

Public Document Pack



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

Town House,
ABERDEEN 01 December 2021

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet in **Virtual - Remote Meeting on WEDNESDAY, 8 DECEMBER 2021 from 10.00 am.**

Please note that members will undertake a site visit prior to the start of the meeting and the virtual meeting will commence as soon as possible after the completion of the visit, roughly 10.45am.

Members of the public can view the proceedings using this link. However must not activate their camera or microphone and must observe only. [Microsoft Teams link.](#)

FRASER BELL
CHIEF OFFICER - GOVERNANCE

BUSINESS

1.1 Procedure Notice (Pages 5 - 6)

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

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

[Local Development Plan](#)

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

PLANNING ADVISER - GAVIN EVANS

- 2.1 9 Marine Terrace Aberdeen - 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 7 - 40)
PLEASE NOTE THAT MEMBERS WILL ATTEND A SITE VIST AT 10AM IN RELATION TO THIS APPLICATION.
- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 41 - 60)
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.
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 61 - 62)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 63 - 92)
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.
- 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

PLANNING ADVISER - GAVIN EVANS

- 3.1 3 Wellington Park - change of use from amenity land to residential curtilage to form a paved area (retrospective) - 210517 (Pages 93 - 112)
- 3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 113 - 168)
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 210517.

3.3 Planning Policies Referred to in Documents Submitted (Pages 169 - 170)

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 171 - 196)

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 210517.

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

PLANNING ADVISER - GAVIN EVANS

4.1 6 Cranfield Farm, Bridge of Don Aberdeen - erection of double domestic garage to front - 210628 (Pages 197 - 226)

4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 227 - 244)

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 210628.

4.3 Planning Policies Referred to in Documents Submitted (Pages 245 - 246)

4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 247 - 284)

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 210628.

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

PLANNING ADVISER - GAVIN EVANS

- 5.1 Wynford Farm - alterations and extension to play barn - 210265 (Pages 285 - 312)
- 5.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 313 - 368)
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.
- 5.3 Additional Information Requested from the Local Review Body (Pages 369 - 376)
- 5.4 Planning Policies Referred to in Documents Submitted (Pages 377 - 378)
- 5.5 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 379 - 454)
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.
- 5.6 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 5.7 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

Website Address: www.aberdeencity.gov.uk

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

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 OF ABERDEEN CITY COUNCIL 6 OCTOBER 2021

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

1. The LRB then considered the second request for a review to evaluate the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the application for the 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 of 9 Marine Terrace, Aberdeen, Planning Reference number 210677/DPP.

The Chairperson advised that Mr Gavin Evans would again be acting as the Planning Adviser to the Body in the following case under consideration this day and reiterated that although the Planning Adviser was employed by the planning authority, he had not been involved in any way with the consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. She emphasised that the officer would not be asked to express any view on the proposed application.

In relation to the application, the LRB had before it (1) a delegated report by the Appointed Officer, Aberdeen City Council; (2) an application dated 14 May 2021; (3) the decision notice dated 13 July 2021; (4) links to the plans showing the proposal and planning policies referred to in the delegated report; (5) the Notice of Review submitted by the applicant's agent; and (6) a consultee response from the Roads Team, Aberdeen City Council.

The LRB was then addressed by Mr Evans who advised that the review had been submitted with all necessary information within the time limit of three months following the decision of the appointed officer.

Mr Evans then described the site advising that it was a residential curtilage comprising a one-and-a-half storey plus basement, mid-terraced dwellinghouse designed by Archibald Simpson and built in 1837, with associated front and rear gardens. At the far end of the large rear garden was a mews coach house, accessed via Marine Lane. The application concerned the alteration and extension of that building. 9 Marine Terrace, along with all the other properties in the terrace was Category B Listed and was located within the Marine Terrace Conservation Area. The coach house building spanned the entire width of the plot, measuring c.13m in width, 5.5m in length and 6m in height. The officer report noted that it may originally have been used as stables with 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 building was used for storage purposes.

Mr Evans outlined the planning history and proposal for Detailed Planning Permission (DPP) which was 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 was proposed to convert part of the existing coach house to a domestic garage, the remainder of the building would be retained as a garden store/workshop. In order to accommodate the garage, it was proposed to erect a single storey extension on the east elevation of the coach house (to its garden side), which was required in order to provide sufficient depth for the parking of vehicles. The proposed extension would be of a flat-roofed design, projecting 1.3m from the face of the existing building and measuring 6.9m wide. It would be finished with timber cladding. On the elevation to the garden, it was also proposed to replace the existing aluminium sliding doors with timber framed double doors. On the west elevation (to the lane) it was proposed to remove the existing timber doors (circa 1.2m wide) and create an enlarged 5m wide opening to allow for the installation of a horizontal sliding sectional timber garage door. Additionally, the existing timber slats and hayloft door at upper floor level would be refurbished.

He indicated that the Appointed Officer's reasons for refusal stated in the decision notice was as follows:-

- Proposed works would detract from the character of the coach house, which contributed significantly to the special historic and architectural interest of the listed building and the rear lane of the terrace;
- Impact arose from the excessive removal of historic fabric, including granite, and alteration of the form of the building;
- Proposal failed 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 had not been demonstrated to be minimal.

Mr Evans outlined the key points from the appellant's Notice of Review as follows:-

- Proposal complied 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;
- Would have no adverse impact on the listed terrace, or on any individual elements within that;
- Would 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;
- Was consistent with the principles of SPP and HEPS in terms of facilitating positive change in the historic environment;
- Complied with the requirements of the relevant Historic Environment Scotland Managing Change Guidance notes;

- On the basis that the application was supported by the Development Plan, and no material considerations indicate otherwise, it was submitted that the Review should be allowed and the application approved;
- Points to the recent approval of application 201069/DPP as demonstrating that later additions to a listed property would not necessarily have the same special architectural or historic interest as the main building(s) with which they were associated; and
- Highlighted the lack of any objection from neighbours or statutory consultees.

In terms of consultee responses, Mr Evans advised that the Roads Development Management Team indicated that they had no concerns with the proposal.

No response had been received from the Ferryhill and Ruthrieston Community Council and there were no letters of representation submitted.

Mr Evans advised that the applicant had expressed the view that an inspection of the area to which the review relates should be undertaken.

At this point, the LRB considered whether they had sufficient information before them to proceed to determine the review. Councillor Mason requested that a site visit be held prior to determining the review in order for him to make an informed decision based on the location of the property. The Convener and Councillor Bell also agreed with the request that the review under consideration should be adjourned in order for a site visit to be conducted in due course.

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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

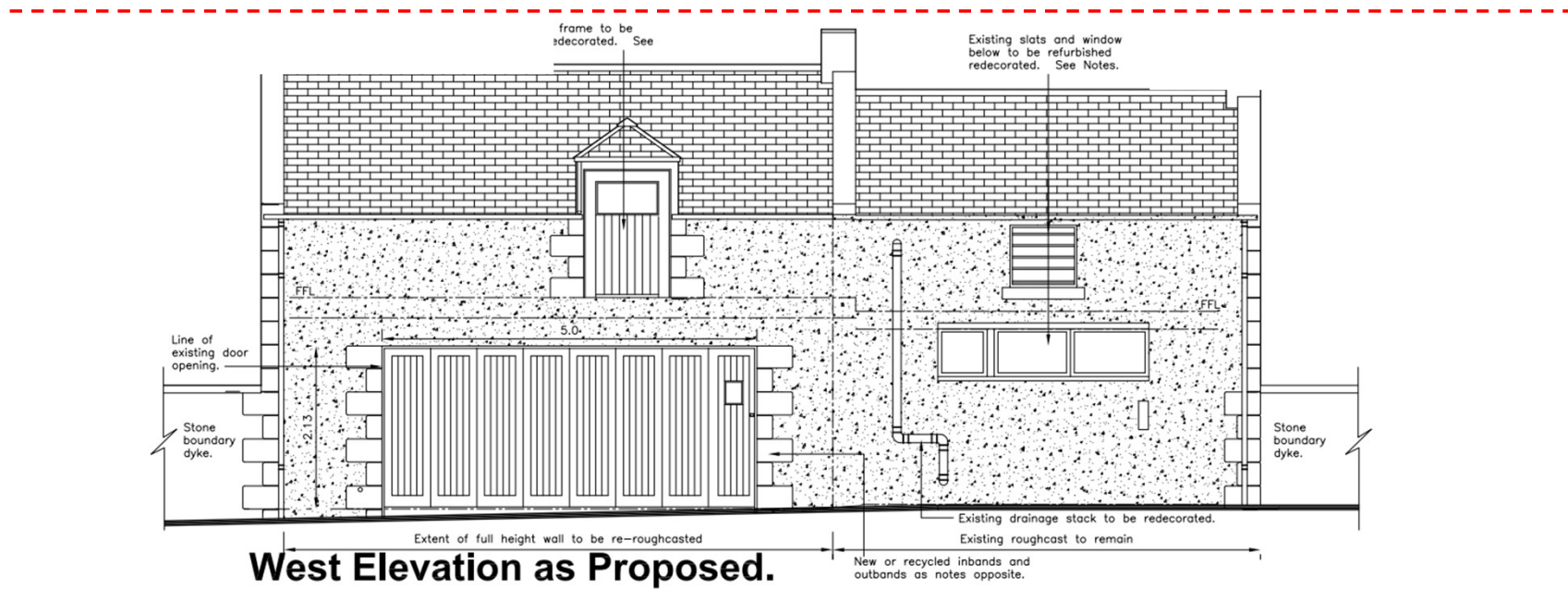
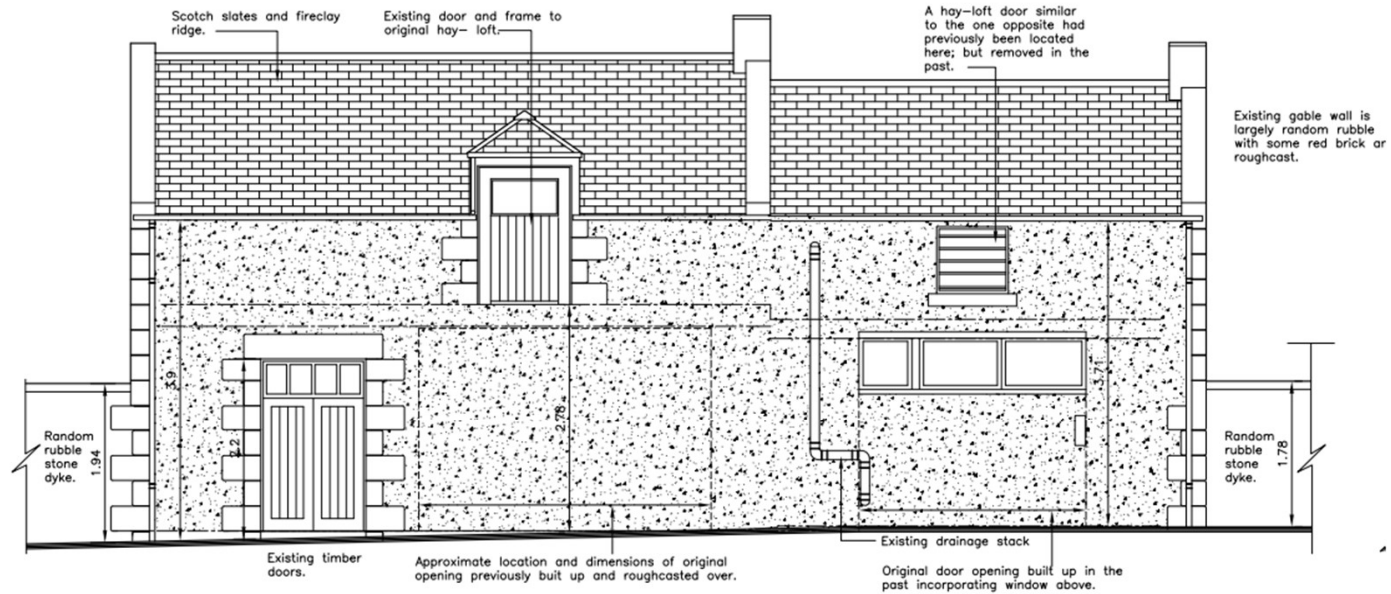
Location – Aerial Photo



Photographs as existing

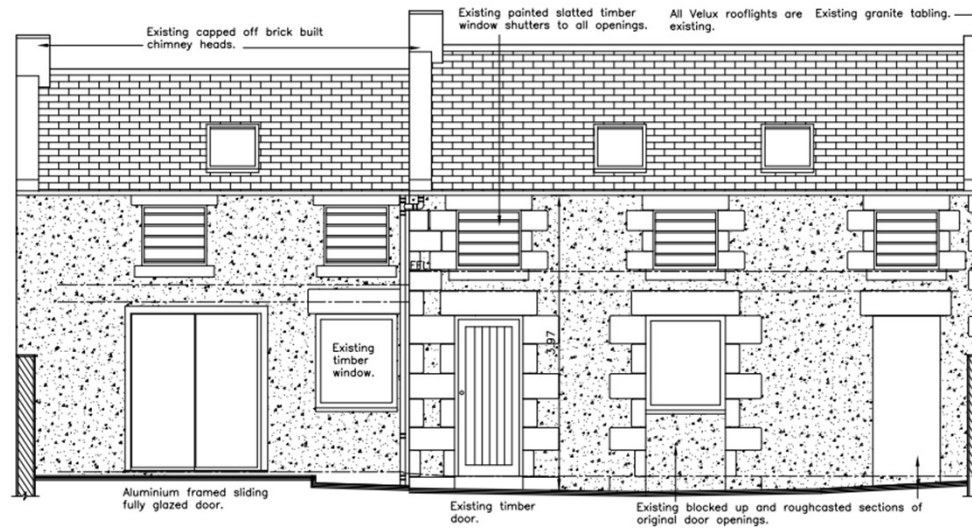


West elevation: Existing and Proposed



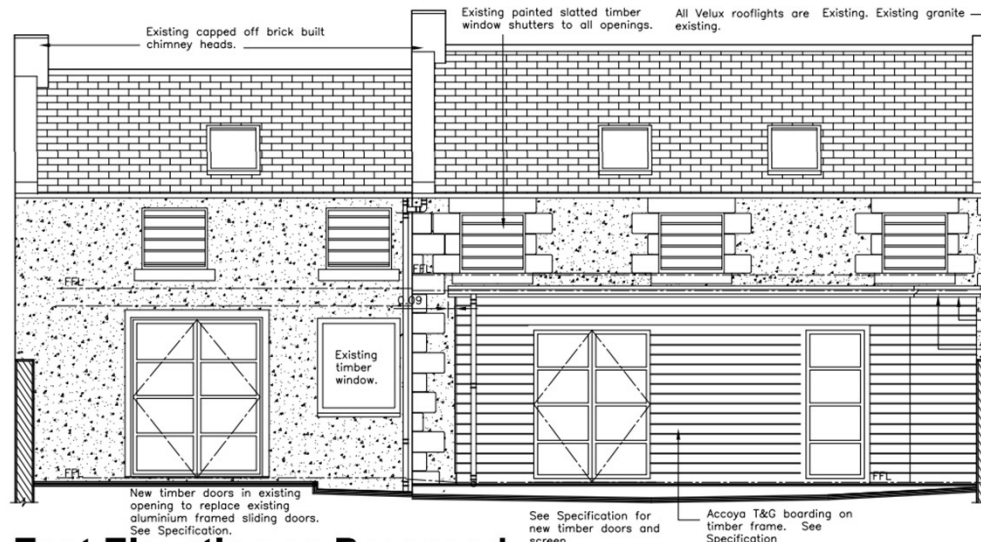
West Elevation as Proposed.

East elevation: Existing and Proposed



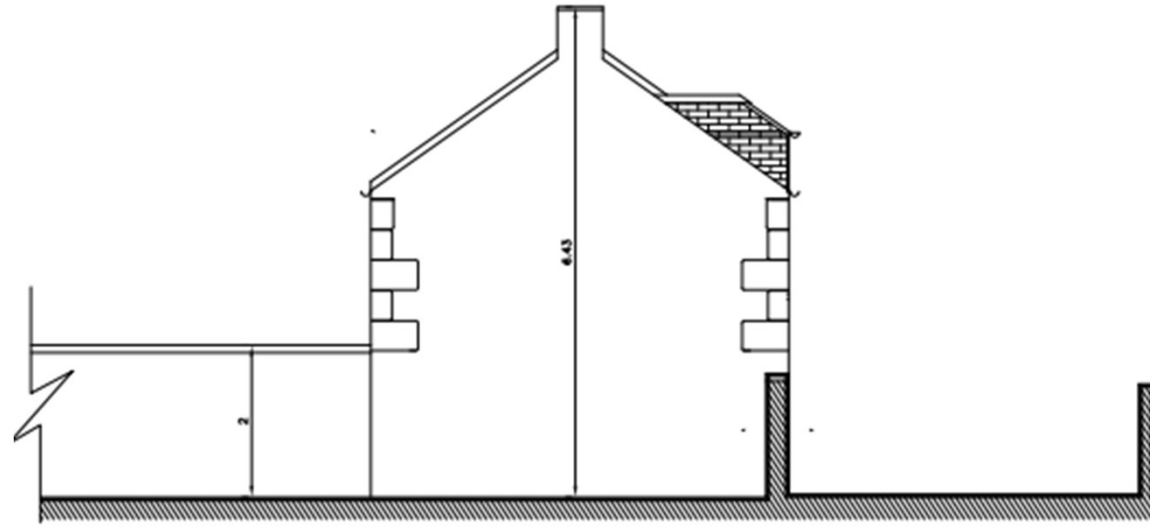
East Elevation.

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.

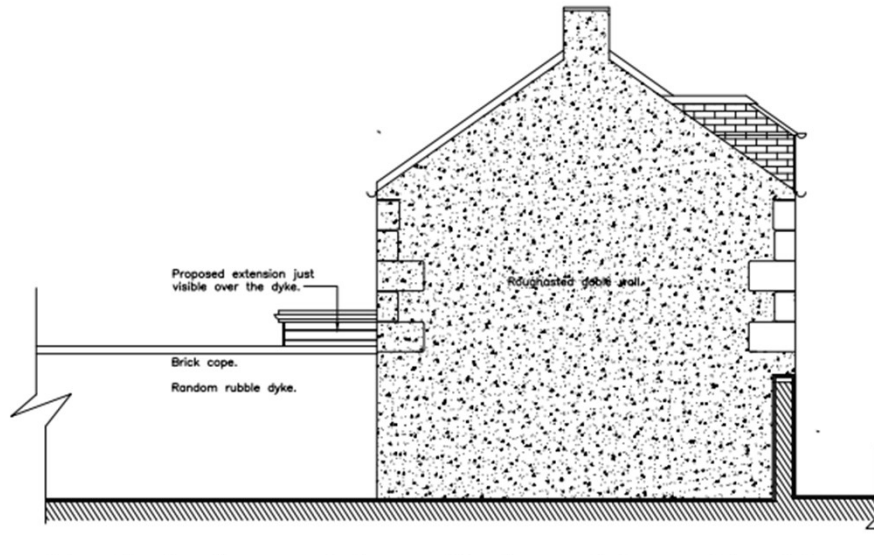


East Elevation as Proposed.

North (side) elevation: Existing and Proposed

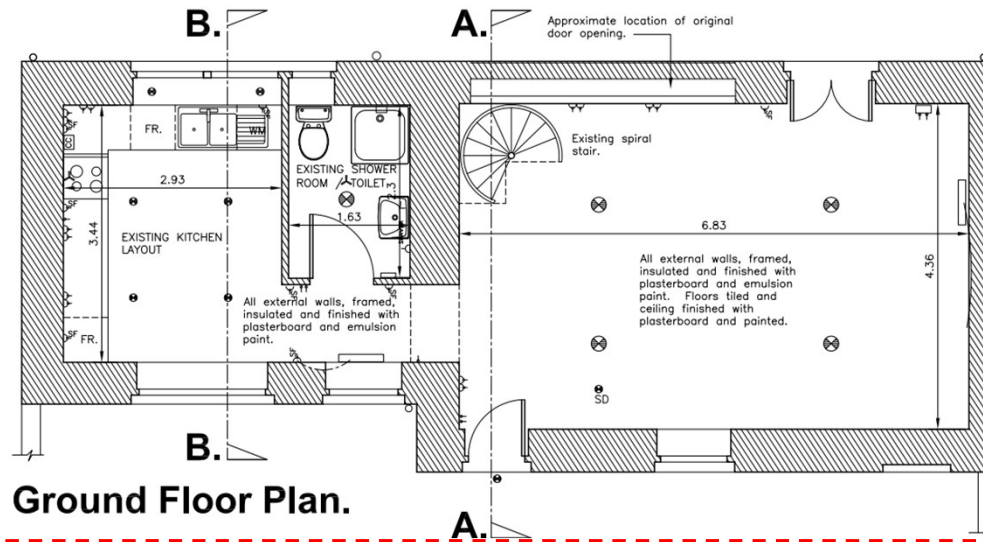


North facing gable wall viewed from No 10.



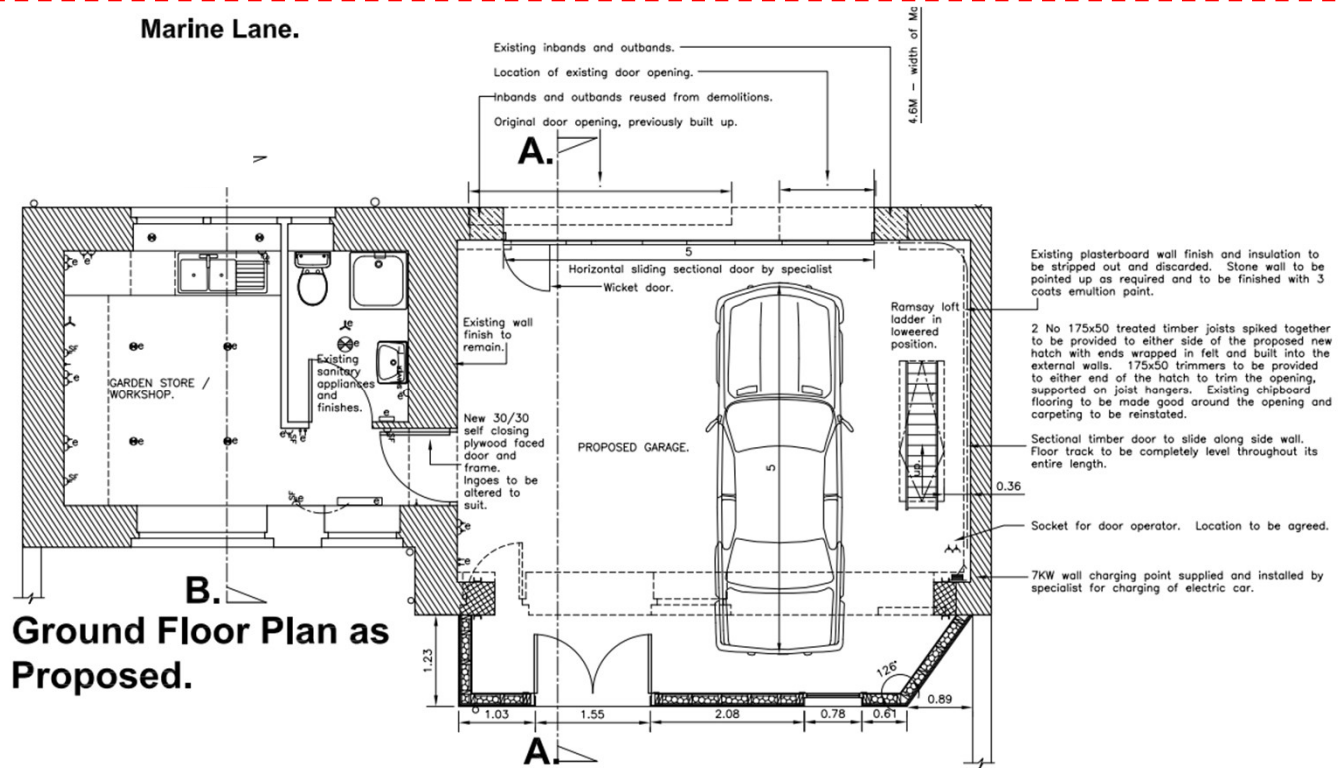
North facing gable wall viewed from No 10 showing proposed extension.

Ground Floor: Existing and Proposed



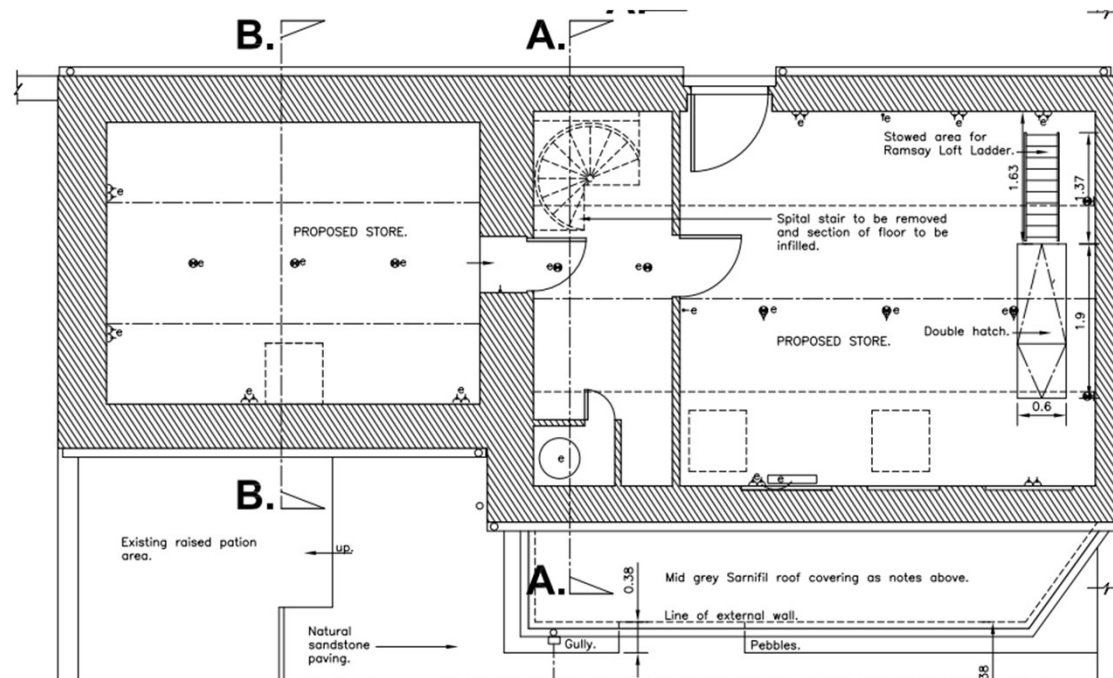
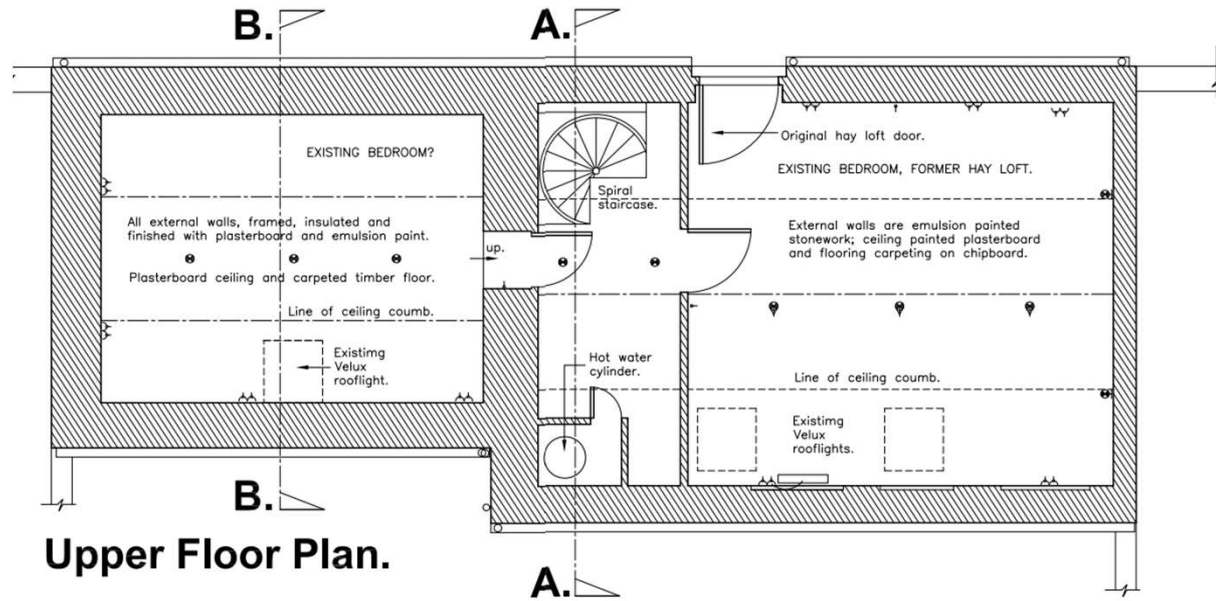
Ground Floor Plan.

Marine Lane.

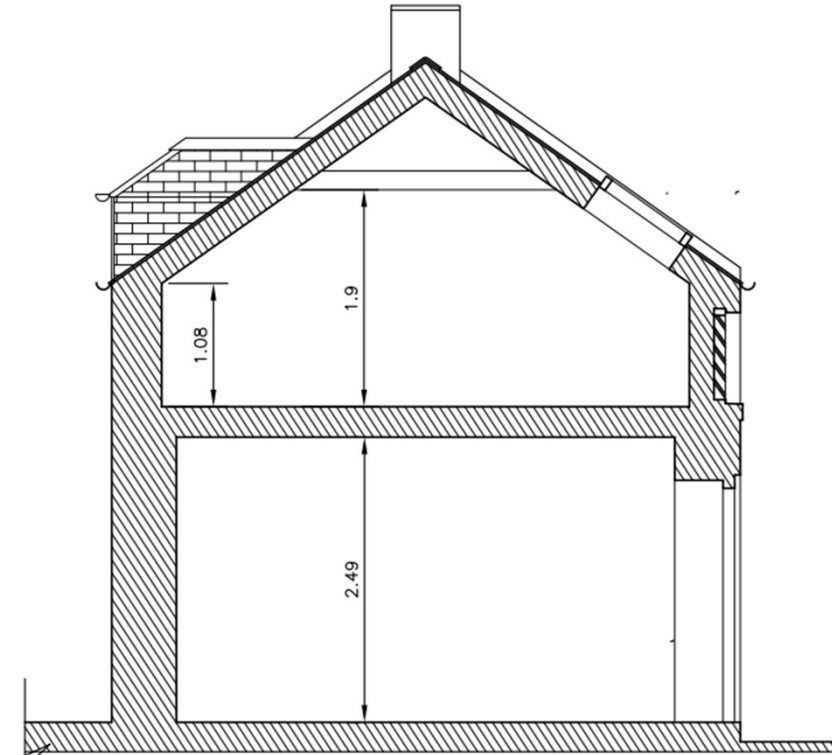


Ground Floor Plan as Proposed.

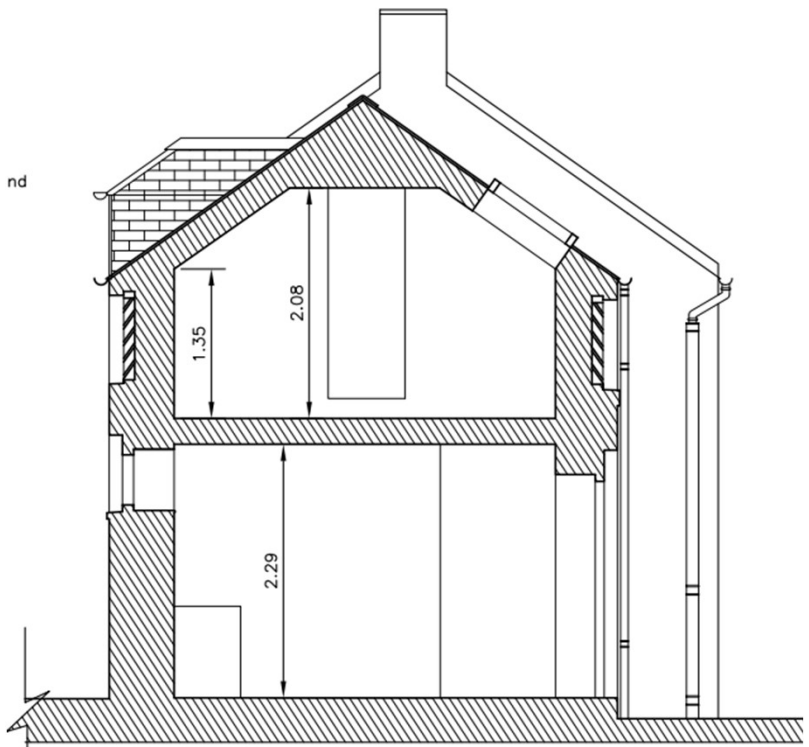
First Floor: Existing and Proposed



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
Aberdeen City Council
Business Hub 4 - Marischal College
Broad Street
Aberdeen
AB10 1AB
www.aberdeencity.gov.uk

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> <hr/> <p style="margin: 0;">Report of Handling</p>
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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 as 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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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 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:	Aurora Planning Limited		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Pippa	Building Name:	<input type="text"/>
Last Name: *	Robertson	Building Number:	22
Telephone Number: *	07985 703268	Address 1 (Street): *	Rubislaw Terrace
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Aberdeen
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	AB10 1XE
Email Address: *	pippa@auroraplanning.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="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



210517/DPP – Appeal against refusal of planning permission for:

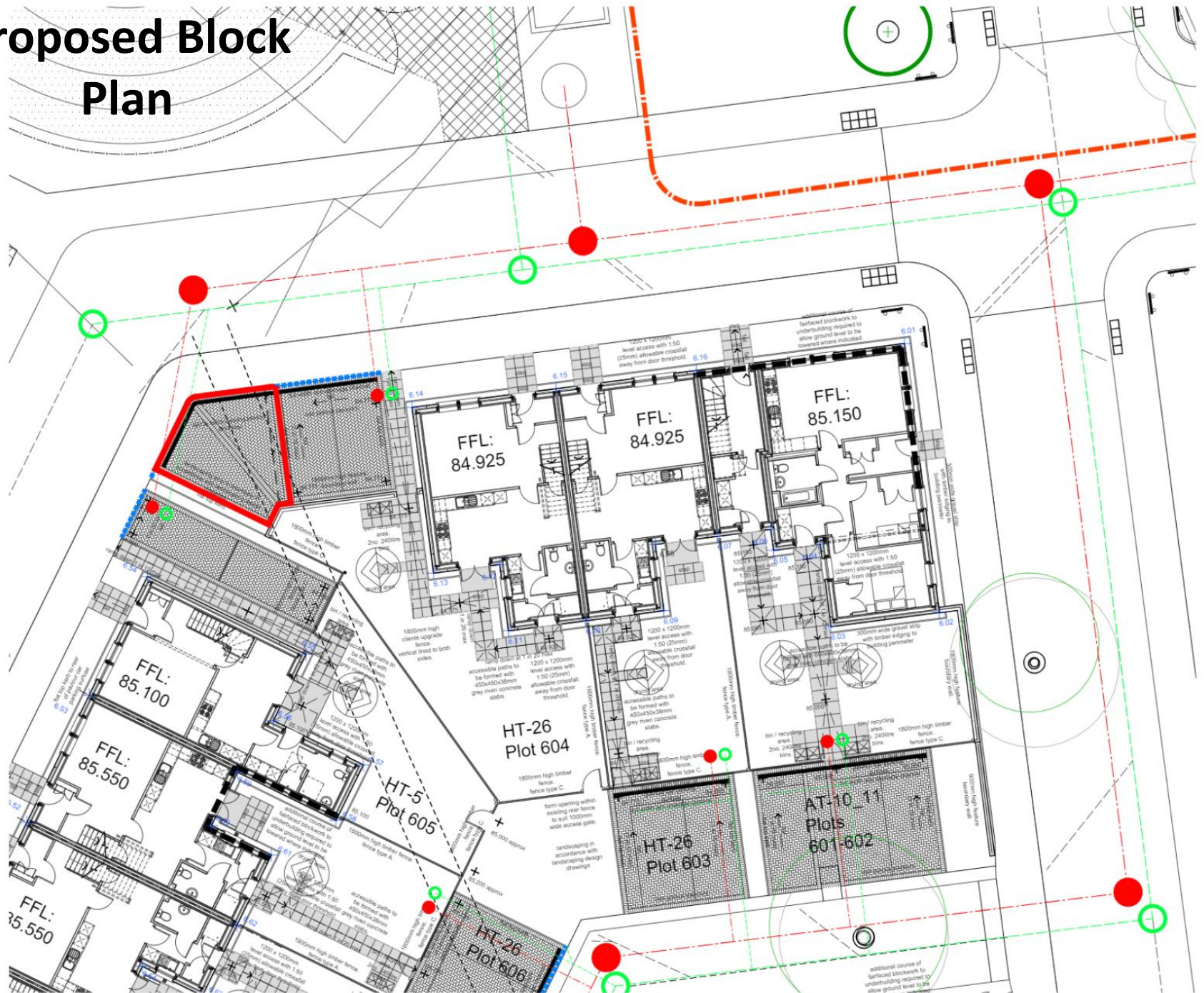
‘Change of use from amenity land to residential curtilage to form a paved area (retrospective)’

at: 3 Wellington Park, Aberdeen

Location



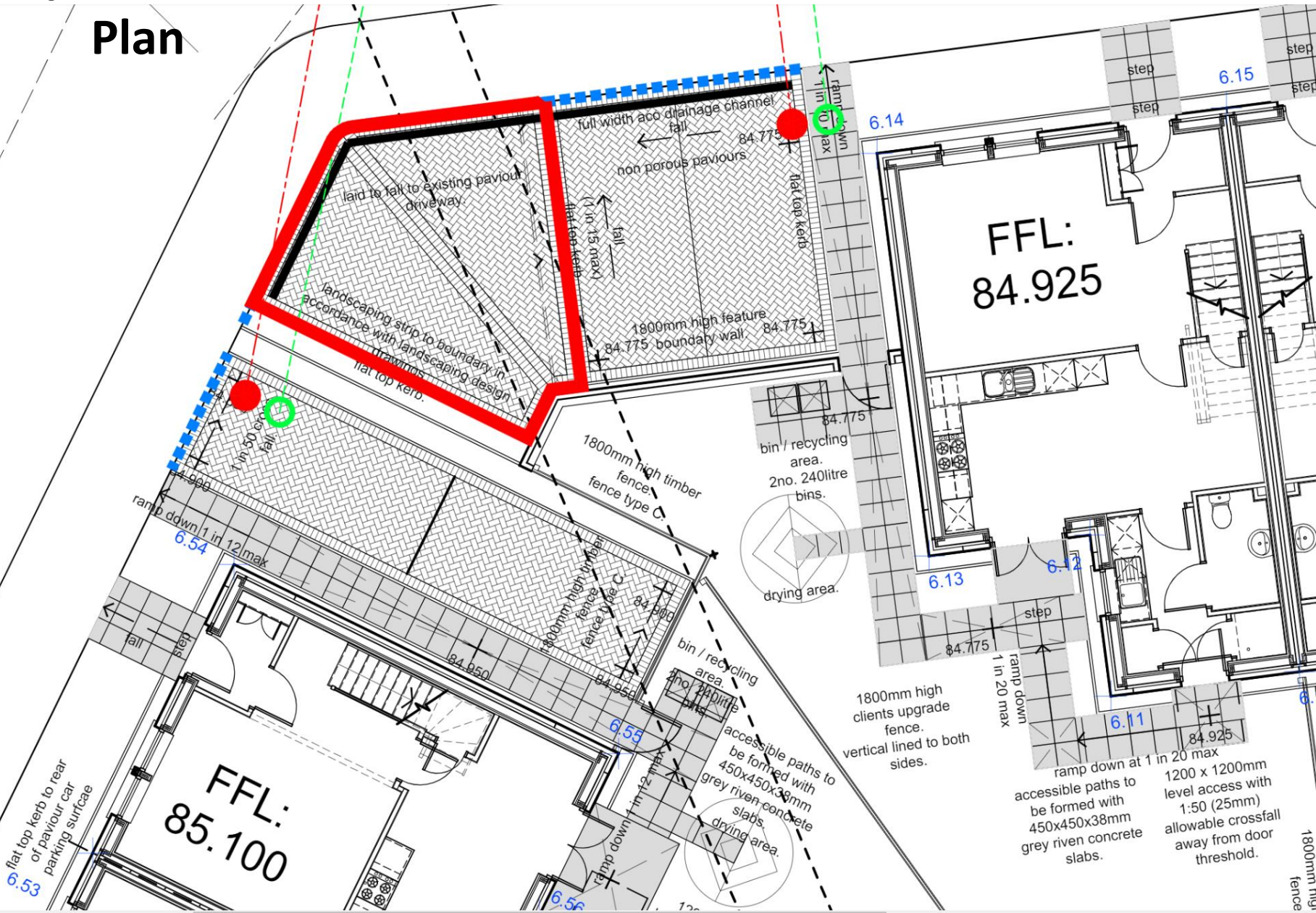
Proposed Block Plan



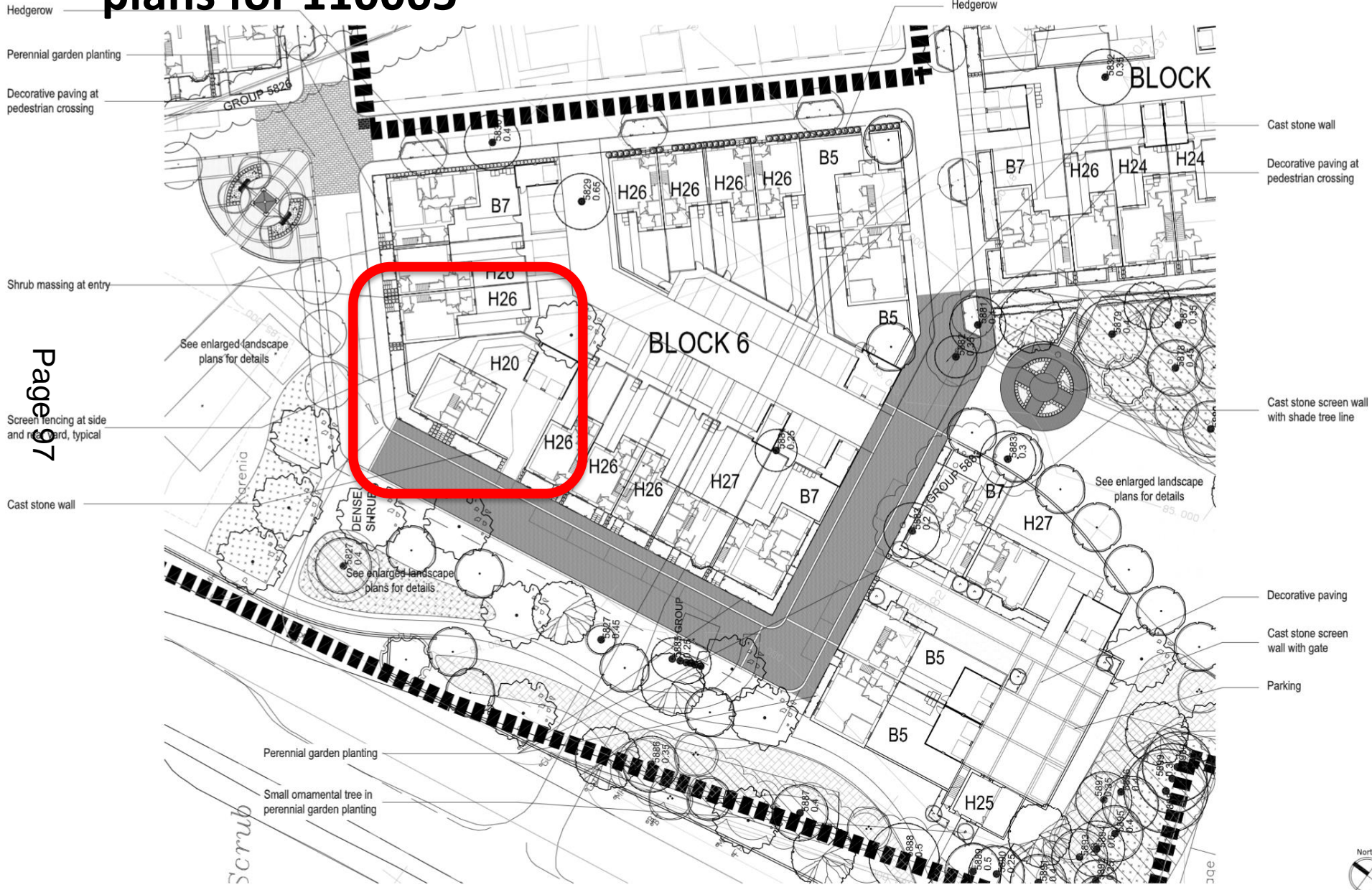
Proposed Block Plan

Plan

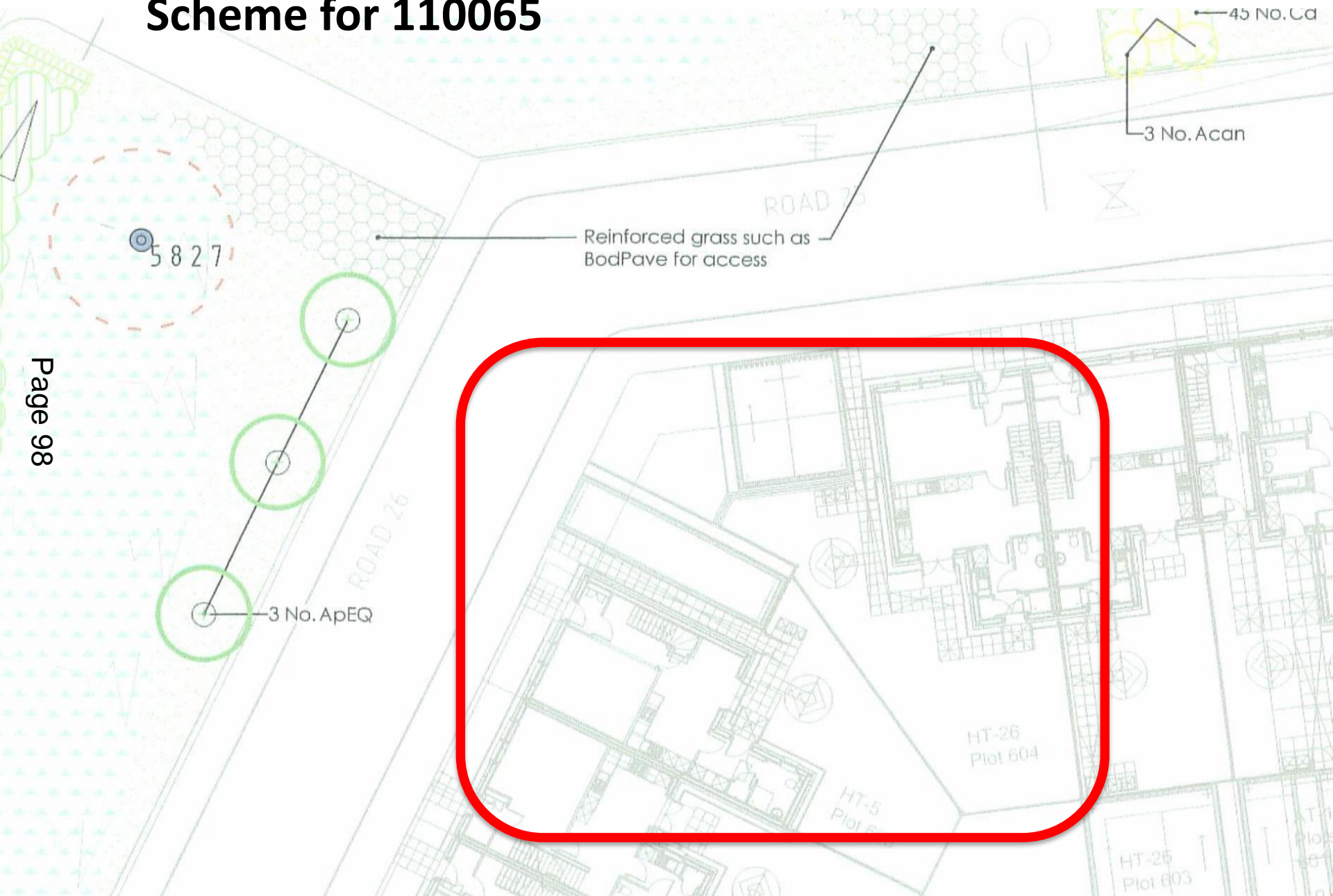
Page 96



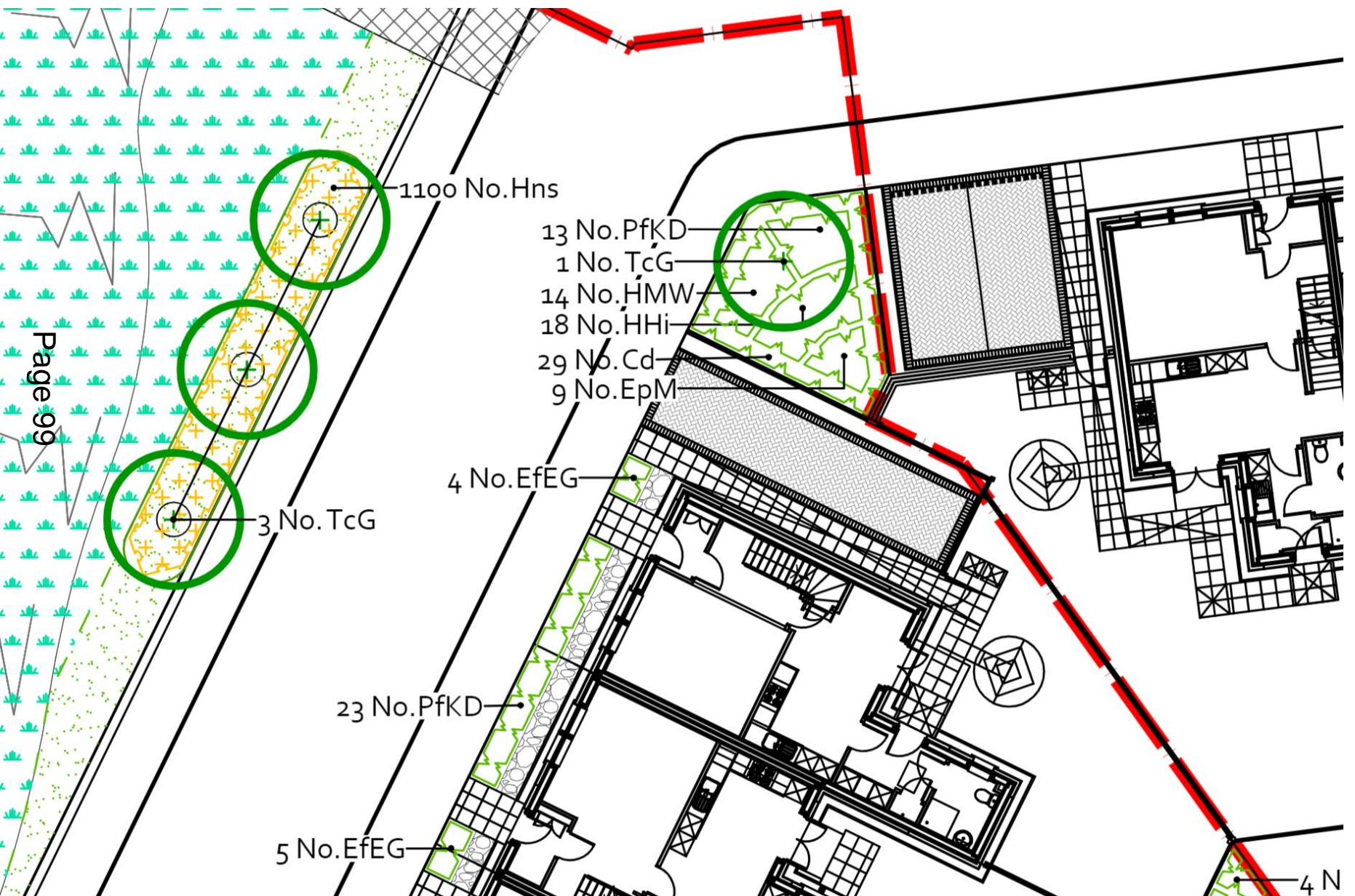
Extract from approved plans for 110065



Extract from Landscaping Scheme for 110065



Extract from Landscaping Scheme for 161279/DPP



Street View Image (May 2021)



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Google



Reasons for Refusal

- Results in the loss of an area of open space, required as part of the landscaping scheme for the wider OP56 Cove development (ref 161379). Notes that landscaping in this location would have contributed to landscape character as it matured, but the proposal has resulted in removal of a tree
- Identifies conflict with policies H1 (residential areas) and NE3 (Urban Green Space) of the ALDP, as well as associated SG documents and equivalent policies from emerging Proposed ALDP
- Creates an irregular residential boundary that does not correspond with the wider pattern of development. Conflict with policy D1 (Quality Placemaking by Design)
- Results in over-provision of car parking, contrary to policy aims to promote sustainable and active travel. Conflict with policy T2 (Managing the Transport Impact of Development)
- Change of use and physical works detract from the designed outlook and adversely affect residential amenity.

Applicant's Case

- Contends that the proposal complies with all relevant policies of the ALDP (H1, T2, D1, NE1, NE3, NE4 and NE5) – includes detailed commentary on each, as well as a response to the reasons for refusal;
- Notes that the report of handling raises no concerns regarding policies D2, NE8, NE9, so compliance is assumed;
- Report of handling advises that, if minded to approve, conditions might have been used to address matters relating to boundary treatments and drainage. Applicants conclude that the application could therefore not be refused on those matters;
- Clarifies that the area in question allows for only one additional car, not two as intimated in the report of handling;
- Application also complies with equivalent policies from the emerging Proposed ALDP;

Applicant's Case (cont.)

- Contends that, given compliance with development plan and support from other material considerations, the review should be allowed and permission granted;
- Highlights that the original planning permission at Cove (110065) does not appear to show landscaping in this area, with the space enclosed in one or other residential curtilage;
- Recognises that a more recent permission (161279/DPP) did show this as a landscaped area, outside either residential plot;
- Contends that the materials used match other driveways in the area, with a small strip retained to allow for a hedge or shrubs to be grown;
- Highlights that applicant would be happy to introduce some form of enclosure along part of the site frontage to prevent vehicles crossing the pavement (to be controlled by condition);
- Applicant also willing to implement additional drainage (to be controlled by condition);
- Points to the site's limited value as an area of open space.

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 SG)

D1: Quality Placemaking by Design

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

Proposals will be assessed against the following six essential qualities:

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

NE1: Green Space Network

- The Council will protect, promote and enhance the wildlife, access, recreation, ecosystem services and landscape value of the Green Space Network, which is identified on the Proposals Map.
- Proposals for development that are likely to destroy or erode the character and/or function of the Green Space Network will not be permitted.
- Where major infrastructure projects or other developments necessitate crossing the Green Space Network, such developments should maintain and enhance the coherence of the network. In doing so, provision should be made for access across roads for wildlife and outdoor recreation.
- Masterplanning of new developments should consider the existing areas of Green Space Network and identify new areas incorporating Green Space Network.
- Masterplans will determine the location, extent and configuration of the Green Space Network within the area, and its connectivity with the wider network.

NE3: Urban Green Space

- Permission will not be granted to redevelop parks, playing fields, sports pitches, woods, allotments or all other areas of urban green space for any use other than recreation and sport.
- Exceptions made where equivalent alternate provision is to be made locally
- In all cases, development only acceptable provided:
 - No significant loss to landscape character and amenity;
 - Public access maintained or enhanced;
 - Site is of no significant wildlife/heritage value;
 - No loss of established/mature trees;
 - Replacement green space of same or better quality is provided;
 - No adverse impact on watercourses, ponds, wetlands;
 - Proposals to develop outdoor sports facilities should also be consistent with SPP

NE4: Open Space Provision in New Development

- The Council will require the provision of at least 2.8ha per 1,000 people of meaningful and useful open space in new residential development. Supplementary Guidance (Open Space & Green Infrastructure) sets out further information on types of provision and the expected accessibility and quality standards.
- Public or communal open space should be provided in all residential developments, including on brownfield sites. On some brownfield sites it may not be possible to increase the amount of open space, and in these cases commuted sums towards off-site provision or enhancement of existing open spaces will be sought instead.
- In areas where the Open Space Audit has shown that existing open space is of poor quality, contributions may be sought to enhance existing provision instead of new provision being required.
- The Open Space Audit and Strategy provides details of any improvements or enhancements that may be required to open spaces in different areas of the city, and how the linkages between them may be improved.

NE5: Trees and Woodlands

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

SG: Householder Dev't Guide

- Should not adversely affect spaces which make a worthwhile contribution to the character and amenity of an area;
- Proposals should not fragment or, if replicated, be likely to erode larger areas of open space or landscaping.
- Should not worsen or create a deficiency in recreational open space
- Should not result in loss of visual amenity – including loss of, or incorporation into private garden of, existing trees/landscaping

Points for Consideration

- Zoning: Does the proposal satisfy the criteria of policy H1?
- Design: Is the proposal of sufficient design quality (D1) - *having regard for factors such as scale, siting, footprint, proportions relative to original, materials, colour etc?* In particular, would the proposal contribute positively to making the wider development 'welcoming' or 'safe and pleasant'?
- NE3: is the development of this area, identified as green space in the consent for the wider residential area, consistent with policy NE3? Does it detract from the Green Space Network (NE1) or result in adverse impact on existing trees (NE5)? Would there be any conflict with the aims of policy NE4, relating to delivery of open space in new residential developments?
- Supplementary Guidance: does it fragment an area of open space? If repeated, would this be likely to erode a larger area of open space? Would there be an adverse visual impact as a result of the works? Is any alternative area laid out in compensation?

Decision-making

- **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, making reference to the Development Plan, its policies and any other material considerations of weight
- Conditions? (if approved – Planning Adviser can assist)

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	3 Wellington Park, Cove, Aberdeen, Aberdeen City, AB12 3UW
Application Description:	Change of use from amenity land to residential curtilage to form a paved area (retrospective)
Application Ref:	210517/DPP
Application Type:	Detailed Planning Permission
Application Date:	13 April 2021
Applicant:	Scotia Homes Ltd
Ward:	Kincorth/Nigg/Cove
Community Council:	Cove And Altens
Case Officer:	Roy Brown

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a c.27qm area to the west of 3 Wellington Park, a recently constructed semi-detached dwelling in a recently constructed residential area of the Charleston development, allocated as OP56 – Cove in the adopted Aberdeen Local Development Plan.

Until recently, the space was covered in soft landscaping and planting and was an intended and required area of amenity open space as part of the wider residential development (Ref: 161279/DPP), which had a significant quantity and variety of planted species, including a tree.

The application site has recently been the subject of an unauthorised change of use from open space to residential curtilage, the unauthorised removal of the required planting on the site and the installation of block paving. It now functions as an extended area of driveway serving 3 Wellington Park.

The application site is bounded immediately to the northwest and north by Wellington Park, beyond which is open space, Wellington Road and thereafter the Loirston Loch Local Nature Conservation Site (LNCS); to the east and southeast by the residential curtilage and driveway of 3 Wellington Park; and to the southwest by a c.0.5m wide strip of open space beyond which is the driveway and curtilage of 4 Wellington Park.

Relevant Planning History

Planning permission was granted in 2016 (Ref: 161279/DPP) for the development of the site and its surrounding area as part of the development of 44 residential units (comprising 11 dwellinghouses and 33 flats) and the associated infrastructure. This permission included the

application site being set out as a required area of open space. Conditions were imposed requiring details of, and the maintenance and management of the open spaces, including the open space that is the application site.

The approved landscaping scheme (Drawing No: 0872 / 17 Rev B) requires the application site to have a total of 6 species of planting, 83 individual plants / shrubs and one Tilia Cordata Greenspire tree. These do not currently exist on the site and therefore there is a breach of this planning condition.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought retrospectively for the change of use of the site from amenity space to residential curtilage, which would be associated with 3 Wellington Park, and retrospectively for the installation of the block paving in the area.

This application considers the principle of the use of the site as residential curtilage. Land ownership and use rights are a separate legal matter for any parties concerned.

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=QRG9DKBZIIZ00>

CONSULTATIONS

Roads Development Management – The proposal would not be acceptable as submitted because vehicles can access the site via the upstand kerbs rather than the footway crossing, causing damage to them and the footway.

If the applicant were to apply to widen the existing footway crossing (currently 5m), it would not be approved as it already meets the maximum dimensions set out in the Supplementary Guidance and footway crossing would be over the bend in the road.

They would only accept access/use to this extended driveway via the existing driveway/dropped kerb at 3 Wellington Park. Should some form of obstruction along the front boundary (i.e. a low wall, fence, bushes/shrubs) be installed, the issue would be addressed and Roads Development Management could find it acceptable.

Cove and Altens Community Council – No response received

REPRESENTATIONS

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

- Development undertaken without consultation with neighbouring properties.
- Its use as a driveway (for two cars) could be dangerous as there is no clear boundary with their driveway and it is on a corner.
- There is no drainage.
- The application form states that the paving was completed in April 2020 but it was completed in January 2020.
- It is intrusive to the neighbouring property.

- They purchased their property off plan, and the application site was supposed to be an area of open space for the wider residential development rather than a parking space.
- When enquiring about a change of use for a similar change of use from open space, they were advised that it would unlikely be supported because it would adversely affect the designed character and amenity of the surrounding area by removing an area of open space that was required as part of the wider development and that as the space matures, the space will contribute to the character and amenity of the surrounding area.
- Matters relating to potential breaches of planning control in terms of:
 - The formation of the hard surface could be a breach of Condition 8 of 161279/DPP.
 - The section 75 shows and states landscaped amenity area.
 - The parking strategy is not in accordance with the original Roads Construction Consent.
- The boundary of 3 Wellington Park does not match the approved plans for 161279/DPP.

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 (ALDP) (2017)

OP56 - Cove

Policy H1 - Residential Areas

Policy D1 - Quality Placemaking by Design

Policy NE3 - Urban Green Space

Policy NE1 - Green Space Network

Policy NE4 - Open Space Provision in New Development

Policy NE5 - Trees and Woodlands

Supplementary Guidance

Householder Development Guide (HDG)

Green Space Network and Open Space

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. 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 are of relevance in the assessment of this application:

Policy D1 - Quality Placemaking

Policy H1 - Residential Areas

Policy NE2 - Green and Blue Infrastructure

Policy T2 - Sustainable Transport

Policy NE5 - Trees and Woodland

EVALUATION

Principle of the Change of Use

The application site is located within a residential area, under Policy H1 – Residential Areas of the adopted ALDP and relates to the change of use of the site as amenity land to residential curtilage and the formation of a hard surface in the area. For this proposal to comply with Policy H1 in principle, the change of use should not have an unacceptable impact on the character and amenity of the surrounding area, it should not result in the loss of valuable and valued open space, and it should comply with the Supplementary Guidance. In this instance, the Supplementary Guidance: ‘The Householder Development Guide’ and ‘Green Space Network and Open Space’ are relevant in the assessment of this application. These matters are considered below.

The application site is located within the opportunity site OP56 – Cove in the adopted ALDP, however as the development does not prevent the delivery of the wider opportunity site, detailed consideration against the OP56 is not relevant to this proposal. However, given how recently the development and the required levels of open space were granted planning permission, the recent change of use could set a precedent for similar areas of open space in the surrounding area to be changed, which would incrementally erode the quality and quantity of open space in the wider residential development, therefore impacting the character of the area. This matter is considered in greater detail below and in addition to Policy H1, several other policies are required to assess the potential impact from the proposed development, these include Policy D1 - Quality Placemaking by Design, Policy, Policy NE1 - Green Space Network, NE3 - Urban Green Space, Policy NE4 - Open Space Provision in New Development and Policy NE5 - Trees and Woodlands, these will be assessed in turn.

Impact on Landscape Character, Visual Amenity, Recreation and Natural Environment

Prior to the unauthorised change of use and paving of the site, the application site itself served as and would have matured as an attractive soft landscaped buffer which broke up the built form of the line of residential terraced and semi-detached residential properties on Wellington Park itself and from Wellington Road c.30m to the northwest of the application site. As the space matured, it would have continued to enhance the landscape character and amenity of the surrounding area. However, the formation of paving for the purpose of parking provision results in a largely uninterrupted area of hard standing with four parked vehicles in the area, which detracts from the landscape character and visual amenity of Wellington Park. Furthermore, in conflict with the HDG, the proposal results in an irregular boundary layout whereby the front curtilage of 3 Wellington Park extends to its west beyond the bend in the road. It leaves an unusable c.0.5m strip of land between the application site and 4 Wellington Park, which is too small to serve any meaningful open space function. The resulting boundary layout would not correspond with the established

pattern of development in the surrounding area nor reflect local urban form, in conflict with the qualities of placemaking referred to in Policy D1 of the ALDP.

In considering natural environment value, the condition of 161279/DPP requires 83 plants / shrubs and a tree to be located on the application site, which is significant relative to the overall size of the space when compared to other open spaces in the surrounding area. Given the quantity and variety of species, the space was of significant natural environment and biodiversity value in itself that was worthy of retention.

Additionally, the application site is located within the Green Space Network (GSN) as designated in the adopted and Proposed ALDPs, with the Loirston Loch Local Nature Conservation Site (LNCS) located c.55m to the northwest. Notwithstanding the residential area been recently developed and the large area of open space to the south of the residential area providing the primary links to the GSN within Cove, it is considered that this area of open space and its vegetation supported the coherence and function of the GSN.

Policy NE3 states that permission will not be granted to redevelop areas of urban green space (including smaller spaces not identified on the Proposals Map) for any use other than recreation and sport. Whilst the size of the space limits the function of the space for recreation and sport purposes, it nevertheless could have been used publicly for informal recreational purposes. The proposal would conflict with Policy NE3 – Urban Green Space of the ALDP in that it would result in the loss of an area of publicly accessible green space.

It is considered that both the site on its own and as part of the larger network of open spaces in the surrounding area were and would grow to become even more valued areas of open space which contribute to the character, amenity, natural environment, biodiversity and recreational value of the surrounding area. It also results in the loss of a tree required as part of the landscaping scheme for 161279/DPP and thus worthy of retention, in conflict with the aims of Policy NE5 of the ALDP. As such, the change of use and the formation of blocked paving has resulted in the loss of a valued area of publicly accessible open space, and the multi-faceted benefits it produced for the surrounding area, in conflict with the principles of Policies H1, D1, NE3 and NE4 of the ALDP.

Notwithstanding that every planning application is assessed on its own merits, consideration is required to be given to the fact that the proposal has potential, if granted, to set a precedent, which would make it difficult to resist similar proposals in the future. While this proposal is not acceptable in its own right, the Planning Service are aware that there are several similar sized areas of open space in the surrounding area. While the application site is larger than many of these, had greater biodiversity value in terms of the quantity and variety of species and is in a prominent position visible from Wellington Road, all areas of open space are of the utmost importance and contribute to the character of the surrounding area. In the event that this planning application was granted it is likely that other change of use applications for open spaces in the surrounding area would be submitted to bring them into residential use. Therefore, if granted, it is considered that over time, there would be a likely cumulative impact resulting from the loss of separate areas of ground that would lead to the gradual erosion of open space, which would not be in the public interest and which would have a significant adverse impact on the character and amenity of the surrounding area. This would be in conflict with Policies H1 and D1 of the ALDP and the HDG. It would also conflict with the effective delivery of the opportunity site OP56 – Cove when considered against the aims of Policy NE4 – Open Space Provision in New Development in that the proposal would result in the loss of open space in a new residential development.

Scottish Planning Policy states that NPF3 aims to significantly enhance green infrastructure networks, particularly in and around our cities and towns and that green infrastructure and improved access to open space can help to build stronger, healthier communities. The Supplementary Guidance: Green Space Network and Open Space recognises that access to good

quality green infrastructure will contribute to a greener, healthier, smarter, safer, stronger, wealthier and fairer city. The proposal results in the loss of an area of valuable amenity open space which in itself and as part of the larger area of open space, makes a worthwhile contribution to the character, amenity and natural environment of the area. The proposal also has the potential to set a precedent for the loss of other open space areas. It is therefore considered that the proposal would therefore conflict with the principles of Scottish Planning Policy, Policies H1 – Residential Areas, NE3 – Urban Green Space, NE4 – Open Space Provision in New Development, Policy NE1 – Green Space Network and D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan; the Supplementary Guidance: ‘The Householder Development Guide’ and ‘Green Space Network and Open Space’.

Residential Amenity

The change of use and paving of the open space detracts from the designed outlook and amenity afforded to 4 Wellington Park in that as the space matured, the vegetation would have provided soft landscaped setting to the edge of that residential property and provided a degree of screening from the adjacent property and the public road to the north. The proposal would therefore adversely affect the residential amenity of 4 Wellington Park, in conflict with Policies H1 and D1 of the ALDP.

Over-Provision of Parking

The proposal results in an over-provision of parking for 3 Wellington Park. The provision of 2 car parking spaces for 3 Wellington Park, as part of approval of the wider development (Ref: 161279/DPP) was in accordance with the maximum parking standards at the time, and is the same as the current maximum parking standards for three-bedroom houses in the Transport and Accessibility SG. This proposal results in the property having 4 car parking spaces, which is double this maximum, which would encourage the usage of unsustainable travel in terms of the private car and disincentivising sustainable and active travel. Whilst two additional parking spaces in the context of the wider development could be considered somewhat insignificant, given that there are similar areas of open space in the surrounding area, there is the potential further approvals would result in the significant increase in the level of parking provision within this new development, which would conflict with the principles of Policy T2 in terms of new developments minimising traffic generation and incentivising sustainable and active travel.

Driveway Specifications

No loose chippings are used as a surface material within the closest 2m of the footway, in accordance with the Transport and Accessibility SG.

As a driveway, because there is no obstruction preventing access, vehicles can access the application site to park directly from the upstand kerbs and the standard footway as there is no footway crossing to the immediate northwest and north of the site. Roads Development Management have advised that this is not acceptable because it causes damage to them.

Because of the presence of an existing double width (c.5m) footway crossing serving 3 Wellington Park to the immediate east of the application site, widening the footway crossing over the application site would mean that the footway crossing would exceed 5m in width, which would conflict with the Supplementary Guidance: ‘Transport and Accessibility’. Furthermore, it would mean that the footway crossing would extend around a bend in the road. Roads Development Management has advised that such a footway crossing would not be accepted or approved.

No drainage has been installed, in conflict with the Transport and Accessibility SG, which states that driveways should be internally drained, with no surface water discharging on to the public road, to prevent any flooding on the road, which could cause ice to form in the winter.

To prevent any adverse road and pedestrian safety risk, any vehicles parking in the area would need to access it via the existing footway crossing at 3 Wellington Park. Had the Planning Service been minded to recommend approval, it would have been subject to appropriately worded conditions requiring (1) boundary treatment to be installed along the boundary fronting Wellington Park, in order to prevent direct access from the road over the footway; and (2) for drainage to be installed, to prevent water discharging onto the footway. These works could have been required to be undertaken within a reasonable and precise time period of 3 months. Roads Development Management have advised that if these solutions were proposed, these issues could have been addressed.

Given that appropriately worded conditions could have addressed these two issues, these cannot be reasons to recommend refusal.

Matters Raised in the Letters of Representation

The matters relating to impact on amenity, the proposal being contrary to the approved development of the wider site, road safety and the absence of drainage have been considered in the above evaluation.

Matters concerning potential breaches of planning control are not considered in the assessment of this application and would be considered at the discretion of the Planning Service separately. The Roads Authority would separately consider matters relating to the Roads Construction Consent.

The matter relating to when the development was taken is noted but would not impact on the decision of this application. Applications seeking planning permission retrospectively are considered the same as if they were not completed. Neighbours were notified by the planning authority once the application had been validated.

Every application is assessed on its own merits and therefore any informal pre-application advice provided by the Planning Service for a different site would not be relevant in the assessment of this application.

Matters relating to land ownership and property boundaries are not material planning considerations and they therefore cannot be considered in the assessment of this planning application.

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

1. The proposed change of use from amenity land to garden ground would result in the loss of valued and valuable open space, which was required as part of the Landscaping Scheme of the wider residential development of OP56 – Cove (Ref: 161379/DPP). Prior to the unauthorised change of use, the application site had and as it matured would have continued to have significantly landscape character and amenity value and, given the significant quantity and variety of species required in this particular space in the landscaping scheme approved in for application reference: 161279/DPP, the proposal had and would have continued to have

substantial natural environment value worthy of retention as it matured. The proposal results in the loss of a tree worthy of retention, in conflict with the aims of Policy NE5 – Trees and Woodlands. As such, the proposal would therefore conflict with the principles of Scottish Planning Policy; Policies H1 - Residential Areas, NE3 - Urban Green Space, of the adopted Aberdeen Local Development Plan, and the Supplementary Guidance: 'The Householder Development Guide', 'and 'Green Space Network and Open Space'; as well as Policies H1 - Residential Areas, and NE2 - Green and Blue Infrastructure of the Proposed Aberdeen Local Development Plan 2020.

2. The proposal results in an irregular residential boundary, in conflict with the Supplementary Guidance: 'The Householder Development Guide' whereby an area of land to the east of the boundary is incorporated into the curtilage of 3 Wellington Park. This does not correspond with the boundary layouts and plot proportions and thus the established pattern of development in the surrounding area nor reflect local urban form. The proposal would therefore conflict with the principles of Policies H1 - Residential Areas, D1 - Quality Placemaking by Design, the Supplementary Guidance: 'The Householder Development Guide', and Policies H1 - Residential Areas and D1 - Quality Placemaking of the Proposed Aberdeen Local Development Plan.
3. The proposal results in an over-provision of parking for a recently constructed residential dwelling, which would encourage the usage of unsustainable travel in terms of the private car and disincentivising sustainable and active travel, which would conflict with the principles of Policy T2 – Managing the Transport Impact of Development of the adopted Aberdeen Local Development Plan; the Supplementary Guidance: 'Transport and Accessibility' and Policy T2 – Sustainable Transport of the Proposed Aberdeen Local Development Plan 2020.
4. The change of use and paving of the open space detracts from the designed outlook and thus the residential amenity afforded to 4 Wellington Park in that as the space matured, the vegetation would have provided soft landscaped setting to the edge of that residential property. The proposal would therefore conflict with the principles of Scottish Planning Policy; Policies H1 - Residential Areas and D1 - Quality Placemaking by Design, of the adopted Aberdeen Local Development Plan; and Policies H1 - Residential Areas and D1 - Quality Placemaking, of the Proposed Aberdeen Local Development Plan.



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 100394143-001

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)

Formation of Paved Area and Change of Use of General Site Landscaping to Residential Curtilage

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

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

Unaware that planning permission required

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="None"/>	Building Name:	<input type="text" value="Scotia Homes Ltd"/>
First Name: *	<input type="text" value="Scotia Homes Ltd"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="."/>	Address 1 (Street): *	<input type="text" value="Balmacassie"/>
Company/Organisation	<input type="text" value="Scotia Homes Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="01358 726262"/>	Town/City: *	<input type="text" value="Ellon"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB41 8QR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="roger.laird@scotia-homes.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="3 WELLINGTON PARK"/>
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="AB12 3UW"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="801338"/>	Easting	<input type="text" value="394206"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

15.00

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)

Currently use as residential curtilage. Previously used as general site landscaping.

Access and Parking

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

Yes No

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

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

Yes No

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

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

2

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

2

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

Water Supply and Drainage Arrangements

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

Yes No

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

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

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

Yes No

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

na

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Are you able to identify and give appropriate notice to ALL the other owners? * Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

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

or –

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

Name:

Mr . Kay

Address:

3, Wellington Park, Aberdeen, United Kingdom, AB12 3UW

Date of Service of Notice: *

14/04/2021

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed: None Scotia Homes Ltd .

On behalf of:

Date: 12/04/2021

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

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

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: None Scotia Homes Ltd .

Declaration Date: 12/04/2021

Payment Details

Online payment: ABSP00006521

Payment date: 12/04/2021 12:42:00

Created: 12/04/2021 12:42



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 100394143-003

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.

Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

Easting

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="None"/>	Building Name:	<input type="text" value="Scotia Homes Ltd"/>
First Name: *	<input type="text" value="Scotia Homes Ltd"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value=""/>	Address 1 (Street): *	<input type="text" value="Balmacassie"/>
Company/Organisation	<input type="text" value="Scotia Homes Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="01358 726262"/>	Town/City: *	<input type="text" value="Ellon"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB41 8QR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="roger.laird@scotia-homes.co.uk"/>		

Proposal/Application Details

Please provide the details of the original application(s) below:

Was the original application part of this proposal? * Yes No

Application Details

Please select which application(s) the new documentation is related to.

Application: *

Document Details

Please provide an explanation as to why the documentation is being attached after the original application was submitted: * (Max 500 characters)

Checklist – Post Submission Additional Documentation

Please complete the following checklist to make sure you have provided all the necessary information in support of your application.

The additional documents have been attached to this submission. * Yes No

Declare – Post Submission Additional Documentation

I/We the applicant/agent certify that this is a submission of Additional Documentation, and that all the information given in this submission is true to the best of my/the applicants knowledge.

Declaration Name: None Scotia Homes Ltd .

Declaration Date: 28/05/2021

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DECISION NOTICE

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

Scotia Homes Ltd
Scotia Homes Ltd
Balmacassie
Ellon
AB41 8QR

With reference to your application validly received on 13 April 2021 for the following development:-

Change of use from amenity land to residential curtilage to form a paved area (retrospective)
at 3 Wellington Park, Cove

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>
1081 910-SP-001 B	Location Plan
1081 (601-604)-910-PP-001 D	Site Layout (Proposed)

REASON FOR DECISION

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

1. The proposed change of use from amenity land to garden ground would result in the loss of valued and valuable open space, which was required as part of the Landscaping Scheme of the wider residential development of OP56 - Cove (Ref: 161379/DPP). Prior to the unauthorised change of use, the application site had and as it matured would have continued to have significantly landscape character and amenity value and, given the significant quantity and variety of species required in this particular space in the landscaping scheme approved in for application

reference: 161279/DPP, the proposal had and would have continued to have substantial natural environment value worthy of retention as it matured. The proposal results in the loss of a tree worthy of retention, in conflict with the aims of Policy NE5 - Trees and Woodlands. As such, the proposal would therefore conflict with the principles of Scottish Planning Policy; Policies H1 - Residential Areas, NE3 - Urban Green Space, of the adopted Aberdeen Local Development Plan, and the Supplementary Guidance: 'The Householder Development Guide', 'and 'Green Space Network and Open Space'; as well as Policies H1 - Residential Areas, and NE2 - Green and Blue Infrastructure of the Proposed Aberdeen Local Development Plan 2020.

2. The proposal results in an irregular residential boundary, in conflict with the Supplementary Guidance: 'The Householder Development Guide' whereby an area of land to the east of the boundary is incorporated into the curtilage of 3 Wellington Park. This does not correspond with the boundary layouts and plot proportions and thus the established pattern of development in the surrounding area nor reflect local urban form. The proposal would therefore conflict with the principles of Policies H1 - Residential Areas, D1 - Quality Placemaking by Design, the Supplementary Guidance: 'The Householder Development Guide', and Policies H1 - Residential Areas and D1 - Quality Placemaking of the Proposed Aberdeen Local Development Plan.

3. The proposal results in an over-provision of parking for a recently constructed residential dwelling, which would encourage the usage of unsustainable travel in terms of the private car and disincentivising sustainable and active travel, which would conflict with the principles of Policy T2 - Managing the Transport Impact of Development of the adopted Aberdeen Local Development Plan; the Supplementary Guidance: 'Transport and Accessibility' and Policy T2 - Sustainable Transport of the Proposed Aberdeen Local Development Plan 2020.

4. The change of use and paving of the open space detracts from the designed outlook and thus the residential amenity afforded to 4 Wellington Park in that as the space matured, the vegetation would have provided soft landscaped setting to the edge of that residential property. The proposal would therefore conflict with the principles of Scottish Planning Policy; Policies H1 - Residential Areas and D1 - Quality Placemaking by Design, of the adopted Aberdeen Local Development Plan; and Policies H1 - Residential Areas and D1 - Quality Placemaking, of the Proposed Aberdeen Local Development Plan.

Date of Signing 22 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.

Consultee Comments for Planning Application 210517/DPP

Application Summary

Application Number: 210517/DPP

Address: 3 Wellington Park Cove Aberdeen Aberdeen City AB12 3UW

Proposal: Change of use from amenity land to residential curtilage to form a paved area (retrospective)

Case Officer: Roy Brown

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 change of use from amenity land to residential curtilage to form a paved area (retrospective) at 3 Wellington Park, Cove, Aberdeen AB12 3UW.

It is confirmed that given the proposed does not increase the existing driveway access (5m) and merely extends their internal curtilage, Roads Development Management have no objections to this application.

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MEMO



To	Roy Brown Planning & Infrastructure	Date	
		Our Ref.	210517/DPP
From	Michael Cowie		
Email	micowie@aberdeencity.gov.uk		
Dial	01224 523761		
Fax			

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

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

Planning Application No. 210517/DPP – It is noted this application for change of use from amenity land to residential curtilage to form a paved area (retrospective) at 3 Wellington Park, Cove, Aberdeen AB12 3UW.

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

1 Development Proposal

- 1.1 It is noted this application is for a change of use of existing amenity land to extend residential curtilage at 3 Wellington Park, Cove, Aberdeen.
- 1.2 It is noted the site is located in the outer city.
- 1.3 It is noted that as part of previous Roads Development Management (RDM) comments it was unclear that such application/proposal in fact increased the associated car parking provision. However, this has since been clarified to identify that this extended residential curtilage is to form increased driveway extents.
- 1.4 It should be noted that access/use to this extended driveway extents can only be via existing driveway/dropped kerb extents. Therefore, to avoid bumping over full upstand kerbs and causing damage to such kerbs and footpath, it would be required to install some form of obstruction along this boundary (i.e. low wall, fence, bushes/shrubs etc.).
- 1.5 It should be noted and confirmed that was the applicant to apply to extend/widen existing driveway access (currently 5m), this would not be accepted or approved as it already meets the maximum dimensions as per ACC supplementary guidance and would also take it onto the bend of the road.

2 Conclusion

- 2.1 In conclusion, Roads Development Management (RDM) would not accept and this application as currently presented as per the comments above, but should provision be installed to avoid access and damage to upstand kerbs this could be re-considered.

Michael Cowie
Engineer
Roads Development Management

Comments for Planning Application 210517/DPP

Application Summary

Application Number: 210517/DPP

Address: 3 Wellington Park Cove Aberdeen Aberdeen City AB12 3UW

Proposal: Change of use from amenity land to residential curtilage to form a paved area (retrospective)

Case Officer: Roy Brown

Customer Details

Name: Mrs G Horne

Address: 4 Wellington Park Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Strongly object to this planning application

1. Change already done without planning or consultation with neighbouring properties.
2. Dangerous as no clear boundary with our driveway and very intrusive.
3. When purchasing our property off plan, the area in question was supposed to be a designed area of open space for the wider residential development as per approved planning ref: 161279/DPP, not a parking space.

When enquiring for a change of use of a similar open space area to the rear of our property we received the reply below, so would be very surprised and disappointed if this application was approved.

Planning permission would be required for the change of use of this space from open space to domestic garden ground.

Policies H1 - Residential Areas, NE3 - Urban Green Space, NE4 - Open Space Provision in New Development and D1 - Quality Placemaking by Design of the adopted Aberdeen Local Development Plan 2017; and Policies H1 - Residential Areas, NE2 - Green & Blue Infrastructure, and D1 - Quality Placemaking of the Proposed Aberdeen Local Development Plan 2020; and the Supplementary Guidance: 'The Householder Development Guide' and 'Open Space and Green Infrastructure'.

This proposal would adversely affect the designed character and amenity of the surrounding area, by removing an area of open space that was required as part of the wider development for it to meet its open space provision requirements. As this space and the residential area matures, particularly the shrubs and tree, the space will contribute to the character and amenity of the surrounding area. On this basis, the Planning Authority would be unlikely to support such an application should it be submitted.

4. Further to this application, forming a hard surface to this area is also breach to condition 8 of planning ref 161279/DPP?

Comments for Planning Application 210517/DPP

Application Summary

Application Number: 210517/DPP

Address: 3 Wellington Park Cove Aberdeen Aberdeen City AB12 3UW

Proposal: Change of use from amenity land to residential curtilage to form a paved area (retrospective)

Case Officer: Roy Brown

Customer Details

Name: Mrs G Horne

Address: 4 Wellington Park Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to submit further points in support of my objection, these also highlight some flaws within the application

1. We bought Plot 605, Charleston Cove in May 2019 on the assumption that we had a landscaped amenity area adjacent, which was in situ before our handover date of 13th December 2019.
2. Section 75 shows and states landscaped amenity area.
3. Boundary to adjoining Plot 604, Charleston Cove has been extended but appears to be under another planning application, as shown on drawing 910-BP-002 Rev A and 910-PP-001 Rev A, this is very misleading as doesn't match DPA approved drawing, which only came to light after the misplacement of our rear adjoining boundary fence was discovered.
4. The new planning application 210517/DPP states with curtilage of Plot 604, Charleston Cove, this is not the case, it is an amenity landscaped area, as shown on original planning application 161279/DPP. The new application also states that parking remains at only two spaces, this is also clearly not the case. Scotia has lock blocked without consent and the area is now being used for extra parking on top of the two spaces, as mentioned and shown in photographs submitted in both our objection and in Plot 604's response.
5. The parking strategy has now changed, thus tracking is not as per the original RCC.
6. New planning application 210517/DPP also states paving complete 7th April 2020 but this was

completed on the 31st January 2020.

7. This area has now changed to porous paving, No drainage?

8. As the amenity area in question was located on a corner site, is it safe to park here?

Dear sir/madam,

3 Wellington Park - Planning Application 210517/DPP

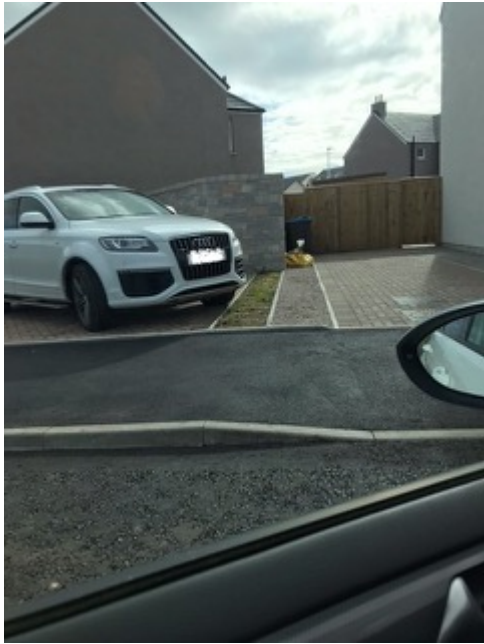
Further to my existing objection, please find attached photographs, which I'd like to be added in support of my registered objection to the above planning application. These clearly show the paved area already in situ, which is being used for parking, on occasion it has accommodated a further 2 vehicles totalling 4 within the property grounds.

As well as spoiling the landscape and character of our street, parking here is potentially dangerous and can be very intrusive to our neighbouring property, as these photographs show.

Can you please confirm receipt?

Kind regards
Mrs Horne,
4 Wellington Park,
Cove
Aberdeen
AB12 3UW





Further to our original objections and in response to the appeal in relation to planning application reference 210517/DPP. We would like to add the following comments.

Plot 604 refers to 3 Wellington Park and **Plot 605** to 4 Wellington Park

2.2 In November 2012, detailed planning permission was granted for the Charleston development as whole (planning application reference P110065) [Document E1], with the application site shown on the approved plans as being part of the garden of what is now 4 Wellington Park (see, for example, drawing reference L2.6a [Document E2]). However, detailed landscaping drawings submitted in May 2016 show the application site as being included in the plot which is now occupied by number 3 Wellington Park (drawing reference 0872/12 Rev A [Document E3]). Notably, drawing reference **0857/12 Rev A** this does not show any landscaping on the application site.

In response to paragraph 2.2

Is drawing 0872/12 Rev A, approved under planning application P110065 relevant? It has been superseded by drawing 0872/17 Rev B, approved under planning application 161279/DPP, which clearly shows the approx 27 m2 area to be planted landscaping which was in situ until end January 2020.

See:-

Drawing 0872/17 Rev B

0857/12 Rev A this does not related to P110065 nor 161279/DPP

2.3 The mix, range and layout of units to be developed at Charleston has since been varied further a number of times through the submission and approval of subsequent applications, indicating that there are a number of acceptable permutations as to how the site as a whole might be developed. This includes planning application reference

161279/DPP (approved in March 2018), the approved plans for which show the application site to be landscaped open space, as noted in the Report of Handling, with the management of such spaces controlled by conditions. It should though be noted that the application site is somewhat of an anomaly in terms of the approved landscaping plans, in that it comprises a small pocket of landscaping in between houses, with landscaping generally otherwise provided in strips between houses and the street or each other, or in larger standalone areas.

In response to paragraph 2.3

The space was 27 m2 of planted landscaping as seen on drawing 0872/17 Rev B and Site plan reference 910-BP-002 Rev C, both approved on planning application 161279/DPP, which provided a natural separation and some added privacy to both plots. The green space can also be seen on the Sales Site Plan provided by Scotia Homes Sales Advisor on 29/07/2019

See:-

*Original objection for reasons of purchase of Plot 605
Drawing 0872/17 Rev B
Site Plan 910-BP-002 Rev C
Sales Site Plan*

2.4 *Against the above background, it is understandable that there has been a misunderstanding with regards to what might lawfully be done with the application site, with the owners of 3 Wellington Park having been unaware that there may be any issue with incorporating this into their residential curtilage as set out in the statement they submitted in support of the application. Likewise, whereas block paving has been installed, this could have been done under permitted development rights if the application site were considered to be residential curtilage, hence it is understandable why planning permission was not originally sought*

In response to paragraph 2.4

As stated in our original objection we were only verbally informed after moving in, of the possible ownership of the newly constructed 27 m2 landscaped area, and the builders intention to remove the planting and replace it with the now lock blocked extension to Plot 604s driveway.

We would now like to question "whether the change to the newly landscaped area was the result of Plot 604s rear adjoining boundary fence having to be re-positioned" this was due to a 6 m2 discrepancy, which did not come to light until our home (Plot 605) was near completion in phase 2, Block 6.

Both of these changes coincided with the discovery of the rear fence misplacement during phase 1, Block 6.

See:-

*DPA drawing of boundary error (Seen by us for the first time in 15/01/2020)
ROS link Aerial image shows boundary error
<https://scotlis.ros.gov.uk/map-search/394194/801321>*

Not only did the builder not apply for planning consent here but they also failed to officially consult or formally inform us in writing of such a significant change which would also affect us, prior to moving in.

3.1 As described above, the development comprises the incorporation of the application site into the residential curtilage of 3 Wellington Park and the installation of block paving to allow this to be used as an extension of the original driveway. This provides parking space for one additional car on the driveway, accessed via the original driveway, with no new access created over the pavement.

In response to paragraph 3.1

Planning application 210517/DPP only states 2 parking spaces not 3 as is confirmed in this paragraph.

3.2 In doing this, the materials used were chosen to match those of all other driveways in the area, thus providing a seamless extension to the original driveway which is in keeping with surrounding development. At the same time, a strip of land has been left between the extended driveway and the boundary with number 4 Wellington Park, allowing room for a hedge or shrubs to be grown along this boundary, with the space allowed for this being consistent with that between adjoining driveways elsewhere in the area (for examples of which, see photos at Appendix Two, in which it can be seen that many existing driveways in fact have no landscaping between them). If there are though any concerns in this regard, our client would be happy for the application to be granted subject to a condition requiring appropriate boundary treatments to be approved and installed within a prescribed timeframe, with the Report of Handling confirming that this would be an appropriate condition to be imposed as highlighted above.

In response to paragraph 3.2

The strip of land in question in this paragraph only measures 6 m x 0.5 m which is only 3 m². This cannot justify the loss of approx 27 m² landscaped area with a tree. With a width of only 0.5 m, the concrete haunching of the kerb edging on both sides of this strip will not allow the growth of any hedge or shrubs.

Furthermore the photos referenced as Appendix two, are photos taken at the rear of the properties showing residential parking. These should not be taken as a like for like comparison as this area is for parking only; and does not incorporate any house fronts. Instead see photos of rear parking, which shows that the rear of our plots also commands a similar corner landscaped area, which acts as natural separation between the parking spaces of Plots 603 and Plots 606.

See photos:-

Strip photo taken 22/10/2021

Rear parking taken 22/10/2021

Rear parking corner landscaping taken 22/10/2021

4.14 *Assessment against this criterion first requires an assessment of the established pattern of boundary treatments in the area, in terms of which it should be noted that: numbers 3 and 4 Wellington Park both feature driveways which extend to the pavement, and the incorporation of the application site into the driveway of number 3 is consistent with that;*

the strip of land that has been left between the extended driveway and the boundary with number 4 Wellington Park allows appropriate boundary arrangements to be made here, with these being consistent with arrangements between adjoining driveways to the rear of properties along Wellington Park, as set out above; and other than the gap between numbers 3 and 4 Wellington Park, houses along the street have been erected in a terrace, with no gaps or areas of amenity spaces between them, and there likewise being no comparable areas of amenity space between houses elsewhere in the area, such that the application site would have been an anomaly in this regard if it had not been incorporated into the garden of number 3.

Taking the above into account, it can be seen that the development has in fact resulted in the boundary layout being more in keeping with the character of the area than it would have been otherwise and, as such, it complies with the Guidance in this regard.

In response to paragraph 4.14

Re-strip of land see response to paragraph 3.2

Plot 604 and Plot 605 are both end terraced houses, these differ from mid terraces in respect that they are not joined and often have allowance for some land to the side of the property, therefore this should not be taken as a like for like comparison.

4.21 *In addition, as the development creates additional parking, consideration requires to be given to Supplementary Guidance: Transport and Accessibility which sets out parking standards with which all developments are expected to comply. The Supplementary Guidance does though make it clear that these are guidelines, and they require to be applied accordingly. The Guidance also expressly states that, in new developments of 10 houses or more, visitor parking may be required in addition to the guideline number of allocated spaces per house, although no set level of visitor parking provision is prescribed.*

In response to paragraph 4.21

Parking in relation to visitors in this paragraph is surely referring to spaces to be shared rather than being individually private.

4.22 *In terms of the parking standards, 3 Wellington Park is a 3 bedroom house in the Outer City, with the guideline number of allocated spaces for houses up to this size in this location being two (excluding any visitor parking). In accordance with the guidelines, two parking spaces are provided in 3 Wellington Park's original driveway, but this does not include any allowance for visitor parking. The extended driveway means that visitor parking is also available without cars having to park on, or next to, the bend in Wellington Park, making this a safer and more convenient option than the alternative. At the same time, the fact that the standards are guidelines only, rather than strict requirements, means that one additional parking space could be considered acceptable in terms of the Supplementary Guidance, particularly since the Roads Development Management Team had no objection to the resultant level of parking, or compliance with the Guidance in this regard.*

In response to paragraph 4.22

This paragraph stipulates that visitor parking is the main reason for the change of use from planted landscaping into the extension of Plot 604s driveway. If this is the case, then this planning refusal should not be overturned, as these photos show there is ample visitors on-street parking along the whole of Wellington Park, as only Plot 604 & Plot 605 have off-street parking to the front, therefore cars do not have to obstruct the bend, as noted in this paragraph.

See photos:-

On-street parking - Wellington Park taken 21/10/2021

On-street parking - Wellington Park taken 21/10/2021

4.24 *It is also acknowledged that, whereas Policy NE5 Trees and Woodland establishes a presumption against development that results in the loss of trees that contribute to nature conservation, landscape character, local amenity or climate change adaptation and mitigation, the change of use has included the removal of a recently planted tree on the application site. However, as stated previously, our client is happy to accept a condition requiring replacement planting on the strip of land between the extended driveway and number 4 Wellington Park, which would replace the tree in landscape character and local amenity terms. Indeed, as set out above, this would be more in keeping with the established pattern of development in the area, and would thus make a greater contribution to landscape character and*

local amenity in this regard. Taking this into account, along with the fact that no concerns have been raised with regards to the impact of the change of use on natural heritage or nature conservation, as also set out above, the change of use has no impact on anything that Policy NE5 seeks to protect, and thus presents no conflict with this, with the proposed new planting contributing to the landscape character, amenity and nature conservation.

In response to paragraph 4.24

In reading this, the client being the homeowner of Plot 604 has accepted this strip but the homeowners of Plot 605 are not accepting a strip of 6 m x 0.5 m which acquires to only 3 m². The strip has been constructed of flat top kerb concrete haunching and due to strip being only 0.5 m wide the haunch of the kerb will not allow a hedge to grow. How can you justify a landscaped area with tree of approx 27 m² being replaced by a 3 m² strip with little potential to allow growth of any hedges, trees, etc.

This soft landscaped area has visual implications to the owners of Plot 605. They feel what has now been constructed without statutory consent has not only affected the visual look but has also de-valued their property.

See photos:-

Front Driveway Views Plot 604 & 605 taken 22/10/2021

Front Driveway Views Plot 604 & 605 taken 22/10/2021

View from Plot 605 driveway taken 22/10/2021

Reason for refusal one

The proposed change of use from amenity land to garden ground would result in the loss of valued and valuable open space, which was required as part of the Landscaping Scheme of the wider residential development of OP56 Cove (Ref: [161379/DPP](#)).

5.2 As set out in the background section above, the original planning consent for the wider residential development was planning application reference P110065, rather than planning application reference [161379/DPP](#), with the approved landscaping plans for planning application reference P110065 showing the application site to be part of the curtilage of 3 Wellington Park and not amenity land. It is therefore clear that the identification of the site as amenity land was not necessary to make the development as a whole acceptable, and the landscaping scheme approved pursuant to planning application reference [161379/DPP](#) does not change this.

5.3 It should also be noted that, if the application site were retained as amenity space, the small size of this means that it would be of no value for recreational purposes. Indeed, this is acknowledged in the Report of Handling and, while it is then indicated that the site could be used for informal recreation, it is not clear what that would constitute given

Planning application reference 161379/DPP is not relevant to this application.

To summarise

As this appeal has confirmed the driveway extension is for the purpose of visitor parking, is this a justified reason to approve planning application reference 210517/DPP, as there is clearly ample on-street parking.

We also question whether due to the size and construction of the proposed boundaries of this area, whether they are suitable for any type of hedge as their construction will restrict the healthy growth of any planting.

We were the only neighbouring objector to planning application 210517/DPP, this is due to the area in question being in close proximity of our adjoining boundary/driveway.

We still question the safety of parking in this area, as due to its irregular shape, vehicles have to park in such a way that they face/rear face our connecting driveway.

We feel what has now been constructed without statutory consent has not only affected the visual look but has also de-valued our property.

We also have concerns regarding the future use of this area i.e. type/size of vehicle parking on this corner location.

Submitted by:

*Mr & Mrs G Horne
4 Wellington Park
Cove
Aberdeen
AB12 3UW*

Dated: 02/11/2021



REAR PARKING



REAR PARKING



ON STREET PARKING



ON STREET PARKING



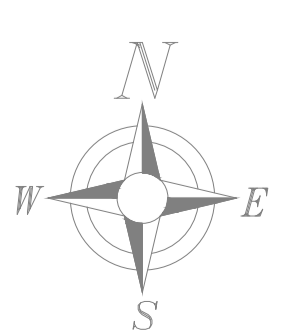
FRONT DRIVEWAY



FRONT DRIVEWAY



VIEW FROM PLOT 605 DRIVEWAY



1	1000000 002	1000000 002	06-0-007
2	1000000 002	1000000 002	3-07-207
3	1000000 002	1000000 002	24-08-2016
4	Block 6 Planning Application Boundary Line Identified		
Rev	Details		Date

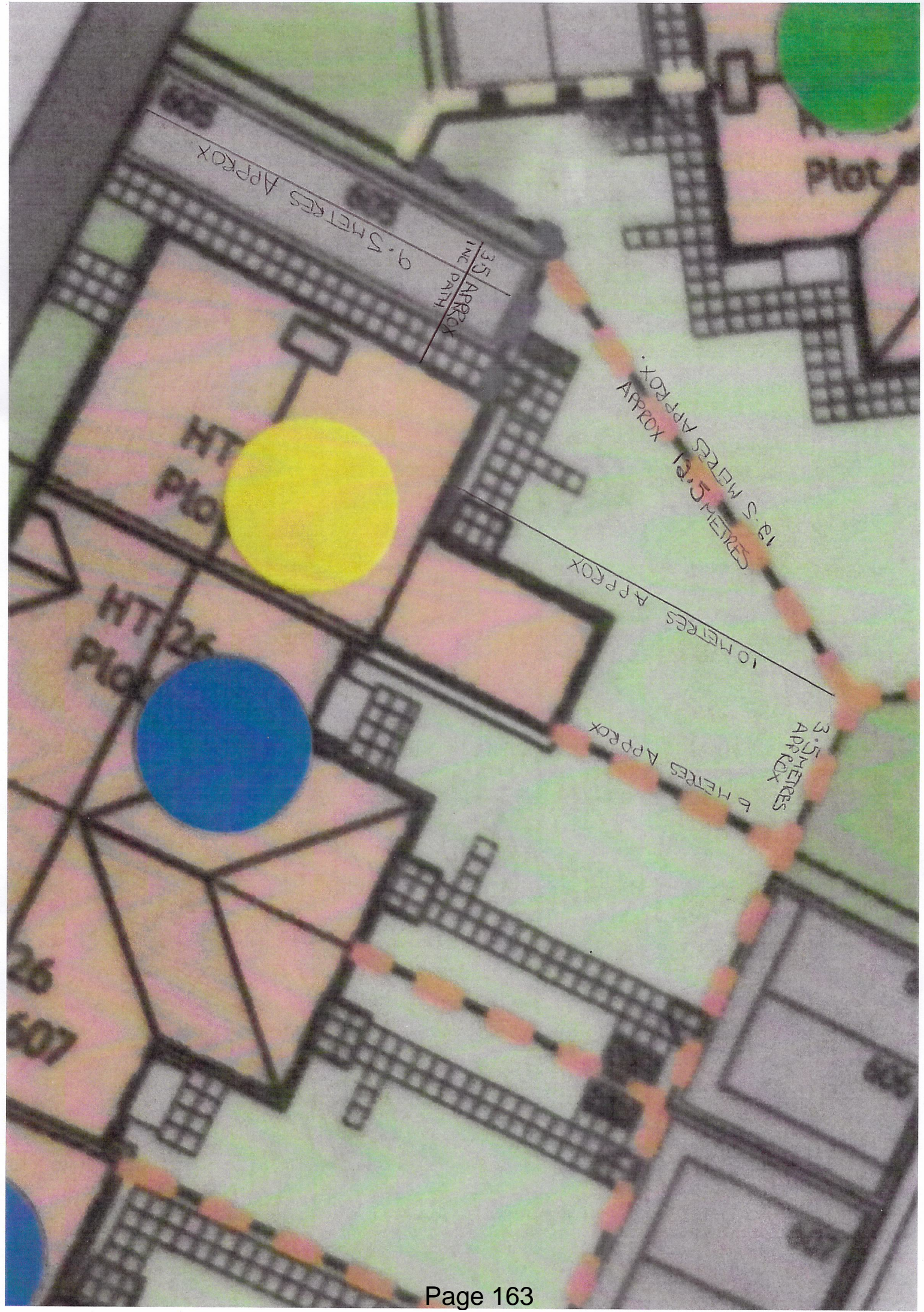
Project Title: Charleston, Cove, Aberdeen
 Drawing Title: Site Layout Plan
 Block 6: Plots 601-652

Project No	Drawing No	Rev
1081	910-BP-002	C

Drawn By	sd	Checked By	sd
Date	SEPT 2015	Scale	1:250 at A0


SCOTIA HOMES
 Balnakeish, Elton, AB41 8QR Tel: 01358 722441
 Kingsmuir, Forfar, DD8 2JG Tel: 01307 466161
www.scotia-homes.co.uk

Disclaimer: As this is a site plan, it does not show the exact location of any buildings or structures. It is intended to show the general layout of the site and the relative positions of the buildings and structures. It is not to be used as a guide for construction or other purposes without the approval of the architect.





SCOTIA HOMES
Balmacassie, Ellon, AB41 8QR Tel: 01358 722441
Kingsmuir, Forfar, DD8 2NS Tel: 01307 466161
www.scotia-homes.co.uk

Project Title	Charleston Cove		
Drawing Title	604-605 As Installed Boundary Line		
Issued For	INFORMATION		
Project No	Drawing No	Rev	
1081			

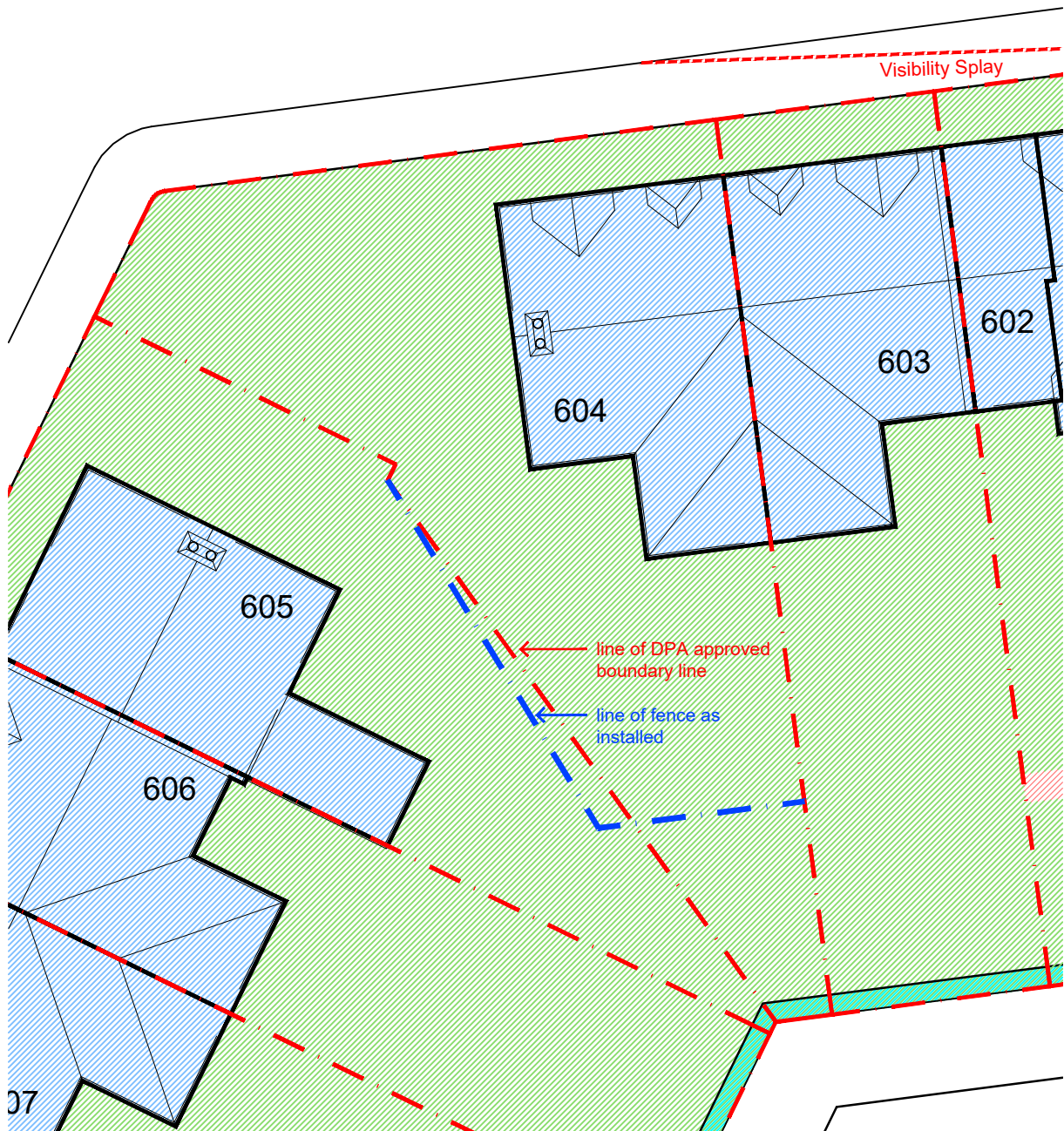
Disclaimer: Do not scale from this drawing.
All contractors must work only to figured dimensions shown all of which are to be checked on site.
Copyright of this drawing subsists with Scotia Homes (Holdings) Ltd.

Drawn By		Checked By	
Date	26.11.19	Scale	1:200 at A4



plot 604 : DPA approved red line boundary: 270m²

plot 604-605 discrepancy : 6m²



3 Wellington Park,
Cove,
Aberdeen,
AB12 3UW
Dated: 25/05/2021.

Hi Sir/Madam,

Regarding the planning **Application 210517/DPP, at 3 Wellington Park.**

We are the homeowners at 3 Wellington Park and are deeply saddened by the objection raised by our neighbour. We would like to, at any opportunity, work to address the concerns raised to support the retrospective planning submission for the driveway extension.

As the planning submission states, Scotia Homes (housing developer of the estate) and I were not aware at the time that planning permission was required on the ongoing development. I can only apologise for the inconvenience this has caused.

I am now in a position of concern that we (as the residents) will suffer the consequence of a simple mistake. It is my opinion that the confusion lies in the planting plans (0872-17 Rev B Block 6 Planting Plans (20.11.2017)) vs plot plan drawings that show the now paved area as within the boundary for the residence. There are a number of examples such as DPA approved drawings *KNC19350-and-KNC22368-Scotia-Homes-Charleston,Cove,-Phase-6-rev1*.

Scotia Homes and I are eager to work with you on behalf of the Aberdeen City Council in any way we can to bring the extended space into compliance and code, with the hope that the now laid lock-block is not lifted.

I hope that this letter, and the effort and time I have put into this letter, to ensure a full and fair understanding for the benefit of the Planning team at Aberdeen City Council, reflects the sincerest hope and concern I have with the approval or rejection of this application.

I would add that Scotia and I have already committed resource and time to implement the additional drainage as advised by the Roads Adoption inspection team on behalf of the Local Authority.

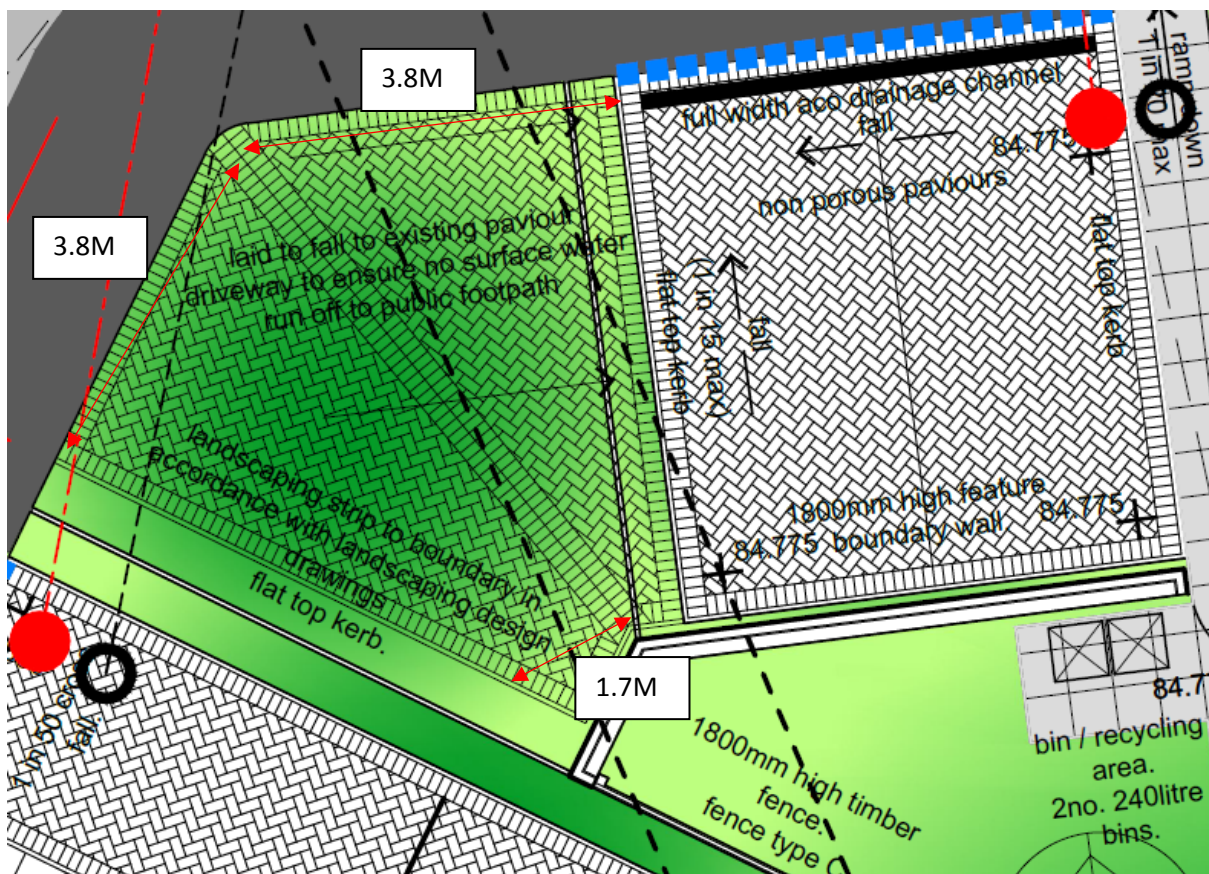
I have read and understood the concerns raised within the objection letter (ref document below). I have kindly commented on the objections raised with a hope that it would provide Aberdeen City Council with a clear understanding, as well as appeasing the concerns raised within the body of the objection letter.

Document Type: Public Comment

Description Additional Comments - G Horne

Perceived Dangers and Intrusiveness -

There has been a misunderstanding in total cars that can physically fit on the driveway. Within the body of the objection of the driveway, it was noted that *it has accommodated a further 2 vehicles totalling 4* - The driveway is not large enough to hold 4 cars and can hold only 3 as the area and geometry is not suitable. Please see drawing below (Image 1).



(Image 1)

On occasion such as a visitor, to avoid parking on or near corners, I encourage guests to park on the driveway and off the road. It is in my view that this mitigates any dangers of adjacent traffic and pedestrians.

Unfortunately, the images provided within the objection are not a fair reflection of usual parking and obscure the full story. Photo (1) and (2) within the objection letter show a guest parking on the driveway. It was parked as such to support with loading and offloading of luggage. Photo 3 shows my (homeowner) car, and is a fair representation of typical parking - Reversed parked for ease of entry and exit. One car parked on the extension as the available space is suitable for 1 car only. I would

add at this stage that all images are within the boundary of the property, and not encroaching on neighbouring property. See (Image 2) below.

As part of the driveway design, I requested with the home developer (Scotia Homes), that a green strip would be installed. This is to install greenery in the form of a hedge or perhaps fencing (see Image 2). My hope is that this will provide further privacy and further mitigate any perceived and highly unlikely dangers observed for the benefit of my neighbour.

I question and challenge the acquisition of intrusiveness, particularly based on the image below. The driveway was designed as such to include space between both properties.

My neighbour and I both have a strip of land immediately adjacent to our driveways. In addition to this, there is a pre-existing wall + curb which makes the boundary of a property easily identifiable.



(Image 2)

Landscape and Character -

I have supplied an image (3) of the rear area of my property to provide the closest representation of what the space looked like previously. It was my understanding that I would maintain both the forward and rear spaces, and I did so.

As you can see, with exception of annual weed pulling, it is largely derelict, rock and glass ridden space.

There are no further plans for this space as I understand.



(Image 3)

As the installer of the driveway and developer of the housing estate, Scotia were best placed to ensure like for like materials were ordered to provide a seamless driveway extension that matched all driveway styles within the immediate area. The driveway extension matches all residential driveways within the area.

I hope the information provided was of some use and provided a clear picture of circumstance.

I do feel the concerns raised as part of the objections were exaggerated, but value the input and the chance to satisfy those concerns regardless.

Should you require any more information or clarification, I am happy to support.

Thank you and kind regards,

Mr Christopher S Kay

Aberdeen Local Development Plan (ALDP)

- Policy H1 – Residential Areas
- Policy D1 - Quality Placemaking by Design
- Policy NE1 - Green Space Network
- Policy NE3 - Urban Green Space
- Policy NE4 - Open Space Provision in New Development
- Policy NE5 - Trees and Woodlands

Supplementary Guidance

Householder Development Guide (HDG)

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

Green Space Network and Open Space

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

Transport and Accessibility

<https://www.aberdeencity.gov.uk/sites/default/files/6.4.PolicySG.OpenSpace.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 100484076-001

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"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Scotia Homes Ltd"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Balmacassie"/>
Company/Organisation	<input type="text" value="Scotia Homes Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Ellon"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB41 8QR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="3 WELLINGTON PARK"/>
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="AB12 3UW"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="801338"/>	Easting	<input type="text" value="394206"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

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

Change of use from amenity land to residential curtilage to form a paved area (retrospective)

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

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 to the separate statement of reasons

Application Details

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

210517/DPP

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

12/04/2021

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

22/07/2021

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)

A site visit would allow members to see other similar driveway arrangements in the 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

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: 15/10/2021

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**3 WELLINGTON PARK
ABERDEEN
AB12 3UW**

**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 210517/DPP

STATEMENT OF REASONS FOR REVIEW



1 Introduction

1.1 Planning application reference 210517/DPP, seeking planning permission for the “*Change of use from amenity land to residential curtilage to form a paved area (retrospective)*” at 3 Wellington Park, Aberdeen was refused by officers under delegated powers on 22 July 2021 [Document C2].

1.2 Our client now seeks a review of that decision for the reasons set out in this Statement, as read alongside the other documents submitted with this (a list of which is provided at Appendix One). In summary, the development complies with all relevant policies of the Aberdeen Local Development Plan 2017 (ALDP) [Document D1], including:

- Policy H1 – Residential Areas as it meets the requirements for the change of use of amenity land to residential curtilage set out in the Council’s Supplementary Guidance: Householder Development Guide [Document D2];
- Policy T2 – Managing the Transport Impact of Development as it provides visitor parking for the residents of 3 Wellington Park in accordance with the Council’s Supplementary Guidance: Transport and Accessibility [Document D3];
- Policy D1 – Quality Placemaking by Design, as it respects the area’s quality as a place and contributes to local identity by being in keeping with the established pattern of development in the wider area in terms of both the nature of the use and materials used for paving, with space left for appropriate boundary treatments; and
- Policies NE1 - Green Space Network, NE3 – Urban Green Space, NE4 - Open Space Provision in New Development, and NE5 – Trees and Woodlands, together with associated Supplementary Guidance, as it will not erode the character or function of the green space network nor result in the loss of any valued green or open spaces, with proposed landscaping also ensuring that the change of use has no impact in nature conservation, landscape character or local amenity terms.

1.3 In addition, the Report of Handling for the application [Document C1]:

- raises no concerns about the extent to which the development complies with ALDP Policies D2 – Landscape, NE8 – Natural Heritage, or NE9 – Access and Informal Recreation, with it therefore understood that the application is considered to comply with these; and



- advises that, had the Planning Service been minded to approve the application, it would have been subject to appropriately worded conditions with regards to the installation of boundary treatments and drainage and that, given that appropriately worded conditions could address any concerns with regards to these matters, the application cannot be refused on the basis of these.
- 1.4 It should also be noted that, whereas the Report of Handling describes the development as allowing space for two additional cars, this is incorrect. Rather, as set out in the supporting statement submitted by the owners of 3 Wellington Park [Document A4], it provides room for only one additional car.
- 1.5 Lastly, the application also complies with all relevant policies of the Proposed Aberdeen Local Development Plan (PLDP) [Document D4] for the same reasons as it complies with those of the ALDP cited above.
- 1.6 As the application complies with the ALDP and is supported by other relevant material considerations as set out above and addressed in detail below, the Review should be upheld and the application approved.

2 Background

- 2.1 The application site comprises an area of approximately 27m² located between numbers 3 and 4 Wellington Park in the recently constructed Charleston development, and is bounded by neighbouring residential curtilages on all sides, except the north/north-east, where it meets the street.
- 2.2 In November 2012, detailed planning permission was granted for the Charleston development as whole (planning application reference P110065) [Document E1], with the application site shown on the approved plans as being part of the garden of what is now 4 Wellington Park (see, for example, drawing reference L2.6a [Document E2]). However, detailed landscaping drawings submitted in May 2016 show the application site as being included in the plot which is now occupied by number 3 Wellington Park (drawing reference 0872/12 Rev A [Document E3]). Notably, drawing reference 0857/12 Rev A does not show any landscaping on the application site.
- 2.3 The mix, range and layout of units to be developed at Charleston has since been varied further a number of times through the submission and approval of subsequent applications, indicating that there are a number of acceptable permutations as to how the site as a whole might be developed. This includes planning application reference



161279/DPP (approved in March 2018), the approved plans for which show the application site to be landscaped open space, as noted in the Report of Handling, with the management of such spaces controlled by conditions. It should though be noted that the application site is somewhat of an anomaly in terms of the approved landscaping plans, in that it comprises a small pocket of landscaping in between houses, with landscaping generally otherwise provided in strips between houses and the street or each other, or in larger standalone areas.

- 2.4 Against the above background, it is understandable that there has been a misunderstanding with regards to what might lawfully be done with the application site, with the owners of 3 Wellington Park having been unaware that there may be any issue with incorporating this into their residential curtilage as set out in the statement they submitted in support of the application. Likewise, whereas block paving has been installed, this could have been done under permitted development rights if the application site were considered to be residential curtilage, hence it is understandable why planning permission was not originally sought for this.

3 Development as implemented

- 3.1 As described above, the development comprises the incorporation of the application site into the residential curtilage of 3 Wellington Park and the installation of block paving to allow this to be used as an extension of the original driveway. This provides parking space for one additional car on the driveway, accessed via the original driveway, with no new access created over the pavement.
- 3.2 In doing this, the materials used were chosen to match those of all other driveways in the area, thus providing a seamless extension to the original driveway which is in keeping with surrounding development. At the same time, a strip of land has been left between the extended driveway and the boundary with number 4 Wellington Park, allowing room for a hedge or shrubs to be grown along this boundary, with the space allowed for this being consistent with that between adjoining driveways elsewhere in the area (for examples of which, see photos at Appendix Two, in which it can be seen that many existing driveways in fact have no landscaping between them). If there are though any concerns in this regard, our client would be happy for the application to be granted subject to a condition requiring appropriate boundary treatments to be approved and installed within a prescribed timeframe, with the Report of Handling confirming that this would be an appropriate condition to be imposed as highlighted above.



- 3.3 In addition, to ensure that access is not taken across the pavement, our client would be happy to introduce an appropriate hedge, fence or low wall along this boundary of the site, and for this to also be conditioned.
- 3.4 Lastly, our client is committed to implementing additional drainage and would be happy for this to be conditioned as well, with the Report of Handling again confirming that this would be an appropriate way of addressing any concerns regarding drainage of the site as also highlighted above.

4 Policy context

- 4.1 In considering this Notice of Review, 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. In this case, the relevant Local Development Plan is the Aberdeen Local Development Plan (ALDP), paragraph 1.4 of which states that:

*“It is important to remember that development proposals will be assessed against a number of policies within the Local Development Plan so it **must be carefully considered as a whole**” (emphasis added).*

- 4.2 This includes Supplementary Guidance adopted under the ALDP, which has the same weight in decision making as the ALDP itself.
- 4.3 It should also be noted that the ALDP is currently under review, with the Proposed Local Development Plan 2020 (PLDP) having been submitted to Scottish Ministers for Examination in August 2021. As noted in the Report of Handling however, the relevant policies of the PLDP substantially re-iterate those in the adopted ALDP, and so these are not considered in detail here, with the development complying with the PLDP for the same reasons that it complies with the relevant policies of the ALDP as set out below.
- 4.4 As set out in the Report of Handling, the relevant policies and associated Supplementary Guidance in this case are:
- Policy H1 - Residential Areas
 - Policy D1 - Quality Placemaking by Design
 - Policy NE3 - Urban Green Space
 - Policy NE1 - Green Space Network
 - Policy NE4 - Open Space Provision in New Development



- Policy NE5 - Trees and Woodlands
- Supplementary Guidance: Householder Development Guide
- Supplementary Guidance: Green Space Network and Open Space
- Supplementary Guidance Transport and Accessibility

4.5 Each of these is addressed below.

4.6 In terms of the ALDP's spatial strategy, the application site is located within a residential area, within which **Policy H1 – Residential Areas** generally supports proposals for householder development provided they comply with specific criteria set out in the Policy, including complying with Supplementary Guidance. This establishes a basic presumption in favour of the development to which this Notice of Review relates, subject to it complying with the relevant criteria, which it does as set out below.

4.7 In this regard, the **Supplementary Guidance: Householder Development Guide** sets out the specific criteria against which applications for the change of use from amenity space to garden ground will be considered, each of which is addressed in turn below.

*The proposal should not adversely affect amenity space which makes a **worthwhile contribution** to the character and amenity of the area (emphasis added)*

4.8 What is important to consider here is not just the nature of the land, but the quality of it, and whether its contribution to the character and amenity of the area is worthwhile. In this case, the small size of the application site significantly limits the contribution that the site made in this regard, while the fact that it was not originally intended to be amenity land (as per the approved plan for planning application reference P110065) makes it clear that it was not previously expected or required to make any such contribution either. As such, the application presents no conflict with this criterion.

The proposal should not fragment or, if replicated, be likely to incrementally erode larger areas of public open space or landscaping

4.9 In this regard, it should be noted that the application site is a small and entirely self-contained area of just 27m², and does not form part of any larger areas of public open spaces or landscaping. As such, its incorporation into a residential curtilage does not erode any such areas. In addition, whilst it is recognised that officers had concerns regarding the potential cumulative impact of a number of similar applications, every application must be considered on its own merits, such that upholding this Review and approving the application would not set a precedent for any potential future



applications which would either individually or incrementally erode larger areas of public open space or landscaping. This is particularly so given that, as stated above, the application site is something of an anomaly, with the terraced nature of neighbouring development meaning that there are no other comparable areas of landscaping in the vicinity of the application site for which approval of this application could be said to set any kind of precedent in any event.

The proposal should not worsen or create a deficiency in recreational public open space in the area

- 4.10 Aberdeen City Council's Open Space Audit [Document D5] identifies the Kincorth/Loirston ward as being well catered for in terms of the quantity of open spaces, with this having around twice as much residential amenity space as other wards, and the most semi-natural open space of any ward in the city. Notably, this includes Loirston Loch, which is located just a short distance to the west of the application site and scores very highly in terms of quality, with a score of 24 out of 25 (compared to an average score of 15 out of 25 for such spaces across the city). It is therefore clear that there is no deficiency in the type of open space that was previously provided by the application site, with the quantity of such spaces meaning that the change of use to which this Review relates also does not create any such deficiency.
- 4.11 The Open Space Audit also emphasises the importance of the quality of open space, concluding that amenity open space often scores poorly in terms of quality, achieves a low level of customer satisfaction, and is costly to maintain. In light of this, the Audit suggests that the Open Space Strategy may offer opportunities to review the management of such spaces, inviting alternative proposals for areas of limited value (as is the case in terms of this application) to be considered positively. This is particularly so in this instance as the small size of the application site, combined with the fact that there is no through route across it (it being bound by residential properties on three sides) means that it is of very limited recreational value (for formal or informal recreational activities, either on its own, or in combination with other areas of amenity land) in any event.
- 4.12 Given the lack of recreational value afforded by the site, and the very small area of land subject to the application compared to the generous provision of recreational space in the Kincorth/Loirston ward area (including in close proximity to the application site), there is no risk of the development creating a deficiency in recreational public open space. As such, the application complies with this element of the Guidance.



The proposal should not result in any loss of visual amenity including incorporating established landscape features such as mature trees

- 4.13 When considering this element of the Guidance, it should be noted that the focus of this is on preventing the loss of visual amenity rather than preserving specific landscape features per se, and it requires to be applied accordingly. In this regard, the materials chosen for the driveway match those of all other driveways in the area and, combined with proposed hedge or shrub planting, this means that the development is visually consistent with surrounding development and has no adverse impact on visual amenity as a result.

The proposal should not result in an irregular boundary layout that would be out of keeping with the otherwise uniform character of the area

- 4.14 Assessment against this criterion first requires an assessment of the established pattern of boundary treatments in the area, in terms of which it should be noted that:

- numbers 3 and 4 Wellington Park both feature driveways which extend to the pavement, and the incorporation of the application site into the driveway of number 3 is consistent with that;
- the strip of land that has been left between the extended driveway and the boundary with number 4 Wellington Park allows appropriate boundary arrangements to be made here, with these being consistent with arrangements between adjoining driveways to the rear of properties along Wellington Park, as set out above; and
- other than the gap between numbers 3 and 4 Wellington Park, houses along the street have been erected in a terrace, with no gaps or areas of amenity spaces between them, and there likewise being no comparable areas of amenity space between houses elsewhere in the area, such that the application site would have been an anomaly in this regard if it had not been incorporated into the garden of number 3.

- 4.15 Taking the above into account, it can be seen that the development has in fact resulted in the boundary layout being more in keeping with the character of the area than it would have been otherwise and, as such, it complies with the Guidance in this regard.



The proposal should not result in the narrowing of footpath corridors or lead to a loss of important views along such footpaths; making them less inviting or safe to use

- 4.16 The development does not result in any narrowing of the existing pavement along Wellington Park, nor does it affect views along this and therefore complies with this criterion.

The proposal should not prejudice road or pedestrian safety

- 4.17 The Roads Development Management Team's response to the application (dated 16 July 2021) [Document B2] states that:

"It should be noted that access/use to this extended driveway extents can only be via existing driveway/dropped kerb extents. Therefore, to avoid bumping over full upstand kerbs and causing damage to such kerbs and footpath, it would be required to install some form of obstruction along this boundary (i.e. low wall, fence, bushes/shrubs etc.)."

- 4.18 The response then indicates that, should some form of obstruction be installed in accordance with this recommendation, there would be no objection to the application on road safety grounds. Accordingly, our client would be happy for the installation of an appropriate wall, fence, or hedge to be conditioned as set out above, thus ensuring that no road or pedestrian safety issues arise and that the application complies with this criterion, with the Report of Handling confirming that this would be appropriate, as highlighted above.

The proposal should not give rise to the setting a precedent

- 4.19 The Supplementary Guidance emphasises that each application for change of use is dealt with on its own individual merits, so that the granting of this application should not be taken as setting a precedent for any other such application. At the same time, as set out above, the fact that the application site would be somewhat of an anomaly if returned to amenity space, with there being no comparable areas of amenity space between properties fronting onto the street in the surrounding area, means that this application is unique with little or no scope for it to be followed in any event.

- 4.20 Taking the points raised in paragraphs 4.8 to 4.18 above into account, it is clear that the application complies with all relevant criteria for the incorporation of areas of amenity land to a residential curtilage as set out in the Supplementary Guidance, and should be supported accordingly.



- 4.21 In addition, as the development creates additional parking, consideration requires to be given to **Supplementary Guidance: Transport and Accessibility** which sets out parking standards with which all developments are expected to comply. The Supplementary Guidance does though make it clear that these are guidelines, and they require to be applied accordingly. The Guidance also expressly states that, in new developments of 10 houses or more, visitor parking may be required in addition to the guideline number of allocated spaces per house, although no set level of visitor parking provision is prescribed.
- 4.22 In terms of the parking standards, 3 Wellington Park is a 3 bedroom house in the Outer City, with the guideline number of allocated spaces for houses up to this size in this location being two (excluding any visitor parking). In accordance with the guidelines, two parking spaces are provided in 3 Wellington Park's original driveway, but this does not include any allowance for visitor parking. The extended driveway means that visitor parking is also available without cars having to park on, or next to, the bend in Wellington Park, making this a safer and more convenient option than the alternative. At the same time, the fact that the standards are guidelines only, rather than strict requirements, means that one additional parking space could be considered acceptable in terms of the Supplementary Guidance, particularly since the Roads Development Management Team had no objection to the resultant level of parking, or compliance with the Guidance in this regard.
- 4.23 All applications should also comply with **Policy D1 – Quality Placemaking by Design**, which requires development to ensure high standards of design and have a strong and distinctive sense of place. In this regard, the approval of planning application reference P110065 (in which the site was not identified as amenity space, as set out above) makes it clear that the use of the application site as amenity land was not considered necessary to create a strong and distinctive sense of place, and that its inclusion within a residential curtilage was acceptable in principle at that time, with there being no reason to reach a different conclusion now. Further, as set out in paragraph 3.2 above, the use of materials that match those of all other driveways in the area creates as a seamless extension to the original driveway which is in keeping with surrounding development, with the Council having considered these materials to have been appropriate previously. As such, there are no grounds for concluding that the development does not represent good design. Rather, as this respects the area's quality as a place overall, it clearly complies with Policy D1.
- 4.24 Lastly, with regards to relevant policies on the natural environment, it should be noted that:



- whilst it is recognised that the site is identified as forming part of the green space network, this designation covers a significant swathe of the Charleston development, including the land on which numbers 3 and 4 Wellington Park have been built (see screenshot at Appendix Three), making it clear that development here is not precluded by **Policy NE1 – Green Space Network**;
- the site is not identified on the ALDP proposals map as an area of urban green space and, while it is recognised that **Policy NE3 – Urban Green Space** also applies to smaller areas not shown on the proposals map, the associated **Supplementary Guidance Green Space Network & Open Space** makes it clear that ‘Green Space’, refers to vegetated areas such as playing fields, parks, allotments and cemeteries. As the application site would not have been covered by this definition prior to the change of use taking place, the development is not precluded by Policy NE3;
- as highlighted in paragraph 4.10 above, the Council’s Open Space Audit identifies the Kincorth/Loirston ward as being well provided for in terms of both the quantity and quality of open space, in particular semi-natural open spaces and residential amenity spaces (i.e. the type of space that would otherwise be provided by the application site). In addition, the small size of the application site means that the incorporation of this into a residential curtilage will have no impact on the overall provision of semi-natural open spaces and residential amenity spaces in the area, with all residents continuing to have access to generous levels of quality spaces, as required to comply with **Policy NE4 – Open Space Provision in New Development** and the associated **Supplementary Guidance: Green Space Network & Open Space**; and

it is also acknowledged that, whereas **Policy NE5 – Trees and Woodland** establishes a presumption against development that results in the loss of trees that contribute to nature conservation, landscape character, local amenity or climate change adaption and mitigation, the change of use has included the removal of a recently planted tree on the application site. However, as stated previously, our client is happy to accept a condition requiring replacement planting on the strip of land between the extended driveway and number 4 Wellington Park, which would replace the tree in landscape character and local amenity terms. Indeed, as set out above, this would be more in keeping with the established pattern of development in the area, and would thus make a greater contribution to landscape character and local amenity in this regard. Taking this into account, along with the fact that no concerns have been raised with regards to the impact of the change of use on natural heritage or nature conservation, as also set out above, the change of use has no impact on anything that Policy NE5 seeks to



protect, and thus presents no conflict with this, with the proposed new planting contributing to the landscape character, amenity and nature conservation.

5 Reasons for review

5.1 The following paragraphs address the reasons for refusal given in the Decision Notice, demonstrating how the application complies with the Development Plan and is supported by other relevant material planning considerations. In doing this, each of the reasons for refusal is broken down into its constituent parts where necessary to ensure that each element is addressed fully.

Reason for refusal one

The proposed change of use from amenity land to garden ground would result in the loss of valued and valuable open space, which was required as part of the Landscaping Scheme of the wider residential development of OP56 – Cove (Ref: 161379/DPP).

5.2 As set out in the background section above, the original planning consent for the wider residential development was planning application reference P110065, rather than planning application reference 161379/DPP, with the approved landscaping plans for planning application reference P110065 showing the application site to be part of the curtilage of 3 Wellington Park and not amenity land. It is therefore clear that the identification of the site as amenity land was not necessary to make the development as a whole acceptable, and the landscaping scheme approved pursuant to planning application reference 161379/DPP does not change this.

5.3 It should also be noted that, if the application site were retained as amenity space, the small size of this means that it would be of no value for recreational purposes. Indeed, this is acknowledged in the Report of Handling and, while it is then indicated that the site could be used for informal recreation, it is not clear what that would constitute given:

- the very limited area of ground available;
- the fact that the site would have contained planting, which would have limited any recreational use; and
- the site's location between the neighbouring properties and the fact that there are no access routes across this (whether formal or informal), such that it does nothing to contribute to permeability and/or links to spaces that can be used for recreation or active travel.



- 5.4 In the absence of being required to make the change of use acceptable, or of the site being readily usable for any recreational purposes, there are accordingly no grounds for concluding that the change of use results in the loss of open space of any value.

Prior to the unauthorised change of use, the application site had and as it matured would have continued to have significantly landscape character and amenity value and, given the significant quantity and variety of species required in this particular space in the landscaping scheme approved in for application reference: 161279/DPP, the proposal had and would have continued to have substantial natural environment value worthy of retention as it matured.

- 5.5 In this regard, the small size of the application site, and the fact that this would have been a somewhat anomalous area of landscaping if retained as such, means that its contribution to the character of the area would inevitably have been limited with that contribution able to be retained through a condition requiring new landscaping within the curtilage of number 3 Wellington Park.

The proposal results in the loss of a tree worthy of retention, in conflict with the aims of Policy NE5 – Trees and Woodlands.

- 5.6 As set out in the final bullet point of paragraph 4.24 above, proposed planting on the strip of land between the extended driveway and number 4 Wellington Park would replace the former tree in landscape character and local amenity terms. As such, and in the absence of any concerns having been raised about the development's impact on natural heritage or nature conservation, the development presents no conflict with Policy NE5.

As such, the proposal would therefore conflict with the principles of Scottish Planning Policy; Policies H1 - Residential Areas, NE3 - Urban Green Space, of the adopted Aberdeen Local Development Plan, and the Supplementary Guidance: 'The Householder Development Guide', 'and 'Green Space Network and Open Space'; as well as Policies H1 - Residential Areas, and NE2 - Green and Blue Infrastructure of the Proposed Aberdeen Local Development Plan 2020.

- 5.7 In light of paragraphs 5.2 to 5.6 above, there is no basis for reaching this conclusion, and it should instead be concluded that the application complies with the relevant policies of the ALDP for the reasons given in section 4 above, with this also complying with relevant provisions of Scottish Planning Policy 2014 (SPP) and the PDLP for the same reasons.



Reason for refusal two

The proposal results in an irregular residential boundary, in conflict with the Supplementary Guidance: 'The Householder Development Guide' whereby an area of land to the east of the boundary is incorporated into the curtilage of 3 Wellington Park. This does not correspond with the boundary layouts and plot proportions and thus the established pattern of development in the surrounding area nor reflect local urban form.

- 5.8 While it is stated in the reasons for refusal that the development results in an irregular residential boundary, it is not clear on what basis this is considered to be irregular. Rather, the boundary formed by the development is consistent with the boundaries shown on the approved landscaping plans for planning application reference P110065, with the Council clearly having considered this to be acceptable at that time. Further, for the reasons given in paragraphs 4.14 and 4.15 above, the development has in fact resulted in the boundary layout being more in keeping with the character of the area than it would have been otherwise, with our client happy for the application to be granted subject to conditions with regards to boundary treatments to ensure this is the case, as also set out above.

The proposal would therefore conflict with the principles of Policies H1 - Residential Areas, D1 - Quality Placemaking by Design, the Supplementary Guidance: 'The Householder Development Guide', and Policies H1 - Residential Areas and D1 - Quality Placemaking of the Proposed Aberdeen Local Development Plan.

- 5.9 In light of paragraph 5.8 above, there is no basis for reaching this conclusion, and it should instead be concluded that the application complies with the relevant policies of the ALDP for the reasons given in section 4 above, with this also complying with relevant provisions of the PDLP for the same reasons.

Reason for refusal three

The proposal results in an over-provision of parking for a recently constructed residential dwelling, which would encourage the usage of unsustainable travel in terms of the private car and disincentivising sustainable and active travel, which would conflict with the principles of Policy T2 – Managing the Transport Impact of Development of the adopted Aberdeen Local Development Plan; the Supplementary Guidance: 'Transport and Accessibility' and Policy T2 – Sustainable Transport of the Proposed Aberdeen Local Development Plan 2020.



- 5.10 For the reasons given in paragraph 4.22 above, the resultant level of parking provisions should be considered acceptable in terms of the Council's parking standards, with regards to which it should also be noted that the Roads Development Management Team has raised no objection to this. As such, there is no basis for concluding that the application is contrary to relevant policies in this regard, and it should instead be concluded that this complies with those policies for the reasons given in section 4 above, with this also complying with relevant provisions of the PDLP for the same reasons.

Reason for refusal four

The change of use and paving of the open space detracts from the designed outlook and thus the residential amenity afforded to 4 Wellington Park in that as the space matured, the vegetation would have provided soft landscaped setting to the edge of that residential property.

- 5.11 With regards to the outlook from 4 Wellington Park, the approved landscaping plans for planning application reference P110065 make it clear that the Council previously considered that this would be acceptable with the application site forming part of the residential curtilage of 3 Wellington Park rather than amenity space, and there is no reason not to reach the same conclusion now. It should though also be noted that private views from 4 Wellington Park are not a material planning consideration, and the change of use has no impact on 4 Wellington Park in terms of overshadowing, overlooking, or otherwise impacting on residential amenity in any material way. This notwithstanding, if there is a desire to ensure that residents of 4 Wellington Park look out onto a soft landscaped setting, this could be obtained by requiring hedging or shrubs to be grown in the space along the boundary that has been left for this purpose, with our client happy to accept a condition to this effect as also set out above.

The proposal would therefore conflict with the principles of Scottish Planning Policy; Policies H1 - Residential Areas and D1 - Quality Placemaking by Design, of the adopted Aberdeen Local Development Plan; and Policies H1 - Residential Areas and D1 - Quality Placemaking, of the Proposed Aberdeen Local Development Plan.

- 5.12 In light of paragraph 5.11 above, there is no basis for reaching this conclusion, and it should instead be concluded that the application complies with the relevant policies of the ALDP for the reasons given in section 4 above, with this also complying with relevant provisions of SPP and the PDLP for the same reasons.



6 Conclusion

6.1 For the reasons given above, it is submitted that the reasons given for the refusal of the application are not justified and that the development complies with all relevant policies of the ALDP, namely:

- Policy H1 – Residential Areas as it meets the requirements for the change of use of amenity land to residential curtilage set out in the Council’s Supplementary Guidance: Householder Development Guide;
- Policy T2 – Managing the Transport Impact of Development as it provides visitor parking for the residents of 3 Wellington Park in accordance with the Council’s Supplementary Guidance: Transport and Accessibility;
- Policy D1 – Quality Placemaking by Design, as it respects the area’s quality as a place and contributes to local identity by being in keeping with the established pattern of development in the wider area in terms of both the nature of the use and materials used for paving, with space left for appropriate boundary treatments;
- Policies NE1 - Green Space Network, NE3 – Urban Green Space, NE4 - Open Space Provision in New Development, and NE5 – Trees and Woodlands, together with associated Supplementary Guidance, as it will not erode the character or function of the green space network nor result in the loss of any valued green or open spaces, with proposed landscaping also ensuring that the change of use has no impact in nature conservation, landscape character or local amenity terms; and
- Policies D2 – Landscape, NE8 – Natural Heritage, or NE9 – Access and Informal Recreation, with no concerns having been raised with regards to these in the Report of Handling.

6.2 In addition, the application complies with all relevant policies of the PLDP for the same reasons as it complies with those of the ALDP cited above.

6.3 As the application complies with the ALDP and is supported by other relevant material considerations, the Review should be upheld and the application approved.

Aurora Planning Limited
8 October 2021



Appendix One – Documents submitted with Notice of Review

A Application documents

- 1 Application Form
- 2 Location Plan
- 3 Proposed Site Plan
- 4 Supporting statement

B Consultee responses

- 1 Roads Development Management Team's response of 16 April 2021
- 2 Roads Development Management Team's response of 16 July 2021

C Decision documents

- 1 Report of Handling
- 2 Decision Notice

D Policy documents

- 1 Aberdeen Local Development Plan 2017
- 2 Supplementary Guidance: Householder Development Guide
- 3 Supplementary Guidance: Transport and Accessibility
- 4 Proposed Aberdeen Local Development Plan
- 5 Aberdeen City Council's Open Space Audit

E Other documents

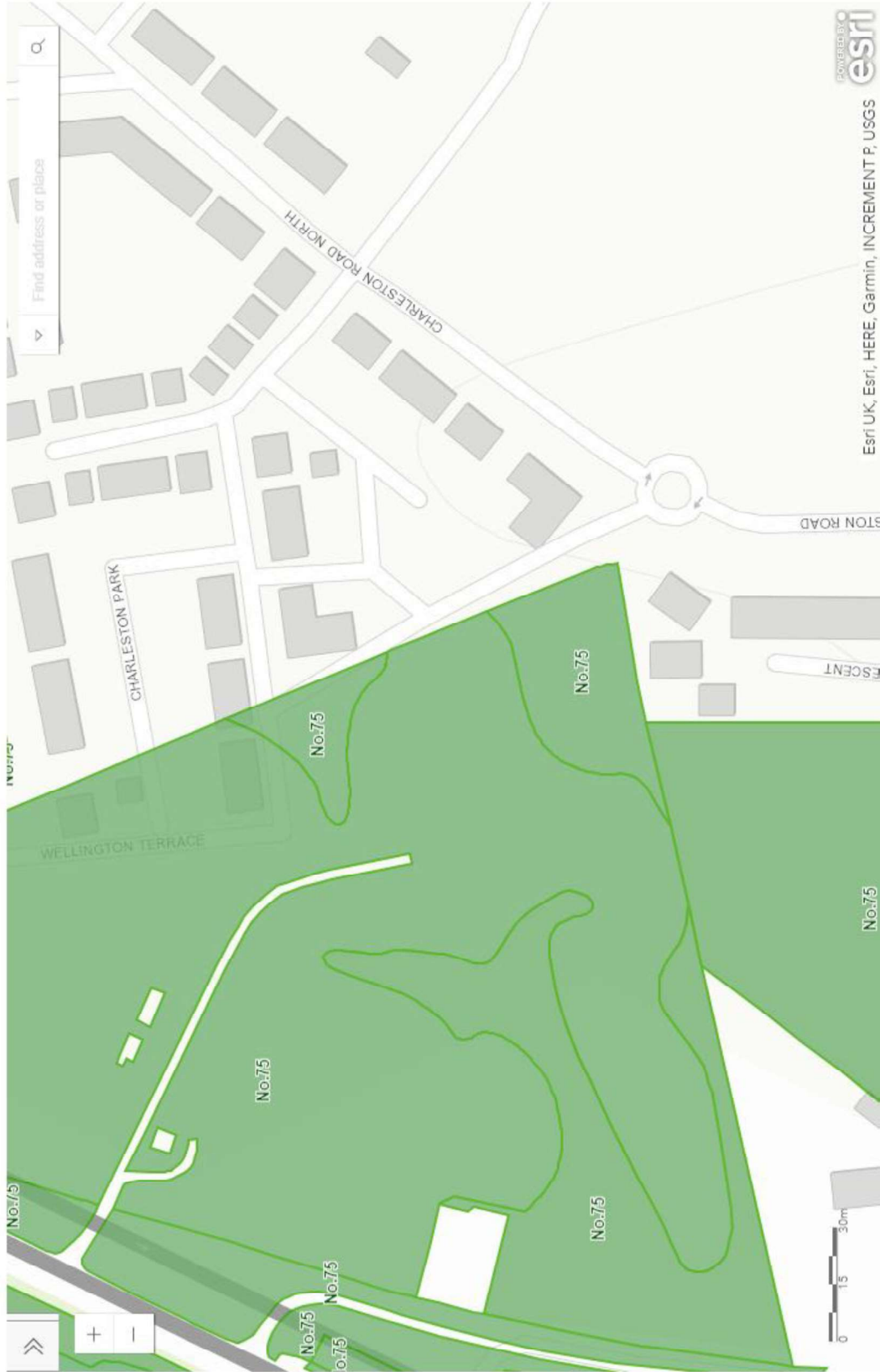
- 1 Decision notice for planning application reference P110065
- 2 Drawing reference L2.6a from planning application reference P110065
- 3 Drawing reference 0872/12 Rev A from planning application reference P110065

Appendix Two – Photos of driveways elsewhere in area





Appendix Three – Green Space Network map extract



LOCAL REVIEW BODY



210628/DPP– Review against refusal of planning permission for:

Erection of double domestic garage to front

6 Cranfield Farm, Aberdeen

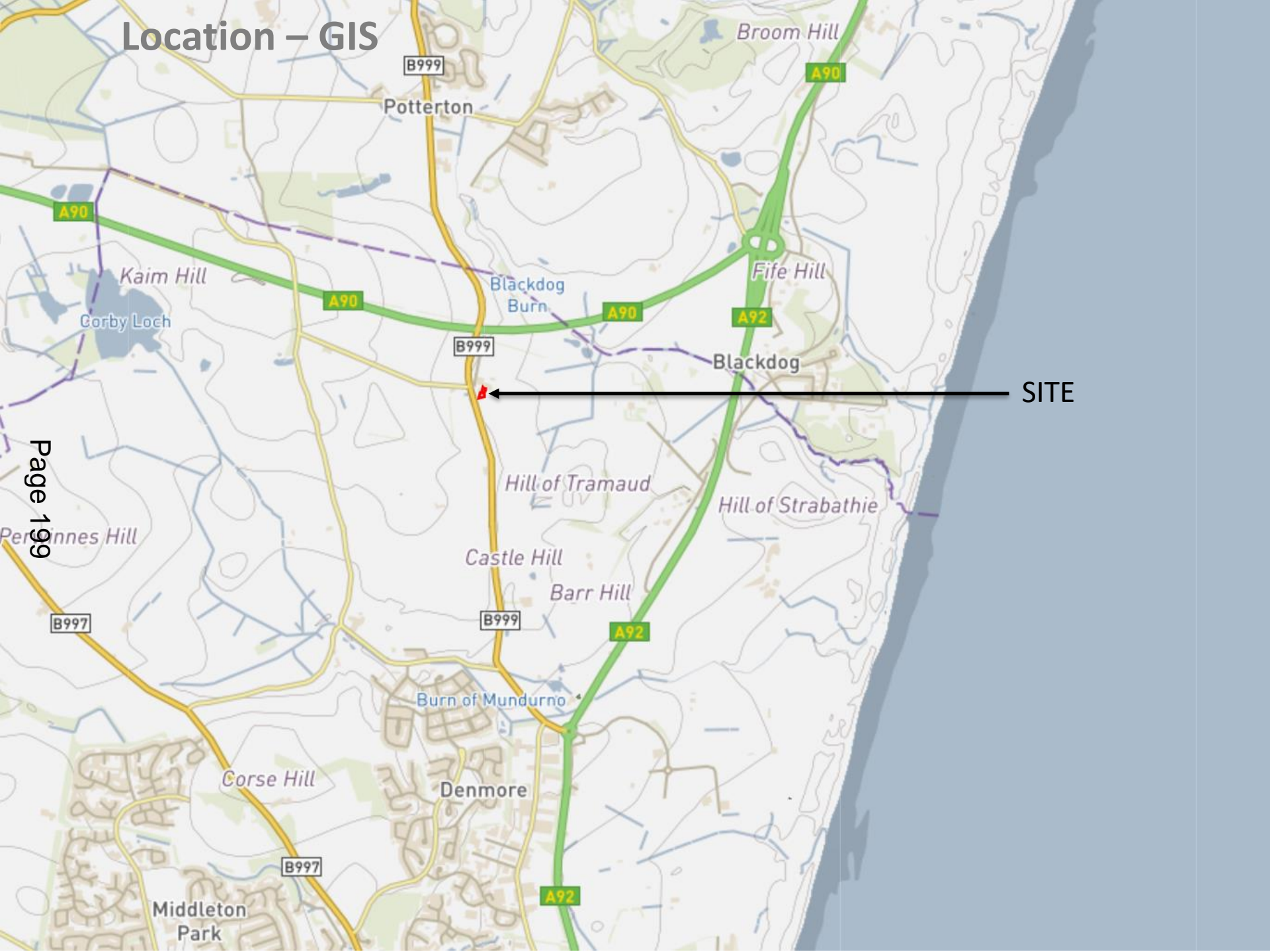
Location Plan



Existing Site



Location – GIS



Location – GIS

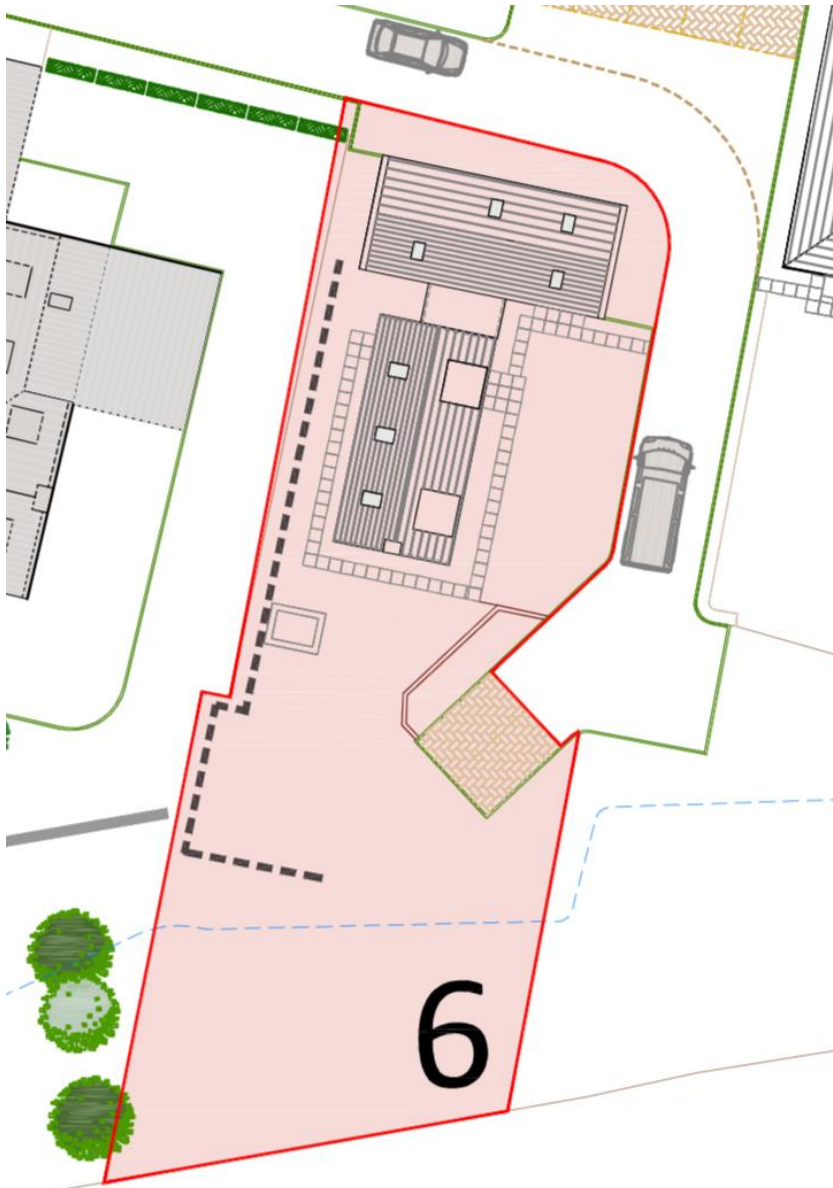


Location – Aerial Photo

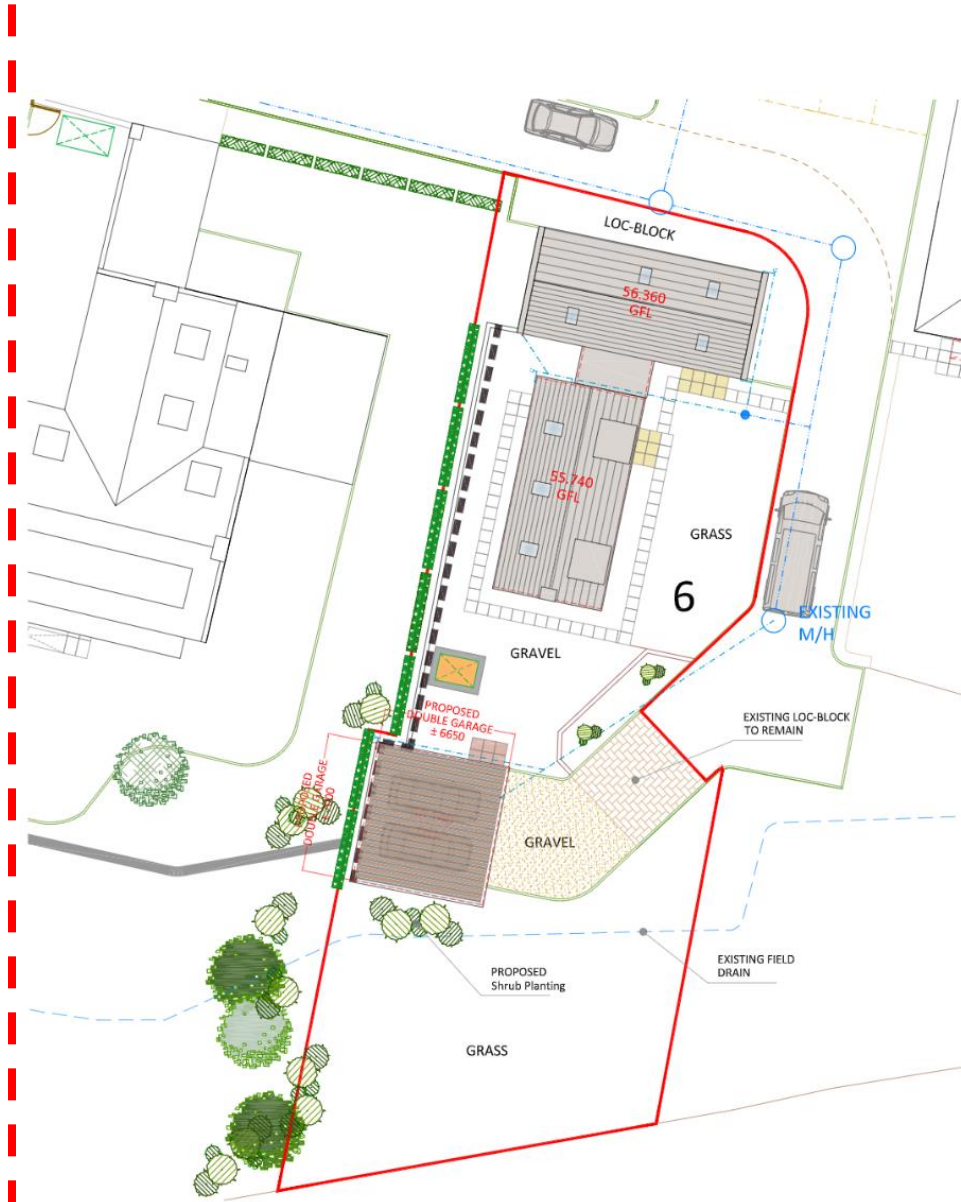


SITE

Site Plan



EXISTING



PROPOSED

Photo – looking north towards site from B999



SITE

Photo – looking north towards site



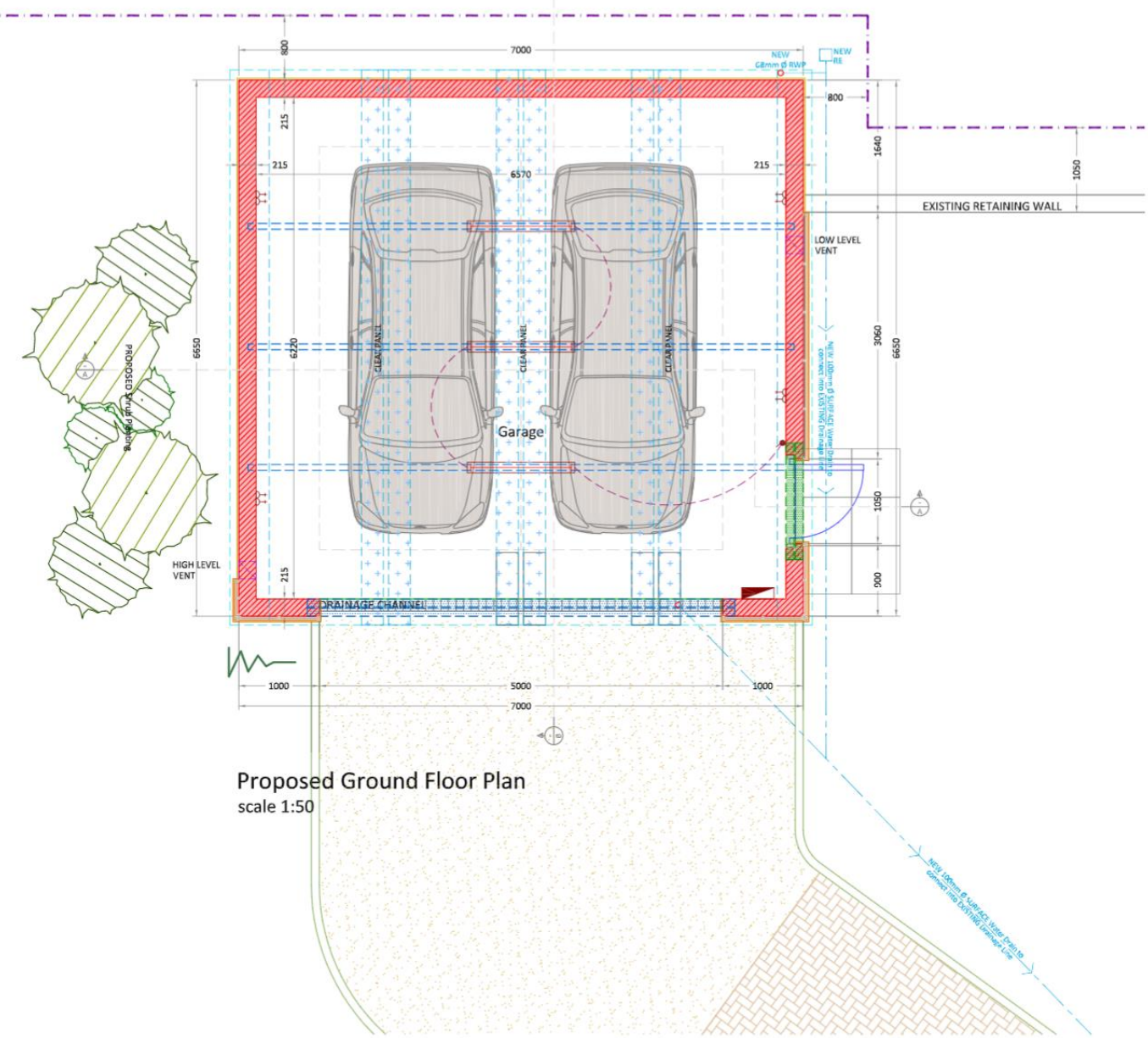
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VIEW LOOKING AT 6 CRANFIELD STEADING FROM BOUNDARY LINE OF CRANFIELD FARMHOUSE

Photo – illustrating retaining wall and levels

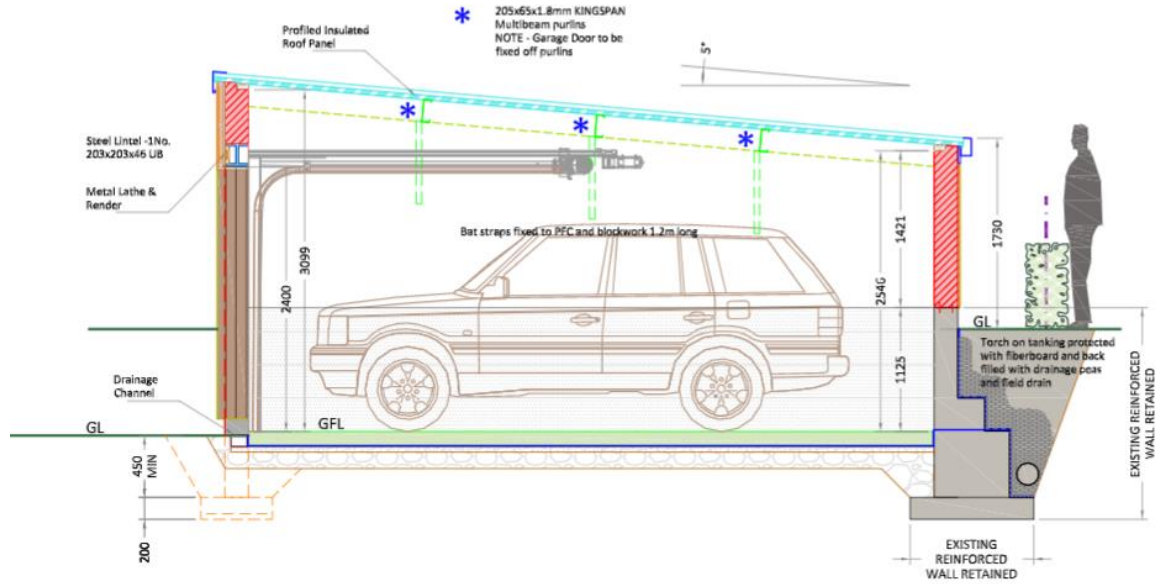


Proposed Ground Floor Plan

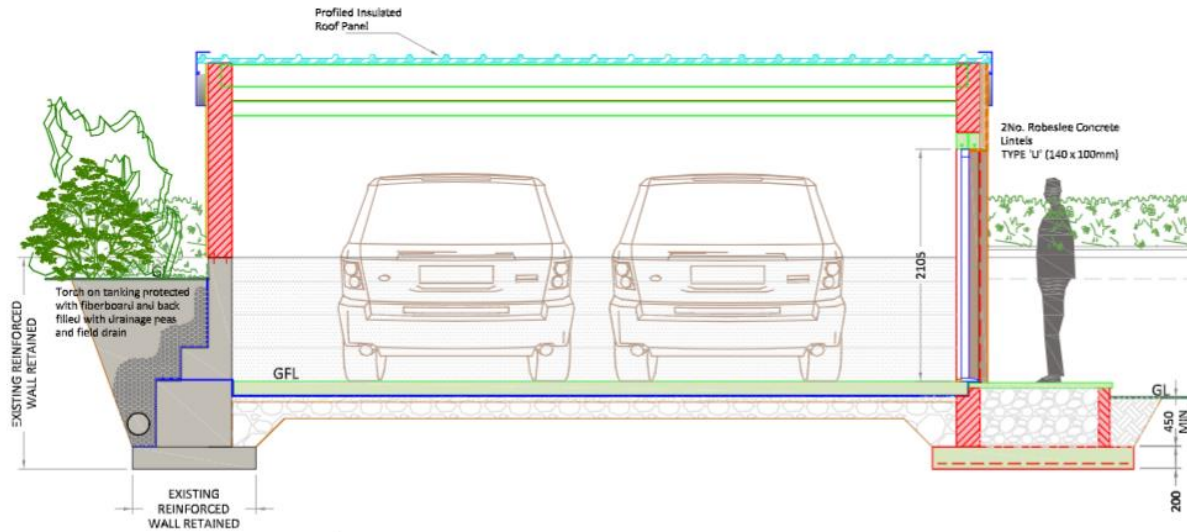


Proposed Ground Floor Plan
scale 1:50

Proposed Sections

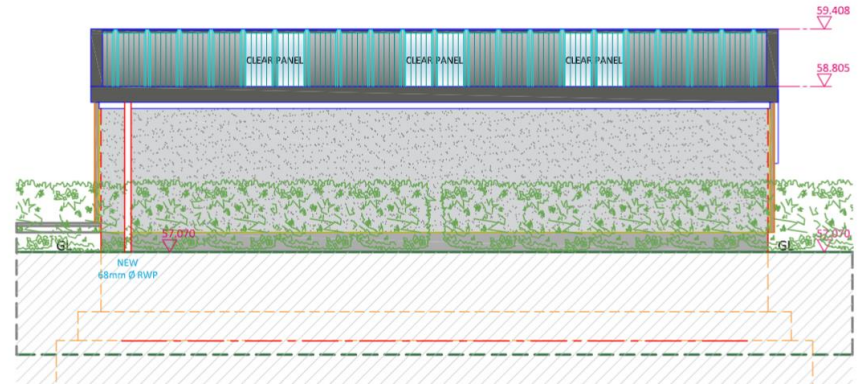
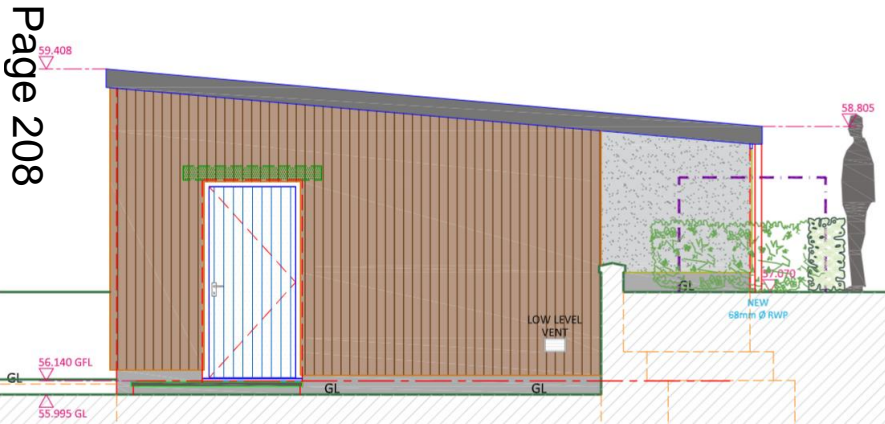
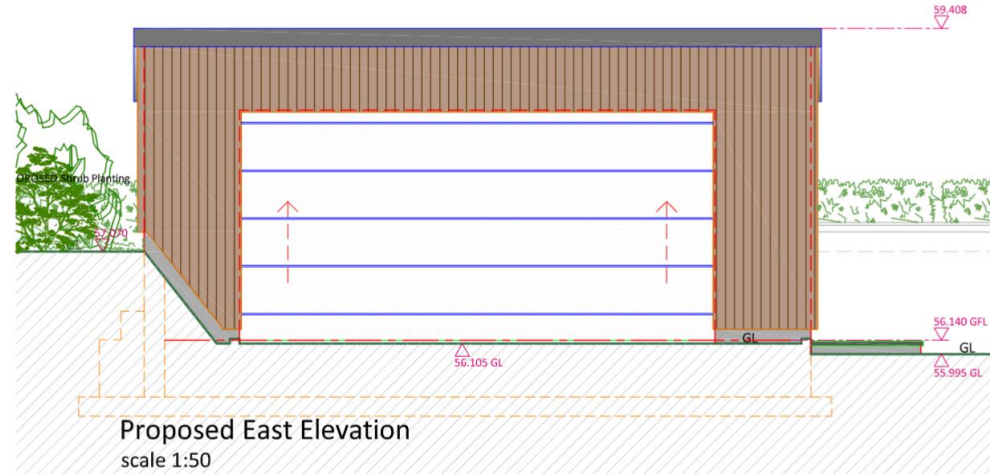
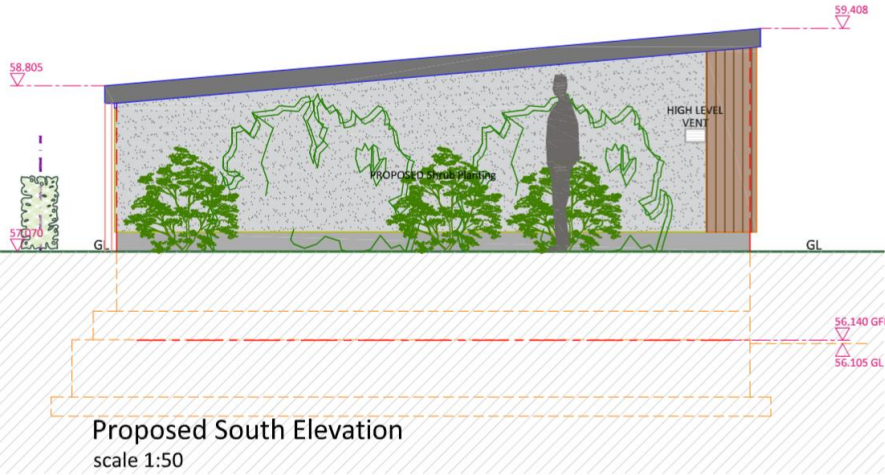


Proposed Section A-A
scale 1:50



Proposed Section B-B
scale 1:50

Proposed Elevations



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FINISHES:

ROOF:
INSULATED PROFILE ROOF PANEL, ANTHRACITE GREY RAL 7016

DRAINAGE:
110mm Ø HALF ROUND PVCu GUTTERS & 68mm Ø PVCu RWPs. BRACKET AT SUPPORT TO BE FIXED AT 500mm HORIZONTAL CTRS, 1.8m VERTICAL CTRS.

GARAGE DOOR / SINGLE DOOR:
GREY EXTERNAL DOOR FINISH TO SINGLE DOOR & SECTIONAL GARAGE DOOR. OPENING PARTS AS SHOWN.

WALLS:
SMOOTH CEMENT RENDER TO BASECOURSE - COLOUR DARK GREY; KEMNAY GREY RENDER TO FULL HEIGHT WALLS TO MATCH EXISTING RETAINING WALL; SIBERIAN LARCH VERTICAL CLAD TIMBER LININGS TO 'INTERNAL ROAD' VIEW

Existing / Proposed comparison

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Existing Site Photograph



Proposed Site Photograph

3D Visual



Reasons for Decision

Stated in full in decision notice. Key points:

- The proposed garage, due to its siting, design and external materials, is considered to detract from the visual amenity of the Green Belt.
- Proposal is considered to have a significant adverse impact on the character and appearance of the Green Belt

Contrary to Policies NE2 (Green Belt) and D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan, as well as associated Supplementary Guidance on Conversion of Buildings in the Countryside;

Also considered to be in conflict with equivalent policies of the emerging Proposed Local Development Plan 2020.

Applicant's Case

Set out in supporting statement and various appendices.

Key points include:

- The proposal has less impact than other approved schemes
- Refusal based on siting, design and materials deemed unpractical
- Highlights the lack of objection from notifiable neighbours
- Highlights the approval of a domestic store at a neighbouring property (ref 141208), which it is contended is far more imposing in terms of both height and materials.
- Contends that external finishes are consistent with the wider Cranfield redevelopment
- Makes reference to pre-application advice with the planning service, when the principle of a garage in this location was accepted;
- Contends that there is no impact arising from overlooking/loss of privacy;

Applicant's Case (cont.)

- Highlights that the garage would be partially sunken into the ground to reduce its visual impact and presence on boundary;
- Notes that a proposal for a garage on plot 3 was designed with a different roof style, however these two buildings would not be seen side by side or in the same elevation;
- Argues that a pitched, slated roof would result in greater visual impact than the shallow mono-pitch roof proposed;
- Encloses a letter of support from resident at 4 Cranfield Steading, who would see the structure in views south from their property;
- Encloses photos with a mock-up to represent height of the proposed structure (see appendix C);
- Contends that landscaping yet to be completed in relation to the wider development will assist in screening the proposed garage, and this could be supplemented by further planting;

Applicant's Case - Photo

**PLANNING REFERENCE: 141208
DOMESTIC 'STORE'**

**PLANNING REFERENCE: 210628
PROPOSED DOUBLE GARAGE**



Page 2/14

**PLANNING REFERENCE: 141208
DOMESTIC 'STORE'**

**PLANNING REFERENCE: 210628
PROPOSED DOUBLE GARAGE**

**EXISTING
AGRICULTURAL
BUILDING**



Applicant's Case – Photo with mock-up to demonstrate scale

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Applicant's Case – Photo with mock-up to demonstrate scale



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.

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

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.

SG: Householder Development Guide

- Proposed development should be architecturally compatible with original house and surrounding area (design, scale etc)
- Should not '*dominate or overwhelm*' original house. Should remain visually subservient.
- Development 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.

SG: Householder Development Guide

Outbuildings

In many cases ancillary buildings may be classed as permitted development. Where planning permission is required, the following rules will apply:

- Outbuildings must always be subordinate in scale to the dwellinghouse and two storey outbuildings will generally not be permitted;
- Where a second storey is to be accommodated within a pitched roofspace, outbuildings should retain the impression of being single storey in height and dormers will not be permitted as a means of gaining additional headroom;
- Access to an upper floor should be situated internally;
- Outbuildings should not have a negative impact on the character of the surrounding area;
- Where highly visible and especially in conservation areas, detached garages should be of a scale and design that respects the prevalent context of the surrounding area;
- Proposals will be assessed on their impact on the amenity of the area (e.g. loss of daylight/privacy) in the same way as extensions;
- Outbuildings will not usually be acceptable in front gardens because of the damaging impact development forward of a front building line can have on the visual character of an area.

SG: Transport and Accessibility

- 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

SG: Conversion of Buildings in the Countryside

- Any new ancillary buildings should be justifiable and must respect the setting of the original building in location, scale, massing, proportions and use of materials (*para 3.3*)
- Harling will be acceptable on non-public elevations only. Granite matching coursing and masonry finish of the original building is acceptable. The use of timber linings on a timber frame is a traditional form of construction that, when carefully designed, can sit comfortably against granite rubble masonry found on many common forms of buildings in the countryside. Base courses, stringcourses and decorative opening surrounds do not normally feature in steadings and should normally be avoided in extensions. Over-elaborate details such as stone quoins on corners, in conjunction with a roughcast finish, should also be avoided (*para 3.4 – note the SG is not explicit in whether this applies to outbuildings*)

Points for Consideration:

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

Design: Is the proposal of high design quality, appropriate to its context (D1) - *having regard for factors such as scale, siting, footprint, proportions relative to original, materials, colour etc?* Do the proposed alterations accord with the relevant SG documents and their content on ancillary buildings/domestic garages?

- 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:	6 Cranfield Farm, Tarves Road, Bridge of Don, Aberdeen, AB23 8NR
Application Description:	Erection of double domestic garage to front
Application Ref:	210628/DPP
Application Type:	Detailed Planning Permission
Application Date:	6 May 2021
Applicant:	Mr G Robson
Ward:	Bridge of Don
Community Council:	Bridge of Don
Case Officer:	Dineke Brasier

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a detached recently converted extended bothy and its associated residential curtilage. The site forms part of a wider steading conversion scheme resulting in a total of 7 new dwellings plus the original farmhouse. The application property is located in the south east corner of this larger site, and is clearly visible from the B999 Aberdeen-Potterton road.

The site is located c.1.5km from the northern outskirts of Aberdeen and has a rural location in the green belt.

Relevant Planning History

150148 – Steading conversion to form 7no. dwellings, associated access and landscaping – Approved on 23rd March 2016.

210660/DPP – Erection of garage – Approved on 2nd September 2021. This application was considered acceptable given its position in a secluded location within the wider site and the ancillary scale, massing and design and high quality materials.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the construction of a detached double garage to serve the dwellinghouse known as 6 Cranfield Farm, a converted bothy. The garage would be located centrally along the western site boundary and would be adjacent to the residential curtilage of the original farmhouse to the west. It would measure c.7m by c.6.7m; would have a mono-pitched roof

with a height to the front of c.3.3m and to the rear of c.2.7m. It would utilise existing retaining walls along the west (rear), south (side) and part of the north (side) elevation. The garage would be accessed from the east (front) across an area of lockblock followed by gravel and would further include a pass door in the north (side) elevation. Proposed finishing materials include Siberian larch vertical timber cladding and Kemnay grey render on a smooth cement render basecourse for the walls; an insulated profile roof panel; a sectional garage door; and grey pass door.

It was noted during a site visit that a retaining wall located to the south of the dwelling and north of the garden area has been constructed, this is in place of landscaping approved as part of 150148, and has been erected without the benefit of planning permission. Additionally there has been an unauthorised increase in hardstanding, in that hard surfacing was only approved up to and including the area of lockblock as shown on drawing 101/Rev2 and 102/Rev2, which was intended as the parking area for this property, with the area beyond that to the west and north shown as gravel on drawing 102/Rev2 to be grass. These changes to the approved landscaping drawings constitute a breach of conditions of the original planning permission.

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=QSN30PBZJB700>

Supporting Statement

CONSULTATIONS

ACC - Roads Development Management Team – No objections.

Bridge of Don 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.

Aberdeen Local Development Plan (2017)

NE2: Green Belt

D1: Quality Placemaking by Design

T2: Managing the Transport Impact of Development

Supplementary Guidance

Conversion of Buildings in Countryside

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.

NE1: Green Belt

D1: Quality Placemaking

D2: Amenity

T3: Parking

EVALUATION

Principle of Development

The site is located in the green belt and Policy NE2 (Green Belt) of the 2017 Aberdeen Local Development Plan (ALDP) applies. This policy sets out that no development will be permitted for purposes other than those essential for agricultural; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/ quarry restoration; or landscape renewal. In this case, the proposal is for householder development and would thus not fall within any of the above listed categories.

The ALDP allows for the following exception to this policy:

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

1. *The development is within the boundary of the existing activity;*
2. *The development is small-scale;*
3. *The intensity of activity is not significantly increased; and*
4. *Any proposed built construction is ancillary to what exists.*

In this case, the proposal is for the construction of a double garage serving an existing dwelling. The garage would be sited within the residential curtilage of the dwelling and would thus fall within the boundary of the existing development; it would act as an ancillary building to the existing dwelling and can thus be considered small-scale in relation to the dwelling; would not significantly increase activity on the site and would be ancillary to existing built construction. The proposal would thus meet the criteria as set out above and meet this part of the policy.

The final criteria of Policy NE2 is that all proposals for development in the green belt must be of the highest quality in terms of siting, scale, design and materials. This will be discussed in more detail below.

Siting, scale and design

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 (Quality Placemaking by Design). 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.

Supplementary Guidance on Conversion of Buildings in the Countryside (SG) sets out that any new

ancillary building must be justifiable and should respect the setting of the original building in location, scale, massing, proportions and use of materials.

The proposal is for the construction of a detached double garage with mono-pitched roof along the western boundary of the application site to the rear of the dwelling, but between the dwelling and the B999.

The position, siting and setting of the garage is crucial in assessment of this application. As set out above, the approved landscaping scheme of 150148 has not been implemented correctly and there has been a significant increase in the amount of hardstanding on the site. The premise of the approved landscaping scheme was to minimise the amount of hardstanding at the frontage of the site whilst still allowing sufficient space for access, parking and manoeuvring, this was to ensure that the wider steading conversion would not be dominated by hardstanding given its rural location and position within the green belt. The landscaping would also avoid overprovision of parking for any dwelling within the wider site. As approved, the hardstanding should only run up until the area of lockblock as shown on the proposed site plan 102/Rev2 submitted as part of the application. In addition, the approved site plan of 150148 only shows a retaining wall along part of the northern and western site boundary to allow for level changes between the extended bothy and the main farmhouse. Locating the garage in the position shown would require an extension of hardstanding when compared to that previously approved and would require the construction of a retaining wall along the south elevation to accommodate a further change in levels. However, it is acknowledged that both the retaining wall and area of hardstanding have already been formed without the benefit of planning permission and in breach of conditions 2 and 3 of 150148. The rear garden at this point was intended to slope up gently so that excessive engineering works, such as the existing retaining wall, would not be required to ensure that the new dwelling would fit in well in the surrounding landscape. The proposed siting of the garage would thus require this excessive engineering which would be contrary to the design previously approved and agreed and still considered to be unacceptable.

Furthermore, due to its position centrally along the western boundary, the garage would be located between the B999 and the rear elevation of the dwelling. Thus, it would be clearly visible upon approach from the south along the B999, resulting in an excessively built-up appearance of this part of the site. Furthermore, due to its design, scale and massing, it would detract from the quality and visual amenity of the wider steading conversion and would not respect the setting of both the traditional farmhouse and the converted bothy. Specifically in relation to the scale and massing, the width of the proposed garage would be greater than that of the existing dwelling, and as such would not appear ancillary or subservient to the existing dwelling.

The proposed design of the building would incorporate a mono-pitched roof and walls finished in a combination of vertical timber cladding and roughcast render, with this latter material located on the visually prominent south elevation. It is noted that the existing dwelling has areas of smooth white render visible from the public road. However, given the greater prominence of the proposed garage as it would be located between the public road and the bothy, and the overall lower quality of materials proposed when compared to the existing dwelling, it is considered that this would have a further detrimental impact on the visual amenity of the surrounding area.

In light of the above, the design language, including the utilitarian mono-pitched roof design of the garage, is not considered to meet the criteria set out in both SG and Policy NE2 in relation to the highest quality design. Furthermore, the scale and massing, and in particular the width of the building, is considered excessive in this context given the relative narrow width of the dwelling it would serve as the width of the garage would be larger than that of both the original and the extension of the bothy. As such it is not considered to suitably meet criteria as set out in the SG and is considered not to respect the setting of the converted building it immediately serves or the wider steading conversion complex.

For the above reasons, the proposal is considered not to comply with Policies NE2 (Green Belt) and D1 (Quality Placemaking by Design) of the ALDP and Supplementary Guidance on Conversion of Buildings in the Countryside.

Residential amenity

The proposed garage would be located to the rear of Plot 6 and would be visible from the front windows of the farmhouse to the west. However, due to the change in ground levels between the two plots and the distance between the garage and the front elevation of the farmhouse, the proposal would not result in any overlooking or loss of light to the farmhouse. It would similarly not contain any windows looking out towards this neighbouring dwelling and would thus not result in any loss of privacy/excessive overlooking.

Parking

The proposed internal dimensions would meet criteria as set out in the Supplementary Guidance on Transport and Accessibility. Colleagues in Roads Development Management have assessed the application, and did not raise any concerns.

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

The proposed garage, due to its siting, design and external materials, is considered to detract from the visual amenity of the Green Belt in this location and the setting of the Cranfield Farm development. As such, it is considered to have a significant adverse impact on the character and appearance of the Green Belt and the immediate surrounding area in this location and is contrary to Policies NE2 (Green Belt) and D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan; Supplementary Guidance on Conversion of Buildings in the Countryside; and Policies NE1 (Green Belt) and D1 (Quality Placemaking) of the 2020 Proposed Local Development Plan.

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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 100407637-001

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

Description of Proposal

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

Proposed 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:

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:

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

Other Title:

Building Name:

First Name: *

Building Number:

Last Name: *

Address 1
(Street): *

Company/Organisation

Address 2:

Telephone Number: *

Town/City: *

Extension Number:

Country: *

Mobile Number:

Postcode: *

Fax Number:

Email Address: *

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

6 CRANFIELD FARM

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB23 8NR

Please identify/describe the location of the site or sites

Northing

814085

Easting

394240

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)

Initial contact to discuss the possibility of garages to the Cranfield site .

Title:

Mrs

Other title:

First Name:

Dineke

Last Name:

Braiser

Correspondence Reference Number:

Date (dd/mm/yyyy):

26/08/2020

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: Zoe Urquhart

On behalf of: Mr G Robson

Date: 05/05/2021

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: Ms Zoe Urquhart

Declaration Date: 05/05/2021

Payment Details

Online payment: ABSP00006628
Payment date: 05/05/2021 15:17:00

Created: 05/05/2021 15:17

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Zoe Urquhart
61 Virginia Street
New Inn Gate
Aberdeen
AB11 5AX

on behalf of **Mr G Robson**

With reference to your application validly received on 6 May 2021 for the following development:-

Erection of double domestic garage to front at 6 Cranfield Farm, Tarves 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:

Drawing Number	Drawing Type
1016 - 101/Rev2	Location Plan
1016 - 102/Rev2	Site Layout (Proposed)
1016 - 103/Rev2	Ground Floor Plan (Proposed)
1016 - 104/Rev2	Building Cross Section
1016 - 105/Rev2	Multiple Elevations (Proposed)

REASON FOR DECISION

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

The proposed garage, due to its siting, design and external materials, is considered to detract from the visual amenity of the Green Belt in this location and the setting of the Cranfield Farm development. As such, it is considered to have a significant

adverse impact on the character and appearance of the Green Belt and the immediate surrounding area in this location and is contrary to Policies NE2 (Green Belt) and D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan; Supplementary Guidance on Conversion of Buildings in the Countryside; and Policies NE1 (Green Belt) and D1 (Quality Placemaking) of the 2020 Proposed Local Development Plan.

Date of Signing 9 September 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 210628/DPP

Application Summary

Application Number: 210628/DPP

Address: 6 Cranfield Farm Tarves Road Bridge Of Don Aberdeen AB23 8NR

Proposal: Erection of double domestic garage to front

Case Officer: Dineke Brasier

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 the erection of double domestic garage to front at 6 Cranfield Farm, Tarves Road, Bridge of Done, Aberdeen AB23 8NR.

It is noted that the proposed double garage meets the minimum internal dimensions set out in ACC supplementary guidance of 5.7m x 5.7m, while also confirming that the proposed would retain adequate/required parking provision.

Therefore, it is confirmed that Roads Development Management have no objections to this application.

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Aberdeen Local Development Plan (ALDP)

- Policy NE2 – Green Belt
- Policy D1 - Quality Placemaking by Design
- Policy T2 – Managing the Transport Impact of Development

Supplementary Guidance

Householder Development Guide

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

Conversion of Buildings in Countryside

<https://www.aberdeencity.gov.uk/sites/default/files/2.3.PolicySG.ConversionBuildingsCountryside.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>

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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 100407637-002

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

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="Zoe"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Urquhart"/>	Building Number:	<input type="text" value="61"/>
Telephone Number: *	<input type="text" value="07772 434119"/>	Address 1 (Street): *	<input type="text" value="Virginia Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="New Inn Gate"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="AB11 5AX"/>
Email Address: *	<input type="text" value="zoeurquhart2000@yahoo.co.uk"/>		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="G"/>	Building Number:	<input type="text" value="6"/>
Last Name: *	<input type="text" value="Robson"/>	Address 1 (Street): *	<input type="text" value="Cranfield Steadings"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Bridge of Don"/>
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" value=""/>	Postcode: *	<input type="text" value="AB23 8NR"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="6 CRANFIELD 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="AB23 8NR"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="814085"/>	Easting	<input type="text" value="394240"/>
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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 double domestic garage to front at 6 Cranfield Farm, Tarves Road

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.

This request of review is based on the inconsistencies in determining Planning Approval decisions in regards to the Aberdeen Local Development Plan 2017, Policies NE1, NE2 and D1 as noted in the Planning Decision Notice for 210628/DPP; in regards to the refusal of the proposed garage of its siting, design and material. It is felt that with the documents submitted within the 'supporting documents' section; that the review will in turn show otherwise.

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)

Decision Notice of Application 210628/DPP Report of Handling of Detailed Planning Permission for 210628/DPP, dated 09.09.21
Planning Application Reference P160501; ORIGINAL & REVISED design proposals Planning Application Reference 141208 (a neighboring domestic property approved store that's rendered and clad with profile sheeting) Appeal Statement Document
Appeal Appendix A Appeal Appendix B Appeal Appendix C Appeal Appendix D

Application Details

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

210628/DPP

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

05/05/2021

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

09/09/2021

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: Ms Zoe Urquhart

Declaration Date: 22/10/2021

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APPEAL STATEMENT FOR PLANNING APPLICATION: 210628/DPP

PROPOSED DOUBLE DOMESTIC GARAGE AT 6 CRANFIELD STEADING, CRANFIELD FARM, TARVES ROAD

SUMMARY

This appeal is based on the following key points:

- The proposed design has far less of an impact to the overall Cranfield Development site than the other surrounding approved builds
- Refusal based on Siting, Design and Materials deemed unpractical
- Out of the four neighbours that were notified during the application process not one objected

SUPPORTING INFORMATION

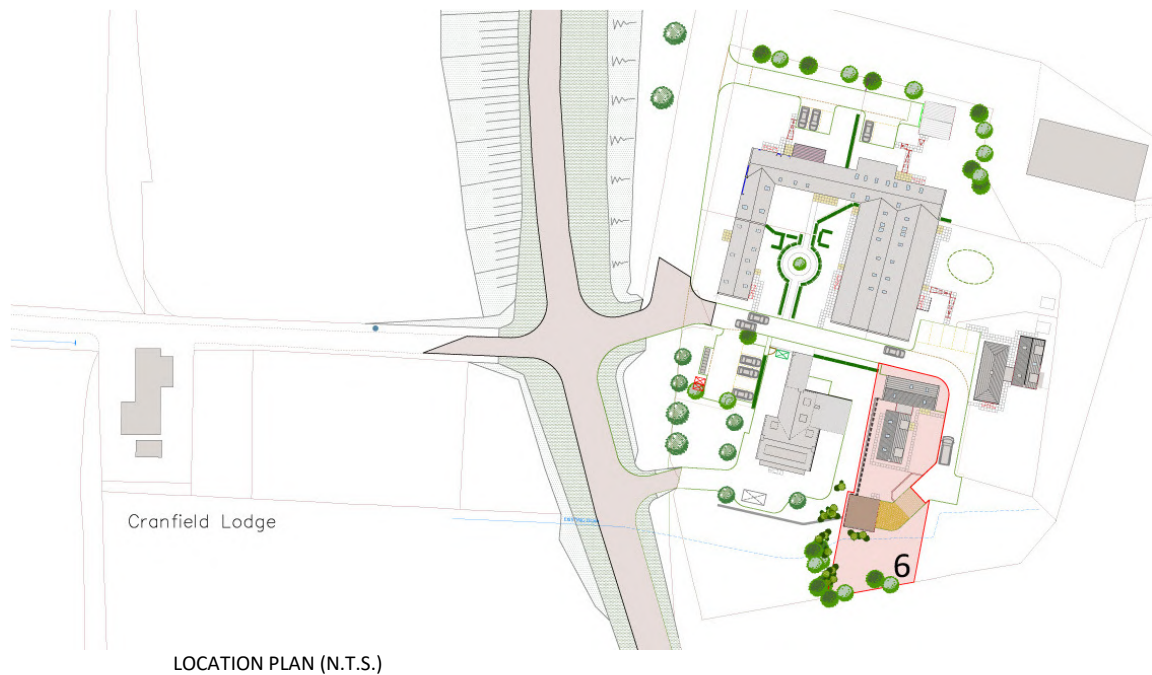
This supporting document is to be read in conjunction with Planning Application 210628/DPP and Drawing Nos. 1016 – 101 Rev 2, 1016 - 102 Rev 2, 1016 - 103 Rev 2, 1016 - 104 Rev 2 and 1016 - 105 Rev 2; initially submitted to Aberdeen City Council on 5TH May 2021 proposing a double domestic garage at 6 Cranfield Steading, Cranfield Farm. The Planning Application for the proposed works was refused by Aberdeen City Council on the 9th September 2021; on the grounds that the proposal considered to detract from the visual amenity of the Green Belt in this location and the setting of the Cranfield Farm development. As such, it is considered to have a significant adverse impact on the character and appearance of the Green Belt and the immediate surrounding area in this location and is contrary to Policies NE2 (Green Belt) and D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan; Supplementary Guidance on Conversion of Buildings in the Countryside; and Policies NE1 (Green Belt) and D1 (Quality Placemaking) of the 2020 Proposed Local Development Plan.

Documents to support this appeal are as follows:

- Decision Notice of Application 210628/DPP
- Report of Handling of Detailed Planning Permission for 210628/DPP, dated 09.09.21
- Planning Application Reference P160501; along with ORIGINAL & REVISED design proposals
- Planning Application Reference 141208 (a neighboring domestic property approved store that's rendered and clad with profile sheeting)

This appeal is based on the inconsistencies in determining Planning Approval decisions in regards to the Aberdeen Local Development Plan 2017, Policies NE1, NE2 and D1 as noted in the Planning Decision Notice for 210628/DPP.

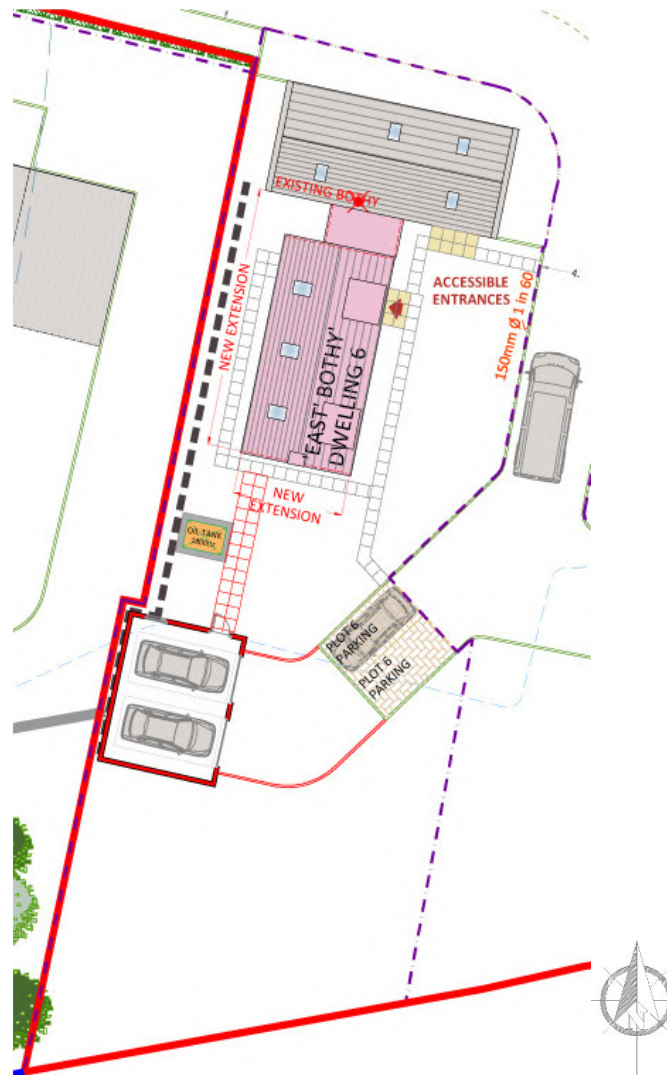
EXISTING SITE



6 Cranfield Steading, Cranfield Farm is located adjacent to the B999 road, just outside of Bridge of Don, Aberdeen on the outskirts of Aberdeen City Council catchment area; set within the 'Green Belt' zone as per the Aberdeen Location Plan. The property was initially part of a 7 dwelling Steading Conversion Development, undertaken by Thistle Windows and Conservatories (Planning Reference: 151447). 6 Cranfield Steading, or 'PLOT 6', was a mixture of old and new; re-vitalising the existing granite and slate single storey bothy with a modern extension build, externally finished with a contrasting White K-Render, and Siberian Larch timber cladding. Due to the difference in ground levels and drainage restrictions a retaining wall was required to divide the ground between the existing farm house and 'PLOT 6' all as per approved planning reference 150148. This wall was rendered with Kemney grey granite chips to be in keeping with the original granite stone work in the development, and to exactly match the front bay window base course of the farm house and the synthetic stone work in other areas of the development all previously approved.

PROPOSAL

Before any formal planning application, a planning query was made to the original Planning officer (Dineke Brasier) of the Cranfield Development (Planning Reference: 151448) on the 26th August 2020 in regards to the possibility of garages to some of the remaining unsold plots along with Plot 6 Cranfield Steading.



After consideration was given to restrictions of the site; it was deemed plausible for a double garage to be located within the grounds of 6 Cranfield Steading, and of which the location of the double garage was agreed. At this initial stage, the footprint of 6.5m x 7.0m was deemed acceptable; overall design was to eventually follow – the initial approval of the proposed double garage query was the main focus of then designing and formally applying for Planning Permission. The above image was forwarded in the email dated 26th August 2020 on which the verbal approval was given.

In March 2021, instructions were made to formally design and to submit an application for a double garage for 6 Cranfield Steading (based on the original email and telephone discussions in August 2020 with Dineke Braiser and image above). It was decided, given the layout of the site,

that the garage would take advantage of the retaining wall that was built due to ground levels and this would form the base walls and orientation of the proposed garage design, and in turn also help to hide the structure from view. Site Levels were determined during the build due to site drainage and road heights; the retaining wall was part of the approved 151448 Landscaping plan and was extended to take into account the height levels.

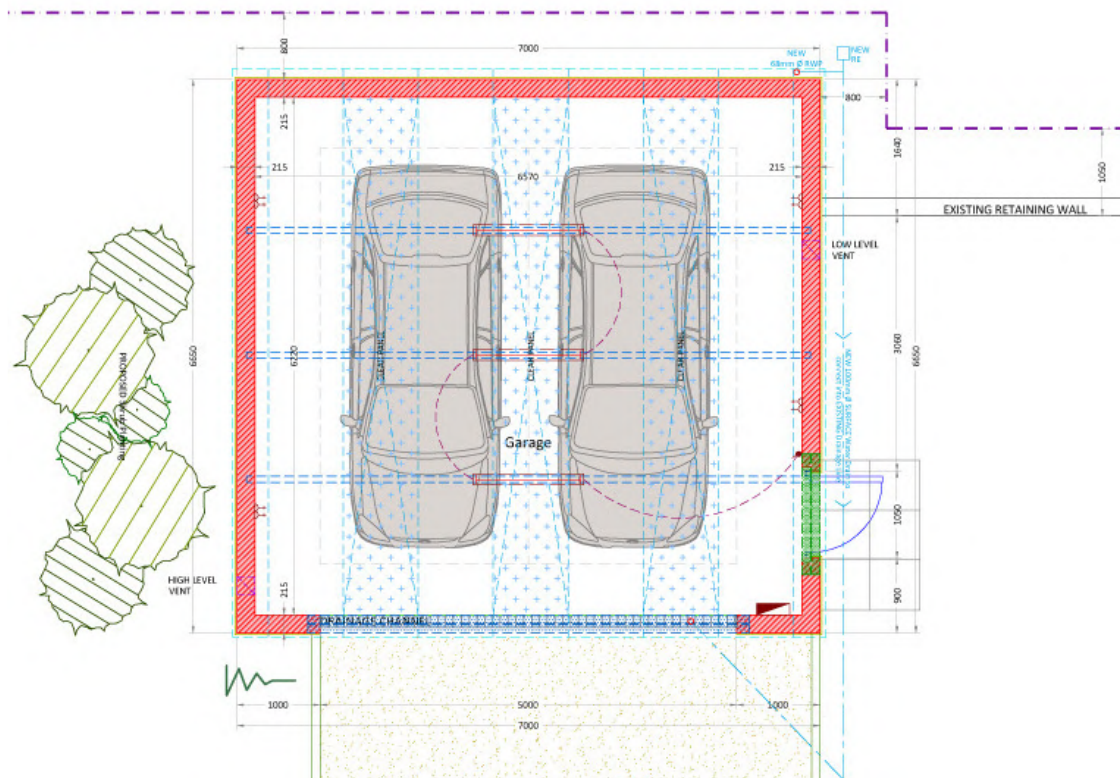
The proposed garage design was considered to take into account the factors of the Cranfield Site as a whole and its relationship to the realigned B999 road. External finishes were chosen to be consistent with the approved development and compliment the bothy of 6 Cranfield Steading; this was of Kemnay Grey Granite render matching the retaining walls, the farm house front bay windows base course and the new lintel and cills throughout the development. Again in keeping with the development, Siberian Larching was placed on the side 'public' elevations and the mono-pitch roof was chosen so the height of the garage was kept to a minimum still enabling views into and out with the site; but to also complement the existing mono-pitch garage structure of the Cranfield Farmhouse adjacent. The height of the mono-pitch roof design (rather than a typical pitched roof) would also help the public view from the northbound traffic of the re-aligned B999 road; along with creating less disruption to neighbouring properties, primarily Cranfield Farmhouse and 4 Cranfield Steading in particular.

The appeal will be looking at the 3 main reasons on the refusal was based – the chosen location on the site, choice of materials and design, and how the proposal for the double garage for 6 Cranfield Steading satisfies these requirements of Policy NE2 ; confirming that the proposed design meets the highest quality, therefore satisfying this requirement meaning the application should be approved. The proposal was considered to be of a "good-design" based on the current site restrictions and was deemed not to have an adverse impact due to its location and surroundings.

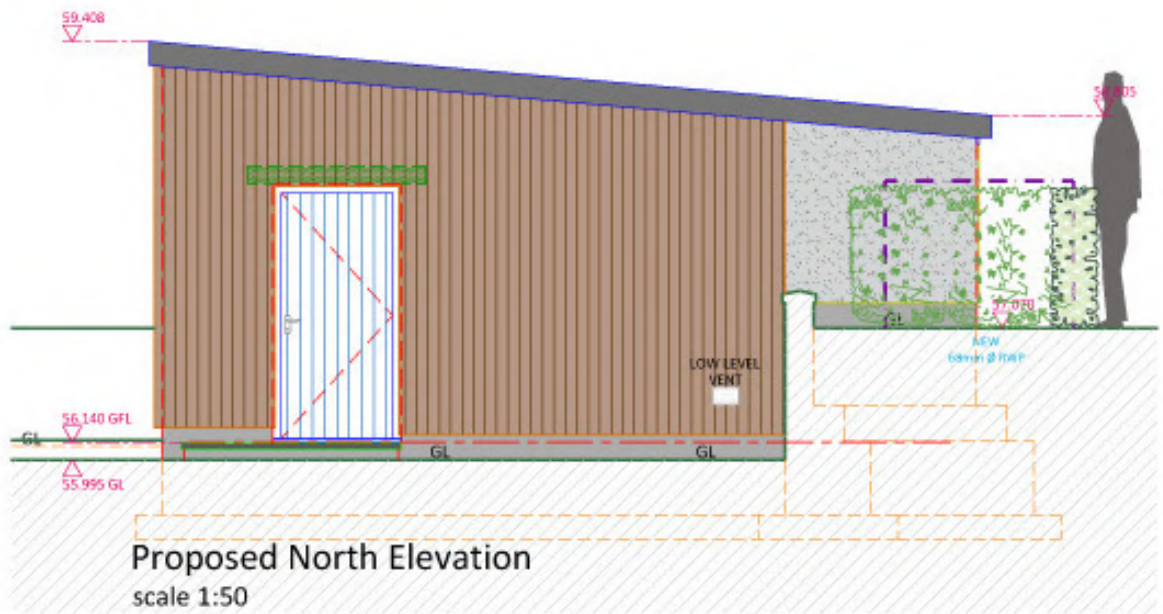
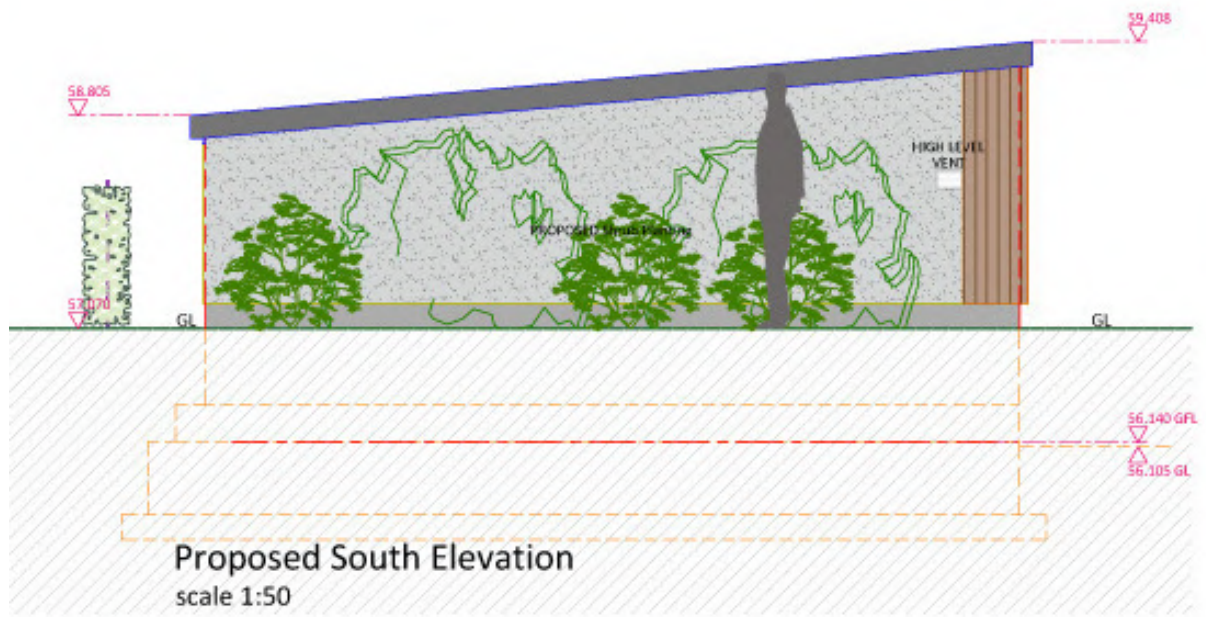
PROPOSAL VISUALS



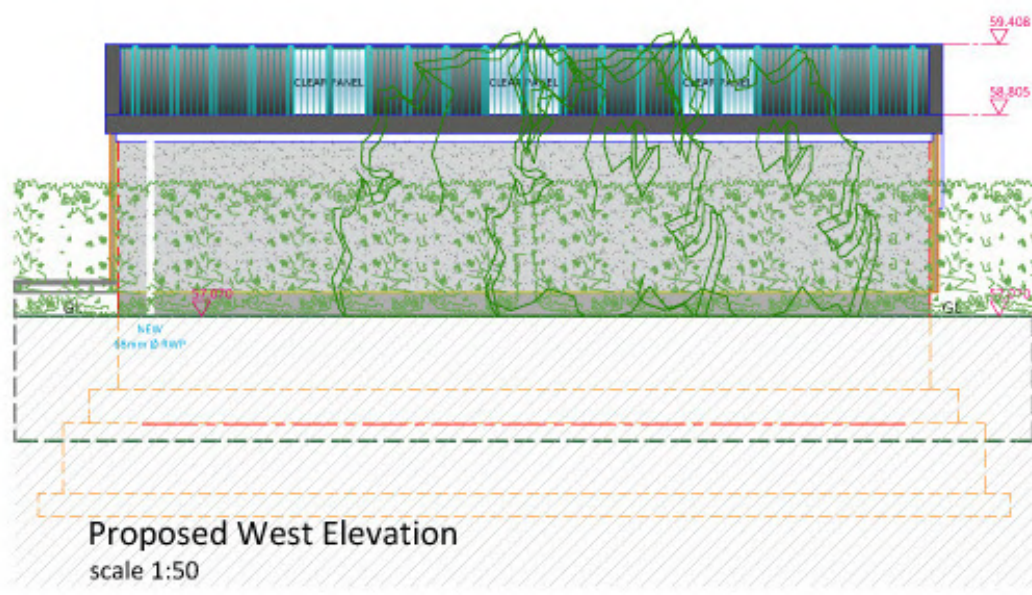
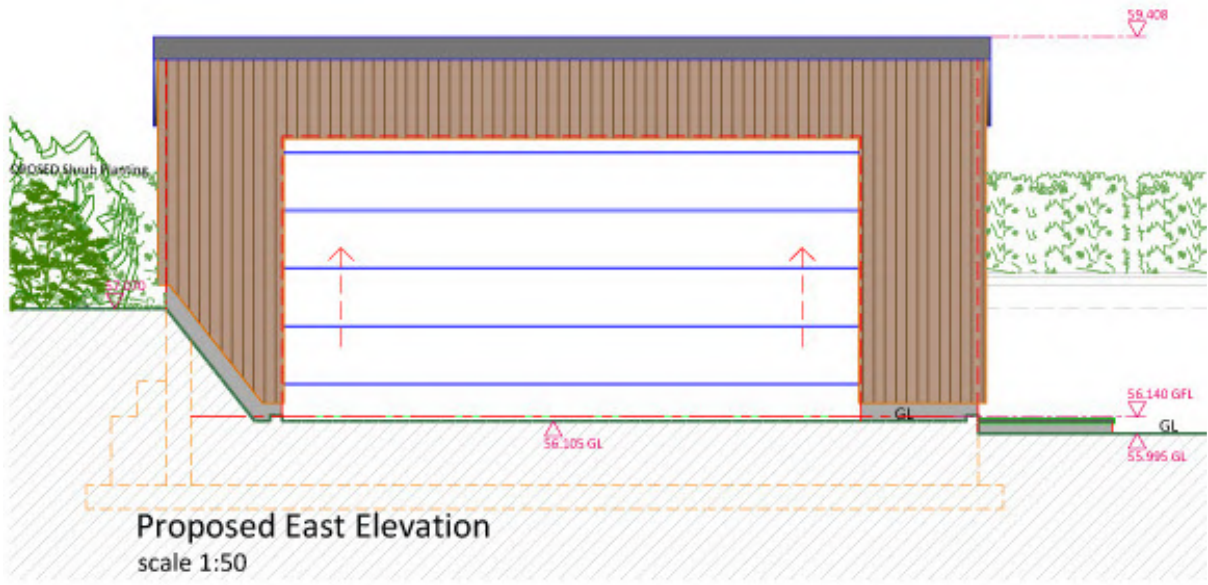
Proposed Site Plan



Proposed Floor Plan



Proposed Elevations



Proposed Elevations

The main reason on why the application was refused was based on the following statement from the Handling report, dated 9th September 2021:

The proposed garage, due to its siting, design and external materials, is considered to detract from the visual amenity of the Green Belt in this location and the setting of the Cranfield Farm development. As such, it is considered to have a significant adverse impact on the character and appearance of the Green Belt and the immediate surrounding area in this location and is contrary to Policies NE2 (Green Belt) and D1 (Quality Placemaking by Design) of the 2017 Aberdeen Local Development Plan; Supplementary Guidance on Conversion of Buildings in the Countryside; and Policies NE1 (Green Belt) and D1 (Quality Placemaking) of the 2020 Proposed Local Development Plan.

POLICY D1 – ARCHITECTURE AND PLACEMAKING

“To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including street squares, open space, landscaping and boundary treatments, will be considered in accessing that contribution. To ensure that there is a consistent approach to high quality development throughout the City with an emphasis on creating quality places, the Aberdeen Master planning Process Supplementary Guidance will be applied.

The level of detail required will be appropriate to the scale and sensitivity of the site. The full scope will be agreed with us prior to commencement. Landmark or high buildings should respect the height and scale of their surroundings, the urban topography, the City’s skyline and aim to preserve or enhance important views. “

The purpose of this appeal is to look into detail the three factors separately, and to give reasoning on why it is felt the proposed design meets these criteria. The factors are:

- SITING OF THE GARAGE
- DESIGN
- MATERIAL CHOICE





Siting and size of the proposal was carefully considered due to the neighbouring towering domestic 'store' to the West of the Cranfield Site. Approaching the site Northbound, this build (Approved under Aberdeen City Council Planning Application Reference 141208) is deemed more imposing in terms of height and material to the whole Cranfield site than the proposed garage for 6 Cranfield Steading. The handling report for said Domestic Store, was deemed "being of a suitable scale and form" and "considered not to have an adverse impact on the character and appearance of the surrounding area". This proposal was approved based on "The scale and design of the proposed store is considered appropriate in this rural setting within the Green Belt. The proposal complies with policies D1 (Architecture and Placemaking) and NE2 (Green Belt) of the Adopted Local Development Plan and policies D1 (Quality Placemaking by Design) and NE2 (Green Belt) of the Proposed Local Development Plan" – a design that is in total contrast to the dwellinghouse.

It is to be noted, that the design for the proposed Garage for 6 Cranfield Steading was influenced on materials used throughout the Cranfield Development site to help ground the addition into the footprint of the site – however refusal was deemed on the siting, size and materials.

SITING

Siting of the proposed garage was initially discussed with the Planner (26TH AUGUST EMAIL); on which a PDF was forwarded giving its proposed location, and it was agreed that the positioning

relative to the site would be deemed acceptable. Taking advantage of the existing retaining wall, it was deemed well suited to the site. Given the levels on-site after the construction of the roads and drainage for the whole of the Cranfield Development; the levels gave an opportunity to have a 'sunken' garage design, taking advantage of the retaining walls that were created due to site levels. Due to the close proximity to the boundary (800mm), blockwork would be the material of choice for fire purposes to satisfy Building Control.

The proposed garage would be located to the rear of Plot 6 and would be visible from the front windows of the farmhouse to the west. However, due to the change in ground levels between the two plots and the distance between the garage and the front elevation of the farmhouse, the proposal would not result in any overlooking, loss of light or loss of view to the farmhouse. It would similarly not contain any windows looking out towards this neighbouring dwelling and would thus not result in any loss of privacy/excessive overlooking.

Please refer to APPENDIX 'A' for photographs looking into and within the site of 6 Cranfield Steading for reference.

DESIGN

Great consideration in regards to the overall design for the proposal was undertaken to take into account of the site characteristics – it was decided that the garage was to be partially sunken into the ground at the siting location as confirmed by the Planner; taking advantage of the extended retaining wall that was required on site. A mono-pitch roof was introduced to reduce the height of the garage in order for the proposal not to overpower the main gable elevation of the bothy extension and surroundings. During the initial design consultations, two roof options were looked into – a slated roof and the mono-pitch; and when drawings were produced and proposals taken into consideration relative to the adjacent neighbour of Cranfield Farm, it was deemed that the mono-pitch would be a better choice for the site.

Given the location of the existing mono-pitch roofs already to the south of the site at the existing farm house, and no other 'garage' structures to the south, it was deemed that the proposed roof design would be well suited. It is to be acknowledged that a further garage application for PLOT 3 was submitted with a slated roof design by Thistle Windows & Conservatories – but given the locations of the two Plots in question there is no public view that the two garages would be seen side by side or in the same elevation, it was deemed that the by mimicking the roof of the Cranfield Farmhouse Garage would be a more suited solution and in keeping with the original dwelling.



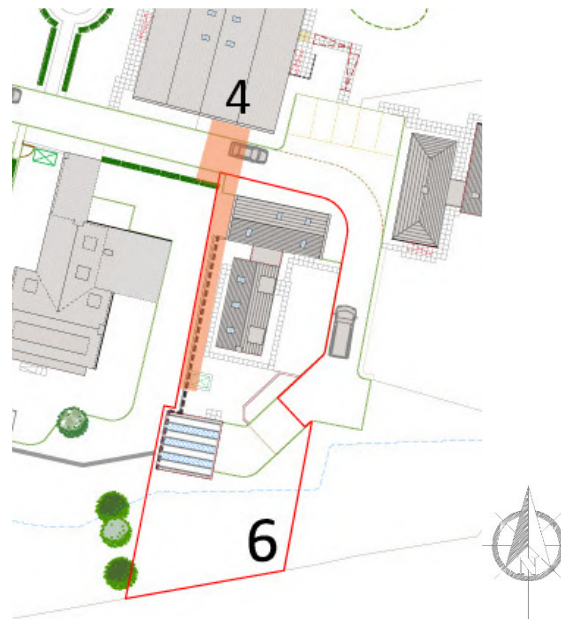
PHOTOGRAPH SHOWING VIEW of CRANFIELD GARAGE FROM 6 CRANFIELD STEADING – LINK



PHOTOGRAPH SHOWING VIEW of CRANFIELD GARAGE FROM 6 CRANFIELD STEADING – UPPER BEDROOM

The mono-pitch would also reference the garage to Cranfield Farm on the main public view, given that these two properties are the two main features you see when travelling Northbound on the B999; the decision to take the roof design as reference felt a strong design decision in procuring with the design to application. The mono-pitch roof for the Cranfield Farmhouse Garage is a prominent feature within the Cranfield site, with 4 properties within the development in view. 2 Cranfield Steading, 4 Cranfield Steading, 5 Cranfield Steading and 6 Cranfield Steading can all see the existing roof from their properties – proving that this roof is prominent within the Cranfield

Site. Given that the garage was partially sunken into the ground due to site levels also ensured that the height of the roof would not exceed 1.5m at its lowest point (2.0m at its highest) to the Cranfield Farmhouse side. The extended retaining wall, due to site levels for road construction and drainage, would be hidden within the garage design.



SITE PLAN INDICATING 4 CRANFIELD STEADING VIEWS SOUTHBOUND

The overall design benefits the occupiers of 4 Cranfield Steading; where they have a view southbound from their Lounge window – given the heights of the proposed monopitch, this would not have such an adverse effect on their view but if the design was to be amended to a slated roof, it would take away their view (albeit narrow, but a view of green). As noted, none of the 4No. neighbours notified about the proposal made any comment, however please refer to APPENDIX 'B' for the occupier, Mr Elrick's view on the proposal as it stands.



PHOTOGRAPH SHOWING VIEW of CRANFIELD GARAGE FROM 4 CRANFIELD STEADING



PHOTOGRAPH SHOWING VIEW of CRANFIELD GARAGE FROM ROAD OUTSIDE 6 CRANFIELD STEADING

An exercise was carried out on-site in regards to the proposed height of the garage compared to the adjacent ground levels and how this would affect the adjacent sites. In APPENDIX 'C', photographs showing a mock-up of the mono-pitch slope highlighting its heights.



APPROVED LANDSCAPING DESIGN

The relationship between the proposed garage and the landscaping would also be a factor in the design - it was proposed that planting would be used to further help mask the garage in the future. With reference to the approved landscaping plan, the most southern point of both Cranfield Farmhouse and 6 Cranfield Steading will be landscaped - this work is still to be carried out as required by the approved landscaping plan REF 150148. The fact that the long-term plan is to help hide this structure so it does not distract from the main site elevation shows future planning into the design and consideration to the surroundings.

In APPENDIX 'D', photographs showing a mock-up of the proposed garage within the landscaping; at different stages of planting to highlight the masking once the landscaping matures.

MATERIAL

"The proposed design of the building would incorporate a mono-pitched roof and walls finished in a combination of vertical timber cladding and roughcast render, with this latter material located on the visually prominent south elevation. It is noted that the existing dwelling has areas of smooth white render visible from the public road. However, given the greater prominence of the proposed garage as it would be located between the public road and the bothy, and the overall lower quality of materials proposed when compared to the existing dwelling, it is considered that this would have a further detrimental impact on the visual amenity of the surrounding area."



ORIGINAL AND APPROVED CRANFIELD MATERIAL STUDY Planning reference 150148

The above statement was taken from the handling report dated 9th September 2021; in which it refers to "lower quality of materials when compared to the existing dwelling" - on designing the garage it was clear that the garage, existing granite bothy and newly built extension would match as much as possible in regards to its external finish. The render proposed for the garage will match the render on the existing retaining walls, the front bay's of the farm house (same south elevation as proposed garage) and the lintels, cills and other synthetic areas on the whole development. This is in addition to being granite and in keeping with the original building's material.

Vertical Clad Siberian Larch was introduced to the main in-site public views on discussion with the Planner, matching the style and finish present on the bothy. In regards to these materials being classed as "lower quality" being one of the main reasons in this applications refusal is confusing - especially when it also mentions " it would detract from the quality and visual amenity of the wider steading conversion and would not respect the setting of both the traditional farmhouse and the converted bothy". When the materials are the same. Our disagreement on this aspect will need clarification.

On reading the handling report, it is deemed that the main issue is the roof choice - and again, slate was portrayed as a preferred choice of material however the site did not benefit from this and hence the mono-pitch was proposed. We feel that if the proposal has a slated roof, this would be a more dominant feature to the South Elevation, and would have a detrimental impact on the visual amenity of the surrounding area. The proposed garage would therefore be clearly visible upon approach from the south along the B999, resulting in an excessively built-up appearance of this part of the site, something which is not desired for the site and hence one of the reasoning behind the refusal.

We want to reiterate that we are not trying to be unreasonable but feel that due to the several inconsistencies behind the decision to refuse our application is completely unjust. We respectfully request that approval for our design be granted.

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APPENDIX A:
VIEWS LOOKING INTO THE CRANFIELD SITE:



VIEW LOOKING NORTHBOUND ON B999



VIEW LOOKING INTO SITE ON B999



VIEW LOOKING CRANFIELD FARMHOUSE ENTRANCE FROM B999



VIEW LOOKING AT 6 CRANFIELD STEADING FROM GARDEN OF CRANFIELD FARMHOUSE



VIEW LOOKING AT 6 CRANFIELD STEADING FROM ENTRANCE OF CRANFIELD FARMHOUSE



VIEW LOOKING AT 6 CRANFIELD STEADING FROM GARDEN OF CRANFIELD FARMHOUSE



VIEW LOOKING AT 6 CRANFIELD STEADING FROM BOUNDARY LINE OF CRANFIELD FARMHOUSE

VIEWS LOOKING INTO THE 6 CRANFIELD STEADING:





APPENDIX B:

4 Cranfield Steading
Bridge of Don
Aberdeen
AB23 8NR

28 September, 2021

Aberdeen City Council
Development Management
Business Hub 4
Marischal College
Aberdeen
AB10 1AB

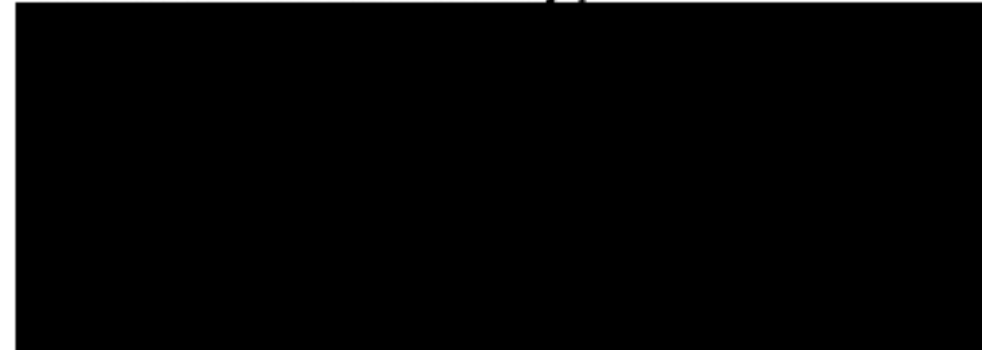
Dear Sir/Madam,

Planning Application 210628/DPP

With reference to the above application for the erection of a garage at 6 Cranfield Steading.

Our home is positioned adjacent to No' 6 with a view across the rear of that property which encompasses the location of the proposed garage. My wife and I wish to confirm our support for the design submitted, which minimises the height of the garage through the use of profiled metal roof sheets. These sheets would be similar to those currently installed on the adjacent farmhouse garage which we also look out onto. If the design were to be changed to a pitched roof then the height would increase and the impact of the development would be greater. As the residents on the Cranfield Development most affected by the garage proposal we consider the submitted design to be the most suitable.

Yours sincerely,

A black rectangular redaction box covering the signature of Robin Elrick.

Robin Elrick

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APPENDIX C:









APPENDIX D:



Existing Site Photograph



Proposed Site Photograph



Proposal with young planting Northbound on B999



Proposal with mature planting Northbound on B999



Proposal with young planting Northbound on B999



Proposal with mature planting Northbound on B999



LOCAL REVIEW BODY



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

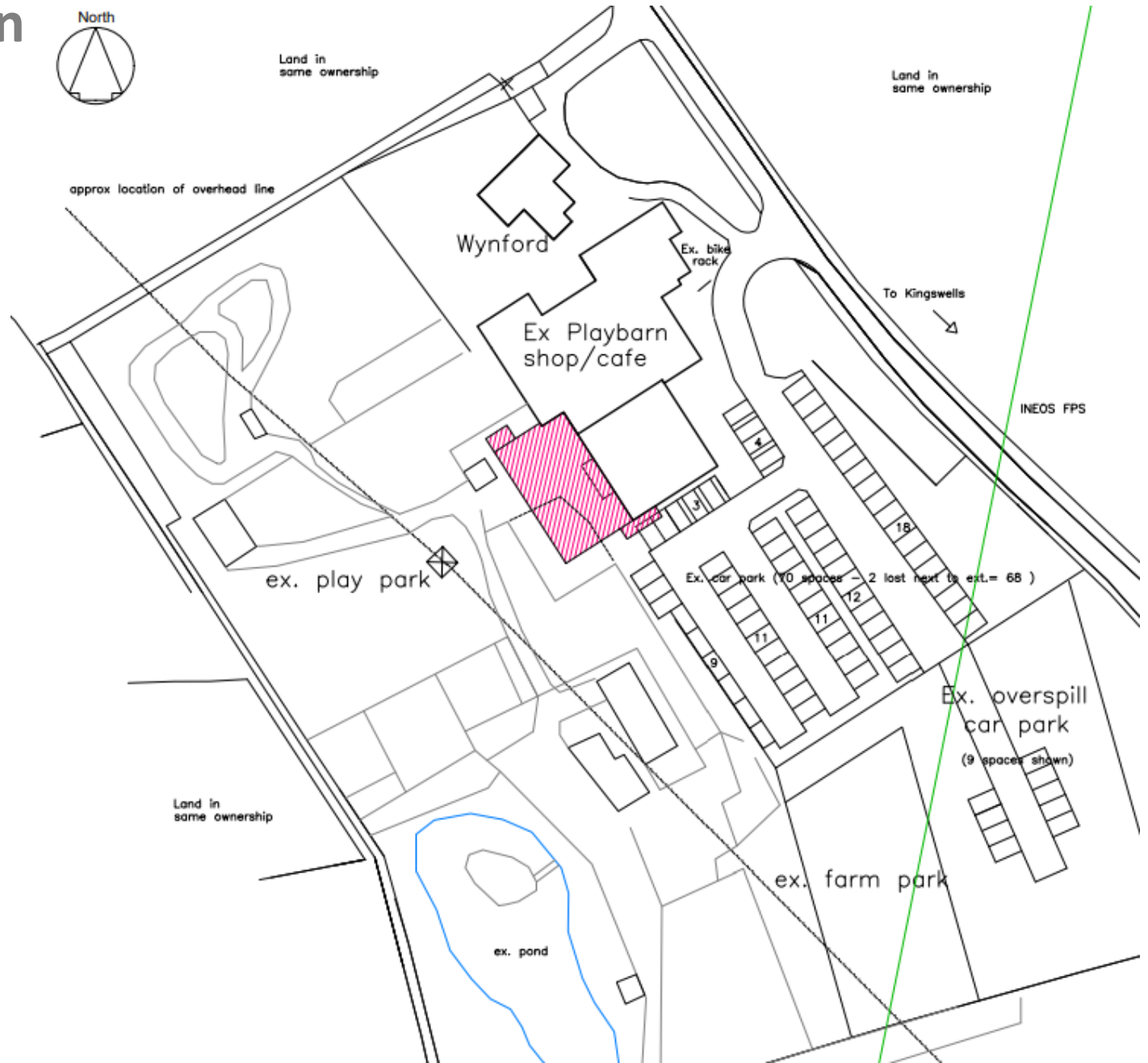
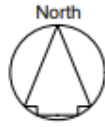
Alterations and extension to play barn

Wynford Farm, Kingswells, Aberdeen

Location



Location Plan



Aerial Photo (GIS)



Click to start
drawing
(Press CTRL to
enable
snapping)

Pipeline locations

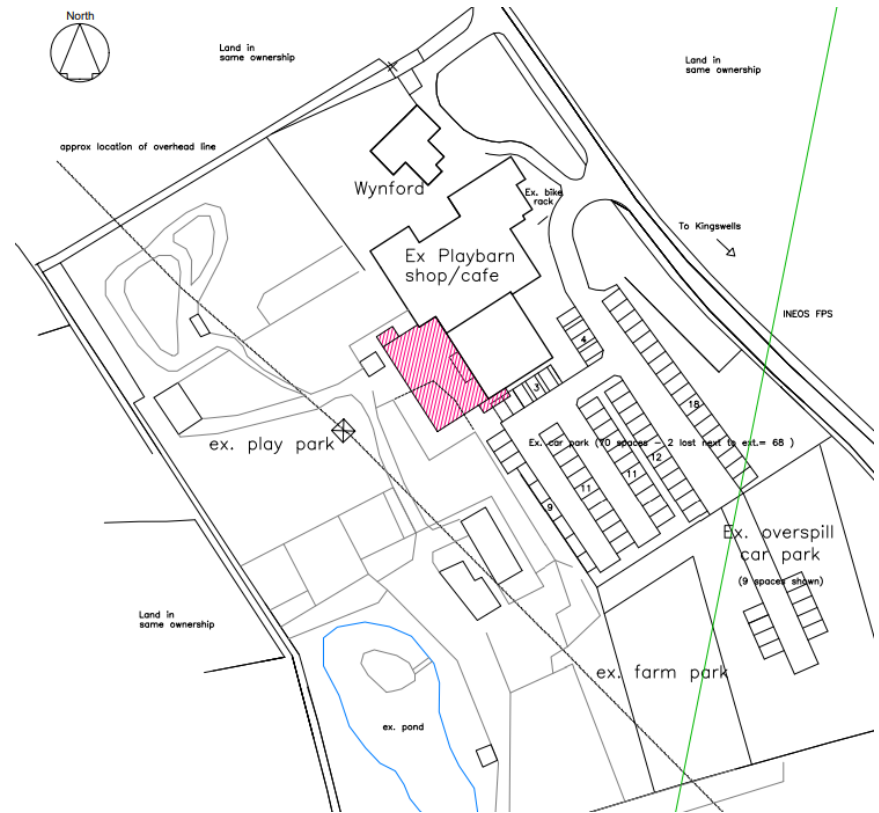
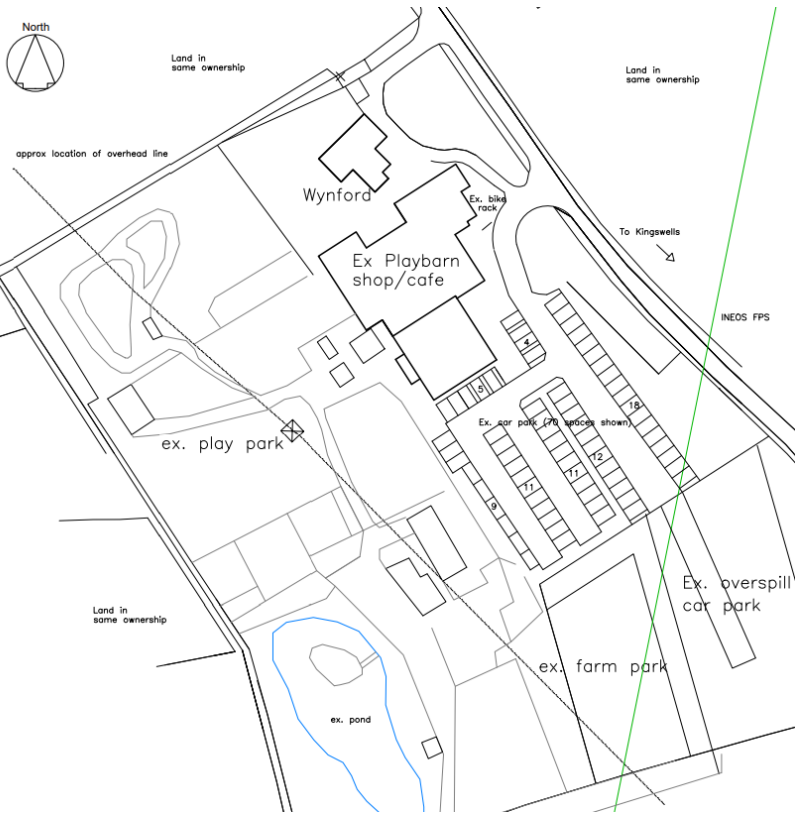


INEOS Forties

Shell Natural Gas Liquids

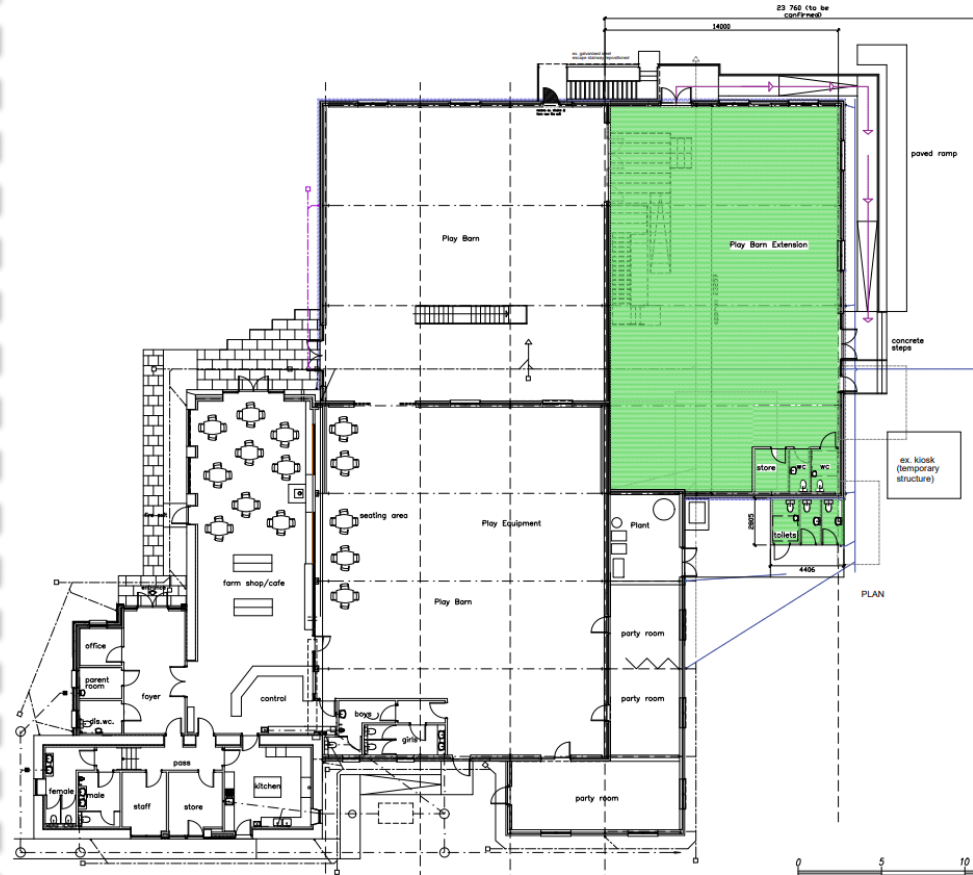
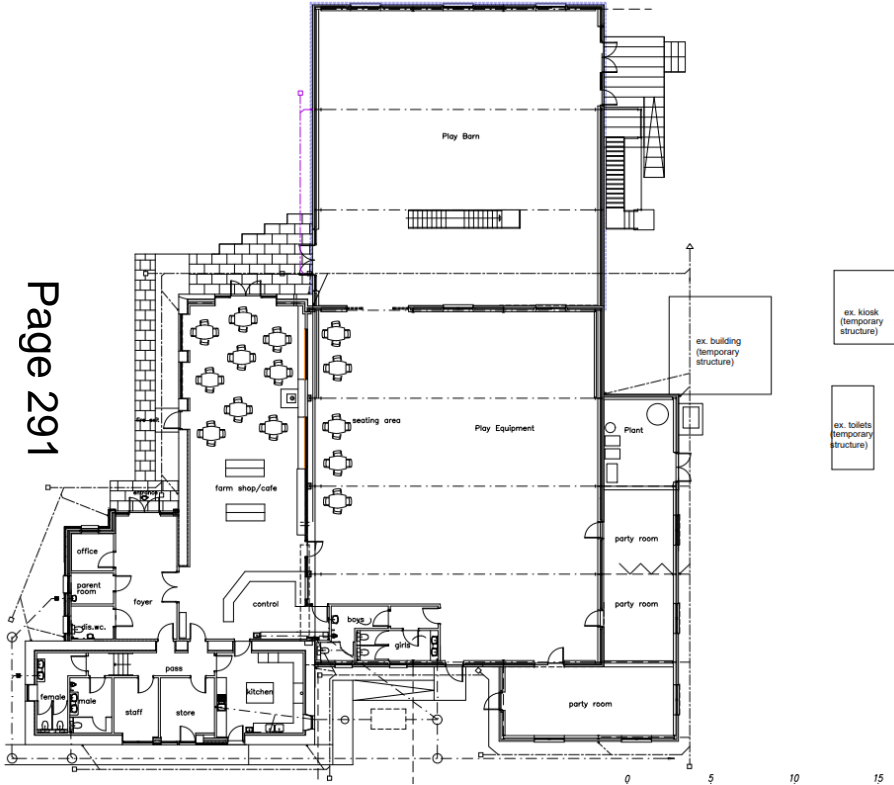
Site Plan: Existing / Proposed

Page 290

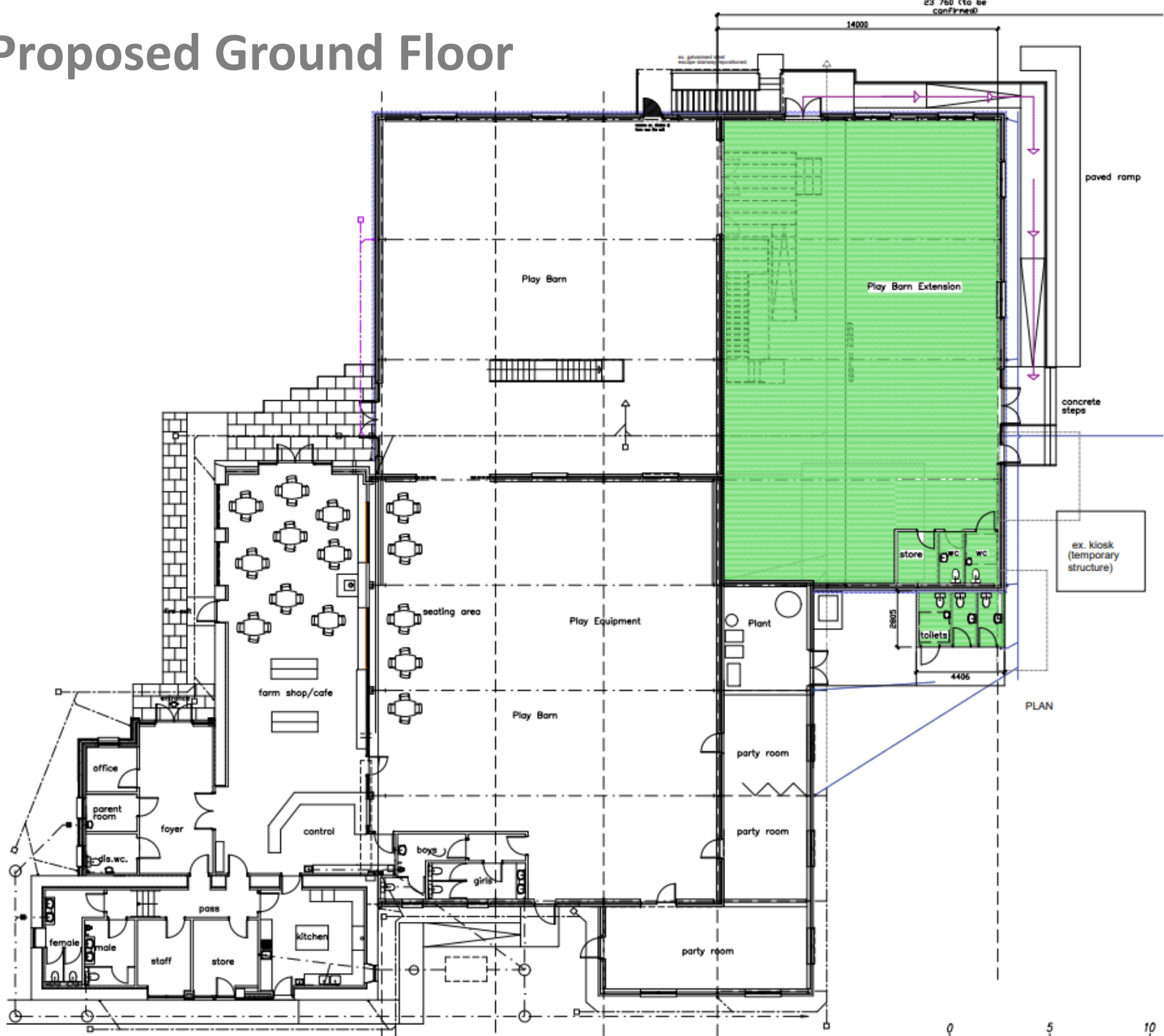


Ground Floor: Existing / Proposed

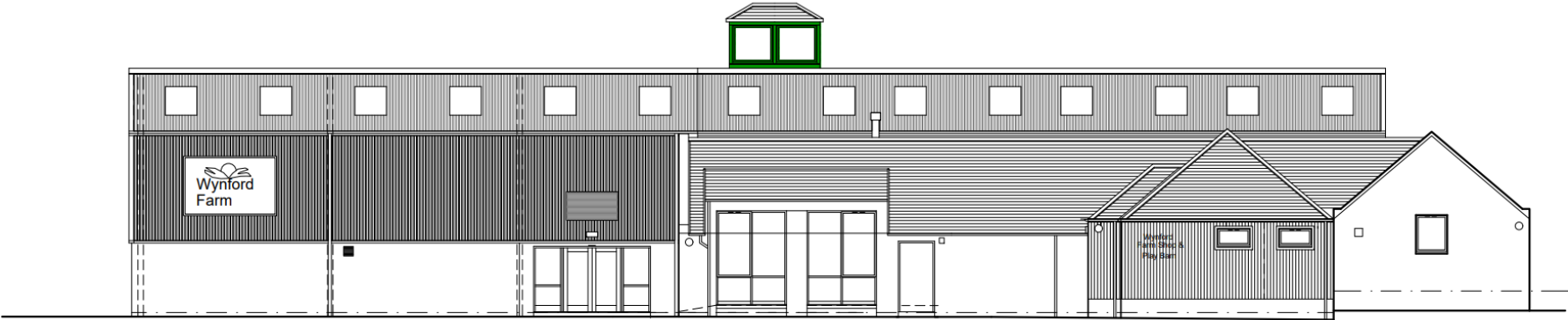
Page 291



Proposed Ground Floor



East Elevation



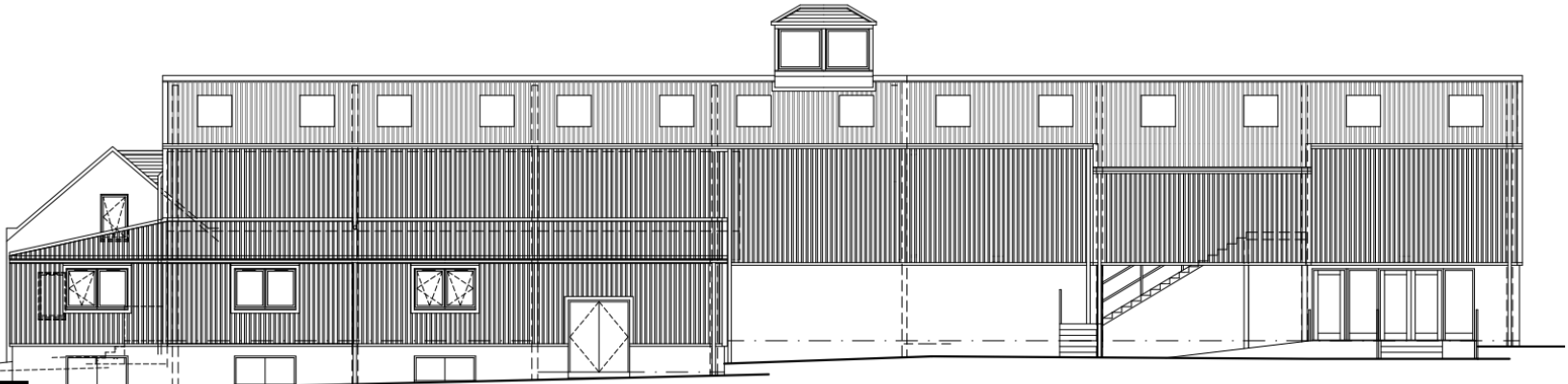
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Page 293



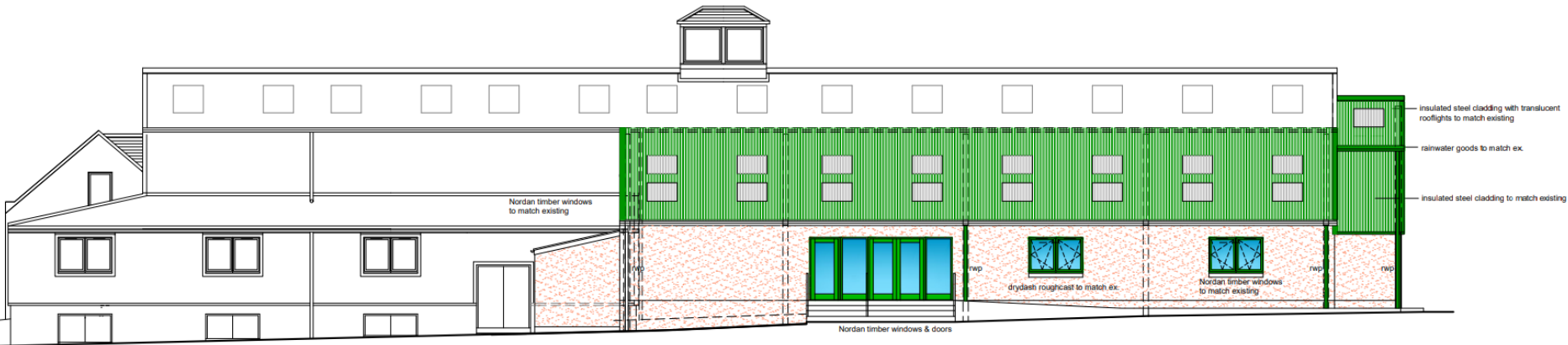
PROPOSED

West Elevation



EXISTING

Page 294

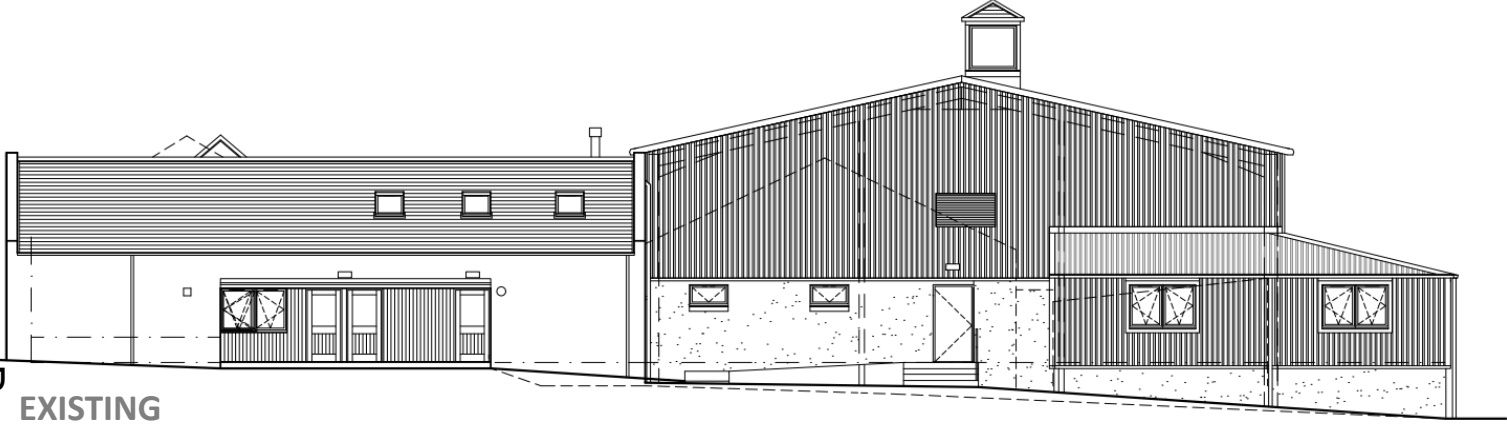


PROPOSED

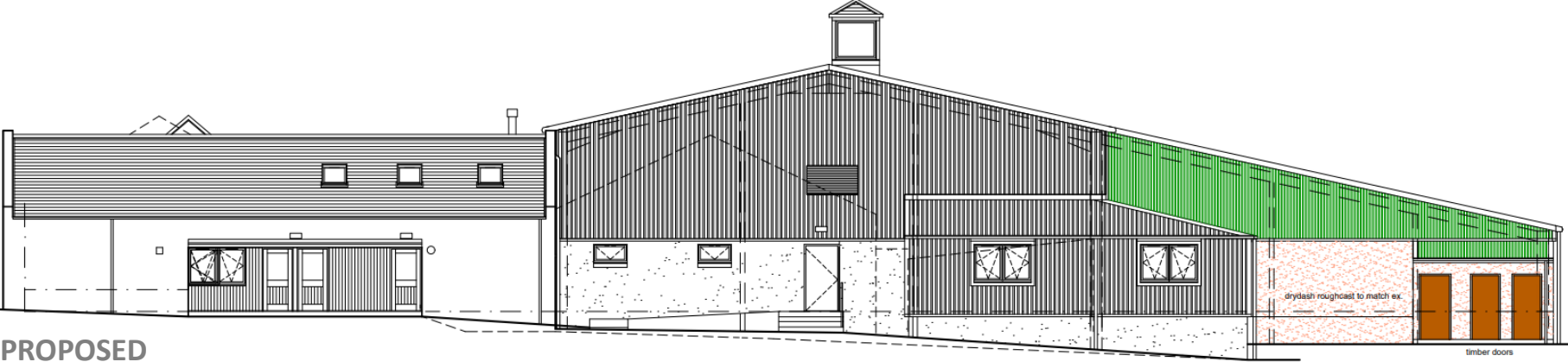
North Elevation

Page 295

EXISTING



PROPOSED



South Elevation



EXISTING

Page 296



PROPOSED

Site Photos



Site Photos

Page 298



Site Photos



Page 299

Site Photos

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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
- Draws attention to members' original decision to grant planning permission for the play barn (reference: P090706). At that time, having considered a third-party risk assessment, members determined that the risk of that proposal would be *“at the lower end of the scale and of minor significance”*;
- 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)

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
6 OCTOBER 2021**

**WYNFORD FARM, BORROWSTONE ROAD - ALTERATIONS AND EXTENSION
TO PLAY BARN - 210265**

1. The Local Review Body (LRB) of Aberdeen City Council met on this day to review the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the application for alterations and extension to the playbarn at Wynford Farm, Borrowstone Road, Kingswells, Aberdeen, Planning Reference number 210265/DPP.

Councillor Boulton as Chair, gave a brief outline of the business to be undertaken, advising that the LRB would be addressed by the Assistant Clerk, Mr Mark Masson with regards to the procedure to be followed and also, thereafter, by Mr Gavin Evans who would be acting as the Planning Adviser to the Body in the following case under consideration this day.

The Chairperson stated that although the Planning Adviser was employed by the planning authority, he had not been involved in any way with the consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. She emphasised that the officer would not be asked to express any view on the proposed application.

The Local Review Body was then addressed by Mr Masson, Assistant Clerk in regard to the procedure to be followed, at which time reference was made to the procedure note circulated with the papers calling the meeting and to more general aspects relating to the procedure.

In relation to the application, the LRB had before it (1) a delegated report by the Appointed Officer, Aberdeen City Council; (2) an application dated 2 March 2021; (3) the decision notice dated 19 May 2021; (4) links to the plans showing the proposal and planning policies referred to in the delegated report; (5) the Notice of Review submitted by the applicant; and (6) consultee responses from the Roads and Environmental Health Teams, Aberdeen City Council, Health and Safety Executive, Shell UK Limited and INEOS FPS Limited.

The LRB was then addressed by Mr Evans who advised that the review had been submitted with all necessary information within the time limit of three months following the decision of the appointed officer.

Mr Evans then described the site advising that it was located on the C93C (Borrowstone Road - Clinterty to Kingsford) to the west of Brimmond Hill. The wider grounds extended as far as the City boundary, approx. 40m to the west. Wynford Farm was approximately 1.2km north east of Westhill and 2.1km north west of Kingswells. The wider complex comprised a 2-storey farmhouse and a converted and extended steading/portal framed sheds that formed the farm shop, café and playbarn. There were several trees along the eastern boundary, between the buildings and the road. Just north of the site on the opposite side of the road were large modern agricultural

storage buildings, associated to the operation of the farm. There were a number of existing sheds and structures on site, which were located to the west of the existing building and car park. These sheds appeared to house birds and other types of animals and creatures as part of a visitor attraction. There was also a large play area to the west of the building, which included sandpits and a pond to the south west of the site.

An overspill car park was located to the south of the site and was not accounted for within the existing parking numbers, which equates to 70 spaces at present. The Ineos Forties (Cruden Bay to Kinneil) pipeline crossed through the south eastern corner of the site, from north to south. The proposed works were within the inner notification zone of the pipeline, for the purposes of Health and Safety Executive consultations. Additionally, the development area was within the inner zone of the Shell Natural Gas Liquids pipeline that runs around 150m east of the Forties pipeline.

Mr Evans made reference to the history of the site and outlined the proposal for Detailed Planning Permission (DPP) which was sought for detailed planning permission 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 monopitch roof which would extend 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 included roughcast render, insulated steel cladding, timbers windows, and translucent rooflights all to match existing. With regards to parking, while 70 spaces could 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 had advised within their supporting statement that there was no intention to increase the number of visitors at this business, the additional playbarn floorspace was however sought to allow for safe movement of people within the facility and to allow for enhanced COVID-19 precautions.

He indicated that the Appointed Officer's reasons for refusal stated in the decision notice was as follows:-

- There had been a formal objection from the Health and Safety Executive who raised 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.

Mr Evans outlined the key points from the appellant's Notice of Review advising that:-

- Noted that the application was refused solely on the basis of the objection from HSE and consequent conflict with Aberdeen Local Development Plan policy B6;
- Contended that the proposed extension was not intended to cater for an increased number of visitors, and highlighted that the works would result in the loss of two existing car parking spaces;
- Contended that HSE's position was not consistent with that adopted for the original play barn consent (090706), which HSE treated as 'sensitivity level 1 development'
- Highlighted that HSE had not applied its 'extension rule' which could reduce the sensitivity level if the population would not increase by more than 10%;

- Contended that the number of visitors was limited by the amount of on-site parking available, as the site was not readily reached by other means, and that formation of new parking would require planning permission. Visitor numbers were further regulated by a requirement for online booking; and
- Noted 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.

In terms of consultee responses, Mr Evans advised the following:-

- ACC - Roads Development Management – initially raised concerns regarding insufficient parking requirements, however upon receipt of further information and upon reviewing the amend proposal, the Service had advised that the existing parking arrangement, minus 2 spaces as a result of the development, was sufficient for the floorspace proposed;
- ACC - Waste and Recycling – had provided general comments regarding waste facilities for commercial premises;
- ACC - Environmental Health – had no comments to make on this proposal;
- Health and Safety Executive – had highlighted the need to consult with the operators of the two adjacent pipelines and stated that there were sufficient reasons on safety grounds, for advising against the granting of planning permission in this case;
- INEOS Forties Pipeline System – had advised that the proposal had been reviewed and that the safety and integrity of the pipeline would not be affected; and
- Shell UK Ltd. – had advised that there was 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.

He advised that there was no response from the Bucksburn and Newhills Community Council and there were no letters of representation received.

Mr Evans advised that the applicant had expressed the view that no further procedures were required.

At this point, the LRB considered whether they had sufficient information before them to proceed to determine the review.

Councillor Mason sought further information from HSE as follows:-

- (1) provide a complete set of guidance notes to assist the LRB in understanding the methodology which leads to its recommendations;
- (2) provide further information to clarify how the 'consultation distance (CD) is derived'; and
- (3) clarify whether the assumptions made by HSE in advising on this application (ref 210265) are the same as those used when advising ACC when planning permission for the play barn on this site was first consented in 2010 (ACC ref 090706 – approved following notification to Ministers – not called in for Ministers' determination)

Councillor Bell also sought further information from INEOS as operators of the Forties Pipeline, to establish when the pipeline was last 'pigged' with an intelligent tool for

pipeline integrity purposes, which in general terms referred to the process by which a tool was propelled along a pipeline for the purposes of cleaning and inspection.

Members of the LRB, therefore agreed unanimously to defer consideration of the review until the above information could be provided.



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.

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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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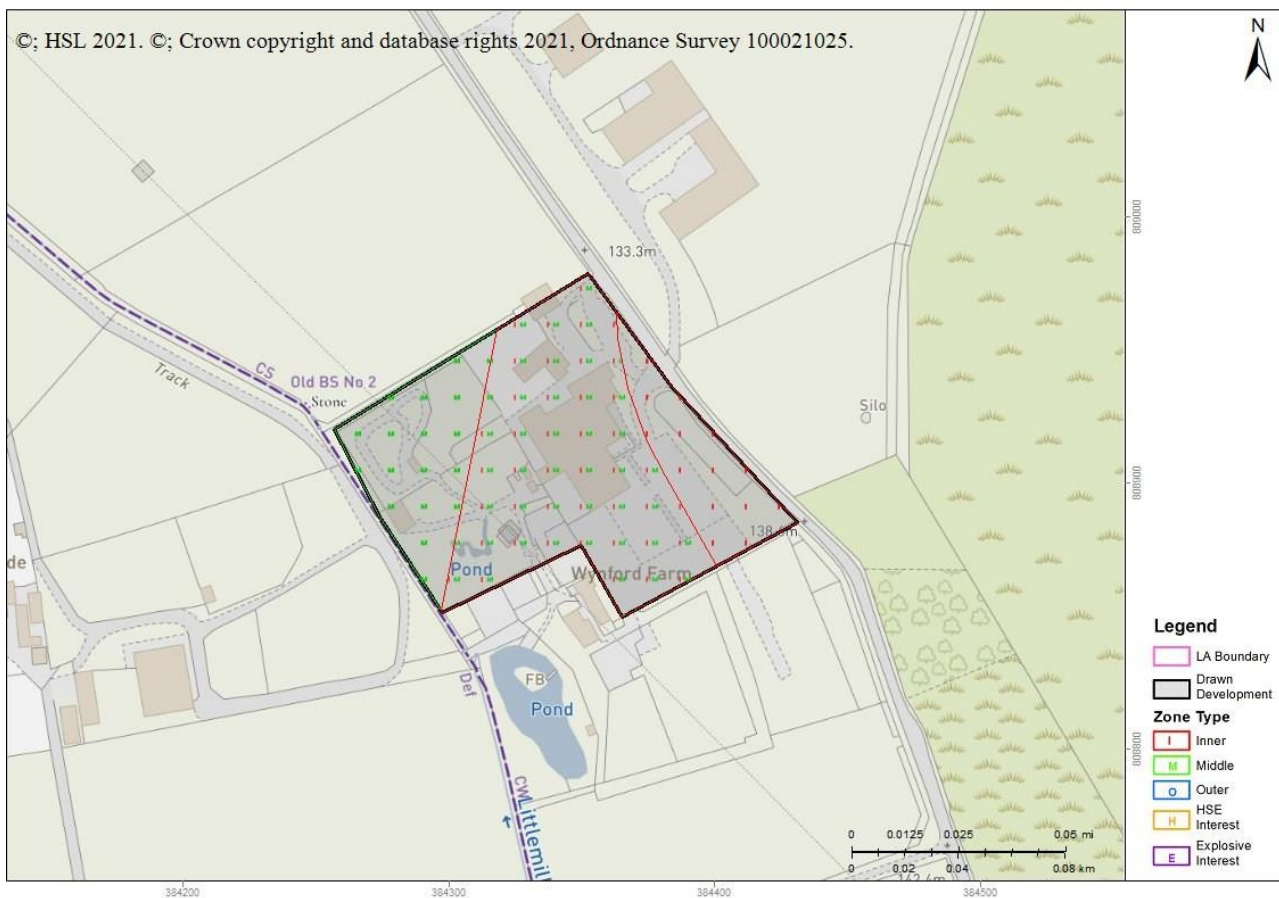
Advice : HSL-210427104641-369 Crosses Consultation Zone

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

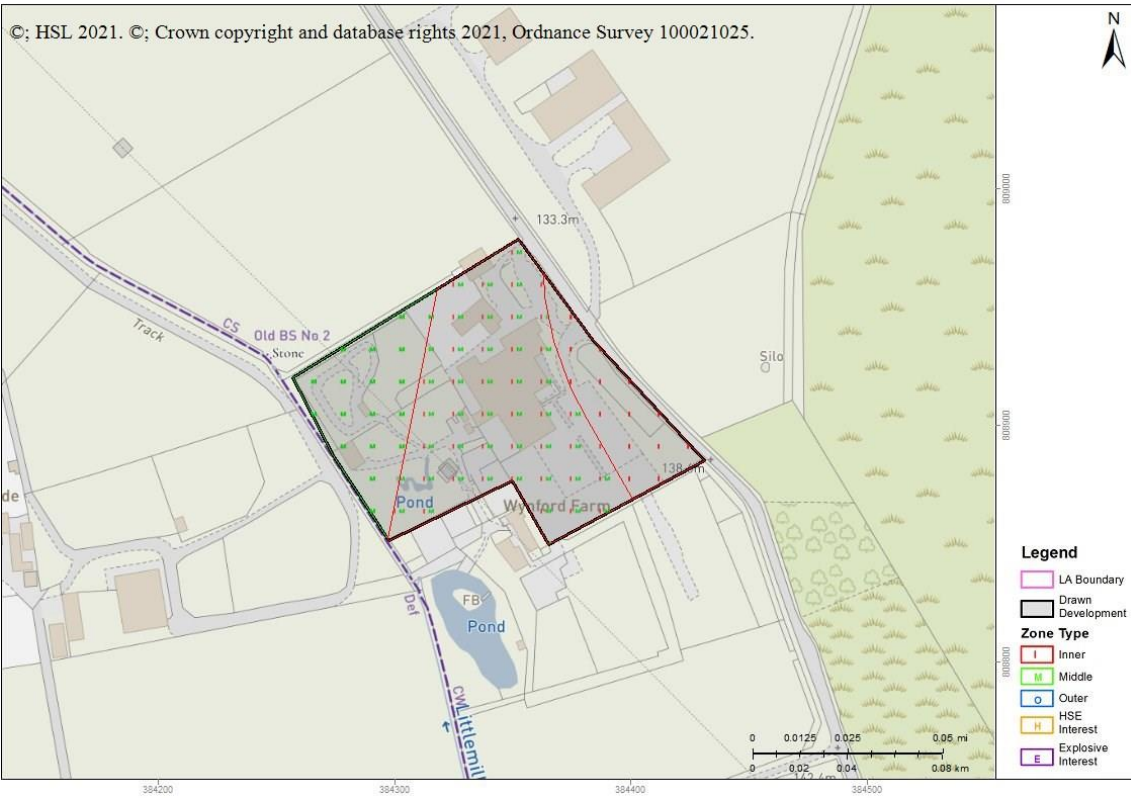
Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland)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

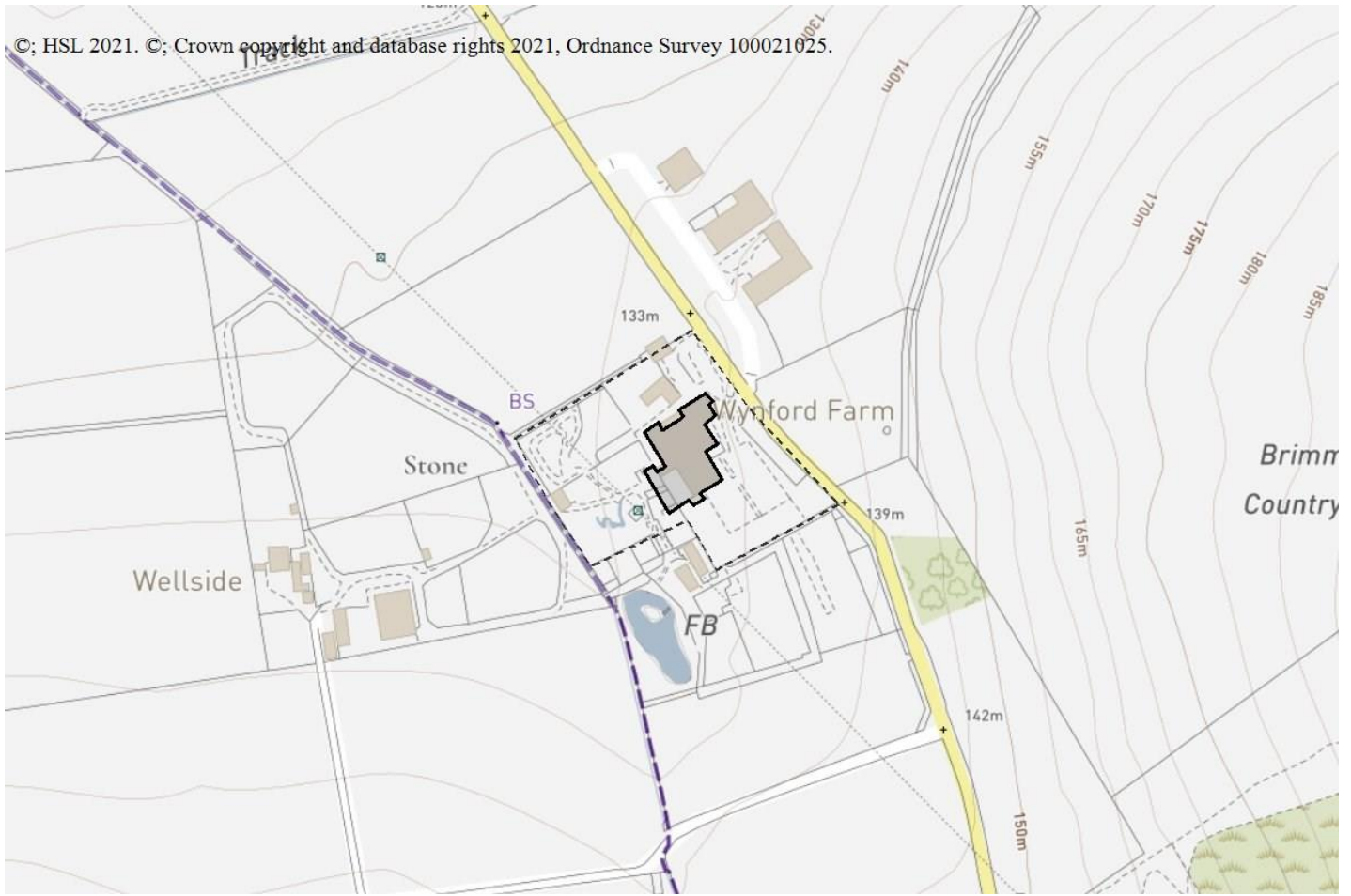


Breakdown:

Workplaces : Advise Against

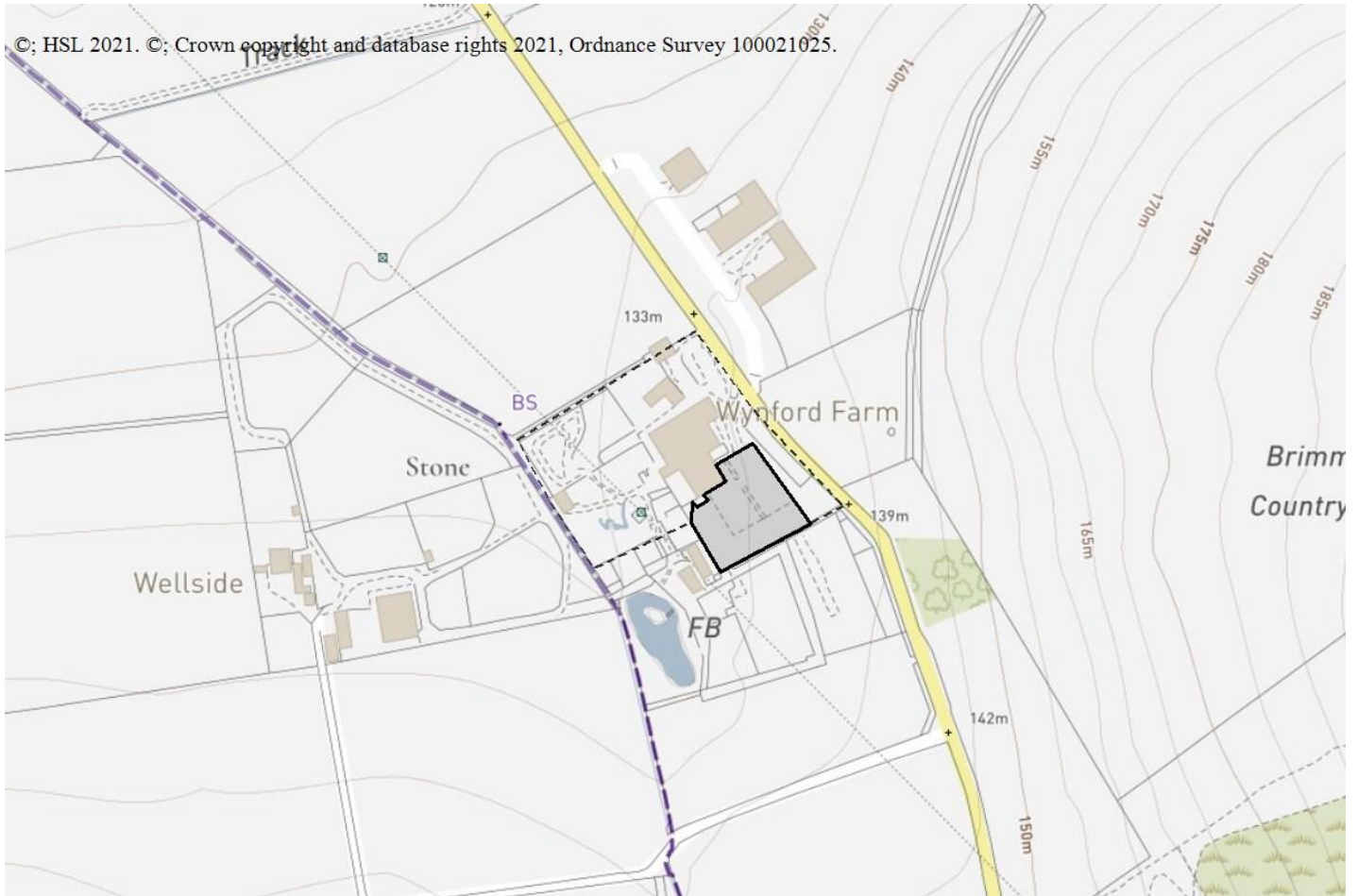
Is it a workplace specifically for people with disabilities, e.g. sheltered workshops? No

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



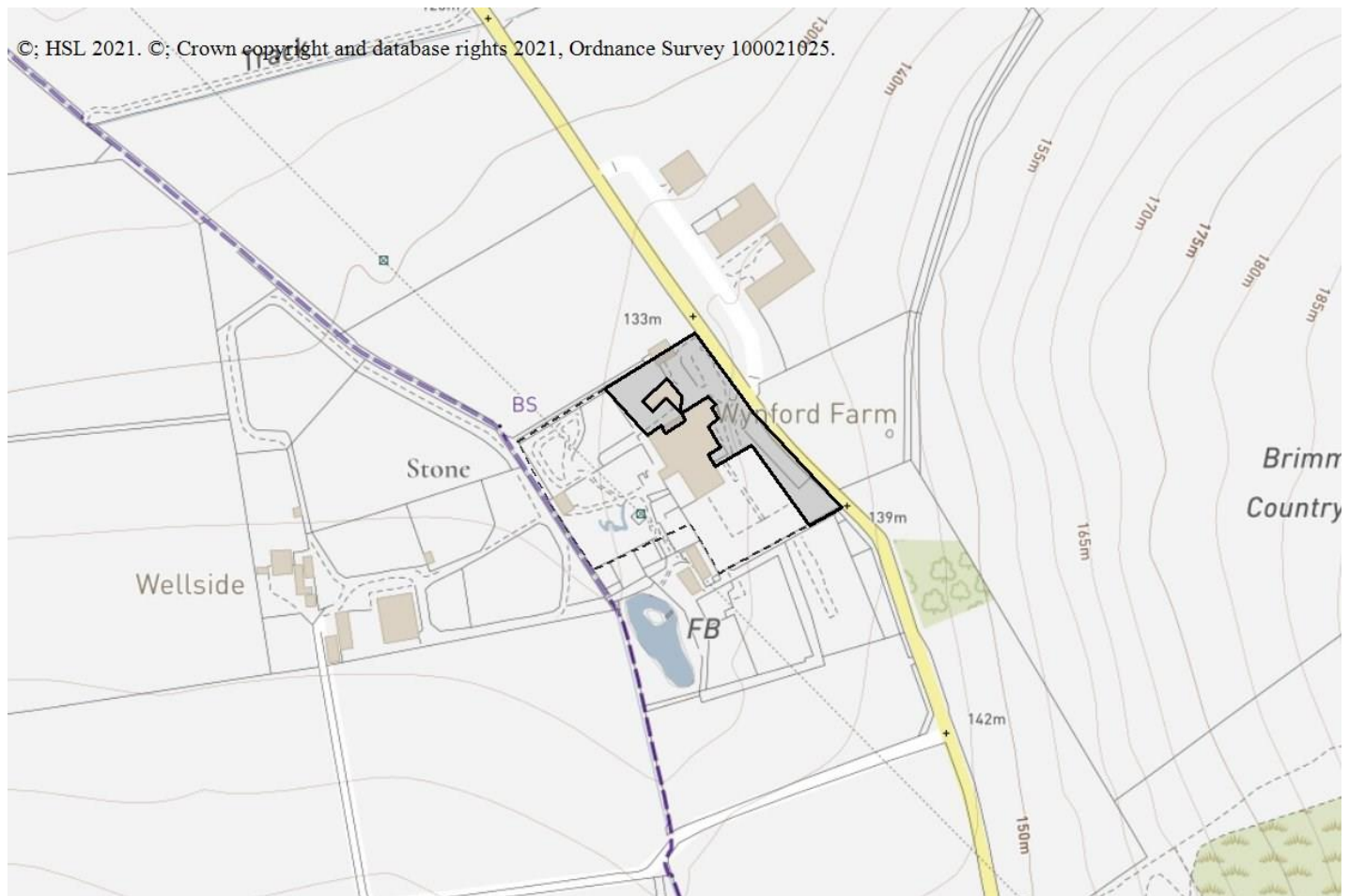
Outdoor Use By Public : Advise Against

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.

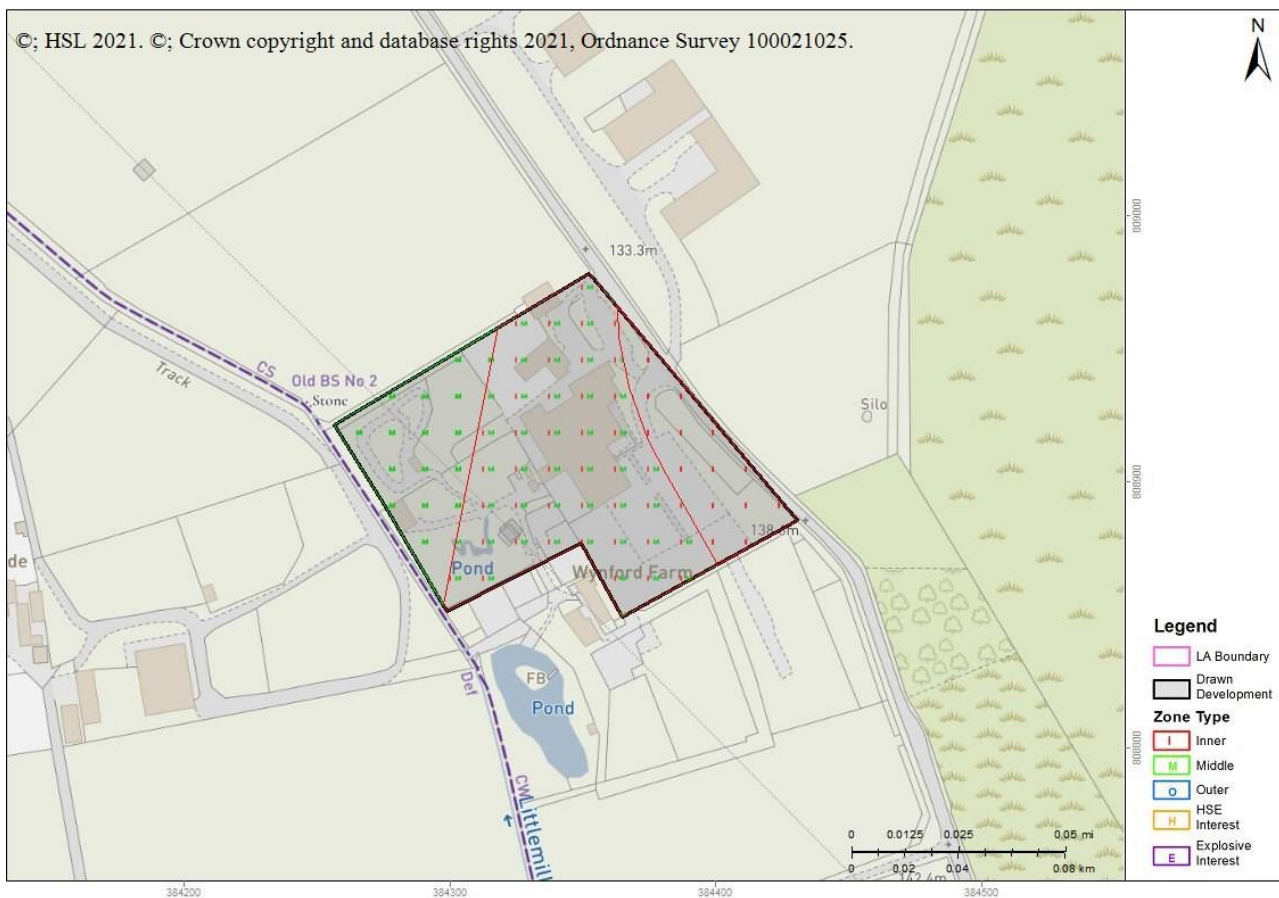
Advice : HSL-210512142922-369 Crosses Consultation Zone

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.

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

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Advice : HSL-210512142922-369 ADVISE AGAINST

Your Ref: 210265/DPP

Development Name: Wynford Farm

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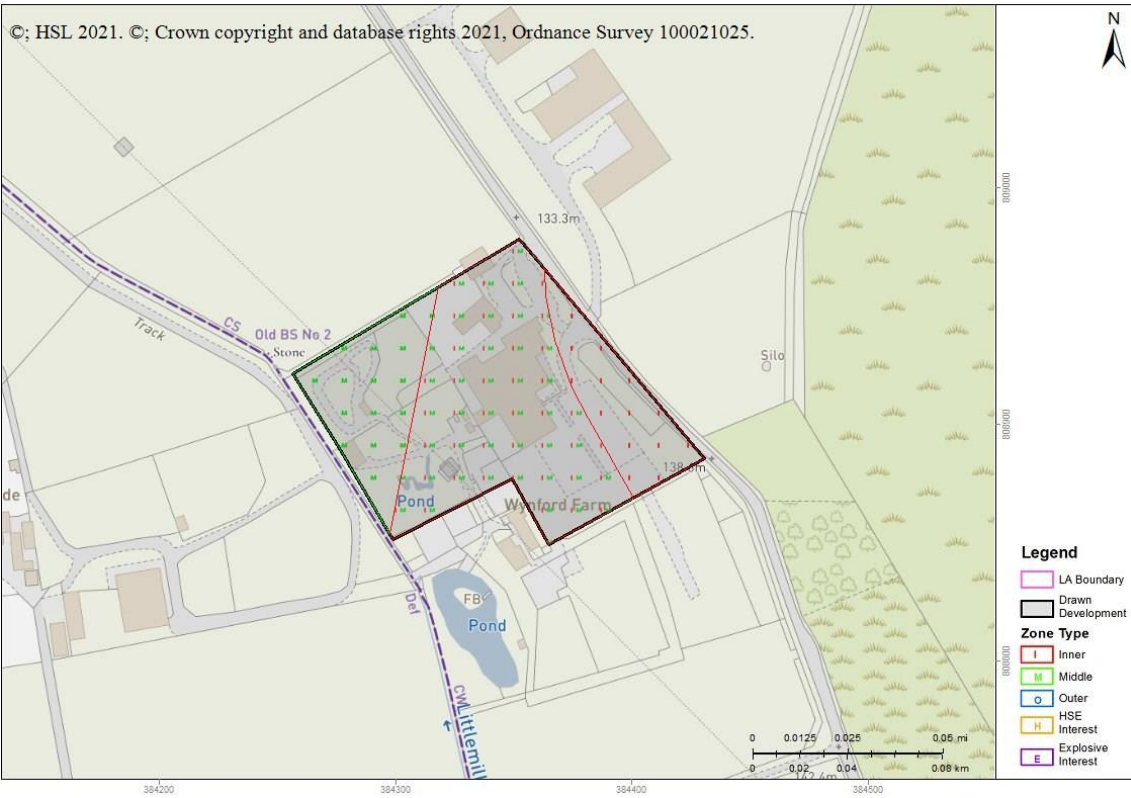
Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland)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

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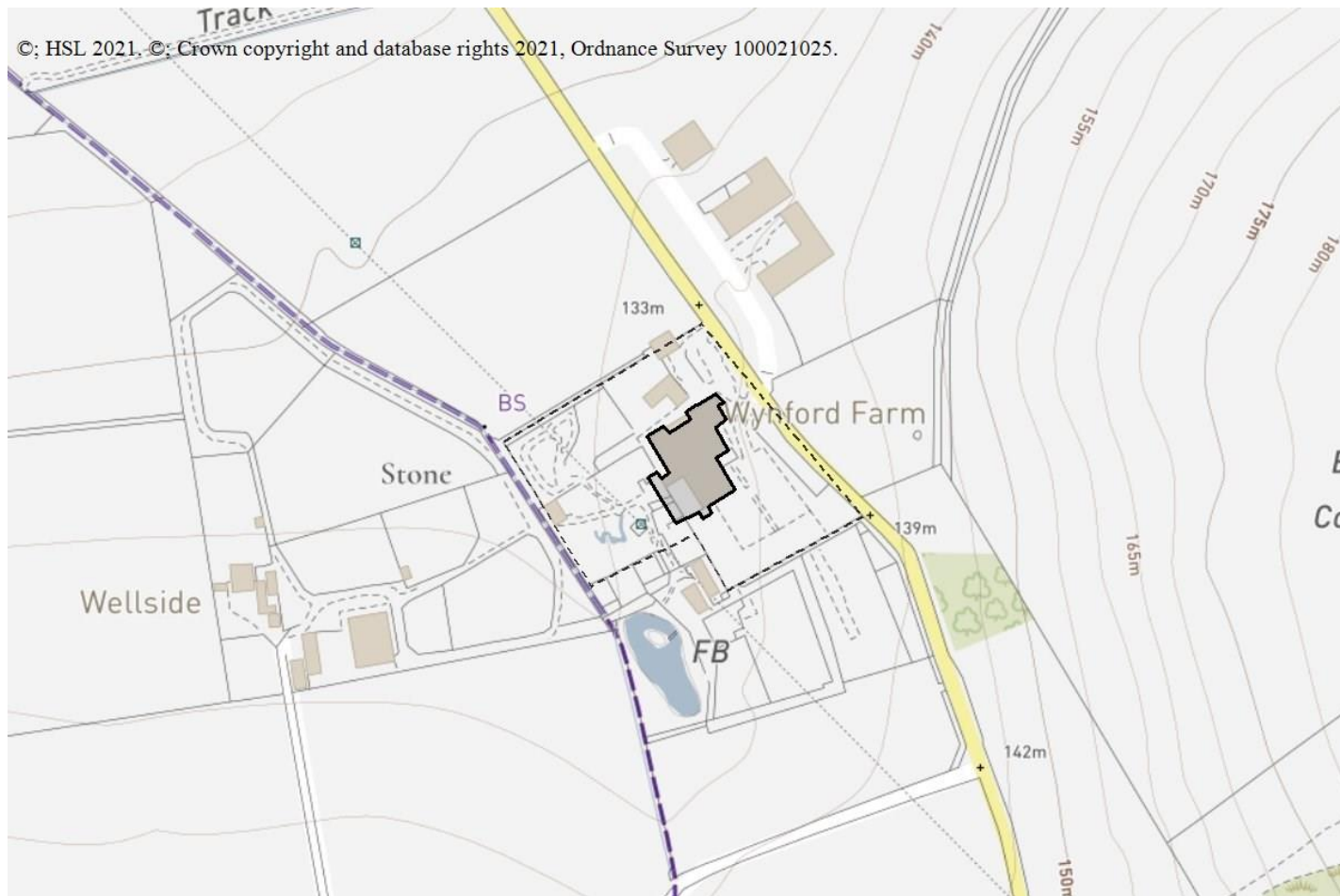
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Breakdown:

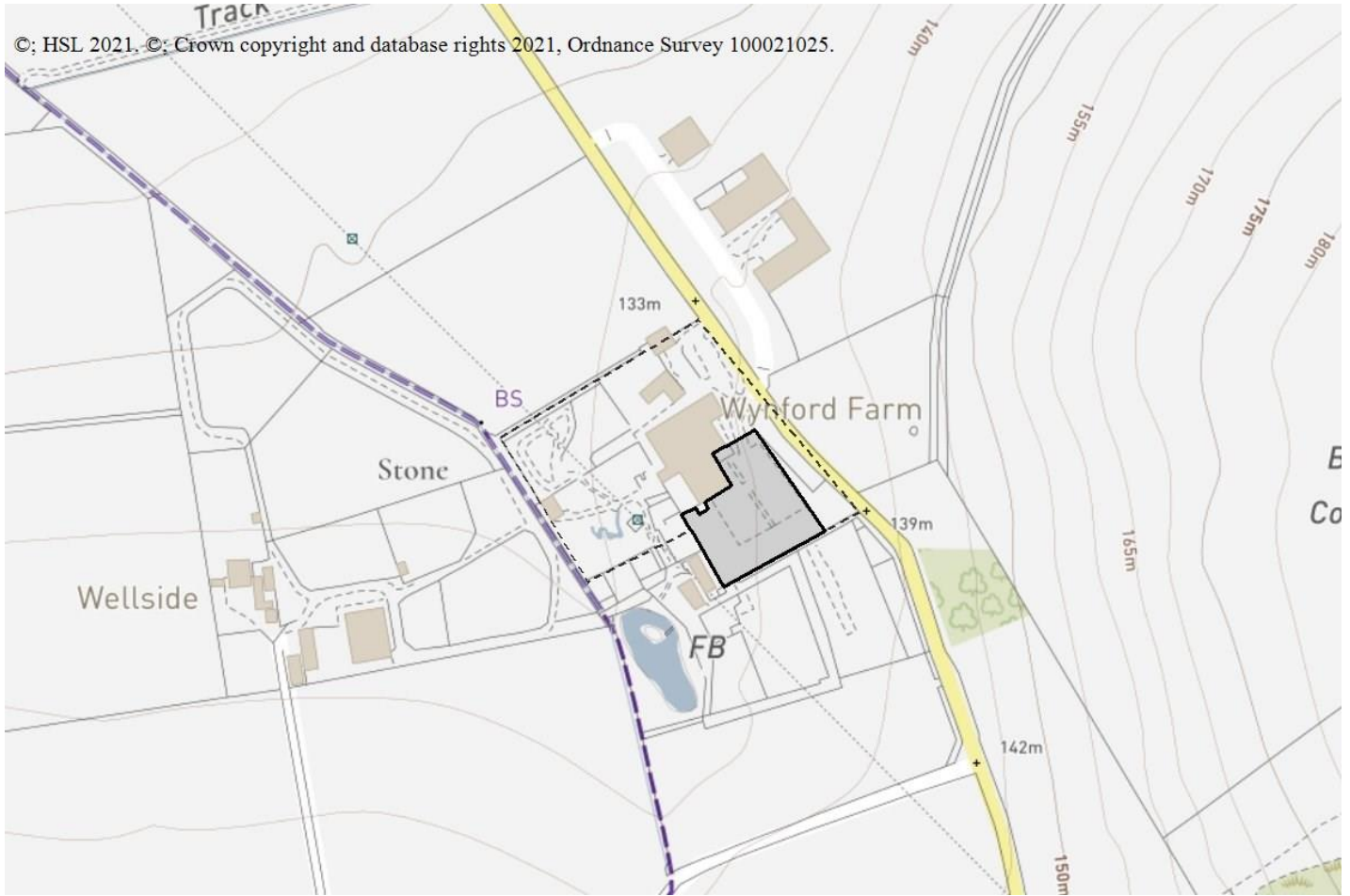
Indoor Use By Public : Advise Against

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



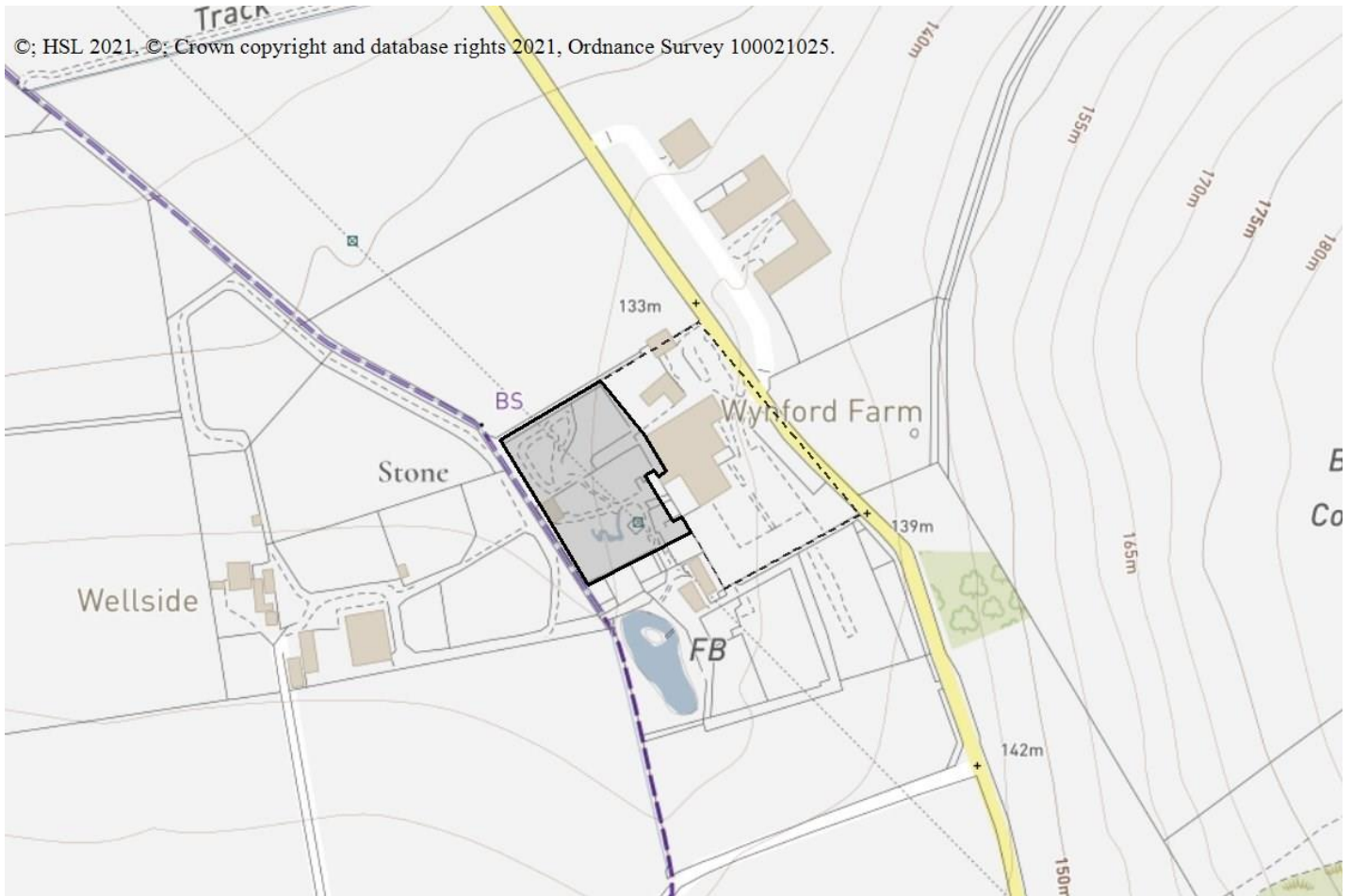
Parking Areas : Do Not Advise Against

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



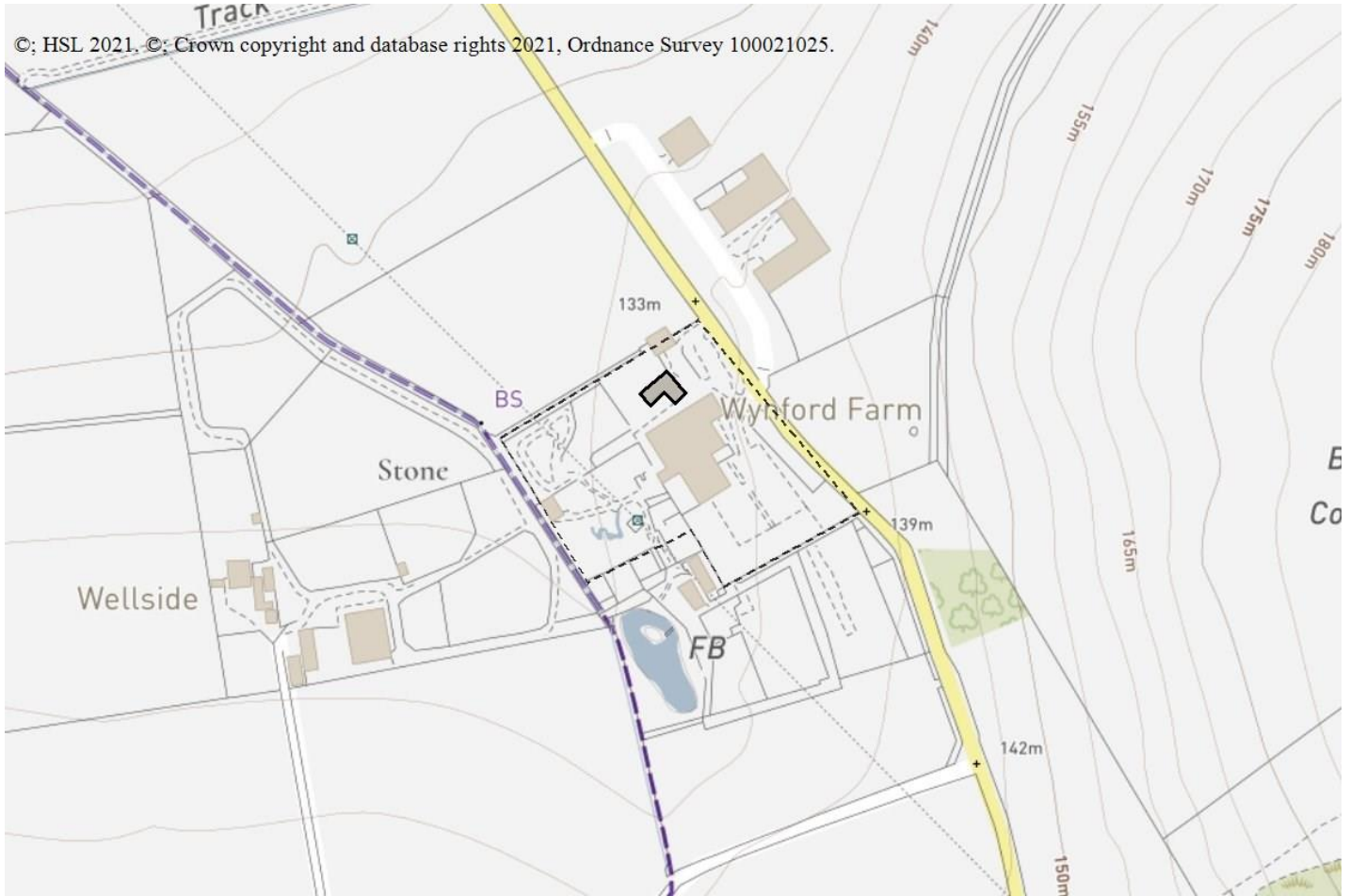
Outdoor Use By Public : Advise Against

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



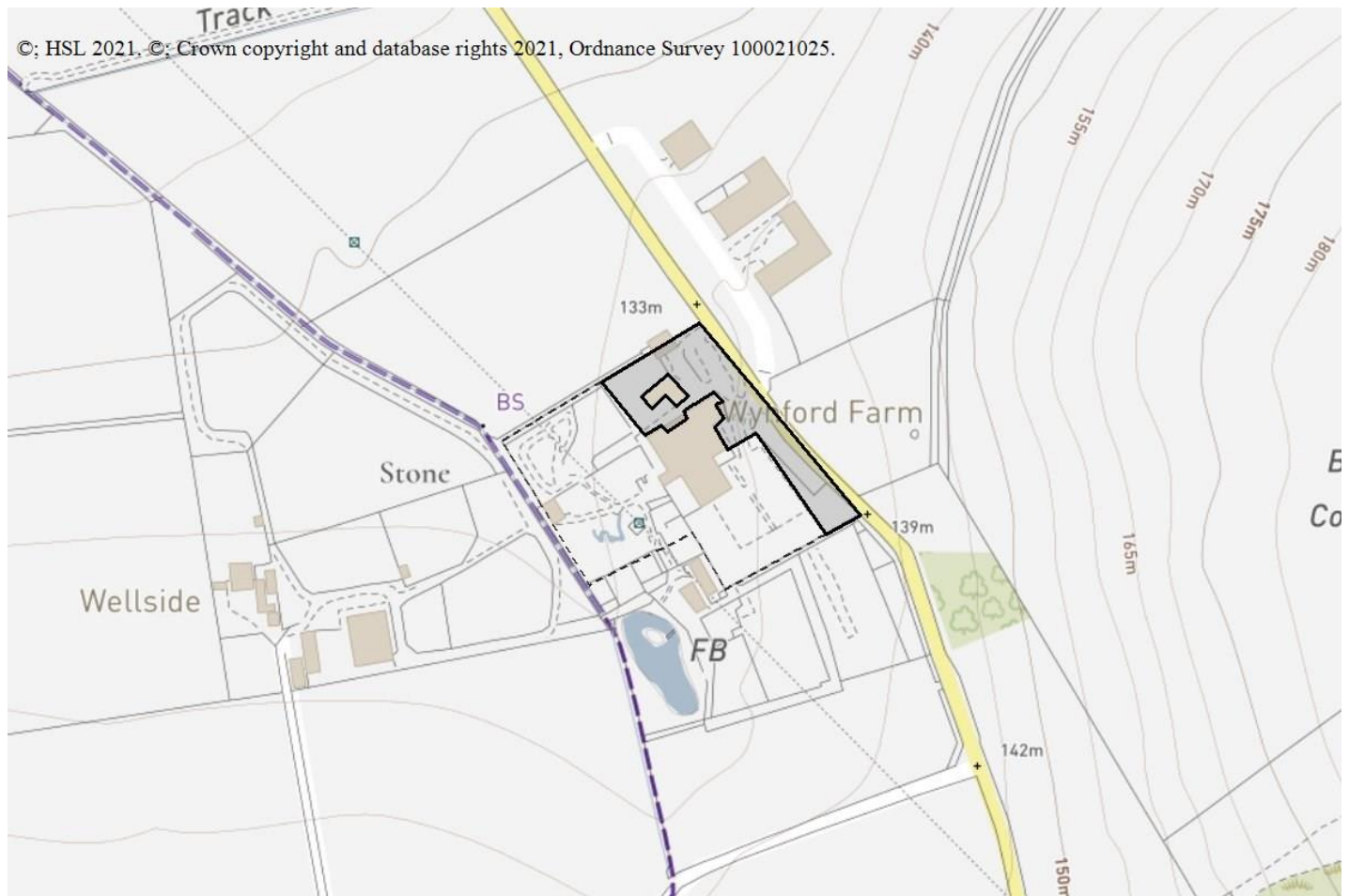
Housing : Do Not Advise Against

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)

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- 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.

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

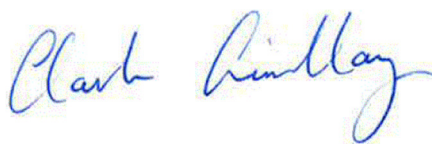
Thank you for your consultation dated 12 March 2021.

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 City Council
Town House
Broad Street
Aberdeen
AB10 1AQ

Statutory and Commercial Land Use
Planning Advice
1.2 Redgrave Court
Merton Road
Bootle
L20 7HS

By email only

Your Reference: 210265/DPP

Our Reference: D1418

Date: 18 November 2021

Tel:

Team Leader – Stuart Reston

For the attention of Mark Masson, Assistant Clerk to the Local Review Body

Dear Mark

**PLANNING REFERENCE: 210265/DPP
WYNFORD FARM, BORROWSTONE ROAD, KINGSWELLS, ABERDEEN, AB15 8RQ –
ALTERATIONS AND EXTENSION TO PLAY BARN**

1. Thank you for your email of 8 October 2021 to the HSE LUP enquiries team and subsequent correspondence with my colleague Jonathan Statham, letting HSE know about the determination of this planning application and the Local Review body that is reviewing the officer's decision on the application, and requesting further information from HSE to assist members in their consideration of this case.

2. Further to the correspondence you have had with my colleague, I hope the following is helpful to the review body members.

History of HSE's advice on planning permission for the play barn

3. HSE advised against the granting of planning permission for the original (2009) planning application (ACC application ref 090706) for the play barn on this site.

4. On 22 July 2010 HSE responded to the Scottish Government, after Aberdeen City Council Planning Committee indicated a willingness to approve the play barn subject to notification of Scottish Ministers due to advice against from HSE. HSE confirmed to the Scottish Government that HSE's advice against the granting of planning permission remained however HSE would not request the case be called in for Scottish Minister's own determination.

5. HSE advised against the latest application (ref 210265) for an extension of the play barn [HSE ref HSL-210512142922-369 HSE Final Outcome dated 12 May 2021 (available on the Aberdeen City Council website)].

6. Your letter of 10 August 2021 states that "HSE has previously provided a consultation response in relation to this application, reference 210265/DPP, confirming no objection to the proposed development". This statement is incorrect. HSE has consistently advised against

planning permission for a play barn in this location due to the proximity to a major accident hazard pipeline and the risks to the public should a major accident occur at the pipeline.

Explanation of HSE's advice

7. The decision matrix in HSE's land use planning methodology (see paragraph 35) [HSE: Land use planning - HSE's land use planning methodology](#) shows that HSE's advice on a proposed development depends on which land use planning consultation zone the development is proposed in and the sensitivity level of the proposed development.

8. Sensitivity levels are found in the Tables of Development types (see paragraph 42 of the methodology). In the case of a play barn, the development type is "Indoor use by the public" and the sensitivity level depends on the floor space. For example, from 250 square metres to 5000 square metres is Sensitivity Level 2.

9. In the case of an outdoor play area, the development type is "Outdoor use by the public" and the sensitivity level depends on the number of people. For example, 'not more than 100 people at one time' is Sensitivity Level 2. Greater than 100 people but up to 1000 at any one time is Sensitivity Level 3.

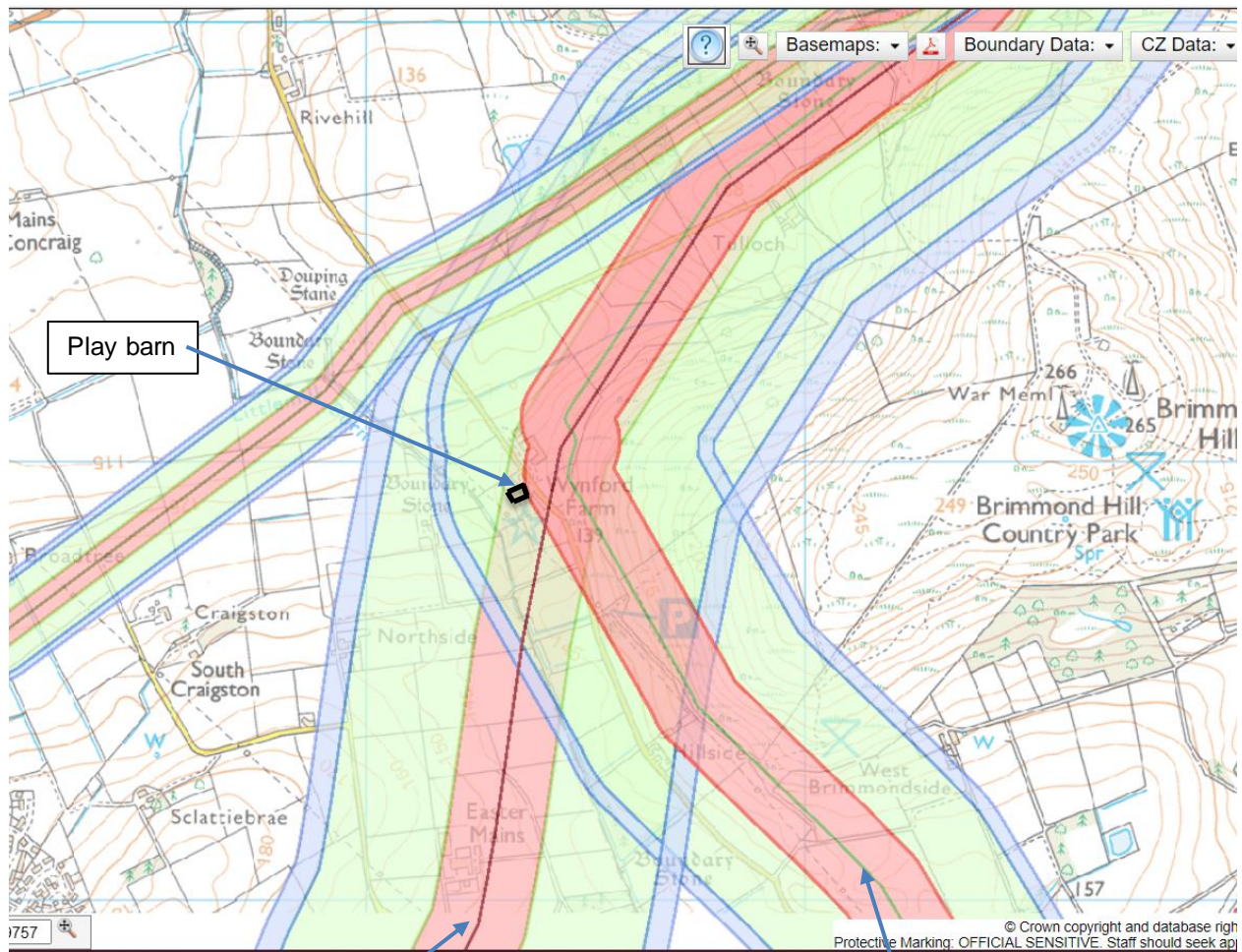
10. The breakdown of the options selected by a planning authority when generating HSE's advice is shown in the Final Outcome HSE advice document. For example: Indoor use by public, total floor space 250 to 5000 square metres inclusive; Outdoor use by public, between 101 to 1000 people (inclusive).

11. The play barn and the outdoor play area at Wynford farm are located (wholly or partially) within HSE's inner land use planning consultation zone for the BP Forties pipeline operated by Ineos FPS Ltd. This is a significant major accident hazard pipeline. The Inner Zone boundary is 110 metres from the pipeline (both sides of the pipeline). Another major accident hazard pipeline lies in the immediate vicinity which is the Shell UK Exploration & production pipeline.

12. Sensitivity Level 2 development (such as 300 square metres of floor space of a play barn) is advised against in the Inner Zone (see paragraph 35 of HSE's methodology).

13. HSE's Inner Zones are shown by the red 'I's in the development area plan in page 2 of [HSE's Final Outcome advice document](#) .

14. The plan below provides a wider view of the zones for the 2 major accident hazard pipelines in the immediate area of Wynford Farm. In the area of the play barn the relevant BP Forties Inner Zone appears yellowish rather than red as the red area overlaps with the green Middle Zone of the Shell pipeline. There is a third major accident hazard pipeline further away.



BP Forties Cruden Bay Terminal/Kinneil Terminal pipeline (HSE ref 9007)
 Zone boundaries: Inner 110m, Middle 380m, Outer 435m from the pipeline

Shell Expro St Fergus to Mossmorran NGL pipeline (HSE ref 6776)
 Zone boundaries: Inner 100m, Middle 280m, Outer 315m from the pipeline

Pipeline zone assessments

15. The pipelines meet the definition of major accident hazard pipelines as described in the Pipelines Safety Regulations 1996. The dangerous fluid they convey is 'natural gas liquids' which is extremely flammable. HSE's assessment of major accident hazard pipelines takes into account the details in the pipeline notification when a major accident hazard pipeline is notified to HSE. For example, the details include pipeline diameter, wall thickness, pressure of fluid.

16. For the BP Forties pipeline, HSE used a computerized method to carry out a quantified risk assessment of the residual risk. This is the risk that remains after all reasonable measures have been taken by the pipeline operator to prevent failure. The method was

developed in HSE and is described in a published paper¹. The method includes a transient flowrate model for ruptured pipelines which includes compressibility and thermodynamic effects, a multiple point source jet flame thermal radiation hazard model and an integrating model for the risks from dispersing flammable vapour clouds using elliptical trigonometry. Two possible major accident consequences are modelled: a major rupture of the pipeline and a puncture of the pipeline (equivalent in area to an orifice of 50mm diameter).

17. The modelled major accident consequences would result in the natural gas liquids being released from the pipeline. If the released natural gas liquids ignited due to an ignition source in the vicinity then fireballs, jet fires and flash fires could be the result. These types of fires and the likelihood of them occurring are considered in the modelling because the thermal radiation from them could cause harm (burning) to anyone experiencing them.

18. Note that the BP Forties pipeline may require more complex modelling of the rained-out material (material which may rain out of a release and remain as a pool on the ground close to the release point). Resource for this is not currently available.

19. The current zones for the BP Forties pipeline were set by HSE in 1992.

20. The BP Forties inner consultation distance, which is relevant to this case, is set on fireball radius. Anyone within a fireball would be a fatality. The middle zone boundary is set on 1 cpm/y and the outer zone boundary on 0.3 cpm/y².

21. The BP Forties zones were reviewed in 2000, 2005, around 2011 and in 2017.

22. The review around 2011 was part of the work HSE did when HSE advised against the granting of planning permission for the large music festival T-in-the-Park in Balado Park in the vicinity of the BP Forties pipeline. Perth and Kinross Council were directed by Scottish Ministers in 2011 to consider conditions relating to public safety issues raised by HSE. The festival site was subsequently moved to another location.

23. The BP Forties zones have remained unchanged after the reviews. The modelling is complex due to the composition of the material being conveyed which is made up of a number of different fluids.

24. When resource allows, HSE updates modelling. For example, in 2015 HSE published a Research Report 1035 Update of pipeline failure rates for land use planning assessments [RR1035 - Update of pipeline failure rates for land use planning assessments \(hse.gov.uk\)](https://www.hse.gov.uk/research/rrpdf/rr1035.pdf) The BP Forties pipeline is mentioned in section 7.3. Note that spiked crude oil contains natural gas liquids.

25. The Shell Expro St Fergus to Mossmorran NGL pipeline was reassessed by HSE in January 2017 and the outcome peer reviewed within HSE. The previous zones were 150, 430, 485m. The zones determined using the latest methodology are 100, 280, 315m. This is not the pipeline that dominates HSE's advice in this case.

¹Aspects of Risk Assessment for Hazardous Pipelines Containing Flammable Substances, written by David Carter, HSE, published in the Journal of Loss Prevention in the Process Industries, Volume 4, January 1991

²cpm/y = chances per million per year of a hypothetical house holder receiving a dangerous dose or worse of thermal radiation. For the definition of dangerous dose see HSE's methodology, Annex 3 paragraph 7.

26. The way HSE's consultation zones are derived is different to the assessments done by pipeline operators to derive easements for access to and protection of pipelines and to derive building proximity distances which are relevant when laying pipelines. HSE's zones are not for the purpose of protecting the pipeline. They are for the purpose of providing advice on planning applications and are based on the assessment of residual risk of major accidents at the pipeline.

To summarise:

27. HSE's advice was against the original granting of planning permission for the play barn development at this site, due to the proximity of the BP Forties major accident hazard pipeline and the numbers of members of the public who could be affected in the event of a major accident at the pipeline. That advice still stands. HSE's advice was that this was an inappropriate location for a new development involving members of the public. While the likelihood of an incident is low the consequences could be catastrophic.

28. The extension rule in HSE's methodology has not been considered in this case (ref 210265) due to the clear history of HSE advising against planning permission for the original play barn in this location. The essence of the extension rule is to allow development that existed before land use planning advice was required from HSE, to be maintained with minimal additional people put at risk.

29. If the current planning application does not involve any increase in the number of people at the play barn facility then that is a planning issue for consideration by the appropriate decision maker. If HSE's advice is not required because, for example, there is no foreseeable increase in the number of persons gathering in HSE zones and consequently no material increase in risk, that is a matter for the planning authority to decide. See the last line of paragraph 3 of Schedule 5 of [The Town and Country Planning \(Development Management Procedure\) \(Scotland\) Regulations 2013 \(legislation.gov.uk\)](http://legislation.gov.uk) .

30. HSE's advice position has not changed since the granting of the original permission. HSE advised against the original planning application and permission was granted against HSE's advice. HSE did not request that Scottish Ministers call in the case for their own decision, HSE's advice remained on file with the understanding that the council's decision to grant was taken in full understanding of the advice received and the consequences that could follow.

I hope that is helpful.

Yours sincerely



Ms Manuela Godden
HM Specialist Inspector of Health and Safety

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From: MB GRA FPS Pipeline Enquiries <
Sent: 19 October 2021 18:40
To: Mark Masson <>; MB GRA FPS Pipeline Enquiries <
Subject: RE: Local Review Body - Planning Application for Wynford Farm

Mark,

PLANNING REFERENCE: 210265/DPP
WYNFORD FARM, BORROWSTONE ROAD, KINGSWELLS, ABERDEEN, AB15 8RQ – ALTERATIONS ON
EXTENSION TO PLAY BARN

Thank you for your letter dated 08 October 2021 regarding the above.

In response to your query, I can advise the Forties Pipeline was last subject to In Line Inspection (intelligent pigging) in 2019.

If you require any further information please let me know.

Regards

Clark Findlay
FPS Wayleaves Management Team Leader

INEOS FPS Ltd, Wayleaves Management, PO Box 21, 1 Inchyra Road, Grangemouth, FK3 9XB.

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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:

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="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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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

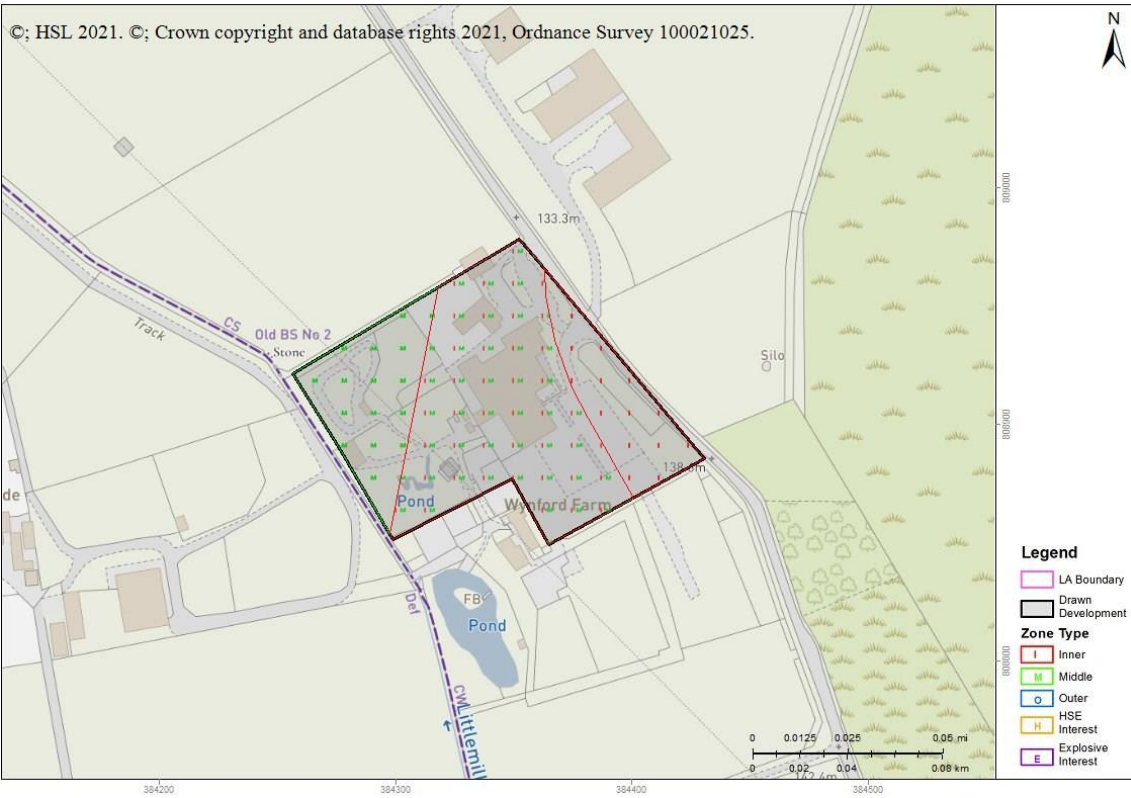
Land Use Planning Consultation with Health and Safety Executive [Town and Country Planning (Development Management Procedure) (England) Order 2015, Town and Country Planning (Development Management Procedure) (Wales) Order 2012, or Town and Country Planning (Development Management Procedure) (Scotland)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

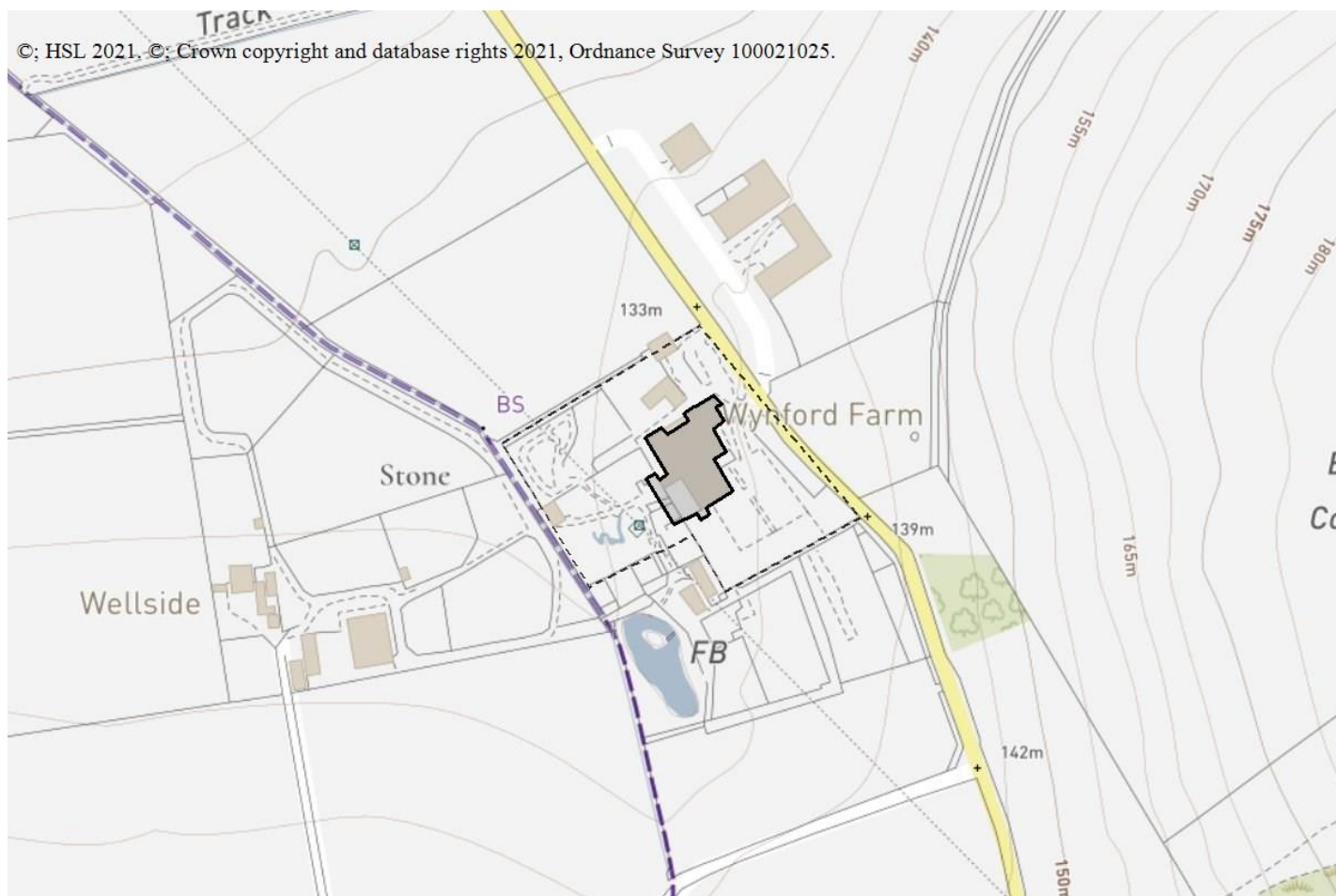
If, nevertheless, you are minded to grant permission, your attention is drawn to the Direction in the Annex to Scottish Planning Circular 3/2009. This instructs that the Scottish Ministers must be automatically notified: "where a planning authority proposes to grant planning permission for development 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:

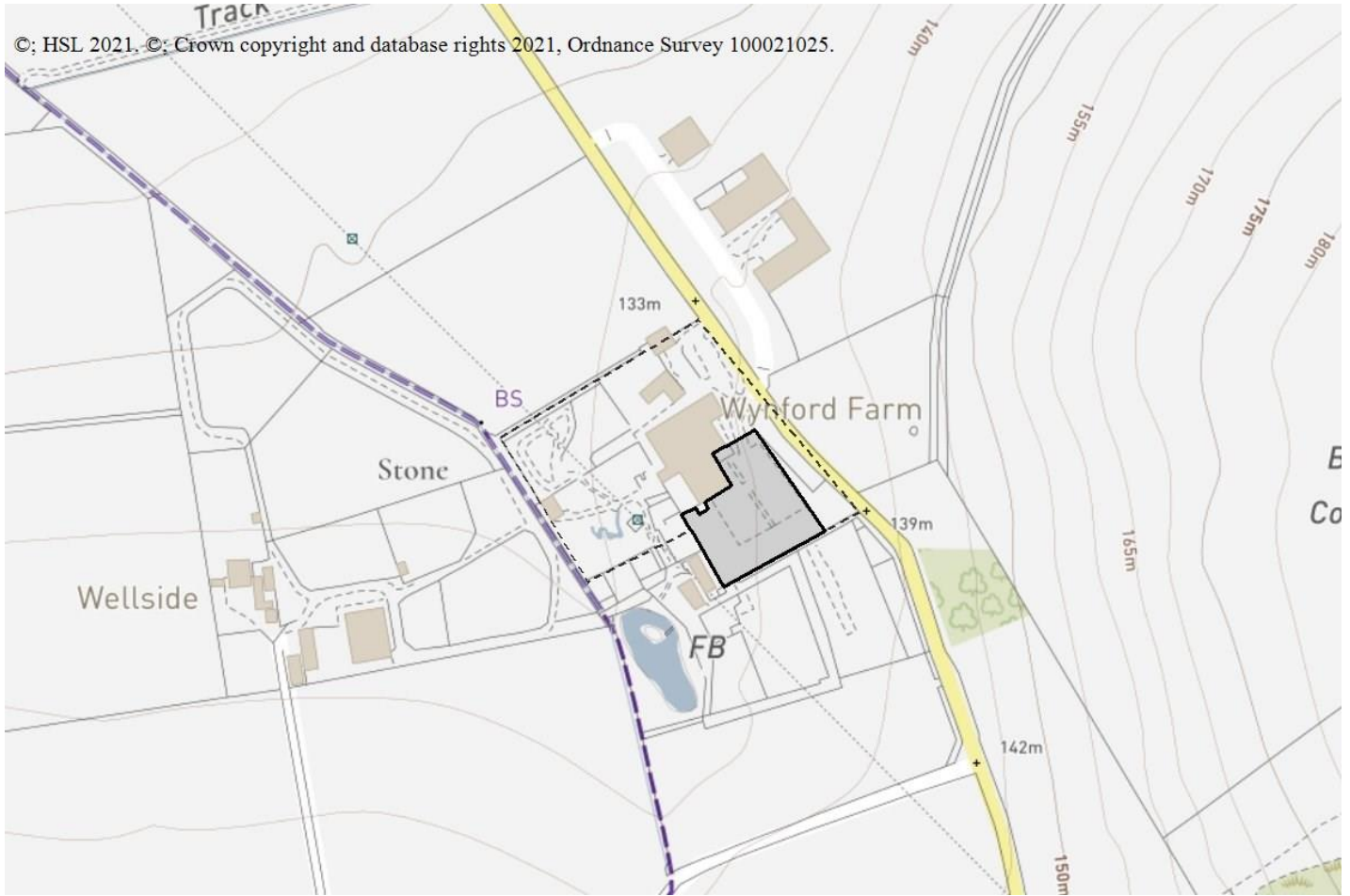
Indoor Use By Public : Advise Against

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



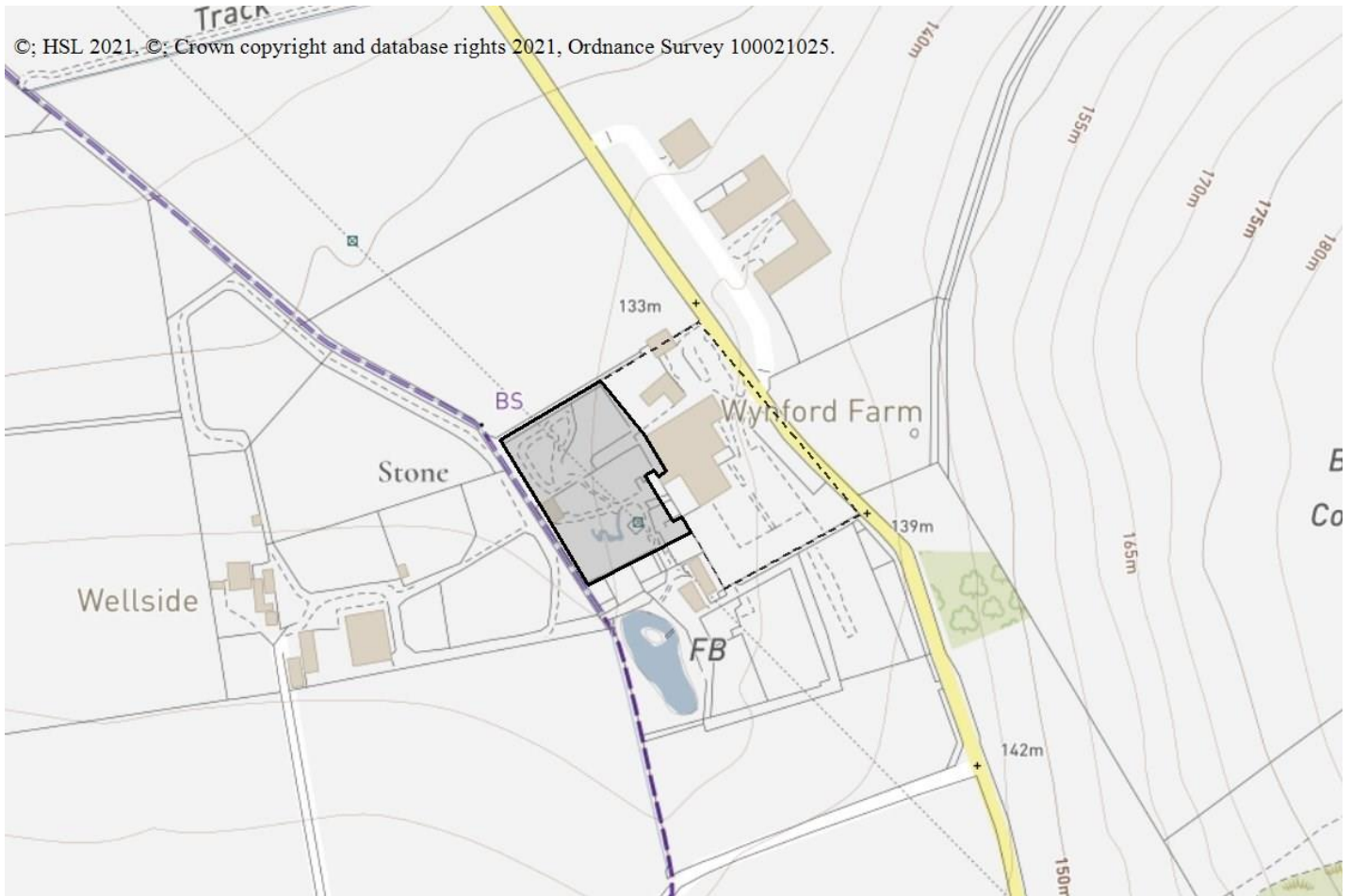
Parking Areas : Do Not Advise Against

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



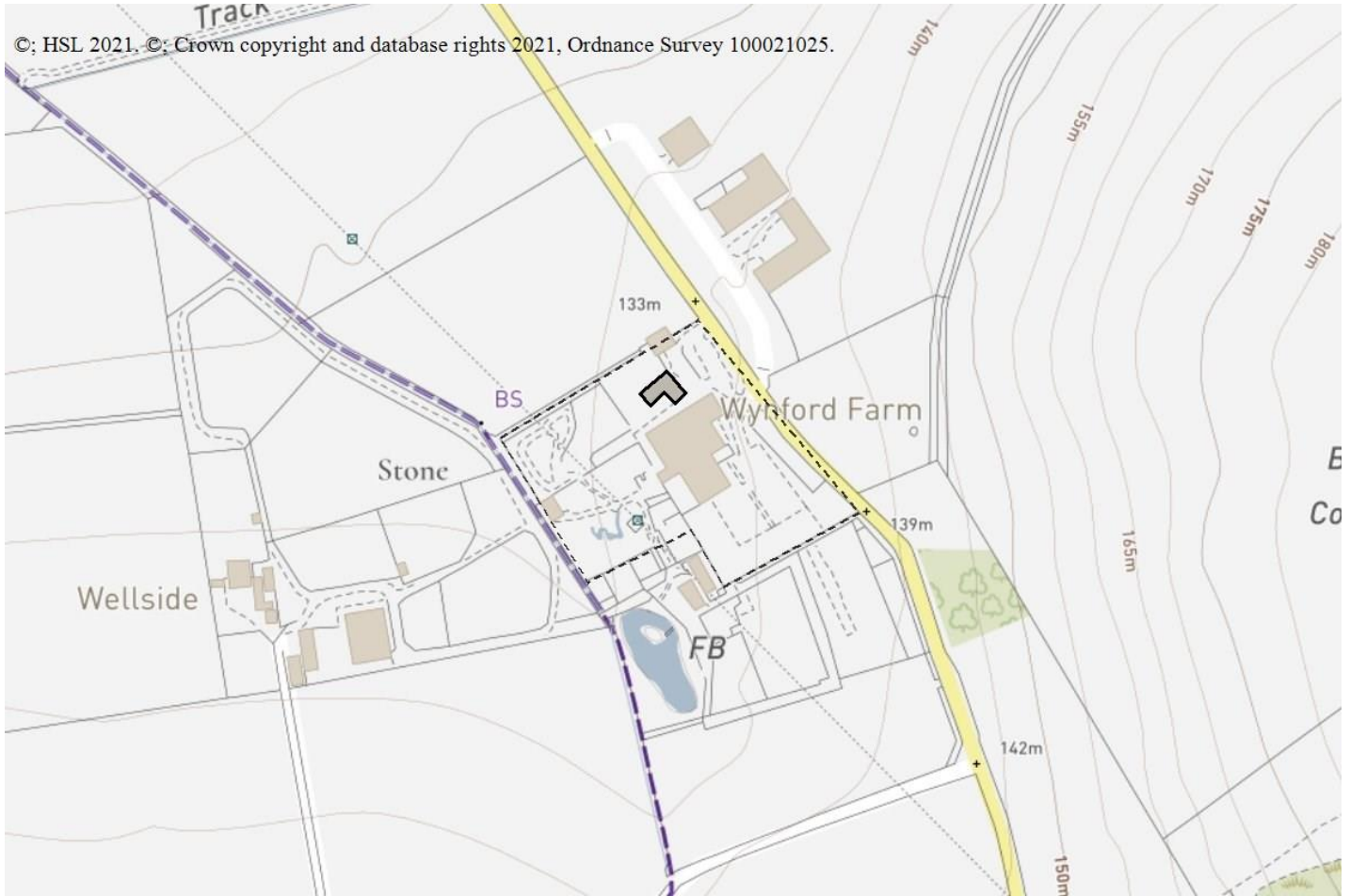
Outdoor Use By Public : Advise Against

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



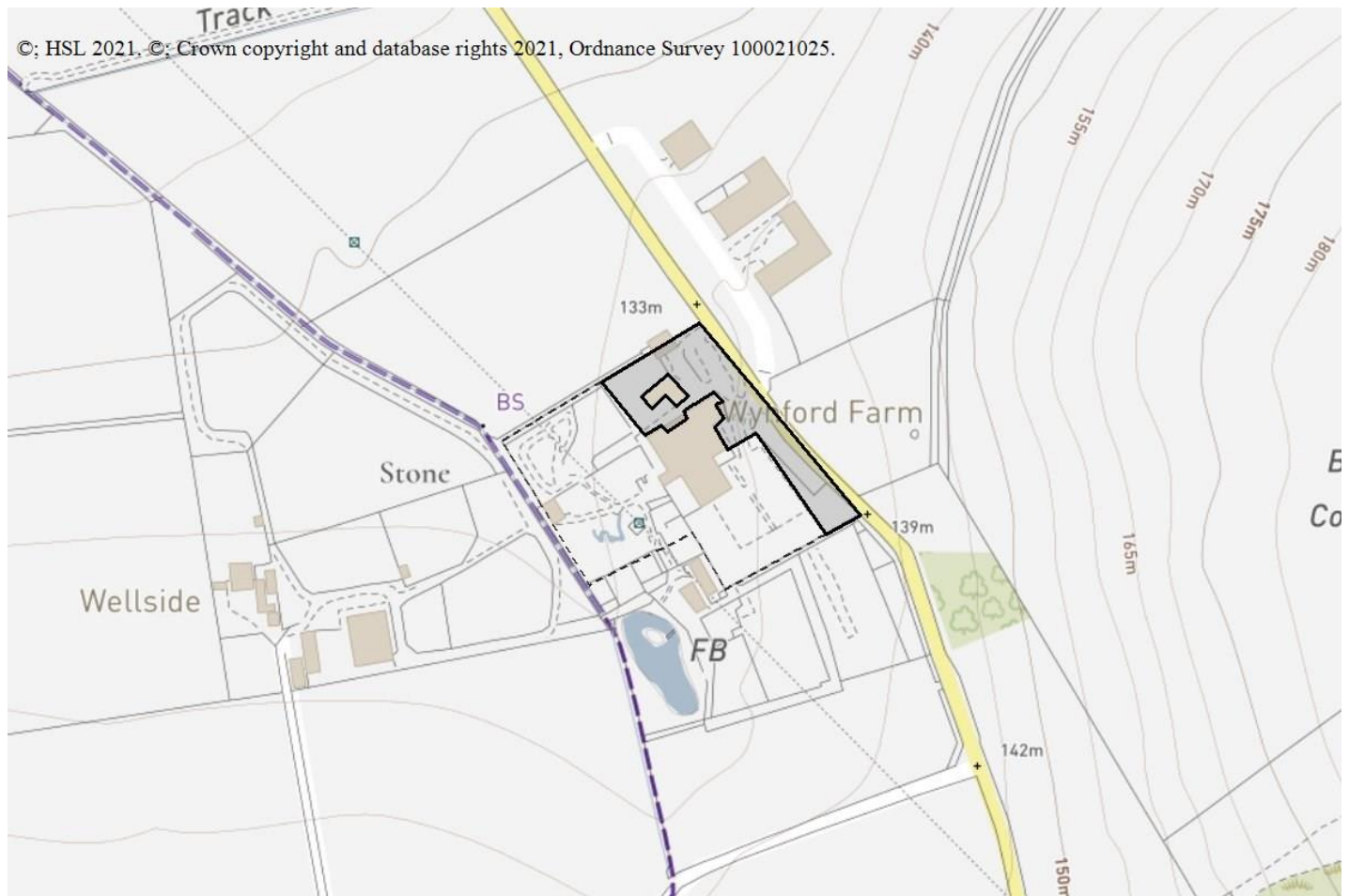
Housing : Do Not Advise Against

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.

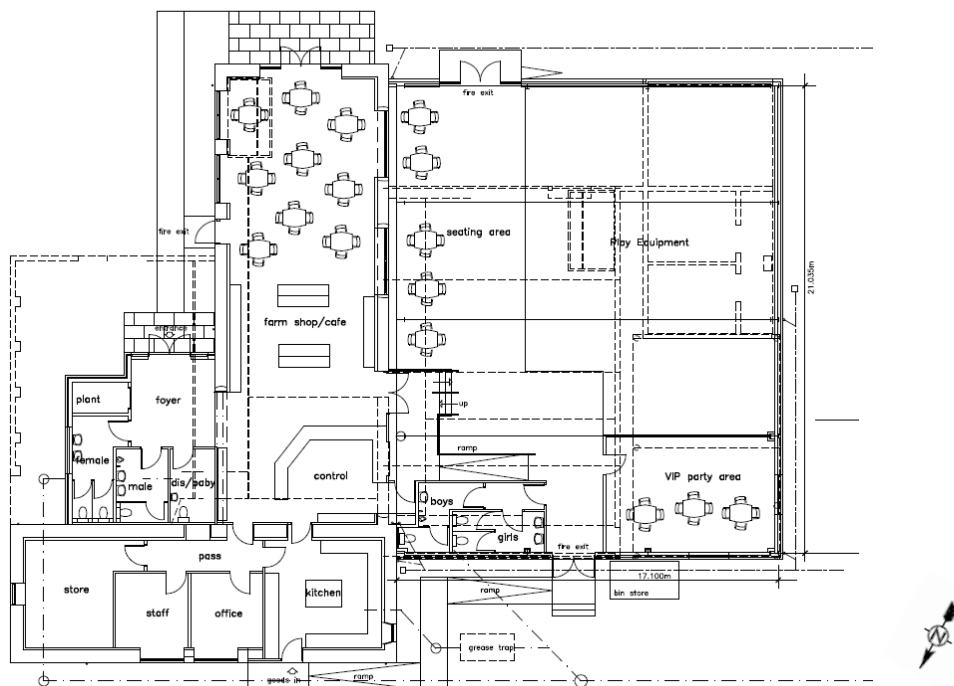


Figure 1-1: The Development Plan

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.

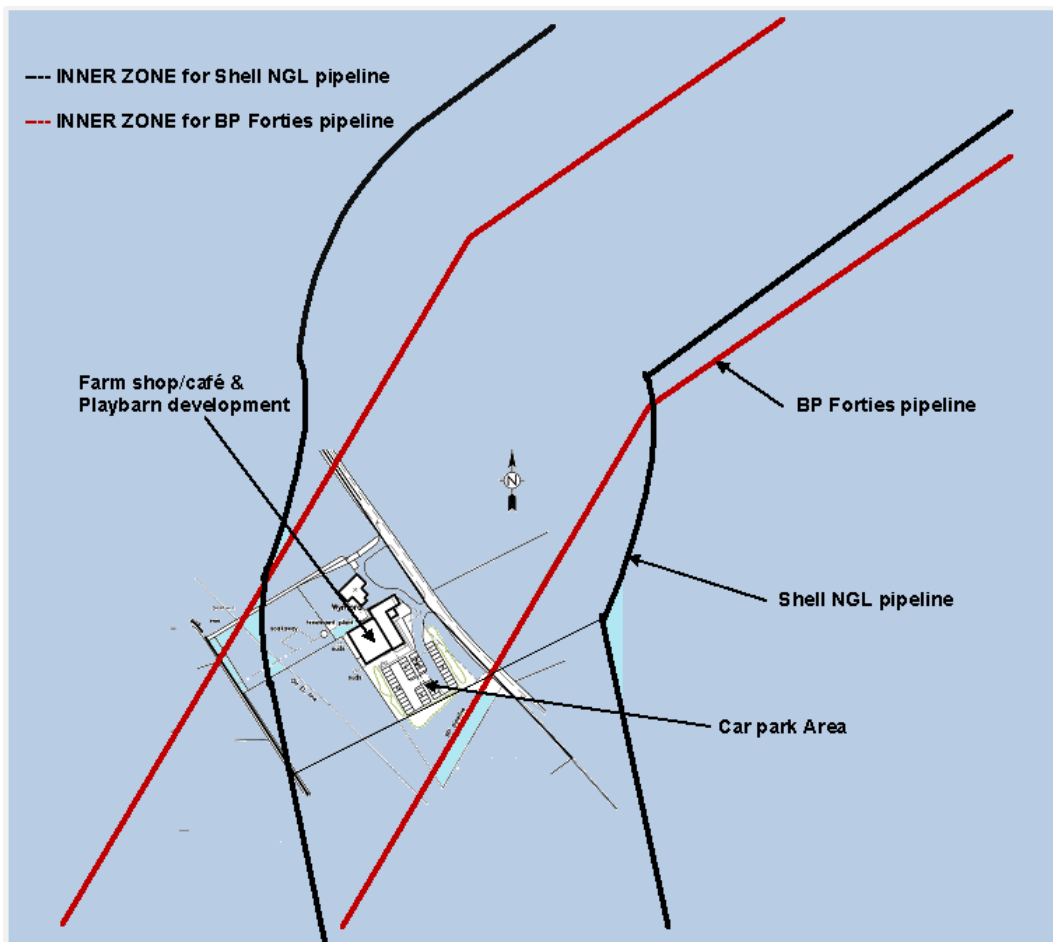


Figure 2-1: Location Identifiers for the Development Areas

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.

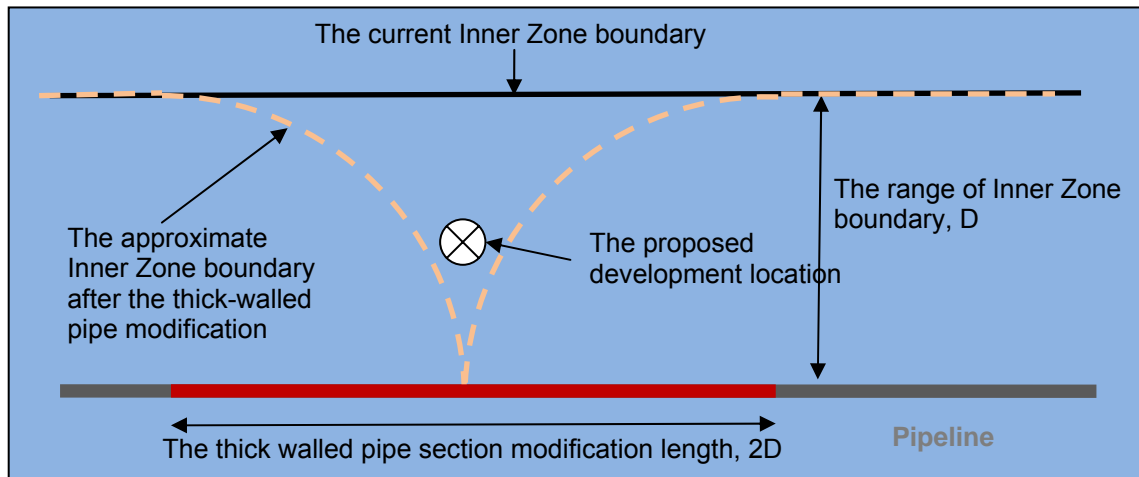


Figure 3-1: The approximate Inner Zone for a pipeline with and without thick walled modification

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 playbar 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.

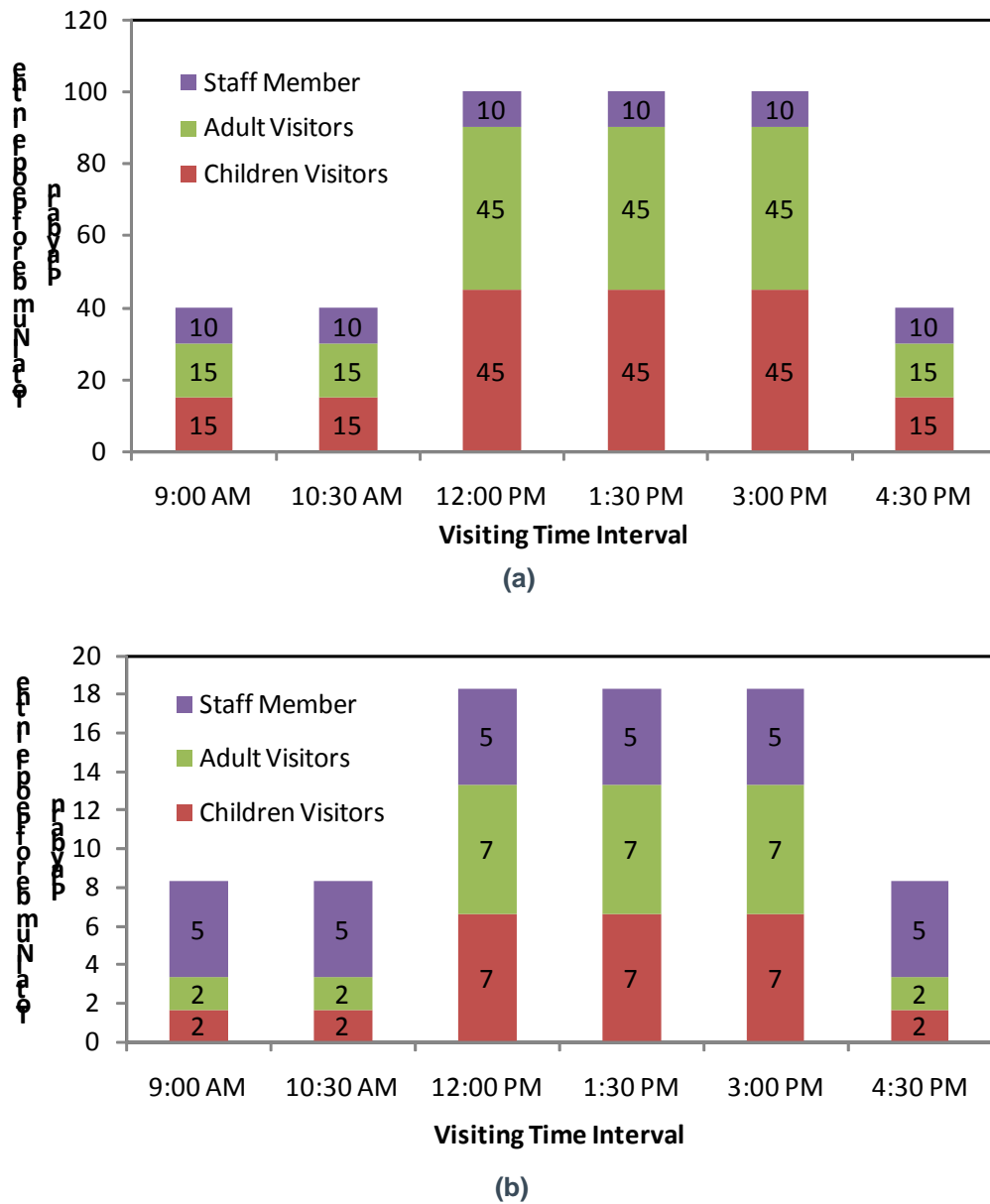


Figure 4-1: The Estimated Population Number at the Playbarn from 9.00 to 18.00 hrs.

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.

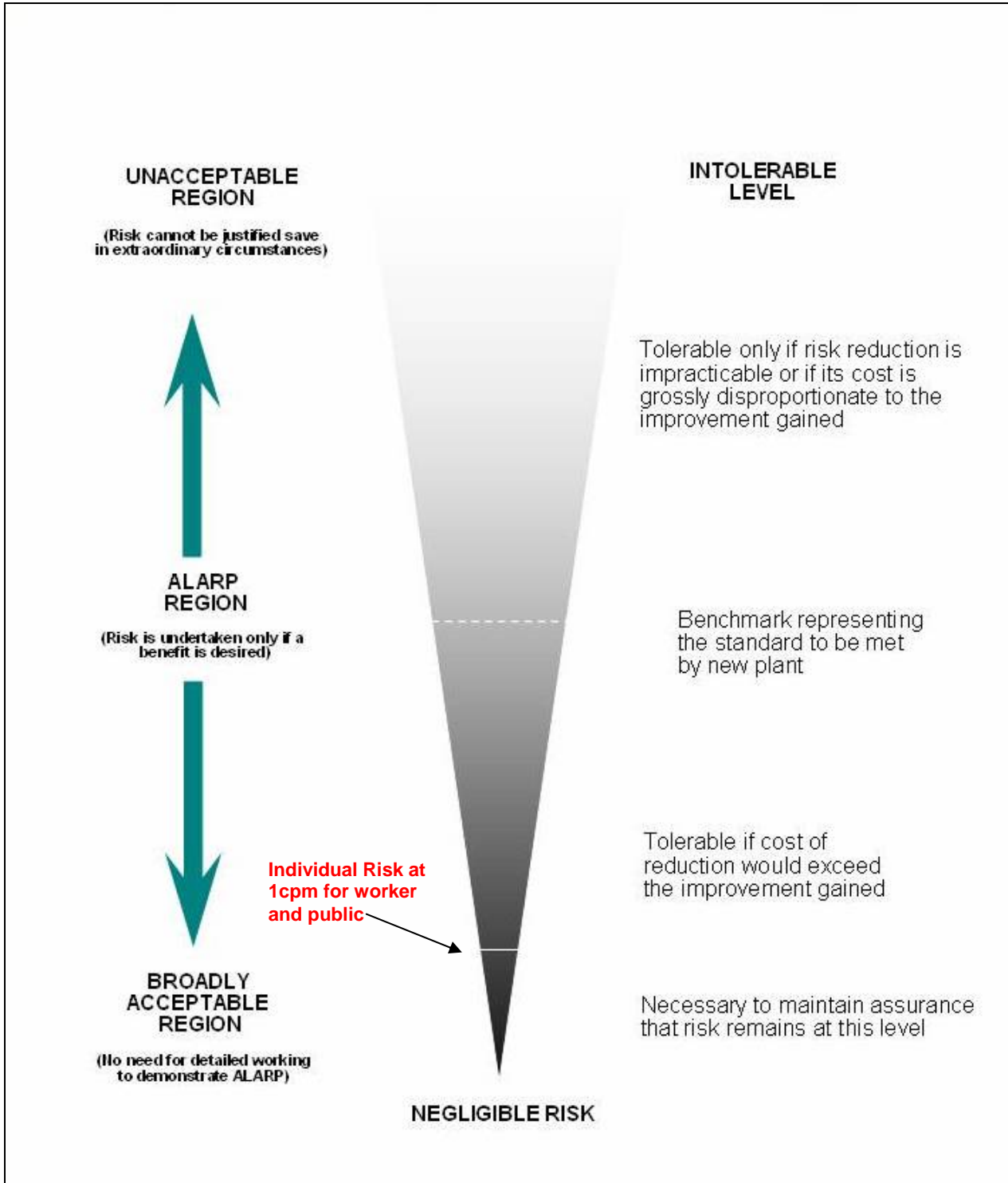
The additional modification of the thick-walled pipe of twice the range of the pipeline's Inner Zone would reduce both the individual and societal risk level at the site. This significant modification would result in a zone reduction to the Inner Zone, which would enable the PADHI decision matrix system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