

Public Document Pack



To: Councillors Boulton (Chairperson), Henrickson (Chairperson), Clark and Cooke.

Town House,
ABERDEEN 11 January 2023

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

The Members of the **LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL** are requested to meet remotely, via Microsoft Teams on **WEDNESDAY, 18 JANUARY 2023 at 10.00am.**

Please note that Councillor Boulton will chair the first review and Councillor Henrickson will chair the remaining two.

Members of the public may observe the meeting via the following [Link](#) but will not be able to participate in any way. Cameras and Microphones must be switched off throughout.

JENNI LAWSON
INTERIM CHIEF OFFICER - GOVERNANCE

BUSINESS

1.1 Procedure Notice (Pages 5 - 6)

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

Link to the [Local Development Plan](#)

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

PLANNING ADVISER - LUCY GREENE

- 2.1 GROUND FLOOR, 13 CORRECTION WYND, ABERDEEN, AB10 1HP - CHANGE OF USE TO PROVIDE AN EXTERNAL SEATING AREA WITH 3 SEATING PODS - 220919
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 220919.
- 2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 7 - 36)
- 2.3 Planning Policies Referred to in Documents Submitted (Pages 37 - 38)
- 2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 39 - 46)
- 2.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 2.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer
- 3.1 KINGSHILL - ERECTION OF PORCH. 1.5 STOREY EXTENSION TO NORTH ELEVATION, DORMER EXTENSIONS AND DETACHED DOMESTIC GARAGE - 211447
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 211447.
- 3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 47 - 64)
- 3.3 Planning Policies Referred to in Documents Submitted (Pages 65 - 66)
- 3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 67 - 78)
- 3.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.

- 3.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer
- 4.1 FAIRHILL, 275 NORTH DEESIDE ROAD - ERECTION OF DETACHED DOUBLE GARAGE WITH HOME OFFICE ABOVE - 220805
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 220805.
- 4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 79 - 98)
- 4.3 Planning Policies Referred to in Documents Submitted (Pages 99 - 100)
- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 101 - 120)
- 4.5 Determination - Reasons for Decision
Members, please note that reasons should be based against Development Plan policies and any other material considerations.
- 4.6 Consideration of Conditions to be Attached to the Application - if Members are Minded to Over-Turn the Decision of the Case Officer

Website Address: aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Mark Masson on mmasson@aberdeencity.gov.uk / tel 01224 067556

This page is intentionally left blank

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 2013 (the regulations), and (two) Aberdeen City Council's Standing Orders.
2. Local members are not permitted to sit on cases that fall within their ward.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
 9. 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

10. Once in possession of all information and/or representations considered necessary to the case before them, the LRB will proceed to determine the review.
11. 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.”
12. 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.
13. 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**.
14. The LRB will give clear reasons for its decision.

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

Site Address:	Road to the front of 13 Correction Wynd, Aberdeen, AB10 1HP
Application Description:	Change of use to provide an external seating area with 3 seating pods
Application Ref:	220919/DPP
Application Type:	Detailed Planning Permission
Application Date:	26 July 2022
Applicant:	Red Robin Cafe
Ward:	George Street/Harbour
Community Council:	City Centre
Case Officer:	Dineke Brasier

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is a rectangular area extending to c.14m² immediately in front of 13 Correction Wynd. The site forms part of the carriageway of Correction Wynd and was until recently occupied by three timber ‘pods’, which were placed there as part of ‘Spaces for People’ social distancing measures by the applicant during the Covid period, to act as additional seating for their café Red Robin Records, which is located in 13 Correction Wynd.

The timber pods measure c.2m by c1.2m with an overall height of c.1.9m. They have two opening doors facing out onto the pavement, and high level windows in the side and rear elevations. The ‘pods’ are finished in a painted graphic design incorporating the logo of the café, and are set on timber pallets.

The site has a historic setting and character, and is located within the city centre boundary and the City Centre Conservation Area, and is located between the curtilage and boundary wall of the A-listed St Nicholas Churchyard and category B and C-listed buildings along Correction Wynd.

Relevant Planning History

161372/DPP – Change of use from clinic (class 2) to mixed use café/record shop (classes 1 and 3) and associated alterations to shopfront, doorway and window arrangements – approved on 17th November 2016;

161373/DV – Erection of 1 non-illuminated projecting sign and 1 non-illuminated hanging board – approved on 18th November 2016;

161374/LBC – Alterations to interior and frontage of building – approved on 18th November 2016;

171510/LBC and 180161/DPP – Installation of flue to rear wall and roof – approved on 15th

February and 28th March 2018;
200787/DPP – Change of use of pavement to provide an external seating area outside the premises with three associated enclosures – Withdrawn; and
211339/DPP – Change of use of road to provide an external seating area with three seating pods – Refused on 22nd December 2021. This decision was subsequently appealed to the Council's Local Review Body where the refusal was upheld.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for a change of use of part of Correction Wynd to an external seating area and the installation of three timber pods on the carriageway of Correction Wynd, immediately adjacent to the pavement and opposite to 13 Correction Wynd which currently trades as Red Robin Records (café and record shop). The pods are constructed of timber and painted in various colours, have a mono-pitched roof and measure c.2m by c.1.2m by a height varying between c.1.7m and c.1.9m.

The application was submitted as retrospective, however the pods have since been removed in the period between submission and determination.

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=RFDLO5BZI3H00>

CONSULTATIONS

ACC - Roads Development Management Team – It is noted that this application is identical to application 211339/DPP, which was refused, in part, due to Road safety concerns. This decision was upheld by LRB. Nothing has fundamentally changed to remove this roads safety concern, and there is a lack of supplementary information to justify the resubmission of this application. A single sentence – 'Correction Wynd now designated as pedestrian/ pedestrian priority previously restricted access with entry/exit via the Green' has been added. ACC Roads stance was never that this road was heavily trafficked, simply that these pods completely block the visibility splay of the rear loading/ parking area junction, which remains the case. This is unsafe and is not permitted. Recommends that the application is refused.

ACC - Environmental Health – No objection provided the following general conditions are applied to help protect the amenity of neighbours from noise and reduce the risk of noise complaint;

1. No amplified music or noise emitted from the use of microphones/speakers or other forms of entertainment within the proposed seating area; and
2. The proposed seating area is not used before 10:00 or after 22:00.

ACC – Street Operations Team – No pavement café permit would be issued due to both the loss of revenue from the on-street parking bays, and the visibility issues for those vehicles exiting from the adjacent internal car park

City Centre Community Council – No response received

REPRESENTATIONS

2 letters of objection have been received. The matters raised can be summarised as follows –

1. Inappropriate use of public space; and
2. Ugly addition to the street without architectural merit. It will detract from the area and should not be built on a public highway.

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

Historic Environment Policy for Scotland

Development Plan

Aberdeen City and Shire Strategic Development Plan (2020)

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

Aberdeen Local Development Plan (2017)

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, weight 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 –

D1: Quality Placemaking by Design

D4: Historic Environment

NC1: City Centre Development - Regional Centre

NC2: City Centre Retail Core and Union Street
T2: Managing the Transport Impact of Development

Supplementary Guidance

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 are relevant –

D1: Quality Placemaking
D2: Amenity
D6: Historic Environment
VC1: Vibrant City
VC4: City Centre and Retail Core
T2: Sustainable Transport
T3: Parking

Other Material Considerations

City Centre Conservation Area Character Appraisal

EVALUATION

Principle of Development

The site is located within the City Centre boundary and falls within the city centre retail core. Policies NC1 (City Centre Development – Regional Centre) and NC2 (City Centre Retail Core and Union Street) apply. Both policies are aimed at ensuring that the city centre remains a vibrant and viable location for retail and other visitor attracting uses. Given that the proposal would not constitute a change of use of a retail unit to a different use, but is concerned with the creation of an outdoor seating area serving an existing business, it is considered that these policies are not directly relevant to the determination of this application.

Impact on residential amenity

The upper floors of buildings along Correction Wynd are occupied by residential flats, and the impact of the proposal on their residential amenity in relation to noise should be considered. The Environmental Health Service has commented on the application, and subject to the use of suitably worded conditions in relation to hours of use of the pods and restrictions on the use of amplified music do not raise any concerns or objections to the proposal. On that basis, it is considered that the proposal would have no unacceptable adverse impact on the residential

amenity of nearby flats.

Impact on the historic environment

Policy D4 (Historic Environment) sets out that the Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP (now Historic Environment Policy for Scotland – HEPS) and its own supplementary guidance and conservation area character appraisals and management plan – in this case the City Centre Conservation Area Character Appraisal. High quality design that respects the character, appearance and setting of the historic environment and protects the special architectural or historic interest of its listed buildings and conservation areas will be supported. Scottish Planning Policy paragraph 143 further sets out that proposals that do not harm the character or appearance of a conservation area should be treated as preserving its character or appearance. HEPS policy 3 sets out that plans should be approached in a way that protects and promotes the historic environment.

The site is located within the City Centre Conservation Area, and is immediately adjacent to the curtilage of the category A-listed St Nicholas Churchyard - including the granite boundary walls onto Correction Wynd, and various category B and C listed buildings fronting onto Correction Wynd. The street is part of the remains of the medieval street pattern, and as is the adjacent churchyard and kirk, falls in the 'Marischal Street, the Green etc' character area as defined in the City Centre Conservation Area Character Appraisal. A positive key characteristic for this area is the streetscape and the use of high quality materials in key areas. The solid high churchyard wall is a very strong feature within this part of the conservation area. Correction Wynd itself is surfaced in granite setts. The entire area makes a positive contribution to this key characteristic and to the conservation area as a whole.

The proposal is for change of use of part of the road to an external seating area, and the placement of three timber pods measuring c.2m by c.1.2m by a height ranging between c.1.7m and c.1.9m for a period of five years in this proposed seating area. The timber pods were previously installed as part of Spaces for People following the introduction of social distancing measures as a result of the Covid-19 pandemic in 2020. Following a previous refusal of planning permission 211339/DPP, upheld at Local Review Body, the pods were removed in August 2022. As such, even though the current application was originally submitted as retrospective, there is no longer a breach of planning control at present, and the application is no longer determined on a retrospective basis.

However, the design for the pods as currently proposed is exactly the same as that previously considered as part of application 211339/DPP. The proposed timber pods would be constructed of modern, low quality materials and finish, and would have an utilitarian design. They were considered acceptable as a short-term solution following the introduction of social distancing measures during the Covid-19 pandemic (during which there was a suspension of 'normal' planning controls). However, this current application seeks permanent permission for the installation of the pods, and their impact on the character and appearance of the City Centre Conservation Area and the setting of the numerous listed buildings in the immediate vicinity requires to be considered.

Due to this utilitarian design, use of low-quality materials, and positioning within the street scene, the timber pods are considered to have a detrimental impact on the character and appearance of this part of the City Centre Conservation Area, with special consideration to its location within character area 3 'Marischal Street, The Green etc', and will detract from and would not respect the special character of Correction Wynd. In addition, due to their close proximity to the high, imposing granite boundary walls of the category A-listed St Nicholas Churchyard onto Correction Wynd and the category B- and C-listed buildings along the eastern side of Correction Wynd, the pods are also considered to have a detrimental impact on the setting of these listed buildings. As such, the

proposal is considered to be contrary to policies D1 (Quality Placemaking) and D4 (Historic Environment) of the 2017 Aberdeen Local Development Plan and relevant sections of Scottish Planning Policy and Historic Environment Policy for Scotland.

Parking and Access

The pods are located on the carriageway of Correction Wynd, c3.5m to the south of a narrow pend leading to a parking/service area serving businesses and flats on Correction Wynd. Correction Wynd is a narrow, cobbled street, with some on-street parking bays and is subject to a 20mph speed limit. Even though it is a pedestrian priority route and is not a through route for cars, it is used by service and refuse vehicles, and people using the pend. There are no parking bays at the application site, immediately in front of 13 Correction Wynd, as it was considered that parked cars would severely restrict visibility when exiting the pend. As a result, the nearest on-street parking bays are further along the street in front of 15 Correction Wynd. It is therefore considered that the pods would severely restrict visibility for cars emerging from the pend, and that the required visibility splay of 2.4m x 25m cannot be achieved. The applicant has not provided any evidence otherwise.

As such, the proposal is considered to have a detrimental impact on local highway conditions, especially in relation to roads safety, is subject to an objection from Roads Development Management and is contrary to the requirements of policy T2 (Managing the Transport Impact of Development) and Supplementary Guidance on Transport and Accessibility.

Proposed Aberdeen Local Development Plan

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is not acceptable in terms of both Plans for the reasons previously given.

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

That the change of use of part of the public road carriageway to form an external seating area including the installation of three timber pods is considered to have a detrimental impact on the character and appearance of the Union Street Conservation Area and the setting of various adjacent category A-, B-, and C-listed buildings and their curtilages due to the design, materials, and finishes of the pods. The development is thus contrary to policies D1 (Quality Placemaking by Design) and D4 (Historic Environment), of the 2017 Aberdeen Local Development Plan, policies D1 (Quality Placemaking), D6 (Historic Environment) of the 2020 Proposed Local Development Plan; the draft City Centre Conservation Area Character Appraisal and relevant sections of Scottish Planning Policy and the Historic Environment Policy for Scotland (HEPS).

That the proposed siting of the pods would obstruct driver visibility both along Correction Wynd and from the pend serving the parking /servicing area to the rear of Correction Wynd, impacting on safety. The development is thus contrary to policy T2 (Managing the Transport Impact of Development) of the 2017 Aberdeen Local Development Plan, and policy T2 (Sustainable Transport) of the 2020 Proposed Local Development Plan; and Supplementary Guidance on Transport and Accessibility.

This page is intentionally left blank



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100587189-001

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

Type of Application

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

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

Description of Proposal

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

Change of use to Parking Bays to enable erection of 3No. Seating Pods for customer use.

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

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

30/05/2020

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

This was agreed with Planning department under special Covid measures. The department were fully aware and agreed to the location of the Pods. With removal of these measures client was advised to arrange for formal approval.

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	calder design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Martin	Building Name:	
Last Name: *	Calder	Building Number:	19
Telephone Number: *	01224633889	Address 1 (Street): *	beechgrove
Extension Number:		Address 2:	terrace
Mobile Number:	+447841751490	Town/City: *	aberdeen
Fax Number:		Country: *	scotland
		Postcode: *	AB155DR
Email Address: *	caldermartin@hotmail.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: *	Nick	Building Number:	13
Last Name: *	Duthie	Address 1 (Street): *	Correction
Company/Organisation	Red Robin Cafe	Address 2:	Wynd
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	uk
Mobile Number:		Postcode: *	AB10 1HP
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

GROUND FLOOR

Address 2:

13 CORRECTION WYND

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB10 1HP

Please identify/describe the location of the site or sites

Northing

806243

Easting

394117

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

8.50

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)

Car Parking Bays

Access and Parking

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

Yes No

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

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * ≤ Yes T No</p> <p>If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.</p>
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site? 2</p> <p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? * 0</p> <p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>
<p>Water Supply and Drainage Arrangements</p> <p>Will your proposal require new or altered water supply or drainage arrangements? * ≤ Yes T No</p>
<p>Do your proposals make provision for sustainable drainage of surface water?? * ≤ Yes T No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p>≤ Yes</p> <p>≤ No, using a private water supply</p> <p>T No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<p>Assessment of Flood Risk</p> <p>Is the site within an area of known risk of flooding? * ≤ Yes ≤ No T Don't Know</p> <p>If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * ≤ Yes ≤ No T Don't Know</p>
<p>Trees</p> <p>Are there any trees on or adjacent to the application site? * ≤ Yes T No</p> <p>If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.</p>
<p>Waste Storage and Collection</p> <p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * ≤ Yes T No</p>

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

All contained within main Cafe adjacent to application site

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 Philip Anderson

Address:

Burnett & Reid, 9, Queens, Road, Aberdeen , uk, AB15 4YL

Date of Service of Notice: *

01/06/2022

(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:

Martin Calder

On behalf of:

Mr Nick Duthie

Date:

21/07/2022

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	T	N/A
A Design Statement or Design and Access Statement. *	≤	Yes	T	N/A
A Flood Risk Assessment. *	≤	Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	≤	Yes	T	N/A
Drainage/SUDS layout. *	≤	Yes	T	N/A
A Transport Assessment or Travel Plan	≤	Yes	T	N/A
Contaminated Land Assessment. *	≤	Yes	T	N/A
Habitat Survey. *	≤	Yes	T	N/A
A Processing Agreement. *	≤	Yes	T	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 Martin Calder

Declaration Date: 21/07/2022

Payment Details

Online payment: ABSP00008544

Payment date: 21/07/2022 15:21:00

Created: 21/07/2022 15:21

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Calder Design
19 Beechgrove Terrace
Aberdeen
AB15 5DR

on behalf of **Red Robin Cafe**

With reference to your application validly received on 26 July 2022 for the following development:-

**Change of use to provide an external seating area with 3 seating pods
at Road To The Front Of, 13 Correction Wynd**

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>
21/07/01	Location Plan Elevations and Floor Plans

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

None.

REASON FOR DECISION

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

That the change of use of part of the public road carriageway to form an external seating area including the installation of three timber pods is considered to have a

detrimental impact on the character and appearance of the Union Street Conservation Area and the setting of various adjacent category A-, B-, and C-listed buildings and their curtilages due to the design, materials, and finishes of the pods. The development is thus contrary to policies D1 (Quality Placemaking by Design) and D4 (Historic Environment), of the 2017 Aberdeen Local Development Plan, policies D1 (Quality Placemaking), D6 (Historic Environment) of the 2020 Proposed Local Development Plan; the draft City Centre Conservation Area Character Appraisal and relevant sections of Scottish Planning Policy and the Historic Environment Policy for Scotland (HEPS).

That the proposed siting of the pods would obstruct driver visibility both along Correction Wynd and from the pend serving the parking /servicing area to the rear of Correction Wynd, impacting on safety. The development is thus contrary to policy T2 (Managing the Transport Impact of Development) of the 2017 Aberdeen Local Development Plan, and policy T2 (Sustainable Transport) of the 2020 Proposed Local Development Plan; and Supplementary Guidance on Transport and Accessibility.

Date of Signing 14 September 2022



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

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

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

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

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

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

This page is intentionally left blank

Consultee Comments for Planning Application 220919/DPP

Application Summary

Application Number: 220919/DPP

Address: Parking Bays To The Front Of 13 Correction Wynd Aberdeen AB10 1HP

Proposal: Change of use of parking bays to provide an external seating area with 3 seating pods (retrospective)

Case Officer: Dineke Brasier

Consultee Details

Name: Mr scott lynch

Address: Marischal College, Gallowgate, Aberdeen AB10 1YS

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

This application is for the change of use of parking bays to provide an external seating area with 3 seating pods (retrospective).

I note that this application is identical to application 211339/DPP which was refused, in part, due to Roads safety concerns. This decision was upheld at the LRB.

Nothing has fundamentally changed to remove this roads safety concern, and there is a lack of supplementary information to justify the resubmission of this application.

A single sentence - "Correction Wynd now designated as pedestrian / pedestrian priority previously restricted access with entry / exit via the green" has been added, but ACC Roads stance was never that this road was heavily trafficked, simply that these pods completely block the visibility splay of the rear loading / parking area junction, which remains the case. This is unsafe and is not permitted.

For the above reasons, Roads would again recommend that this application is refused.

This page is intentionally left blank

Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Dineke Brasier	To: ACC - Environmental Health
E-mail: dbrasier@aberdeencity.gov.uk	Date Sent: 27 July 2022
Tel.: 01224 523514	Respond by: 17 August 2022

Application Type: Detailed Planning Permission
Application Address: Ground Floor 13 Correction Wynd Aberdeen AB10 1HP
Proposal Description: Change of use of parking bays to provide an external seating area with 3 seating pods (retrospective)
Application Reference: 220919/DPP
Consultation Reference: DC/ACC/RFOB84BZ00K02

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

The above Application has been reviewed by the Environmental Protection Section. The following comments are considered appropriate and proportionate under the current circumstances:

Environmental Noise

This Service would have no objections provided the following general conditions are applied to help protect the amenity of neighbours from noise and reduce the risk of noise complaint;

1. no amplified music or noise emitted from the use of microphones/speakers or other forms of entertainment within the proposed seating area.
2. The proposed seating area is not used prior to 10:00 hours and after 22:00 hours.

I trust this information is of help.

Kind regards

Responding Officer: Mark Nicholl

Date: 02-08-2022

Email:

Ext:

Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Dineke Brasier	To: ACC - Roads Development Management Team
E-mail: dbrasier@aberdeencity.gov.uk	Date Sent: 27 July 2022
Tel.: 01224 523514	Respond by: 17 August 2022

Application Type: Detailed Planning Permission
Application Address: Parking Bays To The Front Of 13 Correction Wynd Aberdeen AB10 1HP
Proposal Description: Change of use of parking bays to provide an external seating area with 3 seating pods (retrospective)
Application Reference: 220919/DPP
Consultation Reference: DC/ACC/RFOBQYBZ00K00

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).	X

COMMENTS

No pavement café permit would be issued due to both the loss of revenue from the on-street

parking bays, and the visibility issues for those vehicles exiting from the adjacent internal car park.

Responding Officer: Kevin Abercrombie
Date: 27/07/2022
Email: KAbercrombie@aberdeencity.gov.uk
Ext: 3886

Comments for Planning Application 220919/DPP

Application Summary

Application Number: 220919/DPP

Address: Parking Bays To The Front Of 13 Correction Wynd Aberdeen AB10 1HP

Proposal: Change of use of parking bays to provide an external seating area with 3 seating pods (retrospective)

Case Officer: Dineke Brasier

Customer Details

Name: Honorary Secretary Aberdeen Civic Society

Address: c/o 1 Mackie Place Aberdeen

Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Aberdeen Civic Society objects to this proposal which seems to be an inappropriate use of public space

This page is intentionally left blank

Comments for Planning Application 220919/DPP

Application Summary

Application Number: 220919/DPP

Address: Parking Bays To The Front Of 13 Correction Wynd Aberdeen AB10 1HP

Proposal: Change of use of parking bays to provide an external seating area with 3 seating pods (retrospective)

Case Officer: Dineke Brasier

Customer Details

Name: Bryan Watson

Address: 17 Fraser Place Alford

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is an ugly addition to the street and has no architectural merit. It will detract from the area and should not be built on a public highway.

This page is intentionally left blank

220919/DPP

Aberdeen Local Development Plan (ALDP)

- Policy NC1 - City Centre Development - Regional Centre
- Policy NC2 - City Centre Retail Core and Union Street
- Policy T2 - Managing the Transport Impact of Development
- Policy D1 - Quality Placemaking by Design
- Policy D4 - Historic Environment
- Policy D5 – Our Granite Heritage

Proposed Aberdeen Local Development Plan 2020 / Aberdeen Local Development Plan 2022

- D1: Quality Placemaking
- D2: Amenity
- D6: Historic Environment
- VC1: Vibrant City
- VC4: City Centre and Retail Core
- T2: Sustainable Transport
- T3: Parking

[Aberdeen Local Development Plan review | Aberdeen City Council](#)

Supplementary Guidance

City Centre Conservation Area Character Appraisal

https://www.aberdeencity.gov.uk/sites/default/files/2022-03/City%20Centre%20Conservation%20Area_0.pdf

Transport and Accessibility

Other Material Considerations

Scottish Planning Policy (2014)

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

Historic Environment Policy for Scotland (HEPS)

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

Proposed Aberdeen Local Development Plan (2020)

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

This page is intentionally left blank



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100587189-003

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="calder design"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Martin"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Calder"/>	Building Number:	<input type="text" value="19"/>
Telephone Number: *	<input type="text" value="01224641859"/>	Address 1 (Street): *	<input type="text" value="beechgrove"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text" value="terrace"/>
Mobile Number:	<input type="text" value="+447841751490"/>	Town/City: *	<input type="text" value="aberdeen"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="scotland"/>
		Postcode: *	<input type="text" value="AB15 5DR"/>
Email Address: *	<input type="text" value="caldermartin@hotmail.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="Nick"/>	Building Number:	<input type="text" value="13"/>
Last Name: *	<input type="text" value="Duthie"/>	Address 1 (Street): *	<input type="text" value="13 Correction Wynd Aberdeen"/>
Company/Organisation	<input type="text" value="Red Robin Cafe"/>	Address 2:	<input type="text" value="13 Correction Wynd Aberdeen"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text" value="REDACTED"/>	Postcode: *	<input type="text" value="AB10 1HP"/>
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="GROUND FLOOR"/>
Address 2:	<input type="text" value="13 CORRECTION WYND"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB10 1HP"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806243"/>	Easting	<input type="text" value="394117"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

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

Change of use to provide an external seating area with 3 seating pods at road in front of 13 Correction Wynd.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

This is the second application in respect of this proposal and it is pertinent to refer to the previous LRB determined on the 22nd December 2021. During the LRB the councillors on the board felt that the Roads Departments argument used as a strong reason against approval by Planning were not critical and could be dealt with, the Planner presenting the LRB actually asked the chair if they wished to alter the determination to remove the Roads objection, this was refused. Expanded later in 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)

Client's supporting statement consisting of 6 pages. Architect's additional information (1 page)

Application Details

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

220919/DDP

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

26/07/2022

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

14/09/2022

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 Martin Calder

Declaration Date: 28/11/2022

This page is intentionally left blank

STATEMENT.

Road issues.

As stated in the main application form we take issue with the retention of Road's Department statements in respect of sight lines as a critical issue and point for refusal.

Firstly the "road" was always designated as limited access with no through route as the access and exit are from the Green. This alone should limit road requirements which was recognised by the Councillors in the previous LRB.

Secondly the "road" has now received a designation of Pedestrian priority/Pedestrian only thereby further limiting vehicular access and consequently strength of the Planning position.

Finally the sight line referred to is for a minor (side) road accessing a main road, hardly the case here, also and possibly more importantly, the minor road is through a pond which actually makes the sight line requirements impossible to achieve in any case.

Both Councillors felt that Road matters could easily be addressed, an option that was ignored by the Planning Department.

Design issues.

Following the initial LRB refusal we attempted to set up dialogue with planning but this could not be arranged prior to or after our second Planning application which is the subject of this LRB. Again we would state that we are still prepared to adjust the design and finish of the "pods" if that would enable a possible compromise to be established in terms of an acceptable proposal.

Area Issues.

Although precedence is not an accepted argument it can't be ignored that within the same Conservation Area there are sited some very similar units outside commercial premises and a question of balance against decisions made must be raised. We are only asking that an even handed approach is applied so that the process is seen to be fair to all.

Martin Calder for Calder Design.

This page is intentionally left blank

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

Site Address:	Kingshill, Kingswells, Aberdeen, AB15 8QB
Application Description:	Erection of porch, 1.5 storey extension to north elevation, dormer extensions and detached domestic garage
Application Ref:	211447/DPP
Application Type:	Detailed Planning Permission
Application Date:	6 October 2021
Applicant:	Brian Mann
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber
Case Officer:	Roy Brown

RECOMMENDATION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a 1½ storey late 19th century granite-built dwellinghouse, known as Kingshill, its associated residential curtilage, and an area of undeveloped land to its east.

The dwellinghouse has a southeast facing principal elevation; it has single-storey flat roofed extension to its rear and a box dormer to its front. The site slopes c.1m from the north of the site to the ground adjacent to the southeast elevation of the dwellinghouse.

The site bounds, and the southwest facing elevation of the dwelling fronts, Kingshill Road to the southwest; and the site is otherwise bounded to the north, east and south by land that is currently agricultural in appearance.

The application site is allocated within Opportunity Site 38 – Countesswells (OP38) in the Aberdeen Local Development Plan 2017, the delivery and construction of the Countesswells development is on-going and much of it to the south of the application site has been completed. The dwellinghouse is part of a group of four dwellinghouses bounding Kingshill Road.

Relevant Planning History

Planning permission was granted on 7th July 2022 for the change of use of land to the east of Kingshill to private garden ground (Ref: 220532/DPP).

Planning Permission in Principle was granted on 1 April 2016 (Ref: P140438) for a residential development comprising 3000 units, town and neighbourhood centres (including commercial, retail and leisure uses), c.10 hectares of employment land, community facilities, open space,

landscaping and supporting infrastructure. Various Detailed Planning Permission and Matters Specified in Conditions applications have been approved between 2014 and 2019 within the wider Countesswells development relating to the delivery of OP38.

APPLICATION DESCRIPTION

Description of Proposal

Planning permission is sought for the erection of a 1½ storey extension with a porch to the rear; the enlargement of the dormer on the principal elevation and the erection of a single storey garage to the rear. The proposed extension would be built over, and reconfigure, the existing single storey rear extension.

The proposed extension would comprise a 1½ storey gable element that would be parallel to the original dwellinghouse which would be linked by a 1½ storey pitched roofed link. Between the original dwelling and these two elements would be a single-storey flat roofed element (formerly part of the existing rear extension). The roofslopes of the link extension would comprise an initial sloping roof, a vertical slated section extending up to a flat roof; forward of those vertical elements would be a dormer with a gable roof. The rear elevation would have a gable roofed dormer. A gable roofed external front porch would extend from the west elevation of the proposed gable end.

The extension would have a maximum height of c.5.6m. The height of the ridges would be c.5.5m; and eaves of the extension would be c.2.8m. The parallel gable extension would project c.6m to the rear beyond the existing rear extension, a total of c.9.5m from the rear elevation of the original main dwellinghouse, and would be 11m in width. The porch would include an entrance door. It would project c.2.6m to the west of the gable extension and be c.2.3m in width.

The walls of the extension would be finished in off-white wetdash render, reclaimed granite and Siberian larch timber linings. The pitched roofslopes would be finished in natural slate and the flat roof in dark grey single ply roofing membrane. The fasciae and soffits would be finished in dark-grey stained timber; the windows would have timber alu-clad frames; and it would have a dark grey timber-coated entrance door.

The proposed garage would be gable roofed, have a c.4.5m ridge and c.2.2m eaves heights; be c.6.5m in length and c.4.5m in width; and would have a c.2.7m wide and c.2.4m tall garage door. Its southwest elevation would be finished in reclaimed granite, its other elevations in off-white wetdash render and it would have a slate roof.

Amendments

The applicant has revised the application since submission in that the design of the dormer windows on the southwest, southeast and north elevations have been altered.

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=R0HWYKBZ02K00>

Alteration & Extension of Kingshill (Prepared by Allardyce Design)

Supporting statement to counter initial concerns raised by the Planning Service as well as reasons why suggested revisions have not been made.

To justify the footprint of the development, the agent has provided an image of the site from a historic map that shows development at the rear, implying it originally had a greater footprint than the existing gable element.

Its design is justified on the basis that its historic vernacular form has already been compromised; that the proposed building form is of a superior aesthetic quality to the existing dwellinghouse and that the materials proposed would relate to the vernacular character of the original dwelling.

Preliminary Roost Assessment (Prepared by Countrywise)

Sets out legislative requirements with respect to bats; describes the site; and that a desk study and a daytime survey of the building was undertaken. It found that whilst part of the building would be suitable for bats, the surrounding habitat is very poor for them. No signs of roosting bats were found in the building and there is low number of bat records nearby. As such, it is considered that the impact on bats from the development would be negligible.

CONSULTATIONS

Roads Development Management Team – No objection on the basis that the proposed garage meets the minimum required internal dimensions of 2.7m x 5.7m. Adequate parking provision would remain on site and the existing driveway would allow for vehicles to enter and exit the site in a forward gear.

Cults, Bieldside and Milltimber 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

Aberdeen City and Shire Strategic Development Plan 2020

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

Aberdeen Local Development Plan 2017

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, weight 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 LR1 - Land Release Policy
Policy D1 - Quality Placemaking by Design
Policy NE8 - Natural Heritage
OP38 - Countesswells

Supplementary Guidance (SG)

Householder Development Guide (HDG)
Natural Heritage
Countesswells Development Framework and Phase 1 Masterplan – Part 2 (CDF)

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 are relevant –

Policy LR1 - Land Release
Policy D1 - Quality Placemaking
Policy NE3 - Natural Heritage

EVALUATION

Principle of Development

The application site falls within land allocated for OP38 in the Aberdeen Local Development Plan 2017. Policy LR1 – Land Release Policy of the ALDP is therefore of relevance in the assessment of this planning application.

Policy LR1 states that development on an allocated site that jeopardises the full provision of the allocation will be refused.

The proposal relates to householder development on existing residential curtilage and on land which has recently been granted for use as residential curtilage (Ref: 220532/DPP) to be associated with the application property.

The proposal relates to householder development and it would not encroach on any additional land required for the delivery of OP38 that has not already been approved as residential curtilage.

Whilst it is a requirement of the CDF for the wider residential development to respect the setting of this application property, this extension would not impact the future detailed plans of the Countesswells development from being designed in accordance with Supplementary Guidance. As such, the proposal would not jeopardise the full provision of the allocation and would have no impact on its delivery in accordance with the CDF. It would therefore accord with Policy LR1 in principle.

Design and Scale

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.

Being a householder development, the HDG is of relevance in the consideration of its design and scale. The HDG states that *'proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale.'*

The proposed extension would be excessive in its scale and massing to the original dwellinghouse. The total c.9.5m projection of extensions to the rear of the original building would appear disproportionately large in the context that the original dwelling is only c.6.2m in length and c.12.7m in width. The combined massing and multiple forms of the extensions together with ridge heights that are the same as that of the original dwellinghouse would result in the extensions overwhelming the singular gable roofed form of the original dwellinghouse, resulting in the loss of its vernacular architectural character, in conflict with the HDG.

In addition to the extension overwhelming the scale and form of the original dwellinghouse, it must be highlighted that the extended dwelling would incorporate inconsistent variations in its design, which together would visually detract from its resulting architectural appearance. This is due to the convoluted variations of roof forms in terms of the multiple pitched roofed elements as well as a flat roofed extension and front porch. The roof slopes of the link extension would each be dominated by the flat roofed vertical elements. Whilst it is acknowledged that the existing dormer on the principal elevation is substantial in its size, the addition of the pitched roof features overlaid on this box dormer would appear awkward and be inconsistent with the architectural style of the dormers and the full-height glazing below.

The extension would therefore be significant in terms of its massing on the streetscape and result in the historic vernacular form of the dwellinghouse, which would be to the detriment of the character and visual amenity of the surrounding area. Given the development will be surrounded by the forthcoming Countesswells development, the design and scale of the extended dwelling would diminish the visual amenity of the surrounding built environment as it becomes an established residential area.

In terms of footprint, the HDG requires the built footprint of a dwellinghouse as extended to not exceed twice that of the original dwelling. The supporting statement contests that the extended dwelling would not be less than double that of the original dwellinghouse on the basis that the built footprint of the 'original' dwellinghouse is larger than the footprint covered by the existing historic gable element. An image of the site in a historic map has been submitted that shows that there was historically development adjacent to the rear of the dwellinghouse. However, the evidence presented is ambiguous in that the footprint does not correspond with what currently exists on the site. The existing flat roofed extension is not 'original', being of modern design and appearance. Given the singular architectural form of the original gable element, there is otherwise no evidence

to suggest that the original dwelling was any greater than the historic gable element, the footprint of which is c.78sqm. The footprint of the extended dwelling would resultantly be c.188sqm and therefore more than double that of the original building, in conflict with the HDG.

It must be highlighted that even if the evidence presented was accepted for the purpose of this calculation, in no way would this justify the scale, form, massing, projection and footprint of the extension, which would fundamentally overwhelm the architectural character of the original dwelling, to the detriment of the architectural integrity and visual amenity of the original dwellinghouse and the surrounding area.

It is acknowledged that there are aspects of this proposal which comply with the HDG in that less than 50% of the rear curtilage would be covered by development. Additionally, the proposal would also incorporate finishing materials that are sympathetic to the original dwelling and its setting on Kingshill Road in terms of the reclaimed granite, timber alu-clad windows and wetdash render. Furthermore, the proposed garage would be subordinate in scale and massing to the original dwelling. Its tabling, form and reclaimed finish would be sympathetic to the architectural character of the original building and its existing semi-rural setting. However, by way of its design, scale and massing, the proposed extension would overwhelm the architectural character of the original dwelling and would detract from the visual amenity of the surrounding area, in conflict with the Supplementary Guidance: The Householder Development Guide, and Policy D1 of the ALDP.

Residential Amenity

Given its distance from the existing neighbouring residential properties, the proposed extension would not impact on their residential amenity in terms of privacy, sunlight and background daylight. The proposal would not adversely the residential amenity of the surrounding area, in accordance with Policies H1 and D1 of the ALDP, and the SG.

Bats

Policy NE8 – Natural Heritage states that *'development should seek to avoid any detrimental impact on protected species through the carrying out of surveys and submission of protection plans describing appropriate mitigation where necessary.'*

A preliminary bat roost assessment has been submitted in support of the application, which found no evidence of roosting bats and that notwithstanding the building could support bat roosts, the surrounding area is a very poor bat habitat, and as such the development would have negligible impact on bats and bat habitats. The conclusions of the assessment are accepted, and therefore the proposal would accord with Policy NE8 of the ALDP and the Natural Heritage SG.

Road Safety and Parking Provision

Its internal dimensions would adequately facilitate one parked car, in accordance with the Supplementary Guidance: 'Transport and Accessibility', as its internal dimensions would exceed 2.7m x 5.7m, and its entry height would exceed 1.95m. The driveway would be of sufficient size and proportions to allow vehicles to enter and exit the property in a forward gear. Roads Development Management have raised no objection due to the acceptable dimensions of the garage. The proposal would not adversely affect road safety.

Proposed Aberdeen Local Development Plan

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

RECOMMENDATION

Refuse

REASON FOR RECOMMENDATION

By way of its excessive massing, projection to the rear, multiple dominant built elements, inconsistent design features and its footprint relative to the original dwellinghouse, the proposed extension would overwhelm and be architecturally incompatible in design, scale and massing with the original dwellinghouse. It would detract from the character and visual amenity of the surrounding area. It would therefore conflict with Policy D1 – Quality Placemaking by Design of the adopted Aberdeen Local Development Plan 2017; the Supplementary Guidance: ‘The Householder Development Guide’; and Policies D1 – Quality Placemaking and D2 – Amenity of the Proposed Aberdeen Local Development Plan 2020.

This page is intentionally left blank

HOUSEHOLDER APPLICATION FOR PLANNING PERMISSION

Town and Country Planning (SCOTLAND) ACT 1997
 The Town and Country Planning (Development Management Procedure) (SCOTLAND) REGULATIONS 2013

Please refer to the accompanying **Guidance Notes** when completing this application

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR	Ref No.	
Forename	BRIAN	Forename	KEITH
Surname	MANN	Surname	ALLARDUCE
Company Name		Company Name	ALLARDUCE DESIGN LTD
Building No./Name	BELFIELD FARMHOUSE	Building No./Name	SUITE A, GROUND FLOOR
Address Line 1	BELFIELD FARM	Address Line 1	9 QUEENS ROAD
Address Line 2	KINGSWELLS	Address Line 2	
Town/City	ABERDEEN	Town/City	ABERDEEN
Postcode	AB15 8PX	Postcode	AB15 4YL
Telephone	—	Telephone	07763787302
Mobile	—	Mobile	07763787302
Fax	—	Fax	—
Email	—	Email	info@allarducedesign.co.uk

3. Address or Location of Proposed Development (please include postcode)

KINGSHILL, KINGSWELLS, ABERDEEN, AB15 8QB.

NB. If you do not have a full site address please identify the location of the site(s) in your accompanying documentation.

4. Describe the Proposed Works

Please describe accurately the work proposed:

ALTERATION & EXTENSION OF EXISTING DWELLINGHOUSE TO FORM ADDITIONAL ACCOMMODATION.
 ERECTION OF NEW DETACHED GARAGE.

Have the works already been started or completed Yes No

If yes, please state date of completion, or if not completed, the start date:

Date started: N/A.

Date completed: N/A.

If yes, please explain why work has already taken place in advance of making this application.

N/A.

5. Pre-Application Discussion

Have you received any advice from the planning authority in relation to this proposal? Yes No

If yes, please provide details about the advice below:

In what format was the advice given? Meeting Telephone call Letter Email

Have you agreed or are you discussing a Processing Agreement with the planning authority? Yes No

Please provide a description of the advice you were given and who you received the advice from:

Name: Date: Ref No.:

6. Trees

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

If yes, please show on drawings any trees (including known protected trees) and their canopy spread as they relate to the proposed site and indicate if any are to be cut back or felled.

7. Changes to Vehicle Access and Parking

Are you proposing a new altered vehicle access to or from a public road? Yes No

If yes, please show in your drawings the position of any existing, altered or new access and explain 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 changes to public paths, public rights of way or affecting any public rights of access? Yes No

If yes, please show on your drawings the position of any affected areas and explain the changes you propose to make, including arrangement 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 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, etc.)

8. Planning Service Employee/Elected Member Interest

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

Or, are you / the applicant / the applicant's spouse or partner a close relative of a member of staff in the planning service or elected member of the planning authority? Yes No

If you have answered yes please provide details:

DECLARATION

I, the applicant / agent certify that this is an application for planning permission and that accompanying plans/drawings and additional information are provided as part of this application. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

I, the applicant/agent hereby certify that the attached Land Ownership Certificate has been completed

I, the applicant/agent hereby certify that requisite notice has been given to other land owners and /or agricultural tenants Yes No N/A

Signature: 

Name: **K. ALLARDYCE**

Date: **15/09/2021**

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

LAND OWNERSHIP CERTIFICATES

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

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

CERTIFICATE A

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

I hereby certify that -

- (1) No person other than myself was owner of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the application.
- (2) None of the land to which the application relates constitutes or forms part of agricultural land.

Signed:

K. Mann

On behalf of:

MR BRIAN MANN

Date:

15/09/2021

CERTIFICATE B

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

I hereby certify that -

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

Name	Address	Date of Service of Notice

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

or

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

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Keith Allardyce
Allardyce Design
15 Golden Square
Aberdeen
AB15 8QB

on behalf of **Brian Mann**

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

Erection of porch, 1.5 storey extension to North elevation, dormer extensions and detached domestic garage at Kingshill, Kingswells

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>
AD.045/200 REV A	Elevations and Floor Plans (Proposed)
AD.045/201A	Location Plan

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

The applicant has revised the application since submission in that the design of the dormer windows on the southwest, southeast and north elevations have been altered.

REASON FOR DECISION

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

By way of its excessive massing, projection to the rear, multiple dominant built elements, inconsistent design features and its footprint relative to the original dwellinghouse, the proposed extension would overwhelm and be architecturally incompatible in design, scale and massing with the original dwellinghouse. It would detract from the character and visual amenity of the surrounding area. It would therefore conflict with Policy D1 - Quality Placemaking by Design of the adopted Aberdeen Local Development Plan 2017; the Supplementary Guidance: 'The Householder Development Guide'; and Policies D1 - Quality Placemaking and D2 - Amenity of the Proposed Aberdeen Local Development Plan 2020.

Date of Signing 13 September 2022



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

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

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

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

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

If permission to develop land is refused and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development that would be permitted, the owners of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the

land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

This page is intentionally left blank

Consultee Comments for Planning Application 211447/DPP

Application Summary

Application Number: 211447/DPP

Address: Kingshill Kingswells Aberdeen AB15 8QB

Proposal: Erection of porch, 1.5 storey extension to North elevation, dormer extensions and detached domestic garage

Case Officer: Roy Brown

Consultee Details

Name: Mr Michael Cowie

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

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

It is noted this application for erection of porch, 1.5 storey extension to North elevation, dormer extensions and detached domestic garage at Kingshill, Kingswells, Aberdeen AB15 8QB.

It is noted this proposal shall increase the number of associated bedrooms from 3 to 4, which as per ACC supplementary guidance increases the required associated off-street parking provision from 2 to 3 spaces. It is confirmed that adequate provision is remained on site in the form of existing/remaining driveway extents which shall retain adequate area to turn within the site allowing access/egress in a forward gear. Additionally, there is proposed a new single garage, this garage shall require to meet the minimum internal dimensions of 2.7m x 5.7m.

It is confirmed that Roads Development Management have no objections to this proposal/application, on the basis that the proposed garage meets the necessary dimensions (above).

This page is intentionally left blank

Application 211447/DPP

Aberdeen Local Development Plan (ALDP) 2017

- LR1 – Land Release Policy
- H1 – Residential Areas
- D1 - Quality Placemaking by Design
- Policy NE8 – Natural Heritage
- OP38 - Countesswells

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

Aberdeen Local Development Plan 2022 / Proposed Aberdeen Local Development Plan (2020)

- D1 – Quality Placemaking
- D2 – Amenity
- H1 – Residential Areas
- NE3 – Natural Heritage

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

Supplementary Guidance

Householder Design Guide

Natural Heritage

Countesswells Development Framework and Phase 1 Masterplan – Part 2 (CDF)

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

Other Material Considerations

Scottish Planning Policy 2020

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

Revised Draft NPF4 - National Planning Framework

[Supporting documents - National Planning Framework 4: revised draft - gov.scot \(www.gov.scot\)](#)

This page is intentionally left blank

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect
of Decisions on Local Developments
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND)
Regulations 2013
The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR	Ref No.	—
Forename	BRIAN	Forename	KEITH
Surname	MANN	Surname	ALLARDUCE.
Company Name		Company Name	ALLARDUCE DESIGN LTD.
Building No./Name	BELFIELD FARMHOUSE	Building No./Name	SUITE A
Address Line 1	BELFIELD FARM	Address Line 1	GROUND FLOOR
Address Line 2	KINGSWELLS	Address Line 2	9 QUEENS RD
Town/City	ABERDEEN	Town/City	ABERDEEN
Postcode	ABIS 8PX	Postcode	ABIS 4YL
Telephone	—	Telephone	—
Mobile	—	Mobile	07763787302
Fax	—	Fax	—
Email	—	Email	info@allarducedesign.co.uk
3. Application Details			
Planning authority	ABERDEEN CITY COUNCIL		
Planning authority's application reference number	211447 / DPP		
Site address	KINGSHILL, KINGSWELLS, ABERDEEN ABIS 8QB.		
Description of proposed development	ALTERATION & EXTENSION OF EXISTING DWELINGHOUSE TO FORM ADDITIONAL ACCOMMODATION. ERECTION OF NEW DETACHED GARAGE.		

Date of application

06.10.2021

Date of decision (if any)

13/09/2022

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

Application for planning permission (including householder application)

Application for planning permission in principle

Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)

Application for approval of matters specified in conditions

5. Reasons for seeking review

Refusal of application by appointed officer

Failure by appointed officer to determine the application within the period allowed for determination of the application

Conditions imposed on consent by appointed officer

6. 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.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

Further written submissions

One or more hearing sessions

Site inspection

Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

[Empty text box for explanation]

7. Site inspection

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

Can the site be viewed entirely from public land?

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

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

N/A.

8. Statement

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. Note: 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.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

SEPARATE DOCUMENT INCLUDED WITH THIS SUBMISSION.

Have you raised any matters which were not before the appointed officer at the time your application was determined?

Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

N/A.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

AD.045/004 NOTICE OF REVIEW STATEMENT.

DRAWINGS :

- AD045/001A 'AS EXISTING FLOOR PLANS & ELEVATIONS'.
- AD045/200A 'PROPOSED FLOOR PLANS, ELEVATIONS & SECTIONS'.
- AD045/201A 'PROPOSED SITE LAYOUT & LOCATION PLANS'.
- COPY OF SUPPORTING LETTER TO PLANNING OFFICER.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

Statement of your reasons for requesting a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

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 from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:

Name:

KALLARDUCE

Date:

01.12.2022

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

**AD.045/004
Notice Of Review
Statement**

**Alteration & Extension of Kingshill, Kingswells, Aberdeen, AB15 8QB.
Planning Ref: 211447/DPP.**

It was stated that the proposed extension would overwhelm the historic gable roofed form of the original dwelling, however the historic gable roof form was greatly compromised some time ago when the large flat roof dormer window arrangement on the south elevation was introduced. This dormer arrangement now dominates the roof form of the existing dwelling.

The local vernacular style building in its original form has been significantly compromised over the years. Currently the aesthetic quality of Kingshill is detrimentally affected by the large expanse of flat roof on the north approach (rear) and by the full width box dormer structure on the south facing roof as previously mentioned. I would submit that the proposed building form is of a superior aesthetic quality with more traditional roof structure, less brutal dormer design and far greater overall design cohesion.

The materials proposed to form the extension and detached garage are consistent with the local vernacular and would be sympathetic to the existing dwelling, with the new pitched roofs being clad with Blue/grey natural slate and the new walls being clad with a mixture of reclaimed natural granite, off-white wet render and timber linings. These materials are commonly used in the Northeast of Scotland's rural architecture and as previously mentioned would be sympathetic to the existing building.

The aesthetic of the existing dwelling is compromised by the use of non-traditional PVC windows, PVC fascias and soffits, dry dash render, felt flat roof coverings, non-traditional window fenestrations and additions of poor design quality.

With the applicant having first-hand knowledge of this properties' history and also having researched historic Ordnance Survey maps of the area, (see attached images 001 & 002) it is evident that the footprint of the existing building did include the area of building to the north of the property, albeit it now has a flat roof arrangement, which would not have been the original roof structure.

The external footprint of the existing building is currently 122M.SQ and the external footprint of the proposed is 188M.SQ. This results in an increase of 54% which is far from doubling the size of the existing building.

The site area is approximately 957M.SQ and the proposed external footprint of the dwellinghouse and detached garage is 217M.SQ combined. This results in a total of just 23% of the site being developed.

It was stated that the proposal would 'detract from the character and visual amenity of the surrounding area', I disagree that this is the case as the visual amenity and character of the surrounding area is clearly dominated by the adjacent Countesswells built environment (see attached images 004, 005,006), a situation which will only be magnified as the development is progressed in line with the planning approvals which are already in place. It was also stated by the planning department that 'this particular street would retain its vernacular architectural character and the proposed alterations would not reflect the rationalised design of the dwellings in the area'. Having studied the existing properties on this street, there are very few examples of vernacular architecture. (Please refer to images 003-009).

In conclusion I would respectfully suggest that the comments made by the planning department are both inaccurate and not representative of the existing physical situation at Kingshill. The proposed scheme is of a high quality, sympathetic to the local vernacular and representative of an aesthetic planning gain.

IMAGE 001.

EXTRACT FROM ORDNANCE SURVEY ABERDEENSHIRE SHEET LXXIV. S.E
PUBLISHED 1901.



IMAGE 002.

EXTRACT FROM ORDNANCE SURVEY ABERDEENSHIRE SHEET LXXIV.16 2ND EDITION
PUBLISHED 1901

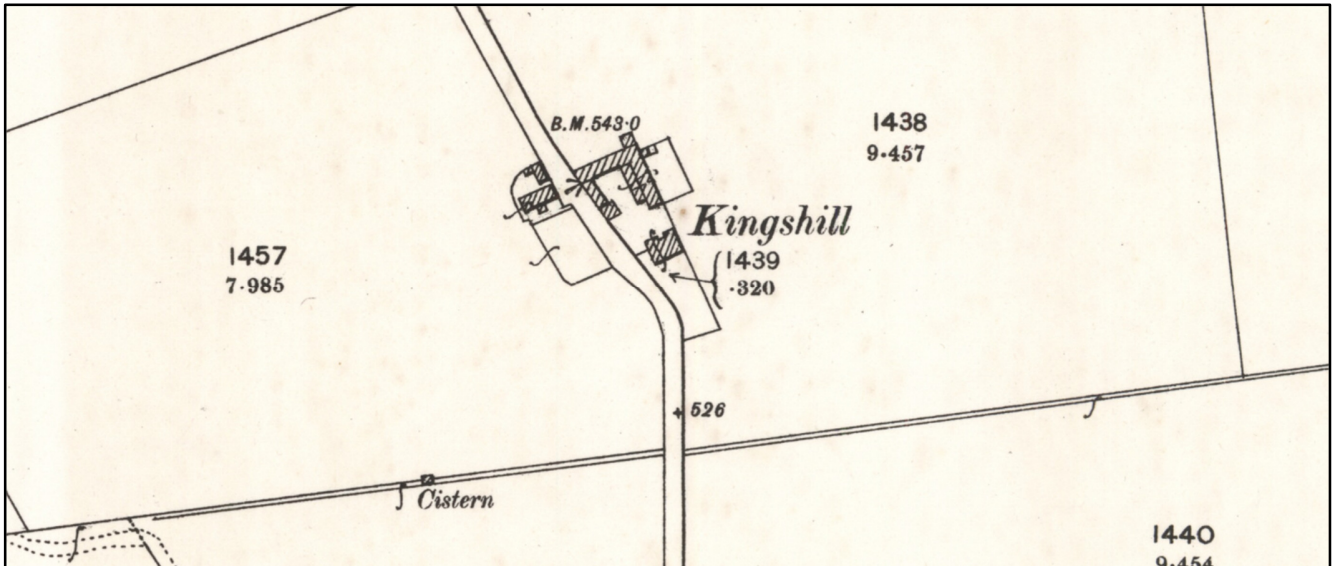


IMAGE 003.
SITE LOCATION PLAN OF KINGSHILL.

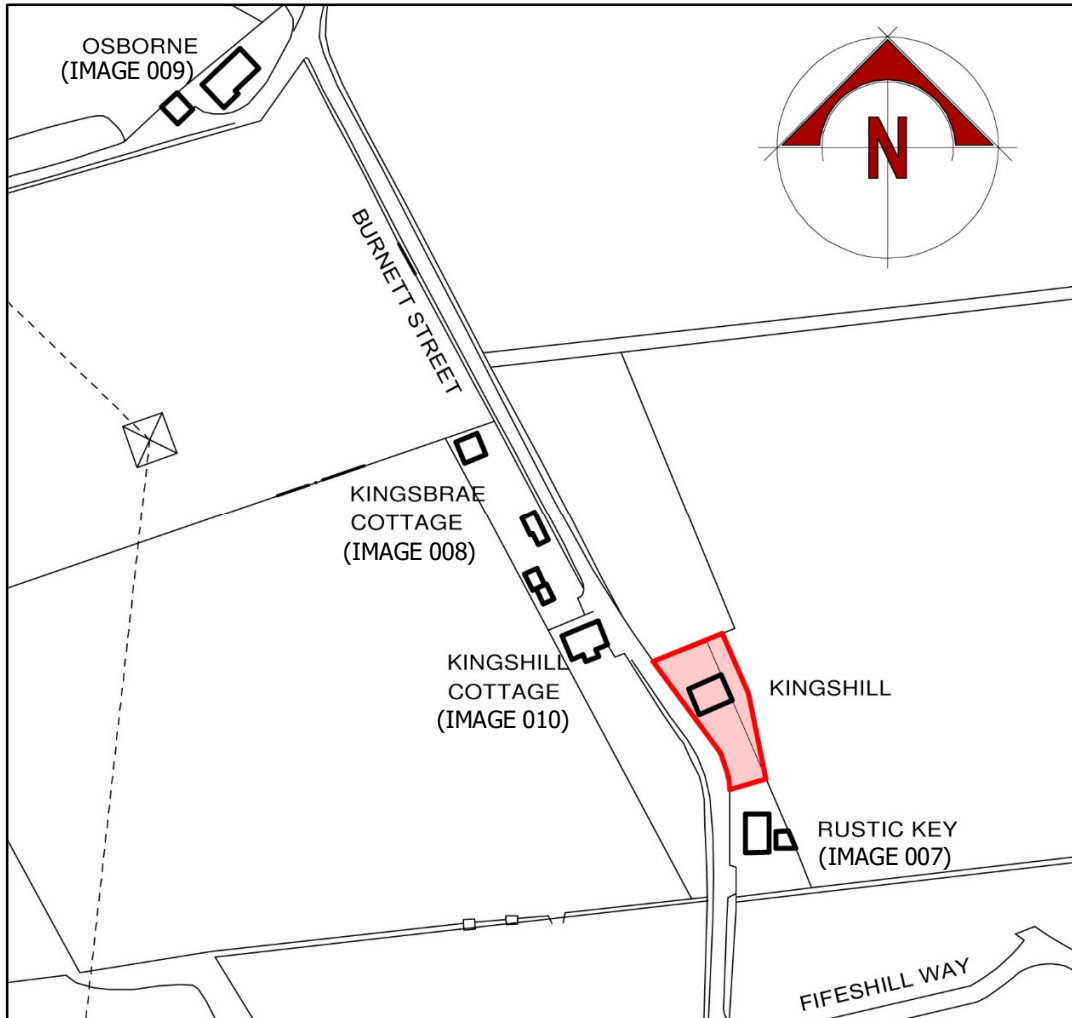


IMAGE 004.

PHOTOGRAPH LOOKING NORTH TOWARDS KINGSHILL.



IMAGE 005.

PHOTOGRAPH LOOKING SOUTH FROM NEXT TO KINGSHILL.



IMAGE 006.

PHOTOGRAPH OF BLOCK OF FLATS WHICH FORMS PART OF THE ADJACENT NEW COUNTESWELLS DEVELOPMENT.



IMAGE 007.

PHOTOGRAPH OF ADJACENT PROPERTY 'RUSTIC KEY'.



IMAGE 008.

PHOTOGRAPH OF ADJACENT PROPERTY 'KINGSBRAE COTTAGE'.



IMAGE 009.

PHOTOGRAPH OF PROPERTY ON STREET NAMED 'OSBORNE'.



IMAGE 010.

PHOTOGRAPH OF ADJACENT PROPERTY NAMED 'KINGSHILL COTTAGE'.



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

Site Address:	Fairhill, 275 North Deeside Road, Milltimber, Aberdeen, AB13 0HA
Application Description:	Erection of detached double garage with home office above
Application Ref:	220805/DPP
Application Type:	Detailed Planning Permission
Application Date:	23 June 2022
Applicant:	Mr & Mrs Neil Gilchrist
Ward:	Lower Deeside
Community Council:	Cults, Bieldside and Milltimber
Case Officer:	Jemma Tasker

RECOMMENDATION

Refuse.

APPLICATION BACKGROUND

Site Description

The application site is located on the south side of North Deeside Road, Milltimber, at its junction with Station Road East, and extends to an area of some 4130sqm. The site comprises a two storey, detached dwellinghouse with single integral garage. The dwellinghouse is centrally located within the plot, with quite extensive garden ground to the front, side and rear, and is well screened by mature trees, all of which are protected by a Tree Preservation Order (TPO 225). A driveway provides access off North Deeside Road, splitting in two as it extends south within the site, with the eastern section delivering a route to the rear entrance to the dwelling and an area of hardstanding, whilst the western section provides a route to the front of the property with access to the existing integral garage, and a further area of hardstanding. To the south-east of the dwelling and running parallel at a distance of some 8 metres from the eastern boundary of the site, lies an overgrown path which has been identified as an old driveway. The path extends from the hardstanding which lies to the east of the property to the southern boundary of the site.

Relevant Planning History

Application Number	Proposal	Decision Date
211634/DPP	Erection of detached domestic garage	10.03.2022 Status: Approved Conditionally.
200544/DPP	Erection of 1.5 storey detached domestic garage	17.11.2020 Status: Refused & Decision Upheld by Local Review Body.
150059	Single storey rear extension and patio areas to	26.03.2015

	rear of existing dwelling house	Status: Approved Conditionally.
140534	Erect new decking area	13.06.2014 Status: Approved Unconditionally.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the erection of a detached double garage with home office above.

The building would be located on the eastern boundary of the site which is delineated by a 1.6m high boundary wall, beyond which lies Station Road East. It would measure 7.6m wide and 7.6m long (57.8sqm) with a ridge height of 6m. The garage would incorporate a 5m wide double garage door opening to the west elevation, a single door opening to the north elevation, 6 rooflights with 3 each to the east and west elevations, and fully glazed French doors with Juliet balcony design on the south elevation. Internal stairs would provide access to the upper floor which includes a shower room and is identified as a home office on the submitted plans. The proposed garage would be finished in a smooth render with Fernhill stone detailing on the west elevation, wrapping around the gable ends, and a red tile roof to match the existing dwellinghouse.

To facilitate the construction of the garage, it is proposed to fell a total of 11 trees. New planting of 11 trees is proposed, to the north and south of the proposed garage.

Amendments

The application previously included the resurfacing of the area of driveway to the south of the proposed garage; however, this has since been removed by the applicant following concerns regarding the impact to trees.

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=RDXD52BZH8I00>

Supporting Statement by CM Design (June, 2022)

Tree Survey Report by Struan Dalgleish Arboriculture (January, 2022)

CONSULTATIONS

ACC - Roads Development Management Team – No objection.

Cults, Bielside and Milltimber 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

Aberdeen City and Shire Strategic Development Plan 2020

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

Aberdeen Local Development Plan 2017 (ALDP)

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

Given the extant local development plan is beyond its five-year review period consideration, where relevant, weight 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

Policy NE5 – Trees and Woodland

Supplementary Guidance

The Householder Development Guide (HDG)

Trees and Woodlands

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 are relevant –
 Policy H1 – Residential Areas
 Policy D1 – Quality Placemaking
 Policy D2 – Amenity
 Policy NE5 – Trees and Woodlands

Other Material Considerations

Planning application ref. 211634/DPP

Planning application ref. 200544/DPP

EVALUATION

Principle of Development

The application site lies within an area zoned as residential within the Aberdeen Local Development Plan (2017). The proposal which is for the erection of a domestic garage must therefore be considered against Policy H1 (Residential Areas), which states that within existing residential areas, 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; and
4. Complies with Supplementary Guidance.

The proposed garage development lies within the curtilage of a residential property and would not impact on existing open space and bearing in mind the application site extends to an area of some 0.4ha, including the extensive garden ground which surrounds the existing dwellinghouse, neither would the proposal result in over development.

The proposal would therefore be deemed acceptable in principle provided it does not adversely affect the character and amenity of the surrounding area and is compliant with the relevant Supplementary Guidance. The application must also be evaluated against all remaining relevant policies, with any impact resulting from the proposed development being fully assessed. All the aforementioned issues are fully evaluated below.

Proposed Scale and Design of Development

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

In addition to this, the Council's Supplementary Guide: 'Householder Development Guide' sets out specific guidance relating to outbuildings which it classifies as '*detached buildings within a dwelling's curtilage that are used in association with the enjoyment of the residential use of the property, e.g. garages, sheds and greenhouses*'. The HDG highlights that such buildings are traditionally single storey in height, with either a flat or pitched roof, but does accept that it may be possible to accommodate an additional storey within the roofspace. The HDG outlines certain criteria which must be applied in terms of the scale and general design of such ancillary buildings, and this includes that they should remain subordinate in scale to the dwellinghouse; retain the impression of being single storey in height; that access to any upper floor should be situated internally; they should not have a negative impact on the character of the surrounding area; and

where highly visible, should be of a scale and design that respects the prevalent context of the surrounding area.

In this instance, taking into account the location of the proposed garage against the eastern boundary of the site and given the considerable scale of development being sought (7.6m long x 7.6m wide x 6m high), it is considered that the proposed development would have a significant visual impact and appear particularly dominant from Station Road East. It is accepted that the garage building would lie to the rear of the existing boundary wall which serves to enclose the site; however, its scale and general massing is such that the 1.6m high wall would provide relatively limited screening.

The existing character of the eastern boundary of the site in relation to the streetscape is very much that of a continuous line of mature trees. Therefore, it is also important to recognise that the proposal would result in the removal of a number of these trees and whilst the legitimacy for their removal will be discussed below, it is apparent such tree loss would not only impact on existing screening but would also clearly affect the landscape character of the area.

Whilst acknowledging that there is an existing garden shed which lies along the eastern boundary of the site and just south of the proposed location for the garage, this is by comparison a reasonably proportioned 5m x 5m outbuilding, which has its gable end facing towards Station Road East. Taking into account its scale and orientation and that the building nestles amongst the trees which provide a degree of screening, this existing ancillary building does not appear overly intrusive in the context of the site or that of the wider area. This proposal however would result in the new garage sitting within a 'clearing' caused by the removal of mature trees to the north and the existing shed to the south. As such, not only would the footprint and height of the garage appear excessive, it would also be sited in a much more open context than the existing outbuilding and thus, have a significantly greater visual impact.

The considerable scale and resulting visual impact of the proposed garage is such that it fails to reflect any existing pattern of development. It is stated in the proposed plans that the aforementioned shed is due to be demolished; however, with no means by which the Planning Authority can require it be removed, it is also legitimate to consider the cumulative impact of development along this public elevation, which again, given the scale of proposed development, would be significant.

It is noted that the Supporting Statement submitted as part of the application refers to planning application ref. 200544/DPP at the site, where it was proposed to erect a garage that measured 7.6m x 7.6m, at a height of 6.7m. However, it must be noted that following submission of this application and as a result of concerns raised, some amendment was made to the original proposal, with a reduction in height from 6.7m to 6m to the roof ridge of the building. However, this amendment alone failed to provide the reduction in scale and massing necessary (and requested by the Planning Authority) to deliver development more typical in proportions to that of a domestic garage and which suitably respected the prevalent context of the area. Subsequently, the amended proposal was refused, reasons for which included the inappropriate scale and massing of the proposed development and the adverse impact this would have on the character and visual amenity of the area. This decision was upheld by the Local Review Body at appeal stage. Within the Supporting Statement submitted as part of the current planning application, it is stated that *'...members of the Local Review Board chose to only centre their decisions on the matter of tree removal and didn't give a moments thought to the issue of size and scale of the proposed garage'*. However, it must be noted that the Local Review Body Decision Notice, dated 12 February 2021, states the inappropriate scale and massing of the building as a reason for upholding the appointed officer's earlier decision. Following this refusal, the applicant submitted a new application in November 2021. The garage measured 6.75m in width and 7.6m in length, with a ridge height of 5.5m. This proposal was considered to address the concerns of the previous application, being the

upper limit of what could be considered acceptable as a domestic garage in this location, and was subsequently approved. However, the current proposal for the garage, to which this application relates, is essentially the same as the first application submitted in 2020, both measuring 6.7m x 6.7m at a height of 6m. Therefore, the reasons for refusing the original application in regard to its scale and massing – due to its considerable width when viewed from Station Road East and its height which would no longer give the impression of being single storey – still stand and apply equally to this current application, given the garage is of an identical location, scale and design to the previous, with no change in circumstances having been identified.

Taking all of the above into account it is considered that the proposed development is not suitably compliant with the Council's Supplementary Guidance on Householder Development and fails to address the requirements of both Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) of the ALDP, which seeks to support development which responds to the site context and which is designed with due consideration to siting, scale, massing; which reinforces established patterns of development and which reflects local style and urban form.

Impact of Development on Trees

The site is covered by Tree Preservation Order 225 and the application is supported by a Tree Survey Drawing, Report and Schedule. The proposal would result in the loss of 11 spruce trees which lie within the footprint and to the north of where the proposed garage would be located, with 6 of these rising to a height of 20-21m and the remaining 5 measuring between 12-19m in height. The Survey highlights the trees have a life expectancy of less than 10 years and recommends their removal within 12 months, outlining that such removal will create significant opportunity for replacement planting and allow for the establishment of a more diverse range of trees of long-term potential. The Survey advises that a mixture of Scots Pine and Silver Birch are used to maximise biodiversity and tree cover, with tree planting locations included within the Tree Survey Drawing.

Policy NE5 (Trees and Woodlands) states that there is a presumption against all activities and development that will result in the loss of, or damage to, trees and woodlands that contribute to landscape character and local amenity. Whilst the loss of the 11 trees may well be supported in terms of a need to address their limited long-term potential and resulting safety concerns, on the basis that the scale and resulting impact of the proposed development is not deemed acceptable, the loss of trees cannot be accepted in this instance. The tree loss may be accepted for a development which is deemed compliant with Policies H1 and D1 of the ALDP – such as the garage secured under the previous planning application (ref. 211634/DPP) – however, as the current application fails to do so, the tree loss cannot be accepted for this development. Therefore, the proposal is contrary to Policy NE5 of the ALDP and its associated Supplementary Guidance: 'Trees and Woodlands'.

Proposed Aberdeen Local Development Plan 2020

In relation to this particular application, the Policies H1, D1, D2 and NE5 in the Proposed Aberdeen Local Development Plan 2020 substantively reiterate those in the Adopted Local Development Plan 2017 and the proposal is not acceptable in terms of both Plans for the reasons previously given.

RECOMMENDATION

Refuse.

REASON FOR RECOMMENDATION

The proposed garage development is deemed to be of an inappropriate scale and massing which does not reflect the typical proportions of an ancillary building. It would appear overly dominant

from out with the site, fails to respect the context of the surrounding area, nor any established pattern of development, and would have a negative visual impact on its established character. The proposal, would result in the loss of 11 protected trees which form part of a continuous line of trees along the eastern boundary of the site (TPO 225) and whilst their removal may be necessary due to their limited long-term potential, their loss to enable this unacceptable development is not supported. The proposal is therefore considered to be contrary to the requirements of Policies H1 (Residential Areas), D1 (Quality Placemaking by Design) and NE5 (Trees and Woodlands) of the adopted Aberdeen Local Development Plan 2017; does not address the expectations of the Council's Supplementary Guidance: 'The Householder Development Guide' or 'Trees and Woodlands'; and fails to comply with Policies H1, D1, D2 and NE5 of the proposed Aberdeen Local Development Plan 2020. There are no material planning considerations which would warrant approval of planning permission in this instance.

This page is intentionally left blank



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100577568-001

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)

Erect New Detached Garage

Has the work already been started and/ or completed? *

No Yes - Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	CM Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Craig	Building Name:	St Brendans
Last Name: *	Mackay	Building Number:	69
Telephone Number: *	01343540020	Address 1 (Street): *	South Guildry Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Elgin
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV30 1QN
Email Address: *	office@cmdesign.biz		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Mrs	Building Name:	Fairhill
First Name: *	Neil	Building Number:	275
Last Name: *	Gilchrist	Address 1 (Street): *	North Deeside Road
Company/Organisation:		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB13 0HA
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

FAIRHILL

Address 2:

275 NORTH DEESIDE ROAD

Address 3:

MILLTIMBER

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

MILLTIMBER

Please identify/describe the location of the site or sites

Northing

801358

Easting

385734

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: Craig Mackay

On behalf of: Mr & Mrs Neil Gilchrist

Date: 21/06/2022

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 Craig Mackay

Declaration Date: 21/06/2022

Payment Details

Online payment: ABSP00008439
Payment date: 23/06/2022 10:44:00

Created: 23/06/2022 10:44

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Craig Mackay
CM Design
St Brendans
69 South Guildry Street
Elgin
United Kingdom
IV30 1QN

on behalf of **Mr & Mrs Neil Gilchrist**

With reference to your application validly received on 23 June 2022 for the following development:-

Erection of detached double garage with home office above

at Fairhill, 275 North Deeside Road

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

Drawing Number	Drawing Type
200021.GILCHRIST.12PP C	Location Plan
200021.GILCHRIST.13PP B	Site Layout (Proposed)
200021.GILCHRIST12PP C	Elevations and Floor Plans (Proposed)
200021	Supporting Statement
Tree Survey Report by Struan Dalgleish Arboriculture	Aboricultural Assessment

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

The application previously included the resurfacing of the area of driveway to the south of the proposed garage; however, this has since been removed by the applicant following concerns regarding the impact to trees.

REASON FOR DECISION

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

The proposed garage development is deemed to be of an inappropriate scale and massing which does not reflect the typical proportions of an ancillary building. It would appear overly dominant from out with the site, fails to respect the context of the surrounding area, nor any established pattern of development, and would have a negative visual impact on its established character. The proposal, would result in the loss of 11 protected trees which form part of a continuous line of trees along the eastern boundary of the site (TPO 225) and whilst their removal may be necessary due to their limited long-term potential, their loss to enable this unacceptable development is not supported. The proposal is therefore considered to be contrary to the requirements of Policies H1 (Residential Areas), D1 (Quality Placemaking by Design) and NE5 (Trees and Woodlands) of the adopted Aberdeen Local Development Plan 2017; does not address the expectations of the Council's Supplementary Guidance: 'The Householder Development Guide' or 'Trees and Woodlands'; and fails to comply with Policies H1, D1, D2 and NE5 of the proposed Aberdeen Local Development Plan 2020. There are no material planning considerations which would warrant approval of planning permission in this instance.

Date of Signing 7 September 2022



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

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

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

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

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

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

This page is intentionally left blank

Consultee Comments for Planning Application 220805/DPP

Application Summary

Application Number: 220805/DPP

Address: Fairhill 275 North Deeside Road Milltimber Aberdeen Milltimber AB13 0HA

Proposal: Erection of detached double garage with home office above|cr|

Case Officer: Jemma Tasker

Consultee Details

Name: Mr scott lynch

Address: Marischal College, Gallowgate, Aberdeen AB10 1YS

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

I note that this application is for the erection of a detached double garage with home office above. The site is located in the outer city, outwith any controlled parking zone.

There are no Roads concerns with the proposals.

This page is intentionally left blank

Application 220805/DPP

Aberdeen Local Development Plan (ALDP) 2017

- H1 – Residential Areas
- D1 - Quality Placemaking by Design
- Policy NE5 – Trees and Woodland

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

Proposed Aberdeen Local Development Plan (2020) / Aberdeen Local Development Plan 2022

- H1 – Residential Areas
- D1 – Quality Placemaking
- D2 – Amenity
- NE5 – Trees and Woodland

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

Supplementary Guidance

Householder Design Guide

Trees and Woodland

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

Other Material Considerations

Scottish Planning Policy 2020

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

Revised Draft NPF4 - National Planning Framework

[Supporting documents - National Planning Framework 4: revised draft - gov.scot \(www.gov.scot\)](http://www.gov.scot)

Planning Applications:

211634/DPP

200544/DPP

This page is intentionally left blank



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

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

Thank you for completing this application form:

ONLINE REFERENCE 100609489-001

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 **T** Agent

Agent Details

Please enter Agent details

Company/Organisation:	CM Design		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Craig	Building Name:	St Brendans
Last Name: *	Mackay	Building Number:	69
Telephone Number: *	01343540020	Address 1 (Street): *	South Guildry Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Elgin
Fax Number:		Country: *	United Kingdom
		Postcode: *	IV30 1QN
Email Address: *	office@cmdesign.biz		

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

T Individual ≤ Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Fairhill"/>
First Name: *	<input type="text" value="N"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Gilchrist"/>	Address 1 (Street): *	<input type="text" value="275 North Deeside Road"/>
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="AB13 0HA"/>
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="FAIRHILL"/>
Address 2:	<input type="text" value="275 NORTH DEESIDE ROAD"/>
Address 3:	<input type="text" value="MILLTIMBER"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="MILLTIMBER"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="801358"/>	Easting	<input type="text" value="385734"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

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

Erection of 1.5 storey detached domestic garage at Fairhill, 275 North Deeside Road, Milltimber

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 all the appeal documents attached

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

Yes No

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

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

1. 2022.11.03 - LRB Review - Statement of Case 2. DOC001 - 200021.GILCHRIST.12PP C (Garage Plans, GFP, ELE, Section) v2017 3. DOC002 - 200021.GILCHRIST.13PP B (Site Plan) v2017 4. DOC003 - 200021.GILCHRIST.14PP (Site Plan) v2017 5. DOC004 - 275 North Deeside Road Jan 22 Tree Survey Schedule 6. DOC004 - 275 North Deeside Road Jan22 Tree Survey Drawing 7. DOC004 - 275 North Deeside Road Jan22 Tree Survey Report 8. DOC005 - ufm2 Detailed Plannina Permission REFUSEn

Application Details

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

220805.DPP

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

23/06/2022

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

07/09/2022

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 Mackay

Declaration Date: 05/12/2022

This page is intentionally left blank

LOCAL REVIEW BOARD

STATEMENT OF APPEAL

Erection of 1.5 storey detached domestic garage at Fairhill,
275 North Deeside Road, Milltimber

November 2022

**St. Brendans
South Guildry Street
Elgin
Moray
IV30 1QN**

**t. 01343 540020
w. cmdesign.biz**

**4 Bridge Street
Nairn
Highland
IV12 4EJ**

**t. 01667 300230
w. cmdesign.biz**

planning**consultancy** • architectural**design** • project**management**



planning**consultancy** • architectural**design** • project**management**

St. Brendans
South Guildry Street
Elgin
Moray
IV30 1QN

t. 01343 540020 **f.** 01343 556470
e. office@cmdesign.biz

Our Reference:	200021.GILCHRIST
Local Authority:	Aberdeen City Council
Planning Application Ref:	220805.DPP
Application Proposal:	Erection of 1.5 storey detached domestic garage
Site Address:	Fairhill, 275 North Deeside, Milltimber, AB13 0HA
Appellants:	Mr & Mrs N Gilchrist
Date Application Validated:	23 June 2022
Council Decision Notice Date:	7 September 2022
Reason for Refusal:	<i>Failure to comply with H1 (Residential Areas), D1 (Quality Placemaking by Design, D2 (Landscape) & NE5 (Trees and Woodland</i>
Application Drawings & Supporting Documents:	DOC001 - CMD Drawing – 200021.GILCHRIST.12PP C DOC002 - CMD Drawing – 200021.GILCHRIST.13PP B DOC003 - CMD Drawing – 200021.GILCHRIST.14PP DOC 004 – Struan Dalgleish – Tree Survey Report DOC005 – Decision Notice

LOCAL REVIEW PLANNING APPEAL STATEMENT OF CASE – ERECT OF 1.5 STOREY DOMESTIC GARAGE AT FAIRHILL, 275 NORTH DEESIDE ROAD, MILLTIMBER

Contents:

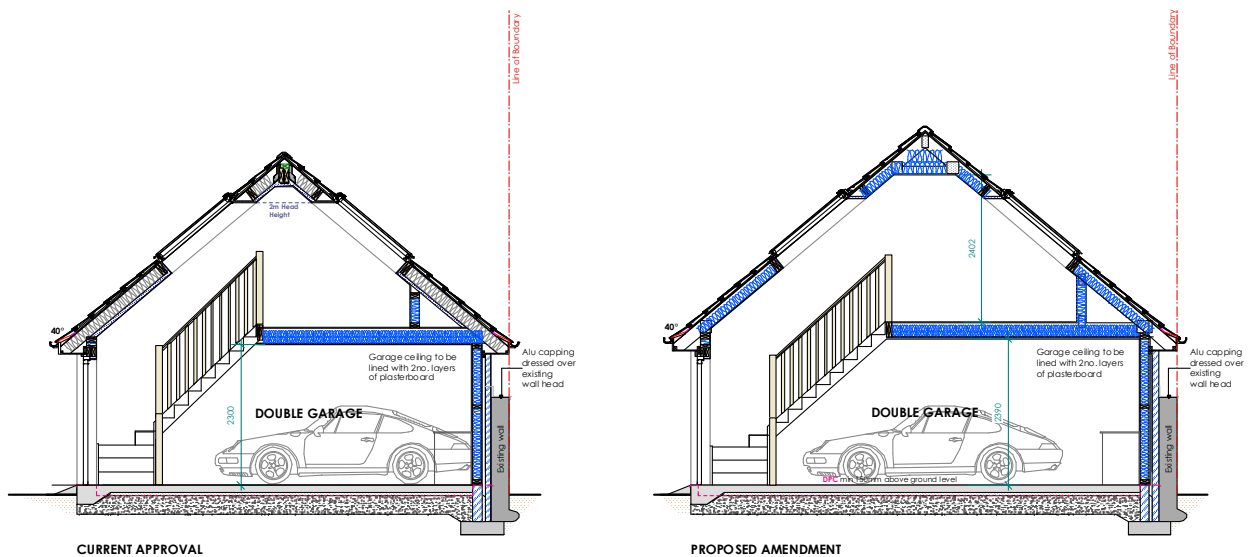
1. Introduction – Page 3
2. Background – Page 4
3. Statement of Case – Page 6
4. Reasons for Refusal – Page 8
5. Conclusion – Page 11

1. Introduction

1.1. The following Statement of Case, submitted by CM Design, Town Planning & Architectural Consultants, has been prepared to support a Local Review Board submission relating to an;

Application to amend the **approved consent** for replacement of an existing dilapidated outbuilding with a new 1.5 storey detached domestic garage with first floor facilities.

- 1.2. The principal of replacing the existing outbuildings on site with a new detached garage and first floor annexe, in the proposed location, was **approved** by the Planning case officer under application number **211624/DPP**.
- 1.3. Furthermore, the need to remove a portion of decaying trees was also **approved** in the previous application. The proposed amendments have no impact on the tree removal, as exactly the same trees would be removed under the approved application.
- 1.4. Current policy allows for the conversion of a first storey above ancillary buildings. These reduced proposals allow for more appropriate provisions in the first instance, but with minor increases to scale.
- 1.5. The Tree Survey Report included has deemed that the removal of the protected trees was 'deemed necessary in the short term regardless of this development proposal due to their limited life expectancy'.
- 1.6. The ridge height of this previously approved proposal was **5590mm**, and the eaves height **2486mm**.
- 1.7. The appellant is seeking to raise the ridge height by **435mm** to significantly improve the head room and amenity of the first floor facilities. Shown in the comparison below:

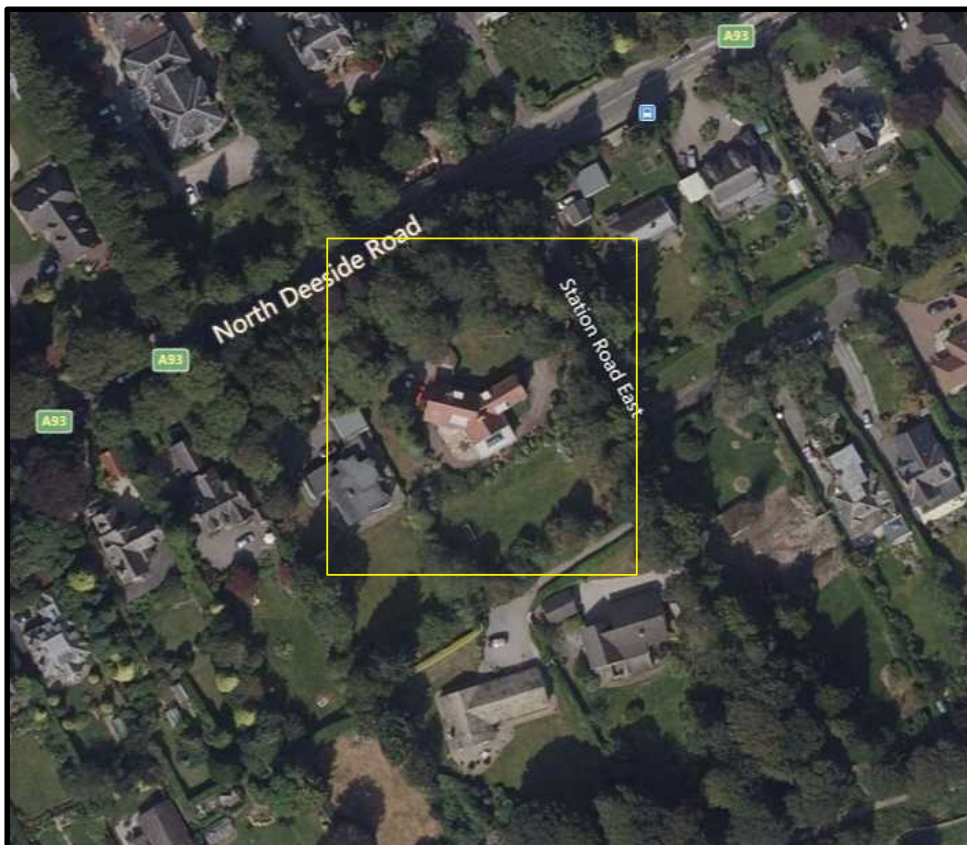
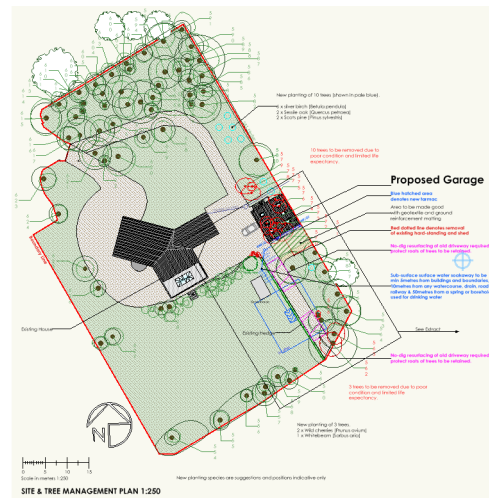


LOCAL REVIEW PLANNING APPEAL STATEMENT OF CASE – ERECT OF 1.5 STOREY DOMESTIC GARAGE AT FAIRHILL, 275 NORTH DEESIDE ROAD, MILLTIMBER

- 1.8. The house and site at Fairhill, are substantial, the tree cover is exceptional, with over 70 trees, and the appellant's family faithfully steward the site passionately and with constant need for tree care and maintenance. They have happily amended their proposals when specific trees have been identified as important for the local wildlife and are keen to provide safe habitat.
- 1.9. The trees deemed to require removal are all Spruce trees more suitable for a working plantation rather than a garden. None of the attractive broadleaf trees will be removed.
- 1.10. All trees on site are covered by TPO No 225 and any proposed tree removal in this application has already been approved in principal and specified both by a qualified 3rd part specialist and the approved application number **211624/DPP**
- 1.11. Significant **material considerations** exist in the context of this application and appeal and can be summarised as follows:
- There will be no visible impact by this increase
 - It is important to note that tree removal has already been approved by both the **Case Officer** and the **Arboriculture Consultant** in the previous application.
 - The difference in the height being asked for and the revised height being offered equates to a mere **435mm** (just over a foot).
 - The **Arboriculture Consultant approved the** removal of the trees, on the grounds of safety and decay, in the location where the new garage is to be located and required that this be done within 12 months of the report. This is now very much overdue.
 - The trees for removal remain unaltered by the proposed amendments.
- 1.12. This Statement of case will not only address the reasons for refusal identified in the rejection notice but will also seek to demonstrate why these particular reasons for refusal could be described as perhaps punitive when considering how much additional utility and amenity the appellants stand to gain, for the minor increase in ridge height of **435mm**.
- 1.13. No objection to this application was lodged by householders or third parties.

2. Background

- 2.1. Despite the extensive size of the site at Fairhill (**4143m²**), the house itself is only a 4/5 bedroom house equating to a footprint of circa **250m²**.
- 2.2. There is also an aging dilapidated masonry outbuilding located on the roughly same area as the proposals in this case. This outbuilding is also situated on the boundary wall and is currently deemed to be beyond repair and not fit for use as it is too short for modern cars.
- 2.3. The replacement of the dilapidated outbuilding continues to be a proposal of the appelland and was also previously approved.
- 2.4. The proposed garage footprint equates to a mere **58m²** and is comparatively insignificant to the surrounding context on site.

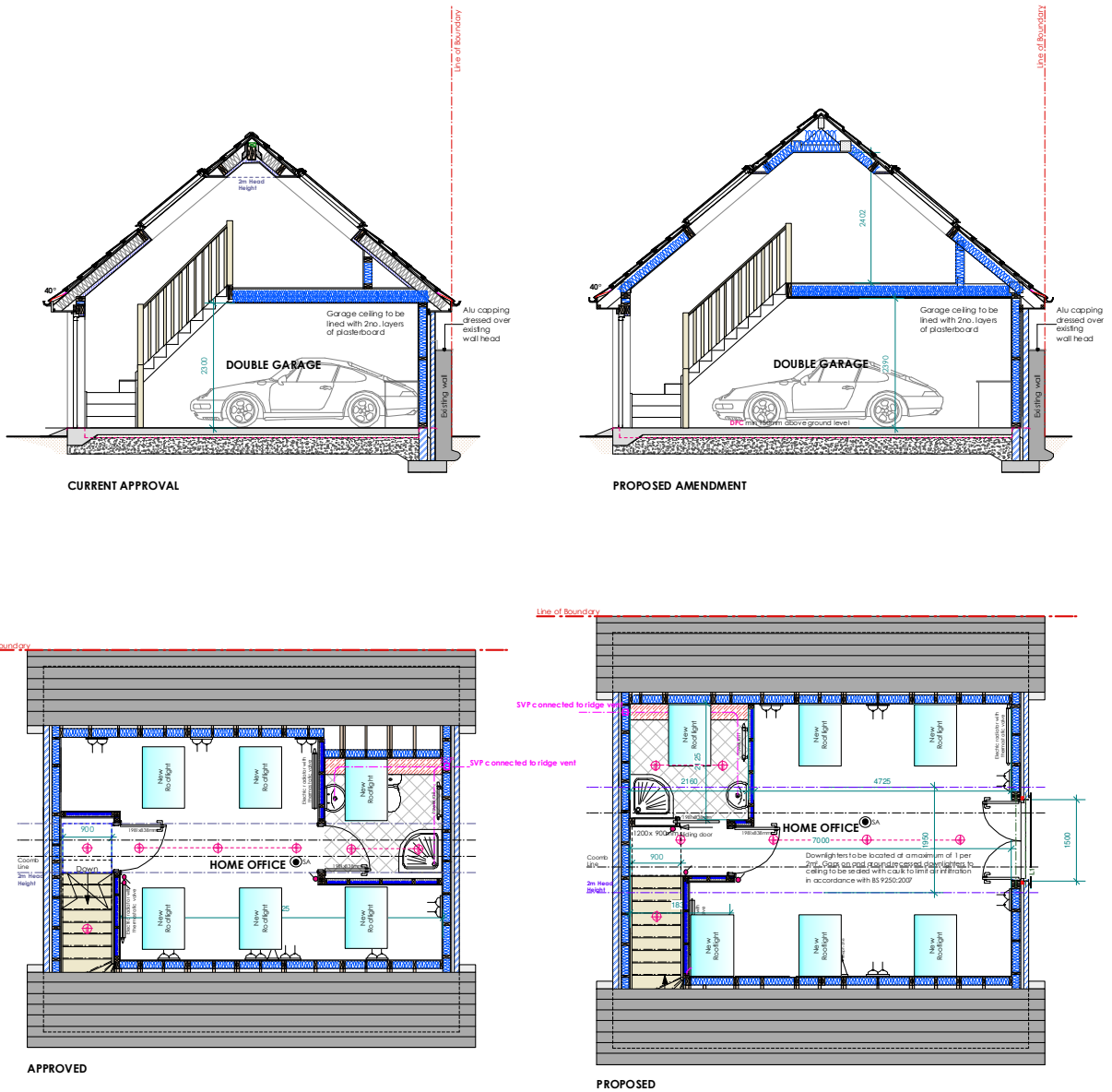


- 2.5. The area on which the new building is to be located was already to be cleared of trees that were deemed to have a limited life expectancy and posing a risk to the house and public road.
- 2.6. A formal 3rd party specialist report issued in March 2020, and confirmed in February 2022, recommended that the trees be removed within twelve months, now much overdue.
- 2.7. The proposed garage and first floor attic are required for the following purposes
- Landscaping tools and plant including an appropriate level of access for ride on lawn machinery
 - Parking of appellants family vehicles.
 - Storage of family recreational items
 - Home working office space for the appellant.
- 2.8. The need for a garage in this location was already approved and only the small increase in ridge height remains as an issue.
- 2.9. The upper storey facilities are much needed for home office working and when designing the space required on the ground floor it was found that a simple attic truss would create an efficient and moderate upper floor space.
- 2.10. The Statement of case will also show that many design amends were submitted by the appellant to secure the original approval of the proposals including a good measure of reduced ridge height from the original **6735mm** to the now proposed **6025mm**, the removal of external stair access and several other changes to encourage approval.
- 2.11. The **impasse** that brought about this refusal equates to a mere **435mm** of ridge height which might not sound critical but the loss of such a measure would significantly compromise the proposals, the attic space afforded and the efficiency of design.
- 2.12. The Statement of case will demonstrate how critical the disputed **435mm** of ridge height is to the success and longevity of the design and why there would be no visible impact of this extra **435mm** when compared to the ridge height that has been approved by the Planning case Officer.
- 2.13. The proposed building's eaves run parallel to the road, meaning the ridge is set back from the boundary and the eaves are more prominent. The rise in eaves height from the approved proposals is a mere **57mm**.

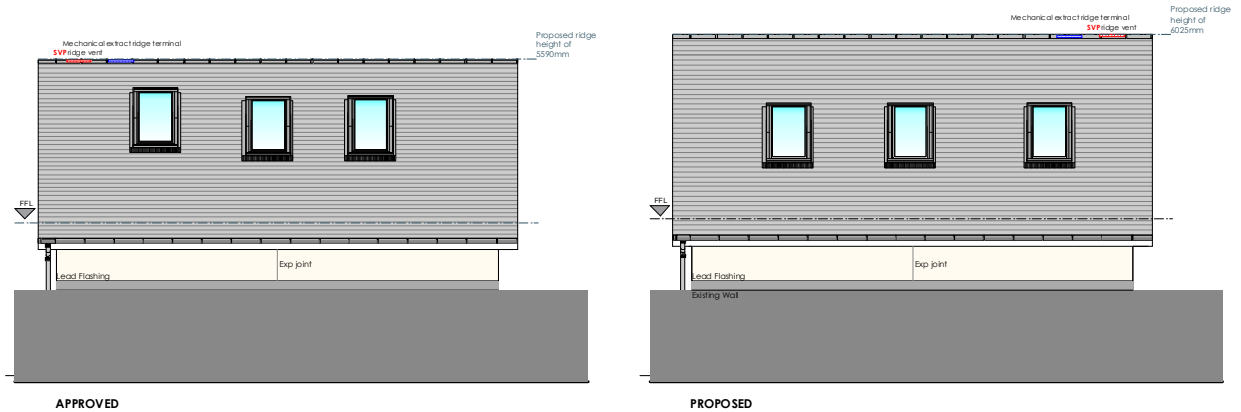
3. Statement of Case

- 3.1. Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires applications to be determined in accordance with the Development Plan unless **material considerations** indicate otherwise.
- 3.2. For the avoidance of all doubt, the possibility of a garage in this location and the removal of trees is approved in Planning Application **211624/DPP** It is only the ridge height that is at issue here.
- 3.3. As stated earlier in this Statement there are significant **material considerations** to be aware of in this case and are repeated here for the sake of clarity:
 - It is important to note that tree removal has already been approved by both the **Case Officer** and the **Arboriculture Consultant**.
 - The difference in the height being asked for and the revised height being offered equates to around **435mm**
 - The **Arboriculture Consultant approved the** removal of the trees, on the grounds of safety and decay, in the location where the new garage is to be located and required that this be done within 12 months of the report. This is now very much overdue.
- 3.4. Usually in the midst of an Appeal case like this, it would normally be important to directly address the issues of refusal as outlined in the Decision Notice. To be clear, these referred to **1)** scale and design and **2)** the removal of trees.
- 3.5. This Statement of Case will indeed address these two issues directly,

3.6. The following extract shows how drastically limited the utility of the first floor is by the reduction in ridge height of 435mm:



- 3.7. The below extract shows the minimal increase in what is sought by the appellant vs. what has already been approved in the same location. An increase of **57mm** to the eaves height, and **435mm** increase to the ridge height. The difference in ridge height will be further softened by perspective from the street:



- 3.8. High quality house space, floor space and home office space are extremely precious and such a punitive reduction in ridge height that loses any chance of a useable attic space, could be considered wasteful. The reduction in ridge height significantly reduces the safe and effective space provided by the proposals.
- 3.9. Current policy allows for the conversion of a first storey above ancillary buildings. These reduced proposals allow for more appropriate provisions in the first instance, but with minor increases to scale.

4. Reasons for Refusal

- 4.1. Despite the general approval in principle demonstrated in this Statement of case, and the current approval, the current application has been refused on the grounds of **two separate issues**.
- 4.2. The appellant requests that this appeal be considered upon the basis of the material matters raised but for the sake of protocol, responds directly to the matters of refusal as follows.
- 4.3. **REASON FOR REFUSAL NO 1** - *Failure to comply with H1 (Residential Areas) and D1 (Quality Placemaking by Design)*.
- 4.3.1. When reading this reason for refusal it is important to be mindful of the fact that the proposals were **approved**, in the exact same location when the ridge height was **435mm** less.
- 4.3.2. The Handling Report describes the criteria of the Policy D1 and Special Guidance for “detached buildings within dwelling’s curtilages” which **does specifically accept the possibility of accommodating additional storeys within the attic space**.

- 4.3.3. The SG does also state that any development should be subordinate to the host property and the appellant would contend that the application proposals continue to meet this requirement.
- 4.3.4. The SG also requires that development should retain the appearance of being single storey and that any access should be achieved internally. Given that the ridge height being prescribed by the case officer would be deemed to have the appearance of single storey, it remains for the Board members to decide whether the extra **435mm** at issue would be equally acceptable.
- 4.3.5. What is clear from the SG though is that **an attic storey is acceptable.**
- 4.3.6. The comment stating that the proposals do not reflect the “*typical proportions an ancillary building*” could be considered to be ill-directed. It would be a stretch to suggest that **58m²** of new build development on a site this size would not be considered ancillary. Furthermore, the increase in size is suggested to be minor in the context of the grounds and existing property, and therefore in accordance with both D1 & H1 (Residential Areas)
- 4.3.7. Ancillary buildings take on all manner of shape, size and use in modern family homes and especially large properties. “Granny flats”, garden offices for home working, and serviced tourist accommodation are all common developments in large family properties. This development is no different and can be justified by the context found around it in accordance with H1 (Residential Areas)
- 4.3.8. In terms of the inferred dominance to the south view, it should be noted that the existing outbuilding presents a gable to Station Road, whereas this proposal presents the sloping flank of its rear roof. The existing boundary wall and significant tree canopy to the north and south of the proposals provide additional context and screening at any time of year. The proposals result in a minuscule increase of **57mm** to the eaves height. Such a minimal increase should not have an unacceptable impact on the character and amenity of the area and is therefore in accordance with H1 (Residential Areas).



Existing Garage viewed from Station Road East

4.3.9. There is indeed a settlement pattern of garden development like this all over Milltimber and especially within large garden grounds where evidence of subdivision for new housing can be easily found.



4.3.10. These proposals would be considered ancillary compared with neighbouring developments, in keeping with the significant scale of the host property and those around it, and therefore in accordance with D1 & H1 (Residential Areas)

4.3.11. In conclusion, it can be clearly seen that the principal of a garage building in this location is acceptable due to the approval of Planning Application **211624/DPP**

REASON FOR REFUSAL No 2 - *Failure to comply with D2 – Landscape & NE5 (Trees and Woodland)*

4.3.12. As can be seen by the approval of Planning Application **211624/DPP**, the matter of tree removal was approved and if this appeal is approved then exactly the same trees would be removed.

5. Conclusion

5.1. This Statement of case has established the following:

- **That the erection of a garage in this location has already been approved**
- **That the disputed 435mm is critical to allowing the attic space of the proposed garage to be used and safely accessed for home office working.**

5.2. The Appellant contends that everything that can be done, has been done to meet the needs of the Local Authority to limit impact to the degree prescribed but without losing the use of the attic space.

5.3. The Appellant has proven that the matter of tree removal has already been approved under the approval of Planning Application **21124/DPP**.

5.4. The Appellant desperately needs a sufficient building to store vehicles and plant machinery and contends that Policy D1 does allow for attic accommodation and further contends that the design has already been amended as much as possible without losing any hope of a usable attic space for home working.

5.5. The appellant respectfully requests that detail of this case be fully considered and the Appeal to approve this application be upheld.

This page is intentionally left blank