

Public Document Pack



To: Councillor Boulton, Chairperson; and Councillors Macdonald and Wheeler.

Town House,
ABERDEEN 04 September 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, 11 SEPTEMBER 2019 at 11.00 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 Replacement Windows to Front and Rear - 7 Bon Accord Square Aberdeen - 181777

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

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

181777

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

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

2.4 Notice of Review with Supporting Information Submitted by Agent (Pages 29 - 46)

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 181777

<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 Change of Use from Amenity Open Space to Domestic Garden Ground, Erection of Wall and re-positioning of Rear Boundary Fence - 7 Fairview Walk Danestone

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 47 - 64)

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:-

190776

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

3.3 Planning Policies Referred to in Documents Submitted (Pages 65 - 66)

3.4 Notice of Review with Supporting Information Submitted by Applicant
(Pages 67 - 72)

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 190776

<https://publicaccess.aberdeency.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.aberdeency.gov.uk

Should you require any further information about this agenda, please contact Lynsey McBain on lymcbain@aberdeency.gov.uk / tel 01224 522123

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

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

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

DETERMINATION OF REVIEW

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

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



Strategic Place Planning

Report of Handling

Site Address:	7 Bon-Accord Square, Aberdeen, AB11 6DJ,
Application Description:	Replacement windows to front and rear
Application Ref:	181777/DPP
Application Type:	Detailed Planning Permission
Application Date:	11 October 2018
Applicant:	The Auld Alliance Limited
Ward:	Torry/Ferryhill
Community Council:	Ferryhill And Ruthrieston
Case Officer:	Alex Ferguson

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

A mid-terraced property set over 4 levels, including attic and basement, on the southern side of Bon-Accord Square, forming part of a traditional granite-built category 'B' listed terrace. The building is currently vacant but was last used as an office. Whilst relatively unaltered to the front, the building has a large 4 storey mid-to-late 20th century extension to the rear. The original building incorporates traditional (original and/ or historic) single-glazed timber sliding sash & case windows to the front and rear, of varying fenestration patterns. The site lies within the Bon-Accord/Crown Street Conservation Area.

Relevant Planning History

Application Number	Proposal	Decision Date
181776/LBC	Replacement windows to front and rear	Status: Pending Determination
181778/LBC	Erection of boundary walls, with railings and gate to an existing rear car park; and internal alterations to second floor including removal of partitions; and relocation of sink and wc to form shower room with associated pipework	23.01.2019 Status: Approved Conditionally
181779/DPP	Erection of boundary walls with railings and gate to an existing car park	23.01.2019 Status: Approved Conditionally

APPLICATION DESCRIPTION

Description of Proposal

Listed building consent is sought for the replacement of all of the windows in the 'original' part of the building (not including the modern rear extension). There are 11 existing windows, all timber-framed, single-glazed sliding sash & case units, comprising:

- 5no two-over-two windows on the ground and first floors on the front elevation;
- 2no eight-over-four windows at basement level (one on each of the front and rear elevations);
- 2no six-over-six windows, one each on the rear elevation's ground and first floors;
- 1no multi-paned tripartite front dormer window; and
- 1no two-over-two rear dormer window.

The replacement windows would also be timber-framed sliding sash & case units – to match the profiles, fenestration patterns and proportions of the existing windows with the exception of the incorporation of slim-profile double-glazed units rather than single-glazed panes as at present. The rear (one-over-one) dormer window would be replaced with a multi-paned six-over-six unit.

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=PGFIFSBZI1X00>

- Supporting Statement (including a brief photographic window condition survey and justification for the proposed works)
- Updated Supporting Statement (29 May 2019) – including quotations for works by three joinery companies and thermal efficiency calculations (The applicant has requested that this statement is not placed in the public domain, due to the sensitive tendering information contained within it)

CONSULTATIONS

Ferryhill And Ruthrieston Community Council – No response.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Section 59(1) of The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires a planning authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving

the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)
- Historic Environment Policy for Scotland (HEPS)
- Historic Environment Scotland (HES) – ‘Managing Change in the Historic Environment’: Windows, Asset Management

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region’s built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (ALDP)

- NC1: City Centre Development - Regional Centre
- H2: Mixed Use Areas
- D1: Quality Placemaking by Design
- D4: Historic Environment

Supplementary Guidance and Technical Advice Notes

- The Repair and Replacement of Windows and Doors

EVALUATION

Impact of the development on the city centre and neighbouring uses

Policy NC1 (City Centre Development – Regional Centre) of the ALDP seeks to ensure that all new development in the city centre contributes toward the delivery of the vision for the city centre as a Regional Centre, as set out in the City Centre Masterplan (CCMP). Policy H2 (Mixed Use Areas) of the ALDP seeks to ensure that all new development in Mixed Use Areas adequately preserves the amenity and viability of neighbouring uses.

This application for replacement windows would not harm either the delivery of the vision for the city centre, nor the amenity or viability of any neighbouring uses. Therefore, the proposed development does not conflict with the aims of Policies NC1 and H2.

Importance of windows to the building's special character and the character and appearance of the conservation area

The legal requirement for the planning authority in determining an application for planning permission is to have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses and also to ensure that the character and appearance of the conservation area would be either preserved or enhanced by the works.

The subject windows are special architectural features; the traditional sash and case units are of great relevance to the historic fabric and character of the building and the wider terrace. Historic Environment Scotland's *'Managing Change in the Historic Environment: Windows'* (MCHE) guidance highlights the importance of historic windows to a building's character, noting that: *'windows make a substantial contribution to the character, authenticity and physical integrity of most historic buildings and also to the character and interest of historic streets and places'*

It is important to note that even the most faithful modern replica window, although it may be a close match to the *appearance* of the existing historic windows, would still result in the loss of original or historic fabric, which would be to the detriment of the building's special character and the character of the conservation area. Therefore, in assessing this application, the question to be asked is not simply whether the appearance of the new windows would satisfactorily replicate that of the existing units, but also what impact the loss of existing fabric would have on the building's character and that of the wider conservation area.

Principle of replacement

Given the contribution that original or historic windows make to a building's special character (and by extension, to a lesser degree, the character of the conservation area), it is thus understandable that both national and local planning policy and guidance is strongly supportive of the retention and repair of existing windows wherever possible, as opposed to replacement, which is generally only supported as a last-resort where the existing windows are no longer capable of repair (and this has been satisfactorily demonstrated).

MCHE: Windows, strongly promotes the repair or replacement of individual window components on a like-for-like basis as and when required. This being *preferable to replacement of an entire window unit: 'Where windows are of historic interest, repair of their components is preferable to replacement. This approach not only retains historically-important fabric and character, but is sustainable.'*

The Council's Supplementary Guidance (SG): *The Repair and Replacement of Windows and Doors* states that in listed buildings, wherever possible, historic fabric should be retained and advises that the replacement of original/ historic windows will only be supported if it can be demonstrated to the satisfaction of the Council that they have deteriorated beyond *practicable/ economic repair*. In this regard, the SG states that applications for replacement windows in listed buildings will be required to include a detailed window condition survey (paragraph 4.4).

Window Condition Survey

MCHE: Asset Management states that: *'It is strongly recommended that specialist conservation consultants and practitioners appropriate to the nature and significance of the asset and the scale of the works are used to prepare historic building records, archaeological measured surveys and condition surveys; and to advise on any works of alteration or repair.'*

That advice is backed up at a local level by the Council's SG which notes that a window condition survey should be conducted by a competent professional (advised in Appendix 1 of the SG to be

'someone who is knowledgeable in the field of architectural conservation or building conservation e.g. joiner') and should document, in detail, the condition of *each* of the windows.

Initially, a supporting statement prepared by the agent: 'Bennett Architectural Design Limited' was submitted, incorporating a brief window condition survey and statement of justification for the proposed replacement of the windows. This survey contains photographs and a brief, high-level overview of the condition of some of the windows, without individually listing all of the windows and each's defects. It concludes that generally the windows have all fallen into disrepair and thus require replacement.

The Council considers that the survey contains insufficient detail or evidence on the condition of the existing windows. Furthermore, at a site visit (at which the agent and the Council's Senior Conservation Officer attended), it was not immediately apparent that the windows were in a state of disrepair and the findings of the survey (not carried out by a joiner or conservation-accredited professional) were therefore disputed. Whilst it is clear from some of the photographs in the survey, and from closer inspection on site, that some of the windows are indeed in need of repair, with issues such as flaking paint and rotten sills, it is the Council's opinion that the windows are generally in a reasonable condition given their age and certainly not beyond repair.

It is worth noting that the two top floor windows (one on each of the front and rear elevations) do not appear to be original or of any significant age and are thus of limited historic value. The principle of their replacement is thus accepted.

In the absence of a detailed window condition survey, carried out by a suitably qualified person, which demonstrates otherwise, the principle of replacement of the majority of the windows has not been established and the Council cannot support the loss of the existing windows. As such the submission of a detailed window condition survey was requested, although despite several indications that one would be commissioned, none has been forthcoming.

However an updated Supporting Statement, of 29 May 2019, again not including a window condition survey, does incorporate a quotation for repair and draught-proofing works to all subject windows by 'Ventrolla', a reputable sash window repair company. Ventrolla have visited the property and recommend replacing a number of sills, pulley stiles and window furniture, but only recommend the wholesale replacement of one window and the replacement of one sash each in two other windows. Whilst not going into detail regarding the condition of each window, the quotation and recommendations of Ventrolla can be taken to outline that they consider the vast majority of the windows are not 'beyond repair', an approach preferable in policy terms – and reflective of the visual inspections of the ACC conservation officer.

It is therefore considered that the existing windows are predominantly in a reasonable condition, capable of repair and thus the principle of their replacement has not been justified or established.

Additional justification

The information submitted by the applicant, as justification for replacement rather than repair, predominantly concentrates on perceived economic/ long term sustainability benefits of the proposed double-glazed windows, in terms of: energy efficiency; and savings in heating costs. The additional supporting statement also outlines how the applicant considers that wholesale replacement of the existing windows would be more cost-efficient in the long-term, than repair and refurbishment. However, this view is questioned, given the lack in clear justification, such that officers have the opposite view – this is discussed below.

SPP paragraph 45 states that all development must be resource efficient. In this regard, whilst the proposed double-glazed units would undoubtedly improve the thermal efficiency of the building, the applicant has either not considered, or has discounted (without demonstrated justification),

alternative, more sympathetic options such as: draught-proofing the existing sashes; using shutters; installing carefully designed internal secondary glazing; or retrofitting slim-profile double glazed units within the existing window frames, as per the guidance set out in *Managing Change in the Historic Environment: Windows* and the Council's *Repair and Replacement of Windows and Doors* SG.

These above noted, more sympathetic alternatives for improving thermal efficiency were suggested to the applicant/ agent at a site meeting. In particular, it is disappointing that the possibility of retro-fitting slim-profile double-glazing into the existing window sashes has not been explored. Such works would provide the same thermal efficiency improvements that the applicant is seeking, whilst retaining the existing historic fabric of the window frames. The Council understands that the cost for such works would not likely exceed those noted in the quotations for wholesale replacement, as provided by two local joiners. But would importantly retain the historic fabric of the existing frames.

In respect of the applicant's argument that the installation of new windows would be more cost-efficient in the long-term than continued maintenance/ repairs to the existing windows, no significant level of detail has been provided to demonstrate that this would be the case and that the retention of the existing windows would be prohibitively expensive. Rather, officer experience indicates that costs are likely to be comparable, if not less, and would safeguard existing historic fabric. This alternative position has been discussed with the applicant/ agent, but has not resulted in any further exploration.

The absence of any detailed exploration of alternative solutions is contrary to HEPS Policy HEP4, which states: '*Changes to specific assets and their context should be managed in a way that protects the historic environment... **Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.***'

Design of the new windows

It is worth noting that were the existing windows actually in a state of disrepair (and thus the principle of replacement accepted), the proposed new windows are of a design such that they would be compliant with policy and guidance and would be supported as acceptable replacements. The new windows would be timber-framed sliding sash & case units with profiles (including fenestration pattern and astragal details) to match the existing windows, albeit with slim profile double glazing incorporated as opposed to the existing single-glazed panes. The new windows, by virtue of their sympathetic design, to replicate the existing units, would preserve the *appearance* of the listed building and the wider conservation area and would, in themselves be compliant with ALDP Policies D1 (Quality Placemaking by Design) and D4 (Historic Environment). However, as noted above, in order for the Council to consider replacement, the existing windows must first be identified as being beyond repair, which is not the case. Thus, the quality of the proposed replacement windows is largely irrelevant in the assessment of this application, particularly as the unnecessary loss of historic fabric would adversely affect the special architectural and historic interest of the listed building..

Impact on the special character of the building and the conservation area

Ultimately the loss of the existing windows (some of which are potentially original, all of which are historic) would result in the loss of original and/ or historic fabric which contributes significantly toward the special character of the building and, to a lesser degree, toward the character of the conservation area. The applicant has failed to adequately demonstrate that the existing windows are beyond economic/ practical repair, or to explore more sympathetic alternatives to replacement that would achieve their aims of improved thermal efficiency. Therefore, the principle of replacement has not been satisfactorily established and the proposals would thus fail to preserve the special character of the listed building and those features of special architectural interest which it possesses and the character of the wider conservation area. The proposals therefore fail to

comply with SPP, HEPS, Policy D4 of the ALDP, the relevant national guidance as contained in *MCHE: Windows* and local guidance contained in *The Repair and Replacement of Windows and Doors*.

Strategic Development Plan

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Stop the Clock

The agent was informed via email on 6 November 2018 that the supporting statement submitted with the application was insufficient, in terms of providing the amount of detail required for a window condition survey, and that in order for the Council to be able to support the principle of replacement, this would need to be robustly evidenced in a detailed window condition survey carried out by a competent professional. An updated supporting statement (not including window condition survey) was finally submitted on 29 May 2019. Thus, the clock has been stopped for the intervening time period. It is now considered that the application be determined on its merits, as set out above.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposals would not affect the delivery of the vision for the city centre, in accordance with Policy NC1 (City Centre Development – Regional Centre) of the Aberdeen Local Development Plan (ALDP), nor the amenity or viability of any neighbouring uses, in accordance with Policy H2 (Mixed Use Areas) of the ALDP.

The proposal to replace the existing windows would adversely affect the historic architectural integrity and character of the listed building and by extension, to a lesser degree, the character of the conservation area. The existing windows (with the exception of the two at roof-level) are historic/ possibly original and in the absence of a detailed window condition survey, visual inspections by officers indicate they do not appear to be beyond practicable repair. Indeed, the applicant's updated supporting statement includes a quotation from a reputable window repair company which only recommends the wholesale replacement of one window. Thus, it is considered that: the vast majority of the windows are not 'beyond repair'; and the principle of replacing them has therefore not been suitably justified, thus is not accepted. The proposals therefore fail to comply with the principles of Scottish Planning Policy (SPP), Historic Environment Policy for Scotland (HEPS), Policy D4 (Historic Environment) of the Aberdeen Local Development Plan, the Council's supplementary guidance on *The Repair and Replacement of Windows & Doors* and Historic Environment Scotland's *Managing Change in the Historic Environment: 'Windows' and 'Asset Management'* guidance.

Whilst the applicant has largely based their justification for replacing the existing windows on thermal efficiency/ sustainability grounds, issues which are not without merit, they have not explored in any detail, alternative, more sympathetic solutions to addressing these issues, which would allow the existing windows to be retained, as is required by HEPS Policy HEP4.

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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 100140028-001

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

Type of Application

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

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

Description of Proposal

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

Proposed replacement windows 7 Bon Accord Square

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Bennett Architectural Design Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Duncan	Building Name:	Commerce House
Last Name: *	Bennett	Building Number:	
Telephone Number: *	01224 636066	Address 1 (Street): *	Commerce Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Aberdeen City
		Postcode: *	AB11 5FN
Email Address: *	duncanbennett@btconnect.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	7
Last Name: *		Address 1 (Street): *	Bon Accord Square
Company/Organisation	The Auld Alliance Limited	Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	AB11 6DJ
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

805772

Easting

393664

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

0.35

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)

Proposed replacement sash and case windows

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

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

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

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

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

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

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

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

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

Existing waste collection arrangements in place

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Duncan Bennett

On behalf of: The Auld Alliance Limited

Date: 11/10/2018

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)

supporting statement

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Duncan Bennett

Declaration Date: 11/10/2018

Payment Details

Online payment: ABSP00003303
Payment date: 11/10/2018 10:24:00

Created: 11/10/2018 10:24

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Duncan Bennett
Bennett Architectural Design Limited
Commerce House
Commerce Street
Aberdeen
Aberdeen City
AB11 5FN

on behalf of **The Auld Alliance Limited**

With reference to your application validly received on 11 October 2018 for the following development:-

**Replacement windows to front and rear
at 7 Bon-Accord Square, Aberdeen**

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

<u>Drawing Number</u>	<u>Drawing Type</u>
D1823-05	Location Plan
D1823-06	Multiple Elevations (Proposed)

REASON FOR DECISION

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

The proposals would not affect the delivery of the vision for the city centre, in accordance with Policy NC1 (City Centre Development - Regional Centre) of the Aberdeen Local Development Plan (ALDP), nor the amenity or viability of any neighbouring uses, in accordance with Policy H2 (Mixed Use Areas) of the ALDP.

The proposal to replace the existing windows would adversely affect the historic architectural integrity and character of the listed building and by extension, to a lesser degree, the character of the conservation area. The existing windows (with the exception of the two at roof-level) are historic/ possibly original and in the absence of a detailed window condition survey, visual inspections by officers indicate they do not appear to be beyond practicable repair. Indeed, the applicant's updated supporting statement includes a quotation from a reputable window repair company which only recommends the wholesale replacement of one window. Thus, it is considered that: the vast majority of the windows are not 'beyond repair'; and the principle of replacing them has therefore not been suitably justified, thus is not accepted. The proposals therefore fail to comply with the principles of Scottish Planning Policy (SPP), Historic Environment Policy for Scotland (HEPS), Policy D4 (Historic Environment) of the Aberdeen Local Development Plan, the Council's supplementary guidance on The Repair and Replacement of Windows & Doors and Historic Environment Scotland's Managing Change in the Historic Environment: 'Windows' and 'Asset Management' guidance.

Whilst the applicant has largely based their justification for replacing the existing windows on thermal efficiency/ sustainability grounds, issues which are not without merit, they have not explored in any detail, alternative, more sympathetic solutions to addressing these issues, which would allow the existing windows to be retained, as is required by HEPS Policy HEP4.

Date of Signing 4 June 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)

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.

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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National Planning Policy

Scottish Planning Policy (SPP)

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

Historic Environment Policy for Scotland (HEPS)

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=1bcfa7b1-28fb-4d4b-b1e6-aa2500f942e7>

Aberdeen Local Development Plan (ALDP)

NC1: City Centre Development – Regional Centre

H2: Mixed Use Areas;

D1: Quality Placemaking by Design;

D4: Historic Environment

Supplementary Guidance

The Repair and Replacement of Windows and Doors SG

<https://www.aberdeency.gov.uk/sites/default/files/1.1.PolicySG.WindowsDoors.pdf>

Other Material Considerations

Bon-Accord/Crown Street Conservation Area Character Appraisal

https://www.aberdeency.gov.uk/sites/default/files/2013_Con_Appraisal_4_BonAccord.pdf

Historic Environment Scotland 'Managing Change in the Historic Environment' guidance notes on:

- Use and Adaptation of Listed Buildings
<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=8ab1f9c9-521a-435e-a3f2-aa240119b5e1>
- Windows
<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=3425bb51-8a55-4f99-b7aa-a60b009fbca2>

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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 100177561-001

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:	<input type="text" value="Bennett Architectural Design Limited"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Duncan"/>	Building Name:	<input type="text" value="Commerce House"/>
Last Name: *	<input type="text" value="Bennett"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01224 636066"/>	Address 1 (Street): *	<input type="text" value="Commerce Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Aberdeen City"/>
		Postcode: *	<input type="text" value="AB11 5FN"/>
Email Address: *	<input type="text" value="duncanbennett@btconnect.com"/>		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="7"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Bon Accord Square"/>
Company/Organisation	<input type="text" value="The Auld Alliance Limited"/>	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="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB11 6DJ"/>
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="SYNERGY HOLDINGS LTD"/>
Address 2:	<input type="text" value="7 BON-ACCORD SQUARE"/>
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="AB11 6DJ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805770"/>	Easting	<input type="text" value="393664"/>
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Description of Proposal

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

Proposed replacement windows 7 Bon Accord Square

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.

The appeal relates to the replacement of sash and case windows with double glazed sash and case windows, to improve the thermal envelope and secure the buildings viable future.

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)

D1823-05a, 06 and 07 D1823 Supplementary Information WINDOWS D1823 Supporting Statement WINDOWS

Application Details

Please provide details of the application and decision.

What is the application reference number? *

181777/DPP

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

11/10/2018

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

04/06/2019

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: Mr Duncan Bennett

Declaration Date: 21/08/2019

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SUPPORTING STATEMENT

Proposed Window Replacement

7 Bon Accord Square,
Aberdeen,
AB11 6DJ.
The Auld Alliance Limited.



September 2018

The Auld Alliance.
7 Bon Accord Square,
Aberdeen,
AB11 6DJ
Supporting Statement

- 1. Introduction.**
- 2. Location.**
- 3. Site Description.**
- 4. Building Description External.**
- 5. Proposals.**
- 6. Conclusion.**

The Auld Alliance.
7 Bon Accord Square,
Aberdeen,
AB11 6DJ
Supporting Statement

1. Introduction.

This Supporting Statement accompanies an application for the proposed window replacement to **7 Bon Accord Square, Aberdeen**, on behalf of the owners The Auld Alliance. The property is part of a terraced elevation positioned to the south east of Bon Accord Square.

2. Location:

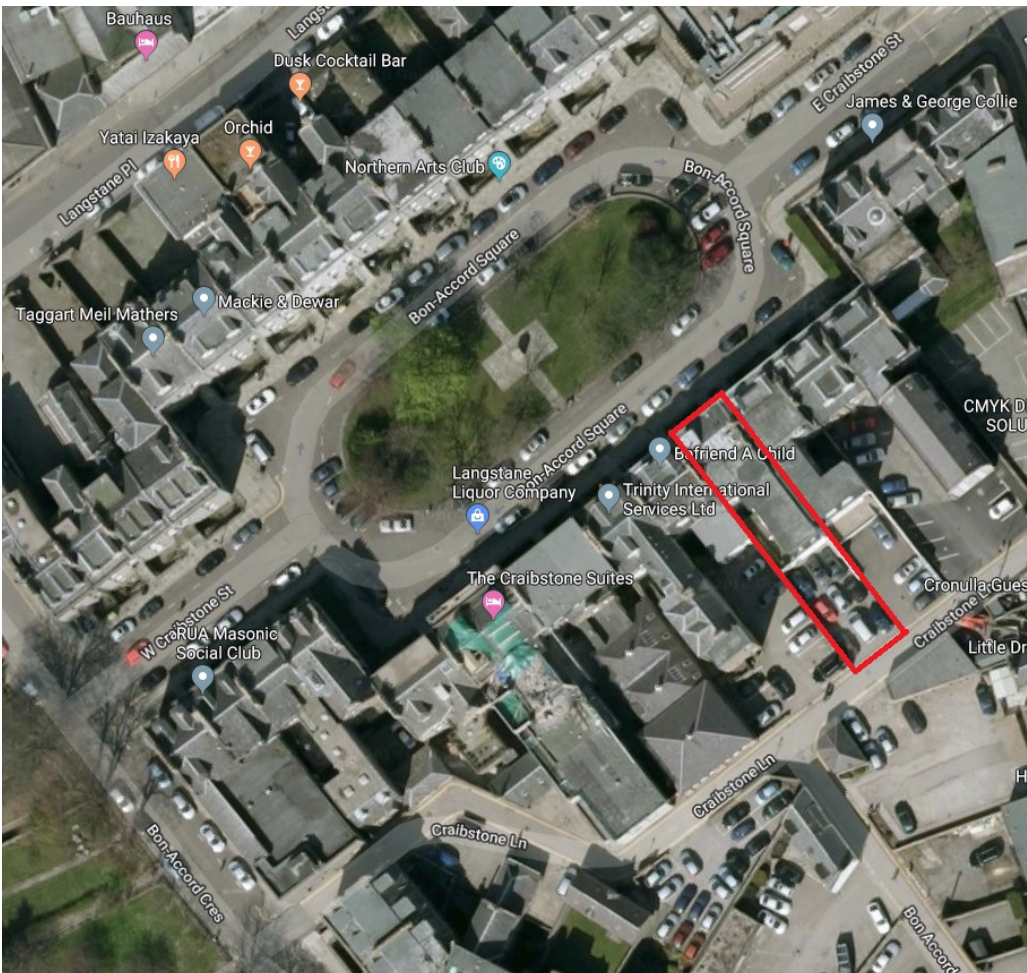


Fig. 1. Satalite Image.

2. Location:



Fig. 2. Ordnance Survey Plan:

The Auld Alliance.
7 Bon Accord Square,
Aberdeen,
AB11 6DJ
Supporting Statement
2. Location:



Fig. 3 Ordnance Survey Plan: 1847-1895

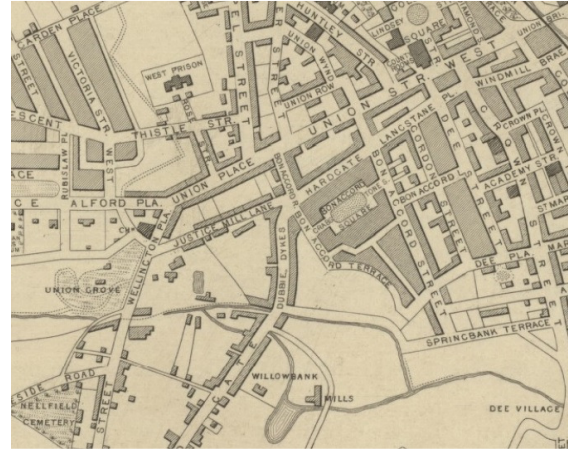


Fig. 4 Ordnance Survey Plan: 1850

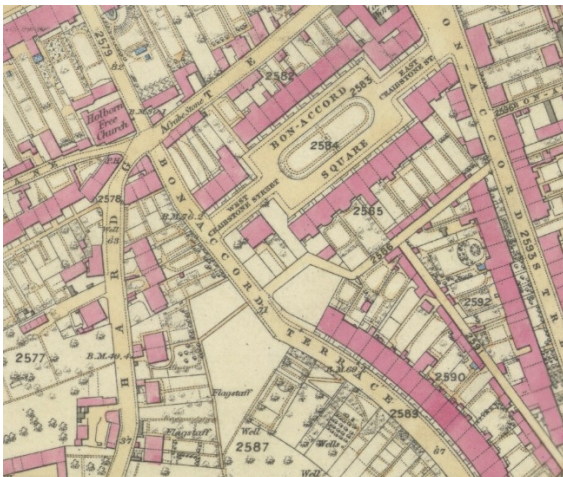


Fig. 5 Ordnance Survey Plan: 1869

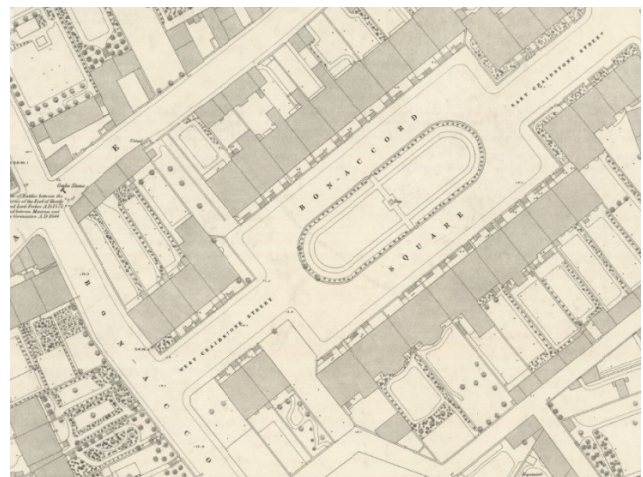


Fig. 6 Ordnance Survey Plan: 1895

3. Site Discription:

The overall site extends to 0.035ha. The property is a mid terraced, 2 storey, basement and attic property, originally a town house converted to offices in the recent past, located in the south east terrace of Bon Accord Square. The entrance to the property from the square, via granite steps and entrance door at upper ground floor, additional access from the square is via a entrance door at basement floor level via a sunk area. Access to the rear of the property is via Craibstone Lane.

The Auld Alliance.
7 Bon Accord Square,
Aberdeen,
AB11 6DJ
Supporting Statement

3. Site Discription:

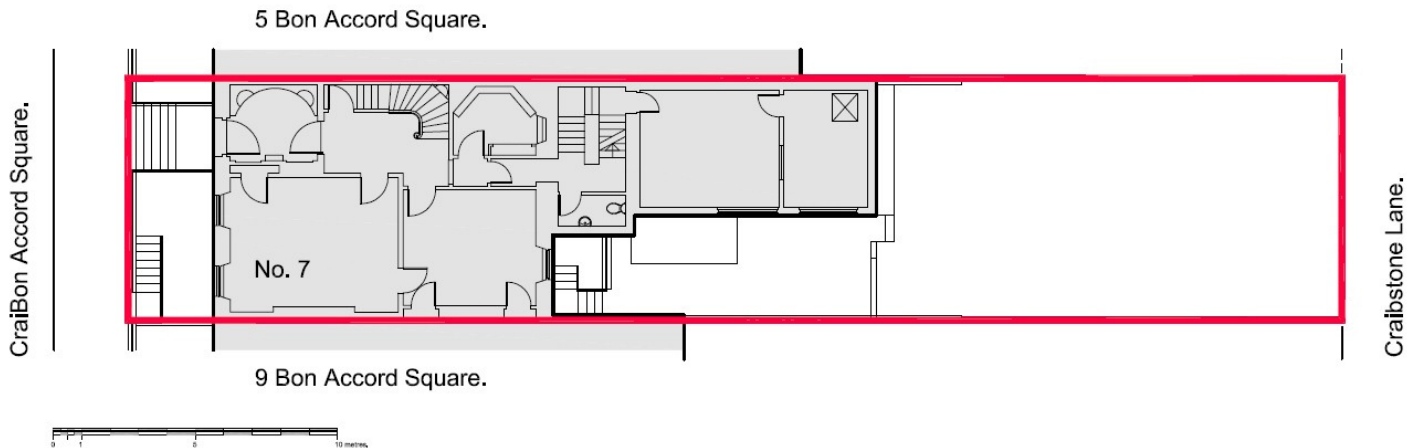


Fig. 7 Site Plan:

4. Building Description: External.

7 Bon Accord Square, Aberdeen, is a Category B building understood to have been listed 12 January 1967 and given Historic Environment Scotland Reference, LB20136, the property lies within the boundaries of Aberdeen City Councils Bon Accord and Crown Street Conservation Area.

7 Bon Accord Square, Aberdeen, is a mid-terraced 2 storey, basement and attic property. Most definitely by attributed to Archibald Simpson, the square laid out in 1821, and first of the buildings built from 1823. Built as gracious town houses, the property was converted to offices in the 1960s.

The 2 storey basement and attic property has the 3 bay rhythm of the square, with symmetrical four panel door incorporating 'letterbox' fanlight over. The door is flanked at ground floor level by 2 bays and at first floor 3 bays of classically proportioned 4 pane vertical timber sash and slated dormer window at attic level incorporating 12 pane vertical timber sash and case window flanked by 2 number 4 pane side lights. The front elevation is fine ashlar tooled granite having projecting string course and wallhead cornice and parapet. The front elevation roof features pitched roof with natural slate finish, featuring the slated dormer. Rainwater gutters, downpipes, and soil pipes are predominately painted cast iron. Coursed granite chimney stacks being fine dressed ashlar topped with a variety of sized and styled fireclay chimney cans.

The rear of the property has been considerably extended, having a sizeable 4 storey addition having painted render wall treatment with slated mansard. Windows to the rear extension are painted timber sash and case pattern. The unaltered section of rear elevation visible is coursed granite with finer dressed window margins and sills. This section of elevation incorporates classically proportioned vertical sash and case 6 over 6 windows. The rear 4 storey addition and extension to the rear roof create a large flat roof area.

The Auld Alliance.
7 Bon Accord Square,
Aberdeen,
AB11 6DJ

Supporting Statement

4. Building Description: External.



Fig. 8. Bon Accord Elevation:



Fig. 9. Craibstone Lane Elevation:



Fig. 10. Ex. Bon Accord Square Elev:



Fig. 11. Ex. Craibstone Lane Elev.

4. Building Description: Windows.



Photograph of the existing sash and case window **SF/f 01** to the attic level dormer window. The window is a replacement of the original incorporating crudely routed astragals. The current external window sill and lower sections of casement have been replaced historically but unfortunately have not been maintained and again require replacement.

Fig. 12 and 13 Internal View SF/f 01.



Fig. 14. Internal View. UG/f 01

Fig. 15. Internal View. FF/f 02.

Photograph of the existing vertical sash and case windows **UG/f 01** and **FF/f 02** at front upper ground and first floor level bedroom. The window has heavy handed external repairs in the past and requires significant timber repair and poorly maintained, and original timber sill displaying rot due to poor maintenance plan.

The Auld Alliance.
7 Bon Accord Square,
Aberdeen,
AB11 6DJ

Supporting Statement

4. Building Description: Windows.



Photograph of the existing sash and case window **FF/r 01** at first floor level, windows difficult to access externally to maintain and has suffered as a result. Again, evidence of previous repairs to sill and case externally. Poor timber selection and jointing combined with lack of maintenance and paint cover have allowed water penetration and subsequent rot.

Fig. 13 External View. FF/r 01.



Internal photograph of the existing vertical sash and case window **UG/f 02** to front upper ground floor office, illustrating the neo classical interior 2 piece architraves and working timber night shutters.

Fig. 14. Internal View, UG/f 02.

The Auld Alliance.
 7 Bon Accord Square,
 Aberdeen,
 AB11 6DJ
Supporting Statement
5. Proposals:

It is proposed to remove the existing delapidated windows and sympathetically and faithfully reproduce replacements in a like for like classically proportioned pattern.

In addition take the opportunity to improve the energy efficiency of the property by introducing 'Slimlite' double glazing in the sash design.

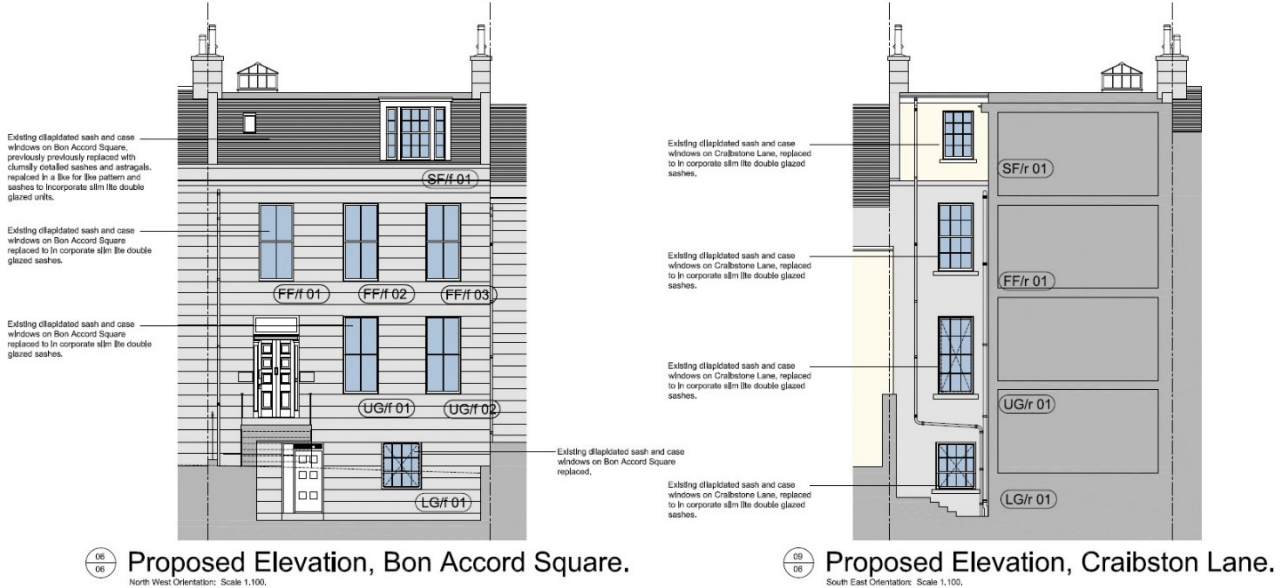


Fig. 15. Proposed Bon Accord Square Elev: Fig. 16. Proposed Craibstone Lane Elev.

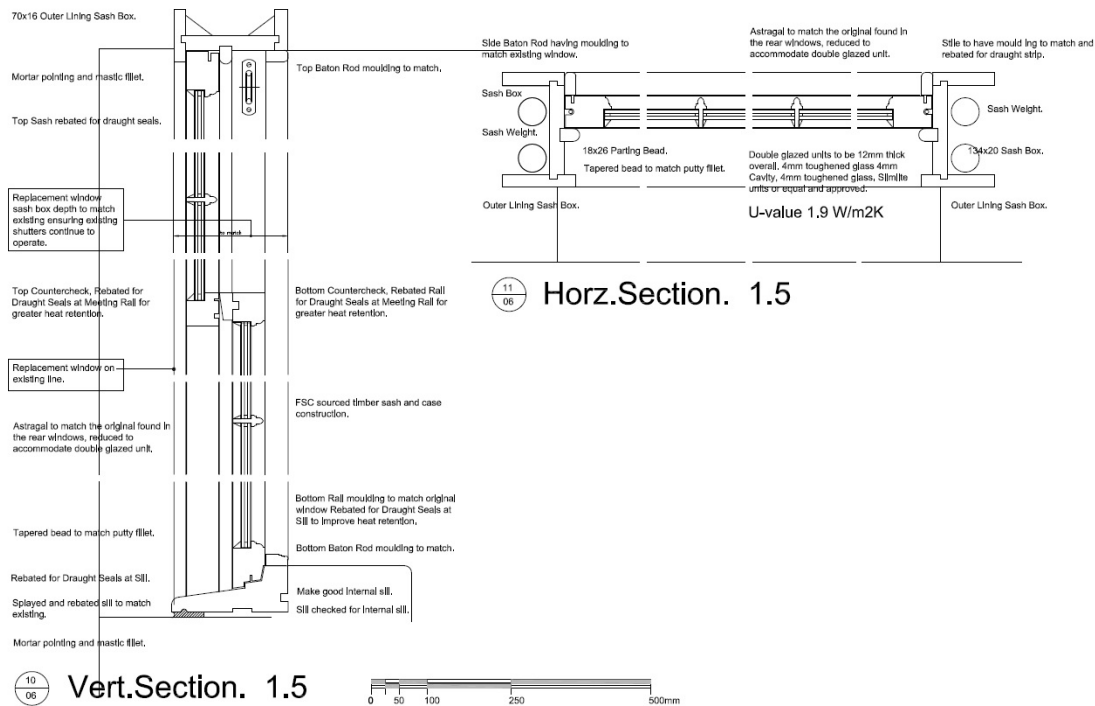


Fig. 17. Proposed Window Details.

The Auld Alliance.
7 Bon Accord Square,
Aberdeen,
AB11 6DJ
Supporting Statement

6. Conclusion:

Although previous owners of the property have carried out refurbishment works to the sash and case windows, the windows are suffering from a lack of ongoing maintenance, and the windows have deteriorated.

The Applicant having recently purchased the property is currently preparing a maintenance schedule to ensure the longevity of the property.

The applicant proposes to obtain permissions to replace the existing deteriorated windows with sash and case windows detailed faithfully and sympathetically to match the originals in conscientiously sourced FSC timber.

Aberdeen City's Conservation Area Character Appraisal encourages the continued investment by owners in properties of this quality to maintain a high value community asset, as poorly maintained properties give the area a run-down and tired appearance. The Appraisal Framework further suggests window replacement should be considered where a replacement window is of traditional style, proportions and materials.

In addition, the applicant wishes to introduce 'Slimlite' double glazing to the window design to improve the thermal conserving properties of the windows and enhancing overall thermal efficiency of the building and ultimately, reducing carbon emissions / energy costs.

Typically, gas filled 'Slimlite' type glazed units provide a U-value of 1.9 W/m²K compared to the 'thermal hole' of single glazed windows which have a resistivity of 5.8 W/m²K, this equates to approximately 33% of the properties heat loss. Secondary glazing provides a slightly improved U-value of 3.8 W/m²K when compared to single glazing, and was considered in the feasibility study, however the fine internal detailing to the window shutters and surrounding architraves would be lost in the installation of secondary glazing and was discounted, considered detrimental to the remarkable neo classical interior.

We do understand there is a strong conservation argument against approving these types of work, but would submit, these improvements to the buildings fabric and in particular its energy efficiency, can ensure the buildings future, giving them continued viable economic useage. These improvements would potentially go towards reducing the drift of commercial enterprises from the city centre to Aberdeen's satalite 'high tech' business parks. It is therefore vital to encourage businesses to continue to operate from these traditional properties and for Aberdeen to retain a commercial pulse in its city centre.

We therefore submit, replacement of the existing windows will ensure the building's long term future and its continued usage.

For these reasons we would ask the proposals be considered favourably by Aberdeen City Council.

Bennett Architectural Design Limited.
Commerce House
Commerce Street
Aberdeen
AB11 5FN

enquiry@bennett-design.co.uk

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Strategic Place Planning

Report of Handling

Site Address:	7 Fairview Walk, Aberdeen, AB22 8ZR,
Application Description:	Change of use from amenity open space to domestic garden ground, erection of wall and re-positioning of rear boundary fence
Application Ref:	190776/DPP
Application Type:	Detailed Planning Permission
Application Date:	11 June 2019
Applicant:	Mr Christopher Williams
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Danestone
Case Officer:	Roy Brown

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a semi-detached bungalow, its front and rear curtilage and a c.23sqm area of open space to its southwest, in a residential area in Danestone. The site slopes slightly from north to south.

The dwelling has a northeast elevation that fronts Fairview Walk; it bounds 9 Fairview Walk to its northwest and 5 Fairview Walk to the southeast. The southwest curtilage boundary of 7 Fairview Walk is bounded by a c.1.8m high boundary fence, which aligns with the southwest (side) elevation of the garage of 9 Fairview Walk. To the south and southwest of the site is open space, Fairview Street and beyond that Danestone Primary School (c. 50m away).

The c.23sqm of open space within the application site is soft landscaped with grass. The area of open space in the application site bounds a public footpath immediately to its southwest, which connects Fairview Street with Fairview Walk and the wider residential area to the north. The open space forms part of a substantial network of open spaces on both sides of the 1.3km long Fairview Street (located to the south of the site), which separates private residential curtilage from Fairview Street. There are several public footpath corridors connecting the residential streets of Danestone with Fairview Street.

Relevant Planning History

None.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the change of use of an area of c.23sqm of open space to domestic garden ground; the raising of the ground level of the area by c.0.3m to the existing garden level; the erection of a c.0.3m high fyfestone finished retaining wall; and a 1.8m high treated timber boundary fence around this space so that it would form part of the garden ground of 7 Fairview Walk. The fence would be c. 9.8m long on its southwest facing section; c.2m long on its northwest facing section; and c.2.1m on its south facing section, which would align with the existing south facing boundary of the fence.

The ownership of the site is not relevant to the assessment of the planning application. The 23sqm area of open space is an area that would be changed if granted planning permission is a visibly defined publicly accessible open space outside of the existing residential curtilage, which can be used responsibly by the public in accordance with access legislation.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PRA0TOBZFG00>

Supporting Information (written by the applicant) – Justifies the reason for the proposal by stating that they are in ownership of the area of open space within the application site and that the fence and retaining wall would be to improve the privacy of the property from Fairview Street and Danestone Primary School.

CONSULTATIONS

Land and Property Assets – The area of open space does not seem to be under Council ownership.

Danestone Community Council – No response received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy

Scottish Planning Policy

National Planning Framework 3 (NPF3)

Aberdeen City and Shire Strategic Development Plan (2014) (SDP)

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In the light of this, for proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (ALDP) (2017)

Policy D1 - Quality Placemaking by Design

Policy H1 - Residential Areas

Policy NE3 - Urban Green Space

Supplementary Guidance (SG)

The Householder Development Guide (HDG)

EVALUATION

Aberdeen City and Shire Strategic Development Plan (SDP)

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Proposed Change of Use to Residential Curtilage

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

The 23sqm area of open space which would be subject to a change of use is located in a prominent location almost immediately bounding a public pedestrian footpath to the north of Fairview Street, and separates the curtilage and fence of 7 Fairview Walk from the public footpath. The site is within a band of open space which is part of a wider and defined network of open spaces that runs the 1.3km length of Fairview Street in Danestone which serves as a soft buffer between the private residential curtilage of properties in Danestone from Fairview Street and the pedestrian paths through the spaces. The site was included on the Open Space Audit 2010 and its overall quality was quantified with an above average score of 15/25. The site itself and the wider green space is a valuable area of publicly accessible open space that significantly contributes to the character and amenity of the surrounding area and the wider area of Danestone. The change of use of this land to domestic curtilage and enclosure of 20sqm of this space would result in the loss of this space to the public, to the detriment of public amenity, in conflict with Policy H1 – Residential Areas.

Policy NE3 states that permission will not be granted to redevelop areas of urban green space for any use other than recreation and sport. Given the 23sqm area of the space, it would be very unlikely that the space could be changed to such a use. NE3 states that exceptions will be made where an equivalent and equally convenient area of for public space is laid out and made available in the locality by the applicant for urban green spaces purposes. The proposal has not laid out

such a space. The proposal would result in a net loss of quality and publicly accessible green space, in conflict with the aims of this policy.

Proposed Physical Development

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

The proposed boundary treatment, the fence and retaining wall and its siting immediately abutting the footpath would result in the loss of this attractive natural landscaped setting, to the detriment of the character and amenity of the surrounding area. The proposal would result in an irregular boundary layout, in conflict with the HDG, as the fence line would extend c.2m out beyond the consistent southwest boundary line shared with 9 Fairview Walk. Whilst not to a degree that would make the path connecting Fairview Street and Fairview Walk less safe to use, the narrowing of the corridor would result in the footpath being less inviting, particularly from Fairview Street as the view into Fairview Walk would become more unclear, in conflict with the HDG. The proposed fence has not been designed with due consideration to siting and the established pattern of development, in conflict with the HDG, and Policies H1 and D1 of the ALDP.

Notwithstanding the irregular layout and loss of the space, the design of the fence and retaining wall in themselves would comply with the HDG in that they would be of materials reflective of the nearby private residential boundary treatment. Likewise, the in-fill of the ground would not in itself have any adversely impact on character and amenity of the surrounding area. The fence would not adversely affect neighbouring residential amenity in terms of negatively affecting the level of sunlight, privacy and daylight afforded to neighbouring properties.

Precedent

The HDG states that proposals should not fragment or, if replicated, be likely to incrementally erode larger areas of public open space or landscaping. Notwithstanding the removal of this space, the change of use would initiate the fragmentation of the wider area of open space. An area bounding 9 Fairview Walk, to the north of the site, would be isolated from the rest of the open space, in conflict with the HDG. Furthermore, there are no examples in the area whereby planning permission has been granted for the change of use to domestic garden ground under current policies and guidance anywhere along either side of Fairview Street. If planning permission was granted for this proposal, it would be likely to set a precedent for similar proposals whereby this wider green space could be incrementally eroded, in conflict with the HDG. The cumulative impact of the loss of separate areas of ground could lead to the gradual erosion of the wider amenity open space, to the significant detriment of the character and amenity of the surrounding area, in conflict with Policies H1 and D1 of the ALDP.

Summary

Scottish Planning Policy states that NPF3 aims to significantly enhance green infrastructure networks, particularly in and around our cities and towns and that green infrastructure and improved access to open space can help to build stronger, healthier communities. The Supplementary Guidance: Green Space Network & Open Space recognises that access to good quality green infrastructure will contribute to a greener, healthier, smarter, safer, stronger, wealthier and fairer city. The proposal would result in the loss of an area of valuable open space which makes a worthwhile contribution to the character and amenity of the area. The proposal could set a precedent for the loss of the wider amenity open space. The proposal would therefore conflict with the principles of Scottish Planning Policy, Policies H1, NE3 and of the ALDP; and the HDG and 'Green Space Network and Open Space' SG.

Matters Raised in the Supporting Statement

Whilst the matters with respect to privacy are noted, there are likely to be alternative means in which the privacy of 7 Fairview Walk could be increased which would not result in the loss of green space, which for the determining factors above would be significantly detrimental to the character and amenity of the surrounding area and conflict with national and local planning policies and guidance. The ownership of the land is not relevant in the assessment of this planning application.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed change of use to residential curtilage and the erection of a retaining wall and boundary fence would result in the loss of a valuable area a green space which contributes to the character and amenity of the area by providing a soft landscaped and open setting to the north of Fairview Street and the public footpath linking Fairview Street and Fairview Walk and in terms of providing usable publicly accessible open space. The proposal would conflict with the Supplementary Guidance: 'The Householder Development Guide' in itself in that it would fragment the wider area of the open space between Fairview Walk and Fairview Street, would result in an irregular domestic boundary extending beyond the consistent boundary to the public footpath and would result in the narrowing of the footpath corridor which would make it less inviting to use, particularly from Fairview Street. If planning permission was granted it could set a precedent for the incremental erosion of the wider amenity open space along the c.1.3km length of the band of open spaces at both sides of Fairview Street, thereby resulting in further detriment to the character and amenity of the surrounding area. The proposal would conflict with the principles of National Planning Framework 3, Scottish Planning Policy, Policies H1 – Residential Areas, NE3 – Urban Green Space and D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan; the Supplementary Guidance: 'The Householder Development Guide'. There are no material planning considerations that warrant the grant of planning permission in this instance.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100164777-001

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)

It is proposed to reposition the current rear fenced boundary, to the actual property boundary as described in the title deeds. The ground slopes down away from the rear of the property and so a small wall will be built to allow the ground to be raised and leveled and a fence of no more than 2m tall will be erected to maintain the required elevation needed for privacy of the dwelling from the public at the rear. The rear is a frequented area with a school and bus stop directly behind.

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

No Yes - Started Yes – Completed

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Christopher"/>	Building Number:	<input type="text" value="7"/>
Last Name: *	<input type="text" value="Williams"/>	Address 1 (Street): *	<input type="text" value="Fairview Walk"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Danestone"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB22 8ZR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="7 FAIRVIEW WALK"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB22 8ZR"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="810245"/>	Easting	<input type="text" value="392106"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

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

I was informed that as I was planning on erecting a boundary over 2m in height, I would require planning permission. I was advised that if I had more detailed sketches of the work that I could send it in for a more accurate answer. I didn't have any at the time but have recently as of 1st May this year. I have had no reply so but I am starting the planning process based on the original information.

Title:

Other title:

First Name:

Sheila

Last Name:

Robertson

Correspondence Reference Number:

Date (dd/mm/yyyy):

19/10/2018

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

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:

Mrs Katherine Williams

Address:

7, Fairview Walk, Aberdeen, UK, AB22 8ZR

Date of Service of Notice: *

01/10/2018

(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: Mr Christopher Williams

On behalf of:

Date: 09/05/2019

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 Christopher Williams

Declaration Date: 10/05/2019

Payment Details

Online payment: ABSP00003991
Payment date: 10/05/2019 00:42:00

Created: 10/05/2019 00:42

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Mr Christopher Williams
7 Fairview Walk
Danestone
Aberdeen
AB22 8ZR

With reference to your application validly received on 11 June 2019 for the following development:-

Change of use from amenity open space to domestic garden ground, erection of wall and re-positioning of rear boundary fence at 7 Fairview Walk, Aberdeen

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

Drawing Number	Drawing Type
190776/1	North Elevation (Proposed)
190776/2	South Elevation (Proposed)
190776/3	Southwest Elevation (Proposed)
190776/4	Location Plan
190776/5	Boundary Plan (Proposed)

REASON FOR DECISION

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

The proposed change of use to residential curtilage and the erection of a retaining wall and boundary fence would result in the loss of a valuable area a green space which contributes to the character and amenity of the area by providing a soft

landscaped and open setting to the north of Fairview Street and the public footpath linking Fairview Street and Fairview Walk and in terms of providing usable publicly accessible open space. The proposal would conflict with the Supplementary Guidance: 'The Householder Development Guide' in itself in that it would fragment the wider area of the open space between Fairview Walk and Fairview Street, would result in an irregular domestic boundary extending beyond the consistent boundary to the public footpath and would result in the narrowing of the footpath corridor which would make it less inviting to use, particularly from Fairview Street. If planning permission was granted it could set a precedent for the incremental erosion of the wider amenity open space along the c.1.3km length of the band of open spaces at both sides of Fairview Street, thereby resulting in further detriment to the character and amenity of the surrounding area. The proposal would conflict with the principles of National Planning Framework 3, Scottish Planning Policy, Policies H1 - Residential Areas, NE3 - Urban Green Space and D1 - Quality Placemaking by Design of the Aberdeen Local Development Plan; the Supplementary Guidance: 'The Householder Development Guide'. There are no material planning considerations that warrant the grant of planning permission in this instance.

Date of Signing 2 August 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)

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.

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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Hello Roy,

Upon review, it would seem that the land in question is not within Council ownership.

Kind Regards

Alana

From: Roy Brown <RoyBrown@aberdeencity.gov.uk>
Sent: 05 June 2019 09:04
To: Alana Morrison <AlanaMorrison@aberdeencity.gov.uk>
Cc: Ian Harris <IHarris@aberdeencity.gov.uk>
Subject: RE: Planning Application - 190776/DPP - 7 Fairview Walk

Alana,

Would you be able to confirm if Aberdeen City Council are in ownership of the land?

Kind regards,



Roy Brown | Planning Technician

Aberdeen City Council | Development Management | Strategic Place Planning |
Place

Marischal College | Ground Floor North | Broad Street | Aberdeen | AB10 1AB

Direct Dial: 01224 522453

General Planning Support: 01224 523470

www.aberdeencity.gov.uk | Twitter: @AberdeenCC |

Facebook.com/AberdeenCC

We are always trying to improve the quality of customer service that we provide and would like to know your views on the service you have received to help us learn what we need to do better. We would very much appreciate you taking a few moments to fill in our short feedback form by clicking on

<https://www.surveymonkey.co.uk/r/PlanningDM>

Many thanks in advance.

*few moments to fill in our short feedback form by clicking on
<https://www.surveymonkey.co.uk/r/PlanningDM>
Many thanks in advance.*

From: chriswill184@aol.com <chriswill184@aol.com>
Sent: 30 May 2019 12:07
To: Roy Brown <RoyBrown@aberdeencity.gov.uk>
Cc: k.will99@outlook.com
Subject: Re: Planning Application - 190776/DPP - 7 Fairview Walk

Roy

Please see attached a copy of the land boundary as set in the title deeds I received on purchase of the property.

A note in the lower left corner, in part, states 'The boundaries shown by dotted lines have been plotted from the deeds'.

I am satisfied that if the boundary is defined by the dotted line and only indicated for highlighting purposes by the red line, then I can take the dotted line as being the confines of land owned by me and use as reference for my planned measurements. For this reason I have not notified Aberdeen city council as an owner of any of the said land in question. I believe my plans are within the confines of these lines as there are no definitive measurements in the drawing.

There are pathways running through between the houses in numerous locations around the Fairview Area and in the majority of cases, the boundary fences meet with the edge of the path.

I would like to continue with the planning process BUT **I would obviously first like confirmation please that Aberdeen City Council do not have a claim on ownership of the land in question.**

If you could revert back to me with confirmation we can then make a decision on whether to continue the process.

If you require any further information then please let me know.

Regards

Chris Williams

National Planning Policy

National Planning Framework 3 (NPF3)

<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2014/06/national-planning-framework-3/documents/00453683-pdf/00453683-pdf/govscot%3Adocument/00453683.pdf>

Scottish Planning Policy (SPP)

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

Aberdeen Local Development Plan (ALDP)

H1: Residential Areas;

D1: Quality Placemaking by Design;

NE3: Urban Green Space

Supplementary Guidance

'Householder Development Guide' SG

<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 100164777-003

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

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<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"/>
First Name: *	<input type="text" value="Christopher"/>	Building Number:	<input type="text" value="7"/>
Last Name: *	<input type="text" value="Williams"/>	Address 1 (Street): *	<input type="text" value="Fairview Walk"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Danestone"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB22 8ZR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

7 FAIRVIEW WALK

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB22 8ZR

Please identify/describe the location of the site or sites

Northing

810245

Easting

392106

Description of Proposal

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

Change of use from amenity open space to domestic garden ground, erection of wall and re-positioning of rear boundary fence at 7 Fairview Walk, Aberdeen

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 supporting documents for the reasons for seeking a review.

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

Yes No

If yes, you should explain in the box below, why you are raising 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)

Reason for notice of review. Photographic evidence of other footpaths in the Fairview Area already with 'narrowed' the footpath corridors.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

190776/DPP

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

10/05/2019

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

02/08/2019

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)

If a site inspection has not already been made I would encourage that this takes place. As the refusal decision of the planning authority is primarily on the grounds of aesthetics, reduction of amenity space and a narrowed footpath corridor, I believe that there are many precedents of this in the local area already to a greater extent than my proposal.

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Christopher Williams

Declaration Date: 21/08/2019

Appeal of Planning Decision (Refusal) for Change of use from amenity open space to domestic garden ground, erection of wall and re-positioning of rear boundary fence at 7 Fairview Walk, Aberdeen.

The Decision Notice for refusing the above titled planning application Ref No 190776/DPP, dated 2nd August 2019, suggests a number of reasons for refusal which I will try to address here and appeal that the decision is reversed.

Aberdeen City Council argued that the proposed change of use would *'result in the loss of a valuable area (of) green space which contributes to the character and amenity of the area by providing a soft landscaped and open setting to the north of Fairview Street and the public footpath linking Fairview Street and Fairview Walk and in terms of providing usable publicly accessible open space'*.

I believe that this area of uneven, sloped grass verge serves little purpose to the surrounding area. It is currently a small area which is 'cut' by the authority but not maintained to any quality standard. The edges on the back side of the fence are uncut and left overgrown. The amenity space in front of the area in question is extensive, as is the green space in the Fairview area. I believe the proposal would improve the appearance of the North side of the path linking Fairview Walk and Fairview Street. The change would bear minimal disturbance to any usability of the green space, as the space to be enclosed is small enough to have little recreational use (approx. 2m x 10 m).

Aberdeen City Council argued that *'The proposal would conflict with the Supplementary Guidance: 'The Householder Development Guide' in itself in that it would fragment the wider area of the open space between Fairview Walk and Fairview Street, would result in an irregular domestic boundary extending beyond the consistent boundary to the public footpath and would result in the narrowing of the footpath corridor which would make it less inviting to use, particularly from Fairview Street'*.

I believe that the proposed continuation of the perimeter of the garden ground would not cause fragmentation of the area. To enclose the ground immediately adjacent to the garden which is already bounded by a path would pose little detriment to the features of the surrounding area. The boundary would be in keeping with the line of the fence travelling East to West and therefore continue a smooth boundary line to the footpath. The proposed return from the path to the garage of 9 Fairview Walk is no different from any other fence line in the majority of cases in the Fairview area where a fence meets a footpath. There are a number of paths that extend from the residential areas to Fairview Street. Garden boundaries in the majority of cases in the houses nearby extend to the edges of these

footpaths. The footpath directly behind 7 Fairview Walk is the only footpath leading to Fairview Street that is curved. If other properties in the development have fences that follow the footpath boundary I do not see why this property should be any different, especially if stated that it should be this way as per the title deeds. Furthermore, the footpath corridor would remain extremely open compared to other footpaths in the vicinity as there is extensive green area between this path and Fairview Street.

Aberdeen City Council argued that *'if planning permission was granted it could set a precedent for the incremental erosion of the wider amenity open space along the c.1.3km length of the band of open spaces at both sides of Fairview Street, thereby resulting in further detriment to the character and amenity of the surrounding area'*.

As stated above, this is the only footpath along the length of Fairview Street that curves away from a property directly in front of it. All other properties already have boundaries directly alongside footpaths and so there should be very limited scope for further erosion of any of the green space up the length of Fairview Street.

Furthermore, in recent years (2014), the property of 6a Fairview Walk was granted planning permission for a 2 storey extension. This is within a green space adjacent to a road (rather than a footpath) and the proposed development would have been completely outside the current confines of any boundary fencing (but within their boundary line as described in their title deeds). I would consider my application for a boundary repositioning less imposing to the existing amenity space than the build of a two storey extension.

I have provided photographic evidence in the supporting documents of various footpaths in the Fairview area to further show existing property boundaries with relation to footpaths and the extent of existing footpath corridors in the area compared to that at the back of 7 Fairview Walk.