

Public Document Pack



To: Councillor Boulton, Chairperson; and Councillors Allan and Avril MacKenzie.

Town House,
ABERDEEN 4 March 2020

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 MARCH 2020 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 - LUCY GREENE

2.1 **Undeveloped Land to the East of 1 Mounthooly Way, Aberdeen - Erection of 2 Storey Class 3 (Food and Drink) Unit with Associated Car Parking and Works - Planning Reference: 191103/DPP**

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 7 - 42)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) by entering the application reference number 191103.

2.3 Planning Policies Referred to in Documents Submitted (Pages 43 - 44)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 45 - 52)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 191103.

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 - MATTHEW EASTON

3.1 **5 Devenick Place, Aberdeen - Erection of a 2 Story Extension to Side Gable - Planning Reference: 191183/DPP**

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 53 - 80)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 191183.

3.3 Planning Policies Referred to in Documents Submitted (Pages 81 - 82)

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 83 - 92)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 191183.

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

PLANNING ADVISER - MATTHEW EASTON

4.1 **25 Braemar Place, Aberdeen - Formation of a Driveway and Alterations to Boundary Wall to Front - Planning Reference: 191665/DPP**

4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 93 - 116)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 191665.

4.3 Planning Policies Referred to in Documents Submitted (Pages 117 - 118)

4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 119 - 134)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 191665.

4.5 Determination - Reasons for Decision

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

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

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Mark Masson on mmasson@aberdeencity.gov.uk / tel 01224 522989

This page is intentionally left blank

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:	Undeveloped Land to The East Of 1 Mounthooly Way, Aberdeen, AB24 3ER,
Application Description:	Erection of 2-storey Class 3 (Food and Drink) unit with associated car parking and works
Application Ref:	191103/DPP
Application Type:	Detailed Planning Permission
Application Date:	31 July 2019
Applicant:	West Coast Estates Ltd
Ward:	George Street/Harbour
Community Council:	Old Aberdeen
Case Officer:	Robert Forbes

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The site lies about 1km to the north of the city centre. It comprises the vehicular access to an adjacent vacant office building, part of its parking area, what appears to be an emergency/secondary access to the adjacent bus depot and adjacent undeveloped land at the east end of the site. The site is relatively level but there is a significant change in levels at the east end of its frontage, with the undeveloped part of the site elevated about 1-1.5m above the public road to the south, with intervening grass slope. There is no footpath on the north side of Mounthooly Way adjacent to the east part of the site and the site levels are such that formation of a footway within the site would not be feasible. Adjacent land to the north is used as a bus depot.

Mounthooly Way is a relatively heavily used link road that also provides access to / egress from a main fire station and police station directly to the south of the site. It has no footpath connection to King Street on its northern side and no pedestrian crossing in the immediate vicinity of the site.

Relevant Planning History

Application Number	Proposal	Decision Date
191102/DPP	Alterations and extension of existing office premises including change of use to create a mixed use development, incorporating retail unit at ground floor level with 6no.residential flats above; formation of bin store with enclosure and associated car parking and works	Status: Pending

As the above proposal has not been determined, it has no materiality in determination of the current proposal.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of a freestanding class 3 (food and drink) building (potentially 2 units) with associated external area, including parking for 8 cars. Although the submitted drawings refer to a range of potential commercial end uses, the application form was amended to refer to a specific class 3 end use as the term “commercial use” as originally specified is considered to be an invalid description. The application is therefore assessed as class 3 use. The building would be 2 storey and flat roofed, with internal lift / stair core, allowing independent access to each floor. Its south and west elevations would be largely glazed (with aluminium louvres over some upper floor windows). Aluminium / profiled metal cladding would be used elsewhere. It would have a floorspace of 314 square metres, over 2 floors. Access would be via glazed doors on the west end of the building. A pedestrian route is indicated running across the existing vehicle egress from the adjacent site (demarcated by way of painted hatched lines on the road surface). Bin storage would be within a small enclosure at the east end of the site. No details of ventilation / ducting are provided.

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=PUHDW0BZHQB00>

- Planning Statement;
- Design Statement;
- Transportation Statement (TS);
- Drainage Impact Assessment (DIA)

CONSULTATIONS

ACC - Roads Development Management Team – Express concern regarding the potential safety implications of the proposed pedestrian access (many conflicting movements at the access junction) and servicing arrangements. The level of parking provision (8 spaces) would be below the maximum parking standard and of these several spaces would be lost to achieving the required safe access and egress and for adequate servicing. Request further information but consider that servicing and vehicular / pedestrian conflicts at the junction are all insurmountable given the constraints of the site.

ACC - Environmental Health – Due to the location of the premises and the nature of neighbouring properties, advise that the proposal has potential for adverse impact on the amenity of local residences due to generation of odour / noise due to cooking. Request that odour impact and noise assessment reports are submitted together with details of the proposed ventilation arrangements.

ACC - Waste Strategy Team – No objection. Request that a condition be imposed requiring segregated waste storage on site.

Old Aberdeen 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 and Guidance

Scottish Planning Policy 2014 (SPP). This expresses a presumption in favour of development that contributes to sustainable development.

Draft Advice on Net Economic Benefit and Planning 2016

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.

The SDP is now 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 SPP.

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 2017 (ALDP)

The site does not lie within the defined city centre (lying 300m outwith the city centre boundary) or a designated retail / commercial centre. The following policies are relevant :-

D1: Quality Placemaking by Design

D2: Landscape

H2: Mixed Use Areas

NE3: Urban Green Space

NC4: Sequential Approach and Impact

NC5: Out of Centre Proposals

T2: Managing the Transport Impact of Development

T3: Sustainable and Active Travel

R6: Waste Management Requirements for New Development

R7: Low and Zero Carbon Buildings and Water Efficiency

Supplementary Guidance and Technical Advice Notes

Landscape

Network of Centres

Transport and Accessibility

Other Material Considerations

Local Transport Strategy (LTS)

Open Space Audit 2010

EVALUATION

Principle of Development

In terms of assessment against the SDP, due to the small scale of this proposal the 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. Whilst the site lies within the built-up area of the city within a relatively central location, such that there would be no strategic / locational objection to the proposal in terms of assessment relative to the SDP, it does raise a number of matters as addressed below.

The site is located within an area zoned for mixed-use development. The acceptability of the proposal in terms of compliance with policy H2 is dependent on demonstration that there would be no conflict with adjacent uses. In light of the comments of the Environmental Health Officer and given that no technical assessment has been submitted in relation to noise and/or odour impact relating to the proposed use, it remains to be demonstrated that the use would accord with policy H2. Furthermore, in light of the proposed access arrangement, whereby pedestrians would be required to cross the existing bell-mouth / vehicle access serving the office building and the bus depot, introduction of the additional commercial use within the site may well conflict with the operation of existing authorised uses, thereby resulting in conflict with policy H2.

Impact on the Network of Centres

The site lies out-with the city centre and any designated retail commercial centre as identified in the ALDP network of centres. The nature of the use is one which would generate footfall and would be most appropriately co-located with other retail uses. The undeveloped nature of the existing site is such that it currently generates no such footfall. No supporting impact assessment has been submitted demonstrating that the proposal would not have an adverse impact on the vitality and viability of nearby designated centres and the proposed use is one which could be appropriately located within a designated / established commercial centre (e.g. vacant premises in the city centre, George Street or on King Street). Also, no assessment has been provided to demonstrate that there is a local need for such a use at the location and there are particular difficulties in this case in terms of delivery of acceptable pedestrian access to the site, as identified above. The acceptability of the proposal in terms of assessment relative to policies NC4, NC5 and SPP regarding Town Centres therefore remains to be demonstrated.

Pedestrian Access, Servicing and Road Safety

Whilst a Transport Statement has been submitted, this does not assess the detailed pedestrian connection to the development and does not clarify the proposed servicing arrangements. It is considered that the detailed pedestrian access arrangement, whereby pedestrians would be required to cross the existing bell-mouth / vehicle access serving the office building and the bus depot, the proposal would result in a conflict between existing vehicular traffic and pedestrians accessing the building with consequent risk to public safety, particularly for vulnerable pedestrians and visitors to the site. This matter is exacerbated by the absence of a footway along the site frontage, the relatively high vehicle movements on Mounthooly Way, the uncertainty regarding servicing arrangements, the proximity to a fire station and police station access and the absence of a pedestrian crossing adjacent to the site. It is considered that none of these matters can be addressed by means of imposition of condition. In the absence of an acceptable pedestrian access to the site it is considered that the development would not satisfy the sustainable transport objectives of ALDP policies T2, T3, NC5 or the LTS.

Design

Although the site is not located within a conservation area, it is sufficiently low rise and distant from nearby heritage assets (e.g. listed buildings on King Street and King's Crescent) that it would have no adverse impact on their setting, it is located on a busy through road such that the site is

visible to the public. Its location on the outer side of the bend of Mounthooly Way on the main approach to Old Aberdeen Conservation Area from the city centre, is such that the site has a degree of prominence, notwithstanding the variable quality of its immediate developed context adjacent to a bus depot. The proximity of the building to the kerb-line of the road and its elevation position relative to the Mounthooly Way adds to this prominence and would serve to emphasise the scale of the building when viewed from the south and east. Notwithstanding the submission of a design statement, the absence of any contextual / perspective visualisation from the street does limit the potential to assess the impact of the building in its immediate context. Notwithstanding the benefit of the partial screening of the bus depot from some limited public viewpoints, it is considered that the building would be unduly close to the road and therefore unduly visually prominent. No detailed landscaping scheme has been submitted as expected by policy D2. No soft landscaping is proposed and due to the footprint of building proposed and SUDS proposal, there would be no scope for any meaningful planting. The absence of any intervening screening or soft landscaping between the proposed building and the road is of particular concern, with the building having the appearance of being “shoe-horned” into the site. This, combined with the absence of dedicated pedestrian access, appropriate servicing facilities and mitigatory soft planting on site is considered to demonstrate that the proposal represents overdevelopment of the site and therefore conflicts with the objectives of policies D1 and D2. Although a small bin store is proposed on site, it is unclear if this is of adequate capacity to serve the development in accordance with the expectations of policy R6.

It is accepted that the building, in isolation, is of reasonable design quality. However, it is considered that the design and form of the building does not appear to have been influenced by more historic development forms, being more akin to buildings in a business park location, in contrast with the design of the main building on the site which has been influenced by adjacent residential development. Although a design statement has been submitted in support of this is not considered to provide adequate justification for the scale and form of development proposed.

Open / Green Space

The proposal results in the direct loss of green space from within the urban area. The undeveloped part of the site currently has limited value as a greenspace due to the absence of any significant vegetation / landscape features and is not identified as open space within the council's Audit of 2010 or the 2017 local plan. Conversely it does have significant potential for enhancement (e.g. by tree / shrub planting to enhance the setting of the link road and provide screening of adjacent development). As the proposal does not result in the loss of any identified open space it would not directly conflict with policy NE3. Nevertheless, the proposal would not provide any compensatory green space or enhancement that would accord with the objective of local plan policy NE3 and is considered to result in adverse landscape impact as addressed above.

Drainage Impact

A Drainage Impact Assessment (DIA) has been submitted in accordance with the expectations of policy NE6 indicating the provision of a proposed below ground SUDS feature (surface water attenuation area) within the site. It is noted that the site does not lie within a sensitive area and is not identified as being at risk from flooding, although the nearby police station is identified as being at risk of surface water flooding. Given the loss of greenspace within the site and the need to avoid exacerbating the adjacent flood risk, it is considered that had the application been recommended for approval, the imposition of a condition requiring the on-site delivery of SUDS would be required. Although the DIA refers to the SUDS being adopted and maintained by ACC, which is unlikely to be acceptable, it is noted that this is not a matter of relevance to assessment of the planning application.

Economic Impact

Whilst the proposal would result in a limited degree of employment creation (e.g. staff), given Scottish Government planning advice on net economic benefit it is considered that there would not be any significant net economic benefit that would warrant approval of the development as it is considered that the use could potentially be accommodated within the city centre, where many vacant commercial units exist, or other nearby commercial centres. Such an approach would better accord with the objective of sustainable development as expressed in SPP. It is considered that any economic benefits of the development do not outweigh the policy and safety concerns identified above.

Other considerations

Although no technical assessment details of proposed measures have been provided, a condition could be used to secure on site delivery of renewable energy and water saving technology in accordance with the expectations of policy R7.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. Insufficient information. The acceptability of the proposal in terms of compliance with policy H2 (Mixed Use Areas) within Aberdeen Local Development Plan 2017 is dependent on it being demonstrated that there would be no conflict with adjacent uses. Given that no technical assessment has been submitted in relation to noise and/or odour impact relating to the proposed use, it remains to be demonstrated that the use would accord with policy H2. In light of the proposed access arrangements, whereby pedestrians would be required to cross the existing bell-mouth / vehicle egress serving the office building and the bus depot (secondary access), introduction of the additional commercial use within the site would be likely to conflict with the operation of existing authorised uses, thereby resulting in conflict with policy H2. The acceptability of the proposal in terms of assessment relative to policies NC4 (Sequential Approach and Impact) and NC5 (Out of Centre Proposals) within Aberdeen Local Development Plan 2017 and Scottish Planning Policy regarding Town Centres remains to be demonstrated.
2. Design Issues. It is considered that the building would be unduly close to the road and therefore unduly visually prominent. No detailed landscaping scheme has been submitted as expected by policy D2 (Landscape) within Aberdeen Local Development Plan 2017. No soft landscaping is proposed and due to the footprint of building proposed and SUDS proposal, there would be no scope for any meaningful planting. The absence of any intervening screening or soft landscaping between the proposed building and the road is of particular concern, with the building having the appearance of being “shoe-horned” into the site. This, combined with the absence of dedicated pedestrian access, appropriate servicing facilities and mitigatory soft planting on site is considered to demonstrate that the proposal represents overdevelopment of the site and therefore conflicts with the objectives of policies D1 (Quality Placemaking by Design) and D2 (Landscape) within Aberdeen Local Development Plan 2017.
3. Road / public safety. It is considered that the detailed pedestrian access arrangement, whereby pedestrians would be required to cross the existing bell-mouth / vehicle access / egress serving the office building and the bus depot (secondary access), the proposal would result in a conflict between existing vehicular traffic and pedestrians accessing the

building with consequent risk to public safety, particularly for vulnerable pedestrians and visitors to the site. This matter is exacerbated by the absence of a footway along the site frontage, the relatively high vehicle movements on Mounthooly Way, the uncertainty regarding servicing arrangements, the proximity to a fire station and police station access and the absence of a pedestrian crossing adjacent to the site. It is considered that none of these matters can be addressed by means of imposition of condition. In the absence of an acceptable pedestrian access to the site it is considered that the development would not satisfy the sustainable transport objectives of policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) within Aberdeen Local Development Plan 2017 or the Council's approved Local Transport Strategy.

This page is intentionally left blank



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 100174221-001

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

Type of Application

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

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

Description of Proposal

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

Erection of 2-storey Class 3 commercial unit with associated car parking and works.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(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:	David Murray Associates		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Angela	Building Name:	The Radar Station
Last Name: *	Slater	Building Number:	
Telephone Number: *	01224709600	Address 1 (Street): *	Donmouth Road
Extension Number:		Address 2:	Bridge of Don
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB23 8DR
Email Address: *	admin@dma-architects.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *		Building Number:	256
Last Name: *		Address 1 (Street): *	Union Street
Company/Organisation	West Coast Estates Ltd.	Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	AB10 1TP
Fax Number:			
Email Address: *	imian@westcoastestates.co.uk		

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

Undeveloped Land to the East of 1 Mounthooly Way, Aberdeen.

Northing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

0.07

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)

Area of unused land adjacent to former Operations Control Office for the Scottish Fire and Rescue Service.

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?

5

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)? *

8

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

Water Supply and Drainage Arrangements

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

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

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

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

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

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

Trees

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

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

Waste Storage and Collection

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

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

A service/bins storage area is marked on the proposed site plan L(0-02).

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

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 3 Restaurant/cafe

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

314

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

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

Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

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

Name:

Mr Russell Munn

Address:

Scottish Fire and Rescue Service Headquarters, Westburn Drive, Cambuslang, Glasgow, G72 7NA

Date of Service of Notice: *

10/07/2019

(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: Angela Slater

On behalf of: West Coast Estates Ltd.

Date: 31/07/2019

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

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

Declaration Date: 26/04/2019

Payment Details

Online payment:

Payment date:

Created: 31/07/2019 12:49

This page is intentionally left blank

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Angela Slater
David Murray Associates
The Radar Station
Donmouth Road
Bridge Of Don
Aberdeen
AB23 8DR

on behalf of **West Coast Estates Ltd**

With reference to your application validly received on 31 July 2019 for the following development:-

**Erection of 2-storey Class 3 (Food and Drink) unit with associated car parking and works
at Undeveloped Land To The East Of 1 Mounthooly Way, 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
L(0-)00	Location Plan
L(0-)02	Site Layout (Proposed)
L(0-)03	Multiple Floor Plans (Proposed)
L(0-)04	Multiple Elevations (Proposed)

REASON FOR DECISION

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

1. Insufficient information. The acceptability of the proposal in terms of compliance with policy H2 (Mixed Use Areas) within Aberdeen Local Development Plan 2017 is dependent on it being demonstrated that there would be no conflict with adjacent uses. Given that no technical assessment has been submitted in relation to noise

and/or odour impact relating to the proposed use, it remains to be demonstrated that the use would accord with policy H2. In light of the proposed access arrangements, whereby pedestrians would be required to cross the existing bell-mouth / vehicle egress serving the office building and the bus depot (secondary access), introduction of the additional commercial use within the site would be likely to conflict with the operation of existing authorised uses, thereby resulting in conflict with policy H2. The acceptability of the proposal in terms of assessment relative to policies NC4 (Sequential Approach and Impact) and NC5 (Out of Centre Proposals) within Aberdeen Local Development Plan 2017 and Scottish Planning Policy regarding Town Centres remains to be demonstrated.

2. Design Issues. It is considered that the building would be unduly close to the road and therefore unduly visually prominent. No detailed landscaping scheme has been submitted as expected by policy D2 (Landscape) within Aberdeen Local Development Plan 2017. No soft landscaping is proposed and due to the footprint of building proposed and SUDS proposal, there would be no scope for any meaningful planting. The absence of any intervening screening or soft landscaping between the proposed building and the road is of particular concern, with the building having the appearance of being “shoe-horned” into the site. This, combined with the absence of dedicated pedestrian access, appropriate servicing facilities and mitigatory soft planting on site is considered to demonstrate that the proposal represents overdevelopment of the site and therefore conflicts with the objectives of policies D1 (Quality Placemaking by Design) and D2 (Landscape) within Aberdeen Local Development Plan 2017.

3. Road / public safety. It is considered that the detailed pedestrian access arrangement, whereby pedestrians would be required to cross the existing bell-mouth / vehicle access / egress serving the office building and the bus depot (secondary access), the proposal would result in a conflict between existing vehicular traffic and pedestrians accessing the building with consequent risk to public safety, particularly for vulnerable pedestrians and visitors to the site. This matter is exacerbated by the absence of a footway along the site frontage, the relatively high vehicle movements on Mounthooly Way, the uncertainty regarding servicing arrangements, the proximity to a fire station and police station access and the absence of a pedestrian crossing adjacent to the site. It is considered that none of these matters can be addressed by means of imposition of condition. In the absence of an acceptable pedestrian access to the site it is considered that the development would not satisfy the sustainable transport objectives of policies T2 (Managing the Transport Impact of Development) and T3 (Sustainable and Active Travel) within Aberdeen Local Development Plan 2017 or the Council’s approved Local Transport Strategy.

Date of Signing 22 October 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.

This page is intentionally left blank

MEMO

Protective Services

Operations

Business Hub 15, 3rd Floor South, Marischal College, Aberdeen.

To	Robert Forbes, Senior Planner Place		
From	Clare Horton, Environmental Health & Trading Standards		
Email	chorton@aberdeencity.gov.uk	Date	29/08/19
Tel.	01224 523822		
Fax.		Your Ref.	191103/DPP

Planning Reference: 191103/DPP

Address: 1 Mounthooly Way, Aberdeen, AB24 3ER – Undeveloped Land to the East of 1 Mounthooly Way

Description: Erection of 2 storey Class 3 (Food and Drink) unit with associated car parking and works

Applicant: West Coast Estates Ltd

Agent: David Murray Associates

We have no objection to the approval of this application. However, although we do not believe the potential for risk is sufficient to justify the attachment of conditions, the applicant is advised that should any contamination of the ground be discovered during development the Planning Authority should be notified immediately. The extent and nature of the contamination should be investigated and a suitable scheme for the mitigation of any risks arising from the contamination should be agreed and implemented to the satisfaction of the Planning Authority.

- reason: to ensure that the site is suitable for use and fit for human occupation

NB: The site is situated at the location of a former's Leper's Hospital from before the 1900's until an unknown date, but likely to be before the 1920's. There was also a granite works adjacent to the north of the site from approximately the early 1900's until the 1960's/1970's and a Rope Works adjacent to the south of the site from the early 1900's until the 1940's/1950's. These industries may have caused some contamination within the adjoining areas.

This page is intentionally left blank

Aberdeen City Council – Development Management Consultation Request

From: Robert Forbes	Date: 6 August 2019
Email: rforbes@aberdeencity.gov.uk	Ref: 191103/DPP
Tel.: 01224 522390	Expiry Date: 27 August 2019

Detailed Planning Permission

191103/DPP: Erection of 2-storey Class 3 (Food and Drink) unit with associated car parking and works at Undeveloped Land To The East Of 1 Mounthooly Way Aberdeen AB24 3ER

All plans and supporting documentation available at the following link:

<https://publicaccess.aberdeencity.gov.uk/online-application/applicationDetails.do?activeTab=summary&keyVal=PUHDW0BZHQB00>

Please select one of the following

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

COMMENTS

With regard to the above detailed planning permission application an environmental health assessment has been carried out.

Due to the location of the premises and nature of neighbouring properties, the proposed development has potential for a significant adverse impact on the amenity of the occupants of neighbouring local residences from potential odour and equipment noise associated with the proposal. No clear details of the type of food to be provided at these premises have been provided and there is also no indication of whether or not an extract ventilation system is to be installed.

Odour and noise controls

In relation to odour and cooking fume controls as well as noise controls I recommend the following to protect the amenity of the occupants of neighbouring local residences and businesses;

- A. Where cooking activities are to be undertaken, that prior to a decision regarding planning consent, the applicant must ensure an assessment by a suitably qualified engineer is carried out to establish the necessary Local Extract Ventilation (LEV) equipment associated with the cooking activities to be undertaken at the premises.
- B. The details of this assessment and its findings must be submitted to this Service for review, in the form of a suitable report by a competent person to the satisfaction of this Service. This report must fully demonstrate the extent of the necessary ventilation equipment and the effectiveness of the associated cooking odour and fume control measures. It is not sufficient to provide only schematic/technical drawings.
- C. Where a Local Extract Ventilation system is to be installed to remove hot food cooking odours and fumes a risk of noise disturbance exists. A Noise Impact Assessment by a suitably qualified noise consultant must therefore be carried out to ascertain the predicted impacts of noise associated with the system and fully demonstrate the effectiveness of any noise controls. The methodology for such an assessment must be agreed with this Service. Details of this assessment and its findings must be submitted for review, in the form of a suitable report to the satisfaction of this Service.

Advisory:

- **Noise from Site/Ground Preparation and Construction Works**

In order to protect the amenity of the occupants of existing nearby residential properties, any development works at the proposed development (including site/ground preparation, demolition, and construction) causing noise beyond the site boundary should not occur outside the following hours:

- i) Monday to Friday 0700 hours to 1900 hours
- ii) Saturday 0800 hours to 1300 hours

This is in line with Aberdeen City Council guidelines.

Responding Officer: Barbara Armstrong-Hill
Date: 21/8/19
Email: bahill@aberdeencity.gov.uk
Ext: 2064

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

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

This page is intentionally left blank

MEMO



ABERDEEN
CITY COUNCIL

To	Planning & Infrastructure	Date	08/08/2019
		Your Ref.	
		Our Ref.	DPP/191103
From	Roads Projects		
Email	slynch@aberdeencity.gov.uk		
Dial	01224 522292		
Fax			

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

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

Planning Application No. DPP/191103.

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

1 Development Proposal

- 1.1 I note that this application is for the erection of a 2-storey Class 3 (Food and Drink) unit with associated parking and works on undeveloped land to the East of 1 Mounthooly Way, Aberdeen.
- 1.2 The site is located in the inner city, outwith any controlled parking zone.
- 1.3 The unit is to be 314m².

2 Walking and Cycling

- 2.1 The site in general is in a highly accessible area, and is served by existing footways and cycling facilities.
- 2.2 That being said, the proposed location within the site is not ideal. The frontage of the site is to a car park, immediately adjacent to (what I believe is) an emergency vehicular access to the First Bus compound. The pedestrian walkway is not separated from this vehicular thoroughfare, and with the proposed new retail shop in the other part of the site, it is felt there will be many conflicting movements at this access junction, which is detrimental to pedestrian safety.
- 2.3 Furthermore, in the Transport Statement, it makes mention of the good pedestrian / cycle / public transport links on King Street, however the safe route from the proposed site to King Street is convoluted, as shown below in blue – it seems more likely that pedestrians coming from the North of King Street would use the much more unsafe red route.

GALE BEATTIE
CHIEF OFFICER STRATEGIC PLACE PLANNING



Heritage 100% Recycled

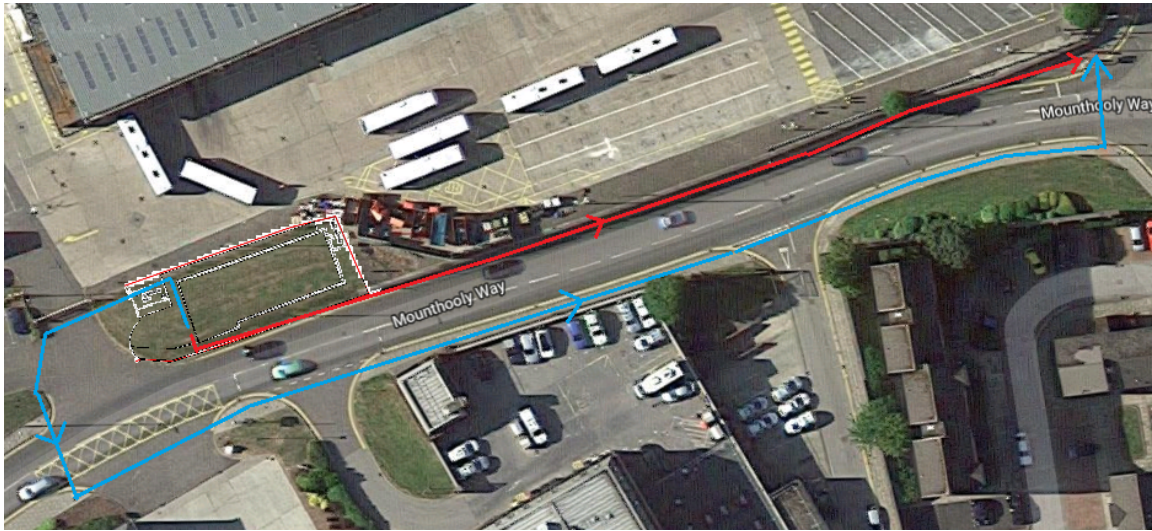


Page 35



Choose products with the FAIRTRADE Mark





- 2.4 Even if pedestrians are inclined to follow the majority of the blue route, there are several more appealing desire lines than squeezing past the disabled bay, and walking along the walkway – for example, exiting the establishment and turning South straight away, crossing Mounthooly Way from the grass verge. Or, exiting the establishment and walking directly across the opening to the car park.

3 Public Transport

- 3.1 The site is within 120m of bus stops on Mounthooly Way, and 300m of bus stops on King Street. These bus stops are on both sides of the street and are serviced by regular busses.
- 3.2 Again, the applicant makes reference to the site being well located relative to King Street public transport routes, however it is still felt that the route from the site to King Street is convoluted and therefore likely to encourage unsafe shortcuts.
- 3.3 I note that the TS states that “within the commercial unit, the tenant will display information on non-car alternative modes of travel, as per the Information Pack” – this is beneficial in reducing car-based trips and encouraging the use of more sustainable methods, such as public transport.

4 Parking

- 4.1 The application states that there are to be 8 spaces. Of these, 7 will be in the car park on the left of the access junction, 1 will be a disabled bay immediately outside the premises.
- 4.2 The proposal is for a 314m² food and drink unit. This requires 1 space per 17m². I note that the applicant surmises that the site requires 1 space per 50m² according to our standards, however I’m not sure what this is based on? The applicant is for class 3 use, no class 3 uses in the inner city require 1 space per 50m²?
- 4.3 As such, the maximum parking provision is 18 spaces. Given the location of the site it is unlikely that we’d seek the maximum parking provision.

- 4.4 The applicant has highlighted that 8 spaces are proposed. However, having already assessed the application for the adjacent site, it is unlikely that 8 spaces are feasible. Several spaces would be lost to achieving the required safe access and egress of the junction, some spaces may be lost in trying to seek an adequate servicing strategy, and the disabled bay proposed is essentially blocking the walkway – people using the walkway would either hamper the use by disabled drivers, or vice versa. It is difficult to assess the parking proposals until the application for the adjacent site has been finalised, as this will directly impact this application.
- 4.5 I note that the site plan shown in the appendix of the TS shows 7 parking spaces, not 8 – I suspect this was updated after my comments on the adjacent scheme.
- 4.6 Secure cycle parking is to be provided within the development – this is beneficial. Cycle parking should be provided in line with our standards. However, internal cycle parking would only benefit staff – what about customers?
- 4.7 Electric vehicle charging should be catered for as per the standards outlined in our Supplementary Guidance document. This should be addressed by the applicant.
- 4.8 Car club contributions would be sought for every missing parking space. Alan Simpson (AlanSimpson@aberdeencity.gov.uk) should be liaised with in this regard.

5 Development Vehicle Access

- 5.1 Access is proposed from the existing site T-junction. Both this junction and the car park are to remain as existing.

6 Servicing

- 6.1 Swept paths have been provided for a standard refuse vehicle, as well as for a larger rigid delivery vehicle. These vehicles would pull into the site turning head, before reversing to facilitate exiting the site. Where are the service vehicles to park when performing their duties? In front of the site would block the car park access, the access to the first bus station gate, and the disabled bay. Further information is required in this regard.

7 Local Road Network

- 7.1 The TRICS assessment undertaken by the applicant shows that the vehicles generated by the site would be inconsequential on the functioning of the surrounding junctions.
- 7.2 As such, the number of vehicles is not the concern in this instance, but rather the general accessibility of the site from a particularly busy road.

8 Travel Plan Framework (Travel Plan/Residential Travel Pack)

- 8.1 A successful TP should have an overarching aim, realistic modal share targets and a series of measures to obtain these targets set out in an Action Plan.

8.2 A Travel Plan should be prepared for the site. In Appendix 4 of the TS there is a "Travel Information Pack", however this is simply a comprehensive list of bus timetables. TP's should provide information on a wider range of subjects, such as walking and cycling routes, bus stop locations, the location of the nearest car club vehicles, etc. Additionally, the applicant could provide a link within these documents to online bus tables as opposed to comprehensively listing them. Links are better as the information contained therein will always be relevant / never out of date.

9 Drainage Impact Assessment

9.1 A drainage impact assessment is provided but it makes no mention of the levels of SUDs treatment provided vs those required, nor does it mention hazard pollution indices vs hazard mitigation indices. This should be amended.

10 Conclusion

10.1 There are outstanding issues in respect of this planning application. I will be in a position to make further comment on receipt of the requested information.

10.2 Notwithstanding the above, Roads are unlikely to support this application as it is felt that servicing and vehicular / pedestrian conflicts at the junction are all insurmountable given the constraints of the site.

Scott Lynch
Senior Engineer
Roads Development Management

Aberdeen City Council – Development Management Consultation Request

From: Robert Forbes	Date: 6 August 2019
Email: rforbes@aberdeencity.gov.uk	Ref: 191103/DPP
Tel.: 01224 522390	Expiry Date: 27 August 2019

Detailed Planning Permission

191103/DPP: Erection of 2-storey Class 3 (Food and Drink) unit with associated car parking and works at Undeveloped Land To The East Of 1 Mounthooly Way Aberdeen AB24 3ER

All plans and supporting documentation available at the following link:

<https://publicaccess.aberdeencity.gov.uk/online-application/applicationDetails.do?activeTab=summary&keyVal=PUHDW0BZHQB00>

Please select one of the following

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

COMMENTS

The following development is classified as commercial and therefore receives a business waste collection.

When providing feedback on commercial developments, I can only provide a very general response regarding commercial developments due to Aberdeen City Council not being the only waste service contractor available in the city.

See below for general comments:

- Business premises need to be provided with a bin store to allocate, within the property, the waste and recycling bins
- Commercial waste bins cannot be stored on the street any day of the week as per Council Policy 2009 (Obstructions- Commercial Waste Bins). Infringement on the Council Policy can lead to a fine of £500 per bin as adopted by the Enterprise, Strategic Planning and Infrastructure Committee on 29th August 2013
- There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services.

For this reason, business premises need to liaise with their waste contract collection to ensure the correct management of their waste.

- Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.
- The Waste (Scotland) 2012 requires that **all businesses** from 1st January 2014 are required to separate paper, cardboard, glass, plastic and metals for recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).
- General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:
 - An area of hard standing at storage and collections point(s)
 - Dropped kerb at proposed bin collection point
 - Yellow lines in front of bin collection point
 - Bin storage areas to ideally be provided with a gulley and wash down facility for the interest of hygiene

For further independent guidance about waste and recycling provision, storage and collection please refer to the following document:

http://www.lgcplus.com/Journals/3/Files/2010/7/14/ADEPTMakingspaceforwaste_000.pdf and additional Trade Waste information can be found in the Waste

Supplementary Guidance available at

<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=74584&SID=14394>

Responding Officer: Hannah Lynch

Date: 19.09.2019

Email: halynch@aberdeencity.gov.uk

Ext: 87627

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

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

Aberdeen City Council – Development Management Consultation Request

From: Robert Forbes	Date: 6 August 2019
Email: rforbes@aberdeencity.gov.uk	Ref: 191103/DPP
Tel.: 01224 522390	Expiry Date: 27 August 2019

Detailed Planning Permission

191103/DPP: Erection of 2-storey Class 3 (Food and Drink) unit with associated car parking and works at Undeveloped Land To The East Of 1 Mounthooly Way Aberdeen AB24 3ER

All plans and supporting documentation available at the following link:

<https://publicaccess.aberdeencity.gov.uk/online-application/applicationDetails.do?activeTab=summary&keyVal=PUHDW0BZHQB00>

Please select one of the following

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

COMMENTS

Responding Officer:

Date:

Email:

Ext:

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

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

National Planning Policy

Scottish Planning Policy (SPP)

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

Draft Advice on Net Economic Benefit and Planning 2016

<https://www.gov.scot/publications/draft-advice-on-net-economic-benefit-and-planning/>

Aberdeen Local Development Plan (ALDP) 2017

D1: Quality Placemaking by Design

D2: Landscape

H2: Mixed Use Areas

NE3: Urban Green Space

NC4: Sequential Approach and Impact

NC5: Out of Centre Proposals

T2: Managing the Transport Impact of Development

T3: Sustainable and Active Travel

R6: Waste Management Requirements for New Development

R7: Low and Zero Carbon Buildings and Water Efficiency

Proposed Aberdeen Local Development Plan

Supplementary Guidance

Landscape

<https://www.aberdeencity.gov.uk/sites/default/files/1.6.PolicySG.LandscapeSG.pdf>

Network of Centres

<https://www.aberdeencity.gov.uk/sites/default/files/3.1.PolicySG.HierarchyOfCentres.pdf>

Transport and Accessibility

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

Other Material Considerations

Local Transport Strategy (LTS)

<https://www.aberdeencity.gov.uk/services/roads-transport-and-parking/local-transport-strategy>

Open Space Audit 2010

<https://www.aberdeencity.gov.uk/services/environment/open-spaces>

This page is intentionally left blank



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 100157795-003

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	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="256"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Union Street"/>
Company/Organisation	<input type="text" value="West Coast Estates Ltd."/>	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="AB10 1TP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="imian@westcoastestates.co.uk"/>		

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="1 MOUNTHOOLY WAY"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB24 3ER"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="807216"/>	Easting	<input type="text" value="394116"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

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

Erection of 2-storey Class 3 (Food and Drink) unit with associated car parking and works.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer to Notice of Review Statement.

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

Yes No

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

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

1. DMA drawing numbers L(0-)00 to L(0-)04 inclusive; 2. Design Statement; 3. Planning Statement; 4. Drainage Impact Assessment; 5. Transportation Statement; 6. Decision Notice; 7. Notice of Review Statement.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

191103/DPP

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

11/07/2019

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

22/10/2019

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 *

Holding one or more hearing sessions on specific matters

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

We feel a hearing is necessary to facilitate discussion of the merits of the project and to further explore the matters raised as the reasons for the refusal. The matters we have addressed in our Notice of Review Statement are as follows: 1. Insufficient Information; 2. Design Issues; 3. Road / Public Safety.

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: Mrs Angela Slater

Declaration Date: 20/01/2020

This page is intentionally left blank

**Development of Class 1, 2 & 3 Commercial Unit
Mounthooly Way, Aberdeen : Project No. 1814**

Notice of Review Statement

REASONS FOR SEEKING A REVIEW

We feel that the above application has merit and that it should be considered in further detail at an LRB hearing.

MATTERS TO BE TAKEN INTO ACCOUNT

The decision notice states the following reasons for recommending refusal:

1. Insufficient Information

No technical assessment has been submitted in relation to noise and / or odour impact relating to proposed use.

Given the location of the site, it is our opinion that any likely noise and/or odours will be insignificant in the context of the mix of uses in the immediate area.

In light of the proposed access arrangements, whereby pedestrians would be required to cross the existing bell-mouth / vehicle egress serving the office building and the bus depot (secondary access), introduction of the additional commercial use within the site would be likely to conflict with the operation of existing authorised uses, thereby resulting in conflict with policy H2.

The bus depot have no legal right of way over the applicant's land, therefore this point is irrelevant. Vehicle egress serving the existing office building is addressed in Section 3.

The acceptability of the proposal in terms of assessment relative to policies NC4 (Sequential Approach and Impact) and NC5 (Out of Centre Proposals) within Aberdeen Local Development Plan 2017 and Scottish Planning Policy regarding Town Centres remains to be demonstrated.

An assessment of the impact of the proposed neighbouring retail unit application has been undertaken and it was accepted that there will be no impact on the vitality of the neighbouring centres. Whilst recognising that this is slightly different it is our view that the principle of this conclusion is applicable to this application also.

2. Design Issues

It is considered that the building would be unduly close to the road and therefore unduly visually prominent. No detailed landscaping scheme has been submitted.

It is our opinion that there would be sufficient room for a landscape buffer to be incorporated into the proposals and that this could be addressed, as is customary, by a landscaping condition.

... with the absence of dedicated pedestrian access, appropriate servicing facilities and mitigatory soft planting on site is considered to demonstrate that the proposal represents overdevelopment of the site


Pedestrian access is addressed in Section 3; servicing has been addressed in the proposals Transport Statement; and mitigatory soft planting can be incorporated at the appropriate time via a planning condition.

3. Road / public safety

In the absence of an acceptable pedestrian access to the site it is considered that the development would not satisfy the sustainable transport objectives.

Pedestrian access is addressed via proposed road markings highlighting a pedestrian walkway which links the pedestrian footpath on the south side of the site to the entrance of the proposed commercial unit. This simply involves crossing the car parking area and travelling adjacent to the bus depot gates (see point 1) to arrive at the unit entrance. The absence of a footway along the frontage to the east is irrelevant given there is no opportunity to link it in to any footpath beyond the site.

In general, the proposed development provides the opportunity for economic development, contributing to a sustainable mixed community and encouraging people to walk and cycle to local facilities. These points are all expanded upon in the Planning Statement submitted with the original application.

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

Site Address:	5 Devenick Place, Aberdeen, AB10 7AH,
Application Description:	Erection of 2 storey extension to side gable
Application Ref:	191183/DPP
Application Type:	Detailed Planning Permission
Application Date:	29 July 2019
Applicant:	Ms Sharon Brown
Ward:	Airyhall/Broomhill/Garthdee
Community Council:	Garthdee
Case Officer:	Jane Forbes

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is located on the west side of Devenick Place, and forms the easternmost edge of a small cul-de-sac which lies almost equidistant between Inchbrae Drive to the south and Gaitside Drive to the north. It comprises a two storey, end-of-terrace dwellinghouse, situated on a wedge-shaped plot extending to an area of some 205m². The property has an enclosed rear garden, accessed along a 1m wide path which extends the length of the mutual boundary with No 5 Devenick Place, which lies to the east. To the front (south), there is an area of garden ground and a dropped kerb which allows access to an unsurfaced area of hardstanding utilised for parking. On-street parking within the neighbourhood is controlled by permit.

Relevant Planning History

Application Number	Proposal	Decision Date
111500	Extension to form entrance porch	Approved Unconditionally (16.11.2011)
090075	House extension	Approved Conditionally (16.04.2009)

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of a two-storey pitched roofed extension to the eastern gable of the dwelling, to provide internal garage accommodation with bedroom accommodation above at 1st floor level. The proposed 2 storey development would extend 4.6 metres along the gable to the front building line of the dwelling, at which point it would extend a

further 1.5 metres at single storey level and tie in with the existing front porch extension, including through the introduction of a mono-pitched roof. The proposed development would extend to a width of some 4.5 metres along the front building line, reducing to a width of 2.4 metres at the rear, resulting in an angled side elevation which fits with the 'wedge' shaped site. The existing 1 metre wide path would be retained along the eastern boundary. The proposed extension would include two windows on the side (east) elevation, one at both ground and 1st floor level, and a further window to the front (south) elevation at 1st floor level. A door opening would be introduced to the rear of the garage, providing access to the rear garden area. The proposal would be finished in a dry dash render, white UPVC windows and slated roof to match the existing.

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=PV5LUMBZI3H00>

- Design Statement

CONSULTATIONS

ACC - Roads Development Management Team – Cannot support the proposal on the basis that the integral garage which forms part of the proposed development does not achieve the minimum acceptable standard (internal size no less than 5.7m x 2.7m). Confirmed that the proposed driveway must have a minimum length of 5m, but not measure between 7m to 10m.

Garthdee Community Council – No comments

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.

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 (2017)

D1: Quality Placemaking by Design

H1: Residential Areas

T2: Managing the Transport Impact of Development

Supplementary Guidance and Technical Advice Notes

Householder Development Guide

Transport and Accessibility

EVALUATION

Principle of Development

The application site is located within an area zoned under Policy H1 (Residential Areas) of the Aberdeen City Local Development Plan (ALDP) and the proposal comprises a two storey extension to an existing dwelling. It therefore relates to householder development which in terms of Policy H1 is deemed acceptable in principle, provided it does not constitute over-development; does not adversely affect the character and amenity of the surrounding area; and is compliant with the Council's Supplementary Guidance. These issues are fully evaluated below.

In terms of assessment against the Strategic Development Plan, due to the scale of the proposed development, it 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.

Impact of Proposed Development

In terms of assessing the proposal against the criteria outlined under Policy H1, and the general principles of the Council's Supplementary Guidance on Householder Development, it is apparent that the scale of proposed development in this instance, when considered in conjunction with the previous extensions to the property, would result in the built footprint of the extended property exceeding twice that of the original dwelling. The original property had a footprint of some 38m², and the total footprint of development resulting from the proposal would rise to 88m². As such, the footprint would be more than twice that of the original house and thus it is considered that proposal would result in overdevelopment of the site and would therefore be contrary to the expectations of both Policy H1 and the aforementioned SG. It is also worth noting that the total area of development within the rear curtilage would be just 4m² short of exceeding the maximum level of 50%, as outlined within the same SG.

The existing dwelling, as extended, equates to a plot ratio of development on site of some 30%. Taking into account the proposed extension, this would rise to 43%. The average plot ratio for properties within the cul-de-sac where No 5 is located ranges between 17 to 23%, with the exception of No's 6 and 8. Whilst the plot ratio of No 8, another end-terrace property, sits at only 10%, that of the property at No 6, which adjoins the application site, rises to some 38%. It is however worth noting that the built footprint of No 6, a mid-terraced property, does not exceed twice that of the original dwelling, and the focus of the extension to this property is to the rear and on a non-public elevation.

The SG states that 'proposals for extensions should be architecturally compatible in design and scale with the original house and its surrounding area', and 'any extension or alteration should not serve to overwhelm or dominate the original form or appearance of the dwelling, and should be

visually subservient in terms of height, mass and scale'. Policy D1 (Quality Placemaking by Design) of the Aberdeen City Local Development Plan also seeks to ensure a high standard of design for new development, with due consideration given to its context, the established pattern of development and to the siting, scale, massing, details, footprint and proportions of the proposed development.

If the context of the surrounding area is taken into account, and bearing in mind that the proposed extension would result in a plot ratio which would be higher than that of any of the neighbouring properties within the cul-de-sac and that the built footprint of the extended property would exceed twice that of the original dwelling, it is apparent that the scale of development being sought would not only result in over development of the site, but would be very much out-of-keeping with that of the neighbouring residential area. Furthermore, taking into account the open aspect of garden ground which would be occupied by the proposed extension, and that it would project along the existing gable end of the property, and forward of the original front building line, the excessive scale and massing of the proposed development would be clearly visible when viewed from the immediate cul-de-sac and from some distance beyond, with the front (southern) elevation and the eastern gable end of the property being particularly prominent within the streetscene.

Taking all of the above into account, it is considered that the proposed extension would fail to comply with the Council's SG on Householder Development and would be contrary to the requirements of both Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) of the Aberdeen City Local Development Plan.

Impact on Residential Amenity

The proposed extension would lie at a distance of between 1 and 2.5 metres off the eastern boundary of the site, and at 2 storeys, would rise to a height of between 6 and 8 metres along its eastern elevation. Whilst two windows would be incorporated at 1st floor level, these would be located adjacent to the south-eastern corner of the eastern elevation and to the front (south) elevation of the extension, and would have no impact on existing privacy, with no direct overlooking. Taking into account the orientation of the proposed extension in relation to the neighbouring property at No 4 Devenick Place, which lies to the north of the application site, and the separation distance which would remain between the two properties, the proposed extension would have minimal impact on overshadowing, and whilst its height and proximity to the boundary would result in the general scale and massing of development appearing imposing from the garden area of this neighbouring property, this in itself would not significantly affect residential amenity.

Proposed Parking and Vehicular Access

The Council's Supplementary Guidance on 'Transport and Accessibility' supports Policy T2 (Managing the Transport Impact of Development) of the Aberdeen City Local Development Plan, providing car parking standards which includes appropriate garage and driveway dimensions.

The proposal would result in an increase in the potential number of bedrooms within the property from 3 to 4, and this in turn increases the required parking provision from 2 spaces to 3. In order to address this parking requirement, the proposed development incorporates an integral garage and off-street parking for 2 vehicles. The Council's Roads Development Management team provided initial comments on the proposal, indicating that neither the existing nor the proposed driveway complied with ACC standards and advised on the amendments required to the proposal in order to address this. Amendments were also sought in relation to the dimensions of the garage, again with a view to addressing ACC roads standards.

Amended plans were submitted which suitably addressed the concerns raised regarding the scale and design of the proposed 2 vehicle driveway, however the internal size of the single garage remains below the minimum standard acceptable (no less than 5.7m x 2.7m).

Taking the above into account, and on the basis that the proposal would not suitably deliver the additional parking deemed necessary in association with the increase in bedroom accommodation, the proposed development would not address the requirements of the Council's Supplementary Guidance on Transport and Accessibility and as such would not comply with Policy T2 (Managing the Transport Impact of Development) of the Aberdeen City Local Development Plan.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. The proposed development would result in a scale of development which would be deemed excessive for the application site and which would not be in-keeping with the established pattern of development prevalent in the surrounding residential area. Whilst the general principle of residential development within an area which is zoned as Policy H1 (Residential) in the Aberdeen City Local Development Plan is acceptable, the impact of the proposed development in this instance would be considered unacceptable for its context, given that it raises fundamental issues in terms of the design, scale and positioning of development within the site, and the adverse impact which this would have on the character and appearance of the area. On this basis the proposal fails to comply with the requirements of Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) of the ALDP, and the Supplementary Guidance on 'Householder Development'.
2. The proposed development fails to deliver garage accommodation to a standard (in terms of its internal dimensions) recognised within the Council's Supplementary Guidance on 'Transport and Accessibility' and has not sought to address the resulting shortfall in parking. The proposal has not addressed the requirements of Aberdeen City Council's Supplementary Guidance on 'Transport and Accessibility', and therefore fails to comply with the Policy T2 (Managing the Transport Impact of Development) of the Aberdeen City Local Development Plan.

This page is intentionally left blank



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 100174687-002

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

Site Address Details

Planning Authority:

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

Easting

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:	ASPECT Consultants		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Graeme	Building Name:	The Old School (ASPECT)
Last Name: *	Thom	Building Number:	
Telephone Number: *	01224746855	Address 1 (Street): *	The Old School (ASPECT)
Extension Number:		Address 2:	GARLOGIE
Mobile Number:		Town/City: *	Westhill
Fax Number:		Country: *	Aberdeenshire
		Postcode: *	AB32 6RX
Email Address: *	graeme@aspect-bs.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Sharon	Building Number:	5
Last Name: *	Brown	Address 1 (Street): *	Devenick Place
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	AB10 7AH
Fax Number:			
Email Address: *			

Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? *

Yes No

Application Details

Please select which application(s) the new documentation is related to.

Application: *

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. *

Yes No

Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mr Graeme Thom

Declaration Date: 29/07/2019

This page is intentionally left blank



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 100174687-003

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.

Site Address Details

Planning Authority:

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

Easting

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:	ASPECT Consultants		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Graeme	Building Name:	The Old School (ASPECT)
Last Name: *	Thom	Building Number:	
Telephone Number: *	01224746855	Address 1 (Street): *	The Old School (ASPECT)
Extension Number:		Address 2:	GARLOGIE
Mobile Number:		Town/City: *	Westhill
Fax Number:		Country: *	Aberdeenshire
		Postcode: *	AB32 6RX
Email Address: *	graeme@aspect-bs.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Sharon	Building Number:	5
Last Name: *	Brown	Address 1 (Street): *	Devenick Place
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	aberdeen
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	AB10 7AH
Fax Number:			
Email Address: *			

Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? *

Yes No

Application Details

Please select which application(s) the new documentation is related to.

Application: *

100174687-002, application for Post Submission Additional Documents, submitted on 29/07/2019

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

Amended drawing AA/333 - 02 Rev A - with dimensions - as requested by Nathan Thangaraj - Roads Development Team

Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. *

Yes No

Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: Mr Graeme Thom

Declaration Date: 11/09/2019

This page is intentionally left blank



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 100174687-001

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

Description of Proposal

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

Proposed two storey rear extension

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:	ASPECT Consultants		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Graeme	Building Name:	The Old School (ASPECT)
Last Name: *	Thom	Building Number:	
Telephone Number: *	01224746855	Address 1 (Street): *	The Old School (ASPECT)
Extension Number:		Address 2:	GARLOGIE
Mobile Number:		Town/City: *	Westhill
Fax Number:		Country: *	Aberdeenshire
		Postcode: *	AB32 6RX
Email Address: *	graeme@aspect-bs.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Sharon	Building Number:	5
Last Name: *	Brown	Address 1 (Street): *	Devenick Place
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	AB10 7AH
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

5 DEVENICK PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB10 7AH

Please identify/describe the location of the site or sites

Northing

803410

Easting

391614

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Graeme Thom

On behalf of: Ms Sharon Brown

Date: 24/07/2019

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 Graeme Thom

Declaration Date: 24/07/2019

This page is intentionally left blank

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

ASPECT Consultants
The Old School (ASPECT)
GARLOGIE
Westhill
Aberdeenshire
AB32 6RX

on behalf of **Ms Sharon Brown**

With reference to your application validly received on 29 July 2019 for the following development:-

**Erection of 2 storey extension to side gable
at 5 Devenick Place, Aberdeen**

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

Drawing Number	Drawing Type
AA/333-02 Rev (A)	Proposed Elevations, Floor & Roof Plans
A3/333-03 Rev (A)	Location Plan
A3/333-05	Proposed Site Layout

REASON FOR DECISION

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

- (1) The proposed development would result in a scale of development which would be deemed excessive for the application site and which would not be in-keeping with the established pattern of development prevalent in the surrounding residential area. Whilst the general principle of residential development within an

area which is zoned as Policy H1 (Residential) in the Aberdeen City Local Development Plan is acceptable, the impact of the proposed development in this instance would be considered unacceptable for its context, given that it raises fundamental issues in terms of the design, scale and positioning of development within the site, and the adverse impact which this would have on the character and appearance of the area. On this basis the proposal fails to comply with the requirements of Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) of the ALDP, and the Supplementary Guidance on 'Householder Development'.

- (2) The proposed development fails to deliver garage accommodation to a standard (in terms of its internal dimensions) recognised within the Council's Supplementary Guidance on 'Transport and Accessibility' and has not sought to address the resulting shortfall in parking. The proposal has not addressed the requirements of Aberdeen City Council's Supplementary Guidance on 'Transport and Accessibility', and therefore fails to comply with the Policy T2 (Managing the Transport Impact of Development) of the Aberdeen City Local Development Plan.

Date of Signing 17 October 2019

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

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

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

None.

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

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

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

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

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.

This page is intentionally left blank

Consultee Comments for Planning Application 191183/DPP

Application Summary

Application Number: 191183/DPP

Address: 5 Devenick Place Aberdeen AB10 7AH

Proposal: Erection of 2 storey extension to side gable

Case Officer: Jane Forbes

Consultee Details

Name: Mr Nathan Thangaraj

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

Email: nthangaraj@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

I note this application for the erection of 2 storey extension to side gable at 5 Devenick Place, Aberdeen AB10 7AH. The site is located within the outer City and within the controlled parking zone (Y).

The proposed will increase the property from an existing 3-bedroom house to 4-bedrooms, in accordance with ACC guidelines the parking requirement for the property will increase from 2 spaces to 3. Currently, the property has 1 space in the form of a single crossing (3.0m) and the current driveway does not comply with ACC standards. To meet the requirements, the driveway must be internally drained with no surface water discharging on to the public road. Loose material (e.g. stone chippings etc) must not be used to the surface the first 2 m length next to the footway. The gradient of a driveway should generally not exceed 1:20 although this may be relaxed to a maximum of 1:15 in certain circumstances.

I noticed from the proposed site layout plan (AA/333-02) the proposal is for three parking spaces (1 single garage + (2) driveway). I also note that the vehicles will be parked in an angle and while exiting the driveway it would not meet the road at 90 degrees. Therefore, I would suggest the existing crossing should be extended further 2.0m (5.0m in total), where it gives enough space to accommodate two vehicles. For which, existing residents parking bay adjacent to the footway crossing should be burned off and the existing parking signpost should be relocated.

I note the proposal for a single garage, as per ACC standards, the minimum acceptable size of a new single garage is 6.0m x 3.0m, with a minimum internal size no less than 5.7m x 2.7m. The minimum effective entry width should be 2.25m with a height of 1.98m. Driveway in front of the proposed garage must have a minimum length of 5m and should not be between 7 & 10m in length. Can the applicant confirm if the proposed parking meets the above requirements? In addition to that can I ask the applicant to provide a revised plan which shows measurements of the

proposed garage and parking area.

There are outstanding issues with this application. Upon receipt of the information requested I will be in a position to provide comprehensive roads response.

From: Nathan Thangaraj
Sent: 13 Sep 2019 10:07:47
To: graeme@aspect-bs.com,
Subject: RE: Planning Application 191183/DPP - 5 Devenick Place, AB10 7AH
Attachments: image001.jpg, image002.jpg

Graeme,

I note the revised plan and have the following comments:

- We would not be able to support this application until the minimum acceptable size of a new single garage (6.0m x 3.0m) is achieved.
- Driveway in front of the proposed garage must have a minimum length of 5m and should not be between 7 & 10m in length.

Kind regards

Nathan



Nathan Thangaraj | Engineer
Aberdeen City Council | Roads Development Management Team

Direct Dial: **01224 523441**

From: Graeme Thom <graeme@aspect-bs.com>
Sent: 11 September 2019 15:03
To: Nathan Thangaraj <NThangaraj@aberdeencity.gov.uk>
Cc: Jane Forbes <JANEF@aberdeencity.gov.uk>
Subject: Planning Application 191183/DPP - 5 Devenick Place, AB10 7AH

Nathan

I refer to our brief telephone conversation earlier today with regard to your Consultee comments on behalf of ACC – Roads Development Management Team in respect of the above planning application.

I attach a revised drawing AA/333-02 rev A showing the dimensions of the garage, driveway, cross over, etc as requested. I trust this is in order.

Any further queries please advise. I look forward to hearing from you.

Regards,

-
Graeme Thom
Chartered Building Surveyor



ASPECT Chartered Surveyors
Architectural & Building Consultancy

The Old School
GARLOGIE
Westhill
Aberdeenshire
AB32 6RX

Tel: 01224 746 855
Mobile: 07971 194 770
graeme@aspect-bs.com
www.ASPECT-bs.com

This e-mail and the information it contains are confidential and is intended for the specific recipient, if you are not the intended recipient and receive this e-mail by mistake, please advise the sender immediately by using the reply facility in your software and then delete the e-mail and all attachments from your system. E-mail correspondence is not guaranteed to be secure and information could be intercepted, manipulated, lost, arrive late or in part form and may contain viruses. We do not accept liability for any changes to this e-mail after it was sent or any viruses transmitted with this e-mail or attachments and recommend that you filter / screen all your incoming e-mail with anti-virus software.

National Planning Policy

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;

T2: Managing the Transport Impact of Development

Supplementary Guidance

Householder Development Guide

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

Transport and Accessibility

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

This page is intentionally left blank



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 100174687-005

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: ASPECT Consultants

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

First Name: * Graeme Building Name: The Old School (ASPECT)

Last Name: * Thom Building Number:

Telephone Number: * 01224746855 Address 1 (Street): * The Old School (ASPECT)

Extension Number: Address 2: GARLOGIE

Mobile Number: Town/City: * Westhill

Fax Number: Country: * Aberdeenshire

Postcode: * AB32 6RX

Email Address: * graeme@aspect-bs.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="Ms"/>	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="Sharon"/>	Building Number:	<input type="text" value="5"/>
Last Name: *	<input type="text" value="Brown"/>	Address 1 (Street): *	<input type="text" value="Devenick Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Garthdee"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text" value=""/>	Postcode: *	<input type="text" value="AB10 7AH"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

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="5 DEVENICK PLACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB10 7AH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="803410"/>	Easting	<input type="text" value="391614"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

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

Erection of garage with 1st floor accommodation above.

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.

1) The proposal is only marginally out with the planning guidance 2) Disagree that the proposal will be out of character and detrimental to streetscape. 3) No representations from neighbours. 4) Garage design provision has an area greater than the minimum standards and more generous than currently being allowed and being constructed by developers in new hew house developments locally.

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)

1) ASPECT Letter 16th January 2020 - Planning Appeal - 191183/DPP - Supporting Statement - Side gable Extension - 5 Devenick Place, Aberdeen, AB10 7HA 2) Examples of similar built extensions 3) Examples of New Build Under sized garages (x3) 4) Proposed garage plan -v- Minimum Standard Garage plan 5) Planning application Drawings

Application Details

Please provide details of the application and decision.

What is the application reference number? *

191183/DPP

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

29/07/2019

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

17/10/2019

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 Graeme Thom

Declaration Date: 16/01/2020

This page is intentionally left blank

Local Review Body
Enterprise, Planning and
Infrastructure
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

Date: 16th January 2020

Our Ref: AA/333

Dear Sir or Madam

SUBJECT: Planning Appeal - Supporting Statement – Side / Gable Extension

ADDRESS: 5 Devenick Place, Aberdeen, AB10 7AH

APPLICATION REF: 191183/DPP

BACKGROUND INFORMATION

Name of scheme / address:

Erection of side extension including garage at 5 Devenick Place, Aberdeen, AB10 7AH.

Applicant name:

Ms Sharon Brown.

Designer:

ASPECT – Chartered Surveyors.

Client Brief:

To erect a garage with 1st floor accommodation above.

Application Date:

29 July 2019.

SITE DETAILS / DESCRIPTION

Location:

This site is located within the residential, Outer City area of Garthdee, Aberdeen.

Description of Site:

The site is located at the end of a terrace on a large corner site with a sizeable grassed amenity space in front of the house to the South / East and across the road beyond that is a large public park and tennis court facility. To the North and West of the site are neighbouring properties and associated gardens.

The overall plot is approx. 205m², the existing house footprint is approx. 63m² and the proposed extension is approx. 25m², so this ensures there is still sufficient amenity space maintained on the site post construction and the existing fully private rear garden is unchanged from its current state.

History: The applicant has owned and lived in the property for a number of years and has established a settled life in this area. With strong family connections they come to stay regularly with our client, hence the requirement for additional bedroom accommodation. The property has been extended previously to the rear and the current proposed extension would have been undertaken at the same time had funds allowed, but our client is simply improving the property as and when it is affordable.

DESCRIPTION OF PROPOSAL

The proposal is to erect a side / gable extension on to the North / East side of the house which will accommodate a garage / store at ground floor level with a bedroom being built over the top of the garage to provide the required additional sleeping accommodation. The garage / store will be a significant benefit as it will allow the applicant to store bikes and garden equipment securely instead of being in the house or in a shed/s on the corner site which would give an unwelcome cluttered appearance and be more detrimental to the streetscape than the extension.

DESIGN PRINCIPLES / PLANNING POLICY

Policy D1 – Quality and Place making by Design.

Per the Supplementary Guidance: Householder Development Guide: Terraced Dwellings Item (C) Proposals for extensions to end terrace properties will be subject to these standards unless it can be demonstrated that the specific circumstances of the site and the proposal justify a departure from the above.

Below we have set out the various reasons why we feel it is acceptable to depart from the guidance notes and approve the application.

- The house is situated on the end of a terrace of (4Nr) houses and the wedge shaped feu is large due to the end / corner location.
- No.4 Devenick Place is also on a corner site and because the spacing between (No.4 & No.5) is sizeable, the erection of this proposed extension is comfortably accommodated and does not have a detrimental effect on the streetscape of the area. Due to the orientation of the rows of terraced houses on Devenick Place there is no property looking directly at the proposed development.
- Whilst the Planner raises the issue of the site coverage, it is only 5% greater than the neighbouring property (No.6) and due to our client having the wedge shaped / end feu, it consequentially means that in order to achieve the desired accommodation it is the natural / only option to form the side extension.
- Stepping the extension roof down also helps minimise any visual impact, also mimics the stepped ridge lines along the existing terrace and makes it subservient to the existing house.
- Forming a small lean-to roof to match the existing porch roofline gives a visually pleasing continuation of the building line and prevents the porch from appearing like a small awkward addition to the frontage, whilst also provides sufficient space within the garage to accommodate a car; otherwise it would be too small. This design principle has been successfully established at the following locations, Westry Road, Tollohill Gardens, Strathmore Drive, Teviot Road and various other similar situations – see attached photos of similar extensions.



- In disagreement with the Planners' view on the visual impact of the proposal we feel that due to the area opposite the site being a large public park, tennis courts and immediately in front of the property is a sizeable grassed area with several well established trees which form a degree of screening, this minimises any visual impact. The combination of the large corner feu, orientation of houses facing away from the proposal site and the public amenity areas in front of the site mean there is no detrimental or significant impact on the streetscape of the area because the open spaces can comfortably accommodate this extension without creating an imposing structure or detrimentally affecting the neighbouring properties, who coincidentally none of whom raised any objections with the proposal.

Impact of Proposed Development

Whilst there is Supplementary Guidance from the Council regarding Householder Development it is very much down to a Planners' personal opinion and there can be wide ranging and inconsistent applications of those guide lines.

For example, 45 Airyhall Crescent, Aberdeen (Planning Ref: P141681) where a semi-detached house within an area of modest semi-detached houses was approved to be demolished and replaced with a new larger house and separate garage, despite the fact that several previous applications had been refused on the grounds that the proposals were 'at odds with the established character' and 'it was alien to the layout and established character of the area and would set an undesirable precedent for the consideration of similar applications'.

Yet the approved application saw the original house of 51m² with a site coverage of 9.5% be replaced with a new house of 176m² together with a separate garage of 42.25m² which resulted in a site coverage of over four times that of the original structure and a house that was 245% larger than original house. This flies in the face of the *sizing, character and streetscape considerations / assessments*, especially in an area such as Airyhall where this type of development is indeed at odds with and alien to the established character of the area.

On this basis, the proposal is only marginally out with accepted guidance and is not going to set an undesirable precedent for this type of development, indeed such end terrace developments are common throughout Aberdeen and are a natural evolution for these types of larger end / corner sites.

The proposed materials for the extension will be dry dash render, 'White' PVCu windows and slate roof to match and complement the existing finishes.

Policy H1 – Residential Areas

Opposite the site is a large public park and tennis courts and immediately in front of the property is a sizeable grassed area with several well established trees which form a degree of screening which further minimises any visual impact to neighbouring properties. The combination of the large corner feu, orientation of houses facing away from the site and the public amenity areas in front of the site mean there is no detrimental or significant impact on the streetscape of the area or neighbouring properties.

Policy T2 - Managing the Transport Impact of Development

In accordance with the (SG Householder Development Guide – Transport & Accessibility) the property is located within the residential, Outer City area of Garthdee, Aberdeen whereby 3 car parking spaces would be sought and this will be provided - one in the garage & two on the driveway.

The Roads Development Management Team have raised a concern that the proposed garage (5.47m x 4.14m at the widest point) would not meet the minimum required internal dimensions of 5.7m x 2.7m and a drive way of 5m long. As you will see from the attached plans, the proposed wedge shaped



garage of 19.9m² can accommodate a family hatchback and offers more space to open doors than the minimum garage standard of 15.39m² and the proposed driveway is in fact 5.34m long.

The proposed Garage is also larger than many garages that have been approved and are currently being constructed by house builders in Aberdeen (*Dandara, House Type – The Spruce – Garage 5.44m x 3.43m*) (*Dandara, House Type – The Yew – Garage 4.97m x 2.98m*) and (*Kirkwood Homes, House Type – The Buchan – Garage – 5m x 2.72m*).

Many of these new build houses also locate the boiler and hot water cylinder within the garage which compromises an already under sized garage further, yet these appear to be acceptable.

On the basis that the proposed garage accommodation is larger area than the minimum requirement and larger than many new build garages, we feel it is unreasonable for the Roads Development Management Team to deem this unacceptable and accordingly their comments should be dismissed.

CONCLUSION

The proposed extension at 5 Devenick Place, Aberdeen whilst not fully being in compliance with The Householder Development Guidance – it does state that if cases can be demonstrated whereby the proposed development does not have a detrimental effect on the neighbours, surrounding amenity and streetscape then they can be considered and in this instance we feel that due to the size of the feu, orientation of the subject property and neighbouring houses this indeed falls into the category where approval can be granted on the grounds of no significant impacts and deviation from guidance can be accepted.

The comments from the Roads Development Management Team in respect of the garage sizing should be disregarded, as it has been demonstrated that smaller garages are obviously acceptable in new build situations whereby garages can be designed to meet any required size as there are no real limitations on plot / site sizes such as those imposed on existing properties such as this.

It has been demonstrated how this application justifies a departure from guidance and it is very disappointing that the Planning Service is so subjective and seem to apply guidance so strictly in some circumstances, yet when they simply feel it appropriate, they can totally overlook the guidance and issue approvals.


Yours sincerely


Graeme Thom Dip BS MRICS
Chartered Building Surveyor
Graeme@ASPECT-bs.com


Attached

- a) Examples of similar built extensions.
- b) Examples of New Build Under sized Garage (x3).
- c) Proposed Garage Plan v Minimum Standard Garage Plan.



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

Site Address:	25 Braemar Place, Aberdeen, AB10 6EN
Application Description:	Formation of driveway and alterations to boundary wall to front
Application Ref:	191665/DPP
Application Type:	Detailed Planning Permission
Application Date:	4 November 2019
Applicant:	Mrs A Wood
Ward:	Airyhall/Broomhill/Garthdee
Community Council:	Ashley And Broomhill
Case Officer:	Jamie Leadbeater

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The site comprises the residential curtilage of a two-storey end-of-terrace traditional granite building comprising a ground floor and first floor flat on the south-eastern side of Braemar Place.

The streetscene along Braemar Place (the section dissected by Balmoral Place and Abergeldie Road) is characterised by continuous sets of low-rise granite walls with gaps for gates and footpaths along front boundaries with predominantly soft landscaped gardens set in front of two storey granite terraced flatted buildings and semi-detached houses. Car parking spaces within the original front garden areas which benefit from express planning consent only exist at numbers 17 and 39 Braemar Place. Semi-detached dwellinghouses number 9 and 11 Braemar Place and adjacent detached dwellinghouse number 13 Braemar Place have driveways although these are historic and likely benefit from 'permitted development rights' at the time they were constructed.

Relevant Planning History

081975 – Formation of driveway & pavement crossing, 17 Braemar Place – Approved, Dec. 2008

130486 – Formation of driveway for off-street parking, 39 Braemar Place – Approved, June 2013

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission is sought for the formation of a double width driveway measuring c.6m by c.6m within a shared front garden space, including the removal of c.5.5m of the front boundary granite wall.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q0FQ9WBZKTB00> .

CONSULTATIONS

ACC - Roads Development Management Team – No objection.

Ashley And Broomhill Community Council – No response received.

REPRESENTATIONS

Three representations have been received, all of which object to the proposals. The reasons can be summarised as follows:

- Removes valued green space
- Proposal would detract from the street's traditional character and attractiveness
- Would contribute to the number of on-street parking spaces being limited
- Front boundary enclosures are an important part of the streetscape

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.

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 (2017)

- Policy H1 – Residential Areas
- Policy D1 – Quality Placemaking by Design
- Policy D5 – Our Granite Heritage
- Policy T2 – Managing the Transport Impact of Development

Supplementary Guidance

- Transport and Accessibility

EVALUATION

Principle of Development

The site falls within a “Residential Area” designation on the ALDP Proposals Map to which Policy H1 in the Aberdeen Local Development Plan (ALDP) applies. Policy H1 supports new residential development within such areas providing it satisfies the following criteria:

- 1) Does not constitute “overdevelopment”;
- 2) Does not have an unacceptable impact on the character and amenity of the surrounding area;
- 3) Does not result in the loss of valuable and valued open space; and,
- 4) Complies with supplementary guidance.

Overdevelopment

The proposal would not entail built development/substantial volume of development within the front curtilage and therefore would not ‘overdevelop’ the site in the ‘normal’ sense. The proposal would, however, provide the platform to accommodate to two vehicles in the front curtilage, which when parked, would have an adverse visual impact from the street.

Impact on Character and Amenity of Surrounding Area

As set out in the site description, the street scene along this section of Braemar Place in which the application site falls has a strong character arising from its historic layout which includes soft landscaped front gardens with low-rise granite front boundary walls defining their edge with the adjoining pavement. It is acknowledged numbers 17 and 39 Braemar Place have similar driveways to what is proposed but these were consented back in 2008 and 2013 respectively, outwith the current local development plan period. Other driveways along the same side of the street are historic and of less prominence within the street given they are positioned at the end of the street and are set amongst established hedging contained within their own well-defined residential curtilage. Furthermore, as these serve single dwelling houses, these are likely to have been constructed under permitted development rights and did not require planning permission. Moreover, in terms, of numbers those with driveways are very much within the minority of a street section that has a well-preserved historic layout and appearance, especially the stretch of the street comprising numbers 23 – 51 Braemar Place. As such, it is considered these existing driveways have very little materiality in determination of this application.

The objectors have highlighted the valuable contribution made by the existing front boundary to the streetscape and it is considered this view is correct within this street’s context, given how well preserved its historic layout is, especially the section comprising 23-51 Braemar Place. Not only would the removal of the front boundary wall in itself detract from the visual continuity of the streetscape which is intrinsic to the street’s prevailing character, the presence of a parked vehicle within the historic front garden area would visually detract from the street’s historic appearance. In addition to the impact on visual amenity, vehicles comings and goings are likely to have an intermittent impact close to the frontage of the ground floor flat (23 Braemar Place) and the immediately adjacent ground floor residential properties which would create noise disturbance closer to their houses which does not presently occur. As such, this impact would place an unfair burden on the residential amenity of those persons residing in number 21, 23 and 27 Braemar Place which therefore constitutes an undue adverse impact on those neighbours’ residential amenity.

Taking the abovementioned considerations into account, the proposal is considered to have an unacceptable impact on the character and amenity of the surrounding area.

Requirements 3 and 4

Requirement 3 is not applicable to this proposal as the development site does not lie within a designated area of 'open space'.

Adherence to the Transport & Accessibility supplementary guidance is discussed below in addressing requirement 4 of the policy.

The Transport & Accessibility Supplementary Guidance (SG) attendant to Policy T2 in the ALDP has specific guidance on the creation of new driveways to flats outwith conservation areas, such as the context of the site. Section 6.2 of the SG has the following relevant requirements:

- Where the building is in multiple ownership, the formation of an access driveway for one or more owners should not result in any of the remaining owners having no opportunity to park in the street adjacent to their property; and,
- Consent will not normally be granted for parking in garden areas in front of tenement flats.

In relation to the first requirement, the application property is not just owned by the applicant i.e. applicant does not own the ground floor flat (number 23 Braemar Place), and the creation of the proposed parking spaces in the front garden may prohibit the ground floor flat resident from being able to park in front of their property on the street as it would block the proposed driveway. Furthermore, in relation to the second requirement, although the application property is not a traditional tenement in appearance, it does contain more than one residential unit akin to a tenement and therefore the proposed site arrangement of parking in garden areas would be at odds with the SG's requirement.

Overall, the proposal is not considered to accord with all the relevant requirements of policies H1 and D1 in the ALDP, and the Transport and Accessibility Supplementary Guidance.

Re-Use of Granite

Policy D5 in the ALDP states the Council seeks the retention and appropriate re-use of all granite features, structure and buildings, such as granite boundary walls. The policy has been adopted to help Aberdeen retain its own visual identity and strong sense of place by retaining the use of locally quarried granite, given the supply of local granite is now limited. Existing features such as boundary walls are assets to the city until proven that they can be replaced by with development of equal or greater merit.

Given the proposals would neither retain the existing granite wall nor indicate how the down-takings shall be re-used within the development, then the proposal would not comply with Policy D5. Moreover, within the context of the policy's pre-amble, the proposal would contribute to the dilution of the city's 'identity' and 'sense of place' and certainly would not result in development that is of equal or greater merit than the existing boundary wall. Notwithstanding the above, the applicant could remove the boundary wall under their 'permitted development rights' but given it forms part of the works on this application to necessitate the delivery of the driveway it is reasonable to apply this policy.

Impact on road safety

The Council's Roads Development Team has been consulted on the proposal and have posed no objection to the proposals on road safety grounds providing the driveway has a depth of between 5m and 7m, the width is at least 5m, the driveway is internally drained, and loose material is not

used to surface the first 2m of the driveway adjacent to the footway/pavement. Upon review of the proposed plans, the proposed driveway would meet the technical size requirements, but they do not confirm how the driveway would be internally drained and what surface would finish the driveway. As such, the impact on road safety is uncertain.

Matters raised in representation not yet addressed

1. *Removes valued green space* – The front garden area is not currently grassed over so currently is not 'green', but it could easily be reverted back to a grassed area/lawn without planning consent, which it was historically laid out as.
2. *Would contribute to the number of on-street parking spaces being limited* – This is a real genuine possibility given the Roads Authority would expect the applicant to install a drop kerb on the pavement to serve the driveway and the applicant would not expect cars to park on the roadside where it could block the entrance to the driveway. Therefore, it is likely that by permitting the proposed driveway would result in the removal of one or two existing on-street parking spaces. Meaning that existing residents may have to park their cars further away than normal on a daily basis and therefore to some extent impact adversely on their residential amenity.

Strategic Development Plan implications

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

Conclusion

Overall, the proposed breaking of the front boundary wall and use of the front garden area for car parking purposes would adversely affect the prevailing character of the south-eastern side of Braemar Place and have a detrimental impact on both visual amenity of the street and residential amenity to the ground floor neighbouring properties. Therefore, it would conflict with policies H1 and D1 in the ALDP, and Supplementary Guidance on Transport and Accessibility. Additionally, the removal of the front boundary wall would result in the loss of granite which is contrary to the aims of Policy D5 in the ALDP. In the absence of any other overriding material considerations, the application is recommended for refusal.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposal is refused for the following reasons:

1. The proposal would adversely harm the prevailing visual character of the Braemar Place streetscene and neighbouring properties residential amenity, specifically as the proposed arrangement would result in increased noise disturbance to number 21, 23 and 27 Braemar Place as well as the distinct possibility that residents of the street may have further to park their vehicles as a result of the driveway reducing on-street parking capacity. Therefore, the proposal would fail to comply with Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) in the Aberdeen Local Development Plan 2017.
2. The proposal would not comply with the guidance on driveways for flats outwith conservation areas under Section 6.2 of the Transport & Accessibility supplementary guidance and therefore the proposal would be at odds with the aims of Policy T2 (Managing the Transport Impact of

Development) in the Aberdeen Local Development Plan 2017.



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 100197398-001

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)

Form new driveway, demolish part of the granite boundary wall and a pavement crossing.

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:	Raymond Simpson Associates Ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	<input type="text"/>
Last Name: *	Urquhart	Building Number:	7
Telephone Number: *	01224 636707	Address 1 (Street): *	Mid Stocket Road
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Aberdeen
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	AB15 5JL
Email Address: *	mark@raymondsimpson.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	A	Building Number:	25
Last Name: *	Wood	Address 1 (Street): *	Braemar Place
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Aberdeen
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	AB10 6EN
Fax Number:	<input type="text"/>		
Email Address: *	alisonwood25@gmail.com		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

25 BRAEMAR PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB10 6EN

Please identify/describe the location of the site or sites

Northing

804730

Easting

392902

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

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.

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

0

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

2

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, cycle spaces).

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: Mark Urquhart

On behalf of: Mrs A Wood

Date: 01/11/2019

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 Mark Urquhart

Declaration Date: 01/11/2019

Payment Details

Online payment: ABSP00004601
Payment date: 01/11/2019 22:18:00

Created: 01/11/2019 22:18

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Mark Urquhart
Raymond Simpson Associates Ltd
7 Mid Stocket Road
Aberdeen
AB15 5JL

on behalf of **Mrs A Wood**

With reference to your application validly received on 4 November 2019 for the following development:-

Formation of driveway and alterations to boundary wall to front at 25 Braemar Place, Aberdeen

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

<u>Drawing Number</u>	<u>Drawing Type</u>
1962 - 03	Location Plan
1962 - 02	Elevations and Floor Plans

REASON FOR DECISION

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

1. The proposal would adversely harm the prevailing visual character of the Braemar Place streetscene and neighbouring properties residential amenity, specifically as the proposed arrangement would result in increased noise disturbance to number 21, 23 and 27 Braemar Place as well as the distinct possibility that residents of the street may have further to park their vehicles as a result of the driveway reducing on-street parking capacity. Therefore, the proposal would fail to

comply with Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) in the Aberdeen Local Development Plan 2017.

2. The proposal would not comply with the guidance on driveways for flats outwith conservation areas under Section 6.2 of the Transport & Accessibility supplementary guidance and therefore the proposal would be at odds with the aims of Policy T2 (Managing the Transport Impact of Development) in the Aberdeen Local Development Plan 2017.

Date of Signing 20 December 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.

This page is intentionally left blank

Consultee Comments for Planning Application 191665/DPP

Application Summary

Application Number: 191665/DPP

Address: 25 Braemar Place Aberdeen AB10 6EN

Proposal: Formation of driveway and alterations to boundary wall to front

Case Officer: Jamie Leadbeater

Consultee Details

Name: Mr Nathan Thangaraj

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

Email: nthangaraj@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

I note this application for the formation of driveway and alterations to boundary wall to the front at 25 Braemar Place, Aberdeen AB10 6EN. I note that this site is located in the outer city zone and outwith any controlled parking zone.

I note this proposal for the creation of a driveway to accommodate two cars to the front and have the following comments. The driveway should be a minimum of 5 metres long, positioned generally at right angles to the road. If the driveway is longer than 7.0 metres then it must be at least 10.0 metres long to prevent two vehicles parking with the second car overhanging the footway. The width of the crossing will be 5.0 metres, which constitutes a double-crossing.

The driveway should be internally drained, with no surface water discharging onto the public road. Loose material (e.g. stone chippings) must not be used to surface the first 2 metres of driveway adjacent to the footway. Any gates that are erected across the driveway must not open into the public road.

Vehicular access to the site should be by means of a standard footway crossing constructed by a contractor appointed by Aberdeen City Council. You will be responsible for meeting all the costs involved, for which you will be invoiced directly. I would ask that you contact the Road Network Maintenance Unit on (01224) 241500, or email footwaycrossings@aberdeencity.gov.uk in order that a detailed estimate for the footway crossing work is sent to you.

If the applicant wishes to use an alternative contractor they will be required to follow the standard procedures set out for private developers who wish to undertake works within a Public Road. An application form for Permission to Excavate in a Road for reasons other than installing private apparatus can be found via the following link:-

<https://www.aberdeencity.gov.uk/sites/default/files/2018->

08/Section%2056%20Non%20Private%20Apparatus%20Excavation%202018.pdf.

Should all the above be met with regard to the driveway, then I can confirm that Roads Development Management would have no objection to this application.

Comments for Planning Application 191665/DPP

Application Summary

Application Number: 191665/DPP

Address: 25 Braemar Place Aberdeen AB10 6EN

Proposal: Formation of driveway and alterations to boundary wall to front

Case Officer: Jamie Leadbeater

Customer Details

Name: Ms Julia Strickland

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

Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Aberdeen Civic Society objects to the proposal to form parking spaces in the front garden at this property, essentially privatising a stretch of road that is currently shared parking. Front boundary enclosures are an important part of a streetscape and allowing perpendicular parking and taking away the boundary enclosure weakens the urban framework for the whole street.

This page is intentionally left blank

Comments for Planning Application 191665/DPP

Application Summary

Application Number: 191665/DPP

Address: 25 Braemar Place Aberdeen AB10 6EN

Proposal: Formation of driveway and alterations to boundary wall to front

Case Officer: Jamie Leadbeater

Customer Details

Name: Mrs Hilary Alexander

Address: 21 Braemar Place Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We object to the application for the garden of 23/25 Braemar Place being made into a driveway for the following reasons:

- 1) It will add to the degradation of the character of the street with cars replacing gardens.
- 2) The environment will be suffer by more open area being paved other, increasing the risk of flooding.
- 3) One person's car park space takes up more than one shared parking space in the street.
- 4) It favours those who can afford to have their garden converted into a private car park space over those who have to use a shared public space.
- 5) If parking is perceived to be a problem in Braemar Place, we would rather see controlled parking introduced in order to stop the street from being a general car park for non-residents.

This page is intentionally left blank

Comments for Planning Application 191665/DPP

Application Summary

Application Number: 191665/DPP

Address: 25 Braemar Place Aberdeen AB10 6EN

Proposal: Formation of driveway and alterations to boundary wall to front

Case Officer: Jamie Leadbeater

Customer Details

Name: Dr Linsey Paterson

Address: 21a Braemar Place Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to the plans for formation of a driveway. There are 2 main reasons. Firstly I feel it will remove valued green space, and a feature of the traditional residential street in Aberdeen's west end, and will detract from its character and attractiveness. The formation of driveways on a street such as this one also significantly limits the available on street parking for the majority of residents who require this.

This page is intentionally left blank

191665/DPP – 25 Braemar Place

Aberdeen Local Development Plan (2017)

Policy H1 – Residential Areas

Policy D1 – Quality Placemaking by Design

Policy D5 – Our Granite Heritage

Policy T2 – Managing the Transport Impact of Development

Supplementary Guidance

Transport and Accessibility

<https://www.aberdeencity.gov.uk/media/518>

This page is intentionally left blank



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 100197398-002

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Raymond Simpson Associates Ltd"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Mark"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Urquhart"/>	Building Number:	<input type="text" value="7"/>
Telephone Number: *	<input type="text" value="01224 636707"/>	Address 1 (Street): *	<input type="text" value="Mid Stocket Road"/>
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="United Kingdom"/>
		Postcode: *	<input type="text" value="AB15 5JL"/>
Email Address: *	<input type="text" value="mark@raymondsimpson.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="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="A"/>	Building Number:	<input type="text" value="25"/>
Last Name: *	<input type="text" value="Wood"/>	Address 1 (Street): *	<input type="text" value="Braemar Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB10 6EN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="alisonwood25@gmail.com"/>		

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="25 BRAEMAR PLACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB10 6EN"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="804730"/>	Easting	<input type="text" value="392902"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

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

Formation of driveway and alterations to boundary wall to front.

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 the statement attached in the supporting documents which sets out our request for 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)

1. LRB Statement. 2. Appendix 1 - Decision Notice - REFUSE. 3. Appendix 2 - Report of Handling. 4. Appendix 3 - Letter of support. 5. Appendix 4 - Client email to Councillors.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

191665/DPP

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

04/11/2019

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

20/12/2019

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 Mark Urquhart

Declaration Date: 27/01/2020

This page is intentionally left blank

PLANNING APPLICATION - (ref 191665/DPP) - Formation of driveway and alterations to boundary wall to front.

Address - 25 Braemar Place, Aberdeen, AB10 6EN

Applicant – Mrs A Wood

Request for a review of refusal of the Planning Application for the formation of a driveway and alterations to the front boundary wall to front at 25 Braemar Place Aberdeen.

STATEMENT TO ACCOMPANY THE NOTICE OF REVIEW:

Introduction:

This Notice of Review has been prepared by Raymond Simpson Associates Ltd on behalf of Mrs A Wood to support the request for review under the terms of Section 43A (8) of the Town and Country Planning (Scotland) Act 1997 and Regulation 9 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, against the Refusal Decision Notice ([appendix 1](#)) issued by Aberdeen City Council, to grant full Planning Permission for the formation of a driveway and alterations to boundary wall to the front of the property at 25 Braemar Place, Aberdeen.

Site:

The application site comprises the residential curtilage of a two-storey, end-of-terrace, traditional granite building comprising a ground floor and first floor flat on the south-eastern side of Braemar Place. There is a low granite boundary wall of some 470mm in height, essentially one block in height with a coping stone above at the front of the property. The front of the property contains concrete paths with landscaped beds either side of the path to the front door and alongside the eastern boundary. The area proposed to be used for the driveway is currently gravelled.



Photo of 23 and 25 Braemar Place

The two flats in the property have separate entrance doors, the applicant's property at number 25 forms the upper flat whilst the lower flat is number 23 Braemar Place.

This part of Braemar Place is of a traditional character with generally two storey granite and slated terraced buildings some of which have been subdivided to form two flats.

The Report of Handling ([appendix 2](#)) describes the existing driveways in this section of Braemar Place between Abergeldie Road and Balmoral Terrace. Car parking spaces within the original front garden areas which benefit from express planning consent exist at numbers 17 (approved in 2008) and 39 Braemar Place (approved in 2013). Semi-detached dwellinghouses at numbers 9 and 11 Braemar Place and the adjacent detached dwellinghouse at number 13 Braemar Place have driveways although these are historic and likely benefit from 'permitted development rights' at the time they were constructed.

It should be noted that permitted development rights would still allow the construction of further driveways at houses within the street.

Braemar Place is an attractive tree lined street but does not fall within a conservation area. The properties on the opposite side of the street sit in much larger sites and back onto Broomhill Road from which a number of them have vehicular access to parking areas and garages.



Braemar Place
(between Abergeldie Road & Balmoral Terrace)

Proposal:

The application seeks full planning permission to form a 5.5 metre wide opening in the boundary wall and to use the existing gravel area as a driveway with parking for two cars.

The letter in support of the application written by the owner of the ground floor flat at 23 Braemar Place ([appendix 3](#)) explains that the area of the proposed driveway is currently in the sole ownership of number 23. If planning permission is granted then the intention is to create mutual ownership of the space which will allow off street parking for both of the flats.

On receiving the Refusal Decision Notice the client was very upset with the outcome as the proposal would have greatly benefited both the properties at 23 and 25 Braemar Place. Mrs Wood therefore contacted the local councillors for advice and to express her concerns ([appendix 4](#)), which received a positive response and met with 2 councillors for guidance.

No response to the application was received from Ashley and Broomhill Community Council.

Three letters of representation were received, two from residents of Braemar Place and a letter from the Aberdeen Civic Society. The grounds of objection which are summarised in the Report of Handling are as follows:

- Removes valued green space.
- Would detract from the street's traditional character and attractiveness.
- Would contribute to the number of on-street parking spaces being limited.
- Removes part of the front boundary enclosure which is an important part of the streetscape.

These points are discussed in more detail later in this statement.

Response to Report of Handling and reasons for refusal:

The decision notice gives two reasons for refusal:

- 1. The proposal would adversely harm the prevailing visual character of the Braemar Place streetscene and neighbouring properties residential amenity, specifically as the proposed arrangement would result in increased noise disturbance to number 21, 23 and 27 Braemar Place as well as the distinct possibility that residents of the street may have further to park their vehicles as a result of the driveway reducing on-street parking capacity. Therefore, the proposal would fail to comply with Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) in the Aberdeen Local Development Plan 2017.*
- 2. The proposal would not comply with the guidance on driveways for flats outwith conservation areas under Section 6.2 of the Transport & Accessibility supplementary guidance and therefore the proposal would be at odds with the*

aims of Policy T2 (Managing the Transport Impact of Development) in the Aberdeen Local Development Plan 2017.'

In addressing the grounds for refusal it is necessary to respond to the Report of Handling. A copy of the Report of Handling is produced as appendix 2 and of the Refusal Notice as appendix 1.

Planning Policy Framework and Evaluation of Application:

In responding to the Report of Handling the Report is quoted verbatim in italics and highlighted grey for ease of reference, with the response to each section in turn following.

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.

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 (2017)

- *Policy H1 – Residential Areas*
- *Policy D1 – Quality Placemaking by Design*
- *Policy D5 – Our Granite Heritage*
- *Policy T2 – Managing the Transport Impact of Development*
- *Supplementary Guidance*
- *Transport and Accessibility*

Response: It is agreed that this is the correct policy context within which the application requires to be assessed.

EVALUATION

Principle of Development

The site falls within a “Residential Area” designation on the ALDP Proposals Map to which Policy H1 in the Aberdeen Local Development Plan (ALDP) applies. Policy H1 supports new residential development within such areas providing it satisfies the following criteria:

- 1. Does not constitute “overdevelopment”;*
- 2. Does not have an unacceptable impact on the character and amenity of the surrounding area;*
- 3. Does not result in the loss of valuable and valued open space; and,*
- 4. Complies with supplementary guidance.*

1. Overdevelopment

The proposal would not entail built development/substantial volume of development within the front curtilage and therefore would not ‘overdevelop’ the site in the ‘normal’ sense. The proposal would, however, provide the platform to accommodate to two vehicles in the front curtilage, which when parked, would have an adverse visual impact from the street.

Response: The Appointed Officer has acknowledged that the proposal would not entail built development and would not over develop the site thus complying with point 1.

2. Impact on Character and Amenity of Surrounding Area

As set out in the site description, the street scene along this section of Braemar Place in which the application site falls has a strong character arising from its historic layout which includes soft landscaped front gardens with low-rise granite front boundary walls defining their edge with the adjoining pavement. It is acknowledged numbers 17 and 39 Braemar Place have similar driveways to what is proposed but these were consented back in 2008 and 2013 respectively, outwith the current local development plan period. Other driveways along the same side of the street are historic and of less prominence within the street given they are positioned at the end of the street and are set amongst established hedging contained within their own well-defined residential curtilage. Furthermore, as these serve single dwelling houses, these are likely to have been constructed under permitted development rights and did not require planning permission. Moreover, in terms, of numbers those with driveways are very much within the minority of a street section that has a well-preserved historic layout and appearance, especially the stretch of the street comprising numbers 23 – 51 Braemar Place. As such, it is considered these existing driveways have very little materiality in determination of this application.

Response: The Appointed Officer acknowledges that there are already several established parking areas within gardens on the street. The policies in the Aberdeen Local Development Plan 2012 under which No 39 was granted permission in 2013 (with no objections from the Planning Officers) were no different to those in the current local development plan. It is wrong for the Appointed Officer to imply there was a different policy context between 2013 and the present. Policy H1 in the 2012 Local

Development Plan was the same with the exception of reference to Supplementary Guidance in a different way.

The existing parking areas form part of the character and appearance of the area no matter when they were formed or what permissions were required. The Report of Handling overstates the difference between the proposal and some of the existing driveways in regard to the amount of screening within the respective sites, in many cases this is very similar whilst other driveways exist at various other points further along the street and not just at the addresses as suggested by the Appointed Officer.

It is not accepted that there will be any adverse visual impact from the street. Planting will remain in the existing beds on both sides of the footpath access to the building as well as along the eastern boundary. This means that point 2 is satisfied.

The objectors have highlighted the valuable contribution made by the existing front boundary to the streetscape and it is considered this view is correct within this street's context, given how well preserved its historic layout is, especially the section comprising 23-51 Braemar Place. Not only would the removal of the front boundary wall in itself detract from the visual continuity of the streetscape which is intrinsic to the street's prevailing character, the presence of a parked vehicle within the historic front garden area would visually detract from the street's historic appearance. In addition to the impact on visual amenity, vehicles comings and goings are likely to have an intermittent impact close to the frontage of the ground floor flat (23 Braemar Place) and the immediately adjacent ground floor residential properties which would create noise disturbance closer to their houses which does not presently occur. As such, this impact would place an unfair burden on the residential amenity of those persons residing in number 21, 23 and 27 Braemar Place which therefore constitutes an undue adverse impact on those neighbours' residential amenity.

Taking the abovementioned considerations into account, the proposal is considered to have an unacceptable impact on the character and amenity of the surrounding area.

Response: It is not accepted that the proposal would detract from the historic layout of the street. Braemar Place is not in a conservation area. Indeed many flats and properties within conservation areas of a similar nature have driveways. It is also emphasised that the flat belonging to the owner of number 23 Braemar Place will enjoy a legally binding right of mutual ownership of the parking area. As such, the owner of number 23 is very much in favour and supportive of this parking area.

3. Requirement 3

Is not applicable to this proposal as the development site does not lie within a designated area of 'open space'.

4. Adherence to the Transport & Accessibility supplementary guidance

Is discussed below in addressing requirement 4 of the policy.

The Transport & Accessibility Supplementary Guidance (SG) attendant to Policy T2 in the ALDP has specific guidance on the creation of new driveways to flats outwith conservation areas, such is the context of the site. Section 6.2 of the SG has the following relevant requirements:

- Where the building is in multiple ownership, the formation of an access driveway for one or more owners should not result in any of the remaining owners having no opportunity to park in the street adjacent to their property; and,*
- Consent will not normally be granted for parking in garden areas in front of tenement flats.*

In relation to the first requirement, the application property is not just owned by the applicant i.e. applicant does not own the ground floor flat (number 23 Braemar Place), and the creation of the proposed parking spaces in the front garden may prohibit the ground floor flat resident from being able to park in front of their property on the street as it would block the proposed driveway. Furthermore, in relation to the second requirement, although the application property is not a traditional tenement in appearance, it does contain more than one residential unit akin to a tenement and therefore the proposed site arrangement of parking in garden areas would be at odds with the SG's requirement.

Response: The statement relating to owners not being able to park in the street adjacent to the property is simply incorrect. As previously stated the parking space will be mutually used and owned by numbers 23 and 25, thus providing parking for both of the properties in the building.

The final bullet point above from Section 6.2 of the Supplementary Guidance, quoted by the Appointed Officer refers only to tenement properties. The application property is not a tenement. According to Scottish Law, a tenement is defined as being "two or more related but separate flats divided from each other horizontally". This generally means a block of several flats, which all share a communal stairway, and are usually found along a whole street or in a square with a communal green in the middle.

This application relates to a terrace of flats not tenements. The Appointed Officer acknowledges that the application property is not a tenement. At this point the Report of Handling would have been correct in stating that this part of the Supplementary Guidance does not apply. Instead the Report then seeks to alter the policy by referring to the application site as 'akin to a tenement'. It is nothing like a tenement. If the Supplementary Guidance was to apply to all flats it should say this and not refer only to tenements. Supplementary Guidance is adopted through a democratic process and it is not the role of the Appointed Officer to seek to amend it to suit an argument which they are trying to construct. This part of Policy 6.2 in the Supplementary Guidance does not apply.

Overall, the proposal is not considered to accord with all the relevant requirements of policies H1 and D1 in the ALDP, and the Transport and Accessibility Supplementary Guidance

Response: This statement demonstrates that the proposal does, in fact, meet the requirements of Policy H1 and the Supplementary Guidance – Transport and

Accessibility. In meeting the detailed requirements of the Supplementary Guidance it also satisfies Policy T2 – Managing the Transport Impact of Development. The Appointed Officer states at this point that the proposal does not meet the requirements of Policy D1 – Quality Placemaking by Design although the Report of Handling does include any reference to Policy D1 in the preceding evaluation. Policy D1 is a city wide policy requiring development to meet high standards of design and have a strong and distinctive sense of place. The works proposed are very minor, they do not have an adverse impact on the character of the area and are similar to developments elsewhere in the street and therefore it is believed that the application meets the terms of Policy D1.

Re-Use of Granite

Policy D5 in the ALDP states the Council seeks the retention and appropriate re-use of all granite features, structure and buildings, such as granite boundary walls. The policy has been adopted to help Aberdeen retain its own visual identity and strong sense of place by retaining the use of locally quarried granite, given the supply of local granite is now limited. Existing features such as boundary walls are assets to the city until proven that they can be replaced by with development of equal or greater merit.

Given the proposals would neither retain the existing granite wall nor indicate how the dountakings shall be re-used within the development, then the proposal would not comply with Policy D5. Moreover, within the context of the policy's pre-amble, the proposal would contribute to the dilution of the city's 'identity' and 'sense of place' and certainly would not result in development that is of equal or greater merit than the existing boundary wall. Notwithstanding the above, the applicant could remove the boundary wall under their 'permitted development rights' but given it forms part of the works on this application to necessitate the delivery of the driveway it is reasonable to apply this policy.

Response: The Appointed Officer describes the removal of the wall adversely affecting the City's "identity" and "sense of place". This overstates the significance of the wall to a very great extent. It is interesting to note that in respect of the application approved in 2013 for a driveway at 39 Braemar Place the Appointed Officer made no reference to the loss of a section of a low granite wall raising design or amenity issues and did not refer to Policy D4 in the 2012 Local Development Plan in place at that time as being relevant. Policy D4 had the same aims as current Policy D5 in the extant 2017 Local Development Plan. Indeed the Appointed Officer in 2013 concluded in regard to 39 Braemar Place that:

'The proposed driveway is considered to be of acceptable scale, design and materials. Adequate pedestrian visibility can be provided and the driveway is positioned so as to ensure good road visibility, and is fully compliant with the relevant supplementary guidance. Although the proposed driveway includes a low level of soft landscaping, there are several driveways within the surrounding area of similar design. The driveway is considered not to impact visually on the streetscape therefore there is no conflict with Policy H1 since residential character and amenity would be retained'.

It is not clear why the Appointed Officer should assess the current proposal in such a different way when policy aims have not changed.

The Appointed Officer then goes on to note that “the applicant could remove the boundary wall under permitted development rights.” In other words, without even applying for Planning Permission, the wall in question could be removed in its entirety!

Impact on road safety

The Council’s Roads Development Team has been consulted on the proposal and have posed no objection to the proposals on road safety grounds providing the driveway has a depth of between 5m and 7m, the width is at least 5m, the driveway is internally drained, and loose material is not used to surface the first 2m of the driveway adjacent to the footway/pavement. Upon review of the proposed plans, the proposed driveway would meet the technical size requirements, but they do not confirm how the driveway would be internally drained and what surface would finish the driveway. As such, the impact on road safety is uncertain.

Response: The driveway meets the requirements of the Roads Department in terms of the size of the driveway. There is no impact on road safety in the same respect as any other driveway in Aberdeen. The surface shown on the submitted plans is the existing gravel. The applicant would be happy to meet the requirement of no loose material to be used in the surface of the driveway over the first two metres and to provide information showing that the driveway will be drained internally. These matters of detail could entirely reasonably be addressed by means of a planning condition. It is noted that the Roads Department do not object to the application.

Matters raised in representation not yet addressed

1. Removes valued green space – The front garden area is not currently grassed over so currently is not ‘green’, but it could easily be reverted back to a grassed area/lawn without planning consent, which it was historically laid out as.

2. Would contribute to the number of on-street parking spaces being limited – This is a real genuine possibility given the Roads Authority would expect the applicant to install a drop kerb on the pavement to serve the driveway and the applicant would not expect cars to park on the roadside where it could block the entrance to the driveway. Therefore, it is likely that by permitting the proposed driveway would result in the removal of one or two existing on-street parking spaces. Meaning that existing residents may have to park their cars further away than normal on a daily basis and therefore to some extent impact adversely on their residential amenity

Response: The proposed driveway does not remove valued green space. The site forms part of private garden space which is currently laid to gravel, the owner has no intention of redesigning her garden to remove the gravel.

The length of the pavement crossing will be 5 metres, in other words essentially the amount of space required for one car. Two off street carparking spaces will be provided thus it could be considered that the proposal would reduce demand for on street parking.

Strategic Development Plan implications

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

Response: It is agreed that this is clearly the case.

Conclusion

Overall, the proposed breaking of the front boundary wall and use of the front garden area for car parking purposes would adversely affect the prevailing character of the south-eastern side of Braemar Place and have a detrimental impact on both visual amenity of the street and residential amenity to the ground floor neighbouring properties. Therefore, it would conflict with policies H1 and D1 in the ALDP, and Supplementary Guidance on Transport and Accessibility. Additionally, the removal of the front boundary wall would result in the loss of granite which is contrary to the aims of Policy D5 in the ALDP. In the absence of any other overriding material considerations, the application is recommended for refusal.

Response: This statement demonstrates that the proposal would not "adversely affect the prevailing visual character of Braemar Place". The site is not within a conservation area nor covered by any other special designation. Any loss of granite is minimal. The wall is no more than 450mm high and could be completely removed without the need for planning permission.

As previously stated, the proposal in reality allows for an additional on street parking space being provided, since two cars have been taken off the street.

Summary and Conclusion:

The applicant wishes to provide an off street parking for herself together with one for her neighbour in the ground floor flat. This really is a very minor development which has been done elsewhere in the street.

This statement demonstrates that, contrary to the conclusion of the Appointed Officer, the proposed driveway is consistent with all relevant policies, including Supplementary Guidance in the Aberdeen Local Development Plan 2017 and with previous decisions. There are no material considerations to merit departing from the Development Plan

It is hoped, therefore, that the Local Review Body will overturn the decision taken by the Appointed Officer and grant planning permission thus allowing the formation of a parking space for each of the two flats in the building.