space Network' surely all constitute valid grounds for why the woods should remain.



3. Applicant states the trees are in poor condition, but their tree report only mentions 4 that need to be felled due to condition. They refer to scrubby self seeded trees yet their report details 'dense trees to the south' include Norway Maple, Sycamore, Beech, Whitebeam, Lime, Wych Elm and Scots Pine. So evidently these are not all self seeded trees.

Precedent

The area south of the yard, part of which is proposed to accommodate the yard extension is zoned as part of the 'OP17 Stoneywood Estate' Residential site. Some of the wooded areas are identified as being part of the 'Green Space Network NE1'. The applicant suggests this is an error and that planning should be granted. I would counter propose that it's not an error, and I'd ask that a tree protection order be considered for the entire tree corridor that runs the length of the street to the river side. It constitutes a natural barrier between the residential area and the industrial land beyond. I fear that if planning permission is granted to Marwood it may set a precedent whereby other industrial units long the corridor follow suit and all the remaining woods would be at risk.

Safety - creating instability by felling

Their tree report also records, 'The felling of trees at the south-western corner of the group has exposed trees at the recently created edge to an increased risk of storm damage. These individuals will require to be closely monitored, particularly where they occur within falling distance of the neighbouring driveway to the south, and neighbours house to the west. The risk of storm damage is very real, as evidenced in the area recently. After one stormy October night a couple of years ago, a strip of 14 mature trees behind our house fell all at once, having been weakened by felling of surrounding trees. I'd propose that removing any further portion of the woods may lead to the whole lot being lost over time.

Applicant cites 'unmanaged woodland' opposite 'recent' Dandara housing plots. As a local resident for more than four years I can assure Marwood (who have owned their site for approx. 1 year) that a grounds maintenance factor is paid to keep the landscaped grounds regularly maintained.

Economic Consideration

The applicant may claim they are creating a robust and resilient economy, but what is economic development of one local company if it is to the detriment of several residential neighbours? We understand that devaluation of property is not a material consideration of the planning department but it would be a very real implication if this planning permission is granted.

It is wholly incorrect and biased to state, as they do in their application, that 'The overall character of the area is that of a commercial location with offices and yard areas.' Perhaps at the north facing side of the applicant's property, but not at the south where the proposed extension is planned.

In conclusion, nothing about the proposed planning application would contribute to the amenity of the area from a resident's point of view and it would destroy the function of the area for natural habitats too. We therefore ask that the application is denied. Looking forward to hearing from you in due course. Please confirm receipt of this representation and advise if any further information is required.

Best regards,

Kelly Murray

2 Cedar Avenue, Stoneywood, AB21 9AF



5.

5.

6.

7.

**From:** [REDACTED]  
**To:** [P1](#)  
**Subject:** 180989/DPP | Extension of yard area including all associated engineering and landscaping works | Unit 1  
Stoneywood Park  
**Date:** 04 July 2018 21:37:35

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Dear Sir, Madam

While not being one of the notified neighbours I wish to express my objection to this second un-necessary application by Marwood Group.

As objected to in the previous application by MARwood, I see no reasons to show that there will not be a direct impact on the environment in Cedar Avenue by removal of existing healthy trees, disruption and removal of the habitat for wildlife which includes [REDACTED] and different [REDACTED] which will suffer in both the short and long term should this application be approved.

In addition as a resident of Cedar Avenue, the current land between the street and the industrial area serves as a barrier between the residents of Cedar Avenue and this will be directly impacted by approval of the application.

I request this application be refused once more.

Regards  
Ken Beaton  
12 Cedar Avenue  
Stoneywood  
Aberdeen

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# Comments for Planning Application 180989/DPP

## Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

## Customer Details

Name: Miss Emma Murray

Address: 2 Cedar Avenue Stoneywood, Bucksburn Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is essentially a resubmission of application 171180 (which was refused in Jan 2018) and I object to this application on the same grounds which are:

1. Unacceptable effect on residential amenity of nearby properties with respect to noise and visual intrusion;
2. Inappropriate proposed land use in terms of policy NE1 (green space) of the Local Development Plan;
3. Unacceptable loss of mature woodland in terms of policy NE5 (trees and woodland) of the Local Development Plan
4. There are many vacant larger industrial units within the Dyce and Aberdeen area which would provide the applicant with their desired level of facility and yard space. Therefore, it is unnecessary to remove trees from natural woodland to achieve this purpose.

The proposed removal of mature woodland will cause disruption and will impact the visual appearance of Cedar Avenue as well as the rest of the Dandara estate at large. It will serve no benefit to the community - only commercial gain will be achieved. It is damaging to the environment to remove mature woodland and trees. Applicants should most definitely look for alternative, more suitable locations in the Aberdeen area for their development plans, and not in an area with mature trees which have been untouched for decades.

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# Comments for Planning Application 180989/DPP

## Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

## Customer Details

Name: Miss Lucy Harper

Address: 15 Forest Avenue Aberdeen

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The application will cause (i) unacceptable effect on residential amenity of nearby properties with respect to noise and visual intrusion; (ii) inappropriate proposed land use in terms of policy NE1 (green space) of the Local Development Plan; (iii) unacceptable loss of mature woodland in terms of policy NE5 (trees and woodland) of the Local Development Plan and iv) there are many vacant industrial units within the Dyce and Aberdeen area that are suited to this purpose and it is unnecessary to remove trees from natural woodland to achieve the same purpose.

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**From:** [REDACTED]  
**To:** [P1](#)  
**Subject:** Planning application 180989/DPP Comment  
**Date:** 05 July 2018 19:23:28

---

Mr & Mrs Andrew  
328 Stonewood Road  
Aberdeen  
AB21 9JX

Reference to planning application 180989/DPP - Proposed extension of yard area including associated engineering and landscaping works

Unit 1  
Stonewood Park  
Dyce  
Aberdeen  
AB21 7DZ

Dear Mr Easton,

We write to object to the above mentioned application of extended yard.

The yard was recently extended from grass/woodland space to asphalt (photos 1,2,3) with no planning apparently required, and we would be very concerned about a similar plan being actioned toward the western boundary edge should permission be granted for this proposal and a precedent for extending set. If there is a requirement to extend so vastly within such a short space of time then perhaps the incorrect choice of building/location was chosen for these operations where more suitable locations could be available.

In no way will this proposal positively contribute to the amenity of the area and as agreeable as the planting of proposed 80 trees at the south western boundary next to the old canal bank/wall may be, the level and density of screening, 70-90cm initially, would be insufficient to compensate for the loss of desirable mature woodland natural screen currently enjoyed. It would take a generation for an acceptable screen to become established. (photos 4-7 showing views and vista of area character which would be impacted upon.

The proposal address is Stonewood Park, however the impact will mainly be to Stonewood Road and Cedar Avenue residents which is within a specifically zoned residential area and The Local Development plan Policy H1 Non residential use states refusal unless the proposal is considered complimentary to residential use. We do not consider the proposal complimentary and is contrary to the LDP, Greenspace Network NE3 and particularly Policy NE5 Trees and Woodland, loss of trees that contribute to landscape character.

Our home abuts the site and was built within a location surrounded by the character of

attractive desirable mature woodland and has won architectural awards no doubt enhanced by the value of neighbouring trees and it would be a severe disappointment to have an industrial yard, which was not there when we moved in, extended, coupled with the loss of the trees and wildlife.

The additional operational noise of an extended yard and continual reversing forklift beepers would not be welcomed along with the assumption bright yard lighting would be used with intrusive light pollution being a matter of concern as our home was designed to incorporate natural lighting and not external artificial lighting.

We know there is a substantial amount of subsurface groundwater flowing in the direction of the proposal and we would be worried about the risk of flooding to our property should a development have an impact on the water flow.

Photos 4-7 also shows our views from windows and clear vantage of which the yard would have of our full size Master Bedroom windows and changing room window of which overlooking loss of privacy issues are a big matter of concern as the felling of trees will afford a far wider area to be seen not only from the yard but much of Cedar Avenue would come into view.

We would welcome a planning officer to visit our home to inspect the visual and material impact of the proposal upon us and the loss of amenity the neighbourhood would incur should this proposal be granted.

Yours sincerely

Mr & Mrs Andrew









# Comments for Planning Application 180989/DPP

## Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

## Customer Details

Name: Mr Arthur Johnston

Address: 9 The Walled Gardens Stoneywood Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is a green area that separates our housing estate from the Industrial estate . there is a lot of wildlife in that area , also trees that deflect some of the noise from the airport traffic.

Surely there must be premises that they can move to that would be much more suitable to their needs, especially at this time in Aberdeen.

Would this mean other units would get permission to extend their workshops as a precedent would be set . we don't want our neighbours looking into an industrial estate.

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# Comments for Planning Application 180989/DPP

## Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

## Customer Details

Name: Mr Brian Smith

Address: 4 Petrie Way Stoneywood Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I can't believe that this company have applied for a 2nd planning application after the previous one that was refused in January 2018, this is just a resubmission of the same request with a small amendment in how close it will come to Cedar Avenue. All the comments and objections related to the initial application should stand for this one also.

1. This will have a huge effect on residential properties nearby with respect to noise and visual intrusion
2. This plan will remove a woodland area that has wildlife in it on a regular basis (deer, foxes, rabbits, birds etc)
3. inappropriate use of the land with regards to the Local Development Plan (policy NE1 green space), as this brings Industry on the doorstep of a residential development.
4. The removal of mature woodland, in terms of policy NE5 (trees and woodland) of the Local Development Plan would set a precedence for all the other units in that road to apply for the same extensions to their sites.
5. At this time there are so many other free industrial units within the Aberdeen area that if more space is what they are looking for they could easily find it at new site rather than knock down trees to get that same space.

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# Comments for Planning Application 180989/DPP

## Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

## Customer Details

Name: Mr Ed Arnott

Address: 1 Cedar Avenue Stoneywood Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is essentially a resubmission of application 171180 (which was refused in Jan 2018) and I object to this application on the same grounds which are:

1. Unacceptable effect on residential amenity of nearby properties with respect to noise and visual intrusion;
2. Inappropriate proposed land use in terms of policy NE1 (green space) of the Local Development Plan;
3. Unacceptable loss of mature woodland in terms of policy NE5 (trees and woodland) of the Local Development Plan and
4. There are many vacant larger industrial units within the Dyce and Aberdeen area which would be provide the applicant with their desired level of facility and yard space and it is unnecessary to remove trees from natural woodland to achieve this purpose.

The applicant's proposed removal of this mature woodland, and the visual screening and noise reduction properties it delivers to Cedar Avenue, serves no benefit to the community and only commercial gain to the applicant - removal of mature woodland to be flattened and concreted for the purpose of car parking and/or equipment / container storage. Applicant should be looking at alternative, more suitable properties which are available within the Aberdeen area and present a ready-made solution to their current and future expansion plans.

The concession made by the applicant in comparison to the previously refused application 171180 to increase the southern woodland boundary by 6 metres and plant new trees in the SW area of the plot is a superficial gesture which misses the point. As has been witnessed in other areas of Stoneywood, the removal and/or thinning of mature trees in ground which has been largely untouched for decades has led to ground and root instability of neighbouring trees, resulting in

many more trees requiring to be felled from what was originally planned or consented to. Concerns are raised that a similar outcome would happen if any tree removal from the applicants site was granted. Planting new trees in the SW corner of the plot achieves little in the short and medium term as it will take many years for these trees to mature and this does not alleviate the wider issue of reduced woodland screening along the whole of the Southern boundary with Cedar Avenue.

# Comments for Planning Application 180989/DPP

## Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

## Customer Details

Name: Mr Giles Mackey

Address: 14 Cedar Avenue Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is essentially a resubmission of application 171180 (refused in Jan 2018) and I object to it for the same reasons: (i) unacceptable effect on residential amenity of nearby properties with respect to noise and visual intrusion; (ii) inappropriate proposed land use in terms of policy NE1 (green space) of the Local Development Plan; (iii) unacceptable loss of mature woodland in terms of policy NE5 (trees and woodland) of the Local Development Plan and iv) there are many vacant industrial units within the Dyce and Aberdeen area that are suited to this purpose and it is unnecessary to remove trees from natural woodland to achieve the same purpose.

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# Comments for Planning Application 180989/DPP

## Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

## Customer Details

Name: Mr Leon W Grant

Address: 17 Polo Park Stoneywood Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: point one - The wildlife corridor there has already been badly affected by previous builds and would be further impacted by this development. We often see red squirrels, foxes, deer and also hear Owls in this area whilst walking our children.

point two - There has already been enough disruption in the surrounding area that has caused damage to the ecosystem near cedar avenue and Polo Park. Such close proximity would also impact on the people that live on cedar avenue.

Point three - An inappropriate use of the land with regards to the Local Development Plan (policy NE1 green space), as this brings Industry on the doorstep of a residential development.

Point four - The application is nonsensical as there a number of empty units within the surrounding area large enough to accomodate the growth of Marwood.

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# Comments for Planning Application 180989/DPP

## Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

## Customer Details

Name: Mr Mark Dutton

Address: 44 Polo Park Stoneywood Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is essentially a resubmission of application 171180 (refused in Jan 2018) and I object to it for the same reasons: (i) unacceptable effect on residential amenity of nearby properties with respect to noise and visual intrusion; (ii) inappropriate proposed land use in terms of policy NE1 (green space) of the Local Development Plan; (iii) unacceptable loss of mature woodland in terms of policy NE5 (trees and woodland) of the Local Development Plan and iv) there are many vacant industrial units within the Dyce and Aberdeen area that are suited to this purpose and it is unnecessary to remove trees from natural woodland to achieve the same purpose.

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# Comments for Planning Application 180989/DPP

## Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

## Customer Details

Name: Mr Nick Garnett

Address: 8 Petrie way Stoneywood Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Residents opposed the original application back in January 2018.

This re submission doesn't change any of the concerns or risks raised previously: damage to the inherent wildlife, noise levels and visual encroachment for the immediate residents and those of the wider Stoneywood area.

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# Comments for Planning Application 180989/DPP

## Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

## Customer Details

Name: Mr Rob Mitchell

Address: 37 Polo Park Stoneywood Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This recent application by Marwood Group is simply a rehash of application 171180, which was refused earlier this year. I object for the following reasons;

- 1/ Unsuitable use of land and conflicts with policy NE1 for green space of the LDP.
- 2/ Unacceptable industrial environmental impact on nearby residential property, in terms of noise and visual intrusion, at present this is mitigated by the woodland barrier.
- 3/ Unnecessary loss of mature woodland, again conflicting with LDP policy NE5.

I find this application to be disingenuous, lacking any respect to local residents and ACC and flies in the face of Marwood Group's ISO 14001 (Environmental Management System) accreditation.

As already stated, there are many unoccupied industrial units in the local area, without the requirement to tear down precious woodland.

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## Comments for Planning Application 180989/DPP

### Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

### Customer Details

Name: Mr Robert McDonald

Address: 10 Cedar Avenue Stoneywood Dyce Aberdeen

### Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed development will have a huge effect on the nearby residents and there residential properties and wildlife such as [REDACTED]

The further removal of mature woodland in the area would set a precedence for others to follow suit and devastate the area.

The Local development plan sets out not to bring industry to the doorsteps of residential property (Green Space)

There is plenty of other industrial space already readily available in the area.

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# Comments for Planning Application 180989/DPP

## Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

## Customer Details

Name: Mr Roy Murray

Address: 2 Cedar Avenue Stoneywood Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is to all intents and purposes a resubmission of application 171180 (refused in Jan 2018) and we object to it for the same reasons: (i) unacceptable effect on residential amenity of nearby properties with respect to noise and visual intrusion; (ii) inappropriate proposed land use in terms of policy NE1 (green space) of the Local Development Plan; (iii) unacceptable loss of mature woodland in terms of policy NE5 (trees and woodland) of the Local Development Plan.

In addition, there are numerous vacant properties in the local vicinity, which could allow the company to grow within the area without detrimentally impacting the area and community.

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# Comments for Planning Application 180989/DPP

## Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

## Customer Details

Name: Mr Simon Patten

Address: Pittoothies House Whitehouse Aberdeenshire

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I regularly walk along the boundary of the proposed development area from my place of work at lunch time and enjoy both the river and remaining natural woodland.

Given there is a large amount of vacant commercial property/land directly in this area that presumably could be used for this activity wouldn't it be better to use that rather than impact local residents or diminish the quality of the local environment?

Comment: This is essentially a resubmission of application 171180 (refused in Jan 2018) and I object to it for the same reasons: (i) unacceptable effect on residential amenity of nearby properties with respect to noise and visual intrusion; (ii) inappropriate proposed land use in terms of policy NE1 (green space) of the Local Development Plan; (iii) unacceptable loss of mature woodland in terms of policy NE5 (trees and woodland) of the Local Development Plan and iv) there are many vacant industrial units within the Dyce and Aberdeen area that are suited to this purpose and it is unnecessary to remove trees from natural woodland to achieve the same purpose.

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# Comments for Planning Application 180989/DPP

## Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

## Customer Details

Name: Mr Steve Moir

Address: 37 Polo Park Stoneywood Aberdeen

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This recent application by Marwood Group is simply a rehash of application 171180, which was refused earlier this year.

I object for the following reasons;

1/ Unsuitable use of land and conflicts with policy NE1 for green space of the LDP.

2/ Unacceptable industrial environmental impact on nearby residential property, in terms of noise and visual intrusion, at present this is mitigated by the woodland barrier.

3/ Unnecessary loss of mature woodland, again conflicting with LDP policy NE5.

I find this application to be disingenuous, lacking any respect to local residents and ACC and flies in the face of Marwood Group's ISO 14001 (Environmental Management System) accreditation.

As already stated, there are many unoccupied industrial units in the local area, without the requirement to tear down precious woodland.

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# Comments for Planning Application 180989/DPP

## Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

## Customer Details

Name: Mr Stuart Rennie

Address: 40 Polo Park Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. This will have a huge effect on residential properties nearby with respect to noise and visual Intrusion

2. This plan will remove a woodland area that hosts wildlife on a regular basis (deer, foxes, rabbits, birds etc)

3. Inappropriate use of the land with regards to the Local Development Plan (policy NE1 green space), as this brings Industry on the doorstep of a residential development.

4. The removal of mature woodland, in terms of policy NE5 (trees and woodland) of the Local Development Plan would set a precedence for all the other units in that road to apply for the same extensions to their sites.

5. At this time there are so many vacant industrial units within the Aberdeen area that if more space is what they are looking for they could easily find it at new site rather than knock down trees to get that same space.

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# Comments for Planning Application 180989/DPP

## Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

## Customer Details

Name: Mr Tim Stileman

Address: 65 Murray Terrace Aberdeen

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: As regular walkers along Cedar Avenue I object to this. This is essentially a resubmission of application 171180 (refused in Jan 2018) and I object to it for the same reasons: (i) unacceptable effect on residential amenity of nearby properties with respect to noise and visual intrusion; (ii) inappropriate proposed land use in terms of policy NE1 (green space) of the Local Development Plan; (iii) unacceptable loss of mature woodland in terms of policy NE5 (trees and woodland) of the Local Development Plan and iv) there are many vacant industrial units within the Dyce and Aberdeen area that are suited to this purpose and it is unnecessary to remove trees from natural woodland to achieve the same purpose.

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# Comments for Planning Application 180989/DPP

## Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

## Customer Details

Name: Mrs Emma Crawford

Address: 11 Cedar Avenue Stoneywood Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The extension of the yard, will greatly impact on the residents of Cedar Avenue, the landscaping acts as sound barrier and ensures we are not looking into the industrial estate.

The removal of perfectly healthy trees and an area that is habitat for a number of wildlife species does not seem just especially when there is not a shortage of industrial rental properties in the area should Marwood Group Ltd wish to increase their yard space.

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# Comments for Planning Application 180989/DPP

## Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

## Customer Details

Name: Mrs Kathryn Currie

Address: 14 The Walled Garden Stoneywood Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to the planning on the following grounds

This is essentially a resubmission of application 171180 (refused in Jan 2018) and I object to it for these reasons: (i) unacceptable effect on residential amenity of nearby properties with respect to noise and visual intrusion. The current level of separation between the residential and industrial areas is adequate but no more; (ii) inappropriate proposed land use in terms of policy NE1 (green space) of the Local Development Plan; (iii) unacceptable loss of mature woodland in terms of policy NE5 (trees and woodland) of the Local Development Plan and iv) there are many vacant industrial units within the Dyce and Aberdeen area that are suited to this purpose and it is unnecessary to remove trees from natural woodland to achieve the same purpose. I walk my dog beside the area daily and observe wildlife within it.

Kathryn Currie

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## Comments for Planning Application 180989/DPP

### Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stonewood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

### Customer Details

Name: Mrs Kelly Johnston

Address: 9 The Walled Gardens Stonewood Aberdeen

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to this proposal for a number of reasons. Firstly, there are a number of vacant commercial properties in Aberdeen with enough land for Matthew Easton to continue and even grow their business further.

I strongly disagree with further trees being destroyed in the Stonewood area. We are fortunate enough to have a variety of wildlife that rely on them for shelter or nesting. [REDACTED] are not the only wildlife that exists in the area including [REDACTED] which are protected.

The trees are vital for the residents in the area, particularly those that live in Cedar Avenue as a demarcation to not feeling like they live in an Industrial Area. Moreover they act as a barrier to the noise that comes from the area and even to the helicopters that pass over regularly.

I strongly believe that if this proposal is approved that it will open flood gates for further commercial units to lodge the same kind of application.

Areas that were once known as Green Belt are now being bulldozed unnecessarily. This must not be allowed to continue. To the contrary we must be protecting our green areas for our future generations.

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# Comments for Planning Application 180989/DPP

## Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

## Customer Details

Name: Mrs Lesley Andrew

Address: Westwood 326 Stoneywood Road Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to this proposed yard extension .

Mainly because our lovely neighbourhood is being depleted of more and more trees.

Stoneywood will soon have to be re-named as there will be no more wood left which is

A crying shame .

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# Comments for Planning Application 180989/DPP

## Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

## Customer Details

Name: Mrs Lesley Moir

Address: 37 Polo Park Stoneywood Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to the planning on the following grounds

This is essentially a resubmission of application 171180 (refused in Jan 2018) and I object to it for the same reasons: (i) unacceptable effect on residential amenity of nearby properties with respect to noise and visual intrusion; (ii) inappropriate proposed land use in terms of policy NE1 (green space) of the Local Development Plan; (iii) unacceptable loss of mature woodland in terms of policy NE5 (trees and woodland) of the Local Development Plan and iv) there are many vacant industrial units within the Dyce and Aberdeen area that are suited to this purpose and it is unnecessary to remove trees from natural woodland to achieve the same purpose.

Lesley Moir

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# Comments for Planning Application 180989/DPP

## Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

## Customer Details

Name: Mrs Pauline Breslin

Address: 39 Polo Park Stoneywood Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The Tree line separates commercial from residential properties to remove these trees would detract from the beauty of the area from a residential outlook, the fact our development is surrounded by trees and wildlife is fantastic, I realise companies may need more space and to expand, but this should not be at the expense of the trees which hopefully have a preservation orders on them.

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# Comments for Planning Application 180989/DPP

## Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stoneywood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

## Customer Details

Name: Mrs Victoria Jones

Address: 12 Waterton Lawn Stoneywood Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is essentially a resubmission of application 171180 (refused in Jan 2018) and I object to it for the same reasons: (i) unacceptable effect on residential amenity of nearby properties with respect to noise and visual intrusion; (ii) inappropriate proposed land use in terms of policy NE1 (green space) of the Local Development Plan; (iii) unacceptable loss of mature woodland in terms of policy NE5 (trees and woodland) of the Local Development Plan and iv) there are many vacant industrial units within the Dyce and Aberdeen area that are suited to this purpose and it is unnecessary to remove trees from natural woodland to achieve the same purpose

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## Comments for Planning Application 180989/DPP

### Application Summary

Application Number: 180989/DPP

Address: Unit 1 Stonewood Park Aberdeen AB21 7DZ

Proposal: Extension of yard area including all associated engineering and landscaping works

Case Officer: Matthew Easton

### Customer Details

Name: Ms Ella hunt

Address: flat f 13 holbourn street Aberdeen

### Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am a regular walker around this area and the proposed loss of these trees would be of significant impact to the aesthetics of the area and would reduce my personal and I'm sure the public's enjoyment of the path running through the area. Additionally I am concerned that this will impact local wildlife especially [REDACTED] populations as much forestry has been cut down over the years. There are many brownfield sites around the area including the old Baker Hughes plot which could be utilised instead.

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## **National Planning Policy**

[Scottish Planning Policy \(SPP\)](#)

[Aberdeen City and Shire Strategic Development Plan \(SDP\)](#)

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

B1: Business and Industrial Land

H1: Residential Areas

NE1: Green Space Network

NE5: Trees and Woodlands

## **Supplementary Guidance**

[Trees and Woodlands](#)

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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            100140070-001

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

## Applicant or Agent Details

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

Applicant     Agent

## Agent Details

Please enter Agent details

Company/Organisation:	Halliday Fraser Munro		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Halliday Fraser Munro	Building Name:	
Last Name: *	Planning	Building Number:	8
Telephone Number: *	01224 388700	Address 1 (Street): *	Victoria Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB10 1XB
Email Address: *	planning@hfm.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"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="72"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="RODING ROAD"/>
Company/Organisation	<input type="text" value="Marwood Group"/>	Address 2:	<input type="text" value="Beckton"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="London"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="E6 6JG"/>
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="UNIT 1"/>
Address 2:	<input type="text" value="STONEYWOOD PARK"/>
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="AB21 7DZ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="811597"/>	Easting	<input type="text" value="389203"/>
----------	-------------------------------------	---------	-------------------------------------

## 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)

EXTENSION OF YARD INCLUDING ALL ASSOCIATED ENGINEERING AND LANDSCAPING WORKS

## 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.

A separate supporting statement is provided setting out in detail our case of appeal.

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)

Location Plan, Tree Survey (Report, Drawing and Schedule) and a Statement from Marwood Group

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

180989

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

18/06/2018

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

25/07/2018

## 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

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

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

Yes  No

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

Yes  No

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

The proposed yard extension is located to the rear of an operational industrial premises and is largely screened from view by the unit. The site is screen by landscaping, walls and fencing from the main road and public vantage points. For health and safety reasons it would not be possible to accommodate an unaccompanied site visit.



## 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: . Halliday Fraser Munro Planning

Declaration Date: 23/10/2018

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**PLANNING APPEAL TO LOCAL REVIEW BODY  
UNDER THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008**

**APPEAL AGAINST REFUSAL OF PLANNING PERMISSION**

**REF: 180989/DPP**

**BY**

**ABERDEEN CITY COUNCIL**

**FOR**

**EXTENSION OF YARD INCLUDING ALL ASSOCIATED ENGINEERING AND LANDSCAPING WORKS**

**AT**

**UNIT 1, STONEYWOOD PARK, DYCE**

**ON BEHALF OF MARWOOD GROUP LTD**

**CONTENTS**

- 1 INTRODUCTION**
- 2 THE PROPOSAL AND BACKGROUND**
- 3 PLANNING**
  - National Planning Framework 3
  - Scottish Planning Policy
  - Aberdeen City Local Development Plan
- 4 REPORT OF HANDLING**
- 5 CONCLUSIONS**

**SUPPORTING DOCUMENTS**

- Location Plan
- Tree Survey
- Statement from Marwood Group

## 1 INTRODUCTION

1.1 This Appeal Statement has been prepared by Halliday Fraser Munro Chartered Planning Consultants on behalf of Marwood Group in relation to their business premises at unit 1 Stoneywood Park.

1.2 This appeal is against the refusal of the planning application by Aberdeen City Council. The appellants sought an extension of their existing storage yard area as part of an expansion of their business on the site. The refusal notice was issued on 25<sup>th</sup> July 2018. The reasons given for refusal are:

*“The loss of the woodland and creation of the yard would significantly reduce the amenity of existing and future residents in both the immediate surroundings and wider Stoneywood area, contrary to Policy H1 (Residential Areas).*

*The removal of the woodland would destroy part of the city's identified Green Space Network (GSN) and erode the overall network in the wider sense. It may also set a principle precedent and encourage other businesses within Stoneywood Industrial Estate to seek the removal of other parts of the woodland belt, exacerbating this negative impact on the GSN. The proposal is therefore contrary to Policy NE1 (Green Space Network), NE3 (Urban Green Space) and Policy NE5 (Trees and Woodland). Neither is the proposal supported by the Scottish Government's Policy on Control of Woodland Removal, as no overriding wider public benefit has been demonstrated.*

*Compensatory planting has been proposed but it is considered that this does not adequately compensate for the reduction in area of GSN and associated removal of 93 mature trees.*

*Whilst the expansion of existing businesses is supported by Policy B1 (Business and Industrial) within such allocated areas, the overall proposal does not see the business activity expanded into such an identified area, but is also clearly contrary to the aim of retaining open space and therefore Policy B1 is not considered to support the proposals.”*

1.3 We set out more fully our grounds of appeal in the remainder of this Statement. In summary, however, we maintain that these appeals be upheld and planning permission should be granted in respect of the application for the following reasons:

- The expansion of the yard would allow a successful business to grow its existing operations within an established business and industrial area in the city, to the benefit of the local economy.
- Marwood Group are relatively new to Aberdeen but are keen to invest here, as there is a strong market for their products and services (see document SA1 statement from Marwood Group)
- The reason for refusal suggests the proposals would result in the removal of 93 mature trees. This is inaccurate. It is proposed for 77 trees to be removed to allow development. A large proportion of these are young self-seeded trees or of a Category C (low quality and value) classification. This loss would be replaced with 80 new trees as compensatory planting resulting in a net increase in the number of trees
- Existing trees are poor quality. There is scope to improve the screen planting along the southern boundary increasing the buffer between commercial and residential uses;

- The appellants have no desire to be ‘bad neighbours’ and would be willing to agree to conditions to prevent any nuisance from their activities.
- We believe that the loss of some of the woodland can be justified in this instance, as there will be compensatory tree planting provided to mitigate the loss of the existing trees and enhance the tree belt. An 8 metre wide tree belt will be retained to the south of the site providing more than adequate screening from nearby residential premises. The proposals maintain a buffer zone, which is appropriately sized, and landscaped, separating the uses and safeguarding residential amenity. We therefore do not agree that the expansion of the yard with some loss of trees would significantly reduce the amenity of existing and future residents.
- We do not believe that this development would set an undesirable precedent as all planning applications have to be justified on their individual merits.
- We do not agree that this localised development would erode the overall green space network in the wider sense nor do we agree that Policy NE3 Urban Green Network is applicable in this instance as it relates to specifically allocated public parks and playing fields within the city as is defined by the LDP proposals map.
- We do not agree that the proposals are contrary to the Scottish Government's Policy on Control of Woodland Removal as this document provides a strategic framework for **appropriate woodland removal**. Woodland removal, with compensatory planting, is most likely to be appropriate where it would contribute significantly **to enhancing sustainable economic growth...** We believe that the current proposals achieve this in providing compensatory planting and enhancing sustainable economic growth of the current business and the established employment area in the city.

1.4 This grounds of appeal statement will outline the planning background, and provide justification in relation to the grounds of appeal.

## 2 THE PROPOSAL AND BACKGROUND



2.1 A planning application for this proposed development was submitted on 18<sup>th</sup> June 2018.

2.2 An earlier planning application 171180/DPP for the creation of a larger yard area had been proposed previously. This was refused by the Council on 3rd January 2018, principally due to the proposed loss of woodland. Taking this into account therefore, the amended proposal increases the previous two metre deep tree belt / landscaped area to eight metres, and reduces the proposed asphalt yard area from 1,750m<sup>2</sup> to 1,385m<sup>2</sup>. It is considered that this strikes an acceptable balance between allowing the measured expansion of the yard whilst retaining the woodland planting on the southern plot boundary. We do not consider that this will erode the function of the Green Space Network or set an undesirable precedent or adversely impact upon any neighbouring

Figure 1 - Proposed Site Plan

dwellinghouses. The yard extension is required to allow the applicant to remain in Dyce. In addition to the enhanced planting on the southern boundary, 80 new trees are proposed to be planted in the south west part of the site. 2.3 The Marwood business premises comprises a single storey warehouse facility with office accommodation to the front. The building is sited within the centre of the site. The warehousing has doors opening onto the asphalt surfaced storage yard which surrounds the building to the north, east and south. West of the building is a raised grassed area. South of the yard is an area of largely self-seeded trees. South of the plot boundary is a residential area; part of the recent Stoneywood Estate housing development.

- 2.4 The site is located in the well-established Stoneywood Industrial and Business Estate in Dyce. Overall character of the area is that of an employment location with offices, industrial units and yard areas. Although the some of the buildings date from the 1970s and 1980s, the recent BP development and Dandara housing providing more modern investment to the area. Marwood Group Ltd is keen to continue inward investment in the area through the expansion of the yard area at 1 Stoneywood Park providing them with a fit and suitable premises to maintain and grow their business.
- 2.5 The proposed development seeks to extend the storage yard area southwards to provide an additional 1,385 square metres of lay down space. This will require the removal of a number of trees. The development proposal would however retain and enhance the 'green corridor' along the western and southern parts of the site through additional, denser, higher quality tree planting.
- 2.6 An eight metre wide landscape strip would also be provided along the southern and eastern boundary of this part of the site to maintain any biodiversity linkages. The additional planting in the south west corner and along the southern and eastern boundary represents a significant improvement in the formalised nature of the planting when compared with the poor quality trees found at present.
- 2.7 The ground level will be reduced slightly during the formation of the extended yard area, through the removal of topsoil. The proposed yard would be formed in concrete and finished in an asphalt topcoat.
- 2.8 Supporting information forming part of this application included:
- A detailed Tree Survey, with schedule and drawings
  - A supporting planning statement

### **3 PLANNING POLICIES**

- 3.1 To assess the appropriateness of the development, consideration of policy must be taken from national policy as well as strategic and local development plans.

#### **National Planning Framework 3**

- 3.2 The National Planning Framework 3 supports the many and varied opportunities for planning to support business and employment. Planning should address the development requirements of businesses and enable key opportunities for investment to be realised. It can support sustainable economic growth by providing a positive policy context for development that delivers economic benefits.

### **Scottish Planning Policy**

- 3.3 The provisions of NPF3 are supported by policies set out in Scottish Planning Policy (SPP) which sets out the main values of the planning system, and influence what planning policy at local and strategic level should contain. This ensures consistency between Local Authorities' plan-making across Scotland.
- 3.4 Paragraph 108 states that proposals for business, industrial and service uses should take into account surrounding sensitive uses, areas of particular natural sensitivity or interest and local amenity, and make a positive contribution towards placemaking. Paragraph 202 states that developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement. We believe that the proposals, inclusive of the new tree planting, are broadly compliant with the policy principles promoted in Scottish Planning Policy providing an entirely acceptable and positive compromise between expanding local business and protecting and enhancing the natural environment.

### **Aberdeen City and Shire Strategic Development Plan**

- 3.5 The Aberdeen City and Shire Strategic Development Plan (SDP) is a high-level Development Plan which sets out a vision and targets for the Aberdeen City and Shire region over 20 years. The SDP primarily focuses on which aspects should be changed in the region over the Plan period; it encompasses issues which are nationally or regionally important, which can be achieved through Aberdeen City Council and Aberdeenshire Council working together. The SDP does not provide area or site-specific guidance.
- 3.6 The vision for the Aberdeen City and Shire region is to be an attractive, prosperous and sustainable European city region, and an excellent place to live, visit and do business. Creating a robust and resilient economy, dealing with climate change, and creating a more inclusive society will achieve this. Principles such as high-quality design, encouraging sustainable and active travel and supporting existing businesses are clear priorities in the SDP.
- 3.7 The SDP also seeks to 'provide opportunities which encourage economic development and create new employment in a range of areas that are both appropriate for and attractive to the needs of different industries.'

### **Aberdeen Local Development Plan**

- 3.8 The application is required to comply with the relevant policies and provisions of the adopted local development plan (LDP) unless there are relevant material reasons that would suggest otherwise.
- 3.9 The Unit 1 Stoneywood Park plot is covered by two 'zonings' within the 2017 Aberdeen Local Development Plan. The existing building and yard area is zoned as 'Business and Industry B1'. The area south of the yard, part of which is proposed to accommodate the yard extension is zoned as part of the 'OP17 Stoneywood Estate' Residential development opportunity site. Some of the wooded areas are identified as being part of the 'Green Space Network NE1'.
- 3.10 It should however be noted that although the LDP includes part of the site as the OP17 allocation, the adopted Stoneywood Development Framework and Masterplan prepared for



the developer of the Stoneywood Estate does not include any of the Marwood site that is the subject of this appeal, as it is in separate ownership. The extract from the Woodland Masterplan shows the previous woodland cleared to permit new housing south of the Marwood plot. The application site effectively straddles the boundary between the established employment area and a residential allocation, with a reference to Green Space Network within the vicinity. The relevant Local Development Plan policies are listed and summarised below.

- 3.11 Paragraph 3.56 of the plan recognises the importance in maintaining a ready supply of employment land in the right places as vital for Aberdeen retaining its position as a competitive and sustainable business location. Policy B1 within the plan states “Aberdeen City Council will in principle support the development of the business and industrial land allocations set out in this Plan.” The expansion of an existing operation on business land is compliant with this policy.
- 3.12 Policy H1 ‘Residential Areas’ supports new development providing there is no unacceptable impact on the character and amenity of the surrounding area, does not constitute overdevelopment or does not result in the loss of valuable open space. We suggest that the application of Policy H1 to the development proposal is of little material weight, given that the zoning of the site seems to be an oversight relating to the boundaries of the Stoneywood Estate rather than reflecting the existing or envisaged uses for the area. The extension of the Marwood yard, along with its enhanced tree planting and landscaping will not detrimentally impact on the character an amenity of the housing built to the south, principally due to the eight metre wide tree belt along the southern boundary and the additional tree planting proposed.
- 3.13 Policy NE5 ‘Trees and Woodland’ presumes against development that will result in the loss or, damage to trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation. As detailed in the tree survey that forms part of the planning application, a number of poor quality self-seeded trees are to be removed; however these are to be replaced with 80 trees as compensatory planting in the south west corner of the plot. This area is presently bare and would perform a more useful function in terms of the area’s character and amenity and the Green Space Network than the low quality trees proposed to be removed. This is in addition to the enhanced tree planting proposed along the southern boundary.
- 3.14 Policy NE1 ‘Green Space Network’ presumes against development that would destroy or erode the character or function of the Green Space Network. The GSN is described as a strategic network that connects natural green spaces and habitats to each other and the communities around them. Part of the area of trees to the south of the commercial plots on Stoneywood Park is covered by a GSN designation. We believe this relates to the area originally being part of the policies associated with the Stoneywood Estate. The area is not used for recreation and has little ecological value. Its character is more that of left over woodland edge following the Stoneywood Estate development. The Stoneywood Estate development does however include provision for green corridors and usable footpath linkages for residents. This is entirely separate from the Marwood plot. We would suggest that the proposed development will have little impact on the use of the GSN as this remains within a private plot. Ecological value will however be enhanced through the new planting.

- 3.15 Policy D4 'Historic Environment' seeks to protect, preserve and enhance the historic environment. Development that would adversely impact upon archaeological remains will only be permitted in exceptional circumstances. We are aware that the route of the former Aberdeenshire Canal is thought to run close to the western boundary of the Marwood plot. This boundary is characterised by a raised area and granite wall. Other than compensatory tree planting, this part of the plot will not be impacted upon by the development proposal.

#### **Other material considerations**

##### **Scottish Government's Policy on Control of Woodland Removal**

- 3.16 Whilst a guiding principle of this is that woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits it also states that in appropriate cases a proposal for compensatory planting may form part of this balance. Woodland removal, with compensatory planting, is most likely to be appropriate where it would contribute significantly to enhancing sustainable economic growth." This is the case through the current development proposal by Marwood Group at Stoneywood Park.

## **4 ANALYSIS**

### **Local objections**

- 4.1 Twenty eight letters of objection were submitted in relation to the planning application with the vast majority of these from residents of the surrounding homes. The majority of these objections focused on the loss of trees and woodland being unacceptable for a variety of reasons, but also raised some concerns about setting an undesirable precedent and some concerns around the potential impact of lighting from the yard.

### **Addressing objector concerns and the reasons for refusal**

- 4.2 The expansion of the yard would allow a successful business to grow its existing operations within an established business and industrial area in the city, to the benefit of the local economy.
- 4.3 The reason for refusal suggests the proposals would result in the removal of 93 mature trees. This is inaccurate as is outlined in the report of handling and within the supporting Tree Survey Report prepared by Struan Dalgleish Arboriculture. It is in fact proposed for 77 trees to be removed to allow the development to be delivered. A large proportion of these are young self-seeded trees or of a Category C (low quality and value) classification. This loss would be replaced with 80 new trees as compensatory planting resulting in a net overall increase. Whilst these new trees will take time to establish the use of a diverse mixture of trees and occasional shrubs with a high native proportion would form a dense, robust strip wooded strip providing screening, shelter and a good degree of wildlife habitat.
- 4.4 We believe that the loss of some of the woodland can be justified in this instance, given there will be compensatory tree planting provided to mitigate the loss of the existing trees and enhance the tree belt overall. We do not believe that the removal of some trees on the north side of the tree belt will not unduly impact on the form and landscape character of the tree belt when viewed from the south. A robust 8 metre wide tree belt will be retained to the south of the site providing more than adequate screening from nearby residential

premises and maintaining the general integrity of the landscape setting when seen from the south.


- 4.5 There are numerous examples across Scotland of where storage yards of this nature operate where there is housing nearby without resulting in significant or unacceptable impacts on residential amenity. In this instance the proposals will maintain a suitable and robust buffer zone, which is appropriately sized, and landscaped, separating the uses and safeguarding residential amenity. We therefore do not agree that the expansion of the yard with some loss of trees would significantly reduce the amenity of existing and future residents. The appellants do not undertake noisy activities within their Stonewood premises; they are used for the storage of non-mechanical plant.
- 4.6 It is unreasonable to suggest that in allowing the loss of trees in this instance will result in further erosion of tree belt. We do not believe that this development would set an undesirable precedent as all planning applications have to be justified on their individual merits.
- 4.7 We do not agree that this localised development would erode the “overall green space network in the wider sense” as is suggested in the second reason for refusal and in the report of handling. There is no credible evidence to suggest that this localised intervention would compromise the green network beyond the limits of the immediate locality. We cannot agree that Policy NE3 Urban Green Network is applicable in this instance as this policy relates specifically to allocated public parks and playing fields within the city as is defined by the LDP proposals map.
- 4.8 We do not believe that the proposals are contrary to the Scottish Government's Policy on Control of Woodland Removal as this document provides a strategic framework for appropriate woodland removal. Woodland removal, with compensatory planting, is most likely to be appropriate where it would contribute significantly to enhancing sustainable economic growth.” We believe that the current proposals achieve this in providing compensatory planting and enhancing sustainable economic growth of the business and this established employment are in the city. Approval for woodland removal should be conditional on achieving significant net public benefit, this taking account of the current and future benefits/disbenefits of the existing woodland. It is clear that many of the trees within the woodland belt are not of a high quality and the compensatory planting will provide, in our opinion, an enhanced and more robust landscape buffer and tree belt than exists at present.

## **5 CONCLUSIONS**

- 5.1 Section 25 of the Town and Country planning (Scotland) Act 1997 states that in determining planning applications, regard is to be had to the Development Plan and the determination is, unless material considerations indicate otherwise, to be made in accordance with that plan.
- 5.2 We believe there to be a number of anomalies that exist within the report of handling and the reasons of refusal for the application that cause us to believe that important factors were either taken out of context or were not properly justified by the case officer in their consideration of the application. Little consideration seems to have been given to the time

and effort taken by the appellants in proposing a compromise solution after taking stock of the previous refusal.

- 5.3 Considering the provisions of the relevant development plan policies we are of the view that the development can on balance comply with the policy requirements of the development plan and so we do not agree that the reasons for refusal of the application.
- 5.4 For these reasons we believe that this appeal should be upheld and Full Planning Permission granted.

 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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<b>Site Address:</b>	16 Don Terrace, Aberdeen, AB24 2UH,
<b>Application Description:</b>	Formation of driveway to front
<b>Application Ref:</b>	180912/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	14 June 2018
<b>Applicant:</b>	Mr Alisdair Pert
<b>Ward:</b>	Tillydrone/Seaton/Old Aberdeen
<b>Community Council:</b>	Tillydrone
<b>Case Officer:</b>	Sheila Robertson

## **RECOMMENDATION**

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Refuse

## **APPLICATION BACKGROUND**

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### **Site Description**

The application site is located on the southern side of Don Terrace, and is occupied by a 1.5 storey, detached dwelling of traditional design, occupying an elevated position approximately 1.1m above street level. The front garden extends to 78sqm and is laid with grass and flower borders with a centrally located set of steps. The garden ground is level and sits at a similar height above the street as the dwelling house, with granite retaining walls to the street frontage varying in height between 1m and 1.3m, topped with metal railings of traditional design, and with a metal gate matching the design and height of the railings. There are single yellow line parking restrictions to both sides of the Don Terrace (no parking between 8am and 5pm, Monday to Friday). Don Terrace rises from west to east, with the properties being set progressively higher above street level westwards.

### **Relevant Planning History**

The application property was converted from 2 flats to form a single dwelling, and a rear extension added in 2013, using 'permitted' development rights.

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

Formation of a parking space within the front garden, lying parallel to the street, 10.5m wide where it abuts the road narrowing to 5.8m towards the rear and 2.4m in depth. It would have a gradient of 1:20 falling towards the road and laid with a permeable surface (not specified). The proposal would require removal of virtually the entire boundary wall fronting Don Terrace, excavation of the existing front garden and regrading of the remaining garden ground. New retaining walls would be constructed to the rear and sides of the proposed parking space, using granite salvaged from the

removal of the front boundary wall. A new set of steps with handrails and an attached bin ramp would be constructed, accessed from the parking space.

### **Supporting Documents**

All drawings and supporting documents listed below can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=P9XY5TBZM6O00>

## **CONSULTATIONS**

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**ACC - Roads Development Management Team (RDM)** - Acknowledge that the design of the driveway is not traditional, as it would not sit perpendicular to the road, however raise no objections provided the applicant funds the cost of removal and relocation of a lighting column.

## **REPRESENTATIONS**

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1 letter of objection has been received on behalf of the Aberdeen Civic Society on the basis that Don Terrace is a lane with character, provided by the strong linear feature of the front boundary walls and the adjustment to allow for this parking space would change its appearance.

## **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.

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

Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D5 (Our Granite Heritage)

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

Householder Development Guide (HDG) and Transport and Accessibility (TA)

## **EVALUATION**

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### **Principle of Development**

The site is located within a residential area where the principle of such residential development is generally accepted, provided it would not have an adverse impact on the character and amenity of the surrounding area and would comply with the relevant supplementary planning guidance, in this case the HDG. Any proposal should also be acceptable in terms of factors such as road safety. The above issues are assessed below.

### **Road Safety Considerations**

Although the proposed driveway would not meet the standard design specifications contained in the Supplementary Guidance for 'Transport and Accessibility' in that the proposed driveway would not be perpendicular to the road, the RDM Team has raised no concerns regarding the proposal's impact on public safety.

### **Impact on residential character and amenity**

Policy H1 (Residential Areas) states that proposals for householder development will be approved in principle if they do not have an unacceptable impact on the character and amenity of the

surrounding area. Don Terrace is characterised by mainly detached properties of traditional design (some converted to flats) with terraced properties (Numbers 119 to 127 Don Street) of more modern design located to the eastern end of Don Street, and whose frontages face south. All properties are confined to the south side of Don Terrace with a mature tree belt to the opposite side. With the exception of No 13a Don Terrace, which is a recently built property attached to a more traditional, formerly detached dwelling, all properties feature some form of traditional granite boundary wall fronting Don Terrace, some topped by railings, however none have been breached to form off street parking spaces within their curtilages. These walls are considered to provide a degree of visual uniformity within the streetscape and to determine its character. The removal of almost the entire front wall would visually disturb the continuity and uniformity of the streetscape by the removal of an important feature which helps to define its character and appearance. Moreover, the proposed removal of this historic granite boundary wall would be contrary to the guidance contained in Policy D5 (Our Granite Heritage) which seeks to retain such features.

Furthermore, the proposal would see extensive excavation within the front garden, which would reduce the planted ground cover from 72% to 47% with a corresponding increase in hard landscaping. The opening up of the site for vehicular access and subsequent loss of soft landscaping, combined with the exposed faces of the new retaining walls to all sides of the parking space and the presence of a car parked parallel to the street, would be visually intrusive, and out of character with that of the surrounding area. The proposal would neither respect the existing landscaped context of this street nor contribute to quality placemaking and would have a detrimental impact on the prevailing residential character and visual amenity of the surrounding area, contrary to both Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design)

### **Conclusion**

It is considered that approval of the proposal would significantly alter the character of the surrounding area, by introducing a visually intrusive element, to its detriment, and, furthermore no over-riding justification has been provided for creating a car parking space which would have a detrimental impact on visual amenity and residential character. Approval of the current application would alter the balance within the immediate area, which would be further compounded should immediate neighbours carry out similar works, thereby changing the prevailing character of Donbank Terrace, therefore the application is recommended for refusal.

### **RECOMMENDATION**

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Refuse

### **REASON FOR RECOMMENDATION**

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The proposal would be unsympathetic to the visual character and appearance of the existing streetscape by reason of the unacceptable loss of the front granite boundary walls and planted garden ground, in addition to the depth of excavation required and the combined presence of the retaining walls and a car parked parallel to the road. The proposal would therefore be unsympathetic to the character and appearance of the existing streetscape, adversely affecting residential character and visual amenity, and could set an undesirable precedent for developments of a similar nature which cumulatively would further erode the established character of the area, all contrary to Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan.

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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 100118588-001

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)

Parking bay to be formed within front garden of house involving alteration to front wall and railings to achieve space for 1 vehicle in parallel arrangement. Sloping garden and narrow road dictate that the parallel bay arrangement provides the best solution for this site. Existing walling to be reconfigured and new flush kerb and drain formed with site boundary to the public road. Lamppost and incoming gas main re-positioned to allow proposal.

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

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Avon Cottage"/>
First Name: *	<input type="text" value="Alisdair"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Pert"/>	Address 1 (Street): *	<input type="text" value="16 Don Terrace"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Woodside"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB24 2UH"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## 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="16 DON TERRACE"/>
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="AB24 2UH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="809188"/>	Easting	<input type="text" value="392517"/>
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## 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)

Proposal discussed with Sheila Robertson and Kamran Syed from Aberdeen City Council (between 20th and 22nd March 2018) prior to finalising the proposed arrangement.

Title:	<input type="text" value="Mr"/>	Other title:	<input type="text"/>
First Name:	<input type="text" value="Karman"/>	Last Name:	<input type="text" value="Syen"/>
Correspondence Reference Number:	<input type="text" value="Email @ 13:14"/>	Date (dd/mm/yyyy):	<input type="text" value="22/03/2018"/>

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:

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)

Front garden of detached property.

## 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?

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)? \*

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)

The existing property has been supplied with the various waste bins including recycling from Aberdeen City Council. There would be no change to this provision except that the moving of bins on Collection Days would be much easier with the short ramp indicated.

**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: Mr Alisdair Pert

On behalf of:

Date: 03/06/2018

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 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. \*

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 Alisdair Pert

Declaration Date: 03/06/2018

## Payment Details

Online payment: ABSP00002872

Payment date: 06/06/2018 21:21:00

Created: 06/06/2018 21:21

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## **DECISION NOTICE**

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

### **Detailed Planning Permission**

Mr Alisdair Pert  
Avon Cottage  
16 Don Terrace  
Aberdeen  
AB24 2UH

With reference to your application validly received on 14 June 2018 for the following development:-

**Formation of driveway to front  
at 16 Don Terrace, 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:

<b>Drawing Number</b>	<b>Drawing Type</b>
	Location Plan
	Site Layout (Proposed)
	Site Cross Section

#### **REASON FOR DECISION**

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

The proposal would be unsympathetic to the visual character and appearance of the existing streetscape by reason of the unacceptable loss of the front granite boundary walls and planted garden ground, in addition to the depth of excavation required and the combined presence of the retaining walls and a car parked parrallel to the road. The proposal would therefore be unsympathetic to the character and appearance of the existing streetscape, adversely affecting residential character and visual amenity,

and could set an undesirable precedent for developments of a similar nature which cumulatively would further erode the established character of the area, all contrary to Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan.

**Date of Signing** 13 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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# Comments for Planning Application 180912/DPP

## Application Summary

Application Number: 180912/DPP

Address: 16 Don Terrace Aberdeen AB24 2UH

Proposal: Formation of driveway to front

Case Officer: Sheila Robertson

## Customer Details

Name: Ms Julia Strickland

Address: Aberdeen Civic Society c/o 1 Mackie Place Aberdeen

## Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Aberdeen Civic Society objects to the formation of the driveway. Don Terrace is a lane with character, provided by the strong linear feature of the front boundary walls and the adjustment to allow for this parking space will change the appearance of Don Terrace.

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# MEMO



ABERDEEN  
CITY COUNCIL

To	Sheila Robertson Planning & Infrastructure	Date	21/06/2018
		Your Ref.	
		Our Ref.	180912/DPP
From	Roads Projects		
Email	csteel@aberdeencity.gov.uk		
Dial	01224 522687		
Fax			

**Strategic Place Planning**  
Aberdeen City Council  
Business Hub 4  
Marischal College  
Broad Street  
Aberdeen AB10 1AB

Tel 03000 200 292  
Minicom 01224 522381  
DX 529452 Aberdeen 9  
www.aberdeencity.gov.uk

## Planning Application No. 180912/DPP: Formation of driveway to front at 16 Don Terrace, Aberdeen, AB24 2UH.

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

### 1 Development Proposal

1.1 I note the application is for the formation of a driveway to the front of the property.

### 2 Parking

2.1 The parking space would be accessed from Don Terrace, which is a 4.5m wide road without a segregated footway. The carriageway is shared by vehicles and pedestrians.

2.2 The proposal is to form a parallel parking space. To construct the parking space a street lighting column would require repositioning. It is expected that this will be a costly procedure as the column currently has an SSE supply. I am happy to enquire about costings if the applicant is wishing to proceed.

### 3 Construction Consent

3.1 The repositioning of the lighting column will require to be subject to a Section 56 Roads Construction Consent procedure and I would urge the applicant to contact Colin Burnet on 01224 522409 to discuss this matter in further detail.

### 4 Conclusion

4.1 I have no objection provided the above comments are met.

GALE BEATTIE  
CHIEF OFFICER STRATEGIC PLACE PLANNING



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Page 127



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Christine Steel  
Engineer  
**Roads Development Management**



## **National Planning Policy**

[Scottish Planning Policy \(SPP\)](#)

## **Aberdeen City and Shire Strategic Development Plan (SDP)**

[Aberdeen Local Development Plan \(ALDP\)](#)

H1 - Residential Areas;

D1 - Quality Placemaking by Design; and

D5 – Our Granite Heritage

## **Supplementary Guidance**

[Householder Development Guide](#)

[Transport and Accessibility](#)

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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            100118588-003

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

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Avon Cottage
First Name: *	Alisdair	Building Number:	16
Last Name: *	Pert	Address 1 (Street): *	16 Don Terrace
Company/Organisation		Address 2:	Woodside
Telephone Number: *	07772277431	Town/City: *	Aberdeen
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	AB24 2UH
Fax Number:			
Email Address: *	alisdairpert@gmail.com		

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

16 DON TERRACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB24 2UH

Please identify/describe the location of the site or sites

Northing

809188

Easting

392517

## 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)

Formation of driveway to front of property

## 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.

I am appealing the decision to Refuse planning permission to provide a driveway to my home at 16 Don Terrace. I am asking that the decision be reviewed and changed to Approval for the 12 reasons which are amplified in the attached supporting document write up. Refer to detailed write-up of these points attached to this form.

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)

Attachment 1 - Notice of Review Write-Up Attachment 2 - Planning Application Drawings Attachment 3 - Occupational Health Letter Attachment 4 - Aberdeen Local Development Plan 2017 Inter-leaf (page 22 of 123) Attachment 5 - Online Quotation for Electric Car

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

180912/DPP

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

06/06/2018

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

13/08/2018

## 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

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 Alisdair Pert

Declaration Date: 02/11/2018

## **NOTICE OF REVIEW SUPPORTING DOCUMENT**

REGARDING PLANNING APPLICATION: 180912/DPP

ONLINE REFERENCE NUMBER: 100118588-003

SITE ADDRESS OF 16 DON TERRACE, ABERDEEN, AB24 2UH

BY ALISDAIR PERT – 2<sup>nd</sup> November 2018.

### **Introduction**

I am appealing the decision to Refuse planning permission to provide a driveway to my home at 16 Don Terrace. I am asking that the decision be reviewed and changed to Approval for the following twelve reasons which are amplified in my text below. In summary these are:

1. that one concession need not threaten the Don Terrace streetscape,
2. No. 16 is a special case for special consideration in Don Terrace,
3. that alternative options for access have been exhausted,
4. that on-road parking is not practical,
5. that the Council have recently double yellow-lined the next available parking street spaces,
6. that it is a reasonable provision for a family home, especially with my young child,
7. that I have a health condition,
8. that it would assist my wife, Dr Jane Latham, local GP, to respond to urgent all-hours call-outs to the community,
9. that all the granite copings and iron railings would be re-incorporated into the front garden,
10. that Aberdeen Local Plan Policy D1 should not be used to Refuse the Application,
11. that Aberdeen Local Plan Policy H1 should not be used to Refuse the Application,
12. that provision for charging an electric car is not practical.

The Site Plan shows the property and neighbouring residential plots, the narrowness of the street and the embankment down to the river. (See attached plan)

#### **1. One concession need not threaten the Don Terrace streetscape:**

It is acknowledged that Don Terrace has a leafy rural lane quality and traditional granite cottages. However, it is mixed with more recent development so does not present an intact traditional neighbourhood. It is **not in or near a Conservation Area and is not in the vicinity of any listed building**. The width of Don Terrace is narrow being defined by the River Don embankment to the north and property boundaries to the south which are generally walls. Given that there is a considerable amount of this treatment, it is not considered that one concession of a front driveway will threaten the overall streetscape of Don Terrace.

## **2. No. 16 is a special case for special consideration in Don Terrace:**

The properties to either side have alternative rear parking that is not available to No.16 which is "landlocked." The neighbouring Don Terrace bungalow has rear vehicular access to the back garden and a garage. The adjacent terrace houses have a separate access from Don Street which provides them with on-street parking and lock-up garages. The terrace houses are all at a high level above the Don Terrace carriageway. It is therefore **not conceivable that Approving a driveway for No.16 will have a domino effect** to the neighbouring properties on either side.

## **3. Alternative options for access have been exhausted:**

I have explored the possibility of achieving a rear vehicular access to my back garden from the access road. I have discussed this with Councillor Jim Noble and with neighbours. Through Mr Noble's good offices I have had it confirmed to me that the adjacent land is not council owned. The land involved is privately owned by neighbours and I understand from inquiries with neighbours that gaining approval to access from Don Street would be unlikely.

## **4. On-road parking is not practical:**

The topography of the site with a steep river bank means that the Don Terrace carriageway is narrow and there is no footway. It is impractical to park on the road outside the house as other cars struggle to pass. Parking there, outside of parking restrictions is permitted by the single yellow line but does cause annoyance to through traffic. Emergency vehicles would be unable to pass a car parked outside my house and for a call-out to Don Gardens, say, Emergency vehicles would need to access via Great Northern Road and the SMHU FM radio station.

## **5. The Council have recently double yellow lined the next available parking street spaces:**

For whatever reason, my parking situation has been exacerbated by the recent double yellow lining being painted to both sides of the road at the foot of Don Street (even in areas not in proximity to the junction). Instead of parking my car in the next street I now need to park down Gordon Mills Road beyond the new double yellow-lining in that street. This action by the Council since the date of my Planning Application **has made my predicament worse.**

## **6. It is a reasonable provision for a family home to have a driveway:**

I do not consider that the application that I have made to Aberdeen City Council is unreasonable. On the contrary, detached housing that is approved by the local authority requires to have in-curtilage parking provision. I am therefore using my best endeavour to bring this property up towards modern standards for a family home which will contribute a small improvement to the city housing stock. With a young child, I would appreciate being able to park outside my house to facilitate the daily routines of life, which all now have an increasing degree of difficulty.

## **7. I have a health condition:**

I have been diagnosed with chronic back pain. My employer has referred me to the Occupational Therapy Department and while I have returned to work, this has been with several changes to my work-station set-up together with some life-style changes. Transporting my young son to the car is now problematic for me as it has to be parked so remotely from the house. (See attached Medical Report.) Although this report does not directly relate my pain to



not having a driveway, I can confirm that carrying the relatively heavy loads of my child and weekly shopping etc. to my front door has exacerbated my condition to date.

**8. My wife would be better able to respond to urgent out-of-hours calls:**

As a local GP in Danestone Medical Practice, my wife has to regularly attend to call-outs in our community. Such house calls can often come when she is at home. It would assist her, the Practice and her patients if my wife could drive away from a driveway rather than down Gordon Mills Road.

**9. All the granite copings and iron railings will be re-incorporated into the front garden:**

The proposals show that considerable effort and expense would be invested in the re-design of the front garden so as to retain much of the amenity of the house and the street. The rubble wall, dressed squared coping and iron railings are part of the appeal of the property and the commitment is to retain these in the front garden. These elements would be integrated into a new arrangement that accommodated a parking space, as the proposals convey through the drawing and annotation. This sympathetic design should go a long way to addressing concerns about amenity.

**10. Aberdeen Local Plan Policy D1 should not be used to Refuse the Application:**

The new Aberdeen Local Plan is an impressive and accessible document. It is graphically designed to aid navigation **while dropping positive messages as to the Council's expectation.** The gray coloured interleaf page that introduces Section 3: Developing Sustainable Communities, has a line drawing over-sketched from a photograph from somewhere in the Aberdeen locality. A traditional line of cottages is shown with what looks like a garden that has had a subsequent driveway introduced in order to park a family car (and a wee boat). That such a scene should be used to exemplify Section 3 of the Local Plan is telling, indicating that flexibility, accommodation and pragmatism when dealing with existing properties can all contribute to sustainable communities. **This is exactly what I am seeking.** (See attached interleaf – Aberdeen local development plan 2017 page 22 of 123).

With regard to Policy D1, it can be noted that this is predominantly directed at new development and there is nothing that need explicitly require refusal of the application.

The Scottish Government policy document “Creating Places” sets “six tests” of proposals and these criteria are enshrined in Policy D1. Proposals should “enhance the social, environmental and cultural attractiveness of the city...” Having relocated to Aberdeen and choosing to raise a family within the city and invest in buying a house here, I am fully supportive of this policy. With regards to my Application for a driveway, the development test (when scaled down to my micro proposal) can be appraised as follows:

**DISTINCTIVE** - my proposal uses the local materials for the rubble walls, copings and railings in order to retain local identity.

**WELCOMING** - my proposal will present a well detailed and attractive frontage with areas of soft landscape and the rebuilt rubble walling being properly pointed and with a mortar mix as recommended by Historic Environment Scotland.

**SAFE & PLEASANT** - my proposal will avoid me carrying (and later walking) my child on the carriageway and across Don Street to the nearest on-street parking opportunity.

**EASY TO MOVE AROUND** - my proposal incorporates an easy gradient staircase with handrail and a ramp to push a buggy up. In relation to transport movement, I can also

comment. Despite the challenges of our professional jobs, my wife and I have remained a one-car family and I in my career, I have been supportive of public transport modes for my business use, where possible.

ADAPTABLE - my proposal allows a Victorian cottage built in a lane to be able to accommodate the requirements of a normal family lifestyle. This makes this particular part of the city's housing stock more suitable for future generations to use.

RESOURCE EFFICIENT - my proposal allows an NHS medical professional to respond more quickly to regular call-outs into the community which is commendable.

#### **11. Aberdeen Local Plan Policy H1 should not be used to Refuse the Application:**

Policy H1. 2 states that a proposal would be approved if it "does not have an unacceptable impact on the character and amenity of the surrounding area." I am not arguing that forming the driveway will have no impact on the streetscape of the Don Terrace lane. Rather I am stating that the sensitive manner in which it has been designed will sufficiently ameliorate any adverse impact so as to make it acceptable. (Related to this is that, as neighbouring properties have rear access, then a domino-effect from a precedent being set is not a realistic concern.) I therefore maintain that the proposals are **not** unacceptable.

Aberdeen City Council's Supplementary Guidance - Householder Development Guide, refers to "material considerations" and sets a test as to whether a consideration is material, stating that it "should fairly and reasonably relate to a particular application." In this document I have set out the grounds on which I consider 16 Don Terrace to be **a special case requiring special consideration by the Planning process**. I find that in my case, this test from the SG has not been met.

#### **12. That provision for charging an electric car is not practical:**

I have invested into the area because my wife and I found it attractive, near to our work and we enjoy living in a traditional house built from local materials. When purchasing the property, we had hoped that options for a single parking space would materialise so that we could purchase an electric car in the near future and have a parking space available to charge an electric vehicle. I am a keen advocate for green living and limiting the devastating effects that climate change is having on our planet. In addition to the beach cleans and other green endeavors I have contributed to; I have also investigated the possibility of owning an electric car and I feel that without having a parking space on my property, the possibility of achieving this dream would be difficult and unpractical.

In conclusion, I would request that the Local Review Body give consideration to my application, find it acceptable and decide to Approve it. I am happy to provide any further information that may be required. All of the detail that I have provided in this document is true.

 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
---	---

<b>Site Address:</b>	Land To The Rear Of 44/46 Bedford Road, Aberdeen, AB24 3NX,
<b>Application Description:</b>	Erection of 6 residential flats with associated landscaping
<b>Application Ref:</b>	181541/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	30 August 2018
<b>Applicant:</b>	George Taylor ASA
<b>Ward:</b>	Tillydrone/Seaton/Old Aberdeen
<b>Community Council:</b>	Froghall, Powis And Sunnybank
<b>Case Officer:</b>	Nicholas Lawrence

### **RECOMMENDATION**

---

Refuse

### **APPLICATION BACKGROUND**

---

#### **Site Description**

The application site comprises the garden / amenity area to numbers 44/46 Bedford Road that extends to approximately 332m<sup>2</sup> in area. The site is bounded to the west by 44/46 Bedford Road a 2½ storey end of terrace traditional granite building that formerly had a newsagent on the ground floor; the north by a brick boundary wall of some 1.2 metres in height abutting Bedford Place; east by numbers 55 and 57 Bedford Place; and the south by gardens to properties on Bedford Road and Erskine Street.

The area is characterised by residential development where no one design form or period of construction is dominant, albeit granite and slate roofed buildings are clearly prominent. The north side of Bedford Place is typified by 1½ storey, mansard roofed residential terraces; whereas, to the north of the site is a row of 2 storey terraced houses fronted in synthetic granite block; as well as a single 1½ more traditionally styled detached dwelling. The southern side of Bedford Place is largely similar; however, 2½ storey tenement fashioned blocks are present at the junctions of Bedford Place and streets running south-west.

In terms of designations the site falls within a residential area as shown on the Proposals Plan to the Aberdeen Local Development Plan 2017 (ALDP) to which policy H1 attaches.

#### **Relevant Planning History**

Application Number	Proposal	Decision Date
171410/DPP	Erection of 4 flats (over four floors) with associated car parking and landscaping	Refused at LRB 17.05.2018

180555/DPP	Erection of 4 residential flats with associated landscaping	Allowed at LRB 05.06.2018 subject to s75 Agreement
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## APPLICATION DESCRIPTION

### Description of Proposal

In brief, planning permission is sought for the erection of 6 flats over 3 storeys, located on the southern side of Bedford Place, close to its junction with Bedford Road. The site is currently overgrown garden ground associated with 44/46 Bedford Road. Pedestrian access (no vehicular parking provided) is taken off Bedford Road and via a gate also off Bedford Road to allow access to rear of the building, 6 cycle spaces and bin collection. Garden area is provided immediate to the west elevation of the proposed building.

The façade onto Bedford Place draws upon the traditional form and style of the neighbouring properties (numbers 55 and 55 Bedford Place); however, the rear white (southern elevation) has no architectural or aesthetic reference to the front of the building. It comprises, save 11 window openings (2 x stairwell; 6 x shower room; and 3 x bedroom) for the flats and protruding and stepped down stairwell. It is proposed that this elevation will be finished in a white. The net effect is a large wall, with limited punctuation and no architectural detailing and has the appearance of being 'bolted' onto the front to provide additional accommodation.

Application 180555/DPP provided for 4 flats again over 3 floors; however, the depth of the apartments was limited (save for the ground floor) to half of the depth of the building's footprint; whilst the current application seeks to follow the ground floor footprint across all floors, within 1.2 metres of the boundary to the neighbouring dwelling. The relationship of the proposed development to that addressed under application 180555/DPP is revealed when viewing Drawings PL-06 (Proposed South Elevation) and PL-03 (Proposed Ground Floor) to application 181541/DPP; and PL-05 Rev B (Proposed North and West Elevations) to application 180555/DPP.

### Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PE7VTVBZGYK00>

The following documents have been submitted in support of the application:

- Design Statement

## CONSULTATIONS

**ACC - Roads Development Management Team** – Recommend that the application is refused. Their response is discussed in greater detail below.

**ACC - Waste Strategy Team** – No objection

## REPRESENTATIONS

2 written representations (objection) have been received. The matters raised can be summarised as follows:

- Current inadequacies of parking in the area
- Problems with sewage system
- An abundance of flats in the area / No need for flats

- Too many students in the area

## **PLANNING POLICY FRAMEWORK AND RELEVANT MATERIAL CONSIDERATIONS**

### **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**

- National Planning Framework 3
- Scottish Planning Policy (SPP)
- Creating Places
- Planning Advice Note 67 – Housing Quality

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

- H1 Residential Areas
- H5 Affordable Housing
- I1 Infrastructure Delivery and Planning Obligations
- D1 Quality Placemaking by Design
- T2 Managing the Transport Impact of Development
- T3 Sustainable and Active Travel
- R6 Waste Management Requirements for New Development

### **Supplementary Guidance**

- Transport and Accessibility

## **EVALUATION**

### **Main Issues**

The main issues in this matter are; firstly, the principle of the proposed development and the 'fall-back' position; secondly, whether the development in its detailed form would harm the character and appearance of the area; thirdly, form of the building and impact upon amenity; and fourthly, adequacy of car parking. All issues have regard to the provisions of the Development Plan and other relevant material considerations.

### **Evaluation of Main Issues**

#### **Principle of the Proposed Development**

ALDP policy H1 addresses those parts of the City designated as residential areas and in principle will support new residential development where, in part, it does not constitute overdevelopment and does not have an unacceptable impact on the character and appearance of the area, together with compliance with other policies of the ALDP.

The fall-back position (i.e. what the applicant can undertake without recourse to a further planning application) is set by application 180555/DPP. Although the permission has yet to be issued (i.e.

subject to completion of a legal agreement) it does indicate a scheme accepted by the Council following a Local Review Body decision (i.e. 3 storeys limited to the front part of the building footprint fronting Bedford Place).

Therefore, the principle of the residential development is accepted, subject to meeting the requirements of the ALDP and national policy guidance.

#### Affect upon the Character and Appearance of the Area

The character of an area is more than the visual flow and type of buildings and their associated materials; it also embraces the juxtapositions between buildings, their setting and the spaces they create or harm. Any development ranging from adaptation through to new build of whatever scale should not be considered in isolation and must be informed by the immediate and wider context.

The area is characterised by residential development ranging from 1½ through to 2½ storeys in height, primarily of granite construction positioned close to the pavement edge with large gardens to the rear. 2½ storey dwellings sit to the immediate east of the application site and roads to the south west (e.g. 55 and 57 Bedford Place; Elmfield Avenue and Erskine Street).

In terms of the proposal's scale, a number of buildings in the immediate and wider area are comparable in height to that proposed and provide accommodation across a similar number of levels. However, these are of a different mass and relationship to the surrounding area (i.e. sit next to each other in front of large gardens). Therefore, the height of the building would not appear unusual in the area.

On the issue of design; the ALDP under policy D1 draws upon the approach that good design is indivisible from good planning within the key policy principles of SPP that *planning should take every opportunity to create high quality places by taking a design-led approach*.

The front elevation of the building draws upon elements of the traditional neighbouring residences in terms of ridge height, eaves level, fashioned in granite with a slate roof covering, fenestration and dormers (albeit the dormers and windows onto Bedford Place are somewhat unbalanced – unlike the neighbouring properties).

However, the rear elevation lacks any relationship to the front elevation, it's disjointed and there is no sense of design cohesiveness. The rear elevation appears as a sheer white rendered elevation, which is emphasised by limited punctuation (i.e. 11 window openings – 2 x stairwell windows; 6 x shower room windows; and 3 x bedroom windows) lowered stairwell and accommodation blocks either side (see Drawing PL-06 Proposed South Elevation). In graphic terms it reads as another building akin to a modern standard apartment building bolted onto a facsimile of a traditional granite building and is not a quality of design sought within the ALDP and national guidance, and is a design with no positive response to context and consequently harms the character of the area. The result is a quantum of development allowing for its proximity to the sites boundary with other properties which is not characteristic of the area and thereby harm its cohesiveness. As such the proposal is contrary to policies D1 and H1 of the ALDP and national guidance.

The Agent has described the accommodation as the Applicants 'product'. It would appear that the scheme looks to shoehorn too much 'product' into the development which has resulted in conflict with the policies of the ALDP; whereas the 'product' can be accommodated as under application 180555/DPP to the satisfaction of the Council.

#### Form of the building and impact upon amenity

It is accepted that privacy and the protection of general amenity constitutes a material consideration in the decision-taking process and is an important design objective in ensuring that residents of properties bounding any development site and those occupying new development feel at ease within and outwith their accommodation (e.g. garden / private amenity areas).

This position is reflected as part of the requirement to create safe and pleasant places set within ALDP policy D1 (i.e. avoid unacceptable impacts on adjoining uses) and policy H1, that in part, seeks to ensure that all development will not have an unacceptable impact on the amenity of the surrounding area. At the national level the need to maintain and respect amenity is referenced within SPP.

In this instance, it is the mass of the rear aspect of the proposed building and its relationship to the garden / private amenity area of number 42 Bedford Road that is at issue. There is a recognition that within tight urban environments there will be a degree of proximity between buildings and private areas, which is typified by terraces of properties with gardens behind, thereby creating private amenity areas set away from dwellings (e.g. along Bedford Place, Erskine and Bedford Roads that frame the site). Indeed, the conflict of proximity of buildings to private amenity areas is clearly recognised by the applicant as a negative aspect as under application 180555/DPP the first and second floors were set back from the boundary to the garden of 42 Bedford Road by some 5.4 metres.

The current proposal envisages 'pulling out' the south exterior wall to align with that of the ground floor south elevation. The net result is the creation of an 11.4 metre tall wall only 1.2 metres from the boundary to the neighbours garden (0.60 of a metre from the stairwell to the boundary). The boundary of the building fronts the most private area of the garden to 42 Bedford Place and consequently the height, form, mass and proximity to private amenity areas would be oppressive and harmful to the amenity afforded to this aspect of neighbouring dwellings. This aspect of the proposal is therefore contrary to policies D1 and H1 of the ALDP, together with national policy guidance.

In turn, the quantum of the proposal represents an over development of the buildings footprint contrary to part of the qualifying criteria to ALDP policy H1.

### Adequacy of Parking

Supplementary Guidance (SG) *Transport and Accessibility* supports ALDP policies T2 and T3 and includes advice on the level of car parking. The Roads Development Management Team provided advice to the Applicant following application 180555/DPP that an application for further flats would not be supported as on-street parking is finite and more flats would lead to more parking pressures in an already congested area by indiscriminate parking.

The SG requires that a maximum of 1.5 spaces should be provided per unit, equating to 9 parking spaces. However, the Applicant proposes no associated off-street car parking. As the site is located within a Controlled Parking Zone (CPZ), each unit would be entitled to a maximum of 2 on-street parking permits, which could add a maximum of 12 cars to the existing parking pressures within this area. Furthermore, several nearby streets (i.e. easy walking distance of the site) are outside the CPZ, so it is far more likely that residents would simply park on these already congested streets.

In terms of low / no car development the SG requires via a travel plan that significant measures will be undertaken to minimise the number of cars expected to travel to/from the site and that *there will be no adverse impact on the amenity of neighbouring sites through increasing on-street parking pressures*. In this case there is no way to minimise the number of cars owned by the

residents, and this in turn will have an adverse impact on the amenity of neighbouring streets through an increase in on-street parking pressure.

The proposal, having factored in the 'approved' scheme, would result in a net detriment to the area in terms of parking and as such would have an adverse impact on the amenity of neighbouring streets through an increase in on-street parking pressure.ve an adverse impact. The proposal is therefore contrary to ALDP polices T2 and T3, together with the SG.

## **Other Issues**

### Affordable Housing / Obligations

The site is outside the defined city centre boundary and therefore the affordable housing requirement attaches to the proposed development.

ALDP policy H5 requires that in all developments of 5 or more units that no less than 25% of the total number of units as affordable housing. On small residential development site it may be impractical to provide the requisite number of affordable units on site and in such events a commuted sum can applied. In this particular case an off-site contribution by way of a commuted sum equates to £47,500.00. There is also a requirement to provide £2,635.00 towards primary education in connection with Sunnybank Primary.

### Type of Occupants

Whilst the Design Statement makes a series of references to either student occupation of the building and its proximity to Aberdeen University permission is sought for a residential use. Consequently, it can be occupied by a range of persons that includes students. There is no justification to limit the occupancy of the proposed building to all persons other than students.

### Adequacy of Infrastructure

There is no indication from Scottish Water that the scheme will result in problems with the sewerage network.

## **CONCLUDING COMMENTS AND REASON FOR RECOMMENDATION**

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Whilst the principle of the proposed development is deemed acceptable, it is considered that the proposal with particular regard to the southern aspect of the scheme (i.e. rear section) lacks architectural integrity and quality, constitutes an overdevelopment of the buildings footprint and in turn will harm the character and appearance of the area. The form, mass, scale and proximity of the development will adversely harm the amenity afforded neighbouring residents. The proposed development is therefore contrary to policies D1 and H1 of the Aberdeen Local Development Plan 2017 and policy guidance set with Scottish Planning Policy and Planning Advice Note 67.

In addition, the no car approach adopted by the applicant will have an adverse impact on the amenity of neighbouring sites through increasing on-street parking pressures and the proposal is therefore in conflict with policies T2 and T3, together with the associated Supplementary Guidance (Transport and Accessibility) to the Aberdeen Local Development Plan 2017.

## **REASONS FOR REFUSAL**

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1.



The proposed development by reason of the quantum of development, design, form, scale, mass and proximity to neighbouring properties and their amenity areas has not had due regard to delivering a high quality scheme with respect to its context and the proposed development will therefore harm the character and appearance of the area contrary to policies D1 and H1 of the Aberdeen Local Development Plan 2017, together with national policy guidance within Scottish Planning Policy and Planning Advice Note 67.

2.

The proposed development by reason of the quantum of development, design, form, scale, mass and proximity to the site boundary will be oppressive and harmful to the private amenity afforded to neighbouring dwellings, which in turn represents an overdevelopment of the buildings footprint contrary to policies D1 and H1 of the Aberdeen Local Development Plan 2017, together with national policy guidance within Scottish Planning Policy and Planning Advice Note 67.

3.

The no car approach adopted by the applicant will have an adverse impact on the amenity of neighbouring sites through increasing on-street parking pressures and the proposal is therefore in conflict with policies T2 and T3, together with the associated Supplementary Guidance (Transport and Accessibility) to the Aberdeen Local Development Plan 2017.

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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 100076472-004

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)

Proposed Flatted Development (6no.).

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?

Yes  No

(Answer 'No' if there is no change of use.) \*

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:	Neil Rothnie Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Euan	Building Name:	
Last Name: *	Davidson	Building Number:	73
Telephone Number: *	01224626724	Address 1 (Street): *	Huntly Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB10 7TE
Email Address: *	euan@neilrothnie.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Care of Neil Rothnie Architects
First Name: *		Building Number:	73
Last Name: *		Address 1 (Street): *	Huntly Street
Company/Organisation	George Taylor ASA	Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	AB10 1TE
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

44 BEDFORD PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB24 3NX

Please identify/describe the location of the site or sites

Northing

807753

Easting

393587

## Pre-Application Discussion

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

Yes  No

## Site Area

Please state the site area:

330.00

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)

Residential

## 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?

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)? \*

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)

See bin area shown on plans- hard standing allowed.

## 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? \*

6

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: Euan Davidson

On behalf of: George Taylor ASA

Date: 29/08/2018

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 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 checked="" type="checkbox"/> Yes <input 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 Euan Davidson

Declaration Date: 29/08/2018

## Payment Details

Cheque: ,

Created: 29/08/2018 10:29

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## **DECISION NOTICE**

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

### **Detailed Planning Permission**

Euan Davidson  
Neil Rothnie Architects  
73 Huntly Street  
Aberdeen  
AB10 7TE

on behalf of **George Taylor ASA**

With reference to your application validly received on 30 August 2018 for the following development:-

#### **Erection of 6 residential flats with associated landscaping at Land To The Rear Of 44/46 Bedford Road, 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:

<b>Drawing Number</b>	<b>Drawing Type</b>
PL-01	Location Plan
PL-03	Ground Floor Plan (Proposed)
PL-04	Multiple Floor Plans (Proposed)
PL-05	Multiple Elevations (Proposed)
PL-06	South Elevation (Proposed)
PL-07	Site Cross Section

#### **REASON FOR DECISION**

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

- 1.

The proposed development by reason of the quantum of development, design, form, scale, mass and proximity to neighbouring properties and their amenity areas has not had due regard to delivering a high quality scheme with respect to its context and the proposed development will therefore harm the character and appearance of the area contrary to policies D1 and H1 of the Aberdeen Local Development Plan 2017, together with national policy guidance within Scottish Planning Policy and Planning Advice Note 67.

2.

The proposed development by reason of the quantum of development, design, form, scale, mass and proximity to the site boundary will be oppressive and harmful to the private amenity afforded to neighbouring dwellings, which in turn represents an overdevelopment of the buildings footprint contrary to policies D1 and H1 of the Aberdeen Local Development Plan 2017, together with national policy guidance within Scottish Planning Policy and Planning Advice Note 67.

3.

The no car approach adopted by the applicant will have an adverse impact on the amenity of neighbouring sites through increasing on-street parking pressures and the proposal is therefore in conflict with policies T2 and T3, together with the associated Supplementary Guidance (Transport and Accessibility) to the Aberdeen Local Development Plan 2017.

**Date of Signing** 1 November 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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# MEMO



ABERDEEN  
CITY COUNCIL

To	Planning & Infrastructure	Date	11/09/2018
		Our Ref.	DPP 181541
From	Scott Lynch		
Email	SLynch@aberdeencity.gov.uk		
Dial	01224 522292		
Fax			

## Strategic Place Planning

Aberdeen City Council  
Business Hub 4  
Ground Floor North  
Marischal College  
Aberdeen  
AB10 1AB

Tel 03000 200 291  
Minicom 01224 522381  
DX 529451, Aberdeen 9  
[www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

### Planning Application No. DPP 181541

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

#### 1 Development Proposal

- 1.1 I note that the application is for the erection of 6 residential flats with associated landscaping to the rear of 44 / 46 Bedford Road, Aberdeen.
- 1.2 The site is located in controlled parking zone RR, in the inner city, operating between 10am and 4pm, Monday to Friday.
- 1.3 This is a follow-on application from DPP 180555, which was largely the same in principal, except for 4 flats as opposed to 6.

#### 2 Walking and Cycling

- 2.1 This site is well serviced by a network of public footpaths connecting to the wider area with destinations such as University of Aberdeen, Kittybrewster Retail Park in readily walkable distances.
- 2.2 I can confirm that the site is considered to be well served for cyclists with access to various nearby cycle routes. Existing on-street cycle lanes can be found along Bedford Road as well as National Cycle Route 1 traveling along College Bounds/High Street located some 600m away which has direct links through the whole City and City Centre.

#### 3 Public Transport

- 3.1 The site shall be well served by Public Transport with Bedford Road forming part of several bus routes connecting the University of Aberdeen and the wider city at regular intervals.

- 3.2 Bus stops when heading in either direction can be found on Bedford Road within 100m.

#### **4 Parking**

- 4.1 As per ACC supplementary guidance, a maximum of 1.5 spaces should be provided per unit, equating to 9 parking spaces. However, the applicant proposes to provide no associated off-street car parking.
- 4.2 As the site is located within a controlled parking zone, each property would be entitled to apply for a maximum of 2 on-street parking permits which could add a maximum of 12 cars to the existing parking pressures within this area. Furthermore, several nearby streets are outwith any controlled parking zone – so it is far more likely that residents would simply park on these congested streets.

As part of the previous application Roads had no formal objection, provided that mitigatory measures were put in place. The applicant was also informed that future applications for additional flats would not be supported by Roads as on-street parking is finite and more flats would lead to more parking pressures in an already congested area – both the CPZ and the adjacent area outwith any controlled parking zone, within which there is a fear of indiscriminate parking.

Additionally, our Supplementary Guidance document states “In...Inner City locations, low and no car development *may* be acceptable...In Outer City locations it is unlikely” – and this site is on the border of the inner and outer city. Additionally, “when considering the suitability of a site for no car parking...it can be demonstrated through a Travel Plan that significant measures will be undertaken to minimise the number of cars expected to travel to/from the site” and “there will be an adverse impact on the amenity of neighbouring sites through increasing on-street parking pressures”. There is no way to minimise the number of cars owned by the residents, and this will have an adverse impact on the amenity of neighbouring streets through an increase in on-street parking pressure.

#### **5 Refuse**

- 5.1 I note the location of the proposed bin site and would advise that the acceptable distance for containers to be transported by collectors should be no more than 15m for a two-wheeled bin and 10m for a four-wheeled bin. Additionally, residents should not be required to carry waste/refuse more than 30m from the flat entrance to the storage point.

#### **6 Conclusion**

- 6.1 Roads would recommend that this application is refused on the grounds of parking pressures in the area. Given that there are a small number of streets outwith any controlled parking zone which are bounded by controlled parking zones, students are known to park here when they drive to the university, as are residents of adjacent sites who do so to avoid paying for parking permits. Whilst the new proposal does only represent 2 additional flats when compared to the old proposal, the original proposal would still result in a net detriment to the area in terms of parking, but not a significant enough detriment to warrant



refusal, however it is felt that the detriment to the area brought about by the introduction of 6 flats *is* great enough to warrant refusal.

Scott Lynch  
Senior Engineer  
**Roads Development Management**

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# Comments for Planning Application 181541/DPP

## Application Summary

Application Number: 181541/DPP

Address: Land To The Rear Of 44/46 Bedford Road Aberdeen AB24 3NX

Proposal: Erection of 6 residential flats with associated landscaping

Case Officer: Nicholas Lawrence

## Customer Details

Name: Mr GORDON DUFFUS

Address: 90 Bedford Place Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I feel that this area (that I have lived in for 32 Years) is now over populated, there are far too many HMO's in the area. There is a Flat next door to me that has been on the market for just over two years, and it is still not been sold. So more Flats in the area we do not need.

Will these Flats be Rented out ? if so who to, will it be Students ?

We have too many Students living in the area, who are very noisy and some of them are very antisocial, having parties in their back and front gardens till all hours of the morning.

Also these proposed Flats, I presume the occupiers will have cars. Bedford Place is bad enough for finding a parking place at night, so more cars parking will cause more parking problems.

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# Comments for Planning Application 181541/DPP

## Application Summary

Application Number: 181541/DPP

Address: Land To The Rear Of 44/46 Bedford Road Aberdeen AB24 3NX

Proposal: Erection of 6 residential flats with associated landscaping

Case Officer: Nicholas Lawrence

## Customer Details

Name: Mr John Thomson

Address: 92aBedford Place Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: There is already an abundance of flats in the area. Since the road has been re opened there is a greatly increased volume of traffic and may I add a number of very near misses when vehicles enter or exit Erskine Street. There are problems for people already trying to park their cars to add another 6 flats to the mix is going to create more havoc. Many of the properties in the area are now bought by property developers and then rented out to students and I have witnessed the lack of maintenance to the properties, bins not put out for collection and ending up overflowing, gardens not maintained. There has been problems with the sewage my property has back flow from the main sewage as the system could not cope This has been rectified but it took over a year!! I obviously would be anxious if another 6 flats were added on to the system.

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## **National Planning Policy**

[Scottish Planning Policy \(SPP\)](#)

[Aberdeen Local Development Plan \(ALDP\)](#)

H1 Residential Areas

H5 Affordable Housing

I1 Infrastructure Delivery and Planning Obligations

D1 Quality Placemaking by Design

T2 Managing the Transport Impact of Development

T3 Sustainable and Active Travel

R6 Waste Management Requirements for New Development

## **Supplementary Guidance**

[Transport and Accessibility](#)

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# NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect  
of Decisions on Local Developments  
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)  
Regulations 2013  
The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title		Ref No.	
Forename		Forename	
Surname		Surname	
Company Name	GEORGE TAYLOR ASA	Company Name	NEIL ROTHNIE ARCHITECTS
Building No./Name		Building No./Name	73
Address Line 1	C/O AGENT	Address Line 1	HUNTLY ST
Address Line 2		Address Line 2	
Town/City		Town/City	ABERDEEN
Postcode		Postcode	AB10 1TE
Telephone		Telephone	01224 624724
Mobile		Mobile	-
Fax		Fax	-
Email		Email	nen@neilrothnie.co.uk
<b>3. Application Details</b>			
Planning authority	ABERDEEN CITY COUNCIL		
Planning authority's application reference number	181541 / DPP		
Site address	<div style="border: 1px solid black; padding: 5px; min-height: 100px;">                     LAND TO REAR 44/46 BEDFORD ROAD, ABERDEEN AB24 3NX.                 </div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px; min-height: 50px;">                     ERECTION OF 6 NO. RESIDENTIAL FLATS.                 </div>		

Date of application

29th AUG 2018

Date of decision (if any)

1st NOV 2018

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

4. Nature of Application

Application for planning permission (including householder application)

Application for planning permission in principle

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

Application for approval of matters specified in conditions

5. Reasons for seeking review

Refusal of application by appointed officer

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

Conditions imposed on consent by appointed officer

6. Review procedure

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

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

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

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

[Empty text box for explanation]

7. Site inspection

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

Can the site be viewed entirely from public land?

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

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

N/A

### 8. Statement

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

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

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

REFER TO NOTICE OF REVIEW SUPPORTING STATEMENT

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes  No

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

### 9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

ORIGINAL PLANNING APPLICATION - FORM, SUPPORTING STATEMENT + DRAWINGS  
ACKNOWLEDGEMENT OF PLANNING APPLICATION  
REFUSAL - (ALL DRAWINGS ETC IDENTICAL TO ORIGINAL APPLICATION)

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

### 10. Checklist

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

Full completion of all parts of this form



Statement of your reasons for requesting a review



All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.



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

### DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature



Name:

WELL A. ROTANIE

Date:

8th NOV 2018

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

## **Proposed Development of 6no. Flats, To Rear of 44/46 Bedford Road/ Bedford Place, Aberdeen.**

### **NOTICE OF REVIEW SUPPORTING STATEMENT**

An application for Planning Permission for the erection of 6 flats to the rear of 44-46 Bedford Road was refused by Aberdeen City Council on 1<sup>st</sup> November 2018.

We wish to appeal against this decision to Refuse Application Reference 181541/DPP

Our proposal is to erect 6 [mainstream] flats over 3 storeys to the rear of the existing tenement to 44/46 Bedford Road as it extends along Bedford Place. This application was made following the LRB decision on 5<sup>th</sup> June 2018 to allow the erection of 4no. flats [180555] on the same site. The main change between that allowed at appeal and refused is the increase in the number of flats by the increased depth to the upper [first and second] floors. The ground floor /footprint of development on the site remains exactly the same.

We hope to demonstrate that the application meets the requirements of the local plan and should be approved.

The reasons for refusal as given are;

1. The proposed development by reason of the quantum of development, design, form, scale, mass and proximity to neighbouring properties and their amenity areas has not had due regard to delivering a high quality scheme with respect to its context and the proposed development will therefore harm the character and appearance of the area contrary to policies D1 and H1 of the Aberdeen Local Plan 2017, together with national policy guidance within Scottish Planning Policy and Planning Advice Note 67
2. The proposed development by reason of the quantum of development, design, form, scale, mass and proximity to the site boundary will be oppressive and harmful to the private amenity afforded to neighbouring dwellings, which in turn represents an overdevelopment of the buildings footprint contrary to policies D1 and H1 of the Aberdeen Local Plan 2017, together with national policy guidance within Scottish Planning Policy and Planning Advice Note 67
3. The no car approach adopted by the applicant will have an adverse impact on the amenity of neighbouring sites through increasing on-street parking pressures and the proposal is therefore in conflict with policies T1 and T3, together with the associated Supplementary Guidance (Transport and Accessibility) to the Aberdeen Local Development Plan

Before responding to these it is of vital importance that the Relevant Planning History is recorded accurately. A planning application for 8no. [two bedroomed] serviced flats , reference 141644 was lodged on 31/10/14. A decision of willingness to approve was made, subject to agreement of a Section 75 [S.75] relating to the restriction of use as serviced flats. The decision not to conclude [and it should be noted that the whole process of agreeing a S.75 was well advanced] the S.75 was made when it was known that it was possible to achieve approval for mainstream flats on the site. This was made by the same applicant. However this history has been erased in the reporting of this application AND that of application 180555 which was approved at LRB on 2<sup>nd</sup> August 2018. It is worthy of note that the overall 'quantum' of this serviced flat application is very similar, if not greater, to that which is subject of this Notice of Review.

In dealing with the points and comments raised in the Reasons for Refusal these are explained in some further detail in the Report of Handling. As a result our responses deal with both.

- In reason 1 it is alleged that the proposals are contrary to policy D1 and specifically *..planning should take every opportunity to create high quality places by taking a design-led approach* and then goes on to

comment on the front elevation stating that it is *somewhat unbalanced*. In response this frontage is almost identical to that approved at LRB on 2<sup>nd</sup> August 2018.

In reason 2 it is alleged that the proposals are contrary to policy D1 and specifically *..avoid unacceptable impacts on adjoining uses*. All the surrounding uses are residential and this is acknowledged in the Report of Handling as H1 [last paragraph to Site Description, APPLICATION BACKGROUND to page 1]. Whilst the design has limited the number of apartment [bedroom] windows to the rear looking on to the end of the garden of adjoining properties it is our strong contention that this is not an **unacceptable** impact as the windows overlook the extreme end of what is a 30m long garden.

- In reason 1 it is alleged that the proposals are contrary to policy H1 and specifically *.... policy H1 addresses those parts of the City designated as residential areas and in principle will support new residential development where, in part it does not constitute overdevelopment and does not have an unacceptable impact on the character and appearance of the area*. There is no test by which overdevelopment can be determined which means this is a matter of opinion. By the approval at LRB of 180555 this establishes a 2 ½ storey building to the street frontage [matching the profile of the adjoining tenement [and other details such as dormer detailing]] and as this application is almost identical there can be no impact on the character and appearance of the area.  
In reason 2 it is alleged that the proposals are contrary to policy H1 and specifically... *the quantum of the proposals represents an over development of the buildings footprint contrary to part [part] of the qualifying criteria to ALDP policy H1*. Again there is no test in policy H1 by which overdevelopment can be determined which means this is a matter of opinion. Furthermore as we have stated and is noted in the Report of Handling the footprint of the proposals are identical to those approved in LRB on 2<sup>nd</sup> August 2018.
- In reason 1 and 2 Planning Advice Note 67 is referenced [Housing Quality]. This Planning Advice Note [PAN] refers to general aspirations for housing and sets no tests by which detailed applications can be judged. In fact, there are many of the statements within this PAN which this proposal would satisfy e.g this proposal is distinctive, it is safe and pleasant, it is easy to move around.... and will be resource efficient.
- Reason 3 relates essentially to the lack of parking on site. The Roads Department had no objection to the previous application [180555] of 4no. flats. It is therefore a judgement on whether a further 2 no. flats [6no. in total] may result in *an adverse impact on the surrounding streets*. We would re-state the point made in our supporting statement that this site is located very close to Aberdeen University so it is very likely that owners or occupiers of these flats will be students or persons associated with the University. But we also acknowledge that these flats can or will be occupied by others. Bedford Place is a controlled parking area with the streets beyond having no restrictions. The Report of Handling refers to the Supplementary Guidance, Transport and Accessibility and then the aspiration that *significant measures will be undertaken to minimise the number of cars expected to travel to/from the site ... there is no way to minimise the number of cars owned by the residents....* It is our contention that by having a car free development we will achieve this; any person who is an owner or a resident of one of these flats will do so in the clear knowledge that there is no on-site parking. This site is well placed [within walkable distances] for access to public transport and to all other amenities such as shops etc so it would be logical to expect that the majority of residents will have no need for a car.

**CONCLUSION/SUMMARY ; Flats [residential use]are appropriate on this site as the proposals are surrounded by well established residential flats. The development of this site will create flats which reflects the aspirations of Aberdeen City Council and what we understand to be policies which will seek to encourage more residential units within the City . Whilst this site does not fall within the defined city centre, small developments such as these contribute and provide choice for purchasers and prospective occupiers. We have dealt with the concerns raised in this application as they appear to be inconsistent and at odds with the planning history of this site and more particularly the approval at LRB of 180555 [for 4no. flats]**

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