

Public Document Pack



To: Councillor Henrickson, Chairperson; and Councillors Allard and Thomson.

Town House,
ABERDEEN 1 June 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, 8 JUNE 2022 at 10.00 am.**

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

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

2.1 449 Great Western Road - Change of Use from Class 10 (Non-Residential Institutions) to Class 9 (Houses), Removal of Single Storey Rear Extension, Installation of New Windows and Bi-Fold Doors, Replacement Windows, Formation of Replacement Steps with Wall and Balustrade and Erection of Domestic Double Garage and Driveway to Rear - 211117/DPP
(Pages 7 - 30)

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 211117.

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 31 - 58)

2.3 Planning Policies Referred to in Documents Submitted (Pages 59 - 60)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 61 - 90)

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 68 Rubislaw Den South - Installation of Replacement Windows, Erection of Outbuildings, Formation of Steps, Handrails, Hard and Soft Landscaping, Erection of Rear Fence, and Associated Works (partly retrospective) - 211549/DPP (Pages 91 - 102)

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 211549.

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 103 - 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 - 142)

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 Highpoint, 242 North Deeside Road - Erection of 14 Residential Flats Over 3 and 4 Storeys, 1 Shop Unit and Subdivision of Existing Flat to Form 2 Flats with Associated Infrastructure - 211791/DPP (Pages 143 - 170)
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 211791.
- 4.2 Delegated Report, Original Application Form and Letters of Representation (if there are any) (Pages 171 - 256)
- 4.3 Planning Policies Referred to in Documents Submitted (Pages 257 - 258)
- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 259 - 274)
- 4.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 4.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

Website Address: www.aberdeencity.gov.uk

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

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

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

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

DETERMINATION OF REVIEW

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

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

Local Review Body (LRB)

8th June 2022



211117/DPP - 449 Great Western Road

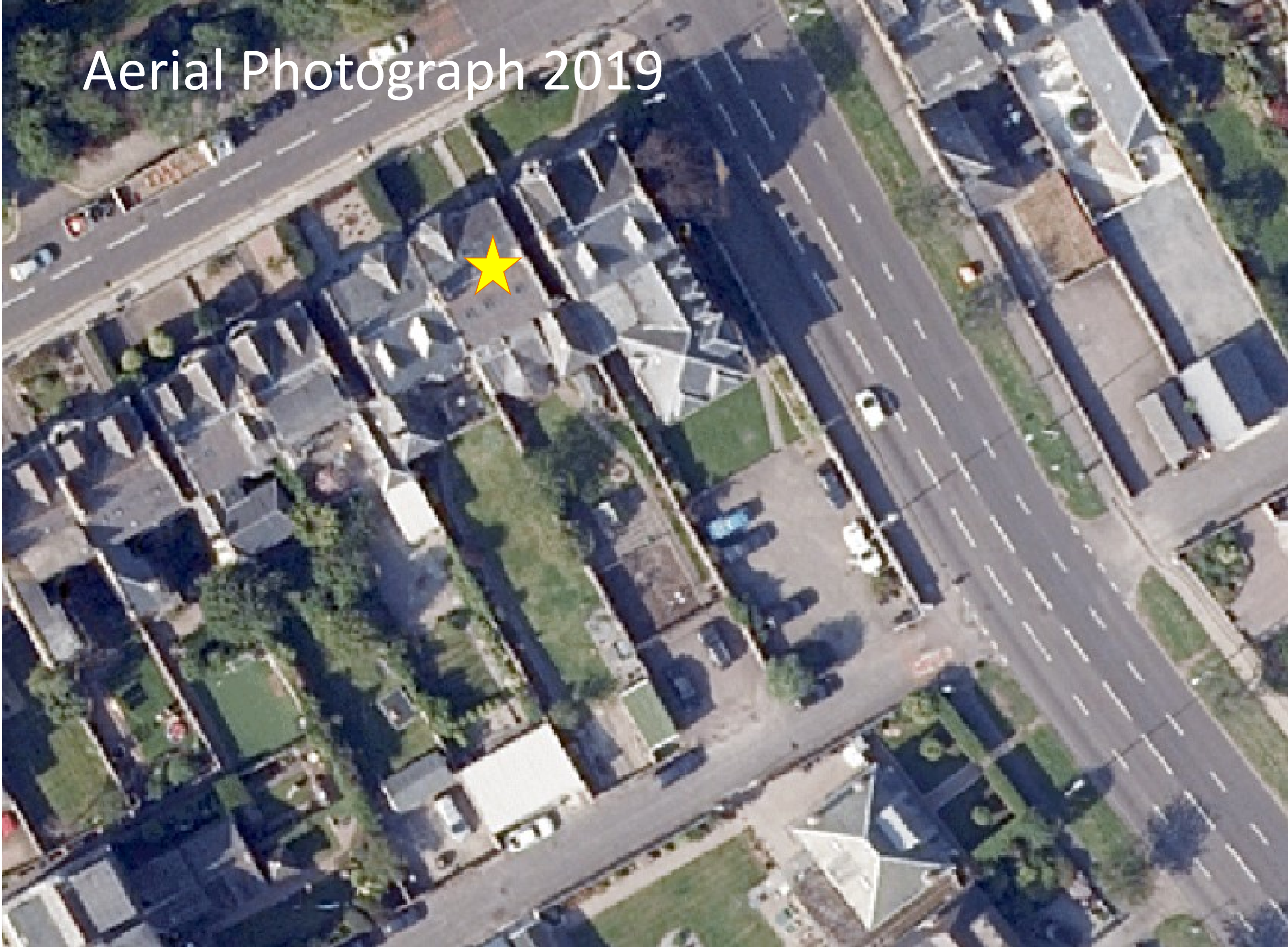
Change of use from class 10 (non-residential institutions) to class 9 (houses), removal of single storey rear extension, installation of new windows and bi-fold doors, replacement windows, formation of replacement steps with wall and balustrade and erection of domestic double garage and driveway to rear

Lucy Greene, Planning Advisor

Location Plan



Aerial Photograph 2019



Google 3D 2022



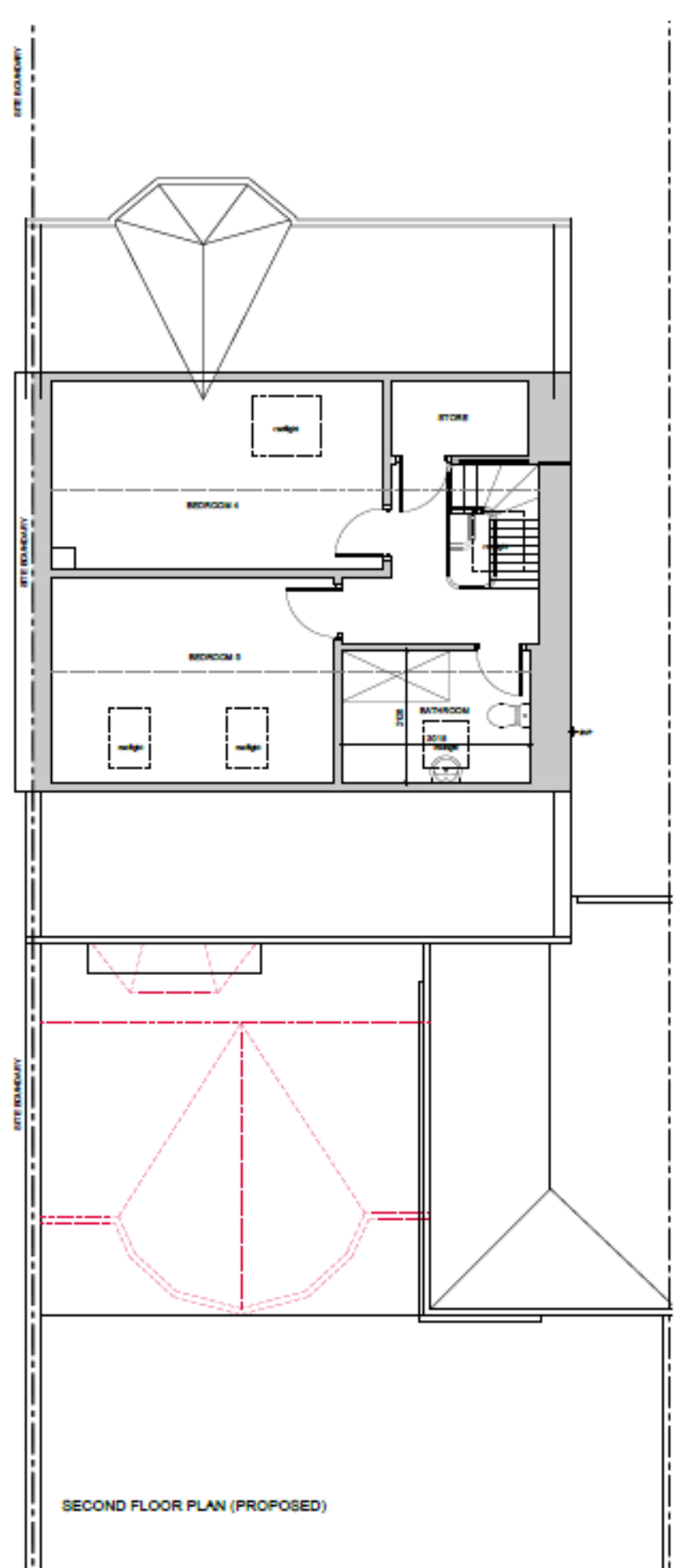
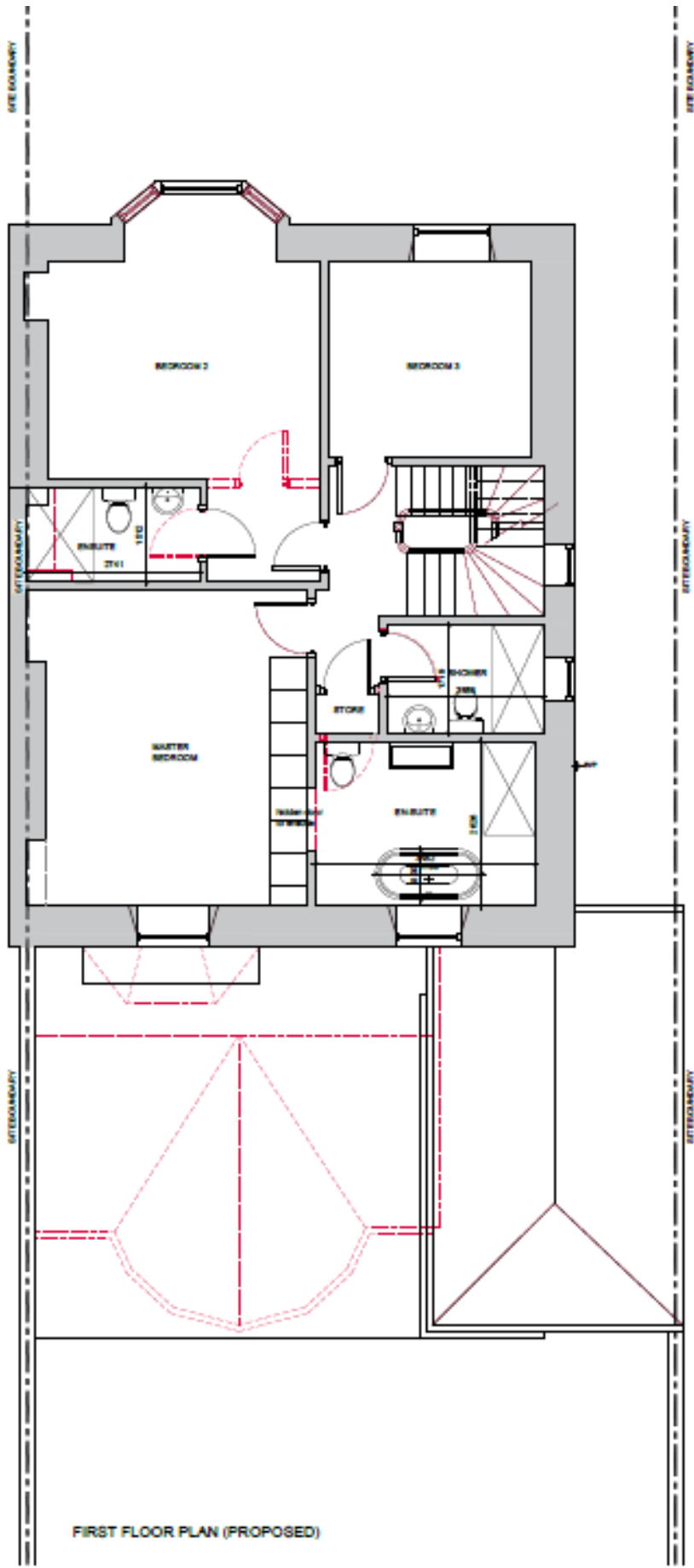
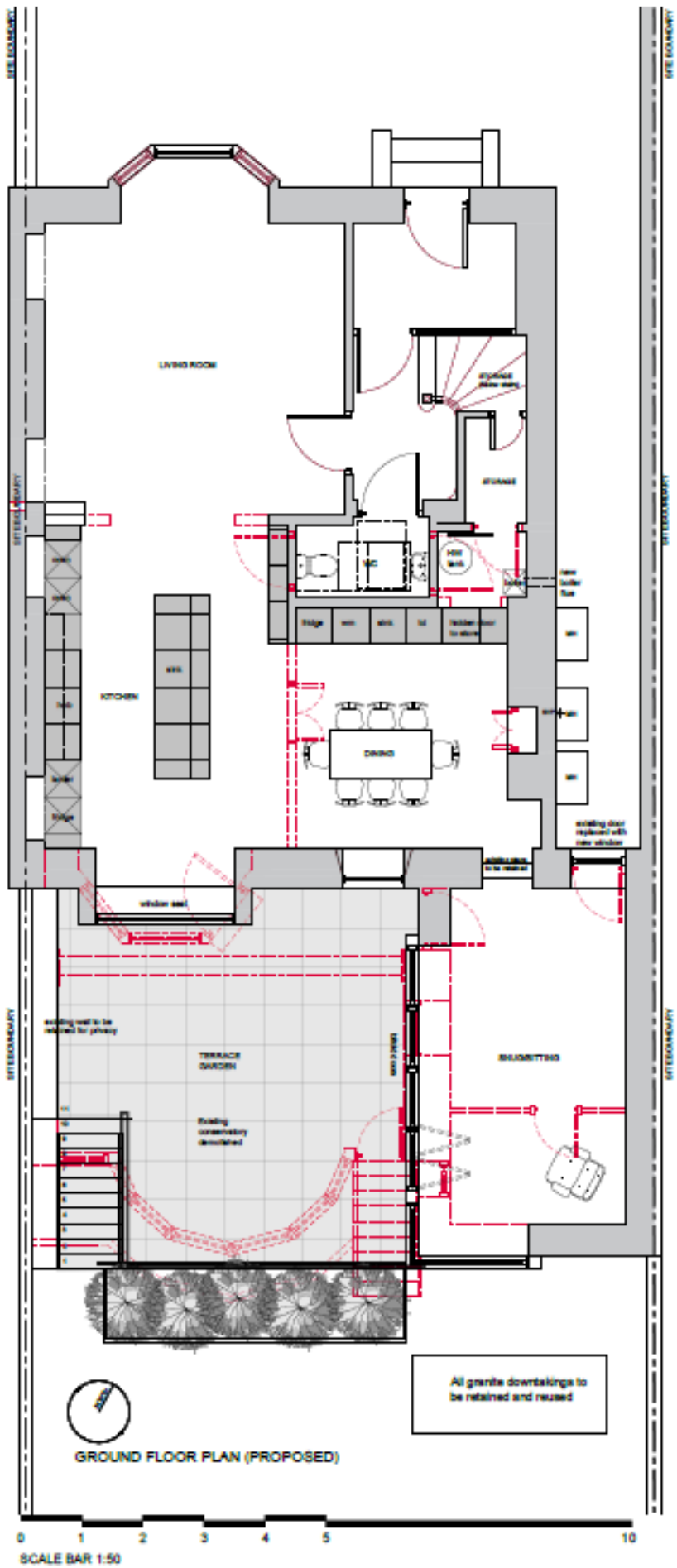
Google Streetview 2022



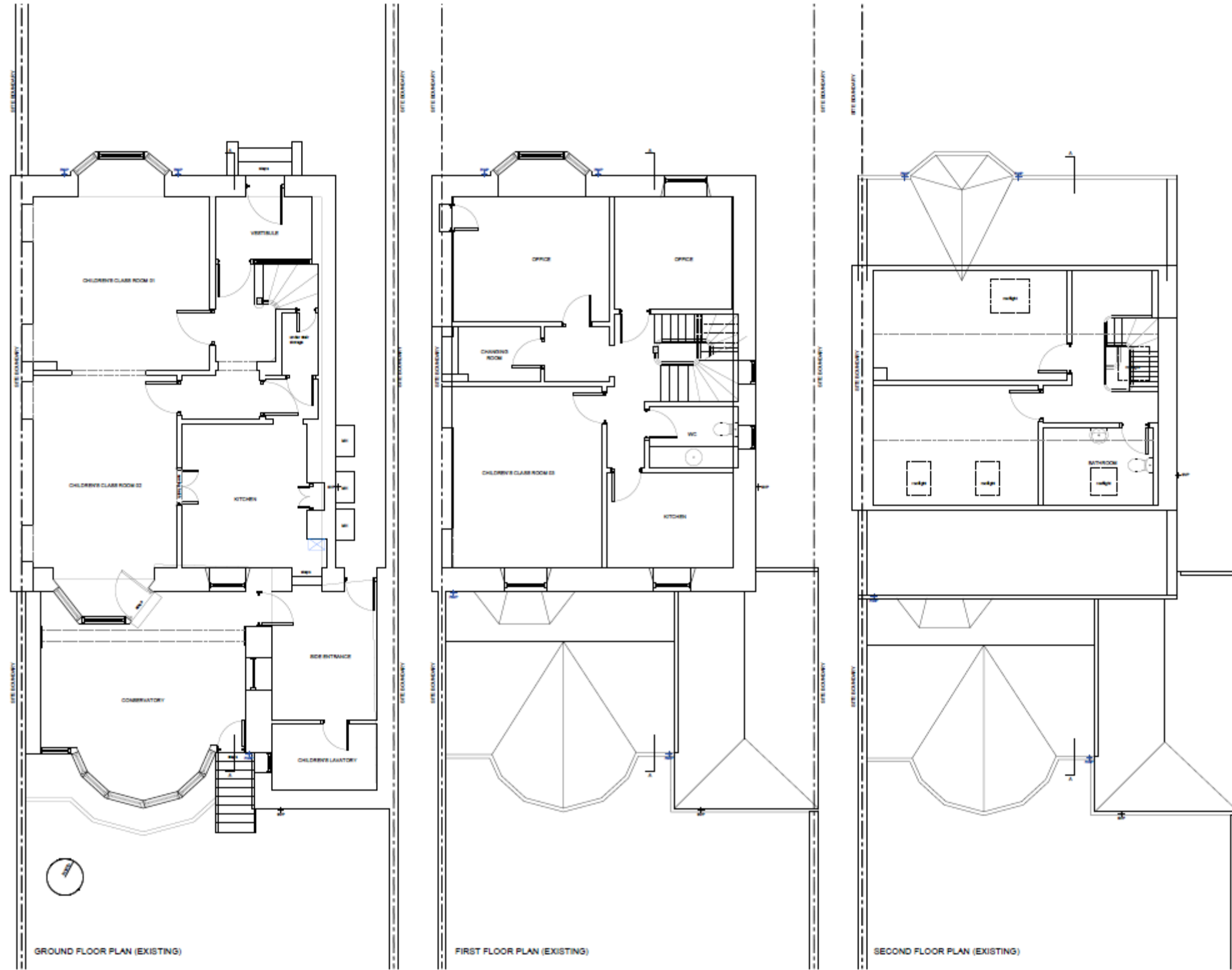
Location Plan as Proposed



Proposed Floor Plans

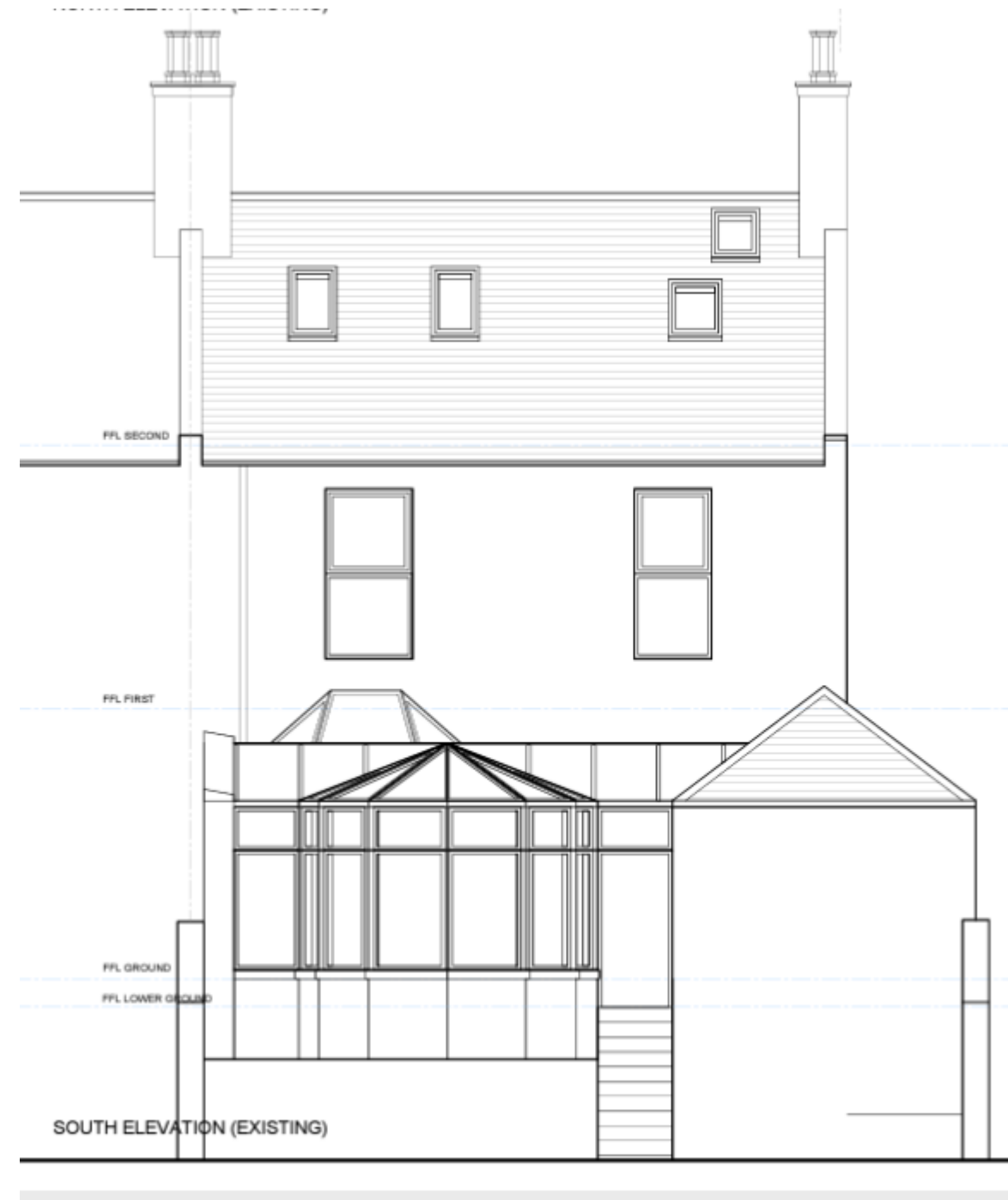
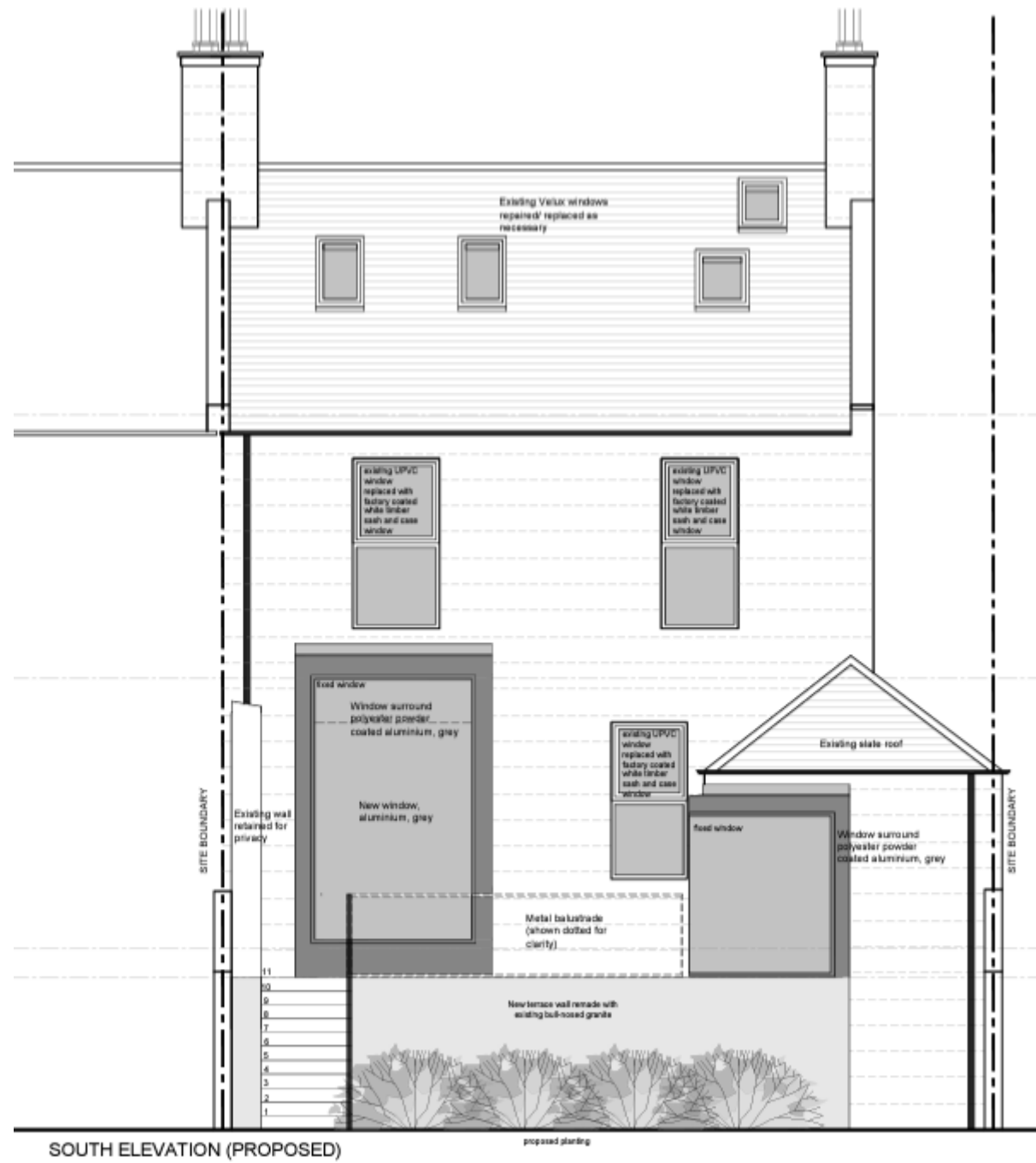


Existing Floor Plans



Proposed Elevation (south)

Existing Elevation

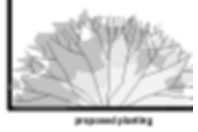
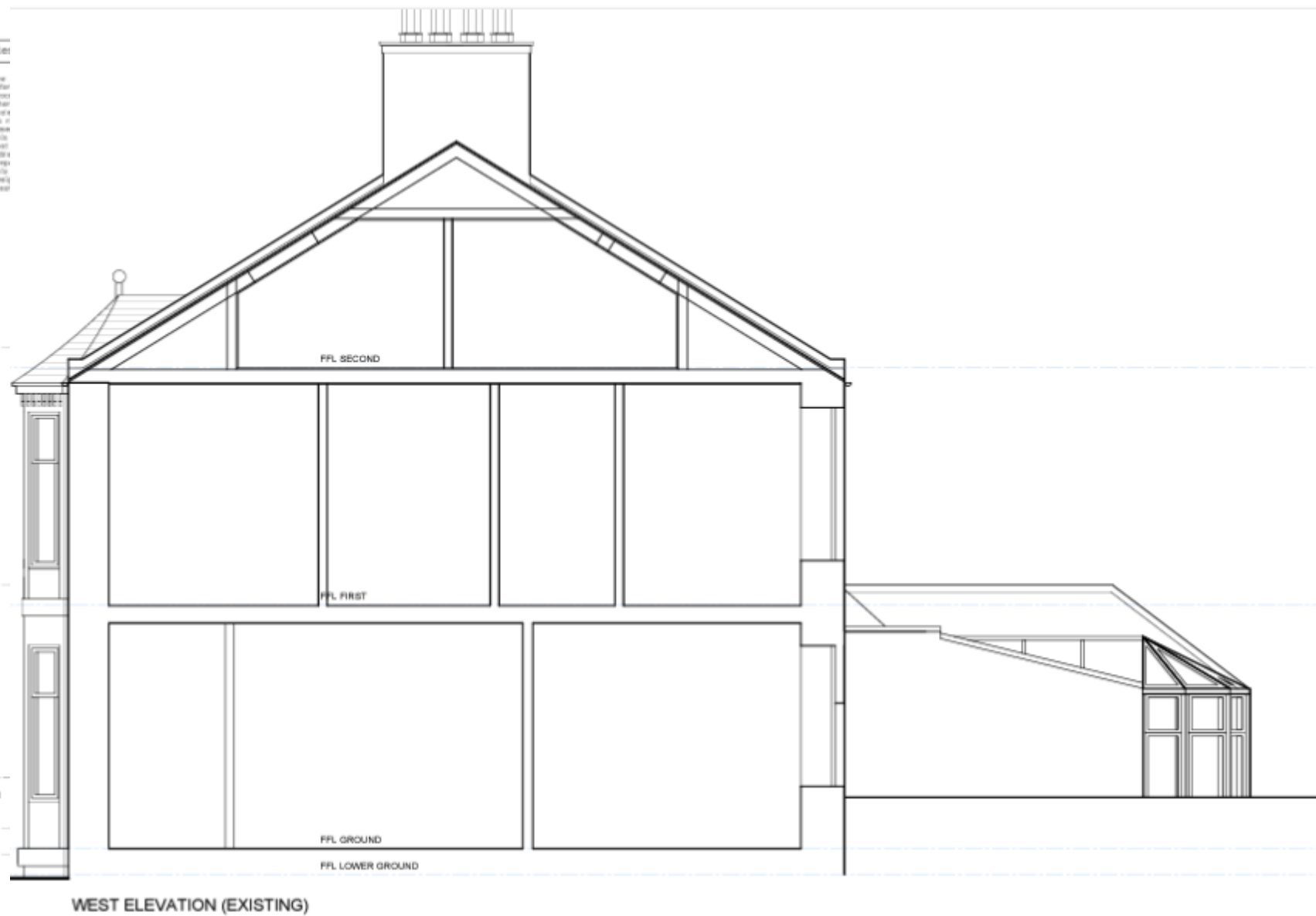


Proposed Elevation (west)

Existing Elevation



- 1. The main house
- 2. The side extension
- 3. The chimney
- 4. The roof
- 5. The ground level



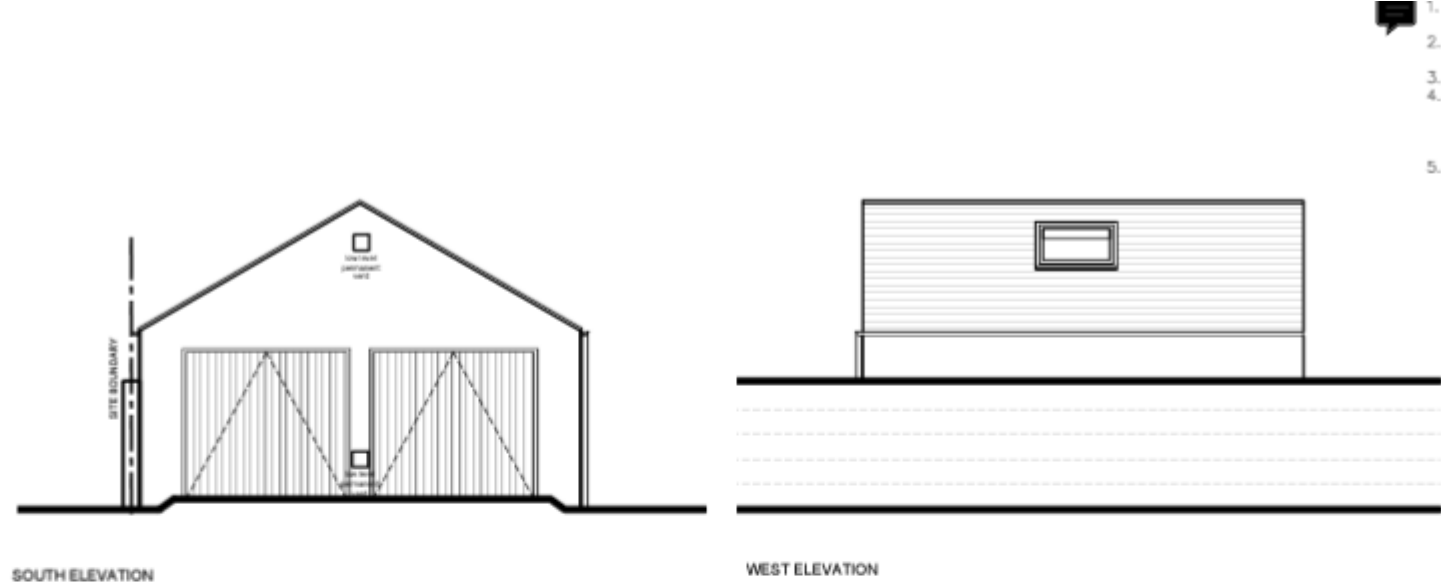
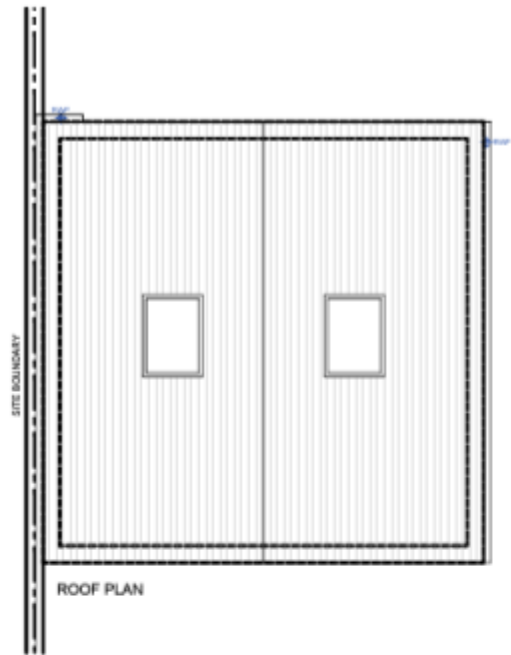
Proposed Elevation (north)



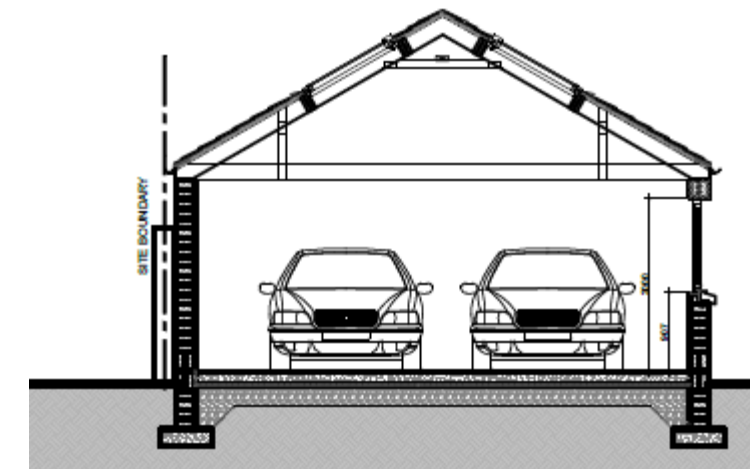
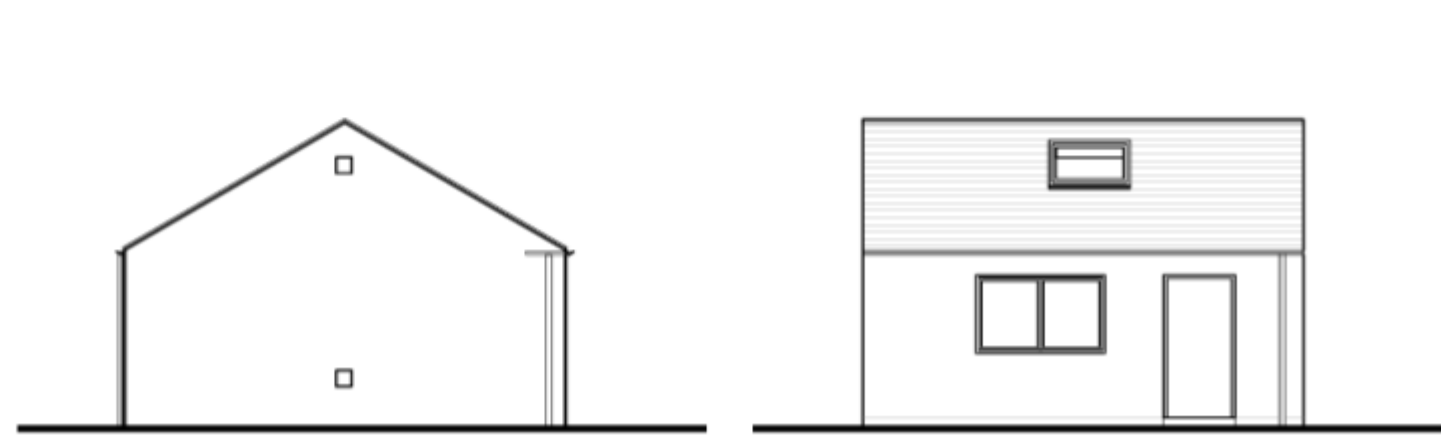
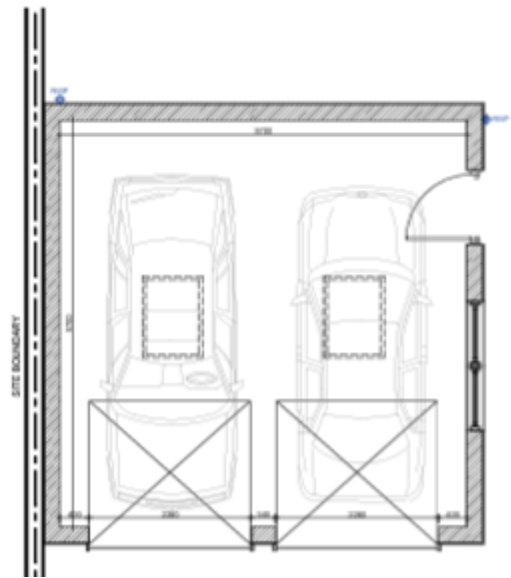
Existing Elevation



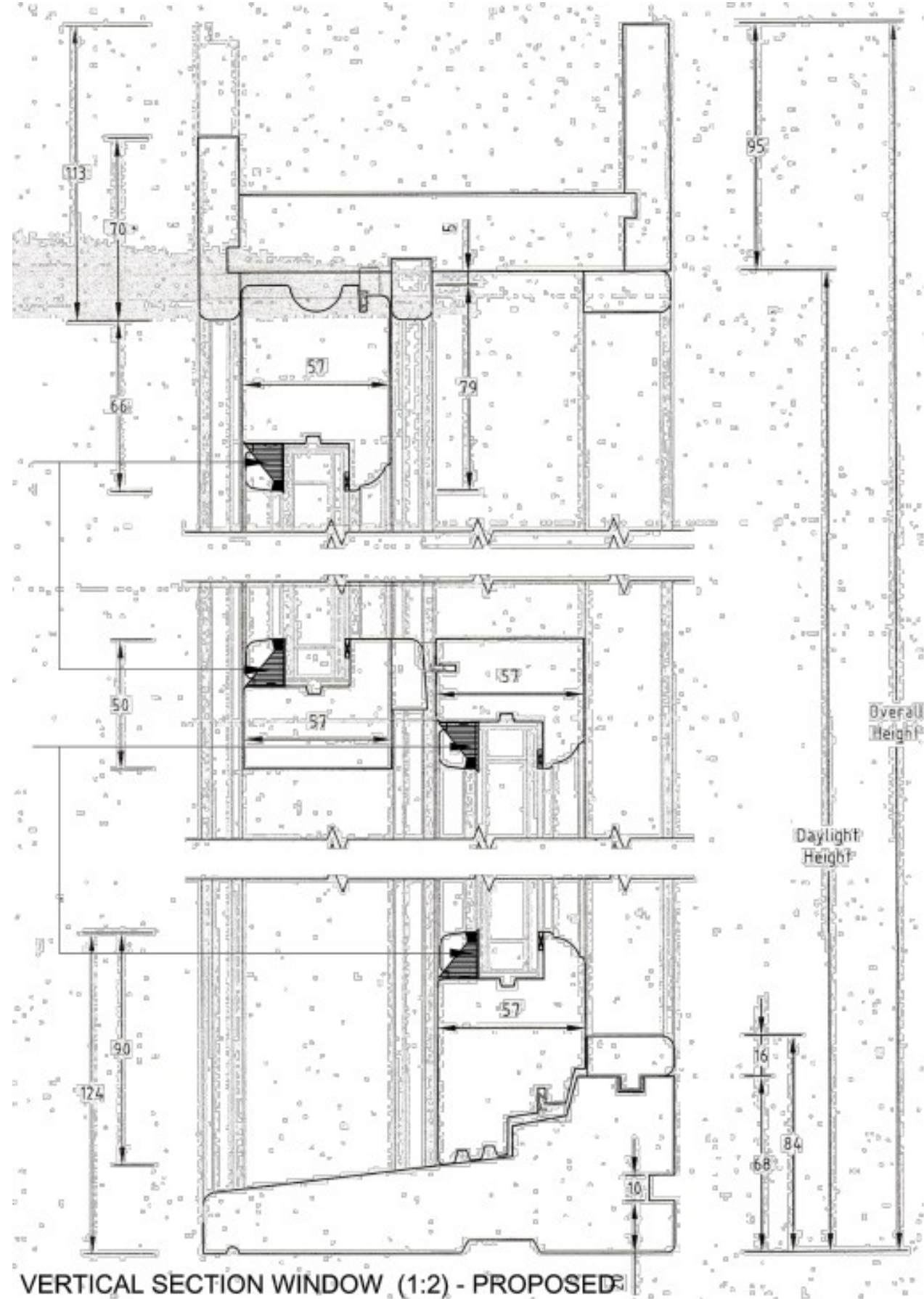
Proposed Elevations and Plans - garage



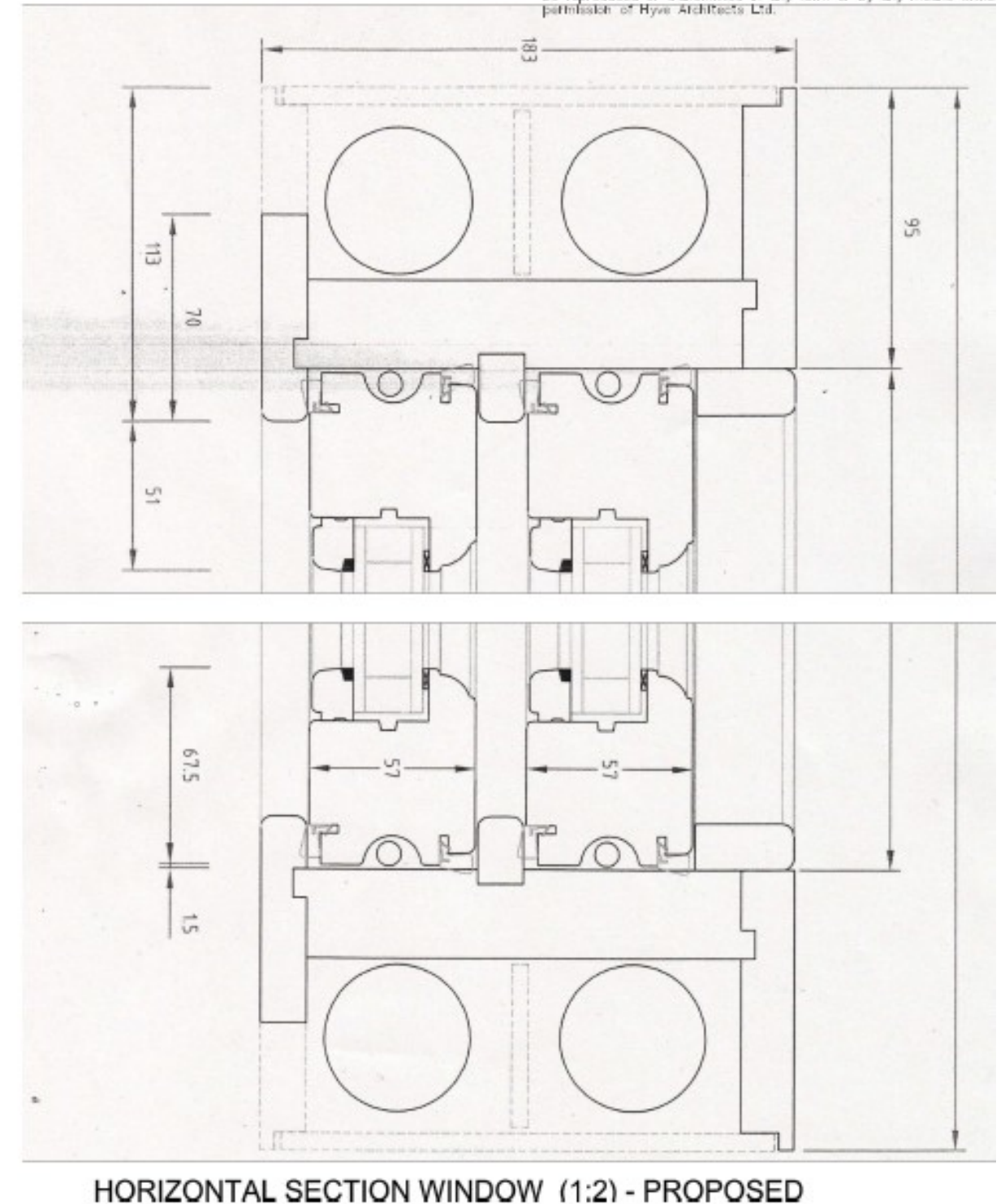
PROPOSED MATERIALS
Roof: natural slate
Walls: rough cast render, white
Windows/ Doors: timber, grey
Rainwater goods: upvc, black



Proposed Window Sections



- notes
1. The contractor is responsible for checking dimensions, tolerances. Verify any discrepancies with the Architect before proceeding with work.
 2. Where an item is covered by drawings to different scales the largest is to be worked to.
 3. Do not scale drawing. Figured dimensions to be worked to in all.
 4. This document must not be used for any other purpose other than for which it was prepared. Hyve Architects Ltd shall not be liable for consequences of any use of any information or designs prepared for purposes for which they were provided.
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Reasons for Refusal

- Stated in full in Report of Handling in Agenda. Key points:
- Enlarged bay windows and openings in annexe do not relate to existing building or context
- The features mentioned above are highly visible modern interventions
- The features do not preserve the Conservation Area

Applicant's Case

- Proposal would return property to residential use supported by Policy H1
- New openings are to rear in line with Replacement Windows SG and Technical Advice Note on Materials, therefore complies with Policy D1
- No impact features of historic interest, in relation to the Conservation Area designation, with works not visible from public viewpoints in CA
- Appropriate re-use of a granite building and would result in more granite being exposed, in compliance with Policy D5
- Design informed by clear understanding of significance and complies with Historic Environment Policy for Scotland (HEPS)

Applicant's Case, continued

- Efficient reuse of site for residential use, rather than greenfield site and is of good quality design, being therefore, sustainable development
- Consistent with other proposals in the CA, included a decision at 427 Great Western Road (170934/DPP)

Policies – LDP 2017

Policy H1: Relates to new residential developments (excerpt)

Policy H1 - Residential Areas

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new development and householder development will be approved in principle if it:

- 1 does not constitute over development;
- 2 does not have an unacceptable impact on the character and amenity of the surrounding area;
- 3 does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and
- 4 complies with Supplementary Guidance.

Policies – LDP 2017

Policy D4: Historic Environment (excerpt)

Policy D4 - Historic Environment

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

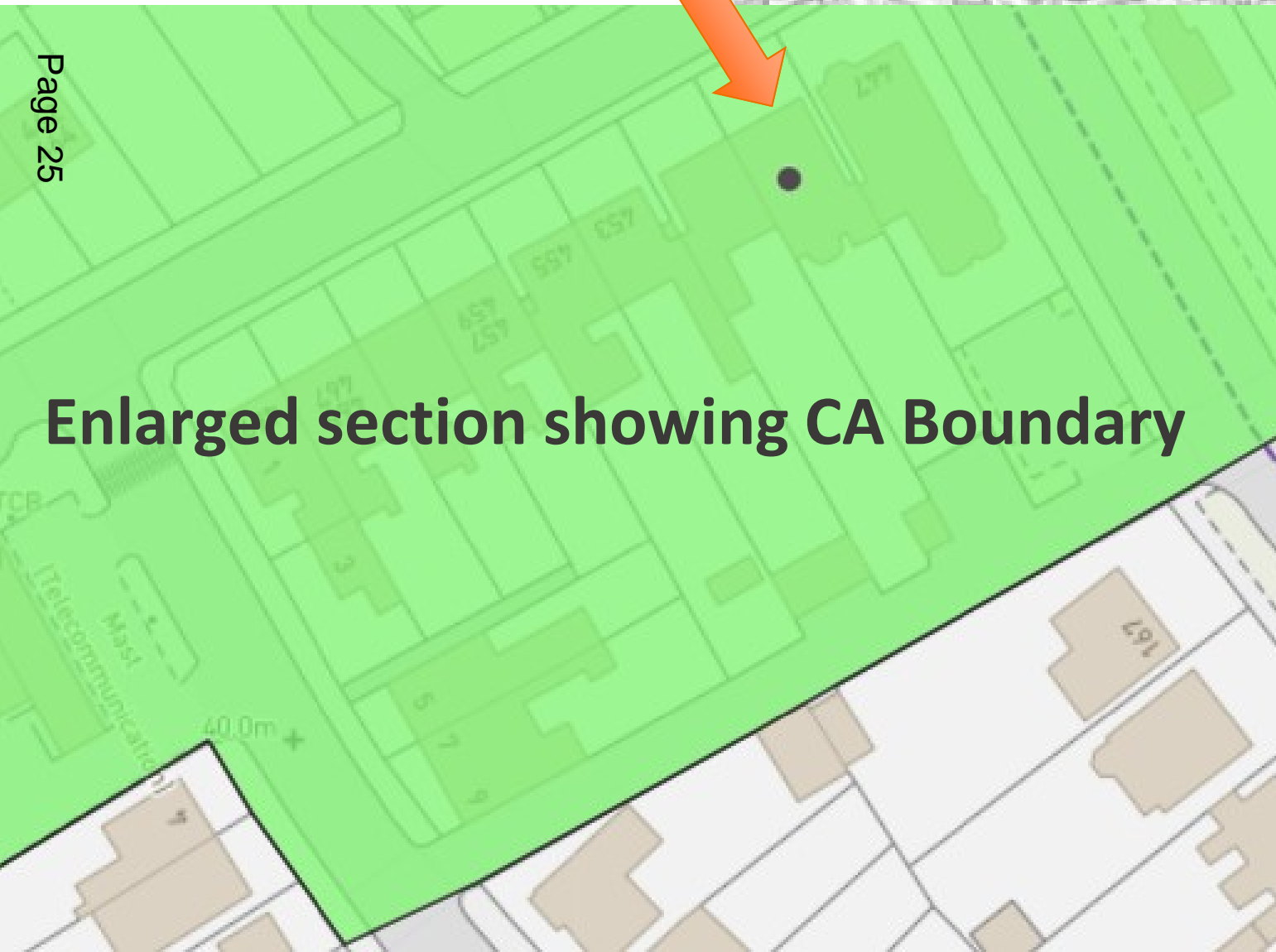
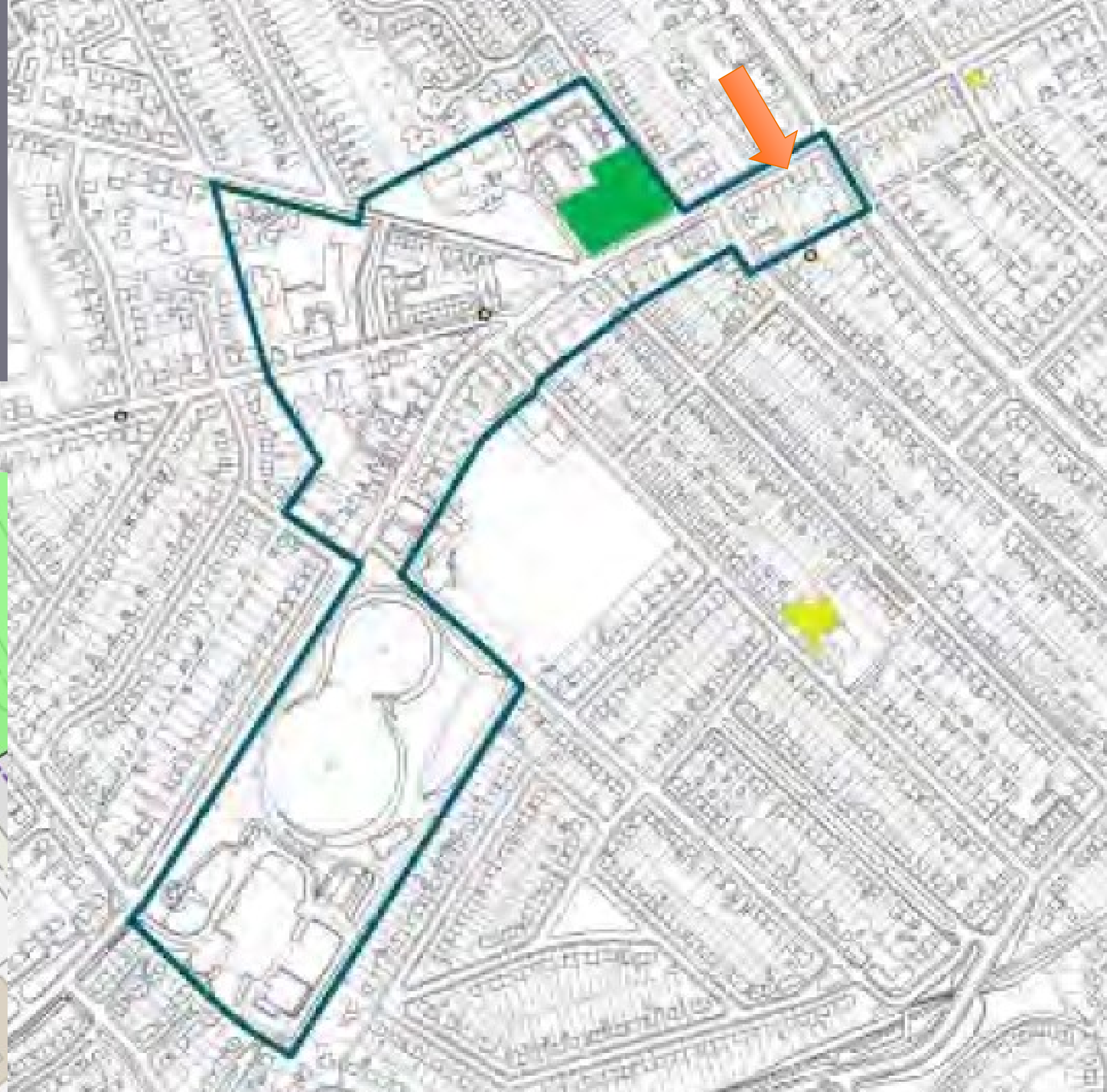


Aberdeen City Conservation Area Character Appraisals and Management Plan

Great Western Road

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

July 2013



Enlarged section showing CA Boundary

Policies – LDP 2017

- D1: Quality Placemaking by Design
- D4: Historic Environment
- D5: Our Granite Heritage
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T5: Noise
- R6: Waste Management Requirements for New Development

Evaluation

- **Primacy of Development Plan**
- **The Planning Act requires all applications to be determined in accordance with Development Plan unless material considerations indicate otherwise**
- **Careful assessment, each application treated on its merits**

Basis for Decision

Zoning: Do members consider that the proposed development would comply with Policy D4 on Historic Environment and national guidance, all on Conservation Areas?

How would it affect the character and amenity of the area as set out in policy H1?

Other considerations, including: Access, parking, refuse collection, replacement windows and materials.

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



Thank you
Questions ?

Lucy Greene (Planning Advisor): lgreene@aberdeencity.gov.uk

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 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	449 Great Western Road, Aberdeen, AB10 6NL
Application Description:	Change of use from class 10 (non-residential institutions) to class 9 (houses), removal of single storey rear extension, installation of new windows and bi-fold doors, replacement windows, formation of replacement steps with wall and balustrade and erection of domestic double garage and driveway to rear
Application Ref:	211117/DPP
Application Type:	Detailed Planning Permission
Application Date:	17 August 2021
Applicant:	Ms Susan McIntosh
Ward:	Airyhall/Broomhill/Garthdee
Community Council:	Braeside and Mannofield
Case Officer:	Jemma Tasker

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site relates to a traditional, two storey, semi-detached property, most recently used as a pre-school nursery, located on the southern side of Great Western Road, close to its junction with Anderson Drive (A92). The building has a north facing principal elevation fronting Great Western Road; it adjoins 451 Great Western Road to the west; 447 Great Western Road, divided into flatted properties, is located to the east; and a rear service lane is located to the south. To the rear of the property along the eastern mutual boundary, there is a single storey annex with a projection of 6m, between it and the western boundary sits a modern conservatory which has a projection of 4.5m. Ground floor level of the property sits approximately 2m higher than garden ground level. The rear garden is bound by a 1.8-3.2m high granite boundary wall on eastern and western boundaries, and by a 1.8m high timber fence on the southern boundary. At the far end of the site, there is a 100sqm area of hardstanding currently used for car parking. The site is located within the Great Western Road Conservation Area.

Relevant Planning History

The property has several previous planning permissions, including:

- Planning permission (ref. 900714), granted by the Planning Committee on 5th July 1990, for a change of use of the ground and first floors of the property for use as a pre-school nursery for a time limited period.
- Planning permission (ref. 902052), granted by the Planning Committee on 6th December 1990, to remove the condition regarding the temporary period of approval.

- Planning permission (ref. 931883), granted on 14th January 1994, for a variation with regards to the number of children who may attend the nursery at any one time.
- Planning permission (ref. 911682), granted on 14th November 1991, for the erection of a conservatory to the rear of the property.
- Planning permission (ref. 171449/DPP), granted on 4th January 2018, for a change of use from Class 10 (Non-Residential Institutions - Nursery) to Class 9 (Houses), although it does not appear that this permission was implemented.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for a change of use from Class 10 (non-residential institutions) to Class 9 (houses); the removal of a single storey rear extension; the installation of new windows and bi-fold doors; the replacement of windows; the formation of replacement steps with wall and balustrade; and the erection of a domestic double garage and driveway.

The existing conservatory would be removed and a terraced patio area would be created, infilling the area between the western mutual boundary and the single storey annex. On the southern boundary, the patio would be retained and enclosed by a 2m high wall and 1.1m high balustrade. 11 new steps would then lead down to the remaining garden ground.

It is proposed to install a projecting bay window on the lower rear elevation, which would be exposed once the conservatory is removed. It would measure 2.6m in width and 4.4m in height, including a thick aluminium frame on all sides, coloured grey.

To the existing single storey annex, it is proposed to extensively glaze the southern and western elevations through the installation of 4m wide bi-folding doors on the west elevation and a full height corner window which would wrap a total of 3m round the west and south elevations. Finishing materials include aluminium coloured grey. On its north elevation, the existing secondary entrance would be replaced with a 0.9m wide full height window, finished with aluminium coloured grey.

Thereafter, it is proposed to replace the remaining windows to the property – except one to the side (east) elevation – with timber framed, sash and case windows painted white.

Lastly, it is proposed to erect a detached garage, located 1.6m from the southern boundary of the site. It would measure approximately 6.1m x 6.1m and would have a pitched roof with an eaves height of 2.5m and a ridge height of 4.2m, incorporating a single rooflight on each roofslope. Two 2.3m wide garage doors would be located on the south elevation and a 1m wide single door and a 1.8m wide window would be located on the east elevation. Finishing materials include roughcast render, slate roof tiles and timber windows and doors. To the east of the driveway, a 11m long driveway would be created.

Notes have been added to the proposed drawings stating that the existing rooflights to the front and rear are to be repaired or replaced as necessary. This work may potentially require planning permission if there is a material change to their appearance. However, no further information has been provided and they will not be considered as part of this application.

Amendments

The application has been amended since original submission in that:

- All the existing windows to be replaced will be painted white rather than grey.

- The existing window at ground floor level on the rear elevation will be sash and case rather than a fixed window.
- The large bay window has been reduced in width by 0.2m and increased in height by 0.2m.
- The western wall of the conservatory is now proposed to be retained.
- The garage has been reduced in width by 0.7m; length by 2.5m; and height by 1.5m. It has been moved c.5.6m southwards, to line through with the neighbouring garage, and the window at first floor level on the south elevation has been removed.

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=QXAZGHBZMCE00>

Planning Statement by Hyve Architects (November 2021) – addresses concerns of the Planning Authority through explaining the amendments made to the proposal and providing examples of other approved planning applications. It should be noted that the revised drawings referred to within the Statement – dated 16th November 2021 – have since been superseded, with new amended drawings provided again – dated 31st January 2022.

CONSULTATIONS

ACC - Roads Development Management Team – No objection.

ACC - Waste and Recycling – No objection. Have provided details on the waste facilities required for one dwelling.

ACC - Environmental Health – No comments received.

Braeside and Mannofield Community Council – No comments received.

REPRESENTATIONS

One neutral representation has been received. The matter raised can be summarised as follows:

- It would be helpful if dimensions were shown on the garage plans and it was shown in context.

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.

Local Development Plan

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 D5 – Our Granite Heritage

Policy H1 – Residential Areas

Policy R6 – Waste Management Requirements for New Development

Policy T2 – Managing the Transport Impact of Development

Policy T3 – Sustainable and Active Travel

Supplementary Guidance (SG)

The Householder Development Guide (HDG)

The Repair and Replacement of Windows and Doors

Transport and Accessibility

Proposed Aberdeen Local Development Plan (2020)

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

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

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

Policy D1 – Quality Placemaking

Policy D2 – Amenity

Policy D6 – Historic Environment

Policy D7 – Our Granite Heritage

Policy D8 – Windows and Doors

Policy H1 – Residential Areas

Policy R5 – Waste Management Requirements for New Development

Policy T2 – Sustainable Transport

Policy T3 – Parking

Other Material Considerations

Great Western Road Conservation Area Character Appraisal and Management Plan (July, 2013)

Managing Change in the Historic Environment: Windows and Setting

EVALUATION

Principle of Development

The application site is located in a residential area under Policy H1 of the ALDP and the proposal relates to residential 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 result in the loss of any open space given that the proposal is located within the curtilage of the existing property.

Policy H1 sets out a presumption in favour of residential uses and the surrounding area is predominantly residential in nature, with a mixture of flats and dwellings, with a group of shops located further along Great Western Road to the west. The property has been run as a pre-school nursery for a number of years (permission granted in 1990) with accommodation for this use provided over two levels. The consented use would have had numerous people entering and exiting the building daily. It is therefore considered that conversion back to residential accommodation would be a less intensive use and would cause less impact on the residential properties in the surrounding area and thus, is acceptable in principle, subject to the remaining issues, outlined below, being acceptable.

The Change of Use to a Dwellinghouse

The dwelling would be afforded a suitable level of residential amenity in terms of the level of sunlight, background daylight and privacy, its sufficient usable rear garden ground, and its proximity to amenities to the west on Great Western Road. As such, the change of use would have negligible impact on the level of amenity afforded to the neighbouring residential properties.

As per the Transport and Accessibility SG, the proposal would require 3 off-street car parking spaces, provided via a detached double garage and associated driveway. Therefore, it is considered that the proposed shall provide sufficient parking and not be detrimental to the area, in compliance with Policy T2 of the ALDP.

Additionally, the site is within close proximity to Aberdeen City Centre and is therefore, accessible by other sustainable modes of transport such as walking, cycling and nearby public transport routes. The proposal is therefore considered compliant with Policy T3 of the ALDP.

Policy R6 (Waste Management Requirements for New Development) requires new development to have sufficient space for the storage of general waste, recyclable materials and compostable

wastes where appropriate. The proposed site layout does not show a dedicated area for refuse bins; however, the site is of a sufficient size to allow for the storage of such facilities. Additionally, the Council's Waste and Recycling Team has no objection to the proposal but has provided details of the required waste facilities and this information will be relayed to the applicant by an advisory should consent be granted. The proposal is therefore considered compliant with Policy R6 of the ALDP.

Design and Scale

To determine the effect of the proposal, specifically the alterations proposed, on the character of the area it is necessary to assess it in the context of Policy D1 of the ALDP. While this policy recognises that not all development will be of a scale that makes a significant placemaking impact, it recognises that good design and detail adds to the attractiveness of the built environment.

Replacement Windows

The principle of replacing the existing windows in the property is acceptable, given that they are not original/historic, subject to ensuring that the new windows would be compliant with all relevant Supplementary Guidance and that they would adequately preserve the character and appearance of the surrounding conservation area.

The Supplementary Guidance encourages the reinstatement of original types and arrangements of windows when replacing non-historic windows to a public elevation of unlisted properties within conservation areas. The windows proposed would be constructed of suitable materials as they would be timber framed and would have a sympathetic sash and case opening method. The submitted drawings and window details demonstrate compliance with both Managing Change Guidance and the relevant Supplementary Guidance in respect of materials, thickness of frames, proportions and arrangements and no visible trickle vents are proposed. The windows would be painted white which would match the existing windows on the building and those in the surrounding area, which would ensure uniformity. Overall, given the existing windows are uPVC framed, the proposed replacements represent an improvement on the existing situation, enhancing the character and appearance of the Great Western Road Conservation Area.

Garage and Driveway

With a footprint of c.37sqm, the proposal would remain subservient in terms of footprint to the main building and in excess of 50% of usable rear garden space would remain undeveloped. The scale of the proposal would therefore not constitute overdevelopment and would be acceptable within the context of the plot size. Additionally, a second storey is accommodated entirely within the pitched roofspace and, following amendments, this now retains the impression of being single storey in height. The garage would not contain an external staircase or feature any dormers.

In terms of design and location, the proposal would sit well within the site. Although occupying a visible location, this is within a service lane with other garages in the immediate area, having negligible impact on the overall streetscape of the rear lane. While the garage would be larger than the surrounding garages, it is still clearly identifiable as an ancillary building. It would be located a minimum 22m from South Anderson Drive; therefore, although it would be visible, due to its scale, design and location amongst other garages, it is not considered to have a significant adverse impact on this streetscape. Likewise, the same applies to the proposed driveway that would run to the east of the garage. Given the existing surrounding situation whereby the neighbouring building (447 Great Western Road) features a large parking area and given there is an existing 100sqm area of hard standing existing at the application property, it is not considered the proposed driveway would have any additional adverse impact on the character of the area. The proposed garage and driveway are therefore acceptable in relation to the existing dwellinghouse and within the context of the surrounding area.

Lastly, the proposed garage meets the minimum internal dimensions required; therefore, Roads Development Management have no concerns and the proposal complies with the Supplementary Guidance: 'Transport and Accessibility'.

Other Alterations

The proposal involves the removal of the existing, modern conservatory and, in its place, the installation of a 2.6m x 4.4m fixed, aluminium, bay window. Additionally, the south and west elevations of the single storey annex would largely be given over to glazing. Lastly, to the north elevation of the annex, it is proposed to install a full height window where there is currently a door. The SG sets out that proposals to alter existing window openings or install new window openings on principal elevations will not usually be considered acceptable as this can create an unbalanced composition, and that new openings must be carefully located to avoid disruption to the characteristics of the surrounding external and internal context. The alteration to the front of the property would result in negligible change to the size of the opening and it is acknowledged that this is set some 10.8m behind the principal elevation of the building. Therefore, it is considered that this change, in principle, would have negligible impact on the building itself or the surrounding area. However, it is considered the new openings to the rear of the property – both the bay window and the alterations to the annex – would cause undue harm to the character of the property itself and that of the wider conservation area, in that they would create excessive, modern interventions to a traditional property, on an elevation which is highly visible from South Anderson Drive – a busy road bypassing the city centre. The new rear openings provide little correspondence to the existing, traditional window openings featured on the rear elevation of the dwelling and that of surrounding properties. This is due to their dimensions and proportions, specifically the bay window which extends directly from ground floor level to above first floor level, to within 0.2m of the first floor windows, creating a visually dominant, modern feature on this elevation. Thus, it is considered that the proposed rear alterations would disrupt the notable characteristics of the application property and surrounding area and would completely overwhelm the elevation to which they relate, to the detriment of the building and the character of the conservation area.

It is recognised that it may be acceptable to have a different material and/or method of opening on secondary elevations in conservation areas; however, it is considered that due to the scale of the openings, the grey aluminium would exacerbate the situation and further emphasise the significance of the openings, to the detriment of the application property and the surrounding area.

Impact on the Historic Environment

Policy D4 (Historic Environment) of the ALDP states that the Council should protect, preserve and enhance the historic environment in line with Scottish Planning Policy (SPP) and other national and local guidance. As discussed above, the alterations to the rear of the property would result in dominant, excessive, modern interventions, in a prominent location. They would fail to be in keeping with the openings on the existing property or those on surrounding properties. In attempt to resolve this concern, the Planning Service sought the original bay window – the remnants of which can be seen behind the existing conservatory – be reinstated. This would relate better to the historic character of the building and also match those in the immediate surrounding area, notably at 451 & 453 Great Western Road. The agent confirmed that the bay window has been largely dismantled, with sections previously repaired in low quality joinery. However, it is not clear as to whether this could be repaired using appropriate materials and joinery, or if the window is beyond practical/economic repair, that a new replacement bay window can be installed. Furthermore, to reduce the removal of historic fabric, a reduction in the volume of glazing to the rear of annex, and thus an increase in the volume of granite retained, was sought from the Planning Service. The agent agreed to this and updated drawings to this effect which were submitted on 16th November 2021, as mentioned within the Planning Statement. However, for no specific reason, the applicant reverted to the original submission on 31st January 2022 and it is this proposal that is being assessed today. Therefore, it is not considered that other, less detrimental options have been

explored, contrary to HEPS 4 which aims to minimise detrimental impact through fully exploring all alternative options. Furthermore, the alterations to the rear would result in excessive and dominant interventions, which fail to relate suitably to the property in this highly prominent location and thus, would result in a detrimental impact to the character and appearance of the Great Western Road Conservation Area, contrary to SPP, HEPS and Policy D4 of the ALDP.

Further to this, precedent can be a legitimate planning consideration, in particular where the potential for cumulative impacts could arise. There is a vast number of similar style properties along this stretch of Great Western Road and if neighbouring properties – along with other traditional properties in prominent locations of conservation areas – were to create similar, modern openings, this would further exacerbate this concern and would significantly alter the current character of the conservation area to its detriment.

Additionally, Policy D5 (Our Granite Heritage) advises that the Council seeks the retention and appropriate re-use, conversion and adaption of all granite features and that where the retention and re-use of a granite feature, in whole or part, is unviable then the visible re-use of as much of the original granite as is practically possible as a building material within the development site is required. The removal of sections of wall to accommodate the proposed new openings – particularly to the single storey annex – will result in a substantial loss of granite. A note within the proposed plans states that all granite dountakings are to be retained and reused; however, no further information is provided on how this will be achieved. Nevertheless, the primary aim of Policy D5 is to retain granite features. The proposal would result in excessive portions of historic fabric from the single storey annex being removed and thus, would considerably alter the character of the building, giving way for a disproportionate modern intervention. Therefore, the proposal is contrary to Policy D5 of the ALDP.

Impact on Residential Amenity

No development should result in a situation where amenity is “borrowed” from an adjacent property, or there is an impingement on the amenity enjoyed by others.

Firstly, in terms of the replacement windows, given the nature of this work, there would be no undue impact on neighbouring properties in terms of daylight receipt, overshadowing or privacy.

In relation to the proposed garage, given it would be located adjacent a neighbouring garage and that it would contain no windows – only rooflights – it is considered there would be no significant additional impact on neighbouring properties in terms of daylight receipt, overshadowing or privacy.

Lastly, in terms of the alterations to the rear elevation, it is acknowledged that the removal of the existing conservatory would improve neighbouring amenity to a certain degree – albeit it is noted that the western wall of the conservatory would remain in situ. Nevertheless, there would be no additional impact on the adjoining neighbouring property in terms of internal daylight receipt or overshadowing as a result of the alterations. In terms of privacy, the retention of the western conservatory wall would help ensure there would be no significant overlooking concerns as a result of the additional glazing or raised terrace area.

Overall, there would be no significant adverse impact on neighbouring amenity in terms of daylight receipt, overshadowing or privacy.

Matters Raised in Representation

- *It would be helpful if dimensions were shown on the garage plans and it was shown in context.*

The drawing has provided a scale bar and does not require to provide dimensions. The drawings provided are enough to meet the validation standards.

Proposed Aberdeen Local Development Plan 2020

In relation to this particular application, the Policies D1, D2, D6, D7, D8 and H1 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.

Conclusion

Although it is acknowledged that aspects of the proposal are acceptable, including the change of use, window replacements and detached garage, other aspects of the proposal fail to suitably preserve or enhance the character and appearance of the conservation area. Although the proposal would remove a low quality, unsympathetic conservatory, this does not allow for its replacement with another element which is unsympathetic to the historic character of the building and surrounding area. As discussed, the proposed interventions to the rear of the property fail to even marginally reflect the existing traditional character of the building, which is highly visible from within the conservation area. Although it is accepted that sometimes a modern, contrasting design can sit well with a traditional building, this must be within the correct context. In this instance, although the proposed alterations relate to a secondary elevation, this is a highly prominent elevation, visible from many public viewpoints within the conservation area – atypical of many rear elevations.

Within the Planning Statement submitted as part of the application, examples have been provided which are deemed to show similar projects where a modern contrast has been applied to a traditional building. Many of the examples provided are from across the City, with varying contexts and house types; therefore, it provides little correlation to the application site. As per the Report of Handling for each example application provided, the rear elevation of Garth Bank, 301 North Deeside Road is partially visible from a public viewpoint; the rear elevation of 10 The Chanonry is limitedly visible from a public viewpoint; the rear elevation of 29 Salisbury Terrace is not visible from a public viewpoint; and rear elevation of 3 Gladstone Place is somewhat visible from the rear service lane. In light of this, it is clear that the examples provided do not consider a rear elevation that is as publicly visible as the application site. Nevertheless, as noted above, the grey aluminium window and door frames are not considered acceptable due to excessive scale and prominence of the openings, which the grey aluminium appears to exacerbate and further emphasise the significance of. It is considered that grey aluminium may be acceptable in certain situations; however, the context of each individual application site is required to be considered and in this instance it is not acceptable for the aforementioned reasons.

Overall, while there are aspects of the application which would result in an improvement to the existing building, such as replacing the existing uPVC windows with timber framed windows, the proposed alterations to the rear of the property would result in excessive and dominant interventions, which fail to relate suitably to the property in this location and thus, would result in a detrimental impact to the character and appearance of the Great Western Road Conservation Area. Therefore, the proposal is contrary to SPP, HEPS, Policies D1, D4, D5 and H1 of the Aberdeen Local Development Plan 2017, and the Supplementary Guidance: 'The Householder Development Guide' and 'The Repair and Replacement of Windows and Doors'. It is for this reason that the application is recommended for refusal.

RECOMMENDATION

Refuse.

REASON FOR RECOMMENDATION

The enlargement of the existing bay opening and installation of new openings on the annexe fail to relate to the existing building or wholly take account of the surrounding context, in that they would result in excessive, modern interventions which would dominate the rear elevation of this traditional property, which is highly visible from a public viewpoint. The proposal is therefore considered to be contrary to the requirements of Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the adopted Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'The Householder Development Guide'; and Policies D1, D2 and H1 of the Proposed Aberdeen Local Development Plan 2020.

The proposal would fail to preserve the character and appearance of the Great Western Road Conservation Area in line with the legislative requirements of Scottish Planning Policy and Historic Environment Policy Scotland and would therefore also fail to address the requirements of Policies D4 (Historic Environment) and D5 (Our Granite Heritage) of the adopted Aberdeen Local Development Plan 2017 and Policies D6, D7 and D8 of the Proposed Aberdeen Local Development Plan 2020.

Taking the above into account and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations of sufficient weight that would warrant approval of the application in this instance.



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 100451816-001

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

Type of Application

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

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

Description of Proposal

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

Change of use from Pre-School Nursery Business to Dwelling House and associated internal and external alterations.

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:	Hyve Architects Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Nikki	Building Name:	
Last Name: *	Ritchie	Building Number:	68-70
Telephone Number: *	01569 763579	Address 1 (Street): *	Allardice Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Stonehaven
Fax Number:		Country: *	United Kingdom
		Postcode: *	AB39 2AA
Email Address: *	nikki.ritchie@hyvearch.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Lacshalloch
First Name: *	Susan	Building Number:	
Last Name: *	McIntosh	Address 1 (Street): *	Whitecairns
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	AB23 8XA
Fax Number:			
Email Address: *	susanmac1234@hotmail.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

449 GREAT WESTERN ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB10 6NL

Please identify/describe the location of the site or sites

Northing

804649

Easting

392024

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

614.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Pre-school Nursery Business

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)

Existing provision for storage of bins on site will be retained

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

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: Nikki Ritchie

On behalf of: Ms Susan McIntosh

Date: 02/08/2021

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

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

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mrs Nikki Ritchie

Declaration Date: 02/08/2021

Payment Details

Online payment: ABSP00007100
Payment date: 03/08/2021 18:19:00

Created: 03/08/2021 18:19

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Nikki Ritchie
Hyve Architects Ltd
68-70 Allardice Street
Stonehaven
AB39 2AA

on behalf of **Ms Susan McIntosh**

With reference to your application validly received on 17 August 2021 for the following development:-

Change of use from class 10 (non-residential institutions) to class 9 (houses), removal of single storey rear extension, installation of new windows and bi-fold doors, replacement windows, formation of replacement steps with wall and balustrade and erection of domestic double garage and driveway to rear at 449 Great Western Road, Aberdeen

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

Drawing Number	Drawing Type
A1703-03-05	Location Plan
A1703-03-03 E	Multiple Floor Plans (Proposed)
A1703-03-04 E	Multiple Elevations (Proposed)
A1703-03-06 E	Site Layout (Proposed)
A1703-03-08 B	Garage Elevations and Floor Plans (Proposed)

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

The application has been amended since original submission in that:

- All the existing windows to be replaced will be painted white rather than grey.
- The existing window at ground floor level on the rear elevation will be sash and case rather than a fixed window.
- The large bay window has been reduced in width by 0.2m and increased in height by 0.2m.
- The western wall of the conservatory is now proposed to be retained.
- The garage has been reduced in width by 0.7m; length by 2.5m; and height by 1.5m. It has been moved c.5.6m southwards, to line through with the neighbouring garage, and the window at first floor level on the south elevation has been removed.

REASON FOR DECISION

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

The enlargement of the existing bay opening and installation of new openings on the annexe fail to relate to the existing building or wholly take account of the surrounding context, in that they would result in excessive, modern interventions which would dominate the rear elevation of this traditional property, which is highly visible from a public viewpoint. The proposal is therefore considered to be contrary to the requirements of Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the adopted Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'The Householder Development Guide'; and Policies D1, D2 and H1 of the Proposed Aberdeen Local Development Plan 2020.

The proposal would fail to preserve the character and appearance of the Great Western Road Conservation Area in line with the legislative requirements of Scottish Planning Policy and Historic Environment Policy Scotland and would therefore also fail to address the requirements of Policies D4 (Historic Environment) and D5 (Our Granite Heritage) of the adopted Aberdeen Local Development Plan 2017 and Policies D6, D7 and D8 of the Proposed Aberdeen Local Development Plan 2020.

Taking the above into account and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations of sufficient weight that would warrant approval of the application in this instance.

Date of Signing 9 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.

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Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Jemma Tasker	To: ACC - Waste And Recycling
E-mail: JTasker@aberdeencity.gov.uk	Date Sent: 18 August 2021
Tel.: 01224 522347	Respond by: 8 September 2021

Application Type: Detailed Planning Permission
Application Address: 449 Great Western Road Aberdeen AB10 6NL
Proposal Description: Change of use from class 10 (non-residential institutions) to class 9 (houses), removal of single storey rear extension, installation of new windows, door, boiler flue, replacement rooflights and windows, formation of replacement steps with wall and balustrade and erection of domestic double garage with storage above to rear
Application Reference: 211117/DPP
Consultation Reference: DC/ACC/QY1BZSBZ03E00

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

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

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

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

Response

Please select one of the following.

No observations/comments.	
Would make the following comments (please specify below).	
Would recommend the following conditions are included with any grant of consent.	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 211117: 449 Great Western Road

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 **house** 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 would be charged to the developer:

- **Each 240/ 180l container cost £35**
- **Delivery Charge £35 if under 10 bins**

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

General points

- **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/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>
- **Developers must contact Aberdeen City Council a minimum of two months 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 our considerations have been implemented.

Should you have any further queries or wish to discuss these comments further, please do not hesitate to contact me.

Responding Officer: L Todd

Date: 19/08/2021

Email: wasteplanning@aberdeencity.gov.uk

Ext:

Hi Jemma,

I am comfortable with the proposal.

Thanks,

Nathan.

From: Jemma Tasker <JTasker@aberdeencity.gov.uk>
Sent: 29 September 2021 08:29
To: Nathan Thangaraj <NThangaraj@aberdeencity.gov.uk>
Subject: FW: 211117/DPP - 449 Great Western Road

Hi Nathan,

You previously provided comments on the above application.

The agent has sent me the attached information regarding the driveway and I can confirm the external size of the garage is 6.8m x 8.5m and internally is 6.4m x 8.1m.

Can you please confirm if this is satisfactory.

Kind regards,

Jemma



Jemma Tasker | Planning Trainee
Aberdeen City Council | Development Management | Strategic Place
Planning | Place
Marischal College | Ground Floor North | Broad Street | Aberdeen |
AB10 1AB

From: Nikki Ritchie
Sent: 28 September 2021 16:25
To: Jemma Tasker <JTasker@aberdeencity.gov.uk>
Subject: RE: 211117/DPP - 449 Great Western Road

Jemma

As discussed, please find attached updated drawing A1703-03-06C which has notes added in line with the Roads Dept comments. I hope that is sufficient, let me know if you need anything else.

Nikki

Nikki Ritchie
Director

[Hyve Architects Ltd](#)

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Comments for Planning Application 211117/DPP

Application Summary

Application Number: 211117/DPP

Address: 449 Great Western Road Aberdeen AB10 6NL

Proposal: Change of use from class 10 (non-residential institutions) to class 9 (houses), removal of single storey rear extension, installation of new windows, door, boiler flue, replacement rooflights and windows, formation of replacement steps with wall and balustrade and erection of domestic double garage with storage above to rear

Case Officer: Jemma Tasker

Customer Details

Name: Mr Alistair Grant

Address: 167 South Anderson Drive Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: Would be helpful if dimensions were marked on the plans as a guide and the positioning of the garage relative to the property and the lane access should be shown.

The present plans deal with the garage as an isolated building not part of the whole.

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Application 211117/DPP – 449 Great Western Road

Aberdeen Local Development Plan (ALDP)

- H1 – Residential Areas
- D1 - Quality Placemaking by Design
- D4 - Historic Environment
- D5 – Our Granite Heritage
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- R6: Waste Management Requirements for New Development

https://www.aberdeencity.gov.uk/sites/default/files/LDP_WS_20170328.pdf

Supplementary Guidance

The Householder Development Guide (HDG)

The Repair and Replacement of Windows and Doors

Transport and Accessibility SG

[Supplementary guidance and technical advice | Aberdeen City Council](#)

Other Material Considerations

Scottish Planning Policy 2020

[Scottish Planning Policy - gov.scot \(www.gov.scot\)](http://www.gov.scot)

Historic Environment Scotland Policy Statement

[Historic Environment Policy for Scotland | Historic Environment Scotland](#)

Proposed Aberdeen Local Development Plan (2020)

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

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100552826-001

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="Ms"/>	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="Susan"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="McIntosh"/>	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="449 GREAT WESTERN ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB10 6NL"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="804649"/>	Easting	<input type="text" value="392024"/>
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Description of Proposal

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

Change of use from class 10 (non-residential institutions) to class 9 (houses), removal of single storey rear extension, installation of new windows and bi-fold doors, replacement windows, formation of replacement steps with wall and balustrade and erection of domestic double garage and driveway to rear

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please see separate statement of reasons.

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

Yes No

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

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

Please see Appendix One of the statement of reasons.

Application Details

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

211117/DPP

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

04/08/2021

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

09/02/2022

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

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: 11/04/2022

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**NOTICE OF REVIEW
UNDER
S.43a(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

in respect of

DECISION TO REFUSE PLANNING APPLICATION REFERENCE 211117/DPP

for

**CHANGE OF USE FROM CLASS 10 (NON-RESIDENTIAL INSTITUTIONS) TO CLASS 9 (HOUSES),
REMOVAL OF SINGLE STOREY REAR EXTENSION, INSTALLATION OF NEW WINDOWS AND
BI-FOLD DOORS, REPLACEMENT WINDOWS, FORMATION OF REPLACEMENT STEPS WITH
WALL AND BALUSTRADE AND ERECTION OF DOMESTIC DOUBLE GARAGE AND DRIVEWAY
TO REAR**

at

**449 GREAT WESTERN ROAD
ABERDEEN
AB10 6NL**

STATEMENT OF REASONS



1 Introduction

1.1 Planning application reference 211117/DPP, seeking planning permission for the “change of use from class 10 (non-residential institutions) to class 9 (houses), removal of single storey rear extension, installation of new windows and bi-fold doors, replacement windows, formation of replacement steps with wall and balustrade and erection of domestic double garage and driveway to rear” at 449 Great Western Road, Aberdeen, was refused under delegated powers on 9 February 2022 [Document 12]. Our client now seeks a review of that decision for the reasons set out in this Statement, as read alongside the other documents submitted with this (a list of which is provided at Appendix One).

1.2 In summary, this Statement demonstrates that the proposed development complies with the relevant policies of the Aberdeen Local Development Plan 2017 (ALDP) [Document 14] and associated Supplementary Guidance (SG) [Documents 15, 16, and 17], and is also supported by relevant material considerations, in that it:

- will return the existing property to residential use, with this being supported in principle in terms of Policy H1 – Residential Areas;
- has been designed to demonstrate the six qualities of successful placemaking, with new openings contained to the rear of the property in line with the approach set out in SG: The Repair and Replacement of Windows and Doors [Document 15], and the proposed materials being consistent with the Council’s Technical Advice Note: Materials [Document 21], and therefore complies with Policy D1 – Quality Placemaking by Design and detailed criteria of Policy H1, together with the associated SG: Householder Development Guide [Document 16];
- would have no impact on an features of special architectural or historic interest for which the Great Western Road Conservation Area has been designated as set out in the Conservation Area Assessment and Management Plan (CAAMP) for this [Document 22], with proposed works to the rear of the property also not being visible from public viewpoints within the Conservation Area, and thus complies with Policy D4 – Historic Environment;
- constitutes the appropriate re-use of an existing granite building, as encouraged by Policy D5 – Our Granite Heritage, with this also delivering a net benefit in terms of revealing more original granite than can currently be seen at present, in addition to which all granite down-takings would be re-used on site, such that the application also complies with Policy D5 in these regards;



- also complies with all other relevant ALDP policies and associated SG, namely Policies T2, T3 and R6, along with SG: Transport and Accessibility [Document 17];
- makes efficient use of the existing capacities of the application site by facilitating its return to residential use rather than a new house being built on greenfield land, while also demonstrating the six qualities of successful placemaking as set out above, such that this should be supported as development that contributes to sustainable development in accordance with Scottish Planning Policy 2014 (SPP) [Document 18];
- has been informed by a clear understanding of the cultural significance of any historic assets that might be affected, and introduces a positive change to the building to facilitate its return to residential use for the benefit of present and future generations, as advocated by Historic Environment Policy for Scotland (HEPS) [Document 19] and Our Place in Time: The Historic Environment Strategy for Scotland [Document 20]; and
- is consistent with development permitted elsewhere in the Conservation Area in recent years, under the same ALDP (and indeed, would have less of an impact than that), most notably planning application reference 170934/DPP, the Report of Handling for which [Document 23] sets out a number of considerations which lend support to this application being approved.

1.3 In relation to the above points, the Report of Handling for the application [Document 13] makes it clear that the proposed development delivers a number of benefits when assessed against the relevant ALDP policies (for details of which, see paragraph 4.5 below), with the only elements of this which gave rise to any concerns being proposed works to the rear elevation following removal of the existing conservatory extension (see section 6 below). As such, whilst this Statement covers all aspects of the proposed development, it focuses predominantly on the elements for which the application was refused, demonstrating how the application as a whole complies with the ALDP and is supported by relevant material considerations. In doing this, it should in particular be noted that the Report of Handling highlights that:

- the principle of the proposed change of use from nursery to residential has been established by the previous approval of planning application reference 171449/DPP in January 2018 (which remains live and capable of implementation);
- the existing conservatory on the site is of a low-quality and unsympathetic to the character of the building and the surrounding area; and



- modern, contrasting designs can sit well with a traditional building.

1.4 It should also be noted that:

- the Notice of Review requires to be determined on the basis of the merits of the application as submitted, assessed against the baseline position of what is on the site at present, in terms of which the historic fabric of the rear elevation of the property is almost entirely obscured by the existing conservatory at first floor level, with any original window openings having been subsumed into this; and
- there were no objections to the application from any neighbours or from the Community Council.

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

2 Application site context

2.1 As highlighted in the Report of Handling, 449 Great Western Road is located in a residential area, although its most recent use was as a pre-school nursery (for which planning permission was granted in the 1990s), and this has informed the current arrangement of the property as shown on the existing site plans. However, the nursery vacated the property in May 2016, and the existing arrangements are not suitable for residential use.

2.2 In terms of its footprint, the property has a single storey annexe to the rear (extending some 6m along the eastern boundary of the site and adjoining the neighbouring property beyond this), in addition to which a conservatory, dating from the early 1990s, has been constructed in the space between the annexe and the western boundary of the site. As acknowledged in the Report of Handling and highlighted above however, the conservatory extension is of a low quality, and unsympathetic to the surrounding built environment. At the same time, the original rear elevation of the property is almost entirely obscured at ground floor level as a result of this.

2.3 Likewise, in terms of the surrounding site context, the property to the east (447 Great Western Road) has also been altered significantly, with a substantial 3-storey extension which, together with single storey infill development, means that none of the ground floor level of the original rear elevation of that property is visible, with much of the upper floors also obscured. This extension also extends further to the south than the existing annexe at 449 Great Western Road does.



- 2.4 Photos of the existing annexe and conservatory at 449 Great Western Road and the existing extension at 447 Great Western Road are provided at Appendix Two, illustrating the above points.
- 2.5 It is also important to note that, while the site is located in the Great Western Road Conservation Area, the property is not listed. As such, although the existing floor plans [Document 3] show the former external walls and fenestration (including a bay window on the main rear elevation) having been retained inside the existing conservatory extension, planning permission is not required for the removal of these while the conservatory is in situ, as this would affect only the interior of the building and so would not constitute development as defined in s26 of the Town and Country Planning (Scotland) Act 1997. Indeed, the bay window has already been largely dismantled, with sections of this previously having been replaced with low quality joinery.
- 2.6 Lastly in terms of the site context, reference should be made to the **Great Western Road Conservation Area Character Appraisal and Management Plan (CAAMP)**, which identifies the special interest and changing needs of the area and, amongst other functions, is intended to assist development management decision making. However, while the CAAMP is listed as a material consideration in the Report of Handling, no consideration appears to have been given to this when assessing any potential impact that the proposed development might have on the Conservation Area, as is necessary for a decision to be properly informed. Of particular relevance with regards to this application, it should be noted that:
- within the Conservation Area, the application site is located within character area C, the southern boundary of which is marked by the unnamed lane to the south of this, although the lane itself is not identified as part of the Conservation Area in the CAAMP. At the same time, any viewpoints from which the southern elevation of 449 Great Western Road might be seen are also outwith the Conservation Area;
 - within character area C, the CAAMP describes the buildings as not being of the same level of status as those in character area A, with reference made to there being more prefabricated stone, tiles, dry dash and uPVC present within this area, and to some parts being poorly maintained; and
 - nowhere in the CAAMP is there any reference to 449 Great Western Road making any particular contribution to the character of the area, nor to features such as bay windows being particularly characteristic of this.



2.7 The above features of the application site context accordingly need to be taken into account when assessing the proposed development against the relevant ALDP policies and other material considerations, as set out in sections 4 and 5 below.

3 Proposed development

3.1 Taking into account the existing site context as set out above, the development proposed in terms of this application seeks to convert the building back to residential use in a way that delivers a high-quality living environment for future residents, and delivers a number of improvements to the building as a whole, as well as increasing the amount of external amenity space associated with this. On the rear elevation specifically, this includes the removal of the low quality and unsympathetic conservatory extension to reveal the original rear elevation of the building, the replacement of existing uPVC windows with timber sash and case windows, the creation of a new window in place of the former bay window, and the installation of new glazing and bi-fold doors on the existing annexe to create a sitting area with direct access to a new terrace garden, which will occupy the space currently covered by the conservatory.

3.2 In doing this, the proposed new windows and bi-fold doors have been designed to create an attractive contemporary intervention which takes its design cues from the rhythm, scale, proportions and materials of the original building, while avoiding pastiche replication. This includes the proposed new window on the main rear elevation having been designed to be of the same proportions as the former bay window, with high quality glazing and grey aluminium surrounds proposed to create a light, finely detailed contrast to the solidity of the existing granite building. At the same time the proposed new glazing and bi-fold doors on the annexe have been designed to tie in architecturally with this window, such that these are seen as a single architectural element, with the scale of this as whole (being all at ground floor level) being subordinate to the 2.5 storey building to which it relates.

3.3 As also noted on the plans, all granite downtakings are to be retained and re-used, including in the creation of the new terrace wall shown on the proposed elevations [Document 7].

3.4 Illustrating how the proposed interventions would complement the historic fabric of the original building, photos of other similar interventions which the applicant's architects have delivered on traditional granite properties elsewhere in Aberdeen are provided on pages 5 to 9 of the planning statement submitted in support of the application [Document 11], showing in particular how zinc and dark grey aluminium windows can present an attractive colour contrast to historic granite.



4 Policy context

- 4.1 In considering this Notice of Review, it must be remembered that the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, with the relevant Local Development Plan in this case being the Aberdeen Local Development Plan 2017 (ALDP). In doing this however, it should be noted that the physical works proposed in terms of this application, including those to the rear of the building, would constitute permitted development if the property were not located in the Conservation Area, and the primary consideration should therefore be whether the character or appearance of the Conservation Area would be affected by these works.
- 4.2 Related to this, Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities, when considering an application for development in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Notably, there is no requirement to preserve or enhance the character or appearance of the area, but only to pay special attention to the desirability of doing so, and this needs to be applied accordingly.
- 4.3 Lastly in this regard, it should be noted that the ALDP is currently under review, with the Proposed Local Development Plan 2020 (PLDP) having been submitted to Scottish Ministers for Examination in July 2021. As highlighted in the Report of Handling however, the relevant policies of the PLDP substantially reiterate those of the extant ALDP, and so these are not considered further here, with it submitted that the development complies with the PLDP for the same reasons that it complies with the relevant policies of the ALDP as set out below.

Aberdeen Local Development Plan (ALDP)

- 4.4 As set out in the Report of Handling, the relevant ALDP policies and associated Supplementary Guidance (SG) in this case are:
- Policy D1 – Quality Placemaking by Design
 - Policy D4 – Historic Environment
 - Policy D5 – Our Granite Heritage
 - Policy H1 – Residential Areas
 - Policy R6 – Waste Management Requirements for New Development
 - Policy T2 – Managing the Transport Impact of Development
 - Policy T3 – Sustainable and Active Travel



- SG: The Householder Development Guide (HDG)
- SG: The Repair and Replacement of Windows and Doors
- SG: Transport and Accessibility

4.5 As also set out above, the Report of Handling makes it clear that the proposed development delivers a number of benefits when assessed against these policies, further details on which are set out below. In doing this, the Report of Handling concludes that the proposed development complies with Policies T2, T3 and R6, along with SG: Transport and Accessibility, SG: The Repair and Replacement of Windows and Doors, and elements of Policy H1 in terms of the principle of the use, open space, and residential amenity. It is submitted that the same conclusion should be reached when determining this Notice of Review, for the same reasons as set out in the Report of Handling. In particular, drawing on what is stated in the Report of Handling:

- the principle of the proposed change of use has been established by the approval of planning application reference 171449/DPP, in terms of which planning permission was granted for the property's "*Change of Use from Class 10 (Non Residential Institutions - Nursery) to Class 9 (Houses)*" in January 2018, with this use considered to be less intensive than the property's former use as a pre-school nursery, having less of an impact on neighbouring properties in the surrounding residential area and therefore being acceptable in principle. It should also be noted that, as a result of emergency legislation introduced in response to the coronavirus pandemic, this consent could still be implemented at any time up until 31 March 2023;
- sufficient parking would be provided, in addition to which the site is easily accessible by sustainable modes of transport such as walking, cycling and nearby public transport routes, such that the application complies with Policies T2 and T3;
- the proposed garage and driveway are acceptable in relation to the existing dwellinghouse and within the context of the surrounding area, and comply with SG: Transport and Accessibility;
- the site is of a sufficient size to allow for suitable waste storage facilities to be provided, and the Council's Waste and Recycling Team has no objection to the proposal, with it therefore considered to comply with Policy R6 of the ALDP;
- the proposed replacement of existing windows represents an improvement on the existing situation which would enhance the character and appearance of the Great Western Road Conservation Area and comply both with Managing Change Guidance and with the relevant Supplementary Guidance in respect of materials,



thickness of frames, proportions and arrangements, with proposed alterations to the northern elevation of the annexe also having a negligible impact on the building or the surrounding area; and

- the proposed dwelling would be afforded a suitable level of residential amenity in terms of the level of sunlight, background daylight and privacy, usable rear garden ground, and proximity to amenities to the west on Great Western Road, in addition to which it would have a negligible impact on the level of amenity afforded to neighbouring residential properties, and would not result in the loss of any open space.

4.6 In addition, it is submitted that the proposed works to the rear elevation comply with relevant provisions of Policies H1 – Residential Areas, D1 – Quality Placemaking by Design, D4 – Historic Environment, D5 – Our Granite Heritage and H1 – Residential Areas, along with the HDG, for the reasons given in paragraphs 4.7 to 4.13 below, with the development as a whole complying the ALDP when read as a whole.

4.7 In terms of the design of the proposed interventions to the rear of the building, **Policy D1 – Quality Placemaking by Design** requires all development to ensure high standards of design and to have a strong and distinctive sense of place, with all proposals to be considered against the six qualities of successful placemaking set out in the Policy. Not all of the qualities are relevant to all applications but, where relevant to the works to the rear elevation of 449 Great Western Road, it can be seen that these would be:

- **Distinctive** – having been designed to create an attractive contemporary intervention which takes its design cues from the rhythm, scale, proportions and materials of the original building, and which has been informed by a clear understanding of the cultural significance of the Conservation Area within which this is located, including through –
 - revealing more of the historic fabric than is visible at present,
 - locating new openings on the rear elevation where they would not be visible from public viewpoints within the Conservation Area or affect any features of historic interest within this,
 - designing the new window on the rear elevation to be of the same proportions as the former bay window,



- re-using any granite-downtakings from the existing annexe in the creation of a new terrace wall, and
- having chosen materials to complement the historic fabric of the building with an attractive colour contrast and fine detailing that will sit lightly against the more solid appearance of the original granite;
- **Welcoming** – by creating an attractive rear elevation, including access to the property by way of a new terrace garden and large bi-fold doors;
- **Safe and pleasant** – with the Report of Handling confirming that neighbouring residential amenity would not be negatively affected, as highlighted above, while delivering significant improvements for future residents of the house by making it more suitable for modern family living and increasing internal daylight levels;
- **Adaptable** – in adapting the existing property to a more appropriate use in a way that will ensure the needs of future residents are met; and
- **Resource efficient** – again by facilitating the return of the property to residential use, with this being inherently more resource efficient than erecting a new house or allowing the property to remain vacant, in addition to which the generous levels of glazing will deliver improved solar gains, thus making the house as a whole more resource efficient.

4.8 In connection with the above, further design considerations are set out in the **HDG**, which establishes a number of general principles with which all development proposals are expected to comply. In this case, the key question is whether the proposed works to the rear elevation of the property would satisfy the requirement that:

“Proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale.”

4.9 Where new or altered window or door openings are proposed however, as is the case in terms of this application, the above needs to be read in conjunction with **SG: The Repair and Replacement of Windows and Doors**, which is intended to be used as a best practice guide for all windows and doors. Notably though, this only restricts the



creation of new window openings on listed buildings and on the public elevation of unlisted buildings in conservation areas, with the same going for new door openings. As such, the starting point in respect of the proposed works to the rear of 449 Great Western Road is that the relevant guidance does not seek to restrict works of this nature.

4.10 Taking this into account, it is submitted that the proposed works to the rear of 449 Great Western Road satisfy the relevant requirements of the HDG highlighted above in that:

- they are on the rear elevation of the property, where there are no specific restrictions as set out above, with these having no impact on the streetscape of Great Western Road, but complementing the historic fabric of the original building as also set out above, while the removal of the existing conservatory means that the proposed works will deliver a clear net benefit when assessed against the status quo, to which due weight requires to be given;
- the proposed materials are consistent with the advice set out in the Council's **Technical Advice Note: Materials**, details of which are set out in paragraphs 5.1 and 5.2 below; and
- by revealing more of the existing rear elevation, the works will reduce the extent to which interventions dominate the original form of the building, again delivering a net benefit in this regard, while the fact that the works would all be contained at ground floor level and not extend the footprint of the building (but would in fact reduce it) means that they will clearly be subservient in terms of height, mass and scale.

4.11 In terms of the property's location in the Great Western Road Conservation Area **Policy D4 – Historic Environment** states that the Council will protect, preserve, and enhance the historic environment, and that high quality design that respects the character, appearance and setting of the historic environment, and protects the special architectural or historic interest of its conservation areas, will be supported. In this regard, consideration has been given to the special interest of the Conservation Area as set out in paragraphs 2.6 above and, in the absence of any special features of this being affected, or indeed the proposed works being visible from public viewpoints within the Conservation Area, the application should be supported in terms of Policy D4. At the same time, Policy D4 needs to be read in the context of relevant national guidance on the historic environment, details of which are set out in paragraphs 5.6 to 5.8 below, with this providing further reasons for the application to be supported as an appropriate intervention in the historic environment.



- 4.12 Lastly in terms of the historic environment, **Policy D5 – Our Granite Heritage** states that the Council seeks the retention and appropriate re-use, conversion and adaption of all granite features, and the re-use of the existing granite property at 449 Great Western Road should be welcomed in line with the Council’s aspirations in this regard. Conversely, if the property remains empty as a result of the existing arrangements not being suitable for residential use (as is currently the case), this will inevitably have a negative impact on the contribution this makes to the granite heritage of the city that Policy D5 seeks to preserve, and this also needs to be taken into account accordingly.
- 4.13 In addition, while it is noted that granite would be removed from the existing annexe to allow for the installation of new glazing and bi-fold doors, it should be noted that:
- the western elevation of the annexe is currently subsumed into the existing conservatory, such that it is not visible and granite from this could be removed without the need for planning permission, such that Policy D5 is not relevant to this;
 - recent precedent (details of which are set out in paragraphs 5.9 below) confirms that the focus of Policy D5 is on the use of granite on principal public facing elevations, with no granite on any such elevations to be affected in this instance; and
 - the above notwithstanding, downtakings are to be re-used on site as set out above.

5 **Material considerations**

Technical Advice Note: Materials

- 5.1 As well as statutory SG, the Council has published a number of Technical Advice Notes (TANs), which require to be taken into account as material considerations in the planning process, but to which no reference is made in the Report of Handling. These include **Technical Advice Note: Materials** (March 2020), which encourages and challenges designers, developers and homeowners to consider and select external materials that are visually appropriate, sustainable, long lasting, have low-maintenance requirements and that respond to climate change, with the key question in determining whether any proposed materials are acceptable in all cases being whether those materials make a positive contribution to the immediate context of the proposed development and reinforce Aberdeen’s ‘sense of place’. Of particular



relevance to this application, and the new glazing with grey coated aluminium surrounds proposed in terms of this, the TAN highlights that:

- **glass** often sits well alongside a more solid material as a complementary contrast, with it highlighted that a number of high-profile buildings, such as Aberdeen University's Sir Duncan Rice Library, The Capitol and Silver Fin office developments on Union Street and Talisman House on Holburn Street, have all incorporated significant elements of glass as an external wall material in recent years; and
- **metal** can often be utilised to provide a clear, honest distinction and contrast between old and new, with examples given of this including the Category A listed Aberdeen Art Gallery building which has recently been refurbished and now includes a contemporary copper roof extension which is considered to sympathetically reflect the colour of the pink Corrennie granite façade detailing below.

5.2 Taking this into account, the introduction of additional glazing and new grey coated aluminium window surrounds as shown on the proposed elevations should be supported in that these would complement the solid granite of the original building, presenting an honest contrast between the historic fabric of this and the new interventions, in keeping with the examples of this cited above and thus being consistent with the advice set out in the TAN in these regards.

Scottish Planning Policy (2014) (SPP)

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

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

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



- 5.5 As the proposed works to the rear of 449 Great Western Road demonstrate the six qualities of successful placemaking as set out above, with this also making efficient use of the existing capacities of land by facilitating the application site's return to residential use rather than having a new house built on a greenfield site, it should be supported as development that contributes to sustainable development in accordance with SPP.

Historic Environment Policy for Scotland (HEPS)

- 5.6 The introduction to HEPS highlights that this should be taken into account whenever a decision will affect the historic environment, with the document setting out a series of principles and policies for the recognition, care and sustainable management of the historic environment. In doing this, HEPS also expressly recognises that change can be necessary for places to thrive, and that the historic environment has to be managed in a sustainable way so that it can benefit present and future generations. As a result, HEPS highlights the importance of decision makers having a clear understanding of the reasons for which changes are proposed, as well as the cultural significance of the historic assets that will be affected and the likely impact of any changes, with it highlighted that decisions need to be proportionate to the site's cultural significance. Taking this into account, along with (i) the provisions of the CAAMP, as set out above (in terms of which it is highlighted that no features of historic interest for which the Conservation Area has been designated would be affected by the proposed works), (ii) the fact that the proposed works to the rear of the building would not be visible from public viewpoints within the Conservation Area, and (iii) that these works will facilitate the property's return to residential use, thus preventing it from remaining empty any longer, with the negative impact on the character and appearance of the Conservation Area that this would have, it is submitted that HEPS lends significant support to the application being approved.

Our Place in Time: The Historic Environment Strategy for Scotland

- 5.7 The executive summary of Our Place in Time makes it clear that the key outcome of the Strategy is to ensure that the cultural, social, environmental and economic value of Scotland's heritage makes a strong contribution to the wellbeing of the nation and its people. It is not to maintain Scotland's heritage for that heritage's own sake per se.
- 5.8 Taking this into account, it is necessary to give due weight to the benefits that the proposed development would deliver in terms of facilitating the property's return to residential use and addressing issues with previous interventions that do not respect the historic environment, most notably uPVC windows and the existing conservatory, delivering a clear net benefit overall.



Precedent decisions

5.9 While every application requires to be determined on its own merits, precedent decisions indicate how the relevant policies should be interpreted and applied, with the expectation being that this should be done consistently in the assessment of all like applications. That being the case, regard should be had to the decision in respect of planning application reference 170934/DPP for a single storey extension and replacement patio doors at 427 Great Western Road, in terms of which planning permission was granted for the replacement of a traditional annexe similar to that to the rear of 449 Great Western Road with a new extension, with glazed openings on the north-east and south-east elevations. Notably, that application was determined under the same ALDP as this application requires to be determined under, and it is stated in the Report of Handling for that application that:

- there are a number of very large modern rear extensions to the neighbouring properties on Great Western Road, with the proposed replacement of the traditional annexe with a new extension considered to be appropriate in this context;
- while the north-west elevation of the extension proposed in that case (this being the elevation facing Great Western Road) was to be clad in re-used stone rubble from the existing annexe, the external finishing materials for other walls was not confirmed at the time the application was approved, including the south east elevation facing the lane, with there being no reference in the Report of Handling as to how the remaining granite downtakings from the existing annexe would be re-used. Rather, the Report of Handling indicates that all that was required to comply with Policy D5 – Our Granite Heritage of the ALDP was for downtakings to be re-used on the proposed extension’s public facing elevation; and
- likewise, details of the framing materials for the proposed replacement of patio doors on the rear elevation of the main building were not available at the time the application was determined, but the Report of Handling concluded that this was not necessary given their location on the rear elevation of the building, and that the existing doors were not themselves original.

5.10 Applying the same principles to this application, the proposed works to the rear elevation should likewise be considered appropriate in the context of existing interventions to the rear of properties along Great Western Road, particularly as the existing annexe here would be retained rather than replaced entirely, and granite downtakings would be re-used, neither of which is the case in terms of the development approved pursuant to planning application reference 170934/DPP. At



the same time, when considering the proposed new window on the main rear elevation, due weight needs to be given to the fact that this is on a non-public facing elevation, and that the former bay window is not in its original state (and indeed, as an internal feature within the existing conservatory, could be removed entirely without requiring planning permission), and a proportionate approach taken to the assessment of this taken accordingly in line with the approach taken in respect of planning application reference 170934/DPP.

6 Reasons for refusal

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

“The enlargement of the existing bay opening and installation of new openings on the annexe fail to relate to the existing building or wholly take account of the surrounding context, in that they would result in excessive, modern interventions which would dominate the rear elevation of this traditional property, which is highly visible from a public viewpoint. The proposal is therefore considered to be contrary to the requirements of Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the adopted Aberdeen Local Development Plan 2017; the Supplementary Guidance: ‘The Householder Development Guide’; and Policies D1, D2 and H1 of the Proposed Aberdeen Local Development Plan 2020.”

6.2 While this raises concerns about the impact on the building and a public viewpoint (with the key viewpoint with regards to which the Report of Handling expresses concerns being from South Anderson Drive), this ignores the fact that the building is not listed, such that the primary consideration should be whether the proposed development would impact the Conservation Area and, with the southern boundary of the Conservation Area being contiguous with the southern boundary of the application site, the rear of the property is not visible from public viewpoints within this. This notwithstanding, it should be noted from the description and assessment of the proposed development set out in the foregoing sections of this statement that:

- the proposed development would not in fact enlarge the existing bay opening, but has been designed to be of the same proportions as this;
- the proposed new window on the rear elevation of the main building would be less visible from South Anderson Drive than the existing conservatory is, while proposed glazing on the southern elevation of the annexe would not look significant from here, and proposed glazing on the western elevation of the annexe would not be visible from South Anderson Drive at all;



- as the existing bay opening and the western elevation of the annexe are in any event currently subsumed into the conservatory along with the rest of the main rear elevation of the building, more of the original fabric of the building will be visible if the development goes ahead than is the case at present, and the development cannot therefore be described as dominating this elevation. Rather, given that the bay opening can be removed without requiring planning permission, the net benefit that the proposed development would deliver in terms of allowing the original rear elevation to be seen and appreciated should be welcomed and supported, with the proposed works having been designed to complement this as also set out above;
- in refusing the application on the basis that it does not comply with Policy D1, no reference is made to the six qualities of successful placemaking which form the backbone of this Policy, and which all planning applications should be assessed against. And, when the proposed works to the rear elevation of the property are assessed against these qualities (as is done above), it is clear that these do comply with Policy D1, and should be supported accordingly; and
- this reason for refusal also ignores the terms of –
 - the Council’s SG: The Repair and Replacement of Windows and Doors, which specifically sets out the Council’s expectations with regards to proposals for new windows and doors, as well as works to existing ones, and which makes it clear that new openings on the rear elevation of unlisted buildings outwith conservations areas should not generally be restricted, and
 - the Council’s Technical Advice Note: Materials, which supports the introduction of new glazing and metal details on historic buildings as proposed in terms of this application.

6.3 Further, when Policy H1 and the HDG are read in conjunction with the above documents, it is clear that the proposed works do comply with all relevant provisions of both of these.

“The proposal would fail to preserve the character and appearance of the Great Western Road Conservation Area in line with the legislative requirements of Scottish Planning Policy and Historic Environment Policy Scotland and would therefore also fail to address the requirements of Policies D4 (Historic Environment) and D5 (Our Granite Heritage) of the adopted Aberdeen Local Development Plan 2017 and Policies D6, D7 and D8 of the Proposed Aberdeen Local Development Plan 2020.”



6.4 As highlighted above, HEPS emphasises the importance of decisions being informed by a clear understanding of the cultural significance of any historic assets that would be affected and the likely impact of any changes, with decisions to be proportionate to the site's cultural significance. This accordingly requires due consideration to be given to the CAAMP (the terms of which are not referred to in the Report of Handling), and due weight to be given to the facts that:

- no features of historic interest for which the Conservation Area has been designated, as set out in the CAAMP, would be affected by the proposed works;
- the proposed works to the rear of the building would not be visible from public viewpoints within the Conservation Area, with the lane to the south of this not included in the list of the Conservation Area's streets provided in the CAAMP; and
- these works will facilitate the property's return to residential use, thus preventing it from remaining empty any longer, with the negative impact on the character and appearance of the Conservation Area that this would have.

6.5 Further, with regards to any potential impact on the city's granite heritage as protected by Policy D5 specifically, it should be noted that:

- the CAAMP highlights that there are a number of materials other than granite in the Conservation Area at present, and that buildings here are not accorded the same level of status as those in character area A;
- the proposed works would result in less granite being removed than would be the case if the annexe were to be replaced entirely, as per the development approved pursuant to planning application reference 170934/DPP and, with downtakings to be re-used on site, the decision in respect of that application makes it clear that the development proposed in this instance presents no conflict with Policy D5; and
- indeed, the proposed works to the rear of the building would deliver a net benefit in this regard by revealing more of the building's historic granite than is visible at present, while facilitating the property's return to residential use in line with the support that Policy D5 gives for the re-use of granite buildings such as this and ensuring that it continues to make a positive contribution to both the city granite heritage and the Conservation Area within which it is located in the long term.

6.6 Also of importance in this regard, whereas the Report of Handling indicates that alternative options should have been considered in order to comply with HEPS 4, this requires alternatives to be explored only if detrimental impact on the historic



environment is unavoidable. As such, and given that there would be no detrimental impact in this case for the reasons given in this statement, there is no policy requirement for alternatives to have been considered in this case. Further, even if there were any such impact, HEPS makes it clear that less detrimental alternatives need to be considered only if they can deliver the same objectives. And, while amendments were discussed with the case officer in the hope that a mutually acceptable solution could be agreed, these did not ultimately deliver the same benefits for the applicants in terms of internal light levels and, in the absence of being able to agree a mutually acceptable solution, there was no reason for the applicant to pursue these potential amendments further.

- 6.7 Taking the above into account, there is no reason to conclude that the proposed development would fail to protect the character and appearance of the Conservation Area, and this should be supported as a positive change that has been duly informed by a detailed understanding of the historic context as well as relevant ALDP policies and other material planning considerations, as set out in this statement.

“Taking the above into account and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations of sufficient weight that would warrant approval of the application in this instance.”

- 6.8 On the basis that the proposed development does comply with the development plan for the reasons given in this statement, there is no need to consider whether there are also any other material planning considerations that would support the application being approved. This notwithstanding, it is submitted that there are a number of other material considerations which do lend further support to this as set out above, and which are not referred to in the Report of Handling, most notably the Council’s TAN: Materials and the decision in respect of planning application reference 170934/DPP both of which support the introduction of new glazing to complement the historic fabric of the existing building as proposed in terms of this application.

7 Conclusion

- 7.1 For the reasons given in this statement, it is clear that the proposed development:
- is a use that is supported in principle in terms of Policy H1 – Residential Areas;
 - has been designed to demonstrate the six qualities of successful placemaking, with new openings contained to the rear of the property in line with the approach set out in SG: The Repair and Replacement of Windows and Doors, and the proposed materials being consistent with the Council’s Technical Advice Note:



Materials, and therefore complies with Policy D1 – Quality Placemaking by Design and detailed criteria of Policy H1, together with the associated HDG;

- would have no impact on any features of special architectural or historic interest for which the Great Western Road Conservation Area has been designated as set out in the CAAMP, with proposed works to the rear of the property also not being visible from public viewpoints within the Conservation Area, and thus complies with Policy D4 – Historic Environment;
- constitutes the appropriate re-use of an existing granite building, as encouraged by Policy D5 – Our Granite Heritage, with this also delivering a net benefit in terms of revealing more original granite than can currently be seen at present, in addition to which all granite down-takings would be re-used on site, such that the application also complies with Policy D5 in these regards;
- also complies with all other relevant ALDP policies and associated SG, namely Policies T2, T3 and R6, along with SG: Transport and Accessibility;
- makes efficient use of the existing capacities of the application site by facilitating its return to residential use rather than a new house being built on greenfield land, while also demonstrating the six qualities of successful placemaking as set out above, such that this should be supported as development that contributes to sustainable development in accordance with SPP;
- has been informed by a clear understanding of the cultural significance of any historic assets that might be affected, and introduces a positive change to the building to facilitate its return to residential use for the benefit of present and future generations, as advocated by HEPS and Our Place in Time: The Historic Environment Strategy for Scotland; and
- is consistent with development permitted elsewhere in the Conservation Area in recent years, under the same ALDP (and indeed, would have less of an impact than that), most notably planning application reference 170934/DPP, the Report of Handling for which sets out a number of considerations which lend support to this application being approved.

7.2 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 Review requires to be allowed and the application granted.



Appendix one – list of documents

Application documents

- 1 Application Form
- 2 Site – Location Plan
- 3 Existing Floor Plans
- 4 Existing Elevations
- 5 Proposed Site Plans
- 6 Proposed Floor Plans
- 7 Proposed Elevations
- 8 Proposed Window Sections
- 9 Proposed Plans Elevations and Section – Garage
- 10 Artist’s Impression
- 11 Planning Statement
- 12 Detailed Planning Permission Refuse
- 13 Report of Handling

Policy documents

- 14 Aberdeen Local Development Plan 2017
- 15 SG: The Repair and Replacement of Windows and Doors
- 16 SG Householder Development Guide
- 17 SG: Transport and Accessibility
- 18 Scottish Planning Policy

Other documents

- 19 Historic Environment Policy for Scotland
- 20 Our Place in Time: The Historic Environment Strategy for Scotland
- 21 Technical Advice Note: Materials
- 22 Great Western Road Conservation Area Assessment and Management Plan
- 23 Report of Handling for planning application reference 170934/DPP

Appendix Two – photographs



Existing conservatory to rear of 449 Great Western Road and extensions to 447 Great Wester Road as seen from the garden



Rear of 449 Great Western Road and 447 Great Western Road as seen from the lane

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Local Review Body (LRB)

8th June 2022

211549/DPP - 68 Rubislaw Den South

**Review of condition relating to reinstatement of granite wall, on
planning permission for**

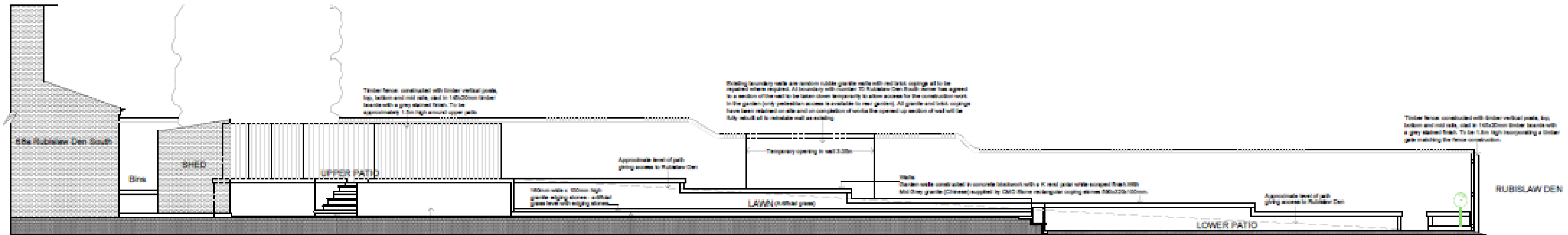
**Installation of replacement windows, erection of outbuildings, formation of steps,
handrails, hard and soft landscaping, erection of rear fence, etc**

Lucy Greene, Planning Advisor

Location Plan



Section – elevation of wall



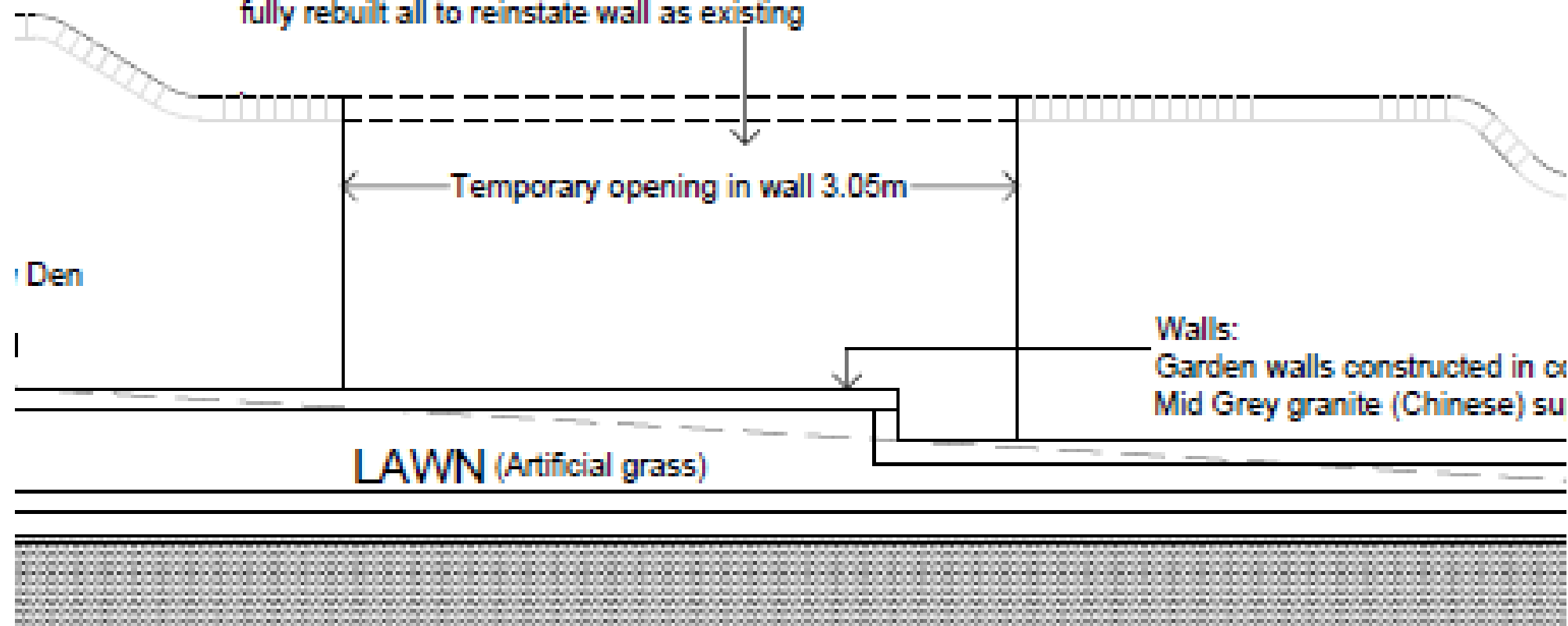
Refer to drawing no. 000-14 for location of section

Proposed Section A-A



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Existing boundary walls are random rubble granite walls with red brick copings all to be repaired where required. At boundary with number 70 Rubislaw Den South owner has agreed to a section of the wall to be taken down temporarily to allow access for the construction work in the garden (only pedestrian access is available to rear garden). All granite and brick copings have been retained on site and on completion of works the opened up section of wall will be fully rebuilt all to reinstate wall as existing





Temporary opening in wall between nos. 68 & 70

No other access available for plant - all materials (right) are retained on site and wall will be fully rebuilt all as existing on completion



Condition 1

(01) Within 3 months of the grant of this consent the granite wall located along the western boundary shall be reinstated to its original condition and as detailed on Drawing No: D93 15 A.

Reasons for Condition – from Decision Notice

1. Within 3 months of the grant of this consent the granite wall located along the western boundary shall be reinstated to its original condition and as detailed on Drawing No: D93 15 A.

Reason: To ensure the timeous and appropriate restoration of the site and in the interests of preserving granite on site and providing a suitable level of private amenity for neighbouring properties; therefore, ensuring compliance with Policies D1 (Quality Placemaking by Design), D5 (Our Granite Heritage) and H1 (Residential Areas) of the Aberdeen City Local Development Plan.

Applicant's Case

- Application was approved on 24 January 2022, months for reinstatement of wall run from that date.
- Applicant seeks to extend date for reinstatement
- Opening through wall is only feasible access
- Applicant intends to fully reinstate wall
- Seeks timescale of 8 months from approval (24 September 2022)

Applicant's Case, continued

- Proposed will comply with low and zero carbon policy, highly insulated and with air source heat pumps
- Crime – car park will be overlooked and movement sensor lights installed
- Proposal complies with various other policies

Policies – LDP 2017

- Zoning: Policy H1: Relates to new residential developments – residential amenity
- Policy D4 – Historic Environment – preserve character of Conservation Area
- Policy D5 – Granite Heritage – seeks retention of granite features, including granite walls

Evaluation

- **Primacy of Development Plan**
- **The Planning Act requires all applications to be determined in accordance with Development Plan unless material considerations indicate otherwise**
- **Careful assessment, each application treated on its merits**

Basis for Decision

Zoning: Do members consider that the proposal development would comply with policy H1 in terms of residential amenity?

Would it preserve the character of the Conservation Area – D4?

Would it retain granite features – policy D5 ?

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



Thank you
Questions ?

Lucy Greene (Planning Advisor): lgreene@aberdeencity.gov.uk

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

Site Address:	68 Rubislaw Den South, Aberdeen, AB15 4AY
Application Description:	Installation of replacement windows, erection of outbuildings, formation of steps, handrails, hard and soft landscaping, erection of rear fence, and associated works (partly retrospective)
Application Ref:	211549/DPP
Application Type:	Detailed Planning Permission
Application Date:	29 October 2021
Applicant:	Mr & Mrs Johan Van Diggelen
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Queen's Cross and Harlaw
Case Officer:	Jemma Tasker

RECOMMENDATION

Approve Conditionally.

APPLICATION BACKGROUND

Site Description

The application site relates to a two storey, detached villa of traditional build and design, designed by A H L Mackinnon, c.1902 and listed as Category C. The building has since been divided into two flats with the application property relating to the upper section of the building. The building has a south facing principal elevation fronting Rubislaw Den South; 66 Rubislaw Den South is located to the east; 70 Rubislaw Den South is located to the west; and to the north lies the North Burn of Rubislaw and surrounding Rubislaw Den private woodland. The site lies within the Albyn Place and Rubislaw Conservation Area and the Rubislaw Den character area comprises large, substantial, detached houses, typically distinctive and unique, set within large grounds. The application property is a 3-bay villa finished with pink granite and brown painted, timber framed sash-and-case windows to the ground floor and tool coursed granite and white painted, timber framed sash-and-case windows to the first floor. To the rear of the property, the garden area spans approximately 655sqm and is screened by way of a timber fence to the northern boundary, and random rubble granite walls with red brick coping to the remaining boundaries.

Relevant Planning History

Application Number	Proposal	Decision Date
211548/LBC	Installation of replacement windows, installation of handrail and spotlights, and alterations to boundary wall (retrospective)	Status: Pending Consideration.

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission is sought retrospectively for the installation of replacement windows; the erection of a gazebo, BBQ shelter and shed; the formation of steps, access path surfacing, handrails, hard and soft landscaping, including the erection of a rear fence, with associated works.

A total of 13 windows were replaced across all elevations of the building at first floor level. The windows are timber framed, sliding sash-and-case windows painted white, fitted with slim profile double glazing.

To the front of the property, a new access path, steps and a handrail have been installed along the eastern boundary of the site. Finishing materials for the path and steps include mid grey granite slabs and limestone setts, while the handrail is black painted metal. Concealed LED strip lighting is installed below each tread of the steps and four spotlights have been positioned within the boundary wall long the front and side of the property.

To the rear of the property, three separate garden structures have been erected. Firstly a gazebo in the north-eastern corner of the site measuring 5.8m x 3.7m, with an eaves height of 1.9m and a ridge height of 2.8m. Finishing materials include an aluminium frame, galvanised steel roof and uPVC mesh insert and doors. The gazebo does not have a base and simply covers the existing ground. The second structure is a BBQ shelter located on the eastern boundary which measures 2.4m x 1.8m, with a finished height of 2.6m. Finishing materials include an aluminium frame and galvanised steel roof. Lastly, a shed has been erected close to the rear elevation of the building, replacing an existing shed of a similar footprint. It measures 4.3m x 1.8m, constructed of timber and painted grey.

Further to this, along the northern boundary of the site, a 1.8m timber fence and gate have been installed. In addition, landscaping works have been carried out to form three terraced areas including two lawn areas and a patio area. To allow for construction work within the rear garden, a c.3m wide opening in the western boundary wall has been created. It is stated that this will be reinstated using the original material following the completion of work on site.

As this application is partially retrospective, some parts of the proposal have not yet been carried out. This includes the construction of a fence around the patio area and soft landscaping works. A number of play structures, within the rear garden, are shown on the submitted drawings but these are not anticipated to require planning permission; regardless, no details of these have been provided and as such, they will not be considered as part of this application.

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=R1QSAEBZHFH00>

Statement on Replacement Windows at 68 Rubislaw Den South, Aberdeen, AB15 4AY by Scullion Bruce (January, 2022)

Planning, Design and Access Statement by Aurora Planning (October, 2021)

CONSULTATIONS

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

REPRESENTATIONS

A total of 4 representations have been received (1 objection and 3 in support). The matters raised can be summarised as follows –

Objection

1. Design of new stairs and build quality. Concerns regarding drainage and new lighting.
2. Old trees removed and artificial grass installed.
3. Replacement summerhouse is not in keeping with the surrounding area and is equipped with a kitchen.
4. A 500mm wall being replaced by a 1.5m high fence will block light at the outdoor space allocated to 68A Rubislaw Den South.
5. Materials used for the boundary enclosures do not meet the required criteria as per the deeds for the building and conservation area.

Support

1. The illuminated steps increase light to the area which is beneficial.
2. Works in-keeping with the traditional design of the properties.
3. Works make the garden area generally more appealing and fit for modern living throughout the year.

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 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. While Section 64 of the same 1997 Act 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 Scotland (HEPS)

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.

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 21st 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 Department of Planning and Environmental Appeals 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.

Aberdeen Local Development Plan (2017) (ALDP)

Policy D1 – Quality Placemaking by Design

Policy D4 – Historic Environment

Policy D5 – Our Granite Heritage

Policy H1 – Residential Areas

Supplementary Guidance (SG)

Householder Development Guide (HDG)

The Repair and Replacement of Windows and Doors

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 D7 – Our Granite Heritage

Policy D8 – Windows and Doors

Policy H1 – Residential Areas

Other Material Considerations

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

Historic Scotland Managing Change in the Historic Environment: Windows and Setting

EVALUATION

National and Local Policy Context

SPP (para. 137) states that the planning system should: promote the care and protection of the designated and non-designated historic environment and its contribution to sense of place, cultural

identity, social well-being, economic growth, civic participation and lifelong learning; and enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.

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

Policy D1 (Quality Placemaking by Design) requires that all development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials.

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 Appraisals and Management Plans. High quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its Listed Buildings, Conservation Areas and Historic Gardens and Design Landscapes, will be supported.

Policy D5 (Our Granite Heritage) seeks the retention and appropriate re-use, conversion and adaption of all granite features, structures and buildings, including setted streets, granite kerbs and granite boundary walls.

Principle of Development

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

The proposal is located within a residential curtilage and therefore, would not result in the loss of open space. Other issues are assessed in the evaluation below.

Analysis

Windows

The Supplementary Guidance on the Repair and Replacement of Windows and Doors sets out that replacement of original/historic windows in listed buildings will only be supported where it can be demonstrated to the satisfaction of the Council that they have deteriorated beyond practicable/economic repair. It further sets out that applications for the replacement of windows in listed buildings should always be accompanied by a detailed window condition survey. In this case, the windows have already been removed and discarded of, meaning it is not possible for a window condition survey to be submitted. Instead, a letter has been provided by the joiner who carried out the work, detailing the condition of, and the alterations that had been carried out to, the previous windows. It is understood that many windows were rotten, most had sashes and glass replaced and some had trickle vents installed. Overall, based on the information provided, it appears the windows were either not fully historic or original, or were beyond practicable/economic repair and as such, the principle of their replacement is accepted.

The application provides sufficient detail in relation to the proposed replacement windows. The windows would be of suitable materials as they would be timber framed and would have a

sympathetic sash-and-case opening method. They would include slimline double glazing and the submitted drawings and window details demonstrate compliance with both Managing Change Guidance and the relevant Supplementary Guidance in respect of materials, thickness of frames, proportions and arrangements. No visible trickle vents are proposed. The SG sets out that white has been the default colour of window frame repairs and replacements for the past 20 years. Although it is noted the windows at ground floor level are painted brown, it is considered that the painting of the windows white would be acceptable given this is what the previous windows were painted and it is the overall default colour.

Taking account of the unsympathetic alterations carried out to the previous windows, it is considered that the vast majority of the proposed windows would be of a more historic form than the windows they replaced. As such, the proposal results in a building which would have greater unified character – specifically along the upper floor – and thus, are considered to have a positive impact on the character and appearance of the Albyn Place and Rubislaw Conservation Area, in compliance with both national and local relevant policies and the Supplementary Guidance.

Outbuildings

The HDG expects ancillary structures, such as gazebos, to be architecturally compatible in design and scale with the original dwellinghouse and its surrounding area; materials should be complimentary to the original building; any development should not overwhelm or dominate the original form or appearance of the dwellinghouse, and no more than 50% of the rear garden should be covered by development.

The proposed gazebo, BBQ shelter and shed would comply with the guidance relating to outbuildings contained within the HDG for the following reasons: with a combined footprint of 32.7sqm, the outbuildings are subordinate in scale to the original building which has a footprint of 273sqm; they would increase the rear garden built site coverage from 2.3% to 5% which maintains a low level of development and comparable to neighbouring properties; and thus, more than 50% of usable rear garden space would remain undeveloped. Being primarily constructed of aluminium, the materials would predominantly integrate with their surroundings and be of a high quality. Although it is acknowledged that uPVC is present within the proposal, given this only relates to a small section and would be of a sufficient distance from the main dwelling, it is considered that this aspect of the proposal is acceptable and would not affect the setting or character of the listed building. Further to this, the outbuildings are not visible from a public viewpoint, causing negligible impact to the character and appearance of the Albyn Place and Rubislaw Conservation Area. This aspect of the proposal is therefore considered acceptable when considered against Policy D4 (Historic Environment) as well as other national policy and guidance.

Overall, the proposed outbuildings are considered to be subservient and secondary to the property by way of their size, scale and overall height in relation to the existing building and are acceptable within the context of the surrounding properties and wider area generally, in compliance with Policy D1 and the HDG.

Front Garden Works

To the front of the property, a new access path, steps and a handrail have been installed along the eastern boundary of the site with associated lighting. These works comprise materials which integrate suitably with the original building and it is considered the LED strip lighting would have no undue adverse impact on the character and appearance of the conservation area. The LED spotlights have been installed in the location of the previous lighting, ensuring minimal damage is caused to the boundary wall which forms part of the building's listing, with no alterations proposed to the listed gate piers. Therefore, there would be negligible impact on the boundary wall and thus, negligible impact on the character and setting of the listed building. This aspect of the proposal is therefore considered acceptable when considered against Policy D4 (Historic Environment) as well as other national policy and guidance.

Rear Garden Works

The 1.8m high timber fence and gate located on the northern boundary of the site replace a previous 1.8m high timber fence, resulting in no additional harm to the visual amenity of the surrounding area or the character and setting of the listed building. As per the above, the landscaping works to the rear garden have also been carried out using suitable materials. As the rear garden is not readily visible from a public viewpoint, the works have no impact on the character and appearance of the conservation area nor would there be any impact on the character and setting of the listed building. To allow for construction work within the rear garden, a c.3m wide opening in the western mutual boundary wall has been created. To ensure this is reinstated using the original granite, and thus ensuring compliance with Policy D5, a condition will be added to the permission regarding this.

Overall, it is considered that all the works would not unduly harm the character and appearance of the Albyn Place and Rubislaw Conservation Area and would have no adverse impact on the character or setting of the Category C listed building. As such, the proposal is considered to comply with SPP, HEPS and Policies D1, D4 and D5 of the ALDP.

Impact on Residential Amenity

No development should result in a situation where amenity is “borrowed” from neighbouring properties or there is an impingement on the amenity enjoyed by others. Using the ‘45 Degree Rule’ methodology provided by the HDG, calculations indicate that due to the nature of the works and the northern orientation of the rear garden, there would be no significant adverse impact on neighbouring amenity from the garden structures in terms of daylight receipt, overshadowing or privacy, in compliance with Policy H1 of the ALDP and the HDG.

Matters Raised in Letter of Objection

1. *Design of new stairs and build quality. Concerns regarding drainage and new lighting.*
The design, quality of materials and lighting have been assessed in the foregoing evaluation: ‘Analysis’. It is not considered that lighting would be any greater than that expected for a domestic property, posing limited amenity concerns for neighbouring properties. Regarding drainage, on drawing number D93-14 a channel drain is shown along the edge of the lower patio. Further to this, the agent has confirmed that the upper patio area and artificial grass are porous. In terms of the front garden, due to the scale of the path in comparison to the garden area, and the fact that the garden’s margins slope down, there should be no significant impact on the front garden area. In light of this, the Planning Authority have no notable concerns regarding drainage.
2. *Old trees removed and artificial grass installed.*
The Planning Authority have no concerns regarding the installation of the small section of artificial grass. It is noted within the application that no mature trees were removed only shrubs. Two existing trees within the rear garden are out with the scope of the work.
3. *Replacement summerhouse is not in keeping with the surrounding area and is equipped with a kitchen.*
The summerhouse/gazebo has been assessed in the foregoing sub-heading: ‘Outbuildings’ where it is considered acceptable. It is noted that kitchen cabinets/equipment are present; however, this is understood to be for storage purposes only, with no plumbing present, therefore the gazebo remains for domestic purposes with no flue, etc. proposed, causing limited amenity concerns.
4. *A 500mm wall being replace by a 1.5m high fence will block light at the outdoor space allocated to 68A Rubislaw Den South.*

Residential amenity calculations, using the '45 Degree Rule' methodology provided by the HDG, indicate that due to the northern orientation of the fence relative to the concerned garden ground, there would be limited impact.

5. *Materials used for the boundary enclosures do not meet the required criteria as per the deeds for the building and conservation area.*

The timber fence on the northern boundary replaced a previous timber fence. Additionally, within the rear garden, timber is considered an acceptable material. Given the rear garden is not visible from a public viewpoint, it is considered that there would be limited impact on the conservation area.

Proposed Aberdeen Local Development Plan (2020)

In relation to this particular application, the Policies D1, D2, D6, D7, D8 and H1 in the proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan 2017 and the proposal is acceptable in terms of both Plans for the reasons previously given.

RECOMMENDATION

Approve Conditionally.

REASON FOR RECOMMENDATION

The replacement windows, outbuildings, steps and handrails, rear fence, hard and soft landscaping, and associated works maintain the listed building's original character and setting, and would preserve the character and appearance of the Albyn Place and Rubislaw Conservation Area in line with legislative requirements, Scottish Planning Policy and Historic Environment Policy for Scotland. The proposal therefore accords with Policies D1 (Quality Placemaking by Design), D4 (Historic Environment), D5 (Our Granite Heritage) and H1 (Residential Areas) of the current Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'The Householder Development Guide' and 'The Repair and Replacement of Windows and Doors'; and Policies D1, D2, D6, D7, D8 and H1 of the proposed Aberdeen Local Development Plan 2020.

CONDITIONS

1. Within 3 months of the grant of this consent the granite wall located along the western boundary shall be reinstated to its original condition and as detailed on Drawing No: D93 15 A.

Reason: To ensure the timeous and appropriate restoration of the site and in the interests of preserving granite on site and providing a suitable level of private amenity for neighbouring properties; therefore, ensuring compliance with Policies D1 (Quality Placemaking by Design), D5 (Our Granite Heritage) and H1 (Residential Areas) of the Aberdeen City Local Development Plan.



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100493985-001

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)

Installation of replacement windows, erection of garden structures, hard and soft landscaping, and associated works

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): *

07/06/2021

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

Applicant was not aware that replacing windows of the same type would require approval. Likewise they were not aware that the landscaping works and the small scale garden structures would require approval.

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:	Deemount Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Eric	Building Name:	
Last Name: *	Digweed	Building Number:	12
Telephone Number: *	01224 443131	Address 1 (Street): *	Deemount Road
Extension Number:		Address 2:	Ferryhill
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB11 7TJ
Email Address: *	eric@deemountdesign.co.uk		

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:	Mr & Mrs	Building Name:	
First Name: *	Johan	Building Number:	68
Last Name: *	Van Diggelen	Address 1 (Street): *	Rubislaw Den South
Company/Organisation:		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:	077177 98093	Postcode: *	AB15 4AY
Fax Number:			
Email Address: *	avdiggelen@icloud.com		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

68 RUBISLAW DEN SOUTH

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 4AY

Please identify/describe the location of the site or sites

Northing

805729

Easting

391323

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: Eric Digweed

On behalf of: Mr & Mrs Johan Van Diggelen

Date: 29/10/2021

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

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

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

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

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

Declare – For Householder Application

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

Declaration Name: Mr Eric Digweed

Declaration Date: 29/10/2021

Payment Details

Online payment: ABSP00007511
Payment date: 29/10/2021 14:49:00

Created: 29/10/2021 14:49

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Eric Digweed
Deemount Design
12 Deemount Road
Ferryhill
Aberdeen
AB11 7TJ

on behalf of **Mr & Mrs Johan Van Diggelen**

With reference to your application validly received on 29 October 2021 for the following development –

Installation of replacement windows, erection of outbuildings, formation of steps, handrails, hard and soft landscaping, erection of rear fence, and associated works (partly retrospective)
at 68 Rubislaw Den South, Aberdeen

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

Drawing Number	Drawing Type
D93 - 10 B	Location Plan
D93 - 04 B	Multiple Floor Plans (Proposed)
D93 - 05 A	Multiple Elevations (Proposed)
D93 - 06 B	Window Cross Section (Proposed)
D93 - 12 B	Elevations and Floor Plans (Proposed)
D93 - 14 A	Other Floor Plan (Proposed)
D93 - 15 A	Site Cross Section (Proposed)
D93 - 16 A	Elevations and Floor Plans (Proposed)
D93 - 17 A	Elevations and Floor Plans (Proposed)

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

None.

REASON FOR DECISION

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

The replacement windows, outbuildings, steps and handrails, rear fence, hard and soft landscaping, and associated works maintain the listed building's original character and setting, and would preserve the character and appearance of the Albyn Place and Rubislaw Conservation Area in line with legislative requirements, Scottish Planning Policy and Historic Environment Policy for Scotland. The proposal therefore accords with Policies D1 (Quality Placemaking by Design), D4 (Historic Environment), D5 (Our Granite Heritage) and H1 (Residential Areas) of the current Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'The Householder Development Guide' and 'The Repair and Replacement of Windows and Doors'; and Policies D1, D2, D6, D7, D8 and H1 of the proposed Aberdeen Local Development Plan 2020.

CONDITIONS

This permission is granted subject to the following conditions.

(01) Within 3 months of the grant of this consent the granite wall located along the western boundary shall be reinstated to its original condition and as detailed on Drawing No: D93 15 A.

Reason: To ensure the timeous and appropriate restoration of the site and in the interests of preserving granite on site and providing a suitable level of private amenity for neighbouring properties; therefore, ensuring compliance with Policies D1 (Quality Placemaking by Design), D5 (Our Granite Heritage) and H1 (Residential Areas) of the Aberdeen City Local Development Plan.

Date of Signing: 24 January 2022



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS PERMISSION

DURATION OF THIS PERMISSION

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

COMMENCEMENT AND COMPLETION OF DEVELOPMENT

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

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

RIGHT OF APPEAL

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

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

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

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

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

OTHER ADVISORY NOTES

NOTICE OF INITIATION OF DEVELOPMENT

The Town and Country Planning (Scotland) Act 1997

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

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

Application reference number: **211549/DPP**

Date of issue: 24 January 2022

Address of site to which permission applies: 68 Rubislaw Den South, Aberdeen

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

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

Date of Submission of Notice

IMPORTANT

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

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

General Data Protection Regulations – How we use your data

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

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

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

NOTICE OF COMPLETION OF DEVELOPMENT

The Town and Country Planning (Scotland) Act 1997

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

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

Application reference number: 211549/DPP

Date of issue: 24 January 2022

Address of site to which permission applies: 68 Rubislaw Den South, Aberdeen

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

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

Date of Submission of Notice

IMPORTANT

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

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

General Data Protection Regulations – How we use your data

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

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Comments for Planning Application 211549/DPP

Application Summary

Application Number: 211549/DPP

Address: 68 Rubislaw Den South Aberdeen AB15 4AY

Proposal: Installation of replacement windows, erection of gazebos, formation of steps, handrails, hard and soft landscaping, and associated works (retrospective)

Case Officer: Jemma Tasker

Customer Details

Name: Dr Mary Louise Galloway

Address: 64 Rubislaw Den South Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: We wish to support this application. The street lighting on Anderson Drive has recently been replaced resulting in considerably less illumination of the front of our houses. There is no street lighting on this section of Rubislaw Den South, posing significant safety and security concerns for residents and passers by. I have highlighted this already to the council. The illuminated steps increase the light to this area slightly which is beneficial.

The garden works and repairs to the walls are being constructed to a high level and improve the outlook from our property. The works are in keeping with the traditional design of our properties.

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Comments for Planning Application 211549/DPP

Application Summary

Application Number: 211549/DPP

Address: 68 Rubislaw Den South Aberdeen AB15 4AY

Proposal: Installation of replacement windows, erection of gazebos, formation of steps, handrails, hard and soft landscaping, and associated works (retrospective)

Case Officer: Jemma Tasker

Customer Details

Name: Dr Willem Onderwaater

Address: 70 Rubislaw Den South Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:L.S.

I write in support of the application for planning permission at 68 Rubislaw Den South.

I think the new footpath towards the front door looks fresh yet traditional. The choice of building materials is in keeping with the area and the lights underneath the steps give it a modern look but most importantly make it safe to walk upon during the winter months. Especially after a spate of nasty accidents that have occurred on the previous design. The path provides the house with a proper entrance as opposed to the previous somewhat muted demeanor.

The lighting does not appear to be overly bright. This impression could be created by the lack of street lighting on this part of Rubislaw Den South, which only emphasizes its necessity

The new design of the back garden transforms the area from an uneven and hard to utilise grass patch to a functional and well designed outdoor space and this will no doubt provide the residents the ability to enjoy outdoor Aberdeen through all seasons. The modest structure looks functional and innocuous and does not strike as particularly out of keeping in the area. The choice of materials used seems traditional and of high quality. More importantly it will make the garden look fresh, well maintained and sophisticated, which is a major upgrade over the previous state.

Warm regards,

Dr W.G. Onderwaater

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Comments for Planning Application 211549/DPP

Application Summary

Application Number: 211549/DPP

Address: 68 Rubislaw Den South Aberdeen AB15 4AY

Proposal: Installation of replacement windows, erection of gazebos, formation of steps, handrails, hard and soft landscaping, and associated works (retrospective)

Case Officer: Jemma Tasker

Customer Details

Name: Mrs Linda Rennie

Address: 68 Rubislaw Den South Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I, as POA for Mr Alex Mair who has resided at 66 Rubislaw Den South for over 50 years would like to comment positively on the work carried out at 68 Rubislaw Den South on the garden grounds.

It has made the garden area generally more appealing and is very well maintained. The materials used look to be of excellent quality and the work has been carried out to a high standard.

We see nothing that detracts from beautiful surrounding area of the Den whilst making the garden fit for modern living.

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Comments for Planning Application 211549/DPP

Application Summary

Application Number: 211549/DPP

Address: 68 Rubislaw Den South Aberdeen AB15 4AY

Proposal: Installation of replacement windows, erection of gazebos, formation of steps, handrails, hard and soft landscaping, and associated works (retrospective)

Case Officer: Jemma Tasker

Customer Details

Name: Mrs Karen Iridag

Address: 68A Rubislaw Den South Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Objecting to:

- the design of the new stairs, the build quality is very poor, the water drainage affects our garden and the lighting is offensive as some of it shines into one of our bedrooms and distracting to drivers on Anderson drive as it is extremely bright. Also the angles and the height are questionable under building warrant standards.
- the garden design has seen the removal of old trees and natural grass for artificial grass and fake trees, very sad in this current time of climate awareness
- the replacement of the summer house is (as told to us by a member of Aberdeen city council planning team) not in keeping with the area and has been fully equipped with a kitchen which was not in existence before
- the mention of a 1.5m fence being erected replacing a 50cm stone wall will block the minimal light we have into our outside space
- the materials used when renewing the north boundary wall with the den and the repointing carried out on multiple walls do not meet the required criteria as per the deeds for the building grade and conservation area

We do not see how the works could be carried out without being aware that planning permission is required, especially as one of their daughter lives directly next door and has applied for all the correct permissions.

The manner in which things have been done i.e communal walls being knocked down without permission or notice is unacceptable.

This application only goes out to ourselves and the two neighbouring properties one of which is owned by the applicants daughter and the other is currently sitting empty with no one to object therefore we feel that careful consideration should be taken given it is a grade 2 listed building

within a conservation area.

Aberdeen Local Development Plan (ALDP)

- Policy H1 – Residential Areas
- Policy D1 - Quality Placemaking by Design
- Policy D4 - Historic Environment
- Policy D5 – Our Granite Heritage

https://www.aberdeencity.gov.uk/sites/default/files/LDP_WS_20170328.pdf

Supplementary Guidance

N/A

Other Material Considerations

Scottish Planning Policy

[Scottish Planning Policy - gov.scot \(www.gov.scot\)](http://www.gov.scot)

Historic Environment Scotland Policy Statement

[Historic Environment Policy for Scotland | Historic Environment Scotland](#)

Proposed Aberdeen Local Development Plan (2020)

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

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100493985-002

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 T Agent

Agent Details

Please enter Agent details

Company/Organisation:	Deemount Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Eric	Building Name:	
Last Name: *	Digweed	Building Number:	12
Telephone Number: *	01224 443131	Address 1 (Street): *	Deemount Road
Extension Number:		Address 2:	Ferryhill
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB11 7TJ
Email Address: *	eric@deemountdesign.co.uk		

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

T Individual ≤ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr and Mrs"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Johan"/>	Building Number:	<input type="text" value="68"/>
Last Name: *	<input type="text" value="Van Diggelen"/>	Address 1 (Street): *	<input type="text" value="Rubislaw Den South"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text" value="REDACTED"/>	Postcode: *	<input type="text" value="AB15 4AY"/>
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="68 RUBISLAW DEN SOUTH"/>
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 4AY"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805729"/>	Easting	<input type="text" value="391323"/>
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Description of Proposal

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

Installation of replacement windows, erection of outbuildings, formation of steps, handrails, hard and soft landscaping, erection of rear fence, and associated works (partly retrospective)

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

We would like this condition on the planning approval reviewed: (01) Within 3 months of the grant of this consent the granite wall located along the western boundary shall be reinstated to its original condition and as detailed on Drawing No: D93 15 A. The applicant fully intends reinstating the wall as per the condition but the timescale imposed by this condition is just not achievable and we would like an extended timescale. Please see attached supporting statement

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

Yes No

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

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

Drawing no. D93-15A D93-Supporting Statement -Notice of Review D93 - Support Letter

Application Details

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

211549/DPP

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

29/10/2021

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

24/01/2022

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

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)

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 Eric Digweed

Declaration Date: 13/04/2022

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Supporting Statement for Notice of Review

13th April 2022

Installation of replacement windows, erection of outbuildings, formation of steps, handrails, hard and soft landscaping, erection of rear fence, and associated works (partly retrospective)68 Rubislaw Den South, Aberdeen, AB15 4AY

Planning Approval reference: 211549/DPP approved 24th January 2022

The above planning application was approved on the 24th January 2022, the approval was subject to the following condition:

(01) Within 3 months of the grant of this consent the granite wall located along the western boundary shall be reinstated to its original condition and as detailed on Drawing No: D93 15 A. Reason: To ensure the timeous and appropriate restoration of the site and in the interests of preserving granite on site and providing a suitable level of private amenity for neighbouring properties; therefore, ensuring compliance with Policies D1 (Quality Placemaking by Design), D5 (Our Granite Heritage) and H1 (Residential Areas) of the Aberdeen City Local Development Plan.

The reason for this notice of review is to request that the time restriction only of this condition be extended – the applicant still intends to comply with the requirements of the condition to restore the wall to its former condition

Background:

Prior to the start of the garden landscaping works, the applicants needed to find a way to allow a Contractor to be able to bring machinery onto site and to be able to get materials delivered. By referring to the original approved drawings it can be seen that the extent of work requiring machinery on site and the large quantity of materials required are both significant. The only feasible access to the rear garden is from the footpath leading from Rubislaw Den South along the side of the property to the rear garden, this comprises several steps (also part of the works) and limited width on the path to the side of the building. It would be impossible to get all materials and the required machinery into the rear garden via this route.



Stepped access from Rubislaw Den South

Therefore the only option the applicants could see was to create an temporary access from 70 Rubislaw Den South. Their daughter and family lives in number 70 Rubislaw Den South which has vehicle access to the rear garden of the property, they agreed that an opening could be formed in the mutual boundary wall for the duration of the garden works all on the understanding that the wall will be fully reinstated to its original condition on completion. We have included a letter from Ms Pauline Van Diggelen confirming this.



The temporary opening in the mutual boundary wall (all existing stone and brick from the copings are retained on site).

Justification:

As part of the planning application although this element was retrospective, it is noted in the approved drawings (D93-15A) that the wall will be fully reinstated to its original condition on completion of the work, we had confirmed previously that we would be happy to accept a condition to this effect. However on receipt of the planning approval we were very surprised to see the very short time restriction that was included, at no time had the Planning officer mentioned imposing a time restriction, if this had been raised we feel it could have been discussed and if a timescale had to be put in place a much more realistic one could have been agreed.

Being a time restriction beginning in January is just not workable, it in reality means that virtually all of the works need to be completed within a 3 month time period from the date of the planning approval.

As the approval was received in January with poor weather work had stopped on site, with the Contractor focusing on other projects, and proposing to re-start in the better weather, therefore it was just not possible to quickly start work on site to rush to the imposed completion date.

The timescale in effect restricts the planning approval to a timescale of 3 months from the date of approval rather than the requirement for work to begin within 3 years of the approval.

Part of the wording of reason for the condition mentions *providing a suitable level of private amenity for neighbouring properties* we believe the only potential affect on neighbours amenity is to 70 Rubislaw Den South and as Ms Van Diggelen has stated in her letter she has no concerns regarding this.

Conclusion:

As noted the applicants do not dispute or wish to change the requirements of the condition that the removed section of boundary wall is fully reinstated only the very restrictive timescale that have been stipulated. The applicants estimate that work may be complete by the end of June, but to avoid any unforeseen circumstances can we respectfully request that the wording of this condition be altered to give a timescale of 8 months from the date of approval. The applicants are keen to get work completed as soon as possible and it may well be completed prior to an 8 month period.

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Local Review Body (LRB)

8th June 2022

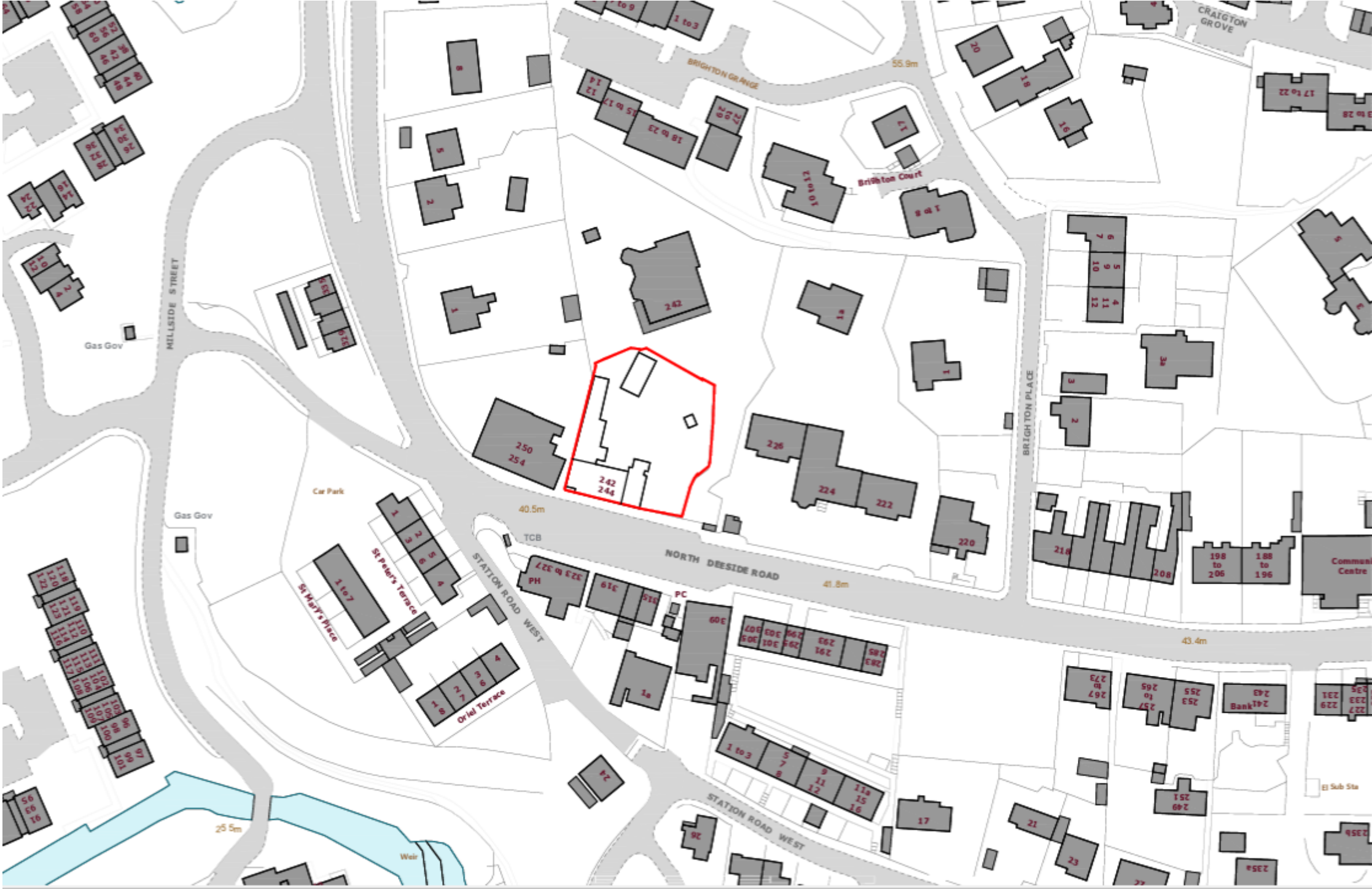


211791/DPP - 242 North Deeside Road

Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure

Lucy Greene, Planning Advisor

Location Plan



Aerial Photograph

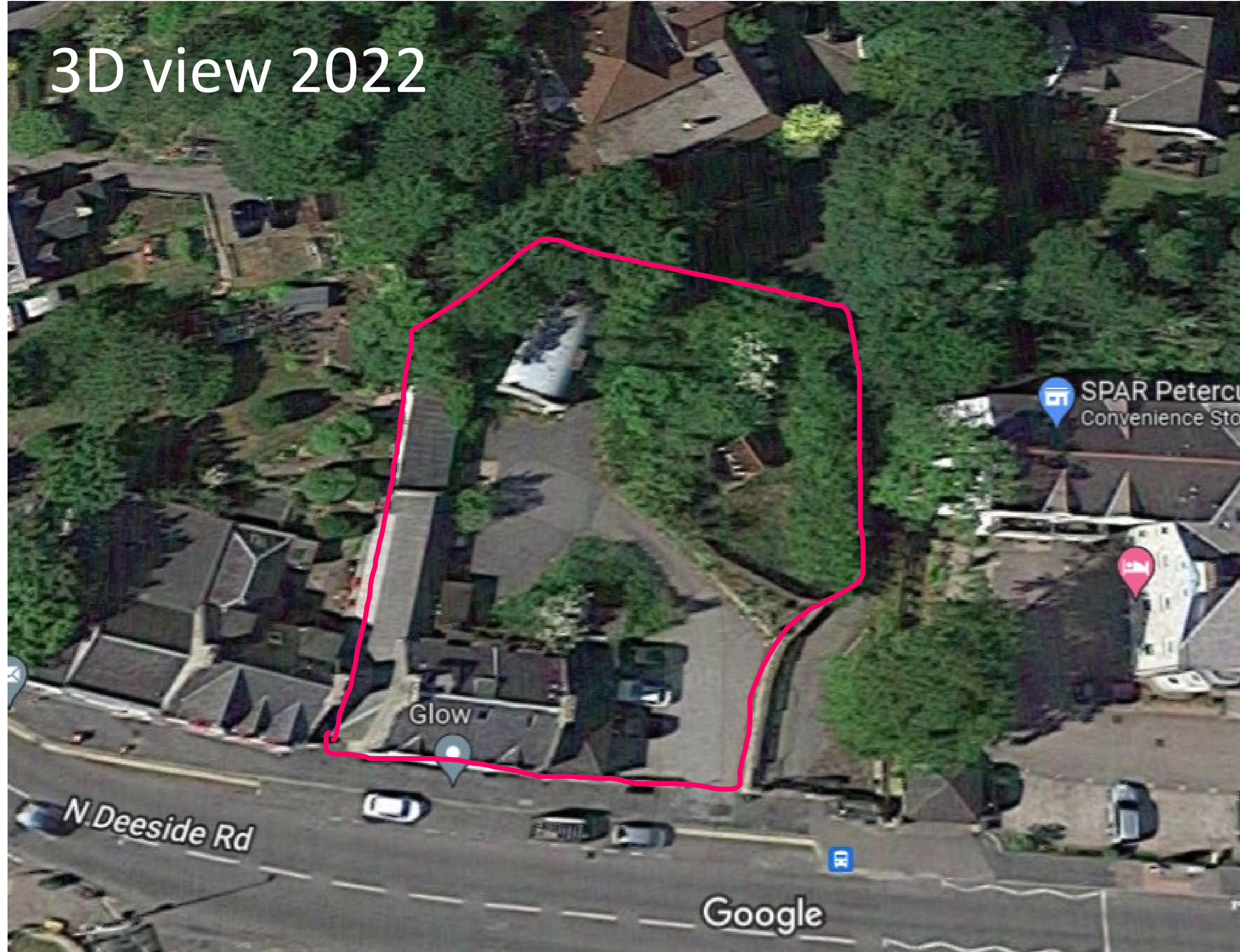


Streetview 2022

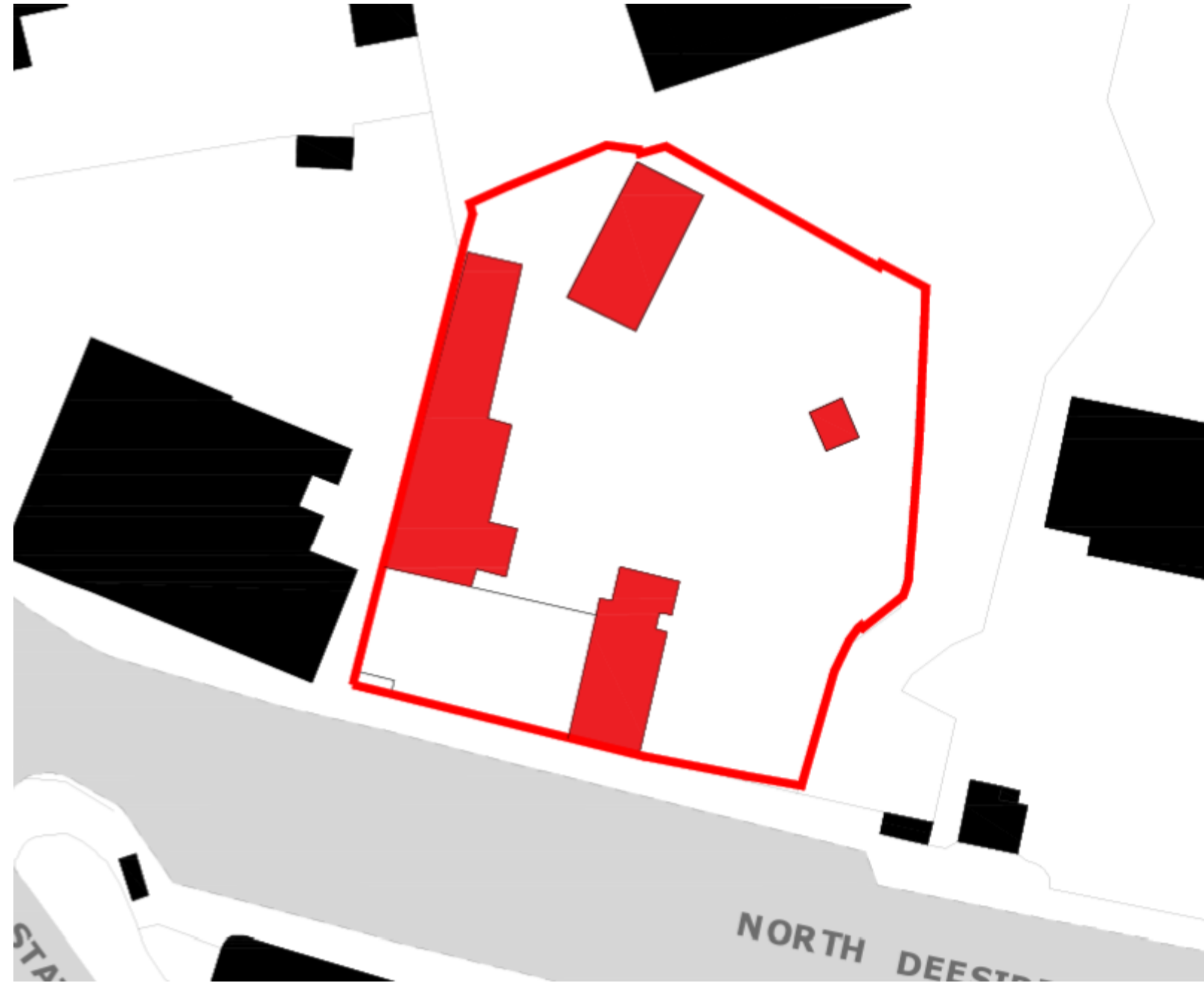


Apr 2022

3D view 2022



Demolitions



Proposed Site Plan

14 Flats:

- 6no. 1 bed flat
- 8no. 2 bed flats
- 1no. Retail unit

Cycle Storage

- 16no. Total Spaces - 8 spaces x 2 high
- (1no. space / flat) = 14
- 2 spaces for Retail.

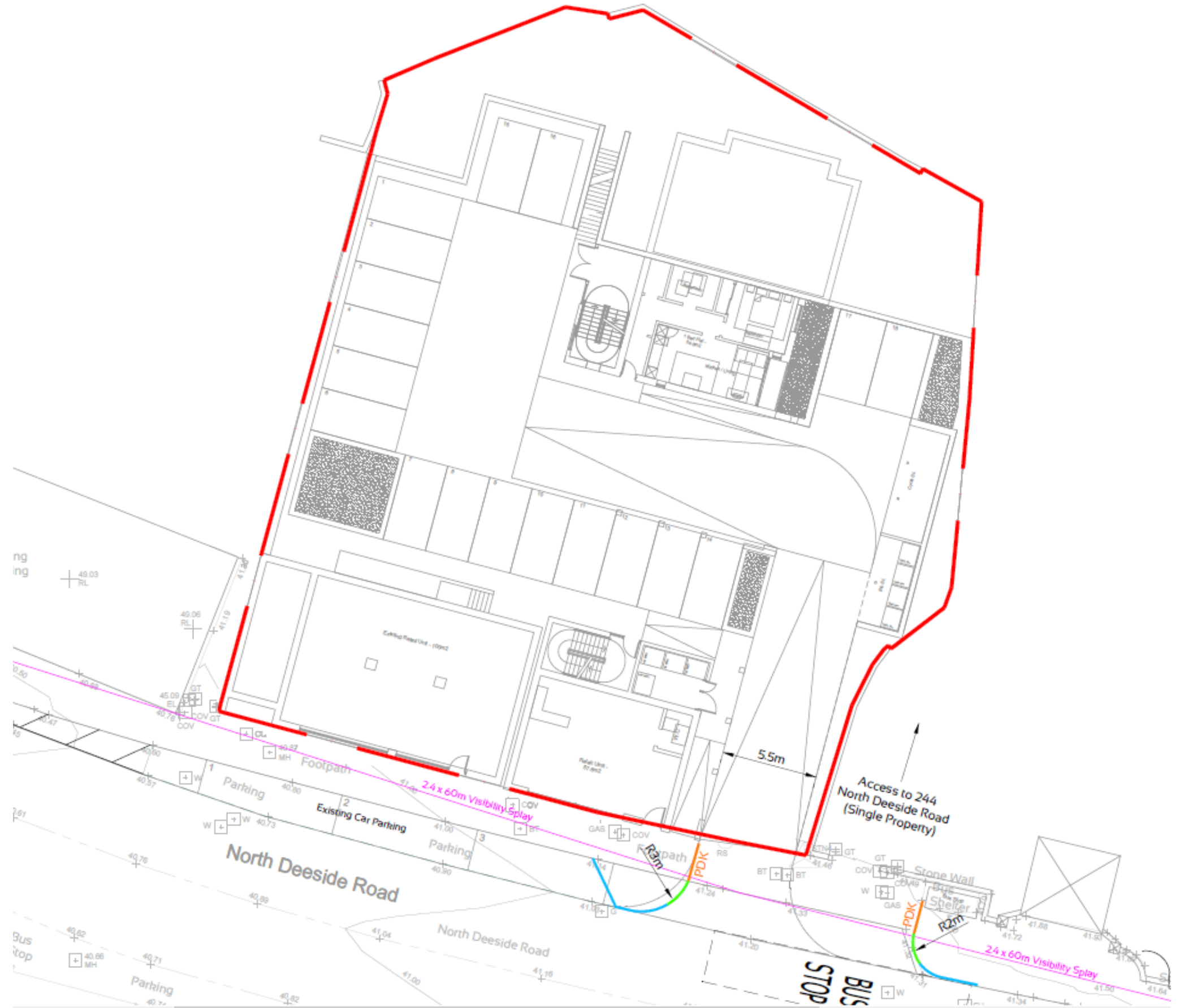
Car Parking

Flats:

- 14no. Flats @ 1 spaces / flat = 14.0 spaces required.
- 2.0 spaces required for existing.
- = 16 spaces required.
- 18no. Total Car Parking Spaces Provided.

Retail Unit (Ground Floor) :

- Area = 57.6m²
- Area < 1000m² @ 1.0 space / 30m²
- 2no. Car Parking Spaces Needed.
- 3no. Total Car Parking Spaces Provided to Front of Retail Unit.



Landscaping Plan



Retained Trees

- 1 Rp *Betula pedula*
- 1 Ss *Sorbus aucuparia*

Trees - 3 - 3.25m (Heavy Std)

- 1 Ps *Pinus sylvestris*
- 1 Qp *Quercus petraea*
- 1 Sa *Sorbus aria*
- 2 Ss *Sorbus aucuparia*
- 1 Sc *Sorbus commixta*
- 1 Sd *Sorbus discolor*

Trees - 2.1 - 2.5m (Std)

- 1 Ps *Pinus sylvestris*
- 1 Qp *Quercus petraea*
- 1 Sa *Sorbus aria*
- 2 Ss *Sorbus aucuparia*
- 1 Sc *Sorbus commixta*
- 1 Sd *Sorbus discolor*

Shrubs - to 1.8m

- 2 Ia *Ilex aquifolium*

Shrubs

- 4 B *Buddleia* 3.0 ltr
- 3 Ca *Corylus avellana* 60-90cm
- 3 Cd *Cotoneaster dammeri* 3.0 ltr
- 3 Cp *Cydonia praecox* 3.0 ltr
- 3 Cpa *Cydonia praecox alba* 3.0 ltr
- 3 Ck *Cotoneaster skogsholm* 3.0 ltr
- 3 Cr *Daphne retusa* 3.0 ltr
- 3 Hc *Hypericum calycinum* 3.0 ltr
- 3 Hp *Hebe pectinata* 3.0 ltr
- 2 Ia *Ilex aquifolium* 3.0 ltr
- 3 Jgc *Juniper green carpet* 3.0 ltr
- 1 Jkg *Juniper kurao gold* 3.0 ltr
- 3 Jr *Juniper repens* 3.0 ltr
- 20 Ln *Luzula sylvatica* 1.0 ltr
- 9 Lp *Lonicera periclymenum* 3.0 ltr
- 19 Ls *Luzula sylvatica* 1.0 ltr
- 1 Pa *Potentilla arborea* 3.0 ltr
- 1 Pba *Philadelphus belle etoile* 3.0 ltr
- 1 Pf *Pieris fernosa* 3.0 ltr
- 1 Pj *Pieris japonica* 3.0 ltr
- 1 Pk *Pieris litoralis* 3.0 ltr
- 1 Pm *Pyracantha mohave* 3.0 ltr
- 1 Pva *Potentilla red ace* 3.0 ltr
- 1 Pw *Pieris taiwanensis* 3.0 ltr
- 2 Pv *Philadelphus virginale* 3.0 ltr
- 3 Rsp *Rosa spicata* 3.0 ltr
- 2 Ryk *Rhododendron yak hybrid* 3.0 ltr
- 1 Sr *Sambucus racemosa* 3.0 ltr
- 3 Sg *Stipa gigantea* 3.0 ltr
- 1 Sv *Syringa vulgaris* 3.0 ltr
- 1 Vd *Viburnum davidii* 3.0 ltr
- 1 Vt *Viburnum tinus* 3.0 ltr

Hedging

- 1 B *Buddleia* 6.0 - 6.8m

Privet

- 1 L *Ligustrum ovalifolium* 3.0 - 3.8m

Planting Methodology

Topsoil
A general purpose topsoil (to BS 3883) will be used for planting trees and shrubs. Topsoil should be free of weed seeds, perennial weed roots, stubble and other extraneous matter. Topsoil and planting pits should not be contaminated with rubbish, stone, hardcore, rubble or building demolition materials. Planting should ideally be carried out in dry conditions, and not during or after heavy rainfall when topsoil will become over-compacted.

Trees
Trees will be supplied as root-balled or bare-root, depending on size and season.
Tree pits will be dug to a size which is at least 300mm wider and 75mm deeper than the entire root system of the tree. A friable loam topsoil (to BS 3883) mixed with a peat-free compost and with a mycorrhizal fungi (eg Rootgrow) added to the planting pits.
Trees up to a size of Select Standard will be anchored to the ground using a tree stake and tie. Heavy standard trees will be supported with two tree stakes and a crossbar. Stakes should be hammered into the ground before the tree is positioned in the pit, to avoid damage to roots. The stake should extend above ground to 1/3 the tree height, on the windward side. Tree ties should utilize a rubber collar to ensure that the tree and stake do not touch in any place. The trees will be firmed in to help ensure good root growth.
Where there is a risk of damage from rabbits or deer, trees should be protected with appropriate tree guards.

Container Plants / Shrubs
Holes will be dug to accommodate the depth of the container size and twice the width. The holes will be backfilled with a mixture of topsoil and compost with a mycorrhizal fungi (eg Rootgrow) added. The topsoil / compost mix will then be firmed in.

Beech Hedging
Fagus sylvatica 0.6 - 0.8m
planted in two staggered rows, with rows 0.5m apart, and plants 1.0m apart

Privet Hedging
Ligustrum ovalifolium 3.0 - 3.8m
planted in two staggered rows, with rows 0.5m apart, and plants 1.0m apart and comprising:

Grass Seeding
The area will be tined with a friable loam, levelled and raked to remove large stones.
Amenity No 3 grass seed will be sown.
Following germination the grass will be allowed to grow for 1 month, before a 'first cut'. The grass will then be cut at fortnightly intervals which will allow it to 'fill' and form an even sward.

Wildflower Grass Seeding
Area will be levelled and raked to remove large stones. No topsoil to be added. Topsoil will be allowed to germinate and germinating perennial weeds will be sprayed with glyphosate. When these perennial species have died, the area will be sown with a mix of the following wild flower seed mixes: 'MGS Meadow Mix' and 'Northern Hay Meadow' (or similar), available from Scotts Seeds, and planted at a sowing rate of 0.5g per sqm. Sowing should be carried out in autumn, with a first cut the following April or May. During the first growing season the meadow should be cut bi-monthly.

Timing of Planting
All planting, seeding and turfing is to be carried out in the first planting season following the completion of the development.

Maintenance (Years 1 - 5)

Trees

Weeding: The ground around the roots spread of the base of the trees must be kept clear of weeds (at least 1.0m) to remove competition from herbaceous species. A mulch or tree mat can be used to achieve this. Strimmers must not be used near trees.

Stakes & Ties: The tree stakes and ties should be checked regularly (spring and autumn) to ensure stakes are rigid and tree ties are correctly fitted.

Watering: Trees must be watered in times of drought.

Pruning: Deadwood and diseased material should be removed at the end of each growing season. If needed, formative pruning should be carried out at this time to encourage good growth form.

Shrubs

Shrub beds will be weeded monthly from April to September and plants firmed in to ensure the establishment of healthy roots in the topsoil. Shrubs will be inspected for herbivore damage and if necessary, the areas will be netted to prevent deer / rabbits entering the area.

Replacement of Failed Trees or Shrubs
Any tree or shrub planting which dies or becomes seriously damaged/diseased within 5 years of the completion of the development, will be replaced in the next planting season with individuals of a similar size and species.

Hedging

Year 1: Lightly trim in winter, cutting off ends of new growth.

Year 2 - until hedge reaches full height: lightly trim in winter and mid-summer to encourage new growth. Replace any dead or dying plants.

When hedge reaches its full height it should be trimmed in summer.

Grass (Amenity areas)
The grass will be cut twice monthly between April and October.
During the autumn months, the grass areas will be kept clear of fallen leaves which can kill the new grass due to loss of light and 'smothering'.

Wildflower Grass
The wildflower grass will be cut yearly in autumn, after seeding. The cut grass will be allowed to remain on the grass for two weeks before being raked up and removed. This will allow seeds to be shed onto the ground to grow on in the next year.

Legend:

- Grass Areas
- Planting Beds
- Wildflower grass area.

Proposed Housing Development
at 242/244 North Deeside Road
Landscaping Plan

Client	Tarmad Bridge Ltd & Main: Ltd
Project No	NCRP/22004/S
Date	22nd February 2022
Drawn by	EP
Checked by	NA
Scale	1:125 @ A2

astell associates
Landscape Architects

10 Pagan Road, Marazion, St Austery, Cornwall PL28 8DZ
01752 74320

Proposed site plan showing decked landscaping over car parking



Proposed First Floor



Proposed second floor



Proposed Third Floor



Proposed Roof Plan





Proposed West Elevation
1:200





Proposed South Elevation

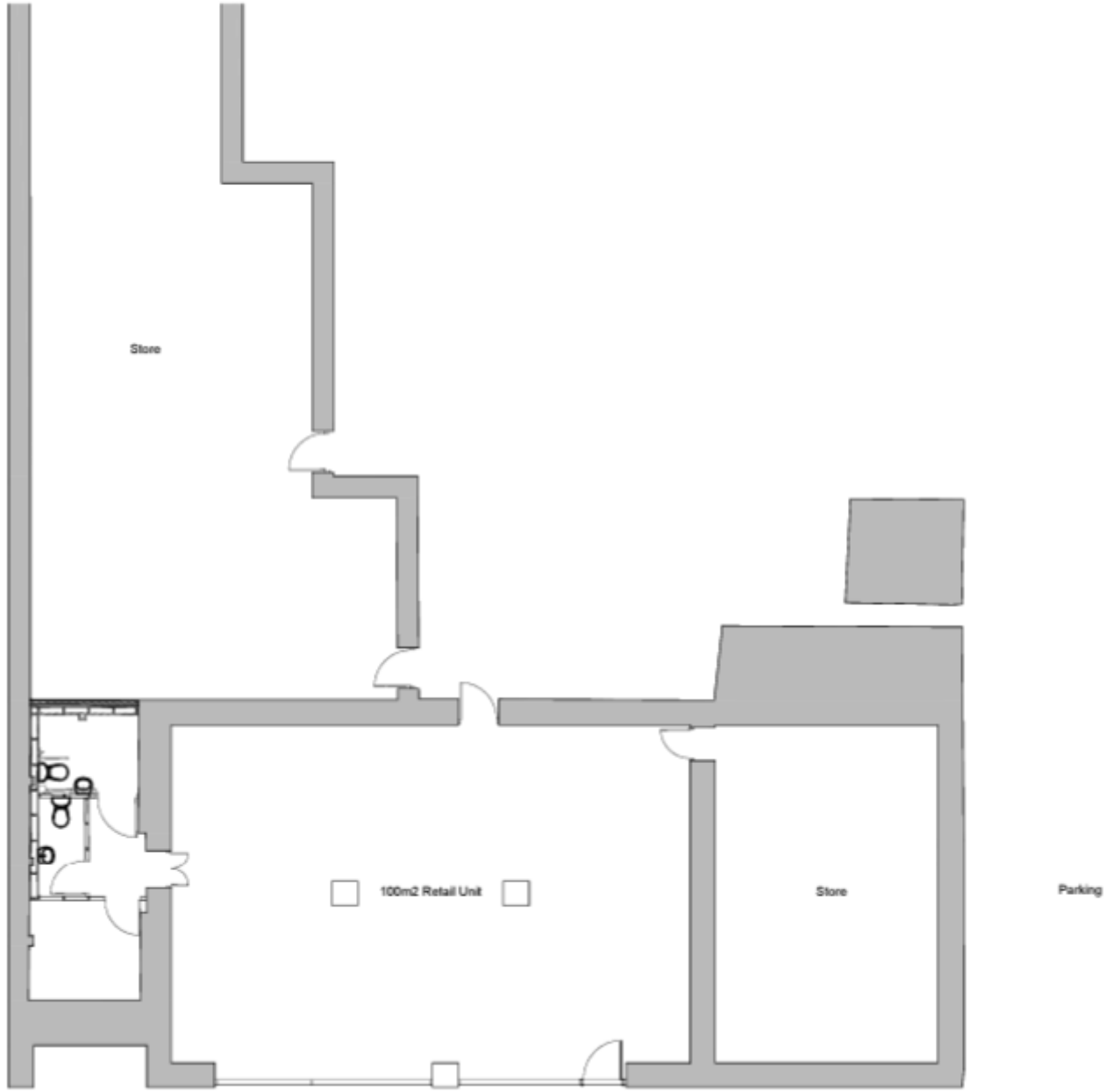
1:200



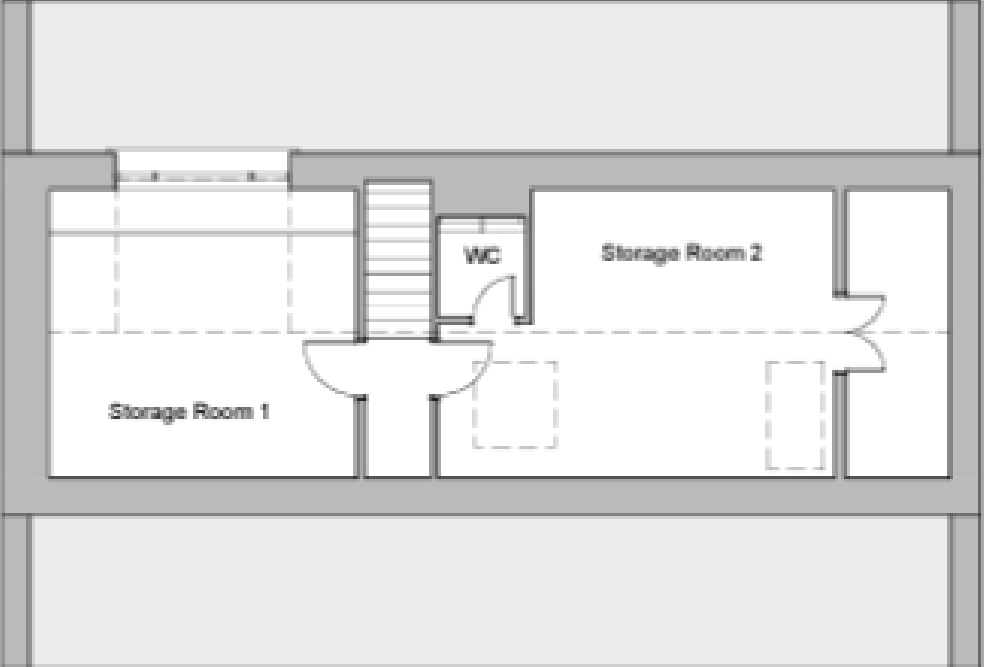
Proposed North Elevation

1:200

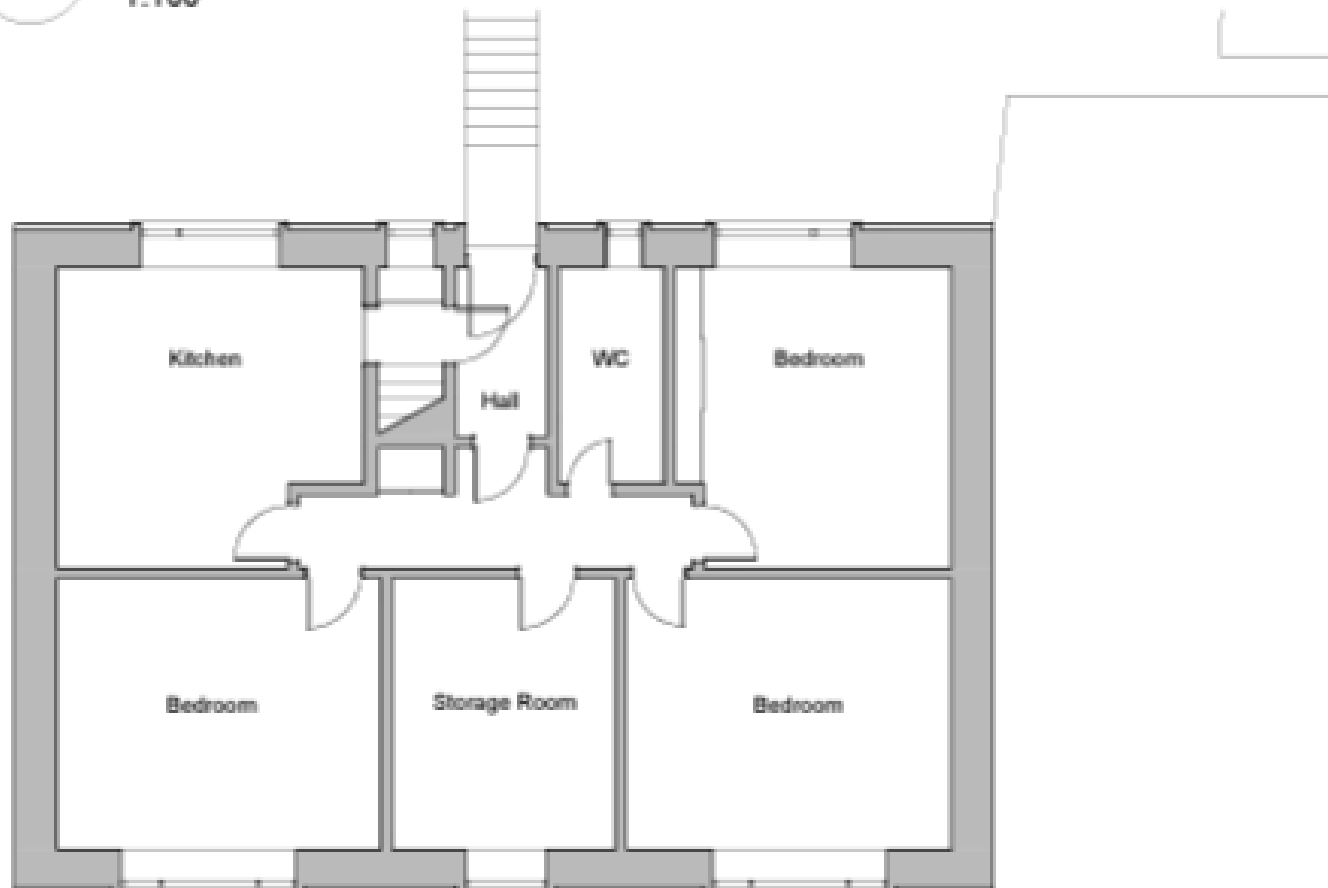
Existing ground floor plan



Existing First and Second Floor Plans

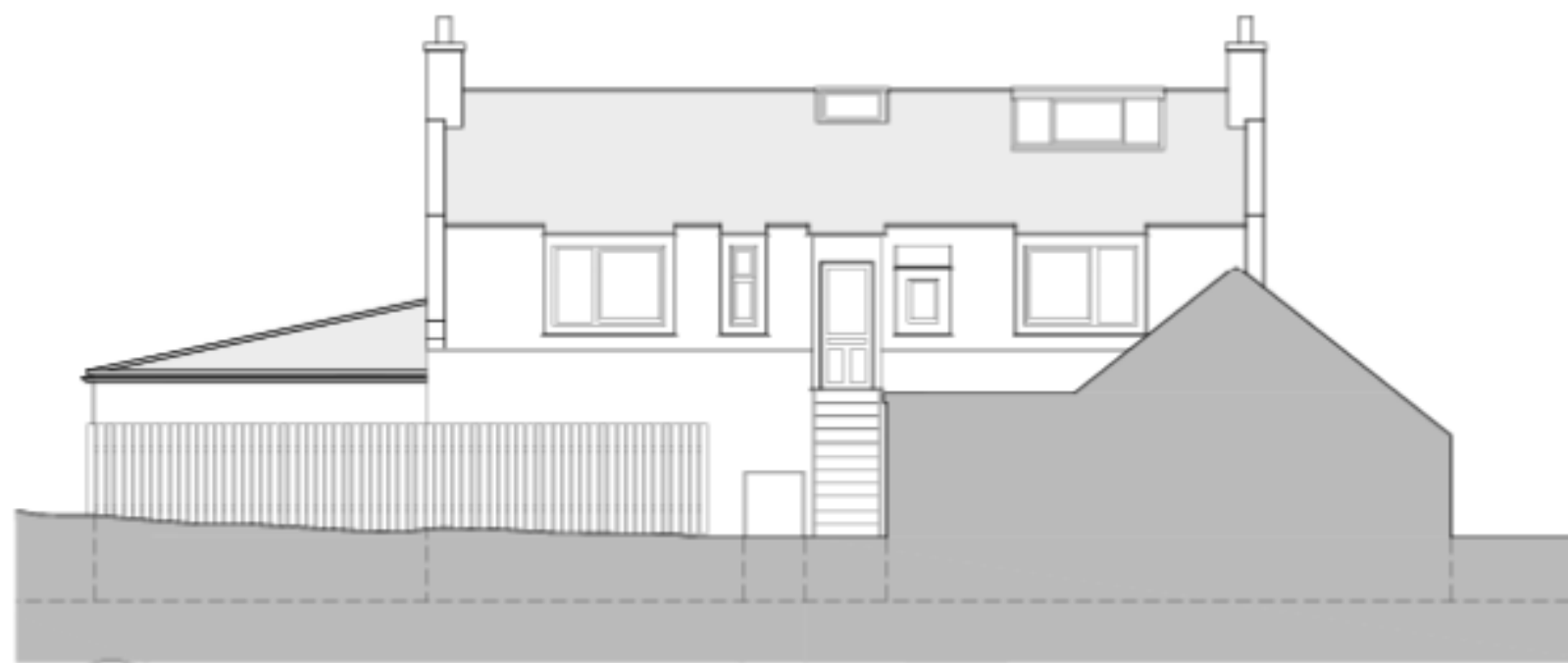


Second Floor Plan
1:100



First Floor Plan
1:100

Existing Elevations

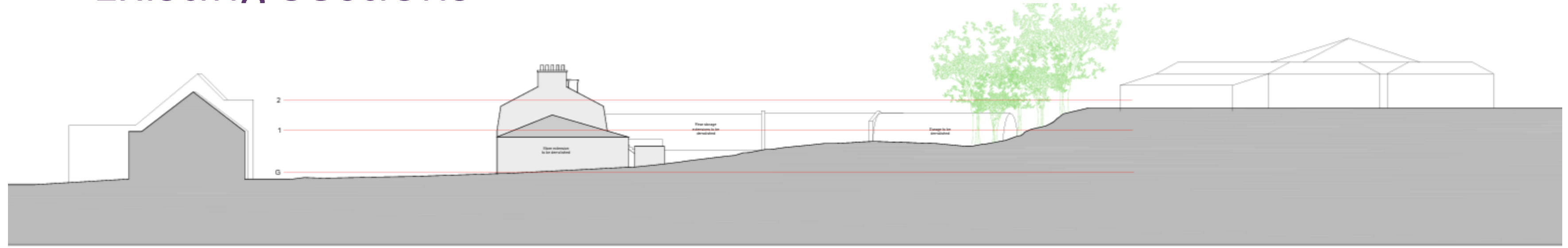


Existing North Elevation
1:100



Existing South Elevation
1:100

Existing Sections



Page 162



Proposed Section BB

1:200

Reasons for Recommendation in Case Officer's Report

- Stated in full in Report of Handling in Agenda. Key points:
- Insufficient info - detailed cross sections and sun shadow analysis on properties to north; transport statement and clarity on servicing arrangements; and additional bat survey
- Residential Amenity
- Overdevelopment
- Design Quality
- Adverse Impact on Peterculter Neighbourhood Centre
- Road Safety (Access)
- Sustainable Development

Applicant's Case

- Scale and density – precedent set by buildings adjacent
- Impact on retail centre – proposed retail space size has been maximised, customer parking would increase
- Residential Amenity – adjacent house to north is at higher level and report includes shadow cast analysis
- Daylight acceptable to proposed flats
- Access – Roads Service does not object
- Parking – residents will use public transport, there is also a car park diagonally opposite
- Bin store is only marginally outside travel distance standard
- Landscaping is generous
- Tree impact is acceptable and planting is proposed
- Additional bat survey can be conditioned

Applicant's Case, continued

- Proposed will comply with low and zero carbon policy, highly insulated and with air source heat pumps
- Crime – car park will be overlooked and movement sensor lights installed
- Proposal complies with various other policies

Policies – LDP 2017

- Zoning: Policy NC6: Town, District, Neighbourhood and Commercial Centres
- Policy H1: Relates to new residential developments

Policy NC6 - Town, District, Neighbourhood and Commercial Centres

Retail is the preferred use within these designated centres, however a mix of uses is desirable. Proposals for changes of use from retail to non-retail use in town, district, neighbourhood and commercial centres will only be allowed if it meets all of the following criteria:

- 1 the proposed alternative use makes a positive contribution to the vitality and viability of the centre;
- 2 the proposed alternative use will not undermine the principal function of the centre in which it is located;
- 3 the applicants can demonstrate a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use);
- 4 the proposed use caters for a local need;
- 5 the proposed use retains or creates a live and attractive shop frontage;
- 6 the new use does not create clustering of a particular use in the immediate vicinity which would undermine the character and amenity of the centre or the well-being of communities; and
- 7 the alternative use does not conflict with the amenity of the neighbouring area.

Policy H1 - Residential Areas

Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new development and householder development will be approved in principle if it:

- 1 does not constitute over development;
- 2 does not have an unacceptable impact on the character and amenity of the surrounding area;
- 3 does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and
- 4 complies with Supplementary Guidance.

Within existing residential areas, proposals for non-residential uses will be refused unless:

- 1 they are considered complementary to residential use; or
- 2 it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.

Any proposed loss of Local Shops or Community facilities would need to comply with the relevant policies Policy CF1 Existing Community Sites and Facilities and Policy NC7 Local Shop Units.

Policies – LDP 2017

- D1: Quality Placemaking by Design
- D2: Landscape
- D3: Big Buildings
- D5: Our Granite Heritage
- NC4: Sequential Approach and Impact
- I1: Infrastructure Delivery & Planning Obligations
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T5: Noise
- H3: Density
- H5: Affordable Housing
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE8: Natural Heritage
- R2: Degraded & Contaminated Land
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Building & Water Efficiency
- CI1: Digital Infrastructure

Evaluation

- **Primacy of Development Plan**
- **The Planning Act requires all applications to be determined in accordance with Development Plan unless material considerations indicate otherwise**
- **Careful assessment, each application treated on its merits**

Basis for Decision

Zoning: Do members consider that the proposed development would comply with NC6 ?
How would it affect the character and amenity of the area as set out in policy H1?

Other considerations, including: Access, parking, refuse collection, landscaping, bats, drainage, trees, affordable housing and developer obligations

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



Thank you
Questions ?

Lucy Greene (Planning Advisor): lgreene@aberdeencity.gov.uk

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling</p>
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Site Address:	High Point, 242 North Deeside Road, Peterculter, Aberdeen Peterculter AB14 0UQ
Application Description:	Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure
Application Ref:	211791/DPP
Application Type:	Detailed Planning Permission
Application Date:	21 December 2021
Applicant:	Matnic Ltd
Ward:	Lower Deeside
Community Council:	Culter
Case Officer:	Robert Forbes

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The site is located on the north side of North Deeside Road, Peterculter, at the western end of its neighbourhood centre and at the gateway to the countryside. There is a mix of uses in the area including retail, public houses, a restaurant and a hot food takeaway. The site is currently occupied by a vacant traditional granite single storey building attached to a 1.5-storey granite building with a class 2 unit (beauty salon) on the ground floor and residential flat above. This flat is accessed via an external stair located at the rear of the building. The site also includes a small car park, a large, corrugated roofed shed / outbuilding and small timber shed to the rear. Part of the rear of the site appears to have been used as a commercial car wash. There is a significant change in levels up to the rear of the site of around 3m. The fringes of the car park / site access are defined by granite rubble walls.

The site is bounded to the west by a retail unit (Spar and Post Office) located within a traditional single story / one and a half storey granite fronted building. This unit has no ancillary car parking or delivery area. To the north of the site is a modern detached house set in large, wooded grounds. This house has a private driveway access extending along the east edge of the site. There are mature trees beyond the northern and eastern fringes of the site which has a moderate southerly aspect. Further east are 4-storey flats set well back from the street front. On the opposite side of the street are single storey and 1½ storey granite buildings.

Relevant Planning History

Application Number	Proposal	Decision Date
210112/DPP	Change of use from class 1 (shop) to class 2 (financial, professional and other services) to allow use as a tanning salon	26.02.2021
		Status: Approved

181596/PREAPP	Erection of 7 flats with retail units	30.10.2018 Status: Issued
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The above pre-application advice response advised that mixed-used development is acceptable in principle. However, the design and scale of the 4-storey building proposed was not suitable to its context and considered excessive. The proposal requires further careful consideration in relation to the detailed design, form and scale. Lack of residential outdoor amenity space requires to be addressed. Any impact on existing residential amenity would not be supported and the proposal refused.

APPLICATION DESCRIPTION

Description of Proposal

Erection of 14 new build flats (8 x 2 bed flats, 6x 1 bed flats), a small retail unit (57 square metres) and conversion of an existing flat to form 2 units.

The development would have an L-shaped plan with the footprint of the new building extending almost to the rear boundary. The retail unit (57.6sqm floor area) would occupy part of the ground floor of the building, fronting onto and accessed from North Deeside Road. The proposed building would step up from 3 storeys at the road frontage to 4 storeys towards the rear. The maximum height of the building would be 12.5m. The section fronting the road would have a maximum height of 10.4m and would be around 1 storey higher than the adjoining buildings to the west and the buildings to the south. However, it is unclear that the cross-section information submitted by the agent is accurate, in particular in relation to the distance between the proposed building and the existing properties on the opposite side of the street. Two separate stairwells are proposed to access the flats, neither of which would be accessed direct from the street. Pedestrian access to the flats would be provided from the rear of the site via a covered walkway. This would entail walking past a bin store and negotiating the proposed car park. A total of 18 ancillary car parking spaces are proposed on site (for use of the occupiers) accessed via an adjusted site access onto the main road. It is unclear if spaces would be designated or communal. It is stated that one space would be available for the retail unit.

A small external drying area (5m by 5m) would be provided at the south-west edge of the car park, immediately to the north of the existing buildings on the site. A small incidental amenity space would be provided at the northern edge of the site, accessed via an external flight of steps. This would be partly located above the proposed car park and largely shaded by the proposed building. The proposed new build flats would have private balconies / terraces. The flats would range in size from 44 to 72 square metres.

The proposed SUDS measures on site comprise hard engineering works, including an attenuation tank located below the proposed pervious paved car parking / building and filter strips below the car park. External materials would comprise a mix of grey metal cladding to roofs / walls and contrasting grey granite cladding to walls. The roofs of the blocks would generally be flat, but would have sloped sections at the edges of the metal clad blocks.

Amendments

In agreement with the applicant, the following amendments were made to the application:

Revised road access detail

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=R4FBA0BZJ4700>

Design and Access Statement
Tree Survey / Report
Bat Survey / Report
Site Investigation
Drainage Impact Assessment (DIA)
Surface Water Assessment
Daylight and Sunlight Assessment Report
Noise Impact Assessment (NIA)

CONSULTATIONS

ACC - Roads Development Management Team – Consider that further information is required to assess the proposal. Note that the site is located in the outer city and does not lie within an area with any form of controlled parking measures. Advise that in terms of ACC Transport SG, the proposed flats would require 24 car parking spaces and the proposed retail unit would require 2 spaces. Note that only 18 parking spaces would be provided, which is considered to be acceptable, due to provision of cycle parking, proximity to public transport and walking distance to local amenities. However, there are concerns that the pillars upholding the structure above might affect the use of spaces numbered 1 to 4. Express concern regarding the proposed vehicle access tie-in with existing lay-by parking, visibility, footpath connection, adjacent access proximity and bus stop provision (possible re-location). Consider cycle access / connectivity and access to public transport to be acceptable.

ACC - Environmental Health – No objection. Advise that the proposed development is located adjacent to the busy North Deeside Road (A93). The proposal is therefore likely to be impacted by road traffic noise. Additionally, the proposed commercial unit and other commercial businesses nearby may impact on the proposal. Note that an NIA has been submitted and request that suitable noise mitigation measures are implemented.

ACC - Waste and Recycling – Request that a swept analysis is provided from the developer to ensure waste collection vehicles can safely manoeuvre around the development (n.b. initial advice provided at pre-application stage was that refuse storage should be provided within 15m of the site access to avoid the need for refuse vehicles to enter / turn within the site).

ACC - Schools Estates Team – Advise that there is adequate capacity in relation to both primary and secondary school provision.

ACC - Housing – No objection. Advise that ALDP policy H5 requires a 25% affordable housing contribution from all housing developments of 5 units or more which equates to 3.5 units. For developments of less than 20 units the provision of affordable housing may be on-site, off-site or commuted payments. If the developer intends to provide Low-Cost Home Ownership (LCHO) as an affordable housing contribution, they should enter into early discussions with the Housing Strategy Team regarding this as demand for this type of affordable housing has reduced.

ACC - Developer Obligations – Advise that contributions are required regarding core path network (£3,900), healthcare facilities (£6,001) and open space (£1,903) in addition to provision of affordable housing.

ACC - Contaminated Land Team – No objection. The Site Investigation submitted in support of

the above development has been reviewed and its conclusions and recommendations are accepted. Based on the available information there is no obvious risk to the proposed development. Do not recommend any further intrusive works are required.

Scottish Water – No objection. The proposed development will be fed from Invercarnie Water Treatment Works (River Dee). Unfortunately, Scottish Water is unable to confirm water supply capacity. Advise that there is currently sufficient capacity for a foul only connection in the Nigg Waste Water Treatment works to service the development. Advise that for reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system.

Police Scotland – Provide detailed comment regarding the proposed design solution. Advise that vehicular and pedestrian routes should be designed to ensure that they are visually open and direct. Any footpaths should be straight, wide and well-lit to promote feelings of safety and security for pedestrians as well as discouraging anti-social behaviour. These footpaths should also be free of potential hiding places for miscreants and should follow the pedestrian's preferred route through the development. Car parking areas should be within view of active rooms such as kitchens and living rooms (bedrooms and bathrooms are not considered as active rooms).

Dee District Salmon Fishery Board – No objection. Advise that there does not seem to be the potential for a significant impact upon the River Dee SAC or the watercourses from which it is made up, in relation to the proposed development. Request that the developer adheres to SEPA's pollution prevention guidelines should the application be successful.

North East Scotland Biological Records Centre – No species records related to the site. Advise that protected species (e.g. red squirrel) are present nearby.

Culter Community Council – Object on overdevelopment and car parking concerns. Consider that the scale and design of the proposal would be inappropriate to its context. Express concerns regarding potential conflict with policy regarding affordable housing (H5) and low energy development need (R7).

REPRESENTATIONS

3 representations have been received (2 objections, 1 in support). The matters raised can be summarised as follows –

- Inaccurate information submitted (shadow analysis / public transport information);
- Excessive scale of development / height of building
- Insufficient evidence of carbon reduction requirements
- Inadequate EV charging provision
- Inadequate on-site car parking provision
- Reduction of car parking provision on North Deeside Road.
- Overlooking / loss of privacy to adjacent residential premises / garden ground
- Loss of sunlight to adjacent residential premises
- Adverse impact on adjacent residential property due to noise and lighting associated with proposed car park
- Loss of views from adjacent residential property to west

The owner of adjacent property to the south welcomes the proposal as it would result in redevelopment of a run-down eyesore and the provision of new retail and residential accommodation would be a positive addition to the village.

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.

PAN 65: Planning and Open Space (2008):

“17. Open space designers, planners and managers should be aware of the potential to improve the quality of our environment and create long-lasting, beautiful places of which we can be proud. To achieve this, green and civic spaces must be fit for purpose and have a relationship with the surrounding buildings and uses, and the movements through them. Spaces should be designed for ease of access, particularly for groups such as the elderly, parents with pushchairs and disabled people. The proper provision, management and maintenance of open space are key aspects of good design.”

PAN 67: Housing Quality (2003)

PAN75: Planning for Transport (2005):

“32. For implementation at a local level a zonal approach (to car parking) is recommended. Measures that can influence parking can include:

- A maximum number of parking spaces being provided, underpinned where appropriate by a minimum to avoid undesirable off-site overspill parking

34. All new and re-development proposals should be designed for safety and the convenience of all users. Good design and layout of a development can significantly improve the ease of access by non-car modes, for example:

- Entrances to be as close as possible to pedestrian routes and bus stops; and
- Links to cycle networks, with secure parking near the main entrance”

PAN 77: Designing Safer Places (2006)

PAN1/2011 (Planning and Noise)

Development Plan

Strategic Development Plan (SDP)

The current SDP 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.

Local Development Plan

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. The extant local development plan is now 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 SPP 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 ALDP policies are relevant –

D1: Quality Placemaking by Design
D2: Landscape
D3: Big Buildings
D5: Our Granite Heritage
NC4: Sequential Approach and Impact
NC6: Town, District, Neighbourhood & Commercial Centres
I1: Infrastructure Delivery & Planning Obligations
T2: Managing the Transport Impact of Development
T3: Sustainable and Active Travel
T5: Noise
H3: Density
H5: Affordable Housing
NE4: Open Space Provision in New Development
NE5: Trees and Woodland
NE6: Flooding, Drainage & Water Quality
NE8: Natural Heritage
R2: Degraded & Contaminated Land
R6: Waste Management Requirements for New Development
R7: Low & Zero Carbon Building & Water Efficiency
CI1: Digital Infrastructure

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

Affordable Housing SG
Big Buildings SG
Flooding, Drainage and Water Quality SG
Green Space Network and Open Space SG
Hierarchy of Centres SG
Landscape SG
Noise SG
Natural Heritage SG
Planning Obligations SG
Resources for New Development SG
Transport and Accessibility SG
Trees and Woodlands SG
Materials TAN

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 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. In this case similar zoning and topic-based policies apply. The PALDP does not identify the site as a specific development opportunity.

Other Material Considerations

The Aberdeen City and Aberdeenshire Housing Need and Demand Assessment 2017 (HNDA). Figures in the HNDA identify up to 1,368 new affordable homes needed per annum over a 20-year period. This estimate of net annual housing need depends greatly on the economy and the housing market.

EVALUATION

Principle of Development

The delivery of housing on a disused brownfield site within a settlement which is accessible by public transport accords in principle with the SPP presumption in favour of development that contributes to sustainable development. Given the non-strategic scale of the proposal and that it does not raise matters of a cross boundary nature, the SDP is of limited relevance in this case. Adequate infrastructure exists to service the development, or it can be enhanced in accordance with the expectations of ALDP policy I1. Although the site is not specifically identified as a brownfield opportunity site with potential for housing development within appendix 1 of the ALDP, the proposal accords with ALDP spatial strategy to encourage the regeneration of brownfield sites and aligns with the aspirations of the HNDA. The principle of a mixed-use development at the site was accepted in pre-application advice issued in 2018 and is welcomed. It is considered that there has been no material change in circumstances which changes that opinion. However, the proposal raises a number of issues which require detailed assessment.

Density / Scale

ALDP policy H3 seeks an appropriate density of development, with consideration of the site's characteristics and those of the surrounding area and having regard to provision of an attractive residential environment.

The proposal would have a density of 106 residential units per hectare, which is significantly higher than the density of the wider area. The minimum density figure of 30 units per hectare, set out in policy H3, which applies to larger development sites, does not apply in this instance as the site is less than a hectare. However, an appropriate density is required. The units would be entirely flatted, with no house units and would have limited external garden ground / amenity space available to occupants. This part of Peterculter largely retains its historic village character. This is evidenced by the predominance of low-rise buildings with pitched slated roofs and substantive garden grounds. The scale and form of the proposed development is considered to be more appropriate to a higher density urban context. Alternative, lower density forms of development have not been explored in the submitted design statement.

Whilst it is appreciated that the flatted development to the east of the site is 4 storey, that is not considered to represent a precedent or be representative of the prevailing built form. The adjacent flats, which were constructed as an extension to the former Gordon Arms hotel, were essentially an enabling development to allow the retention, restoration and conversion of the historic building, which was an established local landmark and substantial granite building of historic value. The current proposal offers no such benefits. Its scale and height are not typical of the wider context. Furthermore, the adjacent development is set back significantly from the road frontage and is not set in a perpendicular position to the street, in contrast with the current proposal (i.e. most of the proposed flats do not have a frontage to the street).

Whilst a mixed retail and flatted development has more recently been approved nearby, that provided a substantial new retail unit (Co-op) and substantial customer car parking of benefit to the wider retail centre, in contrast with the current proposal, and therefore cannot be regarded as a precedent. Being parallel to the street, that development complements and reinforces the building form of the street. It also has dual-aspect flats with a frontage to the street and a south-facing aspect that maximises sunlight and views.

Big Buildings SG states that the most suitable location for big buildings is in the city centre and the immediate surrounding area, rather than a peripheral. It is noted that the design statement does not consider ACC Big Buildings SG and, although it contains some photomontages, does not include a full landscape and visual impact assessment. As the scale of development would not be appropriate to its context, it would conflict with ALDP policy D3.

It is noted that the scale of development proposed is significantly greater than that for which pre-application advice was issued in 2018 and which requested a reduction in density. Whilst the current site boundary is larger than that site, it is considered that the scale and form of the development does not appropriately respect the context of the site by reason of its excessive density and thus conflicts with ALDP policies H3 and D1. As set out in pre-application advice, significant reduction in the scale and density of the development would be required in order to address the above concerns.

Design

Whilst the proposed design solution is considered appropriate to an urban area, the site lies within Peterculter, which largely retains its village character and the proposal is thus considered to be incongruous and unduly dense as explained above. The form and materiality of the proposed development would also be incongruous to its context, by reason of the perpendicular relationship of the building to the street, whereby the massing of the building extends back from the street frontage, its use of flat roofs and the proposed use of zinc wall / roof cladding (in contrast with the prevailing granite and slate clad pitched roofs of adjacent buildings) such that it would not accord with the objective of ALDP policy D1, ALDP Materials TAN or PAN 67: Housing Quality. It is noted that the site includes granite features (e.g. low rubble walls and the existing building at the frontage which would be demolished). No reuse of such granite is proposed in accordance with the objective of ALDP policy D5.

Impact on Retail Centre

Although a new commercial unit and residential accommodation would in theory support the diversity/offering/success of the Peterculter 'high street', and is therefore welcome in principle, the mix proposed offers little new commercial space. Provision of a new retail unit within a designated centre accords with the objective of ALDP policy NC4. However, the value of a small retail unit to the wider retail centre would be limited due to its restricted floorspace and absence of significant dedicated car parking (e.g. in contrast with the nearby Co-op development). It is noted that no specific end user has been identified for the unit and the proposal results in the loss of existing customer car parking within the site (albeit this is privately owned and thus its continued use

cannot be assured).

In order to provide adequate sight lines and safe vehicle egress at the site entrance could require the removal of 3 existing on-street car parking spaces on North Deeside Road and thus would not support the functioning of the existing retail centre. It is noted that the proposal is largely residential in nature and it is unclear how any parking for the retail unit would be available to customers or how it would operate, particularly given the likely excess car parking demand from prospective occupiers of the flats. It is considered likely that customers would choose to park on street rather than enter the site to attempt to park in what is a largely residential development. The current proposal is therefore considered to potentially conflict with the objectives of ALDP policy NC6.

Residential Amenity

Unfortunately, the submitted Daylight and Sunlight Assessment Report is considered to be deficient. It does not consider the impact of the development on the property to the north of the site and does not contain information regarding shadow cast analysis (e.g. impact on adjacent property during winter). It is also unclear if daylight received by the proposed flats would be adequate. Submission of a revised report was therefore requested, but not provided prior to the Notice of Review being submitted by the applicant. It is noted that the development involves the creation of a 3-storey block located directly to the south of the detached house to the north, which is of significantly lower scale. There remains a concern that the proposal would adversely affect the amenity of the adjacent house to the north due to over-domination and overshadowing and therefore conflicts with the objective of ALDP policy H1. Submission of extended detailed cross sections to show the relationship with this property were not provided prior to the Notice of Review being submitted by the applicant. The ground floor single aspect residential flat at the rear of the site is considered to have an unacceptably poor level of amenity due to its restricted outlook and position relative to parking. The level of daylight reaching this flat would likely be poor due to its significantly recessed living space. The east and west aspect to all the flats in the rear is considered to borrow amenity from the adjacent sites. Further, with five of the proposed flats being shown to be constructed above parking spaces and the access road/circulation space for the car park, this results in a particularly poor amenity for future occupants of those flats and therefore, the proposal requires substantive redesign. There would also be a degree of overlooking of adjacent residential premises to the north and east from the proposed balconies. Although limited information has been submitted regarding the external lighting of the development / car park, it is considered that this could be subject of detailed design to minimise light spillage and potential disturbance to adjacent residential amenity. Given the lack of accurate supporting information and concerns regarding the appropriateness of the scale (footprint and height) of the new building it cannot be concluded that the development would not result in adverse impact on existing residential amenity.

The proposed development would be deficient in terms of provision of adequate usable external amenity space for proposed occupants. The proposed external drying area and limited communal open space would be substantially shaded by the proposed building and would be inconvenient for practical use due to proximity to car parking, restricted size and inconvenient access.

The relatively high density of residential development proposed, its remote location relative to Aberdeen City Centre and outwith any controlled parking area and its failure to accord with ACC Transport Supplementary Guidance regarding car parking (i.e. reduced ratio of car parking proposed on site) is such that there would be likely increased risk of overspill car parking pressure from the development. This would be likely to result in adverse impact on existing residential amenity.

It is accepted that use of the car park by occupants could create some noise disturbance to

adjacent residents and this is not addressed in the NIA. However, given the use of part of the rear of the site as a commercial car wash, it is not considered that this impact would be so significant to warrant refusal. Furthermore, such impacts would be transient and limited significance relative to the impact of traffic noise from the main road. Development of reduced scale would minimise the risk of such disturbance.

Whilst occupants of the development would be exposed to road noise and noise from nearby commercial uses, it is noted that the submitted NIA demonstrates that an adequate noise environment could be created for occupants of the flats and its findings are accepted. It is accepted that suitable mitigation measures could be conditioned in order to provide an acceptable noise environment within the flats. Thus, the proposal satisfies the expectation of PAN1/2011 (Planning and Noise). There are no grounds for refusal on the basis of conflict with ALDP policy T5 and related SG.

Pedestrian Access

It is considered that the proposed pedestrian access to the proposed retail unit, direct from the street is accepted and accords with the historic norm within the neighbourhood centre. However, it is considered that the proposed pedestrian access arrangements for the new flats would be neither welcoming nor pleasant. It appears that the proposed design solution has not been designed with pedestrian movement as the priority, but rather is more reflective of an attempt to maximise the number of flats on the site. The pedestrian entrance points would not be visible from the street and would entail walking through the undercroft of a building and car park and thus would be neither attractive nor well defined and would conflict with the secure by design advice provided by Police Scotland. The design solution would therefore conflict with the objective of ALDP policy D1. Access to the flats is car focused because the entrances are accessed directly off the car parking court with the result that the proposal really has no 'front door' approach from the street and no sense of arrival which is important for 'sense of place' and kerb appeal. This arrangement is also considered to conflict with the objective of ALDP policy T3 and PAN75: Planning for Transport as pedestrian movement has not been prioritised. Addressing these concerns would require a significant redesign and reduction in the scale of flatted development proposed, which the applicant has declined to agree to.

As regards the revised site vehicle access works, the provision of a pedestrian build out is welcome. However, there are wider issues of concern. It is noted that proposed works at the site access involve reduction of the existing footway on adjacent land to the east. This would not be in accordance with ALDP policy T3 as it would not prioritise pedestrian movement. It is noted that no other off-site pedestrian enhancement measures (e.g. improved crossing of North Deeside Road) are proposed.

Vehicle Access

Given the intensification of vehicle movements at the site, and absence of proposals to address or reduce traffic speed on the public road, it is unclear that the proposal would be safely accessed and may result in increased conflict at the vehicle access due to vehicles egressing the site. It is noted that the required visibility splay to the west of the site would be potentially compromised due to on-street parked vehicles as there are no parking restrictions to prevent this. ACC Roads Service has confirmed that there are no proposals to remove such on-street parking, or impose other restrictions, or otherwise provide public car parking. Furthermore, any Traffic Regulation Order (TRO) restricting car parking could be subject to objection by residents and/or businesses and removal of on-street parking would not appear to be in the interest of the viability of the shopping centre. Therefore, it is unlikely that the required visibility would, in practice, be achievable.

Parking

It is noted that the scale of car parking proposed for occupants of the flats does not accord with ACC guidelines set out in Transport SG and therefore conflicts with ALDP policy T2. Whilst ACC transport SG encourages low car residential development, these are more appropriately located in the city centre or central location within controlled parking zones. The context of this site is significantly different. Notwithstanding the proximity of the site to a bus route, the site lies within a peripheral settlement at the edge of the city, outwith any controlled parking zone. It is noted that some of the public transport information referred to by the agent is out of date / erroneous and services have recently been reduced. Whilst the site lies relatively close to the Deeside Way cycle route / walkway, accessing it requires crossing a busy road at a distance of almost 600m. There are limited controlled crossing points and no dedicated facilities for cyclists (e.g. cycle lanes) on this section of North Deeside Road. Although a light controlled pedestrian crossing exists to the east of the site, there is no cycle crossing point. It is noted that there are no car club facilities / spaces within the vicinity of the site, with the nearest vehicles being in Cults. It is therefore considered likely that a relatively high car dependency would occur in this instance due to the peripheral location of the site relative to the city centre and limited options for public transport links. Whilst it was indicated at pre-application stage that there may be some flexibility regarding the level of car parking on site, the significant reduction in parking provision proposed is considered to be problematic and excessive. There remains a significant risk that the proposal would therefore result in pressure for overspill car parking outwith the site, in conflict with PAN75: Planning for Transport. This would be likely to conflict with the amenity of existing residents and operation of existing businesses and would therefore be unacceptable. The applicant has declined the opportunity to submit amended proposals for a reduced scale of residential development to address this concern. Whilst limited EV parking is proposed on site, a condition could be used to ensure its delivery and delivery of cycle parking on site.

Servicing

It is presumed that refuse vehicles would not enter the site, to avoid reversing. Clarification of the proposed means of collection is required to assess relative to ALDP policy R6. It is noted that the proposed residential bin store would not be located within 15m of the kerbside, as requested by ACC Waste Service. Its position is likely to require excessive travel distance and thus necessitates redesign of the layout.

Landscape / Open Space Provision

Although no public open space (as opposed to communal amenity space) would be provided within the site, it is accepted that is not required for brownfield sites. A contribution could be sought for enhancement of off-site public space in accordance with the objective of ALDP policy NE4 and related SG.

As regards the submitted landscape plan / detailed design, it is noted that the extent of greenspace within the site would be limited and its usability would be restricted due to proximity to buildings and structures (e.g. the drying green would be of limited practical value due to shading and proximity to the car park). There is a lack of open space within the proposed site layout to accommodate meaningful areas of landscaping. A reduction in the footprint of the proposed building would allow for further areas of open space and landscape planting. This would better accord with ALDP policies NE4 and D2 and potentially contribute more to biodiversity using native plants. The small planting / amenity spaces at the fringes of the site would be of limited value to occupants and would also be at risk of removal in the longer term due to the restricted size of the planting areas and proximity to structures. Whilst an external communal open space is proposed, this would be of limited functional value due to the restricted access to the area, overshadowing by the building and change in levels. It is noted that no green roofs / walls or rainwater harvesting are proposed. Particularly on developments where there is limited space for soft landscaping, green walls and roofs can make a valuable contribution to biodiversity and carbon sequestration.

Significant reduction in the footprint and scale of the development is required in order to address the expectations of ALDP policy D2 and related guidance. It is considered that insufficient green space would be provided within the site to provide amenity for occupants. Thus, the detailed design of the proposal would conflict with the objectives of ALDP policy NE4 and PAN 65: Planning and Open Space.

Tree Impact

Whilst the development does not result directly in tree removal, it is noted that tree removal is proposed on adjacent land which is not in the applicant's control and therefore cannot be assured. It is noted that parts of the development would be within the zone of influence of adjacent mature trees to the north and would be close to other mature trees to the east which therefore may result in pressure for further removal / reduction of tree cover, in conflict with the objective of ALDP policy NE5. Whilst tree works and/or removal outwith the site may reduce such conflict with the development, that cannot be assured and is not desired. A more sustainable approach would be to reduce the footprint of development and design out such potential conflict. Given the footprint / scale of development proposed and limited extent of greenspace within it, the design solution does not provide adequate compensatory planting. The longevity of the proposed tree planting is likely to be compromised due to proximity to existing and proposed structures. It is therefore considered that insufficient tree planting would be provided within the site to enable long term continuity of tree cover in the wider area in the interest of the objective of ALDP policy NE5. Significant redesign (e.g. reduction in the footprint of the development and increased green space) is required to address this concern.

Drainage

It is noted that Scottish Water, ACC Roads and Dee District Salmon Fishery Board have no objection to the development. There is adequate foul drainage capacity to service the development. The submitted DIA and surface water assessment indicate that the site can be adequately drained, notwithstanding that it is proposed that surface water discharges from the site to the combined sewer, which is contrary to Scottish Water advice and SUDS best practice. Furthermore, it is noted that the proposed SUDS measures are heavily engineered, more typical of high-density urban sites and lacking in any biodiversity benefit. There is tension with ACC Big Buildings SG which states that specific technical solutions such as green roofs, green walls and rainwater management are encouraged. It is noted that no green roofs / walls or rainwater harvesting are proposed which can provide surface water and biodiversity benefits. The Surface Water Assessment states that implementing green roofs would not offer a practical or cost-effective surface water drainage option however this statement has not been supported by evidence. A development of reduced density / footprint would enable more sustainable SUDS solutions.

A condition can be imposed to ensure that foul drainage from the development is connected to the public sewer. However, the surface water drainage measures are not considered to be sustainably designed. As designed the development would not adequately accord with the surface water quality objectives ALDP policy NE6 and related guidance regarding SUDS.

Ecology Impact

It is noted that a bat survey has been provided. It has been reviewed by the Council's Environment Policy Team who do not accept its findings and request that a further survey is provided. This survey will be required to be undertaken at an appropriate time of year to rule out the use of the building by bats and demonstrate compliance with ALDP policy NE8 and related guidance. An updated bat survey is required to be provided prior to determination (unless the proposal is refused), as such a survey cannot be the subject of a suspensive condition. It is noted that no evidence exists that other sensitive species are present on site. Notwithstanding that the undeveloped vegetated fringes of the site (e.g. ivy / ruderal vegetation) would be lost and there

would be limited replacement planting on site, the degree of conflict with the ecology enhancement objectives of policy NE8 is not considered to warrant refusal given that the site is already largely developed. However, a revised design solution of reduced density would enable better provision for replacement greenspace on site of biodiversity value.

Crime Risk

It is noted that the proposal has not been amended to address the concerns of Police Scotland (e.g. lack of surveillance of the communal car parking from the proposed public rooms and inconvenient pedestrian access to the flats). The layout as proposed would result in poor natural surveillance of the car park from public rooms (e.g. lounges) and the communal car park and pedestrian access to the flats would be vulnerable to potential crime risk as they would be unduly secluded. Thus, the development as designed is considered to conflict with PAN 77.

Economic Benefit / Viability

Notwithstanding that the proposal would result in limited employment creation during construction and associated with operation of the retail unit, this is of limited significance in the context of the wider economy of the city. A mixed development with reduced residential component would offer similar benefits. It is considered that the proposal represents overdevelopment of the site and offers no overriding economic benefits that may warrant approval given the policy conflicts identified above. Whilst the agent has advised that reduction of the scale of development raises viability concerns, no viability statement or other related viability justification has been submitted and thus no weight can be attached to this issue.

Affordable Housing / Developer Obligations

The applicant has advised that they are agreeable in principle to provision of 4 affordable units as requested. However, the proposed nature / tenure of units and whether these would be provided on site remains unclear. Whilst the means of delivery and detailed compliance with policy H5 and related SG cannot therefore be confirmed at this stage, such arrangements could be the subject of a section 75 agreement. Thus, there would be no basis for refusal of the application on the basis of conflict with policy H5.

Notwithstanding that developer obligations contributions could be secured by a legal agreement, to address some adverse impacts of the development, this is not considered to warrant approval of the development given the significant concerns related to the scale and density of development as identified above.

Energy and Water Efficiency

Whilst no detailed technical information has been submitted in relation to provision of energy and water saving technology on site, in order to demonstrate full compliance with Policy R7, such information can be made subject of a suspensive condition. Thus, there would be no basis for refusal of the application because of conflict with policy R7. Although the Surface Water Assessment states there is no significant demand for non-potable water on site, this is not accepted. If raised beds are incorporated into the development, rainwater captured on site and stored in water butts could be used for watering plants. Furthermore, non-potable water could in theory be stored in tanks and used for purposes such as flushing toilets.

Other Technical Matters

The submitted site investigation demonstrates that the site can be redeveloped without significant risk of environmental pollution or to occupants and its findings are accepted. The proposal would therefore satisfy the objective of ALDP policy R2.

It is presumed that there is adequate telecoms service in the area. It is noted that neither the applicant nor the Council has any responsibility for provision of telecommunications infrastructure,

which is delivered by private companies. Thus, it would not be reasonable to impose a condition requiring any service upgrade. No evidence exists that that the development would adversely impact on existing TV reception or other telecommunications signals. An advisory note could be used in attempt to ensure appropriate telecom provision is evidenced in accordance with the objective of policy CI2.

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. It is noted that the PALDP does not identify the site as a specific development opportunity.

Other Concerns Raised in Objection

The concerns regarding the scale of development, impact on residential amenity / the retail centre, parking provision and other technical concerns are addressed above. Loss of / impact on private views from adjacent residential premises is not a material planning consideration.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

1. Insufficient Information

Insufficient information has been submitted in order to assess the impact of the development. Extended detailed cross sections and a revised sunlight impact assessment with sun / shadow cast analysis is required to demonstrate the impact on existing residential premises to the north of the site. Submission of a transport statement and clarification of servicing arrangements is required in order to assess the transport impact of the development and demonstrate compliance with policy T2: Managing the Transport Impact of Development and policy R6: Waste Management Requirements for New Development within the Aberdeen Local Development Plan 2017 (ALDP). Submission of an additional competent bat survey is required to demonstrate that there would not be adverse impact on bats in accordance with the expectations of ALDP policy NE8: Natural Heritage.

2. Residential Amenity

The proposed development is considered to borrow amenity from adjacent land and would be deficient in terms of provision of adequate usable external amenity space for proposed occupants. The proposed external drying area and limited communal open space would be substantially shaded by the proposed building and would be inconvenient for practical use due to proximity to car parking, restricted size and inconvenient access. The relatively high density of residential development proposed, its remote location relative to Aberdeen City Centre and outwith any controlled parking area and its failure to accord with ACC Transport Supplementary Guidance regarding car parking (i.e. reduced ratio of car parking proposed on site) is such that there would be likely increased risk of overspill car parking pressure from the development. This would be likely to result in adverse impact on existing residential amenity.

3. Overdevelopment

Notwithstanding the conclusion of the submitted design and access statement, the scale and form of the proposed development would not respect the context of the site, which largely retains a low-density village character, by reason of its excessive footprint, height and massing. As the scale of development would not be appropriate to its context, it would conflict with ALDP policy D3: Big Buildings. The significant underprovision of car parking for the proposed residential development would not accord with the expectations of ALDP policy T2: Managing the Transport Impact of

Development and the remote location of the site relative to the city centre does not warrant approval of a low car development. It is considered that insufficient green space and tree planting would be provided within the site to provide amenity for occupants and enable continuity of tree cover in the wider area in the interest of the objective of ALDP policy NE4: Open Space Provision in New Development and NE5: Trees and Woodland. The proposal is therefore considered to represent overdevelopment of the site by reason of its inappropriately high density and conflicts with the objectives of ALDP policies D1: Quality Placemaking by Design and H3: Density.

4. Design Quality

The form and materiality of the proposed development would be incongruous to its context, by reason of the perpendicular relationship of the building to the street, its extensive footprint / use of flat roofs and the proposed use of metal wall / roof cladding, such that it would not accord with the objective of ALDP policy D1: Quality Placemaking by Design and Materials TAN. It is considered that the proposed pedestrian access arrangements for the new flats would be neither welcoming nor pleasant. The pedestrian entrance points would not be visible from the street and would entail walking through the undercroft of a building and car park and thus would be neither attractive nor well defined and would conflict with the secure by design advice provided by Police Scotland. This arrangement is also considered to conflict with the objective of ALDP policy T3: Sustainable and Active Travel as pedestrian movement has not been prioritised. The layout as proposed would also result in poor natural surveillance of the car park from public rooms (e.g. lounges). No re-use of existing granite downtakings / rubble is proposed on site such that there would be a degree of conflict with ALDP policy D5: Our Granite Heritage.

5. Adverse impact on Peterculter Neighbourhood Centre

The relatively high density of residential development proposed, its remote location relative to Aberdeen City Centre and outwith any controlled parking area and failure to accord with ACC Transport Supplementary Guidance regarding car parking (i.e. reduced ratio of car parking proposed on site) is such that there would be likely increased risk of overspill car parking pressure from the development. This would be likely to result in a reduction of available on-street car parking spaces within the wider retail centre which could adversely affect the viability of existing business on North Deeside Road. The proposal thereby conflicts with the objective of ALDP policy NC6: Town, District, Neighbourhood & Commercial Centres.

6. Road Safety (Access)

Implementation of the development would be likely to result in intensification of the use of the existing site access and thereby increased public road safety risk due to the restricted visibility at the site egress and potential for conflict with traffic using North Deeside Road. Neither proposals for removal of existing on street car parking on North Deeside Road, in order to achieve the required visibility splay, nor other road safety measures are currently being promoted by the Council or are otherwise likely to be deliverable to address this concern.

7. Sustainable Development

Notwithstanding the desire to secure redevelopment of brownfield sites within settlements, the proposal would not contribute to the overall objective of sustainable development, as expressed in Scottish Planning Policy 2014, by reason of its excessive scale and density, the potential adverse impact on the viability of Peterculter retail centre and the inappropriate surface water drainage arrangements and absence of appropriate sustainable drainage features in conflict with the objective of ALDP policy NE6: Flooding, Drainage & Water Quality.

THE NOTICE OF REVIEW STATEMENT

A Notice of Review against non-determination of the planning application has been validly submitted by the agent to ACC Local Review Body (LRB). It is noted that a parallel appeal was

submitted to the DPEA on 15/4/22 but this has been rejected as the DPEA has no remit in the case.

In terms of determination timescale, it is noted that the applicant did not agree to extend the determination period as requested by ACC Planning Service. However, the planning application could not be legally determined prior to expiry of the three week period set out in the ownership certificate served by the agent on 22nd March 2022. The subsequent Easter holiday period precluded issuing of the decision prior to submission of the Notice of Review.

The applicant considers that adequate accurate supporting information has been submitted in relation to the daylight and sunlight impact assessment but notes that they were unable to accurately survey or consider in detail the impact on the adjacent house to the north of the site. The fact that such premises is not clearly visible in Google "Streetview" images and that it is in part screened from the development site due to intervening trees does not warrant or justify setting aside the need to have regard to protection of its amenity. Although the existing house sits at a higher level than the site, it would be over-dominated by the scale and height of development proposed. Furthermore, the intervening trees are largely deciduous and thus would have limited screening value during winter months. The information regarding shadow cast analysis provided does not provide a clear or accurate assessment of the impact of the development on existing adjacent premises. The proposed grounds for refusal set out in Reasons 1 and 2 above are thus considered to remain valid.

The applicant claims that "Local residents and the public generally welcome this development" yet provides no evidence to substantiate or verify this statement.

As regards density and design concerns, it is noted that the concerns expressed above in relation to the excessive extent, footprint and height of development proposed are not shared by the applicant and that they have not agreed to reduction in the scale of development or number of flats proposed. It is noted that the applicant considers that the scale and form of the design solution is appropriate. However, this position is not accepted by ACC Planning Service. The proposed grounds for refusal set out in Reasons 3 and 4 above are thus considered to remain valid.

The applicant considers that the proposal would have a positive impact on Peterculter centre. However, notwithstanding that the extent of car parking available for retail users is uncertain, the risk of overspill car parking associated with the residential development remains and is likely to impact on the attractiveness and function of the wider centre given the absence of a controlled parking zone in the wider area. It is noted that no Transport Statement or parking survey including assessment of available on street car parking has been provided and the Council has no proposals for introduction of a Controlled Park Zone (CPZ) or provision of Car Club Spaces in the vicinity. The applicant provides no evidence to support their view that a large number of occupiers of the flats will not be car owners. This contradicts the findings of a recent appeal decision (18172/PPP) whereby the Reporter noted that the majority of occupants of flats in Aberdeen are car owners. Thus, the ground for refusal set out in Reason 5 above is considered to remain valid.

As regards roads / parking issues it is noted that the agent now advises that the entirety of the communal car parking (18 parking spaces) would be available to the public (shoppers) at all times, for customers of the nearby shops. However, this contradicts the information set out in support of the planning application which states that only one car parking space would be available for the proposed retail unit and the majority of the spaces would be for the residential units. No means of regulating the proposed alternative arrangement has been proposed, nor for addressing the potential conflict with the need for parking for the occupants of the proposed flats. Such an arrangement assumes and would be reliant on all residents not using the parking spaces during the daytime, which is unrealistic. It cannot be reasonably assumed that all car-owning residents

would be away from their homes during the daytime. It also potentially raises amenity concerns whereby there would be flats built above and adjacent to what in effect would be a commercial car park during the daytime/trading hours of local shops. Furthermore, this is considered to raise significant concerns as the proposed revised arrangement would be likely to result in an intensity of the use of the existing site access / egress which is known to have restricted visibility at the junction with the public road due to existing on street car parking. Such a revised scenario has not been accessed by ACC Roads Service but would serve to highlight the road safety concern identified above. It is noted that no Transport Statement or parking survey including assessment of available on-street car parking has been provided and the Council has no proposals for introduction of a CPZ or provision of Car Club Spaces in the vicinity. ACC Roads Service had not provided a final consultation response at the time the Notice of Review was submitted and their position on the need for visibility at the junction (approaching the site from the west) is thus unclear. It is noted that the applicant does not envisage removal of the 3 on-street spaces which currently compromise the visibility splay adjacent to the site access. However, it is clear that the proposed visibility splay shown on the submitted layout is required in the interest of public safety in the absence of any proposals for traffic calming / speed reduction on the public road that may justify the use of a reduced visibility splay. The proposed grounds for refusal set out in Reason 6 above is thus considered to remain valid.

Whilst the principle of redevelopment of this brownfield site for a mixed use is considered to accord with sustainable development objectives and is accepted, the applicant has not demonstrated that a development of reduced density / residential component and with increased greenspace would not be viable and has not addressed the overdevelopment concerns identified above. The proposal is significantly deficient in terms of Council guidance on parking and in terms of amenity expectations and thus the detailed expectations of sustainable development as set out in SPP remain to be achieved. The proposed grounds for refusal set out in Reason 7 above is thus considered to remain valid.

The applicant states that the development can make a meaningful contribution to the Aberdeen housing land supply that can be delivered in the short term. However, the scale of development is not considered to be of strategic significance and would not be significant in relation to the HNDA and thus does not warrant setting aside the concerns identified.

The applicant claims that the site is zoned for industrial use is erroneous (see planning policy section of report above). They also allude to the authorised use of part of the site being for storage and distribution or as a bakery / industrial use. However, no evidence for this claim has been presented. This assertion appears to be contradicted in part by the physical evidence of the site / "Streetview" images whereby a mix of uses appear to have been present and the shed building at its rear was most recently used as a car wash, albeit on an unauthorised basis. No certificates of lawfulness or planning permissions have been approved for existing or alternative / proposed uses. No weight to such claims of a potential alternative use which has not been consented authorised should therefore be afforded. The applicant also asserts that "The retail space proposed is the largest that can be accommodated on the site" but does not explain why this is the case.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100515992-001

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)

Construction of 14no. residential units, 1no. small shop unit and the conversion of an existing flat into 2no. residential flats and associated infrastructure.

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:	Wellwood Leslie Architects		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Gaynor	Building Name:	<input type="text"/>
Last Name: *	Beaton	Building Number:	29
Telephone Number: *	01413532040	Address 1 (Street): *	Eagle Street
Extension Number:	<input type="text"/>	Address 2:	Craighall Business Park
Mobile Number:	<input type="text"/>	Town/City: *	Glasgow
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	G4 9XA
Email Address: *	gaynorbeaton@wellwoodleslie.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	Paul	Building Number:	6
Last Name: *	Young	Address 1 (Street): *	Golfview Road
Company/Organisation	Matnic Ltd	Address 2:	Bielside
Telephone Number: *	<input type="text"/>	Town/City: *	Aberdeen
Extension Number:	<input type="text"/>	Country: *	Scotland
Mobile Number:	<input type="text"/>	Postcode: *	AB15 9DQ
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:

HIGH POINT

Address 2:

242 NORTH DEESIDE ROAD

Address 3:

PETERCULTER

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

PETERCULTER

Please identify/describe the location of the site or sites

Northing

800703

Easting

383689

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

1532.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

The site is current a disused garage with 2no flats and a retail unit

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.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ≤ Yes T No</p> <p>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.</p>
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site? 4</p> <p>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)? * 18</p> <p>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).</p>
<p>Water Supply and Drainage Arrangements</p> <p>Will your proposal require new or altered water supply or drainage arrangements? * T Yes ≤ No</p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p>T Yes – connecting to public drainage network</p> <p>≤ No – proposing to make private drainage arrangements</p> <p>≤ Not Applicable – only arrangements for water supply required</p>
<p>Do your proposals make provision for sustainable drainage of surface water?? * T Yes ≤ No</p> <p>(e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p>T Yes</p> <p>≤ No, using a private water supply</p> <p>≤ No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<p>Assessment of Flood Risk</p> <p>Is the site within an area of known risk of flooding? * ≤ Yes ≤ No T Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * ≤ Yes ≤ No T Don't Know</p>
<p>Trees</p> <p>Are there any trees on or adjacent to the application site? * T Yes ≤ No</p> <p>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.</p>
<p>Waste Storage and Collection</p> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * T Yes ≤ No</p>

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

Please refer to drg 3850 G(00) 04 for the location and number of bins as per the Local authority requirements.

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? *

16

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

All Types of Non Housing Development – Proposed New Floorspace Details

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

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

Class 2 Financial, professional and other services

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

57

If Class 1, please give details of internal floorspace:

Net trading spaces:

57

Non-trading space:

0

Total:

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

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

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

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: Gaynor Beaton

On behalf of: Mr Paul Young

Date: 20/12/2021

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. * Yes N/A

A Design Statement or Design and Access Statement. * Yes N/A

A Flood Risk Assessment. * Yes N/A

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

Drainage/SUDS layout. * Yes N/A

A Transport Assessment or Travel Plan Yes N/A

Contaminated Land Assessment. * Yes N/A

Habitat Survey. * Yes N/A

A Processing Agreement. * Yes N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Kevin Spence

Declaration Date: 20/12/2021

LAND OWNERSHIP CERTIFICATES

Town and Country Planning (Scotland) Act 1997
Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013

CERTIFICATE A, B, C, D OR CERTIFICATE E MUST BE COMPLETED BY ALL APPLICANTS

CERTIFICATE A

Certificate A is for use where the applicant is the only owner of the land to which the application relates and none of the land is agricultural land.

I hereby certify that -

- (1) No person other than the applicant was owner 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 application.
- (2) None of the land to which the application relates constitutes or forms part of agricultural land.

Signed:

[Redacted Signature]

On behalf of:

Wellwood Leaslie Architects

Date:

22/03/2022

CERTIFICATE B

Certificate B is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where all owners/agricultural tenants have been identified.

I hereby certify that -

- (1) The applicant has served notice on every person other than the applicant who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates. These persons are:

Name	Address	Date of Service of Notice
Mr David Suttie	Tamarindbridge Limited Silver Heights, 12 Wellwood 250 North Deeside Road, Cults Aberdeen Revision AB15 9PB	22/03/2022

- (2) None of the land to which the application relates constitutes or forms part of agricultural land
- or
- (3) The land or part of the land to which the application relates constitutes or forms part of agricultural land and the applicant has served notice on every person other than the applicant who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

Name	Address	Date of Service of Notice

Signed:



On behalf of:

Wellwood Leslie Architects

Date:

22/03/2022

CERTIFICATE C

Certificate C is for use where the applicant is not the owner or sole owner of the land to which the application relates and/or where the land is agricultural land and where it has not been possible to identify ALL or ANY owners/agricultural tenants.

(1) I have been unable to serve notice on **every** person other than myself who, at the beginning of the period of 21 days ending with the date of the application was owner of any part of the land to which the application relates.

or

(2) I have been unable to serve notice on **any** person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application, was owner of any part of the land to which the application relates.

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

or

(4) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have been unable to serve notice on any person other than myself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant.

or

(5) The land or part of the land to which the application relates constitutes or forms part of an agricultural holding I have served notice on each of the following persons other than myself who, at the beginning of the period of 21 days ending with the date of the application was an agricultural tenant. These persons are:

Name	Address	Date of Service of Notice

Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Robert Forbes	To: ACC - Contaminated Land Team
E-mail: rforbes@aberdeencity.gov.uk	Date Sent: 23 December 2021
Tel.: 01224 522390	Respond by: 13 January 2022

Application Type: Detailed Planning Permission
Application Address: High Point 242 North Deeside Road Peterculter Aberdeen Peterculter AB14 0UQ
Proposal Description: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure
Application Reference: 211791/DPP
Consultation Reference:

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

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

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

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

Response

Please select one of the following.

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

COMMENTS

This Service has reviewed the Phase I Site Investigation (Enviro Surveying Ltd, November 2021, Project No. ESL21111) submitted in support of the above development and we are in general agreement with the conclusions and recommendations:

Based on the available information there is no obvious risk to the proposed development, and we do not recommend any further intrusive works are required. Our only recommendations are as follows:

- Any asbestos containing products should be removed in accordance with current Health & Safety legislation, and these materials disposed of to a registered waste facility. All paperwork should be retained.*
- Any potable water supply that is to enter the rear of the site may require assessment by Scottish Water in accordance with the UKWIR regulations, as this is a brownfield site. This may require soil testing – we can provide further advice on this and undertake these works if required.*
- As with all brownfield sites, should any unexpected made ground or materials of concern be uncovered during groundworks, then we would advise you seek advice on how best to deal with these.*

This Service would make the following additional comments:

It is essential that the buildings proposed for demolition are surveyed for asbestos (corrugated asbestos roofs have been noted on store buildings in west of site) and that any asbestos is removed in accordance with best practice to avoid risks to health and potential contamination of the site. Overall, we consider the risks to the development from land contamination to be low but would recommend that the following advisory note is applied to any planning approval:

Should any ground contamination be discovered during development, the Planning Authority should be notified immediately. The extent and nature of the contamination should be investigated and a suitable scheme for the mitigation of any risks arising from the contamination should be agreed and implemented to the satisfaction of the Planning Authority.

Responding Officer: Neil Stirling

Date: 11/01/22

Email: nstirling@aberdeencity.gov.uk

Ext: 3211

Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Robert Forbes	To: ACC - Environmental Health
E-mail: rforbes@aberdeencity.gov.uk	Date Sent: 23 December 2021
Tel.: 01224 522390	Respond by: 13 January 2022

Application Type: Detailed Planning Permission
Application Address: High Point 242 North Deeside Road Peterculter Aberdeen Peterculter AB14 0UQ
Proposal Description: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure
Application Reference: 211791/DPP
Consultation Reference:

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

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

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

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

Response

Please select one of the following.

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

COMMENTS

Regarding the above Detailed Planning Permission Application, the relevant information has been assessed by the Environmental Protection Team. The following comments are considered appropriate and proportionate;

1. Noise Impact Assessment

The proposed development is located adjacent to the busy North Deeside Road (A93). The proposal is therefore likely to be impacted on by road traffic noise. Additionally, the proposed commercial unit and other commercial businesses nearby may impact on the proposal.

Suitable mitigation measures may be required to address any noise issues. This Service requires an appropriate noise assessment by a suitably qualified noise consultant to predict the impacts of the existing soundscape and proposed commercial unit on sensitive receptors and the necessary control measures. This assessment should:

- 1) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
- 2) Identify the existing noise sources and their impact on the proposed sensitive receptors
- 3) Identify the proposed noise sources and their impact on the proposed sensitive receptors
- 4) Detail the noise mitigation measures to reduce noise from relevant noise sources to an acceptable level to reasonably protect the amenity of sensitive receptors.
- 5) Have a methodology agreed in writing with the Environmental Protection Team in advance of the assessment.

2. Noise from Construction Works

In order to protect amenity of the occupants of the neighbouring residences from noise produced as a result of demolition, site/ground preparation works and construction works, I recommend the following controls:

- a) Operations creating noise which is audible at the site boundary should not occur outside the hours of 07:00 to 19:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

I trust this meets with your satisfaction. If you have any queries, please call me on the number above.

Responding Officer: Mark Nicholl

Date:05-01-22

Email:

Ext:

Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Robert Forbes	To: ACC - Environmental Health
E-mail: rforbes@aberdeencity.gov.uk	Date Sent: 23 February 2022
Tel.: 01224 522390	Respond by: 16 March 2022

Application Type: Detailed Planning Permission
Application Address: High Point 242 North Deeside Road Peterculter Aberdeen Peterculter AB14 0UQ
Proposal Description: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure
Application Reference: 211791/DPP
Consultation Reference:

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

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

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

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

Response

Please select one of the following.

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

COMMENTS

Regarding the above Planning Permission Application further information has been assessed by the Environmental Protection Service. The following areas have been evaluated and the

associated comments are considered appropriate and proportionate given the circumstances;

1. Noise Impact Assessment Review

The Noise Impact Assessment by Grosle Environmental Services (Ref. Proposal No TTG031021 Revision 2, Dated 22-02-22) associated with the proposed development has been reviewed and its findings considered reasonable.

The proposed development is accepted in relation to noise provided the noise mitigation measures achieving at least an equivalent effect of those measures currently contained within the report are applied, including;

- a) For the two flat conversion above the existing retail unit retention of the existing double-glazed windows and provision of secondary glazing (minimum width 6mm at a distance of 100mm) achieving the required sound reduction Rw 46 as detailed within sections 6.1.1 AND provision of acoustic trickle ventilators achieving the required sound reduction Rw 42 (in the open Position) as detailed within Appendix H1 of the report.
- b) For the two flat conversion above the existing retail unit provision of 18mm fire-resistant plyboard flooring laid on top of the existing floor to further reduce noise as detailed within sections 6.1.5.
- c) For the proposed residential flats facing North Deeside Road, provision of glazing units that achieve a sound reduction index of Rw 46 or greater AND provision of acoustic trickle ventilators achieving the required sound reduction Rw 46 or greater (in the open Position) as detailed within sections 6.1.2
- d) For the remaining proposed residential flats, provision of glazing units (with acoustic trickles vents in the open Position) that achieve a sound reduction index of Rw 35 or greater AND provision of acoustic trickle ventilators achieving the required sound reduction Rw 46 or greater (in the open Position) as detailed within sections 6.1.3.
- e) Provision of an acoustic enclosure around the existing air conditioning unit located under the stairs as detailed within sections 6.1.4, namely the Environlite ELV1.1.25AC enclosure detailed within Appendix I – 2 of the report.

I trust this information is of use.

Responding Officer: Mark Nicholl

Date:24-02-22

Email:

Ext:

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

PROPOSAL DETAILS

	Enter details in this column
Application / plan name	Application Address: High Point 242 North Deeside Road Peterculter Aberdeen AB14 0UQ Proposal Description: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure
Application reference number / reference	211791/DPP
Planning case officer	Robert Forbes
Date of request	23/12/2021
Date response required	13/1/2022
Date of response	
EP team (name of responder)	Richard Brough
Other EP team members	Guy Bergman Kevin Wright 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	NE4 - Open Space Provision in New Development NE6 - Flooding, Drainage and Water Quality Choose an item. 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	<p>The LNCS incorporating Culter Burn is located at its nearest point, approximately 110m to the Northwest of the proposal site. The Drainage Impact Assessment states that the collection, treatment, and attenuation of surface water will be on site utilising permeable paving and will be discharged into the existing combined sewer. If this option is taken, there should be no negative impacts on the LNCS Cutler Burn.</p> <p>The submitted bat survey is not adequate to rule out the use of the outbuildings by bats; a further activity survey will be required to be undertaken at an appropriate time of year to rule out the use of the building by bats. A potential roost</p>

	<p>feature was identified in Building C and the survey concludes that the buildings have ‘very little bat roost potential’. In terms of Bat Conservation Trust Guidelines the survey has concluded that the building has ‘low roost suitability’ as potential roost features have been identified. For buildings identified with low roost suitability a single activity survey is required to be undertaken during the bat activity season. Whilst the survey report notes that ‘any areas where bats could roost are covered in cobwebs’ this only demonstrates that potential roost features have not been recently used and does not rule out the use of the building by bats over a longer time period.</p> <p>Please note bat surveys cannot be conditioned; the application should not be determined until an adequate bat survey has been submitted.</p>
Landscape	<p>There is a lack of open space within the proposed site layout to accommodate meaningful areas of landscaping. A reduction in the footprint of the proposed building would allow for further areas of open space and landscape planting. This would better accord with LDP policy D2 Landscape and potentially contribute more to biodiversity using native plants and/or plants suitable for pollinators. The submitted landscape plan does not include any tree planting. There is scope for tree planting within the amenity space shown in the north of the site. The use of raised beds and planters is encouraged to further soften the development. Although the Surface Water Assessment states there is no significant demand for non-potable water on site, if raised beds are incorporated into the development, rainwater captured on site and stored in water butts could be used for watering plants. Raised beds would also provide an opportunity for small scale food growing.</p> <p>The Surface Water Assessment states that implementing green roofs would not offer a practical or cost-effective surface water drainage option however surface water drainage is not the only benefit/function green roofs and walls provide. Particularly on developments where there is limited space for soft landscaping, green walls and roofs can make a valuable contribution to biodiversity and carbon sequestration. They can also soften the appearance of buildings and look attractive.</p> <p>A detailed landscape plan is required. This should include species, numbers, planting size and densities. A landscape maintenance scheme is required.</p>
Trees	<p>The proposed development is unlikely to result in any significant impacts on the existing tree stock. The theoretical root protection area of tree 14 may be marginally impacted if re-surfacing works of the current access are undertaken. However it is unlikely that the displayed RPA on the tree survey drawings are as extensive as shown due to local restrictions to the tree rooting environment.</p> <p>A small area of the development is located within the zone of influence of trees on the north boundary of the property. Whilst this impact is worth noting the trees in their current state have a limited retention period and may benefit from</p>

	such works as outlined in the survey report. If undertaken this would reduce their overall height and consequently reduce the ZOI of the existing trees.
Open Space	<p>Background information There is a proposed erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure. The quality of open spaces in the local area is mixed with a number of sites that have a low-quality score according to the open space audit 2010 quality criteria and could therefore be improved. Households in the Lower Deeside ward have poor access to equipped play space provision and there is no play space within the 400m recommended open space distance thresholds of the development. Lower Deeside is lacking in major park and allotment provision however a high percentage of households have access to Natural / Semi-Natural open spaces.</p> <p>Impact of Development The proposed development would lead to a reduction in open space and would provide an additional 14 accommodation units. This would result in an increase in population generating additional demand on existing open spaces such as local parks, play and open and green spaces.</p> <p>Open Space Provision Open space provided as part of a new development should be functional, useful and publicly desirable. Access to good quality open space helps to make Aberdeen an attractive place to live, work and invest and improves the health and wellbeing of our citizens and this is particularly important for flatted developments.</p> <p>The development has a dense layout and lacks meaningful open space. Meaningful public or communal open space should be provided in all residential developments. Consideration should be given to reducing the footprint and number of units / layouts on site to provide larger, better connected and more meaningful open spaces with a clearer identity and purpose. There appear to be areas that are spaces left over after planning (SLOAP) included as formal open spaces.</p> <p>Consideration should be given to reducing the amount of hard standing surfaces and proposed car parking spaces to soften the proposal and this would also improve drainage. A reduction in car parking and an increase in amenity areas would soften the site and provide better amenity for residents.</p>

	<p>What are the proposed specifications of the green / amenity areas on the landscape plan? Further detail is required. The position of the drying green next to car parking is also not optimal.</p> <p>The amenity space to the north east of the site is isolated could be better connected to the open space to the west of the site.</p> <p>Opportunities to improve communal areas through planters, raised beds, and appropriate furniture should be explored and this would enhance the amenity of the proposed development.</p> <p>Note that balconies cannot be included as overall open space provision . Balconies are not public open spaces however these are welcome positive design features and offer recreational and health benefits for residents.</p> <p>Where there is insufficient open space provided as part of the proposal in reference to Supplementary Guidance: Green Space Network & Open Space, or where the Council’s Open Space Audit demonstrates that the minimum quantity and accessibility standards are not met by existing provision, then a contribution towards raising the quality of existing provision may be necessary.</p>
Outdoor Access	
Climate change mitigation and adaptation measures	
Construction	
Other	

CONCLUSION

Summary of environmental effects of concern
Natural Heritage
<p>Landscape</p> <p>There is a lack of open space within the proposed site layout to accommodate landscaping. A reduction in the footprint of the proposed building would allow for further landscape planting. This would better accord with LDP policy D2 Landscape and make a better contribution to biodiversity. A detailed landscape plan is required. This should include species, numbers, planting size and densities. The landscape plan does not include any tree planting. There is scope for tree planting within the amenity space shown in the north of the site. The use of raised beds and planters is encouraged to further soften the development. A landscape maintenance scheme is required. Green walls and roofs should be given further consideration.</p>

Trees
<p>Open Space Open space provided as part of a new development should be functional, useful and publicly desirable. Consideration should be given to reducing the footprint and number of units and layout on site to provide larger, better connected and more meaningful open spaces with a clearer identity and purpose. Opportunities to improve open space provision through a revised layout which addresses the concerns highlighted should be explored.</p> <p>Where there is insufficient open space provided as part of the proposal in reference to Supplementary Guidance: Green Space Network & Open Space, or where the Council's Open Space Audit demonstrates that the minimum quantity and accessibility standards are not met by existing provision, then a contribution towards raising the quality of existing provision may be necessary.</p>
Outdoor Access
Climate change mitigation and adaptation measures
Construction
Other

ACTION POINTS

Natural Heritage 1.
Landscape 2. A revised site layout with a reduced footprint is recommended to allow for a more meaningful landscape layout that better accords with Policy D2 Landscape. A detailed Landscape Plan is required together with a Landscape Maintenance Schedule.
Trees 3.
Open Space 4. Consideration should be given to reducing the footprint and number of units / layouts on site to provide larger, better connected and more meaningful open spaces.
Outdoor Access 5.

Climate change mitigation and adaptation measures
6.
Construction
7.
Other
8.

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Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Robert Forbes	To: ACC - Waste And Recycling
E-mail: rforbes@aberdeencity.gov.uk	Date Sent: 23 December 2021
Tel.: 01224 522390	Respond by: 13 January 2022

Application Type: Detailed Planning Permission
Application Address: High Point 242 North Deeside Road Peterculter Aberdeen Peterculter AB14 0UQ
Proposal Description: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure
Application Reference: 211791/DPP
Consultation Reference:

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

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

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

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

Response

Please select one of the following.

No observations/comments.	
Would make the following comments (please specify below).	
Would recommend the following conditions are included with any grant of consent.	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 211791 High Point

As I understand, the development will consist of **16 residential dwellings**

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.

Each **10 flats** will be provided with:

- **1 x 1280l general waste container** 1410mm H x 1265mm W x 1030mm D (plus 90cm minimum clearance to manoeuvre bins)
- **1 x 1280l mixed recycling container** 1410mm H x 1265mm W x 1030mm D (plus 90cm minimum clearance to manoeuvre bins)
- **1 x food waste container for each bin store.** 1366mm H x 734mm W x 734mm D (plus 90cm minimum clearance to remove internal bin from front opening casing)
- **1x kitchen caddy and caddy liners (for each flat)**

The following costs will be charged to the developer:

- **Each 1280l bin costs £413.60**
- **Each food waste container costs £514.49**
- **Kitchen caddy and caddy liners £0.00**

No garden waste will be provided for **flat residences** as it is assumed grounds will be maintained as part of a service charge for the building and undertaken by a commercial contractor.

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

Specific concerns

- I would like to see a **swept analysis** from the developer to ensure our collection vehicles can safely manoeuvre around the development.
- **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/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.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.
- If the bin store will be **locked and/ or involve a barrier, 8 keys must be provided for each store**, providing access to the different collection crews and Recycling Officer for monitoring contamination. These should be dispatched to the Waste Team.

Commercial Unit

When providing feedback on commercial developments, I can only provide a very general response regarding commercial developments due to Aberdeen City Council not being the only waste service contractor available in the city.

See below for general comments:

- Commercial waste bins cannot be stored on the street any day of the week as per Council Policy 2009 (Obstructions- Commercial Waste Bins). Infringement on the Council Policy can lead to a fine of £500 per bin as adopted by the Enterprise, Strategic Planning and Infrastructure Committee on 29th August 2013
- There are many waste contract collection providers operating in Aberdeen and each one provides different collection of waste and recycling services. For this reason, business premises need to liaise with their waste contract collection to ensure the correct management of their waste.
- Business premises have a legal Duty of Care covering all the waste they produce. This means that it is the Business premises responsibility to manage and dispose of any waste correctly.
- The Waste (Scotland) 2012 requires that **all businesses** from 1st January 2014 are required to separate paper, cardboard, glass, plastic and metals for recycling. Some businesses will additionally be required to separate their food waste (where food waste >5kg per week).
- General tips for site and hopefully the chosen waste collection contractor will detail this but for access, the following is needed:
 - An area of hard standing at storage and collections point(s)
 - Dropped kerb at proposed bin collection point
 - Yellow lines in front of bin collection point
 - Bin storage areas to ideally be provided with a gulley and wash down facility for the interest of hygiene

Additional Trade Waste information can be found in the Waste Supplementary Guidance available at <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>

Should you have any further queries or wish to discuss these comments further, please do not hesitate to contact me.

Responding Officer: L Todd

Date: 07/01/2022

Email: wasteplanning@aberdeencity.gov.uk

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Consultee Comments for Planning Application 211791/DPP

Application Summary

Application Number: 211791/DPP

Address: High Point 242 North Deeside Road Peterculter Aberdeen Peterculter AB14 0UQ

Proposal: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure

Case Officer: Robert Forbes

Consultee Details

Name: Mr Michael Cowie

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

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application for erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated in infrastructure at High Point, 242 North Deeside Road, Peterculter, Aberdeen AB14 0UQ.

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

It is noted the site shall be served by direct access onto the existing adopted footpath network on North Deeside Road which shall provide connectivity to the wider Peterculter community. This additionally, provides connection to the nearest public transport provision on North Deeside Road which provides services in/out of the city, bus stops for this provision are located within 50m of the site on either side of the road and when heading in either direction (east and west). In terms of cycle provision there is the Deeside Way which provides connection directly into the heart of the city.

As per ACC supplementary guidance, all flats have an associated parking provision requirement of 1.5 spaces per flat/unit, given the proposal shall provide a combined 16no. flats this would equate to a parking requirement of 24 spaces. Additionally, with the associated retail provision within ground level, as per ACC supplementary guidance, this should provide 2no. spaces.

However, it is noted the proposal is to provide 18no. spaces within rear car park provision of which 1 space is marked for disabled/accessible use, this equates to a provision of 1 space per unit. It is considered that such volume to be acceptable given adequate cycle parking is provided, proximity to public transport and walking distance for the amenities within the Peterculter area/community. Additionally, there is on-street parking provision within lay-by to the front which is restricted

allowing turnover parking for local businesses on North Deeside Road which would include the proposed small retail unit.

That being said, the proposed parking layout shall require to meet the minimum parking bays dimensions of 2.5m x 5m and provide a minimum 6m aisle width. It is noted the location of pillars upholding the proposed structure above which would impact the spaces marked 1-4 on the submitted layout, it is requested that these do not impact or reduce the width of the aforementioned parking bay dimension requirements impeding manoeuvrability in/out of these spaces. In regard to spaces which are directly near building/boundary structure there requires to be a minimum 0.5m buffer around these spaces. The applicant should confirm and/or address this within proposed layout as per the comments above.

It is noted the inclusion of a cycle store but confirmation that this can accommodate the stated 16no. spaces to provide 1 space per flat, this provision should also be secure and covered.

It would appear that the vehicular access to the site would be where the current access to the site is, there is concern with how this access would tie-in with existing lay-by parking, visibility, footpath connection, adjacent access and bus stop provision (possible re-location) etc.. Therefore, the applicant should provide a clearer design and detail proposal for the site access, this would also be subject to a section 56 roads construction consent application.

There is outstanding information and confirmations required as part of this application, upon receipt of this Roads Development Management shall be better placed to make further/final comment.

Consultee Comments for Planning Application 211791/DPP

Application Summary

Application Number: 211791/DPP

Address: High Point 242 North Deeside Road Peterculter Aberdeen Peterculter AB14 0UQ

Proposal: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure

Case Officer: Robert Forbes

Consultee Details

Name: Mr Michael Cowie

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

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application for erection of 14no. residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated in infrastructure at High Point, 242 North Deeside Road, Peterculter, Aberdeen AB14 0UQ.

It is noted that initial Roads Development Management comments in regard to this application were lodged 12th January 2022, since such the applicant has provided further detail and submissions in regard these comments.

As per previous, it is confirmed that the proposed level of associated parking provision of 18no. spaces, which equates to provide 1 space per unit, is considered acceptable given associated cycle storage and proximity to public transport. It is confirmed since such comments the applicant has detailed and confirmed that the parking provision meets the minimum parking dimensions of 2.5m x 5m and 6m aisle width, therefore is acceptable.

Additionally, associated cycle parking/storage provision has been clarified to provide space for 16no. bikes which shall provide space/storage for each flat/unit.

Within previous comments it was sought for further consideration and design given to the upgrade of the existing vehicular access to the site to create a betterment at this location. The applicant has since provided further proposal in this regard which is to build out the access and have been in contact with Roads Officers to discuss, it has also been advised that the existing bus stop location can be moved east slightly in order to tidy up this congested location. It is confirmed that Roads Officers have also liaised with the Public Transport Unit (PTU) to agree on such alterations to this existing bus stop which would be the movement of flagpost sign, bay markings and kassel kerbs, while retaining the existing bus shelter location.

In regard to this access upgrade and bus stop alterations, the exact details/design of such shall be purified via required Section 56 Roads Construction Consent (RCC). However, the principle and indicative design of this is accepted.

It is noted and confirmed that from a Roads Development Management perspective that the applicant has addressed previous comments, therefore have no further observations and have no objections to this application.

Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Robert Forbes	To: ACC - Housing
E-mail: rforbes@aberdeencity.gov.uk	Date Sent: 23 December 2021
Tel.: 01224 522390	Respond by: 13 January 2022

Application Type: Detailed Planning Permission
Application Address: High Point 242 North Deeside Road Peterculter Aberdeen Peterculter AB14 0UQ
Proposal Description: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure
Application Reference: 211791/DPP
Consultation Reference:

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

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

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

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

Response

Please select one of the following.

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

COMMENTS

Policy H5 requires a 25% affordable housing contribution from all housing developments of 5 units or more which equates to 3.5 units. For developments of less than 20 units the provision of affordable housing may be on-site, off-site or commuted payments. If the developer intends to provide Low Cost Home Ownership (LCHO) as an affordable housing contribution, they should enter into early discussions with the Housing Strategy Team regarding this as demand for this type of affordable housing has reduced.

Responding Officer: Mel Booth

Date: 10 January 2022

Email: mebooth@aberdeencity.gov.uk

Ext: 01224 523252

**DEVELOPER OBLIGATIONS:
Assessment Report**



DATE:	20 th January 2022
APPLICATION REF:	211791/DPP
DESCRIPTION:	Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure
ADDRESS:	High Point 242 North Deeside Road Peterculter Aberdeen AB14 0UQ
TO:	Matnic Ltd, c/o Wellwood Leslie Architects
COPIED TO:	Robert Forbes, Case Officer

BACKGROUND AND DEVELOPMENT PLAN BASIS

This Developer Obligations Assessment Report sets out the obligations that are necessary to address the impact of your development proposal on local infrastructure as well as requirements for affordable housing provision.

Policies covering both of these elements are included in the [Aberdeen City Local Development Plan 2017](#), which your application is assessed in accordance with.

The relevant policies from the Local Development Plan are: Policy I1 (Infrastructure Delivery and Planning Obligations); and Policy H5 (Affordable Housing).

Detail on the methodologies used for calculating obligations is set out in [Supplementary Guidance: Planning Obligations](#) and further guidance on the provision of affordable housing is included in [Supplementary Guidance: Affordable Housing](#). The supplementary guidance forms part of the statutory development plan for decision making purposes.

This Assessment Report will set out the basis for any agreement you enter into with Aberdeen City Council.

SUMMARY OF OBLIGATIONS

OBLIGATION	LEVEL OF CONTRIBUTION
<u>Infrastructure</u>	
Transportation	To be advised direct by the Transportation Team
Core Path Network	£3,900
Primary Education	Nil
Secondary Education	Nil
Healthcare Facilities	£6,001
Open Space	£1,903
Community Facilities	Nil
Sports & Recreation	Nil
<u>Affordable Housing</u>	
Affordable Housing Contribution	See text below

BREAKDOWN AND CALCULATION OF OBLIGATIONS

This section of the report outlines how the obligations above have been calculated.

Calculation of Standard House Unit Equivalent (SHUE)

Applications are generally assessed on the basis of standard house unit equivalents, with a three bedroomed house taken as a Standard House Unit Equivalent (SHUE). Section 4 of Supplementary Guidance: Planning Obligations provides more detail on the calculation of SHUEs.

This application for Detailed Planning Permission comprises 16 units in total:

7 x 1 bed units
9 x 2 bed units

It is noted that there is an existing 3 bed unit on site which will be converted into 2 separate units so there are 15 net additional units.

The SHUE calculation therefore discounts 1 SHUE.

This equates to a SHUE of 10.4. This assessment is therefore based on 10.4 standard house unit equivalents, except in the case of education contributions where 1 bed units are excluded from the calculations.

Please note that any change to the SHUE may have an impact on the level of obligations.

Infrastructure

Transportation

Any transportation requirements will be identified and confirmed direct by the City Council's Transportation Team.

Core Path Network

Core Paths and links to the Core Path Network are an infrastructure facility necessary for the purposes of recreation and sustainable active travel. New developments are required to install or upgrade Core Paths that are designated within the site and contribute towards addressing any

cumulative impacts on surrounding core paths.

In this instance, a contribution will be required towards the enhancement of Core Paths 86 and 66 (Deeside Way), which are located in close proximity to the application site.

Contribution: $10.4 \times \text{£}372 = \text{£}3,900$

Primary Education

The application site is within the catchment area for Culter Primary School.

Factoring this development into the 2018 school roll forecasts will not result in the school going over capacity and mitigation will therefore not be required.

Contribution: Nil

Secondary Education

The application site is within the catchment area for Cults Academy.

Factoring this development into the 2018 school roll forecasts will not result in the school going over capacity and mitigation will therefore not be required.

Contribution: Nil

Healthcare Facilities

Infrastructure requirements have been calculated with NHS Grampian on the basis of national health standards and by estimating the likely number of new patients generated by the proposed development. Contributions are calculated using nationally recognised space standards and build costs, based upon the population

requirements for GP surgeries, dental chairs and community pharmacies.

In this instance, a contribution will be required towards internal reconfiguration works to increase capacity at Peterculter Medical Practice or other such healthcare facilities serving the development, as existing facilities in the vicinity of the development are currently operating at or over capacity.

Contribution: $10.4 \times \text{£}577$
(reconfiguration rate) = $\text{£}6,001$

Open Space

Where there is insufficient open space provided as part of the proposal in reference to [Supplementary Guidance: Green Space Network & Open Space](#), or where the Council's Open Space Audit demonstrates that the minimum quantity and accessibility standards are met by existing provision, then a contribution towards raising the quality of existing provision may be necessary.

In this instance a contribution will be required. The contribution will be used towards the enhancement of existing open spaces in the vicinity of the development. The contribution may also be used to support community food growing.

Contribution: $10.4 \times \text{£}183 = \text{£}1,903$

Community Facilities

The development is not required to address existing shortcomings in community facilities. No local facilities or projects have been identified to create additional capacity to accommodate additional users as a result of this development.

Contribution: Nil

Sports & Recreation

In this instance, no contribution has been identified.

Contribution: Nil

Affordable Housing

Policy H5 seeks a minimum of 25% of any development of 5 or more dwelling units to be provided as affordable housing.

In this instance, the affordable housing requirement equates to 3.5 units.

For developments of fewer than 20 units the provision of affordable housing may be on-site, off-site or commuted payments. If the developer intends to provide Low Cost Home Ownership (LCHO) as an affordable housing contribution, they should enter into early discussions with the Housing Strategy Team regarding this as demand for this type of affordable housing has reduced. (Contact for further discussions on affordable housing: Mel Booth – MeBooth@aberdeencity.gov.uk)

James Welsh
Developer Obligations Team Leader

REMITTANCE OF OBLIGATIONS

Remittance of financial obligations can be undertaken either through entering into a Section 69 agreement (in the case of upfront payment) or a Section 75 agreement (in all other cases). In all cases, the relevant legal agreement is required prior to release of the Planning Decision Notice.

Where there is a requirement for affordable housing on site, in kind provision and/or the amount of developer obligations for infrastructure is such that an upfront payment may be considered prohibitive, a Section 75 agreement will be required. Please note that Applicants are liable for both the costs of their own Legal Agent fees and the Council's legal fees and outlays in the preparation of the document. These costs should be taken into account when considering the options.

The provision of an upfront payment will allow a planning consent to be issued promptly.

In the case of upfront payment, a Planning Decision Notice cannot be issued until a payment in respect of developer obligations has been made. Prior to remitting funds the applicant should check with the Planning Officer that the payment is the only outstanding matter. The Planning Officer will be informed directly by the Planning & Monitoring Officer when funds have cleared.

Management of Funds

Contributions are currently held in the Council's balance sheet in a unique account to which notional interest is added on a monthly basis. In the event of a repayment of contribution the

interest added will be calculated to reflect, in addition, compounding on an annual basis.

Unless otherwise specified in the relevant legal agreement, the Council undertakes to spend contributions received in respect of an appropriate project or projects in line with the detail of this assessment within 7 years of the date when planning permission is implemented (evidenced through the notice of initiation of development). In the event of the contribution or part of it not being spent within this time period the contribution or part will be refunded to the applicant or their nominee along with relative interest accrued.

REMITTANCE ADVICE: Upfront Payments

Payment for developer obligations should be made using the Council's **online payment portal** at <http://www.aberdeencity.gov.uk>

Click on the pay it tab and select Developer Obligations from the payment portal. Paying online is the quickest way to secure planning consent where developer obligations are required.

If you cannot use the payment portal, payment can be made by cheque or through a BACS transfer.

Cheque Payments

Cheques should be made payable to "**Aberdeen City Council**" and sent for the attention of Dawn Ramsay, details as follows:

**Dawn Ramsay, Team Leader
Application Support Team
Communities, Housing &
Infrastructure
Business Hub 4
Marischal College
Broad Street
Aberdeen AB10 1AB**

Please ensure you quote the planning reference number and what you are actually paying. Cheques can take up to five working days from receipt to clear.

BACS Payments

Bank Details for Payment by BACS:
Aberdeen City Council General
Account
Sort Code 82-60-11
Account No. 80009421
I - Ban no.
GB38CLYD82601180009421
BIC no. CLYDGB21350

Aberdeen City Council General
Account BACS Payment
To make a BACS payment, email developerobligations@aberdeencity.gov.uk and the Planning Officer to confirm that you are making a payment via BACS and to confirm the full amount due and planning application reference. Failure to advise the team that you are making payment will significantly delay the issue of your planning consent.

Please ensure that your planning application reference is included as your BACS reference in the following format: P000000.

Receipts

All payments made will be acknowledged as received by way of email.

Non Payment

Applicants and Agents should be aware that where all other planning issues have been resolved and only the payment of developer obligations is preventing the release of the Decision Notice, non-payment may result in the application being subsequently recommended for refusal as contrary to the relevant policies in the Local Development Plan.

REMITTANCE: Under Section 75 of the Town and Country Planning (Scotland) Act

Indexation

Unless otherwise specified, payments will be index linked to the BCIS All In Tender Price Index at Q1 2022.

Phasing of Obligations

Unless otherwise specified and agreed with the Development Obligations Team, payments of obligations will be billed quarterly in arrears based on completions in the previous quarter, as evidenced through building control completion certificates and also as advised by the developer. An initial payment will also normally be required prior to the commencement of development.

In the event of the contribution or part of it not being spent within the time period specified in the legal agreement, the contribution or part will be refunded to the Applicant or their nominee along with relative interest accrued.

Preparation of Legal Agreement

The Applicant is cautioned that the costs of preparing a Section 75 agreement from the Applicant's own Legal Agents may in some instances be in excess of the total amount of contributions required. As well as their own Legal Agent's fees Applicants will be liable for payment of the Council's legal fees and outlays in connection with the preparation of the Section 75 agreement. The Applicant is therefore encouraged to contact their own Legal Agent who will liaise with the Council's Legal Service on this issue.

Instruction of Legal Agreement

Please note that should you wish to proceed via this route the legal agreement can be instructed as soon as Heads of Terms (items for which contributions have been sought, overall level of contributions and number, tenure and mix of affordable housing) as set out in this Report have been agreed with the Developer Obligations Team and you have advised of the details of your Legal Agent.

The Planning Officer is responsible for the instruction of the legal agreement following confirmation from the Developer Obligations and Transportation Teams that Heads of Terms have been agreed.

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From: [Andy Roberts](#)
To: [PJ](#)
Cc: [Robert Forbes](#); [M.Tauqeer Malik](#); [Marie Boulton](#); [Phillip Bel](#)
Subject: 211791 High Point 242 North Deeside Road - representation from Culter Community Council
Date: 04 February 2022 17:46:44

Culter Community Council objects to the proposal as submitted, for the reasons set out below. There is interest in our community in seeing the site re-developed, but the redevelopment needs to be a scheme which matches the scale and the character of the buildings immediately around.

Scale and design of proposal

A three-storey (perhaps technically two-and-a-half storey) frontage is out of scale with the immediately-adjacent row of buildings. As the Design and Access statement makes clear, the development of flats on the site of the former Gordon Arms hotel is set well back from the road, and also retains the exact form of the old hotel and its stone facing in its centre section. The only other building of three storeys locally is the one housing flats and the local Coop, and that building actually is deeply incongruous, having three storeys straight off the pavement and a flat roof.

The Design Statement makes a point of the “existing architectural language of the area”, with illustrations, but the design presented is not remotely in sympathy with the existing buildings, neither in form nor in style, nor is it a signature building which could be supported as an excellent example of modern architecture.

On these grounds we believe the proposal fails to comply with Policy D1 Quality Placemaking by Design, and Policy H1 Residential Areas.

Affordable housing

We can see no reference to the provision of Affordable homes on site. We therefore believe the proposal fails to comply with Policy H5 Affordable Housing.

Low and zero-carbon buildings

We can see no reference to achieving reduced carbon-dioxide emissions, nor the objectives on water efficiency, contrary to the requirements of Policy R7 Low and Zero Carbon Buildings &c.

Loss of parking available to the public

It is admirable to see the proposer advocating reduced parking in line with future travel being less car-based – but in reality, for the next years at least, the outcome is going to be more residents’ cars than the scheme can accommodate, leading to some parking on the main road. This would lead to the loss of probably 8 parking spaces currently accessible to the public, 5 on the site plus the three spaces on the road in front of the site.

Parking for the public near our shops is already seriously limited, and the loss of public parking the proposed development would cause together with the new shop proposed for this scheme would make things distinctly worse.

Conclusion

The size of the proposed building, and the issues on parking, suggest that the proposal represents over-development on this site. In addition this application currently fails to comply with Policies H5 and R7. Were the application to be revised to comply with these policies and to resolve the parking issue, we would be able to withdraw this objection.

For and on behalf of Culter Community Council,

Andy Roberts, *Planning Liaison Officer*

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Culter Community Council objects to the proposal as submitted and as detailed in subsequent correspondence with Planning.

Further to our representation submitted on the planning application itself, the main issues we now see are as follows.

Type of housing

From a community perspective, there is no need for more flats in Culter. Whilst flats may be the applicant's choice for financial returns on this site, there are already huge numbers of flats in Culter. Further, the requests for housing which we have received over a number of years have been for growing families, and for people wanting to downsize – so modest houses (not flats), with a bit of garden to tend and where the kids can play safely.

Scale and design of proposal (Policy H1 Residential Areas).

Planning's Report of Handling ably sets out detailed points showing how the proposed scheme would constitute over-development of the site, with an excessive number of units, poor amenity for the lower flats, very-limited and poor-quality green space and other issues.

In addition, our original concerns still stand, with the three-storey (perhaps technically two-and-a-half storey) frontage being out of scale with the adjoining buildings, and the design presented not being remotely in sympathy with the existing buildings, neither in form nor in style.

Loss of parking available to the public

The applicant has argued that the scheme significantly increases parking in the area, and can be used by the public using the shops during the day. We remain of the belief that the reality would be a larger increase in demand for spaces – from the residents - than the scheme would be providing, and the likelihood has to be that parking for the public in the area would be worse than at present.

Other policies The applicant has declared that the final scheme will comply with policies H5 Affordable housing and R7 Low and zero-carbon buildings. Should the Planning Authority be minded to grant permission for the scheme, we consider that enforceable requirements must put in place by means of approved drawings forming part of any grant of planning permission, Conditions or otherwise.

For and on behalf of Culter Community Council,

Andy Roberts, *Planning Liaison Officer*

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Robert Forbes
Senior Planner
Development Management
Aberdeen City Council
rforbes@aberdeencity.gov.uk

NESBReC
Specialist Services Team
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen
Tel: 01467 537221
nesbrec@aberdeenshire.gov.uk

10 January 2022

Dear Robert

NESBReC report - Planning Application 211791/DPP

Please find below the results of the data search you requested from NESBReC.
The search was carried out within 100m of the specified site, as shown in the maps below and with a centre point at NJ 83682 00661.

Results table:

Ref No.	Dataset	Interest	Locality	Grid Reference
211791/DPP	Designated Species	UK BAP Eurasian Red Squirrel (<i>Sciurus vulgaris</i>) SBL S5 Siskin (<i>Spinus spinus</i>)	High Point 242 North Deeside Road Peterculter Aberdeen	NJ 83682 00661
	Integrated Habitat System Aberdeen City 2018-2021	GI0 - Improved grassland WB3Z - Other broadleaved woodland WB1 - Mixed woodland GNZ - Other neutral grassland		

Maps showing all the search results are included below.

Yours sincerely

D Caffrey
GIS Project Officer

PLEASE READ THE FOLLOWING NOTES:

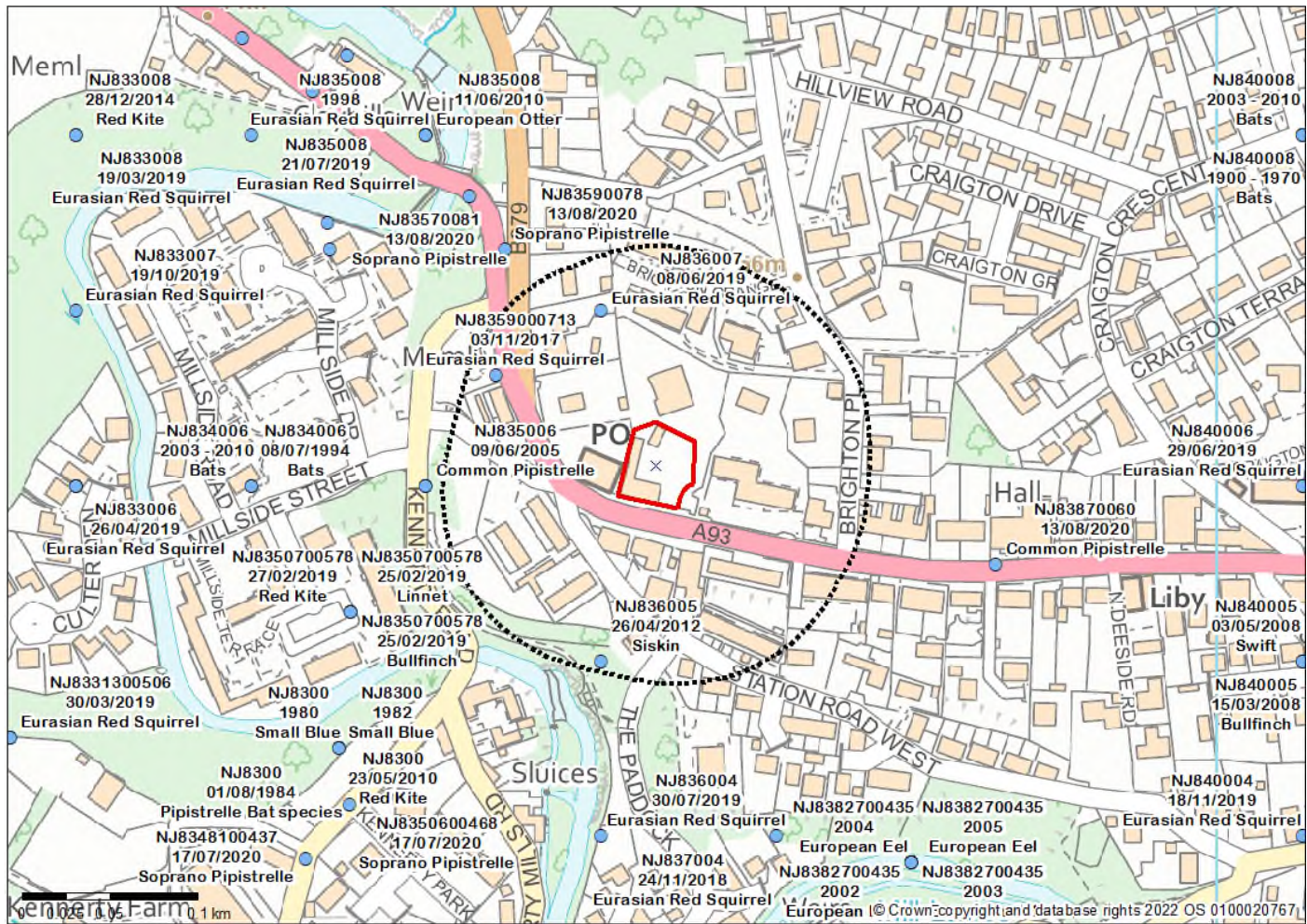
- 1) Search was done to within 100 metres of the area of interest. This is indicated on the map by a broken line around the site.
- 2) Search areas or centroids are highlighted in red.
- 3) The dots on any maps depicting the locations of a species are positioned at the centre of a square representing the resolution of the recorded grid reference. Care should be taken over interpretation
- 4) Due to the limits of the map display function, all records may not be visible on the species maps. However, all species are listed in the relevant table above the map and a full list of records can be supplied in Excel format.
- 5) Scientific names are only used to identify species on maps when no common name is in general accepted usage.
- 6) For maps without a key, the relevant information is provided in the table.
- 7) The ownership of the data within this report remains with the original recorder and is subject to the laws defining Intellectual Property Copyright.
- 8) This report and the data held within it are to be used solely for those purposes described under the terms of any agreement between the applicant and NESBReC.
- 9) Some, or all of the data held within this report may be of a sensitive or confidential nature. Such information will be marked as such and if required an appropriate contact for further correspondence will be given (otherwise NESBReC should be contacted).
- 10) Although NESBReC makes every possible effort to ensure that the data it provides is accurate and up to date, this report should only be considered to represent the most recent version of each dataset as available at the time of the search.
- 11) NE LBAP Locally Important Species are species that are not on existing designated species lists but have been identified as important in the local context.

For designated species, the following abbreviated sub-headings are used to describe different levels of protection or importance:

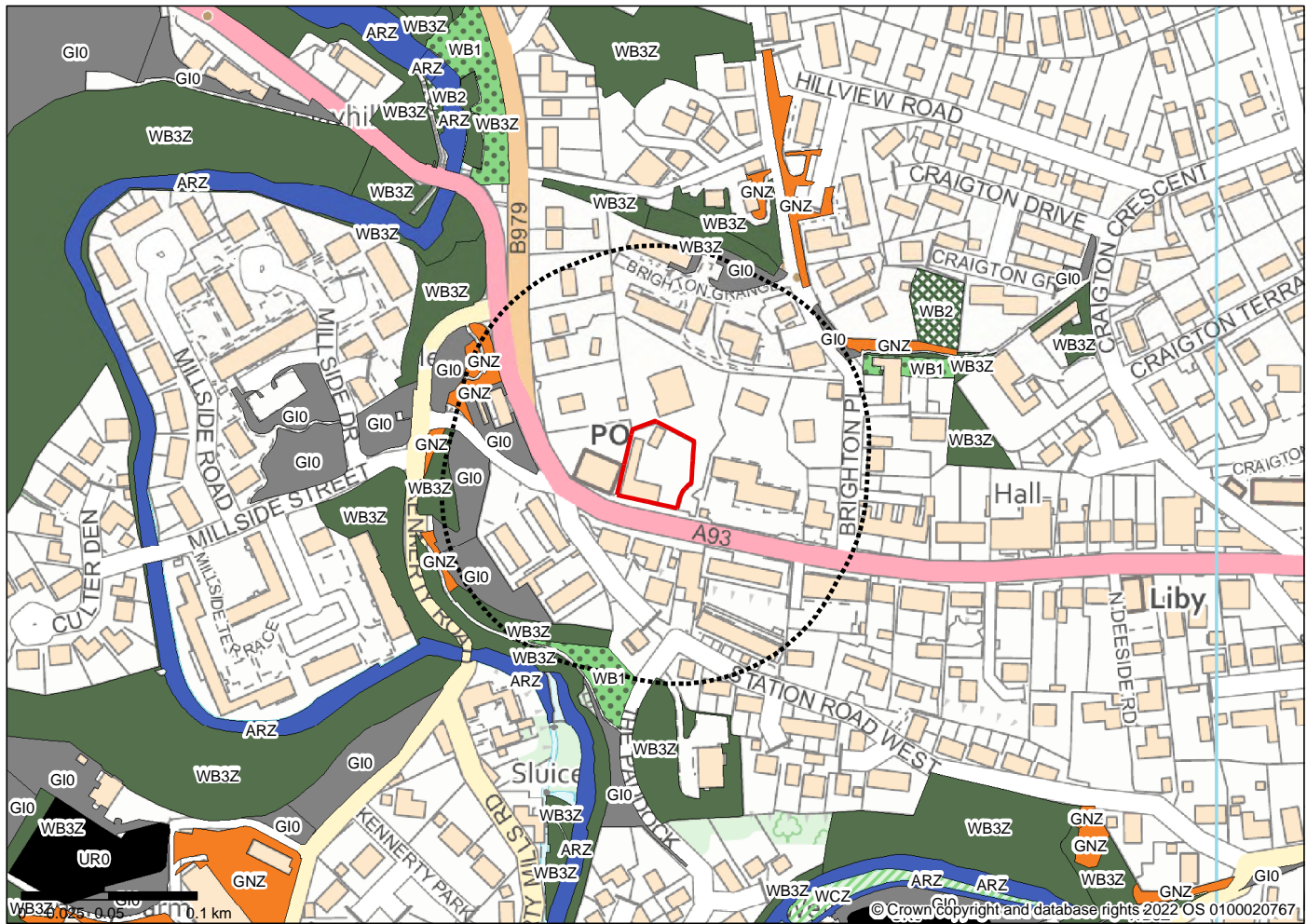
- Protection of Badgers Act (1992)
- European Protected Species – Habitat Regulations 1994 (as amended in Scotland)
- ANNEX 1, 2.1, 2.2 – EC Birds Directive
- UK BAP - UK BAP list of Priority Species
- SBL S2 - Scottish Biodiversity List: International Obligations
- SBL S3 - Scottish Biodiversity List: Nationally Rare at UK level, found in only 1-15 10km squares
- SBL S4 - Scottish Biodiversity List: Present in 5 or fewer 10km squares or sites in Scotland
- SBL S5 - Scottish Biodiversity List: Decline of 25% or more in Scotland in last 25 years

Note, a species may be designated under several of these lists, but will only be listed under its highest level or most relevant designation within this report. The ranking order used here is Protection of Badgers Act (1992), European Protected Species (used for Bats only), ANNEX 1, ANNEX 2.1, UK BAP, ANNEX 2.2, SBL S2-SBL S5.

211791/DPP	Designated Species	UK BAP Eurasian Red Squirrel (<i>Sciurus vulgaris</i>) SBL S5 Siskin (<i>Spinus spinus</i>)	High Point 242 North Deeside Road Peterculter Aberdeen	NJ 83682 00661
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211791/DPP	Integrated Habitat System Aberdeen City 2018-2021	G10 - Improved grassland GNZ - Other neutral grassland WB1 - Mixed woodland WB3Z - Other broadleaved woodland	High Point 242 North Deeside Road Peterculter Aberdeen	NJ 83682 00661
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From: [Robert Forbes](#)
To: [PI](#)
Subject: FW: E-Consultation Request Notification, Aberdeen City Council, Application Ref: 211791/DPP
Date: 06 January 2022 15:17:18

Hi

Please upload this consultation response to the above application from the River Dee District Salmon Fishery Board . Thanks

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

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From: Jamie Urquhart <jamie@riverdee.org>
Sent: 06 January 2022 15:05
To: Robert Forbes <RForbes@aberdeencity.gov.uk>
Cc: Edwin Third <edwin@riverdee.org>
Subject: RE: E-Consultation Request Notification, Aberdeen City Council, Application Ref: 211791/DPP

Dear Mr Forbes

Thank you for sharing the aforementioned planning application Ref: 211791/DPP, we welcome the opportunity to comment upon these applications.

Having viewed the planning documents, we have concluded that there does not seem to be the potential for a significant impact upon the River Dee SAC or the watercourses from which it's is made up, in relation to the proposed development.

We however would request that the developer adheres to SEPA's pollution prevention guidelines should the application be successful. We would also be open to further consultation should there be any changes to the application which could have the potential to impact upon the River Dee SAC and its watercourses.

We have no further comment to make on the planning application at this time.

Best regards Jamie

From: Carol Mair <info@riverdee.org>
Sent: 23 December 2021 14:49
To: Edwin Third <edwin@riverdee.org>; Jamie Urquhart <jamie@riverdee.org>
Subject: Fwd: E-Consultation Request Notification, Aberdeen City Council, Application Ref: 211791/DPP

Sent from my iPhone

Begin forwarded message:

From: rforbes@aberdeencity.gov.uk
Date: 23 December 2021 at 10:50:05 GMT
To: Carol Mair <info@riverdee.org>
Subject: E-Consultation Request Notification, Aberdeen City Council, Application Ref: 211791/DPP

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir/Madam

Please find attached a consultation request from Aberdeen City Council on the above application.

If no response is received by 13 January 2022, then it will be assumed that you have no comment to make on the application. Should you require a longer period to respond or additional information, please make the case officer aware as soon as possible.

Regards

Robert Forbes
Senior Planner

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

Tel: 01224 522390

E-mail: rforbes@aberdeencity.gov.uk

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Comments for Planning Application 211791/DPP

Application Summary

Application Number: 211791/DPP

Address: High Point 242 North Deeside Road Peterculter Aberdeen Peterculter AB14 0UQ

Proposal: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure

Case Officer: Robert Forbes

Customer Details

Name: Dr Jennifer McConnachie

Address: 1A Malcolm Road, Peterculter AB14 0UT

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I do not object to the development of this site in principle. However, the proposal as it stands has several issues, including inaccuracies, one of which has been identified by Aberdeen City Council Senior Planner (shadow analysis). If these inaccuracies exist, how much confidence can we have in the rest of the proposal.

The brief was to develop a mixed use development but the proposal contains 14+2 flats and one retail unit, the latter replacing the unused current one. This suggests this is essentially a residential development.

The size of the development is far too large for the site, especially the height of the proposed buildings. The height, especially next to existing building, claims to be sympathetic to, and similar to, the existing buildings. The four storey height of the Gordon Hotel development is set well back from the road and the style is sympathetic to its surroundings. The proposal claims "...the street frontage is designed as 3 storeys with the roof profile matching that of the adjacent building on the site.". The adjacent building is only 1.5 storeys high and of a different profile. It thus does not "provide continuity of urban frontage" as claimed.

There is no mention in the proposal of how the development meets any low carbon policies. It claims to be "sustainable" but with no mention of how this is to be achieved. For example, two active charging points for 16 flats seems inadequate.

The Public Transport Bus information is almost completely incorrect and implies better public transport than exists. A simple search for information could have made this correct and leads to lack of confidence in the proposal. It is unclear how the development "encourages the effective

provision of public transport".

Car parking seems inadequate with one space per flat. Whilst the proposal claims this encourages public transport use, in practice this will mean that there will be problems with car parking spaces in the vicinity. The development reduces the number of existing parking spaces near the shops by approximately 7-8, both on the site and on North Deeside Road.

The Design Response on p16 states "... consideration given to impacts on neighbouring properties to ensure no unreasonable noise impact or loss of daylight, sunlight or privacy". The development, especially at the proposed 4 storey height, will overlook our property including the garden, reducing our privacy, and block sunlight especially during the winter months. The lighting and noise from the car park area will also impact our property.

A smaller scale, lower height development would be appropriate for this site.

Comments for Planning Application 211791/DPP

Application Summary

Application Number: 211791/DPP

Address: High Point 242 North Deeside Road Peterculter Aberdeen Peterculter AB14 0UQ

Proposal: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure

Case Officer: Robert Forbes

Customer Details

Name: Mr Ian McConnachie

Address: 1A Malcolm Road, Peterculter AB14 0UT

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Proposed development is too high and will obstruct view eastwards.

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SPECIALIST CRIME DIVISION

PLANNING CONSULTATION COMMENTS FORM

Planning Application Ref. No.	211791/DPP
Planning Officer	Robert Forbes
Architectural Liaison Officer	Mark Irvine A0395
Date Comments Requested	10 January 2022
Date Comments Submitted	24 December 2021

Having had the chance to view the documents submitted, I would like to offer the following observations, based on these documents:

This location of this proposed development is currently a low crime area.

The main types of crime which have been reported over the last 12 months have been theft, vandalism and road traffic.

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I would therefore ask that this be borne in mind for the remainder of this report.

I would recommend the use of different surface treatments for this development. These treatments, such as rumble strips, can be used as traffic calming measures and may also act as psychological barriers to visitors to this development to alert them to the fact that they have moved from 'public' space to 'private' space. These treatments should also cover pedestrian access.

Vehicular and pedestrian routes should be designed to ensure that they are visually open and direct.

Any footpaths should be straight, wide and well-lit to promote feelings of safety and security for pedestrians as well as discouraging anti-social behaviour. These footpaths should also be free of potential hiding places for miscreants as well as being clear of encroaching plantings and should follow the pedestrian's preferred route through the development.

Car parking areas should be within view of active rooms such as kitchens and living rooms (bedrooms and bathrooms are not considered as active rooms) and this view should not be hindered by high fences, walls, shrubbery or other obstruction.

Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access. Any planting should not impede good natural surveillance and a maintenance plan should be implemented.

Good lighting will be extremely important in a development like this. Good quality white lighting uniformly distributed provides best colour rendering qualities has been shown to reduce the fear of crime and promote the feeling of welcoming spaces. All external lighting should accord with BS 5489:2013.

All door sets allowing direct entrance into homes (front, rear & interconnecting garage doors) including Patio and French doors shall be certified to the appropriate standard.

External communal doors should be to the appropriate standard depending on the number of flats and floors to the building. They should incorporate an access control system with an electronic lock release and visitor door entry system providing colour images and audio to each dwelling. I would also recommend that this system has no 'services' button.

Ground floor, basement and easily accessible windows should ideally be installed to the PAS 24:2016 and LPS 2081: 2014 standards. Lamine glazing to P1A should be installed in all glazed panels within doors and immediately adjacent to entry doors, and any windows which are easily accessible and do not benefit from good levels of natural surveillance.

Due consideration should also be given to crime reduction measures during the construction phase to ensure that goods and materials are not subject to theft.

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I also recommend that the developer should liaise with the Police Scotland 'Designing Out Crime' service at each stage of the development, for more detailed advice and for the purposes of designing out crime using the principles of Crime Prevention Through Environmental Design (CEPTED).

Finally, I would strongly encourage the applicant to attain the 'Secured By Design' award as this demonstrates that safety and security have been proactively considered and that this development will meet high standards in these respects.

Mark Irvine
A0395
ALO

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Thursday, 23 December 2021



Local Planner
Strategic Pace Planning
Aberdeen City Council
Aberdeen
AB10 1AB

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

High Point, 242 North Deeside Road, Peterculter, AB14 0UQ
Planning Ref: 211791/DPP
Our Ref: DSCAS-0055380-2X8
Proposal: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure

Please quote our reference in all future correspondence

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ This proposed development will be fed from Invercarnie Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via [our Customer Portal](#) or contact Development Operations.

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the Nigg PFI Waste Water Treatment works to service your development. However, please note that

further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note

- ▶ The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

▶ Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

▶ Trade Effluent Discharge from Non-Domestic Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Comments for Planning Application 211791/DPP

Application Summary

Application Number: 211791/DPP

Address: High Point 242 North Deeside Road Peterculter Aberdeen Peterculter AB14 0UQ

Proposal: Erection of 14 residential flats over 3 and 4 storeys, 1 shop unit and subdivision of existing flat to form 2 flats with associated infrastructure

Case Officer: Robert Forbes

Customer Details

Name: Mr Simon Cruickshank

Address: 325 north Deeside road peterculter Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment:As the owner of the property opposite it will be fantastic to see this run down eyesore of a site developed . It is the best of both worlds with a brand new retail unit and much needed 'accommodation. This will be a fantastic addition to the village of Peterculter. I totally support this application.

Simon Cruickshank

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Application 211791/DPP – 242 North Deeside Road

Aberdeen Local Development Plan (ALDP)

- H1 – Residential Areas
- D1 - Quality Placemaking by Design
- D4 - Historic Environment
- D5 – Our Granite Heritage
- D2: Landscape
- D3: Big Buildings
- NC4: Sequential Approach and Impact
- NC6: Town, District, Neighbourhood & Commercial Centres
- I1: Infrastructure Delivery & Planning Obligations
- T2: Managing the Transport Impact of Development
- T3: Sustainable and Active Travel
- T5: Noise H3: Density
- H5: Affordable Housing
- NE4: Open Space Provision in New Development
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE8: Natural Heritage
- R2: Degraded & Contaminated Land
- R6: Waste Management Requirements for New Development
- R7: Low & Zero Carbon Building & Water Efficiency
- C11: Digital Infrastructure

https://www.aberdeencity.gov.uk/sites/default/files/LDP_WS_20170328.pdf

Supplementary Guidance

Affordable Housing SG
Big Buildings SG
Flooding, Drainage and Water Quality SG
Green Space Network and Open Space SG
Hierarchy of Centres SG
Landscape SG
Noise SG
Natural Heritage SG
Planning Obligations SG
Resources for New Development SG
Transport and Accessibility SG
Trees and Woodlands SG
Materials TAN

[Supplementary guidance and technical advice | Aberdeen City Council](#)

Other Material Considerations

Scottish Planning Policy 2020

[Scottish Planning Policy - gov.scot \(www.gov.scot\)](http://www.gov.scot)

Historic Environment Scotland Policy Statement

[Historic Environment Policy for Scotland | Historic Environment Scotland](#)

PAN 65: Planning and Open Space (2008):

PAN 67: Housing Quality (2003)

PAN75: Planning for Transport (2005):

PAN 77: Designing Safer Places (2006)

PAN1/2011 Planning and Noise (2011)

[Planning advice notes \(PANs\) - gov.scot \(www.gov.scot\)](#)

<https://www.gov.scot/collections/planning-advice-notes-pans/>

The Aberdeen City and Aberdeenshire Housing Need and Demand Assessment 2017 (HNDA).

<https://www.aberdeencity.gov.uk/sites/default/files/2018-09/Local%20Housing%20Strategy%20Appendix%207%20Housing%20Need%20and%20Demand%20Assessment.pdf>

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 100515988-015

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 **T** Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Wellwood Leslie"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Jonathan"/>	Building Name:	<input type="text" value="-"/>
Last Name: *	<input type="text" value="Powell"/>	Building Number:	<input type="text" value="29"/>
Telephone Number: *	<input type="text" value="0141 353 2040"/>	Address 1 (Street): *	<input type="text" value="Eagle Street"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Glasgow"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Glasgow"/>
		Postcode: *	<input type="text" value="G4 9XA"/>
Email Address: *	<input type="text" value="jonathanpowell@wellwoodleslie.com"/>		

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

≤ Individual **T** Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Paul"/>	Building Number:	<input type="text" value="6"/>
Last Name: *	<input type="text" value="Young"/>	Address 1 (Street): *	<input type="text" value="Golfview Road"/>
Company/Organisation	<input type="text" value="Matnic Ltd"/>	Address 2:	<input type="text" value="Bieldside"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 9DQ"/>
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="HIGH POINT"/>
Address 2:	<input type="text" value="242 NORTH DEESIDE ROAD"/>
Address 3:	<input type="text" value="PETERCULTER"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="PETERCULTER"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="800703"/>	Easting	<input type="text" value="383689"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Construction of 14 no. residential units, 1no. small shop unit and the conversion of an existing flat into 2no. residential flats and associated infrastructure.

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.

Planning application reference 211791/DPP has not been determined within the defined timescales and an extension has not been agreed. The preferred method of determination is by way of written submissions. Documents used for the purpose of this review includes documents submitted on the planning portal, correspondence between the planning authority and the agent for the applicant and the professional team and relative reports.

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)

Drawings, Supporting Information 20 and 21 Dec 2021 Supporting Information (incl. Bat Survey Comment) 14 Feb 2021 Drawings Submitted 16 Feb 2022 Drawings and Supporting Information (NIA and Daylight/Sunlight Assessment Report) 23 Feb 2022 Correspondence 23 Mar 2022 Email exchanges between Agent and Planner Peterculter - Notice of Review Planning Policy Review Statement ACC Letter 4 Mar 2022 Extract of Mach Acoustics Email ACC Email 29 Mar 2022 Wellwood Leslie email Response 31 Mar 2022

Application Details

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

211791/DPP

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

20/12/2021

Review Procedure

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

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

Yes No

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

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

Yes No

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

Yes No

Checklist – Application for Notice of Review

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Yes No

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

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

Yes No

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

Declare – Notice of Review

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

Declaration Name: Mr Jonathan Powell

Declaration Date: 26/04/2022

Notice of Review – Planning Reference: 211791/DPP

This Notice of Review is served because planning application reference 211791/DPP has not been determined within the defined timescales and an extension has not been agreed. The preferred method of determination is by way of written submissions. The matters which are raised relate to aspects of the planning application and responses by the planning services in respect of these aspects. Documents used for the purpose of this review includes documents submitted on the planning portal, correspondence between the planning authority and the agent for the applicant and the professional team and relative reports.

Email dated 29/3/22 09:37 from Robert Forbes, Senior Planner, ACC to Kevin Spence, Wellwood Leslie Architects which requests an extension to the time for determination and Kevin Spence's email response of 31/3/22 declining the request are relevant and attached.

The basis of this Notice of Review is a response to the letter dated 4/3/22 (emailed 4/3/22 16:04) from Robert Forbes, Senior Planner, ACC to Kevin Spence, Wellwood Leslie Architects which details the reasons for non-support (attached).

Density / Scale

Despite the terms of the letter of 4/3/22, we are of the view that the Gordon Arms Hotel development immediately adjacent indeed represents a precedent. Similarly, we are of the view that the very nearby, substantial new retail unit (Co-op) is also a precedent in terms of height and scale. It is a definitive fact that the substantial buildings adjacent to the east are much higher. The elevation drawing inserted below clearly evidences this aspect.



The Design & Access Statement published on the portal on 20/12/21 and in particular slides 8, 9 & 10, 14-27 refer. This illustrates the quality of the proposed design and materials, undertakes a comparison with the buildings in the close vicinity and provides 'before' and 'after' illustrations.

Impact on Retail Centre

The retail space proposed is the largest that can be accommodated on site while retaining the existing shop so no more is practicably possible in this regard. The proposal allows for the demolition of the derelict extension to the existing shop. The letter of 4/3/22 states that

there will be a loss of existing customer parking but in reality, there will be more. The ground that is occasionally used by the public to park 4 cars, is off-road, on our land and is private. If the development does not proceed, it is open to us to gate the access. Parking is provided on the new development for the new shop.

There will be significantly increased parking and access for shoppers. 18 new car parking spaces are being provided and they are non-designated spaces as per Council policy and therefore available for shoppers at all times, bearing in mind that most of the day the occupiers of the flats will likely either be at work or out doing something else. Accordingly a large number of spaces and far more than at present will be available to shoppers. There will also be 2 new active EV charging points provided. There will still be 3 parking spaces at the front. In addition there is, of course, the car park across the road. All told, this proposal will materially increase the number of parking spaces available to shoppers.

We are of the view that a good number of the occupiers of the apartments will use public transport as opposed to cars.

The occupiers of the new apartments will undoubtedly lead to an improvement in the economic health of the centre of Culter.

Residential Amenity

The letter of 4/3/22 makes comment about the adjacent house to the north relative to light. The consultant's, Mach Acoustic, email of 15/3/22 (extract attached) advises that the house to the north is not considered to fall within the scope of the development. They state that "The property hasn't been assessed because it is on a higher level than the proposed development hence, its daylight and sunlight might not be affected by the proposed development. Not to mention that it was not possible to obtain clear site photos and references couldn't be taken from Google Earth to inform geometry and locations, as the site boundaries are well screened by trees, obstructing the view of this property and limiting the possibility of taking site photos."

Accordingly, the terms of the letter of 4/3/22 are not correct as the adjacent house to the north would not be adversely affected by the new development. It appears that the terms of the letter of 4/3/22 do not take account of the actual level of the existing house.

This adjacent house sits on a higher level than the proposed development hence, its daylight and sunlight will not be affected by the proposed development. Very importantly the owner of the property in question has made no objection to the planning application which backs up our position.

It is the consultant's view that daylight to the proposed apartments will be adequate.

It is incorrect in the letter of 4/3/22 to state that the appropriate report does not contain information relating to shadow cast analysis. The report investigated and presented the impact on the adjacent property during winter looking into the WPSH (Winter Probable Sunlight Hours) for the assessed windows in the adjacent properties, please see pages 14 and

15 in the report. We are satisfied that the proposed properties will have more than adequate daylight.

Access

Roads Services, Aberdeen City Council, have advised that they are supportive of our application. They are content with our junction proposal. They have asked that the bus stop markings on the roadway are moved slightly to the east and we have agreed to this at our cost.

We do not agree with the subjective views outlined in the letter of 4/3/22 regarding no 'front door'. There are many examples of developments of this nature.

Despite the terms of the letter of 4/3/22 with regard to issues of concern relative to roads – relative to visibility splays, this is contrary to the ACC Roads Service view on the matter. The letter of 4/3/22 states that the required visibility will likely not be achievable notwithstanding that this does not accord with the view of the Roads Service.

Similarly it is stated in the letter of 4/3/22 that the new proposal will create a safety issue with regard to access but again this is not the view of ACC Roads Service.

Given that the only 2 objections are from the same household, it is completely subjective to state in the letter of 4/3/22 that there will be further objections in due course. Indeed the contrary may well be case with support forthcoming. There is no anticipated reduction in street parking. The development provides for a significant increase in parking spaces in the area.

We disagree with the letter of 4/3/22 where it states that the proposed works will involve removal of an existing footway.

Parking

The site sits directly on a bus route and cycle lanes and sits within the city boundary. We are of the view that a large number of the occupiers will not be car owners and will use public transport. There is a car park diagonally opposite. Local residents and the public generally welcome this development.

Servicing

It is accepted that the bin store is 2m outwith the norm and we do not consider that this amounts to excessive travel distances.

Landscape Provision

A significant amount of landscaping is being provided by way of new shrubs, trees and planters. The Landscaping Plan published on the portal on 23/2/22 refers and provides full details. The development is close to the Deeside Way and to the countryside just round the corner at the Rob Roy statue.

Tree Impact

It is not reasonable for the planner to say that he does not accept that the tree removal proposed will take place. Rather, we confirm that this will definitely take place. The landowner is supportive of our application. In the original consultation response, only a few weeks previous to the letter of 4/3/22, there were no negative comments relative to trees on site and, indeed, there are no actual trees on our site. We are extremely disappointed that this negativity has been introduced at a late stage in the process. The Tree Protection Plan and Tree Survey Report published on the portal on 20/12/21 refer. Significant tree and shrub planting is being provided on the development which currently has none.

The arboricultural consultant has advised that there is no evidence of bats roosting. Accordingly there is no reason for any requirement for a single bat survey to be undertaken during the bat activity season. Any bat survey undertaken in due course will confirm that the buildings are not being used by bats and thus a single activity survey could be a condition of any approval of development prior to demolition of existing buildings. Please refer to the Bat Report published on the portal on 20/12/21 and the Additional Bat Survey Comments published on the portal on 14/2/22.

Low and Zero Carbon Buildings

The proposed properties will be highly insulated to a level beyond that required by Building Regulations to reduce heat loss and to reduce energy consumption. Air sourced heat pumps will be utilised to provide heating to all properties which is in line with the current aim of the Scottish Government to reduce CO2 emissions and to replace domestic gas boilers with alternative heat sources.

Crime Risk

We confirm that the car parking area will be illuminated from dusk to dawn by way of movement sensors. In addition, there are many rooms overlooking the car park and their light will shine onto the car park.

Planning Policy

A full review of relevant planning policy has been set out in the attached Planning Policy Statement. This confirms that the proposed redevelopment of this accessible, brownfield site has been designed with full consideration for its context and complies with the principles of Policy D1 of the adopted LDP.

Furthermore, the proposal is considered to comply with the general provisions of Policies NC6 – Town, District, Neighbourhood and Commercial Centres, has been designed with due consideration for its context, in accordance with Policy D1 – Quality Placemaking by Design and would also meet the requirements of Policies R6 – Waste Management Requirements for New Developments and T2 – Managing the Transport Impact of Development of the adopted Local Development Plan.

We have confirmed that we accept all obligations contained in the Developer Obligations: Assessment Report.

The application can therefore be considered to accord with the relevant policies of the development plan and should be granted planning permission.

In conclusion, a development of this scale will result in a reasonable scale of employment creation. The build contract itself will be circa £2 million which clearly means a large number of people will be engaged in the project.

We do not consider that the proposal conflicts with relevant planning policy and the scale and design will be a positive addition to the area.

We have addressed the concerns of the Planning Service hopefully leading to a supportive outcome.

The development will bring a large number of benefits to the area namely; a new retail unit and a reasonable number of new apartments in the middle of the village. This will bring significant benefits to existing shop/business owners. This will help ensure that the heart of the village thrives in the years ahead.

If the development is not to proceed, given the site is zoned for industrial use, there is an opportunity to create a storage and distribution business in the old bakery which will result in commercial vehicles coming and going on an on-going basis. We have a party who is pressing us to lease the premises to them on this basis.

The development will ensure that the existing site is significantly improved from a visual perspective – the Site Photographic Record published on the portal on 16/2/22 is relevant. It is currently zoned and utilised on an industrial basis albeit it is in the centre of the village and the development will create a much improved long term use for the betterment of all.

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From: Kevin Spence
Sent: 24 February 2022 16:15
To: Robert Forbes
Cc: Graham Stuart; davidsuttie@hotmail.com; PAUL YOUNG
Subject: 211791/DPP - High Point, 242 North Deeside Road, Peterculter

Afternoon Robert,

We refer to the Community Council's observations and provide the following information.

We have lodged documents to confirm full compliance with policy H5 and R7.

We have also confirmed the position with regard to the proposed improvement to car parking in the area. The 18 car parking spaces being provided are un-designated spaces as per Council policy, the spaces could be used during the day for visitors to nearby commercial premises. Accordingly a large number of spaces and far more than at present will be available. There will also be 2 new active EV charging points provided.

In addition to the 18 new spaces, there will still be 3 parking spaces at the front. The 4 spaces currently at the side are private and not available for the public in reality and these could be closed off to the public at any time. There is of course the car park across the road. All told, this proposal will materially increase the number of parking spaces available in the centre of Culter.

With regard to the scale and design of the proposal: if the development was to be reduced in scale then it will become non-viable and will regrettably remain undeveloped and in a poor state as an industrial site in the centre of the village. The costs of the development are significant and one has to bear in mind the Council requirement to provide 25% affordable housing.

The Council are keen to see modern, contemporary designs and the building reflects these wishes.

Should you wish to discuss further please do not hesitate to contact myself.

Kind regards

Kevin Spence
Architect

WellwoodLeslie
ARCHITECTS

Wellwood Leslie Architects: Glasgow
29 Eagle Street, Craighall Business Park,
Glasgow, G4 9XA

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Applicant's Response to Submissions from Culter Community Council

1. This Statement has been prepared on behalf of the applicant, Matnic Ltd. Full details of the applicant's case are set out in the Statement of Further Written Submissions ("FWS") and we would refer the LRB to that document for matters of detail.
2. The latest statement from Culter Community Council ("CCC") confirms the main issues for their objection, and the CCC has narrowed its concerns down to four key points. These are considered in turn below.

(1) Type of Housing

3. The CCC accepts the proposed reuse of this brownfield site for residential use, but would prefer "modest houses", as they believe that there is no need for more flats in Culter.
4. With respect, it is not for the Community Council to dictate what type of housing should be delivered in its area. The key matter here is the fact that there is an accepted need for a range of new housing in the Culter area, and that this brownfield site is accepted as being appropriate for residential use.
5. The CCC's suggestion of building "modest houses" on the site would not allow the inclusion of a new ground floor retail unit as part of the proposed regeneration of the site. The street frontage design and height adopted in the final proposals for the site emerged to match the request of the CCC in pre-application discussions. The CCC's suggested modest houses approach is not therefore appropriate for this site which is located within an identified retail centre. No weight can therefore be given to this suggestion.
6. Furthermore, and what is a significant material consideration in support of this application, is the fact that this application will deliver much need new housing in a highly accessible, brownfield site within a local centre.
7. The LRB will be aware that the Proposed Aberdeen Local Development Plan is currently the subject of an Examination; and a Hearing was held this week (25th May) to specifically discuss the City's housing land shortfall. This Hearing has raised the very real possibility that the Council will have to consider the release of further unallocated, greenfield sites to address this housing land shortfall.
8. The alternative approach – and one that is fully supported by the Council's current and emerging Local Development Plans, the approved Strategic Development Plan, and the Scottish Planning Policy – is to support the reuse of brownfield sites for more housing. This is what the applicant is proposing.
9. The choice to be made is therefore either supporting more housing on accessible brownfield sites such as the application site; or releasing more unallocated greenfield sites in the Green Belt. The preference must be to support brownfield redevelopment over greenfield release. This is a further significant material consideration in support of this application.

(2) Scale and design of proposal

10. CCC repeats its concerns that the proposals for the site are "*out of scale with the adjoining buildings, and the design presented not being remotely in sympathy with the existing buildings, neither in form nor in style*".
11. As we have set out in some detail in the applicant's FWS, this position is not accepted and is based on the CCC (and indeed the Planning Officer) choosing to ignore the context established by the 4 storey flatted development immediately to the east of the application site – the former Gordon Arms Hotel development – and the 3-4 storey mixed use development to the south east of the site – the Co-op development.
12. The Co-op development is directly comparable to the application proposals, and the Gordon Arms Hotel development is taller than the proposed development.
13. Whether the CCC (or the Planning Officer) like these developments or not, is not relevant. These buildings exist and are an established part of the street scene. They are important buildings in terms of both the application site and the local context of the area. They cannot be ignored.

14. The selective use of some scale, density and height comparisons by the CCC is not therefore appropriate, and does not provide an accurate picture of the proposed development and how it has been designed to reflect and respect the scale, height and massing of adjacent properties.
15. These adjoining buildings have established a clear precedent for this scale and type of building in this location and set the context for assessing the proposed development of the application site. The development has therefore been designed with due and proper consideration for its context and complies with the principles of Policy D1 of the adopted LDP.
16. It has been designed to be 3 storeys at the street frontage, stepping up to 4 storeys at the rear, similar to the approach adopted at the Co-op development. It will, however, have a greater level of amenity space than the Co-op development and will be lower than the adjacent flatted development at the Gordon Arms Hotel site.
17. In this context, which is the correct one, overdevelopment is not a valid reason for refusing this application.

(3) Loss of parking available to the public

18. CCC repeats its concerns that the applicant's proposals for the car parking arrangements for the redevelopment of the site "*would be worse than at present*". This is also not correct.
19. At present, there are three private car parking spaces available on the site. These are currently available for the public and shoppers to use, but this is entirely at the discretion of the applicant. These are not public spaces. In contrast, the proposed redevelopment of the site will make provision for a total of 18 new car parking spaces which will all be available on a communal basis to the public, shoppers and residents. This will result in an increase in 15 spaces over the current situation. This is clearly a significant enhancement.
20. Furthermore, and as confirmed in its updated consultation response, the Council's Roads Development Management Team has raised no issues with the proposed levels of car parking and has confirmed that it has no objections. This is a further significant material consideration in support of this planning application.

(4) Other policies

21. CCC also repeats its desire for the development to comply with affordable housing and low and zero-carbon buildings policies. As we have confirmed in the FWS, the proposed development will make provision for affordable housing in full accordance with LDP Policy H5; and details of energy saving measures can be suitably controlled by way of a condition in accordance with LDP Policy R7. These matters can be conditioned and are not valid reasons for refusing the application.

Summary and Range of Benefits

22. Like the planning officer, the CCC has focussed on the perceived impacts of the proposal, rather than take a balanced assessment of the application and the range of benefits that it can provide.
23. Planning policy establishes a presumption in favour of this type of development, not a presumption against it.
24. In our opinion, both the CCC and the Planning Officer have failed to give appropriate consideration and weight to the significant benefits of the proposed redevelopment of this underused and semi derelict site. These range of benefits are significant material considerations that confirm that planning permission should be granted for this planning application. We have summarised these benefits below:

- Redevelopment and reuse of an underused, semi-derelict and vacant, brownfield site for a mix of uses; which is located in a highly accessible location within the Peterculter local centre, adjacent to shops, services, bus stops (6 buses per hour), core paths and cycle ways.
- Delivery of a new, modern retail unit which will provide an active street frontage along North Deeside Road which will support, enhance and add to the vitality of the local centre.
- Estimated £2M build cost, which will provide a range of local construction jobs and new local employment opportunities once the new retail unit has opened.
- Delivery of 16 new residential units on a brownfield site which have been specifically designed to meet local housing needs, and will take pressure off releasing more unallocated, greenfield sites for housing.

- Significant contribution towards the delivery of affordable housing in the local area, in full accordance with the Council's affordable housing policy.
- An estimated £0.25M per annum increase to local retail expenditure as a result of the 16 new households. This represents significant investment in the local area, and will further support the vitality and viability of the Peterculter Neighbourhood Centre.
- Support from adjacent shops and businesses which recognise that the proposals will *"result in redevelopment of a run-down eyesore and the provision of new retail and residential accommodation would be a positive addition to the village"*.
- Delivery of 18 new car parking spaces which will be available to residents, shoppers and the public which represents a significant enhancement over the current provision of 3 private spaces.
- Inclusion of new electric vehicle charging spaces and 18 cycle spaces as part of new development which represents a significant enhancement over the current provision (none exist at present).
- Support from the Council's Roads Officers for the proposed access and car parking arrangements which is considered to be safe and convenient; and accords with the Council's standards.
- Scale, design, height and massing of development which matches and is directly comparable to the developments adjacent and opposite the site (the Gordon Arms Hotel and Co-op developments).
- Provision of new private amenity space for the new residents which exceeds the level of amenity space provided at the Co-op development opposite.
- Agreed contribution towards off-site open space improvements, which will further enhance green spaces in the local area, benefiting the new residents and enhancing existing residential amenity in the area.
- No trees are being lost (there are none on site); and the proposed new tree planting will improve and enhance the tree cover in this location, bringing further green space benefits.
- No impact on bats or any other ecological interest (there are no bats or ecology present on the site); and the inclusion of new landscaping which will add to and enhance the bio-diversity of the local area.
- Agreed contribution towards core path improvements in the local area, which will further enhance the accessibility and amenity of the area.
- Agreed contribution towards local health care provision, which will further support services and facilities in the local area.
- Improvements to the existing, historical drainage situation and the delivery of a new SUDs approach for the site which offers betterment over the current arrangements and has been designed in agreement with Scottish Water.
- No objections from any technical consultees.
- All detailed design and operational matters can be appropriately controlled by conditions.

25. For all these reasons we therefore consider that this is the right development in the right place.

26. We would therefore urge the LRB to take a balanced view of these redevelopment proposals; give due and proper weight to these range of significant benefits; and grant planning permission for this proposed development, subject to appropriate conditions.

27. These conditions would deal with access and parking arrangements; landscaping; open space; materials; noise mitigation measures; waste and recycling provision; affordable housing provision; developer contributions towards the core path network, healthcare facilities and open space; and details of the water and drainage arrangements. These are all standard conditions which can be imposed to control these aspects of the development. The applicant is happy to accept such conditions and would welcome the opportunity to agree these with the LRB.

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