

Public Document Pack



To: Councillor Boulton, Chairperson; and Councillors Cameron and Reynolds.

Town House,
ABERDEEN 14 April 2021

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 **TUESDAY, 20 APRIL 2021 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 APPLICATION FOR ITEM 2.1

PLANNING ADVISER - GAVIN EVANS

2.1 Formation of Dormer to the Rear - 28 St John's Terrace Aberdeen - 201622 (Pages 7 - 28)

2.2 Delegated Report, Original Application Form and Decision Notice. (Pages 29 - 42)

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 201622.

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

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 45 - 54)

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 201622.

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 Approved

TO ASSESS THE APPLICATION AND MAKE A DECISION AS THIS APPLICATION WAS SUBMITTED DUE TO NON DETERMINATION OF THE APPLICATION FROM THE PLANNING AUTHORITY

PLANNING ADVISER - GAVIN EVANS

3.1 Erection of a detached house (change of house type of plot 2 of approved planning - Burnside Poultry Unit, Clinterty - 201359 (Pages 55 - 86)

3.2 Officer's Report to the LRB, Original Application Form and responses following statutory consultation (Pages 87 - 108)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 201359.

3.3 Planning Policies Referred to in Documents Submitted (Pages 109 - 110)

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent and responses received following consultation (Pages 111 - 162)

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 201359.

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 Application Approved

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

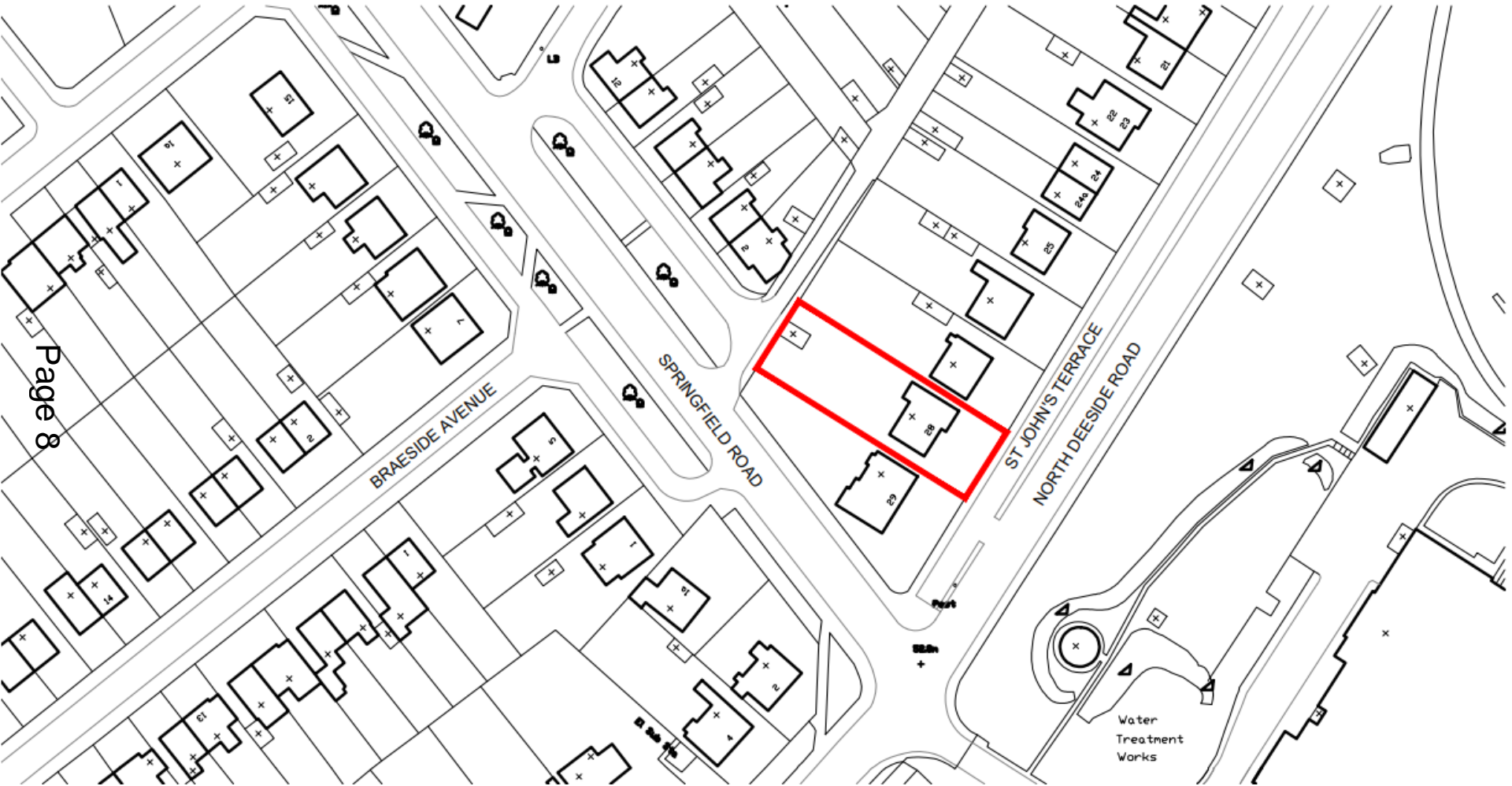


201622/DPP– Review against refusal of planning permission
for:

“Formation of dormer to rear”

at: 28 St John’s Terrace, Aberdeen

Location Plan



Location Plan (GIS)



Aerial Photo



Site Photo – Rear

Page 11

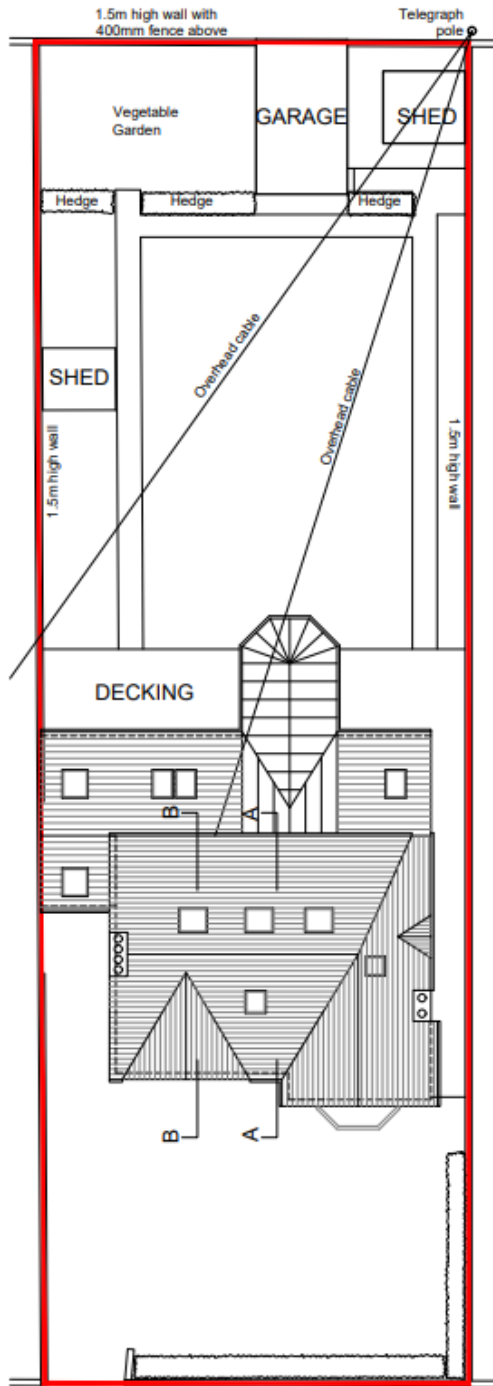


Street View Image – approach along Springfield Road (Oct 2020)

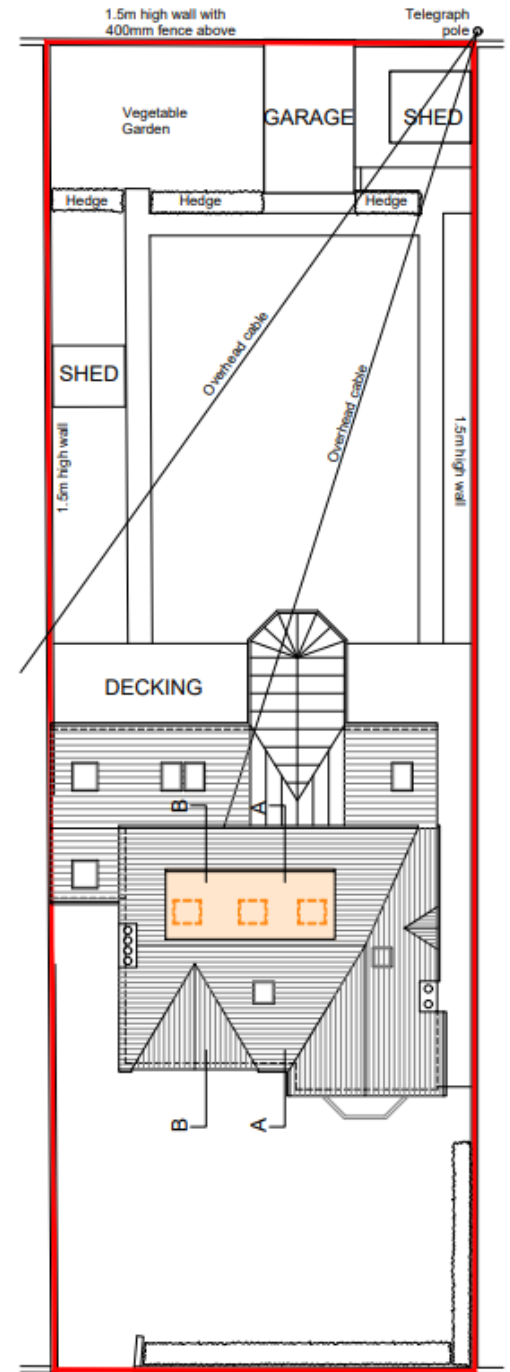
Page 12



Site Plan



EXISTING



PROPOSED

Rear elevation

EXISTING



PROPOSED



Side elevation

EXISTING



Page 15

PROPOSED
(PARTIAL)



Side elevation

Contractor prior to construction. Any discrepancies to be reported
Drawings to be read & fully understood before work commences
IF IN DOUBT - ASK

EXISTING



Page 16

PROPOSED
(PARTIAL)



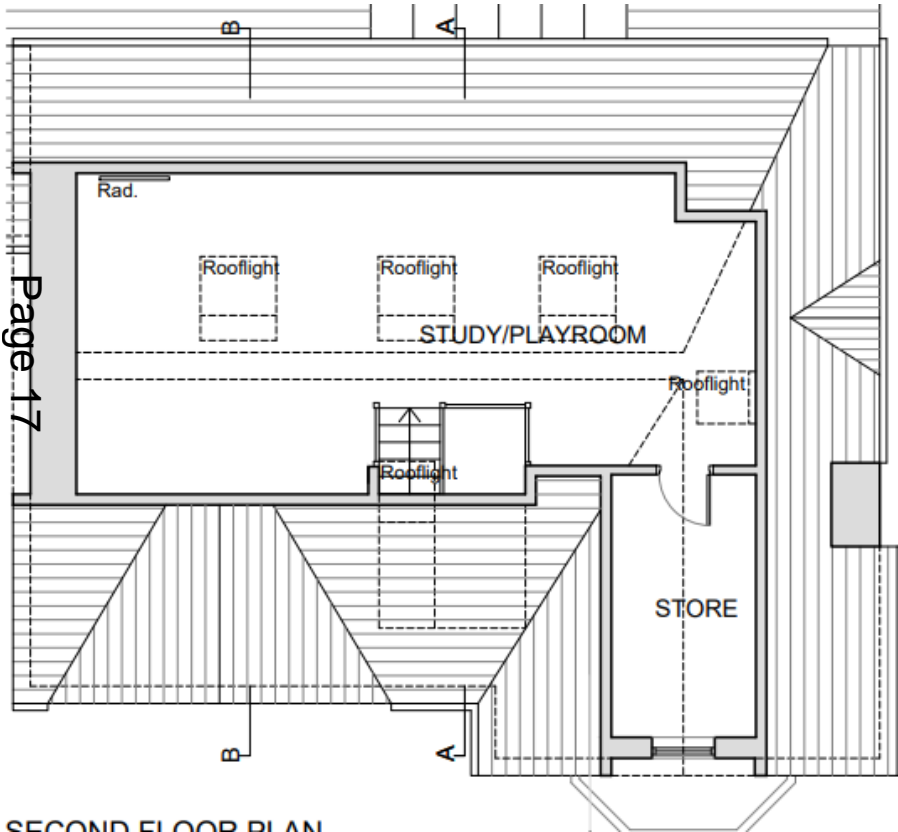
© COPYRIGHT ALBYN ARCHITECTS LTD

DO NOT SCALE OFF THIS DRAWING

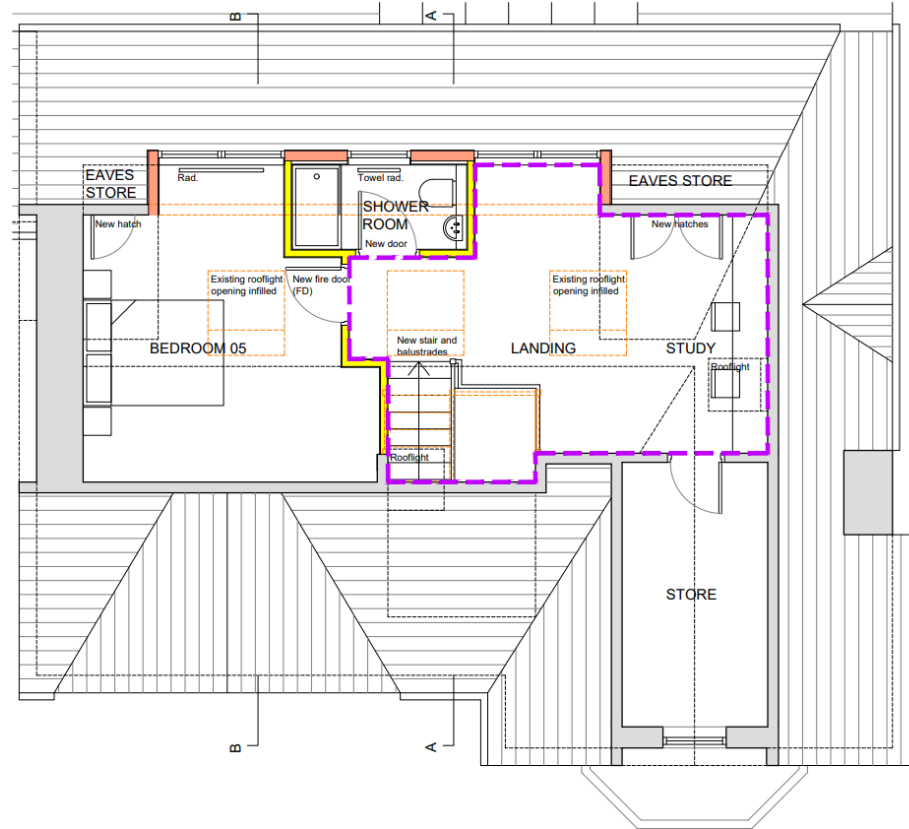
All dimensions, spot levels and existing positions to be checked on site by
Contractor prior to construction. Any discrepancies to be reported.
Drawings to be read & fully understood before work commences.
IF IN DOUBT - ASK.

Second Floor Plan

EXISTING

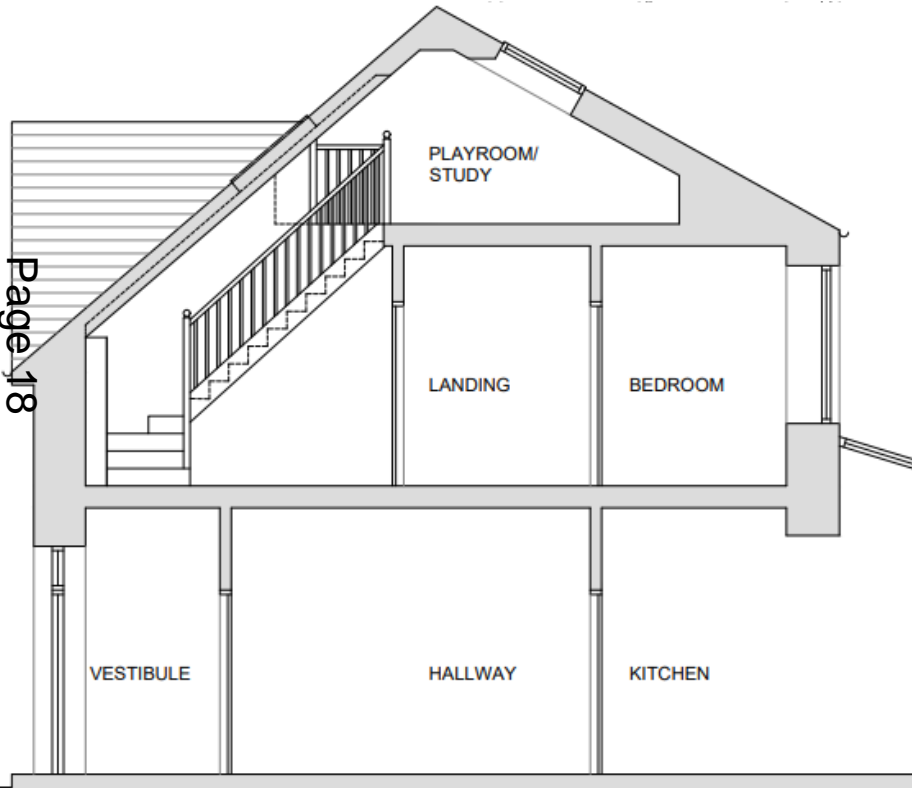


PROPOSED

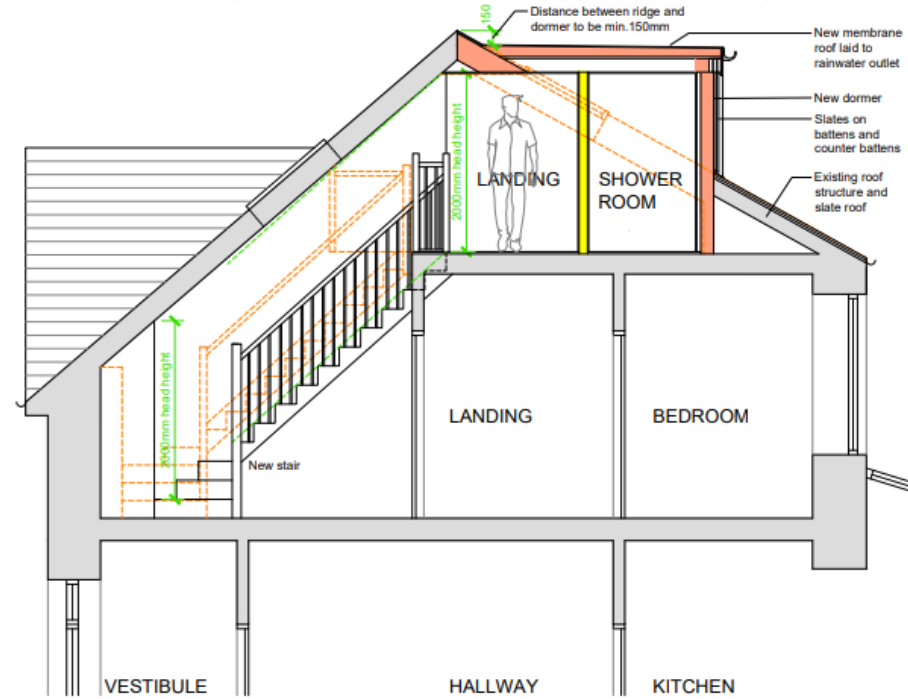


Section A-A

EXISTING



PROPOSED

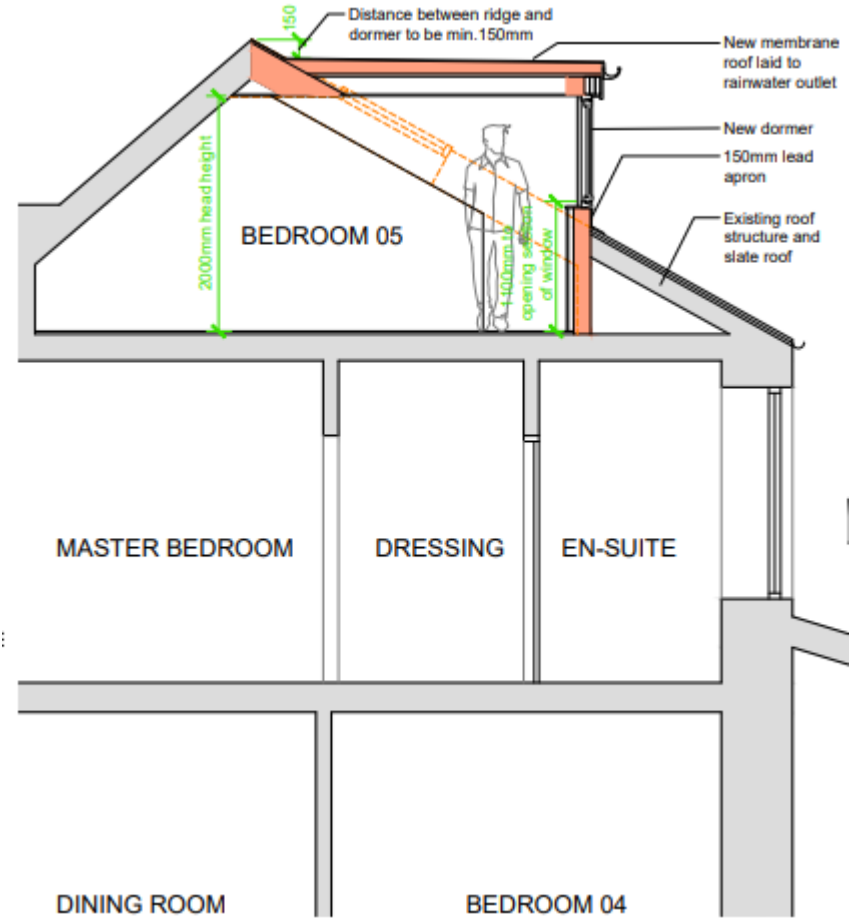
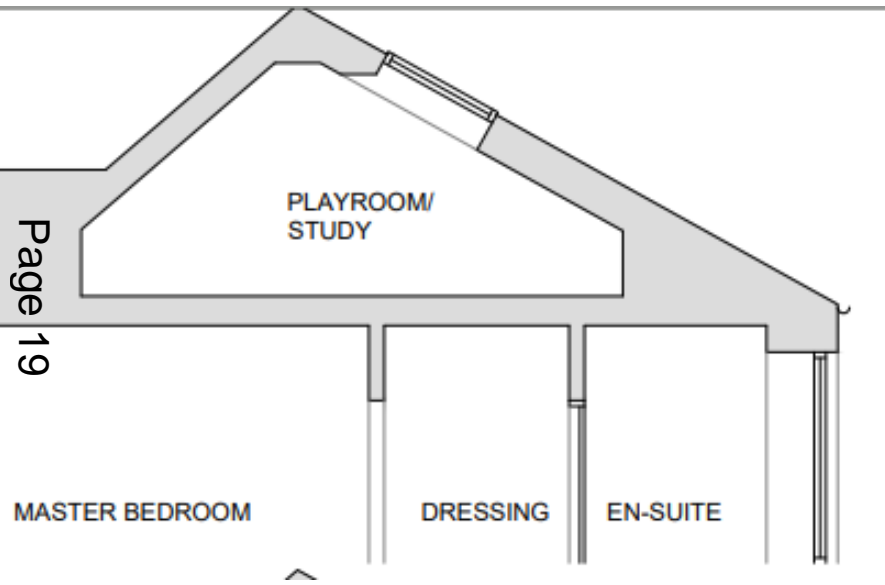


Section B-B

EXISTING

PROPOSED

Page 19



Reasons for Decision

- Dormer is not set an acceptable distance below the ridge line of the dwelling, giving the dormer an unbalanced and uncomfortably high appearance on the roof slope, which is a publicly visible elevation.
- The design, form and proportions would not be sympathetic to the traditional proportions and architectural style of the house, therefore having an unacceptable impact on the character and appearance of both the dwelling and surrounding area, taking special cognisance of its highly visible position when viewed from Springfield Road.
- The proposed dormer has therefore not been designed with due consideration for its surrounding context and would therefore fail to comply with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) and the associated Supplementary Guidance: Householder Development Guide of the Aberdeen Local Development Plan.
- Would also fail to comply with equivalent policies of the Proposed ALDP.
- No material planning considerations that would warrant approval of planning permission in this instance.

Applicant's Case

- Dormer extension is required to provide useable floor space on 2nd floor
- Contends that the dormer would sit on a substantial area of roof slope, and would not dominate the existing roof
- Considers that its design, form and proportions are sympathetic to the proportions and architectural style of the property
- Suggests that, due to the elevation above ground level, the relationship between the dormer and roof ridge would not be visible from street level
- Highlights that a previous planning approval (201192/DPP) permitted dormers which would be set at the same height on the roof slope (*image on next slide*)

Applicant's Case – Previous approval 201192/DPP

PREVIOUSLY APPROVED



Page 22

CURRENT PROPOSAL



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?

Householder Development Guidance

General Principles

- Proposals 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”*.
- No existing extensions, dormers or other alterations which were approved prior to the introduction of this supplementary guidance will be considered by the planning authority to provide justification for a development proposal which would otherwise fail to comply with the guidance set out in this document.
- New dormers should *“respect scale of the building and should not dominate, overwhelm or unbalance the original roof”*;
- In terraces or blocks of properties of uniform design where there are no existing dormers, the construction of new dormers will not be supported on the front or other prominent elevations (e.g. fronting onto a road);
- 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;

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.

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?

Points for Consideration:

Zoning: Does the proposal comply with the tests set out in policy H1 (Residential Areas)?

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?*

Does it accord with the principles set out for dormer windows in the 'Householder Development Guide'?

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

2. Do other material considerations (e.g. Proposed ALDP, SDP) weigh in favour of approval or refusal?

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

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Strategic Place Planning

Report of Handling

Site Address:	28 St John's Terrace, Aberdeen, AB15 7PH.
Application Description:	Formation of dormer to rear
Application Ref:	201622/DPP
Application Type:	Detailed Planning Permission
Application Date:	23 December 2020
Applicant:	Mr Jim Mitchell
Ward:	Airyhall/Broomhill/Garthdee
Community Council:	Braeside and Mannofield
Case Officer:	Gavin Clark

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is located on the north western side of St John's Terrace, a slip road running parallel with North Deeside Road, at its junction with Springfield Road, and is occupied by a two storey plus attic, substantial detached granite dwelling.

The dwelling has a single storey extension along the width of the rear elevation and conservatory, thereafter, located centrally. The attic has three skylights located on the rear roof elevation and one to the front. A single, rendered garage is located within the rear granite rubble boundary wall and is accessed from an unnamed lane and a large garden extends from the rear of the dwelling. The surrounding area is characterised by residential dwellings; traditional dormer bungalows are located either side of the property.

Relevant Planning History

Planning permission (Ref: 201192/DPP) was approved in December 2020 for the erection of dormers to the rear. This application was approved following the submission of acceptable plans regarding the design of the dormer. The current application relates to a previous iteration of the above proposal, which the Planning Authority did not find acceptable.

Planning permission (Ref: 141500) was granted in February 2015 for the formation of two dormers to the rear of the dwelling and the erection of a 1 ½ storey ancillary building within the rear curtilage of the property. This permission was not implemented and has since expired.

APPLICATION DESCRIPTION

Description of Proposal

The proposal seeks consent for the installation of a box dormer on the rear elevation of the property. Materials proposed would include slate to match the existing roof, and PVCu white windows.

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=QLR011BZFJP00>

CONSULTATIONS

Braeside and Mannofield Community Council – no response received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Aberdeen Local Development Plan (2017) (ALDP)

- H1: Residential Areas
- D1: Quality Placemaking by Design

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether – these matters have been subject to public consultation through the Main Issues Report; and, the level of objection raised in relation these matters as part of the Main Issues Report; and, the relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. The following policies are of relevance to the determination of this application: H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity).

Supplementary Guidance (SG)

- Householder Development Guide

EVALUATION

Principle of Development

The application site is in a residential area, under Policy H1 of the ALDP, and the proposal relates to householder development. Householder development would accord with this policy in principle if it does not constitute over development, adversely affect the character and amenity of the surrounding area, and it complies with the SG, in this case the Householder Development Guide (HDG). These issues are assessed in the below evaluation.

Design and Scale

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

The HDG has several criteria when assessing dormer extensions to the rear of residential properties, which are detailed as follows:

1. The aggregate area of all dormers should not dominate the original roof slope.
2. Dormer hafts should be a minimum of 400mm in from the inside face of the gable tabling.
3. 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.
4. Flat roofs on box dormers should be a reasonable distance below the ridge.
5. Windows should be located at both ends of box dormers.
6. A small apron may be permitted below a rear window; and
7. Solid panels between windows in box dormers may be permitted but should not dominate the dormer elevation.

In this instance, it is noted that the proposed dormer would comply with some elements of the above guidance given it would not dominate the original roof slope (criterion 1), would be set a minimum of 400mm in from the inside face of the gable (criterion 2), would be set back more than 400mm from the front edge of the roof (criterion 3), would have windows located at both ends of the dormer (criterion 5), no apron is proposed (criterion 6) and solid panels would not dominate the dormer elevation (criterion 7).

Where the proposal fails to comply with the above guidance is in relation to criterion 4, where dormers should be set a reasonable distance below the ridge. In this case the dormer would only be located 150mm below the ridge line and would give the dormer an unnatural and unbalanced appearance, appearing unnaturally and uncomfortably high on the roof slope of the dwelling. This design would not be sympathetic to the traditional proportions and architectural style of the house. The pitch of the roof slope on the rear of the house is relatively shallow meaning that it cannot comfortably accommodate a dormer of this scale and form that would comply with all the criteria specified in the HDG. The dormer would also be highly visible from Springfield Road (when travelling south from its junction from Gordon Road), a significant busy road within Aberdeen, thereby having an adverse impact on the character and appearance of the surrounding area. The siting of the dormer is therefore considered to be to such an adverse extent that would warrant refusal of planning permission. The Planning Authority advised these views on the previous proposal 201192/DPP and managed to get an alternative dormer design that would comply with the general provisions of the HDG. The proposal therefore fails to comply with Policies H1 and D1 of the ALDP and the associated SG: Householder Development Guide.

Amenity

The proposed dormer would not adversely affect the level of privacy afforded to any neighbouring residential property, due to its size, orientation and design to an unacceptable degree. There are no properties that the dormers would face directly to the rear, and whilst the two additional windows would result in additional overlooking of adjacent rear gardens (currently there is only one bedroom window to the rear at first floor and the proposal would result in three windows with clear glass), the additional overlooking would not be to such an extent that would warrant refusal of planning permission on this aspect of the proposal. The proposal, with regard to the issue of residential amenity, is therefore considered to comply with Policies H1 and D1 of the ALDP, Policies H1, D1 and D2 of the PALDP.

Proposed Aberdeen Local Development Plan

In relation to this proposal, policies H1 and D1 of the Proposed Aberdeen Local Development Plan 2020 substantively reiterate policies H1 and D1 in the adopted ALDP. Policy D2 (Amenity) is a new policy in the Proposed ALDP with no direct equivalent in the adopted ALDP. Policy D2 seeks to ensure that where new developments are proposed that a satisfactory level of amenity would be created for the new occupants of residential development, but also that all development would ensure that the amenity of existing residential properties would not be adversely affected. In this regard, the proposal remains unacceptable for the reasoning described above and as a result the proposal would fail to comply with Policies H1 and D1 of the Proposed Aberdeen Local Development Plan for similar reasons.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed dormer is not set an acceptable distance below the ridge line of the dwelling, giving the dormer an unbalanced and uncomfortably high appearance on the roof slope, which is a publicly visible elevation. The design, form and proportions would not be sympathetic to the traditional proportions and architectural style of the house, therefore having an unacceptable impact on the character and appearance of both the dwelling and surrounding area, taking special cognisance of its highly visible position when viewed from Springfield Road. The proposed dormer has therefore not been designed with due consideration for its surrounding context and would therefore fail to comply with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) and the associated Supplementary Guidance: Householder Development Guide of the Aberdeen Local Development Plan. The proposal would also fail to comply with Policies D1 (Quality Placemaking) and H1 (Residential Areas) of the Proposed Aberdeen Local Development Plan for similar reasons. There are no material planning considerations that would warrant approval of planning permission in this instance.



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 100311813-002

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.

Description of Proposal

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

Dormer extension

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

No Yes - Started Yes – Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Albyn Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Architects	Building Name:	Bonnymuir House
Last Name: *	Ltd	Building Number:	267A
Telephone Number: *	01224 630163	Address 1 (Street): *	Westburn Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB25 2QH
Email Address: *	ian@albrynarchitects.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: *	Jim	Building Number:	28
Last Name: *	Mitchell	Address 1 (Street): *	St. John's Terrace
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB15 7PH
Fax Number:			
Email Address: *	info@albrynarchitects.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

28 ST JOHN'S TERRACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 7PH

Please identify/describe the location of the site or sites

Northing

804074

Easting

391439

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Architects Ltd

On behalf of: Mr Jim Mitchell

Date: 22/12/2020

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: Albyn Architects Ltd

Declaration Date: 29/09/2020

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Architects Ltd
Albyn Architects
Bonnymuir House
267A Westburn Road
Aberdeen
AB25 2QH

on behalf of **Mr Jim Mitchell**

With reference to your application validly received on 23 December 2020 for the following development:-

Formation of dormer to rear at 28 St John's 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
001	Location Plan & Floor Plans (Existing)
101 REV A	Site Plan & 2nd Floor Plan (Proposed)
102	Ground and First Floor Plans (Proposed)
201 REV A	Elevations and Sections (Proposed)

REASON FOR DECISION

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

The proposed dormer is not set an acceptable distance below the ridge line of the dwelling, giving the dormer an unbalanced and uncomfortably high appearance on the roof slope, which is a publicly visible elevation. The design, form and proportions

would not be sympathetic to the traditional proportions and architectural style of the house, therefore having an unacceptable impact on the character and appearance of both the dwelling and surrounding area, taking special cognisance of its highly visible position when viewed from Springfield Road. The proposed dormer has therefore not been designed with due consideration for its surrounding context and would therefore fail to comply with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) and the associated Supplementary Guidance: Householder Development Guide of the Aberdeen Local Development Plan. The proposal would also fail to comply with Policies D1 (Quality Placemaking) and H1 (Residential Areas) of the Proposed Aberdeen Local Development Plan for similar reasons. There are no material planning considerations that would warrant approval of planning permission in this instance.

Date of Signing 26 January 2021



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

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

None.

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

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

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

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

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

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

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

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Aberdeen Local Development Plan (ALDP)

- H1: Residential Areas;
- D1: Quality Placemaking by Design;

Supplementary Guidance

Householder Development Guide

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

Other Material Considerations

Aberdeen City and Shire Strategic Development Plan (2020) (SDP)

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 100311813-003

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:	Albyn Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Architects	Building Name:	Bonnymuir House
Last Name: *	Ltd	Building Number:	267A
Telephone Number: *	01224 630163	Address 1 (Street): *	Westburn Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB25 2QH
Email Address: *	ian@albynarchitects.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="Jim"/>	Building Number:	<input type="text" value="28"/>
Last Name: *	<input type="text" value="Mitchell"/>	Address 1 (Street): *	<input type="text" value="St. John's Terrace"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 7PH"/>
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="28 ST JOHN'S 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="AB15 7PH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="804074"/>	Easting	<input type="text" value="391439"/>
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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)

Formation of dormer to rear

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.

See uploaded 'M026_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)

M026_Appeal Statement

Application Details

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

201622/DPP

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

23/12/2020

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

26/01/2021

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Albyn Architects Ltd

Declaration Date: 25/02/2021

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Albyn Architects Ltd
Bonnymuir House
267A Westburn Road
Aberdeen
AB25 2QH

01224 630163
www.albynarchitects.co.uk

PLANNING APPLICATION 201622/DPP

**FORMATION OF DORMER TO REAR
AT
28 ST. JOHN'S TERRACE, ABERDEEN**

**APPEAL STATEMENT
ON BEHALF OF
MR. J. MITCHELL**

1. Introduction

1.1 Planning application ref: 201622/DPP was submitted to Aberdeen City Council on 23 December 2020, seeking planning permission for the formation of a dormer to the rear of the existing house. This dormer extension is required to provide useable floor space on the 2nd floor level of the house.

2. Reasons for Refusal

2.1 The following paragraphs look at the reasons for refusal given in the decision notice, demonstrating how the application does not conflict with the design guidance.

2.2 The above application was refused, with the following reasons stated on the refusal: -
“The proposed dormer is not set an acceptable distance below the ridge line of the dwelling, giving the dormer an unbalanced and uncomfortably high appearance on the roof slope, which is a publicly visible elevation. The design, form and proportions would not be sympathetic to the traditional proportions and architectural style of the house, therefore having an unacceptable impact on the character and appearance of both the dwelling and surrounding area, taking special cognisance of its highly visible position when viewed from Springfield Road. The proposed dormer has therefore not been designed with due consideration for its surrounding context and would therefore fail to comply with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) and the associated Supplementary Guidance: Householder Development Guide of the Aberdeen Local Development Plan. The proposal would also fail to comply with Policies D1 (Quality Placemaking) and H1 (Residential Areas) of the Proposed Aberdeen Local Development Plan for similar reasons. There are no material planning considerations that would warrant approval of planning permission in this instance.”

2.3 Addressing the issue of design, form and proportions.

The roof of the house is substantial, at an area of 56sqm. The proposed frontage of the dormer is 9.5sqm. Therefore, the proposed dormer does not dominate the existing roof, with the design, form and proportions of the proposed dormer being sympathetic to the traditional proportions and architectural style of the house.

See below West Elevation showing the proposed dormer, in relation to the size of the existing roof.



2.4 Addressing the issue of the position of the dormer in relation to the ridge.

The level of the ridge is 9m above the ground level. The connection of the dormer to the ridge will not be visible from street level. See below photograph taken from ground level.



2.5 Addressing the issue of the position of the dormer in relation to the ridge and visibility from Springfield Road.

A previous planning application ref: 201192/DPP for the Formation of dormers to the rear was granted planning permission on 3 December 2020. This application was granted planning permission on the following basis: -

“The proposed alterations would be architecturally compatible in design and scale with the original dwelling and the surrounding area and would not adversely affect the character and amenity of the surrounding area to such an extent that would warrant refusal of the current application. The proposal would therefore comply with Policies D1 - Quality Placemaking by Design and H1 - Residential Areas of the Aberdeen Local Development Plan, and the associated Supplementary Guidance: Householder Development Guide. There are no material planning considerations that warrant refusal in this instance. The proposal would also comply with Policies D1 - Quality Placemaking, D2 - Amenity and H1 - Residential Areas of the Proposed Aberdeen Local Development Plan. There are no material planning considerations that would warrant refusal of consent in this instance.”

See below the approved West Elevation showing the proposed dormer is set at the same height as the refused application.



3. Conclusion

- 3.1 For the reasons stated above, we believe the reasons given for the refusal of the application are not justified. Therefore, the appeal should be allowed and the application for the formation of the dormer approved.

LOCAL REVIEW BODY



201359/DPP– Review against refusal of planning permission for:

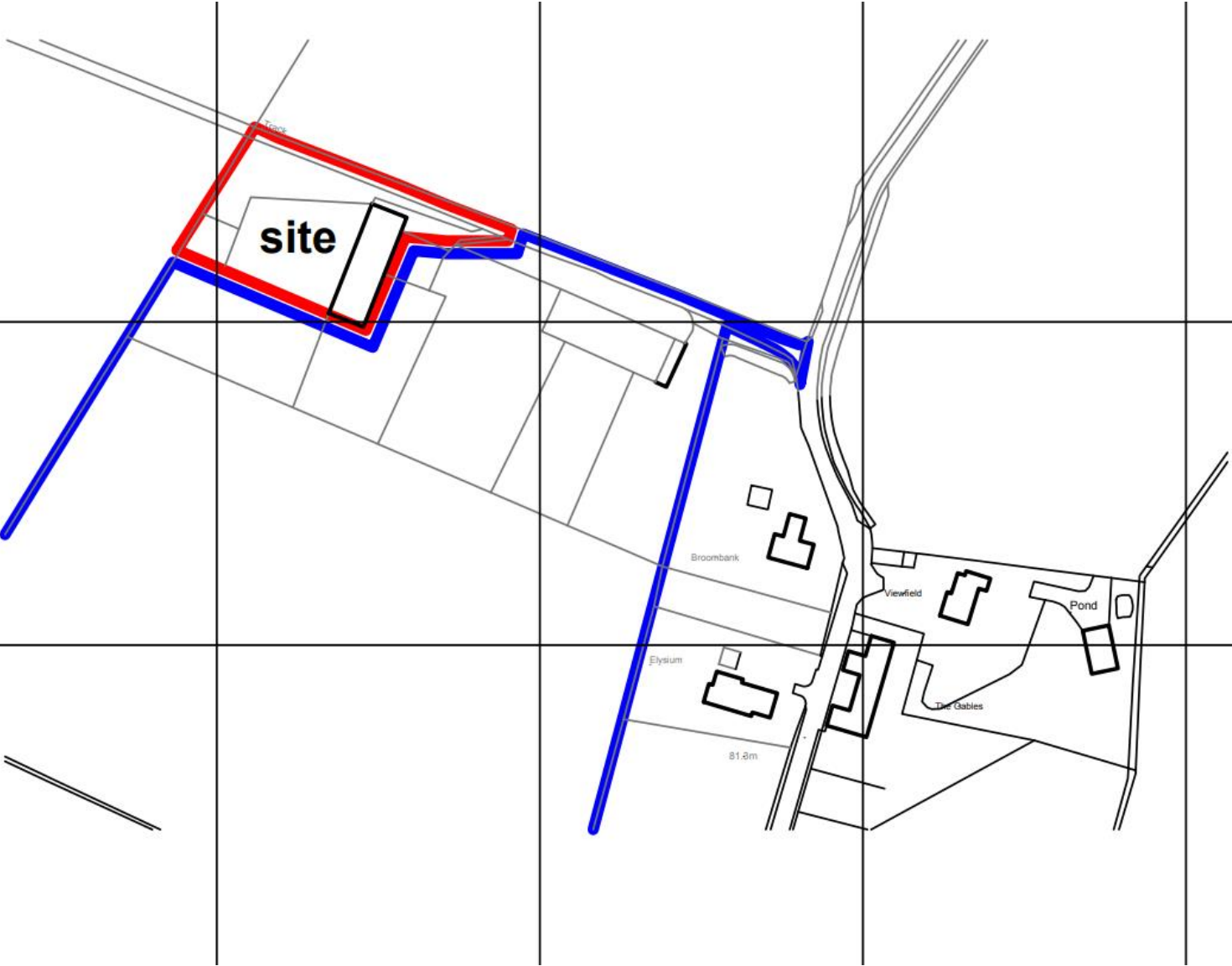
Erection of a detached house (change of house type of plot 2 of approved planning application Ref 170395/DPP)

Burnside Poultry Unit, Clinterty, Aberdeen

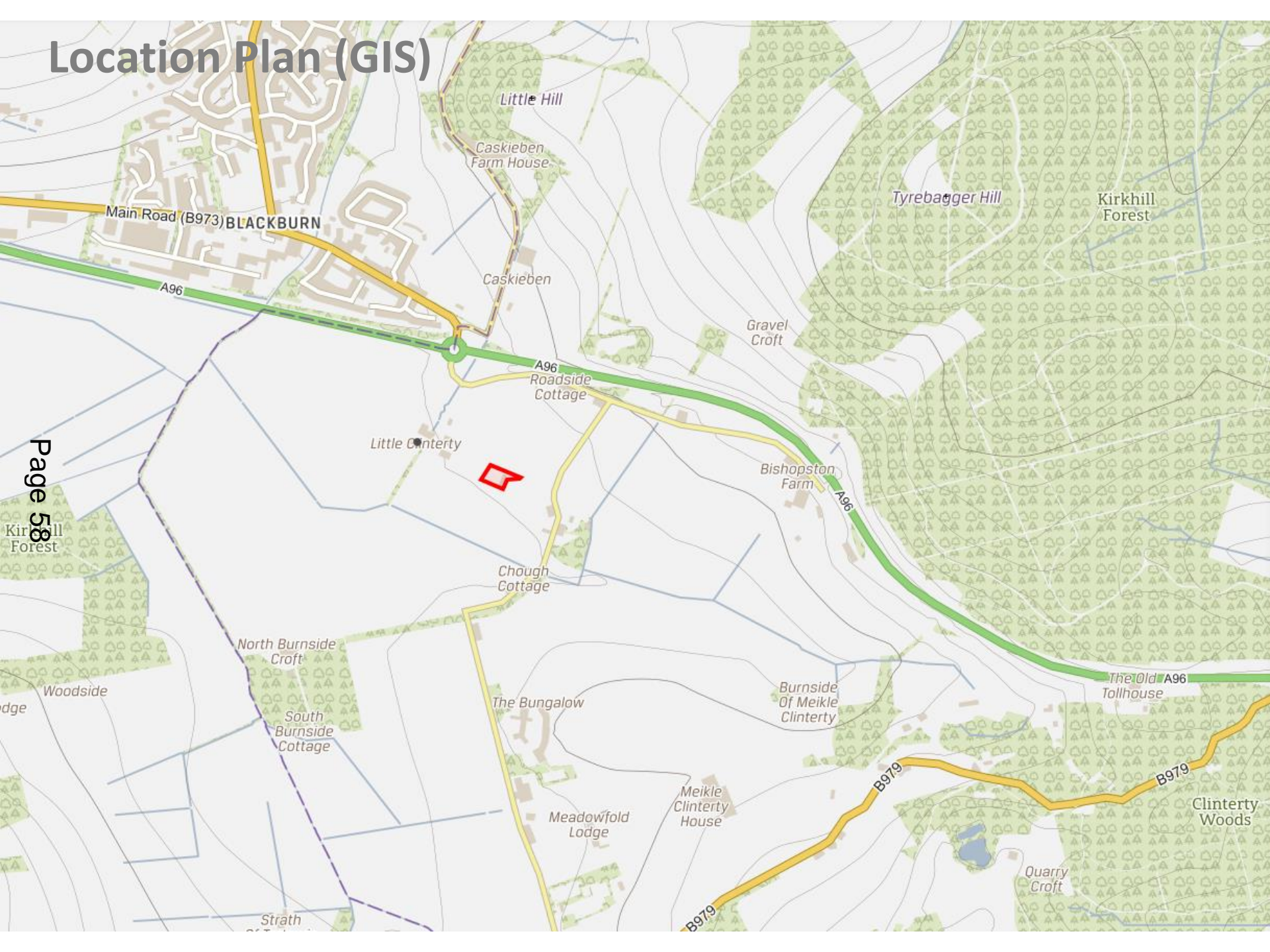
Location Plan



Location Plan



Location Plan (GIS)



Aerial Photo (GIS)



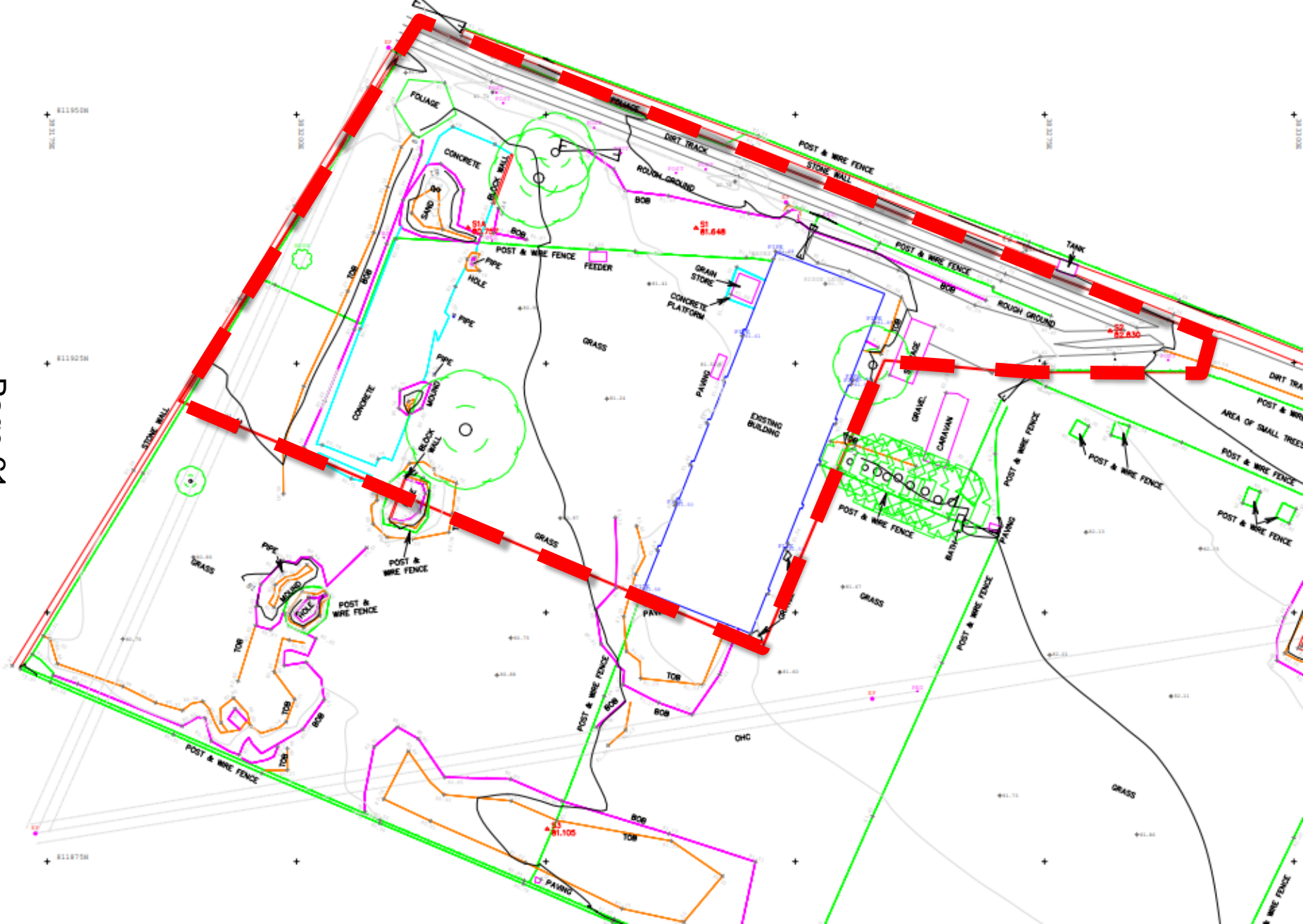
Aerial Photo



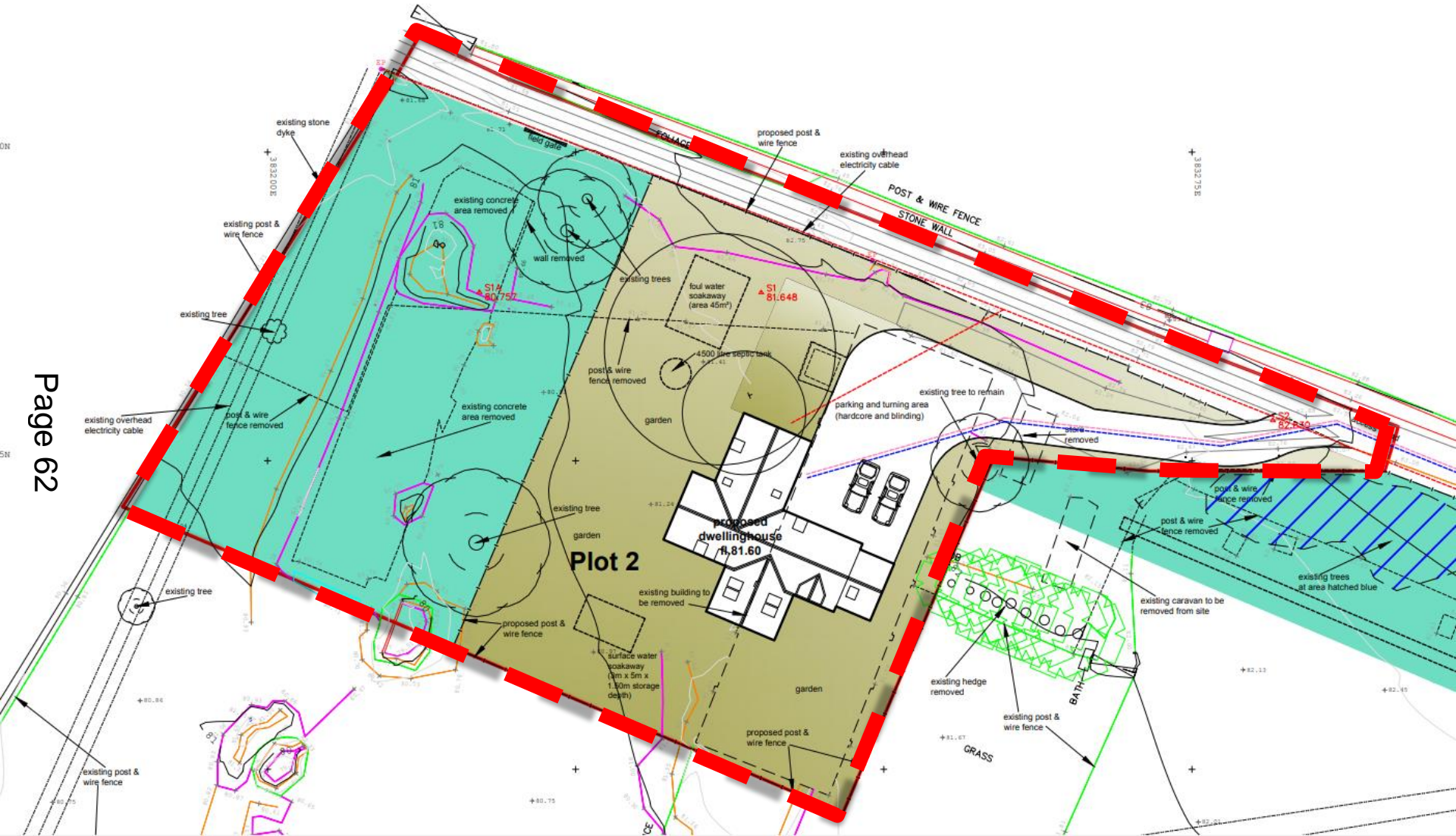
Page 60

40m
70 Meters

Site Plan as Existing



Site Plan as Proposed



Block Plan

(shown alongside other dwelling approved by 170395/DPP)



Page 63

- water supply pipe
- telephone service cable
- electric service cable

- PROPOSED BLOCK PLAN (1-200) -

PROPOSED ERECTION OF
DWELLINGHOUSE AT PLOT 2,
BURSIDIC, BLACKBURN,
ABERDEEN

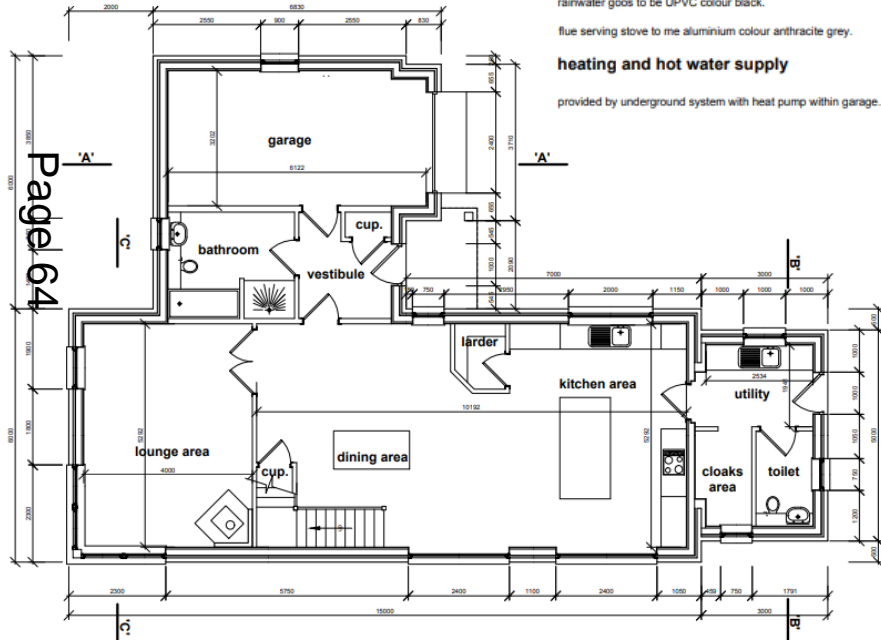


Scale - 1-200

Date - October 2020

paper
A0

Proposed Ground Floor Plan



external finish

external walls to be rendered with K-rend smooth cement render colour white and larch timber linings with a clear stain finish.

roof to be natural slate.

fascia boards and soffits to be UPVC colour anthracite grey.

windows and doors to be timber aluminium clad colour anthracite grey.

garage door to be metal colour anthracite grey.

rooflights to be velux, colour anthracite grey.

rainwater goos to be UPVC colour black.

flue serving stove to be aluminium colour anthracite grey.

heating and hot water supply

provided by underground system with heat pump within garage.

external finish

external walls to be rendered with K-rend smooth cement render colour white and larch timber linings with a clear stain finish.

roof to be natural slate.

fascia boards and soffits to be UPVC colour anthracite grey.

windows and doors to be timber aluminium clad colour anthracite grey.

garage door to be metal colour anthracite grey.

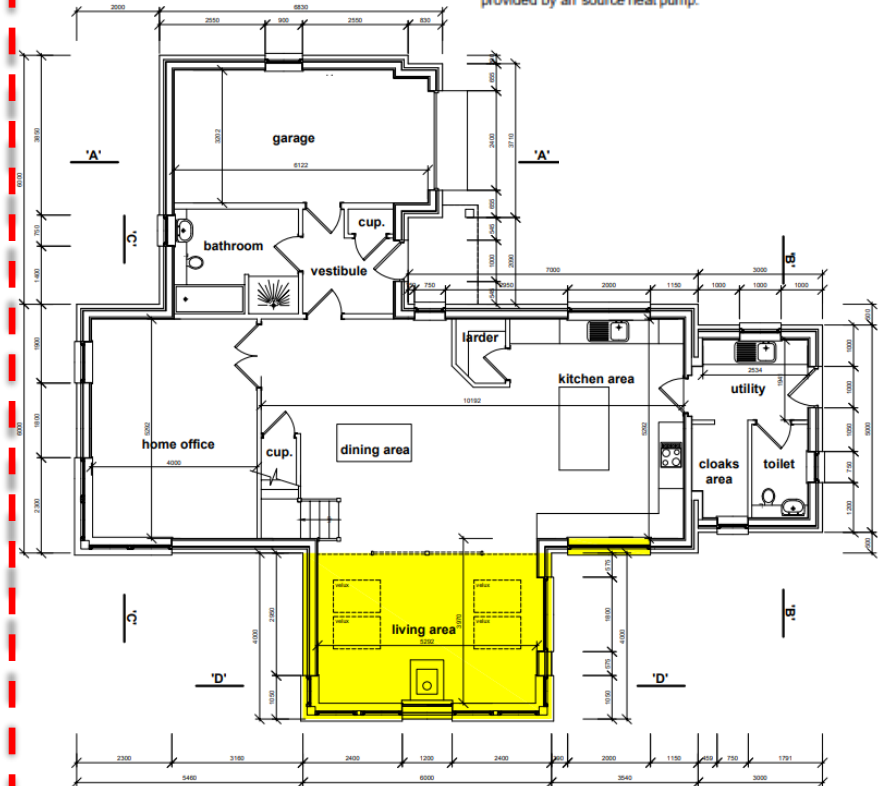
rooflights to be velux, colour anthracite grey.

rainwater goos to be UPVC colour black.

flue serving stove to be aluminium colour anthracite grey.

heating and hot water supply

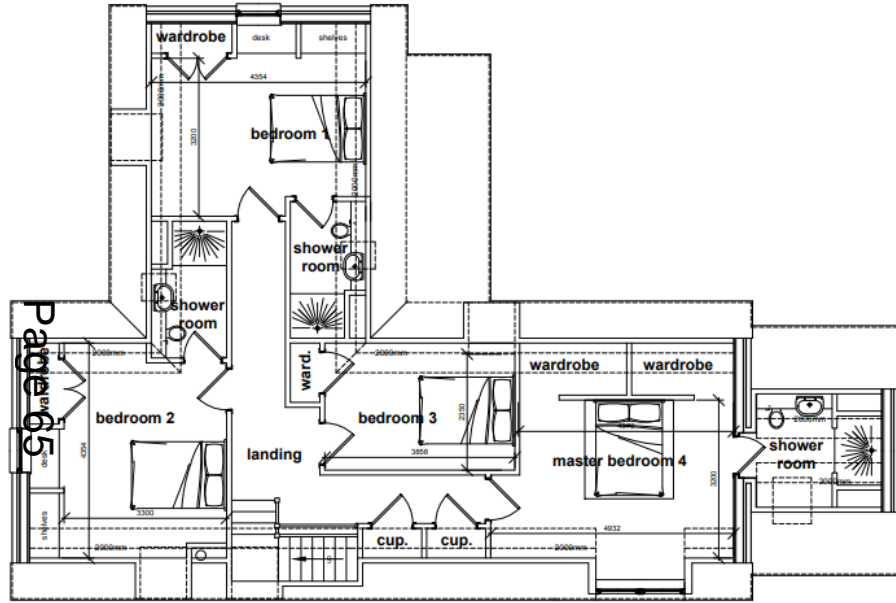
provided by air source heat pump.



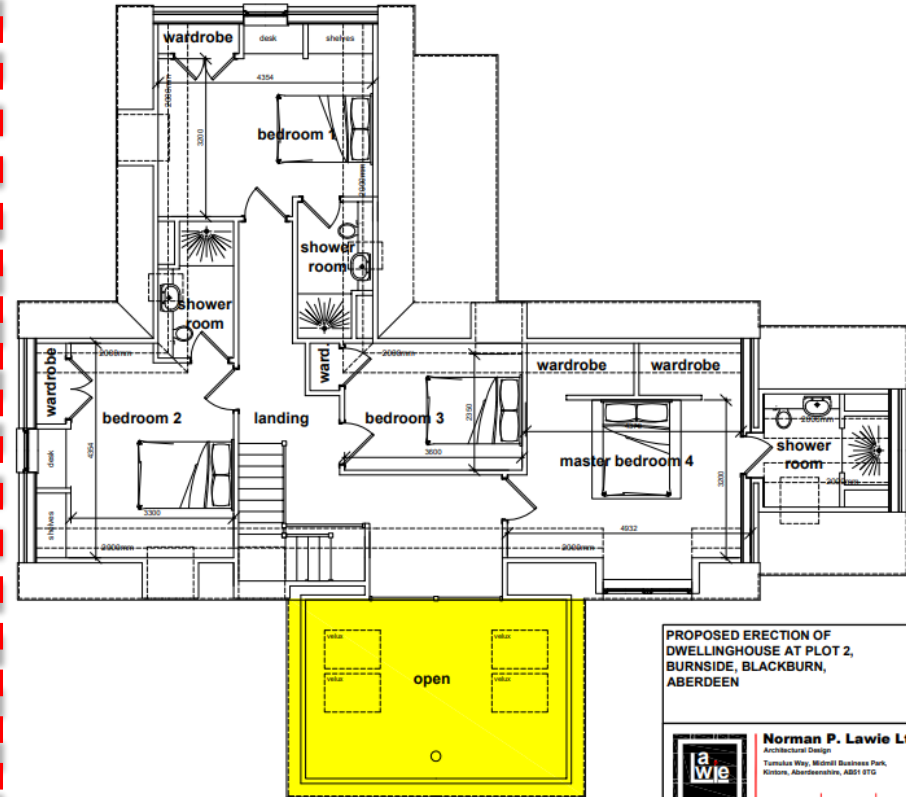
AS APPROVED

CURRENT PROPOSAL

Proposed First Floor Plan



AS APPROVED



CURRENT PROPOSAL

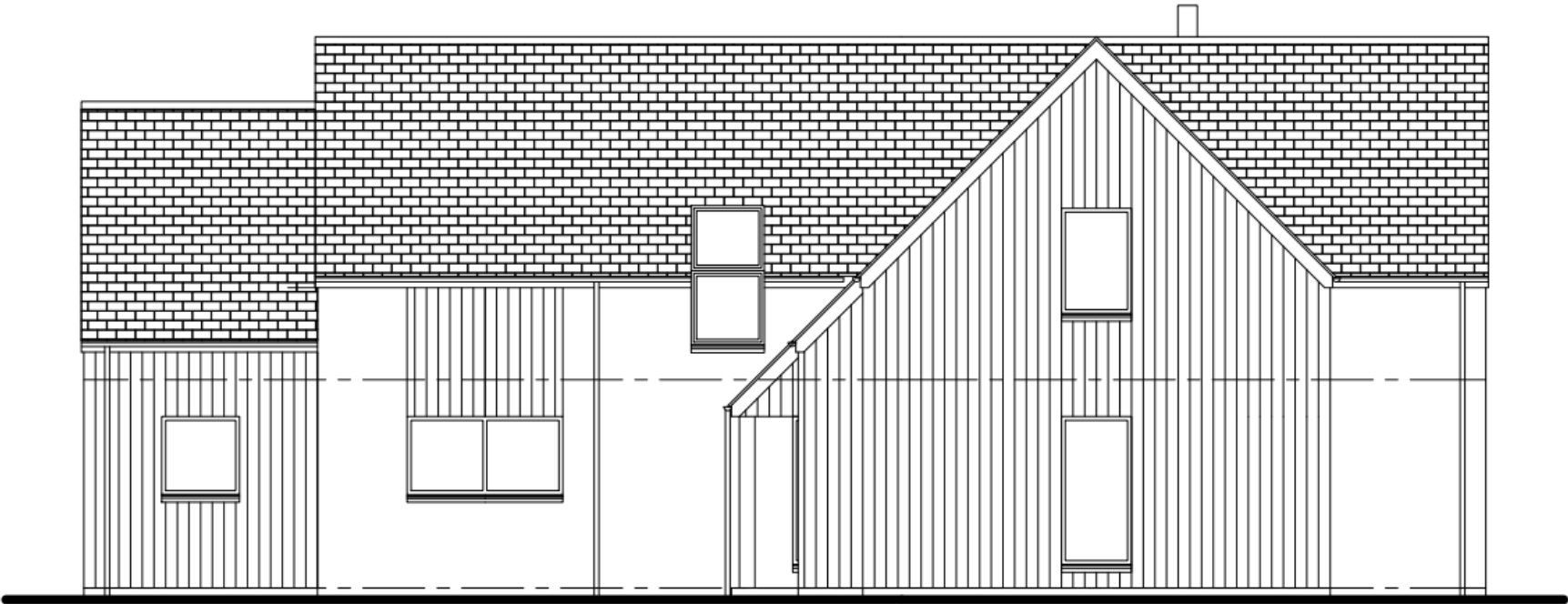
PROPOSED ERECTION OF
DWELLINGHOUSE AT PLOT 2,
BURNSIDE, BLACKBURN,
ABERDEEN



Norman P. Lawie Ltd
Architectural Design
Tannock Way, Millmill Business Park,
Kilwin, Aberdeen, AB51 8TG
info@nwpl.co.uk | 01487 422 984 | www.nwpl.co.uk

Proposed North Elevation (no change)

Page 66

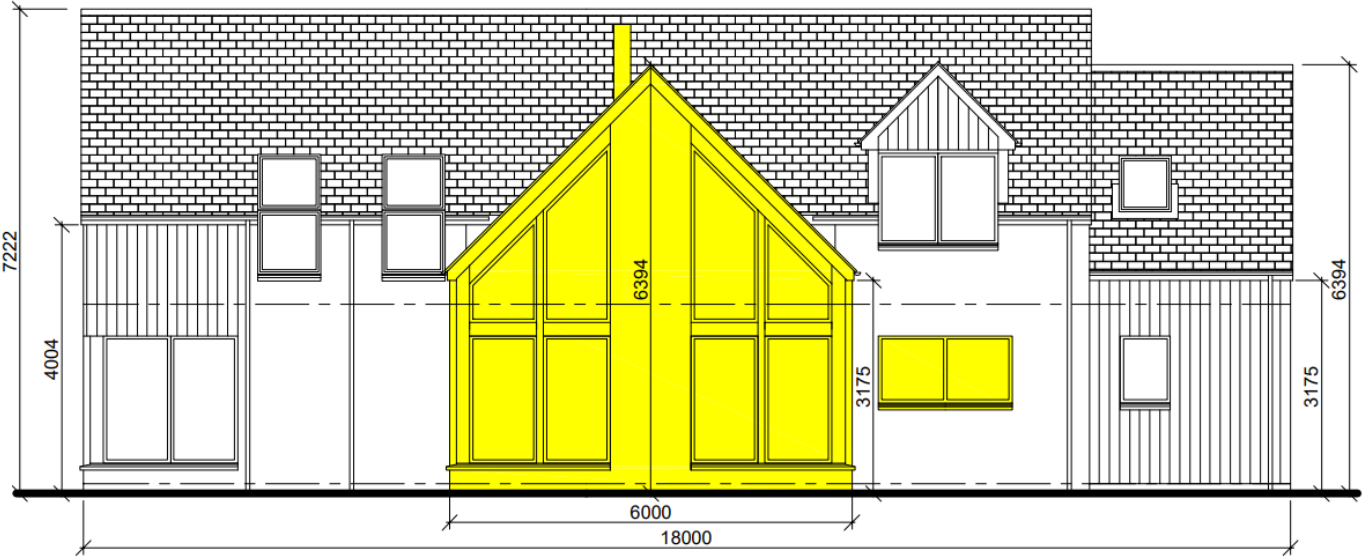


Proposed South Elevation



AS APPROVED

Page 67



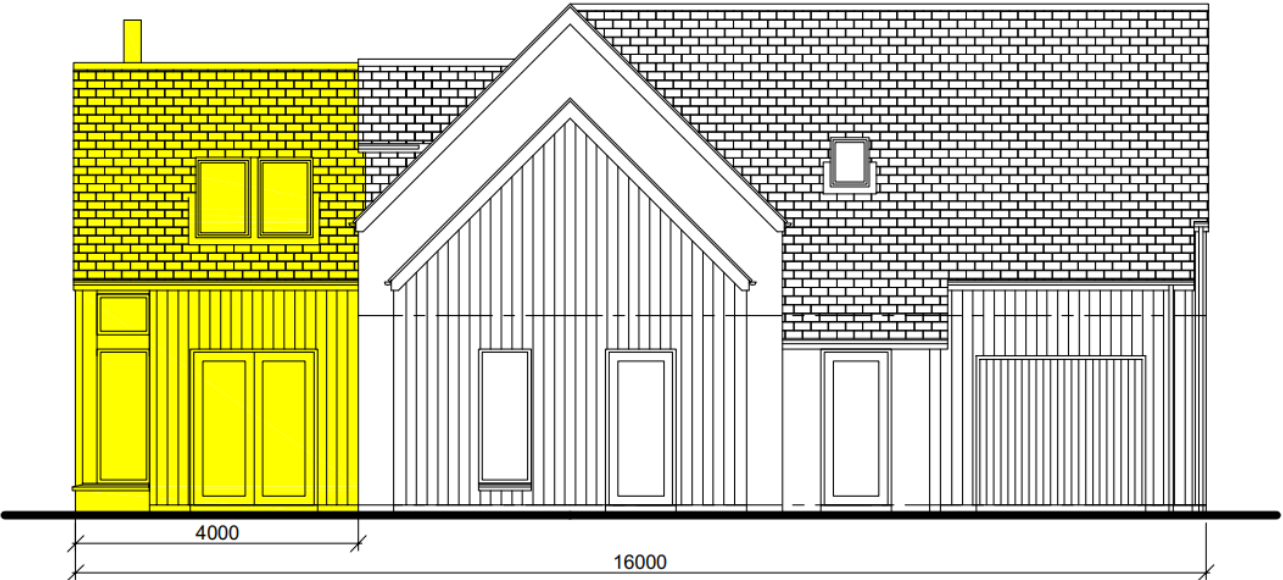
CURRENT PROPOSAL

Proposed East Elevation



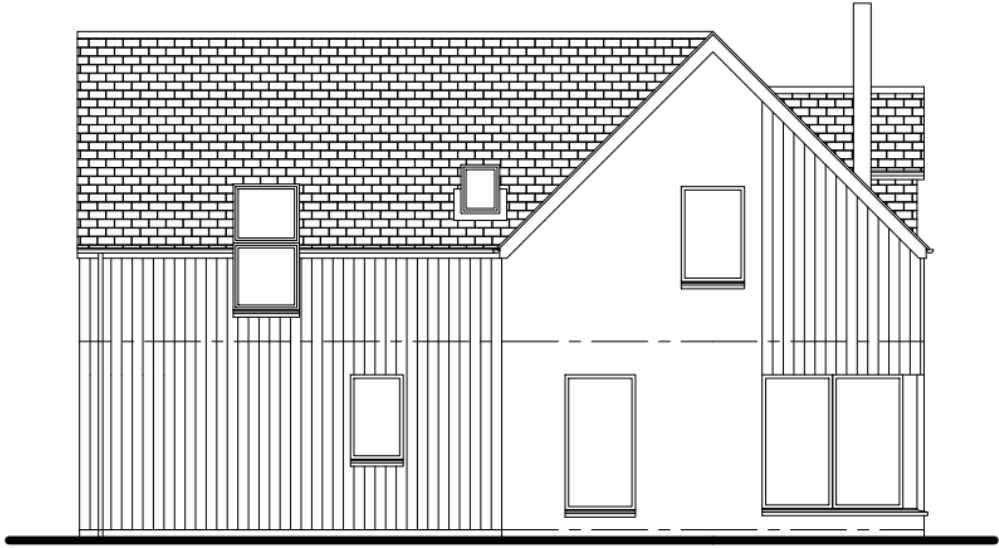
AS APPROVED

Page 68



CURRENT PROPOSAL

Proposed West Elevation



AS APPROVED

Page 69



CURRENT PROPOSAL

Reasons for Appointed Officer Recommendation

Report provided to LRB indicates that appointed officer would intend to approve subject to conditions. Reasons as follows:

- Notwithstanding the conflict with Green Belt (NE2) and Transport policies (T2 and T3) in the Aberdeen Local Development Plan 2017 (ALDP), given the previous approval and the minor nature of the changes, this policy conflict is not considered to warrant refusal of the application.
- The proposal would not result in any significant intensification of use or change of travel patterns relative to the planning approval.
- The proposed revised house design is considered to accord with ALDP policy D1: Quality Placemaking by Design.
- Conditions can be imposed in order to address the expectations of ALDP policy NE5: Trees and Woodland; NE6: Flooding, Drainage & Water Quality; D1: Quality Placemaking by Design; D2: Landscape; and R7: Low & Zero Carbon Build & Water Efficiency

Applicants' Case

- Application introduces a modest extension to the previously approved house type (permission obtained via LRB ref 170395/DPP)
- Highlights that the original duration of that consent was extended by coronavirus-related changes to legislation, therefore the consent remains 'live'
- All pre-commencement conditions had been addressed prior to development being undertaken
- Demolition and site clearance works commenced in Oct 2020
- Validation Report relating to site contamination is enclosed, confirming that contaminants removed and soil samples tested
- A trench was dug for foundations in Jan 2021 (photo enclosed), therefore preventing expiry of the existing permission
- The additional space proposed would allow for home working needs to be met
- Contends that the application relates to a change of house type only, and therefore other matters need not be revisited

Applicants' Case

- Specifically, it seems unreasonable for Roads DM Team to express concern regarding access and refuse collection arrangements when these matters had already been reviewed with no objections by the same team in the course of the earlier application
- Highlights that waste arrangements in relation to the existing permission had been agreed with ACC Waste Management Team
- Consultation with Waste Team on the current application delayed determination of the application unreasonably, however no concerns were raised in any case
- Considers the case officer's suggestion of new or additional conditions unreasonable in the context of the existing live permission
- Considers the case officer's request for drainage information unreasonable when this had already been approved in connection with conditions attached to the earlier consent
- Highlights that the case officer confirmed in correspondence that the changes to the approved house design appeared to be 'non-contentious' and did not appear to conflict with ALDP policy D1

Applicants' Case

In response to publication of the case officer's report to the LRB, the applicant has provided further comments (included in full in agenda pack).

Main points as follows:

- Disputes the extent of the application site;
- Considers that conditions 2, 3, 4 and 5, as set out in the case officer's report to the LRB are unnecessary, and that it would be 'unreasonable and illogical' to apply them to any new permission given those matters were already addressed in connection with the earlier permission;
- No issue taken with the proposed conditions 1, 6 and 7 (per case officer report to LRB);
- Should members be minded to grant permission, it is requested that the conditions applied to the earlier permission be *'adopted without the need for further submissions on those matters'*.

Policy NE2 (Green Belt)

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

Green Belt

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

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

Policy NE2 (Green Belt)

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

Policy D1 (Quality Placemaking by Design)

Policy D1 - Quality Placemaking by Design

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

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

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

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

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

Policy 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

NE5: Trees and Woodlands

- Presumption against development that would result in the loss of, or damage to, trees and woodlands that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation.
- Buildings and services should be sited so as to minimise adverse impacts on existing and future trees.
- Measures should be taken for the protection and long-term management of existing trees and new planting, both during and after construction.
- Applications affecting trees to include details of tree protection measures, compensatory planting etc.

Policy NE6 (Flooding, Drainage and Water Quality)

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

Development will not be permitted if:

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

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

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

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

Policy R2 (Degraded and Contaminated Land)

Policy R2 - Degraded and Contaminated Land

The City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use. This may involve undertaking site investigations and risk assessments to identify any actual or possible significant risk to public health or safety, or to the environment, including possible pollution of the water environment, that could arise from the proposals. Where there is potential for pollution of the water environment the City Council will liaise with SEPA. The significance of the benefits of remediating a contaminated site, and the viability of funding this, will be taken into account when considering proposals for the alternative use of such sites.

Policy R6 (Waste Management Requirements for New Development)

Policy R6 - Waste Management Requirements for New Development

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

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

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

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

Low and Zero Carbon Buildings

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

This requirement does not apply to:

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

Water Efficiency

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

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

Points for Consideration:

Principle: Does Green Belt policy NE2 allow for residential development of the type proposed?

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

Landscape/Tree impacts per policies D2 and NE5?; Contamination and refuse/recycling arrangements?; Appropriate drainage infrastructure and public sewer connection?

How significant are the changes from the previously approved scheme? Do these changes introduce any new or additional policy conflicts that might suggest a different recommendation/decision is warranted in this case?

If not wholly in accordance with the development plan, are there other material considerations weighing in favour of approval? (e.g. existing consent capable of being implemented)

- 1. Does the proposal comply with the Development Plan when considered as a whole?**
- 2. Are there any material considerations that outweigh the Development Plan in this instance?**

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

Do members consider that the conditions set out in the Case Officer's report to the LRB are appropriate? Are there any additional or alternative conditions you consider to be necessary?

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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 100323575-001

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.

Please provide the application reference no. given to you by your planning authority for your previous application and the date that this was granted.

Application Reference No: *

170395/DPP

Date (dd/mm/yyyy): *

19/12/2017

Description of Proposal

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

Change of house type plot 2 of approved planning application Ref 170395/DPP

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

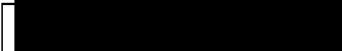
Company/Organisation:	Norman P. Lawie Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Michael	Building Name:	Architectural Design
Last Name: *	Lawie	Building Number:	
Telephone Number: *	01467 633064	Address 1 (Street): *	Tumulus Way
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Kintore
Fax Number:		Country: *	UK
		Postcode: *	AB51 0TG
Email Address: *	michael@lawie.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: *	Graham	Building Number:	59
Last Name: *	Buchan	Address 1 (Street): *	School Drive
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	AB24 1TP
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Burnside Poultry Unit, Clinterty, Aberdeen

Northing

811899

Easting

383317

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

0.63

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)

Redundant poultry farm

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?

0

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

6

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

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

What private arrangements are you proposing? *

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

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

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

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

foul and surface water drainage to soakaways

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

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

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 Lawie

On behalf of: Mr Graham Brownie

Date: 03/11/2020

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 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 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 Michael Lawie

Declaration Date: 03/11/2020

Payment Details

Online payment: ABSP00005838
Payment date: 03/11/2020 13:49:00

Created: 03/11/2020 13:49

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Strategic Place Planning

LRB Report of Handling

Site Address:	Burnside Poultry Unit, Clinterty, Aberdeen, AB21 0TL
Application Description:	Erection of a detached house (change of house type of plot 2 of approved planning application Ref 170395/DPP)
Application Ref:	201359/DPP
Application Type:	Detailed Planning Permission
Application Date:	5 November 2020
Applicant:	Mr Graham Buchan
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Dyce And Stoneywood
Case Officer:	Robert Forbes

RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

This 1.3 Ha site relates to former agricultural land located in open countryside to the south of Blackburn, close to the city boundary. It was historically used as a poultry unit but such agricultural use has long ceased. There are a number of sporadic established trees on the site. It is accessed via a narrow farm track which joins the public road to the east of the site (B979).

Relevant Planning History

Application Number	Proposal	Decision Date
170395/DPP 19.12.17	Erection of 2 detached houses	Approved at LRB

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought to redevelop the site to erect a detached mainstream house. The existing farm access track from the public road would be used. Plot two is proposed at the western end of the site. Its garden ground would be defined by post and wire fencing. The house would be 4 bed roomed with attached garage. It would be of 2 storeys, with the upper floor contained within the roofspace. The roofs would be pitched at 45 degrees and clad with slate with Velux rooflights. Walls would be finished with a mix of smooth render and larch cladding. Ancillary surface car parking would be within the plot. The site plan indicated that foul drainage would be via a private system (septic tank).

In effect the permission seeks to vary the previously consented house design by creation of additional floorspace at ground level (i.e. a 24 square metre extension to the communal living area). The south elevation of the extension would be substantially glazed.

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=QJ848LBZLTJ00>

CONSULTATIONS

ACC - Roads Development Management Team – No safety objection but advise that the development is likely to be car dependant due to the inadequacy of access to the site by sustainable transport modes.

ACC - Waste And Recycling – No objection. Advise that waste collection by wheelie bin would be from the public road (B979).

Dyce And Stoneywood Community Council – No response received

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

Scottish Planning Policy 2014 (SPP) expresses a presumption in favour of development which contributes to sustainable development. It acknowledges that green belt has a significant role in pressurised housing market areas

Aberdeen City and Shire Strategic Development Plan 2020 (SDP)

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

The SDP was approved by Scottish Ministers on 13/08/20. For proposals which are regionally or strategically significant or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with SPP. The Aberdeen City Local Development Plan 2017 will continue to be the primary document against which applications are considered

Aberdeen Local Development Plan 2017 (ALDP)

NE2: Green Belt

NE5: Trees and Woodland

NE6: Flooding, Drainage & Water Quality

D1: Quality Placemaking by Design

D2: Landscape

R6: Waste Management Requirements for New Development
 R7: Low & Zero Carbon Build & Water Efficiency
 T2: Managing the Transport Impact of Development
 T3: Sustainable and Active Travel
 R2: Degraded & Contaminated Land

ALDP Supplementary Guidance (SG) and Technical Advice Notes (TAN)

Landscape SG
 Transport and Accessibility SG
 Materials TAN

Proposed Aberdeen Local Development Plan 2020 (PALDP)

The PALDP was approved at the Council meeting of 2 March 2020. It 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 ALDP 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. In this case similar zoning and topic based policies apply. The site is not identified as an opportunity site for development.

Other Material Considerations

The previous planning permission for 2 houses at the site (ref. 170395) is a significant material consideration in this case.

EVALUATION

Principle of Development

Although erection of mainstream housing at the site would conflict with NE2 (green belt) Policy as the house is not required for an essential purpose, the principle of residential development at the site was established by the previous LRB approval of planning permission 170395. In terms of assessment against the SDP, 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.

Sustainability

The location of the site in open countryside outwith the built up area, with poor public transport and footpath links, is such that it is likely that there would be a high degree of car dependency in conflict with the sustainability objectives of ALDP policy T2 and T3 and SPP and which cannot be addressed by condition. However, the proposal would not result in any significant intensification of use or change of travel patterns relative to the planning approval. There would be ample space for recycling bin storage on site in accordance with the expectations of policy R6. A condition can be imposed to ensure provision of energy and water efficiency measures in accordance with the objective of policy R7.

Contamination

It is understood that the site has recently been remediated such that there is no conflict with ALDP policy R2 and no requirement for imposition of a related condition.

Tree Impact

Although the proposed change to the house footprint would not directly impact on trees, there would be likely tree impact during construction of the house development / related site works. No details of tree protection measures have been provided. A condition is therefore required to ensure suitable provision in order to ensure compliance with policy NE5.

Landscape Impact

The site is partially visible from the A96 approaching Blackburn and more evidently from various points along the adjacent rural access road, as the surrounding farmland is relatively open and level. The open / rural landscape context of the site is such that there would be a degree of potential conflict with the landscape protection objectives of policies D2 and NE2 due to the suburbanisation of the countryside resulting from the development, such that soft landscaping / planting at the fringes of the site and removal of permitted development rights is important. No details of landscape design / mitigatory planting on / adjacent to the site have been submitted in order to assess relative to ALDP policy D2 and related SG. A condition is therefore required to ensure suitable provision

Housing Design

It is considered that the finishing materials, design and appearance of the house would be of an acceptable design quality in terms of the expectations of policy D1 and ACC Materials TAN. It is considered that the changes to the approved housing design are visually acceptable and would result in no conflict with ALDP policy D1.

Drainage

No details of SUDS or foul drainage have been provided in order to assess relative to policy NE6. A condition is therefore required to ensure suitable provision and protection of the water environment.

Road / Public Safety

It is noted that the unsurfaced private access track to the houses is of an unadopted nature and has limited width, no lighting, footways / passing places. There is no speed restriction on the adjacent public road in the vicinity of the junction. Although ACC Roads Officers previously expressed concerns regarding the access, they have no objection to the proposal on road safety grounds. No upgrade of the existing access / junction with the public road or pedestrian links to the site was required in relation to the approved planning permission at the site. Given the previous approval for housing at the site it is considered that the proposal would not result in any significant intensification of traffic movement. Relative to that permission, there would be no increased public road safety hazard and no increased conflict between traffic exiting /entering the junction with the public road and existing road users. It would not therefore be reasonable to require upgrade of the existing access / other road measures in relation to the current proposal. Adequate parking and vehicle turning can be provided on site by condition to accord with ACC Transport and Accessibility SG. The proposed waste storage / uplift arrangements are acceptable and satisfy the expectations of policy R6 and related guidance, notwithstanding the travel distance from the house to the collection point, adjacent to the road.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the PALDP substantively reiterate those in the ALDP. Notwithstanding the conflict with Green Belt and Transport policies, as considered above, given the previous approval and the minor nature of the changes, this conflict is not considered to warrant refusal of the application.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

Notwithstanding the conflict with Green Belt (NE2) and Transport policies (T2 and T3) in the Aberdeen Local Development Plan 2017 (ALDP), given the previous approval and the minor nature of the changes, this policy conflict is not considered to warrant refusal of the application. The proposal would not result in any significant intensification of use or change of travel patterns relative to the planning approval. The proposed revised house design is considered to accord with ALDP policy D1: Quality Placemaking by Design. Conditions can be imposed in order to address the expectations of ALDP policy NE5: Trees and Woodland; NE6: Flooding, Drainage & Water Quality; D1: Quality Placemaking by Design; D2: Landscape; and R7: Low & Zero Carbon Build & Water Efficiency

CONDITIONS

1. No development pursuant to the planning permission hereby approved shall take place, not shall the house be occupied, unless details of on-site sustainable design measures have been submitted to and approved in writing by the planning authority. Such sustainable measures should demonstrate the use of low / zero carbon technologies/ energy efficiency and water efficiency measures on site. The house shall not be occupied unless the approved measures are implemented in full.

Reason - In the interests of sustainability and to address the requirements of Policy R7 of the Aberdeen Local Development Plan 2017.

2. No development pursuant to the planning permission hereby approved shall be carried out unless details of proposed car parking layout / surfacing and vehicle turning on site have been submitted to and approved in writing by the planning authority. The house shall not be occupied unless the required vehicle parking and turning areas are provided on site.

Reason – In the interests of public / road safety

3. No development pursuant to the planning permission hereby approved shall take place unless a Drainage Impact Assessment (DIA) detailing the proposed drainage design, which should incorporate SUDS measures on site and indicate the layout of existing sewers/ watercourses / proposed soakaways within the vicinity of the site. The house shall not be occupied unless the required SUDS measures are implemented.

Reason - In the interests of securing appropriate surface water drainage arrangements, for the avoidance of pollution and to address the requirements of Policy NE6 of the Aberdeen Local Development Plan 2017.

4. No development pursuant to the planning permission hereby approved shall take place, nor shall the dwelling be occupied, unless a scheme has been submitted demonstrating that the dwelling has been connected to the public sewer system and public water supply network, or evidence has been provided that other arrangements acceptable to the planning authority have been implemented on site.

Reason - In the interests of appropriate sewerage and potable water supply arrangements and to address the requirements of Policy NE6 of the Aberdeen Local Development Plan 2017.

5. No development pursuant to the planning permission hereby approved shall be carried out unless full details of soft landscaping for the site / adjacent land controlled by the applicant, has been submitted to and approved in writing by the planning authority. The scheme shall include details of -

- a) Existing and proposed finished ground levels;
- b) Existing and proposed services and utilities, including: cables, pipelines;
- c) An Arboricultural Impact Assessment (AIA) to show how trees either within or in close proximity to the site will be dealt with, this shall include any potentially affected by site works and proposed tree protection measures;
- d) Proposed tree and shrub numbers, densities, locations, species, sizes and stage of maturity at planning; and
- e) Arrangements for the management and establishment of proposed open space, woodland / landscaped areas;

No development shall take place unless evidence has been submitted of the required tree protection measure on site. All soft landscaping proposals shall be carried out in accordance with the approved scheme, and shall be completed at the latest during the planting season immediately following the commencement of the development, or other such date as may be agreed in writing with the planning authority. Any planting which, within a period of 5 years from the completion of each phase of the development, in the opinion of the planning authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason - In order to protect trees, integrate the development into the surrounding landscape, increase the biodiversity value of the site and create a suitable environment for future residents.

6. No development shall commence unless evidence has been provided that all buildings, including the residential caravan, areas of hard standing, farming equipment etc. have been removed from the site.

Reason – In order to ensure the site is cleared and existing buildings removed prior to the proposed dwelling being constructed.

7. Notwithstanding the provisions of Article 2(4), Schedule 1, Part 1, Classes 1A, 1B, 1C, 1D, 3A, 3B and 3E of the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011 (or such other order that may supersede this), no extension, alterations or improvement which materially affect the external appearance of the dwelling house, no ancillary buildings/features, nor any means of enclosure shall be erected or carried out on either on, or in the curtilage, of any of the dwellinghouse hereby approved without a further grant of planning permission from the planning authority.

Reason – In the interests of visual amenity and protection of the landscape quality of the green belt.

Consultee Comments for Planning Application 201359/DPP

Application Summary

Application Number: 201359/DPP

Address: Burnside Poultry Unit Clinterty Aberdeen AB21 0TL

Proposal: Erection of a detached house (change of house type of plot 2 of approved planning application Ref 170395/DPP)

Case Officer: Robert Forbes

Consultee Details

Name: Mr Nathan Thangaraj

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

Email: nthangaraj@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

I note this application for the erection of a detached house (change of house type of plot 2 of approved planning application Ref 170395/DPP) at Burnside Poultry Unit, Clinterty, Aberdeen AB21 0TL. The site is located within the outer City and outwith any controlled parking zone.

The site is out with the recognised walking distance to access public transport. There are no cycle facilities linking with the site. The scale of the development is not sufficient to attract any public transport services to route past the site. The location of this site makes it highly difficult to access other than the car.

In terms of parking at both properties in the development has been accounted for, with both garages and driveways providing adequate parking for the size of the properties.

For residential development, one charge point (passive provision) is the minimum required for each unit where spaces are private and off-street. Charge points should be connected to the domestic electric supply.

I have concerns with respect to the accessibility of the site. The site access road is narrow for the majority of its length and has a number of pinch points. I believe at any point on the road two cars will have difficulty in passing each other. Though the additional traffic generated by this proposed development will be small, there is potential that problems may occur from the increase of the traffic on this road.

In terms of refuse storage plan, as per our guidelines:

Waste collection vehicles should be able to get to within 25m of the storage point. The distance over which containers are transported by collectors should not normally exceed 15m for two-

wheeled containers and 10m for four-wheeled containers. Residents should not be required to carry waste more than 30m to the storage point.

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.

MEMO



To	Planning & Infrastructure	Date	26/01/2021
		Our Ref.	201359
From	Nathan Thangaraj		
Email	NThangaraj@aberdeencity.gov.uk		
Dial	01224 523441		
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. 201359

I note this application for the erection of a detached house (change of house type of plot 2 of approved planning application Ref 170395/DPP) at Burnside Poultry Unit, Clinterty, Aberdeen AB21 0TL. The site is located within the outer City and outwith any controlled parking zone.

The site is out with the recognised walking distance to access public transport. There are no cycle facilities linking with the site. The scale of the development is not sufficient to attract any public transport services to route past the site. The location of this site makes it highly difficult to access other than the car.

In terms of parking at both properties in the development has been accounted for, with both garages and driveways providing adequate parking for the size of the properties.

For residential development, one charge point (passive provision) is the minimum required for each unit where spaces are private and off-street. Charge points should be connected to the domestic electric supply. Can the applicant provide further information on this?

I still have concerns with respect to the accessibility of the site. The site access road is narrow for the majority of its length and has a number of pinch points. I believe at any point on the road two cars will have difficulty in passing each other. Though the additional traffic generated by this proposed development will be small, there is potential that problems may occur from the increase of the traffic on this road.

I note the comments from the ACC Waste Planning Team who have requested 3 bins (1x180 litre and 2x240 litres) for each house. As such, the revised plan should reflect the numbers requested for.

There are outstanding issues in respect to the EV charging points, passing lane and revised plan for the waste containers of this planning application. I will be in a position to make further comment on receipt of the requested information.

Nathan Thangaraj
Engineer
Roads Development Management

MEMO



To	Planning & Infrastructure	Date	02/02/2021
		Our Ref.	201359
From	Nathan Thangaraj		
Email	NThangaraj@aberdeencity.gov.uk		
Dial	01224 523441		
Fax			

Strategic Place Planning
Aberdeen City Council
Business Hub 4
Ground Floor North
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Planning Application No. 201359

I note this application for the erection of a detached house (change of house type of plot 2 of approved planning application Ref 170395/DPP) at Burnside Poultry Unit, Clinterty, Aberdeen AB21 0TL. The site is located within the outer City and outwith any controlled parking zone.

The site is out with the recognised walking distance to access public transport. There are no cycle facilities linking with the site. The scale of the development is not sufficient to attract any public transport services to route past the site. The location of this site makes it highly difficult to access other than the car.

In terms of parking at both properties in the development has been accounted for, with both garages and driveways providing adequate parking for the size of the properties.

I note the comments from the ACC Waste Planning Team who have requested 3 bins (1x180 litre and 2x240 litres) for each house. As such, the revised plan should reflect the numbers requested for.

This application is for the change of house type, whereby the new house has a conservatory. As there are no alterations to the parking provision, or parking requirement, there are no Roads concerns with this application.

Nathan Thangaraj
Engineer
Roads Development Management

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Aberdeen City Council – Development Management Consultation Request

From: Robert Forbes	Date: 23 December 2020
Email: rforbes@aberdeencity.gov.uk	Ref: 201359/DPP
Tel.: 01224 522390	Expiry Date: 13 January 2021

Detailed Planning Permission

201359/DPP: Erection of a detached house (change of house type of plot 2 of approved planning application Ref 170395/DPP) at Burnside Poultry Unit Clinterty Aberdeen AB21 0TL

All plans and supporting documentation available at the following link:

<https://publicaccess.aberdeencity.gov.uk/online-application/applicationDetails.do?activeTab=summary&keyVal=QJ848LBZLTJ00>

Please select one of the following

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

COMMENTS

As I understand, this application is in regard to a change of house type. From what I can see, this will not impact on waste and recycling collections, however please note the following:

All the waste containers must be presented on the kerbside of the main road (B979) only on the collection day and must be removed from the kerbside as soon as possible. No containers should be permanently stored on the kerbside.

Each **new house** will each be provided with:

- **1 x 180 litre wheeled bin for general waste**
- **1 x 240 litre co-mingled recycling bin for recycling**
- **1 x 240litre wheeled bin for food and garden waste.**
- **1x kitchen caddy and caddy liners.**

The following costs will be charged to the developer:

- **Each 180l/ 240l bin costs £35.00**
- **Kitchen caddy and caddy liners £0.00**
- **A delivery of 10 or less bins will incur a £30 delivery fee.**

General points

- **No excess** should be stored out with the containment provided. This is fly tipping.
- Large item collections can be arranged by visiting www.aberdeencity.gov.uk
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/aberdeen-cms/files/7.1.PolicySG.ResourcesForNewDevelopmentTC.P.4.8.9.12.13.pdf>
- **Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied** this is to ensure that bins are on site prior to residents moving into properties and to give enough time to register addresses on the CAG (Council Address Gazetteer) to allow for the development to be added to the refuse vehicle routes.
- A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.
- Bin purchases are VAT free. Please do not include VAT in your PO
- Please submit a PO only for the bins you require.

In the final stages of completion, a representative from Aberdeen City Council's Waste team may assess the site to ensure that all of our considerations have been implemented.

Should you have any further queries or wish to discuss these comments further, please do not hesitate to contact me.

Responding Officer: Jenny Jindra

Date: 12/01/2021

Email: wasteplanning@aberdeencity.gov.uk

Ext: 01224 387 651/ 07787667751

Aberdeen Local Development Plan (ALDP)

- NE2: Green Belt;
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- D1: Quality Placemaking by Design
- D2: Landscape
- R2: Degraded & Contaminated Land
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Build & Water Efficiency
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel

Supplementary Guidance

Landscape SG

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

Transport and Accessibility SG

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

Materials TAN

https://www.aberdeencity.gov.uk/sites/default/files/2020-03/Materials_%20External%20building%20materials%20and%20their%20use%20in%20Aberdeen.pdf

Other Material Considerations

Aberdeen City and Shire Strategic Development Plan (2020) (SDP)

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 100359093-001

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

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="59"/>
First Name: *	<input type="text" value="Graham"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Buchan"/>	Address 1 (Street): *	<input type="text" value="School Drive"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB24 1TH"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>	<input type="text"/>	

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

Burnside Poultry Unit, Little Clinterty, Aberdeen, AB21 0TL

Northing

811899

Easting

383317

Description of Proposal

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

Change of House Type Plot 2 of Approved Planning Application Ref 201359/DPP (Previous Approval 170395/DPP)

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see the attached Supporting 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)

Supporting Statement and additional 14 supporting documents all listed therein. Please Note Item 11 unable to upload and will be emailed direct to Clerk of the Local Review Body

Application Details

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

201359/DPP

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

03/11/2020

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 *

Holding one or more hearing sessions on specific matters

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

It may be of benefit for the Local Review Body to examine and then discuss the merits of the Application before them.

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

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

Yes No

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

Yes No

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

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Graham Buchan

Declaration Date: 29/01/2021

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SUPPORTING STATEMENT
SUBMISSION TO THE LOCAL REVIEW BODY
OF
ABERDEEN CITY COUNCIL

BURNSIDE
POULTRY UNIT LITTLE CLINTERTY
KINELLAR AB21 0TL

APPLICATION REF: 201359/DPP

CHANGE OF HOUSE TYPE – PLOT 2 OF
APPROVED PLANNING APPLICATION
(REF 170395/DPP)

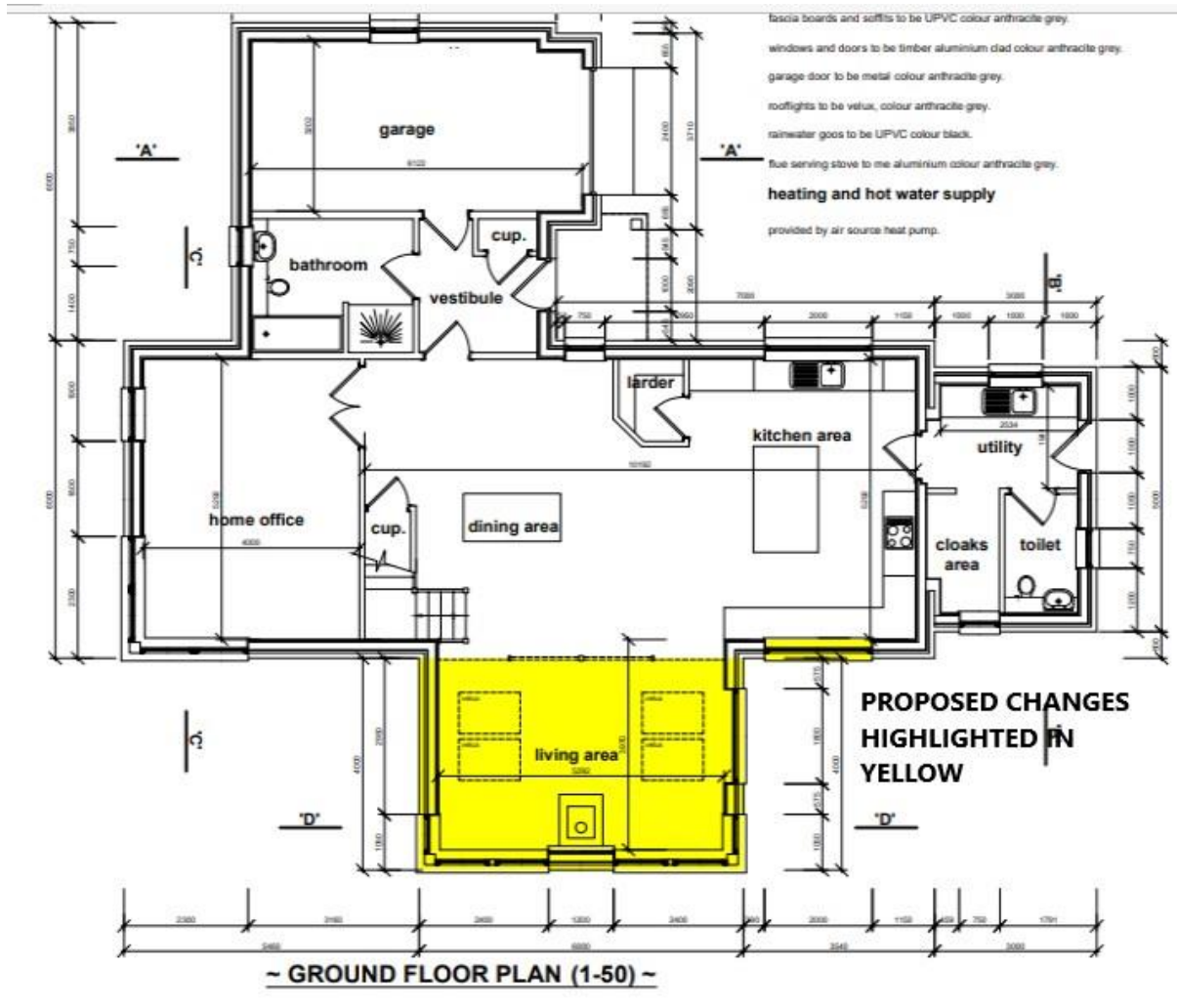
GRAHAM BUCHAN

29th January 2021

CONTENTS

	Page
Paragraph	
1 Introduction	4
2 History of the Site	7
3 Consultee Comments - Mr Nathan Thangaraj of the Roads Development Management Team - Access & Waste Collection	8
4 Additional Conditions/Measures Sought by Mr Robert Forbes, Delegated Officer	10
- Trees and Landscaping	
- Sustainable Urban Drainage	
- Request for New Plans by Delegated Officer	
5 Summary	14
6 Conclusion	17
List of Supporting Documents	19
Figures (Photographs)	20

(Figure 1 - Plan showing Plot 2 as approved under 170395/DPP with proposed changes to house style highlighted in yellow.)



1 Introduction

- 1.1 An Application for detailed planning permission for a change of house style was submitted under Ref. No: 201359/DPP and validated on 5th Nov 2020.

The change in house style comprised the addition of a modest glazed extension of 24 square metres of floor -space to the lounge area of the already approved dwelling – house.

This present Application to the Local Review Body arises because of a failure of the Planning Authority to determine the planning application within the statutory period of two months.

- 1.2 Conditional Planning permission was granted on 19th December 2017 by the Local Review Body for the demolition of redundant poultry buildings and the erection of two dwelling-houses at Burnside Poultry Unit, Little Clinterty. (Ref 170395/DPP).

The expiry date of the Planning Permission was extended to 30th September 2021 by the Town and Country Planning (Emergency Period and Extended Period) (Coronavirus) (Scotland) Regulations 2020, therefore the planning permission is still “live”.

Demolition and site clearance works commenced on 17th October 2020 as indicated by the Commencement Notice sent to Building Standards of ACC. **(Item 1)**

A Remediation Scheme which included Validation procedures was approved by the Planning Service.

The removal of all potential contaminants, including asbestos has been carried out in accordance with the Scheme.

The Validation Report (Item 2) prepared by environmental consultants EnviroCentre confirms that all structures on the site have been removed and all contaminants including asbestos have been removed.

The Report confirms that Laboratory tests on soil samples collected from the site have proved negative for asbestos materials.

- 1.3 Planning Permission Ref 170395/DPP was implemented on 16th January 2021 by the digging of a trench to contain part of the foundations of the dwelling-house at Plot 2.

- 1.4 A copy of the Commencement Notice is submitted. **(Item 14)**

Figure 5 is a photograph which shows the digging of part the foundation trench for the dwelling – house at Plot 2.

The Town and Country Planning (Scotland) Act 1997 S27 states :-

- (1) *Subject to the following provisions of this section, for the purposes of this Act development of land shall be taken to be initiated*
 - (a) *if the development consists of the carrying out of operations, at the time when those operations are begun;*
- (2) *For the purposes of the provisions of this Part mentioned in subsection (3) development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out.*
- (4) *In subsection (2) “material operation” means—*
 - (c) *the digging of a trench which is to contain the foundations, or part of the foundations, of a building,*

1.5 The new planning application Ref 201359/DPP, the subject of this Review, was for a “change of house style” for the dwelling – house at Plot 2 only.

1.6 The applicant wished to take advantage of the panoramic views of the hills and strath to the south of the site by the addition a glazed extension on the south elevation of the approved dwelling-house at Plot 2.

Accordingly, a planning application was lodged along with appropriate plans, and validated on 5th November 2020.

The necessity for additional space for home working which has arisen due to the current pandemic would be easily met by the flexible use of the proposed extension.

Apart from the proposed change of house style /extension for Plot 2, the design of the dwelling – house at Plot 1 remained unchanged and no other changes were proposed to the original development plans already approved by the Local Review Body under Ref 170395/DPP.

Planning Conditions were contained in the Decision Letter of the Local Review Body and these related to such issues as sustainable drainage (SuDS), sewage treatment, waste collection and hard and soft landscaping, the applicant being obliged to address these matters by Applications for Matters Specified in Conditions.

Accordingly, all the required Applications for Matters Specified in Conditions were submitted to the Planning Service and formally approved by Mr Robert Forbes, Senior Planning Officer in letters dated:

- (a) 8th November 2019 (**Item 7**)

(b) 7th April 2020 (**Item 8**)

1.7 The first response received from the Planning Service to the new application for a change of house style at Plot 2 was an email dated 14th December 2020 from the delegated officer Mr Robert Forbes. (**Item 3**)

That email referred to Consultee comments received from Mr Nathan Thangaraj of the Roads Development Management Team.

Mr Thangaraj's comments referred to the access road to the development and to waste/refuse collection issues. (**Item 4**)

The applicant's agent replied by email dated 15th December 2020 to the delegated officer (**Item 12**), expressing surprise at the Roads Management Teams' suggestion that access and waste/refuse handling issues should re-visited.

The agent pointed out that all these matters had already been approved in Applications for Matters Specified in Conditions in the original planning permission Ref 170395/DPP.

In his email, (**Item 3**) Mr Forbes also suggested that the statutory determination date be extended from 03/01/2021 to 03/02/2021.

The agent intimated that he did not agree that the determination date be extended as Mr Thangaraj was raising matters which his colleagues in the Roads Management Team and the Waste Team had recently approved under the original planning permission Ref 170395/DPP.

1.8 A second email was received from Mr Forbes dated 23rd December 2020 (**Item 9**), once again seeking the applicant's agreement for the determination date to be changed but this time to 4th February 2021.

The applicant and his agent were somewhat surprised, for Mr Forbes also proposed new or additional Conditions :-

- (a) Proposals for changes/enhancements to hard and soft landscaping including the planting of a tree belt, building of drystone dykes and planting hedges around boundary of Plot 2
- (b) Proposals for changes to SuDS (sustainable urban drainage)
- (c) Investigation into the use of reed beds and ponds at Plot 2 and assurances that the sewage system would not impact on the environment.
- (d) Amended plans

Mr Forbes also stated in that email that the plans submitted by the applicant did not refer to the previous extant LRB Planning Permission under Ref 170395/DPP although this is not the case.

The previous Application had in fact been referred to in all of the plans and documents submitted and which were validated in the new application for a change of house type. It was made clear by the applicant's agent from the outset of the process that this new application was for a minor change to the house style only at Plot 2 and that no other changes were proposed for the development which had already approved by the Local Review Body.

Mr Forbes ended his email (**Item 9**) by stating:

“As regard (sic) the proposed changes to the approved house design I can advise that these appear non contentious and do not appear to conflict with ALDP policy D1.”

- 1.9 The agent for the applicant replied to the delegated officer by email dated 23rd December 2020 (**Item 13**) once again expressing surprise at the requests for proposals for additional/supplementary Conditions, stating that all the points raised by the officer had already been addressed by Applications for Matters Specified in Conditions imposed by the LRB in the first application.

The applicant's agent again pointed out that this new application was for a change of house type only and, given that the previous planning permission remained live, there was no need for these issues to be re-visited.

In regard to the officer's suggestion that the determination date be changed to 4th February 2021, the agent confirmed the applicant wished to adhere to the original statutory determination date of 4th January 2021.

2 History of the Site

- 2.1 The development site is located at Burnside, Little Clinterty and previously contained a poultry building extending to 446 square metres, clad internally with flat asbestos sheeting with external roofing material comprising corrugated asbestos roofing sheets. Concrete foundations, being the remains of previous poultry buildings were located to the east and to the west of the development site.

The poultry rearing activities ended around 1990 when the condition of the remaining poultry building deteriorated such that it became uneconomical to continue.

In recent years a small flock of breeding sheep has been kept on the Holding with lambs being produced each year.

- 2.2 Conditional planning permission was granted on 19th December 2017 by the Local Review Body for the erection of two dwelling-houses to enable cross-funding for the demolition of the remaining structures and for the removal of asbestos containing materials from the development site.

2.3 All the Matters Specified in Conditions Applications which were required to be purified prior to commencement of development were subsequently submitted by the applicant's agent to the Planning Service for approval.

Remarkably, all the Matters Specified in Conditions Applications were dealt with by Mr Forbes and subsequently approved in their entirety by him (the same officer who now seeks changes and amendments to those Conditions).

2.4 Prior to the commencement of the development all relevant pre-commencement Conditions had been complied with.

3. Consultee Comments - Mr Nathan Thangaraj of the Roads Development Management Team – Access and Waste Collection

3.1 Mr Thangaraj had, in a Consultee response, raised issues in regard to the access road and waste/refuse collection. **(Item 4)**

The applicant believes that Mr Thangaraj appears to have misunderstood the nature of the new application and treated it as new house build application “from scratch” rather than for an application for a minor change of house type/extension to the already approved dwelling – house at Plot 2.

Mr Thangaraj, in raising questions as to the suitability of the access arrangements and refuse collection arrangements appeared to be unaware of the existing planning permission for the two dwelling – houses (Ref 170395/DPP) and therefore unaware that his colleagues within the Roads Management Team and Waste Management Team had already approved these matters.

Ms Christine McShane of the Roads Development Management Team in her Memo to the Planning Service dated 3rd May 2017 **(Item 5)** indicated that she had no objections to the proposed access arrangements to the development site and the LRB subsequently accepted and approved the proposed development plans on that basis.

It would be clear to anyone examining the plans submitted for a change of house type/extension that there were no changes proposed to the layout of the development site already approved by the Local Review Body.

The proposal was for a relatively modest extension of 24 square metres to the floor area of the lounge of the dwelling - house at Plot 2 which was highlighted in yellow on the validated plans and which would not impact of the approved access arrangements.

3.2 In relation to the storage and waste collection arrangements, Ms Hannah Lynch of the Waste Management Team by email dated 16/05/2019 approved the applicant's proposals for waste/refuse storage and collection. **(Item 6)**

Waste would be stored in the garages of each dwelling – house and thereafter wheelie bins would be taken on collection days to the end of the private farm access road for uplift.

In that email (**Item 6**) Ms Lynch approved the installation of metal bin racks on the verge of the private farm road near the public road which would safely hold the wheelie bins in position on collection days.

This arrangement is common for many of the dwelling – houses located in the vicinity whereby residents bring wheelie bins to the end of farm roads for collection.

Mr Forbes formally approved the Waste/Refuse Collection Matters by letter dated 8th November 2019. (**Item 7**)

3.3 Given the very recent approval of these Matters Specified in Conditions by Mr Forbes himself, based on the recommendation of Ms Lynch of the Waste Management Team, the applicant believes that the request for agreement for a time extension to the determination date was neither necessary or justified.

3.4 A late Consultee comment dated 12th January 2021 (**Item 15**) was received from Ms Jindra of the Waste Management Team which confirmed that there was no need to re-visit the issue of Planning Conditions and re-affirmed what had been approved by her colleague Ms Lynch :-

“As I understand, this application is in regard to a change of house type. From what I can see, this will not impact on waste and recycling collections, however please note the following:

All the waste containers must be presented on the kerbside of the main road (B979) only on the collection day and must be removed from the kerbside as soon as possible. No containers should be permanently stored on the kerbside.”

Circular 3/2013 of the Development Management Procedures states:

“4.66 The planning authority must give consultees under the DMR (Development Management Regulations) at least 14 days to respond before they determine the application. With national or major developments, suitable timescales should be agreed in a processing agreement although such timescales cannot be less than the statutory 14 days. Where a consultee fails to respond within the timescale the planning authority is not obliged to await a response.”

3.5 It is noted that it was only on 23rd December 2020 that the delegated officer issued the Consultation Request to Waste Planning seeking comments on the Planning Application for the change of house type.

This request was sent 48 days after the Planning Service first validated the Planning Application on 5th November 2020.

3.6 The applicant had not been advised whether or not other Consultees had yet to respond to requests for comments (other than the Roads Management Team and Waste Team).

As at the date of this application for Review, three months have elapsed since the validation date, and no reasonable grounds have been given for the delay in issuing a determination.

This protracted process was, in the opinion of the applicant, quite unnecessary particularly as each of the additional measures suggested by Mr Forbes (and those issues raised by Mr Thangaraj) had already been addressed and approved very recently by Mr Forbes himself under the various the Matters Contained in Conditions Applications.

Mr Forbes' request for agreement to an extension of the determination date was in the view of the applicant somewhat disingenuous for the same reason; each and every Matter which the delegated officer had cited as a reason for the proposed delay had been comprehensively resolved when Mr Forbes himself so recently approved all Matters Specified in Condition Applications.

Ms Jindra of Waste Services was obviously of this opinion having examined the proposals for the change of house style and reached the conclusion that proposed house extension did not impact on the existing approvals of Matters Specified in Conditions.

4. Additional Conditions/Measures Sought by the Delegated Officer

4.1 As already mentioned above, Mr Forbes was the delegated officer who very recently approved all the Matters Specified in Conditions imposed by the Local Review Body in relation to the original grant of Planning Permission (Ref 170395/DPP).

This Planning Permission was "live" at the time the new application for the change of house style was lodged.

The applicant's agent confirmed to the delegated officer that the original planning permission was to be implemented soon.

The Planning Permission was in fact implemented on 16th January 2021 when ground was broken and a part of the foundation trench was dug at Plot 2 as can be seen from the photograph at Figure 6 below.

Mr Forbes had previously approved all Applications for Matters Specified in Conditions by letters dated:

(c) 8th November 2019 (**Item 7**)

(d) 7th April 2020 (**Item 8**)

The Notice of Commencement of Development was lodged with the Planning Service on 28th January 2021. (**Item 14**)

Trees and Landscaping

4.2 The delegated officer in his email to the applicant's agent dated 23rd December 2020 **(Item 9)** proposed new or additional Conditions including tree protection, the potential use of land out-with the curtilage of Plot 2, hedge planting, a proposed tree belt and other environmental enhancements.

The re-visiting of issues which have already been comprehensively addressed in the original application is the applicant's opinion both unreasonable and unnecessary and ignores the Planting/Tree Plan produced by Astell Associates. **(Item 10)**

The Astell Planting/Tree Plan was submitted to and approved by Mr Forbes by letter on 7th April 2020 as part of a Matters Specified in Conditions Application. **(Item 8)**

The approved plan addresses new tree planting,(including a tree belt) protection for both new and existing trees, the establishment of two areas of wildflower meadow and the planting of native hedging in the amenity areas of land.

4.3 The issue of boundary treatment of the house plots was also addressed in the original block plans where the proposal for post and wire fencing on the boundary of each plot was approved by the Local Review Body.

The use of post and wire fencing reflects its use on the neighbouring agricultural land and blends well with the existing agriculture landscape in the Clinterty area.

All of the boundary fences within Burnside and those bordering the wider Little Clinterty Estate comprise these familiar post and wire fences.

Following completion of the approved dwelling – houses, the remaining land of Burnside shall remain in use as grazing land and will retain its agricultural character.

The retention of the already approved traditional agricultural fencing as border treatment is not only visually compatible with the existing agricultural setting but will form an effective and necessary livestock enclosure.

Mr Forbes, in his letter dated 7th April 2020 **(Item 8)** in approving a number of pre-commencement conditions (including boundary treatments) stated:

“I can confirm that the information submitted relative to the following conditions is considered to be acceptable and satisfies the pre-commencement requirements:-

Condition 5 – Site Landscaping.”

Sustainable Urban Drainage

4.4 In his email sent on 14th December 2020 **(Item 3)** Mr Forbes stated:

“It is noted that the submitted layout plan refers to provision of SUDS within the site, but no details are provided. In order to assess relative to policy NE6, please provide details of the nature of the intended SUDS measures and technical evidence that the ground conditions at the site are suitable for the intended use of soakaways as referred to in the plans. Given the available land at the site and wider sustainability objectives, it is requested that the use of more novel / sustainable SUDS measures, with greater potential

environmental benefit, such as ponds / reed beds is investigated. In order to comply with policy NE6, evidence is also required that the proposed private sewage system will not impacted on adversely on the environment.”

The applicant’s agent submitted to Mr Robert Forbes on 24th January 2020 a comprehensive Ground Assessment and Drainage Report prepared by drainage consultants, S. A. MacGregor **(Item 11)**.

S. A. MacGregor carried out test pit investigations throughout the proposed development site and on adjoining land and their Report comprehensively addressed ground conditions which gave recommendations for the design of an effective and sustainable drainage plan in line with current SUDS policies.

On 7th April 2020, by letter, **(Item 8)** Mr Forbes approved all of the proposals contained in the MacGregor Report to address SuDS, including foul water, septic tanks and surface drainage measures thus:

“I can confirm that the information submitted relative to the following conditions is considered to be acceptable and satisfies the pre-commencement requirements

Condition 3 – Sustainable Drainage;

Condition 4 – Foul Drainage;”

4.5 By any measure, it is surprising and not a little puzzling as to why, when in April 2020 Mr Forbes approved a well designed SuDS/ foul drainage proposal for the development site but in December 2020, ignoring his very own previous approvals, asked the applicant to address these issues once again.

There could be no valid reason or justification for departing from the original MaGregor SuDS/drainage proposals so recently approved, particularly when it was the same delegated officer had already approved all such matters.

There has been no change or alteration to the topography, geology or hydrology of the site or surroundings which could warrant requests for new proposals and there could be no justification for the delegated officer setting aside his own recent approvals.

4.6 As discussed above, this was not a new application involving a major departure from the development already approved by the Local Review Body.

It was for a modest extension of 24 square metres of floorspace to the lounge area of the dwelling- house at Plot 2, with no proposal to increase the number of bedrooms.

The proposed extension onto the south elevation of the dwelling-house will not generate any additional foul water.

There was no proposal for additional WC’s, showers, wash-hand basins or any other domestic drainage and therefore difficult to see why the delegated officer proposed to put the applicant and the Council to unnecessary time, effort and expense to address matters which the officer himself had already so very recently approved.

If the SuDS/drainage proposals approved by Mr Forbes on 7th April 2020 were acceptable to the Planning Service only eight months ago, the applicant is at a loss to understand why they are no longer relevant.

Request for New Plans by Delegated Officer

4.7 The delegated officer in his email dated 23rd December 2020 (**Item 9**) stated:

“I note that the previous permission at the site, which was issued on 19/12/17, after consideration by LRB, has not been implemented / commenced and no notice of initiation of development has been submitted. It is noted the submitted layout plan shown 2 plots and does not refer to the previous approval. Therefore in order to avoid confusion, the additional house shown on the submitted plans (plot 1), which does not form part of the current application, should be removed from the current submission or the layout plan adjusted to make explicit that it does not form part of the current submission.”

The applicant strongly disagrees that there is any possibility of confusion arising from the plans which were submitted in support of the proposed extension.

The Application Form explicitly states that this application is for a:

“Change of House Type - Plot 2 of Approved Planning Application (Ref 170395/DPP)”

The Block Plan No Ref. No. NPL/D/572 /P7B is equally clear and shows only Plot 2 with the proposed house change type/extension.

The design of Plot 1 remained the same with no changes.

4.8 It is drawn to the attention of the Local Review Body that the Planning Department colleague who dealt with the initial intake and the validation of the application specifically requested the applicant’s architect to submit a supplementary plan highlighting the proposed extension in yellow.

The applicant’s architect very quickly and within two days of this request submitted a supplementary plan highlighting in yellow the proposed extension to the dwelling – house at Plot 2.

The title of the Supplementary Plan is :-

“PROPOSED ERECTION OF DWELLINGHOUSE AT PLOT 2, BURNSIDE, BLACKBURN, ABERDEEN”

PLAN REFERENCE NO :- NPL/D/572/P5

The Supplementary Plan bears the following description:-

“AREA SHADED IN YELLOW PROPOSED AMENDMENT TO APPLICATION 170395/DP”

The new Application for the change of house type was subsequently validated on the 5th November 2020 after the additional plans were accepted by the Planning Service.

It is clear, both from the Application Form and from the Plans submitted that it was a change of house type/extension to Plot 2 that was being applied for and that the new application related to the “live” planning permission granted by the Local Review Body.

There could be no confusion as to what the applicant was requesting.

A grant of planning permission for the change of house type/extension at Plot 2 would not entitle the applicant to build a similar extension at Plot 1, therefore the request for further amended plans was unnecessary.

The Planning Permission granted by the Local Review Body remains “live” and has been implemented and there could be no doubt as to the nature and modest extent of the proposed house type change/extension at Plot 2.

- 4.9 The applicant believes that it was unreasonable and indeed unnecessary for the delegated officer to seek to impose additional or revised planning conditions given that the applicant had already received approval for all those matters from the self-same officer.

It is difficult to comprehend why it should be, that the same delegated officer who, so having so recently examined and approved each and every one of the Applications for Matters Specified in Conditions, sought to revisit what he himself had only so recently approved, despite there being no valid or reasonable grounds given for doing so.

In the applicant’s view, the responses from the Planning Service to this new application were illogical given that the delegated officer sought to displace or alter the existing approvals of all Matters Specified in Conditions.

Such a view is reinforced when one considers there has been no change to the already approved development apart from the proposal for a modest extension of 24 square metres of floor space to the house at Plot 2.

5. SUMMARY

- 5.1 This new planning application was for a relatively modest extension to the overall floor-area of the dwelling – house at Plot 2 comprising an additional area of 24 square metres in a small development which, crucially, had already been approved by the Local Review Body.

The applicant had, in good faith purified all of the pre-commencement conditions which were required by the Local Review Body in their original grant of planning permission and has implemented that planning permission.

The delegated officer has candidly stated in his email date 23rd December 2002

(Item 9) :

“As regard (sic) the proposed changes to the approved house design I can advise that these appear non contentious and do not appear to conflict with ALDP policy D1.”

No objections have been raised by the Planning Service to the proposal for the change of house style.

No additional WC's, baths, showers, or washing facilities are proposed above that which was originally and approved by the Local Review Body in the original grant of planning permission.

Consequently, there will be no increase in the volume of foul water produced on the site.

No intensification of the use of the site was proposed, whether in terms of an increase in vehicular traffic using the existing farm road access nor any increase in the volume of refuse/recycled materials to be uplifted by refuse collection services.

The change of house type/extension proposed will have no impact on the already approved matters in regard to sewage, drainage, existing or proposed trees, landscape, fencing or boundary treatments.

No objections whatsoever have been received from the Community Council, members of the public or owners of neighbouring properties, nor has the applicant been informed of any comments from statutory consultees other than from the Roads Management Team and Waste Services.

Ms Jindra of Waste Management Services has responded (**Item 15**) by saying that the proposal for the change of house style shall have no effect on the original approval.

At 11:33am on 23rd December 2020, notwithstanding that the Planning Service having had the application before them for two almost months, the applicant's agent was informed by the delegated officer that additional planning conditions which would be required.

This was immediately before the Council closed for business prior to the Christmas and New Year holiday.

The statutory determination deadline for this application was 4th January 2021 but the Council did not open for business until 5th January.

This “eleventh hour” notification seeking a time extension was in the view of the applicant, regrettable and unfair.

The applicant had already expended considerable effort, time and expense in engaging with the Planning Service and commissioning specialists to prepare detailed plans and proposals for access arrangements and for refuse handling.

It is disappointing that the Roads Management Officer Mr Thangaraj seems not to have been aware that this was an application for a change of house type and apparently had not familiarised himself with the existing approvals made by his colleagues in relation to access arrangements and refuse handling.

The Matters Approved in Conditions Applications which had already been approved under the original grant of planning permission and which relate to access arrangements and refuse/waste handling are easily accessible from the “public” pages of the Council’s website.

It is difficult to understand how it came to be that the Roads Officer remained unaware of the previous approvals in relation to access and waste handling.

The response by the Roads Management Officer suggests a failure to understand the nature of the new application and although this was unfortunate, this was not credible grounds for the delegated officer requesting the applicant to agree to a time extension. The delegated officer must have been aware that he himself had already approved the applicant’s proposals for these matters.

5.2 The Scottish Government’s Development Management Procedures 2013 at Para.4.62 states:

“4.62 Any requirements for additional information, whether they are identified in the pre-application or post-application stages, should be necessary, proportionate and clearly scoped to avoid unnecessary costs to applicants and public bodies.”

In view of the requirements in the above Management Procedures and, considering that all of the issues raised by the delegated officer had already been thoroughly addressed and approved in the pre-commencement conditions of the original planning application, the applicant believes that the requests for further information regarding the need for further planning conditions were neither necessary nor proportionate.

The approach taken by the Planning Service raised the prospect of additional and quite unnecessary costs both to the applicant and to the local authority, and all to address matters which have been previously approved so very recently by the same planning officer.

Ms Jindra of Waste Services, after examining the new application for the change of house style, formed the view that the proposal would not impact on the waste and recycling.

No meaningful justification was proffered by the delegated officer for the request for a time extension other than a claim that he was awaiting further Consultee comments.

The statutory guidance mentioned above states that the decision maker should allow 14 days for Consultees to lodge comments to a planning application before making a determination.

Although it is accepted that a decision maker may exercise discretion when awaiting Consultee comments, and no doubt this is practicable when awaiting comments from outside bodies such as SEPA or airport authorities over whom the Council has no control, that was not the case here.

The delegated officer alluded rather vaguely to awaiting comments from other Council departments but it is manifestly unfair to an applicant to be penalised and denied access to a timely procedure based on claims that some the Council's own departments may have failed to respond within the requires timescales.

The fact that both Waste Services and Roads Management had already approved these matters must have been obvious to the delegated officer and this could have been dealt with very quickly without the need for a request for an agreement to a time extension to the determination date.

The delegated officer's proposals to impose new or amended Conditions is, in the applicant's opinion unnecessary and inconsistent with the recent approvals of all such issues in Matters Specified in Conditions Applications under the original planning permission.

Had it been the case that the applicant had embarked upon a wholesale "revamp" of the development already approved by the Local Review Body, there would be no dispute regarding requests from the Planning Service for a detailed and comprehensive review of any planning conditions.

But that is not the case here. The housing development which was approved by the Local Review Body under Ref 170395/DPP remains identical in every aspect apart for this new application for an extension of 24 square metres to the lounge of one of the two dwelling-houses.

6. Conclusion

The applicant believes that the proposal for a modest extension to the dwelling – house at Plot 2 could have been determined within the statutory timescale of two months and that the requests from the delegated officer for an agreement for an extension to the determination deadline were both unreasonable and unnecessary.

No relevant or plausible reasons were articulated that could justify an extension to the deadline, only vague and generalised assertions that the delegated officer was awaiting finalised comments from consultees.

As at 23rd December 2020, the date of Mr Forbes email, only Mr Thangaraj's comments were posted on the Council's website.

No notification has since been received from the delegated officer as to who's comments were being awaited or what the subject matter of such comments might be. It has not been claimed by the delegated officer that any delay in making a determination was due to the failure of external consultees to respond within a reasonable timescale.

At the date of submission of this application for Review no other Consultee comments have been posted on the Council's website nor has the applicant been informed of any such comments.

The Planning Service, in exercising their statutory powers in making a determination in regard to the proposal for the change of house type/extension were bound to act lawfully, fairly and reasonably in accordance with the published timescale.

There was a reasonable expectation on the part of the applicant that the Planning Service would exercise their powers in a consistent manner and not impose arbitrary demands for the imposition of additional and unnecessary Conditions.

It is difficult to identify any justification for alternative planning conditions, nevertheless the delegated officer sought to revisit the underlying merits of issues which had already been thoroughly addressed under Applications for Matters Specified in Conditions in the original application.

Crucially, all issues in regard to landscaping, boundary treatments and drainage had very recently been discussed between the applicant's agent and Mr Forbes.

It was Mr Forbes who personally went on to approve all those issues in Applications for Matters Specified in Conditions under the original Grant of Planning Permission Ref 170395/DPP.

The new application sought a modest extension of 24 square metres of floor-space to the dwelling-house at Plot 2, leaving the development which had been already approved by the Local Review Body unchanged in every respect.

It is significant that the proposal for the modest extension has been described by the delegated officer as being "*non – contentious*" and, that being so, it is respectfully requested that the Local Review Body consider the foregoing Statement and grant the application for planning permission.

List of Supporting Documents

Item No	Date	Originator	Document Name
1	15/01/2018	ACC	Demolition Building Warrant
2	Jan 2021	EnviroCentre	Validation Report
3	14/12/2020	Mr Robert Forbes	Email
4	13/12/2020	Mr Nathan Thangaraj Roads Development Management Team	Email Consultee Comments
5	03/05/2017	Ms Christine McShane Roads Development Management Team	Memo – Access Arrangements Acceptable
6	16/05/2019	Ms Hannah Lynch of Waste Management Team	Memo – Waste Handling-Collection Acceptable
7	08/11/2019	Mr Robert Forbes	Approving Matters Specified in Conditions
8	07/05/2020	Mr Robert Forbes	Approving Matters Specified in Conditions
9	23/12/20	Mr Robert Forbes	Email
10	19/11/2019	Astell Associates	Approved Planting/Landscape Plan Burnside Poultry Unit
11	23/01/2020	S A Macgregor	Approved Ground Assessment and Drainage Report/Recommendations
12	15/12/2020	Agent to Delegated Officer	Email
13	23/12/2020	Agent to Delegated Officer	Email
14	28/01/2021	Agent to Planning Service	Notice of Commencement of Development
15	12/01/2021	Ms Jindra Waste Management Team to Delegated Officer	Consultee Response from Waste Management Team

(Figure 2 Demolition in Progress – Plot 2 - Burnside, Little Clinterty)



(Figure 3 – Burnside, Little Clinterty – Plot 2 Cleared)



(Figure 4 - Commencement of Development – Foundation Trench Plot 2 – Burnside, Little Clinterty)



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Application Ref No: 201359/DPP

To

The Local Review Body of Aberdeen City Council

**Applicant's Comments on the Appointed Officer's
Report of Handling**

Graham Buchan

27th February 2021

CONTENTS

PAGE

3	Preliminary Matter – Extent of the Development Site under Previous Consent (Ref 170395/DPP)
4	Appointed Officer’s Description of Proposal
	Applicant’s Response to Conditions Numbered 2 to 5 Proposed by the Appointed Officer
	<u>Condition 2</u> – Requirement to Submit details of proposed car parking layout / surfacing and vehicle turning. (Site Landscaping)
6	<u>Condition 3</u> – Requirement to Submit Details of Drainage Impact Scheme/ Sustainable Urban Drainage Scheme for Sewage/Soakaways
7	Condition 4 – Submission of Scheme – Sewage Disposal and Connection to Public Water Supply
8	<u>Condition 5</u> Submission of Details – Soft Landscaping, Trees Planting, Tree Protection
9	Summary
11	Conclusion

The following comments are submitted to the Local Review Body of Aberdeen City Council in response to the Appointed Officer's Report of Handling, intimated to the Applicant on 16th February 2021.

1. Preliminary Matter – Extent of Approved Development Site

1.1 In the Appointed Officer's Report to the Local Review Body, it is stated:

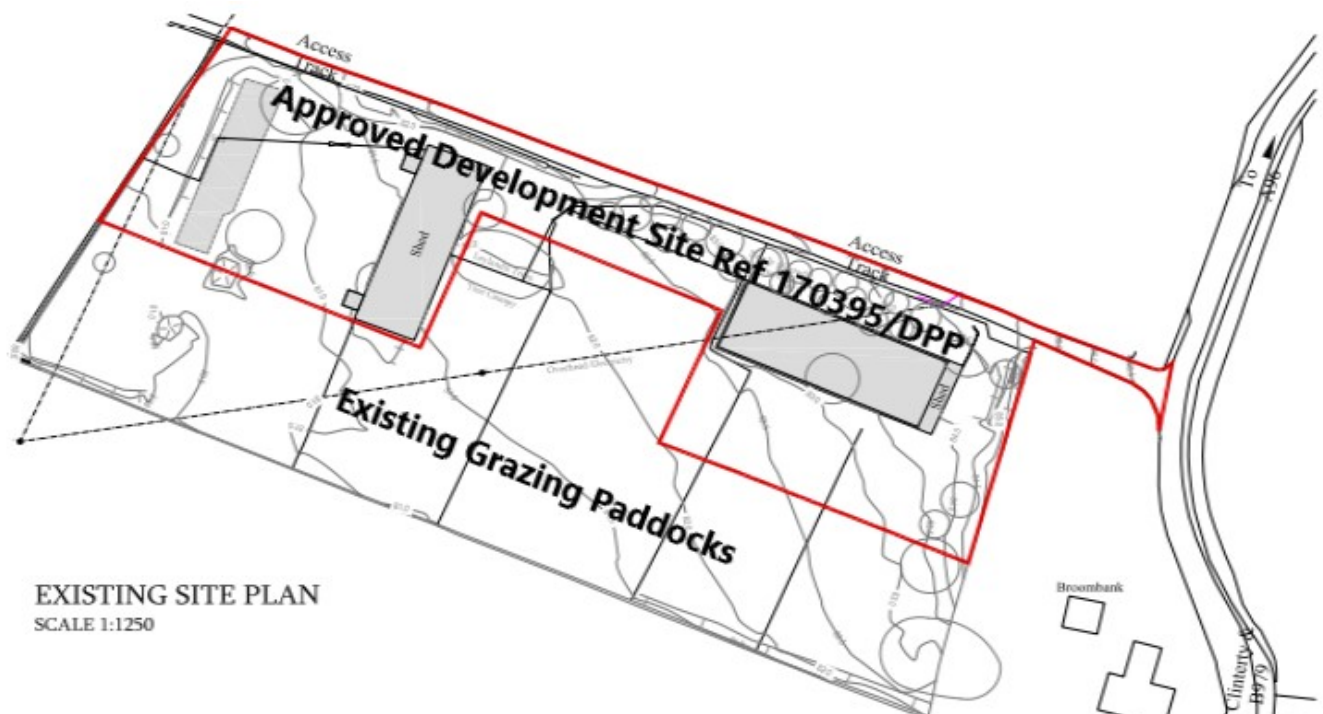
“Site Description

This 1.3 Ha site relates to former agricultural land located in open countryside to the south of Blackburn, close to the city boundary”

The site does not in fact extend to 1.3 Ha but **6385.5 square metres** as can be seen from the Planning Application Form lodged 10th April 2017 and the relevant plans on record under the existing Consent (Ref 170395/DPP).

The present Application (Ref 201359/DPP) before the Local Review Body is for a change of house type/extension of an already Consented dwelling house at Plot 2.

For convenience, the Existing Site Plan below is provided which shows the extent of the approved development site edged by a red line under the existing Consent. (Ref 170395/DPP).



The existing grazing paddocks are still in use for sheep grazing and registered with the Rural Payments Services of the Scottish Government as an agricultural Holding, having a County/Parish Holding Number.

No part of the proposed change of house type / extension would be located on any part of the agricultural land out -with the red – line boundaries under the existing Consent

2. Description of Proposal

2.1 The Appointed Officer states in the Report of Handling: -

“APPLICATION DESCRIPTION

In effect the permission seeks to vary the previously consented house design by creation of additional floorspace at ground level (i.e. a 24 square metre extension to the communal living area). The south elevation of the extension would be substantially glazed.”

The applicant agrees with the assessment of the Appointed Officer, in that this application seeks only a variation to the already consented house design at Plot 2.

Apart from the extension to the lounge area at Plot 2, it is not proposed to alter any other aspect of the previously approved Consent, whether in regard to the two dwelling – houses or to the parking area/turning space of the site.

Specifically, there are no proposals to alter the already approved wild-flower meadows and tree planting/landscaping scheme within the “red line” boundaries of the development site under the existing Consent Ref.170395/DPP.

The existing Consent had been implemented by the excavation of a trench at Plot 2 to hold part of the foundations of the dwelling – house.

3. Applicant’s Response to Conditions Numbered 2 to 5 Proposed by the Appointed Officer

3.1 The recommendation of the Appointed Officer is one of Approval, subject to the suggested Conditions Numbered 1 to 7 in total.

Although there is no dispute as to the necessity of planning conditions, the matters contained in the proposed **Conditions No’s 2, 3, 4, and 5** have already been fully addressed and approved under Applications for Matters Specified in Conditions (Ref 170395/DPP) under the previous Consent.

The applicant disagrees that it should be necessary to go through the process of submitting new proposals to address matters which have already been the subject of detailed scrutiny and which have been comprehensively addressed by the applicant and formally approved by Mr Forbes, the same Officer who now seeks to re-visit these matters.

3.2

Condition 2 – Requirement to Submit details of proposed car parking layout / surfacing and vehicle turning. (Site Landscaping)

The applicant questions the need to go through a new process of formulating submissions for car parking layout / surfacing and vehicle turning space when this issue has so very recently been fully addressed by the applicant and approved by the same Officer.

In his Evaluation, the Appointed Officer accepts the principle of development on the basis of the previous Consent (Ref.170395/DPP) and has acknowledged that the current application for the extension at Plot 2 simply seeks a variation to that which has already been approved under that previous Consent.

Applications for Matters Specified in Conditions have already been submitted and approved under the previous Consent (Ref. 170395/DPP), comprehensively addressing car parking, layout/surfacing and vehicle turning space under the heading Site Landscaping.

The Appointed Officer in the Report to the Local Review Body states,

“ Given the previous approval for housing at the site it is considered that the proposal would not result in any significant intensification of traffic movement.”

The applicant would go further and say that there would be no intensification in traffic movement.

This new application seeks permission to build what is essentially a lounge extension at Plot 2.

Additional bedrooms are not proposed, the number of occupants remaining the same as was planned under the previous Consent.

That being so, the applicant suggests that it would be both unnecessary and unreasonable to expend further time and expense in re-visiting what has been so recently approved.

Indeed, vehicle parking /turning space and surfacing materials had already been the subject of discussions between Mr Forbes and the applicant’s agent in Applications for Approval of Matters Specified in Conditions under the existing Consent (Ref. 170395).

In his letter **(Item 7)** Mr Forbes states:-

“ In terms of the extent of hard surfacing areas it is considered that the extent of parking areas is excessive and would therefore result in potential conflict with sustainable drainage objectives. It is preferred that the extent of these areas are reduced and consideration given to retention of trees at the entrance to the site plots.”

The agent duly amended the Plans, reducing the area of car parking and turning space, thereby increasing the area of garden ground at each Plot as suggested by Mr Forbes.

Mr Forbes formally approved the agent’s revised plans and proposals for car parking layout / surfacing and vehicle turning space (Site Landscaping) by letter dated 7th April 2020 **(Item 8)** :-

“Further to my letter dated 08/11/2019, I can confirm that the information submitted relative to the following conditions is considered to be acceptable and satisfies the pre-commencement requirements:-

Condition 3 – Sustainable Drainage;

Condition 4 – Foul Drainage;

Condition 5 – Site Landscaping.”

As this new application is seeking consent for an extension at the south elevation of the already consented house, there will be no additional impact on parking/ turning space or surfacing issues as the car park is located to the north of the approved house.

The extension will not result in any increase in the number of vehicles entering, parking or turning.

This point has also been addressed by the Roads Officer’s comments in his Response dated 2nd February 2021:-

“ As there are no alteration to the parking provision, or parking requirement, there are no Roads concerns with this application. ”

It is therefore suggested that, as all the requirements of the proposed Condition 2 have already been satisfied, it would be reasonable to adopt the measures which have already been approved by Mr Robert Forbes in his letter (**Item 8**) under the previous Consent (Ref. 170395/DPP).

Condition 3 – Requirement to Submit Details of Drainage Impact Scheme/ Sustainable Urban Drainage Scheme for Sewage/Soakaways

The applicant’s agent submitted to Mr Robert Forbes on 24th January 2020 a comprehensive Ground Assessment and Drainage Report prepared by drainage consultants, S. A. MacGregor (**Item 11**).

On 7th April 2020, by letter, (**Item 8**) Mr Forbes approved all of the proposals contained in the MacGregor Report to address SuDS, including foul water, septic tanks and surface drainage measures thus:

“I can confirm that the information submitted relative to the following conditions is considered to be acceptable and satisfies the pre-commencement requirements.

Condition 3 – Sustainable Drainage;

Condition 4 – Foul Drainage;”

The applicant questions the need for the submission of a new DIA/SUDS Measures Scheme considering that all these matters have been approved recently by Mr Forbes himself.

Given that the proposed change of house style/extension will not involve the installation of additional W/C's, wash-hand basins, showers, nor produce additional sewage above that of the original house design, it is difficult to see why the already approved Scheme needs to be re-formulated or a new Scheme submitted.

As already discussed in the main Supporting Statement, there have been no changes to the topography, geology nor the hydrology of the development site since the approval of the SUDS / Drainage proposals under the existing Consent (Ref. 170395/DPP)

Similarly, in regard to the volume of rain - water collected from the roof of the proposed extension, the already approved drainage Scheme would be able to absorb this.

The recent approval of the DIA and SUDS proposals by the Officer and the fact that the change of house style/extension will not increase the volume of foul or rain/surface water would indicate that all these matters have been fully addressed.

It is therefore suggested that, as all the requirements of the proposed Condition 3 have already been met, it would be reasonable to adopt the measures which have already been approved by Mr Robert Forbes in his letter (**Item 8**) under the previous Consent (Ref. 170395/DPP).

Condition 4 – Submission of Scheme – Sewage Disposal and Connection to Public Water Supply

Sewage Disposal

The applicant questions the need for new submissions as the MacGregor Report (**Item 11**) included detailed proposals for the installation of a septic tank and soakaways at each of the consented dwelling houses.

On 7th April 2020, by letter, (**Item 8**) Mr Robert Forbes approved all of the proposals contained in the MacGregor Report to address SuDS, including foul water, septic tanks installation, soakaways and surface drainage measures thus:

“I can confirm that the information submitted relative to the following conditions is considered to be acceptable and satisfies the pre-commencement requirements.

Condition 3 – Sustainable Drainage;

Condition 4 – Foul Drainage

As discussed above, no additional domestic waste water or sewage would be produced at Plot 2 by the addition of the proposed extension.

Public Water Supply Connection

Detailed proposals for a new connection of both dwelling - houses to the mains public water supply were approved by Mr Robert Forbes by letter dated 8th November 2019 (**Item 7**)

“The water supply arrangements are accepted;”

The proposed change of house type/extension will not increase the need for potable water as no additional W/Cs, water taps, showers etc are to be installed above that already approved under the previous Consent.

There could be no doubt that the requirements of the Proposed Condition 4 relating to sewage treatment and connection to the public water supply have already been satisfied and that it would be reasonable to adopt the measures which have already been approved by Mr Robert Forbes in his letters (**Items 7 & 8**) under the previous Consent (Ref. 170395/DPP).

Condition 5 Submission of Details – Soft Landscaping, Trees Planting, Tree Protection

The applicant questions the need for new submissions in regard to Soft Landscaping, Tree Planting and Tree Protection.

The re-visiting of issues which have already been comprehensively addressed in Applications for Matters Specified in conditions is, in the applicant’s opinion both unreasonable and unnecessary and ignores the Planting/Tree Plan produced by Astell Associates. (**Item 10**)

The issues of soft landscaping, tree planting and tree protection were the subject of discussions between the applicant’s agent and Mr Forbes, whereby Mr Forbes asked for changes to the first set of plans submitted.

New amended proposals were submitted incorporating Mr Forbes’ suggested changes and those proposals were accepted by Mr Forbes.

The Tree Survey Report prepared by Astell Associates (**Item 16**) is attached with these Replies.

On Page 12 of the Tree Survey Report, the type of temporary tree protection fencing is illustrated along with a copy of the Warning Notices which are to be posted within the development site during construction.

The tree protection proposals for new and existing trees were approved by Mr Forbes by letter dated 8th November 2019 (**Item 7**) :-

“I can confirm that the proposed tree protection plan is adequate and protective fencing requires to be installed prior to start of development.”

The Astell Planting/Tree Plan (**Item 10**) and the Astell Tree Survey Report (**Item 16**) containing the applicants proposals to address all matters relative to hard and soft landscaping (including tree protection) was submitted Mr Forbes.

Mr Forbes by his letter dated 7th April 2020 (**Item 8**) formally approved the proposals

as part of a Matters Specified in Conditions Application.:-

“Further to my letter dated 08/11/2019, I can confirm that the information submitted relative to the following conditions is considered to be acceptable and satisfies the pre-commencement requirements:-

Condition 3 – Sustainable Drainage;

Condition 4 – Foul Drainage;

Condition 5 – Site Landscaping.”

The two Astell documents identifies the location of existing trees, proposes new tree planting, (including a tree belt), protection for both new and existing trees, the establishment of two areas of wildflower meadow and the planting of native hedging in the amenity areas of land.

The proposed extension would be located on the south elevation of the dwelling - house within the curtilage of Plot 2 where there are no existing trees therefore the construction works would not impact any existing root systems.

All of the points raised in the proposed Condition 5 relating to Soft Landscaping, Tree Planting and Tree Protection have already been fully addressed by the applicant and have been approved by Mr Robert Forbes in his letter (**Item 8**) under the previous Consent (Ref. 170395/DPP)

It is suggested that that it is unnecessary to re-visit these issues and that it would be reasonable to adopt the measures which have already been approved.

4.

Summary

The applicant accepts the need for appropriate planning conditions in respect of this new application for what is essentially a variation of the previous Consent.

The Appointed Officer candidly states in his Report to the Local Review Body : -

“In effect the permission seeks to vary the previously consented house design by creation of additional floorspace at ground level (i.e. a 24 square metre extension to the communal living area).”

- The applicant has previously submitted all the required Applications for Matters Specified in Conditions under the previous Consent (Ref. 170395) relating to :-
 - o Car parking/turning space and surface treatment
 - o Drainage Impact Scheme/ Sustainable Urban Drainage Scheme for Sewage/Soakaways, Surface Water

- Sewage Disposal /Septic Tanks and Connection to Public Water Supply
 - Soft Landscaping, Trees Planting, Tree Protection for existing and new trees
- All these Matters were formally approved very recently by the same Appointed Officer, Mr Forbes by letter (**Items 7 & 8**).
 - Apart from the addition of the extension at the south elevation at Plot 2, the proposal does not seek to change or displace any other aspect of the previous Consent (Ref 170395/DPP).

In the view of the applicant, it appears somewhat arbitrary and illogical to discard well designed proposals which address each and every one of the points raised by the Appointed Officer in his Report of Handling to the Local Review Body.

It is difficult to see on what basis the Officer is requesting new Submissions given his very recent approvals of the relevant Applications for Matters Specified in Conditions.

Nothing would change on this small development site other than the building of what is essentially a modest extension on one of the already Consented houses.

Considerable efforts have been made by the applicant in seeking to properly address all of the Planning Conditions which were attached to the previous Consent.

This included the submission for approval of all the matters which have now been raised by the Appointed Officer relative to this new Application.

The Appointed Officer has, in writing given Approval for all these Matters.

The applicant is of the view that, in respect of the **Conditions Numbered 2, 3, 4 and 5** contained in the Appointed Officers Report of Handling, these matters have already been fully addressed by Applications for Matters Specified in Conditions relative to the previous Consent.

No issue is taken in regard to the proposed Conditions 1, 6 and 7.

The applicant accepts that, relative to proposed Condition 1, the addition of the proposed extension at Plot 2 will call for revised calculations in terms of energy efficiency and that it is reasonable for the Planning Service to seek an updated Report.

Proposed Conditions 6 and 7 simply reiterate the Conditions contained in the previous Consent (Ref 170395/DPP) and do not impose any unnecessary additional burdens on the Applicant.

As matters stand, the previous Consent has been implemented.

5.

Conclusion

This new application is for a change to the design of the Consented dwelling -house at Plot 2 by the construction of an extension to the lounge area.

Apart from the proposed extension, the original design of the dwelling – house at Plot 1 shall remain as proposed under the previous Consent.

The proposal will not impact in any way on the already approved Applications for Matters Specified in Conditions under the previous Consent.

The applicant is of the view that, in regard to the suggested **Conditions 2, 3, 4 and 5** it would be unreasonable and illogical to “re-invent the wheel”, as would be the case if new or re-formulated proposals had to be submitted, given the existing approvals which are in place relative to all those Matters.

Should Members be minded to grant planning permission, it is respectfully requested that, in relation to the request for new submissions relative to **Conditions 2, 3, 4 and 5** as proposed by the Appointed Officer, that the previously approved Applications for Matters Specified in Conditions under the previous Consent (Ref 170395/DPP) be adopted without the need for further submissions on those matters.

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Burnside, Blackburn, Aberdeen



Tree Survey Report

18th September 2019

Ref: BSB-1909-TR



Tree Report

Burnside, Blackburn, Aberdeen

Contents

Introduction	3	Appendix A: Tree Schedule	9
Limitations	3	Appendix B: Adapted from BS: 5837 2012 Trees in Relation to Construction. ..	10
Site Visit and Tree Assessment Methodology	3	Appendix C: Tree Life Stages from BS: 5837.....	11
Survey Methodology	3	Appendix D: Drawings	11
Site Description & Proposed Development	4	Appendix E: Legislation, Guidance and References	11
Site Location	4	Appendix F: Professional Qualifications	11
Site Description	4	Appendix G: Contact Details	11
Development Proposals.....	4	Appendix H: Protective Barrier and Ground Protection - BS: 5837 - 2012	12
Tree Preservation Orders / Conservation Areas.....	4		
Arboricultural Impact	5		
Tree Protection.....	5		
Tree Protection Fencing.....	5		
Underground Service Installation.....	5		
Arboricultural Method Statement	7		
General	7		
Sequence of Operations.....	7		
General Precautions	7		
Supervision and Monitoring.....	8		
Contingency Plans	8		
Damage Limitation	8		
Replacement Planting	8		



Tree Report

Burnside, Blackburn, Aberdeen

Introduction

Astell Associates have been instructed by Norman P Lawie Limited, Architectural Design to advise on trees and the constraints on development at Burnside, Blackburn, Aberdeen.

This report is intended to accompany the Planning Application as a document supporting the application and demonstrating that the implications of the proposed development on the arboricultural, landscape and cultural (conservation) value of the trees on the site have been fully considered.

Limitations

This is a preliminary assessment from ground level and observations have been made solely from visual inspection for the purposes of assessment for planning and the proposed development. No invasive or other detailed internal decay detection instruments have been used in assessing trunk condition.

The conclusions relate to conditions found at the time of inspection. The recommendations contained within this report (Tree Schedule) are valid for a period of one year only. Any significant alteration to the site that may affect the trees that are present or have a bearing on the planning implications (including level changes, hydrological changes, extreme climatic events or other site works) will necessitate a re-assessment of the trees and the site.

It should be noted that this survey is not a tree safety inspection. It is carried out in order to inform the planning process

Site Visit and Tree Assessment Methodology

A site visit was undertaken on 13 September 2019 by Nigel Astell.

The inspection took place from ground level aided by the Visual Tree Assessment method (Mattheck and Breloer, 1994). A Laser Ace Hypsometer was used to establish tree heights and canopy distances.

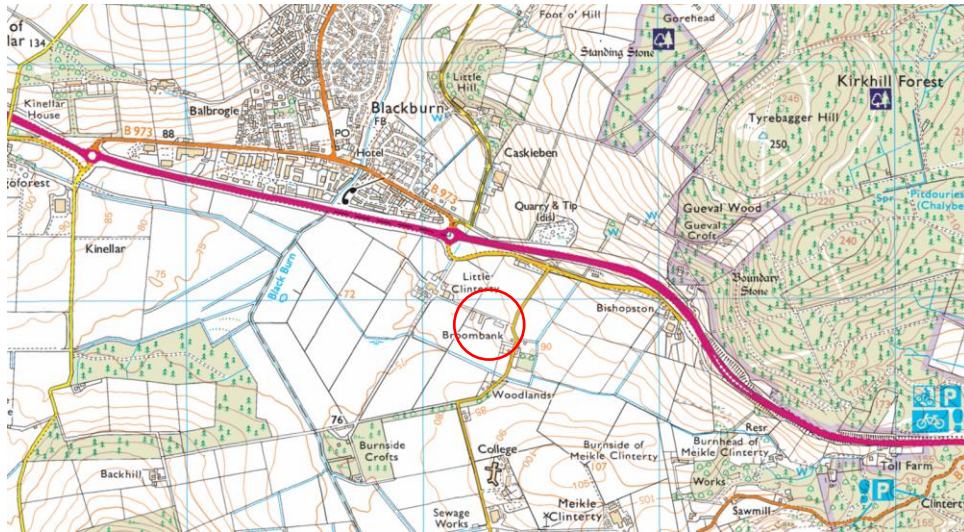
Survey Methodology

All trees with a diameter of over 12cm have been numbered and surveyed for tree species, height, number of stems, stem diameter, branch spread (to N, S, E and W), condition, tree category and suitability for retention. Refer to drawing BSB-1909-AA, which is a plan showing the location of each tree and its arboricultural tree category.

Data collected regarding individual trees and groups of trees are detailed in the Tree Schedule, Appendix A.

Site Description & Proposed Development

Site Location



Site Location. Grid ref: NJ832119. Postcode: AB21 0TH.



Development Proposals

It is proposed to remove the old hen shed foundation on the east side, and the existing old wooden hen shed at the west end and construct two new houses on these areas. The houses will be accessed by the existing farm road

Tree Preservation Orders / Conservation Areas

The site is not situated within a Conservation Area, and there are no Tree Preservation Orders at the site. The site is not listed on the Ancient Woodland or National Forest Inventories.

Site Description

The site used to be a chicken farm in the northern part of an agricultural field. One shed on the eastern side has been demolished with only the foundations remaining. The wooden western chicken shed is still present. Some young indigenous trees are growing adjacent to the access drive, with one or two ash trees growing from old foundations. There is a line of cypress trees adjacent to the western chicken shed. This former hedge has now grown into trees. On the east side is a bank up to the neighbouring ground which has been planted with young cypress for screening. On the western boundary, adjacent to the power lines, some young birch have been planted. Interspersed in the site are a number of mature trees.

Arboricultural Impact

The driveway is accessed from the public road. There is a steep bank from the current access track up to an elevated plateau on which trees are planted. These coniferous trees are close-grown and leaning. They are from 5 – 7m from the south side of the existing track. The root protection areas do not extend onto the existing track. The upgrading of the track will have no impact on these trees. If the access track is to be widened it is recommended that this is done on the northern side, away from the trees.

The following trees will be felled for the proposed development:

1	Ash	3	Ash	4	Cypress	5	Willow
---	-----	---	-----	---	---------	---	--------

The remaining retained trees are to be protected by tree protection fencing which will prevent encroachment of construction vehicles and materials onto the root plate area. In addition to the numbered trees there are areas of young trees shown on the plan, which are at present fenced off by livestock netting. These trees have small root protection areas which are adequately protected by the existing fencing. There are four fruit trees in the field, which have squares of livestock netting with barbed wire around them, which will protect these trees without need for further fencing.

Ash tree 10 is growing on a west facing bank and its tree roots are protected by the existing livestock fencing at the base of the bank.

The tree schedule with management recommendations for each tree is given in Appendix A

Tree Protection

All trees shown as retained within the tree table and site plans that accompany this report will be protected in accordance with British Standard BS: 5837 2012 - Trees in Relation to Design, Demolition and Construction, prior to the commencement of any development activity at the site.

Tree Protection Fencing

The Tree Protection fencing will be erected in the locations shown in Drawing BSB-1909-TP (Appendix D). Details of fencing can be found in Appendix H.

Tree felling and remedial tree works should be undertaken before this fencing is erected.

After any tree felling and remedial tree works have been completed, the tree protection fencing must be erected before any demolition, site preparation or construction work commences, i.e. as the first operation on site following Planning Approval.

Underground Service Installation

Power and water are already present on the site. It is proposed to upgrade these services. A ditch will be excavated in the existing access track, to contain power and water. This will be outwith the root protection area of any trees.

Surface water will be directed to soakaways to the south of the two properties.

Foul water will enter treatment plants and then pass to soakaways on the northwest side of each house.



Photo 1: View northeast from westernmost house plot to easternmost house plot. Trees 1, 3 and group 4 are to be felled. Trees 2 and 11 are to be retained.





Photo 2: View east of easternmost plot. Trees 1 and 3 are to be felled for the construction of this house and driveway.

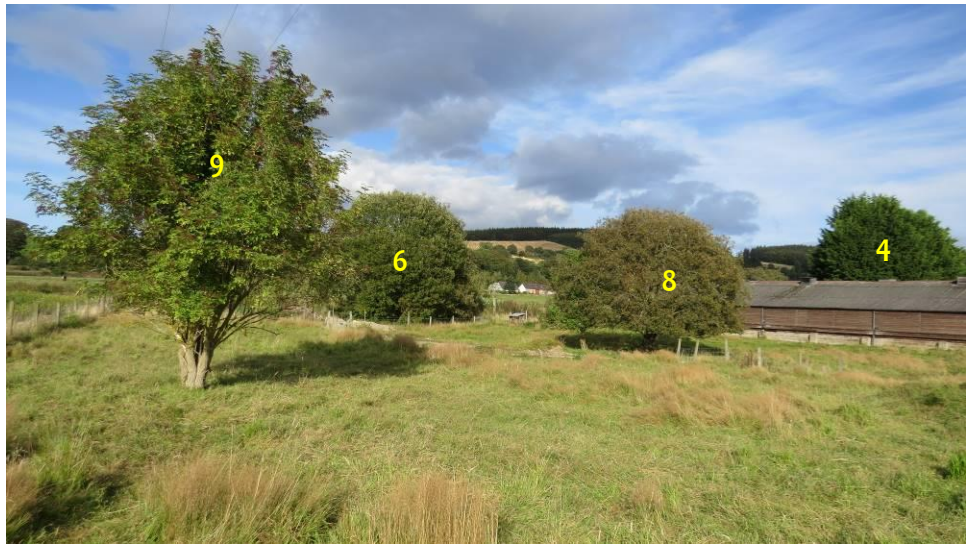


Photo 4: View northeast towards westernmost plot. Trees 6, 8 and 9 are to be retained.



Photo 3: View west - young / semi-mature trees to be retained are seen along the middle of the photo. Cypress group 4 is the overgrown hedge and is to be felled.



Photo 5: View northwest from adjacent to the new house position. Trees are to be retained.



Arboricultural Method Statement

General

This is an Arboricultural Method Statement highlighting the sequence of operations that will be undertaken.

This section sets out the basis for all proposed works in relation to the proposed development in proximity to trees located within the development site boundary and for those trees outside the development site boundary where they overhang the site or where their RPAs extend into the site.

Copies of this Arboricultural Method Statement document will be available for inspection on site and will form the basis of the management of all works relating to the trees on the site, following commencement of the project.

Sequence of Operations

1. All tree works detailed on the tree schedule (Appendix A and Arboricultural Impact section) will be carried out to BS:3998.
2. The tree protection fences will be marked out by the Arboricultural Consultant together with the fencing contractor, all as per plan BSB-1909-TP.
3. The tree protection fences will be erected by fencing contractors.
4. The tree protection fences will consist of a scaffold framework in accordance with Figure 2 of BS 5837:2012 (Appendix D). Alternatively wooden posts can be sunk into the ground for 75cm and deer netting (Rylock) attached to a height of 1.8m. This fencing will have horizontal battens at 1.0 and 1.8m and will have diagonal supports where necessary.
5. The tree protection fencing will be inspected by the arboricultural consultant and its correct position and construction will be confirmed in writing.
6. Protective barrier site notices (similar to those presented in Appendix E) will be attached to the exterior of the tree protection fencing where they can be read easily by site personnel.
7. The tree protection fences will remain in place until completion of the main construction phase.

General Precautions

1. No materials which are likely to have an adverse effect on tree health with be stored or discharged within 10m of the base of a tree which is to be retained. Further considerations will be given to storage of materials upslope of retained trees to minimise the risk of spillages leaching down-slope and contaminating the root protection area of a tree. Such materials include, but are not limited to:
 - Oil
 - Bitumen
 - Cement
2. No fires will be lit within 20m of the base of any tree which is to be retained.
3. Concrete mixing will not take place within 10m of the base of any tree which is to be retained.
4. Other than works detailed in this method statement, or approved by the local planning authority, no works (including the storage or dumping of materials, or the storage or operation of plant or machinery) shall take place within the construction exclusion zones set out by the tree protection fences.



Supervision and Monitoring

An Arboricultural Consultant will be responsible for monitoring of all operations relating to arboricultural issues and will issue a written confirmation of completion of the following operations:

- All tree works.
- The erection of tree protection fences in accordance with plan CHC-1909-TP.
- The excavation of trenches for any services close to trees.

A record of site visits completed by the arboricultural consultant will be maintained for inspection on site, and copies will be forwarded to the appointed developer, site agent, and the architect.

Any operations within the Construction Exclusion Zones of retained trees including the dismantling and erection of tree protection fencing will be overseen and supervised by the appointed arboricultural consultant.

Contingency Plans

In the event of unforeseen incidents occurring which may adversely affect or impact the welfare or security of trees, the site manager will inform the Arboricultural Consultant at the earliest opportunity, and not more than one working day following the incident.

The arboricultural consultant will visit the site to inspect and assess the conditions and make appropriate recommendations. The Local Planning Authority Tree Officer will be informed by the Arboricultural Consultant of such incidents and recommendations will be submitted for approval by the Local Planning Authority.

A record of such incidents and recommendations shall be maintained by the Arboricultural Consultant.

Incidents which merit such contingency plans include:

- Accidental/unauthorized damage to the limbs, roots, or trunk of trees
- The spillage of chemicals within or adjacent to a root protection area
- The discharge of toxic materials/waste within or adjacent to a root protection area
- The unscheduled or unsupervised breaching of the tree protection fence

Damage Limitation

Any operations within the Construction Exclusion Zones of retained trees including the dismantling and erection of tree protection fencing will be overseen and supervised and reported to the Local Planning Authority by the appointed arboricultural consultant.

Where excavation is required within the Root Protection Area, this will be undertaken by hand, from within the footprint of the plot and should be overseen by the appointed arboricultural consultant.

Replacement Planting

Following the tree felling for the proposals, woodland management and health and safety, the following replacement planting will be carried out as detailed in landscaping plan BSB-1909-LS:



Appendix A:

Tree Schedule

No	Species	Dia at 1.5m (cm)	Canopy Radius (m)				Height (m)	RPA (m)	Age	Class	Description	Action
			N	S	E	W						
1	Ash	35	4	3	4	5	13	4.2	M	B	Tree has slight lean to south, appears healthy.	Fell for development.
2	Ash	16, 14, 12, 12	3	2	3	3		3.3	SM	B	Group of four trees, appears healthy.	Retain.
3	Ash	45	5	4	3	4	12	5.4	M	C	Tree leans south, growing from base of old shed foundation, with suppressed roots, appears healthy.	Fell for development.
G4	Cypress	avg 37	3	3	3	3	13	4.4	M	C	Old hedge, (9 stems) now overgrown, previously pollarded at 1.2 and 2.5m. Trees have broken branches and dead branches.	Fell for development.
5	Willow	35	2	4	3	3	6	4.2	M	B	Tree leans north, twin-stemmed from 1.9m. South limb grows to the south. There are three dead adventitious branches at the base.	Fell for development.
6	Willow	29, 19, 19, 16, 18, 12, 22, 11, 18, 28, 18, 24, 39	3	6	6	7	10	8.3	M/V	A	Mature / veteran tree, multi-stemmed from base and 1.0m. Tree appears healthy.	Retain.
7	Willow	27, 18	4	-	4	3	5	4.3	M	C	Twin-stemmed from base with two adventitious stems. Tree leans north, canopy suppressed to south by willow 6.	Retain at present.
8	Willow	31, 21, 18, 21, 24, 13, 11, 26	4	3	3	3	6	7.3	M	B	Eight-stemmed from 1.0m, tree appears healthy.	Retain.
9	Elder	avg 9	2	2	2	1	5	6.0	M	B	Seven-stemmed mature shrub, appears healthy.	
10	Ash	19	5	2	2	5	12	2.3	SM	C	Tree leans north with one-sided canopy to west.	Retain at present.
11	Beech	79	6	5	5	8	15	9.5	M	B	Twin-stemmed from 7.5m, west limb divides at 11m into two. Tree leans west with one-sided canopy to west, appears healthy.	Retain.
12	Lodgepole pine	23						2.8	M	C	Trees 12 – 16 are on a raised embankment adjacent to the access track, outwith site ownership	
13	Lodgepole pine	24						2.9	M	C		
14	Lodgepole pine	31						3.7	M	C		
15	Lodgepole pine	28						3.4	M	C		
16	Ash	34						4.1	M	C		
G12	Young trees								YT		Area of young trees, 3 - 6m in height comprising oak, birch, rowan, field maple, hazel, hornbeam. Trees appear healthy.	Retain.



Appendix B: Adapted from BS: 5837 2012 Trees in Relation to Construction.

Table 1: Cascade chart for tree quality assessment				
Category and definition	Criteria (including subcategories where appropriate)			Identification on plan
<p>Category U Trees which cannot be retained long-term (for longer than 10 years)</p>	<ul style="list-style-type: none"> Trees that have a serious structural defect which puts them at risk of collapse, including those that will become unviable after removal of other trees Trees that are dead or dying Trees infected with pathogens which could affect the health and/or safety of nearby trees, or very low-quality trees which suppress trees of better quality <p>NOTE Category U trees can have existing or potential conservation value which might be desirable to preserve.</p>			DARK RED
TREES TO BE CONSIDERED FOR RETENTION				
	1 Mainly arboricultural values	2 Mainly landscape values	3 Mainly cultural values, including conservation	
<p>Category A Trees of high quality and value: in good condition; able to persist for long (a minimum of 40 years).</p>	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups (e.g. the dominant and/or principal trees within an avenue).	Trees, groups or woodlands of particular visual importance.	Trees, groups or woodlands of significant conservation, historical, or other value (e.g. veteran trees)	LIGHT GREEN
<p>Category B Trees of moderate quality with an estimated remaining life expectancy of at least 20 years</p>	Trees downgraded from category A because of impaired condition (e.g. presence of minor defects, including unsympathetic past management or storm damage).	Collections of trees (in groups or woodlands) with a higher rating than they would have as individuals.	Trees with some conservation or other cultural value	MID BLUE
<p>Category C Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm</p>	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories	Trees present in groups or woodlands, without significantly greater collective landscape value; and/or trees offering low or only temporary landscape benefits	Trees with no conservation or other cultural value	GREY



Appendix C: Tree Life Stages from BS: 5837

Y	Young
SM	Semi-mature
EM	Early-mature
M	Mature
OM	Over-mature
V	Veteran

Appendix D: Drawings

BSB-1909-AA:	Arboricultural Assessment Plan showing positions of all trees, root protection areas and arboricultural assessment.
BSB-1909-TP:	Tree Management and Root Protection Areas Plan showing the position of the proposed new building, with trees to be felled, root protection areas and tree protection fencing.
BSB-1909-LS:	Replacement Planting Plan showing position of the proposed new houses, showing retained trees and proposed replacement planting.

Appendix E: Legislation, Guidance and References

Legislation

Town and Country Planning (Scotland) Act 1997 (as amended)
Health & Safety at Work Act 1974
Construction (Design & Management) Regulations 2015
Scottish Government Policy on the Control of Woodland Removal

Appendix F: Professional Qualifications

Nigel Astell has been involved in arboriculture for over 40 years. He holds degrees in Botany and Zoology and is a member of the Arboricultural Association and The Chartered Institute of Environmental and Ecological Management.

Appendix G: Contact Details

Client: Graham Buchan

Architect: Norman P Lawie Limited, Architectural Design
Tumulus Way,
Midmill Business Park ,
Kintore,
Aberdeenshire
AB51 0TG
01467 633064

Environmental Consultant:

Astell Associates
26 Bingham Crescent
Milltimber,
Aberdeen
AB13 0HP
Tel 01224 8686458
email: info@astellassociates.co.uk



Nigel Astell
Astell Associates

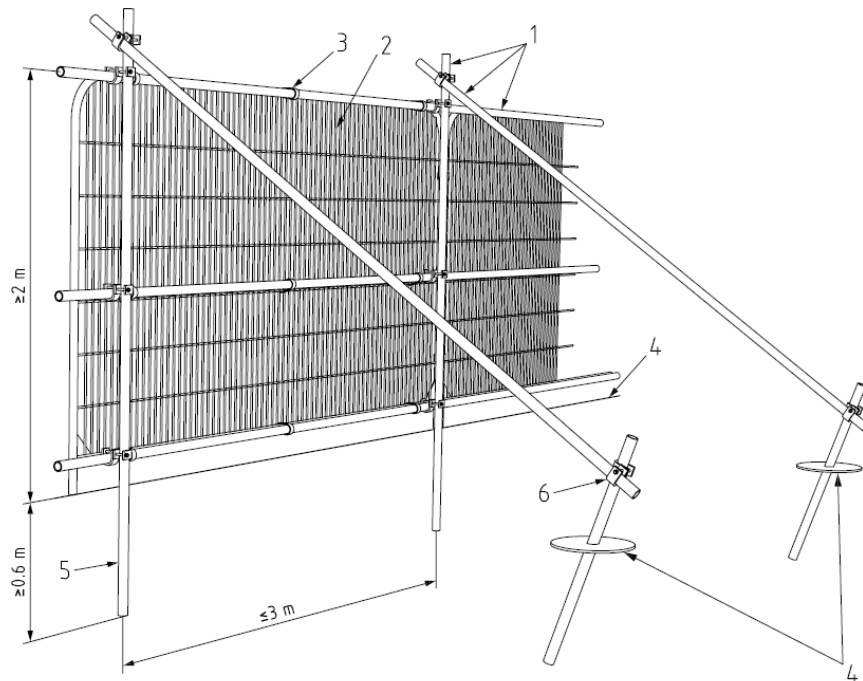


Appendix H: Protective Barrier and Ground Protection - BS: 5837 - 2012

Figure 2 which is taken from BS: 5837 2012 “Trees in Relation to Design, Demolition & Construction – Recommendations” illustrate the systems to be employed for ensuring an adequate Construction Exclusion Zone about retained trees. Refer to BS: 5837 2012 for more details.

All-weather notices should be attached to the barrier with words such as: “CONSTRUCTION EXCLUSION ZONE – NO ACCESS”. An example is shown below.

Page 162



- | | |
|---|--|
| 1. Standard scaffold poles | 4. Ground level. |
| 2. Heavy gauge 2m tall galvanized tube and welded mesh infill panels. | 5. Uprights driven into the ground until secure (minimum depth 0.6m) |
| 3. Panels secured to uprights and cross members with wire ties. | 6. Standard scaffold clamps |

Figure 2: Protective Barrier

Keep Out

Tree Protection Area

Construction Exclusion Zone

No Entry to Personnel

No Construction Vehicles

No Storage of Materials

No Dumping of Waste

