

Public Document Pack



To: Councillor Boulton, Chairperson (for item 3); Councillor Stewart, Depute Provost, Chairperson (for item 2); and Councillors Bell (for item 3) Cameron (items 2 and 3), Macdonald (item 2).

Town House,
ABERDEEN 29 October 2020

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet remotely on **WEDNESDAY, 4 NOVEMBER 2020 at 10.00 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

In accordance with UK and Scottish Government guidance, meetings of this Committee will be held remotely as required. In these circumstances the meetings will be recorded and available on the Committee page on the website shortly after the meeting.

BUSINESS

1.1 Procedure Notice (Pages 5 - 6)

COPIES OF THE RELEVANT PLANS / DRAWINGS ARE AVAILABLE FOR INSPECTION IN ADVANCE OF THE MEETING AND WILL BE DISPLAYED AT THE MEETING

MEMBERS PLEASE NOTE THAT THE FOLLOWING LINK WILL TAKE YOU TO THE LOCAL DEVELOPMENT PLAN.

[Local Development Plan](#)

TO REVIEW THE DECISION OF THE APPOINTED OFFICER TO REFUSE THE FOLLOWING APPLICATIONS

PLANNING ADVISER - GAVIN EVANS

- 2.1 Oldtown Farm - detailed planning permission for the erection of dog boarding kennels and office space with associated solar panels, fencing and car parking and other associated works - 191717 (Pages 7 - 38)
- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 39 - 108)
- 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 191717.
- 2.3 Additional Comments Received from Representative and Agent (Pages 109 - 112)
- 2.4 Planning Policies Referred to in Documents Submitted (Pages 113 - 114)
- 2.5 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 115 - 126)
- 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 191717.
- 2.6 Determination - Reasons for Decision
- Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.7 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

PLANNING ADVISER - GAVIN EVANS

- 3.1 30 West Mount Street - detailed planning permission for the erection of 1.5 storey extension to rear - 200502 (Pages 127 - 158)
- 3.2 Delegated Report, Original Application Form and Decision Notice (Pages 159 - 176)
- 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 200502.
- 3.3 Planning Policies Referred to in Documents Submitted (Pages 177 - 178)
- 3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 179 - 192)

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 200502.

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

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

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

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

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

DETERMINATION OF REVIEW

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

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

LOCAL REVIEW BODY

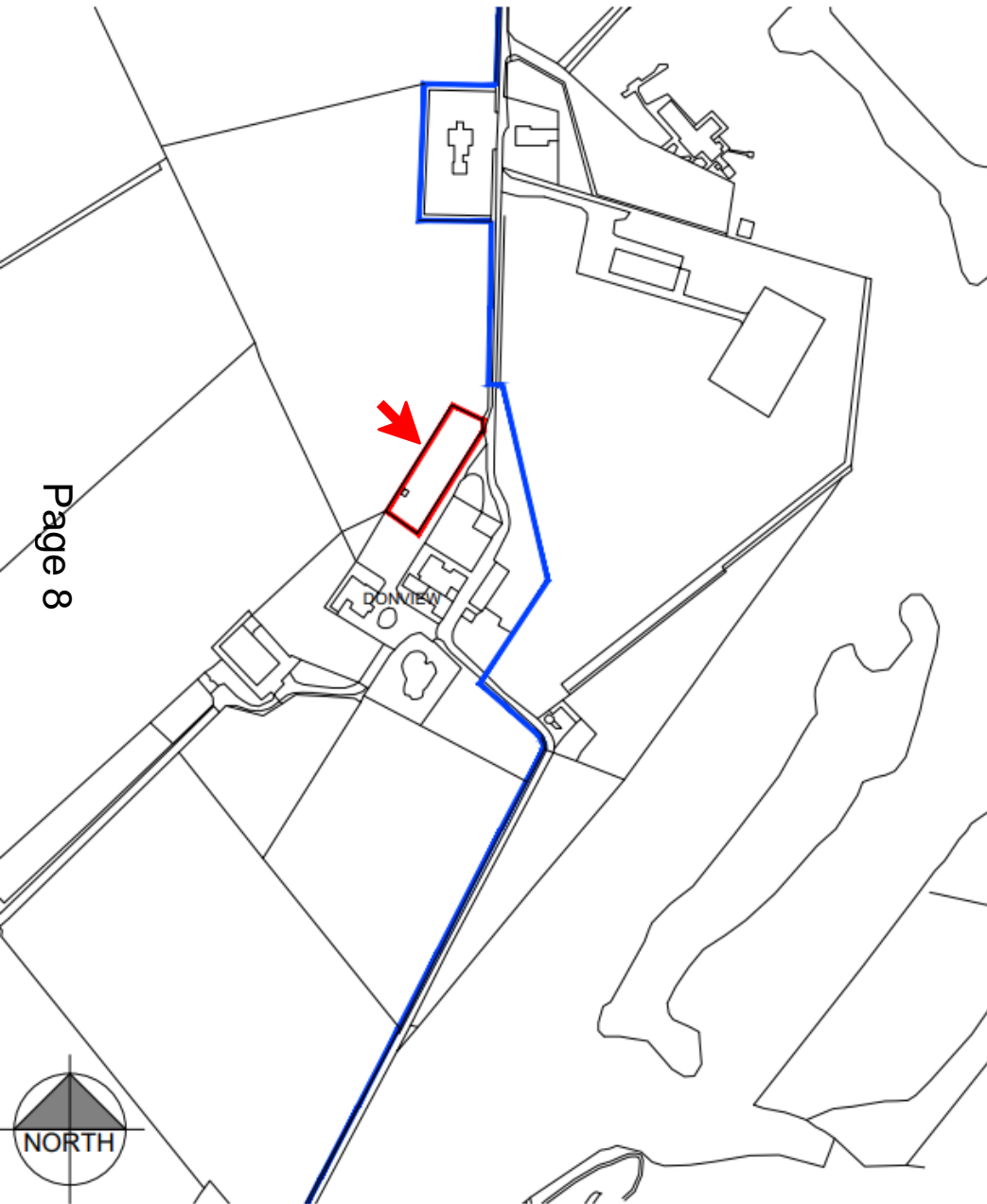


191717/DPP– Review against refusal of planning permission for:

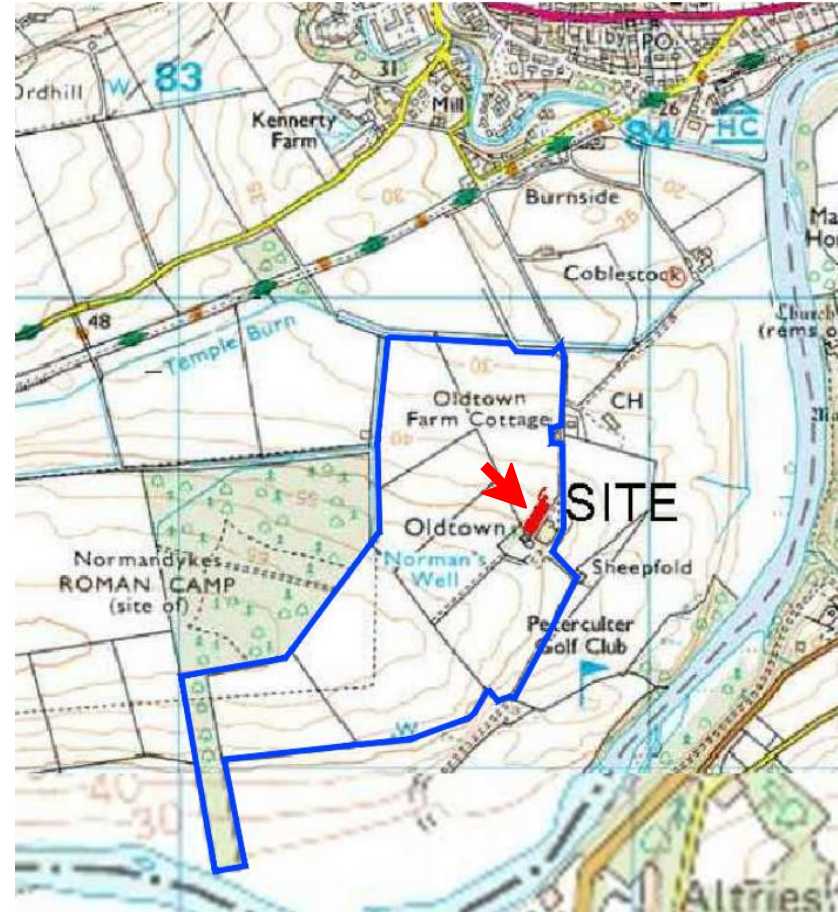
Erection of dog boarding kennels and office space with associated solar panels, fencing and car parking and other associated works

At: Oldtown Farm Station Road South, Aberdeen

Location Plan



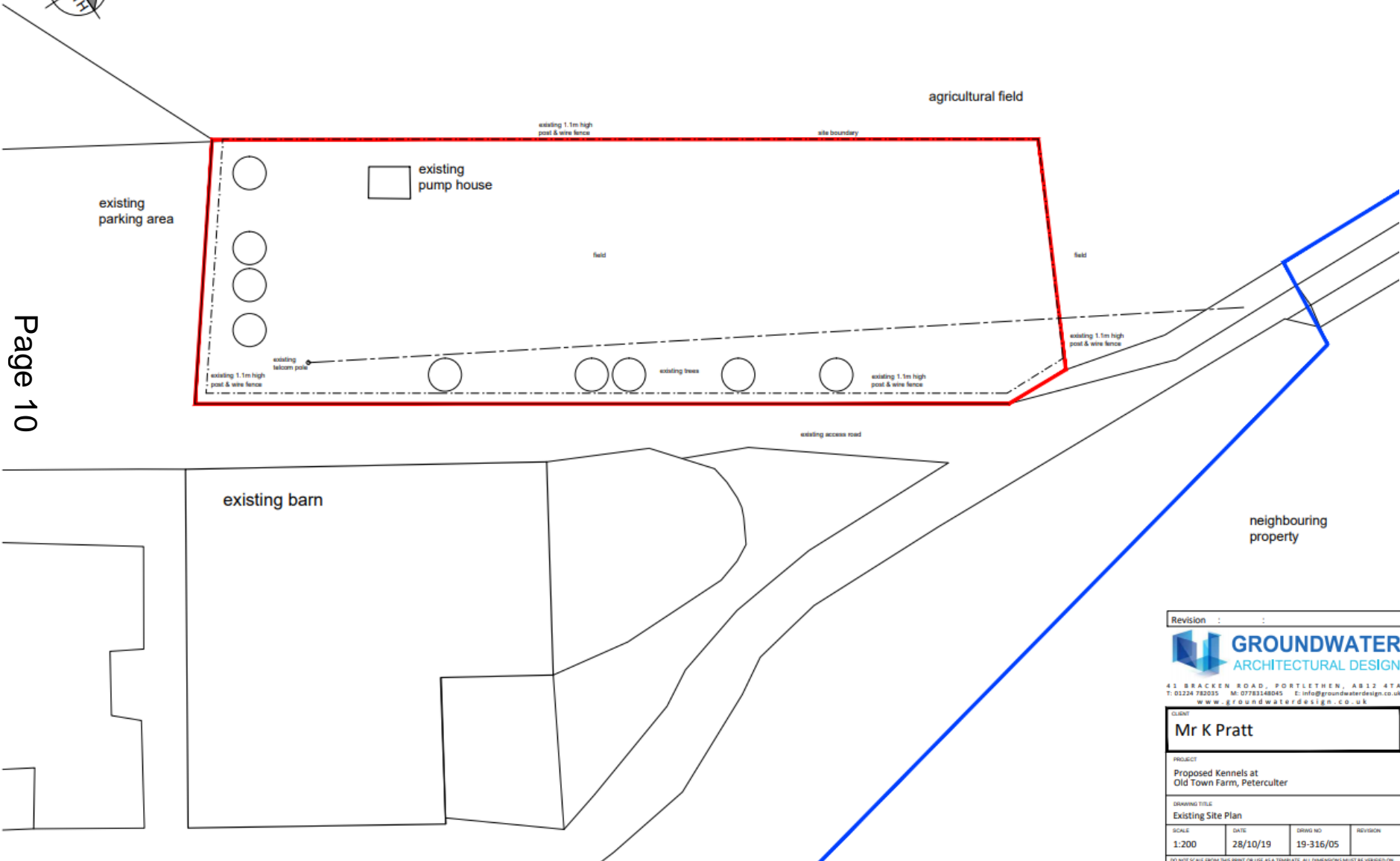
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Location: Aerial Photos



Site Plan: Existing



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Revision	:	:
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41 BRACKEN ROAD, PORTLETHEN, AB12 4TA
 T: 01224 782035 M: 07783148045 E: info@groundwaterdesign.co.uk
 www.groundwaterdesign.co.uk

CLIENT
Mr K Pratt

PROJECT
 Proposed Kennels at
 Old Town Farm, Peterculter

DRAWING TITLE
Existing Site Plan

SCALE	DATE	DRWG NO	REVISION
1:200	28/10/19	19-316/05	

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Site Plan: Proposed



Accommodation Schedule

Site Area:	1309m ²
Car Parking:	5no.
Office:	140m ²
Kennels:	220m ²



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Revision C : :



41 BRACKEN ROAD, PORTLETHEN, A812 4TA
 T: 01224 782325 M: 07782148345 E: info@groundwaterdesign.co.uk
 www.groundwaterdesign.co.uk

CLIENT

Mr K Pratt

PROJECT

Proposed Kennels at
 Old Town Farm, Peterculter

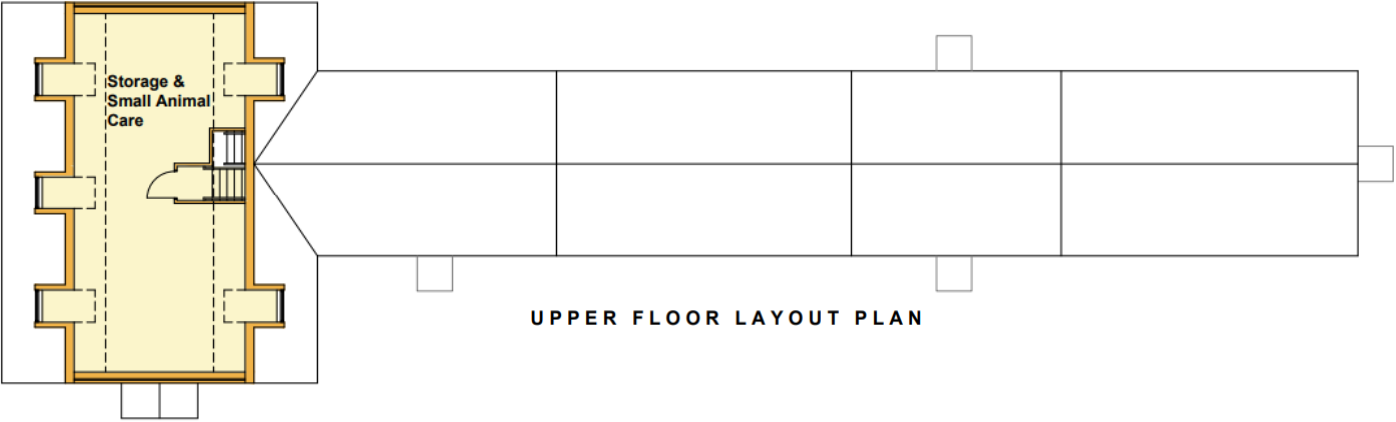
DRAWING TITLE

Proposed Site Plan

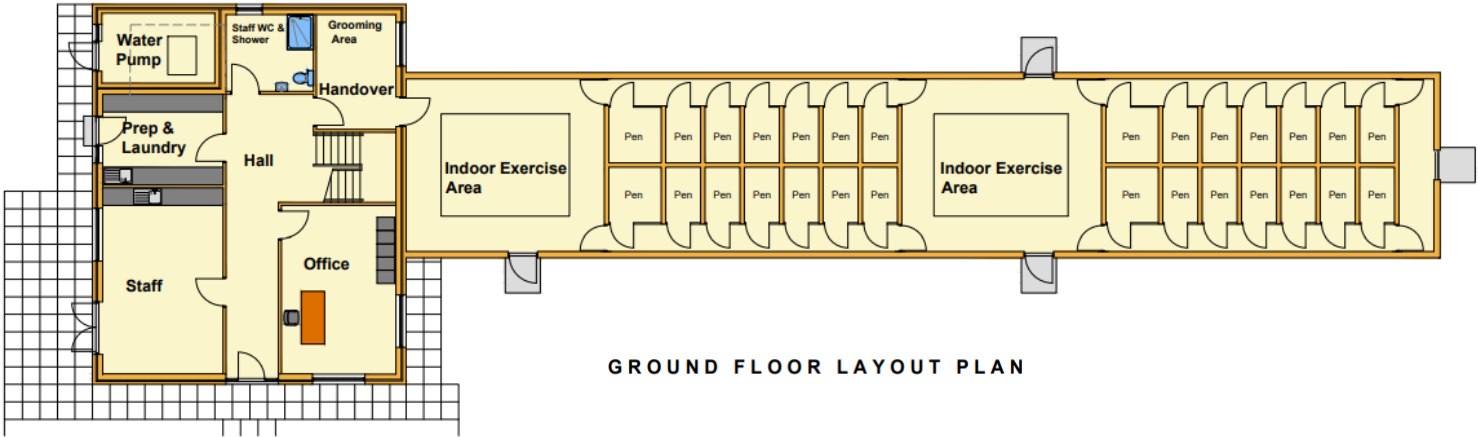
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Proposed Layout Plans



UPPER FLOOR LAYOUT PLAN



GROUND FLOOR LAYOUT PLAN

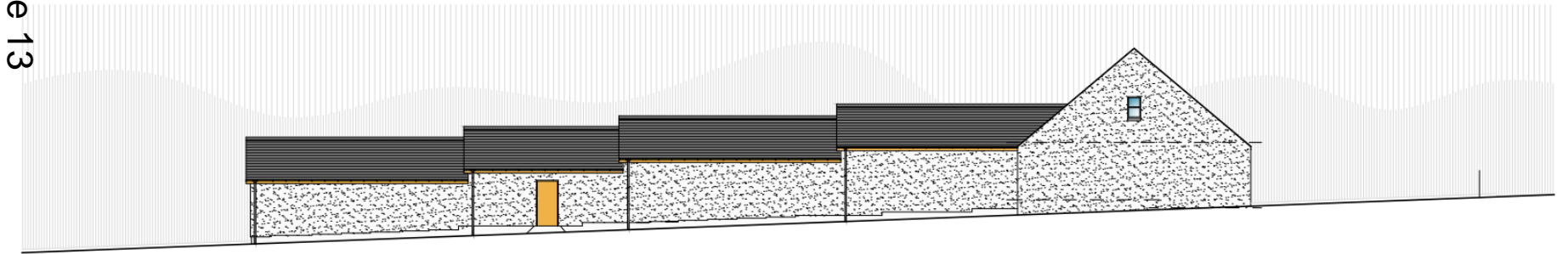
Proposed Elevations 1



EAST ELEVATION

1:100

Page 13



WEST ELEVATION

1:100

Finishes:

Walls: Dry dash render, colour grey

Roofs: Natural slate roof tiles

Doors & Windows: Red Cedar doors with painted frames,
colour white

Rainwater goods: PVCu, colour black

Proposed Elevations 2



SOUTH ELEVATION 1:100

NORTH ELEVATION 1:100

Finishes:

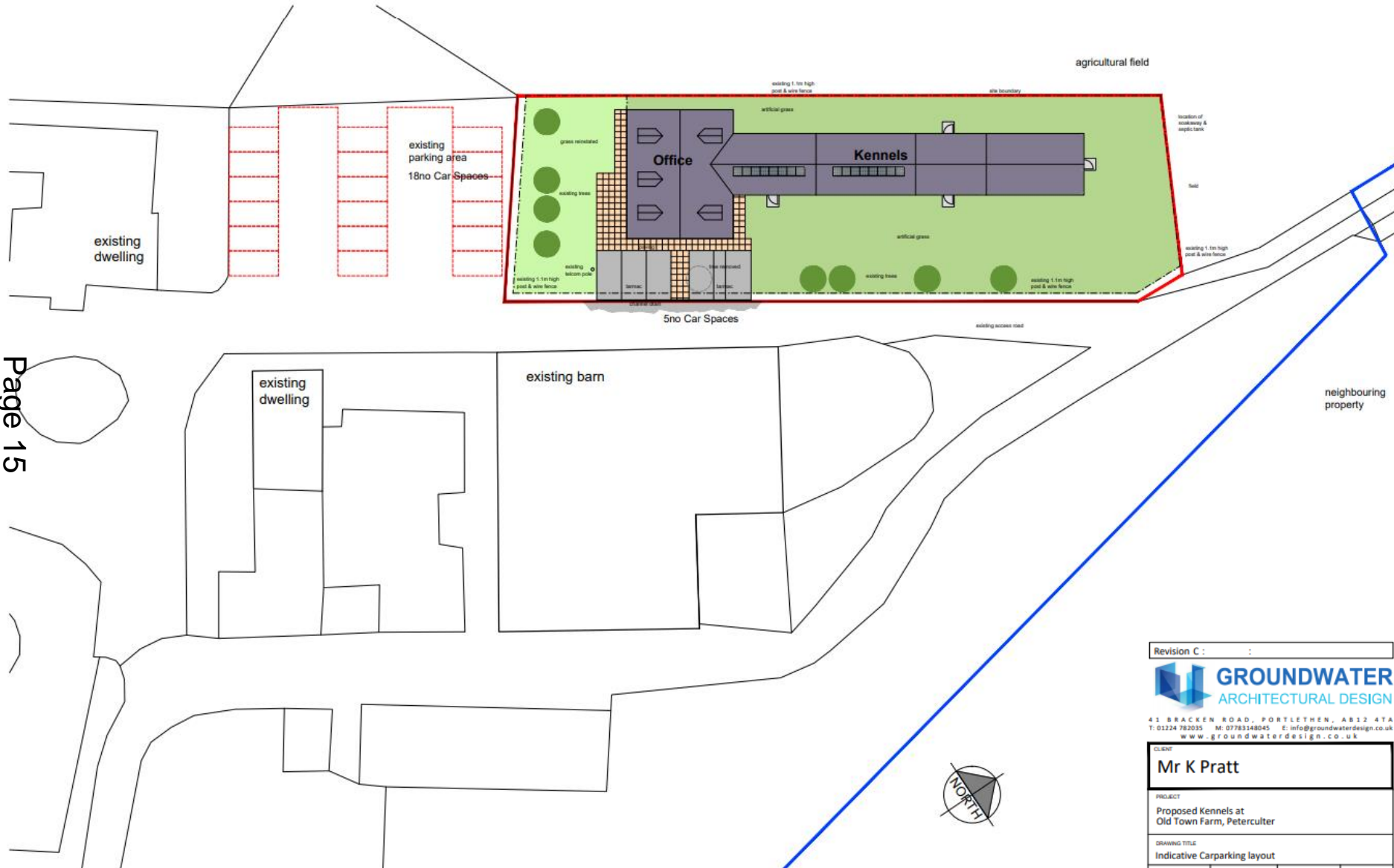
Walls: Dry dash render, colour grey

Roofs: Natural slate roof tiles

Doors & Windows: Red Cedar doors with painted frames, colour white

Rainwater goods: PVCu, colour black

Indicative Car Parking Layout



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Revision C : :



41 BRACKEN ROAD, PORTLETHEN, AB12 4TA
 T: 01224 782035 M: 07783148045 E: info@groundwaterdesign.co.uk
 www.groundwaterdesign.co.uk

CLIENT

Mr K Pratt

PROJECT

Proposed Kennels at Old Town Farm, Peterculter

DRAWING TITLE

Indicative Carparking layout

SCALE	DATE	DRWG NO	REVISION
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Site Photos

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Site Photos

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Site Photos



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Photos



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Photos

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Photos



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Photos



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Photos



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Photos



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Reasons for Decision

1. The proposal would result in development within an area of agricultural land forming part of a wider farming operation and would be for a use which is deemed to be neither essential for agriculture, nor associated with an existing activity. The proposed development would therefore be contrary to the expectations of Scottish Planning Policy (SPP) and would clearly fail to comply with the requirements of Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan (ALDP).

2. The proposed development does not reflect the existing development pattern, nor is it of a form, scale, massing or have the design characteristics appropriate for a rural setting and therefore does not address the expectations of Policy D1 (Quality Placemaking by Design). Whilst deemed to be partially compliant with the requirements of Policy T2 (Managing the Transport Impact of Development), the proposed development has failed to demonstrate suitable compliance with the requirements of Policy T3 (Sustainable and Active Travel) and Policy NE6 (Flooding, Drainage & Water Quality) of the ALDP. Mitigation measures which have been identified as being necessary to address noise issues relating to the proposed development and suitably protect existing residential amenity cannot be reasonably secured, therefore the proposal also fails to comply with the requirements of Policy T5 (Noise) of the ALDP.

3. The proposal, if approved, would set an undesirable precedent for applications of a similar nature which would result in the proliferation of sporadic development, which in turn would lead to the erosion of the character of the Green Belt and adversely affect the landscape setting of the City.

Applicant's Case for Review

Full supporting statement included in Agenda pack, with other submissions available via planning portal. Main points are:

- Site most recently used as a paddock, but now surplus to daily working of farm.
- Feel that inadequate opportunity was given to address reasons for refusal prior to decision being made.
- Contend that final response from Community Council was submitted outwith consultation period.
- Highlight a marked downturn in farm's profitability in recent years, with this proposal offering a means of supplementary income in line with Scottish Planning Policy
- Contends that design and materials are in keeping with surroundings
- States that policy T3 (Sustainable and Active Travel) is not relevant due to the nature of the business
- On water supply, notes that no further evidence was requested by the planning authority
- Considers that the planning authority has accepted the findings of the Community Council over its own Environmental Health team as regards noise impacts and mitigation.
- Highlights that mitigation measures have been included to address noise impact affecting occupants of Oldfold Farm, despite them operating the business and accepting related noise
- Suggests that no precedent would be set as all applications considered on their merits
- Points to the nearby development of stables recently as demonstrating that development of this nature is acceptable in this context

Relevant Planning History

- Application Ref P160258: Planning Permission in Principle sought for the erection of a farm workers dwellinghouse. Application refused under delegated powers in May 2016. This decision was upheld by the Local Review Body in September 2016.
- Application Ref P150710: Planning Permission in Principle sought for the erection of a dwellinghouse. Application refused under delegated powers in July 2015. This decision was upheld by the Local Review Body in January 2016.
- Application Ref 040126: Construction of dwelling to replace existing farmhouse. Approved conditionally in September 2004.
- Application Ref 031953: Alterations and extensions of old bothy to form new dwellinghouse. Approved conditionally in April 2004.
- Application Ref 021663: Change of use of steading to form 2 new dwellings. Approved conditionally in February 2003.
- In 1990, 1991 and 1995, planning applications were submitted and refused for the erection of a dwellinghouse.

Policy NE2 (Green Belt)

- Note preamble on aim of green belt (below) – not merely for purposes of visual or environmental protection

Green Belt

3.101 The aim of the Green Belt is to maintain the distinct identity of Aberdeen and the communities within and around the city, by defining their physical boundaries clearly. Safeguarding the Green Belt helps to avoid coalescence of settlements and sprawling development on the edge of the city, maintaining Aberdeen's landscape setting and providing access to open space. The Green Belt directs planned growth to the most appropriate locations and supports regeneration.

- No development other than that which is essential for:
 - Agriculture
 - Woodland and forestry
 - Recreational uses compatible with agricultural or natural setting
 - Mineral extraction/quarry restoration
 - Landscape renewal

Policy NE2 (Green Belt)

- Then sets out further list of exceptions:
 - Small-scale expansion of existing uses in GB
 - Essential infrastructure which cannot be accommodated other than in GB
 - Conversion of historic/vernacular buildings
 - Extension of buildings above as part of conversion scheme
 - Replacement of existing houses on one-for-one basis
- Requirement that all development in the Green Belt is of the highest quality in terms of siting, scale, design and materials.

Policy D1 (Quality Placemaking by Design)

Policy D1 - Quality Placemaking by Design

All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities ensuring connectivity are required to be compatible with the scale and character of the developments.

Places that are distinctive and designed with a real understanding of context will sustain and enhance the social, economic, environmental and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities;

- **distinctive**
- **welcoming**
- **safe and pleasant**
- **easy to move around**
- **adaptable**
- **resource efficient**

How a development meets these qualities must be demonstrated in a design strategy whose scope and content will be appropriate with the scale and/or importance of the proposal.

- Does the proposal represent a high standard of design and have strong and distinctive sense of place?

Policy T2 (Managing the Transport Impact of Development)

Policy T2 - Managing the Transport Impact of Development

Commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in Supplementary Guidance.

The development of new communities should be accompanied by an increase in local services and employment opportunities that reduce the need to travel and include integrated walking, cycling and public transport infrastructure to ensure that, where travel is necessary, sustainable modes are prioritised. Where sufficient sustainable transport links to and from new developments are not in place, developers will be required to provide such facilities or a suitable contribution towards implementation.

Further information is contained in the relevant Supplementary Guidance which should be read in conjunction with this policy.

Policy T3 (Sustainable and Active Travel)

Policy T3 - Sustainable and Active Travel

New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, cycling and public transport penetration. Links between residential, employment, recreation and other facilities must be protected or improved for non-motorised transport users, making it quick, convenient and safe for people to travel by walking and cycling.

Street layouts will reflect the principles of Designing Streets and meet the minimum distances to services as set out in the Supplementary Guidance.

Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained at all times by the developer through provision of suitable alternative routes.

Recognising that there will still be instances in which people will require to travel by car, initiatives such as like car sharing, alternative fuel vehicles and Car Clubs will also be supported where appropriate.

- Emphasis on encouraging active and sustainable travel (e.g. walking, cycling, public transport)
- Need to protect existing links and form new ones where possible
- Scope to also encourage car sharing and low-emissions vehicles, with associated infrastructure

Policy T5 (Noise)

Policy T5 – Noise

In cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application.

There will be a presumption against noise generating developments, as identified by a NIA, being located close to noise sensitive developments, such as existing or proposed housing, while housing and other noise sensitive developments will not normally be permitted close to existing noisy land uses without suitable mitigation measures in place to reduce the impact of noise.

Development within or near to Candidate Noise Management Areas (CNMAs) and Candidate Quiet Areas (CQAs) will not be permitted where this is likely to contribute to a significant increase in exposure to noise or a deterioration of noise conditions in these areas, or where this will reduce the size of, or cause an increase in the noise level within, the CQA.

Further information on NIAs, CNMAs and CQAs, including maps of these areas, can be found in the relevant Supplementary Guidance which should be read in conjunction with this policy.

- Noise Impact Assessments central to consideration
- Presumption against noisy developments being located close to noise sensitive uses

Policy NE6 (Flooding, Drainage and Water Quality)

Policy **NE6** - Flooding, Drainage and Water Quality

Development will not be permitted if:

- 1 It would increase the risk of flooding:
 - a) by reducing the ability of the functional flood plain to store and convey water;
 - b) through the discharge of additional surface water; or
 - c) by harming flood defences.
- 2 It would be at risk itself from flooding;
- 3 Adequate provision is not made for access to waterbodies for maintenance; or
- 4 It would require the construction of new or strengthened flood defences that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse.

Drainage Impact Assessment (DIA) will be required for new development proposals comprising 5 or more homes or 250 square metres non-residential floorspace. DIA will also be required for developments of any size that affect sensitive areas. DIA should detail how surface water and waste water will be managed. Surface water drainage associated with development must:

- 1 Be the most appropriate available in terms of SuDS; and
- 2 Avoid flooding and pollution both during and after construction.

Connection to the public sewer will be a pre-requisite of all development where this is not already provided. Private wastewater treatment systems in sewered areas will not be permitted. In areas not served by the public sewer, a private sewer treatment system for individual properties will be permitted provided that the developer demonstrates that there will be no adverse effects on the environment, amenity and public health.

Policy R6 (Waste Management Requirements for New Development)

Policy R6 - Waste Management Requirements for New Development

All new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. Flatted developments will require communal facilities that allow for the separate storage and collection of these materials. Recycling facilities should be provided in all new superstores or large supermarkets and in other developments where appropriate. Details of storage facilities and means of collection must be included as part of a planning application for any development which would generate waste. Further details are set out in Supplementary Guidance.

For proposals where we believe the potential savings on construction or demolition materials for recycling or reuse is likely to be significant, we will ask developers to prepare a Site Waste Management Plan as a condition of planning consent.

Policy R7 (Low and Zero Carbon Building and Water Efficiency)

Policy R7 - Low and Zero Carbon Buildings, and Water Efficiency

Low and Zero Carbon Buildings

All new buildings, must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology.. This percentage requirement will be increased as specified in Supplementary Guidance.

This requirement does not apply to:

- 1 Alterations and extensions to buildings;
- 2 Change of use or conversion of buildings;
- 3 Ancillary buildings that are stand-alone having an area less than 50 square meters;
- 4 Buildings which will not be heated or cooled, other than by heating provided solely for the purpose of frost protection; or
- 5 Buildings which have an intended life of less than two years.

Water Efficiency

To reduce the pressure on water abstraction from the River Dee, and the pressure on water infrastructure, all new buildings are required to use water saving technologies and techniques. The level of efficiency required and types of efficiencies are detailed in Supplementary Guidance.

Further guidance on compliance with this policy is contained in existing Supplementary Guidance and future Supplementary Guidance on Sustainable Design.

Points for Consideration:

Principle: Does Green Belt policy NE2 allow for the proposed development in areas designated as green belt?

Design: Is the proposal of high design quality, appropriate to its context (D1) - *having regard for factors such as scale, siting, footprint, proportions relative to original, materials, colour etc?*

Roads impact: Does the proposal satisfy the terms of policies T2 and T3, which include a requirement that development minimise traffic generated and maximise opportunity for sustainable and active travel?

Noise: Do members consider that the proposal satisfies policy T5 (Noise) and protects amenity from noise impacts associated with the proposed use?

Private water supply: Do members consider that it has been adequately demonstrated that a mains water connection cannot be achieved? Has the suitability of the proposed private supply been properly established?


1. Does the proposal comply with the Development Plan when considered as a whole?

2. Do other material considerations weigh for or against the proposal? (e.g. SPP) Are they of sufficient weight to overcome any conflict with the Development Plan?

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	Oldtown Farm, Station Road South, Aberdeen, AB14 0LN
Application Description:	Erection of dog boarding kennels and office space with associated solar panels, fencing and car parking and other associated works
Application Ref:	191717/DPP
Application Type:	Detailed Planning Permission
Application Date:	14 November 2019
Applicant:	Mr Kenneth Pratt
Ward:	Lower Deeside
Community Council:	Culter
Case Officer:	Jane Forbes

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

Oldtown Farm is an existing farm complex comprising a substantial two-storey granite and slate farmhouse, a pair of semi-detached one and a half storey dwellings, a converted bothy, and various large agricultural buildings all set around an informal area of hardstanding and surrounded by agricultural land, to the north, south, east and west.

The farm is set in a rural location in the Green Belt and accessed via a narrow single-track road. The Peterculter Golf Club course runs to the east of the farm, although separated by fields, with the club house and parking area located to the north east of the farm steading. The town of Peterculter is approximately one mile to the north.

The application site comprises a rectangular area of grass field extending to some 1309m², delineated by means of a post and wire fence, and forming the south-east corner of a larger field in agricultural use which extends to some 2.4ha.

Relevant Planning History

- Application Ref P160258: Planning Permission in Principle sought for the erection of a farm workers dwellinghouse. Application refused under delegated powers in May 2016. This decision was upheld by the Local Review Body in September 2016.
- Application Ref P150710: Planning Permission in Principle sought for the erection of a dwellinghouse. Application refused under delegated powers in July 2015. This decision was

upheld by the Local Review Body in January 2016.

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- Application Ref 021663: Change of use of steading to form 2 new dwellings. Approved conditionally in February 2003.
- In 1990, 1991 and 1995, planning applications were submitted and refused for the erection of a dwellinghouse.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of a 1½ storey building with mono-pitched roof incorporating 5 dormer windows and an elongated, 35.5m long, single storey wing comprising 4 stepped sections with the intended use as a dog boarding kennels with associated office space. The proposed building would be finished in grey render and natural slate, and would accommodate office space, staff facilities including a kitchen area and shower room, and areas for storage and animal care within the 1½ storey part of the development, which extends to a floorspace of some 178m² over two floors, whilst the single storey wing would accommodate 28 pens and 2 indoor exercise areas, within a floorspace of some 203m². The proposed development would be positioned centrally within the application site, with the 1½ storey building fronting south-west across an area of landscaping and beyond this over an area of hardstanding that could potentially accommodate the parking of up to approximately 18 vehicles, and towards the existing farmhouse. To the east of the 1½ storey building an area of hardstanding will deliver 5 parking spaces. An area of artificial grass extending to some 635m² would wrap around the single storey wing of the building which houses the pens and indoor exercise areas.

The original plans submitted for the proposed development included individual outdoor pens which were linked to and had direct access from each of the 28 internal pens located within the single storey wing. The aforementioned area of artificial grass was also previously designated as an outdoor exercise area. Amendments have been made to the proposal which have seen the removal of all outdoor pens, and any reference within the plans to the area of artificial grass being utilised as an outdoor exercise area deleted.

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=Q0YBOMBZL5X00>

- Planning Supporting Statement
- Noise Impact Assessment
- Water Test Examination & Analysis
- Supporting Financial Information

CONSULTATIONS

ACC - Environmental Health – Commented as follows:

Noise

Following submission of three Noise Impact Assessment (NIA) reports between February and April 2020, and comments on each of these NIA's from ACC Environmental Health Service, a final Revision 5 was submitted in May 2020. Environmental Health raised no objection with the findings of the NIA (Rev 5) and with the proposed development, provided all of the critical noise mitigation measures identified within the aforementioned NIA were applied and at least an equivalent effect to what was outlined within the NIA achieved. Environmental Health stated that these same noise mitigation measures must not be adversely affected when complying with any necessary licence requirement and recommended that the additional managerial controls identified within the NIA to help reduce noise emissions going forward be strictly adhered to.

Private Water Supply Suitability

ACC Environmental Health noted that the application proposed the use of a private water supply and requested suitable demonstration by the applicant that either a mains water supply would be established at the property, or alternatively, where the use of a private water supply was to be pursued, suitable demonstration as to why a mains connection would not be possible and the provision of a comprehensive assessment of the proposed private water supply by a competent person to ascertain its suitability. They confirmed that if the use of a private water supply was to be pursued, then the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 would apply and be enforced by the Environmental Health Service.

Licensing

ACC Environmental Health advised that in the event that planning permission was granted, the operation of the proposed facility would be subject to an Animal Boarding Establishment Licence regime administered by Environmental Health (Commercial section) and the Model Licence Conditions and Guidance for Dog Boarding Establishments (2016) should be applied at the earliest possible point in the design and planning stage to ensure the facility would meet with licensing requirements.

ACC - Roads Development Management Team – No objection. Adequate parking levels can be provided including in relation to the visitor/customer parking turnover.

Culter Community Council – The Community Council provided initial comment, objecting to the proposal unless a suitably detailed Noise Impact Assessment (NIA) was submitted and it could be demonstrated that any resulting noise impact would be of an acceptable level, taking into account the requirements of ACC Supplementary Guidance on Noise and Policy T5 of the Aberdeen Local Development Plan which sets a presumption against noise-generating activities. The Community Council asked that they be given the opportunity and sufficient time to review any NIA submitted by the applicant and for further comment to be made to the planning authority.

Following receipt of the final Noise Impact Assessment (Revision 5), Culter Community Council maintained its objection to the proposal and raised the following concerns:

1. The NIA calculates noise levels at local properties generated by dogs barking only when they are inside the proposed kennels building, which building is specified to have a significant level of noise insulation. The NIA does not address noise created when dogs are in the open, as

they must be, given the methods of operation set out in the NIA, and also whenever operations do not adhere to the (unenforceable) operating constraints.

2. The same issue of noise not limited by noise-abatement provisions will arise at any time when the kennels doors are wedged open for operational convenience, or because of wishing to provide cooling for the building – the specified acoustic performance will result in the building being well-insulated thermally as well as acoustically, and the applicant proposes ventilation only to achieve sufficient air changes, not to achieve cooling. The applicant has not assessed this case.
3. The applicant declares that no dogs are to be exercised on the application site. The applicant will face pressures of operational convenience, and potentially also pressure from clients to encourage the applicant to start on-site exercising. Most seriously, the proposal is an operational control, and hence, as determined by the Reporter in appeal PPA-100-2096, a planning Condition prohibiting exercise on the application site would be unenforceable.
4. There are inconsistencies within and between the NIA revisions and in the presentation of the results.
5. The applicant has failed to demonstrate that noise would not be an issue. The proposed development therefore fails to comply with Policy T5.

REPRESENTATIONS

One letter of objection has been received. The matters raised can be summarised as follows:

1. Noise Impact: There would be a significant loss of amenity to those occupying nearby residential and business properties, including within Peterculter and at the neighbouring Peterculter Golf Club and Maryculter House Hotel, given the noise levels which would result from the proposed dog kennel facility.
2. Requirement for another Kennel: There are two local dog kennel facilities and it is questionable whether there is a need for a third facility in the immediate area.
3. Proposed Design and Layout: The proposed development does not take into account the publication entitled 'Model Licence Conditions and Guidance for Dog Boarding Establishments' which was updated by the Chartered Institute of Environmental Health in 2016, and provides specific recommendations in the design of new building kennel facilities, including with regards to the dimensions and layout of individual pens and the delivery of outdoor run and exercise areas.

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

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 may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP in relation to specific applications will depend on whether:

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

Aberdeen Local Development Plan (2017) (ALDP)

Policy NE2 (Green Belt)

Policy D1 (Quality Placemaking by Design)

Policy T2 (Managing the Transport Impact of Development)

Policy T3 (Sustainable and Active Travel)

Policy T5 (Noise)

Policy NE6 (Flooding, Drainage & Water Quality)

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to public consultation through the Main Issues Report; and,
- the level of objection raised in relation these matters as part of the Main Issues Report; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. The following policies of the Proposed ALDP are relevant to this application:

Policy NE1 (Green Belt)

Policy D1 (Quality Placemaking)
Policy D2 (Amenity)
Policy T2 (Sustainable Transport)
Policy NE4 (Water Infrastructure)
Policy WB3 (Noise)

EVALUATION

Principle of Development

The site lies within an area which is designated as green belt. Scottish Planning Policy (SPP) supports the designation of green belts within areas which are easily accessible from Scotland's cities and towns and likely to be under ongoing pressure from new development, with such designations providing protection against unsustainable development. Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan (ALDP) states that: 'No development will be permitted in the Green Belt for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/quarry restoration; or landscape renewal'.

The following exceptions apply to this policy:

1 Proposals for development associated with existing activities in the green belt will be permitted but only if all of the following criteria are met:

- a) The development is within the boundary of the existing activity;
- b) The development is small-scale;
- c) The intensity of activity is not significantly increased; and
- d) Any proposed built construction is ancillary to what exists.

2 Essential infrastructure (such as electronic communications infrastructure, electricity grid connections, transport proposals identified in the LDP or roads planned through the masterplanning of opportunity sites) will only be permitted if it cannot be accommodated anywhere other than the Green Belt.

3 Buildings in the Green Belt which have a historic or architectural interest, or a valuable traditional character, will be permitted to undergo an appropriate change of use which makes a worthwhile contribution to the visual character of the Green Belt.

4 Proposals for extensions of existing buildings, as part of a conversion or rehabilitation scheme, will be permitted in the Green Belt provided:

- a) The original building remains visually dominant;
- b) The design of the extension is sympathetic to the original building in terms of massing, detailing and materials, and
- c) The siting of the extension relates well to the setting of the original building.

5 Replacement on a one-for-one basis of existing permanent houses currently in occupation will normally be permitted provided:

- a) It can be demonstrated to the Council that they have been in continuous occupation for at least 5 of the seven years immediately prior to the date of the application;
- b) The replacement house, except in exceptional circumstances (e.g. to improve a dangerous access), occupies the same site as the building it would replace, does not permit development for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration, or landscape renewal.

The proposal is for the erection of a 1½ storey building with single storey wing, with the intended use as a dog boarding kennels with associated office space. The application site comprises an area of agricultural land within the wider confines of an existing sheep farming business operating at Oldtown Farm. In terms of assessing the application against Green Belt Policy (NE2), the proposed development is not considered to be essential for agriculture. The proposal does not fall within any of the categories of development listed in the first paragraph of Policy NE2. It is worthy of note that, in relation to the planning appeal mentioned by the community council (for dog kennels at Tillyoch Peterculter), the Reporter concluded that dog kennels do not fall within any of the categories of development that are permissible in the green belt. The proposal is also deemed to fall outwith the remit of any of the aforementioned exceptions which would allow for development in the green belt. It relates to development which could not be deemed small-scale, and which would have no direct association with the farming operation taking place at Oldtown Farm.

It should be noted that a Supporting Statement submitted by the applicant's agent outlines that the applicant is seeking additional revenue streams to support the established sheep farm. The supporting document states that whilst accepting that the proposed development is contrary to green belt policy, it is believed that there is a strong economic case for the proposal which would support the agricultural use of the site. On this basis further financial information was requested of the applicant in support of the economic case. The information submitted (which is not presented as fully audited accounts) includes detail on the income and expenditure of the farming business during 2019, however, it fails to provide any detail demonstrating that there is a proven demand for dog kennels in this location, or on the financial viability of such a proposal. With there being two other local dog kennel facilities, the community council questions whether there is a need for a third facility in the immediate area. Whilst the financial information submitted indicates that the farming business at Oldtown Farm operated at a loss in 2019, which the applicant states is representative of the average year, there is no indication as to the likely income which the proposed kennel business would generate, nor cognisance of the initial capital cost or ongoing running costs of the proposed development which is deemed necessary for the delivery of such a business. As a result the weight which can be given to the alleged "strong economic case" which has been argued by the applicant is particularly limited, and would not outweigh the non-compliance with either SPP or Policy NE2.

Taking the above into account it is considered that the proposed erection of a dog boarding kennels with associated office space at this location, in the form of a new 1½ storey building with single storey wing, would clearly be contrary to the expectations of SPP and to the principles of Policy NE2 (Green Belt) of the ALDP. The applicant has not demonstrated why dog kennels must be located in the green belt, in particular at Oldtown Farm. No compelling case, including from an economic perspective, has been made for setting aside the restrictions on development set down by SPP and Policy NE2. Notwithstanding that the principle of the proposed development is deemed to be unacceptable, there are further considerations relating to this proposal which need to be addressed, namely:

Design, Scale & Siting

Policy D1 (Quality Placemaking by Design) of the ALDP highlights the need for development to respond to the site context and be designed with due consideration to siting, scale and massing; for it to reinforce established patterns of development; and to be well planned, with high quality design, materials and craftsmanship. In addition to this, Policy NE2 (Green Belt) of the ALDP also states that "All proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials". The proposed development would be erected on an area of agricultural land which lies within a relatively prominent position when viewed on approaching the

site, adjacent to the main access road, to the east of existing farm buildings and north of the main farmhouse. The established pattern of development in this rural location is that of a farm steading with agricultural buildings and residential property associated to the farming enterprise, surrounded by open agricultural fields. Scottish Planning Policy (SPP) clearly highlights the importance of considering the potential effects of development on landscape, and states that “The siting and design of development should take account of local landscape character”. In this instance the proposal would see the introduction of a 1½ storey building with single storey wing outwith the main steading development and within a field which forms part of the agricultural land.

The proposed building, and in particular the 1½ storey element, does not have the overall design approach or features expected in a rural setting. The 1½ storey element has the form, scale, massing and design characteristics of a suburban house. The entirely solid (i.e. no window openings) and stepped form of the elongated single storey element is also not of typical rural character or appearance. Overall, the scale and siting of the proposed development would be out of keeping within the rural context of the site and the character of the wider area, appearing as a rather incongruous feature in the landscape and in further expanding the existing area of development associated with the farming business, through the introduction of a building with no agricultural purpose or merit in terms of its scale or design, this proposal clearly fails to reflect either the site context or the existing development pattern. On this basis it would neither suitably protect nor enhance the character, landscape setting or identity of the existing settlement, and as such would not address the expectations of SPP with regards to green belt development.

Concerns have been raised within a letter of representation submitted on this proposal relating to the design of the kennels not taking account of the publication entitled ‘Model Licence Conditions and Guidance for Dog Boarding Establishments’ and updated by the Chartered Institute of Environmental Health in 2016. This publication outlines certain design requirements for new build kennel facilities, including with regards to the dimensions and layout of individual pens and the delivery of outdoor run and exercise areas. Whilst such design requirements would clearly be dealt with by the appropriate licencing authority, it is nevertheless of some relevance in the consideration of this proposal, given that external runs which formed part of the original layout have been removed to address noise concerns raised by ACC Environmental Health. Such an amendment could result in the proposal failing to meet or causing difficulties in complying with the licencing requirements without significant changes being required to the design of the proposal. Furthermore, and as outlined in more detail above, ACC Environmental Health in their formal consultation response, advised that the requirements of the Licensing regime should be applied at the earliest possible point in the design and planning stage to ensure the facility would meet with licensing requirements.

Taking all of the above into account, it is considered that the proposal fails to comply with the policy requirements of Policy D1 (Quality Placemaking by Design) and Policy NE2 (Green Belt) of the ALDP and does not suitably address the expectations of SPP.

Noise

Policy T5 (Noise) of the ALDP outlines that there will be a presumption against noise generating developments, as identified by NIA, being located close to noise sensitive developments, such as existing or proposed housing.

The Supporting Statement submitted on behalf of the applicant states “Given the remoteness of the site and that this is currently a working livestock farm, we would consider that there would be no issues with noise”. However, having assessed the proposal, and taking into account the rural location, ACC Environmental Health advised that the development had the potential to impact upon existing noise sensitive receptors nearby and requested submission of an appropriate noise

impact assessment by a suitably qualified noise consultant to ascertain any predicted impacts of likely noise sources associated with the proposed commercial development on current residential properties and any necessary control measures.

The initial NIA submitted raised concerns with Environmental Health officers who noted that the mitigated daytime noise level from the proposed kennels was approaching the level likely to indicate a significant adverse impact. Environmental Health confirmed that on the basis of such findings they would not be in a position to accept the proposal. A further 3 revisions of the NIA were submitted, each providing amendments to the original development proposal, including in the first instance the intended use of a remote exercise area within a location outwith the application site but within the wider boundary of Oldtown Farm's agricultural land, then the subsequent removal of this remote exercise area along with the removal of all individual external runs linked to each of the internal pens, and finally the removal of any reference to the grassed area surrounding the kennels being utilised as an outdoor exercise area. As a result of these changes the applicant is no longer incorporating any external exercise area for the dogs within the proposed layout. However, this in itself will not prevent adjacent areas or fields being used for that purpose, and such use could not be prevented or controlled by the use of conditions. So, whilst the external exercise areas have been removed from the plans, it does not necessarily mean that the noise disturbance from barking dogs has been addressed, and the dogs will still need to be taken outside for exercise and animal welfare reasons.

The final NIA submitted (Revision 5) concluded that during both day time and night time, the specific noise level of barking dogs at the 5 nearest residential properties was (1) likely to be an indication of a low impact as per the BS 4142:2014 assessment, (2) below the guideline values detailed in World Health Organisation Guidelines for Community Noise, (3) below the guideline values detailed in British Standard 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings, and (4) a neutral significance of impact as per Planning Advice Note 1/2011: Planning and Noise and the associated Technical Advice Note: Assessment of Noise.

The outcome and findings of the NIA are based on a range of mitigation measures being implemented. In terms of the construction of the kennels, this will require additional sound insulation being introduced, and self-closing solid wooden doors and acoustic wall ventilators being fitted to the kennels. It also requires mitigation measures to be employed in the operation of the business, including cleaning of the kennels during day time hours; dogs being transported by van and exercised off site between 09:00 and 16:00; dogs being groomed one at a time within the grooming room which lies within the main kennels area; and for no dogs to be exercised within the external boundary of the site.

The final NIA (Revision 5) was reviewed by Environmental Health who indicated that they accepted the proposed development provided the critical noise mitigation measures outlined within the NIA (as detailed above) were achieved, and that these mitigation measures were not adversely affected as a result of having to comply with any necessary licence requirement. Environmental Health officers also recommended strict adherence to the additional managerial controls which were detailed within the NIA, in order to help reduce noise emissions going forward.

Whilst it is considered that the mitigation measures which are proposed in terms of the material construction of the kennels could be controlled by the use of appropriate planning conditions, it would clearly be outwith the control of the planning authority to apply conditions relating to the management and operation of the kennels as outlined above, i.e. in relation to controlling when the cleaning of the kennels takes place; restricting the location and timing of the dogs being exercised; prohibiting the use of the outdoor space which surrounds the kennels, and the farmland beyond the application site boundaries which is also owned by the applicant. It should be noted in this respect that in relation to the aforementioned planning appeal (for dog kennels at Tillyoch

Peterculter), and as highlighted by the Community Council, the Reporter also advised that such restrictions would be impracticable to monitor, with any infringement difficult to prove, and considered the conditions to be unenforceable.

Taking all of the above into account, it is considered that the requirements of Policy T5 (Noise) cannot be suitably addressed, given that this would require conditions to be applied to ensure that all necessary mitigation measures are achieved, and such conditions would not be enforceable and would therefore fail to meet the necessary 6 tests as outlined in Planning Circular 4/1998: The use of conditions in planning permissions.

Access/Parking

The site lies at a distance of approximately one mile from Peterculter and is accessed via Station Road South and beyond this, along a private access road. The Council's Roads Development Management team sought clarification on the parking arrangements and likely pattern of visiting customers and on submission of additional detail outlining existing parking capacity within the wider site confirmed that the parking levels which could be achieved were adequate and raised no objection to the proposal.

It is acknowledged that the proposal would not fully address the requirements of Policy T2 (Managing the Transport Impact of Development), largely as a result of the rural location of the site which limits the measures which can feasibly be put in place to minimise traffic and maximise opportunities for sustainable and active travel. However, taking into account the limited site area, partial compliance with the expectations of Policy T2 (Managing the Transport Impact of Development) would be unlikely to raise any significant concerns. Nevertheless, the expectations of Policy T3 (Sustainable and Active Travel) of the ALDP are for new developments to be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and in this regard it is apparent that the proposal fails to comply with such policy requirements.

Drainage/Water Supply

The Supporting Statement submitted on behalf of the applicant outlines that "water will be supplied by the existing private water supply and there will be private wastewater disposal to the south of the site". No additional detail on the provision of these services and associated infrastructure was provided. ACC Environmental Health officers noted that the application proposed the use of a private water supply and on the basis that the internal layout of the proposed development incorporates a staff room with kitchen sink, understood that this would include for human consumption. Due to the public health risks generally associated with inadequate private water supply sources, associated sampling, treatment and system maintenance costs and the risk of insufficient supply during dry periods, Environmental Health confirmed that a mains supply was strongly advised where there is any possibility of connection to the mains at reasonable cost. ACC Environmental Health requested suitable demonstration by the applicant that either a mains water supply would be established at the property, or alternatively, where the use of a private water supply was being pursued, suitable demonstration as to why a mains connection would not be possible and the provision of a comprehensive assessment of the proposed supply by a competent person to ascertain its suitability.

Water test examination results and analysis of the private water supply system intended for use at the proposed development were submitted and the information reviewed by ACC Environmental Health who re-iterated their initial advice, namely that a mains water supply was recommended, but if the use of a private water supply was being pursued for human consumption, then a comprehensive assessment of the supply by a competent person would be necessary to ascertain its suitability. They confirmed that the information and detail submitted did not fulfil all of these

requirements. Taking the above into account, it is considered that the expectations of Policy NE6 (Flooding, Drainage & Water Quality) have not been fully addressed.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is therefore deemed unacceptable in terms of both Plans for the reasons previously given.

Matters raised by the Community Council and in Representation

The concerns raised by the local Community Council and by the objector in representation have been addressed in the foregoing evaluation.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. The proposal would result in development within an area of agricultural land forming part of a wider farming operation, and would be for a use which is deemed to be neither essential for agriculture, nor associated with an existing activity. The proposed development would therefore be contrary to the expectations of Scottish Planning Policy (SPP) and would clearly fail to comply with the requirements of Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan (ALDP).
2. The proposed development does not reflect the existing development pattern, nor is it of a form, scale, massing or have the design characteristics appropriate for a rural setting and therefore does not address the expectations of Policy D1 (Quality Placemaking by Design). Whilst deemed to be partially compliant with the requirements of Policy T2 (Managing the Transport Impact of Development), the proposed development has failed to demonstrate suitable compliance with the requirements of Policy T3 (Sustainable and Active Travel) and Policy NE6 (Flooding, Drainage & Water Quality) of the ALDP. Mitigation measures which have been identified as being necessary to address noise issues relating to the proposed development and suitably protect existing residential amenity cannot be reasonably secured, therefore the proposal also fails to comply with the requirements of Policy T5 (Noise) of the ALDP.
3. The proposal, if approved, would set an undesirable precedent for applications of a similar nature which would result in the proliferation of sporadic development, which in turn would lead to the erosion of the character of the Green Belt and adversely affect the landscape setting of the City.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100199854-001

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

Type of Application

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

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

Description of Proposal

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

Proposed Kennels & associated office space

Is this a temporary permission? *

Yes No

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

Yes No

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

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details


Company/Organisation:	Groundwater Architectural Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Kevin	Building Name:	
Last Name: *	Groundwater	Building Number:	41
Telephone Number: *	01224782035	Address 1 (Street): *	Bracken Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Portlethen
Fax Number:		Country: *	Scotland
		Postcode: *	AB12 4TA
Email Address: *	info@groundwaterdesign.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Old Town Farm
First Name: *	Kenneth	Building Number:	
Last Name: *	Pratt	Address 1 (Street): *	Old Town Farm
Company/Organisation:		Address 2:	
Telephone Number: *		Town/City: *	Peterculter
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB14 0LN
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

OLDTOWN FARM

Address 2:

STATION ROAD SOUTH

Address 3:

ABERDEEN

Address 4:

Address 5:

Town/City/Settlement:

PETERCULTER

Post Code:

AB14 0LN

Please identify/describe the location of the site or sites

Northing

799491

Easting

383734

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

1309.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Agricultural field

Access and Parking

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

Yes No

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

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

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

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

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

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

Water Supply and Drainage Arrangements

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

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

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

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

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

Trees

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

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

Waste Storage and Collection

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

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

hard standing area for refuse bins as provided by local authority

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): *

Not in a Use Class

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

360

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)

sui generis: Kennels

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

Do you have any agricultural tenants? *

Yes No

Certificate Required

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

Certificate E

Land Ownership Certificate

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

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: *

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and *have/has been unable to do so –

Signed: Kevin Groundwater

On behalf of: Mr Kenneth Pratt

Date: 06/11/2019

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 principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

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

supporting statement

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Kevin Groundwater

Declaration Date: 06/11/2019

Payment Details

Online payment: ABSP00004634
Payment date: 14/11/2019 08:33:00

Created: 14/11/2019 08:33



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 100199854-002

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:	Groundwater Architectural Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Kevin	Building Name:	
Last Name: *	Groundwater	Building Number:	41
Telephone Number: *	01224782035	Address 1 (Street): *	Bracken Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Portlethen
Fax Number:		Country: *	Scotland
		Postcode: *	AB12 4TA
Email Address: *	info@groundwaterdesign.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Old Town Farm
First Name: *	Kenneth	Building Number:	
Last Name: *	Pratt	Address 1 (Street): *	Old Town Farm
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Peterculter
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB14 0LN
Fax Number:			
Email Address: *	[REDACTED]		

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 Kevin Groundwater

Declaration Date: 12/02/2020

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100199854-004

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

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:	Groundwater Architectural Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Kevin	Building Name:	
Last Name: *	Groundwater	Building Number:	41
Telephone Number: *	01224782035	Address 1 (Street): *	Bracken Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Portlethen
Fax Number:		Country: *	Scotland
		Postcode: *	AB12 4TA
Email Address: *	info@groundwaterdesign.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Old Town Farm
First Name: *	Kenneth	Building Number:	
Last Name: *	Pratt	Address 1 (Street): *	Old Town Farm
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Peterculter
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB14 0LN
Fax Number:			
Email Address: *	info@groundwaterdesign.co.uk		

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 Kevin Groundwater

Declaration Date: 01/04/2020

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100199854-007

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:	Groundwater Architectural Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Kevin	Building Name:	
Last Name: *	Groundwater	Building Number:	41
Telephone Number: *	01224782035	Address 1 (Street): *	Bracken Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Portlethen
Fax Number:		Country: *	Scotland
		Postcode: *	AB12 4TA
Email Address: *	info@groundwaterdesign.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Old Town Farm
First Name: *	Kenneth	Building Number:	
Last Name: *	Pratt	Address 1 (Street): *	Old Town Farm
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Peterculter
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB14 0LN
Fax Number:			
Email Address: *	info@groundwaterdesign.co.uk		

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 Kevin Groundwater

Declaration Date: 01/04/2020

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100199854-008

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:	Groundwater Architectural Design		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Kevin	Building Name:	<input type="text"/>
Last Name: *	Groundwater	Building Number:	41
Telephone Number: *	01224782035	Address 1 (Street): *	Bracken Road
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Portlethen
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	AB12 4TA
Email Address: *	info@groundwaterdesign.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Old Town Farm
First Name: *	Kenneth	Building Number:	<input type="text"/>
Last Name: *	Pratt	Address 1 (Street): *	Old Town Farm
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Peterculter
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	AB14 0LN
Fax Number:	<input type="text"/>		
Email Address: *	info@groundwaterdesign.co.uk		

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 Kevin Groundwater

Declaration Date: 01/04/2020

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Groundwater Architectural Design
41 Bracken Road
Portlethen
AB12 4TA

on behalf of **Mr Kenneth Pratt**

With reference to your application validly received on 14 November 2019 for the following development:-

Erection of dog boarding kennels and office space with associated solar panels, fencing and car parking and other associated works at Oldtown Farm, Station Road South

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
19-316/04 B	Multiple Elevations (Proposed)
19-316/01 B	Location Plan
19-316/03 B	Floor Plan Layout (Proposed)
19-316/02 Rev C	Site Plan (Proposed)
19-316/06 Rev C	Other Drawing/Plan

REASON FOR DECISION

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

1. The proposal would result in development within an area of agricultural land forming part of a wider farming operation, and would be for a use which is

deemed to be neither essential for agriculture, nor associated with an existing activity. The proposed development would therefore be contrary to the expectations of Scottish Planning Policy (SPP) and would clearly fail to comply with the requirements of Policy NE2 (Green Belt) of the Aberdeen City Local Development Plan (ALDP).

2. The proposed development does not reflect the existing development pattern, nor is it of a form, scale, massing or have the design characteristics appropriate for a rural setting and therefore does not address the expectations of Policy D1 (Quality Placemaking by Design). Whilst deemed to be partially compliant with the requirements of Policy T2 (Managing the Transport Impact of Development), the proposed development has failed to demonstrate suitable compliance with the requirements of Policy T3 (Sustainable and Active Travel) and Policy NE6 (Flooding, Drainage & Water Quality) of the ALDP. Mitigation measures which have been identified as being necessary to address noise issues relating to the proposed development and suitably protect existing residential amenity cannot be reasonably secured, therefore the proposal also fails to comply with the requirements of Policy T5 (Noise) of the ALDP.
3. The proposal, if approved, would set an undesirable precedent for applications of a similar nature which would result in the proliferation of sporadic development, which in turn would lead to the erosion of the character of the Green Belt and adversely affect the landscape setting of the City.

Date of Signing 13 August 2020

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.

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Aberdeen City Council – Development Management Consultation Request

From: Jane Forbes	Date: 19 November 2019
Email: JANEF@aberdeencity.gov.uk	Ref: 191717/DPP
Tel.: 01224 522276	Expiry Date: 10 December 2019

Detailed Planning Permission

**191717/DPP: Erection of dog boarding kennels and office space with associated solar panels, fencing and car parking and other associated works at Oldtown Farm
Station Road South
Aberdeen
AB14 0LN**

All plans and supporting documentation available at the following link:

<https://publicaccess.aberdeencity.gov.uk/online-application/applicationDetails.do?activeTab=summary&keyVal=Q0YBOMBZL5X00>

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

Regarding the above Detailed Planning Application an environmental health assessment was carried out. The associated comments are considered reasonable and proportionate given the current circumstances;

Noise Impact Assessment

This Service is aware of the rural location of the proposed facility. The development does however have potential to impact upon existing noise sensitive receptors nearby. The supporting documents including; 'Proposed Kennels at Oldtown Farm Peterculter' have been reviewed. Whilst the document contains relevant details, it does not fully demonstrate how the proposal will impact on relevant sensitive receptors in the area or include noise mitigation measures to be implemented at the facility.

This Service therefore requires an appropriate noise assessment by a suitably qualified noise consultant to ascertain any predicted impacts of likely noise sources

associated with the proposed commercial development on current residential properties and the necessary control measures.

This assessment should:

- a) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note and demonstrate compliance with appropriate noise standards, namely BS4142:2014, BS8233 and WHO Guidelines
- b) Consider the relevant requirements of the Chartered Institute of Environmental Health's document entitled Model Licence Conditions and Guidance for Dog Boarding Establishments 2016.
- c) Identify the likely sources of noise associated with the proposed development.
- d) Predict the noise impact on the affected noise sensitive receptors
- e) Detail the noise mitigation measures to reduce noise from the likely noise sources to an acceptable level to reasonably protect the amenity of the occupants of the existing neighbouring residences.
- f) The methodology for the noise assessment should be submitted and agreed in writing with this Service in advance of the assessment

Private Water Supply Suitability

The application advises use of a private water supply. Additionally, the Drawing 'Proposed Layout Plan' (Reference: Drawing No. 19-316/03 Date: 29-10-19) shows a staff room with a kitchen sink. Due to the public health risks generally associated with inadequate private water supply sources, associated sampling, treatment and system maintenance costs and the risk of insufficient supply during dry periods, a mains supply is strongly advised where there is any possibility of connection to the mains at reasonable cost.

Where the use of a private water supply is pursued the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 would apply and be enforced by this Service. The aim of these Regulations is to protect human health from the adverse effects of any contamination of water intended for human consumption by ensuring that the water meets water quality standards. Additionally, a grant for the proposed facility is not available.

This Service therefore requests suitable demonstration by the applicant that a mains water supply has been established at the property. Alternatively, where the use of a private water supply is pursued, this service requests suitable demonstration why a mains connection is not possible and provision of a comprehensive assessment of the proposed supply by a competent person to ascertain its suitability. This assessment should include, (but not be restricted to) the following:

- a) Water Sampling and analysis in accordance with the microbiological, chemical and indicator parameters contained within; schedule 2 of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 as directed by this Service.
- b) A private water supply risk assessment carried out in accordance with suitable guidance For Example that contained within the Scottish Executives' Private Water Supply Technical Manual (or alternative equivalent as demonstrated), see link below for details;
<https://dwgr.scot/private-supply/technical-information/pws-technical-manual/>

- c) The outcome of the risk assessment and analysis referred to above and details of any improvements required to ensure the supply passes the risk assessment and meets the relevant analysis parameters.
- d) Potential supply source yield
- e) Long-term sustainability of source supply
- f) Long-term sustainability of the water treatment system maintenance costs
- g) The assessment should be detailed in a written report to the satisfaction of this service.

Furthermore, Section B 1.1 of the Chartered Institute of Environmental Health's document entitled Model Licence Conditions and Guidance for Dog Boarding Establishments 2016 requires fresh water suitable for human consumption to be provided. The above requests are therefore applicable for this reason also.

Licensing Advice

For information, where Planning permission is granted the operation of the proposed facility would be subject to an Animal Boarding Establishment Licence regime administered by Environmental Health (Commercial section). The Officer with Animal Health duties recommends the relevant sections of the Model Licence Conditions and Guidance for Dog Boarding Establishments 2016 are applied at the earliest possible point in the design and planning stage to ensure the facility will meet licensing requirements. For further information on the licencing regime please email commercial@aberdeencity.gov.uk or phone 0300 0200 292.

I trust this meets with your satisfaction. If you have any queries, please call me on the number above.

Kind regards

Responding Officer: Mark Nicholl - Environmental Health Officer

Date:06-12-19

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.

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Aberdeen City Council – Development Management Consultation Request

From: Jane Forbes	Date: 13 February 2020
Email: JANEF@aberdeencity.gov.uk	Ref: 191717/DPP
Tel.: 01224 522276	Expiry Date: 5 March 2020

Detailed Planning Permission

**191717/DPP: Erection of dog boarding kennels and office space with associated solar panels, fencing and car parking and other associated works at Oldtown Farm
Station Road South
Aberdeen
AB14 0LN**

All plans and supporting documentation available at the following link:

<https://publicaccess.aberdeencity.gov.uk/online-application/applicationDetails.do?activeTab=summary&keyVal=Q0YBOMBZL5X00>

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

Regarding the above Detailed Planning Permission further information has been received and reviewed by the Environmental Protection Section. The following areas have been evaluated and the associated comments are considered reasonable and proportionate given the current circumstances.

1. Noise Impact Assessment Review

The Noise Impact Assessment (Reference: Proposal Number: 111219 Version Number: 2 dated: 12-02-20) associated with the proposed development has been reviewed.

Within section 5.2. The table advises of what appears to be a mitigated daytime noise level of +9 dB above background noise levels at a sensitive receptor. This level is approaching the threshold level of +10 dB for 'likely to be an indication of

significant adverse impact' as defined within BS4142:2014.

Due to the above exceedances there is insufficient demonstration that the proposal will provide acceptable conditions for residents. This Service is therefore unable to accept the proposal currently.

Should however an amended noise impact assessment be received which aims to address the above matters this Service would review the report and provide a response as a matter of priority.

2. Private Water Supply Suitability

This Service has received and reviewed indicative yield test data sheet, the results of which are accepted. The water test certificate has also been reviewed and the results of the microbiological examination are encouraging. However, there are other microbiological and chemical parameters which are required to be tested for. Further information is therefore required to fulfil all the necessary requirements detailed within my response of the 6-12-19.

Where the use of a private water supply is pursued for human consumption, this service requests a comprehensive assessment of the proposed supply by a competent person to ascertain its suitability. This assessment should include, (but not be restricted to) the following:

- a) Water Sampling and analysis in accordance with the microbiological, chemical and indicator parameters contained within; schedule 2 of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 as directed by this Service.
- b) A private water supply risk assessment carried out in accordance with suitable guidance For Example that contained within the Scottish Executives' Private Water Supply Technical Manual (or alternative equivalent as demonstrated), see link below for details;
<https://dwqr.scot/private-supply/technical-information/pws-technical-manual/>
- c) The outcome of the risk assessment and analysis referred to above and details of any improvements required to ensure the supply passes the risk assessment and meets the relevant analysis parameters.
- d) Long-term sustainability of the water treatment system maintenance costs
- e) The assessment should be detailed in a written report to the satisfaction of this service.

NB - Where the use of a private water supply is pursued the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 would apply and be enforced by this Service. The Regulations permit this Service to charge for expenses incurred when carrying out the above duties. If you would like to find out more about the regulatory activities undertaken throughout the year by this Service, the charges involved and the implications for the proposed business please contact this Service on 01224 522596, email mnicholl@aberdeencity.gov.uk.

As detailed within the previous response of the 06-12-19 a mains water supply is recommended. Suitable demonstration by the applicant that a mains water supply

has been established at the property would suffice.

I trust this meets with your satisfaction. If you have any queries, please call me on the number above.

Kind regards

Responding Officer: Mark Nicholl - Environmental Health Officer

Date:19-02-2020

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.

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Aberdeen City Council – Development Management Consultation Request

From: Jane Forbes	Date: 13 February 2020
Email: JANEF@aberdeencity.gov.uk	Ref: 191717/DPP
Tel.: 01224 522276	Expiry Date: 5 March 2020

Detailed Planning Permission

**191717/DPP: Erection of dog boarding kennels and office space with associated solar panels, fencing and car parking and other associated works at Oldtown Farm
Station Road South
Aberdeen
AB14 0LN**

All plans and supporting documentation available at the following link:

<https://publicaccess.aberdeencity.gov.uk/online-application/applicationDetails.do?activeTab=summary&keyVal=Q0YBOMBZL5X00>

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

Regarding the above Detailed Planning Permission following on from the response by this service dated 19-02-20 further information has been received and reviewed by the Environmental Protection Section.

1. Noise Impact Assessment Review

The revised drawing entitled Proposed Site Plan (Reference: DRWG NO 19-316/02, Revision B, Date 28/10/19 indicates an area of the proposed site with artificial grass, enclosed by a 1.1 m high fence and labelled 'Outdoor exercise area'. The Noise Impact Assessment (Reference: Proposal Number: 111219 Version Number: 2 dated: 12-02-20) associated with the proposed development has not however considered this dog exercise area.

Furthermore, through discussions with the Planning Service it has come to the

attention of this Service that there are three other residential properties in closer proximity to the proposed site than those assessed within the noise impact assessment. These properties, namely, The Steadings, Deeview and the Bothy have not therefore been duly considered and the impact of the proposal on their amenity established.

Should however an amended noise impact assessment be received which aims to address the above matters this Service would review the report and provide a response as a matter of priority.

I trust this meets with your satisfaction. If you have any queries, please call me on the number above.

Kind regards,

Responding Officer: Mark Nicholl - Environmental Health Officer

Date:25-02-2020

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.

Aberdeen City Council – Development Management Consultation Request

From: Jane Forbes	Date: 3 April 2020
Email: JANEF@aberdeencity.gov.uk	Ref: 191717/DPP
Tel.: 01224 522276	Expiry Date:

Detailed Planning Permission

**191717/DPP: Erection of dog boarding kennels and office space with associated solar panels, fencing and car parking and other associated works at Oldtown Farm
Station Road South
Aberdeen
AB14 0LN**

All plans and supporting documentation available at the following link:

<https://publicaccess.aberdeencity.gov.uk/online-application/applicationDetails.do?activeTab=summary&keyVal=Q0YBOMBZL5X00>

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

Regarding the above Detailed Planning Permission further information has been received and reviewed by the Environmental Protection Section. The following areas have been evaluated and the associated comments are considered reasonable and proportionate given the current circumstances.

1. Noise Impact Assessment Review

The amended Noise Impact Assessment (Reference: Proposal Number: 111219 Version Number: 3 dated: 31-03-20) associated with the proposed development has been reviewed along with detailed discussions with the acoustician for the project, with the following observation.

- a) The plan on page 20 and the Proposed Layout Plan (Reference: 19-316/03

Date 28-10-19 Revision A) advises of a Grooming Area. Details of the activities and number of dogs being groomed at any one time are not however provided nor assessed. Please include the grooming area within the scope of the noise assessment.

- b) Within Appendix H page 35 the calculation for the 'L_{p,Int} - Reverberant Sound Pressure Level Inside Kennels LA_{eq} 1hour' indicates a noise reduction factor (Rw 43) provided by the walls (and ceilings) of an internal exercise structure to be constructed within the main Kennel structure itself. The plan on page 20 and the Proposed Layout Plan (Reference: 19-316/03 Date 28-10-19 Revision A) does not however clearly demonstrate this 'box within a box' noise insulation approach to allow its effective implementation. Please amend the plan to robustly demonstrate this approach and to allow its effective implementation, including walls and ceiling of the internal structure and any other element pertinent to noise control such as means of ventilation.
- c) Within Appendix H1 page 35 and H6 page 40 the daytime and night time calculations for the 'L_{p,Int} - Reverberant Sound Pressure Level Inside Pens LA_{eq} 1hour' include a noise reduction factor (Rw 43) provided by the walls (and ceilings) of the Kennel structure. The plan on page 20 and the Proposed Layout Plan (Reference: 19-316/03 Date 28-10-19 Revision A) does not however show a 'box within a box' structure for the individual pens. The noise reduction factor of 43 cannot therefore be applied both in this instance and in a latter calculations for predicting the noise impact from the pens within the properties. Please amend the calculation accordingly. Alternatively, a 'box within a box' noise insulation approach could be applied to the pens to achieve the stated noise reduction. Should the latter option be chosen, please amend the plan to robustly demonstrate this approach and to allow its effective implementation, including walls and ceiling of the internal pens and any other element pertinent to noise control such as means of ventilation
- d) Within appendix H6 – H9 please show all the relevant calculations including those for the night-time L_{Amax} noise emissions and predicted levels at receptors.
- e) Section 4.2 advises the BS4142:2014 standard assesses the likely effects of sound on people who might be inside or outside a relevant dwelling. The standard is not intended to be applied to the derivation of indoor sound levels arising from sound levels outside, or the assessment of indoor sound levels. The assessment details contained within appendix H demonstrate the results of the BS 4142 assessment detailed within the tables in section 5.2 are external which has been confirmed by the acoustician. As is the case with the results of the WHO and 8233 assessments please indicate within the table that the results for the 4142 assessment are external to the property.
- f) Within the BS4142 assessment the required penalties of +9 dB for impulsivity and +3 dB for intermittency in this instance have not been applied. Please apply the required acoustic penalties as discussed with the acoustician.

Due to the above factors there is insufficient demonstration that the proposal will provide acceptable conditions for residents. This Service is therefore unable to accept the proposal currently.

Should however an amended noise impact assessment be received which aims to address the above matters this Service would review the report and provide a response as a matter of priority.

From discussions the acoustician advised, with the exception of BS4142 assessment, where a calculation results in a negative noise level that level is expressed as 0dB. For the benefit of the reader I would recommend a suitable footnote to that effect.

2. Private Water Supply Suitability

This Service has received and reviewed the additional information submitted in support of the application and use of the existing private water supply system for the commercial activity. Further information is however required to fulfil all the necessary requirements

Where the use of a private water supply is pursued for human consumption, this service requests a comprehensive assessment of the proposed supply by a competent person to ascertain its suitability. This assessment should include, (but not be restricted to) the following:

- a) A private water supply risk assessment carried out in accordance with suitable guidance For Example that contained within the Scottish Executives' Private Water Supply Technical Manual (or alternative equivalent as demonstrated), see link below for details;
<https://dwqr.scot/media/21055/pws-technical-manual-section-4-risk-assessment-for-private-water-supplies.pdf>
- b) The outcome of the risk assessment referred to above and details of any improvements required to ensure the supply passes the risk assessment and meets the relevant analysis parameters.
- c) The assessment should be detailed in a written report to the satisfaction of this service and consolidate previously submitted documents.

NB - Where the use of a private water supply is pursued the requirements of The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 would apply and be enforced by this Service. The Regulations permit this Service to charge for expenses incurred when carrying out the above duties. If you would like to find out more about the regulatory activities undertaken throughout the year by this Service, the charges involved and the implications for the proposed business please contact this Service on 01224 522596, email mnicholl@aberdeencity.gov.uk.

As detailed within the previous response of the 06-12-19 and 19-02-20 a mains water supply is recommended. Suitable demonstration by the applicant that a mains water supply has been established at the property would suffice.

I trust this meets with your satisfaction. If you have any queries, please call me on the number above.

Kind regards

Responding Officer: Mark Nicholl - Environmental Health Officer

Date:07-04-2020

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.

Aberdeen City Council – Development Management Consultation Request

From: Jane Forbes	Date: 19 May 2020
Email: JANEF@aberdeencity.gov.uk	Ref: 191717/DPP
Tel.: 01224 522276	Expiry Date:

Detailed Planning Permission

**191717/DPP: Erection of dog boarding kennels and office space with associated solar panels, fencing and car parking and other associated works at Oldtown Farm
Station Road South
Aberdeen
AB14 0LN**

All plans and supporting documentation available at the following link:

<https://publicaccess.aberdeencity.gov.uk/online-application/applicationDetails.do?activeTab=summary&keyVal=Q0YBOMBZL5X00>

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

Regarding the above Detailed Planning Permission further information has been received and reviewed by the Environmental Protection Section. The following areas have been evaluated and the associated comments are considered reasonable and proportionate given the current circumstances.

1. Noise Impact Assessment Review

The amended Noise Impact Assessment (Reference: Proposal Number: 111219 Version Number: 5 dated: 14-05-20) associated with the proposed development has been reviewed and its findings considered acceptable.

In relation to noise this Service therefore accepts the proposed development provided application of the critical noise mitigation measures takes place and they achieve at least an equivalent effect as detailed within Table 5.2 of the assessment.

These measures must include no less than those detailed within section 6.1 and the related Appendix J.

These noise mitigation measures must not be adversely affected when complying with any necessary licence requirement.

This Service would also recommend strict adherence to the additional managerial controls detailed within section 6.2 to help reduce noise emissions going forward.

Licensing Advice

As previously advised, where Planning permission is granted the operation of the proposed facility would be subject to an Animal Boarding Establishment Licence regime administered by Environmental Health (Commercial section). The Model Licence Conditions and Guidance for Dog Boarding Establishments 2016 should be applied at the earliest possible point in the design and planning stage to ensure the facility will meet licensing requirements. For further information on the licencing regime please email commercial@aberdeencity.gov.uk or phone 0300 0200 292.

I trust this meets with your satisfaction. If you have any queries, please call me on the number above.

Kind regards

Responding Officer: Mark Nicholl - Environmental Health Officer

Date:19-05-2020

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.

Consultee Comments for Planning Application 191717/DPP

Application Summary

Application Number: 191717/DPP

Address: Oldtown Farm Station Road South Aberdeen AB14 0LN

Proposal: Erection of dog boarding kennels and office space with associated solar panels, fencing and car parking and other associated works

Case Officer: Jane Forbes

Consultee Details

Name: Mr Michael Cowie

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

Email: micowie@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

I note this application for erection of dog boarding kennels and office space with associated solar panels, fencing and car parking and other associated works at Oldtown Farm, Station Road South, Aberdeen AB14 0LN.

Unfortunately, for such proposed use ACC supplementary guidance does not have an associated parking standard and therefore this application is required to be assessed on its individual merits.

It is noted the proposal is to provide 5no. associated parking spaces but given that it can be expected majority of customers would travel by car to the site is this a suffice volume of associated parking given the number of proposed kennels? However, it is noted the reference within the 'Supporting Statement' further parking would be available within existing parking area adjacent to site serving the farm, further details of such provision is required as it is not included within plans submitted to confirm that this would be acceptable.

Upon receipt of the requested information Roads Development Management shall be better placed to make further comment on this application. Should their be adequate scope for additional parking if required Roads would be minded to have no objections to such a proposal.

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Consultee Comments for Planning Application 191717/DPP

Application Summary

Application Number: 191717/DPP

Address: Oldtown Farm Station Road South Aberdeen AB14 0LN

Proposal: Erection of dog boarding kennels and office space with associated solar panels, fencing and car parking and other associated works

Case Officer: Jane Forbes

Consultee Details

Name: Mr Michael Cowie

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

Email: micowie@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

I note this application for erection of dog boarding kennels and office space with associated solar panels, fencing and car parking and other associated works at Oldtown Farm, Station Road South, Aberdeen AB14 0LN.

It is noted the applicant has provided additional information with regard to additional parking as per previous Roads Development Management comments dated 21/11/2019, therefore adequate levels of parking are provided as well as information regarding visitor/customer parking turnover.

It is confirmed that Roads Development Management have no further observations regarding this application and have no objections.

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From: [Andy Roberts](#)
To: [PI](#)
Cc:

Subject: 191717 boarding kennels at Oldtown Farm - representation from Culter Community Council
Date: 11 December 2019 18:36:02

Andy Roberts *Planning Liaison Officer*

Culter Community Council, following representations from the community and recent experience of another proposed kennels, objects to the proposal submitted unless *all of the following* activities take place:

- The applicant is required to submit a Noise Impact Assessment (NIA):
 - o conducted by a demonstrably competent noise-assessment consultancy
 - o using the methods set out in BS4142:2014 which inter alia address tonality, intermittency and impulsivity of the noise sources, in accordance with ACC Supplementary Guidance on noise, all as determined by the Reporter in Appeal Decision Notice PPA-100-2096 to be the best approach for assessing the noise of barking dogs at boarding kennels
 - o using as the source of noise during daytime and evening, the assumption of a dog in each of the 28 external runs, all barking together
 - o using a sufficiently-complete set of background noise measurements taken at appropriate times early in the morning, during the day, during the evening, overnight and at weekends
 - o assessing potential noise impact inside residential buildings at night, and in garden grounds and other amenity locations during the daytime and evenings, and in fields where timid animals are kept or exercised
- We are provided with sufficient time to undertake a proper review of the NIA, including seeking professional opinion if required
- We are provided with the right to make further representation on the outcome of our review, which further representation is to be taken into account in determining the application

Policy T5 of the Aberdeen LDP sets a presumption against noise-generating activities, so an NIA will be required; the onus is on the applicant to demonstrate that any noise impact would be acceptable.

For and on behalf of Culter Community Council,

Andy Roberts
Planning Liaison Officer

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From: [Andy Roberts](#)
To: [PJ](#)
Cc: [Jane Forbes](#); [M.Tauqeer Malik](#); [Marie Boulton](#); [Philip Bell](#); [CCC members](#)
Subject: 191717 boarding kennels at Oldtown Farm - further representation from Culter Community Council
Date: 22 February 2020 17:42:19

Culter Community Council now formally objects to this revised proposal, following review of the Noise Impact Assessment (NIA) submitted by the applicant.

We consider that the applicant has failed to demonstrate that there would not be a noise nuisance; and therefore the application should be refused, under the presumption against granting planning permission for noise generating developments being located close to noise sensitive developments such as existing or proposed housing, as set out in local development plan Policy T5 – Noise.

No assessment of noise levels in garden grounds

This is a crucial gap in the NIA. Noise levels quoted for the nearest houses are clearly for inside the buildings [Appendix H]. These levels will be lower than those outside in the gardens; it follows that the noise levels in the garden of Property C will almost certainly be at Significant Adverse Impact, even for the scenarios which have been assessed.

No assessment of noise when dogs are in the open

This is a crucial gap in the NIA. We see no assessment of noise when dogs are in the open, at which times there would be no noise-abatement provisions whatsoever. There would need to be large numbers of journeys between the kennels and the exercise area on most days of the year; the distance is the best part of a kilometre so it will take 10-15 minutes for each journey; at the kennels end, leaving and returning, they would be less than 100 metres from Properties A and B and their gardens.

The NIA declares [7.3] that Property C is likely to suffer an “adverse impact” from noise 580 metres from the exercise area. The same four dogs barking excitedly as they are led out from the kennels less than 100 metres from Property A and Property B are going to create a much-more serious impact on those properties.

Note: whilst the NIA states that one responsible person shall be responsible for no more than two dogs, it does not limit movement of dogs to a single responsible person at a time - so in line with conventional kennels practice we must expect the four dogs being exercised together to be taken out to the exercise area and returned four at a time, with two escorting responsible persons.

The same issue of noise not limited by noise-abatement provisions will arise at any time when the kennels doors are wedged open for operational convenience. This case also has not been assessed.

Appropriate use of assumptions

Acoustic corrections of +3dB and in one case +6dB have been applied for tonality, impulsivity and intermittency under BS4142 [Appendix I]. These are at the low end of the proposed ranges, justified on the basis that the predicted noise levels may be just perceptible at the nearest houses. If the more-serious cases of noise – impact in gardens, and impact from dogs in the open – had been assessed, higher corrections would probably have been appropriate.

The results are presented mostly as LAeq or LA90, whereas LAmax is probably more important in the case of dogs barking, given the intermittent, tonal and impulsive character of the noise.

No sensitivities have been presented for any digressions from the assumptions quoted.

Misrepresentation of results

The NIA states that there is likely to be ‘an adverse impact’ at Property C under BS4142 [7.3], but then goes on to say ‘these results are all positive indications that noise from barking dogs shall not cause a loss of amenity at the nearest residential houses’ [7.4].

Further, the Reporter in appeal PPA-100-2096 set out that BS4142 is the most-appropriate method for assessing the noise from dogs at commercial boarding kennels, so quoting results from the other standards and protocols in the results serves to cloud the issue of the identified Adverse Impact.

Conclusion

The applicant has failed to demonstrate that noise would not be an issue, as the submitted NIA:

- has a declared outcome of an Adverse Impact (which is almost at the level of Significant Adverse Impact) inside a house from dogs barking in an area protected by an acoustic fence
- contains no assessment of noise levels in gardens (which levels will be higher than inside the dwellings, so greater impacts)
- contains no assessment of noise levels from dogs barking in the open, as they will be on every 10-15 minute journey to and from the exercise area (which levels will be higher because of the absence of noise-abatement measures and because of the proximity to neighbouring properties)

The proposed development therefore fails to comply with Policy T5 and must be refused.

For and on behalf of Culter Community Council,

Andy Roberts

Planning Liaison Officer

--

Andy Roberts *Planning Liaison Officer*

From: [Andy Roberts](#)
To: [PJ](#)
Cc: [Jane Forbes](#); [M.Tauqeer Malik](#); [Marie Boulton](#); [Philip Bell](#); [CCC members googlegroup](#)
Subject: 191717 Oldtown Farm - further representation from Culter Community Council - resend
Date: 30 June 2020 21:35:45

Culter Community Council maintains its objection to this further-revised proposal, following review of the Noise Impact Assessment (NIA) rev 5 submitted by the applicant.

The NIA calculates noise levels at local properties generated by dogs barking *only when they are inside* the proposed kennels building, which building is specified to have a significant level of noise insulation. The Reporter in appeal PPA-100-2096 made it very clear that all reasonably-foreseeable scenarios of noise generation must be considered, in order to discharge the applicant's duty to demonstrate positively that there will not be noise nuisance from the proposal. The NIA *does not address noise created when dogs are in the open*, as they must be, given the methods of operation set out in the NIA, and also whenever operations do not adhere to the (unenforceable) operating constraints.

Environmental Health's acceptance of the NIA surprises us – whilst there is an absence of alarming noise levels in the report, Environmental Health's own requirement that all the "likely noise sources" are to be assessed has clearly not been met.

We consider that the applicant has failed to demonstrate that there would not be a noise nuisance, and therefore the application should be refused, under the presumption against granting planning permission for noise generating developments being located close to noise sensitive developments such as existing or proposed housing, as set out in local development plan Policy T5 – Noise.

Crucial gap in NIA – there is no assessment of noise when dogs are in the open

We see no assessment of noise arising from when dogs are in the open, at which times there would be no noise-abatement provisions whatsoever.

NIA Rev 2 declared [7.3] that the noise of dogs barking inside a 2.5m acoustic fence would cause an "adverse impact" (just 1dB below a "Significant Adverse Impact") inside a house 580 metres away. The same four dogs barking excitedly as they are led out from the kennels in the open air within 150m of Properties A and B (not owned by the applicant) are therefore going to cause something far beyond a "Significant Adverse Impact". Under the proposed method of operation, there would be large numbers of such movements on most days of the year. *The applicant has not assessed this case.*

The same four dogs being taken to and from the off-site exercise area (the Deeside Way) would be driven right past Properties A and B. Noise levels from dogs this close (even with the slight diminution provided by the van body) are undoubtedly going to be materially higher again than when at the kennels doors, even if for a brief period in each case. *The applicant has not assessed this case.*

Based on the results quoted in NIA Rev 2, we must expect noise on the Deeside Way (the off-site exercise area) to cause a Significant Adverse Impact on all houses and their gardens within approximately 600m of the exercise site. The most-convenient access to the Deeside Way is at Burnside Road, and there are a number of houses within 100m of this point, and probably hundreds within 600m of this point. The noise impact from the proposed exercising of dogs from this commercial operation would be a direct consequence of permitting the proposed development to go ahead, and therefore needs to be included in the NIA. *The applicant has not assessed this case.*

The same issue of noise not limited by noise-abatement provisions will arise at any time when the kennels doors are wedged open for operational convenience, or because of

wishing to provide cooling for the building – the specified acoustic performance will result in the building being well-insulated thermally as well as acoustically, and the applicant proposes ventilation only to achieve sufficient air changes, not to achieve cooling. ***The applicant has not assessed this case.***

The applicant declares that no dogs are to be exercised on the application site. The applicant will face pressures of operational convenience, and potentially also pressure from clients to encourage the applicant to start on-site exercising. Most seriously, the proposal is an operational control, and hence, as determined by the Reporter in appeal PPA-100-2096, a planning Condition prohibiting exercise on the application site ***would be unenforceable.***

Presentation of results

The results are presented mostly as L_{Aeq} or L_{A90} , whereas L_{Amax} is probably more important in the case of dogs barking, given the intermittent, tonal and impulsive character of the noise.

The Reporter in appeal PPA-100-2096 set out that BS4142 is the most-appropriate method for assessing the noise from dogs at commercial boarding kennels, so quoting results from the other standards and protocols in the results serves to cloud the conclusions – a matter which would be very obvious had the noise of dogs barking in the open been calculated.

No sensitivities have been presented for any digressions from the assumptions quoted.

Inconsistencies in calculations

We note that there are inconsistencies within and between the NIA revisions. Examples are:

- Property A is now stated to be 129m from the kennels (62m in Rev 2) and Property B to be 147m away (72m in Rev 2)
- the highest noise level inside Property A from dogs barking inside the heavily-insulated kennels was stated in Rev 2 to be -8dB (ie 8dB below background noise level); in Rev 3, the noise at Property D, stated to be 46m away (nearer than House A was said to be in Rev 2) is declared to be -13dB
- noise levels at the various properties in Rev 5 are 3dB higher than those quoted in the same section in Rev 4, whilst the listed assumptions and adjustments have not been modified

Perhaps these are just editorial mistakes; in what is supposed to be a scientifically-rigorous Noise Impact Assessment from a professionally-qualified practitioner, they do however raise questions about how far the quoted results can be relied upon.

Conclusion

The applicant has failed to demonstrate that noise would not be an issue, as the submitted NIA:

- contains no assessment of noise levels from dogs barking in the open, as they will be on every journey out from the kennel building to and from the exercise area, and at the off-site exercise area on the Deeside Way. All these noise levels will be substantially higher than any quoted in the NIA because of the absence of noise-abatement measures, combined with the proximity to neighbouring properties
- assumes that dogs would not be exercised outdoors on site, which is unenforceable

The proposed development therefore fails to comply with Policy T5 and must be refused.

For and on behalf of Culter Community Council,

Andy Roberts

Planning Liaison Officer

[Original mail send on 6 June 2020 has vanished from my mail account]

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Alan Grant
Coalford Croft
Peterculter
AB14 0LT

25th November 2019

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

Dear Sirs,

Objection to Planning Application Ref 191717/DPP
Erection of Dog Boarding Kennels at Oldtown Farm, Station Road South, Aberdeen AB14 0LN

With regard to the above referenced planning application validated on the 14th November 2019 I would like to register my objection on the following grounds:

1) Noise

It is an undeniable reality that dogs bark and particularly when they are anxious, stressed or excited. To varying degrees all dogs will be anxious, stressed and/or excited when separated from their owners and placed into a foreign environment such as a boarding kennel. This being the case excessive barking is the norm at most, if not all, boarding kennels.

There is limited guidance or recommended noise level standards relating to dog boarding facilities but South Holland District Council in Lincolnshire carried out detailed research on this topic during the late 1990s. This research culminated in the publication of Supplementary Planning Guidance entitled 'Location of Premises for the Boarding and Breeding of Dogs and Other Animals' Issued in December 1999.

The baseline source data used in the guidance published by South Holland District Council is given as one medium size dog in the open air barking for a cumulative period of 10 minutes in any hourly period at a distance of 10m away. The baseline noise level from this event is stated as 65.6dB(A). South Holland District Council extrapolated this baseline data to provide a baseline noise level depending on the number of dogs in any one facility:

Quantity of Dogs	dB(A)
1	65.6
5	72.6
10	75.6
15	77.4
20	78.6
25	79.6

Based on this detailed research the noise level emanating from this proposed kennel facility, with 28 dogs in residence, could be over 80dB(A). Contrary to the Supporting Statement this is far in excess of existing noise levels in the area.

As a benchmark the British Standard BS 8233: 2014 Guidance on Sound Insulation and Noise Reduction for Buildings states that for external areas that are used for amenity space, such as gardens, it is desirable that the external noise level does not exceed 50dB(A) with an upper guideline value of 55dB(A).

Whilst there will be a certain reduction in noise levels the further the recipient is from the source it is worth noting that Peterculter is less than 1km away from the proposed kennel and the facility itself is in an elevated position, with no natural screening. The prevailing South Westerly wind direction would also carry the noise directly to the residents of Peterculter. There would also be a significant loss of amenity to the residential and business properties in closer proximity including Peterculter Golf Club, and Maryculter House Hotel.

2) The Requirement for Another Kennel

Acknowledging the fact that the west of Aberdeen is an area well populated with dog owners I would question the need for an additional kennel facility.

There are currently two local facilities; Armstrong Kennels in Cults and Coalford Canine Retreat on the outskirts of Peterculter. Between these two facilities there is a maximum capacity for 67 dogs and, having insight into both of these premises, I can state as a fact that this current capacity has never been fully utilised even during the busiest school holiday periods.

In addition, proceeding with this proposal would result in four kennel establishments being located within a 4 mile radius if the SSPCA kennels in Drumoak are taken into account.

3) Proposed Design and Layout

While possibly not a material consideration for planning purposes I am passionate about the welfare of animals and would argue that there are also a number of failings with the design and the layout of the proposed facility from the perspective of animal wellbeing.

The Chartered Institute of Environmental Health (CIEH) updated the *Model Licence Conditions and Guidance for Dog Boarding Establishments* in 2016. This publication has been prepared in the best interests of animal welfare and to advise those tasked with inspecting, advising and licencing kennels under the Animal Boarding Establishments Act 1963. Within this CIEH guidance there are specific recommendations given with regard to new build kennel facilities.

- The plans do not contain dimensions for individual pens and external runs but, guided by the 1:100 scale, they certainly do not appear to meet the minimum size requirements recommended by the CIEH *"For dogs greater than 20kg the minimum recommended sleeping area (pen) must be at least 2.0m² and the exercise area (run) 6.0m²."*
- The outdoor run areas also do not provide any protection from the elements. Again the CIEH recommends *"The outdoor area must contain sufficient shelter to give the dog protection against weather...."*
- There is no provision for a separate isolation unit for disease outbreak or behavioural issues as recommended by the CIEH.
- With the communal outdoor exercise area being immediately in front of the external runs there will undoubtedly be a significant increase in the noise levels as dogs within their external runs will become stressed and/or excited when watching other dogs being exercised right in front of them.
- The Supporting Statement states that there will be a "maximum of 28 dogs" contained within the proposed 28 pens. Statistics show that 40% of all UK dog owners have more than one dog. Splitting up family dogs who are accustomed to being with their housemate(s) will again only cause unnecessary and additional stress and anxiety for the dogs concerned.
- Finally, the proposed 1.1m high post and barbed wire fence enclosing the outside exercise area is by no means ideal to ensure the safety and security of the boarded dogs.

I'm more than happy to discuss any of the points raised above in more detail if required.

Yours Faithfully,


Alan Grant

Agenda Item 2.3

Culter Community Council notes that the Decision Notice issued by ACC Planning on 13 August 2020 refused permission on the grounds that the proposal:

- clearly fails to comply with Policy NE2 (Green Belt)
- does not address the expectations of Policy D1 (Quality Placemaking by Design)
- fails to comply with Policy T3 (Sustainable and Active Travel) and Policy NE6 (Flooding, Drainage & Water Quality)
- fails to comply with the requirements of Policy T5 (Noise), because “Mitigation measures which have been identified as being necessary to address noise issues relating to the proposed development and suitably protect existing residential amenity cannot be reasonably secured”.

The above wording on the lack of compliance with Policy T5 is part of the story. It is our view that the failure to comply with Policy T5 is wider than solely the matter of mitigation measures. The Reporter in appeal PPA-100-2096 (concerning a similar proposal for dog-boarding kennels also near Peterculter) made it very clear that all reasonably-foreseeable scenarios of noise generation must be considered.

As detailed in our representations on the original planning application, the applicant’s Noise Impact Assessment Rev 5 (the latest revision) did not address noise created when dogs are in the open. Not only are operational controls unenforceable – as set out in the Decision Notice – but we are not aware of **any** operational controls which could stop dogs barking to the detriment of nearby residents and others in the area.

In other words, the applicant has failed to discharge their duty to demonstrate positively that there will not be noise nuisance from the proposal.

We remain of the view that planning must be refused in this case.

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GROUNDWATER
ARCHITECTURAL DESIGN

Ref: 19-316

21 October 2020

Aberdeen City Council
Local Review Body
Marischal College
Broad Street
Aberdeen
AB10 1AB

Dear Sirs

PROPOSED KENNELS AT OLD TOWN FARM, PETERCULTER

Application Ref: LRB/P191717/DPP

With regards the additional representation received from “the objector” we would again refute the assertion that noise is an issue

Firstly, we would question their qualification to make comments on the noise impact assessment carried out by a fully accredited surveyor

With regard the somewhat sarcastic comment made regarding the potential for noise while the dogs are being transferred to and from vehicles being an issue, as noted in the attached response from **Grosle Environmental Services** this is negligible and if indeed is seen to be an issue could be easily overcome

Regarding comments made by a reporter on a previous application this is irrelevant as it is the planning purview that all cases are viewed on an individual basis and have no bearing on this application

Yours faithfully,


Kevin Groundwater
Groundwater Architectural Design

Kevin Groundwater

From: [REDACTED]
Sent: 21 October 2020 07:59
To: Kevin Groundwater
Subject: Re: Local Review Body - further comments
Attachments: image001.jpg

Good morning Kevin

Further to your email on the 8 November 2020.

In relation to dog walking and the transfer of dogs from the kennels to a van used by the company contracted for dog walking purposes. The time that the dogs are outside of the kennels is considered to be negligible in relation to noise disturbance / nuisance, due to the short timescale for the transfer of dogs to take place over a short distance, i.e., from the kennels to a van situated close to the kennels. In addition, this shall only take place between the hours of 09:00 to 16:00 hours.

In relation to the drop off and pick up of dogs, this is also considered negligible in relation to noise disturbance / nuisance, due to the short timescale for transfer of dogs to take place over a short distance, i.e., from the car parking area to the kennels. This shall take place by appointment only, and the client shall arrange times when this does not conflict with dog walking transfers to the van. The applicant is however willing to position noise attenuation wooden barriers at the entrance of the kennels to further mitigate noise.

If you have any further questions please do not hesitate to contact me.

Kind regards

Tanya Grosle BSc(Hons) Ch.EHO MREHIS MIOA
Grosle Environmental Services



88 Hamilton Place, Aberdeen, AB15 5BA
Tel: +44 (0)7516 268364 Web: www.groslees.co.uk



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Aberdeen Local Development Plan (ALDP)

- NE2: Green Belt
- D1: Quality Placemaking by Design;
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T5: Noise
- NE6: Flooding, Drainage and Water Quality
- R6 (Waste Management Requirements for New Development)
- R7: Low and Zero Carbon Buildings, and Water Efficiency

Supplementary Guidance

Flooding, Drainage and Water Quality

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

Transport and Accessibility

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

Resources for New Development

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

Other Material Considerations

Scottish Planning Policy (2014)

<https://www.gov.scot/publications/scottish-planning-policy/>

Aberdeen City and Shire Strategic Development Plan (2020)

<http://www.aberdeencityandshire-sdpa.gov.uk/nmsruntime/saveasdialog.aspx?IID=1510&SID=197>

Proposed Aberdeen Local Development Plan (2020)

<https://www.aberdeencity.gov.uk/services/planning-and-building/local-development-plan/aberdeen-local-development-plan/aberdeen-local-development-plan-review#3678>

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100199854-009

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Old Town Farm"/>
First Name: *	<input type="text" value="Kenneth"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Pratt"/>	Address 1 (Street): *	<input type="text" value="Old Town Farm"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Peterculter"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB14 0LN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="OLDTOWN FARM"/>
Address 2:	<input type="text" value="STATION ROAD SOUTH"/>
Address 3:	<input type="text" value="ABERDEEN"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="PETERCULTER"/>
Post Code:	<input type="text" value="AB14 0LN"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="799491"/>	Easting	<input type="text" value="383734"/>
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Description of Proposal

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

Proposed Kennels & associated office space

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.

Detailed statement attached under supporting documents see document: 19-316 Appeal 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)

Full list of documents attached under supporting documents see document: 19-316 Appeal Statement

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

191717/DPP

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

06/11/2019

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

13/08/2020

Review Procedure

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

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

Yes No

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

Please select a further procedure *

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

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

A major issue we refute is the planners statement of "The proposed development does not reflect the existing development pattern, nor is it of a form, scale, massing or have the design characteristics appropriate for a rural setting and therefore does not address the expectations of Policy D1 (Quality Placemaking by Design)." From a site visit this will be plainly evident to be a false statement

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

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

Yes No

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

Yes No

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

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 Kevin Groundwater

Declaration Date: 29/09/2020

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Ref: 19-316

PROPOSED KENNELS AT OLD TOWN FARM, PETERCULTER

SUPPORTING STATEMENT

Background

Our client owns and runs this long established sheep farm and due to the well documented issues currently surrounding the industry is seeking additional revenue streams to support this. To this end he wishes to build a kennel facility and associated office unit serving the public

Site

Old Town Farm is an existing farm comprising of a two storey farmhouse, semi-detached one & a half storey dwellings and large agricultural sheds accessed by a single lane road to the south of the site.

The area site under this proposal is a steep rectangular grassland approximately 1309m² in area bounded by a post and wire fence, situated within the boundary of the existing farm. It is adjacent to the existing dwellings and agricultural sheds and is served by the main access road

Its most recent use was a paddock which is now surplus to daily working of the farm.

Proposals

The existing water pump housing serving the development would be demolished and the pump integrated into this building

There would be a one & a half storey office block and reception area which it is anticipated would also facilitate boarding for small animals.

The Kennels will support a maximum of 28 dogs with outdoor daytime pens and indoor exercise areas.

The structure would be single storey and stepped to follow the contour of the site to reduce its impact.

The building will be traditional in appearance finished in natural slate roofing and rendered masonry in keeping with the surroundings

Solar panels would be installed to the roof of the kennels potentially providing all power to the building.

Water will be supplied by the existing private supply and there will be private wastewater disposal would be to the south of the site

There will be dedicated parking to the east side of the site for drop off and collection by the public. There would be further parking available in the existing adjacent parking area currently serving the farm

The ground around the kennels would be covered in artificial turf to reduce maintenance

Planning Policy

Scottish Planning Policy:

The purpose of Green Belts is to support the spatial strategy in a local development plan by directing development to the most appropriate locations and supporting regeneration, protecting and enhancing the character, landscape setting and identity of the settlement and protecting and providing access to open space. The following types of development could be considered appropriate:

- Development associated with agriculture (including the reuse of agricultural buildings);
- Development associated with woodland and forestry;
- Development associated with horticulture;
- Recreational uses compatible with an agricultural or natural setting;
- Essential infrastructure;
- Development meeting a national or established need, if no other suitable site is available;
- Intensification of established uses subject to the development being of a suitable scale and form.

Aberdeen Local Development Plan:

NE2 – Green Belt: No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

Conclusion

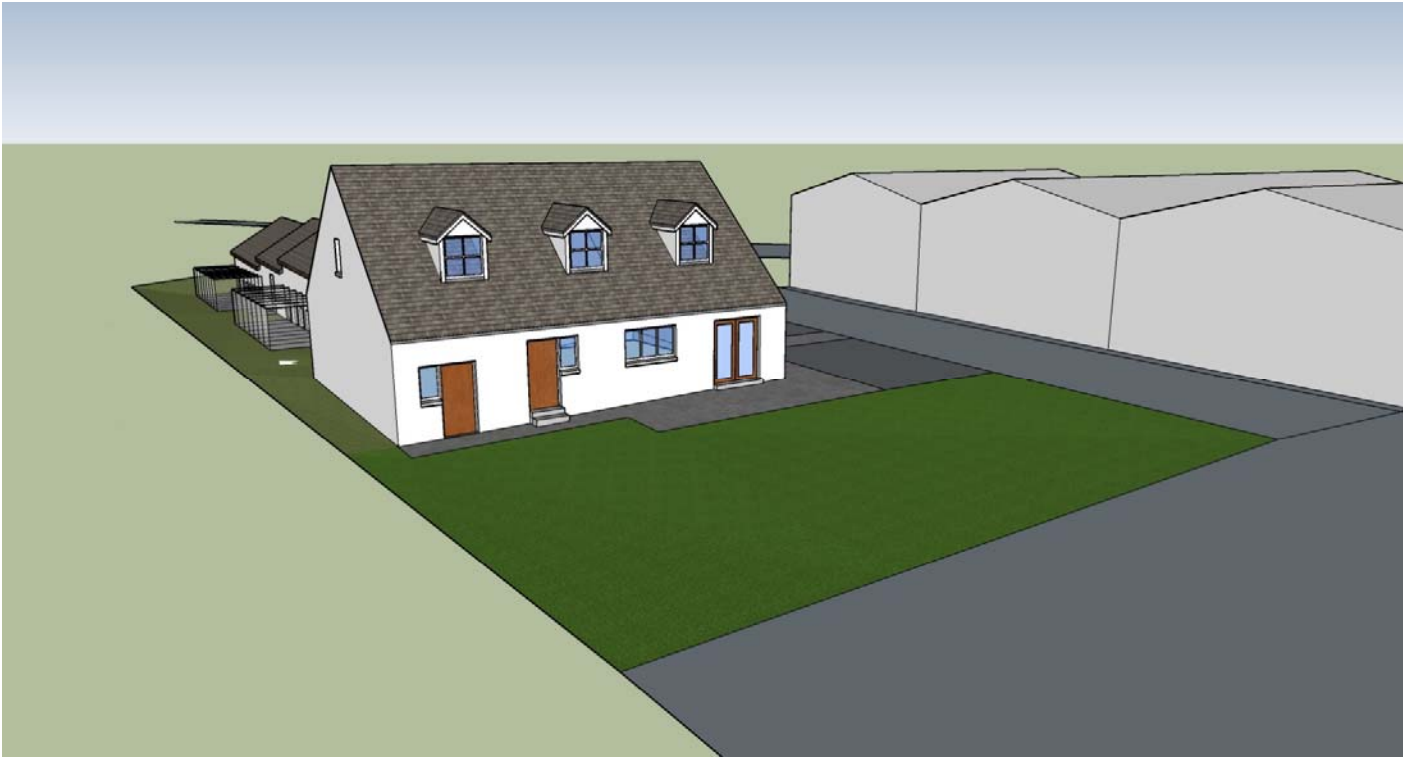
While contrary to current local greenbelt policy we believe there is a strong economic case for this proposal that while not agricultural in nature the business is in support of the agricultural use of this site and would be considered a suitable use in terms of sustainable rural diversification under the national policy

Further as there are a number of businesses already located in the immediate area including the nearby golf club and an equestrian centre demonstrating this type of business would be a suitable use of the site

Given the remoteness of the site and that this is currently a working livestock farm we would consider that there would be no issues with noise

IMAGES & SITE PHOTOGRAPHS





GROUNDWATER ARCHITECTURAL DESIGN, 41 BRACKEN ROAD, PORTLETHEN, ABERDEENSHIRE, AB12 4TA
T: 01224 782035 M: 07783148045 E: info@groundwaterdesign.co.uk W: www.groundwaterdesign.co.uk





LOCAL REVIEW BODY



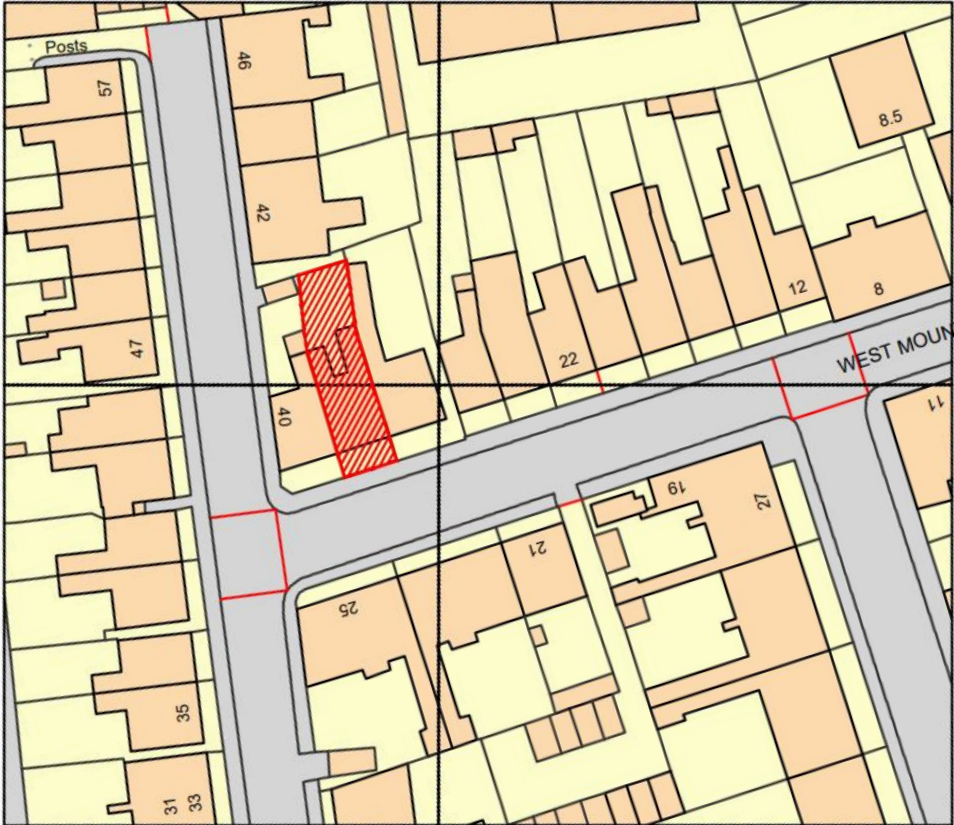
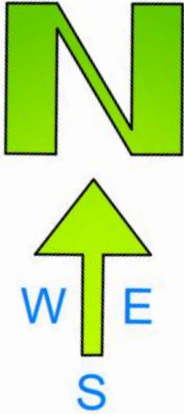
200502/DPP– Review against refusal of planning permission for:

Erection of 1.5 storey extension to rear

at

30 West Mount Street, Aberdeen

Location Plan



Ordnance Survey, (c) Crown Copyright 2019. All rights reserved. Licence number 100022432

Location – GIS



Location – Aerial Photo



Photos from front



Photos to rear



Photos to rear

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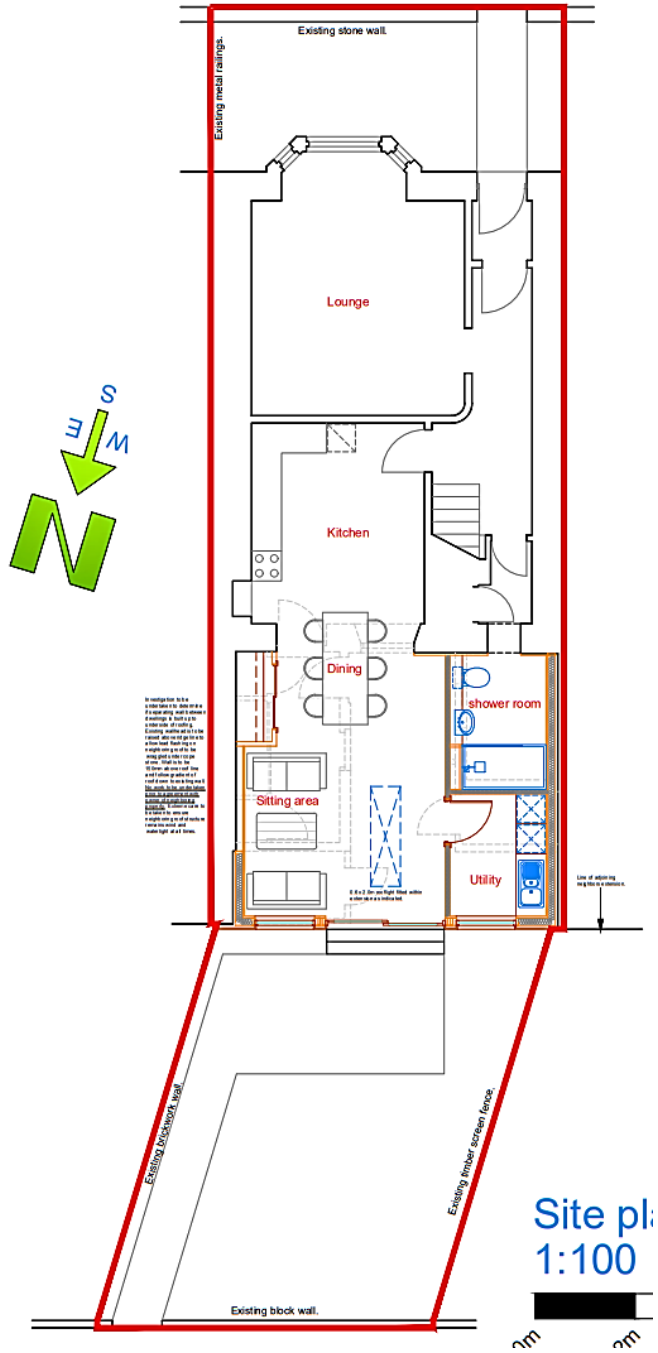
Photos to rear



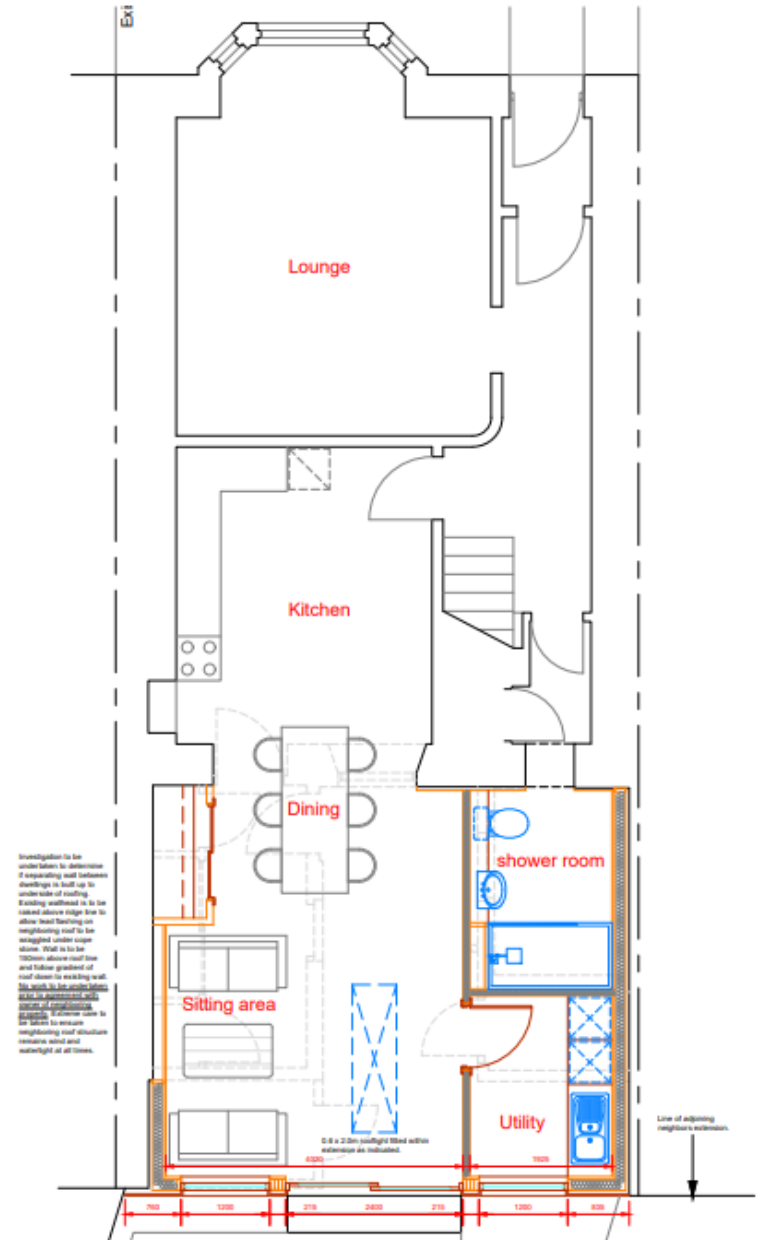
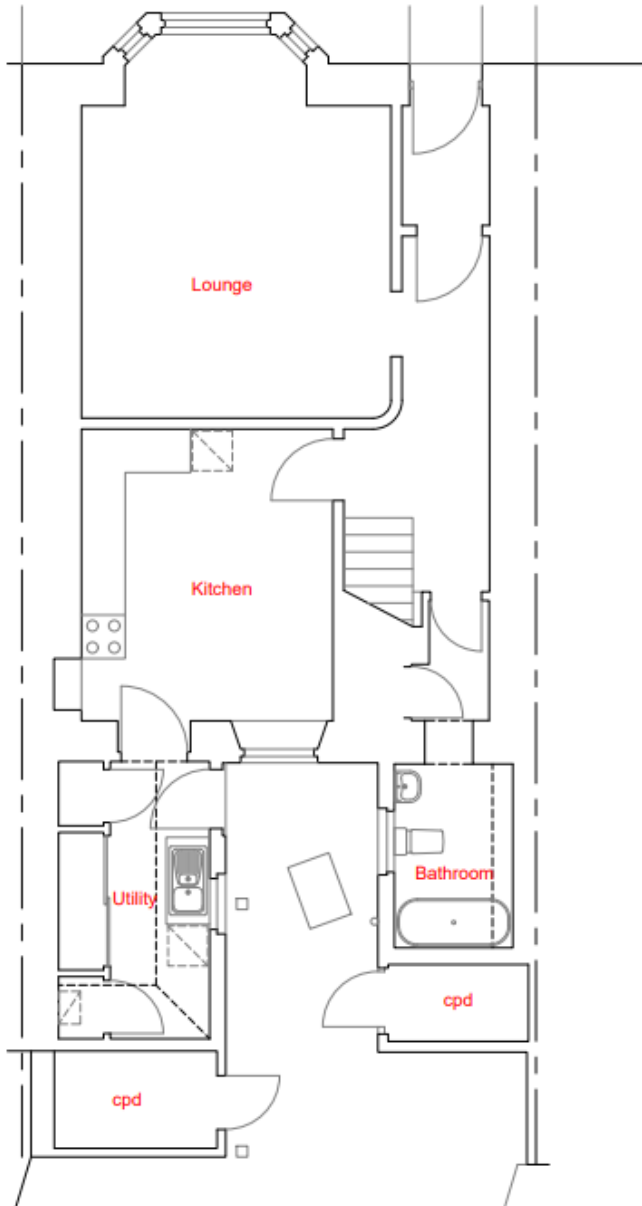
Photos from View Terrace



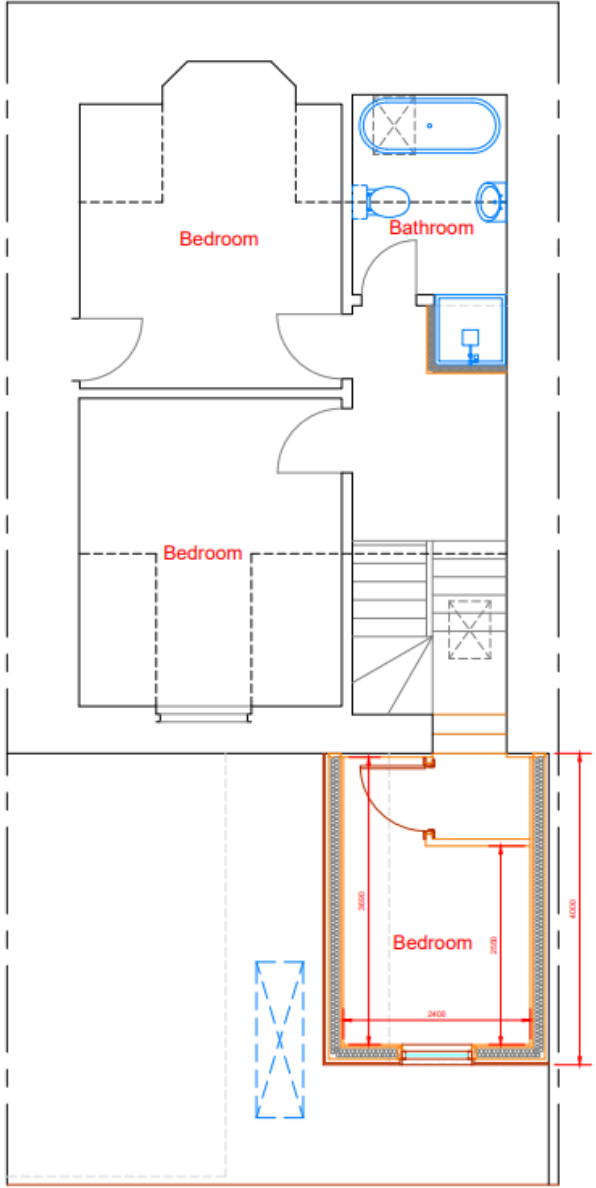
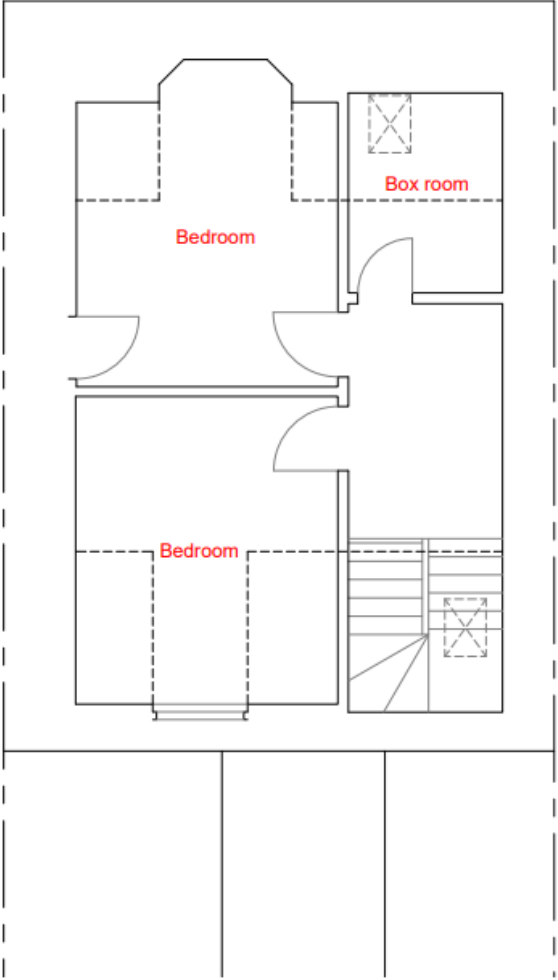
Site Plan as proposed (existing shown dashed)



Existing & Proposed Ground Floor



Existing & Proposed First Floor

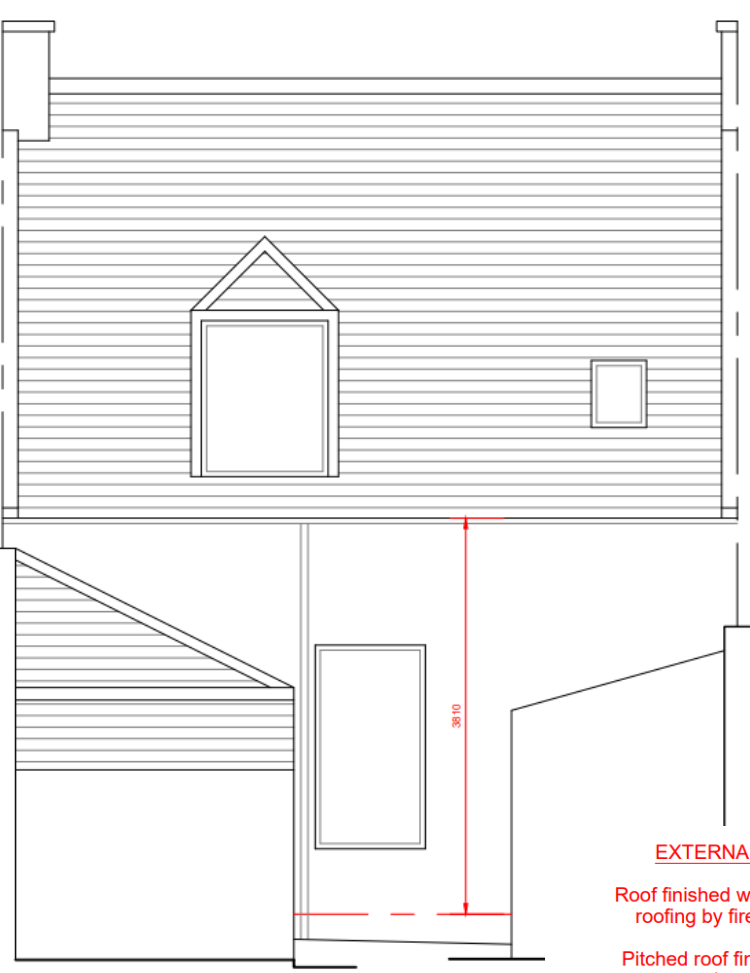


Existing Front Elevation (no change)



Existing & Proposed Rear Elevation

Page 140

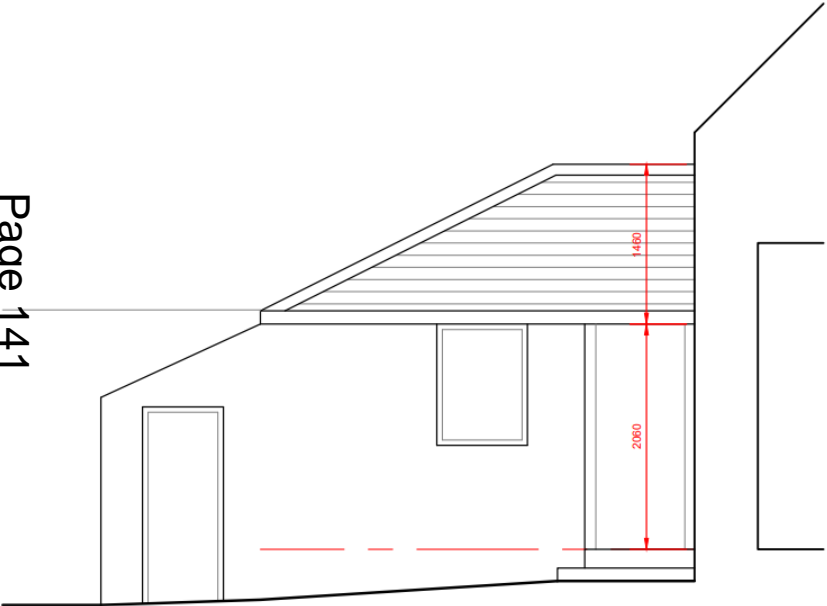


EXTERNAL FINISHES

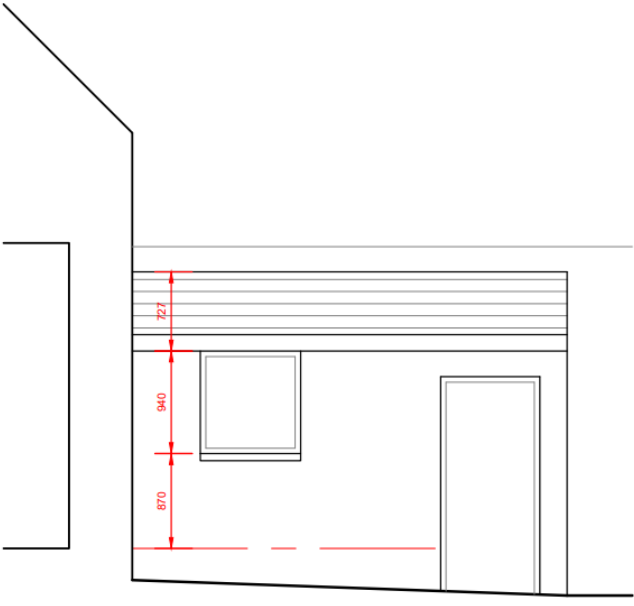
- Roof finished with EPDM rubber roofing by firestone or E+A.
- Pitched roof finished with slate to match existing house.
- Boundary wall at first floor level finished with render to match existing rear.
- Galvanised Lindab rainwater goods.
- Timber clad walls - spec TBC.
- Dark grey PVC windows & sliding doors.

Existing elevations from within site

Page 141



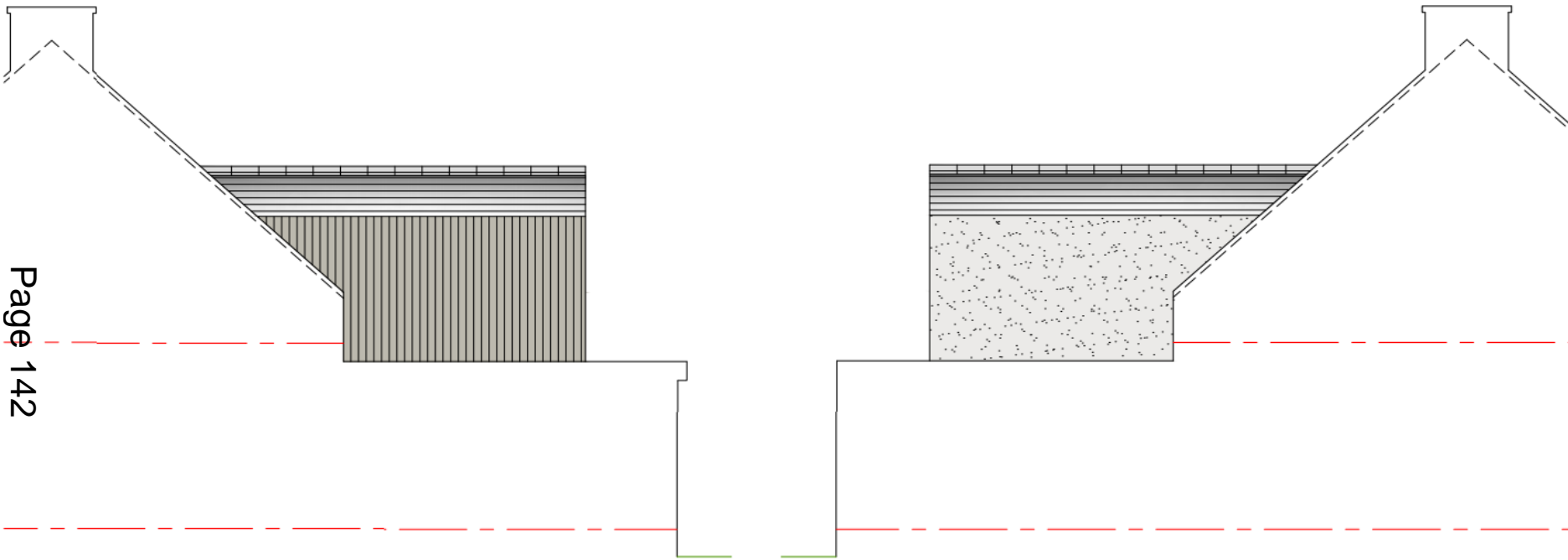
EAST



WEST

Proposed Sectional Side Elevations

Page 142



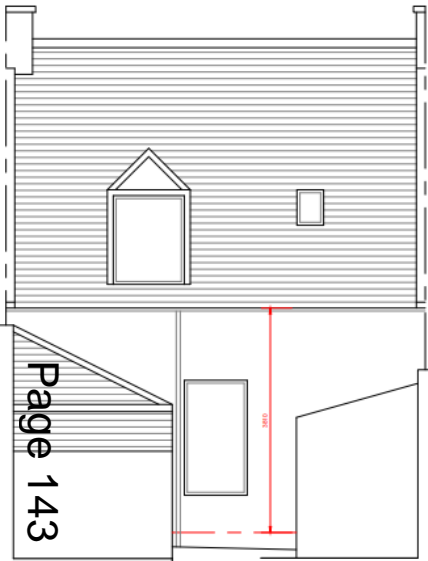
Proposed sectional side elev' (west)

EXTERNAL FINISHES

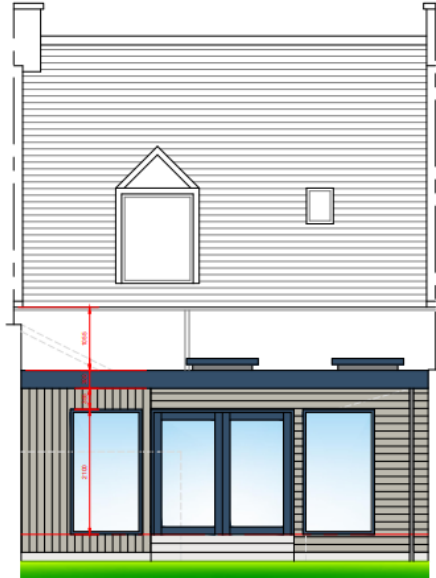
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- Pitched roof finished with slate to match existing house.
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- Galvanised Lindab rainwater goods.
- Timber clad walls - spec TBC.
- Dark grey PVC windows & sliding doors.

Proposed sectional side elev' (east)

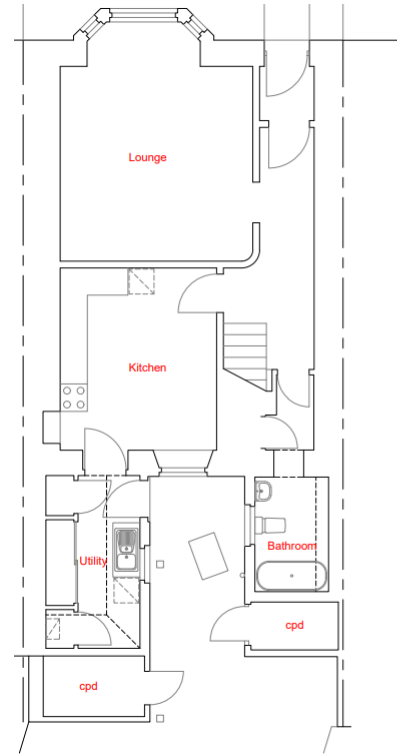
Site History: Previous Approval ref 190592/DPP



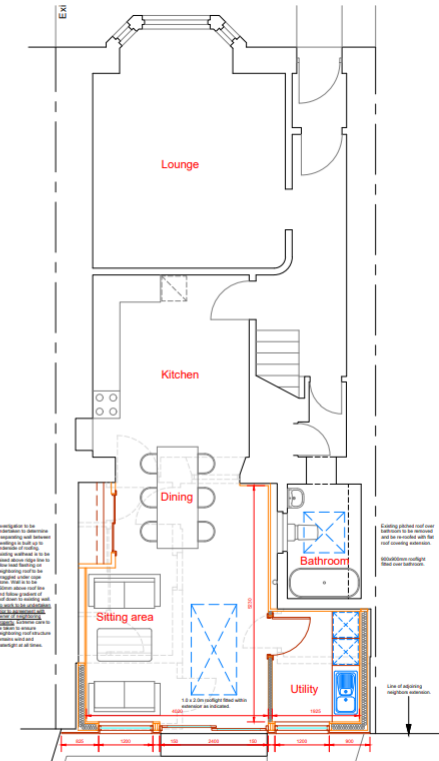
Existing rear elev' (north) 1:50



Proposed rear elev' (north) 1:50



Existing ground floor plan 1:50



Proposed ground floor plan 1:50

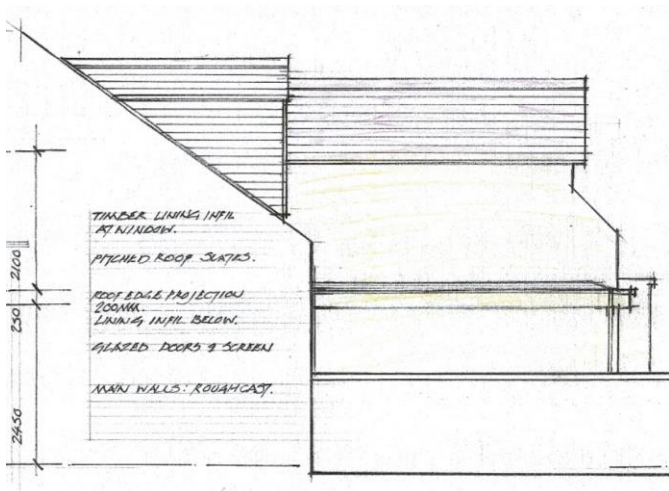
180128/DPP: Refusal reversed by LRB at 20 West Mount Street



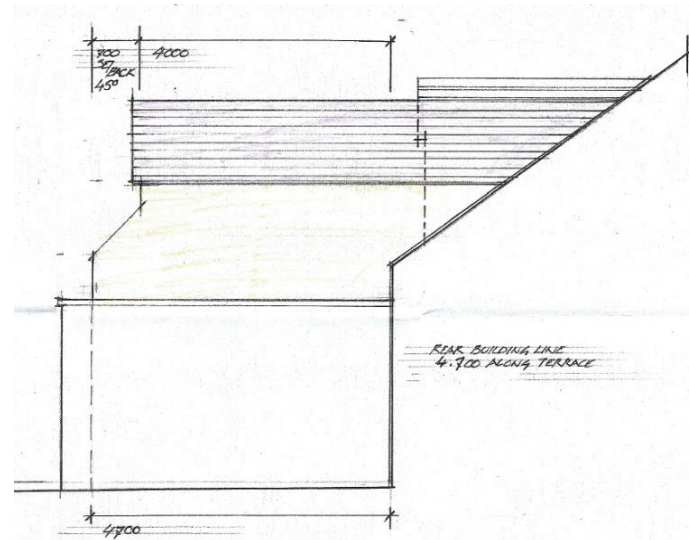
REAR: EXISTING



REAR: APPROVED



EAST ELEVATION AS APPROVED



WEST ELEVATION AS APPROVED

180128/DPP: Refusal reversed by LRB at 20 West Mount Street



Reasons for Decision

- Design, massing and form incongruous due to upper storey projecting c.1.5m above wallhead
- Circa 5.5m projection to the rear excessive
- Extension would be readily visible from View Terrace to the west of the site, which would adversely affect the character and visual amenity of the streetscape and would be detrimental to the character and appearance of the Rosemount and Westburn Conservation Area.
- Significant adverse impact on residential amenity at 40 West Mount Street, due to overbearing presence and significant impact on existing level of privacy
- Conflict with 'Householder Development Guide' SG, which does not support two storey extensions to mid-terrace property or projection of more than 3m along the boundary. No specific circumstances which would warrant departure.
- Conflict with Scottish Planning Policy; Historic Environment Policy for Scotland; Policies D1 – Quality Placemaking by Design, H1 – Residential Areas and D4 – Historic Environment of the Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'The Householder Development Guide'; Managing Change in the Historic Environment: Extensions; and the aims of the Rosemount and Westburn Conservation Area Character Appraisal.
- Conflict with equivalent policies in the emerging Proposed Aberdeen Local Development Plan 2020;
- No material planning considerations that would warrant the grant of planning permission contrary to development plan.

Applicant's Case for Review

Full supporting statement included in Agenda pack, with other submissions available via planning portal. Main points are:

- Dispute view that extension is not in keeping with surroundings
- Highlights that reasons for refusal refer to 5.5m projection, however a single-storey extension of the same projection was approved on this site. Notes also that ground floor projection simply matches that of adjoining neighbour's extension
- Contends that any impact on the streetscape and character of the Conservation Area is not significant. Highlights that no objections were received and that the proposed extension can only be seen from a small number of properties.
- Highlights also that View Terrace is a dead-end street, limiting the prominence of the extension
- Highlights that the application property currently has a full view of the garden at 40 View Terrace, and that the formation of the proposed extension would actually reduce the amount of overlooking by blocking views from the existing dormer window
- Considers that the earlier LRB decision at 20 West Mount Street set a precedent for an extension of this scale

H1: Residential Areas

- Is this overdevelopment?
- Would it have an *'unacceptable impact on the character and amenity'* of the area?
- Would it result in the loss of open space?
- Does it comply with Supplementary Guidance?
(e.g. Householder Development Guide; Repair and Replacement of Windows and Doors; and Transport and Accessibility SG)

D1: Quality Placemaking by Design

All dev't must *“ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials”*.

Proposals will be assessed against the following six essential qualities:

- Distinctive
- Welcoming
- Safe and pleasant
- Easy to move around
- Adaptable
- Resource-efficient

D4: Historic Environment

- ACC will '*protect, preserve and enhance*' the historic environment, in line with national and local policy and guidance
- High quality design that respects the character, appearance and setting of the historic environment, and protects the special architectural and historic interest of its LBs and CAs will be supported

SG: Householder Development Guide

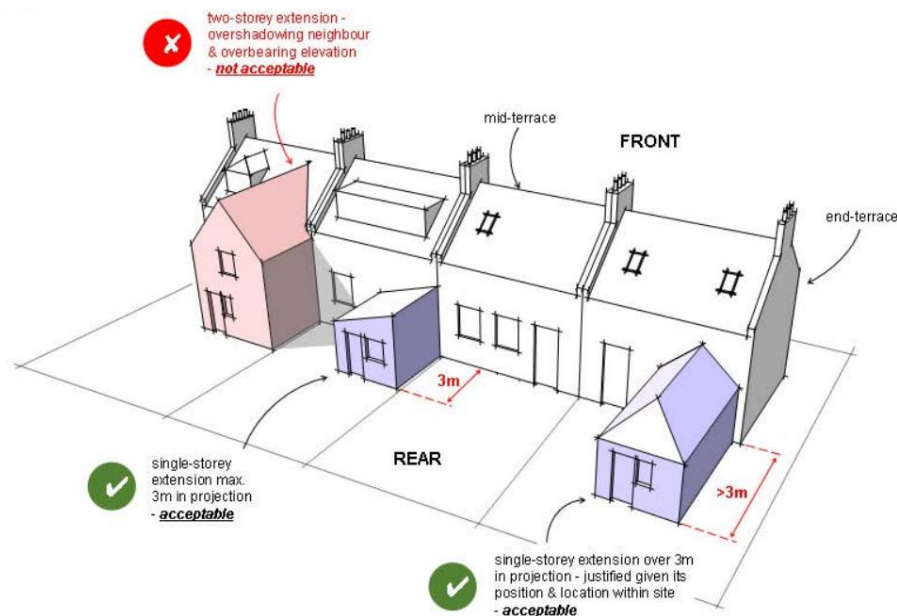
- Extensions should be architecturally compatible with original house and surrounding area (design, scale etc)
- Should not '*dominate or overwhelm*' original house. Should remain visually subservient.
- Extensions should not result in a situation where the amenity of neighbouring properties would be adversely affected (e.g. privacy, daylight, general amenity)
- Approvals pre-dating this guidance do not represent a 'precedent'

SG: Householder Development Guide

- The built footprint of a dwelling house as extended should not exceed twice that of the original dwelling.
- No more than 50% of the front or rear curtilage shall be covered by development.

Terraced Dwellings

- Single storey extensions to terraced dwellings will be restricted to 3m in projection along a mutual boundary.
- Extensions of more than one storey will normally be refused where the proposal runs along a mutual boundary unless it can be demonstrated that the specific circumstances of the site and the proposal would ensure that there would be no detrimental impact on either the character or amenity of the area.
- 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.



Scottish Planning Policy (SPP)

- Proposals in CAs should preserve or enhance the character and appearance of the CA. Proposals that do not harm the character or appearance should be treated as preserving it.

HES – Managing Change: Extensions

- *Must protect the character and appearance of the building*
- *Should be subordinate in scale and form*
- *Should be located on a secondary elevation*
- *Must be designed in a high-quality manner using appropriate materials*
- *Extensions that would unbalance a symmetrical elevation and threaten the original design concept should be avoided*
- *Where an extension is built beside a principal elevation it should generally be lower than, and set back behind, that facade.*



ABERDEEN
CITY COUNCIL



Aberdeen City Conservation Area Character Appraisals and Management Plan

Rosemount and Westburn

To be read in conjunction with Section 1: Strategic Overview and Section 2: Management Plan

November 2016

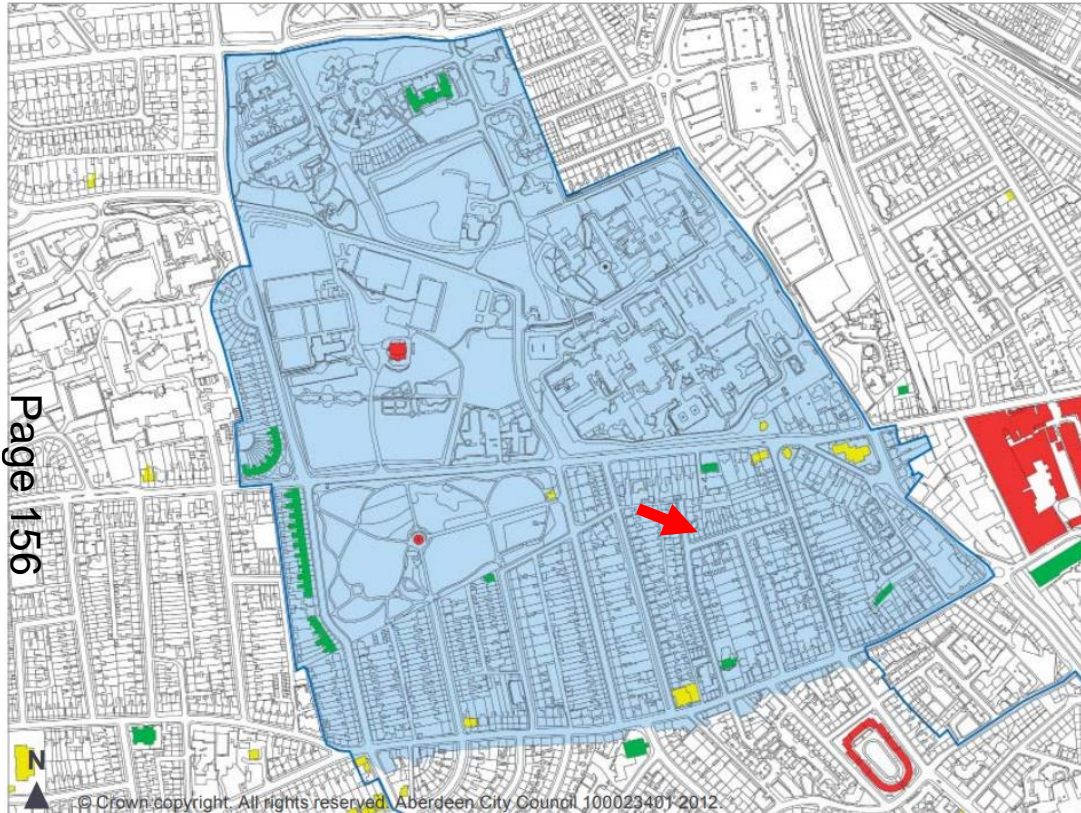
Draft

N.B. – Though marked as ‘draft’, this document approved as Planning Advice by Planning Development Management Committee in May 2017

Planning and Sustainable Development
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4 - Marischal College
Broad Street
Aberdeen
AB10 1AB
www.aberdeencity.gov.uk

ROSEMOUNT & WESTBURN CA CHARACTER APPRAISAL

Rosemount and Westburn Conservation area Character Area B, Listing Buildings



Page 156

- Identifies 'character areas' within the CA. This site is within **Area B: Rosemount Place - North**
- **P29:** Notes that there is considerable variety in houses on the streets between Rosemount Place and Westburn Road.
- **P30:** Describes West Mount Street as being *"largely made up of 2 ½ storey properties with a small terrace of 1 ½ storey cottages to the western end"*. The application site forms part of this small terrace.
- SWOT analysis of Character Area B at P44 does not highlight any issues that appear to be of direct relevance to the development proposed in this application

Points for Consideration:

Zoning: Do members consider that the proposed works would adversely affect the character or amenity of the area, as set out in policy H1? Do the proposed alterations accord with the relevant SG, also tied to policy H1?

Historic Environment: Do members consider that the proposed works to preserve or enhance the character and amenity of the Conservation Area, as required by SPP, HESPS and policy D4 of the ALDP?

Design: Is the proposal of sufficient design quality (D1), appropriate to its context?

1. Does the proposal comply with the Development Plan when considered as a whole?

2. Do other material considerations weigh for or against the proposal? (e.g. SPP; HES guidance; the LRB's earlier grant of permission at 30 West North Street). Are they of sufficient weight to overcome any conflict with the Development Plan?

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	30 West Mount Street, Aberdeen, AB25 2RJ,
Application Description:	Erection of 1.5 storey extension to rear
Application Ref:	200502/DPP
Application Type:	Detailed Planning Permission
Application Date:	27 April 2020
Applicant:	Cameron Thomson & Lisa Barclay
Ward:	Mid Stocket/Rosemount
Community Council:	Rosemount And Mile End
Case Officer:	Roy Brown

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a late 19th century granite-built 1½ storey mid-terraced dwelling and its front and rear curtilage in a residential area. The dwelling has a southeast facing principal elevation that fronts West Mount Street. To its rear, it has an original single storey annexe projecting along its northeast boundary and a later single storey extension along its southwest boundary. The dwelling adjoins 28 West Mount Street to the northeast and 40 View Terrace to the southwest. The application site is located in the Rosemount and Westburn Conservation Area. A shared access, serving the terrace, runs along the rear boundary, entered from View Terrace to the west.

Relevant Planning History

- Planning permission was granted on the 20th June 2019 for the erection of a single storey extension to the rear of the dwelling, to replace the two existing annexes. The single storey extension in that application replicates the single storey element in this application (Ref: 190592/DPP).
- Planning permission was granted for the erection of a 1½ storey extension to the rear of 20 West Mount Street by the Local Review Body on the 12th October 2018 following its refusal under delegated powers. The form of that extension is similar to the form of the extension proposed in this application (Ref: 180129/DPP).

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the erection of a 1½ storey extension to the (northwest) rear of the dwelling. The extension would comprise two elements:

- A flat roofed single storey element that would be flat roofed in form, have a height of c.3.1m, be 3.8m in width, and would project c.5.5m to the rear of the dwelling along the east boundary.
- A pitched roofed two-storey element that would be 2.8m in width, have eaves heights of c.5.5m and a ridge height of c.6.3m. It would project c.5.5m along the west boundary.

The walls of the extension would be finished in timber cladding on its northwest (rear) and northeast elevations and render on its southwest elevation. It would have grey uPVC framed windows and sliding doors; the pitched roof would be finished in slate; and the flat roof would be finished in rubber roofing. The materials of the fasciae have not been specified.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q9AEFXBZHKF00>

Covering Letter (Prepared by Agent) – Explains that this application follows the previous approval at the site in light of the extension at 20 West Mount Street being approved by the Local Review Body.

CONSULTATIONS

Rosemount and Mile End Community Council – No response received

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy

- Scottish Planning Policy
- Historic Environment Policy for Scotland

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 may also be a material consideration. The Proposed SDP constitutes the settled view of the Strategic Development Planning Authority (and both partner Councils) as to what should be the final content of the next approved Strategic Development Plan. The Proposed SDP was submitted for Examination by Scottish Ministers in Spring 2019, and the Reporter has now reported back. The Scottish Ministers will consider the Reporter's Report and decide whether or not to approve or modify the Proposed SDP. The exact weight to be given to matters contained in the Proposed SDP in relation to specific applications will depend on whether –

- these matters have been subject to comment by the Reporter; and
- the relevance of these matters to the application under consideration.

Aberdeen Local Development Plan (2017)

- Policy D1 - Quality Placemaking by Design
- Policy H1 - Residential Areas
- Policy D4 - Historic Environment

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be, and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

- these matters have been subject to public consultation through the Main Issues Report; and,
- the level of objection raised in relation these matters as part of the Main Issues Report; and,
- the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. The following policies are of relevance in the assessment of this application:

- Policy D1 - Quality Placemaking
- Policy H1 - Residential Areas
- Policy D2 - Amenity
- Policy D6 - Historic Environment

Supplementary Guidance (SG)

- The Householder Development Guide

Other Material Considerations

- Managing Change in the Historic Environment: Extensions
- Rosemount and Westburn Conservation Area Character Appraisal

EVALUATION

Principle of Development

The application site is located in a residential area, under Policy H1 – Residential Areas of the ALDP and the proposal relates to householder development. Householder developments will comply with this policy in principle provided it does not constitute overdevelopment, adversely affect the character and amenity of the surrounding area, and complies with the Supplementary Guidance. These issues are assessed in the below evaluation.

Design, Scale and Impact to the Conservation Area

Scottish Planning Policy states proposals for development within conservation areas which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area and that proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Policy D4 – Historic Environment of the ALDP states that high quality design that respects the character, appearance and setting of the historic environment will be supported.

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

The HDG, as SG to the ALDP 2017, states that *'Proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed 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.'* Managing Change in the Historic Environment states that extensions must protect the character and appearance of the building and should be subordinate in scale and form.

The proposed extension would have the same footprint as the single storey extension approved in application with ref: 190592/DPP. It would not result in the footprint of the dwelling being doubled and would not result in more than 50% of the rear curtilage being covered in development, in accordance with the HDG. It must be noted that the flat roofed ground floor element would be the same as what currently has planning permission.

As a result of the two-storey element in this proposal, the proposed extension would be incongruous with the design, scale, massing and form of the original building and its terrace. The eaves of the two-storey element would uncomfortably rise c.1.5m above the wallhead of the original dwelling. As a result of this and its 5.5m projection along the southwest boundary, the proposed extension would be excessive in terms of its massing relative to the historic relatively small scale 1½ storey roof form of the original dwelling and the historic architectural character of the terrace. It would appear that a substantial section of the rear roof and wallhead would be removed to facilitate the development. Furthermore, the use of render on the southwest elevation, which would rise above the wallhead and meet the slates of the roof of the original dwelling would be visually uncomfortable and would introduce the use of an unsympathetic external wall material

at an upper storey level visible from View Terrace. Given it would be readily publicly visible from View Terrace - located only 5m to its west - the excessive massing of the extension and unsympathetic design would have a negative impact on the character and visual amenity of the public streetscape of View Terrace, and would be significantly detrimental to the special character of the Rosemount and Westburn Conservation Area.

No finishing details of the fasciae have been submitted with the application. Had the Planning Authority been minded to grant planning permission, it would have been subject to a condition requiring details of these materials prior to the implementation of the proposal.

Amenity

The upper storey would contain a habitable room, a bedroom, and its only window would be a full-height window located on the northwest elevation. Given the rear curtilage of 40 West Mount Street kinks slightly to the north, this window would be located just c.1m from the boundary, and the window would be overlooking a significant area of the private curtilage of the adjacent property, this window would result in an unacceptable degree of overlooking down into the rear curtilage of 40 West Mount Street, to the detriment of the existing level of amenity enjoyed by the property.

Given the significant presence of the extension by way of its siting and massing on the boundary, and its window would be full height, the proposed extension would be particularly overbearing to the adjacent property.

It is recognised that there is an existing dormer window on the rear elevation of the application property and that it would be possible to look west from this window towards the adjacent property. However, that window is significantly further from the adjacent property than the window proposed, and any overlooking would be at an indirect angle beyond the existing extensions. The proposed extension would be particularly overbearing and would adversely affect the existing level privacy afforded to 40 View Terrace, in conflict with Policies D1 and H1 of the ALDP; and the HDG.

An assessment, using the 45-degree methods in the HDG demonstrate that the proposed extension would, however, not adversely affect the level of background daylight and sunlight afforded to any adjacent property. This is because of the ancillary height of the single storey element with respect to the northeast and to the southwest there is an existing rear extension to the rear of 40 West Mount Street in the area that would have otherwise been overshadowed by the two storey extension.

Two-Storey Extension and Projection Along the Boundary

The HDG states that single storey extensions to terraced dwellings will be restricted to 3m in projection along a mutual boundary. It also states that extensions of more than one storey will normally be refused where the proposal runs along a mutual boundary unless it can be demonstrated that the specific circumstances of the site and the proposal would ensure that there would be no detrimental impact on either the character or amenity of the area.

In this instance, whilst there is currently planning permission for the erection of a single storey extension to the property which would exceed 3m, which would project the same distance to the rear of the boundary as the extension now proposed, this proposal would project c.5.5m along the mutual west boundary shared with 40 View Terrace and would be two storeys in height. There are no specific circumstances of the site and the proposal that would ensure there would be no detrimental impact on either the character or amenity of the area. As explained above, the proposed extension would in fact have a detrimental impact to the character and visual amenity of the surrounding area, and would have a detrimental impact to the residential amenity of an

adjacent property, 40 View Terrace. The two-storey projection along the boundary would therefore directly conflict with the HDG.

Further Considerations

It is recognised that a similarly designed extension to the rear of 20 West Mount Street was approved in 2018 (Ref: 180129/DPP). Notwithstanding, every planning application is assessed on its own merits, and there are significant issues with this particular proposal. It must be highlighted that one of the reasons the Local Review Body approved the rear extension at 20 West Mount Street was that they *'noted that the visual impact of the development would be contained by its location to the rear of a terrace, which is not served by a rear lane, and did not consider the proposal to be detrimental to the character and amenity of the Rosemount and Westburn Conservation Area'*. Given this proposal would be readily publicly visible from View Terrace, its visual presence would not be contained within the site, and would appear excessive from View Terrace, the material considerations for that application are significantly different from this application. The grant of planning permission for that application in no way warrants the grant of planning permission for the proposal in this application.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (ALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed extension would be incongruous in design, scale, massing and form with the historic pitched roofed architectural form of the original dwelling and the overall terrace by way of its upper storey that would project c.1.5m above the wallhead of the original roofslope and its excessive c.5.5m projection to the rear. It would be readily visible from View Terrace to the west of the site, which would adversely affect the character and visual amenity of the streetscape and would be detrimental to the character and appearance of the Rosemount and Westburn Conservation Area.

The proposed extension would significantly adversely affect the level of residential amenity afforded to the adjoining property, 40 West Mount Street, in that it would be particularly overbearing to this adjacent property and it would have a significant impact on the existing level of privacy afforded to this adjacent property.

It would directly conflict with the Supplementary Guidance: 'The Householder Development Guide' in that it would be a two storey extension to a terrace and it would project more than 3m along the boundary shared with an adjacent property and there are no specific circumstances of the site and the proposal that would ensure there would be no detrimental impact on either the character or amenity of the area.

The proposal would therefore conflict with Scottish Planning Policy; Historic Environment Policy for Scotland; Policies D1 – Quality Placemaking by Design, H1 – Residential Areas and D4 – Historic Environment of the Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'The Householder Development Guide'; Policies D1 – Quality Placemaking, D2 – Amenity, H1 Residential Areas and D6 – Historic Environment of the Proposed Aberdeen Local Development Plan 2020; Managing Change in the Historic Environment: Extensions; and the aims of the

Rosemount and Westburn Conservation Area Character Appraisal. There are no material planning considerations that warrant the grant of planning permission in this instance.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100160366-003

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.

Description of Proposal

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

Two storey extension to form a new bedroom, sitting area and utility room

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:	Cameron Architectural Design Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Scott	Building Name:	
Last Name: *	Cameron	Building Number:	57
Telephone Number: *	07792965750	Address 1 (Street): *	Lochalsh Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Inverness
Fax Number:		Country: *	Scotland
		Postcode: *	IV3 8HW
Email Address: *	scott@cameronad.com		

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:	Mr & Miss	Building Name:	
First Name: *	Cameron & Lisa	Building Number:	30
Last Name: *	Thomson & Barclay	Address 1 (Street): *	West Mount Street
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB25 2RJ
Fax Number:			
Email Address: *	scott@cameronad.com		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

30 WEST MOUNT STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB25 2RJ

Please identify/describe the location of the site or sites

Northing

806798

Easting

393087

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: Scott Cameron

On behalf of: Mr & Miss Cameron & Lisa Thomson & Barclay

Date: 24/04/2020

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 Scott Cameron

Declaration Date: 24/04/2020

Payment Details

Online payment: ABSP00005137
Payment date: 24/04/2020 10:58:00

Created: 24/04/2020 10:58

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Scott Cameron
Cameron Architectural Design Ltd
57 Lochalsh Road
Inverness
IV3 8HW

on behalf of **Cameron Thomson & Lisa Barclay**

With reference to your application validly received on 27 April 2020 for the following development:-

**Erection of 1.5 storey extension to rear
at 30 West Mount Street, 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
CAD-140-004	Multiple Elevations (Proposed)
CAD-140-003 Rev A	Multiple Floor Plans (Proposed)
CAD-140-002 A	Location Plan

REASON FOR DECISION

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

The proposed extension would be incongruous in design, scale, massing and form with the historic pitched roofed architectural form of the original dwelling and the overall terrace by way of its upper storey that would project c.1.5m above the wallhead of the original roofslope and its excessive c.5.5m projection to the rear. It

would be readily visible from View Terrace to the west of the site, which would adversely affect the character and visual amenity of the streetscape and would be detrimental to the character and appearance of the Rosemount and Westburn Conservation Area.

The proposed extension would significantly adversely affect the level of residential amenity afforded to the adjoining property, 40 West Mount Street, in that it would be particularly overbearing to this adjacent property and it would have a significant impact on the existing level of privacy afforded to this adjacent property.

It would directly conflict with the Supplementary Guidance: 'The Householder Development Guide' in that it would be a two storey extension to a terrace and it would project more than 3m along the boundary shared with an adjacent property and there are no specific circumstances of the site and the proposal that would ensure there would be no detrimental impact on either the character or amenity of the area.

The proposal would therefore conflict with Scottish Planning Policy; Historic Environment Policy for Scotland; Policies D1 - Quality Placemaking by Design, H1 - Residential Areas and D4 - Historic Environment of the Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'The Householder Development Guide'; Policies D1 - Quality Placemaking, D2 - Amenity, H1 Residential Areas and D6 - Historic Environment of the Proposed Aberdeen Local Development Plan 2020; Managing Change in the Historic Environment: Extensions; and the aims of the Rosemount and Westburn Conservation Area Character Appraisal. There are no material planning considerations that warrant the grant of planning permission in this instance.

Date of Signing 17 July 2020



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

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

None.

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

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

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

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

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

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

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

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Aberdeen Local Development Plan (ALDP)

- Policy H1 – Residential Areas
- Policy D1 - Quality Placemaking by Design
- Policy D4 - Historic Environment

Supplementary Guidance

Householder Development Guide

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

Other Material Considerations

Scottish Planning Policy (2014)

<https://www.gov.scot/publications/scottish-planning-policy/>

Historic Environment Policy for Scotland (HEPS)

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

Proposed Aberdeen Local Development Plan (2020)

<https://www.aberdeencity.gov.uk/services/planning-and-building/local-development-plan/aberdeen-local-development-plan/aberdeen-local-development-plan-review#3678>

Managing Change in the Historic Environment: Extensions

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=0a55e2b8-0549-454c-ac62-a60b00928937>

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100160366-004

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Miss"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Cameron & Lisa"/>	Building Number:	<input type="text" value="30"/>
Last Name: *	<input type="text" value="Thomson & Barclay"/>	Address 1 (Street): *	<input type="text" value="West Mount Street"/>
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="AB25 2RJ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="scott@cameronad.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="30 WEST MOUNT STREET"/>
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="AB25 2RJ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806798"/>	Easting	<input type="text" value="393087"/>
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Description of Proposal

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

Erection of 1.5 storey extension to the rear of 30 West Mount Street, Aberdeen

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see document 'CAD-140-NOTICE OF REVIEW' uploaded as part of the supporting documentation. This sets out, in full detail, the applicants reasons for this review and why we believe the decision should be overturned.

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)

CAD-140-NOTICE OF REVIEW - document which details the reasons why we are seeking a review. CAD-140-COVER LETTER - a copy of the letter which was submitted with the application which was subsequently refused. CAD-140-002 - Site & location plan. CAD-140-003 A - Existing floor plans & elevations, and proposed floor plans. CAD-140-004 - Proposed elevations & photos.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

200502/DPP

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

24/04/2020

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

17/07/2020

Review Procedure

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

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

Yes No

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

Please select a further procedure *

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

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

We feel a site visit would benefit all parties reviewing this application. Although a number of site and surrounding photos are submitted with this review we feel the interested parties would get a better feel for the project by looking at its direct surroundings and what has been approved in close proximity. A site visit would help reduce concerns raised by the council relating to the proposals scale, design and its impact of the neighbouring property as well as the streetscape.

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 Scott Cameron

Declaration Date: 17/09/2020

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Supporting statement for notice of review submission at 30 West Mount Street, Aberdeen – Ref 200502/DPP

Background

The above noted planning application, ref 200502/DPP, was recently refused by Aberdeen City Council on the 17th of July 2020.

Prior to submission of the above noted planning application, the applicants, Mr Cameron Thomson & Miss Lisa Barclay, had a previous application for a ground floor infill extension approved under reference 190592/APP on the 20th of June 2019.

Refusal details

Aberdeen City Council have rejected the current application based on the following reasons:

The proposed extension would be incongruous in design, scale, massing and form with the historic pitched roof architectural form of the original dwelling and the overall terrace by way of its upper storey that would project c1.5m above the wallhead of the original roofslope and its excessive c5.5m projection to the rear. It would be readily visible from View Terrace to the west of the site, which would adversely affect the character and visual amenity of the streetscape and would be detrimental to the character and appearance of the Rosemount and Westburn Conservation Area.

In response to the above noted paragraph we would like to respond as follows:

- I do not agree that the extension would not be in keeping with the existing buildings and its surroundings. The extension has been designed as modern in an effort to show a distinct separation between the old and new. Far too often extensions are designed in attempt to match the existing building and more often than not the end product does not meet the expectations. In this scenario where the existing building is constructed from natural granite it is likely that an extension to be in keeping with the building would be constructed in blockwork finished with a wet or dry harl which would result in a large grey mass which would look worse than a fresh timber clad wall.
- The first floor part of the proposed extension is proposed to be accessed from a mid landing as demonstrated on drawing CAD-140-003. This allows us to keep the new window head and wallhead below the existing first floor window head level. The roof of the first floor extension is pitched to match the original house design and will have a slate finish. Slates from the downtakings can be used on the west facing roof to assist with the view from passers by on View Terrace.
- The note regarding the excessive 5.5m projection cannot be accepted. The previous ground floor proposal which was approved under reference 190592/APP was for the exact same ground floor footprint and its scale was not questioned. The ground floor part of the proposal merely forms a wall to close off the extensions that have been formed in either garden to the east and west of 30 West Mount Street.
- Regarding the proposed extension having an adverse affect on the streetscape and being detrimental to the Rosemount and Westburn Conservation area is subject to personal opinion. During the application process, no neighbouring property object to the proposal. It should be noted that the proposed extension can only be seen from approximately 5 houses on View Terrace (No.s 49, 51, 53, 55 & 57). No.s 55 & 57 are located to the North end of View Terrace and are unlikely to view the extension given the rotation of their properties. View Terrace is a dead end road which

traffic cannot pass through (where the extension can be seen from). Photos are shown below to illustrate the views around the site.



Photo looking South down View Terrace towards dead end road.



Photo looking North on View Terrace (taken from dead end of road).



View looking towards rear of 30 West Mount Street. Please note the large mass of rendered boundary wall to No.40 and formation of poorly designed box dormers. The proposal for the pitched roof extension would be a welcome addition to this area.

The proposed extension would significantly affect the level of residential amenity afforded to the adjoining property No.40 West Mount Street, in that it would be particularly overbearing to this adjacent property and it would have a significant impact on the existing level of privacy afforded to this adjacent property.

It would directly conflict with supplementary guidance: 'The Householder Development Guide' in that it would be a two storey extension to a terrace and it would project more than 3m along the boundary shared with an adjacent property and there are no specific circumstances of the site and the proposal that would ensure there would be no detrimental impact on either the character or amenity of the area.

In response to the two paragraphs above we would respond as follows:

- At present, the occupants have a full view of the garden ground of their adjoining neighbour in No.40. Please note that within the council correspondence No.40 is noted as part of West Mount Street, however No.40 belongs to View Terrace. The formation of the first floor extension would actually reduce the amount of overlooking. The extension would block the view from the applications existing dormer window and as a gable window is proposed within the extension they would only have a view of approximately two thirds of the neighbours garden. A photo of the existing rear garden view is noted below:



View from dormer window within 30 West Mount Street.

- We appreciate that policy states an extension to a terraced property cannot exceed 3m, however precedent has been set by the independent review who overturned the councils decision in relation to application reference 180129/DPP at No. 20 West Mount Street. Our proposal matches this previously approved application in scale and character. The occupant of No.20 allowed us access to take photographs of their completed extension and photos of this are shown below.



Photo of the completed extension at No.20 West Mount Street.



View from 30 West Mount Street looking East towards first floor extension at 20 West Mount Street.

Other contributing information

Application 200502 was registered on the 27th of April 2020 and had an 8 week determination period which expired on the 26th of June 2020.

No correspondence from the planning department was received until the 24th of June at 5.04pm, essentially a day before the decision notice should have been issued. It was at this point that the planning department raised concerns in relation to the refusal points noted previously in this report.

As such a response was requested within 10 working days and an extension of time was requested by the council to deal with the application by the 15th of July.

An email from Scott Cameron of Cameron Architectural Design was sent on the 26th of June 2020 agreeing to the extension of time and a second email was sent on the 29th of June in response to the queries raised with comments and a photo to display how we believe overlooking is not an issue.

A response to this email was not received until the 16th of July (after the agreed extension of time period) with the refusal notice following on the 17th of July.

Conclusion

We believe this application should be reviewed as there are multiple factors which need further attention and consideration to fully assess this proposal.

Noted below is a list of all supporting documents:

CAD-140-002 Rev A - Site and location plan.

CAD-140-003 Rev A – Survey & proposals.

CAD-140-004 – Elevations & Photos.

CAD-140-Cover letter – copy of letter submitted with application 200502/DPP.

CAD-140-Notice of review – this document.