

Public Document Pack



To: Councillor Boulton, Chairperson; and Councillors Allan and Mason.

Town House,
ABERDEEN 22 July 2020

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in **Virtual - Remote Meeting on WEDNESDAY, 29 JULY 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 thereafter published on the Council's website at the following [link](#)

B U S I N E S S

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 **16 Don Terrace - Formation of Driveway to Front of Dwellinghouse - 200036 (Pages 7 - 24)**
- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 25 - 50)
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 200036.
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 51 - 52)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 53 - 62)
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 200036.
- 2.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer
- 3.1 **3 Osborne Place - Formation of Dormer to Existing First Floor Extension; Replacement of Conservatory; Installation of Replacement Rooflights and Dormer to Rear - 200445 (Pages 63 - 92)**
- 3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 93 - 114)
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 200445.
- 3.3 Planning Policies Referred to in Documents Submitted (Pages 115 - 116)
- 3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 117 - 136)
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 200445.
- 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

4.1 **Land to East of Ikea, Wellington Circle - Erection of Two (Class 1) Retail Units - 191588 (Pages 137 - 168)**

4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 169 - 206)

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 191588.

4.3 Planning Policies Referred to in Documents Submitted (Pages 207 - 208)

4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 209 - 236)

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 191588.

4.5 Determination - Reasons for Decision

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

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

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact 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



200036/DPP– Review against refusal of planning permission
for:

“Formation of driveway to front of dwellinghouse”

at: 16 Don Terrace, Aberdeen

Location Plan



Aerial Photo



Street Images



Street Images

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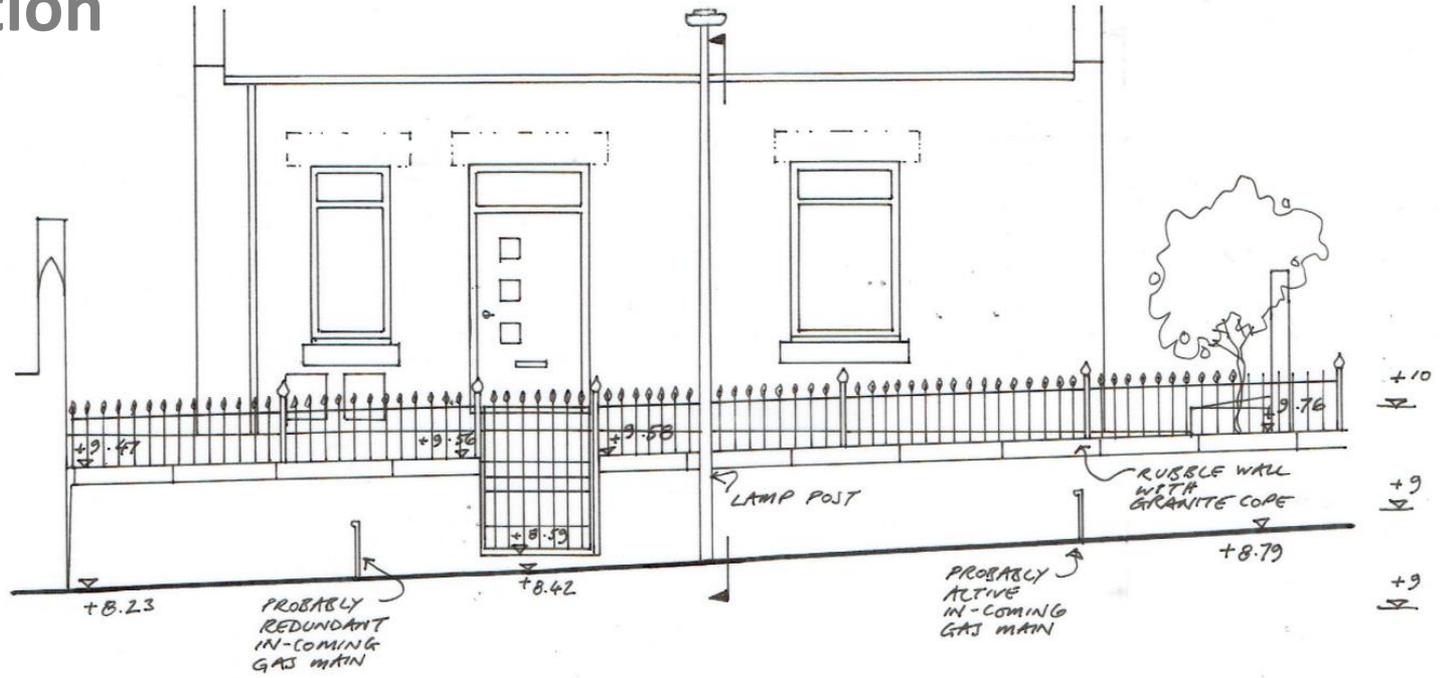


Street Images



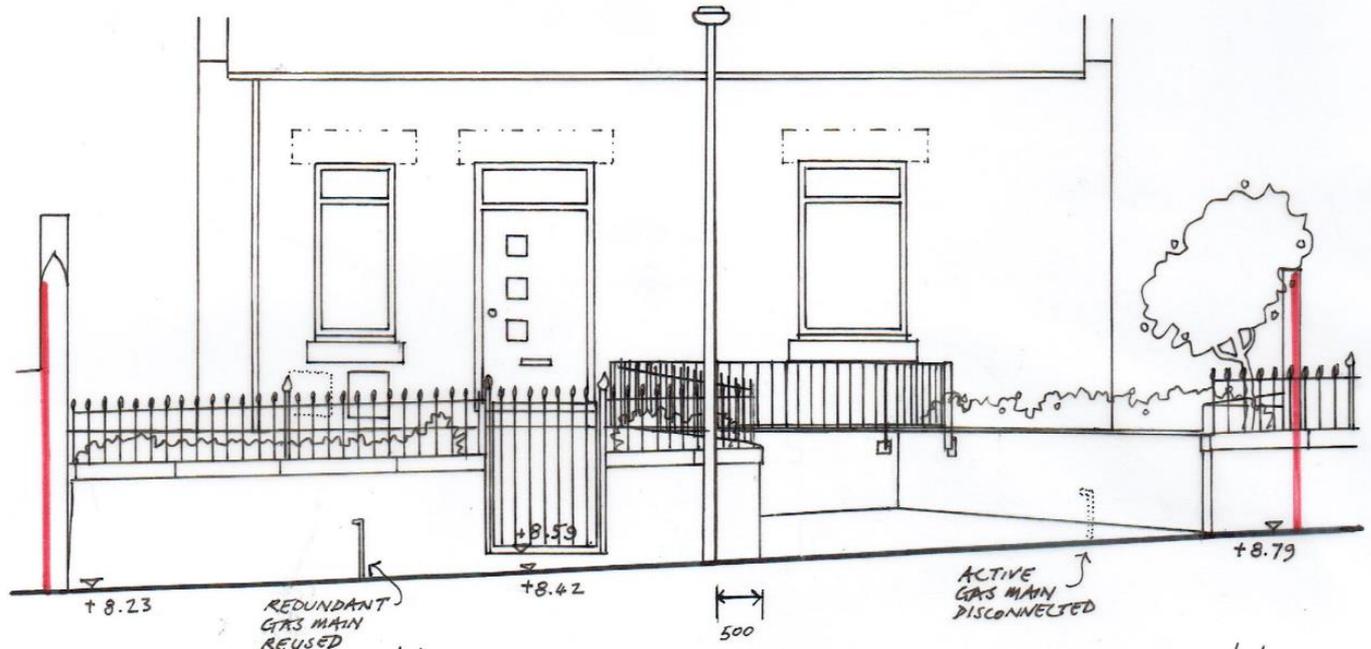
Street Elevation

Existing

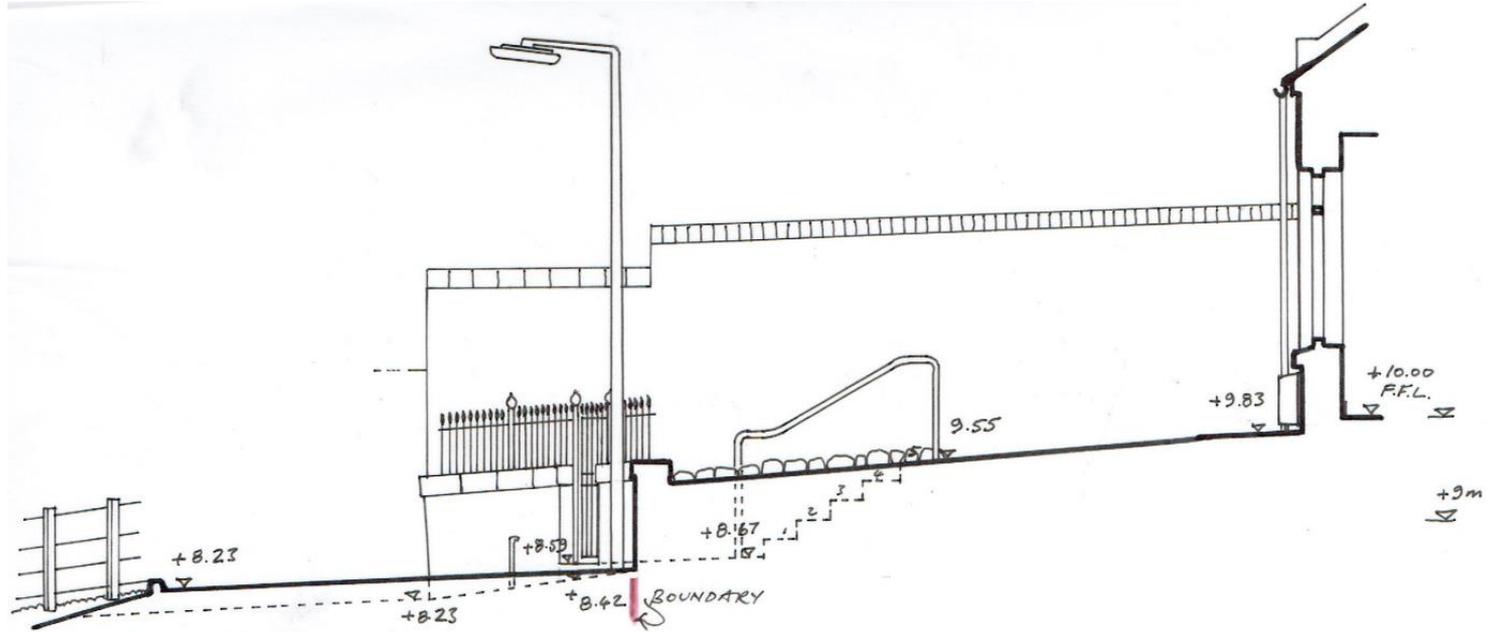


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Proposed

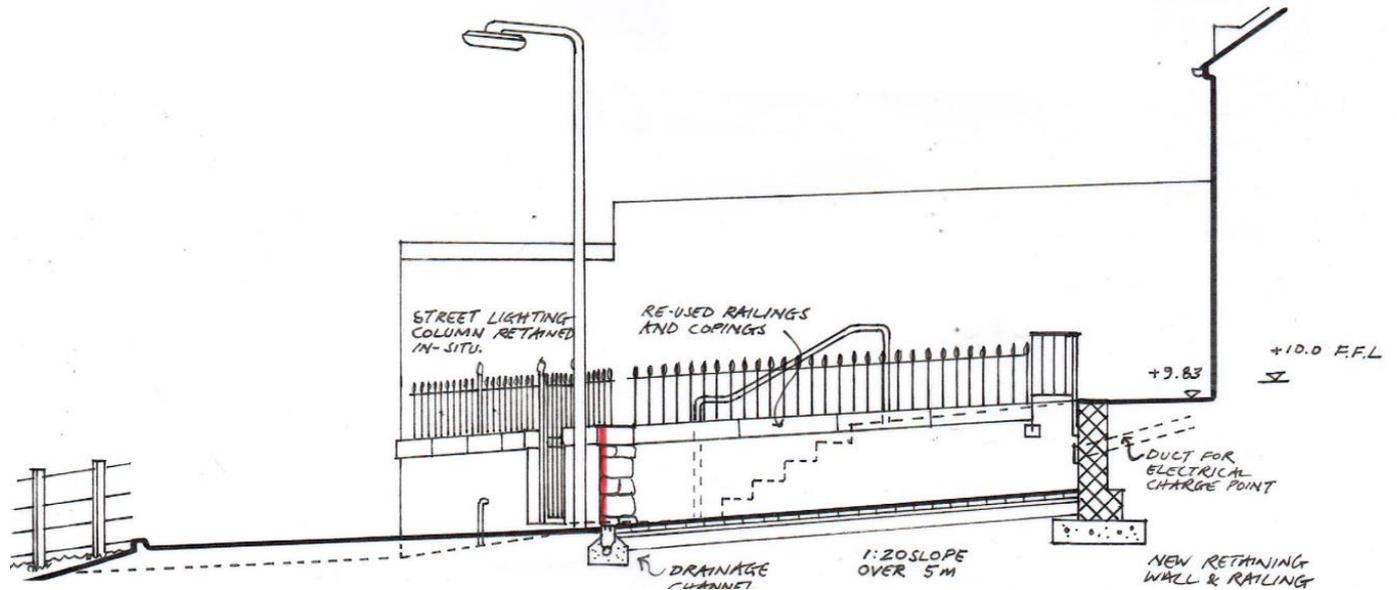


Sections



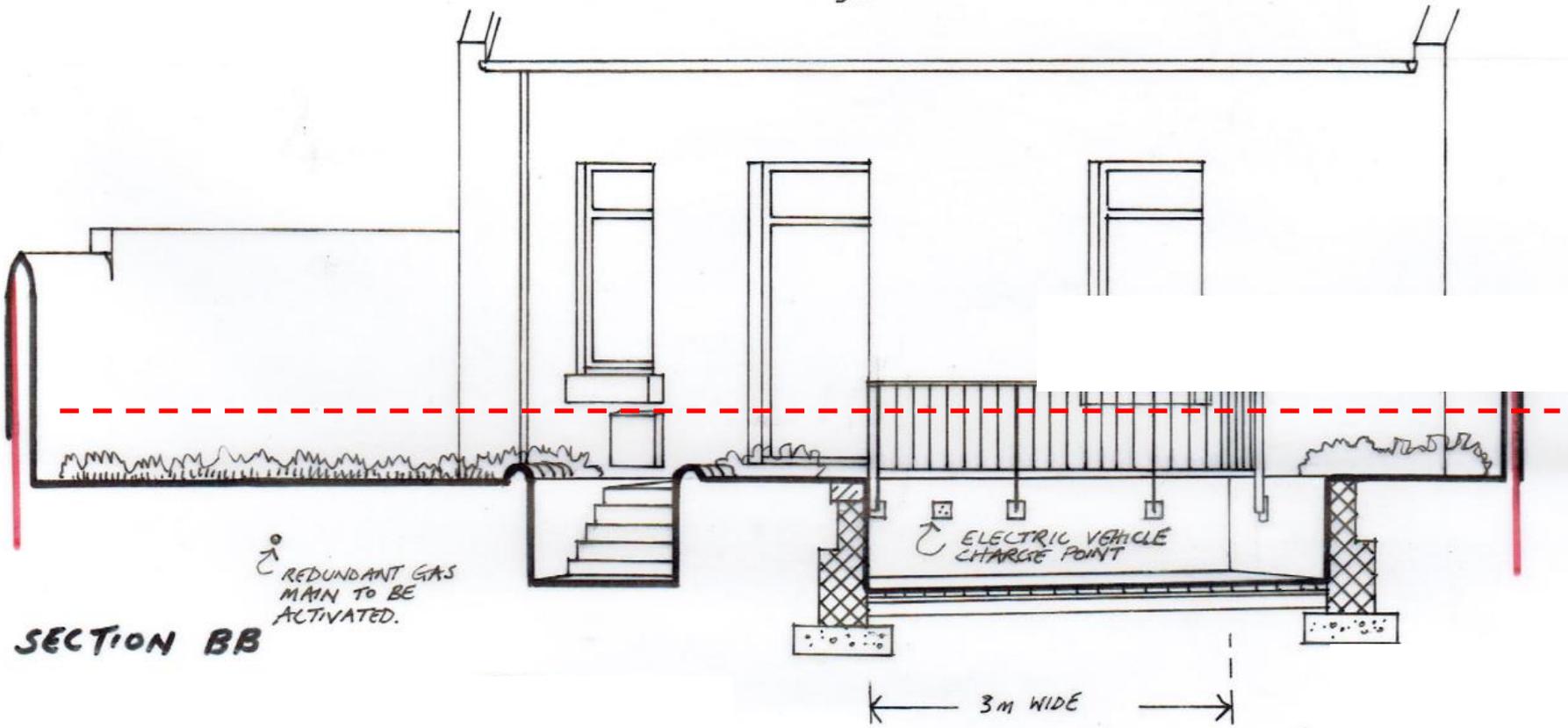
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Proposed



Sections

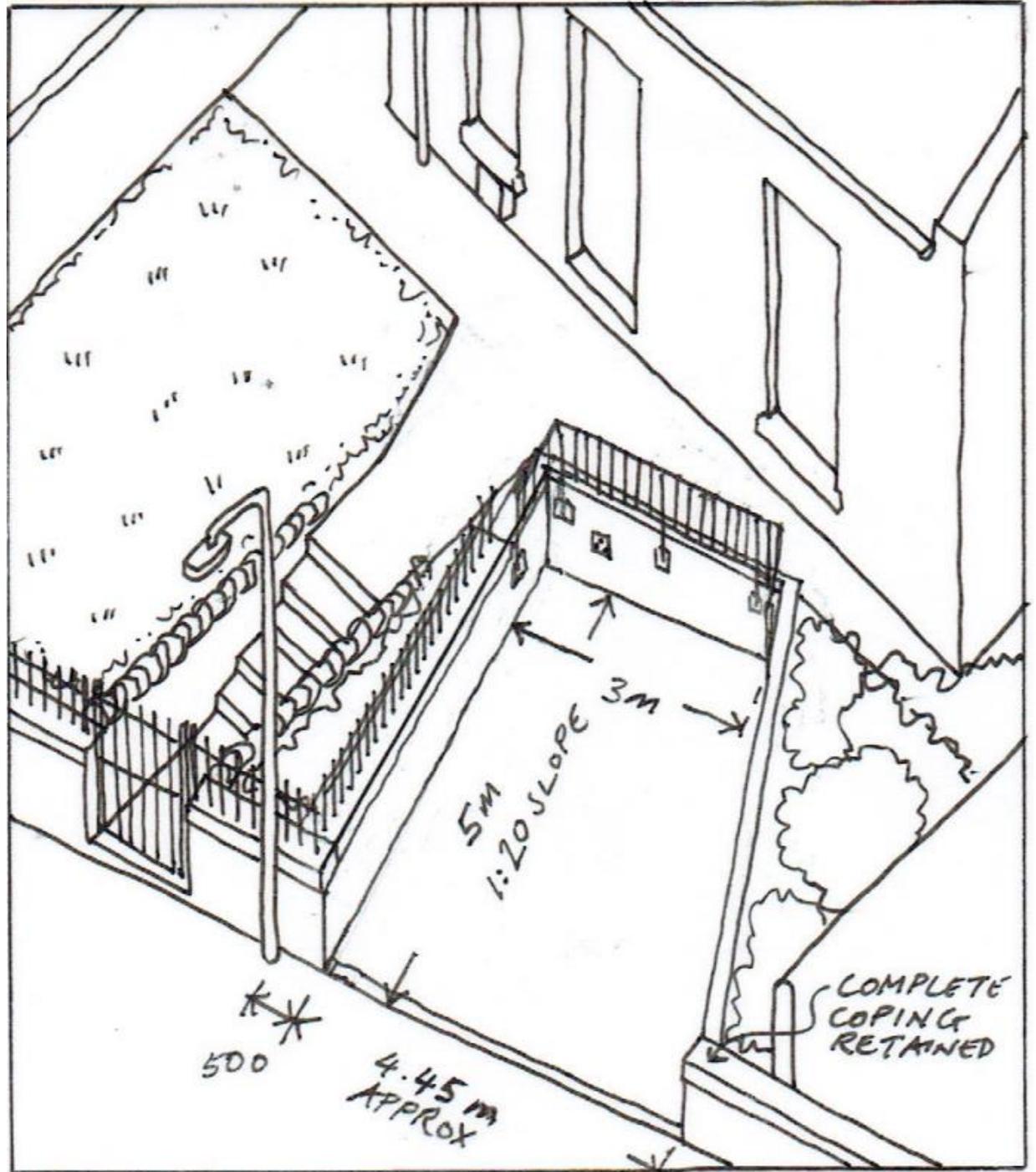
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Proposed

(no equivalent section as existing)

3-D Illustration



Reasons for Decision

- The proposed creation of a driveway within the front curtilage of the dwellinghouse would alter the pattern and appearance of development along Don Terrace, involving the removal of a historic granite front wall with cast iron railings which are intrinsic features to the narrow street's character. The subsequent loss of these features through breakage in the front boundary and substantial excavation of the front garden area resulting in the creation of unsympathetic eye-catching retaining walls with unsympathetic modern railings would disrupt the visual continuity of historic railings and walls along the street, thus adversely affecting the visual character and amenity of the Don Terrace streetscene. As such, the proposal is not considered to be compliant with Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) in the Aberdeen Local Development Plan 2017. Subsequently, overall, the proposal is not considered acceptable.

Policy H1 (Residential Areas)

Policy H1 - Residential Areas

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new development and householder development will be approved in principle if it:

- 1 does not constitute over development;
- 2 does not have an unacceptable impact on the character and amenity of the surrounding area;
- 3 does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and
- 4 complies with Supplementary Guidance.

- 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?

Transport and Accessibility Guidance

- Driveways should be min. 15m from a junction (10m acceptable in some instances)
- Driveways for existing houses should be of min. 5m length in order to prevent vehicles overhanging the footway
- Single driveways should be at least 3m wide
- Gradient should generally not exceed 1:20 (1:15 accepted if non-slip surfacing)
- Should be internally drained – not discharging water to road
- No loose materials should be used in first 2m, to prevent materials being carried onto footway/road
- Driveways should meet the road at right angles to optimise visibility

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 D5 (Our Granite Heritage)

Policy D5 - Our Granite Heritage

Throughout Aberdeen the Council seeks the retention and appropriate re-use, conversion and adaption of all granite features, structures and buildings, including setted streets, granite kerbs and granite boundary walls,

Proposals to demolish any granite building, structure or feature, partially or completely, that is listed or within a Conservation Area will not be granted Planning Permission, Conservation Area Consent and Listed Building Consent unless the Local Authority is satisfied that the proposal to demolish meets Historic Scotland's Scottish Historic Environment Policy (SHEP) test for demolition.

Where the retention and re-use of a granite feature, building or structure, in whole or part, is unviable then the visible re-use of as much of the original granite as is practically possible as a building material within the development site is required.

- ACC seeks the retention and appropriate re-use, conversion and adaptation of all granite features... Including granite kerbs and granite boundary walls
- Where the retention and re-use of a granite feature is not viable, then the visible re-use of as much granite as a building material will be required.

Points for Consideration:

Zoning: Does the proposal comply with the tests set out in policy H1 (Residential Areas)? To what extent does the presence or lack of other driveways contribute to the character of the area?

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

How significant is the removal of a section of granite wall? Are doughtings appropriately re-used in line with policy D5?

Does it accord with the criteria set out for new driveways in the 'Transport and Accessibility' Supplementary Guidance?

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

2. Do other material considerations weigh in favour of approval or refusal?

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:	16 Don Terrace, Aberdeen, AB24 2UH
Application Description:	Formation of driveway to front of dwellinghouse
Application Ref:	200036/DPP
Application Type:	Detailed Planning Permission
Application Date:	10 January 2020
Applicant:	Mr Alisdair Pert
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Tillydrone
Case Officer:	Jamie Leadbeater

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises the residential curtilage of a detached one and half storey dwellinghouse on the southern side of Don Terrace in Woodside.

Don Terrace is a narrow road, enclosed by mature trees and fencing on the northern side with all but one house enclosed by historic front boundaries made from a combination of historic low-rise cast iron railings and retaining granite walls. The one driveway that exists serves a modern property adjoining a historic dwellinghouse (number 13), like the application property, which has a historic front boundary arrangement.

The application property sits at a raised level above the road with front (northern) boundary of the site acting as retaining wall finished in historic granite rubble with granite coping stones on top and historic railings with finials set within.

Relevant Planning History

190550/DPP

Application for formation of a driveway was refused under delegated powers on 17/05/2019. The reasons for this include the driveway failed to meet technical size standards and as a consequence would adversely harm road safety, and the proposed creation of a driveway would have an adverse impact on the visual character and appearance of the streetscene arising from the loss of the granite boundary wall and level of excavation resulting in the need for retaining walls. Additionally, the creation of the driveway could set an undesirable precedent for developments of a similar nature along the street which could erode the established character of the area.

180912/DPP

Application for formation of a driveway was refused under delegated powers on 13/08/2018. The reason for refusal centred upon the adverse visual impact of the driveway on the character and appearance of the streetscape arising from the loss of the front boundary wall and planted garden ground as well as the depth of the excavation work resulting in the presence of retaining walls. Additionally, the creation of the driveway would create an undesirable precedent for the creation of similar developments along the street.

This application was appealed to the Local Review Body (LRB) but the appeal was dismissed and the LRB agreed with the appointed officer's decision on 06/02/2019.

APPLICATION DESCRIPTION**Description of Proposal**

Detailed Planning Permission is sought for the formation of a driveway to the front of dwellinghouse, including partial removal of front boundary wall and creation of new retaining wall around perimeter of driveway with existing railings re-used and new railings installed in part.

The proposed driveway would have an irregular shape with a minimum width of 3m nearest the front of the dwellinghouse and maximum width of 4.45m nearest the road's edge, with a depth of 5m and 1:20 gradient. The retaining walls would be c. 900mm high, and coupled with the proposed railings, the railings would sit c. 1.6m above the excavated ground level.

Supporting Documents

All drawings can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q3WF5IBZMJM00> .

CONSULTATIONS

ACC - Roads Development Management Team – No concerns, given the gradient, means of internal drainage, and size of the driveway are considered acceptable for the site's context.

Tillydrone Community Council – No response received.

REPRESENTATIONS

One representation has been received which raises the following matter(s):

- The proposed development would detract from the amenity of the street which has some character.

MATERIAL CONSIDERATIONS**Legislative Requirements**

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

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

The purpose of the SDP is to set a spatial strategy for the future development of the Aberdeen City and Shire. The general objectives of the plan are promoting economic growth and sustainable

economic development which will reduce carbon dioxide production, adapting to the effects of climate change, limiting the use of non-renewable resources, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility.

The Strategic Development Plan 2014 is 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 H1 – Residential Areas
- Policy D1 – Quality Placemaking by Design
- Policy D5 – Our Granite Heritage

Proposed Aberdeen Local Development Plan

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.

Supplementary Guidance (SG)

- Transport and Accessibility

Other Material Considerations

- The Repair and Reinstatement of Cast Iron Railings

EVALUATION

Principle of Development

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

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

Overdevelopment

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

Impact on Character and Amenity of the Surrounding Area

As set out in the site description, Don Terrace is a narrow road characterised by mature vegetation on one side and uninterrupted historic front boundary enclosures created from a combination of granite stone walls, some of which include historic cast iron railings, such as the application property. The only exception to this rule is number 13A – a modern self-contained residential unit adjoining historic dwellinghouse number 13 – which has an open front boundary and purposefully designed driveway. Subsequently, this is very much an anomaly on the streetscene and the prevailing character of the street is one with unbroken historic front boundary enclosures. Whilst it is accepted that the applicant has attempted to put forward a credible design scheme for the formation of a driveway, the scale of necessary front garden excavation to form the driveway and subsequent need to create three distinct retaining walls would have an overt visual presence on the streetscene which detracts from the unspoilt and relatively unaltered character of the streetscene. This would adversely affect public visual amenity.

It should be noted that the above concerns were at the centre of the Planning Authority’s decision to refuse previous applications 180912/DPP and 190550/DPP for a driveway at the site, with decision to 180912/DPP being upheld at review by the Local Review Body (LRB) for the same reason. A review of the decision by the LRB was not sought for the more recent application. These previous decisions both by the Planning Authority and LRB are material to the determination of this application.

One further minor point that should be highlighted is that the proposed railings on the southern perimeter attached to the top of the proposed retaining wall would not be of the same specification as the existing and/or those railings to be re-used on the eastern perimeter of the retaining wall. Therefore, there would be a visual contrast between the railings, which is likely to have an adverse visual impact on the character of the street scene. Specifically, the proposed new railings would not accord with the guidance set out in the in the Repair & Reinstatement of Railings TAN as the balusters would not be individually set within coping stones and decorative finials would not be used to match the existing railings which characterise the Don Place streetscene.

Loss of Open Space

The site is within a defined residential curtilage and therefore the proposal would not result in the loss of public open space of any value.

Compliance with relevant Supplementary Guidance (SG)

Guidance of the formation of Driveways and installation of electric vehicle charging points is set

within the Transport & Accessibility SG. Compliance with this SG will be discussed below.

Re-Use of Granite

Policy D5 in the ALDP requires re-use and/or adaptation of historic granite features and structures such as boundary wall enclosures. The proposal entails the partial removal of the existing front boundary wall to create the opening in the existing front garden area for a driveway, however, the applicant has indicated the historic granite to be dismantled will be re-used in part of the proposed new retaining wall. As such, the proposal is considered to fulfil the relevant expectations of Policy D5, but if the application were to be approved this need to be controlled through condition to ensure compliance with the policy.

Impact on road safety

The Council's Roads Development Team has been consulted on the proposal and have posed no objection to the proposals on the basis that the driveway would be of sufficient size and gradient as set out in the Transport & Accessibility SG to allow safe manoeuvring in and out, as well as taking into account that a driveway currently exists further up the same street. As such, the proposal is not considered to raise road safety concerns.

Strategic Development Plan implications

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

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.

Conclusion

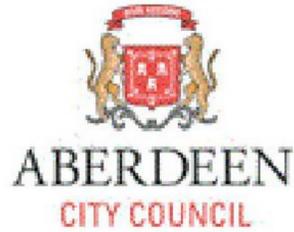
Overall, the proposed breaking of the front boundary, substantial excavation of the front garden area and subsequent creation of c. 900mm high retaining walls with inconsistent looking railings would adversely affect the prevailing character of Don Terrace. Therefore, the proposal would conflict with the relevant requirements of policies H1 and D1 in the Aberdeen Local Development Plan 2017. In the absence of any other overriding material considerations, the application is recommended for refusal.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed creation of a driveway within the front curtilage of the dwellinghouse would alter the pattern and appearance of development along Don Terrace, involving the removal of a historic granite front wall with cast iron railings which are intrinsic features to the narrow street's character. The subsequent loss of these features through breakage in the front boundary and substantial excavation of the front garden area resulting in the creation of unsympathetic eye-catching retaining walls with unsympathetic modern railings would disrupt the visual continuity of historic railings and walls along the street, thus adversely affecting the visual character and amenity of the Don Terrace streetscene. As such, the proposal is not considered to be compliant with Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) in the Aberdeen Local Development Plan 2017. Subsequently, overall, the proposal is not considered acceptable.



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 100223888-001

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

Description of Proposal

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

Driveway to be formed to the upper half of the garden frontage where the granite copings are reused to form the parking space. The 3 x 5m area allows 1 car to parked perpendicular to the property. Proposal considers the visual amenity of the lane to maintain character, taking into account recommendations from previous applications (180912/DPP & 190550/DPP). Proposal requires less excavation and more of the front garden is retained with wall, railing and gate of lower half of garden unaltered.

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

No Yes - Started Yes – Completed

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Avon Cottage"/>
First Name: *	<input type="text" value="Alisdair"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Pert"/>	Address 1 (Street): *	<input type="text" value="16 Don Terrace"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Woodside"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB24 2UH"/>
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="16 DON TERRACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB24 2UH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="809188"/>	Easting	<input type="text" value="392517"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

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

Proposal discussed with senior planner Jamie Leadbeater at Aberdeen City Council. Confirmation was received from the Aberdeen Roads & Transport Authority that the proposal is of an acceptable length and width with good visibility and maneuverability provided by the detailed architectural drawings. The proposal also keeps the existing lighting column in-situ which would reduce hassle to local neighborhood and council staff who would have to undertake the re-positioning works.

Title:	<input type="text" value="Mr"/>	Other title:	<input type="text"/>
First Name:	<input type="text" value="Jamie"/>	Last Name:	<input type="text" value="Leadbeater"/>
Correspondence Reference Number:	<input type="text" value="191565/PREAPP"/>	Date (dd/mm/yyyy):	<input type="text" value="06/01/2020"/>

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

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

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, cycle spaces).

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mr Alisdair Pert

On behalf of:

Date: 09/01/2020

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 Alisdair Pert

Declaration Date: 10/01/2020

Payment Details

Online payment: ABSP00004790
Payment date: 10/01/2020 15:01:00

Created: 10/01/2020 15:02



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 100223888-002

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:

Aberdeen City Council

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

Address 1:

16 DON TERRACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB24 2UH

Please identify/describe the location of the site or sites

Northing

809188

Easting

392517

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Avon Cottage"/>
First Name: *	<input type="text" value="Alisdair"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Pert"/>	Address 1 (Street): * <input type="text" value="16 Don Terrace"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text" value="Woodside"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: * <input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="AB24 2UH"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value="██"/>	

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)

Following consultee comments from the Aberdeen City Council Roads department, it was requested that the slope indicated on the drawings is decreased to a 1:20 sloped gradient. Revision "D" drawings provide this updated detail. The application itself was discussed at length during pre-application correspondence (191565/PREAPP) and it was confirmed by planning officer Jamie Leadbeater that the application is acceptable from a Roads perspective in all aspects.

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 Alisdair Pert

Declaration Date: 18/01/2020

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Mr Alisdair Pert
Avon Cottage
16 Don Terrace
Woodside
Aberdeen
AB24 2UH

With reference to your application validly received on 10 January 2020 for the following development:-

Formation of driveway to front of dwellinghouse at 16 Don Terrace, 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
110 / 3 D	Location Plan
110 / 4 D	Site Layout (Proposed)
	Site Cross Section

REASON FOR DECISION

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

The proposed creation of a driveway within the front curtilage of the dwellinghouse would alter the pattern and appearance of development along Don Terrace, involving the removal of a historic granite front wall with cast iron railings which are intrinsic features to the narrow street's character. The subsequent loss of these features through breakage in the front boundary and substantial excavation of the front

garden area resulting in the creation of unsympathetic eye-catching retaining walls with unsympathetic modern railings would disrupt the visual continuity of historic railings and walls along the street, thus adversely affecting the visual character and amenity of the Don Terrace streetscene. As such, the proposal is not considered to be compliant with Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) in the Aberdeen Local Development Plan 2017. Subsequently, overall, the proposal is not considered acceptable.

Date of Signing 17 March 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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Consultee Comments for Planning Application 200036/DPP

Application Summary

Application Number: 200036/DPP

Address: 16 Don Terrace Aberdeen AB24 2UH

Proposal: Formation of driveway with electric vehicle charging point to front

Case Officer: Jamie Leadbeater

Consultee Details

Name: Mr Nathan Thangaraj

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

Email: nthangaraj@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

I note this application for the formation of the driveway with an electric vehicle charging point to the front at 16 Don Terrace, Aberdeen AB24 2UH. The site is located in the outer city, outwith any controlled parking zone.

I note that the proposed gradient of the driveway is 1:15, this is not acceptable. As per our guidelines, the gradient of a driveway should generally not exceed 1:20 although this may be relaxed to a maximum of 1:15 in certain circumstances, provided suitable measures, such as non-slip surfacing, are employed. Information required on the type of materials to be used for the driveway.

However, the driveway, as currently formed at this location will cause road safety problems during periods of severe inclement weather, potentially in the winter period due to the excessive gradient of the driveway. It may be difficult for a person getting in and out of the vehicle on the driveway. Runoff of rainwater from the property onto the adjacent road during times of heavy rainfall could present an additional hazard, potentially in winter conditions if the road were to freeze over. Moreover, there is no footway in front of the house, any overhanging of parked vehicles would have serious road safety implications. Therefore, in this situation, a minimum gradient of 1:20 should be achieved.

Furthermore, a swept path analysis (SPA) for a large car accessing the proposed drive from both directions is required. Additionally, a 250mm buffer is required between the large car and road kerb to account for variability in driver ability and vehicle overhanging, etc.

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

into the public road.

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

From: Scott Lynch <SLynch@aberdeencity.gov.uk>
Sent: 20 January 2020 12:34
To: James Leadbeater <JLeadbeater@aberdeencity.gov.uk>
Subject: RE: New plans for 200036/DPP - 16 Don Terrace

Jamie,

Please find my response below:

“I note this application for the formation of the driveway with an electric vehicle charging point to the front at 16 Don Terrace, Aberdeen AB24 2UH. The site is located in the outer city, outwith any controlled parking zone.

I note that the proposed gradient of the driveway is 1:20, this is now acceptable.

There is a channel drain proposed, so there are no concerns with surface water flowing onto the adopted surface.

I note that the driveway meets our minimum size requirements (5m x 3m), with an additional irregular shape added – this additional width at the open will aid in manoeuvring in and out of the site. It is acknowledged that the street is particularly narrow here, but this is an existing situation, and neighbouring properties have driveways, as such this would not be setting a precedent.

There are no Roads concerns with this application.”

Scott

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Comments for Planning Application 200036/DPP

Application Summary

Application Number: 200036/DPP

Address: 16 Don Terrace Aberdeen AB24 2UH

Proposal: Formation of driveway with electric vehicle charging point to front

Case Officer: Jamie Leadbeater

Customer Details

Name: Ms Julia Strickland

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

Comment Details

Commenter Type: Amenity Body

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Aberdeen Civic Society notes that this application is very similar to previous ones made relating to the formation of a driveway to the front of the property.

While maintaining a neutral stance towards this application, we remain of the view that allowing such a development to occur would detract from the amenity of the street, which has some character.

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National Planning Policy

Scottish Planning Policy (SPP)

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

Aberdeen Local Development Plan (ALDP)

H1: Residential Areas;

D1: Quality Placemaking by Design;

D5: Our Granite Heritage

Supplementary Guidance

Transport and Accessibility

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

Other Material Considerations

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>

‘The Repair and Reinstatement of Cast Iron Railings’ Technical Advice Note (TAN)

https://www.aberdeencity.gov.uk/sites/default/files/Railings_1.pdf

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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 100223888-003

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

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Avon Cottage"/>
First Name: *	<input type="text" value="Alisdair"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Pert"/>	Address 1 (Street): *	<input type="text" value="16 Don Terrace"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Woodside"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB24 2UH"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

16 DON TERRACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB24 2UH

Please identify/describe the location of the site or sites

Northing

809188

Easting

392517

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)

Driveway to be formed to the upper half of the garden frontage where the granite copings are reused to form the parking space. The 3 x 5m area allows 1 car to parked perpendicular to the property. Proposal considers the visual amenity of the lane to maintain character, taking into account recommendations from previous applications (180912/DPP & 190550/DPP). Proposal requires less excavation and more of the front garden is retained with wall, railing and gate of lower half of garden unaltered.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer to the attached detailed "16 Don Terrace Statement of Appeal" .PDF document for all matters for consideration by the local review body under this Notice of Review.

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

Yes No

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

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

16 Don Terrace Statement of Appeal pdf document Planning Application Drawings pdf document ACC Road Engineer's Response Email 20th January 2020 word document Site Plan showing Car Vandalism location and area context from Google Maps pdf document Police Crime Report CF0015730119 - 19th January 2019 EMAIL word document Picture of double yellow lines painted around applicants car parked on Don Street JPEG image Aberdeen Development Plan 2017 (page 22 of 123) pdf document Don Terrace Pictures

Application Details

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

200036/DPP

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

10/01/2020

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

17/03/2020

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)

It is requested that as part of this notice of review a site survey is undertaken by the Councillors on Local Review panel. This was advised to me previously by my local ACC Councillor following the LBR hearing conducted under planning application 180912/DPP. A site survey is also request because it would allow the heritage context of the address to be considered by Councillors. This appeal does not consider the site context to be an overriding reason for rejecting the application.

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 Alisdair Pert

Declaration Date: 15/06/2020

NOTICE OF REVIEW SUPPORTING DOCUMENT

REGARDING PLANNING APPLICATION: 200036/DPP

SITE ADDRESS: 16 DON TERRACE, ABERDEEN, AB24 2UH

WRITTEN BY ALISDAIR PERT – 15th June 2020.

Introduction:

I am requesting the Local Review Body of Aberdeen Councillors review the decision to refuse planning permission for me to provide a single vehicle driveway at my home at 16 Don Terrace, Aberdeen, AB24 2UH. I am asking that the decision be changed and approved for the reasons detailed in this document.

Refusal for a single parking space for this family home seems unreasonable given the lack of nearby parking, the context and the circumstances. The Aberdeen City Council Roads Department are **content** with the proposed geometry and they are **satisfied** that it would not present any issue of precedent on Don Terrace. Significantly, the Aberdeen Civic Society are now **neutral** after previous issues, regarding the length of boundary wall being removed, were addressed to their satisfaction. The house is not listed nor is it near to such a building. It is not in a Conservation Area nor is it near to one. It is a granite cottage of traditional form and construction but it is not a historic building, i.e. it does not have a heritage that is of more than common interest. Nevertheless, the word “historic” is used ten times in the planning department’s Refusal Notice, weaponising the word to criticise the proposal. A **reasonable, pragmatic and flexible** approach has not been taken with new reasons for refusal being contrived. Despite consulting with Aberdeen Planning Department on possible options for around three years, there has never been any criticism of the length of new protective rail guard nor any suggestion made to me that a matching cast iron railing would be expected. (This late criticism of a single length of new protective railing is therefore disappointing. Expecting that it would be cast in a foundry to match the front railing could be considered an appropriate repair for a listed building or a historic building of special interest but not 16 Don Terrace. Indeed, for a historic building, Historic Environment Scotland would expect non-original elements to be simple, contemporary and honest. To suggest that this set-back railing detracts from the streetscape is disputed as a visit to the property would show).

A **site visit**, conducted at a suitable and appropriate time for each of the respective councillors on the Local Review Body is requested as part of this Local Review. Please note that the photographs provided are not meant to be a substitute for a site visit but are submitted to assist the Local Review process during the present Covid-19 restrictions (and in case a site visit is not currently possible).

I consider the lack of parking for 16 Don Terrace and other neighbouring properties to be unacceptable, unsafe and an imposition on the other nearby properties located on Don Terrace, Don Street, Don Gardens and the upper section of Gordon’s Mills Road (where my wife and I currently park our car). My closest neighbours on Don Terrace, that could be potentially impacted by the formation of a driveway, are **supportive** of my application. After writing to them all individually, the following Don Terrace neighbours (listed below) have all replied to me in writing, stating that they support my application and this subsequent request for a Review of the Refusal Decision:

- Mr Alan Walker of 15A Don Terrace, Aberdeen, AB24 2UH; Email: a.walker121156@gmail.com; Tel: 07745 432 383.
- Mrs Stella Volkens of Side Flat 15 Don Terrace, AB24 2UH; Tel: 07716 099 863 (please note Mrs Volkens is an elderly lady, the contact number of her daughter, Lesley, at 14 Don Terrace is provided here).

- Mrs Shirley Gibb of Donbrae, 15 Don Terrace, AB24 2UH; Email: shirleygibb@gmail.com Tel: 07769 335 414.
- Mrs Lesley Fettes and Mr Keith Runcie of 14A Don Terrace AB24 2UH; Tel: 07716 099 863.
- Mr Mike Fraser and Mrs Laura Fraser of 14 Don Terrace, AB24 2UH; Email: laurafraser68@gmail.com; Tel: 07891 076 279.

It has not been practical to obtain signatures from each of my direct neighbours listed above due to the current Covid-19 restrictions however they have confirmed with me that they are happy to be independently contacted if required.

Summary of Points:

The reasons for requesting this Local Review can be summarised in the following points (these are then amplified in the pages following);

1. A single concession for a driveway need not threaten the Don Terrace streetscape
2. No.16 is a special case for special consideration in Don Terrace
3. Alternative options for access have been explored and are now exhausted
4. On-road parking is not practical
5. The council have recently double yellow-lined the next available parking spaces in Don Street
6. A single driveway is a reasonable provision for a family home
7. Recent vandalism has occurred to vehicles parked at the top of Gordon's Mill's Road
8. All existing granite copings and iron railings would be re-incorporated into the front garden
9. Aberdeen Local Plan Policy D1 should not be used to Refuse the Application
10. Aberdeen Local Plan Policy H1 should not be used to Refuse the Application
11. Provision for charging an electric car is not possible

The Site Plan shows the property and neighboring residential plots, the narrowness of the street and the embankment down to the river. (See attached plan)

1. A single concession need not threaten the Don Terrace streetscape

It is acknowledged that Don Terrace has a leafy rural lane quality and consists of a number of traditional granite cottages. However, it is mixed with a more recent development of terraced houses and more modern bungalows and therefore does not present an intact traditional neighbourhood. It is not in or near a Conservation Area and is not within the vicinity of any listed buildings. The width of Don Terrace is narrow, being defined by the River Don embankment to the north and property boundaries to the south which are generally walls. Given that there is a considerable amount of this treatment of newer mixed property types, it is unreasonable to state that one concession of a front driveway to the property will threaten the overall streetscape of Don Terrace.

It is also noted here that all traditional features of the front garden boundary are to be reused in my plans (unlike the modern extension to number 13 Don Terrace further up the street, which adds further to the amount of mixed property types on the street). The attached formal response from the Aberdeen City Council's Road Engineer, Scott Lynch, states that the application "would not be setting a precedent" given that, "neighbouring properties have driveways".

2. No. 16 is a special case for special consideration in Don Terrace

The properties to either side of number 16 Don Terrace, both have alternative rear parking that is not available to No.16 which is essentially "landlocked". The neighbouring 15A Don Terrace is a more modern bungalow that has rear vehicular access to the back garden and a garage. The adjacent terrace houses have separate access from Don Street which provides them with both on-street parking and lock-up garages. The terrace houses are all at a high level above the Don Terrace carriageway. The only property of similar design and nature to 16 Don Terrace, is number 15, which has been converted into 3 separate flats and is located further up the Don Terrace embankment where the street is considerably wider. It is also closer to the available unrestricted parking at Don Gardens and allows for easier on-street parking at evenings and weekends on Don Terrace (which is single yellow restricted parking).

3. Alternative options for access have been exhausted

I have explored the possibility of achieving rear vehicular access to my back garden from the private access road (off Don Street). I have discussed this with Councillor Jim Noble and with neighbours. However, it has not proved possible to progress with this option and so obtaining permission for a front driveway remains my primary focus.

4. On-road parking is not practical

The topography of the site with a steep river bank means that the Don Terrace carriageway is narrow and there is no footway. It is impractical to park on the road outside or near to the house, despite the road being a designated signal yellow lined street with parking permissible at evenings and weekends, as other cars struggle to pass. It is also noted that parking outside the property on Don Terrace could be a potential blockage to emergency vehicles requiring to get past.

5. The Council have recently painted double yellow lines on the next available parking street spaces

The difficult parking situation for 16 Don Terrace has been exacerbated by the recent addition of double yellow lines to both sides of the road at the foot of Don Street (even in areas not in proximity to the junction). Instead of being able to park my car in the next street down, I now need to park further away from my property, down on Gordon's Mills Road, beyond the new double yellow-lining on Don Street. This action by the Council since the date of my initial Planning Application has made my predicament even worse. The attached picture shows that the yellow lines were painted around my own vehicle (Honda Civic registration number: ST62ANP) during such time where the prior parking on Don Street was available and unrestricted.

6. It is a reasonable provision for a family home to have a driveway

I do not consider that the application that I have made to Aberdeen City Council is unreasonable. On the contrary, detached housing that is approved by the local authority requires to have in-curtilage parking provision; for a new-build housing of a similar 4-bedroom size, at least 3 parking spaces should be provided as a minimum according to the construction standards for buildings in Scotland. I am therefore using my best endeavour to bring this property up towards modern standards for a family home which will positively contribute a small improvement to the city's traditional housing stock. With 2 young children under 3 years old, I would appreciate being able to park on-site at my house to facilitate the daily routines of life, which all now have an increasing degree of difficulty, especially for my wife.

7. Recent vandalism to vehicles parked at the top of Gordon's Mill's Road

With reference to Police Scotland Crime Report CF0015730119, vandalism to my own vehicle has occurred whilst parked at the nearest available parking spot to my property at the top of Gordon's Mills Road. The wing mirror was kicked off, incurring significant cost and time to arrange for repairs. With a driveway on the site, a safer parking arrangement would be achieved which would naturally deter potential future crimes in the local area. There have also been other incidents of vandalism to cars whilst parked here. One neighbor also had a wing mirror damaged while another had their number plate spray-painted.

8. All the granite copings and iron railings will be re-incorporated into the front garden

The proposals show that considerable effort and expense would be invested in the re-design of the front garden so as to retain much of the amenity of the house and the street. The rubble wall, dressed squared coping and iron railings are part of the appeal of the property and the commitment is to **retain** these in the front garden. These elements would be integrated into a new arrangement that accommodates a parking space. This sympathetic design goes a long way to addressing any concerns about amenity.

9. Aberdeen Local Plan Policy D1 should not be used to Refuse the Application

The new Aberdeen Local Plan is an impressive and accessible document. It is graphically designed to aid navigation **while dropping positive messages as to the Council's expectation.** The gray coloured interleaf page that introduces Section 3: Developing Sustainable Communities, has a line drawing over-sketches from a photograph from somewhere in the Aberdeen locality. A traditional line of cottages is shown with what looks like a garden that has had a subsequent driveway introduced in order to park a family car (and a wee boat). That such a scene should be used to exemplify Section 3 of the Local Plan is telling, indicating that flexibility, accommodation and pragmatism when dealing with existing properties can all contribute to sustainable communities. **This is exactly what I am seeking.** (See attached interleaf – Aberdeen local development plan 2017 page 22 of 123).

With regard to Policy D1, it can be noted that this is predominantly directed at new development and there is nothing that need explicitly require refusal of the application.

The Scottish Government policy document “Creating Places” sets “six tests” of proposals and these criteria are enshrined in Policy D1. Proposals should “enhance the social, environmental and cultural attractiveness of the city...” Having relocated to Aberdeen and choosing to raise a family within the city and invest in buying a house here, I am fully supportive of this policy. With regards to my application for a driveway, the development test (when scaled down to my micro proposal) can be appraised as follows:

DISTINCTIVE - my proposal uses the local materials for the rubble walls, copings and railings in order to retain local identity.

WELCOMING - my proposal will present a well detailed and attractive frontage with areas of soft landscape and the rebuilt rubble walling being properly pointed and with a mortar mix as recommended by Historic Environment Scotland.

SAFE & PLEASANT - my proposal will avoid me carrying (and later walking) my young children on the carriageway and across Don Street to the nearest on-street parking opportunity.

EASY TO MOVE AROUND - my proposal incorporates an easy gradient staircase with handrail. In relation to transport movement, I can also comment that despite the challenges of our professional jobs, my wife and I have remained a one-car family and in my career, I have been supportive of public transport modes for my business use, where possible.

ADAPTABLE - my proposal allows a Victorian cottage, built in a lane to be able to accommodate the requirements of a normal modern family lifestyle. This makes this particular property of the city's housing stock more suitable for future generations to use.

10. Aberdeen Local Plan Policy H1 should not be used to Refuse the Application

Policy H1.2 states that a proposal would be approved if it “does not have an unacceptable impact on the character and amenity of the surrounding area.” I am not arguing that forming the driveway will have no impact on the streetscape of the Don Terrace lane. Rather I am stating that the sensitive manner in which it has been designed will sufficiently ameliorate any adverse impact so as to make it acceptable. (Related to this is that, as neighbouring properties have rear access, then a domino-effect from a precedent being set is not a realistic concern). I therefore maintain that the proposals are **not** unacceptable.

Aberdeen City Council’s Supplementary Guidance - Householder Development Guide, refers to “material considerations” and sets a test as to whether a consideration is material, stating that it “should fairly and reasonably relate to a particular application.” In this document I have set out the grounds on which I consider 16 Don Terrace to be **a special case requiring special consideration by the Planning process**. I find that in my case, this test from the Supplementary Guidance has not been allowed, which I consider to be unreasonable.

11. That provision for charging an electric car is not practical

I have invested into the area because my wife and I found it attractive, near to our work and we enjoy living in a traditional house built from local materials. When purchasing the property, we had hoped that options for a single parking space would materialise so that we could purchase an electric car in the near future and have a parking space available to charge the vehicle. I am a keen advocate for green living and limiting the effects that climate change is having on our planet. In addition to the beach cleans and other green endeavors I have contributed to, I have also investigated the possibility of owning an electric car and I feel that without having a parking space on my property, the possibility of achieving this aspiration would be difficult and unpractical.

Conclusion

In conclusion, I request that the Local Review Body give consideration to this detailed response to the refusal decision through each of the points provided above. I hope that the Local Review Body find it acceptable and decide to amend the prior decision made by the Planning Department and approve it. I believe a site survey is required to highlight the points made and provide the everyday practical context as to why I believe a driveway to 16 Don Terrace should be allowed. I am happy to provide any further information via any means and discuss any aspects of the proposal further, as and when required.

All of the detail that I have provided in this document is true.

Alisdair C Pert
Email: alisdairpert@gmail.com
Tel: 07772 277 431

LOCAL REVIEW BODY



200445/DPP– Review against refusal of planning permission for:

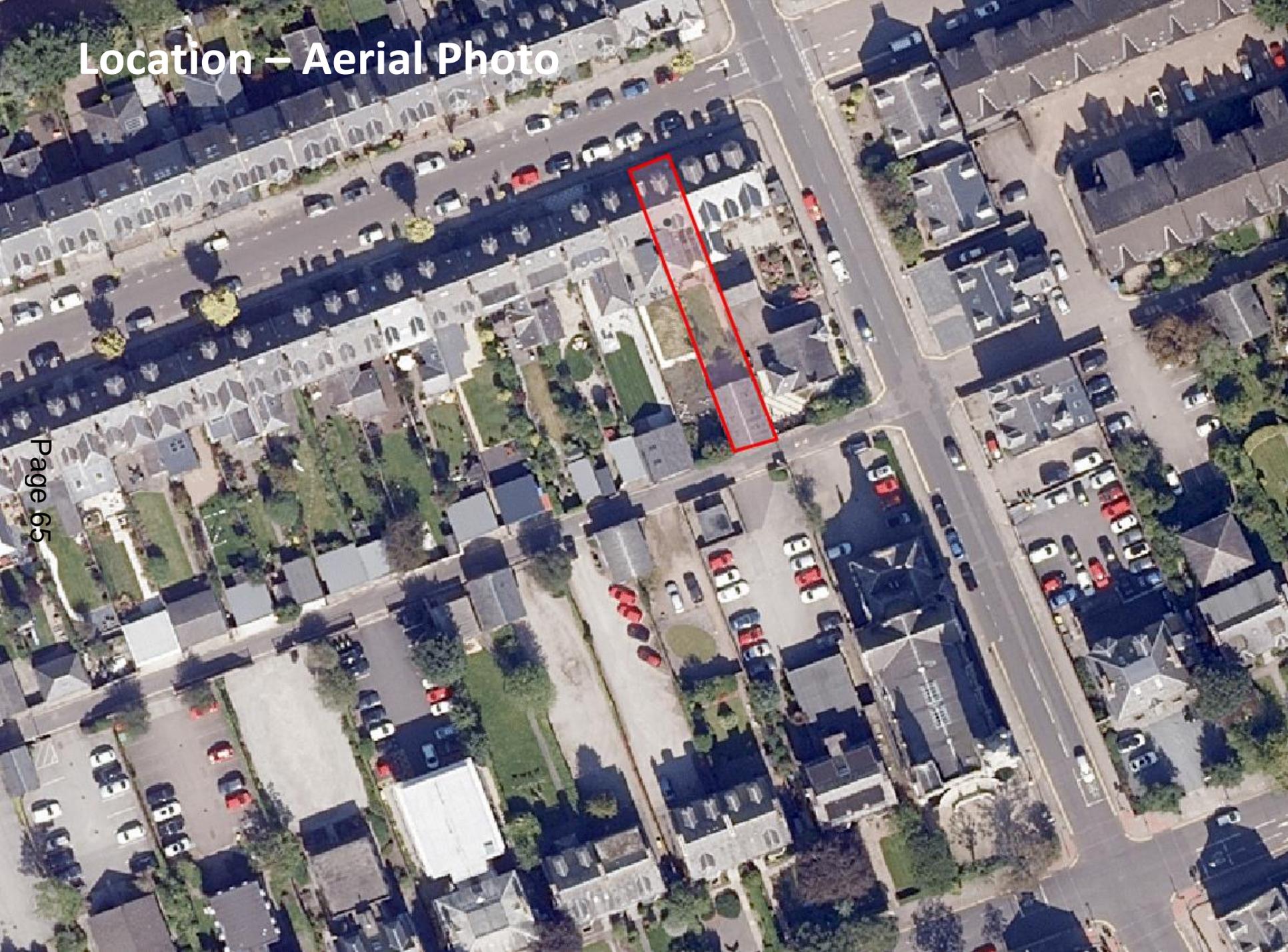
Formation of dormer to existing first floor extension; replacement of conservatory; installation of replacement rooflights and dormer to rear

3 Osborne Place, Aberdeen

Location Plan



Location – Aerial Photo



Street View image (March 2019)



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Google

Street View image (March 2019)



Photo: Rear Elevation



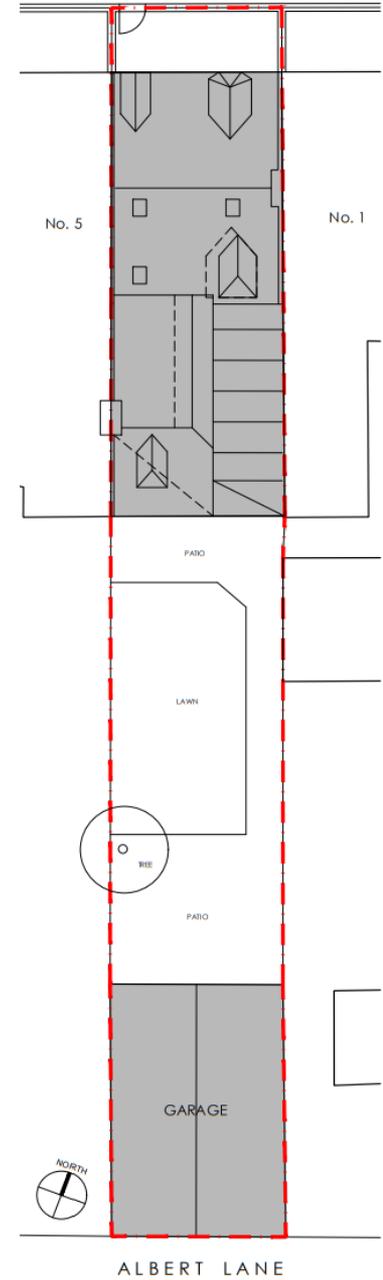
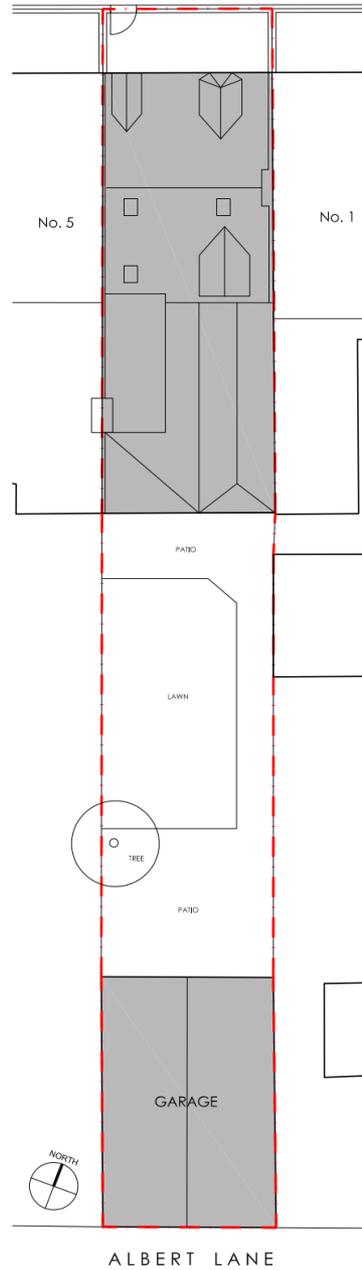
Visualisation: Rear Elevation as proposed



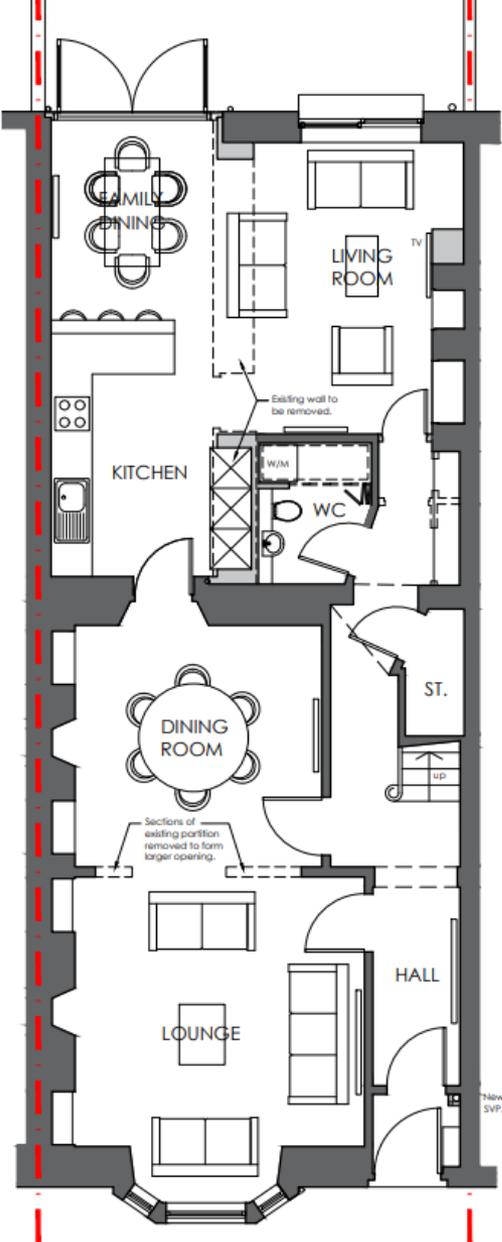
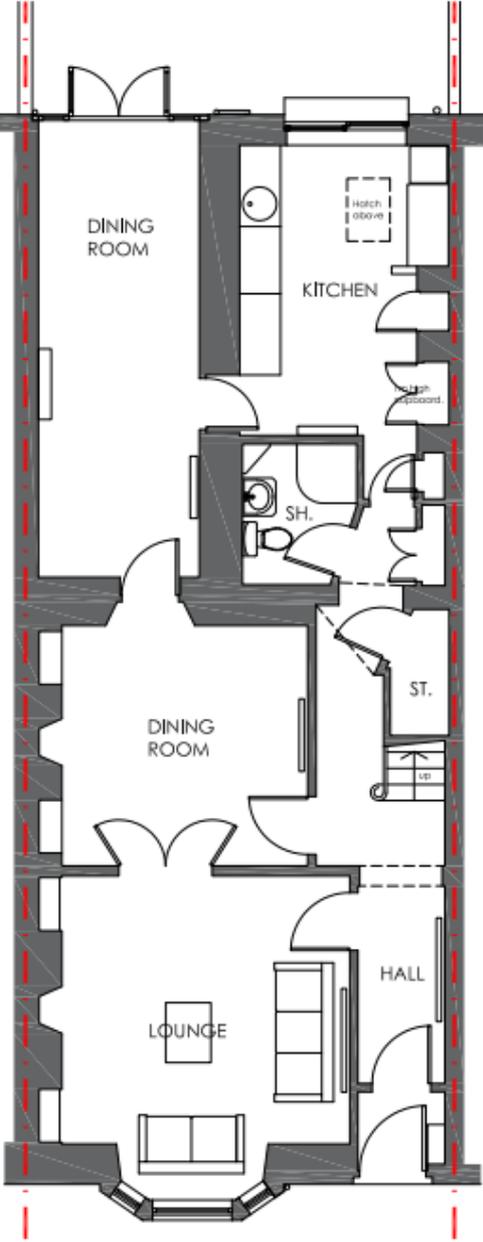
Existing and Proposed Site Plan

Page 70

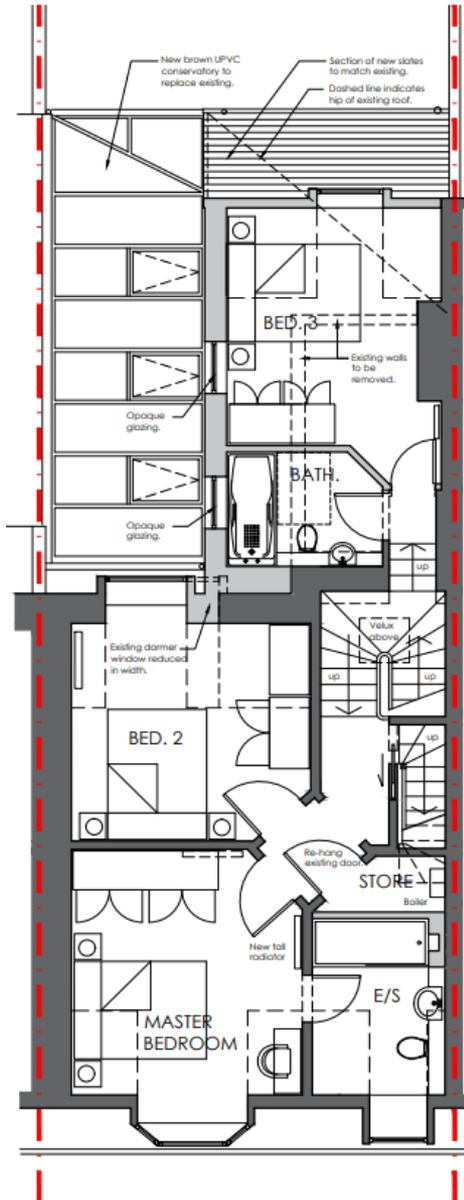
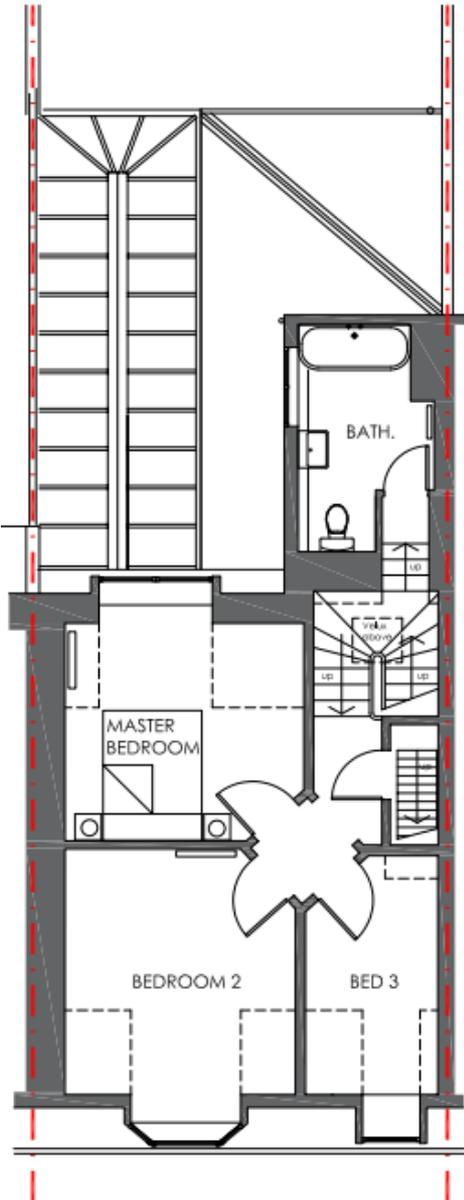
OSBORNE PLACE



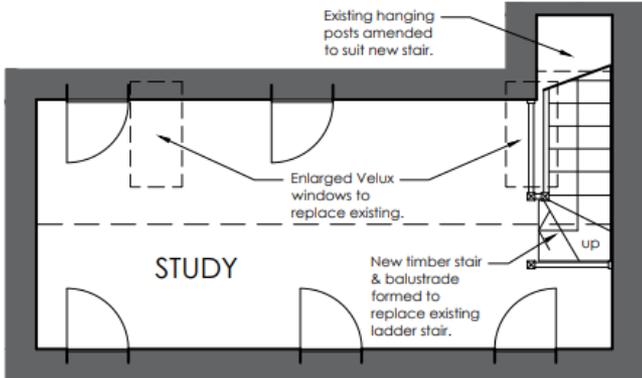
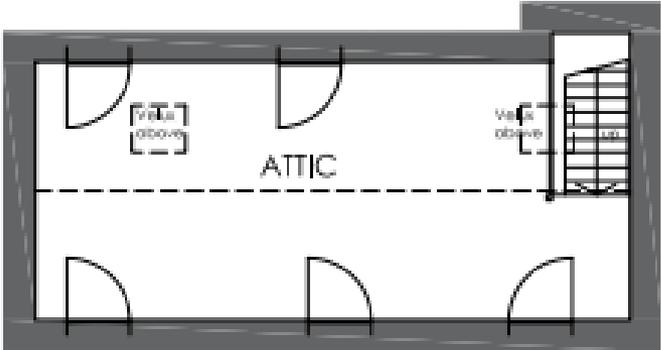
Existing & Proposed Ground Floor



Existing & Proposed First Floor

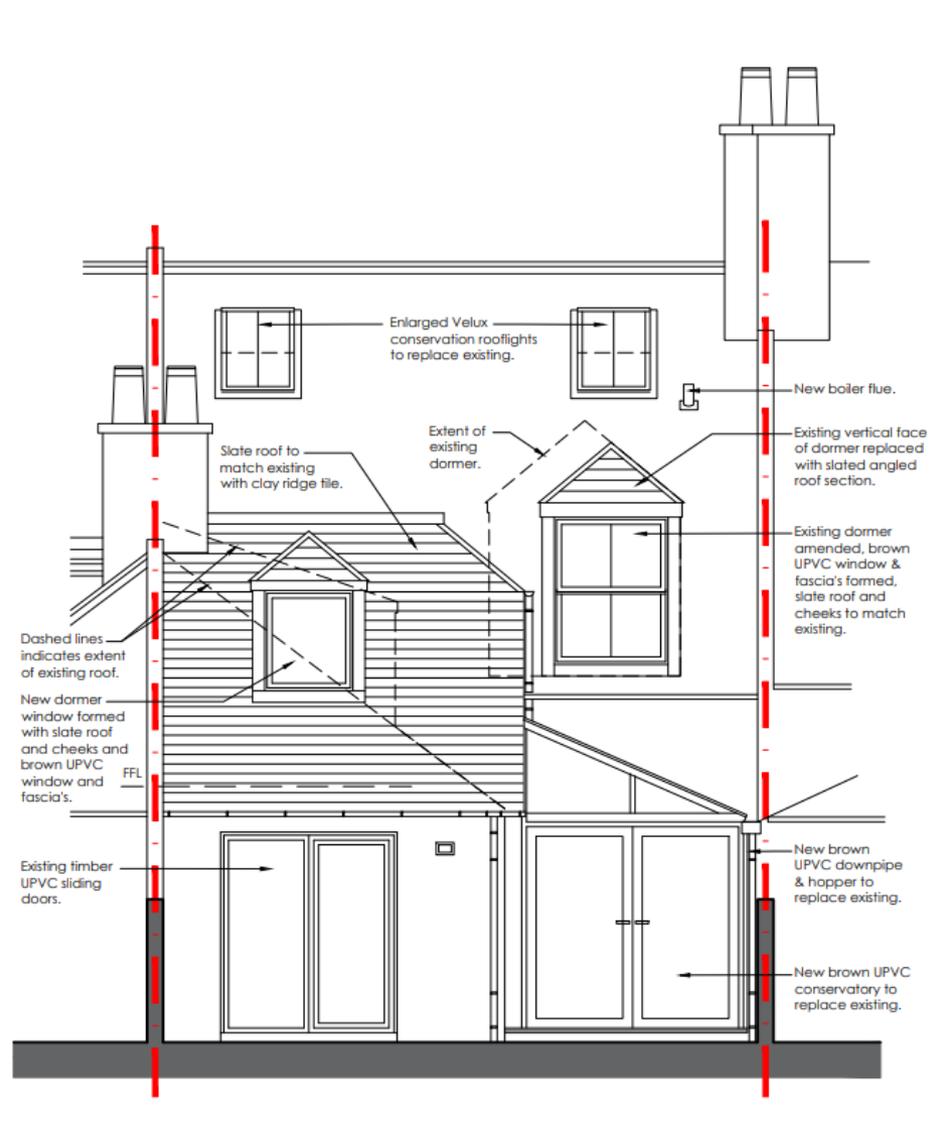
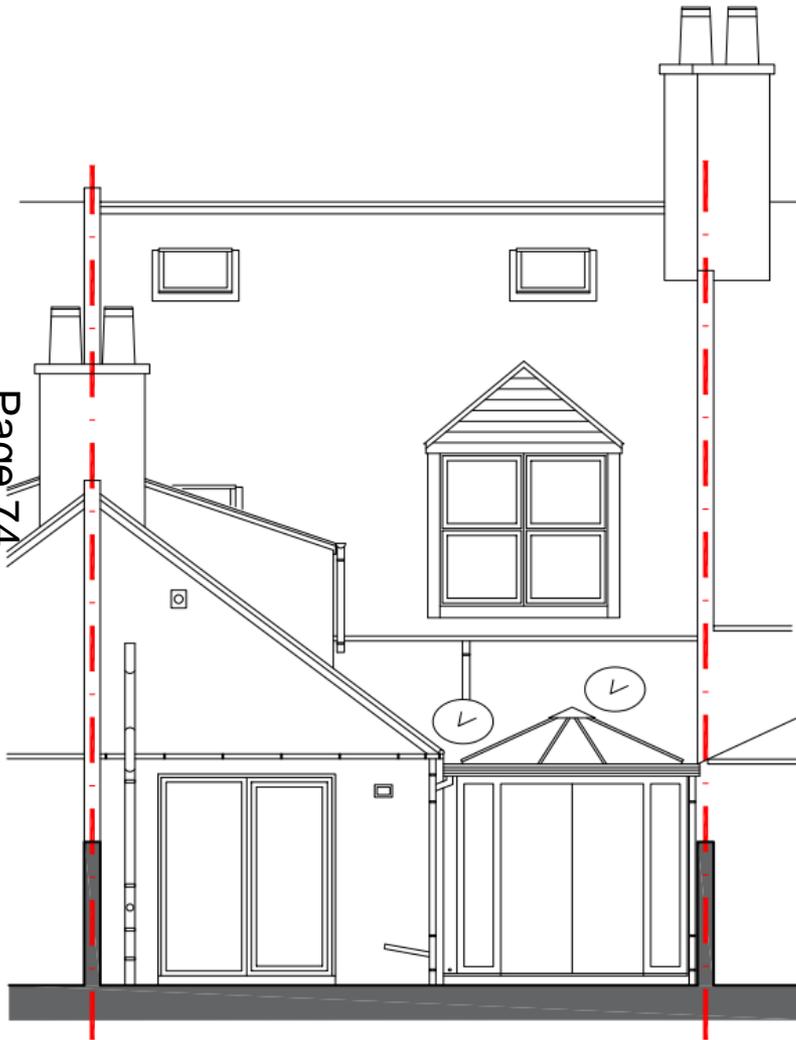


Existing & Proposed Attic Floor



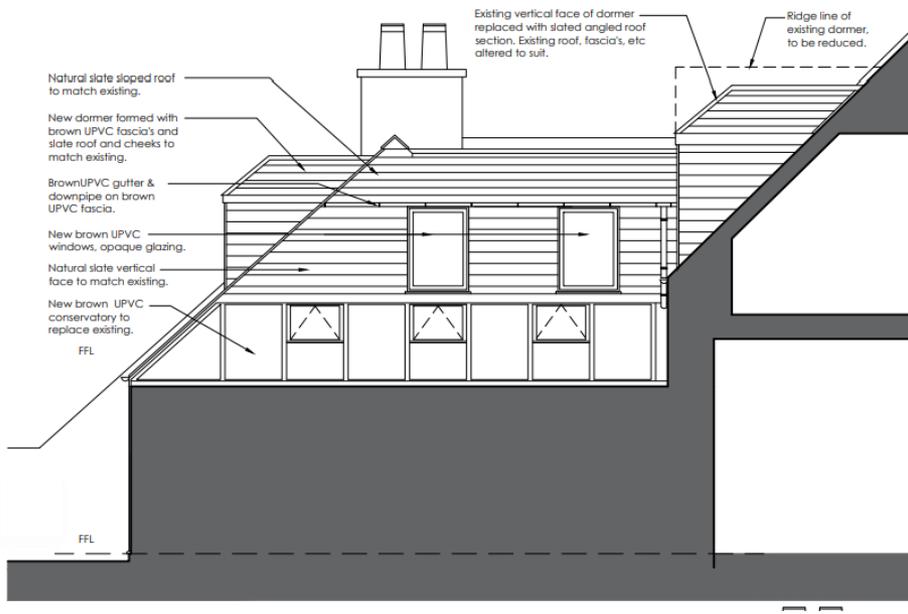
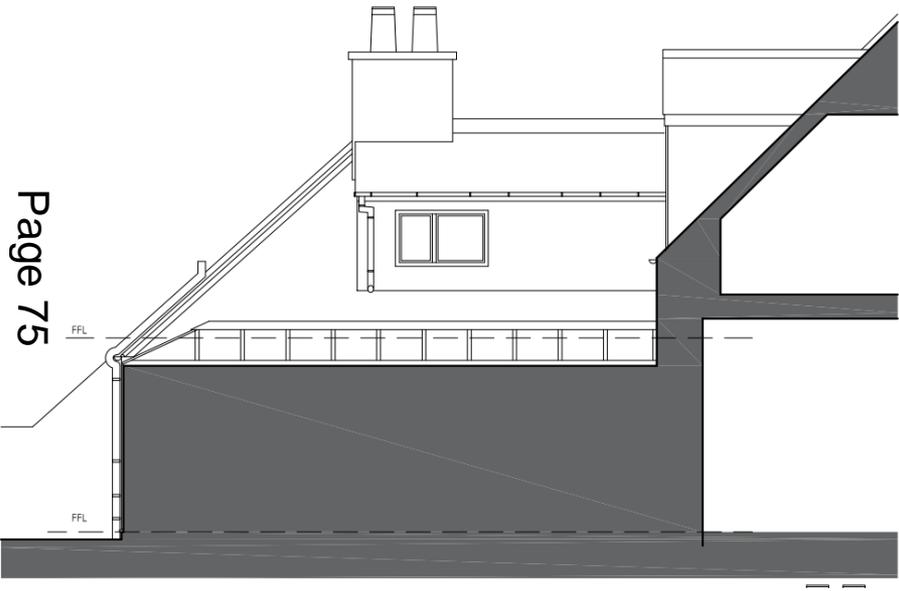
Existing & Proposed Rear Elevation

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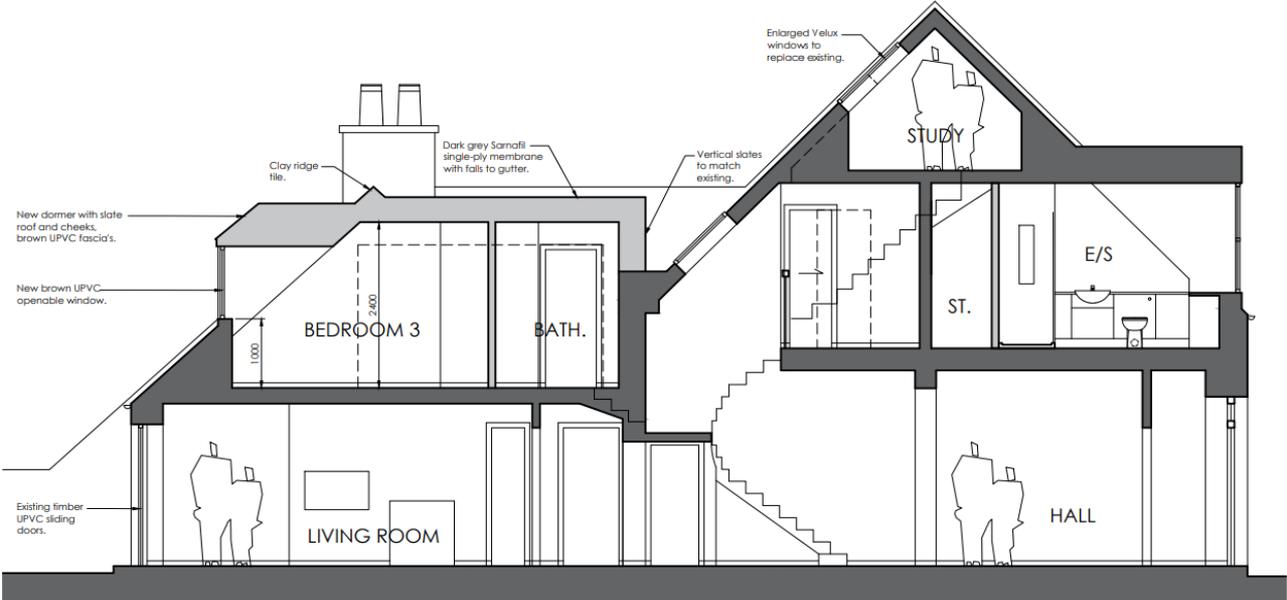
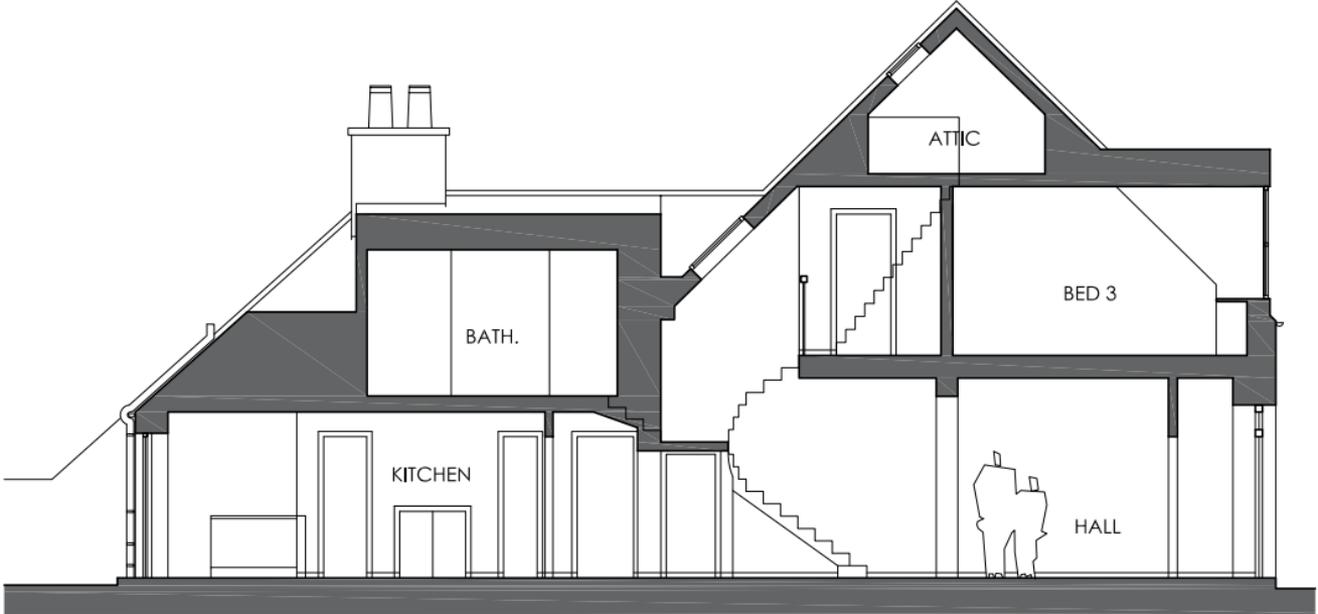


Existing & Proposed Side Elevation

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Existing and Proposed Cross Section 1



Reasons for Decision

Stated in full in decision notice. Key points:

- Notes that some aspects of the proposal are acceptable, but nevertheless concludes that the scale, mass and design of the rear extension is not subservient or sympathetic to those of the original dwelling. The proposal was considered to be detrimental to the character of the area.
- For these reasons, the proposal did not comply with the Householder Development Guide supplementary guidance and Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the ALDP.
- The unsympathetic extension was considered to dominate the rear elevation of the property, which is prominently visible from Albert Street, where other alterations have generally been more sympathetic.
- Adverse impact on character of the Conservation Area, and thus fails to comply with Scottish Planning Policy, Historic Environment Policy for Scotland and Policy D4 (Historic Environment) of the Aberdeen Local Development Plan.
- Insufficient detail to make a full assessment of the proposed replacement window to the rear dormer - could also have a detrimental impact on the character and appearance of the conservation area.
- Policies of the Proposed Aberdeen Local Development Plan 2020 also support refusal.

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)

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

Householder Development Guidance

Dormer Windows – General Principles

- New dormers should respect scale of the building and should not dominate, overwhelm or unbalance the original roof;
- On individual properties or in terraces where there are existing well-designed dormers and where there is adequate roof space, the construction of new dormers which match those existing may be acceptable. Additional dormers will not be permitted however, if this results in the roof appearing overcrowded. These dormers should be closely modelled in their detail and position on the roof, on the existing good examples. They will normally be aligned with windows below;
- Non-traditional style dormers may be accepted on the rear of non-listed buildings in conservation areas, but generally not on any elevation of listed buildings.

Householder Development Guidance

Dormer Windows – Older properties of a traditional character: Rear elevations

- The aggregate area of all dormers should not dominate the original roof slope;
- Dormer hafts should be a minimum of 400mm in from the inside face of the gable tabling;
- The front face of dormer extensions should be a minimum of 400mm back from the front edge of the roof, but not so far back that the dormer appears to be pushed unnaturally up the roof slope;
- Flat roofs on box dormers should be a reasonable distance below the ridge;
- Windows should be located at both ends of box dormers;
- A small apron may be permitted below a rear window; and
- Solid panels between windows in box dormers may be permitted but should not dominate the dormer elevation.

Householder Development Guidance (rooflights)

- Rooflights should have a conspicuously vertical proportion. Seen from ground level, the foreshortening effect will tend to reduce the apparent height of the window, giving it a more squat appearance;
- On older buildings, and particularly on listed buildings and buildings in conservation areas, a 'conservation' type of rooflight will be expected. This is of particular importance on public elevations. Even the addition of a central glazing bar to a rooflight can provide a more authentic appearance in such instances;

Large timber or cast iron rooflights divided into several sections were frequently provided above stairwells. It is not ideal to replace these with a single-pane modern rooflight. If the original rooflight cannot be repaired, aluminium or steel patent glazing is a more satisfactory option; and

- For rooflights fitted into slated roofs, manufacturers can provide a special flashing with their rooflights to keep the projection of the rooflight above the plane of the slates to a minimum. In listed buildings and buildings in conservation areas, it will be expected that rooflights be recessed into the roofslope.
- Sympathetic 'conservation' style rooflights will nearly always be required in listed buildings and on the public elevations of buildings in conservation areas.

Supplementary Guidance: Replacement Windows & Doors

- If existing non-historic windows on the public elevation of an unlisted building within conservation area are being replaced, the reinstatement of the original types and arrangements of windows will always be encouraged.
- Factors including materials, means of opening, colour etc will be of relevance
- Detailed cross-sections of sash-and-case windows required to ensure adherence to criteria stated in Supplementary Guidance (where S&C considered to be necessary – ‘public elevations’ in CA)

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*



Aberdeen City Conservation Area Character Appraisals and Management Plan

Albyn Place and Rubislaw

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

July 2013

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

- Refers to Osborne Place as *“comprising single storey terrace houses, topped with dormers, slightly emulating the Aberdeen cottage”*;
- Identifies *“single storey with dormer on eastern section of Osborne Place”* as a key characteristic of sub-area C;
- Character area C is noted for its wide, tree lined streets, granite buildings with slate roofs and lack of dormers (apart from the eastern section of Osborne Place).
- Identified weaknesses include installation of thick framed UPVC windows.
- Opportunities include high quality extensions that respect, compliment and add to character of CA.
- Threats include ‘unsympathetic development that does not reflect or relate to character of CA’

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? 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> <p style="margin: 10px 0 0 0;">Report of Handling</p>
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Site Address:	3 Osborne Place, Aberdeen, AB25 2BX,
Application Description:	Formation of dormer to existing first floor extension; replacement of conservatory; installation of replacement rooflights and dormer to rear
Application Ref:	200445/DPP
Application Type:	Detailed Planning Permission
Application Date:	6 April 2020
Applicant:	Mr Neil Carr
Ward:	Hazlehead/Ashley/Queens Cross
Community Council:	Queen's Cross and Harlaw
Case Officer:	Alex Ferguson

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises the curtilage of 3 Osborne Place, a 1½ storey traditional mid-terraced dwellinghouse situated on the southern side of the street, approximately 20m to the west of its junction with Albert Street. Historic maps appear to indicate that the granite-walled, slate pitch-roofed terrace was constructed at some point in the late 19th Century. The terrace is not listed, but it does lie within the Albyn Place / Rubislaw Conservation Area.

The dwelling has a built footprint of approximately 110sqm, including a 28sqm single-storey lean-to extension along the mutual western boundary (which is either original or an addition from the early 20th Century) and a 20sqm modern (late 20th Century) conservatory which runs along the eastern mutual boundary. Both extensions project approximately 7.5m out from the rear elevation of the original dwellinghouse. The historic single storey rear extension incorporates a modern cat-slide dormer whilst the rear roof slope of the original dwelling also incorporates a modern pitch-roofed dormer and two rooflights.

The property has a circa 240sqm, 35m long rear garden area, which includes a 67.5sqm detached garage at the southern end, facing onto Albert Lane. The application site lies within a residential area and is bound to the east and west by neighbouring terraced dwellings.

Relevant Planning History

191794/DPP – Planning permission was refused in March 2020 for the formation of a dormer to the existing first floor extension; replacement of the conservatory; installation of replacement rooflights and a dormer to the rear.

P061663 – Planning permission was approved in 2006 for alterations to the existing garage, including the installation of rooflights and an external stair.

P022042 – Planning permission was approved in 2002 for the erection of a dormer window.

P961113 – Planning permission was approved in 1996 for the erection of an extension to form a bathroom and to replace the door of the detached garage to the rear.

P960463 – Planning permission was approved in 1996 for the erection of a conservatory on the dwelling's rear elevation.

P861167 – Planning permission was approved in 1986 for the formation of patio doors and the installation of replacement windows to the rear of the dwelling.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the enlargement of the existing lean-to rear extension to create a 2-storey extension to replace the existing conservatory and rear elevation rooflights and to reduce the size of the existing rear elevation dormer.

The enlargement of the rear extension would involve the removal of the existing catslide dormer and building up the eastern elevation from the existing eaves level to create a 2-storey extension. The extension would predominantly have a flat-roof, although the southern elevation would be pitched to match the existing rear roof slope, with the addition of a pitch-roofed dormer, and the eastern side elevation would incorporate a small mono-pitch. The extension would be finished with slate on the rear and side (east) elevations. The eastern elevation would incorporate two brown uPVC framed, opaquely glazed windows at first floor level.

The existing hip-roofed modern conservatory is proposed to be replaced by a new brown uPVC-framed lean-to conservatory on the same footprint. The lean-to roof would fall toward the mutual eastern boundary.

The two existing rooflights on the rear roof slope of the dwelling would be replaced by larger 'conservation-style' rooflights (incorporating central glazing bars), in the same position as the existing units.

The existing pitch-roofed dormer on the rear elevation would be reduced in width and height in order to accommodate the aforementioned first-floor level enlargement of the adjacent extension. The amended dormer would incorporate a hipped roof and a brown uPVC-framed window – presumed to be of a sash & case design, although that is not explicit in the submitted drawings.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q8CU9VBZH9J00>

CONSULTATIONS

Queen's Cross and Harlaw Community Council – No response.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS**Legislative Requirements**

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

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

National Planning Policy and Guidance

- Scottish Planning Policy (SPP)
- Historic Environment Policy for Scotland (HEPS)

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)

- D1: Quality Placemaking by Design

- D4: Historic Environment
- H1: Residential Areas

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (PALDP) was approved at the Council meeting of 2 March 2020. The PALDP 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 PALDP (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 PALDP are relevant to the assessment of this application:

- D1: Quality Placemaking
- D2: Amenity
- D6: Historic Environment
- D8: Windows and Doors
- H1: Residential Areas

Supplementary Guidance

- Householder Development Guide
- Repair or Replacement of Windows & Doors

EVALUATION

Principle of Development

The application site lies within a residential area, as zoned in the Aberdeen Local Development Plan (ALDP) Proposals Map. Policy H1 (Residential Areas) of the ALDP is thus applicable. Policy H1 states:

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new development and householder development will be approved in principle if it:

1. *does not constitute over development;*
2. *does not have an unacceptable impact on the character and amenity of the surrounding area;*
3. *does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and*
4. *complies with Supplementary Guidance*

The proposed works would all be ancillary to the ongoing use of the property as a dwellinghouse. Therefore, the principle of the works is acceptable, however a further assessment of the detailed aspects of the works requires to be undertaken in order to ensure compliance with the four criteria of Policy H1 noted above. Additionally, the application site lies within the Albyn Place / Rubislaw Conservation Area and the impact of the proposals on the character and appearance of the conservation area also requires to be assessed.

Policy H1 (Residential Areas)

Overdevelopment

The term 'overdevelopment' is not defined in either the ALDP or the corresponding supplementary guidance. However, the term is generally applied to householder development where the built footprint of an original dwelling would be more than doubled as a result of a proposed development. As the built footprint of the dwelling, including existing extensions, would not be increased by the proposed works, the works are not considered to constitute overdevelopment.

Character of the area

The 1½ storey traditional terrace lining the southern side of Osborne Place is characterised to the front (north) by its uniformity. The terrace's front elevation is relatively unaltered, with ground floor bay windows and roof level pitched dormers commonplace along its length. The rear (southern) elevation of the terrace sees more regular additions and alterations along its length but for the most part, these tend to be sympathetic, subservient single storey extensions and dormer additions. Two storey extensions are not generally a feature of the terrace, with the exception of more sympathetic 2-storey bay window extensions, as seen on the neighbouring property to the east at no. 1 Osborne Place.

The rear elevation of the terrace, despite being of secondary importance architecturally, is visible sporadically from several public viewpoints and the rear elevation of the application property itself, and its existing 1½ storey extension in particular, is prominently visible from Albert Street approximately 20m to the east.

The impact of each element of the proposed works on the character of the area can be assessed as follows:

- 2-storey extension

The enlargement of the existing, historic lean-to rear extension to create a full first floor level would more than double the height of the extension on its eastern elevation, where at present the lean-to eaves height is 2.6m. The resultant total height of the new, vertical eastern elevation would be approximately 5m to the eaves, with a small mono-pitch then extending up to a flat-roof height of 5.6m: a full 2-storey height.

Although the existing late 20th Century cat-slide dormer gives the extension a 1½ storey appearance at present, rather than single storey, the highly visible dormer (whilst not compliant with current supplementary guidance) is at least small enough to ensure that the form and scale of the original single storey lean-to extension is still legible and subservient to the original building.

The Householder Development Guide (HDG) 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.'

and...

'Extensions of more than one storey (to terraced dwellings) 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.'

Whilst an effort has been made on the southern elevation of the extension to minimise the massing by retaining a mono-pitched, 1½-storey roof form and utilising a dormer, the predominantly vertical eastern elevation would be completely at odds with the original dwelling (eaves height: 4m) and the wider terrace in terms of design, scale, form and massing.

The proposal would represent a 2-storey addition to the rear of a 1½ storey dwelling, with a significant projection. The submitted cross-section demonstrates that the predominantly flat-roofed extension would have an awkward relationship with the original building, with its roof level sitting significantly above the eaves height of the original pitched-roof. Furthermore, the full 2-storey massing of the extension would be prominently visible from Albert Street to the east.

It is considered that the proposed enlargement of the roof of the existing rear extension fails to comply with the supplementary guidance set out in the HDG, both in relation to general principles and more specifically to extensions to terraced dwellings. The extension would not be subservient in scale or massing, nor sympathetic in terms of design to the original dwelling and it is thus considered that the extension would have a detrimental impact on the character of the area.

It is acknowledged that the applicant has made efforts to address some of the aforementioned concerns since the recent refusal of the previous application (191794/DPP) by adding a small mono-pitch to the eastern elevation of the extension to reduce its massing, by enlarging the windows and by changing the cladding material for the eastern elevation to natural slates. Whilst those amendments do improve upon the design of the previous proposals and lessen the visual impact of the extension slightly, it is considered that the changes are insufficient to ensure that the extension be suitably sympathetic to the original dwelling in terms of scale, massing and design.

- Replacement conservatory
The existing conservatory is a modern addition, dating from the late 20th Century. The brown uPVC framed conservatory is of little architectural merit but due to single storey height, it is almost wholly obscured from public view by the property's eastern boundary wall and the neighbouring property's rear extension. The replacement conservatory would occupy the same footprint and would have approximately the same height, albeit a different roof pitch. The replacement conservatory, whilst not of any significant architectural quality, would not be prominently visible, would be subservient to the original dwelling and would not worsen the existing situation in respect of its impact on the character of the area.
- Reduction of existing dormer
The existing dormer on the rear roof slope of the original building is a modern addition from recent decades. The proposed reduction in its size is acceptable, as is the addition of a hip to its roof. It appears from the plans submitted that the intention would be to replace the existing casement window with a sash & case unit but that is not explicitly stated in the plans and no cross-section has been provided to demonstrate that the new window would

be of an appropriate design and proportions, if indeed a sash & case unit is proposed. The principle of the amended dormer window is acceptable and subject to further details, it would not adversely affect the character of the area, but that detail has not been provided.

- Replacement rooflights

The proposed replacement rooflights would be of a conservation style, with central glazing bars. Their size, siting and design is compliant with the Council's HDG supplementary guidance and although further detail of the precise specification for the rooflights would be beneficial, it is considered that the new rooflights would preserve the character and appearance of the conservation area.

Amenity

With regard to amenity, the neighbouring properties on either side of the application property both have single storey rear extensions projecting the same distance along the mutual eastern and western boundaries respectively. As such, whilst the increased height and mass of the new 2-storey rear extension would cast some additional overshadowing to the east, that overshadowing would fall onto the roof of the neighbouring extension to the east and would not affect the sunlight or daylight receipt of any garden ground or windows.

The neighbouring property to the east (1 Osborne Place) has a first-floor level bay window on the rear elevation. Two new windows would be added to the eastern elevation of the proposed 2-storey extension, but these would both be opaquely glazed (serving a bathroom). As such, it is considered that they would not result in any increase in the opportunity for overlooking and that the privacy of the neighbouring properties would be preserved. The altered existing rear elevation dormer and the new dormer on the rear extension would both face toward the applicant's own rear garden area and would not pose any privacy issues. As such, it is considered that the proposed works would all adequately preserve the amenity of the area.

Open Space

The proposed works would all be contained within the existing residential curtilage of the application property and would be ancillary to its ongoing use as a dwellinghouse. The works would not result in the loss of any public open space.

Supplementary guidance

The two main supplementary guidance documents that are relevant to the assessment of this application are the Householder Development Guide (HDG) and The Repair and Replacement of Windows and Doors (RRWD). The proposals fail to comply with the HDG for the reasons noted above. The replacement window in the existing rear dormer, proposed to be reduced in size, is likely to be acceptable in accordance with the RRWD guidance but there is insufficient detail provided (window cross-sections) to ensure that the new window would be of an appropriate design.

Summary

The works would not constitute overdevelopment, would not result in the loss of any public open space and would not harm the amenity of the surrounding area to any significant degree. Whilst some aspects of the proposed works would adequately preserve the character of the area, others (specifically the 2-storey rear extension) would detrimentally affect that character. Some elements of the works would also fail to comply with the relevant supplementary guidance and as such, the proposals fail to comply with Policy H1 (Residential Areas) of the ALDP.

Policy D1 (Quality Placemaking by Design)

Policy D1 of the ALDP states:

‘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.’

For the aforementioned reasons, it is considered that the proposed 2-storey, predominantly flat-roofed extension would be completely at odds and architecturally incompatible with the traditional 1½ storey pitch-roofed dwelling. The extension is not considered to be of a high-quality design, does not sympathetically respond to its context and would also utilise inappropriate materials (composite timber-effect cladding) on a prominent publicly visible elevation. The proposed works are therefore considered to be contrary to the requirements of Policy D1.

Impact on the conservation area

Scottish Planning Policy (SPP), Historic Environment Policy for Scotland (HEPS) and Policy D4 (Historic Environment) of the ALDP all seek to ensure that new development in conservation areas either preserves or enhances the character and appearance of the conservation area.

An assessment of the impact of the proposals on the character of the area is made in the foregoing evaluation and the same principles apply to the impact of the proposals on the character and appearance of the wider Albyn Place / Rubislaw Conservation Area. The enlargement of the existing rear extension would in effect create a 2-storey extension of a modern design, unsympathetic to the traditional scale and form of the original dwelling. The rear elevation of the historic terrace does see many non-original extensions and alterations, but the vast majority of those additions have been designed, sited and scaled with due consideration for the context of the original dwellings. It is considered that the proposed works would therefore detrimentally affect the character and appearance of the dwelling's rear elevation, prominently visible from Albert Street, and that of the wider conservation area. The proposals therefore fail to comply with the principles of SPP, HEPS and Policy D4 of the ALDP.

In the absence of further detail in relation to the replacement rooflights and dormer window, it is possible that those works could also have a detrimental impact on the character and appearance of the conservation area.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan and the proposal fails to comply with the relevant policies of both Plans for the reasons previously given.

Strategic Development Plan

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

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

Whilst some aspects of the proposals are considered to be acceptable, the enlargement of the existing rear extension would effectively create a 2-storey rear extension of a scale, mass and

design which would not be subservient nor sympathetic to, the scale, design and form of the original terraced dwelling. The proposed extension would detrimentally affect the character of the area and therefore fails to comply with the Householder Development Guide supplementary guidance and Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan).

The unsympathetic extension would dominate the rear elevation of the original dwelling, which is prominently visible from Albert Street. Alterations along the remainder of the terrace's rear elevation have generally been designed with due consideration for the context of the area but the proposed extension would be at odds with that context. The extension would have a detrimental impact on the character and appearance of the conservation area and would thus fail to comply with Scottish Planning Policy, Historic Environment Policy for Scotland and Policy D4 (Historic Environment) of the Aberdeen Local Development Plan.

Additionally, there is insufficient detail to make a full assessment of the proposed replacement window to the rear dormer and that aspect of the proposals could also have a detrimental impact on the character and appearance of the conservation area.

Policies D1 (Quality Placemaking), D6 (Historic Environment) and H1 (Residential Areas) in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate Policies D1, D4 and H1 in the adopted Local Development Plan and the proposal also fails to comply with the relevant policies of both Plans.

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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 100246778-001

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)

Alterations and extension including replacement conservatory and enlarged first floor accommodation with new dormer. Enlarged attic rooflights.

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Agent Details

Please enter Agent details

Company/Organisation:	Davidson Smith Partnership LLP		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Davidson Smith Partnership LLP	Building Name:	Leadside House
Last Name: *	LLP	Building Number:	62
Telephone Number: *	01224625372	Address 1 (Street): *	Leadside Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB25 1TW
Email Address: *	dsp@davidson-smith.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:	
First Name: *	Neil	Building Number:	3
Last Name: *	Carr	Address 1 (Street): *	Osborne Place
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	AB25 2BX
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

3 OSBORNE PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB25 2BX

Please identify/describe the location of the site or sites

Northing

806136

Easting

392939

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

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

A very similar scheme was submitted and refused planning approval in a letter dated 23rd March 2020 - APPLICATION REF NO. 191794/DPP. I have since had phone calls and emails with the case office, Alex Ferguson, who is aware of the full history of that application and is aware this revised proposal is being submitted.

Title:

Mr

Other title:

First Name:

Alexander

Last Name:

Ferguson

Correspondence Reference Number:

Date (dd/mm/yyyy):

04/04/2020

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

Site Area

Please state the site area:

315.00

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)

Domestic residential.

Access and Parking

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

Yes No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

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

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

2

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

2

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

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

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

No change to existing waste collection strategy.

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Davidson Smith Partnership LLP LLP

On behalf of: Mr Neil Carr

Date: 04/04/2020

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

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

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

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input 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 Davidson Smith Partnership LLP LLP

Declaration Date: 04/04/2020

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Davidson Smith Partnership LLP
Leaside House
62 Leaside Road
Aberdeen
United Kingdom
AB25 1TW

on behalf of **Mr Neil Carr**

With reference to your application validly received on 6 April 2020 for the following development:-

Formation of dormer to existing first floor extension; replacement of conservatory; installation of replacement rooflights and dormer to rear at 3 Osborne Place, Aberdeen

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

<u>Drawing Number</u>	<u>Drawing Type</u>
1646.PD.001	Location Plan
1646.PD.003 A	Elevations and Floor Plans (Proposed)

REASON FOR DECISION

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

Whilst some aspects of the proposals are considered to be acceptable, the enlargement of the existing rear extension would effectively create a 2-storey rear extension of a scale, mass and design which would not be subservient nor

sympathetic to, the scale, design and form of the original terraced dwelling. The proposed extension would detrimentally affect the character of the area and therefore fails to comply with the Householder Development Guide supplementary guidance and Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan).

The unsympathetic extension would dominate the rear elevation of the original dwelling, which is prominently visible from Albert Street. Alterations along the remainder of the terrace's rear elevation have generally been designed with due consideration for the context of the area but the proposed extension would be at odds with that context. The extension would have a detrimental impact on the character and appearance of the conservation area and would thus fail to comply with Scottish Planning Policy, Historic Environment Policy for Scotland and Policy D4 (Historic Environment) of the Aberdeen Local Development Plan.

Additionally, there is insufficient detail to make a full assessment of the proposed replacement window to the rear dormer and that aspect of the proposals could also have a detrimental impact on the character and appearance of the conservation area.

Policies D1 (Quality Placeamking), D6 (Historic Environment) and H1 (Residential Areas) in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate Policies D1, D4 and H1 in the adopted Local Development Plan and the proposal also fails to comply with the relevant policies of both Plans.

Date of Signing 11 May 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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National Planning Policy

Scottish Planning Policy (SPP)

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

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

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

The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

Aberdeen Local Development Plan (ALDP)

H1: Residential Areas;

D1: Quality Placemaking by Design;

D4: Historic Environment

Supplementary Guidance

Householder Development Guide

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

Repair or Replacement of Windows & Doors

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

Other Material Considerations

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 100246778-003

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation: Davidson Smith Partnership LLP

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

First Name: * Davidson Smith Partnership LLP Building Name: Leadside House

Last Name: * LLP Building Number: 62

Telephone Number: * 01224625372 Address 1 (Street): * Leadside Road

Extension Number: Address 2:

Mobile Number: Town/City: * Aberdeen

Fax Number: Country: * United Kingdom

Postcode: * AB25 1TW

Email Address: * dsp@davidson-smith.co.uk

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Neil"/>	Building Number:	<input type="text" value="3"/>
Last Name: *	<input type="text" value="Carr"/>	Address 1 (Street): *	<input type="text" value="Osborne Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB25 2BX"/>
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="3 OSBORNE PLACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB25 2BX"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806136"/>	Easting	<input type="text" value="392939"/>
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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)

Alterations and extension to 3 Osborne Place including replacement conservatory and enlarged first floor accommodation with new dormer, and enlarged attic rooflights.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer attached '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)

Appeal Statement

Application Details

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

200445/DPP

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

04/04/2020

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

11/05/2020

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 site visit is critical to understanding the minimal visual impact the proposal will have when viewed from the only spot from which it is visible (on Albert Street).

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 Davidson Smith Partnership LLP LLP

Declaration Date: 13/05/2020

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Appeal Statement



Alterations and Extension 3 Osborne place, Aberdeen

Davidson Smith Partnership LLP

We disagree with the statement that the extension would 'effectively create a 2-storey extension of a scale, mass and design which would not be subservient nor sympathetic to the scale, design and form of the original existing dwelling'. The proposal does not 'effectively create a two storey extension' as stated in the decision notice, as the original rear kitchen extension is already two storeys with the upper level providing bathroom accommodation within a slate-clad box dormer. We would not agree that the proposal would 'dominate the rear elevation' given the extension roof level remains significantly lower than that of the original dwelling and that a significant area of the roof of the original dwelling would still be visible. This is demonstrated in image 'Proposed View from Rear Garden' on page 15 of the original Design Statement.

As was highlighted in the application design statement, the rear of the house cannot be seen from the rear lane and is only visible from one location on Albert Street, and as can be seen when comparing existing and proposed views on pages 16 & 17 of the original Design Statement, we do not believe that the proposal would 'dominate the rear elevation' from this location either as again, the existing ridge line and roofs of the original dwellings are considerably higher and clearly visible.

Additionally we believe there is precedent at neighbouring properties elsewhere on Osborne Place where there are either 'original' or more recently approved 2 storey extensions which are also visible from the surrounding roads. Please see the attached photographs showing 2 storey rear extensions at property numbers 6, 65 and 67 Osborne Place. We would highlight that the extension at no. 6 Osborne Place certainly dominates the original dwellings from Albert Street far more than the proposal for no. 3. The examples of existing 2-storey extensions are mainly located on corner sites adjacent to road junctions and do not, in our opinion, have a detrimental affect on the character of Osborne Place. The proposed modification of the existing extension roof as viewed from Albert Street is subservient to the adjacent, more dominant corner property at no. 1 Osborne Place, the scale of which is again given more prominence due to its corner location

As is highlighted in the remaining attached photographs, the rear extensions in the area are characterised by their ad-hoc nature with no consistent size or style and therefore we do not agree that the proposed extension would detrimentally affect the character of the area. This is further supported by the selection of proposed materials which are all to match existing in either specification, colour, or both, and we do not believe these to be unsympathetic to the area.

In regards to the rooflights and dormer, the rooflights could be reduced in size and also be of a conservation-style with central glazing bar should either of these be requested by the authority. Further, the existing dormer (to be reduced) and the proposed new dormer are to both have all details to match existing which we feel is acceptable for this rear elevation, however should there be a request for a more traditional dormer design then the client would be happy to incorporate.



Existing view from rear of garden.
(copy of page 13 of original Design Statement)



Proposed view from rear of garden.
(copy of page 15 of original Design Statement)



Existing view from Albert Street.
(copy of page 16 of original Design Statement)



Proposed view from Albert Street.
(copy of page 17 of original Design Statement)



View of existing approved 2 storey extension at 6 Osborne Place – view from Albert Place. Completely dominating the original dwellings.



View of existing approved 2 storey extension at 6 Osborne Place – view from private car park on Whitehall Place.



View of existing approved 2 storey extension at 6 Osborne Place – view from private car park on Whitehall Place.



View of existing 2 storey extension at 67 Osborne Place – view from Price Arthur Street.



View of existing 2 storey extension at 65 Osborne Place – view from Price Arthur Street.



Neighbouring properties on Osborne Place showing ad-hoc nature of extensions and dormer windows. Dominant of original dwellings.



Neighbouring properties on Osborne Place showing ad-hoc nature of extensions and dormer windows. Dominant of original dwellings.



Neighbouring properties on Osborne Place showing ad-hoc nature of extensions and dormer windows.

LOCAL REVIEW BODY

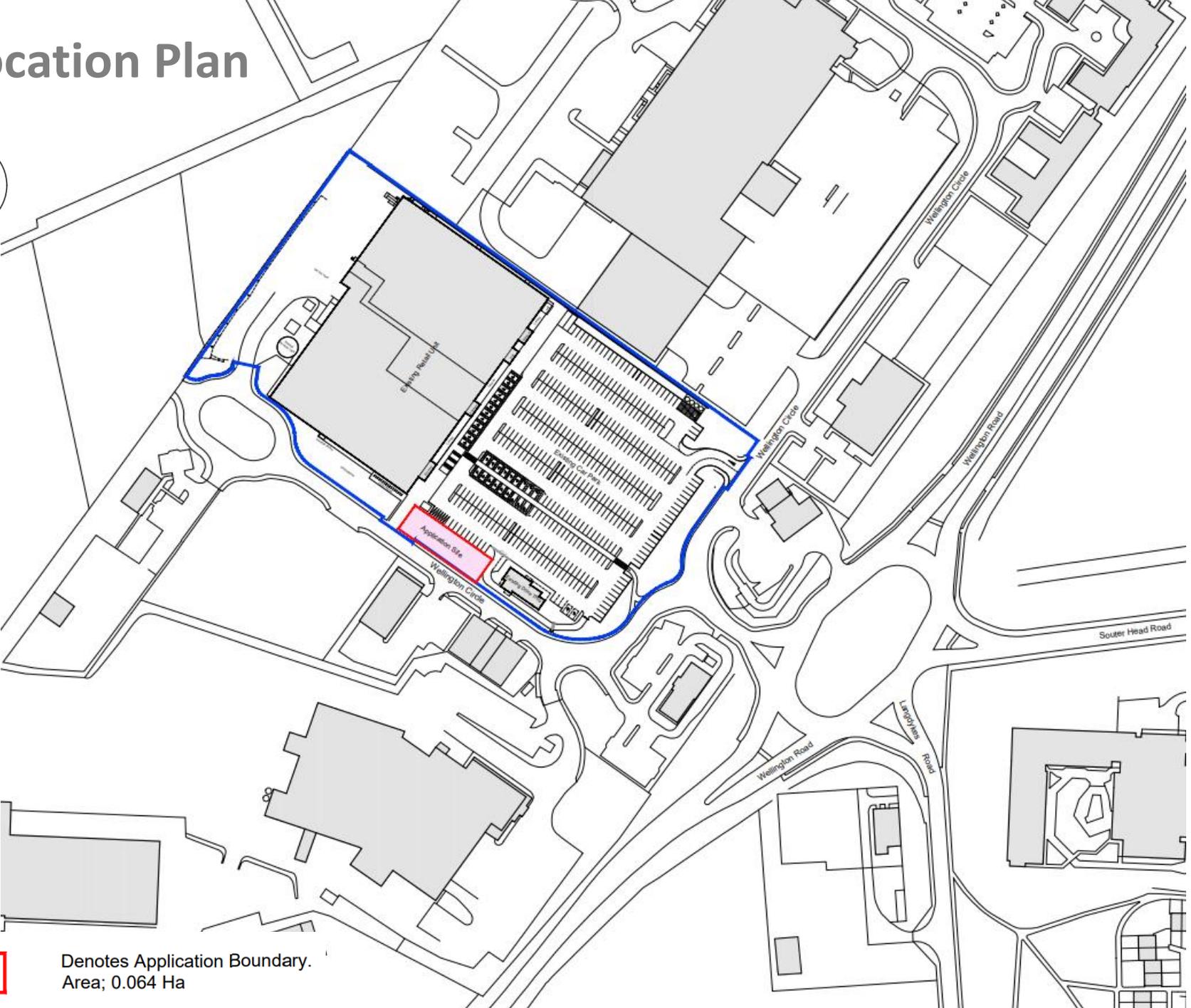
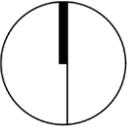


191588/DPP– Review against refusal of planning permission for:

Erection of two (Class 1) retail units

At: Land to East of Ikea, Wellington Circle, Aberdeen

Location Plan



Denotes Application Boundary.
Area; 0.064 Ha

Location: Aerial Photo



Street View image (March 2019)

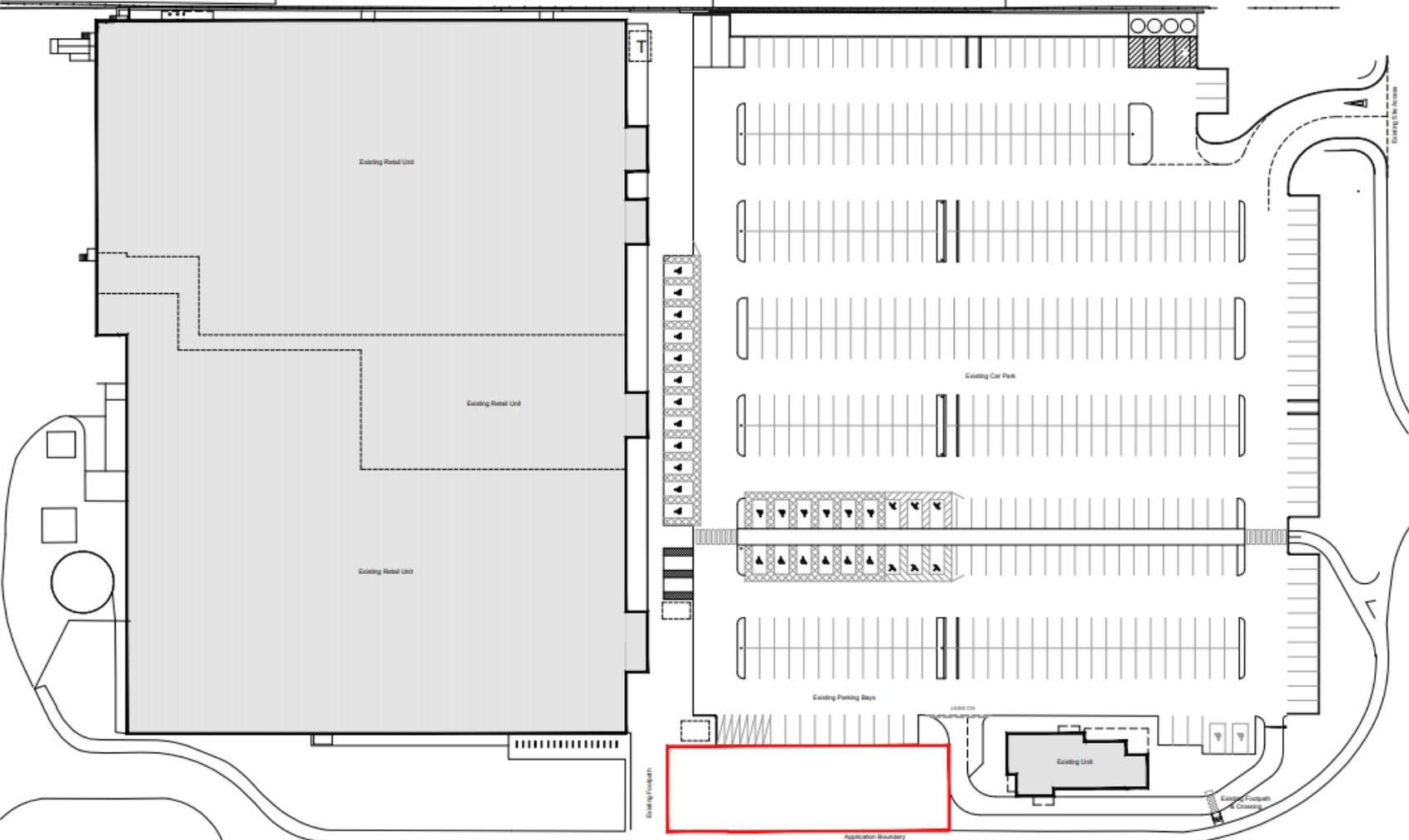
Page 141



Wider context: Ikea car park



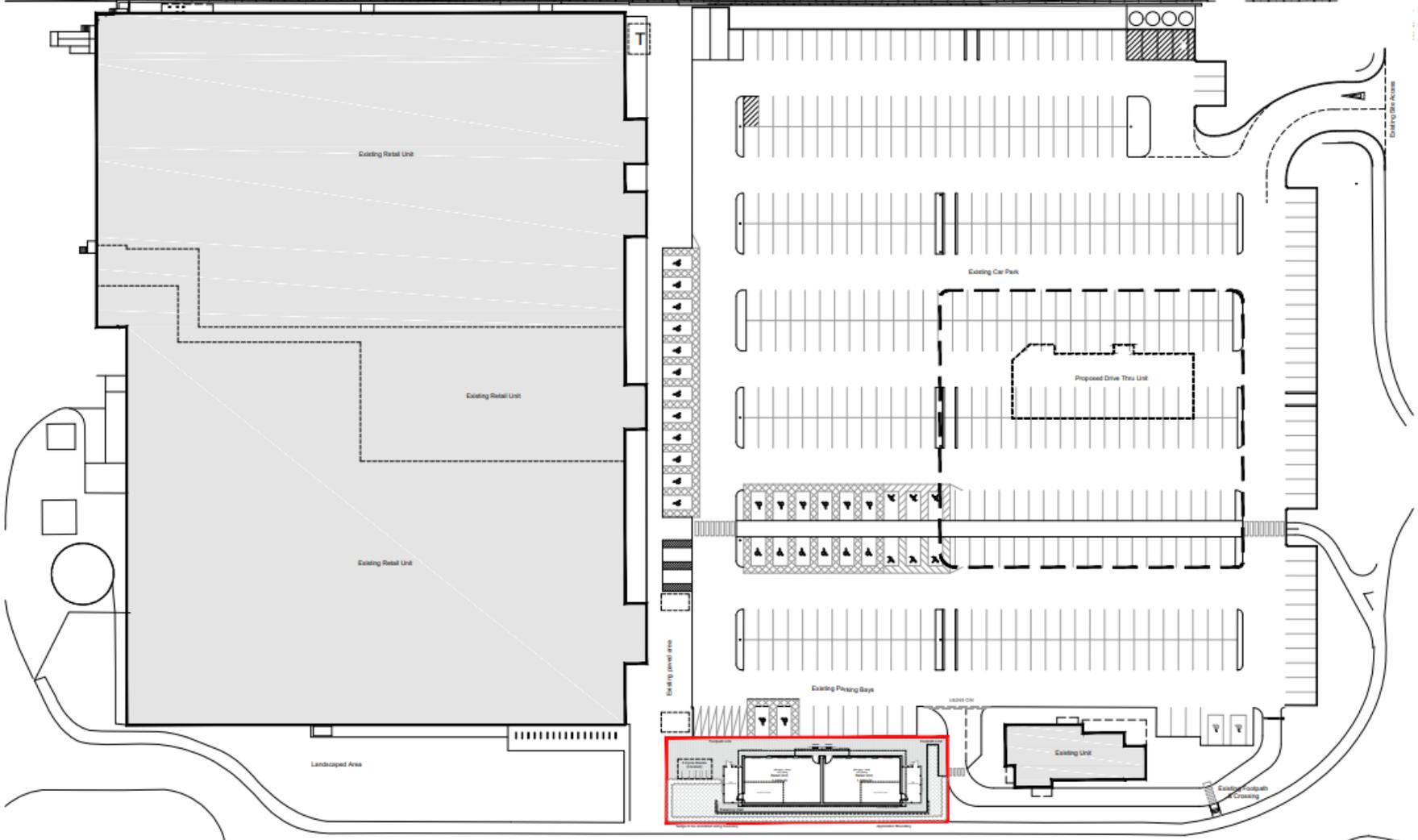
Existing Site Plan



Wellington Circle

Proposed Site Plan

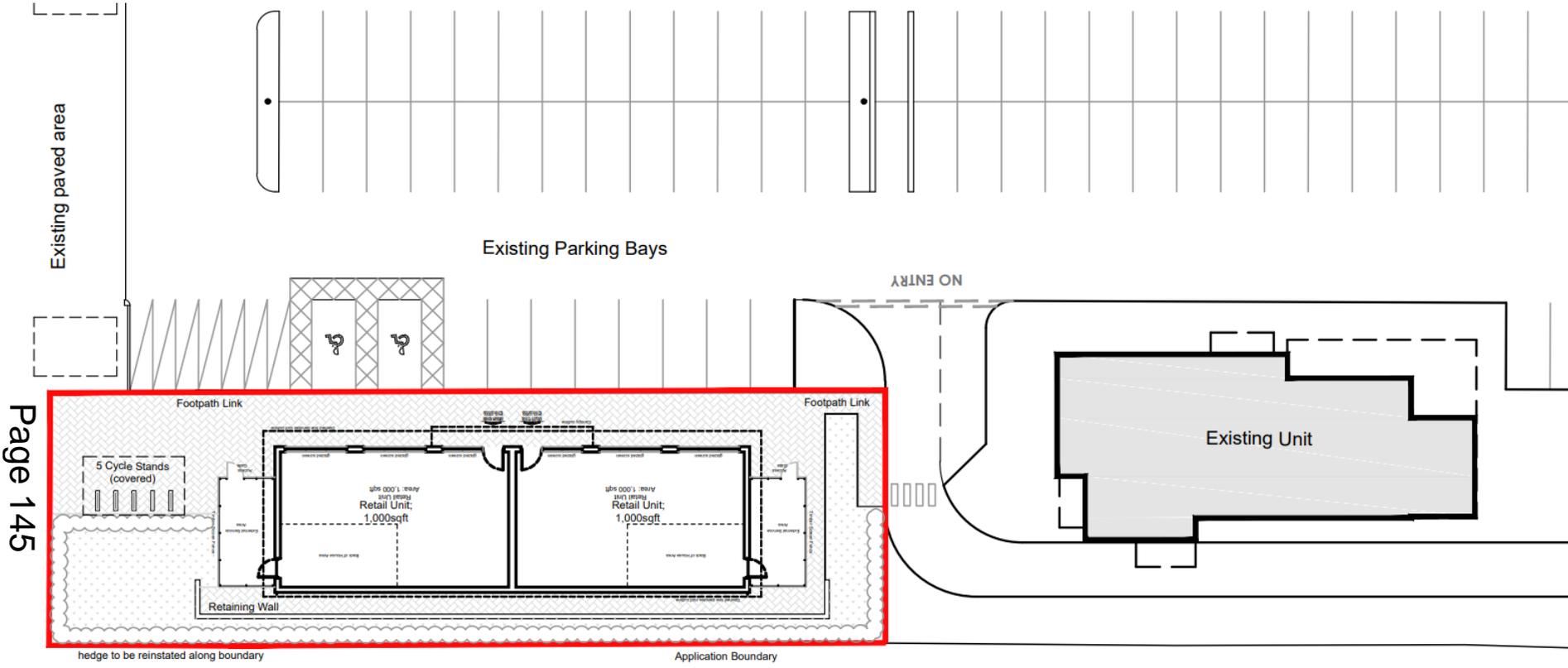
Page 144



Wellington Circle

Bunting Street Avenue

Proposed Site Plan

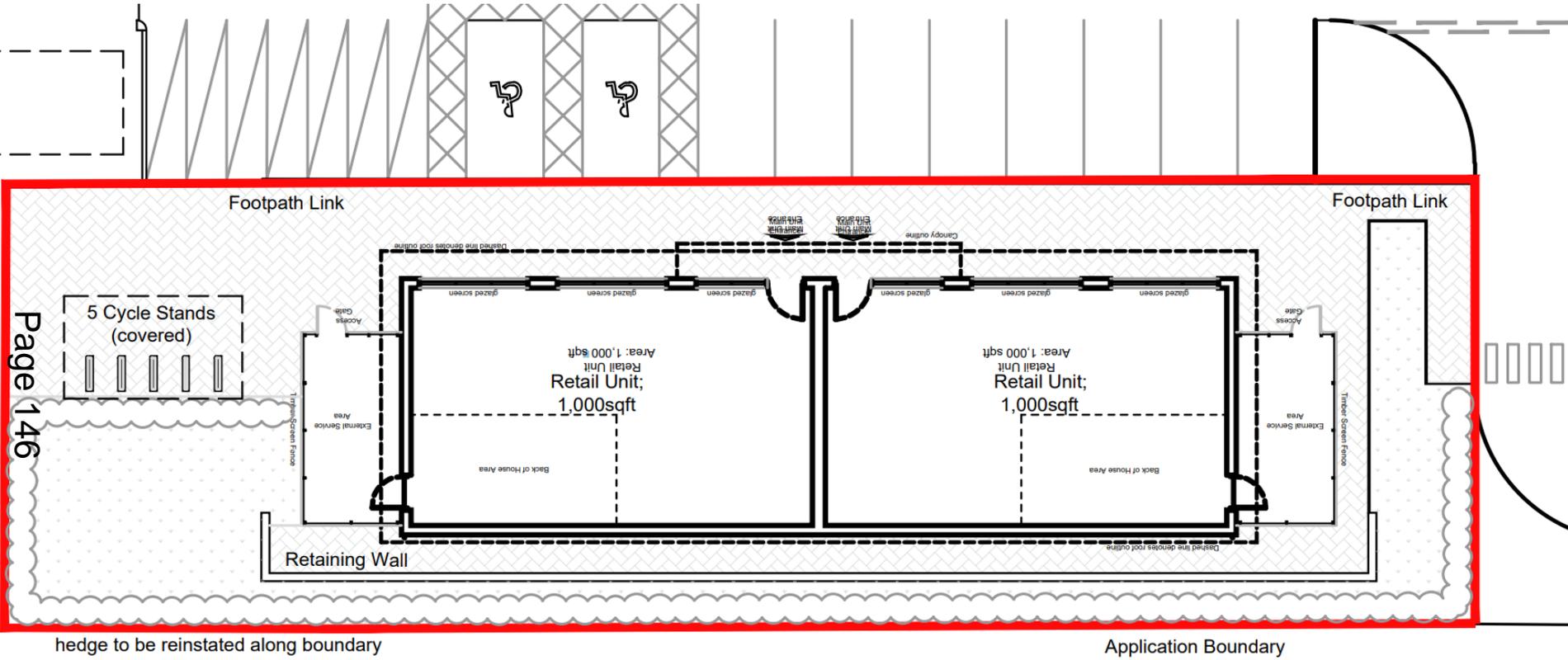


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Wellington Circle



Proposed Site Plan



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hedge to be reinstated along boundary

Application Boundary

Proposed North elevation (front – to car park)

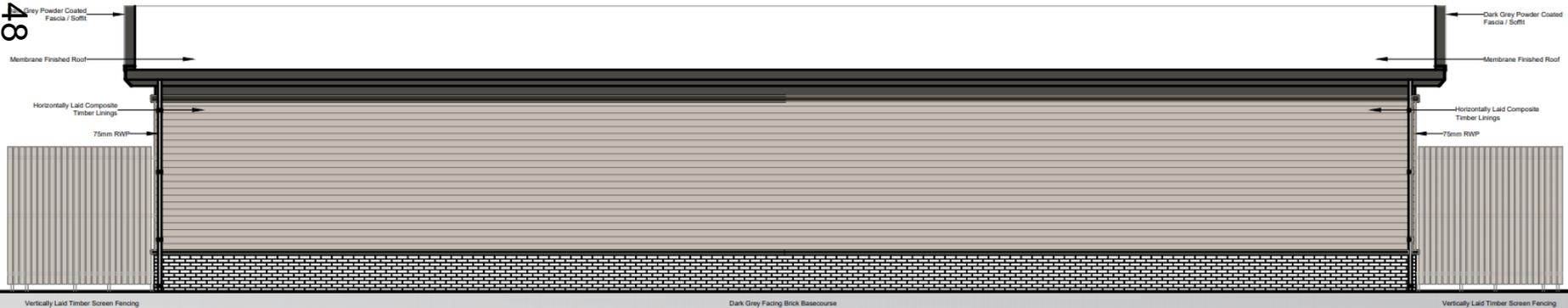
- Walls: Horizontal composite timber linings with double glazed screen walling
- Basecourse: Dark grey facing brick
- Fascias/Soffits: Dark grey powder coated
- Windows & doors: Double glazing set within dark grey powder-coated frames
- External service area for each unit enclosed by vertical timber screen fencing



Proposed South elevation (rear – facing Wellington Circle)

- Walls: Horizontal composite timber linings
- Basecourse: Dark grey facing brick
- Roof: White laminated roof membrane
- Fascias/Soffits: Dark grey powder coated
- External service area for each unit enclosed by vertical timber screen fencing

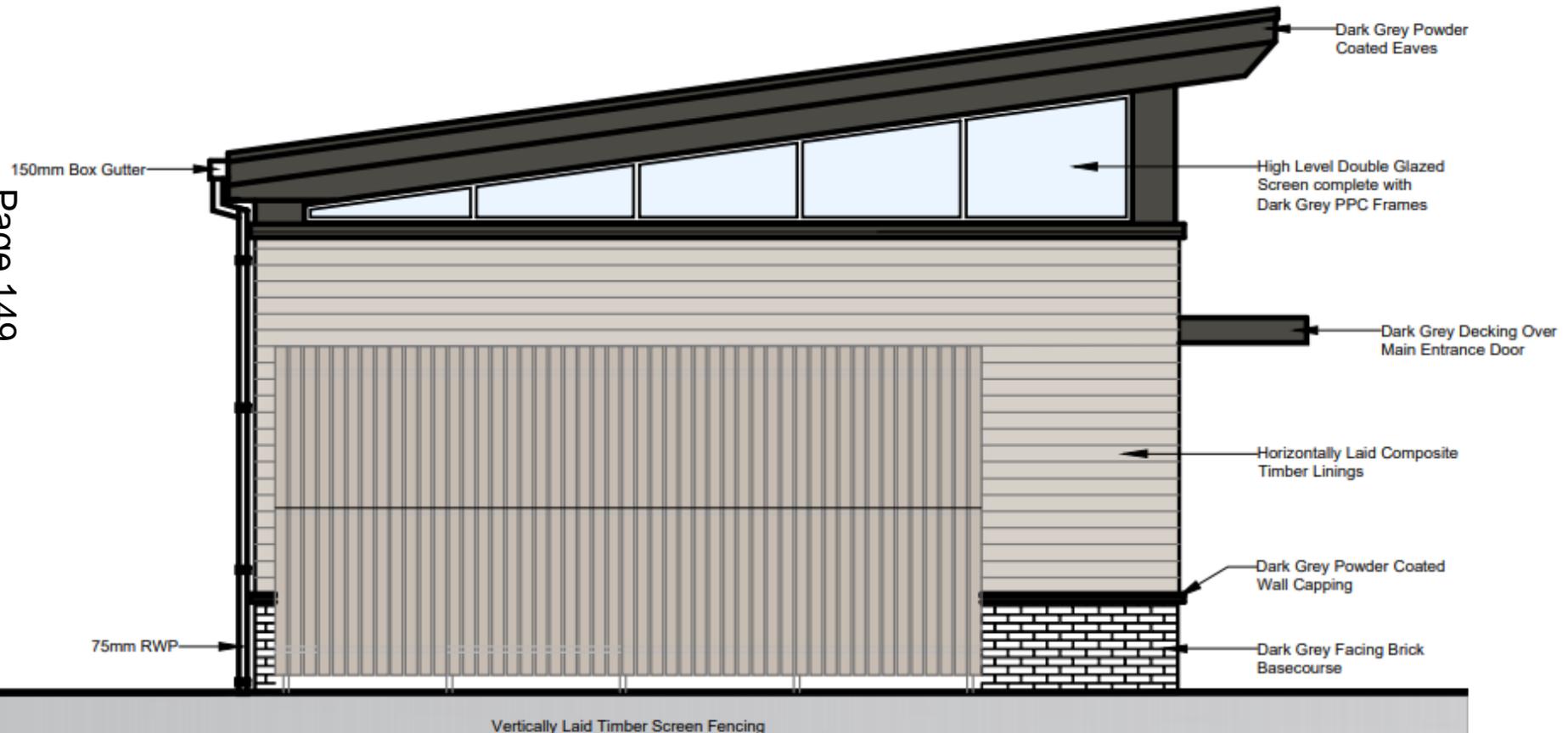
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Proposed West elevation

- Walls: Horizontal composite timber linings with double glazed screen walling
- Basecourse: Dark grey facing brick
- Fascias/Soffits: Dark grey powder coated
- Windows & doors: Double glazing set within dark grey powder-coated frames
- External service area for each unit enclosed by vertical timber screen fencing

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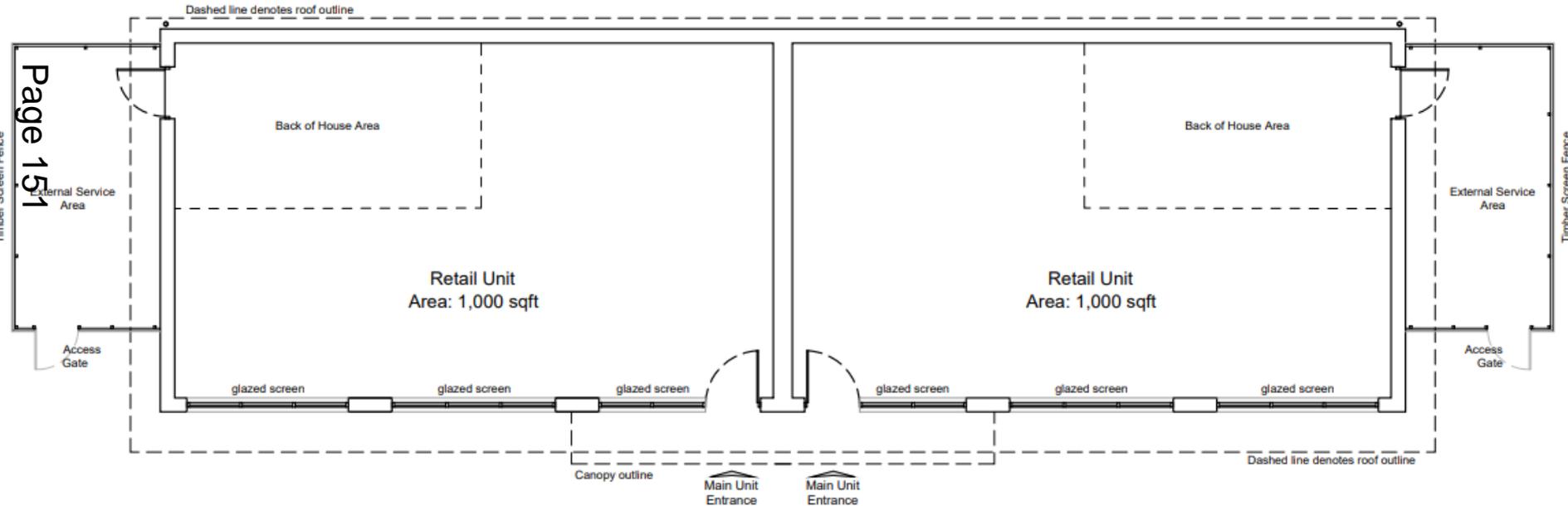
Proposed East elevation

- Walls: Horizontal composite timber linings with double glazed screen walling
- Basecourse: Dark grey facing brick
- Fascias/Soffits: Dark grey powder coated
- Windows & doors: Double glazing set within dark grey powder-coated frames
- External service area for each unit enclosed by vertical timber screen fencing



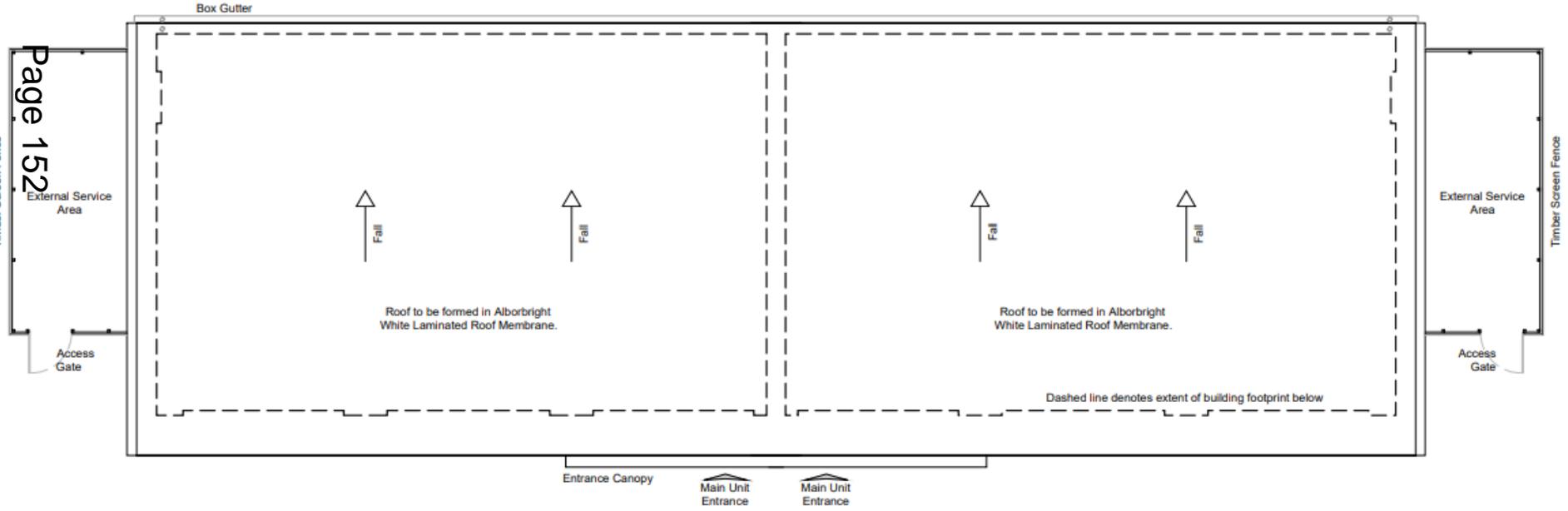
Proposed Ground Floor

- Each unit 1000sqft, with its own back of house area and external service area
- Roof and entrance canopy shown dashed



Proposed Roof Plan

- Arrows show fall of roof (higher to front, falls to rear)
- Building footprint below shown dashed



Proposed Landscaping

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Area of amenity grass reinstatement

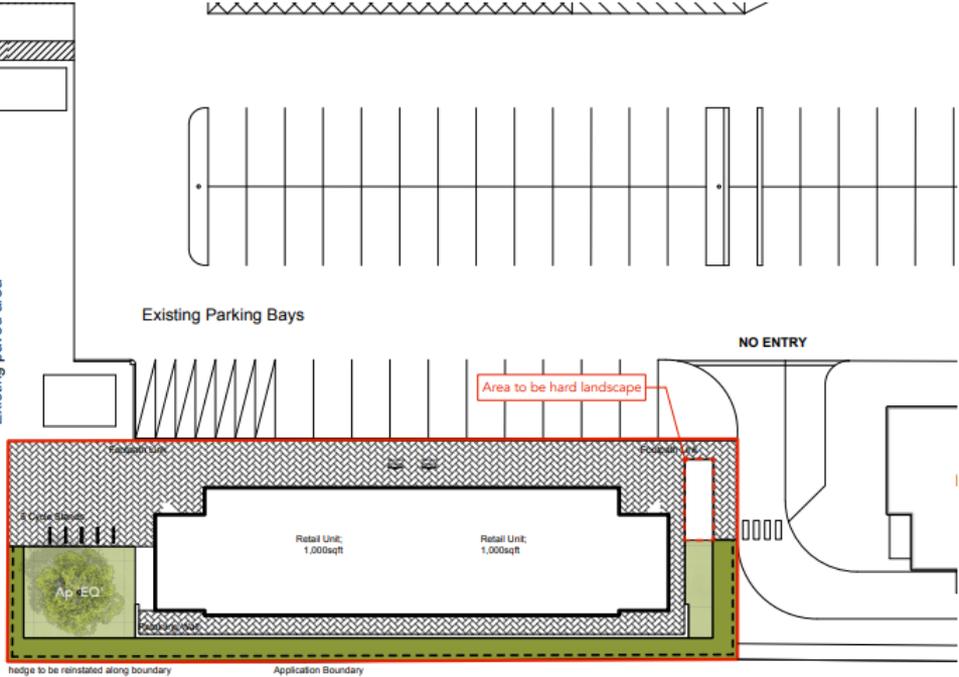


Existing paved area

Existing Parking Bays

NO ENTRY

Area to be hard landscape



Reasons for Decision

In full as part of the agenda pack. Main points are:

- Has not been sited with due consideration for its context, having an uneasy relationship between the existing buildings and that proposed.
- Would result in the loss of a recently re-planted landscaping strip that adds to the character and visual amenity of the surrounding area and is required under planning permission 160067; thereby failing to improve and enhance the setting and visual impact of the proposed development and detrimentally impact on the setting of existing buildings.
- Therefore fails to comply with Policies D1 (Quality Placemaking by Design) and D2 (Landscape of the current Aberdeen Local Development Plan).
- Also fails to comply with corresponding policies in the Proposed Local Development Plan - D1 (Quality Placemaking) and D5 (Landscape Design)
- Principle of development not supported by the Proposed ALDP. However, given that the Proposed ALDP is at the very early stages of consultation on its content, and the site's location within OP110 in the current local plan that still holds significant weight, it is not considered that the conflict with the Proposed LDP would warrant a further reason for refusing the application in this instance.

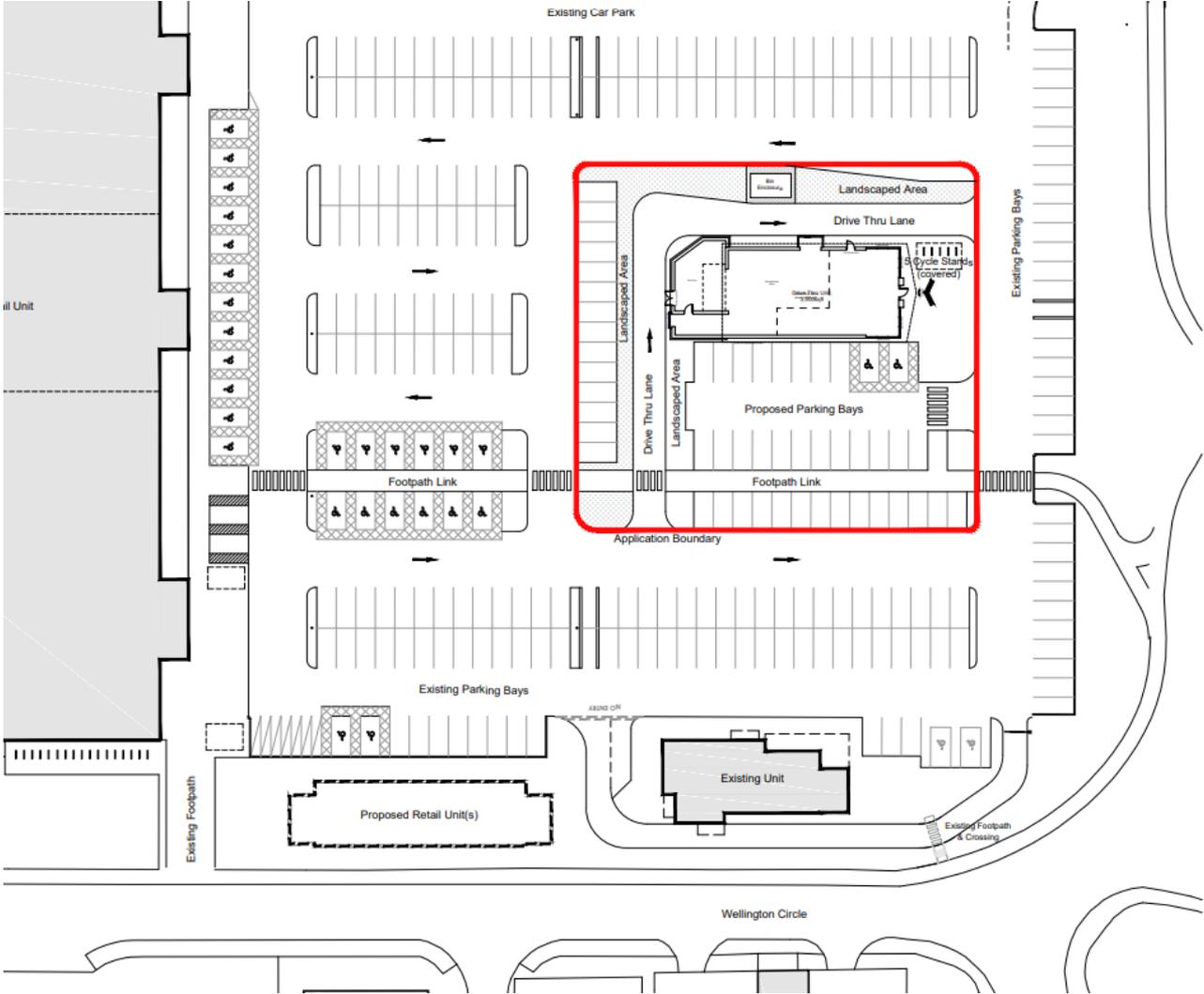
Relevant Planning History

- 160067 – approval of the neighbouring coffee shop with drive-through facilities (now occupied by Starbucks)



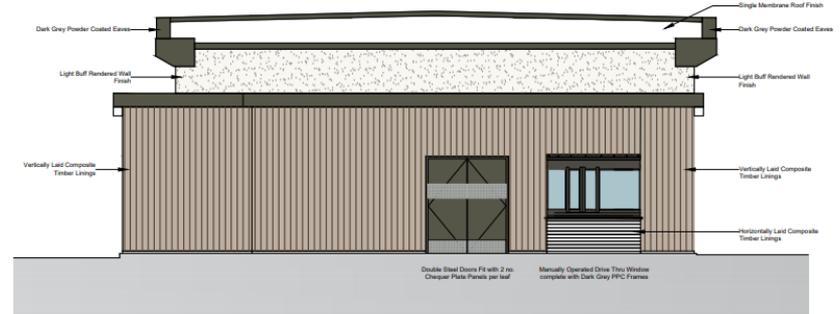
Relevant Planning History

- 191587 – approval of a restaurant with drive-through facility within the central part of the IKEA car park (approved March 2020)

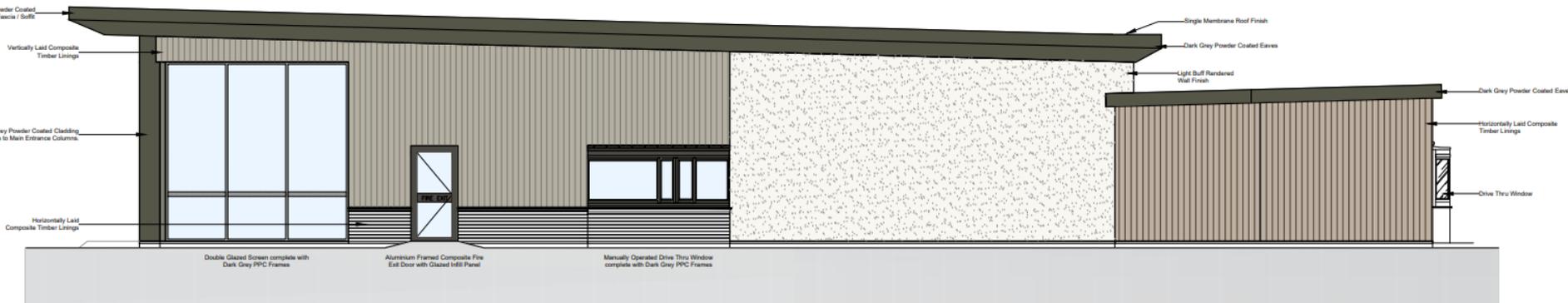
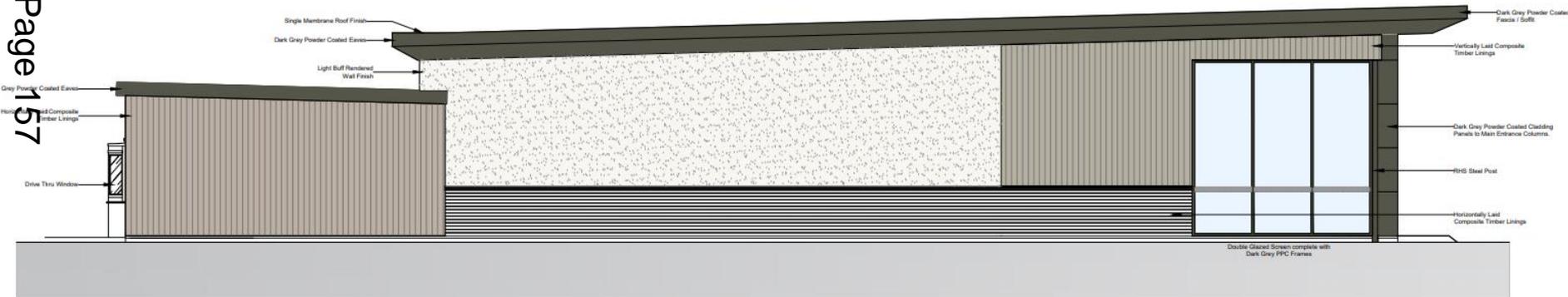


Relevant Planning History

- 191587 – approval of a restaurant with drive-through facility within the central part of the IKEA car park (approved March 2020)



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Policy B1 (Business and Industrial Land)

Policy B1 - Business and Industrial Land

Aberdeen City Council will in principle support the development of the business and industrial land allocations set out in this Plan.

Land zoned for business and industrial uses on the Proposals Map, including already developed land, shall be retained for Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) uses and safeguarded from other conflicting development types. Other uses which may be suited to a business and industrial location, such as car showrooms and bus depots, shall be treated on their own merits. The expansion of existing concerns and uses within these locations will be permitted in principle.

Where business and industrial areas are located beside residential areas we will restrict new planning permissions to Class 4 (Business). Buffer zones, which are appropriately sized and landscaped, may be required to separate these uses and safeguard residential amenity. Low amenity 'bad neighbour' uses must have regard to surrounding uses and their potential impact on the environment and existing amenity. In all cases, conditions may be imposed restricting levels of noise, hours of operation and external storage.

New business and industrial land proposals shall make provision for areas of recreational and amenity open space, areas of strategic landscaping, areas of wildlife value and footpaths, in accordance with the Council's Open Space Strategy, Supplementary Guidance and any approved planning briefs or masterplans. Within existing business and industrial areas, there shall be a presumption in favour of retaining existing open space.

Facilities that directly support business and industrial uses may be permitted where they enhance the attraction and sustainability of the city's business and industrial land. Such facilities should be aimed primarily at meeting the needs of businesses and employees within the business and industrial area.

- To be retained for uses in classes 4, 5 and 6 (business; general industrial; and storage and distribution)
- Facilities that directly support business and industrial uses may be permitted, where they *'enhance the attraction and sustainability of the city's business and industrial land'*
- Such facilities should be aimed primarily at meeting the needs of businesses and employees within the business and industrial area – would the proposed use serve a much wider catchment?

Policy B4 (Aberdeen Airport)

- Airport safeguarding map requires consultation with Aberdeen Airport Safeguarding Team
- Proposed developments must not compromise safe operation of the Airport
- Matters such as height of buildings, external lighting, landscaping, bird hazard management and impact on communications/navigation equipment will be taken into account in assessing any potential impact.

Consultation response from Aberdeen Airport Safeguarding Team states no objection, but draws applicant's attention to best practice on safe use of cranes during construction

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 D2 (Landscape)

Policy D2 - Landscape

Developments will have a strong landscape framework which improves and enhances the setting and visual impact of the development, unifies urban form, provides shelter, creates local identity and promotes biodiversity. In order to secure high quality development, planning applications for new development must include a landscape strategy and management plan incorporating hard and soft landscaping design specifications. The level of detail required will be appropriate to the scale of the development.

Quality development will

- be informed by the existing landscape character, topography and existing features to sustain local diversity and distinctiveness, including natural and built features such as existing boundary walls, hedges, copses and other features of interest;
- conserve, enhance or restore existing landscape features and should incorporate them into a spatial landscape design hierarchy that provides structure to the site layout;
- create new landscapes where none exist and where there are few existing features;
- protect and enhance important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways and particularly from the main city approaches;
- provide hard and soft landscape proposals that is appropriate to the scale and character of the overall development.

Further guidance can be found within the Supplementary Guidance and Technical Advice Notes listed in Appendix 5.

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 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.

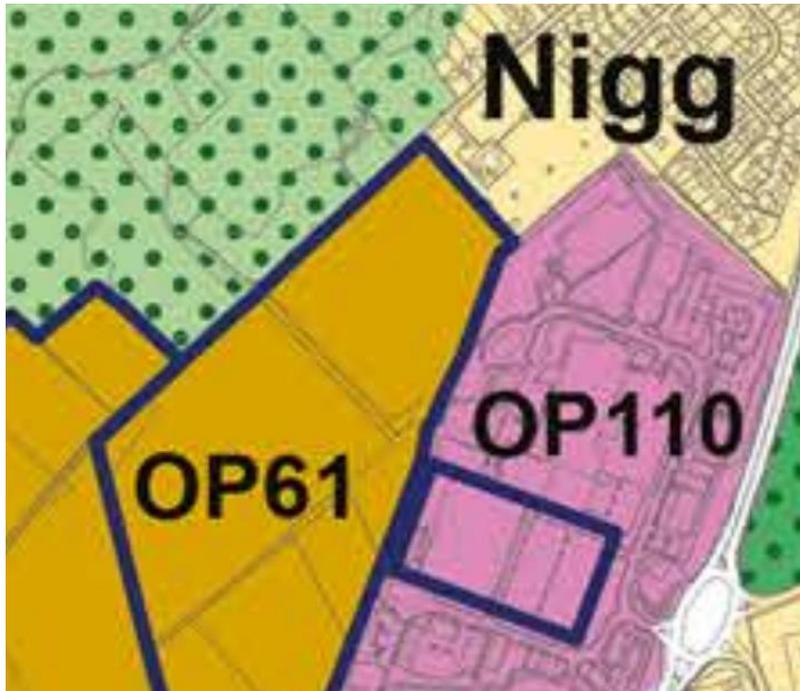
Water Efficiency

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.

ALDP Opportunity Site designation

Site	Site Name	Site Size	Policy	Other Factors
OP110	Wellington Circle (Former Makro)	3.2ha	Business and Industrial Land	Opportunity for change of use to Class 1 retail. Drainage Impact Assessment accompanying development proposals should address any surface water flooding issues.



Points for Consideration:

Zoning: Do members consider that the proposed use is permitted by the terms of policy B1 – i.e. would this development *'enhance the attraction and sustainability of the city's business and industrial land'* and would it cater principally for the needs of the businesses and employees within the business and industrial area (or serve a larger catchment area)?

Opportunity Site designation: The appointed officer considered that the LDP's identification of this site for retail use overrides the Business and Industrial zoning. Do members agree that the principle of retail use in this location is supported by the plan? Do members also agree with the officer's conclusion that the modest floorspace proposed would not warrant consideration of impact on other identified retail centres via sequential testing?

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?

Design: Is the proposal of sufficient design quality (D1) - *note authorised officer report satisfied on this point.*

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? Are they of sufficient weight to overcome any conflict with the Development Plan? Note that OP designation for retail use is not carried forward in Proposed ALDP – what weight does this warrant?

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:	Land to East of Ikea, Wellington Circle, Aberdeen, AB12 3QW
Application Description:	Erection of two (Class 1) retail units
Application Ref:	191588/DPP
Application Type:	Detailed Planning Permission
Application Date:	21 October 2019
Applicant:	Project Triptych Ltd
Ward:	Kincorth/Nigg/Cove
Community Council:	Nigg
Case Officer:	Gavin Clark

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site extends to approximately 600sqm and comprises a recently re-planted landscape strip between the IKEA and Starbucks units within this part of Wellington Circle. The wider site is designated as OP110 in the Aberdeen Local Development Plan 2017 "Opportunity for a change of use to Class 1 retail". The wider OP110 site of approximately 3.5 hectares is located directly to the west of the Southerhead Road roundabout. Surrounding uses include a Royal Mail depot, Burger King, Starbucks, Ikea, Pure Gym, Makro, offices, a petrol filling station and several other business units, a number of which are currently vacant. Access is currently taken to the site from the eastern boundary, opposite the petrol filling station.

Relevant Planning History

An application for planning permission (Ref: 191587/DPP) was approved in March 2020 for the erection of (Class 3) restaurant and drive thru takeaway (Sui Generis) including reconfiguration of car park, landscaping and associated works on land within the car park to the immediate north of the application site boundary.

Planning permission (Ref: 160067) was approved in April 2016 for the erection of a coffee shop (Class 1/3 use) including "drive thru" takeaway (sui generis) on an adjoining area of the car park to the immediate east. This permission was implemented and is now occupied by Starbucks. Condition 4 of this permission advised that *"that all planting, seeding and turfing comprised in the approved scheme of landscaping as shown on drawing no. 2001/02 Rev A, shall be carried out in the first planting season following the completion of the development and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a size and species similar to those originally required to be planted, or in*

accordance with such other scheme as may be submitted to and approved in writing for the purpose by the planning authority - in the interests of the amenity of the area.” The current proposal would be located within the area of landscaping specified above as part of this permission 160067 and is now in place.

Planning permission (Ref: 170339/DPP) was approved in May 2017 for a change of use from Class 1 (shop) to Class 11 (Assembly and Leisure) for one of the existing units within the site. This permission was implemented and is now occupied by Pure Gym.

Planning permission (Ref: 140924) was approved in November 2015 for alterations to the “Makro” building involving a change of use from Class 6 to 2 Retail Units (Class 1). This permission was partially implemented and is now occupied by IKEA. The second unit is occupied by Pure Gym via the 170339/DPP permission.

APPLICATION DESCRIPTION

Description of Proposal

The proposal seeks planning permission for the erection of one single storey building divided into two retail units within an existing area of grass and landscaping within the existing site at Wellington Circle (which accommodates Starbucks, Makro, Pure Gym and Ikea at present). Each of the proposed retail units would extend to approximately 92sqm, with each including an external service area to the side.

Externally, materials proposed would include timber linings, timber screen fencing on the side elevation, significant elements of glazing on the front (north) elevation and a brick basecourse. The rear boundary of the site would be enclosed by post and wire fencing. The site would also include 5 cycle parking stands.

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=PZKV8KBZKF100>

Planning Supporting Statement: October 2019: provides an introduction, site description and details of the proposed development, planning history, development plan context, material planning considerations, a discussion and overall conclusion. A further supporting statement was submitted in February 2020 to address roads comments, matters raised in letters of representation, landscaping and to discuss the principle of development.

Transport Statement: October 2019: provides an introduction, details of the development, sustainable accessibility, discusses existing and future traffic conditions and provides an overall summary and conclusion.

Drainage Impact Assessment: October 2019: provides an introduction, details of the existing site, ground conditions, details of the development proposed, foul drainage proposals, surface water proposals, an assessment of flood risk, future maintenance and details of works during construction.

CONSULTATIONS

ACC - Roads Development Management Team (RDM) – have no objection to the proposal following the submission of amended plans. Their response will be discussed in greater detail in the evaluation section of this report.

ACC - Environmental Health – no observations/ comments.

ACC – Contaminated Land – no objection, however, as the proposal is situated in a location of previously industrial use, they have requested the submission of a contaminated land assessment (controlled via condition).

Aberdeen International Airport – the proposal does not conflict with safeguarding criteria. They have requested the insertion of an informative in relation to the potential use of cranes during development.

Nigg Community Council – a late letter of representation was received from Nigg Community Council. It objected to the application on matters relating to road safety, over provision and traffic impacts. Whilst their response cannot be accepted formally, the matters will be taken into account in the assessment of the application.

REPRESENTATIONS

One objection has been received. The matters raised can be summarised as follows –

1. The proposed development does not make additional provision for motorcycle parking or parent and child parking. The introduction of these facilities would further reduce available parking on site.
2. No disabled parking provided for the retail pods. No direct pedestrian access route is provided from the nearest disabled parking space to the proposed retail pods. This would raise a road safety concern, but provision of such facilities would reduce overall provision through the site.
3. The servicing of the retail units from the car park would impede access to neighbouring shop frontages, and hamper access from the bays opposite the retail pod. The retail units should be serviced from their own service bay.
4. The applicant indicates that servicing of the units would be undertaken outside busy periods, although no indication is provided of what these are. No swept path has been provided for servicing of the retail pods as such there is no evidence that service vehicles could access the retail units safely.
5. The travel plan for staff is not sufficient and does not make commitment for action against staff who park in the car park, further utilising capacity within the site.
6. Trip generation assumptions underrepresent potential trip generation, which undermines the parking case and the lack of need for junction assessment of the A956 roundabout.
7. The applicant has only undertaken a weekday AM and PM peak assessment. No weekend peak traffic generation assessment has been undertaken.
8. No traffic modelling of the A956 roundabout has been undertaken, therefore it's not possible to comment on the effects of queued traffic, impacting on access to the site.
9. The parking survey is not sufficient as a parking beat survey would be a more appropriate and accurate method for determining the real occupancy of a car park.
10. The swept path assessments undertaken are not sufficient and show vehicles clipping kerbs throughout the car park.
11. The use of aisle parking for servicing and the collection of bins is not considered to be safe within an operational car park.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

material to the application unless material considerations indicate otherwise.

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

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

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

The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 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)

- OP110: Wellington Circle (Former Makro)
- D1: Quality Placemaking by Design
- D2: Landscape
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- NE6: Flooding, Drainage and Water Quality
- B1: Business and Industrial Land
- B4: Aberdeen Airport
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Buildings & Water Efficiency

Supplementary Guidance (SG)

- Transport and Accessibility
- Resources for New Development

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 relevant PLDP policies are as follows:

- D1 (Quality Placemaking)
- D5 (Landscape Design)
- R5 (Waste Management Req. in New Dev.)
- R6 (Low Zero Carbon & Water Efficiency)
- T2 (Sustainable Transport)
- T3 (Parking)
- B1 (Business and Industrial)

EVALUATION

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

This development is considered to not be a strategic proposal that requires cross-boundary consideration, it does not therefore require a detailed assessment against the SDP.

Principle of Development

It is acknowledged that the site is part of a separate zoning and allocation within the Aberdeen Local Development Plan, with the site sitting within the southern edge of OP110 (Wellington Circle) allocation which is identified as providing an opportunity for change of use (from the surrounding Class 4, 5 and 6 Policy B1 Business and Industrial Uses) to Class 1 (Retail). The OP allocation also notes that a Drainage Impact Assessment should be submitted with any proposals to address any surface water flooding issues. In terms of the current proposal, the formation of two retail units would comply with the designation in principle, subject to other details such as being appropriate in terms of layout, siting and design. These matters will be discussed further in the below evaluation.

It is, however, noted that the proposed use creates a tension with Policy B1 (Business and Industrial Land) of the ALDP which states that 'the Council will in principle support development of the business and industrial land for uses that fall within Class 4, 5 and 6 of the order.' The current proposal falls within Class 1 use. The policy does advise that "*ancillary facilities that support business and industrial uses may be permitted where they enhance the attraction and sustainability of the city's business and industrial land. Such facilities should be aimed primarily at meeting the needs of businesses and employees within the business and industrial area*". It is considered that the proposal would not fall within these criteria, due to the existing provision of Class 1 uses in the area that perform this function, hence the proposal would not comply with Policy B1.

Overall, the site's retail designation under OP110 would take an overriding priority in this instance. The tension with Policy B1 alone would not warrant refusal of planning permission on its own in this instance.

Retail and Sequential Approach

As noted above, the wider site already supports retail uses under its OP designation. The provision of such a small area of floorspace (less than 200sqm) is considered not to have any significant adverse effect on the vitality or viability of any identified retail location in the City, therefore no further retail or sequential analysis is necessary.

Design/ Amenity

Looking at the proposal solely from a design perspective, the building would be similar in design and scale to those in the surrounding area and would generally be acceptable in this specific regard.

The proposal, however, has not been sited with any due consideration for its context, in that it would be located on a landscaped strip located between the recently constructed drive thru and the main buildings within the site. This would result in the loss of a recently planted area of landscaping that would be to the detriment of the amenity of both the existing drive thru site and the surrounding area in as far as it would remove an important buffer of landscaping alongside one of the main spine roads that is a route that is well trafficked by visitors and pedestrians travelling to and from Lochside Academy . The siting would also result in an uneasy relationship between the existing units and those proposed, due to their close proximity. As a result, it is concluded that the proposal has not been designed with due consideration for its context and would have an unacceptable impact on the character and amenity of the surrounding area. The proposal would therefore fail to comply with Policy D1 (Quality Placemaking by Design) of the ALDP.

Landscaping

As has been discussed above, the proposal would result in the loss of a recently approved landscaping strip associated (and conditioned to be planted and retained – Condition 04 of 160067) with the recently approved drive thru to the east. The loss of this area is not considered to be appropriate in this instance and the mitigation measures proposed, being planting further to the east would not be an appropriate mitigating measure, given the limitations within the site and proposed location out with the site boundary adjacent to the side elevation of the Ikea store. The loss of landscaping, and replacement landscaping proposed is therefore not considered to be acceptable in this instance and would fail to comply with the general aspirations of Policy D2, which seeks for proposals to provide a *“strong landscape framework which improves and enhances the setting and visual impact of the development....”*

Transportation and Parking

In relation to Policies T2 and T3, commensurate with the scale and anticipated impact, new developments must demonstrate that enough measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

The proposal has been assessed by colleagues in Roads Development Management (RDM), who have made the following comments.

In terms of parking, it is noted that the red line boundary for the proposal does not include the provision of any parking facilities, with visitor parking compensated within the existing site, which has provision for 451 spaces. The parking surveys submitted have adequately demonstrated that the increase in parking requirements can be accommodated within this site, with the parking survey indicating a peak occupancy rate of approximately 154 spaces. The site plan has also been updated to include two disabled parking spaces immediately outside of the proposed retail units. Whilst these are out with the red line boundary, they would still be located on land within the ownership of the applicant. Cycle parking facilities would also be provided in line with ACC standards.

In addition to the above, it should also be noted that the recent approved application for a drive thru within the same site included the removal of 84 parking spaces, taking the overall number of available spaces down to 367. Even with this reduction, colleagues in RDM consider that the site can more than adequately accommodate parking associated with the proposed retail units.

In terms of walking and cycling, they have noted that the site will connect with existing pedestrian links within the site and adopted footpath network on Wellington Circle – which thereafter connect to the wider area. They also noted that the site is within 200m of Wellington Road, a main arterial route into Aberdeen. In terms of public transport, they have also noted that the site is within 300m of these, which connect onto the same routes on Wellington Road.

In terms of site access, it is noted that the existing access will remain. Following the receipt of further information from the applicants they are content with the minor over-run indicated on the swept path analysis. Colleagues in RSM are also content with the information provided for the internal road layouts and servicing of these units. Were permission to be granted servicing of these units would need to be adequately controlled.

In terms of other matters considered by RDM they consider that the additional trip generation from the proposed development would be minimal; they have requested the submission of a travel plan via an appropriately worded planning condition and have advised that roads construction consent may be required (and an informative should be added in this regard).

It is also noted that the OP designation requires the submission of a drainage impact assessment. This has been considered by colleagues in RDM and they have confirmed that the proposal includes adequate levels of SUDs treatments within this site.

As a result of the above, colleagues in RDM have raised no objection to the proposal and the development is acceptable in terms of Policies T2, T3 and NE6 of the ALDP.

Other Technical Matters

The site falls within the Airport safeguarding area, and as such the Airport has been consulted. AIA has advised that this development does not conflict with safeguarding criteria, but they have requested the insertion of an informative in relation to the use of cranes. Subject to this, the proposal would comply with Policy B4 – Aberdeen Airport.

Colleagues in Environmental Health – Contaminated Land indicate that the site is located within an area noted for previous industrial use; as a result, they have requested the insertion of a condition requiring the submission of a contaminated land assessment. Subject to the inclusion of this the proposal would comply with the general aims of Policy R2: Degraded and Contaminated Land of the ALDP.

Policy R6 requires all new development to provide sufficient space for waste storage. The submitted plans indicate external service areas to the side of each building which would be enclosed by timber fencing and serviced via the existing internal road network. The layout and provision of these details has been considered appropriate by colleagues in RDM. Colleagues in Waste Management were not consulted due to the commercial nature of the proposal. It is therefore considered that the proposal would comply with the aforementioned policy.

Policy R7 requires that all new buildings, must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of application through the introduction of low and zero carbon generating technology. Whilst these details have not been submitted this matter could be controlled via an appropriately worded planning condition to ensure compliance with the aforementioned policy.

Matters Raised in Representation

The matters raised in objection can be addressed as follows:

1. In terms of motorcycle parking, colleagues in roads are happy with the varieties of parking proposed. It is noted that “parent and child parking” is not an essential requirement of the Transport and Accessibility SG and is at the discretion of the applicant to provide.
2. Amended plans have been submitted to show two disabled parking spaces outside the entrance to the retail pods, whilst out with the red line boundary they are located on land within the ownership of the applicant.
3. Further information and details of times of servicing have been submitted to show that the site can be adequately serviced to the satisfaction of colleagues in RDM.

4. As above, the applicants have confirmed that, to the satisfaction of colleagues in RDM, the site can be adequately serviced.
5. The submission of a further travel plan would be controlled via an appropriately worded planning condition, were permission to be granted for the proposed development.
6. The additional trip generation as a result of the proposal, as assessed by colleagues in RDM, is not considered to be to an extent that would be detrimental to the function of surrounding uses.
7. The submitted parking surveys have been considered acceptable by colleagues in RDM.
8. Traffic modelling was deemed not to be a requirement of colleagues in RDM to justify the proposed development in this instance.
9. The parking survey (instead of a parking beat survey) showed that there was sufficient parking on site and no further assessments were considered to be required.
10. The swept path submitted was considered acceptable to colleagues in RDM.
11. The proposals for servicing of the site were considered to be appropriate to colleagues in RDM.

In addition to the above, comments were also received from Nigg Community Council albeit outside the time allowed for objection. These matters raised related to road safety, overprovision and traffic generation have been considered in the assessment of the application, where appropriate.

Proposed Aberdeen Local Development Plan (PALDP)

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.

There is one significant element where the Proposed Plan differs from the Adopted Plan in that the OP110 is removed and the land allocated as B1 business and industry only. The principle of development would therefore not be supported by the PALDP. Given that the PALDP is at the early stages of consultation on its content, the Local Development Plan 2017 holds more weight in terms of this application. It is not considered that the conflict with the PALDP is to an extent that would warrant refusal of planning permission (in terms of principle of development) in this instance.

RECOMMENDATION

Refuse

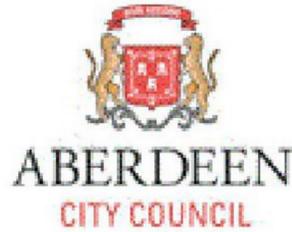
REASON FOR RECOMMENDATION

The proposed development has not been sited with due consideration for its context, having an uneasy relationship between the existing buildings and that proposed. The proposal would also result in the loss of a recently re-planted landscaping strip that adds to the character and visual amenity of the surrounding area and is required under planning permission 160067; thereby failing to improve and enhance the setting and visual impact of the proposed development and detrimentally impact on the setting of existing buildings. The proposal would therefore fail to comply with Policies D1 (Quality Placemaking by Design) and D2 (Landscape of the Aberdeen Local Development Plan. The proposal would therefore also fail to comply with related Policies D1 (Quality Placemaking) and D5 (Landscape Design) of the Proposed Aberdeen Local Development Plan.

The principle of development is not supported by the Proposed Aberdeen Local Development Plan 2020, namely Policy B1 (Business and Industrial). However, given that the Proposed LDP is at the very early stages of consultation on its content, and the site's location within OP110 in the current

local plan that still holds significant weight, it is not considered that the conflict with the Proposed LDP would warrant a further reason for refusing the application 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 100190806-001

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

Type of Application

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

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

Description of Proposal

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

Erection of two (Class 1) retail units

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:	Ryden LLP		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Michael	Building Name:	
Last Name: *	Lorimer	Building Number:	25
Telephone Number: *	01224 588866	Address 1 (Street): *	Albyn Place
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB10 1YL
Email Address: *	michael.lorimer@ryden.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Palladium House
First Name: *		Building Number:	1-4
Last Name: *		Address 1 (Street): *	Argyll Street
Company/Organisation	Project Triptych Ltd	Address 2:	Westminster
Telephone Number: *		Town/City: *	London
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	W1F7LD
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land to East of Ikea, Wellington Circle, Aberdeen, AB12 3QW

Northing

802033

Easting

394336

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

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

Calls and email correspondence with the Council's Roads Team in respect of the proposals and scoping exercise undertaken on Transport Statement (TS). Roads Officer confirmed the TS was acceptable for the purposes of the planning application.

Title:

Mr

Other title:

First Name:

Michael

Last Name:

Cowie

Correspondence Reference Number:

Date (dd/mm/yyyy):

05/07/2019

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

Site Area

Please state the site area:

0.06

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)

Car park and landscaped area associated with existing retail and leisure uses at Wellington Circle Retail Park

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?

451

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)? *

367

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

Water Supply and Drainage Arrangements

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

Yes No

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

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

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

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

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

Service areas to accommodate provision for waste located at each end of the building

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

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

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

Class 1 Retail (non-food)

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

216

If Class 1, please give details of internal floorspace:

Net trading spaces:

186

Non-trading space:

0

Total:

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

Retail units being built speculatively so final net trading / non trading configuration TBC

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Michael Lorimer

On behalf of: Project Triptych Ltd

Date: 18/10/2019

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)

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 checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

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

Planning Statement

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 Michael Lorimer

Declaration Date: 18/10/2019

Payment Details

Cheque: Project Triptych Ltd, 1

Created: 18/10/2019 16:38

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Michael Lorimer
Ryden LLP
25 Albyn Place
Aberdeen
AB10 1YL

on behalf of **Project Triptych Ltd**

With reference to your application validly received on 21 October 2019 for the following development:-

**Erection of two (Class 1) retail units
at Land To East Of Ikea, Wellington Circle**

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
P(00) 201 Rev P02	Location Plan
P(00) 203 Rev P05	Site Layout (Proposed)
P(00) 204 REV P02	Ground Floor Plan (Proposed)
P(00) 205 REV P02	Multiple Elevations (Proposed)
190000-900	Site Layout (Drainage)
2147-RFB-ZZ-00-DR-AL-102	Site Layout (Landscaping)
190000-901	Site Cross Section
191588-01	Planning Statement
19039 01 ISS 02	Transport Assessment/Statement
A/190331	Drainage Assessment

REASON FOR DECISION

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

The proposed development has not been sited with due consideration for its context, having an uneasy relationship between the existing buildings and that proposed. The proposal would also result in the loss of a recently re-planted landscaping strip that adds to the character and visual amenity of the surrounding area and is required under planning permission 160067; thereby failing to improve and enhance the setting and visual impact of the proposed development and detrimentally impact on the setting of existing buildings. The proposal would therefore fail to comply with Policies D1 (Quality Placemaking by Design) and D2 (Landscape of the Aberdeen Local Development Plan. The proposal would therefore also fail to comply with related Policies D1 (Quality Placemaking) and D5 (Landscape Design) of the Proposed Aberdeen Local Development Plan.

The principle of development is not supported by the Proposed Aberdeen Local Development Plan 2020, namely Policy B1 (Business and Industrial). However, given that the Proposed LDP is at the very early stages of consultation on its content, and the site's location within OP110 in the current local plan that still holds significant weight, it is not considered that the conflict with the Proposed LDP would warrant a further reason for refusing the application in this instance.

Date of Signing 24 March 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.

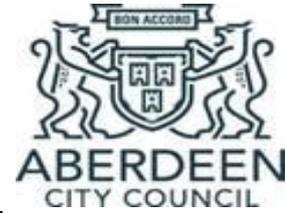
Notices of review submitted by post should be sent to Strategic Place Planning (address at the top of this decision notice).

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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MEMO



To	Gavin Clark Planning & Infrastructure	Date	11/11/2019
		Our Ref.	191588/DPP
From	Michael Cowie		
Email	micowie@aberdeencity.gov.uk		
Dial	01224 523671		
Fax			

Strategic Place Planning
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Aberdeen
AB10 1AB

Tel 03000 200 291
Minicom 01224 522381
DX 529451, Aberdeen 9
www.aberdeencity.gov.uk

Planning Application No. 191588/DPP – Erection of two (Class 1) retail units at Land to East of Ikea, Wellington Circle, Aberdeen AB12 3QW.

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

1 Development Proposal

- 1.1 It is noted this application is for the erection of 2no. retail units within existing Wellington Circle Retail Park.
- 1.2 It should be noted that this proposal is in conjunction of a secondary application ref. 191587/DPP which is for the erection of a drive-thru restaurant also within the retail park. The supported Transport Statement (TS) incorporates both of these proposals/applications and therefore may be referenced within assessment below.
- 1.3 It is noted that the Wellington Circle Retail Park is located in the outer city and does not lie within an area of any form of controlled parking.

2 Walking and Cycling

- 2.1 It is noted the site will connect with existing pedestrian links within the retail park while then tying in with existing adopted footpath network on Wellington Circle which then continues and connects to the wider and local area.
- 2.2 The site is located within 200m of Wellington Road which is served by a designated cycle route, which connects to other routes and into the City Centre.

3 Public Transport

- 3.1 Wellington Road to the east of the site forms part of a regular bus service/route connecting this area of the city and the city centre, bus stops for said service when heading in either direction are located within 300m of the site.

4 Parking

- 4.1 It is noted that that both proposed retail units will have a GFA of 108m² each, which as per ACC Supplementary Guidance has a maximum associated parking provision standard of 1 space per 30m² which equates to a maximum increase requirement of 7 spaces.
- 4.2 It is not proposed to provide any specific additional parking provision associated with this application, visitor parking shall therefore be compensated within existing retail car which currently consists of 451 spaces. It is considered that this minimal increase of parking requirements can be adequately accommodated within existing parking and would not be detrimental. Additionally, the applicant has included within their supporting Transport Statement (TS) occupancy surveys of the site, this was determined by pre-occupancy and then counting the volume of vehicles entering/exiting. The survey results showed a peak occupancy of 154 vehicle in the site and therefore leaving more than adequate remaining parking provision to accommodate such a proposal.
- 4.3 That being said, there is no disabled parking provision located as close as possible to the proposed retail units and therefore request for adequate provision provided adjacent to the site.
- 4.4 It is noted that cycle parking is provided in the form of 'sheffield cycle stands', which is acceptable in terms of visitor parking (short term), but for staff cycle provision (long term) this requires to be secure and covered provision (i.e. within unit or enclosed outdoor area).
- 4.5 In addition to the above parking considerations, it is prudent to mention the secondary associated planning application within the retail park, which proposes a new 'drive thru' restaurant and re-configuration of the car park, including the removal of 84 spaces taking the car park down to an overall total of 367 spaces. Even with this reduction, it is considered the site can more than adequately accommodate parking associated with the 2 new retail units.

5 Development Access

- 5.1 It is noted that access shall remain as is, via the existing gated opening in the north-east corner of the site directly onto Wellington Circle. This is also proposed to be the access arrangements for deliveries and refuse collections, however, swept path analysis (SPA) provided evidences that large vehicle overswings into the exiting lane of the retail park which should not occur, therefore certain modifications to existing access will be required if cannot make this manoeuvre appropriately.

6 Internal Road Layout / Servicing Proposals / Swept Paths

- 6.1 It should be noted that this specific application does not directly proposed any alterations to the existing internal retail park layout and is only a direct result of proposed drive thru (191587/DPP). Therefore, comments relating to this shall be addressed accordingly within memo response this that application.
- 6.2 As stated within the TS, the 2no. retail units deliveries and refuse is proposed to be via entering the existing car park area, however no swept path analysis (SPA) is provided for this area of the site. Additionally, with regard to the SPA's that have been provided evidences locations of over-running kerblines and vehicles

getting too close to parking bays (in turn cars parked within), there requires to be a 500mm buffer between vehicle and kerb edge, vehicles, parking bays etc.

- 6.3 It is also noted that the SPA's provided is only for a 'Rigid Truck' and acknowledge the justification within TS why this vehicle was chosen, but as it is unclear the future tenants of the 'drive thru' how would this be managed/enforced in terms of limiting the size of vehicles utilised for deliveries? It is also requested the applicant to provide SPA's of refuse vehicle accessing and serving the site. Therefore, further submission of revised/additional SPA's allowing for appropriate buffer is required.
- 6.4 If deliveries and refuse servicing is to be undertaken from within the retail park, this will be required to be carried out with business operational hours to avoid conflicts with general customers and car park usage. Therefore, proposed delivery and services timings should be provided. Is there an overruling management company in charge of the entire Retail Park to allow enforce such operations and opening/closing of gates at access?

7 Local Road Network

- 7.1 The trip generation during the AM and PM peak periods associated with the proposed 2 retail units is minimal and would not negatively impact the surrounding road network.

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

- 8.1 It is noted that within the supporting Transport Statement the inclusion of a Travel Plan Framework in order to create an appropriate Travel Plan prior to occupation of the sites. It is confirmed that the proposed structure of future Travel Plan is acceptable, requiring to provide suitable objectives, initiatives and further review after opening.
- 8.2 It is therefore required that a final Travel Plan be submitted for approval prior to opening and be conditioned if application is approved.

9 Drainage Impact Assessment

- 9.1 It is noted the submission of a Drainage Impact Assessment and can confirm that adequate and acceptable levels of SUDs treatments is proposed for this application site.

10 Construction Consent

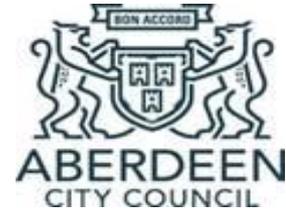
- 10.1 Any proposed amendments/improvements to the Retail Park site access onto Wellington Circle potentially required based on revised SPA will require to be designed to Aberdeen City Council standards and be subject to a Section 56 Roads Construction Consent procedure. The applicant will require to contact Colin Burnet on 01224 522409 to discuss this matter in further detail.

11 Conclusion

11.1 There are outstanding issues with regard to this individual application which will require addressing and revision of proposals, upon receipt of this Roads Development Management will then be better placed to make further or final comment.

Michael Cowie
Engineer
Roads Development Management

MEMO



To	Gavin Clark Planning & Infrastructure	Date	16/03/2020
		Our Ref.	191588/DPP
From	Michael Cowie		
Email	micowie@aberdeencity.gov.uk		
Dial	01224 523671		
Fax			

Strategic Place Planning
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Aberdeen
AB10 1AB

Tel 03000 200 291
Minicom 01224 522381
DX 529451, Aberdeen 9
www.aberdeencity.gov.uk

Planning Application No. 191588/DPP – Erection of two (Class 1) retail units at Land to East of Ikea, Wellington Circle, Aberdeen AB12 3QW.

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

1 Development Proposal

- 1.1 It is noted this application is for the erection of 2no. retail units within existing Wellington Circle Retail Park.
- 1.2 It should be noted that this proposal is in conjunction of a secondary application ref. 191587/DPP which is for the erection of a drive-thru restaurant also within the retail park. The supported Transport Statement (TS) incorporates both of these proposals/applications and therefore may be referenced within assessment below.
- 1.3 It is noted that the Wellington Circle Retail Park is located in the outer city and does not lie within an area of any form of controlled parking.
- 1.4 It is noted this is a second revision of comments to this application and updated comments shall be reflection in *red* text below any necessary item.

2 Walking and Cycling

- 2.1 It is noted the site will connect with existing pedestrian links within the retail park while then tying in with existing adopted footpath network on Wellington Circle which then continues and connects to the wider and local area.
- 2.2 The site is located within 200m of Wellington Road which is served by a designated cycle route, which connects to other routes and into the City Centre.

3 Public Transport

- 3.1 Wellington Road to the east of the site forms part of a regular bus service/route connecting this area of the city and the city centre, bus stops for said service when heading in either direction are located within 300m of the site.

4 Parking

- 4.1 It is noted that that both proposed retail units will have a GFA of 108m² each, which as per ACC Supplementary Guidance has a maximum associated parking provision standard of 1 space per 30m² which equates to a maximum increase requirement of 7 spaces.
- 4.2 It is not proposed to provide any specific additional parking provision associated with this application, visitor parking shall therefore be compensated within existing retail car which currently consists of 451 spaces. It is considered that this minimal increase of parking requirements can be adequately accommodated within existing parking and would not be detrimental. Additionally, the applicant has included within their supporting Transport Statement (TS) occupancy surveys of the site, this was determined by pre-occupancy and then counting the volume of vehicles entering/exiting. The survey results showed a peak occupancy of 154 vehicle in the site and therefore leaving more than adequate remaining parking provision to accommodate such a proposal.
- 4.3 That being said, there is no disabled parking provision located as close as possible to the proposed retail units and therefore request for adequate provision provided adjacent to the site.

Updated site plan provides 2no. additional disabled bays directly outside proposed retail units and is therefore accepted.

- 4.4 It is noted that cycle parking is provided in the form of 'sheffield cycle stands', which is acceptable in terms of visitor parking (short term), but for staff cycle provision (long term) this requires to be secure and covered provision (i.e. within unit or enclosed outdoor area).

Noted proposal for associated cycle parking is to be covered and is confirmed acceptable.

- 4.5 In addition to the above parking considerations, it is prudent to mention the secondary associated planning application within the retail park, which proposes a new 'drive thru' restaurant and re-configuration of the car park, including the removal of 84 spaces taking the car park down to an overall total of 367 spaces. Even with this reduction, it is considered the site can more than adequately accommodate parking associated with the 2 new retail units.

5 Development Access

- 5.1 It is noted that access shall remain as is, via the existing gated opening in the north-east corner of the site directly onto Wellington Circle. This is also proposed to be the access arrangements for deliveries and refuse collections, however, swept path analysis (SPA) provided evidences that large vehicle overswings into the exiting lane of the retail park which should not occur, therefore certain modifications to existing access will be required if cannot make this manoeuvre appropriately.

Following justifications and further discussions with the applicant, given deliveries shall operate as per existing operation and out with operational times that SPA over-running at entrance will be acceptable.

6 Internal Road Layout / Servicing Proposals / Swept Paths

6.1 It should be noted that this specific application does not directly proposed any alterations to the existing internal retail park layout and is only a direct result of proposed drive thru (191587/DPP). Therefore, comments relating to this shall be addressed accordingly within memo response this that application.

6.2 As stated within the TS, the 2no. retail units deliveries and refuse is proposed to be via entering the existing car park area, however no swept path analysis (SPA) is provided for this area of the site. Additionally, with regard to the SPA's that have been provided evidences locations of over-running kerblines and vehicles getting too close to parking bays (in turn cars parked within), there requires to be a 500mm buffer between vehicle and kerb edge, vehicles, parking bays etc.

SPA for this area of the site is still not provided. However, the SPA's provided are associated with associated planning application (191587/DPP) have been amended to address necessary requirements and is acceptable.

6.3 It is also noted that the SPA's provided is only for a 'Rigid Truck' and acknowledge the justification within TS why this vehicle was chosen, but as it is unclear the future tenants of the 'drive thru' how would this be managed/enforced in terms of limiting the size of vehicles utilised for deliveries? It is also requested the applicant to provide SPA's of refuse vehicle accessing and serving the site. Therefore, further submission of revised/additional SPA's allowing for appropriate buffer is required.

It is confirmed that the use of 'Rigid Truck' has been accepted within the SPA provided and have no further comment.

6.4 If deliveries and refuse servicing is to be undertaken from within the retail park, this will be required to be carried out with business operational hours to avoid conflicts with general customers and car park usage. Therefore, proposed delivery and services timings should be provided. Is there an overruling management company in charge of the entire Retail Park to allow enforce such operations and opening/closing of gates at access?

This requires to be stipulated as part of agreement for the site similar to that of existing 'Starbucks' consent.

7 Local Road Network

7.1 The trip generation during the AM and PM peak periods associated with the proposed 2 retail units is minimal and would not negatively impact the surrounding road network.

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

8.1 It is noted that within the supporting Transport Statement the inclusion of a Travel Plan Framework in order to create an appropriate Travel Plan prior to occupation of the sites. It is confirmed that the proposed structure of future Travel Plan is acceptable, requiring to provide suitable objectives, initiatives and further review after opening.

8.2 It is therefore required that a final Travel Plan be submitted for approval prior to opening and be conditioned if application is approved.

Require to be conditioned.

9 Drainage Impact Assessment

- 9.1 It is noted the submission of a Drainage Impact Assessment and can confirm that adequate and acceptable levels of SUDs treatments is proposed for this application site.

10 Construction Consent

- 10.1 Any proposed amendments/improvements to the Retail Park site access onto Wellington Circle potentially required based on revised SPA will require to be designed to Aberdeen City Council standards and be subject to a Section 56 Roads Construction Consent procedure. The applicant will require to contact Colin Burnet on 01224 522409 to discuss this matter in further detail.

As per above updated comments it is confirmed that there is no requirement for alterations to existing site access at Wellington Circle.

11 Conclusion

- 11.1 It is confirmed that Roads Development Management have no further observations or objections to this application.

Michael Cowie
Engineer
Roads Development Management

MEMO

Protective Services

Operations

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

To	Gavin Clark, Senior Planner	
From	Clare Horton, Environmental Health and Trading Standards	
Email	chorton@aberdeencity.gov.uk	Date 1.11.19
Tel.	01224 523822	
Fax.	01224 523887	Your Ref. 191588/DPP

Planning Reference: 191588/DPP

Address: Land to East of Ikea, Wellington Circle, Aberdeen, AB123QW

Description: Erection of two (Class 1) retail units

Applicant: Project Triptych Ltd

We have no objection to the approval of this application. However, since the development area is situated in a location with previous industrial usage, we would recommend that the following conditions are attached to any approval:

Condition 1A

No development shall take place unless it is carried out in full accordance with a scheme to address any significant risks from contamination on the site that has been approved in writing by the planning authority.

The scheme shall follow the procedures outlined in "Planning Advice Note 33 Development of Contaminated Land" and shall be conducted by a suitably qualified person in accordance with best practice as detailed in "BS10175 Investigation of Potentially Contaminated Sites - Code of Practice" and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination
2. a site-specific risk assessment
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed
4. verification protocols to demonstrate compliance with the remediation plan

Condition 1B

No building(s) on the development site shall be occupied unless

1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken
and

2. a report **specifically relating to the building(s)** has been submitted and approved in writing by the planning authority that verifies that remedial works to **fully address contamination issues related to the building(s) have been carried out,**

unless the planning authority has given written consent for a variation.

The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning authority that verifies that the remedial works have been carried out in full accordance with the remediation plan,

unless the planning authority has given written consent for a variation.

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

NB: The site investigation and risk assessment can be restricted to the area of the footprints of the new buildings.

FAO Gavin Clark
Aberdeen City Council

Via Email

ABZ Ref: ABZ2873

28th February 2020

Dear Gavin

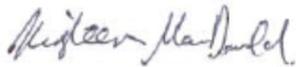
Ref: 191588/DPP Erection of two (Class 1) retail units at Land To East Of Ikea Wellington Circle Aberdeen

I write in relation to the above application. The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We, therefore, have no objection to this proposal.

We would also make the following observation:

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/policy-safeguarding.htm>)

Yours Sincerely



Kirsteen MacDonald

Safeguarding Manager
Aberdeen Airport
07808 115 881
abzsafeguard@aiairport.com



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Our ref:

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

For the attention of Gavin Clark

Dear Mr. Clark

191587/DPP | Erection of (Class 3) restaurant and drive thru takeaway (Sui Generis) including reconfiguration of car park, landscaping and associated works | Land At Makro (Car Park) Wellington Circle Aberdeen AB12 3QW and 191588/DPP | Erection of two (Class 1) retail units | Land To East Of Ikea Wellington Circle Aberdeen AB12 3QW and

I understand that you are the planning officer for planning applications reference 191587/DPP & 191588/DPP and would be grateful if you could consider the points detailed in my letter when considering both applications.

I write on behalf of my clients, IKEA, who wish to lodge an **OBJECTION** to both above referenced applications. This is based upon a review that we have undertaken of the Transport Statement lodged in support of the two applications, dated October 2109.

Our objections on transport grounds are set out below and are in the order of points raised in Transport Statement:

- 1) The proposed development does not make any additional provision for motorcycle parking or parent and child parking. The introduction of these facilities would further reduce available parking at the site, reducing available parking spaces further than those proposed.
- 2) Whilst disabled parking is provided for the drive through unit, none is provided for the retail pods. This is at odds with their possible use as local retail outlets. No direct disabled or pedestrian access route is provided from the nearest disabled parking place to the proposed retail pods. This represents a road safety and discrimination issue that has not been addressed by the applicant. Adding disabled spaces at the retail pods, would further reduce parking provision at throughout the site.

Offices at: London, Birmingham, Bishop's Stortford, Croydon, Edinburgh, Exeter, Leamington Spa, Leeds, Luton, Manchester, Nottingham, Stockport, Sunderland, Wakefield, India, Iraq, Manila, Qatar, Romania, UAE

Pell Frischmann is the trading name of Pell Frischmann Consulting Engineers Ltd and Pell Frischmann Consultants Ltd. We value your data, please see our Privacy Statement on our website www.pellfrischmann.com which details how we handle your data in compliance with GDPR.

Registered Office:
5 Manchester Square London W1U 3PD
Pell Frischmann Consulting Engineers Ltd
Registered in England No. 04403030
Pell Frischmann Consultants Ltd
Registered in England No. 1777946



Form ref: BF166/A

3) The servicing of the retail units from the car park will impede access to my client's frontage for customers and will hamper parking access and egress from the bays opposite the retail pod frontage. This will have an adverse impact on IKEA customers, especially those collecting large and heavy items who will need to park further away, resulting in further road safety concerns and general health and safety concerns.

The retail units should be serviced from their own service bay in line with good practice design guidance.

4) The applicant indicates that servicing of both proposed units would be undertaken outside busy periods, although they do not state what those are. Given the site is located several hours away from potential supply bases in the Central Belt, it is highly likely that service vehicles will be forced to service the site between the hours of 9am and 4pm.

The developer indicates that servicing would be managed and enforced but supplies no information on how this would be realistically or practically delivered. They also present no swept path assessments for the servicing of the retail units. As such, there is no evidence that service vehicles could access the retail units in safety.

5) The travel plan for staff makes no suggested targets for mode share, nor does it make any commitment for action to be taken against staff who park within the car park (which would be uncontrolled and free) and would further use up capacity at the site, impacting upon other occupiers of the site.

On Page 16, Paragraph 3.47, reference is made to an "office development". There is no reference to office uses within the development proposals. Can you please confirm that no Class 4 development is proposed in this application?

6) The applicant has indicated that a large percentage of traffic attracted to the proposed development will be pass-by trips, i.e. not new trips to the road network. Given the wide opportunity for occupiers for the proposed retail units and that the applicant themselves is unable to quantify who the end users are, this is an unsubstantiated assertion. Should the occupier be a unique or niche trader, then it is entirely reasonable that dedicated, new trips would be attracted to the site. As a result, the trip generation assumptions under-represent potential trip generation, which undermines their parking case and the lack of need for a junction assessment of the A956 Roundabout.

7) The applicant has only undertaken a weekday AM and PM peak assessment. No weekend peak traffic generation assessment has been undertaken. This lack of detail makes it difficult to gauge if a robust and suitable assessment has been undertaken.

8) No traffic modelling of the A956 Roundabout has been undertaken and as a result, it is not possible to comment on the effects of queued traffic, impacting upon the access and egress to the site.

9) The provision of the drive through in the middle of the car park will impact the operation of the car park aisles. This will result in reducing the efficiency of the car park, resulting in greater delays in finding a space and impacting upon car parking occupancy.

10) A parking beat survey is a more appropriate and accurate method for determining the real occupancy of a car park. The method used by the Applicant can significantly underestimate the parking accumulation and provides no information on where people park, which impacts on movement times within the car park.

Given the nature of my client's facility, a number of vehicles arrive with a trailer or large hired in van to pick up long and bulky goods. The parking of these vehicles can require the use of two parking spaces which is not reflected in the Applicant's parking review. This would be picked up in a beat survey.

11) The swept path assessments indicate a number of areas where the proposed development service vehicle will drive into the path of oncoming traffic. This is clearly shown at the access to the car park, where a significant road safety concern can be clearly seen.

The service vehicle then over-sails or clips several kerbs throughout the car park which would cause IKEA significant car park safety concerns for elderly and young pedestrians. The service vehicle for example intrudes within the parking bay area of the last disabled parking space between Pure Gym and Makro.

12) The use of aisle parking for servicing and the collection of bins is not considered safe within a busy and operational car park. It will also reduce parking availability by blocking the end on parking opposite the vehicle (6m aisles blocked by a 3m wide lorry will not allow end on vehicles to depart whilst the lorry is parked).

The points that are raised in this letter are relevant to the transport operation of the proposed development. The Applicant's proposal's will have a real and detrimental impact on the operation of the car park and represent a safety concern for my client's customers.

The loss of the car parking has been understated, as has the trip generation of the proposed site. For these reasons we urge you to **REFUSE** both applications.

Yours sincerely
On behalf of **Pell Frischmann**



Gordon Buchan
Divisional Director, Transport Planning

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National Planning Policy

Scottish Planning Policy (SPP)

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

Aberdeen City and Shire Strategic Development Plan (SDP)

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

Aberdeen Local Development Plan (ALDP)

Policy D1 - Quality Placemaking by Design

Policy T2 - Managing the Transport Impact of Development

Policy T3 - Sustainable and Active Travel

Policy B1 - Business and Industrial Land

Policy B4 - Aberdeen Airport

Policy NE6 - Flooding, Drainage and Water Quality

Policy R6 - Waste Management Requirements for New Development

Policy R7 - Low & Zero Carbon Buildings & Water Efficiency

Supplementary Guidance

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/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100262605-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Ryden LLP"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Michael"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Lorimer"/>	Building Number:	<input type="text" value="25"/>
Telephone Number: *	<input type="text" value="01224 588866"/>	Address 1 (Street): *	<input type="text" value="Albyn Place"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="AB10 1YL"/>
Email Address: *	<input type="text" value="michael.lorimer@ryden.co.uk"/>		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Palladium House"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text" value="1-4"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Argyll Street"/>
Company/Organisation	<input type="text" value="Project Triptych Ltd"/>	Address 2:	<input type="text" value="Westminster"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="London"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="W1F 7LD"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="michael.lorimer@ryden.co.uk"/>		

Site Address Details

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

Please identify/describe the location of the site or sites

<input type="text" value="Land to East of Ikea, Wellington Circle, Aberdeen, AB12 3UQ"/>
--

Northing	<input type="text" value="802037"/>	Easting	<input type="text" value="394334"/>
----------	-------------------------------------	---------	-------------------------------------

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 two (Class 1) retail units

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer to separate Grounds of Review Statement

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

Yes No

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

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

Please refer to separate Supporting Documents List

Application Details

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

191588/DPP

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

18/10/2019

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

24/03/2020

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 site inspection should be undertaken to appreciate how the existing buildings are situated with regard to the proposal, in addition to considering the landscaping strip in relation to the improvements made throughout the wider site.

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 Michael Lorimer

Declaration Date: 22/06/2020

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**Request for Review of Refused Planning Application
Ref: 191588/DPP for the Erection of Two Retail Units
Site to the East of IKEA, Wellington Circle, Aberdeen**

Grounds of Review Statement

Project Triptych Ltd

June 2020

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1.0 Introduction

- 1.1 This Notice of Review has been prepared by Ryden LLP on behalf of our client, Project Triptych Ltd under the terms of section 43A(8) of the Town and Country Planning (Scotland) Act 1997 and Regulation 9 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013. It seeks a review of the refusal by Aberdeen City Council to grant detailed planning permission for the erection of two conjoined retail units on land to the east of the IKEA 'Order and Collect' store at Wellington Circle Retail Park.

- 1.2 Following the operational success of the neighbouring Starbucks Drive Thru unit approved in 2016, our client, who owns the Retail Park, sought to supplement the existing commercial uses through the provision of two small-scale retail units and a further restaurant use with associated drive thru, to ensure the ongoing vitality and viability of the Wellington Circle Retail Park. Accordingly, two separate but related applications were lodged for the retail units and the drive thru restaurant. The latter (Ref: 191587/DPP) was granted Detailed Planning Permission by the Planning Service on 24th March 2020. Disappointingly however, the application for the two retail units (Ref: 191588/DPP) was refused and is the subject of this request for a review.

- 1.3 The application (Document PRO1) falls under the class of 'local development' and was submitted by Ryden LLP on 18th October 2019 and subsequently registered as valid on 21st October March 2019 under planning application reference no: 191587/DPP. The application was refused under delegated powers by the Planning Service on 24th March 2020. The decision notice is included as Document PRO2 and the reasoning provided for its refusal is detailed extensively within section 4 below.

- 1.4 This Notice of Review Statement sets out a description of the site and proposal, outlines the relevant planning history associated with the site, as well as the Planning Service's reasoning for refusal. It details the relevant planning policies and material considerations which should be factored into the review of the decision and provides a robust justification for the Local Review Body (LRB) to overturn the recent refusal and grant planning permission.

2.0 Site Description and Proposal

2.1 The site is located within the Wellington Circle Retail Park, situated immediately to the west of the A956, Wellington Road, approximately 4km from Aberdeen City Centre. Since 1992 the wider retail park has been occupied by wholesale retail warehouse, Makro. However the main retail unit has since been sub-divided to accommodate a downsized Makro store to the north, with Pure Gym occupying the central unit, and an IKEA Order & Collect store within the southern unit. A stand-alone Starbucks drive-thru sits in the car park to the south east of the main building. The application site would occupy the space between IKEA and Starbucks. Wellington Circle Retail Park comprises approximately 3.5 hectares and accommodates approximately 10,369 sq. m. of gross floor space, inclusive of a mezzanine floor within the Pure Gym unit and is served by 451 car parking spaces of which 26 are for disabled provision. The application site as part of the wider retail park is identified within the supporting Location Plan (Document PRO3) and Figure 1 below provides further context.



Figure 1: Aerial view of site within the context of Wellington Circle Retail Park and existing uses
 (*Image courtesy of Pro-map)

- 2.2 The retail park benefits from being in close proximity to a broad range of commercial and business premises associated with the surrounding business park. To the north lies a DHL warehouse, with a Shell Filling Station and Burger King Drive-Thru Restaurant lying directly opposite and across Wellington Circle to the east. Land to the south is occupied by Express Image Communications, Veitchi Group, and The Balmoral Group, all of which are accessed from Wellington Circle. A Royal Mail/Parcelforce Worldwide Depot, Enerquip and FMC Corporation occupy land to the north. The Aberdeen Altens Hotel lies opposite the site to the east of Wellington Road roundabout and Balmoral Business Park lies to the south. More recently, former open countryside to the west of the site has been developed to accommodate a new secondary school at Lochside Academy, as well as a new stadium and associated sports facilities at Calder Park for Cove Rangers Football Club.
- 2.3 The application subject to this Request for a Review proposes the erection of a small retail unit which would be subdivided into two conjoined units of equal size. The building would be sited along the southern boundary of the Wellington Circle Retail Park, on a natural gap site situated between IKEA and the Starbucks drive thru café. The site extends to 0.06ha and occupies an area of grass / perimeter landscaping to the south of the existing car park. The proposed units each measure approximately 93 sq. m. (1,000 sq. ft.), thereby providing a modest total of 186 sq. m. (2,000 sq. ft.) of trading space, for retail use. The main entrance to the units would front onto the existing car park, however their proposed siting ensures they are appropriately set back to negate any loss of existing parking spaces and to retain and connect with the existing pedestrian walkway linking Starbucks with the main retail building. The proposed Site Plan is included as supporting Document PRO4.
- 2.4 As identified within the supporting elevations (Document PRO 5), the proposed design adopts a relatively simplistic single storey, square-plan form with mono-pitched roof, orientated on an East – West axis. The building would be sub-divided internally to provide two separate units. The design has been carefully considered to complement the established design and finish of the adjacent Starbucks Drive-Thru unit. The retail units also adopt a similar glazing pattern and palette of finishing materials to Starbucks, including horizontally laid composite timber linings, brick base course and grey powder coated eaves. Windows will be double glazed with dark grey powder coated aluminium frames. Service areas and bin stores will be provided externally at either end of the building, serving each unit and will be appropriately screened with vertical board timber fencing.
- 2.5 The units are being built speculatively, therefore occupants have yet to be secured. However for the purposes of the planning application they have been pursued under Class 1 (Retail) Use in accordance with the existing retail designation contained within the extant Aberdeen Local Development Plan. Further details on the designation and applicable policies are set out in section 5 below.

3.0 Planning History

- 3.1 There is a substantial planning history associated with the Wellington Circle Retail Park, which has established a range of successful and commercial uses on the site that would complement two additional modest retail units, which are the subject of this Request for a Review. This is summarised in the following paragraphs.
- 3.2 Makro Wholesale, former occupiers of the entire site, were acquired by Booker Cash & Carry in 2014 and sought to downsize and relocate to alternative premises elsewhere in the city. Cyan Properties Ltd, as owners of the site at that time, sought to accommodate their requirements on site, thereby safeguarding jobs in the area and secure an alternative use for the remainder of the building. The initial proposal was to accommodate a supermarket in the balance of the building comprising 5,750 sq. m. gross floor area.
- 3.3 A planning application for the proposed alterations to the existing building and part change of use of 5,750 sq. m. from wholesale retail warehouse (Class 6) to supermarket (Class 1) was submitted on 17 June 2014 under Planning Ref: 140924. In tandem with the planning application process the site was promoted for inclusion within the emerging Aberdeen Local Development Plan as an opportunity for retail use to replace that of the Altens Hotel, which had been identified in the 2012 Local Development Plan as an opportunity site for Class 1 retail use. The previous Proposed Plan, published for consultation in March 2015, identified the entire Makro site as an opportunity for change of use to Class 1 retail.
- 3.4 Having agreed contributions toward road improvements and securing a favourable designation, the application was reported to the Planning Development Management Committee on 18 June 2015, where members unanimously supported the Officer recommendation and expressed a willingness to grant planning permission subject to conclusion of a Section 75 Legal Agreement.
- 3.5 The supermarket operators previously interested in the site subsequently advised that as a consequence of prevailing market conditions affecting the entire industry, they were no longer in a position to conclude a deal for the site. Cyan Properties Ltd thereafter secured IKEA to locate their new concept "Order & Collect" store in part of the building. Their requirement was for a unit of circa 4,274 sq. m.
- 3.6 Having committed to a downsized Makro unit the proposals, when combined with IKEA's requirements, left an area of 1,476 sq. m. capable of being occupied for local convenience retailing. Subsequent discussions with Officers and Local Councillors at the time expressed a preference to amend the proposals considered by Committee on 18 June 2015 to make provision for the sub-division of the building to accommodate three units, comprising the downsized wholesale retail warehouse, a local convenience store of 1,476 sq. m. and a unit capable of accommodating IKEA extending to 4,274 sq. m. The amended proposals were

considered by Committee on 17 September 2015 and following conclusion of a Section 75 Agreement, planning permission was issued on 19 November 2015.

- 3.7 Subsequent to the sub-division works being undertaken planning permission was sought for the erection of a stand-alone 184 sq. m. coffee shop with drive-thru takeaway, sited within an area of perimeter landscaping and the existing car park under Planning Reference: 160067. Recognising that it complemented the existing provision on site, remained very much ancillary to the retail uses, and would largely serve the immediate surrounding area whilst according with principles of policy, planning permission was granted on 22 April 2016. The development has now been completed on site and is occupied by Starbucks.
- 3.8 An application for the remaining middle unit was submitted to Aberdeen City Council on 29 March 2017 under Planning Ref: 170339. This sought change of use from Class 1 retail use to Class 11 assembly and leisure use with a view to Pure Gym taking occupation of that unit. By enlargement of the mezzanine floor the total floor space of that unit was increased to 1,593 sq m. The application was determined favourably under delegated powers on 29 May 2017 and is occupied by Pure Gym.
- 3.9 In 2018, the Wellington Circle site was sold to House of Hiranandani (of which our client Project Triptych Ltd are a subsidiary) as a fully let, prime retail warehouse investment. Following the success and popularity of the Starbucks, Pure Gym and Ikea store, our client was keen to bolster the commercial offering on site, to ensure the long term vitality and viability of the park. Accordingly, applications were progressed in October 2019 for a new drive thru restaurant under Ref: 191587/DPP, as well as the two retail units under Ref: 191588/DPP which are the subject of this Request for a Review. As highlighted in 1.2 above, the Planning Service supported the application for the restaurant and drive thru, which would occupy a more central position within the existing car park. The approved Site Layout Plan for the drive thru restaurant is included as Supporting Document PRO6 and the approved decision notice as Document PRO7. For information purposes, a combined Site Layout illustrating both the approved drive thru restaurant and the proposed site for the retail units subject to this Request for a Review, is provided in Supporting Document PRO15.

4.0 Reason for Refusal

- 4.1 The reasons provided by Aberdeen City Council's Planning Service on which they have based their decision (Document PRO2) are as follows;

“The proposed development has not been sited with due consideration for its context, having an uneasy relationship between the existing buildings and that proposed. The proposal would also result in the loss of a recently re-planted landscaping strip that adds to the character and visual amenity of the surrounding area and is required under planning permission 160067; thereby failing to improve and enhance the settling and visual impact of the proposed development and detrimentally impact on the setting of existing buildings. The proposal would therefore fail to comply with Policies D1 (Quality Placemaking by Design) and D2 (Landscape of the Aberdeen Local Development Plan. The proposal would therefore also fail to comply with related Policies D1 (Quality Placemaking) and D5 (Landscape Design) of the Proposed Aberdeen Local Development Plan.”

- 4.2 Additionally, the following short paragraph follows on from the above principal reasoning. It discusses the site in the context of the Proposed Aberdeen Local Development Plan 2020, highlighting;

“The principle of development is not supported by the Proposed Aberdeen Local Development Plan 2020, namely Policy B1 (Business and Industrial). However, given that the Proposed LDP is at the very early stages of consultation on its content, and the site's location within OP110 in the current local plan that still holds significant weight, it is not considered that the conflict with the Proposed LDP would warrant a further reason for refusing the application in this instance.”

- 4.3 The above paragraph effectively affirms the Planning Service's position that the adopted 2017 LDP is the principal point of policy consideration in the determination of planning applications and therefore holds significant material weight over any proposed change to the site's retail designation, as identified within the Proposed LDP. It is therefore confusing that this wording features within the reasoning for refusal on the issued decision notice (Document PRO2), when in reality, it confirms there would be no grounds for refusal on said basis. This matter is appropriately covered within the evaluation section of the Officer's Report of Handling (Document PRO8), therefore need not have featured within the reasoning for refusal.

- 4.4 For the purposes of this request for a review, the focus will be on addressing the reasoning set out in Paragraph 4.1 above, which concerns the siting of the proposed retail units and perceived impacts as a result of the loss of a small strip of perimeter landscaping.

5.0 Development Plan Context

- 5.1 In determining planning applications, the Town and Country Planning (Scotland) Act 1997, as amended, requires planning authorities to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations (Section 37 of that Act). The development plan for the area comprises the Aberdeen City and Shire Strategic Development Plan (2014) and the Aberdeen Local Development Plan (ALDP) 2017.

Aberdeen City & Shire Strategic Development Plan

- 5.2 The Aberdeen City and Shire Strategic Development Plan (SDP) was approved by Scottish Ministers in March 2014 and outlines a spatial development strategy for the region up to 2035. The approved SDP provides a framework for investment decisions which aim to grow and diversify the regional economy, whilst encouraging more effective and efficient use of resources.
- 5.3 A key objective of the SDP is the provision of opportunities which encourage economic development and new employment. The city is identified as a Strategic Growth Area where the majority of the region's commercial, retail, civic or cultural activities are located. A key objective of the Plan is to ensure that around half of all new development in the city region is within the city. Reducing travel distances and making walking, cycling, and public transport more attractive to people is considered vital.
- 5.4 Whilst the Planning Service note in their Report of Handling (Document PRO8) that development is not considered to be a strategic proposal that would require detailed assessment against the SDP, its general principles should be adhered to and considered as it forms part of the Development Plan. The proposed retail units would be delivered on a site with a specific retail designation, to bolster the existing commercial uses on site, thereby supporting economic development through additional investment and creating new jobs on a site with excellent sustainable transport links. The proposal therefore fully aligns with the key principles of the SDP.

Aberdeen Local Development Plan (2017)

- 5.5 The adopted LDP 2017 identifies the site as falling within the wider OP110 designation for Wellington Circle (Former Makro) as an opportunity for change of use to Class 1 retail. The nature of that retail use is not specified. The site is also identified as falling within an area where the predominant use is business and industry where **Policy B1 – Business and Industrial Land** applies. This policy seeks to safeguard business and industrial land from other conflicting development types and encourages new development and the expansion of existing uses in these areas.
- 5.6 The Retail Policies within the Plan seek to focus significant footfall generating development within the City Centre which is the preferred location for major retail developments. **Policy NC4- Sequential Approach and Impact** advocates a sequential approach to retail development based on a hierarchy of centres, with development of an appropriate scale directed to those centres. Given the small scale nature of this proposal and minor footprint (186 sq. m.), it would have no impact on established centres, nor would it require a Retail Impact Assessment, which are reserved for significantly larger buildings in excess of 2,500 sq. m. This is echoed within the Officer's report of handling (Document PRO8), as part of the consideration of retail impacts and sequential approach.
- 5.7 A detailed assessment of the surrounding local road network has also been undertaken within the supporting Transport Statement (Document PRO9), which supports the retail units utilising the existing main vehicular access arrangement to the retail park. It also demonstrates that the existing road network has adequate capacity to operate satisfactorily through the introduction of vehicular trips associated with the proposed development in accordance with **LDP Policy T2 – Managing the Transport Impact of Development..**
- 5.8 In accordance with **Policy T3 -Sustainable and Active Travel**, the proposed retail units lie within 400m of key public transport links to destinations across the City. The implementation of improved access for pedestrians and cyclists also complies with Policy, ensuring alternative modes of transport are an attractive choice, whilst creating a safe and attractive environment for consumers in a highly accessible location. A Travel Plan Framework has also been included within the supporting TS (Document PRO9), setting out a number of incentives to encourage sustainable modes of travel for the future occupiers of the development.
- 5.9 **Policy D1 – Quality Placemaking by Design** requires all development meets a high standard of design and have a distinctive sense of place through context appraisal, detailed planning, quality architecture, craftsmanship and materials. Well considered landscaping and a range of transportation opportunities ensuring connectivity are also required to be compatible and proportionate with the scale and character of the development. A detailed evaluation of the

proposals compliance with Policy D1 is provided within the Grounds for Review in section 7 below.

- 5.10 **Policy D2 – Landscape** requires developments to have a strong landscape framework which improves and enhances the setting and visual impact of the development, unifies urban form, provides shelter, creates local identity and promotes biodiversity. A proportionate approach to the level of detail required should be relevant to the associated scale of development. A landscaping scheme was submitted in support of the application (Document PRO10) and a full evaluation of landscape impact is provided under the Grounds for Review within section 7 below.

6.0 Material Considerations

- 6.1 Circular 4 2009 Development Management Procedures – the Scottish Government outlines in Annex A what constitutes a material consideration when assessing a planning application. The Town & Country Planning (Scotland) Act 1997 (as amended) requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Scottish Planning Policy

- 6.2 Scottish Planning Policy (SPP) 2014 is a statement by the Scottish Government on how planning matters should be addressed across the country. The central purpose of SPP is to help create a more successful country through increasing sustainable economic growth and the creation of successful, sustainable places.
- 6.3 It advises that planning should “...**take a positive approach to enabling high quality development and making efficient use of land to deliver long term benefits for the public while protecting and enhancing natural and cultural resources**”. It promotes sustainability and placemaking as principal policies in order to achieve four planning outcomes with the objective of Scotland becoming a “**successful, sustainable place; a low carbon place; a natural resilient place; and, a connected place**”.
- 6.4 SPP introduces a presumption in favour of development that contributes to sustainable development in order to achieve the right development in the right place. The planning system is encouraged to support economically, environmentally, and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. It advises that decisions should be guided by, among other things, making efficient use of existing capacities of land, buildings, and infrastructure.

- 6.5 The over-arching purpose of planning, as recognised by SPP, is to create better places. This should be achieved by the planning system supporting economic growth through the creation of well designed, sustainable places and environments. A greater emphasis is placed on the planning system directing the right development to the right place through adopting a design-led approach to ensure the creation of high quality places.

Application Ref: 160067 - Approval of Adjacent Starbucks Drive-Thru

- 6.6 As highlighted in section 3.7 above, approval for the neighbouring Starbucks Drive Thru Café was granted in April 2016. This established a precedent for the removal of existing perimeter landscaping, as well as a portion of the car park, which should be considered material in the context of the application for the two retail units subject to this Request for a Review. At that time, the landscaping had become overgrown and unmanaged and a revised landscaping scheme was submitted for the entire site to improve upon this. As part of the assessment of the Starbucks application, the Planning Service considered removal of the defensive landscaping and overall improvements brought about by the revised landscaping proposals, would mitigate any loss as a result of approving the Starbucks unit (Document PRO11). Accordingly, condition 4 of the consent (Document PRO12) required the implementation of said landscaping scheme, which has since taken place.

Application Ref: 191587/DPP – Approval of Restaurant with Drive Thru

- 6.7 Our client has recently received detailed planning permission for the erection of a new restaurant and ancillary drive thru, which would lie central to the existing car park. Part of the justification for the application was an identified overprovision of car parking spaces within the existing car park. Presently the car park consists of 451 spaces, however parking surveys undertaken in support of the application identified an occupancy ratio of between 32 – 34% at peak times, thereby demonstrating a significant overprovision. As such, the consent allows for the removal of 84 spaces to accommodate the new drive thru restaurant, thereby leaving 367 spaces.
- 6.8 Furthermore, a detailed landscaping scheme (Document PRO13) was submitted and accepted as part of the approval, introducing additional sympathetic planting and greenspace to break up what is currently a large swathe of car parking. This should be considered in conjunction with the small loss of landscaping which would result from the approval of the proposed retail units, which on balance, is deemed to have a negligible overall impact.

7.0 Grounds for Review

7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 states 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”.

It is contended that the submitted application for the proposed retail units accords with the extant development plan. This and the material considerations referred to below dictate that planning permission should be granted.

Principle of Development

7.2 At the outset, it should be stressed that the principle of the proposed retail units is not in dispute. The extant LDP identifies the entire site as ‘Opportunity Site OP110 - Wellington Circle (Former Makro), as an opportunity for Change of Use to Class 1 Retail, from that of the surrounding area zoned for business and industrial use, where Classes 4, 5 and 6 are more prevalent. As identified within the Case Officer’s Report of Handling (Document PRO8), **“the formation of two retail units would comply with the designation in principle”**. Whilst it is acknowledged that the surrounding business park is subject to Policy B1- Business and Industrial land, which safeguards these areas from other conflicting development types, the Officer confirms that, **“the site’s retail designation under OP110 would take an overriding priority in this instance”**, therefore any perceived ‘tension’ with Policy B1 would not warrant refusal of planning permission.

7.3 Furthermore, given the small scale nature of the proposal and the existing retail designation associated with the wider site, there would be no requirement for any retail or sequential assessment to be undertaken. This is also confirmed within the Report of Handling (Document PRO8).

Technical Matters

7.4 The application was supported by a detailed Transport Statement (Document PRO9) and Drainage Impact Assessment (Document PRO14), demonstrating that the site can be accessed safely without presenting any detriment to the surrounding road network. It includes suitable parking provision and maximises opportunities for sustainable and active travel, as well as incorporating appropriate means of SUDS treatment within the site. The application was subject to detailed consideration by the Council’s Roads Development Management Team, who raised no objection to the proposal. They acknowledged the sustainable location of the site, which would connect to the wider footpath network leading a short distance (<200m) to existing public

transport nodes on Wellington Road. Appropriate car parking provision has been provided to service the proposed retail units, with suitable provision made for cycle parking in accordance with the Council's standards. Additional vehicular trips associated with the development were considered minimal and without detriment and could easily be absorbed by the capacity in the surrounding network. As confirmed within the Report of Handling, the application complies with Policies T2 – Managing the Transport Impact of Development, T3 – Sustainable and Active Travel and NE6.

- 7.5 The application was also subject to consultation with Aberdeen Airport, Environmental Health / Contaminated Land, who have no objections subject to the inclusion of a number of standard conditions and informatives, which our client is content with. Accordingly, there are no outstanding objections to the application from any consultees.

Layout, Siting and Landscaping

- 7.6 Having established the principle of supporting retail use on the site, in accordance with the existing OP110 LDP designation and that relevant consultees are fully content with the application, we therefore turn to the Planning Service's reasoning for refusal. As outlined in Section 4 above, this primarily relates to the proposed siting of the two retail units and resultant loss of a small strip of perimeter landscaping and suggestion the proposal would contravene Policies D1 and D2 of the adopted LDP. As identified in Figure 1 above, presently the site comprises the main retail unit (Makro, Pure Gym and IKEA) which occupies the western portion of the site, as well as the Starbucks Drive Thru, located on the southern boundary. The remainder of the site comprises a large surface car park and some areas of grass and planting around the perimeter.

- 7.7 As has been discussed in the preceding sections, our client lodged this application in conjunction with a separate application for a new restaurant and drive through use, sited more centrally within the existing car park. Having identified an overprovision of car parking spaces, the proposed restaurant and drive thru application will result in a reconfiguration of the car park resulting in the net loss of 84 parking spaces. That application (191587/DPP) was deemed to be compliant with relevant policy provision within the LDP and subsequently approved (Document PRO7). It should be noted for the purposes of this Review, that whilst theoretically the removal of additional car parking to accommodate the proposed retail units may have been acceptable when assessed from a Roads Development perspective, there are existing restrictions identified within the lease arrangements with the current tenants on site that would prevent any further loss of parking.

- 7.8 Accordingly, an alternative arrangement for siting the retail units was required, which would negate any further loss of parking. As evidenced within Figure 1 of Page 2 above, the proposed site, which occupies the area of ground between IKEA and the Starbucks Drive Thru, is deemed to the most suitable location for the development. It forms a natural infill site for the small retail

units proposed, which would sit comfortably alongside the neighbouring Starbucks unit, with the benefit of fronting onto established parking bays that would remain unimpeded by the development. In order to achieve this and also ensure appropriate linkage with pedestrian access established between Starbucks and the main retail unit, the building requires to be set back from the car park, within an area of existing grass / perimeter landscaping. It should be stressed that the proposed site is the only remaining area of the retail park that could facilitate a new building, without presenting a loss of further car parking or a potential impediment to internal vehicular movements and circulation within the car park.

- 7.9 The Planning Service's reasoning for refusal suggests that the proposal is not ***“sited with due consideration for its context, having an uneasy relationship between the existing buildings and that proposed.”*** This statement conflicts with the reality of what is being proposed. The retail units would be sited directly adjacent to, and in line with, the neighbouring Starbucks unit. The rear of the proposed units would broadly align with the drive thru lane established at Starbucks and front directly onto the existing car park (Document PRO4). The siting of the retail units would provide a degree of visual symmetry when viewed from the north and in the context of the neighbouring Starbucks unit. Furthermore, a similar design and palette of materials is proposed for the retail units that would largely reflect those evident on the Starbucks unit, thereby consolidating the south western corner of the site and establishing a clear means for the two buildings to be read in conjunction with one another. Details of the elevational treatments are illustrated within the supporting drawings Document PRO5.
- 7.10 It is accepted that the proposal would result in the minor loss of a recently re-planted grass landscaping strip, as set out within the reasoning for refusal, however the weight attached to its *‘character’* and the *‘visual amenity’* it provides to the surrounding area must be questioned in the context of the wider site and recent planning history. This is deemed to be highly material to the consideration of the proposal and it is argued that when considered in addition to the wider economic benefits of the proposal, on balance, any conflict with LDP Policies D1: Quality Placemaking by Design and D2: Landscape would be sufficiently outweighed.
- 7.11 As outlined in paragraph 6.6 above, approval of the adjacent Starbucks Drive Thru established the removal of a larger area of perimeter landscaping from the site. Up until then, the perimeter landscaping had formed a largely defensible boundary and visually screened the site. It was largely unmanaged and overgrown. In order to mitigate the loss of the landscaping, the Starbucks application proposed improvements to the boundaries associated with the entire site through a revised landscaping and planting proposal. This was subsequently accepted and its implementation sought through a condition of the consent. The approved Landscaping plan associated with the Starbucks consent is included as Supporting Document PRO13.

7.12 Also provided below are photographs detailing the previous perimeter landscaping against what exists now under the recent improvements. This demonstrates that the layout and siting of the proposed retail unit would be appreciated in respect of the existing commercial units on site. The proposed building is of a high quality design and would provide a visual break to existing unrestricted views across a large expanse of car parking.



Figure 2: Perimeter landscaping April 2015 (pre-Starbucks consent)



Figure 3: Area of perimeter landscaping removed to accommodate Starbucks July 18 (post Starbucks consent)



Figure 4: View of application site and associated landscaping Oct 2015 (pre-Starbucks consent)



Figure 5: View of application site and revised landscaping March 19 (post Starbucks consent)

**Above images courtesy of Google*

- 7.13 LDP Policy D1 advocates that all development ensures a high standard of design and promotes well considered landscaping, which is proportionate to the scale and/or importance of the proposal. It should be noted that the small loss of perimeter landscaping should be considered in relation to the revised landscaping scheme submitted both for the appeal site, and the recently consented drive thru restaurant (Document PRO10). As well as introducing additional landscaping within the central area of the car park, which will add visual amenity and help to break up the large area of hardstanding, further improvements will be undertaken to the area immediately west of the appeal side, providing additional tree planting alongside Ikea. The existing beech hedge will also be retained to the rear of the proposed retail units and continue

along the southern boundary to the rear of Starbucks, softening any visual impact of the rear elevation of the retail units. Accordingly, considering the significant improvements previously made to the wider landscaping in and around the perimeter of the retail park as part of the Starbucks consent, as well as the more recent landscaping proposals submitted in support of the consented drive thru restaurant and proposed retail units, this demonstrates that any loss as a result of the proposals would be negligible and sufficiently mitigated.

- 7.14 The application must also be considered in the context of the wider economic benefits associated with the creation of new jobs, securing enterprise within the existing retail park and associated positive implications for the local economy. It is maintained that the wider economic benefits of the proposal, which adhere to the strategic aims of the Development Plan to grow and diversify the regional economy, would significantly outweigh the small loss of perimeter landscaping from an established business and commercial park. It is disappointing that the wider economic benefits of the proposed retail units do not appear to be considered within the Officer's Report of Handling (Document PRO8).
- 7.15 The proposals incorporate a high quality, contemporary design which will be sympathetic to the main retail unit and match the theme and finish already established by the Starbucks Drive Thru coffee shop. The proposed retail units have therefore been designed with due regard to the surrounding urban form of existing retail park and wider employment area, comprising numerous business and industrial facilities and will be well connected to a range of transportation opportunities as required by Policy D1 of the LDP. Landscaping should be considered in respect of the wider site and the significant improvements that have recently been made, as well as the additional improvements that will be introduced through the recent grant of consent for the drive thru restaurant, which would offset the loss of a small area of grass through consenting the retail units.
- 7.16 Similarly, with regard to Policy D2, the proposal has been informed by the existing landscape character of the established retail and surrounding business and industrial park. The landscaping proposals seek to retain the existing hedge to the southern boundary and include proposals to enhance the planting to the south of the IKEA unit. It is therefore maintained that the proposal provides a hard and soft landscaping scheme which is *'appropriate to the scale and character of the overall development'* as advocated by Policy D2. When considered in the context of previous improvements made to the site and the overarching economic benefits of the proposal, the Planning Service's decision should be overturned.
- 7.17 Finally, the Planning Service's reasoning for refusal also relies upon the Proposed LDP 2021, which was approved as the settled view of the Council on 2nd March 2020. It is however still of a relatively low materiality, given it is subject to ongoing public consultation and has yet to be examined by Scottish Ministers. Notwithstanding, Policy D1 – Quality Placemaking, rolls forward similar policy wording from Policy D1 of the extant LDP, which has been addressed in the preceding paragraphs. Proposed Policy D5 – Landscape requires development to be

designed with an effective and functional landscape framework and that applications are accompanied by a statement of landscape design objectives. Whilst the material weight applied to this proposed policy is currently low, the arguments set out in the preceding paragraphs are as equally applicable to any consideration against this proposed new Policy. The retail units subject to this review are of a small scale and landscape design must therefore be assessed with regard to the landscaping arrangement for the wider site and the general improvements that have recently been made following the consent of the neighbouring Starbucks. Factoring in the additional economic benefits that will arise through increasing the commercial offering within this popular retail park, through the two modest retail units the small loss of an existing area of grass along the southern boundary would be appropriately offset.

8.0 Conclusion

- 8.1 As has been demonstrated by the preceding arguments, the proposed development of two retail units accords with the overarching policies of the Development Plan. Wellington Circle Retail Park benefits from a retail allocation under Opportunity Site - OP110 as identified within the extant LDP, thereby constituting 'the right development in the right place', as advocated by SPP. The site occupies a prime location to the south of Aberdeen, with excellent visibility and transport links, both for sustainable modes of travel and the private car. The supporting information included with these applications demonstrates that the existing network can more than adequately cope with any additional traffic movements created by the development and there are no outstanding objections from any consultees.
- 8.2 In accordance with LDP Policy D1, the retail units incorporate a high quality, contemporary design which will be subservient to the main retail unit and closely match the design and finish already established by the Starbucks Drive Thru coffee shop unit. Contrary to the assertions made within the reasoning for refusal, the proposal has been sited with due consideration to its surrounding context, providing a natural infill development, finishing off the south western corner of the site and closely following the boundary of the neighbouring Starbuck's unit.
- 8.3 Whilst the proposal would result in the loss of a small area of perimeter landscaping along the southern boundary of the site, supplementary landscaping is proposed to the immediate west, in addition to a scheme of landscaping to be implemented within the central area of the car park, associated with the recent approval of a new restaurant and drive thru under planning reference 191587/DPP.
- 8.4 The two small retail units will bolster the existing commercial offering on site, adding to the vibrancy and vitality of the existing retail park, supplementing the established retail, leisure and coffee shop uses. This will provide a positive impact on the local economy, stimulating new enterprise and creating jobs, which would significantly outweigh the loss of a small area of grass situated along the existing southern boundary.

8.5 On the basis of all of the above it is respectfully requested that this Request for a Review is upheld and planning permission is granted to allow our client to progress with the delivery of this small scale retail proposal.

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