

Public Document Pack



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

Town House,
ABERDEEN 17 February 2022

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet Remotely on **WEDNESDAY, 23 FEBRUARY 2022 at 10.00am.**

FRASER BELL
CHIEF OFFICER - GOVERNANCE

Members of the public can observe the proceedings of the meeting using the Microsoft Teams Link [here](#), however cameras and microphones must be switched off throughout.

B U S I N E S S

1.1 Procedure Notice (Pages 5 - 6)

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

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

[Local Development Plan](#)

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

PLANNING ADVISER - LUCY GREENE

- 2.1 **Borrowstone, Borrowstone Road - Alterations and Extension to Dweillinghouse - 210930/DPP (Pages 7 - 24)**
- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 25 - 40)
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 210930.
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 41 - 42)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 43 - 68)
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 210930.
- 2.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer
- 3.1 **6 Parkhill Avenue - Erection of Fence to Front (Retrospective) - 211481/DPP (Pages 69 - 86)**
- 3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 87 - 108)
Members, please note that all plans and supporting documents relevant to the review can be viewed online [here](#) and by entering the application reference number 211481.
- 3.3 Planning Policies Referred to in Documents Submitted (Pages 109 - 110)
- 3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 111 - 116)
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 211481.

3.5 Determination - Reasons for Decision

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

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

4.1 **Unit 2a Bridge Of Don Industrial Estate, Woodside Road - Change of Use to Class 1 (Shops) - 211161/DPP (Pages 117 - 126)**

4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 127 - 150)

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 211161.

4.3 Planning Policies Referred to in Documents Submitted (Pages 151 - 152)

4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 153 - 172)

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 211161.

4.5 Determination - Reasons for Decision

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

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

Website Address: www.aberdeencity.gov.uk

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

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

1. The Local Review Body of Aberdeen City Council (the LRB) must at all times comply with (one) the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. In dealing with a request for the review of a decision made by an appointed officer under the Scheme of Delegation adopted by the Council for the determination of "local" planning applications, the LRB acknowledge that the review process as set out in the regulations shall be carried out in stages.
3. As the first stage and having considered the applicant's stated preference (if any) for the procedure to be followed, the LRB must decide how the case under review is to be determined.
4. Once a notice of review has been submitted interested parties (defined as statutory consultees or other parties who have made, and have not withdrawn, representations in connection with the application) will be consulted on the Notice and will have the right to make further representations within 14 days.
Any representations:
 - made by any party other than the interested parties as defined above (including those objectors or Community Councils that did not make timeous representation on the application before its delegated determination by the appointed officer) or
 - made outwith the 14 day period representation period referred to abovecannot and will not be considered by the Local Review Body in determining the Review.
5. Where the LRB consider that the review documents (as defined within the regulations) provide sufficient information to enable them to determine the review, they may (as the next stage in the process) proceed to do so without further procedure.
6. Should the LRB, however, consider that they are not in a position to determine the review without further procedure, they must then decide which one of (or combination of) the further procedures available to them in terms of the regulations should be pursued. The further procedures available are:-
 - (a) written submissions;
 - (b) the holding of one or more hearing sessions;
 - (c) an inspection of the site.

7. If the LRB do decide to seek further information or representations prior to the determination of the review, they will require, in addition to deciding the manner in which that further information/representations should be provided, to be specific about the nature of the information/representations sought and by whom it should be provided.
8. In adjourning a meeting to such date and time as it may then or later decide, the LRB shall take into account the procedures outlined within Part 4 of the regulations, which will require to be fully observed.

DETERMINATION OF REVIEW

9. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
10. The starting point for the determination of the review by the LRB will be Section 25 of the Town and Country Planning (Scotland) Act 1997, which provides that:-

“where, in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”
11. In coming to a decision on the review before them, the LRB will require:-
 - (a) to consider the Development Plan position relating to the application proposal and reach a view as to whether the proposal accords with the Development Plan;
 - (b) to identify all other material considerations arising (if any) which may be relevant to the proposal;
 - (c) to weigh the Development Plan position against the other material considerations arising before deciding whether the Development Plan should or should not prevail in the circumstances.
12. In determining the review, the LRB will:-
 - (a) uphold the appointed officers determination, with or without amendments or additions to the reason for refusal; or
 - (b) overturn the appointed officer’s decision and approve the application **with or without appropriate conditions.**
13. The LRB will give clear reasons for its decision. The Committee clerk will confirm these reasons with the LRB, at the end of each case, in recognition that these will require to be intimated and publicised in full accordance with the regulations.

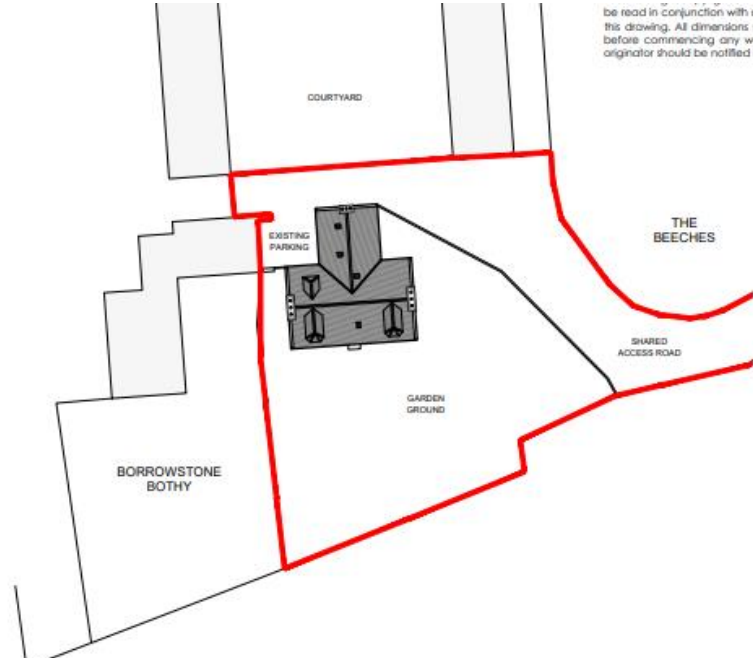
LOCAL REVIEW BODY



210930/DPP– Review against refusal of planning permission for:

Alterations and extension to dwellinghouse
Borrowstone, Borrowstone Road

Location Plan

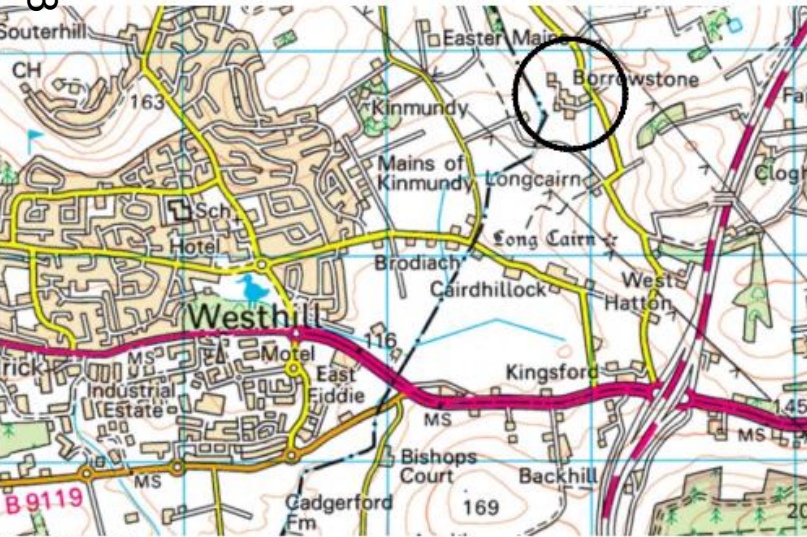


be read in conjunction with all related drawing this drawing. All dimensions must be checked before commencing any work or producing originator should be notified immediately of an

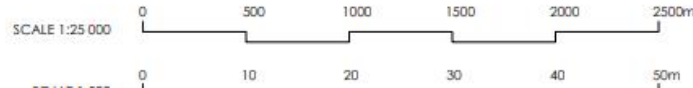
EXISTING SITE PLAN
1:1250

EXISTING SITE PLAN
1:500

Page 8



LOCATION PLAN
1:25 000



REV A	Boundary linetype amended
CLIENT: Craig & Claire Martin	
PROJECT: Borrowstone Farmhouse Borrowstone, Kingswells, AB	
REF: 083	DWG: PL-01
Existing Location & Site Plans	
SCALE: Shown A3	DATE: JUNE 2021
RWA	





Borrowstone

Google



VIEWING NORTH EAST ACROSS GARDEN



NORTH / EAST ELEVATIONS

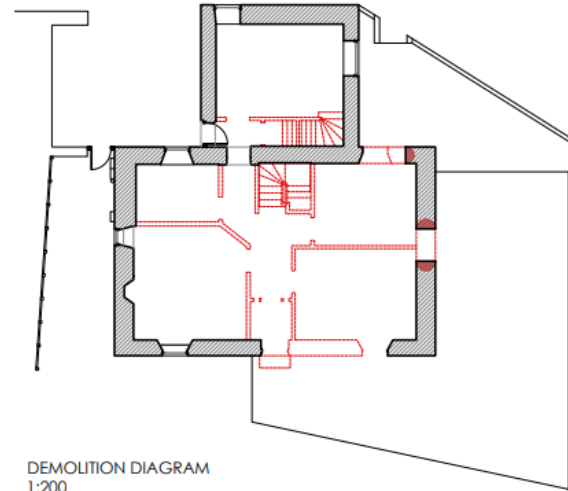
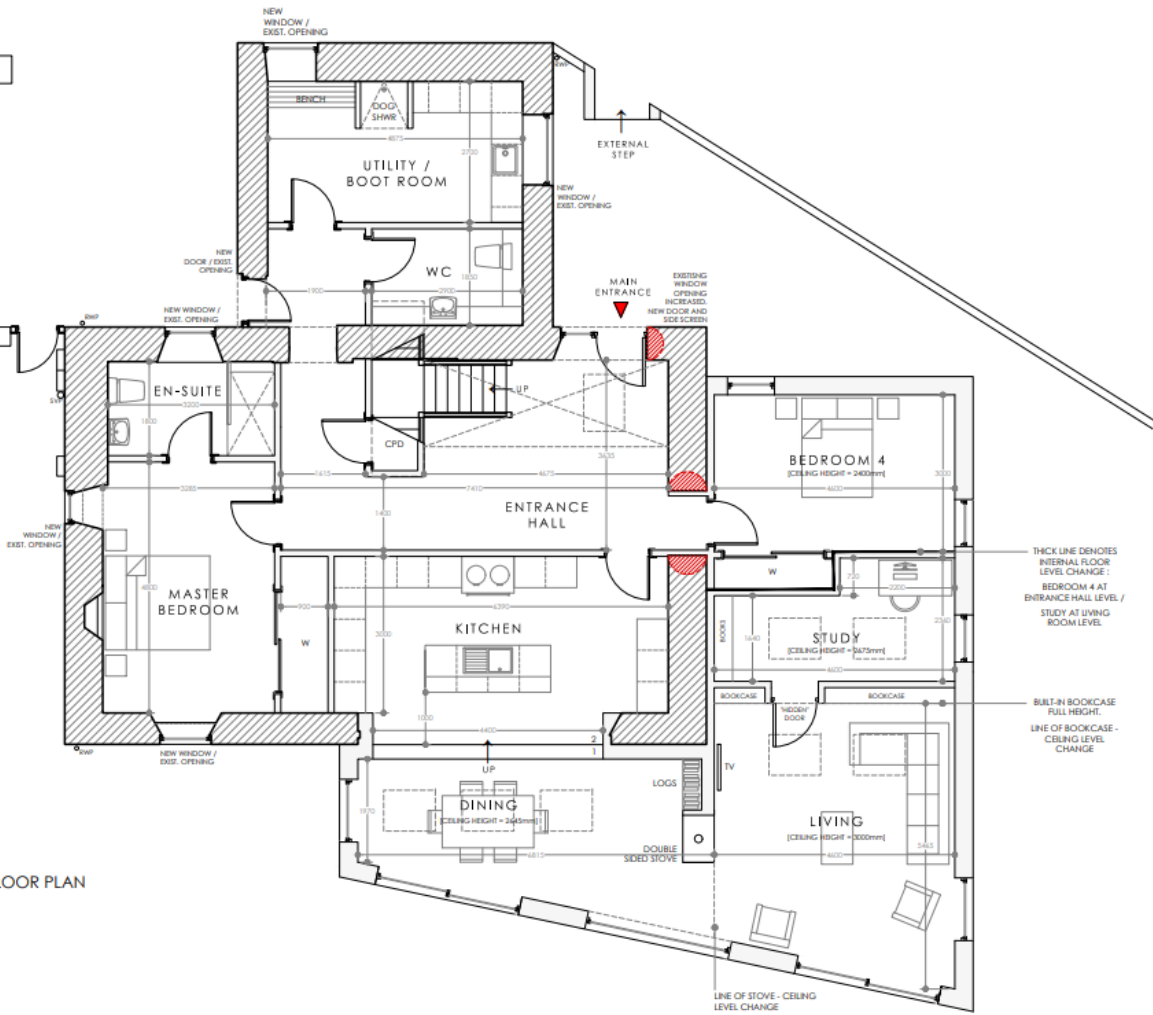
NORTH ELEVATION

WEST ELEVATION



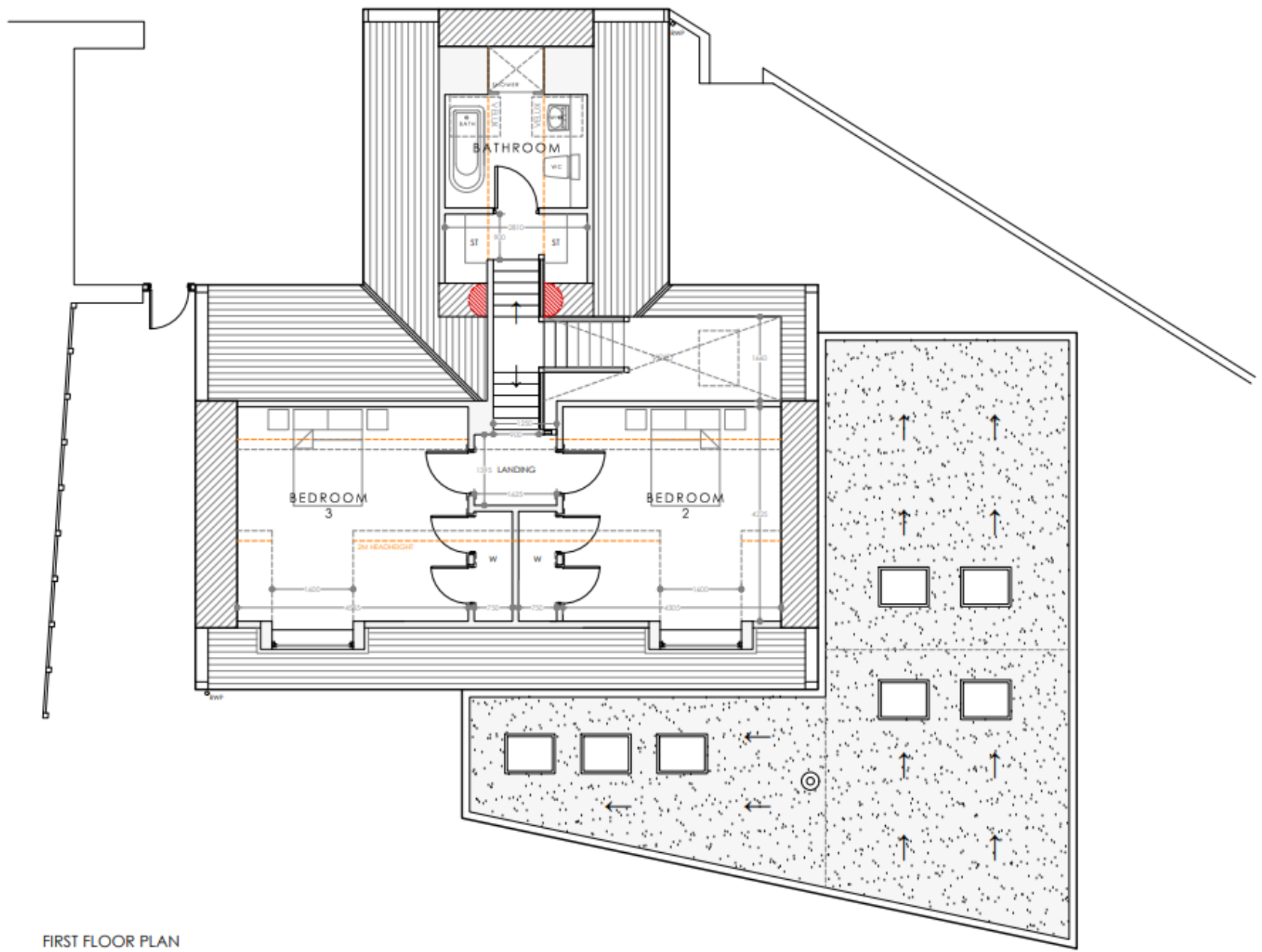


GROUND FLOOR PLAN
1:100



DEMOLITION DIAGRAM
1:200

CLIENT: Craig & Claire Martin	
PROJECT: Borrowstone Farmhouse Borrowstone, Kingswells	
REF: 083	DWG: PL-
Proposed GF Plan	
SCALE:	DATE:



FIRST FLOOR PLAN



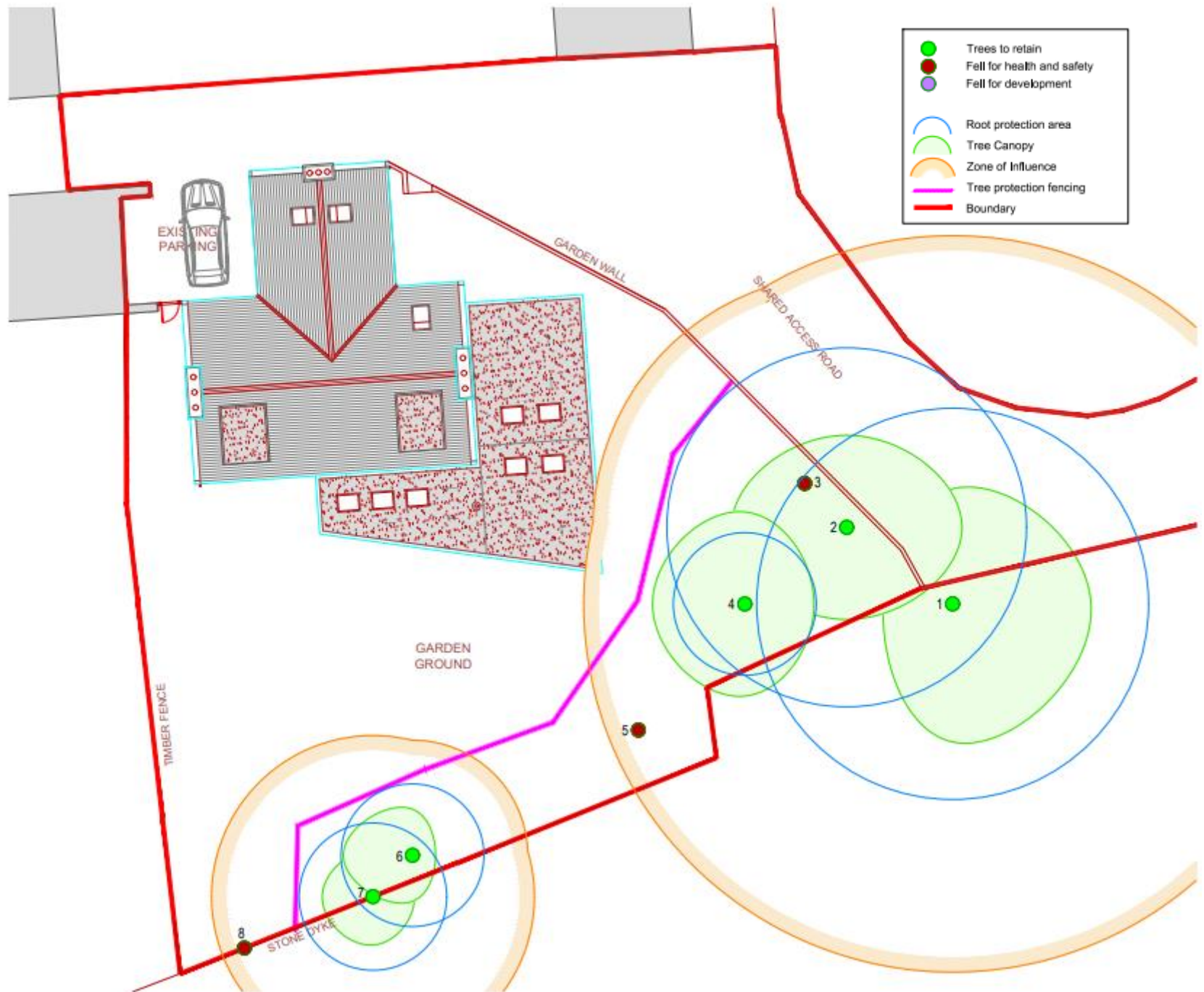
NORTH ELEVATION



SECTION B-B



EAST ELEVATION



Reasons for Decision

Stated in full in decision notice. Key points:

- Detrimental to the character and appearance of the traditional farmhouse; and,
- Therefore, detrimental to the character of the green belt and the contribution of the traditional building to that character.
- Conflict with Policies NE2 – Green Belt, D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan 2017 and Householder Development Guide SG

Applicant's Case

Case is described within a lengthy Statement of Support, with the material considerations summarised as follows:

- No adverse impact on the green belt with the existing house being screened by mature trees from public view, impact on the wider landscape setting of the city and impact on the boundary of the existing community
- Proposed extension is smaller than the recently constructed extension to the bothy building to the west. It is consistent with the established pattern of development.
- Extension is subservient and of high quality design, complying with policy D1 on placemaking and policy NE2 – Green Belt.
- No impact on natural heritage including trees and protected species.
- Consistent with the Council's Technical Advice Note on Materials
- It is not possible to extend the house to the north and extension to the south would deliver solar gain
- Proposed extension is smaller than size of extension that could be built under permitted development rights.
- Reference to various points within the Report of Handling, confirming compliance with elements of policies and SG

NE2: Green Belt

The following exceptions apply to this policy:

- 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.

All proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials. All developments in the Green Belt should have regard to other policies of the Local Development Plan in respect of landscape, trees and woodlands, natural heritage and pipelines and control of major accident hazards.

D1: Quality Placemaking by Design

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

Proposals will be assessed against the following six essential qualities:

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

SG: Householder Development Guide

- Extensions should be architecturally compatible with original 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'

Points for Consideration:

Zoning: Do members consider that the proposed works would adversely affect the character and appearance of the building, and the green belt, as set out in policy NE2?

Do the proposed alterations accord with the relevant SG?


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:	Borrowstone, Borrowstone Road, Aberdeen, AB15 8RR
Application Description:	Alterations and extension to dwellinghouse
Application Ref:	210930/DPP
Application Type:	Detailed Planning Permission
Application Date:	25 June 2021
Applicant:	Mrs Claire Martin
Ward:	Kingswells/Sheddocksley/Summerhill
Community Council:	Kingswells
Case Officer:	Ross McMahon

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises Borrowstone, a traditional one-and-a-half-storey farmhouse, and its front, side and rear curtilage. The building is of a vernacular style with a T-shaped floor plan, constructed of granite with a slated pitched gable roof. Located to the immediate south of the farm complex, the farmhouse sits adjacent to and east of Borrowstone Bothy, which has since been extended and converted into a dwelling. The farmhouse has a southerly orientation, with its formal and principal elevation facing south over a private garden area, and secondary rear elevation facing north towards the farm complex. Other buildings within the farm grouping include a collection of agricultural buildings of a mix of sizes and finishing materials – most are generally modern and utilitarian in appearance.

The site is set in a rural location within the green belt and is accessed from a private track leading to a minor road running southeast toward the A944. There are two modern detached bungalows immediately east of the farm complex, at the beginning of the track out with the ownership of the farm.

Relevant Planning History

None relevant

APPLICATION DESCRIPTION

Detailed planning permission is sought to extend the dwelling by way of a modern, contemporary, single-storey extension to the front (south) and side (east) to accommodate a new dining area, living room, study and bedroom, all of which would form part of a wider reconfiguration of the internal layout of the property. The extension would ‘wrap-around’ the building’s south-east corner

and feature a roof and parapet upstand that slopes downwards from this corner to the north and the west extents of the proposed extension. The proposal would be predominantly glazed to the south over the private garden ground and would otherwise be finished in black horizontal and vertical timber cladding. Other finishing materials include a single-ply flat roof membrane, back aluminium parapet flashing and aluminium clad timber windows and doors.

Permitted Development

It is also proposed to replace both front peinded dormers with modern box style dormers, and to remove and infill an existing rear dormer, remove and install several rooflights, replace existing windows, doors and alter a rear window opening to form a new entrance door. Such alterations constitute permitted development under Classes 1D and 2B of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, and accordingly, these elements do not form part of the following assessment.

Amendments

None

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=QV7OD8BZL5L00>

- *Bat Survey Report (Black Hill Ecology Limited)*
- *Species Protection Plan (Black Hill Ecology Limited)*
- *Tree Survey Report (Astell Associates)*

CONSULTATIONS

Kingswells Community Council – No comments received.

REPRESENTATIONS

None received.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Policy and Guidance

- Scottish Planning Policy (SPP)

Aberdeen Local Development Plan (2017) (ALDP)

- Policy NE2 (Green Belt)
- Policy NE5 (Trees and Woodlands)
- Policy NE8 (Natural Heritage)
- Policy D1 (Quality Placemaking by Design)

Supplementary Guidance (SG)

- Householder Development Guide
- Trees and Woodlands
- Natural Heritage

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether –

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

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

- Policy NE1 (Green Belt)
- Policy NE3 (Natural Heritage)
- Policy NE5 (Trees and Woodlands)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)

EVALUATION

Principle of Development

The site is zoned within an area designated as green belt in the ALDP Proposals Map. Within such areas, Policy NE2 (Green Belt) applies and although it normally only permits development relating to agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/quarry restoration or landscape renewal, some exceptions do apply. The policy states that development associated with existing activities will be permitted if: the proposal is within the boundary of existing activity; is small-scale; does not significantly increase the intensity of the activity and any built construction is ancillary to what exists.

In this case, the proposed extension would be located within the defined curtilage of the farmhouse. There would be a modest increase in the current footprint of the dwellinghouse, however, this would be considered small-scale owing to the nature of the proposal, with no significant increase in the intensity of activity than already exists. The proposed extension is therefore considered to be ancillary to the original building and would therefore be in accordance with the requirements of Policy NE2 (Green Belt) in respect of establishing the acceptability of the principle of the proposal.

Design & Amenity

Proposed extension

Scottish Planning Policy (SPP), paragraph 56, states that *“Design is a material consideration in determining planning applications. Planning permission may be refused and the refusal defended at appeal or local review solely on design grounds”*. Policy NE2 (Green Belt) states that *“All proposals for development in the green belt must be of the highest quality in terms of siting, scale, design and materials”*. Policy D1 (Quality Placemaking by Design) 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”*. 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. Additionally, the Council's Householder Development Guide SG requires that proposals for extensions be architecturally compatible in design and scale with the original house and the surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale.

It is important to establish which elevation constitutes the principal or front elevation of the property which, in part, stipulates how the proposal is assessed in the context of the Council's Householder Development Guide SG and the aforementioned policies which it underpins. The arrangement of the site and the relationship between the orientation of the dwelling and its defined curtilage is atypical when compared with a typical suburban site layout, with principal elevations facing a public road and private rear gardens. The principal elevation of the property faces south, away from the road/access, over a private 'rear' garden ground, with the rear elevation of the property facing north, toward the working part of the farm complex; many farmhouse cottages are arranged in such a manner, with main entrance doors and principal rooms situated toward the front and formal elevation of the property. This position is reinforced as a result of the architectural treatment of the front elevation which, when compared with all other elevations, expresses a high degree of balance and symmetry, with a compositional arrangement wholly indicative of a principal elevation.

The proposal consists of an expansive flat roofed 'wrap-a-round' extension to the front and side of what is a relatively unaltered, balanced and traditional farmhouse. The proposed extension relates poorly to the property, which overwhelms, unbalances and disrupts its principal elevation to a significant degree, owing to its overall width and composition. The 'wrap-a-round' nature of the extension, in combination with its modern form, use of materials, sloping parapet, mis-matching eaves height and disjointed relationship between existing and proposed windows represents an intervention considered to be wholly incompatible with the property's established form and characteristics.

The Council's Householder Development Guide SG sets a number of general principles in respect of front extensions, stating that such interventions are only considered acceptable in situations where they would not impact negatively on the character or amenity of the original dwelling and the surrounding area. Front extensions are generally permitted only where they are minor and do not serve any additional habitable rooms, such as modest porches, for example. For the aforementioned reasons, the proposal clearly fails to satisfy this aspect of the SG.

The Council's Householder Development Guide states that the built footprint of a dwelling as extended should not exceed twice that of the original dwelling, and that no more than 50% of the front or rear curtilage should be covered by development. The proposed extension complies in each respect owing to its footprint relative to that of the original dwelling and to the expansive front garden area.

In light of the above, the proposed extension is therefore not considered to be architecturally compatible with the host property in respect of its design. The proposal is contrary to key elements of the Council's Householder Development Guide SG and fails to comply with SPP paragraph 56 and Policy D1 (Quality Placemaking by Design) and the relevant provisions of Policy NE2 (Green Belt) of the Aberdeen Local Development Plan.

Amendments sought

The Planning Authority acknowledges that an assertive contrast can add to the architectural interest of buildings, provided that simple design cues taken from the host property, the site and their defining characteristics. It is also noted that due to the orientation and position of the property relative to the boundary and garden ground, options are limited in respect of achieving the level of accommodation sought as part of this proposal. The Planning Authority considers that a modest

side (east) extension, one which avoids obscuring the principal elevation of the property, could be acceptable. It is also considered that there may also be potential to extend such an extension to the south, beyond the principal elevation and as such enclosing the garden to a certain degree, provided that a suitable distance is maintained to existing tree stock. A degree of visual separation between the traditional farmhouse and a contemporary extension, such as a glazed section between the existing blockwork and proposed timber linings, would create a clear delineation between old and new, and could be considered acceptable in terms of the Council's policy and guidance, subject to detail and further review. This solution was offered to the applicant however the Planning Authority received instruction to determine the application in its current form.

Residential Amenity

It is accepted that privacy and the protection of general amenity constitutes a material consideration in determining development proposals and is an important design objective in ensuring that residents of properties bounding any development site and those occupying new accommodation feel at ease within and outwith their dwellings. This requirement is clearly set out in the Council's Householder Development Guide SG.

In respect of privacy, daylight and sunlight, the size, scale and position of the proposed extension relative to adjacent property is such that there would be no impact as a result of its composition and siting. Accordingly, the development would ensure that residential amenity to adjacent property would be suitably maintained, in accordance with the relevant aspects of the Council's Householder Development Guide SG.

Trees

Policy NE5 (Trees and Woodlands) establishes a presumption against all activities and development that will 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. Appropriate measures should be taken for the protection and long-term management of existing trees and new planting both during and after construction. Where trees may be impacted by a proposed development, a Tree Protection and Mitigation Plan should be submitted and agreed with the Planning Authority before any development activity commences on site. Where applicable, root protection areas should be established, and protective barriers erected prior to any work commencing.

The proposed extension would be located out with the root protection areas of existing tree stock, however, be positioned within the Zone of Influence (ZOI) of existing trees. The removal of three trees is proposed due to their condition relating to Ash dieback disease and it is likely that the removal of these trees will be required in the future irrespective of development. Those trees that are to be retained cast a significantly smaller ZOI, and the majority of the extension footprint lies outwith the revised ZOI. Given the relatively mature nature of the larger trees on site, future conflict due to proximity is likely to be limited. In consideration of the above, the proposal is compliant in terms of Policy NE5 (Trees and Woodlands) and associated Trees and Woodlands SG of the ALDP.

Natural Heritage

The existing dwelling is located within an area associated with bat habitat and activity. The applicant has submitted a Bat Survey Report alongside the application, the findings of which note that one species of bat was found roosting on site and that its roosting site(s) would be affected by the development. The report sets out appropriate mitigation and compensation what would allow the development to proceed without a significantly detrimental impact on the conservation status of the identified bat species. A Species Protection Plan has also been submitted that sets out, in detail: the intended mitigation and compensation; works to be undertaken by a suitably experienced person; works to be undertaken by the developer/landowner and a timetable of works and post-development site safeguard. The findings and content of the submitted Bat Survey

Report and Species Protection Plan are to the satisfaction of the Planning Authority's Environmental Policy Team. It is therefore considered that the proposal is compliant with Policy NE8 (Natural Heritage) and associated Natural Heritage SG of the ALDP.

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, apart from Policy D2, which is a new policy aimed at protecting residential amenity. However, it is considered that this aspect has been sufficiently assessed by current policies. The proposal is acceptable in terms of both Plans for the reasons previously given.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

Whilst the development would not result in any adverse impact in terms of residential amenity or on any protected species or surrounding tree stock, the proposed contemporary front and side extension by reason of its layout, composition, form, mass, scale and material finishes would cause significant harm to and disruption of the character and appearance of the traditional farmhouse. The proposal is therefore considered to have a detrimental impact on the character and appearance of the building and its contribution to the character of the green belt. The proposed development therefore conflicts with the relevant provisions of Scottish Planning Policy, Policy NE2 (Green Belt) and Policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan 2017, in addition to the Council's Supplementary Guidance: Householder Development Guide. On the basis of the above, it is considered that there are no material planning considerations of sufficient weight that would warrant approval of the application.



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 100434866-001

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)

Alterations and extension to dwellinghouse

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:	Rachael Walker Architects Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Rachael	Building Name:	The Old Estate Office
Last Name: *	Walker	Building Number:	
Telephone Number: *	01330 833441	Address 1 (Street): *	Cluny
Extension Number:		Address 2:	Sauchen
Mobile Number:		Town/City: *	Sauchen
Fax Number:		Country: *	Aberdeenshire, Scotland
		Postcode: *	AB51 7RR
Email Address: *	rachael@walkerarchitects.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	c/o Rachael Walker Architects
First Name: *	Claire	Building Number:	
Last Name: *	Martin	Address 1 (Street): *	The Old Estate Office
Company/Organisation		Address 2:	Cluny Estate
Telephone Number: *		Town/City: *	Sauchen
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	AB51 7RR
Fax Number:			
Email Address: *	claireamartin89@gmail.com		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

BORROWSTONE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 8RR

Please identify/describe the location of the site or sites

Northing

807726

Easting

384902

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Rachael Walker

On behalf of: Mrs Claire Martin

Date: 24/06/2021

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: Mrs Rachael Walker

Declaration Date: 24/06/2021

Payment Details

Online payment: ABSP00006912
Payment date: 24/06/2021 15:32:00

Created: 24/06/2021 15:32

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Rachael Walker
Rachael Walker Architects Ltd
The Old Estate Office
Cluny
Sauchen
Aberdeenshire
AB51 7RR

on behalf of **Mrs Claire Martin**

With reference to your application validly received on 25 June 2021 for the following development:-

Alterations and extension to dwellinghouse at Borrowstone, 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:

Drawing Number	Drawing Type
083 - PL-01	Location Plan
083 - PL-04	Site Layout (Proposed)
083 - PL-05	Ground Floor Plan (Proposed)
083 - PL-06	First Floor Plan (Proposed)
083 - PL-07	Multiple Elevations (Proposed)
083 - PL-08	Multiple Elevations (Proposed)

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

None.

REASON FOR DECISION

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

Whilst the development would not result in any adverse impact in terms of residential amenity or on any protected species or surrounding tree stock, the proposed contemporary front and side extension by reason of its layout, composition, form, mass, scale and material finishes would cause significant harm to and disruption of the character and appearance of the traditional farmhouse. The proposal is therefore considered to have a detrimental impact on the character and appearance of the building and its contribution to the character of the green belt. The proposed development therefore conflicts with the relevant provisions of Scottish Planning Policy, Policy NE2 (Green Belt) and Policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan 2017, in addition to the Council's Supplementary Guidance: Householder Development Guide. On the basis of the above, it is considered that there are no material planning considerations of sufficient weight that would warrant approval of the application.

Date of Signing 11 November 2021

A handwritten signature in blue ink that reads "Daniel Lewis". The signature is written in a cursive, slightly slanted style.

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

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

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

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

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

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

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Aberdeen Local Development Plan (ALDP)

- Policy NE2 (Green Belt)
- Policy NE5 (Trees and Woodlands)
- Policy NE8 (Natural Heritage)
- Policy D1 (Quality Placemaking by Design)

Supplementary Guidance

- Householder Development Guide

[2.1.PolicySG.HouseHoldDesignGuide.pdf \(aberdeencity.gov.uk\)](#)

- Trees and Woodlands

[6.2.PolicySG.TreesWoodlands.pdf \(aberdeencity.gov.uk\)](#)

- Natural Heritage

[6.1.PolicySG.NaturalHeritage.pdf \(aberdeencity.gov.uk\)](#)

Other Material Considerations

Proposed Aberdeen Local Development Plan (2020)

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

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100515513-001

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

First Name: * Pippa Building Name:

Last Name: * Robertson Building Number: 22

Telephone Number: * 07985 703268 Address 1 (Street): * Rubislaw Terrace

Extension Number: Address 2:

Mobile Number: Town/City: * Aberdeen

Fax Number: 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="Mrs"/>	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="Claire"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Martin"/>	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" value="c/o agent"/>
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="BORROWSTONE"/>
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 8RR"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="807726"/>	Easting	<input type="text" value="384902"/>
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Description of Proposal

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

Alterations and extension to dwellinghouse

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 Statement of Reasons

Application Details

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

210930/DPP

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

24/06/2021

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

11/11/2021

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 appreciate the well screened nature of the application site and the surrounding site context against which the application requires to be assessed.

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: 07/01/2022

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**BORROWSTONE
BORROWSTONE ROAD
ABERDEEN
AB15 8RR**

**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 210930/DPP

STATEMENT OF REASONS



1 Introduction

- 1.1 Planning application reference 210930/DPP, seeking planning permission for “Alterations and extension to dwellinghouse” at Borrowstone, Borrowstone Road, Aberdeen, was refused under delegated powers on 11 November 2021 [Document B2]. 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).
- 1.2 Importantly, when considering this Notice of Review, it should be noted that the Report of Handling for the application [Document B1] confirms that proposed alterations to the house’s existing dormer windows constitute permitted development, such that the application requires to be determined solely on the basis of the acceptability the proposed extension, as set out in the Statement.
- 1.3 In summary, this Statement demonstrates that the proposed extension complies with the Aberdeen Local Development Plan 2017 (ALDP) [Document C1] and associated Supplementary Guidance (SG) [Documents C2, C3, and C4], and is also supported by relevant material considerations, in that it:
- will have no adverse impact on the aims of the green belt as set out in the ALDP, with the existing house being screened by mature trees such that development here will not (i) be visible from any public road or any other public viewpoint, (ii) affect the wider landscape setting of the city, or (iii) have any impact on the boundary of an existing community, in addition to which the proposed extension is smaller than the recently constructed extension to the bothy building to the west, such that it is also consistent with the established pattern of development in the area;
 - is designed to be subservient to the original house while delivering a high-quality architectural contrast which demonstrates the six qualities of successful placemaking and will have no impact on any established streetscape or building line, thus complying with Policies D1 – Quality Placemaking by Design, and NE2 – Green Belt of the ALDP, together with the associated SG Householder Development Guide;
 - will have no impact on any natural heritage features, including trees, complying with ALDP Policy NE5 Trees and Woodlands, Policy NE2 – Green Belt, SG Trees and Woodlands, and SG Natural Heritage accordingly;



- is consistent with the Council's Technical Advice Note on Materials [Document C5], with the proposed use of timber cladding in keeping with the common use of timber for household extensions throughout the city, working well in the domestic garden setting of the house, and of a colour that is characteristic of that resulting from traditional treatment techniques;
- makes efficient use of the existing capacities of the application site (in terms of which it is not possible to extend the house to the north, while the proposed southern extension also makes the house as a whole more sustainable through delivering improved solar gains), such that this should be supported as development that contributes to sustainable development in accordance with Scottish Planning Policy 2014 (SPP) [Document C6]; and
- it is smaller in terms of overall scale and massing than the size of extension that could be constructed as permitted development under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (GDPO) [Document D1], with the fallback position established by the GDPO constituting a further material consideration in support of the application.

1.4 In relation to the above points, the Report of Handling confirms that:

- the proposed extension would be located within the defined curtilage of the existing house and is small-scale in nature, with this not significantly increasing the intensity of activity on the site, such that it is acceptable in principle in terms of Policy NE2 - Green Belt;
- the built footprint of the house as extended would be less than twice that of the original house and more than 50% of the curtilage would remain undeveloped, with the proposed extension therefore complying with the requirements of SG Householder Development Guide in these regards;
- the size, scale and position of the proposed extension relative to adjacent property is such that there would be no impact on neighbouring residential amenity, with this thus complying with relevant aspects of SG Householder Development Guide in this regard;
- an assertive contrast can add to the architectural interest of building, with there being no objection in principle to a contemporary extension to the existing house;



- given the relatively mature nature of the larger trees on the site, future conflict due to proximity is likely to be limited, and the proposal therefore complies with Policy NE5 – Trees and Woodlands and associated SG;
- while the existing house is located within an area associated with bat habitat and activity, the findings of the bat survey report and species protection plan submitted with the application are to the satisfaction of the Planning Authority’s Environmental Policy Team, and the proposal therefore complies with Policy NE8 – Natural Heritage and associated SG; and
- the Proposed Aberdeen Local Development Plan (PLDP) does not introduce any new requirements which are not addressed in the context of the relevant policies of the extant ALDP.

1.5 The only reason for the refusal of the application relates to the impact that the proposed extension was considered to have on the character and appearance of the existing building and its contribution to the character of the green belt with that in turn being considered to be contrary to the provisions of Policies NE2 – Green Belt and Policy D1 – Quality Placemaking by Design of the ALDP, together with associated SG Householder Development Guide, and relevant provisions of SPP. These provisions are addressed in Section 4 below, along with other relevant material considerations, demonstrating that the application complies with the development plan and is also supported by other relevant material considerations, including SPP.

1.6 It should also be noted that there were no objections to the application from any neighbours or from the Community Council.

1.7 As the application complies with the ALDP and is supported by relevant material considerations, with no material considerations indicating otherwise, the Review should be upheld and the application approved.

2 Application site context

2.1 As set out in the Report of Handling, Borrowstone is a one-and-a-half-storey granite farmhouse with a T-shaped floor plan, a slated pitched gable roof, and private garden ground to the south. This is located to the south of a cluster of farm buildings and accessed via a private track which terminates at the farm, with the northern elevation of the house fronting directly onto this. Immediately to the west lies Borrowstone Bothy, which is now also a dwellinghouse, in addition to which there are two modern detached bungalows to the east of the farm buildings, on the northern side of the access track. Notably, the relationship of the existing house to the access track,



surrounding buildings and its own garden ground means that, if this is to be extended in any meaningful way, that can only be done to the south.

2.2 It is also important to note that the house is not listed or subject to any special designations or protections, and the application requires to be assessed accordingly.

2.3 The Report of Handling's description of the house as having a southerly orientation is though contested by the appellant, with there being a number of features that point to the principal elevation instead being the northern one. In this regard, consideration requires to be given to **Circular 1/2012 – Guidance on Householder Permitted Development Rights** [Document D2], which sets out the factors which should be taken into account when determining which elevation is the principal elevation, and in terms of which it should be noted that:

- **location of main door** – in this case, the main door to the property is at the northern end of the western elevation, with this being where post is delivered, and also being the first door that is reached by anyone approaching the property either on foot or by car. In contrast, to enter via the door on the southern elevation, it would be necessary to walk past the northern and western elevations and through the gate into the garden, which is enclosed on all sides with no other access to it;
- **windows** – there is similar fenestration on both the northern and southern elevations, with the T-shaped form of the house meaning that windows on the western end of the northern elevation overlook the door here, while all the windows on this elevation overlook the access, whereas windows on the southern elevation all look into the house's private garden;
- **relationship to road** – while there is no road adjacent to the house, the private access track provides direct access to the northern elevation and the door at this end of the western elevation only, and not to the door on the southern elevation. Indeed, the door on the southern elevation cannot be seen from the access track;
- **boundary treatment** – as noted above, the garden area to the south of the house is entirely enclosed, with access to this available only via a gate to the west of the house, whereas there are no boundary treatments to the front of the northern elevation, such that the house will always be approached from this direction; and
- **architectural ornamentation** – as a traditional farmhouse, this has little in the way of architectural ornamentation on any elevation, although there is a letter box on the door on the western elevation, with this again identifying this as the main door.



2.4 It should also be noted that the Council has previously confirmed that the principal elevation of the bothy to the west of the house is the northern one, with planning permission for an extension to the west and south of this granted in 2016 (planning application reference P160109), and it being clear in the Council's assessment of that application that this was considered to be an extension to the side and rear [Documents D3, D4, D5, and D6]. Likewise, the bungalows at the start of the access track have their principal elevations facing towards the track. The conclusion in the Report of Handling that the principal elevation of the house is the southern one, facing away from the track, is therefore at odds with the established orientation of all the other houses here, and previous decisions made by the Council. That being the case, the application should be assessed on this basis of the principal elevation being the northern one.

2.5 The Report of Handling also ignores the contribution that the extension approved pursuant to planning application reference P160109 makes to the application site context, with this now forming part of the established character of the area against which this application requires to be assessed. A photo of that approved extension is provided at Appendix Two, with regards to which it should be noted that this is:

- of a modern design with white render, a zinc roof and a fully glazed rear gable elevation to the south;
- significantly longer and wider than the original bothy, resulting in a tripling of the bothy's original floorspace; and
- also considerably larger than the extension proposed in terms of this application, with a footprint of 90m² and an overall ridge height of 6m from ground floor level, whereas the one to which this application relates has a footprint of just 68m² and a maximum height of 4.05m.

2.6 Lastly in terms of the site context, it should be noted that mature trees to the south of the house screen it from the nearest road, such that there are no views of this from the road or indeed from any other public viewpoint, with any development here not being visible in the wider landscape.

3 Proposed development

3.1 As can be seen from the existing site plans, the internal layout of the house is currently not well suited to modern family living, with limited scope to change this within the existing built envelope. The proposed extension seeks to address this by allowing for the creation of a contemporary open plan kitchen, dining and living area, with direct



access from this to the garden to the south, as well as providing space for a study to facilitate home working and a utility/boot room. In doing this, the proposed extension will increase the level of glazing on the southern elevation, thus increasing internal light levels within the house and benefiting residential amenity in this regard, as well as delivering improved solar gains. It should also be noted that the proposed extension responds to the natural slope of the garden, with a step down into this so that it addresses the garden directly and provides a higher ceiling height without obstructing views from the upper windows of the existing house. The proposal would not though increase the number of bedrooms within the property, and so would not result in any intensification in the use of the site.

4 Policy context

4.1 In considering this Notice of Review, it must be remembered that 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 Local Development Plan in this case being the Aberdeen Local Development Plan 2017 (ALDP).

4.2 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 July 2021. As highlighted above however, the Report of Handling confirms that the PLDP does not introduce any new requirements not already addressed in the context of the relevant policies of the extant ALDP, and so these are not considered here, with it submitted that the development complies with the PLDP for the same reasons that it complies with the relevant policies of the ALDP as set out below.

Aberdeen Local Development Plan (ALDP)

4.3 As set out in the Report of Handling, the relevant ALDP policies and associated Supplementary Guidance (SG) in this case are:

- Policy NE2 – Green Belt
- Policy NE5 – Trees and Woodlands
- Policy NE8 – Natural Heritage
- Policy D1 – Quality Placemaking by Design
- SG Householder Development Guide
- SG Trees and Woodlands
- SG Natural Heritage



- 4.4 As also set out above, the Report of Handling confirms that the proposed extension constitutes a form of development permitted in the green belt in principle (subject to being of an appropriate design) and complies with Policies NE5 and NE8, together with the associated SG, with these not forming any part of the reasons for which the application was refused. For the purposes of this Notice of Review, it is accordingly submitted that conclusions of the Report of Handling in these regards should be adopted by the Local Review Body, with the application complying with these elements of the ALDP and associated SG for the reasons given in that.
- 4.5 In addition, it is submitted that the proposed extension also complies with relevant provisions of Policy NE2 – Green Belt, Policy D1 – Quality Placemaking by Design, and SG Householder Development Guide, for the reasons given in the following paragraphs.
- 4.6 When considering **Policy NE2 – Green Belt**, it is important to keep in mind the aims of the green belt as set out in paragraph 3.101 of the ALDP, with these being to:
- maintain the distinct identity of Aberdeen and the communities within and around the city by defining their physical boundaries clearly;
 - avoid coalescence of settlements and sprawling development; and
 - maintain Aberdeen’s landscape setting.
- 4.7 In terms of these aims, due weight needs to be given to the fact that, as set out above, the existing house is screened by mature trees, such that the proposed extension would not be visible in the landscape. As such, this would have no impact on the city’s landscape setting, with this also being contained within the existing property boundaries and not resulting in any coalescence of settlements or sprawling development or having any impact on the boundary of an existing community.
- 4.8 Further, if there were any concerns with regards to the long-term retention of the existing trees, paragraph 77 of Planning Circular 4/1998: the use of conditions in planning permissions [Document D7] makes it clear that the appropriate approach to take would be to serve a Tree Preservation Order in accordance with Section 160 of the Town and Country Planning (Scotland) Act 1997, with this allowing the Council to ensure that the existing trees are retained or, if there are good reasons for them to be removed, that appropriate replacements are planted to continue the current level of screening.



4.9 In light of the above, it is clear that the proposed extension would have no adverse impact on the aims of the green belt as set out in the ALDP, irrespective of the proposed design.

4.10 This notwithstanding, it is recognised that Policy NE2 states that all proposals for development in the green belt must be of the highest quality in terms of siting, scale, design and materials, with regards to which consideration needs to be given to **Policy D1 – Quality Placemaking by Design**. This requires all development to ensure high standards of design and to have a strong and distinctive sense of place, with all proposals to be considered against the six qualities of successful placemaking set out in the Policy. Not all of the qualities are relevant to all applications but, where relevant to this application, these support the proposed extension as set out below:

- **Distinctive** – with the proposed extension having been designed to deliver a contemporary architectural contrast to the original house, and materials chosen to both complement the existing granite and reflect the rural context of the building, as set out in more detail in the first bullet point of paragraph 4.11 below;
- **Welcoming** – with the existing access arrangements and approach to the property unaltered, such that there is no impact on how easy it is to find the main door, but with the proposed extension allowing the internal layout of the house to be altered such that there is a more welcoming entrance to this;
- **Safe and pleasant** – with the Report of Handling confirming that the proposed extension would have no impact on neighbouring residential amenity as highlighted above, and with it delivering significant improvements for residents in this regard by making the house more suitable for modern family living and increasing the amount of daylight that the main living areas receive;
- **Adaptable** – in adapting the existing house to meet the needs of existing residents and providing spaces that can be used in more flexible ways as those needs change, or to meet the needs of future residents, in particular in terms of allowing for a study space to be incorporated into the house to facilitate home working; and
- **Resource efficient** – again by allowing our client’s needs to be met through the adaption of the existing house, with this being inherently more resource efficient than erecting a new house, in addition to which the generous levels of glazing on the southern elevation will deliver improved solar gains, thus making the house as a whole more resource efficient.



4.11 For householder developments specifically, further design considerations are set out in **Supplementary Guidance: Householder Development Guide**, which establishes a number of general principles with which all proposals are expected to comply. Each of these is satisfied in this instance as follows:

- **proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale** – as the proposed extension would be significantly lower in height than the original house, with the footprint also being smaller, as set out above, it would clearly be subservient in all regards. In addition, the extension has been designed to deliver a contemporary architectural contrast to the original building, following the approach taken to the extension of the bothy to the west. In doing this, the proposed materials have been chosen to both complement the existing granite and reflect the rural context of the building, with generous levels of glazing on the southern elevation again reflecting the approach taken to the extension of the bothy to the west, as well as breaking up the massing of the proposed extension when viewed from this direction. As such, the proposed extension is clearly compatible with both the original house and its surrounding area in its design and scale.
- **no extension or alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected** – as noted above, the Report of Handling confirms that this criterion would be met.
- **no existing extensions, dormers or other alterations which were approved prior to the introduction of this supplementary guidance will be considered by the planning authority to provide justification for a development proposal which would otherwise fail to comply with the guidance set out in this document** – while it is recognised that the extension to the bothy building to the west of the application site was consented under the previous Local Development Plan, the proximity of this to the application site means that this nonetheless requires to be taken into account as part of the established site context.
- **the built footprint of a dwelling house as extended should not exceed twice that of the original dwelling** – as also noted above, the Report of Handling confirms that this criterion would be met.



- **no more than 50% of the front or rear curtilage shall be covered by development**
– again, the Report of Handling confirms that this criterion would be met.

4.12 The Guidance then sets out further general rules with regards to extensions specifically, in terms of which a distinction is made between extensions to the side or rear of a property and extensions to the front, with more restrictive criteria generally applied to front extension. Contrary to what is stated in the Report of Handling however, the proposed extension in this case should be assessed as being to the side and rear of the existing house for the reasons set out above, with the Guidance making it clear that this then needs to be determined on a site-specific basis. Taking this into account, along with the site-specific reasons for the location and design of the proposed extension (as explained above), and the fact that this satisfies all of the general principles set out above, it should be supported accordingly.

4.13 Further, even if the proposed extension is to be assessed as an extension to the front and side of the original house, rather than to the rear and side, the Guidance makes it clear that the key considerations when assessing such proposals are the potential impacts on the existing streetscape, adjacent properties within this, and the building line established by these. In this case the application site is not located on an existing street, with there being no established building line per se, such there is no streetscape or building line to be impacted. At the same time, whereas the Guidance stipulates that front extensions should be of a scale and design which is complementary to and consistent with the existing building, the proposed extension complies with this requirement for the reasons set out above. As such, the proposed extension is still clearly consistent with the Guidance even if it is to be assessed as an extension to the front and side.

5 **Material considerations**

Technical Advice Note: Materials

5.1 As well as statutory SG, the Council has also published a number of Technical Advice Notes (TANs), which require to be taken into account as material considerations in the planning process. These include **Technical Advice Note: Materials** (March 2020), which encourages and challenges designers, developers and homeowners to consider and select external materials for new buildings and extensions that are visually appropriate, sustainable, long lasting, have low-maintenance requirements and that respond to climate change, with the key question in all cases being whether proposed materials contribute well to the immediate context and reinforce Aberdeen’s ‘sense of place’. Of particular relevance to this application and the proposed use of timber cladding on this, the TAN highlights that:



- exterior timber cladding is often seen on household extensions in the city;
- there has been a recent rise in well designed timber clad garden offices/studios where the aesthetic of natural materials and small-scale module is described as working well in the domestic garden setting; and
- traditionally tar, and now scorching (heat treated) techniques, have been used to create a weather resistant low-maintenance skin to timber and this has a characteristic dark black colouring.

5.2 Taking this into account, the use of timber cladding as shown on the proposed plans should be supported in that this would be in keeping with the common use of timber for household extensions throughout the city, with this working well in the context of house's domestic garden setting, and with the colour of this being characteristic of that resulting from traditional treatment techniques, and is thus consistent with the advice set out in the TAN in these regards.

Scottish Planning Policy (2014) (SPP)

5.3 SPP is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country and, where proposals accord with SPP, their progress through the planning system should be smoother.

5.4 Notably, SPP includes a presumption in favour of development that contributes to sustainable development, which requires the planning system to support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. This means that decisions on planning applications should be guided by a number of principles, including:

- supporting good design and the six qualities of successful places; and
- making efficient use of existing capacities of land, buildings and infrastructure.

5.5 As the proposed extension to which this application relates demonstrates the six qualities of successful placemaking as set out above, with this also making efficient use of the existing capacities of the application site (in terms of which it is not possible to extend the house to the north, while the proposed southern extension also makes the house as a whole more sustainable through delivering improved solar gains as set



out above), it should be supported as development that contributes to sustainable development in accordance with SPP.

Permitted development rights

- 5.6 Taking into account the size of the house relative to the plot, and the fact that this does not front a road, the case officer confirmed during the course of their assessment of the application that the proposed extension could be erected under Class 1A of the GDPO if it were not for the fact that the eaves height would exceed 3m. Indeed, if the eaves height was reduced to a maximum of 3m, an extension that is otherwise larger than that which is proposed in terms of the current application could be erected under permitted development rights, with the planning authority having no means of controlling the design of that. The scale of an extension that could be erected under permitted development rights is accordingly a fallback position that requires to be taken into account as a material consideration when assessing the application to which this Notice of Review relates (see *Mansell v Tonbridge and Malling BC* [Document D8]).
- 5.7 Specifically, Class 1A of the GDPO would allow the construction of an extension of up to the same footprint as the original dwellinghouse (72m²), provided this also complied with relevant requirements with regards to height and distance from the property boundaries. In contrast, the footprint of the extension proposed in terms of the current application is smaller than the existing house, with the overall massing of it consequently being less than might be the case if an extension with a larger footprint was built as permitted development.
- 5.8 In light of the above, the proposed extension should be assessed positively when compared to the fallback position of what could be constructed under permitted development rights and should therefore be supported accordingly.

6 Reasons for refusal

- 6.1 Although the Decision Notice contains only one reason refusal, there are a number of elements to this, each of which is addressed below.

“...the proposed contemporary front and side extension by reason of its layout, composition, form, mass, scale and material finishes would cause significant harm to and disruption of the character and appearance of the traditional farmhouse...”

- 6.2 As set out above:



- the proposed extension should be assessed as an extension to the rear and side of the house, rather than the front and side, with this appearing as a side extension when approaching the entrance to the house and having no impact on the public facing northern elevation; and
- the above notwithstanding, the proposed extension should in any event be supported as a contemporary architectural contrast to the original building (which is recognised in the Report of Handling as being acceptable in principle), with the overall scale and massing subservient to the original building, the proposed materials supported by the relevant TAN, and this demonstrating all relevant elements of the six qualities of successful places as set out in Policy D1 of the ALDP.

6.3 Taking the above into account, the proposed extension cannot be said to harm or disrupt the character or appearance of the original building, and there are no grounds for refusing the application on this basis. Related to this, it is reiterated that the original building is not listed or subject to any other relevant protections, and the application requires to be assessed accordingly.

“The proposal is therefore considered to have a detrimental impact on the character and appearance of the building and its contribution to the character of the green belt.”

6.4 Impact on the character and appearance of the original building has been addressed in the foregoing paragraphs, demonstrating that there are no grounds for refusing the application on this basis, in addition to which it should be noted that:

- the proposed extension would be seen in the context of the existing extension to the bothy building to the west, which is almost a third larger than the extension to which this application relates;
- there would be no impact on any established streetscape or building line;
- the application site’s location and existing screening mean that there are no views of this from any public roads or any other public viewpoint, and the proposed extension would not be visible in the wider landscape; and
- as the proposed extension would be contained within the existing property boundaries, it would also not contribute to any coalescence of settlements or sprawling development, or have any impact on the boundary of an existing community.



6.5 Given the above, the proposed extension is consistent with the aims of the green belt, and would have no impact on the character of this.

“The proposed development therefore conflicts with the relevant provisions of Scottish Planning Policy, Policy NE2 (Green Belt) and Policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan 2017, in addition to the Council’s Supplementary Guidance: Householder Development Guide.”

6.6 Notably, when reaching this conclusion, the Report of Handling does not assess the application against the 6 qualities of successful placemaking as required in terms of Policy D1, nor does it assess this against the Council’s TAN on materials. When the application is assessed against these, it clearly demonstrates all relevant qualities of successful placemaking as set out above, with the proposed materials also being supported by the TAN. At the same time, as the proposed extension demonstrates the relevant qualities of successful placemaking, there is no reason to conclude that this does not satisfy the requirements of Policy NE2 with regards to development in the green belt being of a high-quality design, with this also being supported by SPP in this regard for the reasons again set out above.

“On the basis of the above, it is considered that there are no material planning considerations of sufficient weight that would warrant approval of the application.”

6.7 On the basis that the proposed extension complies with the development plan for the reasons given in this statement, it is not necessary to consider whether there are any relevant material considerations that would further warrant approval of the application. This notwithstanding, it should be noted that the fallback position established by the GDPO as set out in section 5 of this statement (with the overall scale and massing of the proposed extension being less than that which could be constructed as permitted development under this), constitutes a significant material consideration in support of the application, and gives a further reason as to why this should be approved.

7 Conclusion

7.1 For the reasons given in this statement, it is clear that the proposed extension:

- will have no adverse impact on the aims of the green belt as set out in the ALDP, with the existing house screened by mature trees, such that development here will not (i) be visible from any public road or any other public viewpoint, (ii) affect the wider landscape setting of the city, or (iii) have any impact on the boundary of an existing community, in addition to which the proposed extension is smaller than



the recently constructed extension to the bothy building to the west, such that it is also consistent with the established pattern of development in the area;

- is designed to be subservient to the original house while delivering a high-quality architectural contrast which demonstrates the six qualities of successful placemaking, and will have no impact on any established streetscape or building line, thus complying with Policies D1 – Quality Placemaking by Design, and NE2 – Green Belt of the ALDP, together with the associated SG Householder Development Guide;
- will have no impact on any natural heritage features, including trees, complying with ALDP Policy NE5 Trees and Woodlands, Policy NE2 – Green Belt, SG Trees and Woodlands, and SG Natural Heritage accordingly;
- is consistent with the Council’s Technical Advice Note on Materials, with the proposed use of timber cladding in keeping with the common use of timber for household extensions throughout the city, working well in the domestic garden setting of the house, and of a colour that is characteristic of that resulting from traditional treatment techniques;
- makes efficient use of the existing capacities of the application site (in terms of which it is not possible to extend the house to the north, while the proposed southern extension also makes the house as a whole more sustainable through delivering improved solar gains), such that this should be supported as development that contributes to sustainable development in accordance with SPP; and
- it is smaller in terms of overall scale and massing than the size of extension that could be constructed as permitted development under the Town and Country Planning GDPO, with the fallback position established by the GDPO constituting a further material consideration in support of the application.

7.2 As the proposed extension complies with the development plan, and is also supported by other relevant material considerations, with no material considerations to indicate otherwise, the application requires to be granted.

5 January 2021

Aurora Planning Limited



Appendix One – List of documents

A - Application Documents

- 1 Application Form
- 2 Existing location and site plan
- 3 Existing ground floor plan and elevations
- 4 Existing first floor plan and elevations
- 5 Proposed site plan
- 6 Proposed ground floor plan
- 7 Proposed first floor plan
- 8 Proposed sections and elevations (1 of 2)
- 9 Proposed sections and elevations (2 of 2)
- 10 Tree Survey Report
- 11 Tree Protection Plan
- 12 Arboricultural Assessment
- 13 Bat Survey Report
- 14 Species Protection Plan (CONFIDENTIAL)

B - Delegated Report and Decision Notice

- 1 Report of Handling
- 2 Decision Notice

C - Policy Documents

- 1 Aberdeen Local Development Plan 2017
- 2 Supplementary Guidance: Householder Development Guide
- 3 Supplementary Guidance: Trees and woodland
- 4 Supplementary Guidance: Natural heritage
- 5 Technical Advice Note on Materials
- 6 Scottish Planning Policy (2014)

D - Other documents

- 1 Extract from the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (GDPO) (Class 1A and Class 1B)
- 2 Circular 1/2012 – Guidance on Householder Permitted Development Rights
- 3 Report of Handling for planning application reference P160109
- 4 Existing site plan for planning application reference P160109
- 5 Approved proposed site plan for planning application reference P160109
- 6 Approved proposed elevations for planning application reference P160109
- 7 Planning Circular 4/1998: the use of conditions in planning permissions
- 8 Mansell v Tonbridge and Malling BC

Appendix Two – photo of extension to bothy to the west



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LOCAL REVIEW BODY

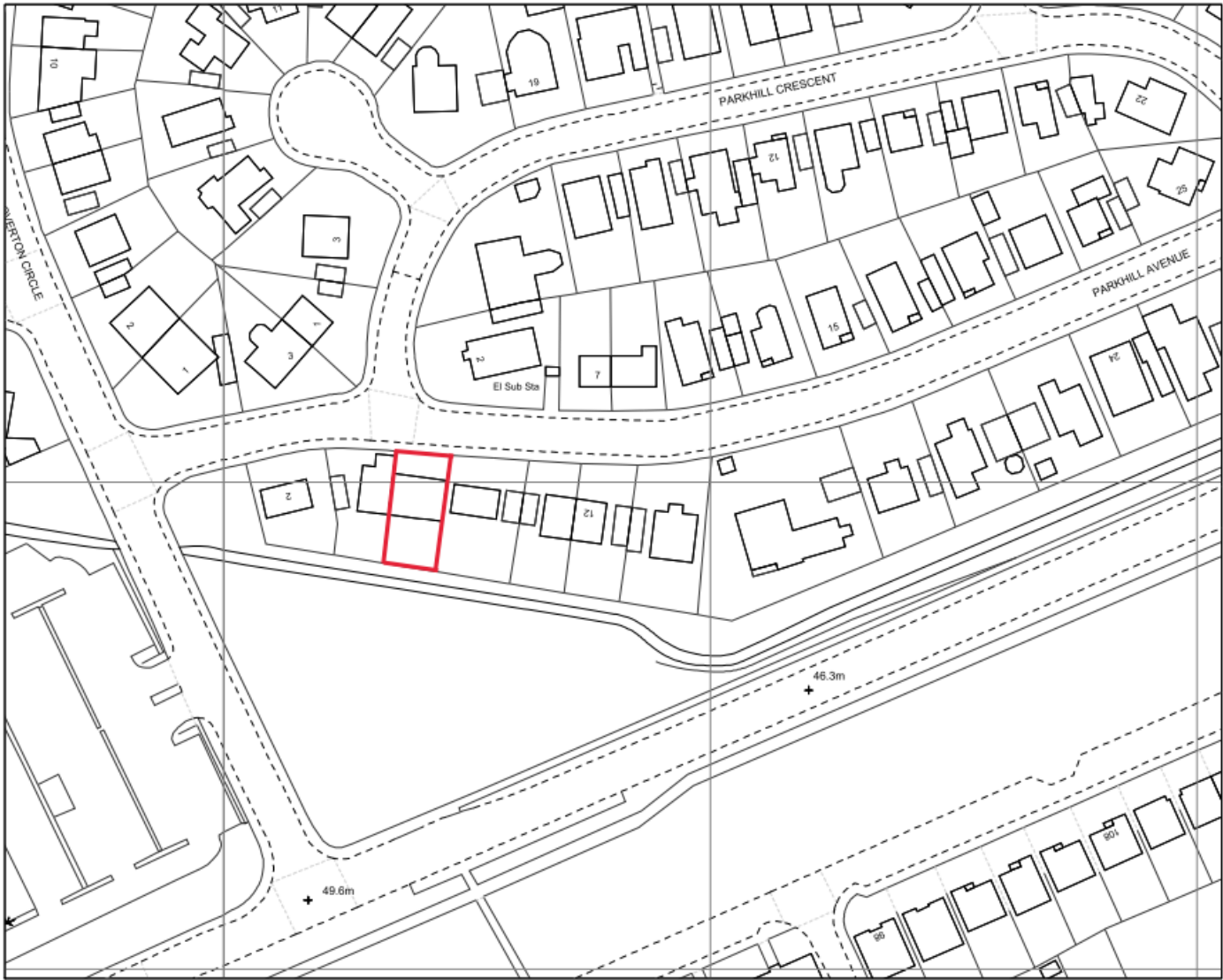


211481/DPP– Review against refusal of planning permission for:

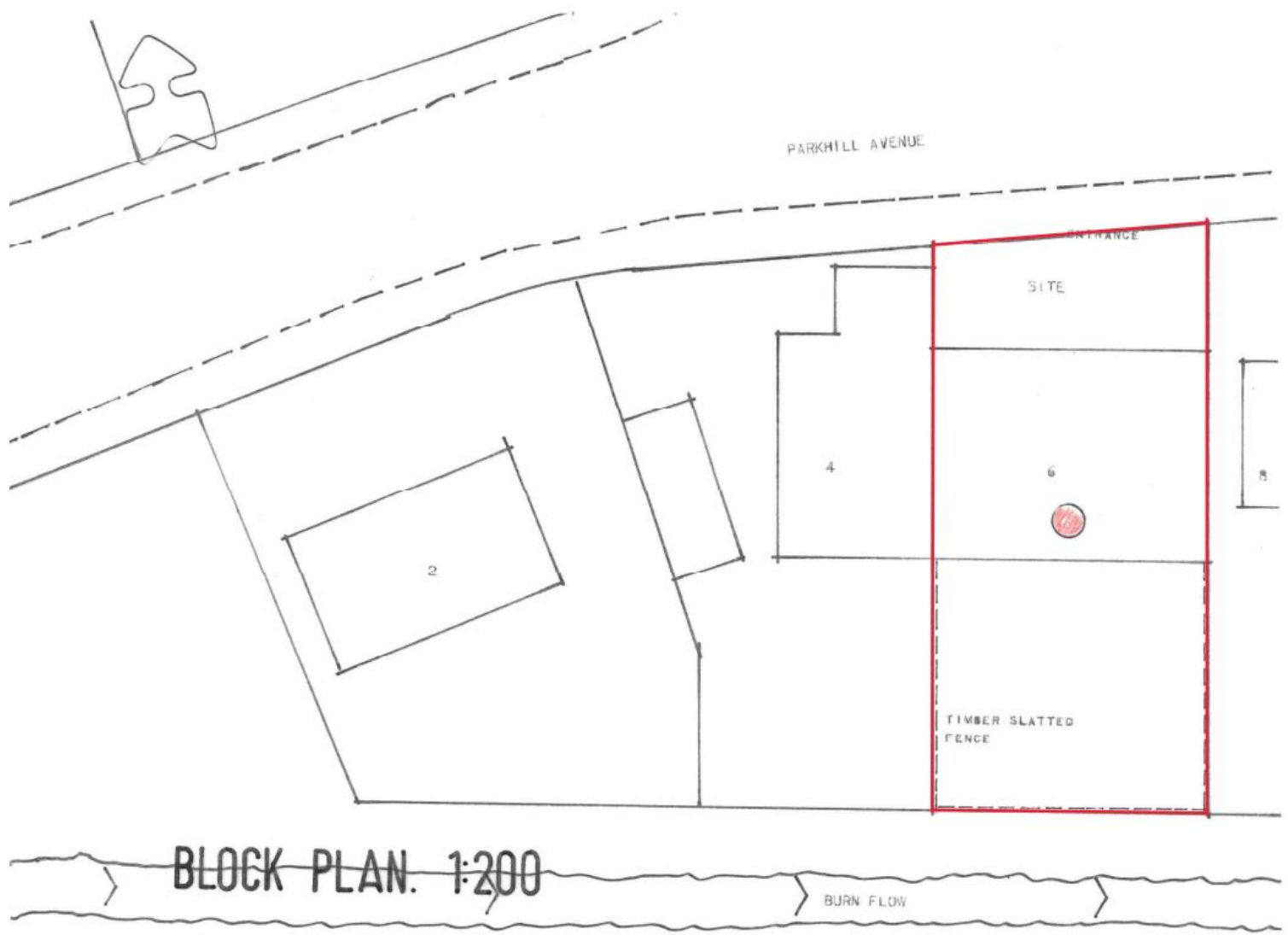
Erection of fence to front (retrospective)

6 Parkhill Avenue

Location Plan



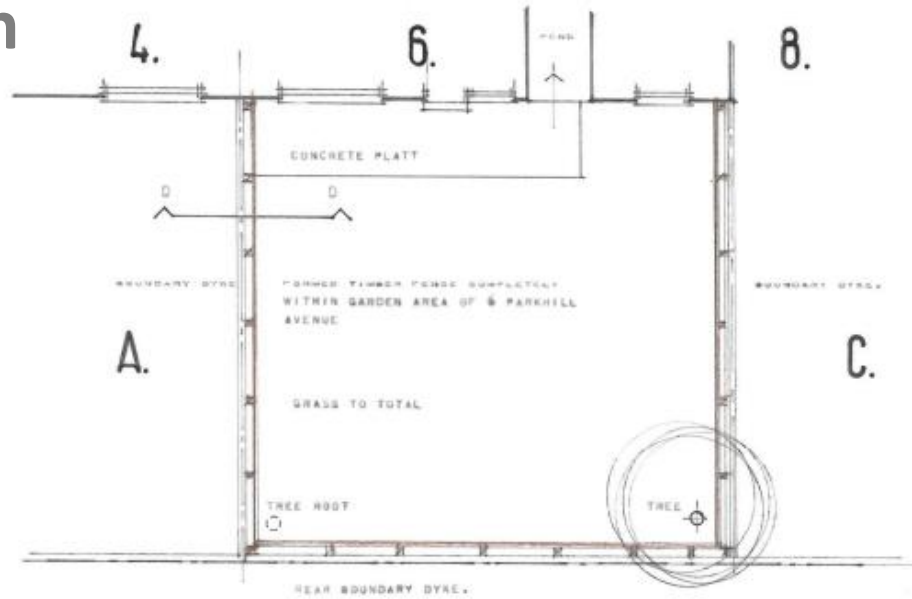




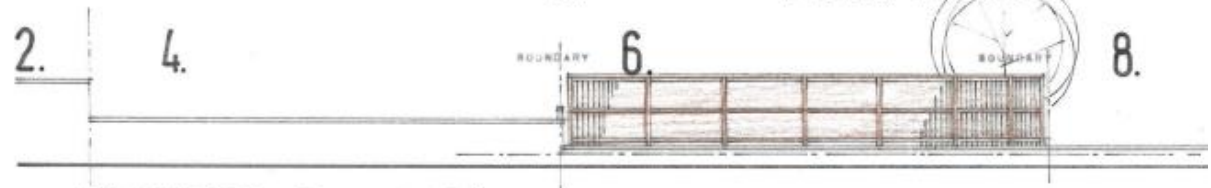
BLOCK PLAN. 1:200

BURN FLOW

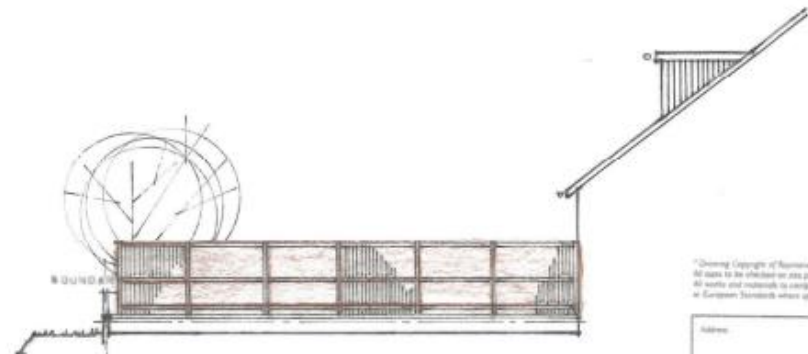
Elevations and plan



B. PLAN. 1:100



ELEVATION. B. 1:100 (SOUTH ELEVATION)



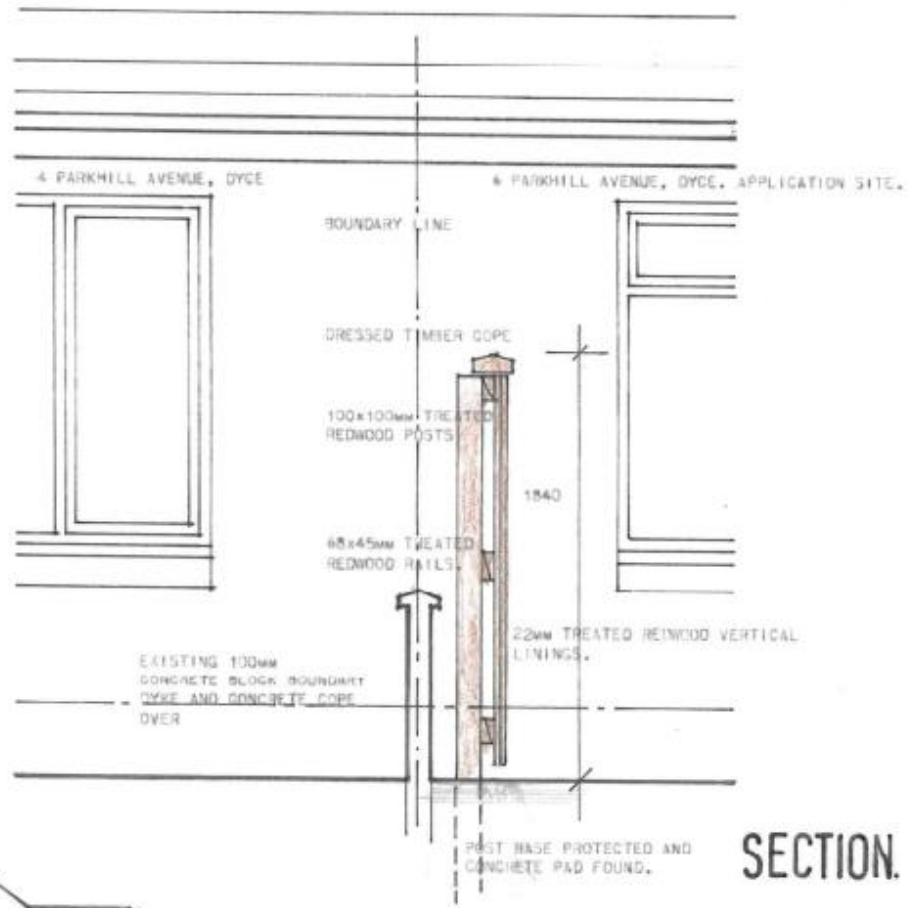
ELEVATION. C. 1:100 (EAST ELEVATION)

*Drawing Copyright of Raymond Simpson Associates Limited
All rights to be observed in this plan in connection with works
to be carried out in accordance with current British and
European Standards where applicable.

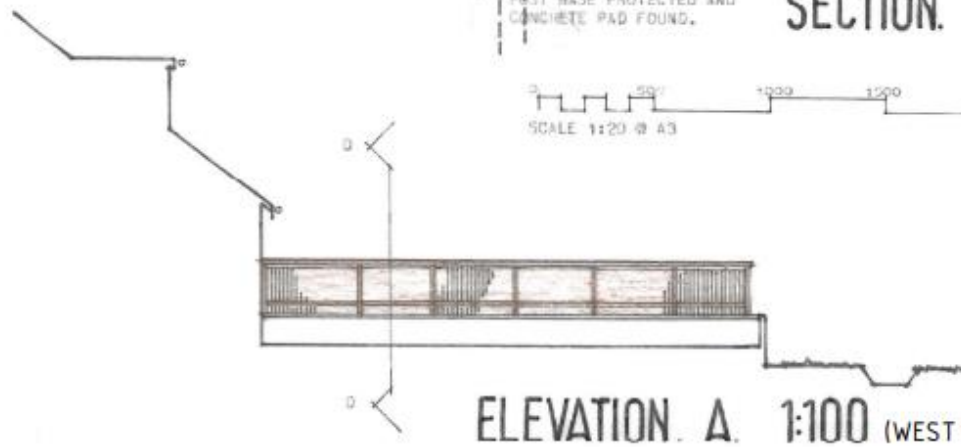
Address
6 PARKHILL AVENUE
DYCE
ABERDEEN
AB21 7FP



RAYMOND SIMPSON



SECTION. D-D 1:20



ELEVATION. A. 1:100 (WEST ELEVATION)



*Drawing Copyright of Approved Designer/Architects Licensed
 All plans to be checked on site prior to commencement of works
 All works and materials to comply with current British and
 or European Standards where applicable.

Address
A. BAINWELL ARCHITECTS



Photographs as existing



Photographs as existing

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Reasons for Decision

Stated in full in decision notice. Key points:

- The height and scale of the fence is wholly out of character with the characteristics of the surrounding area
- Detrimental impact on visual amenity
- Contrary to Policy H1 – Residential Areas, Policy D1 (Quality Placemaking by Design) in addition to the Council’s Supplementary Guidance ‘Householder Development Guide’.

Applicant's Case

- That there are 5 other properties with similar fences on Parkhill Ave – photos were submitted of fences at nos 26, 36, 38, 40 and 44. Precedent is already set.
- In view of the above, the fence is not out of character with the area
- No. 6 is around 100m from a public footpath, with a variety of buildings and uses beyond – such as industrial buildings, petrol station and hotel car park, as well as a busy road. All of these are less visually appealing than a timber fence.
- The fence complies with the Householder SG in terms of assessment of lighting in relation to residential amenity.
- The fence protects young toddler from straying towards the Far Burn, which becomes faster and deeper during heavy rain.
- The previous low fence left the garden exposed to public view
- The fence cuts down noise from the busy Riverview Drive, increasing enjoyment of the garden

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?

(Householder Development Guide)

D1: Quality Placemaking by Design

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

Proposals will be assessed against the following six essential qualities:

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

SG: Householder Development Guide

Fences, Walls and Other Boundary Enclosures

- In all instances, the scale and form of boundary enclosures should be appropriate to their context and should not detract from the street scene as a result of inappropriate visual impact.
- Proposals for boundary enclosures will not be permitted where they would result in an unacceptable impact upon the amenity of neighbouring dwellings.

General Principles, includes:

3. No existing extensions, dormers or other alterations which were approved prior to the introduction of this supplementary guidance will be considered by the planning authority to provide justification for a development proposal which would otherwise fail to comply with the guidance set out in this document.

Points for Consideration:

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

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


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

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

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	6 Parkhill Avenue, Aberdeen, AB21 7FP
Application Description:	Erection of fence to front (retrospective)
Application Ref:	211481/DPP
Application Type:	Detailed Planning Permission
Application Date:	15 October 2021
Applicant:	Mr J Johnson
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Dyce and Stoneywood
Case Officer:	Ross McMahon

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site forms part of an established residential area within the settlement of Dyce and comprises a semi-detached, one-and-a-half-storey dwelling and its associated front and rear curtilage. The principal elevation of the property faces to the south, away from Parkhill Avenue, and, along with several other properties along this section of the road, faces onto to their respective front garden areas. The front gardens are open aspect and immediately bordered to the south by the Far Burn, beyond which lies an expansive area of open space defined by Riverview Drive and Overton Circle. Photographic evidence suggests that the south facing boundary to the application property was formerly defined by a low-level blockwork wall with a c.1m high painted timber fence behind.

Relevant Planning History

None relevant

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought retrospectively for the erection of a c.1.8m high timber fence within the front garden of the property, enclosing its south, east and west elevations. The fence is made up of 100x100mm timber posts, 68x45mm timber rails with 22mm timber vertical linings with a dressed timber cope. The supporting structure and associated elements face outwards to the south, east and west, with timber linings facing into the application property's enclosed front garden.

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=R0WRONBZGY700>

CONSULTATIONS

Dyce and Stoneywood Community Council – No comments received.

REPRESENTATIONS

A total of two valid and timeously made representations have been received in relation to this application, both of which object to the proposal. The matters raised can be summarised as follows:

- *Loss of a view from neighbouring property windows.*
- *Loss of light to neighbouring garden ground.*
- *The fence encloses a front garden, is unsightly and spoils the look of the area.*
- *The proposal, if approved, would set a precedent.*

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Aberdeen Local Development Plan (2017) (ALDP)

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking by Design)

Supplementary Guidance (SG)

- Householder Development Guide

Proposed Aberdeen Local Development Plan (2020)

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether – such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP; the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis. The following policies of the Proposed ALDP are of relevance in the assessment of this planning application: Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity).

EVALUATION

Principle of Development

The ALDP 'proposals map' identifies the entirety of the site being located within a 'residential area'. Policy H1 (Residential Areas) applies to development within such areas, and states that a proposal for householder development will be approved in principle if it:

1. does not constitute overdevelopment;
2. does not have an unacceptable impact on the character and amenity of the surrounding area;
3. does not result in the loss of valuable and valued areas of open space; and
4. complies with SG.

There would be no loss of open space given the nature and type of development proposed, in that the proposal relates to a private dwellinghouse wholly located within its established curtilage. Additionally, the erected fence does not result in an increase in rear garden ground coverage. As such, and with regard to proviso 1, the proposal would not amount to overdevelopment of the site. Therefore, in terms of establishing the acceptability of the principle of the proposal in the context of Policy H1, provisos 2 and 4, as set out above, are applicable. Where appropriate, such matters are discussed in the context of the Council's Householder Development Guide SG (hereafter referred to as 'SG'), below.

Design & Amenity

Policy D1 (Quality Placemaking by Design) 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. 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. Proviso 2 of Policy H1 (Residential Areas) states that householder development will be approved in principle if it does not have an unacceptable impact on the character and amenity of the surrounding area. Additionally, the Council's SG, in discussing boundary enclosures specifically, states that, in all instances, the scale and form should be appropriate to their context and should not detract from the street scene as a result of inappropriate visual impact.

The implemented timber fence has an unacceptable impact on the character and amenity of the surrounding area, which, in this location, is characterised by open aspect gardens with a high degree of exposure to surrounding streets, open spaces and footpaths, with boundaries comprising blockwork walls a modest height and scale, establishing a degree of uniformity and regularity throughout. The erected fence is of a size, scale and design that is wholly out of character with the remainder of the street and its established characteristics in this location. The fence has a significant detrimental impact on visual amenity in a prominent and public location owing to its height and material finish, resulting in an imposing, defensive and interruptive structure in an otherwise open environment. If approved, the application would establish a precedent that would be difficult to resist elsewhere in the immediate vicinity and surrounding areas.

In light of the above, the erected fence fails to comply with Policy D1 (Quality Placemaking by Design), proviso 2 and 4 of Policy H1 (Residential Areas) and the Council's Householder Development Guide SG, in that the fence results in an adverse impact on the character and visual amenity of the surrounding area.

Residential Amenity

In respect of residential amenity, the Council's SG states that boundary enclosures will not be permitted where they would result in an unacceptable impact upon the amenity of neighbouring dwellings.

In terms of daylight and sunlight, respective calculations, namely the 45-degree rule, as set out in Appendix 2 of the Council's SG, demonstrate that the height and position the erected fence relative to adjacent property, including habitable room windows and private garden areas, is such that there would be no adverse impact. Accordingly, it is considered that the proposal complies with the Council's SG in respect of ensuring that residential amenity is suitably maintained.

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, apart from Policy D2, which is a new policy aimed at protecting residential amenity. However, it is considered that this aspect has been sufficiently assessed by current policies. Given the above assessment it is considered that the proposal is unacceptable in terms of both Plans.

Matters Raised in Representations

Regarding the matters raised via representations, those matters pertaining to precedent, visual impact and residential amenity have been addressed above. Loss of a view is not a material planning consideration and as such has not been taken into account in the assessment of this application.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The erected timber fence fails to comply with the relevant policies of the Aberdeen Local Development Plan, namely Policy H1 (Residential Areas) Policy D1 (Quality Placemaking by Design) in addition to the Council's Supplementary Guidance 'Householder Development Guide'. The fence is of a height and scale that is wholly out of character with the prevailing characteristics of the immediate and wider area and in turn has a significant detrimental impact upon visual amenity. The proposal also fails to satisfy the relevant policies of the Proposed Aberdeen Local Development Plan 2020. On the basis of the above, it is considered that there are no material planning considerations of sufficient weight that warrant approval of the application.



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 100482911-001

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)

Erection of timber fence.

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): *

15/09/2021

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

Client unaware that Planning Permission was 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

Agent Details

Please enter Agent details

Company/Organisation:	Raymond Simpson Associates Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Mark	Building Name:	
Last Name: *	Urquhart	Building Number:	7
Telephone Number: *	01224 636707	Address 1 (Street): *	Mid Stocket Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB15 5JL
Email Address: *	mark@raymondsimpson.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:	
First Name: *	J	Building Number:	6
Last Name: *	Johnson	Address 1 (Street): *	Parkhill Avenue
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB21 7FP
Fax Number:			
Email Address: *	joejohnson12011991@googlemail.com		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

6 PARKHILL AVENUE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB21 7FP

Please identify/describe the location of the site or sites

Northing

812197

Easting

389038

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)

Client submitted an application but failed to provide enough information so we were employed to organise the application. The application lodged by the client was withdrawn and we are submitting a fresh application, the fee will be transferred over.

Title:

Ms

Other title:

First Name:

Magda

Last Name:

Ekeh

Correspondence Reference
Number:

211356/DPP

Date (dd/mm/yyyy):

22/09/2021

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

Trees

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

Yes No

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

Access and Parking

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

Yes No

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Mark Urquhart

On behalf of: Mr J Johnson

Date: 13/10/2021

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 Mark Urquhart

Declaration Date: 13/10/2021

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Mark Urquhart
Raymond Simpson Associates Ltd
7 Mid Stocket Road
Aberdeen
AB15 5JL

on behalf of **Mr J Johnson**

With reference to your application validly received on 15 October 2021 for the following development:-

**Erection of fence to front (retrospective)
at 6 Parkhill Avenue, 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
M4P-00995848	Location Plan
2160/03	Site Layout (Proposed)
2160/02	Elevations and Floor Plans
2160/01	West Elevation (Proposed)

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

None.

REASON FOR DECISION

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

The erected timber fence fails to comply with the relevant policies of the Aberdeen Local Development Plan, namely Policy H1 (Residential Areas) Policy D1 (Quality Placemaking by Design) in addition to the Council's Supplementary Guidance 'Householder Development Guide'. The fence is of a height and scale that is wholly out of character with the prevailing characteristics of the immediate and wider area and in turn has a significant detrimental impact upon visual amenity. The proposal also fails to satisfy the relevant policies of the Proposed Aberdeen Local Development Plan 2020. On the basis of the above, it is considered that there are no material planning considerations of sufficient weight that warrant approval of the application.

Date of Signing 23 November 2021



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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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Comments for Planning Application 211481/DPP

Application Summary

Application Number: 211481/DPP

Address: 6 Parkhill Avenue Aberdeen AB21 7FP

Proposal: Erection of fence to front (retrospective)

Case Officer: Ross McMahon

Customer Details

Name: Mr William Dunn

Address: 4 Parkhill Avenue Dyce

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We object to the height of the fence that has been built and it is situated on the FRONT garden. Our view from the window has been restricted and there is a loss of light to our front garden. From the main road it looks like a blot on the landscape and spoils the look of the area.

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The view from our front living room window has been greatly diminished by the tall fence , this fence would be more suited to a back garden. From the main road it is an eyesore and we fear it could affect the value of property and it also spoils the look of the semi-detached property.

Thank you

William and Elizabeth Dunn

Sent from my iPad

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Comments for Planning Application 211481/DPP

Application Summary

Application Number: 211481/DPP

Address: 6 Parkhill Avenue Aberdeen AB21 7FP

Proposal: Erection of fence to front (retrospective)

Case Officer: Ross McMahon

Customer Details

Name: Mr Gerald Tookey

Address: 2 Parkhill Venue Dyce Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to register my objection to the retrospective planning application for a 6 ft fence around the front garden of no 6 Parkhill Avenue, Dyce. This application goes against mygov.scot rules for garden fencing. The fence encloses a front garden and is very unsightly. If allowed it would set a precedent for high fences in front gardens..

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Comments for Planning Application 211481/DPP

Application Summary

Application Number: 211481/DPP

Address: 6 Parkhill Avenue Aberdeen AB21 7FP

Proposal: Erection of fence to front (retrospective)

Case Officer: Ross McMahon

Customer Details

Name: Mr Gerald Tookey

Address: 2 Parkhill Avenue, Aberdeen AB21 7FP

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This retrospective application is against the policy as per my scot.gov. In that it is a high fence around a front garden. Visually it is inappropriate to the area. If granted it is setting a precedent.

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Aberdeen Local Development Plan (ALDP)

- Policy H1 – Residential Areas
- Policy D1 - Quality Placemaking by Design

Supplementary Guidance

Householder Development Guide

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

Proposed Aberdeen Local Development Plan 2020 (PALDP)

- Policy H1 – Residential Areas
- Policy D1 – Quality Placemaking
- Policy D2 - Amenity

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

Thank you for completing this application form:

ONLINE REFERENCE 100519668-001

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

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Joe"/>	Building Number:	<input type="text" value="6"/>
Last Name: *	<input type="text" value="Johnson"/>	Address 1 (Street): *	<input type="text" value="Parkhill Avenue"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Dyce"/>
Telephone Number: *	<input type="text" value="07712811700"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB21 7FP"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="joe.johnson@corelab.com"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

6 PARKHILL AVENUE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB21 7FP

Please identify/describe the location of the site or sites

Northing

812197

Easting

389038

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)

Detailed planning permission is sought retrospectively for the erection of a c.1.8m high timber fence within the front garden of the property, enclosing its south, east and west elevations. The fence is made up of 100x100mm timber posts, 68x45mm timber rails with 22mm timber vertical linings with a dressed timber cope. The supporting structure and associated elements face outwards to the south, east and west, with timber linings facing into the application property's enclosed front garden.

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.

No.6 is placed ~ 100m from footpaths, beyond lies a petrol station, industrial building, car park which make up the character of the area - I suggest that the fence does not damage the character of the area. The refusal notice sites granting planning permission would set a precedent. There are 5 properties on Parkhill Avenue that are closer to the road and footpath than No. 6 yet have tall fences in place. The burn running opposite No.6 is a safety concern form the young occupants of No.6.

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)

Photos of Parkhill Avenue tall fences already in place. Breakdown of reasons for appeal.

Application Details

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

211481/DPP

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

13/10/2021

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

23/11/2021

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Joe Johnson

Declaration Date: 11/01/2022

Quoted text from ACC - Report of Handling - 211481/DPP

Design & Amenity

"The implemented timber fence has an unacceptable impact on the character and amenity of the surrounding area, which, in this location, is characterised by open aspect gardens with a high degree of exposure to surrounding streets, open spaces and footpaths, with boundaries comprising blockwork walls a modest height and scale, establishing a degree of uniformity and regularity throughout. The erected fence is of a size, scale and design that is wholly out of character with the remainder of the street and its established characteristics in this location. The fence has a significant detrimental impact on visual amenity in a prominent and public location owing to its height and material finish, resulting in an imposing, defensive and interruptive structure in an otherwise open environment. If approved, the application would establish a precedent that would be difficult to resist elsewhere in the immediate vicinity and surrounding areas."

Response 1

If I may call properties that are on the same street, Parkhill Avenue, the immediate area, then I would also suggest that the fence is not at all out of character as 5 other properties on the street have fences already in place that are as tall or taller than the fence at No.6. The timber construction of the fence in question is very similar in design to long standing examples erected by other occupants of Parkhill Avenue and stands to serve the same purpose. In terms of visual impact on the wider area, No.6 is placed around 100m from public footpaths, beyond which lie industrial buildings, a petrol station, Hotel/Car park and busy road which could be seen as considerably less visually appealing than a timber fence. I want to stress that the similar fences already standing on various other Parkhill Avenue properties are considerably closer to the footpath/road – key vantage points from where the character of the area should be assessed. The refusal notice sites granting planning permission would set a precedent. As described above, there are 5 properties on Parkhill Avenue that are closer to the road and footpath than No. 6 yet have tall fences in place. I would suggest that a precedent has already been set.

Residential Amenity

In respect of residential amenity, the Council's SG states that boundary enclosures will not be permitted where they would result in an unacceptable impact upon the amenity of neighbouring dwellings. In terms of daylight and sunlight, respective calculations, namely the 45-degree rule, as set out in Appendix 2 of the Council's SG, demonstrate that the height and position the erected fence relative to adjacent property, including habitable room windows and private garden areas, is such that there would be no adverse impact. Accordingly, it is considered that the proposal complies with the Council's SG in respect of ensuring that residential amenity is suitably maintained.

Response 2

I understand that in respect to Residential Amenity, the fence construction complies with policy. I suggest it should be on these grounds that permission for the fence is granted. As laid out in Response 1, I suggest that the character of the wider area has not been significantly or damagingly impacted, certainly not any further than the precedent already set by the various long standing fences of Parkhill Avenue.

Matters Raised in Representations

Regarding the matters raised via representations, those matters pertaining to precedent, visual impact and residential amenity have been addressed above. Loss of a view is not a material planning consideration and as such has not been taken into account in the assessment of this application.

Response 3

As discussed above, I suggest that the numerous fences already in place along Parkhill Avenue have already set a precedent. When the character of the surrounding area is considered as a whole, visual impact should be considered absolutely minimal relative to the industrial buildings, petrol station, busy road and carpark/hotel that make up the surrounding area.

Background reasoning for erection of fence

- My wife and I are looking to give our baby son access to a safe and private garden area to safely and freely play in. Immediately opposite of No.6 is the far burn which regularly swells to a dangerous torrent during periods of heavy rainfall which my nesting wife immediately raised concern over when we moved into the property in November 2020. The original boundary and fence would have represented an easily accomplishable challenge to a toddler intent on exploring.
- The previous low boundary wall/picket fence left the garden of No.6 exposed to public view, reducing the suitability of the garden to be used for any sort of private occasion and furthering safety concerns regarding the suitability of the garden for small children considering the proximity to a busy road.
- There is significant road noise from the busy Riverview Drive. The fence significantly cuts down this noise level and adds to the sanctuary that a garden should be.

On the grounds of all the areas covered above, I appeal the refusal decision and ask for reconsideration of the matter.

LOCAL REVIEW BODY



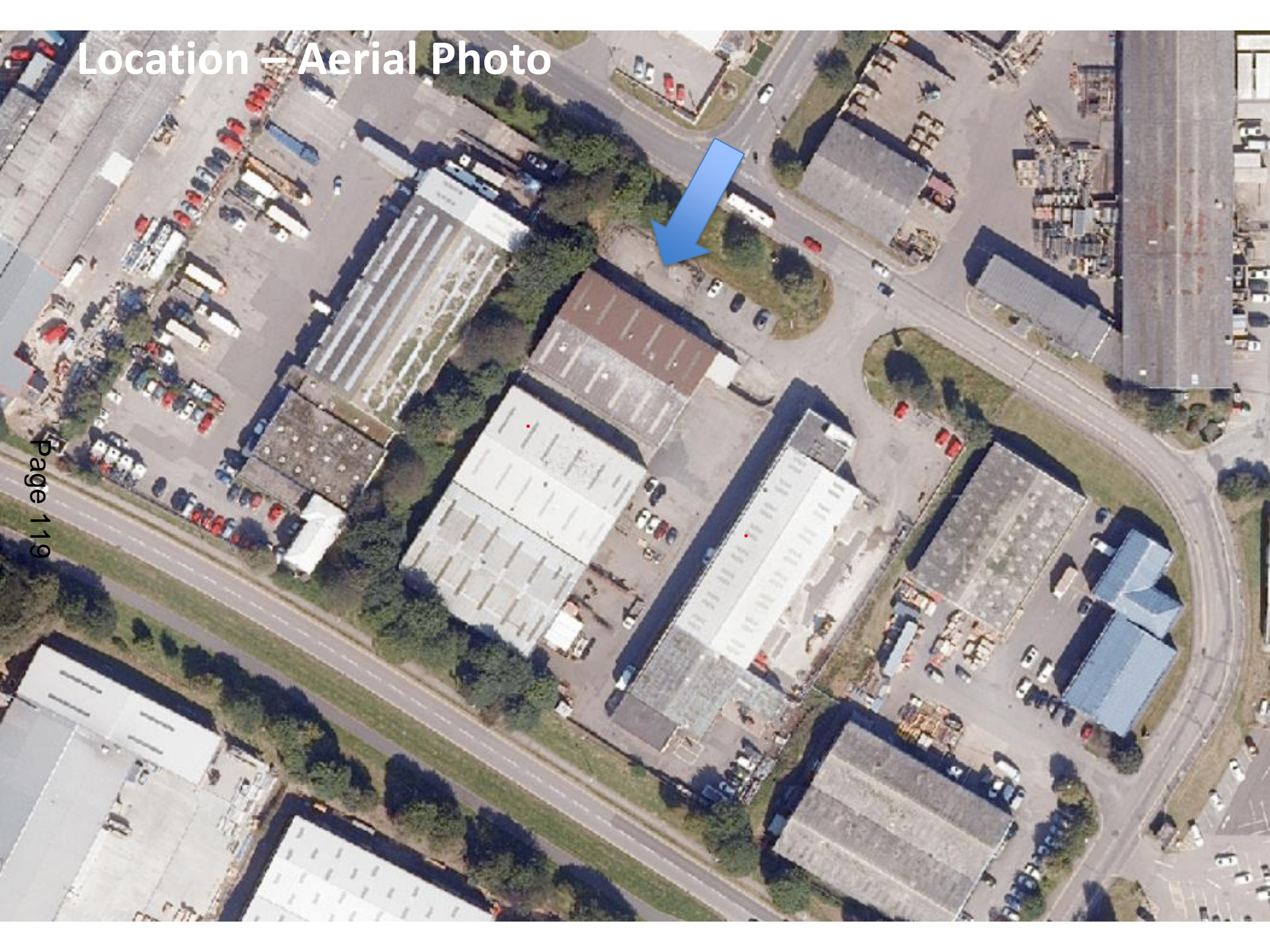
211161/DPP– Review against refusal of planning permission for:

Change of use to Class 1 (Shops)

Unit 2a, Bridge of Don Industrial Estate, Woodside Road,
Aberdeen



Location – Aerial Photo



Reasons for Decision

Stated in full in decision notice. Key points:

- Class 1 (shops) is not an acceptable use within Policy B1 – Business and Industrial Land
- Proposal is not within a designated centre as outlined within Policy NC4 – Sequential Approach and the Hierarchy of Centres SG
- Proposal does not meet the criteria within Policy NC5 – Out of Centre Proposals

Applicant's Case

Case is described within a lengthy Statement of Support, with the material considerations summarised as follows:

- The proposal accords with the Development Plan as it contributes to the vision, aims and objectives of the Strategic Development Plan, by meeting the diverse needs of different types and sizes of businesses in line with the aspirations of the ALDP policies on business and industrial land, and complies with policies NC4, NC5, D1, T2, T3 and R6 (Waste Management Requirements)
- Brings a net economic benefit to the area.
- Unit has been marketed for a considerable length of time
- Building is a good fit for the proposed occupier as it offers parking for bulky goods, flexible space and is accessible by all modes of transport

B1: Business and Industry

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

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

NC4: Sequential Approach

All significant footfall generating development appropriate to town centres (unless on sites allocated for that use in this plan) should be located in accordance with the hierarchy and sequential approach as set out below and detailed in Supplementary Guidance:

Tier 1 : Regional Centre

Tier 2 : Town Centres

Tier 3 : District Centres

Tier 4 : Neighbourhood Centres

Tier 5 : Commercial Centres

In these circumstances, proposals serving a catchment area that is city-wide or larger shall be located in the city centre if possible. Retail proposals shall preferably be located in the City Centre Retail Core.

Proposals serving a catchment area of a size similar to that of a town centre or district centre shall be located in a town centre or a district centre if possible. They may also be located in the city centre.

Only proposals for bulky goods shall be located in a commercial centre, and only if a suitable site is unavailable in, or on the edge of, a centre in the first, second or third tiers of the hierarchy.

Policy NC5 – Out of Centre

All significant footfall generating development appropriate to designated centres, when proposed on a site that is out-of-centre, will be refused planning permission if it does not satisfy all of the following requirements (unless on sites allocated for that use in this plan):

- 1 no other suitable site in a location that is acceptable in terms of Policy **NC4** is available or likely to become available in a reasonable time.
- 2 there will be no adverse effect on the vitality or viability of any centre listed in Supplementary Guidance.
- 3 there is in qualitative and quantitative terms, a proven deficiency in provision of the kind of development that is proposed.
- 4 the proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycling and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by regular, frequent and convenient public transport services and would not be dependent solely on access by private car.
- 5 the proposed development would have no significantly adverse effect on travel patterns and air pollution.



National Policy

- Strategic Development Plan
- Scottish Planning Policy

Supplementary Guidance

- Hierarchy of Centres

Points for Consideration:

Zoning: Do members consider that the proposed change of use would comply with policy B1?

Does the proposal consist of a significant footfall generating use, and does it comply with Policy on sequential approach and the hierarchy of centres

Does the Proposal comply with SPP ?

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:	Unit 2a, Bridge of Don Industrial Estate, Woodside Road, Aberdeen, AB23 8EF
Application Description:	Change of use to Class 1 (Shops)
Application Ref:	211161/DPP
Application Type:	Detailed Planning Permission
Application Date:	11 August 2021
Applicant:	Carriages Prams Ltd
Ward:	Bridge of Don
Community Council:	Bridge of Don
Case Officer:	Aoife Murphy

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The site comprises one of two conjoined modern industrial units located within an industrial estate in the Bridge of Don area to the north of the city. The unit, which is of typical industrial design comprises two internal levels and is finished externally with metal cladding and brick. The principal (southeast) elevation faces onto a communal parking area and road beyond provides direct access to Woodside Road to the north of the site. A further parking area is located to the northeast of the building.

Relevant Planning History

200538/DPP Detailed Planning Permission for the replacement of cladding; removal of glazed door to form vehicle roller shutter entrance; re-painting of an existing roller shutter and installation of fence and gate with associated works – Approved 4 June 2020.

APPLICATION DESCRIPTION

Description of Proposal

Permission is sought to change the use of the unit to a Class 1 (Shop) unit so it can be occupied by a Carriages Prams Ltd., for the display and sale of prams and nursery furniture. The site also includes the area of parking to the north which would provide 17 spaces (although 18 are shown on the plan) and 2 disabled parking bays, as well as an area for motorbike and cycle parking.

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=QXNY51BZMKU00>

Planning Statement, prepared by Aurora Planning; and
Sequential Test and subsequent supporting information prepared by Aurora Planning;

CONSULTATIONS

ACC - Roads Development Management Team – no objection.

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.

National/Local Planning Policy and Guidance

Scottish Planning Policy (SPP)

Aberdeen City and Shire Strategic Development Plan (SDP) 2020

Aberdeen Local Development Plan (2017)

Policy B1 - Business and Industrial Land

Policy NC4 - Sequential Approach and Impact

Policy NC5 - Out of Centre Proposals

Policy D1 - Quality Placemaking by Design

Policy T2 - Managing the Transport Impact of Development

Policy T3 - Sustainable and Active Travel

Supplementary Guidance

Hierarchy of Centres

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. Policy B1 - Business and Industrial Land, Policy D1 - Quality Placemaking, Policy VC3 - Network of Centres, Policy VC9 - Out of Centre Proposals and Policy T3 - Parking.

EVALUATION

Principle of Development

As the application sites falls within an industrial estate, Policy B1 - Business and Industrial Land applies. B1 requires land designated for business and industrial use to be retained as Class 4 (Business), Class 5 (General Industrial) and Class 6 (Storage and Distribution) uses and safeguarded from other conflicting development types. While the policy advises of other uses, such as car showrooms and bus depots which may be suited to a business and industrial location, these shall be treated on their own merits and would require a thorough assessment.

Given that the proposal relates to a Class 1 use, Policy NC4 - Sequential Approach and Impact and Policy NC5 - Out of Centre Proposals also require consideration. SPP also requires to be considered, which highlights in paragraph 58 that National Planning Framework 3 (NPF3) reflects the importance of town centres as a key element of the economic and social fabric of Scotland and that it is important that planning supports the role of town centres to thrive and meet the needs of their residents, businesses and visitors. Paragraph 60 states *“the planning system should apply a town centre first policy when planning for uses which attract significant numbers of people, including retail”*. This town centre first approach is reiterated, in paragraph 70, stating *“The aim is to recognise and prioritise the importance of town centres [...]”* Where out-of-centre developments/uses are proposed, which is the case here, paragraph 73 is particularly relevant and advises that out-of-centre locations should only be considered for uses which generate significant footfall where, (1) all town centre, edge of town and other commercial centre options have been assessed and discounted as unsuitable or unavailable; (2) the scale of development proposed is appropriate and it has been shown that the proposal cannot reasonably be altered or reduced in scale to allow it to be accommodated at a sequentially preferable location; (3) the proposal will help to meet qualitative or quantitative deficiencies; and (4) there will be no significant adverse effect on the vitality and viability of existing town centres. All four criteria require to be satisfied.

Similar to the requirements of SPP, Policy NC4 requires all significant footfall generating development appropriate to town centres should be located in accordance with the hierarchy and sequential approach, however it is noted that the application site does not fall within a designated centre. In all cases, proposals shall not detract significantly from the vitality or viability of any centre. Policy NC5 advises that significant footfall generating development appropriate to designated centres, when proposed on a site that is out-of-centre, will be refused planning permission if it does not satisfy the following criteria requirements.

- 1) No other suitable site in a location that is acceptable in terms of Policy NC4 is available or likely to become available in a reasonable time;
- 2) There will be no adverse effect on the vitality or viability of any centre listed in Supplementary Guidance;
- 3) There is in qualitative and quantitative terms, a proven deficiency in provision of the kind of development that is proposed;
- 4) The proposed development would be easily and safely accessible by a choice of means of transport using a network of walking, cycling and public transport routes which link with the catchment population. In particular, the proposed development would be easily accessible by

- regular, frequent and convenient public transport services and would not be dependent solely on access by private car; and
- 5) The proposed development would have no significantly adverse effect on travel patterns and air pollution.

In considering Policy B1 as the principal policy, the applicant is looking to locate a Class 1 retail unit within an existing business estate. However, as outlined above a Class 1 use is not permitted by Policy B1 and it conflicts with the aforementioned criteria in Policy NC5. In support of the proposal, the applicant advises that for the bulky nature of the products sold by Carriages Prams Ltd., a key requirement for the new shop is for an availability of parking, which is provided within this site. The applicant advises that many city centre retail units are unsuitable and unable to offer this. Five alternative options were noted in the supporting statement, but these were dismissed for several reasons including cost and accessibility, a factor which will be explored further below. It is noted that one of the options includes a site on which planning permission was granted for this business for a change of use to a Class 1 use earlier in 2021. This was at 78 Carden Place (application ref. 210068/DPP), however, upon reviewing the businesses requirements, it was concluded that the size and cellular format of the unit means that it does not in fact offer suitable floorspace to meet the applicant's needs and has therefore been dismissed. However, as highlighted above that there is a clear conflict with the aforementioned policy, which has not been sufficiently justified.

The applicant also notes that the existing estate has a variety of uses including Sterling Furniture and Howdens. However, these units have been in operating from their respective units for some time now and were not considered under this current plan and therefore cannot be used as a suitable justification for this development.

Turning to Policy NC4 - Sequential Approach and Impact as the application site does not fall within a designated centre. Within the supporting statement the applicant also makes reference to 'bulky goods', however as outlined in Policy NC4, only proposals for bulky goods shall be located in a commercial centre, and only if a suitable site is unavailable in, or on the edge of, a centre in the first, second or third tiers of the hierarchy, which this site is none of. The applicant states that this unit is not a "significant footfall generating development" owing to the size of the unit. However, a unit of this nature, which if approved could operate as any Class 1 use, has the potential to attract a high level of customers and therefore requires considered against Policy NC4.

On request of the Service, a sequential test has been provided to support the proposal, in which the applicant has looked at 21 sites in and around the city, however all have been discounted as they are either too expensive, can only be leased, too small/ large or do not have an adequate level of parking for the applicant's needs. The applicant advises that they have a very specific needs when it comes their business, including having a floor space of 400-500sqm, with room for expansion, being on one level, having on-site car parking and being available for purchase rather than lease. However, it is recognised that this is a further unit for the applicant with the first operating from Peterhead Town Centre, the Planning Service have since been informed by the agent that the business has relocated to a unit 3 miles from Peterhead Town Centre. However, according to the business's website, it would appear that rather than relocating, Carriage Prams have actually opened a new unit in Boddam, Aberdeenshire, which would make this proposal their third retail unit.

SPP requires that for out-of-centre locations, applicants need to show that they have allowed some degree of flexibility with their proposal to allow it to be accommodated at a sequentially preferable location. Initially, the applicant did not demonstrate that this has been considered. For example, it has not been demonstrated why the use could not be on more than one floor of a building, or why a property could not be leased, rather than purchased. Further information has been submitted explaining why the applicant has such descriptive requirements. However, it is

considered that one of their main requirements which is buying the property rather than leasing it, is not a sufficient reason for not choosing an alternative unit and is not a characteristic of the proposal. In opting out of sites that can be leased the applicant is showing that they are inflexible in their requirements. As a result of there being no flexibility by the applicant in terms of the stated needs, all of the vacant properties considered have been ruled out, some for the reason that they are available only for lease. The fact is that there are suitable properties in sequentially preferable locations as shown by the applicant, which meet all or most of the other stated needs. Although they are only available for lease, that is not a suitable justification for setting aside the town centre first principle and the sequential approach to the location of retail uses set out in SPP and local development plan policy. As such, it is considered that that the proposal results in an unacceptable conflict with Policy NC4. Given that the business currently operates from a town centre, the Planning Service are not persuaded that there is no suitable premises within one of the city's many designated centres and would dispute the outcome of the sequential test.

It is noted that the agent within their supporting information also quotes case law, *Tesco Stores v Dundee City Council* stating that "*whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site*". However, having reviewed the decision of the Scottish Supreme Court, it is noted that the agent has not consider the decision fully and has just quoted only one sentence that appears to supplement their argument. However, the decision of *Tesco Stores v Dundee City Council* also states that "*[...] the applicant is expected to have prepared his proposals in accordance with the recommended approach: he is, for example, expected to have had regard to the circumstances of the particular town centre, to have given consideration to the scope for accommodating the development in a different form, and to have thoroughly assessed sequentially preferable locations on that footing*". Taking out the fact that the applicant wants to purchase the property, which is not considered to be a characteristic of the development, but a want of the applicant, it is considered that the proposal is inflexible and has disregarded other suitable sites without a thorough sequential test, further confirming the decision taken in respect of Policy NC4. Accordingly, it is considered that the applicant's approach to the consideration of other sites is not fully aligned to, nor in accordance with this the Court judgement.

In reviewing the criteria of Policy NC5 as the site is in an out-of-centre location, the proposal will be required to meet all 5 criteria requirements outlined above. The applicant has advised that no other suitable site is available or likely to become available in a reasonable time and as mentioned several sites were reviewed but all were discounted by the applicant for a variety of reasons. In addition to the five sites initially assessed, 21 further sites form part of the sequential test. However, for the reasons note above, the Planning Service is still not persuaded that no site which is located within a designated centre would be feasible for such a business.

In respect to the other criteria, it is considered that locating a retail unit of this nature in this location has the potential to impact the vitality or viability of any centre, however the only justification given is that "*the proposed use is not one that would not normally be found in a retail centre in any event, there would be no adverse effect on these*". The Planning Service would argue that this is exactly the type of use that would be found in a designated centre and therefore should be located within one rather than an industrial estate. With the closure of John Lewis and Mothercare, the Planning Service is aware that there are very few shops selling items of this nature, noting that Boots in the Bon Accord Centre sells prams, amongst other items, from a city centre location and from a unit that is split over 2 floors. This would be more of a reason for locating this development within a designated centre rather than this industrial estate. The applicant advises that the site is easily and safely accessible by a choice of means of transport and that the proposed development would have no significantly adverse effect on travel patterns and air pollution, however, the applicant also advises that they require parking due to the "bulky" nature of the stock. Within the recently submitted sequential test, the applicant provides further information on this aspect stating that "*although on-site car parking is crucial to enable customers to collect their goods once purchased [...] the site is also easily accessible by regular, frequent*

and convenient public transport services and would not be dependent solely on access by private car for customers wishing to view products before purchasing them, or for staff accessing the premises for work” From undertaking an assessment on this aspect it is clear that this use in this location would be heavily reliant of private vehicular travel. With regards to public transport, First Bus operates four routes in the vicinity, including 1B, 8, 8B and 40 (40 is Sunday only), 1B and 40 are linear routes from the city centre, while 8 and 8B are circular routes through Bridge of Don and Danestone. Therefore, while public transport routes are available their scope is limited and do not appear to serve the wider city catchment. As such it is considered that the premises is not accessible by public transport and is unlikely that it would be utilised by customers due to the nature of the products being sold. Furthermore, should a Class 1 use be granted, the Planning Service cannot stop any retail use operating from the unit, therefore, there is considered that any Class 1 use has the potential to have significant adverse impacts on travel patterns.

In respect to the aforementioned comment regarding the proposed Class 1 use, the agent did ask the Planning Service to consider a personal condition, which would restrict the use of the building and only allow it to be used by the applicant and this business. However, having reviewed that Circular 4/1998: The Use of Conditions in Planning Permissions, it is noted that it advises that “*a permission personal to company is generally inappropriate*”, as such this is not an option that the Planning Service is willing to consider.

In light of the above it is clear that there is an obvious conflict with Policy NC5 and there is no justification for allowing such a use to be located in this out of centre location.

The applicant’s supporting statement also makes reference to the Aberdeen City and Shire Strategic Development Plan (SDP) 2020, which has aims to encourage economic development and creating employment in a range of areas that are both appropriate for and attractive to the needs of different industries, with a target of having at least 60ha of marketable employment land available in Aberdeen City at all times. The most recent Employment Land Audit identifies 210ha of marketable employment land in the city, which in this case refers to land falling within Use Classes 4, 5 and 6. However, having sufficient employment land is not an adequate justification for allowing this development and the resultant loss of this industrial use. Should the proposal be allowed then this would need to be evidence based when considered against the relevant policies outlined above.

Taking all of the above into account, it is clear that there is a conflict with Policies B1, NC4 and NC5 and no sufficient justification for this development has been given beyond non-evidenced based, anecdotal statements that the proposal is acceptable when considered against the above policies. It is clear from the supporting statement, that the applicant has given no clear consideration to the hierarchy of centres and is attempting to make the proposed use fit into this industrial estate rather than proving clear justification for why it would be acceptable as a departure. In light of the above the Planning Service are in no position to allow the proposal as a departure from Policy B1 - Business and Industrial Land, Policy NC4 - Sequential Approach and Impact and Policy NC5 - Out of Centre Proposals. The proposal therefore fails to comply with the above policies and the principle of development cannot be supported.

Other Considerations

As the applicant is only seeking a change of use to the building with no external alteration, it is considered that the proposal does not require a full assessment against Policy D1 - Quality Placemaking by Design.

In respect of Policy T2 - Managing the Transport Impact of Development and Policy T3 - Sustainable and Active Travel, the Roads Service has advised that it has no objection to the proposal subject to the parking bays being an acceptable size.

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.

Conclusion

In light of the above, it is clear that the proposal is not acceptable when considered against Scottish Planning Policy, the town centre first policy, Policies B1, NC4 or NC5 of the above applicant and no clear justification has been given to allow the Planning Service to support the proposal as a departure from the Local Development Plan. It is therefore recommended that planning permission be refused.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

Having regard to Scottish Planning Policy and the town centre first policy as well as the principal policy of the current Local Development Plan, Policy B1 - Business and Industrial Land, it is considered that the proposed Class 1 use is not an acceptable use within an existing industrial estate. The proposal is also in conflict with Policy NC4 - Sequential Approach and Impact, in that the proposal is not located within a designated centre as outlined in the hierarchy of centres, nor does the proposal does successfully meet the criteria of Policy NC5 - Out of Centre Proposals and would be inappropriately sited. It is therefore considered that the proposal fails to comply with the relevant policies of the Aberdeen Local Development Plan 2017 and the similar policies of the Proposed Aberdeen Local Development Plan 2020.

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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 100447548-001

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)

Change of use from Classes 4 (Business), 5 (General Industrial) and 6 (Storage and Distribution) to Class 1 (Shops)

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:	Aurora Planning Limited		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Margaret	Building Name:	
Last Name: *	Bochel	Building Number:	22
Telephone Number: *	07378164327	Address 1 (Street): *	Rubislaw Terrace
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	UK
		Postcode: *	AB10 1XE
Email Address: *	maggie@auroraplanning.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:		You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	c/o agent
First Name: *		Building Number:	
Last Name: *		Address 1 (Street): *	c/o agent
Company/Organisation	Carriages Prams Ltd	Address 2:	c/o agent
Telephone Number: *		Town/City: *	c/o agent
Extension Number:		Country: *	c/o agent
Mobile Number:		Postcode: *	
Fax Number:			
Email Address: *	info@auroraplanning.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

UNIT 2A

Address 2:

BRIDGE OF DON INDUSTRIAL ESTATE

Address 3:

WOODSIDE ROAD

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB23 8EF

Please identify/describe the location of the site or sites

Northing

810917

Easting

394480

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

1320.00

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)

Classes 4 (Business), 5 (General Industrial) and 6 (Storage and Distribution)

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)

Waste to be stored within building and collected as per existing use.

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

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

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

Class 1 Retail (non-food)

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

488

If Class 1, please give details of internal floorspace:

Net trading spaces:

333

Non-trading space:

155

Total:

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

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

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

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

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

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

or –

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

Name:

Ms Grace Lewis

Address:

Commercial Estates Group Sloan Square House, 1, Holbein Place, London, SW1W 8NS

Date of Service of Notice: *

10/08/2021

(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: Margaret Bochel

On behalf of: Carriages Prams Ltd

Date: 10/08/2021

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)

Planning statement

Declare – For Application to Planning Authority

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

Declaration Name: Dr Margaret Bochel

Declaration Date: 10/08/2021

Payment Details

Online payment: ABSP00007142

Payment date: 10/08/2021 22:01:00

Created: 10/08/2021 22:01

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Margaret Bochel
Aurora Planning Limited
22 Rubislaw Terrace
Aberdeen
UK
AB10 1XE

on behalf of **Carriages Prams Ltd**

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

Change of use to Class 1 (Shops)
at Unit 2a, Bridge Of Don Industrial Estate

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
1408 - 1001	Location Plan

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

None.

REASON FOR DECISION

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

Having regard to Scottish Planning Policy and the town centre first policy as well as the principal policy of the current Local Development Plan, Policy B1 - Business and Industrial Land, it is considered that the proposed Class 1 use is not an acceptable use within an existing industrial estate. The proposal is also in conflict with Policy NC4 - Sequential Approach and Impact, in that the proposal is not located within a designated centre as outlined in the hierarchy of centres, nor does the proposal successfully meet the criteria of Policy NC5 - Out of Centre Proposals and would be inappropriately sited. It is therefore considered that the proposal fails to comply with the relevant policies of the Aberdeen Local Development Plan 2017 and the similar policies of the Proposed Aberdeen Local Development Plan 2020.

Date of Signing 10 December 2021



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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; or
- c) to grant planning permission or any approval, consent or agreement subject to condition,

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 211161/DPP

Application Summary

Application Number: 211161/DPP

Address: Unit 2a Bridge Of Don Industrial Estate Woodside Road Aberdeen AB23 8EF

Proposal: Change of use from Classes 4 (Business), 5 (General Industrial) and 6 (Storage and Distribution) to Class 1 (Shops)

Case Officer: Aoife Murphy

Consultee Details

Name: Mr Michael Cowie

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

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application for change of use from Classes 4 (Business), 5 (General Industrial) and 6 (Storage and Distribution) to Class 1 (Shops) at Unit 2a, Bridge of Don Industrial Estate, Woodside Road, Aberdeen AB23 8EF.

It is noted the site lies within the outer city and does not lie within an area of any form of controlled parking.

It is noted the site shall be served by appropriate existing pedestrian provision which in turn provides connections to nearest public transport provision on Denmore Road (directly opposite site).

In regard to parking provision it is confirmed that adequate volume is proposed as per ACC supplementary guidance, which includes 2no. spaces for disabled use. Parking bays shall require to be 2.5m x 5m with a 6m aisle width, this shall require to be confirmed as it unclear if suffice width is provided at the point of proposed motorcycle and cycle parking is located (if not this shall require to be relocated).

It is noted that in terms of refuse servicing for the site, this shall be as per existing and is considered acceptable.

It is confirmed Roads Development Management have no objections to this application, should aforementioned parking dimensions be confirmed and/or provided.

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Aberdeen Local Development Plan (ALDP)

- Policy B1 – Business and Industrial Land
- Policy NC4 – Sequential Approach and Impact
- Policy NC5 – Out of Centre Proposals
- Policy T2 - Managing the Transport Impact of Development
- Policy T3 - Sustainable and Active Travel

Supplementary Guidance

Hierarchy of Centres

[3.1.PolicySG.HierarchyOfCentres.pdf \(aberdeencity.gov.uk\)](https://www.aberdeencity.gov.uk/sites/default/files/3.1.PolicySG.HierarchyOfCentres.pdf)

Transport and Accessibility

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

Other Material Considerations

Scottish Planning Policy

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

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 100525678-001

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:		You must enter a Building Name or Number, or both: *	
First Name: *	Pippa	Building Name:	
Last Name: *	Robertson	Building Number:	22
Telephone Number: *	07985 703268	Address 1 (Street): *	Rubislaw Terrace
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		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"/>	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"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="c/o agent"/>
Company/Organisation	<input type="text" value="Carriages Prams Ltd"/>	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" value="c/o agent"/>
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="UNIT 2A"/>
Address 2:	<input type="text" value="BRIDGE OF DON INDUSTRIAL ESTATE"/>
Address 3:	<input type="text" value="WOODSIDE ROAD"/>
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 8EF"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="810917"/>	Easting	<input type="text" value="394480"/>
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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)

Change of use to Class 1 (Shops)

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 Statement of Reasons

Application Details

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

211161/DPP

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

11/08/2021

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

10/12/2021

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: Miss Pippa Robertson

Declaration Date: 26/01/2022

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**UNIT 2A
BRIDGE OF DON INDUSTRIAL ESTATE
WOODSIDE ROAD
ABERDEEN
AB23 8EF**

**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 211161/DPP

STATEMENT OF REASONS



1 Introduction

1.1 Planning application reference 211161/DPP, seeking planning permission for the “*Change of use to Class 1 (Shops)*” of Unit 2A, Bridge of Don Industrial Estate, Woodside Road, Aberdeen, was refused under delegated powers on 10 December 2021 [Document 7]. Our client now seeks a review of that decision for the reasons set out in this Statement, as read alongside the documents submitted with this, a list of which is provided at Appendix One. This includes a Planning Statement [Document 3] which provides relevant background information with regards to the proposed development and sets out the policy context against which the application requires to be assessed, the terms of which are incorporated herewith.

1.2 In summary, it is submitted that the proposed change of use:

- contributes to the vision, aims and objectives of the Aberdeen City and Shire Strategic Development Plan (SDP) [Document 8], by making efficient use of an existing vacant property, supporting the expansion of a successful local business, creating new employment opportunities, having no impact on the availability of employment land in the city, and being accessible by all modes of transport, thus also being sustainable in this regard;
- helps meet the diverse needs of different types and sizes of businesses, in accordance with the aspirations of the Aberdeen Local Development Plan 2017 (ALDP) [Document 9] in terms of supporting business and industrial development, with the bulky nature of the goods to be sold from the site meaning that it should be considered suitable to a business and industrial area when assessed against ALDP Policy B1 – Business and Industrial Land;
- satisfies the requirements of ALDP Policies NC4 – Sequential Approach and Impact and NC5 – Out of Centre Proposals in that the applicant has demonstrated that no sequentially preferable sites are available, there is a deficiency in the type of development proposed, and it would not have any adverse impact on the vitality or viability of existing centres, travel patterns or air pollution;
- complies with all other relevant ALDP policies, namely Policies D1 – Quality Placemaking by Design, T2 – Managing the Transport Impact of Development, T3 – Sustainable and Active Travel, and R6 – Waste Management Requirements for New Development; and
- is supported by other relevant material considerations, in particular Scottish Planning Policy (SPP) [Document 10] which -



- requires due weight to be given to the net economic benefits that the proposed development would deliver in terms of bringing an empty unit back into use, supporting a local business, and creating new jobs;
- supports alternative uses being found for industrial sites when supply outstrips demand; and
- establishes a presumption in favour of development that contributes to sustainable development, with this being a significant material consideration in this case since the ALDP is over 5 years old and, in the absence of there being any adverse impacts which '*significantly and demonstrably*' outweigh the benefits of the proposal, as outlined above, planning permission requires to be granted for this in accordance with the decision in *Gladman Developments Limited v The Scottish Ministers [2020] CSIH 28* [Document 11] (the Gladman case).

1.3 In relation to the above points, the Report of Handling for the application [Document 6] confirms that the Council's Roads Development Management Team has no objection to the proposal, with the case officer's only concern being with regards to the principle of the proposed use in this location.

1.4 It should also be noted that there were no objections to the application, whether from any neighbours, the Community Council, or any other statutory consultees.

1.5 As the application complies with the development plan and is supported by relevant material considerations, with no material considerations indicating otherwise, the Review should be upheld, and the application approved.

2 Policy context

2.1 In considering this Notice of Review, it must be remembered that 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. It is also important to note that, in doing this, the development plan requires to be considered as a whole and, while it is for the decision maker to decide the weight to be given to the various applicable provisions of this and other material considerations, a decision will not be lawful if any relevant material considerations are ignored.



2.2 Full details of the relevant provisions of the development plan and other material considerations are set out in the Planning Statement submitted with the application, demonstrating why the application should be supported in terms of these. Importantly, it should be noted that the Planning Statement highlights significant material considerations which have not been addressed in the Report of Handling, in particular:

- the need to give due weight to economic development, as set out in SPP, along with the express statement in this that the planning system should:

“Promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets.”

- the support SPP gives to development which makes efficient use of existing capacities of land, including support for business and industrial land being used for alternative purposes if supply exceeds demand, with regards to which paragraph 103 of this states that:

“Where existing business sites are underused, for example where there has been an increase in vacancy rates, reallocation to enable a wider range of viable business or alternative uses should be considered, taking careful account of the potential impacts on existing businesses on the site.”

2.3 As the proposed development comprises the change of use of a currently empty building (which has been vacant for a considerable period of time) to support an expanding local business, with no physical changes proposed to the building itself, it would clearly:

- increase economic activity and deliver net economic benefits as a result;
- have no adverse impact on the natural and built environments, and would in fact have a positive one in that it would bring a vacant part of the built environment back into use, thus safeguarding against it from falling into disrepair in the longer term; and
- make efficient use of land.

2.4 Given the above, the application should be supported in accordance with the provisions of SPP.



2.5 Further, these provisions of SPP are now even more relevant given the age of the ALDP; this being over 5 years old as of 20 January 2022, with paragraph 33 of SPP stipulating that the presumption in favour of development that constitutes sustainable development established by SPP is elevated to a **significant** material consideration in such circumstances. Related to this, the decision in the Gladman case makes it clear that, where the presumption in favour of sustainable development is a significant material consideration, planning permission should be granted unless there are any adverse impacts which '*significantly and demonstrably*' outweigh the benefits of the proposal, i.e. the balance is tilted in favour of planning permission being granted, with the assessment of whether there are any adverse impacts which '*significantly and demonstrably*' outweigh the benefits of the proposal being part of the equation for determining whether a development is, in overall terms, sustainable.

2.6 In this case, an assessment of the proposed development against relevant sustainable development principles in SPP is carried out in paragraphs 4.1 to 4.8 of the Planning Statement, with these provisions of SPP affording notable support for the application, in particular in terms of the extent to which this would deliver net economic benefits and make efficient use of existing capacities of land, as set out above. At the same time, no adverse impacts which would '*significantly and demonstrably*' outweigh these benefits have been identified, with regards to which it should be noted that:

- whilst the Report of Handling states that a retail unit of this nature has the potential to impact on the vitality and viability of existing centres, it does not provide any evidence that that would in fact be the case, with the Sequential Test submitted by the applicant [Document 4] demonstrating that there would be no such impact. Indeed, the proposed change of use would be likely to deliver a net benefit in this regard by serving customers who would otherwise travel to other cities to access this type of pram centre, as set out in more detail in paragraph 3.13 below; and
- although the Report of Handling also suggests that the proposed change of use would have significant adverse impacts on travel patterns because customers would need to drive to the site, the bulky nature of the goods to be sold means that would be case even if a suitable unit were available in an existing centre and, in any event, the proposed change of use would be likely to generate less traffic than continuing the existing use of building would, particularly at peak periods.

2.7 Taking into account the benefits that the proposed development would deliver and the absence of any adverse impacts that would '*significantly and demonstrably*' outweigh these, the application requires to be approved as development that contributes to sustainable development in line with the decision in the Gladman case,



even if it is considered not to comply with the development plan (although, for the avoidance of doubt, it is maintained that the application does comply with the development plan for the reasons given in the Planning Statement and expanded on in this Statement).

3 Reasons for refusal

- 3.1 While just one reason for refusal is given on the Decision Notice, there are a number of elements to this, each of which are addressed in turn below.

Having regard to Scottish Planning Policy and the town centre first policy as well as the principal policy of the current Local Development Plan, Policy B1 - Business and Industrial Land, it is considered that the proposed Class 1 use is not an acceptable use within an existing industrial estate.

- 3.2 As set out in paragraph 3.10 of the Planning Statement, and whilst it is recognised that Policy B1 generally requires land zoned for business and industrial uses to be retained for Class 4, 5, and 6 uses, the Policy also states that other uses may be suited to such locations, with bus depots and car showrooms cited as examples, but this is not an exhaustive list. And indeed, as acknowledged in the Report of Handling, other retail uses already exist in the Industrial Estate, with the proposed use being consistent with those as set out in the Planning Statement. Taking this into account, along with the bulky nature of the products that would be sold, it is submitted that the proposed use is one that is suited to this location, and should be supported in terms of Policy B1 accordingly.

- 3.3 Related to this, it is also recognised that the Report of Handling raises concerns that, if the application were granted, the unit could be used for any retail use in future, and that the planning service did not consider the use of a personal condition to control this to be appropriate. However, the Report of Handling ignores the potential for consent to be granted subject to a condition controlling the type of goods that can be sold from the unit, in terms of which Planning Circular 4/1998: model planning conditions addendum [Document 12] makes it clear that a condition worded as follows would be appropriate:

“The use of the retail units hereby permitted shall be limited to the sale of non-food goods of the following types [specify]. In any unit, the use of more than [specify percentage] of the net retail floor area for the sale of goods other than those specified shall not be permitted without the written approval of the planning authority.”



- 3.4 In this case, such a condition could be applied to restrict the use of the unit to the sale of bulky items for children and babies (i.e. nursery furniture, prams, pushchairs, car seats and rockers), with no more than twenty five percent of the net retail floor area to be used for the sale of associated items, such as baby and children's clothes and accessories. This would mean that the unit could not be used for any other retail use in future without a further planning application, such that there would then be no reason to refuse the application on the basis of any concerns in this regard.
- 3.5 Lastly in terms of Policy B1, it is important to take into account the underlying purpose of the Policy, with that being to maintain a ready supply of employment land in the right places, in the interest of Aberdeen retaining its position as a competitive and sustainable business location. As such, whereas the Report of Handling indicates that the fact that there is an identified surplus of employment land in the city (as demonstrated by the most recent Employment Land Audit [Document 13]) is not an adequate justification for allowing the change of use proposed in terms of this application, that surplus is in fact a significant material consideration when considering whether or not the proposed development is contrary to Policy D1 in principle. And, as the proposed development would not have any negative impact on the ready supply of employment land in the city, there is clearly no conflict with Policy D1 in this regard.
- 3.6 Likewise, in terms of SPP, there is nothing in this to prevent business and industrial land being used for other purposes, such as that proposed in terms of this application. To the contrary, paragraph 103 specifically supports such land being used for alternative purposes if supply exceeds demand, as set out in paragraph 2.2 above and, while it is acknowledged that this refers to the allocation of sites, the same principle should be applied to development management decisions. This then provides significant support for the proposed development given the length of time that the unit has been vacant, the oversupply of employment land in the city, and the radical changes to the business and industrial land market since the ALDP was adopted, with this being particularly so as the proposed change of use would also increase the range of viable businesses in the area, as encouraged by paragraph 103 of SPP.
- 3.7 It should also be noted that the other provisions of SPP which the Report of Handling refers to in the context of Policy B1 do not in fact relate to what uses are appropriate to business and industrial areas in principle, but to whether or not a sequential approach has been undertaken in identifying the site in terms of Policies NC4 and NC5, the requirements with regards to which are addressed in the context of those Policies below.



The proposal is also in conflict with Policy NC4 - Sequential Approach and Impact, in that the proposal is not located within a designated centre as outlined in the hierarchy of centres, nor does the proposal does successfully meet the criteria of Policy NC5 - Out of Centre Proposals and would be inappropriately sited.

- 3.8 As set out in the Sequential Test submitted with the application, the scale of the proposed retail floor space (being less than 500m²) means that it would not be expected to generate significant footfall in terms of Policies NC4 and NC5, with this also being significantly below the threshold at which a retail impact assessment is required (2,500m²), such that it indicatively would not be expected to have any impact on the vitality or viability of existing centres. This notwithstanding, the Sequential Test shows that the applicant did consider potential alternative sites across the city, with no sequentially preferable sites having been identified, and with the proposed use of the application site satisfying all the criteria which require to be met for development on an out-of-centre site to be supported in terms of Policy NC5, as set out in paragraph 3.5 of that.
- 3.9 In this regard, it is noted that the Report of Handling raises concerns that the applicant has not demonstrated sufficient flexibility when considering potential alternative sites, with reference made to the decision in *Tesco Stores Ltd v Dundee City Council [2012] UKSC 13* [Document 14] as being authority for the need for flexibility in this regard. In particular, the Report of Handling indicates that properties should not be discounted solely on the basis of them being only available to lease rather than buy, as sought by the applicant, on the basis that the tenure of the property is not a characteristic of the development. This is not however a principle that is derived from *Tesco v Dundee*. Rather, the decision in that case highlights that, while developers are expected to have regard to the circumstances of the town centre and to consider the scope for accommodating the development in a different built form, planning authorities should be responsive to the needs of retailers, with the ultimate question being whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site. In any event, the applicant has not rejected any potential alternative sites purely on the basis of the tenure on which they would be occupied. Rather, where sites that would have been available to let were discounted, this was on the basis of the combination of the tenure, size and/or form of the unit, or due to the lack of on-site car parking, with the decision in *Tesco Stores Ltd v Dundee City Council* making it clear that these are legitimate grounds on which to discount potential alternative sites.
- 3.10 It should also be noted that, whereas the Report of Handling describes the applicant's business as currently operating from a town centre, this is not the case for goods such



as those which would be sold from the unit to which this application relates. Rather, whilst the applicant does have a shop in Peterhead town centre, limited space and a lack of dedicated car parking associated with this severely restricts the range of bulky goods such as prams and nursery furniture which they can offer from here. As such, the Peterhead town centre shop now primarily sells clothes and accessories rather than bulky goods, with the pram shop element of the business having be relocated to an out-of-centre site in Boddam which is better suited to their needs, planning permission for which was granted by Aberdeenshire Council in July 2020.

- 3.11 Notably, in granting planning permission for the applicant's Boddam shop, Aberdeenshire Council recognised the benefits that this would deliver in terms of facilitating the expansion of a local business and supporting its current location in Peterhead Town Centre, with no concerns raised with regards to whether this aligned with the town centre first principle set out in SPP, or the associated policies in the Aberdeenshire Local Development Plan [Document 15], and the same principles should apply to the determination of this application. This is particularly so as similar issues to those which arose in connection with the original Peterhead shop arise within designated centres in Aberdeen, with space to display and store a range of bulky goods and easily accessible parking adjacent to the shop in particular being crucial for the applicant's customers, in addition to which the cost of such units within designated centres makes them prohibitively expensive given the bulky nature of the goods sold and the amount of space they occupy relative to the rental cost per square metre of floorspace. In this regard, while the Report of Handling notes that Boots in the Bon Accord Centre sells prams from a city centre unit which is split over two floors, this is a very small part of the wide range of goods sold by Boots, with all prams and nursery equipment being on one floor, such this element of the business is on a single level. In addition, Boots' location within the Bon Accord Centre means that it benefits from on-site parking, which many other city centre sites do not have. As such, Boots should not be considered a precedent for the assertion that a specialist pram shop such as that to which this application relates should be located in a city centre location, with it being far more common to find such shops outwith such locations (as is the case, for example, with the applicant's existing shop at Boddam, as well as in other cities in Scotland).
- 3.12 Taking the foregoing paragraphs into account, along with the fact that planning authorities are expected to be responsive to the needs of retailers as highlighted in *Tesco Stores Ltd v Dundee City Council* (see paragraph 3.9 above), there is no reason not to accept the conclusions of the Sequential Test in terms of there being no sequentially preferable sites available, with the application complying with Policy NC4 accordingly.



3.13 In terms then of Policy NC5, the way in which the proposed development meets the criteria of this is set out in the Sequential Test, with regards to which it should be noted that:

- the Report of Handling acknowledges that there are no comparable shops in Aberdeen, with the only other shop identified as selling prams being Boots in the Bon Accord Centre, but this is just a very small part of their overall offering, and they have a limited range of goods on display, rather than being a specialist shop such as that proposed in terms of this application. As such, the applicant is aware of customers travelling to other cities, such as Glasgow, to access the type of pram centre that is proposed in terms of this application, making it clear that there is a proven deficiency in provision of the kind of development that is proposed, and that this criterion of Policy NC5 is therefore satisfied;
- it is clear from paragraphs 3.10 and 3.11 above that the proposed use is not suited to the city centre and that there are no sequentially preferable sites available, with extensive exploration of options and analysis by the applicant leading to the conclusion that there are no other sites in the city that meet their requirements, or which could feasibly be made to work whilst maintaining a viable business. As such, refusal of this application would mean no facility of this nature being delivered in Aberdeen, and customers would continue to travel to other cities, such as Glasgow, to access similar facilities, with resultant leakage of retail spend from the City (particularly since people travelling to shops elsewhere will also buy other items when there). At the same time, the fact that customers currently travel to other cities to access similar facilities due to the lack of such a shop in Aberdeen, combined with the scale of the proposed shop to which this application relates, means that it would not be expected to have an adverse impact on the vitality or viability of any designated centres here, but would potentially have a positive one by retaining more retail spend within the city region overall.
- the remaining criteria of Policy NC5 relate to the accessibility of the site by a choice of means of transport, and the effect on travel patterns and air pollution, with regards to which the Report of Handling raises concerns about the scope of public transport access. As recognised in the Report of Handling however, First Bus operates four bus services in the vicinity of the site, including connections with the city centre, from where there are further connections to the wider city and beyond, with this clearly having been deemed appropriate for an employment/business use where employees would be required to travel to the site from across the city and beyond. It should also be noted that the Council's Roads Development Management Team had no objection to the application, and that Council planning officers have previously accepted that retail development in



this area of Bridge of Don is suitably accessible by public transport, with planning permission having recently been granted for mixed use developments (including Class 1 use) on the site of Silverburn House and at Cloverhill, both of which are less than 500m from this site. The same conclusion should therefore be reached in respect of this application, in addition to which the fact that the site is already allocated for employment use means that the proposed change of use will have no significant adverse effect on travel patterns or air pollution. Indeed, any impact is likely to be positive, with the proposed use of the site as a retail unit being likely to generate less traffic overall, and less polluting traffic in particular, especially at peak hours, than its continued employment/industrial use would. In addition, the bulky nature of the goods to be sold means that customers would require to access the site by car to collect their goods, irrespective of whether or not the shop is within an existing centre. The application therefore also clearly satisfies all criteria of Policy NC5 in this regard.

It is therefore considered that the proposal fails to comply with the relevant policies of the Aberdeen Local Development Plan 2017 and the similar policies of the Proposed Aberdeen Local Development Plan 2020.

3.14 In light of the above, there are no grounds for concluding that the proposed development does not comply with either the ALDP or the PLDP, and it should instead be concluded that it does comply with the ALDP for the reasons given above and in the Planning Statement, with it also complying with the PLDP for the same reasons.

4 Conclusion

4.1 For the reasons given in this statement, it is clear that the proposed change of use:

- contributes to the vision, aims and objectives of the SDP by making efficient use of an existing vacant property, supporting the expansion of a successful local business, creating new employment opportunities, having no impact on the availability of employment land in the city, and being accessible by all modes of transport, thus also being sustainable in this regard;
- helps meet the diverse needs of different types and sizes of businesses, in accordance with the aspirations of the ALDP in terms of supporting business and industrial development, with the bulky nature of the goods to be sold from the site meaning that it should be considered suitable to a business and industrial area when assessed against ALDP Policy B1 – Business and Industrial Land;



- satisfies the requirements of ALDP Policies NC4 – Sequential Approach and Impact and NC5 – Out of Centre Proposals in that the applicant has demonstrated that no sequentially preferable sites are available, there is a deficiency in the type of development proposed, and it would not have any adverse impact on the vitality or viability of existing centres, travel patterns or air pollution;
- complies with all other relevant ALDP policies, namely Policies D1 – Quality Placemaking by Design, T2 – Managing the Transport Impact of Development, T3 – Sustainable and Active Travel, and R6 – Waste Management Requirements for New Development; and
- is supported by other relevant material considerations, in particular SPP which -
 - requires due weight to be given to the net economic benefits that the proposed development would deliver in terms of bringing an empty unit back into use, supporting a local business, and creating new jobs;
 - supports alternative uses being found for industrial sites when supply outstrips demand; and
 - establishes a presumption in favour of development that contributes to sustainable development, with this being a significant material consideration in this case since the ALDP is over 5 years old and, in the absence of there being any adverse impacts which '*significantly and demonstrably*' outweigh the benefits of the proposal, as outlined above, planning permission requires to be granted for this in accordance with the decision in the Gladman case.

4.2 As the application complies with the development plan and is supported by relevant material considerations, with no material considerations indicating otherwise, the Review should be upheld, and the application approved.

26 January 2022

Aurora Planning Limited



Appendix one – list of documents

Application documents

- 1 Application form
- 2 Proposed site and location plans
- 3 Planning statement
- 4 Sequential test
- 5 Email with further details regarding applicant's needs
- 6 Report of Handling
- 7 Decision Notice

Policy documents

- 8 Aberdeen City and Shire Strategic Development Plan
- 9 Aberdeen Local Development Plan 2017
- 10 Scottish Planning Policy

Other documents

- 11 Gladman Developments Limited v The Scottish Ministers [2020] CSIH 28
- 12 Planning Circular 4/1998: model planning conditions addendum
- 13 Employment Land Audit
- 14 Tesco Stores Ltd v Dundee City Council [2012] UKSC 13
- 15 Report of Handling for planning application reference APP/2020/0951



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