

Public Document Pack



To: Councillor Boulton (Chairperson), Councillor Stewart, the Depute Provost (Chairperson); and Councillors Bell, Macdonald and Mason.

Town House,
ABERDEEN 17 March 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 MARCH 2022 at 9.00am.**

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.

FRASER BELL
CHIEF OFFICER - GOVERNANCE

B U S I N E S S

1.1 Procedure Notice (Pages 5 - 6)

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

Link to the [Local Development Plan](#)

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

PLANNING ADVISER - LUCY GREENE

2.1 1 Bishop's Court, Bishopdams Road - Formation of Dormer to Rear - 211012/DPP (Pages 7 - 24)

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 211012.

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 25 - 44)

2.3 Planning Policies Referred to in Documents Submitted (Pages 45 - 46)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 47 - 60)

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 Glendale Kirkton Of Skene, Tyrebagger Road - Erection of a Detached 1.5 Storey Dwellinghouse with Associated Drainage Works and Access / Parking - 200463/DPP (Pages 61 - 76)

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 200463.

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 77 - 130)

3.3 Planning Policies Referred to in Documents Submitted (Pages 131 - 132)

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 133 - 154)

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 25 Seaview Place - Change of Use from Amenity Land to Garden Ground - 201307/DPP (Pages 155 - 166)
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 201307.
- 4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 167 - 194)
- 4.3 Planning Policies Referred to in Documents Submitted (Pages 195 - 196)
- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 197 - 218)
- 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
- 5.1 35 Carden Place - Installation of Bi-Fold Doors and the Formation of Side Door Opening (Retrospectively) - 211766/DPP (Pages 219 - 234)
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 211766.
- 5.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 235 - 250)
- 5.3 Planning Policies Referred to in Documents Submitted (Pages 251 - 252)
- 5.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 253 - 260)
- 5.5 Determination - Reasons for the Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 5.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

Website Address: aberdeencity.gov.uk

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

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.

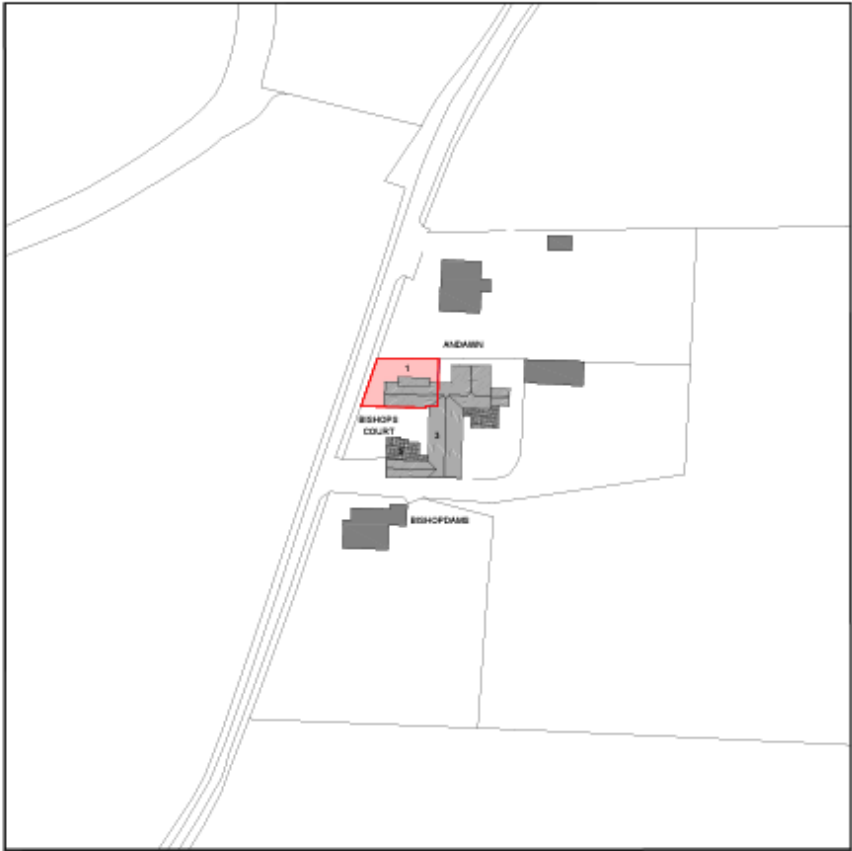
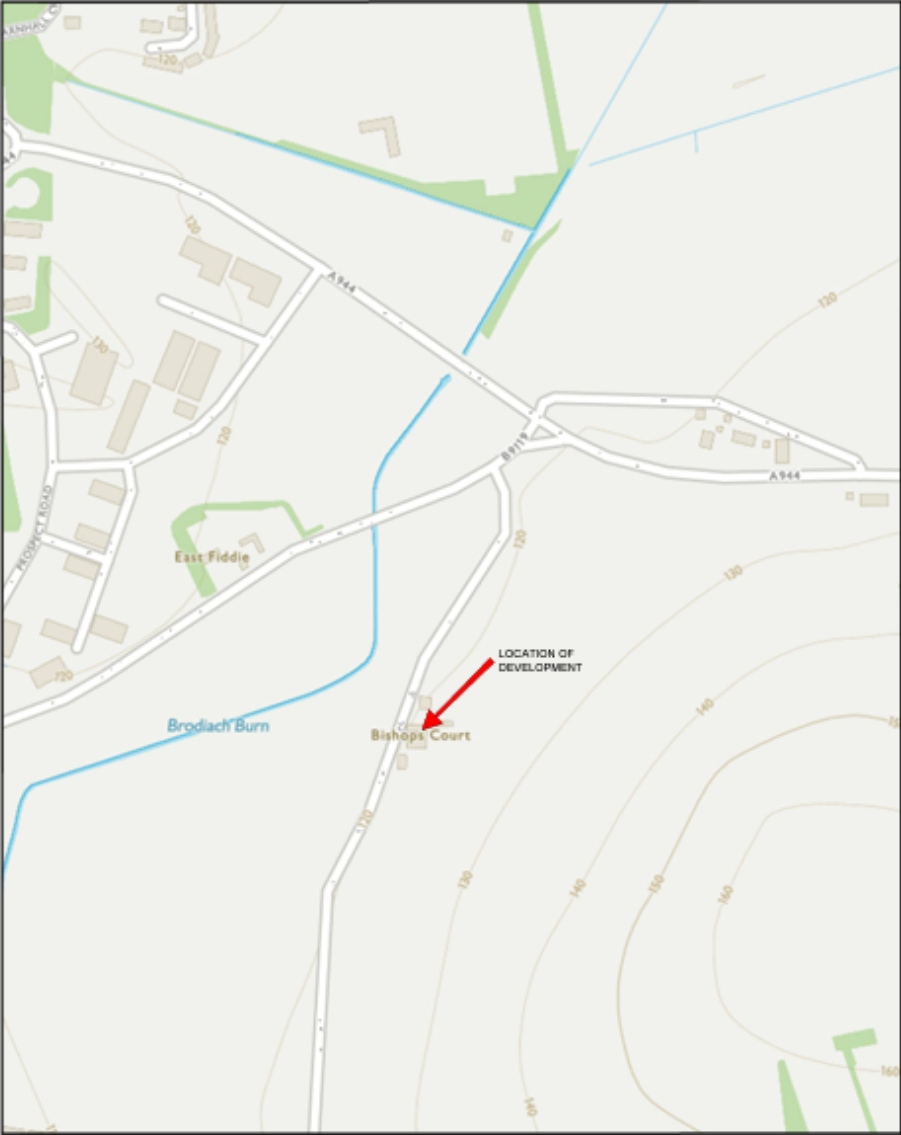
LOCAL REVIEW BODY



211012/DPP– Review against refusal of planning permission for:

Formation of dormer to rear
1 Bishop's Court,
Bishopdams Road
Aberdeen

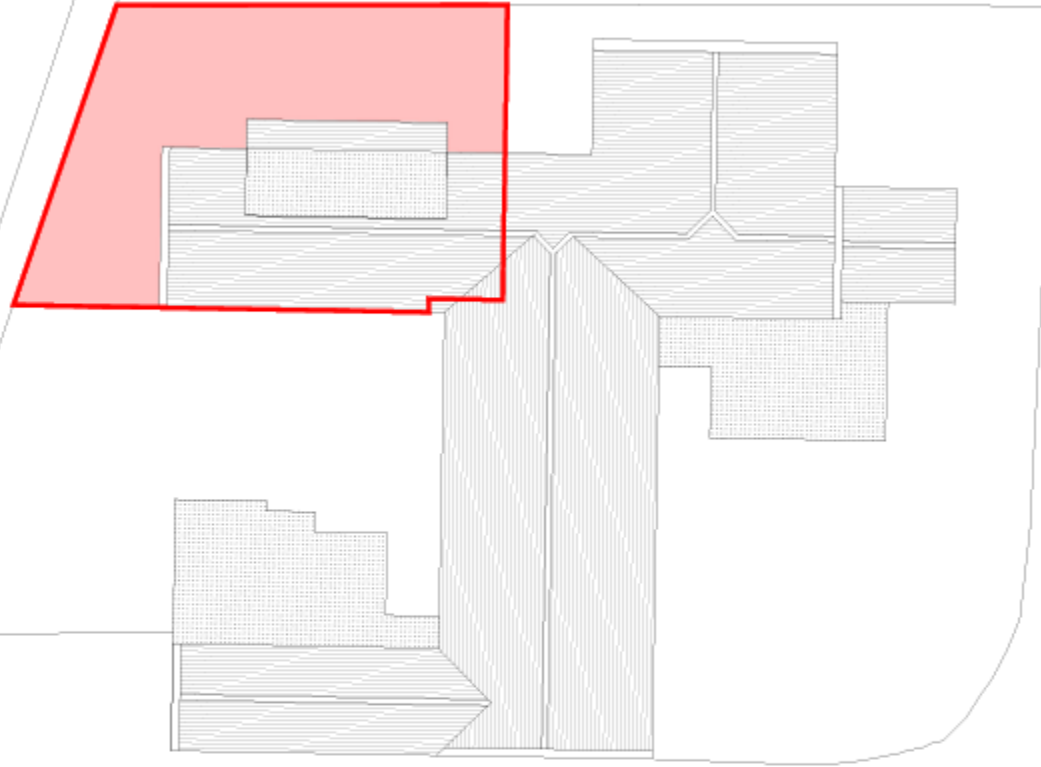
Location Plan





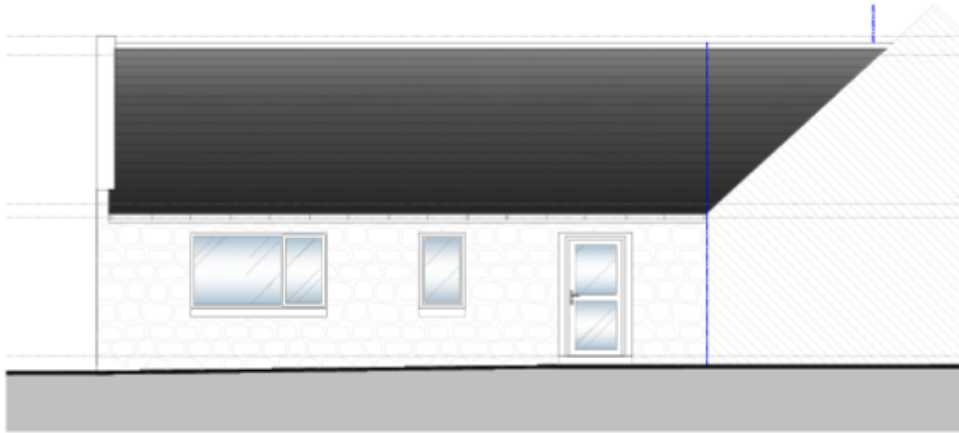


Roof plan as proposed



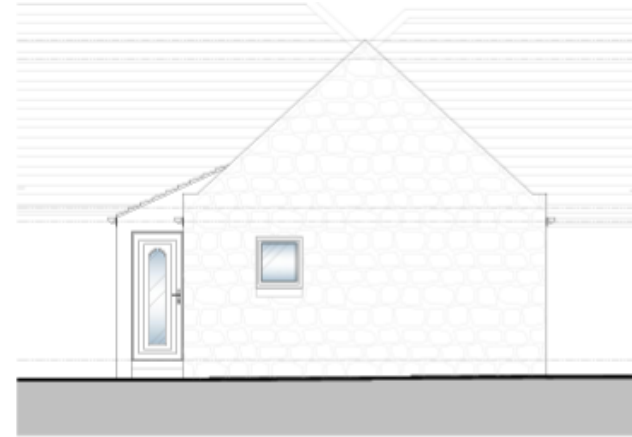






Existing Front Elevation (South)

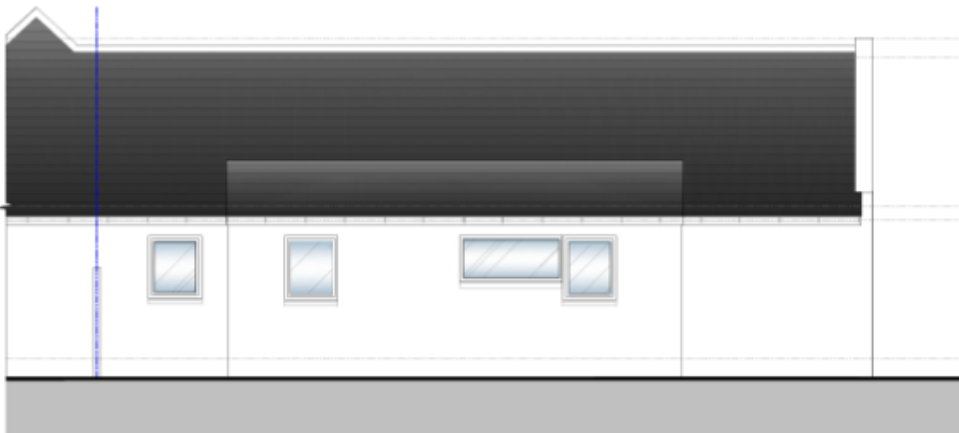
Scale 1:100 (on A3)



Existing Side Elevation (West)

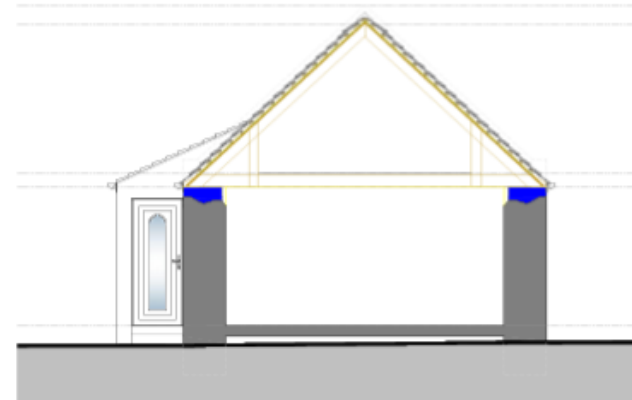
Scale 1:100 (on A3)

Page 14



Existing Rear Elevation (North)

Scale 1:100 (on A3)

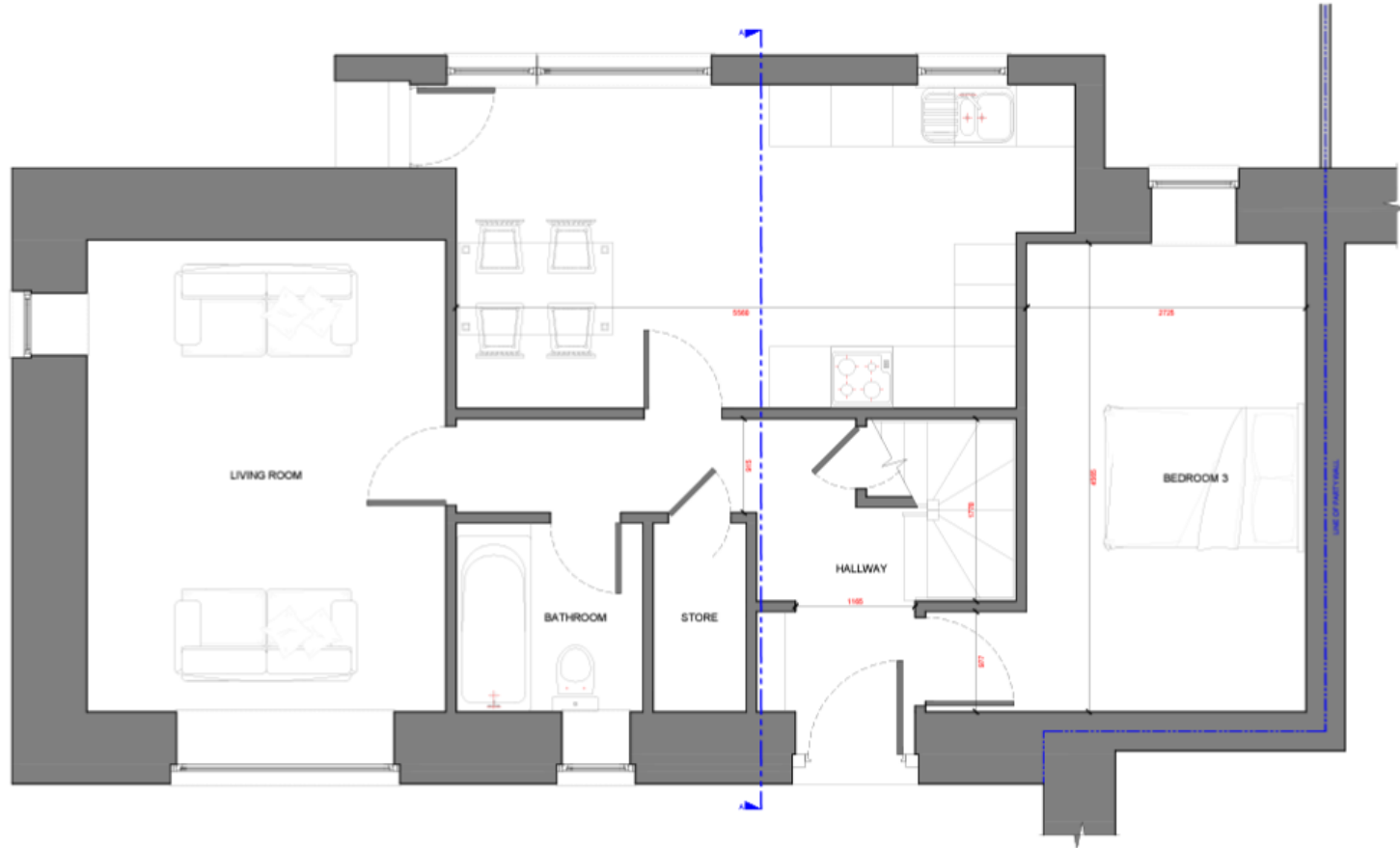


Existing Section A-A

Scale 1:100 (on A3)

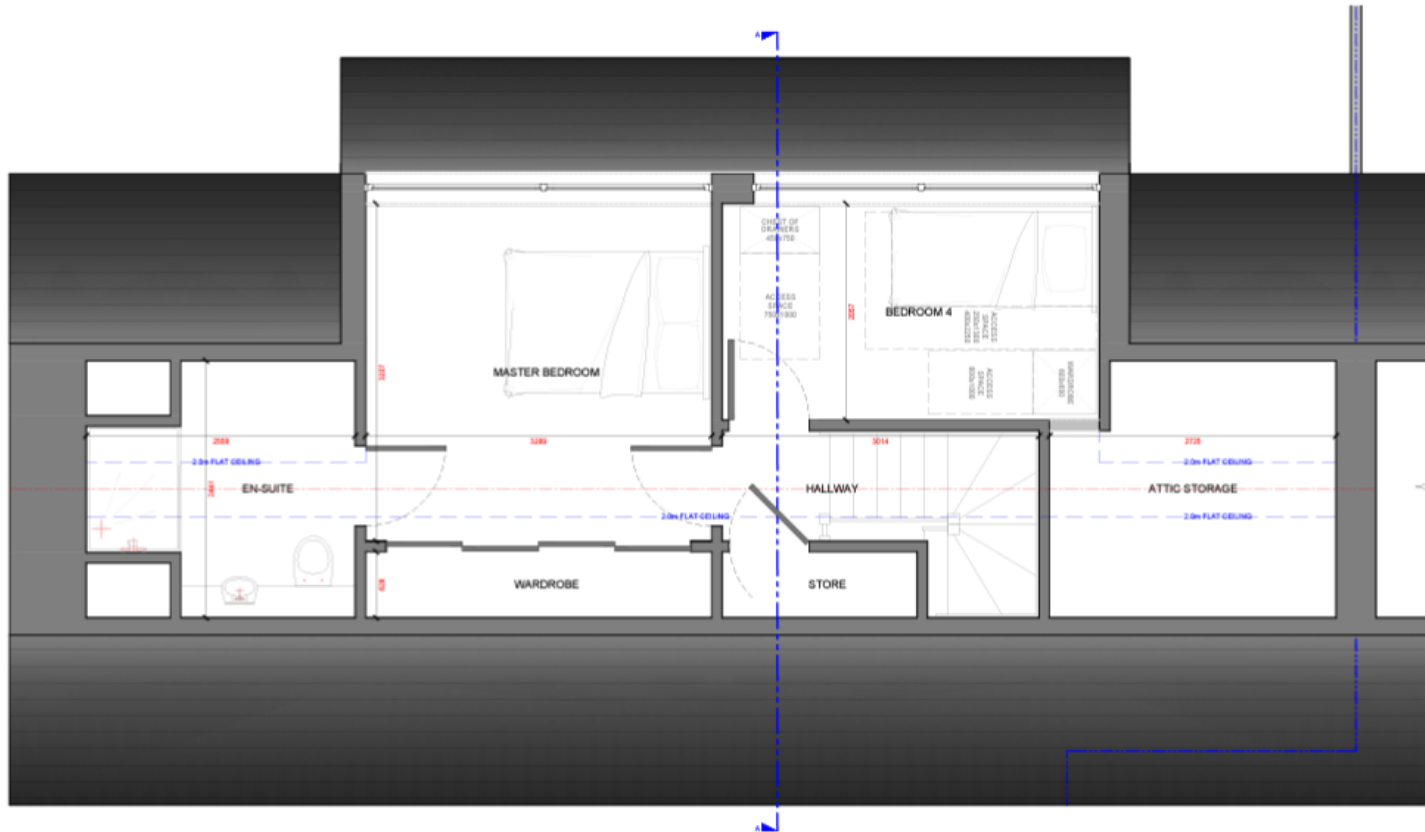
Ground floor plan as proposed

Page 15

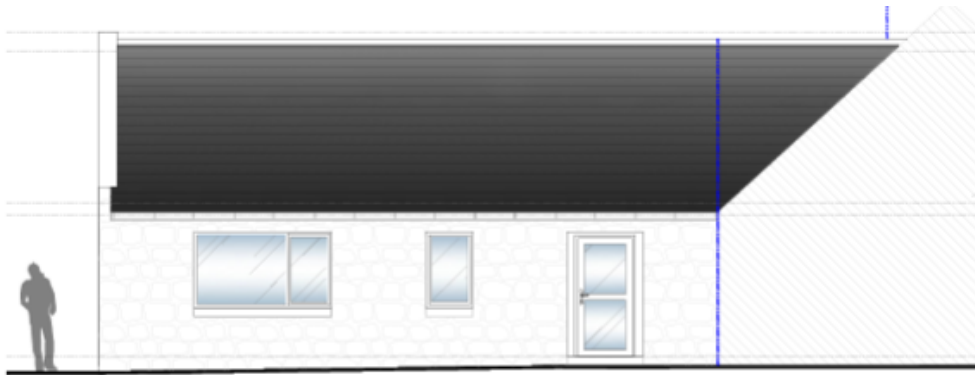


First floor plan as proposed

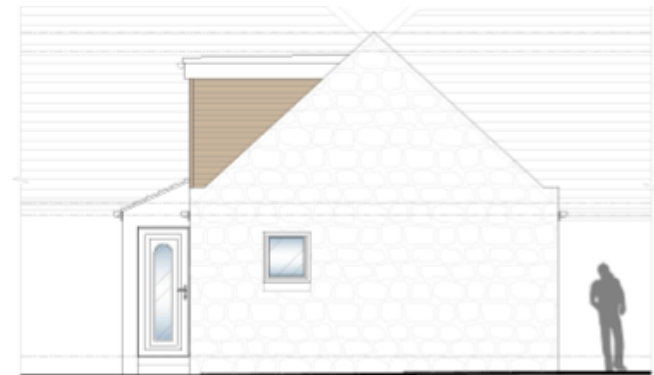
Page 16



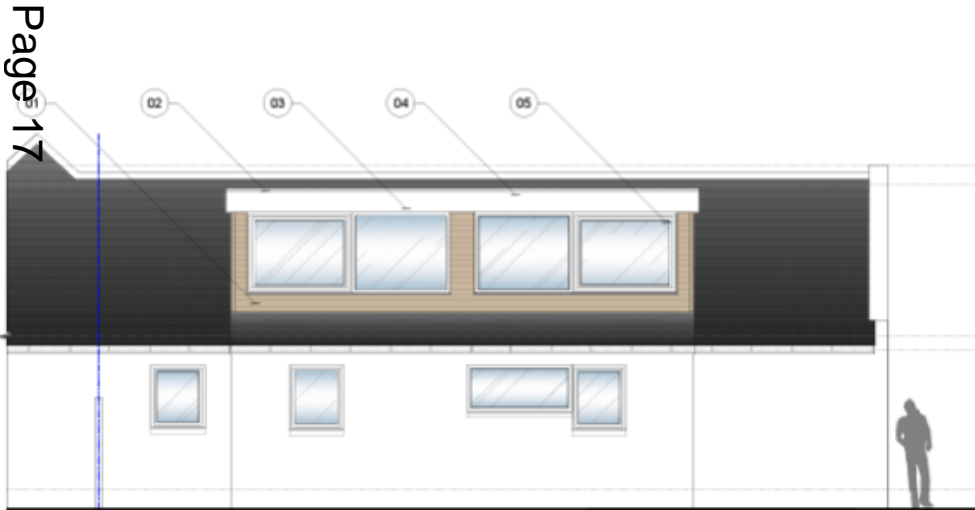
Proposed FF Plan
Scale 1:50 (on A3)



Proposed Front Elevation (South)
 Scale 1:100 (on A3)



Proposed Side Elevation (West)
 Scale 1:100 (on A3)



Proposed Rear Elevation (North)
 Scale 1:100 (on A3)



Proposed Section A-A
 Scale 1:100 (on A3)

Reasons for Decision

Stated in full in decision notice. Key points:

- Proposed contemporary dormer design, scale and materials would be architecturally incompatible with traditional historic agricultural steading building, contrary to Supplementary Guidance on the Conversion of Buildings in the Countryside
- Dormer would dominate roof slope, contrary to Householder Design Guide
- Prominently sited, is not of highest design quality and would have detrimental impact on Green Belt. Contrary to Policies D1 – Quality Placemaking by Design, and NE2 – Green Belt

Applicant's Case

- The former steading has been converted into five properties and there have been several alterations over the years since. Photographs are provided of a flat roof extension and dormers on the neighbouring former farmhouse
- Box dormer is required in order to provide head height within attic conversion.
- Not technically feasible to form two smaller dormers and provide access
- Timber – natural larch cladding will turn silvery and is appropriate
- Original form of building would remain and dormer is to the rear.
- Applications should be determined on individual merit taking into account the changing surroundings. In this case, these include Kingshill Commercial Park, Cormack Park and Arnhall Business Park

NE2: Green Belt

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.*

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”.

Notes further guidance in SG, including Conversion of Buildings in the Countryside SG:

SG: Conversion of buildings in the Countryside

- *Vernacular buildings must not be changed to the extent that they lose their original form. The best conversions reinforce the original architectural qualities of a building.*
- *A limited number of openings in either external walls or the plane of the roof is a defining characteristic of traditional agricultural buildings and when the formation of new openings may be required, these should be kept to an absolute minimum. An accumulation of domestic scale windows can detrimentally affect the appearance and character of a traditionally agricultural building.*
- *Dormer windows, especially those of an urban style, look out of place on a steading roof and should be avoided.*
- *Where a dormer is unavoidable, it should be built off the wallhead in the style of a hayloft door, rather than the more common type of dormer set further up the roof.*

SG: Householder Development Guide

General Principles

- Should be architecturally compatible with original building (design, scale etc).
- Approvals pre-dating this guidance do not represent a 'precedent'

Dormers:

- Should not '*dominate or overwhelm*' original roof.
- On traditional properties, traditional, historically accurate dormers will be sought on public elevations.

Points for Consideration:

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

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

Does it accord with Policy D1 and SG on Conversion of Buildings in the Green Belt?

And, the Householder SG ?

Is there an adverse impact on residential amenity ?

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>
---	---

Site Address:	1 Bishop's Court, Bishopdams Road, Aberdeen, AB15 8SQ
Application Description:	Formation of dormer to rear
Application Ref:	211012/DPP
Application Type:	Detailed Planning Permission
Application Date:	21 July 2021
Applicant:	Mrs Ajuma Cunningham
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber
Case Officer:	Alex Ferguson

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a dwellinghouse which occupies the north-western wing of 'Bishop's Court', a converted steading building situated on the eastern side of Bishopdams Road, just to the south-east of Westhill and the Aberdeen City Council / Aberdeenshire Council boundary. The single-storey former agricultural building has an approximately 'J'-shaped footprint and contains five dwellings, with the application property occupying the north-western corner of the building, immediately adjacent to Bishopdams Road. The granite-walled and concrete-tiled, pitch roofed building dates from at least the late 19th Century (based on information available from historic maps) and although there is no planning record for the conversion, it would appear that the property was converted and subdivided to form five dwellings at some point in the late 20th Century.

The application property has a built footprint of approximately 65 sqm, c. 10sqm of which is a single-storey lean-to extension on the building's northern elevation. The dwelling sits within a 170sqm plot, with a 105sqm garden area to the north (rear) and west (side) of the building. The property is bound to the south and east by neighbouring dwellings within the converted steading and to the north by a mid-to-late 20th Century detached dwelling. Bishopdams Cottage, the original farmhouse for the steading, lies 22m to the south, on the opposite side of the vehicular access which wraps around the southern and eastern sides of Bishop's Court.

Relevant Planning History

910886 – Planning permission was granted in 1991 for the erection of two extensions to no. 2 Bishop's Court, the immediately adjoining, neighbouring property which forms one of the five

dwelling in the converted steading.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the formation of a dormer on the dwelling's rear (northern) roof slope. The dormer would be of a 'box' design, with horizontal proportions and a flat roof. The dormer would measure 2.4m in height by 7.7m long and 2.7m deep. The dormer would incorporate four windows on its front face, with an apron below and a narrow solid infill panel in the centre. Aside from the white upvc windows, the dormer's front and side elevations would be finished with Siberian larch timber cladding. The dormer would have a c. 350mm high white upvc fascia.

The dormer would be aligned with, and match the width of, the property's existing single storey rear lean-to extension. The dormer would be built off to the wallhead of the original steading building and its front face would sit approximately 500mm up from the eaves level of the single storey extension. Its side elevations would be set 3.1m and 2.1m in from the western gable end and the eastern mutual boundary respectively, whilst the dormer's roof would sit c. 350mm below the ridge of the steading's pitched roof.

The dormer would allow for the creation of two bedrooms and an en-suite within the roof space of the dwelling, to be accessed via a new internal staircase.

Amendments

None

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=QW6MPXBZLOO00>

CONSULTATIONS

Cults, Bieldside and Milltimber Community Council – No response.

REPRESENTATIONS

2 representations have been received, both in support of the application. No comments were made in the representations.

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)

- NE2: Green Belt
- D1: Quality Placemaking by Design

Supplementary Guidance

- Conversion of Buildings in Countryside
- Householder Development Guide

Proposed Aberdeen Local Development Plan 2020 (PALDP)

The Proposed Aberdeen Local Development Plan (PALDP) 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 PALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The PALDP 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 PALDP (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 PALDP;
- the level of representations received in relation to relevant components of the PALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis:

- NE1 (Green Belt)
- D1 (Quality Placemaking)

EVALUATION

Principle of Development

The application site lies within the Green Belt, as zoned in the Aberdeen Local Development Plan 2017 (ALDP) Proposals Map and Policy NE2 (Green Belt) is thus relevant. Policy NE2 states that no development will be permitted in the Green Belt for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/quarry restoration; or landscape renewal. However, Policy NE2 does include some exemptions to the aforementioned presumption against development, the first of which is applicable to this application:

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.*

The proposed dormer would be within the boundary of the existing dwelling, would be relatively

small-scale (in terms of the wider context of the converted steading), it would not result in any significant intensification of the existing activity (residential use) and the dormer would be ancillary to the existing use. As such the proposed development is compliant with criterion 1 of Policy NE2.

However, Policy NE2 further notes that:

'All proposals for development in the Green Belt must be of the highest quality in terms of siting, scale, design and materials.'

A further assessment of the siting, scale, design and materials of the proposed dormer is therefore required, in order to ensure full compliance with Policy NE2.

Design, scale, siting and materials

As well as the Policy NE2 requirement for high quality design in the Green Belt, Policy D1 (Quality Placemaking by Design) of the ALDP states: *'All development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials.'*

Policy D1 notes that further guidance on achieving high quality design can be found in various supplementary guidance (SG) documents, one of which is the Council's SG on the Conversion of Buildings in the Countryside (CBC). Given the proposed works constitute householder development, the Council's Householder Development Guide (HDG) is also relevant.

Although the former agricultural steading building has been in residential use for several decades and the works do not, in themselves, form part of the conversion of the building for residential use, the design guidance contained within the CBC document is of use in ensuring that alterations to such buildings are appropriately designed. The CBC SG notes:

- *Vernacular buildings must not be changed to the extent that they lose their original form. The best conversions reinforce the original architectural qualities of a building.*
- *A limited number of openings in either external walls or the plane of the roof is a defining characteristic of traditional agricultural buildings and when the formation of new openings may be required, these should be kept to an absolute minimum. An accumulation of domestic scale windows can detrimentally affect the appearance and character of a traditionally agricultural building.*
- *Dormer windows, especially those of an urban style, look out of place on a steading roof and should be avoided.*
- *Where a dormer is unavoidable, it should be built off the wallhead in the style of a hayloft door, rather than the more common type of dormer set further up the roof.*

It is thus clear from the CBC guidance that there is a general presumption against the addition of dormers to former agricultural steading buildings, with the SG noting the detrimental impact that dormers, and particularly those of an urban style, can have on the character and appearance of a traditional, rural building.

The proposed dormer would be of a modern 'box' design, with a flat roof and a long, horizontal proportion. Whilst such a dormer would be appropriate within a modern urban, or suburban context, it would be completely at odds with the traditional 19th Century rural character and appearance of the converted steading. Although the steading building was converted for use as

five dwellings several decades ago and some extensions have been added over the intervening years to enlarge its original envelope (including the application property), the extensions were granted planning permission some time ago (1991 in the case of the neighbouring dwelling at no. 2) and they are mostly set further away from public view than the application site (which sites immediately adjacent to Bishopdams Road). Furthermore, there are no existing dormer extensions on the building's roof, thus it largely retains its original architectural form and qualities when viewed from Bishopdams Road.

As well as being of a contemporary, urban design, with timber linings and white upvc fascia, the dormer would also be of a substantial size, being built off the wallhead of the original building (albeit set slightly up from the eaves of the single storey extension) with its roof ridge just 350mm below the ridge of the existing building. It would also cover more than 50% of the length of the dwelling's roof and the Planning Service considers that it would be excessively large and bulky for the context of the modest, historic building.

Due to its significant scale, being built off the wallhead of the original building and extending close to the roof ridge, the dormer would, in the opinion of the Planning Service, dominate the roof slope of the building and would thus also be contrary to the general principles for dormer extensions as set out in the HDG.

Although the roof slope forms the dwelling's rear elevation, due to the nature of the steading and the surrounding open landscape, the rear elevation is prominently visible both from Bishopdams Road and from further afield, on the B9119 road which forms the southern edge of the Arnhall Business Park in Westhill, approximately 200m to the north-west.

The Planning Service therefore considers that the addition of any dormer (other than potentially a traditional, narrow 'hayloft door' dormer with slender vertical proportion) to the building's roof is unacceptable in principle and contrary to the CBC SG. Furthermore, regardless of principle, the contemporary urban design and scale or the proposed box dormer is considered to be inappropriate and architecturally incongruous with the design, form and scale of the traditional 19th Century former agricultural steading. Given the steading's prominent location within the surrounding open, rural landscaped setting, it is considered that the dormer would not be of the highest quality in terms of siting, scale, design and materials and the proposed development is thus contrary to ALDP Policies NE2 and D1 and the Council's supplementary guidance on the Conversion of Buildings in the Countryside and the Householder Development Guide SG.

Amenity

Although not specified in either Policy NE2 or D1, it is also necessary to ensure that the proposed works would not harm the amenity of any neighbouring properties. In this regard, the dormer would be positioned on the roof of the dwelling and as such, it would not cast any significant overshadowing on any neighbouring property's garden area, nor would it have any significant impact on the daylight receipt for neighbouring habitable windows. The dormer would look towards a neighbouring property to the north (Andawn), with the mutual boundary between the properties just 5.5m away. However, the dormer would look directly down onto the neighbouring property's front garden area which is already overlooked from the public road and forms just a small part of the dwelling's expansive plot, the vast majority of which forms private garden ground to the rear (east), which would not be affected by the proposed dormer. As a result, the proposed development would not cause any significant harm to the amenity of any neighbouring properties in terms of daylight and sunlight receipt, or privacy.

Proposed Aberdeen Local Development Plan

In relation to this particular application, policies NE1 and D1 in the Proposed Aberdeen Local

Development Plan 2020 substantively reiterate policies NE2 and D1 in the adopted Local Development Plan and the proposal is unacceptable in terms of both Plans for the reasons previously given.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

As a result of its contemporary urban design, scale and materials, the proposed dormer would be architecturally incompatible with the traditional 19th Century formerly agricultural steading building, contrary to the Council's Supplementary Guidance on the Conversion of Buildings in the Countryside. The dormer would also dominate the dwelling's northern roof slope, contrary to the guidance set out in the Council's Householder Development Guide. The dormer would be sited on a prominent roof slope within the surrounding open landscape and it would have a detrimental impact on the character and appearance of the traditional building and on the wider setting of the Green Belt. The proposed dormer would not be of the highest quality design, siting, scale and materials and it is thus contrary to Policies NE2 (Green Belt) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan 2017 (ALDP). The works are also contrary to the corresponding relevant policies (NE1 and D1) of the Proposed Aberdeen Local Development Plan 2020, which substantively reiterate those of the adopted ALDP.



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 100445071-001

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)

CONVERSION OF EXISTING LOFT TO FROM MASTER BEDROOM. DORMER TO REAR ELEVATION

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:	AK architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Ashley	Building Name:	Westpoint House
Last Name: *	Keenon	Building Number:	
Telephone Number: *	01224789715	Address 1 (Street): *	Prospect Road, Arnhall Business Park
Extension Number:		Address 2:	Westhill
Mobile Number:		Town/City: *	Aberdeenshire
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB32 6FJ
Email Address: *	admin@ak-architecture.co.uk		

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:	
First Name: *	AJUMA	Building Number:	1
Last Name: *	CUNNINGHAM	Address 1 (Street): *	BISHOPS COURT
Company/Organisation		Address 2:	KINGSWELLS
Telephone Number: *		Town/City: *	ABERDEEN
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	AB15 8SQ
Fax Number:			
Email Address: *	admin@ak-architecture.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

1 BISHOP'S COURT

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 8SQ

Please identify/describe the location of the site or sites

Northing

806043

Easting

383975

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: Ashley Keenon

On behalf of: Mrs AJUMA CUNNINGHAM

Date: 10/07/2021

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 Ashley Keenon

Declaration Date: 10/07/2021

Payment Details

Online payment: ABSP00007003
Payment date: 13/07/2021 12:28:00

Created: 13/07/2021 12:28

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Ashley Keenon
AK architecture
Westpoint House
Prospect Road, Arnhall Business Park
Westhill
Aberdeenshire
AB32 6FJ

on behalf of **Mrs Ajuma Cunningham**

With reference to your application validly received on 21 July 2021 for the following development:-

**Formation of dormer to rear
at 1 Bishop's Court, Bishopdams 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
0148-01-01-02-001 P01	Location Plan
0148-01-01-02-005 P01	Site Layout (Proposed)
0148-01-01-02-006 P01	Ground Floor Plan (Proposed)
0148-01-01-02-007 P01	First Floor Plan (Proposed)
0148-01-01-02-008 P01	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:-

As a result of its contemporary urban design, scale and materials, the proposed dormer would be architecturally incompatible with the traditional 19th Century formerly agricultural steading building, contrary to the Council's Supplementary Guidance on the Conversion of Buildings in the Countryside. The dormer would also dominate the dwelling's northern roof slope, contrary to the guidance set out in the Council's Householder Development Guide. The dormer would be sited on a prominent roof slope within the surrounding open landscape and it would have a detrimental impact on the character and appearance of the traditional building and on the wider setting of the Green Belt. The proposed dormer would not be of the highest quality design, siting, scale and materials and it is thus contrary to Policies NE2 (Green Belt) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan 2017 (ALDP). The works are also contrary to the corresponding relevant policies (NE1 and D1) of the Proposed Aberdeen Local Development Plan 2020, which substantively reiterate those of the adopted ALDP.

Date of Signing 3 November 2021

A handwritten signature in black 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.

This page is intentionally left blank

Comments for Planning Application 211012/DPP

Application Summary

Application Number: 211012/DPP

Address: 1 Bishop's Court Bishopdams Road Aberdeen AB15 8SQ

Proposal: Formation of dormer to rear

Case Officer: Alex Ferguson

Customer Details

Name: Miss Abigail Morren

Address: 4 bishops court Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:

This page is intentionally left blank

Comments for Planning Application 211012/DPP

Application Summary

Application Number: 211012/DPP

Address: 1 Bishop's Court Bishopdams Road Aberdeen AB15 8SQ

Proposal: Formation of dormer to rear

Case Officer: Alex Ferguson

Customer Details

Name: Mr Colin M Stevenson

Address: 2 Bishops Court Bishops Dam Road Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: Total 100% support for the application

This page is intentionally left blank

Aberdeen Local Development Plan (ALDP)

- Policy NE2 – Green Belt
- Policy D1 - Quality Placemaking by Design

Supplementary Guidance

Householder Development Guide

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

Conversion of Buildings in the Countryside

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

Other Material Considerations

Scottish Planning Policy (2014)

<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>

This page is intentionally left blank



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 100445071-002

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="AK architecture"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Ashley"/>	Building Name:	<input type="text" value="Westpoint House"/>
Last Name: *	<input type="text" value="Keenon"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01224789715"/>	Address 1 (Street): *	<input type="text" value="Prospect Road, Arnhall Business Park"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Westhill"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeenshire"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="AB32 6FJ"/>
Email Address: *	<input type="text" value="admin@ak-architecture.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="Bishops Court"/>
First Name: *	<input type="text" value="Ajuma"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text" value="Okoko-Cunningham"/>	Address 1 (Street): *	<input type="text" value="Bishopdams Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Kingswells"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 8SQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:	<input type="text" value="Aberdeen City Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="1 BISHOP'S COURT"/>
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 8SQ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806043"/>	Easting	<input type="text" value="383975"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

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

Formation of dormer to rear and loft conversion.

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 refer to documents attached in the supporting documents section.

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)

Existing plans and proposed plans, including photos of surrounding area and supporting statement documents.

Application Details

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

211012/DPP

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

21/07/2021

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

03/11/2021

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 Ashley Keenon

Declaration Date: 01/02/2022

This page is intentionally left blank

01 February 2022

SUPPORTING STATEMENT:

Planning and Environmental Appeals Division
Ground Floor
Hadrian House
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

Client Project Address:
Mrs Ajuma Cunningham
1 Bishop's Court
Bishopdams Road
Kingswells
Aberdeen
AB15 8SQ

RE: Decision Notice for Application No 211012/DPP

To whom it may concern,

Please find below a summary of the project and photographs from the site visit.

1.0 INTRODUCTION

1.1 This supporting statement has been prepared on behalf of AK architecture's client.

2.0 EXISTING SITE CONDITION

- 2.1 The client owns the current property, who also resides in the property and will do so after the proposed extension.
- 2.2 The site is located within a small cluster of converted buildings.
- 2.3 Current access to the property via a private road from unclassified C road.
- 2.4 The site offers off-street parking.
- 2.5 The property is part of a converted U shape steading, containing five properties.
- 2.6 The existing steading has seen several alterations, extensions and development over the years.
- 2.7 Several roof extensions and dormer extensions have been concluded in the surrounding area. As per photos;
0148-01-PHOTO_001
0148-01-PHOTO_002
0148-01-PHOTO_003



0148-01-PHOTO_001 (Roof extension & flat roof Extension)



0148-01-PHOTO_002 (Flat roof Extension & neighbouring dormers)



0148-01-PHOTO_003 (Neighbouring box dormer)

3.0 PROPOSALS

- 3.1 The proposed dormer extension is to be at the rear of the property as pictured in photo 0148-01-PHOTO_004 and submitted plans.



0148-01-PHOTO_004

- 3.2 The proposed box dormer was designed to sit within the confines of the existing lean too extension. The box dormer will be finished in a Siberian larch cladding with a flat roof in grey.

- 3.3 The box dormer is required to physically gain the appropriate head height space within the attic conversion.

It is not technically feasible to form two smaller dormers as this would impede access at the top of the proposed stairs and access to the additional bedrooms.

4.0 JUSTIFICATION

- 4.1 The extent of existing extensions and dormers that already exist on-site and neighbouring properties.
- 4.2 Whilst the design may appear contemporary, timber bears a sympathetic approach to the building and is a common choice of material used in alterations and extensions on conversions in the countryside across Scotland. The natural larch cladding will silver over time and naturally soften.
- 4.3 The scale was designed to sit within the existing lean-to extension to maintain the visual lines and symmetry of the existing rear elevation.

"Vernacular buildings must not be changed to the extent that they lose their original form. The best conversions reinforce the original architectural qualities of a building. External alterations should be the minimum necessary to allow the building to function adequately in its new use, and should not disguise the original purpose of the building;."

We would argue that the original form of the building will not be lost, given that the dormer extension is to the rear of the building and is less impactful than some existing single-storey extensions that alter the footprint of the building and visually detract from the original form.

5.0 CONCLUSION

- 5.1 We believe the considerations put forward in this supporting statement justify the feasibility of the proposed extension.

We trust that the above information is satisfactory at this stage and we look forward to hearing from you soon.

Yours sincerely



Ashley Keenon
Director

For and on Behalf of AK architecture



PERSONAL SUPPORTING STATEMENT

Mrs Ajuma Cunningham
1 Bishop's Court
Bishopdams Road
Kingswells
Aberdeen
AB15 8SQ

01/02/2022

Planning and Environmental Appeals Division
Ground Floor
Hadrian House
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

RE: Decision Notice for Application No 211012/DPP

To whom it may concern,

My name is Ajuma Cunningham, and I reside at 1 Bishops Court, Kingswell, Aberdeen. I recently submitted a planning permission application for a loft conversion with a dormer at my home, but unfortunately was refused by the Aberdeen Council town planner based on the council's guide to building conversions in the countryside.

Whilst I understand the importance of adhering to centralised building and design regulations to ensure new construction is architecturally compatible with its existing surroundings, I believe it's equally as important to evaluate each application based on its own merit considering not only the property and its features but also accounting for its locality. In doing so, not blanketly apply rules for rejection, but allowing for the context of the area, considering its unique setting and changes it has seen since the property's original construct. This includes new developments already built as well as future developments approved for construction in surrounding local area.

I believe the proposed dormer extension at Bishops Court calls for closer scrutiny in line with the above, as unfortunately the decision for refusal appears to have been taken without giving full consideration to either the significant number, or the scale of construction developments that have taken place around the property, thereby changing the immediate countryside environment that was originally surrounding my home. The local area already seen substantial greenfield construction, as well as having approval been granted for further substantial builds in the near future.

I'm therefore I'm seeking to appeal the refusal decision, with the full support of my neighbours, not only for the personal benefit of myself and my family, but for our shared belief as long standing

residents of the local area that development to our common building will fall in line with the past and ongoing construction development our locality has seen.

I moved to 1 Bishops Court in February 2015, and soon after met my partner. During that time, we've married and have since made it our family home, where we feel firmly embedded in the local community and have a love and vested interest in its continuing growth and development. Our home is a lovely 2-bedroom property, but now as we move into the next phase of our lives where we start to think about expanding our family, we also want to expand our home to enable this next phase of our lives without sacrificing our love of the area by being forced to move.

As a couple we've been extremely excited about growth and development that has taken place in our locality over the past 7 years – overlooking our home the surrounding area has seen the benefit of various new constructed spaces built on greenfield sites, to name but a few:

- the once empty fields to the west of Bishops Court now houses Kingshill Commercial Park with various food outlets (McDonalds, Starbucks, local cafes), cosmetic shops, office spaces and car parks
- the fields to the north of our home have been developed into Cormack Park, Aberdeen Football Club's new training facilities
- Cormack Park, also having been granted full planning permission for the construction of a 20,000-seater home stadium adjacent to these new training facilities to the northeast of Bishops Court
- ongoing construction to Arnhall Business Park further out to the west of Bishops Court, now offers more retail outlets including home supply shops within easy reach from our home, further large office spaces with car parks
- the land empty lands to the southwest of our property having been earmarked for further construction development, with the potential of extension in the future planned with Phases 3 and 4 of development

These new building developments are in extremely close proximity to our home, and now occupy significant proportions of the south-western to north-eastern views of our property's skyline from both front and rear entry points. With construction ongoing and the promise of more already approved to come, the once greenfield areas overlooking our property are now host numerous retail outlets and businesses. In addition, their construction, due to the nature of modern building materials and technologies (steel frames, sheet metals and glass designs), are not in the traditional stonework originally used in the local area, therefore have changed the look and feel of the original countryside setting which once surrounded Bishop Court's locality.

The modern progression in the locality has worked extremely well thus far, with these exciting new facilities within convenient walking distance from our home – all with 0.5 miles or an easy 5 to 10-minute walk. They have positively contributed to the development and progression our locality benefits from, and are just a small part of the reason which we love living in the local area.

Similar to the developments above, we as a family are also seeking to improve and expand the small area which we call home, however refusal of planning permission regrettably stands in the way of this. The reason given for the application rejection places Bishops Court within the council's policy NE2 Green Belt policy. However, this is extremely surprising as the refusal seems to ignore all substantial changes and modern developments that now surround our home replacing the original greenfield sites which could have been considered within the NE2 Green Belt Policy. When placed in context, and taking into account the significant extent of construction that has already taken place on these greenfield areas surrounding and immediately adjacent to Bishops Court, a property once surrounded by fields is now at the heart of thriving modern buildings, businesses, recreational and retail outlets.

In addition, residential properties of similar build, in close proximity to Bishops Court and within its visual range have also already seen the construction of dormer extensions taking place. These extensions externally are not only visually extremely sympathetic to the original buildings but are in keeping with the construction of the modern buildings that now surround them. Unfortunately, Bishops Courts appears to be the only property left behind without the permission to progress within this thriving local area, as it alone is inexplicably being classed as a single countryside site.

We therefore ask for help in a reversal of the planning permission refusal. We're confident the planned dormer extension will fall in line with the positive construction developments that have already taken place in the local area adjacent to our home. As we refine the design it will be in keeping with the distinct identity of this area of the Kingswells / Westhill border of Aberdeen, and we will remain mindful of the distinct identity of this area of Aberdeen with the materials used, and the scale of planned changes.

The extension to original steading will maintain the traditional character of the building, not only using the existing steading footprint in keeping with the current scale, design and external appearance of the area but will also maintain the beautiful external green garden spaces surrounding the property. It will be a positive development in keeping with the thriving local area we love, and a home we can happily live with our family, as it, and the locality continues to grow for many more years to come. I would ask that you help to repeal refusal decision and allow design and building to progress.

Yours Sincerely
Ajuma Cunningham

This page is intentionally left blank

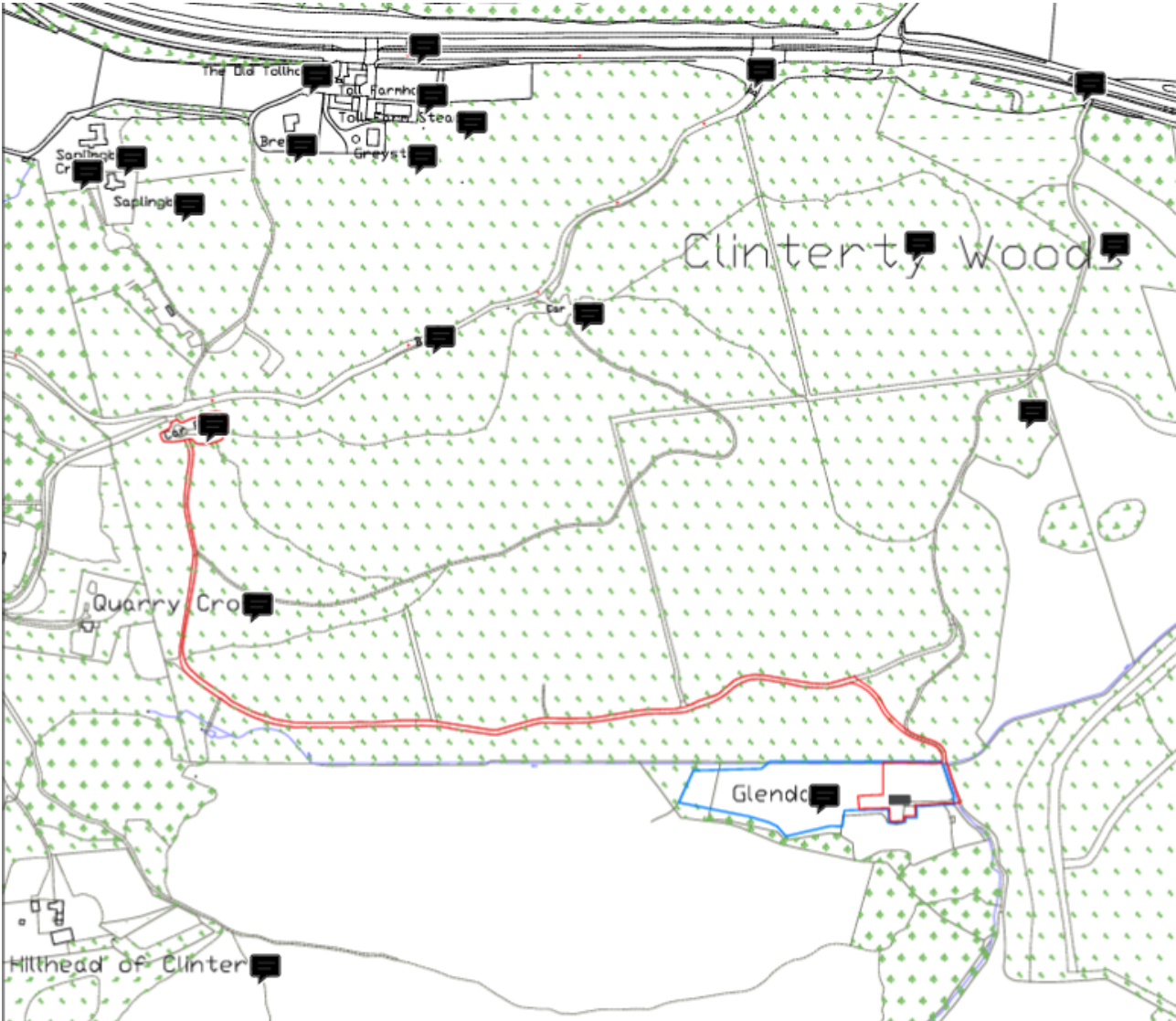
LOCAL REVIEW BODY



200463/DPP– Review against refusal of planning permission for:

Erection of a detached 1.5 storey dwellinghouse
Glendale, Kirkton of Skene, Tyrebagger Road
Aberdeen

Location Plan



Aerial Photo – Google 2022

B979

Page 63

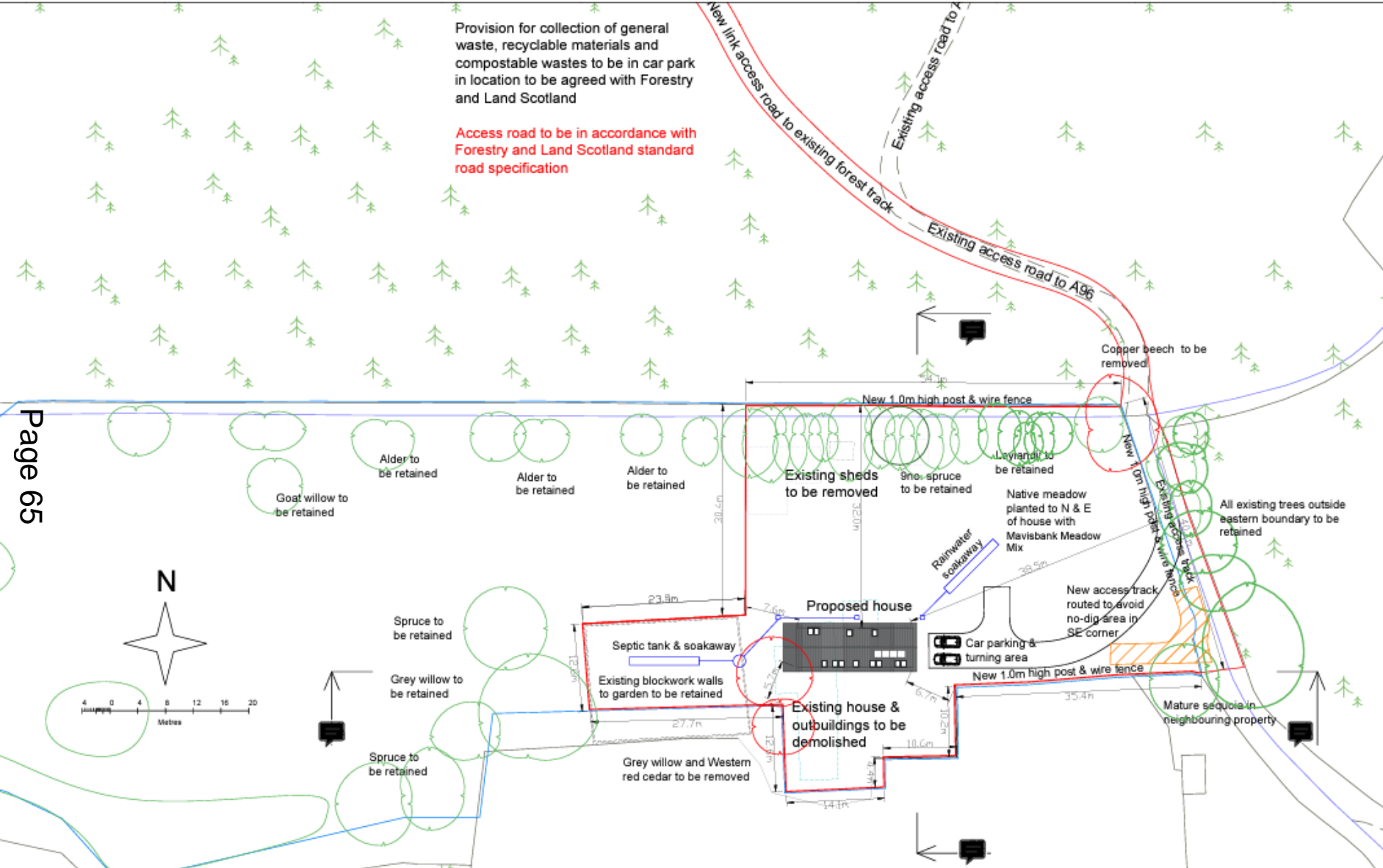


Green Burn

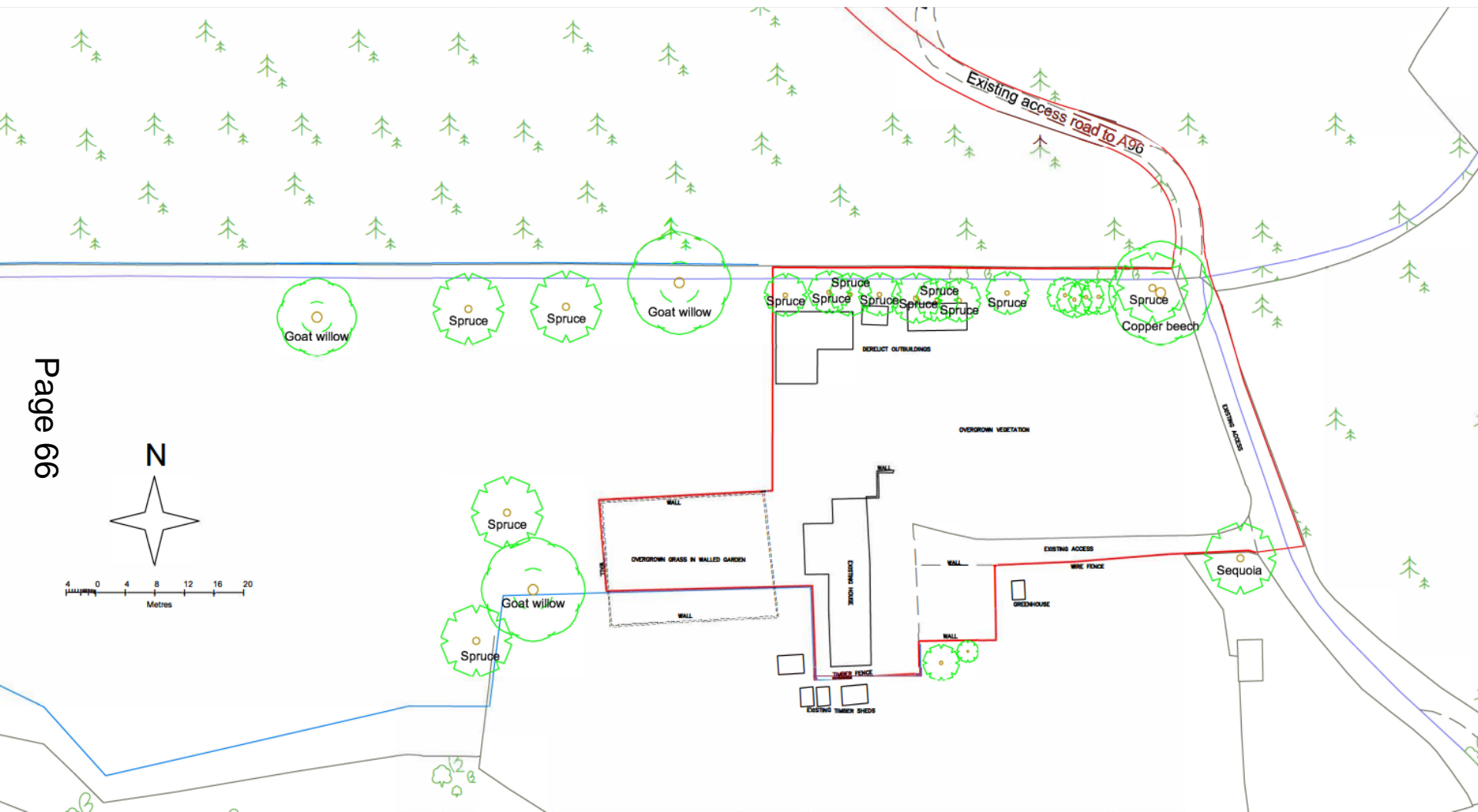


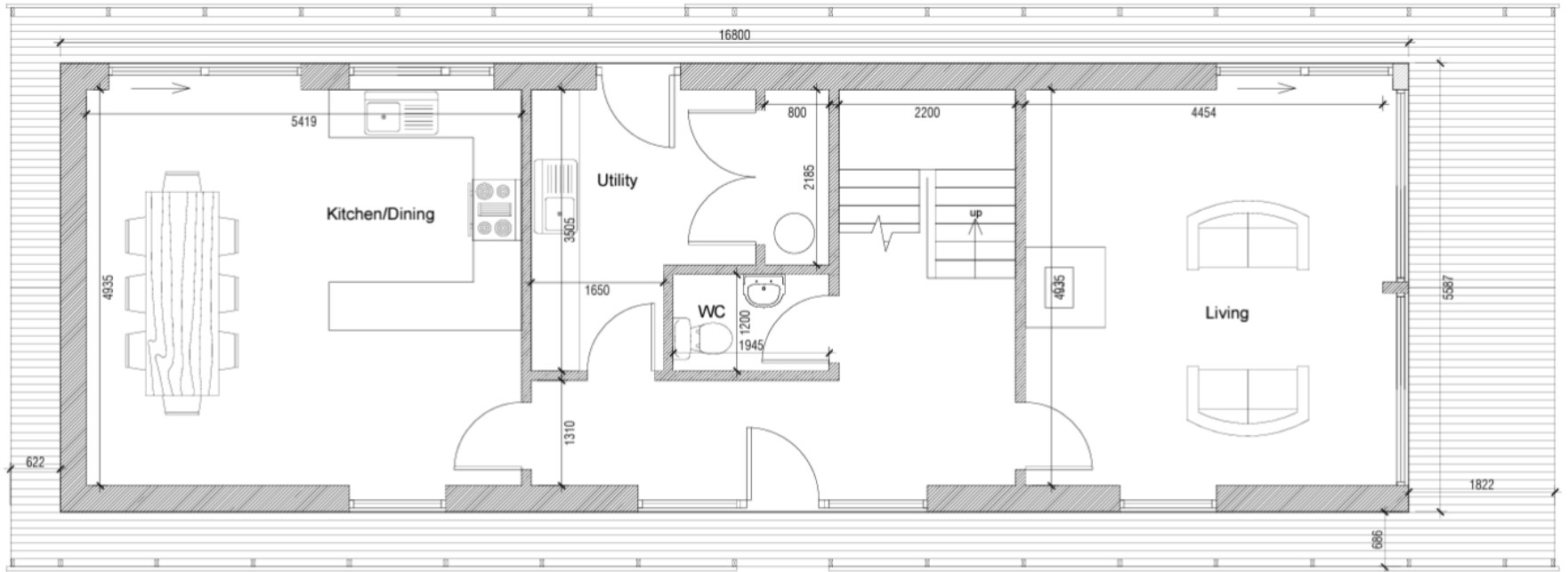
Provision for collection of general waste, recyclable materials and compostable wastes to be in car park in location to be agreed with Forestry and Land Scotland

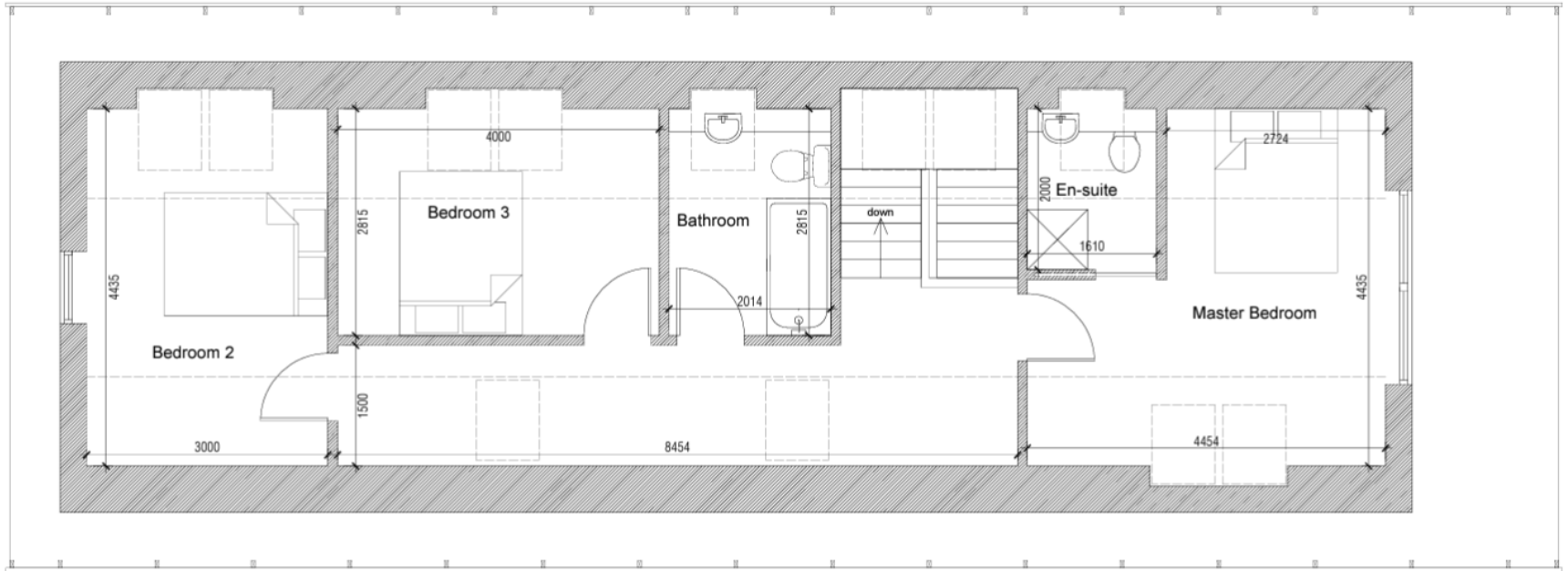
Access road to be in accordance with Forestry and Land Scotland standard road specification



Existing Site Plan

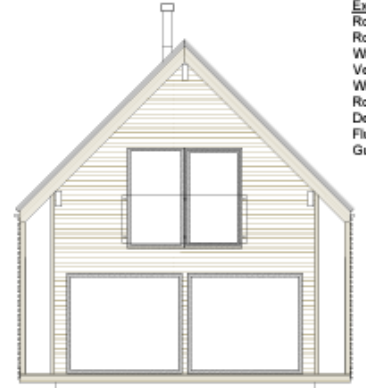








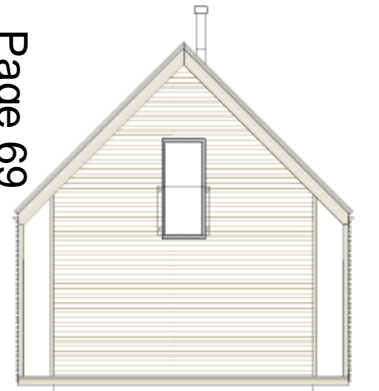
South Elevation



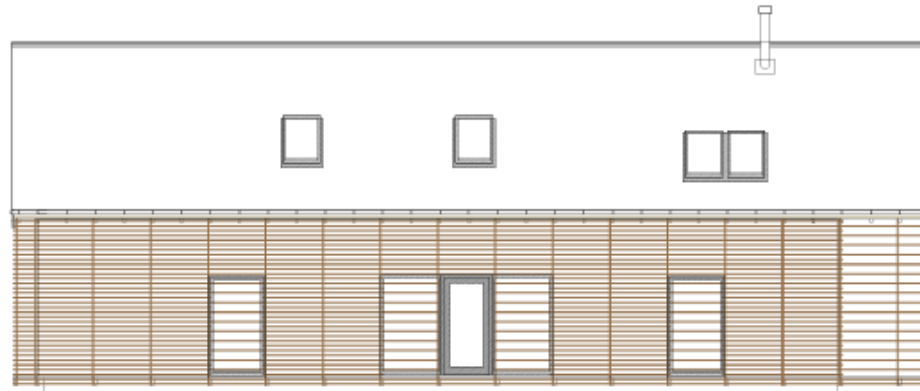
West Elevation

External finishes
 Roof covering: tbc
 Roof mounted pv panels
 Wall cladding: Siberian larch horizontal timber cladding
 Veranda screens: Siberian larch slatting and posts
 Windows and doors: Nordan anthracite grey aluminium timber composite
 Rooflights: Velux grey external, white internal units
 Decking: Thermowood natural timber decking
 Flue: Stainless steel
 Gutters: Galvanized steel

Page 69

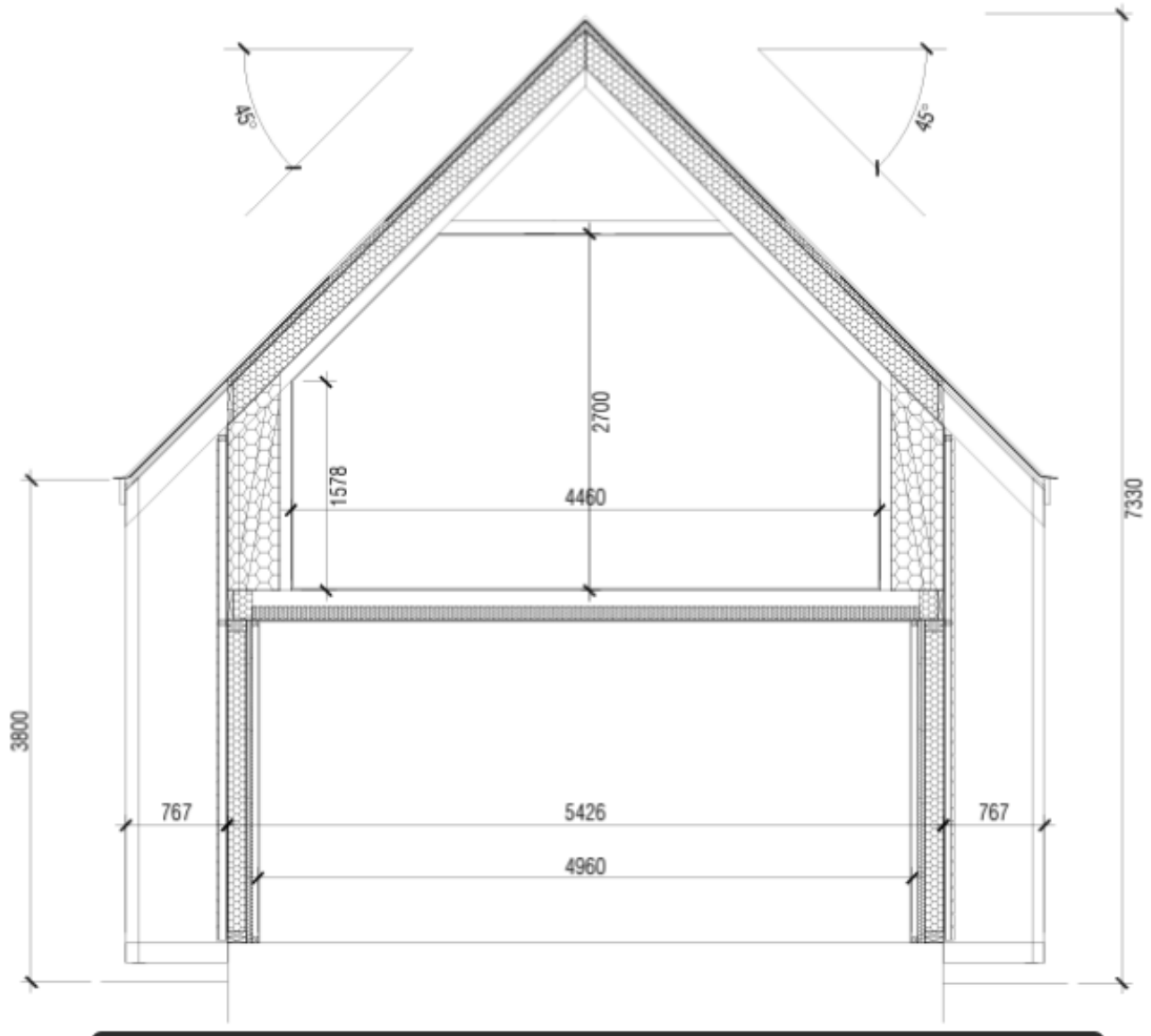


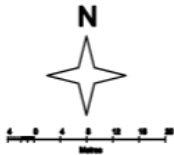
East Elevation



North Elevation

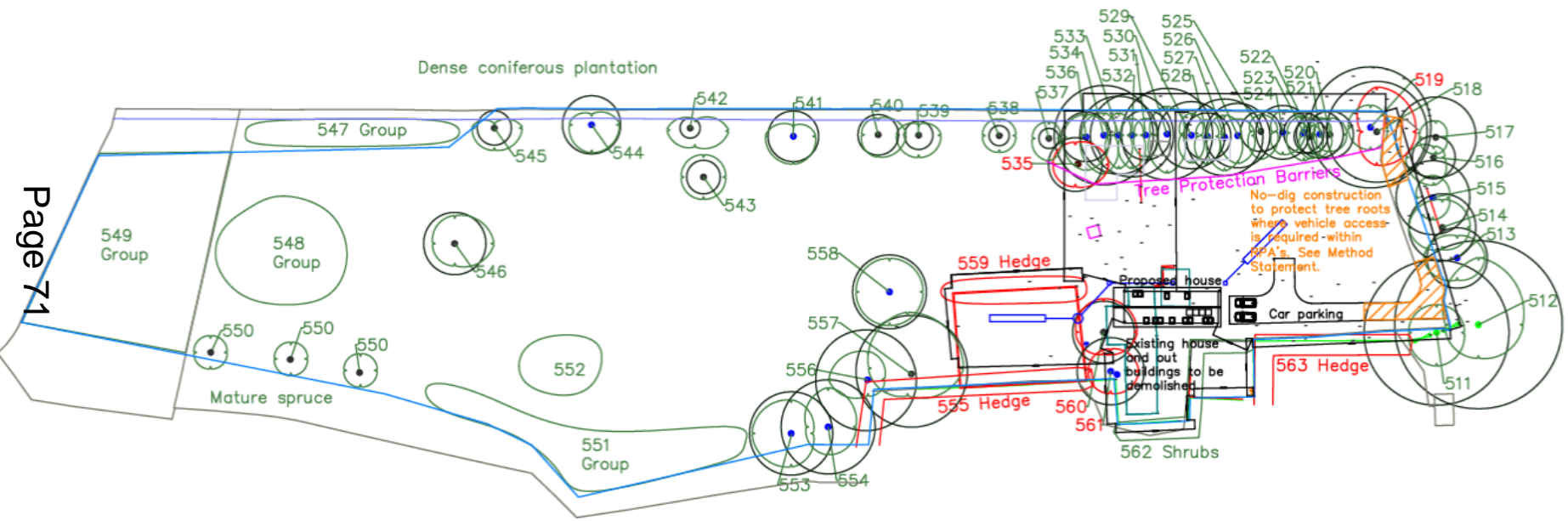
Cross-section





CLINTON
ABERDEENSH
Scale 1:500 Approx. at
To be read in-conjunction with Tree Survey Report, August 21
Struan Dalgleish Arboricult

Page 71



Reasons for Decision

Stated in full in decision notice. Key points:

- Existing house has not been used since 2008 and no essential need established. Proposal does not therefore accord with Green Belt policy.
- Would detract from landscape character and conflict with recreational use by public
- Introduction of vehicular traffic along track would conflict with use as waymarked trail and erode function of the Green Space Network.
- By reason of remote location would likely cause dependence on car travel, not constituting sustainable development and contrary to policy on active travel.
- Insufficient information on impact on trees of access.

Applicant's Case

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

- Proposal is of scale and character previously indicated as acceptable and no grounds to conclude that residential use has been abandoned.
- Proposal consists of sustainable redevelopment of brownfield site, supported by the Strategic Development Plan and the Scottish Planning Policy – presumption in favour of sustainable development.
- Confirming compliance with all other policies in the adopted LDP, including on trees.
- Green Belt policy in the Proposed Plan allows for the replacement of vacant houses in poor condition. There are no objections to this policy and Proposed Plan outweighs extant LDP in this regard.

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.

- 5 Replacement on a one-for-one basis of existing permanent houses currently in occupation will normally be permitted provided:
 - a) It can be demonstrated to the Council that they have been in continuous occupation for at least 5 of the seven years immediately prior to the date of the application;
 - b) The replacement house, except in exceptional circumstances (e.g. to improve a dangerous access), occupies the same site as the building it would replace. Where replacement houses are permitted on sites different from the original site, the original house will require to be removed;
 - c) Replacement houses should be of a scale, design and external appearance that contributes to the visual character of the **Green Belt**.

Policy NE9 – Access and Informal Recreation

New development should not compromise the integrity of existing ...recreational opportunities

Policy NE1 – Green Space Network

Policy NE5 – Trees and Woodland

Page 75
Policy T2 – Managing the Transport Impact of Development

Policy T3 – Sustainable and Active Travel

Proposed Plan 2020 – Green Belt Policy

Scottish Planning Policy

Presumption in favour of sustainable development.

Points for Consideration:

Zoning: Do members consider that the proposed works would be contrary to policy NE2: Green Belt?


Further considerations: impact on recreation, landscape character, sustainable travel, trees.

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>
---	---

Site Address:	Glendale, Kirkton of Skene - Tyrebagger Road, Aberdeen, AB21 9TA
Application Description:	Erection of a detached 1.5 storey dwellinghouse with associated drainage works and access / parking
Application Ref:	200463/DPP
Application Type:	Detailed Planning Permission
Application Date:	14 April 2020
Applicant:	Dr David Nance
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Dyce And Stoneywood
Case Officer:	Robert Forbes

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The site is located in a remote forest (Clinterty Woods). It is accessed via a forest track from the B979, approximately 1km to the north-west of the site, at a point close to the public car park provided for recreational users of the forest. The main part of the site includes the ruined remains of a small cottage which appears to be of 19th century origin and various associated outbuildings and ancillary abandoned garden ground. The cottage was last occupied in 2008 when it was fire damaged. The walls of the cottage are constructed of locally sourced granite. No part of the roof of the cottage remains. The outbuildings are constructed of various materials, including, granite rubble, timber, concrete blockwork and corrugated iron, with sections of roofing remaining. The majority of the historic house site is undeveloped land, and its boundaries are somewhat unclear. Mature trees of amenity value lie to the north and east of the site beyond a burn. Although most of the site is level, there is a steep north facing slope to the south and it is surrounded by mature conifer forest / trees. This results in considerable shading of the site, particularly during the winter. Core path 36 (Clinterty Woods to Brimmond Hill) runs along the eastern site boundary.

Relevant Planning History

Application Number	Proposal	Decision Date
170127/PREAPP	1.5 storey house	n/a

The above response, dated 20/11/17, advised that a planning application is unlikely to be supported in principle due to conflict with policy NE2 (Green Belt) and identified various other relevant planning policies.

APPLICATION DESCRIPTION

Description of Proposal

Erection of a replacement house on the site with associated works. All existing buildings on the site would be demolished. The house would be of simple contemporary design and appearance and 1½ storeys in height. It would be sited at the north end of the footprint of the existing house, around 32m from the burn. The ground floor level would be similar to the existing ruined cottage, approximately 1.5m above the level of the stream channel to the east of the house. The building would measure around 6m wide by 17m long. Two public rooms and a utility room would be provided at ground level. Three bedrooms would be provided on the upper floor level within the roof-space. The walls would be clad externally with timber (larch). The roof would be pitched at 45 degrees and would have numerous Velux windows. Its cladding material is unspecified. No storage buildings or garaging is proposed.

A new septic tank and surface water soakaway is proposed to service the site, located within the former walled garden to the west of the house. Large garden areas would be provided. A new car parking and turning area would be provided to the east of the house, with the access to the site provided at its eastern extremity adjacent to a mature Sequoia tree. The existing access to the public road via the forest track would be retained, with a new section of access track created within the forest to the north of the site, outwith the area controlled by the applicant. This would provide improved access to the house, but it would be largely reliant on use of the forest track. The site boundaries of the house site would be defined by new post and wire fencing / existing blockwork walls.

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=Q8KVEXBZHD300>

- Photos
- Planning / Design statement
- Tree Survey Report / Schedule
- Flood Risk Assessment
- Draft Access Agreement (Forest Road Construction) - unsigned
- Forestry Road Specifications

Amendment of Proposals

Additional tree and bat survey information has been submitted in order to assess the impact of the proposed house and the site access and site / landscape plans adjusted accordingly.

CONSULTATIONS

ACC - Roads Development Management Team – No objection. Advise that adequate parking provision is proposed and that the new access is acceptable given it shall be onto a private road.

ACC - Waste Strategy Team – No objection. Advise that the proposal would be served by wheelie bins and waste containers must be presented on the B979 Tyrebagger road only on the collection day.

ACC - Structures, Flooding and Coastal Engineering – No objection. Advise that the site lies within the 1 in 200 year Surface Water flood risk as identified in the SEPA maps. Note that the Green burn runs within the site. A Flood Risk Assessment (level 2) is required.

Forestry and Land Scotland – Advise that the proposed access for this development passes through Forestry and Land Scotland Property. The access route shown on the plans is an agreement

in principle only. The grant of access rights are conditional and require compliance with a range of stipulations regarding the upgrade and maintenance of the core path at the applicants expense.

Scottish Environment Protection Agency – No objection. Advise that the site is adjacent to a small watercourse so that the application site may be at risk of flooding. Recommend that consideration is given to obtaining a flood risk assessment (FRA) for the site to establish that the risk is low prior to proceeding with development.

Shell UK Ltd. – No objection. Advise that the development and associated construction works would not directly affect the pipeline servitude strip or the safety and integrity of the pipeline.

INEOS Forties Pipeline System – No objection. Consider that their pipeline will not be affected by the proposed development.

HSE – No objection in relation to pipeline proximity risk.

Dyce And Stoneywood Community Council – No response received

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

National Planning Policy and Guidance

Scottish Planning Policy 2014 (SPP) expresses a presumption in favour of development that contributes to sustainable development. Paras. 49 and 52 of SPP are of particular relevance.

Para 49: “where the planning authority considers it appropriate, the development plan may designate a green belt around a city or town to support the spatial strategy by:

- directing development to the most appropriate locations and supporting regeneration;
- protecting and enhancing the character, landscape setting and identity of the settlement; and
- protecting and providing access to open space”

Para 52: “Local development plans should describe the types and scales of development which would be appropriate within a green belt. These may include:

- development associated with agriculture, including the reuse of historic agricultural buildings;
- development associated with woodland and forestry, including community woodlands;
- horticulture, including market gardening and directly connected retailing;
- recreational uses that are compatible with an agricultural or natural setting;
- essential infrastructure such as digital communications infrastructure and electricity grid connections;
- development meeting a national requirement or established need, if no other suitable site is available; and
- intensification of established uses subject to the new development being of a suitable scale and form

PAN 68: Design Statements - 2003

PAN 72: Housing in the Countryside - 2005

Aberdeen City and Shire Strategic Development Plan 2020 (SDP)

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

Aberdeen Local Development Plan 2017 (ALDP)

B6: Pipelines, Major Hazards and Explosives

D1: Quality Placemaking by Design

D2: Landscape

NE1: Green Space Network

NE2: Green Belt

NE5: Trees and Woodland

NE6: Flooding, Drainage and Water Quality

NE8: Natural Heritage

NE9: Access and Informal Recreation

T2: Managing the Transport Impact of Development

T3: Sustainable and Active Travel

R7: Low & Zero Carbon Build & Water Efficiency

Proposed Aberdeen Local Development Plan 2020 (PALDP)

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

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

The foregoing can only be assessed on a case-by-case basis. In this case there is no material change in either the relevant zoning or topic policies and the site is not identified as an opportunity for development.

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

Trees and Woodlands SG

Natural Heritage SG

Materials TAN

Other Material Considerations

Aberdeen City and Shire Housing Land Audit 2018 (HLA)

ACC Core Paths Plan 2009 (CPP)

ACC Nature Conservation Strategy 2011-15 (NCS): The site is designated as part of 3 Hills Local Nature Conservation Site (LNCS) due to its biological and geo-morphological interest.

EVALUATION**Principle of Development**

The site is located in the Green Belt. Policy NE2 states *“No development will be permitted in the Green Belt for purposes other than those essential for agriculture; woodland and forestry; recreational uses compatible with an agricultural or natural setting; mineral extraction/quarry restoration; or landscape renewal”*. As no essential need for the proposed house has been proposed or demonstrated in relation to any agricultural or forestry enterprise, it would conflict with NE2 policy as the house could be used for mainstream purposes. Policy NE2 specifies certain exemptions to this policy, one of which, noted under sub-section 5a, is the replacement on a one-for-one basis of existing permanent houses currently in occupation provided it can be demonstrate that they have been in continuous occupation for at least five of the seven years immediately prior to the date of the application. As the pre-existing house on the site has not been, nor could have been occupied or used since 2008 due to its ruinous state, the proposal cannot comply with the requirements of sub-section 5a.

As the site lies within the green belt, the residential use of the site is not established (active) and the proposal does not accord with any of the other criteria set out in SPP para 52, or the other acceptable criteria / circumstances set out in ALDP policy NE2, it would not accord with SPP or the local plan green belt zoning.

Notwithstanding the abandoned / derelict nature of the site, the urbanisation caused by the introduction of a new house within this secluded rural area would detract from the existing undeveloped landscape character of the surrounding area and thus raises tensions in relation to ALDP policies D1 and D2 as discussed below. The proposed access arrangements would conflict with the recreational use of the wider area by the public and would be likely to result in unsustainable travel patterns. It would therefore conflict with the purpose of the Green Belt designation and the countryside access objectives of ALDP policy NE1, which applies directly to the surrounding land / adjacent forest. It would not be possible to adequately mitigate or avoid these impacts.

Sustainability

It is considered that the proposal would conflict with the presumption in favour of development that contributes to sustainable development expressed in SPP and would conflict with the objectives of policies T2: Managing the Transport Impact of Development and T3: Sustainable and Active Travel by reason of the remote location of the site, the absence of footpath connection to public transport, the considerable distance to the nearest public transport route and thus the likely dependence of the occupants on car borne traffic (e.g. to access services / facilities). It would not be possible to adequately mitigate or avoid this impact and no wider social, economic or environmental benefits are considered to exist. Although the supporting statement refers to the development as a “sustainable redevelopment of a brownfield site” it should be noted that only small parts of the site have previously been developed, with the majority of the curtilage of the cottage being overgrown garden ground, and the proposed siting of the house does not fully accord with the footprint of the existing building. Further, even if the application site could be categorised as brownfield, any development, or redevelopment of the site would need to fall within one of the categories of acceptable development in the Green Belt as listed in Policy NE2, which as noted above, it does not.

Other Strategic considerations

Whilst the site is located close to the city boundary, the proposal is not in itself of a scale that result in strategic impacts, such that the SDP is of limited relevance in this case and there is no need to consult Aberdeenshire Council. There is no shortfall in the supply of housing within the Aberdeen housing market area as identified in the HLA. The proposal would not materially affect that position or result in significant economic benefit to the city.

Recreational Access

Notwithstanding that ACC roads officers do not object on safety grounds, and Forestry and Land Scotland have no objection in principle to use of their forest track as an access route, the proposal

would conflict with the objectives of policy NE9: Access and Informal Recreation and CPP as the introduction of vehicular traffic along the access to the site, which is via the existing forest track, parts of which are designated as core paths (Core Path 35 - Clinterty Wood to Elrick Hill and Core Path 36 – Clinterty Woods to Brimmond Hill), would conflict with its use as a waymarked recreational walking route by members of the public. This impact would therefore erode the function of the wider green space network area as a recreational asset and would therefore also conflict with ALDP policy NE1: Green Space Network. It would not be possible to adequately mitigate or avoid this impact.

Tree Impact

A total of three trees within the main part of the site would be removed as a result of construction works, including a mature copper beech, a willow and a western red cedar. The Council's Environmental Policy Team have reviewed the information submitted in support of the application and advise that there would be no significant adverse impact on trees within the site resulting from the development. The generous size of the site and land controlled by the applicant is such that there would be scope for additional planting within it in order to compensate for loss of the three trees. Notwithstanding that the construction works for the house and driveway within the curtilage would have limited direct impact on trees, given the heavily shaded nature of the site and the surrounding topography, (e.g. the steep slope to the south) there may be particular concerns in this case with pressure for future tree removal resulting from authorisation of the proposed development (e.g. due to shading of the house). However, the owner of such forest land (Forestry and Land Scotland) would be responsible for its management. It is noted that there would likely be further substantial tree removal resulting from the creation of a new section of access track within the forest area located to the north of the site which is not owned by the applicant. It is noted that Forestry and Land Scotland, who control the adjacent forest, do not object to the proposed access works. However, it is unclear what construction works are proposed in relation to formation of this new section of access, thus the extent of tree removal required to create it is unclear and no mitigatory planting is proposed to compensate for its loss. Given that the land required to undertake this access improvement is not controlled by the applicant and no access agreement is in place with the owner, no weight can be afforded to the draft (unsigned) agreement submitted and the proposal requires to be assessed on the basis that no such works are undertaken. Subject to implementation of tree protection measures on site, and enhancement planting within the site, it can therefore be concluded that the construction of the house and associated ground works / drainage / driveway would not conflict with ALDP policy NE5: Trees and Woodlands and related SG. Consideration of the potential impact of the access works within the forest is addressed below.

Ecology Impacts

As the site lies within 3 Hills LNCS and the surrounding land is designated as green space network there is a particular need to have regard to protection of its biological interests, in accordance with the objectives of the NCS and ALDP policies NE1 and NE8. In addition to the tree / habitat survey undertaken, there is a particular need to have regard to protected species (e.g. bats) which are likely to be present in the area. It is noted that as there is currently no active residential use of the site, the proposed residential occupation of the site may conflict with the objectives of policy NE1 as the current absence of human disturbance and unmaintained nature of the site is likely to be of benefit to wildlife. However, the Council's Environmental Policy Team have reviewed the information submitted in support of the application and advise that there would be no significant adverse impact on ecological interests subject to tree protection and mitigatory planting / landscaping.

Flooding, Drainage and Water Quality

The supporting statement claims that the proposed house would be raised above the level at which there would be any risk of flooding. It is noted that SEPA have no objection to the proposal on flood risk grounds, and the proposed house would be sited over 30m from the existing burn and elevated above it by around 1.5m. The submitted FRA is considered to demonstrate that the proposal results in no significant flood risk and would satisfy the expectations of ALDP policy NE6: Flooding, Drainage and Water Quality. A condition could be imposed to ensure that the house is suitably

elevated and adjacent ground levels profiled to minimise this risk. Although it is accepted that flood risk to occupants would be low, given that site is relatively level, there remains a risk that the access to the site and the proposed foul water soakaway could be impacted by flooding caused by extreme rainfall events, which are forecast to become increasingly common as a result of climate change. Conditions could be imposed to require SUDS measures on site and remove permitted development rights in order to reduce risk of possible impacts on water quality and minimise flood risk (e.g. due to erection of ancillary buildings within the site).

Detailed Design Matters

Notwithstanding that the site is unusually secluded and only visible to users of the adjacent recreational path network, there remains a need to consider detailed design matters. Setting aside the above matters of principle and the absence of a design statement in compliance with the expectations of PAN 68 (e.g. including visuals), it is recognised that the design of the proposed house is influenced to a degree by the setting of the site (e.g. as evidenced by the use of timber cladding) and it is of relatively modest size. It is considered that sympathetic rehabilitation and conversion of the existing granite building on the site, rather than its proposed demolition, may be an approach which would better align with the design and sustainability objectives of SPP, PAN 72 and ALDP policy D5. However, given the level of dereliction of the building, it is not known if this is technically feasible and this option is not addressed in the design statement. Although the submitted statement refers to proposed re-use of granite within the development, this is not reflected in the submitted drawings which show no re-use of granite either within the house design or for the site boundaries, such that there would be a degree of conflict with policy D5 and ACC Materials TAN. Although the modern form and materials of the house would contrast with those of the existing granite building and traditional / vernacular rural architecture within the north-east (which is characterised by use of granite rubble walls and slate clad roofs), it is considered that overall, the design of the house / site works would satisfy the expectations of policies D1 and D2. Conditions could be used to address detailed design concerns (e.g. in relation to materials, the requirements for soft landscaping, granite re-use and boundary treatment) and to address matters such as minimisation of energy / water usage (to address policy R7). It is recognised that there would be sufficient space on site to enable provision of parking and bin storage (i.e. wheelie bins) as required to address policy R6. However, it is likely that the actual pick-up point of such bins would be at the junction of the public road which is outwith the site. Given the considerable distance involved, this would be likely to result in additional vehicle traffic along the track and exacerbate transport concerns identified above.

Public Safety Considerations

The proposed house is sufficiently distant from the existing oil / gas pipeline wayleaves that there would be no conflict with policy B6 and no special protective measures have been identified as being required.

Whilst the supporting statement refers to construction of a new access within the forest to serve the house, there is no certainty regarding provision of such access works as this is on land which is not controlled by the applicant, no details of such access upgrade works have been submitted and no access agreement is in place to deliver such works. Therefore, the proposal requires to be assessed on the basis of the use of the existing forest access as currently exists. The ACC roads consultee has not identified any concerns in relation to road safety impact or identified any road / public infrastructure improvement requirements (e.g. upgrade of the public road junction). Notwithstanding the potential for conflict with recreational path users within the forest, as discussed above and the information submitted regarding the forest access, no access improvement has been requested by the consultees or can reasonably be required.

Information Deficiencies

Insufficient information has been submitted in order to fully evaluate the impacts of the development relative to policies D2: Landscape; NE1: Green Space Network. and NE5: Trees and Woodlands as

no details of the access works within the forest, or related tree survey have been provided. Given that the recommendation is refusal and the advice provided at pre-application stage, it is not considered necessary to defer consideration of the application in the absence of such information.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the PALDP substantively reiterate those in the ALDP such that it does not result in any material change to the above considerations. The PALDP does not allocate the site or wider area for development and results in no material change to the above conclusions.

Procedural Matters

Given the above policy considerations, the proposal is considered to represent a departure from the development plan. As no representations have been received relative to the proposal by the public, there is no requirement to consider the matter of the potential need for a public hearing in advance of determining the application.

Other Material Considerations

Notwithstanding the informal planning advice provided to the applicant in 2012 which is referenced in the supporting statement, this is considered to have no weight as a material consideration given the length of time that has elapsed. It was issued prior to the adoption of the ALDP in 2017 and the publication of SPP in 2014. It was superseded by the formal pre-application response issued in 2017 referred to above which advised against the proposal. Given that the site has been unoccupied and ruinous since the fire which occurred in 2008, it is noted that there is no active or recent residential use at the site which may justify approval of a replacement house. There is no shortfall in the supply of housing within the city and the proposal would not affect that position or result in significant economic benefit to the city or wider social benefits. It is considered that there are no other material considerations which outweigh the above considerations and justify approval of the development.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. The proposal would conflict with policy NE2: Green Belt within the Aberdeen Local Development Plan 2017 (ALDP) as the pre-existing house on the site has not been occupied or used for residential purposes since 2008 and no essential need for the proposed house has been demonstrated. As the site lies within the green belt, the residential use of the site is not established (active) and the proposal does not accord with any of the other criteria set out in Scottish Planning Policy 2014 (SPP) paragraph 52, or the other acceptable criteria / circumstances set out in ALDP policy NE2, it would not accord with SPP or the local plan green belt zoning. As the urbanisation caused by the introduction of a new house within this secluded rural area would detract from the existing landscape character and would conflict with the recreational use of the wider area by the public, it would conflict with the purpose of the green belt designation. It would not be possible to adequately mitigate or avoid this impact.
2. The proposal would conflict with the objective of ALDP policy NE9: Access and Informal Recreation as the introduction of vehicular traffic along the access to the site, which is via the existing forest track, would conflict with its use as a waymarked recreational walking route and parts of the routes of Core Paths Nos.35 and 36. This impact would therefore erode the function of the wider green space network area as a recreational asset and would therefore also conflict with ALDP policy NE1: Green Space Network. It would not be possible to adequately mitigate or avoid this impact.

3. The proposal would conflict with the presumption in favour of development that contributes to sustainable development expressed in Scottish Planning Policy 2014 and would conflict with the objectives of ALDP policies T2: Managing the Transport Impact of Dev and T3: Sustainable and Active Travel by reason of the remote location of the site and its likely dependence on car borne traffic. It would not be possible to adequately mitigate or avoid this impact.
4. Insufficient information has been submitted in order to properly evaluate the impacts of the access works relative to ALDP policies D2: Landscape; NE1: Green Space Network and NE5: Trees and Woodlands, as no details of the proposed access works within the forest and associated impacts on trees has been provided. Thus, it has not been demonstrated that the proposal complies with these ALDP policies.

This page is intentionally left blank



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 100172179-001

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)

Erection of replacement dwellinghouse

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:	Sylvan Stuart Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Douglas	Building Name:	Pitmachie Works
Last Name: *	Irvine	Building Number:	
Telephone Number: *	01464 851208	Address 1 (Street): *	Old Rayne
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Insch
Fax Number:		Country: *	UK
		Postcode: *	AB52 6RX
Email Address: *	doug@sylvanstuart.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Dr	Building Name:	Braeside of Balnakettle
First Name: *	David	Building Number:	
Last Name: *	Nance	Address 1 (Street): *	Newmachar
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	AB21 0UN
Fax Number:			
Email Address: *	davidnance@live.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

GLENDALE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB21 9TA

Please identify/describe the location of the site or sites

Northing

810696

Easting

385471

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

0.85

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)

Uninhabitable dwellinghouse

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

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

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

What private arrangements are you proposing? *

New/Altered septic tank.

Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).

Other private drainage arrangement (such as chemical toilets or composting toilets).

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

Discharge to land via soakaway.

Discharge to watercourse(s) (including partial soakaway).

Discharge to coastal waters.

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

Septic tank and soakaway

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)

Area for collection of waste to be arranged with Forestry and Land Scotland in the car park at the end of the access road adjacent to the public road.

Residential Units Including Conversion

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

Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

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

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

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

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

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

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

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

or –

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

Name:

Address:

Forestry and Land Scotland, 1, Highlander Way, Inverness Business Park, Inverness, UK, IV2 7GB

Date of Service of Notice: *

10/04/2020

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed: Douglas Irvine

On behalf of: Dr David Nance

Date: 10/04/2020

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

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

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Douglas Irvine

Declaration Date: 10/04/2020

Payment Details

Cheque: Not available, 1

Created: 10/04/2020 15:53

This page is intentionally left blank

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Douglas Irvine
Sylvan Stuart Ltd
Pitmachie Works
Old Rayne
Insch
AB52 6RX

on behalf of **Dr David Nance**

With reference to your application validly received on 14 April 2020 for the following development:-

**Erection of a detached 1.5 storey dwellinghouse with associated drainage works and access / parking
at Glendale, Kirkton Of Skene - Tyrebagger 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
NAN102.19PP	Location Plan
NAN001.19PP	Ground Floor Plan (Proposed)
NAN002.19PP	First Floor Plan (Proposed)
NAN003.19PP	Multiple Elevations (Proposed)
NAN004.19PP	Site Cross Section
NAN103.19PP	Site Sections
NAN101.19PP D	Site Layout (Proposed)

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

Revised site layout / house access / landscaping.

REASON FOR DECISION

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

1. The proposal would conflict with policy NE2: Green Belt within the Aberdeen Local Development Plan 2017 (ALDP) as the pre-existing house on the site has not been occupied or used for residential purposes since 2008 and no essential need for the proposed house has been demonstrated. As the site lies within the green belt, the residential use of the site is not established (active) and the proposal does not accord with any of the other criteria set out in Scottish Planning Policy 2014 (SPP) paragraph 52, or the other acceptable criteria / circumstances set out in ALDP policy NE2, it would not accord with SPP or the local plan green belt zoning. As the urbanisation caused by the introduction of a new house within this secluded rural area would detract from the existing landscape character and would conflict with the recreational use of the wider area by the public, it would conflict with the purpose of the green belt designation. It would not be possible to adequately mitigate or avoid this impact.
2. The proposal would conflict with the objective of ALDP policy NE9: Access and Informal Recreation as the introduction of vehicular traffic along the access to the site, which is via the existing forest track, would conflict with its use as a waymarked recreational walking route and parts of the routes of Core Paths Nos.35 and 36. This impact would therefore erode the function of the wider green space network area as a recreational asset and would therefore also conflict with ALDP policy NE1: Green Space Network. It would not be possible to adequately mitigate or avoid this impact.
3. The proposal would conflict with the presumption in favour of development that contributes to sustainable development expressed in Scottish Planning Policy 2014 and would conflict with the objectives of ALDP policies T2: Managing the Transport Impact of Dev and T3: Sustainable and Active Travel by reason of the remote location of the site and its likely dependence on car borne traffic. It would not be possible to adequately mitigate or avoid this impact.
4. Insufficient information has been submitted in order to properly evaluate the impacts of the access works relative to ALDP policies D2: Landscape; NE1: Green Space Network and NE5: Trees and Woodlands, as no details of the proposed access works within the forest and associated impacts on trees has been provided. Thus, it has not been demonstrated that the proposal complies with these ALDP policies.

Date of Signing 5 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.

This page is intentionally left blank

Environmental Policy team response - planning application, masterplan, and development framework consultations

PROPOSAL DETAILS

	Enter details in this column
Application / plan name	Detailed Planning Permission, 200463/DPP: Erection of a detached 1.5 storey dwellinghouse with associated drainage works and access / parking at Glendale, Kirkton Of Skene - Tyrebagger Road, Aberdeen. AB21 9TA
Application reference number / reference	200463/DPP
Planning case officer	Robert Forbes
Date of request	20/4/20
Date response required	8/5/20
Date of response	11/5/20
EP team (name of responder)	Karen van Eeden
Other EP team members	Lina-Elvira Back Kevin Wright Gordon McLean Choose an item. Choose an item. Choose an item.

POLICY AND GUIDANCE

Relevant policy and legislation	Enter text in this column
Relevant LDP policies Link Relevant Supplementary Guidance/Technical Advice Note Link	NE8 - Natural Heritage NE5 - Trees and Woodlands NE4 - Open Space Provision in New Development SG/TAN; First select a Topic Area Natural Heritage First select a Topic Area Trees and Woodlands Green Space and Open Space Development Frameworks / Masterplans
Other key references, e.g. ACC strategies, Local Biodiversity Action Plan, Scottish Planning Policy, National Planning Framework, TPO/Cons area/GSN GIS tool	Local Planning Advice Other Key References Choose an item.

COMMENTS

Topic	Comments (including compliance, non-compliance and reasoning)
Natural Heritage	Landscaping The application should provide detailed planting schedules, especially in terms of the seed provenance for the “native meadow”. As this type of landscaping also requires specific maintenance, a maintenance schedule should also be provided. It should be noted that as the site is within the LNCS, the only acceptable wildflower mix would be one which is specifically suitable for this specific area. Advice should be sought from Scotia Seeds, who is the only supplier of Scottish specific provenance for wildflower meadow mixes. (LEB)

	<p>Bats A preliminary roost assessment of buildings which are to be demolished and trees affected by development should be provided to allow us to quantify impacts on bats from this development. (LEB)</p> <p>Birds There should be an assessment of buildings for suitability for barn owl. (LEB)</p> <p>Boundary treatments To allow passing of small mammals such as hedgehogs across the site, boundary treatments should have a gap at the bottom. (LEB)</p>
Landscape	
Trees	There is not sufficient detail to determine impact on the existing tree stock. A Tree survey, Arboricultural Impact Assessment and tree protection plan are required to allow the application to be assessed. As well as impacts relating to the proposed dwelling, impacts relating to the change of access track surfacing and new access tracks should be included. (KW)
Open Space	<p>Background Information The proposed development is not part of the open space audit 2010. It is a brownfield site proposed for redevelopment. However, it is part of the Green Space Network and Green Belt. (AM)</p> <p>Impact of the Development The proposed development is not likely to have any major impact on the existing open spaces. There are other environmental concerns that should be considered under the natural heritage and landscape. (See description under GSN section). (AM)</p> <p>Opportunities should be maximised to improve the access and connectivity to the surrounding open space. (AM)</p> <p>Planning and Design Statement The planning statement states that it is an existing cottage proposed for re-development. Given the surrounding environment it is advised that Green Infrastructure practices should be used. (AM)</p>
Green Space Network (GSN)	<p>Description of GSN The development is part of the Core Green Space Network site 23 Elrick Hill Tyre Badger Quarry. The GSN supports a mosaic of habitats with dry heathland, European dry heath and wet woodlands, scrub woodlands and acid grassland on the top of the hill with bracken and colonising birch/rowan trees around the margins. It provides Linkages and</p>

	<p>connectivity to the wider Network. SNH ancient and semi-natural woodlands NWSS are also recorded on the site. (AM)</p> <p>The site is a Badger territory, important corridor and foraging ground. The site also supports UK species of conservation concern such as Snipe, Kestrel and species listed under the Scottish Biodiversity list such as Woodcock (AM)</p> <p>UK BAP habitat purple moor grass and rush pastures and European dry heath is also recorded on the site along with a range of species and habitats. For example Wych Elm. (Record of full list of species and habitat is available from NESBReC) (AM)</p> <p>The development must ensure that the GSN connectivity is maintained and there is no habitat fragmentation. (AM)</p>
Outdoor Access	<p>I would have concerns regarding the safety of path users now requiring to share some of these routes with vehicles, particularly as these vehicle movements could happen fairly often throughout the day. I would think that path users will not be used to vehicles being on these paths and I assume the public will regularly be utilising the paths potentially on bikes at fairly high speeds or with dogs off the lead for instance, which may not be a concern in this location normally. Are you aware how busy the paths/ tracks currently are in terms of vehicles but also public access takers? I assume the only vehicle use currently will be that of Forest and Land Scotland (formerly Forestry Commission Scotland) staff. They, I assume, will be trained to drive in such locations where they may come into contact with the public. (GM)</p> <p>That is the general concern I would have, however, I am not sure from a path point of view if there is much policy directly against it. Often Core Paths and Rights of Way are shared with vehicles and the legislation is generally about protecting the public's right to use these paths etc. as opposed to saying that a route cannot also potentially be used by a vehicle. The public would not be permitted to drive a vehicle on the paths we are considering here, but if it was accepted as the access to someone's property then my assumption would be that they would be fine legislatively. (GM)</p>
Water Environment	The wastewater and surface water issues should be address according to the Policy NE6. (AM)
Digital Connectivity	

CONCLUSION

Summary of environmental effects of concern

Natural Heritage
Bats A preliminary roost assessment of buildings which are to be demolished and trees affected by development should be provided to allow us to quantify impacts on bats from this development. (LEB)
Landscape
Trees Insufficient detail to allow the application to be assessed. (KW)
Open Space
Outdoor Access
Construction
Climate change mitigation and adaptation measures
Digital Connectivity

ACTION POINTS

<ol style="list-style-type: none"> 1. Submission of tree survey, AIA and tree protection plan. (KW) 2. Preliminary bat roost assessment and assessment of building for suitability of barn owl required (LEB)

This page is intentionally left blank

Environmental Policy team response - planning application, masterplan, and development framework consultations

PROPOSAL DETAILS

	Enter details in this column
Application / plan name	Erection of a detached 1.5 storey dwellinghouse with associated drainage works and access / parking Glendale, Kirkton Of Skene - Tyrebagger Road, Aberdeen, AB21 9TA
Application reference number / reference	200463/DPP
Planning case officer	Robert Forbes
Date of request	20/04/2021
Date response required	11/05/2021
Date of response	11/05/2021
EP team (name of responder)	Karen van Eeden
Other EP team members	Kevin Wright Lina-Elvira Back Gordon McLean Guy Bergman Aftab Majeed Choose an item.
Other Services consulted by EP	e.g. Environmental Services Specify:
Site Visited?	Choose an item.

POLICY AND GUIDANCE

Relevant policy and legislation	Enter text in this column
Relevant LDP policies Link Relevant Supplementary Guidance/Technical Advice Note Link	NE5 - Trees and Woodlands NE8 - Natural Heritage NE9 - Access and Informal Recreation SG/TAN; First select a Topic Area Choose an item. First select a Topic Area Choose an item. Development Frameworks / Masterplans:
Other key references, e.g. ACC strategies, Local Biodiversity Action Plan, Scottish Planning Policy, National Planning Framework, TPO/Cons area/GSN GIS tool	Local Planning Advice: Other Key References: Choose an item.

COMMENTS

Topic	Comments (including compliance, non-compliance and reasoning)
Natural Heritage	The submitted bat preliminary roost assessment / barn owl survey is satisfactory to assess there will be no impact on bats or barn owl. While there was not an assessment done for bat roost potential on trees on site which may be impacted on by the proposal, it appears there will be minimal impact on trees. Adherence to the below recommendations for trees should safeguard any trees with potential impact from the proposal and hence preserve any roost features used for bats. Any wildflower meadow planting on site should be using local provenance seed only and be a match to the type of existing flora, soil and conditions where it is to be planted. The seed mix should be detailed along with a planting plan

	and a maintenance schedule.
Trees	The revised layout resolves previous concerns relating to impacts on trees. To ensure construction activity does not impact on the existing tree stock a revised tree protection plan should be submitted detailing the position and standard of tree protection fencing. This could be requested as a condition.
Open Space	Previous comments that the proposed development is a brownfield site proposed for redevelopment and is therefore not likely to have any major impact on existing open spaces are still valid.
Green Space Network (GSN)	Previous comments that the Green Space Network connectivity is maintained and there is no habitat fragmentation are still valid.
Outdoor Access	Previous comments re the potential of conflict arising from pedestrians/ cyclists/ horse riders sharing the access track with more vehicles is still valid.

CONCLUSION

Summary of environmental effects of concern
<p>Trees Revised layout minimises impacts on existing tree stock, layout is considered acceptable in terms of tree protection, based on adequate tree protection measures being in place prior to the start of development.</p>

ACTION POINTS

<p>Trees</p> <ol style="list-style-type: none"> 1. Submission of revised tree protection plan.
--

This page is intentionally left blank

MEMO



To	Robert Forbes Planning & Infrastructure	Date	27/04/2020
		Your Ref.	200463
		Our Ref.	
From	Flooding		
Email	pa.flooding@aberdeencity.gov.uk		
Dial	01224 53 2387		
Fax			

Flooding
Operations and Protective Services
Aberdeen City Council
Business Hub 11,
2nd Floor West,
Marischal College
Broad Street
Aberdeen AB10 1AB

Planning application no. 200463

The site lies within the 1 in 200 year Surface Water flood risk extent of SEPA maps. Parts of Green burn are running within the proposed site. An FRA level 2 is required to be attached as a condition.

Regards
Debbie Gogou - Flooding & Coastal

ROB POLKINGHORNE

OPERATIONS AND PROTECTIVE SERVICES

This page is intentionally left blank

MEMO



To	Robert Forbes Planning & Infrastructure	Date	16/09/2020
		Your Ref.	200463
		Our Ref.	
From	Flooding		
Email	pa.flooding@aberdeencity.gov.uk		
Dial	01224 53 2387		
Fax			

Flooding
Operations and Protective Services
Aberdeen City Council
Business Hub 11,
2nd Floor West,
Marischal College
Broad Street
Aberdeen AB10 1AB

Planning application no. 200463

Flooding Team has reviewed the 'Flood Risk Assessment-Glendale, Clinerty, September 2020' and has no objection.

Regards
Debbie Gogou - Flooding & Coastal

ROB POLKINGHORNE

OPERATIONS AND PROTECTIVE SERVICES

This page is intentionally left blank

Consultee Comments for Planning Application 200463/DPP

Application Summary

Application Number: 200463/DPP

Address: Glendale Kirkton Of Skene - Tyrebagger Road Aberdeen AB21 9TA

Proposal: Erection of a detached 1.5 storey dwellinghouse with associated drainage works and access / parking

Case Officer: Robert Forbes

Consultee Details

Name: Mr Michael Cowie

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

Email: micowie@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application for erection of detached 1.5 storey dwellinghouse with associated drainage works and access / parking at Glendale, Kirkton of Skene - Tyrebagger Road, Aberdeen AB21 9TA.

It is noted that in order to allow the creation of the proposed this application includes the demolition of existing dwelling and outbuildings.

It is confirmed the site provides adequate parking provision for the proposed number of associated bedrooms while also creating a new access which is also confirmed to be acceptable given it shall be onto a private road.

It is confirmed that Roads Development Management have no objections to this application.

This page is intentionally left blank

Aberdeen City Council – Development Management Consultation Request

From: Robert Forbes	Date: 17 April 2020
Email: rforbes@aberdeencity.gov.uk	Ref: 200463/DPP
Tel.: 01224 522390	Expiry Date: 8 May 2020

Detailed Planning Permission

**200463/DPP: Erection of a detached 1.5 storey dwellinghouse with associated drainage works and access / parking at Glendale
Kirkton Of Skene - Tyrebagger Road
Aberdeen
AB21 9TA**

All plans and supporting documentation available at the following link:

<https://publicaccess.aberdeencity.gov.uk/online-application/applicationDetails.do?activeTab=summary&keyVal=Q8KVEXBZHD300>

Please select one of the following

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

COMMENTS

Waste Services response regarding application 200463: Glendale, Kirkton of Skene

As I understand, the development will consist of **1 house**

I have consulted with colleagues across the waste operations team. I can confirm that Aberdeen City Council intend to provide the following services upon building completion.

Please note the information provided below by Waste Services is independent of the outcome of the planning application, which is being determined by the planning authority.

The property will be provided with:

- **1 x 180 litre wheeled bin for general waste**
- **1 x 240 litre co-mingled recycling bin for recycling**

- **1 x 240litre wheeled bin for food and garden waste (kitchen caddy, bioliners and associated information will be provided as well)**

The following costs will be charged to the developer:

- **Each 180l or 240l bin cost £35.00 each**
- **Delivery charge of £30.00**

It is pertinent to note that these services will be provided taking account of the following:

General points

- All the waste containers must be presented on **B979 Tyrebaggar road only** on the collection day and must be removed from the kerbside as soon as possible. No containers should be permanently stored on the kerbside.
- **No excess** should be stored out with the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 03000 200 292.
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/aberdeen-cms/files/7.1.PolicySG.ResourcesForNewDevelopmentTC.P.4.8.9.12.13.pdf>

Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied. Bins MUST be on site prior to residents moving into properties. A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.

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

Responding Officer: Hannah Lynch

Date: 16.04.2020

Email: halynch@aberdeencity.gov.uk

Ext: 87627

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

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

From: [Robert Forbes](#)
To: [PI](#)
Subject: FW: Application reference 200463/DPP
Date: 19 January 2021 16:20:27
Attachments: [image001.png](#)

Hi

Please upload to above file as a consultation response . ta

Yours sincerely

Robert Forbes
Senior Planner

Development Management
Strategic Place Planning
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

T: 01224 522390
M: 07919 691 539
E: rforbes@aberdeencity.gov.uk

IMPORTANT NOTICE: This e-mail (including any attachment to it) is confidential, protected by copyright and may be privileged. The information contained in it should be used for its intended purposes only. If you receive this email in error, notify the sender by reply email, delete the received email and do not make use of, disclose or copy it. Whilst we take reasonable precautions to ensure that our emails are free from viruses, we cannot be responsible for any viruses transmitted with this email and recommend that you subject any incoming email to your own virus checking procedures. Unless related to Council business, the opinions expressed in this email are those of the sender and they do not necessarily constitute those of Aberdeen City Council. Unless we expressly say otherwise in this email or its attachments, neither this email nor its attachments create, form part of or vary any contractual or unilateral obligation. Aberdeen City Council's incoming and outgoing email is subject to regular monitoring.

From: Graeme.Howard@forestryandland.gov.scot <Graeme.Howard@forestryandland.gov.scot>
Sent: 29 September 2020 11:58
To: Robert Forbes <RForbes@aberdeencity.gov.uk>
Subject: Application reference 200463/DPP

Dear Robert,

I refer to the above application. I was unaware that this had been submitted until a colleague spotted it last week.

The proposed access for this development passes though Forestry and Land Scotland Property.

I wish to draw your attention to the fact that the access route shown on the plans is an agreement in principle only. The grant of access rights are conditional and require compliance with a range of stipulations regarding the upgrade and maintenance of the core path at the applicants expense.

Regards
Graeme

Graeme Howard MRICS | Area Land Agent, East Region

Forestry and Land Scotland, Dunkeld Office, Inverpark, Dunkeld, PH8 0JR
t: +44 (0) 131 370 5412 | m: 07824526347 | e: graeme.howard@forestryandland.gov.scot



-
[Facebook](#) | [Twitter](#) | [Instagram](#) | [LinkedIn](#)

Forestry and Land Scotland is an executive agency of the Scottish Government

Consider the environment. Please don't print this e-mail unless you really need to.

This e-mail (and any files or other attachments transmitted with it) may contain confidential or privileged information and is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government and Forestry and Land Scotland may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government or Forestry and Land Scotland.

Damian Aracas

From: Robert Forbes
Sent: 02 October 2020 09:27
To: PI
Subject: FW: Application reference 200463/DPP

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Damian

Hi

Please upload to above file as a consultee response. Ta

Yours sincerely

Robert Forbes
Senior Planner

Development Management
Strategic Place Planning
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

T: 01224 522390
M: 07919 691 539
E: rforbes@aberdeencity.gov.uk

IMPORTANT NOTICE: This e-mail (including any attachment to it) is confidential, protected by copyright and may be privileged. The information contained in it should be used for its intended purposes only. If you receive this email in error, notify the sender by reply email, delete the received email and do not make use of, disclose or copy it. Whilst we take reasonable precautions to ensure that our emails are free from viruses, we cannot be responsible for any viruses transmitted with this email and recommend that you subject any incoming email to your own virus checking procedures. Unless related to Council business, the opinions expressed in this email are those of the sender and they do not necessarily constitute those of Aberdeen City Council. Unless we expressly say otherwise in this email or its attachments, neither this email nor its attachments create, form part of or vary any contractual or unilateral obligation. Aberdeen City Council's incoming and outgoing email is subject to regular monitoring.

From: Graeme.Howard@forestryandland.gov.scot <Graeme.Howard@forestryandland.gov.scot>
Sent: 29 September 2020 11:58
To: Robert Forbes <RForbes@aberdeencity.gov.uk>
Subject: Application reference 200463/DPP

Dear Robert,

I refer to the above application. I was unaware that this had been submitted until a colleague spotted it last week.

The proposed access for this development passes through Forestry and Land Scotland Property.

I wish to draw your attention to the fact that the access route shown on the plans is an agreement in principle only. The grant of access rights are conditional and require compliance with a range of stipulations regarding the upgrade and maintenance of the core path at the applicants expense.

Regards
Graeme

Graeme Howard MRICS | Area Land Agent, East Region

Forestry and Land Scotland, Dunkeld Office, Inverpark, Dunkeld, PH8 0JR

t: +44 (0) 131 370 5412 | m: 07824526347 | e: graeme.howard@forestryandland.gov.scot



[Facebook](#) | [Twitter](#) | [Instagram](#) | [LinkedIn](#)

Forestry and Land Scotland is an executive agency of the Scottish Government

Consider the environment. Please don't print this e-mail unless you really need to.

This e-mail (and any files or other attachments transmitted with it) may contain confidential or privileged information and is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return.

Communications with the Scottish Government and Forestry and Land Scotland may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government or Forestry and Land Scotland.



www.nhsinform.scot/coronavirus

Our ref: PCS/171031
Your ref: 200463/DPP

If telephoning ask for:
Sarah Crowe

8 May 2020

Robert Forbes
Aberdeen City Council
Planning and Sustainable Development
Business Hub 4, Marischal College
Broad Street
Aberdeen
AB10 1AB

By email only to: pi@aberdeencity.gov.uk

Dear Mr Forbes

Town and Country Planning (Scotland) Acts
Planning application: 200463/DPP
Detailed Planning Permission Erection of a detached 1.5 storey dwellinghouse with associated drainage works and access / parking
Glendale Kirkton Of Skene - Tyrebagger Road Aberdeen AB21 9TA

Thank you for your consultation email which SEPA received on 17 April 2020, specifically requesting our advice on flood risk.

Advice for the planning authority

We have **no objection** to this planning application on flood risk grounds. Please note the advice provided below.

1. Flood risk

- 1.1 Although the application site is not shown to be at risk on the SEPA Flood Maps, the site is adjacent to a small watercourse so the application site may be at risk of flooding. Watercourses with a catchment area less than 3km² are not modelled for the SEPA Flood Maps so risk from this source is not shown. This does not imply an absence of risk. The [SEPA Flood Maps](#) have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For all other matters, we have provided [standing advice](#) applicable to this type of development.
- 1.2 The site plans show the property would be set relatively well back from the two watercourses within the plot boundary. The site sections also show a slight rise in ground

levels from the banks of the watercourses to the proposed house. We hold no records of flooding in the area, and we understand that the site was in occupied for residential use until 2008.

- 1.3 As we hold no specific information or have local knowledge of the site to indicate significant flood risk, we have **no objection** to the application. However there may be a risk of flooding at the site and we recommend that both the applicant and Planning Authority satisfy themselves that the risk is low prior to proceeding with development.
- 1.4 We recommend contact is made with the Flood Risk Management Authority to obtain any information or local knowledge that they hold, and if necessary consideration is given to obtaining a flood risk assessment (FRA) for the site. If further advice on the issue is required from us, then additional supporting information, like a FRA would be necessary for us to comment on flood risk at the site.

Regulatory advice for the applicant

2. Regulatory requirements

- 2.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs). It does not appear there are any proposed engineering activities in the water environment, however if there are the applicant should ensure they have the required CAR authorisation.
- 2.2 In addition we note the proposals for foul drainage are for a septic tank to soakaway. Discharges to ground or the water environment from private waste water drainage systems require prior authorisation from SEPA under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) (as amended).
- 2.3 You will also need to comply with [CAR General Binding Rule 10](#) which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge of surface water from a site does not result in pollution of the water environment. Good practice guidelines regarding construction and pollution prevention should be followed and can be found at the [Guidance for Pollution Prevention \(GPPs\)](#) Netregs webpage.
- 2.4 The proposals include the demolition of the existing house and outbuildings. Following the waste hierarchy of reduce, reuse, recycle, we would welcome the reuse of any suitable demolition material on the site. For waste management refer to the waste management measures and the [Waste Management Plan template](#) on the NetRegs website.
- 2.5 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011.
- 2.6 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your [local SEPA office](#) or via email at waterpermitting@sepa.org.uk or wastepermitting@sepa.org.uk.

If you have any queries relating to this letter, please contact me by e-mail at planningaberdeen@sepa.org.uk.

Yours sincerely

Sarah Crowe
Planning Officer
Planning Service

ECopy to: Douglas Irvine, Sylvan Stuart Ltd, doug@sylvanstuart.com; Robert Forbes, Aberdeen City Council; RForbes@aberdeencity.gov.uk

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

This page is intentionally left blank

Robert Forbes
Strategic Place Planning,
Business Hub 4,
Marischal College,
Broad Street, Aberdeen, AB10 1AB

Shell U.K. Limited
Onshore Pipelines
Orchardbank Industrial Estate
Forfar
Angus DD8 1TD
United Kingdom
Switchboard +44 (0) 1307 462225
Tel +44 (0) 1307 475351
Fax +44 (0) 1307 468522
Internet
<http://www.shell.com/eandp>

21st April 2020

Your ref: 200463/DPP
Our ref: UPO/W/G/TS/AM/kc/20/08

Dear Robert,

Proposal: Detailed Planning Permission, Erection of a detached 1.5 storey dwelling house with associated drainage works and access / parking

Address: Glendale, Kirkton Of Skene - Tyrebagger Road, Aberdeen, AB21 9TA

Grid Reference: 385471, 810696

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

Yours faithfully,

Andy Mottram

Pipelines ROW Inspector



Shell U.K. Limited

Tel: +44 1779 872216

Mobile: 07841 526495

Email: andrew.mottram@shell.com

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

This page is intentionally left blank

Aberdeen City Council
Strategic Place Planning

22 April 2020

By email: rforbes@aberdeencity.gov.uk

Application Ref: 200463/DPP

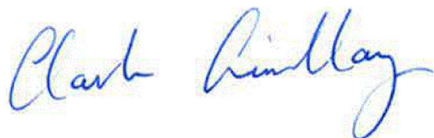
Proposal: Erection of a detached 1.5 storey dwellinghouse with associated drainage works and access / parking

Address: Glendale Kirkton Of Skene - Tyrebagger Road Aberdeen AB21 9TA

Thank you for your consultation dated 17 April 2020.

We consider the safety and engineering integrity of the INEOS FPS Forties Pipeline will not be affected by this proposed development hence we have no comment to make on this application.

Yours sincerely



Clark Findlay

FPS Wayleaves Management
INEOS FPS Limited

☎ Freephone: +44 800 28 12 79

✉ Email: fpspipelinesenquiries@ineos.com

This page is intentionally left blank

Aberdeen Local Development Plan (ALDP)

B6: Pipelines, Major Hazards and Explosives

D1: Quality Placemaking by Design

D2: Landscape NE1: Green Space Network

NE2: Green Belt

NE5: Trees and Woodland

NE6: Flooding, Drainage and Water Quality

NE8: Natural Heritage

NE9: Access and Informal Recreation

T2: Managing the Transport Impact of Development

T3: Sustainable and Active Travel R7: Low & Zero Carbon Build & Water Efficiency

Supplementary Guidance

Householder Development Guide

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

Trees and Woodlands SG

Natural Heritage SG

Materials TAN

Green Space Network and Open Space SG

<https://www.aberdeencity.gov.uk/services/planning-and-building/local-development-plan/aberdeen-local-development-plan/supplementary-guidance-and-technical-advice#1001>

Other Material Considerations

Scottish Planning Policy (2014)

<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>

[Planning Advice Note 68: Design Statements - gov.scot \(www.gov.scot\)](#)

PAN 72: Housing in the Countryside

<https://www.gov.scot/publications/pan-72-housing-in-the-countryside/>

Aberdeen City and Shire Housing Land Audit 2018 (HLA)

<https://www.bing.com/ck/a?!&&p=4a8d07e018dd710918e2133cb63e8d7351fb4ecb2031cee17459b536e1dd4c01JmltdHM9MTY0NzUyNzQxNiZpZ3VpZD00N2lyMmFjNC1jMjBjLTQ5OGEtODU2MS0yMTVkdDhiNjI3YzQmaW5zaWQ9NTE0OQ&pfn=3&fclid=c38e0ade-a5fe-11ec-8962-0152040174a2&u=a1aHR0cHM6Ly93d3cuYWJlcmRlZW5jaXR5Lmdvdi51ay9zaXRlcy9kZWZhdWx0L2ZpbGVzLzlwMTgtMDcvSG91c2luZyUyMExhbmQlMjBBdWRpdCUyMDIwMTgucGRmP21zY2xraWQ9YzM4ZTBhZGVhNWZlMTFlYzg5NjIwMTUyMDQwMTc0YTI&ntb=1>

ACC Core Paths Plan 2009 (CPP)

[Core Paths Plan | Aberdeen City Council](#)

ACC Nature Conservation Strategy 2011-15 (NCS): The site is designated as part of 3 Hills Local Nature Conservation Site (LNCS) due to its biological and geo-morphological interest.

<https://www.aberdeencity.gov.uk/sites/default/files/Nature Strategy Dec2015 extended 0.pdf>



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 100519956-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="c/o agent"/>
First Name: *	<input type="text" value="David"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Nance"/>	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="GLENDALE"/>
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="AB21 9TA"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="810696"/>	Easting	<input type="text" value="385471"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

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

Erection of a detached 1.5 storey dwellinghouse with associated drainage works and access/parking

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 submitted with this Notice of Review

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

Yes No

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

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

Please see Appendix One of the Statement of Reasons

Application Details

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

200463/DPP

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

10/04/2020

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

05/11/2021

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: Miss Pippa Robertson

Declaration Date: 28/01/2022

This page is intentionally left blank



**GLENDALE
KIRKTON OF SKENE
TYREBAGGER ROAD
ABDERDEEN
AB21 9TA**

**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 200463/DPP

STATEMENT OF REASONS



1 Introduction

1.1 Planning application reference 200463/DPP, seeking planning permission for the “Erection of a detached 1.5 storey dwellinghouse with associated drainage works and access/parking” at Glendale, Kirkton of Skene, Tyrebagger Road, Aberdeen, was refused under delegated powers on 5 November 2021 [Document C2]. 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 and Design Statement [Document A17], which provides details of the application site, the proposed development, and 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 dwellinghouse:

- should be supported in principle under Policy NE2 - Green Belt of the Aberdeen Local Development Plan 2017 (ALDP) [Document D2] in that it would be of a scale and character that Council planners had previously indicated would be suitable for the site (see Appendix One of Document A17, the policy principles with regards to which are unchanged since that advice was given, and with there continuing to be no grounds for concluding that residential use of the existing property on the site has been abandoned;
- complies with all other relevant ALDP policies, namely, Policies D1 - Quality Placemaking by Design, D2 - Landscape, NE1 - Green Space Network, NE5 - Trees and Woodland, NE6 - Flooding, Drainage and Water Quality, NE8 - Natural Heritage, NE9 - Access and Informal Recreation, T2 - Managing the Transport Impact of Development, T3 - Sustainable and Active Travel, R2 - Degraded and Contaminated Land, R6 - Waste Management Requirements for New Development, R7 - Low and Zero Carbon Buildings and Water Efficiency, and B6 - Pipelines, Major Hazards and Explosives Storage Sites, together with associated Supplementary Guidance (SG) [Documents D3 and D4];
- involves the sustainable redevelopment of a brownfield site, which should be supported in accordance with the encouragement given to such development in both the Aberdeen City and Shire Strategic Development Plan (SDP) [Document D1] and the ALDP, as well as the presumption in favour of development that contributes to sustainable development set out in Scottish Planning Policy (SPP) [Document D5]; and



- is also supported by other relevant material considerations, in particular Policy NE1 - Green Belt the Proposed Local Development Plan 2020 (PLDP) [Document D6] which expressly allows for the replacement of vacant dwellinghouses in poor condition with a new dwellinghouse, as proposed in terms of this application. Indeed, if there are any doubts about the extent to which the application complies with extant Policy NE2 - Green Belt, the PLDP's status as the Council's settled view on the content of the emerging LDP, with this having been submitted for Examination with no objections to proposed Policy NE1 - Green Belt, means that the proposed Policy should be considered to outweigh the extant one in this regard.

1.3 In relation to the above points, the Report of Handling for the application [Document C1] confirms that:

- subject to implementation of tree protection measures and enhancement planting, the construction of the house and associated ground works, drainage, and driveway would not conflict with Policy NE5 - Trees and Woodlands and related SG.
- the Council's Environmental Policy Team advised that there would be no significant adverse impact on ecological interests subject to tree protection and mitigatory planting and landscaping, and hence the proposed development would not conflict with the objectives of Policies NE1 - Green Space Network and NE8 - Natural Heritage;
- the flood risk assessment submitted with the application is considered to demonstrate that the proposal results in no significant flood risk and would satisfy the expectations of Policy NE6 - Flooding, Drainage and Water Quality;
- the design of the proposed house is influenced to a degree by the setting of the site (as evidenced by, for example, the use of timber cladding) and the house is of a relatively modest size, with this considered overall to satisfy the expectations of Policy D1 - Quality Placemaking by Design and Policy D2 - Landscape, with it being possible to apply conditions to ensure that this is the case and that the proposed development also complies with Policy R7 - Low and Zero Carbon Buildings and Water Efficiency;
- there would be sufficient space on the site to enable provision of bin storage as required to address Policy R6 - Waste Management Requirements for New Development;



- the proposed house is sufficiently distant from the existing oil/gas pipeline wayleaves that there would be no conflict with Policy B6 - Pipelines, Major Hazards and Explosives Storage Sites and no special protective measures have been identified as being required; and
- the Council's Roads Development Management Team advised that adequate parking provision is proposed, that the proposed new access is acceptable, and that no road or public infrastructure improvements would be, or could reasonably be, required.

1.4 The above notwithstanding, it is recognised that the Report of Handling does raise some concerns about the extent to which the proposed development complies with other ALDP policies, and these are addressed in section 3 below, along with the PLDP and other relevant material considerations.

1.5 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.

1.6 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 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 remember 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 at the time the application was submitted are set out in the Planning and Design Statement submitted with the application, demonstrating why the application should be supported in terms of these. Importantly, it should be noted that the Planning and Design Statement highlights two significant material considerations which have not been addressed in the Report of Handling, namely:



- advice which the Council provided in 2013 which stated that it would be reasonable to allow the existing building on the application site to be refurbished and extended or, if that were not possible, that the Council would be willing to look at a replacement house on the site, with a copy of that advice provided at Appendix One to the Planning and Design Statement. Importantly, that advice was given in the context of policy wording which was the same as that of the current green belt policy, and hence there should be no reason to reach a different conclusion in respect of the acceptability of the principle of the proposed development now than that which was reached then. In particular, this advice makes it clear that a modern house that fits the woodland setting would likely be acceptable, and that it would be difficult to argue that the site's residential use had been abandoned, with the applicant having subsequently expended time, money and effort to prepare the application to which this Review relates on the basis of that advice; and
- case law with regards to abandonment, from which it is clear that the question of whether or not residential use has been abandoned should be determined on the basis of a number of factors, including an owner's intentions, with the time and effort that the applicant has expended in preparing the current application since being advised that it would be difficult to argue that the site's residential use had been abandoned in 2013 clearly pointing to such use not having been abandoned since then. This includes time and effort spent (i) having a full topographic survey undertaken in 2013, (ii) clearing the land during 2013 and 2014, and (iii) agreeing Heads of Terms for the proposed new access with Forestry and Land Scotland (FSL) in 2013 and 2014, then taking time to consider the family's specific accommodation requirements, options for restoring and redeveloping the existing house to meet those requirements, and funding options for this before instructing the preparation of plans for the proposed new house in 2018 and submitting the application to which this Notice of Review relates a short time afterwards, in 2019. In particular in this regard, consideration should be given to the decisions in respect of **Hughes v Secretary of State for the Environment and South Holland DC** [2000] ECWA Civ 506 [Document E6] – Lord Justice Kennedy's opinion in which confirms the approach that should be taken when considering whether residential use has been abandoned and expressly distinguishes between situations where there has been clear abandonment of residential use and situations where:

“...for example, there has been a fire and the owner is simply getting together the means to replace the dwelling over a limited period of time, or to restore it to its former glory. The objective observer in the latter situation, not knowing of the owner's intentions, might temporarily conclude that the use of the



property as a residence had been abandoned where in reality it had not, because the intention factor would be determinative the other way”.

The strong parallels between the situation described by Lord Justice Kennedy in this quote and the circumstances in which this application has been made (as set out above and in the Planning and Design Statement) provide clear support for concluding that residential use has not been abandoned in this case.

2.3 In addition, since the application was submitted, the PLDP has been published, consulted on, and submitted to the Scottish Ministers for Examination and, as acknowledged in the Report of Handling for the application, the status of this as the settled view of the Council with regards to the form and content of the next LDP makes this a material consideration in the determination of planning applications. Indeed, case law (see *The Trustees of the late Mrs Pilkington v The Scottish Ministers [2013] CSOH 147*) [Document E1] makes it clear that the content of an emerging plan can outweigh the provisions of an adopted plan in certain circumstances. For example:

- in November 2020, the Council issued planning permission in principle for a residential led, mixed use development on land at Cloverhill, Murcar on the basis that, while this is a departure from the site’s zoning in the ALDP, it is consistent with the site’s proposed zoning in the PLDP, and the weight afforded to the emerging policy context along with other material considerations, was considered to outweigh any harm arising from departing from the Development Plan in that instance (planning application reference 191171/DPP) [Document E2]; and
- in June 2021, the Council agreed a willingness to approve planning permission in principle for a residential led mixed-use development on the site of the former Silverburn House at Bridge of Don, again on the basis that, while this is a departure from the ALDP, the PLDP supports development of this nature on the site (planning application reference 191904/PPP) [Document E3].

2.4 It is also generally accepted that, the more advanced the plan making process, the more weight an emerging plan should be given.

2.5 Importantly, and contrary to the statement in the Report of Handling that the policies in the PLDP substantively reiterate those in the ALDP, with no material changes which would alter the officers’ conclusions on the application, the PLDP does in fact introduce a material change to the Council’s policy on the green belt. Specifically, proposed Policy NE1 - Green Belt supports proposals where these are for:



“...a dwelling house to replace a dwelling house. This will be on a ‘one for one’ basis for development of a similar scale within the same footprint or existing curtilage of the site. This may be applicable to vacant properties in poor condition...”

2.6 Notably, this:

- does not contain the same requirement for houses to have been occupied in recent years as the extent policy does; and
- allows for the replacement of vacant properties in poor condition, such as the house to which this application relates.

2.7 Taking the above terms of the PLPD into account, this clearly lends significant support to the application, and requires to be given due weight in the decision-making process accordingly.

2.8 This is particularly so as the relevant Schedule 4 document submitted to DPEA as part of the Examination process [Document E4] shows there to be no objections to this proposed change to the green belt policy, with the only representations that made in this regard being supportive of it. As such, there is no reason for any further changes to this to be made during the Examination process, and greater weight should therefore be given to this element of the PLDP accordingly. Indeed, if there is any doubt about the extent to which the proposed development complies with Policy NE1 - Green Belt of the ALDP, the same approach should be taken to this application as was taken with regards to planning application reference 191904/PPP, and this approved on the basis of the support for the proposed development which is provided by the PLDP.

3 Reasons for refusal

3.1 Each of the reasons cited on the Decision Notice for the refusal of the application are addressed in turn below, with these having been broken down into constituent parts where appropriate.

Reason 1

The proposal would conflict with policy NE2: Green Belt within the Aberdeen Local Development Plan 2017 (ALDP) as the pre-existing house on the site has not been occupied or used for residential purposes since 2008 and no essential need for the proposed house has been demonstrated.



3.2 While it is noted that the extant Policy NE2 generally only supports the replacement of houses currently in occupation, this requires to be read in the context of:

- the fact that the wording of this Policy is unchanged from that in the 2012 ALDP, on the basis of which our client had been advised that a proposed new house on this site would be acceptable in principle, as set out above; and
- the purpose of the Policy and the aims of the Green Belt which, as set out in the Planning and Design Statement, would not be undermined by the proposed development in that –
 - this would not result in any coalescence, given that built development already exists on the site, and the proposed new dwelling house would simply replace the existing one, such that there would be no net increase in the level of development;
 - development here would have no negative impact on the landscape setting of the city, but would in fact have a positive one in that it would improve a currently degraded site, with this also being well screened by existing trees which would not be affected by the proposals;
 - in terms of providing access to open space, the existing burned-out dwelling house on the site is currently an eyesore to users of nearby core paths through the woods, and could potentially be hazardous to children playing here. Conversely, redeveloping the site as proposed in terms of this application would greatly improve both the visual amenity and safety of the site which, in turn, will also benefit users of nearby core paths, improving the value of those paths for them. Further, whereas it is noted that the Report of Handling and Decision Notice raise concerns about the potential impact on recreational use of the wider area as a result of Core Paths being used to access the site, these are addressed in paragraph 3.7 below, demonstrating that there would be no negative impact in this regard, but only a positive impact as set out in the foregoing sentence; and
 - in doing the above, the application clearly directs the proposed development to an appropriate location and supports the regeneration of an otherwise derelict site.

As the site lies within the green belt, the residential use of the site is not established (active) and the proposal does not accord with any of the other criteria set out in Scottish Planning Policy 2014 (SPP) paragraph 52, or the other acceptable criteria / circumstances set out in ALDP policy NE2, it would not accord with SPP or the local plan green belt zoning.

3.3 For the reasons given above, it is submitted that the proposed development does accord with the ALDP green belt zoning, particularly if due weight is given to the PLDP,



with relevant provisions of SPP addressed in paragraphs 5.1 to 5.5 of the Planning and Design Statement, demonstrating that the application is also supported by these. In particular, as set out in those paragraphs, it should be noted that 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. That means the decision 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.

3.4 In providing a single, well designed dwelling house on a previously developed site, the development proposed by way of this application clearly complies with the principles set out above, and should therefore be approved as constituting sustainable development in accordance with SPP, as well as development that is consistent with the purpose of the green belt as set out above.

As the urbanisation caused by the introduction of a new house within this secluded rural area would detract from the existing landscape character and would conflict with the recreational use of the wider area by the public, it would conflict with the purpose of the green belt designation. It would not be possible to adequately mitigate or avoid this impact.

3.5 Given the existing development on the site, the previous support expressed by the Council for the redevelopment of this, and the fact that the Report of Handling concludes that the design of the proposed house and site works would satisfy the expectations of ALDP Policies D1 - Layout, siting and design and D2 - Landscape, it is not clear how the conclusion that this would result in the 'urbanisation' of the area has been reached, nor on what basis it is concluded that there would be any impact on the existing landscape character. As such, there is no justification for refusing the application on these grounds. Indeed, it should instead be concluded that redeveloping the site as proposed would greatly improve the visual amenity of the site as set out above, with this having a positive landscape impact as a result.

3.6 With regards then to the conclusion that the proposed development would "conflict with the recreational use of the wider area by the public", this is addressed in paragraph 3.7 below, demonstrating that there would also be no negative impact in this regard, but rather that there would again be a positive impact as a result of the improvements to visual amenity that would be experienced by users of the adjoining core path, which should be welcomed and supported accordingly.



Reason 2

The proposal would conflict with the objective of ALDP policy NE9: Access and Informal Recreation as the introduction of vehicular traffic along the access to the site, which is via the existing forest track, would conflict with its use as a waymarked recreational walking route and parts of the routes of Core Paths Nos.35 and 36.

- 3.7 With regards to the proposed access, it should be noted that there is currently vehicular access to the site from the A96, along part of the Core Path network through Clinterty Woods, with this serving both the site and land to the south of this, which is used as a plant nursery. Vehicles therefore already use this part of the Core Path network, and there is nothing to stop continued vehicular access to the site via this route. Further, while a new access route is proposed on the basis that this will be both safer and more convenient, this follows an existing track, and there would be no notable change to the number of vehicles using the Core Path network through the woods overall. At the same time, the proposed new access will facilitate the safe use of the route by both vehicles and pedestrians, with draft Heads of Terms with FSL with regards to this binding the applicant to ensuring that all reasonable measures are taken to mitigate interference in public use of the track and that public safety is safeguarded at all times [Documents A15 and A16]. The proposed new access would accordingly reduce the potential for conflicts with users of Core Paths 35 and 36 when compared to the current access arrangements and, with it also noted that the Council's Roads Development Management Team raised no concerns regarding this access (including in respect of safety), it should be welcomed accordingly.

This impact would therefore erode the function of the wider green space network area as a recreational asset and would therefore also conflict with ALDP policy NE1: Green Space Network. It would not be possible to adequately mitigate or avoid this impact.

- 3.8 As the proposed development would have no negative impact on the wider area as a recreational asset, but would in fact have a positive one for the reasons set out above, there are no grounds for concluding that the application conflicts with ALDP Policy NE1 - Green Space Network. Rather, it should be concluded that the application complies with this Policy since, as set out in the Planning and Design Statement, the main land use classification and habitat of that part of the Green Space Network which contains the proposed access route is woodland, with the fact that the route of the proposed access has been agreed in principle with FSL making it clear that the creation of this is not considered to have any impact on woodland interests, given FSL's remit in terms of ensuring the protection of these. As such, it is clear that the proposed access would not have any negative impact on the character or function of Green Space Network in any respect.



Reason 3

The proposal would conflict with the presumption in favour of development that contributes to sustainable development expressed in Scottish Planning Policy 2014 and would conflict with the objectives of ALDP policies T2: Managing the Transport Impact of Dev and T3: Sustainable and Active Travel by reason of the remote location of the site and its likely dependence on car borne traffic. It would not be possible to adequately mitigate or avoid this impact.

3.9 The presumption in favour of development that contributes to sustainable development as set out in SPP is addressed in paragraph 3.3 above, demonstrating how this supports the development proposed in terms of this application. In this regard, while it is noted that SPP supports the delivery of accessible housing, the principles of SPP require to be applied holistically, with the site's location balanced against the fact that the proposed development would constitute the redevelopment of a brownfield site as advocated by SPP, with the significant sustainability benefits that this brings. At the same time, it is important to recognise that the replacement of existing houses in the green belt as allowed in terms of both the ALDP and the PLDP does not preclude houses in more remote green belt locations where other policy considerations can be appropriately addressed, as is the case in this instance. In this regard, it should in particular be noted that, as set out in the Planning and Design Statement:

- the proposed house will generate minimal new traffic, particularly in the context of existing vehicular access to the site, the previous house that was on this, and the plant nursery to the south; and
- the site's location adjacent to Core Paths 35 and 36, as well as a wider network of woodland walks and cycle ways, provide safe and attractive walking and cycling routes for residents, with it being very well connected for a rural dwellinghouse in these regards.

3.10 In light of the above, it is submitted that the site should be considered overall to be a sustainable location for the proposed house, with there being no negative impacts in this regard for which mitigation would be required.

Reason 4

Insufficient information has been submitted in order to properly evaluate the impacts of the access works relative to ALDP policies D2: Landscape; NE1: Green Space Network and NE5: Trees and Woodlands, as no details of the proposed access works within the



forest and associated impacts on trees has been provided. Thus, it has not been demonstrated that the proposal complies with these ALDP policies.

3.11 In this regard, as stated above, it should be noted that the proposed access route follows an existing track and, while improvements are to be made to this, any such works within the boundaries of the existing track could be carried out under Class 27 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 [Document E5]. As such, there is no need to apply for planning permission for any such works, and there is no locus for the Council to control the impact that any such works may have on surrounding trees as a result.

3.12 It should also be noted that, again as set out above, the route of the proposed access has been agreed in principle with FSL, whose remit it is to protect forestry interests, with existing trees duly protected accordingly. Specifically, the draft Heads of Terms with FSL stipulate that:

- no works can be carried out to any trees without the prior written consent of FSL; and
- FSL are to be compensated if any growing trees require to be felled to accommodate any widening works.

3.13 These provisions clearly ensure that there will be no negative impact on the existing forest, with there therefore being no basis for refusing the application on this ground. Further, while these Heads of Terms are in draft form at present, with the applicant requiring planning permission before finalising the agreement with FSL, FSL's remit in terms of protecting forestry interests means that equivalent terms can be expected in any agreement with them.

3.14 The above notwithstanding, if there are any outstanding concerns with regards to the impact of any works on the proposed access, our client would be happy for planning permission to be granted subject to a condition requiring full details of any such works, including any associated works to any trees, to be submitted and approved in writing prior to development commencing.

4 Conclusion

4.1 For the reasons given above, it is submitted that the proposed dwellinghouse:

- should be supported in principle under Policy NE2 - Green Belt of the ALDP in that it would be of a scale and character that Council planners previously indicated would be suitable for the site, the policy principles with regards to which are



unchanged since that advice was given, and with there being no grounds for concluding that residential use of the existing property on the site has been abandoned;

- complies with all other relevant ALDP policies, namely, Policies D1 - Quality Placemaking by Design, D2 - Landscape, NE1 - Green Space Network, NE5 - Trees and Woodland, NE6 - Flooding, Drainage and Water Quality, NE8 - Natural Heritage, NE9 - Access and Informal Recreation, T2 - Managing the Transport Impact of Development, T3 - Sustainable and Active Travel, R2 - Degraded and Contaminated Land, R6 - Waste Management Requirements for New Development, R7 - Low and Zero Carbon Buildings and Water Efficiency, and B6 - Pipelines, Major Hazards and Explosives Storage Sites, together with associated SG;
- involves the sustainable redevelopment of a brownfield site, which should be supported in accordance with the encouragement given to such development in both the SDP and the ALDP, as well as the presumption in favour of development that contributes to sustainable development set out in SPP; and
- is also supported by other relevant material considerations, in particular the PLDP, Policy NE1 – Green Belt of which expressly allows for the replacement of vacant dwellinghouses in poor condition with a new dwellinghouse, as proposed in terms of this application. Indeed, if there are any doubts about the extent to which the application complies with extant Policy NE2 - Green Belt, the PLDP’s status as the Council’s settled view on the content of the emerging LDP, with this having been submitted for Examination with no objections to proposed Policy NE1 - Green Belt, means that the proposed Policy should be considered to outweigh the extant one in this regard.

4.2 As the proposed development 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.

28 January 2022

Aurora Planning Limited



Appendix One – List of Documents

A – Application Documents

- 1 Application form
- 2 Location plan
- 3 Existing site plan
- 4 Proposed site plan
- 5 Ground floor plan
- 6 First floor plan
- 7 Elevations
- 8 Site sections
- 9 Cross section
- 10 Tree survey report, AIA and tree protection plan
- 11 Tree survey drawing
- 12 Tree survey schedule
- 13 Flood Risk Assessment
- 14 Bat preliminary roost assessment and barn owl survey
- 15 Heads of Terms for Access track servitude
- 16 Forestry Commission road specification
- 17 Planning and design statement

B – photos

- 1 Existing house 2
- 2 Existing house 3
- 3 House from NE corner of site
- 4 House from south
- 5 House from walled garden to west
- 6 Looking from House to east end of site
- 7 Looking north from house to disused outbuildings
- 8 Looking west to house from east boundary
- 9 North gable of existing house
- 10 Walled garden to west of house

C – Report of Handling and Decision Notice

- 1 Report of Handling
- 2 Decision Notice

D – Policy Documents

- 1 Aberdeen City and Shire Strategic Development Plan
- 2 Aberdeen Local Development Plan 2017
- 3 Supplementary Guidance: Trees and woodland

- 4 Supplementary Guidance: Natural heritage
- 5 Scottish Planning Policy (2014)
- 6 Extract from Proposed Aberdeen Local Development Plan 2020 (proposed Policy NE1)

E - Other documents

- 1 The Trustees of the late Mrs Pilkington v The Scottish Ministers [2013] CSOH 147
- 2 Decision Notice for planning application reference 191171/DPP
- 3 Committee Report for planning application reference 191904/PPP
- 4 Schedule 4 document with regards to Proposed Policy NE1
- 5 Extract from the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (GDPO) (Class 27)
- 6 Hughes v Secretary of State for the Environment and South Holland DC [2000] ECWA Civ 506

This page is intentionally left blank

LOCAL REVIEW BODY



211307/DPP– Review against refusal of planning permission for:

Change of use from amenity land to garden ground

25 Seaview Place, Aberdeen

Location Plan







Black arrows show the direction photographs have been taken from and point in the either direction back towards the application site or away from the application site



Photo 10 – taken looking in a south west position from area close to 23 Seaview Place from ground on other side of drystone dyke wall on Shielhill side

Photo 5 - Accessible footpath which is at new development at Shielhill which ties into Seaview Place footpath at the rear of 29/30 Seaview Place – also show on map in yellow arrow at the point it joins

Photo 8 showing Drystone dyke and path a Shielhill looking back towards 25 Seaview Place also shows drystone dyke as shown in Photo 7



Photo 9 – taken from ground at rear of Shielhill Houses looking back towards Seaview Houses – top right picture shows roof of 19 Seaview Place and also visible is roof of 25 Seaview Place shown again with green lines



Photo 2 – taken from rear of 29 Seaview Place looking south west towards rear of 25 Seaview Place

Red Line - shows Drystone dyke wall

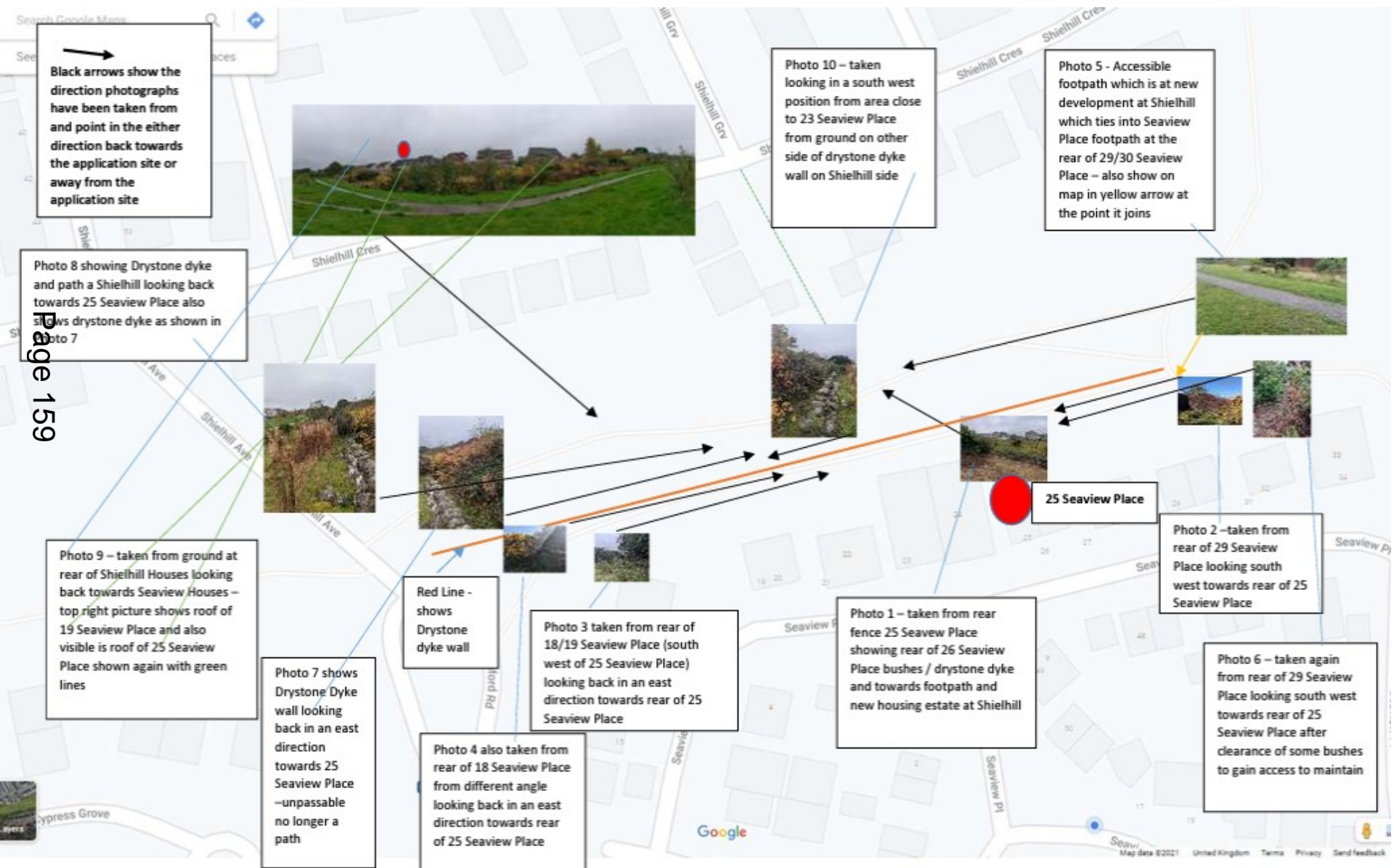
Photo 3 taken from rear of 18/19 Seaview Place (south west of 25 Seaview Place) looking back in an east direction towards rear of 25 Seaview Place

Photo 1 – taken from rear fence 25 Seaview Place showing rear of 26 Seaview Place bushes / drystone dyke and towards footpath and new housing estate at Shielhill

Photo 7 shows Drystone Dyke wall looking back in an east direction towards 25 Seaview Place –unpassable no longer a path

Photo 4 also taken from rear of 18 Seaview Place from different angle looking back in an east direction towards rear of 25 Seaview Place

Photo 6 – taken again from rear of 29 Seaview Place looking south west towards rear of 25 Seaview Place after clearance of some bushes to gain access to maintain



Reasons for Decision

Stated in full in decision notice. Key points:

- Adverse impact on biodiversity – Open Space Audie showed site to be of value
- Loss of public open space causing loss of amenity and character
- Adverse affect on wider space, creating irregular boundary and constraining maintenance to stone dyke.
- Precedent which could cause cumulative erosion of open space
- Proposal would be therefore contrary to policy on open space, design, landscape, natural heritage, residential reas, granite heritage, and the Householder Design Guide, as well as national advice on open space and policies in the Proposed Plan.
- Adverse impact cannot be mitigated with design or conditions, it being contrary to public interest in the long term to allow conversion of the garden to private space.

Applicant's Case

- Proposal would not result in loss of an area that is of amenity, recreational, landscape or wildlife value, and it would improve quality of life of the occupiers of the house.
- Complies with aim of Strategic Development Plan to make the city a more attractive place for residents
- Proposal satisfies the criteria in the Householder Design Guide for change of use of amenity ground, and therefore accords with Policy H1: Residential Areas
- Proposal complies with various other policies on design, landscape, granite heritage, green space network, natural heritage and access.
- Proposal is supported by national policy as contributes to sustainable development, supports health and wellbeing, and open space.
- The informal footpath which previously crossed the site is now disused and overgrown and an alternative exists.

H1: Residential Areas

- Would it have an *'unacceptable impact on the character and amenity'* of the area?
- Would it result in the loss of open space?
- Does it comply with Supplementary Guidance?
(e.g. Householder Development Guide – come back to this)

Householder Design Guidance SG

3.1.11 Change of Use from Amenity Space to Garden Ground

Planning permission will always be required for the change of use of amenity space to private garden ground.

Each planning application for change of use is dealt with on its own individual merits. However, in considering whether an application is acceptable the Council will assess the proposal against the following criteria:

The proposal should not adversely affect amenity space which makes a worthwhile contribution to the character and amenity of the area. In most circumstances the amenity ground will make a contribution, however sometimes small incidental areas of ground make little contribution to the appearance of the neighbourhood. For instance it may be acceptable to include within garden ground secluded areas that are not visible from footpaths or roads and that do not make a contribution to the wider visual amenity of the area. Similarly it may be acceptable to include small corners of space that can be logically incorporated into garden ground by continuing existing fence lines;

- The proposal should not fragment or, if replicated, be likely to incrementally erode larger areas of public open space or landscaping;
- The proposal should not worsen or create a deficiency in recreational public open space in the area. The less amenity space there is in an area the more value is likely to be placed on the existing amenity space. The Open Space Audit identifies areas of the city where there is a deficiency and should this be the case there will be a presumption against the granting of planning permission;

- The proposal should not result in any loss of visual amenity including incorporating established landscaping features such as mature trees or trees that make a significant contribution to the area. It is unlikely the Council would support the incorporation and likely loss of such features, however in circumstances where it is acceptable replacement planting to compensate will normally be required;



In rare circumstances where the loss of amenity land containing mature trees is considered acceptable, replacement planting will be required.

Householder SG – Change of Use, continued

- The proposal should not result in an irregular boundary layout that would be out of keeping with the otherwise uniform character of the area;
- The proposal should not result in the narrowing of footpath corridors or lead to a loss of important views along such footpaths, making them less inviting or safe to use;
- The proposal should not prejudice road or pedestrian safety. Areas of amenity space often function as visibility splays for roads and junctions;
- The proposal should not give rise to the setting of a precedent that would make it difficult to resist similar proposals in the future. Over time the cumulative impact of the loss of separate areas of ground can lead to the gradual erosion of amenity space, which is not in the public interest and can affect the overall amenity and appearance of the area;
- Amenity space and landscaping are valued assets within residential areas. They are common features in most housing developments and are provided for a number of reasons including –
 - to improve the appearance of the area;
 - to provide wildlife habitats, enhance ecology and often form part of sustainable urban drainage systems;
 - to act as pedestrian routes through developments;
 - to provide informal recreation areas;
 - to provide good safety standards for drivers, cyclists and pedestrians in terms of road verges or visibility splays.

Other Policies:

Policy NE1 – Green Space Network

Policy NE3 – Urban Green Space

Policy NE5 – Trees and Woodland

Policy NE8 – Natural Heritage

Policy NE9 – Access and Informal Recreation

Policy D1 – Design

Policy D2 – Landscape

Policy D5 – Granite Heritage

Proposed Plan 2020

Scottish Planning Policy - Presumption in favour of sustainable development.

Planning Advice Note on Open Space

Points for Consideration:

Zoning: Do members consider that the proposed change of use would adversely affect the character or amenity of the area, as set out in policy H1?

Would the change of use to private garden comply with the Householder Design Guide ?


Other considerations: biodiversity, access, recreation.

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>
---	---

Site Address:	25 Seaview Place, Aberdeen, AB23 8RL
Application Description:	Change of use from amenity land to garden ground
Application Ref:	211307/DPP
Application Type:	Detailed Planning Permission
Application Date:	7 September 2021
Applicant:	Mrs Debbie Mitchell
Ward:	Bridge Of Don
Community Council:	Bridge Of Don
Case Officer:	Robert Forbes

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site forms part of a larger area of public open space that was laid out and implemented as part of planning permission granted for major residential development in 1995. The site includes a small section of an informal unadopted footpath which has become overgrown and is now disused by the public.

Immediately to the south of the site is the existing rear garden of 25 Seaview Place, which is bounded by timber fencing. This 2 storey semi-detached house forms part of a row of similar properties which front onto the public road to the south and have similar private rear gardens. With the exception of 34 Seaview place (see below), none of these gardens have been extended onto the adjacent public open space. The north boundary of the site is formed by a natural granite drystone dyke (a former field boundary) which extends to the east and west. Amenity public open space exists to the east, north and west of the site. The areas to the east and west contains established shrubs and unmaintained grassland / herbaceous vegetation. The maintained grassed amenity space to the north of the site includes an unsurfaced recreational path which runs in a roughly east-west alignment and connects to a path at the east end of Seaview Place.

Relevant Planning History

No recent history for the site. It forms part of a major (184 unit) housing development that was approved at Committee in September 1995 - ref. 950878 (95/0922) and subsequently implemented. The following condition is of relevance:

“That no dwelling hereby granted planning permission shall be occupied unless the existing drystone dyke running along the northern boundary of the site has been stabilised in complete accordance with a scheme which shall have been submitted to and approved in writing by the Planning Authority - in order to preserve the amenity of the area and in the

interests of public safety. “

The following nearby cases are of relevance:

Application Number	Proposal
--------------------	----------

200162/DPP - Change of use from amenity land to garden ground at 34 Seaview Place. Refused 2020 - (Enforcement Notice served and currently subject of appeal)	
---	--

180365/DPP - Change of use from amenity land to garden ground and erection of house extension at 12 Seaview Place. Refused 2018	
---	--

171039/DPP - Change of use from amenity land to garden ground at 9 Seaview Place. Approved 2017	
---	--

170693/DPP - Change of use from amenity land to garden ground at 12 Seaview Place. Refused 2017 - Decision upheld at LRB	
--	--

170257/DPP - Change of use from amenity land to garden ground at 12 Seaview Place. Refused 2017	
---	--

161787/DPP- Incorporation of open amenity land into garden by erection of fence at Seaview Ave. Refused 2016 – Decision reversed at LRB	
---	--

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the change of use of the site from amenity space to private garden ground, which would be associated with / ancillary to the use of 25 Seaview Place as a house.

No physical development is proposed. This application considers the principle of use of the site as residential curtilage associated with the adjacent house. Land ownership and use rights are a separate legal matter for any parties concerned.

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=QZ26GWBZFRN00>

- Planning Statement
- Annotated Photos

CONSULTATIONS

Bridge Of Don Community Council – No response received

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS**Legislative Requirements**

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

National Planning Policy and Guidance

Scottish Planning Policy 2014 (SPP). SPP expresses a presumption in favour of development which contributes to sustainable development. It states that:

“219. NPF3 aims to significantly enhance green infrastructure networks, particularly in and around our cities and towns. Green infrastructure and improved access to open space can help to build stronger, healthier communities. It is an essential part of our long-term environmental performance and climate resilience. Improving the quality of our places and spaces through integrated green infrastructure networks can also encourage investment and development.”

220. Planning should protect, enhance and promote green infrastructure, including open space and green networks, as an integral component of successful placemaking.”

Planning Advice Note (PAN) 65: Planning and Open Space – 2008 states that:

“Open space can define the landscape and townscape structure and identity of settlements. Well-designed networks of spaces help to encourage people to travel safely by foot or bicycle. Green networks and corridors linking spaces also promote biodiversity and enable movement of wildlife. Trees and planting can play a role in the control of air and water pollution and contribute to energy reduction by providing shelter for buildings. They can also help to soften the impact of development and make green and civic spaces more appealing.”

Aberdeen City and Shire Strategic Development Plan 2020 (SDP)

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

Aberdeen Local Development Plan 2017 (ALDP)

H1: Residential Areas

NE1: Green Space Network

NE3: Urban Green Space

NE4: Open Space Provision in New Development

NE8: Natural Heritage

NE9: Access and Informal Recreation

D1: Quality Placemaking by Design
 D2: Landscape
 D5: Our Granite Heritage

ALDP Supplementary Guidance (SG)

Householder Development Guide SG (HDG)
 Green Space Network and Open Space SG

Proposed Aberdeen Local Development Plan 2020 (PALDP)

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

- 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. In this case similar policies to those identified in the ALDP apply: Policies D1- Quality Placemaking; D2- Landscape; D7- Our Granite Heritage; H1 – Residential Areas; NE2 – Green and Blue Infrastructure and NE3 – Our Natural Heritage.

Other Material Considerations

Aberdeen Open Space Audit 2010 (OSA)

EVALUATION

Principle of Development

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

The application site is located within a residential zoned area. ALDP Policy H1 is relevant regarding change of use of the site from amenity land to domestic garden ground. For this proposal to comply with Policy H1 in principle, the change of use should not have an unacceptable impact on the character and amenity of the surrounding area, it should not result in the loss of valuable and valued open space, and it should comply with relevant SG. In this instance, the HDG and 'Green Space Network and Open Space' SG are relevant in the assessment of this application. These matters are addressed in detail below.

Open Space Impact

The application site forms part of a larger area of public open space that was laid out and implemented as part of the above planning permission granted in 1995, in compliance with the expectations of planning policy at that time for provision of public open space, which is reflected in the current ALDP Policy NE4. It was identified in the OSA as part of a wider residential amenity space of relatively high biodiversity value. It is surrounded to the north, west and east by similar open space and connects to the Green Space Network. As such it is of intrinsic worth.

ALDP Policy NE3 states that permission will not be granted to redevelop areas of urban green space (including smaller spaces not identified on the proposals map) for any use other than recreation and sport. Whilst the site is not used for formal recreation or sport purposes and public access to it is currently limited, it nevertheless supports other informal recreational purposes, being an integral part of the larger area of open space. The proposal would conflict with ALDP Policy NE3 as it would result in the loss of an area of green space of amenity value.

The HDG states that proposals should not fragment or, if replicated, be likely to incrementally erode larger areas of public open space or landscaping. The change of use would fragment a large area of open space that contributes to the character and amenity of the surrounding area. The change of use would therefore result in the loss of public open space which makes a worthwhile contribution to the character and amenity of the area, in conflict with the HDG. It would also conflict with the HDG, as it would result in an irregular boundary layout whereby the northern boundary of the site would extend beyond the northern boundary line of the curtilage of the adjacent properties along Seaview Place. The resulting irregular boundary layout would not correspond with the established pattern of development in the surrounding area, in conflict with the qualities of placemaking referred to in Policy D1 of the ALDP and SPP.

SPP states that NPF3 aims to significantly enhance green infrastructure networks, particularly in and around our cities and towns and that green infrastructure and improved access to open space can help to build stronger, healthier communities. The Green Space Network and Open Space SG recognises that access to good quality green infrastructure will contribute to a greener, healthier, smarter, safer, stronger, wealthier and fairer city. The proposal would result in the loss of an area of valuable amenity open space which in itself and as part of the larger area of open space, makes a worthwhile contribution to the character and amenity of the area. The proposal could also set a precedent for the loss of the wider open space (see below). The proposal would therefore conflict with the principles of SPP and PAN 65.

Wildlife / Ecology Impact

It is recognised that the site has no statutory designation or protection due to specific ecological value. However, the land immediately to the north of the site is designated by the Council as part of the Green Space Network, which is protected by virtue of ALDP Policy NE1 and forms a valuable east – west linkage corridor for wildlife. Although no detailed ecological survey evidence exists for the site / adjacent open space areas, the site has value as it forms part of a larger area of publicly accessible open space within the Green Space Network. This connects to the wider network of open spaces within the wider Dubford area. The Council's Environment Policy Team (EPT) advise that the main function of this habitat is as a continuation of the corridor that runs along the rear of Seaview Place/Seaview Close. The EPT also advise that this habitat value could include use of the boundary wall / adjacent land by reptiles and that the scrub is an attractive habitat for nesting small birds. This will provide cover for other animals to move in and out onto the shorter grass and along to the larger habitat corridor. The mosaic of habitat here will likely also provide good foraging routes for bats.

Beyond their function for the purposes of public access and irrespective of how often they are actively used as recreational areas, these green spaces and green corridors contain a variety of vegetation, trees and shrubs. These not only play an important role in the character and amenity of the surrounding area visually but also contribute to the natural environment in terms of supporting the local habitat and general biodiversity. It is noted that the pre-existing vegetation on the site has recently been removed by the applicant, thereby reducing its value to wildlife. However, the adjacent area to the east and west have not been removed / disturbed. Such vegetation removal does not in itself warrant approval of the change of use and suitable soft landscaping could in time be re-established. Furthermore, such undesignated sites contribute to the wider goal of sustainable development.

Both the site itself and the larger network of open space are valuable areas of open space which contribute to the character and amenity of the surrounding area, contribute to the natural environment, and have informal recreational value (e.g. by supporting wildlife which is in itself of intrinsic worth and may be valued by residents). By reducing the physical value of the greenspace network and acting as a barrier to the movement of wildlife, the proposal would therefore conflict with the objective of ADLP Policy NE8 and the sustainability principles set out in SPP and PAN65.

It is recognised that no physical development is proposed with this application. However, the change of use of the site to domestic garden ground could result in domestic development being erected on the site within the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended. This would have a negative impact on amenity due to loss of greenspace and natural habitat and increased hard / artificial surfacing, which would not be likely contribute to wildlife or sustainable development.

Design considerations

Although no operational development is proposed as part of this application, approval of the application would extend householder permitted development rights over the land and the impact of this therefore requires to be considered. In addition to allowing potential formation of hard surfacing / ancillary buildings / fencing / walling, which would erode the value of the existing undeveloped greenspace and its function as an ecological corridor, such rights may potentially allow the removal / demolition of the section of historic granite drystone dyke at the north site boundary. This dyke was required to be protected by condition of the original planning permission and is a valuable feature both as a historic artefact, from a visual / landscape design perspective and as an ecological corridor. Extending the residential curtilage to the dyke would not allow for its future maintenance / repair as access to it would be likely to be unduly constrained and this may lead to its eventual removal. The proposal would therefore be likely to further conflict with the objectives of ADLP policy D1, D2, D5 and NE8.

Whilst the submitted planning statement indicates that the applicant would be willing to accept a planning condition requiring implementation of planting at the north site boundary, it is considered that this would not address the policy and amenity conflicts identified above and would not be a sustainable solution in the long term as future occupiers of the site may be less inclined to provide or retain any such planting and could legitimately remove any vegetation from the site and develop the land. Given the varied design expectations of householders, it would not be practical or reasonable to seek to control the details of garden design / planting within an individual suburban house garden and this would not meet the primary purpose of land use planning (i.e. protection of amenity in the long term public interest). It is therefore considered that the potential adverse design and amenity impact of the development cannot reasonably be addressed by imposition of such a condition. Given the valuable role which public open space / greenspace provides, as recognised by planning policy, in this case it is not in the long-term public interest to allow its conversion to private garden ground.

Precedent

It is suggested in the supporting statement that the proposal should be considered on its own merits and not regarded as a precedent in light of previous approvals nearby.

Notwithstanding that every planning application is assessed on its own merits, the proposal could give rise to the setting of a precedent, which would make it difficult to resist similar future proposals in the immediate vicinity given there are a significant number of residential properties which are bounded by areas of open space in the surrounding area. Unlike the three sites which were granted a change of use in the wider area in 2017 at 29 Seaview Avenue, 52 Seaview Drive and 9 Seaview Place, the proposal would extend beyond the logical / established curtilage boundary at the north of the site. Whilst every planning application is assessed on its own merits, the grant of planning permission for the change of use of the path to extend beyond the existing

north boundary would be highly likely to set a precedent for other properties along the north side of Seaview Place to similarly extend their curtilage to the north. Over time the cumulative impact of the loss of separate areas of ground would lead to the gradual erosion of open space, which would not be in the public interest in the long term and would have a significant adverse impact on the character and amenity of the surrounding area, in conflict with Policies H1 and D1 of the ALDP; and the HDG.

As noted above, the surrounding open spaces and green corridors contribute to the wider area both visually and to the benefit of natural environment with respect to biodiversity and habitat (e.g. in effect acting as a wildlife corridor). The proposal would result in the loss of part of a valuable area of amenity open space which in itself and as part of the larger area of open space, makes a worthwhile contribution to the character and amenity of the area. The proposal could set a precedent for the loss of the wider open space. The proposal would therefore conflict with the principles of SPP, PAN65, ALDP Policies H1 – Residential Areas, NE3 – Urban Green Space and D1 – Quality Placemaking by Design, the ‘Householder Development Guide’ SG and ‘Green Space Network and Open Space’ SG.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the PALDP substantively reiterate those in the ALDP and the proposal is not acceptable in terms of both plans for the reasons previously given. The relevance and weight which can be afforded to proposed policy WB1 is addressed below.

Other Matters Raised in the Supporting Statement

The general policy considerations raised in the statement are addressed in detail above and the principal findings of the report are not accepted for reasons explained above.

The supporting statement notes that the path at the rear of Seaview Place has fallen into disuse and is overgrown. It is accepted that this is the case and that there is thus no conflict with ALDP Policy NE8, as an alternative public access path exists to the north of the site. Approval of the proposal would result in severance of the historic path and compromise the potential for its restoration as a public through route. However, this is not significant grounds for refusal given that a suitable alternate path link exists to the north. It is noted that the Council has no direct involvement in the maintenance of the open space or as landowner in this case. Whilst it is appreciated that residents in the area may be frustrated by the failure of the management of the open space, following its transfer to the Green Belt company by the original private housing developer and its subsequent sale on the private property market, this lack of maintenance is not considered to justify disposal / erosion of the public open space or its ad hoc incremental incorporation into private gardens.

It is noted that the agent refers to Policy WB1. The weight which can be afforded to proposed Policy WB1 is extremely limited as this policy has not been examined through the Proposed Aberdeen Local Development Plan examination process and compliance with it is dependent on assessment of guidance which has not been produced by the Council. Furthermore, there is no equivalent policy in the adopted plan or SPP. Although there is reference to Health Impact Assessments (HIA) in the draft NPF, this currently has no weight. There is no requirement for the agent to provide a HIA in this case given the limited scale of the development. In any event the onus would be on the applicant to submit an HIA and the absence of its submission does not warrant approval of the development. It is noted that the house already has private external garden ground to its rear which the occupants have access to. Conversion of the site to private garden ground would not therefore be of significant health benefit to the occupants. Conversely, and in terms of the matter of consideration of the matter of long-term public interest, loss of the existing public space would have potential adverse wellbeing impact by reduction of the public's ability to benefit from outdoor space and removal of greenspace which was provided for their

wellbeing and benefit. Health impact is therefore not a material consideration of significance in this case. The proposal results in no wider social or economic benefits that may outweigh its adverse environmental impacts.

Conclusion

The change of use of the application site both in itself, and in terms of the incremental erosion of a much larger area of public open space is considered to have a detrimental impact to the character and amenity of the surrounding area, and to conflict with the relevant national and local planning policies and guidance. There would be no public benefit that may outweigh such adverse impacts.

It is considered that the adverse design and amenity impacts of the development cannot reasonably be addressed by imposition of conditions. Given the valuable role which public open space / greenspace provides, as recognised by the planning policies / guidance above, in this case it is not in the long-term public interest to allow its conversion to private garden ground.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed change of use from amenity land to garden ground would result in the loss of part of an area of public open space, which was identified as such in the Council's Open Space Audit of 2010 and is of biodiversity value. It would also result in the fragmentation of a wider area of open space that contributes to the character, biodiversity and amenity of the surrounding area.

The proposal would adversely affect the wider open space in that it would result in an irregular residential boundary whereby the northern boundary of 25 Seaview Place would extend beyond the established northern boundary line of the adjacent residential properties and encroach into an established amenity area. Domestic development within the revised boundary could detract from the amenity, biodiversity and recreational value of the wider open space. Extending the residential curtilage to the dyke at the north boundary of the site would not allow for its future maintenance / repair as access to it would be likely to be unduly constrained and this may lead to its eventual removal.

The proposal would result in an undesirable precedent that would make it difficult to resist similar proposals in the future. This could cumulatively result in the gradual erosion of the open space, which would have a significant adverse impact on the character and amenity of the surrounding area.

The proposal would therefore conflict with the principles of Scottish Planning Policy; Planning Advice Note (PAN) 65 : Planning and Open Space; Policies D1 – Quality Placemaking by Design; D2: Landscape; D5: Our Granite Heritage; H1 – Residential Areas; NE3 – Urban Green Space; NE8: Natural Heritage of the adopted Aberdeen Local Development Plan; the Supplementary Guidance: 'The Householder Development Guide' and 'Green Space Network and Open Space'; and Policies D1- Quality Placemaking, H1 – Residential Areas and NE2 – Green and Blue Infrastructure of the Proposed Aberdeen Local Development Plan.

There are no material planning considerations that warrant the grant of planning permission in this instance. It is considered that the potential adverse design and amenity impact of the development cannot reasonably be addressed by imposition of conditions. Given the valuable role which public open space / greenspace provides, as recognised by relevant planning policies, in this case it is not in the long-term public interest to allow its conversion to private garden ground.



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 100466963-001

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 of amenity land to garden ground

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:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	c/o agent
First Name: *	Debbie	Building Number:	
Last Name: *	Mitchell	Address 1 (Street): *	c/o agent
Company/Organisation		Address 2:	c/o agent
Telephone Number: *		Town/City: *	c/o agent
Extension Number:		Country: *	c/o agent
Mobile Number:		Postcode: *	co/agent
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:

25 SEAVIEW PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB23 8RL

Please identify/describe the location of the site or sites

Northing

812289

Easting

394243

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

55.65

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)

Overgrown and unkempt amenity land

Access and Parking

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

Yes No

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

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

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

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

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

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

Water Supply and Drainage Arrangements

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

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

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

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

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

Trees

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

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

Waste Storage and Collection

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

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

No new waste collection facilities are required for proposed change of 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

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Margaret Bochel

On behalf of: Mrs Debbie Mitchell

Date: 07/09/2021

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. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

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

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: 07/09/2021

Payment Details

Online payment: ABSP00007280
Payment date: 07/09/2021 10:02:00

Created: 07/09/2021 10:02

This page is intentionally left blank

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

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

on behalf of **Mrs Debbie Mitchell**

With reference to your application validly received on 7 September 2021 for the following development:-

**Change of use from amenity land to garden ground
at 25 Seaview Place, 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
n/a	Annotated Map
n/a	Location Plan
n/a	Planning Statement

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 proposed change of use from amenity land to garden ground would result in the loss of part of an area of public open space, which was identified as such in the Council's Open Space Audit of 2010 and is of biodiversity value. It would also result in the fragmentation of a wider area of open space that contributes to the character, biodiversity and amenity of the surrounding area.

The proposal would adversely affect the wider open space in that it would result in an irregular residential boundary whereby the northern boundary of 25 Seaview Place would extend beyond the established northern boundary line of the adjacent residential properties and encroach into an established amenity area. Domestic development within the revised boundary could detract from the amenity, biodiversity and recreational value of the wider open space. Extending the residential curtilage to the dyke at the north boundary of the site would not allow for its future maintenance / repair as access to it would be likely to be unduly constrained and this may lead to its eventual removal.

The proposal would result in an undesirable precedent that would make it difficult to resist similar proposals in the future. This could cumulatively result in the gradual erosion of the open space, which would have a significant adverse impact on the character and amenity of the surrounding area.

The proposal would therefore conflict with the principles of Scottish Planning Policy; Planning Advice Note (PAN) 65 : Planning and Open Space; Policies D1 – Quality Placemaking by Design; D2: Landscape; D5: Our Granite Heritage; H1 – Residential Areas; NE3 – Urban Green Space; NE8: Natural Heritage of the adopted Aberdeen Local Development Plan; the Supplementary Guidance: ‘The Householder Development Guide’ and ‘Green Space Network and Open Space’; and Policies D1- Quality Placemaking, H1 – Residential Areas and NE2 – Green and Blue Infrastructure of the Proposed Aberdeen Local Development Plan.

There are no material planning considerations that warrant the grant of planning permission in this instance. It is considered that the potential adverse design and amenity impact of the development cannot reasonably be addressed by imposition of conditions. Given the valuable role which public open space / greenspace provides, as recognised by relevant planning policies, in this case it is not in the long-term public interest to allow its conversion to private garden ground.

Date of Signing 9 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;
- 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.

This page is intentionally left blank

Environmental Policy team response - planning application, masterplan, and development framework consultations

PROPOSAL DETAILS

	Enter details in this column
Application / plan name	25 Seaview Place, Aberdeen, AB23 8RL
Application reference number / reference	211307/DPP
Planning case officer	Robert Forbes
Date of request	17/09/2021
Date response required	08/10/2021
Date of response	08/10/2021
EP team (name of responder)	Guy Bergman
Other EP team members	Lina-Elvira Back Choose an item. Choose an item. Choose an item. Choose an item.
Other Services consulted by EP	e.g. Environmental Services Specify:
Site Visited?	Choose an item.

POLICY AND GUIDANCE

Relevant policy and legislation	Enter text in this column
Relevant LDP policies Link Relevant Supplementary Guidance/Technical Advice Note Link	NE1 - Green Space Network NE4 - Open Space Provision in New Development NE8 - Natural Heritage SG/TAN; First select a Topic Area Green Space Network and Open Space First select a Topic Area Choose an item. Development Frameworks / Masterplans:
Other key references, e.g. ACC strategies, Local Biodiversity Action Plan, Scottish Planning Policy, National Planning Framework, TPO/Cons area/GSN GIS tool	Local Planning Advice: Other Key References: Choose an item.

COMMENTS

Topic	Comments (including compliance, non-compliance and reasoning)
Natural Heritage	The proposal will infringe on a significant part of the natural habitat and habitat corridor provided by the woodland strip. This woodland strip provides an important habitat corridor to and from Scotstown Moor Local Nature Reserve. The habitat has already been squeezed by the previous developments, and further erosion of the habitat here would likely be detrimental to the function of this habitat which is contrary to Policy NE8. The loss of this habitat cannot be mitigated as there is no expansion on its other border due to existing development so therefore loss is permanent and irreversible. The case officer should consider the implications of allowing this application to set a precedent for similar applications. (LEB)

Landscape	
Trees	
Open Space	<p>There is a proposed change of use from amenity land to garden ground. The area forms part of the Open Space audit 2010 site BD11 Sea view Drive green space and is part of the Denmore, Mundurno, Sheilhill Farm Green Space Network providing linkages between different areas of green space and Open Space. The subsuming of this amenity land into a private garden would result in a direct loss of public amenity Open Space and Green Space Network. The area functions as wildlife corridor and forms part of natural buffer between residential areas.</p> <p>Proposals that are likely to destroy or erode the character and/or function of Green Space Networks are not supported under Policy NE1 - Green Space Network and associated guidance. Green Space Networks are an important form of Open Space provision.</p> <p>The approval of the proposals and the precedent this could set for similar applications could have a serious negative cumulative impact on Open Space provision in the area. (GB)</p>
Outdoor Access	
Climate change mitigation and adaptation measures	
Construction	
Other	

CONCLUSION

Summary of environmental effects of concern	
Natural Heritage	Infringement on the habitat corridor will erode it to the point where it will no longer function; this will lead to a direct loss of natural heritage which is contrary to policy NE8.
Landscape	
Trees	
Open Space	

The subsuming of this amenity land into a private garden would result in a direct loss of public amenity Open Space and Green Space Network. The approval of the proposals and the precedent this could set for similar applications could have a serious negative cumulative impact on Open Space provision in the area. The proposal would not be supported under Policy NE1 - Green Space Network and associated guidance.
Outdoor Access
Climate change mitigation and adaptation measures
Construction
Other

ACTION POINTS

Natural Heritage 1.
Landscape 2.
Trees 3.
Open Space 4.
Outdoor Access 5.
Climate change mitigation and adaptation measures 6.
Construction 7.
Other 8.



This page is intentionally left blank

From: [Robert Forbes](#)
To: [EJ](#)
Subject: FW: E-Consultation Request Notification, Development Management , Application Ref: 211307/DPP
Date: 01 December 2021 16:13:34

Good afternoon

Please upload this email and the related photolink below as EPT comments to the above file . Thanks

https://www.google.co.uk/maps/@57.2016061,-2.0974188,3a,40y,117.28h,82.38t/data=!3m6!1e!3m4!1sAF1QipNr_EJi_AGn9mTc!6Nw1B34DOFWEq!2e!0!7i!920!8i!080

Yours sincerely

Robert Forbes
Senior Planner

Development Management
Strategic Place Planning
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB

T: 01224 522390
M: 07919 691 539
E: rforbes@aberdeencity.gov.uk

IMPORTANT NOTICE: This e-mail (including any attachment to it) is confidential, protected by copyright and may be privileged. The information contained in it should be used for its intended purposes only. If you receive this email in error, notify the sender by reply delete the received email and do not make use of, disclose or copy it. Whilst we take reasonable precautions to ensure that our emails are free from viruses, we cannot be responsible for any viruses transmitted with this email and recommend that you subject any incoming emails to your own virus checking procedures. Unless related to Council business, the opinions expressed in this email are those of the sender and do not necessarily constitute those of Aberdeen City Council. Unless we expressly say otherwise in this email or its attachments, neither this email nor its attachments create, form part of or vary any contractual or unilateral obligation. Aberdeen City Council's incoming and outgoing emails are subject to regular monitoring.

-----Original Message-----

From: Lina-Elvira Back <LiBack@aberdeencity.gov.uk>
Sent: 29 November 2021 09:16
To: Robert Forbes <RForbes@aberdeencity.gov.uk>
Subject: RE: E-Consultation Request Notification, Development Management , Application Ref: 211307/DPP

Morning Robert
Hope you survived the storm!

The main function of this habitat is as a continuation of the corridor that goes along side Seaview Place/Close etc as pointed out in the information already given. If we are talking individual habitats / wildlife benefits, the scrub and bits of dry stone walling here along with the shorter grass will provide a so called 'edge habitat' as well which is ideal for reptiles and amphibians which are in worldwide decline; amphibian and reptile species found naturally in Scotland are given protection under the Wildlife and Countryside Act 1981 (as amended). The scrub and grass course a very attractive habitat for nesting small birds, and will provide cover for other animals to move in and out onto the shorter grass along to the larger habitat corridor. The mosaic of habitat here will likely also provide good foraging routes for bats.

Is that the type of detail you are looking for?

/L

This page is intentionally left blank

Aberdeen Local Development Plan (ALDP)

- H1 – Residential Areas
- D1 - Quality Placemaking by Design
- D2: Landscape
- D5: Our Granite Heritage
- D4 - Historic Environment
- NE1: Green Space Network
- NE3: Urban Green Space
- NE4: Open Space Provision in New Development
- NE8: Natural Heritage
- NE9: Access and Informal Recreation

Supplementary Guidance

Householder Development Guide

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

Green Space Network and Open Space SG

<https://www.aberdeencity.gov.uk/services/planning-and-building/local-development-plan/aberdeen-local-development-plan/supplementary-guidance-and-technical-advice#1001>

Other Material Considerations

Open Space Audit 2010

<https://www.bing.com/ck/a?!&&p=eeac5d771ece679e1f977658e45ae680454292a4fbe97b1456e88616e314e0dfJmltdHM9MTY0NzUyNTYxNyZpZ3VpZD01YTgxYWU0ZS1hZjhhLTQ0YjktOGQ0ZS01Yjc0MWMxOWRhZmYmaW5zaWQ9NTE3Mw&pfn=3&fclid=9309587b-a5fa-11ec-aa44-726c47a66eb4&u=a1aHR0cHM6Ly93d3cuYWJlcmRlZW5jaXR5Lmdvdi51ay9zaXRlcy9kZWZhdWx0L2ZpbGVzLzlwMTBfb3BlbnNwYWNIYXVkaXRfcmVwb3J0X2FwcGVuZGljZXMucGRmP21zY2xraWQ9OTMwOTU4N2JhNWZhMTFIY2FhNDQ3MjZjNDdhNjZlYjQ&ntb=1>

[Planning Advice Note 65: Planning and open space - gov.scot \(www.gov.scot\)](#)

Scottish Planning Policy (2014)

<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>



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 100530837-001

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

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

First Name: * Building Name:

Last Name: * Building Number:

Telephone Number: * Address 1 (Street): *

Extension Number: Address 2:

Mobile Number: Town/City: *

Fax Number: Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="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="Debbie"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Mitchell"/>	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="25 SEAVIEW PLACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB23 8RL"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="812289"/>	Easting	<input type="text" value="394243"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

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

Change of use from amenity land to garden ground

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 attached.

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

Yes No

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

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

Please see Appendix One of the Statement of Reasons attached.

Application Details

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

211307/DPP

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

07/09/2021

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

09/12/2021

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

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 the members to appreciate the current condition of the application site, and that the change of use would not result in the loss of any urban green space which is of any amenity, recreational, landscape or wildlife value, but would improve the quality of life of the applicant, their family and future occupants of 25 Seaview Place, as set out in the Statement of Reasons attached.

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Miss Pippa Robertson

Declaration Date: 15/02/2022

This page is intentionally left blank



**25 SEAVIEW PLACE
ABERDEEN**

**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 211307/DPP

STATEMENT OF REASONS



1 Introduction

1.1 Planning application reference 211307/DPP, seeking planning permission for the “Change of use of from amenity land to garden ground” of land adjacent to 25 Seaview Place, Aberdeen, was refused under delegated powers on 9 December 2021 [Document 6]. 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, demonstrating why this should be approved, with the terms of that Statement now incorporated herewith.

1.2 In summary, it is submitted that the proposed change of use would not result in the loss of urban green space which is of any amenity, recreational, landscape or wildlife value, and would improve the quality of life of the applicant, their family and future occupants of the house, with this:

- being in accordance with the Aberdeen City and Shire Strategic Development Plan (SDP) [Document 7] objective of making the City Region a more attractive and sustainable place for residents, while having no negative impact on the character or amenity of the wider area within which this is located;
- satisfying the detailed criteria against which the Council’s Supplementary Guidance: Householder Development Guide [Document 9] requires applications for the change of use from amenity space to garden ground to be assessed (the terms of which are not expressly considered in the Report of Handling for the application [Document 5]) and thus complying with Policy H1 of the Aberdeen Local Development Plan (LDP) [Document 8];
- complying with all other relevant LDP Policies, namely Policies D1, D2, D5, NE1, NE3, NE8 and NE9 and associated Supplementary Guidance [Document 10]; and
- supported by other relevant material planning considerations, in particular -
 - Scottish Planning Policy (SPP) [Document 11], with the proposed change of use constituting development that contributes to sustainable development as defined in SPP,



- the Proposed Aberdeen Local Development Plan (PLDP) [Document 13], in terms of the support this provides to development that increases health and wellbeing, and
- Planning Advice Note (PAN) 65: Planning and Open Space [Document 14], in terms of which open space includes private gardens, making it clear that there would be no loss of open space in terms of this.

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

- the informal, unadopted, footpath which previously crossed the site is now disused and overgrown, and that an alternative public access path exists to the north of the site, such that there is conflict with ALDP Policy NE9;
- the site has no statutory natural heritage designation or protection, and does not support any species or habitats of any specific ecological value; and
- there were no objections to the application, whether from any neighbours, the Community Council, or any other statutory consultees.

1.4 Where the Report of Handling does raise concerns with regards to the proposed change of use, these are addressed in detail in section 3 below, demonstrating how the application complies with the relevant policy requirements and is supported by other material planning considerations.

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.

2.2 Full details of relevant provisions of the development plan and other material considerations are set out in the Planning Statement submitted with the application, demonstrating why the proposed change of use should be supported in terms of these. For the reasons given in that, it is submitted that this Review should be upheld and the application approved.



2.3 In particular, the Planning Statement provides an assessment of the site against the functions that amenity space land should perform as set out in the Council's Supplementary Guidance: Householder Development Guide, in terms of which it is clear that the site does not fulfill any of these functions in any meaningful way. Specifically, for the reasons given in the Planning Statement and expanded on where relevant below, the site:

- makes no positive contribution to the appearance of the area;
- does not have any significant biodiversity value;
- does not provide a pedestrian route through the development or lend itself to recreational use; and
- does not contribute to road or pedestrian safety.

2.4 The Planning Statement also sets out how the proposed change of use complies with each of the detailed criteria against which the Householder Development Guide requires such applications to be assessed, demonstrating how the application complies with these. Conversely, the Report of Handling does not consider these criteria in full, as is required in terms of the Supplementary Guidance, and so does not provide a robust justification for the application being refused.

2.5 In addition to the above, as the ALDP is now over 5 years old (as of 20 January 2022), consideration requires to be given to the presumption in favour of development that contributes to sustainable development established by SPP, paragraph 33 of which stipulates that this presumption is elevated to a **significant** material consideration in such circumstances. Related to this, the decision in respect of *Gladman Developments Limited v The Scottish Ministers [2020] CSIH 28* [Document 12] (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 terms then of assessing whether the proposed change of use is sustainable in terms of SPP, paragraph 29 of this sets out a number of principles by which any decision in this regard should be guided, with those relevant in this case being:



- **supporting the six qualities of successful places** – with regards to which, and as set out in paragraph 3.9 of the Planning Statement, the nature and location of this piece of land means that the proposed change of use will have no adverse impact on the character or amenity of the area, pedestrian movements or other forms of active travel, with it therefore respecting the surrounding area’s quality as a place overall, in accordance with Policy D1 – Quality Placemaking by design and the six qualities of successful places that underpin this;
- **making efficient use of existing capacities of land** – which the proposed change of use clearly would in that it would give a new use to an unused piece of land, to which there is currently no public access, providing the applicant and her family with a larger space in which to play and relax without placing additional pressure on land in less sustainable locations for new housing with a larger garden;
- **improving health and well-being** – with the proposed change of use delivering notable benefits in this regard by providing the applicant and her family with a larger space in which to play and relax as set out above, while the fact that there is no public access to the site means that there will be no negative impact on the health and well-being of others;
- **protecting, enhancing and promoting access to natural heritage** – with regards to which it is important to remember that the starting point in this case is that the site currently provides has no natural heritage value (as confirmed in the Report of Handling and highlighted above), while the proposed change of use would increase the applicant’s access to semi-natural garden ground. At the same time, granting planning permission for this would allow the Council to secure replacement planting along the rear boundary of the site, thus improving the natural heritage value of this when viewed from the path and amenity land to the north, to which the public do have access. Further, while the Report of Handling raises concerns about whether such a condition would be appropriate, it should be noted that Circular 4/1998: the use of conditions in planning applications [Document 15] expressly states that planning authorities may wish to use conditions to ensure that landscape features are provided to improve the overall setting of a development, and that it is acceptable for permissions for changes of use to be granted subject to a condition preventing development commencing until appropriate landscaping has been agreed and substantially completed. And, whereas the Report of Handling indicates that future occupiers may be less inclined to retain any such planting, and that it would not be practical to control details of planting, there is no reason why that would be the case in this instance any more than in any other case where such a condition is legitimately imposed.



Likewise, it would also be possible to impose a condition stipulating that trees and shrubs shown on any approved plan shall not be lopped, topped, felled, removed or disturbed in any way without the prior written consent of the planning authority if there are any concerns about the long term retention of these; and

- **avoiding over-development, and protecting the amenity of new and existing development** – with the nature of the proposed change of use meaning that it cannot be said to constitute over-development, and any amenity related impacts arising from the proposed change of use will only be positive ones. Specifically, the proposed change of use clearly contributes to the amenity enjoyed by occupants of the applicant’s house, while the fact that there is no public access to the site again means that there would be no negative impact on the amenity enjoyed by occupants of neighbouring houses (as also evidenced by the fact that no neighbours have objected to the application, as highlighted above). Indeed, the proposed change of use provides an opportunity for the amenity of the surrounding area to be enhanced through the introduction of new landscaping as set out above. In addition, while the Report of Handling raises concerns about the impact that the proposed change of use would have on wildlife which the site supports, and the associated amenity impacts resulting from that, it should be noted that the proposed change of use itself will have no impact in this regard given that the site has already been cleared of shrubs and will be of limited wildlife value irrespective of the outcome of this application, with the planning authority having no locus to require replacement planting if this application is not granted.

2.7 For the reasons given above, the proposed change of use clearly constitutes development that contributes to sustainable development in terms of SPP, with this delivering notable benefits in terms of making efficient use of land, improving health and well-being, and enhancing amenity in particular.

2.8 With regards to whether there are any impacts that *‘significantly and demonstrably’* outweigh these benefits, it is noted that the Report of Handling raises concerns about the impact that the proposed change of use would have on the character and amenity of the surrounding area. However:

- contrary to what is stated in the Report of Handling, the site is not included in the Council’s Open Space Audit (see extract at Appendix Two) and, combined with the fact that there is no public access to the site in any event (such that, again contrary to what is stated in the Report of Handling, it does not support informal recreational purposes), there would be no loss of public open space;



- in any event, as set out in paragraph 3.8 of the Planning Statement, the Open Space Audit identifies the Bridge of Don area as having the third highest amount of open space of all the areas in Aberdeen, with there being no risk of the proposal creating a deficiency in recreational public open space overall;
- whereas the Report of Handling describes the site as being of biodiversity value, this is contrary to the recognition in the Report of Handling that the lack of vegetation on the site has reduced its wildlife value, with the site in any event not being included in the Green Space Network (see extract from the Council’s Green Space Network map at Appendix Three, which shows that the Green Space Network just extends over the dyke to the north of the site, but not the site itself), nor any other designated area and, as set out in the Planning Statement, the biological records for the North East of Scotland show no records of wildlife sightings within a 200m buffer of the edge of the boundaries. There is therefore no evidence of the site having any significant biodiversity value, or any reason to conclude that there would be any negative impact in this regard. Indeed, a condition could be applied requiring the new landscaping to be comprised of native species that would facilitate the enhancement of the biodiversity value of the site; and
- whereas the Report of Handling raises concerns about the impact that the proposal would have in terms of creating an irregular boundary layout that would not correspond with the established pattern of development, this ignores the fact that the overgrown nature of the land to the rear of adjoining properties on Seaview Place means that the original boundary layout of these is no longer clearly visible, with those shrubs and the drystone dyke being the main boundary features seen when viewed from the north (this being the only public viewpoint), and with scope for planning permission to be granted subject to a condition requiring replacement planting along this boundary of the application site such that this would appear consistent with the planting on the land to the west and east when viewed from the only public viewpoint to the north.

2.9 As such, there are no adverse impacts that would ‘*significantly and demonstrably*’ outweigh the benefits of the proposed change of use set out above, and the application therefore 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 Each of the reasons for refusal given on the Decision Notice is addressed in turn below, with these having been broken down into constituent parts where appropriate.

The proposed change of use from amenity land to garden ground would result in the loss of part of an area of public open space, which was identified as such in the Council's Open Space Audit of 2010 and is of biodiversity value. It would also result in the fragmentation of a wider area of open space that contributes to the character, biodiversity and amenity of the surrounding area.

- 3.2 As highlighted above, the application site is not identified in the Open Space Audit of 2010, with there in any event being no public access to it, such that it cannot be described as public space of any type. Likewise, there is also no basis for concluding that the site is of any biodiversity value, or that it makes any contribution to the character and amenity of the area in biodiversity or natural habitat terms, given that:

- the Report of Handling confirms that the site has no statutory natural heritage designation or protection, with there being no species or habitats of any specific ecological value, and that the lack of vegetation on the site at present has reduced its value to wildlife,
- the drystone dyke to the north (which the Report of Handling refers to as potentially being used by reptiles) is outwith the application site and will not therefore be impacted on in any way as a result of the proposed change of use.

- 3.3 In light of the above, there are no grounds for concluding that the proposed change of use would result in any loss of any public open space of biodiversity or other value, or the fragmentation of any wider areas of open space that contributes to the character and amenity of the area as a result. In particular, as the drystone dyke to the north would not be affected by the proposed change of use, there would be no impact on the function of this as wildlife corridor. Further, if planning permission is granted subject to a condition requiring new planting along the northern boundary as set out above, this would result in the proposed change of use improving the value of the site in biodiversity and amenity terms, thus making a positive contribution to the character and amenity of the area overall.

The proposal would adversely affect the wider open space in that it would result in an irregular residential boundary whereby the northern boundary of 25 Seaview Place would extend beyond the established northern boundary line of the adjacent residential properties and encroach into an established amenity area.



- 3.4 As set out above, the overgrown nature of the land to the rear of adjoining properties on Seaview Place means that the original boundary layout of these is no longer clearly visible, with those shrubs and the drystone dyke being the main boundary features seen when viewed from the north (this being the only public viewpoint). The application site is however currently an exception to this, given that shrubs have been cleared from this to enable access to maintain the existing fence, such that there is an irregular boundary line here at present. In contrast, as also set out above, planning permission could be granted subject to a condition requiring replacement planting to the rear of the application site such that this appears consistent with the planting on either side, resulting in a more regular rear boundary when viewed from the only public viewpoint to the north than the existing situation.

Domestic development within the revised boundary could detract from the amenity, biodiversity and recreational value of the wider open space.

- 3.5 This conclusion is based on the premise that the site is of amenity, biodiversity and/or recreational value and, in the absence of it having any such value for the reasons given above, there is no basis for this conclusion to be reached.

Extending the residential curtilage to the dyke at the north boundary of the site would not allow for its future maintenance/repair as access to it would be likely to be unduly constrained and this may lead to its eventual removal.

- 3.6 As stated in the Report of Handling, private property matters are a separate legal matter, and are not material considerations, with this including matters of access for property maintenance purposes. As such, it is not valid to refuse the application on this basis. This notwithstanding, it should be noted that the dyke is already in a state of despair, with no evidence of it having been maintained in recent years.

The proposal would result in an undesirable precedent that would make it difficult to resist similar proposals in the future. This could cumulatively result in the gradual erosion of the open space, which would have a significant adverse impact on the character and amenity of the surrounding area.

- 3.7 As recognised in the Report of Handling, every application requires to be considered on its own merits, such that the potential for the decision to create a precedent is again not a valid reason for the application to be refused. Further, while it is recognised that it is legitimate to seek to avoid the gradual erosion of open space, the specific circumstances of this case in terms of it not resulting in the loss of any public

open space of any value for the reasons set out above, means that this would not set any precedent for the erosion of any such spaces.

The proposal would therefore conflict with the principles of Scottish Planning Policy; Planning Advice Note (PAN) 65 : Planning and Open Space; Policies D1 – Quality Placemaking by Design; D2: Landscape; D5: Our Granite Heritage; H1 – Residential Areas; NE3 – Urban Green Space; NE8: Natural Heritage of the adopted Aberdeen Local Development Plan; the Supplementary Guidance: ‘The Householder Development Guide’ and ‘Green Space Network and Open Space’; and Policies D1-Quality Placemaking, H1 – Residential Areas and NE2 – Green and Blue Infrastructure of the Proposed Aberdeen Local Development Plan.

- 3.8 With the exception of Policy D5 – Our Granite Heritage and Supplementary Guidance: Green Space Network and Open Space, all of the ALDP policies set out above are addressed in the Planning Statement, with it maintained that the proposed change of use complies with these for the reasons given in that Statement and the additional reasons given above.
- 3.9 With regards to Policy D5 – Our Granite Heritage, it should be noted that the dyke to the north of the site is outwith the application site boundary, with the proposed change of use having no impact on this, and with access to this not being a material planning consideration as set out above. As such, there are no grounds for concluding that the proposed development does not comply with Policy D5.
- 3.10 Likewise, there are also no ground for concluding that the proposed development does not comply with Supplementary Guidance: Green Space Network and Open Space, given that the application site does not form part of the Green Space Network and cannot be described as public open space of any type (both as set out above), and the proposed change of use would not generate any requirement for any new or enhanced open or green space to be delivered to support it.
- 3.11 Lastly, with regards to the relevant terms of SPP, Planning Advice Note (PAN) 65: Planning and Open Space, and the PLDP, the fact that the proposed change of use would not result in the loss of any public open space of any value, including in biodiversity terms, means that there can be no conflict with these in this regard. Indeed, both SPP and the PLDP lend specific support to the proposed change of use for the reasons given above and in the Planning Statement respectively, with the relevant provisions of SPP, the PAN and the PLDP also addressed in more detail in the context of material considerations below, demonstrating why the application should in fact be approved in terms of these.



There are no material planning considerations that warrant the grant of planning permission in this instance. It is considered that the potential adverse design and amenity impact of the development cannot reasonably be addressed by imposition of conditions. Given the valuable role which public open space / greenspace provides, as recognised by relevant planning policies, in this case it is not in the long-term public interest to allow its conversion to private garden ground.

3.12 As the application is supported by the development plan for the reasons given in the Planning Statement and expanded on above, it is not necessary to demonstrate that there are any additional material planning considerations to justify approval of this. This notwithstanding, there are a number of material planning considerations which do lend further support to the approval of the application and, if there is any doubt about the extent to which the proposed change of use complies with the development plan, these justify its approval any event. In particular, due weight requires to be given to:

- **SPP and the presumption in favour of development that contributes to sustainable development** – which, as set out above, is a significant material consideration in this case and, in the absence of their being any adverse impacts which *‘significantly and demonstrably’* outweigh the benefits of the proposed change of use, requires the application to be approved;
- **PLDP Policy WB1 – Healthy Developments** – which, as set out in the Planning Statement, embodies the PLDP’s support for development that increases health and wellbeing (which, by providing the applicant and her family with a larger garden in which to play and relax, the proposed change of use would, while the fact that there is no public access to the application site means that granting planning permission would have no impact on the health and wellbeing of others) and, while it is recognised that this is still subject to Examination, it remains the case that the terms of the PLDP reflect the settled view of the Council in this regard and require to be taken into account as such; and
- **Planning Advice Note (PAN) 65: Planning and Open Space** – which gives advice on the role of the planning system in protecting and enhancing open spaces and providing high quality new open spaces, including providing details of the different types of open space that are relevant in this regard. Notably, in terms of the PAN, open space includes private gardens (see the example full land use classification incorporating PAN65 typology) such that there would be no loss of open space in terms of this. Further, as the incorporation of this space into the applicant’s garden would facilitate enhancements to this in terms of the incorporation of new landscaping, this should be supported in line with the PAN.



4 Conclusion

4.1 For the reasons given in this statement, it is submitted that the proposed change of use would not result in the loss of urban green space which is of any amenity, recreational, landscape or wildlife value, and would improve the quality of life of the applicant, their family and future occupants of the house, with this:

- being in accordance with the SDP objective of making the City Region a more attractive and sustainable place for residents, while having no negative impact on the character or amenity of the wider area within which this is located;
- satisfying the detailed criteria against which the Council's Supplementary Guidance: Householder Development Guide requires applications for the change of use from amenity space to garden ground to be assessed (the terms of which are not expressly considered in the Report of Handling for the application) and thus complying with Policy H1 of the LDP;
- complying with all other relevant LDP Policies, namely Policies D1, D2, D5, NE1, NE3, NE8 and NE9 and associated Supplementary Guidance; and
- supported by other relevant material planning considerations, in particular -
 - SPP, with the proposed change of use constituting development that contributes to sustainable development as defined in SPP
 - the PLDP in terms of the support this provides to development that increases health and wellbeing, and
 - Planning Advice Note (PAN) 65: Planning and Open Space, in terms of which open space includes private gardens, making it clear that there would be no loss of open space in terms of this.

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.

Aurora Planning Limited

15 February 2022



Appendix One – list of documents

Application documents

- 1 Application form
- 2 Location plan
- 3 Planning statement
- 4 Annotated map
- 5 Report of handling
- 6 Decision notice

Policy documents

- 7 Aberdeen City and Shire Strategic Development Plan
- 8 Aberdeen Local Development Plan
- 9 Supplementary Guidance: Householder Development Guide
- 10 Supplementary Guidance: Green Space Network and Open Space
- 11 Scottish Planning Policy

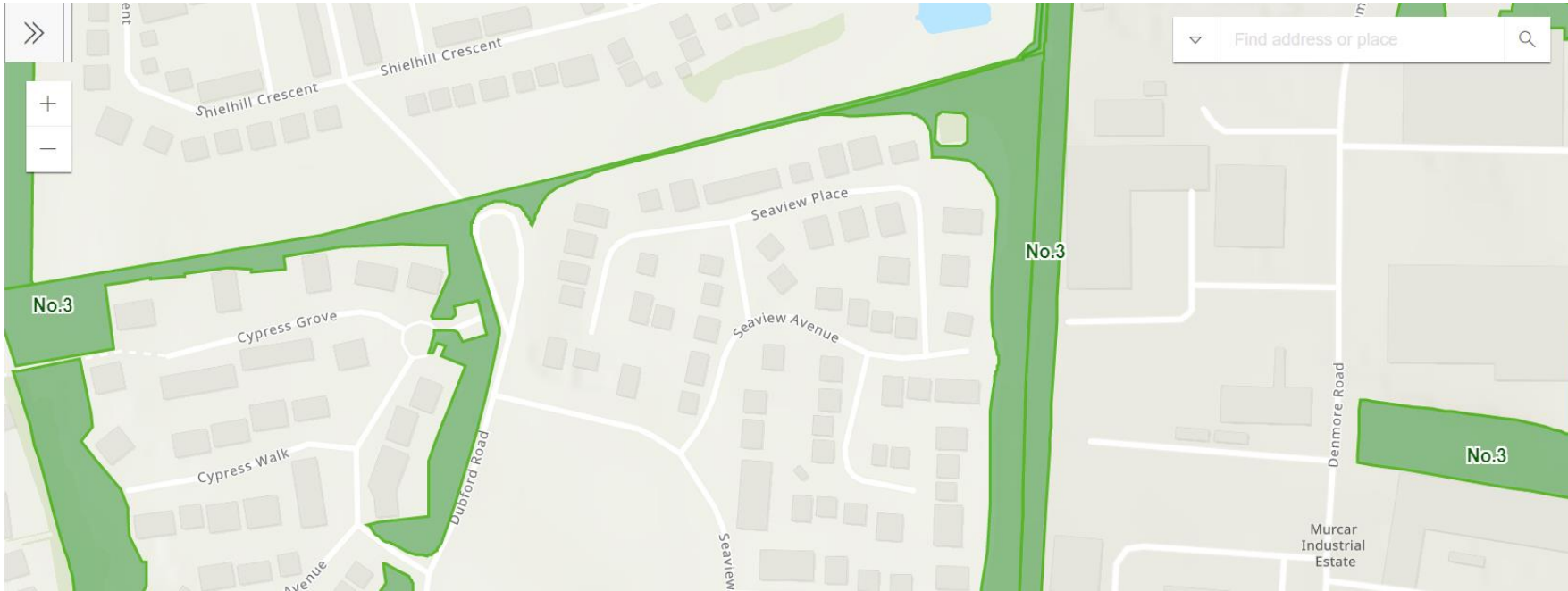
Other documents

- 12 Gladman Developments Limited v The Scottish Ministers [2020] CSIH 28
- 13 Proposed Aberdeen Local Development Plan
- 14 Planning Advice Note (PAN) 65: Planning and Open Space
- 15 Circular 4/1998: the use of conditions in planning applications

Appendix Two – Extract from Council’s Open Space Audit



Appendix Three – Extract from Green Space Network map



This page is intentionally left blank

LOCAL REVIEW BODY



211766/DPP– Review against refusal of planning permission for:

Installation of bi-fold doors
and formation of side door opening (retrospective)

35 Carden Place

Location Plan



© Crown copyright 2021 OS 100007782

LOCATION PLAN

1:1250





Photograph as existing



Streetview from rear lane, Nov 2020



Existing and Proposed

MATERIALS as existing (house)

- Walls:
granite
- Roof:
natural slate pitched roof;
single-ply membrane over extension
- Rainwater goods:
black upvc gutters + downspouts
- Openings:
White double glazed units

DOORS as installed

- 5-panel white uPVC bifold door as drawings
- white uPVC single leaf door as drawings

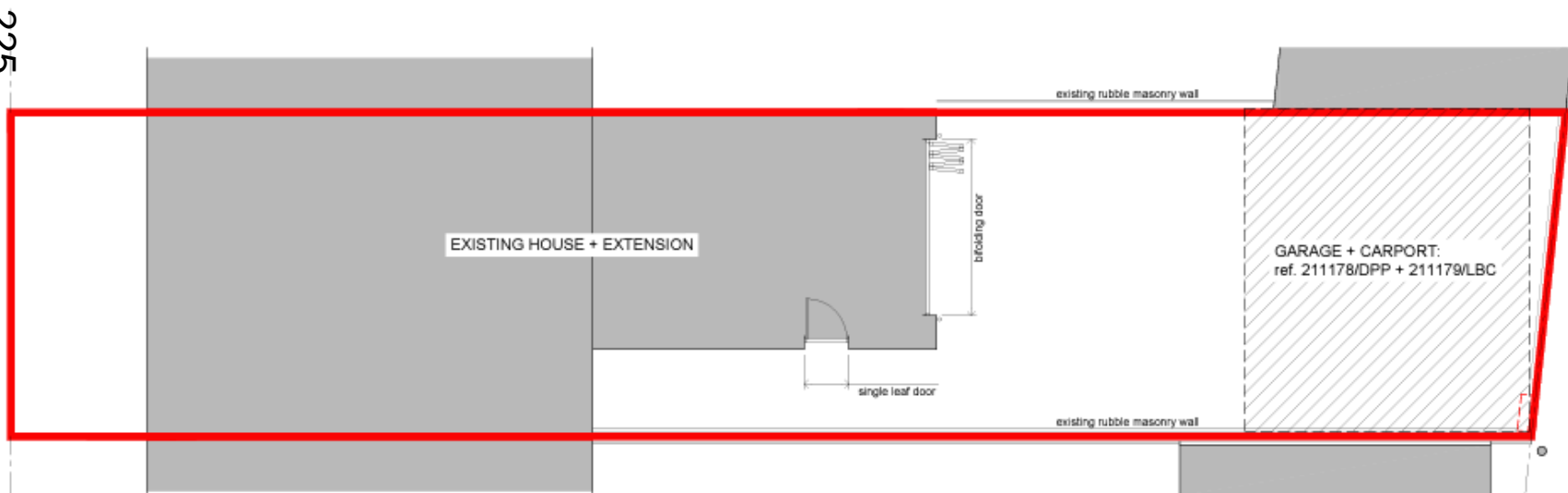


WEST ELEVATION - EXISTING+PROPOSED
1:100



SOUTH ELEVATION - EXISTING+PROPOSED
1:100

Page 225



EXISTING HOUSE + EXTENSION

GARAGE + CARPORT:
ref. 211178/DPP + 211179/LBC

existing rubble masonry wall

bifolding door

single leaf door

existing rubble masonry wall



Reasons for Decision

Stated in full in decision notice. Key points:

- Impact on Category B listed building
- Impact on character and appearance of Conservation Area
- Contrary to Scottish Planning Policy; Historic Environment Policy for Scotland; the Managing Change Guidance; Policies D4(Historic Environment), H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the adopted Aberdeen Local Development Plan 2017; associated Supplementary Guidance; and Policies D6, H1 and D1 of the Proposed Aberdeen Local Development Plan 2020

Applicant's Case

- New extension is granite block, whilst the old extension was harled brick.
- Original extension was an eye sore, which detracted from the listed building and conservation area
- New uPVC doors blend in with the existing uPVC window in mezzanine bedroom
- uPVC doors will not be seen once full width garage is completed.
- Precedent exists for use of uPVC at rear of listed buildings, including both immediate neighbours.
- Proposal is not contrary to the national and local policies quoted
- Impact of enforcement action would be to require disposal of uPVC doors and windows, which has an environmental impact.

Supplementary Guidance: Windows and Doors:

- On listed buildings and public elevations of conservation areas, the introduction of new PVCu windows as a replacement material is not acceptable.

Managing Change in the Historic Environment (Historic Environment Scotland):

Extensions must protect the character and appearance of the building; should be subordinate in scale and form; should be located on a secondary elevation; and must be designed in a high-quality manner using appropriate materials.

D1: Quality Placemaking by Design

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

Proposals will be assessed against the following six essential qualities:

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

D4: Historic Environment

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

Scottish Planning Policy (SPP)

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



Aberdeen City Conservation Area Character Appraisals and Management Plan

Albyn Place and Rubislaw

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

July 2013

Planning and Sustainable Development
Enterprise, Planning and Infrastructure
Aberdeen City Council
Business Hub 4 - Marischal College
Broad Street
Aberdeen
AB10 1AB

3.2.5 Negative factors/Issues

General built environment negative features include the removal of timber sash and case windows and the replacement of these with inappropriately designed thick framed uPVC windows. The inappropriate placement of satellite dishes and burglar alarms is also a concern.

Points for Consideration:

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

This page is intentionally left blank

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

Site Address:	35 Carden Place, Aberdeen, AB10 1UN
Application Description:	Installation of bi-fold doors and formation of side door opening (retrospective)
Application Ref:	211766/DPP
Application Type:	Detailed Planning Permission
Application Date:	14 December 2021
Applicant:	Mr Rory Cradock
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Queen's Cross and Harlaw
Case Officer:	Jemma Tasker

RECOMMENDATION

Refuse.

APPLICATION BACKGROUND

Site Description

The application site relates to a mid-19th century, 1½ storey, mid-terraced dwellinghouse of traditional design and construction, listed as category B, and its associated front and rear curtilage. The property has a principal (north) elevation which fronts Carden Place; adjoins 33 Carden Place to the east and 37 Carden Place to the west; and Albyn Terrace Lane is located to the south. To the rear, there is an existing 1½ story extension running approximately 5.5m along the eastern boundary of the site, incorporating a dormer window on the western roof slope. The rear elevation has been further extended by way of a single storey extension, projecting a further 3.3m, which was granted consent in August 2020. An irregular shaped garage was previously located on the southern boundary of the site measuring a maximum 4.6m in length, 4.6m in width and 1.9m in height, accessed via Albyn Terrace Lane; however, has since been demolished, with consent granted for a replacement garage in November 2021. The application site is located within the Albyn Place and Rubislaw Conservation Area.

Relevant Planning History

Application Number	Proposal	Decision Date
200568/DPP	Erection of replacement single storey rear extension and dormer; installation of replacement domestic garage and carport to rear	14.08.2020 Status: Approved Conditionally.
200770/LBC	Internal alterations to ground floor, erection of replacement single storey rear extension and dormer; installation of replacement domestic garage and carport to rear	14.08.2020 Status: Approved Conditionally.

211178/DPP	Installation of replacement domestic garage and carport to rear (change of design to previously approved app. ref.200568/DPP)	22.11.2021 Status: Approved Unconditionally.
211179/LBC	Installation of replacement domestic garage and carport to rear (change of design to previously approved app. ref.200568/DPP)	22.11.2021 Status: Approved Unconditionally.
211765/LBC	Installation of bi-fold doors and formation of side door opening to rear (retrospective)	Status: Pending Consideration.

APPLICATION DESCRIPTION

Description of Proposal

As noted above, consent was granted in August 2020 for the erection of a replacement single storey rear extension, as well as a number of other works and alterations, which has since been completed. The extension projects 3.3m from the rear of the existing 1½ storey extension and measures 5.2m in width, as per the approved plans. Consent was granted for glazing to be located on the south and west elevations, comprising c.3.2m wide sliding doors and a c.1m wide full height window, respectively. Windows within the proposal were stated to be timber framed and no details were provided regarding the framing material of the bi-fold door. Thus, the consent was granted subject to three conditions, one of which stated *‘that no development shall take place unless details of the material for the proposed bi-folding doors has been submitted to, and approved in writing by, the Planning Authority and thereafter the development shall be carried out in accordance with the details so agreed’*. No such details were submitted to, or approved by, the Planning Authority. Currently installed are c.3.8m wide bi-fold doors framed in uPVC on the south elevation and a c.1m wide single entrance door framed in uPVC on the west elevation.

Therefore, Detailed Planning Permission is sought retrospectively for the installation of the uPVC bi-folding doors on the south elevation, and the formation of a door opening and the installation of a single uPVC entrance door on the west elevation, of the recently constructed single storey rear extension.

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=R44795BZIY200>

Supplemental Statement (December, 2021) – provides details as to why the uPVC bi-fold door and single door were installed.

CONSULTATIONS

Queen's Cross and Harlaw Community Council – No comments received.

REPRESENTATIONS

None

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

National Planning Policy and Guidance

Scottish Planning Policy (SPP)

Historic Environment Policy for Scotland (HEPS)

Development Plan

Strategic Development Plan

The current Strategic Development Plan for Aberdeen City and Shire was approved by Scottish Ministers in September 2020 and forms the strategic component of the Development Plan. No issues of strategic or cross boundary significance have been identified.

Aberdeen Local Development Plan 2017 (ALDP)

Section 16 (1)(a)(ii) of the Town and Country Planning (Scotland) Act 1997 requires that, where there is a current local development plan, a proposed local development plan must be submitted to Scottish Ministers within 5 years after the date on which the current plan was approved. From 21 January 2022, the extant local development plan will be beyond this 5-year period. The Proposed Aberdeen Local Development Plan 2020 has been submitted to the Planning & Environmental Appeals Division at the Scottish Government in July 2021. The formal examination in public of the Proposed Local Development Plan 2020 has commenced with reporters appointed. Material consideration will be given to the Proposed Local Development Plan 2020, in the context of the progress of its examination, in the assessment of planning applications.

Given the extant local development plan is beyond its five-year review period consideration, where relevant, should be given to paragraph 33 of the Scottish Planning Policy (2014) which states: "Where relevant policies in a development plan are out-of-date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration.

The following policies are relevant –

Policy D1 – Quality Placemaking by Design

Policy D4 – Historic Environment

Policy H1 – Residential Areas

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. Policies of relevance include:

Policy D1 – Quality Placemaking

Policy D2 – Amenity

Policy D6 – Historic Environment

Policy H1 – Residential Areas

Other Material Considerations

Supplementary Guidance (SG): The Repair and Replacement of Windows and Doors

Historic Environment Scotland's (HES) Managing Change in the Historic Environment: Extensions

Albyn Place and Rubislaw Conservation Area Character Appraisal and Management Plan (July, 2013)

EVALUATION

Principle of Development

The application site is located in a residential area under Policy H1 of the ALDP and the proposal relates to householder development. The proposal would comply with this policy in principle if it does not constitute overdevelopment; does not adversely affect the character and amenity of the surrounding area; does not result in the loss of open space; and it complies with the associated Supplementary Guidance.

The proposal would not increase the footprint of the dwelling or the intensity of use of the site and thus, would not constitute overdevelopment, nor would it result in the loss of any open space given that the proposal is located within the curtilage of the existing property. The remaining issues, namely the potential character and amenity of the surrounding area and compliance with the associated Supplementary Guidance are discussed below.

National and Local Policy Context

SPP (para. 143) states that proposals for development within conservation areas and proposals out with which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance.

HEPS (p. 13) in its policies for managing change in the historic environment states that decisions affecting any part of the historic environment should be informed by an inclusive understanding of its breadth and cultural significance; when considering changes to specific assets and their context, detrimental impacts should be avoided. Also of relevance is Historic Environment Scotland's 'Managing Change in the Historic Environment: Extensions'.

Policy D4 (Historic Environment) states that the Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, HEPS and its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan. High quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interests of its listed buildings, conservation areas and historic gardens and designed landscapes, will be supported.

Policy D1 (Quality Placemaking by Design) recognises that not all development will be of a scale that makes a significant placemaking impact, but it recognises that good design and detail adds to the attractiveness of the built environment.

Scale, Design & Impact on the Historic Environment

In this instance, the proposal relates to the doors of a modern extension to the rear of a category B listed building which is situated within the Albyn Place and Rubislaw Conservation Area. HES's 'Managing Change in the Historic Environment: Extensions' document sets out that extensions: must protect the character and appearance of the building; should be subordinate in scale and form; should be located on a secondary elevation; and must be designed in a high-quality manner using appropriate materials. It is the latter part of this statement that has relevance here. Further to this, although the proposal relates to the formation of new doors and not the replacement of existing doors, the Council's Supplementary Guidance (SG): 'The Repair and Replacement of Windows and Doors', in discussing listed buildings, sets out that uPVC doors would not be acceptable.

The enlargement of the door opening on the west elevation of the extension rather than a full height window opening would result in negligible change and thus, is considered acceptable. While it is recognised that the extension to which the new doors relate is modern, as set out above, there is a requirement for extensions to utilise high-quality, appropriate materials. The Council's SG confirms that the use of uPVC as a framing material is not appropriate or acceptable for listed buildings. The Albyn Place and Rubislaw Conservation Area Character Appraisal and Management Plan highlights the installation of thick framed uPVC windows as a weakness of the conservation area. Thus, the use of uPVC is aesthetically incongruous and would have a damaging impact on the character of both the listed building and the conservation area through the use of an inappropriate material.

Windows at the property appear to be timber framed with the exception of two windows at first floor level of the existing 1½ storey rear extension which appear to be uPVC framed; however, there is no planning history relating to one and the other is currently consented to be changed to timber under the previous application (ref. 200568/DPP).

If approved, this application would allow for the lawful introduction of an unsympathetic material to this historic building which does not largely exist, or certainly has not been approved. Furthermore, notwithstanding every application is assessed on its own merits, precedent could be set should the introduction of this material be allowed, particularly concerning is the potential for cumulative impacts along the terrace and the wider conservation area. Over time, this would significantly, detrimentally impact the historic environment which the Planning Authority has a statutory duty to preserve and enhance as per legislation.

To conclude, although the formation of a door opening rather than a full height window opening would be acceptable, due to the use of uPVC, the proposal fails to preserve the listed building's special character and its setting and the character and appearance of the conservation area, in conflict with SPP; HEPS; Policies D4, H1 and D1 of the ALDP and The Repair and Replacement of Windows and Doors SG.

Impact on Residential Amenity

No development should result in a situation where amenity is 'borrowed' from a neighbouring property, or there is an impingement on the amenity enjoyed by others. Altering the full height window to form a fully glazed door would result in negligible change from the previously approved situation, where the existing boundary screening was considered sufficient to prevent overlooking. It is understood that this screening has not changed and thus, there are no concerns regarding privacy. Additionally, due to the nature of the proposed alterations, there would be no impact on

neighbouring properties in terms of daylight receipt or overshadowing. Overall, current levels of residential amenity would be retained.

Proposed Aberdeen Local Development Plan 2020

In relation to this particular application, the Policies D6, H1 and D1 and in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan 2017 and the proposal is not acceptable in terms of both Plans for the reasons previously given.

RECOMMENDATION

Refuse.

REASON FOR RECOMMENDATION

The proposed uPVC doors fail to preserve the category B listed building's special architectural and historic interest and its setting, and the character and appearance of the Albyn Place and Rubislaw Conservation Area, through the introduction of an inappropriate material. The proposal is therefore contrary to Scottish Planning Policy; Historic Environment Policy for Scotland; the Managing Change Guidance; Policies D4 (Historic Environment), H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the adopted Aberdeen Local Development Plan 2017; associated Supplementary Guidance; and Policies D6, H1 and D1 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 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 100453381-005

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

Description of Proposal

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

Retrospective application for installation of UPVC bi-fold and side doors to rear of dwelling.

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): *

25/05/2021

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

The proposed doors formed part of Planning Consent ref. 200568/DPP, however, the external finishing materials for the bi-fold doors were the subject of a Condition, with details to be submitted to and approved in writing by the Planning Authority. The applicant's previous agent failed to notify him of the conditions and specifically the need to agree the specification of the bi-fold doors before carrying out the work so uPVC bi-fold doors were selected and installed without written consent.

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:	David Murray Associates		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Angela	Building Name:	The Radar Station
Last Name: *	Slater	Building Number:	<input type="text"/>
Telephone Number: *	01224709600	Address 1 (Street): *	Donmouth Road
Extension Number:	<input type="text"/>	Address 2:	Bridge of Don
Mobile Number:	<input type="text"/>	Town/City: *	Aberdeen
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	AB23 8DR
Email Address: *	admin@dma-architects.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Rory	Building Number:	35
Last Name: *	Cradock	Address 1 (Street): *	Carden Place
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Aberdeen
Extension Number:	<input type="text"/>	Country: *	United Kingdom
Mobile Number:	<input type="text"/>	Postcode: *	AB10 1UN
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

35 CARDEN PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB10 1UN

Please identify/describe the location of the site or sites

Northing

805897

Easting

392706

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)

Garfield Prentice emailed the applicant on 08.11.21 and presented two options:- either replace the unauthorised bi-fold doors with timber-framed doors or submit new applications for planning permission and listed building consent in an attempt to secure permission for the bi-fold doors as installed. He also advised that the Planning service would be unlikely to support a new application and gave information about the appeal process in the event of refusal.

Title:

Mr

Other title:

First Name:

Garfield

Last Name:

Prentice

Correspondence Reference Number:

Date (dd/mm/yyyy):

11/11/2021

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: Angela Slater

On behalf of: Mr Rory Cradock

Date: 14/12/2021

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 Angela Slater

Declaration Date: 14/12/2021

Payment Details

Online payment: ABSP00007716
Payment date: 14/12/2021 16:31:00

Created: 14/12/2021 16:31

DECISION NOTICE

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

Angela Slater
David Murray Associates
The Radar Station
Donmouth Road
Bridge of Don
Aberdeen
United Kingdom
AB23 8DR

on behalf of **Mr Rory Cradock**

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

**Installation of bi-fold doors and formation of side door opening (retrospective)
at 35 Carden Place, 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

2113 - D(0-)-11

Drawing Type

Location Plan, Elevations and Floor Plans

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 proposed uPVC doors fail to preserve the category B listed building's special architectural and historic interest and its setting, and the character and appearance of the Albyn Place and Rubislaw Conservation Area, through the introduction of an inappropriate material. The proposal is therefore contrary to Scottish Planning Policy; Historic Environment Policy for Scotland; the Managing Change Guidance; Policies D4 (Historic Environment), H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the adopted Aberdeen Local Development Plan 2017; associated Supplementary Guidance; and Policies D6, H1 and D1 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 would warrant approval of the application.

Date of Signing 11 February 2022



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.

This page is intentionally left blank

Aberdeen Local Development Plan (ALDP)

- Policy H1 – Residential Areas
- Policy D1 - Quality Placemaking by Design
- Policy D4 - Historic Environment

Supplementary Guidance

Householder Development Guide

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

Repair or Replacement of Windows and Doors

[1.1.PolicySG.WindowsDoors.pdf \(aberdeencity.gov.uk\)](https://www.aberdeencity.gov.uk/sites/default/files/1.1.PolicySG.WindowsDoors.pdf)

Albyn Place Conservation Area Character Appraisal

[Albyn Place/Rubislaw | Aberdeen City Council](#)

Other Material Considerations

Scottish Planning Policy (2014)

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

Historic Environment Policy for Scotland (HEPS)

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

Proposed Aberdeen Local Development Plan (2020)

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

Managing Change in the Historic Environment:

Extensions

[Managing Change in the Historic Environment: Extensions | HES](#)

This page is intentionally left blank



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 100536805-001

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:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Rory	Building Number:	35
Last Name: *	Cradock	Address 1 (Street): *	35 Carden Place
Company/Organisation		Address 2:	35 Carden Place
Telephone Number: *	[REDACTED]	Town/City: *	ABERDEEN
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	AB10 1UN
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Residential property at 35 Carden Place, Aberdeen AB10 1UN

Northing

805893

Easting

392721

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)

Installation of bi-fold doors and formation of side door opening (retrospective) at 35 Carden Place, Aberdeen AB10 1UN

Type of Application

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

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

What does your review relate to? *

Refusal Notice.

Grant of permission with Conditions imposed.

No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

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

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

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

See attached note and photographs.

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)

Photograph before improvements, Photograph after work completed, Photograph of side door after completion and Statement in support of appeal.

Application Details

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

211766/DPP

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

14/12/2021

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

11/02/2022

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)

Works undertaken cannot be properly reviewed without site inspection.

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

Can the site be clearly seen from a road or public land? * Yes No

Is it possible for the site to be accessed safely and without barriers to entry? * Yes No

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

Works undertaken are incapable of being viewed from the street.

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 Rory Cradock

Declaration Date: 24/02/2022

This page is intentionally left blank

Statement in support of appeal.

The bi-fold doors and side door opening are installed in a new, granite block framed extension which replaced what, at best, could be described as a "lean to" extension, of brick construction, which had, then, been harled. The original extension was an eyesore and, unquestionably, detracted from No. 35's category B listed building's special architectural and historic interest and its setting, and the character and appearance of the Albyn Place and Rubislaw Conservation Area. Before and after photographs are attached.

The whole house has been completely refurbished, to the highest of standards, and that includes the new extension, which respects the character, appearance and setting of the historic environment. The new uPVC doors blend in, perfectly, with the existing, and decades old, uPVC window installed in the mezzanine floor bedroom above.

The uPVC doors will not be visible from Albyn Terrace Lane, which runs along the rear/south boundary of the house, once the full length garage and carport, which are under construction, are completed. As such, the existence of the uPVC doors does not have an adverse impact to the house's residential amenity, and the character and appearance of the area.

Whilst uPVC would be an inappropriate material where it could be viewed from the public highway, and, particularly so, at the front of a building, its use in the bi-fold doors and side door opening is not inappropriate.

The Planning Department have claimed, that uPVC is of "inferior" quality to wood, or aluminum. That claim is unsupported, and cannot be justified. In the circumstances, that claim extends to no more than subjective opinion.

Having regard to their content, it is self-evident that the proposal is not contrary to Scottish Planning Policy; Historic Environment Policy for Scotland; the Managing Change Guidance; Policies D4 (Historic Environment), H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the adopted Aberdeen Local Development Plan 2017; associated Supplementary Guidance; and Policies D6, H1, and D1 of the Proposed Aberdeen Local Development Plan 2020.

In addition, there is precedent for the use of uPVC at the rear of category B listed buildings, as is evidenced by its use in both of the immediately neighbouring properties at Nos. 33 and 37 Carden Place, Aberdeen.

The refurbishment process has been undertaken with the aim, not only of preserving the house's character and appearance, but also of enhancing it.

No corners have been cut. Only high quality materials have been used, with all work carried out by tradesmen with the requisite skills to transform what was, without doubt, the worst house in the terrace, to, arguably, the best.

We compiled a booklet of photographs to provide a record of the refurbishment process, and would welcome the opportunity to show round, whoever is considering this Appeal, so they may see for themselves the transformation, as part of the Review Process.

The Planning Department's refusal of retrospective Planning, and Listed Building, Consent, and, already notified intention to take enforcement action, is tantamount to a directive to send brand new

bi-fold doors and a side door to landfill. The environmental impact of the foregoing should be taken into account.

In summation, we, respectfully, call upon the Planning Authority to overturns its decision to refuse Planning Permission.