

# Public Document Pack



To: Councillor Boulton, Chairperson; and Councillors Duncan and Henrickson.

Town House,  
ABERDEEN 09 January 2019

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

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in **Committee Room 4 - Town House** on **WEDNESDAY, 16 JANUARY 2019 at 2.30 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 6 Criaghaar Gables - Change of use from amenity ground to form driveway - 181329

2.2 Delegated Report, Original Application Form, Decision Notice and Consultee Comments (Pages 7 - 26)

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

(181329)

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

2.3 Planning Policies Referred to in Documents Submitted (Pages 27 - 28)

2.4 Notice of Review with Supporting Information Submitted by Applicant (Pages 29 - 36)

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

Ref Number (181329)

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

2.5 Determination - Reasons for Decision

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

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

**PLANNING ADVISER - GAVIN EVANS**

3.1 Denhead Skene Road Aberdeen - demolition of steading and erection of 2 storey dwelling house with terrace - 181539

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 37 - 66)

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

(181539)

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

3.3 Planning Policies Referred to in Documents Submitted (Pages 67 - 68)

3.4 Notice of Review with Supporting Information Submitted by Applicant  
(Pages 69 - 84)

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

Ref Number (181539)

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

3.5 Determination - reason for decision

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

3.6 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.aberdeency.gov.uk](http://www.aberdeency.gov.uk)

Should you require any further information about this agenda, please contact Mark Masson on [mmasson@aberdeency.gov.uk](mailto:mmasson@aberdeency.gov.uk) / tel 01224 522989 or Lynsey McBain on [lymcbain@aberdeency.gov.uk](mailto:lymcbain@aberdeency.gov.uk) / tel 01224 522123

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## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

### PROCEDURE NOTE

#### GENERAL


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

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

#### DETERMINATION OF REVIEW

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

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

 <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>	6 Craighaar Gables, Craigharr Gables, Aberdeen, AB21 9HU
<b>Application Description:</b>	Change of use from amenity ground to form driveway
<b>Application Ref:</b>	181329/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	31 July 2018
<b>Applicant:</b>	Mrs Cathy Paul
<b>Ward:</b>	Dyce/Bucksburn/Danestone
<b>Community Council:</b>	Dyce And Stoneywood
<b>Case Officer:</b>	Roy Brown

## **RECOMMENDATION**

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Refuse

## **APPLICATION BACKGROUND**

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### **Site Description**

A 62sqm area of amenity open space to the east of 6 Craighaar Gables and west of Stoneywood Road, which is located in a residential area. The application site forms part of the wider soft-landscaped communal amenity open space in and around the residential properties in Craighaar Gables. The site, like the wider open space, is soft landscaped as a maintained grass lawn. There is negligible change in ground level with a slight fall from the northeast of the site to southwest.

### **Relevant Planning History**

There are no planning records of similar applications at Craighaar Gables and thus no record planning permission having been granted for such a proposal.

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

The change of use of the site from amenity open space to residential curtilage and the hard surfacing of the area to form a double driveway which would facilitate two parked cars and would be accessed via Stoneywood Road to the east. No soft landscaping is proposed within the site and the driveway would be entirely hard surfaced with impermeable bitmac. No details of SUDS arrangements have been provided and the only drain is a surface water gully which would discharge water into the drainage system of the dwelling.

This application considers the principle of use as residential curtilage, with land ownership and use rights a separate legal matter to be addressed by any parties concerned.

### **Supporting Documents**

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PCF57HBZFZT00>

## **CONSULTATIONS**

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**ACC - Roads Development Management Team** – The driveway would require a 5m wide footway crossing. It should have a gradient of no more than 1:20, it should be internally drained, it should not have loose material over the first 2m adjacent to the footway; and the driveway should be constructed by Aberdeen City Council and contact should be made with the Roads Maintenance Team to arrange for an estimate to the works. No objection subject to compliance with these technical requirements.

**ACC - Land And Property Assets** - The sale of the land is conditional upon the applicant obtaining consent for Change of Use to Garden Ground.

## **REPRESENTATIONS**

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None

## **MATERIAL CONSIDERATIONS**

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### **Legislative Requirements**

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

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

Scottish Planning Policy

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

Policy D1 - Quality Placemaking by Design

Policy H1 - Residential Areas

Policy NE3 – Urban Green Space

Policy NE6 – Flooding, Drainage and Water Quality

### **Supplementary Guidance**

The Householder Development Guide

Transport and Accessibility

Green Space Network and Open Space

Flooding, Drainage and Water Quality

## **EVALUATION**

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### **The Principle of the Change of Use**

The application site is located within a residential area, under Policy H1 of the ALDP and relates to a change of use of the land to domestic garden ground. For this proposal to comply with Policy H1 in principle, the change of use should not have an unacceptable impact on the character and amenity of the surrounding area, it should not result in the loss of valuable and valued open space, and it should comply with the Supplementary Guidance.



To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 of the ALDP. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment.

The site is part of a wider area of communal amenity open space in and around Craighaar Gables of maintained lawn with shared public walkways. The application site and the wider space currently contributes to the visual character and amenity of the area in that it provides an attractive soft landscaped setting in a prominent public location adjacent to Stoneywood Road. The physical development proposed, to hard surface the area in its entirety with a bitmac driveway would result in the loss of this attractive natural landscaped setting, to the detriment of the character and amenity of the surrounding area.

Whilst it is recognised that the space is partially enclosed to the east by an approximate 0.8m high boundary wall, which can somewhat discourage use by the wider public, it is a valuable area of usable communal open space which can be used by the residents of Craighaar Gables. The change of use of this land to domestic curtilage would thus result in the loss of this space to the public, particularly neighbouring residents, to the detriment of their amenity.

Policy NE3 states that permission will not be granted to redevelop areas of urban green space for any use other than recreation and sport. As this proposal would not be used for recreation and sport it would be contrary to this policy.

'The Householder Development Guide' states that proposals should not fragment or, if replicated, be likely to incrementally erode larger areas of public open space or landscaping. The change of use would fragment the wider open space and would result in an irregular boundary layout whereby there would be an isolated hard surface within the larger area of amenity open space.

There are no examples in the area whereby planning permission has been granted for the change of use to domestic garden ground under current policies and guidance. If planning permission were to be granted for this proposal, it would be likely to set a precedent whereby the wider amenity open space could be incrementally eroded and changed to hard surface/parking. The cumulative impact of the loss of separate areas of ground could lead to the gradual erosion of the wider amenity open space, to the significant detriment of the character and amenity of the surrounding area.

The Supplementary Guidance: 'Transport and Accessibility' states that permission will not be granted for a driveway across an amenity area unless it would produce a demonstrable improvement in road safety and have no adverse effect on the amenity of the area. It can be noted that the driveway would comply with the Supplementary Guidance: 'Transport and Accessibility' in that it would be of an adequate gradient, it would not have any loose chippings in the first 2m closest to the footway and it would not result in water discharging onto the public footway. The driveway is 10m from the junction with Prospect Terrace, which is not a through road and thus the proximity to this junction would not adversely affect road safety. Whilst the proposal would not adversely affect road safety it would not result in a demonstrable improvement in road safety and it would have an adverse effect on the amenity of the surrounding area. Although no safety concern have been raised by ACC Roads Development Management, the introduction of an additional vehicle access onto the public road close to an existing junction has the potential to result in conflict with existing road users. It would therefore not fully comply with 'Transport and Accessibility' guidance.

There is currently adequate on-street parking provision on Stoneywood Road. Given there is no additional parking demand and currently ample supply, additional parking provision would not justify the loss of amenity open space.

Scottish Planning Policy states that NPF3 aims to significantly enhance green infrastructure networks, particularly in and around our cities and towns and that green infrastructure and improved access to open space can help to build stronger, healthier communities. The Supplementary Guidance: Green Space Network & Open Space recognises that access to good quality green infrastructure will contribute to a greener, healthier, smarter, safer, stronger, wealthier and fairer city. The proposal would result in the loss of an area of valuable amenity open space which makes a worthwhile contribution to the character and amenity of the area and replace it with a bitmac double driveway. The proposal could set a precedent for the loss of the wider amenity open space. The proposal would therefore conflict with the principles of Scottish Planning Policy, Policies H1 – Residential Areas, NE3 – Urban Green Space and D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan; the Supplementary Guidance: ‘The Householder Development Guide’, ‘Green Space Network and Open Space’ and ‘Transport and Accessibility’.

Policy NE6 states that development will not be permitted if it would increase the risk of flooding through the discharge of additional surface water. The SEPA Flood Map identifies the area to the west of Craighaar Gables as an area at risk of flooding. The Supplementary Guidance: ‘Flooding Drainage & Water Quality’ would require SUDS for this type of development. As no details of SUDS have been provided and a non-porous hard surface is proposed, the proposal would result in an increase in the rate of surface water run-off from the site. Both in itself, and particularly if replicated, it would therefore potentially increase the risk of surface water flooding outwith the site (e.g. associated with the nearby railway line to the west). The proposal therefore conflicts with the objectives of Policy NE6 of the ALDP and the related Supplementary Guidance.

## **RECOMMENDATION**

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Refuse

## **REASON FOR RECOMMENDATION**

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- 1) The proposed change of use to residential curtilage and the formation of a hard surfaced double driveway would result in the loss of an area of valuable communal amenity open space which makes a worthwhile contribution to the character and amenity of the area by providing a soft landscaped setting to Stoneywood Road and in terms of providing usable communal open space to the public, particularly the residents of Craighaar gables. The proposal would in itself fragment the wider area of open space around Craighaar Gables and would result in an irregular domestic boundary by resulting in an isolated domestic curtilage within the wider open space. The proposal would thus have an adverse impact on the character and amenity of the surrounding area. The proposal would conflict with the principles of Scottish Planning Policy, Policies H1 – Residential Areas and D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan 2017; the Supplementary Guidance: ‘The Householder Development Guide’ and ‘Transport and Accessibility’.
- 2) As no details of SUDS have been provided and a non-porous hard surface is proposed, the proposal would result in an increase in the rate of surface water run-off from the site. It would therefore potentially increase the risk of surface water flooding outwith the site (e.g. associated with the nearby railway line to the west) and therefore conflicts with the objectives of Policy NE6 – Flooding, Drainage and Water Quality of the Aberdeen Local Development Plan 2017 and the associated ‘Flooding, Drainage and Water Quality’ Supplementary Guidance.

- 3) If planning permission was granted it would be likely to set a precedent for the incremental erosion of the wider amenity open space, thereby resulting in further detriment to the character and amenity of the surrounding area and increased flood risk to nearby land.

There are thus no material planning considerations which warrant the grant of planning permission in this instance.

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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            100129529-001

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)

Proposed Change-of-Use from amenity ground to private garden space / driveway at 6 Craighaar Gables, Stoneywood, ABERDEEN, AB21 9HU.

Is this a temporary permission? \*  Yes  No

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

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

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

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



## Agent Details

Please enter Agent details

Company/Organisation:	Cobban Architecture Ltd.		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Martin	Building Name:	<input type="text"/>
Last Name: *	Cobban	Building Number:	1
Telephone Number: *	01467 672411	Address 1 (Street): *	Rutherford Gardens
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Inverurie
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	AB51 4JJ
Email Address: *	martin@cobbanarchitecture.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Cathy	Building Number:	6
Last Name: *	Paul	Address 1 (Street): *	Craighaar Gables
Company/Organisation	<input type="text"/>	Address 2:	Stoneywood
Telephone Number: *	<input type="text"/>	Town/City: *	Aberdeen
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	AB21 9HU
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

6 CRAIGHAAR GABLES

Address 2:

CRAIGHARR GABLES

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB21 9HU

Please identify/describe the location of the site or sites

Northing

810878

Easting

389170

## Pre-Application Discussion

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

Yes  No

## Site Area

Please state the site area:

61.90

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)

Amenity ground.

## 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?? \*  Yes  No  
(e.g. SUDS arrangements) \*

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)

Not applicable.

## 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

Are you able to identify and give appropriate notice to ALL the other owners? \*

Yes  No

## Certificate Required

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

Certificate B

## Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] 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;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Property Enquiry 9616 Aberdeen City Council Legal and Democratic Services

Address:

Corporate Governance Business Hub 6, Level 1 South, Marischal College, Broad Street, Aberdeen, AB10 1AB

Date of Service of Notice: \*

25/07/2018

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: \*

Signed: Martin Cobban

On behalf of: Mrs Cathy Paul

Date: 25/07/2018

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 Martin Cobban

Declaration Date: 25/07/2018

## Payment Details

Online payment: ABSP00003088

Payment date: 25/07/2018 11:24:00

Created: 25/07/2018 11:25

## **DECISION NOTICE**

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

### **Detailed Planning Permission**

Martin Cobban  
Cobban Architecture Ltd.  
1 Rutherford Gardens  
Inverurie  
Scotland  
AB51 4JJ

on behalf of **Mrs Cathy Paul**

With reference to your application validly received on 31 July 2018 for the following development:-

**Change of use from amenity ground to form driveway**

**at 6 Craighaar Gables, Craigharr Gables**

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

<u>Drawing Number</u>	<u>Drawing Type</u>
181329/1	Location Plan
CA0352-01	Site Layout (Proposed)

#### **REASON FOR DECISION**

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

- 1) The proposed change of use to residential curtilage and the formation of a hard surfaced double driveway would result in the loss of an area of valuable communal amenity open space which makes a worthwhile contribution to the character and amenity of the area by providing a soft landscaped setting to

Stoneywood Road and in terms of providing usable communal open space to the public, particularly the residents of Craighaar gables. The proposal would in itself fragment the wider area of open space around Craighaar Gables and would result in an irregular domestic boundary by resulting in an isolated domestic curtilage within the wider open space. The proposal would thus have an adverse impact on the character and amenity of the surrounding area. The proposal would conflict with the principles of Scottish Planning Policy, Policies H1 - Residential Areas and D1 - Quality Placemaking by Design of the Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'The Householder Development Guide' and 'Transport and Accessibility'.

- 2) As no details of SUDS have been provided and a non-porous hard surface is proposed, the proposal would result in an increase in the rate of surface water run-off from the site. It would therefore potentially increase the risk of surface water flooding outwith the site (e.g. associated with the nearby railway line to the west) and therefore conflicts with the objectives of Policy NE6 - Flooding, Drainage and Water Quality of the Aberdeen Local Development Plan 2017 and the associated 'Flooding, Drainage and Water Quality' Supplementary Guidance.
- 3) If planning permission was granted it would be likely to set a precedent for the incremental erosion of the wider amenity open space, thereby resulting in further detriment to the character and amenity of the surrounding area and increased flood risk to nearby land.

There are thus no material planning considerations which warrant the grant of planning permission in this instance.

**Date of Signing** 28 September 2018



**Daniel Lewis**  
Development Management Manager

### **IMPORTANT INFORMATION RELATED TO THIS DECISION**

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

None.

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

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

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

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

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

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

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

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# Consultee Comments for Planning Application 181329/DPP

## Application Summary

Application Number: 181329/DPP

Address: 6 Craighaar Gables Craigharr Gables Aberdeen AB21 9HU

Proposal: Change of use from amenity ground to form driveway [cr]

Case Officer: Roy Brown

## Consultee Details

Name: Mr Michael Cowie

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

Email: micowie@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

## Comments

I note this application for Change of use from amenity ground to form driveway at 6 Craighaar Gables, Craigharr Gables, Aberdeen AB21 9HU.

I note that the proposed is to create a 6m wide opening so can assume that the proposed is for a double driveway. I can confirm that the driveway would require a 5m footway crossing width which is the maximum for a double driveway, this should also be 6m deep. Other requirements of the driveway are as follows:-

1. The driveway gradient should be no more that 1:20
2. Driveway should be internally drained wit so surface water discharging onto the public road.
3. The driveway should not be surface by any loose material over the first 2m adjacent to the footway.
4. the driveway should be constructed by Aberdeen City Council and the applicant should contact our Roads Maintenance Team on [footwaycrossings@aberdeencity.gov.uk](mailto:footwaycrossings@aberdeencity.gov.uk) to arrange for an estimation for the works. The applicant should be aware that they are required to cover all associated costs with the regard tot he footway crossing.

Should all the above be met then I can confirm that Roads Development Management Team have no concerns regarding this application.

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## **National Planning Policy**

Scottish Planning Policy (SPP)

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

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

<http://www.aberdeencityandshire-sdpa.gov.uk/nmsruntime/saveasdialog.aspx?IID=1111&SID=90>

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

H1: Residential Areas;

D1: Quality Placemaking by Design;

NE3: Urban Green Space

NE6: Flooding, Drainage and Water Quality

<https://www.aberdeencity.gov.uk/services/planning-and-building/development-plan>

## **Supplementary Guidance**

Householder Development Guide

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

Transport and Accessibility

<https://www.aberdeencity.gov.uk/sites/default/files/5.1.PolicySG.TransportAccessibility.pdf>

Green Space Network and Open Space

<https://www.aberdeencity.gov.uk/sites/default/files/6.4.PolicySG.OpenSpace.pdf>

Flooding, Drainage and Water Quality

<https://www.aberdeencity.gov.uk/sites/default/files/6.3.PolicySG.Flooding.pdf>





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 100129529-003

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

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Cobban Architecture Ltd."/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Martin"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Cobban"/>	Building Number:	<input type="text" value="1"/>
Telephone Number: *	<input type="text" value="01467 672411"/>	Address 1 (Street): *	<input type="text" value="Rutherford Gardens"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Inverurie"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="AB51 4JJ"/>
Email Address: *	<input type="text" value="martin@cobbanarchitecture.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="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Cathy"/>	Building Number:	<input type="text" value="6"/>
Last Name: *	<input type="text" value="Paul"/>	Address 1 (Street): *	<input type="text" value="Craighaar Gables"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Stoneywood"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB21 9HU"/>
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="6 CRAIGHAAR GABLES"/>
Address 2:	<input type="text" value="CRAIGHARR GABLES"/>
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 9HU"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="810878"/>	Easting	<input type="text" value="389170"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Change of use from amenity ground to form driveway.

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See attached letter.

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)

Notice of Review Letter, Drawing CA0352-01 Rev.A, Scotland's land information service extract.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

181329

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

25/07/2018

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

28/09/2018

## 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 Martin Cobban

Declaration Date: 17/12/2018

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17/12/2018



Planning Department  
Aberdeen City Council  
Business Hub 4  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

Dear Sir / Madam,

CAO352 - Proposed Change-of-Use from Amenity Ground to Form Driveway at  
6 Craighaar Gables, Stoneywood, AB219HU.  
Your Ref: 181329

Further to the above Planning Permission Refusal dated 28<sup>th</sup> Sep 2018, please find enclosed revised drawing CAO352-01A and a three page extract from Scotland's land information service.

The applicant is aggrieved by the decision to refuse the application on the following grounds:

**Reason for Refusal 1** *"the proposed change of use would result in the loss of valuable communal open space to the public and fragment the wider area of open space around Craighaar Gables and result in an irregular domestic boundary by resulting in an isolated domestic curtilage within the wider open space".*

This reason for refusal is inaccurate. The application site is in fact a small remaining piece of communal open space sandwiched between two private gardens which were purchased from Aberdeen City Council by the owners of No's 5 and 9 Craighaar Gables in 2001 and 1999 respectively. See pages 2 and 3 of the enclosed extract from Scotland's land information service which clearly shows the areas of ground to the North and South of the application site as privately owned ground, not communal open space. The area of ground to the North of the application site (No.9 Craighaar Gables) is now surrounded by a block wall and is in no way available for use by the public. Although these facts were passed on to the case officer, we were told "there appears to be no record of planning permission having been granted under current policies and guidance for the change of use of amenity land to garden ground".

PTO.

**Cobban Architecture Ltd.**  
1 Rutherford Gardens, Inverurie, AB51 4JJ  
T: 01467 672 411  
M: 07791 193 930  
E: martin@cobbanarchitecture.co.uk  
[www.cobbanarchitecture.co.uk](http://www.cobbanarchitecture.co.uk)

**Reason for Refusal 2** *"the proposal would result in an increase in the rate of surface water run-off from the site and would therefore potentially increase the risk of surface water flooding outwith the site".*

At no point was this communicated to us during the Planning process. The first we knew of this was when the refusal document was issued. We have therefore taken advice from a civil engineer and have added a new surface water filter trench to act as SUDS / attenuation to prevent increase in surface water run-off before discharging into the existing house surface water drainage system. All shown highlighted yellow on revised drawing CAO352-O1A.


**Reason for Refusal 3** *"if planning permission was granted it would likely set a precedent for the incremental erosion of the wider amenity open space".*

As discussed under Reason for Refusal 1 above, the precedent was already set when Aberdeen City Council sold off sections of the amenity open space to the owners of No's 5 and 9 Craighaar Gable in 2001 and 1999. The wider amenity open space referred to does, in reality, not exist.

We trust the above information is taken into account and hope common sense prevails by overturning the decision to refuse this Planning Application under the Notice of Review process. We look forward to hearing from you but should you have any queries or require any further information, please do not hesitate to contact our office on 01467 672411.

Yours faithfully,

Martin Cobban

 <p><b>ABERDEEN</b> CITY COUNCIL</p>	<p><b>Strategic Place Planning</b></p> <hr/> <p>Report of Handling</p>
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<b>Site Address:</b>	Denhead, Skene Road, Aberdeen, AB15 8PT.
<b>Application Description:</b>	Demolition of steading and erection of 2 storey dwelling house with terrace
<b>Application Ref:</b>	181539/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	29 August 2018
<b>Applicant:</b>	Mr David Mennie
<b>Ward:</b>	Kingswells/Sheddocksley/Summerhill
<b>Community Council:</b>	Kingswells
<b>Case Officer:</b>	Gavin Clark

## **RECOMMENDATION**

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Refuse

## **APPLICATION BACKGROUND**

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### **Site Description**

The application site relates to an area of ground (which includes an existing steading outbuilding) in the rear garden of the house known as 'Denhead' at Kingswells. The site lies approximately 1m below the level of the access road and slopes down slightly from west to east. The west building line abuts a grass verge alongside the public road. Beyond the north boundary sits a 1½ storey dwelling that has an east-west aspect with a driveway lying between the application site and the southern gable end of the neighbouring dwelling.

### **Relevant Planning History**

Planning permission (Ref: P150364) was approved in July 2015 for the conversion of the outbuilding on site to form a residential unit. There is some evidence that this consent was commenced – the digging of a trench for the foundations of an extension to be constructed as part of the conversion of the building. That being the case, the permission will remain valid in perpetuity. This application was preceded by a withdrawn application (Ref: P141016) for a similar proposal. Planning permission (Ref: A8/1109) was previously granted in March 2009 for the conversion of the same steading building to form a residential unit.

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

Demolition of the existing steading building and erection of a 1½ storey detached dwellinghouse which would be located out with the current footprint of the steading and would be 6.7m back from the public road. The dwellinghouse would include timber windows, a slate roof and blockwork walls rendered in off-white dry dash render. The porch would be finished in stone reclaimed from

the steading. A new access and driveway, finished in tarmac, would be provided from the public road to the west of the site, which would extend across the front and north side of the house. An area of sloping garden ground would be provided to the rear of the dwellinghouse. A raised decked area to the immediate rear of the dwellinghouse and extending across the full width of the dwellinghouse is also proposed. A 1.8-metre-high fence would be erected along the south boundary, separating the new dwellinghouse from the existing property.

### 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=PE7VMYBZ01700>

*Design Statement: August 2018:* provides an introduction to the proposal including details of the site and previous applications on site (including the difficulties in implementing the previous permission), site analysis, precedents of developments of a similar nature and design principles and solutions.

## CONSULTATIONS

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**ACC - Roads Development Management (RDM) Team** – have no objection subject to the provision of adequate visibility splays and completion of the driveway to an appropriate standard.

**ACC - Environmental Health** – no response received.

**ACC - Flooding and Coastal Protection** – no objection.

**ACC - Waste Strategy Team** – advise of waste management requirements.

## REPRESENTATIONS

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2 written representations have been received (1 objection, 1 in support). The matters raised can be summarised as follows: -

- *Objecting Comment:* The proposed use is not consistent with Policies NE1 and NE2 of the ALDP
- *Supporting Comment:* The proposal will be an improvement to the current streetscape.

Comments were also received with regards to unauthorised works which have taken place out with the boundary of the application property relating to the erection of entrance gates.

## MATERIAL CONSIDERATIONS

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### Legislative Requirements

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

### National Planning Policy and Guidance

- Scottish Planning Policy (SPP) paragraphs 49-52 sets out uses appropriate to the green belt.

### Aberdeen Local Development Plan (ALDP)

- Policy D1: Quality Placemaking by Design;
- Policy D5: Our Granite Heritage;
- Policy T2: Managing the Transport Impact of Development;
- Policy T3: Sustainable and Active Travel;
- Policy NE2: Green Belt;
- Policy NE6: Flooding, Drainage & Water Quality;
- Policy NE8: Natural Heritage;
- Policy R6: Waste Management Requirements for New Developments;
- Policy R7: Low & Zero Carbon Buildings & Water Efficiency;
- Policy CI1: Digital Infrastructure

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

- Transport and Accessibility
- Natural Heritage
- Flooding, Drainage and Water Quality
- Resources for New Development

## **EVALUATION**

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### **Principle of Development**

SPP sets out that green belts can be used to direct development to the most appropriate location; protect and enhance the character, landscape setting and identity of the settlement; and protect and provide access to open space. To enable this, local development plans should describe the types and scales of development which would be appropriate within the green belt. Paragraph 52 of SPP provides guidance on the types of development that may be appropriate in green belts. New houses are not included as an appropriate type of development. The ALDP sets out that, within areas designated as Green Belt, Policy NE2 applies. Policy NE2 sets out that no development will be permitted for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural setting, mineral extraction or restoration, or landscape renewal. These categories of development are consistent with the types of development listed in SPP as suitable within a green belt setting.

In this case, the proposal is for the demolition of an existing steading building and erection of a detached dwelling in its place. It is noted that permission has been approved previously for the conversion of the steading building to form a residential dwelling; a consent that, due to a start having been made on the development, remains valid in perpetuity and thus could be fully implemented. Policy NE2 includes five stated exceptions allowing for other types of development as described above. The conversion of existing buildings within green belt locations would fall under exemption four, and as such, the conversion of the steading building was considered acceptable and in compliance with Green Belt policy.

Green Belt policy also states that no development will be permitted within the green belt other than those essential for agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/ quarry restoration or landscape renewal. No justification/ information has been submitted to demonstrate that the dwellinghouse is required for an agricultural, woodland or forestry enterprise. Indeed, the application site does not appear to be associated with any such uses or business enterprises. Therefore, the proposal would also fail to comply with this element of the aforementioned policy.

The current proposal does not involve any such conversion, nor would it qualify under any of the other exemption scenarios. As such, the principle of the development proposed is not in line with the provisions or aspirations of NE2 and thus the proposal is contrary to the policy. It is therefore considered that the proposal would conflict with the aims of the green belt, which is to direct

growth to the most suitable locations and prevent urban sprawl on the edge or near the edge of the city, thus avoiding adverse impacts on the landscape setting of the city in general and the erosion of the character of this area on the Green Belt boundary, where it is of particular importance and where development pressure is often at its greatest. No material planning considerations set out in the Supporting Statement, including the previous permissions for conversion on site, would justify a departure from the provisions of the development plan.

Notwithstanding the above comments, whilst this site is located on the edge of the defined Green Belt, it nevertheless sits some 1km to the west of the current urban edge. The area between the urban edge and the green belt boundary, bounded by Lang Stracht on the north and the Den Burn on the south is allocated for residential development (Opportunity Site OP31). The Masterplan and the planning permission to deliver that residential development is phased over a number of years and thus the application site will remain detached and isolated from the urban edge for several years. The application site's character is formed by densely planted trees on ground to the rear of Denhead and Hillcrest, beyond which the ground falls steeply to the east; with the result being that the Green Belt boundary is visible from the public road when heading westwards out of the city (particularly from the Lang Stracht and Queens Road). The proposal would be visible above the tree line; and it is the view of the Planning Authority that the scale, form and design of the dwellinghouse would result in the erosion of the Green Belt boundary. The house would be located marginally further back than the house at Hillcrest, and on higher ground, and would sit approximately 4m higher than the existing steading building. This matter is also discussed further below.

## Design

Policy D1 (Quality Placemaking by Design) states that all development must ensure high standards of design and requires all proposals to be considered against six essential qualities. These are:

1. Distinctive
2. Welcoming
3. Safe and pleasant
4. Easy to move around
5. Adaptable
6. Resource efficient

The supporting text sets out the criteria against which each of these qualities would be assessed, relevant to the scale, character and nature of the proposal. In terms of this application, the focus of such assessment would be on the 'distinctive' character of the proposal, and more specifically how it responds to the site context; whether it has been designed with due consideration to siting, scale, massing and proportions; and planned with a high quality design, including materials and craftsmanship. Policy NE2 also states that all proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, materials and design.

As noted above, and explained in detail below, the general principle of development cannot be supported. Notwithstanding this, it is still necessary to assess the design of the proposed dwelling.

The proposed design would utilise a number of materials including blockwork and off-white dry-dash render, which are not considered to be of a high-quality architectural design befitting of the site's Green Belt location. The design and form proposed would not respect or reflect the character of the green belt, but instead would adversely affect the character, amenity and landscape of its setting. The proposal has not been designed with due consideration for its context and would not be an appropriate addition to the Green Belt. The proposal is therefore contrary to policies D1 and NE2 of the ALDP.



The proposal would also result in the loss of a traditional granite steading, which would be demolished as part of the proposal to construct the new house. Traditional steadings are a major feature of the Scottish landscape and an important part of Scotland's architectural and cultural heritage. Its demolition would negatively impact on the landscape character of this part of the green belt. Policy D5 seeks the retention and appropriate re-use, conversion and adaptation of all granite buildings. This proposal does not achieve or delivery any of these. Further, insufficient information has been submitted as to the re-use of the granite downtakings within the site boundary either on the proposed dwellinghouse or on any other features within the application site boundary (other than a small amount of the downtakings that would be used within the proposed porch). The proposal would therefore fail to comply with Policy D5 of the ALDP.

As the principle of a new house on this green belt site is clearly contrary to Policy NE2, it is not necessary, nor is it appropriate to consider the proposal against the criteria set out in Sub-Division and Redevelopment of Residential Curtilages Supplementary Guidance.

### **Amenity**

No windows would directly overlook any other residential properties and it is not considered that there would be any significant adverse impact on overshadowing, and the proposal would not have an overbearing impact. The one matter of concern relates to the installation of a deck on the rear elevation, which could potentially have an adverse impact on the level of amenity afforded to the host property. Further screening along the southern edge of the deck, which could be controlled as a planning condition were permission to be granted, would help negate this issue.

### **Natural Heritage**

The previous application for the conversion of the steading on site required the submission of a bat survey. However, no such document has been submitted with the current application. The previous survey advised that the steading did offer some bat roosting potential and is located near an area with good bat foraging habitat, although no evidence of bats was found at that time. However, the survey report does state "*while this survey found no evidence of bats roosting in the building, this is no guarantee that bats will not come to use the building....*". It was also concluded that nesting birds had been found nesting, and that any demolition should not take place during the bird breeding season. As such, no information has been supplied by the applicant that allows the planning authority to assess whether there would be any impact on bats, a European Protected Species (EPS), which are protected by European, UK and Scottish law. Bats surveys, under EPS legislation, must be completed prior to the granting of a planning permission and cannot be the subject of a planning condition. There is an onus on both the Planning Authority and the applicants to ensure that such a protected species is not adversely impacted upon by a development proposal. There are wooded areas to the south and east and inland water features to the north of the application site which ideal habitats for bats. Bat Surveys expire after a period of 18 months and thus the survey carried out in 2015 cannot be relied upon. Due to the lack of a bat survey covering the building to be demolished, the proposal cannot establish whether any bat roosts are present or assess what impact there may be and thus cannot supported by the planning authority based on lack of information, and the proposal would therefore fail to comply with Policy NE8 (Natural Heritage) and its associated SG.

The survey submitted with the previous planning application concluded that nesting birds had been found nesting on the site. All wild birds, including their nests are protected through the Wildlife and Countryside Act 1981 (as amended). Amongst other things, it is an offence to intentionally kill or injure a wild bird, to damage, destroy or interfere with the nest of any wild bird whilst it is in use. An updated survey of nesting birds has not been provided by the applicant and, given their noted presence in the previous planning application, it has not been demonstrated to the planning authority that nesting birds would not be affected by the proposal. The proposal fails to comply with Policy NE8 (Natural Heritage) and its associated SG.

**Transportation Matters**

The proposal has been assessed by officers in RDM, who have raised no objection to the application provided adequate visibility is provided and the driveway is constructed to an adequate standard. This matter could be controlled via an appropriately worded planning condition. It is also noted that adequate parking could be provided within the curtilage of the site. The proposal is considered to comply with Policy T2 and its associated SG.

The site, despite being within the green belt would be accessible by bicycle (being close to the Den of Maidenraig and a bus stop is located in front of the host application property (Denhead) ensuring that the site is easily accessible by public transport. The proposal therefore complies with Policy T3.

**Waste Management Requirements**

The proposal has been assessed by officers in Waste Management, who have no objection and have advised of the waste management requirements for the proposed development. Subsequently the proposal is considered to comply with Policy R6 and its associated SG.

**Flooding Matters**

The proposal has also been assessed by officers in the Flooding Team, who have no objection to the proposal, as they do not consider the application poses a flood risk. They have suggested the use of permeable materials and rain water harvesting where suitable in the design. The proposal is considered to comply with Policy NE6 and its associated SG.

**Low/ Zero Carbon Developments**

All new buildings must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology. Whilst no details have been submitted in this regard, this matter could be controlled via an appropriately worded planning condition to ensure compliance with Policy R7 and its associated SG of the ALDP.

**Digital Infrastructure**

All new residential development will be expected to have access to modern, up-to-date high-speed communications infrastructure. Whilst the site is located within the green belt, a review of the superfast broadband website indicates that the area has access to high-speed broadband facilities. Subsequently, the proposal would comply with Policy C11.

**Matters Raised in Letters of Representation**

In terms of the objection received, the site is not located within the Green Space Network, therefore Policy NE1 does not apply. Non-compliance with Green Belt policy (Policy NE2) has been discussed above.

In terms of the supporting letter received. It is noted that there are a variety of designs found in the surrounding area, and compliance with Policy D1 is discussed above. Unauthorised works (by way of the installation of pillars at the entrance to the host property) will require an application for planning permission, and the applicants have been advised accordingly.

**RECOMMENDATION**

---

Refuse

**REASON FOR RECOMMENDATION**

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1. The proposal, if approved would undermine the principles of controlling development and preventing the construction of additional housing in the Green Belt, leading to the erosion of

the character of such areas and adversely affect the landscape setting of the City in general. The applicant has also failed to demonstrate that the proposed dwellinghouse is required as being essential for the operation of an existing agriculture; woodland or forestry enterprise. The proposal is therefore considered to be contrary to the main functions of the Green Belt, which are to preserve the landscape setting of the city and to resist urban sprawl and the proposal would therefore fail to comply with Policy NE2 (Green Belt) of the Aberdeen Local Development Plan and Scottish Planning Policy.

2. The proposal would result in the demolition of a traditional granite steading, which is an important architectural, historic and landscape feature in the green belt, to the detriment of the landscape character of the green belt. Further, insufficient information has been submitted with regards to the use of granite duntakings from the steading to be demolished in the proposed development (other than a small amount of granite that would be utilised in the porch). The proposal therefore fails to comply with Policy D5 (Our Granite Heritage) of the Aberdeen Local Development Plan.
3. The design and form of the proposed house that has not been designed with due consideration for its context within a Green Belt location, which requires proposals to be of a high-quality design, which would result in a development that would have an adverse impact on the setting of the Green Belt. The proposal therefore fails to comply with Policies D1 (Quality Placemaking by Design) and NE2 (Green Belt) and associated Supplementary Guidance: Sub-Division and Re-Development of Residential Curtilages of the Aberdeen Local Development Plan.
4. The application is deficient of information in respect of a Bat Survey. It is therefore not possible to make a full assessment of the implications of the development with regard to the impact upon the European Protected Species with regard to Policy NE8: Natural Heritage and its associated Supplementary Guidance: Natural Heritage 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 100135203-001

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)

replacement steading to form new dwelling

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:	RJM Architectural Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ross	Building Name:	
Last Name: *	McWilliam	Building Number:	8
Telephone Number: *	07771591479	Address 1 (Street): *	North Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Inverurie
Fax Number:		Country: *	Scotland
		Postcode: *	AB51 4QR
Email Address: *	ross@rjmarchitecturaldesign.com		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Denhead
First Name: *	David	Building Number:	
Last Name: *	Mennie	Address 1 (Street): *	Skene Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Kingswells
Extension Number:		Country: *	scotland
Mobile Number:		Postcode: *	AB15 8PT
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

DENHEAD

Address 2:

SKENE ROAD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 8PT

Please identify/describe the location of the site or sites

Northing

388015

Easting

9051118990

## Pre-Application Discussion

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

Yes  No

## Site Area

Please state the site area:

480.00

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

Do your proposals make provision for sustainable drainage of surface water?? \*  Yes  No  
(e.g. SUDS arrangements) \*

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)

ROADSIDE

## Residential Units Including Conversion

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

Yes  No

How many units do you propose in total? \*

1

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

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

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

Yes  No

## Schedule 3 Development

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

Yes  No  Don't Know

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

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

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

## Certificate Required

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

Certificate A

# Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Ross McWilliam

On behalf of: Mr David Mennie

Date: 28/08/2018

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 Ross McWilliam

Declaration Date: 28/08/2018

## Payment Details

Online payment: ABSP00003189  
Payment date: 28/08/2018 16:57:00

Created: 28/08/2018 16:57

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## **DECISION NOTICE**

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

### **Detailed Planning Permission**

RJM Architectural Design  
Ross Mc William  
8 North Street  
Inverurie  
AB51 4QR

on behalf of **Mr David Mennie**

With reference to your application validly received on 29 August 2018 for the following development:-

**Demolition of steading and erection of 2 storey dwelling house with terrace at Denhead, Skene Road**

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

<u>Drawing Number</u>	<u>Drawing Type</u>
645/01	Location Plan
645/02	Elevations and Floor Plans

#### **REASON FOR DECISION**

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

1. The proposal, if approved would undermine the principles of controlling development and preventing the construction of additional housing in the Green Belt, leading to the erosion of the character of such areas and adversely affect the landscape setting of the City in general. The applicant has also failed to demonstrate that the proposed dwelling house is required as being essential for the operation of an existing agriculture; woodland or

forestry enterprise. The proposal is therefore considered to be contrary to the main functions of the Green Belt, which are to preserve the landscape setting of the city and to resist urban sprawl and the proposal would therefore fail to comply with Policy NE2 (Green Belt) of the Aberdeen Local Development Plan and Scottish Planning Policy.

2. The proposal would result in the demolition of a traditional granite steading, which is an important architectural, historic and landscape feature in the green belt, to the detriment of the landscape character of the green belt. Further, insufficient information has been submitted with regards to the use of granite doughtings from the steading to be demolished in the proposed development (other than a small amount of granite that would be utilised in the porch). The proposal therefore fails to comply with Policy D5 (Our Granite Heritage) of the Aberdeen Local Development Plan.
3. The design and form of the proposed house that has not been designed with due consideration for its context within a Green Belt location, which requires proposals to be of a high-quality design, which would result in a development that would have an adverse impact on the setting of the Green Belt. The proposal therefore fails to comply with Policies D1 (Quality Placemaking by Design) and NE2 (Green Belt) and associated Supplementary Guidance: Sub-Division and Re-Development of Residential Curtilages of the Aberdeen Local Development Plan.
4. The application is deficient of information in respect of a Bat Survey. It is therefore not possible to make a full assessment of the implications of the development with regard to the impact upon the European Protected Species with regard to Policy NE8: Natural Heritage and its associated Supplementary Guidance: Natural Heritage of the Aberdeen Local Development Plan.

**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	G Clark Planning & Infrastructure	Date	31/08/18
		Your Ref.	<b>181539</b>
		Our Ref.	
From	Flooding		
Email	<a href="mailto:pa.flooding@aberdeencity.gov.uk">pa.flooding@aberdeencity.gov.uk</a>		
Dial	01224 53 2387		
Fax			

Flooding  
**Operations and Protective Services**  
Aberdeen City Council  
Business Hub 11,  
2<sup>nd</sup> Floor West,  
Marischal College  
Broad Street  
Aberdeen AB10 1AB

## **Planning application no.181539**

ACC Flood Team have no objections to make on this application as it does not pose a flood risk. We would strongly recommend the use of permeable materials and rain water harvesting where suitable in the design.

Regards  
Katy Joy Goodall - Flooding & Coastal

Rob Polkinghorne

Chief Operating Officer

Operations and Protective Services

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# Consultee Comments for Planning Application 181539/DPP

## Application Summary

Application Number: 181539/DPP

Address: Denhead Skene Road Aberdeen AB15 8PT

Proposal: Demolition of steading and erection of 2 storey dwelling house with terrace

Case Officer: Gavin Clark

## Consultee Details

Name: Mr Michael Cowie

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

Email: micowie@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

## Comments

I note this application for the demolition of steading and erection of 2 storey dwelling house with terrace at Denhead, Skene Road, Aberdeen AB15 8PT.

I note the proposed is to construct a 3/4 bedroom dwelling, for which I can confirm more than adequate off-street parking provision has been proposed with driveway to front and side of the property.

I note that a new driveway access requires to be constructed, however at this location there is no kerb line nor footpath so would not require to be constructed by ACC. This driveway access will require to provide adequate visibility of at least 2.5 x 22m, the driveway requires to be internally drained with no discharge coming onto the adopted road, no loose materials utilised to surface within the first 2m of the driveway adjacent to the carriageway.

I can confirm that should the above be provided, Roads Development Management would have no objection to this application.

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# Aberdeen City Council – Development Management Consultation Request

From: Gavin Clark	Date: 7 September 2018
Email: gaclark@aberdeencity.gov.uk	Ref: 181539/DPP
Tel.: 01224 522321	Expiry Date: 28 September 2018

## Detailed Planning Permission

**181539/DPP: Demolition of steading and erection of 2 storey dwelling house with terrace at Denhead**

**Skene Road**

**Aberdeen AB15 8PT**

All plans and supporting documentation available at the following link:

<https://publicaccess.aberdeencity.gov.uk/online-application/applicationDetails.do?activeTab=summary&keyVal=PE7VMYBZ01700>

Please select one of the following

No observations/comments.	
Would make the following comments (please specify below).	<b>Y</b>
Would recommend the following conditions are included with any grant of consent.	<b>Y</b>
Would recommend the following comments are taken into consideration in the determination of the application.	<b>Y</b>
Object to the application (please specify reasons below).	

## COMMENTS

### **Waste Services response regarding application 181539: Denhead, Skene road**

As I understand, the development will consist of **1 house**

I have consulted with colleagues across the waste operations team. I can confirm that Aberdeen City Council intend to provide the following services upon building completion.

**Please note** the information provided below by Waste Services is independent of the outcome of the planning application, which is being determined by the planning authority.

The new property will be provided with:

- **1 x 180 litre wheeled bin for general waste**
- **1 x 240 litre co-mingled recycling bin for recycling**
- **1 x 240litre wheeled bin for food and garden waste (kitchen caddy, bioliners and associated information will be provided as well)**

It is pertinent to note that these services will be provided taking account of the following:

**General points**

- All the waste containers must be presented on **Skene road only** on the collection day and must be removed from the kerbside as soon as possible. No containers should be permanently stored on the kerbside.
- **No excess** should be stored out with the containment provided. Information for extra waste uplift is available to residents at either [www.aberdeencity.gov.uk/wasteaware](http://www.aberdeencity.gov.uk/wasteaware) or by phoning 03000 200 292.
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/aberdeen-cms/files/7.1.PolicySG.ResourcesForNewDevelopmentTC.P.4.8.9.12.13.pdf>
- **Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied.** Bins **MUST** be on site prior to residents moving into properties.

In the final stages of completion, a representative from Aberdeen City Council's Waste team will assess the site to ensure that all of our considerations have been implemented.

Responding Officer: Hannah Lynch  
Date: 06.09.2018  
Email: [halynch@aberdeencity.gov.uk](mailto:halynch@aberdeencity.gov.uk)  
Ext: 87627

Please note: Unless agreed with the Case Officer, should no response be received by the expiry date specified above it will be assumed your Service has no comments to make.

Should further information be required, please let the Case Officer know as soon as possible in order for the information to be requested to allow timeous determination of the application.

# Comments for Planning Application 181539/DPP

## Application Summary

Application Number: 181539/DPP

Address: Denhead Skene Road Aberdeen AB15 8PT

Proposal: Demolition of steading and erection of 2 storey dwelling house with terrace

Case Officer: Gavin Clark

## Customer Details

Name: Mr Greig Mathieson

Address: Hillcrest Kingswells Aberdeen

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I would like to offer my support of this application as I believe it will be an improvement to the current streetscape.

The only issue I foresee is the current erection of a new wall to the north side of the existing drive entrance to Denhead. This wall does not have planning consent and is considerably higher than 1m above carriageway level.

This wall has also been erected on the council owned grass verge outwith the ownership of Denhead's title boundary, and is also within the visibility splay for my own house, so will definitely fall well within the splay for the proposed driveway.

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# Comments for Planning Application 181539/DPP

## Application Summary

Application Number: 181539/DPP

Address: Denhead Skene Road Aberdeen AB15 8PT

Proposal: Demolition of steading and erection of 2 storey dwelling house with terrace

Case Officer: Gavin Clark

## Customer Details

Name: Dr Bill Harrison

Address: 16 Summer Place Dyce Aberdeen

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application. Reason: the proposed land use (domestic dwelling) is not consistent with policies NE1 (green-space network) and NE2 (green belt) of the Aberdeen Local Development Plan.

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## **National Planning Policy**

Scottish Planning Policy (SPP)

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

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

<http://www.aberdeencityandshire-sdpa.gov.uk/nmsruntime/saveasdialog.aspx?IID=1111&sID=90>

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

D1: Quality Placemaking by Design;

D5: Our Granite Heritage;

T2: Managing the Transport Impact of Development;

T3: Sustainable and Active Travel;

NE2: Green Belt;

NE6: Flooding, Drainage & Water Quality;

NE8: Natural Heritage;

R6: Waste Management Requirements for New Developments;

R7: Low & Zero Carbon Buildings & Water Efficiency;

CI1: Digital Infrastructure

<https://www.aberdeencity.gov.uk/services/planning-and-building/development-plan>

## **Supplementary Guidance**

Conversion of Buildings in the Countryside

<https://www.aberdeencity.gov.uk/sites/default/files/2.3.PolicySG.ConversionBuildingsCountrySide.pdf>

Transport and Accessibility

<https://www.aberdeencity.gov.uk/sites/default/files/5.1.PolicySG.TransportAccessibility.pdf>

Natural Heritage

<https://www.aberdeencity.gov.uk/sites/default/files/6.1.PolicySG.NaturalHeritage.pdf>

Flooding, Drainage and Water Quality

<https://www.aberdeencity.gov.uk/sites/default/files/6.3.PolicySG.Flooding.pdf>

Resources for New Development

<https://www.aberdeencity.gov.uk/sites/default/files/7.1.PolicySG.ResourcesForNewDevelopmentTC.P.4.8.9.12.13.pdf>

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Marischal College Planning & Sustainable Development Business Hub 4, Ground Floor North Broad Street Aberdeen AB10 1AB Tel: 01224 523 470 Fax: 01224 636 181 Email: pi@aberdeencity.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100135203-004

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.

## 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:	RJM Architectural Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ross	Building Name:	
Last Name: *	McWilliam	Building Number:	8
Telephone Number: *	07771591479	Address 1 (Street): *	North Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Inverurie
Fax Number:		Country: *	Scotland
		Postcode: *	AB51 4QR
Email Address: *	ross@rjmarchitecturaldesign.com		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Denhead"/>
First Name: *	<input type="text" value="David"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Mennie"/>	Address 1 (Street): *	<input type="text" value="Skene Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Kingswells"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 8PT"/>
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="DENHEAD"/>
Address 2:	<input type="text" value="SKENE ROAD"/>
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="AB15 8PT"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="388015"/>	Easting	<input type="text" value="9051118990"/>
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## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Replacement steading to form new dwelling

## 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.

We do not agree with reasons for the refusal in this case. Refer to supporting statement.

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

Yes  No

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

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

645- Supporting Statement 645-01 Revised 645-02 Revised Denhead, Kingswells - Design Statement

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

181539/DPP

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

28/08/2018

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

01/11/2018

## 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 Ross McWilliam

Declaration Date: 19/11/2018

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Aberdeenshire  
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01467 268 744

[bruce@rjmarchitecturaldesign.co.uk](mailto:bruce@rjmarchitecturaldesign.co.uk)

## SUPPORTING STATEMENT

### DEMOLITION OF STEADING AND ERECTION OF 2 STOREY DWELLING HOUSE WITH TERRACE, DENHEAD, SKENE ROAD

#### **1.00 INTRODUCTION**

- 1.01 Proposal: Demolition of existing steading and the erection of a 2 storey dwelling house with terrace
- 1.02 Applicant: Mr D Mennie
- 1.03 Client Agent: RJM Architectural Design
- 1.04 Our client Mr David Mennie is seeking Planning Consent for the demolition of an existing steading and replacement with a new house. Full details of the proposal can be viewed on the associated drawings.
- 1.05 This statement will discuss the proposals in the context of the relevant policies and provide a case for why these proposals should be approved.

#### **2.00 BACKGROUND**

- 2.01 Our client currently owns the site and resides to the property to the immediate South of the proposed development.
- 2.02 In 2014 an application was made to convert the existing steading into a 1 bedroom dwelling. This was subsequently withdrawn in order to allow for a Bat Survey to be undertaken on the property. Refer to application 141016
- 2.03 In 2015 a resubmission was made for the same proposals and subsequently approved by the Planning Authority. Refer to app 150364.
- 2.04 Works commenced in March 2018 and as a result it was discovered that the condition of the building was far worse than originally thought. Large areas of underpinning would be required where no foundations have been included as part of the original build. Coupled with the visible cracking in the gable it became financial unviable for our client to proceed with the works as well as in-practical due to access restrictions to the Northern Boundary.
- 2.05 Alternatives were reviewed at this stage and no viable long-term use could be found for the steading building and as a result options to the replace the dwelling were explored.
- 2.06 An Application for the demolition of the steading and the erection of a new house was made in August 2018 which was subsequently refused by the authority. This report has been prepared to accompany a submission to the LRB for that Application. Refer to 181539

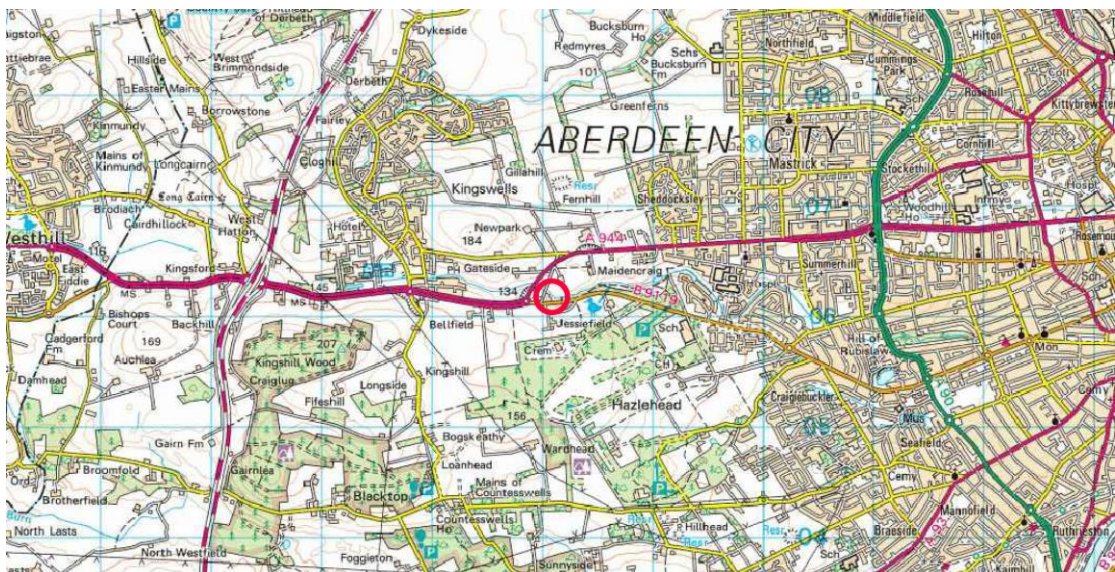
2.07 The application was refused on the following grounds:

- The proposals fail to comply with Policy NE2 (Green Belt)
- The proposals fail to comply with Policy D5 (Our granite Heritage)
- The proposals fail to comply with Policy D1 (Quality Place Making by Design)
- The proposals fail to comply with Policy NE8 (Natural Heritage)

2.08 We do not agree with the reasons for the refusal of the Planning Application and intend to demonstrate below that the proposals are consistent with objectives of the local plan.

### **3.00 SITE**

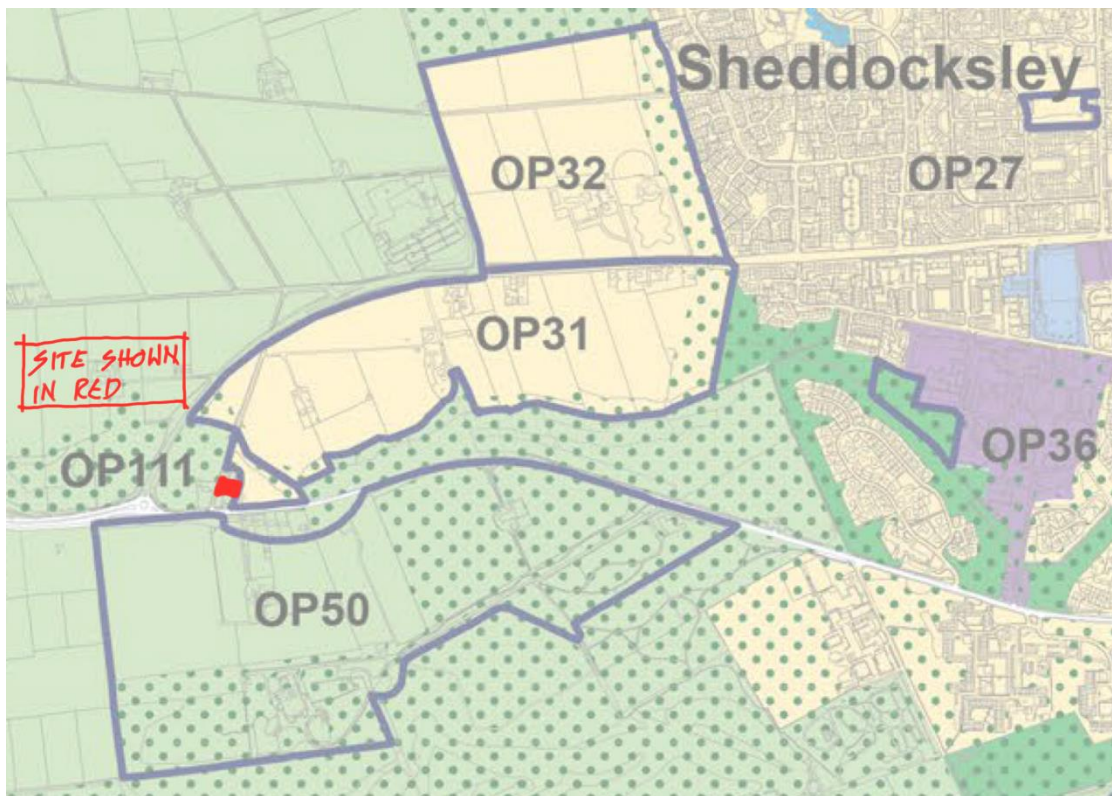
3.01 The site in question sits approximately 1/3 of a mile from the outskirts of Aberdeen City just before the A944 Aberdeen to Alford road.



3.02 The site is part of a cluster of buildings within the fork where Skene Road meets the Lang Stracht and is accessed off Skene Road.



- 3.03 The site is approximately 480m<sup>2</sup> in area with the steading occupying approximately 22% of the sites footprint.
- 3.04 The Site is located between two existing modern houses and an existing steading is present on the Western boundary of the site. The position of the existing steading so close to the road creates issues with visibility at the existing access which will be increased as traffic increases on the road as a result of future planned development (OP111 will be accessed by this road)
- 3.05 Skene road to the South is a busy road in and out of the city and the land to the North and East is all zoned for planned housing development.



- 3.06 Planned expansion of the city is due to occur on the following identified sites:

OP31 – Maidencraig South East (450 homes)

OP111 -Skene Road Maidencraig (15 homes)

The later site OP111 shares a boundary with our clients site. This planned development will shift the “urban edge” of the city outward encapsulating the properties off Skene Road.

- 3.07 The steading on site is located immediately adjacent to the access road. As well as causing issues with visibility the conversion of the steading necessitated new windows being formed on this elevation close to the ground introducing risks to future occupants from materials kicked up by vehicles and also privacy.





3.08 The steading itself is of low architectural quality. There is very little in the way of foundation. Successive alterations made prior to our clients ownership have led to defects which over time have contributed to overall degeneration of the building fabric.

#### **4.00 DESIGN DEVELOPMENT/PRINCIPLES**

- 4.01 It is proposed that the existing steading be demolished and replaced with a new storey and a half house which would be set back from the road.
- 4.02 The new dwelling would be of a similar style to the existing dwelling to the North and positioned on the site to create a complementary street scape.
- 4.03 The new dwelling will be set back from the road and be positioned no further forward than the existing house to the North. This will improve visibility at all existing accesses and improve the access to future development at OP111.
- 4.04 The existing wall of the steading along the property boundary will be reduced in height to 900mm which as well as improving visibility will improve daylight and amenity to the property directly to the North.
- 4.05 The retention of the perimeter wall will provide a link to the sites history providing an echo of the steading on the site
- 4.06 The house its self will comprise a limited pallet of high-quality materials. Slate roofs, re-used granite to the new porch and base course, and an off-white dry-dash render to compliment the adjacent property.
- 4.07 The house design incorporates a space capable of becoming a bedroom on the ground floor ensuring that it is adaptable and capable of catering to occupants with different needs.
- 4.08 The house will be built using modern air tight construction methods ensuring a high standard of energy efficiency.
- 4.09 Reference should be made to the drawings and design statement submitted as part of the original application for planning permission.

#### **5.00 MATERIALS**

- 5.01 Images of the proposed materials are shown below:



*Slate*



*Off White Render*





## **6.00 POLICY**

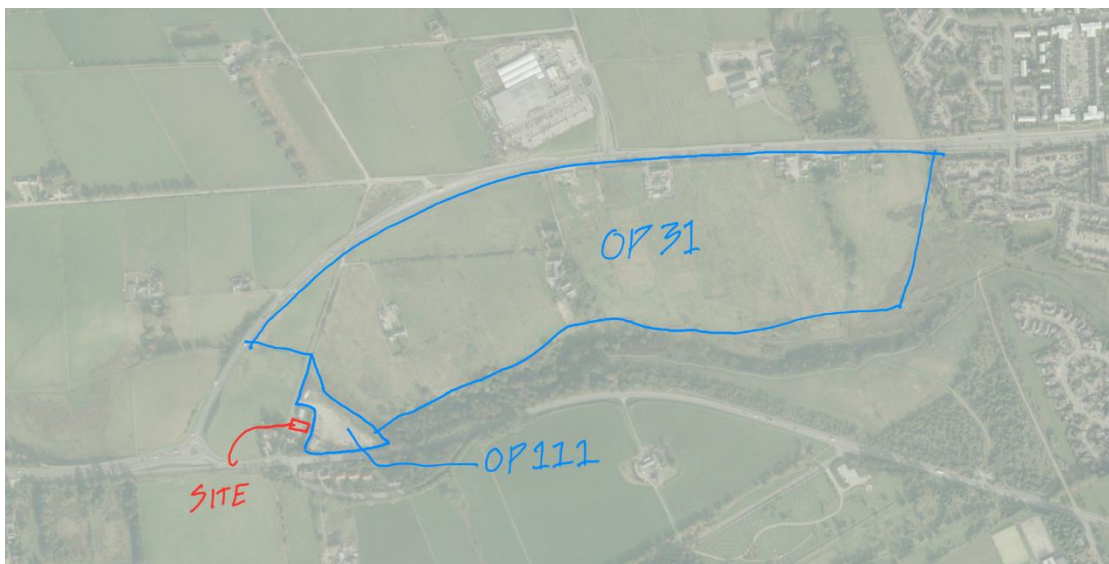
6.01 The proposals have been prepared in the context of the Aberdeen Local Development Plan (2017) (ALDP). The relevant policies within the plan are discussed below with specific reference being made to those policies quoted within the Refusal of Planning Permission. This includes supplementary guidance which supports the ALDP, and which has the same weight in decision making as the plan itself.

### **NE2 GREEN BELT**

6.02 The site is located within the green belt, where there is a presumption set by Policy NE2 against development other than those essential for: agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal. There are a number of exceptions noted within the policy which do not apply to this application.

6.03 It is important to note the reasons for the provisions contained within policy NE2. This is to safeguard the greenbelt and avoid coalescence of settlements and sprawling development maintaining the cities landscape setting and providing access to open space.

6.04 In the case of these proposals it should be noted that Planned Development is proposed on sites OP31 and OP111 which will expand the urban edge of the city to the boundary of our clients site. The site is also located between two existing properties, in effect a "gap site". With both of these factors taken into consideration the development would not result in coalescence of settlements or sprawling development. The development will instead create a more cohesive group of properties forming part of a planned urban edge.



6.05 Our client has made all reasonable endeavours to work with the existing building and as discussed previously within this report has obtained consent for converting the steading into a dwelling. It is due to the low quality of the building and its fabric that this approved conversion has not been possible. Alternative uses for the buildings have been considered and no viable use case has been found. The principal of a dwelling on the site has been established.

6.06 The steadings architectural merit and importance within the landscape was cited as part of the reason for refusal. From the North (the Lang Stracht) the steading is partially obscured by the house immediately to the North and lost against the backdrop of the house to the south. From the South the site and steading are wholly screened by established trees. Refer to the following images. Demolishing the steading will have little to no impact on the landscape character in this area. This will be further minimised by development on sites OP31 and OP111. The steadings position impedes visibility from the site particularly at the access creating a hazard on exiting in a vehicle.



*View from the North (lang stracht)*



*View from the West (lang stracht)*



*View from the South (skene road)*

## **D5 OUR GRANITE HERITAGE**

- 6.07 Throughout Aberdeen the Council seeks the retention and appropriate re-use, conversion and adaption of all granite features, structures and buildings, including setted streets, granite kerbs and granite boundary walls. Where retention and re-use of a granite feature, building or structure, in whole or part is unviable then the visible re-use of as much of the original granite as is practically possible as a building material within the development site is required.
- 6.08 The proposals put forward for the demolition of the steading and replacement with a house are a result of the conversion of the existing steading being unviable. As such the granite from the demolition is being reused within the development.

- 6.09 Granite from the steading is proposed to be reused within boundary walls, base course to the house, the houses porch and retaining walls to the rear terrace. Any additional granite left over will be used to form landscaped features with the garden space. This is an appropriate and visible re-use of granite within the site and complies with the provisions of Policy D5
- 6.10 We would note that extent of granite use on the proposals was not raised as an issue during the Planning Process and discussions with the planner during the application. Our client would be amenable to using more granite on the principal façade to address any concerns but that opportunity was not afforded during the process. The extent of materials used on the house is intended to match with the neighbouring property to the North which is why the principal façade is primarily render.

#### **D1 QUALITY PLACE MAKING BY DESIGN**

- 6.11 Policy D1 requires all developments to have high standards of design and a strong sense of place. This policy sets out the six essential qualities of successful place making, with the criteria to be used in assessing an application dependant on the scale, character and nature of the proposal. The proposed development has been assessed against the relevant criteria as follows:
- 6.12 Distinctive:
- The proposed design responds to its context providing an appropriate transition between the two houses North and Site and echoing the materials and form of the northern property.
  - The proposal uses high quality and appropriate materials complimenting the neighbouring properties. These include slate, re-used granite and off-white render.
  - The proposals re-use material from demolition
  - The proposal rationalises the row of buildings which are currently split awkwardly either side of the steading providing a coherent set piece of buildings of similar character.
  - The double fronted house style is consistent with the neighbouring properties and their character.
  - The proposals will not have any adverse effects on views or the wider character of the area.
- 6.13 Welcoming:
- The proposals provide a clearly defined entrance and also reinforce the legibility of the entrances to the other properties.
  - Materials, colour, texture and proportions have been chosen to be consistent with the neighbouring property
- 6.14 Safe & Pleasant
- The set-back frontage created by the new house will improve visibility at all accesses
  - The reduction in height of the steading wall at the boundary will have a net positive effect on daylight to the neighbouring property.
  - the proposals remove several nooks which could be used for individuals to hide and is consistent with the objectives set out in Secured by Design
- 6.15 Easy to Move Around
- The proposals for a new house improve parking provision on the site.
  - The site is in close proximity to 2 primary routes into the city

- 6.16 Adaptable
- The plan of the house allows flexibility in use.
- 6.17 Resource Efficient
- The proposals incorporate the re-use of granite
  - The proposals replace a building which is no longer suitable for the purpose for which it was erected.
- 6.18 The proposals put forward for the demolition of the steading and erection of a replacement house respond to the criteria within Policy D1 and comply with the policy.

#### **NE8 NATURAL HERITAGE**

- 6.19 This policy deals with the treatment of protected species and in the case of these proposals specifically bats.
- 6.20 A bat survey was submitted as part of the application approved for converting the steading 150364. At no point during the application process was any correspondence received requesting that this survey required to be updated. Given the application was submitted in August it would have been possible to undertake a survey prior to hibernation had ourselves or our client been notified. Works on the steading commenced in March 2018 and no bat activity or evidence of bats has been noted on the property.
- 6.21 Given the date of refusal and the deadline for submitting the proposals to the LRB it will not be possible to address this issue ahead of making the appeal submission. Our client is fully prepared to update the bat survey when the seasons allow. We would request the provision of a revised bat survey is dealt with by means of a suspensive condition to allow this application to be reviewed by the LRB within the allotted time scales.

#### **7.00 CONCLUSION**

- 7.01 While it is accepted that the principal of a new house is not covered by the exceptions for development outlined in policy NE2 it is clear that planned development is intended which will connect our clients site to the city. This development will move the urban edge of Aberdeen to include our Clients site.
- 7.02 Our client has used all reasonable endeavours to find a long-term use for the steading building however due to the extent of repairs required and no viable alternative use this will not be possible. As such our client is exploring demolition and replacement to avoid a situation where the building falls further into disrepair.
- 7.03 The steading in question is of low architectural merit with several areas having limited to no foundation. The steading substantially screened and is only partially visible from the North of the site (zoned for housing development and subsequently limiting visibility further) and does not form part of an important view within the landscape. The demolition of the building will not have a significant effect on the character of the landscape or the area.
- 7.04 The proposals comply fully with the provisions of Policies D1 and D5 and provide a high quality of design which responds to the site visually linking the two houses to the North and South and creating a more legible place.
- 7.05 We note that the provision of an updated bat survey is noted as an information deficiency. Due to the timing of the refusal and the appeal to the LRB it will not be possible to rectify this within the allotted timescales. Our client however is fully committed to resolving this at the earliest opportunity.
- 7.06 It is our view that the based on the quality of design and proposals integration with Planned development for the area that this application should be approved.