

Public Document Pack



To: Councillors Boulton (Chairperson) and Councillor Stewart, the Depute Provost (Chairperson), Donnelly and Reynolds.

Town House,
ABERDEEN 27 July 2021

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet remotely on **MONDAY, 2 AUGUST 2021 at 9.00 am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

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

BUSINESS

1.1 Procedure Notice (Pages 5 - 6)

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

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

[Local Development Plan](#)

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

PLANNING ADVISER - GAVIN EVANS

2.1 **North Deeside Road, Pitfodels - Erection of New 17.5m High 5G Telecommunication Mast and Installation of Associated Meter Cabinets with Associated Works - Ref 201501/DPP (Pages 7 - 28)**

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 29 - 50)

Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 201501.

2.3 Planning Policies Referred to in Documents Submitted (Pages 51 - 52)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 53 - 78)

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 201501.

2.5 Determination - Reasons for Decision

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

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

3.1 **41 Regent Quay (First Floor) - Change of Use from Class 2 (Financial, Professional and Other Services) to Class 10 (Public Worship) - Ref 210464 (Pages 79 - 96)**

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 97 - 122)

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 210464.

3.3 Planning Policies Referred to in Documents Submitted (Pages 123 - 124)

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 125 - 128)

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 210464.

3.5 Determination - Reasons for Decision

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

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

Website Address: aberdeencity.gov.uk

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

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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



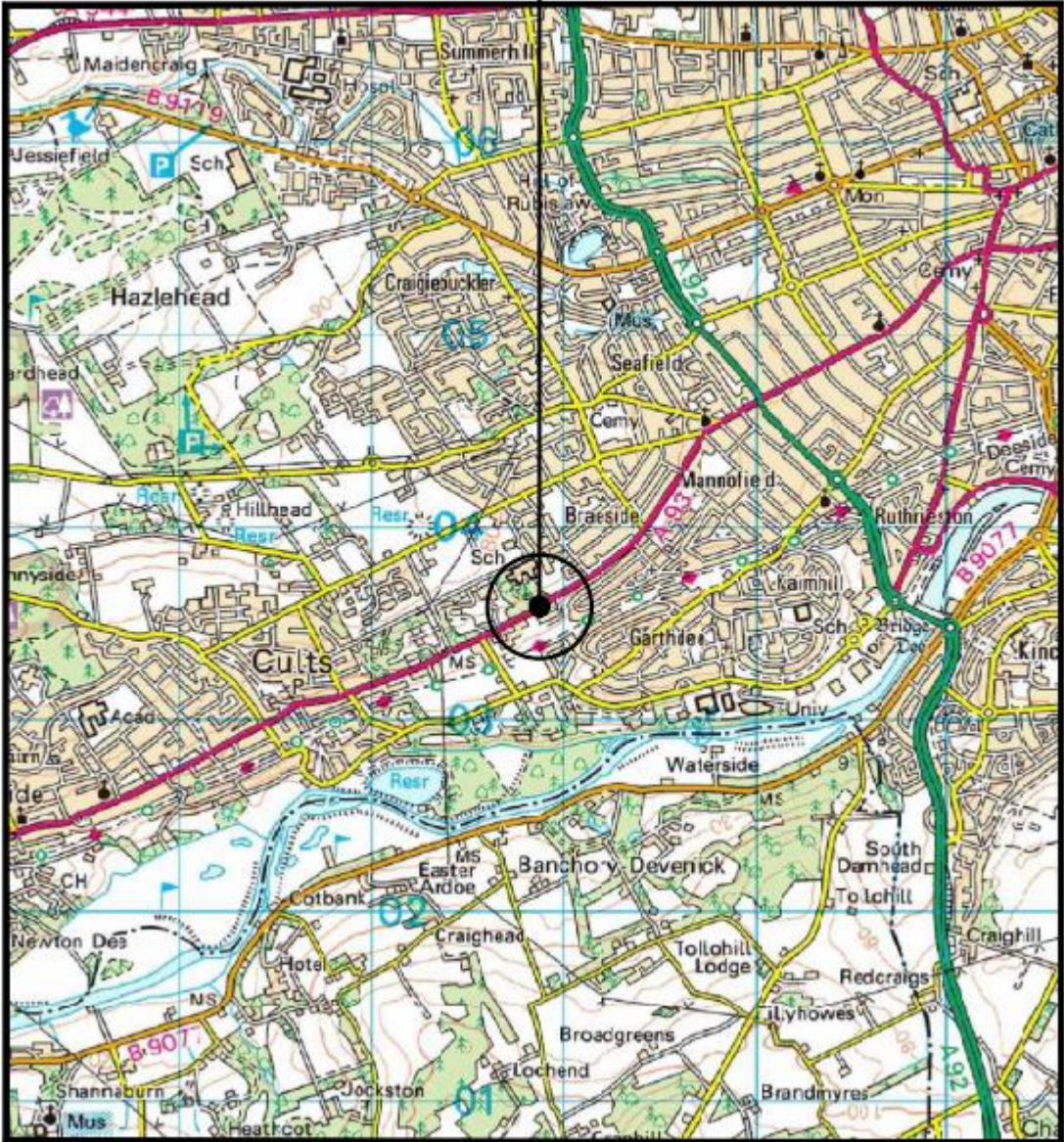
201501/DPP– Review against refusal of planning permission for:

Erection of new 17.5m high 5G telecommunication 5G mast and installation of associated meter cabinets with associated works

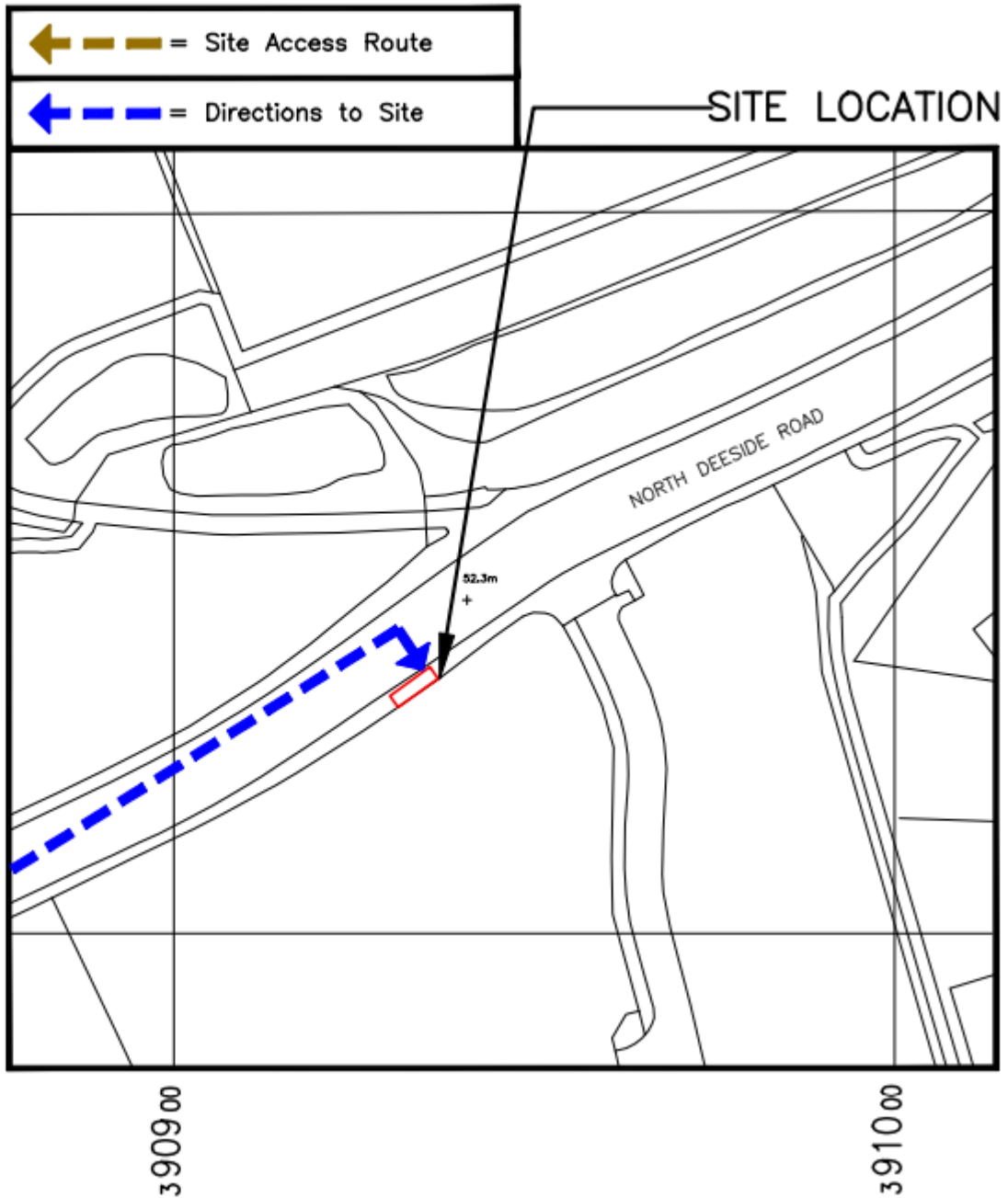
North Deeside Road, Pitfodels, Cults

Location Plan

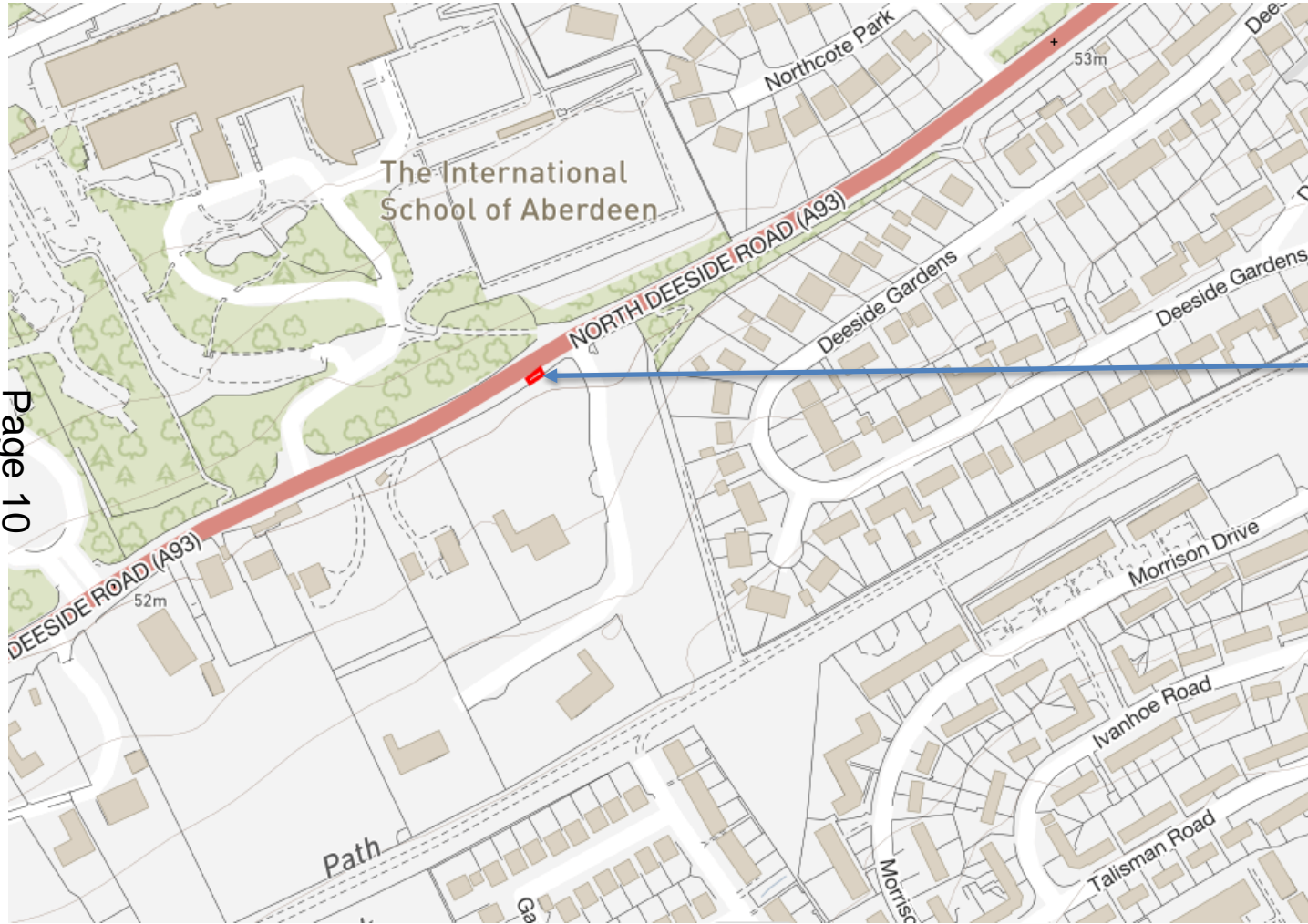
SITE LOCATION



Location Plan

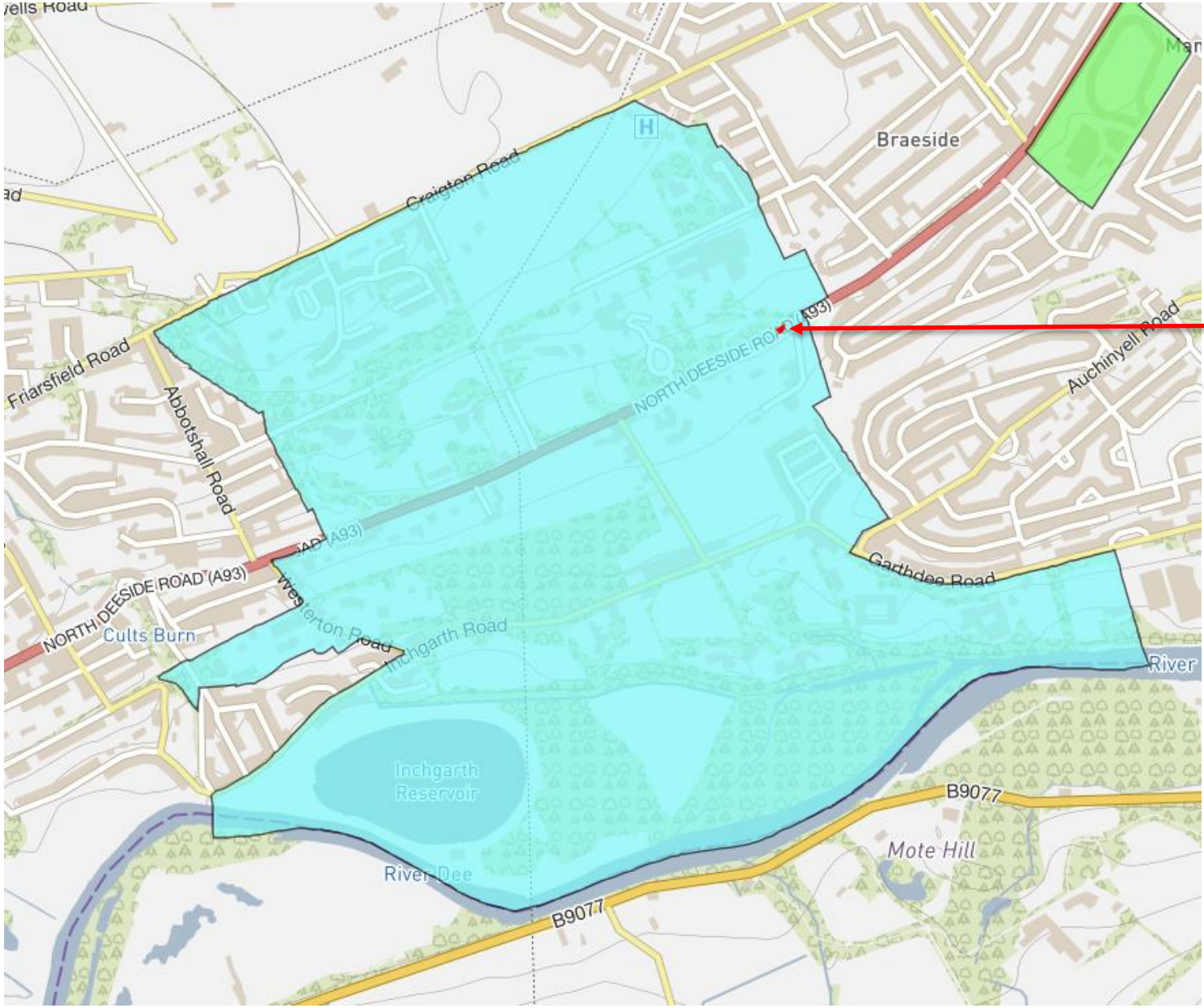


Location Plan (GIS)



SITE LOCATION

Location relative to Pitfodels Conservation Area



SITE LOCATION

Aerial Photo (GIS)

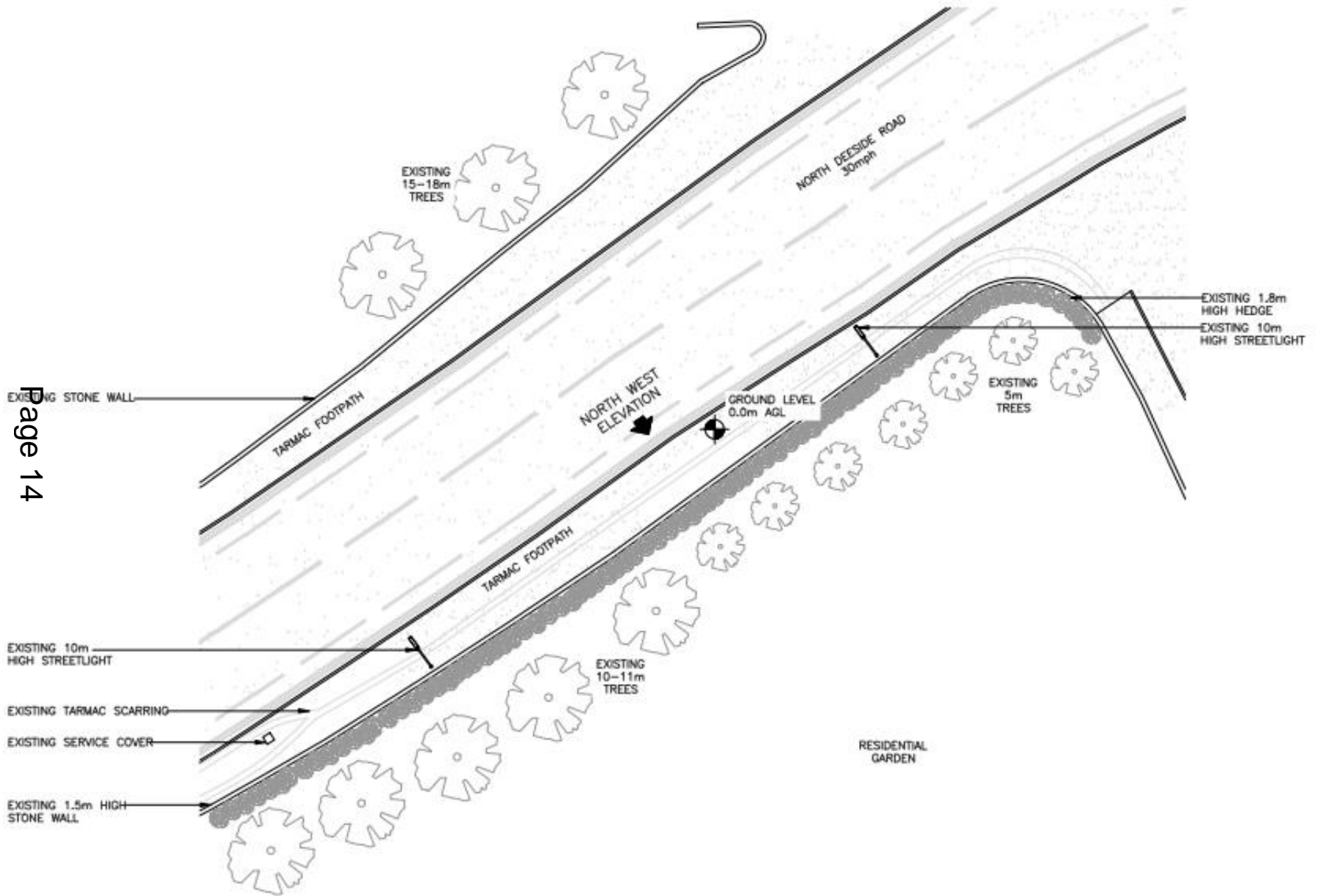


Site Photo

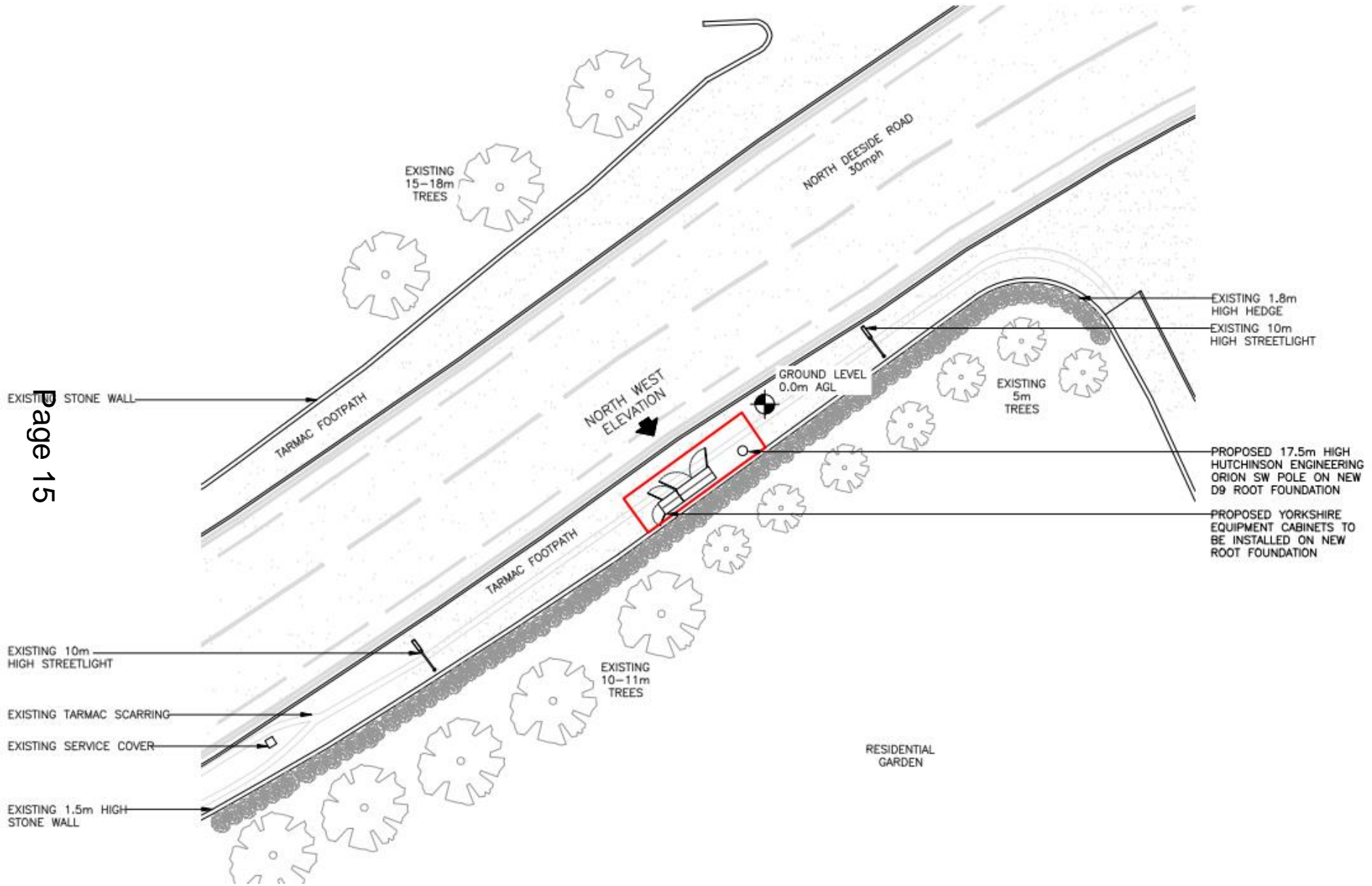
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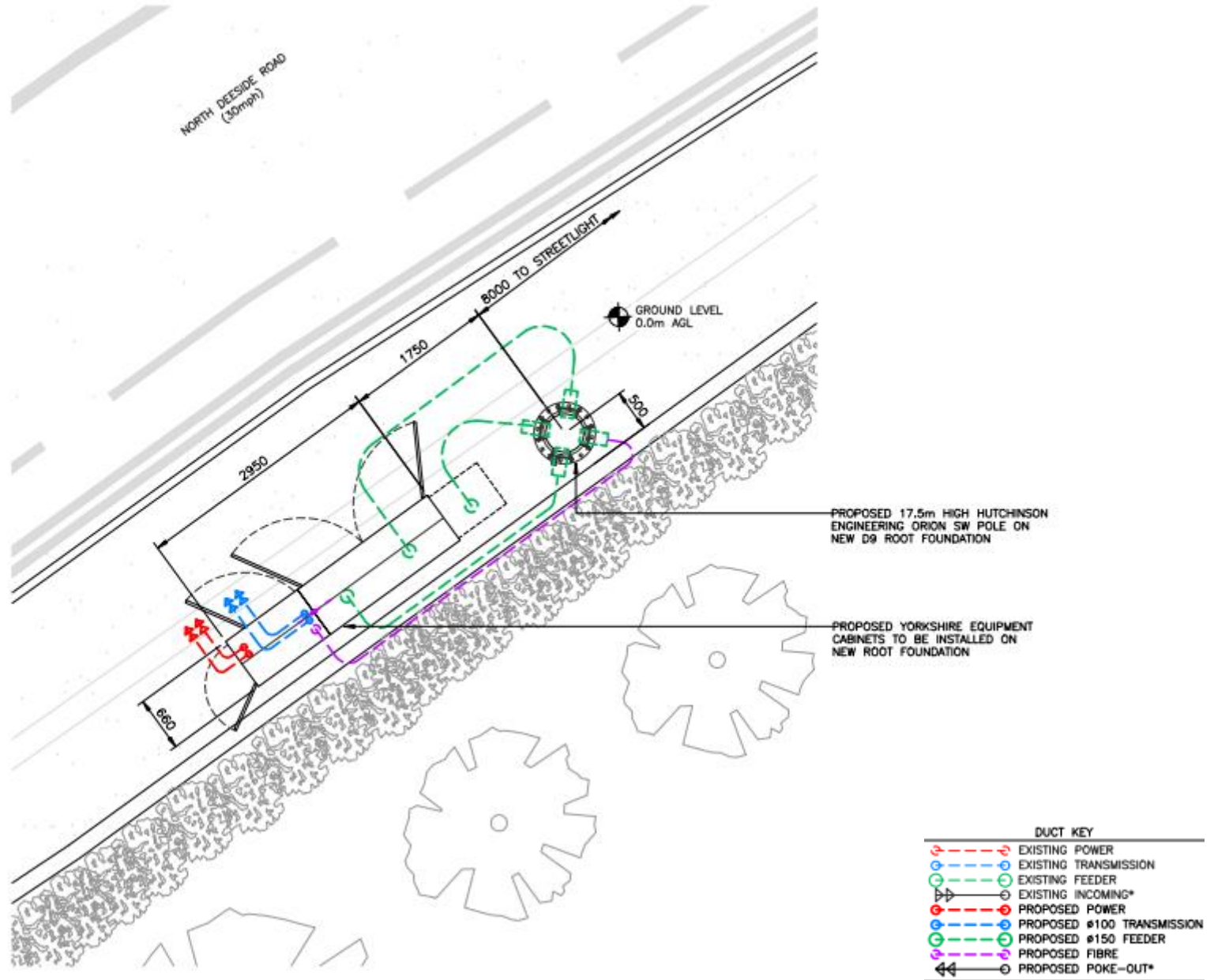
Site Plan as Existing



Site Plan as Proposed

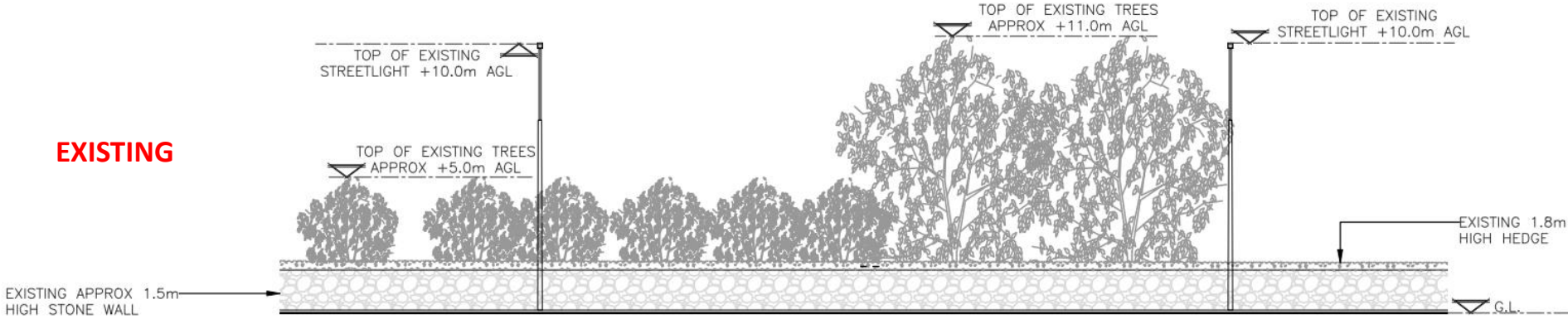


Equipment Layout as Proposed



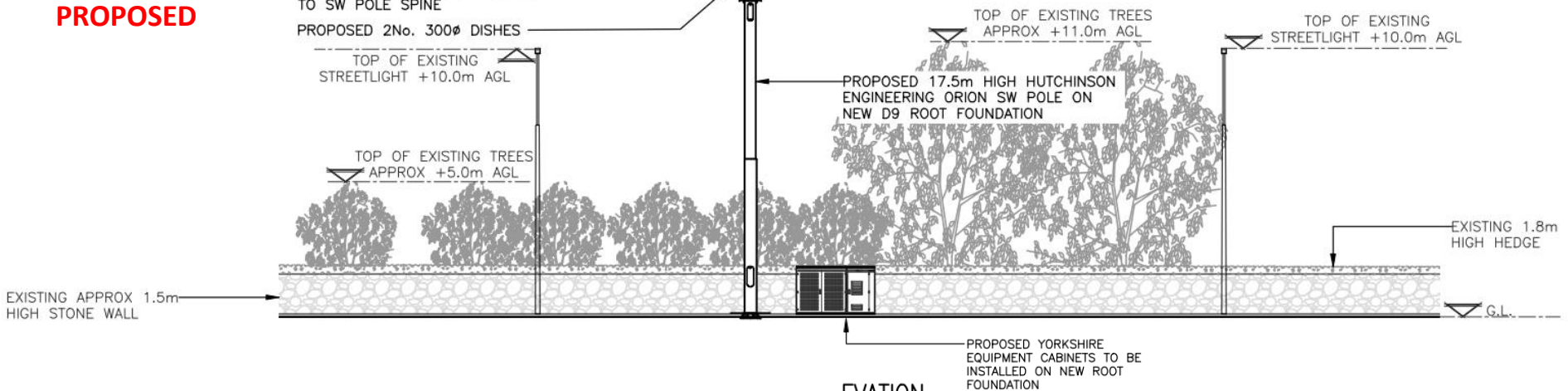
NW Elevation

EXISTING

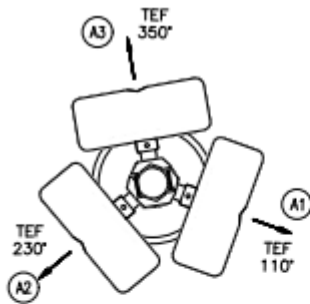


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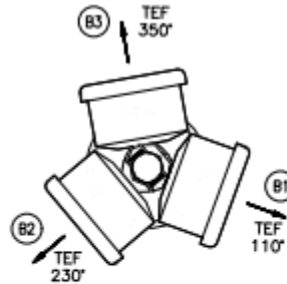
PROPOSED



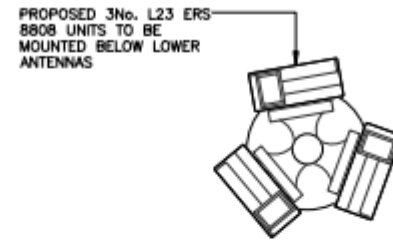
Proposed Antenna Layout



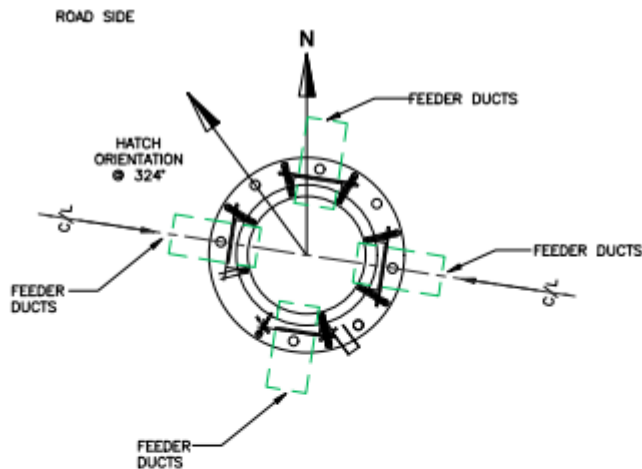
PROPOSED TEF UPPER ANTENNA PLAN
(1:20)



PROPOSED TEF LOWER ANTENNA PLAN
(1:20)

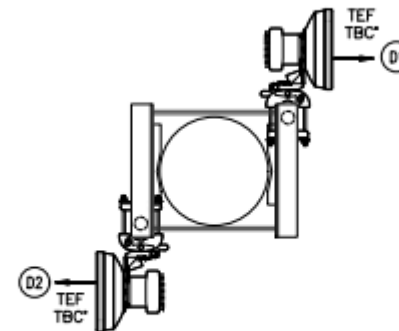


PROPOSED TEF RRU PLAN (LOWER)
(1:20)



POLE TYPE	ROOT TYPE	LOW BAND COVER BOLT	HIGH BAND COVER BOLT	HATCH ORIENTATION
ORION	D9	N/A	N/A	324°

ORION POLE AND ROOT ORIENTATION
(1:20)



PROPOSED TEF DISH PLAN
(1:20)

Reasons for Appointed Officer Recommendation

Decision Notice included in agenda pack. Reasons for refusal as follows:

1. The proposed telecommunications development is not acceptable in principle as its siting, scale and appearance would have an undue adverse impact on the special high amenity and rural character and appearance of the Pitfodels Conservation Area and therefore the proposal would fail to accord with policies CI2 (Telecommunications Infrastructure), D1 (Quality Placemaking by Design) and D4 (Historic Environment) in the Aberdeen Local Development Plan 2017; and,
2. Planning Authority considers that insufficient justification has been provided by the applicant to satisfactorily demonstrate that the proposed telecommunications infrastructure could not feasibly be sited in a less visually sensitive or more discreet location whilst also delivering 5G connectivity to the desired coverage area.

Applicants' Case

A detailed review statement has been submitted and is available in full as part of the agenda pack. The main grounds for review are summarised as follows:

- The proposal is in accordance with the Scottish National Planning Framework 3 (NPF).
- The proposal accords with Planning Advice Note 62 (PAN62) Radio Telecommunications.
- The proposal accords with the requirements of the Aberdeen Local Development Plan (Adopted 2017): *Policy D1 – Quality Placemaking by Design and Policy D4 – Historic Environment and Policy C12 – Telecommunications Infrastructure*
- The proposal accords with the requirements of the Proposed Aberdeen Local Development Plan (2020): *Policy C12 – Telecommunications Infrastructure, Policy D1 – Quality Placemaking, Policy D2 - Amenity and Policy D6 – Historic Environment*
- The applicant is also confident that *“the proposed telecommunications monopole and ancillary infrastructure would not, by virtue of its siting and appearance, be detrimental to the amenity of the Pitfodels Conservation Area or the area’s character or appearance, and that suitable and robust evidence has been provided to demonstrate the need for this location”*.

Applicants' Case

Review statement includes details of alternative locations considered and discounted as alternative options for providing coverage in this area. Figure 2 provides a map of those locations:

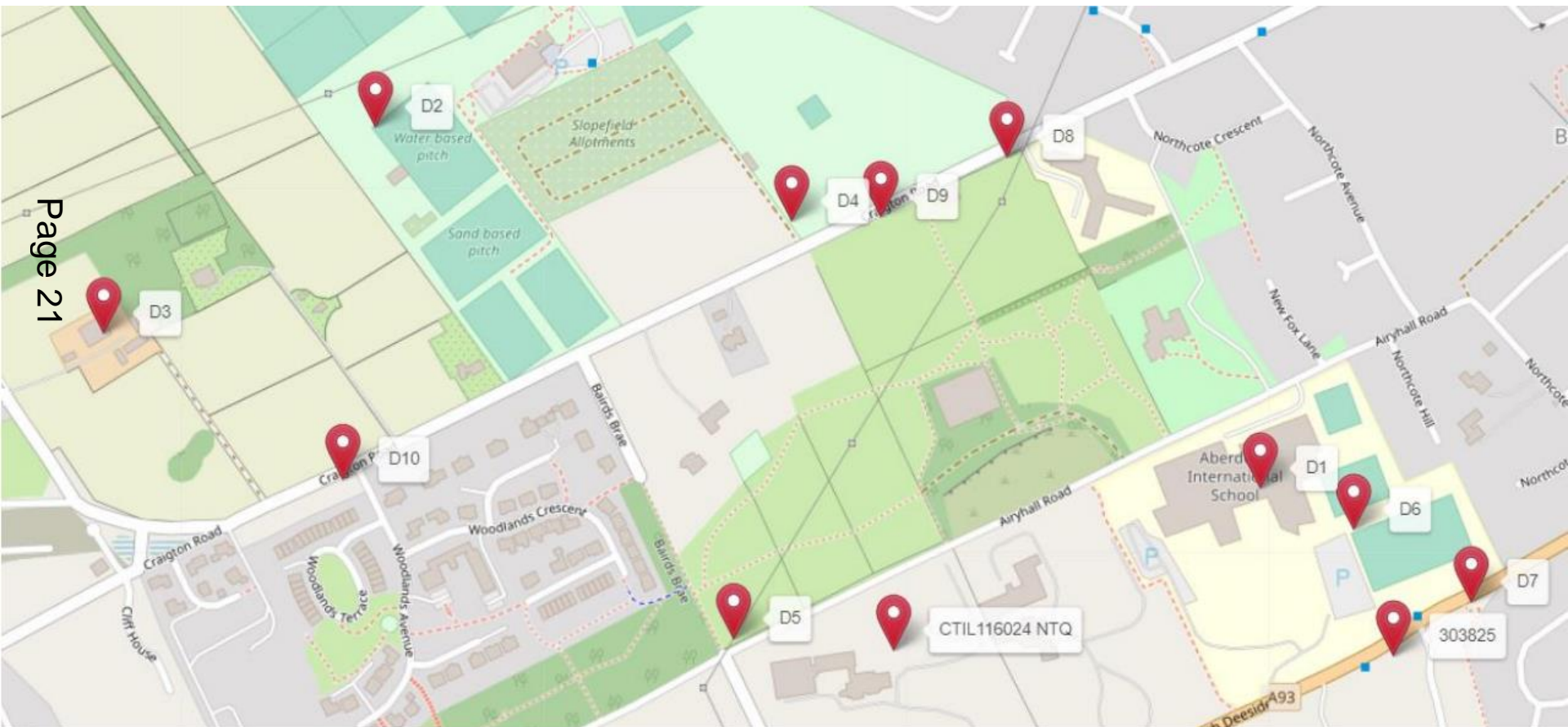


Figure 2: DSA and Discounted Options

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 (**including telecommunications 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.

D4: Historic Environment

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

Policy CI2 (Telecommunications Infrastructure)

Policy CI2 - Telecommunications Infrastructure

Proposals for telecommunications development, including prior approval and broadband cabinet applications, will be permitted provided that they comply with the over-arching themes included within Planning Advice Note PAN62 – Radio Telecommunications, as well as other applicable National and Local policies (e.g. Historic Scotland’s SHEP, ALDP Policy D5 – Built Heritage) in relation to;

- 1 The siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on visual amenity, character or appearance of the surrounding area;
- 2 If on a building, apparatus and associated structures should be sited and designed to minimise impact to the external appearance of the host building;

- 3 If proposing a new mast, it must be demonstrated that the applicant has explored the apparatus on existing buildings, masts or other structures. Such evidence should accompany a planning application;
- 4 If proposing development in a sensitive area, the development should not have an unacceptable effect on areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or buildings of architectural or historic interest.

Points for Consideration:

Principle: Does Green Belt policy NE2 allow for 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?*

Would the proposal have particular impact on landscape and sensitive views per policy D2?;

To what extent is the proposal sensitive to or harmful to the Pitfodels Conservation Area (policy D4)?


Does the proposal satisfy the tests set out for new telecommunications infrastructure in policy CI2? Has sufficient evidence been supplied to discount siting equipment on existing buildings, masts or structures in the area?

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)

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	North Deeside Road, Pitfodels, Cults, Aberdeen, AB15 9PN
Application Description:	Erection of new 17.5m high 5G telecommunication 5G mast and installation of associated meter cabinets with associated works
Application Ref:	201501/DPP
Application Type:	Detailed Planning Permission
Application Date:	9 December 2020
Applicant:	Cornerstone
Ward:	Lower Deeside
Community Council:	Braeside And Mannofield
Case Officer:	Jamie Leadbeater

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

A small area of land within the pedestrian walkway on the southern side of North Deeside Road in Pitfodels, which lies within the Pitfodels Conservation Area.

A large detached dwellinghouse called West Haven exists to the south of the site which is set c. 65m back from the site and sits at a much lower level. Some hedging and mature trees sit within the front garden area. A line of 10m high streetlight poles flank the southern footway of North Deeside Road, either side of the application site. An area of mature woodland within the front curtilage of the International School of Aberdeen sits on the northern side of North Deeside Road opposite the site area.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission is sought for the erection of a new 17.5m high 5G telecommunication masts with associated cabinet. The proposed mast and cabinet would be set 1.75m apart. The cabinets would have a height of 2m, width of 2.95m and depth of 600mm.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QKPCW1BZMQ200>

- ICNIRP compliance letter
- PLOTS data sheet
- Supplementary Information statement

CONSULTATIONS

ACC - Roads Development Management Team – No objection, given more than 1.5m would be retained within the footway for passing pedestrians and the siting of the telecommunications mast would not impact on the visibility from nearby road junctions.

Braeside And Mannofield Community Council – No response provided.

REPRESENTATIONS

One timeous representation has been received, which objects to the proposal. The reasons for objection can be summarised as follows –

- The mast would adversely impact on visibility from the driveway serving the dwellinghouse known as West Haven on North Deeside Road;
- Siting the mast on the pavement will increase the safety risk to passing pedestrians;
- Height of the mast would harm the setting/character of the Pitfodells Conservation Area.

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 (SPP)
- Planning Advice Note 62 (PAN 62) – Radio Telecommunications

Aberdeen Local Development Plan (ALDP) 2017

- Policy D1 – Quality Placemaking by Design
- Policy D4 – Historic Environment
- Policy CI2 – Telecommunications Infrastructure

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 in the Proposed Plan are considered relevant to this proposal:

- CI2 – Telecommunications Infrastructure
- D1 – Quality Placemaking
- D2 – Amenity
- D6 – Historic Environment

Other Material Considerations

- Pitfodels Conservation Area Character Appraisal (CACA)

EVALUATION

Principle of Development

The Planning Authority recognises the importance of 5G telecommunications infrastructure role out in supporting the Scottish and UK governments to achieve social, economic and environmental benefits through use of the technology. National and local planning policy and guidance has been adopted to support the delivery of this infrastructure in the most appropriate locations.

The application site has no specific land-use designation on the ALDP Proposals Map other than it being identified within the confines of North Deeside Road, a public thoroughfare. As such, Policy CI2 in the Aberdeen Local Development Plan 2017 is the starting point for establishing whether the principle of development is acceptable or not. PAN 62 national level guidance also provides advice on the most appropriate locations for the delivery of new telecommunications infrastructure.

Policy CI2 sets out that proposals for telecommunications development will be permitted provided they comply with over-arching themes included within Planning Advice Note 62 (PAN 62) as well as other applicable national and local policies including Historic Environment Scotland advice and Policy D4 (Historic Environment). The relevant requirements of the policy require proposals to:

- The siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on visual amenity, character and appearance of the surrounding area; and,
- If proposing a new mast, it must be demonstrated that the applicant has explored the apparatus on existing buildings, masts or other structures. Such evidence should accompany a planning application; and,
- If proposing development in a sensitive area, the development should not have an unacceptable effect on areas of ecological interest, areas of landscape importance, archaeological importance, conservation areas or buildings of architectural or historic interest.

Siting, Scale and Appearance

In terms of siting, the proposed mast would be located on the main public thoroughfare serving the western suburbs of city which has a frequent traffic flow in both directions and therefore public exposure to the mast would be significant, especially when it would not be set against the backdrop of equally tall trees and therefore would be set against an open skyline in a historic sensitive location. The applicant's Supplementary Information Statement states that the mast is for a replacement mast, but no telecommunications mast currently exists within the immediate vicinity and it is not clear in map form where it exists. To this end, the proposed mast is not regarded as a 'replacement' and therefore no precedent has been established for telecoms mast in this locality.

Section 6 of the applicant's Supplementary Information Statement sets out the alternative sites that were considered to deliver the necessary mast, most of which were along Craigton Road and Airyhall Road but these were discounted from consideration as these sites were "*sited directly opposite high value housing, likely to generate strong local objection*". This is not considered a robust planning argument to discount using these sites and therefore serves to undermine the credibility of the sequential approach taken in justifying the siting of the proposed mast, especially given some of these locations are c. 600m away. The same supporting document also indicates that the applicant did engage with the Planning Service at pre-application stage. However, the applicant submitted the application before the Planning Service could respond. This is not a reason to not have waited for pre-application advice from the Planning Service which would have proven helpful in establishing an appropriate location for the proposed mast if it needed by a 5G operator.

The height of the proposed mast would exceed that of the existing streetlights and trees on the southern side of North Deeside Road in the immediate surrounding area by approximately 7.5m. Therefore, the proposed telecommunications mast would be visually striking heading in both an easterly and westerly direction along North Deeside Road which would then alter the character of streetscape features within the Pitfodels section of the road. It would be seen to extend above the height of the trees in the backdrop, thus appearing against the sky. Not only would the scale of the mast be visually striking but the industrial bulbous looking antenna at the top of the mast would increase the prominence of the entire structure on the streetscene.

During the course of the application process the applicant was asked to alter the specification of the industrial-looking antenna head to reduce the visual prominence of the structure but this request was rejected, although the Planning Authority is aware that more streamlined and less industrial looking specifications are available to telecommunication operators.

Aside from the mast and antenna structure, the proposed cabinets would likely have a harmful visual impact on the character of the southern side of North Deeside Road on the basis that the boundary walls are a key feature of the streetscene and the cabinets would exceed the height of the wall and well refined hedging set behind it in the front garden of West Haven. No details are provided of their finishing material and colour either which could have a bearing on the acceptability of the cabinet, but these details could have been secured through use of condition had planning permission been granted.

Impact on Pitfodels Conservation Area

The site lies within the Pitfodels Conservation Area, a designation put in place in recognition of the area's architectural and historic interest. Section 3 of the Pitfodels Conservation Area Character Appraisal (CACA) – which provides an in-depth analysis the area's history, character, opportunities and threats - states:

"North Deeside Road's tree lined avenue is a strong feature of the conservation area and makes it feel rural in character even though it is located close to the main built urban edge of the city. The road is relatively wide with pavements on both sides; however, the enclosed nature offered by the tree planting makes it feel narrower and more intimate".

Section 4 of the CACA also highlights that, "*changes in rural character to certain roads*" is a threat to the conservation area's long-term character and appearance.

In light of the above, it is clear that North Deeside Road is a highly important component to the character and setting of Pitfodels Conservation Area, particularly with the significance of trees which heavily contribute to the character and the high visual amenity of the streetscene and which

also gives it a rural appearance.

The proposed mast would appear industrial in scale and appearance which is more fitting for an urban streetscape context and therefore would be at odds with the rural character and high visual amenity value of the site's context and therefore would be harmful to the character and appearance of the conservation area. The applicant's supporting statement states that "*the conservation area will, however, be both preserved and enhanced with improved connectivity and coverage*". Whilst 5G coverage may be enhanced, this does not accord with the interpretation of enhancement of the historic environment as set out in Policy D4. Enhancement and preservation under this interpretation relates to new built development preserving and enhancing existing buildings and structures of historic or architectural significance. The proposed mast and antenna would cause harm to the Pitfodels Conservation Area's established high amenity value and rural character by introducing a large scale and industrial-looking structure.

Given Section 4 of the CACA highlights that changes to the rural character of roads, of which North Deeside Road is the main road running through the Conservation Area and therefore must be of relevance, is one of the main threats to the conservation area, this further highlights the justification for resisting the proposed development which would be harmful to designation's rural character.

As such, the proposal is considered at odds with Policy D4 (Built Environment) in the ALDP. Furthermore, as it has been established the proposal would be inappropriate in appearance for the site's context and consequently would be harmful to a sensitive area, a conservation area in this case, then the proposal would fail to comply with Policy CI2 also.

Given that the site sits approximately 60m inside the eastern boundary of the Pitfodels Conservation Area, should 5G coverage be required in the area between Cults and Braeside it is considered a mast could be sited outwith the conservation area to deliver 5G indoor connectivity in a further easterly direction such as along North Deeside Road beyond its junction with Northcote Road. Alternatively, taking account of the other site locations considered in the supporting Supplementary Information Statement, a mast on Craigton Road could offer a feasible possibility due to the presence of large electricity pylons already dominating the streetscape.

Impact on road safety

The Council's Roads Development Management team has been consulted on the proposals. Upon review, they are satisfied that the proposed siting and scale of the development within the public footway would not harm either pedestrian or road users' safety due to their being a sufficient residual width of the footway retained between the proposed pole and the roads edge and due to the fact the development would not impair visibility from road junctions. As such, it is not considered the proposal poses a road safety concern. This should allay the concerns expressed by the resident of West Haven in respect of the visibility from their driveway access onto North Deeside Road.

Proposed Aberdeen Local Development Plan

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

Conclusion

Overall, whilst the proposed siting of the telecommunications pole would likely increase 5G connectivity within the Pitfodels and Cults area and would not adversely impact on road safety, the siting, scale and appearance of the mast would harm the rural character and high amenity appearance of the North Deeside Road streetscape and the character of the wider Pitfodels Conservation Area without any robust justification for the masts' site selection. As such, the

proposal would fail to accord with policies CI2, D1 and D4 in the Aberdeen Local Development Plan 2017. These concerns are considered to materially outweigh the perceived benefits of the proposed development to 5G infrastructure and therefore the application is recommended for refusal.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. The proposed telecommunications development is not acceptable in principle as its siting, scale and appearance would have an undue adverse impact on the special high amenity and rural character and appearance of the Pitfodels Conservation Area and therefore the proposal would fail to accord with policies CI2 (Telecommunications Infrastructure), D1 (Quality Placemaking by Design) and D4 (Historic Environment) in the Aberdeen Local Development Plan 2017.
2. Planning Authority considers that insufficient justification has been provided by the applicant to satisfactorily demonstrate that the proposed telecommunications infrastructure could not feasibly be sited in a less visually sensitive or more discreet location whilst also delivering 5G connectivity to the desired coverage area.



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 100337473-001

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

Type of Application

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

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

Description of Proposal

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

Proposed 20.0m High Hutchinson Engineering Orion SW Pole on new D9 root foundation and associated ancillary works. For Full details please refer to enclosed drawings CTIL 303825, TEF 091908, VF N/A, numbered: 100 - 301, (Drawing Revision A, Pack Issue A).

Is this a temporary permission? * Yes No

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

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	WHP Telecoms Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Damian	Building Name:	Helena House
Last Name: *	Hosker	Building Number:	
Telephone Number: *	07771 527 070	Address 1 (Street): *	Troy Mills
Extension Number:		Address 2:	Troy Road
Mobile Number:		Town/City: *	Leeds
Fax Number:		Country: *	England
		Postcode: *	LS18 5GN
Email Address: *	d.hosker@whptelecoms.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Hive 2
First Name: *		Building Number:	1530
Last Name: *	Cornerstone	Address 1 (Street): *	Arlington Business Park
Company/Organisation	Cornerstone	Address 2:	
Telephone Number: *	01753 564 306	Town/City: *	Theale
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	RG7 4SA
Fax Number:			
Email Address: *	community@ctil.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

North Deeside Road, Cults, Aberdeen, Aberdeenshire, AB15 9PN

Northing

803623

Easting

390929

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

30.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Roadside pavement and verge

Access and Parking

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

Yes No

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

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

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

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

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

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

Water Supply and Drainage Arrangements

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

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

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

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

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

Trees

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

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

Waste Storage and Collection

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

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

No Waste or Recycling generated

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

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

Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

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

or –

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

Name:

Address:

Aberdeen City Council West Tullos Roads Depot, Craigshaw Drive, West Tullos Industrial Estate, Aberdeen, Scotland, AB12 3AL

Date of Service of Notice: *

01/12/2020

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Damian Hosker

On behalf of: Cornerstone

Date: 01/12/2020

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: Mrs Julia Marshall

Declaration Date: 01/12/2020

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Damian Hosker
WHP Telecoms Limited
Helena House
Troy Mills
Troy Road
Leeds
LS18 5GN

on behalf of **Cornerstone**

With reference to your application validly received on 9 December 2020 for the following development:-

Erection of new 17.5m high 5G telecommunication 5G mast and installation of associated meter cabinets with associated works at North Deeside Road, Pitfodels

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
303825-091908 100 B	Location Plan
303825-091908 C	Other Drawing or Plan
303825-091908 201 B	Site Layout (Proposed)
303825-091908 301 A	North Elevation (Proposed)
303825-091908 401 A	Other Floor Plan (Proposed)
303825-091908 Rev B	Site Layout (Other)

REASON FOR DECISION

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

1. The proposed telecommunications development is not acceptable in principle as its siting, scale and appearance would have an undue adverse impact on the special high amenity and rural character and appearance of the Pitfodels Conservation Area and therefore the proposal would fail to accord with policies CI2 (Telecommunications Infrastructure), D1 (Quality Placemaking by Design) and D4 (Historic Environment) in the Aberdeen Local Development Plan 2017; and,
2. Planning Authority considers that insufficient justification has been provided by the applicant to satisfactorily demonstrate that the proposed telecommunications infrastructure could not feasibly be sited in a less visually sensitive or more discreet location whilst also delivering 5G connectivity to the desired coverage area.

Date of Signing 12 March 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)

1. The height of the mast was changed from 20m down to 17.5m

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

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

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

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

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

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

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

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Consultee Comments for Planning Application 201501/DPP

Application Summary

Application Number: 201501/DPP

Address: North Deeside Road Pitfodels Cults Aberdeen AB15 9PN

Proposal: Installation of 20.0m high streetpole, telecommunication and meter cabinets and associated ancillary works

Case Officer: Jamie Leadbeater

Consultee Details

Name: Mr scott lynch

Address: Marischal College, Gallowgate, Aberdeen AB10 1YS

Email: slynch@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

I note that this application is for the installation of 20m high streetpole, telecommunication and meter cabinets and associated ancillary works.

The proposed location is on an adopted footway, is outwith any junction visibility splay, and would leave in excess of 1.5m of usable footway as such, there are no Roads concerns.

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Comments for Planning Application 201501/DPP

Application Summary

Application Number: 201501/DPP

Address: North Deeside Road Pitfodells Cults Aberdeen AB15 9PN

Proposal: Installation of 20.0m high streetpole, telecommunication and meter cabinets and associated ancillary works

Case Officer: Jamie Leadbeater

Customer Details

Name: Mr Tim Stevenson

Address: West Haven North Deeside Road, Pitfodells Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I write to object to this application for an excessively high telephone mast on the basis that:

Road safety. The mast and its associated comms cabinet will impact on the visibility splay from my driveway. Traffic at this point is often at speeds above the prescribed 30mph and any impact on the visibility splay is an unwelcome additional risk.

The height of the pole is also at odds with the setting within the Pitfodells Conservation Area. It is clearly excessive height when compared to the adjoining trees and streetlight poles. While I would welcome improved phone service, surely this should be more in keeping with the conservation environment.

A further point of objection is on the basis of risk to pedestrians. This pavement at this point is narrow as it is, therefore reducing the width further by introduction of this equipment is unsatisfactory.

I would also note that when I opened the plan 301 which is supposed to show the elevation of the equipment in the setting, the new mast is not on the plan. Is the 'existing elevation' plan 300 uploaded perhaps uploaded twice in error? Please re-upload so that the mast is visible on these plans when downloaded as part of the consultation.

yours sincerley

Tim Stevenson

Aberdeen Local Development Plan (ALDP)

- Police NE2 – Green Belt
- Policy CI2 – Telecommunications Infrastructure
- Policy D1 - Quality Placemaking by Design
- Policy D2 - Landscape
- Policy D4 – Historic Environment

Other Material Considerations

Scottish Planning Policy (SPP) (2014)

<https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2020/12/scottish-planning-policy/documents/2014-version-scottish-planning-policy/2014-version-scottish-planning-policy/govscot%3Adocument/2014-version-scottish-planning-policy.pdf>

Planning Advice Note 62: Radio Telecommunications

<https://www.gov.scot/publications/pan-62-radio-telecommunications/>

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

<http://www.aberdeencityandshire-sdpa.gov.uk/AboutUs/Publications.aspx>

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 100417527-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Helena House"/>
First Name: *	<input type="text" value="C/O:"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Agent"/>	Address 1 (Street): *	<input type="text" value="Troy Mills, Troy Road"/>
Company/Organisation	<input type="text" value="WHP Telecoms"/>	Address 2:	<input type="text" value="WHP 'Helena House', Troy Mills, Troy"/>
Telephone Number: *	<input type="text" value="[REDACTED]"/>	Town/City: *	<input type="text" value="Horsforth"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value="[REDACTED]"/>	Postcode: *	<input type="text" value="LS18 5GN"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:

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

Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="Land adj. Deeside Road, Cults, Aberdeen, AB15 9PN"/>
--

Northing

Easting

Description of Proposal

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

Erection of new 17.5m high 5G telecommunication 5G mast and installation of associated meter cabinets with associated works

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see attached Statement of Case

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

Yes No

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

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

Please see attached Submission List

Application Details

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

201501/DPP

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

09/12/2020

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

12/03/2021

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: Mr Ben Gilpin

Declaration Date: 24/05/2021

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WHP Telecoms Ltd

Appeal against the decision of Aberdeen City Council to refuse planning permission (ref: 201501/DPP) for the Proposed Erection of a 17.5m High Hutchinson Engineering Orion SW Pole on New D9 Root Foundation and associated ancillary works.

At Pavement at North Deeside Road, Cults, Aberdeen, Aberdeenshire,
AB15 9PN

APPEAL STATEMENT OF CASE

Date: 28/04/2021

Prepared by WHP Ltd
www.whptelecoms.com
Agents Ref: CTIL_303825

Appeal Statement re: 303825 (201501/DPP)

CTIL

Proposed Erection of a 17.5m High Hutchinson Engineering Orion SW Pole on New D9 Root Foundation and associated ancillary works at Pavement at North Deeside Road, Cults, Aberdeen, Aberdeenshire, AB15 9PN.

Appeal Statement of Case

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1.0 **Introduction:**

1.1 This Appeal Statement has been produced by WHP Telecoms Ltd on behalf of Cornerstone Limited (“the Appellant”) to appeal against Aberdeen City Council’s decision to refuse approval (ref: 201501/DPP) for the siting and design of a 17.5m monopole upgrade and associated works. This appeal seeks to enable the Reporter to determine whether the proposal would be to the detriment of the amenity and character of the area, when weighed against the benefits the development would deliver in terms of sustainability and provision of enhanced digital communication.

1.2 In the reasons for refusal for planning permission, as given by Aberdeen City Council in their decision notice 201501/DPP of the 12th of March 2021, they state that:

1. *The proposed telecommunications development is not acceptable in principle as its siting, scale and appearance would have an undue adverse impact on the special high amenity and rural character and appearance of the Pitfodells Conservation Area and therefore the proposal would fail to accord with policies C12 (Telecommunications Infrastructure), D1 (Quality Placemaking by Design) and D4 (Historic Environment) in the Aberdeen Local Development Plan 2017; and,*
2. *Planning Authority considers that insufficient justification has been provided by the applicant to satisfactorily demonstrate that the proposed telecommunications infrastructure could not feasibly be sited in a less visually sensitive or more discreet location whilst also delivering 5G connectivity to the desired coverage area.*

1.3 The justification, reasoning and decision for the refusal of the Planning Application, by Aberdeen City Council are the subject of this appeal.

1.4 The Grounds for Appeal are:

- The proposal is in accordance with the Scottish National Planning Framework 3 (NPF).
- The proposal accords with Planning Advice Note 62 (PAN62) Radio Telecommunications.
- The proposal accords with the requirements of the Aberdeen Local Development Plan (Adopted 2017) Policy D1 – Quality Placemaking by Design and Policy D4 – Historic Environment and Policy C12 – Telecommunications Infrastructure
- The proposal accords with the requirements of the Proposed Aberdeen Local Development Plan (2020) Policy C12 – Telecommunications Infrastructure, Policy D1 – Quality Placemaking, Policy D2 - Amenity and Policy D6 – Historic Environment

1.5 As outlined in this supporting statement the applicant is confident that the proposed telecommunications monopole and ancillary infrastructure would not, by virtue of its siting and appearance, be detrimental to the amenity of the Pitfodells Conservation Area or the area’s character or appearance, and that suitable and robust evidence has been provided to demonstrate the need for this location.

Key Issue/s

- 1.6 It is considered that the key issues for this appeal are:
- Whether the benefits of the appeal proposal outweigh the impact upon the character and appearance of the area.

Technical Considerations

- 1.7 The published Officer's report identifies no consultee comments.

2.0 **Background Information**

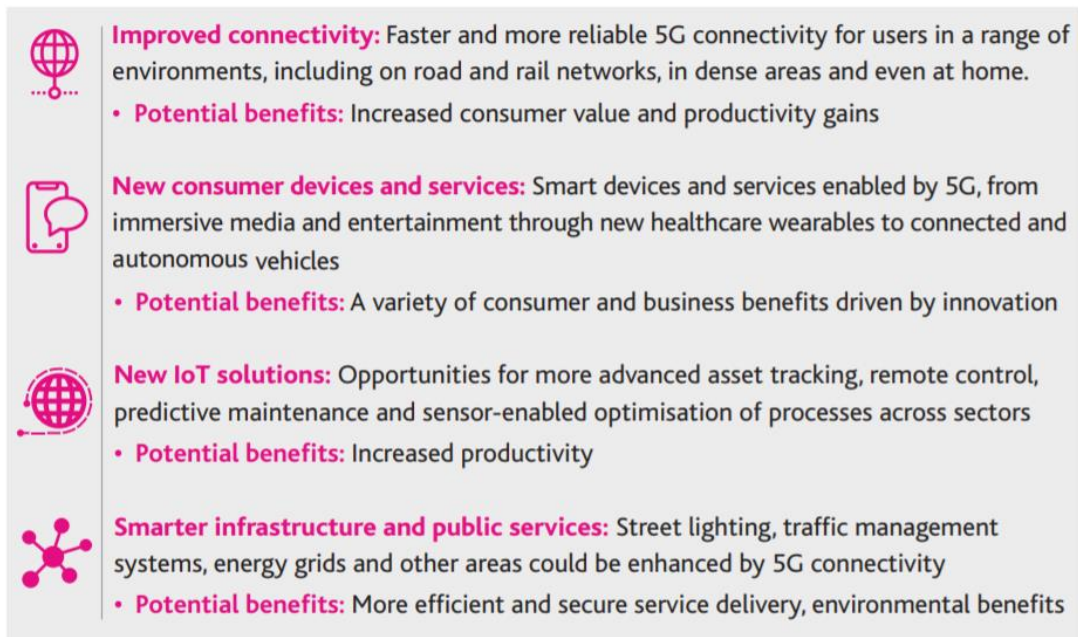
- 2.1 The appeal proposal is for the installation of a 17.5m High Hutchinson Engineering Orion SW Pole on New D9 Root Foundation and associated ancillary development. The appeal proposals would allow Telefonica to provide replacement 2G / 3G / 4G and 5G service to the surrounding area, which cannot be delivered via the existing lattice tower installation situated within the grounds of the Shell UK Limited offices at Woodbank House off Airyhall Road in Cults, Aberdeen (approximately 460m to the north west of the appeal site and to the north of the A93 / North Deeside Road). The existing installation is subject to a Notice to Quit as the Site Provider has advised that they have planning permission for the development of four detached houses (ref: P120791) therefore a replacement site is required in order to maintain coverage within the target area.

Future Telecoms Infrastructure Review

- 2.2 The Government published its Future Telecoms Infrastructure Review in 2018, outlining plans to extend full-fibre broadband coverage across the country by 2033 and for the majority of the population to have access to 5G mobile coverage by 2027. The Government's policies within this document have been designed to facilitate investment in the existing telecoms infrastructure. The UK's departure from the European Union has led to significant Government focus on boosting productivity with 'levelling up' digital connectivity as pivotal to their plans. The approval of this Appeal, and other similar applications, will assist the Government in achieving their 5G network aspirations.

Public Benefits

- 2.3 In addition to the Appeal proposal's alignment with the Government's aspirations, there are also clear and demonstrable public benefits arising from the provision of a 5G network in the proposed location. Figure 1 below (extrapolated from the Government Published 'Future Telecoms Infrastructure Review') provides a summary of socio-economic benefits that can be derived from the provision of 5G coverage.



Source: Deloitte (2018), 'The impacts of mobile broadband and 5G. A literature review'

Figure 1: Examples of potential benefits arising from 5G

3.0 **The Appeal Site / Context:**

- 3.1 The proposed site is situated to the rear of the pavement area in a position benefiting from the screening effects associated with a backdrop of mature tree planting on the southern side of North Deeside Road, Pitfodels, Cults, Aberdeen, AB15 9YA. These masking effects will be further enhanced by mature tree planting overlooking the site on the other side of the A93. There is an existing telecommunications lattice tower approximately 460m to the north west of the appeal site which provides vital local coverage and capacity to the surrounding area that has been served with a Notice to Quit and therefore a replacement is required. Therefore, in order for the Appellant to maintain coverage and satisfy heightened demand for increased connectivity to this area of Aberdeen a replacement installation consisting of a mast, antenna and associated cabinets is required.
- 3.2 The purpose of the appeal proposal is to provide new 5G coverage and maintain existing 2G, 3G and 4G service provision thereby facilitating significantly improved connectivity and associated improved data capacity within the AB15 post code area.
- 3.3 The site has been carefully selected in a position capable of providing the required essential coverage whilst being situated as far away as possible from the views of residential properties. An extensive search of alternative options was carried out and the option that has been put forward was found to be the least visually intrusive solution available. The site benefits from the screening effects associated with mature tree planting on both sides of North Deeside Road. The site has also been carefully aligned to be as far away as possible from the views of the nearest residential properties.
- 3.4 The proposal was initially submitted as a 20m monopole however, radio coverage was compromised in order to reduce the visual impact within the Pitfodels Conservation Area and revised drawings for a 17.5m monopole were issued to the LPA. It is important to note however that the height has been reduced to the absolute minimum capable of providing the required essential coverage. An extensive search for alternative options outside of the Conservation Area was carried out as detailed in Figure 2 below however, it was not possible to move the site beyond the boundary to the east due to narrower pavement widths and issues with underground services.
- 3.5 The site (and wider cell) lies within the Pitfodels Conservation Area in a predominantly residential location with the site being the optimal position and as far from properties as technically possible. The proposed location has been carefully selected to ensure maximum screening is utilised from the adjacent mature trees without the works interfering with the associated root systems. Given the constraints within the necessarily small cell search area, the best solution has been put forward in terms of delivering the required essential 5G and replacement 2G / 3G and 4G coverage whilst minimising the impact upon the character and appearance of the area.
- 3.6 It is considered that facilitating the delivery of what is seen by Government as a key part of the economic growth strategy for the UK would in this instance amount to special circumstances, and any refusal on the grounds that the development would not constitute special circumstance would delay and inhibit the delivery of this key driver of the wider UK economy (the material weight that this should be afforded is expanded upon further in this submission). The investment in mobile infrastructure will continue and it will evolve. Just as the use of 4G mobile technology becomes widespread, the adoption and use of 5G mobile technology needs to be planned and implemented. Getting this right is important for three reasons:

1. Mobile connectivity is essential to the future success of the economy. The combined value of 4G and 5G mobile connectivity is estimated to add £18.5bn to the economy by 2026
 2. Mobile connectivity is essential to creating a better society. Digital inclusion can help people gain employment, become more financially secure and improve health and well-being.
 3. Mobile connectivity is essential to fulfilling the potential of new technologies. Innovations such as Artificial Intelligence and connected cars will change how we work, spend our leisure time and run our public services. The mobile industry has been able to enhance mobile connectivity across most of the country. But there is more to be done.
- 3.7 As stated above, the proposed upgraded telecommunication equipment is required to provide improved coverage and capacity, most notably in relation to 5G services. The proposal is essential for the Operator to bring optimum telecommunications / mobile broadband services to the area. The works (being a 17.5m monopole and ancillary infrastructure) would be situated in a position that benefits from the screening effects associated with scattered mature tree planting between the site and the nearest residential properties. The site has also been carefully selected in a position capable of providing the required upgraded 5G and replacement 2G / 3G and 4G coverage and associated internet provision whilst being situated as far away as technically possible from the views of local residential receptors.
- 3.8 This appeal follows written pre-application requests for feedback with the LPA and key Stakeholders. In relation to this particular site, the LPA was approached for pre-application consultation however, no comments were received prior to the submission of the Application. In addition, pre-application correspondence was also sent to local Ward Councillors however, no responses were received prior to submission.
- 3.9 In relation to perceived potential health risks associated with the installation of the proposal, documentation has been provided to confirm compliance with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and as such these concerns cannot be considered in the determination of this application.
- 3.10 The need for the monopole to be a minimum of 17.5 metres in height is an essential technical requirement. The height of the installation must be sufficient to clear surrounding buildings and trees whilst enabling local provision. The deployment of a 17.5 metre structure will enable the efficient operation of the network thereby allowing the overall number of installations to be minimised. The proposal has been designed to remain as discreet as physically possible whilst still being of sufficient height to ensure suitable coverage within the cell and provide connection between these cells.
- 3.11 In this instance the height is required to clear surrounding clutter. If the installation were to be lower than that proposed, there would be significantly limited coverage as the cell could not effectively communicate with other cells and the wider network, meaning the level of service expected would be compromised. To clarify, the Local Planning Authority is required to undertake a balancing exercise. The balance is the visual impact (and perceived harm to amenity (over or above that from the existing installation)) weighed against the need, technical requirements of the installation and availability of a suitable and available site. This balance is a well-known and most important matter for the determination of telecommunications applications and appeals. Had the council carried out the required weighing of harm against public benefit as required it would have concluded the balance was overwhelmingly in favour of support for such development.

- 3.12 The current scheme has sought to mitigate any perceived detrimental effects with its position having been carefully selected in a position capable of providing the required essential coverage whilst being situated as far away as possible from residential properties. It is imperative to note that the site is not only required to maintain 5G coverage but without a replacement site there will be a loss of 2G / 3G and 4G service as the existing site is being decommissioned. In the reasons for refusal the Council is concerned that the installation would, in essence, have a detrimental impact on the character and visual amenity of the area, to a point where public benefit would not outweigh perceived harm. This is clearly contested (see the weighting that must be afforded to the delivery of the enhanced digital network below in section 4). In accordance with published guidance, this site is the only viable solution and is in the most appropriate location.
- 3.13 In accordance with the sequential approach outlined in the PAN62, the following search criteria have been utilised. Firstly, consideration is always given to the possibility of erecting antennas on an existing building, mast or other structure. Upgrading the existing site has been utilised here before looking at a new additional site. The proposal is from a site selection perspective the sequentially optimum solution.
- 3.14 This sequential approach is outlined below:
1. Upgrading an operator's own existing base station(s);
 2. Using existing telecommunications structures belonging to another code system operator, i.e. mast sharing;
 3. Co-location or site sharing alongside existing telecommunications development;
 4. Installing a base station on an existing building or tall structure.
- If 1-4 unavailable, the only viable option is
5. Erection of a new ground-based mast in street environment.
- 3.15 The intention of the proposal is to ensure continuity of service in the AB15 post code location and therefore the upgraded proposal needs to be as close as possible to the existing facility. In accordance with licencing requirements and the sequential approach outlined in the PAN62 all attempts to utilise any existing telecommunication structures where they represent the optimum environmental solution have been employed. As stated above by upgrading the current cell provision with the appeal proposal the most sequentially preferable option has been progressed.
- 3.16 The reasons for dismissal of the alternative sites that were considered within the Sequential Test are set out at in section 6 of the Supplementary Information document and reproduced in Table 2 below. The map image in Figure 2 below illustrates the locations of the existing and proposed site and the discounted options.

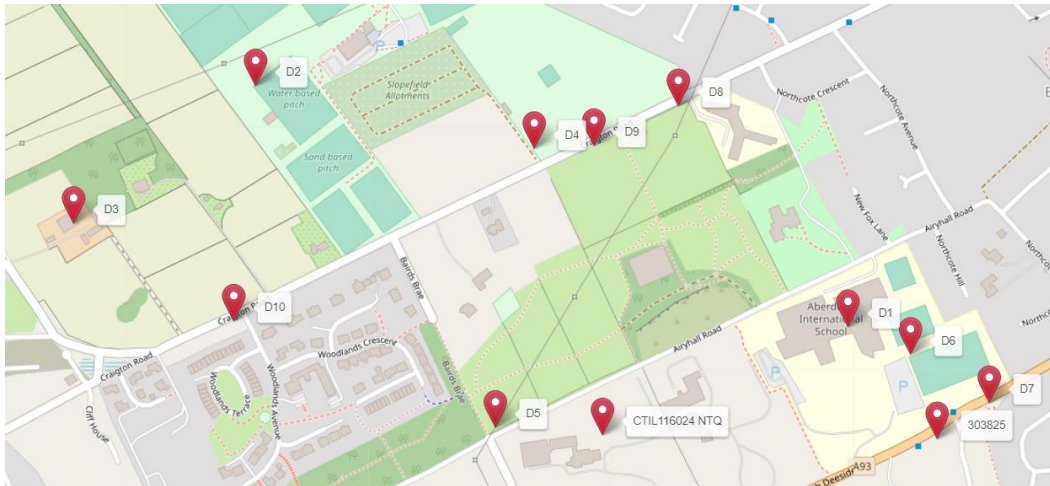


Figure 2: DSA and Discounted Options

Site	Site Name and address	National Grid Reference	Reason for not choosing
RT D1	Rooftop Installation at International School of Aberdeen North Deeside Road Cults Aberdeen AB15 9PN	390807, 803777	This option was discounted from coverage and build perspectives as the pitched roof construction is not suitable for housing a stub tower of sufficient height for achieving the required line of sight within the target coverage area.
GF D2	GF Monopole at Hockey Pitch Craighton Road Airyhall Aberdeen AB15 7UD	389996, 804108	A floodlighting column installation was considered at this location and discounted from a build perspective due to access difficulties for construction and service vehicles and due to the proximity to overhead high voltage electricity cables.
GF D3	GF Monopole at Newton of Pitfodels Farm Craighton Road Cults Aberdeen AB15 9QD	389746, 803921	This option was discounted from a planning perspective as it was felt that a lattice tower or monopole would be more exposed at this location and would be situated closer to the views of residential properties than the option that has been put forward.
GF D4	GF Monopole at Robert Gordons Countesswells Playing Fields Craighton Road Cults Aberdeen AB15 7TY	390378, 804022	This option was discounted from a build perspective due to access difficulties for construction and service vehicles.
GF D5	GF Monopole at Newton of Pitfodels Farm Craighton Road Cults Aberdeen AB15 9QD	390323, 803641	This option was discounted from a build perspective due to access difficulties for construction and service vehicles. It should also be noted that there are overhead power lines within the field that have sterilised the area for telecommunications development.

SW D6	GF Monopole at International School of Aberdeen North Deeside Road Cults Aberdeen AB15 9PN	390892, 803739	A floodlighting column installation was considered at this location and discounted from a build perspective due to access issues during the build process and for servicing the installation. A site was selected adjacent to the car parking facility however, the associated 'drop zone' would cause disruption for the school's daily activities.
SW D7	SW Monopole at Pavement at North Deeside Road Cults Aberdeen AB15 9PN	391000, 803672	This option is situated beyond the boundary of the Conservation Area but was discounted from a build perspective due to issues with underground services and narrower pavement width than the site that has been put forward.
SW D8	SW Monopole at Pavement at Craigton Road Cults Aberdeen AB15 7UD	390575, 804079	This option beyond the edge of the settlement area was discounted from a build perspective due to the site being sterilised by overhead powerlines.
SW D9	SW Monopole at Pavement at Craigton Road Cults Aberdeen AB15 7UD	390459, 804025	This option was discounted from a build perspective due to there being insufficient pavement width for housing the necessary equipment.
SW D10	SW Monopole at Pavement at Craigton Road Cults Aberdeen AB15 7UD	389965, 803787	This option situated on a wide area of pavement was discounted from a planning perspective as it was felt that a streetworks monopole would be more visually intrusive at this location than for the selected site with less screening from tree planting available.

- 3.17 It is also worth stating that there is necessarily a very small search area for the subject scheme; the existing site is shared and so the surrounding network of existing cells and services has been configured to the position of the existing site. This means that an 'unshared' replacement must be in close proximity to fit within that existing network cell configuration. Given this constraint, without introducing multiple new installations into neighbouring cells there can be no change to the existing cell configuration and the availability of viable options is extremely limited.
- 3.18 A slimline street pole design has been specified due to the target coverage area including a high density of residential users with a view to minimising visual intrusion. It is important to note that a shared 5G structure would require multiple levels of open antenna headframes on a considerably more bulky and intrusive support structure and therefore the least intrusive equipment configuration has been specified. As can be seen by the example in figure 3 below it would not be an appropriate coverage solution to deploy this type of installation within the target area.

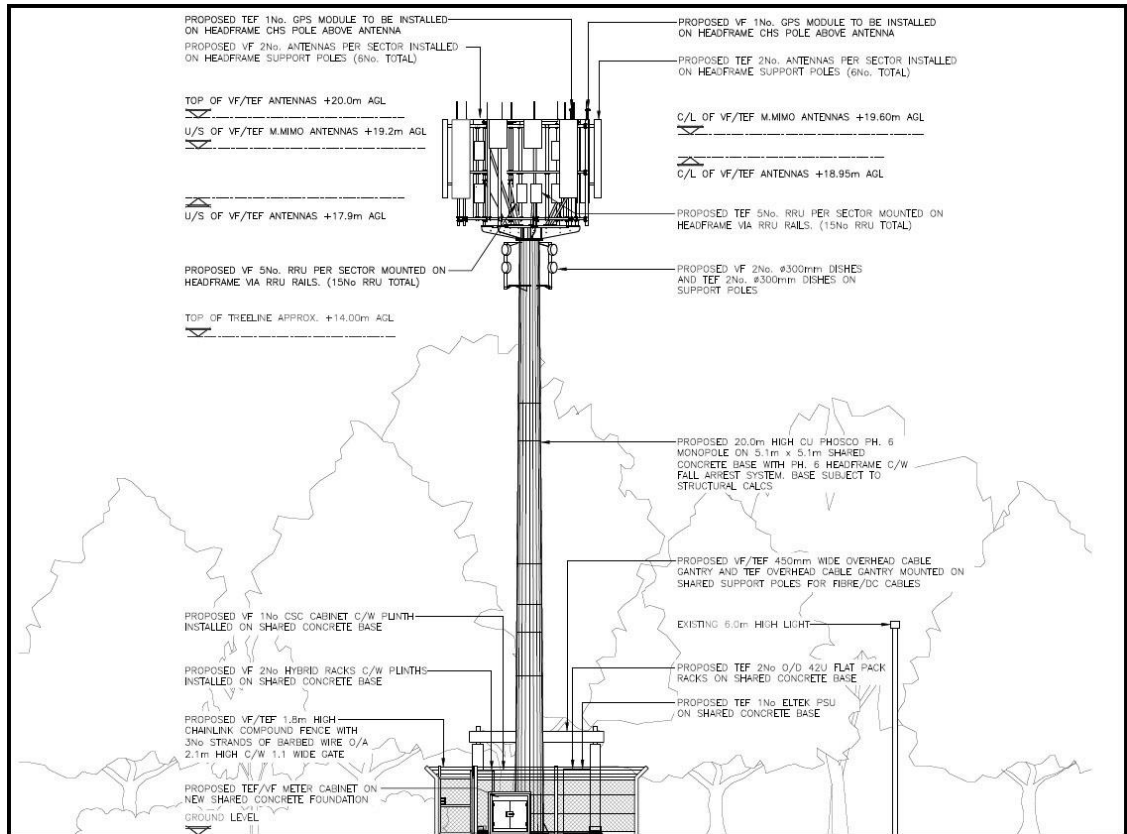


Figure 3: Example Open Headframe Shared Monopole

- 3.19 The proposal is essential for the Operator to maintain optimum telecommunications / mobile broadband services to the area as the existing installation is subject to a Notice to Quit. The introduction of the proposed development to provide replacement 2G / 3G / 4G and 5G coverage, in a position set against a backdrop of mature tree planting and as far away as technically possible from the views of residential properties, accords with policy objectives.

4.0 **Consideration / Justification:**

Policy / Guidance Consideration:

4.1 **Local Plan Policy:**

4.2 The relevant local plan policy has been highlighted below and will be addressed in this supporting statement.

Aberdeen City Council's Local Development Plan (2017) Policy D1 – Quality Placemaking by Design states:

All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. 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.

To further ensure there is a consistent approach to placemaking throughout the city, the Aberdeen Masterplan Process will be applied to larger sites within the city.

Further guidance can be found within the supplementary guidance detailed below and Technical Advice notes listed in Appendix 4 Masterplans and Appendix 5 Supplementary Guidance

Policy D4 - Historic Environment states:

The Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP and its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. There will be a presumption in favour of the retention and reuse of listed buildings and buildings within conservation areas that contribute to their character. High quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings, conservation areas and historic gardens and designed landscapes, will be supported.

The physical in situ preservation of all scheduled monuments and archaeological sites will be supported. Developments that would adversely impact upon archaeological

remains, including battlefields, of either national or local importance, or on their setting will only be permitted in exceptional circumstances, where there is no practical alternative site and where there are imperative reasons of over-riding public need.

In any such case, the applicant must at their own expense:

- *take satisfactory steps to mitigate adverse development impacts; and*
- *where the preservation of the site in its original location is not possible, arrange for the full excavation and recording of the site in advance of development and the publication/ curation of findings.*

Policy CI1 – Digital Infrastructure states:

All new residential and commercial development will be expected to have access to modern, up-to-date high-speed communications infrastructure.

Policy CI2 – Telecommunications Infrastructure states:

Proposals for telecommunications development, including prior approval and broadband cabinet applications, will be permitted provided that they comply with the over-arching themes included within Planning Advice Note PAN62 – Radio Telecommunications, as well as other applicable National and Local policies (e.g. Historic Scotland’s SHEP, ALDP Policy D5 – Built Heritage) in relation to;

1. *The siting and appearance of the proposed apparatus and associated structures should seek to minimise impact on visual amenity, character or appearance of the surrounding area;*
2. *If on a building, apparatus and associated structures should be sited and designed to minimise impact to the external appearance of the host building;*
3. *If proposing a new mast, it must be demonstrated that the applicant has explored the apparatus on existing buildings, masts or other structures. Such evidence should accompany a planning application;*
4. *If proposing development in a sensitive area, the development should not have an unacceptable effect on areas of ecological interest, areas of landscape importance, archaeological sites, conservation areas or buildings of architectural or historic interest.*

- 4.3 In accordance with the requirements set out in Policy D1, D4 and CI2 relating to minimising any adverse impact on the visual amenity, character or appearance of the surrounding area, the site has been selected in a position capable of providing the required essential coverage to a high-density residential area whilst being situated as far away as technically possible from the views of residential properties. The site has also been carefully selected in a position that benefits from the screening effects associated with mature tree planting on both sides of North Deeside Road. As demonstrated in Figure 2 above and in the accompanying table, an extensive analysis of alternative options has been carried out and the only viable option has been put forward. There is no existing site available for sharing within the target area and even if available (as demonstrated in figure 5 above) this would not be an appropriate solution within the sensitive Conservation Area setting, requiring a significantly larger and bulkier shared mast with multiple open antenna headframes.

- 4.4 In line with the Aberdeen City Council Local Development Plan (2017) policy requirements the site has been carefully selected in a position benefiting from nearby tree screening thereby minimising visual intrusion for local residential receptors. In accordance with Policy CI2 Section 1 the site has also been selected nearby to numerous elements of street furniture with similar vertical lines including street lighting columns and road signage that will allow the proposal to assimilate with its surroundings.
- 4.5 The provision of the installation and ancillary infrastructure, as detailed in the submitted Planning Application, is to facilitate the upgrade and rollout of the 'Next Generation' of telecommunication services and mobile broadband. The applicant appreciates that the proposed street works development would constitute change but the level of harm from that change is contested. In accordance with Policies CI1 and CI2 the proposed upgraded installation will promote connectivity whilst seeking to provide the opportunity to deliver an integrated approach to infrastructure delivery. This development would result in negligible harm to amenity and the public benefits would certainly outweigh the perceived harm to amenity.
- 4.6 Contrary to the opinion of Aberdeen City Council, it is considered that the proposed development would accord with the relevant aspects of City Development Plan, notably in the fact that the design and siting of the installation is one that would not be alien in the existing context. The proposal would appear as a telecommunications installation near other vertical street furniture situated as far away as technically possible from the views of residential properties with mature tree planting scattered along both sides of North Desside Road. All efforts to keep the installation out of and away from potentially sensitive receptors have been adhered to. If the Reporter is minded to approve the installation, the colour of the antennas and mast can be specified as deemed appropriate to the location.
- 4.7 For the proposal to be 'detrimental' to amenities of the area and for the scheme to constitute 'harm' (overbearing) regarding the character of the area it would need to be 'unpleasant' or 'harmful' to the wider environs. In this instance it is noted that the proposal is well located in a well screened position, with a limited visual envelope and nearby to existing street lighting columns with similar vertical lines.
- 4.8 As stated throughout this appeal statement all efforts have been made to pull the installation as far away as technically possible from residential properties, businesses and sensitive constrained areas whilst still allowing them all the expected levels of digital coverage for day-to-day life and business. The fact that the scheme seeks to provide a suitable design is not considered to be so damaging or sufficiently obtrusive as to justify the stance taken by Aberdeen City Council in this instance.
- 4.9 In light of the above reasoning, it is suggested that the development does accord with the requirements of Policy and other policies of the Development Plan as it would not result in harm (perceived or otherwise) to the character of the area or amenity of users. It is imperative to emphasise the benefits of this singular structure as it would provide an enhanced level of electronic communication service for transient users, businesses and residents alike. The supporting statement (SSSI as submitted with the application) gives further details on the benefits of the proposal.
- 4.10 Provision of this infrastructure, in an area identified as being lacking in connectivity, would accord with the objectives above. As identified this area suffers from poor access to digital services to the detriment of local residents and businesses. It is vital to consider that a replacement coverage option (2G / 3G / 4G & 5G) is required in this location as the existing site is due to be redeveloped for residential housing purposes. As stated above from a planning perspective the sequential approach should be

followed for all telecommunications sites regardless of their location and this has been rigidly adhered to with this proposal. Operators are committed to provide coverage and improve capacity. Operators' need for a new base station derives from a sequential approach to a site selection process.

1. Upgrading an operator's own existing base station(s);
2. Using existing telecommunications structures belonging to another code system operator, i.e. mast sharing;
3. Co-location or site sharing alongside existing telecommunications development
4. Installing a base station on an existing building or tall structure.

If 1-4 unavailable, the only viable option is

5. Erection of a new ground-based mast in street environment.

4.11 In this instance the appeal proposal is effectively an upgrade of the existing installation due to be decommissioned and as there are no other viable options available for sharing or for hosting on existing buildings, the proposal accords with the sequential approach outlined above. This Appeal Statement also demonstrates that ten other sites had been considered and discounted for valid reasons. The necessarily small size of the search area presented limited opportunities for the appeal proposals to be located elsewhere. After the Sequential Test had been completed, the appeal site was selected as the preferred location for the application. This was due to the appeal site being situated in a well screened position capable of providing the required replacement coverage whilst minimising visual intrusion within the Conservation Area and nearby high-density residential areas.

4.12 Given the constraints associated with the necessarily small, designated search area, the proposed location is deemed acceptable and appropriate. If the monopole were to be reduced in height below 17.5m the installation would not give adequate coverage for the Operator. The cabinets are within the size limits to be classed as Permitted Development (without Prior Approval) however; all efforts have been taken to keep the size of quantity of ancillary equipment to a minimum and as far away as possible from the views of local receptors. Both the original planning submission and this appeal statement robustly assess how the proposal fits within the surrounding area including its planning designations and assesses the local and national policies. The Government Policy and National Planning Policy section is assessed again below.

4.13 **Government Policy and National Planning Policy / Guidance – National Planning Framework (NPF) / PAN62**

4.14 National policy with regard to Telecommunications development is found within the NPF and PAN62. Contained within the NPF and PAN62, the following is of importance during deliberations:

4.15 Paragraph 1.1 of the NPF states that:

The Scottish Government's central purpose is to create a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. To achieve this, the Government Economic Strategy aims to share the benefits of growth by encouraging economic activity and investment across all of Scotland's communities, whilst protecting our natural and cultural assets.

The improved service by delivering an installation as proposed would provide a direct contribution to the delivery of economic growth, in a sustainable way, as well as enhancing local facilities and services (via better connectivity and communication).

4.16 Paragraph 118 of PAN62 states that:

118. Radio telecommunications has an important role to play in supporting the further social and economic development of Scotland.

The proposed development would utilise a site to provide for multiple users, so negating the need for subsequent new installations in the area and ensuring accordance with the objectives of the NPF and PAN62. The proposal would very much accord with this objective and negate the need for a demonstration 'to the satisfaction of the Council' in relation to the search for other sites.

The attempt to provide discreet development at the site, using the recommended sequential approach (as evidenced in the original submission) which accords with the objectives of PAN62, demonstrates the operator's attempts to address the lack of requisite cell coverage in the area, which would if allowed improve network coverage considerably with minimal negative effect on the visual amenity of this residential location.

4.17 In addition to the consideration given to the reasons for refusal, it is also noted that material consideration should be given to developments that contribute to the delivery of sustainability (which this facility would do). Such an objective needs to inform decisions, and is a requirement detailed in the 'Letter to Chief Planning Officers: Planning for Growth' dated 31st March 2011.

4.18 As well as planning policy and guidance, Government Policy is also a material consideration, and one that should be given considerable weight in deliberations. Government Policy in relation to the 5G network is detailed in the 'Future Telecoms Infrastructure Review' document as published by the 'Department for Digital, Culture, Media & Sport'. In the Foreword of this Policy document the DCMS Minister states the following:

"We want to ensure that the UK has the strongest conditions in place to secure the investment we need. To do this, as we move from a part fibre, part copper roll out to a full fibre and 5G roll out, we will make sure that competition and innovation can thrive. This means regulation that is limited to where it is necessary and provides the longer-term stability and predictability that investors need.

The UK must become the easiest and the most attractive place to invest in new digital infrastructure. We are determined to ensure the UK has the telecoms infrastructure to meet the growing demands of consumers and businesses and promote the benefits of connectivity across the UK. While our aim is to maximise commercial investment in digital infrastructure, we recognise that parts of the country are likely to need more support than the market will provide alone.

Digital infrastructure is central to the future of the UK economy. This national strategy will create the right market and policy conditions to secure world-class connectivity for all, but it needs to be accompanied by changes from within the sector. Industry has a critical role in delivering the world-class connectivity we need, and the focus should be on growing the market and improving consumer experiences. This is a long-term strategy and one which will only be achieved by government and industry working together."

4.19 The Planning Process in particular has been identified as a 'problem area' to the delivery of 5G. This is evidenced in section 3.5 of the 'Future Telecoms Infrastructure Review' as published by the 'Department for Digital, Culture, Media & Sport'. It reads:

“3.5 Make it easier and cheaper to deploy mobile infrastructure

194. The Government has introduced recent reforms to planning policy and the Electronic Communications Code (ECC) to make it easier and cheaper to build mobile networks. Measures to date have largely focused on macro cells; however, 5G, in the longer-term, is likely to require greater deployment of small cells. Additional measures will be required to make small cell deployment cost effective and practical. The Government has created the Barrier Busting Task Force to work with both the fixed and mobile telecoms industry to identify barriers to network deployment. Industry has asked us to prioritise a number of actions to reduce deployment barriers:

*Ensuring the ECC reforms achieve their intended effect;
Considering further planning reforms to support macro site expansion and small cell deployment;
Improving access to public sites and exploring ways to reduce costs;
Facilitating access to power supplies; and
Local solutions to address deployment barriers.”*

- 4.20 The Scottish Government outlined their vision for improving mobile connectivity in ‘*Realising Scotland’s full potential in a digital world: A Digital Strategy for Scotland (2017)*’. The document sets out the Government’s plans ‘*for ensuring that we put digital at the heart of everything we do - in the way in which we deliver inclusive economic growth, reform our public services and prepare our children for the workplace of the future. It’s a strategy for Scotland, not just the Scottish Government. It recognises the profound challenges that digital poses for the nature of work, for society and for both the world and domestic economies. It also accepts that no single organisation can hope to have the answers to these questions and therefore looks to create a culture and environment of partnership in which we take collective action to ensure that nobody is left behind and we all remain safe, secure and confident about the future*’.

The strategy document lists a wide range of actions associated with achieving this vision including:

- Actions to deliver high quality connectivity across all areas of Scotland
- Actions to support people and communities
- Actions to promote digital inclusion and participation
- Actions to ensure that all premises in Scotland will be able to access broadband speeds of at least 30 Megabits per second by 2021

- 4.21 In 2019 Digital Scotland published ‘*Forging our Digital Future with 5G: A Strategy for Scotland*’ placing emphasis on the Scottish Government’s obligations to ensure that all of Scotland (including rural areas) benefits from the deployment of 5G network infrastructure. The strategy document acknowledges the Scottish Government’s aspiration to be at the forefront of the digital revolution thereby establishing the whole country as a leading 5G digital nation. The document identifies key 5G connectivity and coverage delivery objectives along with a wide range of associated benefits including:

- The role enhanced connectivity can play in making Scotland more productive and efficient as a country and the contribution 5G can make in transitioning towards a zero-carbon economy
- Acknowledges that 5G will be transformational for businesses, public services and for individual citizens

- Recognises the role that 5G could play in helping to sustain remote and rural areas
- The technical capability of 5G to satisfy the needs of a wide range of innovative 'use cases' by delivering extended bandwidth, reliable ultra-low latency, and/or a high density of connected devices
- Facilitating 5G connectivity by preparing local authorities to support 5G deployment in terms of asset management and planning regulations
- Emphasises the importance of continuing to support the 5G Rural First initiative
- Ensures the Scottish policy framework supports the 5G infrastructure rollout
- Identifies the need for a review of permitted development rights for electronic communications
- Publish revised guidance replacing the existing Planning Advice Note 62: Radio Telecommunications.

4.22 It is clear from the above that Government Policy is very much focussed on the delivery of 5G and its requisite infrastructure. The Government acknowledge that the Planning Process is a barrier to delivery of infrastructure (as is the case with this refusal). The Government state that digital infrastructure is central to the future of the UK economy. Knowing this, public benefits in the form of social, economic and environmental benefits must carry considerable weight in support of proposals for digital infrastructure.

5.0 **Conclusion and Planning Balance**

Reasoning and Summary

- 5.1 It is considered that the installation of the proposed upgrade would not be contrary to but would contribute to the achievement of the Policy objectives of Aberdeen City Council's Development Plan, the NPF and PAN62. The proposal would not be to the detriment of visual amenity or result in harm to the character of the area. The proposal would further the delivery of sustainable development through intelligently managed and considered change. It is imperative to understand that the replacement installation will prevent there from being a 2G / 3G / 4G and 5G coverage hole in the area and all efforts have been injected into the site selection process to deploy a proposal where the visual amenity or landscape character of the area will not be adversely affected.
- 5.2 It has been demonstrated throughout this Appeal Statement that the Appellant has sought to minimise the visual impact of the development. This has been achieved by undertaking a Sequential Test and siting the proposal as far away as possible from the views of residential receptors and by keeping the height and bulk down to the absolute minimum capable of providing the required essential coverage.
- 5.3 We consider the development complies with Government guidance where the underlying aim is to provide an efficient and competitive telecommunication system for the benefit of business and the community while minimising visual impact.
- 5.4 We consider any perceived impact on amenity the site may have will be outweighed by the many positive benefits that telecommunications bring to the economy and community. As detailed above, and in light of the changing nature of planning (to allow for increased levels of home working in light of the current unforeseen pandemic and its long-term social effects and implications), the development meets the requisite criteria and standards, as well as contributing to and according with the 'Planning for Growth' objectives. As such, it is respectfully requested that the appeal be allowed. If the Reporter deems that conditions on approval are required these will be welcomed.

LOCAL REVIEW BODY



210464/DPP– Review against refusal of planning permission for:

Change of use from Class 2 (Financial, professional & other services) to Class 10 (Public worship)

1st Floor, 41 Regent Quay, Aberdeen

Location Plan

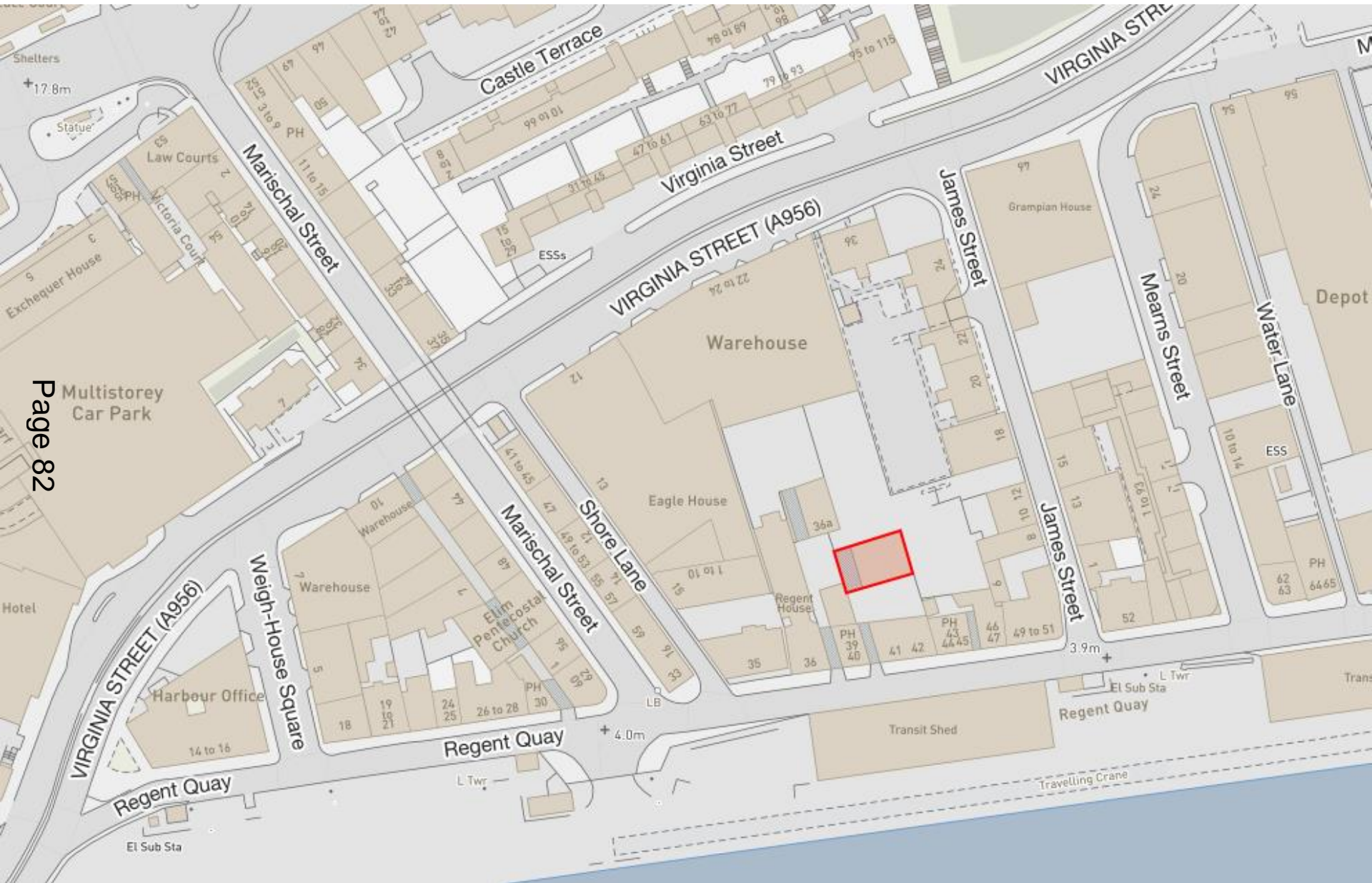


Photo demonstrating site

To Let, First Floor, 41 Regent Quay, Aberdeen, AB11 5BE



Location Plan (GIS)



Aerial Photo (GIS)



Site Photos

To Let, First Floor, 41 Regent Quay, Aberdeen, AB11 5BE



Site Photos

To Let, First Floor, 41 Regent Quay, Aberdeen, AB11 5BE



Site Photos

To Let, First Floor, 41 Regent Quay, Aberdeen, AB11 5BE



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Site Photos



Site Photos



Reasons for Decision

Decision notice included in agenda pack. Reasons as follows:

The proposed Class 10 use is considered to be suitably compliant with the relevant policies of the Aberdeen Local Development Plan, namely Policy H2 (Mixed Use Areas), Policy T2 (Managing the Transport Impact of Development), Policy T3 (Sustainable and Accessible Transport), Policy T5 (Noise) and the associated Supplementary Guidance documents 'Transport and Accessibility' and 'Noise'. The proposal would not conflict with surrounding land uses in the locality, with no significant detrimental impact in respect of on-street parking over and above that associated with the existing use. On the basis of the above, and following on from the

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One condition attached to that decision:

Noise/amplified music

1. That no amplified music, public announcement equipment or noise emitted from the use of microphones/speakers or other forms of audible entertainment including singing and acoustic performances shall take place at the premises hereby approved between the hours of 10:00pm and 10:00am.

Reason – in order to ensure that the proposed use does not result in excessive noise to the detriment of residential amenity.

Applicants' Case

- *On Sundays, we have five sessions for worshippers, occurring at different times from 6 am – 3 pm. It helps to control capacity and limit noise. Music and song are essential for our worship. They are done moderately and at levels that do not encroach. Eg. These activities are contained within the premise of our London branch, such that no nuisance is created. More so, the proposed property in Aberdeen is at some distance from residential homes and our activities will not have an impact.*

Policy H2: Mixed Use Areas

Policy H2 - Mixed Use Areas

Applications for development or change of use within Mixed Use Areas must take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity. Where new housing is proposed, a satisfactory residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity. Conversely, where new industrial, business or commercial uses are permitted, development should not adversely affect the amenity of people living and working in the area.

- Emphasis on relationship with neighbouring uses and avoidance of undue conflict
- New commercial uses should not adversely affect amenity of those living and working in the area

Policy T2 (Managing the Transport Impact of Development)

Policy T2 - Managing the Transport Impact of Development

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

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

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

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

Policy T3 (Sustainable and Active Travel)

Policy T3 - Sustainable and Active Travel

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

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

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

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

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

Policy T5 (Noise)

Policy T5 – Noise

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

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

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

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

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

Points for Consideration:

Principle: Do members consider that the proposed use can be accommodated in an H2 (Mixed Use) area without adverse impact on existing uses, both commercial and residential?

Do members consider that the proposal would accord with the other relevant provisions of the Development Plan (e.g. parking, accessibility, policy T5 on noise)? Are there any other material considerations that point towards approval or refusal?


Noise: Having regard for the consultation response provided by ACC's Environmental Health Team, do members consider that any restriction on amplified music, singing and performance is appropriate to safeguard residential amenity? If so, what hours should any such restriction cover?

- 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)

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	1st Floor, 41 Regent Quay, Aberdeen, AB11 5BE
Application Description:	Change of use from Class 2 (Financial, professional & other services) to Class 10 (Public worship)
Application Ref:	210464/DPP
Application Type:	Detailed Planning Permission
Application Date:	1 April 2021
Applicant:	Salvation Ministries (Home of Success) Scotland
Ward:	George Street/Harbour
Community Council:	Castlehill & Pittodrie
Case Officer:	Ross McMahon

RECOMMENDATION

Approve Conditionally

APPLICATION BACKGROUND

Site Description

The application site is located to the north of Regent Quay, to the south of the city centre, within close proximity to Aberdeen Harbour. Accessed via a small pend from Regent Quay, the two-storey attic and basement building is of a granite construction with a pitched and slated roof. The application relates to the first-floor accommodation only, which currently falls under a Class 2 (Financial, professional and other services) use. The premises benefits from four parking spaces located to the rear (north). The site is located within a 'Mixed-Use Area' as identified in the Aberdeen Local Development Plan proposals map.

Relevant Planning History

None relevant

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for a change of use to the first floor of the premises from Class 2 (Financial, professional and other services) to Class 10 (Public worship), for use as a church. No physical alterations are proposed as part of this application.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QQVQJ3BZI6W00>

- Supporting Statement

CONSULTATIONS

ACC Roads Development Management – Notes that the property is well served in terms of sustainable transport options. Suggests that associated parking provision is acceptable given the location of the development, despite suspecting a likely shortfall as per ACC requirements. No objection.

ACC Environmental Health – Suitable music noise controls should be applied to protect the amenity of neighbouring residential property. No objection.

Castlehill & Pittodrie Community Council – No response.

REPRESENTATIONS

None received

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)

- Policy H2 – Mixed Use Areas
- Policy T2 – Managing the Transport Impact of Development
- Policy T3 – Sustainable and Accessible Transport
- Policy T5 – Noise

Supplementary Guidance (SG)

- Transport and Accessibility
- Noise

Proposed Aberdeen Local Development Plan (2020)

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

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

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

- Policy H2 – Mixed Use Areas
- Policy T2 – Sustainable Transport
- Policy T3 – Parking
- Policy WB3 – Noise

EVALUATION

Principle of Development

The property is located in a 'Mixed Use Area' as identified in the ALDP proposals map. Within such areas Policy H2 (Mixed Use Areas) applies, which, relevant to the proposal at hand, states that applications for change of use must take into account the existing uses and character of the surrounding area and avoid undue conflict with adjacent land uses and amenity. Where new industrial, business or commercial uses are permitted, development should not adversely affect the amenity of people living and working in the area. The surrounding area is characterised by a mix of uses, reflective of its ALDP zoning, which include industrial and commercial uses with residential flats interspersed.

Policy T5 (Noise) and the associated SG sets a presumption against locating noise generating developments in close proximity to noise sensitive developments. Residential properties lie within relatively close proximity to the application premises, and the nature of the use is such that there is potential, albeit limited, for residential amenity to be adversely affected. The Council's Environmental Health team has requested that a condition be added that restricts amplified music, public announcement equipment or noise emitted from the use of microphones/speakers or other forms of audible entertainment including singing and acoustic performances between the hours of 10pm and 10am, so as to alleviate any concerns regards residential amenity. Such a condition is considered reasonable and appropriate in this instance, given the mixed-use nature of the surrounding area.

On the basis of the above, it is considered that the proposed Class 10 use would not result in any significant amenity impacts on surrounding uses and that such a use is both compatible with and complementary to established surrounding uses, and thus compliant in terms of Policy H2 (Mixed Use Areas) and Policy T5 (Noise) of the ALDP.

Parking and Transport

The Council's Roads Development Management team notes that whilst there is likely to be a nominal shortfall in parking provision, as per the Council's Transport and Accessibility SG, the central location and sustainable transport options are such that the shortfall is considered to be acceptable. It is considered that the proposed use would not result in any significant additional impact over and above that already experienced within the area, with limited opportunity for indiscriminate parking. The property is easily accessible via sustainable means, such as walking, cycling and by public transport, and thus the proposed use is considered to be acceptable in terms of Policy T2 (Managing the Transport Impact of Development) and Policy T3 (Sustainable and Active Transport).

Proposed Aberdeen Local Development Plan

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

Conclusion

To conclude, it is considered that, subject to conditions, the proposed use would be compatible with and complementary to surrounding uses and therefore would not result in any significant amenity impacts to nearby property.

RECOMMENDATION

Approve Conditionally

REASON FOR RECOMMENDATION

The proposed Class 10 use is considered to be suitably compliant with the relevant policies of the Aberdeen Local Development Plan, namely Policy H2 (Mixed Use Areas), Policy T2 (Managing the Transport Impact of Development), Policy T3 (Sustainable and Accessible Transport), Policy T5 (Noise) and the associated Supplementary Guidance documents 'Transport and Accessibility' and 'Noise'. The proposal would not conflict with surrounding land uses in the locality, with no significant detrimental impact in respect of on-street parking over and above that associated with the existing use. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations that would warrant refusal of the application.

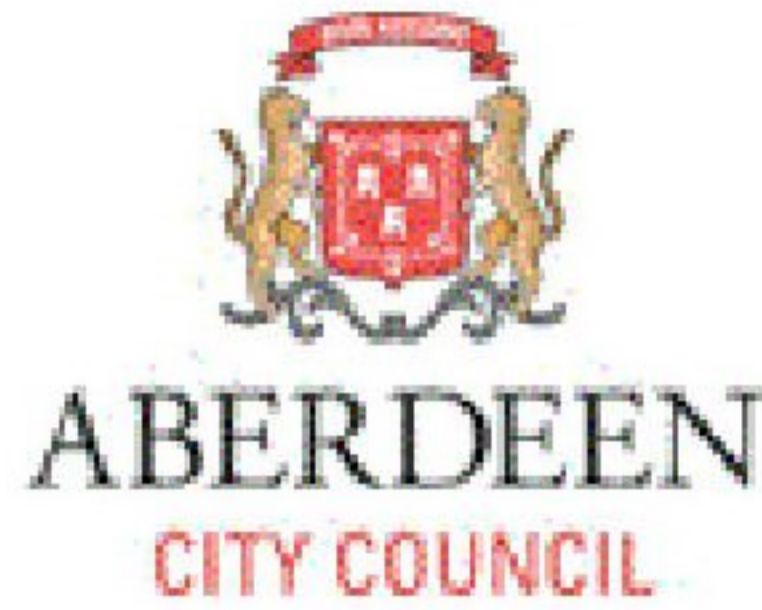
CONDITIONS**Noise/amplified music**

1. That no amplified music, public announcement equipment or noise emitted from the use of microphones/speakers or other forms of audible entertainment including singing and acoustic performances shall take place at the premises hereby approved between the hours of 10:00pm and 10:00am.

Reason – in order to ensure that the proposed use does not result in excessive noise to the detriment of residential amenity.

ADVISORY NOTES FOR APPLICANT

No advisories



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 100387697-001

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

Type of Application

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

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

Description of Proposal

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

Application for a change of use from Office (Class 2) to Public Worship Place (class 10).

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

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="First Floor"/>
First Name: *	<input type="text" value="Ephraim"/>	Building Number:	<input type="text" value="41"/>
Last Name: *	<input type="text" value="Otumudia"/>	Address 1 (Street): *	<input type="text" value="Regent Quay"/>
Company/Organisation	<input type="text" value="Salvation Ministries (Home of"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB11 5BE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="41 REGENT QUAY"/>
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="AB11 5BE"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806189"/>	Easting	<input type="text" value="394621"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

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

Planning permission would be required for a change of use to Class 10 (Non-residential institutions) which includes 'use for, or in connection with, public worship or religious instruction, or the social or recreational activities of a religious body'. I would suggest that generally speaking, the use of the building for such purposes is acceptable in principle, taking into consideration the local context and surrounding uses

Title:	<input type="text" value="Mr"/>	Other title:	<input type="text"/>
First Name:	<input type="text" value="Ross"/>	Last Name:	<input type="text" value="McMahon"/>
Correspondence Reference Number:	<input type="text" value="43069"/>	Date (dd/mm/yyyy):	<input type="text" value="22/03/2021"/>

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

Site Area

Please state the site area:

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)

The building is empty, last used as an office.

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? * Yes No

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

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

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

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

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

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

Water Supply and Drainage Arrangements

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

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

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

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

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

Trees

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

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

Waste Storage and Collection

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

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

Bins are stored outside the front of the building for collection, this is what all the other occupiers do.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? * Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

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

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

Class 10 Non-residential Institutions

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

118

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

Total:

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

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

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

Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

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

or –

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

Name:

Mr Andrew Still

Address:

A & M (Investments Aberdeen Limited) Lynedoch Park, Pitcairngreen, Perth, PH1 3LY

Date of Service of Notice: *

29/03/2021

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

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Mr Ephraim Otumudia

On behalf of:

Date: 01/04/2021

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. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes 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 Ephraim Otumudia

Declaration Date: 29/03/2021

Payment Details

Online payment: ABSP00006472

Payment date: 01/04/2021 10:24:00

Created: 01/04/2021 10:24

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Salvation Ministries (Home Of Success) Scotland
Mr Ephraim Otumudia
First Floor
41 Regent Quay
Aberdeen
AB11 5BE

With reference to your application validly received on 1 April 2021 for the following development –

Change of use from Class 2 (Financial, professional & other services) to Class 10 (Public worship)
at **1st Floor, 41 Regent Quay**

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

<u>Drawing Number</u>	<u>Drawing Type</u>
	Location Plan

REASON FOR DECISION

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

The proposed Class 10 use is considered to be suitably compliant with the relevant policies of the Aberdeen Local Development Plan, namely Policy H2 (Mixed Use Areas), Policy T2 (Managing the Transport Impact of Development), Policy T3 (Sustainable and Accessible Transport), Policy T5 (Noise) and the associated Supplementary Guidance documents 'Transport and Accessibility' and 'Noise'. The proposal would not conflict with surrounding land uses in the locality, with no significant detrimental impact in respect of on-street parking over and above that associated with the existing use. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations that would warrant refusal of the application.

CONDITIONS

This permission is granted subject to the following conditions.

Noise/amplified music

1. That no amplified music, public announcement equipment or noise emitted from the use of microphones/speakers or other forms of audible entertainment including singing and acoustic performances shall take place at the premises hereby approved between the hours of 10:00pm and 10:00am.

Reason – in order to ensure that the proposed use does not result in excessive noise to the detriment of residential amenity.

Date of Signing: 27 May 2021



Daniel Lewis

Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS PERMISSION

DURATION OF THIS PERMISSION

In accordance with section 58 (i) of the Town and Country Planning (Scotland) Act 1997 as amended, the development to which this notice relates requires to be commenced within 3 years of the date of this notice unless a direction specifies otherwise. This permission shall lapse unless development is commenced within this period.

COMMENCEMENT AND COMPLETION OF DEVELOPMENT

A person who has been granted planning permission under the terms of the foregoing notice and intends to start work to implement this planning approval must, once they have decided the date they will start work on the development, inform the Council in writing of that date as soon as is practicable, but in all circumstances prior to work commencing. Failure to do so is a breach of planning control under section 123(1) of the 1997 Planning Act. The Council should be informed of the start date and other required information on the **Notice of Initiation of Development** form attached below.

A person who completes the development for which planning permission has been granted by the foregoing notice must, as soon as is practicable after doing so, give notice of completion to the Council on the **Notice of Completion of Development** form attached below. In common with the failure to submit a notice of initiation of development, the Council may take enforcement action if a notice of completion is not given.

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

None.

RIGHT OF APPEAL

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

- a) to refuse planning permission for the proposed development;
- b) to refuse approval, consent or agreement require by a condition imposed on a grant of planning permissions;
- c) to grant planning permission or 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).

2. If permission to develop land is granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in it's existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been 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.

NOTICE OF INITIATION OF DEVELOPMENT

The Town and Country Planning (Scotland) Act 1997

The Planning (Development Management Procedure) (Scotland) Regulations 2013

Notice under sections 27A, 27B and 27C of the above Act and Regulations 37 and 28, regarding the initiation (start) of work for which planning permission has been granted.

Application reference number: **210464/DPP**

Date of issue: 27 May 2021

Address of site to which permission applies: 1st Floor, 41 Regent Quay

I hereby give notice that it is intended to start the above development on the following date:

Name, Address and Phone Number of Person Intending to Carry Out Development	
Name, Address and Phone Number of Landowner of Site (if different)	
Name, Address and Phone Number of Site Agent appointed for development	

Date of Submission of Notice

IMPORTANT

It is important that this form is completed and returned to Strategic Place Planning as soon as practicable after deciding on a date on which to initiate the development and in any event before commencing the development, as failure to do so may result in enforcement action being taken.

Please complete and return this form to pi@aberdeencity.gov.uk or the address at the top of this decision notice.

General Data Protection Regulations – How we use your data

Aberdeen City Council collects, maintains and processes automatically information about you for the purposes of processing and determining planning applications and may be used for consultation purposes where applicable under legislation. Information will be disclosed only in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 or otherwise as required by law, including disclosure to other agencies (for example Scottish Fire and Rescue Service, Police Scotland, Scottish Natural Heritage, Historic Environment Scotland) as required for the purposes of determining this application.

For the purposes of processing this information Aberdeen City Council is the Data Controller. The Information Commissioner Office is the UK's regulator of data protection law (www.ico.org.uk).

For further information on how we use, store & protect your data please see our website <https://www.aberdeencity.gov.uk/your-data/privacy-notice/your-data-planning-application>

NOTICE OF COMPLETION OF DEVELOPMENT

The Town and Country Planning (Scotland) Act 1997

The Planning (Development Management Procedure) (Scotland) Regulations 2013

Notice under section 27B of the above Act, regarding the completion of work for which planning permission has been granted.

Application reference number: 210464/DPP

Date of issue: 27 May 2021

Address of site to which permission applies: 1st Floor, 41 Regent Quay

I hereby give notice that the development was completed on the following date:

Name, Address and Phone Number of Person Intending to Carry Out Development	
Name, Address and Phone Number of Landowner of Site (if different)	
Name, Address and Phone Number of Site Agent appointed for development	

Date of Submission of Notice

IMPORTANT

It is important that this form is completed and returned to Strategic Place Planning as soon as possible following completion of works as failure to do so may result in enforcement action being taken.

Please complete and return this form to pi@aberdeencity.gov.uk or the address at the top of this decision notice.

General Data Protection Regulations – How we use your data

Aberdeen City Council collects, maintains and processes automatically information about you for the purposes of processing and determining planning applications and may be used for consultation purposes where applicable under legislation. Information will be disclosed only in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 or otherwise as required by law, including disclosure to other agencies (for example Scottish Fire and Rescue Service, Police Scotland, Scottish Natural Heritage, Historic Environment Scotland) as required for the purposes of determining this application.

For the purposes of processing this information Aberdeen City Council is the Data Controller. The Information Commissioner Office is the UK's regulator of data protection law (www.ico.org.uk).

For further information on how we use, store & protect your data please see our website

Consultee Comments for Planning Application 210464/DPP

Application Summary

Application Number: 210464/DPP

Address: 1st Floor 41 Regent Quay Aberdeen AB11 5BE

Proposal: Change of use from Class 2 (Financial, professional & other services) to Class 10 (Public worship)

Case Officer: Ross McMahon

Consultee Details

Name: Mr Michael Cowie

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

Email: micowie@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application of change of use from Class 2 (Financial, professional & other services) to Class 10 (Public worship) at 1st Floor, 41 Regent Quay, Aberdeen AB11 5BE.

It is noted the site is located in the city centre but does not lie within a designated controlled parking zone (CPZ).

Given the site City Centre location, the site shall be considered to be well served in terms of sustainable transport of walking, cycling and public transport. There shall be access to existing adopted public footpaths which connects to the wider city centre and the nearest public transport provision on Union Street to the north of the site some 300m approx. via Marischal Street. In terms of cycling, Regent Quay forms part of recommended cycle route which connects further to designated cycle lanes and routes throughout the City Centre and beyond.

It is noted that as per ACC supplementary guidance the associated parking standard for such use is 0.5 spaces per 10 seats, however in this regard there is no indication on number of seats associated and just details of floor space to quantify such maximum provision. That being said, the site proposes to only retain the 4no. of existing spaces and it would be assumed that given the nature of the proposal this would assumed to be an under provision but given the site location with various parking controls/waiting restrictions there is no scope for indiscriminate parking and various public car parks that visitors could utilise as well as the aforementioned public transport links etc.

Therefore based on the information above and that the matter the proposed level of associated parking is not dissimilar to that of other religious institutions within the City Centre, it is confirmed that Roads Development Management have no objections to this application.

Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Ross McMahon	To: ACC - Environmental Health
E-mail: rmcMahon@aberdeencity.gov.uk	Date Sent: 7 April 2021
Tel.: 01224 522362	Respond by: 28 April 2021

Application Type: Detailed Planning Permission
Application Address: 1st Floor 41 Regent Quay Aberdeen AB11 5BE
Proposal Description: Change of use from class 2(financial profesional and other services) to class 10 (public worship place)
Reference: 210464/DPP

To view the plans and supporting documentation associated with the application please [follow this link](#).

In the case of pre-application enquires please login at <https://publicaccess.aberdeencity.gov.uk> and in 'Consultation Search' enter the pre-application reference number (shown above) into the 'Letter Reference' field and then click 'Search'.

Unless agreed with the case officer, should no response be received by the respond by date specified above it will be assumed your service has no comments to make.

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

Response

Please select one of the following.

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

COMMENTS

Regarding the above Detailed Planning Permission Application an environmental health assessment was carried out. The following areas have been evaluated and the associated comments are considered reasonable and proportionate.

Noise

-
Due to the location of the premises and nature of neighbouring properties, the proposed development has potential for a significant adverse impact on the amenity of the occupants of neighbouring local residences from potential noise associated with the proposal.

This assessment should:

- a. Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
- c. Identify the likely sources of noise associated with the proposed development with potential to impact on neighbouring properties e.g. amplified music
- d. Identify the existing sources of noise potentially impacting on the proposed development.
- e. Detail the noise mitigation measures to reasonably protect the amenity of the occupants of the proposed residences.
- f. The methodology for the noise assessment should be submitted and agreed in writing with this Service in advance of the assessment**

Responding Officer: Barbara Armstrong-Hill

Date: 7/4/21

Email: bahill@aberdeencity.gov.uk

Ext: 2064

Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Ross McMahon	To: ACC - Environmental Health
E-mail: rmcMahon@aberdeencity.gov.uk	Date Sent: 12 May 2021
Tel.: 01224 522362	Respond by: 2 June 2021

Application Type: Detailed Planning Permission
Application Address: 1st Floor 41 Regent Quay Aberdeen AB11 5BE
Proposal Description: Change of use from Class 2 (Financial, professional & other services) to Class 10 (Public worship)
Reference: 210464/DPP

To view the plans and supporting documentation associated with the application please [follow this link](#).

In the case of pre-application enquires please login at <https://publicaccess.aberdeencity.gov.uk> and in 'Consultation Search' enter the pre-application reference number (shown above) into the 'Letter Reference' field and then click 'Search'.

Unless agreed with the case officer, should no response be received by the respond by date specified above it will be assumed your service has no comments to make.

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

Response

Please select one of the following.

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

COMMENTS

Regarding the above application an assessment by the Environmental Protection Section was carried out. The following areas have been evaluated and the associated comments are considered reasonable and proportionate given the current circumstances;

1. Noise Impact

This Service has no objection to the proposal provided suitable music noise controls are applied to protect the amenity of neighbouring residential property, namely a prohibition on amplified music or noise emitted from the use of microphones/speakers or other forms of music entertainment including singing and acoustic performances at the premises between 22:00 Hours and 10:00 Hours.

I trust this information is of use.

Responding Officer: Mark Nicholl

Date: 13-05-21

Email:

Ext:

Aberdeen Local Development Plan (ALDP)

- H2: Mixed Use Areas;
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T5: Noise

Supplementary Guidance

Transport and Accessibility SG

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

Noise

https://www.aberdeencity.gov.uk/sites/default/files/5.3.PolicySG.Noise_.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 100421299-001

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="First Floor"/>
First Name: *	<input type="text" value="Ephraim"/>	Building Number:	<input type="text" value="41"/>
Last Name: *	<input type="text" value="Otumudia"/>	Address 1 (Street): *	<input type="text" value="Regent Quay"/>
Company/Organisation	<input type="text" value="Salvation Ministries (Home of"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Aberdeem"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB11 5BE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

41 REGENT QUAY

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB11 5BE

Please identify/describe the location of the site or sites

Northing

806189

Easting

394621

Description of Proposal

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

Change of use from Class 2 (Financial, professional & other services) to Class 10 (Public worship) at 1st Floor, 41 Regent Quay Aberdeen, AB11 5BE. Planning Application Reference 210464/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.

On Sundays, we have five sessions for worshippers, occurring at different times from 6 am – 3 pm. It helps to control capacity and limit noise. Music and song are essential for our worship. They are done moderately and at levels that do not encroach. Eg. These activities are contained within the premise of our London branch, such that no nuisance is created. More so, the proposed property in Aberdeen is at some distance from residential homes and our activities will not have an impact.

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)

The planning officer (Ross McMahon) asked about noise, verbally over the phone and I reassured him that noise emitted during our worship is minimal. There was no reason or space on the application form to raise this matter at the time of application.

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)

N/A

Application Details

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

210464/DPP

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

01/04/2021

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

27/05/2021

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: Mr Ephraim Otumudia

Declaration Date: 30/05/2021