

# Public Document Pack



To: Councillor Jennifer Stewart, the Depute Provost, Chairperson; and Councillors Donnelly and Avril MacKenzie.

Town House,  
ABERDEEN 21 May 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 2 - Town House** on **WEDNESDAY, 29 MAY 2019 at 9.30 am.**

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 Proposed House Alterations & Extension to Form Annex Accommodation - Invercraig, Skene Road Aberdeen - 180980

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 7 - 30)

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:-

180980

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

2.3 Planning Policies Referred to in Documents Submitted (Pages 31 - 32)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 33 - 60)

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 180980

<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 Erection of dwellinghouse with associated infrastructure and landscaping - Land to North of Brookden - 181993

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 61 - 88)

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:-

181993

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

3.3 Planning Policies Referred to in Documents Submitted (Pages 89 - 90)

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 91 - 106)

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 181993

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

3.5 Determination - Reasons 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.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

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

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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> <p style="margin: 10px 0 0 0;">Report of Handling</p>
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<b>Site Address:</b>	Invercraig, Skene Road, Aberdeen, AB15 8PT
<b>Application Description:</b>	Proposed House Alterations & Extension to Form Annex Accommodation
<b>Application Ref:</b>	180980/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	29 June 2018
<b>Applicant:</b>	Mr Neil Scullion
<b>Ward:</b>	Kingswells/Sheddocksley/Summerhill
<b>Community Council:</b>	Craigiebuckler And Seafield
<b>Case Officer:</b>	Jane Forbes

## **RECOMMENDATION**

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Refuse

## **APPLICATION BACKGROUND**

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### **Site Description**

The application site is located within the Green Belt Area, as identified in the Aberdeen City Local Development Plan (2017), and relates to a 1.5 storey detached granite property with basement, located within a rural setting. The property has been extended to the western elevation, with a wrap around, lean-to style sun-room at basement level and to the western gable-end, with an attached double garage. The property lies within a plot extending to some 2140m<sup>2</sup> and comprises extensive, mature garden and trees, with a drop in ground level from south (front) to north (rear). The existing dwelling house is of a traditional design, with timber framed bay windows either side of a centrally positioned entrance door to the front of the property, and dormer windows to front and rear. The ground floor of the property lies level with, and fronts across Skene Road, beyond which the property looks south onto farmland. To the north the basement accommodation lies level with the rear garden area.

### **Relevant Planning History**

None

## **APPLICATION DESCRIPTION**

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### **Description of Proposal**

Detailed planning permission is sought for the erection of a 2 storey extension to the western gable end of the existing dwelling, with accommodation formed at ground and lower ground floor (basement) level. The proposed extension, which would be utilised as an annex to the existing dwelling, would be accessed via a raised walkway formed along the front elevation of the property at ground floor level, whilst access to the rear garden area would also be formed at lower ground floor level. The proposal would include a balcony at ground floor level which wraps around the

rear of the western gable end and along the rear elevation of the property. The front of the extension would be finished in granite masonry, whilst the rear would incorporate both vertical and horizontal timber cladding. Windows would be in timber and the roof would be slated to match the existing.

Permission is also sought for a replacement rear dormer and for a timber clad, 2 storey extension to the rear of the existing dwellinghouse, incorporating a frameless glazed link, slated roof and balcony.

## 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=PADDOEBZMH500>

## CONSULTATIONS

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**ACC - Roads Development Management Team** – Sought clarification on the parking provision on site. Advised that whilst the layout shown would deliver adequate parking spaces, it would not allow manoeuvring within the site, thereby affecting ease of access to/exit from the site.

**ACC - Waste Strategy Team** – No objection. Satisfied that waste collection can be secured for the site.

**ACC - Flooding And Coastal Protection** – ACC Flooding team had sought additional information about the maximum volume the soakaways would be able to take, and if the site as a whole would be able contain the volume of a 1:200 +CC storm event. This request remains outstanding. The Flooding team also raised the point that there was a high risk of surface water flooding to the north of the site.

## 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

Scottish Planning Policy (SPP)

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

Policy NE2 (Green Belt)

Policy D1 (Quality Placemaking by Design)

Policy NE6 (Flooding, Drainage & Water Quality)

Policy R6 (Waste Management Requirements for New Development)

Policy T2 (Managing the Transport Impact of Development)



## Supplementary Guidance and Technical Advice Notes

Aberdeen City Council's Supplementary Guidance: Householder Development Guide

### EVALUATION

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#### Principle of Development

The application site is zoned under Policy NE2 (Green Belt) of the Aberdeen City Local Development plan (ALDP). Scottish Planning Policy (SPP) states that the main purpose of designating green belt around a city is to support a spatial strategy which will allow for development to be directed 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. In order to enable this, local development plans should outline the type and scale of development appropriate to the green belt.

Policy NE2 states that: 'No development will be permitted in the Green Belt for purposes 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'. These categories of development are consistent with the types of development listed in SPP as suitable within a green belt setting.

There are exceptions which are applicable to this policy, including proposals for essential infrastructure; conversions of buildings with a valuable traditional character or historic interest; a certain scale of extension of existing buildings as part of conversion or rehabilitation schemes; replacement of a dwelling on a one-for-one basis if the dwelling has remained occupied; and finally proposals for development associated with existing activities in the green belt, if all of the following criteria are met:

- The development is within the boundary of the existing activity.
- The development is small-scale.
- The intensity of activity is not significantly increased.
- Any proposed built construction is ancillary to what exists.

The current proposal is described by the applicant as a development associated to an existing dwelling. However, the scale and massing of the extension/annex are such that it would be a substantial, two storey structure, exceeding significantly the scale of the existing house. Further, the internal arrangement of rooms and the staircase within the extension are such that the extension could quite easily be divided into two wholly separate and independent residential units without the need for any intervention to the layout of the existing dwelling. Of particular note is the proposed ground floor plan which shows two kitchens and two dining areas on the same floor, which would be an unusual arrangement for one dwelling. Notwithstanding, the application is described as extension to form annex accommodation to the dwelling, and has therefore been assessed on that basis.

The proposed extension would lie within the boundary of the existing residential feu, and whilst the principle of an extension is acceptable, in this instance, taking into account that the overall form and scale of development would result in an extended dwelling with the appearance of two semi-detached properties, then it can clearly not be considered as small-scale. Likewise, given the scale and massing of development being sought, which would result in a more than doubling of the footprint and floor area of the original house, the built construction would not be classed as ancillary to the existing dwelling. Finally, and taking into account the proposed layout of the extension which would potentially allow for the formation of two separate and independent residential units, it is apparent that the scale of development could quite readily result in a significant increase in activity.

Taking the above into account, and on the basis that the proposed development could be deemed neither small-scale, nor ancillary to the existing dwelling, then it would clearly be contrary to the principles of Policy NE2 (Green Belt) and consequently, would not accord with the expectations of SPP. Notwithstanding this, it is nevertheless necessary to consider the proposal in terms of its compliance with all relevant local plan policy.

### **Design & Scale of Development**

Policy D1 (Quality Placemaking by Design) seeks to ensure a high standard of design for new development, with due consideration given to its context, the established pattern of development and to the siting, scale, massing, details, footprint and proportions of the proposed development.

As previously stated, the proposal would see the erection of a two storey extension which would result in the formation of what would appear to be a semi-detached property. The existing granite dwelling has a traditional, yet distinctive character, with attractive bay windows either side of a centrally positioned entrance door at ground floor, and suitably proportioned and well detailed dormer windows on the upper level. Whilst the property has been extended, with a single storey garage extension to the eastern gable and a wrap-around sun lounge at basement level to the rear and part of the west elevations, these existing extensions are relatively small in scale, with the result that the original dwelling remains visually dominant, and in particular the front elevation of the property has very much retained its balance and distinctive character.

The proposal would introduce development of considerable scale and massing, extending from the western gable of the property. The existing dwelling has living accommodation across basement, ground and 1<sup>st</sup> floor levels, and whilst the proposal would see the living accommodation focussed solely at ground and basement levels, with no indication that the 1<sup>st</sup> floor level would be used as habitable space, this in itself does not address the considerable visual impact which the scale and massing of the proposed development would deliver, particularly on the basis that the roof ridge would tie in with that of the existing dwelling, and the frontage of the proposed development would be some 800mm wider than that of the original dwelling. Furthermore, when compared to the overall height of the existing dwelling's front elevation of 1½ storeys, and taking into account the change in ground level on site including from south to north, the frontage of the proposed extension would extend a further 2.5 metres in height, given that the basement level would be fully visible.

This would result in the extension overwhelming the existing property, and having the appearance of a two storey house. Although the upper level of the front elevation bears some relation to that of the existing property, it sits artificially high due to the proposed reduction in ground levels to create the additional lower storey. This is out of keeping with the existing traditional dwelling and detracts from the rural setting. An ancillary extension in this context might well be expected to sit on the lower ground level and at no more than one and a half storeys, with its ridge sitting well below that of the original property.

The proposal must also be assessed against the expectations of the Council's supplementary guidance on 'Householder Development Guide', which outlines as a basic principle that proposals for extensions should be architecturally compatible in design and scale with the original house and its surrounding area, and states that any extension or alteration should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale. The SG states that extensions should not result in a doubling or more of the footprint of the original house, and it is apparent that the proposed extension combined with other previous extensions would result in a house which would be significantly more than twice the size of the original. As such the current proposal fails to address the requirements of the SG.

Taking the above into account, it is considered that the proposed development is of an unacceptable scale, height and massing. The proposal has failed to take account of the context of the site, and of the scale and overall character of the existing dwelling, and as such is deemed to be contrary to the requirements of Policy D1 (Quality Placemaking by Design) and the Council's supplementary guidance on 'Householder Development Guide'.

### **Access/Parking**

Policy D1 of the ALDP states that development proposals are expected to contribute towards creating successful places, and this includes ensuring they are easy to get to/move around, and seek to promote sustainable transport methods. The proposed development lies within less than 200 metres from a bus route and stops on the A944 route (Aberdeen to Westhill), and at a similar distance from the cycle route which extends along this road.

The new development would be accessed via an opening off Skene Road which serves the existing dwelling. AAC Roads Development Management team provided comment on the proposal, highlighting that whilst a suitable level of parking could be secured on site for two properties, the proposed layout would potentially compromise vehicles accessing/existing the site, given the restricted nature of the parking layout. Nevertheless, there is unrestricted on-street parking available to residents of this site, therefore any flaws in the on-site parking layout will have minimal adverse impact.

Taking the above into account the proposal would be suitably compliant with the requirements of Policies D1 (Quality Placemaking by Design), T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) of the ALDP.

### **Drainage/Flooding**

The Council's Flooding team provided comment on the application, advising that there was a high risk of surface water flooding to the north of the site, and also requesting additional information relating to the maximum volume the soakaways would be able to accommodate, in order to establish whether the site would be able contain the volume of a 1:200 +CC storm event. The requested information remains outstanding, and as such the proposal has not suitably addressed the requirements of Policy NE6 (Flooding, Drainage and Water Quality) of the ALDP.

## **RECOMMENDATION**

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Refuse

## **REASON FOR RECOMMENDATION**

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The application site lies within the green belt, where relevant Scottish Planning Policy and Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan apply. Policy NE2 seeks to protect the integrity of the green belt and avoid the granting of individual planning permissions for development other than in certain exceptional circumstances, thereby preventing the cumulative erosion of green belt and its subsequent suburbanisation.

In this instance the scale and massing of the proposed development is deemed significant, and whilst linked to the existing dwelling, the proposed extension would be neither small-scale nor ancillary, and would reasonably read as the formation of an additional dwelling. The proposal fails to respect either the context of the site or the character of the existing property. Taking the above into account, it is considered that the proposal does not accord with the expectations of SPP, is contrary to the principles of Policy NE2 (Green Belt) and Policy D1 (Quality Placemaking by Design) of the Aberdeen City Local Development Plan and the requirements of the Council's

supplementary guidance on 'Householder Development Guide'. Given that there is an identified flood risk to the north of the site, and insufficient information has been submitted to demonstrate adequately robust drainage arrangements would be delivered on site, the proposal also fails to suitably address the requirements of Policy NE6 (Flooding, Drainage and Water Quality).



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 100125051-001

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.

## Description of Proposal

Please describe accurately the work proposed: \* (Max 500 characters)

Proposed House Alterations & Extension to form Annex Accommodation.

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:	Architectonics		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	stuart	Building Name:	
Last Name: *	boon	Building Number:	19
Telephone Number: *	01358741969	Address 1 (Street): *	Tormentil Crescent
Extension Number:		Address 2:	Balmedie
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB23 8SY
Email Address: *	stuart.boon@btinternet.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:	
First Name: *	Neil	Building Number:	50
Last Name: *	Scullion	Address 1 (Street): *	Kings Gate
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	AB15 4DB
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

INVERCRAIG

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

806094

Easting

388180

## Pre-Application Discussion

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

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

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

The proposals in principal are acceptable.

Title:

Mrs

Other title:

First Name:

Jane

Last Name:

Forbes

Correspondence Reference  
Number:

Date (dd/mm/yyyy):

02/02/2018

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

## 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.

## Access and Parking

Are you proposing a new or 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 proposed to make. You should also show existing footpaths and note if there will be any impact on these.

## 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:                   stuart boon

On behalf of:         Mr Neil Scullion

Date:                     14/06/2018

Please tick here to certify this Certificate. \*



## Checklist – Application for Householder Application

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) Have you provided a written description of the development to which it relates? \*  Yes  No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? \*  Yes  No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? \*  Yes  No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? \*. This should have a north point and be drawn to an identified scale.  Yes  No
- e) Have you provided a certificate of ownership? \*  Yes  No
- f) Have you provided the fee payable under the Fees Regulations? \*  Yes  No
- g) Have you provided any other plans as necessary? \*  Yes  No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). \*

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding.  Yes  No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. \*  Yes  No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

## Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr stuart boon

Declaration Date: 14/06/2018

**Payment Details**

Cheque: Mrs M M Scullion, 2015

Created: 15/06/2018 15:08

## **DECISION NOTICE**

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

### **Detailed Planning Permission**

Architectonics  
19 Tormentil Crescent  
Balmedie  
Aberdeen  
AB23 8SY

on behalf of **Mr Neil Scullion**

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

#### **Proposed House Alterations & Extension to Form Annex Accommodation at Invercraig, 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:

<b>Drawing Number</b>	<b>Drawing Type</b>
010	Multiple Floor Plans (Proposed)
011	Proposed X-Section & 1 <sup>st</sup> Floor Plan
012	Multiple Elevations (Proposed)
013	Multiple Elevations (Proposed)
014 Rev B	Location Plan & Proposed Site Plan

#### **REASON FOR DECISION**

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

The application site lies within the green belt, where relevant Scottish Planning Policy and Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan apply. Policy NE2 seeks to protect the integrity of the green belt and avoid the granting of

individual planning permissions for development other than in certain exceptional circumstances, thereby preventing the cumulative erosion of green belt and its subsequent suburbanisation.

In this instance the scale and massing of the proposed development is deemed significant, and whilst linked to the existing dwelling, the proposed extension would be neither small-scale nor ancillary, and would reasonably read as the formation of an additional dwelling. The proposal fails to respect either the context of the site or the character of the existing property. Taking the above into account, it is considered that the proposal does not accord with the expectations of SPP, is contrary to the principles of Policy NE2 (Green Belt) and Policy D1 (Quality Placemaking by Design) of the Aberdeen City Local Development Plan and the requirements of the Council's supplementary guidance on 'Householder Development Guide'. Given that there is an identified flood risk to the north of the site, and insufficient information has been submitted to demonstrate adequately robust drainage arrangements would be delivered on site, the proposal also fails to suitably address the requirements of Policy NE6 (Flooding, Drainage and Water Quality).

**Date of Signing** 5 February 2019

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

**Daniel Lewis**  
Development Management Manager

## **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	J Forbes Planning & Infrastructure	Date	06/07/18
		Your Ref.	<b>180980</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.180980

ACC Flood team request further information. We would request information about the maximum Volume the soak always will be able to take and if the site as a whole would be able contain the volume of a 1:200 +CC storm event. There is a high risk of surface water flooding to the north of the site and we would ask the applicant to take steps to prevent any increase in surface water by the use 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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**From:** Christine Steel  
**Sent:** 16 Jul 2018 11:11:50 +0100  
**To:** Jane Forbes  
**Subject:** RE: Application Ref: 180980/DPP - Invercraig, Skene Road

Hi Jane,

I've had a look at the updated plan. While the applicant is providing enough parking for both properties, it is not acceptable for one property's parking to be bale to block in another i.e. for residents of the new dwelling to park in front of the garage of the existing dwelling and block their cars in.

Kind Regards,

Christine Steel MSc BSc (Hons) GMICE  
Engineer

Roads Development Management | Strategic Place Planning | Aberdeen City Council | Business Hub 4 |  
Ground Floor North | Marischal College | Broad Street, Aberdeen | AB10 1AB  
Email [csteel@aberdeencity.gov.uk](mailto:csteel@aberdeencity.gov.uk) | Direct Dial 01224 522687 | Switchboard 08456 08 09 10 | Website  
[www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

\*Please note as of 12th August 2018 I will no longer work for Aberdeen City Council\*

Scottish Transport Local Authority of the Year 2013

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-----Original Message-----

From: Jane Forbes  
Sent: 13 July 2018 17:05  
To: Christine Steel <[CSteel@aberdeencity.gov.uk](mailto:CSteel@aberdeencity.gov.uk)>  
Subject: Application Ref: 180980/DPP - Invercraig, Skene Road

Hi Christine

I've received the attached e-mail and drawing in response to my request for car parking detail for this application (as per your e-mail below). Thanks for your formal comments.

Regards  
Jane

Jane Forbes  
Planner (Development Management)

Please note: I work a compressed fortnight and will be out of the office every second Monday with effect from 12th January 2015.

Strategic Place Planning | Aberdeen City Council | Business Hub 4 | Ground Floor North | Marischal College | Aberdeen | AB10 1AB | Direct Dial: 01224 522276 | General Enquiries: Direct Dial: 01224 523470  
Email: [jane@aberdeencity.gov.uk](mailto:jane@aberdeencity.gov.uk) | Website: [www.aberdeencity.gov.uk/planningapplications](http://www.aberdeencity.gov.uk/planningapplications)  
Customer Feedback Survey: <https://www.surveymonkey.co.uk/r/PlanningDM>

-----Original Message-----

From: Christine Steel  
Sent: 09 July 2018 10:02  
To: Jane Forbes  
Subject: RE: E-Consultation Request Notification, Development Management, Application Ref: 180980/DPP

Hi Jane,

I've had a look at this application and I note that the applicant has not provided any parking allocation for the new dwelling house.

Can you please ask them to submit a revised plan to show this?

Kind Regards,

Christine Steel MSc BSc (Hons) GMICE  
Engineer

Roads Development Management | Strategic Place Planning | Aberdeen City Council | Business Hub 4 | Ground Floor North | Marischal College | Broad Street, Aberdeen | AB10 1AB Email [csteel@aberdeencity.gov.uk](mailto:csteel@aberdeencity.gov.uk) | Direct Dial 01224 522687 | Switchboard 08456 08 09 10 | Website [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

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-----Original Message-----

From: JANEF@aberdeencity.gov.uk [<mailto:JANEF@aberdeencity.gov.uk>]  
Sent: 06 July 2018 15:28  
To: RoadsProjects <RoadsProjects@aberdeencity.gov.uk>  
Subject: E-Consultation Request Notification, Development Management , Application Ref: 180980/DPP

Please find attached a consultation request on the above application from Development Management (Planning) . If no response is received by 27 July 2018, then it will be assumed that you have no comment to make on the application. Should you require a longer period to respond or additional information, please make the case officer aware as soon as possible.

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# Aberdeen City Council – Development Management Consultation Request

From: Jane Forbes	Date: 6 July 2018
Email: JANEF@aberdeencity.gov.uk	Ref: 180980/DPP
Tel.: 01224 522276	Expiry Date: 27 July 2018

## Detailed Planning Permission

**180980/DPP: Erection of extension to form new dwelling at Invercraig  
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=PADDOEBZMH500>

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 180980: Invercraig, Skene rd**

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 **the access road off Skene rd 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 two months 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 our considerations have been implemented.

Responding Officer: Hannah Lynch  
Date: 12.07.2018  
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.

## **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;

T2: Managing the Transport Impact of Development;

T3: Sustainable and Active Travel;

NE2: Green Belt;

NE6: Flooding, Drainage & Water Quality;

R6: Waste Management Requirements for New Developments;

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

## **Supplementary Guidance**

Transport and Accessibility

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

Householder Development Guide

<https://www.aberdeencity.gov.uk/sites/default/files/2.1.PolicySG.HouseHoldDesignGuide.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            100160841-001

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

## Applicant or Agent Details

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

Applicant     Agent

## Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:  You must enter a Building Name or Number, or both: \*

First Name: \*  Building Name:

Last Name: \*  Building Number:

Telephone Number: \*  Address 1 (Street): \*

Extension Number:  Address 2:

Mobile Number:  Town/City: \*

Fax Number:  Country: \*

Postcode: \*

Email Address: \*

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="Invercraig"/>
First Name: *	<input type="text" value="Neil"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Scullion"/>	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="Aberdeen"/>
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="INVERCRAIG"/>
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="806094"/>	Easting	<input type="text" value="388180"/>
----------	-------------------------------------	---------	-------------------------------------

## 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)

Proposed house alterations and extension to form annex accommodation.

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please see Notice of Review Paper Apart.

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)

Information was not available at the time the application was being determined but relates to the size of the original house and hence is a relevant material consideration.

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)

A list of documents submitted with the Notice of Review is included as Appendix One to the paper apart.

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

180980/DPP

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

29/06/2018

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

05/02/2019

## Review Procedure

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

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

Yes  No

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

Please select a further procedure \*

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

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

A site inspection would allow the Local Review Body to judge the scale of the proposed extension relative to the plot size and the surrounding development.

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: Dr Margaret Bochel

Declaration Date: 12/04/2019

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**INVERCRAIG  
SKENE ROAD  
ABERDEEN**

**NOTICE OF REVIEW UNDER  
S.43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

in respect of

**DECISION TO REFUSE PLANNING APPLICATION REFERENCE 180980/DPP**

**PAPER APART**



## 1 Executive summary

1.1 Planning application reference 180980/DPP was submitted to Aberdeen City Council on 29 June 2018, seeking “*proposed house alterations and extension to form annex accommodation*” at Invercraig, Skene Road.

1.2 The application was refused on 5 February 2019, with the Decision Notice [Document 9] stating that:

*“The application site lies within the green belt, where relevant Scottish Planning Policy and Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan apply.*

*Policy NE2 seeks to protect the integrity of the green belt and avoid the granting of individual planning permissions for development other than in certain exceptional circumstances, thereby preventing the cumulative erosion of green belt and its subsequent suburbanisation.*

*In this instance the scale and massing of the proposed development is deemed significant, and whilst linked to the existing dwelling, the proposed extension would be neither small-scale nor ancillary, and would reasonably read as the formation of an additional dwelling. The proposal fails to respect either the context of the site or the character of the existing property. Taking the above into account, it is considered that the proposal does not accord with the expectations of SPP, is contrary to the principles of Policy NE2 (Green Belt) and Policy D1 (Quality Placemaking by Design) of the Aberdeen City Local Development Plan and the requirements of the Council’s supplementary guidance on ‘Householder Development Guide’. Given that there is an identified flood risk to the north of the site, and insufficient information has been submitted to demonstrate adequately robust drainage arrangements would be delivered on site, the proposal also fails to suitably address the requirements of Policy NE6 (Flooding, Drainage and Water Quality).”*

1.3 A review of the decision to refuse the application is now sought on the grounds that the proposed development:

- is supported by the vision of the Strategic Development Plan;
- complies with the relevant policies of the Local Development Plan, including Policies NE2, D1, NE6, R6, T2 and T3 and related Supplementary Guidance; and





- is supported by other relevant material considerations, including Scottish Planning Policy (2014) and relevant precedent decisions.

1.4 In particular, the proposed development:

- does not undermine the purpose of the green belt;
- complies with all the relevant criteria of the Supplementary Guidance; Householder Development Guide, including:
  - being compatible with existing development in the area;
  - having no adverse impact on the amenity of neighbouring properties; and
  - having a plot ratio of significantly less than 50% allowed for.
- is supported by the policy principle of Scottish Planning Policy; and
- is located adjacent to allocated development site which, as previously accepted by the Local Review Body, changes the context against which development in this area should be considered.

1.5 It should also be noted that, while the Council's Flooding Team sought additional information and raised concerns about the risk of surface water flooding to the north of the site, they did not object to the application [Document 11]. Flooding issues are addressed in paragraph 4.31 below. Likewise, comments from the Roads Development Management Team about space to manoeuvre within the site [Document 10] are addressed in paragraph 4.32 below. No concerns were raised by any other statutory consultees, and no objections were received from any neighbours.

1.6 The Delegated Report [Document 8] for the application also confirms that the principle of an extension is acceptable, with the reasons for refusal relating purely to the scale and massing of the extension proposed and concerns about the identified flood risk to the north of the site. As identified above, flooding issues are addressed in paragraph 4.30 below, while scale and massing is addressed in detail in paragraphs 4.18 to 4.26.

1.7 For the reasons given in this paper apart, it is submitted that the review should be allowed, and the application approved.



1.8 A full list of documents submitted with the application is provided in Appendix One, together with all other relevant documents referred to in this paper apart.

## 2 Background

2.1 Invercraig is a traditional granite house which, while seen as a 1.5 storey property from the front, becomes 2.5 storey when viewed from the rear, due to the sloping nature of the site. The house sits in large garden grounds, with the total plot extending to some 2,140m<sup>2</sup> and the existing house (including the attached garage) covering only 8.3% of this.

2.2 Although the date of construction of the house is not known, an OS map from 1925 shows the property at that time [Documents 20 and 21]. That map also clearly shows that the house historically included extensions to the rear and to the west, as well as an outbuilding to the rear of the garden. When scaled, the house footprint at that time measured approximately 155m<sup>2</sup>, with the outbuilding measuring an additional 24m<sup>2</sup>, giving a total built footprint of 179m<sup>2</sup> without the current garage.

2.3 More recently, planning permission was granted in 1985 for the addition of the double garage on the east side of the dwelling house, measuring approximately 50m<sup>2</sup>.

2.4 It is therefore clear that the house has in fact been substantially bigger than it currently is, and the scale of the proposed extension should be considered in that context.

2.5 At the same time, even with the pre-existing extensions, Invercraig appears modest in comparison with neighbouring dwelling houses, all of which have a bigger footprint than Invercraig, whilst all being sited within smaller plots (see photograph in Appendix Two). In addition, the immediately neighbouring house (Eden Place) was recently granted consent for a stand-alone two storey double garage building with a gym at first floor level. This is now under construction and, as can be seen from the photographs in Appendix Two, is a substantial building which further increases the density of development on that plot.

2.6 Taking into account the existing pattern of development in the area, the applicant bought Invercraig in March 2018, with a view to extending it to the west so that his mother could share the house with him, while still having her own space. That would allow her to continue to live independently, whilst having support and company on hand should that be required (as promoted by the Scottish Government's Reshaping Care for Older People document [Document 22], the policy goal of which is to optimise the independence and wellbeing of older people at home or in a homely setting). At



the same time, that would free up a substantial family home in the west end of the City for young families in need of larger accommodation. Positive feedback for this in principle was also received from the Council's planners before the property was purchased.

### 3 The proposed development

3.1 Against this background, the application seeks to replace the pre-existing rear extension and sun room with a new extension to the west and rear of the property, with accommodation at ground and lower ground (basement) level. The proposed extension would be accessed from ground floor level at the front and from the lower ground floor level to the rear, with a balcony along the western elevation and along northern elevation to the rear. From the plans submitted with the application [Document 3 and 4], it can be seen that:

- **East elevation** – when viewed from the east, the only change is the addition of a window on the gable end of the main house, with the rear element of the extension simply replacing the pre-existing rear extension.
- **North elevation** – when viewed from the north (the view from the garden), the extension replaces the pre-existing sun room and then wraps around the rear of the house, with this being two storeys in height. In comparison, rear dormer windows on the original dwelling house mean this is effectively two and half stories and, as such, that house remains visually dominant. This dominance is further reinforced by the ridge height of the proposed extension being no higher than that of the existing dwelling house, with chimneys on the original house again making it seem taller and more prominent, with the extension as a subservient addition to that. The inclusion of French doors allows for access to be taken directly into the garden.
- **West elevation** – compared with the pre-existing view of the west elevation, which includes both the pre-existing extension to the rear and the sun room, what is now proposed is far more visually coherent and consistent in terms of both style and materials used. There is minimal change to the roof line, with this still dominated by the dormer windows and chimneys of the original dwelling house, and with all new roof elements below that.
- **South elevation** – when viewed from the street, the proposed extension takes advantage of the topography of the site by incorporating a lower ground floor level, providing 2 storeys of accommodation while respecting the ridge height of the original dwelling house. At the same time, the roof of the proposed extension



is kept free of dormer windows or chimneys, with these features on the original dwelling house giving it prominence and, as highlighted above, ensuring that this remains the visually dominant element of development on the site.

3.2 In terms of siting, the proposed extension is located to take advantage of where sunlight falls on the site, with the proposed balcony providing easily accessible siting out space from which to enjoy this. This is particularly important given that the proposed extension is intended to provide accommodation for the applicant's mother and is designed to continue to provide a high quality of residential accommodation that can be enjoyed as she gets older. It will of course also then provide a high level of amenity for future occupiers of the house.

3.3 Finally, in terms of materials used, these have been selected to complement the existing dwelling house, and no concerns are expressed about the proposed materials in the Delegated Report. Nonetheless, if the LRB have any concerns about the materials, the applicant would be happy for this to be subject to a condition.

#### **4 Policy context**

4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.

4.2 In this case the application requires to be assessed against the Aberdeen City and Shire Strategic Development Plan (SDP) (2014) and the Aberdeen Local Development Plan (ALDP) (2017). Policies of particular relevance to this application are set out below.

##### **Aberdeen City and Shire Strategic Development Plan (SDP) (2014) [Document 14]**

4.3 The SDP's vision for Aberdeen City and Shire is for it to be:

*"...an even more attractive, prosperous and sustainable European city region and an excellent place to live, visit and do business."*

4.4 The proposed extension to Invercraig is intended to make the property an attractive place for both the applicant and his mother, as well as future occupiers, to live in accordance with this vision. The alternative would be to seek a new greenfield site which may be outwith the City boundary and would be less sustainable in both land use and transportation terms.



## Aberdeen Local Development Plan (ALDP) (2017) [Document 15]

4.5 The key ALDP policies and associated supplementary guidance relevant to this application are:

- Policy NE2 – Green belt
- Supplementary Guidance: Householder Development Guide
- Policy D1 – Quality Placemaking by Design
- Policy H3 - Density
- Policy NE6 – Flooding, Drainage and Water Quality
- Supplementary Guidance: Flooding, Drainage and Water Quality
- Policy R6 – Waste Management Requirements for New Development
- Policy T2 – Managing the Transport Impact of Development
- Policy T3 – Sustainable and Active Travel

4.6 Each of these is looked at in turn below, in doing which it should be noted that the ALDP stresses that:

*“It is important to remember that development proposals will be assessed against a number of policies within the Local Development Plan so it must be carefully considered as a whole.”*

4.7 In terms of the ALDP’s spatial strategy, the application site is located in the greenbelt, but is also directly between sites allocated for development as shown in Appendix Three, and described below:

- OP11 – located directly to the north and identified as an opportunity for residential development across a 1.4ha site;
- OP31 – lies just beyond OP11 and, together with OP32, is identified as an opportunity for residential development with a total of 750 homes across the two sites; and
- OP50 – located directly to the south, and with planning permission for a phased cemetery development.

4.8 This spatial strategy, and the identification of sites directly to the north and south of the application site as being suitable for development (including extensive residential development to the north) needs to be taken into account when considering the potential impact of the current application.



- 4.9 The ALDP then sets out a vision for Aberdeen as a place which offers a high quality of life, and which requires the creation of sustainable communities in which amenity is maintained to a high level, with a wide choice of housing styles and types to be made available to everyone.
- 4.10 The extension proposed in terms of this application is specifically intended to provide accommodation for the applicant's mother, offering her a high quality of life in housing that is appropriate to her needs as she gets older. It would then of course also provide more flexible accommodation for future occupiers, allowing a growing family to live there as their needs change over time. As such, the proposed development clearly aligns with the ALDP vision in this regard.
- 4.11 In terms of **Policy NE2 Green Belt**, the circumstances in which development is permitted in the green belt include:
- Proposals for development associated with existing development, provided that (i) the development is within the boundary of the existing activity, (ii) the development is small-scale, (iii) the intensity of activity is not significantly increased, and (iv) any proposed built construction is ancillary to what exists; and
  - Proposals for extensions of existing buildings, as part of a conversion or rehabilitation scheme, provided that (i) the original building remains visually dominant, (ii) the design of the extension is sympathetic to the original building in terms of massing, detailing and materials, and (iii) the siting of the extension relates well to the original building.
- 4.12 For the avoidance of doubt, development should be supported if either one of this set of criteria are met. It is not necessary to meet both of them.
- 4.13 In this regard, the Delegated Report seems to have considered the application under the first set of criteria, although it could equally be assessed (and supported) under the second.
- 4.14 In particular, as highlighted above, the Delegated Report confirms that an extension can be supported in principle, with the only concerns raised being in connection with the scale and massing of this. These concerns are addressed in paragraphs 4.18 to 4.26 below.
- 4.15 Importantly in terms of assessing the application against the green belt policy, consideration must be given to the purpose of the green belt. SPP is clear that the green belt should be used to:



- direct development to the most appropriate locations and support regeneration;
- protect and enhance the character, landscape setting and identity of the settlement; and
- protect and provide access to open space.

4.16 In terms of each of assessing this application against these criteria:

- there is already development on the site, the application merely proposing an extension to that and the principle of development here having been accepted;
- the site is located between existing dwelling houses and will therefore have no impact on the character, landscape setting and identify of the settlement; and
- the extension will be wholly sited within the curtilage of the existing dwelling house to which there is no public access, it will therefore have no adverse impact on access to open space.

4.17 The above being the case, it is difficult to conclude that the proposed development would have any negative impact on the integrity of the green belt.

4.18 In terms of scale and massing, consideration requires to be given to **Supplementary Guidance: Householder Development Guide** [Document 16], which sets out guidelines as to what types of extensions may be permissible.

4.19 For detached houses, the Supplementary Guidance generally supports two storey side extensions on properties of two storeys or more. In line with these provisions, no part of the proposed extension would exceed the existing house height.

4.20 In all cases, the Guidance also emphasises that good quality design, careful siting and due consideration of scale, context and design of the parent building are key, and sets out a number of general principles which all development is expected to comply with. In so far as relevant, each of these are addressed in turn below.

Proposals for extensions should be architecturally compatible in design and scale with the original house and surrounding area, with materials that are complementary, and should not serve to overwhelm or dominate the original form of the dwelling and should be visually subservient



- 4.21 As set out above, the extension has been designed to be architecturally compatible with the existing building and, while large, retains a lower profile than the existing dwelling house. This is particularly so with regards to the fact that, whereas, the original dwelling house has accommodation at first floor level, the proposed extension does not, with the proposed extension having a simple roof line that is clearly subservient to that of the original dwelling house, which features prominent dormer windows and chimneys.
- 4.22 It should also be noted that, as outlined above, neighbouring properties are generally larger than Invercraig, with a higher density of development on smaller plots, and increasing the development footprint at Invercraig would not be out of keeping with that existing development pattern.

No extension should result in a situation where the amenity of any neighbouring properties would be adversely affected

- 4.23 The Delegated Report raises no concerns about any potential impact on the amenity of any neighbouring properties, with the plot being more than big enough to accommodate the proposed extension without giving rise to any issues in terms of privacy or daylight enjoyed by neighbours. The proposed extension will still be 5.8m away from the boundary of the nearest property.

The built footprint of the dwelling house as extended should not exceed twice that of the original dwelling

The guidance does not include a definition of 'original', but it is worth noting that the wording here reflects that of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 [Document 19], which allows extensions to be erected without requiring planning permission, subject to meeting certain criteria. These criteria include that the footprint of the dwelling as extended does not exceed twice that of the original dwelling. In such instances, where a building was constructed before 1 July 1948, the 'original' building is defined as what existed on the site at that date. As outlined above, the original dwelling house in this instance (i.e. as in existence in 1948) was larger than that which currently exists, and this should be taken into account when considering the size of extension proposed.

- 4.24 It is also submitted that the size of extension proposed in this instance is justified given the large plot size and relatively small size of the existing dwelling house compared with neighbouring properties. In this regard, the guideline on footprint size should be balanced against policy provisions in the ALDP and Scottish Planning Policy (SPP) which seek the sustainable use of land (see paragraphs 4.29 and 5.3 below), to achieve which





support requires to be given to higher density land use where appropriate. Given the plot size as outlined above, and the reasons behind the application – i.e. to allow the applicant’s mother to live in high-quality accommodation where she will be safe and looked after while also retaining her independence as she gets older, which will also make the building more flexible and sustainable for future occupiers – it is submitted that the footprint proposed is acceptable in this instance.

No more than 50% of the front or rear curtilage shall be covered by development

- 4.25 The large size of the plot means that, even with the proposed extension, only 12.4% of this would be covered by built development, significantly below the 50% threshold set out in the guidelines.
- 4.26 On the basis of the points raised in paragraphs 4.19 to 4.26 above, the proposed extension should be supported in terms of the Supplementary Guidance.
- 4.27 At the same time, consideration also needs to be given to **Policy D1 – Quality Placemaking by Design**, which requires all development to ensure high standards of design and to have a strong and distinctive sense of place, this being founded in context appraisal, detailed planning, quality architecture, craftsmanship and materials. In this regard, the proposed extension has been designed to bring together existing developed elements of the site to create a visually coherent building that sits well within the site.
- 4.28 In designing the proposed extension, account has been taken of those aspects of the six qualities of successful placemaking which are relevant to the proposal, as required by Policy D1 and set out below:

***Distinctive*** – in responding to the site context and existing development on this as set out above;

***Welcoming*** – in that details, materials and colour have been considered and chosen to be consistent with those featured on the existing dwelling house;

***Safe and pleasant*** – in having no impact on adjoining residential amenity, while providing safe and convenient accommodation for the applicant’s mother;

***Adaptable*** – in that the proposed extension has been designed to ensure the applicant’s mother has suitable accommodation as she gets older as well as providing greater flexibility for the changing needs of future occupiers; and



**Resource efficient** – in allowing the applicant’s mother to live in the same house as him in a location that is accessible and sustainable, being a new build will be energy efficient in compliance with current building standards, and making efficient use of land.

4.29 With regards to the last point above, it must also be taken into account that the supporting text for **Policy H3 – Density** emphasises that higher density developments are generally encouraged in the interests of sustainability and efficient use of land. The development proposed in terms of this application directly seeks to make more efficient use of the land at Invercraig, in accordance with this policy principle.

4.30 Linked to design, **Policy NE6 – Flooding, Drainage and Water Quality** and the associated **Supplementary Guidance (SG) Flooding, Drainage and Water Quality** sets out how development will be expected to assess and demonstrate drainage requirements and ensure development will not be at risk of flooding. In this regard, the Council’s Flooding Team advised that there was a high risk of surface water flooding to the north of the site, and requested additional information relating to the maximum volume the soakaways would be able to accommodate in order to establish whether the site would be able contain the volume of a 1:200 +CC storm event. In discussions with the Flooding Team, it was explained that the proposed extension and soakaway would be higher than the flood area, which is at road level (the difference in height being 15m to 20m) and, as such, flooding officers expressed their satisfaction with the proposals. Our client would, however, be happy to provide further information as a condition of a consent if required.

4.31 Likewise, the Council’s Waste Strategy Team is also satisfied that waste collection can be secured for the site and hence the application complies with **Policy R6 – Waste Management Requirements for New Development**.

4.32 Finally, in terms of traffic and travel, the Delegated Report confirms that the proposal would comply with the requirements of **Policy T2 - Managing the Transport Impact of Development** and **Policy T3 - Sustainable and Active Travel**. In particular, it is noted that:

- the proposed development lies within 200 metres of a bus route and stops on the A944 route (Aberdeen to Westhill), and at a similar distance from the cycle route which extends along this road;
- the Roads Development Management Team confirmed that a suitable level of parking could be secured on site for two properties (although it should be noted that this application is for an extension to the existing property, not for an



additional property and, if there were any desire in future to create a separate dwelling, that would require to be subject to a further application for planning permission to do so);

- whilst the Roads Development Management Team indicated that the proposed layout would potentially compromise vehicles accessing/existing the site, given the restricted nature of the parking layout, the availability of unrestricted on-street parking means that any flaws in the on-site parking layout will have minimal adverse impact.

## 5 Material considerations

### Scottish Planning Policy (2014) [Document 17]

5.1 SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. As a statement of Ministers' priorities, the content of the SPP is a material consideration that carries significant weight. Where proposals accord with SPP, their progress through the planning system should be smoother.

5.2 SPP includes a presumption in favour of development that contributes to sustainable development, which requires the planning system to support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. That means the decision on planning applications should be guided by a number of principles, including:

- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure; and
- supporting delivery of accessible housing.

5.3 The development proposed by way of this application clearly complies with each of those principles as set out above. It should therefore be approved as constituting sustainable development in accordance with SPP. That is particularly so given that the development is also consistent with the requirements of SPP to optimise the use of land within or adjacent to settlements to support the creation of more compact, higher density, accessible and vibrant cores. As set out in paragraphs 4.28 and 4.29



above, the design also demonstrates how it complies with the six qualities of successful placemaking required by SPP.

### **Precedent decisions**

- 5.4 It is recognised that every planning application requires to be considered on its own merits. At the same time however, previous decisions can provide some guidance as to the appropriate way to interpret and apply the relevant Development Plan policies outlined above. In this regard, consideration should be given to the recent decision of the LRB in overturning the refusal of planning application reference 181539/DPP to allow the demolition of an existing steading building and the erection of a 2 storey dwelling house with a terrace at Denhead, Skene Road, this being just diagonally opposite Invercraig on the other side of Skene Road.
- 5.5 In deciding to grant planning permission for a new dwelling house at Denhead, the LRB specifically took into account that adjacent sites were allocated for development and that the development of these in the long-term would move the urban edge of the city outwards to this point.
- 5.6 It is submitted that due weight should accordingly be given to the fact that the application site in this instance is also located between sites allocated for development, including the same residential development referred to in the context of application reference 181539/DPP, and a positive approach taken to the development proposed accordingly.

## **6 Reasons for refusal**

- 6.1 Each of the reasons for refusal is addressed in turn below, with reference to the relevant Development Plan provisions outlined above.

**The application site lies within the green belt, where relevant Scottish Planning Policy and Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan apply. Policy NE2 seeks to protect the integrity of the green belt and avoid the granting of individual planning permissions for development other than in certain exceptional circumstances, thereby preventing the cumulative erosion of green belt and its subsequent suburbanisation.**

- 6.2 It is recognised that the application site is located in the green belt, with the primary policy consideration in terms of the principle of any proposed development being Policy NE2. SPP also requires to be taken into account as a material consideration, but the starting point must be the Development Plan as outlined in paragraph 4.1 above.



- 6.3 In particular, as set out above in paragraphs 4.15 to 4.17, the proposed development does not undermine the integrity of the green belt in any way when judged against its purpose as defined in SPP.
- 6.4 In this regard, and as also outlined above, it is highlighted that Policy NE2 allows for the proposed extension in principle, with the only issue being the scale and massing of the extension proposed. This is addressed in paragraphs 4.18 to 4.26 above. Subject to being satisfied that this has been adequately addressed, there is nothing in either NE2 or SPP that prevents house extensions such as that proposed in terms of this application being erected in the green belt.

**The scale and massing of the proposed development is deemed significant, and whilst linked to the existing dwelling, the proposed extension would be neither small-scale nor ancillary, and would reasonably read as the formation of an additional dwelling. The proposal fails to respect either the context of the site or the character of the existing property. Taking the above into account, it is considered that the proposal does not accord with the expectations of SPP, is contrary to the principles of Policy NE2 (Green Belt) and Policy D1 (Quality Placemaking by Design) of the Aberdeen City Local Development Plan and the requirements of the Council's supplementary guidance on 'Householder Development Guide'.**

- 6.5 The Delegated Report describes the scale and massing of the extension as such that it would exceed the scale of the existing house, and would result in the appearance of two semi-detached properties. The Delegated Report then goes on to say that the internal arrangement of rooms and the staircase within the extension are such that the extension could quite easily be divided into two wholly separate and independent residential units without the need for any intervention to the layout of the existing dwelling.
- 6.6 It should however be noted that, if there were any proposals to use the extension as a separate house (which, for the avoidance of doubt, there is not), this would need to be subject to a separate application in its own right. As such, the current application needs to be determined on the basis that this is an extension to a single house which will continue to function as such, and there is no justification for refusing it on the basis of speculating about potential other uses in the future. In addition, there is no policy requirement which dictates the internal arrangement of rooms or stairs. What requires to be considered is whether or not the use proposed is acceptable, along with the scale and design, not the internal layout.



6.7 In terms then of the scale more generally, this is addressed in detail in paragraphs 4.18 to 4.26 above, in light of which it is submitted that the proposed development is acceptable in terms of Policy NE2, Policy D1 and the Supplementary Guidance (SG) Householder Development Guide. In particular, as outlined in 4.24, it is emphasised that the provision in the Guidance that development should not exceed the footprint of the original dwelling needs to be balanced against policy provisions requiring the efficient and sustainable use of land, which the extension proposed in terms of this application would help achieve.

**There is an identified flood risk to the north of the site, and insufficient information has been submitted to demonstrate adequately robust drainage arrangements would be delivered on site, the proposal also fails to suitably address the requirements of Policy NE6 (Flooding, Drainage and Water Quality).**

6.8 As outlined in paragraph 4.30 above, following the Council's Flooding Team request for additional information, it was explained that the proposed extension and soakaway would be higher than the flood area, which is at road level (the difference in height being 15m to 20m) and, as such, flooding officers expressed their satisfaction with the proposals. Our client would, however, be happy to provide further information as a condition of a consent if required.

## 7 Conclusion

7.1 For the reasons given in this paper apart, it is submitted that the proposed development:

- aligns with the vision of the Strategic Development Plan;
- complies with the relevant policies of the Local Development Plan, including Policies NE2, D1, NE6, R6, T2 and T3 and related Supplementary Guidance; and
- is supported by other relevant material considerations, including Scottish Planning Policy 2014 and relevant precedent decisions.

7.2 In particular, the proposed development:

- does not undermine the purpose of the green belt;
- complies with all the relevant criteria of the Supplementary Guidance; Householder Development Guide, including



- being compatible with existing development in the area;
- having no adverse impact on the amenity of neighbouring properties; and
- having a plot ratio of significantly less than 50% allowed for.
- is supported by the policy principle of Scottish Planning Policy; and
- is located adjacent to allocated development site which, as previously accepted by the Local Review Body, changes the context against which development in this area should be considered.

7.3 As such, the review should be allowed, and the application approved.



## **Appendix One – List of documents**

### **Planning application documents**

- 1 - Application Form
- 2 - Site and Location Plan
- 3 - Proposed Elevations (North and East)
- 4 - Proposed Elevations (West and South)
- 5 - Proposed Cross Section and First Floor Plans
- 6 - Existing Plans, Elevations and Sections
- 7 - Proposed Floor Plans

### **Report of handling and associated documents**

- 8 - Delegated Report
- 9 - Decision Notice
- 10 - ACC Roads Development Management Team Consultation Response
- 11 - ACC Flooding Team Consultation Response
- 12 - ACC Waste Services Team Consultation Response
- 13 - Neighbour Notification List

### **Development Plan and other policy documents**

- 14 - Aberdeen City and Shire Strategic Development Plan (2014)
- 15 - Aberdeen Local Development Plan (2017)
- 16 - Supplementary Guidance Householder Development Guide

### **Material considerations**

- 17 - Scottish Planning Policy (2014)
- 18 - LRB Decision Notice for planning application reference 181539

### **Other documents**

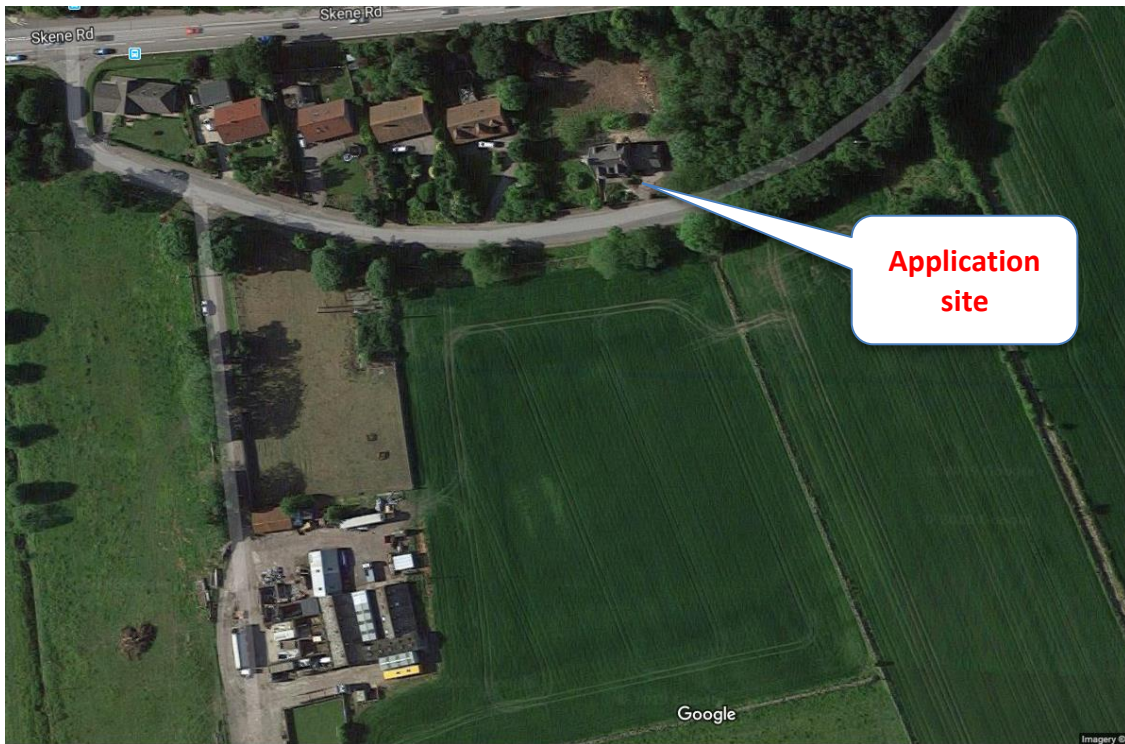
- 19 - Town and Country Planning (General Permitted Development) (Scotland) Order 1992
- 20 - OS Map extract from 1925 with site
- 21 - OS Map extract from 1925 zoomed in with site
- 22 - Reshaping Care for Older People





**Appendix Two– Photographs of development in surrounding area**

**Aerial view of application site and neighbouring properties**

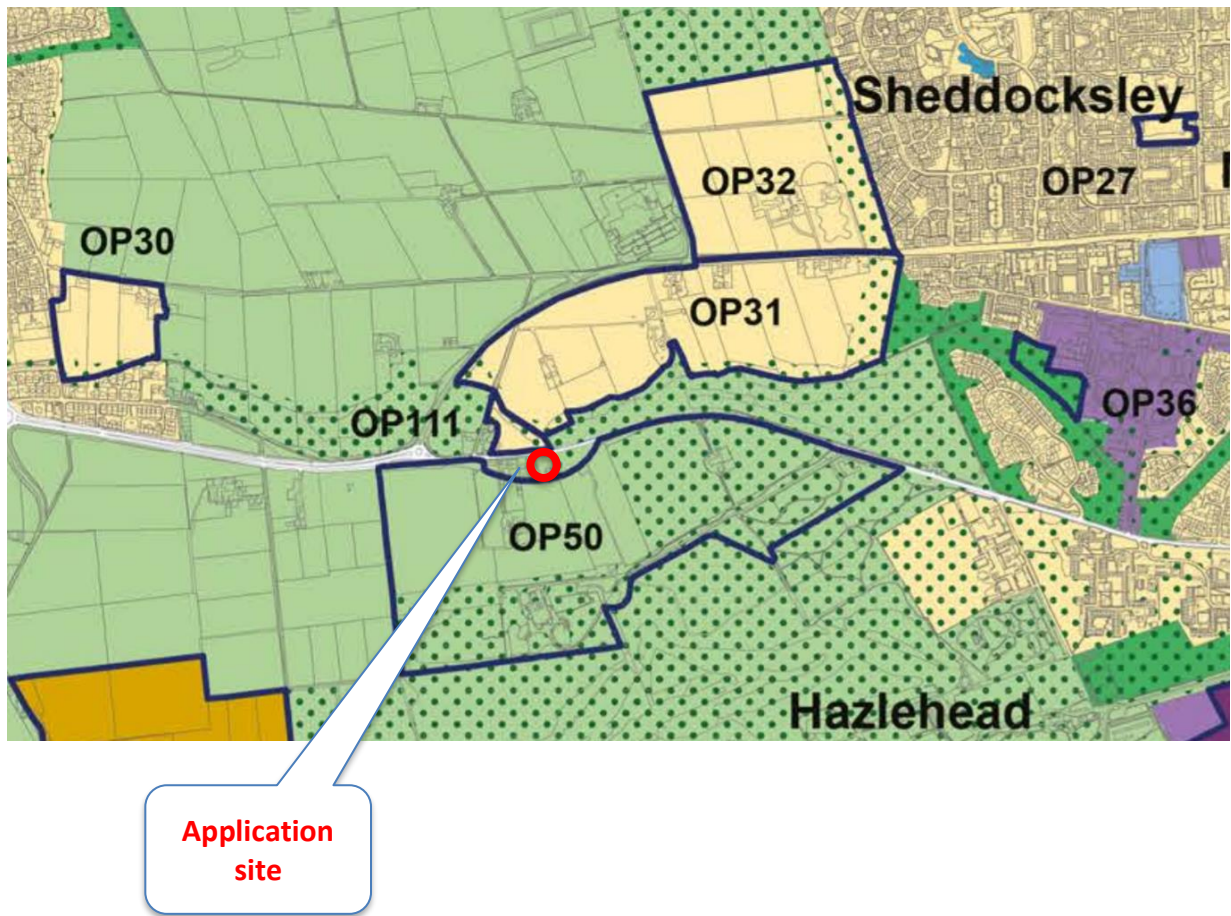


Development at neighbouring property - Eden Place






Appendix Three – LDP extract showing location of site relative to large housing allocations



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 <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>	Land To The North Of 'Brookden', Murtle Den Road, Aberdeen,
<b>Application Description:</b>	Erection of dwellinghouse with associated infrastructure and landscaping
<b>Application Ref:</b>	181993/PPP
<b>Application Type:</b>	Planning Permission in Principle
<b>Application Date:</b>	23 November 2018
<b>Applicant:</b>	Ms Tracey Mullarney
<b>Ward:</b>	Lower Deeside
<b>Community Council:</b>	Cults, Bieldside And Milltimber
<b>Case Officer:</b>	Jamie Leadbeater

## **RECOMMENDATION**

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Refuse

## **APPLICATION BACKGROUND**

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### **Site Description**

The site comprises an area of grassland (c. 0.8 hectares in size) which slopes steeply from west to east on the eastern side of Murtle Den Road in Milltimber. It lies 393m north of North Deeside Road.

The sites frontage onto Murtle Den Road is lined with mature tall pine deciduous trees and is bordered to the south by a detached house known as Brookden set within a large feu. Murtle Dam is located immediately to the north-east of the site and further south of there exists a small group of dwellinghouses.

### **Relevant Planning History**

Application Number	Proposal	Decision Date
180288/PPP	Planning Permission in Principle for erection of detached dwellinghouse with associated Infrastructure and landscaping, on the application site.	Withdrawn - May 2018
131419	Erection of a new 3-storey dwellinghouse, Land at Pinelands to north of application site	Refused - Feb 2014. (Decision Overturned by LRB - July 2014.

## APPLICATION DESCRIPTION

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### Description of Proposal

The application seeks Planning Permission in Principle (PPP) for the erection of a new detached dwellinghouse with associated infrastructure and landscaping.

### 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=PILITXBZJ4T00> .

- Drainage Assessment
- Ground Level Tree Assessment for Bat Roosts
- Indicative Site Plan
- Planning Supporting Statement
- Tree Survey Report
- Tree Survey Schedule

## CONSULTATIONS

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**ACC - Roads Development Management Team** – No objections, site takes access off a private road and development would generate a minimal increase in vehicle movements. New garages would need to be designed as per dimensions set out in ACC guidance.

**ACC - Waste Strategy Team** – No concerns. Foul, land-fill and garden waste bins to be provided at the forthcoming owner's own cost.

**ACC - Flooding & Coastal Protection** – No objections. It is noted that soakaways would be used to deal with foul and surface water.

**Scottish Water** – No response received.

**Scottish Environment Protection Agency (SEPA)** – No response received.

**Cults, Bieldside & Milltimber Community Council** – No comments received.

## 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 (2017)

- Policy CI1 – Digital Infrastructure
- Policy D1 – Quality Placemaking by Design
- Policy NE1 – Green Space Network
- Policy NE2 – Green Belt
- Policy NE5 – Trees and Woodlands
- Policy NE6 – Flooding, Drainage and Water Quality
- Policy NE8 – Natural heritage
- Policy R6 – Waste Management Requirements for New Developments
- Policy R7 – Low and Zero Carbon Buildings, and Water Efficiency
- Policy T2 – Managing the Transport Impact of Development
- Policy T3 – Sustainable and Active Travel

## Supplementary Guidance

- Transport and Accessibility
- Trees and Woodlands

## EVALUATION

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### Main Issues

The main matters which require consideration under this application are: firstly, whether or not the principle of development is acceptable; and secondly, whether or not the proposed development would have an adverse impact on the natural environment.

### Principle of Proposed Development

The acceptability of the proposed development in principle falls under two different policy considerations – compliance with Policy NE1 and compliance with NE2 in the ALDP, and considerations of any other material considerations. Neither policy has any greater weight than the other, but in order for the proposal to be acceptable in principle it should comply with both policies. Furthermore, it should be noted that Scottish Planning Policy (SPP) is clear in identifying that the purpose of green belt designation in the development plan is: to direct planned growth to the most appropriate locations; protect and enhance the quality, character, landscape setting and identity of towns and cities; and, protect and give access to open space within and around towns and cities.

Policy NE1 in the ALDP states the Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network (GSN). Proposals for development that are likely to destroy or erode the character and/or function of the GSN will not be permitted.

Given the proposed development would likely entail the development of a ‘naturalised’ area of grassland and give rise to the potential loss of established trees which contribute heavily towards the function of the GSN also, there would be a tangible impact on the present existence of the GSN. As such, development of the site is likely to destroy part of the GSN and incrementally erode its valued function from an ecological perspective. As such, the proposal is considered non-compliant with Policy NE1.

Policy NE2 in the ALDP states no development will be permitted in the Green Belt for purposes 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. Beyond these provisions, the policy does make allowances for exceptions to accommodate development outwith these defined uses. The exceptions are:

- 1) Developments associated with existing activities;
- 2) Essential infrastructure;
- 3) Change of use to historic buildings;
- 4) Extensions to existing buildings; and,
- 5) Erection of replacement dwellinghouses.

The proposed development by virtue of its Class 9 use would not fall within any of the categories of permissible development set out in Policy NE2. Furthermore, proposal would not fall within any of the 'exceptions' under the provisions of the policy. Taking into account the aforementioned points, the proposal is not considered compliant with Policy NE2.

Overall, given the proposal does not comply with Policy NE1 and/or Policy NE2 in the ALDP, the principle of development is not considered acceptable. Furthermore, the site is not identified as an opportunity site for development within the adopted local plan.

#### Impact on Natural Heritage

The application site is located 40m from the Murtle Den Local Nature Conservation Site (LNCS). Policy NE8 in the ALDP states development which is likely to impact on a locally designated site should seek to address this through careful design and mitigation measures. Another consideration under the policy is the impact on 'protected species' such as Badgers and Bats. The policy states development should seek to avoid any detrimental impact on protected species through carrying out of surveys and submission of 'protection plan' describing appropriate mitigation where necessary.

Despite the site's close proximity to the Murtle Den LNCS and the possibility the site could contain protected species, the applicant has not submitted a habitat survey, and the ground level tree assessment for bat roosts is not considered sufficient to establish the potential for impact on bats. As such, it is not clear whether the proposed development would have a direct or indirect adverse impact on the LNCS or protected species. Whilst it may be possible to mitigate any potential impacts, it is not known in the absence of any necessary information. Subsequently, it is not considered the proposed development can therefore accord with Policy NE8 in the ALDP.

#### **Other Issues**

##### Layout and Design

An indicative layout and design has been supplied with the application which demonstrates that a single detached dwellinghouse could comfortably be delivered within the parameters of the site area, as well as associated garden space, parking and room for bin storage. However, there has been no analysis of the impact of trees on overshadowing of the site. Given such proposals are for indicative purposes only, should the application be approved, then a condition would need to be applied to the consent which seeks to control the final layout and design of the proposed scheme, including associated landscaping. For the purposes of this application, it is considered the proposal could comply with Policy D1 in the ALDP.



### Impact on Trees

The Council's Tree Officer has reviewed the submitted Tree Survey and accompanying documentation along with the proposals, which entail the removal of 36 trees and 21 trees to be modified in size. Whilst the loss of trees conflicts with the principal aim of the Policy NE5 (Trees and Woodlands) in the ALDP, the Tree Officer is of the view that such proposals are acceptable in principle given they would be a result of "arboricultural management" of the site and not a direct consequence of the proposed development. However, given the proposed location of the dwelling remain uncertain, judgement over of the compliance with Policy NE5 shall be reserved until such time firm proposals are presented and accompanied by an Arboricultural Impact Assessment and/or Tree Protection Plan., which could be controlled via condition if the application is approved. Such supporting documentation should be mindful of the Zone of Influence concept set out in the Council's Trees and Woodlands supplementary guidance.

### Sustainable Travel, Access and Parking

Policies T2 and T3 in the ALDP require new developments to be accessible by a range of transport modes in order to minimise traffic generated. The associated Supplementary Guidance (SG) titled Transport and Accessibility states all new developments should be accessible by public transport to take cognisance of what the aforementioned policies aim to achieve and therefore new developments should have access to public transport within 400m of the proposed dwellinghouse's origin/access. Having reviewed the submitted site layout to establish the likely access point from the site and the current location of bus stops along North Deeside Road, the distance between the two would exceed the 400m distance. Furthermore, Murtle Den Road does not benefit from any pedestrian pavement or cycle way. As such, these factors are likely to discourage access to and from the site via a range of transport modes and merely place an undue likely level of dependency on the use of the private vehicle. Therefore, the proposal is considered to be non-compliant with policies T2 and T3 in the ALDP.

The Council's Roads Development Team has been consulted on the proposed access arrangements. They accept the principle of a new access off Murtle Den Road and do not require any works at the junction with North Deeside Road. The site is large enough to accommodate an appropriate level of car parking. As such, there are no technical road impediments to approval. A condition could be applied if the application is approved requiring details of the access and parking arrangement.

### Drainage

The applicant has submitted a "Ground Assessment and Drainage Recommendation Report" and a "Foul Water Drainage Assessment" which have been considered by the Council's Flooding and Coastal Planning Team (FCPT). Such documentation concludes the best possible likely solution for dealing with foul water would be to discharge to a foul water treatment plant through a soakaway. Whilst no location has been specified for this infrastructure to be positioned within the site, the Council's FCPT have no objection to the use of this infrastructure in principle. If this application is approved, a condition would need to be applied to the consent which seeks to control the location and specification of drainage infrastructure used to deal with foul and surface water drainage associated within the proposed dwellinghouse. This should ensure compliance with Policy NE6 in the ALDP.

### Waste Storage

The proposed dwellinghouse would be required to makes provision for domestic waste storage. Given the size of the site, it is considered that it could easily accommodate what is required by the waste service but given the submitted site plan is merely indicative, a condition would need to be

attached to any subsequent consent requiring specific details of a waste storage arrangement. This would ensure compliance with Policy R6 in the ALDP.

### Other site servicing matters

All new residential development in the city are required to demonstrate that they would have access to modern, up-to-date high-speed communications infrastructure e.g. fibre optic broadband, under Policy CI1 in the ALDP. Should the application be approved, this could be controlled through use of condition.

In addition to the aforementioned requirement, Policy R7 in the ALDP are required to have a low carbon and high-water efficiency usage through their design. Given this proposal merely seeks to establish the principle for a dwellinghouse, demonstration of how a dwellinghouse could meet the expectations of the policy could be controlled by condition should the application be approved.

### **Concluding Comments**

Overall, the principle of development is not considered acceptable as development of the site for residential purposes carries no appropriate justification under the provisions of Policy NE2 in the ALDP. Furthermore, development of the site is likely to have an adverse impact on the function of the Green Space Network and it has not been demonstrated whether or not the proposal would have an adverse impact on the natural environment, including protected species and the Murtle Den LNCS. It is accepted that the site is large enough to could accommodate a single dwellinghouse but given it is largely overshadowed by established trees – and there is a presumption against the loss of trees under Policy NE5 – a dwellinghouse could not be easily accommodated whilst offering a desirable level of general residential amenity. Furthermore, access to and from the site is likely to be limited to use of the private vehicle given the site's location and formation of Murtle Den Road discourages the use of alternative transport modes. Any potential policy requirements which could be addressed by way of condition do not materially outweigh the conflict with policies used to determined the principle of development and the impact on the natural environment. As such, the application is recommended for refusal.

### **RECOMMENDATION**

---

Refuse

### **REASON FOR RECOMMENDATION**

---

The application is refused for the following reasons:

- 1) The proposal fails to comply with Policy NE2 (Greenbelt) in the Aberdeen Local Development Plan 2017 given the policy makes no provision for the introduction of new dwellinghouses on sites within the greenbelt where a house does not currently exist and it has not been demonstrated that there is an essential need for the house. It is considered that there are no material considerations that justify approval of the application contrary to the adopted plan and the proposals would be contrary to the relevant provisions of Scottish Planning Policy (SPP).
- 2) The proposed development, by virtue of the dwellinghouse's likely location within the site, would give rise to the potential loss of trees along the southern and western boundaries of the site given the site is largely overshadowed by them at present. Such trees are considered to make an important contribute to the function of the Green Space Network (GSN) and development of the site in principle would give rise to an incremental erosion of

the naturalised grassland within the GSN. Subsequently, these two key factors would harm the function of the GSN, thus meaning the proposal is not compliant with Policy NE1 (Green Space Network) in the Aberdeen Local Development Plan 2017;

- 3) The applicant has provided insufficient evidence in order to demonstrate whether or not the proposed development would have an adverse impact on the Murtle Den Local Nature Conservation Site (LCNS) and/or protected species which may lie within the site. In the absence of such information, it is not possible to consider the proposal compliant with Policy NE8 (Natural Heritage) in the Aberdeen Local Development Plan 2017.
- 4) Given the likely position of the site entrance would be located outwith a 400m radius of a bus stop, within a relatively undeveloped area, and therefore it is likely that occupants of the development would be unduly dependent on use of the private vehicle to transport themselves from the site to other parts of the city, the proposal would conflict with the policy objectives of Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) in the Aberdeen Local Development Plan 2017 and their relevant supplementary guidance (Transport and Accessibility). Further, the greenfield nature of the site, its location outwith the urban core and relative remoteness from a bus stop, together with the above policy considerations demonstrate that the proposal would not accord with the SPP expectation of sustainable development.

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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 100144510-001

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)

Erection of dwellinghouse and associated infrastructure works.

Is this a temporary permission? \*

Yes  No

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

Yes  No

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

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

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

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

Applicant  Agent

## Agent Details

Please enter Agent details

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

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	As Per Agent
First Name: *	Tracey	Building Number:	
Last Name: *	Mullarney	Address 1 (Street): *	As Per Agent
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	As Per Agent
Extension Number:		Country: *	As Per Agent
Mobile Number:		Postcode: *	AB10 1UR
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

802364

Easting

386736

## Pre-Application Discussion

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

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

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

Email correspondence with Ross McMahon regarding withdrawal and resubmission of application.

Title:

Mr

Other title:

First Name:

Ross

Last Name:

McMahon

Correspondence Reference Number:

Date (dd/mm/yyyy):

10/05/2018

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

## Site Area

Please state the site area:

0.80

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

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

Empty plot

## 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.

## Water Supply and Drainage Arrangements

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

Yes  No

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

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

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? \*

- New/Altered septic tank.  
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).  
 Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? \*

- Discharge to land via soakaway.  
 Discharge to watercourse(s) (including partial soakaway).  
 Discharge to coastal waters.



Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

PPP application - see Drainage Reports

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

Yes  No

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

## Assessment of Flood Risk

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

Yes  No  Don't Know

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

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

Yes  No  Don't Know

## Trees

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

Yes  No

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

## 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:

The Factor The Factor

Address:

Trades Widows Fund Trinity Hall , Trinity Hall, 132 Holburn Street, Aberdeen, Scotland , AB10 6DA

Date of Service of Notice: \*

22/11/2018

(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: Halliday Fraser Munro Planning

On behalf of: Ms Tracey Mullarney

Date: 22/11/2018

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: . Halliday Fraser Munro Planning

Declaration Date: 22/11/2018

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## **DECISION NOTICE**

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

### **Planning Permission in Principle**

Halliday Fraser Munro Planning  
Halliday Fraser Munro  
8 Victoria Street  
Aberdeen  
AB10 1XB

on behalf of **Ms Tracey Mullarney**

With reference to your application validly received on 23.11.2018  
for the following development:-

#### **Erection of dwellinghouse with associated infrastructure and landscaping at Land To The North Of 'Brookden', Murtle Den Road**

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

<b>Drawing Number</b>	<b>Drawing Type</b>
10411 / PL-001	Location Plan
10411 / PL-003 Rev A	Site Layout (Proposed)

#### **REASON FOR DECISION**

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

1) The proposal fails to comply with Policy NE2 (Greenbelt) in the Aberdeen Local Development Plan 2017 given the policy makes no provision for the introduction of new dwellinghouses on sites within the greenbelt where a house does not currently exist and it has not been demonstrated that there is an essential need for the house. It is considered that there are no material considerations that justify

approval of the application contrary to the adopted plan and the proposals would be contrary to the relevant provisions of Scottish Planning Policy (SPP).

2) The proposed development, by virtue of the dwellinghouse's likely location within the site, would give rise to the potential loss of trees along the southern and western boundaries of the site given the site is largely overshadowed by them at present. Such trees are considered to make an important contribute to the function of the Green Space Network (GSN) and development of the site in principle would give rise to an incremental erosion of the naturalised grassland within the GSN. Subsequently, these two key factors would harm the function of the GSN, thus meaning the proposal is not compliant with Policy NE1 (Green Space Network) in the Aberdeen Local Development Plan 2017;

3) The applicant has provided insufficient evidence in order to demonstrate whether or not the proposed development would have an adverse impact on the Murtle Den Local Nature Conservation Site (LCNS) and/or protected species which may lie within the site. In the absence of such information, it is not possible to consider the proposal compliant with Policy NE8 (Natural Heritage) in the Aberdeen Local Development Plan 2017.

4) Given the likely position of the site entrance would be located outwith a 400m radius of a bus stop, within a relatively undeveloped area, and therefore it is likely that occupants of the development would be unduly dependent on use of the private vehicle to transport themselves from the site to other parts of the city, the proposal would conflict with the policy objectives of Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Travel) in the Aberdeen Local Development Plan 2017 and their relevant supplementary guidance (Transport and Accessibility). Further, the greenfield nature of the site, its location outwith the urban core and relative remoteness from a bus stop, together with the above policy considerations demonstrate that the proposal would not accord with the SPP expectation of sustainable development.

**Date of Signing** 22 January 2019



**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)**



## RIGHT OF APPEAL

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

- a) to refuse planning permission for the proposed development;
- b) to refuse approval, consent or agreement require by a condition imposed on a grant of planning permissions;
- c) to grant planning permission or approval, consent or agreement subject to conditions,

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

If permission to develop land is granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in it's existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been 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	J Leadbeater Planning & Infrastructure	Date	29/11/18
		Your Ref.	<b>181993</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.181993

ACC Flood team have no objections to this application. We note the proposed use of soakaways to deal with foul and surface water.

Regards  
Katy Joy Goodall - Flooding & Coastal

Rob Polkinghorne

Chief Operating Officer

Operations and Protective Services

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# Consultee Comments for Planning Application 181993/PPP

## Application Summary

Application Number: 181993/PPP

Address: Land To The North Of 'Brookden' Murtle Den Road Aberdeen

Proposal: Erection of dwellinghouse with associated infrastructure and landscaping

Case Officer: Jamie Leadbeater

## 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 Planning in Principle for erection of dwellinghouse with associated infrastructure and landscaping at Land to the North of 'Brookden', Murtle Den Road, Aberdeen.

I can confirm that Roads Development Management have no objections to this proposal as the site will take access of a private road with minimal increase in vehicles utilising the existing junction of Murtle Den Road / North Deeside Road.

I further note that the proposal indicates a new garage which shall require to be designed and constructed as per ACC guidance, external size of 6.0m x 3.0m for a single garage and 6.0m x 6.0m for a double garage.

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# Aberdeen City Council – Development Management Consultation Request

From: Jamie Leadbeater	Date: 27 November 2018
Email: JLeadbeater@aberdeencity.gov.uk	Ref: 181993/PPP
Tel.: 01224 523731	Expiry Date: 18 December 2018

## Planning Permission in Principle

**181993/PPP: Erection of dwellinghouse with associated infrastructure and landscaping at Land To The North Of 'Brookden'**

**Murtle Den Road  
Aberdeen**

All plans and supporting documentation available at the following link:

<https://publicaccess.aberdeencity.gov.uk/online-application/applicationDetails.do?activeTab=summary&keyVal=PILITXBZJ4T00>

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 181993: Land to the North of Brookden**

As I understand, the development consists of the erection of **1 dwelling 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)**

The following costs will be charged to the developer:

- **Each 180l and 240l wheeled bin cost £35.00**

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 **Murtle Den 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: 28.11.2018  
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.



## **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;

D2: Landscape

D5: Our Granite Heritage;

T2: Managing the Transport Impact of Development;

T3: Sustainable and Active Travel;

NE1: Green Space Network;

NE2: Green Belt;

NE5: Trees and Woodlands

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**

Transport and Accessibility

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

Trees and Woodlands

<https://www.aberdeency.gov.uk/sites/default/files/6.2.PolicySG.TreesWoodlands.pdf>

Natural Heritage

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

Flooding, Drainage and Water Quality

<https://www.aberdeency.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            100161737-001

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

## Applicant or Agent Details

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

Applicant     Agent

## Agent Details

Please enter Agent details

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

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

Individual     Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="As per Agent"/>
First Name: *	<input type="text" value="Traceyann"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Mullarney"/>	Address 1 (Street): *	<input type="text" value="As per Agent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="As per Agent"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="As per Agent"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="As per Agent"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

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

Please identify/describe the location of the site or sites

Northing	<input type="text" value="802383"/>	Easting	<input type="text" value="386740"/>
----------	-------------------------------------	---------	-------------------------------------

## 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)

Erection of dwellinghouse and associated infrastructure works.

## Type of Application

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

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

What does your review relate to? \*

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

## Statement of reasons for seeking review

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

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

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

Please see Planning Appeal Statement in 'Supporting Documents' section.

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)

Planning Appeal Statement Proposed Site Plan Location Plan Ground Assessment and Drainage Report Foul Water Drainage Assessment Foul Water Drainage Layout Option B Bat Survey - Ground-level Tree Assessment for Bat Roosts Tree Survey Drawing Tree Survey Report Tree Survey Schedule Supporting Statement for Planning Permission in Principle Application

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

181993/PPP

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

22/11/2018

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

22/01/2019

## 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: . Halliday Fraser Munro Planning

Declaration Date: 19/04/2019

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**HALLIDAY FRASER MUNRO**  
CHARTERED ARCHITECTS & PLANNING CONSULTANTS

**Appeal to Local Review Body**

**Land to North of 'Brookden' Murtle Den Road, Aberdeen**

**Planning Permission in Principle for Erection of Single Dwellinghouse (Ref: 181993)**

On behalf of  
Ms T Mullarney





## HALLIDAY FRASER MUNRO

CHARTERED ARCHITECTS & PLANNING CONSULTANTS

### 1. Introduction

1.1. This Planning Appeal Statement has been prepared by Halliday Fraser Munro Chartered Planning Consultants in relation to a planning application submitted on behalf of the landowner, Ms T Mullarney. It contains the grounds for Appeal against the refusal of an application for Planning Permission in Principle for the erection of a single dwellinghouse on a defined plot of land to the north of 'Brookden', Murtle Den Road, Milltimber, Aberdeen.

1.2. The application site is a left-over plot which was never developed and is currently vacant. Murtle Den Road is made up of large plots surrounded by trees accommodating large dwellinghouses. The proposed development has been sensitively designed to be in keeping with this. The application received no objections from technical consultees, or third parties and we understand there is support for the development from neighbours and the Trades Widows' Fund as neighbouring landowners as shown in Appendix 1.

1.3. An application (REF/181993/PPP) for Planning Permission in Principle was submitted to Aberdeen City Council by Halliday Fraser Munro on 22<sup>nd</sup> November 2018. The application was refused under delegated powers by Officers on 22<sup>nd</sup> January 2019.

1.4. The application was refused for the following reasons:

- i. The proposal fails to comply with **Policy NE2 (Greenbelt)** in the *Aberdeen Local Development Plan 2017* given the policy makes no provision for the introduction of new dwellinghouses on sites within the greenbelt where a house does not currently exist and it has not been demonstrated that there is an essential need for the house. It is considered that there are no material considerations that justify approval of the application contrary to the adopted plan and the proposals would be contrary to the relevant provisions of *Scottish Planning Policy*.
- ii. The proposed development, by virtue of the dwellinghouse's likely location within the site, would give rise to the **potential loss of trees** along the southern and western boundaries of the site given the site is overshadowed by them at present. Such trees are considered to make an important contribution to the function of the Green Space Network (GSN) and development of the site in principle would give rise to an incremental erosion of the naturalised grassland within the GSN. Subsequently, these two key factors would harm the function of the GSN, thus meaning the proposal is not compliant with **Policy NE1 (Green Space Network)** in the *Aberdeen Local Development Plan 2017*.
- iii. The applicant has provided insufficient evidence in order to demonstrate whether or not the proposed development would have an adverse impact on the Murtle Den Local Conservation Nature Site (LCNS) and/or protected species which may lie within the site. In the absence of such information, it is not possible to consider the proposal compliant with **Policy NE8 (Natural Heritage)** in the *Aberdeen Local Development Plan 2017*.
- iv. Given the likely position of the site entrance would be located outwith a 400m radius of a bus stop, within a relatively undeveloped area, and therefore it is likely that occupants of the development would be unduly dependent on use of the private vehicle to transport





*themselves from the site to other parts of the city, the proposal would conflict with the policy objectives of **Policy T2 (Managing the Transport Impact of Development)** and **Policy T3 (Sustainable and Active Travel)** in the Aberdeen Local Development Plan 2017 and their relevant supplementary guidance (Transport and Accessibility). Further, the greenfield nature of the site, its location outwith the urban core and relative remoteness from a bus stop, together with the above policy considerations demonstrate that the proposal would not accord with the SPP expectation of sustainable development.*

## 2. Background

- 2.1. The application site is a vacant plot of land owned by the appellant. It is located to the north of 'Brookden' on the east side of Murtle Den Road. Murtle Den Road is characterised by large detached dwellings set within extensive plots accessed from the private road. The appeal site is one of the original Murtle Den Road plots, however, to date a house has never been built on the plot. The appellant, Ms T Mullarney, contributes to the upkeep of Murtle Den Road paying £500 annually into a fund managed by the Murtle Den Road Residents Association (MDRRA) to be used for maintenance and minor repairs to the road. Along with other residents the appellant also financially contributes to the upkeep of the adjacent Murtle Dam. Others contributing to the fund have properties on Murtle Den Road whereas the appellant has thus far not been able to develop her plot.
- 2.2. The site comprises an open plot which is well screened by mature landscaping along the northern and southern boundaries. The western boundary fronts onto the private access road and benefits from screening by trees. The eastern boundary at the back of the plot is open onto Murtle Dam.
- 2.3. There have been a number of consents for small scale residential development on plots adjacent to the proposed site at 'Pinelands' and 'Inchyra' on Murtle Den Road.
- 2.4. The application (REF/181993/PPP) site subject to this appeal was a resubmission after the first application (REF/180288/PPP) was withdrawn on the advice of the Case Officer. The resubmitted application was accompanied by additional survey information to fully address points raised by the Case Officer.
- 2.5. The additional survey information included:
  - Tree survey report drawing with Zone of Influence;
  - Foul water drainage assessment; and
  - Ground-level tree assessment for bat roosts.

This was in addition to original information provided comprising an indicative site layout plan, ground assessment and drainage report, topographical survey, tree survey plan and tree survey schedule.





### 3. Foul Water Drainage

- 3.1. A Foul Water Drainage Assessment was submitted with the resubmission to address SEPAs comments on the first application. SEPA requested that the applicant demonstrate options to connect to the public sewer and the feasibility of these options. The first application set out that it would not be financially viable to connect a single house to the existing foul water sewer and SEPA offered to review any justification of this. The resubmission included a Foul Water Drainage Assessment and an off plot foul water sewer assessment with outline costs for this which were between £49,000 and £59,000. The conclusion of this report was “(Ramsay & Chalmers, Consulting Engineers) believe our assessment shows that installing a foul water sewer from the proposed property to the Scottish Water combined sewer would be excessively expensive and problematic for the development of a single house”.
- 3.2. This report was commissioned to demonstrate to SEPA that connecting to the mains sewer was not feasible for this development and that a temporary private system would be acceptable, however, no response was received from SEPA, as we understand that Aberdeen City Council Planning did not consult with them contrary to the original application. This was despite SEPA saying that, “Should the developer wish to make a case why it is not considered feasible to connect to the public foul sewer, we would be happy to review any justification provided” (SEPA Letter to Aberdeen City Council 18 April 2018).
- 3.3. Improvements to the local drainage network resulting from the Oldfold Farm development may provide future opportunity for the proposed dwellinghouse to connect to the public sewer network.

### 4. Murtle Den Local Nature Conservation Site & Protected Species

- 4.1. The impact on the LCNS was not raised as an issue when the initial application was submitted and was not raised by the Planning Case Officer handling the resubmitted application. There had been no previous mention of the Murtle Den LCNS so the applicant had no option to address these concerns.
- 4.2. In line with the feedback received on the initial application, a ground-level bat survey was completed and accompanied the resubmission, however in the Report of Handling the Case Officer has stated that this ‘is not considered sufficient to establish the potential for impact on bats’ again, this was not raised by the Planning Case Officer in advance of the Decision Notice being issued. Had an alternative survey method been suggested this would have been undertaken and submitted to support the application.
- 4.3. Had a request been made for more evidence to demonstrate that the development would not impact on the LCNS this evidence would have been submitted.





## 5. Impact on Trees

- 5.1. The updated Tree Survey Report with a plan illustrating the Zone of Influence (Zoi) demonstrated that the proposed dwelling is outwith the Zoi of all trees on the site and confirmed the retention and management of boundary trees.
- 5.2. The tree survey report submitted with the application detailed that 'the interior of the site is treeless' therefore the only trees that would require to be removed are a small number to accommodate access into the site. It was also recommended that a number of trees be removed for good arboricultural management.
- 5.3. The Council's Tree Officer reviewed the submitted Tree Survey and accompanying documentation. The Report of Handling noted that 'whilst the loss of trees conflicts with the principal aim of the Policy NE5 (Trees and Woodlands) in the ALDP, the Tree Officer is of the view that such proposals are acceptable in principle given they would be a result of "arboricultural management" of the site and not a direct consequence of the proposed development', therefore, the **Council's Tree Officer had no objections to the development.**
- 5.4. The Report of Handling notes 'that a single detached dwellinghouse could comfortably be delivered within the parameters of the site area, as well as associated garden space, parking and room for bin storage. However, there has been no analysis of the impact of trees on overshadowing of the site'. Had a request been made for overshadowing diagrams to be provided this would have been done. We are however confident that the proposed dwelling would be not be adversely overshadowed by trees due to the flexibility of the final dwellinghouse position afforded by the size of the plot. Murtle Den Road is characterised by large plots surrounded by trees and the proposed dwelling has been sited within the plot to be in keeping with this.
- 5.5. We do not consider that **potential loss of trees** is a justified reason for refusal. We have demonstrated that a limited number of trees need to be removed or modified as a result of arboricultural management and not a direct consequence of the proposed development. To surmise that in the future trees may be removed is not acceptable planning practice. The application should be assessed with regard to the proposal contained within the application.
- 5.6. Although the 'potential loss of trees' is referred to in the second reason for refusal, the accompanying Aberdeen Local Development Plan 2017 (LDP) policy that is quoted is NE1 Green Space Network. Had the developments impact on trees and woodland been considered unacceptable, then we would have expected the reason for refusal to refer to LDP Policy NE5 Trees and Woodlands which states, '*There is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation*'. It does not however refer to Policy NE5.





5.7. LDP Policy NE1, Green Space Network states *'The Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network. Proposals for development that are likely to destroy or erode the character and/or function of the Green Space Network will not be permitted'*. In this case there will be no impact on the GSN as the plot is large enough to permit access through the GSN from Murtle Den Road to Murtle Dam.

## 6. Sustainable Travel, Access and Parking

6.1. LDP Policy T3 – Sustainable and Active Travel states that *'New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport'*. LDP Policy T2 – Managing the Transport Impact of Development states that *'Commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel'*. Policy T3 takes scale of development into account. This is a small-scale development with bus stops within walking distance and will have minimal traffic impact.

6.2. The Report of Handling reports that *'The associated Supplementary Guidance (SG) titled Transport and Accessibility states all new developments should be accessible by public transport to take cognisance of what the aforementioned policies (T2 and T3) aim to achieve and therefore new developments should have access to public transport within 400m of the proposed dwellinghouse's origin/access'*. The exact wording in the Supplementary Guidance regarding distance to public transport is, *'Sites should be designed to allow for public transport penetration and **ideally public transport should be available within 400 metres of the origins and destinations of trips within the development**'*. The use of the word **ideally** changes the interpretation of this guidance. The bus stop closest to the proposed development is 600 metres away on North Deeside Road.

6.3. We consider that in the context of the peri-urban character of Murtle Den Road, 600 metres to a bus stop with a number of regular bus services is extremely positive and do not agree with the description in the fourth Reason of Refusal claiming that the site is *'relatively remote'* from a bus stop.

6.4. The report of handling notes that Murtle Den Road does not have a pedestrian pavement or cycle way. This is a private road which serves approximately ten houses, given this we don't foresee there being a lot of traffic on the road and consider that walking to and from the bus stop on North Deeside Road would be possible and therefore not all journeys to and from the proposed dwelling would be dependent on a car. We would also point out that the new housing development at Oldfold Farm is more than 400 metres from a bus stop. If this is acceptable for circa 550 houses and associated private vehicles, we fail to see why it is not acceptable for one house. Murtle Den Road also benefits from being able to access the Deeside Way cycle path linking it to Aberdeen and Banchory and all points in between.





## HALLIDAY FRASER MUNRO

CHARTERED ARCHITECTS & PLANNING CONSULTANTS

6.5. The Council's Roads Development Team were consulted on the proposed access arrangements and level of car parking and deemed these acceptable therefore there were no technical road or access matters preventing development.

### **7. Green Belt**

7.1. We consider that the departure from Policy NE2 – Green Belt is acceptable in this instance. The Aberdeen LDP 2017 states that *'The aim of the Green Belt is to maintain the distinct identity of Aberdeen and the communities within and around the city'* and *'Safeguarding the Green Belt helps to avoid coalescence of settlements and sprawling development on the edge of the city'*. The distinct identity of Murtle Den Road comes from the way the large plots have been developed over time to create a secluded but accessible development of large detached homes surrounded by trees. The development of plots on Murtle Den Road to date has not led to coalescence of settlements and is not sprawling development. The development of one more plot on Murtle Den Road will not create coalescence and will not result in sprawling development.

7.2. The proposed development is in keeping with the nature of development along Murtle Den Road and will maintain the distinct identity of the community there. The proposed development will occupy one of the original Murtle Den Road plots and the large plot size allows for the flexible siting of the dwellinghouse meaning it will have minimal impact on the wider landscape characteristics and access to the Murtle Dam will still be possible.

### **8. Officers Handling of Application**

8.1. Overall, we consider that the Officers handling of the application was not satisfactory. The decision notice was issued without discussion or updates on the applications progress. In line with Development Management good practice we do not consider it unreasonable to expect this. Whilst this may not have altered the ultimate decision it would have afforded us the opportunity to remove the second and third reasons for refusal through clarification. Had the officer's concerns been communicated to us and had we been given opportunity to respond before the decision notice was issued further information could have been submitted.

8.2. This application addressed the technical concerns regarding drainage, trees and natural heritage raised by the Case Officer handling the previous application (180288/PPP) with the submission of the suggested supporting surveys. We appreciated the dialogue with the previous Case Officer which gave us the opportunity to provide this information and were disappointed when the suggested surveys were not accepted as sufficient evidence to demonstrate that the proposed development would not have significant impact on the surrounding natural environment.





## 9. Conclusion

- 9.1. Application 181993/PPP for the erection of a single dwellinghouse on a left-over plot on Murtle Den Road is in keeping with the surrounding pattern of development and would be a sensible addition to this attractive and secluded area.
- 9.2. The nature of the appeal site lends itself to the proposal for a single dwellinghouse; it is sizeable, has strong boundaries on all sides; delineated by trees and hedging, and has potential to take access from Murtle Den Road. The aims of LDP Policies NE1 and NE2 are therefore not undermined by the proposed development. The site is essentially 'infill development' between developed plots.
- 9.3. The bus stop 600 metres from the site allows future occupants of the proposed development to travel to and from the site by public transport. The traffic impact from this single dwellinghouse would be minimal and therefore we consider that the proposed development is not contrary to LDP Policies T2 and T3.
- 9.4. There were no objections to the application from technical consultees or third parties and we understand that neighbours are supportive of the proposed development.
- 9.5. Having regard to the information and grounds of appeal set out above, we respectfully request that this appeal be upheld and Planning Permission APP/181993/PPP in relation to the erection of a single dwellinghouse be duly granted.





**Appendix 1: Letter of Support from Trades Widows' Fund**



*Trades Widows' Fund*

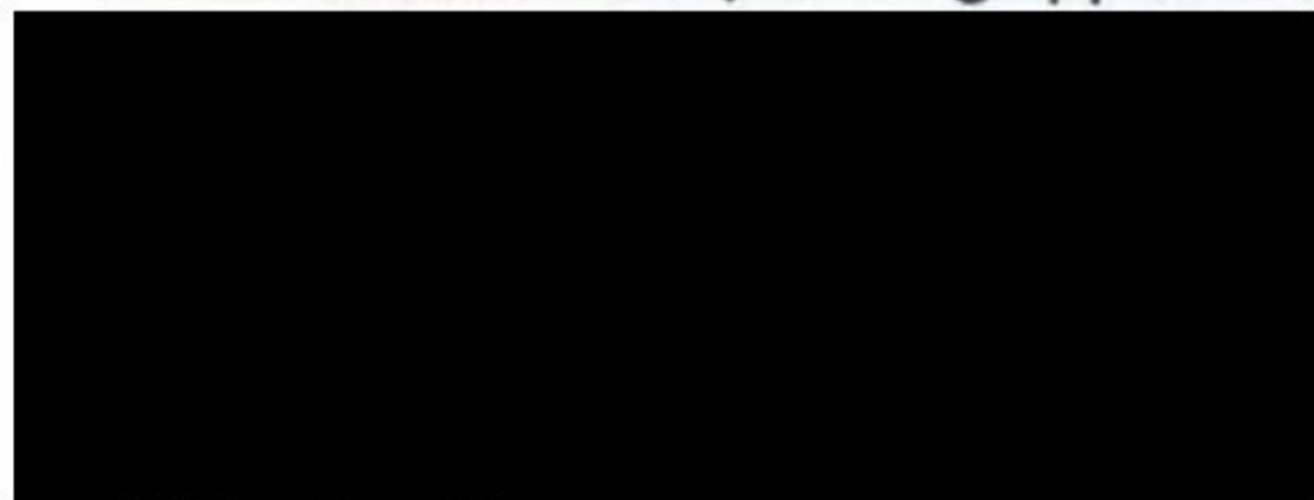
TRINITY HALL  
TRINITY CORNER  
HOLBURN STREET  
ABERDEEN  
AB10 6DA

18.4.19

To Councillors of the Aberdeen City Council Local Review Body,

Planning Application 1818993/PPP Erection of Dwellinghouse on Plot North Of 'Brookden' Murtle Den Road Aberdeen

We write regarding the above planning application for a new house on Murtle Den Road, Aberdeen. We can confirm that the Trades Widows and Beneficiaries Fund own the land immediately adjacent to the proposed house plot. The Trades Widows and Beneficiaries Fund provided the original Murtle Den Road feus, since 1875, so are well-versed in the development of housing in this area. We fully support the proposed dwellinghouse, on land that is one of the original Murtle Den Road feus. We would ask that this planning appeal be upheld and permission granted for the house.



Brian Donald  
Factor  
The Trades Widows and Beneficiaries Fund



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