

Public Document Pack



To: Councillors Boulton (Chairperson), Bell and Henrickson.

Town House,
ABERDEEN 19 April 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 **MONDAY, 25 APRIL 2022 at 10.00 am.**

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

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 - GAVIN EVANS

2.1 Detailed Planning Permission for the erection of raised decking with balustrade to the rear - 12 Woodhill Place Aberdeen - 210851 (Pages 7 - 32)

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 210851

- 2.2 Delegated Report, Original Application Form and Decision Notice (Pages 33 - 48)
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 49 - 50)
- 2.4 Notice of Review with Supporting Information Submitted by Agent (Pages 51 - 56)
- 2.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

PLANNING ADVISER - GAVIN EVANS

- 3.1 Detailed Planning Permission for the change of use from 2 no. residential units including formation of first floor extension above an existing single storey extension; alterations to windows and doors; formation of porches, fences with gates and associated works - 215 Stoneywood Road Aberdeen - 210763 (Pages 57 - 88)
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 210763.
- 3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 89 - 124)
- 3.3 Planning Policies Referred to in Documents Submitted (Pages 125 - 126)
- 3.4 Notice of Review with Supporting Information Submitted by Agent (Pages 127 - 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

PLANNING ADVISER - LUCY GREENE

- 4.1 Detailed Planning Permission for the change of use from amenity space to footway crossing and formation of driveways with associated works - 15-21 Brebner Crescent Aberdeen - 211459 (Pages 143 - 160)

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 211459.

- 4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 161 - 188)

- 4.3 Planning Policies Referred to in Documents Submitted (Pages 189 - 190)

- 4.4 Notice of Review with Supporting Information Submitted by Applicant (Pages 191 - 198)

- 4.5 Determination - Reasons for Decision

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

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

PLANNING ADVISER - LUCY GREENE

- 5.1 Detailed Planning Permission for the formation of community sport facilities with associated fencing and hard standing sports courts - Formartine Road / Conningham Gardens Tillydrone Aberdeen - 211056 (Pages 199 - 226)

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 211056.

- 5.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 227 - 272)

- 5.3 Planning Policies Referred to in Documents Submitted (Pages 273 - 274)

- 5.4 Notice of Review with Supporting Information Submitted by Applicant (Pages 275 - 298)
- 5.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 5.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

Website Address: aberdeencity.gov.uk

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

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE

GENERAL

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

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

DETERMINATION OF REVIEW

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

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

LOCAL REVIEW BODY

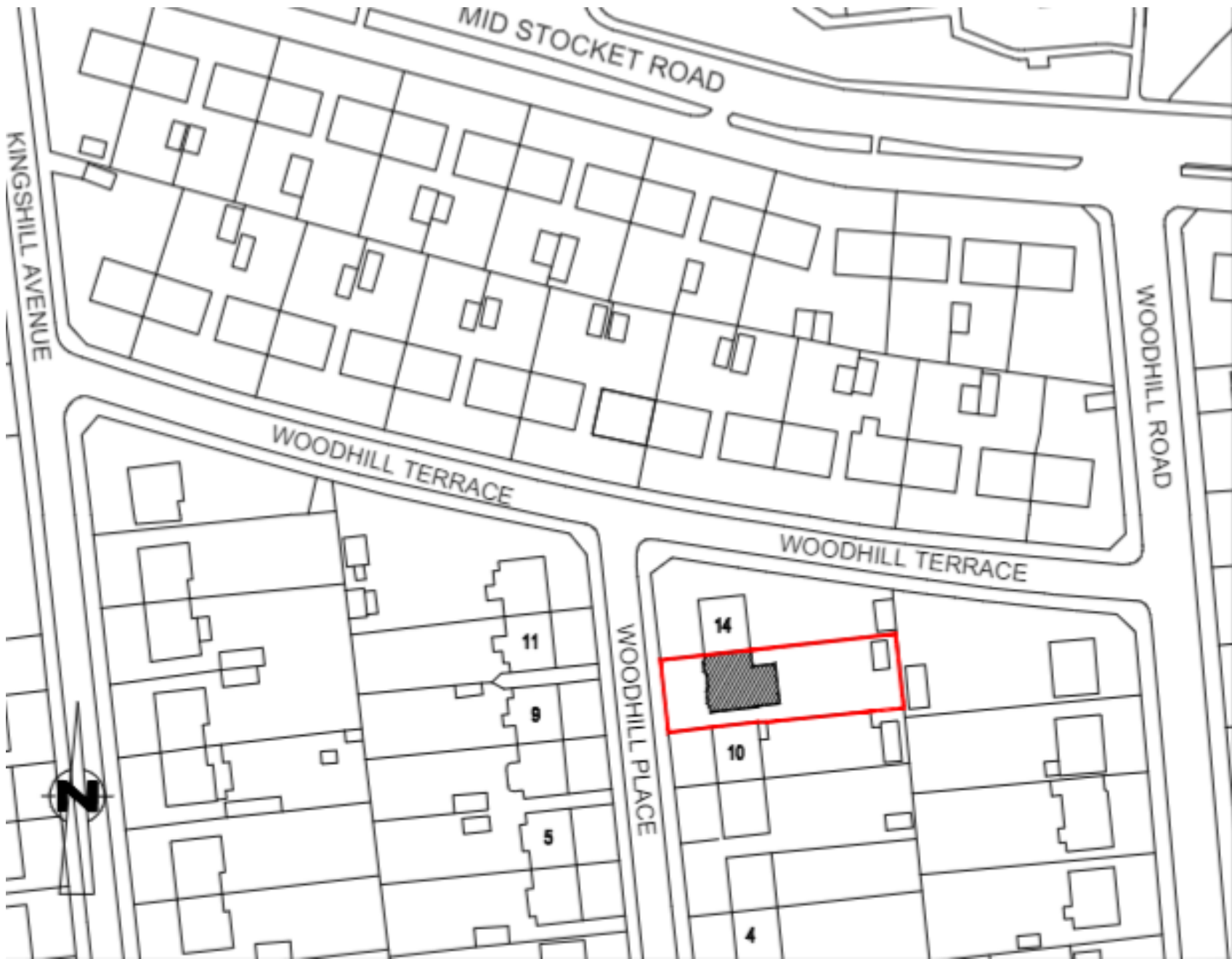


210851/DPP– Appeal against refusal of planning permission for:

‘Erection of raised decking with balustrade to rear’

12 Woodhill Place, Aberdeen

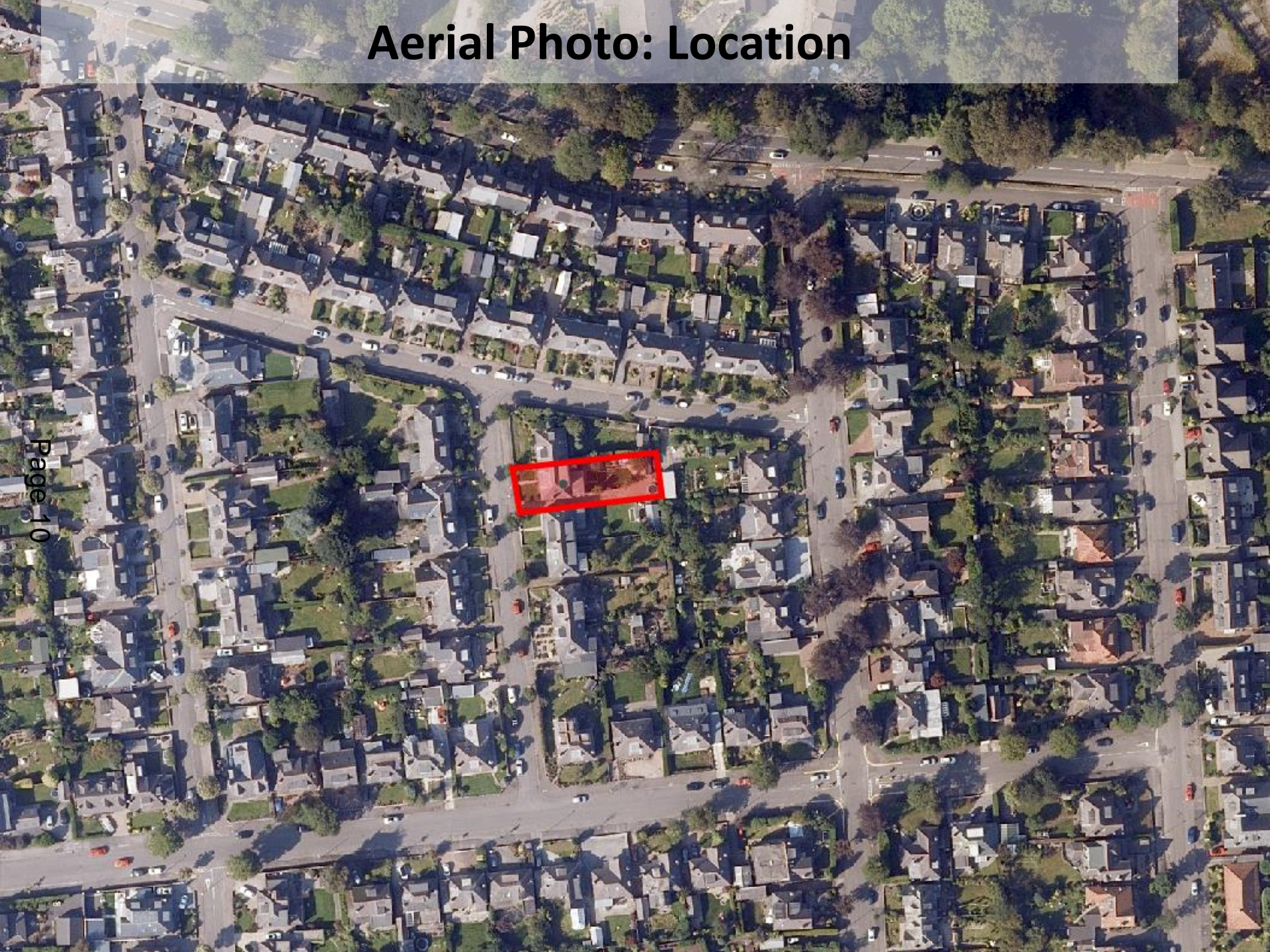
Location Plan



Location Plan: GIS



Aerial Photo: Location



Photos – applicant's property



Photos – applicant's property



Photos – applicant's property



Photos – applicant's property



Photos – applicant's property



Photos – neighbour (10)



Photos – neighbour (10)



Photos – boundary with no14

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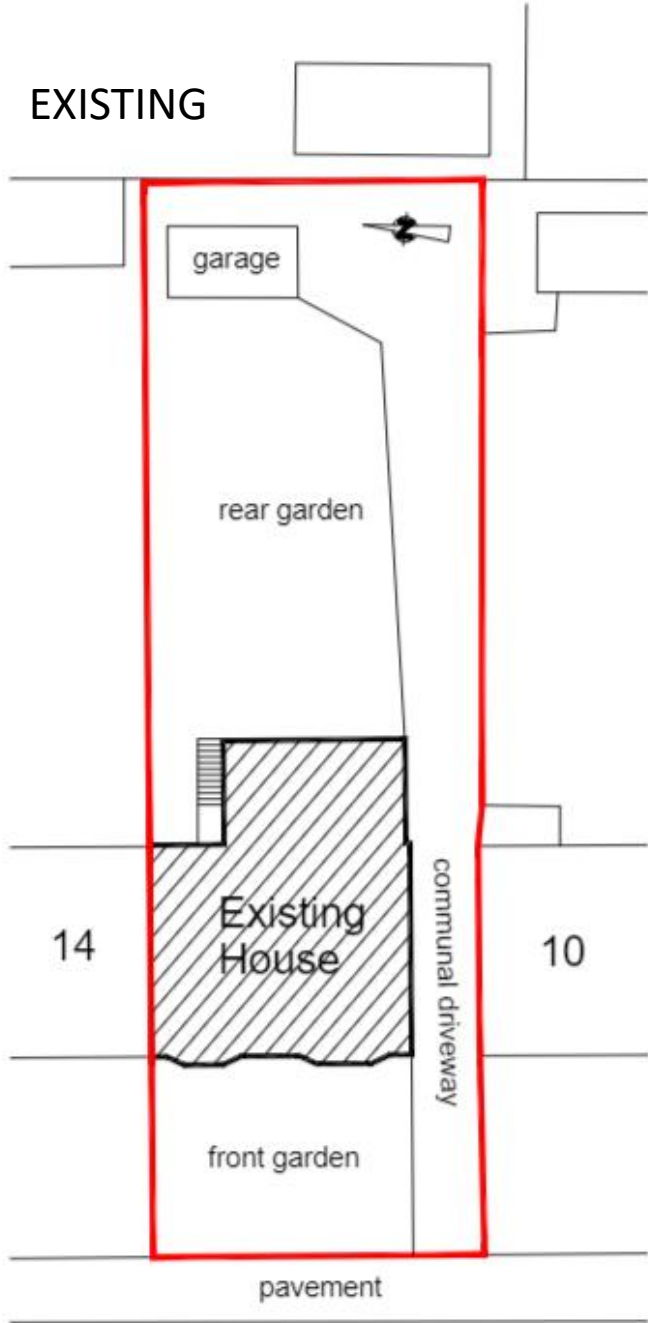
Photos – view from Woodhill Terrace



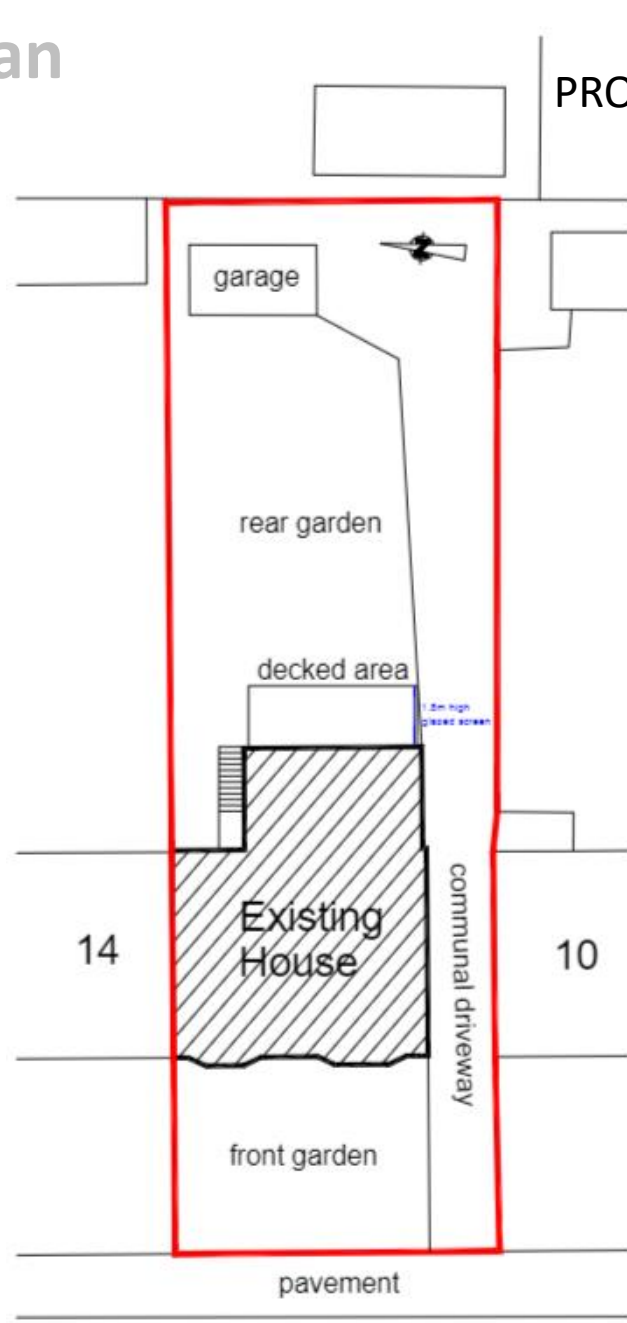
IMAGE DATED MAY 2014

Site Plan

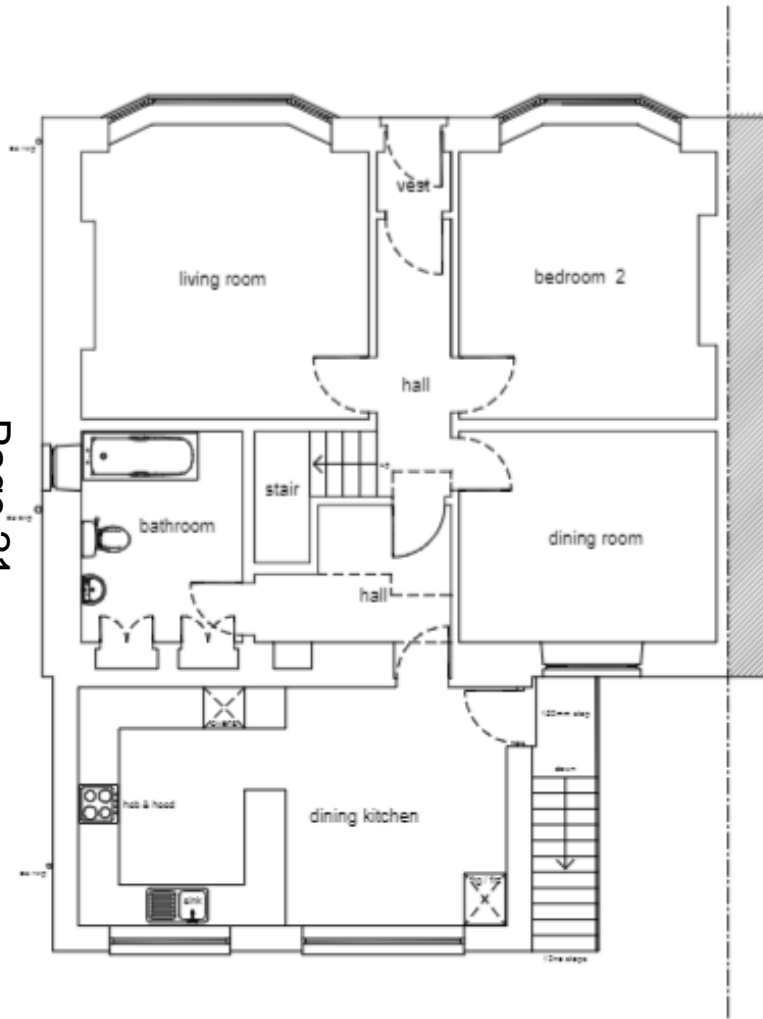
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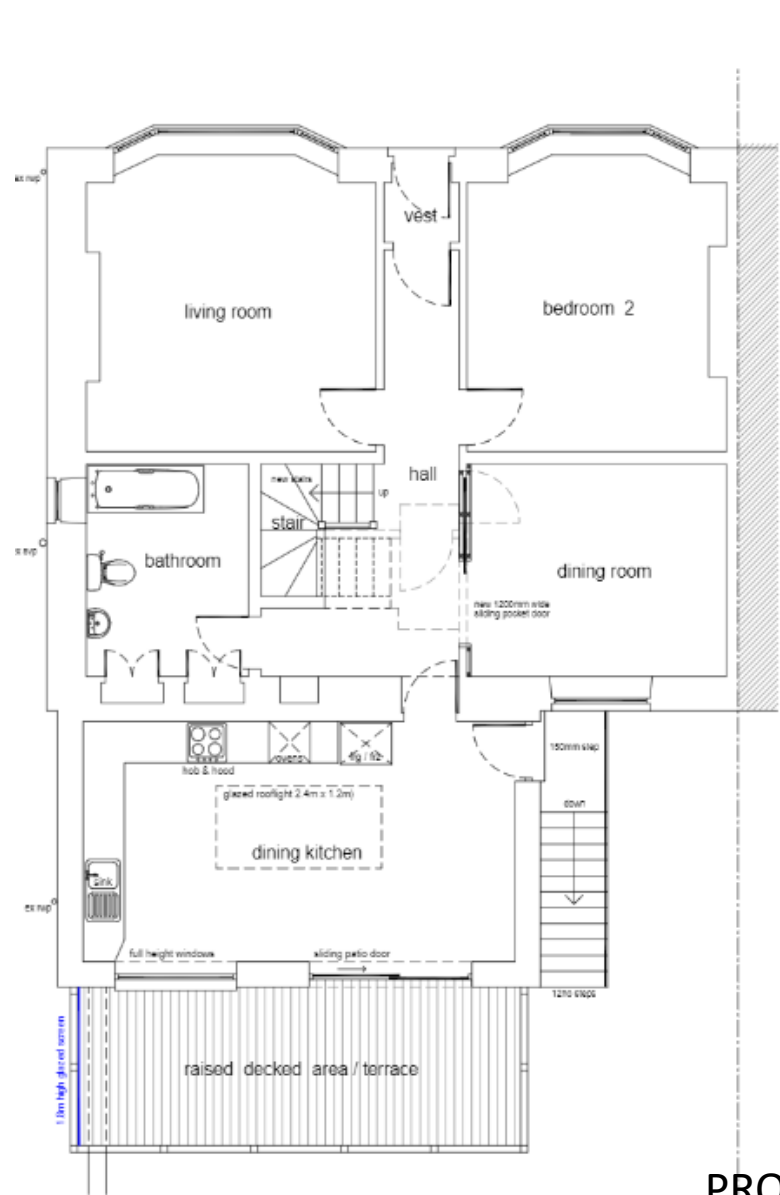
PROPOSED



Ground Floor

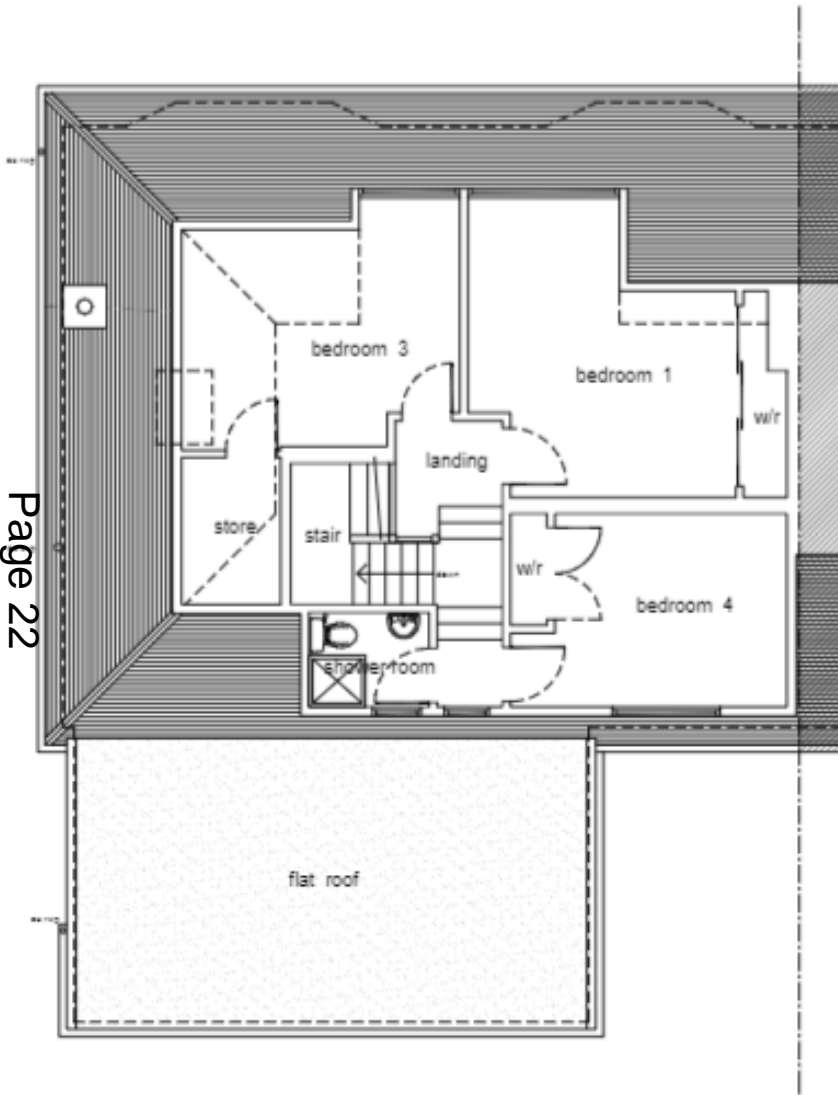


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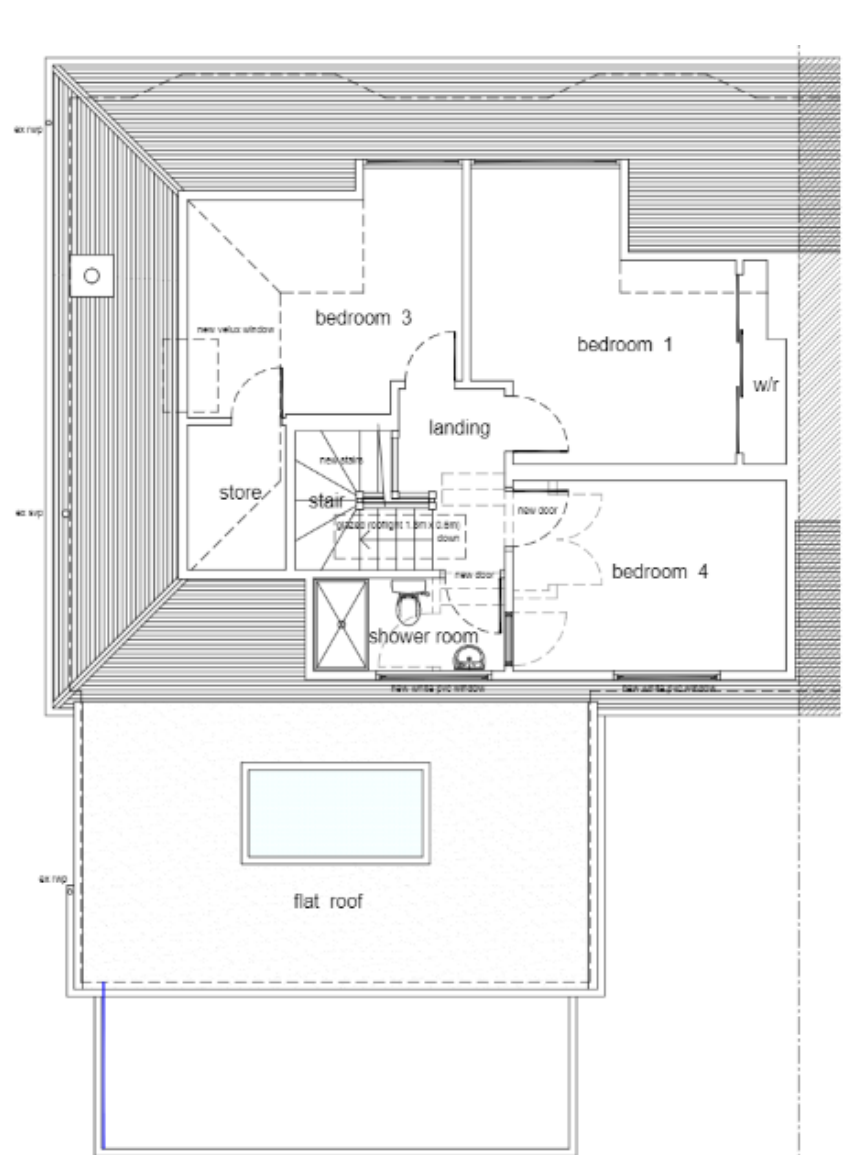


PROPOSED

First Floor



EXISTING



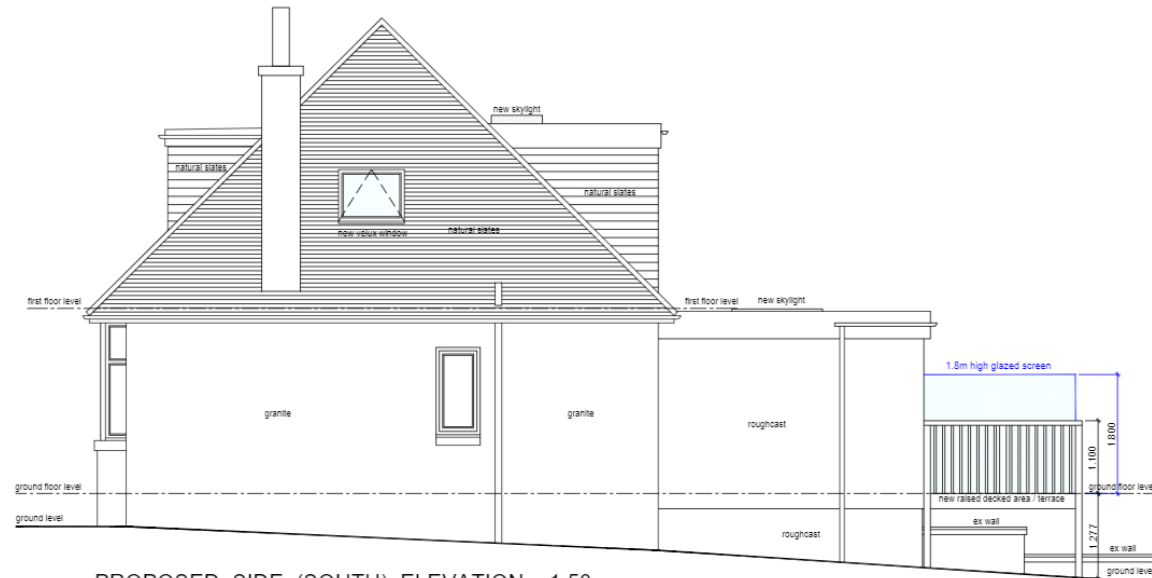
PROPOSED

Side / South Elevation

EXISTING

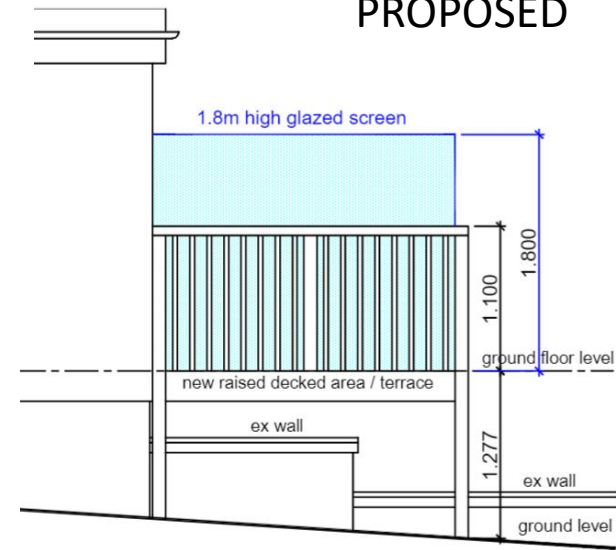


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PROPOSED SIDE (SOUTH) ELEVATION. 1:50.

PROPOSED

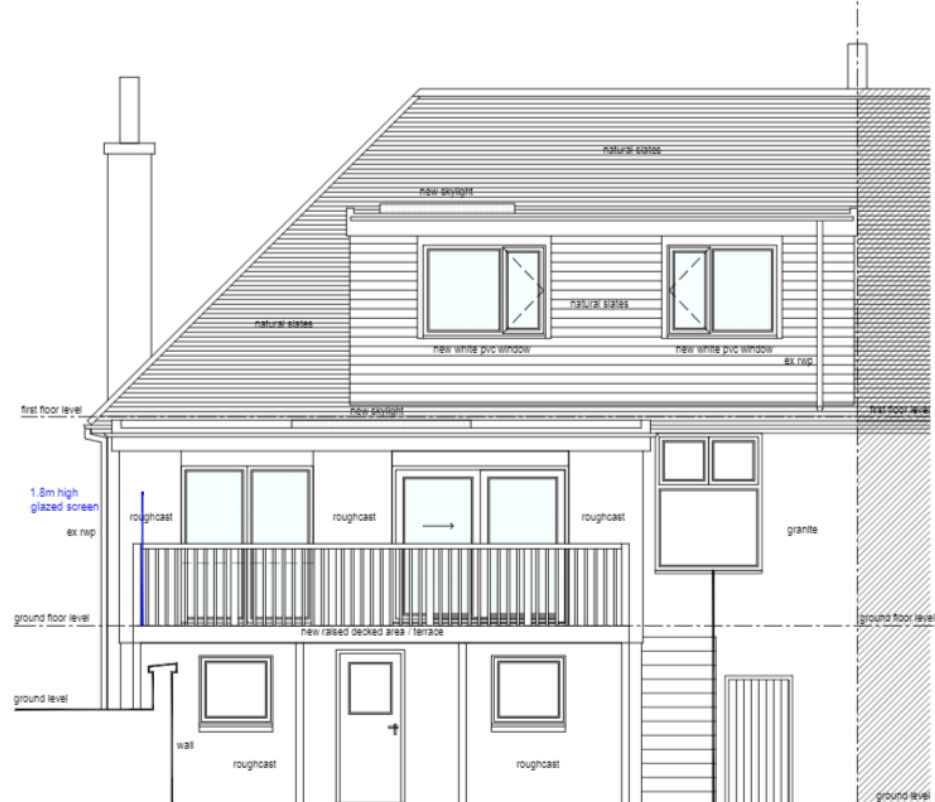


Rear / East Elevation

Page 24



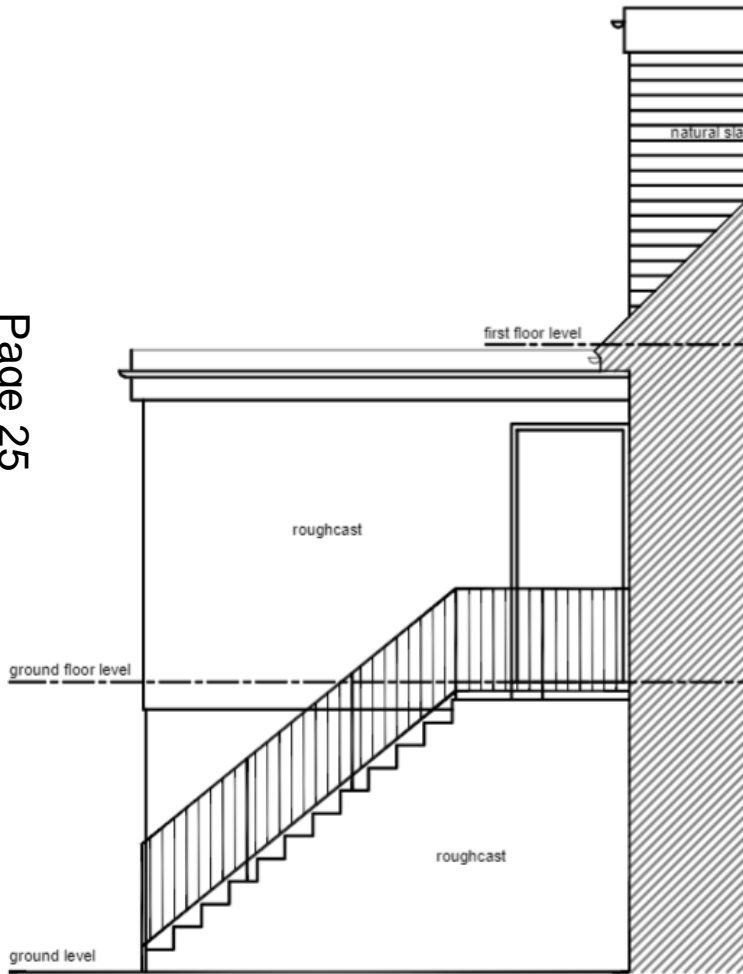
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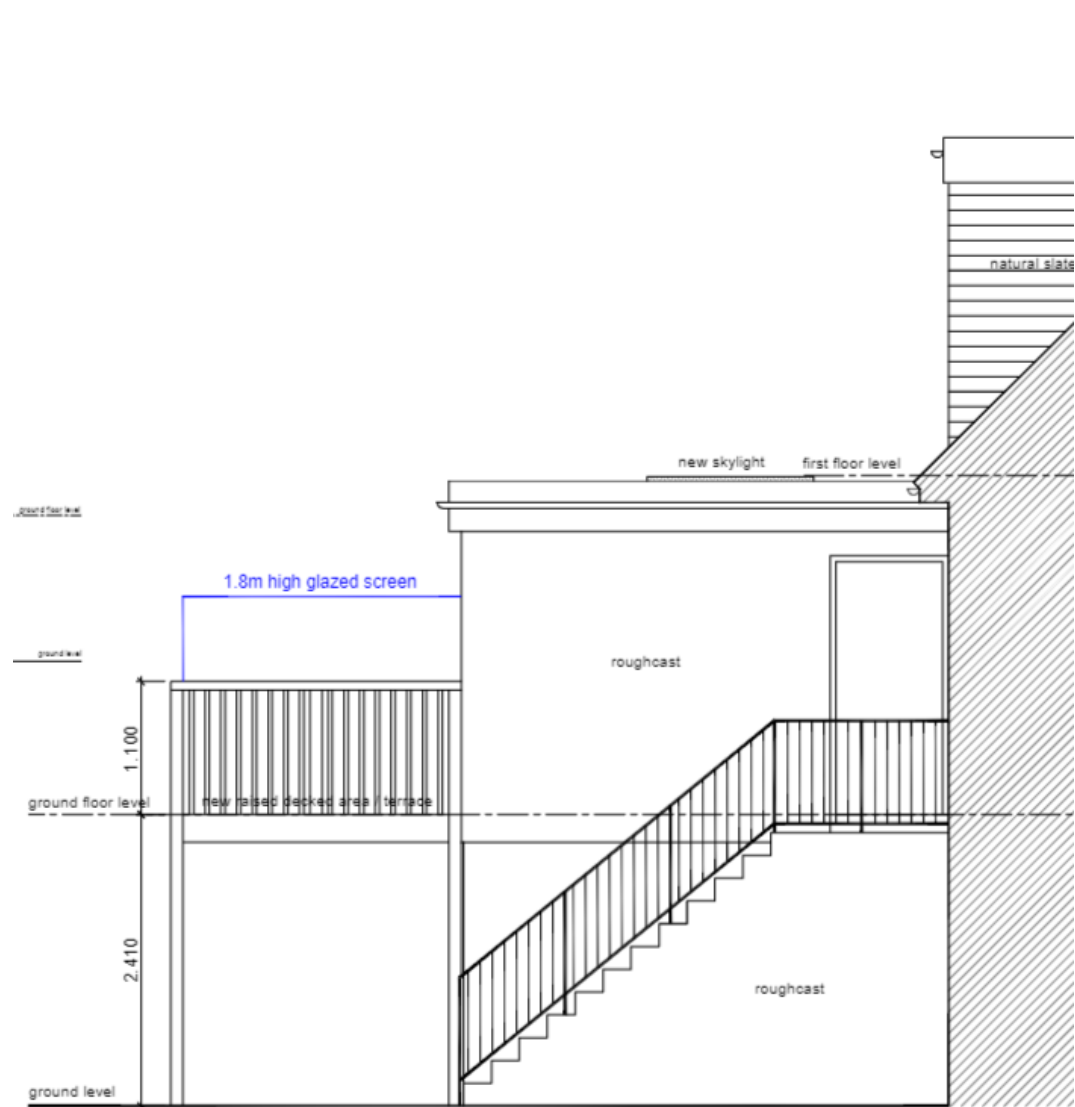
PROPOSED

Partial Side / North Elevation

Page 25



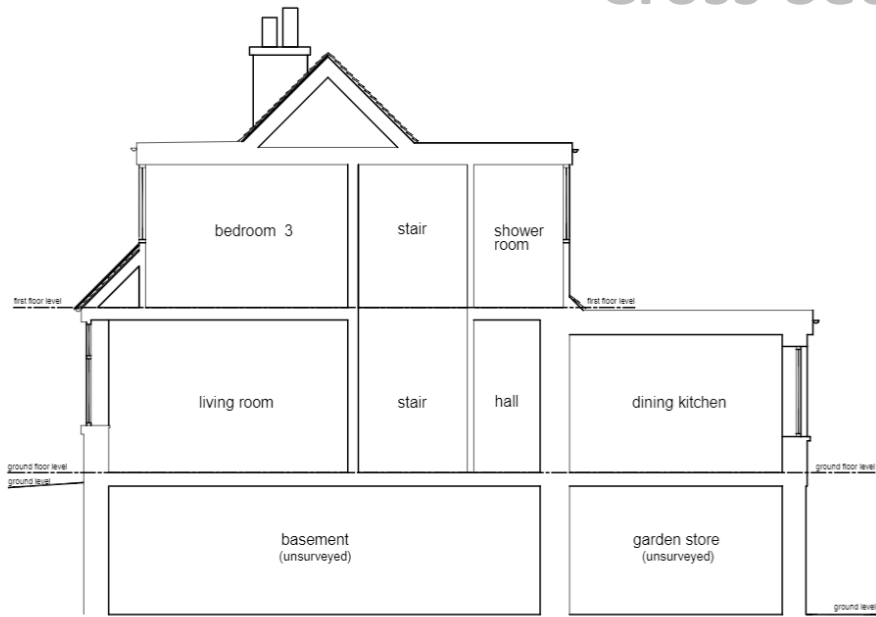
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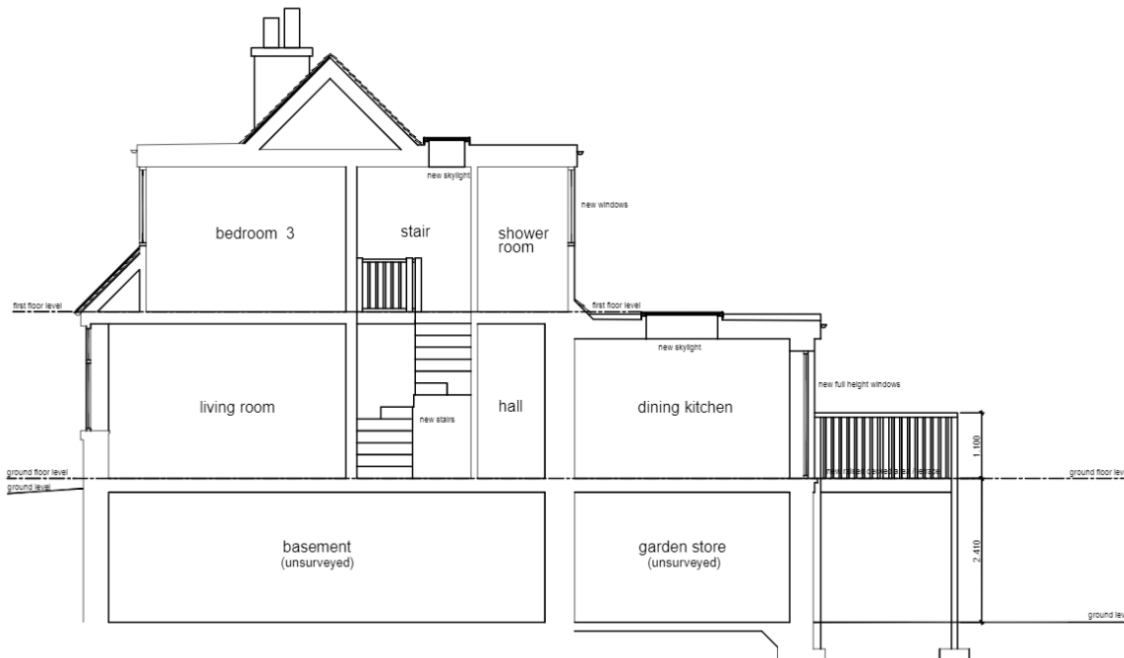
PROPOSED

Cross-Section

EXISTING



PROPOSED



Reasons for Refusal

The proposed raised deck, whilst of a suitable design and material finish in accordance with the provisions of Policy D1 (Quality Placemaking by Design), fails to comply with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2017 in addition to the Council's Supplementary Guidance 'Householder Development Guide'. The proposed deck, owing to its position and height would result in an adverse impact upon adjacent residential property in respect of overlooking and loss of privacy of established, private and usable rear garden ground. The proposal also fails to satisfy the relevant policies of the Proposed Aberdeen Local Development Plan 2020.

Applicant's Case for Review

Stated in Notice of Review. Key points:

- Highlights that the appointed officer's report considered that the raised deck would be of suitable design and material finish
- Notes that reasons for refusal relate to a perceived failure to comply with policy H1, along with relevant policies in the Proposed ALDP
- Highlights that a screen was added to minimise overlooking from the deck, but this was considered to be inadequate to address officer's concerns

D1: Quality Placemaking by Design

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

Proposals will be assessed against the following six essential qualities:

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

H1: Residential Areas

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

Householder Development Guide SG

Proposals should:

- Be ***“architecturally compatible with original house and surrounding area”*** (design, scale etc)
- Should not ***‘dominate or overwhelm’*** the original house. Should remain visually subservient.
- Should not result in adverse impact on **privacy, daylight, amenity**
- Approvals pre-dating this guidance do not represent a **‘precedent’**
- Footprint of dwelling should not exceed **twice that of original house**
- **No more than 50% of front or rear curtilage** may be covered (anything less than that considered on its merits)
- In relation to decking, states that proposals *“should not result in an adverse impact upon the amenity of adjacent dwellings, including both internal accommodation and external private amenity space”*

Points for Consideration

Zoning: Does the proposal comply with the tests set out in policy H1 (Residential Areas)? Specifically, would it result in an *'unacceptable impact on the character or amenity of the area'*?

Design: Is the proposal of sufficient design quality (D1) - *having regard for factors such as scale, siting, footprint, proportions relative to original, materials, colour etc?*

Does it accord with the general principles set out in the 'Householder Development Guide', and the specific commentary on decking?

- 1. Does the proposal comply with the Development Plan when considered as a whole?**
- 2. Are there any material considerations that outweigh the Development Plan in this instance?**

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <p style="margin: 10px 0 0 0;">Report of Handling</p>
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Site Address:	12 Woodhill Place, Aberdeen, AB15 5LF
Application Description:	Erection of raised decking with balustrade to rear
Application Ref:	210851/DPP
Application Type:	Detailed Planning Permission
Application Date:	11 June 2021
Applicant:	Mrs Suzanne Patton
Ward:	Mid Stocket/Rosemount
Community Council:	Rosemount & Mile End
Case Officer:	Ross McMahon

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site forms part of an established residential area and comprises a semi-detached, one-and-a-half-storey dwelling and its front, side and rear curtilage. The property has been extended to the rear (east) by way of a two-storey extension. The principal (west) elevation fronts Woodhill Place, while residential properties bound the site to the north, south and east. The property shares a mutual driveway with 10 Woodhill Place. The site slopes down gradually from west to east, resulting in a basement level to the rear of the dwelling.

Relevant Planning History

None relevant.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of a raised area of decking to the rear (east) elevation of the dwelling, accessed via the kitchen within the existing rear extension. The decking would project 2.4m from the rear of the extension, would measure 6.65m wide, raised 2.4m from ground level with a 1.1m high timber balustrade. It is proposed to include a 1.8m glazed screen along the southern extent of the raised deck. Finishing materials include natural stained timber.

Permitted Development

It is also proposed to install several new/replacement elements to the fabric of the property, including rooflights, sliding doors and windows. Such elements are permitted development under Class 2B of the Town and Country Planning (General Permitted Development) (Scotland) Order

1992, as amended, and accordingly, do not form part of the following assessment.

Amendments

Following submission of the application, the proposal has been amended to include a section of glazed screening along the southern elevation of the proposed raised deck.

Supporting Documents

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QUIZGRBZKOG00>

CONSULTATIONS

Rosemount & Mile End Community Council – Formal objection subsequently withdrawn.

REPRESENTATIONS

None received.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

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

Supplementary Guidance (SG)

- Householder Development Guide

Proposed Aberdeen Local Development Plan (2020)

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

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

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

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)

EVALUATION

Principle of Development

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

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

There would be no loss of open space given the nature and type of development, in that the proposal consists of an external alteration to a private dwellinghouse set within its established curtilage. Therefore, in terms of establishing the acceptability of the principle of the proposal in the context of Policy H1, provisos 1, 2 and 4, as set out above, are applicable. Where appropriate, such matters are discussed in the context of the Council's Householder Development Guide SG (hereafter referred to as 'SG'), below.

The area of the decking would not constitute overdevelopment of the site on the basis of its area, size, scale and openness relative to the property and in the context of what is an expansive rear garden. The requirements of provisos 2 and 4 are discussed in the following paragraphs.

Design & Amenity

Policy D1 (Quality Placemaking by Design) states that all development must ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials. Additionally, the Council's SG requires that proposals for alterations be architecturally compatible in design and scale with the original house and the surrounding area. Materials used should be complementary

to the original building. Any 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.

The design, size, scale and material finish of the proposed raised deck would cause no undue harm to the characteristics of the host property or the wider area, owing to its position within the garden and relationship with an existing rear extension, with a limited visual impact wholly contained within the private garden of the property. All proposed finishing materials are compatible with the dwelling and the wider area. In light of the above, it is considered that the proposal is suitably designed and would protect the visual amenity of the surrounding area, in compliance with the Council's SG and therefore Provisos 2 and 4 of Policy H1 (Residential Areas).

Residential Amenity

In respect of residential amenity, the Council's SG states that no alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected. In terms of daylight, respective calculations (45-degree method), as set out in Appendix 2 of the Council's SG, demonstrate that the size, scale and location of the proposed deck and screening relative to adjacent property is such that there would be no impact to adjacent habitable room windows. With regards to sunlight, the position and orientation of the proposal relative to the sun path shows that there would be no impact to the rear garden ground of adjacent property.

Regarding privacy, the Council's SG states that new development should not result in significant adverse impact upon the privacy afforded to neighbouring residents, both within dwellings and in any private garden ground/amenity space. The addition of balconies/terraces to existing residential dwellings will require careful consideration of their potential impact upon privacy. Any proposed balcony/terrace which would result in direct overlooking of the private garden/amenity space of a neighbouring dwelling, to the detriment of neighbours' privacy, will not be supported.

The proposed raised decking is orientated to the east, over the sloping and expansive rear garden ground. There would be no overlooking opportunity to the north on the basis of existing and well-established screening between the site and 14 Woodhill Place. 10 Woodhill Place to the south also has a long and expansive rear garden, the foot of which comprises an outbuilding and established decked sitting out area. Due to the open nature of the gardens to both 12 and 10 Woodhill Place, in combination with the proximity, orientation, height, width and change in levels of the proposed raised deck relative to adjacent and usable garden ground, it is evident that the proposal will result in an unacceptable degree of overlooking and loss of privacy to the private amenity space of 10 Woodburn Place. The applicant has proposed 1.8m high glazed screening to the southern extent of the raised deck, however, such screening fails to adequately address overlooking issues toward the south-east to which oblique views would be afforded across the entire width of the raised deck across to an established sitting out area. In light of the above, the proposal fails to comply with the Council's SG and proviso 2 of Policy H1 (Residential Areas), on the basis that it fails to protect the established amenity of adjacent residential property.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan, apart from Policy D2, which is a new policy aimed at protecting residential amenity. However, it is considered that this aspect has been sufficiently assessed by current policies. The proposal is unacceptable in terms of both Plans for the reasons previously given.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed raised deck, whilst of a suitable design and material finish in accordance with the provisions of Policy D1 (Quality Placemaking by Design), fails to comply with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2017 in addition to the Council's Supplementary Guidance 'Householder Development Guide'. The proposed deck, owing to its position and height would result in an adverse impact upon adjacent residential property in respect of overlooking and loss of privacy of established, private and usable rear garden ground. The proposal also fails to satisfy the relevant policies of the Proposed Aberdeen Local Development Plan 2020.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100426017-001

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

Description of Proposal

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

Proposed raised decked area to rear of existing house and various internal and external alterations

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:	Robert Lamb Architectural Services Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Robert	Building Name:	Burnside Steading
Last Name: *	Lamb	Building Number:	24
Telephone Number: *	01358742771	Address 1 (Street): *	Holdings
Extension Number:		Address 2:	Balmedie
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB23 8WU
Email Address: *	[REDACTED]		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Suzanne	Building Number:	12
Last Name: *	Patton	Address 1 (Street): *	Woodhill Place
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB15 5LF
Fax Number:			
Email Address: *	[REDACTED]		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

12 WOODHILL PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 5LF

Please identify/describe the location of the site or sites

Northing

806470

Easting

391304

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: Robert Lamb

On behalf of: Mrs Suzanne Patton

Date: 10/06/2021

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

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

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

Continued on the next page

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

You can attach these electronic documents later in the process.

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

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

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

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

Declare – For Householder Application

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

Declaration Name: Mr Robert Lamb

Declaration Date: 10/06/2021

Payment Details

Online payment: ABSP00006839
Payment date: 10/06/2021 18:04:00

Created: 10/06/2021 18:04

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Robert Lamb
Robert Lamb Architectural Services Ltd
Burnside Steading
24 Holdings
Balmedie
Aberdeen
AB23 8WU

on behalf of **Mrs Suzanne Patton**

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

**Erection of raised decking with balustrade to rear
at 12 Woodhill Place, Aberdeen**

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

Drawing Number	Drawing Type
002 REV D	Location Plan
003 REV D	Other Drawing or Plan

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

Inclusion of side screening to proposed raised deck.

REASON FOR DECISION

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

The proposed raised deck, whilst of a suitable design and material finish in accordance with the provisions of Policy D1 (Quality Placemaking by Design), fails to comply with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2017 in addition to the Council's Supplementary Guidance 'Householder Development Guide'. The proposed deck, owing to its position and height would result in an adverse impact upon adjacent residential property in respect of overlooking and loss of privacy of established, private and usable rear garden ground. The proposal also fails to satisfy the relevant policies of the Proposed Aberdeen Local Development Plan 2020.

Date of Signing 24 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 Local Development Plan (ALDP)

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

Supplementary Guidance

Householder Development Guide

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

Other Material Considerations

Aberdeen City and Shire Strategic Development Plan (2020) (SDP)

Proposed Aberdeen Local Development Plan (2020)

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

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The Scottish Government

Planning and Environmental Appeals Division

Planning and Environmental Appeals Division

Appeals cannot be validated until all the necessary documentation has been submitted.

Thank you for completing this appeal form:

ONLINE REFERENCE 100426017-002

The online reference is the unique reference for your online form only. The Planning and Environmental Appeals Division will allocate an Appeal Number when your form is validated. Please quote this reference if you need to contact the Planning and Environmental Appeals Division about this appeal.

Appellant or Agent Details

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

Appellant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Robert Lamb Architectural Services Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Robert	Building Name:	Burnside Steading
Last Name: *	Lamb	Building Number:	24
Telephone Number: *	01358 742771	Address 1 (Street): *	Holdings
Extension Number:		Address 2:	Balmedie
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB23 8WU
Email Address: *	robert.lamb6@btinternet.com		

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

Individual Organisation/Corporate entity

Appellant Details

Please enter Appellant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Suzanne"/>	Building Number:	<input type="text" value="12"/>
Last Name: *	<input type="text" value="Patton"/>	Address 1 (Street): *	<input type="text" value="Woodhill Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 5LF"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="suzanne.patton@nhs.scot"/>		

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="12 WOODHILL PLACE"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB15 5LF"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806470"/>	Easting	<input type="text" value="391304"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

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

Erection of raised decking with balustrade to rear

Type of Application

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

- Application for Planning Permission (including householder application – excluding application to work minerals).
- Application for Certificate of Lawfulness.
- Application for Listed Building Consent.
- Application for Conservation Area Consent.
- Application for Advertisement Consent.
- Application for Prior Approval.
- Application for Tree Works Consent.
- Application for Certificate of Appropriate Alternative Development.
- Application for Planning Permission to work minerals.

What type of planning application was submitted to the planning authority? *

- Application for Planning Permission.
- Application for Planning Permission in principle.
- A Further Application (including renewal of planning permission, modification, variation or removal of a planning condition etc).
- Approval of matters specified in conditions.

What type of decision did you receive from the planning authority and are now appealing against? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision – deemed refusal (NB: This does not apply to Prior Approvals).

Statement of Appeal

You must state in full, why you are appealing against the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider required to be taken into account in determining your appeal: * (Max 500 characters)

Note: you might not 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 will though be entitled to comment on (i) any additional matter which may be raised by the planning authority in its response to your appeal, or (ii) any representations the Scottish Government might receive from any other person or body.

The proposed raised deck was deemed to be of a suitable design and material finish but the planning officer felt that it failed to comply with Policy H1. The officer also felt that proposal failed to satisfy the relevant policies of the Proposed Aberdeen Local Development Plan 2020. A screen was added to minimise overlooking but this was felt as being inadequate.

Have you raised any matters which were not before the planning authority at the time the decision You are appealing against was made? * Yes No

Please provide a list of all documents, materials and evidence which you have provided with your appeal and intend to rely on in support of your appeal, ensuring that all documents are clearly numbered: * (Max 500 characters)

drawings 001 rev B, 002 rev D and 003 rev D

Are you providing a separate statement of your Grounds of Appeal? * Yes No

If Yes then please be prepared to upload this when you reach the end of the form.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

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

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

Appeals Procedure

The person appointed to determine your appeal will decide upon the procedure to be used. However you should indicate what procedure you think is the most appropriate for the handling of the appeal.

Can this appeal continue to a conclusion in your opinion, based on a review of the relevant information provided by yourself and other parties without any further procedures? * Yes No

In the event that the Scottish Government Reporter appointed to consider your appeal decides to inspect the appeal 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 Reporter would be unable to access and view the appeal site alone, please explain here. (Max 500 characters)

Other Appeals Submitted Details

Have you or anyone else made any other related appeals to Scottish Ministers regarding this building and/or Site? Yes No

Checklist – Appeal Against Planning Authority Decision Or Failure of Planning Authority To Give Decision

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. The Planning and Environmental Appeals Division cannot start processing your appeal until it is valid.

Are you submitting a supplementary statement with your grounds of appeal? *

Yes No

If the appeal concerns approval of matters specified in conditions, or a Further Application to vary conditions – please attach a copy of the application, approved plans and decision notice from that earlier consent. *

Submitted Not Applicable

Copy of Plans/Drawing *

Yes No

Copy of planning authority decision notice (if no decision then this is deemed as a refusal). *

Yes No No decision

A copy of original application form and if applicable include certificates relating to land ownership. *

Yes No

Other documents, materials and evidence which you intend to rely on. *

Yes No

The Report of Handling prepared by the planning authority in respect of your application, where one exists. *

Yes No

Declare – Appeals against Refusals and other decisions

I/We the applicant/agent certify that this is an appeal to Scottish Ministers on the grounds stated.

Declaration Name: Mr Robert Lamb

Declaration Date: 21/03/2022

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LOCAL REVIEW BODY

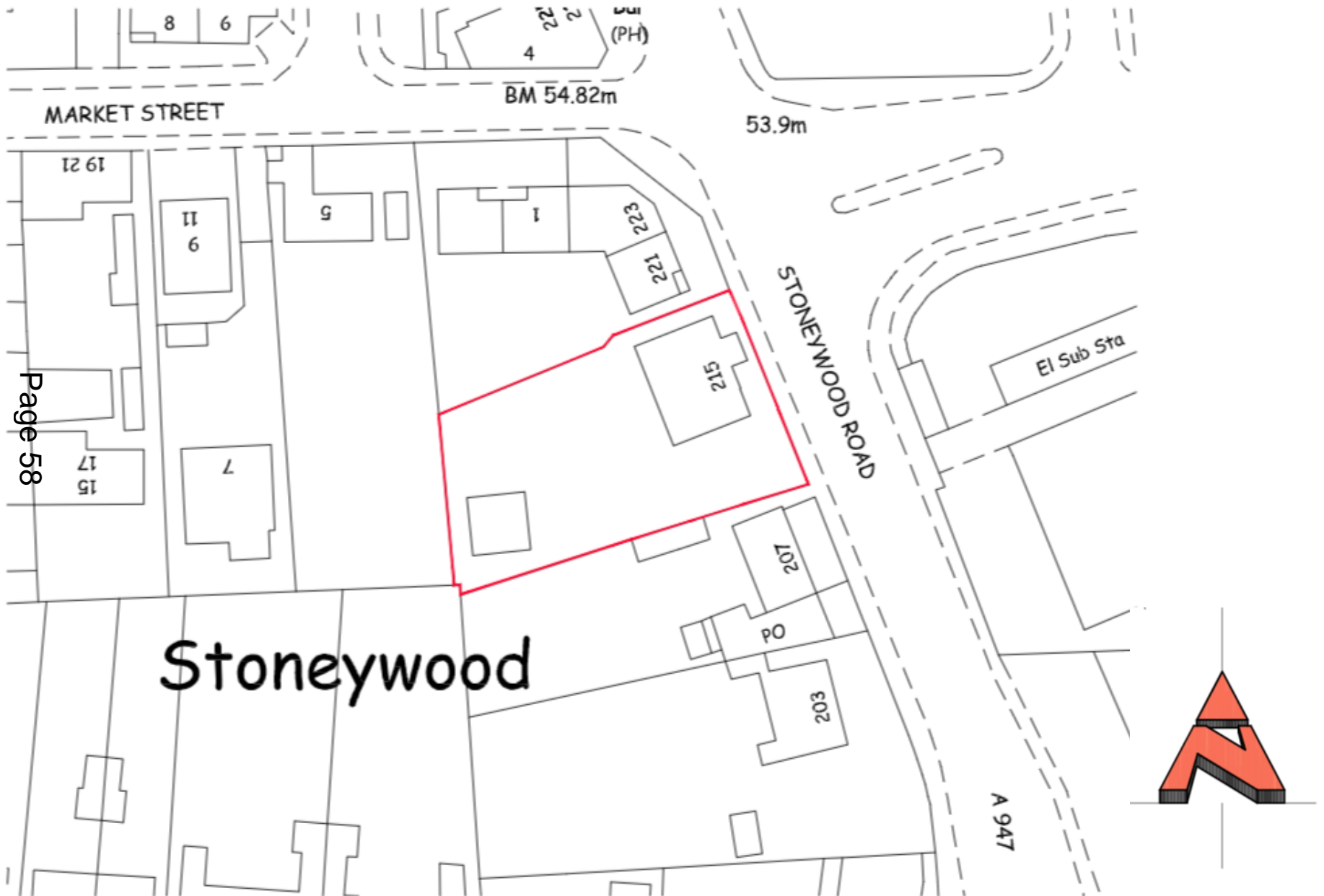


210763/DPP– Review against refusal of planning permission for:

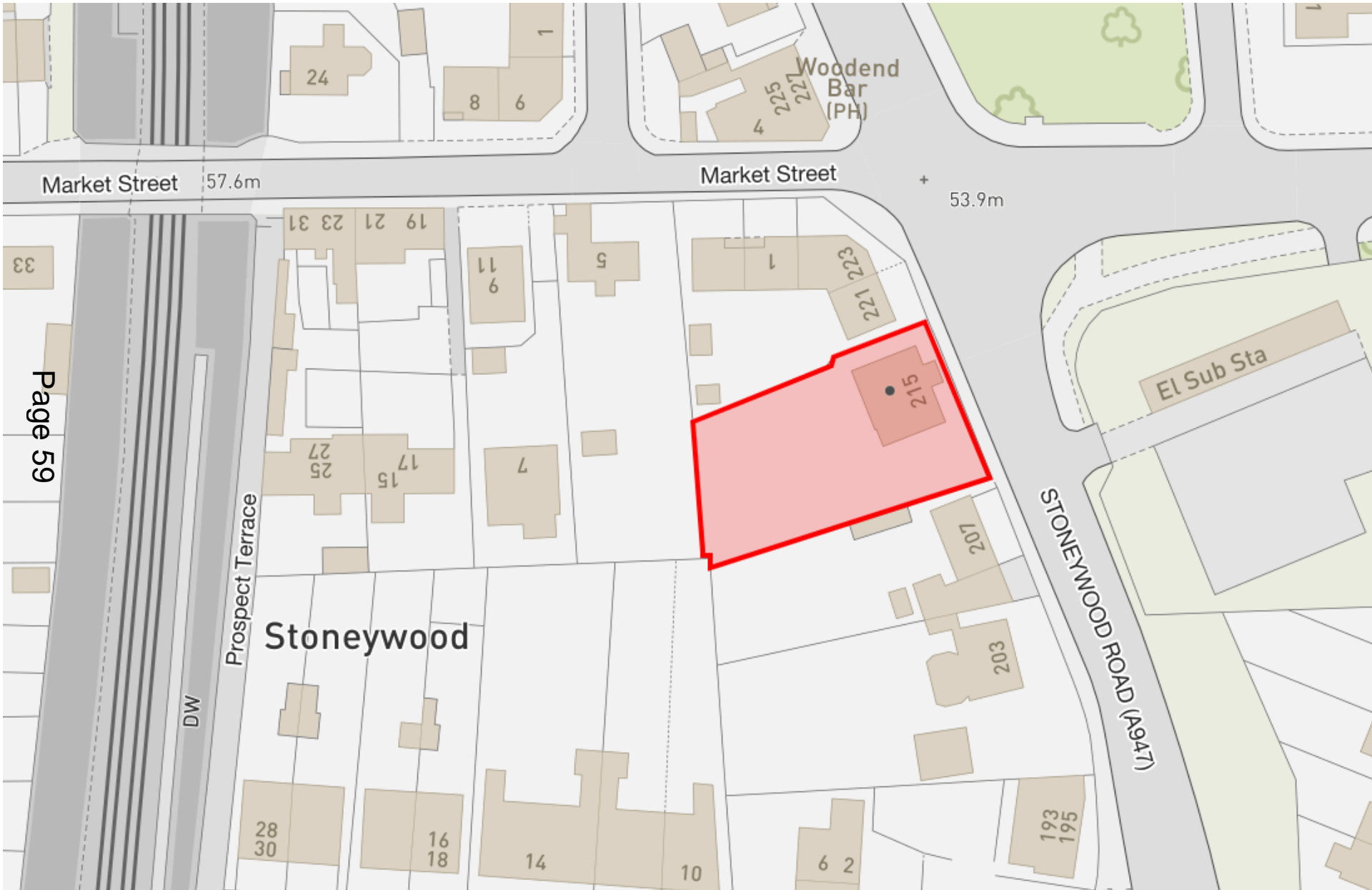
Change of use from 2 no. residential units including formation of first floor extension above an existing single storey extension; alterations to windows and doors; formation of porches, fences with gates and associated works

215 Stoneywood Road, Aberdeen, AB21 9JD

Location Plan



Location Plan (GIS)



Aerial Photo (GIS)



Street View Images



IMAGE DATED DEC 2021

Street View Images



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IMAGE DATED DEC 2021

Street View Images



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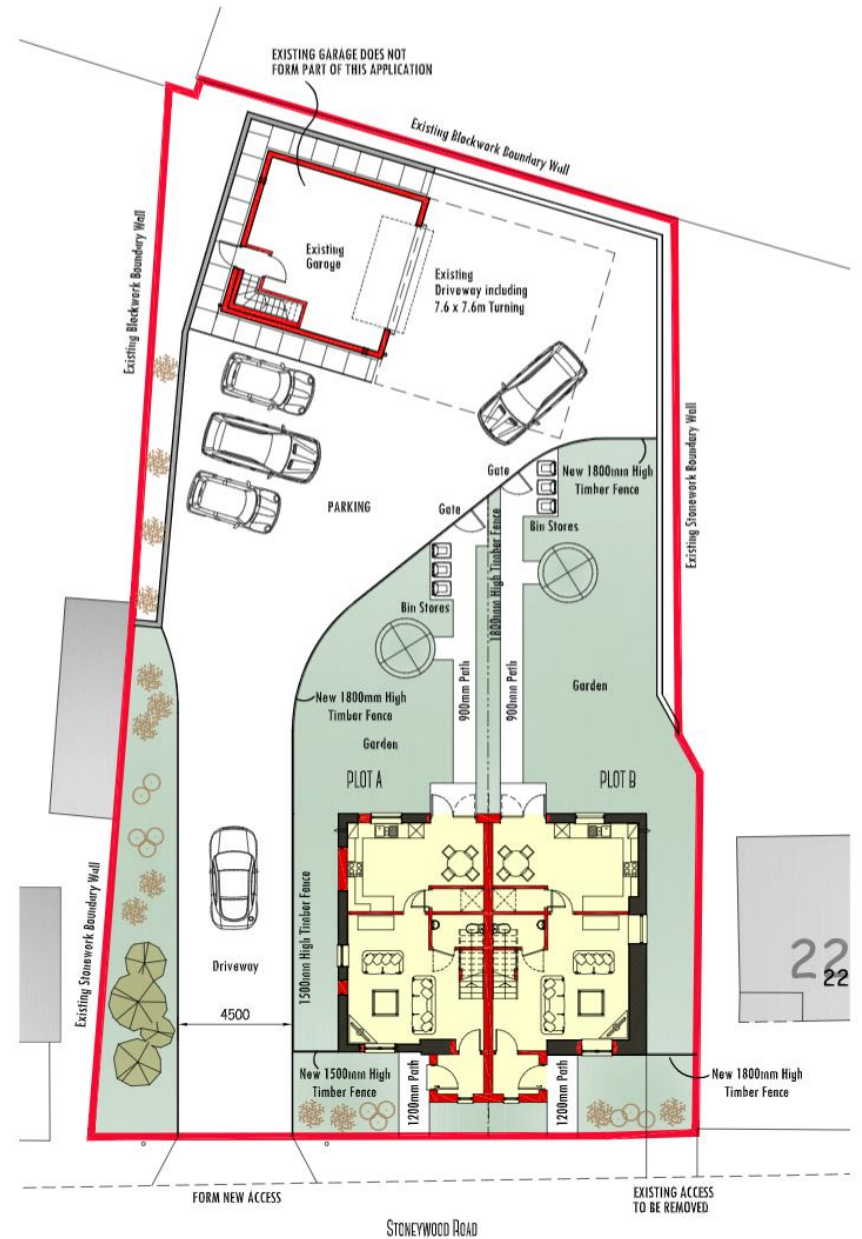
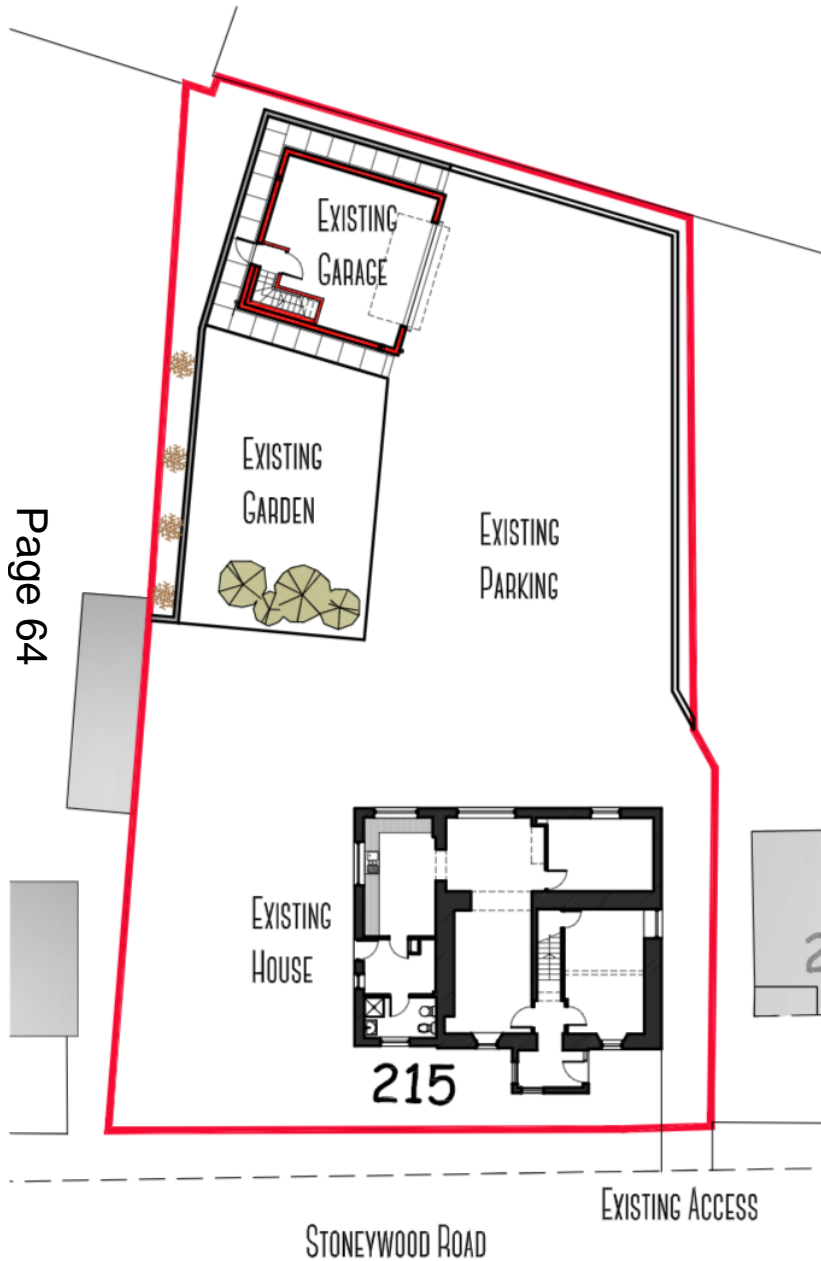
IMAGE DATED DEC 2021

Site Plan

EXISTING

PROPOSED

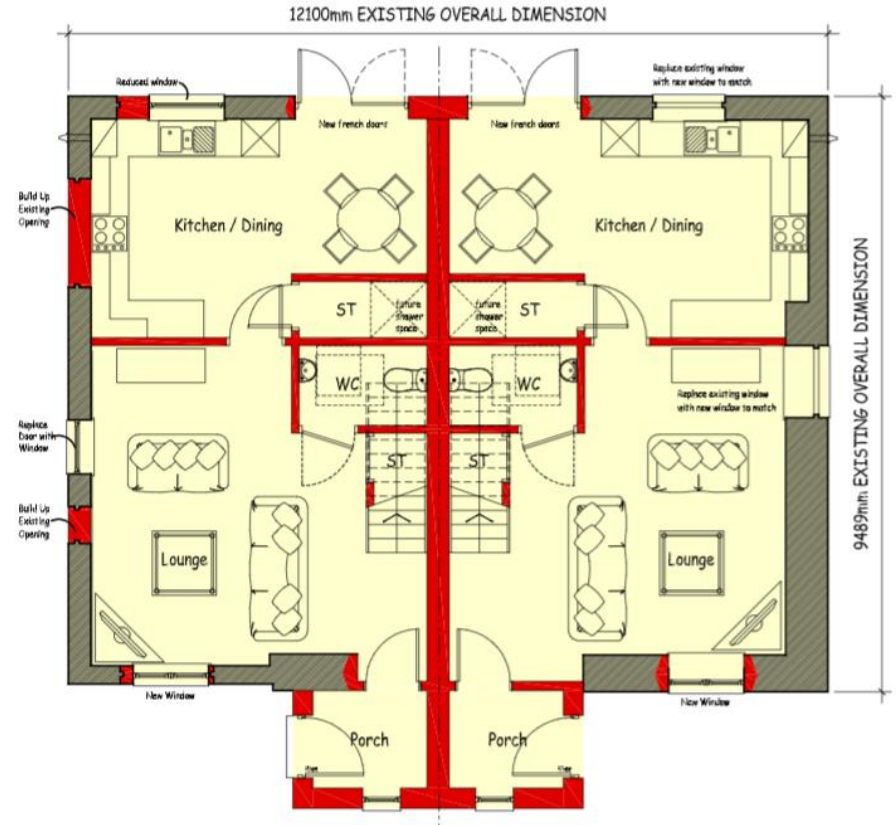
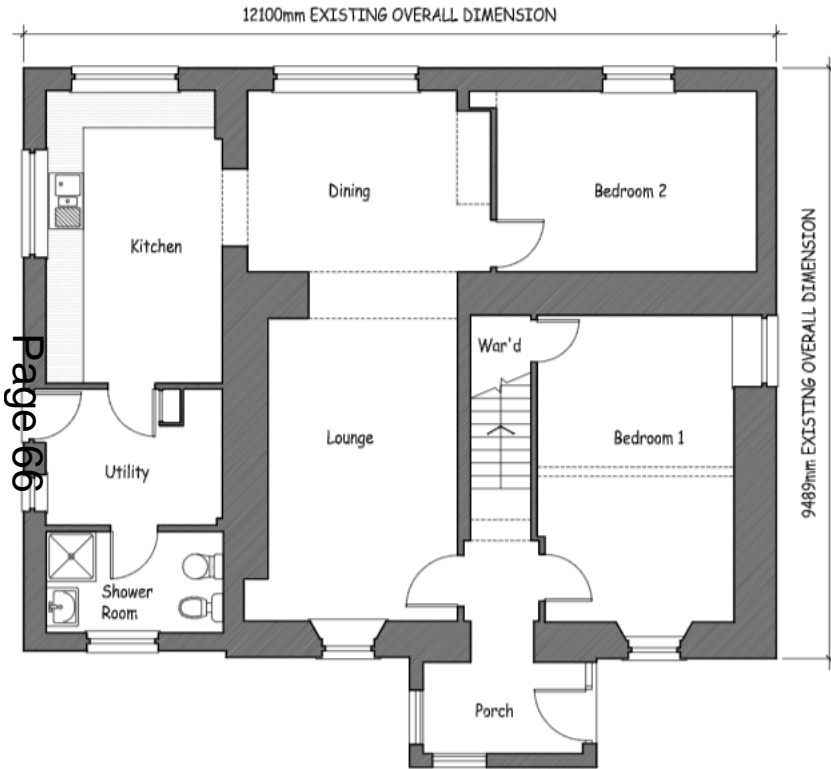
Page 64



Proposed Site Plan – closer view



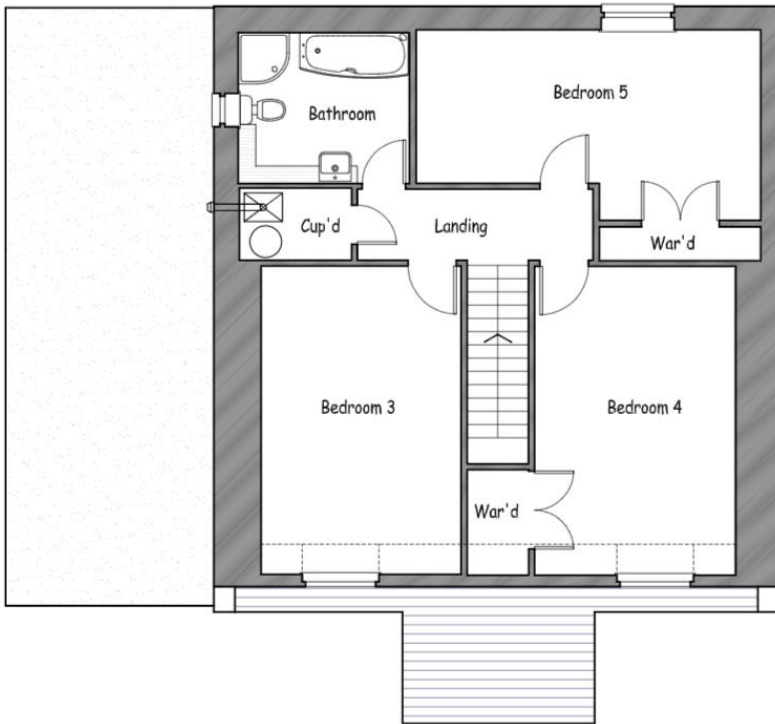
Ground Floor



EXISTING

PROPOSED

First Floor



EXISTING



PROPOSED

Front / East Elevation

EXISTING



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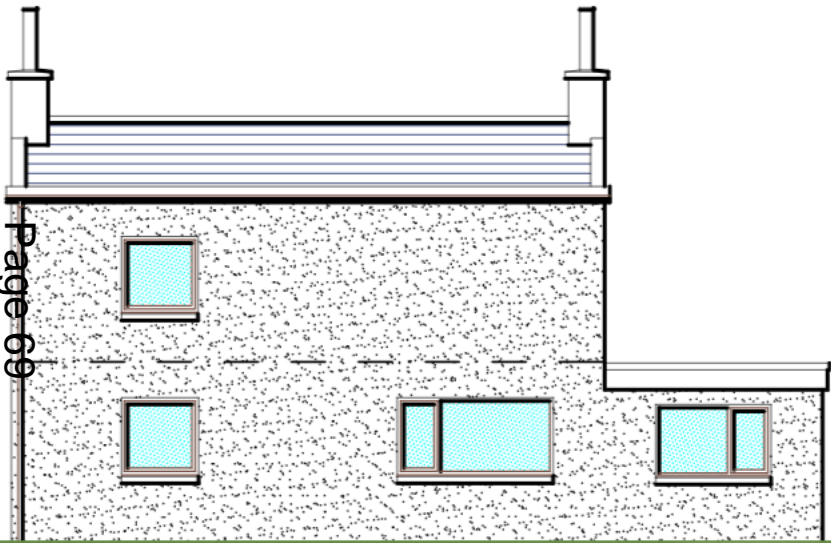
- CONCRETE ROOF TILES - GREY
- UPVC WINDOWS & DOORS - GREY
- UPVC DOWNPIPES - BLACK
- WHITE RENDERED FINISH TO WALLS
- ETERNIT CLADDING TO PORCH - GREY

PROPOSED



Rear / West Elevation

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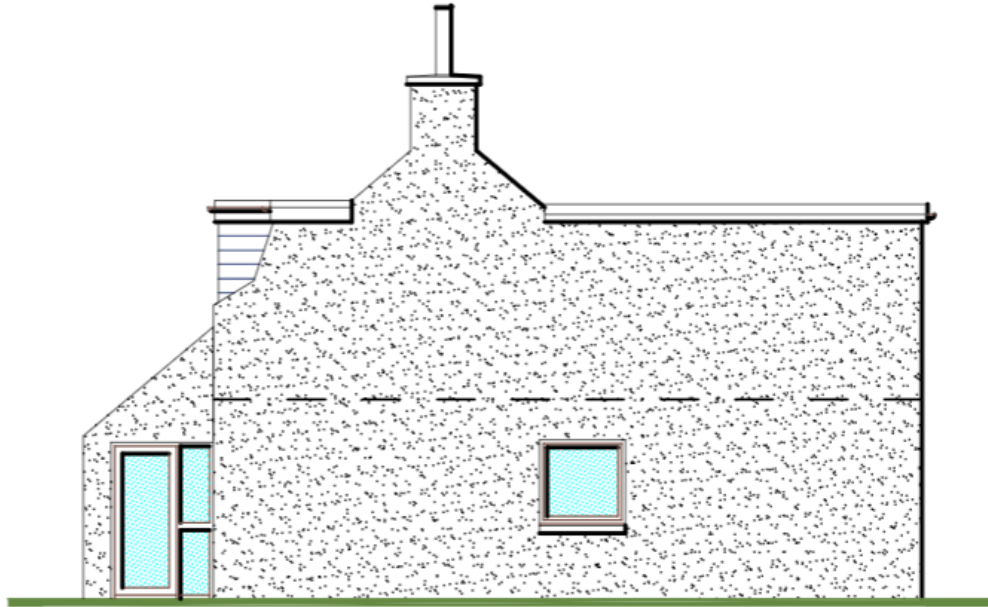
EXISTING



PROPOSED

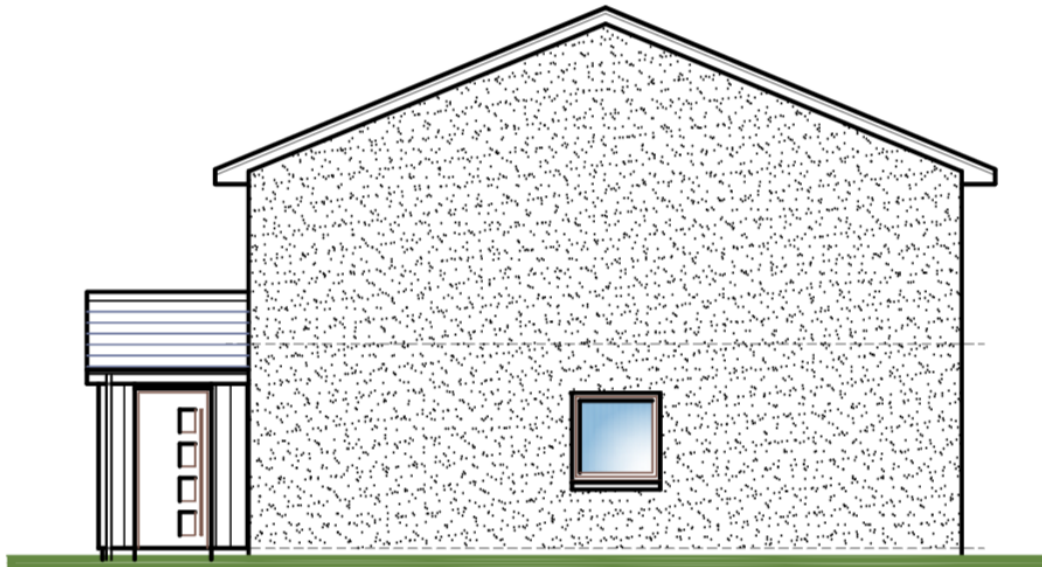
Side / North Elevation

EXISTING



Page 70

PROPOSED

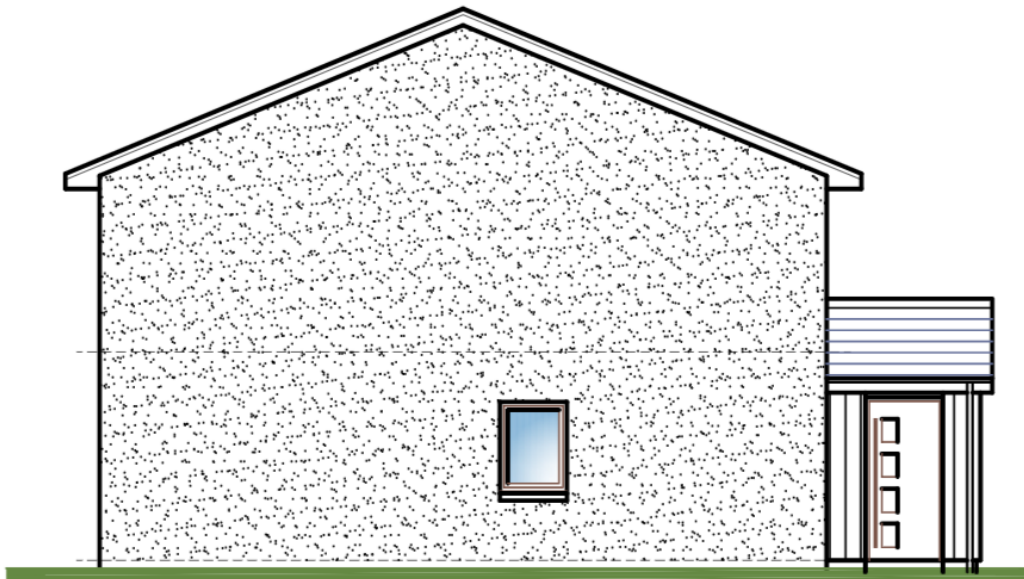


Side / South Elevation

EXISTING



PROPOSED



Relevant Planning History

170643/DPP - permission granted in 2017 for change of use from dwelling house (class 9) to guest house (class 7) and erection of 2 storey extension to rear.

- 8 no parking spaces using the existing site access. Consent not yet implemented, but remains 'live'.

181102 sought planning permission for the Erection of 4 residential flats, set over two storeys, and 1 attached single storey retail unit, including shared car park to rear. Application withdrawn.

- Applicant notes that 11 spaces were proposed, making use of existing access, and that local Dyce and Stoneywood CC raised concerns about its proximity to the junction of Stoneywood Road / Market Street / Stoneywood Terrace

181898/DPP – Permission granted for installation of new front porch, blocking up of existing windows and door, formation of new window and door openings and canopy to rear.

- Consent remains 'live', but not yet implemented.

Reasons for Refusal

Stated in full in Decision Notice, included in agenda pack. Key points as follows:

- As no Noise Impact Assessment has been provided, the Appointed Officer has not been able to properly assess the proposal against policies H1 (Residential Areas), D1 (Design), B4 (Aberdeen Airport) and T5 (Noise), having regard for the level of amenity afforded to prospective residents and the effects of intensifying residential use close to the airport on existing airport operations
- The Appointed Officer notes that the absence of this essential information also prevents due consideration against the Proposed ALDP and its corresponding policies
- States that the proposal would adversely affect road safety due to the formation of a new access close to a busy signalised junction, with cars exiting the access the carriageway over a bicycle stop line
- It is highlighted that any vehicles waiting to turn into the access from the southbound carriageway would hinder the free flow of traffic through a busy junction
- Proposal therefore considered to be in conflict with policy T2 (Managing the Transport Impact of Development)

Applicants' Case

- Notes that a shop previously stood to the south of the cottage at 215 Stoneywood Road, however that has been demolished;
- Notes that the existing site access is of long standing and existed prior to the installation of traffic signals, crossings or bike lanes;
- Contends that a Noise Impact Assessment was never sought by the planning authority when assessing earlier applications for change of use (from dwellinghouse to guest house or House in Multiple Occupation), but nevertheless feel that concerns around noise can be addressed by carrying out a Noise Impact Assessment and via the design and materials employed;
- Highlight that a number of new domestic, commercial and educational developments have been constructed within the same area subject to airport noise;

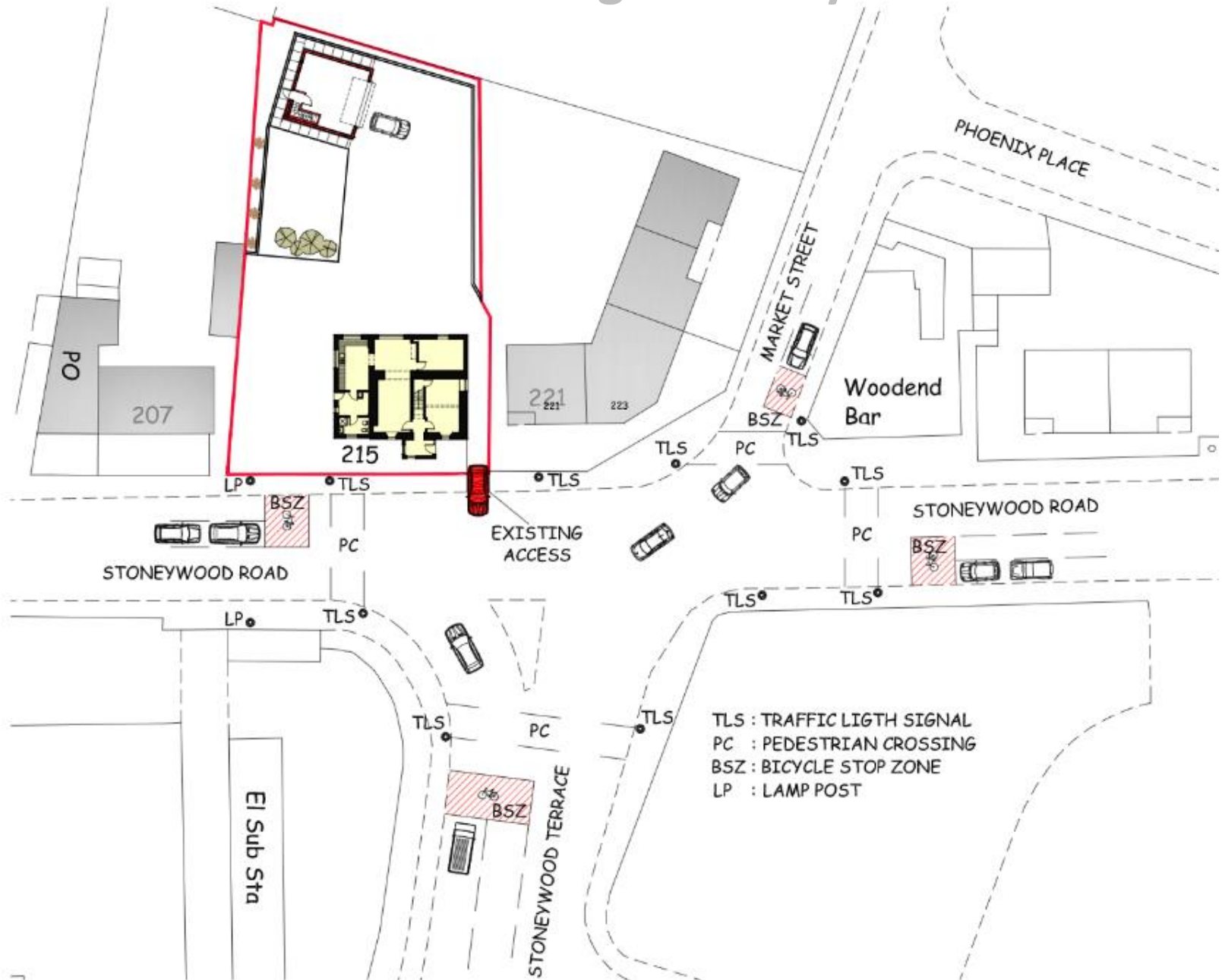
Applicants' Case

- Explains that the existing access, which pre-dates the installation of traffic signals, is difficult to use as a vehicle exiting is not aware which phase the lights are at and it is also very tight to manoeuvre;
- Consider the proposed access to be an improvement on the current arrangement and note that other live permissions would increase the number of vehicles using the existing access;
- Highlights that efforts were made to discuss the access with officers and find a solution, but no agreement could be reached;
- Asks that members visit the site to see first hand the benefit of the proposed new access.

Applicants' Case – historic photo showing shop to south



New Info – Existing Road Layout Plan



H1: Residential Areas

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

Policy B4 (Aberdeen Airport)

- Airport safeguarding map requires consultation with Aberdeen Airport Safeguarding Team
- Proposed developments must not compromise safe operation of the Airport
- Matters such as height of buildings, external lighting, landscaping, bird hazard management and impact on communications/navigation equipment will be taken into account in assessing any potential impact.
- Consultation response from Aberdeen Airport Safeguarding Team states no objection, but draws applicant's attention to best practice on safe use of cranes during construction

Policy D1 (Quality Placemaking by Design)

Policy D1 - Quality Placemaking by Design

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

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

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

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

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

Policy NE6 (Flooding, Drainage and Water Quality)

Policy **NE6** - Flooding, Drainage and Water Quality

Development will not be permitted if:

- 1 It would increase the risk of flooding:
 - a) by reducing the ability of the functional flood plain to store and convey water;
 - b) through the discharge of additional surface water; or
 - c) by harming flood defences.
- 2 It would be at risk itself from flooding;
- 3 Adequate provision is not made for access to waterbodies for maintenance; or
- 4 It would require the construction of new or strengthened flood defences that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse.

Drainage Impact Assessment (DIA) will be required for new development proposals comprising 5 or more homes or 250 square metres non-residential floorspace. DIA will also be required for developments of any size that affect sensitive areas. DIA should detail how surface water and waste water will be managed. Surface water drainage associated with development must:

- 1 Be the most appropriate available in terms of SuDS; and
- 2 Avoid flooding and pollution both during and after construction.

Connection to the public sewer will be a pre-requisite of all development where this is not already provided. Private wastewater treatment systems in sewered areas will not be permitted. In areas not served by the public sewer, a private sewer treatment system for individual properties will be permitted provided that the developer demonstrates that there will be no adverse effects on the environment, amenity and public health.

Policy R6 (Waste Management Requirements for New Development)

Policy R6 - Waste Management Requirements for New Development

All new developments should have sufficient space for the storage of general waste, recyclable materials and compostable wastes where appropriate. Flatted developments will require communal facilities that allow for the separate storage and collection of these materials. Recycling facilities should be provided in all new superstores or large supermarkets and in other developments where appropriate. Details of storage facilities and means of collection must be included as part of a planning application for any development which would generate waste. Further details are set out in Supplementary Guidance.

For proposals where we believe the potential savings on construction or demolition materials for recycling or reuse is likely to be significant, we will ask developers to prepare a Site Waste Management Plan as a condition of planning consent.

Policy T2 (Managing the Transport Impact of Development)

Policy T2 - Managing the Transport Impact of Development

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

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

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

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

Policy T3 (Sustainable and Active Travel)

Policy T3 - Sustainable and Active Travel

New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, cycling and public transport penetration. Links between residential, employment, recreation and other facilities must be protected or improved for non-motorised transport users, making it quick, convenient and safe for people to travel by walking and cycling.

Street layouts will reflect the principles of Designing Streets and meet the minimum distances to services as set out in the Supplementary Guidance.

Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained at all times by the developer through provision of suitable alternative routes.

Recognising that there will still be instances in which people will require to travel by car, initiatives such as like car sharing, alternative fuel vehicles and Car Clubs will also be supported where appropriate.

- Emphasis on encouraging active and sustainable travel (e.g. walking, cycling, public transport)
- Need to protect existing links and form new ones where possible
- Scope to also encourage car sharing and low-emissions vehicles, with associated infrastructure

Policy T5 (Noise)

Policy T5 – Noise

In cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application.

There will be a presumption against noise generating developments, as identified by a NIA, being located close to noise sensitive developments, such as existing or proposed housing, while housing and other noise sensitive developments will not normally be permitted close to existing noisy land uses without suitable mitigation measures in place to reduce the impact of noise.

Development within or near to Candidate Noise Management Areas (CNMAs) and Candidate Quiet Areas (CQAs) will not be permitted where this is likely to contribute to a significant increase in exposure to noise or a deterioration of noise conditions in these areas, or where this will reduce the size of, or cause an increase in the noise level within, the CQA.

Further information on NIAs, CNMAs and CQAs, including maps of these areas, can be found in the relevant Supplementary Guidance which should be read in conjunction with this policy.

- Noise Impact Assessments central to consideration
- Presumption against noisy developments being located close to noise sensitive uses

Policy CI1 (Digital Infrastructure)

Policy CI1 - Digital Infrastructure

All new residential and commercial development will be expected to have access to modern, up-to-date high-speed communications infrastructure.

Points for Consideration:

Principle: Does the proposal comply with the tests set out in policy H1 (Residential Areas)? Specifically, is the principle of residential use supported and would it result in an *'unacceptable impact on the character or amenity of the area'*?

Design: Is the proposal of high design quality, appropriate to its context (D1) - *having regard for factors such as scale, siting, footprint, proportions relative to original, materials, colour etc?*

Noise – noting the potential for residential development in this location to be adversely affected by airport noise and conversely to threaten future operation of the airport, the absence of a Noise Impact Assessment required by policy B4, the policy position set out in relation to development in this area and the feedback provided by ACC's Environmental Health Service on noise matters, do members consider that the proposal would satisfy the requirements of policies B4 (Aberdeen Airport) and T5 (Noise)?

Do members feel that the site itself is sufficiently accessible by sustainable means (policy T3), and would the proposal appropriately manage the transport impacts of development, as required by policy T2, noting the consultation response from ACC's Roads Development Management Team.

Are members satisfied that the requirements of policies C1, NE6 and R6, relating to digital infrastructure, flood risk/drainage, and refuse storage and collection arrangements can be adequately met?


If not wholly in accordance with the development plan, are there other material considerations weighing in favour of approval? (e.g. existing consent capable of being implemented)

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

2. Are there any material considerations that outweigh the Development Plan in this instance?

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

 <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:	215 Stoneywood Road, Aberdeen, AB21 9JD,
Application Description:	Change of use form 2 no. residential units including formation of first floor extension above an existing single storey extension; alterations to windows and doors; formation of porches, fences with gates and associated works
Application Ref:	210763/DPP
Application Type:	Detailed Planning Permission
Application Date:	31 May 2021
Applicant:	Mr C Forbes
Ward:	Dyce/Bucksburn/Danestone
Community Council:	Bucksburn And Newhills
Case Officer:	Roy Brown

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a 1½ storey detached dwellinghouse and its associated grounds in an established residential area. The building has an east facing principal elevation that fronts Stoneywood Road and there is a four-way signalised junction on the road immediately adjacent to the site. A garage has been partially constructed in the rear grounds of the site. The site is bounded by residential dwellinghouses to the south, north and west.

Relevant Planning History

Planning permission was granted in September 2019 for the erection of a garage with a store to the rear (Ref: 191041/DPP). The permission has been implemented but has not been completed.

Planning permission was granted in September 2017 for the change of use of the dwelling to a guest house (Class 7) and the erection of a two-storey extension to the rear (Ref: 170643/DPP). Planning permission was thereafter granted in December 2018 for the installation of a porch to the front; the blocking up of existing windows and a door; and the formation of window openings and entrance door and canopy to the rear (Ref: 181898/DPP). These permissions have not been implemented but due to the Town and Country Planning (Emergency Period and Extended Period) (Coronavirus) (Scotland) Regulations 2020, as amended, they remain valid.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the sub-division of the site into two semi-detached residential dwellinghouses and for associated alterations to the layout.

The existing building would be substantially altered to have a singular two-storey gable roofed form with adjoining lean-to roofed front porches forward of the east elevation. The building would extend above the building and its side extension and would be 12m in width and c.9.5m in length. The existing porch would be removed and replaced by the porches. The walls of the building would primarily be finished in white render and those of the porch would be finished in grey composite cladding. The roof would be finished in grey concrete roofing tiles and the windows and doors would be of grey uPVC. Each dwelling would be symmetrical in layout and would be c.6m in width.

Each dwelling would have its own front and private rear curtilage. The rear gardens would be soft landscaped and bounded by 1.8m timber fences. The bin stores would be located in the rear curtilage. They would have a shared parking area with an area of soft landscaping which would include the garage to the rear. A new access would be formed to the south of the building and the existing access would be removed and become part of the curtilage of Plot B.

The plans show that the garage to the rear of the site would be shared between, and incidental to the existing dwellings. This, however, is not necessarily clear in the submission as the garage would be outside the private curtilage of the plots. It must be noted that the formalisation of any use which is not incidental to the use of either of the proposed dwellings would require planning permission separately.

Amendments

None.

Supporting Documents

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QTTOCJBZK7K00>

CONSULTATIONS

Roads Development Management Team – Objection – The new access location is unacceptable as it is in the middle of a signalised junction and pedestrian crossing point. The installation of the existing access was before the signals were installed. As these concerns were raised with the applicant and have not been addressed, they recommend refusal.

There is a requirement for two parking spaces per dwelling. All parking bays should be at least 5m x 2.5m and require a 6m clear aisle width, as well as a 0.5m turning head for end spaces. Dimensions are required for road widths/parking bay sizes, etc. The applicant should submit a roads plan that shows all measurements.

Environmental Health – Objection - The application site would be exposed to noise from aircraft from Aberdeen International Airport as the site overlaps the 2020 57LAeq 16 Hours Noise Contour and from road traffic noise from the A947 to the east of the site. Due to its location, it would be difficult to achieve a reasonable level of outdoor amenity throughout the day, and for the development to comply with the relevant requirements of the WHO Guideline Values indoor living areas.

Notwithstanding these concerns, a detailed noise impact assessment would be required by a suitably qualified noise consultant to further explore and establish the impacts of likely noise sources on the dwellings and the necessary control measures.

Waste and Recycling – Aberdeen City Council would provide waste services upon completion of the development. Developers must contact the waste service a minimum of one month before properties will be occupied.

Scottish Water – No objection – The development will be fed from Invercarnie Wate Treatment Works, however they cannot confirm current capacity and therefore they suggest that the applicant completes a Pre-Development Enquiry Form and submits it directly to them via their customer portal or to contact their Development Operations service. There is currently sufficient capacity for a foul-only connection in the Persley Waste Water Treatment Works.

Bucksburn and Newhills Community Council – No response received.

REPRESENTATIONS

None.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

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 (ALDP)

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

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

The following policies are relevant –

Policy H1 - Residential Areas

Policy B4 – Aberdeen Airport

Policy D1 - Quality Placemaking by Design

Policy NE6 - Flooding, Drainage and Water Quality

Policy R6 - Waste Management Requirements for New Development
 Policy R7 - Low and Zero Carbon Buildings and Water Efficiency
 Policy T2 - Managing the Transport Impact of Development
 Policy T3 - Sustainable and Active Travel
 Policy T5 - Noise
 Policy CI1 - Digital Infrastructure

Supplementary Guidance (SG)

Resources for New Development
 The Sub-division and Redevelopment of Residential Curtilages (SRRRC)
 Noise
 Flooding, Drainage and Water Quality

Proposed Aberdeen Local Development Plan 2020 (Proposed ALDP)

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

The foregoing can only be assessed on a case-by-case basis. The following policies are of relevance:

Policy D1 - Quality Placemaking
 Policy D2 – Amenity
 Policy B3 - Aberdeen International Airport and Perwinnes Radar
 Policy WB1 - Healthy Developments
 Policy WB3 - Noise
 Policy H1 - Residential Areas
 Policy R6 – Low and Zero Carbon and Water Efficiency
 Policy R5 - Waste Management Requirements in New Development
 Policy T3 - Parking
 Policy T2 - Sustainable Transport
 Policy CI1 - Digital Infrastructure

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. Residential development would accord with this policy in principle if it does not constitute over development, adversely affect the character and amenity of the surrounding area, does not result in the loss of valued open space, and it complies with the Supplementary Guidance.

As this proposal would concern development that would be located in the existing private residential curtilage of the application site rather than open space, it would not result in the loss of publicly valued open space.

The other issues are assessed in the below evaluation.

Amenity of the Proposed Dwellings

It is recognised that each garden and the habitable rooms of the dwellings would be of an acceptable usable size and length that would be afforded acceptable levels of sunlight, privacy and daylight. The rear gardens would be regular in size and length and located at the rear of the dwelling and bounded by sufficiently high boundary treatment.

However, most of the application site, including the vast majority of the private rear curtilage of the dwellings, is located within the 2020 forecast noise contour of 57 dB LAeq. Policy B4 states that applications for residential development in such areas will be refused due to the inability to create an appropriate level of residential amenity, and the need to safeguard the future operation of Aberdeen International Airport.

The Noise TAN states that the UK Government says that communities become significantly annoyed by aircraft noise above 57 dB LAeq. This figure is the average aircraft-related noise from Aberdeen International Airport for the busiest 16-hours of the day between 0700 – 2300 over the busiest three months of the year, mid-June to mid-September.

The Environmental Health service have also advised that the likely noise emissions experienced in both indoor and outdoor areas, ground movements and individual noise incidents from aircraft passes would be numerous and extremely intrusive and that it would be difficult to achieve reasonable protection from these incidents. Under certain weather conditions and wind direction, runway 32 is used for helicopter traffic which would bring them closer to the site than normal. This would also potentially expose the site to increased helicopter noise. In addition to aircraft noise, the proposed development has potential to be impacted upon by road traffic noise from Stonewood Road.

As such, there is significant risk that the proposed development would be exposed to unacceptable levels of noise. Policy B4 states that for proposed development which would be located within the remaining noise contours, applicants may be required to submit a noise assessment demonstrating that an appropriate level of residential amenity could be achieved. Policy T5 states that in cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application.

In light of the above, the Planning Service has sought a Noise Impact Assessment to assess aircraft and road traffic noise, assess the level of residential amenity for the future occupants and ensure the future operation of Aberdeen International Airport is safeguarded. This, however, has not been submitted.

The Environmental Health service has commented that it would be unlikely that acceptable indoor and outdoor noise levels could be achieved. As such, it cannot be assumed that a NIA and any proposed mitigation measures would be able to achieve acceptable noise levels whereby the development would be afforded acceptable levels of amenity. The NIA would therefore need to be submitted prior to determination rather than by way of a condition.

As a Noise Impact Assessment has not been submitted, there is insufficient information to demonstrate that the proposed dwellings would not be exposed to unacceptable noise levels and thus insufficient information to assess that the dwellinghouses would be afforded acceptable levels of residential amenity. Commensurate to the scale of the development, there is insufficient information to demonstrate that the future operation of Aberdeen International Airport would not be adversely impacted by the development by way of the greater intensity of residential development

within the noise contours of the airport. As such, there is insufficient information to demonstrate accordance with Policies H1, D1, B4 and T5 of the ALDP.

Transportation

Policy T2 states that commensurate with the scale and anticipated impact, new developments must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel.

Road Safety and Traffic Congestion

The parking area at the rear of the site would be served by a new access onto Stoneywood Road, which enter the road onto a highly trafficked junction signalised junction. This would require vehicles to partially cross over the northbound stop-line for bicycles, which would be hazardous. It would require an extended section of dropped kerb adjacent to an existing pedestrian crossing which would be hazardous for pedestrians. Access onto the street would be hazardous for southbound vehicles which would have only just turned onto the Stoneywood Road from Stoneywood Terrace and Market Street. There would be insufficient space for southbound vehicles to turn west to access the site because of the proximity to the pedestrian crossing and the junction with Stoneywood Terrace to the north. If the traffic lights were red for northbound vehicles, there would likely be queued cyclists and vehicles northbound on Stoneywood Road preventing access or exit from the site. Waiting in this area would cause congestion by preventing the free flow of traffic for other southbound vehicles through the junction. The proposal would therefore have a significant adverse road safety impact as well as cause congestion on the local transport network, in conflict with Policy T2 of the ALDP.

Even if the signalised system was altered to facilitate the proposed access by re-locating it, the access would require changes to the sequencing which could have negative consequences on the flow of vehicular traffic on Stoneywood Road and would be likely to require substantial road alterations.

It is recognised that there is an existing access at the northern end of the site. The presence of that access would not justify a new road access which could be hazardous. Furthermore, that access does not require access across the stop-line of a signalised junction.

Having consulted the Traffic Management team, the Roads Development Management team object to this application on the basis that the proposal would adversely impact road safety. The Planning Service concurs with this position. The proposal would conflict with the aims of Policy T2 in terms of adversely impacting the local transport network.

Parking

The parking standards in the Supplementary Guidance: 'Transport and Accessibility require the two proposed three-bedroom dwellinghouses to have a maximum two spaces per dwellinghouse. Notwithstanding a parking area would be provided, as noted above, the access would adversely affect road safety. Roads Development Management sought a roads plan to show the dimensions and width of the spaces and the turning head to ensure they were compliant with the Supplementary Guidance 'Transport and Accessibility'. This information was sought by the Planning Service but has not been provided. Nevertheless, even if the parking bays were compliant with the Supplementary Guidance, it would not address the road safety risk of the new access.

Cycle Storage

Policy T3 states that new developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport.

The site is accessible to sustainable transport modes in that it would be c.70m from a bus stop, there is a core path 200m to the west and a cycle/pedestrian path is located c.260m to the east. No cycle storage has been specified. Had the Planning Service been minded to recommend approval, it would have been subject to a condition requiring the installation of covered cycle storage prior to the occupation of the units, to incentivise sustainable and active travel.

Visual Impact on the Character and Visual Amenity of the Surrounding Area

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

It is recognised that the building would be substantially altered to facilitate its conversion into two semi-detached dwellings and thus its existing architectural character would be substantially changed. However, the original building has already been substantially altered in that it has a substantial mansard roof extension on its principal elevation, a two-storey flat roofed extension to its rear, a single storey flat roofed extension to its south side and it is finished in modern render. These interventions serve to detract from the visual amenity of the streetscape.

This development would result in the extension being rationalised in its design, scale and massing on the streetscape. The building would have a gable roofed form with a symmetrical fenestration on its front and rear elevations. It would follow the approximate building line of the adjacent buildings. Whilst the building would have a two-storey form and be greater in its massing than the current building, there is a range of architectural forms on the streetscape of Stoneywood Road and therefore in this context, the scale and form would not be detrimental to the existing character of the surrounding area. The finishing materials, notably the use of smooth render would be acceptable in the context given the range of materials along Stoneywood Road and because it would relate to the use of white render in the Stoneywood development to the east.

Plot A would conflict with the Sub-Division and Redevelopment of Residential Curtilages SG in that more than 33% of the plot would be covered by development, as c.35% would be covered. Given the large parking area to the rear which could be utilised as communal usable space, the density of development would not necessarily constitute over-development and thus, this conflict with the SG would not necessarily constitute a reason to refuse the application.

Notwithstanding the significant road safety concern and the insufficient information to assess noise and residential amenity, it is considered that the architectural design and scale of the development would not adversely affect the character and visual amenity of the surrounding area, nor constitute over-development in accordance with Policies D1 and H1 of the ALDP.

Impact on the Residential Amenity of the Surrounding Area

The proposed dwellings would not overlook any adjacent residential properties. The majority of the windows would look into the rear of the site and onto Stoneywood Road. The windows on the north and south facing elevations which would serve habitable rooms would look onto the gable ends of the adjacent properties, which do not have any windows.

Established using the BREEAM 45-degree method, the two-storey extension to the building would not adversely affect the level of sunlight or background daylight afforded to any neighbouring residential property, notably 221 Stoneywood Road to the north.

The proposal would therefore not adversely affect the residential amenity of the adjacent properties, in accordance with Policies H1 and D1 of the ALDP.

Flood Risk

The site is not identified on the SEPA Flood Risk Map as having an identified flood risk and therefore the proposed dwellings would not be readily vulnerable to flood risk. As the proposal would result in a minor enlargement to the building and would incorporate new areas of soft landscaping, it would have negligible impact on the functional flood plain and would not increase the risk of flooding in the area, in accordance with Policy NE6 of the ALDP.

Digital Infrastructure

As it would be located centrally within an established residential area, the proposed dwellings would have access to the same level of modern, up-to-date high-speed infrastructure as the surrounding area, in accordance with the Policy C11 – Digital Infrastructure of the ALDP.

Waste Storage and Collection

The dwellings would have acceptable waste storage areas, and bins could be moved to the street for collection by Aberdeen City Council waste services, in accordance with Policy R6 of the ALDP and the 'Resources for New Development' SG.

Proposed Aberdeen Local Development Plan

Policy WB1 requires development to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote physical and mental wellbeing. Given the likely noise exposure from the development and the absence of information to demonstrate that there would not be an adverse impact on amenity, the proposal would have tensions with Policy WB1 in that it would not be providing a healthy environment nor reduce environmental stresses.

Otherwise, in relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

- 1) As a Noise Impact Assessment has not been submitted, there is insufficient information to demonstrate that the proposed dwellings and their curtilage would not be exposed to unacceptable noise levels; to assess that the dwellinghouses would be afforded acceptable levels of residential amenity; and commensurate to the scale of the development, to demonstrate that the future operation of Aberdeen International Airport would not be adversely impacted by the development by way of greater intensity of residential development within the noise contours of the airport. As such, there is insufficient information to demonstrate accordance with Policies H1 – Residential Areas, D1 – Quality Placemaking by Design, B4 – Aberdeen International Airport and T5 – Noise of the Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'Noise'; and Policies H1 – Residential Areas, D1 – Quality Placemaking, D2 – Amenity, B3 – Aberdeen International Airport and Perwinnes Radar, WB1 – Healthy Developments and WB3 – Noise of the Proposed Aberdeen Local Development Plan 2020.
- 2) The proposal would adversely affect road safety due to the new access that would be formed for the parking area in that:
 - i. The new access would cross the bicycle stop-line of a highly trafficked signalised junction, which would be hazardous in that it would require vehicles to access the road over a bicycle stop-line;
 - ii. It would require an extended section of dropped kerb adjacent to an existing pedestrian crossing which would be hazardous for pedestrians; and

- iii. It would create a hazard for vehicles travelling southbound, particularly those which will have just turned onto the Stoneywood Road.

There would also be insufficient space for southbound vehicles to turn west to access the site because of the proximity to the pedestrian crossing and the junction with Stoneywood Terrace to the north. Waiting in this area would cause congestion by preventing the free flow of traffic for other southbound vehicles through the junction.

As such, the proposal would adversely impact road safety and cause traffic congestion within the local transport network. As such, the proposal would conflict with Policy T2 – Managing the Transport Impact of Development and Policy T2 – Sustainable Transport of the Proposed Aberdeen Local Development Plan.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100402661-002

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.

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)

Convert existing dwelling to form semi-detached dwelling

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:	Ken Mathieson Architectural Design Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Craig	Building Name:	Mansard House
Last Name: *	Gray	Building Number:	15
Telephone Number: *	01224 710357	Address 1 (Street): *	Oldmeldrum Road
Extension Number:		Address 2:	Bucksburn
Mobile Number:		Town/City: *	Aberdeen
Fax Number:		Country: *	Scotland
		Postcode: *	AB21 9AD
Email Address: *	craig@kenmathieson.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	C	Building Number:	11
Last Name: *	Forbes	Address 1 (Street): *	Coubert Road
Company/Organisation		Address 2:	Newmachar
Telephone Number: *		Town/City: *	ABERDEENSHIRE
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB21 0ND
Fax Number:			
Email Address: *	craig@kenmathieson.com		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

215 Stonewood Road

Northing

811088

Easting

389225

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

549.00

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)

Previous Guest House

Access and Parking

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

Yes No

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

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

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

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

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

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

Water Supply and Drainage Arrangements

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

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

Yes – connecting to public drainage network

No – proposing to make private drainage arrangements

Not Applicable – only arrangements for water supply required

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)

bin areas shown on plan

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? *

2

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: Craig Gray

On behalf of: Mr C Forbes

Date: 28/05/2021

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: Mr Craig Gray

Declaration Date: 28/05/2021

Payment Details

Departmental Charge Code: 0

Created: 28/05/2021 15:31

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Craig Gray
Ken Mathieson Architectural Design Ltd
Mansard House
15 Oldmeldrum Road
Bucksburn
Aberdeen
AB21 9AD

on behalf of **Mr C Forbes**

With reference to your application validly received on 31 May 2021 for the following development:-

Change of use to form 2 no. residential units including formation of first floor extension above an existing single storey extension; alterations to windows and doors; formation of porches, fences with gates and associated works at 215 Stoneywood 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
210763/1	Location Plan
2535 PL03 A	Site Layout (Proposed)
2535 PL02 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:-

1) As a Noise Impact Assessment has not been submitted, there is insufficient information to demonstrate that the proposed dwellings and their curtilage would not be exposed to unacceptable noise levels; to assess that the dwellinghouses would be afforded acceptable levels of residential amenity; and commensurate to the scale of the development, to demonstrate that the future operation of Aberdeen International Airport would not be adversely impacted by the development by way of greater intensity of residential development within the noise contours of the airport. As such, there is insufficient information to demonstrate accordance with Policies H1 - Residential Areas, D1 - Quality Placemaking by Design, B4 - Aberdeen International Airport and T5 - Noise of the Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'Noise'; and Policies H1 - Residential Areas, D1 - Quality Placemaking, D2 - Amenity, B3 - Aberdeen International Airport and Perwinnes Radar, WB1 - Healthy Developments and WB3 - Noise of the Proposed Aberdeen Local Development Plan 2020.

2) The proposal would adversely affect road safety due to the new access that would be formed for the parking area in that:

i. The new access would cross the bicycle stop-line of a highly trafficked signalised junction, which would be hazardous in that it would require vehicles to access the road over a bicycle stop-line;

ii. It would require an extended section of dropped kerb adjacent to an existing pedestrian crossing which would be hazardous for pedestrians; and

iii. It would create a hazard for vehicles travelling southbound, particularly those which will have just turned onto the Stoneywood Road.

There would also be insufficient space for southbound vehicles to turn west to access the site because of the proximity to the pedestrian crossing and the junction with Stoneywood Terrace to the north. Waiting in this area would cause congestion by preventing the free flow of traffic for other southbound vehicles through the junction.

As such, the proposal would adversely impact road safety and cause traffic congestion within the local transport network. As such, the proposal would conflict with Policy T2 - Managing the Transport Impact of Development and Policy T2 - Sustainable Transport of the Proposed Aberdeen Local Development Plan.

Date of Signing 10 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.

Consultee Comments for Planning Application 210763/DPP

Application Summary

Application Number: 210763/DPP

Address: 215 Stoneywood Road Aberdeen AB21 9JD

Proposal: Change of use from guest house to form 2 no. residential units including formation of first floor extension above an existing single storey extension; alterations to windows and doors; formation of porches, fences with gates and associated works

Case Officer: Roy Brown

Consultee Details

Name: Mr Nathan Thangaraj

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

Email: nthangaraj@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

I note this application for the change of use from guest house to form 2 no. residential units including the formation of first-floor extension above an existing single-storey extension; alterations to windows and doors; formation of porches, fences with gates and associated works at 215 Stoneywood Road, Aberdeen AB21 9JD.

The proposal is for a two x 3-bedroom house; in accordance with ACC guidelines, the requirement is two parking spaces per dwelling. All parking bays should be at least 5m x 2.5m and require a 6m clear aisle width, as well as a 0.5m turning head for end spaces. Dimensions are required for road widths/parking bay sizes, etc. The applicant should submit a roads plan that shows all measurements.

I note that the existing garage at the rear does not form part of this application, which is acceptable.

The new access location is unacceptable as it is in the middle of a signalised junction and pedestrian crossing point. The installation of the existing access was before the signals were installed. I must recommend the refusal of this proposal as it could result in road safety.

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Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Roy Brown	To: ACC - Waste And Recycling
E-mail: roybrown@aberdeencity.gov.uk	Date Sent: 3 June 2021
Tel.: 01224 522453	Respond by: 24 June 2021

Application Type: Detailed Planning Permission
Application Address: 215 Stoneywood Road Aberdeen AB21 9JD
Proposal Description: Change of use from guest house to form 2 no. residential units including formation of first floor extension above an existing single storey extension; alterations to windows and doors; formation of porches, fences with gates and associated works
Reference: 210763/DPP

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 pre-application reference number (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 210763: 215 Stoneywood Road

As I understand, the development be a change of use to **2** domestic properties

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 property will be provided with:

- **1 x 180l general waste wheeled bin**
- **1 x 240l co-mingled recycling wheeled bin**
- **1 x 240l food/ garden waste wheeled bin (the flat will receive a kitchen caddy, bioliners and associated information)**

The following costs will be charged to the developer:

- **Each 180/ 240l bin costs £35**
- **Delivery charge of £30**

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/aberdeen-cms/files/7.1.PolicySG.ResourcesForNewDevelopmentTC.P.4.8.9.12.13.pdf>

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

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

Responding Officer: N Taylor

Date: 4th of June 2021

Email: wasteplanning@aberdeencity.gov.uk

Ext:

Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Roy Brown	To: ACC - Environmental Health
E-mail: roybrown@aberdeencity.gov.uk	Date Sent: 3 June 2021
Tel.: 01224 522453	Respond by: 24 June 2021

Application Type: Detailed Planning Permission
Application Address: 215 Stoneywood Road Aberdeen AB21 9JD
Proposal Description: Change of use from guest house to form 2 no. residential units including formation of first floor extension above an existing single storey extension; alterations to windows and doors; formation of porches, fences with gates and associated works
Reference: 210763/DPP

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 pre-application reference number (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 an assessment by the Environmental Protection Section has been undertaken. The following areas have been evaluated and the associated comments are considered appropriate and proportionate;

Environmental Noise

The proposed site straddles the 2020 57LAeq 16 Hours Noise Contour. Policy B4 of the 2017 Local Development plan states 'Applications for residential development in areas where aircraft noise levels are in excess of 57dB LAeq (the summer 16-hour dB LAeq measurement) will be refused'.

In addition to aircraft noise the proposed development has potential to be impacted upon by other existing noise sources including; road traffic noise from the adjacent A947 to the east of the site.

Due to the location of the proposed development with significant noise impact, from the Aircraft Noise and Road Traffic Noise it is considered difficult to achieve a reasonable level of outdoor amenity throughout the day, and compliance with the relevant requirements of the WHO Guideline Values for Community Noise, specifically, for 'Moderate Annoyance' a maximum LAeq (16 hours – day 07:00 to 23:00 Hours) of 50dB for external areas.

It is also considered difficult to achieve a reasonable level of indoor amenity throughout the day and compliance with the relevant requirements of the WHO Guideline Values for Community Noise, ideally with windows open for ventilation; a maximum LAeq (16 hours – day 07:00 to 23:00 Hours) of 35dB for indoor living areas.

With suitable mitigation measures a reasonable level of amenity at night within bedrooms may be achieved with compliance with the relevant requirements of the WHO Guideline Values for Community Noise, ideally with windows open for ventilation a maximum LAeq (8 hours – night 23:00 to 07:00 Hours) of 30dB and a night-time LMax of 45dB.

Additionally, the likely noise emissions experienced at the proposed development site both indoor and outdoor, namely, ground movements and individual noise incidents from both fixed wing and helicopter passes are numerous and extremely intrusive. These types of noise incidents are considered difficult to mitigate against and it is therefore considered difficult to achieve reasonable protection from these incidents. Under certain weather conditions and wind direction runway 32 is used for helicopter traffic bringing them in closer proximity to the site than normal. This would also potentially expose the site to increased helicopter noise which would require consideration.

Should the Planning service consider a departure from Policy B4 of the 2017 Local Development plan is appropriate and the applicant wishes to proceed with the proposal this Service would require, prior to any decision, a detailed noise impact assessment by a suitably qualified noise consultant to further explore and establish the impacts of likely noise sources on residential properties and the necessary control measures.

This assessment should:

- a) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note.
- b) Identify the likely sources of noise potentially impacting on the proposed residences.
- c) Establish the level of noise impact associated with the development through application of relevant guidance.
- d) Detail the noise mitigation measures to reduce noise from the existing noise sources to an acceptable level to reasonably protect the amenity of the occupants of the proposed residences.
- e) Include relevant input from Aberdeen International Airport
- f) Have a methodology which has been submitted and agreed in writing with this Service in advance of the assessment.

I trust this meets with your satisfaction.

Kind regards

Responding Officer: Mark Nicholl

Date:04/06/21

Email:

Ext:

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Monday, 21 June 2021



Local Planner
Strategic Pace Planning
Aberdeen City Council
Aberdeen
AB10 1AB

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Steps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk

Dear Sir/Madam

SITE: 215 Stoneywood Road, Aberdeen, AB21 9JD

PLANNING REF: 210763/DPP

OUR REF: DSCAS-0042725-G4R

PROPOSAL: Change of use from guest house to form 2 no. residential units including formation of first floor extension above an existing single storey extension; alterations to windows and doors; formation of porches, fences with gates and associated works

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 INVERCANNIE 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 PERSLEY 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.



So, how are we doing?

We'd love to know what we're
doing well or could do better.
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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.

Asset Impact Assessment

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

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



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- ▶ 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 Dom 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 launderettes. 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,

Pamela Strachan

Development Operations Analyst

Tel: 0800 389 0379

developmentoperations@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



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Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."



SW Public
Published
To find out more about connecting your
business to the water and waste water supply visit:



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Aberdeen Local Development Plan (ALDP)

- Policy H1 - Residential Areas
- Policy B4 – Aberdeen Airport
- Policy D1 - Quality Placemaking by Design
- Policy NE6 - Flooding, Drainage and Water Quality
- Policy R6 - Waste Management Requirements for New Development
- Policy R7 - Low and Zero Carbon Buildings and Water Efficiency
- Policy T2 - Managing the Transport Impact of Development
- Policy T3 - Sustainable and Active Travel
- Policy T5 - Noise
- Policy CI1 - Digital Infrastructure

Supplementary Guidance

Resources for New Development

<https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>

The Sub-division and Redevelopment of Residential Curtilages (SRRC)

<https://www.aberdeencity.gov.uk/sites/default/files/2.2.PolicySG.ResiCurtilages.pdf>

Noise

https://www.aberdeencity.gov.uk/sites/default/files/5.3.PolicySG.Noise_.pdf

Flooding, Drainage and Water Quality

<https://www.aberdeencity.gov.uk/sites/default/files/6.3.PolicySG.Flooding.pdf>

Transport and Accessibility SG

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

Other Material Considerations

Aberdeen City and Shire Strategic Development Plan (2020) (SDP)

Proposed Aberdeen Local Development Plan (2020)

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

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100402661-004

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:	Ken Mathieson Architectural Design Ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Craig	Building Name:	Mansard House
Last Name: *	Gray	Building Number:	15
Telephone Number: *	01224 710357	Address 1 (Street): *	Oldmeldrum Road
Extension Number:	<input type="text"/>	Address 2:	Bucksburn
Mobile Number:	<input type="text"/>	Town/City: *	Aberdeen
Fax Number:	<input type="text"/>	Country: *	Scotland
		Postcode: *	AB21 9AD
Email Address: *	craig@kenmathieson.com		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="C"/>	Building Number:	<input type="text" value="11"/>
Last Name: *	<input type="text" value="Forbes"/>	Address 1 (Street): *	<input type="text" value="Coubert Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Newmachar"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="ABERDEENSHIRE"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB21 0ND"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="craig@kenmathieson.com"/>		

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"/>
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"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

<input type="text" value="215 Stoneywood Road"/>
--

Northing	<input type="text" value="811088"/>	Easting	<input type="text" value="389225"/>
----------	-------------------------------------	---------	-------------------------------------

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 1 dwelling house to form 2 no. residential units including formation of first floor extension above existing single storey extension: alterations to windows and doors; formation of porches, fences with gates and associated works at 215 Stoneywood Road, Aberdeen.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

Please refer to accompanying appeal 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)

2535 - PL01 Existing Plans & Elevations 2535 - PL02 Proposed Plans & Elevations 2535 - PL03 Proposed Site Plan 2535 - RD1 Existing Access Road Drawing 2535 - RD2 Proposed Access Road Drawing., Notice of Review Statement

Application Details

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

210763/DPP

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

28/04/2021

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

10/02/2022

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: Mr Craig Gray

Declaration Date: 28/03/2022

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Mr C Forbes
215 Stoneywood Road, Aberdeen

Request for review of refusal of Planning application 210763/DPP for the Change of Use to form 2 no. residential units including formation of first floor extension above an existing single storey extension, alterations to windows and doors, formation of porches, fences with gates and associated works.

Statement to accompany the Notice of Review.

Introduction

This Notice of Review has been prepared by Ken Mathieson Architectural Design Ltd on behalf of Mr C Forbes to support the request for review under the terms of Section 43A(8) of the Town and Country Planning (Scotland) Act 1997 against the refusal by Aberdeen City Council to grant detailed planning permission at 215 Stoneywood Road, Aberdeen.

Site Description

The application property was originally a one and half storey cottage located on Stoneywood Road that has had various alterations throughout its life. The existing historical site access is to the north edge of the site. To the South of the site stood a historical sweet and paper shop which has permission to be reinstated, this however has been demolished at present and will be noted later in this report.

The surrounding area is a mix of residential & commercial in nature with The Woodend Bar, CO-OP and Marks & Spencer’s food hall located nearby.

The site has been used predominately as a single dwellinghouse, guest house and lately a house of multiple occupancy by workers constructing the AWPR.

The historical site access sits in a type of “no-mans land” between the traffic light signals between Stoneywood Road, Stoneywood Terrace & Market Street. The historical access was in place prior to any installation of traffic light signals, crossing or bicycle lanes. The Planning history of this site is covered in this report.



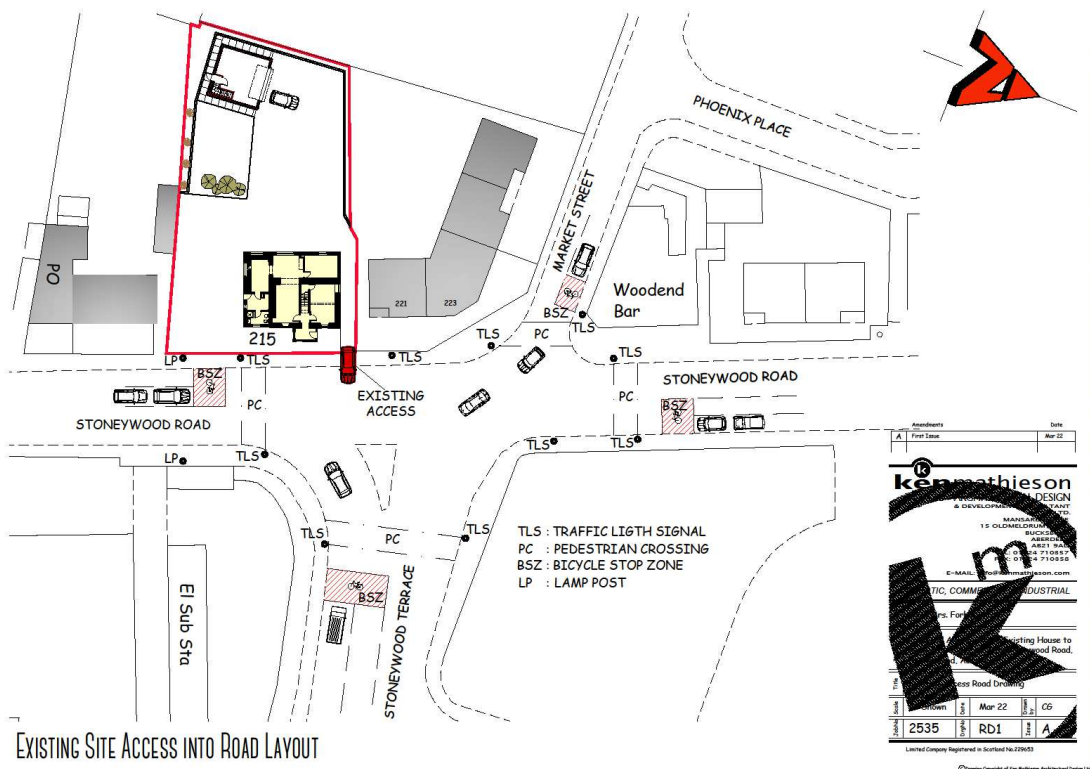


The view from Stonewood Road showing house, site access & original shop.

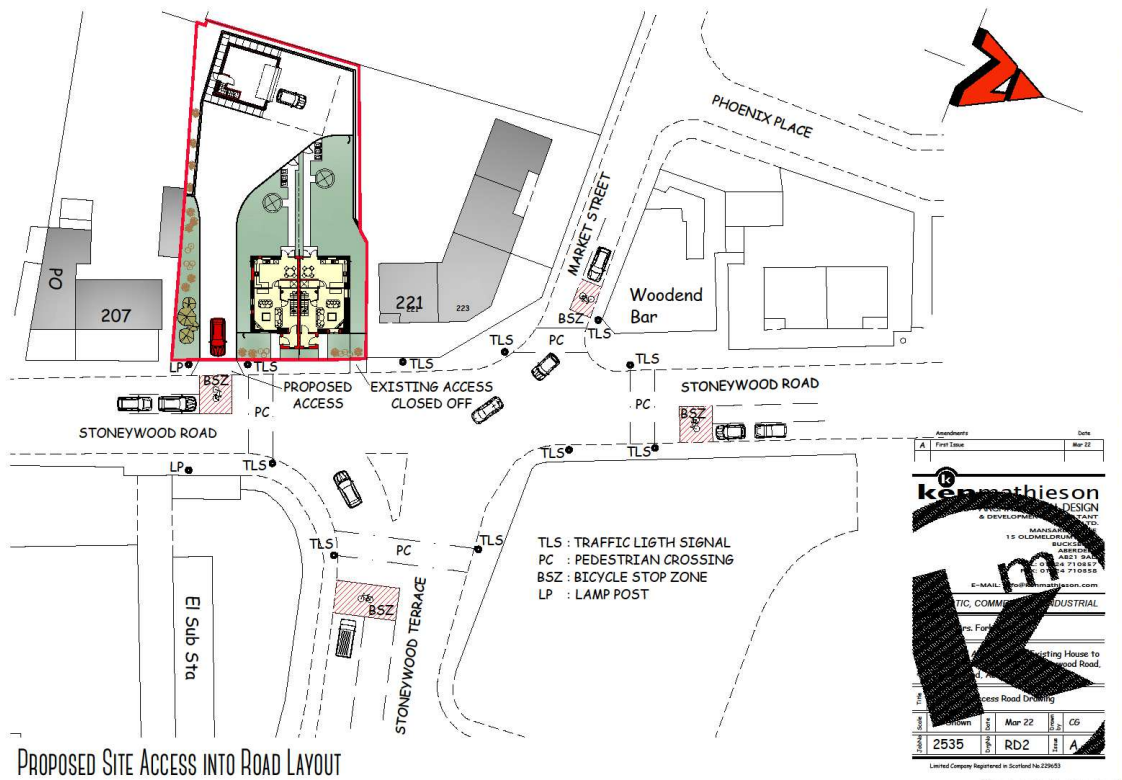
Proposal

The application seeks detailed planning permission for the change of use of single house through conversion and extension to create two residential family dwellings and the proposal of relocating the site access away from the current location to a more suitable position given better and safer access to the site.

This drawing shows the existing house and access in between the traffic signals



This drawing shows the proposed houses and relocation of site access



This drawing shows the proposal for the house and relocation of site access.

Decision of Appointed Officer for application : 210763/DPP

The application was refused on 10 February 2022 for the following reason.

1) As a Noise Impact Assessment has not been submitted, there is insufficient information to demonstrate that the proposed dwellings and their curtilage would not be exposed to unacceptable noise levels; to assess that the dwellinghouses would be afforded acceptable levels of residential amenity; and commensurate to the scale of the development, to demonstrate that the future operation of Aberdeen International Airport would not be adversely impacted by the development by way of greater intensity of residential development within the noise contours of the airport. As such, there is insufficient information to demonstrate accordance with Policies H1 - Residential Areas, D1 - Quality Placemaking by Design, B4 - Aberdeen International Airport and T5 - Noise of the Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'Noise'; and Policies H1 - Residential Areas, D1 - Quality Placemaking, D2 - Amenity, B3 - Aberdeen International Airport and Perwinnes Radar, WB1 - Healthy Developments and WB3 - Noise of the Proposed Aberdeen Local Development Plan 2020.

2) The proposal would adversely affect road safety due to the new access that would be formed for the parking area in that:
 i. The new access would cross the bicycle stop-line of a highly trafficked signalled junction, which would be hazardous in that it would require vehicles to access the

road over a bicycle stop-line;

- ii. It would require an extended section of dropped kerb adjacent to an existing pedestrian crossing which would be hazardous for pedestrians; and
- iii. It would create a hazard for vehicles travelling southbound, particularly those which will have just turned onto the Stoneywood Road.

There would also be insufficient space for southbound vehicles to turn west to access the site because of the proximity to the pedestrian crossing and the junction with Stoneywood Terrace to the north. Waiting in this area would cause congestion by preventing the free flow of traffic for other southbound vehicles through the junction.

As such, the proposal would adversely impact road safety and cause traffic congestion within the local transport network. As such, the proposal would conflict with Policy T2 - Managing the Transport Impact of Development and Policy T2 - Sustainable Transport of the Proposed Aberdeen Local Development Plan.

A copy of the decision is attached appendix 1 and a copy of the Report of Handling as appendix 2.

Relevant Planning History

Planning Permission was Granted under reference 170643 on 15/9/2017 for change of use from dwellinghouse (class 9) to guest house (class 7) and erection of 2 storey extension to rear.

- This application had 8 no parking spaces as part of the approvals using the existing site access.

House of Multiple Occupancy Licence no 029097 was Granted for use between 11/5/16 - 10/5/19

- This included 5 no parking spaces as part of approval using existing site access.

Planning Permission was lodged under reference 181102 for Erection of 4 residential flats, set over two storeys, and 1 attached single storey retail unit, including shared car park to rear.

- This application proposed 11 no parking spaces – although this application was withdrawn it was noted by Dyce and Stoneywood Community Council that one observation was made : ***the entrance to the rear car park is very close to the junction of Stoneywood Road/Market Street/Stoneywood Terrace and road safety aspects should be carefully considered***

Planning Permission was granted under reference 181895 on 11/12/2018 for Erection of single storey extension to rear of shop unit.

- There was no parking as part of this application due to shop unit being historical, shop customers would park on nearby streets.

The unit had to be demolished due to its unsafe nature once work began to repair and extend,

Planning Permission was Granted under reference 181898 on 21/12/19 for Installation of replacement porch to front; blocking up an existing windows and door opening to form window to side; formation of window opening, new entrance door with window and canopy to rear.

- This included 8 no parking spaces as part of approval using existing site access.

Planning Permission was Granted under reference 191041 on 9/9/2019 for Erection of garage with store above.

- This included 7 no parking spaces as part of approval using existing site access.

Response to Grounds of Refusal and Assessment of Application by the Appointed Officer 210763/DPP

Item 1:

Due to its location, it would be difficult to achieve a reasonable level of outdoor amenity throughout the day, and for the development to comply with the relevant requirements of the WHO Guideline Values indoor living areas.

Notwithstanding these concerns, a detailed noise impact assessment would be required by a suitably qualified noise consultant to further explore and establish the impacts of likely noise sources on the dwellings and the necessary control measures.

Response

Throughout the previous Granted applications for change of use from existing house to guest house or house of multiple occupancy no comments were made regarding noise.

As our proposal is for altering an existing single dwelling into two dwellings a noise impact assessment is now required for the new unit within the same site, where we feel this is a well established site to merit a report we feel that a Noise Impact Assessment can be carried out and construction materials used to answer the concerns raised. We would also like to note that a number of new domestic properties, commercial units and educational buildings have all been constructed within the same area of airport noise.

Item 2 :

Roads Development Management Team – Objection – The new access location is unacceptable as it is in the middle of a signalised junction and pedestrian crossing point. The installation of the existing access was before the signals were installed. As

these concerns were raised with the applicant and have not been addressed, they recommend refusal.

Response

The existing site access is in the middle of a “no-mans land” between 3 sets of traffic lights where it is very difficult to exit site knowing which light signal is in operation. Although it is an existing access it is also very tight to manoeuvre when entering or exiting site and in the interest of safety we have proposed moving the site entrance to the south of the site before the traffic signals, this gives great visibility of all traffic signals but also manoeuvring capabilities, which we feel is much safer option.

We acknowledge that there is a bicycle stop-line at this trafficked signal but feel any occupant would know the relevant highway code and not sit in this area but wait for a clear space before exiting the site over the bicycle area.

If our client was to continue with any of the other approved options for this site there could be a potential 8 -11 vehicles entering or exiting the site in what we feel a much more dangerous location.

It is unfortunate that the comments from the planning officer state *“As these concerns were raised with the applicant and have not been addressed they recommend refusal.”* That he fails to mention we had requested a site meeting visit with himself and roads department so we could discuss and show first hand but was denied this meeting due to “Covid Restrictions” even though site is a freely open space and social distancing is more than achievable.

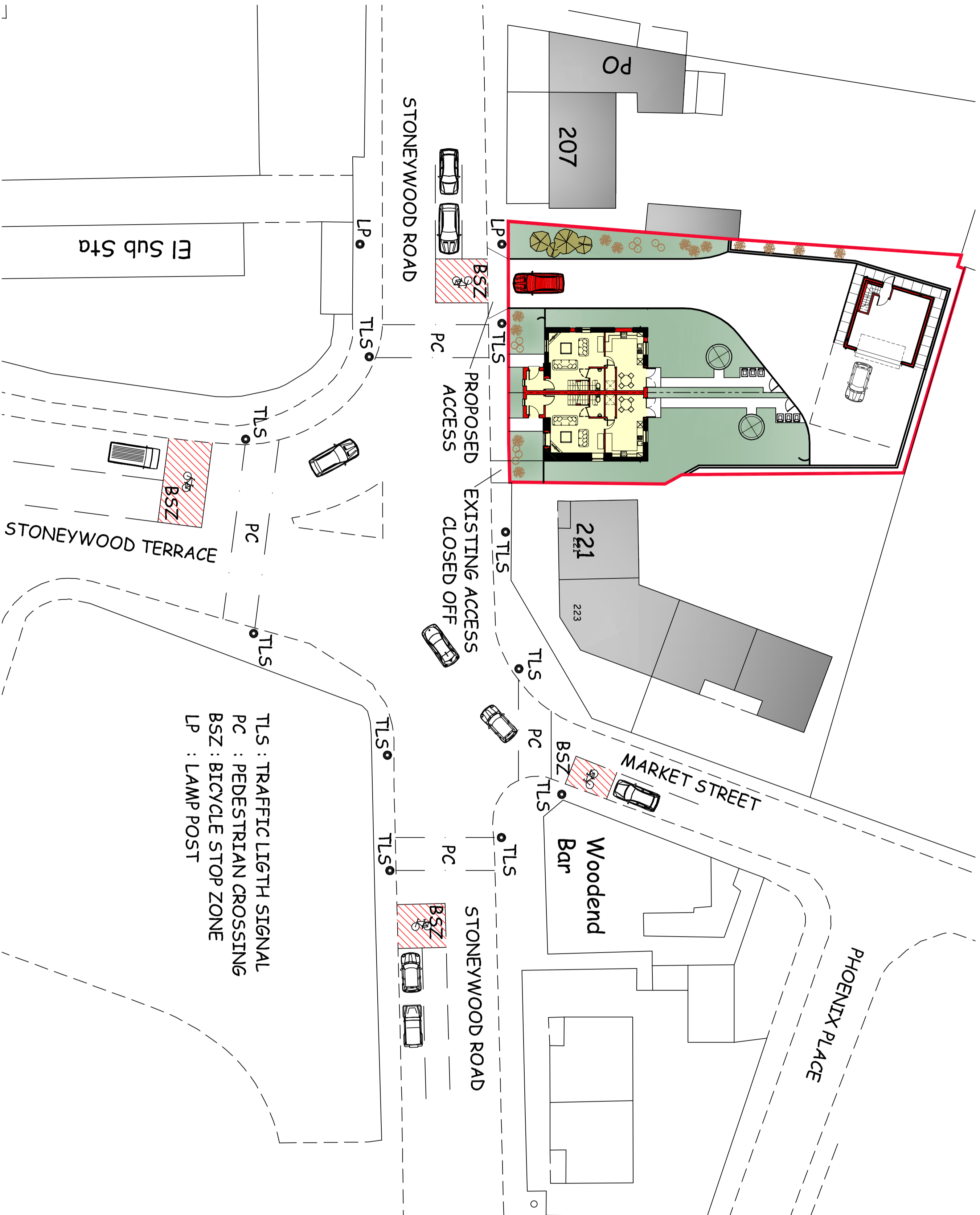
It also fails to mention that a “Teams Call” did take place between Planning Officer, Roads Officer and our Office to discuss this matter however an agreement couldn't be achieved.

Conclusion

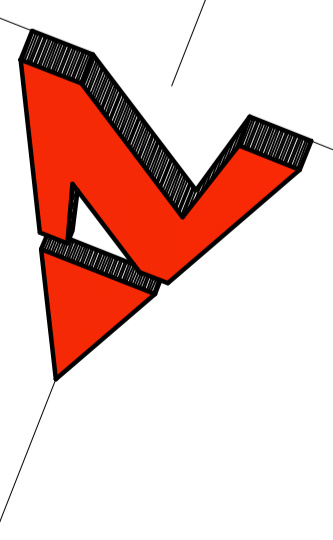
We feel that if the Local Review Body can visit this site first hand they will see that our proposed access to the site is a much safer option than the existing option and that this appeal can be granted.

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PROPOSED SITE ACCESS INTO ROAD LAYOUT



TLS : TRAFFIC LIGHT SIGNAL
 PC : PEDESTRIAN CROSSING
 BSZ : BICYCLE STOP ZONE
 LP : LAMP POST



Amendments	Date
A First Issue	Mar 22

kenmathieson
 ARCHITECTURAL DESIGN
 & DEVELOPMENT CONSULTANT
 LTD.

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 15 OLDMELDRUM ROAD
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DOMESTIC, COMMERCIAL & INDUSTRIAL

Mr & Mrs. Forbes

Proposed Alterations to Existing House to
 form 2 Dwellings at 215 Stoneywood Road,
 Stoneywood, Aberdeen

Proposed Access Road Drawing

JobNo	Scale	Title	Project	Client
2535	As Shown	Proposed Access Road Drawing	Proposed Alterations to Existing House to form 2 Dwellings at 215 Stoneywood Road, Stoneywood, Aberdeen	Mr & Mrs. Forbes

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LOCAL REVIEW BODY



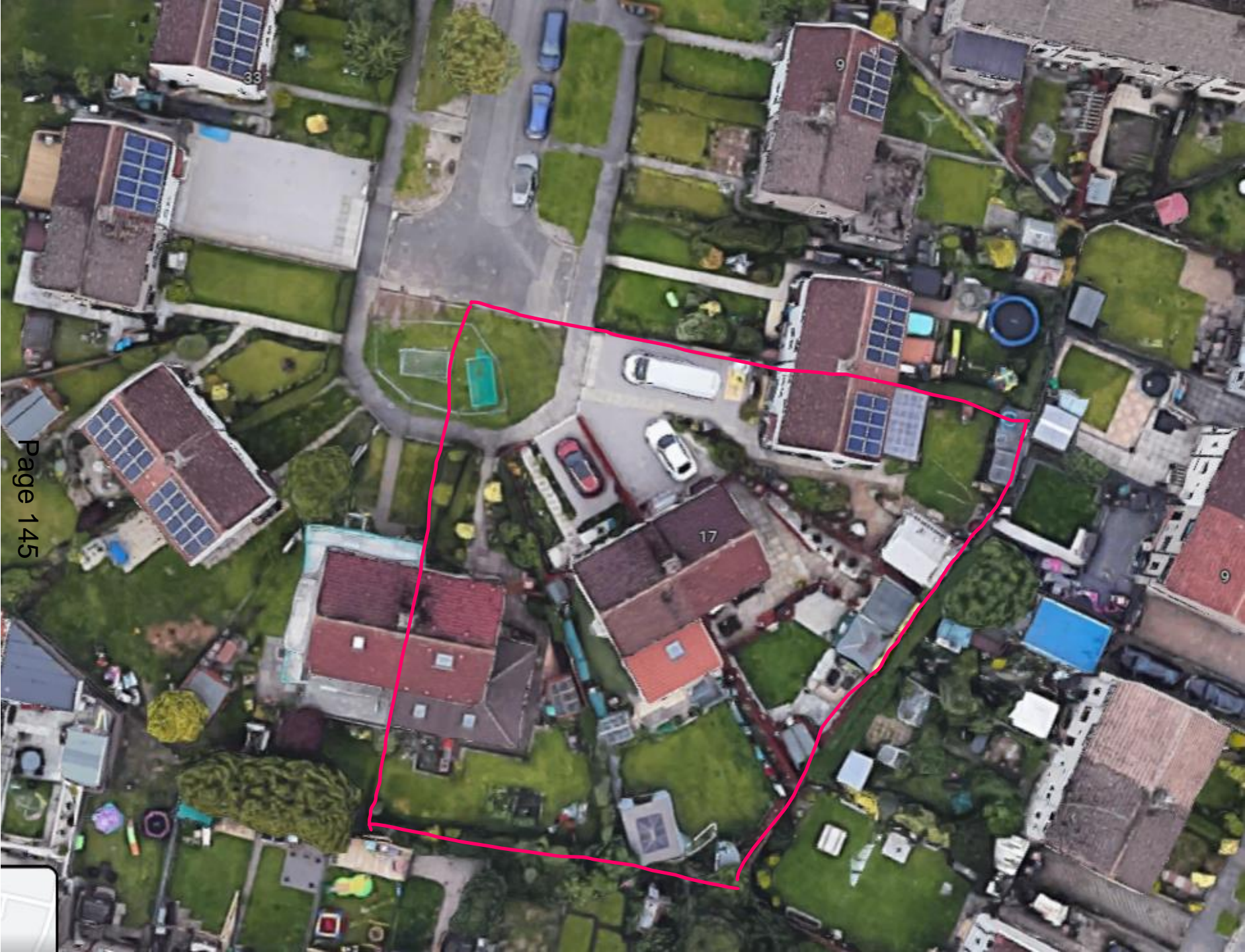
211459/DPP – Appeal against refusal of planning permission for:

Change of use from amenity space to footway crossing and formation of driveways with associated works

at 15-21 Brebner Crescent, Aberdeen



LOCATION PLAN 1 / 1250.

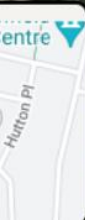


Street view image



Jul 2008

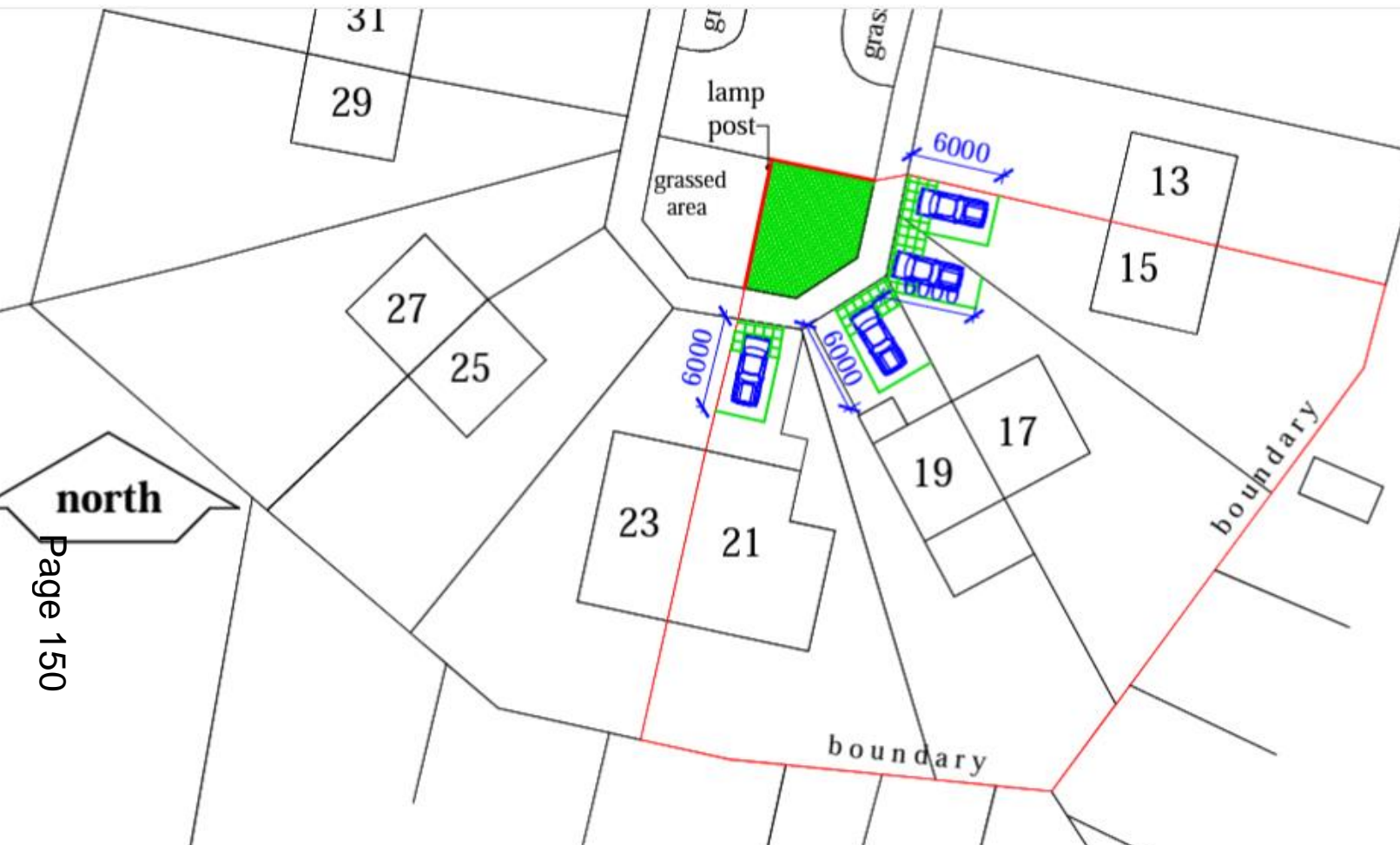
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PROPOSED SITE LAYOUT PLAN 1 / 500.

Reasons for Refusal

- Loss of open space, which contributes to character of the area and is used informally for recreation.
- Visual amenity- hardsurfacing for footway crossings and layout of street
- Road safety – vehicles parking at nos 15 & 17 would cross adjacent driveways, impeding access and resulting in likelihood of overhanging footway. Vehicles at no. 15 unlikely to park at 90 degrees to footway.
- Loss of three public parking spaces
- Precedent
- Contrary to policies on design (D1), green space (NE3), residential areas (H1), transport (SG) and proposed plan similar.

Applicant's Case for Review

The applicant's respond to each of the points of refusal :

- Loss of open space- applicant would be happy to remove the entire area of green space. The area has become devalued and the proposal would restore amenity
- Detriment to visual amenity due to hardsurface and layout of streetscape – changes inevitably result in difference layout. Houses were built when there were fewer cars. Turning area is used for parking, however, no. 31 has a driveway, should no. 13 install similar, those public spaces would be lost. Use of grasscrete or similar could be used. Grass in many similar areas is churned up by regular use by vehicles.
- Road safety – suitable driveway lengths are achievable. Although users of driveway at no.17 would have to cross no. 15, this can be done safely
- Parking unlikely at right angles to footway – driveways are proposed at right angles to footway
- Loss of on-street parking – no.31 has a driveway approved effectively removing 3no. spaces, and no.13 could also, both without planning permission. This would remove a further 3no. spaces. The proposal would result in a gain of 4 spaces.

Applicant's Case for Review continued

The applicant's respond to each of the points of refusal :

- Precedent – however, proposals must be considered on merit. Some residents already have driveways. Vehicular and pedestrian safety would not be worse than currently. Driveways have been established in similar situations in other cul-de-sacs, with little or no duplication.
- Proposal would allow charging of electric cars
- Driveways could be surfaced to allow for drainage and reduce environmental impact.

NE3: Urban Green Space

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

SG: Householder Dev't Guide

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

H1: Residential Areas

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

(e.g. Transport and Accessibility SG)

D1: Quality Placemaking by Design

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

Proposals will be assessed against the following six essential qualities:

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

Transport and Accessibility Guidance **DRIVEWAYS**

- Driveways should be min. 15m from a junction (10m acceptable in some instances)
- Driveways for existing houses should be of min. 5m length in order to prevent vehicles overhanging the footway
- Single driveways should be at least 3m wide
- Gradient should generally not exceed 1:20 (1:15 accepted if non-slip surfacing)
- Should be internally drained – not discharging water to road
- No loose materials should be used in first 2m, to prevent materials being carried onto footway/road
- Driveways should meet the road at right angles to optimise visibility

Points for Consideration:

Zoning: Does the proposal comply with the tests set out in policy H1 (Residential Areas) – in particular loss of green space ?

Road safety ?

Design: Is the proposal of sufficient design quality (D1) , in terms of visual amenity ?

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

2. Are there any material considerations that outweigh the Development Plan in this instance?

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

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

Site Address:	15-21 Brebner Crescent, Aberdeen, AB16 7HT
Application Description:	Change of use from amenity space to footway crossing and formation of driveways with associated works
Application Ref:	211459/DPP
Application Type:	Detailed Planning Permission
Application Date:	15 October 2021
Applicant:	Mrs Lorraine Smith
Ward:	Northfield/Mastrick North
Community Council:	Northfield
Case Officer:	Roy Brown

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises four residential dwellings, their front and rear curtilage, a c.50sqm area of amenity space and the section of footway between the residential boundaries and the amenity space. The site is located at the south end of a cul-de-sac of Brebner Crescent in a residential area and the road terminates to the north of the amenity space.

The amenity space comprises one half of a larger area of amenity space at the end of the cul-de-sac, which comprises short-cut grass. Brebner Crescent and the wider area has a large number of similar areas of open space in and around the streetscape.

The front curtilage of 15, 17 and 19 Brebner Crescent are already hard surfaced and they have indiscriminately been used as driveways by vehicles crossing the amenity space and the footway.

Relevant Planning History

None.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the change of use of the amenity land (c.50sqm in area) at the northwest corner of the site to form a footway crossing that would allow access to single driveways to each of the four residential dwellings on the application site. The amenity space would be replaced with 'Grasscrete' units planted with grass on hardcore.

Vehicles would access the driveways by way of a dropped kerb, the newly formed footway crossing and by crossing the footway.

It must be highlighted that the hard surfaces shown on the submitted plans do not correspond with the dimensions and design of the hard surfaces that exist on the site. The drawings thus indicate that there would be alterations to these hard surfaces. The driveways would be 6m in length. The driveway of 21 Brebner Crescent would be c.3m in width and that of 19 Brebner Crescent would be c.3.8m in width. The driveway of 17 Brebner Crescent would be between 2.2m and 3.9m in width and that of 15 Brebner Crescent would be between c.2.6m and c.3m in width. However, due to the tapered nature of the residential boundaries, 15, 17 and 19 Brebner Crescent would partially adjoin each other to form a continuous parking area, which would likely mean that the vehicles would likely need to cross onto the driveways of the adjacent properties to enter and exit them.

The driveways would be finished in paving slabs within the closest 2m to the footway which would slope away from the footway and loose chippings beyond this.

The alterations to the hard surfaces within the front curtilage of the dwellings would not necessarily require planning permission as they would fall within the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended. Detailed consideration of the formation of the hard surfaces within the curtilage of the dwellings is therefore not included in this application.

Amendments

None.

Supporting Documents

All drawings and the supporting document listed below can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=R0LT8QBZGR900>

Supporting Statement

Justifies the proposal and responds to planning officer comments sent during the application process.

CONSULTATIONS

Roads Development Management Team – Objection – It is recognised why such a proposal is sought by the residents as it would create guaranteed parking space for these properties. However, Roads Development Management cannot support such an application.

There is potential for indiscriminate parking as vehicles would park outside their residential boundaries. This could block the public footway and the proposed access and thus cause conflict for access/egress from the neighbouring properties. The proposed driveways would not be perpendicular to the road, as required by Supplementary Guidance. The proposed footway crossing would become adopted. Grasscrete paving would not be considered an acceptable material to have frequent run-over by vehicles on an adopted area. Such a proposal could cause a precedent for further applications wishing to create similar parking arrangements in residential areas.

It is unfortunate that such areas like this within the city were developed at times when there was not the same uptake of private vehicles and work vans as we do today, which leads to the current parking demand within these areas of the city.

Estates Team – No objection - Estates has no locus in this.

Northfield Community Council – No response received.

REPRESENTATIONS

One neutral representation has been received timeously. The matters raised can be summarised as follows –

- Whilst saving green space is supported in principle, the residents are destroying the grass because they drive over this anyway.
- It would likely be safer for children if vehicles were able to access the driveway safely.
- The public/council should not pay for the works.

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Aberdeen Local Development Plan 2017 (ALDP)

Policy H1 - Residential Areas

Policy D1 - Quality Placemaking by Design

Policy NE3 – Urban Green Space

Supplementary Guidance (SG)

Transport and Accessibility

Proposed Aberdeen Local Development Plan 2020

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

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

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

Policy H1 - Residential Areas

Policy D1 - Quality Placemaking

Policy NE2 – Green and Blue Infrastructure

Policy T3 - Parking

EVALUATION

Principle of Development

The application site is located in a residential area, under Policy H1 of the ALDP, and the proposal relates to the change of use of an area of amenity space to form footway crossing for multiple driveways. Development would accord with this policy in principle if it does not constitute over development, adversely affect the character and amenity of the surrounding area, does not result in the loss of valued open space, and it complies with the Supplementary Guidance, in this case the Transport and Accessibility SG.

The issues are assessed in the below evaluation.

The Change of Use of the Amenity Space to Footway Crossing

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

Policy NE3 states that permission will not be granted to redevelop any urban green space (including smaller spaces not identified on the Proposals Map such as this site) for any use other than recreation and sport. The removal of this area of open space for a substantial footway crossing would therefore conflict with Policy NE3.

Notwithstanding its relatively small size, the amenity space forms part of a larger area of open space that contributes to the visual amenity of the cul-de-sac and provides informal recreational value. As such, the proposal would result in the loss of a valued area of open space for a parking area, in conflict with Policy H1 of the ALDP. This proposal would result in an irregular section of amenity space being removed in that half of the total area of the space would be lost, which would detract from the planned layout and visual amenity of the streetscape, in conflict with Policies H1, NE3 and D1 of the ALDP.

Notwithstanding the proposed 'Grasscrete' paving would be permeable, given the likely daily use by vehicles, the grass planted in the gaps in the Grasscrete will not grow successfully and would have the appearance of an uneven concrete surface. The space would appear inconsistent with and would detract from the visual amenity of the streetscape.

The proposed change of use to a footway crossing would therefore detract from the character and amenity of the surrounding area, in conflict with Policies H1, NE3 and D1 of the ALDP.

Road Safety

The driveways of 15 and 17 Brebner Crescent would, at points, be less than the 3m width required to comply with the Transport and Accessibility SG, 3m. This would mean that vehicles parking at 15 and 17 Brebner Crescent would likely need to manoeuvre over the driveways of each other and the neighbouring driveway at 19, which could impede their access, as well as result in vehicles overhanging the footway, to the detriment of road and pedestrian safety.

In addition, the unusual shape and width of 15 Brebner Crescent would very likely result in cars not parking perpendicularly to the road, in conflict with the Transport and Accessibility SG.

Roads Development Management have objected to the application based on these road safety concerns. Furthermore, they have advised that the usage of 'Grasscrete' paving would not be a suitable material for frequent vehicle usage. As the space would become adopted, it would be difficult for Aberdeen City Council to maintain the material to a safe and acceptable standard.

The footway crossing that would be installed would be c.8.5m long and it is likely that vehicles would use this area as a driveway. The proposal would very likely result in vehicles overhanging the public footway because of this, thus indiscriminate parking, which could be a safety hazard for pedestrians.

For the above reasons, it is considered that the proposed footway crossing and driveways would adversely affect road and pedestrian safety.

It must be noted that the assessment of the proposed driveways is on the basis of the drawings submitted rather than what currently exists. The existing hard surfaces on the site do not appear to be of dimensions to safely facilitate parked vehicles for the same reasons: vehicles appear to require manoeuvring over the adjacent driveways and overhang the footway, to the detriment of road and pedestrian safety. However, as the smaller driveways are shown on the drawings it is assumed that the intention of the homeowners is to reduce the size of the existing hard surfaces.

Precedent

The amenity space is one of many similar amenity spaces throughout Brebner Crescent and the wider area of Northfield. These spaces provide a soft landscaped streetscape, contribute to the uniform planned layout, and significantly contribute to the character and sense of place of the surrounding area. They also serve as public informal recreational space and have natural environment value for the residential area.

Notwithstanding every planning application is assessed on its own merits, the proposal would very likely set an unwelcome precedent for similar proposals in the area to remove public open spaces for private parking provision, which would significantly detract from the character and amenity of the surrounding area, in conflict with Policies H1, NE3 and D1 of the ALDP.

Furthermore, it could set a precedent for parking arrangements in the area which are unsafe for pedestrians and road users.

Parking

Notwithstanding the area at the end of the cul-de-sac is a designed turning head for vehicles, it provides parking spaces at its end. The installation of a footway crossing would result in the loss of three on-street parking spaces to facilitate private parking provision, to the detriment of the public in the surrounding area.

The proposal would therefore not serve to significantly improve the parking situation of Brebner Crescent and this would not justify the loss of the open space.

Proposed Aberdeen Local Development Plan

Policy T3 – Parking of the Proposed ALDP states that ‘proposals for car parking that are not directly related to new developments will not be supported.’ The proposal would therefore not accord with this policy in that it relates to private parking provision for existing long-standing dwellinghouses.

Otherwise, in relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

Matters Raised in the Supporting Statement

It is recognised that the adjacent equivalent cul-de-sac on Brebner Crescent has two footway crossings over the equivalent area of green space. Nevertheless, two individual driveways cross the space and open space remains at each side of these. This differs visually from the whole of one half of the space being removed and notwithstanding their existence,, these are longstanding

examples which were approved prior to the adoption of current planning policies and guidance. Indeed, the presence of the footway crossings on the adjacent cul-de-sac detracts from the visual amenity of the streetscape. The adjacent cul-de-sac therefore does not justify the grant of planning permission for this proposal.

The matters raised relating to damage to the space as a result of existing indiscriminate parking would not justify the removal of public open space. Indeed, any existing damage to the space could easily be repaired whereas the removal of the open space in its entirety would be permanent in nature.

The supporting statement justifies the proposal by suggesting that 'it is now only 8 years until the [planned] ban on [the sale of new] conventional petrol and diesel cars' and that because a driveway may be able to support EV infrastructure, it would be justified. It must be highlighted that EV infrastructure has not been included in the submitted plans. Speculation that the residents may buy an electric vehicle in the future is not a material planning consideration. Nevertheless, the installation of private EV charging infrastructure had it been proposed would not have justified the loss of public open space nor development which would adversely affect road and pedestrian safety.

Matters Raised in the Representation

For the reasons above, the proposed driveways and access would not be safe for pedestrians, and therefore would not be safe for children in the area.

The unauthorised presence of the existing driveways, indiscriminate parking and driving over the open space and footway would not warrant the grant of planning permission. The unauthorised use of the space as a footway crossing could be subject to planning enforcement action. The indiscriminate parking of vehicles on pavements is furthermore unlawful.

Aberdeen City Council would not pay for any of the works proposed. These would be at the expense of the applicants.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

The proposed change of use to a footway crossing and associated formation of driveways would result in the loss of a valued area of open space which contributes to the character and sense of place of the surrounding area and has informal recreational value. The proposed footway crossing and the surface material would detract from the visual amenity and planned layout of the streetscape.

The proposed would adversely affect road and pedestrian safety in that vehicles parking at 15 and 17 Brebner Crescent would likely need to manoeuvre over the driveways of the adjacent driveways, which could impede their access, as well as result in vehicles overhanging the footway. The unusual shape and width of the driveway at 15 Brebner Crescent would very likely result in cars not parking perpendicularly to the footway.

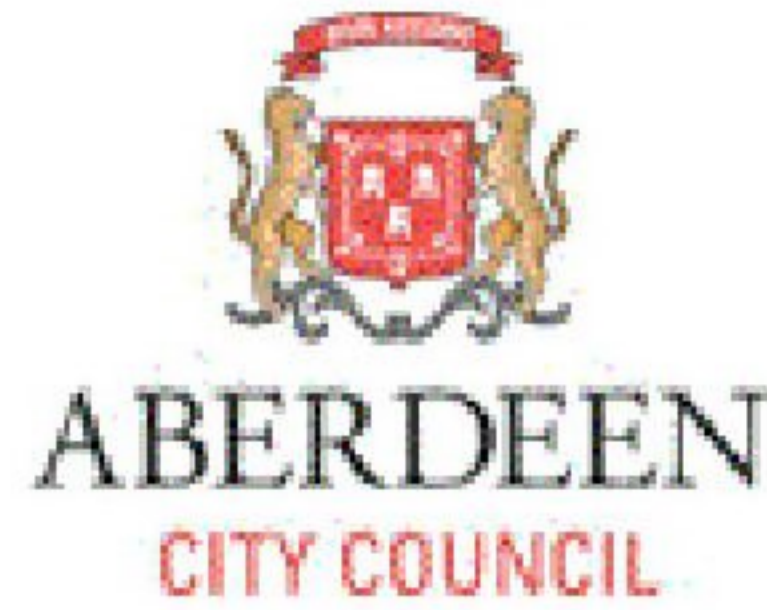
The proposal would result in the loss of three on-street parking spaces to facilitate private parking provision, to the detriment of the public in the surrounding area.

Notwithstanding every planning application is assessed on its own merits, the proposal would very likely set an unwelcome precedent for similar proposals in the area to remove public open spaces

for private parking provision, which would significantly detract from the character and amenity of the surrounding area. Furthermore, it could set a precedent for parking arrangements in the area which are unsafe for pedestrians and road users.

The proposal would therefore conflict with Policies D1 – Quality Placemaking by Design, NE3 – Urban Green Space and H1 – Residential Areas of the adopted Aberdeen Local Development Plan 2017; the Supplementary Guidance: ‘Transport and Accessibility’; and Policies D1 – Quality Placemaking, NE2 – Green and Blue Infrastructure, T3 – Parking and H1 – Residential Areas of the Proposed Aberdeen Local Development Plan 2020.

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100456305-004

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)

Creation of 4 driveways at 15, 17, 19 & 21 Brebner Crescent, Aberdeen AB16 7HT

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

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

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Lorraine"/>	Building Number:	<input type="text" value="15-21"/>
Last Name: *	<input type="text" value="Smith"/>	Address 1 (Street): *	<input type="text" value="Brebner Crescent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Northfield"/>
Telephone Number: *	<input type="text" value="07484143285"/>	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="AB16 7HT"/>
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="17 BREBNER CRESCENT"/>
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="AB16 7HT"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="808188"/>	Easting	<input type="text" value="390054"/>
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Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Pre-application response 210196/PREAPP

Title:

Mr

Other title:

First Name:

Roy

Last Name:

Brown

Correspondence Reference Number:

210196/PREAPP

Date (dd/mm/yyyy):

06/07/2021

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

Site Area

Please state the site area:

600.00

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)

Grass area and pathway to numbers 15, 17, 19 & 21 Brebner Crescent, Aberdeen AB16 7HT

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?

0

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)? *

4

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

Water Supply and Drainage Arrangements

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

Yes No

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

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

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

Yes No

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

Not applicable. This is solely for use of driveway. Storage of waste and recycling is unaffected as will continue to be kept in individual gardens and taken out on day of collection to point of pick up

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Are you able to identify and give appropriate notice to ALL the other owners? *

Yes No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

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

or –

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

Name:

Mr Peter Robson

Address:

15, Brebner Crescent, Northfield, Aberdeen, Scotland, AB16 7HT

Date of Service of Notice: *

29/10/2021

Name:

Mrs Lorraine Smith

Address:

17, Brebner Crescent, Northfield, Aberdeen, Scotland, AB16 7HT

Date of Service of Notice: *

29/10/2021

Name:

Mr Luke Steed

Address:

19, Brebner Crescent, Northfield, Aberdeen, Scotland, AB16 7HT

Date of Service of Notice: *

29/10/2021

Name:

Mr Keith Paterson

Address:

21, Brebner Crescent, Northfield, Aberdeen, Scotland, AB16 7HT

Date of Service of Notice: *

29/10/2021

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed: Mrs Lorraine Smith

On behalf of:

Date: 14/10/2021

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

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

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mrs Lorraine Smith

Declaration Date: 14/10/2021

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DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Mrs Lorraine Smith
15-21 Brebner Crescent
Northfield
Aberdeen
AB16 7HT

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

**Change of use from amenity space to footway crossing and formation of driveways with associated works
at 15-21 Brebner Crescent, 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:

<u>Drawing Number</u>	<u>Drawing Type</u>
BCA 01A	Location Plan
BCA 03B	Site Layout (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 proposed change of use to a footway crossing and associated formation of driveways would result in the loss of a valued area of open space which contributes

to the character and sense of place of the surrounding area and has informal recreational value. The proposed footway crossing and the surface material would detract from the visual amenity and planned layout of the streetscape.

The proposed would adversely affect road and pedestrian safety in that vehicles parking at 15 and 17 Brebner Crescent would likely need to manoeuvre over the driveways of the adjacent driveways, which could impede their access, as well as result in vehicles overhanging the footway. The unusual shape and width of the driveway at 15 Brebner Crescent would very likely result in cars not parking perpendicularly to the footway.

The proposal would result in the loss of three on-street parking spaces to facilitate private parking provision, to the detriment of the public in the surrounding area.

Notwithstanding every planning application is assessed on its own merits, the proposal would very likely set an unwelcome precedent for similar proposals in the area to remove public open spaces for private parking provision, which would significantly detract from the character and amenity of the surrounding area. Furthermore, it could set a precedent for parking arrangements in the area which are unsafe for pedestrians and road users.

The proposal would therefore conflict with Policies D1 - Quality Placemaking by Design, NE3 - Urban Green Space and H1 - Residential Areas of the adopted Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'Transport and Accessibility'; and Policies D1 - Quality Placemaking, NE2 - Green and Blue Infrastructure, T3 - Parking and H1 - Residential Areas of the Proposed Aberdeen Local Development Plan 2020.

Date of Signing 13 January 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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MEMO

Strategic Place Planning

Commissioning

Business Hub 4, Ground Floor North, Marischal College



To	Development Management, Strategic Place Planning		
From	Michael Cowie, Engineer, Roads Development Management		
E-mail	MiCowie@aberdeencity.gov.uk	Date	26/11/2021
Tel.	01224 523761	Our Ref.	
Fax.	-	Your Ref.	211459/DPP

Planning Application No. 211459/DPP – Change of use from amenity space to footway crossing and formation of driveways with associated works at 15-21 Brebner Crescent, Aberdeen AB16 7HT.

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

1 Development Proposal

- 1.1 It is noted this application for change of use of amenity space to form footway crossing and formation of driveways at 15-21 Brebner Crescent, Aberdeen.
- 1.2 It is noted the site is located in the outer city and does not lie within an area of any form of controlled parking.

2 Parking / Driveway Access

- 2.1 It is noted that this application proposes to create 4no. driveways which shall all be served by the creation of an access within existing amenity space.
- 2.2 While it is noted and understood why such a proposal is sought by the residents, in order to create a private and guaranteed parking space for the residents of these properties associated with the application, unfortunately we cannot support such an application.
- 2.3 Reason for this is that the creation of the driveways shall not be perpendicular to the road (as required by ACC supplementary guidance), potential for indiscriminate parking with vehicles parking further out their driveway extents/boundary blocking the public footpath and furthermore the area converted for access which could cause conflict for access/egress of neighbours as they all served by the same access means.
- 2.4 It is noted that the proposal of grasscrete would not be considered an acceptable material to have frequent run-over by vehicles and be adopted by the Council, which it should be adopted given the it shall be located between existing adopted footpath and road (within cul-de-sac).

- 2.5 Additionally, such a proposal could cause a precedence for further applications wishing to create similar parking arrangements within other residential area across the City.
- 2.6 It is unfortunate that such areas like this within the city were developed at times when there was not the same uptake of private vehicles and work vans as we do today, which leads to the current parking demands and pressures within these areas of the city.

3 Conclusion

- 3.1 As mentioned I understand the frustrations and the reasons for such proposal but unfortunately for the reasons stated above this application is recommend for refusal.

Michael Cowie
Engineer
Roads Development Management

9149 - Working Officer
Chair Reith
074 66 254 304
Councillor Jackie Dunbar



10th May 2018

Mr & Mrs Paterson
21 Brebner Crescent
Aberdeen
AB16 7HT

Dear Mr Robson

Following your recent enquiry regarding installing a driveway at your property, I have received a response from Council officers.

I have been advised that to install the driveway a substantial part of the grassed area would need to be removed. Officers have advised that it would be necessary for the whole of the grass area to be removed (including the relocation of the lamp post) which would then become part of an extended road surface at the end of the cul-de-sac. For the grass area to be removed completely and the area converted to hard surface, Roads Construction Consent from the local authority in accordance with Roads (Scotland) Act 1984 is required. Planning permission would not be required.

In order for the proposal to be accepted, you would need to submit an agreement with the other residents for the complete removal of the grassed area, this must be presented in the first instance. Those in agreement would be liable for all costs associated with the works which include (and not restricted to) road and footway reconstruction, re-positioning of the street light and drainage. Alterations to the drainage would require further consent from Scottish Water.

For further information regarding Roads Construction Consent yourself and along with the other residents should contact the Roads Officer at Projects@aberdeencity.gov.uk

Roads officers have indicated that they would be willing to meet with the residents to discuss how such a proposal could potentially be taken forward.

Yours sincerely

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Comments for Planning Application 211459/DPP

Application Summary

Application Number: 211459/DPP

Address: 15-21 Brebner Crescent Aberdeen AB16 7HT

Proposal: Change of use from amenity space to footway crossing and formation of driveways with associated works

Case Officer: Roy Brown

Customer Details

Name: Mrs Pheona Meikle

Address: 15 Hutton Place Aberdeen

Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

Comment: I am all for saving green space but they are destroying the grass by driving over it anyway, it would probably be safer for the children if the cars were able to access the driveway safely, I assume the applicant and others to whom this concerns will pay for the work because I don't feel it should be paid for by the council/public.

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Aberdeen Local Development Plan (ALDP)

- Policy H1 – Residential Areas
- Policy D1 - Quality Placemaking by Design
- Policy NE3 – Urban Green Space

Supplementary Guidance

Transport and Accessibility

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

Other Material Considerations

Scottish Planning Policy (2014)

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

Proposed Aberdeen Local Development Plan (2020)

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

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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 100541622-001

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

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	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="Lorraine"/>	Building Number:	<input type="text" value="17"/>
Last Name: *	<input type="text" value="Smith"/>	Address 1 (Street): *	<input type="text" value="Brebner Crescent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Northfield"/>
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="AB16 7HT"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="[REDACTED]"/>		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

17 BREBNER CRESCENT

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB16 7HT

Please identify/describe the location of the site or sites

Northing

808188

Easting

390054

Description of Proposal

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

Change of use from amenity space to footway crossing and formation of driveways with associated works at 15-21 Brebner Crescent, Aberdeen

Type of Application

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

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

What does your review relate to? *

Refusal Notice.

Grant of permission with Conditions imposed.

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

Statement of reasons for seeking review

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

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

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

As our explanation has to include everything and is longer than 500 characters it has been submitted as a Supporting Document as suggested above.

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)

Doc 1 - Appeal against the decision to refuse driveways to Nos 15 to 21 Brebner Cres Aberdeen, AB16 7HT Ref No 211459/DPP
Doc 2 - Letter from Jackie Dunbar, dated 10.5.2018 Doc 3 - page 1 of response from Planning Officer Linda Speers (attached to the letter from Jackie Dunbar) Doc 4 - page 2 of response from Planning Officer Linda Speers (attached to the letter from Jackie Dunbar) Document 4 - page 3 of response from Planning Officer Linda Speers (attached to the letter from Jackie Dunbar)

Application Details

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

211459/DPP

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

15/10/2021

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

13/01/2022

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

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: Mrs Lorraine Smith

Declaration Date: 10/03/2022

Appeal against the decision to refuse driveways to No 15-21 Brebner Crescent, Aberdeen

APPLICATION REF NO. 211459/DPP

The application for driveways has been refused based partly on a **proposed** Aberdeen Local Development Plan 2020 rather than all on the **approved** Aberdeen Local Development Plan 2017. The applicants question the basis of this and feel it would not stand scrutiny.

7 points were given for refusal. These have been listed below with the appellants comments underneath each of the 7 points.

1. "The proposed change of use to a footway crossing and associated formation of driveways would result in the loss of a valued area of open space which contributes to the character and sense of place of the surrounding area and has informal recreational value".

As stated in the response from Linda Speers, provided to us from Councillor Jackie Dunbar (attached), the removal of the whole grassy area would be required to conform to H1 and Supplementary Guidance: Transport and Accessibility. The applicants are happy to pursue this if permission was granted on this basis. Therefore this reason for refusal is not valid as applicants have said they would be willing for the removal of all the grass if the rest of the residents were in agreement as stated in Linda Speers response. The response refusing the application did not cover this option at all so it has not been considered fully by the respondent.

Sadly the area of open space in question has been seriously devalued and the proposal seeks to restore value and amenity by creating a viable alternative to currently poor parking in the area

2. "The proposed footway crossing and the surface material would detract from the visual amenity and planned layout of the streetscape."

Any change to an area would be different to that originally planned layout of the street scape. This is not a reason for refusing an application otherwise no change would ever be made. When these houses were built there were far fewer car owners. Now the expectation is that most houses have at least one vehicle. On the telephone the person spoken to from the Planning Department admitted that four parking spaces was very few for the number of houses and the turning point at the top could be used for parking. As noted under point 5 below, all of those spaces in the turning point could be lost if No 13 were given a driveway as No 31 has been given. It is noted in Linda Spear's response (detailed above and attached) that up to three car parking spaces could be lost from the creation of a driveway at No 31. Another 3 would be lost if No 13 requested a driveway. That would remove all the car parking spaces available at the turning point. If No 13 residents were to apply for a driveway this could not be refused as there is precedent with the approval of driveway at No 31.

The visual amenity could be kept if grasscrete or another similar surface used which would conform to planning regulations and also keep the grass thereby conforming to H1. It would also tick the environmental box having retained the shape and greenery. The applicants would be equally willing to tarmac the whole area. As explained in the application, the current grass is not maintained well by the council and is in a very poor state of repair. Lack of parking spaces means that vehicles eg works vans and delivery drivers use the grass to park on. This is unsafe. The introduction of driveways for No 15-21 would negate the need for this unsafe practice to happen.

A visit to Northfield will show that many of the grassed areas are now seriously churned by badly parked vehicles and long ago ceased to have amenity. As stated above, by establishing driveways with an affordable but durable surface, amenity can be restored.

3. "The proposed would adversely affect road and pedestrian safety in that vehicles parking at 15 and 17 Brebner Crescent would likely need to manoeuvre over the driveways of the adjacent driveways, which could impede their access, as well as result in vehicles overhanging the footway. "

The size of the driveways would be made to conform with planning regulations. Driveways could be made 5 or 10m long as noted in "Supplementary Guidance: Transport and Accessibility". Although No 17 would have to manoeuvre over the end of driveway No 15 there is more than adequate view of vehicles or pedestrians from either left or right or straight ahead causing no safety issues. Vehicle drivers have a legal responsibility to drive safely in and out of any driveway, road, car park, etc and this situation would be no different.

Visibility is good in this corner area and whilst 17 and 19 will share an overlapping part of the driveway area as just noted, this can be safely accessed simply by following the normal rules of the road.

4. "The unusual shape and width of the driveway at 15 Brebner Crescent would very likely result in cars not parking perpendicularly to the footway."

The proposed driveways could be made any size required to meet the regulations. The driveways would be perpendicular to the footway(path) outside each garden. The path does curve round but outside each house the path is at right angles to the proposed driveways. Therefore this reason is not valid.

5. "The proposal would result in the loss of three on-street parking spaces to facilitate private parking provision, to the detriment of the public in the surrounding area."

No 31 recently had a driveway approved. It did not require planning application and therefore there was no consultation with the other residents. However, as a consequence the rest of the cul-de-sac lost three parking spaces.

If no 15 were to be given a driveway to match number 31, there would be another three parking spaces lost in the cul-de-sac. The approval of our four driveways in the cul-de-sac would take four vehicles off the cul-de-sac giving others two more spaces than currently.

The calculated loss of three spaces can also be disputed. The appellants consider that only two would be lost. However even with the assumption of a loss of three, there is a **net gain** of one space as four vehicles can be easily accommodated in the four driveways and

none of these would overhang the foot way. There is therefore a net gain not net detriment

6. "Notwithstanding every planning application is assessed on its own merits, the proposal would very likely set an unwelcome precedent for similar proposals in the area to remove public open spaces for private parking provision, which would significantly detract from the character and amenity of the surrounding area."

Using your own argument, please note comment in number 5 above and number 7 below. We are being treated differently from others in the same cul-de-sac. Applications should be considered on their own merit and to say no to one just incase someone else requests similar is not a fair reason for refusal.

Our proposal is specific to a top of cul de sac situation which is not particularly common in the Northfield area. It would enhance amenity by removing the significant informal parking on grassed areas which seriously detracts from the amenity of the area.

7. "Furthermore, it could set a precedent for parking arrangements in the area which are unsafe for pedestrians and road users."

There is no evidence or proof of how driveways would be unsafe for pedestrians and road users. There are already two driveways in the cul de sac. No 31 only recently been introduced. There would be no more issues to pedestrians and road users than currently exist with any driveway in any area.

The fact that some residents all living in the same cul de sac are being treated very differently is very discriminatory.

Precedents have already been established by driveways being established in nearby similar cul de sac areas. The point that these are long standing with little or no duplication shows there has been little or no precedent in the intervening years. Furthermore cul de sacs are not common in the area and little in the way of precedent for future driveways is likely.

Additional point from applicants:

T3 - charging of electric cars

There is no opportunity for people in the cul-de-sac without driveways to charge an electric car. As this is the way the world is moving in an effort to reduce the carbon, driveways would actually support this. Driveways can be made of materials that allows water drainage and the grass area could be kept with grasscrete or similar or have a suitable environmentally friendly surface to keep environmental impact to a minimum and keep the character of the area (in fact much improve the character of the area).

Applicants/Appellants:

No 15 - 21 Brebner Crescent
Northfield
Aberdeen

LOCAL REVIEW BODY

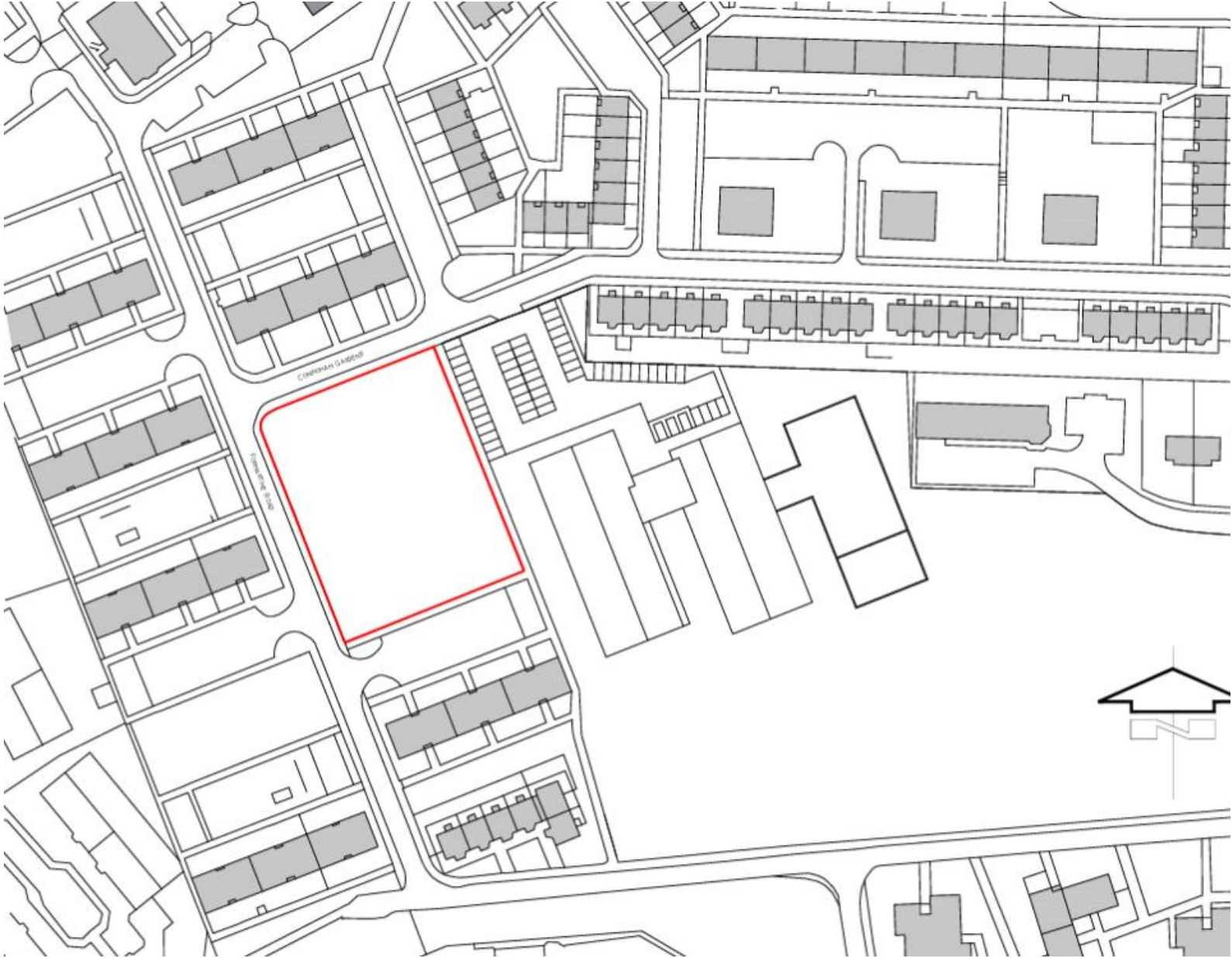


211056/DPP – Appeal against refusal of planning permission for:

Formation of community sport facilities with associated fencing and hard standing sports courts

Formartine Road / Coningham Gardens, Tillydrone
Aberdeen

Location Plan



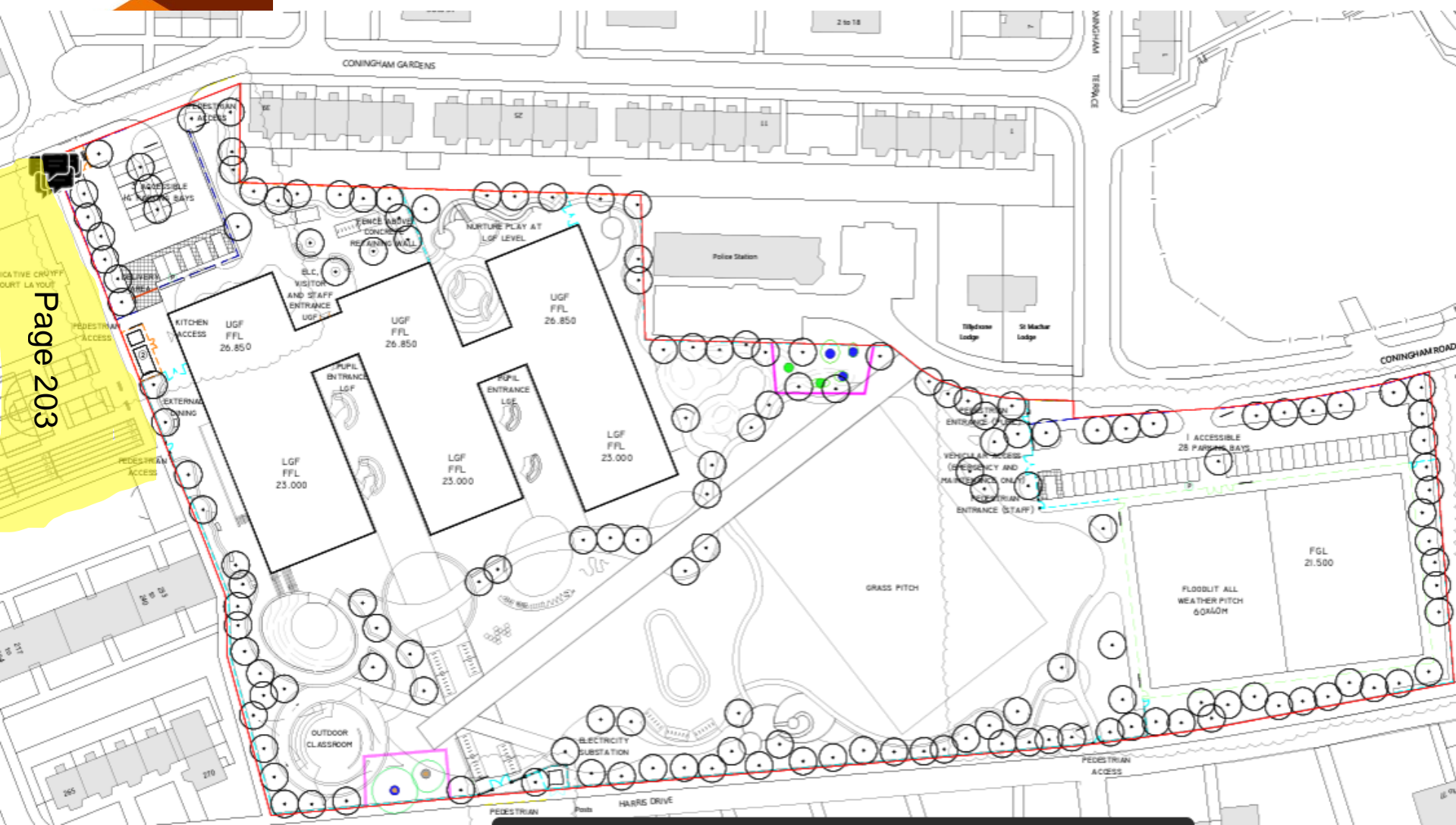
Aerial Photo: Location



Google 3D Image (2022)



Plans Approved for Primary School on site to east (Ref. 211511/DPP)



Block Plan: Proposed

For viewing please see structural column etc. See page 10 for maximum wind velocity

CRUYFF COURT NEALE COOPER

1500x1250mm
Court name to be confirmed
1 N.o

1500x1250mm
Court name to be confirmed
1 N.o

CRUYFF COURT NEALE COOPER

1500x1250mm
Court name to be confirmed
1 N.o

Page 204

1500x1250mm
Court name to be confirmed
1 N.o

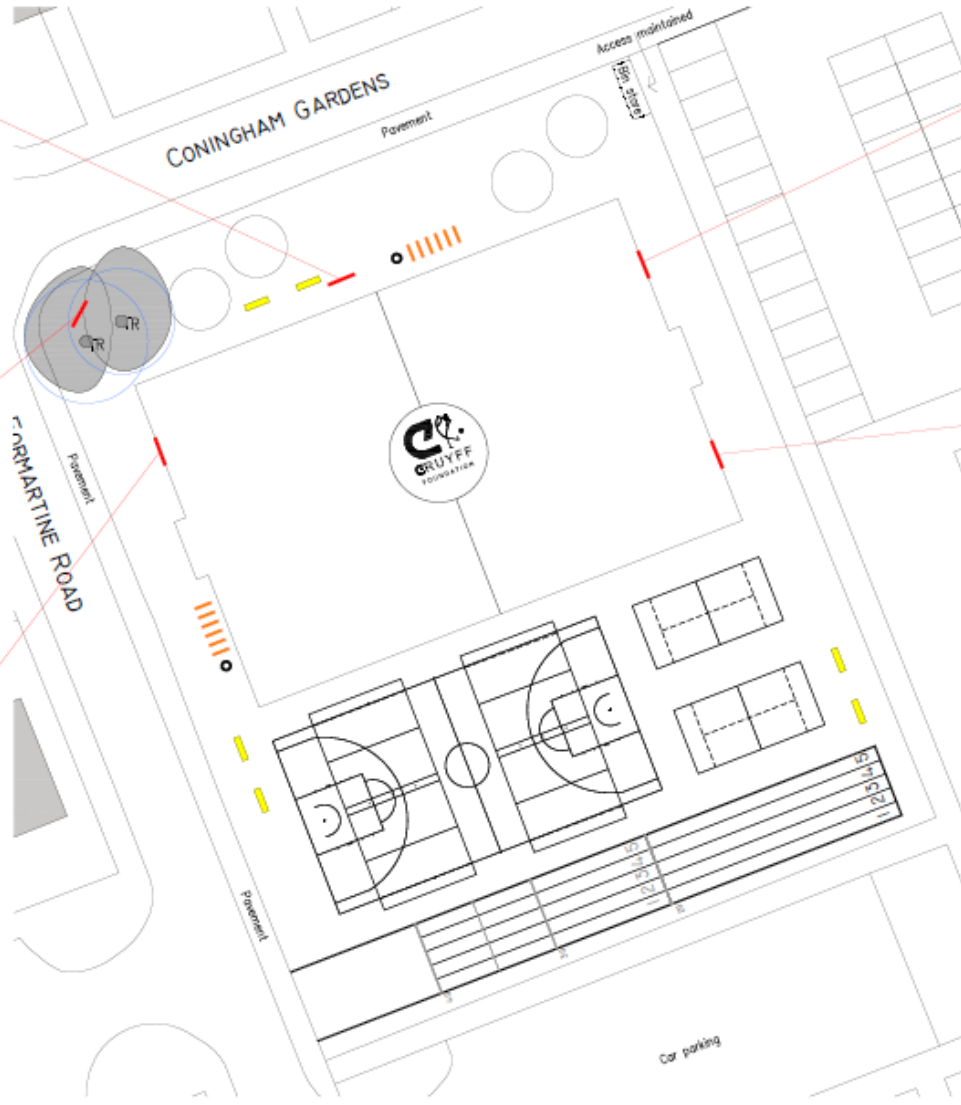
HOUSE GOALS

CRUYFF COURT NEALE COOPER

1. ...
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3. ...
4. ...
5. ...
6. ...
7. ...
8. ...
9. ...
10. ...

1500x1250mm
Court name to be confirmed
1 N.o

1500x1250mm
Court name to be confirmed
1 N.o



Proposed site layout
1.200

THE 14 RULES OF JOHAN CRUYFF

1. ...
2. ...
3. ...
4. ...
5. ...
6. ...
7. ...
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2400x1250mm
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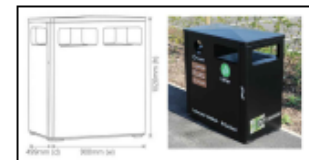
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THE 10 GOALS OF DENIS LAW

1. ...
2. ...
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1500x1250mm
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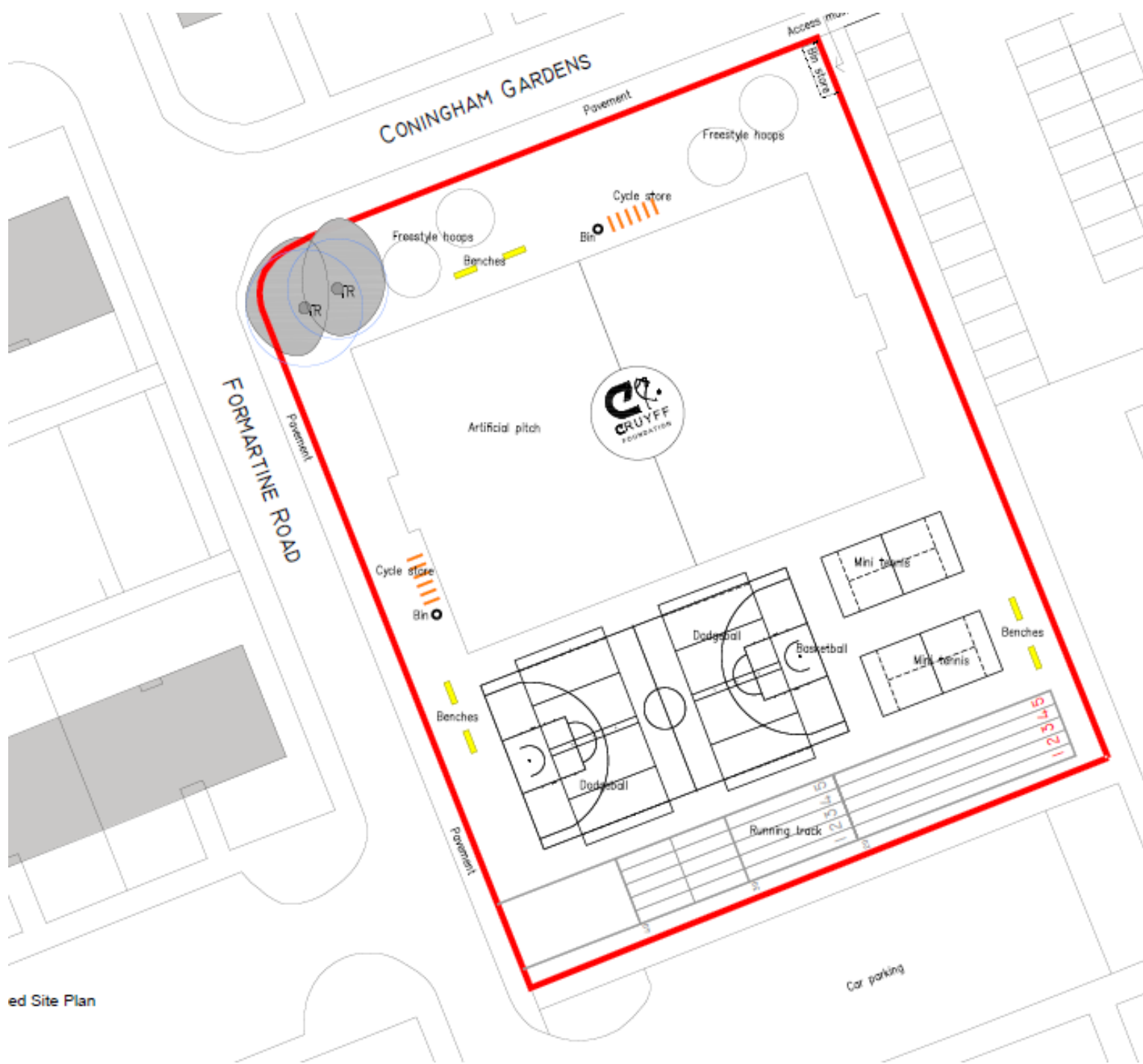
○ Bins



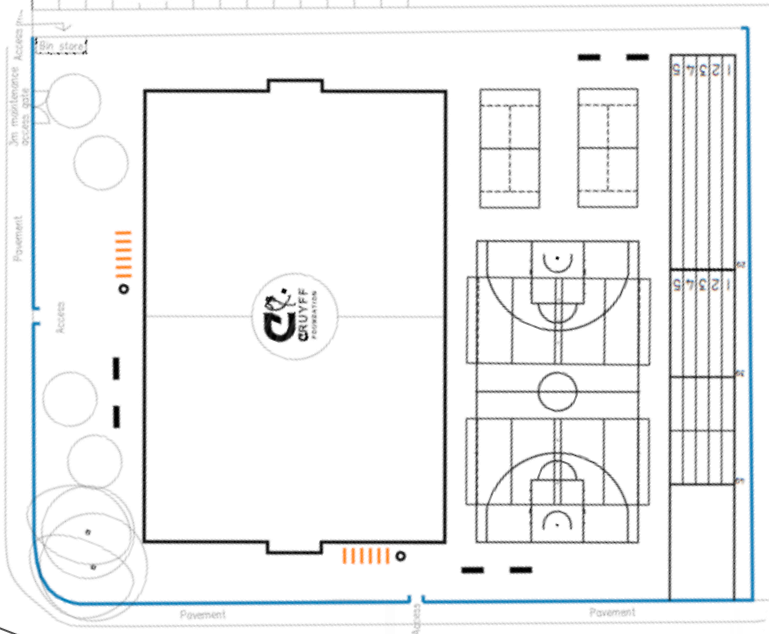
||||| Cycle stands



— Benches

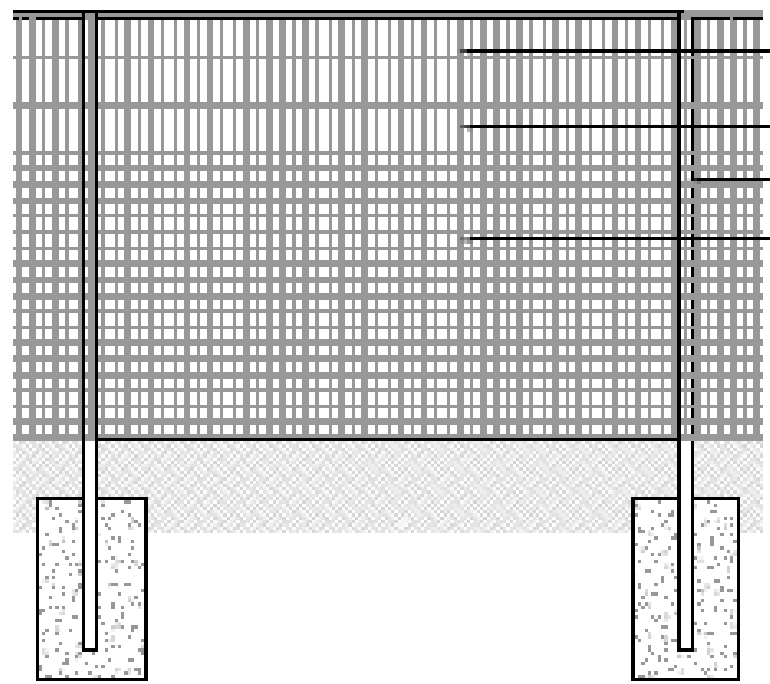
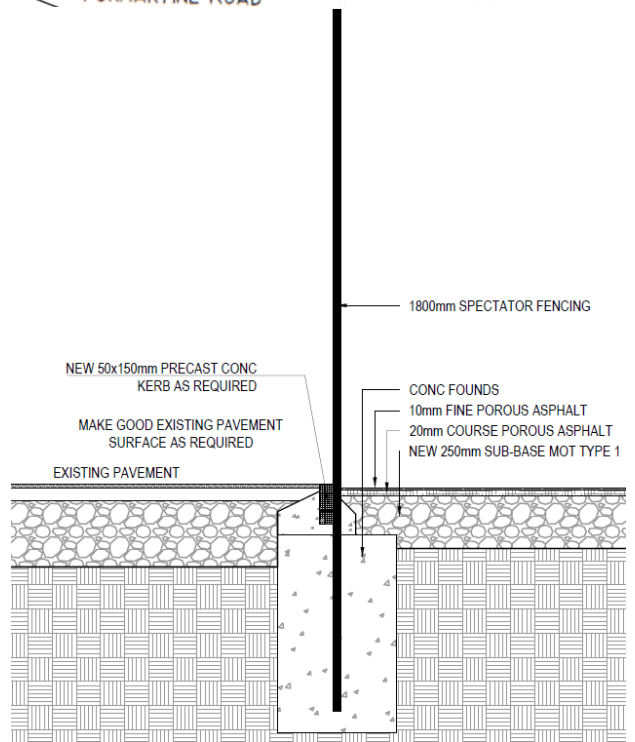


ed Site Plan



FORMARTINE ROAD

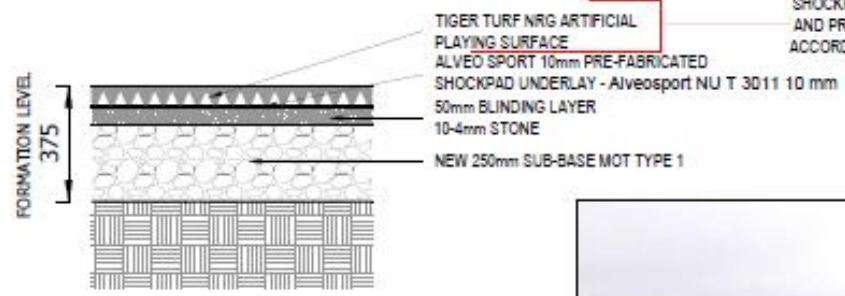
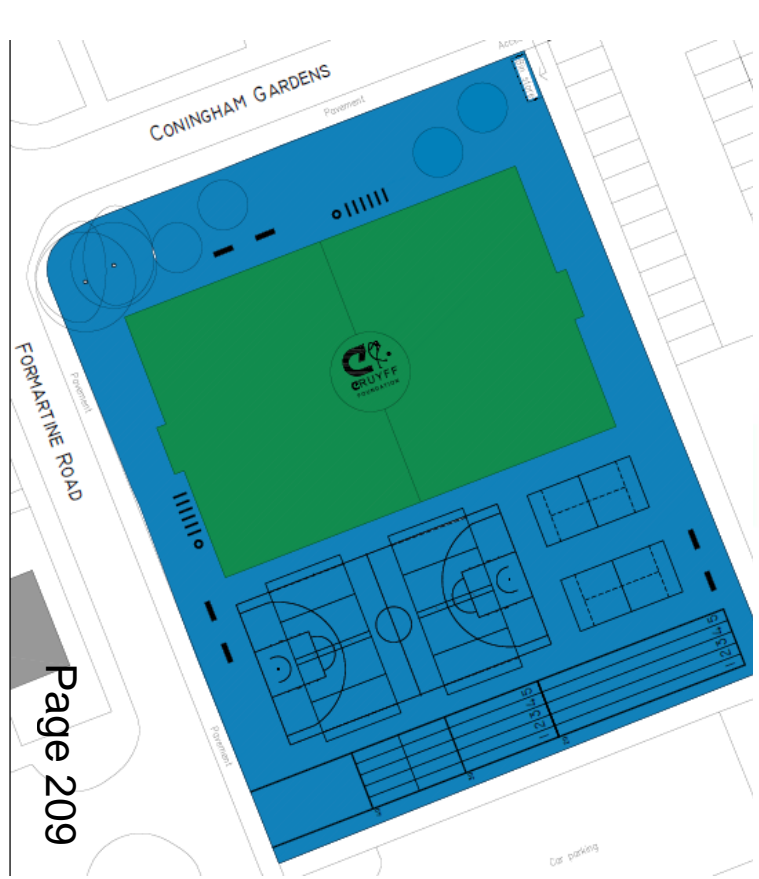
1800



- PANEL MESH IS 200 x 50mm
- COMPRISING TWO 8mm HORIZONTAL WIRES & A SINGLE 6mm VERTICAL WIRE
- BALL STOP FENCING PANELS SECURED TO POST AND LATERAL RAILS USING SLOTTED CLAMP BARS AND M8x30 CUP-SQ-RD BOLTS M8 SNAP-OFF ANTI-VANDLE NUTS.
- 80 x 40 x 3mm R.H.S. INTERMEDIATE POSTS
- 1.2M HIGH REBOUND PANEL MESH IS 50 X 50mm COMPRISING TWO 8mm HORIZONTAL WIRES & A SINGLE 6mm VERTICAL WIRE.
- FENCE & POST COLOUR TO BE RAL 5011 WITH 4 REBOUND PANELS ON THE LATERAL SIDES OF THE COURT TO BE RAL 2011 TO CREATE GOALS

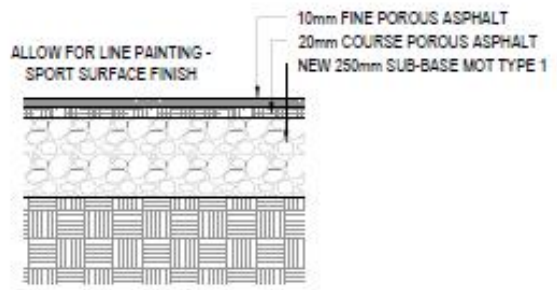
Existing Site - trees





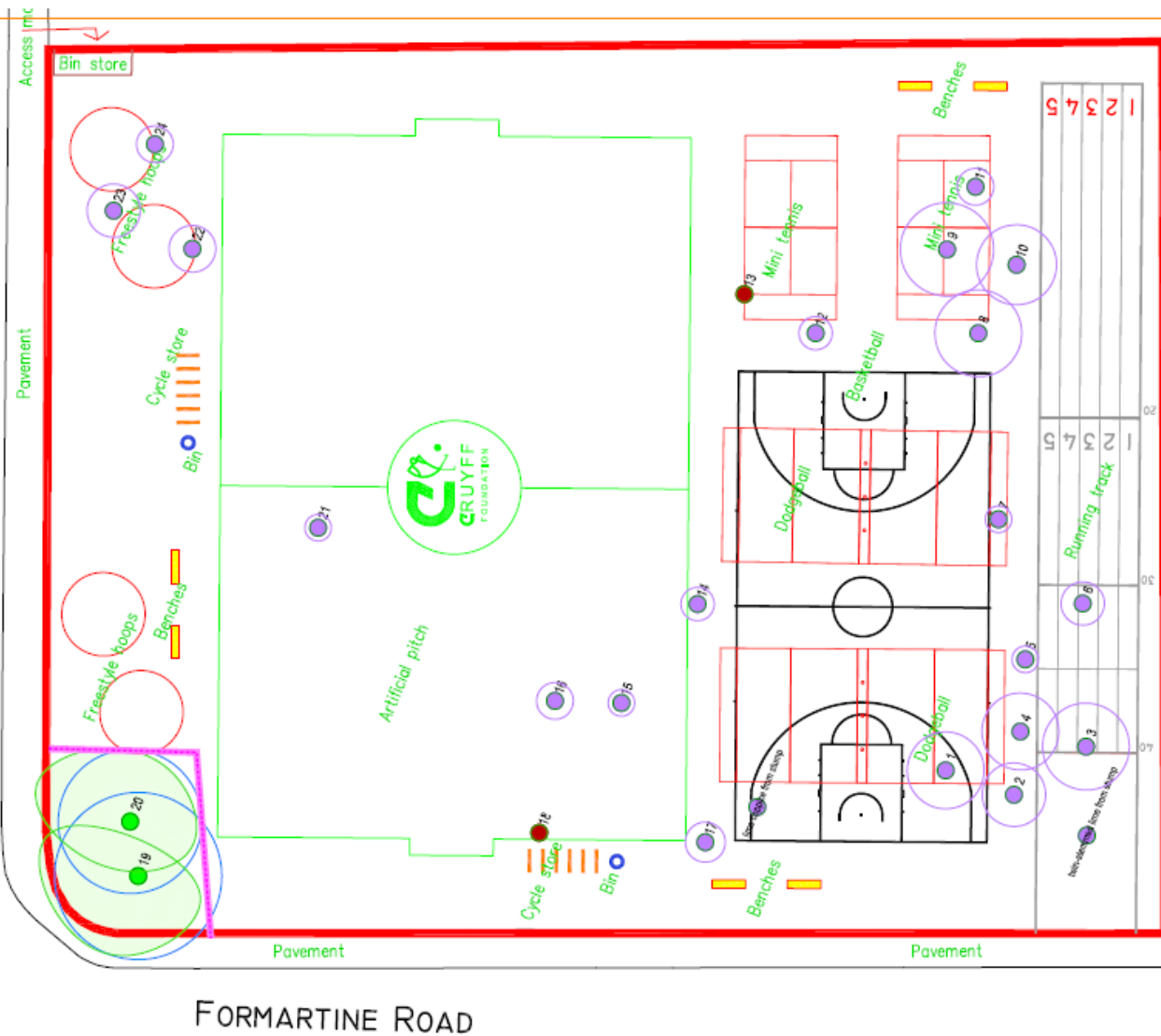
SHOCKPAD UNDERLAY, PRODUCT INSTALLATION AND PROVIDE SAND INFILL (INFILL AS REQUIRED ACCORDING TO MANUFACTURES SPECIFICATION

Artificial pitch detail 1.10










Hard standing sports area detail 1.10





Trees

	Trees to retain
	Fell for health and safety
	Fell for development
	Root protection area - trees to be felled
	Root protection area - trees to be retained
	Tree protection fencing
	Boundary

No	Species	Dia at 1.5m (cm)	Canopy Radius (m)				Height (m)	RPA (m)	Age	Class
			N	S	E	W				
1	Elm	19	2	1	1	2	5	2.3	S/M	C
2	Elm	16	1	2	1	1	4	1.9	S/M	C
3	Elm	22	2	3	2	2	5	2.6	S/M	B
4	Elm	19	2	2	2	2	5	2.3	S/M	C
5	Birch	7	1	1	2	1	3	0.8	S/M	B
6	Birch	11	1	1	2	1	4	1.3	S/M	C
7	Purple cherry	7	2	2	1	1	4	0.8	S/M	C
8	Norway maple	22	2	3	2	2	6	2.6	S/M	B
9	Populus tremula	23	2	3	3	2	7	2.8	S/M	C
10	Populus tremula	20	3	2	3	2	7	2.4	S/M	C
11	Populus tremula	9	1	1	1	1	4	1.1	M	B
12	Cot salicifolia floccosa	8	1	1	1	1	3	1.0	M	C
13	Cot salicifolia floccosa	6	1	1	1	1	3	0.7	M	U
14	Beech	8	2	1	1	1	3	1.0	Y	B
15	Beech	7	1	1	1	1	3	0.8	Y	B
16	Hawthorn	9	2	1	1	1	4	1.1	S/M	C
17	Rowan	10	2	1	2	1	4	1.2	S/M	C
18	Rowan	10	1	1	1	1	4	1.2	S/M	U
19	Norway maple	42	6	4	2	5	10	5.0	M	B
20	Norway maple	36	6	4	4	3	8	4.3	M	C



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Reasons for Refusal

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

1. That the proposed outdoor sports facility would adversely affect the character of the area by virtue of its scale and layout and would cause significant harm to the residential amenity of the area, contrary to Policies H1 (Residential Areas) and NE3 (Urban Green Space) of the Aberdeen Local Development Plan 2017 (ALDP).
2. That the proposed development would have a significant detrimental impact on the amenity of neighbouring residential properties in terms of noise emissions, contrary to Policy T5 (Noise) of the ALDP.

Applicant's Case for Review

- Proposal is a replacement for a previous community facility as part of another planning application
- Will satisfy local expectation for a new, free to use, high quality sports facility
- Tree survey (pre storms of 2021/2): 2 trees retained; of those to be removed 2no. Are Cat U (lowest quality), 12no. Cat. C – low quality or young and unremarkable; 10no. Cat B – moderate quality
- Proposal is of high quality design and materials, is visually appealing
- Locations for additional planting have been identified and could be considered by condition.
- Noise guidance is not representative of how the pitch would be used in practice. There would be some organised sessions and otherwise the use of the pitch would be no different to a city play park.
- In terms of policy NE3 – Urban Green Space – noted that change from existing green space to sports facility is acceptable in principle.
- Policy CF2 – new community facilities, Policy T3 – active travel- Policy NE6 – flooding and drainage- and Policy NE9 – access and informal recreation – as per report, proposals complies with these policies
- Design (D1) and trees (NE5) – additional planting proposed
- SPP and draft NPF4 supportive of type of facilities
- Alternative sites were considered and reasons given for this site being selected
- Tillydrone Locality Plan, LOIP and strategy for active Aberdeen

Relevant Planning History

160881/CLP – A Certificate of Lawful Proposed Development was issued in 2016 for the replacement of an existing hardcourt outdoor sports facility on Catherine Street with an astroturf ‘Cruyff Court’ multi-use games area (MUGA).

180834/DPP – Detailed planning permission was granted in 2018 for the erection of 34 residential flats on the site of a public sports facility (hardcourt football and basketball court), on land to the west of Harris Drive, approximately 150m to the south of the current application site. This is part of a larger development of 138 affordable flats on adjoining land to the east, under planning permission ref 161701/DPP. Planning permission 180834/DPP was granted subject to a legal agreement which includes a requirement for the applicant to pay a financial contribution of £209,000 to the Council, to be used towards the provision of a similar outdoor sports facility elsewhere in Tillydrone. Two potential sites for the alternative facility were identified as part of application 180834/DPP: The current application site and St Machar Park, adjacent to Tillydrone Avenue. The flats were completed in December 2021.

190980/DPP – Planning permission was granted in 2019 for the installation of a Cruyff Court multi-use games area (MUGA) on land to the east of Tullos Primary School. The Cruyff Court comprises a 42m x 28m astroturf football pitch, a hard-surfaced basketball court and mini tennis courts. The facility was constructed in 2019/20 and replaced a full-sized astroturf pitch.

Consultations

- Roads Team – No objection
- Environmental Health – Noise
- Community Council – No comment

Three Representations:

- Noise
- Hard surfacing
- Floodlights
- Loss of trees
- Alternative sites
- Parking needed
- Anti-social behaviour

H1: Residential Areas

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

NE3: Urban Green Space

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

CF2: New Community Facilities

Policy **CF2** - New Community Facilities

Proposals for new community facilities shall be supported, in principle, provided they are in locations convenient to the community they serve and are readily accessible, particularly to public transport, pedestrians and cyclists.

Recycling centres shall be located on easily accessible sites and shall not be detrimental to residential amenity.

In significant greenfield and brownfield developments, where a likely need is identified through the masterplanning process, sites shall be reserved for new community facilities.

Any new emergency services facilities must locate where they can meet statutory response time requirements. In examining potential locations there shall be a preference for sites within the existing built-up area or within identified future development areas where there is no detrimental impact on residential amenity and where good access for emergency vehicles is available to the primary road network. Joint developments with other agencies providing community facilities should be investigated. Opportunity sites are identified on the Proposals Map.

Proposals for private children's nurseries shall also be subject to Supplementary Guidance.

NE5: Trees and Woodlands

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

Policy NE6 (Flooding, Drainage and Water Quality)

Policy **NE6** - Flooding, Drainage and Water Quality

Development will not be permitted if:

- 1 It would increase the risk of flooding:
 - a) by reducing the ability of the functional flood plain to store and convey water;
 - b) through the discharge of additional surface water; or
 - c) by harming flood defences.
- 2 It would be at risk itself from flooding;
- 3 Adequate provision is not made for access to waterbodies for maintenance; or
- 4 It would require the construction of new or strengthened flood defences that would have a significantly damaging effect on the natural heritage interests within or adjacent to a watercourse.

Drainage Impact Assessment (DIA) will be required for new development proposals comprising 5 or more homes or 250 square metres non-residential floorspace. DIA will also be required for developments of any size that affect sensitive areas. DIA should detail how surface water and waste water will be managed. Surface water drainage associated with development must:

- 1 Be the most appropriate available in terms of SuDS; and
- 2 Avoid flooding and pollution both during and after construction.

Connection to the public sewer will be a pre-requisite of all development where this is not already provided. Private wastewater treatment systems in sewered areas will not be permitted. In areas not served by the public sewer, a private sewer treatment system for individual properties will be permitted provided that the developer demonstrates that there will be no adverse effects on the environment, amenity and public health.

D1: Quality Placemaking by Design

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

Proposals will be assessed against the following six essential qualities:

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

Policy D2 (Landscape)

Policy D2 - Landscape

Developments will have a strong landscape framework which improves and enhances the setting and visual impact of the development, unifies urban form, provides shelter, creates local identity and promotes biodiversity. In order to secure high quality development, planning applications for new development must include a landscape strategy and management plan incorporating hard and soft landscaping design specifications. The level of detail required will be appropriate to the scale of the development.

Quality development will

- be informed by the existing landscape character, topography and existing features to sustain local diversity and distinctiveness, including natural and built features such as existing boundary walls, hedges, copses and other features of interest;
- conserve, enhance or restore existing landscape features and should incorporate them into a spatial landscape design hierarchy that provides structure to the site layout;
- create new landscapes where none exist and where there are few existing features;
- protect and enhance important views of the City's townscape, landmarks and features when seen from busy and important publicly accessible vantage points such as roads, railways, recreation areas and pathways and particularly from the main city approaches;
- provide hard and soft landscape proposals that is appropriate to the scale and character of the overall development.

Further guidance can be found within the Supplementary Guidance and Technical Advice Notes listed in Appendix 5.

Policy T3 (Sustainable and Active Travel)

Policy T3 - Sustainable and Active Travel

New developments must be accessible by a range of transport modes, with an emphasis on active and sustainable transport, and the internal layout of developments must prioritise walking, cycling and public transport penetration. Links between residential, employment, recreation and other facilities must be protected or improved for non-motorised transport users, making it quick, convenient and safe for people to travel by walking and cycling.

Street layouts will reflect the principles of Designing Streets and meet the minimum distances to services as set out in the Supplementary Guidance.

Existing access rights, including core paths, rights of way and paths within the wider network will be protected and enhanced. Where development proposals impact on the access network, the principle of the access must be maintained at all times by the developer through provision of suitable alternative routes.

Recognising that there will still be instances in which people will require to travel by car, initiatives such as like car sharing, alternative fuel vehicles and Car Clubs will also be supported where appropriate.

- Emphasis on encouraging active and sustainable travel (e.g. walking, cycling, public transport)
- Need to protect existing links and form new ones where possible
- Scope to also encourage car sharing and low-emissions vehicles, with associated infrastructure

Policy T5 (Noise)

Policy T5 – Noise

In cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application.

There will be a presumption against noise generating developments, as identified by a NIA, being located close to noise sensitive developments, such as existing or proposed housing, while housing and other noise sensitive developments will not normally be permitted close to existing noisy land uses without suitable mitigation measures in place to reduce the impact of noise.

Development within or near to Candidate Noise Management Areas (CNMAs) and Candidate Quiet Areas (CQAs) will not be permitted where this is likely to contribute to a significant increase in exposure to noise or a deterioration of noise conditions in these areas, or where this will reduce the size of, or cause an increase in the noise level within, the CQA.

Further information on NIAs, CNMAs and CQAs, including maps of these areas, can be found in the relevant Supplementary Guidance which should be read in conjunction with this policy.

- Noise Impact Assessments central to consideration
- Presumption against noisy developments being located close to noise sensitive uses

Points for Consideration:

Zoning: Does the proposal comply with the tests set out in policy H1 (Residential Areas)?

Loss of trees and replacement planting

Design: Is the proposal of sufficient design quality (D1) - *having regard for factors such as scale, siting, footprint, proportions relative to original, materials, colour etc?*

Noise- findings of impact assessment


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

2. Are there any material considerations that outweigh the Development Plan in this instance?

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)

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 <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:	Formartine Road / Coningham Gardens, Tillydrone, Aberdeen, AB24 2RD
Application Description:	Formation of community sport facilities with associated fencing and hard standing sports courts
Application Ref:	211056/DPP
Application Type:	Detailed Planning Permission
Application Date:	22 July 2021
Applicant:	Aberdeen City Council
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Tillydrone
Case Officer:	Alex Ferguson

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a c. 3,500sqm (67m x 52m) rectangular area of public, green open space situated on the eastern side of Formartine Road and to the south of Coningham Gardens, in Tillydrone. The site is predominantly grassed and incorporates 24 trees of various species and sizes, including two large maple trees in the north-western corner. The site lies within a residential area of Tillydrone and is bound to the north, south and west by four-storey blocks of flats, all of which lie beyond the intervening road carriageways of Coningham Gardens (north), Formartine Road (west) and a residential car park to the south. A pedestrian footpath delineates the eastern boundary of the site, with the land beyond comprising the construction site of a new primary school.

Relevant Planning History

160881/CLP – A Certificate of Lawful Proposed Development was issued in 2016 for the replacement of an existing hardcourt outdoor sports facility on Catherine Street with an astroturf ‘Cruyff Court’ multi-use games area (MUGA).

180834/DPP – Detailed planning permission was granted in 2018 for the erection of 34 residential flats on the site of a public sports facility (hardcourt football and basketball court), on land to the west of Harris Drive, approximately 150m to the south of the current application site. This is part of a larger development of 138 affordable flats on adjoining land to the east, under planning permission ref 161701/DPP. Planning permission 180834/DPP was granted subject to a legal agreement which includes a requirement for the applicant to pay a financial contribution of £209,000 to the Council, to be used towards the provision of a similar outdoor sports facility

elsewhere in Tillydrone. Two potential sites for the alternative facility were identified as part of application 180834/DPP: The current application site and St Machar Park, adjacent to Tillydrone Avenue. The flats were completed in December 2021.

190980/DPP – Planning permission was granted in 2019 for the installation of a Cruyff Court multi-use games area (MUGA) on land to the east of Tullos Primary School. The Cruyff Court comprises a 42m x 28m astroturf football pitch, a hard-surfaced basketball court and mini tennis courts. The facility was constructed in 2019/20 and replaced a full-sized astroturf pitch.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the formation of a community outdoor sports facility on the existing area of green space, with associated fencing. The proposed facility would comprise the following:

- A green-coloured, 42m x 28m 'Cruyff Court' artificial pitch with football goals and associated perimeter ball-stop fencing (ranging between 1.1m and 4m in height);
- A basketball / dodgeball court, two mini-tennis courts, a 40m long running track and freestyle hoops, all to be formed on blue-coloured porous asphalt surrounding the artificial pitch;
- Multiple benches, cycle stands and bins; and
- 1.8m high metal mesh fencing along the facility's northern, southern and western boundaries.

The sports facilities would be open to the general public to use, the site would not be secured, and a booking system is not proposed to be implemented.

The facility is proposed as a replacement for the previously existing sports facility that was situated approximately 150m to the south of the application site but has now been replaced by residential flats (180834/DPP).

Amendments

None. A Noise Impact Assessment was submitted after the application was validated but the proposals have not been amended from the plans that were initially submitted. Reference was initially made in the application description to the provision of floodlighting but no information on the proposed floodlights has been provided, therefore that aspect of the proposals has been removed from the application description and no floodlighting is proposed.

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=QWN54QBZLXT00>

- Supporting Statement
- Tree Survey Report
- Tree Management Plan
- Drainage Assessment

- Noise Impact Assessment

CONSULTATIONS

ACC - Roads Development Management Team – No objection. The proposed facility would serve the surrounding community of Tillydrone and the site is well served in terms of sustainable travel. The facility would predominantly serve the local community and would be easily accessible via active travel modes, with cycle parking proposed to be provided. As such, the absence of any associated car parking is accepted.

ACC - Environmental Health – Object. The applicant has submitted a Noise Impact Assessment (NIA) which has been reviewed by the Environmental Health Service. The proposed sports facility would be located in close proximity to residential properties on three sides in an area with low daytime and evening background noise levels, with an ‘open all hours’ access policy and with no noise mitigation proposed. The NIA finds that the proposed facility would result in likely exceedances of the relevant noise standard (50dB measured at 1m from a residential building façade) of between 4dB and 10dB (i.e. 54 and 60 dB LAeq 1 hour). A 10 dB increase is perceived by the human ear as a doubling in loudness. Those properties experiencing the 60 dB level are therefore likely to be exposed to noise levels perceived as twice as loud as the maximum noise level limit (as set out in Sport England Design Guidance Note, Artificial Grass Pitch (AGP) - Acoustics – Planning Implications).

Even with the proposed mitigation (noise barriers) noted in the NIA, the Environmental Health service is unable to support the proposals (Option 1 in the NIA) and objects to the proposal. This is because there would still be significant exceedances of the relevant noise standard and likely background noise levels at significant numbers of sensitive receptors, coupled with the possible times these exceedances could occur and the resultant likelihood of significant disturbance, complaint and resultant Statutory Nuisance investigation.

A floodlighting assessment was initially requested by the Environmental Health service, because the application description noted the proposed incorporation of floodlighting. However, no floodlighting is shown on the proposed plans and no floodlighting assessment has been submitted, therefore the application has been assessed on the basis of no floodlighting provision and no floodlighting assessment is required.

Tillydrone Community Council – No comments received.

REPRESENTATIONS

3 representations have been received. The matters raised can be summarised as follows –

- The noise of participants and balls striking perimeter fencing will reverberate through the residential area, to the detriment of amenity;
- There would be an excessive amount of hard-standing created, resulting in the loss of green open space and harming the character of the area;
- The proposed floodlights will be too bright and will probably be on all hours of the day and night;
- Why can't the facility be placed further to the east on the waste ground where the lad's club used to be?;
- All of the trees should be retained;
- The existing trees in the northwestern and southwestern corners of the site should be retained;

- Parking will be an issue, with more cars likely to come into the area to use the facility, which would exacerbate an existing shortage of parking spaces for residents;
- The site should be used to provide additional car parking for residents instead; and
- Kids will abuse the facility.

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 (SPP)

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 –

- CF2: New Community Facilities
- D1: Quality Placemaking by Design
- D2: Landscape
- H1: Residential Areas
- NE3: Urban Green Space
- NE5: Trees and Woodland

- NE6: Flooding, Drainage & Water Quality
- NE9: Access and Informal Recreation
- T3: Sustainable and Active Travel
- T5: Noise

Supplementary Guidance and Technical Advice Notes

- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Noise
- Trees and Woodlands

Proposed Aberdeen Local Development Plan (2020)

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

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

The foregoing can only be assessed on a case-by-case basis. The following policies of the PALDP are relevant to the assessment of this application:

- CF2 (New Community Facilities)
- D1 (Quality Placemaking)
- D4 (Landscape)
- H1 (Residential Areas)
- NE2 (Green and Blue Infrastructure)
- NE4 (Our Water Environment)
- NE5 (Trees and Woodland)
- T2 (Sustainable Transport)
- WB1 (Health Developments)
- WB3 (Noise)

Other Material Considerations

- Sport England – Artificial Grass Pitch Acoustics – Planning Implications

EVALUATION

Planning background / requirement for the facility

This outdoor sports facility proposed in this application is a direct result of a planning obligation

attached to planning permission 180834/DPP, for the erection of 34 residential flats on the site of a public sports facility (hardcourt football and basketball court), on land to the west of Harris Drive, approximately 150m to the south of the current application site.

Planning permission was granted subject to a legal agreement which included a requirement for the applicant to pay a financial contribution of £209,000 to the Council, to be used towards the provision of a similar outdoor sports facility elsewhere in Tillydrone. Two potential sites for the alternative facility were identified as part of application 180834/DPP: The current application site and St Machar Park, adjacent to Tillydrone Avenue. The flats were completed in December 2021 and the applicant (the Council) has chosen the site at Formartine Road as the most appropriate location for the replacement outdoor sports facility. Two other sites elsewhere in Tillydrone (Montgomery Road & the Tillydrone Community Centre) were ruled out following discussions with the local community, project personnel and with consideration for the Cruyff Court selection criteria

Principle of Development

Policies H1 (Residential Areas) & T5 (Noise)

The site is located within a residential area, as zoned in the ALDP. As such, Policy H1 (Residential Areas) of the ALDP applies. Policy H1 states:

'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'*

Over development

The term 'over development' is not defined in the ALDP or in any supplementary guidance but it is generally applied in relation to Policy H1 to house extensions that would more than double the footprint of an existing dwelling, or cover more than 50% of either the front or rear curtilage of a dwelling, or in respect of the splitting of a residential feu. The term is not particularly relevant in the context of the proposed sports facility and the proposals are thus not considered to constitute over development.

Impact on the character and amenity of the surrounding area

The surrounding area is predominantly residential and is generally characterised by four-storey blocks of tenement flats, interspersed with some areas of green space such as the application site, which forms the largest such space in the immediate area. The application site is grassed and incorporates a number of trees (24), some of which are well-established. The existing area of open space and the trees within it make a positive contribution towards the character of the area.

The proposed development of the area of open space to provide a public outdoor sports facility would see the entire area of grass and the vast majority of the existing trees removed and replaced with an artificial pitch, a large amount of hard-standing, associated boundary and ball-stop fencing and infrastructure. The Planning Service considers that the proposed works would cause some harm to the character of the area by virtue of the replacement of the existing natural soft-landscaped area with hard surfacing and ancillary items of a utilitarian design.

In terms of the impact of the facility on the amenity of the area, Policy T5 (Noise) of the ALDP notes that:

'In cases where significant exposure to noise is likely to arise from development, a Noise Impact Assessment (NIA) will be required as part of a planning application.'

'There will be a presumption against noise generating developments, as identified by a NIA, being located close to noise sensitive developments, such as existing or proposed housing, while housing and other noise sensitive developments will not normally be permitted close to existing noisy land uses without suitable mitigation measures in place to reduce the impact of noise.'

The applicant has submitted a Noise Impact Assessment which concludes that noise emissions from the proposed sports facility would have a significant adverse impact on the amenity of numerous residential properties adjacent to the site, to the north, south and west (no's 73-104, 145-152 & 217-240 Formartine Road).

Sports England's guidance note: 'Artificial Grass Pitch Acoustics – Planning Implications, 2015' recommends a maximum predicted sound level of 50dB LAeq,1h, measured at 1m from any nearby residential external building façades. The NIA estimates that the proposed facility would result in noise emissions in excess of that level (up to 60dB) at the façades of all of the aforementioned nearby flats, primarily from a combination of participant noise (shouting) and ball-strikes against fencing and the hardstanding.

The Council's Environmental Health Service accept the findings of the applicant's NIA and consider that the proposed development would have a significant adverse impact on the amenity of multiple residential properties in terms of noise emissions. The public nature of the proposed Cruyff Court facility is such that there would be no closing time, as there would be for a commercial facility of a similar type, thus the opening hours cannot be controlled and the impact on residential amenity from noise emissions could continue into the more sensitive late evening hours, particularly in the summer months when the facility would expect to be used more regularly. Furthermore, it has been evidenced in recent Noise Impact Assessments carried out for other developments in the surrounding area that the residential area has relatively low levels of background noise at present, both during the day and in the evening. As a result, the new noise produced by the proposed development would likely dominate the soundscape of the area.

The NIA notes that even with the implementation of mitigation measures (the erection of a 2.5m high close-boarded noise-barrier timber fence along the northern, western and southern boundaries), there would only be a slight reduction in the noise emissions at the façades of the affected residential buildings (mostly only at low levels i.e. ground floor properties) and the facility would still have a significant adverse impact on amenity. Although the NIA also recommends the implementation of an alternative, reduced scheme comprising a smaller synthetic pitch (with no associated basketball courts etc) with acoustic barrier fencing could achieve acceptable levels of noise at the façades of the nearby buildings, the applicant has chosen to neither reduce the size of the facility proposed, nor to implement any acoustic fencing for the proposed scheme (noted as Option 1 in the NIA).

As such, the Planning and Environmental Health Services both consider that the proposed development would, as per the applicant's NIA, have a significant detrimental impact on the amenity of many neighbouring properties in terms of noise.

As no floodlighting is proposed through this application, there would be no adverse impact on the amenity of any neighbouring properties in terms of artificial light spillage, nor would the proposed

facility result in a loss of daylight or sunlight receipt to any neighbouring properties.

Open Space

The application site is not listed in the Aberdeen Open Space Audit 2010. Nevertheless, it is considered to be a valuable area of open space that serves the immediately surrounding residential community and contributes to the amenity of Tillydrone.

Supplementary Guidance

The Council does not have any supplementary guidance particularly relevant to the proposal.

Proposals for non-residential uses

Policy H1 further notes that:

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.*

Although it is envisaged that the proposed facility would be used by the residents of the surrounding community, it is considered that the development would not be complementary to residential use due to the aforementioned likely noise emissions that would cause conflict with the enjoyment of existing residential amenity.

Policy H1 & T5 conclusion

To summarise, the Planning Service considers that the proposed facility would cause some harm to the character of the area, would result in the loss of a valuable area of open space and would cause significant harm to the amenity of multiple existing nearby residential properties in terms of noise emissions. The proposed development is therefore contrary to both Policies H1 (Residential Areas) and T5 (Noise) of the 2017 ALDP.

Policy NE3 (Urban Green Space)

The application site is not specifically identified as an area of urban green space on the 2017 ALDP Proposals Map but it is covered by Policy NE3 (Urban Green Space) which states that:

'Permission will not be granted to redevelop any parks, playing fields, sports pitches, woods, allotments or all other areas of urban green space (including smaller spaces not identified on the Proposals Map) for any use other than recreation and sport.'

The proposed development comprises a public outdoor sports facility and it is thus acceptable, in principle, in accordance with the above paragraph of Policy NE3. However, Policy NE3 further notes:

In all cases, development will only be acceptable provided that:

- 1. There is no significant loss to the landscape character and amenity of the site and adjoining area;*

Response: The proposed development would replace a 3,500sqm area of green, public open space and trees with hardstanding, an artificial pitch and associated structures including fencing. The vast majority (22) of the 24 existing trees on the site would be felled in order to facilitate the formation of the new facility. The proposed works would cause some harm to the character of the area by virtue of the replacement of the existing natural soft-landscaped area with hard surfacing and ancillary items of a utilitarian design. As set out above, the proposed works would cause harm to the amenity of the surrounding residential area, due to the noise emissions from the proposed new facility.

2. *Public access is either maintained or enhanced;*

Response: The new facility would be open to the public at all times, thus public access would be maintained.

3. *The site is of no significant wildlife or heritage value;*

Response: The site is largely grassed and is no significant wildlife or heritage value.

4. *There is no loss of established or mature trees;*

Response: There are 24 trees on the site at present, 22 of which would be felled in order to facilitate the development. However, most of the trees are relatively young and the two most established trees (two Norway Maples in the north-western corner of the site) would be retained.

5. *Replacement green space of similar or better quality is located in or immediately adjacent to the same community, providing similar or improved health benefits to the replaced area and is accessible to that community, taking into account public transport, walking and cycling networks and barriers such as major roads.*

Response: No replacement green space is proposed elsewhere in the community but the proposed development would be a public sports facility that would provide similar or enhanced benefits to the community, due to the additional sports facilities provided and the all-weather nature of the surfaces.

6. *They do not impact detrimentally on lochs, ponds, watercourses or wetlands in the vicinity of the development; and*

Response: This criterion is not relevant to the proposal.

7. *Proposals to develop outdoor sports facilities, including playing fields and sports pitches should also be consistent with the terms of Scottish Planning Policy.*

Response: This criterion is not relevant to the proposal, which proposes to develop a new outdoor sports facility, rather than redeveloping an existing one for an alternative purpose.

Policy NE3 summary

To summarise, although the principle of the redevelopment of the existing area of urban green space for a public outdoor sports facility is acceptable, the proposed development would cause harm to the character of the area and significant harm to the amenity of the area, therefore the proposals are contrary to Policy NE3.

Policy CF2 (New Community Facilities)

Policy CF2 states that: *'Proposals for new community facilities shall be supported, in principle, provided they are in locations convenient to the community they serve and are readily accessible, particularly to public transport, pedestrians and cyclists.'*

There is no definition as to what constitutes a community facility in the ALDP, although Policy CF1 (Existing Community Sites and Facilities) generally refers to healthcare and education facilities, rather than sports facilities, therefore it is considered that Policy CF2 is of limited relevance to this application. Nevertheless, the proposed development would constitute a facility for use by the local community and it would be situated in an accessible location within the heart of the community, in accordance with the aims of Policy CF2.

Policy NE9 (Access and Informal Recreation)

Policy NE9 states: *'New development should not compromise the integrity of existing or potential recreational opportunities including general access rights to land and water, Core Paths, other paths and rights of way... Wherever possible, developments should include new or improved provision for public access, permeability and/or links to green space for recreation and active travel.'*

The proposed outdoor sports facility would be accessible to the public at all times and would not compromise existing access rights. The proposals are thus compliant with Policy NE9.

Design & Impact on the landscape

Policy D1 (Quality Placemaking by Design) requires all development to ensure high standards of design whilst Policy D2 (Landscape) states that: *'developments will have a strong landscape framework which improves and enhances the setting and visual impact of the development, unifies urban form, provides shelter, creates local identity and promotes biodiversity.'*

The proposed development would see an artificial grass pitch installed and surrounded by a significant amount of hard-standing and ancillary ball-stop and boundary fencing. The fencing would be of a mesh design allowing some transparency and reducing its massing, but it would nevertheless cause some harm to the visual amenity of the area compared with the existing open soft-landscaped area of grassed open space. The installation of 1.8m high fencing along the northern, southern and western boundaries, hard up against the adjacent public pavements, would partially enclose the existing space and make it less welcoming for those not using the new facility. Additionally, 4m high ball-stop fencing would be erected behind each of the goals on the artificial pitch, which would represent significant new structures within the streetscape.

The development of the existing area of natural open space, including the loss of multiple trees, for a sports facility comprised predominantly of hard-standing with artificial grass and associated metal fencing of a utilitarian design, would cause some harm to the visual character of the area and the proposals therefore have some conflict with the aims of Policies D1 and D2. A reduced, revised proposal may resolve the tension with these policies.

Policy NE5 (Trees & Woodland)

Policy NE5 states a presumption against all activities and development that will result in the loss of, or damage to, trees that contribute to nature conservation, landscape character or local amenity. It further notes that appropriate measures should be taken for the protection and long-term management of existing trees both during and after construction.

The applicant has submitted a Tree Survey which identifies 24 trees on the site at present, comprising a mix of species and sizes. Two Norway Maple trees in the north-western corner of the site are the most established and visually prominent trees on the site, with heights of 8m and 10m respectively. These two trees contribute significantly towards the visual amenity and landscape character of the area and are proposed to be retained.

The remaining trees on the site are less well-established, appearing (from archive images) to have been planted in approximately 2008, and thus contribute less towards the visual amenity of the area than the two Norway Maple trees. Nevertheless, they do contribute towards the visual amenity and their loss is undesirable. The proposals are therefore considered to result in a tension with the requirements of Policy NE5.

Policy NE6 (Flooding, Drainage & Water Quality)

Policy NE6 states that development will not be permitted if it would increase the risk of flooding or it would itself be at risk of flooding. A Drainage Impact Assessment submitted by the applicant proposes that the facility would incorporate an underground cellular storage attenuation tank which would collect surface water (via the permeable surfaces and three drainage channels). The water would then discharge from the underground tank at a restricted rate via gravity drains and a stone filter trench within the adjacent site (the new Primary School currently under construction). The drainage would then discharge to the existing culvert. The proposed method for draining the new facility is acceptable and the Planning Service is satisfied that the facility would not increase the risk of flooding, nor be at risk of flooding itself, in accordance with Policy NE6.

Policy T3 (Sustainable and Active Travel)

Policy T3 requires new developments to be accessible by a range of transport modes, with an emphasis on active and sustainable transport. The proposed facility would be situated at the heart of a residential community and it is anticipated that the vast majority of participants using the facility would likely access it either on foot or by bicycle, particularly as the typical users of such facilities are children. No dedicated car parking is proposed and this is considered to be acceptable, given the accessible nature of the site. Cycle parking would be provided within the area which would encourage the use of bicycles to access the site. The Council's Roads Development Management team do not object to the application and the proposals are considered to comply with Policy T3.

Development Plan Summary

To summarise the assessment of the proposals against the 2017 ALDP, the Planning Service considers that although the proposed development complies with several policies (CF2, NE6, NE9 & T3) and the development of an outdoor sports facility on the site is acceptable in principle (in accordance with Policy NE3), the proposed facility either conflicts with, or is contrary to, several other policies of the ALDP.

The proposed development would cause significant harm to the amenity of multiple existing residential properties situated in close proximity to the site, due to excessive noise emissions, contrary to Policies H1, T5 and NE3.

The works as proposed would also cause some harm to the character, visual amenity, landscape character of the area and loss of trees, resulting in a tension with Policies H1, NE3, D1, D2 and NE5.

As such, overall the proposal is considered to be contrary to the adopted Local Development Plan. However, it is necessary to consider all other relevant material considerations and to assess whether any such considerations would be of sufficient weight to allow the application to be approved, despite the conflict with the aforementioned policies of the ALDP.

Other Material Considerations

Scottish Planning Policy

Scottish Planning Policy is generally supportive of outdoor sports facilities and in particular the protection of existing facilities. The provision of new facilities is also encouraged and Paragraph 226 notes that where an outdoor sports facility would be lost, it shall: *'be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area.'*

Requirement for the facility & assessment of alternative locations / solutions

The Planning Service acknowledges that the sports facility is proposed as a result of a planning obligation attached to permission 180834/DPP to develop a previously existing sports facility nearby for housing. The report for that permission notes that a financial contribution was payable towards the provision of a replacement facility, available to the public without charge or any onerous restrictions on use, elsewhere in Tillydrone. The report identified two possible suitable sites in Tillydrone – one being the current application site and one being St Machar Park, 400m to the south-east.

The necessity for the provision of a replacement sports facility is therefore understood and accepted – and is considered to be a material consideration of significant weight. The Planning Service acknowledges that there are limited alternative sites in the Tillydrone area where such a facility could be placed, although the applicant's supporting statement does not mention whether or not the St Machar Park site would be a feasible alternative.

Nevertheless, the Planning Service considers that the principle of a replacement outdoor sports facility on the application site is acceptable. The predominant issues with the current proposal, however, are the excessive scale of the facility and the impact that it would have on the character and amenity of the area. The Planning Service considers that the provision of a smaller artificial pitch, on part of the application site and with adequate noise mitigation (acoustic barriers) similar to Option 4 in the recommendations of the applicant's NIA, could, in all likelihood, be supported. Such a solution would provide a satisfactory replacement facility for the community (meeting the requirements of 180834/DPP) whilst retaining an element of green space, retaining a significant amount of existing trees and also reducing the noise levels at the façades of the nearby residential buildings to an acceptable level.

It is thus considered that although the provision of an outdoor sports facility on part of the application site could likely be supported, the current proposal to develop the entire area would cause harm to the character and amenity of the area and although the provision of a replacement facility in the community is a material consideration of some weight, it is considered not to be of sufficient weight to outweigh the adverse impacts of the proposal that are contrary to the aforementioned policies of the ALDP.

Matters raised in representations

The majority of the matters raised in representations have been addressed in the foregoing evaluation. The remainder of the matters can be addressed as follows:

- *The proposed floodlights will be too bright and will probably be on all hours of the day and night*

Although originally noted in the application description, no floodlighting is shown on the proposed plans.

- *Why can't the facility be placed further to the east on the waste ground where the lad's club used to be?*

All land to the east, between the site and Tillydrone Avenue, is earmarked for development and planning permission has been granted for a new school and housing on the land to the east. There is no space for the proposed facility on land between the site and Tillydrone Avenue.

- *The site should be used to provide additional car parking for residents instead*

The only matter to be considered in the assessment of this application is the proposed development, not any possible alternative proposals for the site.

- *Kids will abuse the facility*

The potential for vandalism and/or anti-social behaviour to arise as a result of the proposed development is speculative and nevertheless any such behaviour would be dealt with under separate legislation and is not a material planning consideration.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the majority of relevant policies in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those noted above in the adopted Local Development Plan and the proposal is unacceptable in terms of both Plans for the reasons previously given.

Policy WB1 (Healthy Developments) is a new policy in the PALDP with no equivalent in the ALDP. It states that: '*Developments are required to provide healthy environments, reduce environmental stresses, facilitate physical activity and promote physical and mental wellbeing.*'

The proposed outdoor sports facility would undoubtedly facilitate physical activity and in this regard it is compliant with the aims of Policy WB1, although the impact of noise emissions from the facility on existing residents could increase environmental stresses – therefore there is also some conflict with Policy WB1.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

1. That the proposed outdoor sports facility would adversely affect the character of the area by

virtue of its scale and layout and would cause significant harm to the residential amenity of the area, contrary to Policies H1 (Residential Areas) and NE3 (Urban Green Space) of the Aberdeen Local Development Plan 2017 (ALDP).

2. That the proposed development would have a significant detrimental impact on the amenity of neighbouring residential properties in terms of noise emissions, contrary to Policy T5 (Noise) of the ALDP.



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100447485-001

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)

Proposed formation of Cruyff Court (MUGA) with associated floodlighting and hard standing sports courts

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:	Aberdeen City Council		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Scott	Building Name:	Marischal College
Last Name: *	Whitelaw	Building Number:	<input type="text"/>
Telephone Number: *	01224 346257	Address 1 (Street): *	Marischal College
Extension Number:	<input type="text"/>	Address 2:	Broad Street
Mobile Number:	<input type="text"/>	Town/City: *	Aberdeen
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	AB10 1AB
Email Address: *	swhitelaw@aberdeencity.gov.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	Marischal College
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	Marischal College
Company/Organisation	Aberdeen City Council	Address 2:	<input type="text"/>
Telephone Number: *	01224346257	Town/City: *	Aberdeen
Extension Number:	<input type="text"/>	Country: *	United Kingdom
Mobile Number:	<input type="text"/>	Postcode: *	AB10 1AB
Fax Number:	<input type="text"/>		
Email Address: *	swhitelaw@aberdeencity.gov.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Formartine Road / Conningham Gardens
Tillydrone
Aberdeen
AB24 2RD

Northing

808840

Easting

393166

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Pre application enquiry response received from ACC Planning dated 7 May 2020. Ref 200346/PREAPP

Title:

Mr

Other title:

First Name:

Alex

Last Name:

Ferguson

Correspondence Reference
Number:

200346/PREAPP

Date (dd/mm/yyyy):

07/05/2020

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

Site Area

Please state the site area:

3500.00

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)

Soft landscaped public open space

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?

0

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)? *

0

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

Water Supply and Drainage Arrangements

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

Yes No

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

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

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

Yes No

Note:-

Please include details of SUDS arrangements on your plans

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

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

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

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

Assessment of Flood Risk

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

Yes No Don't Know

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

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

Yes No Don't Know

Trees

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

Yes No

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

Waste Storage and Collection

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

Yes No

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

N/A

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Scott Whitelaw

On behalf of: Aberdeen City Council

Date: 22/07/2021

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 Scott Whitelaw

Declaration Date: 22/07/2021

Payment Details

Departmental Charge Code: tbc

Created: 22/07/2021 10:20

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Scott Whitelaw
Aberdeen City Council
Marischal College
Broad Street
Aberdeen
AB10 1AB

on behalf of **Aberdeen City Council**

With reference to your application validly received on 22 July 2021 for the following development:-

Formation of community sport facilities with associated fencing and hard standing sports courts

at **Formartine Road / Conningham Gardens, Tillydrone**

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
8182 - AA(00)01	Location Plan
8182 - AA(00)02	Site Layout (Proposed)
8182 - AA(00)03	Other Drawing or Plan
8182 - AA(00)04	Other Elevation (Proposed)
8182 - AA(00)05	Other Floor Plan (Proposed)
8182 - AA(00)06	Multiple Elevations (Proposed)
8182 - AA(00)07	Other Elevation (Proposed)
137392 - DA01	Drainage Assessment
TCC-2010-TP-A	Site Layout (Landscaping)

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

None.

REASONS FOR DECISION

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

1. That the proposed outdoor sports facility would adversely affect the character of the area by virtue of its scale and layout and would cause significant harm to the residential amenity of the area, contrary to Policies H1 (Residential Areas) and NE3 (Urban Green Space) of the Aberdeen Local Development Plan 2017 (ALDP).
2. That the proposed development would have a significant detrimental impact on the amenity of neighbouring residential properties in terms of noise emissions, contrary to Policy T5 (Noise) of the ALDP.

Date of Signing 11 March 2022

A handwritten signature in black ink that reads "Daniel Lewis". The signature is written in a cursive style.

Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

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

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

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

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

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

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Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Alex Ferguson	To: ACC - Environmental Health
E-mail: AFerguson@aberdeencity.gov.uk	Date Sent: 08 March 2022
Tel.: 01224 522199	Respond by:

Application Type: Detailed Planning Permission
Application Address: Formartine Road / Conningham Gardens Tillydrone Aberdeen AB24 2RD
Proposal Description: Formation of community sport facilities with associated floodlighting, fencing and hard standing sports courts
Application Reference: 211056/DPP
Consultation Reference: DC/ACC/QWWSUNBZ00C03

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 application and further information provided, an assessment by the Environmental Protection Section was carried out. The following areas have been evaluated and the associated comments are considered reasonable and proportionate given the current circumstances;

1. Noise Impact Assessment Review

The Noise Impact Assessment by SNC Lavalin (Document Reference: 2021/NOV/01, Issue: 1, Date: 5/11/21) associated with the proposed development has been reviewed. Additionally, in an email to the Planning Service on 4 March 2022 it was advised the applicants wish to proceed with the original plans proposing the largest pitch a 42x38m artificial pitch, a 28x16m basketball court, two 11x6m mini tennis courts, a running track and freestyle hoops located in close proximity to four storey residential properties on 3 sides of the development without any noise mitigation. This was described as Option 1 within the assessment. Based on this direction the following matters are of significance.

At the early stages of the application an assessment methodology was agreed with the appointed noise consultant, including the maximum noise level limit of 50 dB LAeq 1 hour noise limit external to residential properties and within gardens. This noise level limit is advised by the most specific guidance relating to such pitches, namely the Sport England Design Guidance Note, Artificial Grass Pitch (AGP) - Acoustics – Planning Implications which considers the nature of the noise to be fluctuating noises/voices over limited usage periods. Accordingly, a 50 dB LAeq 1 hour assessment period is used to more truly reflect the nature of the noise and its impact over the actual match/usage time period. Given a typical dB reduction of 15 dB across an open window for ventilation, this standard should also ensure the internal noise level limit of 35 dB recommended by noise standards BS8233:2014 and WHO Guidelines is achieved during usage including those properties above ground floor level.

The report advises Option 1 will result in exceedances of the recommended standard of between 4 and 10 dB (i.e. 54 and 60 dB LAeq 1 hour) with the upper floors worst affected in particular those at 145 – 152 Formartine Rd with 1st 2nd and 3rd floor levels exposed to 60dB. to put this in perspective a 10 dB increase is perceived by the human ear as a doubling in loudness. Those properties experiencing the 60 dB level are therefore exposed to noise levels perceived as twice as loud as the maximum noise level limit.

Additionally, the report goes on to advise the installation of a 2.5 metre high timber noise barrier positioned near to the perimeter of the MUGA on three sides with a minimum density of 15-20 kg/m³ would essentially result in the sound levels being reduced to within 57 dB LAeq, at all noise sensitive receptors. In relation to Option 1 this mitigation is not considered particularly effective due to the close proximity of the facility to residential property with less protection afforded to upper floors with a line of sight to the facility. It is also understood that such a barrier would present challenges relating to other planning considerations and may therefore not be wholly suitable from a planning perspective.

Information from other applications has also been reviewed in relation to the existing soundscape, namely the NIA report (Ref. No: P1361/April2020, Revision 1.1, Date: 20th April 2020) for the Riverbank primary school with early years facility, at Coningham Gardens (200206/DPP) and The NIA by CPS Acoustics (Reference: 1615003 JT V2, Version: 2.0, Date: 28 January 2022) for the 2 housing developments of 41 and 31 residential dwellings at Land North Of Coningham Road (210041/DPP) and North Of Harris Drive (210042/DPP) respectively.

The Riverbank NIA (Section 7.7 Table 4 pg 19) advises background noise levels (LA90) taken on Coningham gardens (close to the corner of the proposed Cruyff pitch) during the daytime between 08:30 to 13:10 and 15:50 to 17:10 hours to be on average 44 dB. This is expected to be lower in the evenings.

The housing NIA (Section 5.02 Table 8 pg 11) advising the background noise levels (LA90) taken on Coningham Terrace/Coningham Road during the daytime/evening between 22:00 – 22:45

hours to be on average 32.4 dB and during the night-time between midnight and 00:45 to be on average 32 dB.

Essentially both reports advise of relatively low background noise levels. The Riverbank NIA is however considered more applicable due to the more representative measurement location, meaning the noise emissions from the Cruyff facility will exceed the background (LA90) by between 10 and 16 dB during the daytime. Based on the housing NIA the facility could exceed the background (LA90) by between 12 and 18 dB during the evening. The noise emissions are therefore considered to dominate the soundscape

It is also understood that the applicants do not wish to apply any restrictions on access times as this would conflict with a key principle of such facilities that it should be accessible at all times for use.

In summary Option 1 proposal is for a sports facility located in close proximity to residential property on three sides in an area with low daytime and evening background noise levels, with an 'open all hours' access policy and with no noise mitigation. Even with the proposed mitigation (noise barrier), due to the extent of the exceedances of the relevant noise standard and likely background noise levels at significant numbers of sensitive receptors, coupled with the possible times these exceedances could occur and resultant likelihood of significant disturbance, complaint and resultant Statutory Nuisance investigation, this Service is unable to accept OPTION 1 or the assessment currently and therefore objects to the proposal.

Should alternative options be possible, and a revised report be received which aims to address these concerns the matter can be reviewed as a matter of priority.

2. Artificial Light Controls

Floodlights are not included on the plans submitted and the Planning Officer has advised the application will be assessed on the basis that no floodlighting is proposed. As floodlighting is not proposed, the original request on 28-07-21 for a lighting assessment is no longer required.

I trust this information is of use.

Responding Officer: Mark Nicholl

Date: 09-03-2022

Email:

Ext:

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Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Alex Ferguson	To: ACC - Environmental Health
E-mail: AFerguson@aberdeencity.gov.uk	Date Sent: 27 July 2021
Tel.: 01224 522199	Respond by: 17 August 2021

Application Type: Detailed Planning Permission
Application Address: Formartine Road / Conningham Gardens Tillydrone Aberdeen AB24 2RD
Proposal Description: Formation of community sport facilities with associated floodlighting, fencing and hard standing sports courts
Application Reference: 211056/DPP
Consultation Reference: DC/ACC/QWWSUNBZ00C03

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 an environmental health assessment was carried out. The following areas have been evaluated and the associated

comments are considered reasonable and proportionate given the current circumstances.

1. Environmental Noise Control

The proposed development is located within a residential area with the pitch approximately 15 metres from residences. The proposal is likely to introduce noise sources to the area which may impact on the amenity of existing sensitive receptors.

Provision of suitable mitigation measures may address these noise issues. This Service would request a Noise Impact Assessment by a suitably qualified noise consultant to predict the impacts of noise associated with the proposal. Details of this assessment and its findings must be submitted for review, in the form of a suitable report to the satisfaction of this Service. This assessment should:

- a) Be in accordance with Planning Advice Note (PAN) 1/2011 Planning and Noise and its accompanying Technical Advice Note
- b) Identify the noise sources associated with the proposed development and their impact on neighbouring properties
- c) Proposed pitch noise should be assessed in accordance with the criteria contained within the Sport England Design Guidance Note, Artificial Grass Pitch (AGP) - Acoustics – Planning Implications, New Guidance for 2015 which references a noise limit of 50 dB LAeq,1hr noise limit external to residential properties and within gardens.
- d) Detail the noise mitigation measures to reduce noise from the proposed noise sources to an acceptable level to reasonably protect the amenity of the occupants of neighbouring properties
- e) The specific methodology for the noise assessment should be submitted and agreed in writing with this Service in advance of the assessment.

NB – The Guidance ‘SportsScotland Outdoor Sports Facilities - Planning Guidance/1002 - Siting of Synthetic Grass Pitches - Guidance on Noise and Floodlighting’ and the control measures contained within may also aid relevant parties.

2. Artificial Light Controls

This Service require suitable written statement/report demonstrating compliance with a relevant standard, for example, The Institution of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN01:2011 (or equivalent as demonstrated).

Considering the ‘SportsScotland Outdoor Sports Facilities - Planning Guidance/1002 - Siting of Synthetic Grass Pitches - Guidance on Noise and Floodlighting’, Inclusion of the following within the statement/report is considered necessary;

1. The floodlighting needs, addressing factors including which sports(s) are to be played, level of play
2. Floodlighting position and direction
3. Floodlight height and technical specification
4. Light spill, illumination of neighbouring land, glare, upward light levels
5. Hours of use,

6. means of control to ensure lights to be on only when in use,
7. details of any automatic cut-off device (or equivalent) to be installed
8. impacts on neighbours
9. any mitigation measures to be applied

Responding Officer: Mark Nicholl

Date: 28/07/2020

Email:

Ext:

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Consultee Comments for Planning Application 211056/DPP

Application Summary

Application Number: 211056/DPP

Address: Formartine Road / Conningham Gardens Tillydrone Aberdeen AB24 2RD

Proposal: Formation of community sport facilities with associated floodlighting, fencing and hard standing sports courts

Case Officer: Alex Ferguson

Consultee Details

Name: Mr Michael Cowie

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

Email: micowie@aberdeencity.gov.uk

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application for the formation of community sports facilities with associated floodlighting, fencing and hard standing sports courts at Formartine Road / Conningham Gardens, Tillydrone, Aberdeen AB24 2RD.

It is noted the site is located in the heart of the existing Tillydrone community and adjacent to soon to be new primary school, in this regard the site is considered well served in terms of sustainable travel. It shall be served by direct access onto existing network of adopted footpaths which connects to the wider area and the frequent public transport provision on Hayton Road and Tillydrone Road, with cycle provision being on-street until such points can join designated shared cycle path on Tillydrone Road to the east of the site.

It is noted that the proposed shall no form of associated car parking, which is confirmed to be consistent with the already 2no. similar sites located on Catherine Street and Tullos Primary School. The site is aimed to predominantly serve the local community with less reliance on car travel to/from and as mentioned above is accessible via other modes of transport with cycle parking also being provided on-site.

It should be noted and requested that the external pedestrian accesses and gates onto the existing adopted footpaths surrounding should be provided with either suitable gates and/or baffle barriers to avoid children running directly out onto the surrounding roads.

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

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Comments for Planning Application 211056/DPP

Application Summary

Application Number: 211056/DPP

Address: Formartine Road / Conningham Gardens Tillydrone Aberdeen AB24 2RD

Proposal: Formation of community sport facilities with associated floodlighting, fencing and hard standing sports courts

Case Officer: Alex Ferguson

Customer Details

Name: Miss Mary Fernie

Address: 76 Formartine Road, Aberdeen AB24 2RJ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: After thought. Why couldn't this sports area be placed further to the east in the waste ground where the lads club used to be? If it was closer to the police station, the noise of balls rattling off the fencing wouldn't be so close to all the flats. With flats on three sides, surrounding the proposed sports area, the noise will reverberate through the whole area. This is after all a residential area.

Parking would be another issue. If people are going to travel to this sports area, there will be more cars coming into the area and there is already a shortage of parking space for residents.

Thanks.

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Comments for Planning Application 211056/DPP

Application Summary

Application Number: 211056/DPP

Address: Formartine Road / Conningham Gardens Tillydrone Aberdeen AB24 2RD

Proposal: Formation of community sport facilities with associated floodlighting, fencing and hard standing sports courts

Case Officer: Alex Ferguson

Customer Details

Name: Miss Mary Fernie

Address: 76 Formartine Road Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Hi,

I don't whole heartedly object to the full proposal. I like that there are well established trees screening off the flats. If there could be a compromise made so that the well established trees in the southwest area of the location could also be kept, as well as the trees in the northwest area, then I'd be happy to support.

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Comments for Planning Application 211056/DPP

Application Summary

Application Number: 211056/DPP

Address: Formartine Road / Conningham Gardens Tillydrone Aberdeen AB24 2RD

Proposal: Formation of community sport facilities with associated floodlighting, fencing and hard standing sports courts

Case Officer: Alex Ferguson

Customer Details

Name: Mr Matthew Evans-Teush

Address: 159 Formartine Rd Aberdeen

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:When I saw this proposal my heart sunk. There is far too much hard standing in this area. I believe there where buildings there and they have been demolished to make more green area.

This is an amenity and it can be used as such it is also enviromentally different to what is predominantly in this area.

The new housing at the bottom of Formartinre Rd is a very intrusive development that has raised the built skyline considerably and from what I can see is identical to the same Robertsons buildings that were built on the site of the old jail on Wellington Road. The area here was well used by young people playing football this is now no longer available,the housing now predominates.

On an amenity level I am struck by how well the small patch off grass outside 159 Formartine Rd is used. It only took one or two families to create a very vibrant scene.

Two points to make the community has a sense of ownership and expression that an empty space can become an area of activity without losing the space aesthetic.

These courts and hard standing have none of this metamorphsis potential,there use set in stone,tarmac and no doubt excluding fencing..

I also do not think it is an appropriate location the same way the Robertson development is insensitive and this combination does not fill me with confidence to what maybe proposed.

It is a development to far for the community and I would favour the existing green space with trees remaining.

Comments for Planning Application 211056/DPP

Application Summary

Application Number: 211056/DPP

Address: Formartine Road / Conningham Gardens Tillydrone Aberdeen AB24 2RD

Proposal: Formation of community sport facilities with associated floodlighting, fencing and hard standing sports courts

Case Officer: Alex Ferguson

Customer Details

Name: Mrs Christine Fraser

Address: 74 Formartine Road Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I am strongly objecting to this proposal because the kids will just abuse it and cause no end of problems what with them kicking ball against fence and the floodlights will be too bright and probably be on all hours of the day and night.Also objecting to the fact more trees will be cut down.Be better putting a parking spaces for the residents instead,not enough parking spaces in this area.

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Further comments received as part of the Local Review Body process

Mary Fernie, 76 Formartine Road, Aberdeen, AB24 2RJ.

None of the flats in the surrounding areas have much garden space, as such the open area opposite, filled with grass and trees is a valuable resource for residents and a lovely space to be able to have a wander round. There are birds in the trees and it's an area where we can step away from everything and take a breath - where some have their gardens to relax in and watch the seasons change, this is our area, our garden. I find the idea of losing our open area with natural grass and trees stressful. I don't want a floodlit area outside my flat at nighttime, I want to see the stars, I don't want the noise associated with a sports field right outside my home. The area is used by locals and if it were fenced in, only for use by sports activities, we wouldn't be able to use the area at all, and it would be such a loss for residents. With the school going in on the area opposite, we've already lost a lot of our open, accessible grassy/tree area. Please don't take this away from us as well. The area just wouldn't be the same. It breaks my heart to think about losing it.

The Following Additional Comments were submitted by Mrs Fernie on 4/4/22:-

I was looking over the plans for the school that's currently being built and there are sports pitch areas indicated on those plans. Being that the school is directly opposite our much loved grass and trees, currently under threat, wouldn't the sports facilities at the school be enough for an area such as this. There are further pitches available for use at the park just off St Machar Drive, there are pitches at Balgownie and Danestone and of course there are the university sports facilities all close by. Seems to me that sports are already well catered for in the area.

There are more people looking for open space for humans and dogs to play and walk freely and the proposed sports area leaves no space for that.

Just as an additional thought, since the news is full of environmental warnings right now. Surely it's better to have an area with real grass and trees that use CO2 rather than hard surfaces and pretend grass that doesn't. I know it's only a small area but if there are lots of small areas left to nature, surely that's better than nothing... and every little helps ... and this area helps us.

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Aberdeen Local Development Plan (ALDP)

[Aberdeen Local Development Plan | Aberdeen City Council](#)

- Policy D1 - Quality Placemaking by Design
- Policy D2 – Landscape
- Policy H1 – Residential Areas
- Policy CF2 – New Community Facilities
- Policy T5 – Noise
- Policy T3 – Sustainable and Active Travel

- NE3: Urban Green Space
- NE5: Trees and Woodland
- NE6: Flooding, Drainage & Water Quality
- NE9: Access and Informal Recreation

Supplementary Guidance

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

- Flooding, Drainage and Water Quality
- Green Space Network and Open Space
- Noise
- Trees and Woodlands

Other Material Considerations

Scottish Planning Policy (2014)

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

Proposed Aberdeen Local Development Plan (2020)

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

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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 100447485-003

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

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Aberdeen City Council"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Scott"/>	Building Name:	<input type="text" value="Marischal College"/>
Last Name: *	<input type="text" value="Whitelaw"/>	Building Number:	<input type="text"/>
Telephone Number: *	<input type="text" value="01224 346257"/>	Address 1 (Street): *	<input type="text" value="Marischal College"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="Broad Street"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
		Postcode: *	<input type="text" value="AB10 1AB"/>
Email Address: *	<input type="text" value="swhitelaw@aberdeencity.gov.uk"/>		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Marischal College"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Marischal College"/>
Company/Organisation	<input type="text" value="Aberdeen City Council"/>	Address 2:	<input type="text" value="Broad Street"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB10 1AB"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="swhitelaw@aberdeencity.gov.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"/>
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"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="808840"/>	Easting	<input type="text" value="393166"/>
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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)

211056/DPP - Project proposals consider the installation of Aberdeen's third Cruyff Court. A free to use community sports facility within the Tillydrone Locality of Aberdeen City.

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.

Information is set out in within the attached appeal document

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

Yes No

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

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

Information is set out in within the attached appeal document

Application Details

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

211056/DPP

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

22/07/2021

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

11/03/2022

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: Mr Scott Whitelaw

Declaration Date: 31/03/2022

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Planning appeal statement - Tillydrone Cruyff Court
211056/DPP – April 2022

1. Introduction
2. Project background
3. Detailed project proposals
4. Relevant planning history
5. Relevant planning policy - material considerations evaluation – discussion
6. Project partners
7. Project partners impact in Aberdeen Communities
8. Community engagement
9. Summary
10. Conclusion

Introduction

This document seeks to appeal the decision made by Aberdeen City Council – Strategic Place Planning to refuse planning permission for development proposals in respect of planning application:

211056/DPP - Formation of community sport facilities with associated fencing and hard standing sports courts. Formartine Road / Conningham Gardens Tillydrone Aberdeen AB24 2RD

Project background

Project proposals consider the installation of Aberdeen's third Cruyff Court. A free to use community sports facility within the Tillydrone Locality of Aberdeen City. Tillydrone Cruyff Court project proposals come following the successful installation of two other community sport facilities within Aberdeen City - Cruyff Court Denis Law in 2017 and Cruyff Court Neale Cooper complete in 2019.

It is proposed the community use facility within the Tillydrone Locality will consist of a modern artificial multi- sport playing surface alongside a hardstanding, lined, multi-sport area with boundary fencing.

Project partners include: Aberdeen City Council, Johan Cruyff Foundation, Streetsport – delivered in partnership with Robert Gordon University and Denis Law Legacy Trust.

Within the Tillydrone Locality a residential development by Hillcrest Housing removed a football pitch facility located at the bottom of Formartine Road. As a result, for a number of years there has been a requirement and wider expectation to deliver a replacement facility for community use. We consider that this project will address and satisfy such expectations for a new, high quality sports facility within the community and this will act as replacement for the previously removed community sports facility.

Detailed project proposals

The application site comprises a c. 3,500sqm (67m x 52m) rectangular area of public, green open space situated on the eastern side of Formartine Road and to the south of Coningham Gardens, in Tillydrone. The site is predominantly grassed and incorporates 24 trees of various species and sizes, including two large maple trees in the north-western corner. The site lies within a residential area of Tillydrone and is bound to the north, south and west by four-storey blocks of flats, all of which lie beyond the intervening road carriageways of Coningham Gardens (north), Formartine Road (west) and a residential car park to the south. A pedestrian footpath delineates the eastern boundary of the site, with the land beyond comprising the construction site of a new primary school.

Detailed planning permission is sought for the formation of a community outdoor sports facility on the existing area of green space, with associated fencing. The proposed facility would comprise the following:

- A green-coloured, 42m x 28m 'Cruyff Court' artificial pitch with football goals and associated perimeter ball-stop fencing (ranging between 1.1m and 4m in height);
- A basketball / dodgeball court, two mini-tennis courts, a 40m long running track and freestyle hoops, all to be formed on blue-coloured porous asphalt surrounding the artificial pitch;
- Multiple benches, cycle stands and bins; and
- 1.8m high metal mesh fencing along the facility's northern, southern and western boundaries.

The sports facilities would be open to the general public to use, the site would not be secured, and a booking system would not be implemented.

The facility is proposed as a replacement for the previously existing sports facility that was situated approximately 150m to the south of the application site but has now been replaced by residential flats (180834/DPP).

Relevant planning history

160881/CLP – A Certificate of Lawful Proposed Development was issued in 2016 for the replacement of an existing hardcourt outdoor sports facility on Catherine Street with an astroturf 'Cruyff Court' multi-use games area (MUGA).

180834/DPP – Detailed planning permission was granted in 2018 for the erection of 34 residential flats on the site of a public sports facility (hardcourt football and basketball court), on land to the west of Harris Drive, approximately 150m to the south of the current application site. This is part of a larger development of 138 affordable flats on adjoining land to the east, under planning permission ref 161701/DPP. Planning permission 180834/DPP was granted subject to a legal agreement which includes a requirement for the applicant to pay a financial contribution of £209,000 to the Council, to be used towards the provision of a similar outdoor sports facility elsewhere in Tillydrone. Two potential sites for the alternative facility were identified as part of application 180834/DPP: The current application site and St Machar Park, adjacent to Tillydrone Avenue. The flats were completed in December 2021.

190980/DPP – Planning permission was granted in 2019 for the installation of a Cruyff Court multi-use games area (MUGA) on land to the east of Tullos Primary School. The Cruyff Court comprises a 42m x 28m astroturf football pitch, a hard-surfaced basketball court and mini tennis courts. The facility was constructed in 2019/20 and replaced a full-sized astroturf pitch.

Relevant planning policy - material considerations evaluation – discussion

Opening statement

Within this section we will pursue discussion in respect of refusal criteria which has been outlined within the evaluation section of the report of handling. We will explore how these refusal considerations relate to practical operation of the Cruyff Court and how they may manifest within the local community should the development progress. We will also look to offer solutions to resolve tension and conflict towards policy where practicably viable.

Planning background / requirement for the facility

The Cruyff Court development proposal is a direct result of the removal of a previous community facility as part of another planning application. Having lost a key community sports facility we consider that this project will address and satisfy expectation within the local community for a new, free to use, high quality sports facility and therefore act as replacement for the previously removed community sports facility.

Principal of development

H1 residential areas and T5 Noise

It is positive to note that the proposals are not considered to constitute over development.

In respect of the impact on the character and amenity of the surrounding area we would initially draw reference to tree survey (TCC-2010-TR-A) submitted as part of the planning application. It should be noted that this report was produced in Spring 2021, prior to the numerous storms and gale force winds to hit the north east in late 2021 early 2022.

Of the existing 24 trees on site they can be categorised:

2 to be retained as part of development proposals, consisting of 1 category B tree and 1 category C tree

2 category U - trees which cannot be retained long-term (for longer than 10 years).

- *Trees that have a serious structural defect which puts them at risk of collapse, including those that will become unviable after removal of other trees*
- *Trees that are dead or dying*
- *Trees infected with pathogens which could affect the health and/or safety of nearby trees, or very low-quality trees which suppress trees of better quality*

12 category C - trees of low quality with an estimated remaining life expectancy of at least ten years, or young trees with a stem diameter below 150 mm.

- *Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories*
- *Trees present in groups or woodlands, without significantly greater collective landscape value; and/or trees offering low or only temporary landscape benefits*
- *Trees with no conservation or other cultural value*

10 category B - Trees of moderate quality with an estimated remaining life expectancy of at least 20 years

- *Trees downgraded from category A because of impaired condition (e.g. presence of minor defects, including unsympathetic past management or storm damage).*

-
- Collections of trees (in groups or woodlands) with a higher rating than they would have as individuals.
 - Trees with some conservation or other cultural value

There are no **category A** trees on-site. Category A trees are considered as trees of high quality and value: in good condition; able to persist for long (a minimum of 40 years).

To summarise, over half of the trees onsite are either: - *Trees that have a serious structural defect which puts them at risk of collapse or,*

Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories

It is accepted that trees make a positive contribution towards the character of spaces but in this instance there is sufficient evidence to present a case that due to the significant number of trees being either structurally defective or unremarkable trees of very limited merit they do not provide an overly positive contribution to the character of the surrounding area. This is further confounded by the existing arrangement of growth onsite which is sporadic and lacks thought. This limits functional use of large areas of the site due to the placement of trees.

We further note Aberdeen City Council - Strategic Place Planning comments that the proposed works would cause some harm to the character of the area by introducing a utilitarian design in replacement of the existing natural soft landscaped area.

We believe it important to note that a well-considered, high quality utilitarian design may be equal to, or better than that of a natural soft landscaped design even within a residential setting. While the development proposals contrast the existing aesthetic, simply because they are different does not mean they cause harm to the character of the area or, are any less visually appealing. The development proposals consider an enhanced, functional use of the space therefore visual change is inevitable. The proposed high quality design, high quality materials and visual appeal can be evidenced at the previous two aforementioned Cruyff Court installations in Aberdeen City whereby the end product within local communities is high quality, functional and visually appealing. We consider that Tillydrone Cruyff Court would be no different.

In an attempt to relieve tension towards policy and further enhance character through high quality design we would propose retaining the two north west corner (as indicated in the application) and introduce a number of new, semi-mature trees to the site. We have identified locations on the north, east and west site boundaries where additional planting could be considered.

We would be happy to bring forward proposals in discussion with Aberdeen City Council – Strategic Place Planning by way of a condition linked to the application in which we can collaboratively agree on plans to supplement the retained soft landscaping of the area by introducing additional planting.

Below we consider discussion relating to Policy T5 (Noise).

Having reviewed the content noted under this policy title we understand the requirement of reviewing proposals against guidance in respect noise in close proximity to residential property.

At this juncture we would like to provide the following commentary in relation to the guidance we understand our development proposals have been considered against:

- A noise limit of 50 dB $L_{Aeq,1hour}$ at the façade of noise sensitive receptors (NSRs) has been specified by Aberdeen City Council Environmental Health, based on Sports England guidance.

- Within the noise impact assessment an on-time of 100% has been used for the activity noise levels, which is representative of the worst-case scenario / hour of usage. The resultant 'peak' figure of 60 dB $L_{Aeq,1hour}$ indicated for some of the residential properties in the noise impact assessment is an average, and would not be prevalent as a constant throughout the hour of use. Higher and lower values would be experienced in a peaks and trough fashion.

- The Sport England guidance acknowledges that exceedance of 50 dB $L_{Aeq,1h}$ at 1m from a building façade of a sensitive receptor does not automatically mean that a significant impact will occur, as higher levels of noise exposure may be required to adversely affect nearby properties.

We could discuss individual criteria of the set out noise guidance but ultimately we don't consider the guidance is representative of how the development will operate in practice and indeed how the court will be perceived by surrounding residential properties. The bespoke operational nature of the Cruyff Court and the fact that the Cruyff Courts are community assets bear little resemblance to that of a conventional, commercial MUGA sports pitch in which this guidance is reflective.

The guidance considers resultant noise from sports pitches on a constant, commercial, bookable offering which is completely the opposite to what we propose to develop and completely contrary to the Johan Cruyff Foundation ethos.

As noted in the report of handling the free to use community facility will indeed be a no closing time, free to use facility.

It should be noted that the 'peak' use of the community facility will occur during organised sessions undertaken by charitable project partner Streetsport. Based on other Aberdeen City operations Tillydrone Cruyff Court could have sessions organised by Streetsport 2 nights per week for a period of 2 hours, running to no later than 9pm. Outwith the organised community classes run by Streetsport the pitch will be available for walk on, walk off play in which small groups of young people would be using the Cruyff Court facility. We consider the use of the pitch and surrounding context to be no different to a city play park.

In review of the existing soundscape Aberdeen City Council Environmental Health consultation report considers noise levels late into the evening, although not impossible it is unlikely high levels of resultant noise will prevail late into the evening.

Having further reviewed matters in respect of noise, given developments being built in addition to the Cruyff Court in the area, there is no question the soundscape of the area will undoubtedly change over the coming months and years. We consider the view that the new noise produced by the Cruyff Court development '*would likely dominate the soundscape of the area*' as stark and rather extreme.

We accept that levels of noise will increase in line with the community based use of the Cruyff Court development but in rational terms this is unlikely to be for any considerably prolonged period.

NE3 Urban green space

It is unfortunate that proposals are considered contrary to policy under this title.

We note that Aberdeen City Council - Strategic Place Planning consider the principal of the redevelopment of an existing area of urban green space for a public outdoor sports facility as acceptable.

We would hope that our proposal of a considered design of additional tree planting noted within '*principal of development*' section may have a positive bearing on the outcome of this policy.

CF2 New community facilities

It is positive to note that the application has been deemed compliant with the aims for policy

NE9 Access and informal recreation

Its positive to note that the application is considered complaint with this policy

Design and impact on the landscape

We note that Aberdeen City Council – Strategic Place Planning consider proposals conflictive towards this policy.

We would hope that our proposal of a considered design of additional tree planting noted within '*principal of development*' section may have a positive bearing on the outcome of this policy. Furthermore we would be open to discussing proposals alongside Aberdeen City Council Strategic Place Planning to resolve tension towards this policy.

NE5 Trees and woodland

We note that Aberdeen City Council – Strategic Place Planning consider some tension towards policy in respect of NE5 trees and woodland.

We would hope that our proposal of a considered design of additional tree planting noted within '*principal of development*' section may have a positive bearing on the outcome of this policy.

NE6 Flooding, drainage and water quality

It is positive to note that the technical information submitted is acceptable and in accordance with this policy

T3 Sustainable and active travel

It is positive to note that the proposals have been deemed to comply with this policy

Development plan summary

It is very encouraging to note that in considering proposals against the 2017 ALDP, the Planning Service considers that the proposed development complies with several policies - CF2, NE6, NE9 & T3 and importantly that the development of an outdoor sports facility on the site is acceptable in principle in accordance with Policy NE3.

We note that proposals either conflict with, or are contrary to some other policies of the ALDP - H1, T5 and NE3.

We have considered Aberdeen City Council Strategic Place Planning comments and have offered revising elements of proposals in an attempt to resolve conflict in respect of policies H1 and NE3. We would welcome further collaborative discussion to fully resolve such conflicts.

We have outlined discussion in respect of Policy T5 and while we are in agreement noise emissions will increase given the new, enhanced use of the space it won't be a continual, barrage of noise as suggested in the report of handling. It could be considered that excessive noise emissions would be in sporadic spells and not significantly into the evening.

It is noted that Aberdeen City Council Strategic Place Planning consider that the works as proposed would also cause some harm to the character, visual amenity, landscape character of the area and loss of trees, resulting in a tension with Policies H1, NE3, D1, D2 and NE5. We have offered similar revising of proposals in an attempt to resolve as much tension towards noted policies as practically possible. We would again welcome collaborative discussions to develop workable solutions.

We note that Aberdeen City Council Strategic Place Planning consider that proposals are contrary to the adopted Local Development Plan. We would hope that the content discussed within this section may have bearing on that outcome and revised proposals may be considered to bring the proposed development in line with the Local Development Plan.

Aberdeen City Council Strategic Place Planning note that it is necessary to consider all other relevant material considerations and to assess whether any such considerations would be of sufficient weight to allow the application to be approved, despite the conflict with the aforementioned policies of the ALDP. We discuss other material considerations and resultant weight below.

Other material considerations

It is noted that Scottish Planning Policy is generally supportive of outdoor sports facilities.

It is noted that the necessity for the provision of a replacement sports facility is understood by Aberdeen City Council - Strategic Place Planning, and accepted due to the removal of the previous local pitch as part of the Hillcrest housing development.

Expanding on information for the chosen site; section criteria for the site was outlined within the supporting statement submitted as part of the application. In addition to the information in the supporting statement, we were aware of potential problematic ground conditions on the St Machar site in relation to drainage solutions. Similar poor ground conditions are present on the proposed site however workable technical solutions were readily available within close proximity to the Conningham Gardens / Formartine Road site. As mentioned within the report for handling, there are limited other alternative sites in the Tillydrone area.

Consideration of '*other material considerations*' is concluded with the opinion that they do not carry sufficient weight to outweigh the adverse impacts of the proposal.

While we take cognisance of this outcome, this stance is disappointing given the general encouragement for such development within Scottish Planning Policy and the vital requirement for such a facility within the local community. Furthermore, Aberdeen City

Council - Strategic Place Planning state that the underlying requirement for such a community facility itself carries significant weight;

“The necessity for the provision of a replacement sports facility is therefore understood and accepted – and is considered to be a material consideration of significant weight”

The need for sports facilities is exacerbated as we emerge from a two-year pandemic which indicates regular physical activity can contribute to maintaining positive mental and physical health.

The Scottish Government recognise, as part of their ‘Covid Recovery Strategy: for a fairer future’ that we need to ensure people can have access to facilities within local communities which allow them to enjoy healthy, active lives as we enter post pandemic life. Within this same document the Scottish government also consider outdoor sport and activity to be central to Scotland’s recovery from the pandemic by providing the boost we need to our physical and mental health.

We would also draw reference to the most recent iteration of Scotland’s National Planning Framework (NPF 4). While only in draft form we consider our proposals reflect key aspects of what this framework sets out to achieve. The framework puts community at its centre and highlights how health, wellbeing and even a “sense of joy” are vital for successful playmaking. We consider our proposals to bear significant relevance to the ‘six qualities of successful places’ as set out in NPF 4

1. Designed for lifelong health and wellbeing: supporting safety and improving mental and physical health.

2. Safe and pleasant: supporting safe, pleasant and welcoming natural and built spaces.

3. Well connected and easy to move around: supporting networks of all scales.

4. Distinctive: supporting attention to local architectural styles and natural landscapes.

5 Sustainable: supporting net zero, nature-positive, and climate-resilient places.

6 Adaptable: supporting commitment to investing in the long-term value of buildings, streets and spaces.

Taking account of commentary within this section a stateable case can be made that the resultant weight carried by the development of a high quality, outdoor, free to use community facility, as proposed within our application far outweigh adverse impacts. Ultimately, the proposed Cruyff Court development can contribute towards much wider social benefit by inspiring participation in outdoor physical activity as sought after and encouraged at both National Planning and Governmental level.

Matters raised in representations

The Planning Case Officer has addressed matters in respect of representations within the report of handling. No further comments required.

Proposed Aberdeen Local Development Plan

Matters discussed earlier in the document. No further comments required

Project Partners

Within this section we discuss projects partners shared vision and mission for active involvement within exiting communities. The same project partners would be present in operation of Tillydrone Cruyff Court.

Project partners include: Aberdeen City Council, Johan Cruyff Foundation, Streetsport – delivered in partnership with Robert Gordon University and, Denis Law Legacy Trust.

Aberdeen City Council - Tillydrone Locality Plan

It is considered the project will address the following:

Tillydrone Locality Plan: *Place*

- To improve play and public spaces and access to fit for purpose community facilities
- Increase resident satisfaction of facilities and green space
- The community voice informs us that local people feel that there needs to be more activities for young people

Tillydrone Locality Plan: *People*

- Increase physical activity among young people and the wider community
- We will work together to encourage sports and physical activity using community involvement to improve access
- Our young people will have facilities and services to meet their needs
- We will improve the health and wellbeing of the community

LOIP: *Prosperous Place*

- Ensure that all areas of the city have access to opportunities to participate in a wide range of health and fitness activities

The strategy for an active Aberdeen

- To improve the quality of the sports facilities across Aberdeen
- Fostering a culture of collaboration between agencies to ensure there is a comprehensive, cohesive and co-ordinated sport and physical activity offer for our community
- Using sport and physical activity as a tool to achieve social outcomes such as community safety, learning opportunities, health improvements and regeneration

The measurable benefits for this project therefore might include, but are not limited to:

- No. of young people accessing activities
- Reduce number of youth annoyance
- No. of target young people engaging in diversionary activities
- Reduce the number of inactive people
- Create a modern, fit for purpose recreational facility
- Increase progression opportunities for young people through Street Sport coaching and talent spotting including the possibility of engaging in national competitions

Johan Cruyff Foundation

<https://www.cruyff-foundation.org/en/>

The Cruyff Foundation have been a worldwide leading force in establishing high quality community sports facilities with now, more than 260 Cruyff Courts around the world. A Cruyff Court is a free to access, artificial playing pitch that aims to promote sport and life values such as responsibility, integration, team play and personal improvement.

Cruyff Courts are local, neighbourhood facilities which aim to create a safe place for young people and the community to play freely and be active.

It is considered that the courts are more than just football pitch but also a platform for learning, taking responsibility and forming respect through play. They also provide opportunities to make new friends, discover talents and experience both winning and losing. These attributes lead to a positive contribution to the general development of young people.

The aims and objectives of the Cruyff Foundation, and by extension, their Cruyff Courts are:

- To help children become healthier
- Support the liveability
- Give children more self confidence
- Let everyone participate

<https://www.youtube.com/watch?v=XKTRZ4LBBuw>

Sport can make a change for children, as sport is a universal language for children, regardless of their background, culture, religion, or ability. Sport fosters personal development, self-confidence, and connection, things that every child, anywhere in the world, is entitled to. This is why the Cruyff Foundation creates space for children. To get and keep them active.

Cruyff Court Denis Law – Opened July 2017

<https://www.cruyff-foundation.org/en/news/second-cruyff-court-in-aberdeen/>

<https://www.bbc.co.uk/news/uk-scotland-north-east-orkney-shetland-40596113>

Cruyff Court Nealle Cooper – Opened November 2019

<https://www.cruyff-foundation.org/en/news/cruyff-court-neale-cooper/>

<https://www.youtube.com/watch?v=IP4T9nuKCj8>

Denis Law Legacy Trust

<https://www.denislawlegacytrust.org/>

Denis Law Legacy Trust is a registered charity local to Aberdeen City that operates and delivers a number of 'free to access' programmes and positive destination activities that enable young people to take part in and gain access to sport and other creative activities within their local communities.

Supporting and empowering young people to be confident, capable, independent and responsible citizens within their own communities.

Denis Law Legacy Trust aims to reduce instances of youth crime and anti-social behaviour; promote health and wellbeing and encourage inclusivity through sport, physical activity and creative endeavour.

Current operational activities engage over 18,500 participations annually across a range of age groups and include a wide variety of opportunities that help contribute to healthier and safer local communities.

<https://www.denislawlegacytrust.org/cruyff-court-denis-law>

<https://www.denislawlegacytrust.org/awards>

Streetsport – delivered in partnership with Robert Gordon University

Streetsport is Denis Law Legacy Trust's flagship programme and delivers free week-nightly sports and creative activity sessions for young people across Aberdeen City. Operations and activities take place in areas of high youth annoyance, as identified by Police Scotland and the Scottish Fire and Rescue Service.

Streetsport was established in 2006 as a diversionary tactics initiative led by Police Scotland, the Scottish Fire & Rescue Service, RGU SPORT and Gray's School of Art and has developed into a full time programme operating across Aberdeen City every week night. The overall aim was to 'reduce instances of youth crime and anti-social behaviour; promote health and wellbeing and encourage exclusivity through sport, physical activity and creative endeavour'. Streetsport can be considered as an example of a design for social intervention, a vehicle of engagement that uses sport and creative activities to divert and distract disaffected young people who are considered at risk of offending.



STREETSPORT

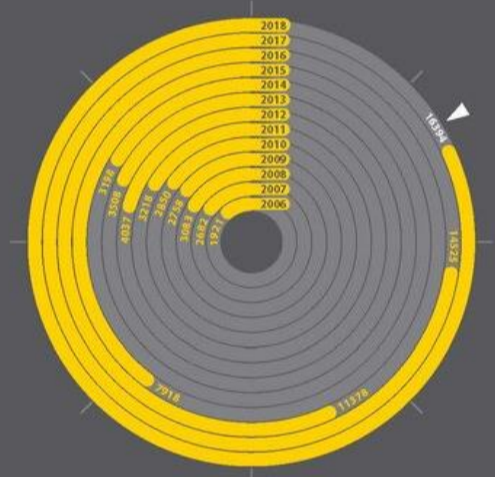
Supporting and facilitating the development of enhanced graduate attributes



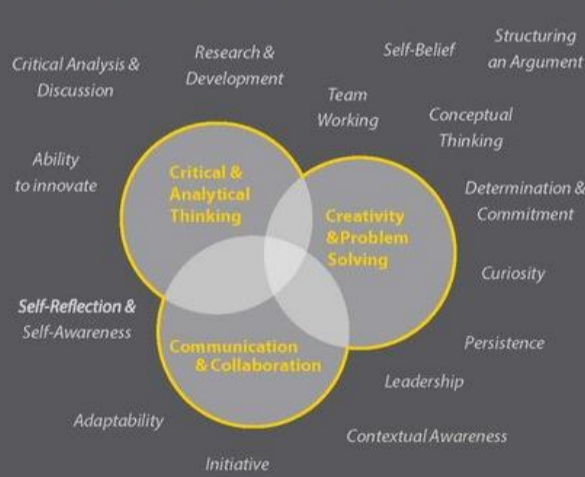
- Ross Sports, Garthside - 01
- Indigarth Community Centre, Garthside - 02
- Kenneth Avenue, Garthside - 03
- St Machar Academy, Troghat - 04
- Northfield Academy, Northfield - 05
- Northfield Community Centre, Northfield - 06
- Alan Douglas Park, Northfield - 07
- Worship Primary School, Northfield - 08
- Mardisum Park, Northfield - 09
- Finlay Park, Torry - 10
- Finlay Park, Torry - 11
- Victoria Road Primary School, Torry - 12
- Torry Academy, Torry - 13
- Balul Primary School, Maryburg, Torry - 14
- Worship Primary School, Torry - 15
- Stewart Park, Woodside - 16
- Dyce Primary School, Dyce - 17
- Worship Community Centre, Buckhorn - 18
- Quarrelton Primary, Cove - 19
- Cove Library, Cove - 20
- Kilninchy Academy, Kinloch - 21
- Macbeth Park, George Street - 22
- Catharine Street / Hutchison Green, George Street - 23
- Summerhall Community Centre, Mackie - 24
- Stoddhill Park, Stoddhill - 25
- Medieval Park, Bridge of Don, Dalmeida - 26
- Eden Walk, Woodland, Woodlands - 27
- St Mirren Park, Station - 28
- Aberdeen Sports Village, Station - 29
- Baker Hughes, 100, Harbour - 30

Streetsport was launched in 2006 by RGU SPORT & Gray's School of Art in partnership with Police Scotland, the Scottish Fire & Rescue Service and Absafe.

Streetsport Programme Annual Participations



Typical Competency Development



Enabling and combining a wide variety of learning opportunities in both formal and informal settings. Supporting the development of applied creative skills as well as a wide range of other competencies.

- Outcomes: (Annual)**
- 12+ years of operation
- 75%+ reductions in crime
- 500+ activity sessions
- 3000+ volunteer hours
- 16000+ active participations
- 60/40 male/female gender split



Streetsport is supported and endorsed by Denis Law and operates under the auspices of the Denis Law Legacy Trust.
 Denis Law Legacy Trust
 Scottish Charity No. SC 043169

ABSTRACT

Streetsport is a programme that aims to exercise social innovation by reducing instances of youth crime and anti-social behaviour; whilst promoting health and wellbeing through sport, physical activity and creative endeavour.

As a vehicle for delivery the initiative facilitates work based educational experiences that are embedded within disadvantaged communities; supporting the development of enhanced graduate attributes by way of collaborative teaching and learning support.

Adopting a collaborative partnership model, the programme brings together multiple courses, students and stakeholders to work within communities resulting in activities that react and respond to local needs, interests and demand.

Impact

Streetsport has helped eliminate barriers with 'hard to reach' youths and helped foster a sense of 'social value' and 'belonging' within communities, demonstrating measurable results in a number of areas including crime reduction; skills development; partnership building and volunteering. The project achieves over 16,000 active participations on an annual basis in a variety of locations around the city of Aberdeen assisted by a variety of Streetsport Volunteers, local businesses and steering group members including the Scottish Fire and Rescue Service, Police Scotland and Aberdeen City Council.

Existing impact measures of the Streetsport programme are notable and in some instances it has helped reduce reports of youth crime; anti-social behaviour and wilful fire-raising by over 80%. In 2018 the Streetsport project exceeded 16,000 active participations across Aberdeen City.

Recognition & Awards

The Streetsport initiative has won numerous awards and has been recognized at both a local and national level most notably via the Pride of Sport Award 2018 for Best Community Project using Sport for Good and the Queens Award for Voluntary Service, the MBE for Voluntary groups.

Conclusions

Participants will typically develop their knowledge and abilities through a variety of challenging situations and scenarios that are evaluated and reflected upon with a view to enhancing practice, developing confidence and progressing into employment.

Future Developments

Development of online PPD learning plans to assist students with reflection. Development of widening access pathways within context of Streetport. Developing further research activities around current programmes.

Development of Life Skills, Knowledge & Graduate Attributes

Pedagogic Value
Theoretical, real world, interactive, practical, physical and training.

Pedagogic Method
Lectures, seminars, peer to peer and incidental.

Pedagogic Dimensions

1. Socially Engaged: Our teaching methods have combined learning and collaborative activities which have enabled successive students to develop enhanced graduate attributes by applying their skills and knowledge within the context of a 3rd sector initiative.
2. Foundational Literacies: How you apply core skills to everyday tasks. Examples include **literacy, numeracy, IT/CAD**, virtual learning environments, online materials, **financial, cultural & civic** awareness & responsibility.
3. Competencies: How you approach complex challenges. **Critical & analytical thinking, problem solving, creativity, communication, collaboration and working effectively with others; self-directed independent study.**
4. Character Qualities: How you approach the changing environment. **Curiosity, initiative, persistence, adaptability, leadership, contextual, social & cultural awareness**, development of knowledge within challenging environments & locations; willingness to work unsociable hours.
5. Presentation Skills: Examples include verbal, written & visual forms of presentation, self-promotion & presentation of work.
6. Organisation and Time Management: Examples include organisation of equipment resources, accessing and working with timetables, delivery schedules, deadlines, key dates.
7. Soft Skills: Examples include team working, motivation, responsiveness, persuasion, compromise, negotiation.
8. Participation: Examples include daily contact with participants, volunteers and coaches, engaging in feedback, direction, discussion, debate, tutorials & collaboration with delivery partners.
9. Contextual Awareness: Examples include the social grouping and meaning of social grouping.

The World Economic Forum has identified the above attributes highlighted in yellow feature in the 16 most desirable for employers.

Aims & Objectives

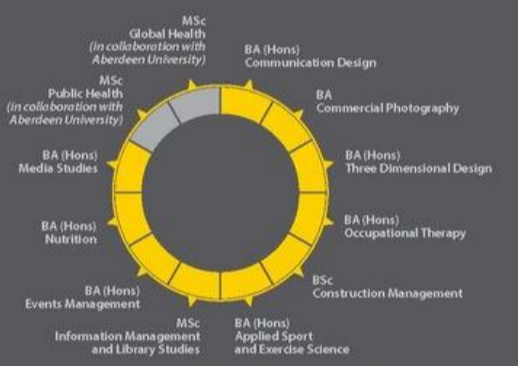
Our 10 goals:

1. To provide community based events and activities that are free of charge and accessible to all.
2. To promote participation, social inclusion and integration.
3. To motivate and empower young people through prevention, intervention and diversionary activities.
4. To promote respect, civic values and social responsibility within communities and help reduce instances of youth crime and anti-social behaviour.
5. To promote health and well-being and discourage the misuse of substances, drugs and alcohol.
6. To promote education and creativity and the development of self-confidence, initiative and interpersonal skills.
7. To support & reconnect disaffected young people by providing alternative activities and opportunities for achievement.
8. To provide a platform for positive transformation.
9. To provide volunteers with opportunities to engage with and pursue personal development activities and qualifications.
10. To work in partnership and collaborate with all parties who share our common objectives for the benefit of communities and young people.

Inspired by Denis' famous number 10 shirt

Aligned with Scottish Government Strategies:

Getting it Right for Every Child
 Active Scotland Outcomes Framework



Ongoing aspects of the initiative designed, developed and delivered by a wide range of courses within RGU and in collaboration with Aberdeen University.

Quotes (Staff)

- "Streetsport will provide you with an opportunity to develop your vocational skills and test your ability to be adaptable, self-sufficient and relevant in the years ahead"
 Cameron Craddock, Senior Lecturer, Gray's School of Art
- "Streetsport is more than an element of physical activity, but a socially responsible accomplishment that addresses urban voids manifested by marginal youths and urban disorder"
 Quazi Zaman, Lecturer, Scott Sutherland School

Quotes (Students)

- "If anyone has the opportunity to contribute to Streetsport in any kind of way... sessions, events, literally anything, I'd 100% tell them to jump at it"
 Kirstin Bell, Graduate, MA Tourism and Hospitality Management.
- "I was delighted and proud to assist with this initiative which has made such an impact around the city. I was immediately impressed by the range of opportunities and jumped at the chance to collaborate and support my community"
 Ali MacManus, BA (Hons) Communication Design Student, Gray's School of Art

Contributors

- Cameron Craddock – Senior Lecturer
- Filippo Antoniazzi – Director of Student Life
- Stephanie Morrison – Lecturer
- Dr Quazi Zaman – Lecturer
- Dr Leone Craig – Teaching Fellow
- Lucia Da Vinci – Information Management and Library Studies
- John Welsh – Applications Supervisor
- Dr Neil Buchanan – Lecturer
- Bryan McCann – Lecturer
- Mark Williams – Denis Law Legacy Trust Chief Operating Officer
- Hannah Clews – Streetsport Development Officer
- Lorraine Aimes – Careers Consultant
- Iain Morrison – Senior Lecturer
- Hilary Nicoll – Lecturer
- Sally Reaper – Festival Director
- Hector Williams – Senior Research Fellow
- Dr Heather May Morgan – Lecturer
- Mick Eason – Lecturer
- Dr Rachael Ironside – Lecturer

Community engagement

The scope of community engagement has been led by Aberdeen City Council's Community Development Officer and has included, but not limited to engagement and consultation with the following groups in Tillydrone: Tillydrone Network, Tillydrone Community Council, St Machar Academy, Riverbank Primary School and residents in the immediate location of the site.

Tillydrone Community Council and Tillydrone Network have played a lead role in completing the community engagement plan including setting up a working group and devising, planning and delivering a location consultation which asked for initial approval from residents within the tenement blocks bordering the location site.

Throughout 2019 meetings and consultations were held with various community-based organisations such as Tillydrone Network, Tillydrone Community Council, St Georges Church and Donside Village Community Association SCIO.

A working group was set up which included the Chair of the Tillydrone Network, The Treasurer of Tillydrone Community Council, Lighthouse representative and a coach from the Lads Club Football Club to create and deliver a location consultation for the immediate area on Formartine Road and Coningham Gardens.

Positive feedback from these parties was provided at the Community Council of 8th May 2019 at which point, alongside the Locality Inclusion Manager they confirmed their support to take forward the consultation on the facility proposals.

A location consultation at Formartine Road, Harris Drive and Coningham Gardens which involved a door-to-door survey was carried out with 4 local volunteers from Tillydrone Network, Tillydrone Football club, The Lighthouse Church and Tillydrone Community Council with local tenants resulted in 122 responses and an approval rate of 98%.

St Machar Academy and Riverbank Primary pupils have been involved in consultations and have stated their multi-sport preferences for the facility which have been taken forward into the detailed design for the sports court.

A Cruyff Court Consultation with Riverbank Primary School included 50 pupils attended and they overwhelmingly voted in favour of the Cruyff Court option and they also voted in favour of sports like basketball, table tennis, a running track, hockey, dodgeball, and lacrosse. See official results below from pupils at Riverbank

The top number of votes for any potential multi play line ideas were:

Basketball 16 votes

Dodgeball – 14 votes

Running track – 8 votes

Tennis/Badminton – 4 votes

A smaller number of individual votes for Gymnastics, climbing, Netball, volleyball

Summary

Throughout this document we have presented information for discussion in respect of tension, conflict and refusal towards planning policy areas. We have also brought forward a case for forward looking community enhancement which is representative of what is positively encouraged and sought at Scottish National Planning and Scottish Governmental levels.

Conclusion

We note the content contained within the report of handling and the reasons for decision of the refusal notice.

Within this document we have set out discussion narrative for appeal and present our conclusion below.

Tillydrone has 24.2% of its population aged under 16 which is well above the Aberdeen citywide figure of 14.7%. This indicates Tillydrone has a significant young population which highlights the importance of having engaging systems in place to support healthy, active programmes for children. Moreover, there is an underlying need, want and requirement to provide such a free to use facility for the local community.

We consider the reasons for the decision of the refusal notice as secondary and have substantiated stateable observations in respect of the refusal content. The primary, critical driver for development of this nature are the end users who are the communities and young people of Aberdeen.

I would direct readers towards to the websites of aforementioned project partners to continue reading about the contribution these types of free to use community facilities have within society, the positive content local to Aberdeen is infinite.

Johan Cruyff Foundation

<https://www.cruyff-foundation.org/en>

Denis Law - Streetsport

<https://www.denislawlegacytrust.org/>

It is evident from information within this document that committed project partners; Johan Cruyff Foundation, Streetsport – delivered in partnership with Robert Gordon University and, the Denis Law Legacy Trust have contributed an immeasurably positive impact on the young people in Aberdeen City over the last 25 years. This must continue. To do this we must provide and invest in high quality facilities which allow young people to thrive. Cruyff Court facilities do this by acting as an outdoor stage for expression and development through sport, giving young people space to become who they are.

We have offered solutions within this paper in an attempt to relieve conflict and tension towards policy. At this juncture we consider the far-reaching, positive benefits of this new Cruyff Court in Tillydrone to significantly outweigh the grounds for refusal.

We would urge the Local Review Body to consider the reasonable and proportionate information in favour of development and overturn the refusal notice.

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