

Public Document Pack



To: Councillor Boulton (Chairperson); and Councillors Bell and Mason.

Town House,
ABERDEEN 29 September 2021

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in **Council Chamber - Town House** on **WEDNESDAY, 6 OCTOBER 2021 at 10.00 am.**

The meeting will be webcast and a live stream can be viewed on the Council's website [here](#).

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

1.1 Procedure Notice (Pages 5 - 6)

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

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

[Local Development Plan](#)

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

PLANNING ADVISER - GAVIN EVANS

- 2.1 **Wynford Farm, Borrowstone Road - Alterations and Extension to Play Barn - 210265 (Pages 7 - 30)**
- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 31 - 86)
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 210265.
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 87 - 88)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 89 - 164)
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 210265.
- 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 **9 Marine Terrace - Partial Conversion of an Existing Coach House to Domestic Garage Including Erection of Single Storey Extension; Installation of Replacement Door; Formation of Garage Door and Installation of Electric Vehicle Charging Point to Rear - 210677 (Pages 165 - 194)**
- 3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 195 - 214)
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 210677.
- 3.3 Planning Policies Referred to in Documents Submitted (Pages 215 - 216)
- 3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 217 - 246)

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 210677.

3.5 Determination - Reasons for Decision

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

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

4.1 **97 Springfield Road - Erection of Two Storey Extension to Rear and Replacement Garage to Side - 210541 (Pages 247 - 272)**

4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 273 - 288)

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 210541.

4.3 Planning Policies Referred to in Documents Submitted (Pages 289 - 290)

4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 291 - 300)

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 210541.

4.5 Determination - Reasons for Decision

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

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

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.

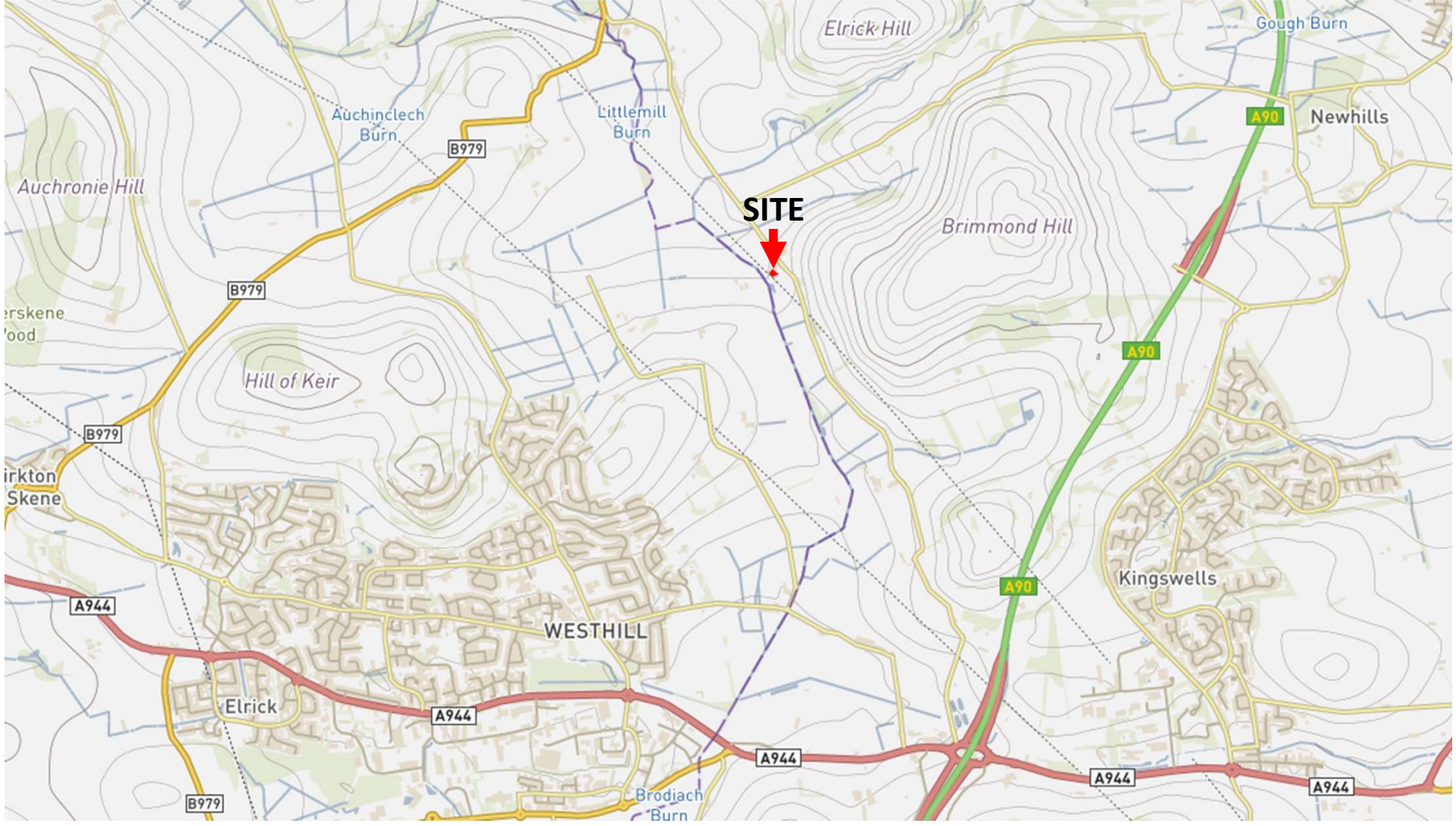
LOCAL REVIEW BODY

210265/DPP– Review against refusal of planning permission
for:

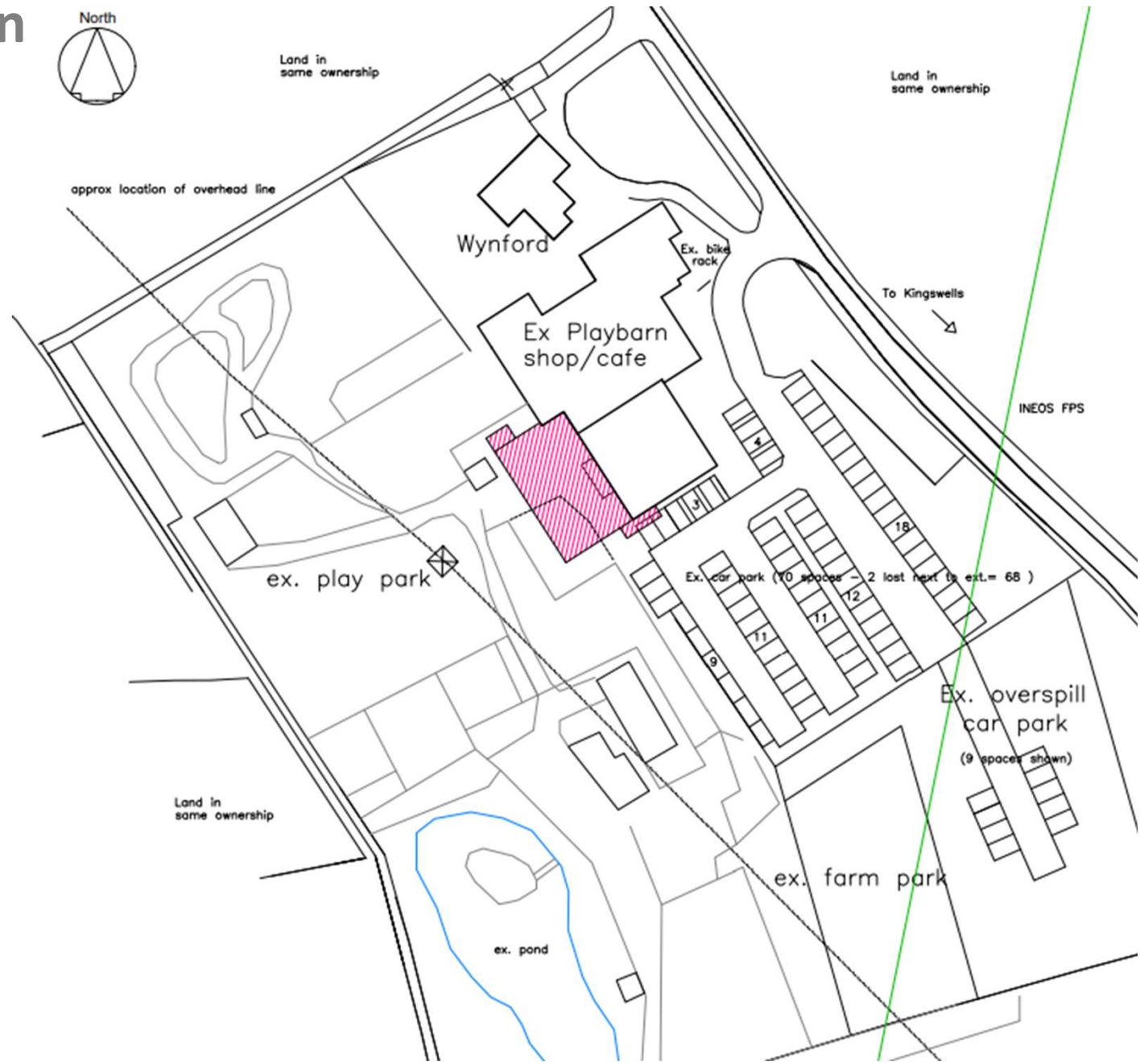
Alterations and extension to play barn

Wynford Farm, Kingswells, Aberdeen

Location



Location Plan

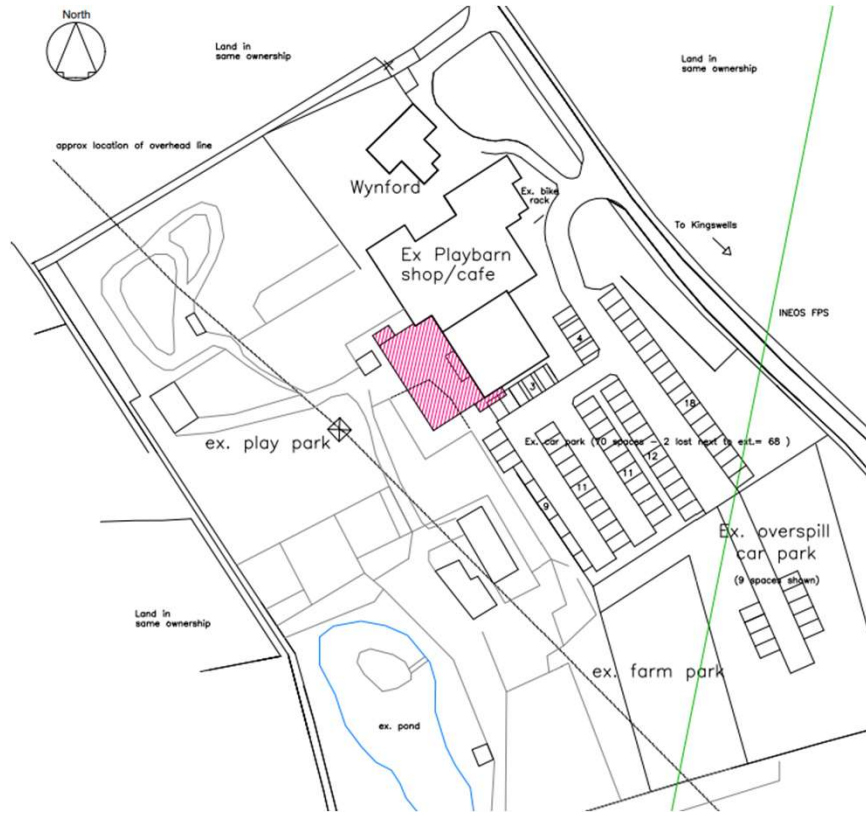
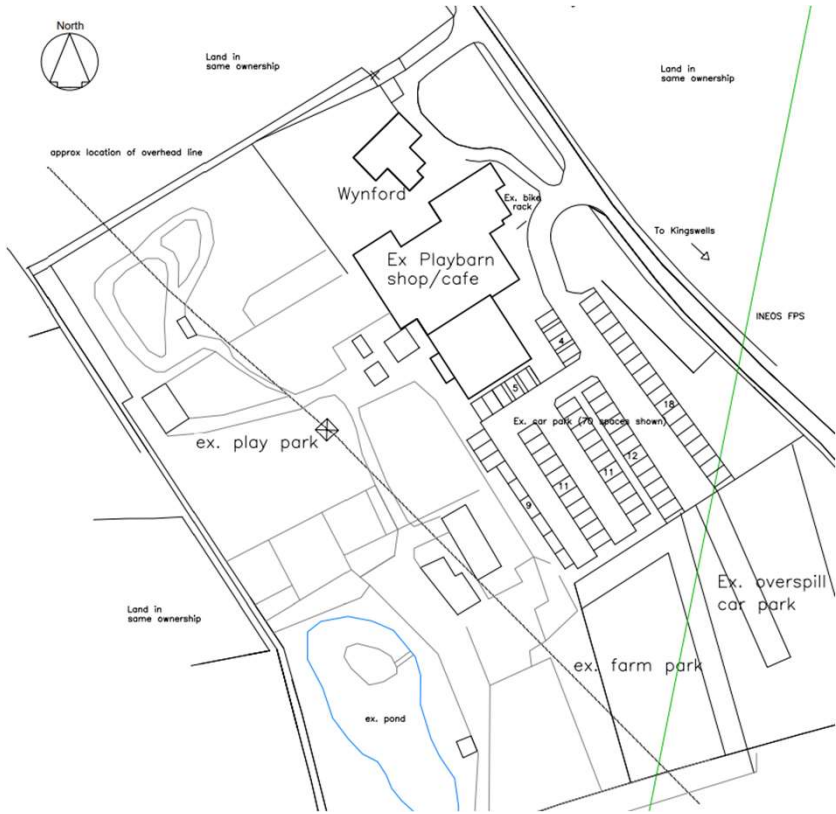


Aerial Photo (GIS)

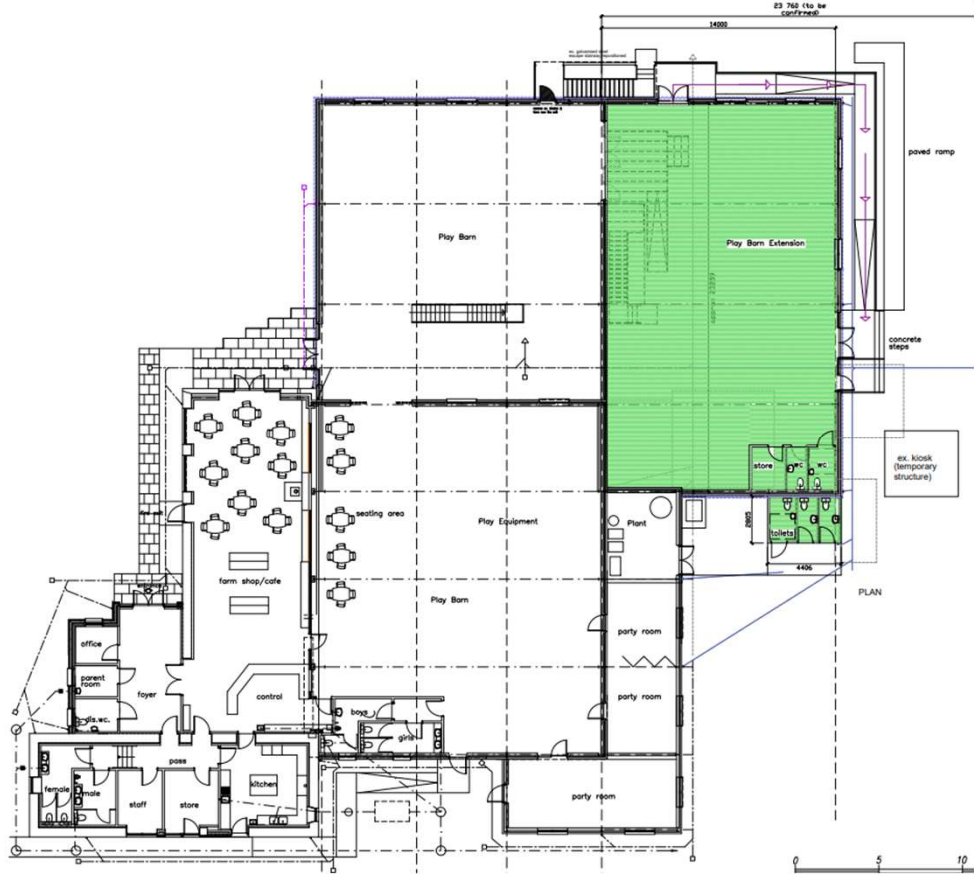
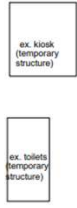
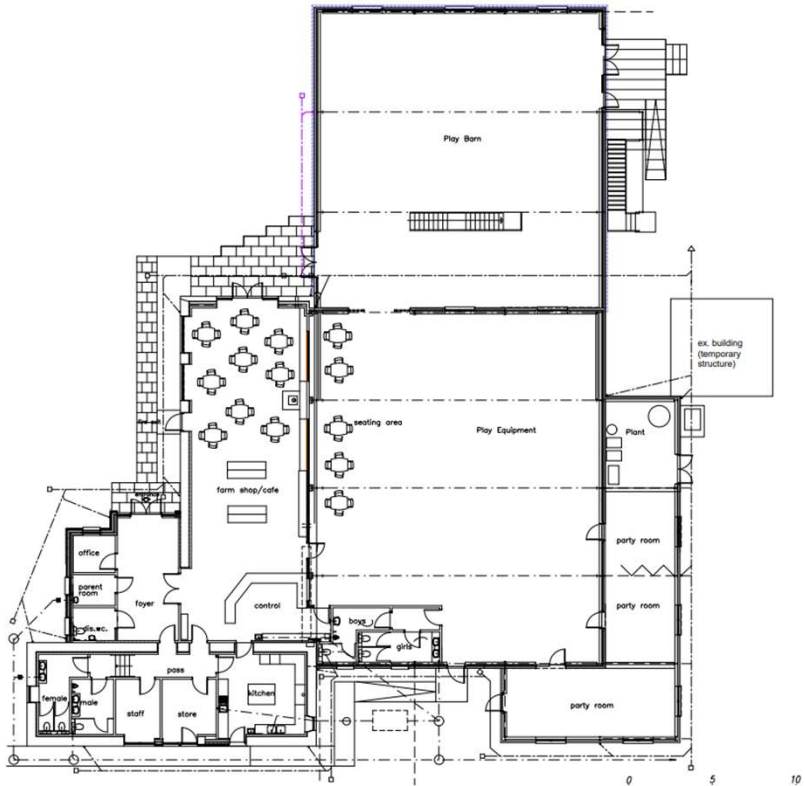


Click to start drawing
(Press CTRL to enable snapping)

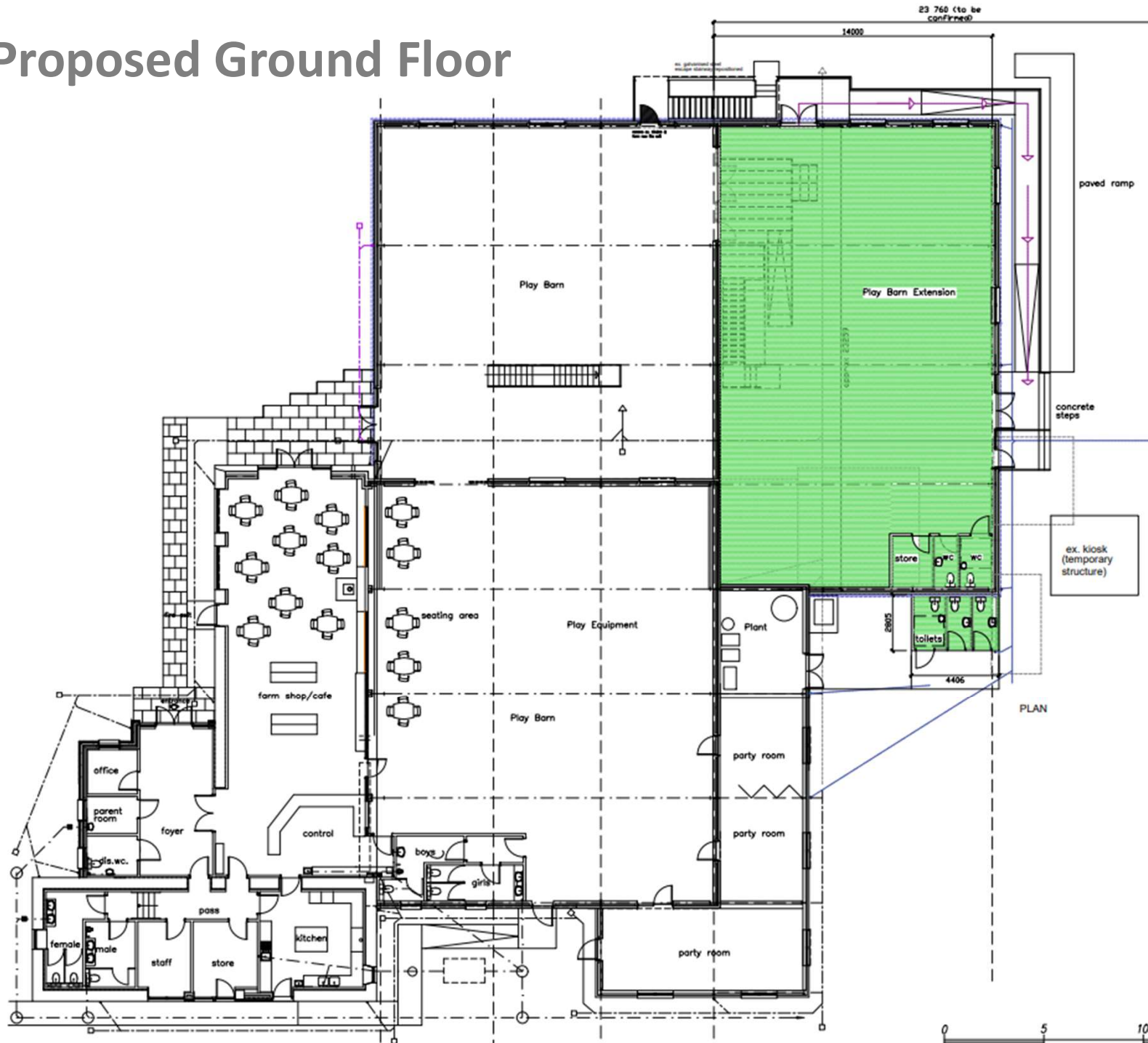
Site Plan: Existing / Proposed



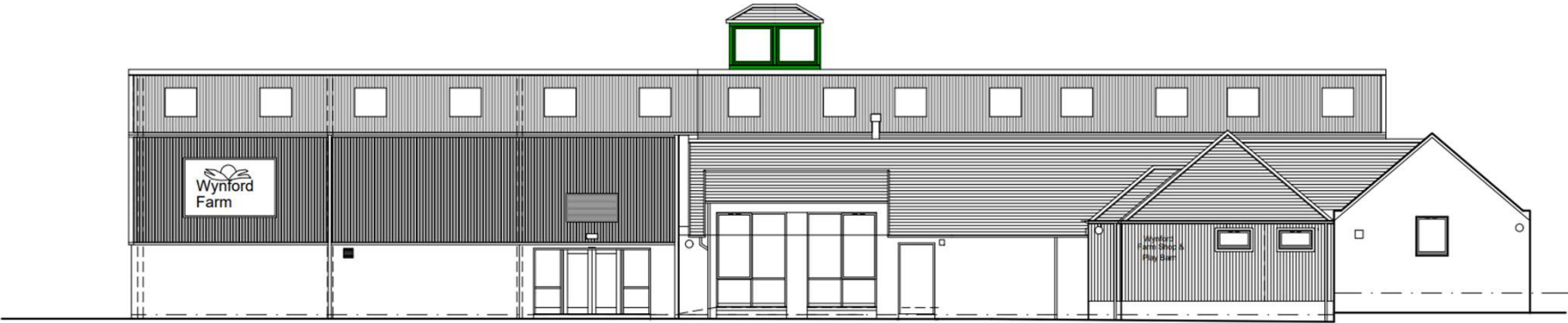
Ground Floor: Existing / Proposed



Proposed Ground Floor



East Elevation

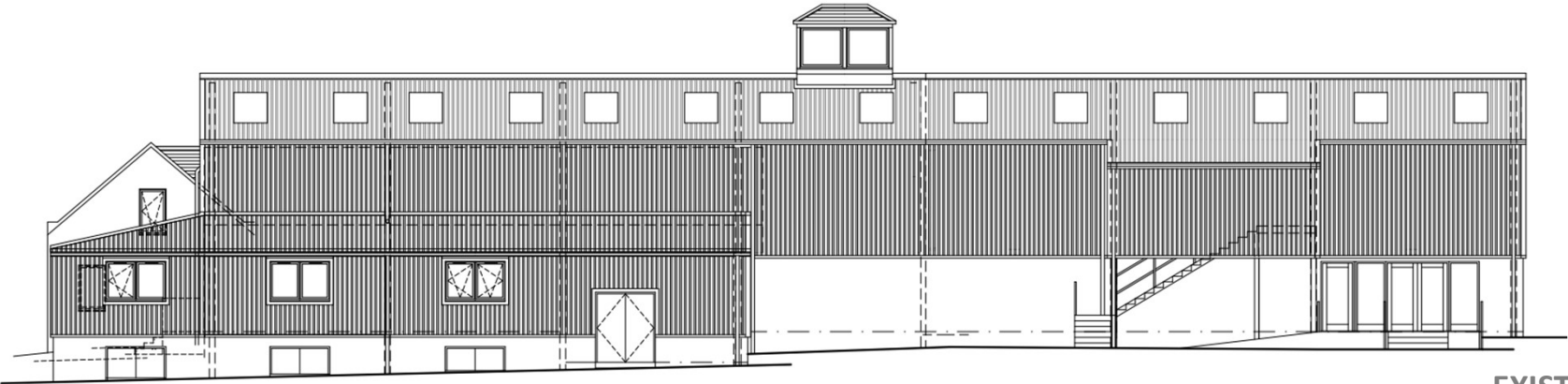


EXISTING



PROPOSED

West Elevation

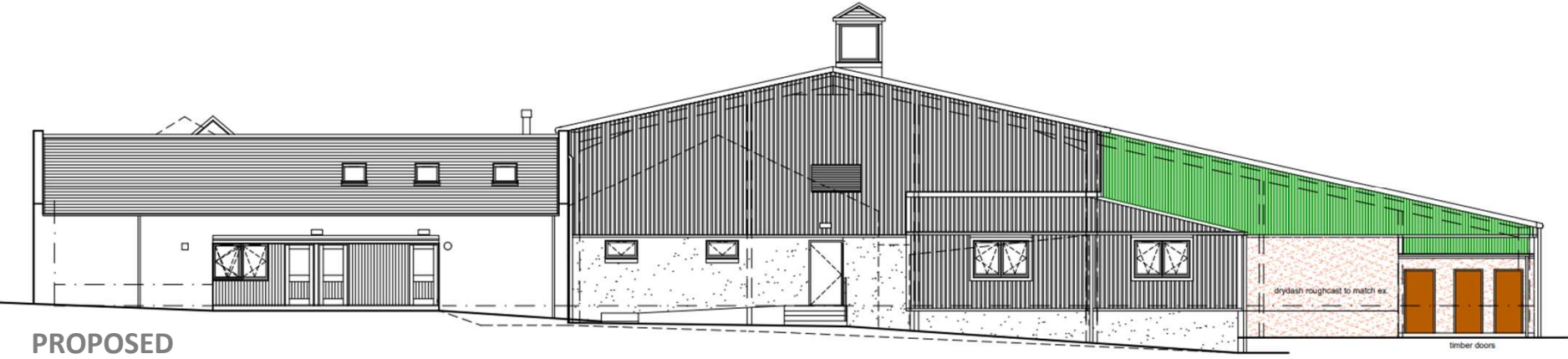
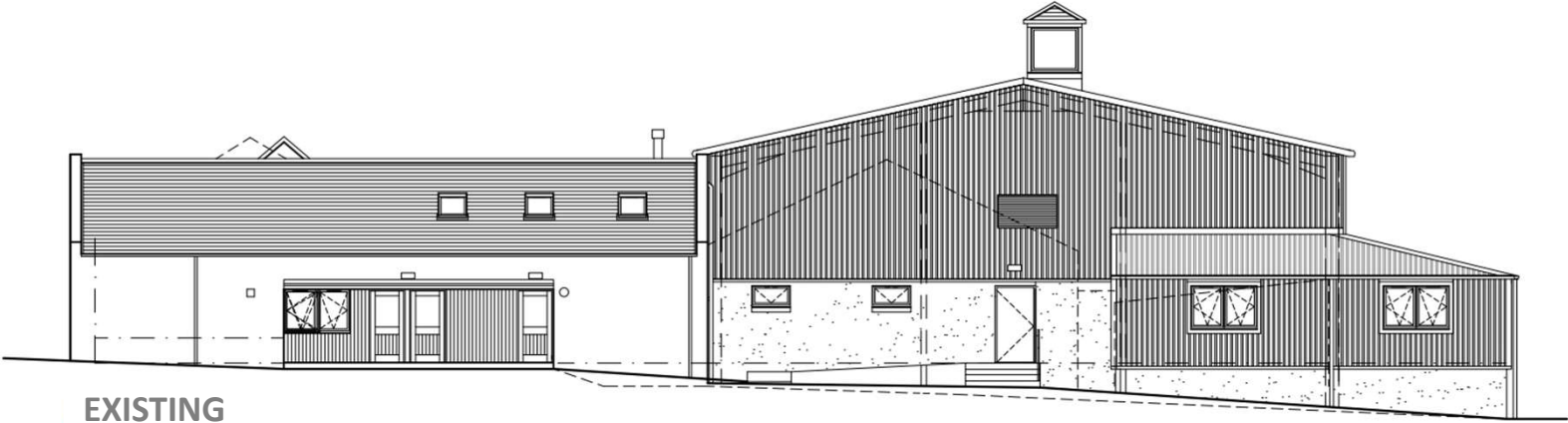


EXISTING



PROPOSED

North Elevation



South Elevation



EXISTING



PROPOSED

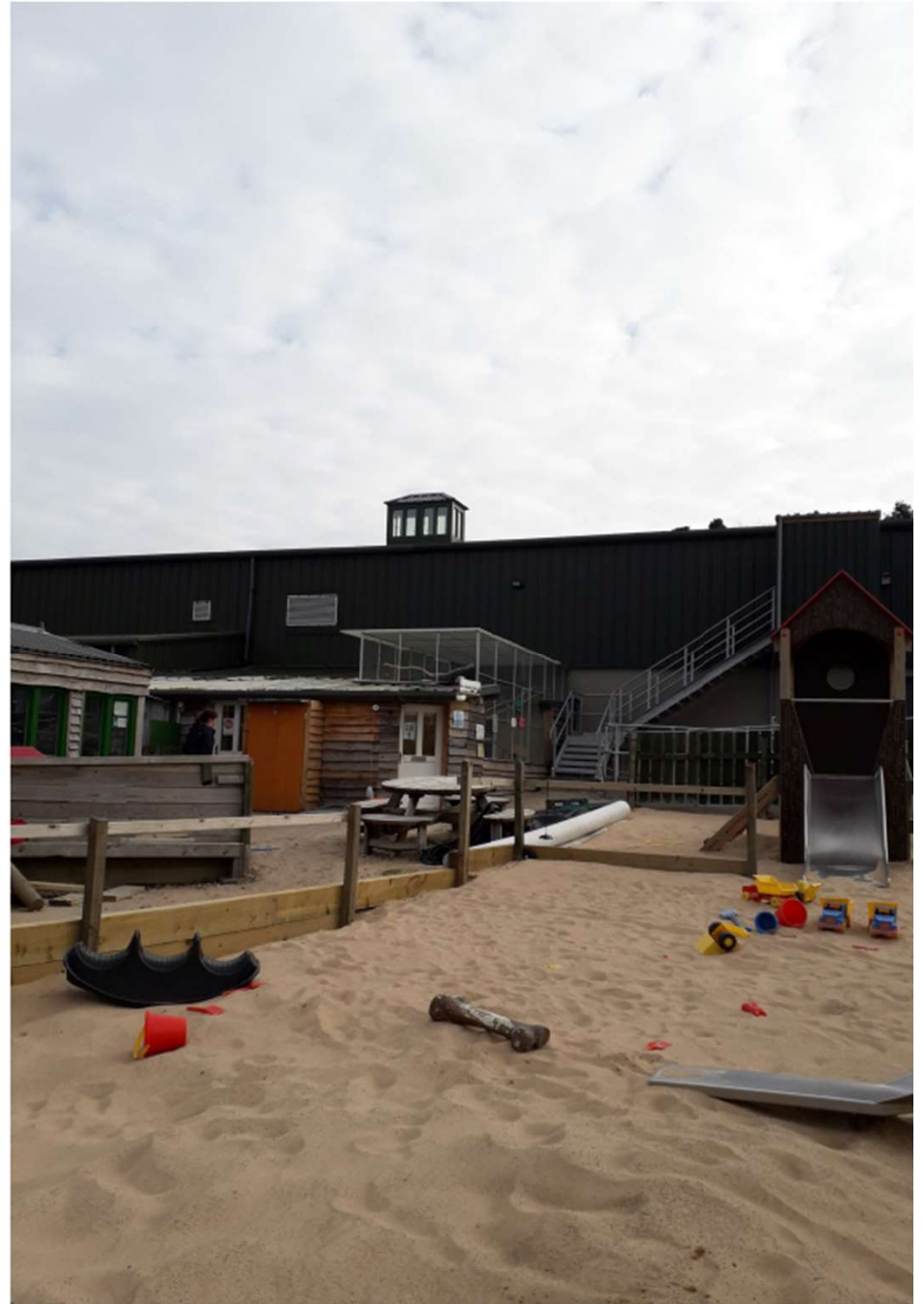
Site Photos



Site Photos



Site Photos



Site Photos



Reasons for Appointed Officer Decision

1. There has been a formal objection from the Health and Safety Executive who raise concerns regarding the safety of the proposal development, as such the proposal does not comply with Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites as contained within the Aberdeen Local Development Plan 2017.

Applicants' Case

- Notes that the application was refused solely on the basis of the objection from HSE and consequent conflict with ALDP policy B6
- Contends that the proposed extension is not intended to cater for an increased number of visitors, and highlights that the works would result in the loss of two existing car parking spaces
- Contends that HSE's position is not consistent with that adopted for the original play barn consent (090706), which HSE treated as 'sensitivity level 1 development'
- Highlights that HSE has not applied its 'extension rule' which can reduce the sensitivity level if the population would not increase by more than 10%
- Contends that number of visitors is limited by amount of on-site parking available, as the site is not readily reached by other means, and that formation of new parking would require planning permission. Visitor numbers are further regulated by a requirement for online booking
- Notes that the extension would allow greater space for indoor Covid-19 safety by allowing for one-way systems and greater separation between staff and visitors

Policy NE2 (Green Belt)

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

Green Belt

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

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

Policy NE2 (Green Belt)

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

Policy D1 (Quality Placemaking by Design)

Policy D1 - Quality Placemaking by Design

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

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

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

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

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

Policy T2 (Managing the Transport Impact of Development)

Policy T2 - Managing the Transport Impact of Development

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

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

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

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

Policy B6 (Pipelines, Major Hazards and Explosives Storage Sites)

Pipelines, Major Hazards and Explosives Storage Sites

3.74 Within Aberdeen City, there are a number of high pressure pipelines and sites where hazardous substances or explosives are stored. For each of these sites a consultation zone has been established by the Health and Safety Executive to ensure that only appropriate new or replacement development takes place and that there is no increased risk to public safety.

Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites

Where certain types of new development are proposed within the consultation zones of pipelines, major hazards and explosive storage sites, the Council will be required to consult the Health and Safety Executive (HSE) to determine the potential risk to public safety.

The Council will take full account of the advice from the HSE in determining planning applications. In addition to consultation with the HSE, the Council will consult the operators of pipelines where development proposals fall within these zones. Pipeline consultation zones are shown on the LDP Constraints Map.



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?*

Pipelines / Policy B6: Do members consider that the application should be refused in line with the advice from HSE, or does the LRB consider that there is merit in the arguments put forward by the applicant (noting that if minded to approve, the application must be notified to Scottish Ministers for review and possible call-in)?

- 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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Strategic Place Planning

Report of Handling

Site Address:	Wynford Farm, Borrowstone Road, Kingswells, Aberdeen, AB15 8RQ
Application Description:	Alterations and extension to play barn
Application Ref:	210265/DPP
Application Type:	Detailed Planning Permission
Application Date:	11 March 2021
Applicant:	Mr Hogg
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Bucksburn And Newhills
Case Officer:	Aoife Murphy

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The proposals are associated to Wynford Farm and Playbarn, which is located on the C93C (Borrowstone Road - Clinterty to Kingsford) to the west of Brimmond Hill. The wider grounds adjoin the western boundary of the Aberdeen City Council administrative area, some 30-40m west of the development location. Wynford Farm is approximately 1.2km north east of Westhill and 2.1km north west of Kingswells.

The farm complex itself comprises a 2-storey farmhouse and a converted and extended stabling / portal framed sheds that forms the farm shop, café and playbarn. There are several trees along the eastern boundary, between the buildings and the road. Just north of the site on the opposite side of the road are large modern agricultural storage buildings, associated to the operation of the farm.

It is noted that there are a number of existing sheds and structures on site, which are located to the west of the existing building and car park. These sheds appear to house birds and other types of animals and creatures as part of a visitor attraction. There is also a large play area to the west of the building, which includes sandpits and a pond to the south west of the site. An overspill car park is located to the south of the site and is not accounted for within the existing parking numbers, which equates to 70 spaces at present.

The Ineos Forties (Cruden Bay to Kinneil) pipeline crosses through the south eastern corner of the site, from north to south. The proposed works are within the inner notification zone of the pipeline, for the purposes of Health and Safety Executive consultations. Additionally, the development area

is within the inner zone of the Shell Natural Gas Liquids pipeline that runs around 150m east of the Forties pipeline.

Relevant Planning History

130002 – Detailed Planning Permission for extension to existing playbarn – Refused 17 March 2014. Appeal Upheld by LRB – 25 July 2014.

120696 – Detailed Planning Permission for extension to existing hardcore car park including change of use from agricultural land to car parking (Retrospective) – Withdrawn, 23 April 2015.

090706 - Detailed Planning Permission for conversion of existing steading and extension to form farm shop/cafe and playbarn – Approved 19 August 2010. Notified to Scottish Ministers but not called in.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the extension to the existing building's west elevation to allow for an extension to the playbarn's floorspace. The extension would have a monoslope roof which extends from the existing roof plane and would encompass approximately 344m² of the site. The extension would measure approximately 26m by 18m and have a height of 6.4m where it adjoins the existing roof. Proposed materials include roughcast render, insulated steel cladding, timbers windows, and translucent rooflights all to match existing.

With regards to parking, while 70 spaces can be found within the site, two spaces would be lost as a result of the proposed extension, resulting in a total of 68 spaces being available.

The applicant has advised within their supporting statement that there is no intention to increase the number of visitors at this business, the additional playbarn floorspace is however sought to allow for safe movement of people within the facility and to allow for enhanced COVID-19 precautions.

Amendments

A new shed adjacent the proposed extension was also proposed, but this has since been removed from the application proposal and the description amended accordingly.

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=QPDVL0BZH7P00>

Planning Statement, prepared by RPS Group, 22 February 2021.

CONSULTATIONS

ACC - Environmental Health – has no comments to make on this proposal.

ACC - Roads Development Management Team – initially raised concerns regarding insufficient parking requirements, however upon receipt of further information and upon reviewing the amend proposal, the Service has advised that the existing parking arrangement, minus 2 spaces as a result of the development, is sufficient for the floorspace proposed.

ACC - Waste and Recycling – has provided general comments regarding waste facilities for commercial premises.

Bucksburn and Newhills Community Council – no comments received.

Health and Safety Executive – has highlighted the need to consult with the operators of the two adjacent pipelines and states that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

INEOS Forties Pipeline System – has advised that the proposal has been reviewed and that the safety and integrity of the pipeline will not be affected.

Shell UK Ltd. – has advised that there is no reason why the development and associated construction works would directly affect the pipeline servitude strip or the safety or the integrity of the pipeline.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

Scottish Planning Policy was approved on 18 December 2020. In February 2021, a Judicial Review of the decision of the Scottish Ministers on 18 December 2020 to amend Scottish Planning Policy (2014) as set out in 'Scottish Planning Policy Finalised Documents' and to publish 'Planning Advice Note 1/2020' was lodged with the Court of Session. As it stands, SPP2020 remains in place and is a relevant consideration in the determination of all planning applications.

Aberdeen Local Development Plan (2017)

Policy NE2 - Green Belt

Policy D1 - Quality Placemaking by Design

Policy T2 - Managing the Transport Impact of Development

Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020. The Proposed Aberdeen Local Development Plan constitutes the Council's settled view as to what the final content of the next adopted Aberdeen Local Development Plan 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 Aberdeen Local Development Plan (including individual policies) in relation to specific applications will depend on whether –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed Aberdeen Local Development Plan;

- the level of representations received in relation to relevant components of the Proposed Aberdeen Local Development Plan and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. Policy NE1 - Greenbelt, Policy D1 - Quality Placemaking, Policy T3 - Parking and Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites are relevant in this case.

Other Material Considerations

HSE's Land Use Planning Methodology

EVALUATION

Principle of Development

The site falls within the Green Belt and therefore must be considered against Policy NE2 - Green Belt. NE2 advises that no development will be permitted in the Green Belt for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/quarry restoration; or landscape renewal. The policy does allow for some exceptions, but the only one which applies to this proposal relates to development associated with existing activities in the green belt. A development will only be permitted if the following criteria are met:

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

Before assessing whether the proposal meets the criteria highlighted above, the Planning Service have been advised that the applicant has no intention to increase the number of visitors at this business. The proposal is however sought to allow for safe movement of people and to allow for enhanced COVID-19 precautions. Given the ongoing situation with COVID-19 it is acknowledged that businesses need to make alternative arrangements to allow for compliance with precautions put in place by the Scottish Government. However, in this case, this proposal is for a permanent extension to be retained in perpetuity, so while the applicant states that there is no intention to increase visitors, if the proposal is approved and the current situation changes, the applicant could at any time increase the number of visitors to the site without requiring planning permission. As such, the Planning Service needs to consider whether the extension is appropriate as a permanent solution.

In relation to the criteria above, the existing activity is noted as being a farm shop/café and playbarn and given the location of the development, which would both extend and be within close proximity of the existing building, it is considered that the development is within the boundary of the existing activity and is therefore consistent with point a) above.

As outlined in the supporting statement, the proposed extension seeks to increase the floor area by approximately 324m². This is a slightly lower than the area measured by the Planning Service, which is approximately 344m², however it is acknowledged that there may be some discrepancies with the tools used to measure the plans. If taking the applicant's measurement of 324m², this represents an increase to the floor space of 26.3%. For a development such as this, the intensification of the activity is linked to the scale of the development and it is considered that an extension of this size has the potential to result in an increase to the established use.

In terms of considering the requirement of criteria b) regarding small scale development, it is considered that the proposed 326m² additional floor area, within the context of this being a 26% increase in the existing farm shop / café / playbarn area, is small-scale.

Turning to point c) the applicant has advised that the use of the site will remain as a farm-park attraction and taking into consideration the applicant's intention not to increase visitor numbers, the applicant has advised that the number of visitors will be capped by the parking provision which decreases from 70 to 68 on the revised plans, which sees the overall capacity of 144 visitors reduced to 139/144 visitors. However, that is not to say that the number of people within the site could not be increased should other travel arrangements be used. Regarding this point, the Planning Service has also looked into whether conditions could be utilised to satisfy concerns, however, given the proposal is for a permanent intervention, limiting the life of the permission would not be considered appropriate. In addition, limiting the number of people visiting the site would not be suitable/controllable or within the remit of the Planning Service. As such, neither approach would meet the 6 tests for appropriate conditions as outlined in Circular 4/1998: The use of conditions in planning permissions, therefore, this option cannot be utilised. However, based on information to hand, the Planning Service accepts that the additional floorspace proposed will not result in a significant increase in the intensity of activity, i.e. the number of people using the extended playbarn.

Finally, it is accepted that the proposed use of the extension would be related to the existing operation and use at the site, therefore the proposals would satisfy the requirement of point d) above.

It is therefore considered that the extension would be compliant with the four criteria of Policy NE2 and the principle of development is acceptable.

Design

It is considered that the proposed development would continue the design, form and finish of the existing building. Policy D1 - Quality Placemaking by Design seeks to ensure that high quality design is utilised, which is informed by the surrounding context. This aspect also needs to be assessed in conjunction to the wider remit of Policy NE2 in terms of the scale of development.

Originally the site was occupied by traditional built development, which has been extended over time, resulting in a modern 'farm-style' building which is attached to a traditional vernacular steading. By virtue of its scale and matching design to the existing building, it is not considered that the proposed development would considerably increase the impact on this part of the Green Belt.

In terms of design, it is considered that both the extension and shed would be similar in design to the existing building and due to their location and solely from a visual perspective, the development would not detract from the visual appearance of the existing building.

Transport Impacts

The proposal sees no increase to the existing parking provision, this was a concern raised by the Council's Road's Service. The justification initially given was that there would be no increase in the number of visitors to the site, however as explained above this cannot be controlled, as such the proposed development would have a resultant impact on the existing parking situation. During the application process, it was decided to amend the proposal and remove an aspect of development, the smaller shed. The removal of this resulted in the reduction of the proposed floor space which meant that few spaces would be required in the site. The applicant now proposes 68 spaces (with two lost as a result of the siting of the proposed extension), which is considered to be acceptable to the Roads Service.

Overall, it is therefore considered that the proposal complies with Policy T2 - Managing the Transport Impact of Development.

Pipelines

The site is located in close proximity to both the Shell and Ineos FPS pipelines and as per the requirements of Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites, the Council has consulted with the Health and Safety Executive (HSE) and the pipeline operators. Both Shell and Ineos FPS has advised that they have no objection to the proposed development. However, the HSE has advised against the granting of planning permission due to safety concerns in the event of an pipeline incident. The HSE do allow for some small extensions but these are where the increase of floor space would be a limited to less than 10%. As outlined above, this development sees an increase of 26.3%, well above that allowed by HSE.

The applicant has disputed the objection made by HSE, advising that it is objecting because the development represents increase in floorspace of more than 250sqm. The HSE advice is based on there being 101 to 1000 people at the site, however the applicant suggests that if the increase of people is less than 10%, than HSE might revisit their advice. The advice the applicant is referring to is contained within the HSE's Land Use Planning methodology, which states that *"If the proposal is for an extension to an existing development, and the proposed extension is of the same Development Type as the existing development that is going to be extended and the population at the development will not increase by more than 10% (or, if the population data is not readily available, the total floor area will not increase by more than 10%), then the consultation should be treated as though the proposed extension had a Sensitivity Level one less than the Sensitivity Level of the existing (i.e. not that of the proposed) development."*

If this results in a reduced Sensitivity Level, which combined with the zone that the extension is in, produces a DAA response, then this will replace the initial AA response"

The Planning Service has had extensive correspondence with the HSE since March 2021 regarding this site, given their initial consultation response, the information outlined in their guidance, the changes to the proposal and due to the information submitted by the applicant with regards to numbers of visitors. On 10 May 2021, the HSE advised that would continue to advise against the grant of planning permission. The application of the 'extension rule' as detailed in their methodology, would be inappropriate in this case given that there is no means available to limit or regulate the population numbers. Therefore, if applying the extension rule, the use of the area of the proposed extension would be the most appropriate option and as outlined above the proposal would see an extension of more the 10%, which, in this case, results in the HSE advising against the development.

Given the outstanding objection by HSE, the proposal is not considered to comply with Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan. As such, the proposal is not considered acceptable in respect of the Proposed Plan for the reasons previously given.

Conclusion

The proposal has been considered against the relevant policies of the Aberdeen Local Development Plan 2017 and is not considered to be acceptable, given the formal objection from the Health and Safety Executive and given that the policies in the Proposed Plan substantively reiterate those contained within the current Local Development Plan, the proposal also fails to comply with the relevant policies of the Proposed Aberdeen Local Development Plan 2020. There

are no other material considerations that can be considered which would see the development become acceptable. It is therefore recommended that planning permission be refused.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. There has been a formal objection from the Health and Safety Executive who raise concerns regarding the safety of the proposal development, as such the proposal does not comply with Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites as contained within the Aberdeen Local Development Plan 2017.

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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 100373657-001

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)

Please see planning statement

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:	RPS Group		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	David	Building Name:	RPS
Last Name: *	Hancock	Building Number:	20
Telephone Number: *	01235 821888	Address 1 (Street): *	Western Avenue
Extension Number:		Address 2:	Milton Park
Mobile Number:		Town/City: *	Abingdon
Fax Number:		Country: *	United Kingdom
		Postcode: *	OX14 4SH
Email Address: *	david.hancock@rpsgroup.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	c/o Agent
First Name: *		Building Number:	
Last Name: *	Hogg	Address 1 (Street): *	c/o Agent
Company/Organisation	See Last Name	Address 2:	
Telephone Number: *		Town/City: *	c/o Agent
Extension Number:		Country: *	c/o Agent
Mobile Number:		Postcode: *	c/o Agent
Fax Number:			
Email Address: *	david.hancock@rpsgroup.com		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

WYNFORD FARM

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 8RQ

Please identify/describe the location of the site or sites

Northing

808918

Easting

384348

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

346.00

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)

Please see planning statement

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)

Please see planning statement

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

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

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

Not in a Use Class

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

324

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)

324sqm nett floor area extension. Please see planning statement.

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: David Hancock

On behalf of: See Last Name

Date: 02/03/2021

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

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 David Hancock

Declaration Date: 02/03/2021

Payment Details

Online payment: ABSP00006295

Payment date: 02/03/2021 17:00:00

Created: 02/03/2021 17:00

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997 **Detailed Planning Permission**

David Hancock
RPS Group
RPS
20 Western Avenue
Milton Park
Abingdon
OX14 4SH

on behalf of **Mr Hogg**

With reference to your application validly received on 11 March 2021 for the following development:-

Alterations and extension to play barn at Wynford Farm, Borrowstone Road

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

<u>Drawing Number</u>	<u>Drawing Type</u>
2011013 4003 Rev D	Site Layout (Proposed)
2011013 4000 Rev F	Ground Floor Plan (Proposed)
2011013 4002 B	Multiple Elevations (Proposed)

REASON FOR DECISION

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

1. There has been a formal objection from the Health and Safety Executive who raise concerns regarding the safety of the proposal development, as such the

proposal does not comply with Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites as contained within the Aberdeen Local Development Plan 2017.

Date of Signing 19 May 2021



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

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

None.

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

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

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

he 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.

Aberdeen City Council – Development Management Consultation Request

From: Aoife Murphy	Date: 12 March 2021
Email: AMurphy@aberdeencity.gov.uk	Ref: 210265/DPP
Tel.: 01224 522156	Expiry Date: 2 April 2021

Detailed Planning Permission

**210265/DPP: Alterations and extension to play barn and erection of shed with associated works (part retrospective) at Wynford Farm
Borrowstone Road
Kingswells
Aberdeen
AB15 8RQ**

All plans and supporting documentation available at the following link:

<https://publicaccess.aberdeencity.gov.uk/online-application/applicationDetails.do?activeTab=summary&keyVal=QPDVL0BZH7P00>

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

This application has been reviewed and this service has no comments or observations to make regarding this planning application.

Responding Officer: Barbara Armstrong-Hill
Date: 16/3/21
Email: bahill@aberdeencity.gov.uk
Ext: 2064

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

Should further information be required, please let the Case Officer know as soon as

possible in order for the information to be requested to allow timeous determination of the application.

I note this application for the alterations and extension to play barn and erection of shed with associated works (part retrospective) at Wynford Farm, Borrowstone Road, Kingswells, Aberdeen AB15 8RQ. The site is located within the outer City and outwith any controlled parking zone.

The existing gross floor area of the site is 1230sqm, with the proposed extension the floor space will increase to 1554sqm. The purpose of the proposed extension is to space out the existing activities due to COVID restrictions. Moreover, the proposal is to retain the same number of parking. Currently, the site has 57 normal parking spaces + 7 disabled parking spaces. Therefore, with the proposed extension the parking requirement will increase to 70 spaces.

Roads would not have any concern for the proposed extension during this COVID situation. However, if the proposed extension will utilised after COVID, the applicant must provide additional parking spaces as above. More clarity required on the proposed extension after COVID. Assuming the proposed extension will be utilised after COVID, then additional parking will be required to avoid indiscriminate parking at this location. The site is located some considerable distance from any public transport links and pedestrian access is impossible. The site is effectively only accessible by car. Therefore, I would ask the applicant to confirm whether additional parking can be provided or not and, if can be provided it should be demonstrated.

A revised drawing incorporating the above comments should be submitted before I am able to give my final comments on this application, if not I must recommend refusal for this application.

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Consultee Comments for Planning Application 210265/DPP

Application Summary

Application Number: 210265/DPP

Address: Wynford Farm Borrowstone Road Kingswells Aberdeen AB15 8RQ

Proposal: Alterations and extension to play barn and erection of shed with associated works (part retrospective)

Case Officer: Aoife Murphy

Consultee Details

Name: Mr Nathan Thangaraj

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

Email: nthangaraj@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

I note this application for the alterations and extension to play barn and erection of shed with associated works (part retrospective) at Wynford Farm, Borrowstone Road, Kingswells, Aberdeen AB15 8RQ. The site is located within the outer City and outwith any controlled parking zone.

The existing gross floor area of the site is 1230sqm, with the proposed extension the floor space will increase to 1554sqm. The purpose of the proposed extension is to space out the existing activities due to COVID restrictions. Moreover, the proposal is to retain the same number of parking. Currently, the site has 57 normal parking spaces + 7 disabled parking spaces. Therefore, with the proposed extension the parking requirement will increase to 70 spaces.

More clarity required on the proposed extension after COVID. Assuming the proposed extension will be utilised after COVID, then additional parking will be required.

Upon receipt of the requested information, I will be better placed to provide a comprehensive Roads response.

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Aoife Murphy

From: Nathan Thangaraj
Sent: 28 April 2021 17:10
To: Aoife Murphy
Subject: RE: 210265/DPP - Wynford Farm

Hi Aoife,

The proposal will reduce the total floor space from 1,554sqm to 1473sqm. In terms of parking no further changes required. Therefore, Roads do not have any further concerns to this proposal.

Kind regards,

Nathan.

From: Aoife Murphy <AMurphy@aberdeencity.gov.uk>
Sent: 27 April 2021 10:29
To: Nathan Thangaraj <NThangaraj@aberdeencity.gov.uk>
Subject: FW: 210265/DPP - Wynford Farm

Nathan,

Please see the email exchanges below. The applicant is amending the proposal and removing the proposed shed so the application is only for the extension to the existing building. He advises that this will result in a lower car parking requirement. All amended plans are attached, please let me know if you concur with his findings, in that the existing parking provision (within the red line boundary) is acceptable.

Thanks and regards,

Aoife

From: David Hancock <David.Hancock@rpsgroup.com>
Sent: 27 April 2021 10:21
To: Aoife Murphy <AMurphy@aberdeencity.gov.uk>
Subject: RE: 210265/DPP - Wynford Farm

Hi Aoife,

Correct. The applicant believes he uses the overspill car park only under permitted development temporary rights – its not part of this application.

Thanks for your help and communication.

Best regards
David

David Hancock MSc MRTPI
Senior Planner
RPS | Consulting UK & Ireland
T +44 1235 821 888
E david.hancock@rpsgroup.com

From: Aoife Murphy <AMurphy@aberdeencity.gov.uk>
Sent: 27 April 2021 10:13
To: David Hancock <David.Hancock@rpsgroup.com>
Subject: RE: 210265/DPP - Wynford Farm

CAUTION: This email originated from outside of RPS.

Hi David,

Just so I can be clear when going back to consultees, you are now just looking for an extension to the existing building. The 'wee-beasties' shed no longer falls part of the proposal and the description will be amended as a result. With regards to parking you are advising that 67 parking spaces are required given the proposed floor space and as such parking in the overspill car park is no longer required. Is that correct and cover everything?

Kind Regards,

Aoife

From: David Hancock <David.Hancock@rpsgroup.com>
Sent: 26 April 2021 17:27
To: Aoife Murphy <AMurphy@aberdeencity.gov.uk>
Subject: FW: 210265/DPP - Wynford Farm

Hello Aoife,

Following on from my email below, please find the plans attached.

At present, the maximum capacity of the site is 128 people, and this rises to 144 in a pre-covid environment. You will see that the proposal results in a reduction of 2 parking spaces, which would drop the number of people to ~125 and ~139 respectively. The applicant has advised me that the existing overflow car park is utilised under temporary permitted development rights.

Best regards,
David

David Hancock MSc MRTPI
Senior Planner
RPS | Consulting UK & Ireland
T +44 1235 821 888
E david.hancock@rpsgroup.com

From: David Hancock
Sent: 26 April 2021 15:00
To: Aoife Murphy <AMurphy@aberdeencity.gov.uk>
Subject: RE: 210265/DPP - Wynford Farm

Hello Aoife,

Thanks for your patience. I am still waiting on a revised plan. In the meantime, the applicant has advised me that at present, the maximum number of people who are on the site at any one time is 113 people. The proposed extension space is to be used for toilets and display space. The number of people is not expected to increase directly as a result of this, but with an increased parking requirement, it could theoretically increase.

I believe that the site currently has 70 car parking spaces, and two will be lost by the development leaving a total of 68 car parking spaces. Initially, these spaces were left off the plan, and the Council advised 70 spaces would be

required. It seems an error has been introduced as the applicant is now showing a proposed 77 spaces, which is much more than necessary.

When I have the plan showing the removed wee beasties shed, we will have an excellent opportunity to show the existing floorspace, proposed floorspace, and identify what parking requirement there is. It is very likely that the existing 68 spaces will be more than enough, and no increased parking space will be required by the Council, meaning no additional visitors will be brought by the proposed development.

As things stand, the “wee beasties shed” is 81sqm and the total floor space proposed is 1,554sqm. If we remove the beasties shed, the total comes to 1,473sqm. The parking standards require a parking space for every 22sqm of floorspace (1,473 / 22) requiring a total of 67 parking spaces – easily accommodated by the current car parking.

I am sorry that this confusion has arisen – and I will send you revised proposed plans.

Please do not hesitate to call me on 01235 448772 to discuss.

Best regards
David

David Hancock MSc MRTPI
Senior Planner
RPS | Consulting UK & Ireland
T +44 1235 821 888
E david.hancock@rpsgroup.com

From: David Hancock
Sent: 23 April 2021 10:55
To: Aoife Murphy <AMurphy@aberdeencity.gov.uk>
Subject: RE: 210265/DPP - Wynford Farm

Hi Aoife,

I'll come back to your points as soon as possible. The applicant is going to be removing the wee beasties shed from the application. This will reduce the proposed overall floorspace of the development and reduce the number of parking spaces required. I will find out how many spaces will be required but it will certainly be less than 77. I expect 74/75 spaces to be required which will be less than a 10% increase on the 70.

The applicant will also provide me with a number of the total number of people who are on site – he has this information from his records. The number of people will scale with the number of available parking spaces, so the increase will be less than 10%.

I'll come back to you on the shed west, and the other buildings. My understanding is one is a temporary toilet space that will be removed when the application is permitted and toileting facilities are installed. The other is a cabin on jacked up legs, and there is a kiosk. These are believed to have been developed with permitted development rights but I will confirm this over the coming days.

Best regards
David

David Hancock MSc MRTPI
Senior Planner
RPS | Consulting UK & Ireland
T +44 1235 821 888
E david.hancock@rpsgroup.com

From: Aoife Murphy <AMurphy@aberdeencity.gov.uk>
Sent: 22 April 2021 14:32

To: David Hancock <David.Hancock@rpsgroup.com>

Subject: RE: 210265/DPP - Wynford Farm

CAUTION: This email originated from outside of RPS.

David,

Further to my earlier email, something that did come up from the site visit that requires clarification relates to the retrospective permission sought for the 'wee-beasties' shed. From the recent site visit I did see that there was an existing outbuilding identified as a 'wee-beasties' shed, but this is not in the location shown on the site plan nor built as the elevation plans show and it appears that the existing shed is located on the site of the new extension. If approved would it be the intention of the applicant to remove the existing shed and erect the one proposed in this application? If so then this aspect would not be retrospective. Some images of this aspect are attached although I am sure you are aware of this. Also there is a shed further west of the existing building and shown on the images attached, can you advise what is to come of this?

Additionally, there are a number of other sheds and structures on site that have not been identified on the existing site plan. Can you advise why this is?

I am still in the process of assessing the additional information you submitted and once I have received clarification on the queries I raised in this email and my email sent earlier today I will be able to advise you with our recommendation.

Kind Regards,

Aoife

From: Aoife Murphy

Sent: 22 April 2021 12:45

To: 'David Hancock' <David.Hancock@rpsgroup.com>

Subject: RE: 210265/DPP - Wynford Farm

David,

Further to my earlier email, have you been able to ascertain how many people the existing site can accommodate and then how many people could be accommodated within the proposed site and premises (including the extensions and outwith COVID restrictions)? I am conscious given the nature of the premises that there would be at least 2 people per car and with 70 existing spaces that is at least 140 people that could be on site at any one time (under the current arrangement), which would obviously increase given what is proposed. This is just a bit of basic math on my part and I did ask your client but he was unable to advise. I am sure there is a way to do this so I would appreciate if you could look into this and let me know as soon as you can.

Kind Regards,

Aoife

From: Aoife Murphy

Sent: 15 April 2021 11:21

To: David Hancock <David.Hancock@rpsgroup.com>

Subject: RE: 210265/DPP - Wynford Farm

David,

With regards to your comments on the HSE response, can you advise of how many people the existing premises can accommodate and then how many people could be accommodated within the building (including the extensions and outwith COVID restrictions). I note that you advise the number of visitors is not being increased at this time, but

as mentioned to you previously this is not a temporary extension and therefore I need to assess any potential impact this development could have in perpetuity.

Kind Regards,

Aoife

From: David Hancock <David.Hancock@rpsgroup.com>

Sent: 12 April 2021 16:16

To: Aoife Murphy <AMurphy@aberdeencity.gov.uk>

Subject: FW: 210265/DPP - Wynford Farm

Hi Aoife,

Thanks for your email, and for giving me plenty of time to respond. We've lost six members of planning staff in two months (four of them today) so our workloads are manic at the moment.

You have raised three matters which I believe can be characterised as issues related to:

- Parking
- Health and Safety Executive
- Greenbelt

I will address those in turn below. I think it might be best if we have a phonecall after you have been able to digest this email and discuss outstanding matters verbally. It would also be pleasant to speak to another human being too.

Parking

I have attached a revised "existing" and "proposed" layout plan which includes the existing overflow parking area. This was provided to me by the architect, and this shows the site has 77 proposed parking spaces when accounting for the overflow car park, which is equal to the minimum required. I trust that this should overcome the objection? Please also note that the car park benefits from existing overspill spaces.

Health and Safety Executive

The revised plans also corrects the position and relabel the Ineos pipeline. It is worth noting that Ineos and Shell have each expressed the safety and integrity of the pipelines will not be affected by the proposed development, contrary to the Health and Safety Executive. It is interesting that HSE would continue to object, although the reason for this seems to be based on a formulaic assessment. My understanding is that because the development represents greater than 250sqm of floorspace development, the HSE recommend against approval. I also note that the advice is based on their being 101 to 1000 people at the site, however if increase in people is less than 10%, that HSE might revisit their advice. On this, the number of visitors that the site can have at any one time is constrained by the size of the car park, which is not being increased, therefore the number of visitors will not increase. Can HSE review their assessment on this?

Greenbelt

Officers are taking the view that the proposed extension is excessive in its scale and can therefore not be considered a small scale development. The supporting Planning Statement, at paragraph 5.23, sets out that the term "*small scale*" is not defined, however proposes we might assess the development by considering the additional footprint. Where "*small scale*" is not defined in the Local Plan, we can instead derive the definition of small scale by assessing developments that have been approved by the Local Planning Authority. In this regard, we demonstrate an increase of 324sqm, or 26%. In my view, this would comply with a definition of small scale in the context of development.

Aberdeen City Council has recently seemed to consider that a footprint increase of less than 50% is generally acceptable, and the Local Review Body has permitted development that has not met any of the exception criteria.

At paragraph 5.28 – 5.37 of the planning statement, it is explored that application reference P131330 enabled the construction of a replacement dwelling, and the officer report noted that the proposed replacement was taller than the original, but its footprint was no larger than 50% more than the existing. Reference P131419 was approved by the Local Review Body on the basis that the size of the site could absorb the development, even though it did not meet any exception criteria. The proposal was for a stepped three-storey dwelling, and as there is no baseline, this represents an incalculable percentage increase of floorspace development. It is noted that existing vegetation was considered to provide an effective screen. Reference P181933 (sic 181993), as an application for planning permission in principle, also proposed the erection of a dwellinghouse, which also did not meet any exception criteria, but was also approved by the Local Review Body, despite their being an incalculable percentage increase of floorspace. Again, it is noted that existing vegetation was considered to provide an effective screen. Each of these developments introduced a greater amount of development when assessed relatively against their baselines.

If we turn to a measurement of square meterage instead of percentages, we must consider reference P100960. Here, the Aberdeen City Council previously granted planning permission for the retention of approximately 225sqm of conservatory buildings at the Dobbies Garden World site. It is difficult to be precise, however the officer report sets out *“The conservatories vary in size - from (at the largest) an L shaped building incorporating a house extension and a conservatory and measuring 17 metres by 7 metres to (at the smallest) a conservatory of 3.2 metres by 2.8 metres in dimensions”*. However last year, under reference 200307/DPP, Aberdeen City Council Officers year permitted a 1,588sqm (1,770sqm gross) development in the green belt for *“Erection of 7 retail concession units, covered walkway and associated works”*. The detailed decision notice states the proposal *“would be small scale”*.

As noted above, the proposal is for 324sqm, or 26%. Both of these figures are far less than many other approved applications, which have either been considered small scale, or no exception criteria has been triggered. On this, it is difficult to understand how the proposal cannot be considered small scale.

It has also been set out that the proposed development would significantly increase the intensification of the site. However, the use of the site will remain as a farm-park attraction, and the number of visitors will be capped by the parking provision which increases from the 70 set out on the initial proposed layout, to 77 on the attached. It is therefore reasonable to assess that at most, the site might accommodate a 10% increase in numbers. The applicant does not consider that many people will be able to utilise the site because of the one-way-system and social distancing measures which have and are being introduced. However even if the applicant were to accept it, a 10% increase would not be a significant increase.

In the knowledge that the proposal should be considered small scale, especially in comparison with recent decisions made by the Authority, then it is my view that the proposal should be supported by officers. I understand you have set out that the overall development would detract from the character of the Green Belt, however I recognise the site is very well shielded from views by established and mature vegetation and would not significantly impact on the green belt. It is also very important to note the exception criteria for Part 1 does not mention character of the green belt. The Policy NE2 states:

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

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

In my view, the proposed development does meet this criteria, and if you are still of the view that the proposal would breach Policy NE2, perhaps we could arrange a phonecall to discuss the matter in more detail?

Best regards
David

David Hancock MSc MRTPI
Senior Planner
RPS | Consulting UK & Ireland

From:
Sent: 06 April 2021 14:57
To: David Hancock <David.Hancock@rpsgroup.com>
Subject: 210265/DPP - Wynford Farm

CAUTION: This email originated from outside of RPS.

Good Afternoon David,

I write in relation to the proposal at the above address and to advise you that due to lack of compliance with the relevant policies contained within the Aberdeen Local Development Plan 2017, the Planning Service will be recommending the proposal be refused. The development has been assessed against Policy NE2 - Green Belt Policy D1 - Quality Placemaking by Design, Policy T2 - Managing the Transport Impact of Development and Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites as well as similar policies within the Proposed Aberdeen Local Development Plan 2020.

Firstly, I am aware that the applicant has no intention to increase the number of visitors at this business and that the proposal is sought to allow for safe movement of people and to allow for enhanced COVID-19 precautions. Given the ongoing situation with COVID-19 it is acknowledged that businesses are needing to make alternative arrangements to allow for compliance with precautions put in place by the Scottish Government. However, in this case and as mentioned to you previously this proposal is for a permanent extension which would be retained in perpetuity, so while the applicant states that there is no intention to increase visitors, if the proposal is approved and the current situation changes, the applicant could at any time increase the number of visitors to the site. As such, the Planning Service needs to consider whether the extension is appropriate as a permanent solution.

In relation to the above policies, it is considered that the proposed extension is excessive in its scale and can therefore not be considered a small scale development as required by Policy NE2. The resultant scale would also significantly increase the intensification of the site. The overall development also detracts from the character of the Green Belt, which if approved, would result in the site being dominated further by modern development. There has been no increase in the level of parking provided within the site as such the proposal fails to comply with Policy T2 and may result in an objection from Roads Development Management. Finally, there is an outstanding objection from the Health and Safety Executive, who has advised against the granting of planning permission. As such, the proposal cannot be supported by the Planning Service at this time.

The route of determination still to be established in this case, but you will be advised of this at a later date.

Regards,

Aoife



Aoife Murphy | Senior Planner
Aberdeen City Council | Development Management | Strategic Place Planning | Place
Marischal College | Ground Floor North | Broad Street | Aberdeen | AB10 1AB

Mobile Number: 07970 065631
Planning Support: 01224 52 3470 | Email: pi@aberdeencity.gov.uk
www.aberdeencity.gov.uk | Twitter: @AberdeenCC | Facebook.com/AberdeenCC

Please note: Due to the current COVID-19 (Corona virus) pandemic non-essential Council staff including the Development Management team are currently working remotely. Due to this, email is the most reliable form of communication and we are trying to provide as normal a service as possible via this medium. We would ask for your understanding if our response is delayed, as many of our colleagues are dealing with the consequences of the pandemic.

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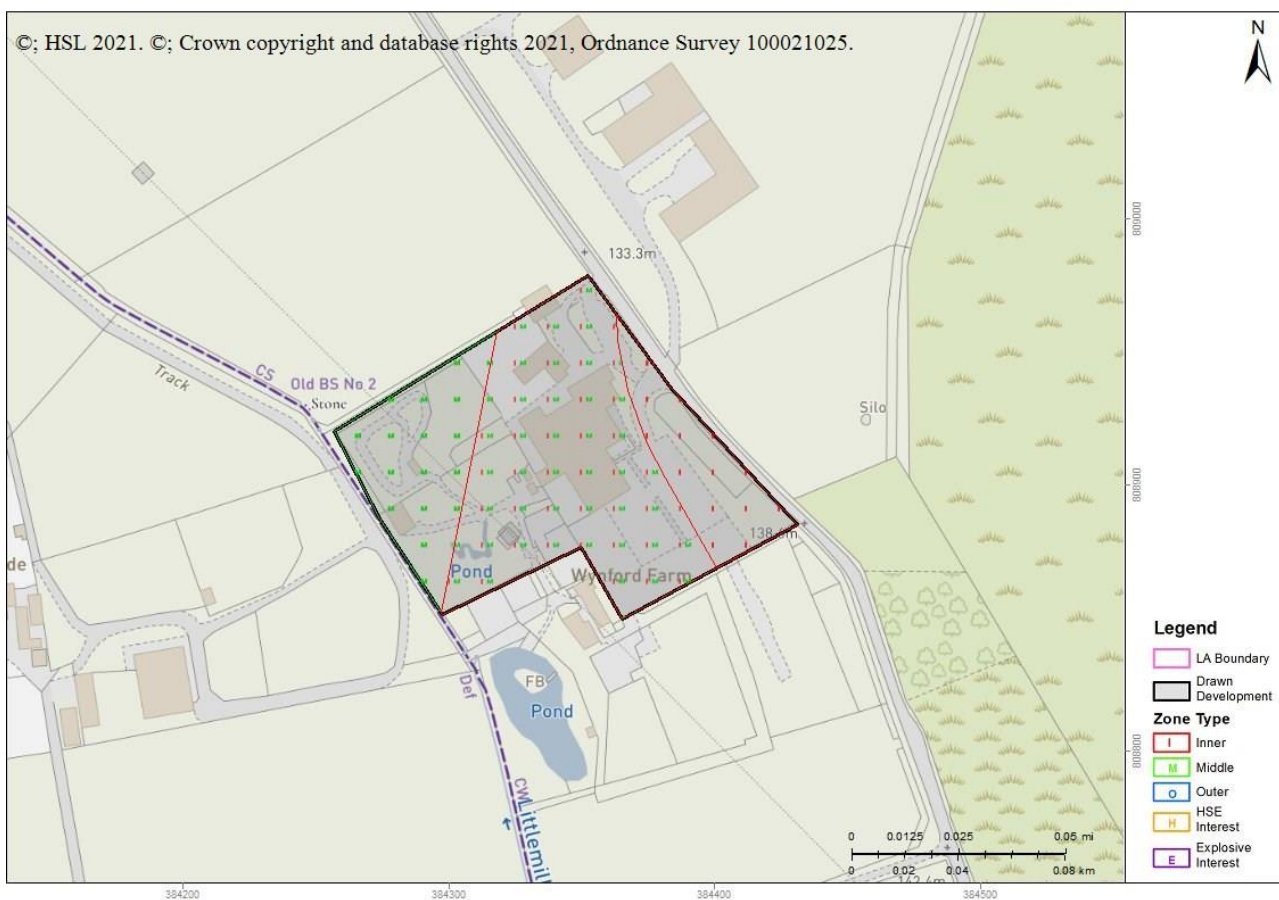
Advice : HSL-210427104641-369 Crosses Consultation Zone

Please enter further details about the proposed development by continuing with the enquiry on the HSE's Planning Advice Web App from the Previous Enquiries tab either now or at a later time, unless the Web App has stopped the process and notified you to contact HSE.

Your Ref: 210265/DPP

Development Name: Wynford Farm

Comments: Extension to the existing building



The proposed development site which you have identified currently lies within the consultation distance (CD) of at least one major hazard site and/or major accident hazard pipeline; HSE needs to be consulted on any developments on this site.

This advice report has been generated using information supplied by Aoife Murphy at Aberdeen City Council on 27 April 2021.

You will also need to contact the pipeline operator as they may have additional constraints on development near their pipeline.

- 6776_ Shell UK Exploration & Production
- 9007_ Ineos FPS Ltd (pka BP Exploration Operating Co Ltd)

HSL/HSE accepts no liability for the accuracy of the pipeline routing data received from a 3rd party. HSE/HSL also accepts no liability if you do not consult with the pipeline operator.

You may wish to contact HSE's Planning Advice team to discuss the above enquiry result on 0203 028 3708 or by email at lupenquiries@hse.gov.uk.

Advice : HSL-210427104641-369 ADVISE AGAINST

Your Ref: 210265/DPP

Development Name: Wynford Farm

Comments: Extension to the existing building

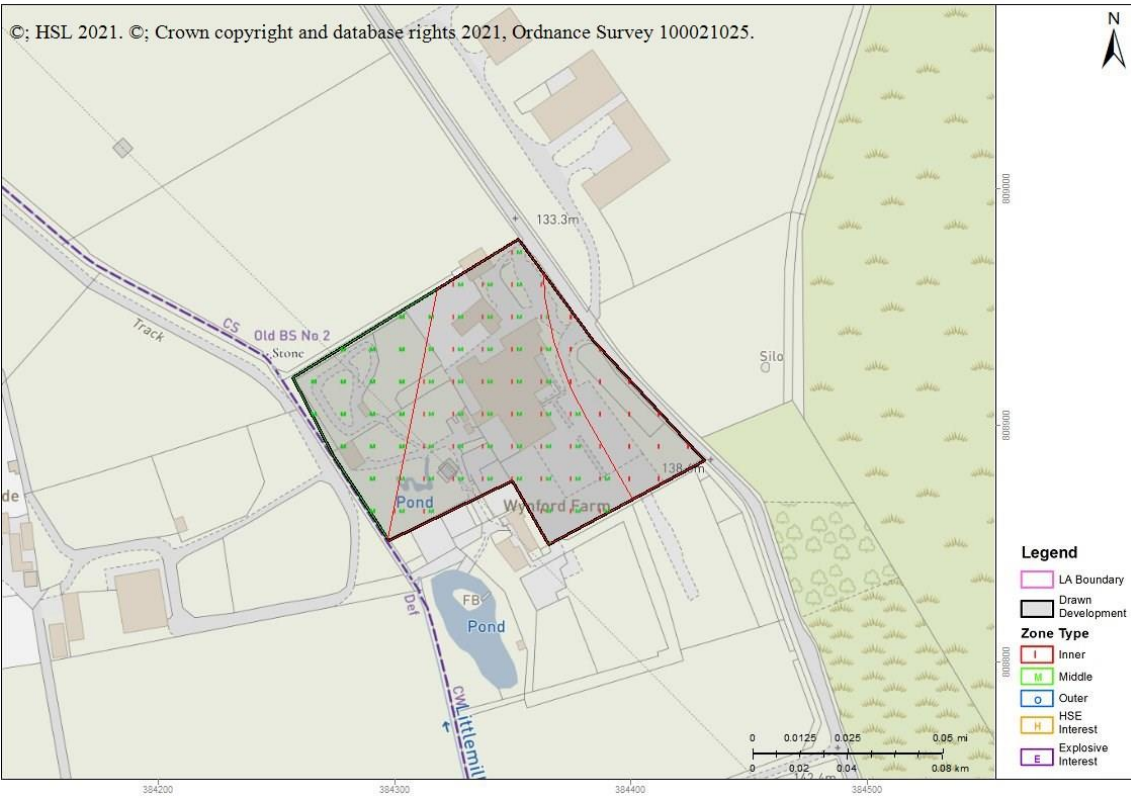
Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Aberdeen City Council.

HSE's Advice: Advise Against. The assessment indicates that the risk of harm to people at the proposed development site is such that **HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.**

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE's assessment.

If, nevertheless, you are minded to grant permission, your attention is drawn to the Direction in the Annex to Scottish Planning Circular 3/2009. This instructs that the Scottish Ministers must be automatically notified: "where a planning authority proposes to grant planning permission for development falling within any of the descriptions of development listed in the Schedule to this Direction". This includes "Development which has been the subject of consultation with the Health and Safety Executive where the Health and Safety Executive has advised against the granting of planning permission or has recommended conditions which the planning authority does not propose to attach to the planning permission." The planning authority is required to notify the Scottish Ministers and cannot grant planning permission before the expiry of a period of 28 days beginning with the date notified to them by the Scottish Ministers as the date of receipt by them of the information which the planning authority are required to submit under the Direction. The Scottish Ministers may within that period, or an extended period, call in the application for their determination or clear it back to the planning authority. The planning authority should also notify the HSE. The notification should be sent to CEMHD5, HSE's Major Accidents Risk Assessment Unit, Health and Safety Executive Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS or by email to lup.padhi.ci5@hse.gov.uk and should include full details of the planning application, to allow HSE to comment if necessary about the specific case.



Breakdown:

Workplaces : Advise Against

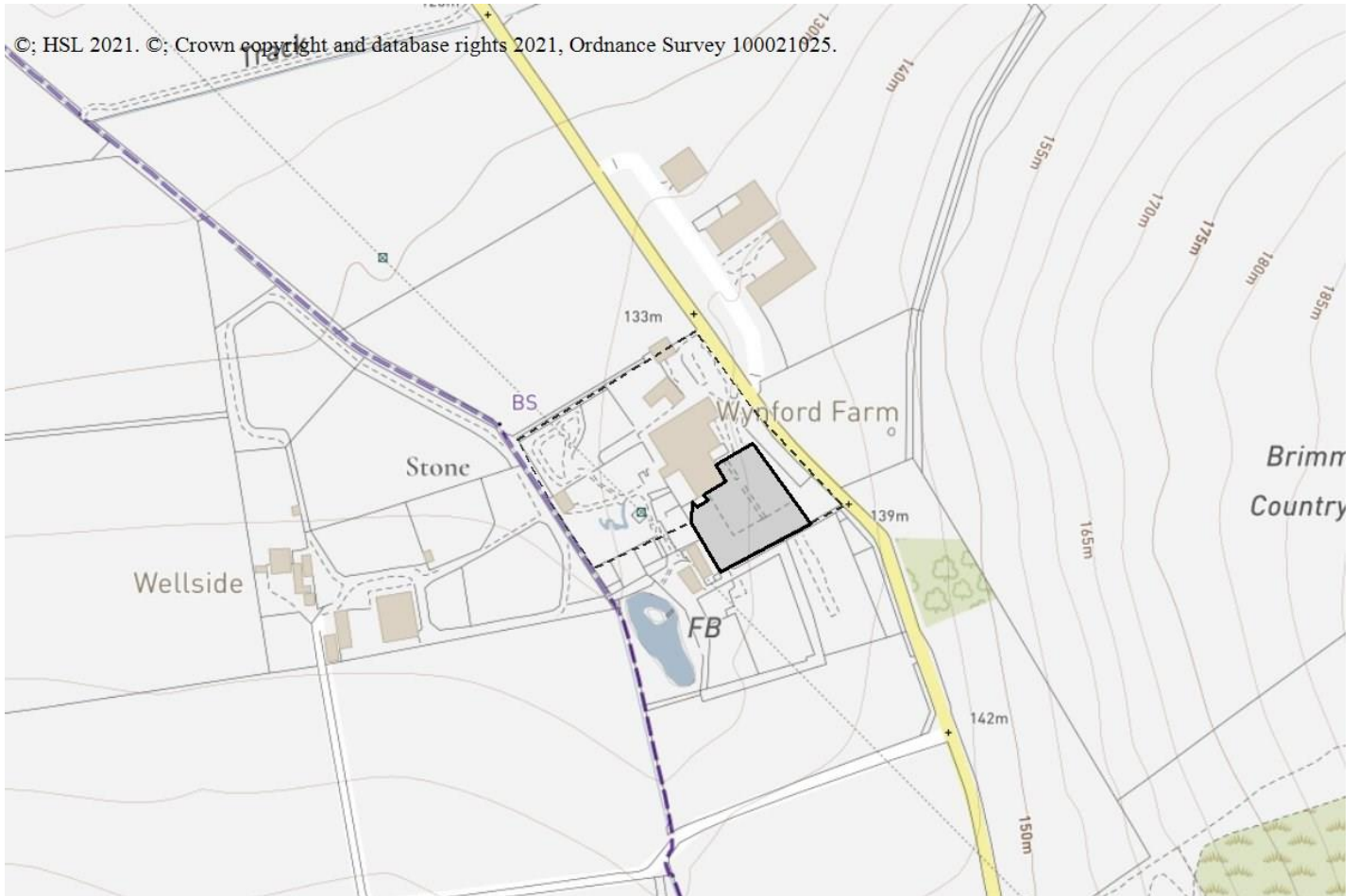
Is it a workplace specifically for people with disabilities, e.g. sheltered workshops? No

Are there 100 or more occupants in any individual workplace building (that lie partly or wholly within a consultation distance)? Yes



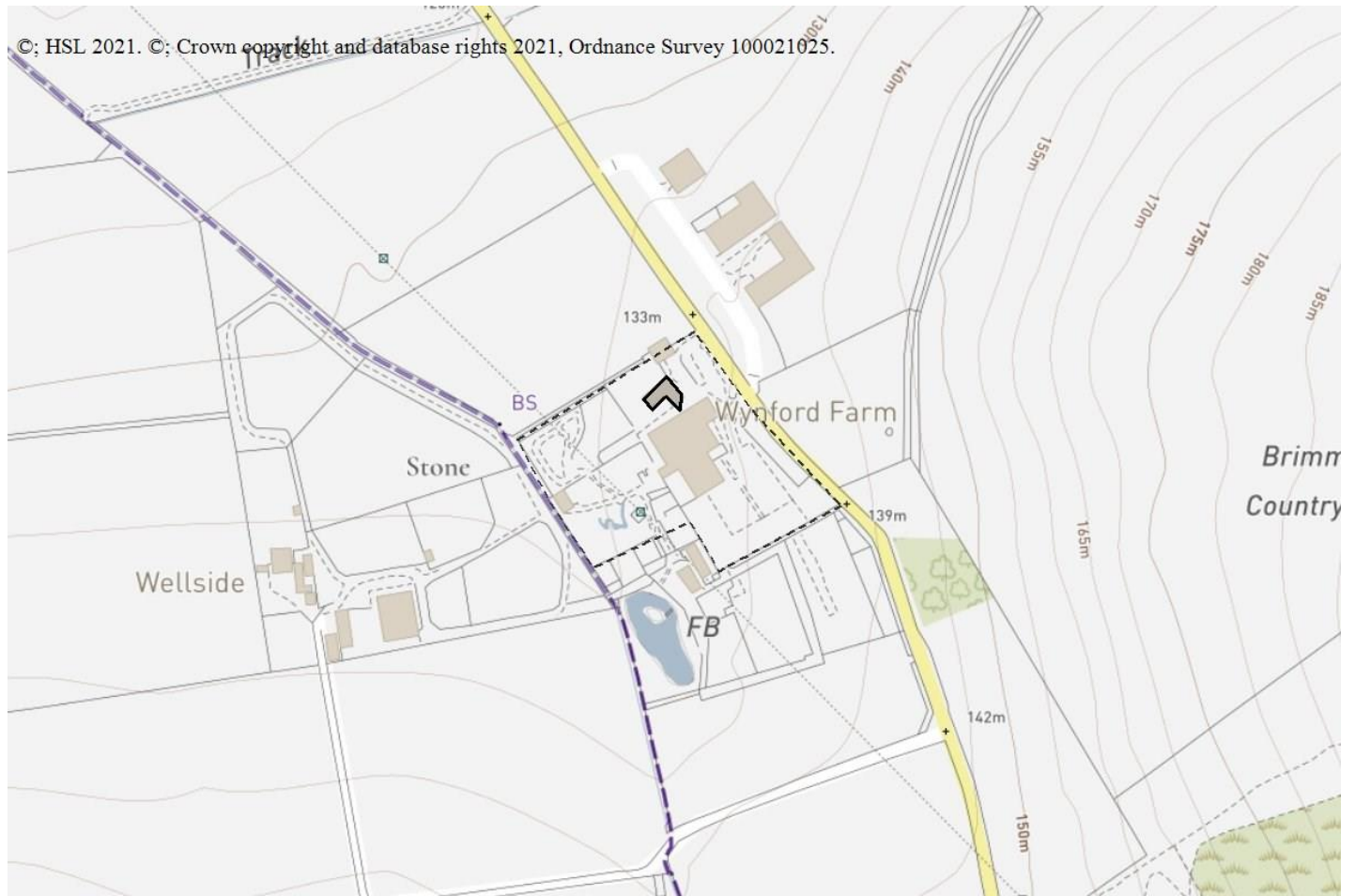
Parking Areas : Do Not Advise Against

Is this a parking area with no other associated facilities, car parks which are part of another development type should be included within that development type Yes



Housing : Do Not Advise Against

How many dwelling units are there (that lie partly or wholly within a consultation distance)? Less than 3



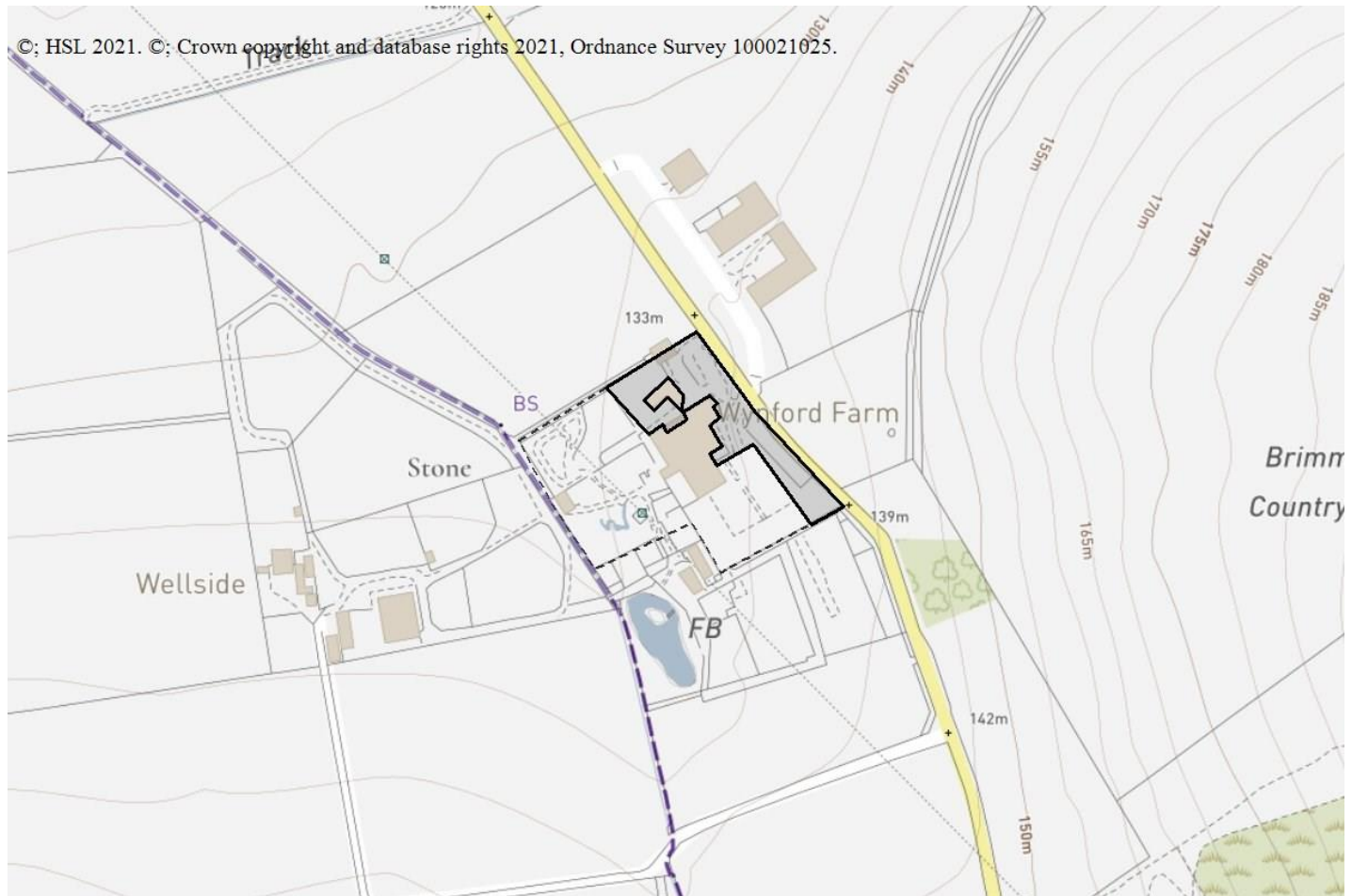
Outdoor Use By Public : Advise Against

What is the maximum number of people likely to be present at any one time? Between 101 to 1000 people (inclusive)



Landscaping : Do Not Advise Against

There are no questions for landscaping



If the proposed development relates to an extension to an existing facility, which will involve an increase of less than 10% in the population at the facility, then HSE may reconsider this advice; please contact HSE's Planning Advice team if this development involves such an extension.

Pipelines

- 6776_ Shell UK Exploration & Production
- 9007_ Ineos FPS Ltd (pka BP Exploration Operating Co Ltd)

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on our assessment of the pipeline as originally notified to us. It may be that in the vicinity of the proposed development the operator has modified the pipeline to reduce risks by, for example, laying thick-walled pipe. If you wish to contact the operator for this information then HSE is willing to re-assess the risks from the pipeline, relative to the proposed development, if all the following details are supplied to HSE by you:

- pipeline diameter, wall thickness and grade of steel.
- start and finish points of thick-walled sections (not required if it is confirmed that they are more than 750m from all parts of the development site).

These details to be clearly marked on a pipeline strip map, or other appropriate scale map, then included with the full consultation and submitted to CEMHD5, HSE's Major Accidents Risk Assessment Unit, Health and Safety Executive, Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS to allow it to be individually assessed. Please clearly identify on your covering letter that it is a resubmission with additional details of the major hazard pipeline. Please note there may be an additional charge for this work.

This advice report has been generated using information supplied by Aoife Murphy at Aberdeen City Council on 27 April 2021.

Note that any changes in the information concerning this development would require it to be re-submitted.

You may wish to contact HSE's Planning Advice team to discuss the above enquiry result on 0203 028 3708 or by email at lupenquiries@hse.gov.uk. Depending on the nature of the further discussions you may be advised that there is charge for consultancy work done on your behalf by the team.

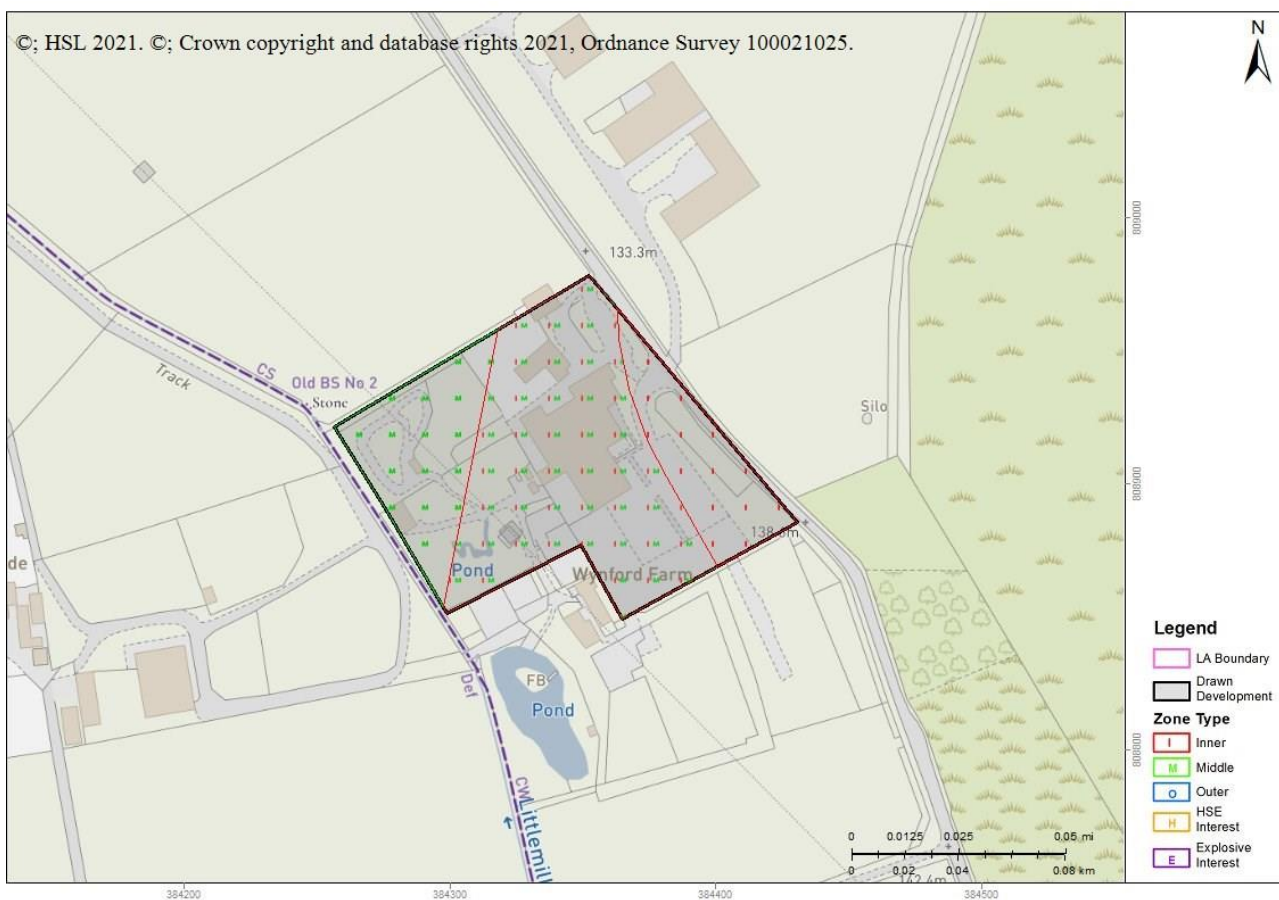
Advice : HSL-210512142922-369 Crosses Consultation Zone

Please enter further details about the proposed development by continuing with the enquiry on the HSE's Planning Advice Web App from the Previous Enquiries tab either now or at a later time, unless the Web App has stopped the process and notified you to contact HSE.

Your Ref: 210265/DPP

Development Name: Wynford Farm

Comments: Extension to the existing building



The proposed development site which you have identified currently lies within the consultation distance (CD) of at least one major hazard site and/or major accident hazard pipeline; HSE needs to be consulted on any developments on this site.

This advice report has been generated using information supplied by Aoife Murphy at Aberdeen City Council on 12 May 2021.

You will also need to contact the pipeline operator as they may have additional constraints on development near their pipeline.

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Advice : HSL-210512142922-369 ADVISE AGAINST

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Development Name: Wynford Farm

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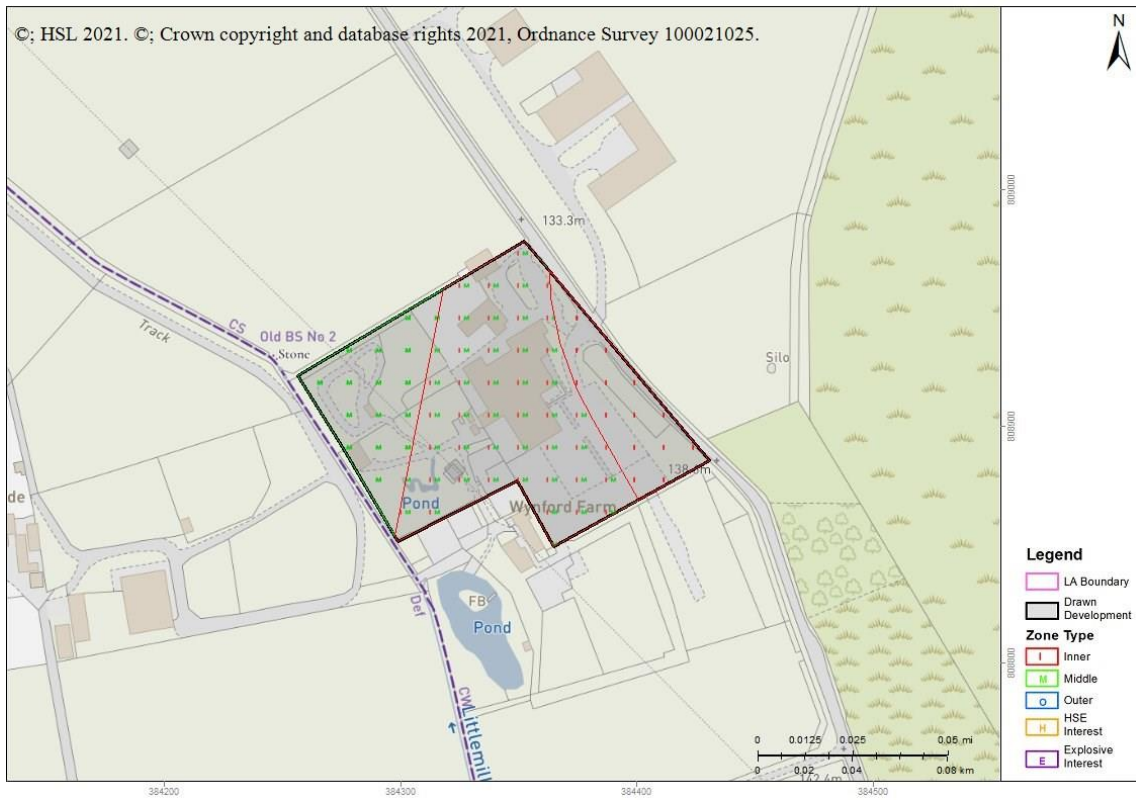
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HSE's Advice: Advise Against. The assessment indicates that the risk of harm to people at the proposed development site is such that **HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.**

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE's assessment.

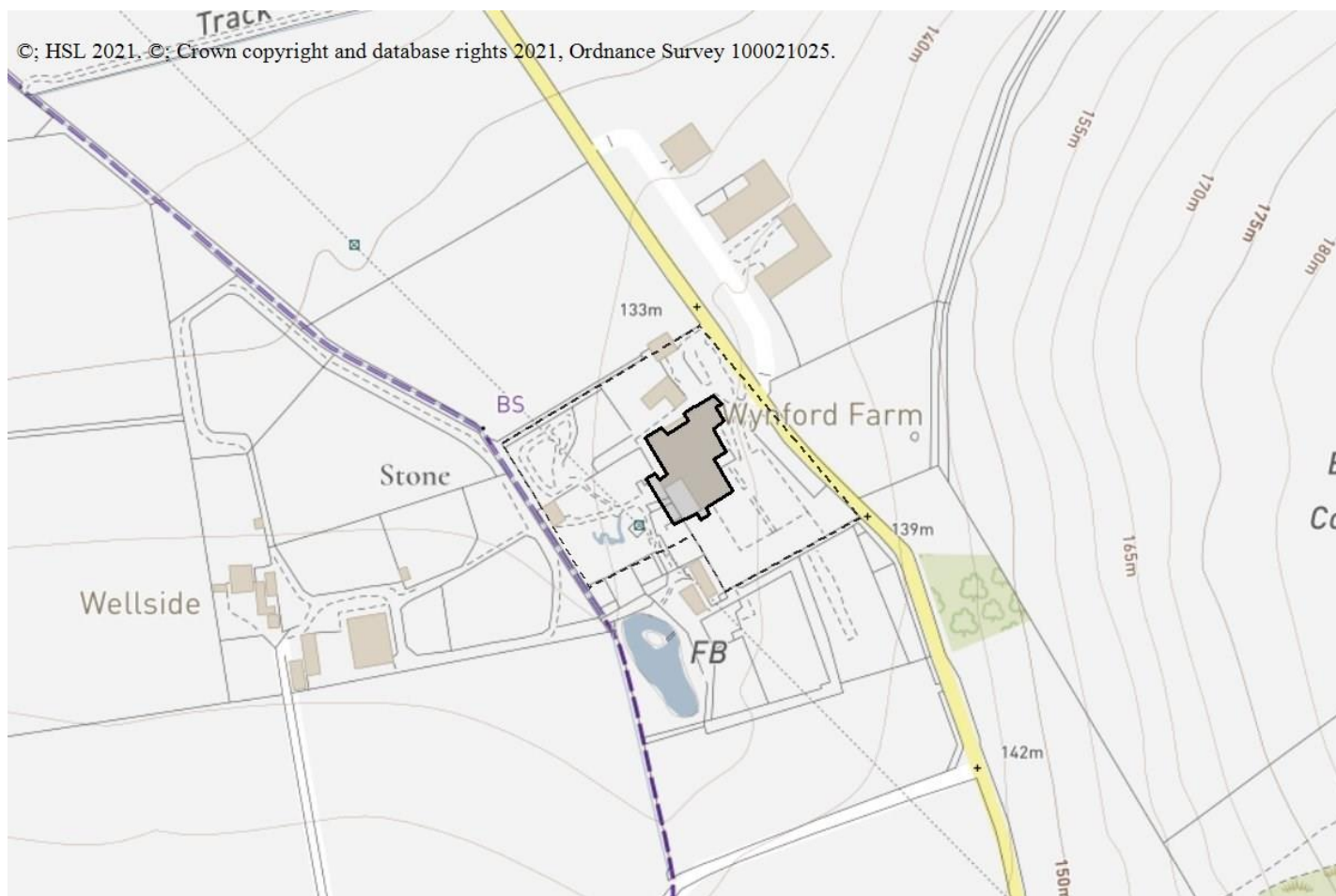
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Breakdown:

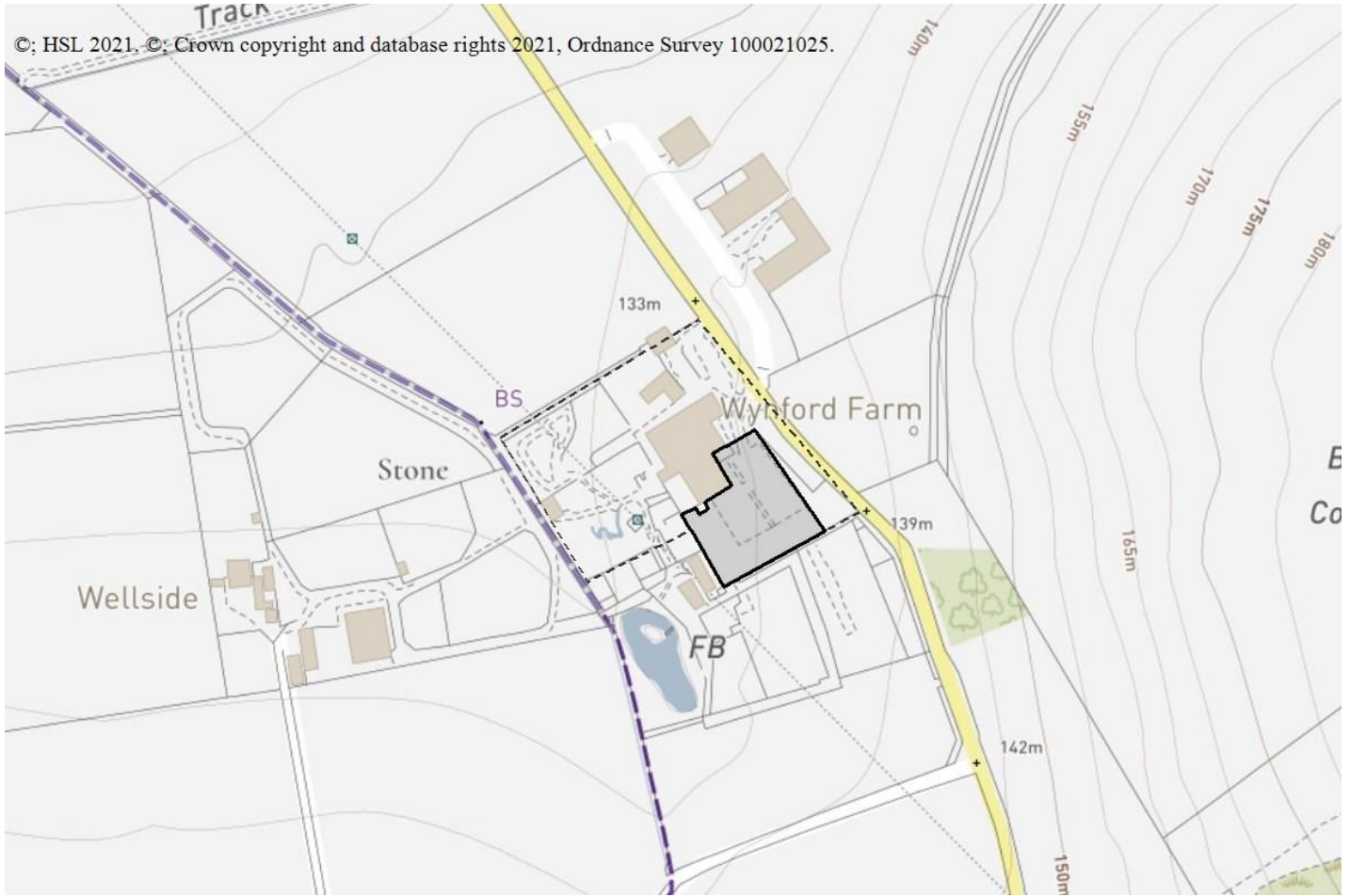
Indoor Use By Public : Advise Against

What is the total floor space of the development (that lies partly or wholly within a consultation distance)? 250 to 5000 square metres inclusive



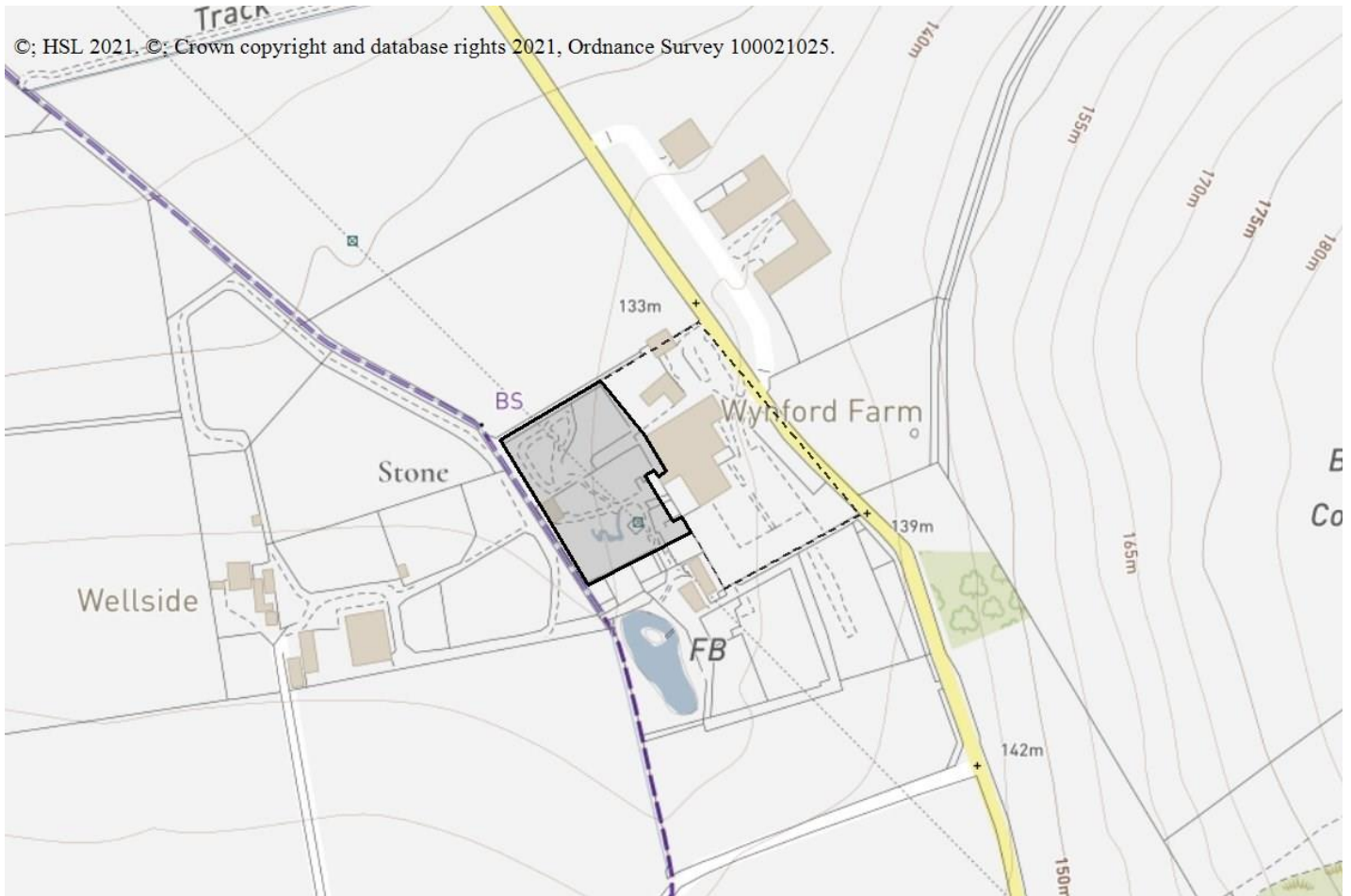
Parking Areas : Do Not Advise Against

Is this a parking area with no other associated facilities, car parks which are part of another development type should be included within that development type Yes



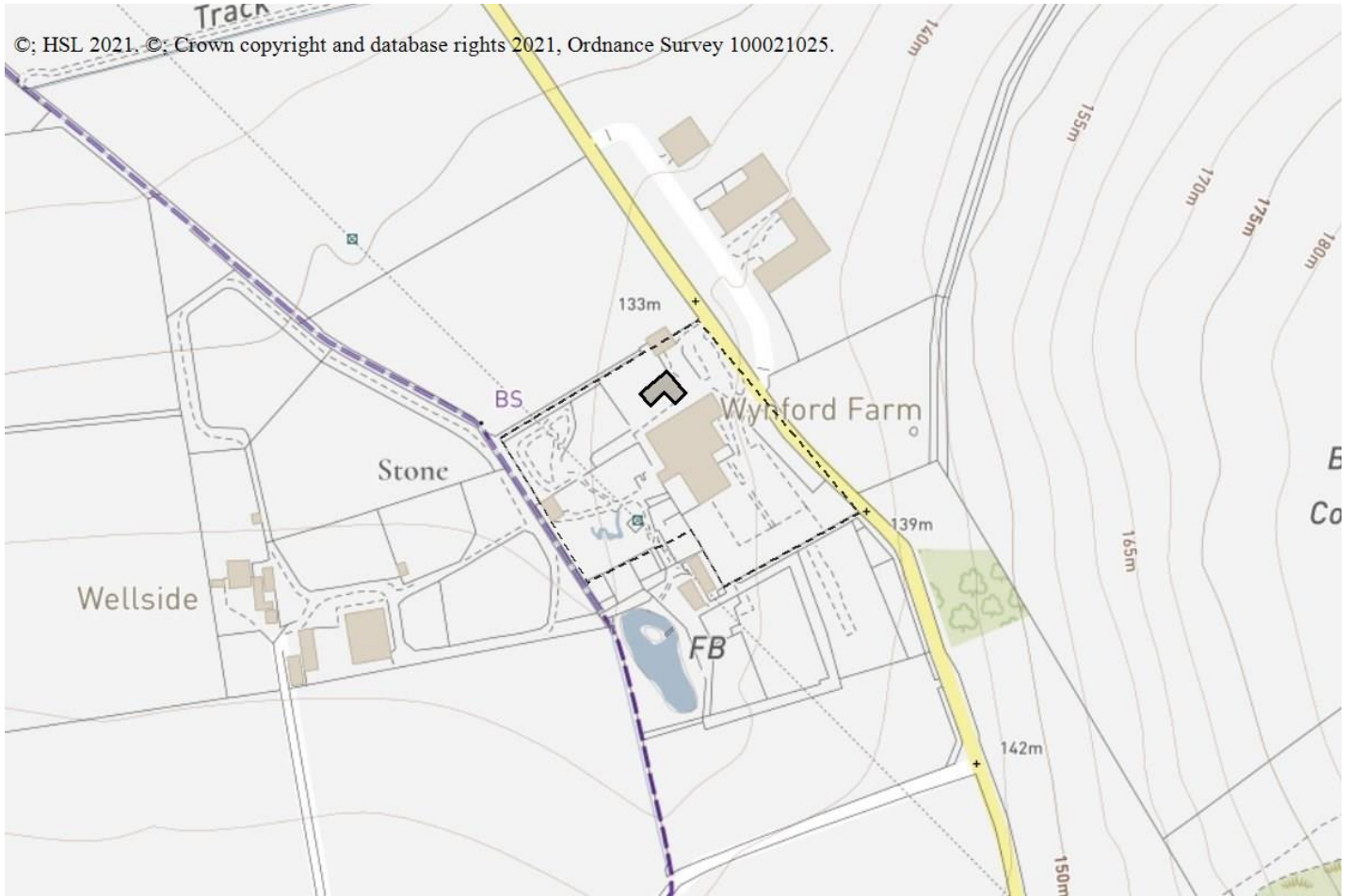
Outdoor Use By Public : Advise Against

What is the maximum number of people likely to be present at any one time? Between 101 to 1000 people (inclusive)



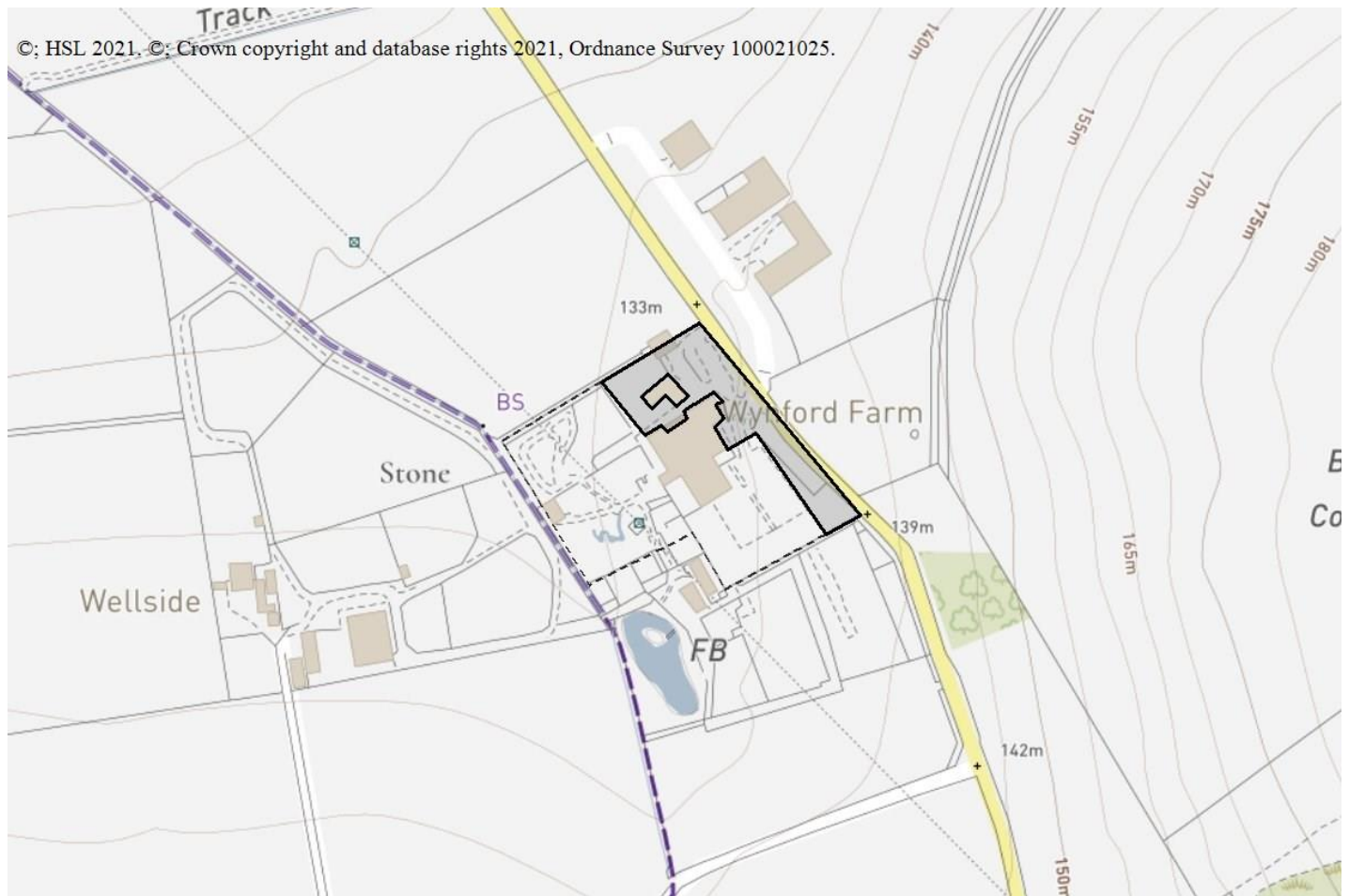
Housing : Do Not Advise Against

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There are no questions for landscaping



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Pipelines

- 6776_ Shell UK Exploration & Production
- 9007_ Ineos FPS Ltd (pka BP Exploration Operating Co Ltd)

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HSE's advice is based on our assessment of the pipeline as originally notified to us. It may be that in the vicinity of the proposed development the operator has modified the pipeline to reduce risks by, for example, laying thick-walled pipe. If you wish to contact the operator for this information then HSE is willing to re-assess the risks from the pipeline, relative to the proposed development, if all the following details are supplied to HSE by you:

- pipeline diameter, wall thickness and grade of steel.
- start and finish points of thick-walled sections (not required if it is confirmed that they are more than 750m from all parts of the development site).

These details to be clearly marked on a pipeline strip map, or other appropriate scale map, then included with the full consultation and submitted to CEMHD5, HSE's Major Accidents Risk Assessment Unit, Health and Safety Executive, Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS to allow it to be individually assessed. Please clearly identify on your covering letter that it is a resubmission with additional details of the major hazard pipeline. Please note there may be an additional charge for this work.

This advice report has been generated using information supplied by Aoife Murphy at Aberdeen City Council on 12 May 2021.

Note that any changes in the information concerning this development would require it to be re-submitted.

You may wish to contact HSE's Planning Advice team to discuss the above enquiry result on 0203 028 3708 or by email at lupenquiries@hse.gov.uk. Depending on the nature of the further discussions you may be advised that there is charge for consultancy work done on your behalf by the team.

Aberdeen City Council
Strategic Place Planning

29 March 2021

By email: AMurphy@aberdeencity.gov.uk

Application Ref: 210265/DPP
Proposal: Alterations and extension to play barn and erection of shed with associated works (part retrospective)
Address: Wynford Farm, Borrowstone Road, Kingswells, Aberdeen AB15 8RQ

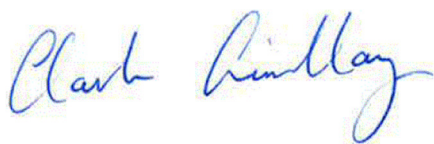
Thank you for your consultation dated 12 March 2021.

We note the location and extent of proposed development in relation to the INEOS FPS Pipeline. We also note that the planning statement advises no additional car parking is required.

We therefore consider the safety and engineering integrity of the INEOS FPS Forties Pipeline will not be affected by this proposed development.

We highlight errors within Drawings "*Proposed Site Plan*" & "*Existing Site Plan*" that provides route information of the INEOS FPS Pipeline (incorrectly named as BP Pipeline) through the site. The pipeline route on these plans are incorrect.

Yours sincerely



Clark Findlay

FPS Wayleaves Management
INEOS FPS Limited

☎ Freephone: +44 800 28 12 79

✉ Email: fpspipelinesenquiries@ineos.com

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Aoife Murphy
Strategic Place Planning,
Business Hub 4,
Marischal College,
Broad Street, Aberdeen, AB10 1AB

Shell U.K. Limited
Orchardbank Industrial Estate
FORFAR
Angus
DD8 1TD
United Kingdom
Tel +44 1307 462225
Internet <http://www.shell.co.uk>

16th March 2020
Your ref: 210265/DPP
Our ref: UPO/W/G/TS/AM/kc/21/01

Dear Aoife

Proposal: Detailed Planning Permission

Alterations and extension to play barn and
erection of shed with associated works (part retrospective)

Address: Wynford Farm, Borrowstone Road, Kingswells, Aberdeen, AB15 8RQ

Grid Reference: 384348, 808918

Thank you for your recent consultation regarding the above planning application. From the information provided, there is no reason why the development and associated construction works would directly affect our pipeline servitude strip or the safety and integrity of our pipeline.

Yours faithfully
Shell U.K. Limited

Andy Mottram

Pipelines ROW Inspector



Shell U.K. Limited

Tel: +44 1779 872216

Mobile: 07841 526495

Email: andrew.mottram@shell.com

Internet: <http://www.shell.com/eandp>

Shell U.K. Limited,
Registered in England number 140141,
Registered office Shell Centre London SE1 7NA,
VAT reg number GB 235 7632 55

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Aberdeen Local Development Plan (ALDP)

- NE2: Green Belt;
- D1: Quality Placemaking by Design
- B6: Pipelines, Major Hazards and Explosives Storage Sites
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel

Supplementary Guidance

Transport and Accessibility SG

<https://www.aberdeencity.gov.uk/sites/default/files/5.1.PolicySG.TransportAccessibility.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 100456092-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Nick"/>	Building Name:	<input type="text" value="Oddfellows Hall (Ground Floor)"/>
Last Name: *	<input type="text" value="Laister"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="07778207036"/>	Address 1 (Street): *	<input type="text" value="London Road"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Chipping Norton"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
		Postcode: *	<input type="text" value="OX7 5AR"/>
Email Address: *	<input type="text" value="nick@laister.co.uk"/>		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Wynford Farm"/>
First Name: *	<input type="text" value="George"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Hogg"/>	Address 1 (Street): *	<input type="text" value="Kingswells"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Kingswells"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 8RW"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

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="WYNFORD FARM"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB15 8RQ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="808918"/>	Easting	<input type="text" value="384348"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

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

Alterations and extension to play barn

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 Notice of Review Supporting Statement

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

Yes No

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

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

This Notice of Review Form Notice of Review Statement Site Location Plan (dwg reference 260221) Proposed Site Location Plan (dwg reference 4003 rev D) Existing Ground Floor Plan (dwg reference 3999) Proposed Ground Floor Plan (dwg reference 4000 rev F) Proposed Elevations Plan (drawing reference 4002 rev B) Planning Application Supporting Statement with Appendices

Application Details

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

210265/DPP

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

02/03/2021

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

19/05/2021

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

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

As a requirement of the Risk Assessment and to avoid potential conflict with parents/carers the owner requires adults without children to be accompanied by staff members.

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 David Hancock

Declaration Date: 17/08/2021

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Wynford Farm, Kingswells

Notice of Review: Proposed Extension to Existing Play Building.

Client: George Hogg



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Oddfellows Hall, Ground Floor
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Chipping Norton
Oxfordshire
OX7 5AR

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1. Introduction

- 1.1. Laister Planning Limited has been instructed by our client, George Hogg (the Appellant), to prepare and submit a Notice of Review under Section 43A(8) of The Town and Country Planning (Scotland) Act 1997 (as amended). The Notice of Review is submitted with regard to the refusal of application reference 210265/DPP for the *'Alterations and extension to play barn'* at Wynford Farm, Kingswells, determined on the 19th May 2021.
- 1.2. In accordance with The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 (as amended), this notice is supported by the following information:
 - This Review Statement
 - Notice of Review Form
 - Site Location Plan (drawing reference: 260221)
 - Proposed Site Plan (drawing reference: 4003 Rev D)
 - Existing Ground Floor Plan (drawing reference: 3999)
 - Proposed Ground Floor Plan (drawing reference: 4000 rev F)
 - Proposed Elevations Plan (drawing reference: 4002 rev B)
 - Planning Application Supporting Statement with Appendices

Site and Surroundings

- 1.3. The application site is an irregular shaped parcel of land accessed by the Borrowstone Road to the west of Brimmon Hill. Wynford Farm sits approximately 1.2km south of Westhill, and 2.1km north west of Kingswells. The city of Aberdeen is located approximately 10km to the east.
- 1.4. The land is subject to some constraints. It lies in the Aberdeen Green Belt, and the Ineos Forties (Cruden Bay to Kinneil) pipeline crosses through the south eastern corner of the site, while the Shell Natural Gas Liquids pipeline can be found approximately 150m east of the Forties line. The application land is within the inner notification zones of the pipelines.
- 1.5. There are no other relevant constraints at the site, including but not limited to National Parks, Country Parks, Tree Preservation Orders, Environmentally Sensitive Areas, Listed Buildings, Listed Sites, Scheduled Monuments, Special Areas of Conservation, Special Protection Areas, Wild Land Areas or World Heritage Sites at or close to the site. The Scottish Environment Protection Agency identifies the application area as being at a low risk of flooding.

Planning History

- 1.6. There is no relevant planning history prior to 2010.

1.7. In 2010 the Applicant was granted planning consent (planning reference P090706) for conversion and extension of an existing farm building in order to provide a farm shop and indoor play centre. Officers noted the following reasons for Local Members decision to support the application, with reason 4 being especially relevant to the current proposal, and we will comment on this in due course:-

“1. The proposed use as a farm shop, café and play barn were considered to be legitimately related to the existing agricultural use and to be an acceptable form of farm diversification;

2. The physical development proposed and design of the building was considered to be acceptable and have no adverse impact upon the landscape character of the green belt;

3. There are similar developments within Aberdeenshire and allowing such a development within Aberdeen City would reduce the distance people would need to travel to use such a facility; and,

4. After considering the independent report submitted by the applicant which assessed the risk posed by the proximity of the site to the Shell and BP pipelines, the risk posed by the pipelines was regarded as being at the lower end of the scale and of minor significance”.

1.8. Under reference PI30002, an application for the “*Proposed extension to existing playbarn*” was refused by the Local Authority, who considered the proposal was contrary to Policy NE2 (Green Belt), Policy D1 (Architecture and Placemaking), Policy D6 (Landscape), Policy T2 (Managing the Transport Impact of Development) and Policy D3 (Sustainable and Active Travel). The Local Review Body overturned this decision, allowing permission in July 2014. The Officer Report for this Notice of Review (reference 210265/DPP) incorrectly states the Local Review Body upheld the officers decision for reference PI30002.

1.9. The reasons the Local Review Body gave for overturning the refusal are summarised as follows:-

i) In the context of the existing property, the proposed development was not oversized, and the extension was to improve the existing facility and not to provide new attractions. Therefore it was not expected that there would be a significant increase in the intensity of the activity. The Local Review Body therefore considered that the development was not against Policy NE2 (Green Belt).

ii) The proposed design would have the appearance of an agricultural building and felt that this was in keeping with the existing building on site, would not detract from the character of the original steading or the surrounding area, and therefore was not in contravention of Policy D1 (Architecture and Placemaking) or Policy D6 (Landscape).

iii) The existing business at the proposed development encouraged group visits and travel by minibus, and therefore did not consider that the

proposal was in contravention of Policy T2 (Managing the Transport Impact of Development) nor D3 (Sustainable and Active Travel).

The Proposed Development

- 1.10. Application reference 210265/DPP was submitted on the 2nd March 2021 for the *“Full Planning Application for the Extension of Play Building, and Retrospective Application for the Erection of ‘Wee Beasties Shed’”*. During the course of the determination period, the scope of the application was revised to reflect only the alterations and extension to the play barn, which excluded the retrospective element related to the ‘Wee Beasties Shed’.
- 1.11. As set out in the Officer’s Report (Appendix 2), the extension would have a monoslope roof which extends from the existing roof plane and would encompass approximately 324m² of the site. The extension would measure approximately 26m by 18m and have a height of 6.4m where it adjoins the existing roof. Proposed materials include roughcast render, insulated steel cladding, timbers windows, and translucent rooflights all to match the existing building.
- 1.12. In reaction to waves of the COVID-19 virus, the attraction has been forced to reduce its staff numbers from 34 to 19, and change table service and other close contact activities. Instead of such engagements, customers are encouraged where possible and where able to use a pager service.
- 1.13. At present, the farm park attraction disproportionately caters for many more people outside than inside. Even though coronavirus restrictions are lifting, the business continues to implement health and safety measures that are implored in government guidance to reduce the amount of physical contact people might have, and to ensure there is sufficient space between guests. It is also a legal requirement for the business to keep its staff and customers safe, and to produce a risk assessment. This risk assessment has resulted in a number of necessary mitigation measures that respond to the ongoing risk of Covid, which together require more space to be provided per person.
- 1.14. As a result of government guidance and the risk assessment, the operator utilises a booking system to ensure the site is not overpopulated and this has resulted in fewer guests visiting the attraction at any one time when compared to pre-pandemic levels. In order for the business to be sustainable, it needs to be able to restore the number of visitors to nearer the original number of pre-pandemic numbers, while providing for safety and compliance with coronavirus precautions and having capacity to react to stricter measures should new vaccine resistant variants circulate in the population. The most practical way of achieving this is to extend the existing play building and to charge a higher admission fee to fund the extension.
- 1.15. On this, the purpose of the proposed development is to increase the ability to utilise government guided COVID-19 precautions, enable effective one-way systems, provide safe social distancing, and restore visitors to close to pre-pandemic numbers.

- 1.16. For the avoidance of any doubt, and in line with many other similar visitor-based businesses, the applicant does not expect to restore the number of guests on the site fully to pre-pandemic numbers. The permanence of this arrangement, with a lower density of guests spread across a larger building, is confirmed by the on site parking arrangements. At present, 70 parking spaces can be found within the site, and two spaces would be lost as a result of the proposed extension, resulting in a total of 68 spaces being available (a reduction of two spaces). The maximum number of people that could visit the attraction would therefore be reduced as a result of the proposal, given its isolated location.
- 1.17. Without these changes, the play barn business may well not be viable in the long-term, as it is essential that the business can operate at close to the levels of visitors that it enjoyed prior to Covid.

2. Reason for Notice of Review

- 2.1. The application subject to this Notice of Review (reference 210265/DPP) was refused by officers under delegated powers on 19th May 2021 (Appendix 1) for the following single reason:
 - 1) There has been a formal objection from the Health and Safety Executive who raise concerns regarding the safety of the proposal development, as such the proposal does not comply with Policy B6 – Pipelines, Major Hazards and Explosives Storage Sites as contained within the Aberdeen Local Development Plan 2017.
- 2.2. In summary, the Health and Safety Executive (HSE) objection (Appendix 3) advised against the development following an *“assessment indicating that the risk of harm to people at the proposed development site is such that HSE’s advise is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case”*.
- 2.3. The breakdown of this advice is clear HSE object for reasons related to the indoor and outdoor use by the public. Regarding indoor use, the proposed development is between 250sqm and 5,000sqm triggering HSE to advise against development. Regarding outdoor use, because the maximum number of people likely to be present at any one time is between 101 to 1000 people, HSE advise against development.
- 2.4. The method and details used to make the assessment were not available to the applicant during the determination process. On the 18th May, one day before the decision notice was issued, officers advised (Appendix 4 [email from Case Officer]):

“as per Policy B6, this proposal appears to be a potential risk to public safety and on that basis I have no other option but to refuse this application. At this time, I am unable to accept any further changes to this proposal as the report has been finalised and we are in a position to determine the application”.
- 2.5. The applicant was seeking to prepare an Enumerated Risk Assessment which would have assessed the risk occurring from the proximity of the site to the Shell and BP pipelines, however it was not prepared in time, and it appears the local authority would not have accepted it.
- 2.6. Following determination of the application, HSE provided details of how the proposal was assessed, and why it was categorised as a *“sensitivity level 2 development”* (Appendix 5 [email from HSE]). In summary, their response set out the increased play area would fall into *sensitivity level 2 development*, and its size would fall into *sensitivity level 2 development*. In the Inner Notification Zone, HSE would advise against any *sensitivity level 2 development*.
- 2.7. The appellant therefore has two reasons to request a Notice for Review. Firstly, the local authority has not considered it is material that the application site is in an isolated location which requires a vehicle to be accessed and the proposal will

result in a reduction in the total number of parking spaces. Consequently, there will be a reduction in the maximum number of people at the site, and should there be an incident with the pipeline, there will be fewer people at risk to harm.

- 2.8. Secondly, during the course of the determination of a similar application at the site (reference: P090706), a third-party risk assessment was examined and found to quantify that the similar development is lower than a Sensitivity 2 development. Local Members determined that the risk of P090706 is at the lower end of the scale and of minor significance, as set out in Section 1.7 above. Of course, P090706 sought to increase the number of people at the site, which is not the purpose of this proposal.
- 2.9. For the avoidance of doubt, the INEOS Forties Pipeline System advised that the proposal had been reviewed and that the safety and integrity of the pipeline will not be affected. Additionally, Shell UK Ltd. Advised that there is no reason why the development and associated construction works would directly affect the pipeline servitude strip or the safety or the integrity of the pipeline.

3. Planning Policy Context

- 3.1. This section summarises key Development Plan policies as well as other material planning policies, which we consider to be of relevance in the assessment of the current application.
- 3.2. Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require decisions to be determined in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The Development Plan in this case comprises the adopted Aberdeen Local Development Plan ('LDP') 2017 and the approved Aberdeen City and Shire Strategic Development Plan ('SDP') 2014. The SDP is a regional level plan, identifying four key strategic growth areas, and no policies are relevant to this development proposal. At a national level, planning policy and guidance is provided by the National Planning Framework 3 ('NPF') 2014 and the Scottish Planning Policy ('SPP') 2014.
- 3.3. The Aberdeen Local Development Plan: Proposed Plan 2020 was the subject of public consultation until 31st August 2020, with adoption of the Plan anticipated for Q1 2022. It is not relevant for this proposal.
- 3.4. For the purpose of this review, only Policy B6 – Pipelines, Major Hazards and Explosives Storage Sites of the LDP is relevant. In full, the policy sets out:

“Where certain types of new development are proposed within the consultation zones of pipelines, major hazards and explosive storage sites, the Council will be required to consult the Health and Safety Executive (HSE) to determine the potential risk to public safety. The Council will take full account of the advice from the HSE in determining planning applications. In addition to consultation with the HSE, the Council will consult the operators of pipelines where development proposals fall within these zones. Pipeline consultation zones are shown on the LDP Constraints Map”.

- 3.5. The supporting text for the policy is found at Section 3.74 of the LDP, and states:

“Within Aberdeen City, there are a number of high pressure pipelines and sites where hazardous substances or explosives are stored. For each of these sites a consultation zone has been established by the Health and Safety Executive to ensure that only appropriate new or replacement development takes place and that there is no increased risk to public safety [our emphasis]”.

- 3.6. For the avoidance of doubt, the proposal has been assessed against the entirety of the development plan, including specific regard to Green Belt, Design, Transport and all other relevant matters. The proposal is compliant with all these policies, and they require no further discussion as the Council has not referenced any other issues in its reason for refusal.

4. Main Assessment

- 4.1. The planning context has been set out in the previous sections of this supporting statement. The proposed development has been refused for one reason. This section assesses the application against the refusal reason and its justification.
- 4.2. As stated above, the Local Authority has refused the application because the Health and Safety Executive (HSE) have advised against the development. Policy B6 says the Council will take full account of the advice from the HSE in determining planning applications. Therefore the proposal is considered contrary to Policy B6.
- 4.3. The HSE objection can be found at our Appendix 3, and their justification for the objection can be found at Appendix 5.
- 4.4. Beginning with HSE's justification to object to the proposed development, it is set out:

"Although in your planning statement you are not increasing the car parking area you are still increasing the overall area of the barn and outdoor play area and as it is a children's play area this would fall into a sensitivity level 2 development for outdoor use by public and for indoor use by public as it's between 250 m2 and 5,000 m2 this also falls into a sensitivity level 2 development. As the majority of these areas are in the inner zone of these pipelines then this would lead to our advise against decision. HSE would advise against any sensitivity level 2 developments located within the inner consultation zone."

- 4.5. The Local Authority and HSE therefore appear to consider the development is *Sensitivity Level 2 development* because it is a play area, and because of its size. *Sensitivity Level 2 development* will always be advised against in the inner notification zone. Unfortunately the Local Authority and HSE have not considered a Land Use Planning Assessment prepared by Atkins in 2009 (Appendix 6) and summarised by the applicant (Appendix 7) for planning reference P090706. That permission was for the *"Proposed conversion of existing steading and extension to form farm shop/café and playbarn"*, and the extension measured 365m² (the application subject to this review is smaller, measuring 324m²).
- 4.6. In Section 4.2 of the Atkins report, it is set out *"HSE uses a crude quantitative measurement in order to obtain a rapid assessment of the 'case' societal risk of a development called the Scaled Risk Integral (SRI). It is a measure of societal risk, and a high value would indicate that substantial numbers of people would be exposed to the risk."* In that case, the SRI was calculated at 499,500 representing a hypothetical worst case scenario with 200 visitors at the site. The SRI value (499,500) is less than the value that HSE would consider a call-in. Furthermore, it is acknowledged in the Atkins report Conclusion (Section 7) that the development type does not fall into those which are typically used by vulnerable people, for example, hospitals, nursing homes, prisons and schools, which is how the proposal has been assessed, as every child is accompanied by an adult.
- 4.7. Section 4.2 of the Atkins report sets out the formula for calculating the SRI as:

$$SRI = \frac{(P \times R \times T)}{A}$$

$$\frac{(n + n^2)}{2}$$

where, P = population factor, defined as

n = number of persons at the development

R = average estimated level of individual risk in cpm (based on Dangerous Dose)

T = proportion of time development is occupied by n persons

A = area of the development in hectares

- 4.8. On this it is obvious that, among the other variables, an increase or decrease in the population will directly influence the SRI value. In generating an SRI value of 499,500 for permission reference P090706, a worst case scenario was chosen which considers a population of 200 people at the proposed development at any one time and assumes they are all vulnerable people. In this case however, the number of people that visit the site at peak time is currently 144 total visitors, which is expected to reduce to 139 visitors at peak from the loss of two parking spaces (Appendix 2, Officer Report page 5). Additionally, each visiting child must be accompanied by an adult, so it is reasonable to assume that around half of the visitors are adults, whose children would obey them and follow emergency actions if an incident occurred.
- 4.9. In our Section 1.7 above, it is set out that Local Members considered the Atkins reports' values and conclusion in the determination of application reference P090706. Members agreed the risk posed by the pipelines was regarded as being at the lower end of the scale and of minor significance.
- 4.10. The key differences between P090706 and this proposal (ref: 210265/DPP) are twofold. Firstly, the proposed extension subject to this review is 41m² smaller than that approved under P090706 (324m² vs 365m²). Secondly, the maximum number of parking spaces will be reduced as a result of this proposal, directly decreasing the maximum number of people that can be on the site at any one time (because its isolated location does not provide opportunities for alternative travel) and confirming the permanence of the current operating procedures, where fewer people will be in the play barn as a whole, spread across a larger area. Because of the overall reduction in the number of people using the play barn, the SRI would be smaller than that under P090706, which was already of minor significance. The reason that HSE have objected in this case is due to the total number of people who could be at the site, not the change in the number of people at the site, and the size of the development, but that does not account for a reduction in the risk and is a limitation of using a formulaic method of assessment. It simply makes no sense to increase the level of risk when the overall number of people on site will be lower. The only change is that the building is larger and the number of car parking spaces is reduced.
- 4.11. HSE could have applied the 'extension rule' which is referred to in the HSE Land Use Planning methodology. It states:

“If the proposal is for an extension to an existing development, and the proposed extension is of the same Development Type as the existing development that is going to be extended and the population at the development will not increase by more than 10% (or, if the population data is not readily available, the total floor area will not increase by more than 10%), then the consultation should be treated as though the proposed extension had a Sensitivity Level one less than the Sensitivity Level of the existing (i.e. not that of the proposed) development.

If this results in a reduced Sensitivity Level, which combined with the zone that the extension is in, produces a DAA response, then this will replace the initial AA response”

- 4.12. As such, if the population will not increase by more than 10%, the proposal may have been considered a *Sensitivity Level 1 development* by HSE, which would not have been advised against. In this case, the reduction in the size of the car park will result in a reduction in the maximum population at the site. However, the Officer Report (Appendix 2, page 6) has advised that the application of the ‘extension rule’ would be inappropriate as there is no means available to limit or regulate the population. Moving away from the total population, the focus turns to the total floor area. As the total floor area is proposed to extend by more than 10% (26%), HSE advise against development.
- 4.13. However, it is incorrect that the population of the site cannot be regulated, as it is directly controlled by the number of car parking spaces available at the site. The removal of parking spaces is shown on the proposed plans, and the applicant would require planning permission from the Local Authority to increase the size of the car park. The net result will therefore be a reduction in the number of people at the site which cannot be increased unless the applicant secures planning permission to increase the size of the car park. Therefore the proposal should have been considered a *Sensitivity Level 1 development*.

5. Conclusion

- 5.1. This Notice of Review is submitted with regard to the refusal of application reference 210265/DPP for the '*Alterations and extension to play barn*' at Wynford Farm. The proposed extension measures approximately 324m² (or an increase of approximately 26% in floorspace) will match the existing structures form and appearance, and will require the loss of two car parking spaces. The development is intended to allow the business to operate with a similar number of visitors to the existing situation, with those visitors spread over a larger area, as the permanent operating model of this business going forward will be having a reduced density of visitors who are paying a slightly higher price for a safe and premium experience.
- 5.2. The loss of parking will result in the typical maximum number of guests reducing from 144 to 139 at any one time.
- 5.3. The local authority refused the application on 19th May 2021 for one reason. The Health and Safety Executive (HSE) objected to the development, causing a conflict with Policy B6 of the local development plan. The reason for this objection is due to the size of the proposed development being between 250sqm and 5,000sqm, and due to their being between 101-1000 people at any one time at the site. HSE has therefore determined the proposal is *Sensitivity Level 2 development* in the Inner Notification Zone, requiring their "advise against" response.
- 5.4. However, this view is not cognisant of a third party report produced by Atkins which assessed a similar but larger proposal that would increase the population under application reference P090706. In the report, it is demonstrated that the proposal was *Sensitivity Level 1 development*. In the determination of a previous application at the site to change the use and extend the building resulting in a population increase and a larger extension (reference P090706), Local Members considered the report and agreed the risk was at the lower end of the scale and of minor significance.
- 5.5. In this case, the proposed development will reduce the maximum number of people who can visit the site at any one time by reducing the size of the car park.
- 5.6. Further, HSE have not applied their 'extension rule' which can reduce the Sensitivity Level if the population would not increase by more than 10%. We have set out the population will decrease, however this has not been considered by the Local Authority because their view is that the population cannot be regulated. However, it has not been considered that the appellant would need to apply for planning permission to increase the size of the car park, and the appellant would need to carry out the development in accordance with the submitted plans, if the proposal were allowed. There are no other methods of travelling to the site other than the private car. Visitor numbers will be regulated by requiring bookings online, which will ensure that the car park capacity is never exceeded. On this, the number of people visiting the site can be regulated.
- 5.7. The appellant therefore considers that the proposed development will result in an improvement to the risk by reducing the total number of people visiting the site at

any one time. The proposal will improve indoor COVID-19 safety through methods such as increasing space between visitors and staff and enabling one-way systems. It will allow the business to permanently move to its new, lower density operating model and will secure its future. This development is essential to the future of this business.

- 5.8. For the reasons set out in this report, the appellant considers that the proposal is a *Sensitivity Level 1 development*, just as Local Members considered P090706 a lower risk than what was set out by HSE.

Appendices

Appendix 1 Decision (210265/DPP)

Notice

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

David Hancock
RPS Group
RPS
20 Western Avenue
Milton Park
Abingdon
OX14 4SH

on behalf of **Mr Hogg**

With reference to your application validly received on 11 March 2021 for the following development:-

Alterations and extension to play barn at Wynford Farm, Borrowstone Road

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

<u>Drawing Number</u>	<u>Drawing Type</u>
2011013 4003 Rev D	Site Layout (Proposed)
2011013 4000 Rev F	Ground Floor Plan (Proposed)
2011013 4002 B	Multiple Elevations (Proposed)

REASON FOR DECISION

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

1. There has been a formal objection from the Health and Safety Executive who raise concerns regarding the safety of the proposal development, as such the

proposal does not comply with Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites as contained within the Aberdeen Local Development Plan 2017.

Date of Signing 19 May 2021



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

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

None.

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

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

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

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

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

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

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

Appendix 2 Officer Report (210265/DPP)



Strategic Place Planning

Report of Handling

Site Address:	Wynford Farm, Borrowstone Road, Kingswells, Aberdeen, AB15 8RQ
Application Description:	Alterations and extension to play barn
Application Ref:	210265/DPP
Application Type:	Detailed Planning Permission
Application Date:	11 March 2021
Applicant:	Mr Hogg
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Bucksburn And Newhills
Case Officer:	Aoife Murphy

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The proposals are associated to Wynford Farm and Playbarn, which is located on the C93C (Borrowstone Road - Clinterty to Kingsford) to the west of Brimmond Hill. The wider grounds adjoin the western boundary of the Aberdeen City Council administrative area, some 30-40m west of the development location. Wynford Farm is approximately 1.2km north east of Westhill and 2.1km north west of Kingswells.

The farm complex itself comprises a 2-storey farmhouse and a converted and extended steading / portal framed sheds that forms the farm shop, café and playbarn. There are several trees along the eastern boundary, between the buildings and the road. Just north of the site on the opposite side of the road are large modern agricultural storage buildings, associated to the operation of the farm.

It is noted that there are a number of existing sheds and structures on site, which are located to the west of the existing building and car park. These sheds appear to house birds and other types of animals and creatures as part of a visitor attraction. There is also a large play area to the west of the building, which includes sandpits and a pond to the south west of the site. An overspill car park is located to the south of the site and is not accounted for within the existing parking numbers, which equates to 70 spaces at present.

The Ineos Forties (Cruden Bay to Kinneil) pipeline crosses through the south eastern corner of the site, from north to south. The proposed works are within the inner notification zone of the pipeline, for the purposes of Health and Safety Executive consultations. Additionally, the development area

is within the inner zone of the Shell Natural Gas Liquids pipeline that runs around 150m east of the Forties pipeline.

Relevant Planning History

130002 – Detailed Planning Permission for extension to existing playbarn – Refused 17 March 2014. Appeal Upheld by LRB – 25 July 2014.

120696 – Detailed Planning Permission for extension to existing hardcore car park including change of use from agricultural land to car parking (Retrospective) – Withdrawn, 23 April 2015.

090706 - Detailed Planning Permission for conversion of existing steading and extension to form farm shop/cafe and playbarn – Approved 19 August 2010. Notified to Scottish Ministers but not called in.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the extension to the existing building's west elevation to allow for an extension to the playbarn's floorspace. The extension would have a monoslope roof which extends from the existing roof plane and would encompass approximately 344m² of the site. The extension would measure approximately 26m by 18m and have a height of 6.4m where it adjoins the existing roof. Proposed materials include roughcast render, insulated steel cladding, timbers windows, and translucent rooflights all to match existing.

With regards to parking, while 70 spaces can be found within the site, two spaces would be lost as a result of the proposed extension, resulting in a total of 68 spaces being available.

The applicant has advised within their supporting statement that there is no intention to increase the number of visitors at this business, the additional playbarn floorspace is however sought to allow for safe movement of people within the facility and to allow for enhanced COVID-19 precautions.

Amendments

A new shed adjacent the proposed extension was also proposed, but this has since been removed from the application proposal and the description amended accordingly.

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=QPDVL0BZH7P00>

Planning Statement, prepared by RPS Group, 22 February 2021.

CONSULTATIONS

ACC - Environmental Health – has no comments to make on this proposal.

ACC - Roads Development Management Team – initially raised concerns regarding insufficient parking requirements, however upon receipt of further information and upon reviewing the amend proposal, the Service has advised that the existing parking arrangement, minus 2 spaces as a result of the development, is sufficient for the floorspace proposed.

ACC - Waste and Recycling – has provided general comments regarding waste facilities for commercial premises.

Bucksburn and Newhills Community Council – no comments received.

Health and Safety Executive – has highlighted the need to consult with the operators of the two adjacent pipelines and states that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

INEOS Forties Pipeline System – has advised that the proposal has been reviewed and that the safety and integrity of the pipeline will not be affected.

Shell UK Ltd. – has advised that there is no reason why the development and associated construction works would directly affect the pipeline servitude strip or the safety or the integrity of the pipeline.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

Scottish Planning Policy was approved on 18 December 2020. In February 2021, a Judicial Review of the decision of the Scottish Ministers on 18 December 2020 to amend Scottish Planning Policy (2014) as set out in 'Scottish Planning Policy Finalised Documents' and to publish 'Planning Advice Note 1/2020' was lodged with the Court of Session. As it stands, SPP2020 remains in place and is a relevant consideration in the determination of all planning applications.

Aberdeen Local Development Plan (2017)

Policy NE2 - Green Belt

Policy D1 - Quality Placemaking by Design

Policy T2 - Managing the Transport Impact of Development

Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020. The Proposed Aberdeen Local Development Plan constitutes the Council's settled view as to what the final content of the next adopted Aberdeen Local Development Plan 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 Aberdeen Local Development Plan (including individual policies) in relation to specific applications will depend on whether –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed Aberdeen Local Development Plan;

- the level of representations received in relation to relevant components of the Proposed Aberdeen Local Development Plan and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. Policy NE1 - Greenbelt, Policy D1 - Quality Placemaking, Policy T3 - Parking and Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites are relevant in this case.

Other Material Considerations

HSE's Land Use Planning Methodology

EVALUATION

Principle of Development

The site falls within the Green Belt and therefore must be considered against Policy NE2 - Green Belt. NE2 advises that no development will be permitted in the Green Belt for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/quarry restoration; or landscape renewal. The policy does allow for some exceptions, but the only one which applies to this proposal relates to development associated with existing activities in the green belt. A development will only be permitted if the following criteria are met:

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

Before assessing whether the proposal meets the criteria highlighted above, the Planning Service have been advised that the applicant has no intention to increase the number of visitors at this business. The proposal is however sought to allow for safe movement of people and to allow for enhanced COVID-19 precautions. Given the ongoing situation with COVID-19 it is acknowledged that businesses need to make alternative arrangements to allow for compliance with precautions put in place by the Scottish Government. However, in this case, this proposal is for a permanent extension to be retained in perpetuity, so while the applicant states that there is no intention to increase visitors, if the proposal is approved and the current situation changes, the applicant could at any time increase the number of visitors to the site without requiring planning permission. As such, the Planning Service needs to consider whether the extension is appropriate as a permanent solution.

In relation to the criteria above, the existing activity is noted as being a farm shop/café and playbarn and given the location of the development, which would both extend and be within close proximity of the existing building, it is considered that the development is within the boundary of the existing activity and is therefore consistent with point a) above.

As outlined in the supporting statement, the proposed extension seeks to increase the floor area by approximately 324m². This is a slightly lower than the area measured by the Planning Service, which is approximately 344m², however it is acknowledged that there may be some discrepancies with the tools used to measure the plans. If taking the applicant's measurement of 324m², this represents an increase to the floor space of 26.3%. For a development such as this, the intensification of the activity is linked to the scale of the development and it is considered that an extension of this size has the potential to result in an increase to the established use.

In terms of considering the requirement of criteria b) regarding small scale development, it is considered that the proposed 326m² additional floor area, within the context of this being a 26% increase in the existing farm shop / café / playbarn area, is small-scale.

Turning to point c) the applicant has advised that the use of the site will remain as a farm-park attraction and taking into consideration the applicant's intention not to increase visitor numbers, the applicant has advised that the number of visitors will be capped by the parking provision which decreases from 70 to 68 on the revised plans, which sees the overall capacity of 144 visitors reduced to 139/144 visitors. However, that is not to say that the number of people within the site could not be increased should other travel arrangements be used. Regarding this point, the Planning Service has also looked into whether conditions could be utilised to satisfy concerns, however, given the proposal is for a permanent intervention, limiting the life of the permission would not be considered appropriate. In addition, limiting the number of people visiting the site would not be suitable/controllable or within the remit of the Planning Service. As such, neither approach would meet the 6 tests for appropriate conditions as outlined in Circular 4/1998: The use of conditions in planning permissions, therefore, this option cannot be utilised. However, based on information to hand, the Planning Service accepts that the additional floorspace proposed will not result in a significant increase in the intensity of activity, i.e. the number of people using the extended playbarn.

Finally, it is accepted that the proposed use of the extension would be related to the existing operation and use at the site, therefore the proposals would satisfy the requirement of point d) above.

It is therefore considered that the extension would be compliant with the four criteria of Policy NE2 and the principle of development is acceptable.

Design

It is considered that the proposed development would continue the design, form and finish of the existing building. Policy D1 - Quality Placemaking by Design seeks to ensure that high quality design is utilised, which is informed by the surrounding context. This aspect also needs to be assessed in conjunction to the wider remit of Policy NE2 in terms of the scale of development.

Originally the site was occupied by traditional built development, which has been extended over time, resulting in a modern 'farm-style' building which is attached to a traditional vernacular steading. By virtue of its scale and matching design to the existing building, it is not considered that the proposed development would considerably increase the impact on this part of the Green Belt.

In terms of design, it is considered that both the extension and shed would be similar in design to the existing building and due to their location and solely from a visual perspective, the development would not detract from the visual appearance of the existing building.

Transport Impacts

The proposal sees no increase to the existing parking provision, this was a concern raised by the Council's Road's Service. The justification initially given was that there would be no increase in the number of visitors to the site, however as explained above this cannot be controlled, as such the proposed development would have a resultant impact on the existing parking situation. During the application process, it was decided to amend the proposal and remove an aspect of development, the smaller shed. The removal of this resulted in the reduction of the proposed floor space which meant that few spaces would be required in the site. The applicant now proposes 68 spaces (with two lost as a result of the siting of the proposed extension), which is considered to be acceptable to the Roads Service.

Overall, it is therefore considered that the proposal complies with Policy T2 - Managing the Transport Impact of Development.

Pipelines

The site is located in close proximity to both the Shell and Ineos FPS pipelines and as per the requirements of Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites, the Council has consulted with the Health and Safety Executive (HSE) and the pipeline operators. Both Shell and Ineos FPS has advised that they have no objection to the proposed development. However, the HSE has advised against the granting of planning permission due to safety concerns in the event of an pipeline incident. The HSE do allow for some small extensions but these are where the increase of floor space would be a limited to less than 10%. As outlined above, this development sees an increase of 26.3%, well above that allowed by HSE.

The applicant has disputed the objection made by HSE, advising that it is objecting because the development represents increase in floorspace of more than 250sqm. The HSE advice is based on there being 101 to 1000 people at the site, however the applicant suggests that if the increase of people is less than 10%, than HSE might revisit their advice. The advice the applicant is referring to is contained within the HSE's Land Use Planning methodology, which states that *"If the proposal is for an extension to an existing development, and the proposed extension is of the same Development Type as the existing development that is going to be extended and the population at the development will not increase by more than 10% (or, if the population data is not readily available, the total floor area will not increase by more than 10%), then the consultation should be treated as though the proposed extension had a Sensitivity Level one less than the Sensitivity Level of the existing (i.e. not that of the proposed) development."*

If this results in a reduced Sensitivity Level, which combined with the zone that the extension is in, produces a DAA response, then this will replace the initial AA response"

The Planning Service has had extensive correspondence with the HSE since March 2021 regarding this site, given their initial consultation response, the information outlined in their guidance, the changes to the proposal and due to the information submitted by the applicant with regards to numbers of visitors. On 10 May 2021, the HSE advised that would continue to advise against the grant of planning permission. The application of the 'extension rule' as detailed in their methodology, would be inappropriate in this case given that there is no means available to limit or regulate the population numbers. Therefore, if applying the extension rule, the use of the area of the proposed extension would be the most appropriate option and as outlined above the proposal would see an extension of more the 10%, which, in this case, results in the HSE advising against the development.

Given the outstanding objection by HSE, the proposal is not considered to comply with Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan. As such, the proposal is not considered acceptable in respect of the Proposed Plan for the reasons previously given.

Conclusion

The proposal has been considered against the relevant policies of the Aberdeen Local Development Plan 2017 and is not considered to be acceptable, given the formal objection from the Health and Safety Executive and given that the policies in the Proposed Plan substantively reiterate those contained within the current Local Development Plan, the proposal also fails to comply with the relevant policies of the Proposed Aberdeen Local Development Plan 2020. There

are no other material considerations that can be considered which would see the development become acceptable. It is therefore recommended that planning permission be refused.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. There has been a formal objection from the Health and Safety Executive who raise concerns regarding the safety of the proposal development, as such the proposal does not comply with Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites as contained within the Aberdeen Local Development Plan 2017.

Appendix 3 HSE Objection

Advice : HSL-210512142922-369 ADVISE AGAINST

Your Ref: 210265/DPP

Development Name: Wynford Farm

Comments: Extension to the existing building

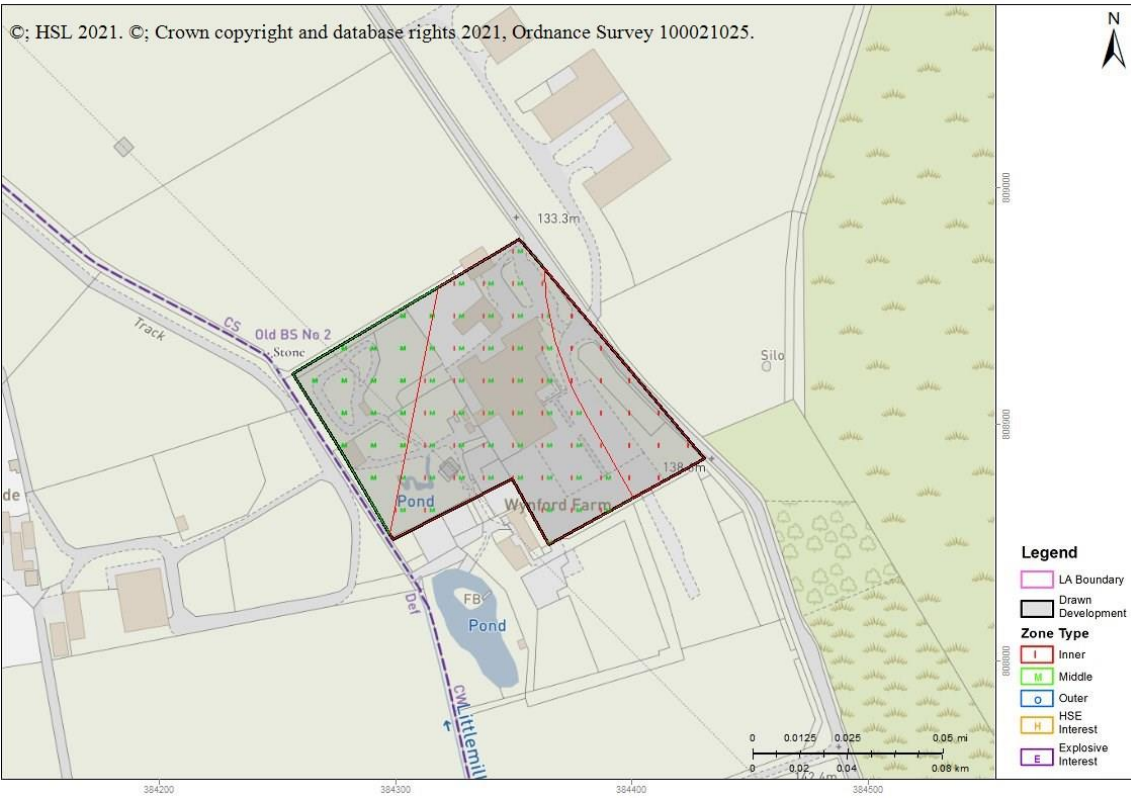
Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013]

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Aberdeen City Council.

HSE's Advice: Advise Against. The assessment indicates that the risk of harm to people at the proposed development site is such that **HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.**

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation. Where hazardous substances consent has been granted (by the Hazardous Substances Authority), then the maximum quantity of hazardous substance that is permitted to be on site is used as the basis of HSE's assessment.

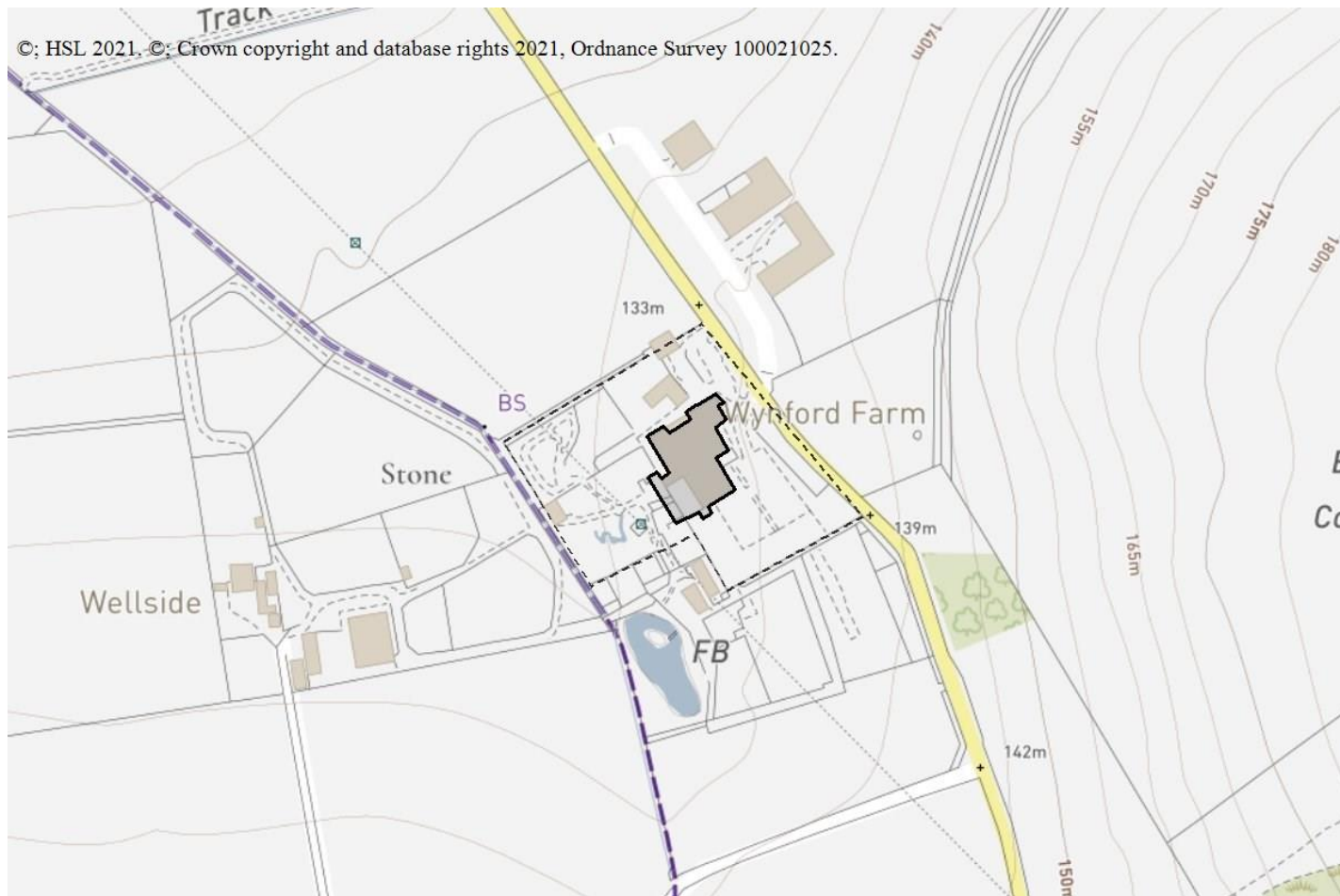
If, nevertheless, you are minded to grant permission, your attention is drawn to the Direction in the Annex to Scottish Planning Circular 3/2009. This instructs that the Scottish Ministers must be automatically notified: "where a planning authority proposes to grant planning permission for development falling within any of the descriptions of development listed in the Schedule to this Direction". This includes "Development which has been the subject of consultation with the Health and Safety Executive where the Health and Safety Executive has advised against the granting of planning permission or has recommended conditions which the planning authority does not propose to attach to the planning permission." The planning authority is required to notify the Scottish Ministers and cannot grant planning permission before the expiry of a period of 28 days beginning with the date notified to them by the Scottish Ministers as the date of receipt by them of the information which the planning authority are required to submit under the Direction. The Scottish Ministers may within that period, or an extended period, call in the application for their determination or clear it back to the planning authority. The planning authority should also notify the HSE. The notification should be sent to CEMHD5, HSE's Major Accidents Risk Assessment Unit, Health and Safety Executive Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS or by email to lup.padhi.ci5@hse.gov.uk and should include full details of the planning application, to allow HSE to comment if necessary about the specific case.



Breakdown:

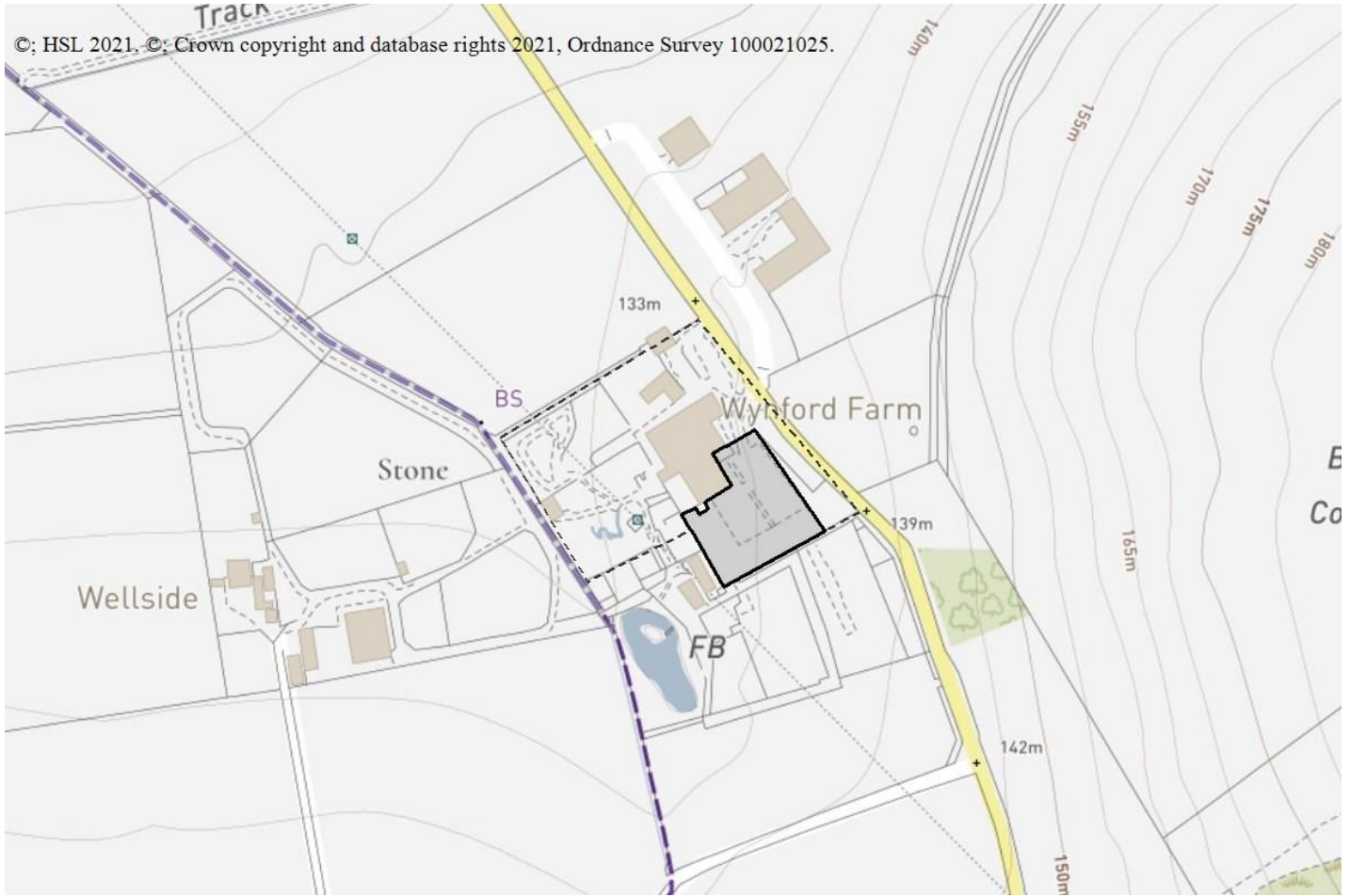
Indoor Use By Public : Advise Against

What is the total floor space of the development (that lies partly or wholly within a consultation distance)? 250 to 5000 square metres inclusive



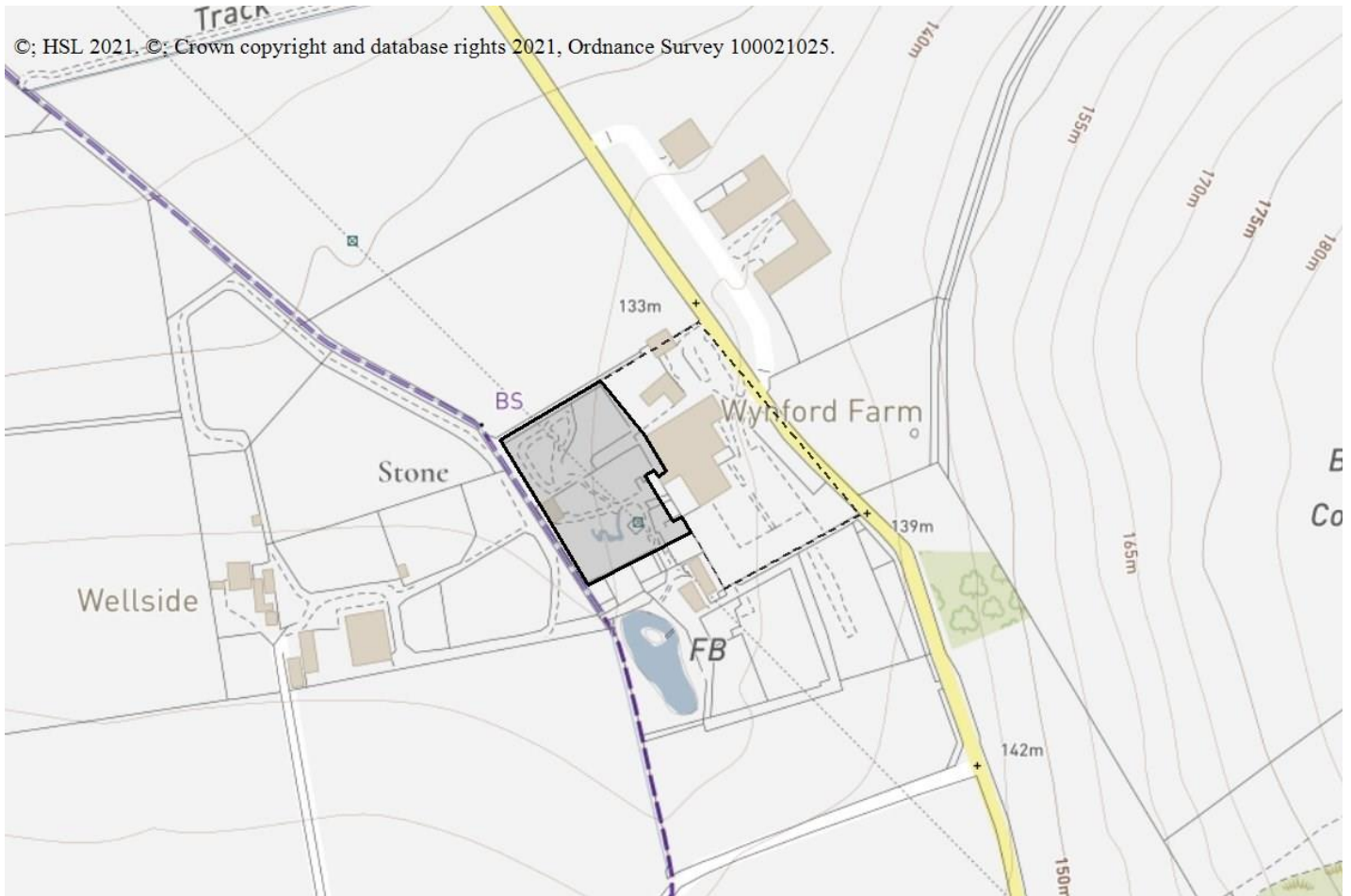
Parking Areas : Do Not Advise Against

Is this a parking area with no other associated facilities, car parks which are part of another development type should be included within that development type Yes



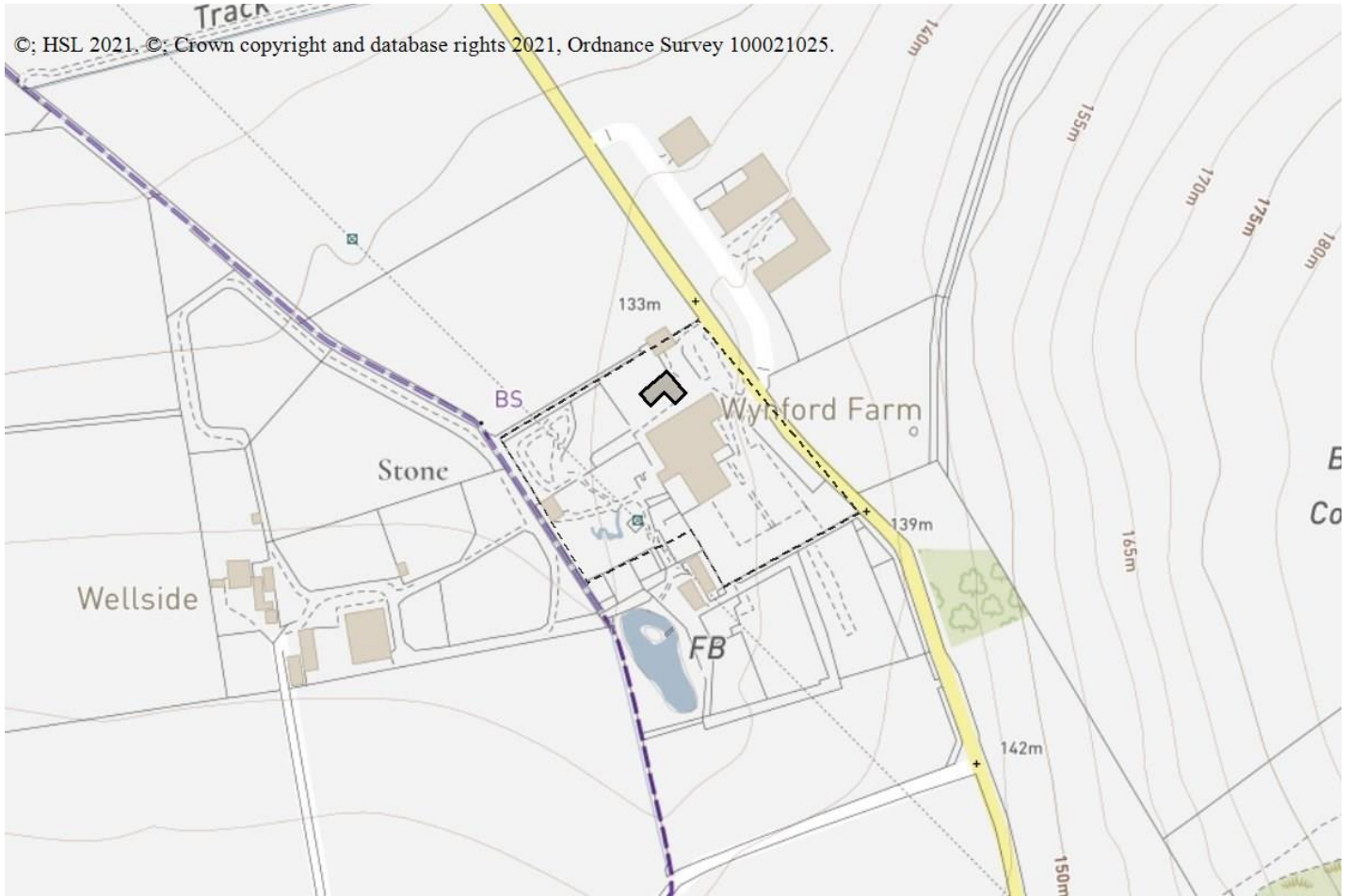
Outdoor Use By Public : Advise Against

What is the maximum number of people likely to be present at any one time? Between 101 to 1000 people (inclusive)



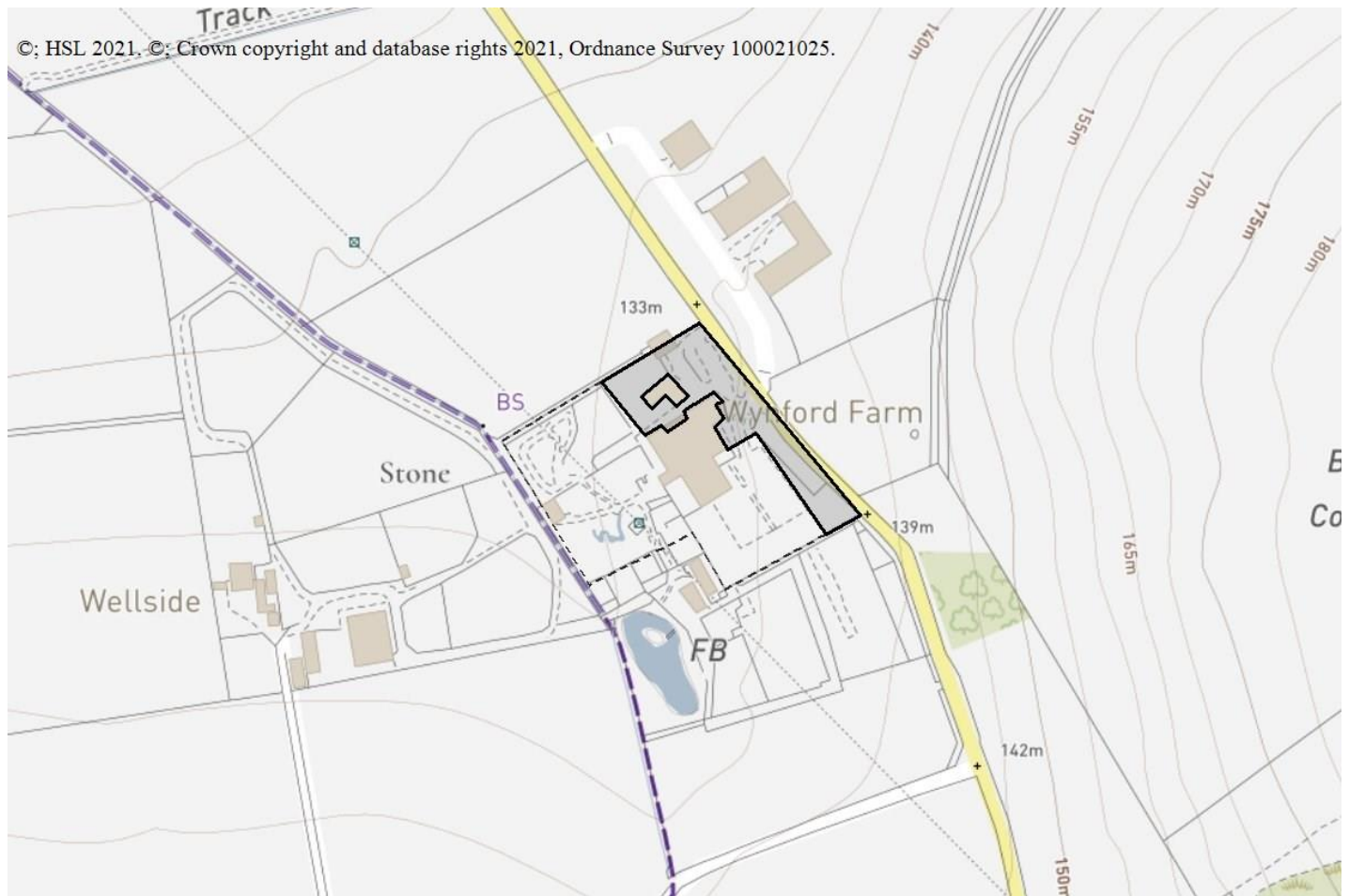
Housing : Do Not Advise Against

How many dwelling units are there (that lie partly or wholly within a consultation distance)? Less than 3



Landscaping : Do Not Advise Against

There are no questions for landscaping



If the proposed development relates to an extension to an existing facility, which will involve an increase of less than 10% in the population at the facility, then HSE may reconsider this advice; please contact HSE's Planning Advice team if this development involves such an extension.

Pipelines

- 6776_ Shell UK Exploration & Production
- 9007_ Ineos FPS Ltd (pka BP Exploration Operating Co Ltd)

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.
- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on our assessment of the pipeline as originally notified to us. It may be that in the vicinity of the proposed development the operator has modified the pipeline to reduce risks by, for example, laying thick-walled pipe. If you wish to contact the operator for this information then HSE is willing to re-assess the risks from the pipeline, relative to the proposed development, if all the following details are supplied to HSE by you:

- pipeline diameter, wall thickness and grade of steel.
- start and finish points of thick-walled sections (not required if it is confirmed that they are more than 750m from all parts of the development site).

These details to be clearly marked on a pipeline strip map, or other appropriate scale map, then included with the full consultation and submitted to CEMHD5, HSE's Major Accidents Risk Assessment Unit, Health and Safety Executive, Redgrave Court, Merton Road, Bootle, Merseyside, L20 7HS to allow it to be individually assessed. Please clearly identify on your covering letter that it is a resubmission with additional details of the major hazard pipeline. Please note there may be an additional charge for this work.

This advice report has been generated using information supplied by Aoife Murphy at Aberdeen City Council on 12 May 2021.

Note that any changes in the information concerning this development would require it to be re-submitted.

You may wish to contact HSE's Planning Advice team to discuss the above enquiry result on 0203 028 3708 or by email at lupenquiries@hse.gov.uk. Depending on the nature of the further discussions you may be advised that there is charge for consultancy work done on your behalf by the team.

Appendix 4 Case Officer Email

Afternoon David,

I understand that be frustrating for you and your client, but I have been in extensive talks with the HSE over the past few months regarding this proposal in order to understand why there is an objection and why it is being maintained and I have carried out several consultations on their Web App on the back of changes made to the proposal and every response in advising me that the HSE continue to object to the proposal. In light of this and as per

Policy B6, this proposal appears to be a potential risk to public safety and on that basis I have no other option but to refuse this application.

At this time, I am unable to accept any further changes to this proposal as the report has been finalised and we are in a position to determine the application. Should you not be satisfied with that the outcome then you can appeal the application to the Local Review Body within 3 months of the decision notice being issued.

Regards,

Aoife

<image001.jpg>

Aoife Murphy | Senior Planner
Aberdeen City Council | Development Management | Str
Marischal College | Ground Floor North | Broad Street | A

Appendix 5 HSE Email

From: LUP enquiries <LUPenquiries@hse.gov.uk>
Sent: Wednesday, August 4, 2021 1:37 pm
To: Josh Lambert
Subject: Re: Advice : HSL-210512142922-369 ADVISE AGAINST

CAUTION: This email originated from outside of RPS.

Dear Mr Lambert,

Thank you for your enquiry regarding possible developments at Wynford Farm, AB15 8RQ.

HSE is a statutory consultee for certain developments within the consultation distance of major hazard sites and major accident hazard pipelines.

The details for the Major Accident Hazard Pipelines and their associated HSE zones are:

Name: **Shell Expro Fergus to Mossmorran NGL Pipeline**

HSE Ref: **6776**

Transco Ref: -

Operator: **Shell UK Exploration and Production**

HSE Consultation Zones

Inner Zone (in metres): **100**

Middle Zone (in metres): **280**

Outer Zone (in metres): **315**

Name: **BP Forties Cruden bay Terminal/Kinnell Terminal**

HSE Ref: **9007**

Transco Ref: -

Operator: **Ineos FPS ltd (pka BP Exploration Operating Co Ltd)**

HSE Consultation Zones

Inner Zone (in metres): **110**

Middle Zone (in metres): **380**

Outer Zone (in metres): **435**

These distances apply on either side of the pipeline. All distances should be measured from the centre of the pipeline. Where consultation distances coincide, the inner-most zone is used to determine HSE's Land Use Planning Advice.

Please contact the operator for any constraints they may have around the pipeline, and for a map showing the pipeline route. Please note that we only have indicative maps for the pipeline routes. If you wish to know the exact layout of the pipelines you will need to contact the pipeline operator.

HSE's Land Use Planning advice is based on an assessment of the risks from the pipeline as originally notified to HSE. It may be that in the vicinity of the proposed development the operator has modified the pipeline to reduce risks by, for example, laying thick-walled pipe. You may wish to consider contacting the pipeline operator to see if the pipeline has been modified in this area; if it has, then HSE is willing to reassess the risks from the pipeline (there may be additional costs for this), relative to the proposed development, if all the following details are supplied: a) pipeline diameter, b) wall thickness, c) grade of steel, d) depth of cover over pipeline, e) start and finish points of thick-walled sections (this is not required if it is confirmed that they are more than 750m from all parts of the proposed development site. Please note that reassessment(s) may incur charges under our Option 3 consultancy services.

There is also further information on HSE's land use planning here: www.HSE.gov.uk/landuseplanning/

Land use planning (LUP) - Public safety advice - HSE

Information relating to land use planning. HSE provides advice to planning authorities on applications they receive for developments near major hazard sites.

www.hse.gov.uk

Although in your planning statement you are not increasing the car parking area you are still increasing the overall area of the barn and outdoor play area and as it is a children's play area this would fall into a sensitivity level 2 development for outdoor use by public and for indoor use by public as it's between 250 m2 and 5000 m2 this also falls into a sensitivity level 2 development. As the majority of these areas are in the inner zone of these pipelines then this would lead to our advise against decision. HSE would advise against any sensitivity level 2 developments located within the inner consultation zone.

If you require any further help please contact us.

Regards,

Berdine Clews

HSE's Land Use Planning Support Team
HSE Science and Research Centre
Harpur Hill, Buxton, Derbyshire, SK17 9JN

'WE HAVE MOVED' – Please note from 28th March 2021 our email address has changed to lupenquiries@hse.gov.uk for all enquiries

Find out how HSE is Helping Great Britain work well
For HSE's Land Use Planning Advice Terms and Conditions, please click on the following link <https://www.hsl.gov.uk/planningadvice> and then click on 'terms and conditions'.

Appendix 6 Atkins Report

Land Use Planning Assessment of a development at Wynford Farm, Kingswells

Wynford Farm, Kingswells

5090070 / Technical Note 1

December 2009

Land Use Planning Assessment of a development
at Wynford Farm, Kingswells

A Technical Note Prepared by
Atkins

On Behalf of
Wynford Farm

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DOCUMENT ISSUE CONTROL SHEET

Wynford Farm

Land Use Planning Assessment of a development
at Wynford Farm, Kingswells**Document History**

Issue	Date	Purpose	Rev	Prepared	Checked	Approved
1	Nov 2009	For Internal Review	Draft	NL	DD	PG
2	Dec 2009	For Client Comment	0	NL	DD	PG
3	June 2010	Final Report	1	NL	DD	PG
4						
5						

Notice

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1. Introduction

A planning application is to be submitted to the local planning authority for a development at Wynford Farm, Kingswells, Aberdeen. The site lies adjacent to two pipelines; Shell Natural Gas Liquids (NGL) and BP Crude Oil pipelines. The proposed development covers an indoor area of approximately 645 m² with a parking space of 653 m². The proposal is for a play barn and farm shop and it is classed as a café with a function room by the Aberdeen City council. The proposed development site falls within HSE’s Consultation Zones of two nearby pipelines. Since HSE would advise against (AA) the proposed development, it has been decided by that there is a requirement to assess the proposal against the PADHI constraints to determine the risk that HSE would request call-in. Below in Figure 1-1 is the plan for the proposed playbarn, shop and café development.

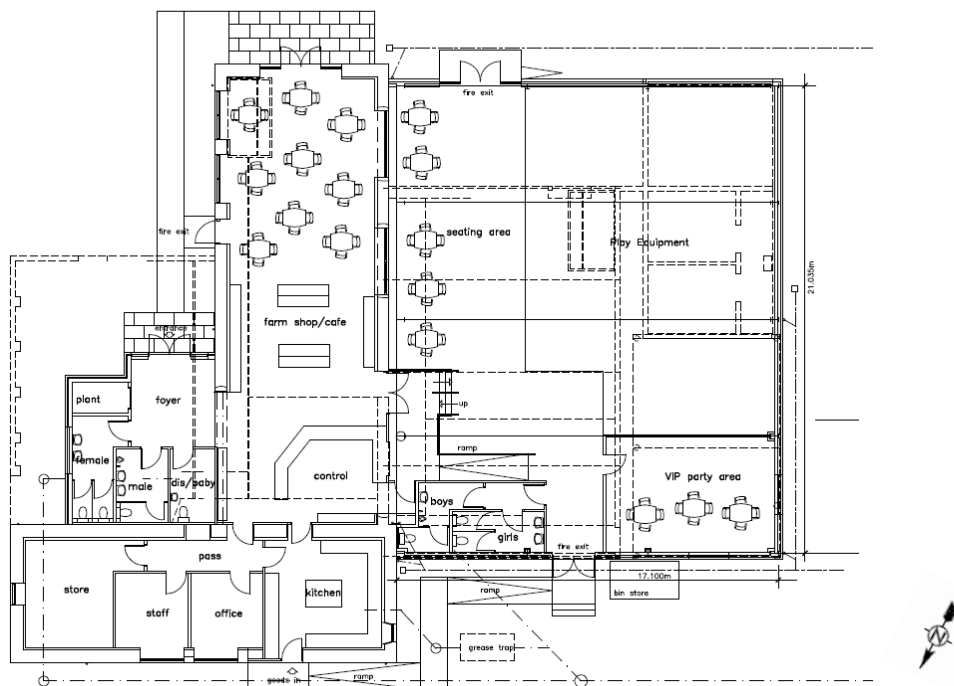


Figure 1-1: The Development Plan

2. Pipelines and their constraints

The proposed development is constrained by the Land Use Planning (LUP) zones associated with 2 pipelines. The BP pipeline was identified running from northeast to southwest where the closest distance to the pipeline is at the south-eastern part of the site. The Shell NGL pipeline initially runs parallel to the BP pipeline from the northeast but then diverges towards the southeast before heading away from the site.

The planning zones as derived by HSE for these two pipelines are given in Table 2-1. The site is located in the Inner Zones of both of these pipelines.

Table 2-1: Approximate LUP zone distances for the two pipelines considered

Pipeline	Inner Zone (IZ) 10 cpm	Middle Zone (MZ) 1 cpm	Outer Zone (OZ) 0.3cpm
Shell NGL, St Fergus to Mossmoran	150m	430m	485m
BP Forties Cruden Bay to Kinneil	110m	380m	435m

The zone boundaries are set to correspond to the individual risk levels indicated, where the units are in chances per million per year of receiving a dangerous dose (or worse). The relationship of these zones to the Land Use Planning system is discussed in Section 3.

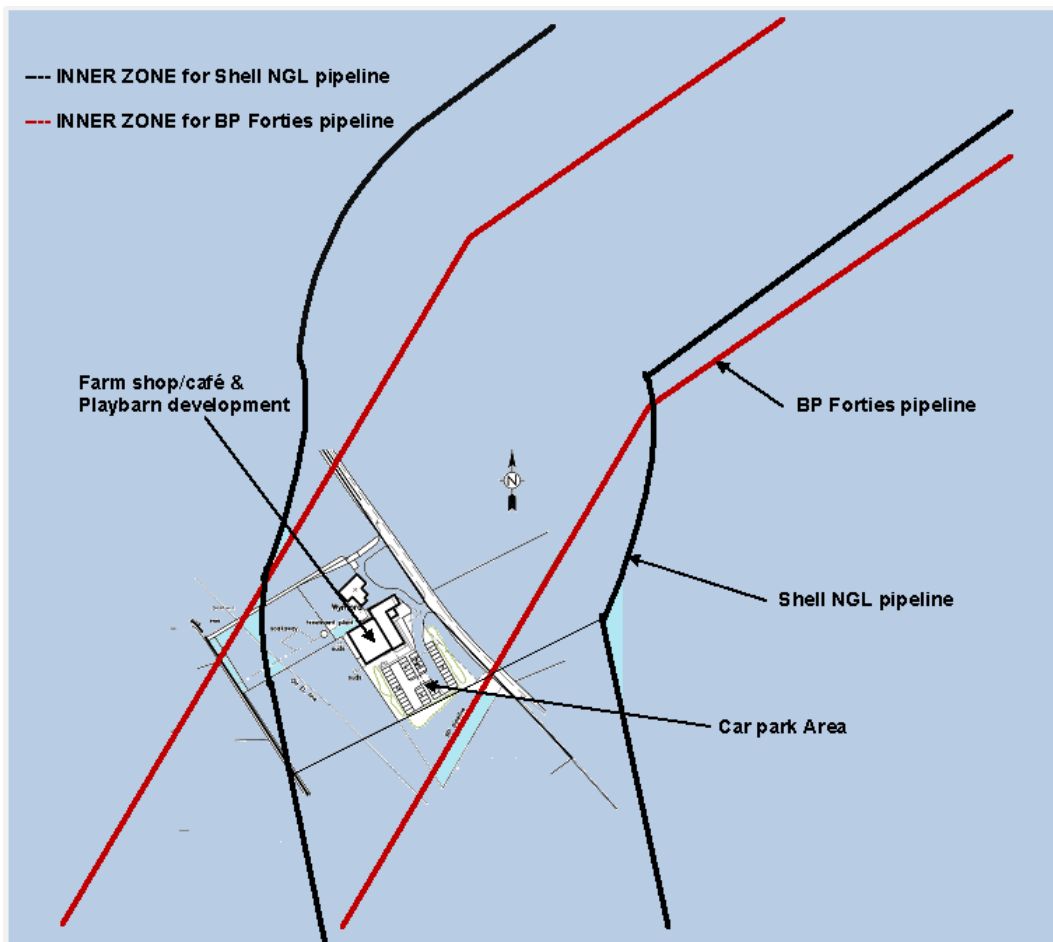


Figure 2-1: Location Identifiers for the Development Areas

3. Land Use Planning (LUP) issues

3.1 The HSE LUP System

In order to appreciate how the land use planning system operates, it is important to have a clear understanding of the key terminology.

- A **hazard** is simply an item of equipment or process which could lead to harm, i.e. it is the thing which presents the risk, such as a fuel tank or pipeline containing a hazardous substance.
- A **risk** is the chance of a specified level of harm occurring, such as the chance of fatality per year.

HSE is responsible for providing advice to Local Planning Authorities on proposed developments in the vicinity of major hazard sites, or major hazard pipelines, in the UK. The HSE uses information provided by the site operators (for discrete fixed installations, via the Hazardous Substances Consent applications, or for pipelines, via the Notification of Hazardous Pipelines Regulations) to define the extents of 3 zones. These 3 zones, the Inner, Middle and Outer zones correspond to areas of progressively lower levels of risk. HSE's advice is then provided through a system known as PADHI+ (Planning Advice for Developments near Hazardous Installations), and this system has now been computerised and disseminated for use by the Local Planning Authorities.

When a planning application is received by the Local Planning Authority (LPA) for a development which falls within the Consultation Distance (which is defined by the outer limit of the Outer Zone), the LPA uses a set of rules to determine the Sensitivity Level (1 to 4) of the proposed development, and then applies the following decision matrix (Table 3-1, reproduced from PADHI) to determine whether or not HSE would advise against the development, depending on sensitivity and location.

Table 3-1: HSE Decision Matrix for Land Use Planning

Level of Sensitivity	Inner Zone	Middle Zone	Outer Zone
Level 1	Don't Advise Against	Don't Advise Against	Don't Advise Against
Level 2	Advise Against	Don't Advise Against	Don't Advise Against
Level 3	Advise Against	Advise Against	Don't Advise Against
Level 4	Advise Against	Advise Against	Advise Against

The sensitivity levels range from the least sensitive, Level 1 (working populations which could easily respond to emergency actions), to the most sensitive, Level 4 (e.g. the elderly or children, who could not easily respond to emergency actions), with some variations to allow for size and density of developments. The sensitivity level of a particular development is determined from a series of development types (DT1 - DT4), as given in the PADHI document. These cover 4 main categories, each of which has a number of sub-classes (DT1.1, etc):

DT1:	People at work, Parking	2 sub-classes
DT2:	Developments for use by general public	5 sub-classes
DT3:	Developments for use by vulnerable people	2 sub-classes
DT4:	Very large & sensitive developments	2 sub-classes

In cases where PADHI returns an Advise Against response, the strength of that advice can be determined by the position in Table 3-1 of the cell into which the development falls. For the shaded cells, which are only 1 cell away from Don't Advise Against, the advice would remain, but HSE would not normally consider requesting call-in.

3.2 PADHI output

When a Local Planning Authority (LPA) considers an application for a development within the LUP zones of a COMAH (Control of Major Accident Hazard) site, or of a major hazard pipeline, it is required to assess the proposed development via the PADHI+ software. This has been developed by HSE and disseminated to LPAs in order to provide HSE's advice, which is in the form of 'Advise Against' or 'Do not Advise Against'.

In order to determine the advice, two main items of information are required:

- a) the planning zone within which the development lies
- b) the sensitivity level of the development

Item a) in this case is generally straightforward, since all of the proposed development located within the constraints range of the two pipelines shown on Table 2-1 lies within the Inner Zone. Development types are used as a direct indicator of the sensitivity level of the population at the proposed development. For the development which involves converting the current premises to a farm shop café, a play barn and a car park, it does not fall clearly into HSE's standard categories.

Considering each element of the development separately, the car park has Sensitivity Level 1 which would return 'Don't Advise Against' from the HSE decision matrix for land use planning. However, where the parking area is associated with other facilities i.e. at a retail or a leisure development, the sensitivity level and the decision will be based on that of the facility or development. The farm shop café and a play barn are classed as an Indoor Use by Public development (DT2.4 in PADHI). With the total floor space between 250 m² to 5000 m², the proposed development has the Sensitivity Level 2 which would result in 'Advise Against' output, one cell away from the 'Don't Advise Against' category, according to PADHI's decision matrix.

3.3 Consideration of call in

Although PADHI+ provides HSE's advice, the final decision regarding whether or not the development should receive planning permission lies with the Local Planning Authority, Aberdeen City Council in this case. The LPA will weigh up the risks against the socio-economic benefits before reaching a final decision.

For any case in which the LPA grants planning permission against their Advise Against advice, HSE would wish to scrutinise the Planning Application in order to ensure that the risks have been adequately considered. If HSE have significant safety or risk concerns, they have the option to consider requesting the application to be called-in. In the first instance, however, they would generally only consider call-in if the Advise Against was not in the shaded cells marked on Table 3-1. If the Advise Against were in one of these shaded cells, HSE would normally send a standard letter to the LPA reiterating their advice ('Advise Against'), but indicating that they would not pursue the matter further.

In cases where the advice is two or more cells removed from the 'Don't Advise Against' area of the matrix, HSE consider the application against their call-in procedure (SPC22), which sets out the following criteria which HSE use when determining whether to call-in:

- a) Significant residential development in the Inner Zone
- b) The risk of death exceeds the Tolerability of Risk (TOR) tolerability limit for a member of the public.
- c) There are substantial numbers of people exposed to the risks.
- d) The endangered population is particularly sensitive, e.g. the development is a hospital, school or old people's home.
- e) Have there been previous call-ins in similar circumstances?
- f) There are issues of national concern as opposed to merely of local importance.

- g) Clear evidence that the case concerned is being used to challenge the HSE's risk criteria for land-use planning.

The procedure in Scotland is slightly different in that any case in which the LPA grants planning permission against HSE's advice is automatically referred to the First Minister for Scotland. It is then up to the First Minister to liaise with the relevant technical units within HSE to determine whether or not to call in, and the same criteria as set out above are applied. Under recent changes, the proposed development is likely to be considered a 'major development' - defined as more than 50 residential units - rather than just a 'local development'.

3.4 Consultation Zone Classification

The planning zones for pipelines carrying flammable materials other than natural gas are determined by HSE. The methodology considers a range of releases which, if ignited, could result in fireball, jet fire, flash fire or pool fire events, descriptions of which are given below, and the effects of which are described in more detail in Section 5.1.

- Fireball – If a large release of gas or vaporising liquid is ignited within a few seconds then a large fireball lasting between around 10 and 20 seconds may be produced, with very high levels of thermal radiation in all directions.
- Jet Fire – Any ignition of gas or vaporising liquid will burn back to the point of release and may form a jet fire if the release is under pressure. Depending on the nature of the failure, the jet fire may be directed horizontally or vertically. Jet fires continue to burn for as long as the release of gas is not isolated, and the prolonged thermal radiation (or flame impingement) can lead to significant risks, although the impact tends to be relatively local.
- Flash Fire – If a release of gas or vaporising liquid is not ignited within a few seconds of the release, then a cloud of vapour will disperse downwind some distance from the point of release. If the flammable part of this cloud then finds a source of ignition, the area covered by the vapour cloud will burn rapidly as a flash fire, with significant risks to all those within the flash fire envelope.
- Pool fire – Any release of liquid may form a pool on the ground above which flammable vapour will be generated. If the release finds a source of ignition then a pool fire will be formed.

Failure frequencies are then used, depending on the pipe size and various other properties, to estimate the individual risk (in chances per million per year - cpm) of receiving a 'dangerous dose' or more at various distances from the pipeline route. This risk transect is then used to set the distances to the zones as indicated in Table 3-2.

Table 3-2: Determination of pipeline planning zones

Criteria	Inner Zone	Middle Zone	Outer Zone
Risk of dangerous dose (cpm)	10	1	0.3
Consequence/other	FBR*	-	4/3 x MZ+

* Fireball radius is used as minimum IZ distance

+ Maximum OZ distance

HSE's concept of Dangerous dose is sometimes taken to represent a probability of fatality of around 1% for an average population, but is generally taken to correspond to a level of harm which would cause:

- Severe distress to almost everyone
- A substantial fraction of the exposed population needing medical attention
- Some people to be seriously injured, requiring prolonged treatment
- Any highly susceptible people possibly being killed

Once these zones have been set for a particular pipeline, they will generally be applied for its whole length. The only exception to this would be if the pipeline operator proposes to upgrade a particular section of pipeline. The most common form of improvement would be the replacement of a section with thick walled pipe, and this could reduce some or all of the zones. Even if this were done, it is by no means certain that

the boundary of any particular zone would move in a way which is advantageous to this particular development. In this particular case, there is a thick walled section of the BP Forties pipeline of length approximately 18 m located at the Borrowstone road crossing at the southeast of the site. The risk contour of an escalation at the joint between thick walled pipe and regular wall pipe would form a circle around the rupture points, hence the arcs drawn in Figure 3-1. Therefore, in order to yield any significant reduction of the zone near the site, the length of the thick walled pipe should be at least 2 times the range of the Inner Zone (110 m) of the pipeline. Since the site is currently located approximately at the middle of the Inner Zone, the thick walled modification would need to extend to around 200 metres in order to result in any significant zone reduction.

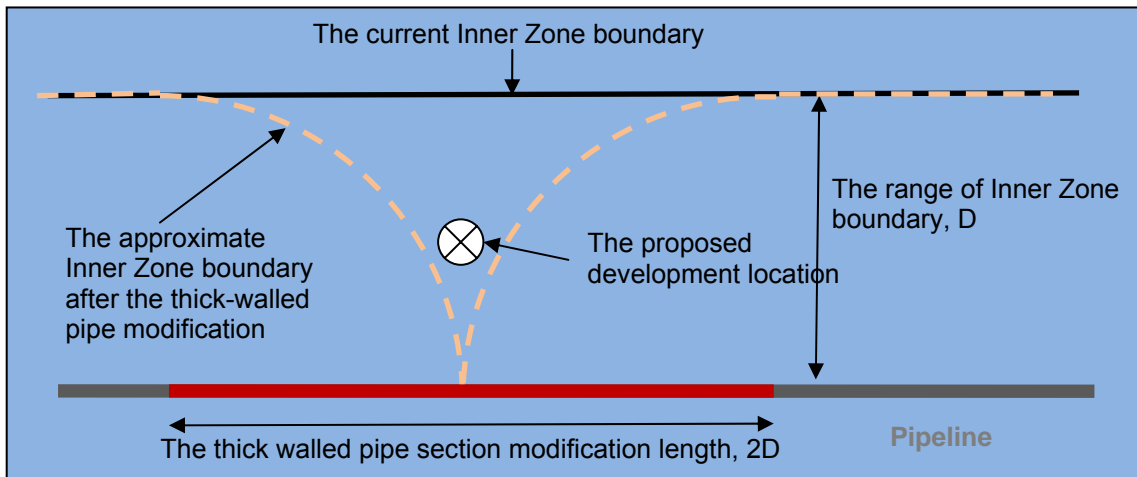


Figure 3-1: The approximate Inner Zone for a pipeline with and without thick walled modification

3.5 The Straddling Rule

When the area of the proposed development lies across a zone boundary, the Straddling Rule is used to decide which zone should be used in the Decision Matrix to generate HSE’s advice for any individual PADHI+ Development Type. This rule helps to assign the Development Type to the correct zone by determining whether 10% or more of that Development Type lies within a particular zone boundary.

As mentioned earlier in Section 3.4, if the pipeline operator proposes to upgrade a particular pipeline section, some reduction of consultation distance and zone boundaries may be achieved. If a thick walled pipe section modification is applied but with the length of less than twice the range of a particular pipeline Inner Zone, the proposed development site might fall in both Inner and Middle Zones. Provided that less than 10% of the total area of the playbarn development is located within the Inner Zone, the straddling rule can then be applied. This may lead to the development being determined as located in the Middle Zone and therefore the PADHI+ decision matrix would return DAA (Don’t Advise Against).

4. Potential for development

4.1 Sensitivity issues

Information has been supplied for the planning application to convert and extend an existing building to form a farm shop/café and play barn on an indoor area of approximately 645 m² with a parking area of around 653 m². The development falls within the Inner Zones of both pipelines and has Sensitivity Level 2. The PADHI+ system used by HSE has returned the result of advising against the granting of planning permission. Although the formal advice is 'Advise Against', the response remains within the shaded cells of Table 3-1, and therefore would not automatically attract 'call-in'. However, it cannot be inferred that HSE would raise no objection to the proposed indoor public use development at Wynford farm site, and indeed their AA advice will remain even if Planning Permission is granted. For that reason, some quantitative assessments are performed in the next section as a brief consideration of case societal risk associated with the site to guide the likelihood of HSE's call-in.

It is noted that the same type of development, premises for indoor use by public, would be classified as Sensitivity Level 1, if the total floor space were less than 250 m². For the site located in the Inner Zone, any Sensitivity Level 1 development would result in a 'Don't Advise Against' decision in the PADHI+ decision matrix. On the other hand, any indoor use by public development with total floor space of more than 5000 m² would be pushed to Sensitivity Level 3. The development of Sensitivity Level 3 in the Inner Zone has the PADHI output 2 cells away from 'Don't Advise Against' and it is most likely to lead to a request for call-in.

If the development proposed were outdoor use by public, for example food festivals, picnic areas, outdoor markets, funfairs, open-air exhibitions, children's play areas and country parks, with less than 100 people attending at any one time the sensitivity level would remain at Level 2. The original proposed development expects that a maximum of 180 children would visit per day. Assuming that each child is accompanied by one adult, the approximate total number of visitors per day would be 360. However, it is not expected that all these people would be in the playbarn at the same time (as discussed later in Section 4.2). The anticipated employee numbers are 2 full-time and 8 part-time staff. Even though the visits will not be made at the same time for all visitors, there is a possibility that the PADHI+ system may use the input of 370 people attending at any one time and push the sensitivity level up to Level 3 if the development were considered as an outdoor use. Where the development attracts more than 1000 people at any one time (i.e. theme parks, sport stadia, open-air market and outdoor concert), the sensitivity would be Level 4.

Since the site is located in the Inner Zones of both pipelines, in order that the proposed development should not fall into the Advise Against category, the level of sensitivity should be Level 1. The options for level one development types are as follows:-

- Workplaces; offices, factories, warehouse, farm buildings, non- retail markets and builder's yards where there are less than 100 occupants in each building and in each building has less than 3 occupied storeys
- Parking areas; car parks, truck parks and lock-up garages with no other associated facilities
- Housing; infill and backland development with 1 or 2 dwelling units
- Hotel/ Hostel/ Holiday accommodation; small guest houses, hostels, youth hostels, holiday camps, holiday homes, halls of residence, dormitories, holiday caravan sites and camping sites which accommodate less than 10 beds or 3 caravan/ tent pitches
- Transport links; estate roads or access roads which are single carriageway, as well as any railway or tram track with transient population

4.2 Quantification of development potential

Where further consideration of an Advise Against response is required, HSE uses a crude quantitative measurement in order to obtain a rapid assessment of the 'case' societal risk of a development called the Scaled Risk Integral (SRI). It is a measure of societal risk, and a high value would indicate that substantial numbers of people would be exposed to the risk. The SRI provides a simple approach which takes account of the important relevant factors in societal risk. On calculation of the SRI, call-in would be 'considered' by HSE for values above 500,000, and 'recommended' for values above 750,000.

The methodology for calculating the SRI is described in various HSE publications as follows:-

$$SRI = \frac{(P \times R \times T)}{A}$$

$$\frac{(n + n^2)}{2}$$

where, P = population factor, defined as

n = number of persons at the development

R = average estimated level of individual risk in cpm (based on Dangerous Dose)

T = proportion of time development is occupied by n persons

A = area of the development in hectares

The significance of various SRI values is shown in Table 4-1.

Table 4-1: The values of SRI correspond to HSE justification

SRI	Rationale
1,600	30 houses maximum
2,500	Lower limit of significant risk
35,000	Lower limit of substantial Risk
140,000	Upper limit of low density housing
500,000	HSE considers call-in
750,000	HSE definitely calls in

The following assumptions are made in order to calculate SRI in this case:-

According to the business plan, the opening hours are 9 am to 6 pm, 7 days a week, and the visitor numbers are expected to be:-

45 weeks	with 25 children/weekday
50 weekends	with 180 children/day
24 holiday days	with 180 children/day

A typical estimated visit duration is 1½ hours. The number of children visiting given above is unlikely to be the size of the population present on the site at the same time. Therefore, considering the total operation time of 9 hours per day divided by the estimated visit duration period, the number of people visiting the playbarn is assumed, for the purposes of the SRI calculation, to be spread over 6 visiting time intervals. It has also taken into account the peak period where there is a high demand for the services and non peak where the demand is low. The peak period is assumed to begin later on the day, i.e. after 12.00 am and end at 4.30 pm where the number of people reduces towards the end of the day. It is assumed that half of the playbarn opening time in one day is the peak time and another half is the non-peak time. The graphs in Figure 4-1 (a) and (b) show the estimated population distribution present at the proposed development site over its operating hours on weekends/holidays and weekdays respectively.

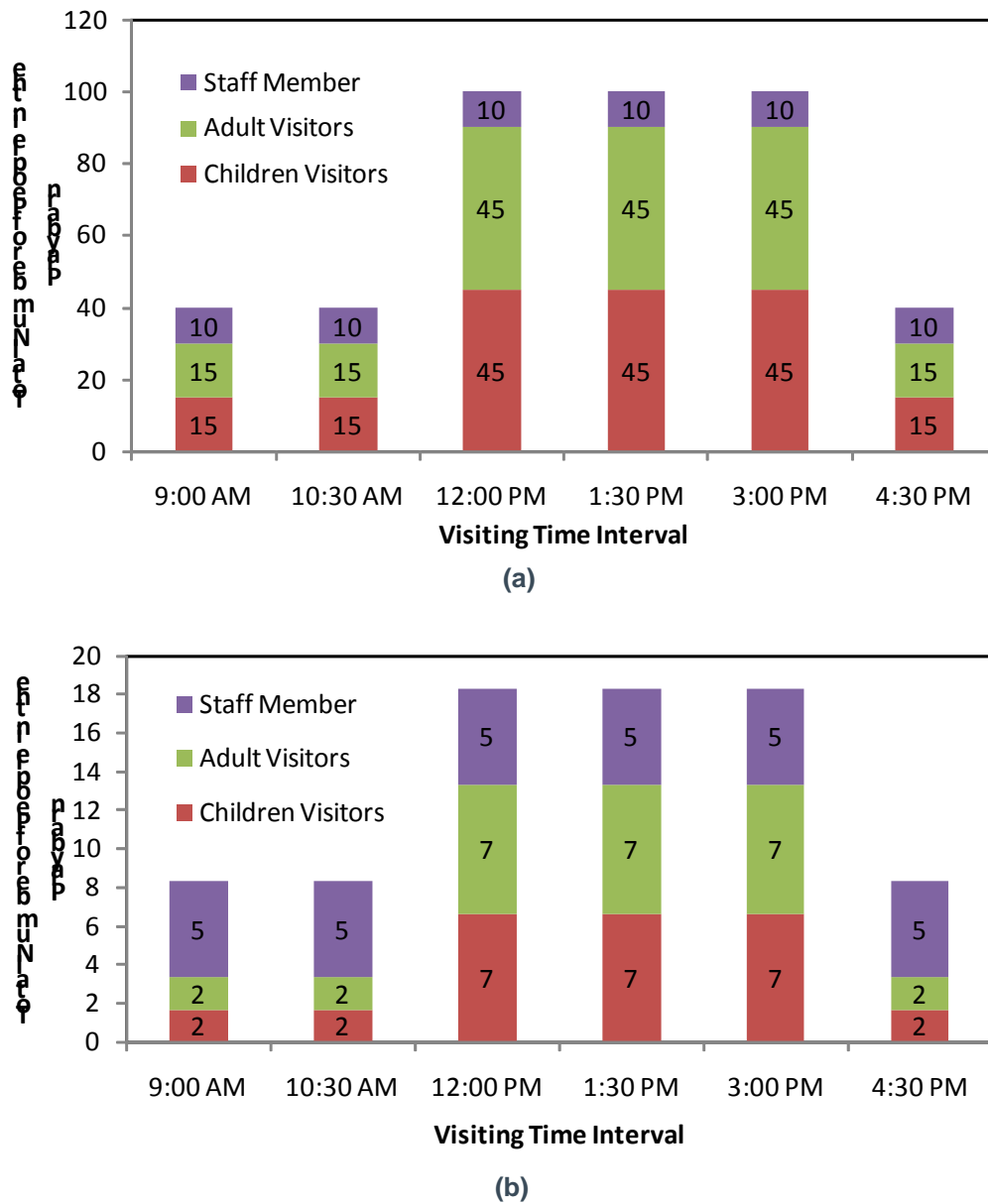


Figure 4-1: The Estimated Population Number at the Playbarn from 9.00 to 18.00 hrs.

During the weekends/holidays, it is assumed that 75 percent of the total number of children visitors in one day would visit during the peak period. This gives the number of 135 children which would be spread over the 3 time intervals from 12.00 am until 4.30 pm, and hence 45 children present on site in each peak interval. The number of children visiting during the non-peak period is assumed to be 25% of the total number of children visitors per day, this value of 45 again would be spread over the 3 visiting intervals from between 9.00 - 12.00 am and 4.30 - 6.00 pm and the number of children present in each non-peak interval is then calculated to be 15. The business plan stated that there will be 2 full time and 8 part time staff at the development. It is therefore assumed that there are 10 staff during the weekends and holidays and the staff are only present during their working hours from 9 am to 6 pm. The calculation takes into account the possible maximum number of people who may be present on the site, and it is assumed that each child is accompanied by one adult. The total population present on weekends/holidays is therefore 100 and 40 for peak and non-peak period respectively (see Figure 4-1). For weekdays, the distribution of 80% and 20% of the total number of children visitors during peak and non-peak period is assumed. It is also assumed that there are 5 staff working during weekdays. The numbers estimated for the total population present on site for weekdays are 19 and 9 for peak and non-peak times respectively.

It is assumed that the risk R is 10 cpm everywhere within the Inner Zone boundary of each pipeline. Since there are two hazard sites (the Shell NGL pipeline and BP Forties pipeline) which contribute R of 10cpm each, the total R used in the calculation is 20 cpm. It is also noted that this is likely to be a conservative interpretation, since in practice it has been found that, where the Inner Zone boundary is set on a protection basis (such as the fireball radius), rather than on a risk of dangerous dose basis, the risk at that boundary may be only 5 cpm or less.

The occupation factor (T) is obtained based on the assumptions stated above. There are two values of T calculated due to the different population sizes occupying the site. Since there are 50 weekends and 24 holiday days per year, the time for a total peak period of this sector in one year is calculated by multiplying the number of days, 124 days, with 4.5 operating hours per day (half of operating hours is of a high demand service) which gives 558 hours. For non-peak periods, the same calculation is applied. In order to calculate the occupation factor, T, the value of 558 hours was divided by total number of hours in one year, 8760 which will then give a T value of 0.064. According to the plan, there are 45 weeks of 5 weekday visits and therefore by employing the same method of calculation as above, multiplying the 225 days by 4.5 hours, the operating times for peak and non-peak periods are both equal to 1012.5 hours. By dividing 1012.5 by 8760, the value T of 0.116 is obtained.

As there are various approaches which can be adopted for the SRI calculation in this particular case, five possibilities, Cases A, B, C, D and E are considered. By employing the earlier assumptions, Case A is calculated based on the area of the play barn and shop café development only. The proposed development for an indoor play barn covers an indoor area of approximately 645 m² and this gives the value of development area of 0.0645 hectares.

In HSE's SRI assessment, it has been mentioned that, for a development proposal which occupies only part of a large site e.g. a club house at a golf course, an office block on a business estate, it may not be obvious what part of the site as a whole should be associated with the proposed building to determine the area A in the SRI formula. Case B therefore considers also the area including the car park of 653 m² which gives the value of development area of 0.130 hectares, with the other parameters for SRI calculation remaining the same as Case A.

It is also described in HSE's SRI assessment that in the case of a club house at a golf course and an office block on a business estate, the effective site area may use a multiple (usually 4) of the building footprint. This implication is adopted in the Case C calculation to compare the significant level that is contributed by area A to the SRI value.

For the value of T which is not being controlled by planning restrictions, HSE might use the factor of 0.5 for places of entertainment, shops and supermarkets. The total occupation factor obtained from the assumptions earlier, i.e. the sum of T calculated in Case A, is 0.359. This value is lower than the value of 0.5 set by HSE. By considering the possibility of this method of calculation being adopted the value of T in Case D is then adjusted to have the sum of 0.5. However, the proportion of T for weekends/holidays and weekdays remains the same as in Case A.

It has also been mentioned that particular categories of population occupying the site which differ significantly from the average may be accommodated by adjusting the value of 'n' by an appropriate factor 'c'. The playbarn would be occupied by children and may therefore be regarded as a sensitive population where the value of 'c' would be 2. This results in twice the value of 'n' considered earlier. In Case E, the calculation of 'n' being multiplied by 2 is used along with the other parameters of those in Case A. Details of parameter values used in the calculation are listed on Table 4-2 below, and the resulting SRI values are given in Table 4-3.

It is shown in Table 4-3 that the SRI values calculated for all Cases A, B, C, D and E do not lead to HSE's consideration or initiation of 'call-in' since they are below 500,000. The SRI values calculated for Cases A, B and C are below 140,000, which is the upper limit of low density housing. However, HSE may invoke the call-in procedure if aspects cause exceptional concern even though the SRI value does not exceed 500,000. In Case E which regards the whole population at the proposed development site as vulnerable people, the SRI value of 499,500 is obtained. This is just below the value at which HSE would consider a call-in.

The SRI value is inversely proportional to the area of the development. As the area decreases, the SRI value increases by the same rate. It is shown on Table 4-3 that the SRI value calculated for Case A decreases by a factor of four when applying the multiple effective area methodology in the calculation, Case C. Therefore, to decrease the SRI value, for example in Case E to be well below 500,000, the area of the indoor development would need to be increased.

Table 4-2: Parameters Used for the SRI Calculations

	Time of visit	Number of persons at the development, n		Population factor, P		Average estimated risk, R (cpm)	Proportion of time, T	Area of the development, A (ha)
		Peak	Non-peak	Peak	Non-peak			
CASE A	weekends and holidays	100	40	5050	820	20	0.064	0.0645
	weekdays	21	9	231	47	20	0.116	0.0645
CASE B	weekends and holidays	100	40	5050	820	20	0.064	0.130
	weekdays	21	9	231	47	20	0.116	0.130
CASE C	weekends and holidays	100	40	5050	820	20	0.064	0.258
	weekdays	21	9	231	47	20	0.116	0.258
CASE D	weekends and holidays	100	40	5050	820	20	0.089	0.0645
	weekdays	21	9	231	47	20	0.161	0.0645
CASE E	weekends and holidays	200	80	20100	3240	20	0.064	0.0645
	weekdays	42	18	903	171	20	0.116	0.0645

Table 4-3: SRI Values for All Cases

Time of visit	Area	SRI Value
CASE A	Playbarn, Shop & Café	125,900
CASE B	Playbarn, Shop & Café and Car Park	62,600
CASE C	4 x Playbarn, Shop & Café	31,500
CASE D	Playbarn, Shop & Café	175,400
CASE E	Playbarn, Shop & Café	499,500

4.3 Qualitative consideration of development potential

In cases where the general individual risk is low, but there is scope for a large number of people to be affected at the same time, i.e. the risk is mainly societal, it is difficult to determine acceptability using numerical criteria only since there are several considerations, for example, the socio-economic benefits, number of people killed or injured, political reaction etc. HSE might recognise these other factors, one of which is the existing buildings. For example, the development of 10 houses on a 1-acre site in an area where there are already many houses might well be perceived to be less significant than 10 houses near a major hazard which is otherwise surrounded by green fields. Since the proposed development is isolated, this may be the significant issue considered by the HSE.

From the report provided on the major accident hazards involving land transmission pipeline failures in Western Europe, HSE has noticed that the main cause of the failure has resulted from third party activity with earth moving machinery. This has contributed 41 percent of the total causes. It is possible that construction activities at the proposed site may increase the frequency of these events. However, the CONCAWE data states that a major part of accidents by third party activities, 65%, result from ignorance of the pipeline location, especially in the case of non-notified works, and the other causes result from negligence of the third party operator. This is not likely to be the case for this development since the information on pipelines has already been provided.

There is information provided on previous applications for developments within the Inner Zone of the Shell NGL St Fergus – Moss Moran which are listed below:-

- Sensitivity Level 2: A golf course.
HSE Decision: Allow It was recommended that the clubhouse should be at least 1000m from the pipeline unless used for social function attracting large numbers in which case it should be 400 m from pipeline
- Sensitivity Level 2: Single bungalow at 50 m from pipeline
HSE Decision: Refuse Refusal recommended if location is within 50m of the pipeline distance
- Sensitivity Level 2: Single three bedroom bungalow 20m away from the pipeline
HSE Decision: Refuse
- Sensitivity Level 2: Three bedroom house 70m away from the pipeline
HSE Decision: Allow
- Sensitivity Level 1: Residential caravan at an airfield owned by the local gliding club located 50m away from the pipeline
HSE Decision: Allow

* Sensitivity Level described in Section 3.1

From the historical applications, there are both Allow and Refuse decisions for the proposed development of Sensitivity Level 2 in the Inner Zone. The closest point at which an 'Allow' decision has been made is 70 m, which is lower than the 100 m in the present case.

5. Discussion of the risks

5.1 Estimated consequences of hazardous events

Fireball events

The likely effects of a fireball event from the pipeline have been approximated by comparison with the modeled consequences of a similar event from a recent Atkins project. It is estimated that the consequences of a fireball from the pipeline would be as follows;

Fireball radius	≈	116m for BP Forties and 150m for Shell NGL
1000 tdu (Dangerous Dose)	≈	380m for BP Forties and 430m for Shell NGL

All people within the fireball radius, i.e. the inner zone, are expected to be fatalities even allowing for any shelter provided. The distance of the proposed development is approximately between 50 to 85 m from the BP Forties pipeline and 100 to 125 m from the Shell NGL pipeline, i.e. within the fireball radius in each case. As a result, the site is determined to be in the Inner Zone and limited development types are possible.

Flash Fire events

An estimation of the consequences of the Flash Fire event to predict the dispersion footprint of the cloud can be made using consequence modelling which has also been investigated for both pipelines in Atkins previous work. It can be deduced that in a typical wind conditions in the east, southeast and south directions, flash fire cloud footprint would stretch beyond the development site and the proposed site would be engulfed by the flash fire envelope.

A flash fire risk for people outdoors is set by assuming that all persons within the predicted lower flammability limit (LFL) envelope suffer fatality. It is assumed, however, that visitors would generally be located indoors, and it is usual to assume that 5% of people located indoors within a flash fire envelope would be fatalities. Therefore there would be approximately $100 \times 0.05 = 5$ additional fatalities from this event (as well as additional injuries) considering the time with the highest number of visitors. Even if 10% of the population were outdoors, the total additional fatalities would only increase to a maximum of 15.

Jet Fire events

The consequences of a jet fire event would normally be relatively localized to the pipeline. However, the weather conditions may increase the area impacted by the event. Under strong wind conditions blowing from the pipeline towards the site (i.e. SE wind), the length of the flame may be extended.

Pool Fire events

The diameter of a pool fire depends on the release rate, the surface emissive power, the relative humidity of the air, the orientation of the object irradiated with respect to the fire etc. This rare event would cause significant fatality at the playbarn development, but is of rather lower frequency than the lesser events.

5.2 Estimation of risk at the development site

For NGL pipelines conveying flammable substances other than natural gas vapour, the zones are set on consideration of the risks from three events; a fireball event, a jet fire event, and a flash fire event. For the BP crude pipeline the pool fire event would also be included.

The definition of these zones can be summarized by the following (see Section 3.4 above);

Zone	Basis of distance
Inner Zone	Predicted fireball radius (10cpm)
Middle Zone	Risk levels of 1cpm
Outer Zone	Distance to middle zone x 4/3 or 0.3cpm (whichever lesser)

Considering the BP Forties pipeline, out of the four hazardous events of concern, the dominating hazard in the area are the jet fire and pool fire since the site is located relatively close to the pipeline. The fireball and large pool fire events are of rather lower frequency and the flash fire event dominates at greater distances. In the case of the developments proposed, it can be seen that a jet fire event has the greatest possibility of impacting the site.

5.3 Tolerability of estimated risk levels

In order to set this level of risk in the context of typical major hazard risks, it can usefully be compared with standard risk tolerability criteria. The HSE's framework for judging the tolerability of risk is represented in Appendix I, and described in paragraphs 122 to 124 of R2P2 as follows:

The triangle represents increasing level of 'risk' for a particular hazardous activity (measured by the individual risk and societal concerns it engenders) as we move from the bottom of the triangle towards the top. The dark zone at the top represents an unacceptable region. For practical purposes, a particular risk falling into that region is regarded as unacceptable whatever the level of benefits associated with the activity. Any activity or practice giving rise to risks falling in that region would, as a matter of principle, be ruled out unless the activity or practice can be modified to reduce the degree of risk so that it falls in one of the regions below, or there are exceptional reasons for the activity or practice to be retained.

The light zone at the bottom, on the other hand, represents a broadly acceptable region. Risks falling into this region are generally regarded as insignificant and adequately controlled. We, as regulators, would not usually require further action to reduce risks unless reasonably practicable measures are available. The levels of risk characterising this region are comparable to those that people regard as insignificant or trivial in their daily lives. They are typical of the risk from activities that are inherently not very hazardous or from hazardous activities that can be, and are, readily controlled to produce very low risks. Nonetheless, we would take into account that duty holders must reduce risks wherever it is reasonably practicable to do so or where the law so requires it.

The zone between the unacceptable and broadly acceptable regions is the tolerable region. Risks in that region are typical of the risks from activities that people are prepared to tolerate in order to secure benefits, in the expectation that:

- *the nature and level of the risks are properly assessed and the results used properly to determine control measures. The assessment of the risks needs to be based on the best available scientific evidence and, where evidence is lacking, on the best available scientific advice;*
- *the residual risks are not unduly high and kept as low as reasonably practicable (the ALARP principle – see Appendix 3 [of R2P2]); and*

- *the risks are periodically reviewed to ensure that they still meet the ALARP criteria, for example, by ascertaining whether further or new control measures need to be introduced to take into account changes over time, such as new knowledge about the risk or the availability of new techniques for reducing or eliminating risks.*

In terms of providing quantitative criteria to define these regions, paragraph 130 of R2P2 states that:

“HSE believes that an individual risk of death of one in a million per annum for both workers and the public corresponds to a very low level of risk and should be used as a guideline for the boundary between the broadly acceptable and tolerable regions.”

Paragraph 132 of R2P2 goes on to consider the boundary between the ‘tolerable’ and ‘unacceptable’ or intolerable region and concludes:

“For members of the public who have a risk imposed upon them ‘in the wider interests of society’ this limit is judged to be ... 1 in 10,000 per annum”.

Although these criteria are set in the context of COMAH compliance, they can also provide a useful indicator in the present (Land Use Planning) context.

The risk level at the proposed development site arising from the two nearby hazardous pipelines is estimated to be around 20 in a million per annum (cpm) of dangerous dose. For the benchmark mentioned, HSE would consider this value of risk as ‘Tolerable if ALARP’, in the context of COMAH compliance.

Furthermore, HSE RR703 noted that the boundary between the unacceptable and ‘tolerable if ALARP’ region is calculated to correspond to a Scaled Risk Integral of approximately 500,000. The boundary between the ‘broadly acceptable’ region and the ‘tolerable if ALARP’ region is assumed to be two orders of magnitude below the ‘unacceptable’ boundary and was calculated to correspond to a risk integral of approximately 2,000. The calculated SRI value for the site is around 126,000, which is substantial, but lies below the upper limit for low density housing (see Table 4-1).

Protection concept

HSE uses the ‘protection-based’ approach to determine consultation distances (CDs) and zone boundaries for some sites. This method selects a representative ‘event’, for cases where experience with risk analysis has shown that there is one event that dominates the risk profile. This event is chosen to form the basis of a protection-based assessment from which the consequences are modelled and hence the land use planning zones determined.

The protection-based approach as employed by HSE is based upon the description in the third report of the Advisory Committee on Major Hazards:

“Ideally, the separation should be such that the population would be unaffected whatever accident occurs. For hazardous installations, however, such a policy is not reasonably practicable. It seems reasonable to aim for a separation which gives almost complete protection for lesser and more probable accidents, and worthwhile protection for major but less probable accidents.”

The selection of the representative worst-case major accident for the protection concept has been considered by some to be somewhat arbitrary. HSE now quantifies the residual risk, but where the quantification of risk is difficult or uncertain, or where the protection concept would generate similar results in terms of the size of land use planning zones and the advice given, then HSE continues to base its land use planning advice on residual risk as represented by the consequences of a representative worst case accident.

6. Options for Risk Reduction

The proposed development falls in the 'Tolerable if ALARP' region of HSE's framework of tolerability of risk. Risks in this region are typical of the risk from activities that people are prepared to tolerate in order to secure benefits. In this region, regulators will require risks to be further reduced if it is reasonably practical to do so.

There are options which may be employed to facilitate the further reduction of risks. According to the location map, the closest distances of the site to the BP Forties pipeline and the Shell NGL pipeline are approximately 50m and 100 m respectively. By relocating the playbarn to the northwest of the site beyond Shell NGL pipeline's Inner Zone, the total individual risk level may reduce from 20 cpm to approximately 15 cpm or less. It is estimated that of this 15 cpm individual risk level, 10 cpm is contributed by BP Forties and 5 cpm by Shell NGL pipeline since the risk level would not necessarily drop rapidly to 1 cpm once the Inner Zone boundary is crossed. In this case, the SRI values would reduce to $\frac{3}{4}$ of those calculated earlier. However, according to the PADHI matrix system, the AA would remain.

The reduction in the sizes of some or all of the zones can also be achieved when the pipeline operator proposes to replace a section with thick walled pipe or to add an additional sleeve on an existing pipe. In this particular site location, the BP pipeline is 50 m from the proposed playbarn. At present, the BP Forties pipeline with a thickness of 3/8" is protected by a tubular steel sheath of length approximately 18 m located at the Borrowstone road crossing section. As discussed earlier in Section 3.4, the additional modification of thick-walled pipe section of at least 2 times of the Inner Zone range (220 m) would be required in order to reduce the risk at the site area and push the proposed development into the Middle Zone. Without this modification, the proposal would remain in the Inner Zone even if it is moved to the northwest of development plan as suggested earlier.

7. Conclusions

Based on the PADHI matrix decision system, the proposed development site is Sensitivity Level 2 and is located within the Inner Zone of 2 pipelines, BP Forties and Shell NGL. The outcome decision would be AA from HSE. However, the societal risk calculated using SRI measurement gives the value which does not fall into the range of HSE consideration for a 'call - in'.

The Scaled Risk Integral value obtained for Case A based on the proposed business plan information is 126,000. This is within the substantial risk range but is less than the upper limit of low density housing. Even though the SRI value does not exceed 500,000, HSE may invoke the call-in procedure if there are other aspects which caused an exceptional concern.

The calculation has also taken into account the possibility of regarding the population at the proposed development site as vulnerable people, due to number of children present. HSE may treat the population differently for this case and therefore a calculation with the vulnerability factor of 2 was undertaken. The SRI value is calculated to be 499,500 for this case which is just below the value at which HSE would consider a call-in. However, the development does not fall into those which are typically used by vulnerable people, for example, hospitals, nursing homes, prisons and schools. Furthermore, it is most likely that the children would be accompanied by adults, and would therefore be more likely to be able to take emergency action.

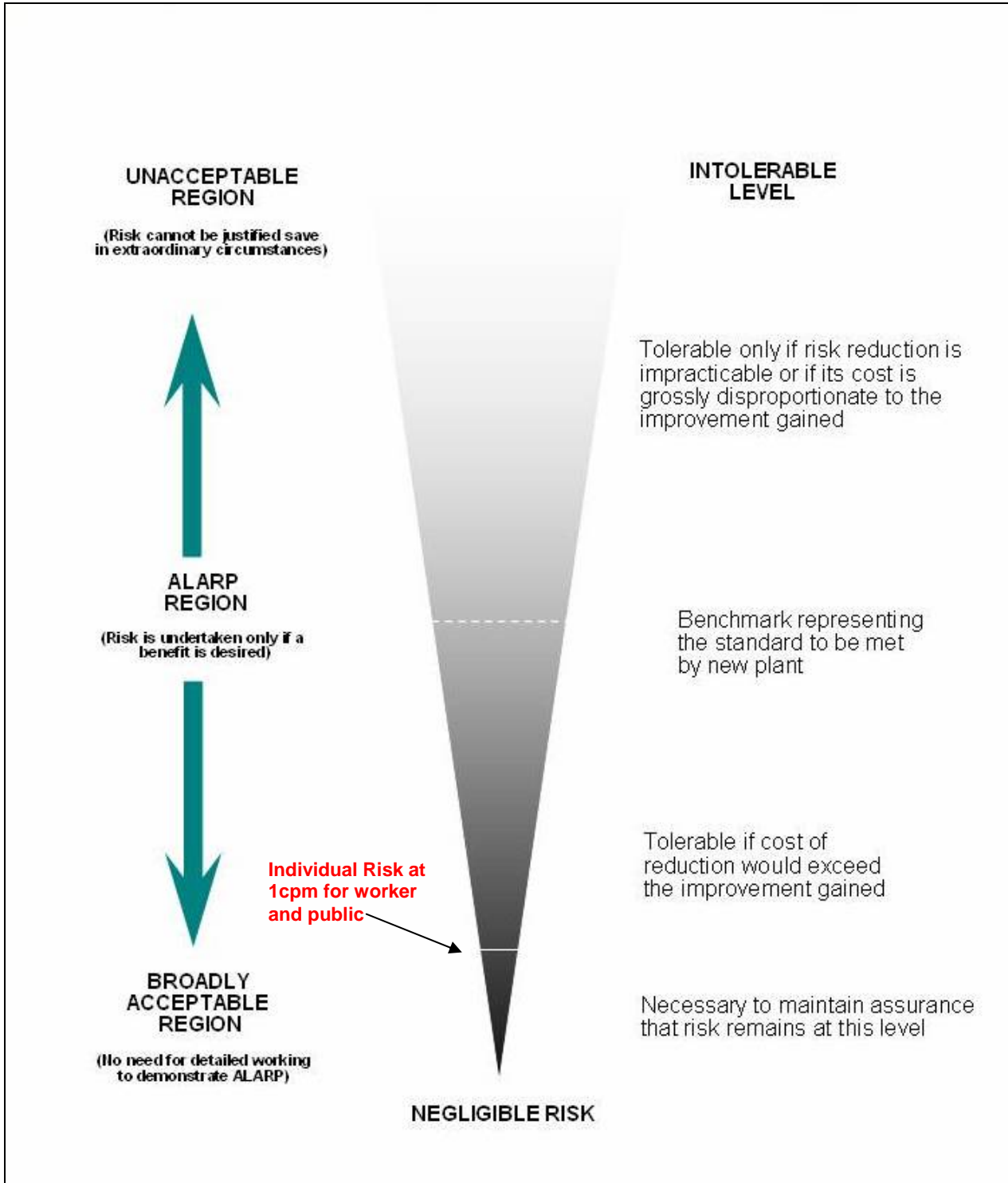
The additional modification of the thick-walled pipe of twice the range of the pipeline's Inner Zone would reduce both the individual and societal risk level at the site. This significant modification would result in a zone reduction to the Inner Zone, which would enable the PADHI decision matrix system to return DAA.

8. References

- 1) Aspects of risk assessment for hazardous pipelines containing flammable substances, David Carter, 1991
- 2) HSE Risk criteria for Land-Use Planning in the vicinity of major industrial hazards
- 3) Chapter 6P: Risk assessment for pipelines conveying flammable substance other than natural gas
- 4) Chapter 8B: The Scaled Risk Integral
- 5) The Conversion of Existing Steading and Extension to Form Farm Shop/ Café and Playbarn proposal

9. Appendices

Appendix I: HSE Framework for tolerability of risk



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Appendix 7 SRI Calculations

Introduction

Planning applications have been submitted to the local planning authority for development at Wynford Farm, Kingswells, Aberdeen. The site lies adjacent to two pipelines; Shell Natural Gas Liquids (NGL) and BP Crude Oil pipelines. The original development had Strategic Risk Integers (SRI) calculated by Atkins Global using an indoor area of approximately 645 m². The development is for a play barn and farm shop and it is classed as a café with a function room by the Aberdeen City council. The proposed development site falls within HSE's Consultation Zones of two nearby pipelines. Since HSE would advise against (AA) the proposed development, it has been decided by that there is a requirement to assess the proposal against the PADHI constraints to determine the risk that HSE would request call-in. The original calculations are used as the basis for recalculations, the worse case scenario in the original calculations was Case E which returned an SRI of 499,500. In this new case we are dealing with an increase in area and we also consider an increase in customer population.

Calculation

In the Atkins report it is shown in Table 4-3 that the SRI values calculated for all Cases A, B, C, D and E do not lead to HSE's consideration or initiation of 'call-in' since they are below 500,000. The SRI values calculated for Cases A, Band C are below 140,000, which is the upper limit of low density housing. However, HSE may invoke the call-in procedure if aspects cause exceptional concern even though the SRI value does not exceed 500,000.

Case E is the worst case scenario which regards the whole population at the proposed development site as vulnerable people, the SRI value of 499,500 was obtained. This is below the value at which HSE would consider a call-in.

The SRI value is inversely proportional to the area of the development. As the area increases, the SRI value decreases by the same rate.

For simplicity we will only consider the worst case scenario for this application, Case E as if this passes then there are no issues with the other cases. Therefore, in this case where the additional recreational area of .945 Ha is considered the SRI decreases in the ratio of .064/.945 = .063 and the SRI value in Case E goes to 31,682. The Planning Department asked if the number of additional customers would be under or over 100, our response is that we believe that the total number of additional customers would be significantly less than 100 however for simplicity and brevity we shall take the increase in the population for SRI calculation purposes to be 100. So if we were to take Case E with an increased population of 300 total, peak, ($v200$) then as $P = (n+n2)/2$ the SRI would be recalculated as 71,254.

In each case the SRI is significantly less than the threshold of 500000 at which the HSE would automatically 'call-in' the proposal, indeed it is significantly below the level set for low density housing (140,000).

Conclusions

Based on the PADHI matrix decision system, the proposed development site is Sensitivity Level 2 and is located within the Inner Zone of 2 pipelines, BP Forties and Shell NGL. The outcome decision would be AA from HSE. However, the societal risk calculated using SRI measurement gives the value which does not fall into the range of HSE consideration for a 'call - in'.

The Scaled Risk Integral value obtained for Case E based on the proposed business plan information is 71,254.

The calculation has also taken into account the possibility of regarding the population at the proposed development site as vulnerable people, due to number of children present. HSE may treat the population differently for this case and therefore a calculation with the vulnerability factor of 2 was undertaken. The SRI value is calculated to be 71, 254 for this case which is significantly below the value at which HSE would consider call-in.

However, the development does not fall into those which are typically used by vulnerable people, for example, hospitals, nursing homes, prisons and schools. Furthermore, it is required that the children would be accompanied by adults, and would therefore be more likely to be able to take emergency action. Hence in reality the SRI would be significantly lower than the stated value.

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LOCAL REVIEW BODY



210677/DPP– Review against refusal of planning permission for:

Partial conversion of an existing coach-house to domestic garage including erection of single storey extension; installation of replacement door; formation of garage door and installation of electric vehicle charging point to rear

9 Marine Terrace, Aberdeen

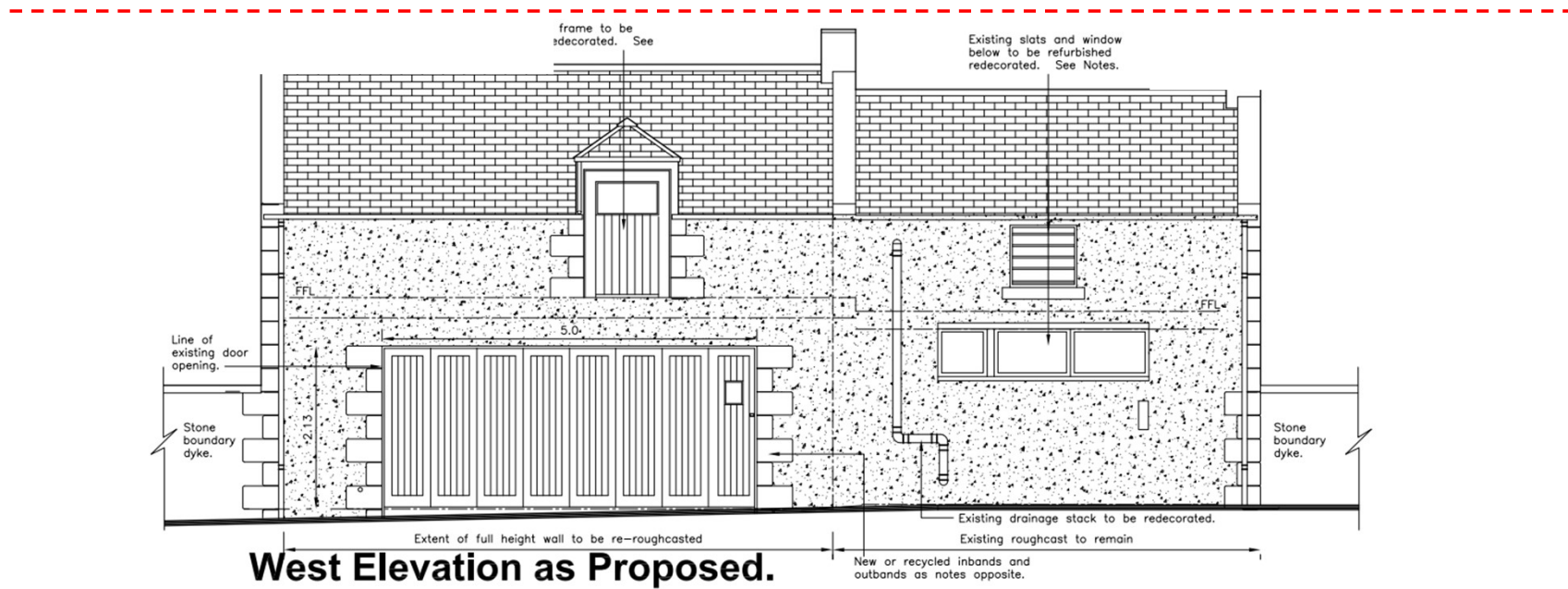
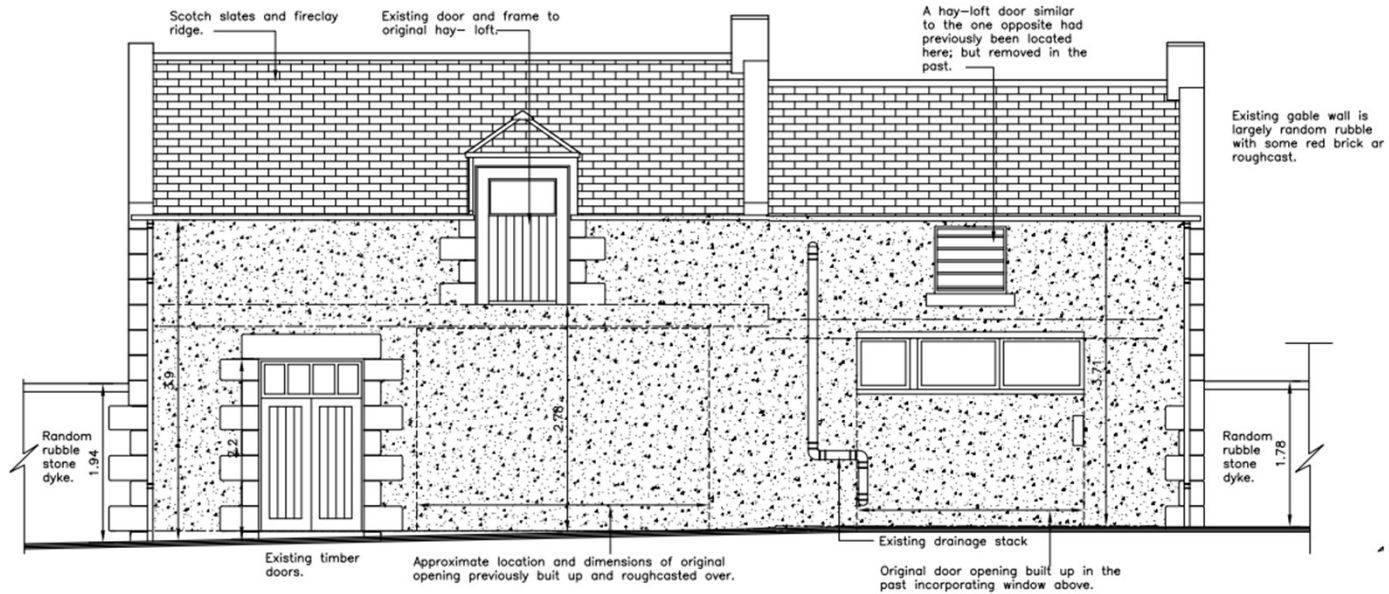
Location – Aerial Photo



Photographs as existing

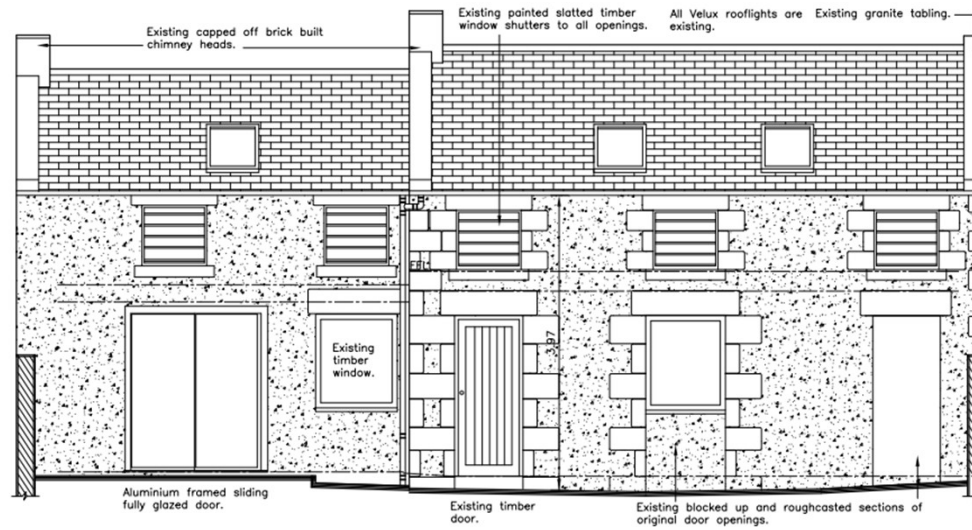


West elevation: Existing and Proposed



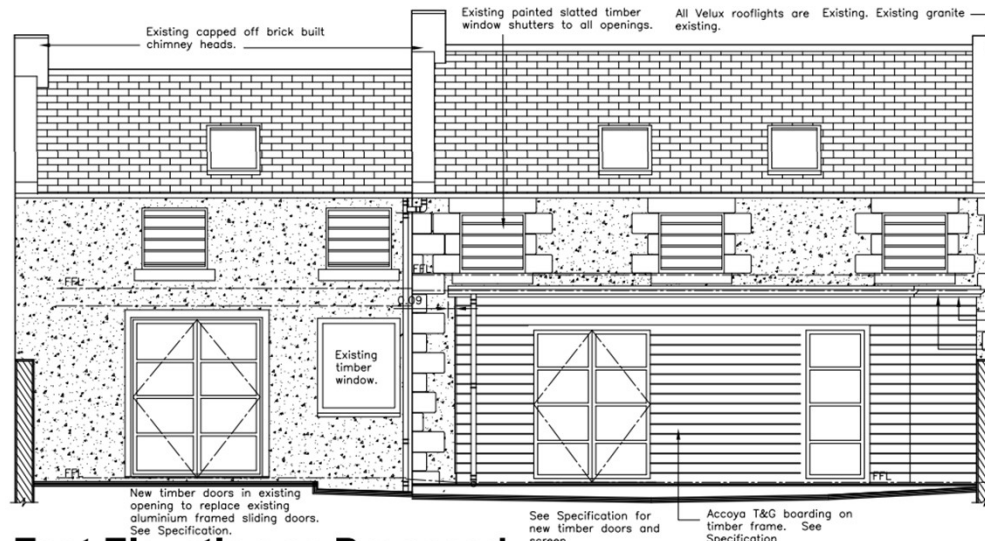
West Elevation as Proposed.

East elevation: Existing and Proposed



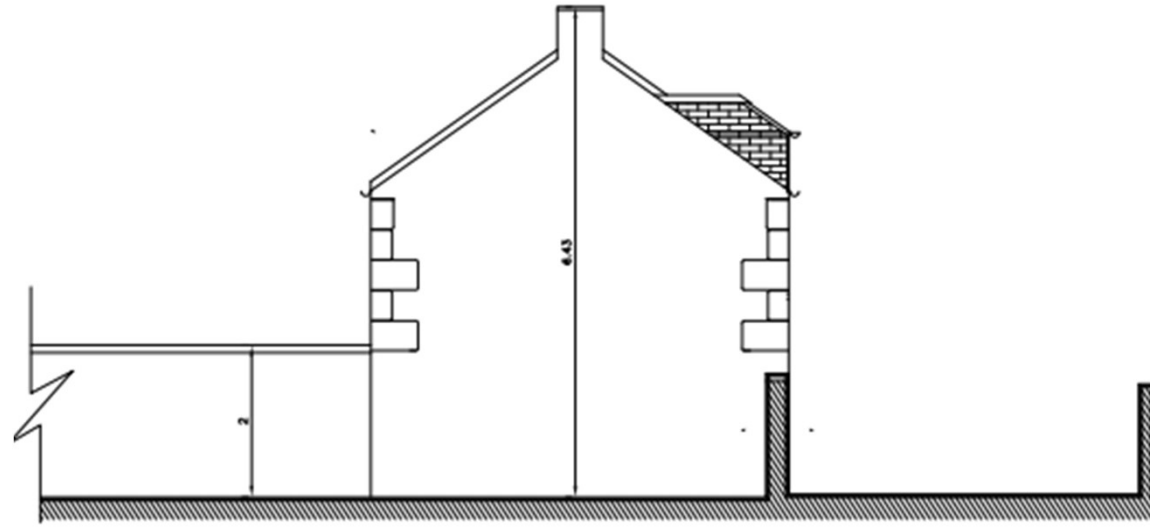
East Elevation.

The general finish to the west and east walls is dry dash roughcast with exposed granite inbands and outbands to openings as shown. All gutters and downpipes are black painted cast iron.

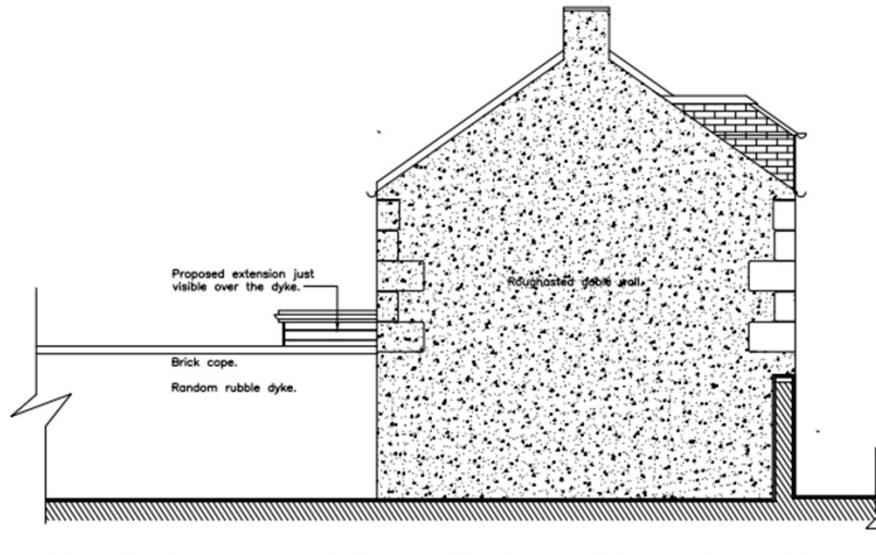


East Elevation as Proposed.

North (side) elevation: Existing and Proposed

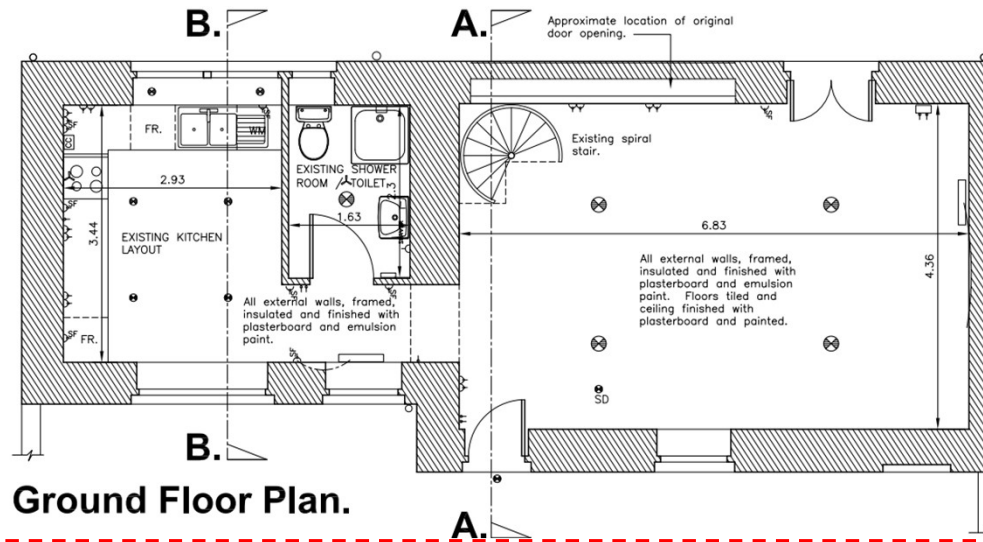


North facing gable wall viewed from No 10.



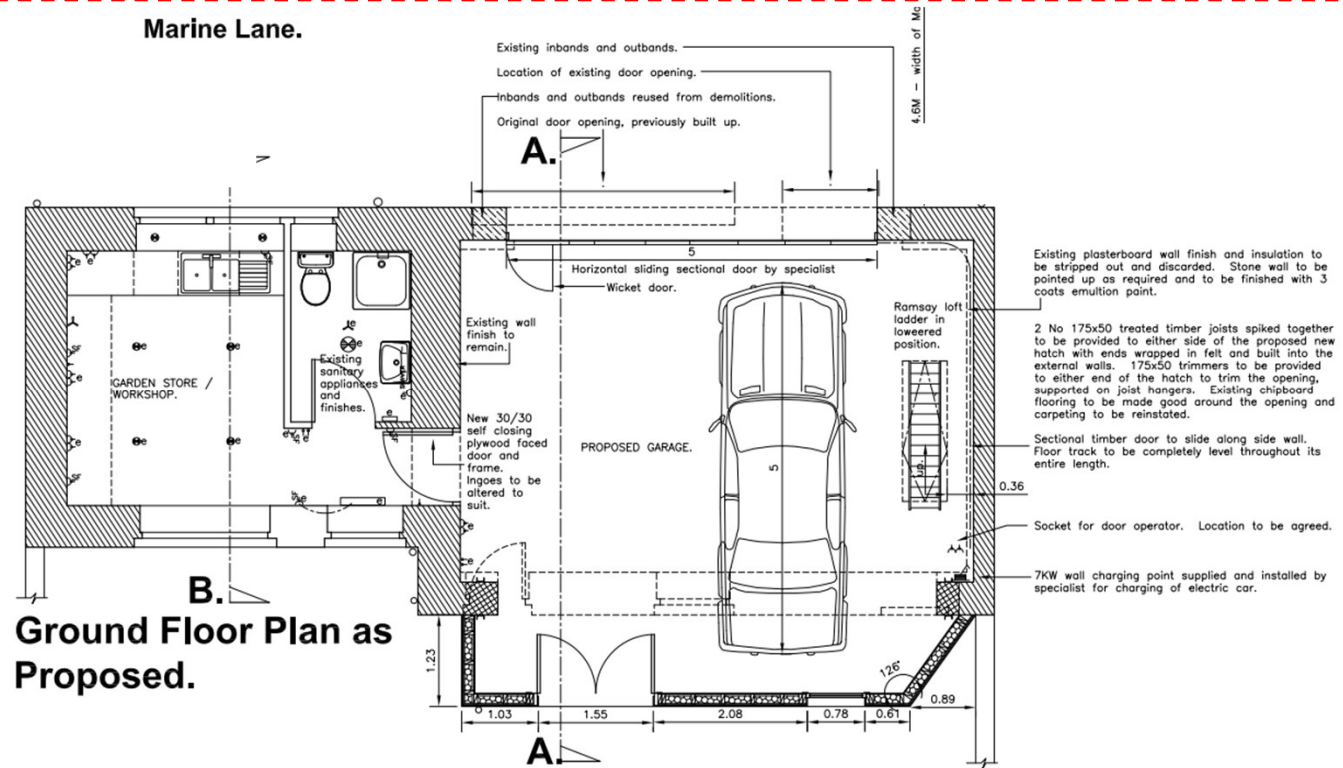
North facing gable wall viewed from No 10 showing proposed extension.

Ground Floor: Existing and Proposed



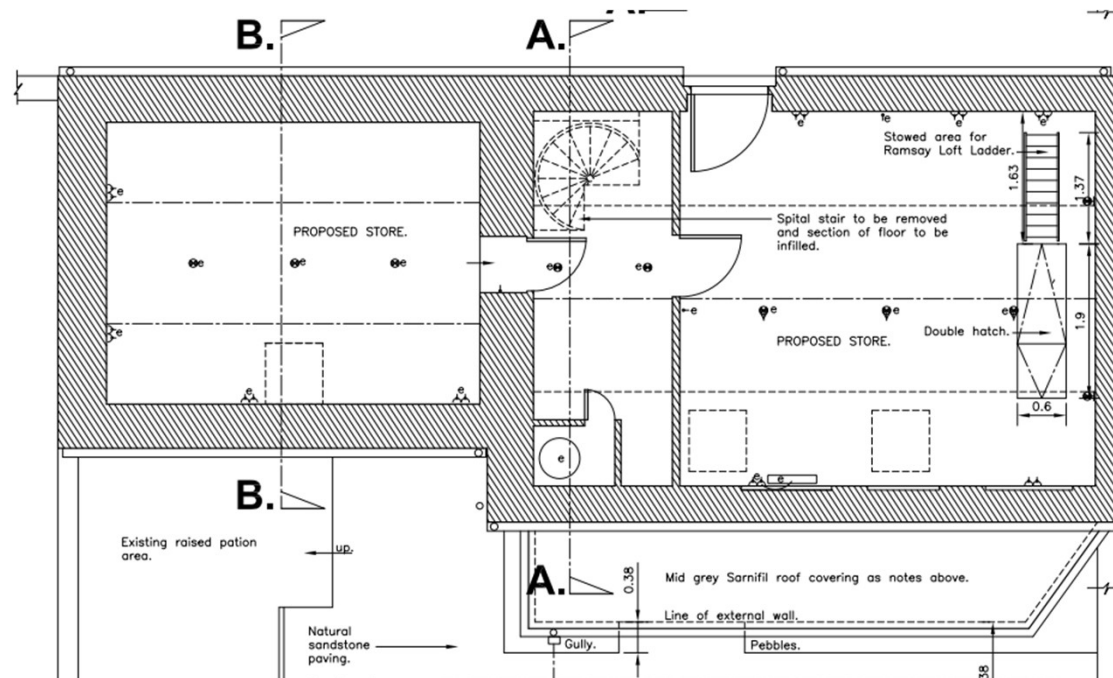
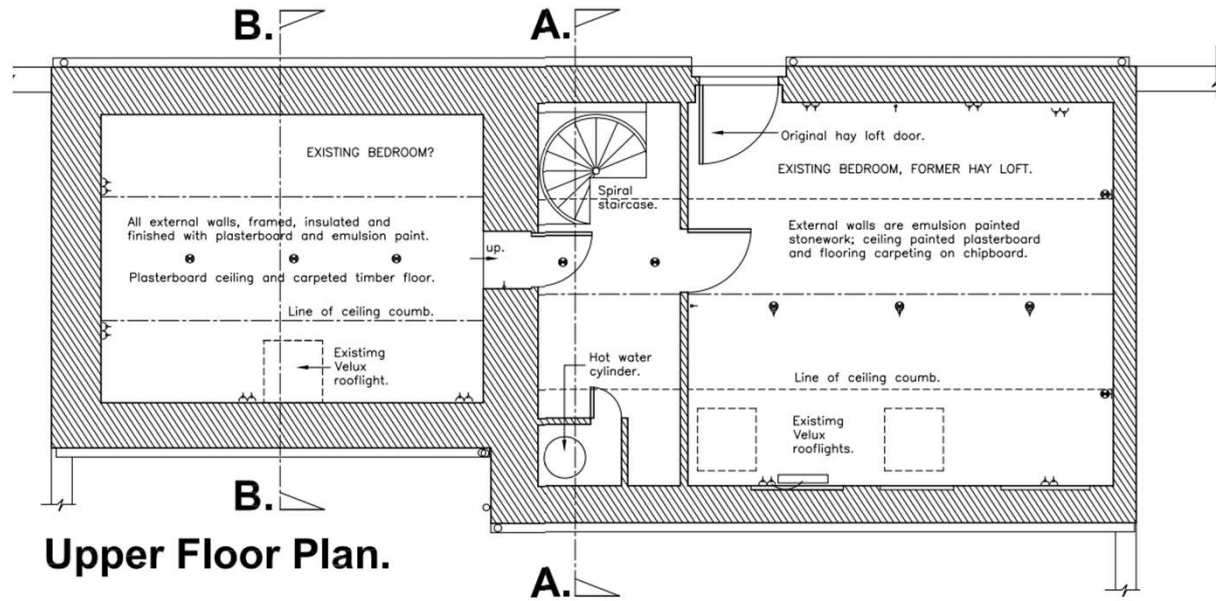
Ground Floor Plan.

Marine Lane.

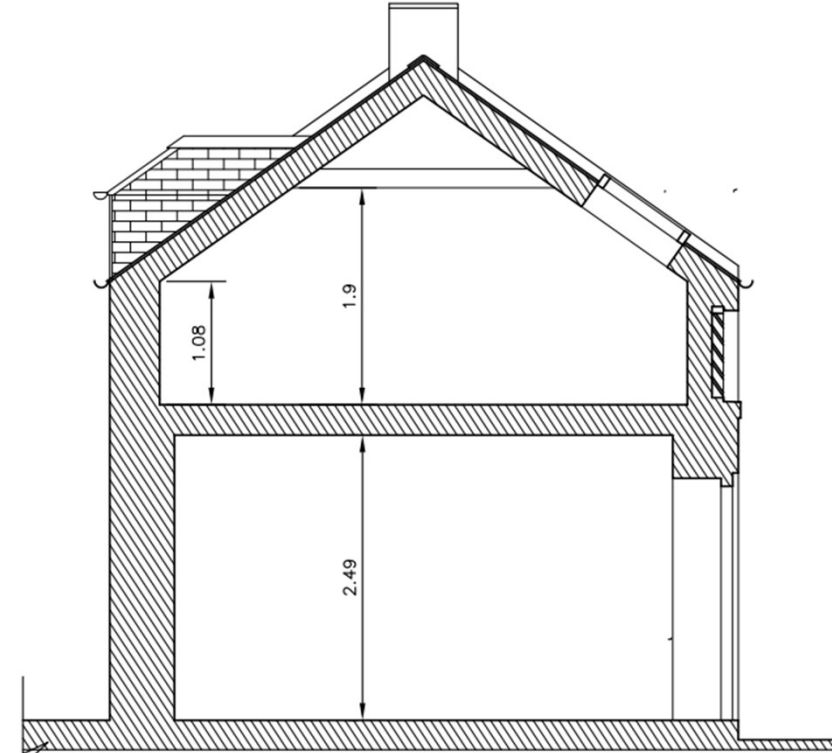


Ground Floor Plan as Proposed.

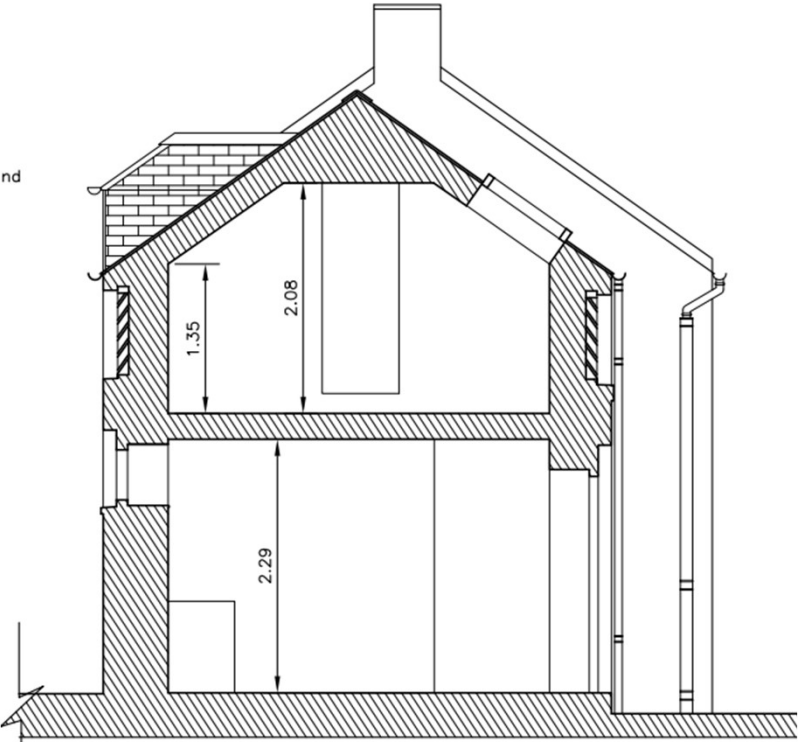
First Floor: Existing and Proposed



Sections



Section A-A



Section B-B.

Reasons for Decision

Stated in full in decision notice. Key points:

- Proposed works would detract from the character of the coach house, which contributes significantly to the special historic and architectural interest of the listed building and the rear lane of the terrace
- Impact arises from the excessive removal of historic fabric, including granite, and alteration of the form of the building.
- Proposal fails to accord with the statutory duty to have regard to the preservation and enhancement of the character and appearance of the Marine Terrace Conservation Area and would conflict with Policies D1 – Quality Placemaking by Design, D4 – Historic Environment, D5 – Our Granite Heritage and H1 – Residential Areas of the Aberdeen Local Development Plan 2017
- Also contrary to Scottish Planning Policy and Historic Environment Policy for Scotland, notably HEP4 in which detrimental impact has not been demonstrated to be minimal.

Applicant's Case

- proposal complies with the vision and aims of the SDP, the relevant Policies of the LDP, including Policies H1, D4, D5, and D1, and relevant provisions of the associated Supplementary Guidance;
- will have no adverse impact on the listed terrace, or on any individual elements within that;
- Will have no impact on the character and appearance of the Marine Terrace Conservation Area by virtue of its location on a rear lane with no through access;
- is consistent with the principles of SPP and HEPS in terms of facilitating positive change in the historic environment; and
- complies with the requirements of the relevant Historic Environment Scotland Managing Change Guidance notes.
- On the basis that the application is supported by the Development Plan, and no material considerations indicate otherwise, it is submitted that the Review should be allowed and the application approved.

Applicant's Case

- Points to the recent approval of application 201069/DPP as demonstrating that later additions to a listed property will not necessarily have the same special architectural or historic interest as the main building(s) with which they are associated;
- Highlights lack of any objection from neighbours or statutory consultees;



H1: Residential Areas

- Is this overdevelopment?
- Would it have an *'unacceptable impact on the character and amenity'* of the area?
- Would it result in the loss of open space?
- Does it comply with Supplementary Guidance?

(e.g. Householder Development Guide)



D1: Quality Placemaking by Design

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

Proposals will be assessed against the following six essential qualities:

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



D4: Historic Environment

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

Policy D5 (Our Granite Heritage)

Policy D5 - Our Granite Heritage

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

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

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

- ACC seeks the retention and appropriate re-use, conversion and adaptation of all granite features... Including granite kerbs and granite boundary walls
- Partial demolition of any granite building or structure within a CA will not be granted consent unless the planning authority is satisfied that the proposed demolition meets HES tests.
- Where the retention and re-use of a granite feature is not viable, then the visible re-use of as much granite as a building material will be required.

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

SG: Householder Development Guide

- Extensions should be architecturally compatible with original building (design, scale etc)
- Should not '*dominate or overwhelm*' original building. Should remain visually subservient.
- Extensions should not result in a situation where the amenity of neighbouring properties would be adversely affected (e.g. privacy, daylight, general amenity)
- Approvals pre-dating this guidance do not represent a 'precedent'
- No more than 50% of the front or rear curtilage shall be covered by development.

Transport and Accessibility Guidance

- Minimum internal size of garage spaces should be no less than 5.7m by 2.7m
- Minimum effective entry width is 2.25
- Minimum entry height of 1.98m

Scottish Planning Policy (SPP)

- Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting.
- Listed buildings should be protected from demolition or other work that would adversely affect it or its setting.
- Proposals in CAs should preserve or enhance the character and appearance of the CA. Proposals that do not harm the character or appearance should be treated as preserving it.

Historic Environment Policy for Scotland (HEPS)

HEP1

Decisions affecting any part of the historic environment should be informed by an inclusive understanding of its breadth and cultural significance.

HEP2

Decisions affecting the historic environment should ensure that its understanding and enjoyment as well as its benefits are secured for present and future generations.

HEP3

Plans, programmes, policies and strategies, and the allocation of resources, should be approached in a way that protects and promotes the historic environment.

If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

HEP4

Changes to specific assets and their context should be managed in a way that protects the historic environment. Opportunities for enhancement should be identified where appropriate.

If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.

HEP5

Decisions affecting the historic environment should contribute to the sustainable development of communities and places.

HEP6

Decisions affecting the historic environment should be informed by an inclusive understanding of the potential consequences for people and communities. Decision-making processes should be collaborative, open, transparent and easy to understand.

HES – Managing Change: Use and adaptation of listed buildings

KEY MESSAGES

1. The listed buildings in Scotland reflect a wide range of our history and culture. They celebrate the diversity of our communities at every level, showing national, regional and local distinctiveness. They contribute to our well-being culturally, socially and economically. We can't have these benefits without caring for these buildings. We need to make sure they have a long term future if we want to benefit from in them in the long-term.
2. A listed building can't be replaced once it's gone. Demolishing a listed building is always a loss. It is a last resort when every other option has been explored. The best way to protect our buildings is usually to keep them in use – and if that isn't possible, to find a new use that has the least possible effect on the things that make the building special.
3. Decisions about listed buildings should always focus on the qualities that make them important – their special interest . Lots of things can contribute to a building's special interest, but the key factor when we're thinking about making changes will be its overall historic character.
4. For a building to stay in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect of them. This should always be considered carefully and avoid harming the building's special interest. A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm.
5. Alterations to a building, even if they are extensive, will be better than losing the building entirely. If the only way to save a building is a radical intervention, we have to avoid being too cautious when we look at the options. If a building might be totally lost, we should be open to all the options to save it.
6. Keeping a listed building in use has wider benefits. Listed buildings contribute to their wider surroundings and community. They can influence proposals for new development, and inspire positive change. They teach us about what people value in the places they live, work, and spend time in, and so they help us to build successful places.



HES – Managing Change: Extensions

- *Must protect the character and appearance of the building*
- *Should be subordinate in scale and form*
- *Should be located on a secondary elevation*
- *Must be designed in a high-quality manner using appropriate materials*
- *Extensions that would unbalance a symmetrical elevation and threaten the original design concept should be avoided*

- 5.1 Small buildings such as tollhouses and lodges present challenges of scale but may need extension to give them purpose. One way to maintain the visual integrity of the original building may be to construct a lower link block, perhaps in glass, between it and the extension. Very small structures such as garden buildings not intended for permanent occupation will seldom be capable of extension. A proven need for additional accommodation might instead be met by a new free-standing suitably scaled and designed structure, nearby or elsewhere. A condition might be set to phase the new work after the repair or restoration of the small building.

HES – Managing Change: Doorways

- 1. The doorway and associated features of a historic building, or groups of historic buildings, form important elements in defining their character. Listed building consent is required for any works affecting the character of a listed building and planning permission may be required in a conservation area.**
- 2. Age, design, materials, and associated features are amongst the numerous factors that contribute to the interest of historic doorways.**
- 3. In planning works to doorways it is important to understand and protect their key characteristics.**
- 4. Maintenance and repair is the best means of safeguarding the historic character of a doorway. This also reduces the requirement for new raw materials and energy.**
- 5. Where elements of a doorway cannot be repaired, the replacements should match the original design as closely as possible.**
- 6. Significant improvements in energy efficiency can be achieved by discreet draught-stripping.**
- 7. Planning authorities give advice on the requirement for listed building consent, planning and other permissions.**

HES – Managing Change: Accessibility

- 1. Scottish Ministers are committed to promoting equality of access to, and enjoyment of, the historic environment. This guidance is intended to encourage the provision of physical access for everyone in ways that also safeguard the character of historic buildings and places.**
- 2. Listed building consent is required for any works affecting the character of a listed building and planning permission may be required in a conservation area. Scheduled monument consent is always required for works to scheduled monuments.**
- 3. Careful assessment and planning can allow consideration of access in the broader context of an understanding of a historic building or place and its long-term management requirements.**
- 4. It is particularly important to involve the users or potential users of historic buildings or places in planning access improvements.**
- 5. Where physical alterations are required, it is usually possible to achieve access improvements that are sensitive to the historic character of the building or place through high-quality design, management and maintenance.**
- 6. Planning authorities give advice on the requirement for listed building consent, planning and other permissions. Some local authorities have a dedicated Access Officer, who can advise on access issues.**



ABERDEEN
CITY COUNCIL



Aberdeen City Conservation Area Character Appraisals and Management Plan

Marine Terrace

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

July 2013

Planning and Sustainable Development
Enterprise, Planning and Infrastructure
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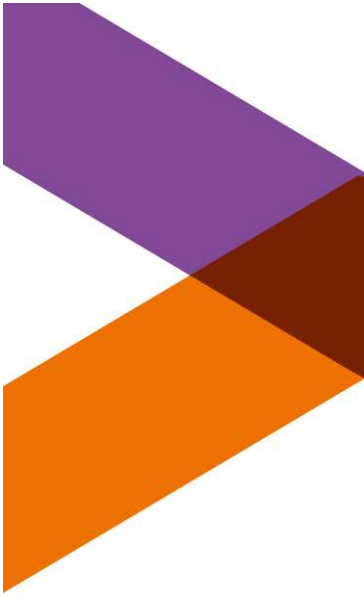
Marine CA Character Appraisal



Key to listed building categories

- Category A
- Category B
- Category C

- Strengths include *‘Most buildings in good repair with owners/occupiers generally sensitive to the historic character of their property and its setting’*
- Weaknesses include *‘some poor modern development out of character with the rest of the area, for example on Marine Terrace’*
- Threats include: *‘Infill development in back gardens for housing and car parks for example Marine Lane’*; and *‘Unsympathetic development that does not reflect or relate to the character of the Conservation Area’*



Points for Consideration:

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

Historic Environment: Do members consider that the proposed works preserve or enhance the character and amenity of the Conservation Area and the Listed Building, as required by SPP, HESPS and policies D4 and D5 of the ALDP?

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

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

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

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

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

Site Address:	9 Marine Terrace, Aberdeen, AB11 7SF
Application Description:	Partial conversion of an existing coach-house to domestic garage including erection of single storey extension; installation of replacement door; formation of garage door and installation of electric vehicle charging point to rear
Application Ref:	210677/DPP
Application Type:	Detailed Planning Permission
Application Date:	14 May 2021
Applicant:	Mr John Morrison
Ward:	Torry/Ferryhill
Community Council:	Ferryhill and Ruthrieston
Case Officer:	Jemma Tasker

RECOMMENDATION

Refuse.

APPLICATION BACKGROUND

Site Description

The application site relates to a one-and-a-half storey plus basement, mid-terraced dwellinghouse designed by Archibald Simpson and built in 1837, and its associated front and rear curtilage. This dwelling – and the entire terrace – is Category B Listed and is located within the Marine Terrace Conservation Area. To the rear of the property, there is a large garden spanning approximately 537sqm. At the far end of the plot, to the west, is a mews coach house, to which this application relates, accessed via Marine Lane. The building spans the entire width of the plot, measuring c.13m in width, 5.5m in length and 6m in height. The coach house was possibly originally used as stables and hayloft, ancillary to the main dwellinghouse. Previously, it has been used as ancillary residential accommodation, which saw the most recent alterations carried out to the building. Currently, the coach house is used for storage purposes.

Relevant Planning History

Application Number	Proposal	Decision Date
210678/LBC	Partial conversion of an existing coach-house to domestic garage including erection of single storey extension; installation of replacement door; formation of garage door and installation of electric vehicle charging point to rear	Status: Pending Consideration.
171515/LBC	Alterations to existing coach house to provide garaging for 2 cars, erection of single storey extension to rear and removal of existing access door and replacement with garage door	Status: Withdrawn by Applicant.

171513/DPP	Provision of garaging for 2 cars within existing coach house involving erection of single storey extension to rear, and removal of access door and replacement with garage door	Status: Withdrawn by Applicant.
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APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission (DPP) is sought for the partial conversion of the existing coach house to a domestic garage including the erection of a single storey extension; the installation of a replacement door; the formation of a garage door and the installation of an electric vehicle charging point to the rear.

While it is proposed to convert part of the existing coach house to a domestic garage, the remainder of the building would be retained for storage purposes. In order to accommodate the garage, it is proposed to erect a single storey extension on the east elevation of the coach house. This flat roofed extension would measure 1.3m in length and 6.9m in width, with a height of 2.5m and would be finished with timber cladding. On this elevation, it is also proposed to replace the existing aluminium sliding doors with timber framed double doors. On the west elevation it is proposed to remove the existing timber doors and create a further c.3.8m wide opening to allow for the installation of a 5m wide horizontal sliding sectional timber garage door. Additionally, the existing timber slats and hayloft door would be refurbished.

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=QT3FVXBZJP700>

Planning Statement by Aurora Planning – provides background to the site; a brief description of the works proposed as part of the application; policy context; and an assessment against such policy.

Report and Design Statement (Revision A) by James Roy Associates – provides background to the site; a description of the coach house internally, externally, as well as previous alterations which have taken place; and details the proposed alterations and the desire to have an electric car in order to meet government aspirations.

CONSULTATIONS

ACC - Roads Development Management Team – No objection.

Ferryhill and Ruthrieston Community Council – No comments received.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the

Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special attention shall be paid to the desirability or preserving or enhancing the character or appearance of the conservation area.

National Planning Policy and Guidance

Scottish Planning Policy (SPP) was approved on 18 December 2020. In February 2021, a Judicial Review of the decision of the Scottish Ministers on 18 December 2020 to amend Scottish Planning Policy (2014) as set out in 'Scottish Planning Policy Finalised Documents' and to publish 'Planning Advice Note 1/2020' was lodged with the Court of Session. As it stands, SPP2020 remains in place and is a relevant consideration in the determination of all planning applications.

Historic Environment Policy for Scotland (HEPS)

Aberdeen Local Development Plan (2017) (ALDP)

Policy D1 – Quality Placemaking by Design

Policy D4 – Historic Environment

Policy D5 – Our Granite Heritage

Policy H1 – Residential Areas

Policy T3 – Sustainable and Active Travel

Supplementary Guidance (SG)

The Householder Development Guide (HDG)

Transport and Accessibility

Proposed Aberdeen Local Development Plan (2020) (PALDP)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;
- the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case by case basis. Policies of relevance include:

Policy D1 – Quality Placemaking

Policy D2 – Amenity

Policy D6 – Historic Environment

Policy D7 – Our Granite Heritage

Policy H1 – Residential Areas

Other Material Considerations

Marine Terrace Conservation Area Character Appraisal and Management Plan (July, 2013)

Managing Change in the Historic Environment: Doorways and Extensions

EVALUATION

Principle of Development

The application site is located within a residential area under Policy H1 of the ALDP. The proposal would comply with this policy, in principle, if it does not constitute overdevelopment; does not adversely affect the character and amenity of the surrounding area; would not result in the loss of open space; and it complies with the associated Supplementary Guidance. Additionally, Policy D4 (Historic Environment) of the ALDP states that the Council should protect, preserve and enhance the historic environment in line with Scottish Planning Policy (SPP) and other national guidance. It sets out that 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. Policy D4 also indicates that 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, and conservation areas, will be supported.

Although the building has been previously altered as detailed within the Report and Design Statement, it retains a strong traditional character and appears to be a rare surviving example of a mews development. While doors have been blocked up, openings have been created and unsympathetic patio doors have been installed, breaking down the building into individual features undermines the contribution the building makes to the main listed building. Furthermore, it is considered that many of these alterations to the building are reversible. An objective analysis of the building, when considered as a whole, demonstrates that it still retains special character and thus, has value which contributes to the character of the building and that of the wider Marine Terrace Conservation Area.

Each aspect of the proposal will be individually assessed below and against the relevant policy and guidance. However, to determine the effect the proposal will have on the character of the area it is also considered necessary to assess it in the context of Policy D1 of the ALDP. This policy states that 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.

In relation to the loss of open space criteria outlined in Policy H1 above, this is not considered relevant as the site is wholly residential and therefore would not result in the loss of any open space.

Single Storey Extension

A 5.9m wide opening is proposed on the east elevation of the coach house to facilitate the construction of an extension to that side of the building, to accommodate a garage which would measure 6.1m in overall length. At 8sqm in area, the extension would result in a minor rise in site coverage, retaining a low level of development which is comparable to neighbouring properties, and in excess of 50% of usable garden space would be retained. Therefore, the extension would not constitute overdevelopment of the garden.

No development should result in a situation where amenity is "borrowed" from an adjacent property, or there is an impingement on the amenity enjoyed by others. Given the limited projection of the extension in comparison to the extensive length of the garden ground and the distance from neighbouring properties, there would be no significant adverse impact on neighbouring daylight levels, privacy or any adverse increase in overshadowing as a result of this aspect of the proposal. Therefore, the extension would not result in overdevelopment and current levels of residential amenity would be retained.

However, the Historic Environment Scotland (HES) Managing Change guidance: 'Extensions' sets out that small structures, such as garden buildings not intended for permanent occupation, will

seldom be capable of extension. A proven need for additional accommodation might instead be met by a new free-standing suitably scaled and designed structure, nearby or elsewhere. While, in isolation, the proposed extension would generally accord with the general principles sets out in this guidance and that of the HDG, in that it would not dominate the original building as a result of its scale, materials or location, and would be located on a secondary elevation, it has not been satisfactorily demonstrated that the existing building could not be adapted for use as a garage whilst still retaining more of the existing form and fabric of the building which contributes towards to character of the conservation area.

The creation of the opening to accommodate the proposed extension would result in the loss of three existing openings and the surrounding walls. While it has been stated that these have been previously altered, with evidence suggesting that two original door openings have previously been infilled, the removal of this and a much larger section of the east elevation would still undoubtedly result in a substantial loss of historic fabric, to the detriment of the conservation area. HEP4 of the HEPS advises that *“if detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place”*. It is understood that the garage as existing is of insufficient depth to accommodate a family sized parked car; however, it is not clear as to why such a wide extension is required on this elevation and, if it is *‘unavoidable’* to create adequate depth for a car, why this cannot be the standard 3m width required for new single garages as set out in the SG: ‘Transport and Accessibility’ – to minimise impact on the historic environment as noted above. Nevertheless, the creation of an extension to this elevation creates significant concern given the contribution the traditional building, as existing, makes to the character of the conservation area.

Garage Door Opening

It is proposed to remove the existing timber door on the west elevation and create an opening which would total 5m in width. On the existing elevations submitted as part of the application, a 3.5m wide opening is outlined which is thought to be a historic carriage opening below the existing former hayloft door, which has since been infilled, but still reversible. The creation of the 5m wide opening would subsume the existing traditional double leaf timber lined door with fanlight above, resulting in a loss of historic fabric, which would significantly and irreversibly alter this elevation of the coach house. A turning sketch submitted as part of the application shows a car manoeuvring into the garage. It is stated that this could possibly still work if the opening is reduced to 4m. Again, in relation to HEP4 if impact is unavoidable, then this should be minimised with alternative options explored and mitigation proposed. In light of the above, it appears that an acceptably sized opening may be achieved through creating a 4m wide opening on this elevation, which could be formed by reinstating the 3.5m carriage opening with a further extension of 0.5m created to the south of this. It is considered that this approach would retain the double leaf entrance door and fanlight, thereby minimising the negative impact.

It is considered that the 5m wide opening on the west elevation, coupled with the single storey extension on the east elevation, would result in a substantial loss of historic fabric. This includes the removal of granite from both east and west elevations. Policy D5 of the ALDP sets out that proposals to demolish any granite building, structure or feature, partially or completely, that is listed or within a Conservation Area will not be granted Planning Permission, Conservation Area Consent and Listed Building Consent unless the Local Authority is satisfied that the proposal to demolish meets Historic Environment Scotland’s test for demolition. It further states that where the retention and re-use of a granite feature, building or structure, in whole or part, is unviable then the visible re-use of as much of the original granite as is practically possible as a building material within the development site is required. Neither specific details regarding the volume of granite to be removed (although it is apparent from the drawings that a significant amount of the granite walls would be lost), nor its potential retention and reuse, has been referred to within the application. This loss of the granite is contrary to Policy D5 of the ALDP and would harm the

special interest of the existing building and that of the character of the wider conservation area. Overall, the interventions noted above do not reflect the fundamental principles of conservation, which consist of minimum interventions, minimum loss of fabric and reversibility.

The applicant has attempted to justify the proposed changes for two main reasons, the building has already been significantly altered and that further alterations are required to adapt it for modern living, to help meet Government and Council car electrification targets. As discussed above, although the building has been previously altered, it still retains its strong traditional form and character and many of the alterations carried out are considered to be reversible. While historic features may have been removed and altered, this is not considered an adequate justification to allow for further erosion of the historic fabric and character. Throughout the application, the applicant refers to a 'family sized car'. Consideration of a smaller, electric car has not been discussed. Had this option been explored, it may have reduced the need for the extension on the east elevation and reduced the width of the opening required on the west elevation. Impact on the historic fabric therefore may have been reduced while meeting the applicant's stated desire to contribute towards reducing carbon emissions. However, this has not been detailed within the application and thus, gives the impression that the proposal has possibly been designed around a specific model of car. Nevertheless, the Planning Authority has no control over, nor can it take into consideration, the type of vehicle to be stored in the garage. Consideration is solely limited to the physical alterations to the coach house and the consequences of such alterations. Furthermore, alternative options for the use of the coach house have not been provided, with consideration only given to the use of the building has a garage. Details have not been provided as to why the coach house could not be more sensitively upgraded to be used as ancillary accommodation to the main dwelling or any other suitable use.

The justification in the Report and Design Statement is therefore not adequate to demonstrate that the alterations to the coach house are absolutely necessary. In this instance, the long term future of the building is not considered to be at risk and an immediate adaptation for, essentially, a two car garage with an onsite charging point is not required to ensure the continued use of the building.

Replacement Doors

Aluminium sliding doors were previously installed as part of alterations to the building in the 1990s to form a granny flat/guest accommodation. The proposal to replace these with timber framed double doors would see the re-introduction of a more sympathetic framing material which would result in an improvement on the existing situation, enhancing the character of the conservation area and in accordance with guidance contained within HES's Managing Change document: 'Doorways'.

Timber Slats and Hayloft Door

The proposal includes the refurbishment of the timber slats and hayloft door, in keeping with the spirit of retain and repair. This element of the proposal would preserve and enhance the character and appearance of the conservation area and is therefore acceptable.

Transportation Matters

The applicant has stated their intention to install a charging point in the coach house. Given that this would be situated internally, this element does not require planning permission and thus, will not be further assessed as part of this application.

The proposal would meet the required minimal internal dimensions for a double garage (5.7m x 5.7m) – in accordance with the SG: 'Transport and Accessibility – and colleagues in Roads Development Management have no objection to the proposal.

Conclusion

In conclusion, while there are merits to the proposal including: the replacement of the existing aluminium doors and the refurbishment of the timber slats and hayloft door, it is considered that the works would detract from the overall character of the coach house – which is a rare surviving example on this terrace – by reason of the excessive removal of historic fabric, which contributes to the character and appearance of the Marine Terrace Conservation Area. The Marine Terrace Conservation Area appraisal recognises that the '*Marine Terrace Conservation Area has an affluent and well-maintained character and was one of Aberdeen's first conservation areas*'. This rare surviving example of traditional character must be further protected. It is not considered that consenting this development will be the only means of preventing the loss of the asset and securing its long-term future. The proposal therefore fails to accord with the statutory duty to have regard to the preservation and enhancement of the character and appearance of the conservation area and would conflict with Policies D1 (Quality Placemaking by Design), D4 (Historic Environment), Policy D5 (Our Granite Heritage) and H1 (Residential Areas) of the Aberdeen Local Development Plan 2017, and with Scottish Planning Policy and Historic Environment Policy for Scotland. No overriding justification for approval of the works is considered to exist. It is considered that an alternative use for the building, which would require less intrusive alterations, is explored by the applicant.

Proposed Aberdeen Local Development Plan (2020) (PALDP)

In relation to this particular application, the Policies D1, D2, D6, D7 and H1 in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the Adopted Local Development Plan and the proposal is not acceptable in terms of both Plans for the reasons previously given.

RECOMMENDATION

Refuse.

REASON FOR RECOMMENDATION

The proposed works would detract from the character of the coach house which contributes significantly to the special historic and architectural interest of the listed building and the rear lane of the terrace – by reason of the excessive removal of historic fabric, including granite, and alteration of the form of the building. Thus, the proposal fails to accord with the statutory duty to have regard to the preservation and enhancement of the character and appearance of the Marine Terrace Conservation Area and would conflict with Policies D1 – Quality Placemaking by Design, D4 – Historic Environment, D5 – Our Granite Heritage and H1 – Residential Areas of the Aberdeen Local Development Plan 2017, and with Scottish Planning Policy and Historic Environment Policy for Scotland, notably HEP4 in which detrimental impact has not been demonstrated to be minimal.

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Thank you for completing this application form:

ONLINE REFERENCE 100079051-003

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

Description of Proposal

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

The proposal is to convert part of the original coach-house to provide a residential garage for off street parking and to facilitate the charging of an electric car, since there is no driveway at the front of the property. The proposals include the provision of a small extension into the rear garden of the house, necessary to accommodate a family sized car.

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:	James Roy Associates		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	James	Building Name:	
Last Name: *	Roy	Building Number:	3A
Telephone Number: *	01224 571200	Address 1 (Street): *	Marine Terrace
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB11 7SF
Email Address: *			

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	John	Building Number:	9
Last Name: *	Morrison	Address 1 (Street): *	Marine Terrace
Company/Organisation:		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB11 7SF
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

9 MARINE TERRACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB11 7SF

Please identify/describe the location of the site or sites

Northing

805273

Easting

393939

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)

An application for Planning Consent was originally made in 2017; but was withdrawn following discussions with planning officials. Discussions continued until 2020.

Title:

Mr

Other title:

First Name:

Garfield

Last Name:

Prentice

Correspondence Reference Number:

Date (dd/mm/yyyy):

06/08/2020

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

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: James Roy

On behalf of: Mr John Morrison

Date: 14/05/2021

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Mr James Roy

Declaration Date: 14/05/2021

Payment Details

Online payment: ABSP00006682
Payment date: 14/05/2021 11:59:00

Created: 14/05/2021 11:59

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

James Roy
James Roy Associates
3A Marine Terrace
Aberdeen
AB11 7SF

on behalf of **Mr John Morrison**

With reference to your application validly received on 14 May 2021 for the following development:-

Partial conversion of an existing coach-house to domestic garage including erection of single storey extension; installation of replacement door; formation of garage door and installation of electric vehicle charging point to rear at 9 Marine Terrace, Aberdeen

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

Drawing Number	Drawing Type
L(--)-01	Location Plan
1825/L(2-)-04	Site Layout (Proposed)
1825/L(2-)-02 C	Elevation and Floor Plan (Proposed)
Planning Statement	Planning Statement
Report and Design Statement Rev A	Design Statement

REASON FOR DECISION

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

The proposed works would detract from the character of the coach house which contributes significantly to the special historic and architectural interest of the listed building and the rear lane of the terrace - by reason of the excessive removal of historic fabric, including granite, and alteration of the form of the building. Thus, the proposal fails to accord with the statutory duty to have regard to the preservation and enhancement of the character and appearance of the Marine Terrace Conservation Area and would conflict with Policies D1 - Quality Placemaking by Design, D4 - Historic Environment, D5 - Our Granite Heritage and H1 - Residential Areas of the Aberdeen Local Development Plan 2017, and with Scottish Planning Policy and Historic Environment Policy for Scotland, notably HEP4 in which detrimental impact has not been demonstrated to be minimal.

Date of Signing 13 July 2021



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

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

None.

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

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

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

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

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

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

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

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Consultee Comments for Planning Application 210677/DPP

Application Summary

Application Number: 210677/DPP

Address: 9 Marine Terrace Aberdeen AB11 7SF

Proposal: Partial conversion of an existing coach-house to domestic garage including erection of single storey extension; installation of replacement door; formation of garage door and installation of electric vehicle charging point to rear

Case Officer: Jemma Tasker

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 for partial conversion of an existing coach-house to domestic garage including erection of single storey extension; installation of replacement door; formation of garage door and installation of electric vehicle charging point to rear at 9 Marine Terrace, Aberdeen AB11 7SF.

It is noted the proposal shall increase the depth of what is proposed as the new garage extents, this shall require to meet the necessary internal dimensions of 5.7m x 5.7m with it already noted and considered the minimum 5.7m width being met.

Should the above been confirmed or is adequately provided in terms of depth, I can confirm that Roads Development Management shall have no objection to this application.

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Aberdeen Local Development Plan (ALDP)

- Policy H1 – Residential Areas
- Policy D1 - Quality Placemaking by Design
- Policy D4 - Historic Environment
- Policy D5 – Our Granite Heritage
- Policy T3 – Sustainable and Active Travel

Supplementary Guidance

Householder Development Guide

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

Transport and Accessibility

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

Marine Terrace Conservation Area Character Appraisal

https://www.aberdeencity.gov.uk/sites/default/files/2013_Con_Appraisal_8_Marine_Ter.pdf

Other Material Considerations

Scottish Planning Policy (2014)

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

Historic Environment Policy for Scotland (HEPS)

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

Proposed Aberdeen Local Development Plan (2020)

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

Managing Change in the Historic Environment:

Doorways

<https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=2f623b09-7ecc-4cc1-a1a0-a60b008c71c9>

Extensions

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

•



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 100460567-001

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="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="c/o agent"/>
First Name: *	<input type="text" value="John"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Morrision"/>	Address 1 (Street): *	<input type="text" value="c/o agent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="c/o agent"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="c/o agent"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="info@auroraplanning.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="9 MARINE TERRACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB11 7SF"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805273"/>	Easting	<input type="text" value="393939"/>
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Description of Proposal

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

Partial conversion of an existing coach-house to domestic garage, including erection of single storey extension; installation of replacement door; formation of garage door and installation of electric vehicle charging point to rear at 9 Marine Terrace, Aberdeen

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see separate Statement of reasons for review document

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 Appendix One of Statement of reasons for review document

Application Details

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

210677/DPP

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

14/05/2021

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

13/07/2021

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

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

Please select a further procedure *

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

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

To enable the Local Review Body members to see that the proposed development will not be visible from any public viewpoint and will have no impact on the character of the listed building or the conservation area.

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

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

Yes No

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

Yes No

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

The application site is located in the applicant's rear garden and, while the rear elevation of this can be seen from Marine Lane, access to the garden is required to see elevation which faces the house. The applicant would of course be happy to arrange access if the LRB members wish.

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: Miss Pippa Robertson

Declaration Date: 24/08/2021

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NOTICE OF REVIEW UNDER

S.43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

in respect of

DECISION TO REFUSE PLANNING APPLICATION REFERENCE 210677/DPP

for

**PARTIAL CONVERSION OF AN EXISTING COACH-HOUSE TO DOMESTIC GARAGE INCLUDING
ERECTION OF SINGLE STOREY EXTENSION; INSTALLATION OF REPLACEMENT DOOR;
FORMATION OF GARAGE DOOR AND INSTALLATION OF ELECTRIC VEHICLE CHARGING POINT
TO REAR**

at

9 MARINE TERRACE

ABERDEEN

AB11 7SF

STATEMENT OF REASONS



1 Introduction

- 1.1 Planning application reference 210677/DPP was submitted to Aberdeen City Council on 14 May 2021, seeking planning permission for “*Partial conversion of an existing coach-house to domestic garage including erection of single storey extension; installation of replacement door; formation of garage door and installation of electric vehicle charging point to rear*” at 9 Marine Terrace, Aberdeen. Full details of the proposed development, the background to this, and the context against which it requires to be assessed are provided in the Report and Design Statement and in the Planning Statement submitted with the application [Documents 7 and 8].
- 1.2 A full list of documents submitted with the application is provided in Appendix One, together with all other relevant documents referred to in this Statement.
- 1.3 Notably, as highlighted in the Report and Design Statement, 9 Marine Terrace is the only property on this street which does not have a garage, with that meaning that it is also the only property for which it is not possible to install an electric vehicle charging point. At the same time, the size of the existing coach house means that it currently serves little useful purpose for the residents of the house. The proposed development therefore seeks to address the existing lack of garage provision and ensure the long term beneficial use of the coach house by adapting it meet residents’ changing needs, with this also contributing to the delivery of local and national government aspirations with regards to addressing climate change.
- 1.4 Also notably, the Report of Handling for the application [Document 9] recognises that the proposed development has a number of benefits, stating that:
- the proposed replacement of previously installed aluminium sliding doors with timber framed double doors would see the re-introduction of a more sympathetic framing material which would result in an improvement on the existing situation, enhancing the character of the conservation area in accordance with guidance contained within Historic Environment Scotland’s Managing Change document: Doorways [Document 16];
 - the proposed refurbishment of the timber slats and hayloft door of the coach house would preserve and enhance the character and appearance of the conservation area and is therefore acceptable; and



- the proposal would meet the required minimum internal dimensions for a double garage (5.7m x 5.7m) in accordance with Supplementary Guidance: Transport and Accessibility [Document 13], and in the Council’s Roads Development Management team raised no objections.

1.5 The Report of Handling is also clear that the application complies with Policy H1 of the Aberdeen Local Development Plan (LDP) in that:

- the proposed development would not constitute overdevelopment;
- there would be no significant adverse impact on neighbouring daylight levels or privacy, or any adverse increase in overshadowing, such that neighbouring residential amenity would be retained; and
- there would be no loss of public open space.

1.6 The above notwithstanding, the application was refused on 13 July 2021, with the Decision Notice [Document 10] giving the reason for this as being that:

“The proposed works would detract from the character of the coach house which contributes significantly to the special historic and architectural interest of the listed building and the rear lane of the terrace - by reason of the excessive removal of historic fabric, including granite, and alteration of the form of the building. Thus, the proposal fails to accord with the statutory duty to have regard to the preservation and enhancement of the character and appearance of the Marine Terrace Conservation Area and would conflict with Policies D1 - Quality Placemaking by Design, D4 - Historic Environment, D5 - Our Granite Heritage and H1 - Residential Areas of the Aberdeen Local Development Plan 2017, and with Scottish Planning Policy and Historic Environment Policy for Scotland, notably HEP4 in which detrimental impact has not been demonstrated to be minimal.”

1.7 A review of the decision to refuse the application is now sought on the grounds that, as set out in the Planning Statement and in the following paragraphs, the proposed development:

- complies with the vision and aims of the Strategic Development Plan (SDP) [Document 11], the relevant Policies of the Local Development Plan (LDP) [Document 12], including Policies H1, D4, D5, and D1, and relevant provisions of the associated Supplementary Guidance [Documents 13 and 14];



- will have no adverse impact on the listed terrace, or on any individual elements within that;
- will have no impact on the character and appearance of the Marine Terrace Conservation Area by virtue of its location on a rear lane with no through access;
- is consistent with the principles of Scottish Planning Policy (SPP) [Document 20] and Historic Environment Policy for Scotland [Document 15] in terms of facilitating positive change in the historic environment; and
- complies with the requirements of the relevant Historic Environment Scotland Managing Change Guidance notes [Documents 16, 17, 18 and 19].

1.8 It should also be noted that there were no objections to the application from any neighbours or statutory consultees, including Ferryhill and Ruthrieston Community Council.

2 Policy context

2.1 Details of the policy context against which the application requires to be assessed are set out in the Planning Statement, in terms of which it is submitted that the application complies with the Development Plan as outlined above. In this regard, it must be remembered that Section 25 of the Town and Country Planning (Scotland) act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, with the relevant development plan in this case comprising the Aberdeen City and Shire Strategic Development Plan (SDP) (2020) and the Aberdeen Local Development Plan (ALDP) (2017). It is also important to remember that, as stated in paragraph 1.14 of the LDP, development proposals will be assessed against a number of policies within the Plan so it must be carefully considered as a whole, with reference also be made to appropriate Supplementary Guidance, as well as national policy and the Strategic Development Plan. As set out in the Planning Statement and in section 3 below, the balance between different policy provisions and relevant material considerations is particularly significant in terms of this application.

2.2 That Planning Statement now forms part of the review documents, and its terms are incorporated herewith, with the relevant Development Plan Policies as applied to the proposed development also set out in Appendix Three to this Statement. It should also be noted that, although Policy D5 – Our Granite Heritage is not specifically addressed in



the Planning Statement or Appendix Three, that is because, granite is not a significant feature of the coach house and very little granite will be required to be removed as part of the development, both as set out in paragraph 3.17 below, and no concerns in this regard were raised with our client prior the determination of the application.

- 2.3 For the reasons given in both the Planning Statement and this Statement, read in conjunction with the documents listed in Appendix One, it is submitted that the review should be allowed, and the application granted.

3 Reasons for refusal

- 3.1 Although the Decision Notice gives only one reason for refusal of the application, this can be broken down into three parts, each of which is addressed in turn below.

Part 1: The proposed works would detract from the character of the coach house which contributes significantly to the special historic and architectural interest of the listed building and the rear lane of the terrace - by reason of the excessive removal of historic fabric, including granite, and alteration of the form of the building [...]

- 3.2 Whereas this refers to impact on both the listed building and the Lane, it should be noted that:

- as set out in paragraph 3.13 below, the CAAMP makes it clear that Marine Lane is not of any particular historic interest, such that there is no basis for refusing the application on the grounds of any perceived impact on this; and
- the potential impact on the historic and architectural interest of the listed building is considered in detail below, in terms of which it is demonstrated that the proposed development would also have no impact in this regard.

- 3.3 To understand the potential impact on the historic interest of the listed building, it is first necessary to have a good understanding of what its historic interest is, for which reference requires to be made to the statement of special interest provided by Historic Environment Scotland as part of the listing. As set out in paragraph 4.24 of the Planning Statement however, the listing for 3-11 (inclusive numbers) Marine Terrace and the statement of special interest for this make it clear that the focus of the listing is on the east (principal elevation) of the Terrace as a whole, with the rear of the buildings being described only in terms of the elevations themselves. Further, whilst there is specific



reference to the boundary walls and railings in the statement of special interest, no reference is made to the rear Lane or any outbuildings, including the coach house at number 9, suggesting that this is not of any particular significance in its own right, and that it does not contribute significantly to the special historic and architectural interest of the listed building either. In the absence of the coach house making any particular contribution to the special interest of the listed building, there is then no basis for concluding that the proposed works would detract from this special interest in any way.

- 3.4 It should also be noted that, as set out in more detail in the Report and Design Statement, the coach house postdates the construction of the main house at 9 Marine Terrace (i.e. it did not form part of the original scheme for the site, or part of the original setting of the listed building), with the current form of this not being seen on plans until the early 20th century, with it also having been altered extensively over the years. In this regard, while the Report of Handling seeks to place weight on the potential for previous alterations to be reversed in future, it must be remembered that the application requires to be assessed on the basis of how the proposed works compare to the building as it currently is, not to how it may or may not have been in the past. And, as highlighted in paragraph 1.4 above, the proposed development delivers a number of improvements on the current position in this regard. In any event, even if previous alterations were reversed, this would not change the fact that the coach house was not part of the original setting of the listed building. Taken together with the points raised in paragraph 1.4, this further contributes to the conclusion that the coach house does not make a significant contribution to the setting of the listed building in its current form, nor has it done so historically. Conversely, the proposed development represents an opportunity to make a positive contribution in this regard by carrying out refurbishment works as described in paragraph 1.4 above, with the development as a whole having been specifically designed to respect the setting of the listed building, as set out in the Report and Design Statement.
- 3.5 Importantly, while it is recognised that each application requires to be considered on its own merits, other recent decisions can provide guidance on the approach that should be taken when considering proposals that affect later additions to the setting of a listed building, with it to be expected that a consistent approach would be taken to similar proposals across Aberdeen. For example, the Committee Report for planning application reference 201069/DPP (approved in June this year) [Documents 23 and 24], makes it clear that later additions to a listed property will not necessarily have the same special architectural or historic interest as the main building(s) with which they are associated, with the complete demolition of features that were added in the late 19th and early 20th centuries allowed in that instance. The same principles should apply in this case, (in which



the works proposed are clearly less significant than those permitted pursuant to planning application reference 201069/DPP), with it recognised that the coach house does not have the same architectural or historic interest as 9 Marine Terrace itself, and that the proposed works would deliver benefits overall as set out in the Report and Design Statement, and the application should therefore be supported accordingly.

3.6 In addition to the general statement that the proposed works would detract from the character of the coach house, the Decision Notice raises specific concerns about the removal of historic fabric, including granite, and alteration of the form of the building.

3.7 With regards to the removal of historic fabric, it should be noted that:

- the proposed new door in the western elevation would be located largely where there had been a door previously, and where there is an existing door, such that very little historic fabric would be removed to create this;
- the proposed extension to the eastern elevation would again be located where there are existing openings, or there were previously openings, thus again minimising the extent of the historic fabric that would be removed; and
- as set out in the Report and Design Statement, existing granite in-bands and out-bands would be re-used where possible.

3.8 The impact on the historic fabric would therefore be minimal.

3.9 In terms of the form of the building, the only change to this would be as a result of the proposed extension to the eastern elevation, which would extend the building by just 1.3m. In this regard, the Report of Handling acknowledges that the proposed extension would not dominate the original building as a result of its scale, materials or location, and would be located on a secondary elevation, in accordance with relevant provisions of **Historic Environment Scotland's Managing Change in the Historic Environment Guidance on Extensions** (Managing Change – Extensions) [Document 17] and the Council's **Supplementary Guidance: Householder Development Guide** [Document 14]. However, it then states that Managing Change – Extensions advises that small structures, such as garden buildings not intended for permanent occupation, will seldom be capable of extension. This does not though mean that such extensions are never possible, and indeed the starting point is that, as set out in paragraph 2.1 of the Guidance:



“...most historic buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses.”

3.10 The Guidance then goes on to make it clear that, whereas small buildings can present challenges, this is due to the relative size of these, and the difficulty in extending them sensitively. This notwithstanding, section 5 of Managing Change – Extensions recognises that small buildings may need extending to give them purpose, with the key consideration being whether this can be done in a way that maintains the visual integrity of the original building, and it being in the case of very small structures, such as garden buildings, only that this is considered to be more rarely possible. The coach house to which this application relates is not however a garden building, but a relatively substantial building in its own right, comparable to a tollhouse or lodge, to cite examples of structures given in the Guidance which are generally suitable for extension. Taking this into account, along with the fact that the proposed extension would maintain the visual integrity of the original structure (as recognised in the Report of Handling’s statement that this would not dominate), and otherwise complies with other relevant provisions of the Guidance (as also acknowledged in the Report of Handling), there is no reason for refusing the application on the basis of the impact that this would have on the form of the building.

Part 2: The proposal fails to accord with the statutory duty to have regard to the preservation and enhancement of the character and appearance of the Marine Terrace Conservation Area [...]

3.11 Whilst it is accepted that regard should be had to the desirability of preserving or enhancing the character or appearance of the Conservation Area, s.64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 [Document 22] is clear that it is the ***desirability*** of doing so to which regard is to be had, rather than there being a statutory duty to preserve and enhance the Conservation Area in all cases, as indicated in the Decision Notice. As such, the Decision Notice indicates that the wrong test was applied when determining the application.

3.12 In terms of the desirability of preserving or enhancing the character or appearance of the Conservation Area, it should be noted that the location of the application site at the end of a rear lane means that the proposed development will not be visible in the context of the wider Conservation Area, and thus will have no impact on the character or appearance of this. This is particularly so in respect of the works on the garden facing elevation of the coach house, which would not be seen at all from the Conservation Area, but is also true of the works on the Lane facing elevation given that, as highlighted in



paragraph 2.2 of the Planning Statement, the Lane provides no through access, and terminates in a dead end just beyond the application site.

- 3.13 It should also be noted that, as highlighted in paragraph 4.25 of the Planning Statement, the **Marine Terrace Conservation Area Appraisal and Management Plan (CAAMP)** [Document 21] describes Marine Lane as being more modern and not having as strong a front boundary as other roads in the area do, with no reference made to any important views, vistas or glimpses into this, indicating that it is not considered to be an important part of the Conservation Area. Indeed, as also highlighted in paragraph 4.25 of the Planning Statement, Marine Lane is not included in the list of Conservation Area's streets. There is then nothing in the CAAMP to indicate that the coach house makes any particular contribution to the character or appearance of the Conservation Area, such that any proposed changes to this cannot be said to have any impact in this regard. That is particularly so when viewed in the context of other garages along the Lane, including those which are clearly visible from Abbotsford Lane (see Appendix Two).
- 3.14 This notwithstanding, the nature of works proposed for the Lane facing elevation of the coach house (the refurbishment of existing features and the creation of a double door which would be reflective of previously closed up openings on this elevation, with a wooden door in keeping with the existing single door here, all as described in more detail in the Report and Design Statement) means that there would be no negative impact on the character or appearance of the Conservation Area even if the coach house is considered to make any contribution to this, whether visible from any public viewpoint or not.
- 3.15 In light of paragraphs 3.11 to 3.14 above, it is clear that there is no basis for refusing the application on the ground that the proposed development would not preserve the character and appearance of the Conservation Area.

Part 3: [the proposal] would conflict with Policies D1, D4, D5 and H1 of the Aberdeen Local Development Plan 2017 and Historic Environment Policy for Scotland, notably HEP4 in which detrimental impact has not been demonstrated to be minimal.

- 3.16 On the basis that paragraphs 3.2 to 3.10 above address all concerns raised in the Report of Handling with regards to the effects of the proposed development on the form and existing fabric of the coach house, and the impact that this would have on both the Conservation Area and the listed building at 9 Marine Terrace, there are no grounds for concluding that the application does not comply with **Policy D4 – Historic Environment** of the LDP. This is particularly so as, for the reasons given in paragraph 5.13 of the



Planning Statement and expanded on in paragraph 3.20 to 3.25 below, the proposed development is also supported by HEPS, with Policy D4 requiring to be applied in line with this. As such, it should instead be concluded that the application does comply with Policy D4 for the reasons given in paragraphs 4.23 to 4.27 of the Planning Statement.

3.17 Also importantly in this regard, whereas it is recognised that **Policy D5 – Our Granite Heritage** of the LDP seeks to secure the retention and re-use of granite where possible, the supporting text for this makes it clear that this is because of the contribution that granite makes to the city’s visual identity. It also makes it clear that the starting point for considering the appropriateness of any development proposed in a Conservation Area should be the relevant Conservation Area Appraisal document. Taking this into account, it should be noted that:

- both the eastern and western elevations of the coach house are in fact roughcast, with the only visible granite being in-bands and out-bands around openings as shown on the existing elevation plans [Document 3];
- the existing granite in-bands and out-bands are to be re-used where possible, as set out in the Report and Design Statement and highlighted in paragraph 3.7 above, with granite in-bands and out-bands retained as a feature around the proposed new opening on the western elevation;
- there would therefore be no visible loss of any granite, and thus no impact on the contribution that granite makes to the city’s visual identity; and
- the proposed development has been informed by the relevant Conservation Area Appraisal as set out in paragraph 4.25 of the Planning Statement and highlighted in paragraphs 3.11 to 3.14 above.

3.18 The proposed development therefore clearly complies with Policy D5 in these respects.

3.19 In addition, whereas Policy D5 goes on to state that proposals to demolish any granite building, structure or feature, partially or completely, that is listed or within a Conservation Area will not be granted planning permission, conservation area consent or listed building consent unless the Local Authority is satisfied that the proposal to demolish meets Historic Scotland’s Scottish Historic Environment Policy (SHEP) test for demolition, the more recent Historic Environment Scotland Managing Change in the Historic Environment Guidance on Demolition of Listed Buildings makes it clear that demolition is



defined as “the total or substantial loss of a listed building”, and that “the removal of smaller parts of a building such as conservatories, porches, chimneys and small scale extensions, should be assessed as alterations rather than demolition”. As such, it is clear that the proposed development does not constitute demolition in terms of Policy D5, and so this element of the Policy is not relevant to the determination of this application.

- 3.20 The Report of Handling also raises concerns about a lack of evidence to demonstrate that the building could not be adapted for use as a garage while retaining more of the existing form, and the impact that this would have on the Conservation Area. As set out above however, this elevation is not visible in the context of the Conservation Area, such that any works here will have no impact on the character and appearance of that. And, whereas the Report of Handling refers to HEP4 of **Historic Environment Policy for Scotland (HEPS)** as requiring alternatives to have been considered, the relevant text in this states that:

“If detrimental impact on the historic environment is unavoidable, it should be minimised. Steps should be taken to demonstrate that alternatives have been explored, and mitigation measures should be put in place.”

- 3.21 In other words, it only needs to be demonstrated that alternatives have been explored if there is an unavoidable impact on the historic environment as a result of the proposed works. In this case there would be no negative impact on the historic environment on the basis that:

- as set out in paragraphs 3.11 to 3.14 above, the proposed development would have no negative impact on the character or appearance of the Conservation Area, not least because it would not be visible from any public viewpoint, and the CAAMP makes it clear that Marine Lane is not considered to be an important part of the Conservation Area, with the proposed works having no impact on any special features of this; and
- as set out in 3.2 to 3.10 above, the proposed development would have no impact on the setting of the listed building at 9 Marine Terrace, with the coach house not being an original part of this setting, and the Report of Handling for the application raising no concerns in respect of the design of the proposed extension or other works that would be carried out on the garden elevation beyond the fact that this would result in the loss of historic fabric (concerns in respect of which have been addressed in detail above).

- 3.22 As the proposed development would not have a detrimental impact on either the character and appearance of the Conservation Area or the setting of the listed building at



9 Marine Terrace, there cannot be said to be any detrimental impact on the historic environment as a whole, and so there is no requirement to either minimise the extent of the works or demonstrate that alternatives have been explored in terms of HEP4.

3.23 In any event, whereas the Report of Handling indicates that a 4m wide opening should have been considered as an alternative, it should be noted that the turning circle sketch submitted with the application [Document 7] makes it clear that this would be unacceptably tight (and, indeed impossible for anything larger than an average family sized car). This was made clear to the case officer during the course of the planning application, as was the fact that increasing the depth of the coach house by 1m was fundamental to making the proposals workable. In doing this, the applicant has clearly explored alternatives in terms of HEP4, with the proposed works being the reasonable practical minimum to accommodate a standard car.

3.24 At the same time, the proposed development is consistent with other relevant principles of HEPS, including:

- **HEP1** – as this has been informed by an inclusive understanding of the coach house’s significance as set out in the Report and Design Statement, the Planning Statement, and highlighted in relevant paragraphs of this Statement;
- **HEP2** – in that this will ensure the positive use, enjoyment and benefits of the coach house are secured for present and future generations by adapting it to meet their changing needs (with it being important to note that, although the Report of Handling states that alternative options for the use of the coach house have not been provided and suggests that it could be more sensitively upgraded to be used as ancillary accommodation to the main dwelling, that is not a relevant consideration in terms to whether or not the proposed development complies with Policy for the reasons given above, and the planning authority must determine the application it has before it); and
- **HEP5** – with this contributing to sustainable development by facilitating the provision of an electric vehicle charging point and this contributing to the delivery of both the Council’s and Scottish Government’s aspirations for addressing climate change as set out in paragraph 3.1 of the Planning Statement.

3.25 In light of the above, HEPS provides significant support for the development proposed in terms of this application.



3.26 Likewise, in the absence of there being any negative impact on the character of the surrounding area, there is no basis for refusing the application on the grounds that it does not comply with **Policies H1 – Residential Area** or **D1 – Quality Placemaking by Design** of the LDP or **Scottish Planning Policy (SPP)** and it should instead be concluded that the application does comply with each these for the reasons given in paragraphs 4.11 to 4.19, paragraph 4.28, and paragraphs 5.1 to 5.4 of the Planning Statement respectively.

3.27 Lastly, it should be noted that the Report of Handling ignores a number of other material considerations that support the proposed development as set out in the Planning Statement, including:

- **Managing Change in the Historic Environment: Accessibility** – which, as set out in paragraphs 5.18 and 5.19 of the Planning Statement, emphasises Scottish Ministers’ commitment to promoting equality of access to, and enjoyment of, the historic environment, with the guidance intended to encourage the provision of physical access for everyone in ways that also safeguard the character of historic buildings. Importantly, the guidance recognises that improved physical access to most elements of the historic environment can usually be achieved through reasonable adjustment without harming the character and appearance of the historic building or place, with the objective being to seek to provide unassisted and dignified physical access for all. In considering the options to achieve this, the guidance states that the aim is to achieve the best practical balance between the access requirements of all users and the reasonable conservation needs of the building or place, and requires such decisions to be informed by applying the hierarchy of “reasonable adjustments” set out in Section 21(2) of the Disability Discrimination Act (1995) (now replaced by the Equality Act 2010). Relevant adjustments to be considered in this regard include: removing the feature that creates the barrier to access; altering it so that it no longer has that effect; providing a reasonable means for avoiding the feature; and providing a reasonable alternative.

In the case of 9 Marine Terrace, there are six steps from the pavement to the front door, which clearly create a significant barrier to unassisted access for all. These steps, along with the railings, form part of the disciplined cohesion of the fronts of the buildings along Marine Terrace that unites them and creates the natural rhythm and order to the streetscape referred to in the statement of special interest for the listing. It would therefore be extremely difficult to remove this barrier, or to make any alterations to the steps, or to avoid them, which would not have a significant adverse impact on the listed terrace and the wider Conservation Area. As such, if unassisted



access to the property is to be provided for all, reasonable alternatives require to be considered. The alterations proposed by way of this application would provide such an alternative with minimum adverse impact on the listed building and no impact on the Conservation Area, as set out in paragraphs 4.24 to 4.26 of the Planning Statement. Allowing those alterations would enable level access at the rear of the house thereby future proofing it for both existing residents and future residents, particularly for those requiring the use of a wheelchair or for those using prams/pushchairs.

- **Managing Change in the Historic Environment: Use and adaptation of listed buildings** – the key messages of which, as set out in paragraphs 5.13 to 5.16 of the Planning Statement, include:
 - the need to make sure that listed buildings have a long term future;
 - new uses should be found for listed building that have the least possible effect on the things that make the building special;
 - decisions about listed buildings should focus on the qualities that make them important;
 - for a building to stay in use over the long term, change will be necessary;
 - alterations to a building will be better than losing the building entirely; and
 - keeping a listed building in use has wider benefits.

These messages are important in terms of this application in that it is clearly recognised that listed buildings do need to change to ensure their long term future and their continued contribution to our cultural heritage. However, that change must be managed to minimise any impacts on the buildings, which for the reasons set out above, in the Planning Statement, and in the Report and Design Statement it is submitted this application does. The history of the coach house demonstrates that it has evolved over a period of time, and the current application is then merely the next phase of its evolution.

- 3.28 Taking these material considerations in support of the application into account, along with the points raised in paragraphs 3.1 to 3.26 above, it is clear that the reasons for the refusal of the application given in the Decision Notice are not justified, and that the



application should instead be approved for the reasons given in the Planning Statement and expanded on above.

4 Conclusion

4.1 For the reasons given in this Statement, it is clear that the proposed development:

- complies with the vision and aims of the SDP, the relevant Policies of the LDP, including Policies H1, D4, D5, and D1, and relevant provisions of the associated Supplementary Guidance;
- will have no adverse impact on the listed terrace, or on any individual elements within that;
- will have no impact on the character and appearance of the Marine Terrace Conservation Area by virtue of its location on a rear lane with no through access;
- is consistent with the principles of SPP and HEPS in terms of facilitating positive change in the historic environment; and
- complies with the requirements of the relevant Historic Environment Scotland Managing Change Guidance notes.

4.2 On the basis that the application is supported by the Development Plan, and no material considerations indicate otherwise, it is submitted that the Review should be allowed and the application approved.



Appendix One – Documents submitted with Notice of Review

Application documents

1. Application Form
2. Location Plan
3. Existing plans sections and elevations
4. Site and roof plan
5. Proposed plans sections and elevations
6. Turning circle sketch
7. Report and design statement
8. Planning statement
9. Report of Handling
10. Decision Notice

Policy documents

11. Aberdeen City and Shire Strategic Development Plan
12. Aberdeen City Local Development Plan
13. Supplementary Guidance: Transport and Accessibility
14. Supplementary Guidance: Householder Development Guide
15. Historic Environment Policy for Scotland
16. Historic Environment Scotland's Managing Change Guidance: Doorways
17. Historic Environment Scotland's Managing Change Guidance: Extensions
18. Historic Environment Scotland's Managing Change Guidance: Use and adaptation of listed buildings
19. Historic Environment Scotland's Managing Change Guidance: Accessibility
20. Scottish Planning Policy

Other documents

21. Marine Terrace Conservation Area Appraisal and Management Plan
22. s.64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
23. Committee Report for planning application reference 201069/DPP
24. Decision Notice for planning application reference 201069/DPP

Appendix Two – Existing garages on Marine Lane



Appendix Three – Planning policy context

- 1 The relevant Development Plan policies, as applied to the proposed development and addressed in paragraphs 2 to 25 of the Planning Statement are set out below.

Aberdeen City and Shire Strategic Development Plan

- 2 The vision of the SDP is that:

“Aberdeen City and Shire will have grown and evolved to become an even more attractive, prosperous, resilient and sustainable European City Region. It will be an excellent place to live, visit and do business.”

- 3 In addition, the SDP contains a number of objectives including:

- to make sure that new development meets the needs of the whole community, both now and in the future, and makes the City Region a more attractive and sustainable place for residents and businesses to remain, grow and relocate to;
- to make sure new development safeguards and, where appropriate, enhances the City Region’s historic, natural and cultural assets and is within the capacity of the environment; and
- to be a City Region which takes the lead in reducing the amount of emissions and pollutants released into the environment and mitigates and adapts to the effects of climate change and changing weather patterns.

- 4 In adapting a traditional building to meet residents’ contemporary needs, the development proposed in terms of this application clearly contributes to both protecting and improving assets, making the house - and hence the area - more attractive for current and future residents. At the same time, by allowing for the charging of an electric vehicle, it also contributes to protecting the natural environment and reducing emissions. The application should therefore be supported in line with the vision and objectives of the SDP.

Aberdeen Local Development Plan (ALDP)

- 5 The aim of the ALDP is for *“...Aberdeen in 2035 to be a sustainable city at the heart of a vibrant and inclusive city region.”*

- 6 The ALDP specifically recognises the importance of Aberdeen’s historic built environment and its role in, amongst other things, helping to connect people and places, providing continuity in a changing world and contributing to regeneration and sustainability. That is, however, only possible to achieve if historic buildings are able to be adapted for modern demands.
- 7 Against this background, paragraph 3.14 of the ALDP is clear that: “[the] key to the sympathetic management of designated buildings and places is through a clear understanding of their significance and context”. The listing for Marine Terrace and the Conservation Area Character Appraisals and Management Plan are important in providing that understanding and, as such, they are looked at in some detail below.
- 8 ALDP policies and supplementary guidance relevant to the determination of his application are:
- Policy H1 – Residential Areas
 - Supplementary Guidance: Householder Development Guide
 - Policy D4 – Historic Environment
 - The Aberdeen City Conservation Area Character Appraisal and Management Plan for the Albyn Place and Rubislaw Conservation Area
 - Policy D1 – Quality Placemaking by Design
 - Policy T2 – Managing the Transport Impact of Development
 - Policy T3 – Sustainable and Active Travel
- 9 Marine Terrace is located within an area zoned for residential use under **Policy H1 – Residential Areas**, which states that householder development will be approved in principle provided that it:
- does not constitute over development;
 - does not have an unacceptable impact on the character or the amenity of the surrounding area;
 - does not result in the loss of valuable and valued open space; and
 - complies with the relevant Supplementary Guidance relating to Householder Development.
- 10 Each of these points is looked at in turn below.

Does not constitute over development

- 11 The application site is in an area characterised as having large houses in large garden plots, with all other plots on Marine Terrace having a garage. Within this context, the size of the proposed extension to the coach house would have no discernible impact on the total developed area of the plot, or on the amount of the plot which comprises usable garden ground (57%).
- 12 Importantly, the size of the coach house as extended compared to the total plot size is significantly within the threshold set out in **Supplementary Guidance: Householder Development Guide** of no more than 50% of the front or rear curtilage of a property to be covered by development. The proposed development cannot therefore be said to constitute overdevelopment and, accordingly, complies with this aspect of the Policy.

Does not have an unacceptable impact on character or amenity

- 13 The coach house's location at the end of Marine Lane, past which there is no public access, means it is not visible from any public viewpoint. The only place from which any element of the proposed development would therefore be visible would be the upper floors of the immediate neighbouring properties. However, given that the extension has been designed to retain the primary features of historic interest with materials selected to be in keeping with that, it is submitted that there will be no negative impact on the character or amenity of the surrounding area as a result of this. Likewise, as the Lane is characterised by a wide range of garage styles, the proposed installation of garage door on the west elevation of the coach house would not have any impact on the character of the area in this regard, with the use of this as a garage equally having no amenity related impacts.

Does not result in the loss of valuable and valued open space

- 14 This aspect of the Policy is not applicable to this application; there will be no loss of any open space as a result of the development proposed.

Complies with the relevant Supplementary Guidance

- 15 The relevant Supplementary Guidance (**Supplementary Guidance: Householder Development Guide**) supports Policy H1 by providing more detailed guidelines on development within residential curtilages. It includes a number of general principles with

which all householder developments are expected to comply. Of relevance to this application, these require that:

- **any proposed alterations should be architecturally compatible in design and scale with the original house and its surrounding area, materials should be complementary to the original building, and any proposed alterations should not overwhelm or dominate the original form or appearance of the dwelling, but should be visually subservient** – the alterations proposed by way of this application would meet all of these criteria, with the extension being very minor such that it does not dominate the coach house, ensuring that the coach house as a whole will also remain subservient to the house, and materials having been selected to complement those of the existing buildings;
- **no alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected** – with regards to which the proposed alterations in this case would have no impact on privacy, daylight or the general amenity of neighbouring properties; and
- **less than 10% of the combined front and rear curtilage shall be covered by development** – as stated above the total developed area of the application site would be less than 10% with the proposed extension to the existing building being only 7.9m², equivalent to an increase of 10.5% of the existing coach-house footprint.

16 For the reasons set out above, it is clear that the development proposed by way of this application complies fully with the Supplementary Guidance: Householder Development Guide.

17 In addition, it should be noted that the proposal would not result in the removal of any trees, or any boundary features.

18 In terms of **Supplementary Guidance: Transport and Accessibility**, this states that the formation of garages off rear lanes as proposed in terms of this application can usually be achieved satisfactorily, and thus supports the proposed development in principle. In particular, whilst the Guidance then goes on to state that the design and positioning of any proposed garages should be given careful consideration, particularly with regard to the effect the garage will have on the appearance of the Lane, the coach house's location at the end of the lane beyond which there is no public access, and the existence of garages of a wide range of styles along the Lane, means that the proposed development will have

no impact on the appearance of the Lane as a whole. In addition, the proposed garage would not alter the existing building line and its door would not encroach onto the Lane, in accordance with the requirements of the Guidance in these regards. The principle of the proposed garage should therefore be supported in accordance with the Guidance.

- 19 The Guidance also sets parking standards with which all development is expected to comply, including requirements with regards to the installation of electric vehicle charging infrastructure. In this regard, paragraph 3.2 of the Guidance highlights that the Scottish Government has committed to the almost complete decarbonisation of road transport by 2050, and one way of achieving this is through encouraging and facilitating the uptake of electric vehicles. All new developments are therefore required to install appropriate electric vehicle charging infrastructure. While the Guidance does not include any specific requirements in terms of the retrofitting of such infrastructure to serve existing development, the provisions of paragraph 3.2 make it clear that the uptake of electric vehicles should generally be encouraged and facilitated. As the proposed development specifically seeks to enable the applicants to install electric vehicle charging infrastructure at their property and facilitate their use of an electric vehicle accordingly, it should be supported in line with the provisions of the Guidance in this regard.
- 20 Lastly in terms of transport and accessibility, the parking standards set out in the Guidance generally expect dwellinghouses in the inner-city area (in which the application site is located) to be accompanied by 1.5 spaces each. Currently, there is no dedicated parking for 9 Marine Terrace but the development proposed by way of this application would create off road parking for one family sized car, together with the ability to provide an electric vehicle charging point for that as set out above. As such the application should be considered appropriate in terms of the guidance.
- 21 As the proposal is for the alteration of a structure included within the curtilage of a listed building, consideration also needs to be given to **Policy D4 – Historic Environment**, which aims to protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP (now superseded by Historic Environment Policy for Scotland), and the Council’s own Supplementary Guidance and Conservation Area Character Appraisals and Management Plans. The Policy supports high quality design that respects the character, appearance and setting of the historic environment, and which protects the special architectural or historic interest of its listed buildings and conservation areas.
- 22 The listing for 3-11 (inclusive numbers) Marine Terrace and the statement of special interest for this make it clear that the focus of the listing is on the east (principal elevation)

of the Terrace as a whole, with the rear of the buildings being described only in terms of the elevations themselves. Further, whilst there is specific reference to the boundary walls and railings in the Statement of Special Interest, no reference is made to any outbuildings, including the coach house at number 9, suggesting that this is not of any particular significance in itself.

- 23 Consideration also needs to be given to the **Marine Terrace Conservation Area Character Appraisal and Management Plan (CAAMP)**, which describes the Conservation Area as a fine example of 19th century middle and upper class suburban residential expansion. In terms of the built environment, the CAAMP recognises that the Conservation Area has a variety of architectural styles and detailing which has developed over time, with large plot sizes reflective of the properties being of appeal to the growing middle classes of the 19th century. It is clear from the CAAMP that it is the sense of disciplined cohesion of the fronts of the buildings that unites them and creates the pleasing natural rhythm and order to the streetscape. Marine Lane is though recognised in the CAAMP as being more modern and not having a strong front boundary as other roads in the area do. The CAAMP also does not identify any views, vistas or glimpses into Marine Lane, indicating that this is not considered to be an important part of the Conservation Area in terms of its appreciation by the public. Indeed, Marine Lane is not included in the list of streets in the Marine Terrace Conservation Area.
- 24 As the proposed development would have no impact on any of the key features of either the listed building or the Conservation Area as described in the Statement of Special Interest and the CAMP respectively, the historic interest of these would be duly protected as required by Policy D4, and the application complies with this Policy accordingly.
- 25 Finally, in terms of the detailed design of the proposed development, **Policy D1 - Quality Placemaking by Design** requires all developments to have high standards of design, and a strong and distinctive sense of place. The Policy sets out the six essential qualities of successful place making, with the criteria to be used in assessing an application dependent on the scale, character and nature of the proposal. Not all criteria are applicable to all developments, but how the proposed development demonstrates those which apply to the current application are set out below:
- **Distinctive** – in that the proposed extension to the coach house has been designed to preserve the key historic features and be both subservient to and architecturally compatible with both the original coach house building and the main house;

- **Welcoming** – by enabling a family home to accommodate an electric vehicle and using well considered materials in keeping with the original building;
- **Safe and pleasant** – in terms of which the dimensions of the proposed garage door would allow a family sized electric car to manoeuvre safely and conveniently into the garage within the confines of a narrow Lane, and with the proposed alternations having no impact on adjoining residential amenity;
- **Easy to get to/move around** – with the underlying principle behind the proposed development being to facilitate sustainable and active travel for our clients, including through the provision of an electric vehicle changing point, whilst also providing additional space for bicycle storage;
- **Adaptable** – this being the very nature of the application by adapting an existing building to meet the requirement of modern family living, allowing residents to adapt to a more low carbon lifestyle, and enabling level access to the house; and
- **Resource efficient** – with this again being the underlying principle behind the proposed development in terms of enabling the installation of electric vehicle charging apparatus.

LOCAL REVIEW BODY

210541/DPP– Review against refusal of planning permission for:

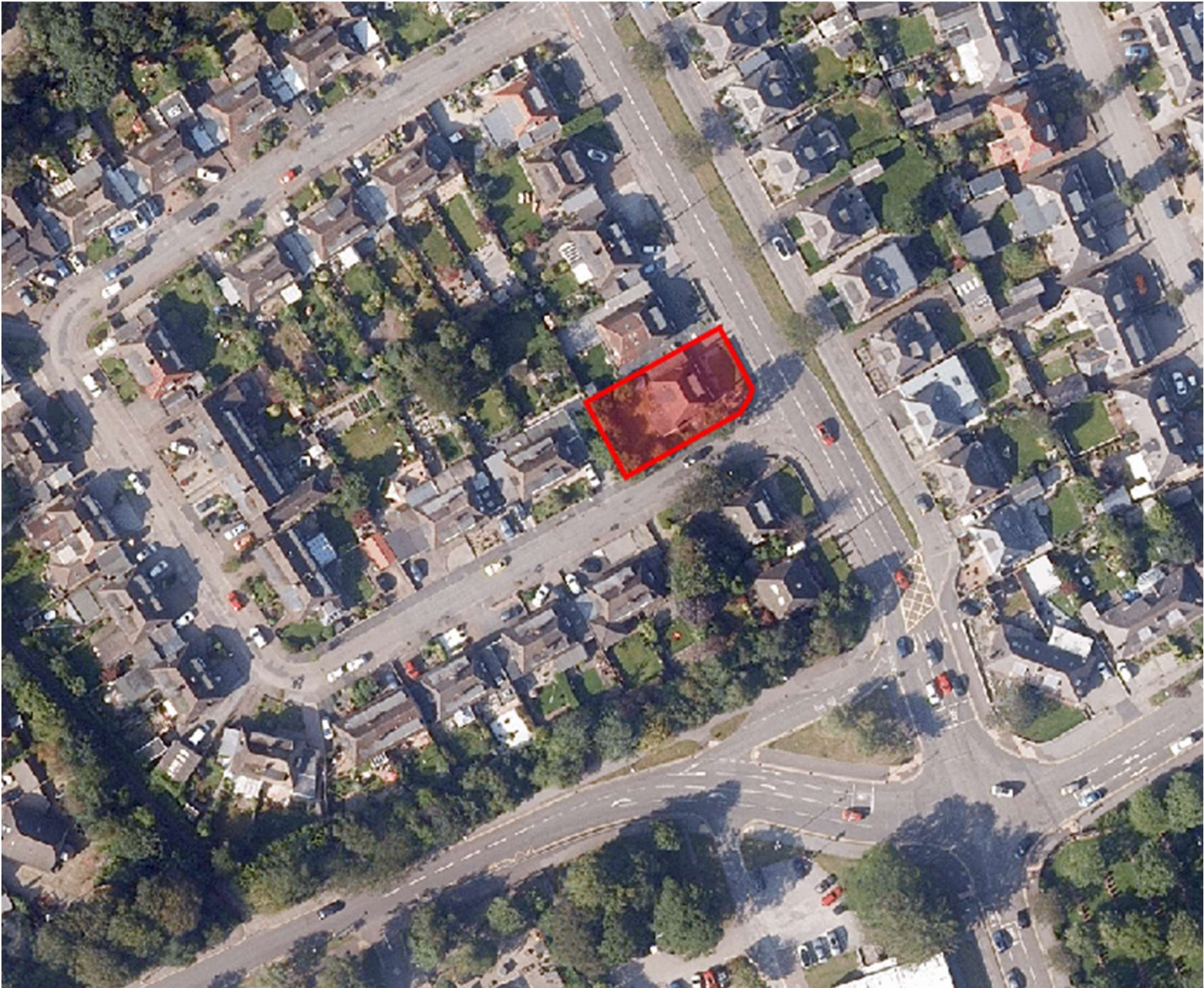
Erection of 2 storey extension to rear and replacement garage to side

97 Springfield Road, Aberdeen

Location Plan



Location – Aerial Photo



Street View image: Front (Oct 2020)

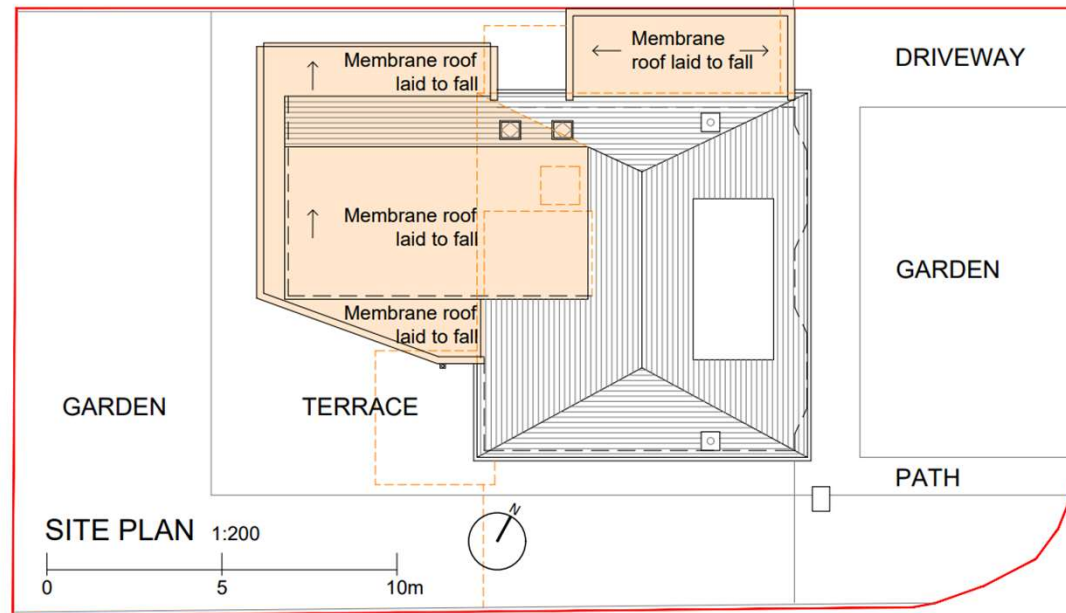
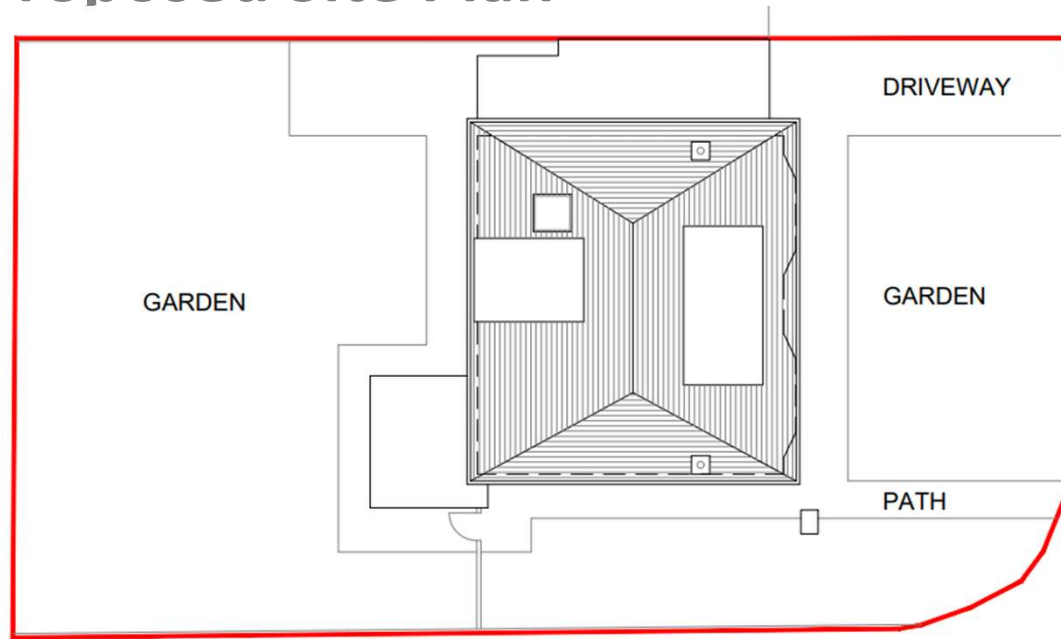


Google

Street View image: Side (Oct 2020)



Existing and Proposed Site Plan



Existing and Proposed East (front) Elevation





EXTENSION FINISHES

- WALLS**
 Timber/Timber effect cladding, dark grey
- Render, white stone chip
- EXTENSION - PITCHED ROOF**
 Roof tiles to match existing
- EXTENSION - 'FLAT' ROOF**
 Roof Membrane, dark grey
- GARAGE ROOF**
 Roof membrane, dark grey
- SOFFITS/FASCIA
 Aluminium, dark grey
- WINDOWS / DOORS
 PVCu, dark grey
- - - RAINWATER GOODS
 PVCu, black

Existing and Proposed West (rear) Elevation



EXTENSION FINISHES

- WALLS**
-  Timber/Timber effect cladding, dark grey
-  Render, white stone chip
- EXTENSION - PITCHED ROOF**
- Roof tiles to match existing
- EXTENSION - 'FLAT' ROOF**
- Roof Membrane, dark grey
- GARAGE ROOF**
- Roof membrane, dark grey
- SOFFITS/FASCIA**
- Aluminium, dark grey
- WINDOWS / DOORS**
- PVCu, dark grey
- RAINWATER GOODS**
- PVCu, black

Existing wall rendered to match new

Existing and Proposed South (side) Elevation



EXTENSION FINISHES

WALLS
 Timber/Timber effect cladding, dark grey

Render, white stone chip

EXTENSION - PITCHED ROOF
 Roof tiles to match existing

EXTENSION - 'FLAT' ROOF
 Roof Membrane, dark grey

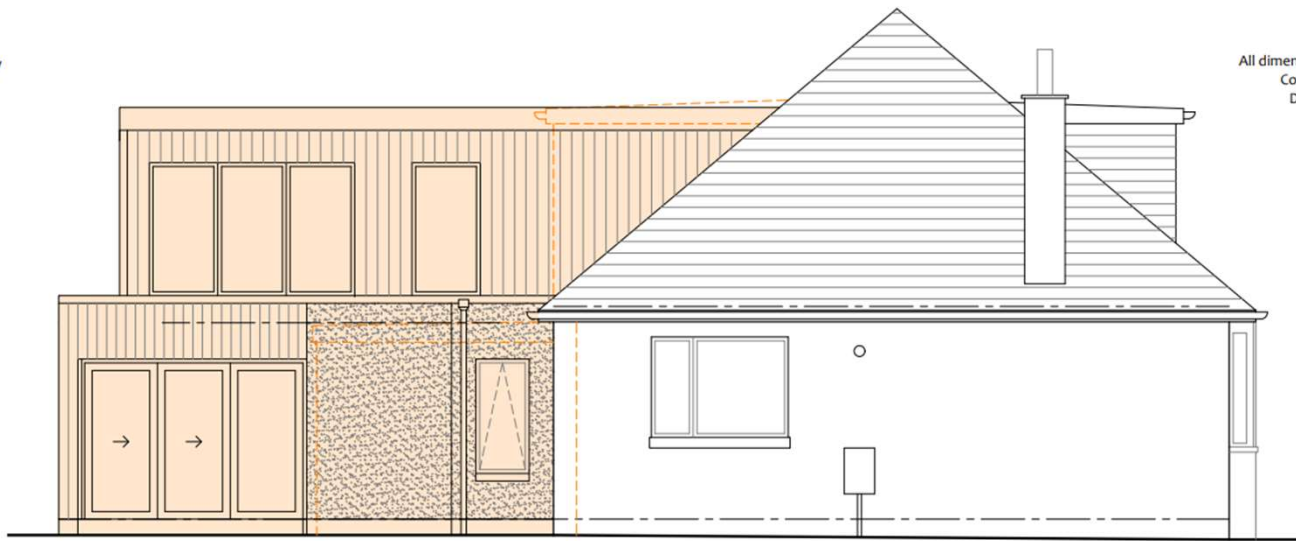
GARAGE ROOF
 Roof membrane, dark grey

SOFFITS/FASCIA
 Aluminium, dark grey

WINDOWS / DOORS

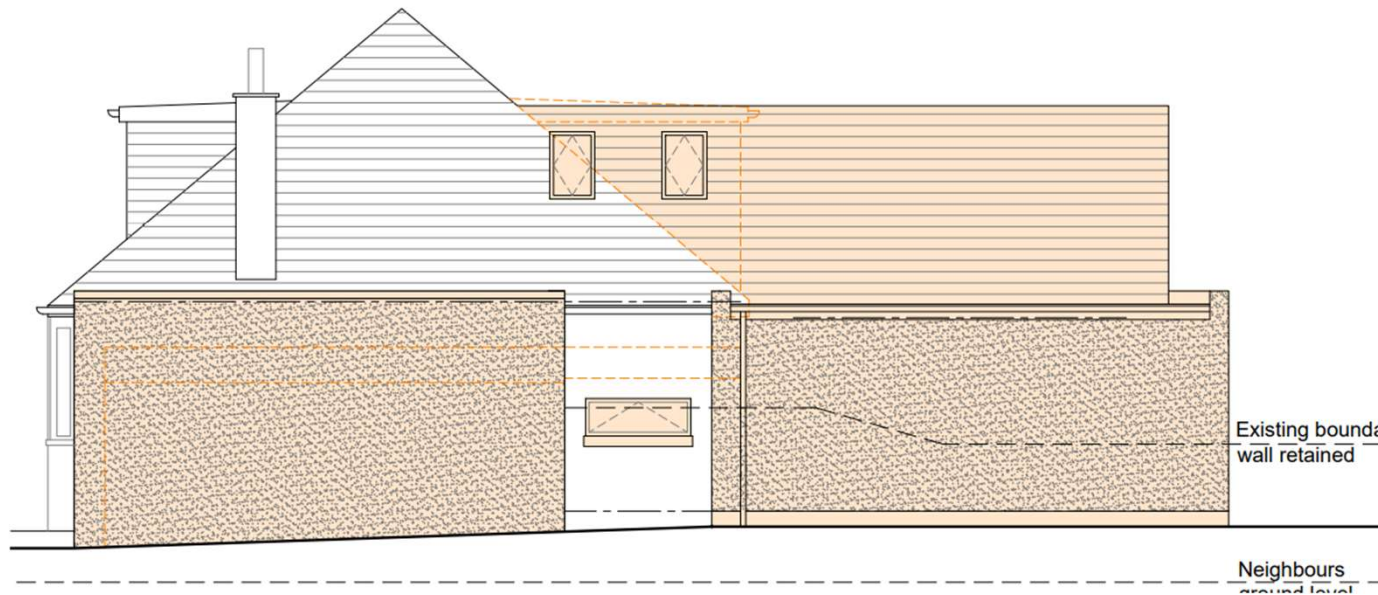
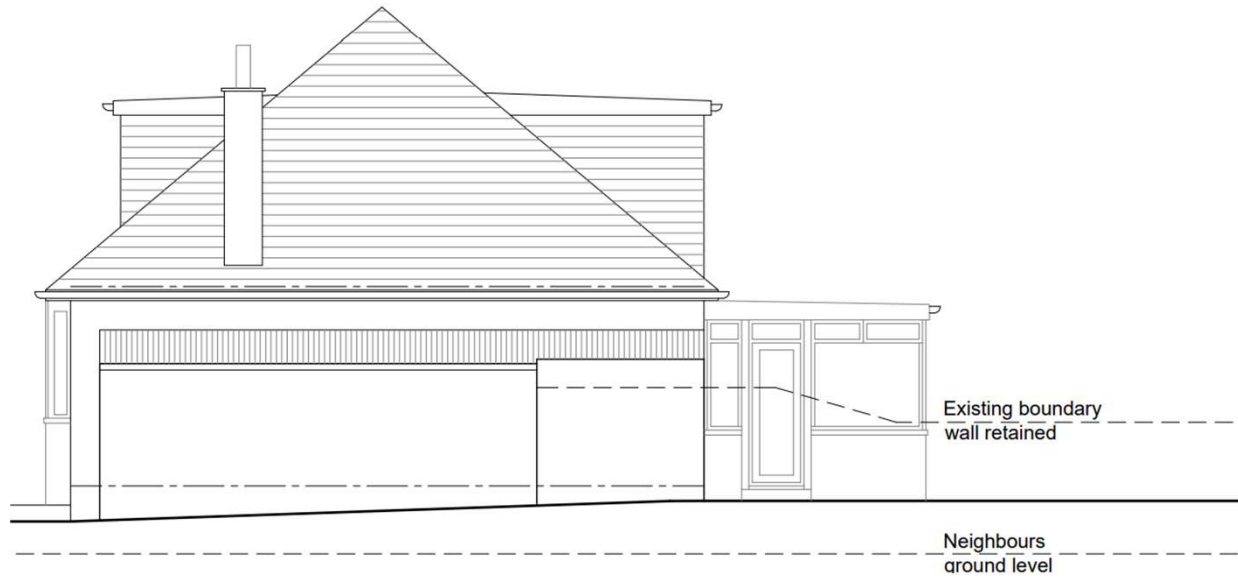
PVCu, dark grey

RAINWATER GOODS
 PVCu, black







All dimension:
 Contract
 Drawn

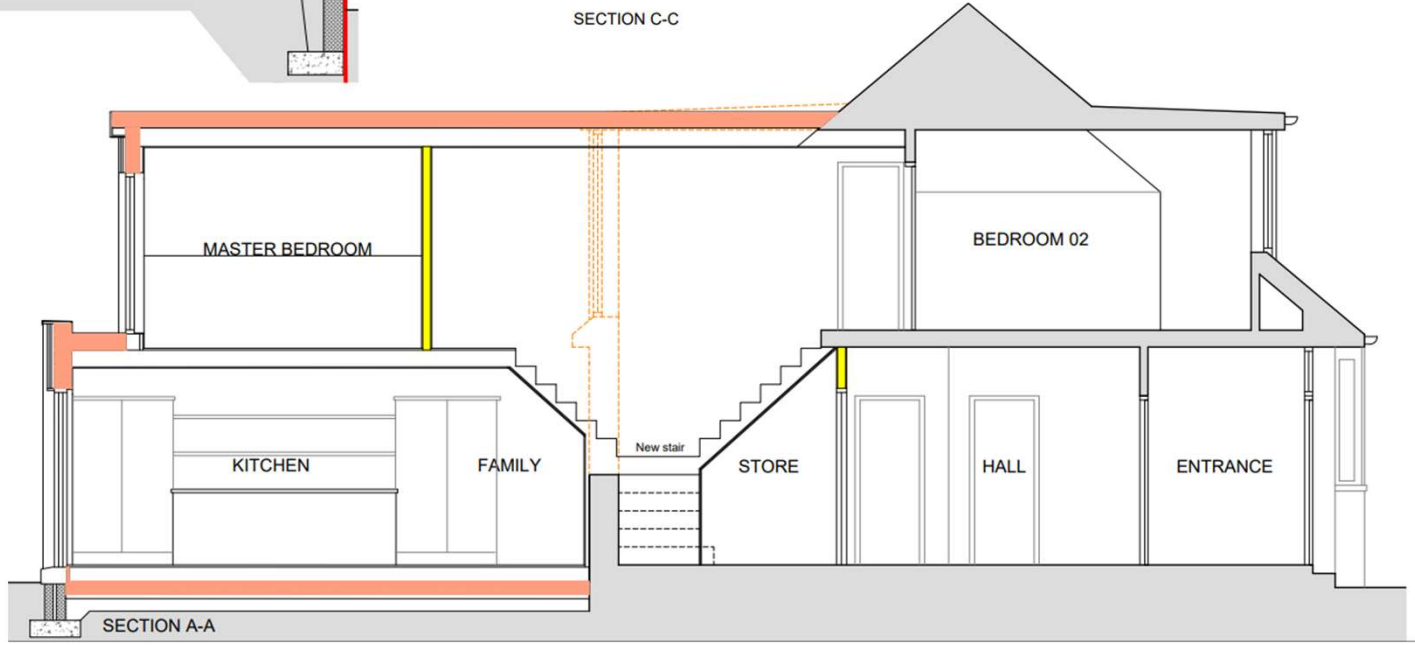
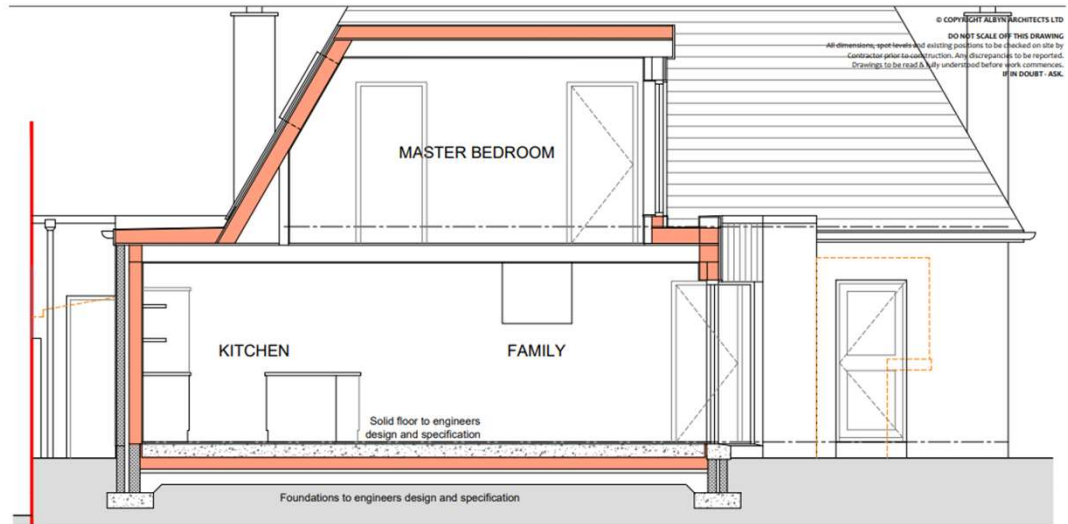
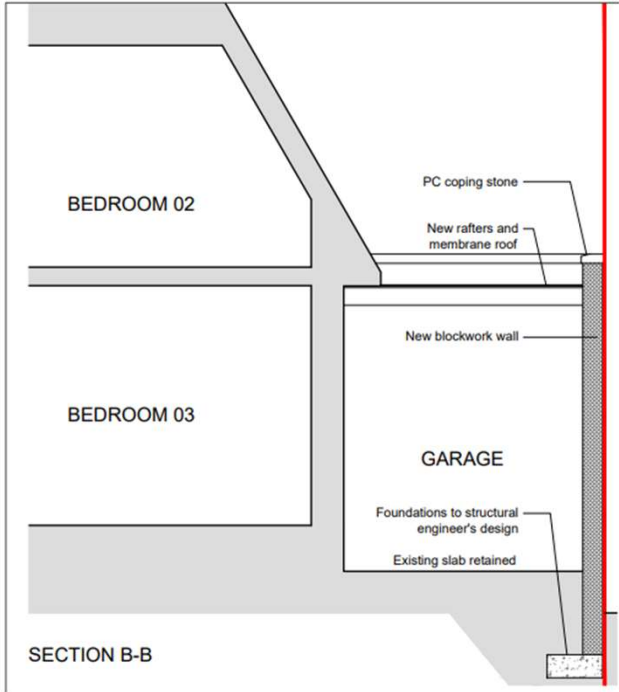
Existing and Proposed North (side) Elevation



EXTENSION FINISHES

- 
WALLS
 Timber/Timber effect cladding, dark grey
- 
 Render, white stone chip
- EXTENSION - PITCHED ROOF**
 Roof tiles to match existing
- EXTENSION - 'FLAT' ROOF**
 Roof Membrane, dark grey
- GARAGE ROOF**
 Roof membrane, dark grey
- 
SOFFITS/FASCIA
 Aluminium, dark grey
- 
WINDOWS / DOORS
 PVCu, dark grey
- RAINWATER GOODS**
 PVCu, black

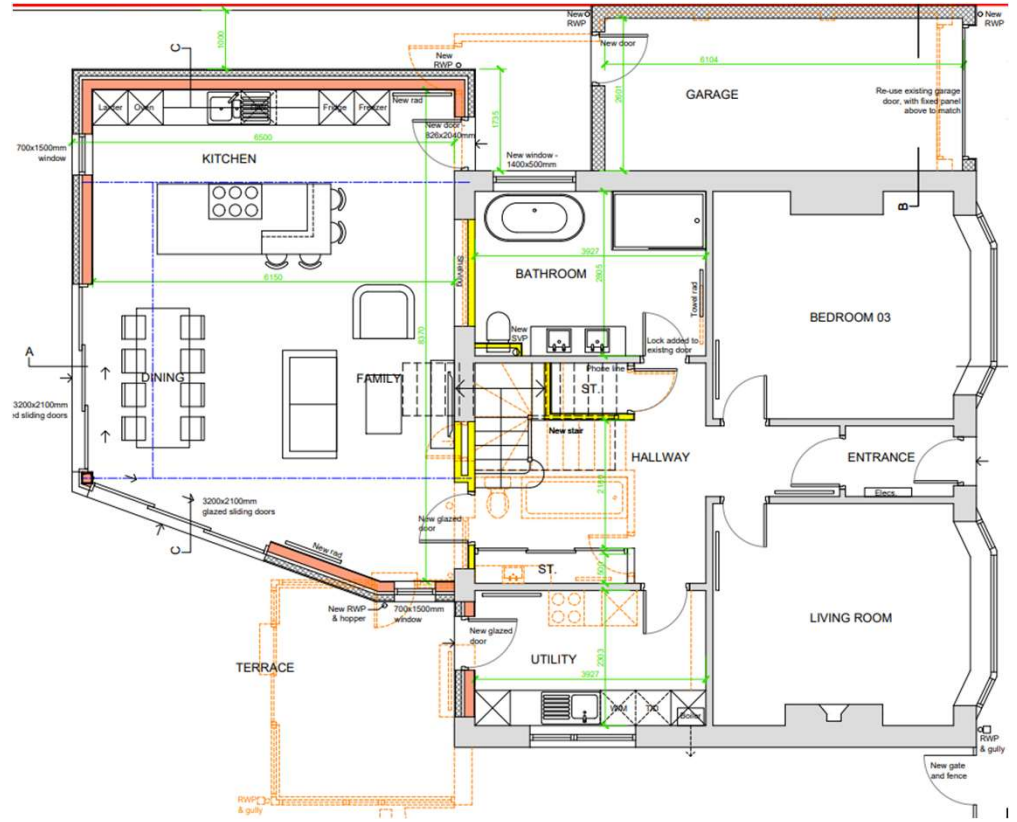
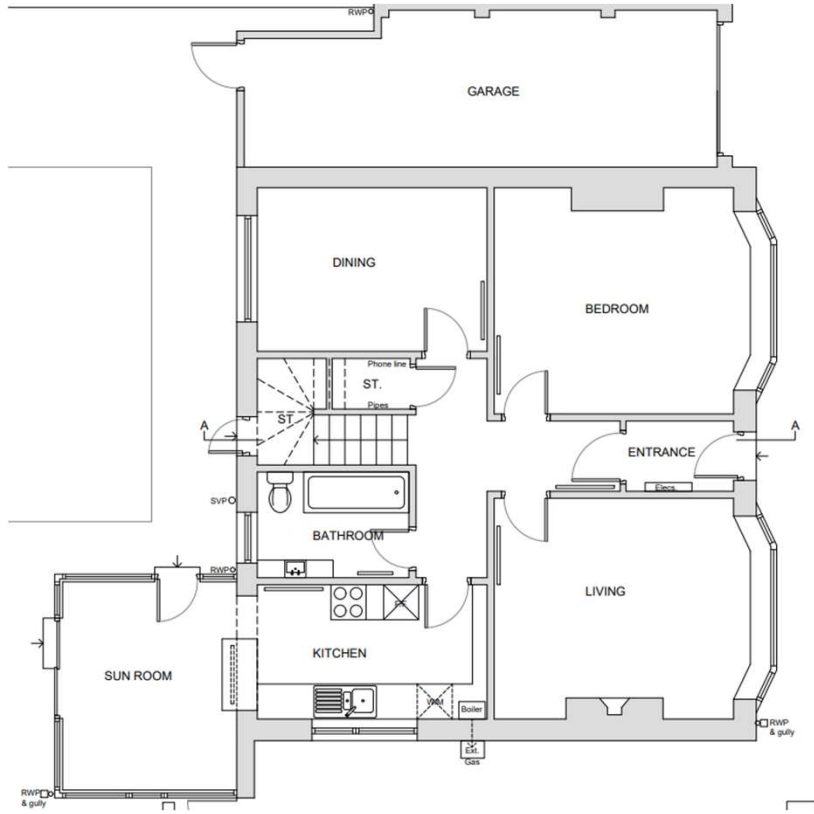
Sections



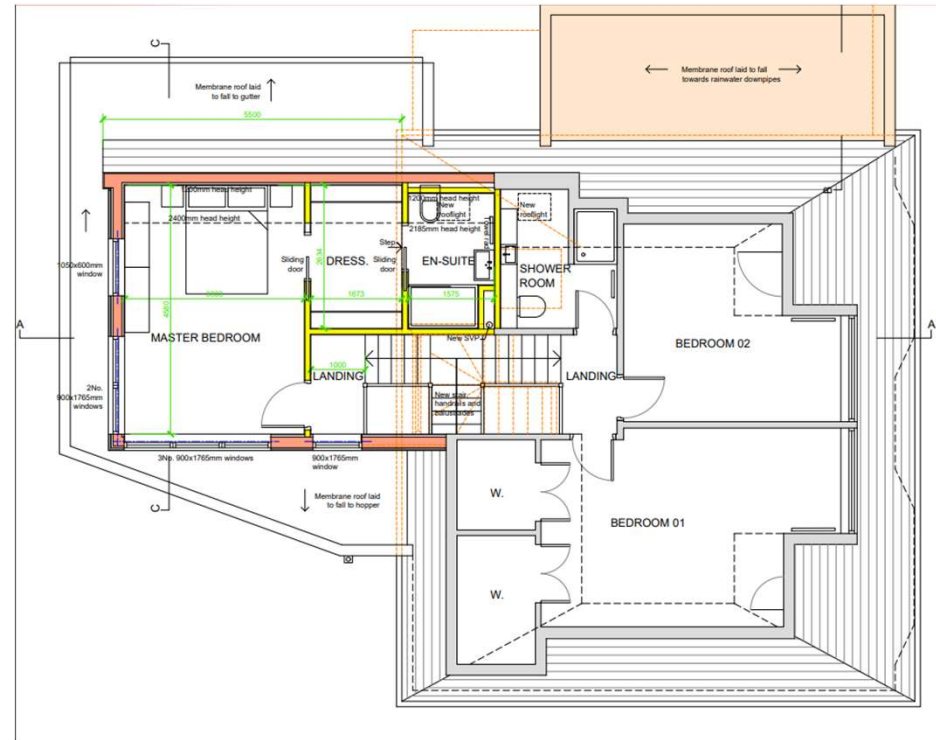
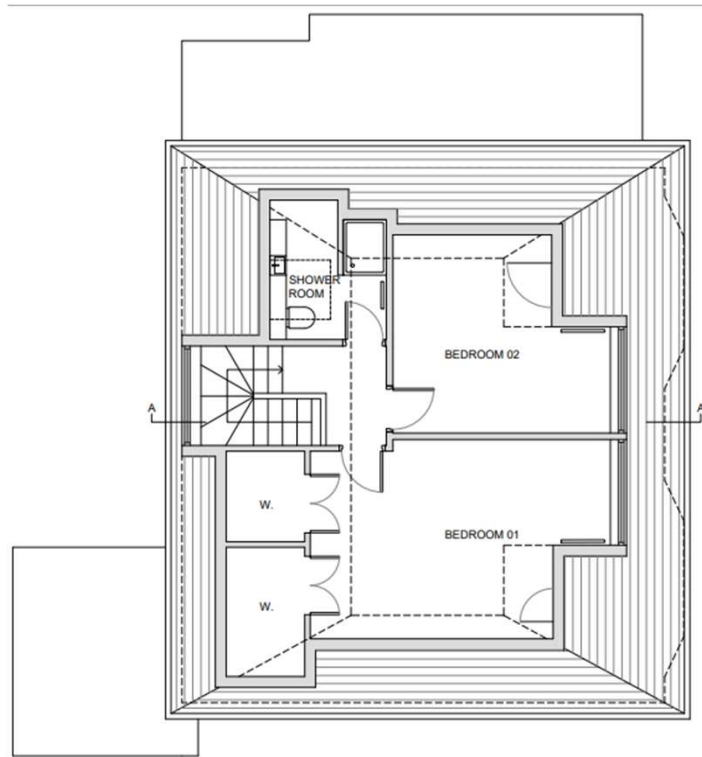
3D Visualisations



Existing & Proposed Ground Floor



Existing & Proposed First Floor



Reasons for Refusal

- By way of its two storey flat roofed form, unbalanced asymmetric design, projection to the rear, and extensive glazing at the upper level, the proposed rear extension would not be architecturally compatible in design and scale with the symmetrical 1½ storey hipped roofed form of the original dwelling or its wider context
- Prominent location, readily visible from Springfield Gardens and Springfield Road, is such that the proposed extension would adversely affect the character and visual amenity of the surrounding area.
- Proposed single storey garage extension would uncomfortably rise above the eaves of the original dwelling which would have an unbalanced appearance on the principal elevation
- The proposal could set a precedent for similar proposals
- Conflict with Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the ALDP, as well as relevant Householder Development Guide SG; and equivalent policies in emerging Proposed ALDP 2020.
- No material planning considerations that warrant approval in this instance.

Applicant's Case

- Extension has been designed to maximise useable 1st floor space whilst avoiding overlooking of neighbouring properties;
- Appearance from neighbouring property at 99 Springfield Rd would be that of a 'traditional' extension
- Roof of extension is no higher than the existing dormer window and leaves a substantial area of the roof untouched
- This proposal is very similar to a scheme approved at 52 Westholme Avenue (ref 191451)
- Also highlights another example of modern design at 68 Springfield Road (ref 120661)
- Advises that the garage design replicates that of a replacement garage directly opposite (58 Springfield Rd – ref 150431)
- Dismisses notion of precedent, advising that this proposal relates to a unique corner plot and its specific circumstances.
- Highlights lack of objection from any neighbours

Applicant's Case

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Figure 02. Showing approved elevation at No.52 Wesholme Avenue

Applicant's Case



Figure 03. Modern house at 68 Springfield Road

Applicant's Case



Figure 04. Showing approved elevation at No. 58 Springfield Road.



Figure 05. Showing refused elevation at No. 97 Springfield Road



H1: Residential Areas

- Is this overdevelopment?
- Would it have an *'unacceptable impact on the character and amenity'* of the area?
- Would it result in the loss of open space?
- Does it comply with Supplementary Guidance?

(e.g. Householder Development Guide)



D1: Quality Placemaking by Design

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

Proposals will be assessed against the following six essential qualities:

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

SG: Householder Development Guide

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



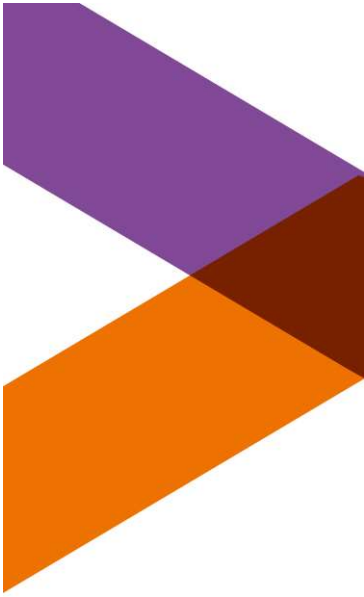
SG: Householder Development Guide

- The built footprint of a dwelling house as extended should not exceed twice that of the original dwelling.
- No more than 50% of the front or rear curtilage shall be covered by development.
- On properties of 2 or more storeys, two storey extensions will generally be possible, subject to the considerations set out in the ‘General Principles’.



SG: Transport and Accessibility

- Sets out car parking standards, along with minimum dimensions for standard spaces
- Garages should have a minimum internal size of 5.7m by 2.7m
- Entry to garage should be at least 2.25m wide and 1.98m high



Points for Consideration:

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


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

- 1. Does the proposal comply with the Development Plan when considered as a whole?**
- 2. Do other material considerations weigh for or against the proposal? Are they of sufficient weight to overcome any conflict with the Development Plan?**

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	97 Springfield Road, Aberdeen, AB15 7RT
Application Description:	Erection of 2 storey extension to rear and replacement garage to side
Application Ref:	210541/DPP
Application Type:	Detailed Planning Permission
Application Date:	19 April 2021
Applicant:	Mr Fraser Moonie
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Craigiebuckler and Seafield
Case Officer:	Roy Brown

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a 1½ storey detached dwellinghouse and its front and rear curtilage in a residential area. The dwellinghouse has a northeast facing principal elevation that fronts Springfield Road and a southeast facing side elevation that fronts Springfield Gardens. The application site is bounded to the northwest and southwest by residential properties. The property has a sun room extension to its rear and an attached garage extension to its northwest side.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the erection of a two-storey extension to the rear of the dwelling and the erection of a garage extension to its northwest side, which would replace the existing rear extension and attached garage extension. The extension would cover an area of c.55sqm, would project c.6.5m to the rear, and would be located c.1m from the northwest boundary.

The extension would be built over two storeys and would comprise flat roofed single storey element, which would have an eaves height of c.3.2m, and an asymmetric upper storey element that would have a maximum height of c.5.7m, a mono-pitched roof on its northwest side, and vertical elevations on its southwest and southeast sides.

The walls of the extension would be finished in dark grey timber/timber effect cladding and white dry dash render. The pitched roof would be finished in roofing tiles 'to match existing'. The fasciae and would be formed in dark grey aluminium, and the windows / patio doors would be framed in uPVC.

The garage would be c.6.5m in length and c.2.8m in width. It would be flat roofed with a maximum height of c.3.5m and finished in white dry dash render. It would have a c.2.3m x c.2.4m garage door that fronts Springfield Road.

Supporting Documents

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

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QRTGDLBZIQJ00>

CONSULTATIONS

Craigiebuckler and Seafield Community Council – No response received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Aberdeen Local Development Plan (ALDP)

Policy H1 - Residential Areas

Policy D1 - Quality Placemaking by Design

Supplementary Guidance (SG)

The Householder Development Guide (HDG)

Transport and Accessibility

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. 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 –

- such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP;

- the level of representations received in relation to relevant components of the Proposed ALDP and their 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 H1 - Residential Areas

Policy D1 - Quality Placemaking

Policy D2 - Amenity

EVALUATION

Principle of Development

The application site is located in a residential area, under Policy H1 of the ALDP, and the proposal relates to householder development. Development would accord with this policy in principle if it does not constitute over development, adversely affect the character and amenity of the surrounding area, it does not result in the loss of valuable and valued areas of open space and it complies with the Supplementary Guidance, in this case the Householder Development Guide (HDG). Given the proposal relates to householder development, it would not result in the loss of open space. The other issues are assessed in the below evaluation.

Design and Scale

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

The HDG states that *'Proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale.'*

Proposed Rear Extension

Notwithstanding the maximum height of the rear extension would be lesser than that of the original dwelling by c.1.2m, it would not be of design, form and scale that would be compatible with the original house or the surrounding area and this is primarily as a result of its upper storey element. The two-storey flat roofed form of its prominent public facing southeast elevation and its substantial c.8.6m projection from the rear roof slope would serve to dominate the original 1½ storey hipped roofed form of the dwelling, particularly from the streetscape of Springfield Gardens. Its asymmetrical form whereby it would have a pitched roof on the northwest elevation and a vertical wall on the southeast elevation would be inconsistent with the relatively symmetrical appearance of the original dwelling and those within the surrounding area.

Because of the massing and incompatible form of the rear extension relative to the original dwelling, the contrasting grey timber (or timber effect) clad finish and large c.1.8m high windows on the southwest and south elevations of the upper storey element would serve to emphasise the scale of the extension.

The side elevation of the application property is visually prominent on Springfield Gardens and Springfield Road. The surrounding area is characterised by mid-twentieth century and modern 1½ storey hipped roofed semi-detached and detached dwellings. The introduction of the two-storey flat roofed extension on such a prominent location of the streetscape would disrupt the consistent

architectural character and visual amenity of the surrounding area. There are no extensions comparable to the design and form as the proposed extension in the surrounding area. The design, scale and form of the proposed extension would thus be incongruous to the established urban form and architectural character of the surrounding area.

Notwithstanding every proposal would be assessed on its own merits, the grant of planning permission for such a proposal could set an unwelcome precedent for two storey extensions to 1½ storey hipped roofed dwellings in prominent public locations in the surrounding area. Such a precedent could have a significant adverse impact on the character and visual amenity of the surrounding area.

As such, the design, form and scale of the proposed rear extension would not be architecturally compatible with the original dwelling and the surrounding area and would adversely affect the character and visual amenity of the surrounding area, in conflict with the Householder Development Guide, and Policies D1 and H1 of the ALDP.

Amendments which could reduce the scale of the extension and result in the form of the extension being compatible with that of the original dwelling, mainly by way of forming a pitched roof on its southeast elevation, were suggested by the Planning Service in advance of determination. However, no such amendments were made and the initially submitted plans for the rear extension are therefore being considered.

Proposed Side Garage Extension

Notwithstanding its render finish would be compatible in the context of being a side garage extension and comparable to other side garage extensions in the surrounding area, its elevations would uncomfortably rise above the eaves of the original dwelling. This would have an unbalanced appearance on the principal elevation and would detract from the visual amenity of the streetscape. This design feature is inconsistent with the other garage extensions in the surrounding area, and thus would serve to detract from the character and visual amenity of the surrounding area, in conflict with Policies D1 and H1 of the ALDP; and the HDG.

The garage would not be of internal dimensions that would be able to facilitate a parked vehicle as its 2.6m width would be less than the 2.7m width required by the Transport and Accessibility Supplementary Guidance. Given the existing garage was of similar dimensions, the proposal would not result in the loss of an off-street parking space.

Built Footprint

The proposed extensions would not necessarily constitute over-development of the site in terms of footprint. It would comply with the HDG in that it would not result in the footprint of the dwelling being doubled as the extended dwelling would have a footprint c.81.3% larger than that of the original dwelling. Furthermore, c.25% of the rear garden would be covered by development, less than the 50% permitted by the HDG.

Amenity

Calculations using the 25 and 45-degree methods in the HDG demonstrate that the proposed extension would adversely affect the level of background daylight or sunlight afforded to the southeast elevation of the rear extension of 99 Springfield Road. Nevertheless, given the extensive amount of glazing serving that room in the neighbouring property, the impact on the side facing windows would not adversely affect the residential amenity of that property by any significant degree. Notwithstanding the ground level of 99 Springfield Road is lower than that of the application property, the proposal would have negligible impact on the level of sunlight and background daylight afforded to the rear curtilage of 99 Springfield Road given the extension

would be set back from the northwest boundary shared with this property and the vast majority of the usable private garden ground would be unaffected.

The proposed rear extension would not adversely affect the level of privacy afforded to any neighbouring residential property given its glazing would be orientated over Springfield Gardens to the southeast; to the rear of the property, where there are high trees and shrubs which screen the glazing from 2 Springfield Road to the southwest; and to the northwest, its rooflights would face the side extension of 99 Springfield Road and would have a high sill height of c.1.6m above the first floor level, which would mitigate overlooking down into the ground floor level of the neighbouring extension.

The proposal would have negligible impact on the level of residential amenity afforded to any neighbouring property by way of privacy, sunlight and background daylight.

Proposed Aberdeen Local Development Plan

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

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

By way of its two storey flat roofed form, unbalanced asymmetric design, projection to the rear, and extensive glazing at the upper level, the proposed rear extension would not be architecturally compatible in design and scale with the symmetrical 1½ storey hipped roofed form of the original dwelling and the other residential properties of the surrounding area. Given its prominent location, which would be readily visible on the streetscape of Springfield Gardens and Springfield Road, the proposed extension would adversely affect the character and visual amenity of the surrounding area.

The elevations of the proposed single storey garage extension would uncomfortably rise above the eaves of the original dwelling which would have an unbalanced appearance on the principal elevation and from the character and visual amenity of the streetscape.

The proposal could set a precedent for similar proposals in the surrounding area, which could significantly detract from the character and amenity of the surrounding area.

It would therefore conflict with Policies H1 – Residential Areas and D1 – Quality Placemaking by Design and of the adopted Aberdeen Local Development Plan 2017; the Supplementary Guidance: ‘The Householder Development Guide’; and Policies H1 – Residential Areas, D1 – Quality Placemaking and D2 - Amenity of the Proposed Aberdeen Local Development Plan 2020.

There are no material planning considerations that warrant approval in this instance.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100340399-003

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

Description of Proposal

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

2 storey house extension to rear of property and replacement garage.

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

No Yes - Started Yes – Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

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

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Fraser	Building Number:	97
Last Name: *	Moonie	Address 1 (Street): *	Springfield Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB15 7RT
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

97 SPRINGFIELD ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 7RT

Please identify/describe the location of the site or sites

Northing

804728

Easting

391019

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)

Following submission of a previous planning application (Ref: 201590/DPP) the application was withdrawn. Revised proposals were submitted as part of a Pre-Application Enquiry. Planner, Roy Brown provided comments on this revised design on 17 March 2021.

Title:

Mr

Other title:

First Name:

Roy

Last Name:

Brown

Correspondence Reference Number:

Ref: 201590/DPP

Date (dd/mm/yyyy):

17/03/2021

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.

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Architects Ltd

On behalf of: Mr Fraser Moonie

Date: 19/04/2021

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

Declaration Name: Albyn Architects Ltd

Declaration Date: 15/12/2020

Payment Details

Online payment: ABSP00006553
Payment date: 19/04/2021 15:41:00

Created: 19/04/2021 15:41

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

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

on behalf of **Mr Fraser Moonie**

With reference to your application validly received on 19 April 2021 for the following development:-

**Erection of 2 storey extension to rear and replacement garage to side
at 97 Springfield Road, Aberdeen**

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

Drawing Number	Drawing Type
M028 001 A	Location Plan
M028 - 101 B	Ground Floor Plan (Proposed)
M028 - 102 B	First Floor Plan (Proposed)
M028 - 201 B	Multiple Elevations (Proposed)
M028 - 301 B	Site Cross Section (Proposed)

REASON FOR DECISION

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

By way of its two storey flat roofed form, unbalanced asymmetric design, projection to the rear, and extensive glazing at the upper level, the proposed rear extension

would not be architecturally compatible in design and scale with the symmetrical 1½ storey hipped roofed form of the original dwelling and the other residential properties of the surrounding area. Given its prominent location, which would be readily visible on the streetscape of Springfield Gardens and Springfield Road, the proposed extension would adversely affect the character and visual amenity of the surrounding area.

The elevations of the proposed single storey garage extension would uncomfortably rise above the eaves of the original dwelling which would have an unbalanced appearance on the principal elevation and from the character and visual amenity of the streetscape.

The proposal could set a precedent for similar proposals in the surrounding area, which could significantly detract from the character and amenity of the surrounding area.

It would therefore conflict with Policies H1 - Residential Areas and D1 - Quality Placemaking by Design and of the adopted Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'The Householder Development Guide'; and Policies H1 - Residential Areas, D1 - Quality Placemaking and D2 - Amenity of the Proposed Aberdeen Local Development Plan 2020.

There are no material planning considerations that warrant approval in this instance.

Date of Signing 20 August 2021



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

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

None.

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

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

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

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

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

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

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

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Aberdeen Local Development Plan (ALDP)

- Policy H1 – Residential Areas
- Policy D1 - Quality Placemaking by Design

Supplementary Guidance

Householder Development Guide

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

Transport and Accessibility

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

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 100340399-005

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Fraser"/>	Building Number:	<input type="text" value="97"/>
Last Name: *	<input type="text" value="Moonie"/>	Address 1 (Street): *	<input type="text" value="Springfield Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 7RT"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="info@albrynarchitects.co.uk"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="97 SPRINGFIELD ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB15 7RT"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="804728"/>	Easting	<input type="text" value="391019"/>
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Description of Proposal

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

Erection of 2 storey extension to rear and replacement garage to side at 97 Springfield Road, Aberdeen Planning ref: 210541/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.

Refer to submitted Appeal Statement for full details of case against the refusal

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)

M028_Appeal Statement Drawings; - M028_001A, M028_002A, M028_003A, M028_101B, M028_201B & M028_301B

Application Details

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

210541

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

19/04/2021

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

20/08/2021

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Albyn Architects Ltd

Declaration Date: 01/09/2021

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Albyn Architects Ltd
Suite 1 Chattan Mews
18 Chattan Place
Aberdeen
AB10 6RD

01224 630163
www.albynarchitects.co.uk

PLANNING APPLICATION 210541/DPP

ERECTION OF 2 STOREY EXTENSION & REPLACEMENT GARAGE TO SIDE
AT
97 SPRINGFIELD ROAD, ABERDEEN

APPEAL STATEMENT
ON BEHALF OF
MR. F. MOONIE

1. Introduction

- 1.1 Planning application ref: 210541/DPP was submitted by Albyn Architects to Aberdeen City Council on 23 December 2020, seeking planning permission for the erection of a 2 storey rear extension and replacement garage to the side.
- 1.2 This extension is required to provide additional living and bedroom accommodation to the occupants of the house. The extension has been designed specifically for this site, so as to not overlook the neighbouring properties.

2. Reasons for Refusal

- 2.1 The following paragraphs look at the reasons for refusal given in the decision notice, demonstrating how the application does not conflict with the design guidance.
- 2.2 The above application was refused, with the following reasons stated on the refusal: -
“By way of its two storey flat roofed form, unbalanced asymmetric design, projection to the rear, and extensive glazing at the upper level, the proposed rear extension would not be architecturally compatible in design and scale with the symmetrical 1½ storey hipped roofed form of the original dwelling and the other residential properties of the surrounding area. Given its prominent location, which would be readily visible on the streetscape of Springfield Gardens and Springfield Road, the proposed extension would adversely affect the character and visual amenity of the surrounding area.
The elevations of the proposed single storey garage extension would uncomfortably rise above the eaves of the original dwelling which would have an unbalanced appearance on the principal elevation and from the character and visual amenity of the streetscape.
The proposal could set a precedent for similar proposals in the surrounding area, which could significantly detract from the character and amenity of the surrounding area.
It would therefore conflict with Policies H1 - Residential Areas and D1 - Quality Placemaking by Design and of the adopted Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'The Householder Development Guide'; and Policies H1 - Residential Areas, D1 - Quality Placemaking and D2 - Amenity of the Proposed Aberdeen Local Development Plan 2020.
There are no material planning considerations that would warrant approval of planning permission in this instance.”
- 2.3 Addressing the issue of design, form and proportions.
 - 2.3.1 The extension has been designed in a way to maximise the usable floor space in the 1st floor of the extension, orientated towards Springfield Gardens, to the South, as opposed to overlooking any of the neighbouring properties.
 - 2.3.2 The extension replaces an existing conservatory which is predominantly glass, to the South, West and North elevations.
 - 2.3.3 The proposed north elevation demonstrates that the view from the neighbouring property (No.99 Springfield Road) would resemble that of a ‘traditional’ extension. See Figure 01.
 - 2.3.4 The height of the extension has been carefully considered, with the line of the roof no higher than the original dormer window and leaves a substantial area of the existing roof untouched.
 - 2.3.5 The refused design is very similar to the approved application for a 2-storey extension at 52 Westholme Avenue (Planning Ref: 191451) which was approved in

March 2020. The design of the refused extension is lower in height and has significantly less glazing than the approved design at Westholme Avenue. See Figure 02.

2.3.6 In terms of modern design, there are other precedents on the same street, for example the new build house at 68 Springfield Road (Planning Ref:120661) Figure 03. This house is in a very prominent position.



Figure 01. Showing view from No.99 Springfield Road.



Figure 02. Showing approved elevation at No.52 Westholme Avenue



Figure 03. Modern house at 68 Springfield Road

2.4 Addressing the issue of garage design.

- 2.4.1 The garage design replicates that of a replacement garage directly opposite the applicants house, at No.58 Springfield Road (Planning ref: 150431) Figure 04 shows an extract of the planning approved design, along with Figure 05 showing the refused elevation for the garage for No. 97.



Figure 04. Showing approved elevation at No. 58 Springfield Road.

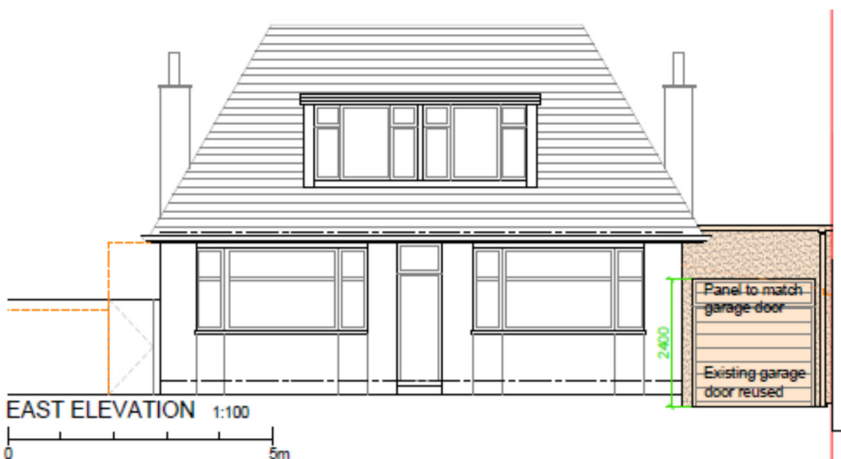


Figure 05. Showing refused elevation at No. 97 Springfield Road

2.5 Addressing the issue of precedent.

- 2.5.1 This application is for a unique corner plot and has been designed in a way to take advantage of the surroundings, acknowledging its relationship with Springfield Gardens.

3. Conclusion

- 3.1 It is worth noting that there were no objections to the proposed extension raised by any of the neighbouring properties.
- 3.2 For the reasons stated above, we believe the reasons given for the refusal of the application are not justified. Therefore, the appeal should be allowed and the application for the erection of a 2-storey rear extension and replacement garage to the side approved.